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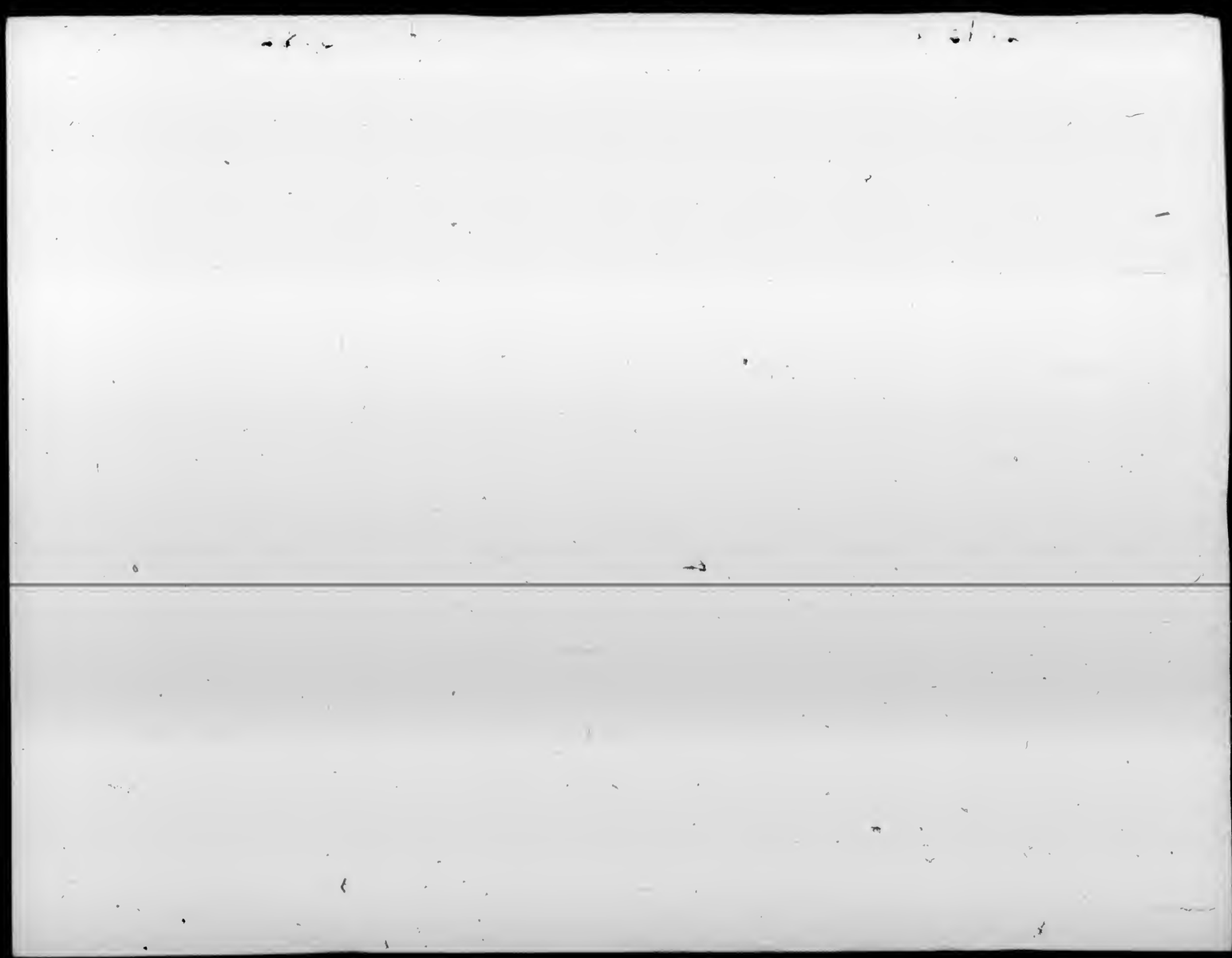
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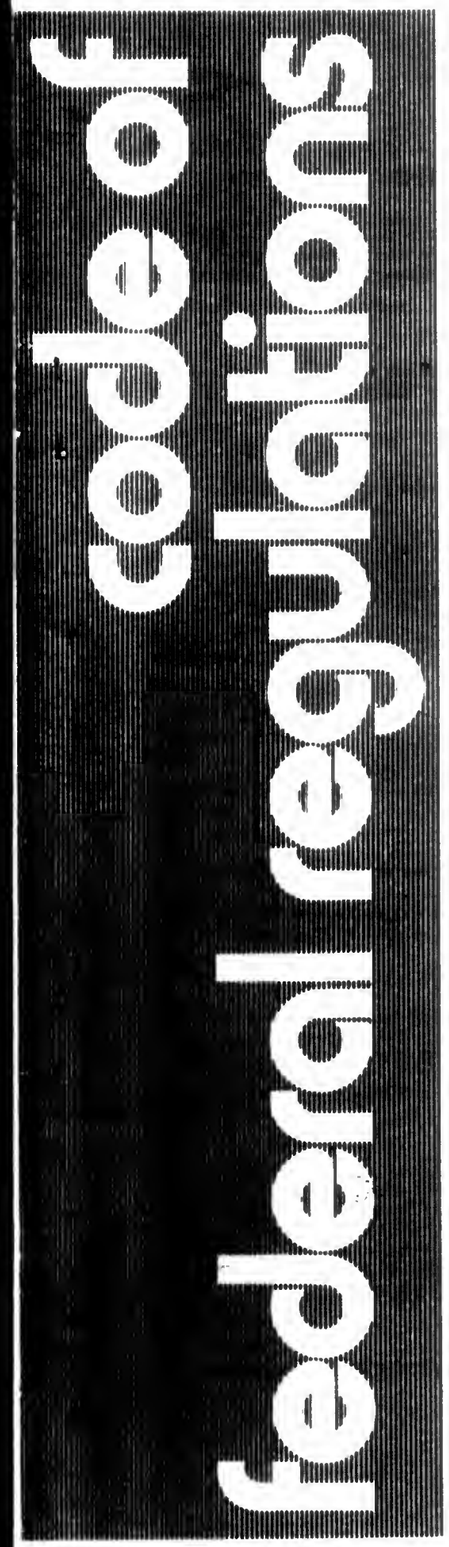
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Format and Coverage Changes

Changes in coverage of this List will start in January 1974. These changes will coordinate the List with the revision date of the Code books so that users will be able to determine quickly and easily the changes that have occurred since the revision date of the Code books they are using. Starting in January, coverage will be as follows:

January 1974:

Titles 1–16: Changes published January 1974.
Titles 17–27: Changes published April 1973 through January 1974.
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This pattern will continue throughout the year.

Comments and suggestions are invited. Write to the Director of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

CODE

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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

CHANGE IN SIZE

The List of Sections Affected has been changed to the same size as the Code of Federal Regulations to improve the usefulness of this finding aid. It should be shelved with current Code volumes.

HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this List of Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the end of the latest issue of the Federal Register for changes published after the last date covered by this issue of the List of Sections Affected.
3. If the latest edition of the Code of Federal Regulations is not yet available, use the previous year's edition and consult the 1972 Annual List of Sections Affected before beginning with step 1 above.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspension—The entire CFR unit was not in effect for the period of time indicated.
Suspension in part—A portion of the CFR unit was not in effect for the period of time indicated.
Technical amendment—General amendment that may have no substantive effect on regulations.
Typographical unit—A numbered, lettered or undesignated entity appearing in the CFR.

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INQUIRIES AND SUGGESTIONS

Future monthly issues of the List of Sections Affected also will appear in this format. The Office of the Federal Register hopes to bring about other changes which will improve the usefulness of the Federal Register and the Code of Federal Regulations. Inquiries concerning this and other publications of this office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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(l) added	27508
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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

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The List of Sections Affected has been changed to the same size as the Code of Federal Regulations to improve the usefulness of this finding aid. It should be shelved with current Code volumes.

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GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
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Suspension—The entire CFR unit was not in effect for the period of time indicated.
Suspension in part—A portion of the CFR unit was not in effect for the period of time indicated.
Technical amendment—General amendment that may have no substantive effect on regulations.
Typographical unit—A numbered, lettered or undesignated entity appearing in the CFR.

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INQUIRIES AND SUGGESTIONS

Future monthly issues of the List of Sections Affected also will appear in this format. The Office of the Federal Register hopes to bring about other changes which will improve the usefulness of the Federal Register and the Code of Federal Regulations. Inquiries concerning this and other publications of this office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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Agencies preparing documents for publication in the FEDERAL REGISTER are reminded that the revised rules of the Administrative Committee of the Federal Register go into effect on January 3, 1973. (1 CFR Chapter I, 37 F.R. 23602, November 4, 1972.)

These revised rules include the following significant changes:

1. Requirement for a preamble in each proposed rule making and final rule making document that describes the contents of the document in a manner sufficient to apprise a reader who is not an expert in the subject area of the general subject matter of the document.

2. Requirement for setting forth specific effective dates and action dates.

3. Change in publication dates of the daily FEDERAL REGISTER (Monday through Friday instead of Tuesday through Saturday). See 1 CFR 17.2, 18.12, and 18.17.

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Title 3—The President

PROCLAMATION 4177

Proclamation Amending Part 3 of the Appendix to the Tariff Schedules of the United States with Respect to the Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), by Presidential Proclamation limitations have been imposed on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS, in accordance with section 102(3) of the Tariff Classification Act of 1962, the President by Proclamation No. 3548 of August 21, 1963 (28 F.R. 9279), proclaimed the additional import restrictions set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS the import restrictions on certain dairy products set forth in part 3 of the Appendix to the Tariff Schedules of the United States as proclaimed by Proclamation No. 3548 have been amended by Proclamation No. 3558 of October 5, 1963; Proclamation No. 3562 of November 26, 1963; Proclamation No. 3597 of July 7, 1964; section 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950); Proclamation No. 3709 of March 31, 1966; Proclamation No. 3790 of June 30, 1967; Proclamation No. 3822 of December 16, 1967; Proclamation No. 3856 of June 10, 1968; Proclamation No. 3870 of September 24, 1968; Proclamation No. 3884 of January 6, 1969; Proclamation No. 4026 of December 31, 1970; and Proclamation No. 4138 of June 3, 1972; and

WHEREAS the Secretary of Agriculture has reported to me that he believes that additional quantities of dried milk provided for in item 950.02 of the Tariff Schedules of the United States (hereinafter referred to as "nonfat dry milk") may be imported for a temporary period without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the

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Department of Agriculture for milk or reducing substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, under the authority of section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS the Secretary of Agriculture has determined and reported to me that a condition exists with respect to nonfat dry milk which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during the period ending February 15, 1973, without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS I find and declare that the importation during the period ending February 15, 1973, of the additional quantity of nonfat dry milk specified below will not render or tend to render ineffective, or materially interfere with, the price support program which is being undertaken by the Department of Agriculture for milk and will not reduce substantially the amount of products processed in the United States from domestic milk; and that a condition exists which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during such period without awaiting the recommendations of the United States Tariff Commission with respect to such action;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that headnote 3(a) of Part 3 of the Appendix to the Tariff Schedules of the United States is temporarily amended by adding a new subdivision as follows:

(vi) Notwithstanding any other provision of this part, 25,000,000 pounds of dried milk described in item 115.50 may be entered during the period beginning December 30, 1972, and ending February 15, 1973, in addition to the annual quota quantity specified for such article under item 950.02, and import licenses shall not be required for entering such additional quantity. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during such period enter pursuant to this provision quantities of such additional dried milk totaling in excess of 2,500,000 pounds.

The additional quota quantity provided for herein shall continue in effect pending Presidential action upon receipt of the report and recommendations of the Tariff Commission with respect thereto.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of December in the year of our Lord nineteen hundred and seventy-two, and of the Independence of the United States of America the one hundred and ninety seventh.

Richard Nixon

[FR Doc.73-222 Filed 1-2-73;11:38 am]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes of the Code of Federal Regulations. The rate for subscription service to all revised volumes issued in 1972 is $195 domestic, $50 additional for foreign mailing. The subscription price for revised volumes to be issued during 1973 will be $200 domestic, $50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1972):

Title		Price
1		$1.00
2–3		2.75
3	1936–1938 Compilation	6.00
	1938–1943 Compilation	9.00
	1943–1948 Compilation	10.50
	1949–1953 Compilation	7.00
	1954–1958 Compilation	7.00
	1959–1963 Compilation	9.00
	1964–1965 Compilation	3.75
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	1966–1970 Compilation	10.00
	1971 Compilation	1.25
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5		1.75
6	(Rev. Oct. 1, 1972)	3.00
7	Parts:	
	0–45	2.75
	46–51	1.75
	52	3.25
	53–209	3.25
	210–699	2.50
	700–749	2.00
	750–899	1.25
	900–944	1.75
	945–980	1.00
	981–999	1.00
	1000–1059	1.75
	1060–1119	1.75
	1120–1199	1.50
	1200–1499	2.00
	1500-end	2.50
8		1.00
9		2.00
10		1.75
11	(As of July 1, 1972)	.50
12	Parts:	
	1–299	3.00
	300-end	2.75
13		1.25
14	Parts:	
	1–59	3.00
	60–199	2.75
	200-end	3.25
15		2.00
16	Parts:	
	0–149	3.25
	150-end	2.00
17		2.75
18	Parts:	
	1–149	2.00
	150-end	2.00
19		2.75
20	Parts:	
	01–399	1.25
	400-end	3.00
21	Parts:	
	1–119	1.75
	120–129	1.50
	130–146e	3.00
	147–299	1.25
	300-end	.60
22		1.75
23		.55
24		3.25
25		1.75
26	Parts:	
	1 (§§ 1.0–1—1.300)	3.50
	1 (§§ 1.301–1.400)	1.00
	1 (§§ 1.401–1.500)	1.50
	1 (§§ 1.501–1.640)	1.25
	1 (§§ 1.641–1.850)	1.75
	1 (§§ 1.851–1.1200)	2.00
	1 (§§ 1.1201-end)	3.50
	2–29	1.25
	30–39	1.50
	40–169	2.00
	170–299	3.75
	300–499	1.50
	500–599	1.75
	600-end	.60
27		.45
28		1.00
29	Parts:	
	0–499	1.75
	500–899	3.00
	900-end	4.00
30		2.75
31		2.50
32	Parts:	
	1–8	3.50
	9–39	2.50
	40–399	2.75
	400–589	2.50
	590–699	1.00
	700–799	3.50
	800–999	2.00
	1000–1399	.75
	1400–1599	1.50
	1600-end	1.00
32A		1.50
33	Parts:	
	1–199	2.50
	200-end	1.75
34	[Reserved]	
35		1.75
36		1.25
37		.70
38		3.50
39		2.00
40		1.75
41	Chapters:	
	1–2	2.75
	3–5D	2.00
	6–17	3.75
	18	3.75
	19–100	1.25
	101-end	2.75
CFR	unit (Rev. as of Oct. 1, 1972):	
42		2.75
43	Parts:	
	1–999	2.25
	1000-end	4.25
44		.35
45	Parts:	
	1–99	1.25
	100–199	2.75
	200–499	2.00
	500-end	2.00
46	Parts:	
	1–65	4.25
	66–145	4.25
	146–149	5.75
	150–199	4.25
	200-end	3.00
47	Parts:	
	0–19	2.75
	20–69	3.75
	70–79	4.25
	80-end	4.50
48	[Reserved]	
49	Parts:	
	1–99	1.25
	100–199	5.75
	200–999	4.25
	1000–1199	2.25
	1200–1299	3.00
	1300-end	2.00
50		2.00
General Index (Rev. Jan. 1, 1972)		1.75
List of Sections Affected, 1949–1963 (Compilation)		6.75

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Transfer of Capital: Certain Export-Related Transactions

EDITORIAL NOTE: The Foreign Direct Investment Regulations (the Regulations) appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). All sections of the Foreign Direct Investment Regulations contained in CFR are preceded by the designation "1000" (e.g. § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in the explanatory material below. The abbreviations "DI" and "AFN" are used to refer to "direct investor" and "affiliated foreign national."

The Office of Foreign Direct Investments announced on January 2, 1973 that certain changes would be made in the

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Regulations for the year 1973. (The announcement is published in the notices section of today's FEDERAL REGISTER.) One of the announced changes will exempt qualifying export credits extended by DIs to AFNs from substantive program effect, effective January 1, 1973. In general, no positive transfers of capital will be charged for the extension of such credits and no negative transfers of capital will be recognizable upon repayment of them. Implementation of this change will be done through amending regulations, which will include standards of qualifying exports and terms of credit, and will be published initially in proposed form to afford the public an opportunity to comment.

In the period before promulgation of such amending regulations in final form there exists the possibility that DIs, realizing that qualifying export credits will be exempted, could make use of that knowledge to gain undue advantages unless protective amendments are now made to the existing Regulations. Accordingly, notice is hereby given of the adoption by the Office, effective January 1, 1973, of the amendments published herewith. When the regulations referred to in the preceding paragraph are adopted in final form, conforming revisions of the amendments published herewith will be made as may be necessary.

1. Section 313 is amended, by the addition of a new paragraph (f), to provide that, commencing January 1, 1973, no negative transfer of capital will be recognized, in computing a DI's net transfer of capital to any scheduled area, with respect to any transaction relating to the repayment or financing of export credit extended by a DI to an AFN. Such transactions include, but are not limited to, (1) repayment by an AFN of export credit extended to it by the DI, (2) the discount, sale, or other transfer by the DI of an AFN debt obligation related to such export credit, (3) the repayment of a debt obligation, related to such export credit and held by a person within the United States other than the DI, which repayment would otherwise have been deemed a negative transfer of capital under the proviso to § 312(c)(4) or the proviso to § 312(c)(12), and (4) repayment or other transfer of funds or property by an unincorporated AFN, with respect to exports from the DI, which repayment or transfer would otherwise have resulted in a reduction in the net assets of such AFN.

When the final regulations referred to in the first paragraph above are adopted, it is expected that the new § 313(f) will be amended, effective from January 1, 1973, to deny the recogniton of negative transfers of capital only with respect to transactions relating to the same qualifying category of export credit as will be exempted from positive transfer of capital charges under those final regulations. Section 313(f) is promulgated at this time to deny negative transfers of capital for all export-related transactions until the qualifying category of exempt transactions is established in final regulations after publication of proposed regulations and consideration of public comment. Without this protective amendment effective January 1, 1973, DIs might claim an entitlement to such negative transfers of capital, and further might abuse the proposed exemption by causing AFNs to repay export obligations at an accelerated rate until the exemption amendments referred to in the first paragraph above are finally adopted.

The nonrecogniton of negative transfers of capital under new § 313(f) does not apply to transactions included in a DI's calculation of net transfers of capital for 1972 under the options provided by § 313(e) of the Regulations, discussed in the following paragraphs.

2. Section 313(e) of the Regulations affords DIs options with respect to AFN repayments to the DI in January or February 1973 of debt obligations (including those relating to export credits extended by the DI to the AFN) outstanding on December 31, 1972. If such debt obligations are repaid in January 1973, or (as alternatively elected by the DI) repaid in January and February 1973, the resulting transfers of capital by incorporated AFNs and decreases in net assets of unincorporated AFNs may be included in calculating the DI's 1972 net transfers of capital for pertinent scheduled areas, provided the DI has made a worldwide negative net transfer of capital during the period elected and the aggregate amount of such AFN debt repayment used for 1972 calculations does not exceed the amount of such worldwide negative net transfer of capital. This provision is not being amended.

Where a DI takes the benefit for 1972 of export debt repayments made during the first month or first 2 months of 1973, the ultimate effect under the Regulations as in force December 31, 1972 would be, generally speaking, to impose offsetting charges in 1973 to the extent that the DI's total export credit outstanding to AFNs at yearend 1973 exceeds the level at which it stood at yearend 1972 after reduction by repayments used under § 313(e). Where, for example, the extensions and repayments of export credit are equal in 1973, the actual level of export credit would be the same on December 31, 1973 as on December 31, 1972, but under § 313(e)(3) the January–February negative transfers of capital attributed to 1972 may not be included in calculating 1973 net transfers of capital. The result is a net positive transfer of capital in 1973, equal to the negative transfers of capital included in 1972 computations.

Under the contemplated exemption amendments referred to in the first paragraph above, however, positive transfer of capital charges will no longer be imposed for the extension of qualifying export credits. Unless special provision is made, therefore, the Regulations would no longer operate automatically to impose offsetting charges in 1973 or subsequent years where the DI had elected to use for 1972 compliance its AFNs' January or February 1973 repayments of export debt of the type that would qualify for exemption. This result, if permitted, would put the DI electing the 1972 use of such repayments into a more advantageous position than it would expect to occupy under the Regulations as they existed at the end of 1972, and also would put such a DI in a more advantageous position than other exporting DIs not electing 1972 use of such January or February export debt repayments.

To prevent such undue benefit to DIs electing under § 313(e) with respect to export debt obligations, the addition to the Regulations of § 312(e), published herewith, has been adopted by the Office.

The new § 312(e) provides that, to the extent that a DI under § 313(e) includes 1973 repayments of export-related debt obligations for any scheduled area, the DI is deemed in 1973 and subsequent years to make transfers of capital to AFNs in the amount of the annual increase in (x) the amount of export-related debt obligations of its non-Canadian AFNs held by the DI at the end of the year over (y) the amount of such debt obligations held by the DI on December 31, 1972 after reduction for 1973 repayments of export-related debt obligations applied to the year 1972 pursuant to § 313(e). The deemed transfer of capital is apportioned among the scheduled areas in proportion to the use for 1972 of 1973 repayments of export-related debt obligations. For the purposes of § 312(e), the DI is deemed to hold at yearend any such debt obligation that has been the subject of a transaction which by application of § 312(c)(4) or § 312(c)(12) would not involve a transfer of capital, unless a transfer of capital would have been deemed made under the proviso to either § 312(c)(4) or § 312(c)(12).

When the final regulations referred to in the first paragraph above are adopted, it is expected that the new § 312(e) will be amended, effective from January 1, 1973, to apply only with respect to transactions relating to the same qualifying category of export credit as will be exempted from positive transfer of capital charges under those final regulations. The examples below, however, are based on § 312(e) as adopted herewith.

It should be noted that neither the adoption of § 313(f) or of § 312(e) will affect the operation of § 313(e) for 1972 compliance. The proviso to § 313(f) insures that January or February 1973 repayments of export credit which would constitute negative transfers of capital under the Regulations as in effect on December 31, 1972, will constitute negative transfers of capital for purposes of § 313(e), even though such repayments may not constitute negative transfers of capital for the year 1973. Moreover, any extensions of export credit by a DI to an AFN during the relevant option period will be positive transfers of capital for purposes of computing the worldwide net transfer of capital under § 313(e)(2), since the Regulations are not modified in this respect by the amendments published herewith; this treatment of extensions of credit for purposes of § 313(e) will not

be affected by any provision which may subsequently be adopted exempting qualified export credits from positive transfer of capital charges for the year 1973.

Example 1. On December 31, 1972, the outstanding export-related debt obligations of AFNs held by a DI total $200. The DI elects to utilize § 313(e) to include certain AFN debt repayments during January and February of 1973 for computing 1972 compliance. During the 2-month period, AFNs repay the DI $150 of the export-related debt obligations outstanding on December 31, 1972. The DI also extends new export-related credit to AFNs of $150 during January and February. The new extensions of export credit are treated as positive transfers of capital for purposes of computing the limiting worldwide negative net transfer of capital during the period. Because of other transactions effected during the extension period the negative net transfer of capital is at least $150. The DI therefore may treat the $150 of debt repayment as a negative transfer of capital for purposes of computing 1972 compliance. Thus, as of December 31, 1972, the DI is deemed to hold AFN export-related debt obligations of $50 ($200 minus the $150 repayment).

On December 31, 1973, the DI holds outstanding export-related debt obligations of AFNs in the amount of $125. The DI will be deemed to have made a positive transfer of capital in 1973 of $75 ($125 minus $50). On December 31, 1974, outstanding AFN export-related debt obligations held by the DI total $250. The DI will be deemed to have made a positive transfer of capital in 1974 of $75. Although the annual increase in AFN export-related debt obligations held by the DI was $125 ($250 minus $125), only $75 remained to be "recaptured."

Example 2. Same facts as stated in the first paragraph of Example 1. On December 31, 1973, the outstanding AFN export-related debt obligations held by the DI amount to $100. In addition, during 1973 an AFN borrowed $25 from a U.S. bank subject to the Federal Reserve Foreign Credit Restraint Program (FRFCRP) and used the funds to repay a $25 export-related debt obligation to the DI. Because the borrowing of the funds was not charged against the bank's ceiling under the FRFCRP, by application of § 312(c)(12) no transfer of capital by the AFN would be recognizable in connection with repayment to the DI of the $25 export-related debt obligation. Thus, the DI will be deemed to hold the $25 obligation as of December 31, 1973, in addition to the $100 of AFN export-related debt obligations actually held. Accordingly, the DI will be deemed to make a positive transfer of capital in 1973 of $75 ($125 minus $50).

If, however, the AFN had repaid the $25 borrowing from the bank within 1973, the proviso to § 312(c)(12) would operate to deem a negative transfer of capital (although the newly-adopted § 313(f) would prevent its inclusion in calculating net transfers of capital). In this case the DI would not be deemed to hold the $25 obligation as of December 31, 1973. The DI would be deemed to have made a positive transfer of capital in 1973 of only $50 ($100 minus $50).

3. Advance notice of proposed rule making with respect to the amendments published herewith would tend to defeat their purposes, to the detriment of the U.S. balance of payments, by affording DIs an opportunity to gain undue advantages under the Regulations, as described above, after receiving notice of the intended exemption amendments referred to in the first paragraph above. Additionally, the foreign direct investment program is structured on a calendar-year basis, and it is impractical to use a date other than January 1, 1973 as the beginning date for the amendments published herewith to govern affected transactions. For these reasons it is found that notice and public procedures prior to promulgation of these amendments would be contrary to the public interest and impracticable, and that there is good cause to make the amendments effective immediately upon publication and applicable to all transactions occurring on or after January 1, 1973.

The text of the amendments follows.

a. Paragraph (e) is added to § 1000.312 as follows:

§ 1000.312 Transfers of capital.

* * * * *

(e) To the extent that a direct investor pursuant to § 1000.313(e) includes, in the computation of the net transfer of capital made to any scheduled area in 1972, repayments by affiliated foreign nationals of debt obligations created in connection with exports of goods or services by the direct investor to or through affiliated foreign nationals other than Canadian affiliates (export-related debt obligations), the direct investor shall be deemed to make transfers of capital to affiliated foreign nationals in 1973 and subsequent years, in the amount of each annual increase in (x) the amount of export-related debt obligations held by the direct investor at yearend over (y) the amount of export-related debt obligations held by the direct investor as of December 31, 1972 after reduction for repayments of export-related debt obligations included for the year 1972 pursuant to § 1000.313(e). The transfer of capital deemed made under this paragraph shall be apportioned among the scheduled areas in the same proportions as the amounts included in each scheduled area under § 1000.313(e) for repayment of export-related debt obligations in calculating the net transfer of capital to each scheduled area for the year 1972. For purposes of this paragraph, a direct investor is deemed to hold on December 31 of 1972 or any subsequent year any export-related debt obligation that has been the subject of a transaction which by application of paragraph (c)(4) or paragraph (c)(12) of this section would not involve a transfer of capital, unless a transfer of capital would have been deemed to have been made by an affiliated foreign national under the proviso to either such paragraph.

b. Paragraph (f) is added to § 1000.313 as follows:

§ 1000.313 Net transfer of capital.

* * * * *

(f) Commencing January 1, 1973, in calculating the net transfer of capital to all affiliated foreign nationals in any scheduled area, the DI shall exclude (1) any transfer described in § 1000.312(b) or in the provisos to §§ 1000.312(c)(4) or 1000.312(c)(12) that relates to a debt obligation created in connection with any export of goods or services by a direct investor to or through an incorporated affiliated foreign national, and (2) any decrease in the net assets of any unincorporated affiliated foreign national in connection with any export of goods or services by a direct investor to or through any such affiliated foreign national: *Provided*, That this paragraph shall not apply to the transactions included in calculating, in accordance with paragraph (e) of this section, the amount of any net transfer of capital made by a direct investor during the year 1972.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

The amendments hereby adopted shall be effective upon publication in the FEDERAL REGISTER (1–3–73) and applicable to all transactions occurring on or after January 1, 1973.

WILLIAM V. HOYT,
Director, Office of Foreign Direct Investments.

DECEMBER 27, 1972.

[FR Doc.73-65 Filed 1-2-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHLORDIMEFORM

A petition (FAP 2H2661) was filed jointly by Ciba Agrochemical Co. (now Ciba-Geigy Corp.), Post Office Box 1105, Vero Beach, FL 32960, and NOR–AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) of 15 parts per million for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-o-tolyl)-*N,N* - dimethylformamidine) and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as the parent insecticide) in or on dried prunes from application of the insecticide to the growing raw agricultural commodity plums (fresh prunes). (For a related

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document, see this issue of the FEDERAL REGISTER, page 23.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). Pesticide tolerances for chlordimeform and a food additive tolerance for residues in the animal feed item cottonseed hulls have been previously established.

Having evaluataed the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1), (4) 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1249 Chlordimeform.

A tolerance of 15 parts per million is established for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-o-tolyl)-*N,N*-dimethylformamidine) and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as the parent insecticide) in or on dried prunes from application of the insecticide to the growing raw agricultural commodity plums (fresh prunes).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Street SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-3-73).

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: December 22, 1972.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-81 Filed 1-2-73;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T. D. 7242]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Section 170(b)(1)(A) Organizations

On May 22, 1971, notice of proposed rule making with respect to promulgation of regulations which relate to organizations described in section 170(b)(1)(A) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (36 F.R. 9298). A public hearing on these proposed regulations was held on June 28, 1971. A separate notice with respect to community trusts was published in the FEDERAL REGISTER for October 8, 1971 (36 F.R. 19598), and a separate hearing was held on December 7, 1971. After consideration of all such relevant matter as was presented, the income tax regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Immediately after § 1.170A-8, insert the following section:

§ 1.170A-9 Definition of section 170(b)(1)(A) organization.

The term "section 170(b)(1)(A) organization" as used in the regulations under section 170 means any organization described in paragraphs (a) through (i) of this section, effective with respect to taxable years beginning after December 31, 1969, except as otherwise provided. Section 1.170-2(b) shall continue to be applicable with respect to taxable years beginning prior to January 1, 1970. The term "one or more organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii))" as used in sections 507 and 509 of the Code and the regulations thereunder means one or more organizations described in paragraphs (a) through (e) of this section, except as modified by the regulations under part II of subchapter F of chapter I or under chapter 42.

(a) *Church or a convention or association of churches.* An organization is described in section 170(b)(1)(A)(i) if it is a church or a convention or association of churches.

(b) *Educational organization and organizations for the benefit of certain State and municipal colleges and universities*—(1) *Educational organization.* An educational organization is described in section 170(b)(1)(A)(ii) if its primary function is the presentation of formal instruction and it normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term includes institutions such as primary, secondary, preparatory, or high schools, and colleges and universities. It includes Federal, State, and other public-supported schools which otherwise come within the definition. It does not include organizations engaged in both educational and non-educational activities unless the latter are merely incidental to the educational activities. A recognized university which incidentally operates a museum or sponsors concerts is an educational organization within the meaning of section 170(b)(1)(A)(ii). However, the operation of a school by a museum does not necessarily qualify the museum as an educational organization within the meaning of this subparagraph.

(2) *Organizations for the benefit of certain State and municipal colleges and universities.* (i) An organization is described in section 170(b)(1)(A)(iv) if it meets the support requirements of subdivision (ii) of this subparagraph and is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization described in subdivision (iii) of this subparagraph. The phrase "expenditures to or for the benefit of a college or university" includes expenditures made for any one or more of the normal functions of colleges and universities such as the acquisition and maintenance of real property comprising part of the campus area; the erection of, or participation in the erection of, college or university buildings; the acquisition and maintenance of equipment and furnishings used for, or in conjunction with, normal functions of colleges and universities; or expenditures for scholarships, libraries and student loans.

(ii) To qualify under section 170(b)(1)(A)(iv), the organization receiving the contribution must normally receive a substantial part of its support from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public, or from a combination of two or more of such sources. For such purposes, the term "support" does not include income received in the exercise or performance by the organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a). An example of an indirect contribution from the public is the receipt by the organization of its share of the proceeds of an annual collection campaign of a community chest, community fund, or united fund. In determining the amount of support received by such organization with respect to a contribution of property which is subject to reduction under section 170(e), the fair market value of the property shall be taken into account.

(iii) The college or university (including a land grant college or university) to be benefited must be an educational organization referred to in section 170(b)(1)(A)(ii) and subparagraph (1) of this paragraph which is an agency or instrumentality of a State or political subdivision thereof, or which is owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions.

(c) *Hospitals and medical research organizations*—(1) *Hospitals.* An organization (other than one described in subparagraph (2) of this paragraph) is described in section 170(b)(1)(A)(iii) if:

(i) It is a hospital, and

(ii) Its principal purpose or function is the providing of medical or hospital care or medical education or research.

The term "hospital" includes (*a*) Federal hospitals and (*b*) State, county, and municipal hospitals which are instrumentalities of governmental units referred to in section 170(c)(1) and otherwise come within the definition. A rehabilitation institution, outpatient clinic, or community mental health or drug treatment center may qualify as a "hospital" within the meaning of subdivision (i) of this subparagraph if its principal purpose or function is the providing of hospital or medical care. For purposes of this subdivision, the term "medical care" shall include the treatment of any physical or mental disability or condition, whether on an inpatient or outpatient basis, provided the cost of such treatment is deductible under section 213 by the person treated. An organization, all the accommodations of which qualify as being part of an "extended care facility" within the meaning of 42 U.S.C. 1395x(j), may qualify as a "hospital" within the meaning of subdivision (i) of this subparagraph if its principal purpose or function is the providing of hospital or medical care. The term "hospital" does not, however, include convalescent homes or homes for children or the aged, nor does the term include institutions whose principal purpose or function is to train handicapped individuals to pursue some vocation. An organization whose principal purpose or function is the providing of medical education or medical research will not be considered a "hospital" within the meaning of subdivision (i) of this subparagraph, unless it is also actively engaged in providing medical or hospital care to patients on its premises or in its facilities, on an inpatient or outpatient basis, as an integral part of its medical education or medical research functions. See, however, subparagraph (2) of this paragraph with respect to certain medical research organizations.

(2) *Certain medical resarch organizations.* [Reserved]

(d) *Governmental unit.* A governmental unit is described in section 170(b)(1)(A)(v) if it is referred to in section 170(c)(1).

(e) *Definition of section 170(b)(1)(A)(vi) organization*—(1) *In general.* An organization is described in section 170(b)(1)(A)(vi) if it is:

(i) A corporation, trust, or community chest, fund, or foundation, referred to in section 170(c)(2) (other than an organization specifically described in paragraphs (a) through (d) of this section), and

(ii) A "publicly supported" organization.

For purposes of this paragraph, an organization is "publicly supported" if it normally receives a substantial part of its support from a governmental unit referred to in section 170(c)(1) or from direct or indirect contributions from the general public. An organization will be treated as being "publicly supported" if it meets the requirements of either subparagraph (2) or subparagraph (3) of this paragraph. Types of organizations which, subject to the provisions of this paragraph, generally qualify under section 170(b)(1)(A)(vi) as "publicly supported" are publicly or governmentally supported museums of history, art, or science, libraries, community centers to promote the arts, organizations providing facilities for the support of an opera, symphony orchestra, ballet, or repertory drama or for some other direct service to the general public, and organizations such as the American Red Cross or the United Givers Fund.

(2) *Determination whether an organization is "publicly supported"; 33⅓ percent-of-support test.* An organization will be treated as a "publicly supported" organization if the total amount of support which the organization "normally" (as defined in subparagraph (4) of this paragraph) receives from governmental units referred to in section 170(c)(1), from contributions made directly or indirectly by the general public, or from a combination or these sources, equals at least 33⅓ percent of the total support "normally" received by the organization. See subparagraphs (6), (7), and (8) of this paragraph for the definition of "support." The application of this test is illustrated by Example (1) of subparagraph (9) of this paragraph.

(3) *Determination whether an organization is "publicly supported"; facts and circumstances test for organizations failing to meet 33⅓ percent-of-support test.* Even if an organization fails to meet the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph, it will be treated as a "publicly supported" organization if it normally receives a substantial part of its support from governmental units, from direct or indirect contributions from the general public, or from a combination of these sources, and meets the other requirements of this subparagraph. In order to satisfy this subparagraph, an organization must meet the requirements of subdivisions (i) and (ii) of this subparagraph in order to establish, under all the facts and circumstances, that it normally receives a substantial part of its support from governmental units or from direct or indirect contributions from the general public, and it must be in the nature of a "publicly supported" organization, taking into account the factors described in subdivisions (iii) through (vii) of this subparagraph. The requirements and factors referred to in the preceding sentence with respect to a "publicly supported" organization (other than one described in subparagraph (2) of this paragraph) are:

(i) *Ten percent-of-support limitation.* The percentage of support "normally" (as defined in subparagraph (4) of this paragraph) received by an organization from governmental units, from contributions made directly or indirectly by the general public, or from a combination of these sources, must be "substantial." For purposes of this subparagraph, an organization will not be treated as "normally" receiving a "substantial" amount of governmental or public support unless the total amount of governmental and public support "normally" received equals at least 10 percent of the total support "normally" received by such organization. See subparagraphs (6), (7), and (8) of this paragraph for the definition of "support."

(ii) *Attraction of public support.* An organization must be so organized and operated as to attract new and additional public or governmental support on a continuous basis. An organization will be considered to meet this requirement if it maintains a continuous and bona fide program for solicitation of funds from the general public, community, or membership group involved, or if it carries on activities designed to attract support from governmental units or other organizations described in section 170(b)(1)(A)(i) through (vi). In determining whether an organization maintains a continuous and bona fide program for solicitation of funds from the general public or community, consideration will be given to whether the scope of its fund-raising activities is reasonable in light of its charitable activities. Consideration will also be given to the fact that an organization may, in its early years of existence, limit the scope of its solicitation to persons deemed most likely to provide seed money in an amount sufficient to enable it to commence its charitable activities and expand its solicitation program.

In addition to the requirements set forth in subdivisions (i) and (ii) of this subparagraph which must be satisfied, all pertinent facts and circumstances, including the following factors, will be taken into consideration in determining whether an organization is "publicly supported" within the meaning of subparagraph (1) of this paragraph. However, an organization is not generally required to satisfy all of the factors in subdivisions (iii) through (vii) of this subparagraph. The factors relevant to each case and the weight accorded to any one of them may differ depending upon the nature and purpose of the organization and the length of time it has been in existence.

(iii) *Percentage of financial support.* The percentage of support received by an organization from public or governmental sources will be taken into consideration in determining whether an organization is "publicly supported." The higher the percentage of support above the 10 percent requirement of subdivision (i) of this subparagraph from public or governmental sources, the lesser will be the burden of establishing the publicly supported nature of the organization through other factors described in this subparagraph, while the lower the percentage, the greater will be the burden.

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If the percentage of the organization's support from public or governmental sources is low because it receives a high percentage of its total support from investment income on its endowment funds, such fact will be treated as evidence of compliance with this subdivision if such endowment funds were originally contributed by a governmental unit or by the general public. However, if such endowment funds were originally contributed by a few individuals or members of their families, such fact will increase the burden on the organization of establishing compliance with the other factors described in this subparagraph.

(iv) *Sources of support.* The fact that an organization meets the requirement of subdivision (i) of this subparagraph through support from governmental units or directly or indirectly from a representative number of persons, rather than receiving almost all of its support from the members of a single family, will be taken into consideration in determining whether an organization is "publicly supported." In determining what is a "representative number of persons," consideration will be given to the type of organization involved, the length of time it has been in existence, and whether it limits its activities to a particular community or region or to a special field which can be expected to appeal to a limited number of persons.

(v) *Representative governing body.* The fact that an organization has a governing body which represents the broad interests of the public, rather than the personal or private interests of a limited number of donors (or persons standing in a relationship to such donors which is described in section 4946(a)(1)(C) through (G)) will be taken into account in determining whether an organization is "publicly supported." An organization will be treated as meeting this requirement if it has a governing body (whether designated in the organization's governing instrument or bylaws as a Board of Directors, Board of Trustees, etc.) which is comprised of public officials acting in their capacities as such; of individuals selected by public officials acting in their capacities as such; of persons having special knowledge or expertise in the particular field or discipline in which the organization is operating; of community leaders, such as elected or appointed officials, clergymen, educators, civic leaders, or other such persons representing a broad cross-section of the views and interests of the community; or, in the case of a membership organization, of individuals elected pursuant to the organization's governing instrument or bylaws by a broadly based membership.

(vi) *Availability of public facilities or services; public participation in programs or policies.* (*a*) The fact that an organization is of the type which generally provides facilities or services directly for the benefit of the general public on a continuing basis (such as a museum or library which holds open its building and facilities to the public, a symphony orchestra which gives public performances, a conservation organization which provides educational services to the public through the distribution of educational materials, or an old age home which provides domiciliary or nursing services for members of the general public) will be considered evidence that such organization is "publicly supported."

(*b*) The fact that an organization is an educational or research institution which regularly publishes scholarly studies that are widely used by colleges and universities or by members of the general public will also be considered evidence that such organization is "publicly supported."

(*c*) Similarly, the following factors will also be considered evidence that an organization is "publicly supported:"

(*1*) The participation in, or sponsorship of, the programs of the organization by members of the public having special knowledge or expertise, public officials, or civic or community leaders;

(2) The maintenance of a definitive program by an organization to accomplish its charitable work in the community, such as slum clearance or developing employment opportunities; and

(3) The receipt of a significant part of its funds from a public charity or governmental agency to which it is in some way held accountable as a condition of the grant, contract, or contribution.

(vii) *Additional factors pertinent to membership organizations.* The following are additional factors to be considered in determining whether a membership organization is "publicly supported":

(*a*) Whether the solicitation for dues-paying members is designed to enroll a substantial number of persons in the community or area, or in a particular profession or field of special interest (taking into account the size of the area and the nature of the organization's activities);

(*b*) Whether membership dues for individual (rather than institutional) members have been fixed at rates designed to make membership available to a broad cross section of the interested public, rather than to restrict membership to a limited number of persons; and

(c) Whether the activities of the organization will be likely to appeal to persons having some broad common interest or purpose, such as educational activities in the case of alumni associations, musical activities in the case of symphony societies, or civic affairs in the case of parent-teacher associations.

See examples (2) through (5) contained in subparagraph (9) of this paragraph for illustrations of this subparagraph.

(4) *Definition of "normally"; general rule.*—(i) *Normally; one-third support test.* For purposes of subparagraph (2) of this paragraph, an organization will be considered as "normally" meeting the 33⅓ percent-of-support test for its current taxable year and the taxable year immediately succeeding its current year, if, for the 4 taxable years immediately preceding the current taxable year, the organization meets the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph on an aggregate basis.

(ii) *Normally; facts and circumstances test.* For purposes of subparagraph (3) of this paragraph, an organization will be considered as "normally" meeting the requirements of subparagraph (3) of this paragraph for its current taxable year and the taxable year immediately succeeding its current year, if, for the 4 taxable years immediately preceding the current taxable year, the organization meets the requirements of subparagraph (3) (i) and (ii) of this paragraph on an aggregate basis and satisfies a sufficient combination of the factors set forth in subparagraph (3) (iii) through (vii) of this paragraph. In the case of subparagraph (3) (iii) and (iv) of this paragraph, facts pertinent to years preceding 4 taxable years immediately preceding the current taxable year may also be taken into consideration. The combination of factors set forth in subparagraph (3) (iii) through (vii) of this paragraph which an organization "normally" must meet does not have to be the same for each 4-year period so long as there exists a sufficient combination of factors to show compliance with subparagraph (3) of this paragraph.

(iii) *Special rule.* The fact that an organization has "normally" met the requirements of subparagraph (2) of this paragraph for a current taxable year, but is unable "normally" to meet such requirements for a succeeding taxable year, will not in itself prevent such organization from meeting the requirements of subparagraph (3) of this paragraph for such succeeding taxable year.

(iv) *Illustration.* The application of subdivisions (i), (ii), and (iii) of this subparagraph may be illustrated by the following example:

Example. X, an organization described in section 170(c)(2), meets the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph in taxable year 1975 on the basis of support received during taxable years 1971, 1972, 1973, and 1974. It therefore "normally" meets the requirements of subparagraph (2) of this paragraph for 1975 and 1976, the taxable year immediately succeeding 1975 (the current taxable year). For the taxable year 1976, X is unable to meet the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph on the basis of support received during taxable years 1972, 1973, 1974, and 1975. If X can meet the requirements of subparagraph (3) of this paragraph on the basis of taxable years 1972, 1973, 1974, and 1975, X will meet the requirements of subparagraph (3) of this paragraph for 1977 (the taxable year immediately succeeding 1976, the current taxable year) under subdivision (ii) of this subparagraph. However, if on the basis of both the taxable years 1972 through 1975 and 1973 through 1976, X, fails to meet the requirements of both subparagraphs (2) and (3) of this paragraph, X will not be described in section 170(b)(1)(A)(vi) for 1977. However, X will not be disqualified as a section 170(b)(1)(A)(vi) organization for taxable year 1976, because it "normally" met the requirements of subparagraph (2) of this paragraph on the basis of the taxable years 1971

through 1974, unless the provisions of subdivision (v) of this subparagraph become applicable.

(v) *Exception for material changes in sources of support.*—(*a*) *In general.* If for the current taxable year there are substantial and material changes in an organization's sources of support other than changes arising from unusual grants excluded under subparagraph (6) (ii) of this paragraph, then in applying subparagraph (2) or (3) of this paragraph, neither the 4-year computation period applicable to such year as an immediately succeeding taxable year or as a current taxable year shall apply, and in lieu of such computation periods there shall be applied a computation period consisting of the taxable year of substantial and material changes and the 4 taxable years immediately preceding such year. Thus, for example, if there are substantial and material changes in an organization's sources of support for taxable year 1976, then even though such organization meets the requirements of subparagraph (2) or (3) of this paragraph based on a computation period of taxable years 1971–74 or 1972–75, such an organization will not meet the requirements of section 170(b)(1)(A)(vi) unless it meets the requirements of subparagraph (2) or (3) of this paragraph for a computation period consisting of the taxable years 1972–76. See Example (3) in § 1.509(a)–3(c)(6) for an illustration of a similar rule. An example of a substantial and material change is the receipt of an unusually large contribution or bequest which does not qualify as an unusual grant under subparagraph (6)(ii) of this paragraph. See subparagraph (6)(iv)(*b*) of this paragraph as to the procedure for obtaining a ruling whether an unusually large grant may be excluded as an unusual grant.

(*b*) *Status of grantors and contributors.* If as a result of (*a*) of this subdivision, an organization is not able to meet the requirements of either the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph, or the facts and circumstances test described in subparagraph (3) of this paragraph for its current taxable year, its status (with respect to a grantor or contributor under sections 170, 507, 545(b)(2), 556(b)(2), 642(c), 4942, 4945, 2055, 2106(a)(2), and 2522) will not be affected until notice of change of status under section 170(b)(1)(A)(vi) is made to the public (such as by publication in the Internal Revenue Bulletin). The preceding sentence shall not apply, however, if the grantor or contributor was responsible for, or was aware of, the substantial and material change referred to in (*a*) of this subdivision, or acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from classification as a section 170(b)(1)(A)(vi) organization.

(*c*) *Reliance by grantors and contributors.* A grantor or contributor, other than one of the organization's founders, creators, or foundation managers (within the meaning of section 4946(b)) will not be considered to be responsible for, or aware of, the substantial and material change referred to in (*a*) of this subdivision, if such grantor or contributor has made such grant or contribution in reliance upon a written statement by the grantee organization that such grant or contribution will not result in the loss of such organization's classification as a publicly supported organization as described in section 170(b)(1)(A)(vi). Such statement must be signed by a responsible officer of the grantee organization and must set forth sufficient information, including a summary of the pertinent financial data for the 4 preceding years, to assure a reasonably prudent man that his grant or contribution will not result in the loss of the grantee organization's classification as a publicly supported organization as described in section 170(b)(1)(A)(vi). If a reasonable doubt exists as to the effect of such grant or contribution, or if the grantor or contributor is one of the organizations' founders, creators, or foundation managers, the procedure set forth in subparagraph (6)(iv)(*b*) of this paragraph may be followed by the grantee organization for the protection of the grantor or contributor.

(vi) *Special rule for new organizations.* If an organization has been in existence for at least 1 taxable year consisting of at least 8 months, but for fewer than 5 taxable years, the number of years for which the organization has been in existence immediately preceding each current taxable year being tested will be substituted for the 4-year period described in subdivision (i) or (ii) of this subparagraph to determine whether the organization "normally" meets the requirements of subparagraph (2) or (3) of this paragraph. However, if subdivision (v)(*a*) of this subparagraph applies, then the period consisting of the number of years for which the organization has been in existence (up to and including the current year) will be substituted for the 4-year period described in subdivision (i) or (ii) of this subparagraph. An organization which has been in existence for at least 1 taxable year, consisting of 8 or more months, may be issued a ruling or determination letter if it "normally" meets the requirements of subparagraph (2) or (3) of this paragraph for the number of years described in this subdivision. Such an organization may apply for a ruling or determination letter under the provisions of this subparagraph, rather than under the provisions of subparagraph (5) of this paragraph. The issuance of a ruling or determination letter will be discretionary with the Commissioner. See subparagraph (5)(v) of this paragraph as to the initial determination of the status of a newly created organization. This subdivision shall not apply to those organizations receiving an extended advance ruling under subparagraph (5)(iv) of this paragraph.

(vii) *Special rule for organizations with existing ruling.* This subdivision shall apply to an organization that prior to January 1, 1970, had received a ruling or determination letter which has not been expressly revoked holding the organization to be a publicly supported organization described in section 170(b)(1)(A)(vi) and with respect to which the facts and circumstances on which the ruling was based have not substantially changed. An organization to which this subdivision applies shall be treated as an organization described in section 170(b)(1)(A)(vi) for a period not ending prior to 90 days after December 29, 1972. In addition, with respect to a grantor or contributor under sections 170, 507, 545(b)(2), 556(b)(2), 642(c), 4942, 4945, 2055, 2106(a)(2), and 2522, the status of an organization to which this subdivision applies will not be affected until notice of change of status under section 170(b)(1)(A)(vi) is made to the public (such as by publication in the Internal Revenue Bulletin). The preceding sentence shall not apply if the grantor or contributor had previously acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from classification as a section 170(b)(1)(A)(vi) organization.

(viii) *Termination of status.* For the transitional rules applicable to an organization that is unable to meet the requirements of this paragraph for its first taxable year beginning after December 31, 1969 (as extended by § 1.507–2(j)) and wishes to terminate its private foundation status, see § 1.507–2(c)(2) and (3).

(ix) *Status of ruling.* The provisions of this subparagraph do not require an organization to file a new application with the Internal Revenue Service every 2 years in order to maintain or reaffirm its status as a "publicly supported" organization described in section 170(b)(1)(A)(vi).

(5) *Advance rulings to newly created organizations.*—(i) *In general.* A ruling or determination letter that an organization is described in section 170(b)(1)(A)(vi) will not be issued to a newly created organization prior to the close of its first taxable year consisting of at least 8 months. However, such organization may request a ruling or determination letter that it will be treated as a section 170(b)(1)(A)(vi) organization for its first 2 taxable years (or its first 3 taxable years, if its first taxable year consists of less than 8 months). For purposes of this section, such 2- or 3-year period, whichever is applicable, shall be referred to as the advance ruling period. Such an advance ruling or determination letter may be issued if the organization can reasonably be expected to meet the requirements of subparagraph (2) or (3) of this paragraph during the advance ruling period. The issuance of a ruling or determination letter will be discretionary with the Commissioner.

(ii) *Basic consideration.* In determining whether an organization can reasonably be expected (within the meaning of subdivision (i) of this subparagraph)

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to meet the requirements of subparagraph (2) or (3) of this paragraph for its advance ruling period or extended advance ruling period as provided in subdivision (iv) of this subparagraph, if applicable, the basic consideration is whether its organizational structure, proposed programs or activities, and intended method of operation are such as to attract the type of broadly based support from the general public, public charities, and governmental units which is necessary to meet such tests. The information to be considered for this purpose shall consist of all pertinent facts and circumstances relating to the requirements set forth in subparagraph (3) of this paragraph.

(iii) *Status of newly created organizations*—(*a*) *Advance ruling.* This subdivision shall apply to a newly created organization which has received an advance ruling or determination letter under subdivision (i) of this subparagraph, or an extended advance ruling or determination letter under subdivision (iv) of this subparagraph, that it will be treated as a section 170(b)(1)(A)(vi) organization for its advance or extended advance ruling period. So long as such an organization's ruling or determination letter has not been terminated by the Commissioner before the expiration of the advance or extended advance ruling period, then whether or not such organization has satisfied the requirements of subparagraph (2) or (3) of this paragraph during such advance or extended advance ruling period, such an organization will be treated as an organization described in section 170(b)(1)(A)(vi) in accordance with (*b*) and (*c*) of this subdivision, both for purposes of the organization and any grantor or contributor to such organization.

(*b*) *Reliance period.* Except as provided in (*a*) and (*c*) of this subdivision, an organization described in (*a*) of this subdivision will be treated as an organization described in section 170(b)(1)(A)(vi) for all purposes other than sections 507(d) and 4940 for the period beginning with its inception and ending 90 days after its advance or extended advance ruling period. Such period will be extended until a final determination is made of such an organization's status only if the organization submits, within the 90-day period, information needed to determine whether it meets the requirements of subparagraph (2) or (3) of this paragraph for its advance or extended advance ruling period (even if such organization fails to meet the requirements of such subparagraph (2) or (3)). However, since this subparagraph does not apply to the tax imposed by section 4940, if it is subsequently determined that the organization was a private foundation from its inception, then the tax imposed by section 4940 shall be due without regard to the advance or extended advance ruling or determination letter. Consequently, if any amount of tax under section 4940 in such a case is not paid on or before the last date prescribed for payment, the organization is liable for interest in accordance with section 6601. However, since any failure to pay such tax during the period referred to in this subparagraph is due to reasonable cause, the penalty under section 6651 with respect to the tax imposed by section 4940 shall not apply.

(*c*) *Grantors or contributors.* If a ruling or determination letter is terminated by the Commissioner prior to the expiration of the period described in (*b*) of this subdivision, for purposes of sections 170, 507, 545(b)(2), 556(b)(2), 642(c), 4942, 4945, 2055, 2106(a)(2), and 2522, the status of grants or contributions with respect to grantors or contributors to such organizations will not be affected until notice of change of status of such organization is made to the public (such as by publication of the Internal Revenue Bulletin). The preceding sentence shall not apply however, if the grantor or contributor was responsible for, or aware of, the act or failure to act that resulted in the organization's loss of classification under section 170(b)(1)(A)(vi) or acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from such classification. Prior to the making of any grant or contribution which allegedly will not result in the grantee's loss of classification under section 170(b)(1)(A)(vi), a potential grantee organization may request a ruling whether such grant or contribution may be made without such loss of classification. A request for such ruling may be filed by the grantee organization with the district director. The issuance of such ruling will be at the sole discretion of the Commissioner. The organization must submit all information necessary to make a determination on the factors referred to in subparagraph (6)(iii) of this paragraph. If a favorable ruling is issued, such ruling may be relied upon by the grantor or contributor of the particular contribution in question for purposes of sections 170, 507, 545(b)(2), 556(b)(2), 642(c), 4942, 4945, 2055, 2106(a)(2), and 2522 and by the grantee organization for purposes of subparagraph (6)(ii) of this paragraph.

(iv) *Extension of advance ruling period.* (*a*) The advance ruling period described in subdivision (i) of this subparagraph shall be extended for a period of 3 taxable years after the close of the unextended advance ruling period if the organization so requests, but only if such organization's request accompanies its request for an advance ruling and is filed with a consent under section 6501(c)(4) to the effect that the period of limitation upon assessment under section 4940 for any taxable year within the extended advance ruling period shall not expire prior to 1 year after the date of the expiration of the time prescribed by law for the assessment of a deficiency for the last taxable year within the extended advance ruling period. An organization's extended advance ruling period is 5 taxable years if its first taxable year consists of at least 8 months, or is 6 years if its first taxable year is less than 8 months.

(*b*) Notwithstanding (*a*) of this subdivision, an organization which has received or applied for an advance ruling prior to January 29, 1973, may file its request for the 3-year extension within 90 days from such date, but only if it files the consents required in this section.

(*c*) See subdivision (v) of this subparagraph for the effect upon the initial determination of status of an organization which receives a ruling for an extended advance ruling period.

(v) *Initial determination of status.* (*a*) The initial determination of status of a newly created organization is the first determination (other than by issuance of an advance ruling or determination letter under subdivision (i) of this subparagraph or an extended advance ruling or determination letter under subdivision (iv) of this subparagraph) that the organization will be considered as "normally" meeting the requirements of subparagraphs (2) or (3) of this paragraph for a period beginning with its first taxable year.

(*b*) In the case of a new organization whose first taxable year is at least 8 months, except as provided for in subdivision (v)(*d*) of this subparagraph, the initial determination of status shall be based on a computation period of either the first taxable year or the first and second taxable years.

(*c*) In the case of a new organization whose first taxable year is less than 8 taxable months, except as provided for in subdivision (v)(*d*) of this subparagraph, the initial determination of status shall be based on a computation period of either the first and second taxable years or the first, second, and third taxable years.

(*d*) In the case of an organization which has received a ruling or determination letter for an extended advance ruling period under subdivision (iv) of this subparagraph, the initial determination of status shall be based on a computation period of all of the taxable years in the extended advance ruling period. However, where the ruling or determination letter for an extended advance ruling period under subdivision (iv) of this subparagraph is terminated by the Commissioner prior to the expiration of the relevant period described in subdivision (iii)(*b*) of this subparagraph, the initial determination of status shall be based on a computation period of the period provided in (*b*) or (*c*) of this subdivision or, if greater, the number of years to which the advance ruling applies.

(*e*) An initial determination that an organization will be considered as "normally" meeting the requirements of subparagraph (2) or (3) of this paragraph shall be effective for each taxable year in the computation period plus (except as provided by subpargaraph (4)(v)(*a*) of this paragraph, relating to material changes in sources of support) the 2 taxable years immediately succeeding the computation period. Therefore, in the case of an organization referred to in

(*b*) of this subdivision to which subparagraph (4)(v)(*a*) of this paragraph does not apply, with respect to its first, second, and third taxable years, such an organization shall be described in section 170(b)(1)(A)(vi) if it meets the requirements of subparagraph (2) or (3) of this paragraph for either its first taxable year or for its first and second taxable years on an aggregate basis. In addition, if it meets the requirements of subparagraph (2) or (3) of this paragraph for its first and second taxable years, it shall be described in section 170(b)(1)(A)(vi) for its fourth taxable year. Once an organization is considered as "normally" meeting the requirements of subparagraph (2) or (3) of this paragraph for a period specified under this subdivision, subparagraph (4)(i), (ii), (v), or (vi) of this paragraph shall apply.

(*f*) The provisions of this subdivision may be illustrated by the following examples:

Example (*1*). X, a calendar year organization described in section 501(c)(3), is created in February 1972. The support received from the public in 1972 by X will satisfy the one-third support test described in subparagraph (4)(i) of this paragraph over its first taxable year, 1972. X may therefore get an initial determination that it meets the requirements of subparagraph (2) of this paragraph for its first taxable year beginning in February 1972 and ending on December 31, 1972. This determination will be effective for taxable years 1972, 1973, and 1974.

Example (*2*). Assume the same facts as in example (1) except that X also receives a substantial contribution from one individual in 1972 which is not excluded from the denominator of the one-third support fraction described in subparagraph (4)(i) of this paragraph by reason of the unusual grant provision of subparagraph (6)(ii) of this paragraph. Because of this substantial contribution, X fails to satisfy the one-third support test over its first taxable year, 1972. X also fails to satisfy the "facts and circumstances" test described in subparagraph (4)(ii) of this paragraph for it's first taxable year, 1972. However, the support received from the public over X's first and second taxable years in the aggregate will satisfy the one-third support test. X may therefore get an initial determination that it meets the requirements of subparagraph (2) of this paragraph for its first and second taxable years in the aggregate beginning in February 1972 and ending on December 31, 1973. This determination will be effective for taxable years 1972, 1973, 1974, and 1975.

Example (*3*). Y, a calendar year organization described in section 501(c)(3), is created in July 1972. Y requests and receives an extended advance ruling period of 5 full taxable years plus its initial short taxable year of 6 months under subparagraph (5)(iv) of this paragraph. The extended advance ruling period begins in July 1972 and ends on December 31, 1977. The support received from the public over Y's first through sixth taxable years in the aggregate will satisfy the one-third support test described in subparagraph (4)(i) of this paragraph. Therefore, Y in 1978 may get an initial determination that it meets the requirements of subparagraph (2) of this paragraph in the aggregate over all the taxable years in its extended advance ruling period beginning in July 1972 and ending on December 31, 1977. This determination will be effective for taxable years 1972 through 1979.

Example (*4*). Assume the same facts as in example (3) except that the ruling for the extended advance ruling period is terminated prospectively at the end of 1975, so that Y many not rely upon such ruling for 1976 or any succeeding year. The support received from the public over Y's first through fourth taxable years (1972 through 1975) will not satisfy either the one-third support test described in subparagraph (4)(i) of this paragraph, or the "facts and circumstances" test described in subparagraph (4)(ii) of this paragraph. Because the ruling was terminated the computation period for Y's initial determination of status is the period 1972 through 1975. Since Y has not met the requirements of either subparagraph (2) or (3) of this paragraph for such computation period, Y is not described in section 170(b)(1)(A)(vi) for purposes of its initial determination of status. If Y is not described in section 170(b)(1)(A)(i) through (v) or section 509(a)(2), (3), or (4), then Y is a private foundation. As of 1976, Y shall be treated as a private foundation for all purposes (except as provided in subdivision (iii)(*c*) of this subparagraph with respect to grantors and contributors), and as of July 1972 for purposes of the tax imposed by section 4940 and for purposes of section 507(d) (relating to aggregate tax benefit).

(vi) *Failure to obtain advance ruling.* (*a*) Unless a newly created organization has obtained an advance ruling or determination letter under subdivision (i) of this subparagraph, or an extended advance ruling or determination letter under subdivision (iv) of this subparagraph, that it will be treated as a section 170(b)(1)(A)(vi) organization for its advance or extended advance ruling period, it cannot rely upon the possibility it will meet the requirements of subparagraph (2) or (3) of this paragraph for a taxable year which begins before the close of either applicable computation period provided for in subdivision (v)(*b*) or (*c*) of this subparagraph. Therefore, such an organization, in order to avoid the risk of subsequently being determined to be a private foundation because of failure to qualify under section 170(b)(1)(A)(vi) and therefore under section 509(a)(1), may comply with the rules applicable to private foundations and may pay, for example, the tax imposed by section 4940. In that event, if the organization subsequently meets the requirements of subparagraph (2) or (3) of this paragraph for either applicable computation period, it shall be treated as a section 170(b)(1)(A)(vi) organization from its inception and, therefore, any tax imposed under chapter 42 shall be refunded and section 509(b) shall not apply.

(*b*) If a newly created organization fails to obtain an advance ruling or determination letter under subdivision (i) of this subparagraph, or an extended advance ruling or determination letter under subdivision (iv) of this subparagraph, and fails to meet the requirements of subparagraph (2) or (3) of this paragraph for the first applicable computation period provided for in subdivision (v)(*b*) or (*c*) of this subparagraph, see section 6651 for penalty for failure to file return and pay tax.

(6) *Definition of support; meaning of general public*—(i) *In general.* In determining whether the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph or the 10 percent-of-support limitation described in subparagraph (3)(i) of this paragraph is "normally" met, contributions by an individual, trust; or corporation shall be taken into account as "support" from direct or indirect contributions from the general public only to the extent that the total amount of the contributions by any such individual, trust, or corporation during the period described in subparagraph (4)(i), (ii), (v), or (vi) or (5)(v) of this paragraph does not exceed 2 percent of the organization's total support for such period, except as provided in subdivision (ii) of this subparagraph. Therefore, any contribution by one individual will be included in full in the denominator of the fraction determining the 33⅓ percent-of-support or the 10 percent-of-support limitation, but will only be includible in the numerator of such fraction to the extent that such amount does not exceed 2 percent of the denominator. In applying the 2 percent limitation, all contributions made by a donor and by any person or persons standing in a relationship to the donor which is described in section 4946(a)(1)(C) through (G) and the regulations thereunder shall be treated as made by one person. The 2 percent limitation shall not apply to support received from governmental units referred to in section 170(c)(1) or to contributions from organizations described in section 170(b)(1)(A)(vi), except as provided in subdivision (v) of this subparagraph. For purposes of subparagraphs (2), (3)(i) and (7)(ii)(*b*) of this paragraph, the term "indirect contributions from the general public" includes contributions received by the organization from organizations (such as section 170(b)(1)(A)(vi) organizations) which normally receive a substantial part of their support from direct contributions from the general public, except as provided in subdivision (v) of this subparagraph. See the examples in subparagraph (9) of this paragraph for the application of this subdivision.

(ii) *Exclusion of unusual grants.* For purposes of applying the 2 percent limitation described in subdivision (i) of this subparagraph to determine whether the 33⅓ percent-of-support test in subparagraph (2) of this paragraph or the 10 percent-of-support limitation in subparagraph (3)(i) of this paragraph is satisfied, one or more contributions may be excluded from both the numerator and the denominator of the applicable percent-of-support fraction if such contributions meet the requirements of subdivision (iii) of this subparagraph. The exclusion provided by this subdivision is generally intended to apply to substantial contributions or bequests from distinterested parties which contributions or bequests:

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(a) Are attracted by reason of the publicly supported nature of the organization;

(b) Are unusual or unexpected with respect to the amount thereof; and

(c) Would, by reason of their size, adversely affect the status of the organization as normally being publicly supported for the applicable period described in subparagraph (4) or (5) of this paragraph.

In the case of a grant (as defined in § 1.509(a)–3(g)) which meets the requirements of this subdivision, if the terms of the granting instrument (whether executed before or after 1969) require that the funds be paid to the recipient organization over a period of years, the amount received by the organization each year pursuant to the terms of such grant may be excluded for such year. However, no item of gross investment income may be excluded under this subparagraph. The provisions of this subparagraph shall apply to exclude unusual grants made during any of the applicable periods described in subparagraph (4), (5), or (6) of this paragraph. See subdivision (iv) of this subparagraph as to reliance by a grantee organization upon an unusual grant ruling under this subparagraph.

(iii) *Determining factors.* In determining whether a particular contribution may be excluded under subdivision (ii) of this subparagraph all pertinent facts and circumstances will be taken into consideration. No single factor will necessarily be determinative. For some of the factors similar to the factors to be considered, see § 1.509(a)–3(c)(4).

(iv) *Grantors and contributors.* (a) As to the status of grants and contributions which result in substantial and material changes in the organization (as described in subparagraph (4)(v)(a) of this paragraph) and which fail to meet the requirements for exclusion under subdivision (ii) of this subparagraph, see the rules prescribed in subparagraph (4)(v)(b) and (c) of this paragraph.

(b) Prior to the making of any grant or contribution which will allegedly meet the requirements for exclusion under subdivision (ii) of this subparagraph, a potential grantee organization may request a ruling whether such grant or contribution may be so excluded. Requests for such ruling may be filed by the grantee organization with the district director. The issuance of such ruling will be at the sole discretion of the Commissioner. The organization must submit all information necessary to make a determination on the factors referred to in subdivision (iii) of this subparagraph. If a favorable ruling is issued, such ruling may be relied upon by the grantor or contributor of the particular contribution in question for purposes of sections 170, 507, 545(b)(2), 556(b)(2), 642(c), 4942, 4945, 2055, 2106(a)(2), and 2522 and by the grantee organization for purposes of subdivision (ii) of this subparagraph.

(v) *Grants from public charities.* Pursuant to subdivision (i) of this subparagraph, contributions received from a governmental unit or from a section 170(b)(1)(A)(vi) organization are not subject to the 2 percent limitation described in that subdivision unless such contributions represent amounts which have been expressly or impliedly earmarked by a donor to such governmental unit or section 170(b)(1)(A)(vi) organization as being for, or for the benefit of, the particular organization claiming section 170(b)(1)(A)(vi) status. See § 1.509(a)–3(j)(3) for examples illustrating the rules of this subdivision.

(7) *Definition of support; special rules and meaning of terms*—(i) *Definition of support.* For purposes of this paragraph, the term "support" shall be as defined in section 509(d) (without regard to section 509(d)(2)). The term "support" does not include:

(a) Any amounts received from the exercise or performance by an organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a). In general, such amounts include amounts received from any activity the conduct of which is substantially related to the furtherance of such purpose or function (other than through the production of income), or

(b) Contributions of services for which a deduction is not allowable.

For purposes of the 33⅓ percent-of-support test in subparagraph (2) of this paragraph and the 10 percent-of-support limitation in subparagraph (3)(i) of this paragraph, all amounts received which are described in (a) or (b) of this division are to be excluded from both the numerator and the denominator of the fractions determining compliance with such tests, except as provided in subdivision (ii) of this subparagraph.

(ii) *Organizations dependent primarily on gross receipts from related activities.* Notwithstanding the provisions of subdivision (i) of this subparagraph, an organization will not be treated as satisfying the 33⅓ percent-of-support test in subparagraph (3)(i) of this paragraph if the 10 percent-of-support limitation in subparagraph (3)(i) of this paragraph if it receives:

(a) Almost all of its support (as defined in section 509(d)) from gross receipts from related activities; and

(b) An insignificant amount of its support from governmental units (without regard to amounts referred to in subdivision (i)(a) of this subparagraph) and contributions made directly or indirectly by the general public.

For example X, an organization described in section 501(c)(3), is controlled by A, its president. X received $500,000 during the 4 taxable years immediately preceding its current taxable year under a contract with the Department of Transportation, pursuant to which X has engaged in research to improve a particular vehicle used primarily by the Federal Government. During this same period, the only other support received by X consisted of $5,000 in small contributions primarily from X's employees and business associates. The $500,000 amount constitutes support under section 509(d)(2) and 509(d)(2)(a) of this subdivision. Under these circumstances, X meets the conditions of (a) and (b) of this subdivision and will not be treated as meeting the requirements of either subparagraph (2) or subparagraph (3) of this paragraph. As to the rules applicable to organizations which fail to qualify under section 170(b)(1)(A)(vi) because of the provisions of this subdivision, see section 509(a)(2) and the regulations thereunder. For the distinction between gross receipts (as referred to in section 509(d)(2)) and gross investment income (as referred to in section 509(d)(4)), see § 1.509(a)–3(m).

(iii) *Membership fees.* For purposes of this subparagraph, the term "support" shall include "membership fees" within the meaning of § 1.509(a)–3(h) (that is, if the basic purpose for making a payment is to provide support for the organization rather than to purchase admissions, merchandise, services, or the use of facilities).

(8) *Support from a governmental unit.* (i) For purposes of subparagraphs (2) and (3)(i) of this paragraph, the term "support from a governmental unit" includes any amounts received from a governmental unit, including donations or contributions and amounts received in connection with a contract entered into with a governmental unit for the performance of services or in connection with a Government research grant. However, such amounts will not constitute "support from a governmental unit" for such purposes if they constitute amounts received from the exercise or performance of the organization's exempt functions as provided in subparagraph (7)(i)(a) of this paragraph.

(ii) For purposes of subdivision (i) of this subparagraph, any amount paid by a governmental unit to an organization is not to be treated as received from the exercise or performance of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a) (within the meaning of subparagraph (7)(i)(a) of this paragraph) if the purpose of the payment is primarily to enable the organization to provide a service to, or maintain a facility for, the direct benefit of the public (regardless of whether part of the expense of providing such service or facility is paid for by the public), rather than to serve the direct and immediate needs of the payor. For example:

(a) Amounts paid for the maintenance of library facilities which are open to the public.

(b) Amounts paid under Government programs to nursing homes or homes for the aged in order to provide health care or domiciliary services to residents of such facilities, and

(c) Amounts paid to child placement or child guidance organizations under Government programs for services rendered to children in the community,

are considered payments the purpose of which is primarily to enable the recipient organization to provide a service or maintain a facility for the direct benefit

of the public, rather than to serve the direct and immediate needs of the payor. Furthermore, any amount received from a governmental unit under circumstances such that the amount would be treated as a "grant" within the meaning of § 1.509(a)–3(g) will generally constitute "support from a governmental unit" described in this subdivision, rather than an amount described in subparagraph (7)(i)(a) of this paragraph.

(9) *Examples.* The application of subparagraphs (1) through (8) of this paragraph may be illustrated by the following examples:

Example (1). (a) M is an organization referred to in section 170(c)(2). For the years 1970 through 1973 (the applicable period with respect to the taxable year 1974 under subparagraph (4) of this paragraph), M received support (as defined in subparagraphs (6) through (8) of this paragraph) of $600,000 from the following sources:

Investment Income	$300,000
City Y (a governmental unit referred to in section 170(c)(1))	40,000
United Fund (an organization referred to in section 170(b)(1)(A)(vi)	40,000
Contributions	220,000
Total Support	600,000

(b) With respect to the taxable year 1974, M "normally" received in excess of 33⅓ percent of its support from a governmental unit referred to in section 170(c)(1) and from direct and indirect contributions from the general public (as defined in subparagraph (6) of this paragraph) computed as follows:

33⅓ percent of total support	$200,000
Support from a governmental unit referred to in section 170(c)(1)	40,000
Indirect contributions from the general public (United Fund)	40,000
Contributions by various donors (no one having made contributions which total in excess of $12,000—2 percent of total support)	50,000
Six contributions (each in excess of $12,000—2 percent total support) 6×$12,000	72,000
	202,000

(c) Since the amount of X's support from governmental units referred to in section 170(c)(1) and from direct and indirect contributions from the general public with respect to the taxable year 1974 "normally" exceeds 33⅓ percent of M's total support for the applicable period (1970–73), X meets the 33⅓ percent-of-support test under subparagraph (2) of this paragraph and is therefore treated as satisfying the requirements for classification as a "publicly supported" organization under subparagraph (2) of this paragraph for the taxable years 1974 and 1975 (there being no substantial and material changes in the organization's character, purposes, methods of operation, or sources of support in these years).

Example (2). N is an organization referred to in section 170(c)(2). It was created to maintain public gardens containing botanical specimens and displaying statuary and other art objects. The facilities, works of art, and a large endowment were all contributed by a single contributor. The members of the governing body of the organization are unrelated to its creator. The gardens are open to the public without charge and attract a substantial number of visitors each year. For the 4 taxable years immediately preceding the current taxable year, 95 percent of the organization's total support was received from investment income from its original endowment. N also maintains a membership society which is supported by members of the general public who wish to contribute to the upkeep of the gardens by paying a small annual membership fee. Over the 4-year period in question, these fees from the general public constituted the remaining 5 percent of the organization's total support for such period. Under these circumstances, N does not meet the 33⅓ percent-of-support test under subparagraph (2) of this paragraph for its current taxable year. Furthermore, since only 5 percent of its total support is, with respect to the current taxable year, normally received from the general public, N does not satisfy the 10 percent-of-support limitation described in subparagraph (3)(i) of this paragraph and cannot therefore be classified as "publicly supported" under subparagraph (3) of this paragraph. For its current taxable year, N therefore, is not an organization described in section 170(b)(1)(A)(vi). Since N has failed to satisfy the 10 percent-of-suport limitation under subparagraph (3)(i) of this paragraph, none of the other requirements or factors set forth in subparagraph (3)(iii) through (vii) of this paragraph can be considered in determining whether N qualifies as a "publicly supported" organization.

Example (3). (a) O, an art museum, is an organization referred to in section 170(c)(2). In 1930, O was founded in Y City by the members of a single family to collect, preserve, interpret, and display to the public important works of art. O is governed by a Board of Trustees which originally consisted almost entirely of members of the founding family. However, since 1945, members of the founding family or persons standing in a relationship to the members of such family described in section 4946(a)(1)(C) through (G) have annually constituted less than one-fifth of the Board of Trustees. The remaining board members are citizens of Y City from a variety of professions and occupations who represent the interests and views of the people of Y City in the activities carried on by the organization rather than the personal or private interests of the founding family. O solicits contributions from the general public and for each of its 4 most recent taxable years has received total contributions (in small sums of less than $100, none of which exceeds 2 percent of O's total support for such period) in excess of $10,000. These contributions from the general public (as defined in subparagraph (6) of this paragraph) represent 25 percent of the organization's total support for such 4-year period. For this same period, investment income from several large endowment funds has constituted 75 percent of its total support. O expends substantially all of its annual income for its exempt purposes and thus depends upon the funds it annually solicits from the public as well as its investment income in order to carry out its activities on a normal and continuing basis and to acquire new works of art. O has, for the entire period of its existence, been open to the public and more than 300,000 people (from Y City and elsewhere) have visited the museum in each of its four most recent taxable years.

(b) Under these circumstances, O does not meet the 33⅓ percent-of-support test under subparagraph (2) of this paragraph for its current year since it has received only 25 percent of its total support for the applicable 4-year period from the general public. However, under the facts set forth above, O has met the 10 percent-of-support limitation under subparagraph (3)(i), as well as the requirements of subparagraph (3)(ii), of this paragraph. Under all of the facts set forth in this example, O is considered as meeting the requirements of subparagraph (3) of this paragraph on the basis of satisfying subparagraph (3)(i) and (ii) of this paragraph and the factors set forth in subparagraph (3)(iii), (iv), (v), and (vi) of this paragraph, and is therefore classified as a "publicly supported organization" under subparagraph (1) of this paragraph for its current taxable year and the immediately succeeding taxable year (there being no substantial and material changes in the organization's character, purposes, methods of operation, or sources of support in these years).

Example (4). (a) In 1960, the P Philharmonic Orchestra was organized in Z City through the combined efforts of a local music society and a local women's club to present to the public a wide variety of musical programs intended to foster music appreciation in the community. P is an organization referred to in section 170(c)(2). The orchestra is composed of professional musicians who are paid by the association. Twelve performances open to the public are scheduled each year. A small admission charge is made for each of these performances. In addition, several performances are staged annually without charge. During its 4 most recent taxable years, P has received separate contributions of $200,000 each from A and B (not members of a single family) and support of $120,000 from the Z Community Chest, a public federated fundraising organization operating in Z City. P depends on these funds in order to carry out its activities and will continue to depend on contributions of this type to be made in the future. P has also begun a fundraising campaign in an attempt to expand its activities for the coming years. P is governed by a Board of Directors comprised of five individuals. A faculty member of a local college, the president of a local music society, the head of a local banking institution, a prominent doctor, and a member of the governing body of the local chamber of commerce currently serve on the Board and represent the interests and views of the community in the activities carried on by P.

(b) With respect to P's current taxable year, P's sources of support are computed on the basis of the 4 immediately preceding years, as follows:

Contributions	$520,000
Receipts from performances	100,000
Total support	620,000
Less:	
Receipts from performances (excluded under subparagraph (7)(i)(a) of this paragraph)	100,000
Total support for purposes of subparagraphs (2) and (3)(i) of this paragraph	520,000

(c) For purposes of subparagraphs (2) and (3)(i) of this paragraph, P's support is computed as follows:

Z Community Chest (indirect support from the general public)	120,000
Two contributions (each in excess of $10,400—2 percent of total support) 2×$10,400	20,800
Total	140,800

(d) P's support from the general public, directly and indirectly, does not meet the 33⅓ percent-of-support test under subparagraph (2) of this paragraph ($140,800/$520,000=27 percent of total support). However, since P receives 27 percent of its total support from the general public, it meets the 10 percent-of-support limitation under subparagraph (3)(i) of this paragraph. P also

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meets the requirements of subparagraph (3) (ii) of this paragraph. As a result of satisfying these requirements and the factors set forth in subparagraph (3) (iii), (iv), (v), and (vi) of this paragraph, P is considered as meeting the requirements of subparagraph (3) of this paragraph and is therefore considered to be a "publicly supported" organization under subparagraph (1) of this paragraph.

(e) If, instead of the above facts, P were a newly created organization, P could obtain a ruling pursuant to subparagraph (5) of this paragraph by reason of its purposes, organizational structure and proposed method of operation. Even if P had initially been founded by the contributions of a few individuals, such fact would not, in and of itself, disqualify P from receiving a ruling under subparagraph (5) of this paragraph.

Example (5). (a) Q is an organization referred to in section 170(c)(2). It is a philanthropic organization founded in 1965 by A for the purpose of making annual contributions to worthy charities. A created Q as a charitable trust by the transfer of $500,000 worth of appreciated securities to Q.

Pursuant to the trust agreement, A and two other members of his family are the sole trustees and are vested with the right to appoint successor trustees. In each of its four most recent taxable years, Q received $15,000 in investment income from its original endowment. Each year Q makes a solicitation for funds by operating a charity ball at A's residence. Guests are invited and requested to make contributions of $100 per couple. During the 4-year period involved, $15,000 was received from the proceeds of these events. A and his family have also made contributions to Q of $25,000 over the course of the organization's 4 most recent taxable years. Q makes disbursements each year of substantially all of its net income to the public charities chosen by the trustees.

(b) With respect to Q's current taxable year, Q's sources of support are computed on the basis of the 4 immediately preceding years as follows:

Investment income	$60,000
Contributions	40,000
Total support	100,000

(c) For purposes of subparagraphs (2) and (3)(i) of this paragraph, Q's support is computed as follows:

Contributions from the general public	$15,000
One contribution (in excess of $2,000—2 percent of total support) 1×$2,000	2,000
Total	17,000

(d) Q's support from the general public does not meet the 33⅓ percent-of-support test under subparagraph (2) of this paragraph ($17,000/$100,000=17 percent of total support). Thus, Q's classification as a "publicly supported" organization depends on whether it meets the requirements of subparagraph (3) of this paragraph. Even though it satisfies the 10 percent-of-support limitation under subparagraph (3)(i) of this paragraph, its method of solicitation makes it questionable whether Q satisfies the requirements of subparagraph (3)(ii) of this paragraph. Because of its method of operating, Q also has a greater burden of establishing its publicly supported nature under subparagraph (3)(iii) of this paragraph. Based upon the foregoing and upon Q's failure to receive favorable consideration under the factors set forth in subparagraph (3) (iv), (v), and (vi) of this paragraph, Q does not satisfy the requirements of subparagraph (3) of this paragraph as a "publicly supported" organization.

(e) If, instead of the above facts, Q were a newly created organization, Q would not be able to receive a ruling pursuant to subparagraph (5) of this paragraph. Its purposes, organizational structure, and method of operation would be insufficient to establish that Q could reasonably be expected to meet the requirements of subparagraph (2) or (3) of this paragraph for its first 2 or its first 5 taxable years.

(10) *Community trusts; general rules.* [Reserved]

(f) *Private operating foundation.* An organization is described in section 170(b)(1)(A)(vii) and (E)(i) if it is a private "operating foundation" as defined in section 4942(j)(3) and the regulations thereunder.

(g) *Private nonoperating foundation distributing amount equal to all contributions received—(1) In general.* (i) An organization is described in section 170(b)(1)(A)(vii) and (E)(ii) if it is a private foundation which, not later than the 15th day of the third month after the close of its taxable year in which any contributions are received, distributes an amount equal in value to 100 percent of all contributions received in such year. Such distributions must be qualifying distributions (as defined in section 4942(g) without regard to paragraph (3) thereof) which are treated, after the application of section 4942(g)(3), as distributions out of corpus in accordance with section 4942(h). Qualifying distributions, as defined in section 4942(g) without regard to paragraph (3) thereof, cannot be made to (i) an organization controlled directly or indirectly by the foundation or by one or more disqualified persons (as defined in section 4946) with respect to the foundation or (ii) a private foundation which is not an operating foundation (as defined in section 4942(j)(3)). The phrase "after the application of section 4942(g)(3)" means that every contribution described in section 4942(g)(3) received by a private foundation described in this subparagraph in a particular taxable year must be distributed (within the meaning of section 4942(g)(3)(A)) by such foundation not later than the 15th day of the third month after the close of such taxable year in order for any other distribution by such foundation to be counted toward the 100-percent requirement described in this subparagraph.

(ii) In order for an organization to meet the distribution requirements of subdivision (i) of this subparagraph, it must, not later than the 15th day of the third month after the close of its taxable year in which any contributions are received, distribute (within the meaning of subdivision (i) of this subparagraph) an amount equal in value to 100 percent of all contributions received in such year and have no remaining undistributed income for such year.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). X is a private foundation on a calendar year basis. As of January 1, 1971, X had no undistributed income for 1970. X's distributable amount for 1971 was $600,000. In July 1971, A, an individual, contributed $500,000 (fair market value determined at the time of the contribution) of appreciated property to X (which, if sold, would give rise to long-term capital gain). X did not receive any other contribution in either 1970 or 1971. During 1971, X made qualifying distributions of $700,000 which were treated as made out of the undistributed income for 1971 and $100,000 out of corpus. X will meet the requirements of section 170(b)(1)(E)(ii) for 1971 if it makes additional qualifying distributions of $400,000 out of corpus by March 15, 1972.

Example (2). Assume the facts as stated in Example (1), except that as of January 1, 1971, X had $100,000 of undistributed income for 1970. Under these circumstances, the $700,000 distributed by X in 1971 would be treated as made out of the undistributed income for 1970 and 1971. X would therefore have to make additional qualifying distributions of $500,000 out of corpus between January 1, 1972, and March 15, 1972, in order to meet the requirements of section 170(b)(1)(E)(ii) for 1971.

(2) *Special rules.* In applying subparagraph (1) of this paragraph—

(i) For purposes of section 170(b)(1)(A)(vii), an organization described in section 170(b)(1)(E)(ii) must distribute all contributions received in any year, whether of cash or property. However, solely for purposes of section 170(e)(1)(B)(ii), an organization described in section 170(b)(1)(E)(ii) is required to distribute all contributions of property only received in any year. Contributions for purposes of this paragraph do not include bequests, legacies, devises, or transfers within the meaning of section 2055 or 2106(a)(2) with respect to which a deduction was not allowed under section 170.

(ii) Any distributions made by a private foundation pursuant to subparagraph (1) of this paragraph with respect to a particular taxable year shall be treated as made first out of contributions of property and then out of contributions of cash received by such foundation in such year.

(iii) A private foundation is not required to trace specific contributions of property, or amounts into which such contributions are converted, to specific distributions.

(iv) The fair market value of contributed property, determined on the date of the contribution, is required to be used for purposes of determining whether an amount equal in value to 100 percent of the contributions received has been distributed.

(v) A private foundation may satisfy the requirements of subparagraph (1) of this paragraph for a particular taxable year by electing (pursuant to section 4942(h)(2) and the regulations thereunder) to treat a portion or all of one or more distributions, made not later than the 15th day of the third month after the close of such year, as made out of corpus.

(3) *Transitional rules—(i) Taxable years beginning before January 1, 1970, and ending after December 31, 1969.* In order for an organization to meet the distribution requirements of subparagraph (1)(i) of this paragraph for a taxable year which begins before January 1, 1970, and ends after December 31, 1969, it must, not later than the 15th day of the third month after the close of such

taxable year, distribute (within the meaning of subparagraph (1)(i) of this paragraph) an amount equal in value to 100 percent of all contributions (other than contributions described in section 4942(g)(3)) which were received between January 1, 1970, and the last day of such taxable year. Because the organization is not subject to the provisions of section 4942 for such year, the organization need not satisfy subparagraph (1)(ii) of this paragraph or the phrase "after the application of section 4942(g)(3)" for such year.

(ii) *Extension of period.* For purposes of section 170(b)(1)(A)(vii) and 170(e)(1)(B)(ii), in the case of a taxable year ending in either 1970, 1971 or 1972, the period referred to in section 170(b)(1)(E)(ii) for making distributions shall not expire before April 2, 1973.

(4) *Adequate records required.* A taxpayer claiming a deduction under section 170 for a charitable contribution to a foundation described in subparagraph (1) of this paragraph must obtain adequate records or other sufficient evidence from such foundation showing that the foundation made the required qualifying distributions within the time prescribed. Such records or other evidence must be attached to the taxpayer's return for the taxable year for which the charitable contribution deduction is claimed. If necessary, an amended income tax return or claim for refund may be filed in accordance with § 301.6402-2 and § 301.6402-3 of this chapter (procedure and administration regulations).

(h) *Private foundation maintaining a common fund—(1) Designation by substantial contributors.* An organization is described in section 170(b)(1)(A)(vii) and (E)(iii) if it is a private foundation all of the contributions to which are pooled in a common fund and which would be described in section 509(a)(3) but for the right of any donor who is a substantial contributor or his spouse to designate annually the recipients, from among public charities, of the income attributable to the donor's contribution to the fund and to direct (by deed or by will) the payment, to public charities, of the corpus in the common fund attributable to the donor's contribution. For purposes of this paragraph, the private foundation is to be treated as meeting the requirements of section 509(a)(3)(A) and (B) even though donors to the foundation, or their spouses, retain the right to, and in fact do, designate public charities to receive income or corpus from the fund.

(2) *Distribution requirements.* To qualify under subparagraph (1) of this paragraph, the private foundation described therein must be required by its governing instrument to distribute, and it must in fact distribute (including administrative expenses)—

(i) All of the adjusted net income (as defined in section 4942(f)) of the common fund to one or more public charities not later than the 15th day of the third month after the close of the taxable year in which such income is realized by the fund, and

(ii) All the corpus attributable to any donor's contribution to the fund to one or more public charities not later than 1 year after the donor's death or after the death of the donor's surviving spouse if such surviving spouse has the right to designate the recipients of such corpus.

(3) *Failure to designate.* A private foundation will not fail to qualify under this paragraph merely because a substantial contributor or his spouse fails to exercise his right to designate the recipients of income or corpus of the fund, provided that the income and corpus attributable to his contribution are distributed as required by subparagraph (2) of this paragraph.

(4) *Definitions.* For purposes of this paragraph—

(i) The term "substantial contributor" is as defined in section 507(d)(2) and the regulations thereunder.

(ii) The term "public charity" means an organization described in section 170(b)(1)(A) (i) through (vi). If an organization is described in section 170(b)(1)(A) (i) through (vi), and is also described in section 170(b)(1)(A)(viii), it shall be treated as a public charity for purposes of this paragraph.

(iii) The term "income attributable to" means the income earned by the fund which is properly allocable to the contributed amount by any reasonable and consistently applied method. See, for example, § 1.642(c)-5(c).

(iv) The term "corpus attributable to" means the portion of the corpus of the fund attributable to the contributed amount. Such portion may be determined by any reasonable and consistently applied method.

(v) The term "donor" means any individual who makes a contribution (whether of cash or property) to the private foundation, whether or not such individual is a substantial contributor.

(vi) Section 509(a)(2) or (3) organization. An organization is described in section 170(b)(1)(A)(viii) if it is described in section 509(a)(2) or (3) and the regulations thereunder.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 26, 1972.

FREDERICK W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.72-22454 Filed 12-29-72;2:19 pm]

[T.D. 7243]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deposit of Taxes Withheld

On December 5, 1972, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the rules for the deposit of taxes withheld under Chapter 3 of the Internal Revenue Code of 1954 to those presently in effect for taxes withheld under chapter 24 of the Code was published in the FEDERAL REGISTER (37 F.R. 25847). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 26, 1972

FREDERICK W. HICKMAN,
Assistant Secretary of the Treasury.

In order to conform the rules for the deposit of taxes withheld under Chapter 3 of the Internal Revenue Code of 1954 to those presently in effect for taxes withheld under chapter 24 of the Code, the Income Tax Regulations (26 CFR Part 1) under sections 1461 and 6302 of the Internal Revenue Code of 1954 are amended to provide new rules for payments or deposits of tax deposited under chapter 3 of the Code on or after January 1, 1973, as follows:

PARAGRAPH 1. Paragraph (a) of § 1.1461-3 is revised to read as follows:

§ 1.1461-3 Payment of withheld tax.

(a) *Payments of tax—(1) Quarterly payments—(i) Years prior to 1973.* Every withholding agent who, pursuant to chapter 3 of the Code, withholds tax during any calendar quarter beginning after December 31, 1966, and ending on or before December 31, 1972, shall, to the extent such amounts have not been deposited pursuant to § 1.6302-2 with a Federal Reserve bank or an authorized commercial bank, pay such withheld tax to the Director, Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19155, on or before the last day of the first calendar month following the close of the calendar quarter. Any amounts required to be paid to the Director pursuant to this subdivision shall be made with quarterly transmittal Form 4277, even though the withholding agent has made no deposits pursuant to paragraph (a)(2) of § 1.6302-2 and has no validated depositary receipts to accompany that transmittal form.

(ii) *1973 and subsequent years.* Payments are not required to be made for calendar quarters ending after December 31, 1972.

(2) *Payment of balance of tax with Form 1042.* If for any reason the total amount of tax required to be returned for any calendar year pursuant to paragraph (b) of § 1.1461-2 has not been deposited pursuant to § 1.6302-2 (or, for years prior to 1973 deposited pursuant to § 1.6302-2 or paid pursuant to subparagraph (1) of this paragraph), the withholding agent shall pay the balance of tax due for such year to the Director, In-

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ternal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19155, when filing Form 1042 for such year.

. . . . .

PAR. 2. Paragraphs (a)(1), (b), and (c) of § 1.1461–4 are revised to read as follows:

§ 1.1461–4 Adjustments for overwithholding of tax.

(a) *Repayment of erroneously withheld tax after payment of tax by withholding agent*—(1) *Repayment of tax to payee.* If, in any payment period (as defined in paragraph (c) of this section) occurring in a calendar year, a withholding agent (i) withholds from amounts paid to any person more than the correct amount of tax required to be withheld under chapter 3 of the Code and (ii) makes a deposit of the amount of such overwithholding as provided in § 1.6302–2 (or, for years prior to 1973, makes a payment or deposit of the amount of such overwithholding as provided in § 1.1461–3 or § 1.6302–2), the withholding agent may repay such amount, at any time before filing Form 1042 for such calendar year, to the person from whose income such amount was withheld.

. . . . .

(b) *Adjustment of tax payments or deposits.* If, pursuant to paragraph (a)(1) of this section, a withholding agent repays a person the amount of tax overwithheld from such person under chapter 3 of the Code during any payment period of the calendar year, the withholding agent may reduce, by the amount so overwithheld, the amount of any deposit of tax required by paragraph (a) of § 1.6302–2 (or, for years prior to 1973, the amount of any payment or deposit of tax required by § 1.1461–3 or paragraph (a) of § 1.6302–2) to be made by the withholding agent for any subsequent payment period occurring before the end of the calendar year following the calendar year of overwithholding. The reduction of a payment or deposit of tax for a payment period occurring in the calendar year following the calendar year of overwithholding shall be made only if the withholding agent files, on his Form 1042 for the calendar year of overwithholding, a claim for credit in accordance with paragraph (b) of § 1.6414–1. The application of this paragraph may be illustrated by the following examples:

Example (1). (a) A is a nonresident alien individual who is a resident of the United Kingdom. In December 1973, a domestic corporation M pays a dividend of $100 to A, at which time M Corporation withholds $30 and remits the balance of $70 to A. On February 16, 1974, A advises M Corporation that, pursuant to the income tax convention with the United Kingdom, only $15 tax should have been withheld from the $100 dividend and requests repayment of the $15 which was erroneously withheld. Although M Corporation has already deposited the $30 which was withheld, as permitted by paragraph (a)(1)(iv) of § 1.6302–2, such corporation repays A in the amount of $15.

(b) During 1973 M Corporation makes no other payments upon which tax is required to be withheld under chapter 3 of the Code; accordingly, its return on Form 1042 for such year, which is filed on March 15, 1974, shows total tax withheld of $30, which is reduced by an adjustment of $15 for the amount repaid to A, an adjusted total tax withheld of $15, and $30 previously paid for such year. Pursuant to paragraph (b) of § 1.6414–1, M Corporation claims credit for the overpayment of $15 shown on the Form 1042 for 1973. Accordingly, it is permitted to reduce by $15 any deposit required by § 1.6302–2 to be made of tax withheld during 1974. The Form 1042S required to be filed by M Corporation with respect to the dividend of $100 paid to A in 1973 is required to show tax withheld of $30 and tax released of $15. The Form 1042S (or authorized substitute) is required to accompany the Form 1042 for 1973 which is filed on March 15, 1974. No additional explanation is required to be filed with the Form 1042 for 1973 in support of the $15 adjustment claimed thereon.

(c) During 1974 M Corporation is required to withhold under chapter 3 of the Code $200, all of such amount being withheld in June of that year. Pursuant to § 1.6302–2, M Corporation deposits on July 15, 1974, the amount of $185, that is, $200 less the $15 for which credit is claimed on the Form 1042 for 1973. On March 17, 1975, M Corporation files its return on Form 1042 for 1974, which shows total tax withheld of $200, $185 previously deposited by M Corporation, and $15 allowable credit.

Example (2). The facts are the same as in example (1) except that paragraph (c) of such example does not apply and that M Corporation is required to deposit on a quarter-monthly basis the tax withheld under chapter 3 of the Code. M Corporation withholds tax of $100 between February 22, and February 28, 1974, and complies with the quarter-monthly deposit requirement of paragraph (a)(1)(ii) of § 1.6302–2 by depositing $75 [(100 X 90 percent) less $15] of the withheld tax by March 5, 1974 (3 banking days after February 28, 1974) and by depositing $10 [($100–$15) less $75] by March 20, 1974 (3 banking days after March 15, 1974).

(c) *Definition*—(1) *1973 and subsequent years.* For purposes of this section, for calendar years beginning on or after January 1, 1973, the term "payment period" means a calendar month or a quarter-monthly period (as the case may be) in such a calendar year with respect to which the withholding agent is required by paragraph (a)(1) of § 1.6302–2 to make a deposit of tax withheld under chapter 3 of the Code.

(2) *Years prior to 1973.* For the purposes of this section, for calendar years ending on or before December 31, 1972, the term "payment period" means (i) (*a*) a calendar month or (*b*) a semimonthly period (as the case may be) in such a calendar year with respect to which the withholding agent is required by paragraph (a)(2) of § 1.6302–2 to make a deposit of tax withheld under chapter 3 of the Code, or (ii) a calendar quarter in such a calendar year with respect to which he is required by paragraph (a)(1) of § 1.1461–3 to make a payment of such tax.

. . . . .

PAR. 3. Paragraph (a) of § 1.6302–2 is revised to read as follows:

§ 1.6302–2 Use of Government depositories for payment of tax withheld on nonresident aliens and foreign corporations.

(a) *Time for making deposits*—(1) *Deposits for 1973 and subsequent years*—(i) *Monthly deposits.* Except as provided in subdivisions (ii) and (iv) of this subparagraph, every withholding agent who, pursuant to chapter 3 of the Code, has accumulated at the close of any calendar month beginning on or after January 1, 1973, an aggregate amount of undeposited taxes of $200 or more shall deposit such aggregate amount with a Federal Reserve bank or authorized commercial bank (see paragraph (b)(1)(ii) of this section) within 15 days after the close of such calendar month. However, the preceding sentence shall not apply if posit of taxes pursuant to subdivision (ii) of this subparagraph with respect to a quarter-monthly period which occurred during such month.

(ii) *Quarter-monthly deposits.* If at the close of any quarter-monthly period within a calendar month beginning on or after January 1, 1973, the aggregate amount of undeposited taxes required to be withheld pursuant to chapter 3 of the Code is $2,000 or more, the withholding agent shall deposit such aggregate amount in a Federal Reserve bank or authorized commercial bank within 3 banking days after the close of such quarter-monthly period. For purposes of determining the amount of undeposited taxes at the close of a quarter-monthly period, undeposited taxes withheld with respect to items paid during a prior quarter-monthly period shall not be taken into account if the withholding agent made a deposit with respect to such prior quarter-monthly period. A withholding agent will be considered to have complied with the requirements of this subdivision with respect to the close of a quarter-monthly period if—

(*a*) His deposit is not less than 90 percent of the aggregate amount of the taxes required to be withheld during the period for which the deposit is made, and

(*b*) If such quarter-monthly period occurs in a month other than December, he deposits any underpayment with his first deposit which is otherwise required by this subparagraph to be made after the 15th day of the following month. Any underpayment of $200 or more for a quarter-monthly period closing during December must be deposited on or before the following January 31.

For purposes of this subparagraph, the term "quarter-monthly period" means the first 7 days of a calendar month, the 8th day through the 15th day of a calendar month, the 16th day through the 22d day of a calendar month, or the portion of a calendar month following the 22d day of such month.

(iii) *Excess deposits.* The excess (if any) of a deposit over the actual taxes

for a monthly or quarter-monthly deposit period shall be applied in order of time to each of the withholding agent's succeeding deposits with respect to the same calendar year, until exhausted, to the extent that the amount by which the taxes for a subsequent deposit period exceed the deposit for such subsequent deposit period.

(iv) *Annual deposits.* If at the close of the month of December of each calendar year beginning on or after January 1, 1973, the aggregate amount of undeposited taxes required to be withheld pursuant to chapter 3 of the Code is less than $200, the withholding agent may deposit such aggregate amount in a Federal Reserve bank or authorized commercial bank on or before March 15 of the following calendar year. If such aggregate amount is not so deposited, it shall be remitted in accordance with paragraph (a)(2) of § 1.1461–3.

(2) *Deposits for years prior to 1973*—(i) *Monthly deposits.* Except as provided in subdivision (ii) of this subparagraph, every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month (other than the last month of a calendar quarter) of a calendar year beginning before January 1, 1973, more than $100 in the aggregate shall deposit such aggregate amount with a Federal Reserve bank or authorized commercial bank within 15 days after the close of such calendar month, and who so withholds during March 1968, more than $100 in the aggregate shall so deposit such aggregate amount on or before April 30, 1968.

(ii) *Semimonthly deposits.* Every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month of a calendar quarter of a calendar year beginning before January 1, 1973, more than $2,500 in the aggregate shall deposit any tax, which is required to be withheld under such chapter during any semimonthly period of the next succeeding calendar quarter, with a Federal Reserve bank or authorized commercial bank within 3 banking days after the close of the semimonthly period during which the amounts to which such withholding relates are paid. For purposes of this subdivision, the term "semimonthly period" means the first 15 days of a calendar month or the part of a calendar month following the 15th day of such month. A withholding agent will be considered to have complied with the deposit requirements of this subdivision in respect of any semimonthly period if (*a*) his deposit for such semimonthly period is made within the time otherwise prescribed, (*b*) is not less than 90 percent of the aggregate amount of the tax required to be withheld under chapter 3 of the Code during such semimonthly period, and (*c*) if such semimonthly period occurs in a calendar month other than the last month in a calendar quarter, he deposits, within 3 banking days after the 15th day of the month following such calendar month, the balance of any amount withheld during such calendar month and not previously deposited, or if such semimonthly period occurs in March 1968, he deposits, on or before the last day of April 1968, the balance of any amount withheld during such calendar month and not previously deposited. In a case where an adjustment in the amount of a deposit for a semimonthly period is allowed pursuant to paragraph (b)(2) of § 1.1461–4, the 90-percent requirement of this subdivision will be considered met if the deposit for such period is not less than 90 percent of the aggregate amount of tax required to be withheld during such semimonthly period (determined without regard to such adjustment), reduced by the amount of such adjustment. See paragraph (b)(2) of § 1.1461–4 and example (2) thereunder. For determining the amount of tax required to be withheld under chapter 3 of the Code where there has been a reimbursement of overwithheld tax, see paragraph (b)(1)(ii) of § 1.1461–4.

(iii) *Quarterly deposits.* Every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar quarter beginning after March 31, 1968, and ending on or before December 31, 1972, tax in an amount which exceeds by more than $100 the total amount deposited by him pursuant to subdivisions (i) and (ii) of this subparagraph for such calendar quarter, shall, on or before the last day of the first calendar month following the close of the calendar quarter, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the total tax withheld during the calendar quarter exceeds the total deposits (if any) made pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) *Annual deposits.* If for any reason the total amount of tax required to be returned for a calendar year beginning after December 31, 1967, and before January 1, 1973, pursuant to paragraph (b) of § 1.1461–2 (relating to return of tax withheld) exceeds by more than $100 the sum of—

(*a*) Amounts deposited pursuant to subdivisions (i), (ii), and (iii) of this subparagraph (including any voluntary deposits made pursuant to paragraph (b)(3) of this section), and

(*b*) Amounts paid pursuant to paragraph (a)(1) of § 1.1461–3, for such calendar year,

the withholding agent shall deposit the balance of tax due for such year with a Federal Reserve bank or authorized commercial bank on or before the 15th day of the third month following the close of the calendar year.

(v) *Transitional rules.* Notwithstanding the provisions of paragraph (a)(1) of § 1.1461–3 and of subdivisions (i) and (ii) of this subparagraph, the aggregate amount of tax required to be withheld under chapter 3 of the Code by any withholding agent after December 31, 1966, and before June 1, 1967, shall be deposited with a Federal Reserve bank on or before June 22, 1967. For the purpose of paragraph (b)(2) of this section any amount deposited in accordance with the requirement of this subparagraph shall be considered as if it were deposited with respect to amounts withheld during the calendar quarter beginning April 1, 1967.

(3) *Cross reference.* For rules relating to the adjustment of deposits, see § 1.1461–4(b) and § 1.6414–1. For rules requiring payment of any undeposited tax, see § 1.1461–3.

. . . . .

[FR Doc.73–24 Filed 1–2–73;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72–78 CR]

PART 110—ANCHORAGE REGULATIONS

San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and Connecting Waters, California; Corrections

In F.R. Doc. 72–20590, appearing at page 25500, in the issue of Friday, December 1, 1972 (37 F.R. 25500), § 110.224 (a)(8)(i), appearing at page 25502, is corrected by changing the term "latitude 37°50'52.5'' " to read "latitude 37°50'-57.5'' "; also § 110.224(e)(2)(i), appearing the term "latitude 38°04'02.5'' " to ing the term "latitude 38°04'02.5'"" to read "latitude 38°03'47''."

Dated: December 26, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–102 Filed 1–2–73;8:45 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chlordimeform

A petition (PP 1F1171) was filed jointly by Ciba Agrochemical Co. (now Ciba-Geigy Corp.), Post Office Box 1105, Vero Beach, FL 32960, and NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-o-tolyl)-*N*, *N*-dimethylformamidine) and its metabolites containing the 4-chloro-o-tolui-

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dine moiety (calculated as the parent insecticide) from application of the insecticide as the free base or as the hydrochloride salt in or on the raw agricultural commodities cherries, nectarines, and peaches at 5 parts per million; plums (fresh prunes) at 4 parts per million; and walnuts at 0.25 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerance for residues on walnuts to 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 11.)

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.285 is amended by revising the paragraph "5 parts per million • • •" and by adding the two new paragraphs "4 parts per million • • •" and "0.1 part per million • • •", as follows:

§ 180.285 Chlordimeform; tolerances for residues.

• • • • •

5 parts per million in or on cottonseed, cherries, nectarines, peaches, and pears.

4 parts per million in or on plums (fresh prunes).

• • • • •

0.1 part per million in or on walnuts.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Street SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-3-73).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 22, 1972.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-82 Filed 1-2-73;8:45 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Application for Federal Interest Benefits and Student Affidavit

A proposal was published in the FEDERAL REGISTER on October 28, 1972 (Vol. 37, No. 209, p. 23152) to amend Part 177 of Title 45 of the Code of Federal Regulations to reflect certain provisions of the Education Amendments of 1972, Public Law 92-318. The key provisions of this proposal were essentially as follows:

1. Under revised § 177.2 a lender would set the amount of a loan as to which Federal interest benefits were applied for with the guidance of a recommendation of the educational institution to be attended by the student borrower. The recommendation of the educational institution is to be determined in accordance with a statutorily specified formula which takes into account the student's educational costs, expected family contribution, and other sources of financial aid. The section would define "expected family contribution" and specify the distinction to be applied between borrowers with adjusted family incomes of less than $15,000 and those with adjusted family incomes equal to or in excess of $15,000. Nothing in the revisions of § 177.2 would impose any new restrictions on the making of loans as to which no application is made for payment of Federal interest benefits.

2. New § 177.10 would set forth the rules applicable to the filing of the statutorily required affidavit that the student will use his loan proceeds solely for educational purposes.

Interested persons were invited to comment on the proposed amendments. A number of respondents suggested that the methods of determining the expected family contribution which were authorized under the proposed § 177.2(c)(2) would produce unrealistically high figures with respect to students who are no longer dependent on their parents and who have family responsibilities of their own. Accordingly, under new § 177.2(c)(3) an educational institution will be permitted to use a different method of computing the expected family contribution which takes these responsibilities into account with respect to independent students as defined in § 177.2(c)(3). Such a method must be one which has been promulgated by the Commissioner of Education or which produces results which are, on the whole, not dissimilar from those which would be produced under any method which has been so promulgated. It is expected that the Commissioner will promulgate at least one such method shortly.

The majority of the other comments expressing dissatisfaction with the proposed regulatory amendments contained objections to the inclusion of statutory requirements or the omission of provisions unauthorized by statute. In particular, it should be noted that the law requires that in order for any student, regardless of adjusted family income, to qualify for interest benefits, the educational institution which he is to attend must determine the amount of his need for a loan by subtracting from the estimated cost of his attendance at such institution his expected family contribution plus other resources or student aid, and the institution must then provide the lender with a statement recommending a loan in the amount of such need. Moreover, there is no authority in the law under which the Commissioner could compensate educational institutions for performing this function.

Other respondents objected to the requirement that the new student affidavit be signed in the presence of an authorized person other than one who takes part in the recruiting of students for enrollment at the prospective borrower's eligible institution. The Commissioner believes, however, that although this requirement may cause some parties some inconvenience, the segregation of the two functions will tend to prevent the pro forma treatment of the affidavit and to encourage the deliberate consideration of its terms by the prospective borrower.

Many comments were also received concerning the proposed form to be used with the amended regulations, which was published as an appendix to the proposed regulatory amendments. A number of the ideas contained in these comments are being incorporated into the final form, which will be available shortly.

Inasmuch as the Office of Education is currently reviewing the suitability of a number of methods of determining expected family contribution for this and other Federal student assistance programs, methods named in § 177.2(c)(2) are being approved only "until further notice".

In light of the foregoing, Part 177 of Title 45 of the Code of Federal Regulations is hereby amended by revising § 177.2 and adding a new § 177.10 (which sections shall be identical to those included in the proposal published on October 28, except for the modifications indicated above), to read as follows:

§ 177.2 Student eligibility for interest benefits.

(a) A student: (1) Who has received a loan from an eligible lender under (i) a student loan insurance program meeting the requirements of § 177.12 or § 177.13, (ii) a program meeting the requirements of § 177.14, or (iii) the program of Federal loan insurance provided for in Subpart E of this part, (2) who is enrolled or has been accepted for enrollment as at least a half-time student in an eligible institution, (3) who has had made on his behalf the determination and statement (and, as applicable, the consultation) provided for in paragraph (b) of this section, and (4) who is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands, is eligible for payment on his behalf of a portion of the interest as determined under § 177.4.

(b) In order for a student to be eligible for payment on his behalf by the Commissioner of a portion of the interest on a loan as determined under § 177.4: (1) The eligible institution at which the student has been accepted for enrollment or which he is attending (and in good standing as determined by the institution) must, prior to the making of such loan, (i) determine, pursuant to paragraph (c) of this section, the loan amount needed by the student, if any, and (ii) recommend that the lender make a loan in the amount so determined, and (2) the loan must not exceed the eligible institution's recommendation unless the basis for the lender's making a larger loan has been reduced to writing and made a part of the lender's records. In addition, in the case of a student with an adjusted family income equal to or greater than $15,000, if the loan exceeds the eligible institution's recommendation, a portion of the interest on such loan will be paid pursuant to § 177.4 only if prior to making the loan the lender consults with the eligible institution with respect to the latter's recommendation. The lender must keep a record of such consultation.

(c)(1) The determination referred to in paragraph (b) of this section is to be made by a responsible officer of the eligible institution concerned by subtracting from the amount estimated by such institution to be the cost of attendance at such institution for the period for which the loan is to be made, the expected family contribution with respect to such student plus any other resources or student aid that such institution determines to be reasonably available to the student during such period.

(2) For the purpose of this paragraph the "expected family contribution" shall mean the amount which a student, his parents, and his spouse may be realistically expected to contribute toward his postsecondary education for the academic period to be covered by the loan. The determination of the expected family contribution must be made by an eligible institution through the use of a method, embodying uniformly applicable standards and criteria, which takes into account the income, assets, and resources of the student and, except where the conditions set forth in § 177.3(c) are met, the income, assets, and resources of the student's parents and spouse. Any method used under an agreement between the eligible institution and the Commissioner in connection with the administration of any other program of Federal financial assistance, or, until further notice, the Alternate Income System, the American College Testing Program system, the College Scholarship Service system, or the Income Tax system, will meet the requirements of this paragraph. Other methods may meet the requirements of this paragraph but only if, except as provided in subparagraph (3) of this paragraph, they produce results which are, on the whole, not dissimilar from those which would be produced under any of the methods referred to in this paragraph. The eligible institution should make appropriate adjustments to the results reached under any of the approved methods so as to consider more meaningfully the individual circumstances of the student involved and, where applicable, his parents or spouse. Information about the generally recognized methods of needs analysis may be obtained from State or private nonprofit loan guarantee agencies, the regional offices of the U.S. Office of Education, and the Division of Insured Loans, Bureau of Higher Education, U.S. Office of Education, Washington, DC 20202.

(3) With respect to a student whose parents' income need not under § 177.3(c) be considered in computing his adjusted family income, an eligible institution may determine such student's expected family contribution through the use of a method which, by taking into account the family responsibilities of such student, produces results dissimilar from those which would be produced under any of the methods referred to in subparagraph (2) of this paragraph which do not take such factors into account. Such a method must be one which has been promulgated by the Commissioner or which produces results which are, on the whole, not dissimilar from those which would be produced under any method which has been so promulgated.

(d) To have interest payments made on his behalf, a student shall submit to the lender a statement in such form as the Commissioner may prescribe, which shall include:

(1) A certification by an eligible institution that he is enrolled at the institution or has been accepted for enrollment;

(2) Information necessary to determine, pursuant to § 177.3, whether his adjusted family income is less than $15,000;

(3) A statement from the eligible institution containing the determination and the recommendation provided for in paragraph (b) of this section; and

(4) Information concerning other loans to him which have been made under programs covered by this part or Part 178.

(e) The lender, acting in good faith, may in the absence of information to the contrary rely upon statements submitted by the borrower, his family, or an eligible institution pursuant to paragraph (d) of this section.

(f) This section shall apply to a loan if application for an insurance commitment with respect to such loan is received after February 28, 1973, by a State or private nonprofit agency under a student loan insurance program or the appropriate regional office of the U.S. Office of Education under the program of Federal loan insurance, or if a note or written evidence of a loan commitment is executed after February 28, 1973, under a direct State student loan program.

(g) Nothing in this section requires determination of need for a loan or of an expected family contribution or of adjusted family income with respect to the making or insuring of any loan covered by this part as to which no application for Federal interest benefits is made.

(20 U.S.C. 1078)

§ 177.10 Affidavit.

(a) No loan or loan guarantee may be made under this part unless the student to whom it is made has filed with the lender an affidavit, on a form provided or approved by the Commissioner, stating that the money attributable to such loan or loan guarantee will be used solely for expenses related to attendance at the eligible institution which the student intends to attend or is attending.

(b) The student must sign the affidavit in the presence of a notary or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at the eligible institution which the student intends to attend or is attending. The notary or other person must enter his signature and, as applicable, his seal or stamp on the affidavit form.

(c) The affidavit must be filed with the lender before the lender may apply for Federal insurance or a guarantee from a State or private nonprofit guarantee agency or, where the lender operates a direct State student loan program, before the loan for which the student is applying may be made. The lender must retain a copy of the affidavit in accordance with § 177.8(e). A copy of the affidavit or a statement that the affidavit has been filed must accompany the lender's application for Federal insurance or for a guarantee from a State or private nonprofit guarantee agency.

(20 U.S.C. 1082, 1088g)

Effective date. The amended § 177.2 shall become effective as of March 1,

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1973. That part of new § 177.10 which does not merely restate or interpret the law shall become effective February 2, 1973.

Dated: December 26, 1972.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: December 26, 1972.

ELLIOT L. RICHARDSON,
Secretary, Health, Education, and Welfare.

[FR Doc.73-200 Filed 1-2-73;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19551; FCC 72-1177]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

First report and order. In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Dublin and Atlanta, Ga.; Starkville, Miss.; Helena, Ark.), Docket No. 19551, RM-1821, RM-1923, RM-1864, RM-1978.

1. The Commission has before it the notice of proposed rule making, released July 24, 1972 (37 F.R. 15320) proposing an amendment of § 73.202(b) of the rules, the Table of FM Assignments.[1] The rule making proceeding was instituted on the basis of four petitions for assignment of FM channels to communities which were either conflicting or linked with one of the other proposals. Subsequent to the issuance of the notice, six other petitions were consolidated into the proceeding as counterproposals. This report and order concerns only the petition for a change in the assignment at Helena, Ark., RM-1978. At a later date, a report and order will be issued on the remaining petitions.

2. The notice observed that the operation of Station KCRI licensed to Radio Helena, Inc., on Channel 298, was causing second harmonic interference in the Helena, Ark., area to the reception of the television signal of a Memphis, Tenn., station operating on Channel 13. It appeared that although Radio Helena had taken corrective steps to rectify the interference problems, none of the steps proved effective. In the face of an economic boycott, the station reduced its radiated power from 48.8 kilowatts to 1.2 kilowatts, but some problems still remained. Since another Class C channel was not available for Helena, Radio Helena requested substitution of Channel 276A for Channel 298. However, this required a change in the assignment at Clarksdale, Miss., from Channel 276A to Channel 292A which coincided with part of an Atlanta, Ga., package of proposed changes. The Radio Helena petition was thus made a part of this rule making proceeding. In addition, since Radio Helena wished to continue operating from its present site, and since on the basis of the information then filed the distance separation from the proposed channel would be short-spaced less than 1 mile to Station WREC-FM, Memphis, Tenn., operating on Channel 274, it requested a waiver of the rule. In its motion to sever, Radio Helena stated that it had furnished incorrect coordinates for its transmitter site. The distance based on the corrected information, shows that the KCRI site would meet the minimum mileage separation requirement to Station WREC-FM. Thus, no further consideration need be given to the request for a waiver of the rule.

3. We believe that it would be in the public interest to sever the proposal for Helena, Ark., from other proposals in this proceeding, and grant the petition for substitution of an FM assignment. The connecting link of the Helena proposal with the Atlanta package of proposed changes is Clarksdale, Miss. If channel 292A were to be substituted for channel 276A at Clarksdale, the change there would not affect the assignment at Oxford, Miss.—either the present or the proposed assignment. Oxford is presently assigned channel 248 and would be changed to channel 278 by the Atlanta proposal, which in turn requires a change at Clarksdale to channel 292A. The severance and grant of the Helena proposal therefore would not affect whatever action that may be taken later on the Atlanta proposal. Further, the adoption of the proposed change in the assignment at Helena would provide immediate relief to Station KCRI from its limited power operation.

4. There is one other matter which must be taken into consideration. The proposal in RM-1978 was to delete channel 298 at Helena, Ark., and substitute Channel 276A therefor. To accomplish this change, the notice herein also proposed substitution of channel 292A for channel 276A at Clarksdale, Miss. In passing, the notice mentioned that the deletion of channel 298 at Helena would make it free for use elsewhere, and it was noted that the petitioner for the change at Helena mentioned Stuttgart, Ark., as a likely location. (See Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception, Public Notice, FCC 66-106, Feb. 3, 1966.) However, the notice (released July 24, 1972) did not contain a proposal to assign channel 298 to Stuttgart. On July 21, 1972, Carroll D. Caldwell filed a petition for rule making (RM-2020) to assign channel 295 to Little Rock, Ark., a proposal which would conflict with assignment of channel 298 to Stuttgart. Through error, in a public notice released August 4, 1972 (FCC Report No. 825), it was announced, pursuant to our cutoff procedures in FM rule making proceedings, that RM-2020 would be considered as a counterproposal in this docket. In a Public Notice (FCC No. 833) released October 2, 1972, we corrected that error by announcing that RM-2020 would not be considered in this docket. The basis for this was that, since there was no outstanding proposal to assign channel 298 to Stuttgart, it was improper to associate RM-2020 with this docket as a counterproposal.

5. Mr. Caldwell on October 17, 1972, filed a petition for reconsideration of the October 2 action urging, among other things, that comments have been filed in this proceeding going to the merits of his Little Rock proposal and that to remove RM-2020 from this docket will cause Mr. Caldwell to suffer a delay of many months before it again reaches the procedural posture that it had in this proceeding. The short answer to this is that the Caldwell petition (RM-2020) was erroneously injected into this docket and we see no reason why it should be retained, especially since an opposition filed against it raises problems the solution of which could unduly delay a final disposition of RM-1978 concerning Helena.[2] Accordingly, the petition for reconsideration will be denied. When the Caldwell petition for rule making is acted on, all filings directed at it when it was filed, or filed as comments in the present docket will be taken into consideration.

6. The authority for the actions taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered*, That effective February 2, 1973, the Table of FM Assignments (§ 73.202(b) of the rules) is amended with respect to the cities listed below to read as follows:

City	*Channel No.*
Helena, Ark	276A
Clarksdale, Miss	269A, 292A

8. *It is further ordered*, That effective February 2, 1973, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Radio Helena, Inc., for Station KCRI(FM), Helena, Ark., is modified to specify operation on Channel 276A in lieu of Channel 298 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 15, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by February 2, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KCRI(FM) on Channel 276A at Helena, Ark.

(c) The licensee may continue to operate on Channel 298 under its outstanding authorization until it is ready to operate on the new frequency. Within 30 days of commencing operation on Channel 276A, the licensee shall submit measurement data of the sort normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 276A without prior authorization from the Commission.

9. *It is further ordered*, That the motion to sever and request for immediate grant filed October 20, 1972, by Radio Helena, Inc., is granted, and

10. *It is further ordered*, That the petition for reconsideration filed October 17, 1972, by Carroll D. Caldwell is denied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 20, 1972.

Released: December 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-61 Filed 1-2-73;8:45 am]

[1] Also there is a motion to sever and request for immediate grant filed Oct. 20, 1972, by Radio Helena, Inc., licensee of Station KCRI (FM), Helena, Ark. Since the action to be taken herein would not prejudice the proposals filed by other parties to the proceeding, we will grant the motion.

[2] Mr. Caldwell will not be penalized as his petition will receive action in turn based on its original filing date.

[Docket No. 19491; FCC 72-1174]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

Report and order. In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Front Royal, Va.; Morro Bay, Calif.; Vieques, P.R.), Docket No. 19491, RM-1769, RM-1789, RM-1792.

1. On April 19, 1972, the Commission adopted a notice of proposed rule making (FCC 72-355, released April 25, 1972) in the above-entitled matter. That notice, which we presently have before us, discussed the amendment of section 73.202(b) of our rules in respect to three FM channel allocations. Each will be discussed seriatim below. All population statistics cited are from the 1970 U.S. census unless otherwise specified.

RM-1769, FRONT ROYAL, VA.

2. On March 19, 1971, WFTR, Inc. (WFTR) filed a petition requesting the assignment of FM channel 237A to Front Royal, Va. The notice of proposed rule making cited above set out the proposal for exploration in this rule making proceeding. No other revision in the FM table of assignments was proposed. The only party filing comments with respect to the proposal is petitioner.

3. Front Royal, Va. (population 8,211) is the county seat of Warren County (population 15,301). The only standard broadcast station in Front Royal (WFTR), a class IV operation, is licensed to the petitioner. Channel 257A, the only FM assignment in the community, is occupied by Wayside Broadcasting Corp. which holds a CP for WFFV at Front Royal.

4. WFTR's comment basically is a reiteration of its original petition, the public interest showing of which was set forth in the notice of proposed rule making in this docket. It is maintained that but 12 of Virginia's 96 counties have a higher per capita income than Warren County, and that only eight have a higher median income. The pleadings indicate that over one-half of the population of Warren County is under 31 years of age, and that the average family size of the population is 3.42 persons. Over two-thirds of these families have children under 18 years of age. In light of these facts petitioner concludes that Warren County and Front Royal are dynamic and growing areas. WFTR asserts that its standard broadcast station is severely limited in its nighttime coverage and that the proposed FM service would increase the nighttime coverage of its present programing from 9 square miles to 615 square miles.

5. In view of the foregoing and the facts that: no oppositions have been filed, no existing assignment or service will be disturbed by the proposed assignment and that there is a strong interest on the part of petitioner to bring Front Royal and its surrounding area a full-time commercial service, we find it in the public interest to amend § 73.202(b) of our rules to assign FM channel 237A to Front Royal, Va.[1]

RM-1789, MORRO BAY, CALIF.

6. The notice of proposed rule making in this proceeding, in response to a petition filed on April 9, 1971 and a supplement received on May 14, 1971, by Mineral King Broadcasters and Mr. Elbert H. Dean, a joint venture doing business as Morro Bay Broadcasters (Bay Broadcasters), proposed to assign FM channel 283 to Morro Bay, Calif. No other changes in the FM table of assignments are required or proposed. In response to the notice comments were received from petitioner and Central California Communications Corp. (licensee of FM station KSBY-FM, channel 227, San Luis Obispo, Calif.) (KSBY). Both participating parties also filed reply comments.

7. San Luis Obispo County, Calif. has a population of 105,690 persons. It contains the city of Morro Bay with 7,109 residents. The FM table of assignments contains no assignment for Morro Bay. Petitioner presently holds a CP (BP-14338) for the construction of KBAI with which it expects to serve the community as a daytime-only standard broadcast station.

8. Bay Broadcasters' comment assures the Commission of its present intention to apply for channel 283 upon assignment of the channel to Morro Bay, Calif., and incorporates by reference its former pleadings. Apparently petitioner is of the view that our notice's presentation of its position adequately describes its contentions.

9. KSBY opposes the proposed assignment of channel 283 to Morro Bay, Calif., basically on the ground that a class B operation at Morro Bay would do its station (KSBY-FM, FM channel 227, San Luis Obispo, Calif., 12 miles distant) economic harm through competition. In opposing the Morro Bay assignment it also offers a variety of public interest considerations, which in its view, militate against the assignment of channel 283 to Morro Bay. It is KSBY's belief that Bay Broadcasters seeks the assignment of channel 283 to Morro Bay only to serve the city of San Luis Obispo ("a Suburban Issue") and that such competition to the existing services at San Luis Obispo will result in "economic chaos."[2] No financial or economic statistics are offered to support this position. In view of the facts that the proposed channel 283 would meet our minimum mileage separation requirements for assignment to San Luis Obispo directly, and that petitioner is not seeking to have the channel assigned to that community, but instead is seeking to have the proposed assignment made to Morro Bay, 12 miles distant, we cannot agree that any "Suburban Issue" exists in this matter. In brief, if Bay Broadcasters' intent was to create a new service for San Luis Obispo it could do so simply by seeking the assignment of channel 283 directly to that community. In light of the material Bay Broadcasters has set out concerning Morro Bay (see reference in paragraph 8, supra), the distance between San Luis Obispo and Morro Bay and the rugged terrain between them (which tends to separate them socially and commercially) we are convinced that the two cities are basically independent entities, each with their own interests, needs, and tastes. With respect to the question of any possible undesirable economic competition between the proposed FM station at Morro Bay and KSBY's service at San Luis Obispo ("a Carroll issue"), we must follow our long established standard policy of normally considering such questions only in connection with objections raised at the time of specific applications for licensing. Here, however, we do wish to note, that both commercial FM assignments in San Luis Obispo are class B in power and that they will give any Morro Bay service some competition—a competition which may make any Morro Bay service infeasible if it were without equal power.

10. There are a number of general public interest considerations which KSBY brings to our attention in attempting to demonstrate that the assignment of channel 283 should not be made to Morro Bay: first, it argues that the general assignment policy of the Commission correctly is to assign class B and C FM channels to large cities and class A FM channels to small communities such as Morro Bay. Therefore it maintains that

[1] Due to the existence of station WQMC on channel 237A at Charlottesville, Va., the transmitter site for any Front Royal station established on channel 237A will have to be located at a minimum of 4 miles north of the community.

[2] The population of San Luis Obispo is 28,036. It has two commercial FM class B assignments, 227 (KSBY-FM) and 241 (KUNA(FM)). Three standard broadcast stations are licensed in the community: KSLY, KVEC, and KATY.

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the assignment of a class B channel to Morro Bay conflicts with our general assignment policy and is unprecedented. In response Bay Broadcasters lists the following small California communities with their populations asserting that each has a class B FM assignment: Alturas (2,799), Auburn (6,570), Bishop (3,498), Blythe (7,047), Burney (2,190), Dinuba (7,917), Needles (4,051), Oakdale (6,594), and Twenty-nine Palms (5,667). Petitioner maintains that there is an established exception to the general assignment policy noted by KSBY, i.e., that class B and C FM channels are assigned by the Commission to small communities when there are circumstances which demonstrate that a class A FM channel would not serve a sufficient number of people to make a class A assignment economically feasible because of the smallness of the community itself when surrounding populations are not included in the radio service. After examining the pleadings we agree with petitioner that Morro Bay (population 7,109) is the type of community which requires a class B FM assignment in order for an FM station to survive there and have sufficient support to provide attractive programming. Moreover, an FM station at Morro Bay must be strong enough economically to survive competition from the two stations operating on class B channels at San Luis Obispo, 12 miles distant. (It is noted that the Pacific Ocean lies to the west of Morro Bay, and there are mountains to the north, south, and east. However, it appears that the mountainous terrain is such that the passage of FM signals may be limited but not barred.) [3]

11. Second, KSBY asserts that the assignment of channel 283 to Morro Bay is not in the public interest because it precludes the assignment of adjacent or cochannels to 11 other California communities: Camarillo (19,219), King City (3,717), Lompoc (25,284), Ojai (5,591), Oxnard (71,225), Paso Robles (7,168), San Luis Obispo (28,036), Santa Barbara (70,215), Santa Maria (32,749), Santa Paula (18,001), and Ventura (55,797). Bay Broadcasters' engineering study and our analysis indicate that KSBY is simply incorrect in this statement. The assignment of channel 283 to Morro Bay has no preclusionary effect on nine of the 11 communities listed by KSBY because of the existence of other assignments (in a number of instances more than one) which already preclude assignment to the nine communities of any FM channel related to channel 283. The Morro Bay assignment itself would preclude an assignment only at Paso Robles or San Luis Obispo. Paso Robles' population supra is approximately that of Morro Bay's. This community has one standard broadcast station licensed (an unlimited time KPRL) while FM Station KPRA broadcasts on FM channel 232A assigned to the community. San Luis Obispo (population 28,036) has three operative standard broadcast stations and two commercial FM stations located in it, supra footnote 2. Morro Bay has no operative broadcast station and without the establishment of the proposed FM service no prospect for a first fulltime local service. Furthermore there is no demand for an additional FM service at either Paso Robles or San Luis Obispo. Clearly, under these circumstances, it is in the public interest to prefer a first fulltime local service for Morro Bay rather than additional local service to either Paso Robles or San Luis Obispo. We note, from the view of the private interest of KSBY, that the assignment of channel 283 to San Luis Obispo would be undesirable in that such an assignment would indeed provide that which it wishes to avoid, new direct competition with its San Luis Obispo FM station, KSBY–FM. In sum, on this point, we affirm the statement made in our notice of proposed rule making in this proceeding:

> • • • the assignment of channel 283 to Morro Bay will not have a preclusionary effect on other assignments which would be opposed to the public interest.

12. Third, KSBY maintains that Morro Bay does not need an FM assignment because:

> Morro Bay is currently served by at least four nearby AM radio stations, KVEC, KATY, KSLY, San Luis Obispo; and KFYV in Arroyo Grande • • •. In addition to the AM stations, Morro Bay is also served by at least two FM stations, namely KSBY–FM and KATY–FM [KUNA(FM)], both located in San Luis Obispo • • •.

Petitioner sets out several facts concerning the listed stations' power, tower height, and distance from Morro Bay and concludes from them that the only fulltime external FM service received in Morro Bay with a useable signal is that of KSBY–FM and that the only useable signal at nighttime in Morro Bay received from a listed standard broadcast station is that of KVEC. It is our view in this matter, as in many other proceedings, that the key question with respect to the community of Morro Bay is not how many radio services it may receive from other communities, but rather, its need for a first local fulltime radio service.[4] Clearly, from the facts set out in this proceeding, Morro Bay is an independent community which has its own special needs, problems, tastes, and interests. It appears that its broadcast requirements can only be met effectively by the establishment of a first fulltime local radio voice: therefore, on the overall view, we must adhere, in this matter, to the emphasis we normally place on the creation of first local radio facilities.

13. In light of the above facts, analyses, and discussions we find that the public interest mandate of section 307(b) of the Communications Act of 1934, as amended is best forwarded by the assignment of FM channel 283 to Morro Bay, Calif.

RM–1793, VIEQUES, PUERTO RICO

14. In response to a petition filed by Mr. Carlos Juan Colon Ventura on May 7, 1971, the notice of proposed rule making in this proceeding proposed to assign FM channel 255 to the Island of Vieques, Puerto Rico. No other change in the FM table of assignments was proposed in connection with the Vieques proposal. Petitioner filed timely comments on the last day for so doing, June 2, 1972. Pan Caribbean Broadcasting Corp. (Pan Caribbean), license of FM station WMDD–FM (operating on FM channel 243) and standard broadcast station WMDD, both at Fajardo, Puerto Rico, late filed an opposing comment on August 8, 1972. The time for filing reply comments had passed as of June 12, 1972. Pan Caribbean explains that it had inadvertently failed to notice the notice of proposed rule making in this proceeding and requests that we consider its comments in order to have the public interest factors, with which it asserts it is concerned, before us. We have considered the matter and notwithstanding our concern with the extent of the late filing have decided to accept Pan Caribbean's comments in this proceeding both because we are of the view that all public interest matters should be considered and because no objections have been filed to so doing by counsel for Mr. Ventura. The record indicates that Mr. Ventura's attorneys have been served a copy of the objecting comments by mail on August 8, 1972.

15. There is no FM assignment on the island of Vieques, Puerto Rico with its population of 7,767 residents. WIVV, a standard broadcast station, is licensed to the Calvary Baptist Mission of Puerto Rico, on Vieques. An application has been accepted proposing the construction of a standard broadcast station to use 1030 kHz on Vieques, BP–19204 filed by Vieques Radio Corp.[5] This application is mutually exclusive with three applications proposing standard broadcast stations at San Juan, Puerto Rico (BP–19073, Mr. Augustine L. Cavallaro; BP–19202, Summit Broadcasting of Puerto Rico Inc.; and BP–19201, Boricua Broadcasting Corp.) and one application filed proposing a standard broadcast station at Rio Grande, Puerto Rico (BP–19203, Mr. Jose Fiqueroa, Mr. Antonio L. Ochoa, and Mr. Gonzalo M. Aponte doing business as Fiqueroa & Associates).

16. Petitioner's comment in this rule making, RM–1792, in sum, incorporates by reference its earlier pleading and affirms Mr. Ventura's intention to apply for a construction permit for a station on channel 255 if it is assigned to Vieques. It seems that Mr. Ventura is of the view that our notice's description of his thoughts are correct and sufficient.

17. Pan Caribbean objects to Mr. Ventura's proposal on the basis that a wide coverage class B FM channel operating from Vieques would put a useable signal over the eastern tip of the main island of Puerto Rico and thereby compete with its stations WMDD–FM, channel 243, and standard broadcast station WMDD, both at Fajardo, Puerto Rico. In addition Pan Caribbean asserts that the proposed FM station on Vieques would compete with an expected FM service at Luquillo, Puerto Rico on newly assigned (effective July 28, 1972) FM channel 221A. In an attempt to demonstrate the poor economic status of FM broadcasting on the eastern tip of the main island of Puerto Rico it alleges that the class B channel, 299, assigned to Humacao, Puerto Rico, is presently lying fallow and will not be activated in the face of a Vieques service. With reference to the distances of two of the communities from Vieques: Fajardo is approximately 19 miles northwest and Luquillo is approximately 23 miles northwest. Concerning any possible disadvantage to newly assigned channel 221A at Luquillo we note only that the petitioner who requested the Luquillo assignment, Mr. Carlos Rivera, has filed no opposition to the Vieques proposal and continued to seek the FM assignment to Luquillo notwithstanding the knowledge he must have had concerning the Vieques proposal. The Vieques proposal was originally filed with this Commission May 7, 1971. With regard to channel 299 assigned to Humacao, it is presently being used at Carolina, Puerto Rico (WOLA–FM) under our prior "25-mile rule." Carolina is approximately 40 miles northwest of Vieques. No opposition to the Vieques assignment has been filed by the licensee of WOLA–FM, International Broadcasting Corp.

18. In respect to economic competition between the proposed Vieques FM service and Pan Caribbean's FM and AM combination at Fajardo, we observe that WMDD–FM is located on a class B channel (243), which has the same power potential as the class B assignment under consideration for use at Vieques. In accordance with our long established policy we here advise Pan Caribbean that we do not normally consider Carroll issues in rule making proceedings and that if it wishes to file an objection to the activation of channel 255 at Vieques because it believes that its operations will receive undue economic competition from such an FM service, it may file an opposition including a Carroll issue at the time of any specific application for the use of channel 255 at Vieques. See our decision in this docket (19491), RM–1789, Morro Bay, Calif., supra.

19. As public interest considerations Pan Caribbean emphasizes the small size of the island of Vieques and its population, 52 square miles and 7,767 persons, respectively. It maintains that class A FM channels such as 232A, 237A, and 280A could easily serve entire Vieques. Pan Caribbean also filed an exhibit which appears to indicate that the economy on Vieques is sluggish. We agree with it that Vieques contains a small population and that the economy does not appear to be active. Because of these facts we are convinced that for an FM service to be economically feasible on Vieques it requires the power which will enable it to serve not only Vieques and the boating in its surrounding waters but in addition those segments of eastern Puerto Rico which have a natural connection with, and interest in, the activity of the Vieques community. In brief, we agree with petitioner that this matter is one of those instances when a wide coverage FM service must be assigned to a small and isolated community in order for the station to have service area sufficient in size to make the FM service viable from the economic view. Too, we concur with Mr. Ventura's belief that a first local fulltime commercial FM radio service on Vieques may very well help strengthen and develop the community's economy.[6]

20. On balance, we have come to the judgment that it is in the public interest to amend the FM table of assignments (§ 73.202(b) of our rules) to assign channel 255 to Vieques, Puerto Rico. Our decision is based on the above facts, discussed policies and the mandate of section 307(b) of the Communications Act of 1934, as amended.

21. Authority for the actions taken herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

22. *Accordingly, it is ordered,* That effective February 2, 1973, the FM table of assignments in § 73.202(b) of the Commission rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	Channel No.
Front Royal, Va	237A, 257A
Morro Bay, Calif	283
Vieques, P.R	255

23. *It is further ordered,* That this proceeding (Docket No. 19491, RM–1769, RM–1789 and RM–1792) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 20, 1972.

Released: December 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-60 Filed 1-2-72;8:45 am]

[3] Based on theoretical engineering studies, petitioner's pleadings optimistically suggest that a class B FM station, operating with 50 kilowatts and antenna height of 500 feet above average terrain at Morro Bay would provide service to 200,384 persons in an area of 2,639 square miles and that, although it would not provide a first service, it would provide a second service, to 4,090 persons in an area of 698 square miles, or 2.05 percent of the population and 26.5 percent of the area within the 1 mv./m. contour. In contrast thereto, Bay Broadcasters asserts that a class A FM station, operating with a maximum facility, would provide service to 56,561 persons in an area of only 426 square miles, and a second service to 53 persons in an area of only 13 square miles, or 0.09 percent of the population and 3.1 percent of the area within the 1 mv./m. contour. KSBY quarrels with these statistics and suggests that substantially fewer people will be served by the proposed new service. Although it is difficult to make a conclusive judgment from the material before us, we tend to concur with KSBY on this point.

[4] We are aware that there is a construction permit outstanding (BP–14338) (held by Bay Broadcasting) for construction of a first standard broadcast station in Morro Bay. We note however that the construction permit for KABI will only permit the establishment of a daytime-only standard broadcast station.

[5] Vieques Radio Corp. formerly sought a standard broadcast service for Vieques on 1540 kHz which has been revised in the subject application to operate on 1030 kHz.

[6] One of the factors Pan Caribbean views as militating against the assignment of channel 255 in Vieques is the pending application for the use of 1030 kHz (BP–19204 filed by Vieques Radio Corp.) to establish a standard broadcast station on Vieques. Its reasoning is that Vieques will have sufficient local service with such a station. Pan Caribbean in making this point overlooks the fact that the Vieques standard broadcast station proposal is mutually exclusive with four other proposals. See paragraph 13, supra.

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Proposed Rule Making

DEPARTMENT OF STATE

[22 CFR Part 86]

[Docket No. SD–102]

MARITIME DISASTERS, AWARDS AND SEIZURES

Claims Arising Out of Seizures of Vessels

Notice is hereby given that the Department of State proposes to revise and amend Part 86, Chapter I, of Title 22 of the Code of Federal Regulations relating to claims arising out of seizures of vessels. These revisions and amendments are necessary to implement the duties vested in the Secretary of State by the Fishermen's Protective Act, as amended by Public Law 92–569 of October 26, 1972 (22 U.S.C. 1971) and explain the procedures to be followed regarding claims for reimbursement.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revisions and additions to the Office of the Legal Adviser, Department of State, Washington, D.C. 20520, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written materials or suggestions submitted in response to this notice will be available for public inspection in room 5421, U.S. Department of State, 2201 C Street NW., Washington, DC, on Monday through Friday of each week from 8:45 a.m. to 5:30 p.m.

[SEAL] U. ALEXIS JOHNSON,
Acting Secretary of State.

DECEMBER 26, 1972.

1. The table of contents of Part 86, following § 86.6, would read as follows:

Sec.
86.7 Seizures of vessels.
86.8 Certification by Secretary of State of fines, fees, and other direct charges.
86.9 Lien on vessel.
86.10 Claims arising out of seizures of vessels.
86.11 Notification.
86.12 Exemptions.

AUTHORITY: The provisions of this Part 86 issued under section 4 of the Act of May 26, 1949, as amended (63 Stat. 111, 22 U.S.C. 2658) unless otherwise noted and delegation of authority No. 94–1 dated March 6, 1969 (34 F.R. 5512).

2. Section 86.7 is revised to read as follows:

§ 86.7 Seizures of vessels.

(a) When a private vessel documented or certificated under the laws of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and

(b) There is no dispute of material facts with respect to the location or activity of such vessel at the time of the seizure, the Secretary of State shall, as soon as practicable, take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country, to secure the release of such vessel and crew, and to immediately ascertain the amount of any fine, fee, or other direct charge which had been paid to secure the prompt release of the vessel and the crew.

3. The heading and text of § 86.8 is revised to read as follows:

§ 86.8 Certification by Secretary of State of fines, fees, and other direct charges.

(a) When a vessel is seized under the conditions stated in § 86.7, and a fine, license fee, registration fee, or any other direct charge has been paid in order to secure the prompt release of the vessel and crew, the legal adviser or deputy legal adviser, acting for the Secretary of State, shall, as soon as possible after ascertainment, make a certification to the Secretary of the Treasury of the amount of the fine, license fee, registration fee, or any other direct charge actually paid for reimbursement to the owner of such vessel from the Fishermen's Protective Fund, as authorized by the Act of October 26, 1972 amending the Fishermen's Protective Act of 1967.

(b) As a condition precedent to such certification, the owner of the vessel or his agent shall furnish the Secretary of State a "Certificate of Ownership of Vessel" showing that the vessel was documented or certificated under the laws of the United States at the time of seizure.

4. The heading and text of § 86.9 is revised to read as follows:

§ 86.9 Lien on vessel.

The amount of any reimbursement from the Fishermen's Protective Fund made by the Secretary of the Treasury to the owner of a vessel as provided in § 86.8 shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be found. Such lien shall terminate on the 90th day after the date on which the Treasury check of reimbursement is issued to the owner unless before such 90th day the United States terminates the lien or initiates action to enforce the lien. The Secretary of State shall initially determine at an appropriate time before the 90th day whether proceedings shall be initiated by the United States to enforce such lien. The Secretary of State shall request the Department of Justice to initiate and conduct the lien proceedings.

5. A new § 86.10 is added to read as follows:

§ 86.10 Claims arising out of seizures of vessels.

(a) *Submission of claim.* (1) Within 50 days after reimbursement of a fine, fee, or other direct charges by the Secretary of the Treasury, the owner of the vessel shall submit a properly prepared and documented claim to the Office of the Legal Adviser, Department of State, Washington, D.C. 20520. The claim may be filed by the owner of the vessel or by an authorized agent. When filed by an agent, the claim must show the title or capacity of the person presenting the claim and must be accompanied by evidence of his appointment as a duly authorized agent.

(2) The owner of the vessel or his agent may within 15 days after notification in writing by the Department of State of the invalidity of the claim or the insufficiency of evidence to support the claim, submit supporting legal briefs, additional documents or evidence, or request a review of the claim by the Department of State.

(b) *Form of claim.* The claim shall be prepared in the form of a sworn statement, in triplicate, and shall contain in narrative form a clear chronological statement of the following facts:

(1) Name and address of claimant.

(2) Date and manner in which claimant became a national of the United States.

(3) Date and manner in which claimant acquired vessel or other property involved.

(4) Name of home port of vessel at time of seizure and date of last documentation.

(5) Date and time of seizure and foreign government making the seizure.

(6) Detailed circumstances of the seizure, including the exact place of seizure and how determined, activities of the vessel when seized, actions of the seizing vessel, etc.

(7) Names of official and agency seizing the vessel and description of seizing vessel.

(8) Hearings afforded the captain of the vessel, defenses interposed and determination of the tribunal, including the amount of the fine paid, and/or the license fee, registration fee, and other direct charges exacted as a condition of release.

(9) Name of agency to which amounts in item 8 paid.

(10) Date vessel released and date sailed.

(11) Nature and amount of other losses sustained as a result of the seizure.

(c) *Evidence to be submitted by claimant.* There shall be attached to the sworn statement of claim documentary evidence consisting of original documents or certified copies thereof to support every allegation in the sworn statement. The documents filed as evidence shall be numbered consecutively and cited by

number in the sworn statement in support of which the documents are filed. All evidence shall be filed in triplicate. The original evidence or certified copies thereof shall be attached to the original copy of the claim. Uncertified copies may be attached to the other two copies of the affidavit of claim. All documents submitted in other than the English language shall be accompanied by an English translation. The more important documentary evidence filed in support of the claim shall include the following:

(1) Articles of incorporation of the owner or partnership agreement of the owners and all amendments thereto.

(2) Proof of citizenship of officers and directors of the corporation or of the partners, or of a sole individual owner, as the case may be.

(3) Affidavit of an officer of the corporation as to the citizenship status of the stockholders as far as known.

(4) Receipt for payment of fine, fees, or other direct charge.

(5) Proof to substantiate all other expenses for which claim is made, consisting of receipts, vouchers, etc.

(6) Log of the vessel seized.

(7) Records of any hearings conducted by authorities of the government making the seizure relative to such seizure.

(8) Convincing evidence of any available nature to bring the case within the provisions of the statute.

(9) Affidavits of officers of the seized vessel corroborating allegations upon which the claim is based.

6. A new § 86.11 is added to read as follows:

§ 86.11 Notification.

The Department of State will notify the Department of the Treasury and the owner of the vessel or his agent in writing of the final determination made regarding any pending claim.

7. A new § 86.12 is added to read as follows:

§ 86.12 Exemptions.

The provisions of this section shall apply with respect to seizures of vessels of the United States occurring on or after October 26, 1972; except that reimbursements under section 3 of the Fishermen's Protective Act of 1967 may be made from the fund provided by section 9 of the Act as amended with respect to any seizure of a vessel occurring before such date of enactment and after December 31, 1970, if no reimbursement had been made before such date.

[FR Doc.73-80 Filed 1-2-73;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 21]

NATIONAL AND DISTRICT BANKS

Minimum Security Devices and Procedures

Notice is hereby given that the Comptroller of the Currency is considering a revision of appendix A, "Minimum Standards for Security Devices," to Part 21 entitled "Minimum Security Devices and Procedures for National and District Banks," of title 12 of the Code of Federal Regulations. The proposed revision of appendix A revises and clarifies the minimum standards with which each national and district bank must comply with respect to the installation, maintenance, and operation of security devices to discourage robberies, burglaries, and larcenies, and to assist in the identification and apprehension of persons who commit such acts.

Among the proposed revisions are a definition of vaults as distinguished from safes, modified standards of vault construction, and protection standards for cash dispensing machines. The standards for safe deposit boxes would be clarified to indicate that they must be stored in an approved vault or safe.

This notice is published pursuant to Section 553 of Title 5, United States Code. Interested persons are invited to submit in writing relevant data, views, or arguments to aid the Comptroller of the Currency in the consideration of this matter. Any such material should be identified by reference to "Proposed Revision to 12 CFR Part 21 Appendix A" and should be sent to the following address:

Office of the Comptroller of the Currency, Attention: Paul E. Lackland, Special Assistant to the Comptroller, Treasury Building, Washington, D.C. 20220.

The proposed revision of appendix A appears below.

Dated: December 26, 1972.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

In order to assure realization of maximum performance capabilities, all security devices utilized by a bank should be regularly inspected, tested, and serviced by competent persons. Actuating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

(1) *Surveillance systems*—(i) *General.* Surveillance systems should be:

(A) Equipped with one or more photographic, recording, monitoring, or like devices capable of reproducing images of persons in the banking office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a one-inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(B) Reasonably silent in operation; and

(C) So designed and constructed that necessary services, repairs, or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes, and the film should be at least 16 mm.

(ii) *Installation and operation of surveillance systems providing surveillance of other than walkup or drive-in teller's stations or windows.* Surveillance devices for other than walkup or drive-in teller's stations or windows should be:

(A) Located so as to reproduce identifiable images of persons either leaving the banking office or in a position to transact business at each such station or window; and

(B) Capable of actuation by initiating devices located at each teller's station or window.

(iii) *Installation and operation of surveillance systems providing surveillance of walkup or drive-in teller's stations or windows.* Surveillance devices for walkup or drive-in teller's stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and areas of such station or window that are vulnerable to robbery or larceny. Such devices should be capable of actuation by one or more initiating devices located within or in close proximity to such station or window. Such devices may be omitted in the case of a walkup or drive-in teller's station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window. However, if the teller is vulnerable to larceny or robbery by members of the public who enter the banking office, the teller should have access to a device to actuate a surveillance system that covers the area of vulnerability or the exits to the banking office.

(2) *Robbery and burglary alarm systems*—(i) *Robbery alarm systems.* A robbery alarm system should be provided for each banking office at which the police ordinarily can arrive within 5 minutes after an alarm is actuated; all other banking offices should be provided with appropriate devices for promptly notifying the police that a robbery has occurred or is in progress. Robbery alarm systems should be:

(A) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the banking office has occurred or is in progress;

(B) Capable of actuation by initiating devices located at each teller's station or window (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isloated from persons, other than fellow employees, inside a banking office of which such station or window may be a part);

(C) Safeguarded against accidental transmission of an alarm;

(D) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(E) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(ii) *Burglary alarm systems.* A burglary alarm system should be provided for each banking office. Burglary alarm systems should be:

(A) Capable of detecting promptly an attack on the outer door, walls, floor, or ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when the office is closed, and any attempt to move any such safe;

(B) Designed to transmit to the police, either directly or through an intermediary, a signal indicating that any such attempt is in progress; and for banking offices at which the police ordinarily cannot arrive within 5 minutes after an alarm is actuated, designed to actuate a loud sounding bell or other device that is audible inside the banking office and for a distance of approximately 500 feet outside the banking office;

(C) Safeguarded against accidental transmission of an alarm;

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(D) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(E) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

(3) *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1⅜ inches in thickness,[1] or of material of at least equivalent bullet-resistance. Pass-through devices should be so designed and constructed as not to afford a person outside the station or window a direct line of fire at a person inside the station.

(4) *Vaults, safes, safe deposit boxes, night depositories, and cash dispensing machines.* Vaults, safes (if not to be stored in a vault), safe deposit boxes, night depositories, and cash dispensing machines, in any of which currency, negotiable securities, or similar valuables are to be stored when banking offices are closed, should meet or exceed the standards expressed in this section.

(i) *Vaults.* A vault is defined as a room or compartment that is designed for the storage and safekeeping of valuables and which has a size and shape which permits entrance and movement within by one or more persons. Vaults contracted for after [*effective date to be designated*] [2] should have walls, floor, and ceiling of reinforced concrete at least 12 inches in thickness.[3] The vault door should be made of steel at least 3½ inches in thickness, or other drill and torch resistant material, and be equipped with dual combination locks, a time lock, and a substantial lockable day-gate. Electrical conduits into the vault should not exceed 1½ inches in diameter and should be offset within the walls, floor, or ceiling at least once so as not to form a direct path of entry. A vault ventilator, if provided, should be designed with consideration of safety to life without significant reduction of the strength of the vault wall to burglary attack. Alternatively, vaults should be so designed and constructed as to afford at least equivalent burglary resistance.[4]

[1] It should be emphasized that this thickness is merely bullet-resistant and not bullet-proof.

[2] Vaults contracted for previous to this date should be constructed in conformance with all applicable specifications then in effect.

[3] The reinforced concrete should have: two grids of No. 5 (⅝" diameter) deformed steel bars located in horizontal and vertical rows in each direction to form grids not more than 4 inches on center; or two grids of expanded steel bank vault mesh placed parallel to the face of the walls, weighing at least 6 pounds per square foot to each grid, having a diamond pattern not more than 3" by 8"; or two grids of any other fabricated steel placed parallel to the face of the walls, weighing at least 6 pounds per square foot to each grid and having an open area not exceeding 4 inches on center. Grids are to be located not less than 6 inches apart and staggered in each direction. The concrete should develop an ultimate compression strength of at least 3,000 pounds per square inch.

[4] Equivalent burglary-resistant materials for vaults do not include the use of steel lining, either inside or outside a vault wall, in lieu of the specified reinforcement and thickness of concrete.

(ii) *Safes.* Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty, or be securely anchored to the premises where located. The body should consist of steel, at least 1 inch in thickness, either cast or fabricated, with an ultimate tensile strength of 50,000 pounds per square inch and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. The door should be made of steel that is at least 1½ inches in thickness, and at least equivalent in strength to that specified for the body; and the door should be equipped with a combination lock, and with a relocking device that will effectively lock the door if the combination lock is punched. One hole not exceeding ½-inch diameter may be provided in the body to permit insertion of electrical conductors, but should be located so as not to permit a direct view of the door or locking mechanism. Alternatively, safes should be constructed of materials that will afford at least equivalent burglary resistance.

(iii) *Safe deposit boxes.* Safe deposit boxes used to safeguard customer valuables should be enclosed in a vault or safe meeting at least the above-specified minimum protection standards.

(iv) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast or welded steel walls, top and bottom, at least 1 inch in thickness; a steel door at least 1½ inches in thickness with a combination lock; and a chute, made of steel that is at least 1 inch in thickness, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute. Alternatively, night depositories should be so designed and constructed as to afford at least equivalent burglary resistance.[5] The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglar alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle, and to protect against the "trapping" of a deposit for extraction.

(v) *Cash dispensing machines.* Except as hereinafter provided, cash dispensing machines (including those machines which also accept deposits) contracted for after (effective date to be designated) should weigh at least 750 pounds empty, or be securely anchored to the premises where located. These machines should contain, among other features, a storage chest having cast or welded steel walls, top, and bottom, at least 1 inch in thickness, with a tensile strength of at least 60,000 pounds per square inch. The door should be constructed of steel at least equivalent in strength to the storage chest and be equipped with a combination lock and with a relocking device that will effectively lock the door if the combination lock is punched. The housing covering the cash dispensing opening (and, when applicable, deposit receiving opening) in the storage chest, and the housing covering the mechanism for removing the cash from the storage chest, should be so designed as to provide burglary resistance at least equivalent to the storage chest and should also be designed to protect against the "fishing" or cash from the storage chest. The cash dispensing control and delivery mechanisms (and, when applicable, cash deposit receipt mechanism) should be protected by steel, at least one-half inch in thickness, securely attached to the storage chest. The cash dispensing machine should be designed so as to be protected against actuation by unauthorized persons, should be protected by a burglar alarm, and should be located in a well-lighted area. Alternatively, cash dispensing machines should be so designed and constructed as to afford at least equivalent burglary resistance.[6]

A cash dispensing machine which is used inside a bank's premises only during bank business hours, and which is empty of currency and coin at all other times, should at least provide safeguards against "jimmying," unauthorized opening of the storage chest door, and against actuation by unauthorized persons.

[5] Equivalent burglary-resistant materials for night depositories include the use of ¼-inch steel plate encased in 6 inches or more of concrete or masonry building wall.

[6] Equivalent burglary-resistant materials for cash dispensing machines include the use of ⅜-inch thick 8 percent nickel stainless steel alloy in place of 1-inch thick steel, if other criteria are satisfied.

[FR Doc.73-77 Filed 1-2-73;8:45 am]

Internal Revenue Service

[26 CFR Part 53]

FOUNDATION TAXES

Taxes on Excess Business Holdings

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 2, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by February 2, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

The following regulations are prescribed under section 4943 of the Internal Revenue Code of 1954, as enacted by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 507), relating to taxes on excess business holdings of private foundations. Temporary Treasury regulations § 143.6, 35 F.R. 6962 (T.D. 7038, 1970) are superseded. Except where otherwise specifically provided, these regulations are applicable with respect to taxable years beginning after December 31, 1969.

Subpart D—Taxes on Excess Business Holdings

§ 53.4943 Statutory provisions; imposition of excise tax on excess business holdings.

SECTION 4943. *Taxes on excess business holdings*—(a) *Initial tax*—(1) *Imposition.* There is hereby imposed on the excess business holdings of any private foundation in a business enterprise during any taxable year which ends during the taxable period a tax equal to 5 percent of the value of such holdings.

(2) *Special rules.* The tax imposed by paragraph (1)—

(A) Shall be imposed on the last day of the taxable year, but

(B) With respect to the private foundation's holdings in any business enterprise, shall be determined as of that day during the taxable year when the foundation's excess holdings in such enterprise were the greatest.

(b) *Additional tax.* In any case in which an initial tax is imposed under subsection (a) with respect to the holdings of a private foundation in any business enterprise, if, at the close of the correction period with respect to such holdings, the foundation still has excess business holdings in such enterprise, there is hereby imposed a tax equal to 200 percent of such excess business holdings.

(c) *Excess business holdings.* For purposes of this section—

(1) *In general.* The term "excess business holdings" means, with respect to the holdings of any private foundation in any business enterprise, the amount of stock or other interest in the enterprise which the foundation would have to dispose of to a person other than a disqualified person in order for the remaining holdings of the foundation in such enterprise to be permitted holdings.

(2) *Permitted holdings in a corporation*—(A) *In general.* The permitted holdings of any private foundation in an incorporated business enterprise are—

(i) Twenty percent of the voting stock, reduced by

(ii) The percentage of the voting stock owned by all disqualified persons.

In any case in which all disqualified persons together do not own more than 20 percent of the voting stock of an incorporated business enterprise, nonvoting stock held by the private foundation shall also be treated as permitted holdings.

(B) *Thirty-five-percent rule where third person has effective control of enterprise.* If—

(i) The private foundation and all disqualified persons together do not own more than 35 percent of the voting stock of an incorporated business enterprise, and

(ii) It is established to the satisfaction of the Secretary or his delegate that effective control of the corporation is in one or more persons who are not disqualified persons with respect to the foundation,

then subparagraph (A) shall be applied by substituting 35 percent for 20 percent.

(C) *Two percent de minimis rule.* A private foundation shall not be treated as having excess business holdings in any corporation in which it (together with all other private foundations which are described in section 4946(a)(1)(H)) owns not more than 2 percent of the voting stock and not more than 2 percent in value of all outstanding shares of all classes of stock.

(3) *Permitted holdings in partnerships, etc.* The permitted holdings of a private foundation in any business enterprise which is not incorporated shall be determined under regulations prescribed by the Secretary or his delegate. Such regulations shall be consistent in principle with paragraphs (2) and (4), except that—

(A) In the case of a partnership or joint venture, "profits interest" shall be substituted for "voting stock", and "capital interest" shall be substituted for "nonvoting stock"

(B) In the case of a proprietorship, there shall be no permitted holdings, and

(C) In any other case, "beneficial interest" shall be substituted for "voting stock."

(4) *Present holdings.* (A)(i) In applying this section with respect to the holdings of any private foundation in a business enterprise, if such foundation and all disqualified persons together have holdings in such enterprise in excess of 20 percent of the voting stock on May 26, 1969, the percentage of such holdings shall be substituted for "20 percent," and for "(35 percent" (if the percentage of such holdings is greater than 35 percent," and for "35 percent" (if the percentage so substituted be more than 50 percent.

(ii) If the percentage of the holdings of any private foundation and all disqualified persons together in a business enterprise (or if the percentage of the holdings of the private foundation in such enterprise) decreases for any reason, clause (i) and subparagraph (D) shall, except as provided in the next sentence, be applied for all periods after such decrease by substituting such decreased percentage for the percentage held on May 26, 1969, but in no event shall the percentage substituted be less than 20 percent. For purposes of this clause, any decrease in percentage holdings attributable to issuances of stock (or to issuances of stock coupled with redemptions of stock) shall be determined only as of the close of each taxable year of the private foundation unless the aggregate of the percentage decreases attributable to the issuances of stock (or such issuances and redemptions) during such taxable year equals or exceeds 1 percent.

(iii) The percentage substituted under clause (i), and any percentage substituted under subparagraph (D), shall be applied both with respect to the voting stock and, separately, with respect to the value of all outstanding shares of all classes of stock.

(iv) In the case of any merger, recapitalization, or other reorganization involving one or more business enterprises, the application of clauses (i), (ii), and (iii) shall be determined under regulations prescribed by the Secretary or his delegate.

(B) Any interest in a business enterprise which a private foundation holds on May 26, 1969, if the private foundation on such date has excess business holdings, shall (while held by the foundation) be treated as held by a disqualified person (rather than by the private foundation)—

(i) During the 20-year period beginning on such date, if the private foundation has more than a 95-percent voting stock interest on such date,

(ii) Except as provided in clause (i), during the 15-year period beginning on such date, if the foundation and all disqualified persons have more than a 75-percent voting stock interest (or more than a 75-percent profits or beneficial interest in the case of any unincorporated enterprise) on such date or more than a 75-percent interest in the value of all outstanding shares of all classes of stock (or more than a 75-percent capital interest in the case of a partnership or joint venture) on such date, or

(iii) During the 10-year period beginning on such date, in any other case.

(C) The 20-year, 15-year, and 10-year periods described in subparagraph (B) for the disposition of excess business holdings shall be suspended during the pendency of any judicial proceeding by the private foundation which is necessary to reform, or to excuse such foundation from compliance with, its governing instrument or any other instrument (as in effect on May 26, 1969) in order to allow disposition of such holdings.

(D)(i) If, at any time during the second phase, all disqualified persons together have holdings in a business enterprise in excess of 2 percent of the voting stock of such enterprise, then subparagraph (A)(i) shall be applied by substituting for "50 percent" the following: "50 percent, of which not more than 25 percent shall be voting stock held by the private foundation."

(ii) If, immediately before the close of the second phase, clause (i) of this subparagraph did not apply with respect to a business enterprise, then for all periods after the close of the second phase subparagraph (A)(i) shall be applied by substituting for "50 percent" the following: "35 percent, or if at any time after the close of the second phase all disqualified persons together have had holdings in such enterprise which exceed 2 percent of the voting stock, 35 percent, of which not more than 25 percent shall be voting stock held by the private foundation."

(iii) For purposes of this subparagraph, the term "second phase" means the 15-year period immediately following the 20-year, 15-year, or 10-year period described in subparagraph (B), whichever applies, as modified by subparagraph (C).

(E) Clause (ii) of subparagraph (B) shall not apply with respect to any business enterprise if before January 1, 1971, one or more individuals who are substantial contributors (or members of the family (within the meaning of section 4946(d)) of one or more substantial contributors) to the private foundation and who on May 26, 1969, held more than 15 percent of the voting stock of the enterprise elect, in such manner as the Secretary or his delegate may by regulations prescribe, not to have such clause (ii) apply with respect to such enterprise.

(5) *Holdings acquired by trust or will.* Paragraph (4) (other than subparagraph (B)(i)) shall apply to any interest in a business enterprise which a private foundation acquires under the terms of a trust which was irrevocable on May 26, 1969, or under the terms of a will executed on or before such date, which are in effect on such date and at all times thereafter, as if such interest were held on May 26, 1969, except that the 15-year and 10-year periods prescribed in clauses (ii) and (iii) of paragraph (4)(B) shall commence with respect to such interest on the date of distribution under the trust or will in lieu of May 26, 1969

(6) *5-year period to dispose of gifts, bequests, etc.* Except as provided in paragraph (5), if, after May 26, 1969, there is a change in the holdings in a business enterprise (other than by purchase by the private foundation or by a disqualified person) which causes the private foundation to have—

(A) Excess business holdings in such enterprise, the interest of the foundation in such enterprise (immediately after such change) shall (while held by the foundation) be treated as held by a disqualified person (rather than by the foundation) during the 5-year period beginning on the date of such change in holdings; or

(B) An increase in excess business holdings in such enterprise (determined without regard to subparagraph (A)), subparagraph (A) shall apply, except that the excess holdings immediately preceding the increase therein shall not be treated, solely because of

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such increase, as held by a disqualified person (rather than by the foundation).

(d) *Definitions; special rules.* For purposes of this section—

(1) *Business holdings.* In computing the holdings of a private foundation, or a disqualified person (as defined in section 4946) with respect thereto, in any business enterprise, any stock or other interest owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries. The preceding sentence shall not apply with respect to an income or remainder interest of a private foundation in a trust described in section 4947(a)(2), but only if, in the case of property transferred in trust after May 26, 1969, such foundation holds only an income interest or only a remainder interest in such trust.

(2) *Taxable period.* The term "taxable period" means, with respect to any excess business holdings of a private foundation in a business enterprise, the period beginning on the first day on which there are such excess holdings and ending on the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212 in respect of such holdings.

(3) *Correction period.* The term "correction period" means, with respect to excess business holdings of a private foundation in a business enterprise, the period ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under section 6212, extended by—

(A) Any period in which a deficiency cannot be assessed under section 6213(a), and

(B) Any other period which the Secretary or his delegate determines is reasonable and necessary to permit orderly disposition of such excess business holdings.

(4) *Business enterprise.* The term "business enterprise" does not include—

(A) A functionally related business (as defined in section 4942(j)(5)), or

(B) A trade or business at least 95 percent of the gross income of which is derived from passive sources.

For purposes of subparagraph (B), gross income from passive sources includes the items excluded by section 512(b)(1), (2), (3), and (5), and income from the sale of goods (including charges or costs passed on at cost to purchasers of such goods or income received in settlement of a dispute concerning or in lieu of the exercise of the right to sell such goods) if the seller does not manufacture, produce, physically receive or deliver, negotiate sales of, or maintain inventories in such goods.

[Sec. 4943 as added by sec. 101(b), Tax Reform Act, 1969 (83 Stat. 507)]

§ 53.4943–1 General rule; purpose.

Generally, under section 4943, the combined holdings of a private foundation and all disqualified persons (as defined in section 4946(a)) in any corporation conducting a business which is not substantially related (aside from the need of the foundation for income or funds or the use it makes of the profits derived) to the exempt purposes of the foundation are limited to 20 percent of the voting power in such corporation. In addition, the combined holdings of a private foundation and all disqualified persons in any unincorporated business (other than a sole proprietorship) which is not substantially related (aside from the need of the foundation for income or funds or the use it makes of the profits derived) to the exempt purposes of such foundation are limited to 20 percent of the beneficial or profits interest in such business. In the case of a sole proprietorship which is not substantially related (within the meaning of the preceding sentence), section 4943 provides that a private foundation shall have no permitted holdings. These general provisions are subject to a number of exceptions and special provisions which will be described in following sections.

§ 53.4943–2 Imposition of tax on excess business holdings of private foundations.

(a) *Imposition of initial tax*—(1) *In general.* Section 4943(a)(1) imposes an excise tax on the excess business holdings of any private foundation in any business enterprise for each taxable year of the foundation which ends during the taxable period (as defined in section 4943(d)(2)). The amount of such tax is equal to 5 percent of the total value of all the private foundation's excess holdings in each of its business enterprises. In determining the value of the excess holdings of the foundation subject to tax under section 4943, the rules set forth in §§ 20.2031–1 through 20.2031–3 (estate tax regulations) shall apply. In any case in which a private foundation has excess business holdings solely because of an acquisition (by purchase or otherwise) of an interest in a business enterprise by a disqualified person with respect to the foundation, the foundation shall not be treated as having such excess holdings but only if the foundation disposes of an amount of its holdings so that the foundation no longer has such excess holdings within the latter of 90 days from the date of such acquisition, or 90 days from the date on which the foundation knows, or has reason to know, of such acquisition, and the absence of such excess holdings is determined without regard to any disposition of such holdings by any disqualified person during such period. If a private foundation disposes of an interest in a business enterprise but imposes any material restrictions or conditions that prevent the transferee from freely and effectively using or disposing of the transferred interest, then the transferor foundation will be treated as owning such interest until all such restrictions or conditions are eliminated (regardless of whether the transferee is treated for other purposes of the Code as owning such interest from the date of the transfer).

(2) *Special rules.* In applying subparagraph (1) of this paragraph, the tax imposed by section 4943(a)(1)—

(i) Shall be imposed on the last day of the private foundation's taxable year, but

(ii) The amount of such tax and the value of the excess business holdings subject to such tax shall be determined with respect to the foundation's holdings (based upon voting power, profits or beneficial interest, or value, whichever is applicable) in any business enterprise as of that day during the foundation's taxable year when the foundation's excess holdings in such enterprise were the greatest.

In applying subdivision (ii) of this subparagraph, if a foundation's excess business holdings in a business enterprise which constitute such foundation's greatest excess holdings in such enterprise for any taxable year are maintained for 2 or more days during such taxable year, the value of such excess holdings which is subject to tax under section 4943(a)(1) shall be the greatest value of such excess holdings in such enterprise as of any day on which such greatest excess holdings are maintained during such taxable year.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Y is a private foundation reporting on a calendar year basis. On January 1, 1973, Y has 20 shares of common stock in corporation N, of which five shares constitute excess business holdings. On June 1, 1973, Y disposes of such five shares; however, because of additional acquisitions of N common stock on such date by disqualified persons with respect to Y, the remaining 15 shares of N common stock held by Y now constitute excess business holdings. There are no further acquisitions or dispositions of N common stock during 1973 by Y or its disqualified persons. Although Y's greatest holdings in N during 1973 are held between January 1, 1973, and May 31, 1973, Y's greatest excess holdings in N during 1973 are held between June 1, 1973, and December 31, 1973. Therefore, the tax specified in section 4943(a)(1) shall be computed on the basis of the greatest value of such greatest excess holdings as of any day between June 1 and December 31, 1973.

Example (2). X is a private foundation reporting on a calendar year basis. On January 1, 1972, X has 100 shares of common stock in M corporation which are excess business holdings. On such date each share of M common stock has a fair market value of $100. On February 28, 1972, in an effort to dispose of such excess business holdings, X sells 70 shares of M common stock for $120 per share (the fair market value of each share on such date) to A, an individual who is not a disqualified person within the meaning of section 4946(a). The value of $120 per share is the highest fair market value between January 1 and February 28, 1972. X disposes of no more stock in M for the remainder of calendar year 1972. On December 31, 1972, the fair market value of each share of M common stock is $80. X calculates its tax on its excess business holdings in M for 1972 as follows:

100 shares of M common stock times $120 fair market value per share as of Feb. 28, 1972	$12,000
$12,000 multiplied by rate of tax (percent)	5
Amount of tax on X foundation's excess business holdings for 1972	$600

Example (3). Assume the same facts as in Example (2) except that the sale of X to A occurs on January 7, 1973, when the fair market value of each share of M corporation common stock equals $70. A value of $100 per share is the highest fair market value of the M common stock between January 1 and January 7, 1973. On May 9, 1973, X for the first time has excess business holdings in N corporation in the form of 200 shares of N common stock. The value per share of N common stock on May 9, 1973, equals $200. X makes no disposition of the N common stock during 1973, and the value of each share of N common stock as of December 31, 1973 equals $250 (the highest value of N common stock during 1973). X calculates its tax on its excess business holdings in both M and N for 1973 as follows:

100 shares of M common stock times $100 fair market value per share	$10,000
200 shares of N common stock times $250 fair market value per share	$50,000
Total	$60,000
$60,000 multiplied by rate of tax (percent)	5
Amount of tax on X foundation's excess business holdings for 1973	$3,000

(b) *Additional tax.* In any case in which an initial tax is imposed under section 4943(a) with respect to the holdings of a private foundation in any business enterprise, if, at the close of the correction period (as defined in section 4943(d)(3)) with respect to such holdings the foundation still has excess business holdings in such enterprise, there is imposed a tax under section 4943(b) equal to 200 percent of the value of such excess holdings as of the last day of such correction period.

§ 53.4943–3 Determination of excess business holdings.

(a) *Excess business holdings*—(1) *In general.* For purposes of section 4943, the term "excess business holdings" means, with respect to the holdings of any private foundation in any business enterprise (as described in section 4943(d)(4)), the amount of stock or other interest in the enterprise which the foundation, or, except as provided in § 53.4943–2(a)(1), a disqualified person with respect thereto, would have to dispose of, or cause the disposition of, to a person other than a disqualified person (as defined in section 4946(a)) in order for the remaining holdings of the foundation in such enterprise to be permitted holdings (as defined in paragraphs (b) and (c) of this section). If a private foundation is required by section 4943 and the regulations thereunder to dispose of certain shares of a class of stock in a particular period of time and other shares of the same class of stock in a shorter period of time, any stock disposed of shall be charged first against those dispositions which must be made in such shorter period.

(2) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. Corporation X has outstanding 100 shares of voting stock, with each share entitling the holder thereof to one vote. F, a private foundation, possesses 20 shares of X voting stock representing 20 percent of the voting power in X. Assume that the permitted holdings of F in X under paragraph (b)(1) of this section are 11 percent of the voting power in X. F, therefore, possesses voting stock in X representing a percentage of voting power in excess of the percentage permitted by such paragraph. Such excess percentage is 9 percent of the voting power in X, determined by subtracting the percentage of voting power representing the permitted holdings of F in X (i.e., 11 percent) from the percentage of voting power held by F in X (i.e., 20 percent). (20%−11%=9%). The excess business holdings of F in X are an amount of voting stock representing such excess percentage, or 9 shares of X voting stock (9 percent of 100).

(b) *Permitted holdings in an incorporated business enterprise*—(1) *In general.* Except as otherwise provided in section 4943(c)(2) and (4), the permitted holdings of any private foundation in an incorporated business enterprise are—

(i) Stock representing 20 percent of the voting power in such enterprise, reduced by

(ii) Stock representing the percentage of voting power in such enterprise actually or constructively owned by all disqualified persons (with respect to such foundation).

In no event shall the permitted holdings of a private foundation in an incorporated business enterprise be less than zero.

(2) *Nonvoting stock as permitted holdings.* (i) In addition to those holdings permitted by subparagraph (1) of this paragraph, the permitted holdings of a private foundation in an incorporated business enterprise shall include any share of nonvoting stock in such enterprise held by the foundation in any case in which all disqualified persons (with respect to such foundation) hold, actually or constructively, no more than 20 percent of the voting power in such enterprise. All equity interests which are not voting stock shall, for purposes of section 4943, be classified as nonvoting stock. For this purpose, evidences of indebtedness (including convertible indebtedness) shall not be considered stock. For special rules relating to present holdings of nonvoting stock, see § 53.4943–4.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. Assume that F, a private foundation, holds 10 percent of the single class of voting stock of corporation X, and owns 20 shares of nonvoting stock in X. Assume further that A and B, the only disqualified persons with respect to F, hold 10 percent of the voting stock of X. Under the provisions of subparagraph (1) of this paragraph, the 10 percent of X voting stock held by F will be classified as permitted holdings of F in X since 20 percent less the percentage of voting stock held by A and B in X is 10 percent. In addition, under the provisions of this subparagraph, the 20 shares of X nonvoting stock will qualify as permitted holdings of F in X since the percentage of voting stock held by A and B in X is no greater than 20 percent.

(3) *Thirty-five-percent rule where third person has effective control of enterprise*—(i) *In general.* Except as provided in section 4943(c)(4), subparagraph (1) of this paragraph shall be applied by substituting 35 percent for 20 percent if—

(a) The private foundation and all disqualified persons (with respect to such foundation) together do not hold, actually or constructively, more than 35 percent of the voting power in the business enterprise, and

(b) It is established to the satisfaction of the Commissioner that effective control (as defined in subdivision (ii) of this subparagraph) of the business enterprise is in one or more persons (other than the foundation itself) who are not disqualified persons (as defined in section 4946(a)) with respect to the foundation.

(ii) *"Effective control" defined.* For purposes of this subparagraph, the term "effective control" means the possession, direct or indirect, of the power (whether or not exercised) to direct or cause the direction of the management and policies of a business enterprise, whether through the ownership of voting stock or otherwise. It is the reality of control which is decisive in this regard and not its form or the means by which it is exercisable.

(4) *Two percent de minimis rule*—(i) *In general.* Under section 4943(c)(2)(C), a private foundation is not treated as having excess business holdings in any incorporated business enterprise in which it (together with all other private foundations which are described in section 4946(a)(1)(H)) actually or constructively owns not more than 2 percent of the voting power and not more than 2 percent in value of all outstanding shares of all classes of stock. If, however, the private foundation together with all other private foundations which are described in section 4946(a)(1)(H) actually or constructively owns more than 2 percent of either the voting power or the value of the outstanding shares of all classes of stock in any incorporated business enterprise, all the stock in such business enterprise classified as excess business holding under section 4943 is treated as excess business holdings. For purposes of this paragraph, any stock owned by a private foundation which is treated as held by a disqualified person under section 4943(c)(4)(B) or (6) shall be treated as actually owned by the private foundation. For purposes of section 101(l)(2)(B) of TRA 1969 (83 Stat. 533), excess business holdings shall be determined without regard to section 4943(c)(2)(C) and as if every disposition by the foundation were made to disqualified persons. See § 53.4941(d)–4(b)(1).

(ii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). F, a private foundation, owns 1 percent of the single class of voting stock and 1 percent in value of all the outstanding shares of all classes of stock in X corporation. No other private foundation described in section 4946(a)(1)(H) owns any stock in X. All of the stock owned by F in X would be excess business holdings under section 4943(c)(1) if section 4943(c)(2)(C) were inapplicable. F owns no other shares of stock in X. Since F owns no more than 2 percent of the voting stock and no more than 2 percent in value of all outstanding shares of all classes of stock in X, under section 4943(c)(2)(C) none of the stock in X owned by F is treated as excess business holdings.

Example (2). Assume the facts as stated in Example (1), except that F and T, a controlled private foundation under section 4946

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(a)(1)(H), together own 1 percent of all the voting stock and 1 percent in value of all the outstanding shares of all classes of stock in X. All of the stock in X owned by F and T would be excess business holdings under section 4943(c)(1) if section 4943(c)(2)(C) were inapplicable. Since F and T together own no more than 2 percent of the voting stock and no more than 2 percent in value of all outstanding shares of all classes of stock in X, under section 4943(c)(2)(C) none of the stock in X owned by either F or T is treated as excess business holdings.

Example (3). Assume the facts as stated in Example (1), except that F owns 3 percent of the voting stock in X, 2 percent of which is treated as held by P, a disqualified person of F, under section 4943(c)(4)(B). Under subdivision (i) of this subparagraph, the 2 percent of the stock in X owned by F which is treated as held by P under section 4943(c)(4)(B) is treated as actually owned by F for purposes of section 4943(c)(2)(C). Consequently, all of the X stock owned by F is treated as excess business holdings under section 4943(c)(2)(C). However, only 1 percent of the stock in X is subject to tax under section 4943(a), since the other 2 percent is treated as owned by a disqualified person under section 4943(c)(4)(B) for purposes of determining the tax upon F under section 4943(a).

(c) *Permitted holdings in an unincorporated business enterprise*—(1) *In general.* The permitted holdings of a private foundation in any business enterprise which is not incorporated shall, subject to the provisions of subparagraphs (2), (3), and (4) of this paragraph, be determined under the principles of paragraph (b) of this section.

(2) *Partnership or joint venture*—(i) *In general.* In the case of a partnership or joint venture, the terms "profits interest" and "capital interest" shall be substituted for "voting power" and "nonvoting stock," respectively, wherever those terms appear in paragraph (b) of this section.

(ii) *Partnerships.* The interest of a private foundation or any disqualified person (with respect to such foundation) in the profits and capital of a partnership shall be determined by the partnership agreement. In the absence of any provision regarding the sharing of profits, the interest in profits of such foundation (or such disqualified person) shall be determined in the same manner as its distributive share of partnership taxable income. See section 704(b), relating to the determination of the distributive share by the income or loss ratio, and the regulations thereunder. In the absence of a provision in the partnership agreement, the capital interest of such foundation (or such disqualified person) in a partnership shall be determined on the basis of its interest in the assets of the partnership which would be distributable to such foundation (or such disqualified person) upon its withdrawal from the partnership, or upon liquidation of the partnership, whichever is the greater.

(iii) *Joint venture.* The interest of a private foundation or any disqualified person (with respect to such foundation) in the profits and capital of a joint venture shall be determined under the rules of subdivision (ii) of this subparagraph, except that the term "joint venture" shall be substituted for the term "partnership" wherever that term appears in such subdivision.

(iv) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that P is a partnership. Under the terms of the partnership agreement of P, F, a private foundation, holds a 20 percent interest in the profits of P, with C and D, the only disqualified persons with respect to F, each holding a 5 percent interest in the profits of P. Assuming that the provisions of section 4943(c)(2)(B) do not apply, the permitted holdings of F in P are 10 percent of the profits interest in P, determined by subtracting the percentage of profits interest held by C and D in P (i.e., 10 percent) from 20 percent. (20 percent − 10 percent = 10 percent) F, therefore, holds a percentage of the profits interest in P in excess of the percentage permitted by § 53.4943–3(b)(1). The excess business holdings of F in P are a percentage of the profits interest in P equivalent to such excess percentage or 10 percent of the profits interest in P, determined by subtracting the percentage of the profits interest representing the permitted holdings of F in P (i.e., 10 percent) from the percentage of the profits interest held by F in P (i.e., 20 percent) (20 percent − 10 percent = 10 percent).

Example (2). Assume the facts as stated in Example (1), except that F, in addition to a 20 percent profits interest, holds a 30 percent capital interest in P. Since the percentage of the profits interest held by C and D in P is less than 20 percent, such 30 percent capital interest will be included in the permitted holdings of F in P, and, consequently, will not be classified as excess business holdings.

(3) *Sole proprietorship.* For purposes of section 4943, a private foundation shall have no permitted holdings in a sole proprietorship. In the case of a transfer by a private foundation of a portion of a sole proprietorship, see subparagraph (2) of this paragraph (relating to permitted holdings in partnerships). For the treatment of a private foundation's ownership of a sole proprietorship prior to May 1926, 1969, see § 53.4943–4.

(4) *Trusts and other unincorporated business enterprises*—(i) *In general.* In the case of any unincorporated business enterprise which is not described in subparagraph (2) or (3) of this paragraph, the term "beneficial interest" shall be substituted for "voting power,"—wherever the term appears in paragraph (b) of this section. Any and all references to nonvoting stock in paragraph (b) of this section shall be inapplicable with respect to any unincorporated business enterprise described in this subparagraph.

(ii) *Trusts.* For purposes of this subparagraph, the beneficial interest of a private foundation or any disqualified person (with respect to such foundation) in a trust shall be determined as provided in § 53.4943–7(b)(2).

(iii) *Other unincorporated business enterprises.* For purposes of this subparagraph, the beneficial interest of a private foundation or any disqualified person (with respect to such foundation) in an unincorporated business enterprise (other than an enterprise described in subparagraph (2) or (3) of this paragraph, and other than a trust or an estate) includes any right to receive a portion of distributions from profits of such enterprise, and, if the portion of distributions is not fixed by an agreement among the participants, any right to receive a portion of the assets (if any) upon liquidation of the enterprise, except as a creditor or employee. For purposes of this subparagraph, a right to receive distributions of profits includes a right to receive any amount from such profits other than as a creditor or employee, whether as a sum certain or as a portion of profits realized by the enterprise. Where there is no agreement fixing the rights of the participants in such enterprise, the interest of such foundation (or such disqualified person) in such enterprise shall be determined by dividing the amount of all investments or contributions to the capital of the enterprise made or obligated to be made by such foundation (or such disqualified person) by the amount of all investments or contributions to capital made or obligated to be made by all participants in the enterprise.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation X has outstanding 100 shares of voting stock, with each share entitling the holder thereof to one vote. Assume that F, a private foundation, possesses 30 shares of X voting stock, and that A and B, the only disqualified persons with respect to F, together own 10 shares of X voting stock. The excess business holdings of F in X are 20 shares of X voting stock, determined as follows:

(i) Determination of voting power percentages:	
(a) Total number of outstanding votes in X	100
(b) Total number of votes in X held by F	30
(c) Total number of vote in X held by A and B	10
(d) Percentage of voting power in X held by F (item (b) divided by item (a)) (percent)	30
(e) Percentage of voting power in X held by A and B (item (c) divided by item (a)) (percent)	10
(ii) Determination of permitted holdings of voting power:	
(a) Percentage of voting power in X held by A and B (percent)	10
(b) Permitted holdings of voting power by F in X (20% less item (a)) (percent)	10
(iii) Determination of excess business holdings:	
(a) Percentage of voting power in X held by F (percent)	30
(b) Permitted holdings of voting power by F in X (percent)	10
(c) Item (a) less item (b) (percent)	20
(d) Excess business holdings of F in X (i.e., an amount of X voting stock representing a percentage of voting power equivalent to that in item (c)) (shares)	20

Example (2). F, a private foundation, is a partner in P partnership. In addition, A and B, the only disqualified persons with respect to F, are partners in P. The partnership agreement of P contains no provisions regarding the sharing of profits by, and the respective capital interests of, the partners.

(i) Assume that, under section 704(b), F's distributive share of P taxable income is determined to be 20 percent. In addition, assume that under such section, A and B are determined to have a 4-percent distributive share each of P taxable income. Accordingly, F holds a 20-percent profits interest in P, and A and B hold an 8-percent profits interest in P. Assuming that the provisions of section 4943(c)(2)(B) do not apply, the permitted holdings of F in P are 12 percent of the profits interest in P, determined by subtracting the percentage of the profits interest held by A and B in P (i.e., 8 percent) from 20 percent. (20 percent − 8 percent = 12 percent.) F, therefore, holds a percentage of the profits interest in P in excess of the percentage permitted by § 53.4943–3(b)(1). The excess business holdings of F in P are a percentage of the profits interest in P equivalent to such excess percentage, or 8 percent of the profits interest in P, determined by subtracting the permitted holdings of F in P (i.e., 12 percent) from the percentage of the profits interest held by F in P (i.e., 20 percent) (20 percent − 12 percent = 8 percent).

(ii) Assume that, under the partnership agreement, F would be entitled to a distribution of 20 percent of P's assets upon F's withdrawal from P and to a distribution of 30 percent of P's assets upon the liquidation of P. F, therefore, holds a 30-percent capital interest in P; that is, the greater of the percentage of the assets of P distributable to F upon F's withdrawal from P, or the percentage of such assets distributable to F upon the liquidation of P. Since the percentage of the profits interest held by A and B in P is less than 20 percent, such 30-percent capital interest will be included in the permitted holdings of F in P.

§ 53.4943–4 Present holdings.

(a) *In general.* Except as provided in paragraph (f) of this section (relating to special rules for corporate readjustments), section 4943(c)(4) and this section shall apply to holdings of a private foundation in a business enterprise only if the foundation actually or constructively owns an interest in such enterprise on May 26, 1969, or acquires an interest in such enterprise under the terms of a trust which was irrevocable on May 26, 1969, or under the terms of a will to which section 4943(c)(5) and § 53.4943–5 apply. Except as otherwise specifically provided, the term "voting power," as used in this section, shall include the terms "profits interest" and "beneficial interest," and the term "value of all outstanding shares of all classes of stock," as used in this section, shall include the term "capital interest."

(b) *First phase*—(1) *In general*—(i) *Holding periods.* If, on May 26, 1969, a private foundation has excess business holdings (determined without regard to the provisions of paragraphs (b)(5), (c), (d), and (e) of this section) in any business enterprise, then all interests which such foundation holds, actually or constructively, in such enterprise on May 26, 1969, shall (while held by such foundation) be deemed held by a disqualified person (with respect to such foundation), rather than by the foundation, during the following periods:

(*a*) The 20-year period beginning on May 26, 1969, if the private foundation holds, actually or constructively, more than 95 percent of the voting power in such enterprise on such date;

(*b*) Except as provided in (*a*) of this subdivision, the 15-year period beginning on May 26, 1969, if the combined holdings of the private foundation and all disqualified persons (with respect to such foundation) on such dates are, actually or constructively, more than 75 percent of the voting power in such enterprise;

(*c*) Except as provided in (*a*) of this subdivision, the 15-year period beginning on May 26, 1969, if the combined holdings of the private foundation and all disqualified persons (with respect to such foundation) on such date represent, actually or constructively, more than a 75-percent interest in the value of all outstanding shares of all classes of stock in such enterprise; or

(*d*) The 10-year period beginning on May 26, 1969, in any case not described in (*a*), (*b*), or (*c*) of this subdivision.

The 20-year, 15-year, or 10-year period described in this subdivision (whichever applies) shall, for purposes of section 4943 and this section, be known as "the first phase." A private foundation shall have no excess business holdings during the first phase with respect to any interest which the foundation holds, actually or constructively, in a business enterprise on May 26, 1969.

(ii) *Sole proprietorship.* The 20-year period described in subdivision (i)(*a*) of this subparagraph shall apply with respect to any interest which a private foundation holds in a sole proprietorship on May 26, 1969. For purposes of such subdivision, the term "voting power" shall include any such interest.

(iii) *Effective date.* At the close of the 20-year, 15-year, or 10-year period described in subdivision (i) of this subparagraph (whichever is applicable) and for all periods thereafter, no interest which a private foundation holds, actually or constructively, in a business enterprise shall be deemed held by a disqualified person (with respect to such foundation) by reason of such subdivision.

(2) *Holdings acquired after May 26, 1969*—(i) *In general.* If, on May 26, 1969, a private foundation has excess business holdings (determined as provided in § 53.4943–3) in any business enterprise, and if, after such date, such foundation acquires, actually or constructively, additional holdings in such enterprise, then the holdings acquired on or before such date shall be treated as provided in subparagraph (1) of this paragraph, and the holdings acquired after such date shall be treated as provided in subdivisions (ii), (iii), and (iv) of this subparagraph.

(ii) *Holdings acquired by trust or will.* If, after May 26, 1969, a private foundation described in subdivision (i) of this subparagraph acquires additional holdings in a business enterprise under the terms of a trust which was irrevocable on such date, or under the terms of a will executed on or before such date which are in effect on such date and at all times thereafter, then such additional holdings shall be treated as provided in section 4943(c)(5) and the regulations thereunder.

(iii) *Holdings not acquired by purchase.* Except as provided in subdivision (ii) of this subparagraph, if, after May 26, 1969, a private foundation described in subdivision (i) of this subparagraph acquires additional holdings in a business enterprise (other than by purchase), then such additional holdings shall be treated as provided in section 4943(c)(6) and the regulations thereunder.

(iv) *Holdings acquired by purchase.* If, after May 26, 1969, a private foundation described in subdivision (i) of this subparagraph acquires additional holdings in a business enterprise by purchase, then such additional holdings shall not be treated as held by a disqualified person (with respect to such foundation) during any period in which such holdings are held by the foundation.

(v) *Special rules.* (*a*) In the case of a private foundation described in subdivision (ii) of this subparagraph, the percentage of holdings described in subparagraph (5)(i)(*a*)(*1*) of this paragraph and the provisions of paragraph (e) of this section shall be applied with respect to both holdings in a business enterprise acquired on or before May 26, 1969, and additional holdings in such enterprise acquired by will or trust subsequent to such date pursuant to the provisions of section 4943(c)(5). In applying the preceding sentence, any holdings which such foundation disposes of shall be charged first against those holdings which have been deemed held by disqualified persons (with respect to the foundation) for the shortest period.

(*b*) In the case of a private foundation described in subdivision (iii) of this subparagraph (regardless of whether it is also described in subdivision (ii) of this subparagraph), the percentage of holdings described in subparagraph (5)(i)(*a*)(*1*) of this paragraph and the provisions of paragraph (e) of this section shall be applied only with respect to those holdings in a business enterprise acquired on or before May 26, 1969, or acquired pursuant to the provisions of section 4943(c)(5).

(3) *Suspension of first-phase periods.* The 20-year, 15-year, or 10-year period described in subparagraph (1)(i) of this paragraph (whichever applies) shall be suspended during the pendency of any judicial proceeding which is brought and diligently litigated by the private foundation described in such subparagraph and which is necessary to reform, or to excuse such foundation from compliance with, its governing instrument or any other instrument (as in effect on May 26, 1969) in order to allow disposition of any excess business holdings held by the foundation on May 26, 1969.

(4) *Election to shorten the period during which certain holdings of private*

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foundations are treated as held by disqualified persons—(i) *In general.* If, on May 26, 1969, the combined holdings of a private foundation and all disqualified persons (with respect to such foundation) in any one business enterprise exceed 75 percent of the voting power or a 75-percent interest in the value of all outstanding shares of all classes of stock (or more than a 75-percent capital interest, in the case of a partnership or joint venture) in such enterprise, and if, on such date, the foundation's holdings do not exceed 95 percent of the voting power in such enterprise, then the 15-year periods referred to in subparagraph (1)(i)(*b*) and (*c*) of this paragraph are, with respect to such foundation to be shortened to 10-year periods, if, at any time before January 1, 1971, one or more individuals—

(*a*) Who are substantial contributors (as described in section 507(d)(2)) or members of the family within the meaning of section 4946(d) of one or more substantial contributors to such private foundation, and

(*b*) Who on May 26, 1969, held in the aggregate more than 15 percent of the voting power in the enterprise,

made an election in the manner described in 26 CFR 143.6 (revised as of January 1, 1972), 35 F.R. 6962 (T.D. 7038, 1970).

(5) *Permitted holdings during first phase*—(i) *In general.* Except as provided in subdivisions (ii) and (iv) of this subparagraph and paragraphs (e) and (f) of this section, and without regard to the applicability of section 4943(c)(2)(C), during the first phase the permitted percentage of holdings of a private foundation described in subparagraph (1)(i) of this paragraph acquired on or before May 26, 1969, in a business enterprise (with respect to which such foundation has excess business holdings, as determined under § 53.4943–3, on such date) shall be—

(*a*)(*1*) The percentage of voting power in such enterprise held by the foundation and all disqualified persons (with respect to such foundation) together, on May 26, 1969, reduced by

(2) The percentage of voting power in such enterprise held by all disqualified persons (with respect to such foundation) without regard to section 4943(c)(4)(B); and, separately,

(*b*)(*1*) The percentage of the value of all outstanding shares of all classes of stock in such enterprise held by the foundation and all disqualified persons (with respect to such foundation) together on May 26, 1969, reduced by

(2) The percentage of the value of all outstanding shares of all classes of stock in such enterprise held by all disqualified persons (with respect to such foundation) without regard to section 4943(c)(4)(B).

In no event shall such permitted holdings be less than zero.

(ii) *Fifty-percent limitation.* Except as provided in subdivision (iii) of this subparagraph, in no event shall the percentage described in subdivision (i) (*a*)(*1*) or (*b*)(*1*) of this subparagraph exceed 50 percent.

(iii) *Special rule for certain private foundations.* In the case of a private foundation—

(*a*) Which was incorporated before January 1, 1951;

(*b*) Substantially all of the assets of which on May 26, 1969, consisted of more than 90 percent of the stock of an incorporated business enterprise which is licensed and regulated, the sales or contracts of which are regulated, and the professional representatives of which are licensed, by State regulatory agencies in at least 10 States;

(*c*) Which acquired such stock solely by gift, devise, or bequest;

(*d*) Which does not purchase any stock or other interest in such enterprise after May 26, 1969, and does not acquire any stock or other interest in any other business enterprise which constitutes excess business holdings under § 53.4943–3; and

(*e*) Which, in the last 5 taxable years ending on or before December 31, 1970, expended substantially all of its adjusted net income (as defined in section 4942(f)) for the purpose or function for which it is organized and operated,

subdivision (ii) of this subparagraph shall be applied with respect to the holdings of such foundation in the incorporated business enterprise described in (*b*) of this subdivision by substituting "51 percent" for "50 percent," and section 4943(c)(4)(D) shall not apply with respect to such holdings. For purposes of the preceding sentence, stock of such enterprise in a trust created before May 27, 1969, of which the foundation is the remainder beneficiary shall be deemed to be held by such foundation on May 26, 1969, if such foundation held (without regard to such trust) more than 20 percent of the stock of such enterprise on May 26, 1969.

(iv) *Sole proprietorship.* During the first phase and thereafter, a private foundation shall have no permitted holdings in a sole proprietorship. For the treatment of a sole proprietorship, see § 53.4943–9(e).

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume that F, a private foundation, owns, on May 26, 1969, 50 shares of voting stock in corporation X representing 50 percent of the voting power in X and 25 percent of the value of all outstanding shares of all classes of stock in X. Assume further that A and B, the only disqualified persons with respect to F, own five shares each of voting stock in X on such date. The 10 shares of voting stock in X owned by A and B together represent 10 percent of the voting power in X and 5 percent of the value of all outstanding shares of all classes of stock in X. Under the provisions of § 53.4943–3, and without regard to the provisions of section 4943(c)(2)(B), the excess business holdings of F in X as of such date are, therefore, 40 percent of X voting power. Accordingly, since F has excess business holdings in X as of May 26, 1969, under § 53.4943–3, and since the combined holdings of F, A, and B in X are, on such date, less than 75 percent of the voting power in X and less than 75 percent of the value of all outstanding shares of all classes of stock in X, under the provisions of subparagraph (1)(i)(d) of this paragraph all holdings of F in X (i.e., 50 shares of X voting stock) will be deemed held by a disqualified person until May 26, 1979.

Example (2). Assume the facts as stated in Example (1), except that F, on December 15, 1969, purchases an additional 10 shares of voting stock in X representing 10 percent of X voting power. Assume, further, that F, A, or B have not sold, transferred, or otherwise disposed of any of the stock held by them in X on May 26, 1969. While the 50 shares of X voting stock held by F on May 26, 1969, will be deemed held by a disqualified person until May 26, 1979, the additional 10 shares of X voting stock acquired by purchase by F on December 15, 1969, will not, under the provisions of subparagraph (2)(iv) of this paragraph, be deemed to be so held. Accordingly, since, under the provisions of § 53.4943–3, such 10 shares represent additional excess business holding of F in X, such 10 shares will be subject to the imposition of tax under the provisions of section 4943(a).

Example (3). Assume the facts as stated in Example (1), except that F, on December 15, 1971, acquires an additional 10 shares of voting stock in X representing 10 percent of X voting power under the terms of a will which was executed before May 26, 1969. While the 50 shares of X voting stock held by F on May 26, 1969, will be deemed held by a disqualified person until May 26, 1979, the additional 10 shares of X voting stock acquired by F on December 15, 1971, will, under the provisions of subparagraph (2)(ii) of this paragraph and section 4943(c)(5), be deemed held by a disqualified person until December 15, 1981.

Example (4). Assume that F, a private foundation, owns, on May 26, 1969, 50 shares of voting stock in corporation Y representing 50 percent of the voting power in Y. Assume further that C and D, the only disqualified persons with respect to F, own, on such date, 15 shares each of Y voting stock and that the 30 shares of Y voting stock owned by C and D together represent 30 percent of the voting power in Y. Under the provisions of § 53.4943–3, and without regard to section 4943(c)(2)(B), the excess business holdings of F in Y as of such date are, therefore, 50 percent of Y voting power. Accordingly, since F has excess business holdings in Y as of May 26, 1969, and since the combined holdings of F, C, and D in Y represent, on such date, more than 75 percent of the voting power in Y, under the provisions of subparagraph (1)(i)(*b*) of this paragraph all holdings in Y (i.e., 50 shares of Y voting stock) will be deemed held by a disqualified person until May 26, 1984.

Example (5). F, a private foundation, owns, on May 26, 1969, 30 shares of voting stock in corporation Z representing 30 percent of the voting power in Z and 15 percent of the value of all outstanding shares of all classes of stock in Z, and owns, on such date, 10 shares of nonvoting stock in Z representing 10 percent of the value of all outstanding shares of all classes of stock in Z. E and G, the only disqualified persons with respect to F, own, on such date, five shares each of nonvoting stock in Z. The 10 shares of nonvoting stock in Z owned by E and G together represent 10 percent of the value of all outstanding shares of all classes of stock in Z. The provisions of subparagraph (1)(i)(*d*) of this paragraph apply with respect to F, and a disqualified person is deemed to hold all 30 shares of stock owned by F in Z during the 10-year period beginning on May 26, 1969. It is assumed that the provisions of paragraph

(e) of this section do not apply. During such period the permitted holdings by F in Z with respect to the stock in Z held by F on May 26, 1969, are 30 percent of the voting power in Z and 25 percent of the value of all outstanding shares of all classes of stock in Z, determined as follows:

	Percent
(i) The percentage of voting power in Z held by F, E, and G together on May 26, 1969	30
Less: the percentage of voting power in Z held by E and G	0
Permitted holdings of voting power by F in Z	30
(ii) The percentage of the value of all outstanding shares of all classes of stock in Z held by F, E, and G, together on May 26, 1969	35
Less: the percentage of the value of all outstanding shares of all classes of stock in Z held by E and G	10
Permitted holdings of value by F and Z	25

In addition, since the entire interest of F in Z is deemed to be held by a disqualified person until May 26, 1979 (under subparagraph (1)(i)(*d*) of this paragraph), F can have no excess business holdings in Z until such date.

Example (6). Assume the facts as stated in Example (5), except that E and G acquire, on February 1, 1970, 10 shares of Z voting stock representing 10 percent of the voting power in Z and 5 percent of the value of all outstanding shares of all classes of stock in Z. During the first phase, as of February 1, 1970, the permitted holdings by F in Z with respect to the stock in Z held by F on May 26, 1969, are 20 percent of the voting power in Z and 20 percent of the value of all outstanding shares of all classes of stock in Z, determined as follows:

	Percent
(i) The percentage of voting power in Z held by F, E, and G together on May 26, 1969	30
Less: the percentage of voting power in Z held by E and G	10
Permitted holdings of voting power by F in G as of February 1, 1970	20
(ii) The percentage of the value of all outstanding shares of all classes of stock in Z held by F, E, and G together on May 26, 1969	35
Less: the percentage of the value of all outstanding shares of all classes of stock in Z held by E and G	15
Permitted holdings of value by F in Z as of February 1, 1970	20

Since all holdings by F in Z are deemed held by a disqualified person during the first phase, F will not be subject to tax under section 4943(a) on excess business holdings until the termination of the first phase. Therefore, F must dispose of an amount of holdings (or E and G must dispose of an equivalent amount) during the first phase in order for F to avoid taxation on such holdings under section 4943(a).

Example (7). F, a private foundation, owns, on May 26, 1969, 50 shares of voting stock in corporation X representing 50 percent of the voting power in X and 25 percent of the value of all outstanding shares of all classes of stock in X, and owns, on such date, 20 shares of nonvoting stock in X representing 20 percent of the value of all outstanding shares of all classes of stock in X. A and B, the only disqualified persons with respect to F, own, on such date, 10 shares each of voting stock in X. The 20 shares of voting stock in X owned by A and B together represent 20 percent of the voting power in X and 10 percent of the value of all outstanding shares of all classes of stock in X. The provisions of subparagraph (1)(i)(*d*) of this paragraph apply with respect to F, and a disqualified person is deemed to hold all stock owned by F in X during the 10-year period beginning on May 26, 1969. It is assumed that paragraph (e) of this section does not apply. During such period the permitted holdings by F in X with respect to the stock in X held by F on May 26, 1969, are 30 percent of the voting power in X and 40 percent of the value of all outstanding shares of all classes of stock in X, determined as follows:

	Percent
(i) (*a*) The percentage of voting power in X held by F, A, and B together on May 26, 1969	70
(*b*) Lower of 50 percent or item (*a*)	50
(*c*) The percentage of voting power in X held by A and B	20
(*d*) Permitted holdings of voting power by F in X (item (*b*) less item (*c*))	30
(ii) (*a*) The percentage of the value of all outstanding shares of all classes of stock in X held by F, A, and B together on May 26, 1969	55
(*b*) Lower of 50 percent or item (*a*)	50
(*c*) The percentage of the value of all outstanding shares of all classes of stock in X held by A and B	10
(*d*) Permitted holdings of value by F in X (item (*b*) less item (*c*))	40

Since all holdings by F in X are deemed held by a disqualified person during the first phase, F will not be subject to tax under section 4943(a) on excess business holdings until the termination of the first phase. Therefore, F must dispose of an amount of holdings (or A and B must dispose of an equivalent amount) during the first phase in order for F to avoid taxation on such holdings under section 4943(a).

Example (8). Assume that M, a private foundation, owns, on May 26, 1969, sole proprietorship S. Since, under the provisions of § 53.4943–3, M's ownership of S constitutes excess business holdings as of May 26, 1969, and since M's interest in S is greater than 95 percent on such date, under the provisions of subparagraph (1)(i)(*a*) of this paragraph a disqualified person will be deemed the owner of S for the 20-year period beginning on such date. However, during such period, M's ownership of S will not constitute permitted holdings. If M disposes of part of its interest in S, the provisions of section 4943(c)(3)(A) rather than the provisions of section 4943(c)(3)(B) shall apply from the date of the first such disposition; however, that portion of the interest in S retained by M, even though less than a 95-percent interest, shall continue to be deemed held by a disqualified person until May 26, 1989.

(c) *Second phase*—(1) *In general.* For purposes of section 4943 and this section, the term "second phase" means the 15-year period immediately following the first phase.

(2) *Permitted holdings during second phase*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph and paragraphs (e) and (f) of this section, and without regard to the applicability of section 4943(c)(2)(C), during the second phase the permitted percentage of holdings of a private foundation described in paragraph (b)(1)(i) of this section, acquired on or before May 26, 1969, in a business enterprise (with respect to which such foundation has excess business holdings, as determined under § 53.4943–3, on such date) shall be determined in the manner specified in paragraph (b)(5)(i) of this section, except that—

(*a*) The percentage specified in (*a*)(*1*) thereof shall be the percentage of voting power in such enterprise held by the foundation and all disqualified persons (with respect to such foundation) together at the close of the first phase, and

(*b*) The percentage specified in (*b*)(*1*) thereof shall be the percentage of the value of all outstanding shares of all classes of stock in such enterprise held by the foundation and all disqualified persons (with respect to such foundation) together at the close of the first phase.

(ii) *Twenty-five percent limitation.* For purposes of this subparagraph, in no event shall the permitted holdings (described in subdivision (i) of this subparagraph) of a private foundation (other than a foundation described in paragraph (b)(5)(iii) of this section) include more than 25 percent of the voting power or 25 percent of the value of all outstanding shares of all classes of stock in a business enterprise, if, at any time during the second phase, all disqualified persons (with respect to such foundation) together hold (actually or constructively) more than 2 percent of the voting power in such enterprise. The limitations of the preceding sentence shall apply for the time remaining in the second phase and occurring after the first day during the second phase on which such disqualified persons together hold more than 2 percent of such voting power. For special rules with respect to the disposition of excess business holdings created, under this subdivision, solely by reason of acquisitions made by disqualified persons after the first phase, see § 53.4943–2(a)(1).

(3) *Example.* The provisions of this paragraph may be illustrated by the following example.

Example. On May 26, 1969, F, a private foundation, has excess business holdings (as determined under § 53.4943–3) in corporation X. A and B, the only disqualified persons with respect to F, have no holdings in X on such date. Assume that, under paragraph (b)(1)(i)(*d*) of this section, a disqualified person is deemed the owner of all holdings by F in X for the 10-year period beginning on May 26, 1969 (i.e., the first phase) and that, under paragraph (b)(5) of this section, the holdings by F in X (with respect to stock held on May 26, 1969) at the close of such period are 35 percent of the voting power in X and 40 percent of the value of all outstanding shares of all classes of stock in X. On Feb-

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ruary 1, 1981, A and B together acquire 6 shares of the voting stock in X representing 6 percent of the voting power in X and 3 percent of the value of all outstanding shares of all classes of stock in X. Assume that paragraph (e) of this section does not apply.

(i) The permitted holdings by F in X from May 26, 1979, to February 1, 1981, are 35 percent of the voting power in X and 40 percent of the value of all outstanding shares of all classes of stock in X, determined as follows:

	Percent
(a) Permitted holdings of voting power from May 26, 1979, to February 1, 1981 (35 percent–0 percent)	35
(b) Permitted holdings of value from May 26, 1979, to February 1, 1981 (40 percent–0 percent)	40

(ii) The permitted holdings by F in X for the period beginning on February 1, 1981, are 25 percent of the voting power in X and 25 percent of the value of all outstanding shares of all classes of stock in X, determined as follows:

	Percent
(a)(1) Combined holdings of voting power by F, A, and B on May 26, 1979	35
(2) Percentage of voting power held by A and B on February 1, 1981	6
(3) Item (1) less item (2)	29
(4) Permitted holdings of voting power for the period beginning on February 1, 1981 (lower of 25 percent or item (3))	25
(b)(1) Combined holdings of value by F, A, and B on May 26, 1969	40
(2) Percentage of value held by A and B on February 1, 1981	3
(3) Item (1) less item (2)	37
(4) Permitted holdings of value for the period beginning on February 1, 1981 (lower of 25 percent or item (3))	25

(d) *Third phase*—(1) *In general.* For purposes of section 4943 and this section, the term "third phase" means all periods following the second phase.

(2) *Permitted holdings during third phase*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph and paragraphs (e) and (f) of this section, and without regard to the application of section 4943(c)(2)(C) during the third phase the permitted percentage of holdings of a private foundation described in paragraph (b)(1)(i) of this section, acquired on or before May 26, 1969, in a business enterprise (with respect to which such foundation has excess business holdings, as determined under § 53.4943–3, on such date) shall be determined in the manner specified in paragraph (b)(5)(i) of this section, except that—

(*a*) The percentage specified in (*a*)(*1*) thereof shall be the percentage of voting power in such enterprise held by the foundation and all disqualified persons (with respect to such foundation) together at the close of the second phase, and

(*b*) The percentage specified in (*b*)(*1*) thereof shall be the percentage of the value of all outstanding shares of all classes of stock in such enterprise held by the foundation and all disqualified persons (with respect to such foundation) together at the close of the second phase.

(ii) *Thirty-five-percent limitation.* If immediately before the close of the second phase the "25-percent limitation" as defined in paragraph (c)(2)(ii) of this section did not apply with respect to a business enterprise, then the permitted holdings described in subdivision (i) of this subparagraph shall not exceed—

(*a*) Thirty-five percent of the voting power in the enterprise, reduced by the percentage of voting power in such enterprise held by all disqualified persons (with respect to such foundation); and, separately,

(*b*) Thirty-five percent of the value of all outstanding shares of all classes of stock in the enterprise, reduced by the percentage of the value of all outstanding shares of all classes of stock in such enterprise held by all disqualified persons (with respect to such foundation).

In no event shall such permitted holdings be less than zero. For purposes of this subparagraph, if the provisions of this subdivision apply with respect to a private foundation, then in no event shall the permitted holdings (described in subdivision (i) of this subparagraph) of such foundaton include more than 25 percent of the voting power or 25 percent of the value of all outstanding shares of all classes of stock in a business enterprise, if, at any time during the third phase, all disqualified persons (with respect to such foundation) together hold (actually or constructively) more than 2 percent of the voting power in such enterprise. The limitations of the preceding sentence shall apply for the period occurring after that day during the third phase on which such disqualified persons together hold more than 2 percent of such voting power. The provisions of this subdivision shall not apply with respect to a private foundation described in paragraph (b)(5)(iii) of this section. For special rules with respect to the disposition of excess business holdings created under this subdivision, solely by reason of acquisitions made by disqualified persons after the second phase, see § 53.4943–2(a)(1).

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On May 26, 1969, F, a private foundation, has excess business holdings (as determined under § 53.4943–3) in corporation X. A and B, the only disqualified persons with respect to F, own, on such date, 2 shares of voting stock in X representing 2 percent of the voting power in X and 1 percent of the value of all outstanding shares of all classes of stock in X. Under paragraph (b)(1)(i)(*d*) of this section, a disqualified person is deemed the owner of all holdings by F in X for the 10-year period beginning on May 26, 1969. The combined holdings by F, A, and B in X (with respect to stock held on May 26, 1969) at the close of such period and immediately prior to the close of the second phase are 50 percent of the voting power in X and 50 percent of the value of all outstanding shares of all classes of stock in X. Assume that the provisions of paragraph (e) of this section do not apply and that A and B do not acquire any additional interests in X. The permitted holdings by F in X for the period beginning on May 26, 1994, are 33 percent of the voting power in X and 34 percent of the value of all outstanding shares of all classes of stock in X, determined as follows:

	Percent
(1)(a) Combined holdings of voting power by F, A, and B in X at close of second phase	50
(b) Maximum allowable combined holdings of voting power by F, A, and B in X for the period beginning on May 26, 1994 (lower of 35 percent or item (a))	35
(c) Percentage of voting power held by A and B	2
(d) Permitted holdings of voting power for the period beginning on May 26, 1994 (item (b) less item (c))	33
(ii)(a) Combined holdings of value by F, A, and B in X at close of second phase	50
(b) Maximum allowable combined holdings of value by F, A, and B in X for the period beginning on May 26, 1994 (lower of 35 percent and item (a))	35
(c) Percentage of value held by A and B	1
(d) Permited holdings of value for the period beginning on May 26, 1994 (item (b) less item (c))	34

Example (2). Assume the facts as stated in Example (1), except that, on March 1, 1996, A and B acquire an additional 4 shares of voting stock in X representing 4 percent of the voting power in X and 2 percent of the value of all outstanding shares of all classes of stock in X. Assume that paragraph (e) of this section does not apply.

(i) The permitted holdings by F in X for the period beginning on May 26, 1994, and ending on February 28, 1996, are 33 percent of the voting power in X and 34 percent of the value of all outstanding shares of all classes of stock in X, determined as provided in Example (1).

(ii) Assume that A and B do not acquire any other additional interests in X. The permitted holdings by F in X for the period beginning on March 1, 1996, are 25 percent of the voting power in X and 25 percent of the value of all outstanding shares of all classes of stock in X, determined as follows:

	Percent
(a)(1) Maximum allowable combined holdings of voting power by F, A, and B in X for the period beginning on May 26, 1994	35
(2) Percentage of voting power held by A and B on March 1, 1996	6
(3) Item (1) less item (2)	29
(4) Permitted holdings of voting power for the period beginning on March 1, 1996 (lower of 25 percent and item (3))	25
(b)(1) Maximum allowable combined holdings of value by F, A, and B in X for the period beginning on May 26, 1994	35
(2) Percentage of value held by A and B on March 1, 1996	3
(3) Item (1) less (2)	32
(4) Permitted holding of value for the period beginning on March 1, 1996 (lower of 25 percent and item (3))	25

(e) *Effect of decrease in holdings*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, and subject to the provisions of subparagraph (3) of this paragraph—

(i) If, at any time during the first, second, or third phase, the percentage specified in paragraph (b)(5)(i) (*a*)(*1*) or (*b*)(*1*) of this section decreases for any reason, then for all periods thereafter such decreased percentage shall be substituted for the percentage so specified, and

(ii) The percentage substituted under subdivision (i) of this subparagraph shall not be changed by any subsequent increase in the combined holdings of a private foundation and all disqualified persons (with respect to such foundation) together in a business enterprise.

(2) *One percent de minimis rule; etc.* If, during any taxable year of a private foundation occurring within the first, second, or third phase, there are one or more decreases in the percentage holdings of such foundation and all disqualified persons (with respect to such foundation) as specified in paragraph (b)(5)(i) (*a*)(*1*) or (*b*)(*1*) of this section, and if such decreases are attributable to issuances of stock (or such issuances coupled with redemptions), then, unless the aggregate of such decreases equals or exceeds 1 percent, the determination whether, for purposes of this paragraph, there is a decrease in such percentage holdings shall be made only at the close of such taxable year. If, however, the aggregate of such decreases equals or exceeds 1 percent, then such percentage holdings shall be decreased as each such decrease occurs to the extent of such decrease. In addition, no decrease shall be treated as occurring, for example, solely by reason of the death of a disqualified person if his holdings pass through his estate to a beneficiary who is also a disqualified person.

(3) *Limitation.* In no event shall the percentage substituted under subparagraph (1) of this paragraph be less than 20 percent.

(4) *Special rule for termination of private foundation status under section 507.* If an organization gives the notification described in section 507(b)(1)(B)(ii) of the commencement of a 60-month termination period and fails to terminate for the entire such period, then, only for purposes of sections 4943(c)(4)(A)(ii) and 4946(a)(1)(H), such organization will be treated as a private foundation during such 60-month period. For example, X, a private foundation, gives notification of the commencement of a 60-month termination commencing on January 1, 1972. X and Y, another private foundation, are effectively controlled by the same persons within the meaning of section 4946(a)(1)(H). X and Y hold 20 percent each of the voting power of Z corporation on May 26, 1969. If X meets the requirements of section 509(a)(1), (2), or (3) for the entire 60-month period, section 4946(a)(1)(H) is inapplicable to X, and Y is treated as holding only 20 percent of the Z voting power, at the end of this period. On the other hand, if X meets the requirements of section 509(a)(2) for its taxable years 1972 and 1973, but fails to meet the requirements of section 509(a)(1), (2), or (3) in 1974, 1975, and 1976, then solely for purposes of section 4943(c)(4)(A)(ii) X will be treated as a disqualified person with respect to Y and Y will be treated as a disqualified person with respect to X for taxable years 1972 through 1976 pursuant to section 4946(a)(1)(H). Thus, for purposes of section 4943(c)(4)(A)(ii), the holdings (as of May 26, 1969) of X and Y in Z will not be treated as decreased by reason of the fact that X was attempting to terminate under section 507(b)(1)(B).

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). F, a private foundation, owns, on May 26, 1969, 50 shares of voting stock in corporation X representing 50 percent of the voting power in X and 25 percent of the value of all outstanding shares of all classes of stock in X. A and B, the only disqualified persons with respect to F, together own, on such date, 2 shares of voting stock in X representing 2 percent of the voting power in X and 1 percent of the value of all outstanding shares of all classes of stock in X. In addition, on such date, F owns 30 shares of nonvoting stock in X, representing 30 percent of the value of all outstanding shares of all classes of stock in X, and A and B together own 15 shares of nonvoting stock in X representing 15 percent of the value of all outstanding shares of all classes of stock in X. The provisions of paragraph (b)(1)(i)(*d*) of this section apply with respect to F and, during the 10-year period beginning on May 26, 1969, a disqualified person is deemed to hold all interests of F in X. Assume that on February 1, 1972, F sells to C, an unrelated individual, 12 shares of voting stock in X representing 12 percent of the voting power in X and 6 percent of the value of all outstanding shares of all classes of stock in X.

(i) For the period beginning on May 26, 1969, and ending on January 31, 1972, the permitted holdings of F in X are 48 percent of the voting power in X and 34 percent of the value of all outstanding shares of all classes of stock in X, determined as follows:

	Percent
(a)(1) Combined holdings of voting power by F, A, and B on May 26, 1969	52
(2) Lower of 50 percent or item (1)	50
(3) Percentage of voting power held by A and B	2
(4) Permitted holdings of voting power (item (2) less item (3))	48
(b)(1) Combined holdings of value by F, A, and B on May 26, 1969	71
(2) Lower of 50 percent or item (1)	50
(3) Percentage of value held by A and B	16
(4) Permitted holdings of value (item (2) less item (3))	34

(ii) For the period beginning on February 1, 1972, the permitted holdings of F in X are 38 percent of the voting power in X and 34 percent of the value of all outstanding shares of all classes of stock in X, determined as follows:

	Percent
(a)(1) Combined holdings of voting power by F, A, and B on Feb. 1, 1972	40
(2) Lower of 50 percent or item (1)	40
(3) Percentage of voting power held by A and B	2
(4) Permitted holdings of voting power (item (2) less item (3))	38
(b)(1) Combined holdings of value by F, A, and B on Feb. 1, 1972	65
(2) Lower of 50 percent or item (1)	50
(3) Percentage of value held by A and B	16
(4) Permitted holdings of value (item (2) less item (3))	34

Example (2). F, a private foundation on the calendar year basis, holds, on May 26, 1969, 30 percent of the voting power in corporation Y. C and D, the only disqualified persons with respect to F, together hold, on such date, 10 percent of the voting power in Y. Assume that the provisions of paragraph (b)(1)(i)(*d*) apply with respect to F and that C and D are deemed to own all holdings by F in Y for the 10-year period beginning on May 26, 1969. On February 1, 1973, a stock issuance by Y causes the combined holdings of voting power by F, C, and D in Y to decrease by 0.3 percent. On June 1, 1973, another such issuance causes such combined holdings to decrease by 0.5 percent. On September 1, 1973, an unrelated stock redemption by Y causes such combined holdings to increase by 0.4 percent. Under the provisions of subparagraph (2) of this paragraph, the determination whether there is a decrease in the combined holdings of voting power by F, C, and D (as of May 26, 1969) shall not be made before January 1, 1974, since the aggregate of the decreases occurring on February 1 and June 1 of 1973 is less than 1 percent. Therefore, the maximum combined holdings of voting power by F, C, and D for purposes of computing the permitted holdings of voting power by F in Y as of January 1, 1974, are 39.6 percent (i.e., 40 percent—[(0.3 percent+0.5 percent)—0.4 percent]).

Example (3). Assume the facts as stated in Example (2), except that, on October 1, 1973, a stock issuance by Y causes the combined holdings of voting power by F, C, and D in Y to decrease by 0.3 percent. Since the aggregate of the decreases occurring on February 1, June 1, and October 1, of 1973 exceeds 1 percent, the determination whether there is a decrease in the combined holdings of voting power by F, C, and D (as of May 26, 1969) shall be made as each such decrease occurs. Therefore, the maximum combined holdings of voting power by F, C, and D for purposes of computing the permitted holdings of voting power by F in Y as of February 1, 1973, shall be 39.7 percent (i.e., 40 percent—0.3 percent); such maximum combined holdings for purposes of computing such permitted holdings as of June 1, 1973, shall be 39.2 percent (i.e., 39.7 percent—0.5 percent; and such maximum combined holdings for purposes of computing such permitted holdings as of October 1, 1973, shall be the lower of 39.3 percent (i.e., 39.2 percent+0.4 percent—0.3 percent), the actual combined holdings as of October 1, 1973, or 39.2 percent, the lowest combined holdings during 1973. Thus, such maximum combined holdings are 39.2 percent. If the redemption had been related to one or more of the issuances, such maximum would have been 39.3 percent.

(f) *Special rules for corporate readjustments and certain corporate distributions.* (1)(i) If a private foundation, its disqualified persons, or both together have holdings in a corporation to which section 4943(c)(4)(B) applies, stock of a corporation received by the foundation, its disqualified person, or both together

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in a corporate readjustment (as defined in subparagraph (6) of this paragraph) in exchange for such stock to which section 4943(c)(4)(B) applies shall, except to the extent provided in subparagraph (2) of this paragraph, be treated as the stock surrendered in the exchange for purposes of section 4943(c) (4) or (5).

(ii) If a private foundation, its disqualified persons, or both together have holdings in a corporation to which section 4943(c)(4)(B) applies, stock of a corporation received by the foundation, its disqualified persons, or both together pursuant to a distribution in redemption of stock to which section 302(a) or 331 applies, or a distribution to which section 355 applies, shall, except to the extent provided in subparagraph (3) of this paragraph, be treated as the stock with respect to which the distribution was made for purposes of section 4943(c) (4) or (5).

(2)(i) Except as provided in subdivision (iii) of this subparagraph, if, as the result of an exchange of stock pursuant to a corporate readjustment described in subparagraph (1)(i) of this paragraph, the percentage of voting power of a private foundation, its disqualified persons, or both together in a corporation a party to such readjustment exceeds their percentage of voting power in the corporation the holdings of which were surrendered in the exchange, then—

(*a*) That portion of the stock received in the exchange which represents such excess is to be treated as having been acquired other than by purchase for purposes of, and subject to the provisions of, section 4943(c)(6); and

(*b*) Only the remaining portion of the stock received in the exchange is to be treated as the stock surrendered in the exchange.

(ii) Except as provided in subdivision (iii) of this subparagraph, if, as the result of an exchange of stock pursuant to a corporate readjustment described in subparagraph (1)(i) of this paragraph, the stock received by the private foundation, its disqualified persons, or both together in the exchange represents a greater portion of the fair market value of all classes of the outstanding stock of the issuing corporation than their stock surrendered represented of all classes of the outstanding stock of a corporation a party to such readjustment immediately preceding the exchange, then—

(*a*) That portion of the stock received in the exchange which represents such excess is to be treated as having been acquired other than by purchase for purposes of, and subject to the provisions of, section 4943(c)(6); and

(*b*) Only the remaining portion of the stock received in the exchange is to be treated as the stock surrendered in the exchange.

(iii) If, as the result of an exchange of stock pursuant to a corporate readjustment described in subparagraph (1)(i) of this paragraph, there is an increase in both the percentage of voting power (referred to in subdivision (i) of this subparagraph) and the value ratio (referred to in subdivision (ii) of this subparagraph), then—

(*a*) That portion of the stock received in the exchange which represents the greater excess is to be treated as having been acquired other than by purchase for purposes of, and subject to the provisions of, section 4943(c)(6); and

(*b*) Only the remaining portion of the stock received in the exchange is to be treated as the stock surrendered in the exchange.

(iv) For purposes of this subparagraph, it will be presumed, in the absence of clear evidence to the contrary, that stock received by a private foundation, its disqualified persons, or both together pursuant to a corporate reorganization described in section 368(a)(1) (in which gain is either not recognized or recognized only in part) represents the same proportion of the fair market value of all classes of the outstanding stock of the issuing corporation that their stock surrendered represented of all classes of the outstanding stock of a corporation a party to the reorganization immediately preceding the exchange.

(3)(i) Except as provided in subdivision (iii) of this subparagraph, if, as the result of a distribution of stock described in subparagraph (1)(ii) of this paragraph, the percentage of voting power of a private foundation, its disqualified persons, or both together in the corporation the stock of which was so distributed exceeds their percentage of voting power in the distributor corporation, then—

(*a*) That portion of the stock distributed which represents such excess is to be treated as having been acquired other than by purchase for purposes of, and subject to the provisions of, section 4943(c)(6); and

(*b*) Only the remaining portion of the stock distributed is to be treated as the stock with respect to which the distribution was made.

(ii) Except as provided in subdivision (iii) of this subparagraph, if, as the result of a distribution of stock described in subparagraph (1)(ii) of this paragraph, the stock held by the private foundation, its disqualified persons, or both together in both the issuing and distributor corporations represents, immediately after such distribution, a greater proportion of the fair market value of all classes of such corporations' outstanding stock than their stock with respect to which such distribution was made represented, immediately prior to such distribution, of all classes of the distributor corporation's outstanding stock, then—

(*a*) That portion of the stock held by such persons, immediately after such distribution, in both the distributor and issuing corporations which represents such excess is to be treated as having been acquired other than by purchase for purposes of, and subject to the provisions of, section 4943(c)(6); and

(*b*) Only the remaining portion of the stock so held is to be treated as the stock with respect to which the distribution was made.

(iii) If, as the result of a distribution of stock described in subparagraph (1)(ii) of this paragraph, there is an increase in both the percentage of voting power (referred to in subdivision (i) of this subparagraph) and the value ratio (referred to in subdivision (ii) of this subparagraph), then—

(*a*) That portion of the stock distributed (or held, immediately after the distribution, in both the distributor and issuing corporations) which represents the greater excess is to be treated as having been acquired other than by purchase for purposes of, and subject to the provisions of, section 4943(c)(6); and

(*b*) Only the remaining portion of the stock distributed (or so held) is to be treated as the stock with respect to which the distribution was made.

(4) If, as a result of an exchange of stock described in subparagraph (1)(i) of this paragraph or a distribution of stock described in subparagraph (1)(ii) of this paragraph, the percentage of voting power referred to in subparagraph (2)(i) or (3)(i) of this paragraph or the value ratio referred to in subparagraph (2)(ii) or (3)(ii) of this paragraph is reduced, then such reduction in voting power or value ratio shall be subject to the provisions of section 4943(c)(4)(A)(ii).

(5) If stock received in an exchange described in subparagraph (1)(i) of this paragraph (or received or held pursuant to a distribution described in subparagraph (1)(ii) of this paragraph) is, for purposes of section 4943(c) (4) or (5), treated as the stock surrendered in such exchange (or the stock with respect to which such distribution was made), the stock received (or received or held) shall be treated in accordance with the rules of section 4943(c)(4) for the shortest first and second phase periods which would have applied to the stock surrendered in the exchange (or the stock with respect to which the distribution was made) determined as if such exchange (or such distribution) had never occurred.

(6) For purposes of this paragraph, the term "corporate readjustment" includes, but is not limited to:

(i) A merger or consolidation;

(ii) The acquisition by one corporation in exchange for all or a part of its stock of stock or assets of another corporation;

(iii) A recapitalization; or

(iv) A change in identity, form, or place or organization, however effected.

(7) For special rules relating to the determination whether a corporation constructively owns an interest in another business enterprise for such corporation's shareholders, see § 53.4943–7(c)(1)(i).

(8) The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) K, a private foundation, owns 50 percent of the one class of outstanding stock in A corporation which it has held continuously since June 1, 1935. No disqualified person with respect to K owns any stock in A. Neither K nor any disqualified person with respect to K owns any stock in B corporation. On July 1, 1972, A and B enter into an agreement to consolidate their businesses in a reorganization to which section 368(a)(1)(A) will apply. As a result of the contemplated consolidation, K will own 60 percent of the voting stock in C, the resulting corporation. In addition, parties unrelated to K will own the remaining 40 percent of the C voting stock and 100 percent of a new issue of nonvoting preferred stock in C. Assume, for purposes of subparagraph (2)(iv) of this paragraph, that there is no clear evidence that the 60 percent of the voting stock to be held by K in C will represent a greater proportion of the fair market value of the outstanding C stock than the 50 percent of A stock held by K on May 26, 1969, represents of the outstanding A stock.

(ii) Under the provisions of subparagraph (2)(i) of this paragraph, that portion of the C voting stock to be held by K which will represent a percentage of voting power equivalent to that held by F in A immediately prior to the consolidation (i.e., 50 percent) will be treated as the A stock held by K on May 26, 1969, for purposes of section 4943(c)(4). The remaining portion of the C voting stock to be held by K (i.e., 10 percent) will be subject to the provisions of section 4943(c)(6).

Example (2). (i) F, a private foundation, owns 60 percent of the one class of outstanding stock in D corporation, which it has held continuously since April 15, 1958. No disqualified person with respect to F owns any stock in D. The 60 percent of D stock held by F has a fair market value of $3 million. The fair market value of all of the outstanding stock in D is $5 million. On May 1, 1972, D, pursuant to a recapitalization under section 368(a)(1)(E), converts its one class of outstanding stock into two classes, voting common and nonvoting preferred. As a result of the recapitalization, F, in exchange for the D stock held on May 26, 1969, receives 20 percent of D voting stock with a fair market value of $400,000, and 100 percent of D nonvoting preferred stock with a fair market value of $3 million. The fair market value of all of the outstanding stock in D immediately after the recapitalization remains $5 million.

(ii) Except as provided in (iii) of this example, the D stock received by F in the exchange shall, under subparagraph (1)(i) of this paragraph, be treated as the D stock held by F on May 26, 1969, for purposes of section 4943(c)(4). However, since, as a result of the exchange, the percentage of voting power held by F in D has been reduced from 60 percent to 20 percent, such reduction shall, under subparagraph (4) of this paragraph, be subject to the provisions of section 4943(c)(4)(A)(ii) and paragraph (e) of this section.

(iii) As a result of the exchange, the D stock received by F represents a greater proportion of the fair market value of both classes of the outstanding stock in D than the D stock surrendered by F represented of the one class of outstanding stock in D immediately preceding the exchange. In other words, immediately preceding the exchange, the ratio of the value of all D stock held by F (i.e., $3 million) to the value of all of the outstanding stock in D (i.e., $5 million) was 3:5; immediately after the exchange, the ratio of the value of all D stock held by F (i.e., $400,000 plus $3 million equal $3.4 million) to the value of all of the outstanding stock in D (i.e., $5 million) is 3.4:5. Accordingly, under subparagraph (2)(ii)(*a*) of this paragraph, an amount of D stock held by F immediately after the exchange representing such increase in value (i.e., $400,000) shall not be treated as the D stock held by F on May 26, 1969, for purposes of section 4943(c)(4), but shall, instead, be subject to the provisions of section 4943(c)(6) and treated as held by a disqualified person for the 5-year period beginning on May 1, 1972. The presumption contained in subparagraph (2)(iv) of this paragraph is overruled by the presence of clear evidence to the contrary.

Example (3). (i) F, a private foundation, owns 50 percent of the one class of outstanding stock in C corporation, which it has held continuously since January 1, 1960. No disqualified person with respect to F owns any stock in C. In addition, C owns 60 percent of the voting stock in D corporation. On July 1, 1972, the full amount of the D voting stock held by C is distributed to F in complete liquidation of C. Assume that the D voting stock received by F represents the same proportion of the fair market value of all classes of the outstanding stock of D that the C stock held by F represented of all of C's outstanding stock.

(ii) Under subparagraph (3)(i) of this paragraph, that portion of the D voting stock received by F which represents a percentage of voting power equivalent to that held by F in C immediately prior to the distribution (i.e., 50 percent) is treated as the C stock held by F on May 26, 1969, for purposes of section 4943(c)(4). The remaining portion of the D voting stock received by F (i.e., 10 percent) is subject to the provisions of section 4943(c)(6) and is treated as held by a disqualified person for the 5-year period beginning on July 1, 1972.

(g) *Special rule for entities which become private foundations subsequent to May 26, 1969.* (1) The present holdings rules set forth in section 4943(c)(4) and this section are applicable to a private foundation even though such foundation was neither a private foundation, as defined in section 509(a), nor treated as such under section 4947(a)(1), on May 26, 1969: *Provided*, That on such date, such entity was in existence and, together with all disqualified persons, held more than 20 percent of the voting power in the business enterprise.

(2) The provisions of this paragraph may be illustrated by the following example:

Example. A, a nonprofit research organization described in section 501(c)(3), was organized in 1966. On May 26, 1969, A held 50 percent of the stock of corporation B. For its taxable years 1970, 1971, and 1972, A is classified as an organization described in section 509(a)(2). However, for 1973 and subsequent years, A fails to satisfy the gross investment income limitation of section 509(a)(2)(B), and is thus classified as a private foundation. In determining the period within which A must dispose of stock of B held by it on May 26, 1969, section 4943(c)(4) shall apply.

(h) *Special rule for nonvoting stock.* (1) In no event shall the provisions of section 4943(c)(4)(A)(iii) and this section require a disposition of nonvoting stock by a private foundation where no such disposition would be required under § 53.4943–3(b)(2). However, in order for a foundation to retain certain voting stock and at the same time satisfy the provisions of section 4943(c)(4)(A)(iii) and this section, it may be necessary for such foundation, at its election, to dispose of, or cause the disposition of certain nonvoting stock.

(2) The provisions of this paragraph may be illustrated by the following example:

Example. (i) F, a private foundation, owns, on May 26, 1969, 40 shares of voting stock in corporation X representing 40 percent of the voting power in X and 20 percent of the value of all outstanding shares of all classes of stock in X, and owns, on such date, 60 shares of nonvoting stock in X, representing 30 percent of the value of all outstanding shares of all classes of stock in X. A, the only disqualified person with respect to F, owns, on such date, 10 shares of voting stock in X, representing 10 percent of the voting power in X and 5 percent of the value of all outstanding shares of all classes of stock in X. Under paragraph (b)(1)(i)(*d*) of this section, a disqualified person is deemed the owner of all holdings by F in X for the 10-year period beginning on May 26, 1969. Assume that there are no acquisitions of X stock (by purchase or otherwise) by either F or A after May 26, 1969, and that the provisions of paragraph (e) of this section do not apply.

(ii) On May 26, 1979 (i.e., the beginning of the second phase), the permitted holdings of F in X are 25 percent of the voting power and 25 percent of the value of all outstanding shares of all classes of stock, since, under paragraph (c)(2)(ii) of this section, A holds in excess of 2 percent of the voting power in X on such date. Nevertheless, F may retain its full 60 shares of nonvoting stock in X, since, under § 53.4943–3(b)(2), A holds less than 20 percent of the voting power in X. However, in order to retain its full permitted holdings of 25 shares of X voting stock (representing 25 percent of X voting power), F may wish to dispose of 35 shares of X nonvoting stock, so that the value of its retained voting shares (i.e., 12.5 percent) plus the value of its remaining 25 nonvoting shares (i.e., 12.5 percent) will be equivalent to its permitted holdings of 25 percent of value in X (i.e., 12.5 percent plus 12.5 percent equal 25 percent).

§ 53.4943–5 Present holdings acquired by trust or will.

(a) *Holdings acquired by trust or will.* Under section 4943(c)(5), if any interest in a business enterprise is actually or constructively acquired by a private foundation under the terms of a trust which was irrevocable on May 26, 1969, or under the terms of a will executed on or before May 26, 1969, which are in effect on May 26, 1969, and at all times thereafter, section 4943(c)(4) (other than section 4943(c)(4)(B)(i)) shall apply to such interest as if it were held by the foundation on May 26, 1969. See section 4943(d)(1) and the regulations thereunder for rules relating to constructive ownership with respect to certain estates and trusts. The interest acquired by the private foundation under the terms of such trust or will shall be considered held by disqualified persons (and not the private foundation) under section 4943(c)(4)(B) on the first date on which the foundation is considered to constructively own such interest under section 4943(d)(1). However, the first phase described in clause (ii) or (iii) of section 4943(c)(4)(B) with respect to the business interest acquired by a private foundation under the terms of such trust or will does not commence until the date on which actual distribution of such interest occurs under the terms of such trust or will in lieu of May 26, 1969. Thus, if a foundation acquires 50 percent of the voting stock in a taxable cor-

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poration on January 4, 1973, under the terms of a will executed before May 26, 1969, and such terms are in effect at all times thereafter, the 10-year first phase with respect to such stock begins on January 4, 1973. The date of distribution of an interest in a business enterprise received under the terms of a will or trust shall be deemed to occur no later than the date on which the estate or trust is considered to be terminated under § 1.641(b)–3.

(b) *Modification of will.* For purposes of section 4943(c)(5) and paragraph (a) of this section, an amendment or republication of a will which was executed on or before May 26, 1969, does not prevent any interest in a business enterprise which was to pass under the terms (which were in effect on May 26, 1969, and at all times thereafter) of such will from being treated as a present holding under section 4943(c)(4) or (5) solely because there is a reduction in the interest in the business enterprise which the foundation was to receive under the terms of the will (for example, if the foundation is to receive the residuary estate, and if one class of stock is disposed of by the decedent during his lifetime or by a subsequent codicil), solely because such amendment or republication is necessary in order to comply with section 508(e) and the regulations thereunder, solely because there is a change in the executor of the will, or solely because of any other change which does not otherwise change the rights of the foundation with respect to such interest in the business enterprise. However, if under such amendment or republication there is an increase in the interest in the business enterprise which the foundation was to receive under the terms of the will in effect on May 26, 1969, such increase shall not be treated as present holdings under section 4943(c)(4) or (5), but under such circumstances the interest which would have been acquired before such increase shall remain present holdings. See section 4943(c)(6) and the regulations thereunder with respect to the treatment of such increase in holdings of a private foundation.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On April 1, 1973, A, an individual, dies and bequeaths 55 shares of the voting stock in X corporation to the Z foundation pursuant to a will which was in effect on May 26, 1969. Such 55 shares represent 55 percent of the voting power and 55 percent of the value of all outstanding shares of all classes of stock in X. On June 5, 1975, A's estate distributes the X shares to Z. Under section 4943(d)(1), Z is considered to be the constructive owner of the X stock on April 1, 1973. However, under paragraph (a) of this section, the provisions of section 4943(c)(5) apply and the X stock constructively held by Z is considered to be present holdings. The 10-year first phase does not begin until June 5, 1975, the date on which the X stock is distributed to Z by A's estate.

Example (2). On May 9, 1985, A modifies by codicil his will which was in effect on May 26, 1969, and was unchanged until such modification. The purpose of the codicil was the event of A's death would pass to the W foundation from 70 percent of all the voting power and value to 80 percent. Under these facts, if A dies without further modifying the terms of the will which apply to W's interest in X, section 4943(c)(5) will apply to 70 percent of the X voting power and value and section 4943(c)(6) will apply to 10 percent of the X voting power and value since 10 percent of the X voting power and value would not pass under a provision of the will which was in effect on May 26, 1969, and at all times thereafter. Accordingly, if the stock is distributed to W on July 6, 1988, then an amount of such stock representing 70 percent of X voting power and value shall be deemed to be held by a disqualified person until July 6, 1998, and an amount of such stock representing 10 percent of X voting power and value shall be deemed to be held by a disqualified person until July 6, 1993.

Example (3). Assume the facts as stated in Example (2), except that the sole purpose of the codicil was to change the executor of the will. Under paragraph (b) of this section, such codicil will not prevent the X voting stock which was bequeathed to W from being treated as present holdings of W under section 4943(c)(4) or (5).

§ 53.4943–6 Five-year period to dispose of gifts, bequests, etc.

(a) *In general.* (1) Except as provided in section 4943(c)(5) and the regulations thereunder (relating to certain holdings acquired by trust or will), and except as provided in paragraph (c) of this section, if, after May 26, 1969, there is a change in the holdings in a business enterprise (other than by purchase by the private foundation or by a disqualified person) which causes the private foundation to have—

(i) Excess business holdings in such enterprise, or

(ii) An increase in excess business holdings in such enterprise (determined without regard to subdivision (i) of this subparagraph),

the interest of the foundation in such enterprise (determined immediately after such change) is (while actually held by the foundation) treated as held by a disqualified person (rather than by the the foundation) during the 5-year period beginning on the date of such change in holdings, except that if subdivision (ii) of this subparagraph applies the excess holdings immediately preceding the increase is not treated under this section, solely because of such increase, as held by a disqualified person (rather than by the foundation).

(2) For purposes of subparagraph (1) of this paragraph, the term "purchase" shall not include any acquisition by gift, devise, bequest, legacy, or similar transfer, nor shall such term include any acquisition received pursuant to a corporate readjustment or distribution described in § 53.4943–4(f) if, with respect to such acquisition—

(i) Section 53.4943–4(f)(2)(i)(*a*) or (ii)(*a*), or § 53.4943–4(f)(3)(i)(*a*) or (ii)(*a*) applies, and

(ii) The transitional rules of section 4943(c)(4) or (5) do not apply.

(b) *Special rule for acquisition by will or trust.* For purposes of section 4943(c)(6), the acquisition of holdings in a business enterprise by a private foundation pursuant to the terms of a will or trust (other than one described in section 4943(c)(5)) is not considered to be a purchase by the foundation or a disqualified person. Consequently, such business holdings are treated as held by a disqualified person under section 4943(c)(6). However, the 5-year period described in section 4943(c)(6) shall not commence until the date on which distribution of such holdings from the estate or trust to the foundation occurs. See § 53.4943–5(a) for rules relating to the determination of the date of distribution under the terms of a will or trust. See § 53.4943–7 for rules relating to the constructive ownership by a private foundation of business holdings held in an estate or trust for the foundation.

(c) *Exception.* With respect to any transfer of holdings in a business enterprise by one private foundation to another private foundation which is related to the first foundation within the meaning of section 4946(a)(1)(H), no 5-year grace period commencing with the date of transfer shall apply to the transferee by reason of section 4943(c)(6) or this section.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On January 4, 1985, A, an individual, makes a contribution to F, a private foundation, of 200 shares of X Corporation common stock. Assume that under section 4943(c)(1) the receipt of the X stock by F causes the 200 shares of the X stock to be classified as excess business holdings. However, since the contribution of the X stock to F is a gift and not a purchase, under paragraph (a) of this section the X stock in F's hands is treated as held by disqualified persons and not by F until January 4, 1990.

Example (2). Assume the facts as stated in Example (1) except that F receives the X stock as a bequest pursuant to the terms of A's will executed on April 1, 1980. A dies on June 3, 1984, and the stock is distributed to F on February 16, 1985. As in Example (1), the bequest of the X stock to F is not a purchase under paragraph (a) of this section. Consequently, the X stock in F's hands is treated as held by disqualified persons and not by F until February 16, 1990.

Example (3). (i) C, a corporation, has one class of stock with 100,000 shares outstanding. As of May 26, 1969, the ownership of C is distributed in the following manner: F, a private foundation, owns 50,000 shares; X and Y, unrelated third parties, each owns 25,000 shares. On March 15, 1972, following X's death, 20,000 of the 25,000 shares in X's estate are redeemed under section 303 by C, leaving 80,000 shares outstanding. On April 15, 1973, following Y's death, 5,000 of the 25,000 shares in Y's estate are redeemed under section 303 by C, leaving 75,000 shares outstanding.

(ii) The effect of the redemption of the 20,000 shares from X's estate is to increase F's percentage of voting power from 50 percent (50,000/100,000) to 62.5 percent (50,000/80,000). The increase of 12.5 percent (62.5 percent to 50 percent) is represented by 10,000 shares (12.5 percent of 80,000). Accordingly, prior to April 15, 1973, under paragraph (a)(1) of this section, the 10,000 shares will be treated as held by a disqualified person for the 5-year period beginning on March 15, 1972, and the other 40,000 shares (50 percent of 80,000) would represent the interest held by F on May 26, 1969.

(iii) However, the effect of the redemption of the 5,000 shares from Y's estate is to increase F's percentage of voting power from 62.5 percent to 66.667 percent (50,000/75,000). The increase of 4.167 percent (66.667%—62.500%) is represented by 3,125 shares (4.167 percent of 75,000). Accordingly, under paragraph (a)(1) of this section the 3,125 shares will be treated as held by a disqualified person for the 5-year period beginning on April 15, 1973. Similarly, 9,375 shares (12.5 percent of 75,000) will be treated as held by a disqualified person for the 5-year period beginning on March 15, 1972, and 37,500 shares (50 percent of 75,000) would represent the interest held by F on May 26, 1969.

§ 53.4943–7 Business holdings; constructive ownership.

(a) *In general.* For purposes of section 4943, section 4943(d)(1) provides that an interest in a business enterprise owned by either a private foundation or a disqualified person (as defined in section 4946) includes stock or another interest in a business enterprise constructively owned by such persons under the rules set forth in such section. Constructive ownership rules are established for partnerships and their partners, estates and their beneficiaries, trusts and their beneficiaries, and corporations and their stockholders. See paragraph (c) of this section. If any person has an option to acquire stock, such stock is not considered as owned by such person until the stock is received upon the exercise of such option.

(b) *Estates and Trusts*—(1) *Estates.* For purposes of applying section 4943(d)(1) to estates, property of a decedent shall be considered as owned by his estate if such property is subject to administration by the executor or administrator for the purpose of paying claims against the estate and expenses of administration notwithstanding that, under local law, property vests in the decedent's heirs, legatees or devisees immediately upon death. The term "beneficiary" includes any person (including a private foundation) entitled to receive property of a decedent pursuant to a will or pursuant to laws of descent and distribution. A person shall no longer be considered a beneficiary of an estate when all the property to which he is entitled has been received by him, when he no longer has a claim against the estate arising out of having been a beneficiary, and when there is only a remote possibility that it will be necessary for the estate to seek the return of property or seek payment from him by contribution or otherwise to satisfy claims against the estate or expenses of administration. When, pursuant to the preceding sentence, a person (including a private foundation) ceases to be a beneficiary, stock or another interest in a business enterprise owned by the estate shall not thereafter be considered owned by such person. If any person is the constructive owner of an interest in a business enterprise actually held by an estate, the date of death of the testator or decedent intestate shall be the first day on which such person shall be considered a constructive owner of such interest. See § 53.4943–5 for the rules relating to wills executed on or before May 26, 1969. Where there is a court contest over an interest in a business enterprise between the foundation and persons who are beneficiaries of the estate either under the will (or any prior wills) or under the laws of descent and distribution, the will shall not be considered to take effect until the date on which such contest is settled.

(2) *Trusts.* (i) Except as provided in subdivisions (ii) and (iii) of this subparagraph, any interest in a business enterprise owned by a trust will be considered as being owned by its remainder beneficiaries. Thus, if a trust owns 100 percent of the stock of corporation A, and if, on an actuarial basis, W's life interest in the trust is 15 percent, Y's life interest is 25 percent, and Z's remainder interest is 60 percent, under this subdivision Z will be considered to be the owner of 100 percent of the stock of corporation A.

(ii) In the case of an interest in a business enterprise which was transferred to a trust described in section 4947(a)(2) after May 26, 1969, for the benefit of a private foundation, no portion of such interest shall be considered as owned by the private foundation—

(*a*) If the foundation holds only an income interest in the trust, or

(*b*) If the foundation holds only a remainder interest in the trust (unless the foundation can exercise primary investment discretion with respect to such interest.

until all intervening interests in the trust expire. For the rules with respect to split-interest trusts which are subject to section 4943, and for the definition of "income interest" and "remainder interest," see sections 4947(a)(2) and (b)(3) and the regulations thereunder.

(iii) *Amounts transferred in trust on or before May 26, 1969.* In the case of an interest in a business enterprise which was transferred to a trust described in section 4947(a)(2) (without regard to section 4947(a)(2)(C)) on or before May 26, 1969, for the benefit of a private foundation, no portion of such interest shall be considered as owned by the foundation until it is actually distributed to the foundation or until the trust ceases to be so described, except as provided in section 4943(c)(5) and § 53.4943–5.

(c) *Application of rules*—(1) *In general.* For purposes of section 4943—

(i) (*a*) *In general.* Any interest in any business enterprise owned by a corporation which is not actively engaged in a trade or business shall be deemed to be constructively owned by such corporation's shareholders. Thus, for example, if a passive holding company owns an interest in another business enterprise, such interest shall be deemed to be constructively owned by the shareholders of such holding company. However, except as provided in (*b*) of this subdivision, any interest owned by a corporation which is actively engaged in a trade or business shall not be deemed to be constructively owned by such corporation's shareholders.

(*b*) *Special rules.* For purposes of (*a*) of this subdivision—

(*1*) In the case of a corporation which both owns passive holdings and is actively engaged in a trade or business, such corporation shall not be considered to be actively engaged in a trade or business if the assets used in such trade or business are insubstantial when compared to such passive holdings;

(*2*) Any interest owned by a corporation which is actively engaged in a trade or business in a second corporation which is also actively engaged in a trade or business shall be deemed to be owned by such first corporation's shareholders if the assets used in such first corporation's trade or business are insubstantial when compared to the assets used in the second corporation's trade or business;

(*3*) Any assets acquired by a corporation which is actively engaged in a trade or business shall be deemed to be owned by such corporation's shareholders if the assets used in such corporation's trade or business prior to such acquisition are insubstantial when compared to the assets used in such corporation's trade or business after such acquisition;

(*4*) Any interest owned by a corporation which is used as a device to acquire or retain excess business holdings shall be treated as constructively owned by its shareholders, whether or not such corporation is actively engaged in a trade or business. For example, if a foundation—shareholder of a corporation makes a contribution to the capital of such corporation, and as a direct result of such contribution such corporation acquires an interest in a second corporation as a device to acquire indirectly or to retain excess business holdings, then such interest so acquired shall be deemed owned by the foundation; and

(*5*) In the case of a corporate readjustment or distribution described in § 53.4943–4(f) pursuant to which a private foundation, its disqualified persons, or both together acquire an interest in a corporation other than one in which such private foundation, its disqualified persons, or both together held an interest prior to such readjustment or distribution, rules similar to those set forth in this subdivision (*b*) shall apply with respect to such newly acquired interest. Thus, for example, if any interest is owned or acquired by a corporation a party to such a reorganization or distribution which corporation is used as a device to acquire or retain excess business holdings, such interest shall be treated as owned by its shareholders, whether or not such corporation is actively engaged in a trade or business, and whether or not a corporation owning such corporation is actively engaged in a trade or business.

(ii) In determining whether a partnership constructively owns an interest in another business enterprise for the partners in such partnership, any interest in any business enterprise, which interest is owned by such partnership, shall be deemed to be constructively owned by such partners.

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(iii) In determining whether an estate in which a private foundation, disqualified person, corporation, trust, or estate is a beneficiary owns an interest in a business enterprise for such persons, any interest in such enterprise actually or constructively held by the estate is considered constructively held for such persons. In addition, in determining whether a trust in which a private foundation, disqualified person, corporation, trust, or estate is a beneficiary constructively owns an interest in a business enterprise for such persons, any interest in such enterprise actually or constructively held by the trust is considered constructively held for such persons.

(iv) In applying section 4943(d)(1), any interest in a business enterprise actually or constructively owned by a shareholder of a corporation, a partner of a partnership, or a beneficiary of an estate or trust is not considered constructively held by the corporation, partnership, trust or estate.

(2) *Determination of extent of constructive ownership.* If an interest in a business enterprise owned by a corporation or partnership is considered constructively owned by a stockholder or partner, the interest shall be considered constructively held only to the extent of such person's ownership in the corporation or partnership. Accordingly, in the case of an interest in a business enterprise considered constructively held by a corporation for one of its shareholders, the shareholder's proportionate interest in the business enterprise is computed on the basis of the voting power he has in the corporation.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). P, a private foundation, owns 90 percent of the voting stock in X corporation, a passive holding company. X owns 50 percent of the voting stock in Y corporation, an active business enterprise. Since X actually owns 50 percent of the voting stock in Y and since P actually owns 90 percent of the voting stock in X, for purposes of section 4943 P is considered to own constructively 45 percent of the voting stock in Y (90 percent of 50 percent).

Example (2). Assume the facts as stated in Example (1) except that Y is also a passive holding company which owns 100 percent of the voting stock in two corporations, V and W, both of which are active business enterprises. Since P constructively owns 45 percent of the voting stock in Y, P is also considered to hold constructively 45 percent of the voting stock in V and W (45 percent of 100 percent).

Example (3). F, a private foundation, and C, a private foundation which is effectively controlled by F within the meaning of section 4946(a)(1)(H), are both beneficiaries of a trust. F actually owns 40 percent of the voting stock of X corporation. Under paragraph (c)(1)(iv) of this section, the X stock held by F is not considered constructively held by the trust. Consequently, C is not considered to own constructively any stock in X by virtue of F's being a beneficiary of the trust.

Example (4). On May 26, 1969, P, a private foundation, actually owns 100 percent of the voting stock in X corporation, a passive holding company. X actually owns 50 percent of the voting stock in Y corporation. The other 50 percent of the voting stock in Y on such date is held by a trust. A, a disqualified person with respect to P, has 50 percent of the remainder interest in the trust. Under paragraph (c)(1)(i) of this section, P is considered to own constructively 50 percent of the stock in Y (100 percent interest in X times X's 50 percent interest in Y). In addition, under paragraph (c)(1)(iii) of this section, A is considered to own 25 percent of the stock in Y corporation (A's 50 percent remainder interest in the trust times the 50 percent interest in Y actually held by the trust). Consequently, under section 4943(c)(4)(A)(i), P and A together have 75 percent of the voting stock in Y.

Example (5). F, a private foundation, owns 100 percent of the voting stock in X corporation, which is actively engaged in the manufacture and distribution of childrens' shoes. The value of X's shoe manufacturing business is $1.8 million. F makes a contribution of $2 million to the capital of X to enable X to acquire Y, a corporation actively engaged in the manufacture of refrigerators. On January 5, 1973, as a direct result of F's contribution to X's capital, X acquires 100 percent of the voting stock in Y. Accordingly, under paragraph (c)(1)(b)(4) of this section, as of such date F is considered to own constructively 100 percent of the voting stock in Y for purposes of section 4943.

Example (6). Assume the facts as stated in example (5), and assume further that X distributes its shoes through both subsidiaries and franchised distributors. In order to retain its position in the market, X decides to acquire a failing franchised distributor. However, F had received so much of X's income in the form of dividends that X does not have sufficient capital to acquire the distributor. F's contribution to the capital of X in order for X to acquire the distributor is not a device by which F is acquiring excess business holdings, and F will not constructively own the distributorship.

Example (7). F, a private foundation, on May 26, 1969, holds 100 percent of the only class of stock of M, a corporation engaged in an active business. In order to acquire control of a business engaged in by N, which is owned by unrelated third persons, F makes a large contribution to the capital of M. M merges into N and F acquires 90 percent of the control of N, as a result of such contribution to M. If it is determined that M was used as a device to acquire the business engaged in by N, then, under paragraph (c)(1)(b)(5) of this section, F's interest in such business shall be deemed owned directly by F, and shall not be treated as an interest held by F on May 26, 1969.

§ 53.4943–8 Business holdings; certain periods.

(a) *Taxable period*—(1) *In general.* For purposes of section 4943, the term "taxable period" means, with respect to any excess business holdings of a private foundation in a business enterprise, the period beginning with the first day on which there are such excess business holdings and ending on whichever of the following is the earlier:

(i) The date of mailing of a notice of deficiency under section 6212 with respect to the tax imposed on such holdings by section 4943(a); or

(ii) The date on which such excess is eliminated.

For example, M, a private foundation, first has excess business holdings in X, a corporation, on February 5, 1972. A notice of deficiency is mailed under section 6212 to M on June 1, 1974. With respect to M's excess business holdings in X, the taxable period begins on February 5, 1972, and ends on June 1, 1974.

(2) *Special rule.* Where a notice of deficiency referred to in subparagraph (1)(i) of this paragraph is not mailed because there is a waiver of the restrictions on assessment and collection of a deficiency, or because the deficiency is paid, the date of filing of the waiver or the date of such payment, respectively, shall be treated as the end of the taxable period.

(b) *Correction period*—(1) *In general.* For purposes of section 4943, the correction period shall begin with the first day on which the private foundation has excess business holdings in a business enterprise and end 90 days after the date of mailing of a notice of deficiency under section 6212 with respect to the tax imposed by section 4943(b).

(2) *Extentions of correction period.* (i) The correction period referred to in subparagraph (1) of this paragraph shall be extended by any period in which a deficiency cannot be assessed under section 6213(a). In addition, the correction period shall be extended in accordance with subdivisions (ii), (iii), and (iv) of this subparagraph, except that such subdivision (iii) or (iv) shall not operate to extend a correction period with respect to which a taxpayer has filed a petition with the Tax Court for redetermination of a deficiency within the time prescribed by section 6213(a).

(ii) The correction period referred to in subparagraph (1) of this paragraph may be extended by any period which the Commissioner determines is reasonable and necessary to permit orderly disposition of excess business holdings. The Commissioner ordinarily will not extend the correction period pursuant to this subdivision unless the following factors are present:

(*a*) The foundation or an appropriate State officer (as defined in section 6104(c)(2)) is actively in good faith seeking to dispose of such holdings;

(*b*) Orderly disposition of such holdings cannot reasonably be expected to result during the unextended correction period; and

(*c*) The failure to divest appears to have been an isolated occurrence which is unlikely to recur in the future.

(iii) If, within the unextended correction period, the tax imposed by section 4943(a) is paid and is accompanied by a statement of the taxpayer's intent to file a claim for refund with respect to such tax, then the Commissioner shall extend the correction period to the later of—

(*a*) A period of 90 days after the payment of such tax, or

(*b*) The period determined without regard to this subdivision.

(iv) If prior to the expiration of the correction period (including extensions) a claim for refund with respect to a tax imposed by section 4943(a) is filed, the Commissioner shall extend the correction period during the pendency of the

claim plus an additional 90 days. If within such time, a suit or proceeding referred to in section 7422(b) with respect to such claim is filed, the Commissioner shall extend the correction period during the pendency of such suit or proceeding. (See § 301.7422–1(d) of this chapter (Regulations on Procedure and Administration) for rules relating to pendency of such suit or proceeding.)

(c) *Correction.* For purposes of section 4943, correction shall be considered as made when no interest in the enterprise held by the foundation is classified as excess business holdings under section 4943(c)(1). In any case where the private foundation has excess business holdings which are constructively held for it under section 4943(c)(1), correction shall be considered made when the person which constructively holds such interest for the foundation or the foundation itself disposes of a sufficient interest in the enterprise (or in such person) so that no interest in the enterprise held by the foundation is classified as excess business holdings under section 4943(c)(1).

§ 53.4943–9 Business enterprise; definition.

(a) *In general.* Except as provided in paragraph (b) or (c) of this section, under section 4943(d)(4) the term "business enterprise" includes the active conduct of a trade or business, including any activity which is carried on for the production of income from the sale of goods or the performance of services and which constitutes an unrelated trade or business under section 513. For purposes of the preceding sentence, where an activity carried on for profit constitutes an unrelated trade or business, no part of such trade or business shall be excluded from such classification merely because it does not result in a profit.

(b) *Certain program-related activities.* For purposes of section 4943(d)(4) the term "business enterprise" does not include a functionally related business as defined in section 4942(j)(5). See § 53.4942(a)–2(c)(3)(iii). In addition, business holdings do not include program-related investments (such as investments in small businesses in central cities or in corporations to assist in neighborhood renovation) as defined in section 4944(c) and the regulations thereunder.

(c) *Income derived from passive sources.* For purposes of section 4943(d)(4), the term "business enterprise" does not include a trade or business at least 95 percent of the gross income of which is derived from passive sources: *Provided,* That in determining whether a trade or business in which a foundation has an interest has gross income from passive sources for any taxable year, such foundation may average the gross income on the basis of the 10 taxable years immediately preceding the taxable year in question or such shorter period of time as the entity has been in existence. Gross income from passive sources for purposes of this paragraph includes the items excluded by sections 512(b)(1) (relating to dividends, interest, and annuities), 512(b)(2) (relating to royalties), 512(b)(3)(A) (relating to rent, and 512(b)(5)) (relating to gains or losses from the disposition of certain property). Any income classified as passive under this paragraph does not lose its character merely because section 512(b)(4) or 514 (relating to unrelated debt-financed income) applies to such income. In addition, income from passive sources includes income from the sale of goods (including charges or costs passed on at cost to purchasers of such goods or income received in settlement of a dispute concerning or in lieu of the exercise of the right to sell such goods) if the seller does not manufacture, produce, physically receive or deliver, negotiate sales of, or maintain inventories in such goods. Thus, for example, where a corporation purchases a product under a contract with the manufacturer, resells it under contract at a uniform markup in price, and does not physically handle the product, the income derived from that markup meets the definition of passive income for purposes of this paragraph. On the other hand, income from individually negotiated sales, such as those made by a broker, would not meet such definition even if the broker did not physically handle the goods. In addition, stock in a passive holding company is not to be considered a business holding even if the holding company is controlled by the foundation. Instead, the foundation is treated as owning its proportionate share of the underlying assets of the holding company under section 4943(d)(1). In addition, the holding of a bond or other evidence of indebtedness is not a business holding unless such bond or indebtedness is otherwise determined to be stock. See section 385 and the regulations thereunder.

(d) *Application of section 4943(c)(6).* If a private foundation holds an interest which is not an interest in a business enterprise as defined in paragraphs (a), (b), and (c) of this section, and such interest later becomes an interest in a business enterprise solely by reason of failing one or more of the requirements of paragraph (b) or (c) of this section, such interest will then be subject to section 4943(c)(6) and § 53.4943–6 (regardless of then when it was originally acquired) but will not be treated as acquired by purchase for purposes of section 4943(c)(6).

(e) *Sole proprietorship.* For purposes of section 4943 and the regulations thereunder, the term "sole proprietorship" means any business enterprise (as defined in paragraphs (a), (b), and (c) of this section—

(1) Which is actually and directly owned by a private foundation,

(2) In which the foundation has a 100 percent equity interest, and

(3) Which is not held by a corporation, trust, or other business entity for such foundation.

A foundation may be considered to own a sole proprietorship even though the foundation is itself a corporation or a trust. However, a sole proprietorship which is owned by a foundation shall cease to be treated as a sole proprietorship when the foundation no longer has a 100-percent interest in the equity of the business enterprise. Thus, if and when a foundation sells a 10-percent interest in a sole proprietorship, such business enterprise shall be treated as a partnership under section 4943 and the regulations thereunder.

§ 53.4943–10 Effective date.

(a) *In general.* Section 4943 and §§ 53.4943–1 through 53.4943–9 shall take effect for taxable years beginning after December 31, 1969, except as otherwise provided in such sections.

(b) *Special transitional rule.* In the case of any acquisition of excess holdings prior to the 30th day after January 3, 1972, section 4943(a)(1) shall not apply if correction occurs (within the meaning of § 53.4943–8(c)) within a period ending 90 days after [insert date on which final regulations under section 4943 are filed by the FEDERAL REGISTER], extended (prior to the expiration of the original period) by any period which the Commissioner determines is reasonable and necessary (within the meaning of § 53.4943–8(b)) to bring about such correction.

[FR Doc.72–22456 Filed 12–29–72;2:19 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

ENDOTHALL

Proposed Interim Tolerance

The Registration Division of the Environmental Protection Agency is evaluating data submitted in Pesticide Petition No. 1F1105, filed by the Pennwalt Corp., Post Office Box 1297, Tacoma, WA 98401, and other relevant material and has determined that an interim food additive tolerance of 0.2 part per million should be established for residues of the herbicide endothall in potable water resulting from use of its mono-*N,N*-dimethylalkylamine salt in the control of aquatic weeds in canals, lakes, ponds, and other potential sources of potable water.

NOTE: It has been concluded that interim tolerances should be established for petitions which are pending, provided there is a reasonable assurance that the public health will be protected. (See the FEDERAL REGISTER of May 6, 1972 (37 F.R. 9228).)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective Dec. 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections

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406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Based on consideration given the data submitted in the pesticide petition and other relevant material, it is concluded that the proposed interim tolerance will protect the public health.

Therefore, pursuant to provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that Part 121 be amended by adding the following new section to Subpart D:

§ 121.1248 Endothall.

An interim tolerance of 0.2 part per million is established for residues of the herbicide endothall (7-oxabicyclo[2.2.1] heptane-2,3-dicarboxylic acid) from use of its mono-*N,N*-dimethylalkylamine salt, wherein the alkyl group is the same as in the fatty acids of coconut oil, to control aquatic weeds in canals, lakes, ponds, and other potential sources of potable water.

Interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, and may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: December 22, 1972.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-83 Filed 1-2-73;8:45 am]

[21 CFR Part 273]

[Docket No. FDC-D-583]

BIOLOGICAL PRODUCTS

Proposed Revocation of Additional Standards for Adenovirus Vaccine and Revocation of Licenses; Opportunity for Hearing

The Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) provides the Commissioner of Food and Drugs with the authority to regulate through a system of licensure the interstate shipment of any virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or its derivatives, applicable to the prevention, treatment, or cure of diseases or injuries of man so as to insure the continued safety, purity, and potency of such products. Pursuant to that authority, additional standards designed to assure the safety, purity, and potency of a biological product known as Adenovirus Vaccine were published in the FEDERAL REGISTER on September 24, 1957 (22 F.R. 7560). Following the publication of these standards, several manufacturers were issued product licenses for Adenovirus Vaccine. In addition, two manufacturers received product licenses for Adenovirus and Influenza Virus Vaccine, Combined Aluminum Phosphate Adsorbed, which is a combination of the Adenovirus Vaccine with another licensed biological product.

During the years subsequent to the issuance of these licenses, it became evident that there were certain persistent problems concerning the contamination of Adenovirus with a newly discovered simian virus known as SV40. As a result, licensed manufacturers of these products were advised in October 1964 that no further lots of Adenovirus Vaccine could be released until these problems were resolved. They were so advised by the Division of Biologics Standards, National Institutes of Health, which was charged at that time with administering and enforcing section 351 of the Public Health Service Act. The Division of Biologics Standards was transferred on July 1, 1972 to the Food and Drug Administration where it is now the Bureau of Biologics (37 F.R. 12865).

There has been no evidence since 1964 that these problems are capable of resolution. Consequently, after a thorough evaluation of all the information before him with respect to Adenovirus Vaccine, both singly and in combination, the Commissioner concludes that the vaccines cannot be manufactured in a manner so as to assure their safety, purity, and potency.

Accordingly, the Commissioner concludes that the additional standards for Adenovirus Vaccine (21 CFR 273.1040–273.1045) should be deleted from the regulations governing biological products, and that all remaining licenses governing any of these Adenovirus Vaccines, either singly or in combination, namely those product licenses held by Parke, Davis & Co., Joseph Campau Avenue, At the River, Detroit, Mich. 48232, for Adenovirus Vaccine, Adenovirus Vaccine and Influenza Virus, and Vaccine Combined Aluminum Phosphate Adsorbed and by Wyeth Laboratories, Post Office Box 8299, Philadelphia, Pa. 19101, for Adenovirus Vaccine, should be revoked.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner, it is proposed that 21 CFR Part 273 (formerly 42 CFR Part 73) be amended by revoking in their entirety §§ 273.1040 through 273.1045.

In accordance with the provisions of section 351 of the Public Health Service Act (42 U.S.C. 262) and the regulations promulgated thereunder (21 CFR Part 273), the Commissioner hereby gives a licensee and any other interested person who will be adversely affected by the revocation of 21 CFR 273.1040 through 273.1045 and the subsequent revocation of product licenses held by Parke, Davis & Co., Joseph Campau Avenue, At the River, Detroit, Mich. 48232, for Adenovirus Vaccine, Adenovirus Vaccine and Influenza Virus, and Vaccine Combined Aluminum Phosphate Adsorbed and by Wyeth Laboratories, Post Office Box 8299, Philadelphia, Pa. 19101, for Adenovirus Vaccine, an opportunity for a hearing to show why the biological products regulations should not be so amended, and/or why these product licenses should not be revoked.

Within 30 days after publication hereof in the FEDERAL REGISTER, a licensee and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, either written comments on the proposal or a written appearance electing whether or not to avail himself of an opportunity for a hearing. Failure of a licensee and any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order amending 21 CFR Part 273 and revoking product licenses, as proposed.

If a licensee or other interested person elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why the biological products regulations should not be so amended, and/or why the identified product licenses should not be revoked, together with a well organized and full factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing.

If review of the data submitted by licensees and/or other interested persons in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine issue of fact precludes the actions contemplated, the Commissioner will publish an order amending the regulations as indicated, revoking the product licenses mentioned earlier and stating his findings and conclusions on such data.

If a hearing is requested and justified, the issues will be defined, an Administrative Law Judge will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. The hearing will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade

secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Written comments regarding the proposal, requests for a hearing, and/or elections not to request a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk (address given above). Comments may be accompanied by a memorandum or brief in support thereof. Received comments, requests, and elections may be seen in the Office of the Hearing Clerk during regular business hours, Monday through Friday.

Dated: December 27, 1972.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner, for Compliance.

[FR Doc.73-92 Filed 1-2-73;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 233]

COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Dependent Children of Unemployed Fathers

Notice is hereby given that the regulation set forth in tentative, alternative form below is proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. Both alternatives would amend § 233.100 (a)(1), which provides a Federal definition of unemployed father under the AFDC program in terms of hours of work.

In applying the existing regulation, the Department policy has been to permit a State, at its option, to use a definition of unemployed father which imposes additional conditions relating to the reason for the unemployment, e.g., the State definition might exclude a father whose unemployment results from participation in a labor dispute or who is unemployed by reason of conduct or circumstances which result or would result in disqualification for unemployment compensation under the State's unemployment compensation law. In Davidson v. Francis, the U.S. Supreme Court on October 16, summarily affirmed the judgment of the district court which held, in effect, that while the Secretary has broad authority to define an unemployed father for purposes of section 407 of the Social Security Act, the existing Federal regulation provides only an hours-of-work test, and thus prohibits a State from excluding fathers who meet this test but are disqualified for unemployment compensation.

Accordingly, the proposed alternative A below would amend the regulation to make the prior Department policy explicit, by stating the options which are permitted to the States in defining an unemployed father. Alternative B, on the other hand, would amend the regulation to make clear that the hours-of-work test is intended as the exclusive definition of unemployed father, so that States may not have definitions which impose added conditions. This would be a change in Department policy, but would be consistent with the way that the existing regulation has been interpreted by the courts.

Davidson v. Francis attracted broad interest from States, assistance recipients, and industry and labor groups. The regulations are proposed in alternative form to give all those who are interested full information as to the various courses of action which are being considered.

Prior to the adoption of the proposed regulation, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in room 5120 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 to 5 p.m. (area code 202–963–7361).

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: December 4, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: December 21, 1972.

ELLIOT L. RICHARDSON,
Secretary.

ALTERNATIVE A

Section 233.100(a)(1) of Chapter II of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 233.100 Dependent children of unemployed fathers.

(a) *Requirements for State plans.* • • •

(1) Include a definition of an unemployed father which shall apply only to families determined to be needy in accordance with the provisions in § 233.20. Such definition must include any father who:

(i) Is employed less than 100 hours a month; or

(ii) Exceeds that standard for a particular month, if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for the 2 prior months and is expected to be under the standard during the next month; except that, at the option of the State, such definition need not include a father whose unemployment results from participation in a labor dispute or who is unemployed by reason of conduct or circumstances which result or would result in disqualification for unemployment compensation under the State's unemployment compensation law.

• • • • • •

ALTERNATIVE B

Section 233.100(a)(1) of Chapter II of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 233.100 Dependent children of unemployed fathers.

(a) *Requirements for State plans.* • • •

(1) Include a definition of an unemployed father which shall apply only to families determined to be needy in accordance with the provisions in § 233.20 and shall include any father who:

(i) Is employed less than 100 hours a month, or

(ii) Exceeds that standard for a particular month, if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hours standard for the 2 prior months and is expected to be under the standard during the next month.

This shall be the exclusive definition of an unemployed father.

• • • • • •

[FR Doc.73-33 Filed 1-2-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket RM-50-3]

ENVIRONMENTAL EFFECTS OF THE URANIUM FUEL CYCLE

Notice of Hearing

On November 15, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 F.R 24191) a notice of proposed rule making concerning possible amendments to 10 CFR Part 50, appendix D, that would deal specifically with the environmental effects associated with the uranium fuel cycle in the individual cost-benefit analyses for light water-cooled power reactors. The notice scheduled an informal rule making hearing on the possible amendments on February 1, 1973, at 10 a.m.

The location of the hearing will be New Executive Office Building, Room G–2008, 17th and H Streets NW., Washington, D.C.

A hearing board consisting of Max D. Paglin, Esq.—Chairman, Dr. Martin J. Steindler and Dr. John C. Geyer will preside.

As stated in the November 15, 1972, notice, the hearing will be part of a rule making, rather than an adjudicatory, proceeding and the provisions of Subpart G, "Rules of General Applicability," of 10 CFR Part 2, the Commission's rules of practice, will not be applicable.

The procedural format for the hearing will follow the legislative pattern, and no discovery or cross-examination will be utilized. It shoud be noted, however, that the report prepared by the Commission's regulatory staff, entitled 'Environmental Survey of the Nuclear Fuel Cycle," dated November 1972, which provides a basis for an informed consideration of the

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generic question of the environmental impact associated with the uranium fuel cycle in light water-cooled nuclear power reactor licensing proceedings, is available to members of the public at the Commission's public document room at 1717 H Street NW., Washington, D.C. 20545. In addition, that report contains extensive references to background documents available to members of the public at the Commission's public document room.

The hearing will be conducted as informally and as expeditiously as practicable, consistent with affording the participants a reasonable opportunity to present their positions. Those participating in the hearing may, but need not be, represented by counsel.

Relevant written statements may be received for the record and those participating may, depending upon the number of requests received and the time available, be permitted to make brief oral statements of their views either in addition to, or in lieu of, written submissions. Persons making oral statements will not be sworn. Such persons, however, as well as persons offering written submissions at the hearing, will be subject to questioning by the presiding hearing board. All written comments and suggestions received pursuant to the invitation therefor set forth in the November 15, 1972, notice will be incorporated in the record of the proceeding.

The hearing board is authorized to take all necessary and appropriate action to control the course of the hearing, including, among other things, the holding of one or more procedural planning sessions. A transcript of the hearing will be made, and a copy of the transcript, together with copies of all documents presented at the hearing, will be placed in the Commission's public document room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public.

At the conclusion of the hearing the record will be held open for a period of 30 days during which time any person may file such supplementary written statements as may be deemed appropriate in light of the hearing record. After the 30-day period expires, the presiding hearing board, without rendering any decision or making any recommendation, will forward the transcript of the hearing to the Commission together with an identification of issues raised at the hearing. The Commission will carefully consider the transcript of the hearing and the comments and suggestions submitted pursuant to the November 15, 1972, notice as well as other relevant considerations and factors, and, after reaching its determination in the rule making proceeding, will cause an appropriate notice to be published in the FEDERAL REGISTER.

(Sec. 161, 68 Stat. 948; sec. 102, 83 Stat. 853; 42 U.S.C. 2201, 4332)

Dated at Washington, D.C., this 27th day of December 1972.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-123 Filed 1-2-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 23988; EDR-239]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Transportation of Mail

DECEMBER 22, 1972.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 298 of its Economic Regulations (14 CFR Part 298) which would (1) provide that air taxi operators may transport mail only pursuant to contracts with the Postal Service pursuant to 39 U.S.C. 5402 (b) or (c), except that operations under existing authority may be continued; and (2) delete the existing regulations which provide procedures for the establishment by the Board of rates for the transportation of mail by air taxi operators.

The background and principal features of the proposed amendments are described in the attached explanatory statement, and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a), 406, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 763 (as amended by 76 Stat. 145, 80 Stat. 942), 771; 49 U.S.C. 1324, 1376, 1386.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before January 30, 1973, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Under Part 298 of the Board's Economic Regulations, air taxi operators may carry mail, subject to certain conditions.[1] In a noncompetitive market,[2] an air taxi operator has no authority to carry mail until there is in effect for such carriage a final mail rate, or until the Postal Service and the air taxi operator have jointly filed a petition with the Board setting forth a mutually agreed-upon rate and requesting the Board to fix a final rate. In a competitive market, no air taxi operator may carry mail until there is in effect for such carriage a notice of intent to use air taxi mail service filed by the Postal Service pursuant to § 298.24, and either a final rate has been established or a mutually agreed-upon rate has been filed along with a request that the Board fix a final rate.

However, since July 1, 1971, the Postal Service has had authority under the Postal Reorganization Act,[3] to contract directly with air taxi operators for the transportation of mail, in both noncompetitive[4] and competitive markets,[5] at rates specified in the contracts.[6]

In view of this authority, the Postal Service has not used Board procedure for the procurement of new air taxi mail service since July of 1971, and it has represented to the Board that it will arrange for all future air taxi mail service under its statutory contract authority rather than by utilizing the Board's procedures under Part 298. Moreover, the Postal Service therefore has requested Board that it will soon be in a position to use its statutory contract authority for the purpose of adjusting mail rates with respect to air taxi operations performed under existing Part 298 authority. The Posatl Service therefore has requested that we institute rule making proceedings seeking to eliminate the Part 298 procedures relating to mail carriage by air taxis.

We are of the tentative view that retention of the Part 298 provisions relating to the carriage of mail by air taxi operators would serve no useful purpose, in view of the expressed intention of the Postal Service to rely exclusively upon its own statutory contract authority, which, as previously indicated, may be used in lieu of Board ratemaking and licensing procedures.

Accordingly, the proposed rule would delete regulations prescribing Board procedures for determination of air taxi mail rates and providing for notices of intent. Under the proposed rule, air taxi operators would, in the future, be authorized to carry mail only pursuant to contracts with the Postal Service pursuant to 39 U.S.C. 5402 (b) or (c). However, in order to avoid disruption of existing air taxi mail arrangements, we would permit the continuation of operations performed under outstanding Part 298 authority. These operations would continue in accordance with final rates in effect pursuant to Part 298 at the effective date of the amendatory rule. However, a petition filed with the Board for a rate adjustment after the effective date of the rule would be regarded as the institution of a new proceeding and the outstanding authority of the air taxi operator under Part 298 to carry mail affected by such proceeding would automatically be terminated.[7]

Finally, the proposed rule would delete the portion of § 298.21(b) which generally prohibits the carriage of mail by air taxi operators in markets served by certificated helicopter carriers. This is because the Postal Service may, under the Postal Reorganization Act, contract with an air taxi operator in such a market if the Postal Service finds that service by certificated air carriers is not adequate for its purposes, and as aforesaid, carriage of mail pursuant to contract is the only type of air taxi mail carriage which will be authorized in the future.

PROPOSED RULE

It is proposed to amend Part 298 of the Board's Economic Regulations (14 CFR Part 298), as follows:

1. Amend the table of contents by deleting and reserving the title of § 298.24 under Subpart C—Limitations on Exemptions, the table as amended to read as follows:

Sec.
298.24 [Reserved]

2. Amend § 298.21 by revising paragraphs (b) and (f), the section as amended to read as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations; insurance and reporting requirements.

• • • • •

(b) *Prohibition of regular service in markets served by certificated helicopter carriers.* An air taxi operator is prohibited from providing air transportation of persons or property, or holding out to the public expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regularity between any points where scheduled helicopter passenger service, or community center and interairport service, is provided by the holder of a certificate of public convenience and necessity either in accordance with such certificate or pursuant to exemption order of the Board: *Provided, however,* • • •

• • • • •

(f) *Limitations on carriage of mail.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, no air taxi operator shall be authorized to carry mail except pursuant to contract with the Postal Service, entered into pursuant to chapter 54 of the Postal Reorganization Act (39 U.S.C. 5402 (b) or (c)).

(2) In a noncompetitive market within 48 contiguous States, Alaska, and Hawaii, an air taxi operator shall be authorized to carry mail, if before [effective date of rule], there is in effect for such carriage a final mail rate. On and after [effective date of rule], the filing of a petition by the air taxi operator or the Postal Service for a change in the mail rate for such carriage shall nullify the authority of the operator to continue to carry mail in such market, except pursuant to contract with the Postal Service as provided in subparagraph (1) of this paragraph.

(3) In a competitive market within the 48 contiguous States, Alaska, and Hawaii, no air taxi operator shall be authorized to carry mail unless, before [effective date of rule], there is in effect for such carriage a notice of intent to use air taxi mail service, and a final mail rate for such carriage has been established. On and after [effective date of rule], the filing of a petition by the air taxi operator or the Postal Service for a change in the mail rate for such carriage shall nullify the authority of the operator to continue to carry mail in such market, except pursuant to contract with the Postal Service as provided in subparagraph (1) of this paragraph.

• • • • •

§ 298.24 [Reserved]

3. Delete and reserve § 298.24.

[FR Doc.73-88 Filed 1-2-73;8:45 am]

[1] The exemption authority to carry mail is due to terminate on June 30, 1974. (§ 298.13).

[2] A "noncompetitive market" is one which is not served by a certificated air carrier.

[3] 39 U.S.C. 101, et seq. Public Law 91-375, August 12, 1970.

[4] 39 U.S.C. 5402(b). In a noncompetitive market, the contract must be canceled in whole or in part, to the extent that the market becomes a competitive one.

[5] 39 U.S.C. 5402(c). In a competitive market, the contract may be entered into if the Postal Service determines that service by certificated air carriers is not adequate for its purposes, but the contract must be canceled if an additional carrier is certificated in the market and the new schedules are adequate for the Postal Service's purposes.

[6] Although the statutory provisions governing contracts for the two types of market differ in certain respects, in both cases the Postal Service is empowered to contract "in such manner and under such terms and conditions as it may deem appropriate • • •."

[7] Since the authority to carry mail under Part 298 expires in any event on June 30, 1974, outstanding Part 298 authorizations will have to be converted to contracts under 39 U.S.C. 5402 if continued service is desired.

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 326]

INSURED NONMEMBER BANKS

Minimum Security Devices and Procedures

1. Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation, under the authority conferred by section 3 of the Bank Protection Act of 1968 (82 Stat. 295; 12 U.S.C. 1882), is considering amending Appendix A of Part 326 of the Corporation's rules and regulations (12 CFR Part 326), to read as follows:

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

In order to assure realization of maximum performance capabilities, all security devices utilized by a bank should be regularly inspected, tested, and serviced by competent persons. Actuating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

(1) *Surveillance systems*—(i) *General.* Surveillance systems should be:

(A) Equipped with one or more photographic, recording, monitoring, or like devices capable of reproducing images of persons in the banking office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1-inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(B) Reasonably silent in operation; and

(C) So designed and constructed that necessary services, repairs, or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes, and the film should be at least 16 mm.

(ii) *Installation and operation of surveillance systems providing surveillance of other than walk-up or drive-in teller's stations or windows.* Surveillance devices for other than walk-up or drive-in teller's stations or windows should be:

(A) Located so as to reproduce identifiable images of persons either leaving the banking office or in a position to transact business at each such station or window; and

(B) Capable of actuation by initiating devices located at each teller's station or window.

(iii) *Installation and operation of surveillance systems providing surveillance of walk-up or drive-in teller's stations or windows.* Surveillance devices for walk-up or drive-in teller's stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and areas of such station or window that are vulnerable to robbery or larceny. Such devices should be capable of actuation by one or more initiating devices located within or in close proximity to such station or window. Such devices may be omitted in the case of a walk-up or drive-in teller's station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window. However, if the teller is vulnerable to larceny or robbery by members of the public who enter the banking office, the teller should have access to a device to actuate a surveillance system that covers the area of vulnerability or the exits to the banking office.

(2) *Robbery and burglary alarm systems*—(i) *Robbery alarm systems.* A robbery alarm system should be provided for each banking office at which the police ordinarily can arrive within 5 minutes after an alarm is actuated; all other banking offices should be provided with appropriate devices for promptly notifying the police that a robbery has occurred or is in progress. Robbery alarm systems should be:

(A) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the banking office has occurred or is in progress;

(B) Capable of actuation by initiating devices located at each teller's station or window (except walk-up or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside a banking office of which such station or window may be a part);

(C) Safeguarded against accidental transmission of an alarm;

(D) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(E) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(ii) *Burglary alarm systems.* A burglary alarm system should be provided for each banking office. Burglary alarm systems should be:

(A) Capable of detecting promptly an attack on the outer door, walls, floor, or

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ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when the office is closed, and any attempt to move any such safe;

(B) Designed to transmit to the police, either directly or through an intermediary, a signal indicating that any such attempt is in progress; and for banking offices at which the police ordinarily cannot arrive within 5 minutes after an alarm is actuated, designed to actuate a loud-sounding bell or other device that is audible inside the banking office and for a distance of approximately 500 feet outside the banking office;

(C) Safeguarded against accidental transmission of an alarm;

(D) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(E) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

(3) *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least $1^3/_{16}$ inches in thickness,[1] or of material of at least equivalent bullet resistance. Pass-through devices should be so designed and constructed as not to afford a direct line of fire at a person inside the station.

(4) *Vaults, safes, safe deposit boxes, night depositories, and cash dispensing machines.* Vaults, safes (if not to be stored in a vault), safe deposit boxes, night depositories, and cash dispensing machines, in any of which currency, negotiable securities, or similar valuables are to be stored when banking offices are closed, should meet or exceed the standards expressed in this section.

(i) *Vaults.* A vault is defined as a room or compartment that is designed for the storage and safekeeping of valuables and which has a size and shape which permits entrance and movement within by one or more persons. Vaults contracted for after (*effective date to be designated*)[2] should have walls, floor, and ceiling of reinforced concrete at least 12 inches in thickness.[3] The vault door should be made of steel at least $3\frac{1}{2}$ inches in thickness, or other drill and torch resistant material, and be equipped with dual combination locks, a time lock, and a substantial lockable day-gate. Electrical conduits into the vault should not exceed $1\frac{1}{2}$ inches in diameter and should be offset within the walls, floor, or ceiling at least once so as not to form a direct path of entry. A vault ventilator, if provided, should be designed with consideration of safety to life without significant reduction of the strength of the vault wall to burglary attack. Alternatively, vaults should be so designed and constructed as to afford at least equivalent burglary resistance.[4]

(ii) *Safes.* Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty, or be securely anchored to the premises where located. The body should consist of steel, at least 1 inch in thickness, either cast or fabricated, with an ultimate tensile strength of 50,000 pounds per square inch and be fastened in a manner equal to a continuous ¼ inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. The door should be made of steel that is at least $1\frac{1}{2}$ inches in thickness, and at least equivalent in strength to that specified for the body; and the door should be equipped with a combination lock, and with a relocking device that will effectively lock the door if the combination lock is punched. One hole not exceeding ¼-inch diameter may be provided in the body to permit insertion of electrical conductors, but should be located so as not to permit a direct view of the door or locking mechanism. Alternatively, safes should be constructed of materials that will afford at least equivalent burglary resistance.

(iii) *Safe deposit boxes.* Safe deposit boxes used to safeguard customer valuables should be enclosed in a vault or safe meeting at least the above-specified minimum protection standards.

(iv) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast or welded steel walls, top, and bottom, at least 1 inch in thickness; a steel door at least $1\frac{1}{2}$ inches in thickness, with a combination lock; and a chute, made of steel that is at least 1 inch in thickness, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute. Alternatively, night depositories should be so designed and constructed as to afford at least equivalent burglary resistance.[5] The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglar alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle, and to protect against the "trapping" of a deposit for extraction.

(v) *Cash dispensing machines.* Except as hereinafter provided, cash dispensing machines (including those machines which also accept deposits) contracted for after [*effective date to be designated*] should weigh at least 750 pounds empty or be securely anchored to the premises where located. These machines should contain, among other features, a storage chest having cast or welded steel walls, top, and bottom, at least 1 inch in thickness, with a tensile strength of at least 50,000 pounds per square inch. The door should be constructed of steel at least equivalent in strength to the storage chest and be equipped with a combination lock and with a relocking device that will effectively lock the door if the combination lock is punched. The housing covering the cash dispensing opening (and, when applicable, deposit receiving opening), in the storage chest, and the housing covering the mechanism for removing the cash from the storage chest, should be so designed as to provide burglary resistance at least equivalent to the storage chest and should also be designed to protect against the "fishing" of cash from the storage chest. The cash dispensing control and delivery mechanism (and, when applicable, cash deposit receipt mechanism) should be protected by steel, at least ½ inch in thickness, securely attached to the storage chest. The cash dispensing machine should be designed so as to be protected against actuation by unauthorized persons, should be protected by a burglar alarm, and should be located in a well-lighted area. Alternatively, cash dispensing machines should be so designed and constructed as to afford at least equivalent burglary resistance.[6] A cash dispensing machine which is used inside a bank's premises only during bank business hours, and which is empty of currency and coin at all other times, should at least provide safeguards against "jimmying", unauthorized opening of the storage chest door, and against actuation by unauthorized persons.

2. The purpose of the proposed amendment is to revise and clarify the minimum standards of security devices which each insured State nonmember bank must consider installing, maintaining, and operating in banking offices in areas with a high incidence of crime. Included in the proposed appendix A are a definition of "vaults" as distinguished from "safes," modified standards of vault construction, and protection standards for cash dispensing machines. The proposed appendix A also makes clear that, to meet the minimum security standards, safe deposit boxes must be stored in an approved vault or safe.

3. This notice is published pursuant to section 553(b) of title 5, United States Code, and §§ 302.1–302.5 of the rules and regulations of the Federal Deposit Insurance Corporation.

4. Interested persons are invited to submit written data, views, or arguments regarding the proposed amendment to the Secretary, Board of Directors of the Federal Deposit Insurance Corporation, Washington, D.C. 20429, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

By order of the Board of Directors, December 18, 1972.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.73-79 Filed 1-2-73;8:45 am]

[1] It should be emphasized that this thickness is merely bullet resistant and not bulletproof.

[2] Vaults contracted for previous to this date should be constructed in conformance with all applicable specifications then in effect.

[3] The reinforced concrete should have: 2 grids of No. 5 (⅝ inch diameter) deformed steel bars located in horizontal and vertical rows in each direction to form grids not more than 4 inches on center; or 2 grids of expanded steel bank vault mesh placed parallel to the face of the walls, weighing at least 6 pounds per square foot to each grid, having a diamond pattern not more than 3 inches by 8 inches; or 2 grids of any other fabricated steel placed parallel to the face of the walls, weighing at least 6 pounds per square foot to each grid and having an open area not exceeding 4 inches on center. Grids are to be located not less than 6 inches apart and staggered in each direction. The concrete should develop an ultimate compression strength of at least 3,000 pounds per square inch.

[4] Equivalent burglary-resistant materials for vaults do *not* include the use of a steel lining, either inside or outside a vault wall, in lieu of the specified reinforcement and thickness of concrete.

[5] Equivalent burglary-resistant materials for night depositories include the use of ¼-inch steel plate encased in 6 inches or more of concrete or masonry building wall.

[6] Equivalent burglary-resistant materials for cash dispensing machines include the use of ⅜-inch thick, 8-percent nickel stainless steel alloy in place of 1-inch thick steel, if other criteria are satisfied.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563a]

[No. 72-1528]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Minimum Standards for Security Devices

DECEMBER 21, 1972.

Notice is hereby given that the Federal Home Loan Bank Board proposes to revise appendix A of Part 563a of the rules and regulations for insurance of accounts (12 CFR Part 563a), entitled "Minimum Standards for Security Devices."

As part of its responsibilities under the Bank Protection Act of 1968 (82 Stat. 294, 12 U.S.C. 1881), the Board conducts a continuing review of the minimum standards for security devices of institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation. Based on its review, the proposed appendix A revises and clarifies the minimum standards with which each such insured institution must comply with respect to the installation, maintenance, and operation of security devices to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.

Among the proposed revisions are a definition of vaults as distinguished from safes, modified standards of vault construction, and protection standards for cash dispensing machines. The proposed revision also makes clear that, to meet the minimum security standards, (1) safe deposit boxes must be stored in an approved vault or safe and (2) fully automated satellite offices are not required to have surveillance and robbery alarm systems.

The proposed revisions would be accomplished by amending appendix A to read as set forth below.

This notice is published pursuant to section 553 of title 5 of United States Code and § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12).

To aid in the consideration of the proposed revision by the Board, interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by February 3, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

In order to assure realization of maximum performance capabilities, all security devices utilized by an insured institution should be regularly inspected, tested, and serviced by competent persons. Actuating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

1. *Surveillance systems*—(a) *General.* Surveillance systems should be:

(1) Equipped with one or more photographic, recording, monitoring, or like devices capable of reproducing images of persons in the institution's office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1-inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(2) Reasonably silent in operation; and

(3) So designed and constructed that necessary services, repairs, or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes, and the film should be at least 16mm.

(b) *Installation and operation of surveillance systems providing surveillance of other than walkup or drive-in teller's stations or windows and fully automated stations.* Surveillance devices for other than walkup or drive-in teller's stations or windows and fully automated stations should be:

(1) Located so as to reproduce identifiable images of persons either leaving the office or in a position to transact business at each such station or window; and

(2) Capable of actuation by initiating devices located at each teller's station.

(c) *Installation and operation of surveillance systems providing surveillance of walkup or drive-in teller's stations or windows.* Surveillance devices for walkup or drive-in teller's stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and areas of such station or window that are vulnerable to robbery or larceny. Such devices should be capable of actuation by one or more initiating devices located within or in close proximity to such station or window. Such devices may be omitted in the case of walkup or drive-in teller's station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window. However, if the teller is vulnerable to larceny or robbery by members of the public who enter the office, the teller should have access to a device to actuate a surveillance system that covers the area of vulnerability or the exists to the office.

2. *Robbery and burglary alarm systems*—(a) *Robbery alarm systems.* A robbery alarm system should be provided for each office which is vulnerable to robbery and at which the police ordinarily can arrive within 5 minutes after an alarm is actuated; all other such offices should be provided with appropriate devices for promptly notifying the police that a robbery has occurred or is in progress. Robbery alarm systems should be:

(1) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the office has occurred or is in progress;

(2) Capable of actuation by initiating devices located at each teller's station (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside an office of which such station or window may be a part);

(3) Safeguarded against accidental transmission of an alarm;

(4) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(5) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(b) *Burglary alarm systems.* A burglary alarm system should be provided for each office. Burglary alarm systems should be:

(1) Capable of detecting promptly an attack on a fully automated station and on the outer door, walls, floor, or ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when any station or office is closed, and any attempt to move any such safe;

(2) Designed to transmit to the police, either directly or through an intermediary, a signal indicating that any such attempt is in progress; and for fully automated stations and other offices at which the police ordinarily cannot arrive within 5 minutes after an alarm is actuated, designed to actuate a loud sounding bell or other device that is audible inside the office and for a distance of approximately 500 feet outside the station or office;

(3) Safeguarded against accidental transmission of an alarm;

(4) Equipped with a visual and audible signal, capable of indicating improper functioning of or tampering with the system; and

(5) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

3. *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least $1^3/_{16}$ inches in thickness,[1] or of material of at least equivalent bullet resistance. Pass-through devices should be so designed and constructed as not to afford a person outside the station a direct line of fire at a person inside the station.

4. *Vaults, safes, safe deposit boxes, night depositories, and cash dispensing machines.* Vaults, safes (if not to be stored in a vault), safe deposit boxes, night depositories, and cash dispensing machines, in any of which currency, negotiable securities, or similar valuables are to be stored in fully automated stations or when offices are closed, should

[1] It should be emphasized that this thickness is merely bullet resistant and not bulletproof.

[2] Vaults contracted for previous to this date should be constructed in conformance with all applicable specifications then in effect.

[3] The reinforced concrete should have: two grids of No. 5 (⅝" diameter) deformed steel bars located in horizontal and vertical rows in each direction to form grids not more than 4 inches on center; or two grids of expanded steel bank vault mesh placed parallel to the face of the walls, weighing at least 6 pounds per square foot to each grid, having a diamond pattern not more than 3" by 8"; or two grids of any other fabricated steel placed parallel to the face of the walls, weighing at least 6 pounds per square foot to each grid and having an open area not exceeding 4 inches on center. Grids are to be located not less than 6 inches apart and staggered in each direction. The concrete should develop an ultimate compression strength of at least 3,000 pounds per square inch.

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meet or exceed the standards expressed in this section.

(a) *Vaults.* A vault is defined as a room or compartment that is designed for the storage and safekeeping of valuables and which has a size and shape which permits entrance and movement within by one or more persons. Vaults contracted for after (effective date to be designated)[2] should have walls, floor, and ceiling of reinforced concrete at least 12 inches in thickness.[3] The vault door should be made of steel at least 3½ inches in thickness, or other drill and torch resistant material, and be equipped with dual combination locks, a time lock, and a substantial lockable day-gate. Electrical conduits into the vault should not exceed 1½ inches in diameter and should be offset within the walls, floor, or ceiling at least once so as not to form a direct path of entry. A vault ventilator, if provided, should be designed with consideration of safety to life without significant reduction of the strength of the vault wall to burglary attack. Alternatively, vaults should be so designed and constructed as to afford at least equivalent burglary resistance.[4]

(b) *Safes.* Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty, or be securely anchored to the premises where located. The body should consist of steel, at least 1 inch in thickness, either cast or fabricated, with an ultimate tensile strength of 50,000 pounds per square inch and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. The door should be made of steel that is at least 1½ inches in thickness, and at least equivalent in strength to that specified for the body; and the door should be equipped with a combination lock, and with a relocking device that will effectively lock the door if the combination lock is punched. One hole not exceeding ½-inch diameter may be provided in the body to permit insertion of electrical conductors, but should be located so as not to permit a direct view of the door or locking mechanism. Alternatively, safes should be constructed of materials that will afford at least equivalent burglary resistance.

(c) *Safe deposit boxes.* Safe deposit boxes used to safeguard customer valuables should be enclosed in a vault or safe meeting at least the above specified minimum protection standards.

(d) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast or welded steel walls, top, and bottom, at least 1 inch in thickness; a steel door at least 1½ inches in thickness with a combination lock; and a chute, made of steel that is at least 1 inch in thickness, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute. Alternatively, night depositories should be so designed and constructed as to afford at least equivalent burglary resistance.[5] The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglar alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle, and to protect against the "trapping" of a deposit for extraction.

(e) *Cash dispensing machines.* Except as hereafter provided, cash dispensing machines (including those machines which also accept payments on savings accounts and/or loans) contracting for after [effective date to be descontracted for after [effective date to be designated] should weigh at least 750 pounds empty or be securely anchored to the premises where located. These machines should contain, among other features, a storage chest having cast or welded steel walls, top, and bottom, at least 1 inch in thickness with a tensile strength of at least 50,000 pound per square inch. The door should be constructed of steel at least equivalent in strength to the storage chest and be equipped with a combination lock and with a relocking device that will effectively lock the door if the combination lock is punched. The housing covering the cash dispensing opening and, when applicable, payment receiving opening, in the storage chest, and the housing covering the mechanism for removing the cash from the storage chest, should be so designed as to provide burglary resistance at least equivalent to the storage chest and should also be designed to protect against the "fishing" of cash from the storage chest. The cash dispensing control and delivery mechanisms (and, when applicable, cash payment receipt mechanism) should be protected by steel, at least one-half inch in thickness, and by steel, at least ¼ inch in thickness, securely attached to the storage chest. The cash dispensing machine should be designed so as to be protected against actuation by unauthorized persons, should be protected by a burglar alarm, and should be located in a well-lighted area. Alternatively, cash dispensing machines should be so designed and constructed as to afford at least equivalent burglary resistance.[6]

A cash dispensing machine which is used inside an insured institution's premises only during business hours, and which is empty of currency and coin at all other times, should at least provide safeguards against "jimmying," unauthorized opening of the storage chest door, and against actuation by unauthorized persons.

(Sec. 402, 48 Stat. 1256, as amended; sec. 3, 82 Stat. 295; 12 U.S.C. 1725, 1882. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.73-78 Filed 1-2-73;8:45 am]

[1] Equivalent burglary-resistant materials for vaults do not include the use of a steel lining, either inside or outside a vault wall, in lieu of the specified reinforcement and thickness of concrete.

[2] Equivalent burglary-resistant materials for night depositories include the use of ¼-inch steel plate encased in 6 inches or more of concrete or masonry building wall

[6] Equivalent burglary-resistant materials for cash dispensing machines include the use of ⅜-inch thick, 8-percent nickel stainless steel alloy in place of 1-inch thick steel, if other criteria are satisfied.

FEDERAL RESERVE SYSTEM

[12 CFR Part 216]

[Reg. P]

FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

Minimum Security Devices and Procedures

Notice is hereby given that the Board of Governors of the Federal Reserve System proposes to revise appendix A, "Minimum Standards for Security Devices," of Part 216 entitled "Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks."

As part of its responsibilities under the Bank Protection Act of 1968 (82 Stat. 294), the Board of Governors conducts a continuing review of the minimum standards for bank security devices. Based on its review, the proposed appendix A revises and clarifies the minimum standards with which each Federal Reserve bank and each State member bank must comply with respect to the installation, maintenance, and operation of security devices to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.

Among the proposed revisions are a definition of vaults as distinguished from safes, modified standards of vault construction, and protection standards for cash dispensing machines. The proposed revision also makes clear that, to meet the minimum security standards, safe deposit boxes must be stored in an approved vault or safe.

The proposed revisions would be accomplished by amending appendix A to read as follows:

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

In order to assure realization of maximum performance capabilities, all security devices utilized by a bank should be regularly inspected, tested, and serviced by competent persons. Actuating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

(1) *Surveillance systems*—(i) *General.* Surveillance systems should be:

(A) Equipped with one or more photographic, recording, monitoring, or like devices capable of reproducing images of persons in the banking office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1-inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(B) Reasonably silent in operation; and

(C) So designed and constructed that necessary services, repairs or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes, and the film should be at least 16mm.

(ii) *Installation and operation of surveillance systems providing surveillance of other than walkup or drive-in teller's stations or windows.* Surveillance devices for other than walkup or drive-in teller's stations or windows should be:

(A) Located so as to reproduce identifiable images of persons either leaving the banking office or in a position to transact business at each such station or window; and

(B) Capable of actuation by initiating devices located at each teller's station or window.

(iii) *Installation and operation of surveillance systems providing surveillance of walkup or drive-in teller's stations or windows.* Surveillance devices for walkup or drive-in teller's stations or windows should be located in such a manner as to reproduce

identifiable images of persons in a position to transact business at each such station or window and areas of such station or window that are vulnerable to robbery or larceny. Such devices should be capable of actuation by one or more initiating devices located within, or in close proximity to, such station or window. Such devices may be omitted in the case of a walkup or drive-in teller's station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window. However, if the teller is vulnerable to larceny or robbery by members of the public who enter the banking office, the teller should have access to a device to actuate a surveillance system that covers the area of vulnerability of the exits to the banking office

(2) *Robbery and burglary alarm systems*—(i) *Robbery alarm systems.* A robbery alarm system should be provided for each banking office at which the police ordinarily can arrive within 5 minutes after an alarm is actuated; all other banking offices should be provided with appropriate devices for promptly notifying the police that a robbery has occurred or is in progress. Robbery alarm systems should be:

(A) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the banking office has occurred or is in progress;

(B) Capable of actuation by initiating devices located at each teller's station or window (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside a banking office of which such station or window may be a part);

(C) Safeguarded against accidental transmission of an alarm;

(D) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(E) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(ii) *Burglary alarm systems.* A burglary alarm system should be provided for each banking office. Burglary alarm systems should be:

(A) Capable of detecting promptly an attack on the outer door, walls, floor, or ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when the office is closed, and any attempt to move any such safe;

(B) Designed to transmit to the police, either directly or through an intermediary, a signal indicating that any such attempt is in progress; and for banking offices at which the police ordinarily cannot arrive within five minutes after an alarm is actuated, designed to actuate a loud-sounding bell or other device that is audible inside the banking office and for a distance of approximately 500 feet outside the banking office;

(C) Safeguarded against accidental transmission of an alarm;

(D) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(E) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

(3) *Walk-up and drive-in teller's stations or windows.* Walk-up and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1⅜6 inches in thicknesses,[1] or of material of at least equivalent bullet resistance. Pass-through devices should be so designed and constructed as not to afford a person outside the station or window a direct line of fire at a person inside the station.

(4) *Vaults, safes, safe-deposit boxes, night depositories, and cash dispensing machines.* Vaults, safes (if not to be stored in a vault), safe-deposit boxes, night depositories, and cash dispensing machines, in any of which currency, negotiable securities, or similar valuables are to be stored when banking offices are closed, should meet or exceed the standards expressed in this section.

(i) *Vaults.* A vault is defined as a room or compartment that is designed for the storage and safekeeping of valuables and which has a size and shape which permits entrance and movement within by one or more persons. Vaults contracted for after [*effective date to be designated*][2] should have walls, floor, and ceiling of reinforced concrete at least 12 inches in thickness.[3] The vault door should be made of steel at least 3½ inches in thickness, or other drill and torch resistant material, and be equipped with dual combination locks, a timelock, and a substantial lockable daygate. Electrical conduits into the vault should not exceed 1½ inches in diameter and should be offset within the walls, floor, or ceiling at least once so as not to form a direct path of entry. A vault ventilator, if provided, should be designed with consideration of safety to life without significant reduction of the strength of the vault wall to burglary attack. Alternatively, vaults should be so designed and constructed as to afford at least equivalent burglary resistance.[4]

(ii) *Safes.* Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty, or be securely anchored to the premises were located. The body should consist of steel, at least 1 inch in thickness, either cast or fabricated, with an ultimate tensile strength of 50,000 pounds per square inch and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. The door should be made of steel that is at least 1½ inches in thickness, and at least equivalent in strength to that specified for the body; and the door should be equipped with a combination lock, and with a relocking device that will effectively lock the door if the combination lock is punched. One hole not exceeding ½-inch diameter may be provided in the body to permit insertion of electrical conductors, but should be located so as not to permit a direct view of the door or locking mechanism. Alternatively, safes should be constructed of materials that will afford at least equivalent burglary resistance.

(iii) *Safe deposit boxes.* Safe deposit boxes used to safeguard customer valuables should be enclosed in a vault or safe meeting at least the above-specified minimum protection standards.

(iv) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast or welded steel walls, top and bottom, at least 1 inch in thickness; a steel door at least 1½ inches in thickness with a combination lock; and a chute, made of steel that is at least 1 inch in thickness, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute. Alternatively, night depositories should be so designed and constructed as to afford at least equivalent burglary resistance.[5] The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglar alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle, and to protect against the "trapping" of a deposit for extraction.

(v) *Cash dispensing machines.* Except as hereinafter provided, cash dispensing machines (including those machines which also accept deposits) contracted for after [*effective date to be designated*] should weigh at least 750 pounds empty, or be securely anchored to the premises where located. These machines should contain, among other features, a storage chest having cast or welded steel walls, top, and bottom, at least 1 inch in thickness, with a tensile strength of at least 50,000 pounds per square inch. The door should be constructed of steel at least equivalent in strength to the storage chest and be equipped with a combination lock and with a relocking device that will effectively lock the door if the combination lock is punched. The housing covering the cash dispensing opening (and, when applicable, deposit receiving opening) in the storage chest, and the housing covering the mechanism for removing the cash from the storage chest, should be so designed as to provide burglary resistance at least equivalent to the storage chest and should also be designed to protect against the "fishing" of cash from the storage chest. The cash dispensing control and delivery mechanisms (and, when applicable, cash deposit receipt mechanism) should be protected by steel, at least ½-inch in thickness, securely attached to the storage chest. The cash dispensing machine should be designed so as to be protected against actuation by unauthorized persons, should be protected by a burglar alarm, and should be located in a well-lighted area. Alternatively, cash dispensing machines should be so designed and constructed as to afford at least equivalent burglary resistance.[6]

A cash dispensing machine which is used inside a bank's premises only during bank business hours, and which is empty of cur-

[1] It should be emphasized that this thickness is merely bullet resistant and not bullet-proof.

[2] Vaults contracted for previous to this date should be constructed in conformance with all applicable specifications then in effect.

[3] The reinforced concrete should have: two grids of No. 5 (⅝ inch diameter) deformed steel bars located in horizontal and vertical rows in each direction to form grids not more than 4 inches on center; or two grids of expanded steel bank vault mesh placed parallel to the face of the walls, weighing at least 6 pounds per square foot to each grid, having a diamond pattern not more than 3" x 8"; or two grids of any other fabricated steel placed parallel to the face of the walls, weighing at least 6 pounds per square foot to each grid and having an open area not exceeding 4 inches on center. Grids are to be located not less than 6 inches apart and staggered in each direction. The concrete should develop an ultimate compression strength of at least 3,000 pounds per square inch.

[4] Equivalent burglary-resistant materials for vaults do *not* include the use of steel lining, either inside or outside a vault wall, in lieu of the specified reinforcement and thickness of concrete.

[5] Equivalent burglary-resistant materials for night depositories include the use of ¼-inch steel plate encased in 6 inches or more of concrete or masonry building wall.

[6] Equivalent burglary-resistant materials for cash dispensing machines include the use of ⅜-inch thick 8 percent nickel stainless steel alloy in place of 1-inch thick steel, if other criteria are satisfied.

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rency and coin at all other times, should at least provide safeguards against "jimmying," unauthorized opening of the storage chest door, and against actuation by unauthorized persons.

This notice is published pursuant to section 553 of title 5, United States Code and § 262.2(a) of the rules of procedures of the Board of Governors of the Federal Reserve System.

To aid in the consideration of the proposed revision by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such comments or material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

By order of the Board of Governors, December 11, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-76 Filed 1-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9891]

NET CAPITAL RULE

Proposed Uniform and Comprehensive Regulation

The Securities and Exchange Commission announced today the first proposal to substantially revise Rule 15c3-1 (the net capital rule) [17 CFR 240.15c3-1] under the Securities Exchange Act of 1934 since the rule was first adopted on October 29, 1942. The revised capital rule would establish a uniform and comprehensive net capital regulation for the entire brokerage industry applicable to all brokers and dealers whether or not they are members of registered national securities exchanges, and contains standards tailored to meet the varying needs of brokers and dealers engaged in different segments of the securities business.

Historically net capital requirements have been fragmented and uneven in their application. Members of the major securities exchanges have operated under one set of capital requirements while the smaller firms, not having exchange memberships, have been subject to the Commission's net capital rule. Invariably inequities arose in this situation, and while the exchanges sought to provide a sound capital base for their members, some of them were unable in the 1968–70 period to cope with the threats to the financial solvency of certain of their members. Furthermore, the lines of responsibility for administering the capital rules were not always clear, and at times affirmative action was not taken to enforce the provisions of the net capital rules. Interpretations were made which undercut protective features of the net capital rules with a consequence that firms which would have been in violation of the Commission's net capital rule continued to function and expose customers to loss due to broker-dealer insolvency. The securities industry was compelled to pay a high price for the financial weaknesses of these members. The funding of the $140 million New York Stock Exchange trust fund to cover customer losses was borne by the industry.

A formal arrangement has now been conceived to insure all customer accounts through the creation of the Securities Investor Protection Corporation (SIPC) in December of 1970. The assessment on members is designed to build up an adequate fund to meet the obligations of SIPC to insure customers against loss up to $50,000 per customer. To the extent the fund is depleted through liquidation costs related to broker-dealers which fail because of undercapitalization or because of weaknesses in their capital structure, the assessment will continue to be an onerous burden upon the broker-dealer community. It is accordingly the objective of the uniform net capital rule not only to enhance the protection of customer funds and securities held by broker-dealers but to protect the SIPC fund by requiring all broker-dealers to operate under a sound capital base. The uniform net capital rule addresses itself to inadequacies and impermanence of capital, the injudicious employment of capital, particularly in the area of undue concentrations of resources, and a number of other facets of the financial structure of broker-dealers which are discussed below.

In proposing this revision to the net capital rule the Commission has drawn heavily from its own experiences during the 1968–70 period, the Commission's Study of Unsafe and Unsound Practices of Brokers and Dealers, the recommendations and improvements of the NASD and the other self-regulatory organizations in the net capital area as well as the recent report on the "Study of the Securities Industry" by the House Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce (Securities Industry Study). This proposal also takes into account the many advances in the past several years in the area of clearance and settlement of securities transactions.

In the Commission's view this proposal for a uniform net capital rule will enhance the protective mosaic which has been established recently[1] to furnish protection for the integrity of customers' funds and securities as envisioned by Congress when it amended section 15(c)(3) of the Exchange Act by adopting section 7(d) of the SIPC Act.

This proposal to adopt a uniform capital rule is another step toward implementing the objective of a central marketplace which will retain the confidence of individual investors and provide liquidity. At the same time in developing the uniform net capital rule recognition has been given to the need to attract permanent commitments which will arise as the capital requirements of our Nation expand. In a sense, the construction of a sound net capital rule applicable to all broker-dealers is a balancing act, whereby the achievement of customer protection must be accomplished without inhibiting the flow of investment capital to the industry with the ultimate consequence of an industry unable to adequately serve its investor constituents.

THE NET CAPITAL RULE

The purpose of the net capital rule is to provide safeguards for public investors and other broker-dealers by setting standards of financial responsibility to be met by brokers and dealers. The basic although not exclusive concept of the revised rule is liquidity; the object being to require a broker or dealer to have at all times sufficient liquid assets to cover his current indebtedness to all persons. The applicability of the rule does not depend on whether a broker or dealer is required to be registered with the Commission, since the exemptive provisions of section 15(a)(1) of the Exchange Act provide exemptions only from the registration requirements of that section. In addition, section 15(c)(3) of the Exchange Act, as amended, applies to all brokers and dealers regardless of whether or not they confine their business to transactions with only other brokers and dealers.[2]

Rule 15c3-1 as revised may be subdivided into four parts: (1) Classifications of brokers and dealers for purposes of the minimum liquidity requirements deemed necessary for brokers or dealers who confine their business to various segments of the securities business as well as those who are engaged in a general securities business (i.e. a combination of the various segments); (2) Provisions for exemption from the rule for certain brokers and dealers and specialists; (3) Standards for purposes of determining liquidity under the rule; and (4) Minimum equity requirements for all brokers and dealers. Each portion of the rule will be discussed separately.

No attempt is made in this release to discuss every provision of rule 15c3-1 and the discussion which follows will be confined to the revisions of the present rule. The attached proposal clearly identifies new provisions by underlining them and deleted provisions by bracketing them. In commenting on the proposed rule specific reference should be made to the attached proposal. Specific comments are invited as to the impact of various provisions of the proposed revisions to the rule.

1. Classification of broker-dealers. The "Securities Industry Study" recommended that the Commission promulgate a capital rule to permit differing requirements for differing classifications of brokers and dealers so that less stringent rules would apply to those firms who confine their business to specific segments of the securities business and more comprehensive rules would apply to those broker-dealers who do a substantial volume of general brokerage business, underwriting, and market making.[3]

The Commission believes such an approach has merit and has therefore established six classifications of broker-dealers:[4]

(1) Broker-dealers engaged in a general securities business would be required to maintain minimum net capital of $25,000 with an 8:1 ratio of aggregate indebtedness to net capital during their first year of operation and a 15:1 ratio thereafter;[4]

(2) A $50,000 minimum net capital requirement and 15:1 ratio would be required for those broker-dealers who engage in a general securities business but who also endorse or write options, including but not limited to puts, calls, straddles, strips and straps;[5]

(3) A $25,000 minimum net capital requirement and a 15:1 ratio would be required for brokers and dealers engaged as market makers, or $5,000 for each security in which such broker-dealer makes a market up to a maximum of $500,000, whichever is greater. In the case where securities in which the broker-dealer makes a market sell for $5 or less the minimum shall be $500 for each such security;[6]

(4) A $5,000 minimum net capital requirement and 15:1 ratio would be required for those brokers who introduce their transactions as broker to another broker or dealer or a bank as provided in rule 17a-3(b), do not hold customers' funds and securities and do not otherwise carry accounts of customers. If such broker, in addition, sells subscriptions for securities in the manner outlined in the fifth classification below, section 15c3-1(a)(4), he shall not be deemed to be engaged in the general securities business and thus subject to the $25,000 minimum requirement.[7]

(5) A $5,000 minimum net capital requirement and a 15:1 ratio would be required for brokers whose exclusive activities consist of promptly transmitting subscriptions for securities to the issuer, underwriter, or other distributor who in turn delivers the security directly to the subscriber, if the broker does not otherwise hold funds or securities for or owe funds or securities to customers and does not otherwise carry customer accounts.[8]

(6) A $2,500 minimum capital requirement would continue to apply to those brokers or dealers who are engaged in the sale of mutual funds or are otherwise presently subject to this requirement. In addition, those broker-dealers who sell variable annuities and insurance company separate accounts will now be required to have minimum net capital of $2,500.[9]

While the 15:1 ratio of aggregate indebtedness to net capital would continue to apply to all brokers or dealers it should be noted that for brokers or dealers who come within the $5,000 and $2,500 minimums, aggregate indebtedness (AI) is generally an insignificant factor since most of the components of AI as defined in subparagraph (c)(1) of the rule (e.g., securities loaned, fails to receive, customer credit balances etc.), cannot be liabilities of such brokers or dealers.

2. Provisions for exemption of certain broker-dealers and specialists. The revised rule continues the general exemptive provisions of the rule which will continue to be applied as it is presently. This exemptive provision is strictly construed.[10]

The exemption for licensed insurance agents whose securities business is limited to the sale of variable annuity contracts if the issuer of such contract undertakes responsibility for valid claims of customers, has been eliminated and a $2,500 capital requirement has been substituted.[11]

The exception for registered national securities exchanges with capital rules that are more comprehensive than the Commission's has been eliminated. However, inasmuch as the uniform net capital rule constitutes minimum standards for financial responsibility it is expected that the self-regulatory organizations will supplement these minimum standards with their own additional standards of financial soundness to meet unique or differing business conditions of their respective members.

The recent amendment to section 15(c)(3) of the Exchange Act gives the Commission authority with regard to financial responsibility rules for all specialists even though they may not be required to register as broker-dealers under section 15(a)(1) of the Exchange Act. The securities industry is presently in a state of flux and the Commission feels it is not at the present time in a position to recommend minimum capital requirements for specialists different from those standards now applicable to specialists. In the absence of a central marketplace and given the difference in volume on the regional exchanges and in obligations of specialists on the various exchanges it has been decided to continue the exemption of specialists from the Commission's net capital rule so long as they have no public customers, provided that, the capital rules of those exchanges, applicable to specialists remain satisfactorily comprehensive to the Commission. This exemption for specialists differs from the earlier exemption given to exchanges in that the Commission would have authority to withdraw such exemption not only as to a particular exchange but also as to a particular specialist on 10 days written notice.

3. Standards for purposes of determining liquidity—A. Aggregate indebtedness (AI). The definition of AI under the revised rule remains unchanged. For purposes of streamlining the rule, clause (c)(1)(ii) has been eliminated as the Commission has determined that the exclusion from AI therein provided is encompassed in clause (c)(1)(i).

The exclusion from AI presently contained in clause (c)(1)(v), for indebtedness adequately collateralized by "exempted securities," has been eliminated. This exclusion apparently permitted the exclusion from AI of indebtedness simply because it is collateralized by exempted securities of customers. All other indebtedness where customers securities are collateral are includable in determining AI. We believe that the intent of section 15(c)(3) of the Exchange Act as amended, requires the inclusion of such indebtedness to accurately reflect a broker-dealers indebtedness to others. To the extent the "exempted securities" are owned by the firm the related indebtedness would continue to be excluded from AI under clause (c)(1)(i).

B. Net capital. In arriving at a broker-dealers net capital, deducted from net worth are those assets not readily convertible to cash. Clause (c)(2)(ii) has been revised to include as assets readily convertible to cash certain receivables which have previously been considered as unsecured and therefore not readily convertible to cash. With the recent advances in the clearance and settlement area and the concomitant decrease in securities movements the likelihood of such receivables being readily convertible to cash in a very short period of time has been improved. Therefore, dividends and interest receivable uncollected 15 days or less are to be considered assets readily convertible to cash. It is proposed that receivables which arise out of free shipments of securities outstanding less than 10 days will receive a deduction equal to 30 percent of the dollar value of such receivables, after 10 days the

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[1] See Securities Exchange Act Releases: No. 9376 adopting Rule 17a-13 (36 F.R. 21179) (the quarterly box count rule); No. 9268 adopting Rule 17a-11 (36 F.R. 14726) (the establishment of an early warning system); No. 9658 adopting amendments to Rule 17a-5 (37 F.R. 14607) (requiring certain financial information to be furnished customers); No. 9633 adopting amendments to Rule 15c3-1 (37 F.R. 11974) (establishing increased minimum capital requirements); No. 9544 adopting amendments to Rule 15m1-2 (37 F.R. 9668) (imposing high minimum threshold net capital requirements and requiring detailed threshold information designed to effect conservative operation); No. 9691 adopting amendments to 17a-5 (37 F.R. 16389) (requiring notification of change of accountant certifying Form X-17A-5); and No. 9856 adopting Rule 15c3-3 (37 F.R. 25224) (effectively eliminating the use by broker-dealers of customer funds and securities to finance firm activities).

[2] See Securities Exchange Act Release No. 8024 (32 F.R. 856) at 2; and section 7(d) of the SIPC Act amending section 15(c) of the Exchange Act. In addition, all subsidiaries of the broker-dealer are expected to independently meet net capital requirements of the Commission.

[3] See, "Securities Industry" transmittal letter at p. v.

[4] Sec. 15c3-1(a) (1) and (2).

[5] Sec. 15c3-1(a)(7).

[6] Sec. 15c3-1(a)(6), 15c3-1(c)(9).

[7] Sec. 15c3-1(a)(3).

[8] Sec. 15c3-1(a)(4).

[9] Sec. 15c3-1(a)(5).

[10] See, Securities Exchange Act Release No. 8024 (32 F.R. 856).

[11] The Commission will consider an adequate phase-in period for this provision.

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full amount of such receivable shall be deducted.

The revised rule also makes clear that short security differences which remain unresolved 7 business days after discovery are charges to net worth. In addition, long security differences which are sold by the broker-dealer shall become a charge against net worth until such time as they are adequately resolved.

The Commission recently amended the net capital rule to permit clearing fund deposits in continuous net settlement clearing systems to be considered as assets readily convertible to cash. At the time the rule was amended we noted that this provision would be reconsidered in reviewing the entire net capital rule. The adoption of a uniform rule will put all clearing fund members in a position of equality and the minimum clearing fund deposit required to be made by a broker-dealer shall be considered an asset not readily convertible to cash. All amounts deposited above the minimum are variable depending upon the activity of each clearing member and will be considered an asset readily convertible to cash.

C. Securities haircuts. Rule 15c3–1 presently haircuts all long and all short securities positions in capital proprietary and other accounts of the broker or dealer. Some of the exchanges whose members are presently exempt from the Commission's rule do not presently haircut both the long and short positions. The Commission maintains that it is important to haircut both the long and short securities position to give full recognition to the liquidity concept and the unpredictable movement in price of particular securities. However, in order to prevent disruption which may result during the transition to a uniform rule we have provided a 12 month phase-in and will deduct only 50 percent of the deductions specified for the lesser of the long or short position during the phase-in period. The full deduction shall be applied on the greater of the long or short position during the phase-in period.

The Commission has determined that in order to meet its responsibilities under section 15(c)(3), as amended, it is necessary to haircut securities issued and guaranteed by the U.S. Government or any agency thereof as well as those securities issued by States and political subdivisions thereof in order to provide a cushion for market fluctuations and allow for the cost of liquidation of such securities. Short term promissory notes and evidence of indebtedness would also be haircut.

The haircuts for U.S. Government and Canadian securities would be 1 percent. Five percent would be deducted for securities of States and political subdivisions.[13]

With respect to nonconvertible debt securities including short term promissory notes and evidences of indebtedness the deductions shall be from 5 to 30 percent varying with the percentage the market value of the security is below its face value. In order to prevent some unusually large haircuts which result when debt securities are selling at deep discounts from par value because the fixed rate of interest is less than the prime rate, the revised rule limits such haircuts to 15 percent of the market value if it is less than 30 percent below par and 20 percent where the market value is more than 30 percent below par if the fixed rate of interest is less than the average prime rate in effect in the city of New York.[13]

Where a security is convertible or exchangeable for other securities within 90 days (formerly 30 days) and the broker-dealer is short the securities into which such security is convertible or exchangeable no deduction need be made.[14]

Undue Concentrations and Limited Numbers of Market Makers

Recently the Commission has discovered a number of situations in which either because there were a limited number of market makers in a security or a broker-dealer had an unusually large position in a particular security, it became unlikely that such securities given the existing market conditions, could be sold at prices at or near the market price quoted in a recognized interdealer quotation system or on an exchange. The Commission was thus faced with situations where the normal haircuts provided in rule 15c3–1 did not provide a sufficient cushion against market fluctuations or illiquid blocks of securities. The revised rule therefore includes a number of provisions which it is believed will correct the deficiencies in the present rule.[15] These are as follows:

(1) For securities (other than exempt securities, debt securities, or preferred securities) not: (1) traded on a registered national securities exchange; (2) listed on NASDAQ; (3) designated as OTC margin securities; (4) redeemable shares of registered investment companies, the haircut shall be 40 percent unless there are more than three bona fide market makers in which case the haircut shall be the normal 30 percent. Bid wanted, offer wanted or other one sided quotes shall not constitute bona fide quotations; [16]

(2) In the case of securities other than exempted securities or redeemable shares of registered investment companies having a market value in excess of 10 percent of net capital before haircuts there shall be an additional deduction equal to 50 percent of the deduction otherwise provided in subparagraph (c)(2)(iii) on that portion of the position in excess of 10 percent of net capital before haircuts. Such deduction shall be applied only on the market value of securities in excess of $10,000 or 500 shares, whichever is greater, in the case of equities and $25,000 in the case of debt securities.

(3) For securities in which there is no ready market or which cannot be publicly sold because of statutory, regulatory, or contractual agreements or are otherwise restricted as to sale, the deduction shall be 100 percent.[17]

(4) In the case of all options written or endorsed by the broker or dealer which result in open contractual commitments of such broker or dealer there shall be an additional deduction from net worth of 50 percent of the deductions otherwise provided by this rule for the amount by which the net long or short position contemplated by the option as well as all other proprietary positions in such issue exceeds 10 percent of net capital before haircuts.[18]

D. Commodities. A number of new provisions have been adopted with regard to commodities. It should be noted that provisions with regard to the net capital treatment of commodities were adopted subsequent to the failure of Ira Haupt & Co. and J. R. Williston & Bean by both the Commission and the various exchanges. We have drawn on some of the more comprehensive provisions of several exchanges in the commodities area. These provisions include the following:

(1) A deduction from net capital equal to the amount necessary to restore the initial margin requirements of the relevant commodity exchange or clearinghouse where the original margin has been depleted by 50 percent.[19]

(2) A deduction from net capital equal to the amount necessary to provide margin equal to 20 percent of the market value in customer commodity accounts with equity, containing spot commodities evidenced by warehouse receipts less than 90 days old. The deduction required shall be the amount necessary to provide 100-percent margin where warehouse receipts are over 90 days old.[20]

(3) A deduction from net capital equal to the amount necessary to provide margin equal to 10 percent of the market value in each customer's combined account with equity containing spot commodities evidenced by warehouse receipts less than 90 days old which are hedged by futures in the same commodity. The deduction required shall be the amount necessary to provide 100-percent margin when the warehouse receipts are more than 90 days old.[21]

(4) Where the daily limit fluctuation of all future commodity contracts for accounts controlled by a single customer exceeds 10 percent of the net worth of the broker-dealer, the dollar amount in excess of 10 percent of net worth shall be deducted in determining net capital.[22]

(5) A deduction from net worth is required for the amount of all credit lines granted for trade accounts on open commodity contracts.[23]

(6) A deduction equal to 30 percent of the market value of all spot commodities long or short in the capital proprietary or other accounts of the broker or dealer and in customers' accounts which liquidate to a deficit. The deduction shall be 10 percent when the spot commodities are hedged by future contracts in the same commodity.[24]

E. Other deductions. Most exchanges presently have maintenance margin requirements for customer accounts. The revised rule would require a deduction from net capital for any deficiencies in a customer margin account if the deficiency exists either by reason of an exchange requirement or a requirement of another regulatory body.[25]

Recent developments in the clearance and settlement area have already reduced the incidence of fails within the securities industry. The requirements of section 15c3–3 are expected to reduce the number of contracts failing even further. The revised rule therefore requires a deduction equal to 100 percent of the market value of all fails to deliver more than 30 calendar days old.[26]

4. Minimum equity requirements for all broker-dealers. One of the serious problems encountered by the securities industry during the 1968–70 period was the inadequacy and impermanence of capital. Much has been written concerning this problem in the past few years and is extensively discussed in the Commission's study of unsafe and unsound practices of brokers and dealers.[27] In an effort to increase the permanence of capital within the securities industry, the Commission is herein proposing a series of provisions with an objective of establishing a permanent capital base for all brokers and dealers.

The most significant of these provisions will require for the first time that broker-dealers have a minimum equity base equal to 30 percent of the total-capital base from which net capital is determined. The Commission has discovered a large number of instances in which broker-dealers were able to comply with the net capital rule although the firms net worth had been entirely depleted. Compliance with the rule was possible only because subordinated debt is a permissible form of capital. Such conditions rendered the firm technically insolvent since its liabilities exceeded its assets. The minimum equity provision requires that at least 30 percent of the total of net worth, subordinated equities of partners and subordinated indebtedness must be attributable to net worth of the broker or dealer.[28] A violation of this provision would not be permitted to continue for a period longer than 90 days and during the continuance of such violation no capital distributions, dividends, or redemptions of capital would be permitted.[29]

The revised rule also includes a number of other provisions which increase the permanence of subordinated debt. Insiders would have to contribute subordinated capital for a minimum of 3 years while outsiders would be required to subordinate capital for a period of 2 years.[30] Acceleration provisions would be permitted only on 6-months notice to the relevant self-regulatory organization but in no event could acceleration cause capital to be withdrawn earlier than the 2- or 3-year minimum time requirements of this section. Another provision would exclude from total capitalization 50 percent of the value of a subordinated loan 90 days prior to its maturity if the subordinated loan was not to be renewed.[31]

Where securities have been contributed as collateral for subordinated loans and the value of the securities after giving effect to the haircut provisions of this section falls below the amount of the loan the broker-dealer must notify the lender who may: (1) Contribute additional cash or securities to increase the collateral up to a point where it is sufficient to collateralize the loan; (2) be sold out by the broker-dealer if he does not contribute additional cash or securities; or (3) reduce the amount of the loan by up to 15 percent if the broker-dealers ratio of aggregate indebtedness to net capital will not exceed 1000 percent after such reduction.

In addition, the revised rule would lock-in subordinated capital if the effect of such a withdrawal would cause the broker-dealer's ratio of aggregate indebtedness to net capital to exceed 1,200 percent, or its withdrawal would reduce net capital below 120 percent of the minimum requirements of this rule. Also, if less than 50 percent of the firms' total capital base was in the form of net worth or its capital ratio is or would be above 10 to 1 as a result thereof, no dividends or distributions may be made and no proprietary capital shall be withdrawn.[32]

Finally, the revised rule would permit two temporary infusions of subordinated capital, for a minimum period of 45 days, annually for the purpose of engaging in unusually large underwritings under certain limited conditions.[33] At the time of such infusion the broker-dealer could not be in violation of any other provision of this section,[34] his aggregate indebtedness could not exceed 1,000 percent of net capital at the time of infusion and the broker-dealer may not have been subject to any of the reporting provisions of section 17a–11 during the 12 months prior to the temporary infusion. Such temporary infusions could not be withdrawn if its effect would be to increase the firm's ratio of aggregate indebtedness to net capital above 1,200 percent.

Commission Action

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 10(b), 15(c)(3), 17(a), and 23(a) thereof, and deeming it in the public interest and for the protection of investors, hereby proposes to amend § 240.15c3–1 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below.

§ 240.15c3–1 Net capital requirements for brokers and dealers.

(a) No broker or dealer shall permit his aggregate indebtedness to all other persons to exceed 1,500 percent of his net capital, and every broker or dealer shall have the net capital necessary to comply with the following conditions:

(1) If he becomes registered as a broker or dealer on or after August 13, 1971, his aggregate indebtedness to all other persons on and after August 30, 1972, and for 12 months after becoming registered shall not exceed 800 percent of his net capital, and except as provided for in paragraphs (a)(3) and (4) of this section, he shall have and maintain net capital of not less than $25,000; and

(2) If he became registered as a broker or dealer before August 13, 1971, and he does not come within the provisions of paragraphs (a)(3) or (4), of this section, he shall have and maintain net capital of not less than $5,000 prior to July 31, 1973, $15,000 commencing July 31, 1974;

(3) Notwithstanding the provisions of paragraphs (a)(1) and (2) of this section, if as an introducing and forwarding broker he introduces all transactions and accounts of customers and forwards all of the funds and securities of his customers received in connection with his activities as a broker on a fully disclosed basis, and does not otherwise hold funds or securities for, or owe money or securities to, customers he shall have and maintain net capital of not less than $5,000 if he does not otherwise carry accounts of or for customers;

(4) Notwithstanding the provisions of paragraphs (a)(1), (2), and (3) of this section, if exclusive activities of the broker consists of promptly transmitting subscriptions for securities to the issuer, underwriter or other distributor of such securities and of receiving checks, drafts, notes, or other evidences of indebtedness payable solely to the issuer, underwriter, or other distributor who delivers the security directly to the subscriber, and if the broker does not otherwise hold funds or securities for, or owe money or securities to, customers, he shall have and maintain net capital of not less than $5,000 if he does not otherwise carry accounts of or for customers;

(5) The minimum net capital to be maintained by a broker or dealer meet-

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[13] Secs. 15c3–1(c)(2)(ii)(a), (b), and (c).
[14] Sec. 15c3–1(c)(2)(iii)(d).
[15] Sec. 15c3–1(c)(2)(iii)(g).
[16] Sec. 15c3–1(c)(2)(iii)(g), (i), and (j).
[17] For the definition of a market maker see rule 15c3–1(c)(9).
[18] Sec. 15c3–1(c)(2)(vii).
[19] Sec. 15c3–1(c)(2)(viii).
[20] Sec. 15c3–1(c)(2)(ix).
[21] Sec. 15c3–1(c)(2)(x).
[22] Sec. 15c3–1(c)(2)(vii).
[23] Sec. 15c3–1(c)(2)(xvii).
[24] Sec. 15c3–1(c)(2)(xviii).
[25] Sec. 15c3–1(c)(2)(v).
[26] Sec. 15c3–1(c)(2)(xii).
[27] Sec. 15c3–1(c)(2)(xvi).
[28] See, Chapter II p. 49, Nature and Use of Broker-Dealer Capital.
[29] Sec. 15c3–1(c)(17).
[30] Sec. 15c3–1(d).
[31] Sec. 15c3–1(c)(7)(vi).
[32] Sec. 15c3–1(c)(7)(vii).
[33] Rule 15c3–1(c)(7)(viii), (d).
[34] Rule 15c3–1(c)(7)(xvi).
[35] Rule 15c3–1(c)(17).

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ing all of the following conditions shall be $2,500:

(i) His dealer transactions (as principal for his own account) are limited to the purchase, sale and redemption of redeemable shares of registered investment companies or of interests or participations in an insurance company separate account whether or not registered as an investment company; except that a broker or dealer transacting business as a sole proprietor may also effect occasional transactions in other securities for his own account with or through another registered broker-dealer;

(ii) His transactions as broker (agent) are limited to: (A) the sale and redemption of redeemable securities of registered investment companies or of interests or participations in an insurance company separate account whether or not registered as an investment company; (B) the solicitation of share accounts for savings and loan associations insured by an instrumentality of the United States; and (C) the sale of securities for the account of a customer to obtain funds for immediate reinvestment in redeemable securities of registered investment companies; and

(iii) He promptly transmits all funds and delivers all securities received in connection with his activities as a broker or dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers;

(6) Notwithstanding the provisions of paragraphs (a) (1), (2), (3), and (4) of this section, if the broker or dealer is engaged as a market maker as defined in paragraph (c)(9) of this section he shall maintain net capital in an amount not less than $5,000 for each security in which he makes a market (unless a security in which he makes a market has a market value of $5 or less in which event the amount shall be not less than $500 for each such security) except that under no circumstances shall he have net capital of less than $25,000 or as required by paragraphs (a) (1) or (2) of this section or be required to maintain net capital of more than $500,000 unless otherwise required herein; and

(7) Notwithstanding the provisions of paragraphs (a)(1)–(6) of this section if a broker-dealer also engages in the business of endorsing or writing options, including but not limited to puts, calls, straddles, strips or straps under no circumstances shall he have net capital of less than $50,000.

(b) (1) The provisions of this section shall not apply to any specialist having no public customers who is in good standing and subject to the capital rules of the American Stock Exchange, the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, whose rules, settled practices and applicable regulatory procedures are deemed by the Commission to impose requirements that are satisfactory to the Commission: *Provided, however,* That this exemption as to a particular specialist of any exchange or as to the exchange itself, may be suspended or withdrawn by the Commission at any time, by sending ten (10) days written notice to such exchange or specialist, if it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors so to do.

(2) The Commission may, upon written application, exempt from the provisions of this section either unconditionally or on specified terms and conditions, any broker or dealer who satisfies the Commission that, because of the special nature of his business, his financial position, and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular broker or dealer to the provisions of this section.

(c) Definitions. For the purpose of this section:

(1) The term "aggregate indebtedness" shall be deemed to mean the total money liabilities of a broker or dealer arising in connection with any transaction whatsoever, including, among other things: money borrowed, money payable against securities loaned and securities "failed to receive"; the market value of securities borrowed (except for delivery against customers' sales) to the extent to which no equivalent value is paid or credited; customers' free credit balances; credit balances in customers' accounts having short positions in securities; and equities in customers' commodities futures accounts; but excluding:

(i) Indebtedness adequately collateralized, as hereinafter defined, by securities or spot commodities owned by the broker or dealer;

(ii) Amounts payable against securities loaned which securities are owned by the broker or dealer;

(iii) Amounts payable against securities failed to receive which securities were purchased for the account of, and have not been sold by, the broker or dealer;

(iv) Amounts segregated in accordance with the Commodity Exchange Act and the rules and regulations thereunder;

(v) Fixed liabilities adequately secured by real estate or any other asset of the broker or dealer which is not included in the computation of "net capital" under this section;

(vi) Liabilities on open contractual commitments;

(vii) Indebtedness subordinated to the claims of general creditors pursuant to a satisfactory subordination agreement, as hereinafter defined, subject to the limitations in paragraph (c)(17) of this section; and

(viii) Liability Reserves established and maintained for refunds of charges required by section 27 (d) and (f) of the Investment Company Act of 1940, but only to the extent of the amounts on deposit in a segregated trust account in accordance with section 27d–1 under the Investment Company Act of 1940.

(2) The term "net capital" shall be deemed to mean the net worth of a broker or dealer (that is, the excess of total assets over total liabilities), adjusted by:

(i) Adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer and, if such broker or dealer is a partnership, adding equities (or deducting deficits) in accounts of partners, as hereinafter defined, subject to the limitations of paragraph (c)(17) of this section;

(ii) (A) Deducting fixed assets and assets which cannot be readily converted into cash (less any indebtedness secured thereby) including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent; insurance and expenses; goodwill; organization expenses; all unsecured advances and loans; customers' unsecured notes and accounts; receivables arising out of free shipments of securities aged 11 days or longer; dividends and interest receivable aged 16 days or longer; all other unsecured receivables; the market value of short security differences unresolved for 7 business days after discovery; the market value of long security differences where the securities have been sold by the broker-dealer until they are resolved; and deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System; and the funds on deposit in a "segregated trust account" in accordance with Rule 27d–1 under the Investment Company Act of 1940, but only to the extent that the amounts on deposit in such segregated trust account exceed the amount of liability reserves established and maintained for refunds of charges required by section 27(d) and 27(f) of the Investment Company Act of 1940; and the minimum clearing deposit required by any "clearing agency": *Provided, however,* That the amount deposited in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" established pursuant to Rule 15c3–3 shall not be so deducted.

(B) Deducting 30 percent of the dollar amount of receivables arising out of free shipments of securities outstanding 10 days or less.

(iii) Deducting the percentages specified below of the market value of all securities, long and short in the capital, proprietary and other accounts of the broker or dealer, including securities loaned to the broker or dealer pursuant to a satisfactory subordination agreement, as hereinafter defined, and if such broker or dealer is a partnership, in the accounts of partners, as hereinafter defined: *Provided, however,* That for the 12 months following [date of adoption] the broker or dealer shall deduct 100 percent of the deductions specified below of the greater of the long or short positions in the accounts specified above, but deduct only 50 percent of the deductions provided for below for the lesser of its long or short positions in the accounts specified above, thereafter 100 percent of the deductions specified below shall be applied; the Commission may prescribe higher percentages than those specified below where necessary or appropriate in the public interest or for the protection of investors;

(A) In the case of a security issued or unconditionally guaranteed as to principal and interest by the United States or any agency thereof 1 percent of its market value shall be deducted,

(B) In the case of any security issued or unconditionally guaranteed as to principal and interest by any State, territory or possession of the United States or any political subdivision thereof, or any authority, commission or agency of a State, territory, or possession of the United States or any political subdivision thereof, which are not in default as to principal or interest, 5 percent of its market value shall be deducted,

(C) In the case of any security issued or unconditionally guaranteed by the Government of Canada or any agency thereof, the percentages of market value to be deducted is the same as in paragraph (c)(2)(iii)(A) of this section.

(D) In the case of nonconvertible debt securities (including any short term promissory note or evidence of indebtedness issued by any industrial, commercial or finance company, and which has a maturity at the time of issuance of not exceeding 9 months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited) having a fixed interest rate and fixed maturity date which are not in default as to principal or interest, if the market value is not more than 5 percent below the face value the deduction shall be 5 percent of such market value; if the market value is more than 5 percent but not more than 30 percent below the face value, the deduction shall be a percentage of market value, equal to the percentage by which the market value is below the face value unless the fixed rate of interest is less than the average prime rate currently in effect in the city of New York in which case the deduction shall be not more than 15 percent; and if the market value is 30 percent or more below the face value, such deduction shall be 30 percent unless the fixed rate of interest is less than the average prime rate currently in effect in the city of New York, in which case the deduction shall not be more than 20 percent.

(E) In the case of cumulative, nonconvertible preferred stock ranking prior to all other classes of stock of the same issuer, which is not in arrears as to dividends, the deduction shall be 20 percent;

(F) In the case of a debt security not in default which has a fixed rate of interest and a fixed maturity date and which is convertible into an equity security, the deduction shall be as follows: If the market value is 90 percent or more of the face value, the deduction shall be 30 percent of the market value, but in no event shall such deduction reduce the value of such security below 80 percent of face value for the purposes of this rule; if the market value is below the face value by more than 10 percent but not more than 30 percent, the deduction shall be a percentage of market value equal to the percentage by which the market value is below the face value; if the market value is 30 percent or more below the face value, the deduction shall be 30 percent.

(G) On all other securities, except as provided for in subdivision (viii) the deduction shall be 30 percent; *Provided, however,* That such deduction need not be made in the case of (*1*) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money, and the other securities into which such security is convertible, or for which it is exchangeable, are short in the accounts of such broker or dealer or partner, or (*2*) a security which has been called for redemption and which is redeemable within 90 days.

(H) For securities (other than exempted securities, nonconvertible debt securities, and cumulative nonconvertible preferred securities) which are not: (*1*) Trade on a national securities exchange, or (*2*) designated as "OTC Margin Stock" pursuant to paragraph (c)(1) of Regulation T of the Federal Reserve Board, or (*3*) listed on "NASDAQ" or (*4*) redeemable shares of registered investment companies, the deduction shall be as follows:

(*i*) In cases where there are regular quotations, in an interdealer quotations system for the securities by three or more independent market makers and where each such quotation represents a bona fide offer to brokers and dealers to both buy and sell in reasonable quantities at stated prices, the deduction shall be 30 percent;

(*ii*) In cases where there are regular quotations in an interdealer quotation system for the securities by less than three independent market makers and where each such quotation represents a bona fide offer to brokers and dealers to both buy and sell in reasonable quantities, at stated prices, the deduction shall be 40 percent;

(I) Where the broker or dealer can demonstrate that there is sufficient liquidity for any securities long or short in the capital, proprietary or other accounts of the broker or dealer subject to a deduction required by paragraph (c)(1)(viii) of this section, such deduction upon a proper showing may be appropriately decreased, but in no case shall such deduction be less than 30 percent.

(J) In the case of securities of a single class or series, other than "exempted securities" or redeemable shares of registered investment companies, held in any of the capital, proprietary, and other accounts of a broker or dealer, which have a market value of more than 10 percent of the "net capital" of a broker or dealer before the application of paragraph (c)(2)(iii) of this section, there shall be an additional deduction from net worth equal to 50 percent of the percentage deduction otherwise provided by this subparagraph on that portion of the securities position in excess of 10 percent of the "net capital" of the broker or dealer before the application of paragraph (c)(2)(iii) of this section: *Provided, however,* That such additional deduction shall be applied in the case of equity securities, only on the market value in excess of $10,000 or the market value of 500 shares, whichever is greater, or $25,000 in the case of a debt security.

(iv) Deducting 30 percent of the market value of all "long" and all "short" future commodity contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) carried in the capital, proprietary, or other accounts of the broker or dealer and, if such broker or dealer is a partnership, in the accounts of partners as hereinafter defined;

(v) Deducting 30 percent of the market value of spot commodities long or short in the capital, proprietary, and other accounts of the broker or dealer and in customer's accounts liquidating to a deficit. However, the deduction shall be 10 percent of the market value of the spot commodities to the extent they are hedged by future commodity contracts in the same commodity.

(vi) Deducting the total of credit lines granted by the broker or dealer in "trade" accounts, with net long positions or in "trade" accounts with net short positions, whichever is greater plus any credit lines granted on open commodity contracts in "trade" accounts with no net long or net short position (in computing the credit line granted in the case of each account, disregard the amount of the equity or deficit therein). For the purpose of this subsection "trade" accounts shall mean an account for a business entity engaged regularly in the producing, importing, or processing of the commodity or the byproducts thereof for which the credit line is granted.

(vii) Deducting the total amount by which the daily limit fluctuation of all future commodity contracts carried for a customer's account or accounts controlled by a customer exceeds 10 percent of the net worth of the broker or dealer. Contracts in each customer's account representing purchases and sales of a like amount of the same commodity in the same market in the same crop year may be eliminated. The daily limit fluctuations for future contracts effected in foreign markets is to be considered the same as if such contracts had been effected in a domestic market;

(viii) Deducting the amount of cash required to provide margin on all future commodity contracts in customer accounts equal to the amount necessary, after application of outstanding margin calls not met within 2 business days, to restore the original margin required by the relevant commodity exchange or clearinghouse, whichever is greater, per contract, when the original margin has been depleted by 50 percent;

(ix) Deducting the amount of the cash required to provide margin equal to 20 percent of the market value in each cus-

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tomer's account with equity, containing spot commodity positions, evidenced by warehouse receipts, issued by a warehouse licensed by a commodity exchange, which are the result of a future contract tendered through an exchange and which are not more than 90 days old, but are not hedged by future contracts in the same commodity. The margin required shall be 100 percent and the amount of the deduction required herein shall be the amount required to provide margin equal to 100 percent where warehouse receipts evidencing spot commodity positions are more than 90 days old or where the warehouse receipt is not issued by a warehouse licensed by a commodity exchange.

(x) Deducting the amount of the cash required to provide margin equal to 10 percent of the market value in each customer's combined account with equity when such account contains spot commodity positions, evidenced by warehouse receipts, issued by a warehouse licensed by a commodity exchange, which are the result of future contracts tendered through an exchange and which are not more than 90 days old, and hedged by future contracts in the same commodity. The margin required shall be 100 percent and the amount of the deduction required herein shall be the amount required to provide margin equal to 100 percent, where warehouse receipts evidencing spot commodity positions are more than 90 days old or where the warehouse receipt is not issued by a warehouse licensed by a commodity exchange;

(xi) Deducting an amount equal to 1½ percent of the market value of the total long or total short futures contracts in each commodity, whichever is greater, carried for all customers.

(xii) Deducting the amount of cash required to meet the maintenance margin requirements for securities including options of any regulatory or self-regulatory authority or exchange to whose authority the broker or dealer is subject;

(xiii) Deducting, in the case of a broker or dealer who has open contractual commitments, the respective deductions as specified in paragraph (c)(2)(iii) of this section from the value (which shall be the market value whenever there is a market) of each net long and each net short position contemplated by any existing contractual commitment in the capital, proprietary, and other accounts of the broker or dealer and, if such broker or dealer is a partnership, in accounts of partners as hereinafter defined: *Provided, however,* That the deduction with respect to any single commitment shall be reduced by the unrealized profit, in an amount not greater than the deduction provided for in paragraph (c)(2)(iii) of this section (or increased by the unrealized loss), in such commitment; and that in no event shall an unrealized profit on any closed transactions operate to increase net capital.

(xiv) Excluding liabilities of the broker or dealer which are subordinated to the claims of general creditors pursuant to a satisfactory subordination agreement as hereinafter defined, subject to the limitations in paragraph (c)(17) of this section;

(xv) Deducting, in the case of a broker or dealer who is a sole proprietor, the excess of (A) liabilities which have not been incurred in the course of business as a broker or dealer over (B) assets not used in the business.

(xvi) Deducting 100 percent of the market value of each item in the securities failed to deliver account which is outstanding 30 calendar days or longer.

(xvii) In the case of securities for which there is no ready market as defined in paragraph (c)(15) of this section, and securities which cannot be publicly offered and sold because of statutory, regulatory, or contractual arrangement or other restrictions, the deduction shall be 100 percent.

(xviii) An additional deduction from net worth shall be required equal to 50 percent of the percentage deduction otherwise provided by paragraph (c)(2)(iii) of this section and required by paragraph (c)(2)(xiii) of this section on that portion of the market value of the net long or net short positions contemplated on all open contractual commitments in options endorsed or written in any security as well as all other long or short positions in such security in the capital, proprietary, or other accounts of the broker or dealer which, when aggregated, exceed 10 percent of the net capital of the broker or dealer before the application of paragraph (c)(2)(iii) of this section; *Provided, however,* That the deduction with respect to any single commitment in such options shall be increased by the unrealized loss in such commitment. *Provided, further,* That if a broker-dealer is required to take a deduction from net worth under this subdivision in a particular security, no further deduction in such security shall be required by reason of the provisions of paragraph (c)(2)(iii)(J) of this section.

(3) The term "exempted securities" shall mean those securities specifically defined as exempted securities in section 3(a)(12) of the Act;

(4) The term "accounts of partners," where the broker or dealer is a partnership, shall mean accounts of partners who have agreed in writing that the equity in such accounts maintained with such partnership shall be included as partnership property; and shall be subordinated pursuant to the provisions of paragraph (c)(7) of this section.

(5) The term "contractual commitments" shall include underwriting, when-issued, when-distributed, and delayed delivery contracts, endorsements of puts and calls, commitments in foreign currencies, and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures; a series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment;

(6) Indebtedness shall be deemed to be "adequately collateralized" within the meaning of this rule, when the difference between the amount of the indebtedness and the market value of the collateral is sufficient to make the loan acceptable as a fully secured loan to banks regularly making comparable loans to brokers or dealers in the community;

(7) The term "satisfactory subordination agreement" shall mean a written agreement duly executed by the broker or dealer and the lender, which agreement is binding and enforceable in accordance with its terms upon the lender, his creditors, heirs, executors, administrators, and assigns, and which agreement satisfies all of the following conditions:

(i) The loan agreement shall be for a specified amount, which amount shall not be reduced for the duration of the agreement;

(ii) It effectively subordinates any right of the lender to demand or receive payment or return of the cash or securities loaned to the claims of all present and future creditors of the broker or dealer;

(iii) The amount of the loan shall be used and dealt with by the broker or dealer as part of its capital and shall be subject to the risks of the business.

(iv) Securities which are fully paid for may be the subject of a subordinated loan to a broker or dealer so long as the total market value of the securities or any cash proceeds arising from the sale thereof, after giving effect to the percentage deductions required under paragraph (c)(2)(iii) of this section for the particular securities are not less than the specified amount of the loan. If such value of the securities after the deductions required under paragraph (c)(2)(iii) of this section plus the cash proceeds of the sale thereof are at any time less than the specified amount of the loan, the broker or dealer must immediately notify the self-regulatory organization of which the broker or dealer is a member and the lender. Following such notice:

(A) The lender may prior to noon of the second business day following receipt of notice contribute additional cash or securities sufficient to bring the value of the securities after giving effect to the percentage deductions required by paragraph (c)(2)(iii) of this section plus the additional cash contributed up to an amount not less than the specified amount of the loan.

(B) Unless such additional cash or securities are so contributed by the lender as provided in paragraph (c)(7)(iv)(A) of this section, the broker or dealer must at noon on the second business day following notice to the lender sell such of the securities as may be necessary to bring the value of the remaining securities after giving effect to the percentage deductions required by paragraph (c)(2)(iii) of this section plus the cash proceeds of the sale of the securities up to an amount not less than the specified amount of the loan. The broker or dealer may not purchase for its own account any securities subject to such a sale.

(C) Notwithstanding paragraph (c)(7)(iv)(B) of this section, the broker or dealer may in lieu of selling the securities so contributed reduce the amount of the loan by an amount no greater than 15 percent of the face amount thereof; *Provided, however,* That such reduction of the amount of the loan does not have the effect of causing the aggregate indebtedness of the broker or dealer to exceed 1,000 percent of his net capital; and *Provided further,* That no single loan shall be permitted to be reduced by more than 15 percent of the original face amount of the loan. Where the face amount of the loan has been reduced as provided for in this subdivision any further reduction of the value of securities contributed after giving effect to the percentage deduction required under paragraph (c)(2)(iii) of this section, below the face amount of the loan shall be subject to the requirements of paragraph (c)(7)(iv)(A) and (B) of this section.

(v) The right of a subordinated lender who is an insider to demand or receive payment or return of the amount loaned or the collateral pledged under the agreement shall be effectively subordinated to the claims and demands of all outsider subordinated lenders as well as all present and future creditors of the broker or dealer.

(vi) In the case of a subordination agreement between a broker-dealer and an insider the maturity date of the indebtedness must be not less than 3 years from the execution date of the agreement. In the case of a subordination agreement with an outsider the maturity date of the indebtedness must be not less than 2 years from the execution date of the agreement. The agreement shall not provide for acceleration of the maturity or otherwise shortening such maturity dates required by this rule. Any acceleration provisions, if not prohibited by this rule must be executed on not less than 6 months written notice to the broker or dealer.

(vii) In the case of a loan otherwise subject to a satisfactory subordination agreement, 50 percent of the amount of the loan shall be deducted from net capital 90 days prior to the maturity date of the agreement and 100 percent deducted thereafter, except in the cases where (A) the broker or dealer can demonstrate that the lender or some other party has executed another satisfactory subordination agreement that is at least equal in amount to the agreement reaching maturity and that such new agreement will take effect simultaneously with the expiration of the matured agreement or (B) the lender cannot withdraw such loan by reason of the provisions of paragraph (c)(7)(viii) of this section.

(viii) The loan shall not be repaid if the effect thereof would be that aggregate indebtedness of the broker or dealer exceeds 1,200 per centum of his net capital or his net capital would fail to meet 120 percent of the minimum dollar amount required by this rule. The obligation of the broker or dealer to repay the loan shall be postponed until, after giving effect to such payment and the payment of any other loan whose maturity date, whether normal or accelerated, falls due on or before the maturity date of such loan or on or before the payment of such loan, the aggregate indebtedness of the broker or dealer would not exceed 1,200 per centum of its net capital or its net capital would equal or exceed the minimum dollar amount required by this rule by more than 120 percent.

(ix) The agreement shall not be subject to cancellation by either party and the loan shall not be repaid and the agreement shall not be terminated, rescinded, or modified by mutual consent or otherwise if the effect thereof would be to render the agreement inconsistent with the conditions of this rule.

(x) Each broker or dealer shall immediately notify the Commission and the self-regulatory organization of which it is a member at least 6 months prior to maturity of any loan if after giving effect to the payment of the loan the aggregate indebtedness of the broker or dealer net capital or its net capital would fail to equal the specified minimum dollar amount required by the rule.

(xi) No default in the payment of interest or in the performance of any covenant or condition by the broker or dealer shall have the effect of accelerating the maturity of the indebtedness.

(xii) Any notes or written instruments evidencing the indebtedness shall bear on their face an appropriate legend stating that such notes or instruments are issued subject to the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference.

(xiii) The broker or dealer shall have the right to:

(A) Deposit any cash proceeds of a subordinated loan in an account or accounts in its own name in any bank or trust company.

(B) Without notice to pledge, repledge, hypothecate, rehypothecate, any or all of the collateral in a subordinated agreement, separately or in common with other securities or property, to secure indebtedness of the broker or dealer.

(C) Lend to itself or others any or all of the collateral.

(D) The securities or other property loaned to the broker or dealer pursuant to the subordinated agreement may in all respects be used and dealt with as part of his capital and shall be subject to the risks of the business.

(xiv) All securities subject to a subordinated agreement must be held by the broker or dealer in its own name or in the name of its nominee; and

(xv) Two copies of such agreement, and of any notes or written instruments evidencing the indebtedness, are filed, within 10 days after such agreement is entered into, with the regional office of the Commission for the region in which the broker or dealer maintains his principal place of business, or to the self-regulatory body designated by the Commission, together with a statement of the full name and address of the lender, the business relationship of the lender to the broker or dealer, and whether the broker or dealer carried funds or securities for the lender at or about the time the agreement was entered into.

(xvi) For the purpose of enabling a broker or dealer to participate as an underwriter with respect to a public offering of securities in compliance with net capital requirements of this rule a broker or dealer shall be permitted in any 12-month period to incur indebtedness subject to a satisfactory subordination agreement on a temporary basis which shall bear a maturity date no less than 45 days from the date of such subordination agreement: *Provided, however,* That this temporary relief shall not apply to a broker or dealer if, within the 12 months prior to incurring such subordinated indebtedness he has been subject to any of the reporting provisions of Rule 17a-11 under the Act irrespective of his compliance with such provisions and, *Provided further,* That immediately prior to incurring such subordinated indebtedness his ratio of aggregate indebtedness to net capital is not above 1,000 percent and that the amount of his subordinated indebtedness does not exceed the limits specified in paragraph (c)(17) of this section. Such temporary subordinated indebtedness shall not be subject to any cancellation or acceleration provisions by mutual consent or otherwise and shall not be withdrawn if the effect thereof would cause aggregate indebtedness of the broker or dealer to exceed 1,200 percent of his net capital.

(8) The term "customer" shall mean every person except the broker or dealer: *Provided, however,* That partners who maintain "accounts of partners" as herein defined shall not be deemed to be customers insofar as such accounts are concerned.

(9) The term "market makers" shall mean a dealer, who, with respect to a particular security (i) regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system, (ii) furnishes bona fide competitive bid and offer quotations to other brokers and dealers on request, and (iii) is ready, willing, and able to effect transactions in reasonable quantities at his quoted prices, with other brokers and dealers.

(10) The term "associated person" shall have the same meaning as that stated in section 3(a)(18) of the Securities Exchange Act of 1934.

(11) The term "immediate family" shall include parents, mother-in-law or father-in-law, husband or wife, brother or sister, brother-in-law or sister-in-law, children, or any relative living in the same household as the broker or dealer or to whose support the broker or dealer or person associated with the broker or dealer, contributes directly or indirectly.

(12) The term "insider subordinated lender" shall mean any lender executing a subordination agreement pursuant to the provisions of this rule who is an associated person of the borrowing member as defined in paragraph (c)(10) of

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this section or a member of the immediate family of such person as defined in paragraph (c)(11) of this section.

(13) The term "outsider subordinated lender" shall mean any lender other than an insider subordinated lender executing a satisfactory subordination agreement pursuant to the provisions of this paragraph.

(14) A broker or dealer is deemed to "promptly transmit" all funds and to "promptly deliver" all securities within the meaning of paragraphs (a)(4) and (a)(5) of this section where such transmission or delivery is made no later than noon of the next business day after the receipt of such funds or securities.

(15) The term "ready market" shall include a recognized established securities market in which there exists independent bona fide offers to buy, so that a realizable price, reasonably related to the last sales price, can be determined for the particular security almost instantaneously and where payment will be received in settlement of a sale within a relatively short time conforming to trade custom.

(16) For the purpose of this rule "clearing agency" shall include any person who acts as intermediary among participants in making payments or deliveries in connection with transactions in securities or who engaged in providing facilities for participants for netting of purchases and sales of specific securities to reduce the number of settlements of individual transactions, or the allocation of cash and securities settlement responsibilities among itself and participants. Such term also means a person who is a custodian of securities in accordance with a system for the central handling of securities whereby all securities of a particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery thereof.

(17) The amount of subordinated indebtedness which, under paragraph (c)(1)(vii) of this section, may be excluded from aggregate indebtedness or which, under paragraph (c)(2)(xiv) of this section may be excluded from the liabilities of a broker or dealer in computing net capital and the amount by which the addition to net worth of equities in the accounts of partners as provided in paragraph (c)(2)(i) of this section is to be limited shall be determined as follows: The amount of such indebtedness shall, in the case of a corporation, be added to paid-in capital, capital surplus, retained earnings, and other capital accounts of the corporation, and the sum thereof shall be designated as the "corporate debt-equity total"; and in the case of a partnership, such amounts of indebtedness and equities in the accounts of partners as hereinbefore defined, shall be added to the capital accounts of the partnership and the sum thereof shall be designated as the "partnership debt-equity total"; and, in the case of a sole proprietor, such amounts of indebtedness shall be added to the capital or proprietary accounts of the sole proprietorship and the sum thereof shall be designated as the "sole proprietorship debt-equity total." If the amounts of such subordinated indebtedness and, in the case of partnership, equities in the accounts of partners as hereinbefore defined, exceed 70 percent of such corporate debt-equity total, or partnership debt-equity total, or sole proprietorship debt-equity total, as the case may be, for a period in excess of 90 days, then such excess of subordinated indebtedness and in the case of a partnership, equities in the accounts of partners as hereinbefore defined, shall not be excluded from the liabilities of the broker or dealer in the computation of net capital, and shall not under paragraph (c)(2)(i) of this section, be added to net worth as equities in the accounts of partners.

(d) No proprietary capital whether in the form of capital contributions by partners, or represented by stock, paid-in capital, capital surplus, retained earnings or otherwise may be withdrawn by action of a stockholder or partner, or by redemption or repurchase of shares of stock by the broker or dealer or through the payment of dividends or any similar distribution, if the effect thereof would be that aggregate indebtedness of the broker or dealer would exceed 1,000 percent of his net capital, his net capital would fail to equal or 120 percent of the minimum dollar amount required by this rule, or if it would cause subordinated indebtedness or equities in the accounts of partners, as hereinbefore defined, to exceed 50 percent of the corporate, partnership, or sole proprietorship debt-equity total as defined in paragraph (c)(17) of this section or while such condition exists.

All interested persons are invited to submit their views in writing on this proposal to amend Rule 15c3-1 within 90 days after the date hereof, to Lee A. Pickard, Associate Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street NW., Washington DC 20549. All such communications should bear the file No. S7-460 and will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 5, 1972.

[FR Doc.73-46 Filed 1-2-73;8:45 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671 and the provisions of section 10(a)(2), Public Law 92-463, Federal Advisory Committee Act, (which become effective on Jan. 5, 1973), notice is hereby given of the meeting of the Research Advisory Committee (RAC) on January 8 and 9, 1973, at the State Department, New State Building, Room 1107, to review, appraise, and make recommendations to the Administrator, AID, concerning proposals for research contracts in the fields of agricultural water management, agricultural crop breeding, fertilizer technology, human nutrition, mineralogy, and housing technology. The meeting will be closed to the public pursuant to the provisions of section 13(d), Executive Order 11671; section 10(b), Federal Advisory Committee Act, and the Administrator's determination made pursuant thereto. Dr. Erven Long, Associate Assistant Administrator is designated as the AID representative at the meeting.

JOHN A. HANNAH, *Administrator.*

DECEMBER 21, 1972.

[FR Doc.73-161 Filed 1-2-73;8:45 am]

RESEARCH ADVISORY COMMITTEE

Determination Closing Meeting

A meeting of the Research Advisory Committee for the Agency for International Development will be held on January 8 and 9, 1973. The purpose of the meeting will be to consider and formulate recommendations to the agency with respect to specific research projects proposed to be performed by specific organizations or institutions in the fields of agricultural water management, agricultural breeding, fertilizer technology, human nutrition, mineralogy, and housing technology.

I hereby determine, pursuant to subsection 10(d) Public Law 92-463, The Federal Advisory Committee Act, that the meeting will consist of an exchange of opinions, that the discussion if written would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close such meeting to protect the free exchange of internal views and to avoid undue interference with committee operations.

JOHN A. HANNAH, *Administrator.*

DECEMBER 21, 1972.

[FR Doc.73-162 Filed 1-2-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

REVENUE SHARING ALLOCATIONS

Availability of Entitlement Data

The data used by the Department of the Treasury in calculating revenue-sharing allocations for each State government and unit of local government pursuant to the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) for the first entitlement period (January 1, through June 30, 1972) has been provided to each government. Collective data for all of the units of government receiving revenue-sharing funds will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

This data has been compiled by the Bureau of the Census, and definitions of each data element are provided in this notice. If recipient governments have reason to believe that there are errors in this data, relative to these definitions and effective dates, they should so inform the Department in writing and provide the Department with whatever substantiating evidence is available to them no later than February 12, 1973. If the Department has not been so informed before that date, the data elements published will be determined to be correct and as such will constitute a final determination by the Department.

Upon receipt of any written response from recipient governments the Department will, as timely as practicable, confer with the Bureau of the Census to substantiate or correct all data questioned and the recipient governments will be advised of the Department's findings. Those findings will include a final determination of the recipient government's revenue sharing entitlement unless, within 60 days from the date of those findings, the recipient government advises the Department that there may still be a possibility of error, and submits additional evidence and documentation supplying the basis for their view. Any such additional evidence and documentation submitted will be carefully reviewed and a final determination will be made by the Department regarding the entitlement.

In order to assure equitable treatment of each recipient the books will be kept open until all evidence and documentation submitted during the time periods referred to above have been reviewed, data determined to be erroneous corrected, and necessary adjustments made.

There is one instance in which the Department has determined that the census data may not provide for equitable allocations. For cities and towns of under 500 in population, the per capita income is subject to substantial statistical error, and the Department has, therefore, determined that it will use the per capita income of the county area in which such unit of government is located as an estimate of the per capita income of that unit.

[SEAL] SAMUEL R. PIERCE, JR., *General Counsel.*

DATA DEFINITIONS FOR INTRASTATE ALLOCATIONS TO LOCAL GOVERNMENTS

POPULATION

Population means the total resident population for an area as determined by the Bureau of the Census in the 1970 Census of Population. The census was conducted primarily through self-examination. Each person enumerated in the 1970 census was counted as an inhabitant of his usual place of residence. This means the place where he lives and sleeps most of the time, which is not necessarily his legal residence, voting residence, or domicile. Persons without a usual place of residence were counted where they were enumerated. The data collected is dated as of April 1, 1970 and it relates to boundaries of enumeration districts as they existed on January 1, 1970.

AGGREGATE INCOME

Income or aggregate income means total money income as defined by the Bureau of the Census in the 1970 Census of Population and Housing. Information on money income for calendar year 1969 was collected in a 20 percent sample as part of the 1970 census.

Total income is the sum of:

1. Wage or salary income,
2. Nonfarm net self-employment income,
3. Farm net self-employment income,
4. Social security or railroad retirement income,
5. Public assistance or welfare income,
6. All other income such as interest, dividends, veterans' payments, pensions, unemployment insurance, alimony, etc.

The figures represent the amount of income regularly received before deductions for personal income taxes, social security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources were not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

PER CAPITA INCOME

Per capita income of any unit of government, as defined by the Bureau of Census in the 1970 Census of Population and Housing, is the mean income computed for all persons in that unit of government. Per capita income was computed from calendar year 1969 money income data which was collected in a 20 percent sample as part of the 1970 Census. It is derived by dividing the

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total income of the sample by the total population of the sample.

ADJUSTED TAXES

The adjusted taxes for a unit of local government, as derived from the special revenue sharing survey conducted by the Bureau of the Census in 1972, are the total general purpose taxes exacted by the unit of government in fiscal year 1971 excluding taxes for schools and other education purposes. Total general purpose taxes include:

1. *Property taxes.*—County, municipal, or township taxes on property, real or personal, measured by value.

2. *Sales taxes.*—County, municipal, or township taxes, either general or specific, on goods and services, measured as a percent of sales or receipts, or as an amount per unit sold.

a. General sales tax.
b. Gasoline tax.
c. Liquor tax.
d. Cigarette and tobacco tax.
e. Public utilities tax.
f. Other.

3. *License, permits and other taxes.*—County, municipal, or township taxes not included in items 1 and 2 above (e.g.: poll taxes, license and inspection charges on occupations, and businesses, animals, vehicles, etc.)

a. Income payroll or earnings tax.
b. Motor vehicle licenses.
c. Fees retained from tax collections by officials of the unit of government.
d. Other.

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

School taxes are tax revenues of the unit of government which are allocated for school purposes. They include taxes for current capital and debt service purposes as well as amounts collected for the governmental unit by the county or State acting as a collecting agent.

The general formula for computing adjusted taxes is:

Adjusted taxes=total general purpose taxes minus school taxes.

When appropriations from the Governments' general fund to the school system form the only basis for determining school taxes the following formula is used:

School taxes=school expenditures minus (school intergovernmental revenue plus school service charge revenue).

INTERGOVERNMENTAL TRANSFERS OF REVENUE

Intergovernmental transfers of revenue are amounts received by a unit of government from other governments in fiscal year 1971 for use in performing specific functions or for general financial support. This amount is derived from the special revenue sharing survey conducted by the Bureau of the Census in 1972. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from sale of property, commodities or utility services to other governments.

[FR Doc.72-22447 Filed 12-29-72;11:21 am]

[Dept. Circular Public Debt Series—No. 13-72]

6¾ PERCENT TREASURY BONDS OF 1993

Offering of Bonds

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $625 million, or thereabouts, of bonds of the United States, designated 6¾ percent Treasury Bonds of 1993. Tenders on a competitive or noncompetitive basis will be received up to 1:30 p.m., eastern standard time, Thursday, January 4, 1973. The price for the bonds will be established as set forth in section III hereof.

II. *Description of bonds.* 1. The bonds will be dated January 10, 1973, and will bear interest from that date at the rate of 6¾ percent per annum, payable on a semiannual basis on August 15, 1973, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1993, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1 million. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. bonds.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., eastern standard time, Thursday, January 4, 1973. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the price offered except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Fractions may not be used. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Bonds", which will be supplied by Federal Reserve Banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign states, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of bonds applied for.

3. In considering the acceptance of tenders, those at the highest prices will be accepted in full to the extent required to attain the amount offered; *Provided, however,* That tenders at the lowest of such accepted prices will be prorated if necessary. All tenders so accepted will be allotted at the price of the lowest accepted tender. Those submitting tenders will be advised of the acceptance, and awarded price, or the rejection of their bids. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $625 million of tenders, and his action in any such respect shall be final. Subject to these reservations noncompetitive tenders for $250,000 or less will be accepted in full at the same price as accepted competitive tenders. The price may be 100.00, or more or less than 100.00.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue at a specific rate or price, until after 1:30 p.m., e.s.t., Thursday, January 4, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the bank's tenders for their own account.

IV. *Payment.* 1. Payment for accepted tenders must be made or completed on or before January 10, 1973, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash or other funds immediately available by that date. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury

in his discretion, be forfeited to the United States.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.72-22460 Filed 12-29-72;4:20 pm]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

STIMULANTS

Interim Production Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in schedules I and II by July 1 of each year. This responsibility has been delegated to the Director of the Bureau of Narcotics and Dangerous Drugs pursuant to § 0.100 of title 28, Code of Federal Regulations.

As stated in the FEDERAL REGISTER of October 5, 1972 (37 F.R. 20993), the Bureau of Narcotics and Dangerous Drugs delayed establishment of quotas on stimulants pending analysis of the anorectic review conducted by the Food and Drug Administration. On December 27, 1972, the Food and Drug Administration informed the Bureau that it would soon publish in the FEDERAL REGISTER the conclusions of the anorectic review. The primary results of this study appear to be findings that parenteral stimulants and stimulants in combination with other drugs (including different stimulants) are not efficacious in treatment of obesity, and that oral dosages of stimulants are of limited efficacy in such treatment.

The Bureau has not yet been able to study these results in such detail, however, as to determine the specific quantities of stimulants needed for legitimate medical treatment in 1973. Until this can be done, it is impossible to propose aggregate production quotas on stimulants. The Bureau anticipates an additional 2 or 3 weeks will be required to analyze the FDA review, data recently submitted by certain applicants for quotas, and other sources of information in order to reach a final estimate of 1973 needs.

In the interim, in order to provide for legitimate medical and industrial needs at this time, the Bureau has determined to establish short-term quotas on the following basis:

1. Each manufacturer who had a 1972 individual manufacturing quota for a stimulant will be authorized to produce up to 25 percent of that quota, and to sell from such production and existing inventories quantities of that stimulant to any manufacturer possessing a 1973 interim procurement quota (to the extent of that interim quota). When 1973 individual manufacturing quotas are finally assigned, the amounts authorized on this interim basis will be applied against the final quota.

2. Each manufacturer who had a 1972 procurement quota for a stimulant and who has submitted an application for a 1973 procurement quota (including information requested by the Bureau by letters dated October 31, 1972, and November 30, 1972) will be authorized to procure up to 25 percent of that portion of its 1972 quota representing 1972 sales of nonparenteral, noncombination stimulant products. For example, a company which sold two-thirds of its 1972 products in straight, oral-dosage form, and one-third in parenteral and/or combination form, will be authorized to procure approximately 16⅔ percent of its 1972 quota (¼×⅔=⅙=16⅔ percent).

3. Each manufacturer who did not have a 1972 procurement quota for a stimulant and who has submitted an application for a 1973 procurement quota (including information requested by the Bureau by letters dated October 31, and November 30, 1972) will be authorized to procure up to 25 percent of that portion of its 1973 request representing usage in nonparenteral, noncombination stimulant products.

4. Each manufacturer who has not submitted an application for a 1973 procurement quota (or who has submitted an application but has not submitted the information requested by the Bureau by letters dated October 31 and November 30, 1972, or who has withdrawn its application) will not be authorized to make any procurements until such application or additional information is submitted to the Bureau.

5. Because the interim procurement quotas are being issued without regard to inventories of raw materials and finished products held by any individual company, the Bureau will continue its interpretation of section 303(a)(1) of the Controlled Substances Act (21 U.S.C. 823(a)(1)) that sales of finished dosage forms in excess of the equivalent quantities of the stimulant drugs authorized for procurement will require justification that such sales are consistent with the statutory requirement of maintenance of "effective controls against diversion * * * into other than legitimate medical channels."

6. This announcement is made for the purpose of providing general notice of the Bureau action. Each manufacturer will be notified of the effect of this action in its individual circumstance. No bulk production or procurement is authorized until the manufacturer receives an interim individual manufacturing quota or interim procurement quota from the Bureau.

7. The Bureau anticipates publication of proposed aggregate production quotas for stimulant controlled substances in the near future. At that time, inventory data will be utilized in fixing individual manufacturing and procurement quotas. Therefore, depending upon the estimated medical needs for these drugs during 1973, it is possible that final quotas will be less than the interim quotas.

Dated: December 27, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-94 Filed 1-2-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[P. & S. Docket No. 1211]

ST. PAUL UNION STOCKYARDS CO.

Notice of Petition To Vacate Rate Order and Dismiss Proceedings

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued on November 7, 1962, in the case of Saint Paul Union Stockyards Co., Respondent (P. & S. Docket No. 1211), prescribing the rates and charges to be assessed by respondent for the stockyard services rendered by it at the Saint Paul Union Stockyards Co. Such rates and charges have been modified from time to time by subsequent orders issued in the proceedings. The latest such order was issued on August 25, 1972, prescribing the rates and charges to be assessed by respondent to and including June 30, 1974, unless modified or extended by further order before the latter date. On November 1, 1972, the respondent filed a petition requesting that the rate order in this proceeding be vacated and the proceedings dismissed in conformity with section 203.11 of the Statements of General Policy under the Packers and Stockyards Act. The petition reads as follows:

This is a rate proceeding under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

Respondent is now operating under an order issued August 25, 1972, which became effective August 29, 1972, and which shall remain in effect to and including June 30, 1974, unless modified or extended.

The basic rate order in this proceeding was issued November 7, 1962, as a part of P. & S. Docket No. 1211. During the period since the basic rate order has been in effect, the respondent has followed the procedure, prior to filing a petition for modification of basic order, of submitting statistical information supporting such proposals.

Respondent feels after some discussion with the Department that changing economic conditions in the industry, together with a changing marketing structure in the trade territory and other circumstances, have brought about a situation which makes the necessity and continuation of formal pro-

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cedure for obtaining modification in rates and charges no longer necessary.

It is requested, therefore, that in conformity with the policy expressed in § 203.11 of the Statements of General Policy under the Packers and Stockyards Act (9 CFR 203.11) that the rate order in this proceeding be vacated and the proceeding be dismissed.

Any person who wishes to submit written data, views, or arguments with respect to the petition filed by the respondent may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days from the publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., December 27, 1972.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.73-86 Filed 1-2-73;8:45 am]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

FOREIGN DIRECT INVESTMENT PROGRAM

1973 Program Changes

JANUARY 2, 1973.

William V. Hoyt, Director of the Office of Foreign Direct Investments, announced today that the following changes will be made with respect to the foreign direct investment program for 1973.

1. Credits extended by direct investors to their affiliated foreign nationals with respect to the export sale or lease of qualifying U.S. goods and services on normal commercial terms will be exempted under the foreign direct investment regulations.

2. The alternative minimum positive direct investment allowables (sections 503 and 507 of the regulations) will be consolidated into a single worldwide minimum allowable of $6 million per year.

3. As in the 1971 and 1972 program years, direct investors will be allowed to count certain transactions effected in the first 2 months of 1974 for purposes of computing their 1973 program compliance.

Mr. Hoyt noted that the consolidation of the alternative minimum allowables would simplify the reporting and compliance burden imposed on many smaller direct investors whose annual investment flows are relatively modest, individually and in the aggregate.

Mr. Hoyt said that the Office is preparing proposed regulations with the objective of carrying out the exemption of qualifying export credits entirely within the regulations, thereby relieving direct investors of the need to obtain specific authorization from the Office with respect to such credits. Mr. Hoyt noted, however, that in the complex field of export credit there are difficulties in establishing comprehensive standards to cover all cases. Thus, it may remain necessary to retain to some degree the use of the specific authorizations procedure in this area.

Mr. Hoyt observed that the exemption of qualifying export credits should eliminate any substantial distinction between the foreign direct investment program and the other U.S. capital controls in the treatment of extension of export financing. As a result of the exemption, there will be no program restraint on direct investors' extensions of credit on normal commercial terms for exports of qualifying U.S. goods and services to their foreign affiliates. Relief from program charge under the exemption will be similar to that previously available by specific authorization, but will be expanded to include qualifying U.S. services and lease transactions, and the exemption will not be limited by the year-to-year increase in exports to affiliated foreign nationals.

Since extensions of qualifying export credits would be exempt from program charge after December 31, 1972, repayments of such credits to the direct investor after that date will not result in negative transfers of capital for 1973 or subsequent compliance years. No change will be made in existing regulations permitting direct investors to elect to count certain transactions entered into in January or February of 1973, including repayments of trade credit to the direct investor, for purposes of computing 1972 compliance. Mr. Hoyt emphasized, however, that direct investors using such repayments for 1972 compliance purposes would be subject in 1973 and subsequent years to appropriate deemed transfer of capital charges, to take the place of net charges they would have incurred if the present regulations were extended unchanged.

The Office will soon publish proposed regulations encompassing the above modifications, as well as certain other technical features of the regulations. The public will be invited to comment upon these proposals before they are adopted in final form. Protective interim amendments to the regulations have been adopted and are being published in the January 3 FEDERAL REGISTER.

Dated: December 27, 1972.

Approved:

WILLIAM V. HOYT,
Director, Office of Foreign Direct Investments.

[FR Doc.73-66 Filed 1-2-73;8:45 am]

Office of Import Programs

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00647-33-46040. Applicant: DHEW, PHS, National Institute of Dental Research, 9000 Rockville Pike, Building 30, Bethesda, MD 20014. Article: Electron microscope, model EM 802. Manufacturer: AEI Scientific Apparatus, Inc., United Kingdom. Intended use of article: The article is intended to be used to examine the following structures:

(a) The neurons of the trigeminal brain stem nuclei including their axons, cell bodies, and dendrites;

(b) The ending of the V nerve axons;

(c) The axo-dendritic, axo-somatic, and axo-axonic synaptic specializations in these nuclei.

Experiments will be conducted to work out the structural organization of these nuclei in order to understand how information related to touch, pressure, temperature, and pain transmitted by the V cranial nerve is processed before being transmitted to higher centers in the brain. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a tilt stage having a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument is the model EMU-4C electron microscope which is manufactured by Forgflo Corp. (Forgflo). The model EMU-4C can be equipped with a tilt stage but the guaranteed resolving power of this stage is 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We find that the guaranteed resolving power of the tilt stage of the foreign article is pertinent to the applicant's research studies involving three-dimensional structures. We, therefore, find that the model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-89 Filed 1-2-73;8:45 am]

IOWA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00548-65-46070. Applicant: Iowa State University of Science and Technology, Ames, Iowa 50010. Article: Scanning electron microscope, model JSM-U3. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used in microstructural and microchemical-property correlation investigations for a variety of material in several programs, in particular, research on fabric and structure of clays, studies of aluminum oxide fracture surfaces, studies of inorganic materials of colloidal origin. The article will also be used by multiple graduate students for thesis research in the following projects: (1) Studies of aluminum oxide fracture surfaces; and (2) studies of inorganic materials of colloidal origin.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States at the time the article was ordered, April 6, 1971. Reasons: The foreign article has a guaranteed resolving power of 100 angstroms (Å). The Department of Health, Education, and Welfare (HEW) in its memorandum dated September 1, 1972, advised that the best resolution available is pertinent to the purposes for which the article is intended to be used. HEW further advised that it knew of no domestic instrument which matched the resolving power of the foreign article at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-90 Filed 1-2-73;8:45 am]

LONG ISLAND JEWISH-HILLSIDE MEDICAL CENTER

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00235-33-46040. Applicant: Long Island Jewish-Hillside Medical Center, 270-05 76 Avenue, New Hyde Park, NY 11040. Article: Electron Microscope, model JEM1100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the fine structural localization of various cytoplasmic enzymes in normal and malignant cells of both animal and human tissues. The organelles under study will be plasma membranes, endoplasmic reticulum, Golgi apparatus, and lysosomes. Special attention will be given to the nature of cytoplasmic microtubules various forms of microfibrils, unit membranes and identification of macromolecular structures such as ferritin and other experimentally injected materials. Application received by Commissioner of Customs: November 13, 1972.

Docket No. 73-00222-33-46040. Applicant: Midland Macromolecular Institute, 1910 West St. Andrews Drive, Midland, MI 48640. Article: Electron microscope, model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for fundamental research on the superstructure of macromolecular substances, both synthetic and natural. Studies will be made of crystallographic and/or morphological properties of specimens subjected to differing thermal and mechanical histories for correlation with related studies of thermal and mechanical properties. The overall objective of these studies is the determination of relationships of structure to thermal history and relationships of mechanical properties to structure. Application received by Commissioner of Customs: November 7, 1972.

Docket No. 73-00248-33-46500. Applicant: Veterans' Administration hospital, Chief, Supply Service, 508 Fulton Street, Durham, NC 27705. Article: Ultramicrotome, model OMU3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to prepare sections of tissues obtained from operating rooms or by other surgical procedures to be studied by electron microscopy after embedding in various plastics, especially epoxy resins. The article will also be used in connection with the teaching of interns and residents in pathology who wish to work with electron microscopic techniques. Application received by Commissioner of Customs: November 22, 1972.

Docket No. 73-00249-33-46040. Applicant: Auburn University, Pathology and Parasitology Department, Auburn, Ala. 36830. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for investigations of the ultrastructural alterations of cellular organelles and membranes occurring in renal disease and neoplasia of food producing and pet animals. Other research will include high resolution studies of animal viruses and viral components and the investigation of the effects of specific immunoglobulins on virus morphology; investigation of antibody—complement, interaction with the cell wall of gram negative bacteria; determination of liver cell mitochondrial damage by aflatoxins and determination of the effects of aging on cellular and membranous structures of the blood-retinal barrier of swine and dog eyes. The article will also be used in departmental veterinary student teaching programs for the preparation of electron micrographs of both normal and diseased cells and tissues as instructional aids for the supplementation of course material in anatomy, histology, embryology, pathology, and microbiology. Application received by Commissioner of Customs: November 22, 1970.

Docket No. 73-00250-33-46040. Applicant: California Institute of Technology, Division of Biology, 1201 East California Boulevard, Pasadena, CA 91109. Article: Electron Microscope, Model EM 301 with accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in an investigation of cell membranes which will include the following projects:

(a) Mapping the distribution of molecules of individual cell surfaces of normal and malignant cells.

(b) Studies of the structure of the cell membrane.

(c) Studies of the formation of cell contacts between normal and cancer cells.

(d) Studies of cell movement.

(e) Studies of the binding of virus particles to cells during infection.

(f) Studies of the appearance under various conditions of cell membrane models prepared from purified membrane components, as well as from artificial mixtures of known components. Application received by Commissioner of Customs: November 16, 1972.

Docket No. 73-00251-33-46500. Applicant: Texas Tech University School of Medicine, Department of Anatomy, Post Office Box 4569, Lubbock, TX 79409. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article:

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The article is intended to be used for teaching medical and paramedical students the theory and use of thermal advance and different cutting speeds for various tissues in the following courses: MED 9301—Clinical Applications of Electron Microscopy; MED 9304—Advanced Cytochemistry; and MED 9306—Biodynamics of Bone.

The article will also be used for research on endocrine organs and bone involving examination of dynamics and interrelationships as well as microstructure and function of bone. Application received by Commissioner of Customs: November 20, 1972.

Docket No. 73–00252–33–46500. Applicant: Louisiana State University Medical Center, Department of Anatomy, 1542 Tulane Avenue, New Orleans, LA 70112. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for sectioning several tissues in varied studies. One project involves serial sections of uniform thickness of about 50 Angstroms in order to view connections between cells during organogenesis. Another project involves the study of crystalline materials in hard tissues in normal and abnormal cartilage. Application received by Commissioner of Customs: November 20, 1972.

Docket No. 73–00254–33–46070. Applicant: Bowling Green State University, Bowling Green, Ohio 43403. Article: Scanning Electron Microscope, Model HHS–2R. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in the following research projects:

(1) Analysis of Wall Structure in Germinating Pollen—A survey of the members of the plant family Caryophyllaceae will be undertaken in an effort to determine the structural modifications in exine degradation which allows pollen to germinate.

(2) Developmental Ultrastructure of *Drosophila melanogaster* Genetic Eye Mutants—Scanning electron microscopy studies of mutant *D. melanogaster* eyes at different stages of development are to be carried out.

(3) Ultrastructure of Freshwater Diatoms—Detailed ecological investigations of diatom communities.

In addition the article will be used in a course in "Scanning Electron Microscopy" at the graduate and undergraduate level which will include specimen preparation of both biological and inorganic materials for all phases of scanning electron microscopy and X-ray analysis, operation and maintenance of the scanning electron microscope and allied equipment, and relation of observations of scanning electron microscopy to light microscopy and transmission electron microscopy. Application received by Commissioner of Customs: November 24, 1972.

Docket No. 73–00255–33–46040. Applicant: The Johns Hopkins University, Department of Pharmacology, 725 North Wolfe Street, Baltimore, MD 21205. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in a variety of experiments directed at identifying neuronal components at the ultrastructural level. Also, autoradiography with the electron microscope will be conducted to identify sites of accumulation of various radioactive compounds. The article will also be used in the student laboratory course to train students in identifying ultrastructural components of neurons. Application received by Commissioner of Customs: November 22, 1972.

Docket No. 73–00256–98–42900. Applicant: Illinois Institute of Technology, Physics Department, 3301 South Dearborn Street, Chicago, IL 60616. Article: Superconducting Magnet. Manufacturer: Canada Superconductor and Cryogenics Co. Ltd., Canada. Intended use of article: The article is intended to be used to study the effects of radiation on high field superconductors whose ultimate use will be in the fabrication of large scale superconducting magnets used in conjunction with nuclear fusion reactors. Physical measurements to be carried out include thermal and electrical conductivity, magnetization and heat capacity, all at low temperatures. Application received by Commissioner of Customs: November 24, 1972.

Docket No. 73–00257–33–46595. Applicant: Baylor College of Medicine, Department of Ophthalmology, 1200 Moursund Avenue, Houston, TX 77025. Article: LKB 11800–1 Pyramitome, Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studying the role of lipids and proteins in plastic embedded retinas of rats. One particular technique that will be used extensively is autoradiography by light microscopy in conjunction with EM autoradiography. Application received by Commissioner of Customs: November 22, 1972.

Docket No. 73–00259–33–07700. Applicant: Tulane Medical School, Department of Ophthalmology, 1430 Tulane Avenue, New Orleans, LA 70112. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to take photographs of the retina in humans both with and without the injection of fluorescein dye to demonstrate the blood flow in the retina. The article will be used for studying various disease conditions such as diabetes in the way they affect the vasculature of the eye. The photographs taken will be used to teach both residents and medical students in ophthalmology. Application received by Commissioner of Customs: November 27, 1972.

Docket No. 73–00260–40–30600. Applicant: Iowa State University, Purchasing Department, 202 Snedecor, Ames, Iowa 50010. Article: Low speed 3-stage axial flow compressor. Manufacturer: Industrial Drawing Office Services Ltd., United Kingdom. Intended use of article: The article is intended to be used in a study of the complicated fluid flow mechanics in multistage axial-flow turbomachinery. Specific experiments to be conducted include:

(a) Normal overall-performance map determination.

(b) Detailed blade-element data acquisition and analysis.

(c) Surge and stall mechanisms.

(d) Effects of mismatching of stages on performance.

(e) Effects of inlet distortion on performance.

(f) Effects of adjacent blade rows on stage flow field.

(g) New blade form evaluations.

(h) Mathematical model evaluations.

The article will also be used in the courses mechanical engineering 544 and mechanical engineering 699 to give the student an appreciation for the fluid mechanics of turbomachinery and to provide the student with significant research experience respectively. Application received by Commissioner of Customs: November 24, 1972.

Docket No. 73–00261–01–77030. Applicant: State University College at Brockport, Department of Chemistry, Brockport, N.Y. 14420. Article: NMR spectrometer, model R–20B. Manufacturer: Hitachi Perkin-Elmer, Ltd. Japan. Intended use of article: The article is intended to be used for nmr spectroscopy in the following undergraduate chemistry courses:

Organic chemistry I and II.
Intermediate organic chemistry lab.
Brief organic chemistry.
Physical chemistry I and II.
Instrumental methods and analysis.
Biochemistry laboratory.
Inorganic chemistry.
Identification of organic compounds.
Independent study.

Docket No. 73–00262–01–77030. Applicant: University of Florida, Department of Chemical Engineering, Gainesville, Fla. 32601. Article: NMR spectrometer, model JNM–C–60–HL. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by staff members and students for studies of biological materials such as lipids, proteins, hormones, vitamins, and membranes, as well as engineering materials such as asphalt, crude oils, surfactants, pigments, and various colloids by means of nuclear magnetic resonance spectroscopy. The following are the major projects which will be carried out with the article:

(a) The structure of water in microemulsions.

(b) The mechanism of phase inversion of micro- and macro-emulsions.

(c) Molecular motions in liquid-crystalline structures.

(d) The equilibrium rate of exchange of molecules at the air-liquid interface.

(e) Micelle formation and solubilization in surfactant solutions.

(f) Molecular interactions in biological membranes.

(g) The structure of adsorbed phases as solids.

(h) The structure of fluid mixtures and electrolyte solutions.

(i) NMR spectroscopy for fluorocarbon studies.

(j) Application for NMR spectroscopy in asphalt research.

(k) Mechanism, reactions, and activity of thiolsulfonates and disulfides.

(l) Synthesis of new polymers for use in extreme environments.

(m) Donor-acceptor complexes of fluorine compounds.

(n) Nonclassical aromaticity in hydrogen-bonded systems.

(o) The effect of metal ions on unsaturated hydrocarbons in relation to boundary lubrication.

(p) Interaction of oxygen with fluorocarbons.

(q) NMR spectroscopic studies of polymeric fluids.

Application received by Commissioner of Customs: November 27, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–91 Filed 1–2–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72–248P]

FEDERAL BOAT SAFETY ACT OF 1971

Proposed Exemption To Supersede Existing Exemption

The Coast Guard is considering superseding the exemption of August 11, 1971 (36 F.R. 15764, Aug. 18, 1971) to section 10 of the Federal Boat Safety Act of 1971 by issuing a more limited exemption.

On August 10, 1971, the President signed into law the "Federal Boat Safety Act of 1971" (Public Law 92–75).

Section 10 of the Act, "Federal Preemption," provides that:

> Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

On August 11, 1971, upon determining that boating safety would not be adversely affected by continuing in effect these existing laws and regulations of the various States and political subdivisions until new boating safety regulations were issued under the Federal Boat Safety Act of 1971, the Secretary of the Department of Transportation, under the authority vested in him by sections 9 and 10 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1458 and 1459) exempted each State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia and political subdivisions thereof from the provisions of section 10 of the Federal Boat Safety Act of 1971. That exemption applied only to laws and regulations in effect on the effective date of the Federal Boat Safety Act of 1971 (Aug. 10, 1971) and was to remain in effect until expressly superseded, revoked, or otherwise terminated (36 F.R. 15764, Aug. 18, 1971).

On August 4, 1972, the Commandant, U.S. Coast Guard, under the authority of the Federal Boat Safety Act of 1971 and 49 CFR 1.46(o)(1) issued boat performance and safety standards. These standards appear at 37 F.R. 15777–15785, August 4, 1972 and at 33 CFR 181, 183 entitled "Manufacturer Requirements" (Part 181) and "Boats and Associated Equipment" (Part 183). The issuance of these regulations removes the necessity for an exemption to the prohibitions of section 10 of the Federal Boat Safety Act of 1971 concerning performance or other safety standards for boats.

The proposed exemption which will supersede the exemption of August 11, 1971 will principally affect State statutes and regulations by preempting those concerning boat performance or safety standards such as requirements for capacity plates, hull identification numbers, and flotation.

The proposed exemption will continue to exempt State laws concerning performance or other safety standards for associated equipment and requirements for associated equipment. For the purpose of the proposed exemption associated equipment means—

(A) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

(B) Any accessory or equipment for, or appurtenance to, a boat; and

(C) Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but

(D) Excluding radio equipment.

Associated equipment contemplated by the exemption includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, fire fighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment.

In consideration of the foregoing it is proposed that the exemption of August 11, 1971 to section 10 of the Federal Boat Safety Act of 1971 be superseded by a more limited exemption as follows:

Under the authority vested in me by sections 9 and 10 of the Federal Boat Safety Act of 1971 and 49 CFR 1.46(o)(1), I hereby exempt each State of the United States, The Commonwealth of Puerto Rico, The Virgin Islands, Guam, American Samoa, and the District of Columbia and political subdivisions thereof from those provisions of section 10 of the Federal Boat Safety Act of 1971 that prohibit any of those jurisdictions from continuing in effect or enforcing any provision of law or regulation which establishes any associated equipment performance or safety standard, or which imposes any requirement for associated equipment that is not identical to a Federal regulation. This exemption applies only to laws and regulations in effect on the effective date of the Federal Boat Safety Act of 1971 and remains in effect until expressly superseded, revoked, or otherwise terminated.

Any interested person may submit written data, views, or arguments concerning this notice to U.S. Coast Guard (GCMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received before February 15, 1973, will be considered before action is taken on the proposed regulations. Each person submitting comments should include his name and address, identify this notice (CGD72–248P) and give reasons and supporting data for any recommendations. All comments will be available for examination in room 8234.

Issued in Washington, D.C. on December 27, 1972.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.73–101 Filed 1–2–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–332]

ALLIED-GULF NUCLEAR SERVICES ET AL.

Notice of Availability of Applicant's Environmental Report and Draft Detailed Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulation 10 CFR Part 50, Appendix D, notice is hereby given that a draft environmental statement on the environmental considerations related to the continuation, modification, or termination of Construction Permit CPCSF–4 and the subsequent possible operation of the Barnwell Nuclear Fuel Plant by Allied-Gulf Nuclear Services et al., has been prepared by the Commission's Directorate of Licensing, Fuels and Materials, and has been made available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

A copy of the statement is also being placed for public inspection in the State clearinghouse, Office of the Governor, State Planning and Grants Division, 915 Main Street, Columbia, SC; the regional clearinghouse, Lower Savannah Regional Planning and Development Commission, Post Office Box 850, Aiken, SC; and at the Barnwell County Courthouse, Office of the County Commissioner, Barnwell, S.C.

The environmental report and revisions and additions thereto, submitted by Allied-Gulf Nuclear Services, are also available for public inspection at the above designated locations. Notice of availability of the report was published in the FEDERAL REGISTER (36 F.R. 22692)

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November 27, 1971. Revisions and additions to the environmental report were submitted by letter dated November 20, 1972.

Copies of the Commission's draft detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within forty-five (45) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the draft detailed statement, the environmental report and the proposed actions for the Commission's consideration. Federal agencies and State and local officials are being provided with copies of the draft detailed statement. Such comments as may be received from Federal agencies and State and local officials will be made available for public inspection at the above-designated locations. Members of the public should address their comments to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 26th day of December 1972.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.73-27 Filed 1-2-73;8:45 am]

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Order Scheduling Evidentiary Hearing

In the matter of The Washington Public Power Supply System (Hanford No. 2 Nuclear Power Plant), Docket No. 50-397.

The matter having come before this Atomic Safety and Licensing Board at a Prehearing Conference held on November 30, 1972, pursuant to a notice and order scheduling same, dated November 20, 1972, and Counsel for the parties having been present and participating in said Conference, it was determined that the evidentiary hearing in this proceeding with respect to both health and safety matters and environmental matters would commence in Richland, Wash., on January 25, 1973.

No petitions for intervention having been filed, this proceeding is uncontested. Accordingly, the parties in this proceeding are The Washington Public Power Supply System (Applicant) and the Regulatory Staff of the Atomic Energy Commission (Staff).

The Thermal Powerplant Site Evaluation Council, of Olympia, Wash., has been granted the right to participate in this proceeding pursuant to the provisions of 10 CFR 2.715(c) as a representative of the State of Washington.

At the Prehearing Conference, the Board ruled favorably on all written requests received as of that date from members of the public who wish to make a limited appearance. Oral or written statements of their position on the issues by persons making limited appearances will be received at the beginning of the hearing on Thursday afternoon, January 25, 1973. In addition, the Board has scheduled an evening session on January 25, at which time persons who cannot attend the hearing during the day will be permitted to make limited appearances.

Wherefore, it is ordered, In accordance with the Atomic Energy Act of 1954, as amended, and the rules of practice of the Commission, that a hearing in this proceeding shall convene at 2 p.m., local time, on Thursday, January 25, 1973, in the Conference Room, Hanford House, 802 George Washington Way, Richland, WA 99352.

The Atomic Safety and Licensing Board.

Issued at Washington, D.C., this 26th day of December 1972.

ROBERT M. LAZO,
Chairman.

[FR Doc.73-32 Filed 1-2-73;8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN-MICHIGAN POWER CO.

Notice of Hearing on Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that, subject to conditions set forth in a Commission memorandum and order dated December 21, 1972, a hearing will be held on the pressurized water reactor identified as the Point Beach Nuclear Plant, Unit 1 (the facility) of the Wisconsin Electric Power Co. and Wisconsin-Michigan Power Co. (applicants). The hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Licensing Board) designated herein, to begin in the vicinity of the facility in Manitowoc County, Wis. Operation of the facility is presently authorized by Operating License No. DPR-24, issued by the Atomic Energy Commission on October 5, 1970. The hearing will consider whether, in accordance with the requirements in the Commission's regulations implementing NEPA in 10 CFR Part 50, Appendix D, the operating license should continue.

The Licensing Board shall consist of Charles A. Haskins, Esq. (Chairman), Dr. M. Stanley Livingston, and Dr. Ernest O. Salo.

A notice of opportunity for hearing on the continuance of the operating license for the facility was published in the FEDERAL REGISTER on July 7, 1972 (37 F.R. 13362). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice." A petition for leave to intervene was thereafter filed by Businessmen for the Public Interest, Sierra Club, and Protect Our Wisconsin Environmental Resources. The Commission has determined that, subject to successful completion of the conditions stated in its memorandum and order dated December 26, 1972, a public hearing will be held.

A prehearing conference will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice." The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The specific issues to be considered at the hearing on the facility operating license will be determined by the Board in accordance with the Commission's memorandum and order.

The instant facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures for environmental review of certain licenses to construct or operate production or utilization facilities issued in the period January 1, 1970, to September 9, 1971.

For further details pertinent to the operating license under consideration, see the application for the facility operating license dated March 18, 1969, as amended, the applicant's environmental report dated November 11, 1971, the report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license for the Point Beach 1 facility dated April 16, 1970, the regulatory staff's final detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, issued in May of 1972, and the Safety Evaluation prepared by the Directorate of Licensing, dated July 15, 1970. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI 54220, at the State Planning Bureau, Department of Administration, 1 West Wilson Street, State Office Building, Madison, WI 53701, and at the Southeastern Wisconsin Regional Planning Commission, 916 North East Avenue, Waukesha, WI 53186.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "Rules of Practice," must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington DC.

Pending further order of the Licensing Board, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 26th day of December 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-31 Filed 1-2-73;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO.

Availability of AEC Draft Environmental Statement, Applicant's Environmental Report and Supplemental Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D of 10 CFR Part 50, notice is hereby given that a document entitled "Draft Environmental Statement by the Directorate of Licensing, U.S. Atomic Energy Commission, related to the proposed construction and operation of the Trojan Nuclear Plant, Docket No. 50-344," is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street N.W., Washington DC 20545, and at the Law Library, Columbia County Courthouse, Circuit Court Room, St. Helens, Oreg. 97501. The report is also being made available at the Federal Aid Coordination Section, Local Government Relations Division, Executive Department, 301 Public Service Building, Salem, Oreg. 97310 and at the Columbia Region Association of Governments, 6400 Southwest Canyon Court, Portland, OR 97204. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, Supplemental Environmental Report, and amendments thereto are also available for public inspection at the above-named locations. The notice of availability of applicant's Environmental Report was published in the FEDERAL REGISTER on June 27, 1970 (35 F.R. 10530). The notice of availability of applicant's Supplemental Environmental Report was published in the FEDERAL REGISTER on December 30, 1971 (36 F.R. 25242).

Pursuant to Appendix D to 10 CFR 50, interested persons may, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the proposed actions, Environmental Report, Supplemental Environmental Report, and amendments thereto, and the Draft Environmental Statement. Federal and State agencies are being provided with copies of these reports and the Draft Environmental Statement (local agencies may obtain these documents upon request) and, when any comments thereon by Federal, State and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 27th day of December 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc.73-105 Filed 1-2-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24869; Order 72-12-113]

OVERSEAS AND FOREIGN AIR TRANSPORTATION

Order Regarding Baggage Allowance Tariff Rules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of December 1972.

By Order 72-10-91, dated October 27, 1972, the Board ordered an investigation into the lawfulness of various existing tariffs which set forth the free baggage allowances and charges for excess baggage in foreign air transportation.

British United Airways, Ltd., is a party to certain of the tariffs under investigation,[1] but it was inadvertently omitted from the list of parties to this proceeding. We are therefore by this order making British United Airways, Ltd., a party to the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204, 404, 412, and 1002 thereof,

It is ordered, That:

1. British United Airways, Ltd., is hereby made a party to this proceeding.

2. A copy of this order will be served upon all parties to Docket 24869, and British United Airways, Ltd.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-19 Filed 1-2-73;8:45 am]

[Dockets Nos. 24412, 24457; Order 72-12-112]

PIEDMONT AVIATION, INC., ET AL.

Order Regarding Joint Petition and Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of December 1972.

On April 14, 1972, Piedmont Aviation, Inc. (Piedmont), National Airlines, Inc. (National), the city of Richmond, Va., and the Greater Richmond Chamber of Commerce (Richmond) filed a joint petition for issuance of an order to show cause why Richmond, Va., should not be deleted from National's certificate of public convenience and necessity[1] and why Piedmont's certificate should not be amended so as to add a new segment authorizing Richmond - Washington, D.C.-New York/Newark service subject to a restriction that all flights on that segment must originate or terminate at Richmond or a point south thereof.

In an answer to the joint petition, American Airlines, Inc. (American)

[1] British United is a party because of various joint fares which it has entered into with carriers providing scheduled service to or from the United States. It is not presently certificated to provide regularly scheduled service to or from the United States.

[1] By Order 71-5-29, dated May 7, 1971, the Board authorized National to temporarily suspend service at Richmond until May 10, 1972. By Order 72-5-34, dated May 9, 1972, the Board authorized the carrier to continue its temporary suspension of service until May 10, 1973, or until 60 days after final decision on the application herein (Docket 24412), whichever event shall occur first. Prior to the temporary suspension of service National provided single-plane service between Richmond and New York, Philadelphia and Washington, D.C.

V 38 - 1 JAN 3 73 XUM

opposes the award to Piedmont of Richmond-New York authority, via Washington National Airport, and contends that the award to Piedmont of nonstop Washington, D.C. (National)-New York/Newark authority is not only unnecessary to accomplish the basic purposes of the transfer proposed by the joint petitioners but is a controversial appendage inappropriate for consideration in an expedited proceeding.

Allegheny Airlines, Inc. (Allegheny), in an answer to the joint petition, opposes the transfer of National's authority to Piedmont and, in particular, the authorization of Piedmont in the Richmond-New York market. Concurrently, Allegheny has filed an application for similar authority in Docket 24457. Therein the carrier seeks new authority between Richmond-Washington, D.C./Baltimore-New York/Newark and further to consolidate its new route application with Piedmont's request herein.

In a combined answer to the joint petition and to Allegheny's motion to consolidate, Altair Airlines, Inc. (Altair), a commuter carrier, objects to the hearing of any issue other than Richmond-New York nonstop authority contending that there is no need for additional service in either the Richmond-Philadelphia or Richmond-Baltimore market.[2]

On May 17, 1972, the Richmond parties filed a motion for expeditious consideration under Subpart M type procedures to emphasize its interest in obtaining prompt action on the requests for additional authority filed by Piedmont and Allegheny. An answer to Richmond's motion has been filed by American. In addition, answers supporting Allegheny's motion to consolidate have been filed by the Baltimore and Maryland parties, the Massachusetts Port Authority, and the city of Philadelphia, while an answer opposing consolidation, except for the question of Richmond-New York and Richmond-Washington services, was filed by Piedmont.

Finally, a petition for leave to intervene in these proceedings was filed by Eastern Air Lines, Inc. (Eastern). Eastern is presently authorized to serve the Richmond-New York, Richmond-Washington, Richmond-Baltimore and Washington/Baltimore-New York markets.

Based on the foregoing, we have decided to set for hearing, pursuant to Subpart M expedited procedures,[3] the question of whether National's authority at Richmond should be deleted or indefinitely suspended; and the question of whether any other applicant air carrier should be granted authority to operate nonstop between Richmond and New York Newark. Accordingly, we will deny the show cause relief requested by the joint applicants, and will consolidate for hearing National's application, as well as the applications filed by Piedmont and Allegheny insofar as each requests Richmond-New York/Newark authority. The balance of the applications will be dismissed without prejudice.

The relief requested by the carrier applicants, as well as Richmond, does not involve the transfer of all or any part of National's authority at Richmond, but rather contemplates a simultaneous hearing on whether National's authority should be deleted, and whether certain new or improved authority should be awarded to another carrier. In our view this approach is correct since a transfer of National's Richmond authority is not feasible,[4] and since, as so framed, the proceeding can focus on the need to replace the services previously offered by National at Richmond.[5] Of the Richmond markets served by National in the 3-year period prior to its suspension in 1971, Richmond-New York/Newark was by far the largest, and, in fact, was the only market, other than smaller points in Virginia, that consistently received a pattern of daily service in both directions from National. For this reason we are in accord with the applicants that the issue of new nonstop authority in this market should be heard. We do not agree, however, that any other Richmond authority should be placed in issue. In particular, no case has been made out for allowing Piedmont to extend its existing Richmond-Washington authority to New York/Newark so as to provide Richmond-New York/Newark service via Washington, or for hearing Allegheny's application to provide a similar pattern of service. First, the size of the Richmond-New York market is such that it does not seem to require intermediate point traffic support. Second, in light of the first consideration, there is no basis for authorizing the use of Washington National, a facility that is still subject to capacity limitations, as an intermediate point. Third, numerous carriers are certificated to provide service in the Washington-New York/Newark market, and there has been no showing that there is any need for additional service in this market at this time. Nor do we perceive any reason to hear the need for new or improved service between Richmond and Baltimore, Philadelphia or Boston.[6] None of these cities was served by National on a daily basis in both directions for 3 years prior to its suspension. Moreover, each generated very small volumes of Richmond traffic, and are only fractionally the size of the Richmond-New York market. In any event, we assume that if traffic density were sufficiently high, Eastern, which is certificated to provide such service, would do so. Finally, to pick and choose intermediate points on National's Route 31 which have not received a pattern of usable service from National, and which are not among Richmond's primary markets, introduces complex questions concerning the desirability of hearing the need for new authority as to other points on National's Route 31—a course of action that could make the proceeding so complex that it would rule out the use of Subpart M expedited procedures and might warrant hearing the sole question of whether National's suspension should be lifted.[7]

We have also determined not to impose a long-haul restriction in respect to Richmond-New York/Newark service since this would effectively preclude Allegheny from prosecuting its application as consolidated. Rather, we propose to be in a position to evaluate the comparative benefits of the beyond-market proposals of both Piedmont and Allegheny.

Accordingly, it is ordered, That:

1. The motion of the Richmond parties for expeditious consideration of the issues in Dockets 24412 and 24457, as modified herein, be and it hereby is granted;[8]

2. The application of Allegheny Airlines, Inc. in Docket 24457, insofar as it seeks nonstop Richmond, Virginia-New York, N.Y./Newark, N.J. authority, be and it hereby is consolidated with the proceedings herein; in all other respects the application is dismissed;

3. The joint petition of Piedmont Aviation, Inc., National Airlines, Inc., the city of Richmond, Va., and the Greater Richmond Chamber of Commerce, be and it hereby is set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated, limited to the following issues:

(a) Whether the public convenience and necessity require the amendment of National Airlines' certificate for Route 31 so as to delete or suspend the carrier's authority to serve Richmond, Virginia; and

(b) Whether the public convenience and necessity require the amendment of the certificate of any other carrier so as to add the following segment:

Richmond, Va.-New York, N.Y./Newark, N.J.; and in all other respects, the joint petition in Docket 24412 be and it hereby is denied; and

4. The proceedings in Docket 24412 hereinafter to be known as the Service to Richmond Case, will be conducted under the procedures of Rules 1301 et seq. of the Board's rules of practice except as modified as follows:

(a) Within 25 days of the date of this order Piedmont Aviation, Inc., Allegheny Airlines, Inc. and any other carrier applicant should file supplements to their respective applications setting forth detailed economic justification for their individual proposals over the route in question, and complying fully with Rule 1307 (a) of the Board's rules of practice;

(b) Any interested person, within 25 days of the filings detailed in (a) above may file with the Board an answer to such application, such answers to comply with the provisions of Rules 1306 and 1307(a) of the Board's rules of practice, except that a specific request that a hearing on the above-described matter be held will not be required.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-20 Filed 1-2-73;8:45 am]

[2] In its motion to consolidate, Allegheny proposed, inter alia, additional service from Richmond to Philadelphia via Washington.

[3] The expedited procedures of Subpart M will govern the conduct of all future procedural steps. Specifically, the future proceedings in this docket will be conducted under the procedures of Rule 1301 et seq., of the Board's rules of practice. We will not require the joint petition to be refiled under Subpart M since this would unnecessarily delay the proceeding. Instead, we will proceed under Subpart M procedures with the joint petition serving as appropriate applications. National and Piedmont will be given 25 days from the date of service of this order to supplement their application by supplying the second-year forecast required by Rule 1304 and to provide appropriate economic support for the proposed Richmond-New York/Newark service. At the same time, Allegheny will be expected to file new economic evidence to support its application for Richmond-New York/Newark authority, that portion of Allegheny's application in Docket 24457 which will be consolidated herewith. The parties will then have 25 days to answer as specified in Rule 1306.

[4] Richmond is an unrestricted intermediate point on Nation's Route 31, which embraces most of the major cities on the east coast between Boston and Florida. Any attempt to hear even a substantial part of the authority would attract additional competing applications and hence create a major east coast route case.

[5] In light of these circumstances, and of the Board's crowded docket, we find, with respect to those requests for hearing which are dismissed or denied herein, that the proponents have not made a sufficient showing under § 399.69(b) of the Board's policy statements that those requests should be granted at this time.

[6] It would also involve the question of the beyond-market proposals of the applicants.

[7] In addition to New York and Washington, Allegheny seeks Richmond authority only at one other point, Baltimore; however, the carrier proposes to offer Philadelphia and Boston service by tacking a schedule between Baltimore and Philadelphia, as well as Boston. On the other hand, as set forth below, we will not preclude Allegheny or Piedmont from proposing to offer service beyond the terminals in issue.

[8] The petition of Eastern Air Lines for leave to intervene in Docket 24412 and Docket 24457 will be dealt with by the Administrative Law Judge.

Socialist Republic of Romania concerning exports of cotton textiles and cotton textile products from Romania to the United States over a 5-year period beginning on January 1, 1971, and extending through December 31, 1975. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories, and within the aggregate limit, specific limits on categories 19, 26, 47, 49, 55, 60, and 63 for the third agreement year beginning January 1, 1973.

Accordingly, there is published below a letter of December 21, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories produced or manufactured in Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1973, and extending through December 31, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.,

DECEMBER 21, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and the Socialist Republic of Romania, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1973 and for the 12-month period extending through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in categories 19, 26, 47, 49, 55, 60, and 63, produced or manufactured in Romania, in excess of the following 12-month levels of restraint:

Category	*12-month level of restraint*
19	1,212,750 square yards.
26	2,425,500 square yards (of which not more than 551,250 square yards may be in duck fabric) [1]
47	44,724 dozen.
49	23,746 dozen.
55	15,132 dozen.
60	21,218 dozen.
63	383,478 pounds.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

In carrying out this directive, entries of cotton textile products in categories 19, 26, 47, 49, 55, 60, and 63, produced or manufactured in Romania, which have been exported to the United States from Romania prior to January 1, 1973, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the 12-month period beginning January 1, 1972, and extending through December 31, 1972. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Republic of Romania which provide in part that within the aggregate limit, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.73-9 Filed 1-2-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statement received by the Council from December 18 through December 22, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803.

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Final, December 19

Grunderville landfill, Allegheny N.F., Warren County, Pa. The statement considers the use of 141 acres of Allegheny National Forest land for a sanitary landfill of the Warren County Solid Waste Authority. It is possible that use of the land could result in ground water contamination. Comments made by: COE, EPA, HEW, DOI. (ELR Order No. 05785, 155 pages) (NTIS Order No. EIS–72 5785–F)

DEPARTMENT OF DEFENSE

Contact: Mr. Robert L. Gilliat, Office of General Counsel, Room 3E977, Department of Defense, The Pentagon, Washington, D.C. 20301, 202—OX 5–3272

Draft, December 19

Exotic Dancer VI, several counties, North Carolina. The statement refers to the sixth in a series of joint exercises directed by the Joint Chiefs of Staff and conducted by the Atlantic Command. The maneuvers, expected to take place in the time period of mid-March to mid-April 1973, will involve an estimated 40,000 troops, 50 ships, and 550 aircraft. Portions of 14 counties will be affected. Adverse impacts will include increases in local ambient air and water pollution, and in noise, solid wastes, rubbish and sewage production levels. There is some danger of forest-fire, which will be anticipated by the pre-positioning of fire fighting equipment. (ELR order No. 05789, 91 pages) (NTIS order No. EIS–72 5789–D)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202–693–7168.

Final, December 12

Log jam removal, Salamonie River, Wells County, Ind. The Statement refers to a proposed project which would involve the removal and disposal of two log jams, in order to reduce flooding. Approximately 5 acres would be used for refuse disposal. Comments made by: USDA, EPA, DOI, State and local agencies. (ELR order No. 05766, 20 pages) (NTIS order No. EIS–72 5766–F)

DEPARTMENT OF HEW

Contact: Mr. Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062, HEW, Washington, D.C. 20202, 202–962–2241.

Final, December 21

Polychlorinated biphenals (PCB's) in food. The statement refers to the proposed establishment of rules in the food processing industry in order to prevent PCB contamination of foods. The provisions would require the elimination of PCB-containing materials from animal feed, food, and food-packaging material establishments. Comments made by: USDA, DOC, EPA. (ELR order No. 05804, 31 pages) (NTIS order No. EIS–72 5804–F)

DEPARTMENT OF INTERIOR

BUREAU OF LAND MANAGEMENT

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

Draft, December 19

Wild free-roaming horse and burro management. The statement refers to proposed regulations for the protection, management, and control of wild free-roaming horses and burros on land administered by BLM. The regulations would authorize a system of management which would enable maintenance of strong, healthy herds in a quality habitat. The dedication of habitat to horses and burros would limit availability of forage and habitat for other animals. (ELR order No. 05792, 60 pages) (NTIS order No. EIS–72 5792–D)

STATE DEPARTMENT

Contact: Mr. Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Room 7819, Washington, D.C., 202–632–7964.

Final, December 19

International Convention . . . Oil Pollution. The statement refers to the proposed ratification of the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage; and to the proposed enactment of the Act to implement these Conventions. It is the intent of the Act and Conventions to improve the quality of the marine and coastal environments by encouraging more adequate precautions by vessel owners to minimize spills, and more efficient measures to contain and clear up any such oil spills. Comments made by: USDA, DOC, DOD, EPA, HEW, DOI, DOT. (ELR order No. 05795, 197 pages) (NTIS order No. EIS–72 5797–F)

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202–426–4355.

Draft, December 19

University of Illinois-Willard Airport, Champaign County, Ill. The statement refers to the proposed lengthening and strengthening of the runway and taxiway system in order to adequately accommodate air carriers of the DC–9 and Boeing 747 class. The project consists of acquisition of land, constructing, lighting, and marking a 1,600' by 150' extension to runway 31–13; relocating glide slope and middlemarker facilities; constructing, lighting, and marking an extension to the taxiway to serve the new runway extension; and strengthening accessory systems serving runway 31–13. (ELR order No. 05793, 75 pages) (NTIS order No. EIS–72 5793–D)

Piedmont Municipal Airport, Wayne County, Mo.. The statement refers to the proposed construction of a new airport to replace the existing private airport which must be abandoned in December 1972. The project contemplates the acquisition of land (107 acres-fee) for airport development and clear zones; construction of a NE/SW runway and a stub taxiway, installation of VASI, a beacon, segmental circle, lighted wind cone, and fencing; and the relocation of power and telephone lines. Relocation of 2,100 feet of McKenzie Creek will adversely affect aquatic life. A new area will be exposed to air and sound pollution due to aircraft operation. (ELR order No. 05795, 32 pages) (NTIS order No. EIS–72 5795–D)

Sparta-White County Airport, White County, Tenn. The statement refers to the proposed fee simple purchase of 133 acres of land for the construction of a general aviation airport. The project will consist of a 4,000' by 75' wide NE/SW runway and structures appurtenant to the runway, including paved parking area, taxiway, auto parking area and an access road. There will be an increase in air pollution and ambient noise. (ELR order No. 05791, 29 pages) (NTIS order No. EIS–72 5791–D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, December 4

State Route 44, Lake County, Fla. The proposed project is the improvement of SR 44; length is 1 mile. The project would displace 68 businesses, 40 families, and two nonprofit organizations. The project will diminish the water quality in the surrounding area and cause an increase in air pollution. (ELR order No. 05711, 46 pages) (NTIS order No. EIS–72 5711–D)

Draft, December 12

State Route 40, Montana. The proposed project is the reconstruction of 4.5 miles of existing Montana 40. The project will acquire 45 acres of land and displace six businesses and five families. A 4(f) review will be required for 0.03 acre of land from the Pinwood Park. The project will include the construction of the Flathead River Bridge causing increased water pollution and siltation. Other adverse effects will include increased noise and air pollution. (ELR order No. 05763, 78 pages) (NTIS order No. EIS–72 5763–D)

U.S. 1, Wake County, N.C. The proposed project is the widening of U.S. 1; length is 7.7 miles. The project will acquire 65 acres of land and displace six businesses and 14 families. Additional right-of-way will be required from a church-owned property. Adverse effects will include some siltation of the Neuse River. (ELR order No. 05760, 35 pages) (NTIS order No. EIS–72 5760–D)

I–15, Juab County, Utah. The proposed project is the construction of 26 miles of I–15. The project, depending upon alternate chosen, would require between 30 and 150 acres of irrigated agricultural land for right-of-way; three to eight residences will be displaced. Adverse effects will include the loss of winter rangeland for the South Elbo elk and deer herds, and an increased danger of road kills. There will be an increase of erosion and water pollution. (ELR order No. 05764, 157 pages) (NTIS order No. EIS–72 5764–D)

Final, December 12

I–10 Ehrenberg-Phoenix, Maricopa County, Ariz. The statement is a final supplement to the final statement on I–10(2) 34, I–IG–10–2(37), and I–10–2(40). It contains a discussion and an analysis of air pollution factors and the anticipated impact the proposed highway will affect upon the air quality of the project area. (ELR order No. 05756, 107 pages) (NTIS order No. EIS–72 5756–F)

Arnold Industrial Highway (Route 4), Contra Costa County, Calif. The statement refers to the freeway improvement of Route 4 from Pachero Boulevard to east of Willow Pass at East Port Chicago Highway, a distance of 6.8 miles, and the freeway construction of the remaining portion of Route 242 from southerly of Olivera Road to Route 4, a distance of 0.9 mile. Approximately 84 families and 21 businesses will be displaced. Approximately 7.9 acres of section 4(f) land will be acquired from a golf course. Comments made by: USDA, COE, HEW, HUD, DOT, State and local agencies. (ELR Order No. 05753, 131 pages) (NTIS order No. EIS–72 5753–F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73–85 Filed 1–2–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

cis-2,5-DIMETHYL-1-PYRROLIDINECARBOXANILIDE

Notice of Establishment of Temporary Tolerance

The Diamond Shamrock Chemical Co., 300 Union Commerce Building, Cleveland, Ohio 44115, submitted a petition (PP 2G1236) requesting establishment of temporary tolerances for residues of the herbicide cis-2,5-dimethyl-1-pyrrolidinecarboxanilide in or on the raw agricultural commodities corn forage at 1 part per million and corn grain at 0.2 part per million.

Subsequently, the petitioner amended the petition by withdrawing the request for the tolerance on corn forage and by reducing the proposed tolerance for residues of the herbicide on corn grain to 0.1 part per million (negligible residue).

It has been determined that a temporary tolerance for negligible residues of the herbicide in or on corn grain at 0.1 part per million is safe and will protect the public health. It is therefore establish as requested on condition that the herbicide be used in accordance with the temporary permits being issued concurrently by the Environmental Protection Agency and which provide for distribution under the Diamond Shamrock Chemical Co. name.

This temporary tolerance expires December 22, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: December 22, 1972.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73–84 Filed 1–2–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15461, etc.; FCC 72R–386]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT–3282; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT–3706; Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT–3707; for construction permit for new Television Broadcast Station; Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT–3663; for modification of construction permit.

1. This proceeding involves the applications of Chapman Radio and Television Co. (Chapman), Alabama Television, Inc. (Alabama Television), Birmingham Broadcasting Co. (BBC) and Birmingham Television Corp. (WBMG), for authorization to construct a new UHF television broadcast station.[1] Presently before the Review Board for consideration are: (1) A petition to enlarge issues, filed October 13, 1972, by BBC;[2] and (2) a petition to enlarge issues and other relief, filed October 31, 1972, by BBC.[3]

[1] The following is a brief recitation of the history of this proceeding. The proceeding was designated for hearing by order, FCC 66–636, released July 20, 1966. On Aug. 30, 1968, the Presiding Law Judge released an initial decision (19 FCC 2d 185, 14 RR 2d 6), recommending a grant of the application of Alabama Television under the comparative issue. The Review Board affirmed the Judge's ultimate resolution of the proceeding (19 FCC 2d 157, 17 RR 2d 60, reconsideration denied 20 FCC 2d 556, 17 RR 2d 1028). By order, FCC 70–744, 24 FCC 2d 282, released July 13, 1970, the Commission, inter alia, granted a petition for enlargement of issues; the proceeding was thus remanded to the Presiding Judge for the preparation of a supplemental initial decision.

[2] Other related pleadings before the Board for consideration are: (1) opposition, filed Oct. 24, 1972, by Alabama Television; (2) Broadcast Bureau's comments, filed Oct. 26, 1972; (3) reply (comments), filed Oct. 30, 1972, by WBMG; and (4) reply, filed Oct. 31, 1972, by BBC.

[3] Other related pleadings before the Board for consideration are: (1) opposition, filed Nov. 13, 1972, by Alabama Television; (2) Broadcast Bureau's opposition, filed Nov. 15, 1972; (3) reply comments), filed Nov 17, 1972, by WBMG; and (4) reply, filed Dec. 1, 1972, by BBC.

2. Subsequent to the last remand for further hearing in this proceeding, Alabama Television responded to written interrogatories which had been posed by the Broadcast Bureau. In Alabama Television's response, dated September 18, 1972, the applicant indicated for the first time that one of its principals and directors, J. George Mitnick, owns 12.5 percent of Live Lines, Inc., a cable television system which commenced operation in Jasper, Alabama, in 1969. In light of this disclosure, BBC filed the October 13 petition to enlarge issues, seeking five separate issues[4] relating to the newly disclosed information.[5] In opposition, Alabama Television made additional disclosures. The applicant revealed that three of its principals (including Mitnick) each own a 12.5 percent interest in Live Lines, Inc. Thereupon, BBC filed the October 31 petition to enlarge issues and other relief[6] seeking, inter alia, a candor issue against Alabama Television.

[4] BBC seeks the addition of the following issues:

1. To determine the ownership interest of Live Lines, Inc. and whether or not any of Alabama Television's (sic) Inc. principals are also principals of Live Lines, Inc. or have ever been principals of Live Lines, Inc.

2. To determine, in light of the Commission's rules section 76.501 whether Alabama Television, Inc. is qualified to own and operate a television broadcasting station whose Grade A coverage covers the territory of Live Lines, Inc.'s franchise.

3. To determine, the effect upon Alabama Television, Inc.'s preference over other applicants in the comparative aspect of this proceeding regarding Dissemination of Media Control.

4. To determine, all of the facts and circumstances surrounding Alabama Television, Inc.'s failures to report J. George Mitnick's and John Bankhead's ownership interest in Live Lines, Inc. in violation of the Commission's rules, and the effect, if any, upon the comparative or qualifying standing of Alabama Television, Inc.

5. To determine, all of the facts and circumstances surrounding Live Lines, Inc. failure to file timely Federal Communications Commission Forms 325 and 326 and the effect, if any, upon the comparative or qualifying standing of Alabama Television, Inc.

[5] Although the petitions are late filed, the Board is of the view that they raise serious questions of substantial public importance. We agree with the Broadcast Bureau that the absence of supporting affidavits is not critical, because the alleged facts are derived from Commission records and are conceded by Alabama Television.

[6] BBC requests four alternative forms of relief in the following order:

(1) To dismiss Alabama Television's application; or

(2) To certify the subject matter to the Commission with the Board's recommendation of dismissal; or

(3) To direct the Broadcast Bureau to institute a section 403 inquiry; or

(4) To specify a lack of candor issue against Alabama Television.

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3. The belated disclosures[7] of the CATV ownership interests held by two directors and a minority shareholder of Alabama Television could have serious implications for this proceeding. As an initial matter, a § 1.65 issue is clearly warranted. Rule 1.65 requires disclosure when information furnished in an application is no longer accurate and complete in all significant respects," or when changes, which may be of decisional significance, have occurred.[8] The argument that Alabama Television did not realize that such information was of significance is disingenuous at best; not only does this information clearly fall into the category of "those kinds of matters which may be decisionally significant" (see Reporting of Changed Circumstances, supra), it was precisely the "kind of matter" which formed the basis for the Review Board's decision granting Alabama Television's application. In short, Alabama Television was granted a comparative preference over other applicants under the diversification criterion of the comparative issue.[10] Chapman Radio and Television Co., 19 FCC 2d 157, 17 RR 2d 60 (1969). The language employed by both the Administrative Law Judge and the Review Board in their various decisions constitutes clear and unequivocal notice of the significance of the undisclosed information. Thus, although a separate candor issue is not required, the Board is constrained to point out that the questions of concealment and intent, given these circumstances, merit the closest scrutiny under a section 1.65 issue. Southern Broadcasting Co. (WGHP-TV), FCC 72R-73, 33 FCC 2d 1044, 23 RR 2d 1197. Finally, if it is determined that Rule 1.65 has been violated, but that disqualification is unwarranted, the Administrative Law Judge should reevaluate the applicants under the comparative issue in light of this violation.

The first three requests may be readily dismissed. The Review Board perceives no basis for dismissing Alabama Television's application, and, in any event, request for dismissal should be addressed to the Presiding Judge in the first instance. Moreover, the Board has no jurisdiction to institute a section 403 inquiry. Finally, the request for certification is also unwarranted, since the questions presented by the petitioner are neither novel nor do they present problems of such a magnitude as to require certification. Chronicle Broadcasting Co., 21 FCC 2d 263, 18 RR 2d 183 (1970).

4. BBC's remaining two requests for additional issues will be denied. Petitioner has made no showing, whatsoever, which would suggest that the alleged failure of Live Lines, Inc. to file certain forms with the Commission bears directly upon the qualifications of Alabama Television to be a Commission licensee. BBC's request for a cross-ownership issue is we believe, premature since the ownership interests in both Live Lines, Inc. and Alabama Television were in existence before July 1, 1970. The provisions of section 76.501 of the rules[11] are not effective until August 10, 1973, as to proscribed ownership interests if such interests were in existence on or before July 1, 1970.

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed October 13, 1972, by Birmingham Broadcasting Co., is granted to the extent indicated herein, and is denied in all other respects; and

6. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue:

To determine whether Alabama Television, Inc. has complied with the provisions of Section 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in its application, and, if not, the effect of such noncompliance on the basic or comparative qualifications of the applicant to be a broadcast licensee; and

7. *It is further ordered,* That the burden of proceeding with the introduction of evidence shall be on Birmingham Broadcasting Co., and the burden of proof under this issue shall be on Alabama Television, Inc.; and

8. *It is further ordered,* That the petition to enlarge issues and other relief, filed October 31, 1972, by Birmingham Broadcasting Co., is denied.

Adopted: December 19, 1972.

Released: December 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[12]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-54 Filed 1-2-73;8:45 am]

FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Notice of Steering Committee Meetings

DECEMBER 20, 1972.

The Steering Committee of the Cable Television Federal/State-local Advisory Committee will hold open meetings on January 15 and 16, 1973. The meetings will begin at 10 a.m., and will be held at the San Diego City Administration Building, Room 2000, 202 C Street, San Diego, CA.

The agenda for these meetings will be the discussion of the reports submitted to the Steering Committee by the four subcommittees.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-57 Filed 1-2-73;8:45 am]

[Dockets Nos. 19655, 19656]

PROSSER-GRANDVIEW BROADCASTERS, INC., AND BENNETT BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Prosser-Grandview Broadcasters, Inc., Grandview, Wash., Docket No. 19655, File No. BPH-7762, Requests: 96.7 MHz, No. 244; 1.15 kw.; −91 feet; Bennett Broadcasting Co., Sunnyside, Wash., Docket No. 19656, File No. BPH-7860, Requests: 96.7 MHz, No. 244; 3 kw.; 28 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has for consideration the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore a comparative hearing is required.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, under section 307(b) of the Communications Act of 1934, as amended, a contingent comparative issue will be specified.

3. Each of the applicants is qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive FM service of 1 mV/m or greater intensity from the respective proposals together with the availability of other primary (1 mV/m or better for FM) aural services in such areas.

2. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced under the above issues, which application should be granted.

6. *It is further ordered,* That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

7. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: December 11, 1972.

Released: December 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] HAROLD L. KASSENS, *Acting Chief, Broadcast Bureau.*

[FR Doc.73-53 Filed 1-2-73;8:45 am]

[FCC 72-1173]

PRIME TIME ACCESS RULE

Notice of Request for Waiver

DECEMBER 20, 1972.

Public notice is hereby given of a request for waiver of the "prime time access rule," § 658(k) of the Commission's rules, filed on November 29, 1972 by Children's Television Workshop (CTW) ("Petition by Children's Television Workshop"). The request seeks waiver of the limitation on network prime-time programing (to 3 hours a night) so as to permit a network to present a prime time half-hour weekly children's program, to the extent of 26 original programs and 26 repeats, starting about January 1974, in addition to the usual 3 hours of network programing.

In line with a policy recently adopted concerning requests for waiver of the "off-network" provisions of the rule,[1] it is believed that interested parties should have opportunity to comment on this request before the Commission considers it. Accordingly, notice is hereby given that no action will be taken by the Commission at least until January 31, 1973, and that interested parties may file comments concerning the request through January 12, 1973. Petitioner, or other parties wishing to reply to comments concerning the petition, may file replies through January 22, 1973.

Issuance of this public notice does not represent any Commission view as to the merit of the request, or as to whether it will be appropriate to reach any decision as to it in advance of the over-all rule making proceeding decision concerning the prime time access rule, Docket 19622. The latter is expected early next spring.

Copies of the CTW petition, and of any responsive comments which are filed, may be examined at the Commission's Office of Network Study, Room A-323, Federal Communications Commission Annex (Howitch Building), 1229 20th Street NW., Washington, DC.

Action by the Commission December 20, 1972.[2]

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-55 Filed 1-2-73;8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE, PANEL 7

Notice of Meeting

DECEMBER 19, 1972.

Panel 7 (Interconnection) of the Cable Television Technical Advisory Committee will hold an open meeting on January 9, 1973, at 9:30 a.m. The meeting will be held at MCI Communications Corp., 9th Floor Board Room, 1150—17th Street NW., Washington, DC.

This will be an organizational meeting to create further assignments for panel members.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-56 Filed 1-2-73;8:45 am]

FEDERAL MARITIME COMMISSION

MATSON NAVIGATION CO., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statetment should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq. Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

On Behalf of Matson Navigation Co.; Seatrain Lines, California; and United States Line, Inc.

Agreement No. DC-57, between Matson Navigation Co.; Seatrain Lines, California; and United States Lines, Inc. (Parties), provides for the establishment of a Hawaii Rate Agreement, which would authorize the Parties to confer with each other from time to time with respect to any and all matters included in the individual FMC tariffs of the parties in the Hawaii trade. These matters include equalization, transshipment, and charges relating to land transportation and interchange between land and ocean carriers. Each party will have the right of independent action and will maintain its own tariff with the Federal Maritime Commission.

Dated: December 21, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-62 Filed 1-2-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY AND THE TASK FORCE ON PRACTICES AND STANDARDS

Order Designating Additional Member

DECEMBER 26, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees, and by orders issued December 7, 1972, established various task forces.

2. *Membership.* An additional member of the Technical Advisory Committee on Conservation of Energy and of that Committee's Task Force on Practices and Standards, as selected by the Chairman

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[7] Since the interests in Live Lines, Inc., did not exist prior to the filing of Alabama Television's application, a Rule 1.514 issue is unwarranted.

[8] BBC requested an issue inquiring into other possible financial connections between Alabama Television and Live Lines, Inc. In view of the further information furnished by Alabama Television with its opposition, however, we do not believe that there is basis for adding this issue.

[9] See Reporting of Changed Circumstances Affecting Applications, FCC 64-1047, 3 RR 2d 1622.

[10] In this connection we note that a CATV interest represents an interest in existing media of mass communications (see e.g., Media, Inc., 22 FCC 2d 875, 18 RR 2d 1175 (1970; Lake Erie Broadcasting Co., 34 FCC 2d 354, 24 RR 2d 64 (1972); and William R. Gaston, 35 FCC 2d 624, 24 RR 2d 779 (1972); and that in comparative broadcast hearings both common control and less than controlling interests in other broadcast stations and other media of mass communications will be considered. (Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965)).

[11] Section 76.501 of the rules prohibits a cable television system from carrying the signal of any television broadcast station if such system directly or indirectly owns, operates, controls or has an interest in a television broadcast station whose Grade B contour overlaps the CATV service area.

[12] Board Member Nelson abstaining.

[1] See *Time-Life Films,* FCC 72-985, 25 R.R. 2d 793, released November 9, 1972. The present request involves network programing, rather than the "off-network" waiver requests specifically dealt with in that decision and the procedure set forth therein; but the general considerations involved are much the same, so that public notice in the present case is appropriate also.

[2] Commissioners Burch (Chairman), Robert E. Lee, H. Rex Lee, Reid, Wiley, and Hooks, with Commissioner Johnson abstaining from voting.

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of the Commission, with the approval of the Commission, is as follows:

Paul H. Shore, Executive Director, New England Energy Policy Staff.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-39 Filed 1-2-73;8:45 am]

[Docket Nos. CI73-293, etc.]

BELCO PETROLEUM CORP. ET AL.

Order Consolidating Proceedings, Granting Interventions, and Fixing Date for Hearing on Applications for Certificates Under Optional Procedure

DECEMBER 26, 1972.

On October 24, 1972, Belco Petroleum Corp., Agent (Belco) filed in Docket No. CI73-293 an application pursuant to section 7(c) of the Natural Gas Act, and pursuant to § 2.75 of the Commission's general policy statements, the new optional procedure for certificating new producer sales of natural gas set forth in Order No. 455,[1] for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Co. (Tennessee) from the West Delta Block, Offshore Louisiana. On November 8, 1972, Texaco Inc. (Texaco) and Tenneco Oil Co. (Tenneco), in Docket Nos. CI73-335 and CI73-336, respectively, each filed applications pursuant to section 7(c), of the Natural Gas Act, and pursuant to said § 2.75, for certificates of public convenience and necessity authorizing sales and deliveries of natural gas in interstate commerce to Tennessee Gas Pipeline Co. (Tennessee) from the same acreage in the East Cameron Block 271 Field, Offshore Louisiana.

Belco, following the optional procedure, submitted to the Commission a contract dated June 8, 1972, which contains an initial sales price of 45 cents per Mcf, with rate escalations of 1.5 cents per Mcf annually over a 10-year contract term. Texaco and Tenneco each filed identical contracts dated October 6, 1972 and October 12, 1972, respectively, containing an initial price of 45 cents per Mcf with 1 cent per Mcf rate escalations annually over a 20-year contract term.

Notice of Belco's application in Docket No. CI 73-293 was issued on November 10, 1972, and was published in the FEDERAL REGISTER on November 15, 1972 (37 F.R. 24215). November 29, 1972, was set as the last date to file protests or petitions to intervene in the proceeding. Timely petitions to intervene were filed by the following parties:

Columbia Gas Transmission Corp.
Humble Oil & Refining Co.
Public Service Electric and Gas Co.
The Public Service Commission for the State of New York
The Philadelphia Gas Works Division of UGI Corp.
Tennessee Gas Pipeline Co.
Cabot Corp.
American Public Gas Association
Associated Gas Distributors
Consumers Union of United States, Inc.

Notice of Texaco's application in Docket No. CI73-335 was issued on November 15, 1972, and was published in the FEDERAL REGISTER on November 21, 1972 (37 F.R. 24791). December 11, 1972, was set as the last date to file protests or petitions to intervene in the proceeding. Timely petitions to intervene were filed by the following parties:

Humble Oil & Refining Co.
Associated Gas Distributors
Consumers Union of United States, Inc.
Union Oil Co. of California
Mobil Oil Corp.
Public Service Commission of the State of New York
Columbia Gas Transmission Corp.
Philadelphia Gas Works Division of UGI Corp.
American Public Gas Association
Tennessee Gas Pipeline Co., Division of Tenneco Inc.
Consolidated Gas Supply Corp.
The Peoples Gas, Light and Coke Co.

Notice of Tenneco's application in Docket No. CI73-336 was issued on November 14, 1972, and was published in the FEDERAL REGISTER on November 18, 1972 (37 F.R. 24707). December 8, 1972, was set as the last date to file protests or petitions to intervene in the proceeding. Timely petitions to intervene were filed by the following parties:

Humble Oil & Refining Co.
Associated Gas Distributors
Consumers Union of United States, Inc.
Mobil Oil Corp.
Union Oil Co. of California
Philadelphia Gas Works Division of UGI Corp.
Columbia Gas Transmission Corp.
Public Service Electric and Gas Co.
Consolidated Gas Supply Corp.
Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
American Public Gas Association

Having reviewed the petitions to intervene, we find that all of the abovementioned petitioners have sufficient interest in these proceedings to warrant intervention.

A formal hearing has been requested, and we find a hearing to be desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the rates proposed are just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable costs.

No intervenor contests the need of Tennessee Gas Pipeline Co., for the approximately 36 billion cubic feet annually which the proposed purchases will secure for Tennessee. We note from the filings that Tennessee projects a deliverability life index of only 6 years as of December 31, 1972. Accordingly, the hearing hereinafter provided for should not explore any issues relative to Tennessee's need. We do require from Tennessee, however, evidence as to whether or not a comparable supply of gas is available to Tennessee at any rate lower than those rates proposed in these applications.

With respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing as special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 12, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F. 2d 407 (CA5, 1970). Applications under Section 2.75 will be so considered * * *.

The Commission notes the interrelationship between the three above-described proceedings and concludes that their ultimate disposition would best be accomplished in a consolidated proceeding. The Commission therefore shall consolidate Docket Nos. CI73-293, CI73-335 and CI73-336 for hearing and disposition.

We note from the filing of Belco Petroleum Corp., that its contract with Tennessee contains termination provisions which permit termination on April 1, 1973. Mindful of this time constraint, we direct that the consolidated dockets shall be brought on for hearing and disposition on an expedited basis, so that the Commission will be in a position to rule on this matter prior to April 1, 1973.

Because of the need for prompt action, those intervenors wishing to challenge the legality of our § 2.75 procedures may make such filings as they deem appropriate to protect their position; we do not regard this case, however, as a proper forum for relitigation of the propriety of section 2.75 procedures. We have ruled upon these matters in Orders Nos. 455 and 455-A, and this is a matter now before the court of appeals (appeal docketed John E. Moss, et al. v. F.P.C., No. 72-1837, CADC), and accordingly, the hearing herein provided for should be addressed to the specific issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates here proposed.

[1] Statement of policy relating to optional procedure for certificating new producer sales of natural gas, Docket No. R-441 (Aug. 3, 1972).

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) It is necessary and appropriate that the consolidated proceedings in the above-named applications be set for hearings.

The Commission orders:

(A) Docket Nos. CI73-293, CI73-335 and CI73-336 are consolidated for purposes of hearing and disposition.

(B) The above-named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The direct case of each of the applicants and all the intervenors in support thereof shall be filed and served on all parties on or before January 10, 1973.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing on the issues presented by the proposals of the applicants herein shall be held commencing January 25, 1973, at 9 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR, 315(d)), shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided, or shall make such changes thereto as, for good cause shown, he shall find necessary and proper, subject, however, to the necessity for final Commission action on or before April 1, 1973.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-34 Filed 1-2-73;8:45 am]

[Docket No. ID-1591]

SOL BURSTEIN

Notice of Application

DECEMBER 26, 1972.

Take notice that on November 30, 1972, Sol Burstein (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act seeking authority to hold interlocking directorate positions.

Applicant is senior vice president of Wisconsin Electric Power Co., a public utility principally engaged in the generation, transmission, and distribution, of electricity in southeastern Wisconsin. Applicant is also director and vice president—Nuclear Plant of Wisconsin Michigan Power Co., a public utility engaged in the generation, transmission and distribution of electricity in Fox River Valley and northern Wisconsin and in the Upper Peninsula of Michigan.

On November 16, 1972, Applicant was designated by the board of directors of Wisconsin Electric Power Co. as nominee for election as director at the next annual stockholders meeting to be held May 2, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-43 Filed 1-2-73;8:45 am]

[Docket No. CI73-426]

CHAMPLIN PETROLEUM CO.

Notice of Application

DECEMBER 22, 1972.

Take notice that on December 18, 1972, Champlin Petroleum Co. (Applicant), Post Office Box 9365, Fort Worth, TX 76197, filed in Docket No. CI73-426 for an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Ardinger No. 1 Well, Wise County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 2,000 Mcf of gas per day at 35.0 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment, for a maximum period of up to 2 years, commencing from the date of initial delivery, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-6 Filed 1-2-73;8:45 am]

[Docket No. CP73-160]

CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 26, 1972.

Take notice that on December 18, 1972, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-160 a budget type application pursuant to sections 7(b) and 7(c) of the Natural Gas Act, as implemented by proposed § 157.7 (f) of the Commission's regulations

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thereunder, for a certificate of public convenience and necessity and permission and approval for the construction and relocation, during the calendar year 1973, and operation of certain natural gas field compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in installing and relocating field compression facilities to take into its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the installation and relocation of facilities proposed herein is not to exceed $500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-40 Filed 1-2-73;8:45 am]

[Docket No. E-7801]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Initial Rate Filing

DECEMBER 22, 1972.

Take notice that the Connecticut Light and Power Co. (the Company), the Hartford Electric Light Co. and Western Massachusetts Electric Co. (the Licensees) on October 30, 1972, tendered for filing as an initial rate schedule the Northfield Mountain purchase agreement (Purchase Agreement) dated October 1, 1971. The Licensees and the Purchases, New Bedford Gas and Edison Light Co., propose to make the tendered rate schedule effective on December 1, 1972.

The Company states that the Purchase Agreement provides for sales of capacity, related pondage, and related transmission service at the Northfield Mountain Pumped Storage Hydro Electric Project (License Project No. 2485) to the Purchaser during the 1973 period, from on or about December 1, 1972, until October 29, 1973, and the 1974 period, from October 29, 1973, to October 28, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-36 Filed 1-2-73;8:45 am]

[Docket No. E-7833]

CONSOLIDATED EDISON CO. OF NEW YORK

Notice of Initial Rate Filing

DECEMBER 22, 1972.

Take notice that Consolidated Edison Co. of New York (Con Edison) on November 14, 1972, tendered for filing as an initial rate schedule a power transmission agreement dated October 28, 1972, between Con Edison and Central Hudson Gas and Electric Corp. (Central Hudson). Service under the agreement commenced on November 1, 1972, and will terminate no later than December 31, 1972. Con Edison's total revenue increase under this agreement during November 1972, is estimated at $5,700. The proposed effective date is November 1, 1972.

Con Edison requests waiver of the Commission's notice requirement in section 35.3 of the Commission's regulations. Con Edison states that the agreement was not executed until October 30, 1972, and accordingly the filing date is less than the 30-day period prescribed by section 35.3. Further, if the notice period is not waived, the result will be an uncompensated provision of transmission service. Finally, Con Edison avers that a grant of waiver will have no effect on purchasers under its other rate schedules.

Copies of this filing were mailed to Central Hudson.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-37 Filed 1-2-73;8:45 am]

[Docket No. CI73-414]

JOHN H. HENDRIX, ET AL.

Notice of Application

DECEMBER 26, 1972.

Take notice that on December 7, 1972, John H. Hendrix (Operator), et al. (Applicants), 403 Wall Towers West, Midland, TX 79701, filed in Docket No. CI 73-414 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval for the abandonment of the sale of gas to Warren Petroleum Corp. (Warren) from oil wells at the Eunice-Monument Grayburg San Andres Pool, Lea County, N. Mex., being made pursuant to a percentage-of-proceeds type contract which has been terminated. Applicants state that the wells involved were reclassified from "oils wells" to "gas wells" by the New Mexico Oil Conservation Commission; that natural gas produced from these gas wells will be sold by Applicants directly to El Paso Natural Gas Co. (El Paso) under an existing contract dated April 20, 1949, as amended, and pursuant to Applicant's small producer certificate issued in Docket No. CS69-13; that there will be no cessation of volumes of gas sold in interstate commerce, and no change in the ultimate purchaser.

Warren and El Paso have advised Applicants that they will not oppose this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-41 Filed 1-2-73;8:45 am]

[Docket No. CI73-424]

LOGUE AND PATTERSON, INC., ET AL.

Notice of Application

DECEMBER 22, 1972.

Take notice that on December 18, 1972, Logue and Patterson, Inc., et al. (Applicants), 628 Meadows Building, Dallas, Tex. 75206, filed in Docket No. CI73-424 for an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. from the O'Brien Ranch Field, Goliad County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell up to an average daily quantity of 5,000 Mcf of gas at 35 cents per Mcf at 14.65 psia for 1 year from initial date of delivery within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73 5 Filed 1-2-73;8:45 am]

[Docket No. CI73-415]

MKA OIL PROPERTIES ET AL.

Notice of Application

DECEMBER 26, 1972.

Take notice that on December 7, 1972, MKA Oil Properties (Operator), et al. (Applicants), 304 Midland National Bank Building, Midland, Tex. 79701, filed in Docket No. CI73-415 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek permission and approval for the abandonment of the sale of gas to Warren Petroleum Corp. (Warren) from oil wells at the Eunice-Monument Grayburg San Andres Pool, Lea County, N. Mex., being made pursuant to a percentage-of-proceeds type contract which has been terminated. Applicants state that the wells involved were reclassified from "oil wells" to "gas wells" by the New Mexico Oil Conservation Commission; that natural gas produced from these gas wells will be sold by Applicants directly to El Paso Natural Gas Co. (El Paso) under an existing contract dated November 3, 1952, as amended, and pursuant to Applicant's small producer certificate issued in Docket No. CS69-39; and that there will be no cessation of volumes of gas sold in interstate commerce, and no change in the ultimate purchaser.

Warren and El Paso have advised Applicants that they will not oppose this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-38 Filed 1-2-73;8:45 am]

[Docket No. CI73-169]

MESA PETROLEUM CO.

Findings and Order

DECEMBER 22, 1972.

Findings and order issuing temporary certificate of public convenience and necessity, accepting FPC gas rate schedule for filing, granting interventions, fixing date of hearing and specifying procedures.

On September 5, 1972, Mesa Petroleum Co. (Applicant) filed in Docket No. CI73-169 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. (Panhandle), from the Hugoton Field, Stevens and Grant Counties, Kans., all as more fully set forth in the application in this proceeding.

Applicant has filed with its application a copy of its letter agreement with

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Panhandle dated August 12, 1972, committing volumes in excess of Applicant's current requirements to Panhandle of approximately 20,000 Mcf of gas per day at 39.0 cents per Mcf at 14.65 p.s.i.a. from January 1, 1973, through December 31, 1973, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Applicant states that approval of the application will provide Panhandle with a volume of natural gas available to the interstate market which will aid Panhandle in attempting to maintain adequate service on its system, to offset declining deliverability and to help alleviate its present curtailments resulting from critical shortages of new gas supplies.

After due notice in the FEDERAL REGISTER on September 16, 1972 (37 F.R. 18946), the Kansas Power & Light Co. (K.P. & L.), and Panhandle filed petitions to intervene on October 5 and October 6, 1972, respectively. On September 22, 1972, the State Corporation Commission of the State of Kansas filed its notice of intervention.

In its petition for leave to intervene Panhandle states that its storage facilities were fully depleted by the close of the 1971–72 heating season therefore requiring it to seek additional supplies. These additional gas supplies will aid Panhandle in correcting its stated overproduction situation involving its west end supplies, allowing it to replenish its underground storage with a concomitant decrease in the amount of projected curtailments on its system.

K.P. & L. in its petition for leave to intervene generally opposes Mesa's application and moves that the instant application be dismissed. Specifically, K.P. & L. states among other things that: (1) Under its "Gas Purchase Contract" with Applicant, it has a prior right to the excess gas and has not been given the opportunity to take such excess gas; (2) the instant application, if approved, would allow Applicant to diminish its ability to honor its contractual obligations with K.P. & L. in the future; (3) a decrease in the deliverability of Applicant's system would occur; (4) the sale would reduce Applicant's ability to meet K.P. & L.'s peak load demands, and (5) Order No. 431 and § 2.70 of the Commission's general policy and interpretations under the Natural Gas Act does not contemplate the type of transaction or application involved herein and therefore will not support it.

The State Corporation Commission of the State of Kansas states that it is generally interested in the instant proceeding since it involves the welfare of the citizens and residents of the State of Kansas.

On October 17, 1972, Applicant filed its answer to K.P. & L.'s petition and motion to dismiss. Panhandle filed a document identically styled on October 24. In answer to K.P. & L.'s contention that Order No. 431 does not provide the Commission with authority to grant Mesa's request and that such order is only applicable to pipelines, Mesa cites numerous cases wherein the Commission has issued limited term certificates to producers under Order No. 431. Responding to K.P. & L.'s claim that Mesa's application is defective because it does not contain specific allegations by Panhandle that it has complied with the conditions contained in Order No. 431, Mesa states that its application and Panhandle's petition to intervene shows Panhandle's need for additional gas. Also, the Commission can take administrative notice of Panhandle's curtailment policies as well as its reported curtailments.

Mesa claims that under its contract with K.P. & L., it has the right to sell excess gas if said excess gas is not purchased by K.P. & L. Mesa claims that it notified K.P. & L. on January 21, 1972, that it has excess gas in the amount of 38.6 billion cubic feet, and that K.P. & L. failed to purchase such gas.

Mesa states that the only issue raised by K. P. & L. relates to the interpretation of the Mesa-K.P. & L. contract, which Mesa claims is not a proper evidentiary issue to be determined by the Commission.

In answer to K.P. & L.'s contention that no jurisdictional pipeline has made a showing precedent to granting Mesa a limited term certificate pursuant to Order No. 431, Panhandle submitted a current systemwide curtailment projection furnished to its customers based on its approved curtailment program. Therein, Panhandle shows that it will experience a deficiency of 75,000 Mcf per day commencing November 1972 and increasing to 150,000 Mcf per day from December 1972 through March 1973.

In reply to K.P. & L.'s claim that Panhandle has a cumulative under produced allowable of 11.35 billion cubic feet in the Hugoton Field, which could supply Panhandle with the volumes necessary to meet its needs, Panhandle refers to the Commission's order issued in Docket No. CP72–257. Therein Panhandle was authorized to, inter alia, add 4,000 compressor horsepower to its Hugoton Field system in order to maintain deliverability and balance overproduction and underproduction. Panhandle states that utilization of the substantially completed facilities will reduce such underage by approximately 50 percent during the 1972–73 heating season and completely eliminate the underage shortly thereafter.

In light of the storage and supply situation extant on Panhandle's system as evidenced by the projection filed herein as well as by the record in Docket No. RP71–119, we find that an emergency situation does exist. Nevertheless, a full evidentiary hearing is indicated in order to resolve the issues raised by K.P. & L. The temporary certificate issued herein is exclusively premised upon the immediate need to initiate the flow of excess gas to Panhandle and does not in any way prejudice the rights of the parties herein. All sales by Mesa to Panhandle made under the auspices of this temporary certificate are subject to recission upon the final disposition of the issues pendente lite herein should K.P. & L.'s allegation of prior right to these volumes be resolved favorably to K.P. & L.

The Commission finds:

(1) Based upon the allegations presented in the request for a Limited Term Certificate in this docket to initiate the sale of natural gas in interstate commerce pursuant to § 2.70 of the Commission's general policy and interpretations under the Natural Gas Act filed in this proceeding, the Commission finds that an emergency exists, and a temporary certificate should be issued as hereinafter ordered and conditioned.

(2) Participation in this proceeding by the above-named petitioners may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing to determine whether the public convenience and necessity require the grant of a limited term certificate.

The Commission orders:

(A) Upon the terms and conditions of this order, a temporary certificate of public convenience and necessity is issued in this docket authorizing Applicant to sell natural gas in interstate commerce to Panhandle at the rate of 39.0 cents per Mcf at 14.65 p.s.i.a. all as hereinbefore described and as more fully set out in the application herein.

(B) The temporary certificate issued above is conditioned as follows:

(1) Said temporary certificate shall take immediate effect and remain in effect pending final resolution of the issues raised herein.

(2) Panhandle Eastern Pipe Line Co., shall purchase natural gas pursuant to the temporary certificate issued above subject to return to the status quo prior to the initiation of the sale temporarily authorized herein should the record developed herein establish K.P. & L.'s prior right thereto.

(3) The issuance of this temporary certificate and the acceptance of the above rate schedule are without prejudice to such final disposition of the application for certificate as the record may require.

(C) The Commission specifically waives its accounting and reporting requirements by Applicants with respect to the subject sale; however, Applicants shall report to the Commission the volume of gas sold within 30 days after deliveries terminate.

(D) Applicants shall abandon the subject sale upon the termination of the temporary certificate issued herein or as may be otherwise ordered.

(E) During the term of the sale authorized herein Panhandle shall make no new direct interruptible sales from its system.

(F) The contract dated August 12, 1972, is accepted for filing effective the date of this order and is designated as Mesa Petroleum Co. FPC Gas Rate Schedule No. 1.

(G) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing on January 16, 1973, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 to determine whether the public convenience and necessity require the issuance of the proposed limited term certificate.

(H) On or before January 4, 1973, the Applicant and all interveners will serve on all parties, including the Commission staff, testimony and exhibits in support of the instant application and/or their respective position to the issues raised herein.

(I) Panhandle and K.P. & L. are hereby permitted to become interveners in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of said interveners shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene: *And provided, further*, That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(J) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-35 Filed 1-2-73;8:45 am]

[Docket No. CI73-412]

BRUCE A. WILBANKS ET AL.

Notice of Application

DECEMBER 26, 1972.

Take notice that on December 7, 1972, Bruce A. Wilbanks (operator) et al. (applicants), Post Office Box 763, Midland, TX 79701, filed in Docket No. CI73–412 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek permission and approval for the abandonment of the sale of gas to Warren Petroleum Corp. (Warren) from oil wells at the Eunice-Monument Grayburg San Andres Pool, Lea County, N. Mex., being made pursuant to a percentage-of-proceeds type contract which has been terminated. Applicants state that the wells involved were reclassified from "oil wells" to "gas wells" by the New Mexico Oil Conservation Commission; that natural gas produced from these gas wells will be sold by applicants directly to El Paso Natural Gas Co. (El Paso) under an existing contract dated April 10, 1959, as amended, and pursuant to applicants' small producer certificate issued in Docket No. CS69–17; and that there will be no cessation of volumes of gas sold in interstate commerce, and no change in the ultimate purchaser.

Warren and El Paso have advised applicants that they will not oppose this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-42 Filed 1-2-73;8:45 am]

FEDERAL RESERVE SYSTEM

WALTER HELLER INTERNATIONAL CORP.

Formation of Bank Holding Company and Continuation of Certain Activities

Walter Heller International Corp., Chicago, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of American National Bank and Trust Co. of Chicago, Chicago, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Walter Heller International Corp. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to retain the assets and continue to engage in the activities of its domestic subsidiaries, Walter E. Heller & Co., Heller Interstate Corp., and B. B. Cohen & Co., each of whose principal office is located in Chicago, Ill., and their subsidiaries identified below, and thereby continue to engage in the activities of those companies which include: commercial financing, factoring, rediscounting, leasing of personal property, mortgage banking, certain credit related insurance agency activities, and data processing. Notice of the application was published on October 25, 1972, in newspapers of general circulation as follows:

1. The Wall Street Journal, Palo Alto, Calif.; New York, N.Y.; Dallas, Tex.; Chicago, Ill.
2. American Banker, New York, N.Y.
3. The Atlanta Journal, Atlanta, Ga.
4. Chicago Tribune, Chicago, Ill.
5. Los Angeles Times, Los Angeles, Calif.
6. The New York Times, New York, N.Y.

Applicant states that, in its judgment, the activities of its subsidiary companies are consistent with the activities specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Such activities as proposed to be continued would be conducted at the present offices of such companies and their subsidiaries, at the following locations:

With respect to commercial finance and leasing of personal property: the cities of Birmingham, Ala.; Phoenix, Ariz.; Beverly Hills, Los Angeles, and San Francisco, Calif.; Miami, Fla.; Atlanta, Ga.; Chicago, Ill.; New Orleans, La.; Baltimore, Md.; Boston, Mass.; Detroit, Mich.; Minneapolis, Minn.; St. Louis, Mo.; New York and Syracuse, N.Y.; Charlotte, N.C.; Portland, Oreg.; Philadelphia, Pa.; and Dallas and Houston, Tex.

With respect to factoring: the cities of Los Angeles, Calif.; Atlanta, Ga.; Chicago, Ill.; New York, N.Y.; Charlotte, N.C.; Oklahoma City, Okla.; Portland, Oreg.; and Dallas, Tex.

With respect to rediscounting: the cities of Los Angeles, Calif.; Miami, Fla.; and Chicago, Ill.

With respect to mortgage banking (and related insurance activities): the city of Chicago, Ill.

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With respect to consumer loans (and related insurance activities) : in the cities of Birmingham, Dothan, Fairfield, Florence, Gadsden, Mobile, Montgomery, Prichard, Selma, Talladega, and Tallassee, Ala.; Blountstown, Brownsville, Daytona Beach, Dunnellon, Havana, Homestead, Inverness, Jacksonville, Lakeland, Melbourne, Miami, Orlando, Pensacola, Perrine, Port St. Joe, Quincy, Ruskin, St. Augustine, and Tallahassee, Fla.; Albany, Athens, Atlanta, Augusta, Austell, Brunswick, Columbus, Dalton, Jackson, Rome, Savannah, Tennille, Thomaston, Valdosta, and Waycross, Ga.; Indianapolis, Indiana; Baton Rouge, Lafayette, Lake Charles, Monroe, and Shreveport, La.; Oklahoma City and Tulsa, Okla.; and Johnson City, Kingsport, Knoxville, Memphis, and Nashville, Tenn.

With respect to electronic data processing services; the city of Chicago, Ill.

These activities are presently conducted through the following subsidiaries of Walter E. Heller International Corp.:

Walter E. Heller & Co.
Heller Interstate Corp.
Walter E. Heller Factors, Inc.
Associate Factors, Inc.
Heller National Financial Corp.
Heller-Oak Cable Finance Corp.
Heller Leasing Corp.
Heller-SSI Corp.
National Acceptance Co. of America.
Texas Western Financial Corp.
NAC Financial Corp.
Merit Credit Corp., Inc.
Merit Loan Corp., Inc.
Merit Finance Corp.
Equicap Corp.
B. B. Cohen & Co.
Abacus Insurance Agency, Inc.
First National-Heller Factors, Inc.
GlobaLease, Inc.
Liberty-Heller Factors, Inc.
Forest Land Co., Inc.
First Acceptance Corp.
General Capital Corp.
Kona Corp.

Applicant also proposes to acquire, as a result of its acquisition of American National Bank and Trust Co. of Chicago and that bank's parent holding company:

American National Educational Corp. of California, a California corporation, and American National Educational Corp. of Delaware, a Delaware corporation, each of whose principal office is in Chicago, Ill., and thereby to engage in the business of making loans to students. Such activities will continue to be conducted at the present offices of said corporations located at 33 North LaSalle Street, Chicago, Cook County, Ill., and at the office of American National Educational Corp. of California at Union Bank Square, North Tower, 500 South Main Street, Orange, Calif., and at the Office of American National Educational Corp. of Delaware at 1100 17th Street NW., Washington, D.C.

Walter E. Heller International Corp. has also applied in a separate application, under section 4(c)(13) of the Bank Holding Company Act, to retain its commercial finance, leasing, factoring, and consumer loan activities conducted in Puerto Rico and in numerous foreign countries. None of these companies engages in activities within the United States.

In addition to the activities sought by applicant to be retained, upon approval of its applications by the Board, applicant intends to divest itself of any and all interest in manufacturing and other nonbanking subsidiaries of its wholly-owned subsidiary Walter E. Heller Industries, Inc. Applicant proposes also to divest its present interest in companies engaged in various aspects of real estate acquisition, development, syndication, and management.

Interested persons may express their comments and views on these applications including the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

These applications are available for inspection at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago and may be made available at other Federal Reserve banks pursuant to a request filed at the Board of Governors in Washington, D.C.

Any views, requests for hearing, or requests to review these applications at other Federal Reserve banks should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 16, 1973.

Board of Governors of the Federal Reserve System, December 20, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-26 Filed 1-2-73;8:45 am]

PRICE COMMISSION

[Order 6]

PASS THROUGH OF LEATHER COSTS

Clarification

Price Commission Order No. 6 (37 F.R. 12756, June 28, 1972) governs price increases based upon leather costs by manufacturers of products, the total allowable cost of which, on June 15, 1972, was comprised of more than 10 percent in leather costs. Such manufacturers were prohibited by the order from charging prices for those products above the price which could legally be charged under Part 300 (6 CFR Part 300) had the cost of leather not increased since January 1, 1971, or since the last price increase on the product before November 13, 1971, whichever was later, plus the dollar amount of the cost increase attributable to leather since that last price increase. Order No. 6 further required the manufacturer to reduce the price of the product by the dollar amount of any decrease in the cost of the product attributable to leather.

A question has arisen as to whether it was the intention of the Price Commission to thereby modify the prenotification or reporting requirements of § 300.51 or § 300.52, the profit margin limitation of § 300.12, the productivity rules of § 300.11a, or any other provision of Part 300 applicable to manufacturers. It was not the intent to so modify those requirements.

Therefore, in order to clarify Order No. 6 and to more clearly reflect the Commission's intent, Order No. 6 is hereby amended by adding the following sentence at the end thereof:

Manufacturers subject to this order remain subject to all provisions of 6 CFR Part 300 not in conflict with paragraphs (1) and (2) of this order.

Issued in Washington, D.C., on December 29, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.73-58 Filed 1-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

DECEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 26, 1972 through January 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-51 Filed 1-2-73;8:45 am]

[File 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

DECEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 27, 1972, through January 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-52 Filed 1-2-73;8:45 am]

[File 500-1]

FIRST WORLD CORP.

Order Suspending Trading

DECEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 26, 1972, through January 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-50 Filed 1-2-73;8:45 am]

[File No. 24W-3080]

OLD KENNETT LEASING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 19, 1972.

I. Old Kennett Leasing Co., Suite 1100, 300 Delaware Avenue, Wilmington, DE (Old Kennett) was organized as a limited partnership on January 28, 1972, under the laws of the State of Delaware and filed with the Commission on January 31, 1972, a notification on Form 1-A and an offering circular relating to an offering of 50 units of limited partnership interests at an offering price of $10,000 per unit for an aggregate offering price of $500,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

FDI Securities, Inc., whose principal place of business is Suite 1100, 300 Delaware Avenue, Wilmington, DE, is named as the underwriter.

II. The Commission, on the basis of information provided by the staff, has reason to believe that:

A. The notification and offering circular of Old Kennett Leasing Co., contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading particularly with respect to:

1. Sales of unregistered securities of affiliates of Old Kennett Leasing Co., in violation of sections 5 and 17 of the Securities Act of 1933;

2. The contingent liability resulting from the sale of unregistered securities in violation of section 5 of the Securities Act of 1933.

B. The terms and conditions of Regulation A have not been complied with in that:

1. No exemption is available under the regulation for the securities purported to be offered hereunder in that the offering, if made, would exceed the ceiling for the Regulation A exemption under Rule 254.

C. The offering, if made, would be in violation of section 17 of the Securities Act of 1933.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be and hereby is temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 30 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearings at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

It is ordered, Pursuant to Rule 10 of the Commission's rules of practice, that any hearing ordered in this matter should be consolidated with the hearing ordered in the matter of FDI Securities, Inc. et al. (Administrative Proceeding File No. 3-4077).

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-49 Filed 1-2-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

BRENTWOOD ASSOCIATES, INC.

Notice of Issuance of License To Operate as Small Business Investment Company

On November 16, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 24393) stating that an application had been filed with the Small Business Administration pursuant to section 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license to operate as a small business investment company by Brentwood Associates, Inc., 11661 San Vicente Boulevard, Los Angeles, CA 90049.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued license No. 09/09-0162 to Brentwood Associates, Inc., to operate as a small business investment company.

Dated: December 20, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-47 Filed 1-2-73;8:45 am]

TARIFF COMMISSION

[AA1921-105]

NORTHERN BLEACHED HARDWOOD KRAFT PULP FROM CANADA

Determination of Injury

DECEMBER 27, 1972.

On September 28, 1972, the Tariff Commission received advice from the Treasury Department that northern bleached hardwood kraft pulp from Canada is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-105 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

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Notice of the investigation and hearing was published in the FEDERAL REGISTER of October 6, 1972 (37 F.R. 21210). A public hearing was held on November 21, 1972. Appearances at the hearing were entered by representatives of importers. No appearances were entered for the domestic industry.

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined by a vote of 3 to 3 [1] that an industry in the United States is being injured by reason of the importation of northern bleached hardwood kraft pulp from Canada, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION BY CHAIRMAN BEDELL AND COMMISSIONERS LEONARD AND MOORE

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made.

First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established.[2] Second, such injury, or likelihood of injury, must be by "reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value (LTFV).

In our judgment, both of the aforementioned conditions are satisfied in the instant case. Accordingly, for the reasons set forth below, we have determined that an industry in the United States is being or is likely to be injured by reason of imports of Canadian bleached hardwood kraft pulp sold at LTFV.

Description of the product. Bleached hardwood kraft pulp, made from hardwood (deciduous) by the chemical sulphate (kraft) process, is a relatively short-fibered pulp used chiefly in the production of fine printing and writing papers in which cleanliness, brightness, softness, and good formation are more important requirements than strength; it is also used in the manufacture of absorbent tissue paper. Bleached hardwood kraft pulp is usually sold at a delivered price, with freight allowed. Although shipments to distances more than 1,000 miles are not unusual, most shipments tend to be confined to less than 1,000 miles.

Industry. The industry in the United States which we have determined to be injured or likely to be injured consists of approximately 30 firms operating some 56 establishments in which bleached hardwood kraft pulp is produced. Domestic production of the subject product involves two elements—captive production and production for the market. Most U.S. production is captive—that is, the majority of domestic production is further processed in the producer's mill into paper and paperboard. However, the portion sold on the open market is in direct competition with LTFV imports from Canada and represents an important source of revenue, especially during periods of soft demand. Although the industry is nationwide, the firms located in the northeast region, constituting a competitive market area, suffered irreparable financial hardship by reason of sales of LTFV imports from Canada.

Impact of LTFV sales on the U.S. industry. Sales of the subject product from Canada tend to be concentrated in the Northeast and North Central parts of the United States. Almost all of the imports sold at LTFV were consumed in those regions.

The effect of the LTFV imports was felt most severely by those pulp producers located in the Northeast whose output consists, to a large extent, of market pulp. There the price discrimination practiced by one Canadian LTFV supplier was so great that its exfactory price was often less than $100 per short ton, far below what is considered "normal" in the trade. Such unfair pricing by that particular supplier forced prices down to an unprofitable level of $110 per short ton, causing the loss of a substantial volume of sales to certain Northeastern producers. Confronted with such unfair competition, those domestic producers had little choice but to reduce sharply their prices to avoid the loss of the domestic market. In spite of efforts to meet such competition, domestic producers suffered financial adversity which stemmed directly from depressed prices and lost sales caused by LTFV imports from Canada. This injury to Northeastern producers constitutes an injury to an industry in the United States within the meaning of the Antidumping Act.[3]

Likelihood of injury. The evidence in this case indicates clearly that domestic producers are not only being injured by the Canadian LTFV imports but also are likely to be injured in the future.

According to data made available to the Commission, the inventory of one Canadian producer supplying the Northeast market is growing and is currently equivalent to approximately 2 or 3 months' demand in that market. That particular mill has often in the past sold at a discount, determined by the Treasury to be at LTFV, in the Northeast market. Although that firm's primary market is allegedly Europe, it is our judgment that the size of these inventories in conjunction with the convenience of selling to the United States market could well prove conducive to continued injurious LTFV sales especially during periods of slack world demand. Consequently, we believe that there is a real likelihood of injury to an industry in the United States by reason of the LTFV imports.

Conclusion. Based upon the aforementioned evidence of injury to U.S. producers in the Northeast region and evidence of the probability of future injury, we conclude that an industry in the United States is being injured or is likely to be injured by reason of the importation of bleached hardwood kraft pulp from Canada which is being, or is likely to be, sold at less than fair value.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF VICE CHAIRMAN PARKER AND COMMISSIONER YOUNG [1]

In our opinion an industry in the United States is not being injured nor is likely to be injured, nor is prevented from being established, by reason of imports of northern bleached hardwood kraft pulp from Canada found by the Secretary of the Treasury to be, or likely to be, sold at less than fair value (LTFV).

Description of product. Bleached hardwood kraft pulp is made entirely from hardwood (deciduous) species by the chemical sulphate (or kraft) process. The quality of the pulp may vary considerably according to the types of pulpwood used, the degree of brightness (whiteness) obtained, and other physical characteristics. Bleached hardwood kraft pulp is relatively short fibered and is normally low in strength; it is used in papers where cleanliness, brightness, softness, and good formation are the important factors rather than strength.

Northern bleached hardwood kraft pulp from Canada is of the same kind as is produced in the northern region of the United States. Both are usually made from the same species of wood, namely, beech, maple, and poplar. Bleached hardwood kraft pulp produced in the southern region of the United States is derived mostly from gum or oak species of wood. The hardwood pulp from the southern region is readily interchangeable with northern bleached kraft pulp in making certain papers such as tissue paper but not for all papers. It can be utilized in many instances, however, for the same uses as the northern type by certain additional manufacturing operations.

Some of the pulp imported from Canada determined to have been sold at LTFV was an "offgrade" pulp which is inferior in quality and specification to "prime grade" pulp. It was characterized by such elements as excessive dirt or foreign matter, discoloration, lack of brightness, and weakness in strength, the quality shortcomings inherent in startup production of a new pulp mill. Such offgrade pulp is readily interchangeable with prime grade for some papers; in most instances, however, it has to be further processed before it can be used. Offgrade pulp is an accidental or undesired result of a manufacturing operation intended to produce prime pulp. It is generally sold at a lesser price than the prime product.

The industry. This investigation was aimed principally at the industry which consists of all those facilities in the United States manufacturing hardwood kraft pulp. There were some 30 companies in the United States producing bleached hardwood kraft pulp in 1971, operating in 56 individual establishments which varied in production from less than 100 tons to over 1,200 tons per day. These establishments were located in the following areas of the United States: Eleven in the Northeast, five in the North Central, five in the West, and 35 in the South.

Some pulp manufacturing facilities produce all their pulp primarily for their own papermaking while others usually sell some or all of their pulp on the open market. Of the 56 establishments in the United States, 33 ordinarily use most of the pulp they manufacture in their own papermaking operations. The remaining establishments, as a general practice, produce pulp for sale in the open market as well as for their own needs. When the demand for paper declines and integrated mills have less need for pulp in their own operations, they offer the excess production on the open market. If the integrated establishments require a larger quantity of pulp than they produce to satisfy their demand for paper, they purchase pulp from other pulp producers.

The evidence of record in this investigation shows that all geographical areas of production of bleached hardwood pulp in the United States not only sell such pulp within their particular area but to the other areas as well. Even though Canadian hardwood pulp is principally marketed into the northeast and north-central areas, there are indications that some is sold to the other two areas.

No injury from import penetration. Domestic consumption of pulp rose fairly steadily from 3.8 million tons in 1967 to 4.9 million tons in 1971. Consumption in the first 6 months of 1972 totaled 2.7 million tons compared to 2.5 million tons in the like period in 1971. On the other hand, imports of bleached hardwood kraft pulp during the period January 1967 to June 1972 were quite small relative to U.S. consumption, averaging about 5 percent or less annually except in 1969 when such imports amounted to slightly more than 6 percent of consumption. Canada was the major import source and during 1971 it was the only foreign supplier. The Canadian product has traditionally filled only a small part of the U.S. demand for pulp and during no one year has there been a dramatic rise in the Canadian share of the U.S. market. Although substantial sales are made in the U.S. market, the Canadian producers are geared to exporting to other countries, particularly in Europe.

Price comparisons. Sales to the U.S. market of northern bleached hardwood pulp from Canada were investigated by the Treasury Department for the period from May 1, 1971 to October 31, 1971. A substantial percentage of the investigated sales to the United States, were determined to be at fair value. Information developed by the Commission in this investigation indicates that in the vast majority of Canadian sales to the United States, the price of Canadian pulp exported to this country was equivalent to or higher than the price of comparable U.S.-produced pulp. This was true even in instances when the price of the exported Canadian pulp was lower than the price realized for pulp sold at home (i.e., sold at less than fair value). In the very few instances in which the price of Canadian pulp was lower than that of U.S. pulp of comparable quality, the difference was minor and short-lived.

The one Canadian firm which sold at LTFV prices and in a few isolated instances undersold domestic firms in 1971, was a firm which had begun production in the latter part of 1970. This Canadian firm in 1971 was still trying to perfect the quality of its product and was in fact selling an offgrade product in the isolated instances when it undersold domestic producers. It is customary in the trade in the United States to offer offgrade pulp at a lesser price than the prime grade. Two-thirds of the sales of the particular Canadian producer to the United States during the period of Treasury's investigation was offgrade pulp. The new Canadian mill underwent the typical difficulties of a new mill in standardizing quality and in obtaining acceptance of its product on the market.

No injury due to loss of sales. The only allegation of loss of sales and injury on the part of all the domestic producers by reason of LTFV sales of bleached hardwood pulp from Canada was made by the complainant producer in this case. This producer was the principal competitor of the Canadian firm whose sales at LTFV undersold it in a few isolated instances. Assuming that this single U.S. firm did not make some relatively small sales which it might have made had there been no competition at LTFV prices, this would not in our opinion constitute injury to the U.S. industry within the meaning of the antidumping statute. Such assumed minor loss of business by one U.S. firm in the northeast area, if indeed it could be attributed to LTFV sales, would not in our opinion constitute injury even if such area were to be considered a separate geographical market area.

The year of 1971 was a depressed year for the pulp industry, not only in the United States but worldwide. In that year the exports of bleached hardwood pulp from the United States dropped by about 283,000 tons from the previous year. Worldwide, as well as in the United States and Canada the pulp industry was in a period of recession. The southern producing area of the United States was particularly hard hit by the loss of export sales to Europe. Domestic production fell from 5.2 million tons to 5 million tons in the year exports dropped off. In an attempt to alleviate the effects of the drop in the export market, the southern producers made efforts to increase sales in the other geographic areas. Prices which had been trending downward in 1970 continued to decline early in 1971 prior to any offers by Canadian producers to customers of the complainant. The general decline of domestic prices was caused by general market conditions and not by the Canadian sales at LTFV.

Financial experience. The extent of the alleged loss, by reason of LTFV imports, to the complainant in 1971 is not substantiated by its profit-and-loss statements. The complainant compared favorably with the rest of the industry—which was suffering from an economic recession. For each of 3 years, 1969–71, the complainant's ratio of net profit to total net sales on its pulp operations approached or substantially exceeded the average of that reported to the Commission by the other firms. (In fact its profit in 1971 was higher than that enjoyed by more than half of the reporting firms.) The complainant is the only firm which has attributed its profit decline to Canadian dumping of pulp.

Market outlook for bleached hardwood pulp. The down-turn in the worldwide demand for pulp has been reversed, consumption has increased during 1972, and the European market is requiring additional quantities of pulp. Prices have increased on the domestic market and the 1971 recession has been reversed. The future demand for bleached hardwood pulp both in the United States and in the European market appears to be very good. There is no indication that the Canadian producers in view of changed economic conditions are likely to resort to cutthroat sales in the United States market in the future. The one Canadian producer which had entered the U.S. market in 1971 is believed to be primarily oriented to the European market.

Conclusion. In view of the above it is our determination that an industry in the United States is not being injured nor is likely to be injured, nor is prevented from being established, by reason of imports of northern bleached hardwood kraft pulp from Canada.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-103 Filed 1-2-73;8:45 am]

[1] Chairman Bedell and Commissioners Leonard and Moore determined in the affirmative; Vice Chairman Parker and Commissioners Young and Ablondi determined in the negative. Pursuant to section 201(a) of the Antidumping Act, 1921, as amended, the Commission is deemed to have made an affirmative determination when the Commissioners voting are equally divided.

[2] Prevention of establishment of an industry is not an issue in this investigation.

[1] See, e.g., the determinations of the Commission in: Steel Bars, Reinforcing Bars, and Shapes from Australia, AA1921-62 (1970); Carbon Steel Bars and Shapes from Canada, AA1921-39 (1964); Steel Reinforcing Bars from Canada, AA1921-33 (1964).

[1] Commissioner Ablondi concurs in the result.

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[AA1921-106/108]

PERCHLORETHYLENE FROM ITALY, JAPAN, AND FRANCE

Determination of No Injury or Likelihood Thereof

DECEMBER 27, 1972.

The Treasury Department advised the Tariff Commission on September 27, 1972, and October 12, 1972, that perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, from Italy, Japan, and France is being, or is likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted joint investigations Nos. AA1921-106/108 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigations and of a hearing to be held in connection therewith was published in the FEDERAL REGISTER of October 25, 1972 (37 F.R. 22828). A public hearing was held on November 2, 1972.

In arriving at its determinations, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the joint investigations, the Commission [1] has determined that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, from Italy, Japan, and France, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS [1]

The Antidumping Act, 1921, imposes two conditions which must be satisfied before an affirmative determination can be made. First, there must be injury or likelihood of injury to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury (or likelihood of injury or prevention of establishment) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value (LTFV).

In our judgment neither of the aforementioned conditions is satisfied in the instant case. Accordingly, we have made a negative determinaiton. In arriving at our determinations we gave consideration to the sale of LTFV imports from the three countries—Italy, Japan and France—individually or collectively, depending upon the interpretation given the statute by individual Commissioners.

The industry. In the case, the domestic industry most likely to have been injured by LTFV imports (if any were) consists of those facilities in the United States devoted to the production of perchloroethylene. Within the past year, perchloroethylene has been manufactured by nine companies, the four largest of which accounted for about three-fourths of production.

Domestic oversupply and price depression. Any price depression that has afflicted the domestic perchloroethylene market in recent years has not been in response to imports but rather a reaction to an oversupply in the U.S. market caused principally by domestic overproduction. Perchloroethylene is a large volume, low-cost chemical used principally as a dry-cleaning solvent. Its price depends largely upon the cost and availability of raw materials. It is made primarily from chlorine, which is produced concurrently with caustic soda. When the demand for caustic soda is brisk, as it has been in recent years, large amounts of caustic soda are produced. This necessitates an increase in th production of chlorine, even though the demand for chlorine may not have kept pace with that for caustic soda. This causes an excess of chlorine which is effectively utilized by conversion to perchloroethylene. The end result is a supply of perchloroethylene which at times exceeds demand and causes prices to decrease. Such a situation has been generally prevalent in the United States in the past several years.

Lost sales. The Commission investigated several allegations of injury in the form of sales lost by U.S. producers to LTFV imports, but no evidence was found that would substantiate these allegations. Some sales, claimed to have been lost, were lost to other domestic producers, not to imports. In the prime example, involving a large New York distributor, a domestic producer alleged that sales were lost to imports from France when in fact they were lost to another domestic producer.

Exits from the U.S. industry. We believe the recent exits from the U.S. industry by two domestic producers to have been the direct result of outmoded technology rather than competition from LTFV imports. Both of the facilities that discontinued operations used carbide acetylene, a raw material which was too expensive to allow effective competition with perchloroethylene made from the cheaper raw materials used by most domestic and foreign producers. It is worth noting that one of the two producers that discontinued production will again produce perchloroethylene beginning in late 1973 at a new plant in Texas. This plant will use modern technology based on a low cost raw material.

Expansion of domestic industry. Despite claims of injury by Diamond Shamrock and Detrex, the U.S. perchloroethylene industry is expanding. Current annual capacity of roughly 1 billion pounds is expected to increase to 1.3 billion pounds by the end of 1973. Production increased at an average annual rate of about 7.2 percent during the period 1967-71, and production for the first 9 months of 1972 was nearly 7 percent ahead of production for the same period of 1971. Further, industrywide profits on perchloroethylene operations increased in both 1970 and 1971.

U.S. exports. U.S. exports have exceeded imports every year since 1968. In 1971, U.S. exports were almost triple imports and were more than half again as large as the combined exports of perchlorethylene from Italy, Japan, and France. We view these facts as an indication of the competitive strength of the U.S. perchlorethylene industry in recent years.

Conclusion. In light of increasing profitability, expanding production in the U.S. industry, and the absence of any significant evidence showing that sales at less than fair value of perchlorethylene imported from Italy, Japan, and France have had an adverse impact on sales and prices in the U.S. market, we have made a negative determination.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-104 Filed 1-2-73;8:45 am]

[1] Commissioner Young did not participate in the decision.

[1] Commissioner Ablondi concurs in the result.

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order 38-72]

BENEFITS REVIEW BOARD

Notice of Establishment

1. *Purpose.* To provide for the operation of the Benefits Review Board within the Department of Labor.

2. *Establishment of the Board.* By Public Law 92-576, 86 Stat. 1251, in an amendment made to section 21 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 921), there is established effective November 26, 1972, a Benefits Review Board which shall be composed of three members appointed by the Secretary of Labor from among individuals who are especially qualified to serve on such Board. Such Board is authorized to hear and determine appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims for compensation or benefits under such Act and its extensions, including pneumoconiosis disability and death claims under the provisions of title IV of the Federal Coal Mine Health and Safety Act of 1969 as amended which are administered by the Secretary of Labor. Provision is made for judicial review of final orders of the Benefits Review Board in the U.S. courts of appeals.

3. *Organizational placement.* As prescribed by the statute, the functions of the Benefits Review Board are quasi-judicial in nature and involve review of decisions made in the course of the administration of the above statutes by the Employment Standards Administration in the Department of Labor. I therefore find it appropriate for organizational purposes to place the Board in the Office of the Under Secretary and it is hereby established in that Office, which shall be responsible for providing necessary funds, personnel, supplies, equipment, and records services for the Board.

4. *Rules and regulations.* The Under Secretary may promulgate such rules and regulations as may be necessary or appropriate for effective operation of the Benefits Review Board as an independent quasi-judicial body in accordance with the provisions of the statute. Procedural rules for performance by the Board of its review functions and for ensuring an adequate record for any judicial review of its orders shall be promulgated by the Benefits Review Board wih the approval of the Under Secretary. Such rules shall incorporate and implement the procedural requirements of section 21(b) of the Longshoremen's and Harbor Workers' Compensation Act, as amended by section 15 of Public Law 92-576.

5. *Statutes to which Board's jurisdiction extends.* The Board is authorized, as provided in 33 U.S.C. 921(b), as amended, to hear and determine appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims for compensation or benefits arising under:

(1) The Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq.;

(2) The Defense Base Act, 42 U.S.C. 1651 et seq.;

(3) The District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.;

(4) The Outer Continental Shelf Lands Act, 43 U.S.C. 1331;

(5) The Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 8171 et seq.;

(6) Title IV, section 415 and Part C, of the Federal Coal Mine Health and Safety Act, 83 Stat. 742, as amended by the Black Lung Benefits Act of 1972, 86 Stat. 150.

6. *Time for appeal to the Board.* Notice of appeal must be filed within 30 days of the date the decision or order being appealed from is filed in the office of a deputy commissioner (33 U.S.C. 921(a)). Such notice of appeal shall be in writing and contain the names of the parties, docket or case number, and the date of the decision or order appealed from.

7. *Voting.* For the purpose of carrying out its functions, two members of the Board shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

8. *Representation before the Board.* On any issues requiring representation of the Secretary, the Director, Office of Workmen's Compensation Programs, a deputy commissioner, or an administrative law judge before the Board, such representation shall be provided by attorney's designated by the Solicitor. Representation of all other persons before the Board shall be as provided for by statute or by the rules of practice and procedure promulgated under paragraph 4 of this order.

9. *Representation of Board in court proceedings.* Except in proceedings in the Supreme Court of the United States, any representation of the Benefits Review Board in court proceedings shall be by attorneys provided by the Solicitor of Labor.

10. *Location of Board's proceedings.* The Board shall hold its proceedings in Washington, D.C., unless for good cause the Board orders that proceedings in a particular matter be held in another location.

11. *Effective date.* This order is effective on November 26, 1972.

Signed at Washington, D.C., this 21st day of December 1972.

J. D. HODGSON, *Secretary of Labor.*

[FR Doc.73-30 Filed 1-2-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 145]

ASSIGNMENT OF HEARINGS

DECEMBER 26, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB-6 Sub 3, Burlington Northern Inc., abandonment between Grant City and Albany Junction, Worth, and Gentry Counties, Mo., now assigned January 15, 1973, at Grant City, Mo., will be held at the city hall, 101 West Third Street.

MC-F-11563, Ross Truck lines, Inc.—Purchase (portion)—Robert Foltz, now assigned January 18, 1973, MC-F-11315, Best-Way Frozen Express, Inc.—Purchase—Refrigerated Foods Line, Inc., MC-F-11576, Robco Transportation, Inc.—Purchase—Best-Way Frozen Express, Inc., and Meat Packers Express, Inc., and MC 136786, Robco Transportation, Inc., now assigned January 22, 1973, at Kansas City, Mo., will be held in Room 609, Old Federal Building, 911 Walnut Street.

MC 66686 Sub 30, Belger Cartage Service, Inc., now assigned January 16, 1973, at Kansas City, Mo., will be held in Room 609, Old Federal Building, 911 Walnut Street.

MC 66886 Sub 32, Belger Cartage Service, Inc., now assigned January 19, 1973, at Kansas City, Mo., will be held in Room 148A, New Federal Building, 601 East 12th Street.

MC 61231 Sub 69, Ace Lines, Inc., now assigned January 22, 1973, at Kansas City, Mo., will be held in Room 114, New Federal Building, 601 East 12th Street.

MC 113459 Sub 71, H. J. Jeffries Truck Line, Inc., now assigned January 18, 1973, MC 66886 Sub 31, Belger Cartage Service, Inc., now assigned January 23, 1973, MC 119657 Sub 16, George Transit Line, Inc., now assigned January 24, 1973, and MC 136052 Sub 2, Security Carriers, Inc., contract carrier application, now assigned January 26, 1973, at Kansas City, Mo., will be held in Room 303, Old Federal Building, 911 Walnut Street.

MC 114211 Sub 170, Warren Transport, Inc., MC 117557 Sub 16, Matson, Inc., now assigned January 22, 1973, and MC 114457 Sub 120, Dart Transit Co., extension, Northlake, Ill., now assigned January 24, 1973, at Chicago, Ill., will be held in Room 1992, on January 22, 1973, and in Room 1630, on January 24, 1973, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-F-11589, Jim Tiona, Jr.—Purchase (portion)—Monkem Co., Inc., now assigned January 29, 1973, MC 42011 Sub 10, D. Q. Wise & Co., Inc., now assigned February 5, 1973, MC 35628 Sub 334, Interstate Motor Freight System, now assigned February 7, 1973, at Kansas City, Mo., will be held in Room 666, New Federal Building, 601 East 12th Street.

MC 1263 Sub 16, McCarty Truck Line, Inc., now assigned January 29, 1973, at Kansas City, Mo., will be held in Room 609, Old Federal Building, 911 Walnut Street.

MC136358, John S. Badger, common carrier application, and MC 136362, Bob R. Thrush, common carrier application, now assigned January 9, 1973, at Denver, Colo., is canceled and the applications are dismissed.

MC-F-11666, McLean Trucking Co.—Control—Topeka Motor Freight, Inc. (Bruce E. Yeakel, trustee in bankruptcy), now assigned January 31, 1973, at Kansas City, Mo., is canceled and transferred to modified Procedure.

MC 136917, Red Arrow Corp., now assigned February 26, 1973, at Jefferson City, Mo., is canceled and application is dismissed.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.73-21 Filed 1-2-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 26, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG AND SHORT HAUL

FSA No. 42594—*Resin or Plastic Plasticizers to New Jersey.* Filed by Southwestern Freight Bureau, agent (No.

V38-1 JAN 3 73 XUM

B-373), for and on behalf of the Central Railroad Co. of New Jersey and other rail carriers named in the application. Rates on resin or plastic plasticizers, in tank carloads, as described in the application, from Bayport, Tex., to Bayway, Bayonne, Carteret, and Elizabethport, N.J.

Grounds for relief: Water competition.

Tariff—Supplement 248 to Southwestern Freight Bureau, agent, tariff ICC 4834. Rates are published to become effective January 21, 1973.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-22 Filed 1-2-73;8:45 am]

[Notice 189]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74072. By order of November 30, 1972, the Motor Carrier Board approved the transfer to Amos G. Goslin, doing business as Kickapoo Trucking, Horton, Kans., of the operating rights in Certificates Nos. MC-10495 and MC-10495 (Sub-No. 2) issued August 14, 1962 and October 17, 1966, respectively to Ward King, doing business as King Truck Line, Powhattan, Kans., authorizing the transportation of various commodities from, to and between specified points and areas in Kansas and Missouri.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-23 Filed 1-2-73;8:45 am]

[Notice 146]

ASSIGNMENT OF HEARINGS

DECEMBER 27, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 129964 Sub 2, Glenn Peterson, doing business as Peterson Transit, now assigned January 16, 1973, at Madison, Wis., will be held in room 416, Hillfarms State Office Building, 4802 Sheboygan Avenue.

MC 136428, Evanston Bus Co., now assigned hearing January 22, 1973, at Chicago, Ill., will be held in room 905A, Federal Building, 536 South Clark Street.

No. 35720, American Petrofina Co. of Texas, et al. v. Williams Brothers Pipe Line Co., et al., hearing continued to January 8, 1973, at Washington, D.C., in the offices of the Interstate Commerce Commission.

MC-119777 Sub 208, Ligon Specialized Hauler, Inc., now assigned January 15, 1973, at Tampa, Fla., will be held at the Causeway Inn Beach Resort, 7627 West Columbus Drive, instead of in room 412, Federal Building, 500 Zack Street.

MC-136555 Sub 2, Gay Trucking Co., Inc., now assigned January 10, 1973, at Atlanta, Ga., is postponed indefinitely.

MC-42894, Frank M. Herbert, Inc., now assigned January 15, 1973, at New York, N.Y., will be held in court room 2, U.S. Customs Courthouse, 1 Federal Plaza.

MC-128218 Sub 6, Jersey Area Food Transport, Inc., now assigned January 17, 1973, at New York, N.Y., will be held in court room 2, U.S. Customs Courthouse, 1 Federal Plaza.

MC 116165 Sub 5, Murray; Hill Limousine Service Ltd., continued to January 15, 1973, will be held in room B-2231, 26 Federal Plaza, New York, N.Y.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-96 Filed 1-2-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption 30]

BESSEMER AND LAKE ERIE RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that there has been a substantial increase in the movement of grain originating at stations on the railroads listed in list (b) herein; that boxcar supplies available to these railroads are inadequate to meet all of the needs of the shippers served by them; that there are substantial imbalances in the distribution of plain boxcars among the various railroads; and that these imbalances are interfering with the timely movements of grain originating at stations on the railroads listed in list (b) herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC RER No. 385, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and regardless of door width, owned by the railroads named in list (a) herein:

List (a):

Bessemer and Lake Erie Railroad Co.
Boston and Maine Corp., Robert W. Meserve and Charles W. Bartlett, trustees.
Central of Georgia Railroad Co.
Louisville and Nashville Railroad Co.
Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees.
Seaboard Coast Line Railroad Co.
Southern Pacific Transportation Co.
Southern Railway Co.

are exempt from the provisions of Car Service Rules 1 and 2 when used for the loading of grain originating at stations on any of the railroads named in list (b) herein:

List (b):

The Atchison, Topeka and Santa Fe Railway Co.
Burlington Northern Inc.
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.
Chicago & Eastern Illinois Railroad Co.
Chicago and North Western Railway Co.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Chicago, Rock Island and Pacific Railroad Co.
Illinois Central Gulf Railroad Co.
Missouri-Kansas-Texas Railroad Co.
Missouri Pacific Railroad Co.
Norfolk and Western Railway Co.
(Lines Connersville, Indiana, and Montpelier, Ohio, and west, including stations on line between Connersville and Montpelier via New Castle, Muncie, Bluffton, Kingsland, Fort Wayne, and Butler, Ind.)
St. Louis-San Francisco Railway Co.
Soo Line Railroad Co.
Union Pacific Railroad Co.

Effective December 21, 1972.

Expires January 10, 1973.

Issued at Washington, D.C., December 20, 1972.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-97 Filed 1-2-73; 8:45 am]

[Rev. S.O. 994; I.C.C. Order 78, Amdt. 3]

LONG ISLAND RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 78 (the Long Island Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 78 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 5, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 22, 1972, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 22, 1972.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-98 Filed 1-2-73;8:45 am]

[Notice 174]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 26, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 66 TA), filed November 30, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between the ports of entry and boundary line of the United States and Canada, in Idaho, Montana, and Washington, on the one hand, and, on the other, points in Wyoming, Colorado, North Dakota, South Dakota, Wisconsin, Minnesota, Utah, Idaho, Texas, Oklahoma, Kansas, Missouri, Indiana, Michigan, Ohio, and Nebraska, for 180 days. Supporting shippers: Blue Mountain Forest Products, Post Office Box 1303, Missolua, MT 59801; Slaughter Brothers, Inc., Dallas, Tex., Northwest Office, Post Office Box 624, Kalispell, MT 59901. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 112617 (Sub-No. 303 TA), filed December 13, 1972. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, 1292 Fern Valley Road (40219), Louisville, KY 40221. Applicant's representative: Bruce H. Kraemer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed supplement*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Arkansas, Illinois, Indiana, Missouri, Ohio, Virginia, West Virginia, and Tennessee, for 180 days. Supporting shipper: A. O. Mowrer, general traffic manager, National Molasses Co., Willow Grove, Pa. 19090. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114552 (Sub-No. 70 TA), filed December 13, 1972. Applicant: SENN TRUCKING COMPANY, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street, NW., Washington, DC 20006. Authority sought to operate as as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except commodities in bulk and commodities requiring special equipment because of size and weight), *plywood and composition board*, between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Tennessee, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Jim Walter Corp., 1500 North Dale Mabry, Post Office Box 22601, Tampa, FL 33622. Send protests to: E. E. Strotheld, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 129660 (Sub-No. 3 TA), filed December 15, 1972. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., Route 2, Box 243, Gautier, MS 39553. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Harrison County, Miss., to points in Mississippi, Alabama, Florida, Georgia, Tennessee, Arkansas, Louisiana, and Texas, for 180 days. Supporting shipper: The Blanchard Lumber Co., Gulfport, Miss. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 138225 (Sub-No. 1 TA), filed December 15, 1972. Applicant: HEDRICK ASSOCIATES, INC., 9 Galloping Hill Road, Basking Ridge, NJ 07920. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pools, swimming pool parts, materials, accessories, supplies, and equipment* (except in bulk), from Garfield and East Paterson, N.J., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Heldor Associates, Inc., 596 River Road, Clifton, NJ 07015. Send protests to: District Supervisor Thomas W. Hopp, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138258 TA, filed December 15, 1972. Applicant: JAMES D. WILCOX, 201 Depot Street, Boone, NC 28607. Applicant's representative: Douglas W. Greene, 102 East King Street, Boone, NC 28607. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Electrical parts and components* having prior or subsequent movement by air, from Lansing, N.C., to Blountville, Tenn., via Boone, N.C., for 180 days. Supporting shippers: TRW/IRC Fixed Resistors, Post Office Box 393, Boone, NC 28607; Sprague Electric Co., Lansing, N.C. 28643. Send protests to: Frank H. Wait, Jr., Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, NC 28202.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-99 Filed 1-2-73;8:45 am]

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED AND DISABLED

Notice of Premium Rate

Pursuant to authority contained in section 1839(c)(3) of the Social Security Act (42 U.S.C. 1395r(c)(3)) (Title XVIII—Health Insurance for the Aged and Disabled), as amended by Public Law 92-603, I hereby determine and announce that the dollar amount which shall be applicable for premiums for purposes of section 1839 (c)(3) of the Act, as amended, shall be $6.30 for months in the 12-month period beginning July 1973 and ending June 1974.

Dated: December 29, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.73-214 Filed 1-2-73;9:52 am]

V38-1 JAN 3 73 XUM

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED AND DISABLED

Notice of Adequate Actuarial Rates

On the basis of the accompanying statement of actuarial assumptions and bases pursuant to section 1839(c) (1) and (4) of the Social Security Act (42 U.S.C. 1395r(C) (1) and (4)) (Title XVIII—Health Insurance for the Aged and Disabled) as amended by Public Law 92-603 I hereby determine that the adequate actuarial rates which shall be applicable for the 12-month period commencing July 1, 1973 are $6.30 for enrollees age 65 and over and $14.50 for disabled enrollees under age 65.

Dated: December 29, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

STATEMENT OF ACTUARIAL ASSUMPTIONS AND BASES EMPLOYED IN DETERMINING THE ADEQUATE ACTUARIAL RATES AND THE STANDARD PREMIUM RATE FOR THE SUPPLEMENTARY MEDICAL INSURANCE PROGRAM BEGINNING JULY 1973

This is a statement of actuarial assumptions and bases employed in determining the adequate actuarial rates and the standard monthly premium rate for the supplementary medical insurance program for the period July 1973 through June 1974. The adequate actuarial rate for enrollees age 65 and over is $6.30. The adequate actuarial rate for disabled enrollees is $14.50. The standard premium rate for both types of enrollees is $6.30.

I. ADEQUATE ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OLDER

The determination of an adequate actuarial rate for the aged has been made on the basis of the actual operating experience under the program, projected through the year beginning July 1973. Virtually complete operating experience figures through July 30, 1972, are now available as to the cash income and disbursements under the program, and some data is available for the early months of fiscal 1973. The adequate actuarial rate, however, must be sufficient to cover benefits and related administrative costs for all services performed during the period from July 1973 through June 1974 (fiscal 1974). Experience on such a basis (hereafter called an "incurred" basis) is available for most components of the program through calendar 1971; that for the other components must be estimated.

Analysis of Supplementary Medical Insurance Trust Fund

The balance of the SMI Trust Fund at the end of each of the last 3 fiscal years, the liability outstanding for benefits and related administrative costs for services performed prior to the end of that fiscal year but not yet paid for at the end of that fiscal year ("liability for incurred but unpaid services"), and the monthly premium rate in effect for each of these fiscal years are as follows:

Period ending June 30	Monthly premium rate	Fund at end of period	Liability for incurred but unpaid services
		(In millions)	*(In millions)*
1970	$4.00	$57	$753
1971	5.30	240	796
1972	5.60	481	844

Due to past deficiencies in the premium rate, the fund on June 30, 1972, was about 57 percent of the liability outstanding. The liabilities outstanding on June 30, 1972, for incurred but unpaid services, are estimated to have been $844 million, while the balance in the trust fund on the same date amounted to $481 million.

It is expected that the trust fund balance will increase during fiscal year 1973. By the end of June 1973 the trust fund balance is estimated to be about $570 million, about 66 percent of the liability for incurred but unpaid services then outstanding.

Analysis of Past Experience

Estimates of the basic premium necessary to finance both benefit payments and administrative expenses are shown below, on both a cash and an incurred basis. Cash figures must be adjusted for the estimated increase in liability for incurred but unpaid services. Monthly premium rates on both cash and incurred bases are compared below for the three most recent fiscal years with the premium rate actually charged.

Fiscal year ending June 30	Premium rate charged	Premium rate required for benefits and administrative expenses	
		Cash basis	Incurred basis
1970	$4.00	$4.47	$4.56
1971	5.30	4.82	4.92
1972	5.60	5.28	5.40

Basic Estimates for Future Experience on an Incurred Basis

In estimating the cost of the program for July 1973 through June 1974, it is first necessary to project incurred results for fiscal year 1973, and then to continue the projection for 1 more year. The assumptions used for the purpose of these projections are shown below:

AVERAGE INCREASE ASSUMED OVER PREVIOUS YEAR

Calendar year	Physicians' services		Institutional services	
	Fees [1]	Number and mix [2]	Unit costs	Number and mix [2]
	Percent	*Percent*	*Percent*	*Percent*
1972	2.5	2.5	12.0	10.0
1973	2.5	3.0	11.5	10.0
1974	2.5	3.5	11.0	10.0

[1] As charged by physicians.
[2] Increase in the number of services received per capita and greater relative use of more expensive services.

The Price Commission has promulgated a guideline for physicians' services, which on the average limits the increase in the price a physician receives for any service to 2½ percent per year. The Price Commission has also determined that the reasonable charge for any procedure for any physician will also be increased by no more than 2½ percent per year.

Administrative expenses incurred for the aged and disabled in fiscal 1974 will be 13 percent of incurred benefits paid under both programs, based on the amounts in the fiscal 1974 budget, adjusted to an incurred basis.

On the basis of the foregoing assumptions it is now estimated that the adequate actuarial rate necessary so that income would cover both benefit payments and administrative expenses for aged enrollees on an incurred basis is $5.77 for fiscal year 1973, and $6.32 for fiscal 1974. Both amounts recognize a change in the deductible from $50 to $60 beginning January 1, 1973, and the fiscal year 1974 rate recognized the addition of chiropractors' services, speech pathologists' services, and the elimination of the home health agency copayment.

Calculation of Actuarially Adequate Rate

The $6.32 rate for fiscal year 1974 is decreased by $0.07 to allow for interest earnings on the trust fund, and increased by $0.05 to provide a margin for contingencies. If all assumptions as to fiscal year 1974 were to be exactly met, the margin for contingencies would be sufficient to reduce the unfunded liability for incurred but unpaid services by approximately $25 million.

II. ADEQUATE ACTUARIAL RATE FOR THE DISABLED

An adequate actuarial rate for disabled enrollees must take into account: (i) Enrollees eligible because they have been entitled to disability insurance for not less than 24 months, and (ii) enrollees meeting the chronic kidney disease provision.

Experience with respect to (i) was estimated from the 1967 survey of the disabled as the basic data source. Estimates of the experience with respect to (ii) was based on several sources, including a report of a Committee on Chronic Kidney Disease (1967).

It should be noted that no adequate statistics were available for either portion of the estimate. Further, the actual cost of the care provided to patients suffering from chronic kidney disease will be determined largely by the regulations promulgated by the Secretary to implement the law. The adequate actuarial rate assumes that the program will pay only for services at the level of the most cost-effective care now provided to patients suffering from chronic kidney disease. Eventually program experience will become available, and the errors of estimation will be reduced.

The resulting adequate actuarial rate, recognizing the relative number of enrollees in each of the two groups, the $60 deductible and 20 percent coinsurance, the provision of the law that the rate is computed on an incurred basis, and with a 5 percent margin for contingencies, is $14.50.

III. STANDARD MONTHLY PREMIUM RATE FOR ALL ENROLLEES

The law provides that the standard monthly premium rate, promulgated in December to apply for both aged and disabled enrollees under the supplementary medical insurance program, shall be the adequate actuarial rate for enrollees age 65 and older; but not greater than the standard monthly premium rate for the fiscal year in which the promulgation is made, increased by the percent that the old-age, survivors, and disability insurance benefit level increased between June first of the year in which the promulgation is made and June first of the succeeding year (according to the law in effect at the time of promulgation).

The standard monthly premium rate promulgated in December 1971 for fiscal year 1973 was $5.80. The OASDI benefit table was increased by 20 percent in September 1972. Since 120 percent of $5.80 ($6.96) exceeds the adequate actuarial rate ($6.30), the limitation does not apply and the standard monthly premium rate is $6.30.

[FR Doc.73-215 Filed 1-2-73;9:52 am]

FEDERAL REGISTER PAGES AND DATES—JANUARY

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federal register

WEDNESDAY, JANUARY 3, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 1

PART II

Section 1

(Section 2 begins on page 489)

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

14 CFR Parts 71, 73, 75 Compilation of Regulations

No. 1—Pt. II—Sec. 1——1

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WA-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Compilation of Regulations

The purpose of this compilation is to combine all amendments and pending amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations which have been published by the Administrator of the Federal Aviation Administration in the FEDERAL REGISTER prior to December 7, 1972. Pending amendments are listed below the appropriate sections and include the effective dates and FEDERAL REGISTER citations.

Minor editorial corrections have been included to clarify existing airspace descriptions; however, no substantive changes or revision of airspace designations have been effected thereby. Therefore, compliance with the notice and public procedure requirements of 5 U.S.C. 553 is unnecessary and for that reason this docket may be made effective immediately.

In consideration thereof, this action is effective 0901 G.m.t., December 7, 1972.

(Secs. 307 and 313, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 7, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1 Filed 1-2-73;8:45 am]

PART 73

SPECIAL USE AIRSPACE

SUBPART A -- GENERAL

Sec.
73.1 Applicability.
73.3 Special use airspace.
73.5 Bearings; radials; miles.

SUBPART B -- RESTRICTED AREAS

73.11 Applicability.
73.13 Restrictions.
73.15 Using agency.
73.17 Controlling agency.
73.19 Reports by using agency.
73.21 Alabama.
73.22 Alaska.
73.23 Arizona.
73.24 Arkansas.
73.25 California.
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73.27 Connecticut.
73.28 Delaware.
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73.30 Georgia.
73.31 Hawaii.
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73.34 Indiana.
73.35 Iowa.
73.36 Kansas.
73.37 Kentucky.
73.38 Louisiana.
73.39 Maine.
73.40 Maryland.
73.41 Massachusetts.
73.42 Michigan.
73.43 Minnesota.
73.44 Mississippi.
73.45 Missouri.
73.46 Montana.
73.47 Nebraska.
73.48 Nevada.
73.49 New Hampshire.
73.50 New Jersey.
73.51 New Mexico.
73.52 New York.
73.53 North Carolina.
73.54 North Dakota.
73.55 Ohio.
73.56 Oklahoma.
73.57 Oregon.
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TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION ADMINISTRATION

SUBCHAPTER E - AIRSPACE

PART 71

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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SUBPART A - GENERAL

§ 71.1 Applicability.

(a) The airspace assignments described in Subparts B and C are designated as Federal airways.

(b) The airspace assignments described in Subparts B through I are designated as control areas, the continental control area, control zones, transition areas, positive control areas, and reporting points, as described in the appropriate subpart.

(c) The airspace assignments described in Subpart K of this part are designated as terminal control areas.

(d) The airspace assignments described in Subpart J are designated as area low routes.

§ 71.3 Classification of Federal Airways.

Federal airways are classified as follows:

(a) Colored Federal airways:

(1) Green Federal airways.

(2) Amber Federal airways.

(3) Red Federal airways.

(4) Blue Federal airways.

(b) VOR Federal airways.

§ 71.5 Extent of Federal airways.

(a) Each Federal airway is based on a centerline that extends from one navigational aid or intersection to another navigational aid (or through several navigational aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an airway changes direction, it includes that airspace enclosed by extending the boundary lines of the airway segments until they meet.

(2) Where the changeover point for an airway segment is more than 51 miles from either of the navigational aids defining that segment, and -

(i) The changeover point is midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at each navigational aid and extending until they intersect opposite the changeover point; or

(ii) The changeover point is not midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at the navigational aid more distant from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point; and between lines connecting these points of intersection and the navigational aid nearer to the changeover point.

(3) Where an airway terminates at a point or intersection more than 51 miles from the closest associated navigational aid it includes the additional airspace within lines diverging at angles of 4.5° from the centerline extending from the associated navigational aid to a line perpendicular to the centerline at the termination point.

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigational aid or intersection having a diameter equal to the airway width at that point. However, an airway does not extend beyond the domestic/oceanic control area boundary.

(c) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Hawaii have no upper limits. Variations of the lower limits of an airway are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the segment of an airway between adjoining navigational aids or intersections; and

(2) The airspace of a Federal airway within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

(d) One or more alternate airways may be designated between specified navigational aids or intersections along each VOR Federal airway described in Subpart C. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the corresponding segment of the main VOR Federal airway are separated by 15°.

(e) A Federal airway does not include the airspace of a prohibited area.

§ 71.6 Extent of area low routes.

(a) Each area low route is based on a centerline that extends from one waypoint to another waypoint (or through several waypoints) specified for that area low route. An area low route does not include the airspace of a prohibited area. All mileages specified in connection with area low routes are nautical miles.

(b) Unless otherwise specified in Subpart J, the following apply:

(1) Except as provided in subparagraph (2) of this paragraph, each area low route includes, and is limited to, that airspace within parallel boundary lines 4 or more miles on each side of the route centerline as described in the middle column of the following table, plus that additional airspace outside of those parallel lines and within lines drawn outward from those parallel lines at angles of 3.25°, beginning at the distance from the tangent point specified in the right-hand column of the following table:

Miles from reference facility to tangent point	Miles from centerline to parallel lines	Miles from tangent point along parallel lines to vortices of 3.25° angles
Less than 17	4	51.
17 to, but not including 27	4	50.
27 to, but not including 33	4	49.
33 to, but not including 38	4	48.
38 to, but not including 43	4	47.
43 to, but not including 47	4	46.
47 to, but not including 51	4	45.
51 to, but not including 55	4	44.
55 to, but not including 58	4	43.
58 to, but not including 61	4	42.
61 to, but not including 63	4	41.
63 to, but not including 66	4	40.
66 to, but not including 68	4	39.
68 to, but not including 70	4	38.
70 to, but not including 72	4	37.
72 to, but not including 74	4	36.
74 to, but not including 76	4	35.
76 to, but not including 78	4	34.
78 to, but not including 79	4	33.
79 to, but not including 81	4	32.
81 to, but not including 83	4	31.
83 to, but not including 84	4	30.
84 to, but not including 86	4	29.
86 to, but not including 87	4	28.
87 to, but not including 88	4	27.
88 to, but not including 89	4	26.
89 to, but not including 91	4	25.
91 to, but not including 92	4	24.
92 to, but not including 93	4	23.
93 to, but not including 94	4	22.
94 to, but not including 95	4	21.
95 to, but not including 96	4	19.
96 to, but not including 97	4	18.
97 to, but not including 98	4	17.
98 to, but not including 99	4	15.
99 to, but not including 100	4	13.
100 to, but not including 101	4	11.
101 to, but not including 102	4	8.
102 to, but not including 105	4	0 (i.e., at tangent point).
105 to, but not including 115	4.25	0 (i.e., at tangent point).
115 to, but not including 125	4.50	0 (i.e., at tangent point).
125 to, but not including 135	4.75	0 (i.e., at tangent point).
135 to, but not including 145	5.00	0 (i.e., at tangent point).
145 to, but not including 150	5.25	0 (i.e., at tangent point).

(2) Each area low route, whose centerline is at least 2 miles, and not more than 3 miles from the reference facility, includes, in addition to the airspace specified in subparagraph (1) of this paragraph, that airspace on the reference facility side of the centerline that is within lines connecting the point that is 4.9 miles from the tangent point on a perpendicular line from the centerline through the reference facility, thence to the edges of the boundary lines described in subparagraph (1) of this paragraph, intersecting those boundary lines at angles of 5.15°.

(3) Where an area low route changes direction, it includes that airspace enclosed by extending the boundary lines of the route segments until they meet.

(4) Where the widths of adjoining route segments are unequal, the following apply:

(i) If the tangent point of the narrower segment is on the route centerline, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point of the narrower route segment, until intersecting the boundary of the narrower segment.

(ii) If the tangent point of the narrower segment is on the route centerline extended, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point until reaching the point where the narrower segment terminates or changes direction, or until intersecting the boundary of the narrower segment.

(5) Where an area low route terminates, it includes that airspace within a circle whose center is the terminating waypoint, and whose diameter is equal to the route segment width at that waypoint, except that an area low route does not extend beyond the domestic/oceanic control area boundary.

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(6) Each area low route includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that area low routes for Hawaii have no upper limits. Variations of the lower limits of an area low route are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the route segment between adjoining waypoints used in the description of the route.

(7) The airspace of an area low route within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

§ 71.7 Control areas.
Control areas consist of the airspace designated in Subparts B, C, E, and J, but do not include the continental control area. Unless otherwise designated, control areas include the airspace between a segment of a main VOR Federal Airway and its associated alternate segments with the vertical extent of the area corresponding to the vertical extent of the related segment of the main airway.

§ 71.9 Continental Control Area
The Continental Control Area consists of the airspace of the 48 contiguous States, the District of Columbia and Alaska, excluding the Alaska peninsula west of longitude 160°00'00" W., at and above 14,500 feet M.S.L., but does not include -
(a) The airspace less than 1,500 feet above the surface of the earth; or
(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart D of this part.

§71.11 Control Zones
The control zones listed in Subpart F of this part consist of controlled airspace which extends upward from the surface of the earth and terminates at the base of the continental control area. Control zones that do not underlie the continental control area have no upper limit. A control zone may include one or more airports and is normally a circular area with a radius of 5 miles and any extensions necessary to include instrument approach and departure paths.

§71.12 Terminal Control Areas
The terminal control areas listed in Subpart K of this part consist of controlled airspace extending upward from the surface or higher to specified altitudes, within which all aircraft are subject to operating rules and pilot and equipment requirements specified in Part 91 of this chapter. Each such location is designated as a Group I or Group II Terminal Control Area, and includes at least one primary airport around which the terminal control area is located.

§ 71.13 Transition Areas.
The transition areas listed in Subpart G consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise specified, transition areas terminate at the base of the overlying controlled airspace.

§ 71.15 Positive Control Areas.
The positive control areas listed in Subpart H consist of controlled airspace within which there is positive control of aircraft.

§ 71.17 Reporting Points.
(a) The reporting points listed in Subpart I consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with §91.125.
(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographic location is designated as a reporting point for less than all airways passing through that point, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographical location.
(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.19 Bearings: Radials: Miles.
(a) All bearings and radials in this Part are true, and are applied from point of origin.
(b) Except as otherwise specified and except that mileages for Federal airways are stated as nautical miles, all mileages in this Part are stated as statute miles.

SUBPART B - COLORED FEDERAL AIRWAYS

§ 71.101 Designation.

The airspace assignments described in this subpart are designated as Colored Federal Airways.

§71.103 Green Federal Airways.

G-7 From Nome, Alaska, RR, Norton Bay, Alaska, RBN; 46 miles, 57 miles, 55 MSL, Galena, Alaska, RBN; INT Galena RBN 089° bearing and west course Fairbanks, Alaska, RR; Fairbanks RR.

G-8 From Shemya, Alaska, RBN, 20 AGL Adak, Alaska, RBN; 20 AGL Nikolski, Alaska, RBN; 20 AGL Driftwood Bay, Alaska, RBN; 20 AGL INT Cold Bay, Alaska, RR, 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Cold Bay, RR.; 20 AGL King Salmon, AK., RR; Big Mountain, AK., RBN; Homer, AK., RR; Kenai, AK., RR; INT northeast course Kenai and a bearing of 266° from Anchorage, Alaska, RR; Anchorage RR; INT northeast course Anchorage RR and southeast course Skwentna, Alaska, RR; Gulkana, Alaska, RR; INT northeast course Gulkana RR and southwest course Northway, Alaska, RR; Northway RR.

AMENDMENTS 7/20/72 37 F. R. 10562 (Changed)

G-9 From Bethel, Alaska, RBN (BET) 35 miles, 125 miles, 55 MSL, Sparrevohn, Alaska, RBN; 24 miles, 29 miles, 53 MSL, 14 miles, 10,500 MSL, 42 miles, 12,500 MSL, Anchorage, Alaska, RR.

G-11 From Shemya, Alaska, RBN, 20 AGL, Amchitka, Alaska, RBN; 20 AGL Adak, Alaska, RBN; 20 AGL Nikolski, Alaska, RBN; 20 AGL Driftwood Bay, Alaska, RBN; 20 AGL INT Cold Bay, Alaska, RR, 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Cold Bay, RR; 20 AGL INT Cold Bay, RBN, 041° and Port Moller, Alaska, RBN, 313° bearings; 20 AGL Port Heiden, Alaska, RBN; 174 miles, 85 MSL, 20 AGL Kodiak, Alaska, RR.

AMENDMENTS 10/12/72 37 F. R. 18031 (Changed)

AMBER FEDERAL AIRWAYS

§71.105 Amber Federal Airways.

A-1 From Sandspit, British Columbia, Canada, RR; Sitka, Alaska, RBN; 31 miles, 50 miles, 48 MSL, 112 miles, 20 MSL,
Yakutat, Alaska, RR; INT northwest course Yakutat RR and southeast course Hinchinbrook, Alaska, RR; Hinchinbrook, RR; INT west course Hinchinbrook RR and southeast course Anchorage, Alaska, RR: Anchorage, RR; INT northwest course Anchorage and southeast course Skwentna,
Alaska, RR; Skwentna RR; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RR; McGrath, Alaska, RR; 24 miles, 53 miles, 55 MSL, 46 miles, 40 MSL, Unalakleet, Alaska, RR; 52 miles, 51 miles, 25 MSL, Nome, Alaska, RR. The airspace within Canada is excluded.

AMENDMENTS 11/9/72 37 F. R. 20233 (Changed)

A-2 From Burwash, Yukon Territory, Canada, RR, 88 miles; 40 miles, Northway, Alaska, RR; Big Delta, Alaska, RR; INT northwest course Big Delta RR; Fairbanks, Alaska, RR; Bettles, Alaska,
RBN; 69 miles, 166 miles 95 MSL, Browerville, Alaska, RBN. The airspace within Canada is excluded.

AMENDMENTS 11/9/72 37 F. R. 19355 (Changed)

A-3 From the Bettles, Alaska, RBN, 59 miles, 76 miles 95 MSL, Deadhorse, Alaska, RBN.

A-10 From the Pennfield Ridge, New Brunswick, Canada, RBN to the Forest City, New Brunswick, Canada, RBN, excluding the portion within Canada.

A-15 From Ethelda, British Columbia, Canada, RBN 112 miles; 26 miles, Annette Island, Alaska, RR; 42 miles, 52 MSL Petersburg, Alaska, RR; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; Burwash, Yukon Territory, Canada, RR; Northway, Alaska, RR; Big Delta, Alaska, Fairbanks, Alaska, RR; Chandalar Lake, Alaska, RBN; 30 miles, 60 miles 95 MSL, Sagwon,
Alaska, RBN; Deadhorse, Alaska, RBN; Oliktok, Alaska, RBN. The airspace within Canada is excluded. (Joins Canadian high level airway No. 502).

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RED FEDERAL AIRWAYS

§71.107 **Red Federal Airways.**

R-27 From Summit, Alaska, RR; Nenana, Alaska, RR; Fairbanks, Alaska, RR.

R-39 From Bethel, Alaska, RBN (BET) Aniak, Alaska, RBN; 25 miles, 89 miles, 55 MSL, McGrath, Alaska, RR; 28 miles, 64 miles, 45 MSL, Minchumina, AK., RBN; Nenana, AK., RR; Fairbanks, AK, RR.

AMENDMENTS 6/22/72 37 F. R. 8439 (Changed)

R-40 From Kodiak, Alaska, RR; 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Homer, Alaska, RR; INT east course Kenai, Alaska, RR and southwest course Anchorage, Alaska, RR; Anchorage, RR.

R-50 From Galena, Alaska, RBN, Bear Creek, Alaska, RBN; Fairbanks, Alaska, RR.

R-75 From Vancouver, British Columbia, Canada, RR via White Rock, British Columbia, Canada, RBN; Abbotsford, British Columbia, Canada, RR; Cultus Lake, British Columbia, Canada, RBN; to Princeton, British Columbia, Canada, RR, excluding the portion within Canada.

R-82 From Skwentna, Alaska, RR, INT southeast course Skwentna RR and northeast course Anchorage, Alaska, RR.

R-99 From Big Mountain, Alaska, RBN Iliamna, Alaska, RBN; INT Iliamna RBN 145° and Big Mountain RBN 080° bearings.

R-103 From Kenai, Alaska, RR; INT southeast course Kenai RR and southwest course Anchorage, RR; 49 miles, 58 miles, 85 MSL, Middleton Island, Alaska, RBN.

BLUE FEDERAL AIRWAYS

§71.109 **Blue Federal Airways.**

B-12 From McGrath, Alaska, RR, 24 miles, 54 miles, 55 MSL, Galena, Alaska, RBN; 68 miles, 88 miles, 55 MSL, Kotzebue, Alaska, RBN.

B-19 From Fish Hook, Fla., RBN, INT Fish Hook RBN 037° and Perrine, Fla., RBN 232° bearings; Perrine RBN.

B-25 From INT southwest course Hinchinbrook, Alaska. RR and Middleton Island, Alaska, RBN 296° bearing; Hinchinbrook RR; 11 miles, 21 miles 55 MSL, 28 miles, 90 MSL, INT northeast course Hinchinbrook RR and south course Gulkana, Alaska, RR; Gulkana, RR; Big Delta, Alaska, RR.

B-26 From Anchorage, Alaska, RR, Talkeetna, Alaska, RBN; Summit, Alaska, RR; INT north course Summit RR and southwest course Fairbanks, Alaska, RR; Fairbanks RR; Fort Yukon, Alaska, RBN; 86 miles, 75, 115 MSL, Barter Island, Alaska, RBN.

B-27 From Kodiak, Alaska, RR, 45 miles, 68 miles, 95 MSL, King Salmon, Alaska; RR; 53 miles, 84 miles, 70 MSL, Bethel, Alaska (BET) RBN; 46 miles, 173 miles, 30 MSL, Nome, Alaska, RR; 35 miles, 89 miles, 55 MSL, Kotzebue, Alaska, RBN.

B-38 From Prince Rupert, British Columbia, Canada RBN, Annette Island, Alaska, RR; 42 miles, 52 MSL, Petersburg, Alaska, RR; Sisters Island, Alaska, RBN; Haines, Alaska, RBN; Whitehorse, Yukon Territory, Canada, RR. The airspace within Canada is excluded.

B-40 From the Haines, Alaska RBN, Robinson, Yukon Territory, Canada, RBN, excluding the portion within Canada.

B-79 From Sandspit, British Columbia, Canada, RR; Annette Island, Alaska, RR; 42 miles, 99 miles 55 MSL, Sitka, Alaska, RBN; Sisters Island, Alaska, RBN; Cape Spencer, Alaska, RBN; INT Cape Spencer, RBN, 273° and Yakutat, Alaska, RR, Southeast course. The airspace in Canada is excluded.

AMENDMENTS 11/9/72 37 F. R. 20233 (Changed)

SUBPART C - VOR FEDERAL AIRWAYS

§ 71.121 **Designation**
The airspace assignments described in this subpart are designated as VOR Federal airways. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC navigational facilities identified by those names.

§71.123 **Domestic VOR Federal Airways.**

V-1 From Jacksonville, Fla., Charleston, S. C.; Myrtle Beach, S. C.; Wilmington, N. C.; Kinston, N. C., including a W alternate via INT Wilmington 352° and Kinston 214° radials; Cofield, N. C.; Norfolk, Va., including an east alternate segment from Kinston to Norfolk via the intersection of Kinston 050° and Norfolk 209° radials;
Cape Charles, Va.; INT Cape Charles 006° and Salisbury, Md., 206° radials; Salisbury; Waterloo, Del.; INT Waterloo 024° and Coyle, N. J., 216° radials; to coyle, excluding the airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston, S. C. The portion within R-5002 is excluded.

V-2 From Seattle, Wash., Ellensburg, Wash., including a south alternate via INT Seattle 123° and Ellensburg 274° radials; Moses Lake, Wash.; Spokane, Wash., including a north alternate from Seattle to Spokane via Wenatchee, Wash., and Ephrata, Wash.; Mullan Pass, Idaho, including a north alternate via INT Spokane 073° and Mullan Pass 291° radials, and also a south alternate, via INT Spokane 109° and Mullan Pass 260° radials; 5 miles, 53 miles, 91 MSL, Missoula, Mont.; 6 miles, 84 MSL, Drummond, Mont.; 11 miles, 84 MSL, Helena, Mont.; INT Helena 119° and Bozeman, Mont., 338° radials; Bozeman; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont., including an N alternate from Helena, 21 miles, 10 miles 105 MSL, 115 MSL INT Helena 089° and Billings 301° radials, 35 miles 100 MSL, to Billings, excluding the airspace between the main and this N alternate; 19 miles, 79 miles, 49 MSL, Miles City, Mont., including an N alternate from Billings, 19 miles, 49 MSL INT Billings 057° and Miles City 269° radials, 42 miles, 49 MSL, to Miles City; 24 miles, 90 miles, 55 MSL, Dickinson, N. Dak.; 10 miles, 60 miles, 38 MSL, Bismarck, N. Dak., including an N alternate from Dickinson, 10 miles 38 MSL INT Dickinson 078° and Bismarck 290° radials, 28 miles, 38 MSL, to Bismarck; 14 miles, 62 miles, 34 MSL Jamestown, N. Dak., including an N alternate from Bismarck 14 miles, 65 miles, 34 MSL, Jamestown; 7 miles, 43 miles, 28 MSL, Fargo, N. Dak., including an N alternate from Jamestown 7 miles, 46 miles, 28 MSL, Fargo; 25 miles, 50 miles, 30 MSL, Alexandria, Minn., including an N alternate from Fargo, 25 miles, 52 miles, 30 MSL, Alexandria; 5 miles, 70 miles, 25 MSL, Minneapolis, Minn.; Nodine, Minn., including a N alternate; Lone Rock, Wis., including a south alternate via INT Nodine 150° and Lone Rock 286° radials; Madison, Wis.; Milwaukee, Wis.;
Muskegon, Mich., including a S alternate via INT Milwaukee 102° and Muskegon 252° radials; Lansing, Mich., including a S alternate from Muskegon to Lansing via INT Muskegon 154° and Grand Rapids, Mich., 284° radials and Grand Rapids (7 miles wide, 3 miles north and 4 miles south of centerline Grand Rapids to Lansing; Salem, Mich., including a N alternate via INT Lansing 091° and Salem 308° radials; INT Salem 083° and Aylmer, Ont., Canada 260° radials; Aylmer; INT Aylmer 087° and Buffalo, N. Y., 259° radials; Buffalo; Rochester, N. Y., including a north alternate via INT of Buffalo 045° and Rochester 273° radials; Syracuse, N. Y., including a N alternate via INT Rochester 064° and Syracuse 283° radials; Utica, N. Y.; Albany, N. Y.; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; Boston, Mass. The airspace within Canada is excluded.

AMENDMENTS 12/7/72 37 F. R. 21804 (Changed)

V-3 From Key West, Fla., INT Key West 086° and Miami, Fla., 205° radials; INT Miami 205° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; Palm Beach, Fla., including an E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials; Vero Beach, Fla., including an E alternate, via INT Palm Beach 358° and Vero Beach 143° radials; Daytona Beach, FL.; INT Daytona Beach 334° and Jacksonville, FL., 159° radials; Jacksonville; Brunswick, GA.; Savannah, GA.;
Vance, S. C.; Florence, S. C.; Pinehurst, N. C.; Raleigh, N. C., including an E alternate from Florence to Raleigh via Fayetteville, N. C., excluding the airspace between the main and this alternate airway; INT Raleigh 016° and Flat Rock, Va., 214° radials; Flat Rock; Brooke, Va.; 6-mile wide, INT Brooke 014° and Westminster, Md., 195° radials; 6-mile wide, Westminster; INT Westminster 065° and Modena, Pa., 250° radials; Modena; Solberg, N. J.; Carmel, N. Y.; Hartford, Conn.; INT Hartford 044° and Boston, Mass., 251° radials; Boston; Kennebunk, Maine; Augusta, Maine; Bangor, Maine; INT Bangor 039° and Houlton, Maine, 203° radials; Houlton; Presque Isle, Maine. The portion outside the United States has no upper limit except that the portion of the E alternate between Jacksonville and Savannah extends up to but does not include 18,000 feet MSL. The airspace within R-2902A and R-2902B is excluded.

AMENDMENTS 7/20/72 37 F. R. 9621 (Changed)

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V-4 From Neah Bay, Wash., RBN, Port Angeles, Wash.; INT Port Angeles 090° and Seattle, Wash., 329° radials; Seattle; Yakima, Wash., including a south alternate from Seattle to Yakima via INT Seattle 163° and Olympia, Wash., 084° radials and INT Olympia 084° and Yakima 305° radials, excluding the airspace between the main and this alternate airway; Pendleton, Oreg.; Baker, Oreg; Boise, Idaho, including a south alternate; INT Boise 130° and Burley, Idaho, 292° radials; Burley, including a north alternate from Boise 25 miles, 25 miles 90 MSL, 95 MSL INT Pocatello, Idaho, 286° and Burley 123° radials, Burley, excluding the airspace between the main and this alternate airway; Malad City, Idaho; 35 miles, 58 miles, 115 MSL, Rock Springs, Wyo., including an S alternate from Malad City, 20 miles, 68 miles 115 MSL, via Fort Bridger, Wyo., to Rock Springs, excluding the airspace between the main and this S alternate; 20 miles, 39 miles, 95 MSL, Cherokee, Wyo.; Laramie, Wyo.; Denver, Colo., including a north alternate from Laramie to Denver via Gill, Colo.; INT Denver 103° and Thurman, Colo., 275° radials; Thurman, Colo.; 50 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.; INT Hill City 097° and Salina, Kans., 284° radials; Salina, including a S alternate via Hays, Kansas.; Topeka, Kans., including a S alternate via INT Salina 095° and Topeka 236° radials; Kansas City, Mo., including a N alternate and also a S alternate via INT Topeka 099° and Kansas City 231° radials; Hallsville, Mo.; St. Louis, Mo., including a N alternate; Troy, Ill.; Centralia, Ill.; Evansville, Ind., including a S alternate; Louisville, Ky., including a N alternate via INT Evansville 068° and Louisville 280° radials; Lexington, Ky., including a N alternate via INT Louisville 081° and Lexington 303° radials and also a S alternate via INT Louisville 114° and Lexington 251° radials; Newcombe, Ky.; Charleston, W. Va.; Elkins, W. Va., including a S alternate via INT Charleston 083° and Elkins 228° radials; Kessel, W. Va.; Front Royal, Va.; Herndon, Va. The airspace within R-6705 is excluded.

V-5 From Jacksonville, Fla.; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma; Dublin, Ga., Athens, Ga.; INT Athens 339° and Anderson, S. C., 274° radials; INT Anderson 274° and Chattanooga, Tenn., 127° radials; Chattanooga; Nashville, Tenn., including an east alternate via INT Chattanooga 332° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an east alternate from Nashville to New Hope via INT Nashville 034° and New Hope 202° radials; Louisville, Ky.; Cincinnati, Ohio; Appleton; Ohio; Mansfield, Ohio; Cleveland, Ohio; London, Ont., Canada. The airspace within Canada is excluded.

V-6 From Oakland, CA.; INT Oakland 039° and Sacramento, CA., 212° radials; Sacramento, including a south alternate via INT Oakland 077° and Sacramento 194° radials; Lake Tahoe, CA.; Reno, NV., including a N alternate from Sacramento to Reno via INT Sacramento 038° and Reno 257° radials; Lovelock, Nev., including a south alternate from Reno to Lovelock via Hazen, Nev.; Battle Mountain, Nev., including a north alternate; INT Battle Mountain 062° and Wells, Nev., 256° radials; Wells; 5 miles, 40 miles, 98 MSL, 85 MSL Lucin, Utah; 43 miles, 85 MSL, Ogden, Utah; 11 miles, 50 miles, 105 MSL, Fort Bridger, Wyo.; Rock Springs, Wyo.; 20 miles, 39 miles 95 MSL, Cherokee, Wyo.; 39 miles, 27 miles 95 MSL, Medicine Bow, Wyo.; INT Medicine Bow 106° and Sidney, Nebr., 291° radials; Sidney; 13 miles, 26 miles, 57 MSL, North Platte, Nebr.; Grand Island, Nebr.; Omaha, Nebr.; Des Moines, Iowa, including a S alternate; Iowa City, Iowa, including a S alternate via INT Des Moines 112° and Iowa City 252° radials; Cordova, Ill.; Naperville, Ill.; South Bend, Ind.; INT South Bend 092° and Waterville, Ohio, 288° radials; Waterville, including a S alternate via INT Waterville 108° and Cleveland, Ohio, 258° radials; Cleveland; Youngstown, Ohio, including a north alternate via INT Cleveland 081° and Youngstown 285° radials; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; Allentown, Pa., excluding the portion within R-4803 and R-4813

AMENDMENTS 3/30/72 37 F. R. 1464 (Changed)

V-7 From Miami, Fla.; via INT of Miami 279° and Fort Myers, Fla., 121° radials; Fort Myers, including an east alternate from Miami via INT of Miami 316° and Fort Myers 096° radials to Fort Myers; Lakeland, Fla.; Cross City, Fla.; Greenville, Fla.; Dothan, Ala., including a W alternate from Cross City to Dothan via INT Cross City 287° and Marianna, Fla., 141° radials and Marianna; INT Dothan 333° and Montgomery, Ala., 129° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles on E, 3 miles on W and within 4.5° of the centerline) Birmingham; Muscle Shoals, Ala., including an E alternate via INT of Birmingham 358° and Muscle Shoals 122° radials and also a W alternate via INT Birmingham 298° and Muscle Shoals 178° radials; Graham, TN.; Nashville, TN.; Central City, Ky.; including an east alternate; Evansville, Ind.; INT Evansville 015° and Lewis, Ind., 198° radials; Lewis; Terre Haute, Ind., including a W alternate from Evansville to Terre Haute via INT Evansville 360° and Terre Haute 215° radials; Lafayette, Ind.; Chicago Heights, Ill.; INT Chicago Heights 358° and Green Bay, WI., 166° radials, including an east alternate via INT Chicago Heights 013° and Milwaukee, WI., 137° radials to the INT Milwaukee 137° and Chicago-O'Hare 019° radials; Green Bay, WI.; Menominee, MI.; Escanaba, MI. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 4/27/72 37 F. R. 3745 (Changed)
AMENDMENTS 8/17/72 37 F. R. 12220 (Changed)
AMENDMENTS 10/12/72 37 F. R. 16536 (Changed)

V-8 From INT Seal Beach, Calif., 266° and Los Angeles, Calif., 236° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) Hector, Calif.; Goffs, Calif.; INT Goffs 033° and Morman Mesa, Nev., 196° radials; Morman Mesa, including a N alternate from Seal Beach to Morman Mesa via Pomona, Calif., Daggett, Calif., and Las Vegas, Nev.; Bryce Canyon, Utah, Hanksville, Utah, including a south alternate; Grand Junction, Colo., including a south alternate via INT of Hanksville 087° and Grand Junction 232° radials and also a north alternate from Bryce Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 259° radials; 33 miles, 130 MSL Kremmling, Colo., including a south alternate from Grand Junction 33 miles, 21 miles, 127 MSL, 120 MSL INT Grand Junction 074° and Kremmling 228° radials, 28 miles, 120 MSL, 130 MSL to Kremmling; 9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, Denver, Colo.; Akron, Colo.; including a south alternate via Denver 103° and Akron 242° radials; Hayes Center, Nebr., including a north alternate via INT Akron 063° and Hayes Center 276° radials and also a south alternate via INT Akron 094° and Hayes Center 216° radials; Grand Island, Nebr., including a N alternate via INT Hayes Center 059 and Grand Island 273° radials, and also a S alternate; Omaha, Nebr.; Des Moines, Iowa; Iowa City, Iowa; Cordova, Ill.; INT Cordova 087° and Joliet, Ill., 316° radials; Joliet; Chicago Heights, Ill.; Goshen, Ind.; Findlay, Ohio; Briggs, Ohio; Bellaire, Ohio; INT Bellaire 107° and Grantsville, Md., 285° radials; Grantsville; Martinsburg, W. Va.; INT Herndon, Va., 048° and Washington, D. C., 324° radials; Washington, including a north alternate from Grantsville to INT Washington 324° and Herndon 048° radials via Hagerstown, Md. The portion outside the United States has no upper limit.

AMENDMENTS 10/12/72 37 F. R. 15201 (Changed)

V-9 From Leeville, La., via INT Leeville 333° and New Orleans, La., 181° radials; New Orleans; McComb, Miss., including an E alternate from New Orleans to McComb via Picayune, Miss.; Jackson, Miss., including an E alternate and also a W alternate via INT McComb 348° and Jackson 199° radials; Greenwood, Miss., including an E alternate and also a W alternate; Memphis, Tenn., including an E alternate and also a W alternate; Malden, Mo., including a W alternate; Farmington, Mo.; St. Louis, Mo., including a W alternate; Capital, Ill., including a W alternate; Pontiac, Ill.; Joliet, Ill.; Naperville, Ill.; INT Naperville 317° and Milwaukee, Wis., 198° radials; Milwaukee; Oshkosh, Wis.; Green Bay, Wis.; Iron Mountain, Mich., including an east alternate from Green Bay to Iron Mountain via Menominee, Mich.; Houghton, Mich.; including an E alternate via Marquette, Mich.

PENDING AMENDMENT

In V-9 "Naperville, Ill.; INT Naperville 317° and Milwaukee, Wis., 198° radials;" is deleted and "Naperville, Ill.; INT Naperville 317° and Milwaukee, Wis., 205° radials;" is substituted therefor.

AMENDMENTS 1/4/73 37 F. R. 23329 (Changed)

V-10 From Pueblo, Colo., 18 miles, 48 miles, 60 MSL, Lamar, Colo.; Garden City, Kans.; Dodge City, Kans.; Hutchinson, Kans., including a N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway; Emporia, Kans.; Kansas City, Mo., including a N alternate Emporia to Kansas City via Topeka, Kans.; Kirksville, Mo.; Burlington, Iowa; Bradford, Ill.; INT Bradford 056° and Naperville, Ill., 253° radials; Naperville, South Bend, Ind., including a N alternate via INT Naperville 075° and South Bend 290° radials; Litchfield, Mich.; Carleton, Mich.; INT Jefferson, Ohio, 279° and Youngstown, Ohio, 320° radials; Youngstown; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa. The airspace within Canada is excluded.

AMENDMENTS 11/9/72 37 F. R. 17824 (Changed)

V-11 From Brookley, AL.; Greene County, MS., including a west alternate from Brookley via Mobile, AL., to Greene County; 28 miles 95 MSL Laurel, MS., including an east alternate from the INT of Mobile 356° and Greene County 142° radials via the INT of Mobile 356° and Laurel 109° radials to Laurel; Jackson, MS. From Memphis, Tenn., Dyersburg, Tenn., including a W alternate via INT Memphis 001° and Dyersburg 235° radials, and an E alternate via the INT Memphis 045° and Dyersburg 182° radials; Cunningham, Ky., including an E alternate; Evansville, Ind., including an east alternate; Indianapolis, Ind., including an E alternate from Evansville to Indianapolis via INT Evansville 046° and Bloomington, Ind., 205° radials, Bloomington, INT of Bloomington 025° and Indianapolis 185° radials; Fort Wayne, including an E alternate via INT Indianapolis 060° and Shelbyville, Ind., 006° radials, and INT Shelbyville 006° and Fort Wayne 218° radials; Salem, Mich.; 6-miles wide to INT Salem 052° and Windsor, Ont., Canada 335° radials.

AMENDMENTS 10/12/72 37 F. R. 16790 (Changed)

V 38 - 1 JAN 73 XUM

V-12 From Gaviota, Calif., Santa Barbara, Calif.; INT Santa Barbara 109° and Fillmore, Calif., 268° radials; Fillmore; Palmdale, Calif.; 38 miles, 6 miles wide, Hector, Calif.; 12 miles, 38 miles, 85 MSL, 14 miles, 75 MSL, Needles, Calif.; 45 miles, 34 miles, 95 MSL, Prescott, Ariz.; Winslow, Ariz.; 30 mi. 85 MSL Zuni, N. Mex.; Albuquerque, N. Mex., including a south alternate via INT Zuni 104° and Albuquerque 253° radials; Otto, N. Mex.; Anton Chico, N. Mex., including a S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials; Tucumcari, N. Mex.; Amarillo, Tex., including a south alternate and also a north alternate via INT Tucumcari 071° and Amarillo 286° radials; Gage, Okla., including a north alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials, and also a south alternate via INT Amarillo 072° and Gage 215° radials; Anthony, Kans.; Wichita, Kans., including a N alternate from Gage to Wichita via INT Gage 025° and Wichita 250° radials and also a S alternate via Anthony 060° and Wichita 190° radials; Emporia, Kans., including a N alternate via INT Wichita 037° and Emporia 259° radials; INT Emporia 050° and Topeka, Kans., 099° radials; INT Topeka 099° and Blue Springs, Mo., 268° radials; Blue Springs; Columbia, Mo.; Maryland Heights, Mo., including a S alternate from INT Macon, Mo., 202° and Columbia 273° radials to INT Hallsville, Mo., 134° and Columbia 102° radials via Jefferson City, Mo.; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind.; Richmond, Ind.; Dayton, Ohio; Appleton, Ohio, including a N alternate from Dayton to Appleton via INT Dayton 068° and Rosewood, Ohio, 083° radials; Newcomerstown, Ohio; Allegheny, Pa.; Johnstown, Pa.; Harrisburg, Pa., including a S alternate from Johnstown to Harrisburg via St. Thomas, Pa.

V-13 From Houston, Tex., Humble, Tex.; Lufkin, Tex., including an east alternate from Houston to Lufkin via Daisetta, Tex., and a west alternate from Humble to Lufkin via INT Humble 002° and Lufkin 218° radials; Shreveport, La., including an E alternate; Texarkana, Ark., including a W alternate via INT Shreveport 275° and Texarkana 184° radials; Page, Okla.; Fort Smith, Ark.; INT Fort Smith 006° and Fayetteville, Ark., 190° radials; Fayetteville, including a W alternate from Page to Fayetteville via INT Page 006° and Fayetteville 205° radials; Neosho, Mo.; Butler, Mo.; Kansas City, Mo., including an E alternate via INT Butler 013° and Kansas City 157° radials; Lamoni, Iowa; Des Moines, Iowa, including a W alternate; Mason City, Iowa, including a W alternate from Des Moines to Mason City via Fort Dodge, Iowa, excluding the airspace between the main and this W alternate; Farmington, Minn.; Grantsburg, Wis., including a W alternate from Mason City to Grantsburg via INT Mason City 349° and Minneapolis, Minn., 188° radials and Minneapolis, excluding the airspace between the main and W alternate; Duluth, Minn., including an E alternate; 36 miles, 35 MSL Thunder Bay, Ontario, Canada. The airspace outside the United States is excluded.

V-14 From Roswell, N. Mex., via Lubbock, Tex.; Childress, Tex., including a S alternate via INT Lubbock 086° and Childress 239° radials; Hobart, Okla.; Oklahoma City, Okla., including a S alternate via INT Hobart 076° and Oklahoma City 202° radials; Tulsa, Okla., including a N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a S alternate via INT Oklahoma City 087° and Tulsa 228° radials; Neosho, Mo., including a N alternate and also a S alternate via INT Tulsa 087° and Neosho 223° radials; Springfield, Mo., including a S alternate via INT Neosho 074° and Springfield 210° radials; Vichy, Mo., including a N alternate; St. Louis, Mo., including a N alternate and also a S alternate via INT of Vichy 069° and St. Louis 219° radials; Vandalia, Ill., including a N alternate via INT of St. Louis 062° and Vandalia 273° radials; Terre Haute, Ind.; Indianapolis, Ind., including a S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; Muncie, Ind.; Findlay, Ohio; INT Findlay 095° and Cleveland, Ohio, 241° radials; Cleveland; Jefferson, Ohio, Erie, Pa., including a N alternate from Cleveland to Erie via INT Cleveland 049° and Jefferson 279° radials; Dunkirk, N. Y.; Buffalo, N. Y. including a N alternate from Erie to Buffalo via INT Erie 043° and Buffalo 259° radials; Geneseo, N. Y., Georgetown, N. Y.; INT Georgetown 093° and Albany, N. Y. 270° radials; Albany; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; INT Gardner 128° and Boston, Mass., 251° radials; Boston. The airspace within R-5207 and Canada is excluded.

V-15 From Scholes, Tex., via Houston, Tex.; Navasota, Tex., including an east alternate from Houston to Navasota via Humble, Tex.; College Station, Tex., including a west alternate from Houston to College Station via INT Houston 290° and College Station 151° radials; Waco, Tex., including a W alternate via INT College Station 307° and Waco 173° radials; Scurry, Tex.; Blue Ridge, Tex., including an east alternate via INT Scurry 023° and Blue Ridge 153° radials; Ardmore, Okla.; Okmulgee, Okla., including an E alternate and also a W alternate via INT Ardmore 006° and Okmulgee 245° radials; INT Okmulgee 048° and Neosho, Mo., 223° radials; Neosho. From Kansas City, Mo., St. Joseph, Mo.; INT St. Joseph 343° and Neola, Iowa, 157° radials; Neola; INT Neola 322° and Sioux City, Iowa, 159° radials; Sioux City; INT Sioux City 340° and Sioux Falls, S. Dak., 169° radials; Sioux Falls, including an E alternate; Huron, S. Dak., including a west alternate from Sioux Falls to Huron via Mitchell, S. Dak.; Aberdeen, S. Dak., including a W alternate; 18 miles, 89 miles, 42 MSL, Bismarck, N. Dak.; Minot, N. Dak.

V-16 From Los Angeles, Calif., Ontario, Calif.; Palm Springs, Calif.; Blythe, Calif.; 21 miles, 60 miles, 55 MSL, Buckeye, Ariz.; Phoenix, Ariz.; INT Phoenix 161° and Casa Grande, Ariz., 105° radials; Tucson, Ariz., including a south alternate from INT Phoenix 161° and Casa Grande 105° radials, to Tucson via INT Phoenix 161° and Tucson 298° radials; Cochise, Ariz., including a S alternate via INT Tucson 122° and Cochise 257° radials; Columbus, N. Mex.; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radial; Salt Flat, Tex.; Wink, Tex.; Wink 066° and Big Spring, Tex., 260° radials; Big Spring, including a S alternate from Wink to Big Spring via Midland, Tex.; Abilene, Tex.; Millsap, Tex.; Acton, Tex.; Scurry, Tex., including a south alternate; Quitman, Tex.; Texarkana, Ark., Pine Bluff, Ark.; Memphis, Tenn., including a S alternate; Jacks Creek, Tenn., including a N alternate via INT Memphis 045° and Jacks Creek 260° radials; Graham, Tenn., including a S alternate from Memphis to Graham via INT Memphis 078° and Graham 238° radial; Nashville, Tenn., including a north alternate from Jacks Creek to Nashville via INT Jacks Creek 049° and Nashville 286° radials; INT Nashville 102° and Hinch Mountain, Tenn., 285° radials; Hinch Mountain; including a south alternate via INT Nashville 117° and Hinch Mountain 268° radials, and a north alternate via INT Nashville 085° and Hinch Mountain 301° radials; Knoxville, Tenn., including a S alternate via INT Hinch Mountain 100° and Knoxville 243° radials; Holston Mountain, Tenn., including a S alternate from Knoxville to Holston Mountain via Snowbird, Tenn.; Pulaski, Va., including a N alternate from Knoxville to Pulaski via INT Knoxville 050° and Blackford, Va., 246° radials and Blackford; Roanoke, Va.; Gordonsville, Va., including a N alternate from Roanoke to Gordonsville via INT Roanoke 035° and Montebello, Va., 250° radials and Montebello, and also a S alternate from Pulaski to Gordonsville via INT Pulaski 094° and Lynchburg, Va., 253° radials and Lynchburg; Nottingham, Md.; 6-mile wide, Kenton, Del.; Millville, N. J.; Coyle, N. J.; Kenndy, N. Y.; Deer Park, N. Y.; Riverhead, N. Y.; Norwich, Conn.; Boston, Mass. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded.

PENDING AMENDMENT

Delete "Tucson, Ariz.; including a south alternate from INT Phoenix 161° and Casa Grande 105° radials, to Tucson via INT Phoenix 161° and Tucson 298° radials; Cochise, Ariz.," and substitute "Tucson, Ariz.; Cochise, Ariz.," therefor.

AMENDMENTS 1/4/73 37 F. R. 23631 (Changed)

V-17 From McAllen, Tex., 29 miles, 34 miles, 25 MSL, Laredo, Tex.; Cotulla, Tex.; INT Cotulla 041° and San Antonio, Tex., 202° radials; San Antonio, including a E alternate via INT Cotulla 041° and San Antonio 183° radials to San Antonio via INT San Antonio 042° and Austin, Tex., 229° radials; Austin, including an east alternate via INT San Antonio 057° and Austin 173° radials; and also including a west alternate via INT San Antonio 002° and Austin 244° radials; Waco, Tex., including an east alternate via INT Austin 041° and Waco 173° radials; Acton, Tex.; Bridgeport, Tex.; Duncan, Okla. INT Duncan 011° and Oklahoma City, Okla., 180° radials; Oklahoma City; Gage, Okla., including a W alternate via INT Oklahoma City 282° and Gage 153° radials; Garden City, Kans., including a W alternate from Gage to Garden City via Liberal, Kans.; Goodland, Kans. The airspace above 9,000 feet MSL is excluded between McAllen and Laredo.

AMENDMENTS 11/9/72 37 F. R. 18715 (Changed)
AMENDMENTS 12/7/72 37 F. R. 23329 (Changed)

V-18 From Millsap, Tex.; via greater Southwest, Tex.; INT Greater Southwest 090° and Quitman, Tex., 260° radials; Quitman; Shreveport, La., including a S alternate via INT Quitman 109° and Shreveport 246° radials; Monroe, La., including a N alternate and also a S alternate via INT Shreveport 117° and Monroe 268° radials; Jackson, Miss., including a N alternate and also a S alternate; Meridian, Miss., including a S alternate; Tuscaloosa, Ala.; Birmingham, Ala.; Talladega, AL.; INT Talladega 083° and Rex, GA., 270° radials; Rex.; INT Rex 090° and Augusta, GA. 278° radials; Augusta, including a north alternate from Birmingham to Augusta via Rome, GA., INT Rome 060° and Anderson, S. C., 274° radials, INT Anderson 274° and Athens 339° radials, Athens, and INT Athens 109° and Augusta 294° radials; INT Augusta 103° and Charleston, S. C., 296° radials; Charleston, including a S alternate from Augusta to Charleston via INT Augusta 148° and Allendale, S. C., 273° radials, and Allendale, excluding the airspace within R-6004.

AMENDMENTS 8/17/72 37 F. R. 12062 (Changed)

V-19 From Newman, Tex., via INT Newman 286° and Truth or Consequences, N. Mex., 159° radials; Truth or Consequences; INT Truth or Consequences 028° and Socorro, N. Mex., 189° radials; Socorro; Albuquerque, N. Mex., including a W alternate via INT Socorro 343° and Albuquerque 195° radials, and also an E alternate via INT Socorro 015° and Albuquerque 160° radials; INT Albuquerque 036° and Santa Fe, NM., 245° radials; Santa Fe, including a west alternate via INT Albuquerque 011° and Santa Fe 268° radials; Las Vegas, NM.; Cimarron, NM., Pueblo, CO., including an E alternate via INT Cimarron 053° and Pueblo 176° radials; Kiowa, Colo., including an east alternate; Denver; Cheyenne, Wyo.; Casper, Wyo., including an E alternate from Cheyenne to Casper via INT Cheyenne 002° and Douglas, Wyo., 152° radials and Douglas; 5 miles, 45 miles 71 MSL, Crazy Woman, Wyo.; Sheridan, Wyo., including an E alternate; 21 miles, 35 miles 75 MSL, Billings, Mont., including an E alternate from Sheridan 21 miles, 38 miles, 75 MSL, to Billings; 38 miles, 72 MSL INT Billings 347° and Lewistown, Mont., 104° radials; Lewistown; Great Falls, Mont., including a W alternate via INT Lewistown 274° and Great Falls 122° radials.

AMENDMENTS 3/2/72 36 F. R. 24799 (Changed)

V 38 - 1 JAN 3 73 XUM

V-20 From McAllen, Tex., INT McAllen 039° and Corpus Christi, Tex., 181° radials; Corpus Christi, including a south alternate from McAllen to INT McAllen 039° and Corpus Christi 181° radials via Harlingen, Tex.; via INT Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios, including a N alternate via INT Corpus Christi 039° and Palacios 241° radials; Houston, Tex., including a N alternate via INT Palacios 035° and Houston 251° radials, and a south alternate via INT Palacios 064° and Houston 201° radials; Beaumont, Tex., including a north alternate via INT Houston 045° and Beaumont 271° radials; Lake Charles, La., including a north alternate via INT Beaumont 056° and Lake Charles 272° radials, and also a south alternate from Houston to Lake Charles via INT Houston 090° and Sabine Pass, Tex., 265° radials and Sabine Pass; Lafayette, La., including a N alternate via INT Lake Charles 064° and Lafayette 285° radials; New Orleans, La., including a S alternate from Lafayette to New Orleans via Tibby, La.; INT New Orleans 070° and Gulfport, Miss., 247° radials; Gulfport; Mobile, Ala., including a N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate; INT Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including a 6-mile wide S alternate via INT Mobile 063° and Monroeville 216° radials; Montgomery, Ala.; Tuskegee, Ala.; Columbus, Ga.; INT Columbus 068° and Athens, Ga., 192° radials; Athens; Anderson, S. C.; Spartanburg, S. C., including a north alternate from Montgomery to Spartanburg via INT Montgomery 028° and Talladega, Ala. 083° radials, INT Chattanooga, Tenn., 190° and Rome, Ga., 252° radials, Rome, INT Rome 060° and Toccoa, Ga., 258° radials, and Toccoa; Greensboro, N. C.; South Boston, Va.; INT of Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including Richmond, Va.; INT Richmond 039° and Brooke, Va., 132° radials; INT Patuxent, Md., 228° and Nottingham, Md., 174° radials; Nottingham. The airspace on the main airway above 14,000 feet MSL from McAllen to 40 miles northeast and the airspace within Mexico is excluded.

V-21 From INT Seal Beach, Calif., 250° and Los Angeles, Calif., 207° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline), Hector, Calif.; Boulder City, Nev., including a W alternate from INT Hector 226° and Daggett, Calif., 187° radials to INT Daggett 062° and Hector 047° radials via Daggett; Morman Mesa, Nev.; 30 miles, 52 miles, 95 MSL Milford, Utah, including an E alternate via INT of Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, to Milford, excluding the airspace between the man and this E alternate airway; Delta, Utah; Fairfield, Utah; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho; Pocatello, Idaho; Idaho Falls, Idaho; INT of Idaho Falls, 030° and DuBois, Idaho, 157° radials; DuBois; Dillon, Mont.; Whitehall, Mont.; Helena, Mont.; INT Helena 352° and Great Falls, Mont., 222° radials; Great Falls; Cut Bank, Mont., including a W alternate Helena direct Cut Bank; INT Cut Bank 348° radial and the United States/Canadian border.

V-23 From San Diego, Calif., Oceanside, Calif.; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; Gorman, Calif., Bakersfield, Calif.; Fresno, Calif.; 53 miles, 6 miles wide, Linden, Calif.; Sacramento, Calif., including a W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; INT Sacramento 346° and Red Bluff, Calif., 158° radials; Red Bluff; 58 miles, 95 MSL Fort Jones, Calif.; Medford, Oreg., including an east alternate via INT Fort Jones 041° and Medford 157° radials; Eugene, Oreg.; Portland, Oreg., including an east alternate and including a west alternate from Fort Jones to Portland via INT Fort Jones 340° and Roseburg, Oreg., 174° radials, Roseburg, INT Roseburg 355° and Corvallis, Oreg., 195° radials, Corvallis, and Newberg, Oreg.; 20 miles, 45 MSL INT Portland 350° and Seattle, Wash., 197° radials; 21 miles, 45 MSL, Seattle, including an east alternate from Portland to Seattle via direct radials; Paine, Wash.; Bellingham, Wash.; via INT Bellingham 290° radial to the United States/Canadian border.

V-24 From Aberdeen, S. Dak., Watertown, S. Dak., including a N alternate; 15 miles, 64 miles 33 MSL, Redwood Falls, Minn.; Rochester, Minn.; Lone Rock, Wis., including a S alternate from Rochester to Lone Rock via Waukon, Iowa.

V-25 From San Diego, Calif., Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Seal Beach, Calif., 186° radials, via Seal Beach, 6 miles wide, to INT Seal Beach 287° and Los Angeles 138° radials; INT Los Angeles 261° and Ventura, Calif., 144° radials; 6 miles wide, Ventura; 6 miles wide, INT Ventura 331° and Santa Barbara, Calif., 109° radials; Santa Barbara; Paso Robles, Calif., Salinas, Calif., including an E alternate via INT Paso Robles 342° and Salinas 131° radials; INT Salinas 310° and Woodside, Calif., 158° radials; Woodside; San Francisco, Calif.; INT San Francisco 304° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, Calif., 147° radials; 28 miles, 24 miles, 85 MSL, 18 miles, 75 MSL, Red Bluff, Calif.; 53 miles, 95 MSL INT Red Bluff 015° and Klamath Falls, Oreg., 181 radials; 19 miles, 95 MSL, Klamath Falls; 21 miles, 77 miles, 90 MSL, Redmond, Oreg.; The Dalles, Oreg.; Yakima, Wash., including an east alternate via INT The Dalles 051° and Yakima 183° radials; Ellensburg, Wash., including a west alternate via INT Yakima 305° and Ellensburg 191° radials; Wenatchee, Wash. The airspace below 2,000 feet MSL outside the United States and the airspace more than 3 miles NE of the airway centerline between Seal Beach and INT of Seal Beach 287° and Los Angeles 138° radials is excluded. The airspace within R-2511, R-2520, and W-289 is excluded. The airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The portion outside the United States has no upper limit.

V-26 From Cherokee, Wyo.; 11 miles, 52 miles 111 MSL, Casper, Wyo.; 14 miles, 25 miles 75 MSL, 92 miles 90 MSL, Rapid City, S. Dak.; 43 miles, 35 MSL Philip, S. Dak.; 56 miles, 35 MSL, Pierre, S. Dak., including a north alternate; 26 miles, 41 miles, 35 MSL, Huron, S. Dak.; Redwood Falls, Minn., including a S alternate; Flying Cloud, Minn.; INT Flying Cloud 081° and Eau Claire, Wis., 271° radials; Eau Claire, including a south alternate from Redwood Falls to Eau Claire via Farmington, Minn.; Wausau, Wis.; Green Bay, Wis.; INT Green Bay 116° and White Cloud, Mich., 302° radials; White Cloud; Lansing, Mich.; Salem, Mich.; INT Salem 139° and Cleveland, Ohio, 309° radials; Cleveland. The airspace within Canada is excluded.

V-27 From San Diego, Calif., INT San Diego 319° and Santa Catalina, Calif., 099° radials; Santa Catalina; 6 miles wide, Ventura, Calif.; 6 miles wide, INT Ventura 331° and Fillmore, Calif., 268° radials; INT Fillmore 268° and Gaviota, Calif., 143° radials; Gaviota; San Luis Obispo, Calif.; INT San Luis Obispo 308° and Big Sur, Calif., 157° radials; Big Sur; INT Big Sur 325° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, CA., 147° radials; Ukiah; Fortuna, CA., including a west alternate from Ukiah 17 miles, 77 miles, 53 MSL, Fortuna, excluding the airspace between the main and the west alternate; Crescent City, CA., including a west alternate from Fortuna to Crescent City, excluding the airspace between the main and the west alternate; 31 miles, 32 miles, 59 MSL, North Bend, Oreg.; Newport, Oreg.; 39 miles, 30 miles, 45 MSL, Astoria, Oreg.; including an east alternate via INT of Newport 016° and Astoria 157° radials; Hoquiam, Wash., including a west alternate via INT Astoria 309° and Hoquiam 182° radials; Seattle, Wash., including an east alternate from Astoria to Seattle via Olympia, Wash., and INT Olympia 010° and Seattle 249° radials. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520, and W-289, the airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL, is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 4/27/72 37 F. R. 4903 (Changed)

V-28 From Oakland, Calif., INT Oakland 077° and Linden, Calif., 246° radials; Linden; INT Linden 046° and Reno, Nev., 208° radials; Reno.

V-29 From Snow Hill, Md., Salisbury, Md.; Kenton, Del., including a West alternate via INT Salisbury 340° and Kenton 217° radials; New Castle, Del.; Modena, Pa.; Pottstown, Pa.; East Texas, Pa.; Wilkes-Barre, Pa.; Binghamton, N. Y.; Syracuse, N. Y.; Watertown, N. Y.; INT Watertown 033° and Massena, N. Y., 241° radials; Massena. The airspace within R-4006 is excluded.

V-30 From Milwaukee, Wis., INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman, including a S alternate via INT Milwaukee 121° and Pullman 282° radials; Litchfield, Mich.; Waterville, Ohio; Cleveland, Ohio; Akron, Ohio; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; East Texas, Pa.; INT East Texas 103° and Solberg, N. J., 255° radials; Solberg.

V-31 From INT Patuxent River, Md., 036° and Nottingham, Md., 128° radials; Nottingham. From Baltimore, Md.; Harrisburg, Pa.; Selinsgrove, Pa.; Williamsport, Pa.; Elmira, N. Y.; INT Elmira 357° and Rochester, N. Y., 125° radials; Rochester.

V-32 From Battle Mountain, Nev.; Elko, Nev.; Bonneville, Utah, including a north alternate from Elko to Bonneville via Wells, Nev.; 37 miles, 85 MSL; Salt Lake City, Utah; 117 miles, 45 miles, 105 MSL, Fort Bridger, Wyo.

V-33 From Cofield, N. C.; INT Cofield 007° and Harcum, Va., 187° radials; Harcum; INT Harcum 003° and Nottingham, Md., 174° radials; Nottingham. From Baltimore, Md., Harrisburg, Pa.; Philipsburg, Pa.; Keating, Pa.; Bradford, Pa.; Buffalo, N. Y.

V-34 From Kleinburg, Ont., INT Kleinburg 113° and Rochester, N. Y., 309° radials; Rochester, including a south alternate via INT of Kleinburg 133° and Rochester 289° radials; Ithaca, N. Y.; Hancock, N. Y.; Carmel, N. Y.; INT Carmel 093° and Riverhead, N. Y., 046° radials. The airspace within Canada and R-5207 is excluded.

V 38-1 JAN 3 73 XUM

V-35 From Key West, Fla., INT Key West 086° and Bimini, Bahamas, 215° radials; INT Bimini 215° and Miami, Fla., 147° radials; Miami; INT of Miami 279° and Fort Myers, FL., 137° radials; Fort Myers, including a west alternate from the INT of Miami 147° and Biscayne Bay, Fl, 262° radials, via INT of the Biscayne Bay 262° and Fort Myers 137° radials, to the INT of the Miami 279° and Fort Myers 137° radials; St. Petersburg, Fla., including a W alternate; INT St. Petersburg 350° and Cross City, Fla., 168° radials; Cross City, including an E alternate via Gainesville, Fla., and also a W alternate via INT St. Petersburg 316° and Cross City 185° radials; Greenville, Fla.; Albany, Ga., including a west alternate from Cross City to Albany via Tallahassee, Fla.; Macon, Ga., including a west alternate via INT Albany 009° and Macon 240° radials; Athens, Ga.; Anderson, Sugarloaf Mountain, N. C.; Holston Mountain, Tenn., including a west alternate via INT Sugarloaf Mountain 310° and Holston Mountain 209° radials; Blackford, Va.; Charleston, W. Va., including an E alternate via Bluefield, W. Va.; INT Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa., including a west alternate from Morgantown to Johnstown via INT Morgantown 010° and Johnstown 260° radials; Tyrone, Pa.; Philipsburg, Pa.; Stonyfork, Pa.; Elmira, N. Y.; Syracuse, N. Y. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 10/12/72 37 F. R. 16536 (Changed)

V-36 From Toronto, Ont., via INT Toronto 141° and Buffalo, N. Y., 312° radials; Buffalo, including a S alternate via INT Toronto 172° and Buffalo 294° radials, excluding the airspace between the main and this S alternate; Elmira, N. Y.; Lake Henry, Pa.; INT Lake Henry 136° and Sparta, N. J., 290° radials; Sparta; Kennedy, N. Y. The airspace within Canada is excluded.

V-37 From Savannah, Ga., Allendale, S. C.; Columbia, S. C.; Fort Mill, S. C., including a W alternate via INT Columbia 294° and Fort Mill 201° radials; Pulaski, Va., Elkins, W. Va.; Morgantown, W. Va.; INT Morgantown 336° and Ellwood City, Pa., 177° radials; Ellwood City; Erie, Pa.; Toronto, Ont., Canada. The airspace within Canada is excluded.

V-38 From Iowa City, Iowa, Moline, Ill.; Joliet, Ill.; Peotone, Ill.; Fort Wayne, Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Parkersburg, W. Va.; Elins, W. Va.; Gordonsville, Va.; Richmond, Va.; Harcum, Va.; Cape Charles, Va.

V-39 From Myrtle Beach, S. C., 27 MSL Fayetteville, N. C., excluding the airspace at and above 5,000 feet MSL. From Pinehurst, N. C., South Boston, Va.; Gordonsville, Va.; INT Gordonsville, 019° and Casanova, Va., 201° radials; Casanova; Herndon, Va.; including an E alternate from Gordonsville to Herndon via INT Herndon 202° and Brooke, VA., 300° radials; Westminster, MD.; Lancaster, PA.; to East Texas, PA. From Gardner, MA.; Concord, N. H.; Kennebunk, Maine; Augusta, Maine; Bangor, Maine; Millinocket, Maine; Presque Isle, Maine; Mont Joli, Quebec, Canada, excluding the portion within Canada.

AMENDMENTS 8/17/72 37 F. R. 12382 (Changed)

V-40 From Cleveland, Ohio, Briggs, Ohio; INT Briggs 077° and Youngstown, Ohio, 177° radials.

V-41 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Youngstown.

V-42 From Flint, Mich.; via INT Flint 133° and Windsor, Ont., 320° radials; Windsor, including an E alternate INT Flint 118° and Windsor 335° radials, 7 mi. wide (3 mi. E and 4 mi. W of centerline), Cleveland, Ohio; Akron, Ohio, including an E alternate from Windsor, Ont., Canada, to Akron via INT Windsor 134° and Akron 312° radials. The airspace within Canada is excluded.

V-43 From Appleton, Ohio; Tiverton, Ohio; Briggs, Ohio; Youngstown, Ohio, including a west alternate from Tiverton to Youngstown via INT Tiverton 040° and Akron, Ohio, 233° radials, and Akron; Erie, Pa.

V-44 From Maryland Heights, Mo.; Centralia, Ill.; Samsville, Ill.; Nabb, Ind.; Falmouth, Ky.; York, Ky.; Parkersburg, W. Va.; Morgantown, W. Va.; Martinsburg, W. Va.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; INT Kenton 086° and Atlantic City, N. J., 236° radials; Atlantic City; INT Atlantic City 048° and Deer Park, N. Y., 209° radials; Deer Park. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within R-5002 more than 3 nmi W of the airway centerline above 9,000 feet MSL is excluded.

V-45 From New Bern, N. C., Kinston, N. C.; Raleigh-Durham, N. C.; INT Raleigh-Durham 275° and Greensboro, N. C., 105° radials; Greensboro; INT Greensboro 334° and Hickory, N. C., 049° radials; Pulaski, Va.; Bluefield, W. Va.; Charleston, W. Va. From INT Waterville, Ohio, 085° and Cleveland, Ohio, 335° radials; Waterville; Jackson, Mich.; Lansing, Mich.; Saginaw, Mich.; Alpena, Mich., including a west alternate via INT Saginaw 353° and Alpena 232° radials; Pellston, Mich. The airspace within R-5502 is excluded.

V-46 From Deer Park, N. Y., Riverhead, N. Y.; Hampton, N. Y.; INT Hampton 083° and Nantucket, Mass., 255° radials; Nantucket. The airspace below 2,000 feet MSL outside the United States is excluded.

V-47 From Evansville, Ind., Nabb, Ind.; Cincinnati, Ohio; Rosewood, Ohio; Findlay, Ohio, including a W alternate via INT Rosewood 309° and Findlay, Ohio, 218° radials; Waterville, Ohio; INT Waterville 353° and Salem, Mich., 197° radials; Salem; INT Salem 027° and Flint, Mich., 118° radials.

V-48 From Ottumwa, Iowa, Burlington, Iowa; Peoria, Ill.; Pontiac, Ill.

V-49 From Birmingham, Ala.; Decatur, Ala.; including an east alternate via INT Birmingham 013° and Decatur 130° radials and a west alternate via INT Birmingham 335° and Decatur 205° radials; Graham, Tenn.; INT Graham 006° and Bowling Green, Ky., 230° radials; Bowling Green, including an east alternate from Decatur to Bowling Green via Nashville, Tenn.; Mystic, Ky.; Nabb, Ind.

AMENDMENTS 9/14/72 37 F. R. 13796 (Changed)

V-50 From Pawnee City, Nebr., St. Joseph, Mo.; Kirksville, Mo.; Quincy, Ill.; Capital, Ill.; Decatur, Ill.; Terre Haute, Ind.; Indianapolis, Ind.; Dayton, Ohio, including a N alternate from Indianapolis to Dayton via Muncie, Ind.

V-51 From Key West, Fla., INT Miami, Fla., 222° and Biscayne Bay, Fla. 262° radials; Biscayne Bay; Miami; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; INT Pahokee 009° and Vero Beach, Fla., 193° radials; Vero Beach, including an east alternate from Biscayne Bay to Vero Beach via INT Biscayne Bay 348° and Vero Beach 178° radials; Daytona Beach, Fla.; INT Daytona Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma, including an E alternate; Dublin, Ga.; Athens, Ga.; INT Athens 339° and Harris, Ga., 149° radials; Harris; Hinch Mountain, Tenn., including a west alternate from the INT Anderson, S.C., 274° and Athens 339° radials to Hinch Mountain via INT Anderson 274° and Hinch Mountain 160° radials; Livingston, Tenn.; Louisville, Ky., including an E alternate and also a W alternate from Livingston to Louisville via INT Livingston 333° and New Hope, Ky., 165° radials and New Hope; Nabb, Ind.; Shelbyville, Ind.; INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette; Chicago Heights, Ill. The airspace within R-2902A and R-2902B is excluded.

V-52 From Des Moines, Iowa; Ottumwa, Iowa; Quincy, Ill.; St. Louis, Mo., including a N alternate; Troy, Ill.; INT Troy 099° and Evansville, Ind., 311° radials; Evansville, Ind.

V-53 From Charleston, S. C., INT Charleston 296° and Columbia, S. C., 153° radials; Columbia; Spartanburg, S. C.; Sugarloaf Mountain, N. C.; Holston Mountain, Tenn.; Whitesburg, Ky.; Lexington, Ky.; Louisville, Ky.; INT Louisville 333° and Indianapolis, Ind., 170° radials; Indianapolis; INT Indianapolis 312° and Lafayette, Ind., 159° radials; Lafayette; INT Lafayette 313° and Peotone, Ill., 152° radials; Peotone; INT Peotone 003° and Naperville, Ill., 089° radials.

V-54 From Waco, Tex., Scurry, Tex.; Quitman, Tex.; Texarkana, Ark.; INT Texarkana 052° and Little Rock, Ark., 235° True radials; Little Rock, including a N alternate via INT Texarkana 037° and Hot Springs, Ark., 225° radials and Hot Springs; Memphis, Tenn., including a N alternate; Muscle Shoals, Ala., including a N alternate via INT Memphis 078° and Muscle Shoals 293° radials and also a S alternate via Holly Springs, Miss., and INT Holly Springs 099° and Muscle Shoals 255° radials; Huntsville, Ala., including a N alternate via INT Muscle Shoals 067° and Huntsville 282° radials; Chattanooga, Tenn., including a N alternate and also a S alternate via Huntsville 097° and Chattanooga 229° radials; Harris, Ga.; Spartanburg, S. C., Fort Mill, S. C.

AMENDMENTS 10/12/72 37 F. R. 16537 (Changed) Corr: 37 F. R. 18289

V-55 From Dayton, Ohio; Fort Wayne, Ind.; Goshen, Ind.; South Bend, Ind.; Keeler, Mich.; Pullman, Mich.; Muskegon, Mich.; INT Muskegon 327° and Green Bay, Wis., 116° radials; Green Bay; Stevens Point, Wis.; INT Stevens Point 281° and Eau Claire, Wis., 107° radials; Eau Claire; 9 miles, 55 miles, 25 MSL, Grantsburg, Wis.; 9 miles, 45 miles, 26 MSL, Brainerd, Minn.; 13 miles, 29 miles, 27 MSL, Park Rapids, Minn.; 7 miles, 58 miles, 30 MSL, 31 miles, 28 MSL, Grand Forks, N. Dak.

V 38-1 JAN 73 XUM

V-56 From Meridian, Miss., Kowanee, Miss.; Craig, Ala.; Montgomery, Ala.; Tuskegee, Ala.; Columbus, Ga., including a south alternate from Montgomery to Columbus via INT Montgomery 090° and Columbus 219° radials; Macon, Ga.; Augusta, Ga.; Columbia, S. C., including a south alternate via INT of Augusta 103° and Columbia 236° radials; Florence S. C.; Fayotteville, N. C., 41 miles 15 MSL, INT Fayotteville 098° and New Bern, N. C., 256° radials; New Bern.

V-57 From Lexington, Ky., to Falmouth, Ky.

V-58 From Phillipsburg, Pa.; Williamsport, Pa.; INT Williamsport 079° and Lake Henry, Pa., 300° radials; Lake Henry; Pawling, N. Y.; Hartford, Conn.; INT Hartford 130° and Providence, R. I., 212° radials.

V-59 From Pulaski, Va., Beckley, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; Briggs, Ohio.

V-60 From Albuquerque, N. Mex., via Otto, N. Mex., including a S alternate via INT Albuquerque 103° and Otto 253° radials; Las Vegas, N. Mex.

V-62 From INT Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials, via Santa Fe; Anton Chico, N. Mex.; Texico, N. Mex.; Lubbock, Tex.; Abilene, Tex.; INT Abilene 096° and Acton, Tex., 264° radials; Acton.

V-63 From Blue Ridge, Tex., via McAlester, Okla.; Fayetteville, Ark., Springfield, Mo.; Hallsville, Mo.; Quincy, Ill.; Burlington, Iowa; Moline, Ill.; Cordova, Ill.; Rockford, Ill.; Janesville, Wis.; Milwaukee, Wis.

V-64 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Seal Beach, Calif., 266° radials; Seal Beach; Thermal, Calif.; Blythe, Calif. The portion outside the United States has no upper limit.

V-65 From INT Kansas City, Mo., 231° and St. Joseph, Mo., 178° radials; St. Joseph; Lamoni, Iowa.

V-66 From San Diego, Calif., Imperial, Calif.; 13 miles, 24 miles, 25 MSL, Yuma, Ariz.; 12 miles, 35 MSL INT Yuma 089° and Gila Bend, Ariz. 261° radials; 46 miles, 35 MSL, Gila Bend; Tucson, Ariz.; Douglas, Ariz.; INT Douglas 064° and Columbus, N. Mex., 277° radials; Columbus; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radials; 6 mi. wide, INT El Paso 109° and Hudspeth 287° radials; 6 mi. wide, Hudspeth; Pecos, Tex.; Midland, Tex.; Hyman, Tex.; INT Hyman 074° and Abilene, Tex., 251° radials; Abiline; INT Abilene 066° and Bridgeport, Tex., 248° radials; Bridgeport; Blue Ridge, Tex., including a north alternate via INT Bridgeport 069° and Blue Ridge 285° radials; Sulphur Springs, Tex.; Texarkana, Ark., including a north alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a south alternate via INT Sulphur Springs 090° and Texarkana 240° radials. From Tuscaloosa, Ala., Brookwood, Ala.; INT Brookwood 083° and LaGrange, Ga., 294° radials; LaGrange; INT LaGrange 112° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 192° radials; Athens; Fort Mill, S. C.; Raleigh-Durham, N. C., including a south alternate from Athens, Ga., to Raleigh-Durham via INT Athens 092° and Greenwood, S. C., 240° radials, Greenwood and Pinehurst, N. C.; Franklin, Va.; INT Franklin 087° and Norfolk, Va., 226° radials; Norfolk, excluding the airspace above 13,000 feet MSL from the INT of Tucson, Ariz., 122° and Cochise, Ariz., 257° radials to the INT of Douglas, Ariz., 064° and Columbus, N.M., 277° radials.

AMENDMENTS 2/3/72 36 F. R. 23358 (Changed)
AMENDMENTS 10/12/72 37 F. R. 16537 (Changed)
AMENDMENTS 12/7/72 37 F. R. 21805 (Changed)

V-67 From Cunningham, Ky.; Marion, Ill.; Centralia, Ill.; INT Centralia 010° and Vandalia, Ill., 162° radials; Vandalia; Capital, Ill.; INT Capital 305° and Burlington, Iowa 134° radials; Burlington; Iowa City, Iowa; Cedar Rapids, Iowa; Waterloo, Iowa; Rochester, Minn.

V-68 From Albuquerque, N. Mex., via INT Albuquerque 120° and Corona, N. Mex., 311° radials; Corona, including a N alternate via INT Albuquerque 103° and Corona 328° radials and also a S alternate via INT Albuquerque 160° and Corona 269° radials; 41 mi. 85 MSL, Roswell, N. Mex., including an N alternate 85 MSL INT Corona 124° and Roswell 335° radials, Roswell; Hobbs, N. Mex., including a S alternate; INT Hobbs 120° and Midland, Tex., 312° radials; Midland, including a S alternate via INT Hobbs 136° and Midland 283° radials; San Angelo, Tex., including a S alterante via INT Midland 128° and San Angelo 278° radials; Junction, Tex., including a S alternate via INT San Angelo 181° and Junction 310° radials; San Antonio, Tex., including a south alternate via INT Junction 144° and San Antonio 290° radials.

V-69 From Shreveport, La., via INT Shreveport 087° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate via INT Shreveport 087° and El Dorado 233° radials; Pine Bluff, Ark.; INT Pine Bluff 040° and Walnut Ridge, Ark., 187° radials; Walnut Ridge; Farmington, Mo.; INT Farmington 351° and Troy, Ill., 233° radials; Troy; Capital, Ill.; Pontiac, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

V-70 From Corpus Christi, Tex., via INT Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios; Scholes, Tex.; Sabine Pass, Tex., including a north alternate from Palacios to Sabine Pass via Humble, Tex.; Lake Charles, La.; Lafayette, La.; Baton Rouge, La., including a N alternate via INT Lafayette 012° and Baton Rouge 264° radials; Picayune, Miss.; 95 MSL Greene County, Miss.; Monroeville, Ala.; INT Monroeville 073° and Eufaula, Ala., 258° radials; Eufaula; Vienna, Ga.; Allendale, S. C., including a north alternate from Eufaula to INT Dublin 101° and Allendale 247° radials, via Macon, Ga., and Dublin, Ga.

V-71 From Baton Rouge, La., Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La.; El Dorado, Ark.; Hot Springs, Ark.; INT Hot Springs 358° and Harrison, Ark., 176° radials; Harrison; Springfield, Mo., including a W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate; Butler, Mo.; Kansas City, Mo.; INT Kansas City 310° and Pawnee City, Nebr., 122° radials; Pawnee City; INT Pawnee City 334° and Lincoln, Nebr. 146° radials; Lincoln; Columbus, Nebr.

PENDING AMENDMENT

V-71 text is amended by deleting all before "El Dorado, Ark.;" and substituting "From Baton Rouge, La., Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La., including an E alternate from Natchez to Monroe via INT Natchez 335° and Monroe 103° radials;" therefor.

AMENDMENTS 1/4/73 37 F. R. 22972 (Changed)

V-72 From Fayetteville, Ark., Dogwood, Mo.; Maples, Mo.; Farmington, Mo.; Centralia, Ill.; Bible Grove, Ill.; INT Bible Grove 015° and Vandalia, Ill., 075° radials. From Rosewood, Ohio, Mansfield, Ohio; INT Cleveland, Ohio, 138° and Tiverton, Ohio, 017° radials; Akron, Ohio; Youngstown, Ohio; Tidioute, Pa.; Bradford, Pa.; INT Bradford 078° and Elmira, N. Y., 252° radials; Elmira; Binghamton, N. Y., Rockdale, N. Y.; Albany, N. Y.; Cambridge, N. Y.; INT Cambridge 063° and Keene, N. H., 336° radials.

V-73 From Wichita, Kans., Hutchinson, Kans.; INT Hutchinson 025° and Salina, Kans., 184° radials; Salina, including an east alternate from Wichita to Salina via INT Wichita 356° and Salina 169° radials.

V-74 From Garden City, KS.; Dodge City, KS.; Anthony, KS.; Pioneer, OK., including a north alternate via INT Anthony 091° and Pioneer 327° radials; Tulsa, OK., including a N alternate via INT Pioneer 094° and Tulsa 319° radials; Fort Smith, AR., including a N alternate via INT Tulsa 087° and Fort Smith 318° radials and a S alternate from Pioneer to Fort Smith via Okmulgee, OK.; 6 miles, 7 miles wide (4 miles north and 3 miles south of centerline) Little Rock, Ark., including a N alternate and also a S alternate via INT Fort Smith 133° and Little Rock 278° radials; Pine Bluff, Ark., including a N alternate via INT Little Rock 137° and Pine Bluff 006° radials.

AMENDMENTS 5/25/72 37 F. R. 4181 (Changed)

V-75 From Morgantown, W. Va.; Bellaire, Ohio; Briggs, Ohio; Cleveland, Ohio.

V-76 From Lubbock, Tex., via INT Lubbock 188° and Big Spring, Tex., 286° radials; Big Spring, including a N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this N alternate; Hyman, Tex.; San Angelo, Tex.; Llano, Tex.; Austin, Tex., including a south alternate via INT Llano 134° and Austin 279° radials; Industry, Tex., including a north alternate via INT Austin 090° and Industry 305° radials; INT Industry 101° and Houston, Tex., 290° radials; Houston, including a S alternate from Industry to Houston via Eagle Lake, Tex.; Scholes, Tex.

AMENDMENTS 11/9/72 37 F. R. 18715 (Changed)
AMENDMENTS 12/7/72 37 F. R. 23329 (Changed)

V-77 From San Angelo, Tex., via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT Wichita Falls 028° and Oklahoma City, Okla., 202° radials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; Pioneer, OK., including an E alternate via INT Oklahoma City 037° and Pioneer 186° radials; INT Pioneer 327° and Wichita KS., 225° radials; Wichita; INT Wichita 037° and Topeka, Kans., 236° radials; Topeka; St. Joseph, Mo.; Lamoni, Iowa; Des Moines, Iowa; Newton, Iowa; to Waterloo, Iowa. The airspace within R-5601 is excluded.

AMENDMENTS 5/25/72 37 F. R. 4181 (Changed)

V-78 From Huron, S. Dak., Watertown, S. Dak., including a S alternate; Darwin, Minn.; Minneapolis, Minn.; Eau Claire, Wis.

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V-79 From Hobbs, N. Mex., via INT Hobbs 073° and Lubbock, Tex., 188° radials; Lubbock.

V-80 From Akron, Colo., North Platte, Nebr.

V-81 From Midland, Tex., via Lubbock, Tex.; Plainview, Tex.; Amarillo, Tex., including an east alternate via INT Plainview 025° and Amarillo 163° radials; Dalhart, Tex., including a west alternate via INT Amarillo 301° and Dalhart 157° radials; Tobe, Colo.; Pueblo, Colo.; Colorado Springs, Colo.; Denver, Colo.

V-82 From Baudette, Minn., Bemidji, Minn.; 20 miles, 51 miles, 29 MSL, Brainerd, Minn.; 11 miles, 52 miles, 25 MSL, Minneapolis, Minn.; Farmington, Minn.; Rochester, Minn.; Nodine, Minn.; Dells, Wis.; INT Dells 097° and Timmerman, Wis., 322° radials; 6 mi. wide Timmerman.

V-83 From Carlsbad, N. Mex., via Roswell, N. Mex.; 40 miles, 85 MSL Corona, N. Mex., including an E alternate INT Roswell 335° and Corona 124° radials, 85 MSL Corona; Otto, NM., Santa Fe, NM., including an east alternate via INT Otto 019° and Santa Fe 117° radials; Taos, NM.;
Alamosa, Colo.; INT Alamosa 074° and Pueblo, Colo., 191° radials; Pueblo; Colorado Springs; Colo.; Kiowa, Colo.

AMENDMENTS 3/2/72 36 F. R. 24799 (Changed)

V-84 From Bradford, Ill.; INT Bradford 033° and Chicago-O'Hare, Ill., 269° radials; Northbrook, Ill.; Pullman, Mich.; Lansing, Mich.; Flint, Mich.; Peck, Mich.; London, Ont., Canada; Buffalo, N. Y.; Geneseo, N. Y.; INT Geneseo 091° and Syracuse, N. Y., 242° radials; Syracuse. The airspace within Canada is excluded.

V-85 From Medicine Bow, Wyo., via Casper, Wyo., including a west alternate via INT Medicine Bow 336° and Casper 216° radials; 29 miles, 48 miles 77 MSL, to Riverton, Wyo.

V-86 From Butte, Mont., Whitehall, Mont.; Bozeman, Mont.; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont.; 32 miles, 35 miles, 75 MSL, Sheridan, Wyo.; 20 miles, 45 miles, 70 MSL, 63 miles, 80 MSL, Rapid City, S. Dak.

V-87 From San Francisco, CA., INT San Francisco 359° and Napa, CA., 182° radials; Napa; INT Napa 004° and Maxwell, Calif., 188° radials; Maxwell; Red Bluff, Calif.

AMENDMENTS 8/17/72 37 F. R. 12381 (Changed)

V-88 From Tulso, Okla., INT Tulsa 044° and Springfield, Mo., 261° radials; Springfield; Vichy, Mo., including a south alternate from
INT Springfield 058° and Forney (AAF), Mo., 266° radials; Forney (AAF), INT Forney (AAF) 046° and Vichy 216° radials; INT Vichy 091° and St. Louis, Mo., 171° radials, excluding that portion within R-4501A.

V-89 From INT Denver, Colo., 207° and Kiowa, Colo., 246° radials; Denver; Cheyenne, Wyo., including an east alternate from Denver to Cheyenne via Gill, Colo., and INT Gill 003° and Cheyenne 131° radials; Chadron, including an E alternate from Cheyenne to Chadron via Scottsbluff, Nebr.

V-90 From Litchfield, Mich., via INT Litchfield 081° and Windsor, Ont., Canada, 265° radials; Windsor; INT Windsor 083° and Dunkirk, N. Y., 266° radials; Dunkirk, including a N alternate from INT Windsor 083° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont. The airspace within Canada is excluded.

V-91 From Riverhead, N. Y., INT Riverhead 344° and Pawling, N. Y., 139° radials; Pawling; INT Pawling 342° and Albany, N. Y., 181° radials; Albany;
Glens Falls, N. Y.; INT Glens Falls 032° and Burlington, Vt., 187° radials; Burlington; Plattsburgh, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-92 From Joliet, IL., Chicago Heights, IL.; Goshen, IN.; Waterville, OH.; Mansfield, OH.; Tiverton, OH.; Newcomerstown, OH.; Bellaire, OH.; INT Bellaire 107° and Grantsville 285° radials; Grantsville; Front Royal, VA.

AMENDMENTS 3/30/72 37 F. R. 1161 (Changed)

V-93 From Patuxent River, Md., INT Patuxent 013° and Baltimore, Md., 122° radials; Baltimore; Lancaster, Pa.; Wilkes-Barre, Pa.; Lake Henry, Pa.; Pawling, N. Y.; Chester, Mass.; Keene, N. H.; Concord, N. H.; INT Concord 041° and Augusta, Maine, 239° radials; Augusta; Bangor, Maine; Princeton, Maine; INT Princeton 057° radial and the United States/Canadian border.

V-94 From Blythe, CA.; INT Blythe 094° and Gila Bend, AZ., 299° radials; Gila Bend; Casa Grande, AZ.; 35 miles, 74 miles, 95 MSL, San Simon, AZ.; Deming, NM.;
Newman, Tex., including a S alternate via INT Deming 119° and Newman 271° radials; Salt Flat, Tex., including a north alternate via INT Newman 091° and Salt Flat 312° radials; Wink, Tex.; Midland, Tex.; Hyman, Tex.; Tuscola, Tex.; Acton, Tex.; Scurry, Tex.; Gregg County, Tex.; Elm Grove,
La.; Monroe, La. The airspace within R-5103A is excluded.

AMENDMENTS 2/3/72 36 F. R. 22366 (Changed)

V-95 From Gila Bend, Ariz., INT Gila Bend 096° and Phoenix, Ariz., 204° radials; Phoenix; 49 miles, 40 miles, 95 MSL, Winslow, Ariz., including a west alternate from Phoenis, INT Phoenix 006° and Winslow 224° radials; 52 miles, 95 MSL, Winslow; 66 miles, 39 miles, 125 MSL, Farmington, N. Mex. From Gunnison, Colo., 15 miles, 125 MSL, 12 miles, 145 MSL, 22 miles, 157 MSL, 23 miles, 135 MSL, 9 miles, 128 MSL, Kiowa, Colo.

V-96 From Indianapolis, Ind., Kokomo, Ind.; Fort Wayne, Ind.; Waterville, Ohio; Windsor, Ontario, Canada, excluding the portion within Canada.

V-97 From Miami, Fla.; La Belle, Fla.; St.
Petersburg, Fla.; Tallahassee, Fla., including a west alternate from St. Petersburg to INT St. Petersburg 331° and Cross City, Fla., 201° radials via INT St. Petersburg 316° and Cross City 201° radials; Albany, Ga.; INT Albany 352° and Atlanta, GA., 180° radials; Atlanta; INT Atlanta 003° and Knoxville, TN., 197° radials; Knoxville; London, KY., including
an E alternate via INT Knoxville 013° and London 141° radials;
Lexington, Ky.; Cincinnati, Ohio, including a W alternate via INT Lexington 327° and Cincinnati 192° radials, and also an E alternate from London to Cincinnati via INT London 004° and Lexington 107° radials and Falmouth, Ky.; Shelbyville, Ind., INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette, including a W alternate from Shelbyville to Lafayette via Indianapolis, Ind., and INT Indianapolis 344° and Shelbyville 313° radials and INT Shelbyville 313° and Lafayette 136° radials; Chicago Heights, Ill.; Joliet, Ill., INT Joliet 068° and Naperville, Ill., 340° radials; INT Naperville 340° and Janesville, Wis., 111° radials; Janesville; INT Janesville 294° and Lone Rock, Wis., 147° radials; Lone Rock; Nodine, Minn.; Minneapolis, Minn. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 8/17/72 37 F. R. 12062 (Changed)

V-98 From INT Litchfield, Mich., 126° and Carleton, Mich., 249° radials; Carleton; Windsor, Ont., Canada; London, Ontario, Canada; Toronto, Ontario, Canada; Stirling, Ontario, Canada; Maseena, N. Y.; St. Jean, Quebec, Canada. The airspace within Canada is excluded.

V-99 From Bridgeport, Conn.; to Hartford, Conn.

V-100 From Medicine Bow, Wyo., Scottsbluff, Nebr.; Alliance, Nebr.; Ainsworth, Nebr.; O'Neill, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; INT Rockford 093° and Northbrook, Ill., 270° radials; Northbrook; INT Northbrook 095° and Keeler, Mich., 271° radials; Keeler; Litchfield, Mich.; Carleton, Mich.
PENDING AMENDMENT
In V-100 "Rockford, Ill.; INT Rockford 093° and Northbrook, Ill., 270° radials;" is deleted and "Rockford, Ill.; INT Rockford 079° and Northbrook, Ill., 292° radials;" is substituted therefor.

AMENDMENTS 1/4/73 37 F. R. 23329 (Changed)

V-101 From Vernal, Utah, 25 miles, 25 miles 120 MSL, 22 miles 145 MSL, 20 miles 125 MSL, Salt Lake City, Utah; Ogden, Utah;
61 miles, 26 miles, 109 MSL, Burley, Idaho; INT Burley 323° and Pocatello, Idaho, 286° radials.

V-102 From Salt Flat, TX., via Carlsbad, NM., including a south alternate via INT Salt Flat 085° and Carlsbad 220° radials; Hobbs, NM.; Lubbock, TX.; Guthrio, TX.; Wichita
Falls, Tex., including a S alternate via INT Guthrie 103° and Wichita Falls 247° radials.

AMENDMENTS 4/27/72 37 F. R. 4073 (Changed)

V-103 From Greensboro, N. C., Roanoke, Va.; Elkins, W. Va.; Clarksburg, W. Va.; Bellaire, Ohio; INT Bellaire 327° and Akron, Ohio, 181° radials; Akron, Ohio; INT Akron 312° and Windsor, Ontario, Canada 134° radials; INT Windsor 134° and Salem, Mich., 117° radials; Salem. The airspace within Canada is excluded.

V-104 From Ottawa, Ontario, Canada, INT Ottawa 095° and Massena, N. Y., 330° radials; Massena; Plattsburgh, N. Y. The airspace within Canada is excluded.

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V-105 From Tucson, AZ., INT Tucson 298° and Casa Grande, AZ., 145° radials; Casa Grande; Phoenix, AZ.; Prescott, Ariz.; 25 miles, 22 miles, 85 MSL, Boulder City, Nev.; Las Vegas, Nev., including an E alternate from Prescott, 25 miles, 85 MSL INT Prescott 319° and Peach Springs, Ariz., 134° radials, 8 miles, 85 MSL, Peach Springs, INT Peach Springs 305° and Las Vegas 081° radials, to Las Vegas; INT Las Vegas 266° and Beatty, Nev., 142° radials; 17 miles, 105 MSL Beatty; 105 MSL Coaldale, Nev.; 82 miles 110 MSL, to Reno, Nev., including an east alternate from Coaldale, 110 MSL via Mina, Nev., 110 MSL INT Mina 300° and Reno 135° radials, Reno.

AMENDMENTS 2/3/72 36 F. R. 22366 (Changed)

V-106 From Johnstown, Pa.; INT Johnstown 068° and Selinsgrove, Pa., 259° radials; Selinsgrove; INT Selinsgrove 067° and Wilkes-Barre, Pa., 237° radials; Wilkes-Barre; Lake Henry, Pa., Pawling, N. Y.; Barnes, Mass.; Gardner, Mass.; Manchester, N. H.; Kennebunk, Maine.

V-107 From Los Angeles, Calif., INT Los Angeles 061° and Santa Monica, Calif., 093° radials; Santa Monica; INT Santa Monica 276° and Fillmore, Calif., 163° radials; Fillmore, including a W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials, and Ventura, Calif.; Avenal, Calif.; Los Banos, Calif.; Oakland, Calif., including an E alternate via INT Los Banos 317° and Oakland 110° radials; Point Reyes, Calif.; INT Point Reyes 306° and Ukiah, Calif., 172° radials. The airspace within R-2519 more than 3 statute miles W of Ventura 155° and 331° radials, the airspace within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The portion outside the United States has no upper limit.

V-108 From San Francisco, Calif., INT San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; INT Sausalito 052° and Linden, Calif., 269° radials; Linden. From Colorado Springs, Colo.; Hugo, Colo., including a south alternate via INT Colorado Springs 153° and Hugo 249° radials; 74 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.

V-109 From Los Banos, CA., Stockton, CA.; INT Stockton 267° and Oakland, CA., 077° radials; Oakland.

AMENDMENTS 3/30/72 37 F. R. 1464 (Changed)

V-110 From Deming, N. Mex., Truth or Consequences, N. Mex.

V-111 From Big Sur, Calif., Salinas, Calif.; INT Salinas 026° and Los Banos, Calif., 317° radials.

V-112 From Astoria, Oreg., 44 miles; 15 miles, 6-mile wide, Portland, Oreg.; The Dalles, Oreg.; INT of The Dalles 101° and Pendleton, Oreg., 254° radials; Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, Wash., including a W alternate from Pendleton via Pasco, Wash., 35 miles, 35 MSL INT Pasco 035° and Spokane 221° radials; 6 miles 35 MSL, to Spokane, and an east alternate from Pendleton via INT Pendleton 090° and Walla Walla, Wash., 215° radials, Walla Walla, 22 miles, 48 miles, 45 MSL, to Spokane; 47 miles, 105 MSL Cranbrook, British Columbia, Canada, excluding the portion within Canada.

AMENDMENTS 4/27/72 37 F. R. 4903 (Changed)
AMENDMENTS 10/6/72 37 F. R. 21160 (Changed)

V-113 From San Luis Obispo, Calif., Paso Robles, Calif.; Priest, Calif.; Los Banos, Calif.; Stockton, Calif.; Linden, Calif.; INT Linden 046° and Reno, Nev. 208° radials; Reno; 42 miles, 24 miles, 115 MSL, 95 MSL Sod House, Nev.; 67 miles, 95 MSL, 85 MSL Rome, Oreg.; 61 miles, 85 MSL, to Boise, Idaho.

V-114 From Amarillo, Tex., via Childress, Tex., including a S alternate; Wichita Falls, Tex., including a S alternate via INT Childress 120° and Wichita Falls 262° radials; INT Wichita Falls 117° and Blue Ridge, Tex., 285° radials; Blue Ridge; Quitman, Tex.; Gregg County, Tex.; Alexandria, La., including a north alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 302° radials; INT Baton Rouge, LA., 307° and Lafayette, LA., 042° radials; 7 miles wide (3 miles north and 4 miles south of centerline) Baton Rouge; New Orleans, LA., including a north alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials, excluding the portion within R-3801D.
AMENDMENTS 3/30/72 37 F. R. 2837 (Changed)
AMENDMENTS 4/27/72 37 F. R. 3631 (Changed)

V-115 From Crestview, Fla., INT Crestview 001° and Montgomery, Ala., 204° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles E and 3 miles W and within 4.5° of centerline) Birmingham; Chattanooga, Tenn., including a E alternate via INT Birmingham 097° and Gadsden, Ala., 233° radials, Gadsden and INT Gadsden 042° and Chattanooga 214° radials; Knoxville, Tenn., including a West alternate via INT Chattanooga 028° and Knoxville 243° radials; Whitesburg, Ky.; Charleston, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; INT Newcomerstown 038° and Franklin, Pa., 239° radials; Franklin; Tidioute, Pa.; Jamestown, N. Y.; Buffalo, N. Y.

V-116 From Kansas City, Mo., Macon, Mo.; Quincy, Ill.; Peoria, Ill.; Joliet, Ill.; Naperville, Ill.; Keeler, Mich., including a south alternate via INT Naperville 089° and Keeler 234° radials; Jackson, Mich.; INT Jackson 084° and Salem, Mich., 254° radials; Salem; Windsor, Ontario, Canada; INT Windsor 100° and Erie, Pa., 275° radials; Erie; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; INT Lake Henry 109° and Deer Park, N. Y., 296° radials; Deer Park. The airspace within Canada is excluded.

V-117 From Parkersburg, W. Va.; Bellaire, Ohio; INT Bellaire 044° and Newcomerstown, Ohio, 099° radials.

V-118 From Medicine Bow, Wyo., 23 miles 85 MSL, Laramie, Wyo.; Cheyenne, Wyo.

V-119 From Newcombe, Ky., Henderson, W. Va.; Parkersburg, W. Va.; INT Parkersburg 067° and Indian Head, Pa., 254° radials; Indian Head; Clarion, Pa.; Bradford, Pa.; Wellsville, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

V-120 From Mullan Pass, Idaho, 5 miles, 55 miles, 95 MSL, 43 miles, 125 MSL, Great Falls, Mont., Lewistown, Mont., including a N alternate INT Great Falls 074° and Lewistown 308° radials; 41 miles, 72 miles, 85 MSL, Miles City, Mont., 48 miles, 109 miles, 90 MSL, 38 MSL Dupree, S. Dak.; 60 miles, 38 MSL, Pierre, S. Dak.; Mitchell, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; to Waterloo, Iowa.

V-121 From Medford, Oreg., INT Medford 352° and Roseburg, Oreg., 127° radials; Roseburg; North Bend, Oreg.; Eugene, Oreg.; INT Eugene 070° and Redmond, Oreg., 281° radials; Redmond.

V-122 From Crescent City, Calif., Medford, Oreg.; 22 miles, 75 MSL INT Medford 117° and Klamath Falls, Oreg., 282° True radials; 6 miles, 75 MSL Klamath Falls; 21 miles, 90 MSL Lakeview, Oreg.

V-123 From Washington, D. C., INT Baltimore, Md., 223° and Kenton, Del., 262° radials; INT Kenton 262° and Woodstown, N. J., 230° radials; Woodstown; INT Woodstown 043° and Robbinsville, N. J., 239° radials; Robbinsville; LaGuardia, N. Y.; INT LaGuardia 034° and Carmel, N. Y., 188° radials; Carmel.

V-124 From Blue Ridge, Tex., via Paris, Tex.; Hot Springs, Ark.; Little Rock, Ark.; Memphis, Tenn.

V-125 From Anthony, Kans., Hutchinson, Kans.

V-126 From Chicago Heights, Ill., Goshen, Ind.; Waterville, Ohio; Cleveland, Ohio; Jefferson, Ohio; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; Huguenot, N. Y.

V-127 From Capital, Ill., INT Capital 013° and Bradford, Ill., 159° radials; Bradford; Polo, Ill.; Rockford, Ill.

V-128 From INT Naperville, Ill., 089° and Peotone, Ill., 003° radials; Peotone; INT Peotone 152° and Indianapolis, Ind., 312° radials; Indianapolis; INT Indianapolis 137° and Cincinnati, Ohio, 290° radials; Cincinnati; York, Ky., including a S alternate via INT Cincinnati 120° and York 271° radials; Charleston, W. Va.; Casanova, Va.

V-129 From Capital, Ill., Peoria, Ill.; Cordova, Ill.; Dubuque, Iowa; Waukon, Iowa; Nodine, Minn.; Eau Claire, Wis.; 15 miles, 73 miles, 35 MSL Duluth, Minn.; Hibbing, Minn., including an E alternate; 24 miles, 47 miles, 30 MSL, International Falls, Minn., including a W alternate from Hibbing, 24 miles 30 MSL INT Hibbing 325° and International Falls 182° radials, 25 miles, 30 MSL, to International Falls; INT International Falls 335° radial and the United States/Canadian border.

V-130 From Albany, N. Y., Hartford, Conn.; Norwich, Conn.; INT Norwich 090° radial and Providence, R. I., ILS localizer S course.

V-131 From McAlester, Okla., via Okmulgee, Okla.; Tulsa, Okla.; Chanute, Kans.; Topeka, Kans.

V-132 From Cheyenne, Wyo.; Akron, Colo.; 17 miles, 49 miles, 59 MSL, Goodland, Kans.; 50 miles, 97 miles, 65 MSL, Hutchinson, Kans.; INT Hutchinson 078° and Chanute, Kans., 294° radials; Chanute; INT Chanute 100° and Springfield, Mo., 276° radials; Springfield; INT Springfield 058° and Forney, Mo., 266°; Forney; INT Forney 086° and Maples, Mo., 052° radials, excluding that portion within R-4501A.

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V-133 From Fort Mill, S. C., Hickory, N. C.; Charleston, W. Va.; Zanesville, Ohio; Tiverton, Ohio; Mansfield, Ohio; Sandusky, Ohio; INT Sandusky 342° and Salem, Mich., 139° radials; Salem; Flint, Mich.; Saginaw, Mich.; Traverse City, Mich., Escanaba, Mich.; Marquette, Mich.; Houghton, Mich.; 10 miles, 26 MSL Thunder Bay, Ontario, Canada. The airspace within Canada is excluded.

V-134 From Fairfield, Utah, via Price, Utah; to Grand Junction, Colo.

V-135 From Yuma, Ariz., Blythe, Calif.; Parker, Calif.; 5 miles, 24 miles, 55 MSL, Needles, Calif.; Goffs, Calif.; 84 miles, 105 MSL Beatty, Nev.; 105 MSL INT Beatty 326° and Tonopah, Nev., 198° radials; to Tonopah, excluding the airspace above 9,000 feet MSL between Yuma and Parker. The airspace within R-4807 is excluded.
AMENDMENTS 4/27/72 37 F. R. 4072 (Changed)

V-136 From Pulaski, Va., INT Pulaski 094° and South Boston, Va., 295° radials; South Boston; Raleigh-Durham, N. C.

V-137 From Imperial, Calif., INT Imperial 350° and Thermal, Calif., 122° radials; Thermal; Palm Springs, CA.; Palmdale, CA.; Gorman, CA.; Avenal, CA.; Priest, CA.; Salinas, CA., excluding the airspace above 7,000 feet MSL, between Imperial and the intersection of the Thermal 122° and the Julian, CA., 055° radials. The airspace within R-2521 is excluded.

AMENDMENTS 4/27/72 37 F. R. 4072 (Changed)

V-138 From Riverton, Wyo., 35 mi. 80 mi. 107 MSL, 16 mi. 85 MSL, via Medicine Bow; Cheyenne, Wyo., including a N alternate via INT Medicine Bow 106° and Cheyenne 330° radials; Sidney, Nebr. From Grand Island, Nebr., 1200 feet AGL INT of Grand Island 099° and Lincoln, Nebr., 267° true radials; 1,200 feet AGL Lincoln; 1,200 feet AGL INT of Lincoln 040° and Neola, Iowa, 253° true radials; Neola; Fort Dodge, Iowa.

V-139 From Wilmington, N. C., New Bern, N. C.; Cofield, N. C.; INT Cofield 077° and Norfolk, Va., 209° radials; Norfolk; Cape Charles, Va.; Snow Hill, Md.; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; INT Hampton 059° and Providence, R. I., 212° radials; Providence; 6 miles wide, Whitman, Mass., including an E alternate; INT Whitman 041° and Manchester, N. H., 130° radials; Kennebunk, Maine. The airspace below 2,000 feet MSL outside
the United States, the airspace below 3,000 feet MSL between the Kennedy, N. Y., 087° and 141° radials, and the airspace within R-6604 are excluded.

V-140 From Amarillo, Tex., via Sayre, Okla., including a N alternate via INT Amarillo 072° and Sayre 288° radials; Kingfisher, Okla.; INT Kingfisher 072° and Tulsa, Okla., 261° radials; Tulsa; Fayetteville, Ark., including a N alternate via INT Tulsa 059° and Fayetteville 284° radials; Harrison, Ark., Walnut Ridge, Ark.; Dyersburg, Tenn.; Nashville, Tenn., Livingston, Tenn., including a south alternate
via INT Nashville 085° and Livingston 232° radials; London, Ky., including a north alternate from Nashville to London via INT Nashville 049° and London 258° radials; Whitesburg, Ky., Bluefield
W. Va.; INT of Bluefield 071° and Montebello, Va., 250° radials; Montebello; Casanova, Va.; Herndon, Va.; INT Herndon 061° and Modena, Pa., 234° radials; Modena.

V-141 From Nantucket, Mass., Hyannis, Mass.; Boston, Mass.; INT Boston 015° and Manchester, N. H. 117° radials; Manchester; Concord, N. H.; Lebanon, N. H., including an east alternate via INT Concord 022° and Lebanon 103° radials; Burlington, Vt.; Massena, N. Y.

V-142 From INT Atlanta, Ga., 117° and Augusta, Ga., 263° radials; to Augusta.

V-143 From Fort Mill, S. C., Greensboro, N. C.; Lynchburg, Va.; Montebello, Va.; Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa., including a north alternate via INT Martinsburg 044° and Lancaster 256° radials; Pottstown, Pa.; Yardley, Pa.

V-144 From INT Naperville, Ill., 089° and Peotone, Ill., 003° radials; Peotone; Fort Wayne, Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W. Va.; Kessel, W. Va.; Linden, Va.; INT Linden 104° and Herndon, Va., 185° radials.

V-145 From Utica, N. Y., INT Utica 303° and Watertown, N. Y., 171° radials; Watertown; INT Watertown 358° radial and the United States/Canadian border.

V-146 From Pawling, N. Y., Putnam, Conn.; Providence, R. I.; Martha's Vineyard, Mass.; Nantucket, Mass.

V-147 From INT New Castle, Del., 058° and Pottstown, Pa., 143° radials; Pottstown; East Texas, Pa.; Wilkes-Barre, Pa.; Elmira, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

V-148 From Denver, Colo.; INT Denver 174° and Kiowa, Colo., 273° radials; Kiowa; Thurman, Colo.; 65 MSL INT Thurman 067° and Hayes Center, Nebr., 246° radials; Hayes Center, Nebr.; North Platte, Nebr.; 21 miles, 84 miles 49 MSL, O'Neill, Nebr.; 10 miles, 62 miles, 35 MSL, Sioux Falls, S. Dak.; 29 miles, 46 miles, 31 MSL, Redwood Falls, Minn., including a south alternate from Sioux Falls 29 miles, 49 miles, 31 MSL, Redwood Falls; Minneapolis, Minn.

V-149 From INT Allentown, Pa. 147° and Solberg, N. J., 227° radials; Allentown, Pa.; Lake Henry, Pa.

V-150 From San Francisco, Calif., INT San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; Sacramento, Calif.

V-151 From Providence, R. I., Gardner, Mass.; Keene, N. H.; Lebanon, N. H., including a W alternate via INT Keene 336° and Lebanon 214° radials; Montpelier, Vt.; Burlington, Vt.

V-152 From St. Petersburg, Fla., Orlando, Fla., including a N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also a S alternate via Lakeland, Fla.; Dayton Beach, Fla., including a S alternate via INT Orlando 049° and Daytona Beach 161° radials.

V-153 From INT Sparta, N. J., 194° and Stillwater, N. J., 110° radials; Stillwater; Lake Henry, Pa.; Hancock, N. Y.; Georgetown, N. Y.; Syracuse, N. Y.

V-154 From Macon, Ga.; Dublin, Ga.; Savannah, Ga.

V-155 From Augusta, Ga., Chesterfield, S. C.; Pinehurst, N. C.; Raleigh-Durham, N. C.; Lawrenceville, Va.; INT Lawrenceville 034° and Flat Rock, Va.; 171° radials; Flat Rock; Gordonsville, Va.; Linden, Va.; Front Royal, Va. The airspace within R-6602 is excluded.

V-156 From Moline, Ill., Bradford, Ill.; Peotone, Ill.; INT Peotone 098° and Knox, Ind.; 238° radials; Knox; South Bend, Ind.

V-157 From Key West, Fla., Miami, Fla.; La Belle, Fla., including a W alternate from INT Miami 222° and Fort Myers, Fla., 137° radials to La Belle via INT Fort Myers 137° and La Belle 162° radials; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Waycross, Ga.; Alma, Ga.; Allendale, S. C.; Vance, S. C.; Florence, S. C. From Kinston, N. C., Rocky Mount, N. C.; Lawrenceville, Va.; Richmond, Va.; INT Brooke, Va., 132° and Washington, D. C., 189° radials; 6-mile wide Washington; Baltimore, Md.; INT Baltimore 038° and New Castle, Del., 261° radials; New Castle; Robbinsville, N. J.; Colts Neck, N. J.; Kingston, N. Y. The airspace within R-4001, R-6602, R-6612 is excluded.

V-158 From Waterloo, Iowa, Dubuque, Iowa; Polo, Ill. The airspace within R-3302 is excluded.

V-159 From Miami, Fla., INT Miami 343° and Palm Beach, Fla., 222° radials; Palm Beach; INT Palm Beach 321° and Vero Beach, Fla., 178° radials; Vero Beach; Orlando, Fla., including an E alternate via INT Vero Beach 341° and Orlando 123° radials; Ocala, Fla., including a W alternate via INT Orlando 283° and Ocala 156° radials; Gainesville, Fla.; Greenville, Fla., including a W alternate from Ocala to Greenville via Cross City, Fla.; Albany, Ga.; Eufaula, Ala.; Tuskegee, Ala.; Birmingham, Ala.; INT Birmingham 298° and Hamilton, Ala., 122° radials; Hamilton; Holly Springs, Miss., including an east alternate from Birmingham to Holly Springs via INT Birmingham 313° and Holly Springs 099° radials; Memphis, Tenn., including a west alternate from Hamilton to Memphis via INT Hamilton 273° and Memphis 136° radials; Walnut Ridge, Ark.; Dogwood, Mo.; Springfield, Mo.; Blue Springs, Mo.; Kansas City, Mo.; St. Joseph, Mo.; INT St. Joseph 328° and Omaha, Nebr., 155° radials; Omaha; Sioux City, Iowa, including a west alternate via INT Omaha
320° and Sioux City 174° radials; Yankton, S. Dak.; Mitchell, S. Dak.

V-160 From Denver, Colo.; INT Denver 045° and Sidney, Nebr., 230° radials; Sidney.

V-161 From Bridgeport, Tex., via Ardmore, Okla.;
Okmulgee, Okla.; Tulsa, Okla.; Oswego, Kans.; Butler, Mo.; Blue Springs, Mo.; INT Blue Springs 016° and Lamoni, Iowa, 174° radials; Lamoni; Des Moines, Iowa; Mason City, Iowa; Rochester, Minn., including a W alternate via INT Mason City 023° and Rochester 243° radials; INT Rochester
356° and Minneapolis, Minn., 116° radials; Minneapolis; 14 miles, 52 miles, 25 MSL, Brainerd, Minn.; Grand Rapids, Minn.; 15 miles, 59 miles 30 MSL, International Falls, Minn.; to Winnipeg, Manitoba, Canada, excluding the portion within Canada.

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V-162 From INT Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials; Clarksburg. From Harrisburg, Pa., East Texas, PA., including a S alternate via INT Harrisburg 087° and East Texas 225° radials; Allentown, PA.; Huguenot, NY.; INT Huguenot 032° and Pawling, NY., 259° radials to Pawling. The airspace within R-5802 is excluded.

AMENDMENTS 8/17/72 37 F. R. 12382 (Changed)

V-163 From Brownsville, Tex., INT Brownsville 356° and Corpus Christi 181° radials; Corpus Christi, including a west alternate from Brownsville to INT Brownsville 356° and Corpus Christi 181° radials via Harlingen, Tex.; Three Rivers, Tex., including a west alternate via INT Corpus Christi 296° and Three Rivers 165° radials; INT Three Rivers 345° and San Antonio 168° radials; San Antonio, including a west alternate; INT San Antonio 002° and Lometa, Tex., 173° radials; Lometa, including a W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° radails and Llano; Millsap, Tex., including an E alternate from Lometa to Millsap via Acton, Tex.; Bridgeport, Tex.; Ardmore, Okla.; INT Ardmore 342° and Oklahoma City, Okla., 154° radials; Oklahoma City, including a W alternate via INT Ardmore 327° and Oklahoma City 180° radials and also an E alternate via INT Ardmore 006° and Oklahoma City 107° radials. The airspace within Mexico is excluded.

V-164 From Buffalo, N. Y., Wellsville, N. Y.; Stonyfork, Pa.; Williamsport, Pa.; INT Williamsport 129° and East Texas, Pa., 315° radials; East Texas.

V-165 From San Diego, Calif., INT San Diego 270° and Oceanside, Calif., 177° radials; Oceanside; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; INT Los Angeles 357° and Lake Hughes, Calif., 154° radials; Lake Hughes; INT Lake Hughes 344° and Bakersfield, Calif., 137° radials; Bakersfield; Porterville, Calif.; INT Porterville 339° and Fresno, Calif., 140° radials; Fresno; 68 miles, 50 miles, 131 MSL, Reno, Nev.; 40 miles, 7 miles, 115 MSL, 87 miles, 135 MSL, Lakeview, Oreg.; 5 miles, 72 miles, 90 MSL, Redmond, Oreg.; 16 miles, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, Newberg, Oreg.; 32 miles, 45 MSL INT Newberg 355° and Olympia, Wash., 195° radials; Olympia; INT Olympia 010° and Seattle, Wash., 249° radials; Seattle.

V-166 From Parkersburg, W. Va., Clarksburg, W. Va.; Kessel, W. Va.; Martinsburg, W. Va.; Westminster, Md.; New Castle, Del.; Woodstown, N. J.; Sea Isle, N. J.

V-167 From Hancock, N. Y.; INT Hancock 120° and Kingston, N. Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford; INT Hartford 081° and Providence, R. I., 270° radials; Providence; INT Providence 101° and Hyannis, Mass., 224° radials; Hyannis. The airspace below 2,000 feet MSL outside the United States is excluded.

V-168 From Birmingham, Ala., to INT Birmingham 113° and Talladega, Ala., 179° radials.

V-169 From Tobe, Colo., 69 MSL Hugo, Colo.; 38 miles, 67 MSL, Thurman, Colo.; Akron, Colo.; Sidney, Nebr.; Scottsbluff, Nebr.; Chadron, Nebr.; Rapid City, S. Dak.; Dupree, S. Dak.; Bismarck, N. Dak. The airspace within R-4701 is excluded.

V-170 From Aberdeen, SD., Sioux Falls, SD.; Worthington, MN.; Fairmont, MN.; Rochester, MN.; Nodine, MN., Dells, WI.; INT Dells 097° and Milwaukee, WI., 307° radials; Milwaukee; INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman; Salem, Mich. From Erie, Pa., Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; INT Ravine 125° and Modena, Pa., 318° radials; Modena. The airspace within R-5802 is excluded.

AMENDMENTS 3/2/72 36 F. R. 23794 (Changed)

V-171 From Louisville, Ky., Lewis, Ind., including an E alternate from Louisville to Lewis via INT Louisville 312° and Bloomington 153° radials, and Bloomington; Danville, Ill.; Peotone, Ill.; Joliet, Ill.; Rockford, Ill.; Lone Rock, Wis.; Nodine, Minn.; INT Nodine 298° and Farmington, Minn., 124° radials; Farmington; Darwin, Minn.; 6 miles, 51 miles, 27 MSL, Alexandria, Minn.; INT Alexandria 321° and Grand Forks, N. Dak., 152° radials; Grand Forks.

V-172 From Denver, Colo., INT Denver 061° and Hayes Center, Nebr., 276° radials; INT Hayes Center 276° and North Platte, Nebr. 245° radials; North Platte; INT North Platte 073° and Wolbach, Nebr., 266° radials; Wolbach; Neola, Iowa; Newton, Iowa; Cedar Rapids, Iowa; Polo, Ill.; Chicago-O'Hare, Ill.; INT Chicago-O'Hare 091° and South Bend, Ind., 290° radials; South Bend.

V-173 From Capital, IL., via INT Capital 058° and Peotone, IL., 218° radials; INT Peotone 218° and Roberts, IL., 008° radials; INT Roberts 008° and Joliet, IL., 067° radials; Kedzie, IL., RBN.

AMENDMENTS 7/20/72 37 F. R. 10562 (Rewritten)

V-174 From York, Ky., Henderson, W. Va.; Elkins, W. Va.; Linden, Va.; INT Linden 104° and Herndon, Va., 185° radials.

V-175 From Malden, Mo.; Vichy, Mo.; Hallsville, Mo., including a west alternate via INT Vichy 321° and Hallsville 183° radials; Macon, Mo.; Kirksville, Mo.; Des Moines, Iowa; Sioux City, Iowa; Worthington, Minn.; Redwood Falls, Minn.

V-176 From Pontiac, Mich., to INT Pontiac 100° and Windsor, Ontario, Canada, 057° radials, excluding the portion within Canada.

V-177 From Naperville, Ill., Janesville, Wis.; Madison, Wis.; Stevens Point, Wis., including a west alternate via Dells, WI.; Wausau, WI., 32 miles, 99 miles, 50 MSL, Duluth, MN.; Ely, MN.

AMENDMENTS 5/25/72 37 F. R. 6574 (Changed)
AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

V-178 From Vichy, Mo.; Farmington, Mo.; Cunningham, Ky., including a south alternate; Central City, Ky.; New Hope, Ky.; Lexington, Ky.; Bluefield, W. Va.

V-179 From Dublin, Ga., via INT Dublin 329° and Atlanta, Ga., 117° radials; to INT Atlanta 117° and Augusta, Ga., 263° radials.

V-180 From San Antonio, Tex., via Eagle Lake, Tex.; Scholes, Tex.

V-181 From Kirksville, Mo., Lamoni, Iowa; Omaha, Nebr.; Norfolk, Nebr.; Yankton, S. Dak.; Sioux Falls, S. Dak., including a W alternate via INT Yankton 016° and Sioux Falls 230° radials; Watertown, S. Dak., including an east alternate; 34 miles, 24 miles, 34 MSL, Fargo, N. Dak., including an east alternate; Grand Forks, N. Dak., including an east alternate via INT Fargo 004° and Grand Forks 152° radials; Pembina, N. Dak.; INT Pembina 356° radial and the United States/Canadian border.

V-182 From Portland, Oreg., The Dalles, Oreg.; Baker, Oreg.

V-183 From Santa Barbara, Calif., Bakersfield, Calif.

V-184 From Erie, Pa., Tidioute, Pa.; INT Tidioute 154° and Philipsburg, Pa., 296° radials; Philipsburg; Harrisburg, Pa.; INT Harrisburg 132° and Modena, Pa., 274° radials; Modena; INT Modena 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; Woodstown, N. J.; Millville, N. J.; Atlantic City, N. J.

V-185 From Savannah, Ga.; Augusta, Ga.; Greenwood, S. C.; Sugarloaf Mountain, N. C.; Snowbird, Tenn.; INT Snowbird 301° and Knoxville, Tenn., 069° radials; Knoxville, including an E alternate from Sugarloaf Mountain to Knoxville via INT Sugarloaf Mountain 329° and Knoxville 069° radials. The airspace within R-6004 is excluded.

V-186 From Fillmore, Calif., Van Nuys, Calif.; Ontario, Calif.

V-187 From Albuquerque, N. Mex., via Farmington, N. Mex.; 50 miles, 62 miles 115 MSL, Grand Junction, Colo., including a west alternate from Farmington, Cortez, Colo., Dove Creek, Colo., 17 miles, 28 miles 115 MSL, to Grand Junction, excluding the airspace between the main and west alternate; 75 miles, 50 miles, 112 MSL, Rock Springs, Wyo., including a west alternate from Grand Junction 45 miles 103 MSL, 14 miles 85 MSL, Vernal, Utah, 20 miles, 110 MSL, Rock Springs, excluding the airspace between the main and this west alternate; 20 miles, 37 miles 95 MSL, INT Rock Springs 026° and Riverton, Wyo., 180° radials; Riverton; Boysen Reservoir, Wyo.; 9 miles, 78 miles, 105 MSL, Billings, Mont., including a west alternate from Boysen Reservoir, 9 miles, 56 miles, 91 MSL, via Cody, Wyo., Billings, excluding the airspace between the main and this west alternate; 40 miles, 75 MSL INT Billings 317° and Great Falls, MT., 122° radials; Great Falls; Missoula, MT.; Lewiston, ID.; Pasco, WA.

AMENDMENTS 5/25/72 37 F. R. 6286 (Changed)

V-188 From Carleton, Mich., Jefferson, Ohio; Tidioute, Pa.; Slate Run, Pa.; Williamsport, Pa.; Wilkes-Barre, Pa.; INT Wilkes-Barre 094° and Sparta, N. J., 290° radials; Sparta. The airspace within Canada is excluded.

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V-189 From Rocky Mount, N. C., Franklin, Va.; Hopewell, Va.

V-190 From Phoenix, Ariz., 54 miles, 19 miles, 95 MSL, 59 miles, 115 MSL St. Johns, Ariz., including a north alternate via INT Phoenix 051° and St. Johns 263° radials; Albuquerque, N. Mex., including a south alternate via INT St. Johns 092° and Albuquerque 238° radials; Las Vegas, N. Mex.; 19 mi., 72 mi. 90 MSL, Dalhart, TX.; 14 mi., 36 mi. 60 MSL, Gage, OK.; INT Gate 059° and Pioneer, OK., 280° radials; Pioneer; INT Pioneer 094° and Bartlesville, OK., 256° radials; Bartlesville; INT Bartlesville 075° and Oswego, Kans., 233° radials; Oswego; INT Oswego 085° and Springfield, Mo., 261° radials; Springfield; Maples, Mo.; Farmington, Mo., Marion, Ill.; Evansville, Ind.

AMENDMENTS 5/25/72 37 F. R. 4181 (Changed)

V-191 From Troy, Ill.; Decatur, Ill.; Roberts, Ill.; INT Roberts 008° and Joliet, Ill., 067° radials; Northbrook, IL.; INT Northbrook 332° and Milwaukee, WI., 182° radials; Milwaukee; Oshkosh, WI.; Stevens Point, WI.; Wausau, WI.; Rhinelander, WI., including an E alternate from Oshkosh direct to Rhinelander; Ironwood, Mich.; Duluth, Minn.

AMENDMENTS 8/17/72 37 F. R. 12220 (Changed)

V-192 From Champaign, Ill.; Terre Haute, Ind.

V-193 From INT Pullman, Mich., 243° and South Bend, Ind., 310° radials; Pullman; INT Pullman 029° and White Cloud, Mich., 168° radials; White Cloud; Traverse City, Mich., including a W alternate via Manistee, Mich.; Pellston, Mich.; Sault Ste. Marie, Mich.

V-194 From Lafayette, La., via Baton Rouge, La.; McComb, Miss.; INT McComb 055° and Meridian, Miss., 221° radials; Meridian. From Norcross, Ga., INT Norcross 042° and Anderson, S. C., 274° radials; Anderson; INT Anderson 065° and Charlotte, N. C., 240° radials; Charlotte; Liberty, N. C.; Raleigh-Durham, N. C.; Rocky Mount, N. C.; Cofield, N. C.; Norfolk, Va., INT Norfolk 001° and Harcum, Va., 075° radials; INT Harcum 075° and Snow Hill 211° radials.

V-195 From Oakland, Calif., INT Oakland 004° and Williams, Calif., 191° radials; Williams; INT Williams 002° and Red Bluff, Calif., 158° radials; Red Bluff; Fortuna, Calif.

V-196 From Utica, N. Y., Saranac Lake, N. Y.; Plattsburgh, N. Y.

V-197 From Ontario, Calif.; Pomona, Calif.; Palmdale, Calif.; INT Palmdale 314° and Bakersfield, Calif., 137° radials; Bakersfield, excluding the airspace more than 3 miles northeast of the centerline from Palmdale to 30 miles northwest.

V-198 From San Simon, Ariz., Columbus, N. Mex.; El Paso, Tex., 6 mi. wide, INT El Paso 109° and Hudspeth, Tex., 287° radials; 6 mi. wide, Hudspeth; 29 mi., 38 mi. 82 MSL, INT Hudspeth 109° and Fort Stockton, Tex., 284° radials; 18 mi. 82 MSL, Fort Stockton; 20 mi., 116 mi. 55 MSL, Junction, Tex.; San Antonio, Tex.; Eagle Lake, Tex.; Houston, Tex.; INT Houston 090° and Sabine Pass, Tex., 265° radials; Sabine Pass, including a north alternate from Eagle Lake to Sabine Pass via Humble, Tex.; White Lake, La.; Tibby, La.; Harvey, La., 69 miles, 33 miles 25 MSL, Brookley; 6 miles wide Navy Saufley, Fla.; 6 miles wide INT Navy Saufley 047° and Crestview, Fla., 251° radials; 6 miles wide Crestview; Marianna, Fla.; Tallahassee, Fla.; Greenville, Fla.; 18 miles, 6 miles wide, Taylor, Fla.; Jacksonville, Fla.

V-199 From San Francisco, Calif. INT San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; 17 miles, 23 miles 85 MSL, 18 miles 75 MSL, Red Bluff, Calif. The portion outside the United States has no upper limit.

V-200 From Ukiah, Calif., Williams, Calif.; Reno, Nev. From Fairfield, Utah, 10 miles, 35 miles 125 MSL, Myton, Utah; 30 miles 79 MSL, 31 miles, 98 MSL Meeker, Colo.; 37 miles, 26 miles, 140 MSL, 130 MSL, Kremmling, Colo.; 9 miles, 130 MSL, 29 miles, 144 MSL, 11 miles, 127 MSL, Denver, Colo.

V-201 From INT Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; Los Angeles; Palmdale, Calif. The portion outside the United States has no upper limit.

V-202 From Cochise, Ariz., via San Simon, Ariz.; Silver City, N. Mex.; Truth or Consequences, N. Mex.

V-203 From Norwich, Conn., Chester, Mass.; INT Chester 293° and Albany, N. Y., 139° radials; Albany; Saranac Lake, N. Y.; Massena, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-204 From Hoquiam, Wash., Olympia, Wash.; INT Olympia 114° and Yakima, Wash., 271° radials; Yakima.

V-205 From Sparta, N. J.; INT Sparta 023° and Pawling, N. Y., 238° radials; Pawling; INT Pawling 076° and Boston, Mass., 251° radials; to Boston.

V-206 From Blue Springs, Mo., INT Blue Springs 056° and Kirksville, Mo., 225° radials; Kirksville.

V-207 From Denver, Colo., Gill, Colo.; Scottsbluff, Nebr.

V-208 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Santa Catalina, Calif., 355° radials; 7 miles wide (3 miles E and 4 miles W of centerline) Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif. Twentynine Palms, Calif.; 20 miles, 24 miles 73 MSL, Needles, Calif.; Peach Springs, Ariz. From Myton, Utah, 79 MSL, via Vernal, Utah, 25 miles, 105 MSL, Cherokee, Wyo. The airspace within R-2503 and the airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V-209 From Mobile, Ala., INT Mobile 356° and Hattiesburg, Miss., 080° radials; 10 mi.; 6 mi. wide Kewanee, Miss.; 7 mi. wide (4 mi. on N, 3 mi. on S and within 4.5° of centerline) Brookwood, Ala.; Birmingham, Ala.

V-210 From Los Angeles, Calif., INT Los Angeles 083° and Pomona, Calif., 240° radials; Pomona; INT Daggett, Calif., 229° and Hector, Calif., 263° radials; Hector; Goffs, Calif.; 13 miles, 23 miles 71 MSL, 85 MSL, Peach Springs, Ariz.; Grand Canyon, Ariz.; Tuba City, Ariz.; 10 mi. 90 MSL, 91 mi. 105 MSL, Farmington, N. Mex.; Alamosa, Colo., including a south alternate via INT Farmington 086° and Alamosa 232° radials; INT Alamosa 074° and Lamar, Colo., 250° radials; 40 miles, 51 miles, 65 MSL, Lamar; 13 miles, 79 miles, 55 MSL, Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City. From Indianapolis, Ind., Muncie, Ind.; Rosewood, Ohio; Tiverton, Ohio; Briggs, Ohio; INT Briggs 044° and Akron, Ohio, 088° radials; INT Akron 088° and Youngstown, Ohio, 116° radials; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa.; INT Revloc 096° and Harrisburg, Pa., 289° radials; Harrisburg; Lancaster, Pa.; INT Lancaster 095° and Pottstown, Pa., 143° radials.

V-211 From INT Alamosa, Colo., 232° and Durango, Colo., 110° radials via Durango; INT of Durango 286° and Cortez, Colo., 115° radials; Cortez, Colo., excluding the airspace below 1,200 feet above the surface.

V-212 From San Antonio, Tex., via INT San Antonio 089° and Industry, Tex., 233° radials; Industry; Navasota, Tex.; Lufkin, Tex.; Alexandria, La.; McComb, Miss.

V-213 From Myrtle Beach, S. C., INT Myrtle Beach 031° and Rocky Mount, N. C., 191° radials; Rocky Mount; Hopewell, Va.; INT Hopewell 019° and Brooke, Va., 132° radials; Patuxent River, Md.; Kenton, Del.; Woodstown, N. J.; INT Woodstown 043° and Robbinsville, N. J. 239° radials; Robbinsville.

V-214 From Richmond, Ind., INT Richmond 090° and Rosewood, Ohio, 202° radials. From INT Appleton, Ohio, 236° and Zanesville, Ohio, 274° radials; Zanesville; Bellaire, Ohio; INT Bellaire, 108° and Indian Head, Pa., 254° radials; Indian Head; Martinsburg, W. Va.

V-215 From INT Muskegon, Mich., 208° and Pullman, Mich., 261° radials; Muskegon; White Cloud, Mich.

V-216 From Lamar, Colo., Hill City, Kans.; Mankato, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Ottumwa, Iowa; Iowa City, Iowa; INT Iowa City 062° and Janesville, Wis., 240° radials; Janesville; INT Janesville 076° and Muskegon, Mich., 252° radials; Muskegon; Saginaw, Mich.; Peck, Mich., including a southern alternate via INT Saginaw 131° and Peck 270° radials; Kleinburg, Ont., Canada. The airspace within Canada is excluded.

V-217 From Chicago-O'Hare, IL.; INT Chicago-O'Hare 019° and Milwaukee, WI., 137° radials; INT Chicago Heights, IL., 358° and Milwaukee 121° radials; Milwaukee; Green Bay, WI.; 32 miles, 39 miles, 31 MSL, Rhinelander, WI.; 24 miles, 80 miles, 55 MSL, Duluth, MN.

AMENDMENTS 8/17/72 37 F. R. 12220 (Rewritten)

V-218 From Minneapolis, MN.; Waukon, IA., Rockford, IL.; INT Rockford 136° and Naperville, Ill., 290° radials; Naperville; Keeler, Mich.; Lansing, Mich.; Pontiac, Mich.; to INT Pontiac 112° and Windsor, Ont., Canada, 320° radials.

AMENDMENTS 3/2/72 36 F. R. 23794 (Changed)

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V-219 From Hayes Center, Nebr., INT Hayes Center 058° and Wolbach, Nebr., 251° radials; Wolbach; Norfolk, Nebr.; Sioux City, Iowa; Fairmont, Minn.; Mankato, Minn.; Farmington, Minn.

V-220 From Kremmling, Colo., 12 miles, 130 MSL, 32 miles, 147 MSL, 8 miles, 115 MSL INT Kremmling 081° and Denver, Colo., 334° radials; Akron, Colo., INT Akron 094° and McCook, Nebr., 264° radials; McCook; INT McCook 072° and Grand Island, Nebr., 241° radials; Kearney, Nebr.; Hastings, Nebr.; Columbus, Nebr.

V-221 From Fort Wayne, Ind., via Litchfield, Mich.; Jackson, Mich.; INT Jackson 084° and Salem, Mich. 254° radials; Salem; INT Salem 083° and Erie, Pa., 290° radials; Erie. The airspace within Canada is excluded.

V-222 From El Paso, Tex., via Salt Flat, Tex.; Fort Stockton, Tex.; 20 miles, 116 miles, 55 MSL, Junction, Tex.; INT Junction 112° and San Antonio, Tex., 334° radials; San Antoio; INT San Antonio 074° and Industry, Tex., 264° radials; Industry; INT Industry 085° and Humble, Tex., 274° radials; Humble; Beaumont, Tex.; Lake Charles, LA., including a north alternate from Humble to Lake Charles via Daisetta, TX.; McComb, MS.; Hattiesburg, MS.; Monroeville, AL.; Montgomery, AL.; LaGrange, GA.; to INT LaGrange 053° and Rome, Ga., 157° radials. From Norcross, Ga., via INT Norcross 042° and Anderson, S. C., 274° radials Toccoa, Ga.; Sugarloaf, Mountain, N. C.; Hickory, N. C.; Lynchburg, Va.; INT Lynchburg 058° and Brooke, Va., 230° radials; Brooke; INT Brooke 045° and Richmond, Va., 009° radials.

AMENDMENTS 3/30/72 37 F. R. 928 (Changed)

V-223 From Flat Rock, Va., INT Brooke, Va., 300° and Herndon, Va., 202° radials; Herndon; Harrisburg, Pa.

V-225 From Key West, Fla., 30 miles, 72 miles, 17 AGL, Fort Myers, Fla., including an E alternate from Key West, 30 miles, 77 miles 17 AGL to Fort Myers; La Belle, Fla.; Vero Beach, Fla. The portion of V-225 E alternate outside the United States has no upper limit.

V-226 From INT Franklin, Pa., 175° and Clarion, Pa., 222° radials; Clarion, Pa.; Keating, Pa.; Williamsport, Pa., Wilkes-Barre, Pa.; Stillwater, N. J.; INT Stillwater 110° and Sparta, N. J., 194° radials.

V-227 From Lafayette, Ind., Roberts, Ill.; Pontiac, Ill.; INT Pontiac 338° and Rockford, Ill., 172° radials; Rockford.

V-228 From Northbrook, Ill., INT Northbrook 111° and South Bend, Ind., 290° radials; South Bend, including a N alternate via INT Northbrook 095° and South Bend 310° radials.

V-229 From Kennedy, N. Y.; Madison, Conn.; Hartford, Conn.; INT Hartford 044° and Gardner, Mass., 150° radials; Gardner.

V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° radials; Salinas; Los Banos, Calif., including a south alternate via INT Salinas, Calif., 100° and Los Banos, Calif., 245° radials; Fresno, Calif.; Friant, Calif. The portion outside the United States has no upper limit.

V-231 From Missoula, MT., to Kalispell, MT.

AMENDMENTS 4/27/72 37 F. R. 3631 (Rewritten)

V-232 From INT of Waterville, Ohio, 013° and Sandusky, Ohio, 296° radials, Sandusky; INT Sandusky 061° and Chadron, Ohio, 281° radials; Chadron; Franklin, Pa.; Keating, Pa.; Milton, Pa.; INT of Milton 099° and Stillwater, N. J., 172° radials.

V-233 From Capital, IL., via Roberts, IL.; Knox, IN.; Goshen, IN.; Litchfield, MI.; Lansing, MI.; Mount Pleasant, MI.; INT Mount Pleasant 351° and Gaylord, MI., 206° radials; Gaylord; Pellston, MI.

AMENDMENTS 7/20/72 37 F. R. 10562 (Changed)

V-234 From Anton Chico, N. Mex.; INT Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; 32 miles, 74 miles, 65 MSL, Hutchinson, Kans.; Emporia, Kans.; Butler, Mo.; Vichy, Mo.; INT Vichy 091° and Centralia, Ill., 253° radials; Centralia.

V-235 From Fairfield, Utah, 10 miles, 15 miles, 135 MSL, 46 miles, 125 MSL, Fort Bridger. From Rock Springs, Wyo., 20 miles, 41 miles, 95 MSL, 37 miles, 107 MSL, to Casper, Wyo.

V-236 From INT Bonneville, Utah, 084° and Ogden, Utah, 235° radials; Ogden.

V-237 From Needles, Calif., 25 miles, 24 miles 71 MSL, Boulder City, Nev.; INT Boulder City 347° and Las Vegas, Nev., 081° radials; Las Vegas.

V-238 From Maples, Mo.; Troy, Ill.

V-239 From Forney, Mo., INT Forney 358° and Hallsville, Mo., 183° radials; Hallsville.

V-240 From New Orleans, La., via INT New Orleans 085° and Harvey, La., 065° radials; INT Brookley, Ala., 246° and Mobile, Ala., 224° radials; to Mobile.

V-241 From Crestview, Fla., INT Crestview 076° and Dothan, Ala., 232° radials; Dothan; Eufaula, Ala.; Columbus, Ga., including a W alternate from Dothan to Columbus via INT Dothan 002° and Columbus 219° radials; INT Columbus 019°and Rome, Ga., 157° radials.

V-243 From Jacksonville, FL., INT Jacksonville 319° and Waycross, GA., 126° radials; Waycross; Vienna, GA., including an E alternate via Alma, Ga., and INT Alma 320° and Vienna 104° radials; INT Vienna 305° and La Grange, Ga., 112° radials; La Grange; INT La Grange 342° and Chattanooga, Tenn., 190° radials; Chattanooga; Bowling Green, Ky.; Lewis, Ind.

AMENDMENTS 4/27/72 37 F. R. 4073 (Changed)

V-244 From Oakland, CA., INT Oakland 077° and Stockton, CA., 267° radials; Stockton, including a S alternate INT Oakland 110° and Stockton 246° radials; 76 miles, 51 miles 145 MSL, Coaldale, Nev.; Tonopah, Nev.; 40 miles 115 MSL Wilson Creek, Nev.; 28 miles 115 MSL, Milford, Utah, Hanksville, Utah; 63 miles, 13 miles 140 MSL, 36 miles 115 MSL, Montrose, Colo.; Gunnison, Colo.; 33 miles, 122 MSL, 27 miles, 155 MSL, Pueblo, Colo.; 18 miles, 48 miles, 60 MSL, Lamar, Colo.; 20 miles, 116 miles 65 MSL, Hays, Kans.; Salina, Kans. The airspace within R-2531 is excluded.

AMENDMENTS 3/30/72 37 F. R. 1464 (Changed)

V-245 From Alexandria, La., via Natchez, Miss.; Jackson, Miss.; Columbus, Miss., excluding the airspace at and above 8,000 feet MSL from Jackson to Columbus.

V-246 From Nodine, Minn., INT Nodine 055° and Stevens Point, Wis., 255° radials; to Stevens Point.

V-247 From Douglas, Wyo., 90 miles 75 MSL, to Crazy Woman, Wyo.

V-248 From Paso Robles, Calif., Avenal, Calif.; Bakersfield, Calif.

V-249 From Sparta, N. J., INT Sparta, N. J., 023° and DeLancey, N. Y., 131° radials; DeLancey; Utica, N. Y.

V-250 From O'Neill, Nebr.; Yankton, S. Dak.; Worthington, Minn.; Mankato, Minn.

V-251 From Decatur, Ill., via Champaign, Ill.; Danville, Ill.; Lafayette, Ind.

V-252 From Buffalo, N. Y., Geneseo, N. Y.; Binghamton, N. Y.; Huguenot, N. Y.

V-253 From Fairfield, Utah, INT Fairfield 326° and Salt Lake City, 265° radials; 24 miles, 85 MSL Bonneville; 5 miles, 85 MSL, 90 MSL Lucin, Utah; 14 miles, 90 MSL 19 miles, 105 MSL, Twin Falls, Idaho; Boise, Idaho; 42 miles; 99 MSL McCall, Idaho; 11 miles 99 MSL, 33 miles 115 MSL, Lewiston, Idaho; Pullman, Wash.; Spokane, Wash.

V-255 From Garden City, Kans., to Hays, Kansas.

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V-257 From Pheonix, Ariz., Prescott, Ariz.; INT Prescott 003° and Grand Canyon, Ariz., 211° radials; Grand Canyon; 7 miles, 71 miles 125 MSL, Bryce Canyon, Utah; INT Bryce Canyon 338° and Delta, Utah, 186° radials, Delta; 39 miles, 105 MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 118 MSL, Malad City; Pocatello, Idaho; DuBois, Idaho; Dillon, Mont.; Butte, Mont.; 22 miles, 85 MSL INT Butte 002° and Helena, Mont., 272° radials; INT Helena 272° and Great Falls, Mont., 222° radials; Great Falls; 73 miles, 56 MSL, Havre, Mont. The airspace within R-6401 and R-6403 is excluded.

V-258 From Charleston, W. Va., Beckley, W. Va.; INT Beckley 125° and Roanoke, Va., 288° radials; Roanoke; INT Roanoke 145° and Danville, Va., 320° radials; Danville.

V-259 From Fort Mill, S. C., Holston Mountain, Tenn.

V-260 From Charleston, W. Va., Rainelle, W. Va.; Roanoke, Va., Lynchburg, Va.; Flat Rock, Va.; Richmond, Va.; Hopewell, Va.; INT Hopewell 128° and Norfolk, Va., 296° radials; Norfolk,

V-262 Fort Peoria, Ill., Bradford, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

V-263 From Cimarron, N. Mex., Tobe, Colo., 54 miles, 69 MSL, Lamar, Colo.; 17 miles, 63 MSL Hugo, Colo.; Gill, Colo. From Pierre, S. Dak., Aberdeen, S. Dak.

V-264 From Los Angeles, Calif., INT Los Angeles 061° and Pomona, Calif., 269° radials; 6 miles wide, Pomona; Twentynine Palms, Calif., including a S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., and Palm Springs, Calif.; 17 miles, 28 miles 55 MSL, Parker, Calif.; 35 miles, 60 miles 95 MSL, Prescott, Ariz.; Winslow, Ariz.; St. Johns, Ariz.; 55 miles, 25 miles, 115 MSL, Socorro, N. Mex.; Corona, N. Mex.; 15 miles, 35 miles 105 MSL, Tucumcari, N. Mex.

V-265 From INT Nottingham, Md., 271° and Westminster, Md., 179° radials; Westminster; INT Westminster 346° and Harrisburg, Pa., 196° radials; Harrisburg; Phillipsburg, Pa.; Keating, N. Y.; Bradford, Pa.; Jamestown, N. Y.; Dunkirk, N. Y.

V-266 From Hickory, N. C., South Boston, Va.; Lawrenceville, Va.; Franklin, Va.; INT Franklin 087° and Norfolk Va., 226° radials; Norfolk.

V-267 From Biscayne Bay, Fla., Miami, Fla.; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; Orlando, Fla.; including an east alternate from Miami to Orlando via Palm Beach, Fla., and INT Palm Beach 321° and Orlando 162° radials; Jacksonville, Fla., including an E alternate from Orlando to INT Dayton Beach, Fla., 308° and Jacksonville 174° radials via Daytona Beach; INT Jacksonville 334° and Dublin, Ga., 137° radials; Dublin; Athens, Ga.; INT Athens 339° and Harris, Ga., 149° radials; Harris; Knoxville, Tenn.

V-268 From INT Grantsville, Md., 086° and Martinsburg, W. Va., 297° radials; Hagerstown, Md.; Westminster, Md.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; Kenton 086° and Sea Isle, N. J., 050° radials. The airspace within R-4001 and the airpace below 2,000 feet MSL outside the United States is excluded.

V-269 From Ely, Nev., 125 MSL to INT Ely 007° and Bonneville, Utah, 272° radials. From Wells, Nev., Twin Falls, Idaho; Burley, Idaho; Pocatello, Idaho.

V-270 From Erie, Pa., Jamestown, N. Y.; Wellsville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; DeLancey, N. Y.; Chester, Mass.

V-271 From Muskegon, Mich., to Manistee, Mich.

V-272 From Dalhart, Tex., via Borger, Tex.; Sayre, Okla.; Oklahoma City, Okla., including a N alternate via INT Sayre 070° and Oklahoma City 282° radials and also a S alternate via INT Sayre 101° and Oklahoma City 242° radials; INT Oklahoma City 107° and McAlester, Okla., 292° radials; McAlester.

V-273 From INT Sparta, N. J., 133° and Solberg, N. J., 051° radials; Sparta; INT Sparta 331° and Hancock, N. Y., 148° radials; Hancock; Georgetown, N. Y.; 6 mi. wide, Syracuse, N. Y.

V-274 From Pullman, Mich., Grand Rapids, Mich.; Saginaw, Mich.

V-275 From Cincinnati, Ohio, INT Cincinnati 006° and Dayton, Ohio, 207° radials; Dayton, including a W alternate from Cincinnati to Dayton via INT Cincinnati 336° and Richmond, Ind., 190° radials, and Richmond; INT Dayton 011° and Salem, Mich., 197° radials; Salem.

V-276 From Erie, Pa., via Franklin, Pa.; Clarion, Pa.; Tyrone, Pa.; INT Tyrone 096° and Ravine, Pa., 279° radials Ravine; Yardley, Pa.; Robbinsville, N. J.; INT Robbinsville 112° and Sea Isle, N. J., 050° radials. The airspace below 2,000 feet MSL outisde the United States is excluded.

V-277 From Rosewood, Ohio, Fort Wayne, Ind.; Keeler, Mich.

V-278 From Texico, N. Mex., via Plainview, Tex.; Guthrie, Tex.; Bridgeport, Tex.; Blue Ridge, Tex.; Paris, Tex.; Texarkana, Ark.; Monticello, Ark.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala., including a S alternate from Columbus to Birmingham via INT Columbus 082° and Tuscaloosa, Ala., 304° radials, and Tuscaloosa, excluding the airspace between the main and this alternate airway.

V-279 From the Columbus, Ohio, RBN, INT Findlay, Ohio, 146° and Rosewood, Ohio, 045° radials; 7 miles wide (4 miles northeast and 3 miles southwest of the centerline) to Findlay.

V-280 From El Paso, Texas, INT El Paso 070° and Pinon, N. Mex., 219° radials; Pinon; Roswell, N. Mex.; INT Roswell 063° and Texico, N. Mex., 216° radials; Texico, including a south alternate via INT Roswell 080° and Texico 216° radials; INT Texico 021° and Amarillo, Tex., 252° radials; Amarillo, including a south alternate from Texico to Amarillo via INT Texico 044° and Amarillo 252° radials; Gage, Okla.; INT Gage 025° and Hutchinson, Kans., 234° radials; Hutchinson; INT Hutchinson 062° and Topeka, Kans., 236° radials; Topeka; INT Topeka 064° and Kansas City, Mo., 274° radials; Kansas City.

V-281 From Albany, Ga., via INT Albany 009° and Norcross, Ga., 176° radials; to INT Norcross 176° and Atlanta, Ga., 117° radials.

V-282 From Saranac Lake, N. Y., St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-285 From Indianapolis, Ind., Kokomo, Ind.; Goshen, Ind.; South Bend, Ind.; Kalamazoo, Mich.; INT Kalamazoo 014° and Grand Rapids, Mich., 167° radials; Grand Rapids; White Cloud, Mich.

V-286 From Linden, Va., Casanova, Va.; INT Herndon, Va., 202° and Brooke, Va., 300° radials; Brooke; Cape Charles, Va.

V-287 From Medford, Oreg., North Bend, Oreg.; Newberg, Oreg., including a west alternate from North Bend to Newberg via Newport, Oreg., and including an east alternate from Medford to the INT Corvallis, Oreg., 352° and Newberg 204° radials via Roseburg, Oreg., INT Roseburg 003° and Eugene, Oreg., 187° radials, Eugene, and Corvallis; Portland, Oreg., including an east alternate via INT Newberg 069° and Portland 196° radials; 20 miles, 51 miles, 45 MSL, Olympia, Wash.; INT Olympia 010° and Seattle, Wash., 329° radials; INT Seattle 329° and Port Angeles, Wash., 090° radials; Port Angeles, Neah Bay, Wash., RBN. The airspace within Canada is excluded.

V-288 From Lucin, Utah, 50 miles, 85 MSL, INT Lucin 080° and Fort Bridger, Wyo., 278° radials; 17 miles, 50 miles, 105 MSL, Fort Bridger.

V-289 From Beaumont, Tex., via INT Beaumont 323° and Lufkin, Tex., 161° radials; Lufkin, including an E alternate; Gregg County, Tex.; Texarkana, Ark.; Fort Smith, Ark.; Harrison, Mo.; Dogwood, Mo.; INT Dogwood 026° and Vichy, Mo., 239° radials; to Vichy.

V-290 From Rainelle, W. Va., Montebello, Va.; Flat Rock, Va. From Franklin, Va., Elizabeth City, N. C.

V-291 From Albuquerque, N. Mex.; Gallup, N. Mex., including a north alternate via INT Albuquerque 303° and Gallup 089° radials; Winslow, Ariz.; Flagstaff, Ariz.; including a N alternate from Winslow to Flagstaff via INT Winslow 292° and Flagstaff 063° radials.

V-292 From Sparta, N. J.; INT Sparta 082° and Carmel, N. Y., 232° radials; Carmel; Hartford, Conn.; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston.

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V-293 From Bryce Canyon, Utah; Cedar City, Utah; 37 miles, 108 MSL Wilson Creek, Nev.; 5 miles, 108 MSL, 37 miles, 115 MSL, Ely, Nev.; 125 MSL Elko, Nev.;
28 miles, 57 miles, 99 MSL, Twin Falls, Idaho; 37 miles, 33 miles, 87 MSL, 76 miles, 113 MSL, 99 MSL McCall, Idaho.

AMENDMENTS 10/12/72 37 F. R. 15291 (Changed)

V-294 From Des Moines, Iowa, INT Des Moines 086° and Cedar Rapids, Iowa, 238° radials; Cedar Rapids; Cordova, Ill.

V-295 From Biscayne Bay, Fla., INT Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach, INT Vero Beach, 296° and Orlando, Fla., 162° radials; Orlando; INT Orlando 283° and Cross City, Fla., 150° radials; Cross City. The portion outside the United States has no upper limit.

V-296 From Sugarloaf Mountain, N. C., Fort Mill, S. C.; 27 MSL INT Fort Mill 093° and Fayetteville, N. C. 267° radials; 27 MSL Fayetteville; Wilmington, N. C.

V-297 From Johnstown, Pa.; INT Johnstown 315° and Clarion, Pa., 222° radials; INT Clarion 269° and Youngstown, Ohio, 116° radials; Akron, Ohio; INT Akron 298° and Carleton, Mich., 120° radials; Carleton; INT Carleton 334° and Saginaw, Mich., 182° radials; Saginaw; INT
Saginaw 353° and Pellston, Mich., 164° radials; Pellston. The airspace within Canada is excluded.

V-298 From Yakima, Wash., INT Yakima 129° and Pasco, Wash., 276° radials; Pasco; Pendleton, Oreg., 74 miles, 43 miles 115 MSL, 99 MSL via McCall, Idaho; 41 mi. 99 MSL, 89 mi. 145 MSL, Dubois, Idaho; 68 mi., 130 MSL Dunoir, Wyo.; 62 miles 135 MSL, Boysen Reservoir, Wyo.; 9 miles, 34 miles 105 MSL, Casper, Wyo., including a south alternate from Dunoir 43 miles 130 MSL, 15 miles 110 MSL, via Riverton, Wyo., 19 miles, 48 miles 77 MSL, to Casper, excluding the airspace between the main and this south alternate. The airspace within R-6715 is excluded.
NOTE: Delete exclusion on next change.

V-299 From Los Angeles, Calif., INT Los Angeles 291° and Fillmore, Calif., 163° radials; Fillmore; Gorman, Calif. The portion outside the United States has no upper limit.

V-300 From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada. From Thunder Bay, Ontario, Canada, Sault Ste. Marie, Mich.; Wiarton, Ontario, Canada, including a N alternate. From Sherbrooke, Quebec, Canada, 86 miles 52 MSL, Millinocket, Maine; Fredericton, New Brunswick, Canada. The airspace within Canada is excluded.

V-301 From Point Reyes, Calif., Santa Rosa, Calif.; Williams, Calif.

V-302 From Augusta, Maine, INT Augusta 123° and Bangor, Maine, 192° radials.

V-303 From Hot Springs, Ark., Fort Smith, Ark.

V-304 From Amarillo, Tex., via Borger, Tex.; Liberal, Kans., including a W alternate via INT Borger 354° and Liberal 234° radials; 15 miles, 79 miles 55 MSL, Lamar, Colo.

V-305 From El Dorado, Ark., Little Rock, Ark.

V-306 From Austin, Tex., via Navasota, Tex.; Daisetta, Tex.; Lake Charles, La., including a south alternate from Daisetta to Lake Charles via Beaumont.

V-307 From Chanute, Kans., Emporia, Kans., INT of Emporia 336° and Pawnee City, Nebr., 193° radials; 35 MSL Pawnee City; Omaha, Nebr., including a west alternate via INT Pawnee 003° and Omaha 226° radials.

V-308 From INT Linden, Va., 273° and Casanova, Va., 284° radials, Casanova; INT Casanova 076° and Nottingham, Md., 271° radials; Nottingham; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y. 223° radials; Hampton; INT Hampton 059° and Norwich, Conn., 177° radials; Norwich; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N. Y., 087° and 141° radials is excluded.

V-309 From Charleston, W. Va.; INT Charleston 034° and Morgantown, W. Va., 284° radials; Bellaire, Ohio.

V-310 From Louisville, Ky., London, Ky.; Holston Mountain, Tenn.; INT Holston Mountain 104° and Greensboro, N. C., 280° radials; Greensboro; INT Greensboro 105° and Raleigh-Durham, N. C., 275° radials; Raleigh-Durham; Rocky Mount, N. C.; Elizabeth City, N. C.

V-311 From Norcross, Ga., via INT Norcross 042° and Anderson, S. C., 274° radials; Anderson; Greenwood; S. C. Columbia, S. C.

V-312 From Woodstown, NJ., INT Woodstown 065° and Coyle, NJ., 264° radials; Coyle; INT Coyle 090° and Sea Isle, NJ., 050° radials. The airspace within R-5002, the airspace below 2,000 feet MSL outside the United States, and the airspace above 8,000 feet MSL between Woodstown and Coyle is excluded.

AMENDMENTS 10/12/72 37 F. R. 15424 (Rewritten)

V-313 From Malden, Mo., Cape Girardeau, Mo.; Centralia, Ill.; Decatur, Ill.; Pontiac, Ill.

V-314 From Quebec, Province of Quebec, Canada, 99 miles 55 MSL, Millinocket, Maine; Princeton, Maine; St. John, New Brunswick, Canada. The airspace within Canada is excluded.

V-315 From Paris, Tex., Page, Okla.

V-316 From Ironwood, Mich.; Marquette, Mich.; 15 miles, 100 miles 40 MSL, Sault Ste. Marie, Mich.; Sudbury, Ontario, Canada. The airspace within Canada is excluded.

V-317 From Waco, Tex., via Greater Southwest, Tex.; Ardmore, Okla.

V-318 From Quebec, Province of Quebec, Canada, 81 miles 65 MSL, 26 miles 85 MSL, Houlton, Maine. The airspace within Canada is excluded.

V-319 From Boysen Reservoir, Wyo., Worland, Wyo.; Cody, Wyo.

V-320 From Peck, Mich., Toronto, Ont., Canada. The airspace within Canada is excluded.

V-321 From Columbus, Ga., via LaGrange, Ga.; INT LaGrange 342° and Gadsden, Ala., 122° radials; Gadsden; INT Gadsden 333° and Huntsville, Ala., 149° radials; Huntsville.

V-322 From Concord, N. H., INT Concord, 022° and Berlin, N. H., 161° radials; Berlin, N. H.; Sherbrooke, Quebec, Canada. The airspace within Canada is excluded.

V-323 From Macon, Ga., to INT Macon 331° and Atlanta, Ga., 117° radials.

V-325 From Columbia, S. C.; Athens, Ga.; Norcross, Ga. From INT Gadsden, Ala., 094° and Rome, Ga., 135° radials via Gadsden; Muscle Shoals, Ala., including an
E alternate via INT Gadsden 318° and Decatur, Ala., 130° radials, and Decatur.

V-326 From Fillmore, Calif., INT Fillmore 163° and Van Nuys, Calif., 270° radials; Van Nuys.

V-327 From Phoenix, Ariz.; Flagstaff, Ariz.

V-328 From Dubois, Idaho, Jackson, Wyo.; Big Piney, Wyo.; 53 miles 95 MSL, Rock Springs, Wyo.

V-329 From INT Crestview, Fla., 091° and Eglin, Fla., 003° radials, INT Eglin 003° and Montgomery, Ala., 188° radials; Montgomery.

V-330 From INT Boise, Idaho, 130° and Mountain Home, Idaho, 084° radials; INT Mountain Home 084° and Burley, Idaho, 323° radials. From Idaho Falls, Idaho, Jackson, Wyo.

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V-331 From Whitesburg, Ky., Newcombe, Ky.

V-333 From INT Rome, Ga., 135° and Gadsden, Ala., 094° radials via Rome; Chattanooga, Tenn.; Hinch Mountain, Tenn.; Lexington, Ky.

V-334 From San Jose, CA., INT San Jose 022° and Sacramento, CA., 194° radials; Sacramento.

AMENDMENTS 3/30/72 37 F. R. 1464 (Changed)

V-335 From St. Louis, Mo.; INT St. Louis 171° and Marion, Ill., 290° radials; Marion.

V-336 From Ellensburg, Wash., to Ephrata, Wash.

V-337 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Akron, Ohio; INT Akron 328° and Windsor, Ontario, Canada, 116° radials; Windsor; INT Windsor 335° and Saginaw, Mich., 131° radials; Saginaw; Mount Pleasant Mich.; White Cloud, Mich., excluding the portion within Canada.

V-339 From Whitesburg, Ky., Falmouth, Ky.

V-341 From Cedar Rapids, Iowa, Dubuque, Iowa; Madison, Wis.; INT Madison 042° and Oshkosh, Wis., 208° radials; to Oshkosh.

V-342 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 244° radials; Princeton, excluding the airspace within Canada.

V-343 From Dubois, Idaho, Bozeman, Mont., 51 miles, 34 miles, 103 MSL, 84 MSL Drummond, Mont.

V-345 From Dells, Wis., INT Dells 321° and Eau Claire, Wis., 134° radials; to Eau Calire.

V-346 From St. Georges, Quebec, Canada, to Millinocket, ME., excluding the portion within Canada.

AMENDMENTS 4/27/72 37 F. R. 4075 (Added)

V-347 From Ironwood, Mich., to Houghton, Mich.

AMENDMENTS 2/3/72 36 F. R. 23549 (Added)

V-349 From Bellingham, WA., to Williams Lake, British Columbia, Canada. The airspace within Canada is excluded.

AMENDMENTS 4/27/72 37 F. R. 777 (Added)

V-351 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 231° radials; Carmi, British Columbia, Canada, excluding the airspace within Canada.

V-352 From St. Georges, Quebec, Canada, to Houlton, ME., excluding the portion within Canada.

AMENDMENTS 4/27/72 37 F. R. 4075 (Added)

V-355 From Bridgeport, Tex.; Wichita Falls, Tex.

V-357 From Baker, OR.; via Walla Walla, WA.; Moses Lake, WA.; INT of Moses Lake 285° and Wenatchee, WA., 132° radials; to Wenatchee.

AMENDMENTS 8/17/72 37 F. R. 12220 (Added)
AMENDMENTS 10/12/72 37 F. R. 16073 (Rewritten)

V-371 From Lafayette, Ind., to Knox, Ind.

V-420 From Green Bay, Wis.; Traverse City, Mich.; Mount Pleasant, Mich.

V-421 From Zuni, N. Mex., via Gallup, N. Mex.; Farmington, N. Mex.; Durango, Colo.; Gunnison, Colo.

V-422 From Chicago Heights, Ill., INT Chicago Heights 117° and Knox, Ind., 276° radials; Knox; Wolflake, Ind.; INT Wolflake 096° and Findlay, Ohio, 289° radials; Findlay.

V-423 From Williamsport, Pa., Binghamton, N. Y.; Ithaca, N. Y.; INT Ithaca 357° and Syracuse, N. Y., 210° radials; Syracuse.

V-424 From Blue Springs, Mo., INT Blue Springs 078° and Macon, Mo., 236° radials; Macon.

V-425 From Brookley, Ala., INT Brookley 357° and Mobile, Ala., 048° radials.

V-426 From St. Louis, Mo., to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.

V-428 From Elmira, N. Y., Ithaca, N. Y.; Georgetown, N. Y.; Utica, N. Y.

V-429 From Cape Girardeau, Mo., Marion, Ill.; INT Marion 011° and Bible Grove, Ill., 207° radials; Bible Grove; Mattoon, Ill.; Champaign, Ill.; Roberts, Ill.; Joliet, Ill.; INT Joliet 008° and Naperville, Ill., 340° radials; INT Naperville 340° and Oshkosh, Wis., 187° radials; Oshkosh.

V-430 From Cut Bank, Mont., 10 miles, 74 miles 55 MSL, Havre, Mont.; 14 miles, 100 miles 50 MSL, Glasgow, Mont.; INT Glasgow 100° and Williston, N. Dak., 263° radials, 22 miles, 33 miles 55 MSL, Williston; Minot, N. Dak.; Devils Lake, N. Dak.; Grand Forks, N. Dak.; Bemidji, Minn., including a north alternate via Thief River Falls, Minn.; Grand Rapids, Minn.; Duluth, Minn., including a N alternate from Grand Rapids, to Duluth via Hibbing, Minn., excluding the airspace between the main and this N alternate airway; Ironwood, Mich.; Iron Mountain, Mich.; Escanaba, Mich. From Traverse City, Mich.; Gaylord, Mich.; Alpena, Mich.

V-431 From Boston, Mass., INT Boston 015° and Gardner, Mass., 097° radials; Gardner, Keene, N. H., Glens Falls, N. Y.; INT Glens Falls 286° and Albany, N. Y., 350° radials.

V-432 From Thermal, Calif., Parker, Calif.

V-433 From Washington, D. C., INT Baltimore, Md., 223° and Kenton, Del., 262° radials; INT Kenton 262° and New Castle, Del., 222° radials; New Castle; Yardley, Pa.; INT Yardley 059° and La Guardia, N. Y., 231° radials; La Guardia; INT La Guardia 049° and Bridgeport, Conn., 015° radials; INT Bridgeport 015° and Hartford, Conn.,

V-434 From Ottumwa, Iowa, Moline, Ill.; Peoria, Ill.; Champaign, Ill.; Indianapolis, Ind.

V-435 From Rosewood, Ohio, via INT Rosewood 045° and Sandusky, Ohio, 221° radials; to Sandusky.

V-437 From Daytona Beach, Fla., 37 miles, 76 miles 75 MSL, Savannah, Ga.; Charleston, S. C.; Florence, S. C., including an E alternate via INT Charleston 029° and Florence 178° radials.

V-439 From Dickinson, N. Dak., 13 miles, 62 miles, 40 MSL, Williston, N. Dak.

V-441 From St. Petersburg, Fla., INT St. Petersburg 010° and Ocala, Fla., 213° radials; Ocala, including an E alternate via INT St. Petersburg 040° and Ocala 171° radials.

V-442 From Hector, Calif., 12 miles, 38 miles 85 MSL, 14 miles 75 MSL, INT Needles, Calif., 272° and Goffs, Calif., 163° radials; INT Goffs 163° and Parker, Calif., 333° radials; Parker.

V-443 From INT Newcomerstown, Ohio, 099° and Bellaire, Ohio, 044° radials; Newcomerstown, Ohio, Tiverton, Ohio; Cleveland, Ohio, including an E alternate via INT Tiverton 028° and Cleveland 138° radials; INT Cleveland 049° and Aylmer, Ont., Canada, 205° radials; Aylmer. The airspace within Canada is excluded.

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V-445 From La Guardia, N. Y., INT La Guardia 034° and Hartford, Conn., 245° radials.

V-446 From Troy, Ill., INT Troy 099° and Centralia, Ill., 056° radials; Samsville, Ill.

V-447 From Montpelier, Vt., INT Montpelier 020° and Sherbrooke, Quebec, Canada, 217° radials; Sherbrooke. The airspace within Canada is excluded.

V-448 From Portland, Oreg., Yakima, Wash., including a south alternate; Moses Lake, Wash.; Spokane, Wash., 45 miles, 21 miles 75 MSL, 20 miles 80 MSL, Kalispell, Mont.

V-449 From Lake Henry, Pa.; DeLancey, N. Y.; Albany, N. Y.

V-450 From Green Bay, Wis.; Muskegon, Mich.; INT Muskegon 094° and Flint, Mich., 280° radials; Flint; INT Flint 088° and Peck, Mich., 237° radials.

V-451 From INT Whitman, Mass., 177° and Providence, R. I., 118° radials, Whitman; Boston, Mass.

V-452 From Newport, OR.; Eugene, OR., via Klamath Falls, OR.; to Reno, NV.

AMENDMENTS 2/3/72 36 F. R. 22226 (Changed)

V-454 From Monroeville, Ala., INT Monroeville 073° and Eufaula, Ala., 258° radials; INT Eufaula 258° and Columbus, Ga., 219° radials; Columbus; INT Columbus 068° and Athens, Ga., 192° radials; INT Athens 192° and Greenwood, S. C.,240° radials; Greenwood. Fort Mill, S. C.; Liberty, N. C.; Lawrenceville, Va.; Hopewell, Va.

AMENDMENTS 10/12/72 37 F. R. 16537 (Changed)

V-455 From New Orleans, La., via Picayune, Miss.; Hattiesburg, Miss., including an E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and also a W alternate from New Orleans to Hattiesburg via INT New Orleans 357° and Hattiesburg 221° radials; 6 mi. wide, Meridian, including a W alternate via INT Hattiesburg 010° and Meridian 221° radials.

V-458 From Santa Catalina, Calif., via Oceanside, Calif., Julian, Calif.; INT Julian 130° and Imperial, Calif., 272° radials; Imperial; 13 miles, 24 miles, 25 MSL, Yuma, Ariz., excluding the airspace within R-2503 and below 2,000 feet MSL outside the United States. The portion outside the United States has no upper limit.

V-459 From Seal Beach, Calif., Lake Hughes, Calif.; Porterville, Calif., Friant, Calif.; INT Friant 319° and Linden, Calif., 124° radials; Linden.

V-460 From Julian, Calif., INT Julian 055° and Blythe, Calif., 272° radials; Blythe.

V-461 From Gila Bend, Ariz., Buckeye, Ariz.

V-463 From Norcross, Ga., to Harris, Ga.

V-464 From Dunkirk, N. Y., Geneseo, N. Y.

V-465 From Elko, Nev., Wells, Nev.; 12 miles; 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, Malad City, Idaho; 39 miles, 53 miles 124 MSL, Jackson, Wyo.; Dunoir, Wyo.; 14 miles, 45 miles, 137 MSL, Billings, Mont. From Miles City, Mont., Williston, N. Dak., including an E alternate.

V-467 From INT Kenton, Del., 217° and Sea Isle, N. J., 256° radials; INT Sea Isle 256° and Millville, N. J., 216° radials; Millville, INT Millville 037° and LaGuardia, N. Y., 211° radials; LaGuardia; Hartford, Conn.

V-469 From Danville, Va., Lynchburg, Va.

V-471 From INT Princeton, Maine, 208° and Bangor, Maine, 132° radials; Bangor; Millinocket, Maine; Houlton, Maine; INT Houlton 085° and the United States/Canadian border.

V-472 From Elizabeth City, N. C., via INT Elizabeth City 243° and Kinston, N. C., 029° radials; Kinston.

V-474 From INT Morgantown, W. Va., 010° and Johnstown, Pa., 260° radials; Indian Head, Pa.; St. Thomas, Pa.; INT St. Thomas 088° and Modena, Pa., 274° radials; Modena; INT Modena 095° and Woodstown, N. J., 043 radials.

V-475 From La Guardia, N. Y.; INT La Guardia 049° and Madison, Conn., 269° radials; Madison; Norwich, Conn.; Providence, R. I.; INT Providence 013° and Boston, Mass., 223° radials; Boston.

V-477 From Houston, Tex., Humble, Tex.; Leona, Tex., including an east alternate from Humble to Leona via INT of Humble 002° and Leona 139° radials, and a west alternate from Houston to Leona via Navasota, Tex.; Scurry, Tex., including a W alternate via INT Leona 330° and Scurry 182° radials.

V-478 From Falmouth, Ky., Newcombe, Ky.; Beckley, W. Va.

V-483 From Carmel, N. Y.; DeLancey, N. Y.; Rockdale, N. Y.; INT Rockdale 325° and Syracuse, N. Y. 100° radials; Syracuse.

V-484 From INT Twin Falls, Idaho, 007° and Burley, Idaho, 323° radials, Twin Falls, 49 miles, 34 miles 114 MSL, Salt Lake City, Utah; 25 miles, 31 miles, 125 MSL, Myton, Utah; 14 miles, 79 MSL, 33 miles, 100 MSL, Grand Junction, Colo.; Gunnison, Colo., including a south alternate from Grand Junction to Gunnison via Montrose, Colo.; 13 miles, 112 MSL, 131 MSL INT Gunnison 110° and Alamosa, Colo., 339° radials; Alamosa.

V-485 From Ventura, Calif., 6 miles wide, INT Ventura 331° and Fellows, Calif., 142° radials; Fellows; Priest, Calif.; INT of Priest 322° and San Jose, Calif., 139° radials; San Jose. The airspace within W-289 and R-2520, the airspace within R-2519 more than 3 statute miles W of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded.

V-487 From INT LaGuardia, N. Y., 034° and Carmel, N. Y., 188° radials; Carmel; Pawling, N. Y.; Cambridge, N. Y.; INT Cambridge 002° and Glens Falls, N. Y., 032° radials; Burlington, Vt.; INT Burlington 359° and St. Jean, Quebec, Canada, 158° radials; St. Jean. The airspace within Canada is excluded.

V-489 From Sparta, N. J.; INT Sparta 023° and Kingston 238° radials; Kingston, N. Y.; Albany, N. Y.; Glens Falls, N. Y.; Plattsburgh, N. Y.

V-490 From Utica, N. Y., Cambridge, N. Y.; Manchester, N. H.; INT Manchester 117° and Boston, Mass., 015° radials.

V-492 From St. Petersburg, Fla., La Belle, Fla.; INT La Belle 101° and Palm Beach, Fla., 272° radials; Palm Beach, including a north alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 298° radials.

V-493 From Livingston, Tenn., Lexington, Ky.; York, Ky.; Appleton, Ohio; Waterville, Ohio; Carleton, Mich.; INT Carleton 334° and Flint, Mich., 202° radials; Flint.

V-494 From Ukiah, Calif., INT Ukiah 147° and Santa Rosa, Calif., 325° radials; Santa Rosa; Sacramento, Calif.; INT Sacramento 038° and Lake Tahoe, Calif., 249° radials; Lake Tahoe; INT Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen.

V-496 From Utica, N. Y., Glens Falls, N. Y.

V-497 From Kimberly, Oreg., 49 miles, 65 MSL, The Dalles, Oreg.

AMENDMENTS 10/12/72 37 F. R. 18615 (Changed)

V-500 From Portland, Oreg.; Newberg, Oreg.; 41 miles, 70 MSL Kimberly, Oreg.; 30 miles, 71 miles, 105 MSL, Boise, Idaho; 25 miles, 25 miles, 90 MSL, 26 miles, 95 MSL 22 miles, 25 miles, 70 MSL, Pocatello, Idaho.

AMENDMENTS 10/12/72 37 F. R. 18615 (Changed)

V-501 From Martinsburg, W. Va., St. Thomas, Pa.; Philipsburg, Pa. From Wellsville, N. Y.; INT Elmira, N. Y., 357° and Geneseo, N. Y., 091° radials.

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V-516 From Liberal, KS., Anthony, KS.; Pioneer, OK.; Oswego, KS.

AMENDMENTS 5/25/72 37 F. R. 4181 (Changed)

V-518 From Fillmore, Calif., INT Fillmore 102° and Ventura, Calif., 061° radials; INT Ventura 061° and Palmdale, Calif., 233° radials; Palmdale.

V-520 From Portland, Oreg., via The Dalles, Oreg.; Pasco, Wash.; Walla Walla, Wash.; to Lewiston, Idaho.

V-524 From Laramie, Wyo., INT Laramie 069° and Scottsbluff, Nebr., 254° radials; Scottsbluff; 18 miles, 93 miles, 54 MSL, North Platte, Nebr.

V-530 From Texico, N. Mex., Childress, Tex.

V-536 From North Bend, Oreg., INT North Bend 023° and Corvallis, Oreg., 235° radials; Corvallis; Redmond, Oreg., 32 miles, 58 miles, 71 MSL, Pendleton, Oreg.; Walla Walla, Wash.; Pullman, Wash.; 27 miles, 85 MSL Mullan Pass, Idaho; 5 miles, 34 miles, 95 MSL Kalispell, Mont.; 20 miles, 41 miles, 115 MSL, Great Falls, Mont.

V-538 From Twentynine Palms, Calif., INT Twentynine Palms 043° and Goffs, Calif., 200° radials; 23 miles 95 MSL, 21 miles 75 MSL, Goffs; Las Vegas, Nev. The airspace within R-2501E is excluded.

§71.125 **Alaskan VOR Federal Airways.**

V-307 From Sandspit, British Columbia, Canada, Annette Island, Alaska; 42 miles, 99 miles, 55 MSL, Biorka Island, Alaska; Sisters Island, Alaska. The airspace within Canada is excluded.

V-309 From Prince Rupert, British Columbia, Canada RBN, Annette Island, Alaska. The airspace within Canada is excluded.

V-317 From Ethelda Bay, British Columbia, Canada, RBN Annette Island, Alaska, including a west alternate via INT Sandspit, British Columbia, Canada, 039° and Annette Island 167° radials; 42 miles, 52 MSL Level Island, Alaska, including a west alternate via INT Annette Island 311° and Level Island 164° radials; Sisters Island, Alaska; INT Sisters Island 272° and Yakutat, Alaska, 139° radials; 86 miles, 20 MSL Yakutat; Johnstone Point, Alaska; INT Johnstone Point 286° and Anchorage, Alaska 117° radials; Anchorage, including a south alternate via INT Johnstone Point 275° and Anchorage 130° radials. The airspace within Canada is excluded.

V-347 From Fairbanks, Alaska, Chandalar Lake, Alaska, RBN.

V-427 From King Salmon, Alaska, 042° 103 miles, 29 miles 135 MSL; INT King Salmon 042° and Anchorage, Alaska, 246° radials; 32 miles 135 MSL, 15 miles 120 MSL, 15 miles 105 MSL, to Anchorage.

V-436 From King Salmon, Alaska, INT King Salmon 068° and Kenai, Alaska, 217° radials; Kenai, including an east alternate from King Salmon to Kenai via INT King Salmon 068° and Kenai 217° radials, and Homer, Alaska; Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska RBN.

V-438 From Kodiak, Alaska, 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Homer, Alaska, including a west alternate from Kodiak 27 miles, 24 miles, 35 MSL, 33 miles, 55 MSL, to Homer; INT Homer 027° and Anchorage, Alaska, 198° radials; Anchorage; Big Lake, Alaska; Fairbanks, Alaska; 54 miles, 31 miles, 65 MSL, Fort Yukon, Alaska. including an east alternate from Fairbanks 54 miles, 34 miles, 65 MSL, to Fort Yukon and a west alternate.

V-440 From Seattle, Wash., Victoria, British Columbia, Canada. From Sandspit, British Columbia; 83 miles; 115 miles, 35 MSL, Biorka Island, Alaska; 31 miles, 50 miles 48 MSL, 108 miles, 20 MSL, Yakutat, Alaska; 50 miles, 105 miles, 75 MSL, Middleton Island, Alaska; 56 miles, 48 miles, 80 MSL, Anchorage, Alaska, including a south alternate from Middleton Island, 56 miles, 85 MSL INT Middleton Island 298° and Anchorage 163° radials; to Anchorage, excluding the airspace between the main and this south alternate; McGrath, Alaska; 23 miles, 54 miles, 55 MSL, 46 miles, 40 MSL, Unalakleet, Alaska; 52 miles, 51 miles, 25 MSL, Nome, Alaska. The airspace within Canada is excluded.

V-444 From Bettles, Alaska, Fairbanks, Alaska, including a south alternate via INT Bettles 155° and Fairbanks 307° radials; Big Delta, Alaska; Northway, Alaska; Burwash, Yukon Territory, Canada. The airspace within Canada is excluded.

V-452 From Nome, Alaska, via Moses Point, Alaska; 47 miles, 57 miles, 55 MSL, Galena, Alaska; Nenana, Alaska.

V-453 From King Salmon, Alaska, Dillingham, Alaska, including a south alternate; 38 miles, 60 MSL INT Dillingham 308° and Bethel, Alaska, 143° radials; 50 miles, 60 MSL, Bethel.

V-456 From Cold Bay, Alaska, 20 AGL King Salmon, Alaska, 053° 93 miles, 9 miles 125 MSL; INT King Salmon 053° and Kenai, Alaska, 239° radials, 46 miles 125 MSL, 10 miles 115 MSL, Kenai; Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; Northway, Alaska.

V-462 From Dillingham, Alaska, 35 miles, 45 MSL, 42 miles 100 MSL, 85 miles 135 MSL, 15 miles 120 MSL, 15 miles 105 MSL, to Anchorage, Alaska.

V-473 From Level Island, Alaska, to Biorka Island, Alaska, via INT Level Island 277° and Biorka Island 127° radials.

V-480 From Bethel, Alaska, 105 miles, 89 miles, 55 MSL, McGrath, Alaska, 28 miles, 64 miles, 45 MSL, Nenana, Alaska; Fairbanks, Alaska.

V-481 From Johnstone Point, AK., via Gulkana, AK., to Big Delta, AK.

AMENDMENTS 8/17/72 37 F. R. 11859 (Added)

V-488 From Galena, Alaska, INT Galena 074° and Tanana, Alaska, 260° radials; Tanana, including a south alternate; Fairbanks, Alaska.

V-498 From McGrath, Alaska, 24 miles, 54 miles, 55 MSL, Galena, Alaska; 68 miles, 88 miles, 55 MSL, Kotzebue, Alaska.

V-504 From Nenana, Alaska, Bettles, Alaska.

V-506 From INT Kodiak, Alaska, 107° radial and northwest boundary Anchorage Oceanic Control Area at latitude 57°28" N., longitude 150°32" W.; 37 miles, 20 MSL, Kodiak; 45 miles, 68 miles, 95 MSL; King Salmon, Alaska; 51 miles, 84 miles, 70 MSL, Bethel, Alaska; 47 miles, 173 miles, 30 MSL, Nome, Alaska, including a west alternate; 35 miles, 90 miles, 55 MSL, Kotzebue, Alaska, including a west alternate.

V-508 From Middleton Island, Alaska, 56 miles, 58 miles, 85 MSL, Kenai, Alaska.

V-510 From McGrath, Alaska, INT McGrath 123° and Big Lake, Alaska, 294° radials; Big Lake.

§71.127 **Hawaiian VOR Federal Airways.**

V-1 HAWAII From INT Upolu Point, Hawaii, 093° and Hilo, Hawaii 336° radials, INT Upolu Point 093° and Hilo 013° radials; Hilo.

V-2 HAWAII From South Kauai, Hawaii, Lihue, Hawaii, INT Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu; Lanai, Hawaii, including a south alternate; INT Lanai 107° and Upolu Point, Hawaii, 305° radials; Upolu Point; INT Upolu Point 093° and Hilo, Hawaii, 336° radials; Hilo. The airspace within R-3104 is excluded.

V-3 Hawaii From INT Kamuela, Hawaii, 245° and Upolu Point, Hawaii, 211° radials, Kamuela; INT Kamuela 068° and Hilo, Hawaii, 336° radials.

V-4 HAWAII From INT Lihue, Hawaii, 186° and Koko Head, Hawaii, 254° radials, 54 miles, 35 MSL, Koko Head; 15 miles, 25 MSL INT Koko Head 065° and Upolu Point, Hawaii, 002° radials.

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V-5 Hawaii From Kona, Hawaii, INT Kona 338° and Maui, Hawaii, 179° radials, including a west alternate via INT Kona 323° and Maui 179° radials.

V-6 HAWAII From INT Molokai, Hawaii, 067° and Maui, Hawaii 331° radials, Maui; INT Maui 080° and Hilo, Hawaii, 336° radials; Hilo.

V-7 HAWAII From Kona, Hawaii, INT Kona 323° and Lanai, Hawaii, 140° radials; Lanai; Molokai, Hawaii.

V-8 HAWAII From INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 262° radials, Molokai; 30 miles, 25 MSL INT Molokai 067° and Upolu Point, Hawaii, 010° radials.

V-9 HAWAII From INT Lanai, Hawaii, 223° and Honolulu, Hawaii, 179° radials, 78 mi. 35 MSL, Honolulu. The airspace above FL-300 within W-321B is excluded.

V-11 HAWAII From INT Kona, Hawaii, 323° and Upolu Point, Hawaii 211° radials; Upolu Point; INT Upolu Point 349° and Maui, Hawaii, 080° radials; Maui; INT Maui 331° and Molokai, Hawaii, 091° radials; Molokai; INT Molokai 262° and Honolulu, Hawaii, 179° radials.

V-12 HAWAII From INT Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials, 38 miles, 35 MSL, Honolulu; Koko Head, Hawaii, 14 miles, 25 MSL INT Koko Head 050° and Maui, Hawaii, 012° radials.

V-13 HAWAII From Lihue, Hawaii, INT Lihue 145° and Honolulu, Hawaii, 269° radials; INT South Kauai, Hawaii, 133° and Koko Head, Hawaii 254° radials; Koko Head, 14 miles, 25 MSL, INT Koko Head 050° and Molokai 015° radial and the Honolulu FIR/Oceanic CTA.

V-14 HAWAII From INT South Kauai, Hawaii, 271° radial and longitude 161°20'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; INT South Kauai 133° and Koko Head, Hawaii, 254° radials; Koko Head.

V-15 HAWAII From INT South Kauai, Hawaii, 288° radial and longitude 161°15'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; Honolulu, Hawaii; Koko Head, Hawaii; Molokai, Hawaii, Maui, Hawaii; INT Maui 095° and Hilo, Hawaii, 336° radials; Hilo; to INT Hilo 099° radial and the Honolulu FIR/Oceanic CTA.

V-16 HAWAII From Honolulu, Hawaii, INT Honolulu 179° and Lanai, Hawaii, 285° radial; Lanai; Upolu Point, Hawaii; INT Upolu Point 108° and Hilo, Hawaii, 013° radials; Hilo.

V-17 HAWAII From INT Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials; Maui.

V-19 HAWAII From Hilo, Hawaii, to INT Hilo 013° and Maui, Hawaii, 086° radials.

V-20 HAWAII From Honolulu, Hawaii, INT Honolulu 134° and Kona, Hawaii, 308° radials; Kona.

V-21 HAWAII From INT Honolulu, Hawaii, 179° and Lanai, Hawaii, 285° radials; Lanai; INT Lanai 107° and Hilo, Hawaii, 013° radials; to INT Upolu Point 093° radial and the Honolulu FIR/Oceanic CTA.

V-22 Hawaii From Maui, Hawaii, INT Maui 095° and Hilo, Hawaii, 321° radials; Hilo; to INT Hilo 078° radial and the Honolulu FIR/Oceanic CTA.

V-23 HAWAII From Upolu Point, Hawaii; INT Upolu Point 277° and Honolulu, Hawaii, 134° radials.

V-24 HAWAII From Lanai, Hawaii; Maui, Hawaii; to INT Maui 086° radial and the Honolulu FIR/Oceanic CTA.

V-25 HAWAII From Hilo, Hawaii, to INT Hilo 356° radial and the Honolulu FIR/Oceanic CTA.

SUBPART D - CONTINENTAL CONTROL AREA

§ 71.151 Restricted areas included.

The airspace of the following restricted areas at or above 14,500 feet MSL and 1500 feet or more above the surface of the earth is continental control area:

R-2102 Fort McClellan, Ala.
R-2104A Huntsville, Ala.
R-2202A Big Delta, Alaska
R-2203A Eagle River, Alaska
R-2203B Eagle River, Alaska
R-2205A Yukon, Alaska
R-2301 Ajo, Arizona.
R-2303A Fort Huachuca, Arizona.
R-2303B Fort Huachuca, Arizona.
R-2304 Gila Bend, Arizona.
R-2305 Gila Bend, Arizona.
R-2306A Yuma West, Ariz.
R-2306B Yuma West, Ariz.
R-2306C Yuma West, Ariz.
R-2307 Yuma, Arizona
R-2308A Yuma East, Ariz.
R-2308B Yuma East, Ariz.
R-2402 Fort Chaffee, Ark.
R-2403A Little Rock, Ark.
R-2403B Little Rock, Ark.
R-2501N Bullion Mountains, Calif.
R-2501C Bullion Mountains, Calif.
R-2501S Bullion Mountains, Calif.
R-2501E Bullion Mountains, Calif.
R-2502 Fort Irwin, Calif.
R-2503 Camp Pendleton, Calif.
R-2505 China Lake, Calif.
R-2507 Chocolate Mountains, Calif.
R-2508 California Complex.
R-2509 Cuddeback Dry Lake, Calif.
R-2510 El Centro, Calif.
R-2512 Holtville, Calif.
R-2513 Hunter-Liggett, Calif.
R-2515 Muroc Lake, Calif.
R-2519 Point Mugu, California
R-2521 Salton Sea, Calif.
R-2524 Trona, Calif.
R-2532 Blythe, Calif.
R-2534A Point Arguello, Calif.
R-2534B Point Arguello, Calif.
R-2601B Fort Carson, Colo.
R-2602 Fort Carson, Colo.
R-2901A Avon Park, Fla.
R-2901B Avon Park, Fla.
R-2902A Cape Kennedy, Fla.
R-2902B Cape Kennedy, Fla.
R-2903B Stevens Lake, Fla.
R-2907 Lake George, Fla.
R-2910 Pinecastle, Fla.
R-2914 Valparaiso, Fla.
R-2915A Eglin AFB, Fla.
R-2915B Eglin AFB, Fla.
R-3004 Fort Gordon, Ga.
R-3005A Fort Stewart, Ga.
R-3005B Fort Stewart, Ga.
R-3202 Sailor Creek, Idaho.
R-3401 Camp Atterbury, Ind.
R-3403 Jefferson Proving Ground, Ind.
R-3602 Manhattan, Kans.
R-3702 Fort Campbell, Ky.
R-3703 Fort Campbell, Ky.
R-3704 Fort Knox, Ky.
R-3801C Camp Claiborne, LA.
R-3801D Camp Claiborne, LA.
R-3801E Camp Claiborne, LA.
R-3801G Camp Claiborne, LA.
R-3803 Fort Polk, La.
R-3804A Fort Polk, La.
R-3804C Fort Polk, La.
R-4001 Aberdeen, Md.

AMENDMENTS 3/30/72 37 F. R. 2837 (Added)
AMENDMENTS 3/30/72 37 F. R. 2837 (Added)
AMENDMENTS 3/30/72 37 F. R. 2837 (Added)
AMENDMENTS 3/30/72 37 F. R. 4326 (Added)

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R-4005 Patuxent River, Md.
R-4006 Patuxent River, Md.
R-4105 No Man's Land Island, Mass.
R-4201 Camp Grayling, Mich.
R-4207 Upper Lake Huron, Mich.
R-4301 Camp Ripley, Minn.
R-4305 Lake Superior, Minn.
R-4401 Camp Shelby, Miss.
R-4803 Fallon, Nev.
R-4804 Twin Peaks, Nev.
R-4806 Las Vegas, Nev.
R-4810 Desert Mountains, Nevada
R-4812 Sand Springs, Nev.
R-4813 Carson Sink, Nev.
R-5103A McGregor, N. Mex.
R-5104A Melrose, N. Mex.
R-5104B Melrose, N. Mex.
R-5107A White Sands Proving Grounds, N. Mex.
R-5107C White Sands Proving Grounds, N. Mex.
R-5107D White Sands Proving Grounds, N. Mex.
R-5107E White Sands Proving Grounds, N. Mex.
R-5107F White Sands Proving Grounds, N. Mex.
R-5107G White Sands Proving Grounds, N. Mex.
R-5109A White Sands, N. Mex.
R-5109B White Sands, N. Mex.
R-5111A Elephant Butte, N. Mex. (East)
R-5111B Elephant Butte, N. Mex. (West)
R-5113 Socorro, N. Mex.
R-5116A White Sands Proving Grounds, NM.
R-5116B White Sands Proving Grounds, NM.
R-5118 Socorro, NM.
R-5201 Camp Drum, N. Y.
R-5203 Oswego, N. Y.
R-5311B Fort Bragg, N. C.
R-5314 Dare County, N. C.
R-5502 La Carne, Ohio
R-5503 Wilmington, Ohio
R-5504 Wilmington, Ohio
R-5601B Fort Sill, Okla.
R-5601C Fort Sill, Okla.
R-5701 Boardman, Oreg.
R-6001 Fort Jackson, S. C.
R-6302A Fort Hood, Texas
R-6302B Fort Hood, Texas
R-6302C Fort Hood, Texas
R-6303 Matagorda Island, Tex.
R-6312 Cotulla, Texas
R-6402 Deseret Test Center, Utah
R-6404A Hill AFB Rangs South, Utah
R-6404B Hill AFB Range North, Utah
R-6404C Hill AFB Range East, Utah
R-6405 Wendover, Utah
R-6406A Wendover North, Utah
R-6406B Wendover South, Utah
R-6407 Dugway West, Utah
R-6408 Indian Creek, Utah
PENDING AMENDMENT
R-6408 Indian Creek, Utah is revoked.
PENDING AMENDMENT
R-6408A Indian Creek, Utah
PENDING AMENDMENT
R-6408B Indian Creek, Utah
R-6409 Green River, Utah
R-6604 Chincoteague Inlet, Va.
R-6609 Tangier Island, Va.
R-6611 Dahlgren Complex, Va.
R-6613 Dahlgren Complex, Va.
R-6714 Yakima, Wash.
R-6901 Camp McCoy, WI.
R-6903 Sheboygan, Wis.
R-6904 Volk Field, Wis.
R-7001 Guernsey, Wyo.

AMENDMENTS 10/1/72 37 F. R. 15857 (Added)
AMENDMENTS 10/1/72 37 F. R. 15857 (Added)
AMENDMENTS 10/12/72 37 F. R. 16598 (Added)

AMENDMENTS 12/7/72 37 F. R. 20160 (Added)

AMENDMENTS 1/4/73 37 F. R. 23904 (Revoked)

AMENDMENTS 1/4/73 37 F. R. 23904 (Added)

AMENDMENTS 1/4/73 37 F. R. 23904 (Added)

AMENDMENTS 10/12/72 37 F. R. 16865 (Added)

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS

§ 71.161 **Designation of control areas associated with jet routes outside the continental control area.**
Unless otherwise specified, the airspace centered on each of the following jet route segments has a vertical extent identical to that of a Jet Route and a lateral extent identical to that of a Federal airway and is designated as a control area. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

Jet Route No. 37 From Houston, Tex., to INT of Houston 090° and New Orleans, La., 257° radials.
AMENDMENTS 12/7/72 37 F. R. 20807 (Added)

J-41 From Key West, Fla., to Tallahassee, Fla.

Jet Route No. 42 Robbinsville, N. J., to Hampton, N. Y.

J-43 From St. Petersburg, Fla., to Tallahassee, Fla.

Jet Route No. 53 from Key West, Fla., to Miami, Fla.

Jet Route No. 55 from Sea Isle, N. J., to Putnam, Conn.

Jet Route No. 58 from New Orleans, La., to Sarasota, Fla.

Jet Route No. 63 From Kennedy, N. Y., to Tuna INT.

Jet Route No. 77 from Biscayne Bay, Fla., to Vero Beach, Fla.; from Jacksonville, Fla., to Charleston, S. C.

Jet Route No. 79 from Daytona Beach, Fla., to Charleston, S. C.

Jet Route No. 86 from Houston, Tex., to Sarasota, Fla.

Jet Route No. 103 from Daytona Beach, Fla., to Savannah, Ga.

Jet Route No. 111, from Nome, Alaska, to McGrath, Alaska.

Jet Route No. 120, from Fort Yukon, Alaska, to Barter Island, Alaska, RBN.

Jet Route No. 121: Norfolk, Va., to Hampton, N. Y.; Providence, R. I., to INT of Providence 045° and Boston, Mass., 067° radials.

Jet Route No. 122, from Galena, Alaska, to Nome, Alaska.

Jet Route No. 123, From INT of Kodiak, Alaska, 107° radial and the NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., via Kodiak to King Salmon, Alaska.

Jet Route No. 125, From Kodiak, Alaska, to Anchorage, Alaska.

Jet Route No. 133, From Annette Island, Alaska, to Anchorage, Alaska.

Jet Route No. 150, from Hampton, N. Y., via Hyannis, Mass., to Striper INT.

Jet Route No. 153 From Sea Isle, N. J., to Shad INT.

Jet Route No. 174, from Hampton, N. Y., via Hyannis, Mass., to Herring INT.

Jet Route No. 501, from Oakland, Calif., to Anchorage, Alaska.
AMENDMENTS 10/11/72 37 F. R. 21427 (Rewritten)

Jet Route No. 502, from the United States/Canadian border to Annette Island, AK.
AMENDMENTS 7/15/72 37 F. R. 13975 (Rewritten)

Jet Route No. 573 from Providence, R. I., to Kennebunk, Maine

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§ 71.163 **Designation of additional control areas.**

Unless otherwise specified, each control area designated below has a lateral extent identical to that of a Federal airway and extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

Control 1141
That airspace within tangent lines from the circumference of a 5-mile radius circle centered at latitude 42°23'23" N., longitude 70°59'10" W., to a 15 mile radius circle centered on the midway point of a direct line between latitude 42°23'23" N., longitude 70°59'10" W., and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the
Yarmouth RBN and that airspace from 18,000 feet MSL to flight level 260 bounded by a line from: Latitude 42°43'20" N., longitude 70°22'00" W.; thence to latitude 42°52'00" N., longitude 70°16'00" W.; thence to latitude 43°01'30" N., longitude 69°52'00" W.; thence to latitude 43°01'30" N., longitude 69°36'00" W.; thence to the point of beginning; and that airspace from 18,000 feet MSL to flight level 260 inclusive bounded by a line from: Latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°42'30" N., longitude 69°30'00" W.; thence to latitude 42°39'00" N., longitude 69°30'00" W.; thence to latitude 42°28'00" N., longitude 70°03'45" W.; thence to point of beginning; and that airspace extending upward from 2,000 feet MSL bounded by a line from; Latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°23'45" N., longitude 70°03'45" W.; latitude 42°25'15" N., longitude 70°30'00" W.; latitude 42°26'15" N., longitude 70°30'00" W.; thence to the point of beginning; excluding the portion under the jurisdiction of Canada, the portion within the confines of Federal airways and the Boston, Mass., transition area, the portion below 2,000 feet MSL W of the 69°30'00" W meridian of longitude and the portion below 5,500 feet MSL E of the 69°30'00" W meridian of longitude.

Control 1142
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at latitude 42°21'30" N., longitude 70°41'25" W., to a 15-mile radius circle centered at latitude 42°02'00" N., longitude 68°00'00" W., and that airspace within lines drawn from latitude 42°16'00" N., longitude 68°00'00" W., thence to latitude 42°14'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to latitude 42°16'00" N., longitude 68°00'00" W., excluding the portion within the Boston Transition area, the airspace below 5,500 feet MSL E of longitude 68°00'00" W., and the airspace below 2,000 feet MSL W of longitude 68°00'00" W., except that airspace within the confines of Federal airways.

Control 1143
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered at the midway point on a direct line between the Nantucket RBN and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile
radius circle centered on the Yarmouth RBN excluding that portion below 2,000 feet except that airspace within the confines of Federal airways.

Control 1144
That airspace in the vicinity of Nantucket, Mass., within an area bounded by a line beginning at latitude 41°06'00"
N., longitude 70°09'10" W., to latitude 41°25'35" N., longitude 70°09'35" W., to latitude 41°26'00" N., longitude 69°15'00" W., to latitude 41°46'00" N., longitude 68°00'00" W., to latitude 41°06'00" N., longitude 68°00'00" W., to the point of beginning, excluding the portion below 2,000 feet MSL except that airspace which lies within the confines of Federal airways.

Control 1145
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket RBN and the Kindley AFB, Bermuda RBN and the W boundary of the New York
Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airway.

Control 1146
That airspace within a 5 NM radius circle centered on the Nantucket, Mass., RBN and that airspace bounded by a line drawn from the tangent of the 5 NM radius circle centered on Nantucket RBN to latitude 42°05'20" N., longitude 68°00'00" W., thence to latitude 42°19'00" N., longitude 68°00'00" W., thence to latitude 43°00'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to the tangent of the 5 NM radius circle centered on the Nantucket RBN excluding that airspace outside the United States below 2,000 feet MSL W of longitude 68°00'00" W., and below 5,500 feet MSL E of longitude 68°00'00" W.

Control 1147
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at Lat. 40°18'30" N, Long. 73°45'00" W, to the circumference of a 15-mile radius circle centered at the INT of the 137° bearing from the Newark, N. J., RBN and the W boundary of the New York Oceanic Control Area, and that airspace bounded by a line beginning at latitude 40°02'15" N., longitude 73°13'45" W.; to latitude 40°05'45" N., longitude 73°09'15" W.; to latitude 39°26'35" N., longitude 72°24'25" W.; to the point of beginning. That airspace below 2,000 feet outside the confines of Federal airways is excluded.

Control 1148
That airspace within tangent lines drawn from the circumference of 5-mile radius circles centered on the Rainbow, N. J., RBN and at the INT of Rainbow RBN 135° bearing and the Atlantic Ocean-U. S. Coastline to a 15-mile radius circle centered on the INT of Rainbow RBN 135° bearing and the west boundary of the New York Oceanic Control area at latitude 37°43'00" N., longitude 73°00'00" W., and that airspace which is within 5 miles southwest of and parallel to the Sea Isle, N. J., VORTAC 134° radial, extending from Sea Isle to a point 40 miles southeast of Sea Isle. That airspace below 2,000 feet outside the United States is excluded.

Control 1149
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 75° 32' 00" W. to the circumference of a 15-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial on the west boundary of the New York Oceanic Control Area at Lat. 36° 57' 30" N., Long. 73° 00' 00" W., excluding the portion below 2,000 feet MSL outside the United States.

Control 1150
That airspace within a 5-nmi radius of the Carolina Beach, N. C., RBN (Lat. 34°06'22" N, Long. 77°57'42" W), within a 5-nmi radius of the Bimini, Bahamas, RBN (Lat. 25°42'32" N, Long. 79°16'33" W), within a 23-nmi radius of Lat. 29°53'15" N, Long. 78°39'15" W, within tangent lines drawn from the E and W sides of the Carolina Beach and Bimini 5-nmi radius area to the E and W sides of the 23-nmi radius area centered at Lat. 29°53'15" N, Long. 78°39'15" W, excluding that portion below 2,000 feet MSL outside the United States and that portion below 7,000 feet MSL within the Nassau, Bahamas, control area. The airspace above FL 430 south of latitude 30°36'50" N., and north of a line from latitude 29°06'30" N., longitude 79°09'10" W.; to latitude 26°20'00" N., longitude 78°20'20" W. is excluded.

Control 1151
That airspace N of Lat. 27°00'00" N. within tangent lines drawn from the circumference of a 25-mile radius circle centered at a point midway on a direct line between the Carolina Beach, N. C., RBN and the Nassau, British West Indies, RBN and circles 5 miles in radius centered on the Carolina Beach RBN and the Nassau RBN, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1152
That airspace east of Charleston, S. C., bounded by a line beginning at:
Latitude 33°02'00" N., longitude 80°03'35" W., thence to latitude 32°54'35" N., longitude 79°40'00" W., thence to latitude 32°50'35" N., longitude 79°23'00" W., thence to latitude 32°36'15" N., longitude 78°26'35" W., thence to latitude 32°13'25" N., longitude 77°00'00" W., thence to latitude 31°43'15" N., longitude 77°00'00" W., thence to latitude 32°35'55" N., longitude 79°16'45" W., thence to latitude 32°49'40" N., longitude 80°03'50" W., thence to latitude 32°52'25" N., longitude 80°03'45" W., thence to latitude 32°53'45" N., longitude 80°07'15" W., thence to the point of beginning, excluding the portion below 2,000 feet MSL outside the United States.
Including the airspace extending upward from FL 230 bounded by a line beginning at latitude 33°51'30" N., longitude 78°07'30" W.; to latitude 33°50'30" N., longitude 78°07'50" W.; to latitude 32°36'15" N., longitude 78°26'35" W.; to latitude 32°50'40" N., longitude 79°23'15" W.; to latitude 32°58'30" N., longitude 79°18'00" W.; to latitude 33°04'55" N., longitude 79°13'10" W.; thence via a line 3 nautical miles from and parallel to the shoreline to latitude 33°14'15" N., longitude 79°06'15" W.; to latitude 33°19'40" N., longitude 79°02'10" W.; to latitude 33°27'40" N., longitude 78°55'20" W.; thence counterclockwise along a 15-mile radius circle centered on the Conway TACAN to latitude 33°40'10" N., longitude 78°40'15" W.; to latitude 33°50'30" N., longitude 78° 23'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning.

AMENDMENTS 2/3/72 36 F. R. 23549 (Changed)

Control 1153
That airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Dinsmore, Fla., RBN (lat. 30°27'53" N., long. 81°48'06" W.) 090° bearing, including the additional airspace within lines diverging at angles of 5° from the centerline extending from the RBN to the western boundary of the New York Oceanic CTA/FIR boundary, excluding the portion below 2,000 feet MSL outside the United States.

Control 1154
That airspace extending upward from 5,000' MSL bounded on the east by VOR Federal airway No. 199; on the south by a line extending from latitude 38°03'25" N., longitude 123°11'45" W.; to latitude 38°00'00" N., longitude 123°23'00" W.; to latitude 37°50'00" N., longitude 124°24'30" W.; to latitude 37°40'00" N., longitude 125°23'30" W.; on the west by the Oakland Oceanic Control Area; and on the north by a line extending from latitude 38°50'00" N., longitude 126°11'05" W.; to latitude 38°52'00" N., longitude 125°52'30" W.; to latitude 39°00'00" N., longitude 123°56'30" W.; to latitude 39°02'55" N., longitude 123°22'00" W.

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Control 1155
That airspace extending upward from 6,000 feet MSL within 5 miles each side of the San Luis Obispo, Calif., VORTAC 242° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U. S. coastline to the Oakland Oceanic CTA/FIR boundary.

Control 1156
That airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Diego, Calif., VORTAC 262° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the VORTAC to its intersection with Control 1177.

Control 1169
That airspace within 5 miles either side of a line extending from the Kennedy, N. Y., VORTAC via the INT of the Kennedy VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC and within lines diverging from the Kennedy VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Kennedy VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1173
That airspace W of San Francisco, Calif., bounded by a line extending from latitude 37°40'00" N., longitude 125°23'30" W., to latitude 37°50'00" N., longitude 124°24'30" W., to latitude 38°00'00" N., longitude 123°23'00" W., to latitude 38°03'25" N., longitude 123°11'45" W., thence via the W edge of V-199 and V-27 to latitude 37°09'20" N., longitude 122°31'50" W., to latitude 36°16'00" N., longitude 124°26'00" W., to the point of beginning, excluding the portion below 2,500 feet MSL. The portion within W-513 is excluded between the hours of 0800 and 2000 p.s.t., Monday through Friday, and below 3,000 feet MSL within W-513 between the hours of 2000 and 0800 p.s.t., Monday through Friday.

Control 1176
That airspace extending upward from 2,000 feet MSL, within lines 5 miles each side of the Santa Barbara, Calif., VORTAC 247° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the east boundary of the Oakland Oceanic Control Area, excluding the portion east of longitude 120°30'00" W.

Control 1177
That airspace SW of Los Angeles, Calif., bounded by a line beginning at Lat. 33°25'50" N. Long. 118°28'50" W. thence to Lat. 33°19'00" N. Long. 118°21'45" W. thence to Lat. 32°44'30" N. Long. 119°07'00" W. thence to Lat. 31°41'00" N. Long. 120°15'00" W. thence to Lat. 31°18'40" N. Long. 121°11'30" W. thence to Lat. 31°54'00" N, Long. 121°34'30" W, thence to Lat. 32°10'45" N, Long. 120°16'15" W, thence to Lat. 32°52'15" N. Long. 119°12'30" W. thence to point of beginning excluding the airspace below 5,000 feet MSL.

Control 1181
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Weeksville, N.C., RBN to a 10-mile radius circle centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.

Control 1215
That airspace south of Galveston, TX., bounded by a line beginning at lat. 29°19'00" N., long. 94°40'30" W., thence to lat. 28°15'00" N., long. 92°07'00" W., to lat. 28°15'00" N., long. 94°00'00" W., to lat. 27°32'00" N., long. 95°09'00" W., to lat. 26°00'00" N., long. 95°55'00" W., to lat. 26°00'00" N., long. 97°00'00" W., to lat. 25°58'30" N., long. 97°05'20" W., thence northward 3 NMI from and parallel to the shoreline to point of beginning; excluding that airspace east of Corpus Christi, TX., bounded by a line 3 NMI from and parallel to the shoreline and a line beginning at a point 3 NMI from the shoreline at lat. 27°49'00" N., thence to lat. 27°45'30" N., long. 96°51'00" W., to lat. 27°28'20" N., long. 96°45'30" W., to lat. 27°14'30" N., long. 96°55'30" W., to lat. 27°23'00" N., long. 97°06'00" W., to a point 3 NMI from the shoreline at lat. 27°11'20" N. The portion below 2500 feet MSL would be excluded.

AMENDMENTS 9/14/72 37 F. R. 14767 (Rewritten)

Control 1216
That airspace extending upward from 2,000 feet MSL bounded by a line beginning at lat. 28°59'00" N., long. 90°15'00" W., thence northeast and east along the Louisiana, Mississippi, Alabama, and Florida transition areas to the north boundary of Control 1226, thence west along north boundary of Control 1226 to long. 84°39'00" W.; to lat. 28°41'30" N., long. 86°48'00" W.; to lat. 28°55'00" N., long. 88°00'00" W.; thence south along long. 88°00'00" W.; to and west along the north boundary of the Houston Oceanic Control area; to and north along long. 90°15'00" W.; to point of beginning, excluding Control 1226.

AMENDMENTS 2/3/72 36 F. R. 23795 (Rewritten)
AMENDMENTS 12/7/72 37 F. R. 22973 (Rewritten)

Control 1217
That airspace within tangent lines drawn from the circumference of a 5 mile-radius circle centered on the Kodiak, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 107° bearing from the Kodiak RR with the NW boundary of the Anchorage Oceanic Control Area. The airspace below 2,000 feet MSL outside the United States is excluded.

Control 1218
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Homer, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 118° bearing from the Homer RR with the NW boundary of the Anchorage Oceanic Control Area.

Control 1226
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Galveston, Tex., RBN extending to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Galveston RBN and the Grand Isle, La., RBN, thence to the circumference of a 5-mile radius circle centered on the Grand Isle RBN, thence to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Grand Isle RBN and the Egmont Key, Fla., RBN, thence to the circumference of a 5-mile radius circle centered on the Egmont Key RBN, excluding the portion below 5,000 feet MSL from the Galveston RBN to the Grand Isle RBN, and the portion below 2,000 feet MSL from the Grand Isle RBN to the Egmont Key RBN.
Including the additional airspace bounded by a line beginning at lat. 28°36'00" N., long. 88°00'00" W.; to lat. 28°11'45" N., long. 86°28'45" W.; to lat. 27°43'00" N., long. 83°45'30" W.; to lat. 27°35'00" N., long. 83°45'00" W.; to lat. 27°47'00" N., long. 85°00'00" W.; to lat. 28°08'30" N., long. 88°00'00" W.; to point of beginning, excluding the airspace below 2,000 feet MSL.

Control 1230
That airspace extending from the Portland, Fla., RBN to the INT of the Portland RBN 275° bearing and the eastern
boundary of the Miami Oceanic control area, excluding the airspace below 2,000 feet MSL outside the United States, and the airspace within W-168.

Control 1232
That airspace bounded on the north by a line 5 miles south and parallel to the Orlando, Fla., VOR 071° radial; on the east by a line extending from latitude 29°08'35" N., longitude 79°00'00" W. via latitude 24°40'00" N., longitude 79°00'00" W. to latitude 24°00'00" N., longitude 78°00'00" W.; on the south by latitude 24°00'00" N.; on the west by longitude 80°25'00" W. and V-3; excluding the airspace below 1,000 feet MSL within 5 miles each side of the Rubin, Fla., RBN, 090° bearing, outside the United States, and the airspace below 2,000 feet MSL elsewhere outside the United States. The airspace within the Nassau control area is excluded.

Control 1233
That airspace extending upward from 2,000 feet MSL bounded on the north by V-35; on the east by a line 15 nautical miles east of and parallel to the 189° bearing from the Marathon, Fla., radio beacon; on the south by lat. 24°00'00" N.; on the west by a line 5 nautical miles west and parallel to the 189° bearing from the Marathon radio beacon extending from lat. 24°00'00" N. to lat. 24°25'00" N.; thence west via lat. 24°25'00" N. to the arc of a 35-statute mile radius circle centered at the Key West, Fla., VORTAC, thence counterclockwise via the arc to V-35.

AMENDMENTS 2/3/72 36 F. R. 23358 (Rewritten)

Control 1234
That airspace extending upward from 2,000 feet above the surface within an area bounded by a line beginning at: latitude 58°07'00" N., longitude 160°00'00" W.; to latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 51°24'00" N., longitude 167°49'00" W.; to latitude 50°08'00" N., longitude 176°34'00" W.; to latitude 51°05'00" N., longitude 173°44'00" E.; to latitude 51°30'00" N., longitude 170°00'00" E.; to latitude 54°40'40" N., longitude 170°00'00" E.; to latitude 54°49'00" N., longitude 170°12'30" E.; to latitude 54°23'00" N., longitude 174°30'00" E.; to latitude 53°36'00" N., longitude 176°47'00" W.; to latitude 54°33'00" N., longitude 169°58'00" W.; to latitude 56°39'00" N., longitude 164°25'00" W.; to latitude 57°46'00" N., longitude 161°46'00" W.; thence to point of beginning. The portion within R-2204 is excluded.

Control 1235
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 153°00'00" W.; to latitude 59°09'00" N., longitude 147°18'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the Anchorage, Alaska, VORTAC to latitude 58°50'00" N., longitude 151°58'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the King Salmon, Alaska, VORTAC to longitude 160°00'00" W.; thence to point of beginning, excluding the portion that lies within the Continental Control Area, Control 1217, Control 1218, Federal airways and the Kodiak, Alaska, transition area.

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Control 1236
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at: latitude 60°00'00" N., longitude 170°00'00" W.; to latitude 61°00'00" N., longitude 165°00'00" W.; to latitude 60°00'00" N., longitude 164°00'00" W.; to latitude 60°00'00" N., longitude 160°00'00" W.; to latitude 57°00'00" N., longitude 160°00'00" W.; to latitude 60°00'00" N., longitude 168°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1234, Control 1483 and Control 1400.

Control 1310
That airspace within 4 nautical miles each side of a direct line extending from the Anchorage, Alaska, VORTAC to the Middleton Island, Alaska, VOR, including the additional airspace between lines diverging at 4.5° angles from the centerline, extending SE from the Anchorage VORTAC and NW from the Middleton Island VOR and which terminate at the intersecting points midway between Anchorage and Middleton Island; thence within 16 miles each each side of a line extending from the Middleton Island RBN to the Sandspit, British Columbia, Canada, RBN; including that airspace between lines diverging at 5° angles from the centerline, extending southeast from the Middleton Island RBN and northwest from the Sandspit RBN, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada, and the airspace below 2,000 feet MSL outside the United States.

Control 1316
That airspace within 5 miles each side of the Los Angeles, Calif., VOR 264° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 264° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary, excluding the airspace below 5,000 feet MSL within W-289.

Control 1386
That airspace within 5 miles either side of the Orlando, Fla., VOR 071° radial, extending from the VOR to Control 1150 and between lines diverging at an angle of 4.5° from the centerline at the Orlando VOR excluding the airspace below 14,000 feet MSL and above FL 430 between the E boundary of R-2902B and the W boundary of control 1150.

Control 1400
That airspace within 5 miles either side of the 263° bearing from the King Salmon, Alaska, RR extending from the RR to the Anchorage Oceanic Control Area, and between lines diverging at an angle of 5° from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2.000 feet MSL outside the United States.

Control 1401
That airspace within 5 miles either side of the 248° bearing from the King Salmon, Alaska, RR extending from the RR to longitude 160°00'00" W, and between lines diverging at an angle of 5° from the King Salmon 248° bearing extending from the RR to longitude 160°00'00" W, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1415
That airspace within parallel boundary lines 4 nmi each side of the Fortuna, Calif., VOR 270° radial including the additional airspace within lines diverging at angles of 4.5° from the centerline extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion below 5,000 feet MSL W of longitude 124°30'00" W.

Control 1416
That airspace within 5 miles each side of the Fortuna, Calif., VORTAC 326° radial and the additional area between lines diverging at angles of 5° each side of the 326° radial, extending from the VORTAC to the Gateway Hemlock INT, excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

AMENDMENTS 3/2/72 36 F. R. 25098 (Added)

Control 1418
That airspace extending upward from 2,000 feet MSL centered on the Hoqulam, Wash., VORTAC 232° radial, 10 nmi in width at the VORTAC with each edge diverging at an angle of 5° with the centerline, extending from the VORTAC to the E boundary of the Oakland Oceanic Control Area and excluding the portion within W-460.

Control 1419
That airspace extending upward from 2,000 feet MSL within lines 5 miles each side of the Newport, Oreg., VORTAC 237° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the E boundary of the Oakland Oceanic control area, excluding the portion within the Newport, Oreg., transition area.

Control 1445
That airspace S of the United States-Canadian border and the Vancouver Flight Information Region within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered at Lat. 48°40'00" N, Long. 125°17'30" W, excluding the portion below 5,000 feet MSL. The portion within W-601 is excluded.

Control 1447
That airspace southwest of New Orleans, La., bounded by a line beginning at latitude 29° 22' 30" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 92° 21' 45" W., to point of beginning, excluding the portion below 2,500 feet MSL.

Control 1483
That airspace within 5 miles each side of the 237° bearing from the Bethel, Alaska, RBN, extending from the RBN to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the 237° bearing extending from the Bethel RBN to the E boundary of the Anchorage Oceanic Control area and excluding the airspace below 2.000 feet MSL outside the United States.

Control 1485
That airspace extending upward from FL-230 bounded by a line beginning at latitude 68°00'00" N., longitude 168°58'23" W.; to latitude 72°00'00" N., longitude 158°00'00" W.; to latitude 72°00'00" N., longitude 141°00'00" W.; to latitude 68°00'00" N., longitude 141°00'00" W.; to the point of beginning.

Control 1486
That airspace within 5 miles each side of the Ukiah, Calif., VOR 300° radial and the additional area between lines diverging at angles of 5° either side of the 300° radial extending from the VOR to the eastern boundary of the Seattle Oceanic Control Area; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

Control 1487
That airspace extending upward from 14,500 feet MSL; to FL 450, within the area bounded by a line beginning at latitude 59°08'30" N., longitude 147°16'00" W., counterclockwise via the arc of a 172-mile radius centered on the Anchorage VORTAC to latitude 60°14'10" N., longitude 145°29'30" W., thence southeastward 3 nmi from and parallel to the U. S. coastline to latitude 54°40'00" N., longitude 132°56'00" W., thence to latitude 54°14'00" N., longitude 134°57'00" W., thence along the eastern boundary of the Anchorage Oceanic control area to the point of beginning. The portion within Control 1310 and the portion within Canada is excluded.

Control 1488
That airspace extending upward from 5,500 feet MSL to flight level 410 within 4 nautical miles each side of the Key West, Fla., VOR 244° radial and within 5 statute miles each side of the Fish Hook, Fla., RBN 245° bearing including the additional airspace between lines diverging at 4.5° from the centerline at the VOR and 5° at the RBN, extending from the VOR/RBN to the Miami Oceanic Area boundary and latitude 24°00'00" N.

Control 1489
That airspace extending upward from 2,000 feet MSL bounded on the south by latitude 27°00'00" N., on the east-northeast by Control 1151 and on the west-northwest by Control 1150.

AMENDMENTS 12/7/72 37 F. R. 20806 (Added)

Bozeman, Mont.
From Bozeman, Mont., VOR, 10,700 MSL Livingston, Mont., VORTAC.

Browerville/Barter Island, Alaska
From the Browerville, Alaska, RBN, 12 AGL Lonely, Alaska, RBN; 12 AGL Oliktok, Alaska, RBN; 12 AGL Deadhorse Alaska, RBN; 12 AGL Barter Island, Alaska, RBN.

AMENDMENTS 11/9/72 37 F. R. 19355 (Changed)

Kirksville, Mo.
From Kirksville, Mo., VORTAC 12 AGL to Moline, Ill., VORTAC, and from Kirksville VORTAC 45 MSL to St. Louis, Mo., VORTAC.

Menominee, Mich.
From the Menominee, Mich., VORTAC, 12 AGL Marquette, Mich., VORTAC.

Omak, Wash.
That airspace extending upward from 5,500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata, Wash., VOR.

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Ottumwa, Iowa
From the Ottumwa, Iowa, VORTAC 12 AGL 26 miles, 50 MSL to Kansas City, Mo., VORTAC.

Rattlesnake, Wyo.
That airspace extending upward from 8,500 feet MSL bounded on the north by V-298S, on the east by Casper, Wyo., 1,200-foot transition area, on the south and southwest by a line 4 NM south and southwest and parallel to the Casper ILS west course and Riverton, Wyo., VOR 099° radial and on the west by the Riverton, Wyo., 1,200-foot transition area.

Santa Barbara, Calif.
That airspace extending upward from 5,000 feet MSL bounded on the northwest by a line extending from lat. 34° 30'00" N., long. 123°15'00" W., to lat. 35°26'30" N., long. 121°03'40" W., on the northeast by a line 3 nautical miles southwest of and parallel to the shoreline, on the southeast by a line 5 nautical miles southeast of and parallel to the Santa Catalina 048° and 228° true radials and the northwest boundary of Warning Area W-291, and on the southwest by the Oakland Oceanic CTA/FIR boundary.

Sault Ste. Marie, Mich.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from the Lakehead, Ontario, Canada, RBN to the Sault Ste. Marie, Mich., RBN, including the additional airspace between lines diverging at 4.5° from the centerline at the Lakehead and Sault Ste. Marie RBNs and extending until the meet. The airspace within Canada is excluded.

Sidney, Mont.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from latitude 47°41'00" N., longitude 104°06'15" W., to latitude 48°06'45" N., longitude 105°36'00" W.

Zuni, N. Mex.
From the Zuni, N. Mex., VORTAC 12,500 feet MSL to INT of Zuni VORTAC 226° and St. Johns, Ariz., VORTAC 247° radials.

71.165 Designation of control area extensions.
Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area.

Eniwetok Island
That airspace extending upward from 700 feet above the surface within a 50-nmi radius of the Eniwetok RBN (Lat. 11°21'00" N., Long. 162°20'00" E).

Middleton Island, Alaska
Within 8 miles either side of the Middleton Island VOR 037° and 217° radials extending from 29 miles NE to 8 miles SW of the VOR.
PENDING AMENDMENT
Middleton Island control area extension is revoked. AMENDMENTS 1/4/73 37 F. R. 22846 (Revoked)

SUBPART F - CONTROL ZONES

§ 71.171 **Designation.**
The parts of airspace described below are designated as control zones.

Abbotsford, British Columbia, Canada
That airspace bounded on the north by lat. 49°05'15" N., on the east by long. 122°15'40" W., on the south by lat. 48°57'30" N., and on the west by long. 122°33'45" W., excluding the portion outside the United States.

Aberdeen, Md.
Within a 5-mile radius of the center, lat. 39°28'00" N., long. 76°10'00" W. of Phillips AAF; within 3 miles each side of the 029° bearing from the Aberdeen RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0600 to 2200, hours, local time, Monday through Friday, excluding Federal legal holidays.

AMENDMENTS 12/7/72 37 F. R. 21529 (Rewritten)

Aberdeen, SD.
Within a 5-mile radius of Aberdeen Municipal Airport (latitude 45°27'00" N., longitude 98°25'00" W.) and within 3 miles each side of the Aberdeen VORTAC 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; within 2 miles each side of the Aberdeen VORTAC 312° radial, extending from the 5-mile radius zone to 9 miles northwest of the VORTAC.

AMENDMENTS 9/14/72 37 F. R. 13796 (Rewritten)

Abilene, TX. (Municipal Airport)
Within a 5-mile radius of Abilene Municipal Airport (latitude 32°24'42" N., longitude 99°40'53" W.); within 2.5 miles west and 3 miles east of the Abilene ILS localizer north course, extending from the 5-mile radius zone to 6.5 miles north of the airport; within 2.5 miles west and 3 miles east of the Abilene ILS localizer south course extending from the 5-mile radius zone to 7.5 miles south of the airport; and within 2 miles each side of the Abilene VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Abilene, TX. (Dyess AFB), control zone.

AMENDMENTS 10/12/72 37 F. R. 15370 (Rewritten)

Abilene, Tex. (Dyess AFB)
That airspace within a 5-mile radius of Dyess AFB (latitude 32°25'10" N., longitude 99°51'15" W.); within 2 miles each side of the Dyess ILS localizer S course, extending from the 5-mile radius zone to 7.5 miles S of the OM; within 2 miles each side of the Tuscola VOR 350° radial, extending from the 5-mile radius zone to 2 miles N of the VOR; and within 2 miles each side of the Abilene VORTAC 353° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC.

Adak, Alaska
Within a 5-mile radius of the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.); within 2 miles each side of the 054° bearing from the Adak RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN, and within 2 miles each side of the Navy Adak TACAN 067° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN.

Aguadilla, P. R.
Within a 6-mile radius of Ramey AFS (lat. 18°29'45" N., long. 67°08'00" W.); within 3 miles each side of the Ramey VORTAC 257° radial, extending from the 6-mile radius zone to 8.5 miles west of the VORTAC.

AMENDMENTS 9/14/72 37 F. R. 14291 (Rewritten)

Akron, Colo.
Within a 5-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.) and within 4 miles each side of the Akron VORTAC 123° radial, extending from the 5-mile radius zone to 11 miles southeast of the VORTAC.

Akron, Ohio (Akron-Canton Airport)
Within a 5.5-mile radius of the center, lat. 40°54'58" N., long. 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile radius zone with the Akron, Ohio (Akron Municipal Airport), control zone.

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Akron, Ohio (Akron Municipal Airport)
Within a 5.5-mile radius of the center, lat. 41°02'18" N., long. 81°28'01" W. of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.

Alameda, Calif.
Within a 5-mile radius of NAS Alameda (Lat. 37°47'10" N, Long. 122°19'00" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the Oakland, Calif., control zone.

Alamogordo, N. Mex.
Within a 5-mile radius of the Holloman Air Force Base Airport (latitude 32°51'04" N., longitude 106°06'05" W.); within 2 miles each side of the Holloman VOR 015° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the extended centerline of Runway 3 extending from the 5-mile radius zone to 4.5 miles northeast of the northeast end of Runway 3; within 2 miles each side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 4.5 miles south of the south end of Runway 15; within 2 miles each side of the extended centerline of Runway 21 extending from the 5-mile radius zone to 4.5 miles southwest of the southwest end of Runway 21; within 2 miles each side of the Holloman TACAN 349° radial extending from the 5-mile radius zone to 17.5 miles north of the TACAN; and within 2 miles each side of the VOR 350° radial extending from the 5-mile radius zone to 8 miles north of the VOR; excluding that portion within a 2-mile radius of the Alamogordo Municipal Airport (latitude 32°50'27" N., longitude 105°59'17" W.) and within a 2-mile radius of the Midway Airport (latitude 32°52'04" N., longitude 105°59'26" W.). The portion of this control zone within R-5107D extends upward to 22,000 feet MSL.
This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/1/72 37 F. R. 11558 (Changed)

Alamosa, Colo.
Within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N., longitude 105°51'40" W.); within 3.5 miles each side of the Alamosa VORTAC 127° and 335° radials extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of the 013° bearing from the Frontier Airlines NDB (latitude 37°26'36" N., longitude 105°51'12" W.) extending from the 5-mile radius zone to 10 miles northeast of the NDB; and within 2 miles each side of the Alamosa VORTAC 186° radial extending from the VORTAC to 10 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Albany, Ga. (Albany-Dougherty County Airport)
Within a 5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2.5 miles each side of Albany VORTAC 143° radial, extending from the 5-mile radius zone to 1 mile southeast of the VORTAC.

AMENDMENTS 2/18/72 37 F. R. 4704 (Changed)

NAS Albany, Ga.
Within a 5-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'06" W.); within 3.5 miles each side of the 031° bearing from NAS Albany UHF RBN, extending from the 5-mile radius zone to 11.5 miles northeast of the RBN;
excluding the portion within Albany-Dougherty County Airport control zone.

AMENDMENTS 7/18/72 37 F. R. 15148 (Changed)

Albany, N. Y.
Within a 5-mile radius of the center 42°44'40" N., 73°48'15" W. of Albany County Airport, Albany, N. Y.; within 3.5 miles each side of the Albany VORTAC 354° radial extending from the 5-mile radius zone to 11.5 miles north of the VORTAC and within 3 miles each side of the Albany VORTAC 182° radial extending from the 5-mile radius zone to 11.5 miles south of the VORTAC.

Albuquerque, N. Mex.
Within a 5-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of Runway 35, extending from the 5-mile radius zone to 7 miles north of the north end of Runway 35; within 2 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 5 miles south of the south end of Runway 17; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

Alexandria, La. (England AFB)
That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the Alexandria RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials, extending from the 5-mile radius zone to 1.5 miles southeast of the VORTAC; within 2 miles each side of the Alexandria VORTAC 327° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles northwest of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles north of the airport; and within 2 miles each side of the extended centerline of Runway 36, extending from the 5-mile radius zone to 6.5 miles south of the airport.
This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 7/1/72 37 F. R. 11316 (Changed)

Alexandria, La. (Esler Field)
Within a 5-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.), and within 3 miles each side of the Esler VOR 338° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR.

Alexandria, Minn.
Within a 5-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC.

Alice, Tex.
That airspace within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; and within 2 miles each side of the 134° bearing from latitude 27°44'20" N., longitude 98°01'46" W., extending from the 5-mile radius zone to 8 miles southeast of latitude 27°44'20" N., longitude 98°01'46" W.

Allentown, Pa.
Within a 5-mile radius of the center, 40°39'10" N., 75°26'20" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., within 2 miles each side of a line bearing 050° from a point at 40°42'00" N., 75°26'06" W., extended from the 5-mile radius area to 6 miles northeast of said point, within 2 miles each side of the Allentown ILS localizer northeast course, extending from the 5-mile radius zone to 10 miles northeast of the localizer, and within 2 miles each side of the Allentown VORTAC 347° radial extending from the 5-mile radius zone to 7 miles north of the VORTAC.

Alliance, Nebr.
Within a 5-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); within 2½ miles each side of the Alliance VOR 304° radial, extending from the 5-mile radius zone to 6 miles northwest of the VOR; within 2½ miles each side of the Alliance VOR 150° radial, extending from the 5-mile radius zone to 6 miles southeast of the VOR; and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 5-mile radius zone to 9 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alma, Ga.
Within a 5-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.); within 3 miles each side of Alma VORTAC 146° and 334° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

Alpena, Mich.
That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°04'50" N., longitude 83°33'35" W.); within 3 miles each side of the 360° bearing from the Alpena RBN, extending from the 5-mile radius to 8 miles north of the Alpena RBN; within 3 miles each side of the Alpena VORTAC 346° radial, extending from the 5-mile radius to 7½ miles north of the VORTAC; within 3 miles each side of the Alpena VORTAC 305° radial, extending from the 5-mile radius to 7 miles northwest of the VORTAC; and within 3 miles each side of the Alpena VORTAC 186° radial, extending from the 5-mile radius to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alton, Ill.
Within a 5-mile radius of Civic Memorial Airport (latitude 38°53'30" N., longitude 90°03'00" W.); within 2½ miles each side of the 104° bearing from Civic Memorial Airport, extending from the 5-mile radius zone to 5½ miles east of the airport; and within 3 miles each side of the 009° bearing from Civic Memorial Airport; extending from the 5-mile radius zone to 7 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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Altus, Okla.
Within a 5-mile radius of the Altus AFB (latitude 34°39'40" N., longitude 99°16'30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile radius zone to 1.5 miles S of the OM; and within 2 miles each side of the Altus AFB TACAN 185° radial, extending from the 5-mile radius zone to 9 miles S of the TACAN, excluding that airspace within a 1½ mile radius of the Altus, Okla., Municipal Airport, (latitude 34°41'57" N., longitude 99°20'21" W.).

Amarillo, Tex.
That airspace within a 5-mile radius of the Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the extended centerline of the Amarillo AFB/Air Terminal Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

Amchitka, Alaska
Within a 5-mile radius of the Amchitka, Alaska Airport (latitude 51°22'45" N., longitude 179°15'42" E.); within 2 miles each side of runway 7-25 centerlines extending from the 5-mile radius zone to 5.5 miles east and 5.5 miles west of the Amchitka Airport; within 2 miles each side of the 082° bearing from the Amchitka RBN extending from the RBN to 8 miles east; and within 2 miles each side of the 247° bearing from the Amchitka RBN, extending from the RBN to 8 miles southwest. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Anaheim, Calif. (Disneyland Heliport)
Within a 3-mile radius of Disneyland Heliport (latitude 33° 48' 40" N., longitude 117° 55' 30" W.), excluding that airspace within the Fullerton and Long Beach, Calif., airport control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time thereafter will be continuously published in the Airman's Information Manual.

Anchorage, Alaska (Anchorage International Airport)
Within a 5-mile radius of the Anchorage International Airport (latitude 61°10'16" N., longitude 149°58'48" W.); within 2.5 miles each side of the Anchorage RR southwest course extending from the 5-mile radius zone to 8.5 miles southwest of the RR; within 2 miles each side of the Anchorage VORTAC 079° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Anchorage ILS localizer west course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.

AMENDMENTS 12/7/72 37 F. R. 22373 (Rewritten)

Anchorage, Alaska (Bryant AAF)
Within a 3-mile radius of Bryant AAF (latitude 61°16'N., longitude 149°40' W.), excluding the portion west of longitude 149°43' W. This control zone is effective from 0700 to 2100 hours, local time, daily.

Anchorage, Alaska (Merrill Field/Elmendorf AFB)
Within a 3-mile radius of Merrill Field (latitude 61°13' N., longitude 149°51' W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15' N., longitude 149°49' W.); within 2 miles each side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Anchorage (Bryant AAF) Control Zone.

Anderson, S. C.
Within a 5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.); within 1.5 miles each side of Anderson VORTAC 039° radial, extending from the 5-mile radius zone to 1.5 miles northeast of the VORTAC.

Aniak, Alaska
Within a 5-mile radius of the Aniak Airport (latitude 61°35' N., longitude 159°32' W.); and within 2 miles each side of the 230° and 140° bearings from the Aniak RBN, extending from the 5-mile radius zone to 14 miles SW and 8 miles SE of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Annette Island, Alaska
Within a 5-mile radius of the Annette Island Airport (latitude 55°02'34" N., longitude 131°34'14" W.); within 3 miles each side of the Annette Island VOR 170° radial, extending from the 5-mile radius zone to 12 miles south of the VOR, and within 2 miles each side of the Annette Island VOR 311° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR.

Anniston, Ala.
Within a 5-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within 1.5 miles each side of Talladega VOR 085° radial, extending from the 5-mile radius zone to the VOR; within 1 mile each side of the ILS localizer SW course, extending from the 5-mile radius zone to the OM.

Appleton, Wis.
Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2½ miles each side of the 135°, 285° and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 5½ miles southeast, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Arcata, Calif.
Within a 5-mile radius of Arcata Airport (latitude 40°58'45" N., longitude 124°06'25" W.); and within 2 miles each side of the 219° bearing from the Arcata RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN.

Ardmore, Okla.
Within a 5-mile radius of Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W), within 2 miles either side of the Ardmore VOR 053° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 085° bearing from the Springton RBN extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Asheville, N. C.
Within a 5-mile radius of Asheville Municipal Airport (lat. 35°26'04" N., long. 82°32'25" W.); within 2.5 miles each side of the 340° bearing from Broad River RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2 miles each side of Runway 16/34 extended centerlines, extending from the 5-mile radius zone to the Broad River and Biltmore RBNs.

Aspen, Colo.
Within a 5-mile radius of the Aspen-Pitkin County (Sardy Field) Airport (latitude 39°13'30" N., longitude 106°52'09" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Astoria, Oreg.
Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46° 09' 25" N., longitude 123° 52' 40" W.), and within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

Athens, Ga.
Within a 5-mile radius of Athens Municipal Airport (lat. 33°56'54" N., long. 83°19'37" W.); within 3 miles each side of Athens VORTAC 076° and 192° radials, extending from the 5-mile radius zone to 8.5 miles east and south of the VORTAC.

Atlanta, Ga.
Within a 5-mile radius of The William B. Hartsfield Atlanta International Airport (latitude 33°38' 35" N., longitude 84°25'25" W.); within 2 miles each side of Atlanta ILS Runway 33 localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the LOM; within 2 miles each side of Rex, Ga., VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 9L localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within a 3-mile radius of Morris AAF (latitude 33°37'20" N., longitude 84°20'30" W.).

Atlanta, Ga. (Fulton County Airport)
Within a 5-mile radius of Fulton County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within 2.5 miles each side of the 276° bearing from Bankhead RBN, extending from the 5-mile radius zone to 7.5 miles west of the RBN.

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Atlanta, Ga. (Dobbins AFB/NAS Atlanta)
Within a 5-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°54'40" N., longitude 84°31'00" W.); within 2 miles each side of the 105° bearing from Lost Mountain RBN, extending from the 5-mile radius zone to 1 mile southeast of the RBN; within 1.5 miles each side of Norcross VORTAC 265° radial, extending from the 5-mile radius zone to 30 miles west of the VORTAC; within 2 miles each side of Runway 29 extended centerline, extending from the 5-mile radius zone to 6 miles east of the runway end; within 1.5 miles each side of NAS Atlanta TACAN 301° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; excluding the portion within Atlanta, Ga. (Fulton County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

Atlantic City, N. J.
Within a 12-mile radius of the Atlantic City NAFEC Airport (Lat. 39°27'25" N, Long. 74°34'45" W), and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3-nmi offshore, on the SE by a line 3 nmi offshore, and on the NE by the Atlantic City VORTAC 112° radial, excluding the portion within a 2 mile radius of the Ocean City Airport (Lat. 39°16'00" N, Long. 74°36'15" W).

Augusta, Ga.
Within a 5-mile radius of Bush Field (latitude 33°22'10" N., longitude 81°57'55" W.); within 2 miles each side of Augusta ILS localizer south course, extending from the 5-mile radius zone to 0.5 miles north of the LOM; within a 5-mile radius of Daniel Field (latitude 33°27'55" N., longitude 82°02'25" W.); within 2 miles each side of Augusta VORTAC 135° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

Augusta, Maine
Within a 5-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine; within 3.5 miles each side of the Capital City, Maine RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the 5-mile radius zone to 10.5 miles northwest of the RBN and within 3.5 miles each side of the Augusta VORTAC 328° radial, extending from the 5-mile radius zone to 10.5 miles northwest of the VORTAC.

Austin, Tex. (Robert Mueller Municipal Airport)
Within a 5-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 2 miles each side of the Austin ILS localizer NW course, extending from the 5-mile radius zone to 1 mile SE of the INT of the ILS localizer NW course and the Austin VORTAC 269° radial; and within 2 miles each side of the Austin VORTAC 184° radial, extending from the 5-mile radius zone to the VORTAC.
PENDING AMENDMENT
Austin, Tex. (Robert Mueller Municipal Airport)
Within a 5-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 1.5 miles each side of the Austin VORTAC 304° radial extending from the 5-mile radius zone to 6 miles northwest of the Austin VORTAC; and within 1.5 miles each side of the Austin VORTAC 329° radial extending from the 5-mile radius zone to 6 miles northwest of the Austin VORTAC.

AMENDMENTS 1/4/73 37 F. R. 23823 (Rewritten)

Austin, Tex. (Bergstrom AFB)
Within a 5-mile radius of Bergstrom AFB (latitude 30°11'45" N., longitude 97°40'35" W.); within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 5-mile radius zone to the LOM, excluding that portion within the Austin, Tex. (Robert Mueller Municipal Airport) control zone.

Baker, Oreg.
Within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.), and within 3 miles each side of the Baker VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

Bakersfield, CA.
Within a 5-mile radius of Meadows Field, Bakersfield, CA. (latitude 35°25'40" N., longitude 119°03'05" W.), within 1 mile each side of the Bakersfield ILS localizer northwest course, extending from the 5-mile radius zone to 11.5 miles northwest of the Bakersfield LOM and within 2 miles each side of the Bakersfield ILS localizer southeast course, extending from the 5-mile radius zone to the Bakersfield LOM.

AMENDMENTS 3/30/72 37 F. R. 2572 (Rewritten)

Baltimore, Md.
Within a 5-mile radius of the center, 39°10'25" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; and within 2 miles each side of the Baltimore ILS west course extending from the 5-mile radius zone to 10 miles west of the OM.

Bangor, Maine
Within a 5-mile radius of the center, lat. 44°48'28" N., long. 68°49'41" W. of Bangor International Airport, Bangor, Maine; within 2.5 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; within a 1-mile radius of the center, lat. 44°53'56" N., long. 69°01'12" W. of Levant Private Landing Area, West Levant, Maine; within 3.5 miles each side of the Bangor ILS localizer southeast course, extending from the 5-mile radius zone to 11.5 miles southeast of the OM.

Bartlesville, Okla.
Within a 5-mile radius of the Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.), excluding the area north of latitude 36°46'00" N., and east of longitude 95°58'30" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Baton Rouge, La.
Within a 5-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.), within 1 mile each side of the Baton Rouge ILS localizer southeast course extending from the 5-mile radius zone to 6.5 miles southeast of Ryan Airport, and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile east of the VORTAC.

Battle Creek, Mich.
Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials, extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

Beaufort, S. C.
Within a 5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 3.5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2.5 miles each side of the 042° bearing from Beaufort MCAS RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 9/1/72 37 F. R. 17466 (Changed)

Beaumont, Tex.
Within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.).

Beckley, W. Va.
Within a 6.5-mile radius of the center, lat. 37°46'54" N., long. 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va., and within 3 miles each side of the Beckley VOR 284° radial extending from the 6.5-mile radius zone to 8.5 miles west of the VOR.

Bedford, Mass.
Within a 5-mile radius of Hanscom Airport (latitude 42°28'04" N., longitude 71°17'23" W.); within 2 miles each side of the Bedford ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the LOM; within 2 miles each side of the extended centerline of Runway 23 extending from the 5-mile radius zone to 6 miles SW of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 5 extending from the 5-mile radius zone to 6 miles NE of the lift-off end of the runway; and within a 1-mile radius of Erickson Airport (latitude 42°27'50" N., longitude 71°31'00" W.).

Beeville, Tex.
That airspace within a 5-mile radius of NAAS Chase Field, Beeville, Tex. (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN.

Belleville, Ill.
Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

Bellingham, Wash.
Within a 5-mile radius of Bellingham Municipal Airport (latitude 48°47'40" N., longitude 122°32'10" W.); within 2 miles each side of the Bellingham VORTAC 169° radial, extending from the 5-mile radius zone to 3 miles south of the VORTAC and 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from the 5-mile radius zone to 21.5 miles south of the VORTAC.

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Bemidji, Minn.
Within a 5-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 1½ miles each side of the Bemidji VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC; and within 3½ miles each side of the 262° bearing from Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Benton Harbor, Mich.
Within a 5-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bethel, Alaska
Within a 5-mile radius of the Bethel Municipal Airport (latitude 60°47'01" N., longitude 161°49'59" W.); within 3 miles each side of the BEA RBN 014° bearing extending from the 5-mile radius zone to 8 miles N of the RBN; within 2 miles each side of the BET RBN 293° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles each side of the Bethel VORTAC 213° radial extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

Bettles, AK.
Within a 5-mile radius of the Bettles Airport (latitude 66°54'57" N., longitude 151°31'31" W.); within 4 miles each side of the Bettles RBN 214° bearing extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; and within 3 miles each side of the Bettles VORTAC 227° radial extending from the 5-mile radius zone to 9.5 miles southwest of the VORTAC.

AMENDMENTS 4/27/72 37 F. R. 4073 (Rewritten)

Big Delta, AK.
That airspace within a 5-mile radius of the Allen AAF, Fort Greeley, AK., (latitude 63°59'37" N., longitude 145°43'08" W.) and within 4.5 miles each side of the Big Delta VORTAC 040° radial extending from the 5-mile radius zone to 11 miles northeast. This control zone is effective from 0600 to 2200 hours local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 4/27/72 37 F. R. 4073 (Rewritten)

Big Spring, Tex.
That airspace within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12'50" N., longitude 101°31'25" W.), within a 5-mile radius of Howard County Airport, Big Spring, Tex. (latitude 32°18'05" N., longitude 101°26'20" W.), within 2 miles each side of the Big Spring VOR 191° radial, extending from the 5-mile radius zone to 1 mile S of the VOR, within 2 miles each side of the Big Spring VOR 155° radial, extending from the 5-mile radius zone to the VOR, within 2 miles each side of the Webb TACAN 355° radial, extending from the 5-mile radius zone to 7.5 miles north of the TACAN, and within 2 miles each side of the Webb TACAN 190° radial extending from the 5-mile radius zone to 7.5 miles south of the TACAN. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Billings, Mont.
Within a 5-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.); within 4 miles each side of the Billings ILS west localizer course extending from the 5-mile radius zone to 8 miles west of the OM; within 3.5 miles each side of the Billings VORTAC 267° radial extending from the 5-mile radius zone to 8 miles west of the VORTAC; within 2 miles each side of the Billings VORTAC 005° radial extending from the 5-mile radius zone to 12 miles east of the VORTAC; and within 2 miles each side of the Billings ILS east localizer course extending from the 5-mile radius zone to Lockwood NDB.

AMENDMENTS 2/3/72 36 F. R. 23550 (Rewritten)

Biloxi, MS.
Within a 5-mile radius of Keesler AFB (lat. 30°24'39" N., long. 88°55'26" W.); within 3 miles each side of the 036° bearing from Keesler RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 1.5 miles each side of Keesler TACAN 050° and 200° radials, extending from the 5-mile radius zone to 7 miles northeast and southwest of the TACAN, excluding the portion west of long. 89°00'00" W. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 10/12/72 37 F. R. 15512 (Rewritten)

Binghamton, N.Y.
Within a 5-mile radius of the center of Broome County Airport, Binghamton, N.Y., 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the airport ILS localizer SE course extending from the 5-mile radius zone to 2 miles SE of the OM.

Birmingham, Ala.
Within a 5-mile radius of Birmingham Municipal Airport (latitude 33°33'50" N., longitude 86°45'30" W.); within 2 miles each side of Birmingham ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 3 miles each side of the 056° and 236° bearings from Roebuck RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

Bismarck, N. Dak.
Within a 5½-mile radius of Bismarck Municipal Airport (latitude 46°46'40" N., longitude 100°45'05" W.); and within 2 miles each side of the Bismarck ILS localizer southeast course, extending from the 5½-mile radius zone to 1 mile northwest of the OM.

Bloomington, Ill.
Within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°55'40" W.); and within 2½ miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 5-mile radius zone to 6½ miles northeast, east and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bloomington, Ind.
Within a 5-mile radius of Monroe County Airport (latitude 38°08'35" N., longitude 86°37'00" W.); within 3 miles each side of the Bloomington VORTAC 181° radial, extending from the 5-mile radius zone to 10½ miles south of the VORTAC; within 3 miles each side of the Bloomington VORTAC 062° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC; within 3 miles each side of the Bloomington VORTAC 341° radial; extending from the 5-mile radius zone to 10½ miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 5-mile radius zone to 9½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bluefield, WV.
Within a 5.5-mile radius of the center, lat. 37°17'45" N., long. 81°12'29" W., of Mercer County Airport, Bluefield, WV.; within a 7.5-mile radius of the center of the airport, extending clockwise from a 079° bearing from the airport to a 125° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 170° bearing from the airport to a 239° bearing from the airport; within 3 miles each side of the Bluefield VORTAC 047° radial, extending from the 5.5-mile radius zone to 9.5 miles northeast of the VORTAC and within 4.5 miles each side of the Bluefield VORTAC 224° radial, extending from the 5.5-mile radius zone to 17 miles southwest of the VORTAC.

AMENDMENTS 3/30/72 37 F. R. 1358 (Rewritten)

Blythe, Calif.
Within a 5-mile radius of Blythe Airport (Lat. 33°37'15" N, Long. 114°43'00" W).

Blytheville, Ark.
Within a 5-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.), within 3 miles each side of the Blytheville VOR 357° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 185° radial extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

Boise, Idaho
Within a 5-mile radius of the Boise Air Terminal (latitude 43°33'55" N., longitude 116°13'35" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC and within 2 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius zone to 7 miles south of the VORTAC.

Boston, Mass.
Within an 8-mile radius of the Logan International Airport (latitude 42°21'55" N., longitude 71°00'05" W.).

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Bowling Green, Ky.
Within a 5-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 4.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC.

AMENDMENTS 10/16/72 37 F. R. 22973 (Changed)

Bozeman, Mont.
Within a 7-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.).

Bradford, Pa.
Within a 5-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 2.5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of a 315° and a 135° bearing from the Bradford Regional Airport Runway 32 ILS LOM, extending from the 5-mile radius zone to 8 miles southeast of the LOM; within 2 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 5-mile radius zone to 7 miles northwest of the VORTAC.

Brainerd, Minn.
Within a 5-mile radius of Brainerd-Crow Wing County Airport latitude 46°23'55" N., longitude 94°08'15" W.; within 2½ miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 313° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bremerton, Wash.
Within a 5-mile radius of the Kitsap County Airport (latitude 47°29'35" N., longitude 122°45'35" W.), within 3 miles each side of the 209° bearing from the Kitsap RBN (latitude 47°29'48" N., longitude 122°45'36" W.), extending from the 5-mile radius zone to 8 miles SW of the RBN. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Bridgeport, Conn.
Within a 5-mile radius of the center 41°09'41" N., 73°07'35" W., of Bridgeport Municipal Airport. Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 036° and 229° radials, extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

Brookings, S. Dak.
That airspace within a 6-mile radius of Brookings, S. Dak. Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.), and within 3 miles each side of the 142° bearing from the Brookings Airport, extending from the 6-mile radius area to 8 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

PENDING AMENDMENT
Brookings, S. Dak.
That airspace within a 5-mile radius of Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 2.5 miles each side of the Brookings VOR 316° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR and within 2.5 miles each side of the Brookings VOR 118° radial extending from the 5-mile radius zone to 8.5 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/4/73 37 F. R. 23536 (Rewritten)

Broomfield, Colo.
That airspace within a 5-mile radius of Jeffco Airport (latitude 39°54'30" N., longitude 105°06'50" W.). This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Brownsville, Tex.
That airspace overlying the United States within a 5-mile radius of Brownsville International Airport (latitude 25°54'25" N., longitude 97°25'25" W.), within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC, and within 2 miles each side of the Brownsville ILS localizer northwest course extending from the 5-mile radius zone to the OM.

Brunswick, Ga. (Malcolm-McKinnon Airport)
Within a 5-mile radius of Malcolm-McKinnon Airport (latitude 31°09'05" N., longitude 81°23'20" W.); within 1.5 miles each side of the Brunswick VOR 022° radial, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.) and the portion within the Brunswick (NAS Glynco) control zone.

AMENDMENTS 6/29/72 37 F. R. 11674 (Changed)

Brunswick, Ga. (NAS Glynco)
Within a 5-mile radius of NAS Glynco (latitude 31°15'30" N., longitude 81°28'00" W.); within 2 miles each side of the Glynco TACAN 055° radial, extending from the 5-mile radius zone to 5 miles northeast of the TACAN; within 3 miles each side of the Glynco TACAN 250° radial, extending from the 5-mile radius zone to 6.5 miles west of the TACAN, excluding the portion that is within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.) south of a line 3.5 miles south of and parallel to NAS Glynco Runway 7 centerline extended. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 2/15/72 37 F. R. 3050 (Changed)

Brunswick, ME.
Within a 5-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the 166° bearing of the Navy Brunswick UHF RBN (latitude 43°53'42" N., longitude 69°56'49" W.), extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of the Navy Brunswick TACAN 008° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding that airspace within a 1-mile radius of Topsham Airport, Topsham, ME., (latitude 43°56'55" N., longitude 69°59'50" W.).

AMENDMENTS 6/3/72 37 F. R. 11155 (Rewritten)

Buffalo, N. Y.
Within a 5-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport, Buffalo, N. Y.; within 2 miles each side of the Greater Buffalo International Airport northeast localizer course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC excluding the portion within a 1-mile radius of Buffalo Airpark, 42°51'45" N., 78°43'00" W.

Burbank, Calif.
Within a 5-mile radius of Hollywood-Burbank Airport, Calif. (latitude 34°12'15" N., longitude 118°21'30" W.), excluding the portion west of a line from latitude 34°16'00" N., longitude 118°25'55" W., to latitude 34°09' 25" N., longitude 118°25'40" W., and the portion within a 1-mile radius of Whiteman Airpark, Pocoima, Calif. (latitude 34°15'35" N., longitude 118°24'45" W.).
AMENDMENTS 2/3/72 36 F. R. 23997 (Rewritten)

Burley, Idaho
Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 3.5 miles each side of the Burley VORTAC 121° radial, extending from the 5-mile radius zone to 17.5 miles southeast of the VORTAC; within 3 miles each side of the Burley VORTAC 323° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; within 3 miles each side of the Burley VORTAC 301° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC.

Burlington, Iowa
Within a 5-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); within 3 miles each side of the 293° radial of the Burlington VORTAC extending from the 5-mile radius zone to 2 miles northwest of the VORTAC.

Burlington, Vt.
Within a 5-mile radius of the center, 44°28'15" N., 73°09'10" W., of the Burlington International Airport, Burlington, Vt.;
within 2 miles each side of the Burlington ILS localizer northwest course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Burlington VOR 021° radial extending from the 5-mile radius zone to the VOR.

Butte, MT.
Within a 5-mile radius of the Silver Bow County Airport, Butte, MT. (latitude 45°57'15" N., longitude 112° 29'50" W.) and within 2 miles each side of the Butte VORTAC 115° radial extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 8/17/72 37 F. R. 12381 (Rewritten)

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Calverton, N. Y.
Within a 5-mile radius of Peconic River Airport (latitude 40°54'55" N., longitude 72°47'35" W.), and within 2 miles each side of the Riverhead VORTAC 079° radial extending from the 5-mile radius zone to 12.5 miles E of the VORTAC. This control zone is effective from 0800 to 1630 hours, local time, Monday through Friday.

Camp Douglas, Wis.
Within a 5-mile radius of Volk Field, Camp Douglas, Wis. (latitude43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC. This control zone shall be effective during the specific dates and/or time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Camp Pendleton, Calif.
Within a 3-mile radius of Camp Pendleton, MCALF (latitude 33°18'04" N., longitude 117°21'06" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Camp Springs, Md.
Within a 5-mile radius of Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.), within 2 miles E of the extended centerline of the Andrews AFB Runway 19-L and 2 miles W of the Andrews AFB ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Andrews AFB ILS localizer N course, extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of Hyde Field, Clinton, Md. (latitude 38°45'00" N., longitude 76°56'00" W.), and excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D. C., control zone.

Cape Girardeau, Mo.
Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 2½ miles each side of the Cape Girardeau VOR 194°, 036° and 279° radials, extending from the 5-mile radius to 6½ miles south-northeast and west of the VOR.

Carbondale, IL.
Within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.) and within 3 miles either side of the 010° bearing from the Southern Illinois Airport, extending from the 5-mile radius zone to 8 miles north of the airport, and 3 miles either side of the 257° bearing from the airport extending from the 5-mile radius zone to 8 miles southwest of the airport. This control zone is effective during the specific dates and times established in advance by the Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 9/14/72 37 F. R. 13529 (Rewritten); Corr: 37 F. R. 16073

Carlsbad, N. Mex.
Within a 5-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 337° and 157° radials extending from the 5-mile radius zone to 10 miles southeast of the VOR.

Casper, Wyo.
Within a 5-mile radius of Casper Air Terminal (latitude 42°54'25" N., longitude 106°27'50" W.); within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to 26 miles southwest of the VORTAC; within 3 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 10 miles west of the OM; within 4 miles each side of the Casper 216° radial, extending from the 5-mile radius zone to the VORTAC.

Cedar City, Utah
Within a 5-mile radius of Cedar City Municipal Airport (latitude 37°42'05" N., longitude 113°05'52" W.) and within 2 miles on each side of the Cedar City VOR 195° radial extending from the 5-mile radius zone to the VOR.

Cedar Rapids, Iowa
Within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 3 miles each side of the Cedar Rapids VORTAC 094° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC; and within 3 miles each side of the Cedar Rapids VORTAC 264° radial, extending from the 5-mile radius zone to 9 miles west of the VORTAC.

Chadron, Nebr.
Within a 5-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.) and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile radius zone to 8 miles N of the airport.

Chamblee, Ga.
Within a 5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.); within 1.5 miles each side of Norcross VORTAC 242° radial, extending from the 5-mile radius zone to 1 mile southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

Champaign, Ill.
Within a 5-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within 2 miles each side of the Champaign VORTAC 123°, 237° and 328° radials, extending from the 5-mile radius zone to 12 miles southeast, southwest, and northwest of the VORTAC; and within 2 miles each side of the University of Illinois-Willard Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

Chandler, Ariz.
Within a 5-mile radius of Williams AFB (latitude 33°18'30" N., longitude 111°39'27" W.); within 2 miles each side of the Rittenhouse VOR 290° radial extending from the 5-mile radius zone to the VOR, within 2 miles northeast and 3 miles southwest of the Chandler VORTAC 130° radial extending from the 5-mile radius zone to 9 miles southeast of the VORTAC, and within 2 miles each side of the Chandler VORTAC 319° radial extending from the 5-mile radius zone to 9 miles northwest of the VORTAC. This control zone is effective from 0600 to 0200 hours local time Monday through Friday, 0800 to 1600 hours local time Saturday, and 1000 to 1600 hours local time Sunday, excluding Federal legal holidays.

AMENDMENTS 5/25/72 37 F. R. 6574 (Changed)
AMENDMENTS 6/22/72 37 F. R. 9022 (Changed)

Chantilly, Va.
Within a 5-mile radius of Dulles International Airport, Chantilly, Va., (Lat. 38°56'40" N, Long. 77°27'24" W); within 2 miles either side of the Dulles runway 1-R ILS localizer S course extending from the 5-mile radius zone to the runway 1-R ILS OM; within 2 miles either side of the Dulles runway 19-R ILS localizer N course extending from the 5-mile radius zone to 2 miles N of the runway 19-R ILS OM; within 2 miles either side of the Herndon, Va., VORTAC 161° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the extended centerline of runway 30 extending from the 5-mile radius zone to 4 miles NW of the lift-off end of runway 30.

Chanute, Kans.
Within a 5-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.).

Charleston, S. C.
Within a 5-mile radius of Charleston AFB/Municipal Airport (lat. 32°53'55" N., long. 80°02'20" W.); within 3.5 miles each side of Charleston VORTAC 018° and 332° radials, extending from the 5-mile radius zone to 10 miles north and northwest of the VORTAC; within 2.5 miles each side of Charleston VORTAC 135° radial, extending from the 5-mile radius zone to 5.5 miles southeast of the VORTAC; within 3.5 miles each side of Charleston VORTAC 211° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC.

AMENDMENTS 10/17/72 37 F. R. 23177 (Rewritten)

Charleston, WV.
Within a 5.5-mile radius of the center, lat. 38°22'22" N., long. 81°35'35" W., of the Kanawha Airport, Charleston, WV., extending clockwise from a 229° bearing to a 319° bearing from the airport; within a 6-mile radius of the center of Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 1.5 miles each side of a 141° bearing from the center of Kanawha Airport, extending from the 6-mile radius to 6.5 miles southeast of the airport and within 2 miles each side of the Charleston VORTAC 081° radial extending from the 5.5-mile radius to 2 miles east of the VORTAC.

AMENDMENTS 4/27/72 37 F. R. 4326 (Rewritten)

Charlotte, N. C.
Within a 5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 003° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2 miles each side of Charlotte VORTAC 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the VORTAC; within 2 miles each side of Charlotte VORTAC 223° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VORTAC; within 2 miles each side of Charlotte ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM.

Charlotte Amalie, St. Thomas, V. I. (Harry S. Truman Airport)
Within a 6-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International NOTAMS.

AMENDMENTS 9/14/72 37 F. R. 14291 (Rewritten)

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Charlottesville, VA.
Within a 5-mile radius of the center, lat. 38°08'25" N., long. 78°27'09" W., of Charlottesville-Albemarle Airport, Charlottesville, VA., and within 2.5 miles each side of the 022° bearing from the Charlottesville RBN, extending from the 5-mile radius zone to 2 miles north of the RBN.

AMENDMENTS 9/14/72 37 F. R. 13168 (Rewritten)

Chattanooga, Tenn.
Within a 5-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.); within 2 miles each side of Chattanooga ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles southwest of Daisy RBN; within 1 mile each side of Chattanooga ILS localizer south course, extending from the 5-mile radius zone to 0.5 mile north of Chattanooga VORTAC 263° radial.

Chesterfield (Spirit of St. Louis), Mo.
Within a 5-mile radius of Spirit of St. Louis Airport (latitude 38°39'35" N., longitude 90°38'45" W.); within 3½ miles each side of the Maryland Heights, Mo., VORTAC 310° radial, extending from the VORTAC to 9½ miles northwest of the VORTAC; and within 5 miles each side of the Maryland Heights VORTAC 241° radial, extending from the VORTAC to 14½ miles SW of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Cheyenne, Wyo.
Within a 5-mile radius of Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.) and within 2 miles each side of the Cheyenne ILS localizer E course, extending from the 5-mile radius zone to the OM.

Chicago, Ill. (Midway Airport)
Within a 5-mile radius of Chicago Midway Airport (latitude 41°47'04" N., longitude 87°45'12" W.); and within 2 miles each side of the Chicago Midway ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the Kedzie RBN; and within 2 miles each side of the Chicago Midway ILS localizer NW course extending from the 5-mile radius zone to the OM.

Chicago, Ill. (O'Hare International Airport)
Within a 5-mile radius of O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'30" W.); within 2 miles each side of the O'Hare International Airport runway 14R and 14L ILS localizer courses, extending from the 5-mile radius zone to 7 miles northwest of the airport; and within 2 miles each side of the O'Hare International Airport runway 32R and 32L ILS localizer courses, extending from the 5-mile radius zone to 7 miles southeast of the airport.

Chicago, Ill. (Meigs Airport)
Within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2400 hours, local time, daily.

Chico, Calif.
Within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, excluding the portion within a 1-mile radius of Ranchaero Airport, Chico, Calif. (latitude 39°43'10" N., longitude 121°52'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Childress, Tex.
Within a 5-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) and within 2 miles each side of the Childress VOR 182° radial, extending from the 5-mile radius zone to 8 miles S of the VOR.

China Lake, Calif.
Within a 5-mile radius of NAF China Lake (latitude 35°41'15" N., longitude 117°41'35" W.) and within 2 miles each side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 8 miles N and SE of the TACAN.

Chincoteague, Va.
Within a 5-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.) and within 2 miles each side of the Snow Hill, Md., VOR 181° radial, extending from the 5-mile radius zone to 2.5 miles south of the VOR. This control zone is effective from 0730 to 1730 hours, local time, Monday through Friday, excluding Federal legal holidays.

PENDING AMENDMENT
Chino, Calif.
Within a 3-mile radius of the Chino California Airport (latitude 33°58'30" N., longitude 117°38'10" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/18/72 37 F. R. 23904 (Added)

Christiansted, St. Croix, V. I.
Within a 5-mile radius of Alexander Hamilton Airport (latitude 17°42'13" N., longitude 64°47'54" W.); within 3 miles each side of the St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR; within 3 miles each side of the 208° bearing from the St. Croix RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMs.

AMENDMENTS 9/14/72 37 F. R. 14291 (Changed)

Cincinnati, Ohio
Within a 5-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 2 miles each side of Runway 20L ILS localizer northeast course, extending from the 5-mile radius zone to Madeira RBN; within 1.5 miles each side of the 227° bearing from Lunken RBN, extending from the 5-mile radius zone to the RBN.

Clarksburg, WV.
Within a 5.5-mile radius of the center, lat. 39°17'44" N., long. 80°13'46" W. of Benedum Airport; within 3 miles each side of the Clarksburg VOR 219° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VOR; and within 2.5 miles each side of the Benedum Airport ILS localizer northeast course, extending from the 5.5-mile radius zone to 1 mile southwest of the OM. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 3/30/72 37 F. R. 1358 (Rewritten)
AMENDMENTS 7/20/72 37 F. R. 11156 (Rewritten)

Cleveland, Ohio (Burke-Lakefront Airport)
Within a 5-mile radius of the center 41°31'00" N., 81°41'00" W., of Burke-Lakefront Airport, Cleveland, Ohio; within 2 miles each side of the Burke-Lakefront ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion within the Cleveland, Ohio (Cleveland-Hopkins International Airport), control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

Cleveland, Ohio (Cleveland-Hopkins International Airport)
Within a 5-mile radius of the center 41°24'30" N., 81°51'00" W., of Cleveland-Hopkins International Airport, Cleveland, Ohio; within 1.5 miles each side of the Runway 5-R ILS localizer southwest course, extending from the 5-mile radius zone to 3 miles northeast of the Gilbert RBN; within 2 miles each side of the Runway 23-L ILS localizer northeast course, extending from the 5-mile radius zone to 2 miles southwest of the Stadium RBN; within 2 miles each side of the Runway 28-R ILS localizer east course, extending from the 5-mile radius zone to the Runway 28 OM; within 2 miles each side of the Runway 18-R centerline extended from the 5-mile radius zone to 7.5 miles south of the end of the runway.

Cleveland, Ohio (Cuyahoga County Airport)
Within a 5-mile radius of the Cuyahoga County Airport (latitude 41°34'00" N., longitude 81°29'30" W.); within 2½ miles each side of the 050° bearing from the Cuyahoga County RBN extending from the 5-mile radius zone to 5 miles northeast of the RBN, excluding the portion within the Cleveland, Ohio (Burke-Lakefront Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

Clinton, Okla. (Clinton-Sherman Airport)
Within a 5-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longtiude 99°12'00" W.), and within 2 miles each side of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from 7 miles north to 6 miles south of the ends of the runways. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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Clovis, N. Mex.
Within a 6-mile radius of Cannon AFB, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 040° radial extending from the 6-mile radius zone to 9.5 miles northeast of the TACAN; within 2 miles each side of a 045° bearing from latitude 34°18'45" N., longitude 103°24'32" W., extending from the 6-mile radius zone to latitude 34°18'45" N., longitude 103°24'32" W.; within 2 miles each side of the Cannon AFB TACAN 230° radial extending from the 6-mile radius zone to 9.5 miles southwest of the TACAN, and within 2 miles each side of the Cannon AFB TACAN 232° radial extending from the 6-mile radius zone to 7 miles southwest of the TACAN. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/1/72 37 F. R. 12716 (Changed)

Cocoa (Patrick AFB), FL.
Within a 5-mile radius of Patrick AFB (lat. 28°14'21" N., long. 80°36'28" W.).

AMENDMENTS 4/27/72 37 F. R. 4902 (Rewritten)

Cody, Wyo.
Within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), and within 1.5 miles each side of the Cody, Wyo., VOR 202° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Cold Bay, Alaska
Within a 5-mile radius of the Cold Bay Airport (latitude 55°12'06" N., longitude 162°43'28" W.); within 3 miles each side of the 338° bearing from the Cold Bay RR, extending from the 5-mile radius zone to 13.5 miles north of the RR, and within 5 miles west and 2.5 miles east of the Cold Bay VORTAC 150° radial, extending from the 5-mile radius zone to 18 miles south of the VORTAC.
AMENDMENTS 12/7/72 37 F. R. 21528 (Rewritten)

College Station, Tex.
Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude 96°22'00" W.), within 2 miles each side of the College Station VOR 287° radial extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the College Station VOR 307° radial extending from the 5-mile radius zone to 9 miles northwest of the VOR, and within 2 miles each side of the College Station VOR 107° radial extending from the 5-mile radius zone to 10 miles east of the VOR.

Colorado Springs, CO.
Within a 6-mile radius of Peterson Field, Colorado Springs, CO. (latitude 38°48'35" N., longitude 104°42'20" W.); within 2 miles each side of the Colorado Springs ILS localizer north course, extending from the 6-mile radius zone to 7 miles north of the localizer, within 2 miles each side of the Colorado Springs VORTAC 205° radial extending from the 6-mile radius zone to the VORTAC.
AMENDMENTS 7/20/72 37 F. R. 9621 (Rewritten)

Columbia, Mo. (Regional Airport)
Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.).

Columbia, S. C.
Within a 5-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W.); within 2 miles each side of Columbia ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

Columbus, Ga. (Lawson AAF)
Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from Lawson RBN, extending from the 5-mile radius zone to 6.5 miles southwest of the RBN; within 2 miles each side of Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM; excluding the portion within Columbus Metropolitan Airport control zone.

Columbus, Ga. (Columbus Metropolitan Airport)
Within a 5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55"N., long. 84°56'25" W.); within 1.5 miles each side of Columbus ILS localizer northeast course, extending from the 5-mile radius zone to the intersection of the Columbus VOR 102° radial; within 1.5 miles each side of Columbus VOR 149° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR; within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 6 miles southwest of the runway end; within 2 miles each side of Runway 12 extended centerline, extending from the 5-mile radius zone to 6 miles northwest of the runway end.

Columbus, Miss.
Within a 5-mile radius of Columbus AFB, Miss. (latitude 33°38'38" N., longitude 88°26'39" W.); within 1.5 miles each side of the ILS localizer northwest course, extending from the 5-mile radius zone to 1.5 miles southeast of the LOM; within 1.5 miles each side of the Caledonia TACAN 141° and 312° radials, extending from the 5-mile radius zone to 6.5 miles southeast and northwest of the TACAN.

Columbus, Nebr.
Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'25" W.), and within 2 miles each side of the Columbus VOR 340° and 141° radials, extending from the 5-mile radius zone to 8 miles N and SE of the VOR, and within 2 miles each side of the 330° bearing from the Columbus RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Columbus, OH. (Bolton Field)
Within a 3-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83°08'12" W.) and 2 miles either side of the 213° bearing from the airport extending from the 3-mile radius to 4 miles southwest of the airport excluding a 1-mile radius of Columbus Southwest Airport (latitude 39°54'45" N., longitude 83°11'00" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, therefore, be continuously published in the Airman's Information Manual.

AMENDMENTS 4/27/72 37 F. R. 5285 (Added) Corr: 37 F. R. 7150

Columbus, Ohio (Lockbourne AFB)
Within a 5.5-mile radius of the center, lat. 39°49'00" N., long. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within 1.5 miles each side of the Lockbourne TACAN 042° radial, extending from the 5.5-mile radius zone to 7 miles northeast of the TACAN; within 1.5 miles each side of the Lockbourne TACAN 229° radial, extending from the 5.5-mile radius zone to 6 miles southwest of the TACAN; within a 1.5-mile radius of center, lat. 39°53'11" N., long. 82°57'53" W. of South Columbus Airport, Columbus, Ohio, and within a 1-mile radius of the center, lat. 39°54'21" N., long. 82°51'17" W. of Esselburne Field, Columbus, Ohio.

Columbus, Ohio (Port Columbus International Airport)
Within a 6-mile radius of the center lat. 39°59'41" N., long. 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within 2 miles each side of the 094° bearing from the Grandview LOM, extending from the 6-mile radius zone to 2 miles east of the Grandview LOM and within a 1-mile radius of the center, lat. 39°55'00" N., long. 82°54'00" W. of Price Field, Columbus, Ohio, excluding the portion that coincides with the Columbus, Ohio (Lockbourne AFB), control zone.

Columbus, Ohio (Ohio State University Airport)
Within a 5-mile radius of the Ohio State University Airport (latitude 40°04'40" N., longitude 83°04'30" W.); within 3 miles each side of the 273° and 090° bearings from the airport extending from the 5-mile radius zone to 8.5 miles west and east of the airport excluding that portion within the Columbus, Ohio, control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 2/3/72 36 F. R. 23201 (Rewritten)

Concord, Calif.
Within a 3-mile radius of Buchanan Field, Concord, Calif. (latitude 37°59'20" N., longitude 122°03'20" W.). within 2 miles each side of the Concord VOR 188° radial extending from the 3-mile radius zone to the VOR, effective from 0700 to 2300 hours, local time daily.

Concord, N. H.
Within a 5-mile radius of the center, 43°12'10" N., 71°30'10" W., of Concord Municipal Airport, Concord, N. H.; within 2 miles each side of the Concord VORTAC 284° radial extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; within 3 miles each side of the 133° bearing from the Pembroke, N. H., RBN (43°10'57" N., 71°28'18" W.) extending from the 5-mile radius zone to 8.5 miles southeast of the RBN and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius zone to 6 miles north of the end of the runway.

Cordova, Alaska
Within a 5-mile radius of the Cordova (mile 13) airport, latitude 60°29'33" N., longitude 145°28'36" W.; within 2 miles each side of the 233° bearing from the Cordova (CDV) NDB extending from the 5-mile radius zone to the intersection of the 233° bearing from the Cordova (CDV) NDB and the Hinchinbrook, Alaska, RR east course; and within
2 miles each side of the Cordova localizer east course extending from the 5-mile radius zone to 10 miles east of the localizer.

AMENDMENTS 7/20/72 37 F. R. 9985 (Changed)

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Corpus Christi, Tex.
Within a 5-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within 2 miles each side of the Corpus Christi VORTAC 202° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the 5-mile radius zone to the OM.

Corpus Christi NAS, Tex.
Within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Navy Corpus VOR 010° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Navy Corpus RBN 315° bearing extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Corpus TACAN 326° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN; and within 2 miles each side of the Navy Corpus TACAN 119° radial, extending from the 5-mile radius zone to 6 miles southeast of the TACAN.

AMENDMENTS 7/20/72 37 F. R. 10731 (Changed)

Cortez, Colo.
Within a 5-mile radius of Cortez-Montezuma County Airport, Cortez, Colo., (latitude 37°18'15" N., longitude 108°37'35" W.) and within 3 miles each side of the Cortez VOR 210° and 004° radials, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Corvallis, Oreg.
Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.), within 3 miles each side of the Corvallis VOR 090° radial, extending from the 5-mile radius zone to 8 miles east of the VOR and within 3.5 miles each side of the Corvallis VOR 180° radial extending from the 5-mile radius zone to 10 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Cotulla, Tex.
That airspace within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 2 miles each side of the Cotulla VOR 265° radial extending from the 3-mile radius zone to the VOR.

Covington, Ky.
Within a 5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 1.5 miles each side of Runway 36 ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 4.5 miles each side of Cincinnati VORTAC 223° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC; within 1.5 miles each side of Runway 18 ILS localizer north course, extending from the 5-mile radius zone to Addyston LOM.

AMENDMENTS 10/16/72 37 F. R. 22973 (Changed)

Crescent City, Calif.
Within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 1.5 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius zone to 5.5 miles south of the VORTAC.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/22/72 37 F. R. 9622 (Changed)

Crestview, Fla.
Within a 5-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.); within 1.5 miles each side of Crestview VORTAC 109° radial, extending from the 5-mile radius zone to 0.5-mile east of the VORTAC.

Crossville, Tenn.
Within a 5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.) and within 2 miles each side of the Hinch Mountain VORTAC 334° radial extending from the 5-mile radius zone to 1.5 miles northwest of the VORTAC.

Cut Bank, Mont.
Within a 5-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 3½ miles each side of the Cut Bank VORTAC 150° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

Dalhart, Tex.
That airspace within a 5-mile radius of Dalhart Municipal Airport latitude 36°01'10" N., longitude 102°33'10" W.).

Dallas, Tex. (Addison Airport)
That airspace within a 5-mile radius of Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.); and within 2 miles each side of the Addison VOR 334° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR; excluding the portion S of a line from latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., to latitude 32°54'00" N., longitude 96°46'30" W.; and excluding the portion within a 1-mile radius of Highland Park Airport (latitude 32°55'15" N., longitude 96°46'17" W.). This control zone is effective from 0600 to 2200 hours, local time, daily.

Dallas, Tex. (Love Field)
That airspace bounded by a line beginning at latitude 32°53'15" N., longitude 96°59'35" W.; thence northeast to latitude 32°56'30" N.; thence clockwise along the arc of a 5-mile radius circle centered at Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.) to latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., and continuing southeast along a line to latitude 32°54'00" N., longitude 96°46'30" W. until interception of the arc of a 5-mile radius circle centered at Addison Airport, southeast of Addison Airport; then clockwise along the arc of the 5-mile radius centered at Addison Airport to interception with and then clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to longitude 96°49'30" W., southeast of Love Field; thence south along longitude 96°49'30" W. to and counterclockwise along the arc of a 5-mile radius circle centered at Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.) until interception with and then northeast along a line drawn between latitude 32°39'35" N. longitude 96°54'15" W., and longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field, southwest of Love Field; thence clockwise along the arc of a 5-mile radius circle centered at Love Field to latitude 32°49'40" N., west of Love Field, to point of beginning; and within 2 miles each side of the Love Field No. 2 ILS localizer southeast course, extending from the arc of a 5-mile radius circle centered at Love Field to the Runway 31L OM (latitude 32°46'39" N., longitude 96°46'28" W.).

Dallas, Tex. (NAS Dallas)
That airspace bounded on the N by the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field) control zone, on the E by the Dallas, Tex. (Love Field) and (Redbird Airport) control zones; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, extending from 6 to 9.5 miles of the VORTAC; thence E via latitude 32°41'20" N., extending from a line 2 miles E of and parallel to the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, to the arc of a 5-mile radius circle centered on Dallas NAS (latitude 32°44'00" N., longitude 96°58'05" W.), SW of Dallas NAS; thence counterclockwise along this arc to longitude 97°00'15" W., SW of Dallas NAS; thence S via longitude 97°00'15" W., to latitude 32°39'19" N.; thence E via latitude 32°39'19" N. to the intersection of a 5-mile radius circle centered on Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.), SW of Redbird Airport, thence counterclockwise along the arc of the 5-mile radius circle centered on Redbird Airport to its intersection with the arc of an 8-mile radius circle centered at Dallas NAS, SW of Redbird Airport.

Dallas, Tex. (Redbird Airport)
That airspace within a 5-mile radius of Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.); and within 3.5 miles each side of the 165° bearing from the Redbird RBN extending from the 5-mile radius zone to 10 miles south of the RBN; excluding the portion W of a line from the intersection of the Redbird Airport 5-mile radius zone and the arc of an 8-mile radius circle centered at NAS Dallas (latitude 32°44'00" N., longitude 96°58'05" W.), SW of Redbird Airport, through latitude 32°39'35" N., longitude 96°54'15" W., to longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.), SW of Love Field. This control zone is effective from 0600 to 2200 hours, local time, daily.

Danville, Va.
Within a 5-mile radius of the center 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; and within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 11/3/71 36 F. R. 21029 (Changed) Corr: 36 F. R. 22810 (eff. date changed to 1/13/72)

Davenport, Iowa
Within a 5-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Davenport RBN, extending from the 5-mile radius zone to 6½ miles southwest of the RBN; and within 2 miles each side of the Cordova VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dayton, Ohio (James M. Cox-Dayton Municipal)
Within a 5-mile radius of the center, 39°53'57" N., 84°12'45" W. of James M. Cox-Dayton Municipal Airport, Dayton, Ohio, excluding that airspace within a 1-mile radius of the center, 39°54'52" N., 84°18'45" W. of Studebaker Farms Airport, Union, Ohio.

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Dayton, OH. (Wright-Patterson AFB)
Within a 5-mile radius of Wright-Patterson AFB (latitude 39°49'25" N., longitude 84°02'55" W.); within a 6-mile radius of the Springfield Municipal Airport (latitude 39°50'22" N., longitude 83°50'21" W.); within 3 miles each side of the 055° bearing from the airport extending from the 6-mile radius zone to 9 miles northeast and within 3 miles each side of the 243° bearing from the airport extending from the 6-mile radius zone to 8.5 miles southwest.

AMENDMENTS 4/27/72 37 F. R. 3509 (Rewritten) Corr: 37 F. R. 6381

Daytona Beach, Fla.
Within a 5-mile radius of Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.); within a 5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); within 5 miles each side of Daytona Beach VORTAC 256° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

AMENDMENTS 3/2/72 36 F. R. 23796 (Changed)

Deadhorse, Alaska
Within a 5-mile radius of the Deadhorse Airport (latitude 70°11'37" N., longitude 148°29'10" W.); within 3 miles south and 8 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49" N., longitude 148°27'53" W.), extending from the Deadhorse RBN to 10 miles east of the Deadhorse RBN; and within 3 miles south and 8 miles north and parallel to the 250° True (218° Magnetic) bearing of the Deadhorse RBN, extending from the Deadhorse RBN to 8 miles west of the Deadhorse RBN. This control zone will be effective from 0645 to 2145 local time daily.

Decatur, Ill.
Within a 5-mile radius of Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Del Rio, Tex.
Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.), within 2 miles each side of the Laughlin ILS NW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Laughlin TACAN 305° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN, within 2 miles each side of the Laughlin TACAN 149° radial extending from the 5-mile radius zone to 8 miles southeast of the TACAN, within 2 miles each side of the Laughlin VOR 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VOR, within 2 miles each side of the Laughlin VOR 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Laughlin VOR 295° radial extending from the 5-mile radius zone to 12 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Deming, N. Mex.
Within a 5-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

Denver, Colo.
Within a 9-mile radius of Stapleton International Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 4 miles each side of the Buckley ANGB VOR 152° radial extending from the 9-mile radius zone to 14 miles southeast of the VOR, excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

Des Moines, Iowa
Within a 5-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'27" W.); and within 1 mile each side of the Des Moines ILS localizer northwest course, extending from the 5-mile radius zone to 11½ miles northwest of the OM.

Detroit, Mich. (Metropolitan Wayne County Airport)
Within a 5-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.); within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer northeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS east course, extending from the 5-mile radius zone to the OM, excluding the portion west of a line between the points of intersection of the 5-mile radius zone and the Detroit, Mich. (Willow Run) control zone.

Detroit, Mich. (Willow Run Airport)
Within a 5-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Willow Run VOR 237° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, within 2 miles each side of the Willow Run Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Metropolitan Wayne County Airport) control zone.

Detroit, Mich.
Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

Devils Lake, N. Dak.
Within a 5-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54' 30" W.); within 3½ miles each side of the Devils Lake VORTAC 134° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 3½ miles each side of the Devils Lake VORTAC 324° radial extending from the 5-mile radius zone to 10 miles northwest of the VORTAC; and within 3 nautical miles each side of the 026° bearing from the Devils Lake Municipal Airport extending from the 5-mile radius zone to 7 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dickinson, N. Dak.
Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.) and within 3 miles each side of the Dickinson VORTAC 013° radial extending from the 5-mile radius area to 8 miles north of the VORTAC.

Dillingham, Alaska
Within a 5-mile radius of the Dillingham Municipal Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 2 miles each side of the Dillingham VOR 025° radial extending from the 5-mile radius zone to 14 miles northeast of the VOR; within 2 miles each side of the Dillingham VOR 205° radial extending from the 5-mile radius zone to 8 miles southwest of the VOR; and within 2 miles each side of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the 5-mile radius zone to 8 miles northeast of the RBN. This control zone would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time would thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Dillon, Mont.
Within a 6-mile radius of the Dillon Airport, Dillon, Mont. (latitude 45°15'20" N., longitude 112°33'10" W.) and within 3 miles each side of the Dillon VORTAC 025° radial, extending from the 6-mile radius zone to 8.5 miles northeast of the VORTAC.

Dodge City, Kans.
Within a 5-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., longitude 99°58'00" W.).

Dothan, Ala.
Within a 5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 4.5 miles each side of Dothan VORTAC 157° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VORTAC; within 3.5 miles each side of Dothan VORTAC 331° radial, extending from the 5-mile radius zone to 7.5 miles NW of the VORTAC.

AMENDMENTS 8/15/72 37 F. R. 17160 (Rewritten)

Douglas, Ariz.
Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36' 10" W.) and within 2 miles each side of the Douglas VORTAC 333° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC.

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Dover, Del.
Within a 5-mile radius of the center, 39°07'45" N., 75°27'50" W. of Dover AFB, Dover, Del., and within 2 miles each side of the Dover TACAN 176° radial extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Dover TACAN 130° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the Dover TACAN 008° radial extending from the 5-mile radius zone to 7 miles N of the TACAN.

PENDING AMENDMENT

Dover, Del.
Within a 5-mile radius of the center, lat. 39°07'30" N., long. 75°28'00" W. of Dover AFB, Dover, Del.; within 3 miles each side of the Dover TACAN 178° radial, extending from the 5-mile radius zone to 6.5 miles south of the TACAN; within 3 miles each side of the Dover TACAN 012° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN; within 3 miles each side of the Dover TACAN 132° radial, extending from the 5-mile radius zone to 6.5 miles southeast of the TACAN.
AMENDMENTS 2/1/73 37 F. R. 25487 (Rewritten)

Du Bois, Pa.
Within a 5-mile radius of the center, 41°10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3 miles each side of the Du Bois ILS localizer northeast course, extending from the 5-mile radius zone to 8.5 miles northeast of the OM.

Dubuque, Iowa
Within a 5-mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); within 3 miles each side of the Dubuque VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; and within 3 miles each side of the Dubuque VORTAC 126° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Duluth, Minn.
Within a 6.5-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); and within 3 miles each side of the Duluth VORTAC 197° radial extending from the 6.5-mile radius zone to 11 miles south of the VORTAC.

Durango, Colo.
Within a 5-mile radius of La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.) and within 3 miles each side of the Durango VOR 224° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dyersburg, Tenn.
Within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 1.5 miles each side of the Dyersburg VORTAC 258° radial, extending from the 5-mile radius zone to the VORTAC, effective from 0600 to 2200 hours local time daily.

Eagle, Colo.
That airspace within a 3.5-mile radius of the Eagle County Airport (latitude 39°38'18" N., longitude 106° 54'51" W.) and within 3 miles north and 2.5 miles south of the 093° bearing from the Eagle, Colo., RBN (latitude 39°38'37" N., longitude 106°54'36" W.), extending from the 3.5-mile radius zone to 6 miles east of the RBN.
AMENDMENTS 12/7/72 37 F. R. 20024 (Added)

East Hartford, Conn.
Within a 5-mile radius of the center 41°45'10" N., 72°37'25" W. of Rentschler Field, East Hartford, Conn.; within 2 miles each side of the Hartford VOR 334° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of a 182° bearing from the Brainard RBN extending from the 5-mile radius zone to 7 miles S of the RBN and within 2 miles each side of the Hartford VOR 327° radial extending from the 5-mile radius zone to the VOR. This control zone is effective from 0700 to 2300 hours local time daily.

Eastover, S. C.
Within a 5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 2 miles each side of McEntire ANG TACAN 138° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

Eau Claire, Wis.
Within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); within 2½ miles each side of the 304° bearing from Eau Claire Municipal Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport; within 2½ miles each side of the 041° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 274° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles west of the airport.

Edwards AFB, Calif.
Within an 8-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'55" W.).

Eglin AFB, Fla.
Within a 5-mile radius of Eglin AFB (lat. 30°29'07" N., long. 86°31'35" W.); within 3 miles each side of the ILS localizer southeast course, extending from the 5-mile radius zone to 8.5 miles southeast of the LMM; within a 3-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); within 2 miles each side of the extended centerline of runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

AMENDMENTS 2/3/72 36 F. R. 23795 (Rewritten)

Eglin AF Aux No. 3 (Duke Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 3 (Duke Field); (latitude 30°39'01" N., longitude 86°31'25" W.). The portion within a 5-mile radius of Bob Sikes Airport (latitude 30°46'47" N., longitude 86°31'21" W.) is excluded. This control zone is effective from 0730 to 1530 hours, local time, Monday; 0730 to 2300 hours, local time, Tuesday through Friday, and 0900 to 1700 hours, local time, Saturday and Sunday; excluding Federal legal holidays.

AMENDMENTS 2/3/72 36 F. R. 23795 (Changed)
AMENDMENTS 4/27/72 37 F. R. 9104 (Changed)

Eglin AF Aux No. 9 (Hurlburt Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within 2 miles each side of the Eglin VOR 285° radial, extending from the 5-mile radius zone to 1 mile west of the VOR; excluding the portion within Eglin AFB control zone.

AMENDMENTS 2/3/72 36 F. R. 23795 (Rewritten)

El Centro, Calif.
Within a 5-mile radius of NAF El Centro (latttude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, El Centro, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); within 2 miles each side of the Imperial VORTAC 297° radial, extending from the NAF El Centro 5-mile radius zone to the VORTAC, and within 2 miles each side of the Imperial VORTAC 327° radial, extending from the Imperial County 5-mile radius zone to the VORTAC.

El Dorado, Ark.
That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°13'05" N., longitude 92°48'15" W.).

Elizabeth City, N. C.
Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; within 2.5 miles each side of Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR; excluding the portion within a 1-mile radius of Elizabeth City Municipal Airport (latitude 36°14'45" N., longitude 76°15'35" W.). This control zone is effective from 0700 to 2200 hours, local time, daily.

Elkins, W. Va.
Within a 5-mile radius of the center, lat. 38°53'20" N., long. 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va., and within 3 miles each side of the 011° bearing from the Randolph County RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN. This control zone is effective from sunrise to sunset, daily.

Elko, Nev.
Within a 5-mile radius of Elko Municipal Airport (Lat. 40°49'35" N, Long. 115°47'20" W).

Elmira, N.Y.
Within a 5-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°53'35" W.; within 2 miles each side of the Elmira VOR 057° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the centerline of Runway 1 extended northerly from the 5-mile radius zone for 3 miles; within 2 miles each side of the centerline of Runway 16 extended easterly from the 5-mile radius zone for 1 mile; within 2 miles each side of the centerline of Runway 16 extended southerly from the 5-mile radius zone for 2 miles and within 2 miles each side of the centerline of Runway 34 extended westerly from the 5-mile radius zone for 1 miles.

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El Monte, Calif.
Within a 3-mile radius of El Monte Airport (latitude 34°05'05" N., longitude 118°02'00" W.) and within 2 miles each side of the Pomona VORTAC 271° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

El Paso, Tex.
That airspace bounded by a line beginning at latitude 31°45'15" N., longitude 106°26'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°52'10" N., longitude 106°26'00" W.; to latitude 31°56'20" N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'20" W.; thence via the United States/Mexican Border to point of beginning.

El Toro, CA.
Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 3.5 miles west and 3 miles east of the El Toro VOR 175° radial extending from the 5-mile radius zone to 12 miles south of the VOR, excluding the portions within the Santa Ana, CA. (Orange County), and Santa Ana (MCAS), CA., control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 5/25/72 37 F. R. 5689 (Rewritten)

Emporia, Kans.
Within a 5-mile radius of the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.).

Enid, Okla.
That airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 2 miles W and 5 miles E of the Vance AFB ILS localizer S course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Vance AFB TACAN 185° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the Vance AFB TACAN 348° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN; and within 2 miles W and 3 miles E of the Vance AFB 17R-35L runway centerline, extending from the 5-mile radius zone to 6 miles N of Vance AFB; and within a 5-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45" N., longitude 97°47'30" W.); and within 2 miles each side of the Woodring VOR
355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Woodring VOR 185° radial, extending from the 5-mile radius zone to 8 miles S of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.
PENDING AMENDMENT
Enid, Okla.
That airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 2 miles west and 5 miles east of the Vance AFB ILS localizer south course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Vance AFB VORTAC 188° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; and within 2 miles each side of the Vance AFB VORTAC 345° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC; and within 2 miles west and 3 miles east of the Vance AFB 17R/35L runway centerline, extending from the 5-mile radius zone to 6.5 miles north of Vance AFB; and within a 5-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45" N., longitude 97°47'30" W.) and within 2 miles each side of the Woodring VOR 355° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; and within 2 miles each side of the Woodring VOR 185° radial, extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

AMENDMENTS 10/12/72 37 F. R. 15370 (Rewritten) **Corr:** 37 F. R. 18614 (eff. date changed to 1/4/73)

Ephrata, Wash.
Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.) and within 3 miles each side of the Ephrata VORTAC 043° and 223° radials, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

Erie, Pa.
Within a 5-mile radius of Erie International Airport (latitude 42°04'56" N, longitude 80°10'44" W), within 2 miles either side of the Erie VORTAC 054° radial extending from the 5-mile radius zone to the VORTAC.

Escanaba, Mich.
Within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'10" W.); within 2 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east, and west of the VORTAC; and within 2 miles each side of the 349° bearing from Escanaba Municipal Airport, extending from the 5-mile radius zone to 11 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Eugene, Oreg.
Within a 5-mile radius of Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.), within 3 miles each side of the Eugene VORTAC 008° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, and within 2.5 miles each side of the Eugene VORTAC 172° radial, extending from the 5-mile radius zone to 9 miles south of the VORTAC.

Evansville, Ind.
Within a 5-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°32'00" W.); and within 2 miles each side of the Evansville ILS localizer northeast course, extending from the 5-mile radius zone to 1 mile southwest of the OM.

Everett, Wash.
Within a 5-mile radius of the Snohomish County Airport (Paine Field), Wash. (latitude 47°54'40" N., longitude 122°16'50" W.), and within 3 miles each side of the Paine VOR 356° radial, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fairbanks, Alaska (Eielson AFB).
Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson VOR 159° and 339° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the Runway 31 extended centerline, extending from the 5-mile radius zone to 5 miles NW of the NW end of Runway 31.

Fairbanks, Alaska (Fairbanks International-Wainwright AAF).
Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'14" W.); within a 5-mile radius of Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 8 miles SW of the airport; and within 2 miles each side of the Fairbanks RR E course, extending from the Wainwright 5-mile radius zone to 7 miles E of the RR.

Fairfield, Calif.
Within a 5-mile radius of Travis AFB, Fairfield, Calif. (latitude 38°15'45" N., longitude 121°55'35" W.), and within 2 miles each side of the Travis VOR 220° radial, extending from the 5-mile radius zone NE to the VOR and 18 miles SW of the VOR.

Fairmont, Minn.
Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 2½ miles each side of the 132° bearing from the Fairmont Municipal Airport, extending from the 5-mile radius zone to 6½ miles southeast of the airport, and within 2½ miles each side of the 319° bearing from the Fairmont Municipal Airport, extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fallon, Nev.
Within a 5-mile radius of NAAS Fallon (latitude 39°25'10" N., longitude 118°42'00" W.); within 2 miles each side of the NAAS Fallon TACAN 139° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 5-mile radius zone to 5.5 miles NW of the TACAN.

Falmouth, Mass.
Within a 5-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within 2 miles each side of the extended centerline of Runway 5, extending from the 5-mile radius zone to 6 miles NE of the end of Runway 5; within 2 miles each side of the Otis TACAN 030° radial, extending from the 5-mile radius zone to 8 miles NE of the TACAN; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 5 miles SE of the end of Runway 14; within 2 miles each side of the Otis TACAN 139° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the extended centerline of Runway 23, extending from the 5-mile radius zone to 5 miles SW of the end of Runway 23; within 2 miles each side of the Otis TACAN 224° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN; within 2 miles each side of the extended centerline of Runway 32, extending from the 5-mile radius zone to 5 miles NW of the end of Runway 32; within 2 miles each side of the Otis TACAN 299° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

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Farewell, AK.
That airspace within a 5-mile radius of Farewell Airport (latitude 62°30'30" N., longitude 153°52'30" W.) and within 3.5 miles each side of the Farewell RR northwest course extending from the 5-mile radius zone to 8.5 miles northwest of the RR. This control zone is effective from 0745 to 1545 local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 4/27/72 37 F. R. 4074 (Rewritten)

Fargo, N. Dak.
Within a 5-mile radius of Hector Field (latitude 46°55'04" N., longitude 96°48'58" W.), within 2 miles each side of the Fargo ILS localizer N and S courses, extending from the RBN to LOM, and within 2 miles on each side of the Fargo VORTAC 009° radial, extending from the 5-mile radius zone to the VORTAC.

Farmingdale, N. Y.
Within a 5-mile radius of the center, 40°43'45" N., 73°24'45" W., of Republic Airport, Farmingdale, N. Y.; within 2 miles each side of the Babylon, N. Y., RBN 158° bearing extending from the 5-mile radius zone to 7 miles south of the RBN and within 1.5-mile radius of the center, 40°44'45" N., 73°29'35" W., of Grumman-Bethpage Airport. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

Farmington, N. Mex.
Within a 5-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.); and within 3 miles each side of the Farmington VORTAC 086° and 267° radials extending from the 5-mile radius zone to 8 miles east of the Farmington, N. Mex., VORTAC.

Fayetteville, Ark.
Within a 5.5-mile radius of Drake Field (latitude 36°00'13" N., longitude 94°10'12" W.), within 3 miles each side of the Drake VOR 325° radial extending from the 5.5-mile radius zone to 8 miles northwest of the VOR.

Fayetteville, NC.
Within a 5-mile radius of Fayetteville Municipal Airport (Grannis Field) (lat. 34°59'22" N., long. 78°52'52" W.); within 3 miles each side of Fayetteville VOR 015°, 080° and 233° radials, extending from the 5-mile radius zone to 8.5 miles north, east, and southwest of the VOR; excluding the portion within Simmons AAF control zone.

AMENDMENTS 6/22/72 37 F. R. 7688 (Rewritten)

Findlay, OH.
Within a 5-mile radius of the Findlay Airport (latitude 41°00'40" N., longitude 83°40'30" W.) excluding that portion within a 1-mile radius of the Lutz Airport (latitude 40°57'42" N., longitude 83°35'43" W.) within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles south of the airport; within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles northeast of the airport; within a 5-mile radius of Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) and within 2 miles each side of the Findlay VORTAC 231° radial extending from the 5-mile radius zone to the Findlay, OH. Airport 5-mile radius zone.

AMENDMENTS 4/27/72 37 F. R. 4703 (Rewritten) Corr: 37 F. R. 12221 Corr: 37 F. R. 14690
AMENDMENTS 10/12/72 37 F. R. 16388 (Rewritten)

Flagstaff, Ariz. (Pulliam Airport)
Within a 7-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.) and within 2 miles each side of the Flagstaff VOR 127° radial, extending from the 7-mile radius zone to 10 miles southeast of the VOR.

AMENDMENTS 3/2/72 36 F. R. 24797 (Rewritten)

Flint, Mich.
Within a 5-mile radius of Flint, Mich., Bishop Airport (latitude 42°57'55" N., longitude 83°44'30" W.), and within 2 miles each side of the Flint VORTAC 052° 075°, 187°, 219°, 280° and 351° radials extending from the 5-mile radius zone to 8 miles NE, E, S, SW, W, and N of the VORTAC.

Florence, S. C.
Within a 5-mile radius of Florence Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.); within 3.5 miles each side of Florence VORTAC 049° and 229° radials, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

AMENDMENTS 10/17/72 37 F. R. 23177 (Changed)

Fort Belvoir, Va.
Within a 3-mile radius of the center, 38°42'55" N., 77°10'50" W., of the Davison AAF, Fort Belvoir, Va.; within 2 miles each side of the centerline of Runway 32 extended from the 3-mile radius zone to 5 miles northwest of the end of the runway; within 2 miles each side of the centerline of Runway 14 extended from the 3-mile radius zone to 5 miles southeast of the end of the runway.

Fort Bragg, N. C.
Within a 5-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311 and the portion southeast of a line extending from latitude 35°11'15" N., longitude 78°56'05" W., to latitude 35°05'55" N., longitude 79°00'50" W.

Fort Carson, Colo.
Within a 5-mile radius of Butts Army Airfield (latitude 38°40'46" N., longitude 104°45'41" W.), excluding the portion within the Colorado Springs, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/7/72 37 F. R. 21930 (Added)

Fort Devens, Mass.
Within a 4-mile radius of the center, 42°34'15" N., 71°36'20" W., of Devens AAF, Fort Devens, Mass.; within a 1-mile radius of the center 42°38'30" N., 71°39'15" W., of Groton Airport, Groton, Mass.; within 2 miles each side of the 315° bearing from the Devens, RBN (42°34'05" N., 71°36'19" W.), extending from the 4-mile radius zone to 8 miles northwest of the RBN excluding that portion within a 1-mile radius of the center 42°31'30" N., 71°39'55" W., of Shirley Airport, Shirley, Mass. This control zone is effective from 0700 to 1900 hours, local time, Monday through Friday.

Corr: 37 F. R. 9461

Fort Dodge, Iowa
Within a 5-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Eustis, Va.
Within a 5-mile radius of the center, lat. 37°07'45" N., long. 76°36'45" W., of Felker AAF, Fort Eustis, Va., and within 3 miles each side of the 323° bearing from the Felker AAF RBN, extending from the 5-mile radius zone to 8.5 miles northwest of the RBN, excluding the portion that coincides with the Newport News, Va., control zone. This control zone is effective from 0600 to 2300 hours, local time, daily.

Fort Huachuca, AZ.
Within a 5-mile radius of Libby AAF, Fort Huachuca, AZ. (latitude 31°35'00" N., longitude 110°20'30" W.), within 5 miles each side of the Libby AAF VOR 093° radial, extending from the VOR to 12 miles east of the VOR. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/30/72 37 F. R. 2571 (Rewritten)

Fort Knox, Ky.
Within a 5-mile radius of Godman AAF (lat. 37°54'27" N., long. 85°58'21" W.); within 3 miles each side of the 354° bearing from Fort Knox RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN; within 3 miles each side of Fort Knox VOR 001°, 052°, 172° and 324° radials, extending from the 5-mile radius zone to 8.5 miles north, northeast, south, and northwest of the VOR.

Fort Lauderdale, Fla.
Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.); within 3 miles each side of Fort Lauderdale VOR 084°, 276° and 306° radials, extending from the 5-mile radius zone to 8.5 miles east, west, and northwest of the VOR.

Fort Lauderdale, Fla. (Executive Airport)
Within a 5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'41" N., long. 80°10'15" W.); within 2 miles each side of the 083° bearing from Tropic RBN (lat. 26°11'08" N., long. 80°17'49" W.), extending from the 5-mile radius zone to 1.5 miles east of the RBN; excluding the portion within Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.) control zone and within a 1.5-mile radius of Pompano Beach Airpark (lat. 26°15'00" N., long. 80°06'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 7/20/72 37 F. R. 9985 (Changed)

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Fort Leonard Wood, Mo.
Within a 4-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 3 miles each side of the Forney AAF VOR 323° radial extending from the 4-mile radius zone to 7½ miles northwest of the VOR; and within 3 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile radius zone to 7½ miles southeast of the Forney AAF RBN.

Fort Lewis, Wash.
Within a 5-mile radius of Gray AAF, Fort Lewis, Wash. (latitude 47°04'55" N., longitude 122°34'55" W.), excluding the portions within the Tacoma, Washington (McChord AFB) control zone and the portion east of a line 2 miles west of and parallel to the McChord AFB VOR 182° radial. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Meade, MD.
Within a 5-mile radius of the center 39°05'04" N., 76°45'37" W. of Tipton AAF, Fort Meade, MD., and within 3 miles each side of a line bearing 091° from the Fort Meade RBN (lat. 39°05'04" N., 76°45'37" W.) extending from the 5-mile radius zone to 8 miles east of the RBN excluding that airspace that coincides with the Baltimore, MD., control zone and a 1-mile radius centered on Beltsville, MD. (USDA), Airport (39°01'27" N., 76°49'21" W.). This control zone shall be in effect from 0700 to 2200 hours, local time Monday through Friday and 0800 to 1600 hours, local time Saturdays, Sundays, and Federal holidays.

AMENDMENTS 11/9/72 37 F. R. 16598 (Added)

Fort Myers, Fla.
Within a 5-mile radius of Page Field (lat. 26°35'09" N., long. 81°51'51" W.); within 3 miles each side of Fort Myers VORTAC 126° , 213°, and 318° radials, extending from the 5-mile radius zone to 8.5 miles southeast, southwest, and northwest of the VORTAC.

Fort Ord, Calif.
Within a 5-mile radius of the Fritzsche AAF (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion SW of a chord drawn between the points of INT of 5-mile radius circles centered on the Monterey Peninsula Airport and Fritzsche AAF, and the portion E of a chord drawn between the points of INT of 5-mile radius circles centered on the Salinas Municipal Airport and Fritzsche AAF.
This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Fort Polk, La.
That airspace within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 9 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 7 miles NW of the north fan marker. This control zone is effective during the dates and times established in advance by publication of Special Notices in the Airman's Information Manual.

Fort Riley, Kans.
Within a 5-mile radius of Marshall AAF, Fort Riley, Kans. (latitude 39°03'15" N., longitude 96°45'50" W.); within 2 miles each side of the Fort Riley VOR 042° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 216° bearing from the Fort Riley RBN extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within R-3602 and the portion bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial.

Fort Rucker, Ala.
Within a 7-mile radius of latitude 31°18'30" N., longitude 85°42'20" W.; within 3 miles each side of Cairns, Ala., VOR 233° radial, extending from the 7-mile radius zone to 8.5 miles southwest of the VOR; within 2 miles each side of Cairns AAF Runway 36 extended centerline, extending from the 7-mile radius zone to 5 miles south of the runway end; within 3 miles each side of the 242° bearing from Lowe, Ala., NDB, extending from the 7-mile radius zone to 8.5 miles southwest of the NDB; within 3 miles each side of Hanchey, Ala., VOR 358° radial, extending from the 7-mile radius zone to 8.5 miles north of the VOR; within a 2-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°37'10" W.); within a 2-mile radius of Hooper, Ala. Army Stage Field (latitude 31°24'25" N., longitude 85°41'20" W.); within a 2-mile radius of Allen, Ala., Army Stage Field (latitude 31°13'50" N., longitude 85°38'40" W.); excluding the portion within R-2103.

Fort Smith, Ark.
Within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within 2 miles each side of the Fort Smith VORTAC 238° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Fort Smith ILS localizer east course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 5-mile radius zone to the Peno Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

Fort Stewart, Ga.
Within a 5-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'45" W.); within a 1.5-mile radius of Liberty County Airport (latitude 31°47'22" N., longitude 81°38'15" W.); within 2 miles each side of the 049° bearing from Allenhurst RBN, extending from the 5-mile radius zone to the RBN; within 3 miles each side of Wright TVOR 242° radial, extending from the 5-mile radius zone to 8.5 miles SW of the TVOR.

AMENDMENTS 9/19/72 37 F. R. 20233 (Changed)

Fort Wayne, Ind.
Within a 5-mile radius of Baer Field (latitude 40°58'45" N., longitude 85°11'25" W.); within 3 miles each side of the Fort Wayne VORTAC 229° radial, extending from the 5-mile radius zone to 8½ miles southwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 320° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 038° radial, extending from the 5-mile radius zone to 8½ miles northeast of the VORTAC; and within 3½ miles each side of the Fort Wayne VORTAC 265° radial, extending from the 5-mile radius zone to 10 miles west of the VORTAC.

Fort Worth, Tex. (Carswell AFB)
That airspace within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); within 2 miles each side of the Carswell AFB TACAN 358° radial extending from the TACAN to 14 miles north; within 2 miles each side of the Benbrook VOR 360° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Carswell AFB TACAN 194° radial extending from the TACAN to 11.5 miles south; excluding the portion east of longitude 97°24'00" W.

Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field)
That airspace within an area bounded by a line beginning at latitude 32°48'00" N., longitude 96°59'00" W.; thence E along latitude 32°48'00" N. to and clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to latitude 32°49'40" N., W of Love Field; thence NW to latitude 32°53'15" N., longitude 96°59'35" W.; thence W along latitude 32°53'15" N. to and counterclockwise along the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field (latitude 32°49'35" N., longitude 97°02'45" W.); to longitude 96°59'00" W., SE of Greater Southwest International Dallas-Fort Worth Field; thence N along longitude 96°59'00" W. to point of beginning; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field ILS localizer NW course, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 1-mile NW of the OM, within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 6 miles S of the VORTAC, and within 2 miles each side of Greater Southwest International Dallas-Fort Worth Field VORTAC 322° radial, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 7 miles NW of the VORTAC.

Fort Worth, Tex. (Meacham Field)
That airspace within a 5-mile radius of Meacham Field (latitude 32°49'00" N., longitude 97°21'35" W.); within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); and within 2 miles each side of the Meacham Field ILS localizer S course, extending from Meacham Field to 6 miles S; excluding the portion W of longitude 97°24'00" W.

Fort Yukon, AK.
Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'16" N., longitude 145°14'59" W.) and within 3 miles south and 4.5 miles north of the Fort Yukon 076° radial extending from the 5-mile radius zone to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective from 0800 to 1700 hours local time daily except Sunday; or during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 4/27/72 37 F. R. 4073 (Rewritten)

Franklin, Pa.
Within a 5-mile radius of the center, lat. 41°22'45" N., long. 79°51'40" W. of Chess-Lamberton Airport, Franklin, Pa.; within 3 miles each side of the Franklin, Pa. VOR 360° and 180° radials extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective from 0800 to 2000 hours, local time, Monday through Friday; 1100 to 1700 hours, local time, Saturday, and 1100 to 2000 hours, local time, Sunday.

Fresno, Calif. (Chandler Municipal Airport)
Within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Chandler RBN extending from the 5-mile radius zone to 8 miles SW of the RBN and within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius zone to 1.5 miles S of the VORTAC, excluding the portion within the Fresno (Fresno Air Terminal) control zone. This control zone will be effective from 0700 to 2300 hours, local time daily.

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Fresno, Calif. (Fresno Air Terminal).
Within a 5-mile radius of Fresno Air Terminal (latitude 36° 46' 25" N., longitude 119° 42' 35" W.), within 2 miles each side of the Fresno VORTAC 143° radial, extending from the 5-mile radius zone to 15 miles SE of the VORTAC, and within 2 miles each side of the Fresno VORTAC 150° radial, extending from the 5-mile radius zone to the VORTAC.

Fullerton, Calif.
Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20" N., longitude 117°58'45" W.), excluding the portion within the Long Beach, Calif., control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Gage, Okla.
Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.), and within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC.

Gainesville, Fla.
Within a 5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.); within 1.5 miles each side of Gainesville VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.

Galena, Alaska
Within a 5-mile radius of the Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena VORTAC 089° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC; and within 2 miles each side of the Galena VORTAC 269° radial extending from the 5-mile radius zone to 14 miles W of the VORTAC.

Galesburg, Ill.
Within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'21" N., longitude 90°25'16" W.); within 2 miles each side of the Galesburg VOR 019° radial extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Galesburg VOR 214° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Gallup, N. Mex.
That airspace within a 5-mile radius of the Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.), within 3.5 miles each side of the Gallup, N. Mex., VORTAC 242° and 062° radials extending from the 5-mile radius zone to a point 10.5 miles southwest of the VORTAC. This control zone is effective during the dates and times published in the Airman's Information Manual.

Galveston, Tex.
Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29°15'55" N., long. 94°51'35" W.); and within 2 miles either side of the Scholes VORTAC 119° radial extending from the 5-mile radius zone to the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/22/72 37 F. R. 9210 (Changed)
AMENDMENTS 8/25/72 37 F. R. 20234 (Changed)

Garden City, Kans.
Within a 5-mile radius of the Garden City Municipal Airport (latitude 37°55'49" N., longitude 100°43'40" W.), and within 2 miles each side of the 144° bearing from the Garden City RBN, extending from the 5-mile radius zone to 2 miles southeast of the RBN; and within 2½ miles each side of the 004° radial of the Garden City VORTAC extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2½ miles each side of the 171° radial of the Garden City VORTAC extending from the 5-mile radius zone to 5 miles south of the VORTAC.

Glasgow, Mont.
Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport; within 2½ miles each side of the Glasgow VOR 327° radial, extending from the 5-mile radius zone to 5½ miles northwest of the VOR; and within 2½ miles each side of the Glasgow VOR 127° radial, extending from the 5-mile radius zone to 5½ miles southeast of the VOR.

Glens Falls, N. Y.
Within a 5-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W., of Warren County Airport, Glens Falls, N. Y.; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 11 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 12 miles north of the end of the runway; and within 2 miles each side of the Glens Falls VOR 005° radial extending from the 5-mile radius zone to 12 miles north of the VOR.

Glenview, Ill.
Within a 5-mile radius of NAS Glenview (latitude 42°05'30" N., longitude 87°49'20" W.); within 2 miles each side of the Northbrook, Ill., VOR 162° and 140° radials extending from the Chicago, Ill., (O'Hare International Airport), and the Glenview, Ill., 5-mile radius zones to 3½ miles south and 3½ miles southeast of the VOR; within 2 miles each side of the Northbrook VOR 071° radial, extending from 1 mile east to 6 miles east of the VOR; within 2 miles each side of the Northbrook VOR 070° radial, extending from 6 to 11 miles east of the VOR; within 2 miles each side of the 062° bearing from the Haley AAF, Fort Sheridan, Ill., RBN, extending from the RBN to 7 miles northeast of the RBN; within 2 miles each side of the 002° bearing from NAS Glenview RBN, extending from the 5-mile radius zone to 12 miles north of the RBN; and within 2 miles each side of the NAS Glenview TACAN 005° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding the area that overlies the Chicago, Ill. (O'Hare International Airport) control zone.

Goldsboro, N. C.
Within a 5-mile radius of Seymour Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 5-mile radius zone to 4.5 miles east of the TACAN; within 2 miles each side of Seymour Johnson TACAN 253° radial, extending from the 5-mile radius zone to 8.5 miles west of the TACAN; within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the LOM.

Goodland, Kans.
Within a 5-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101° 41'55" W.).

Grand Forks, N. Dak.(International Airport)
Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 2.5 miles each side of the Grand Forks VORTAC 012° radial, extending from the 5-mile radius zone to 6.5 miles north of the VORTAC and within 3 miles each side of the Grand Forks VORTAC 173° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

Grand Forks, N. Dak. (Grand Forks Air Force Base)
Within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.), within 2 miles each side of the Red River VOR 360° radial extending from the 5-mile radius zone to 1 mile NE of the VOR, and within 2 miles each side of the Red River TACAN 004° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

Grand Island, Nebr.
Within a 5-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 3 miles each side of the Grand Island VORTAC 303° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; and within 3 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 8½ miles north of the VORTAC.

Grand Junction, Colo.
Within a 5-mile radius of Walker Field, Grand Junction, Colo. (lat. 39°07'05" N. Long. 108°31'10" W). and within 2 miles either side of the Grand Junction ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the localizer.

Grand Rapids, Mich.
Within a 5-mile radius of Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.).

Grandview, Mo.
Within a 5-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within 2½ miles each side of the Richards-Gebaur AFB ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; and within 2½ miles each side of the Richards-Gebaur AFB TACAN 195° radial, extending from the 5-mile radius zone to 5½ miles south of the TACAN, excluding the area north of latitude 38°52'30" N., and west of longitude 94°35'50" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/8/72 37 F. R. 18715 (Rewritten)

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Grant County, Wash.
Within a 5-mile radius of Grant County Airport, Moses Lake, Wash. (latitude 47°12'35" N., longitude 119°18' 50" W.); within 2 miles each side of the Ephrata VORTAC 156° radial, extending from the 5-mile radius zone to 3 miles southeast of the VORTAC and within 2 miles each side of the Moses Lake ILS localizer south course, extending from the 5-mile radius zone to the Moses Lake VOR, excluding the portion within the Ephrata, Wash., control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Great Falls, Mont. (International Airport)
Within a 5-mile radius of the Great Falls International Airport (latitude 47°29'00" N., longitude 111°22' 03" W.) within 3½ miles each side of the Great Falls VORTAC 225° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC; within 3½ miles each side of the Great Falls VORTAC 045° radial, extending from the 5-mile radius zone to 19 miles northeast of the VORTAC.

Great Falls, Mont. (Malmstrom Air Force Base)
Within a 5-mile radius of the Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.); within 3½ miles each side of the Malmstrom AFB VOR 037° radial, extending from the 5-mile radius zone to 15½ miles northeast of the VOR; within 3½ miles each side of the Malmstrom AFB TACAN 227° radial, extending from the 5-mile radius zone to 7 miles southwest of the TACAN; excluding those portions within the Great Falls International Airport control zone.

Green Bay, Wis.
That airspace within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis., (latitude 44°29' 16" N., longitude 88°07'49" W.).

Greensboro, N. C.
Within a 5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N, longitude 79°56'34" W.); within 2 miles each side of Greensboro VORTAC 035° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of Greensboro ILS localizer northwest course, extending from the 5-mile radius zone to 1 mile southeast of the LOM.

Greenville, Miss.
Within a 5-mile radius of the Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'06" W.); within 3 miles each side of the Greenville VOR 358° radial extending from the 5-mile radius zone to 8.5 miles N of the VOR, effective from 0700 to 2000 hours, local time, daily.

Greenville, S. C.
Within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); excluding the portion within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); effective from 0700 to 2300 hours local time daily.

Greenwood, Miss.
Within a 5-mile radius of the Greenwood Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 2.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC.

Greenwood, S. C.
Within a 5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.); within 3 miles each side of Greenwood VORTAC 099° and 259° radials, extending from the 5-mile radius zone to 8.5 miles east and west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

PENDING AMENDMENT
Greenwood Village, Colo.
That airspace within a 5-mile radius of the Arapahoe County Airport (latitude 30°34'28" N., longitude 104° 51'02" W.), and within 2.5 miles each side of the 335° bearing from the Englewood RBN extending from the 5-mile radius zone to 5 miles northwest of the RBN, excluding that airspace within the Denver, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 1/4/73 37 F. R. 22847 (Added)

Greer, S. C. (Greenville-Spartanburg Airport)
Within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 1 mile each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; within a 5-mile radius of Donaldson Center Airport (lat. 34° 45' 17" N., long. 82°22'30" W.); within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50' 54" N., long. 82°21'01" W.); excluding the portion within Greenville control zone.

Groton, Conn.
Within a 4-mile radius of the center 41°19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Conn.; within 2 miles each side of the Trumbull VOR 047° radial extending from the 4-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the Trumbull VOR 202° radial extending from the 4-mile radius zone to 6.5 miles S of the VOR and within 2 miles each side of the 216° and 244° bearings from the Groton RBN extending from the 4-mile radius zone to 6.5 miles SW of the RBN. This control zone is effective from 0530 to 2200 hours Monday through Saturday and 0900 to 2200 hours Sunday, local time, and during specific dates and times established in advance by a Notice to Airmen.

Guam Island (Anderson AFB)
Within a 5-mile radius of Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.); within 2 miles each side of the Anderson TACAN 066° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, and within 2 miles NW and 4 miles SE of the Anderson VOR 064° radial, extending from the 5-mile radius zone to the Guam Island (NAS Agana) 5-mile radius zone.

Guam Island (NAS Agana)
Within a 5-mile radius of NAS Agana (latitude 13°29'00" N., longitude 144°47'00" E); within 4 miles each side of Agana VORTAC 244°R. (245° T.), extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, and within 1 mile northwest and 2 miles southeast of the Guam RBN 026° bearing, extending from the 5-mile radius zone to 2 miles northeast of the RBN.

AMENDMENTS 12/6/72 37 F. R. 23420 (Rewritten) Corr: 37 F. R. 25022

Gulfport, MS.
Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'28" N., long. 89°04'05" W.); within 3.5 miles each side of Gulfport VORTAC 050°, 129°, 213° and 319° radials, extending from the 5-mile radius zone to 9.5 miles northeast, southeast, southwest and northwest of the VORTAC; excluding that portion within the Biloxi, MS., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/17/72 37 F. R. 11858 (Rewritten) Corr: 37 F. R. 12487
AMENDMENTS 10/16/72 37 F. R. 22973 (Changed)

Gulkana, Alaska
Within a 5-mile radius of the Gulkana Airport (latitude 62°09'20" N., longitude 145°27'15" W.); within 3 miles each side of the Gulkana VOR 349° radial extending from the 5-mile radius zone to 13.5 miles north of the VOR; and within 2 miles each side of the Gulkana VOR 182° radial extending from the 5-mile radius zone to 8 miles south of the VOR.

Hagerstown, Md.
Within a 5-mile radius of the center, 39°42'30" N., 77°43'45" W., of Hagerstown Airport, Hagerstown, Md.; and within 2 miles each side of the Hagerstown VOR 084° and 239° radials extending from the 5-mile radius zone to 5.5 miles SW of the VOR. This control zone is effective from 0600 to 2100 hours local time, daily.

Hampton Roads, Va.
Within a 5-mile radius of Langley AFB, Hampton Roads, Va., (latitude 37°05'05" N., longitude 76°21'25" W.), within 2.5 miles NW and 2 miles SE of the Langley AFB Runway 7 ILS localizer course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Langley AFB TACAN 078° radial, extending from the 5-mile radius zone to 6 miles E of the TACAN.

Harlingen, Tex.
Within a 5-mile radius of Harlingen Industrial Airport (latitude 26°13'37" N., longitude 97°39'12" W.); and within 2 miles each side of the Harlingen VOR 117° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR. This part-time control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual. Tentative dates and times will be: From 0600 to 2200 local time of a daily basis.

AMENDMENTS 12/7/72 37 F. R. 20110 (Added)

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Harrisburg, Pa.
Within a 5-mile radius of the center, 40°12'59" N., 76°51'03" W. of Capital City Airport, Harrisburg, Pa., and within a 5-mile radius of the center, 40°11'35" N., 76°45'47" W. of Harrisburg International Airport-Olmsted Field;
Middletown, Pa.: within 2 miles each side of the Harrisburg VOR 100° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Capital City Airport ILS localizer west course extending from the 5-mile radius zone to 2 miles east of the OM; and within 2 miles each side of the centerline of Harrisburg International Airport-Olmsted Field Runway 13 extended from the Harrisburg International Airport-Olmsted Field 5-mile radius zone to 5 miles southeast of the end of the runway.

Harrison, Ark.
Within a 5-mile radius of Boone County Airport (latitude 36°15'55" N., longitude 93°09'14" W.), within a 7.5-mile radius of the airport extending from the Harrison VOR 165° radial clockwise to the 230° radial, and within 1.5 miles each side of the Harrison VOR 140° radial extending from the 5-mile radius zone to the VOR.

Hastings, Nebr.
Within a 5-mile radius of Hastings, Nebr., Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport. The control zone shall be effective during the time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Havre, Mont.
Within a 5-mile radius of City-County Airport (latitude 48°32'45" N., longitude 109°45'40" W.); within 3 miles each side of the Havre VOR 080° radial, extending from the 5-mile radius zone to 7 miles east of the VOR: and within 3 miles each side of the Havre VOR 287° radial, extending from the 5-mile radius zone to 7 miles west of the VOR.

Hays, Kansas
Within a 5-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and within 2 miles each side of the Hays, Kansas, VOR 162° radial, extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Hayward, Calif.
Within a 5-mile radius of Hayward Air Terminal (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Oakland, Calif., control zone. This control zone is effective from 0600 to 0000 hours, local time, daily.

Hazleton, Pa.
Within a 5-mile radius of the center, 40°59'05" N., 75°59'40" W. of Hazleton Airport, Hazleton, Pa.; within 2 miles each side of the Hazleton VOR 263° and 083° radials extending from the 5-mile radius zone to 6 miles W of the VOR and within 2 miles each side of the 076° and 276° bearings from the Weatherly RBN extending from the 5-mile radius zone to 6 miles E of the RBN. This control zone is effective from 0700-2000 hours Monday thru Friday, 0700-1700 hours Saturday and 0900-2000 hours Sunday, local time, or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Helena, MT.
Within a 5-mile radius of Helena County-City Airport (latitude 46°36'27" N., longitude 111°58'45" W.); within 2½ miles each side of the Helena VORTAC 102° radial extending from the 5-mile radius zone to 4½ miles east of the VORTAC.

AMENDMENTS 7/20/72 37 F. R. 10562 (Rewritten)

Hibbing, MN.
That airspace within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50' 15" W.); within 2 miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to 15 miles northwest of the VORTAC; within 1½ miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 7/22/72 37 F. R. 8439 (Rewritten)

Hickory, N. C.
Within a 5-mile radius of Hickory Municipal Airport (latitude 35°44'30" N., longitude 81°23'20" W.); within 2.5 miles each side of the 042° bearing from Hickory RBN (latitude 35°44'00" N., longitude 81°23'30" W.), extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2 miles each side of Hickory VOR 222° radial, extending from the 5-mile radius zone to the VOR.

Hillsboro, Oreg.
Within a 5-mile radius of Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles each side of the Newberg, Oreg., VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles S of the airport. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Hilo, Hawaii
Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), and within 3.5 miles each side of the Hilo VORTAC 090° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC.

Hobart, Okla.
Within a 5-mile radius of the Hobart Municipal Airport (latitude 34° 59' 20" N., longitude 99° 02' 55" W.) and within 2 miles each side of the Hobart VOR 003° radial, extending from the 5-mile radius zone to the VOR.

Hobbs, N. Mex.
That airspace within a 5-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 5-mile radius of Crossroads Intercontinental Airport (lat. 32°46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial, extending from the 5-mile radius zone of the Lea County Airport to 10.5 miles southwest of the VOR.

Hollywood, Fla.
Within a 3-mile radius of the North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); excluding the portion which coincides with the Fort Lauderdale and Miami, Fla., control zones. This control zone is effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Homer, Alaska
Within a 5-mile radius of the Homer Airport (latitude 59°38'35" N., longitude 151°28'52" W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 12/7/72 37 F. R. 22372 (Rewritten)

Homestead, Fla.
Within a 5-mile radius of Homestead AFB (lat. 25°29'15" N., long. 80°23'00" W.); within 2 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 1.5 miles northeast of the OM.

Honolulu, Hawaii
Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.); within a 5-mile radius of NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu 5-mile radius zone; within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from the NAS Barbers Point 5-mile radius zone to 13 miles southwest of the Honolulu VORTAC.

Honolulu, Hawaii (Wheeler AFB)
Within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.), excluding the portion within R-3109. This control zone is effective from 0600 to 2200 hours, local time, daily.

Hopkinsville, Ky.
Within a 5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 1.5 miles each side of Campbell TACAN 053° radial, extending from the 5-mile radius zone to 5.5 miles northeast of the TACAN; within 1.5 miles each side of the 224° bearing from Campbell RBN, extending from the 5-mile radius zone to 0.5 mile southwest of the RBN; within a 5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87° 24'52" W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR.

Hoquiam, Wash.
Within a 5-mile radius of Bowerman Field, Hoquiam, Wash. (lat. 46°58'15" N., long. 123°56'05" W.), within 1.5 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC and within 4 miles each side of the 081° radial, extending from the 5-mile radius zone to 20 miles east of the VORTAC.

AMENDMENTS 2/3/72 36 F. R. 23049 (Rewritten)

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Hot Springs, Ark.
Within a 9-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3 miles each side of the 248° bearing from the Hot Springs RBN extending from the 9-mile radius zone to 8.5 miles west of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Hot Springs, Va.
Within a 6-mile radius of the center, lat. 37°57'04" N., long. 79°50'02" W. of Ingalls Field, Hot Springs, Va. This control zone is effective from 0800 to 1800 hours, local time, daily.

Houghton, Mich.
Within a 5-mile radius of Houghton County Memorial Airport (latitude 47°10'10" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Houghton RBN, extending from the 5-mile radius zone to 6½ miles north of the RBN; within 3 miles each side of the Houghton VOR 308° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VOR; and within 3½ miles each side of the Houghton VOR 141° radial, extending from the 5-mile radius zone to 10 miles southeast of the VOR; and within 3 miles each side of the Houghton VOR 060° radial, extending from the 5-mile radius zone to 9 miles northeast of the VOR.

Houlton, Maine
Within a 4-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine, and within 2 miles each side of the Houlton VOR 016° radial extending from the 4-mile radius zone to 2 miles north of the VOR, excluding the airspace within Canada.

Houston, Tex. (Ellington AFB)
Within a 5-mile radius of Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.), within a 3-mile radius of Clear Lake City Stolport (latitude 29°33'27" N., longitude 95°08'21" W.), within 2 miles each side of the Ellington VOR 209° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR, within 2 miles each side of the Ellington TACAN 213° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN, within 2 miles each side of the Houston VORTAC 142° radial extending from the William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.) 5-mile radius zone to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Houston VORTAC 126° radial extending from the William P. Hobby Airport 5-mile radius zone to 13.5 miles southeast of the VORTAC, excluding the portions within the Houston, Tex. (William P. Hobby), control zone.

Houston, Tex. (Intercontinental Airport)
That airspace within a 5-mile radius of Houston Intercontinental Airport (latitude 29°58'51" N., longitude 95°20'30" W.), within 2 miles each side of the Humble VORTAC 337° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC, within 2 miles each side of the Houston Intercontinental ILS localizer W course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Houston Intercontinental ILS localizer E course extending from the 5-mile radius zone to 7.5 miles E of the airport.

Houston, Tex. (William P. Hobby)
Tnat airspace within a 5-mile radius of William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.); within 2 miles each side of the the Houston William P. Hobby ILS localizer SW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Houston William P. Hobby ILS localizer NE course extending from the 5-mile radius zone to the Pasadena RBN, within 2 miles each side of the Houston VORTAC 306° radial extending from the 5-mile radius zone to 6 miles NW of the VORTAC, within 2 miles each side of the Houston VORTAC 025° radial extending from the 5-mile radius zone to 6 miles NE of the VORTAC, within 2 miles each side of the Houston VORTAC 239° radial extending from the 5-mile radius zone to 6 miles SW of the VORTAC, witnin 2 miles each side of the Houston VORTAC 142° radial extending from the 5-mile radius zone to 11.5 miles SE of the VORTAC, and within 2 miles each side of a 223° bearing from the Houston DF station (latitude 29°38'48" N., longitude 95°16'42" W.) extending from the 5-mile radius zone to 8 miles SW of the DF station, exciuding the portion E of a line from the intersecting point of 5-mile radius circles centered on William P. Hobby Airport and Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.) NE of William P. Hobby Airport, through the intersecting point of such 5-mile radius circles SE of William P. Hobby Airport, to latitude 29°32'00" N., longitude 95°15'00" W.

Huntington, WV.
Within a 6-mile radius of the center, lat. 38°22'00" N., long. 82°33'20" W. of Tri-State Airport (Walker-Long Field), Huntington, WV., and within 1.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 6-mile radius zone to 5 miles east of the Shoals, WV., FM.

AMENDMENTS 5/25/72 37 F. R. 6051 (Rewritten)

Huntsville, Ala.
Within a 5-mile radius of Huntsville-Madison County Airport (latitude 34°38'19" N., longitude 86°46'25" W.); within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of Capshaw RBN; within 2 miles each side of the Huntsville VOR 217° radial, extending from the 5-mile radius zone to 0.5 mile southwest of the VOR; within a 5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 2 miles each side of the 352° bearing from Whitesburg RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 356° bearing from Redstone RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2.5 miles each side of Runway 35 extended centerline, extending from the threshold to 5.5 miles south; within 2.5 miles each side of Runway 17 extended centerline, extending from the threshold to 6 miles north.

Huron, S. Dak.
Within a 5-mile radius of Howes Municipal Airport (latitude 44°23'05" N., longitude 98°13'35" W.); and within 1½ miles each side of the Huron VOR 134° radial, extending from the 5-mile radius zone to the VOR.

Hutchinson, Kans.
Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'37" W.).

Hyannis, Mass.
Within a 5-mile radius of the center, 41°40'10" N., 70°16'45" W., of Barnstable Municipal Airport, Hyannis, Mass., and within 2 miles each side of the Hyannis VORTAC 227° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Idaho Falls, Idaho
Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 3.5 miles each side of the Idaho Falls VOR 223° radial extending from the 5-mile radius zone to 10.5 miles southwest of the VOR; within 4 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 9 miles northeast of the VOR; and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

Iliamna, Alaska
Within a 5-mile radius of the Iliamna Airport (latitude 59°45'08" N., longitude 154°54'38" W.) and within 2 miles each side of a bearing 196° from the Iliamna RBN, extending from the 5-mile radius zone to a point 12 miles S of the RBN, from 0745 to 1545 hours, local time, Friday through Tuesday, or during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the U. S. Government Flight Information Publication, Supplement, Alaska.

Imperial Beach, Calif.
Within a 3-mile radius of NAS Imperial Beach (latitude 32°34'00" N., longitude 117°06'50" W.); that airspace W of NAS Imperial Beach within the arc of a 6-mile radius circle centered in the Imperial Beach TACAN, extending counterclockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 288° radial to the United States/Mexican Flight Information Region Boundary, excluding the portion under the jurisdiction of Mexico; and that airspace east of a NAS Imperial Beach within the arc of a 6-mile radius circle centered on the Imperial Beach TACAN, extending clockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 065° radial to the United States/Mexican Border, excluding the portion east of longitude 117°01'00" W., when the San Diego, Calif. (Brown Field) control zone is effective.

Indianapolis, Ind.
Within a 5-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2½ miles each side of the Indianapolis runway 13R ILS localizer northwest course, extending from the 5-mile radius zone to 14½ miles northwest of the OM; within 2 miles each side of the Indianapolis runway 4L ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 2 miles each side of the Indianapolis runway 31L ILS localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the OM; and within 2½ miles each side of the Indianapolis runway 22R ILS localizer northeast course, extending from the 5-mile radius zone to 14½ miles northeast of the OM.

International Falls, Minn.
Within a 5-mile radius of International Falls Airport (latitude 48°33'55" N., longitude 93°24'05" W.); within 2½ miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 7 miles southeast of the VOR; and within 2½ miles each side of the International Falls VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR, excluding the portion outside the United States.

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Iron Mountain, Mich.
Within a 5-mile radius of Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.); within 2½ miles each side of the Iron Mountain VORTAC 141° radial extending from the 5-mile radius zone to 6½ miles southeast of the VORTAC, within 3 miles each side of the Iron Mountain VORTAC 193° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; within 3 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 7½ miles south of the airport; within 3 miles each side of the 276° bearing from Ford Airport extending from the 5-mile radius zone to 7½ miles west of the airport; and within 3 miles each side of the Iron Mountain VORTAC 004° radial, extending from the 5-mile radius zone to 7½ miles north of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Ironwood, Mich.
Within a 5-mile radius of Gogebic County Airport (latitude 46°31'25" N., longitude 90°07'50" W.); within 3 miles each side of the Ironwood VORTAC 108° radial, extending from the 5-mile radius zone to 12½ miles east of the VORTAC; and within 3½ miles each side of the Ironwood VORTAC 254° radial, extending from the 5-mile radius zone to 10½ miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Islip, N. Y.
Within a 5-mile radius of the center, 40°47'50" N., 73°06'01" W., of Islip-MacArthur Airport, Islip N. Y.; within 2 miles each side of the Islip-MacArthur Airport ILS localizer SW course extending from the 5-mile radius zone to 1 mile NE of the OM; and within 2 miles each side of Islip-MacArthur Airport ILS localizer NE course extending from the 5-mile radius zone to 6 miles NE of the localizer.

Ithaca, N.Y.
Within a 4-mile radius of the center 42°29'25" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N. Y., within 2 miles each side of the Ithaca VOR 305° radial extending from the 4-mile radius zone to 9 miles NW of the VOR; within 2 miles each side of the Ithaca VOR 144° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR; within 2 miles each side of the Ithaca VOR 117° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR and within 2 miles each side of the Ithaca VOR 058° radial extending NE from the 4-mile radius zone to 7.5 miles NE of the VOR. This control zone is effective Monday through Friday, 0600-2300; Saturday 0600-2100; Sunday, 0900-2300 local time.

Jackson, Mich.
Within a 5-mile radius of Reynolds Airport, Jackson, Mich. (latitude 42°15'30" N., longitude 84°27'40" W.), within 2 miles each side of the Jackson VOR 044° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, within 2 miles each side of the Jackson VOR 238° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Jackson VOR 306° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Jackson VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR.

Jackson, Miss.
Within a 5-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within 2.5 miles each side of Jackson VORTAC 157° and 160° radials, extending from the 5-mile radius zone to 20 miles SE and S of the VORTAC; within a 5-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 3 miles each side of the 008° bearing from Hawkins RBN, extending from the 5-mile radius zone to 8.5 miles N of the RBN; within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 5-mile radius zone to 0.5 mile S of the VORTAC; within a 5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.).

Jackson, Tenn.
Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); within 2.5 miles each side of the McKellar VOR 206° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VOR.

Jacksonville, Fla. (Craig Municipal Airport)
Within a 5-mile radius of Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.); excluding the portion northeast of a line connecting the two points of intersection with a 5-mile radius circle centered on NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.) control zone.

Jacksonville, Fla. (International Airport)
Within a 5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

Jacksonville, Fla. (NAS Jacksonville)
Within a 5-mile radius of NAS Jacksonville (lat. 30°14'00" N., long. 81°40'30" W.); within 3 miles each side of Navy Cecil VOR 084° radial, extending from the 5-mile radius zone to the NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.) control zone.

Jacksonville, Fla. (NAS Cecil Field)
Within a 5-mile radius of NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); within 3.5 miles each side of Navy Cecil VOR 285° radial and the 285° bearing from Navy Cecil RBN, extending from the 5-mile radius zone to 11.5 miles west of the VOR and RBN; within 2 miles each side of Navy Cecil TACAN 184° radial, extending from the 5-mile radius zone to 14 miles south of the TACAN; within 1.5 miles each side of Navy Cecil TACAN 355° radial, extending from the 5-mile radius zone to 5.5 miles north of the TACAN.

Jacksonville, N. C.
Within a 5-mile radius of New River MCAS (latitude 34°42'25" N., longitude 77°26'35" W.); within 2 miles each side, expanding to 3 miles each side of the 051° bearing from New River RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 3 miles each side of the 226° bearing from New River RBN, extending from the RBN to 8.5 miles southwest of the RBN; within 2 miles each side of New River TACAN 236° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the TACAN; excluding the portion within R-5306C. This control zone is effective from 0700 hours, local time, to sunset, Monday through Friday; 0700 to 1200 hours, local time, Saturday; 1600 to 2000 hours, local time, Sunday, and closed on holidays.

AMENDMENTS 10/2/72 37 F. R. 21529 (Changed)

Jamestown, N. Y.
Within a 5-mile radius of the center, 42°09'07" N., 79°15'26" W., of Chautauqua County Airport, Jamestown, N. Y.; within 2 miles each side of the Jamestown, N. Y., VOR 071° and 251° radials extending from the 5-mile radius zone to the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone shall be in effect 0700 to 2200 hours Monday through Friday, 0700 to 1700 hours Saturdays and 0900 to 2200 hours Sundays, local time.

Jamestown, N. Dak.
Within a 5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); within 3 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile radius zone to 7.5 miles southeast of the VORTAC; and within 3 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

Janesville, Wis.
Within a 5-mile radius of the Rock County Airport (latitude 42°37'12" N., longitude 89°02'28" W.); within 3 miles each side of a 125° bearing from the Rock County Airport extending from the 5-mile radius zone to 6½ miles southeast of the airport; and within 3 miles each side of a 321° bearing from the Rock County Airport extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Jefferson City, MO.
Within a 5-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), and within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2.5 miles each side of the 118° bearing from the Jefferson City RBN facility (latitude 38°33'20" N., longitude 92°04'40" W.) and 2.5 miles each side of the 124° bearing from the Jefferson City RBN, extending from the 5-mile radius zone to 16 miles southeast of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.
AMENDMENTS 9/14/72 37 F. R. 13250 (Rewritten)

Johnston Island, Johnston Atoll
Within a 5-mile radius of the Johnston Island AFB, Johnston Atoll (latitude 16°44'19" N., longitude 169°31'12" W.); within 2 miles each side of the extended centerline of runway 05, extending from the 5-mile radius zone to 6.5 miles NE of the Johnston Island RBN, and within 2 miles each side of the 241° bearing from the Johnston Island RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN.

Johnstown, Pa.
Within a 5.5-mile radius of the center, lat. 40°19'00" N., long. 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 3.5 miles each side of the Johnstown VORTAC 044° radial, extending from the 5.5-mile radius zone to 10 miles northeast of the VORTAC; within 3 miles each side of the Johnstown VORTAC 216° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Johnstown VORTAC 320° radial, extending from the 5.5-mile radius zone to 10.5 miles northwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

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Jonesboro, Ark.
Within a 5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3 miles each side of the Jonesboro VOR 048° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Joplin, Mo.
Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'05" N., longitude 94° 29' 55" W.).

Juneau, Alaska
Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

Kahului, Hawaii
Within a 5-mile radius of Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.); within 4 miles each side of the Maui VORTAC 038° radial, extending from the 5-mile radius zone to 14 miles northeast of the VORTAC; within 2 miles each side of the Maui VORTAC 201° radial, extending from the 5-mile radius zone to 11 miles south of the VORTAC and within 2 miles each side of the extended centerline of Runway 2/20, extending from the 5-mile radius zone to 11 miles south of the VORTAC.

Kalamazoo, Mich.
Within a 5-mile radius of the Kalamazoo Municipal Airport (latitude 42°14'07" N., longitude 85°33'10" W.; within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles north, south, and southwest of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer south course, extending from the 5-mile radius zone to the OM. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/7/72 37 F. R. 20934 (Rewritten)

Kalispell, Mont.
Within a 5-mile radius of Glacier Park International Airport, Kalispell, Mont. (latitude 48°18'49" N., longitude 114°15'16" W.).

Kaneohe, Hawaii
Within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

Kansas City, Mo.
Within a 7.5-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.) and within 2 miles each side of the Kansas City VORTAC 185° and 179° radials, extending from the 7.5-mile radius zone to the VORTAC.

Kansas City, Mo. (International Airport)
Within a 5-mile radius of Kansas City International Airport (latitude 39°18'20" N., longitude 94°43'30" W.); and within 2 miles each side of the Kansas City VORTAC 276° radial, extending from the VORTAC to 14 miles west of the VORTAC, excluding that portion which coincides with the Kansas City, Mo., and Leavenworth, Kans., control zone.

Ke-ahole, Kona, Hawaii
Within a 5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.) and within 1.5 miles each side of the Kona VORTAC 340° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

Kearney, Nebr.
Within a 5-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 3½ miles each side of the Kearney VOR 194° radial, extending from the 5-mile radius zone to 10½ miles south of the VOR; and within 3½ miles each side of the Kearney VOR 360° radial, extending from the 5-mile radius zone to 11½ miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Kenai, Alaska
Within a 5-mile radius of the Kenai Municipal Airport (latitude 60°34'21" N., longitude 151°14'44" W.), and within 2 miles northwest and 2.5 miles southeast of the Kenai VORTAC 031° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC.

AMENDMENTS 12/7/72 37 F. R. 22372 (Rewritten)

Key West, Fla.
Within a 5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 3 miles each side of the 268° bearing from Fish Hook RBN, extending from the 5-mile radius zone to 8.5 miles west of the RBN; within 3 miles each side of Key West VORTAC 309° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.); within 3 miles each side of the 251° bearing from Key West NAS UHF RBN, extending from the 5-mile radius zone to 11.5 miles west of the RBN.

Killeen, Tex.
Within a 5-mile radius of Fort Hood AAF (lat. 31°08'15" N., long. 97°42'50" W.); within a 4-mile radius of Killeen Municipal Airport (lat. 31°05'10" N., long. 97°41'05" W.); within 3 miles each side of the Hood VOR 219° radial extending from the 4-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49'45" W.); within 3.5 miles each side of the 341° bearing from the Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 5-mile radius zone to 11 miles north of the RBN.

King Salmon, Alaska
Within a 5-mile radius of the King Salmon Airport (latitude 58°40'40" N., longitude 156°38'55" W.); within 2 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile radius zone to 9.5 miles NW of the VORTAC.

Kingsville, Tex.
Within a 5-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.); within 2 miles each side of the Kingsville TACAN 321° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° bearing, extending from the 5-mile radius zone to 8 miles NW of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Kingsville UHF RBN 187° bearing, extending from the 5-mile radius zone to 7 miles S of the UHF RBN.

Kinston, N. C.
Within a 5-mile radius of Stallings Field (lat. 35°19'36" N., long. 77°37'02" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Kirksville, Mo.
Within a 5-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.).

Klamath Falls, Oreg.
Within a 5-mile radius of Kingsley Field (latitude 42°09'29" N., longitude 121°43'57" W.), within 4 miles east and 2 miles west of the Klamath Falls VORTAC 171° radial extending from the 5-mile radius zone to 8.5 miles south of the VORTAC, and within 2 miles each side of the Klamath Falls VORTAC 332° radial, extending from the 5-mile radius zone to 11 miles northwest of the VORTAC.

Knoxville, Tenn.
Within a 5-mile radius of McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.); within 2 miles each side of Knoxville ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the LOM; within 1.5 miles each side of Knoxville VORTAC 220° radial, extending from the 5-mile radius zone to 1.5 miles southwest of the VORTAC.

Kodiak, Alaska
Within a 5-mile radius of the Kodiak Airport (latitude 57°45'02" N., longitude 152°29'19" W.), and within 3 miles north and 3.5 miles south of the Kodiak VORTAC 072° and 252° radials extending from the 5-mile radius zone to 9.5 miles east of the VORTAC.

AMENDMENTS 12/7/72 37 F. R. 22372 (Rewritten)

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Kokomo, Ind.
Within a 5-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.); within 2½ miles each side of the Grissom AFB TACAN 053° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN; within 3½ miles each side of the Grissom AFB VOR 230° radial, extending from the 5-mile radius zone to 10½ miles southwest of the VOR; within a 5-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within 3 miles each side of the Kokomo VOR 039° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR; and within 3 miles each side of the Kokomo VOR 129° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR.

Kotzebue, AK.
Within a 5-mile radius of Wien Memorial Airport, Kotzebue, AK. (latitude 66°53'02" N., long. 162°36'05" W.) within 3 miles each side of the 048° bearing from the Kotzebue RBN extending from the 5-mile radius zone to 7 miles northeast of the RBN; within 3 miles each side of the Kotzebue VORTAC 278° radial extending from the 5-mile radius zone to 10 miles west of the VORTAC; and within 3 miles each side of the Kotzebue VORTAC 090° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC.

AMENDMENTS 5/25/72 37 F. R. 7586 (Rewritten)

Kwajalein Island, Marshall Islands
Within a 5-mile radius of the Bucholz AAF (lat. 08°43'32" N., long. 167°44'03" E.); within 2.5 miles each side of the Kwajalein TACAN 248° radial, extending from the 5-mile radius zone to 6 miles west of the TACAN; and within 3.5 miles each side of the 078° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 11 miles east of the RBN.

La Crosse, Wis.
That airspace within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; and within 2½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR; and within 2 miles each side of the La Crosse ILS localizer north course, extending from the 5-mile radius zone to 9 miles north of the airport.

AMENDMENTS 9/14/72 37 F. R. 13467 (Rewritten)
AMENDMENTS 10/31/72 37 F. R. 24736 (Rewritten)

Lafayette, Ind.
Within a 5-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.).

Lafayette, La.
That airspace within a 5-mile radius of Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM.

Lake Charles, La.
That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.), within 2 miles each side of the Lake Charles VORTAC 259° radial extending from the VORTAC to 13 miles W of the VORTAC, within 2 miles each side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 7.5 miles SE of the airport.

Lakehurst, N. J.
Within a 5-mile radius of the center, 40°02'05" N., 74°21'05" W., of NAS Lakehurst (West Field), Lakehurst, N.J.; within 2 miles each side of the Navy Lakehurst UHF RBN 050° bearing extending from the 5-mile radius zone to 6.5 miles northeast of the RBN; and within 2 miles each side of the Navy Lakehurst TACAN 058° radial extending from the 5-mile radius zone to 6 miles northeast of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily.

Lake Tahoe, Calif.
Within a 5-mile radius of Lake Tahoe Airport (latitude 38°53'30" N., longitude 119°59'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Lanai, HI
Within a 5-mile radius of Lanai Airport (lat. 20°47'30" N., long. 156°57'00" W.). This control zone is effective during specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

AMENDMENTS 10/12/72 37 F. R. 16599 (Rewritten)

Lancaster, Pa.
Within a 5-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 2 miles each side of the Lancaster VOR 128° radial extending from the 5-mile radius zone to 7 miles SE of the VOR and within 2 miles each side of the Lancaster VOR 260° radial extending from the 5-mile radius zone to 8 miles W of the VOR from 0700 to 2300 hours, local time, daily.

Lansing, Mich.
Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

Laramie, Wyo.
Within a 5-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

Laredo, Tex.
Within a 5-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within 2 miles each side of the Laredo VORTAC 326° radial extending from the 5-mile radius zone to 16 miles northwest of the VORTAC; within 2 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6" N., longitude 99°30'50.2" W.) to 7 miles northwest; within 2 miles each side of the VORTAC 149° and 329° radials, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, within 2 miles each side of the Border TACAN 185° radial extending from the 5-mile radius zone to 12 miles south of the TACAN, within 2 miles each side of the Border TACAN 337° radial extending from the 5-mile radius zone to 12 miles northwest of the TACAN, within 2 miles each side of the Border TACAN 348° radial extending from the 5-mile radius zone to 12 miles north of the TACAN, and within 2 miles each side of the Border TACAN 360° radial extending from the 5-mile radius zone to 6.5 miles north of the TACAN, excluding those portions outside the United States. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/22/72 37 F. R. 8439 (Changed) Corr: 37 F. R. 10069

Las Vegas, N. Mex.
Within a 5-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial extending beyond the 5-mile radius zone to a point 11 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial extending beyond the 5-mile radius zone to a point 10 miles southwest of the VORTAC.

Las Vegas, Nev. (McCarran Field)
Within a 5-mile radius of McCarran Field (latitude 36°05'05" N., longitude 115°09'00" W.); within 2 miles southeast and 3 miles northwest of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles northwest and 3 miles southeast of the Las Vegas VORTAC 214° radial extending from the 5-mile radius zone to 6 miles southwest of the VORTAC; and within 2 miles each side of the Las Vegas VORTAC 268° radial extending from the 5-mile radius zone to 6.5 miles west of the VORTAC.

Las Vegas, Nev. (Nellis AFB)
Within a 5-mile radius of Nellis AFB (Lat. 36°14'10" N, Long. 115°02'00" W), and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.4 miles SW of the airport.

Latrobe, Pa.
Within a 5-mile radius of the center, lat. 40°16'39" N., long. 79°24'14" W. of Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the Latrobe Airport localizer northeast course extending from the 5-mile radius zone to 1.5 miles southwest of the Latrobe RBN lat. 40°22'32" N., long. 79°16'19" W.; and within 1.5 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile radius zone to 17.5 miles southwest of the Latrobe RBN. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

LaVerne, Calif.
Within a 3-mile radius of Brackett Field (latitude 34°05'30" N., longitude 117°47'00" W.), within 2 miles each side of the Pomona VOR 179° radial, extending from the 3-mile radius zone to 3 miles south of the VOR. This control zone shall be effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lawton, Okla.
Within a 5-mile radius of Lawton Municipal Airport (latitude 34° 34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A.

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Leavenworth, Kans.
Within a 5-mile radius of Sherman AAF, Leavenworth, Kans. (latitude 39°22'05" N., longitude 94°54'45" W.).

Lebanon, N. H.
Within a 5-mile radius of the center, 43°37'41" N., 72°18'21" W., of Lebanon Regional Airport, Lebanon, NH.; within 3.5 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the Lebanon VOR 103° radial extending from the VOR to 3.5 miles east of the VOR and within 2 miles each side of the Lebanon VOR 134° radial extending from the VOR to 4 miles southeast of the VOR; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway, within 2 miles each side of the centerline of runway 7 extending 6 miles from the end of the runway.

AMENDMENTS 5/25/72 37 F. R. 5931 (Changed)

Lemoore, Calif.
Within a 6-mile radius of NAS Lemoore (latitude 36° 20' 00" N., longitude 119° 57' 04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.

Lewisburg, W. Va.
Within a 6-mile radius of the center, lat. 37°51'35" N., long. 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from a 110° bearing from the airport to a 275° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 275° bearing from the airport to a 040° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 040° bearing from the airport to a 110° bearing from the airport and within 3 miles each side of the Greenbrier Valley Airport ILS localizer southwest course, extending from the 6-mile radius arc to 8.5 miles southwest of the OM. This control zone is effective from 0730 to 2100 hours, local time, daily.

AMENDMENTS 12/7/72 37 F. R. 21530 (Added)

Lewiston, Idaho
Within a 5-mile radius of Lewiston Nez-Perce Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles each side of the Lewiston VOR 263° radial, extending from the 5-mile radius zone to the VOR.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lewistown, Mont.
Within a 5-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 1.5 miles each side of the Lewistown VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

Lexington, Ky.
Within a 5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 1.5 miles each side of the ILS localizer northeast course, extending from the 5-mile radius zone to 5 miles northeast of the runway end.

Liberal, Kansas
Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lihue, Hawaii
Within a 5-mile radius of Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.) and within 2 miles each side of the Lihue VORTAC 130° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC.

Limestone, Maine
Within a 5-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine, excluding the portion outside of the United States; within 2 miles each side of the Loring TACAN 168° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN; and within 2 miles each side of the Loring TACAN 348° radial extending from the 5-mile radius zone to 7 miles north of the TACAN.

Lincoln, NE.
Within a 6-mile radius of Lincoln Airport (latitude 40°50'58" N., longitude 96°45'31" W.); and within 1.5 miles each side of the 325° track angle from the Runway 14 threshold extending from the 6-mile radius to 7 miles northwest of the Lincoln Airport; and within 2 miles each side of the Lincoln ILS localizer north course extending from the 6-mile radius to 14 miles north of the Lincoln Airport; and within 2 miles either side of the Lincoln VORTAC 015° radial extending from the 6-mile radius to 8 miles north of the Lincoln VORTAC; and within 2 miles each side of the Lincoln VORTAC 187° radial extending from the 6-mile radius to 13 miles south of the Lincoln VORTAC excluding the airspace within a 1-mile radius of Arrow Airport (latitude 40°52' 00" N., longitude 96°39'15" W.).

AMENDMENTS 8/17/72 37 F. R. 12142 (Rewritten)

Little Rock, Ark. (Adams Field)
Within a 5-mile radius of Adams Field (latitude 34°43'45" N., longitude 92°13'45" W.), within 1.5 miles each side of the ILS localizer southwest course extending from the 5-mile radius zone to the LOM, and within 3.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 12 miles northeast of the airport excluding the portion within the Little Rock, Ark. (Little Rock AFB), control zone.

Little Rock, Ark. (Little Rock AFB)
Within a 5-mile radius of Little Rock AFB (latitude 34°55'05" N., longitude 92°08'45" W.), within 1.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 1.5 miles west of the OM, within 1.5 miles each side of the Jacksonville TACAN 076° radial extending from the 5-mile radius zone to 6.5 miles east of the TACAN, within 2 miles each side of the extended centerline of Runway 24 extending from the 5-mile radius zone to 6 miles southwest of the airport, and within 1.5 miles each side of the Jacksonville TACAN 241° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN.

Livingston, Mont.
That airspace within a 5-mile radius of Mission Field Airport (latitude 45°41'45" N., longitude 110°26'40" W.) and within 3 miles each side of the Livingston, Mont., VORTAC 340° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC.

London, Ky.
Within a 5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.); within 2 miles each side of London VOR 030° radial, extending from the 5-mile radius zone to 10 miles northeast of the VOR within
3 miles each side of London VOR 202° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR.

AMENDMENTS 10/12/72 37 F. R. 15512 (Changed)

Long Beach, Calif.
Within a 5-mile radius of Long Beach Municipal Airport (latitude 33°49'07" N., longitude 118°09'04" W.) within a 5-mile radius of NAS Los Alamitos, Calif. (latitude 33°47'30" N., longitude 118°02'50" W.); within 2 miles each side of the Long Beach ILS localizer NW course, extending from the Long Beach 5-mile radius zone to 5 miles NW of the localizer, excluding the portion within a 1-mile radius of Sunset Beach, Calif. Airport (latitude 33°43'08" N., longitude 118°02'13" W.).

Longview, Tex.
That airspace within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 5-mile radius zone to 7 miles NW of the VORTAC, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 5-mile radius zone to 9 miles southeast of the VORTAC, within 2 miles each side of the Gregg County ILS localizer NW course extending
from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

Los Angeles, Calif. (Hawthorne Municipal Airport)
Within a 3-mile radius of the Hawthorne Municipal Airport (latitude 33°55'20" N., longitude 118°20'05" W.), and within 2 miles on each side of the Los Angeles VOR 096° radial extending from the 3-mile radius zone to 4 miles E. of the lift-off end of Runway 7, excluding the portion N. of latitude 33°55'30" N. and W. of longitude 118°21'40" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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Los Angeles, Calif. (Los Angeles International Airport)
Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles each side of the Los Angeles Runway 25L ILS localizer east course, extending from the 5-mile radius zone to the Lima OM; within 2 miles each side of the Los Angeles VOR 096° radial, extending from the Hawthorne 3-mile radius zone to 4 miles E of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W., and excluding the portion within the Hawthorne Municipal Airport control zone.

Louisville, KY. (Bowman Field)
Within a 5-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile radius zone to the VOR; excluding the portion within Standiford Field control zone and the portion west of a line 1.5 miles east of and parallel to the Standiford Field ILS localizer north course.

AMENDMENTS 1/20/72 37 F. R. 2570 (Rewritten)

Louisville, KY. (Standiford Field)
Within a 5-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 1.5 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to the arc of a 5-mile radius circle centered on Bowman Field; within 1.5 miles north and 2 miles south of the ILS localizer east course, extending from the 5-mile radius zone to 1 mile east of the VOR; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the Nabb VOR 206° radial; within 2 miles each side of Louisville VOR 301° radial, extending from the 5-mile radius zone to the VOR; excluding the portion within Bowman Field control zone east of a line 1.5 miles east of and parallel to Standiford Field ILS localizer north course and the portion north of a line 1.5 miles north of and parallel to Standiford Field ILS localizer east course.

AMENDMENTS 1/20/72 37 F. R. 2570 (Rewritten)

Lubbock, Tex. (Lubbock Regional Airport)
That airspace within a 5-mile radius of Lubbock Regional Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 123° radial, extending from the Lubbock 5-mile radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° and 116° radials, extending from the Lubbock 5-mile radius zone to 11.5 miles southeast of the VORTAC; and within 2 miles each side of the Lubbock ILS localizer north course, extending from the 5-mile radius zone to the OM.

Lubbock, Tex. (Reese AFB)
That airspace within a 5-mile radius of Reese AFB, Tex. (latitude 33°35'56" N., longitude 102°02'36" W.); within 2 miles each side of the Lubbock VORTAC 227° radial extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB TACAN 016° radial extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, within 2 miles each side of the Reese AFB ILS localizer north course extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, and within 2 miles each side of the Reese AFB TACAN 167° radial extending from the 5-mile radius zone to 9.5 miles south of the TACAN, excluding that portion which lies within the Lubbock Regional Airport control zone. This control zone is effective during the dates and times published in the Airman's Information Manual.

Lufkin, Tex.
That airspace within a 5-mile radius of Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.), within 2 miles each side of the Lufkin VOR 337° radial extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the 153° bearing from the Lufkin DF station (latitude 31°13'57" N., longitude 94°45'15" W.) extending from the 5-mile radius zone to 8 miles SE of the DF station.

Lynchburg, VA.
Within a 5.5-mile radius of the center lat. 37°19'37" N., long. 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, VA.; within 3 miles each side of the Lynchburg, VA., VORTAC 021° and 201° radials extending from the 5.5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the Lynchburg, VA., VORTAC 023° radial extending from the 5.5-mile radius zone to 13 miles northeast of the VORTAC and within a 1.5-mile radius of the center lat. 37°22'40" N., long. 79°07'21" W. of Falwell Airport, Lynchburg, VA. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 3/30/72 37 F. R. 1359 (Rewritten)

MacDill AFB, Fla.
Within a 5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 1.5 miles each side of MacDill AFB TACAN 216° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN; within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); excluding the portion within Tampa, Fla. (International Airport), control zone.

Macon, Ga.
Within a 5-mile radius of Lewis B. Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 5.5 miles southwest of the runway end; within 3 miles each side of Macon VORTAC 316° and 325° radials, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 3 miles each side of Macon VORTAC 140° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

Madison, Wis.
That airspace within a 5½-mile radius of the Truax Field Airport (latitude 43°08'15" N., longitude 89°20'10" W.); within 2½ miles each side of the Madison VOR 359° radial extending from the 5½ mile radius to 6 miles north of the VOR; and within 2½ miles each side of the Madison VOR 134° radial extending from the 5½-mile radius to 6 miles southeast of the VOR.

Manchester, N. H.
Within a 5-mile radius of the center, lat. 42°56'00" N., long. 71°26'21" W. of Grenier Field-Manchester Municipal Airport, Manchester, N. H.; within 2.5 miles each side of the 157° bearing from the Derry RBN, lat. 42°52'12" N., long. 71°23'52" W., extending from the 5-mile radius zone to 8.5 miles south of the RBN and within 2.5 miles each side of the Manchester VORTAC 325° radial, extending from the 5-mile radius zone to 13 miles northwest of the VORTAC. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual.

Manhattan, Kans.
Within a 5-mile radius of the Manhattan, Kans., Municipal Airport (latitude 39°08'35" N., longitude 96°40'05" W.), and within 2 miles each side of the Manhattan VOR 046° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Manhattan VOR 147° radial, extending from the 5-mile radius zone to 11 miles SE of the VOR, and within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN, excluding the Fort Riley, Kans., control zone and the portion within R-3602. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Manistee, Mich.
Within a 5-mile radius of Manistee Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles west of the VOR; and within 2 miles each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Manitowoc, Wis.
Within a 5-mile radius of Manitowoc, Wis., Municipal Airport (latitude 44°07'30" N., longitude 87°40'45" W.), within 2 miles each side of the Manitowoc VOR 343° radial extending from the 5-mile radius zone to 8 miles north of the VOR, and within 2 miles each side of the Manitowoc VOR 176° radial extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

Mankato, Minn.
Within a 5-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and within 2 miles each side of the 167° bearing from Mankato Municipal Airport, extending from the 5-mile radius zone to 8 miles south of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mansfield, Ohio
Within a 5-mile radius of the Mansfield Lahm Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.) and within 2 miles each side of the Mansfield Lahm Municipal Airport localizer northwest course extending from the 5-mile radius zone to 4.5 miles northwest of the localizer.

Marion, Ill.
Within a 5-mile radius of the Williamson County Airport (latitude 37°45'15" N., longitude 89°00'40" W.), within 2 miles each side of the Marion VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Marion VOR 209° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Marion, Ind.
Within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155° and 211° radials extending from the 5-mile radius zone to 8 miles northeast, southeast, and southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

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Marquette, Mich. (K. I. Sawyer AFB)
Within a 5-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer S course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the K. I. Sawyer TACAN 015° radial extending from the 5-mile radius zone to 8 miles N of the TACAN.

Marquette, Mich. (Marquette County Airport)
Within a 5-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 2 miles each side of the Marquette VOR 084° and 250° radials, extending from the 5-mile radius zone to 8 miles E and W of the VOR.

Martha's Vineyard, Mass.
Within a 4-mile radius of Martha's Vineyard Airport (latitude 41°23'35" N., longitude 70°36'50" W.); within 2 miles each side of the Martha's Vineyard VOR 055° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the 040° bearing from the Edgartown RBN, extending from the 4-mile radius zone to 8 miles NE of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Martinsburg, Pa.
Within a 5-mile radius of the center, lat. 40°17'51" N., long. 78°19'10" W. of Blair County Airport, Martinsburg, Pa., extending clockwise from a 090° bearing to a 137° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 137° bearing to a 163° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 163° bearing to a 258° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 323° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 323° bearing to a 065° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 090° bearing from the airport and within 3 miles each side of the Altoona, Pa., VOR 026° radial, extending from the VOR to 8.5 miles northeast of the VOR.

AMENDMENTS 11/9/72 37 F. R. 18903 (Rewritten)

Martinsburg, WV.
Within a 5.5-mile radius of the center lat. 39°24'03" N., long. 77°59'09" W. of Martinsburg Municipal Airport, Martinsburg, WV.; within a 9.5-mile radius of the center of the airport, extending clockwise from a 230° bearing from the airport to a 269° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 269° bearing to a 285° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 285° bearing to a 315° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 315° bearing to a 003° bearing from the airport.
AMENDMENTS 6/22/72 37 F. R. 8439 (Rewritten)

Marysville, Calif. (Beale AFB)
Within a 5-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.), within 2 miles each side of the Beale VOR 162° radial, extending from the 5-mile radius zone to 4 miles south of the VOR, and within 2 miles each side of the Beale TACAN 347° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN.

Marysville, Calif. (Yuba County Airport)
Within a 5-mile radius of Yuba County Airport (latitude 39°05'50" N., longitude 121°34'00" W.); within 2 miles each side of the Marysville VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR and within 2 miles each side of the Marysville VOR 343° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, excluding the portion within the Beale AFB control zone.

Mason City, Iowa
Within a 5-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.).

Massena, N. Y.
Within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N. Y.; within 2 miles each side of the Massena VOR 284° radial extending from the 5-mile radius zone to the VOR excluding the airspace within Canada.

Mattoon, Ill.
Within a 5-mile radius of Coles County Memorial Airport (lat. 39°28'45" N., long. 88°16'51" W.); within 4.5 miles each side of the Mattoon VOR 228° radial extending from the 5-mile radius zone to 11.5 miles southwest of the VOR; and within 3 miles each side of the Mattoon VOR 063° radial, extending from the 5-mile radius area to 8.5 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mayport, Fla. (NS Mayport)
Within a 5-mile radius of NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.); within 3 miles each side of the 057° bearing from the Navy Mayport RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN, excluding the portion southwest of a line connecting the two points of intersection with a 5-mile radius circle centered on Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.).

McAlester, Okla.
Within a 5-mile radius of McAlester Municipal Airport (Lat. 34°53'05" N, Long. 95°46'55" W).

McAllen, TX.
That airspace within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.), and within 3 miles each side of the McAllen VOR 095° true radial (086° magnetic) extending from the 5-mile radius zone to 10 miles east of the VOR.

AMENDMENTS 10/12/72 37 F. R. 15370 (Rewritten)

McComb, Miss.
Within a 5-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.); within 2 miles each side of McComb VORTAC 234° radial, extending from the 5-mile radius zone to the VORTAC.

McCook, Nebr.
That airspace within a 5-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 2 miles each side of the 120° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport; and within 2 miles each side of the 324° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

McGrath, AK.
That airspace within a 5-mile radius of the McGrath Airport (latitude 62°57'15" N., longitude 155°36'06" W.) and within 5 miles northeast and 3 miles southwest of the McGrath VORTAC 123° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; and within 4 miles each side of the McGrath VORTAC 008° radial extending from the 5-mile radius zone to 13 miles north of the VORTAC.

AMENDMENTS 4/27/72 37 F. R. 4074 (Rewritten) Corr: 37 F. R. 4957

Medford, Oreg.
That airspace within a 5-mile radius of the Medford-Jackson County Airport (latitude 42°22'15" N., longitude 122°52'20" W.), and within 2 miles W and 3 miles E of the Medford ILS localizer N course, extending from the 5-mile radius zone to 3 miles N of the OM.

Melbourne, FL.
Within a 5-mile radius of the Cape Kennedy Regional Airport (lat. 28°06'01" N., long. 80°38'00" W.); within 3 miles each side of the Melbourne VOR 100° and 262° radials, extending from the 5-mile radius zone to 8.5 miles east and west of the VOR; within 3 miles each side of the 267° bearing from the Satellite RBN, extending from the 5-mile radius zone to 8.5 miles west of the RBN; excluding the portion within the Cocoa (Patrick AFB), FL., control zone.

AMENDMENTS 4/27/72 37 F. R. 4902 (Rewritten)

Memphis, Tenn.
Within a 5-mile radius of the Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); excluding the portion within a 1-mile radius of Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

Memphis, Tenn. (NAS)
Within a 5-mile radius of Memphis NAS (lat. 35°21'15" N., long. 89°52'10" W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Menominee, Mich.
Within a 5-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 3 miles each side of the Menominee VOR 349° radial, extending from the 5-mile radius zone to 7 miles north of the VOR; and within 3 miles each side of the 320° bearing from Menominee County Airport, extending from the 5-mile radius zone to 7 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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Merced, Calif.
Within a 5-mile radius of Castle Air Force Base, Merced, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.); within a 5-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.); and within 2 miles each side of the Castle TACAN 310° radial, extending from the Castle 5-mile radius circle to 6 miles NW of the TACAN.

Meridian, Miss. (Key Field)
Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the 011° and 012° bearings from Lauderdale RBN, extending from the 5-mile radius zone to 0.5 miles north of the RBN; within 2 miles each side of Meridian VORTAC 145° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

Meridian, Miss. (NAS Meridian)
Within a 5-mile radius of NAS Meridian (lat. 32°33'27" N., long. 88°33'33" W.); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF RBN, extending from the 5-mile radius zone to 10.5 miles north of the RBN; within 1.5 miles each side of NAS Meridian TACAN 069° and 359° radials, extending from the 5-mile radius zone to 6 miles east and north of the TACAN; within 2 miles each side of NAS Meridian TACAN 194° radial, extending from the 5-mile radius zone to 9.5 miles south of the TACAN; within 2 miles each side of Runways 18L and 27 extended centerline, extending from the 5-mile radius zone to 4 miles north and east of the runway ends; within 2 miles each side of Runway 36L extended centerline, extending from the 5-mile radius zone to 5 miles south of the runway end.
This control zone is effective from 0600 to 2400 hours, local time, Monday through Friday; 0800 to 1800 hours, local time, Saturday, and 1200 to 2200 hours, local time, Sunday and Federal legal holidays.

AMENDMENTS 3/1/72 37 F. R. 4704 (Changed)

Miami, Fla. (Dade-Collier Training and Transition Airport)
Within a 5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Miami, Fla. (International Airport)
Within a 5-mile radius of Miami International Airport (lat. 25°47'34" N., long. 80°17'10" W.); within 2 miles each side of Miami VORTAC 139° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 1.5 miles each side of Runway 9L ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Portland RBN; within 1.5 miles each side of Runway 27L ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Miami VORTAC 161° radial.

Miami, Fla. (Opa Locka Airport)
Within a 5-mile radius of Opa Locka Airport (latitude 25°54'26" N., longitude 80°16'48" W.); within 2 miles each side of the Miami VORTAC 110° radial, extending from the 5-mile radius zone to 5.5 miles east of the VORTAC; excluding the portion which coincides with the Miami (International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airman's Information Manual.

AMENDMENTS 10/26/72 37 F. R. 23631 (Changed)

Miami, Fla. (Tamiami Airport)
Within a 5-mile radius of the Tamiami Airport, Fla. (latitude 25°38'51" N., longitude 80°25'59" W.).

Midland, Tex.
Within a 5-mile radius of Midland-Odessa Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), and within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius zone to 7 miles NW of the airport.

Midway Island
Within a 5-mile radius of Midway NS (Henderson Field) (lat. 28°11'55" N., long. 177°22'50" W.) and within 2.5 miles northwest and 4.5 miles southeast of the 240° bearing from the Midway RBN, extending from the 5-mile radius zone to 10.5 miles southwest of the RBN.

Miles City, Mont.
Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 3 miles each side of the 252° bearing from the Horton RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 3 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

Millville, N. J.
Within a 5-mile radius of the center, 39°22'00" N., 75°04'45" W. of Millville Municipal Airport, Millville, N. J.

Milton, Fla. (NAS Whiting Field (North))
Within a 5-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Milwaukee, Wis. (General Mitchell Field)
Within a 5-mile radius of General Mitchell Field (latitude 42°56'51"N., longitude 87°53'58" W.).

Milwaukee, Wis. (Timmerman Airport)
Within a 5-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); and within 3 miles each side of Timmerman VOR 336° radial, extending from the 5-mile radius zone to 6½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mineral Wells, Tex.
That airspace within a 5-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.) S of latitude 32°48'00" N.; within a 3-mile radius of Mineral Wells Airport N of latitude 32°48'00" N.; within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 5-mile radius zone to 7 miles SE of the RBN; within 2 miles each side of the Millsap, Texas, VORTAC 137° and 317° radials, extending from the 5-mile radius zone to 7 miles SE of the VORTAC, and within 2 miles each side of the extended centerline of Runways 13-31 extending from the airport to 3.5 miles NW.

Minneapolis, Minn.
Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front course extending from the 5-mile radius zone to 1½ miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front course, extending from the 5-mile radius zone to one-half mile southwest of AP-OM.

Minneapolis, Minn. (Crystal Airport)
Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Minneapolis, Minn. (Flying Cloud)
Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2½ miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7½ miles west of the VOR; and within 2½ miles each side of the Flying Cloud VOR 179° radial extending from the 5-mile radius zone to 6½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airman's Information Manual.

Minot, N. Dak. (International Airport)
Within a 5-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 4 miles each side of the Minot VORTAC 129° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC; within 4 miles each side of the Minot VORTAC 260° radial, extending from the 5-mile radius zone to 9½ miles west of the VORTAC; within 4 miles each side of the Minot VORTAC 327° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VORTAC; and within 4 miles each side of the Minot VORTAC 097° radial, extending from the 5-mile radius zone to 8½ miles east of the VORTAC, excluding the portion which overlies the Minot AFB control zone.

Minot, N. Dak. (Minot AFB)
Within a 5-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within 2½ miles each side of the Deering TACAN 113° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN; and within 2½ miles each side of the Deering TACAN 303° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN.

Miramar, Calif.
Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

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Missoula, Mont.
Within a 5-mile radius of Johnson Bell Airport (latitude 46°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the northwest localizer course extending from the 5-mile radius to 2 miles northwest of the Kona CL; and within 5 miles each side of the 302° radial of the Missoula VORTAC extending from the VORTAC to 11 miles northwest of the VORTAC.

Mitchell, S. Dak.
Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); within 3 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 7½ miles southeast of the VOR; and within 3 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 7½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mobile, Ala. (Bates Field)
Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 1.5 miles each side of Mobile VORTAC 113° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

Modesto, Calif.
Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif. (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 302° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Modesto VOR 122° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Moline, Ill.
Within a 5-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); and within 2 miles each side of the Quad City ILS localizer west course, extending from the 5-mile radius zone to the OM.

Molokai, Hawaii
Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the
VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Pacific chart supplement.

AMENDMENTS 10/12/72 37 F. R. 16790 (Changed)

Monroe, La.
That airspace within a 5-mile radius of Selman Field, Monroe, La. (latitude 32°30'30" N., longitude 92°02'20" W.).

Monterey, Calif.
Within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35'20" N., longitude 121°51'00" W.), and within 2 miles each side of the 317° bearing from the Monterey ILS LMM, extending from the 5-mile radius zone to 7 miles NW of the LMM, excluding the portion within the Fort Ord, Calif., control zone.

Montgomery, Ala.
Within a 5-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within 1.5 miles each side of Dannelly Field ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 5-mile radius zone to 15.5 miles northwest of the VORTAC; within a 5-mile radius of Maxwell AFB (latitude 32°22'48" N., longitude 86°21'55" W.); within 2 miles each side of Maxwell TACAN 333° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the TACAN.

Montpelier, Vt.
Within a 5-mile radius of the center, lat. 44°12'15" N., long. 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 3 miles each side of the Montpelier VOR 163° radial extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the centerline of Runway 23 extending from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

AMENDMENTS 3/2/72 37 F. R. 13 (Rewritten)

Montrose, Colo.
That airspace within a 5-mile radius of the Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), and within 4 miles each side of the Montrose, Colo., VOR 313° radial extending from the 5-mile radius zone to 14 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Morgantown, W. Va.
Within a 5.5-mile radius of the center, lat. 39°38'34" N., long. 79°55'01" W., of Morgantown Municipal Airport, Morgantown, W. Va., extending clockwise from a 220° bearing to a 030° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 040° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 075° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 075° bearing to a 105° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 140° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 202° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 202° bearing to a 220° bearing from the airport and within 2 miles each side of the 168° bearing from the Bobtown RBN, extending from the 5.5-mile radius arc to the RBN.

Morristown, N. J.
Within a 5-mile radius of the center of Morristown Municipal Airport (lat. 40°48'00" N., long. 74°25'00" W.); within 3 miles each side of the 204° bearing from the Chatham, N. J., RBN extending from the 5-mile radius zone to 8.5 miles southwest of the RBN excluding a 1.0-mile radius of the center of Somerset Hills Airport, Basking Ridge, N. J. (lat. 40°41'28" N., long. 74°32'08" W.). This control zone is effective from 0700 to 2300 hours, local time, daily.

Mosinee, Wis.
Within a 5-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 1½ miles each side of the Wausau, Wis., VOR 219° radial, extending from the 5-mile radius zone to the VOR; within 3½ miles each side of the 242° bearing from Central Wisconsin Airport extending from the 5-mile radius zone to 10½ miles west of the airport; and within 3½ miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 5-mile radius zone to 10½ miles east of the airport, excluding the portion which overlies the Wausau, Wis., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Moultrie, Ga.
Within a 5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.); within 3 miles each side of Moultrie VOR 031° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of Moultrie VOR 199° radial, extending from the 5-mile radius zone to 11.5 miles south of the VOR; within 3 miles each side of Moultrie VOR 230° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within a 5-mile radius of Spence AF Auxiliary Field (lat. 31°08'15" N., long. 83° 42'15" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mountain Home, Idaho
Within a 5-mile radius of Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.); within 2 miles each side of the extended centerline of Runway 12, extending from the 5-mile radius zone to 7.5 miles SE of the SE end of Runway 12; within 2 miles each side of the extended centerline of Runway 30, extending from the 5-mile radius zone to 7.5 miles NW of the NW end of Runway 30; within 2 miles each side of the Mountain Home TACAN 129° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN, and within 2 miles each side of the Mountain Home TACAN 321° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Mountain View, Calif. (Moffett Field NAS)
Within a 5-mile radius of Moffett Field NAS (latitude 37°24'55" N., longitude 122°02'50" W.), within a 3-mile radius of Palo Alto, Calif. Airport (latitude 37°27'40" N., longitude 122°06'50" W.) within 2.5 miles southwest and 2 miles northeast of the Moffett TACAN 157° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN and within 2 miles each side of the San Jose VOR 319° radial, extending from the VOR to 8 miles northwest of the VOR, excluding the portion southeast of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W., and the portion within the Palo Alto control zone when it is effective.

Mount Clemens, Mich.
Within a 5-mile radius of Selfridge AFB (latitude 42°36'30" N., longitude 82°50'15" W.); within 2 miles each side of the Selfridge AFB ILS localizer north and south courses, extending from the 5-mile radius zone to 8 miles north and south of Selfridge AFB, and within 2 miles each side of the Selfridge AFB TACAN 353° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will, hereafter, be continuously published in the Airman's Information Manual.

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Mount Vernon, Ill.
Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial extending from the 5-mile radius zone to 17 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Muncie, Ind.
Within a 5-mile radius of Delaware County-Johnson Field (latitude 40°14'25" N., longitude 85°23'45" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile radius zone to 10 miles northwest of the VOR, from 0700 to 2300 hours local time daily.

Muscle Shoals, Ala.
Within a 5-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

Muskegon, Mich.
Within a 5-mile radius of Muskegon County Airport (lat. 43°10'16" N., long. 86°14'09" W.); within 1.5 miles each side of the Muskegon VORTAC 272° radial, extending from the 5-mile radius zone to 1 mile west of the VORTAC; and within 1.5 miles each side of the ILS back course extending from the 5-mile radius zone to 10.5 miles northwest of the Muskegon County Airport ILS OM.

Myrtle Beach, S. C.
Within a 5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within 3 miles each side of Myrtle Beach VORTAC 054° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of the Myrtle Beach VORTAC 220° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Myrtle Beach AFB, S. C.
Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.); within 1.5 miles each side of Conway TACAN 165° and 355° radials, extending from the 5-mile radius zone to 6.5 miles south and north of the TACAN; within 1 mile each side of Conway TACAN 348° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 7/1/72 37 F. R. 12142 (Changed)
AMENDMENTS 8/15/72 37 F. R. 17160 (Rewritten)
AMENDMENTS 11/8/72 through 11/10/72 37 F. R. 21160 (Changed)

Nantucket, Mass.
Within a 4-mile radius of Nantucket Memorial Airport, Nantucket, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.), and within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR.

Napa, Calif.
Within a 3-mile radius of Napa County Airport (latitude 38°12'55" N., longitude 122°16'45" W.), from 0700 to 2300 hours, local time, daily.

Nashville, Tenn.
Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 1 mile each side, expanding to 3 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to 13 miles north of the localizer; within 3.5 miles each side of Nashville VORTAC 109° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; excluding the portion within a 1-mile radius of Cornelia Fort Airpark (lat. 36°11'45" N., long. 86°42'00" W.).

AMENDMENTS 10/17/72 37 F. R. 23177 (Changed)

Needles, Calif.
Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.).

AMENDMENTS 3/2/72 36 F. R. 24798 (Rewritten)

Nenana, AK.
That airspace within a 5-mile radius of the Nenana Airport (latitude 64°32'56" N., longitude 149°04'24" W.); and within 4 miles each side of the Nenana RR southeast course extending from the 5-mile radius zone to 8.5 miles southeast of the RR. This control zone is effective from 0545 to 2145 local time daily, or during the specific days and times established in advance by Notice to Airmen. The effective time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 4/27/72 37 F. R. 4074 (Rewritten)

Newark, N. J.
Within a 5-mile radius of Newark Airport (latitude 40°41'35" N., longitude 74°10'15" W.); within 2.5 miles W and 2 miles E of the Newark localizer SW course, extending from the 5-mile radius zone to 1.5 miles SW of the OM; within 2 miles each side of the Newark localizer NE course, extending from the 5-mile radius zone to the Teterboro Airport (latitude 40°51'05" N., longtiude 74°03'40" W.) 5-mile radius zone; and within 2 miles each side of the 254° bearing from the lift-off end of Runway 29, extending from the 5-mile radius zone to 5 miles SW of the runway.

New Bedford, Mass.
Within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.). This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a NOtice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Bern, N. C.
Within a 5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); within 2.5 miles each side of New Bern VOR 221° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR.

Newburgh, N. Y.
Within a 5-mile radius of the center (lat. 41°30'05" N., long. 74°05'45" W.) of Stewart Airport, Newburgh, N. Y., and within 2.5 miles each side of the 079° bearing from the Neely RBN (Lat. 41°29'09" N., Long. 74° 13'44" W.) extending from the 5-mile radius zone to the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

New Haven, Conn.
Within a 4-mile radius of the center, 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 2 miles each side of the centerline of Runway 2 extended from the 4-mile radius zone to 4 miles north of the end of the runway; and within 2 miles each side of the New Haven VOR 192° radial extending from the 4-mile radius zone to 7 miles south of the VOR. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Orleans, La. (New Orleans Airport)
Within a 5-mile radius of New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.). excluding the portion W of longitude 90°04'03" W.

New Orleans, La. (New Orleans International Airport-Moisant Field).
Within a 5-mile radius of New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'15" W.); within 2 miles each side of the New Orleans ILS localizer W course extending from the 5-mile radius zone to 2 miles E of the LOM; within 2 miles each side of the New Orleans VORTAC 085° radial extending from the VORTAC to 7 miles E; within 2 miles each side of the New Orleans VORTAC 243° and 063° radials extending from the 5-mile radius zone to 1 mile NE of the VORTAC, excluding that portion E of longitude 90°04'03" W.

New Orleans, La. (NAS New Orleans-Alvin Callender Field)
That airspace within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); within 2 miles each side of the 241° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN, within 2 miles each side of the 131° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles each side of the Harvey VOR 053° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Newport News, Va.
Within a 5-mile radius of the center, lat. 37°07'51" N., long. 76°29'35" W., of Patrick Henry Airport, Newport News, Va., excluding the portion that coincides with the Hampton Roads, Va., control zone.

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New York, N. Y. (La Guardia Airport)
Within a 5-mile radius of La Guardia Airport (latitude 40°46'30" N., longitude 73°52'20" W.); and within 2 miles each side of the La Guardia VOR 034° radial, extending from the 5-mile radius zone to 5.5 miles NE of the VOR, excluding the portion within the John F. Kennedy International Airport control zone.

New York, N. Y. (John F. Kennedy International Airport)
Within a 5.5-mile radius of the John F. Kennedy International Airport (latitude 40°38'20" N., longitude 73°47'10" W.); within a 5-mile radius of NAS New York, N. Y. (latitude 40°35'40" N., longitude 73°53'30" W.); within 2 miles each side of the John F. Kennedy International Airport Runway 22-L localizer course, extending from the 5.5-mile radius zone to the Laurel OM; within 2 miles each side of the Kennedy VORTAC 037° radial, extending from
the 5.5-mile radius zone to 8 miles NE of the VORTAC; within 2 miles each side of the Kennedy VORTAC 129° radial, extending from the 5.5-mile radius zone to 8 miles SE of the VORTAC; within a 9-mile radius of the John F. Kennedy International Airport, extending clockwise from a line 2 miles E of and parallel to the Kennedy VORTAC 141° radial to a line 2 miles W of and parallel to the Kennedy VORTAC 242° radial; within 2 miles each side of the John F. Kennedy International Airport Runway 4-R localizer course, extending from the 5.5-mile radius zone to 8 miles SW of the Conduit OM; within 2 miles each side of the Canarsio VOR 030° radial, extending from the VOR to
4.5 miles NE of the VOR; and within 2 miles each side of the 182° bearing from the Navy N. Y. RBN, extending from the NAS N. Y. 5-mile radius zone to 8 miles S of the RBN.

Niagara Falls, N. Y.
Within a 5-mile radius of Niagara Falls International Airport (latitude 43°06'20" N., longitude 78°56'55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

Nome, Alaska
Within a 5-mile radius of Nome FAA Airport (latitude 64°31' N., longitude 165°27' W.); within 2 miles each side of the Nome RR E course, extending from the 5-mile radius zone to 10 miles E of the RR; within 2 miles each side of the Nome VOR 107° and 287° radials, extending from the 5-mile radius zone to 8 miles E of the VOR.

Norfolk, Nebr.
Within a 5-mile radius of Karl Stefan Memorial Airport (latitude 41°59'05" N., longitude 97°26'10" W.); and within 2 miles each side of the Norfolk VOR 022°, 144°, 195° and 318° radials, extending from the 5-mile radius zone to 8 miles southeast, south, northwest and northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Norfolk, Va. (Norfolk Regional)
Within a 5-mile radius of the center, 36°53'45" N., 76°12'15" W., of Norfolk Regional Airport, Norfolk, Va., excluding the northwest portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (NAS Norfolk), control zone.

Norfolk, Va. (NAS Norfolk)
Within a 5-mile radius of the center, 36°56'15" N., 76°17'15" W. of NAS Norfolk, Norfolk, Va., excluding the southeastern portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (Norfolk Regional), control zone.

North, S. C.
Within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

North Bend, Oreg.
Within a 5-mile radius of North Bend Municipal Airport (latitude 43°25'00" N., longitude 124°14'45" W.); within 2 miles each side of the North Bend VORTAC 044° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC, and within 3 miles each side of the 337° bearing from the Barview RBN, extending from the 5-mile radius zone to 7 miles northwest of the RBN.

AMENDMENTS 4/27/72 37 F. R. 4703 (Changed)

North Philadelphia, Pa.
Within a 5-mile radius of the center, Lat. 40°04'49" N., Long. 75°00'45" W. of North Philadelphia Airport, Philadelphia, Pa., excluding
the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Willow Grove, Pa., control zone.

North Platte, Nebr.
Within a 5-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); within 2 miles each side of the North Platte VOR 029° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 186° bearing from North Platte RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; and within 2 miles each side of the 131° bearing from Lee Bird Field, extending from the 5-mile radius zone to 10 miles southeast of the airport.

Northway, Alaska
Within a 5-mile radius of Northway Airport (latitude 62° 57' N., longitude 141° 55' W.), and within 2 miles each side of Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR.

Norwood, Mass.
Within a 5-mile radius of the center (42°11'20" N., 71°10'15" W.) of Norwood Memorial Airport, Norwood, Mass.; within 3 miles each side of the 154° bearing and 334° bearing from the Stoughton, Mass., RBN (42°07'10"N., 71°07'41" W.) extending from the 5-mile radius zone to 8 miles southeast of the RBN and within 2 miles each side of the Whitman VORTAC 311° radial extending from the 5-mile radius zone to 2 miles northwest of the VORTAC, excluding the portion within the South Weymouth, Mass., control zone. This control zone is effective daily from 0800 to 2000 hours, local time, or during the specific times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Oakland, Calif.
Within a 5-mile radius of Metropolitan Oakland International Airport (latitude 37°43'15" N., longitude 122°13'20" W.) excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the NAS Alameda, Calif., control zone; within a 5-mile radius of Hayward Air Terminal, Hayward, Calif. (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Hayward control zone when it is effective.

Oceana, Va.
Within a 5-mile radius area of the center, lat. 36°50'00" N., long. 76°01'45" W. of NAS Oceana (Soucek Field); within 2 miles each side of the Navy Oceana TACAN 225° radial extending from the 5-mile radius zone to 10 miles southwest of the TACAN; within 3.5 miles each side of a 187° bearing from the Navy Oceana RBN extending from the 5-mile radius zone to 9 miles south of the RBN and within a 3-mile radius of the center of lat. 36°42'15" N., long. 76°08'00" W. of ALF Fentress excluding the portion within R-6606.

Ogden, Utah (Hill AFB)
Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion within the Ogden (Ogden Municipal Airport) control zone when it is effective.

Ogden, Utah (Ogden Municipal Airport)
Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion S of a line extending from latitude 41°08'10" N., longitude 112°04'00" W., to latitude 41°11'00" N., longitude 111°55'00" W., from 0600 to 2200 hours, local time, daily.

Oklahoma City, Okla. (Tinker AFB)
That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Tinker AFB TACAN 001° radial extending from the 5-mile radius zone to 9.5 miles north of the TACAN; within 2 miles each side of the Tinker AFB ILS south course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Tinker AFB VOR 187° radial extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Tinker AFB TACAN 187° radial extending from the 5-mile radius zone to 6 miles south of the TACAN.

Oklahoma City, Okla. (Wiley Post Airport)
Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97° 38'40" W.), and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion S of a line extending through latitude 35°26'33" N.. longitude 97°46'21" W., and latitude 35°28'00" N., longitude 97°36'05" W.

Oklahoma City, Okla. (Will Rogers World Airport)
Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.); within 3 miles each side of the Oklahoma City runway 17R ILS localizer north course, extending from the 5-mile radius zone to the Tulakes, Okla., RBN; within 2 miles southwest and 3.5 miles northeast of the Oklahoma City VORTAC 105° radial extending from the 5-mile radius zone to the VORTAC; and within 3 miles each side of the Oklahoma City runway 35R ILS localizer south course extending from the 5-mile radius zone to the LOM (latitude 35°18' 36" N., longitude 97°35'17" W.), excluding that portion which coincides with the Oklahoma City (Wiley Post) control zone.

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Olathe, Kans.
Within a 5-mile radius of the Johnson County, Kansas Airport (lat. 38°51'00" N., long. 94°44'15" W.); and within 2½ miles each side of the 183° bearing from Johnson County Airport, extending from the 5-mile radius zone to 6½ miles south of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Olympia, Wash.
Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'15" N., longitude 122°54'00" W.); within 4 miles each side of the Olympia VORTAC 195° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC, and within 2 miles each side of the Olympia VORTAC 010° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Omaha, Nebr. (Eppley Field)
Within a 5-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); and within 2 miles each side of the Eppley Field ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the OM; and within 2 miles each side of the Eppley Field ILS localizer SE course extending from the 5-mile radius zone to 7 miles SE of the airport; and within 2 miles each side of the Omaha VORTAC 318° radial extending from the 5-mile radius zone to a point 7 miles SE of the airport.

Omaha, Nebr. (Offutt AFB)
Within a 5-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; within 2 miles each side of the Offutt AFB VOR 310° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

Ontario, Calif.
Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer E course, extending from the 5-mile radius zone to 3 miles E of the OM, excluding the portion within a 1-mile radius of Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).
PENDING AMENDMENT
Ontario, Calif.
Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer east course extending from the 5-mile radius zone to 3 miles east of the OM, and within a 3-mile radius of Chino, Calif., excluding the portion within the Chino control zone when it is effective.

AMENDMENTS 12/18/72 37 F. R. 23904 (Rewritten)

Orlando, Fla.(Herndon Airport)
Within a 5-mile radius of Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.); within 3 miles each side of Orlando VORTAC 125° and 315° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC; excluding the portion south of a line connecting the two points of intersection with a 5-mile radius circle centered on McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.).

Orlando, Fla. (McCoy AFB)
Within a 5-mile radius of McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.); within 2 miles each side of Orlando VORTAC 175° radial, extending from the 5-mile radius zone to 13.5 miles south of the VORTAC; excluding the portion within Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.) control zone.

Oscoda, Mich.
Within a 5-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB VOR 240° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Wurtsmith AFB VOR 056° radial extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN.

Oshkosh, Wis.
Within a 5-mile radius of Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3 miles each side of the Oshkosh VOR 275° radial extending from the 5-mile radius zone to 9½ miles west of the VOR; and within 3 miles each side of the Oshkosh VOR 182° radial extending from the 5-mile radius zone to 9½ miles south of the VOR.

Ottumwa, Iowa
Within a 5-mile radius of Ottumwa Municipal Airport (Lat. 41°06'25" N, Long. 92°26'50" W) and within 2 miles either side of the Ottumwa VORTAC 309° radial extending from the 5-mile radius zone to the VORTAC.

Owensboro, Ky.
Within a 5-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 2.5 miles each side of Owensboro VOR 181° radial, extending from the 5-mile radius zone to the Masonville RBN (lat. 37°39'35" N., long. 87°10'17" W.); within 3 miles each side of Owensboro VOR 222° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within 3 miles each side of Owensboro VOR 352° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Oxnard, Calif. (Ventura County Airport)
Within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual

Paducah, Ky.
Within a 5-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 3 miles each side of the 234° bearing from Paducah RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of Cunningham VORTAC 045° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC.

Palacios, Tex.
That airspace within a 5-mile radius of Palacios Municipal Airport (latitude 28°43'35" N., longitude 96°15'15" W.) and within 2 miles each side of the 323° bearing from the Palacios DF station (latitude 28°43'22" N, longitude 96°15'07" W.) extending from the 5-mile radius zone to 8 miles northwest of the DF station.

Palm Beach, Fla.
Within a 5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within 3 miles each side of the Palm Beach VORTAC 275° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; excluding that airspace within a 1.5-mile radius of Palm Beach County Park (Lantana) Airport (lat. 26°35'35" N., long. 80°05'10" W.).

Palmdale, Calif.
Within a 5-mile radius of Air Force Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118° 04'54" W.), within 3 miles each side of the ILS localizer east course, extending from the 5-mile radius zone to 7.5 miles east of the LOM, and within 2 miles south of and parallel to the Palmdale VORTAC 099° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Palm Springs, Calif.
Within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles each side of the Palm Springs VOR 120° and 300° radials, extending from 3.5 miles SE to 3 miles NW of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Palo Alto, Calif.
Within a 3-mile radius of Palo Alto Airport (latitude 37°27'39" N., longitude 122°06'50" W.) excluding the portion southeast of a line extending from latitude 37°25'14" N., longitude 122°08'30" W. to latitude 37°26'30" N., longitude 122°05'43" W. to latitude 37°29'10" N., longitude 122°04'08" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Panama City, Fla.
Within a 5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within 3 miles each side of the Panama City VOR 059°, 152° and 310° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast and northwest of the VOR; excluding that portion within the Tyndall AFB control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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Paris, Tex.
That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius to the VOR. The control zone shall be effective during the times established by a Notice to Airmen and published continuously thereafter in the Airman's Information Manual.

Parkersburg, W. Va.
Within a 4-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.;
and within 2 miles each side of the Parkersburg VOR 208° radial extending from the 4-mile radius zone to the VOR.

Pasco, Wash.
That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°06'53" W.), within 4 miles each side of the Pasco ILS localizer northeast course extending from the 5-mile radius zone to 10 miles northeast of the OM (46°18'41" North Latitude, 119°03'00" West Longitude) and within 3 miles each side of the Pasco VOR 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/22/72 37 F. R. 7880 (Changed)

Paso Robles, Calif.
Within a 5-mile radius of Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.).

Patuxent River, Md.
Within a 5-mile radius of the center, 38°17'15" N., 76°24'30" W., of NAS Patuxent River Airport, Patuxent River, Md.; within 2 miles each side of the Patuxent River VORTAC 043° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; within 2 miles each side of the Patuxent River VORTAC 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC; within 2 miles each side of the Patuxent River LF RBN 233° bearing extending from the 5-mile radius zone to 7 miles southwest of the RBN; within 2 miles each side of the Patuxent River VORTAC 139° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Patuxent River UHF RBN 139° bearing extending from the 5-mile radius zone to 12 miles southeast of the RBN; within a ½-mile radius of the center, 38°13'30" N., 76°26'30" W., of Park Hall, Md., Airport; and within a ½-mile radius of the center, 38°21'40" N., 76°24'15" W., of Chesapeake Ranch Airpark.

Pellston, Mich.
Within a 5-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); within 2½ miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 5½ miles southeast of the airport; and within 5 miles each side of the Pellston VORTAC 238° radial extending from the airport to 21 miles southwest of the VORTAC.

Pendleton, Oreg.
Within a 5-mile radius of Pendleton Airport (latitude 45°41'42" N., longitude 118°50'25" W.), and within 2 miles each side of the Pendleton VORTAC 273° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

Pensacola, Fla.
Within a 5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to 8.5 miles south of Pickens RBN, and within the portion of a 4-mile radius of NAS Ellyson Field (lat. 30°31'30" N., long. 87°12'00" W.), extending clockwise from a line 2 miles southwest of and parallel to the 331° bearing from Brent LOM to the 5-mile radius zone.

Pensacola, Fla. (NAS Saufley Field)
Within a 5-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 3 miles each side of the 214° bearing from NAS Saufley RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of the Saufley VOR 234° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; excluding the portions within the Pensacola, Fla., and Pensacola NAS, Fla., control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Pensacola, NAS, Fla.
Within a 5-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 3 miles each side of the 134° bearing from NAS Pensacola LF RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 5-mile radius zone to 8.5 miles south of the RBN; within 1.5 miles each side of NAS Pensacola TACAN 193° and 235° radials, extending from the 5-mile radius zone to 6.5 miles southwest of the TACAN.

Peoria, Ill.
Within a 5-mile radius of the Greater Peoria Airport (lat. 40°39'47" N., long. 89°41'22" W.) and within 4.5 miles each side of the Greater Peoria Airport ILS localizer northwest course, extending from the 5-mile radius zone to 17.5 miles northwest of the airport.

Philadelphia, Pa.
Within a 5-mile radius of Philadelphia International Airport (Lat. 39°52'31" N, Long. 75°14'20" W), and within 2 miles either side of the Philadelphis ILS localizer W course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Philadelphia ILS localizer E course extending from the 5-mile radius zone to 5 miles east of the localizer.

Philipsburg, Pa.
Within a 5-mile radius of the center 40°53'05" N., 78°05'15" W. of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 247° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 162° bearing from the Ginter RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the 333° bearing from the Philipsburg VHF/DF station extending from the 5-mile radius zone to 6 miles NW of the station.

Phoenix-Litchfield, Ariz.
Within a 4-mile radius of Phoenix-Litchfield Airport (latitude 33°25'25" N., longitude 112°22'30" W.), excluding the portion within the Phoenix, Ariz. (Luke Air Force Base) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Phoenix, Ariz. (Luke AFB)
Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) within 2 miles each side of the Luke TACAN 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN, and within 2 miles each side of the Luke TACAN 209° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the Luke TACAN. This control zone is effective from 0600 to 0000 hours local time daily.

AMENDMENTS 7/24/72 37 F. R. 14993 (Changed)

Phoenix, Ariz. (Sky Harbor Airport)
Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.

Pierre, S. Dak.
Within a 5-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); and within 1 mile each side of the Pierre ILS localizer northwest course extending from the 5-mile radius zone to 6 miles northwest of the airport.

AMENDMENTS 12/7/72 37 F. R. 21929 (Rewritten)

Pine Bluff, Ark.
That airspace within a 5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 2 miles each side of the Pine Bluff VORTAC 186° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

Pittsburgh, Pa. (Allegheny County)
Within a 5-mile radius of the center lat. 40°21'17" N., long. 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Cecil RBN extending from the 5-mile radius area to 8.5 miles west of the RBN.

Pittsburgh, Pa. (Greater Pittsburgh)
Within an 8-mile radius of the center, lat. 40°29'37" N., long. 80°13'54" W. of Greater Pittsburgh Airport, Pittsburgh, Pa., excluding a 1-mile radius area of the center lat. 40°35'30" N., long. 80°17'30" W. of Aliquippa-Hopewell Airport, Aliquippa, Pa.

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Plainview, Tex.
Within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

Plattsburgh, N. Y.
Within a 5-mile radius of the Plattsburgh AFB (Lat. 44°39'05" N, Long. 73°28'10" W); within a 5-mile radius of the Clinton County Airport (lat. 44°41'10" N, long. 73°31'10" W.); within 2 miles either side of the Valcour, New York TACAN 338° radial extending from the Clinton County Airport 5-mile radius zone to 12 miles N of the TACAN.

Pocatello, Idaho
Within a 5-mile radius of Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.), and within 3 miles each side of the Pocatello VORTAC 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.
PENDING AMENDMENT
The description of the Pocatello, Idaho, control zone is amended as follows: To the existing description add: that airspace within 5 miles each side of the Pocatello VORTAC 225° radial extending from the 5-mile radius to 10½ miles southwest of the VORTAC excluding that airspace within a 1-mile radius of the American Falls Airport (latitude 42°48'00" N., longitude 112°49'30" W.), American Falls, Idaho.

AMENDMENTS 2/1/73 37 F. R. 24737 (Changed)

Point Barrow, Alaska
Within a 5-mile radius of the Point Barrow AFS Airport, Point Barrow, Alaska (latitude 71°20'18" N., longitude 156°38'00" W.); within an 8-mile radius of the Point Barrow RBN (PBA), extending clockwise from a line 2 miles northwest of and parallel to the 028° bearing from the RBN to a line 2 miles southeast of and parallel to the 041° bearing from the RBN; within a 5-mile radius of the Wiley Post-Will Rogers Memorial Airport, Barrow, Alaska (latitude 71°17'05" N., longitude 156°46'05" W.); within 2 miles each side of the 226° bearing from the Barrow, Alaska RBN (BRW), extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the 266° bearing from the Barrow RBN (BRW), extending from the 5-mile radius zone to 8 miles west of the RBN.
PENDING AMENDMENT
Point Barrow, Alaska
Within a 5-mile radius of the Point Barrow AFS Airport (latitude 71°20'21" N., longitude 156°37'45" W.); within a 5-mile radius of the Wiley Post-Will Rogers Memorial Airport (latitude 71°17'11" N., longitude 156°46'15" W.); within 3 miles each side of the Point Barrow RBN (PTR) 051° bearing extending from the 5-mile radius zone to 10 miles northeast of the RBN (PTR); within 2.5 miles each side of the Barrow (RBN) (BRW) 090° bearing, extending from the 5-mile radius zone to 10 miles east of the RBN; within 2.5 miles each side of the Barrow RBN (BRW) 226° bearing, extending from the 5-mile radius zone to 10 miles southwest of the RBN; and within 2.5 miles each side of the Barrow RBN (BRW) 270° bearing, extending from the 5-mile radius zone to 10.5 miles west of the RBN.

AMENDMENTS 1/4/73 37 F. R. 23904 (Rewritten)

Point Mugu, Calif.
Within a 5-mile radius of NAS Point Mugu (lat. 34°07'05" N., long. 119°07'20" W.) and within the arc of a 12-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 200° radial to the 252° radial, excluding the portion within the Oxnard, Calif. (Ventura County Airport), control zone when it is effective.

Ponca City, Okla.
Within a 5-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.); within 2 miles each side of the 225° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the 359° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 12 miles N of the RBN.

Ponce, P. R.
Within a 5-mile radius of the Mercedita Airport, Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.); within 3.5 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8½ miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International NOTAMs.

Pontiac, MI.
Within a 5-mile radius of the Oakland-Pontiac Airport (latitude 42°39'53" N., longitude 83°25'01" W.); within 3 miles each side of the Pontiac VORTAC 116° and 272° radials, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC. This control zone is effective from 0600 to 2400 hours local time, daily.

AMENDMENTS 3/30/72 37 F. R. 2835 (Rewritten)

Port Angeles, Wash.
Within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles each side of the Port Angeles VOR 093° radial, extending from the 5-mile radius zone to 8 miles E of the VOR, and within 2 miles each side of the 089° bearing from the Ediz Hook, Wash., RBN, extending from the 5-mile radius zone to 8 miles E of the RBN. This control zone is effective 0400 to 2200 hours, local time, daily.

Portland, Maine
Within a 5-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport, excluding the portion within a 1-mile radius of Oak Knoll Airport, Scarboro, Maine (43°35'21" N., 70°22'03" W.).

Portland, Oreg.
Within a 5-mile radius of Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.); within a 3-mile radius of the Troutdale Airport (latitude 45°33'00" N., longitude 122°23'50" W.); within 2 miles each side of the Portland VORTAC 180° radial, extending from the 5-mile radius zone to 3.5 miles south of the VORTAC; within 2.5 miles each side of the Portland Runway 10R ILS localizer northwest course, extending from the 5-mile radius zone to 1 mile northwest of the LOM, and within 3 miles each side of the 119° and 299° bearings from the Lake LOM, extending from the 5-mile radius to 8 miles southeast of the LOM, excluding the portion within the Troutdale, Oreg., control zone when the Troutdale control zone is effective.

Portsmouth, N. H.
Within a 5-mile radius of Pease AFB, Protsmouth, N. H. (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the centerline of Runway 16 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the Pease AFB TACAN 142° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; within 2 miles each side of the Pease AFB TACAN 332° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN.

Poughkeepsie, N. Y.
Within a 5-mile radius of the center, 41°37'40" N., 73°53'00" W. of Dutchess County Airport, Poughkeepsie, N. Y., and within 2 miles each side of the Kingston VOR 025° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Prescott, AZ.
Within a 6-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.).

AMENDMENTS 5/25/72 37 F. R. 6924 (Rewritten) Corr: 37 F. R. 8524

Presque Isle, Maine
Within a 5-mile radius of the center, lat. 46°41'30" N., long. 68°02'30" W. of Presque Isle Municipal Airport, Presque Isle, Maine; within 3.5 miles each side of the 167° bearing from lat. 46°37'46" N., long. 68°01'51" W., extending from the 5-mile radius zone to 10 miles south of the RBN, and within 1.5 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile radius zone to the Presque Isle VORTAC. This control zone is effective from 0800 to 2000 hours, local time, Sunday through Friday; 0800 to 1730 hours, local time, Saturday or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 9/26/72 37 F. R. 20109 (Changed)

Providence, R. I.
Within a 5-mile radius of Theodore Francis Green State Airport, Providence, R. I., (Lat. 41°43'30" N, Long. 71°25'48" W), and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

Pueblo, Colo.
Within a 5-mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles each side of the Pueblo ILS localizer west course, extending from the 5-mile radius zone to the LOM; within 4 miles each side of the Pueblo VORTAC 081° radial, extending from the 5-mile radius zone to 9 miles east of the VORTAC.

Pullman, Wash.
Within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR 047° radial, extending from the 5-mile zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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Quantico, Va.
Within a 5-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va., and within 2 miles each side of the Brooke, Va., VOR 013° radial extending from the 5-mile radius zone to 2 miles north of the VOR. This control zone is effective from 0700 to 2200 hours, local time, Wednesday and Thursday; from 0700 to 1800 hours, local time, Friday through Tuesday.

PENDING AMENDMENT

Quantico, Va.
Within a 5-mile radius of the center, lat. 38°30'15" N., long. 77°18'15" W. of Quantico MCAS (Turner Field), Quantico, Va.; and within 3.5 miles each side of the 201° bearing from the Marine Quantico RBN, extending from the 5-mile radius zone to 11.5 miles south of the RBN. This control zone is effective from 0700 to 1800 hours, local time, Friday through Monday; from 0700 to sunset plus 2 hours and 45 minutes, local time, Tuesday through Thursday.

AMENDMENTS 2/1/73 37 F. R. 25488 (Rewritten)

Quincy, Ill.
That airspace within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Quincy VORTAC 035° radial extending from the 5-mile radius zone to 12 miles northeast of the airport.

Quonset Point, R. I.
Within a 5-mile radius of NAS Quonset Point (latitude 41°35'55" N., longitude 71°24'50 W.), within 2 miles each side of the NAS Quonset Point TACAN 151° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN, within 2 miles each side of the NAS Quonset Point VOR 141° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, within 2 miles each side of the 145° bearing from the NAS Quonset Point RBN, extending from the 5-mile radius zone to 9 miles SE of the RBN, and within a 4-mile radius of Newport State Airport,
Newport, R. I. (latitude 41°31'50" N., longitude 71°17'00" W.), excluding that portion within the Providence, R. I., control zone.

Raleigh, N. C.
Within a 5-mile radius of Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.); within 3.5 miles each side of Raleigh VORTAC 034° and 231° radials, extending from the 5-mile radius zone to 10.5 miles northeast and southwest of the VORTAC.

AMENDMENTS 10/17/72 37 F. R. 23177 (Changed)

Rapid City, S. Dak. (Ellsworth AFB)
Within a 5-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Regional Airport) control zone.

Rapid City, S. Dak. (Regional Airport)
Within a 5-mile radius of Rapid City Regional Airport (latitude 44°02'30" N., longitude 103°03'20" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

Rawlins, Wyo.
Within a 5-mile radius of Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius zone to the radiobeacon.

Reading, Pa.
Within a 5-mile radius of the center, 40°22'39" N., 75°57'57" W. of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa.,
and within 2 miles each side of the airport ILS localizer S course extending from the 5-mile radius zone to 8 miles S of the OM and within 2 miles each side of the Reading VHF/DF (40°22'42" N., 75°57'30" W.) 201° bearing extending from the 5-mile radius zone to 8 miles S of the VHF/DF site.

Red Bluff, Calif.
Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif. (latitude 40°09'15" N., longitude 122°14'50" W.), and within 2 miles each side of the Red Bluff VORTAC 167° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.

Redding, Calif.
Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles west and 4 miles east of the Redding VOR 192° radial extending from the 5-mile radius zone to 8 miles south of the VOR, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.) and Enterprise Sky Park (latitude 40°34'26" N., longitude 122°19'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/30/72 37 F. R. 727 (Rewritten)
AMENDMENTS 12/7/72 37 F. R. 21321 (Rewritten)

Redmond, Oreg.
Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), and within 1.5 miles each side of the Redmond VORTAC 269° and 089° radials extending from the 5-mile radius zone to 1 mile west of the VORTAC.

Redwood Falls, Minn.
Within a 5-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.).

Renton, Wash.
That airspace bounded by a line beginning at latitude 47°32'10" N., longitude 122°12'40" W.; thence clockwise along an arc of a 3-mile radius circle centered on the Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122°09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122°12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N.; longitude 122°13'33" W., to latitude 47°31'27" N., longitude 122°13'33" W., thence to point of beginning. This control zone is effective from 0700 to 2300 hours local time daily.

Rhinelander, Wis.
Within a 5-mile radius of Rhinelander-Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile radius zone to 6½ miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile radius zone to 6½ miles northwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Richmond, Va.
Within a 5.5-mile radius of the center, lat. 37°30'16" N., long. 77°19'11" W. of Richard Evelyn Byrd International Airport, Richmond, Va.; within 3.5 miles each side of the Richmond VORTAC 342° radial extending from the 5.5-mile radius zone to 10 miles north of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 359° radial extending from the 5.5-mile radius zone to 10 miles north of the VORTAC; within 3 miles each side of the Richmond VORTAC 065° radial extending from the 5.5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 134° radial extending from the 5.5-mile radius zone to 10 miles southeast of the VORTAC; and within 2 miles each side of the Richmond VORTAC 137° radial extending from the 5.5-mile radius zone to 10 miles southeast of the VORTAC.

AMENDMENTS 11/9/72 37 F. R. 18904 (Rewritten)

Riverside, Calif. (March AFB).
Within a 5-mile radius of March AFB (latitude 33°52'50" N., longitude 117°15'30" W.); within 2 miles each side of the March AFB VOR 329° and 149° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the March AFB TACAN 325° radial, extending from the 5-mile radius zone to 5 miles NW of the TACAN.

Riverside, Calif. (Municipal Airport)
Within a 3-mile radius of the Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.), within 2 miles each side of the Riverside VOR 292° radial, extending from the 3-mile radius zone to 4.5 miles W of the VOR; within 2 miles each side of the Riverside VOR 103° radial, extending from the 3-mile radius zone to 7 miles E of the VOR; and within 2 miles each side of the Riverside VOR 108° radial, extending from the 3-mile radius zone to 5 miles E of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.), and the portion that coincides with the Riverside, Calif. (March AFB), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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Riverton, Wyo.
Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.) within 2 miles each side of the Riverton VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, within 3 miles each side of the Riverton VOR 123° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Roanoke, Va.
Within a 5-mile radius of the center, 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to 2.5 miles southeast of the OM.

Rochester, Minn.
Within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2 miles each side of the Rochester ILS localizer southeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 029° radial, extending from 1 mile northeast of the VOR to 15 miles northeast of the VOR.

Rochester, N. Y.
Within a 5-mile radius of the center, 43°07'10" N., 77°40'15" W., of the Rochester Monroe County Airport, Rochester, N. Y.; within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Rochester VOR 026° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the Rochester VOR 214° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR and within 2 miles each side of the Rochester ILS localizer east course extending from the 5-mile radius zone to the OM.

Rockford, Ill.
Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Rockford VORTAC 117° radial, extending from the 5-mile radius zone to the VORTAC.

Rock Springs, Wyo.
Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5 radius zone to 9 miles east of the OM, and within 3.5 miles each side of the Rock Springs VORTAC 104° radial, extending from the 5.5 radius zone to 11.5 miles east of the VORTAC.

Rocky Mount, N. C.
Within a 5-mile radius of Rocky Mount Downtown Airport (latitude 35°58'01" N., longitude 77°47'33" W.).

AMENDMENTS 5/18/72 37 F. R. 10661 (Changed)

Rocky Mount, NC (Rocky Mount-Wilson Airport)
Within a 5-mile radius of Rocky Mount-Wilson Airport (latitude 35°51'17" N., longitude 77°53'34" W.); excluding the portion within the Rocky Mount, NC., control zone. This control zone is effective from 0700 to 2030 hours, local time, daily, Monday through Friday, and 0700 to 2000 hours, local time, Saturday and Sunday.

AMENDMENTS 10/12/72 37 F. R. 16170 (Added)

Rome, N. Y.
Within a 5-mile radius of the center, 43°14'10" N., 75°24'25" W. of Griffiss AFB, Rome, N. Y., and within 2 miles each side of bearing 135°/315° from a point 43°10'08" N., 75°19'08" W. extending from the 5-mile radius zone to 6 miles southeast of said point; within 2 miles each side of the Griffiss TACAN 306° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of a bearing 142° from the Rome, N. Y., ILS OM, extending from the OM to 4 miles SE of the OM.

Roosevelt Roads, P. R.
Within a 5-mile radius of NS Roosevelt Roads (lat. 18°15'05" N., long. 65°38'35" W.); within 3 miles each side of the 052° bearing from Roosevelt Roads RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

Roswell, N. M.
That airspace within a 6-mile radius of the Roswell Industrial Air Center Airport (latitude 33°17'59" N., longitude 104°31'48" W.); within 2 miles each side of the extended centerline of runway 3 extending from the 6-mile radius zone to the LOM; and within 2 miles each side of the extended centerline of runway 21 extending from the 6-mile radius zone to 6 miles southwest of the lift-off end of runway 21. This control zone is effective during the dates and times published in the Airman's Information Manual.

Russell, Kans.
Within a 5-mile radius of Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.).

Sacramento, Calif. (Sacramento Metropolitan Airport)
That airspace within a 5-mile radius of the Sacramento Metropolitan Airport (latitude 38°41'43" N., longitude 121°36'01" W.), and within 2 miles each side of the Sacramento Metropolitan Airport localizer (latitude 38°40'32" N., longitude 121°36'02" W.) N and S courses, extending from the 5-mile radius zone to 6 miles north and south of the airport; and including that airspace adjoining the McClellan AFB and Sacramento Municipal Airport control zones between latitude 38°41'43" N. and the Sacramento VORTAC 351° T radial.

Sacramento, Calif. (Sacramento Municipal)
Within a 5-mile radius of Sacramento Municipal Airport (latitude 38°30'45" N., longitude 121°29'35" W.), within 2 miles each side of the Sacramento VORTAC 033° radial, extending from the 5-mile radius zone SW to the VORTAC and that airspace NE of the Sacramento Municipal Airport, extending from the Sacramento Municipal 5-mile radius zone to the McClellan AFB and Mather AFB 5-mile radius zones, bounded on the SE by the Sacramento 064° radial and on the NW by a line 2 miles NW of and parallel to the Sacramento 033° radial.

Sacramento, Calif. (Mather AFB)
Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.) within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB) 5-mile radius zone.

Sacramento, Calif. (McClellan AFB)
Within a 5-mile radius of McClellan AFB (latitude 38°39'45" N., longitude 121°24'10" W.), within 2 miles E and 2.5 miles W of the McClellan TACAN 004° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the McClellan AFB 5-mile radius zone with the Sacramento, Calif. (Mather AFB), 5-mile radius zone.

Saginaw, Mich.
That airspace within a 5-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.) and within 2½ miles each side of the Saginaw, Mich. VORTAC 030°, 146°, 233°, and 310° radius extending from the 5-mile radius zone to 6½ miles northeast, southeast, southwest, and northwest of the VORTAC.

St. Charles, Ill.
Within a 3-mile radius of Du Page County Airport, St. Charles, Ill. (latitude 41°54'45" N., longitude 88°14'35" W.); and within 2 miles either side of the Du Page VOR 069° radial, extending from the 3-mile radius zone to the VOR.

St. Joseph, Mo.
Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2 miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC.

St. Louis, Mo.
Within a 5-mile radius of St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 2 miles each side of the St. Louis International Airport Runway 24 ILS localizer southwest course, extending from the 5-mile radius zone to 10½ miles southwest of the OM; within 2 miles each side of the St. Louis VORTAC 142° radial; extending from the 5-mile radius zone to 7 miles northwest of the northwest end of the St. Louis International Airport Runway 12R; within 2 miles each side of the St. Louis International Airport Runway 12R ILS localizer northwest course, extending from the 5-mile radius zone to the Runway 12R OM; and within 2 miles each side of the St. Louis International Airport Runway 12R ILS localizer southeast course, extending from the 5-mile radius zone to 6 miles southeast of the Runway 12R localizer.

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St. Paul, Minn.
Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) latitude 44°56'10" N., longitude 93° 03'40" W.), excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of South St. Paul Municipal Airport (Fleming Field) (latitude 44°51'25" N., longitude 93° 01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

St. Petersburg, Fla. (Albert-Whitted Airport)
Within a 5-mile radius of the Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.); within 1.5 miles each side of the St. Petersburg VORTAC 159° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC, excluding the portion within the St. Petersburg and MacDill AFB control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

St. Petersburg, Fla.
Within a 5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41' 19" W.); within 2.5 miles each side of St. Petersburg VORTAC 343° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC.

Saipan Island
Within a 5-mile radius of Kobler Field (latitude 15°07'30" N.,longitude 145°42'29" E.); within 3.5 miles each side of the Saipan RBN (latitude 15°07'32" N., longitude 145°41'58" E.) 254° bearing, extending from the 5-mile radius zone to 12 miles southwest of the RBN, and within 2 miles each side of the extended centerline of the east/west runway, extending from the 5-mile radius zone to 6.5 miles east of the Kobler Field. This control zone is effective from 0800 to 1630 hours, local time, daily.

AMENDMENTS 2/3/72 36 F. R. 23357 (Added)

Salem, Oreg.
Within a 5-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.) and within 2 miles each side of the Salem ILS localizer SE course, extending from the 5-mile radius zone to the LOM.

Salina, Kansas
Within a 5-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 98°39'30" W.); within 1½ miles each side of the Salina VORTAC 192° radial, extending from the 5-mile radius zone to the VORTAC and within 2 miles each side of the Salina ILS localizer S course, extending from the 5-mile radius zone to 2½ miles N of the OM.

Salinas, Calif.
Within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'20" W.), and within 2 miles NE and 3 miles SW of the Salinas VORTAC 319° radial, extending from the 5-mile radius zone to 6 miles NW of the VORTAC, excluding the portion within the Fort Ord, Calif., control zone.

Salisbury, Md.
Within a 5-mile radius of the center, lat. 38°20'21" N., long. 75°30'41" W. of Salisbury-Wicomico County Airport, Salisbury, Md.; within 3.5 miles each side of the Salisbury VORTAC 209° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC; within 3.5 miles each side of the Salisbury VORTAC 052° radial, extending from the 5-mile radius zone to 9.5 miles northeast of the VORTAC and within 3.5 miles each side of the Salisbury VORTAC 132° radial, extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

AMENDMENTS 12/7/72 37 F. R. 20806 (Rewritten)

Salt Lake City, Utah
Within a 5-mile radius of Salt Lake City International Airport (latitude 40°47'10" N., longitude 111°58'05" W.), and within 2 miles each side of the Salt Lake City VORTAC 347° radial extending from the 5-mile radius zone to 1 mile north of the VORTAC.

San Angelo, Tex.
Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial, and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

San Antonio, Tex. (International Airport)
That airspace within a 5-mile radius of San Antonio International Airport (latitude 29°31'50" N., longitude 98°28'12" W.); within 2 miles each side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the San Antonio ILS localizer northwest course extending from the 5-mile radius zone to 1 mile southeast of the OM, within 2 miles each side of the San Antonio ILS localizer northeast course extending from the 5-mile radius zone to 6 miles northeast of the airport, and within 2 miles each side of the San Antonio ILS localizer southeast course extending from the 5-mile radius zone to 7 miles southeast of the localizer, and within 2 miles each side of a 132° bearing from the LOM extending from the 5-mile radius zone to 15.5 miles southeast of the LOM.

San Antonio, Tex. (Kelly AFB)
That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM, and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile radius zone to the TACAN.

San Antonio, Tex. (Randolph AFB)
That airspace within a 5-mile radius of Randolph AFB (latitude 29°32'09" N., longitude 98°16'57" W.); within 2 miles each side of the LaVernia, Tex., VOR 329° and 338° radials, extending from the 5-mile radius zone to 1 mile northwest of the VOR, within 2 miles each side of the Randolph AFB TACAN 323° radial extending from the TACAN to 8 miles northwest, and within 2 miles each side of the Randolph AFB TACAN 156° radial extending from the TACAN to 8 miles southeast.

San Antonio, Tex. (Stinson Field)
Within a 3-mile radius of Stinson Field (latitude 29° 20' 15" N., longitude 98° 28' 20" W.), and within 2 miles each side of the Stinson VOR 346° radial, extending from the 3-mile radius zone to the VOR, excluding the portion within the Kelly AFB control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

San Bernardino, Calif. (Norton AFB)
Within a 5-mile radius of the Norton AFB (latitude 34°05'45" N., longitude 117°14'05" W.), and within 2 miles N and 2.5 miles S of the ILS localizer SW course extending from the 5-mile radius zone to 2 miles NE of the OM, excluding the portion within a 1-mile radius of the Redland, Calif., Municipal Airport (latitude 34°05'05" N., longitude 117°08'35" W.).

San Carlos, Calif.
Within a 3-mile radius of the San Carlos Airport (latitude 37°30'40" N., longitude 122°14'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

San Clemente Island, Calif.
Within a 5-mile radius of NALF San Clemente (latitude 33°01'20" N., longitude 118°35'15" W.) extending upward from the surface to and including 5,000 feet MSL, excluding that airspace beyond 3 NM from and parallel to the shoreline. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

San Diego, Calif. (Brown Field)
Within a 3-mile radius of Brown Field Municipal Airport (latitude 32°34'22" N., longitude 116°58'47" W.), excluding that airspace west of longitude 117°01'00" W., and south of the United States/Mexican Border. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Diego, Calif. (Lindbergh Field)
Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32° 43' 58" N., longitude 117° 11' 14" W.); and within 2 miles each side of the Lindbergh ILS localizer E course, extending from the 5-mile radius zone to 7 miles east of the airport, excluding the portion S of a line extending from latitude 32°43'22" N., longitude 117°16'20"
W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32° 41' 02" N., longitude 117° 07' 25" W.; and the portion N of latitude 32° 47' 00" N.

San Diego, Calif. (Montgomery Field)
Within a 3-mile radius of Montgomery Field (latitude 32°49'00" N., longitude 117°08'20" W.), excluding those portions within the NAS Miramar and San Diego (Lindbergh Field) control zones. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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San Diego, Calif. (NAS North Island)
Within a 5-mile radius of NAS North Island (latitude 32° 42' 00" N., longitude 117° 12' 35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N of a line from latitude 32° 43' 22" N., longitude 117° 17' 20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32°41'02" N., longitude 117°07'25" W., and the portion within the NAS Imperial Beach, Calif., control zone.

San Diego, Calif. (San Diego County-Gillespie Field)
Within a 3-mile radius of San Diego County-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in The Airman's Information Manual.

San Francisco, Calif.
Within a 7-mile radius of the San Francisco International Airport (Lat. 37°37'07" N, Long. 122°22' 35" W, including the airspace bounded on the SW by the San Francisco 7-mile radius zone and on the N and NE by the Oakland and NAS Alameda control zones, excluding the portion within the Oakland control zone.

San Jose, Calif.
Within a 5-mile radius of San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'30" W.), excluding the portion NW of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

San Jose, Calif. (Reid-Hillview Airport)
That airspace within a 3-mile radius of the Reid-Hillview Airport (latitude 37°19'55" N., longitude 121° 49'10" W.), excluding that portion within the San Jose control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Juan, P. R. (International Airport)
Within a 5-mile radius of Puerto Rico International Airport (lat. 18°26'48" N., long. 66°00'07" W.); within a 3-mile radius of Isla Grande Airport (lat. 18°27'33" N., long. 66°05'55" W.); within 5 miles each side of the San Juan VORTAC 058° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 3.5 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile radius zone to 11 miles east of the VORTAC; within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the San Pat RBN.

AMENDMENTS 9/14/72 37 F. R. 14291 (Rewritten)

San Rafael, Calif.
Within a 5-mile radius of Hamilton AFB, San Rafael, Calif. (latitude 38°03'35" N., longitude 122°30'35" W.), within 2 miles SW and 2.5 miles NE of the Hamilton AFB TACAN 140° radial, extending from the 5-mile radius area to 9 miles SE of the TACAN, and within 2 miles each side of the Hamilton AFB TACAN 305° radial extending from the 5-mile radius zone to 12 miles NW of the TACAN.

Santa Ana, Calif. (MCAS)
Within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) and within a 5-mile radius of Orange County Airport, Santa Ana, Calif., (latitude 33°40'10" N., longitude 117°52'15" W.) excluding the portion within a 1-mile radius of Mile Square MCOLF, and that portion east and south of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°41'15" N., longitude 117°48'10" W., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Santa Ana, Calif. (Orange County Airport)
Within a 5-mile radius of Orange County Airport (latitude 33°40'32" N., longitude 117°52'15" W.) and within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding the portion within a 1-mile radius of Mile Square MCOLF, that portion east of a line extending from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°36'10" N., longitude 117°50'20" W. and that portion within the Santa Ana, Calif. (MCAS) control zone during the time it is effective. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Santa Barbara, Calif.
Within a 5-mile radius of Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.); within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the 5-mile radius zone to the OM.

Santa Fe, N. Mex.
Within a 6.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05' 25" W.).

Santa Maria, Calif.
Within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.); within 1.5 miles each side of the Santa Maria VOR 133° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VOR. This control zone is effective from 0700 to 2200 hours local time daily.

AMENDMENTS 8/17/72 37 F. R. 11559 (Changed)

Santa Monica, Calif.
Within a 3-mile radius of Santa Monica Municipal Airport (latitude 34°00'57" N., longitude 118°27'00" W.); within 2 miles each side of the Santa Monica VOR 231° radial, extending from the 3-mile radius zone to 3 miles SW of the VOR; within 2 miles each side of the Santa Monica VOR 056° radial, extending from the 3-mile radius zone to 5 miles NE of the VOR, excluding the portion S of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Airman's Information Manual.

Santa Rosa, Calif.
Within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddington Airport (latitude 38°28'30" N., longitude 122°44'25" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Sarasota, Fla.
Within a 5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 5-mile radius zone to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Sault Ste. Marie, Mich. (Kincheloe AFB)
Within a 5-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 2 miles each side of the Kincheloe AFB TACAN 143° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN; within 2 miles each side of the Kincheloe AFB TACAN 337° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN; and within 2 miles each side of the Kincheloe AFB ILS localizer northwest course, extending from the 5-mile radius zone to the OM.

Sault Ste. Marie, Mich. (Municipal Airport)
Within the United States within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), and within 2 miles each side of the 129° bearing from the Sault Ste. Marie RBN extending from the 5-mile radius zone to 8 miles SE of the RBN excluding the portion W of a line between the INTs of the 5-mile radius and the Sault Ste. Marie, Ontario, Canada, control zone.

Sault Ste. Marie, Ontario, Canada
Over the United States within a 5-mile radius of the Sault Ste. Marie Airport (latitude 46°29'00" N., longitude 84°31'00" W.), and within 2 miles each side of the Sault Ste. Marie ILS localizer NW course extending from the 5-mile radius zone to the OM, excluding the portion east of a line between the INTs of the 5-mile radius and the 5-mile radius of the Sault Ste. Marie, Mich., control zone.

Savannah, Ga.
Within a 5-mile radius of Savannah Municipal Airport (latitude 32°07'35" N., longitude 81°12'05" W.); within 3 miles each side of Runway 18 extended centerline, extending from the 5-mile radius zone to the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport; within a 5-mile radius of Hunter AAF (latitude 32°00'30" N., longitude 81°08'45" W.); within 2 miles each side of Hunter AAF ILS localizer east course, extending from the 5-mile radius zone to 3 miles west of the OM.

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Schenectady, N. Y.
Within a 5-mile radius of the center 42°51'15" N., 73°55'55" W. of Schenectady County Airport, Schenectady, N. Y.; within 2.5 miles each side of a 037° bearing from the Hunter RBN (42°51'15" N., 73°55'45" W.) extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2.5 miles each side of the Schenectady VOR (42°51'05" N., 73°56'05" W.) 030° radial extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the extended centerline of Runway 28, extending from the 5-mile radius zone to 9 miles west of the end of the runway and within 2 miles each side of the extended centerline of Runway 33, extending from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding the portion that coincides with the Albany, N. Y., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

Scottsbluff, Nebr.
Within a 5-mile radius of the Scottsbluff Municipal Airport (latitude 41°52'30" N., longitude 103°35'40" W.), and within 2 miles each side of the Scottsbluff VORTAC 259° radial, extending from the 5-mile radius zone to the VORTAC.

Seattle, Wash. (Boeing Field International)
That airspace bounded by a line beginning at latitude 47°34'10" N., longitude 122°12'40" W., to latitude 47°32'10" N., longitude 122°12'40" W., thence clockwise via an arc of a 3-mile radius circle centered on Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122° 09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122° 12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°29'20" N., longitude 122°13'33" W., to latitude 47°29' 20" N., longitude 122°23'10" W., thence clockwise along an arc of a 5-mile radius circle centered on Boeing Field International Airport (latitude 47°31'45" N., longitude 122°18'00" W.) to point of beginning; within 2 miles each side of the 150° bearing from the Magnolia LOM, extending from the 5-mile radius arc to 2 miles southeast of the Magnolia LOM, excluding the portion within the Seattle, Wash. (Seattle-Tacoma International Airport), control zone, and the portion within the Renton, Wash., control zone when the Renton control zone is effective.

Seattle, Wash. (Seattle-Tacoma International Airport)
That airspace bounded by a line beginning at latitude 47°29'20" N., longitude 122°13'33" W., thence to latitude 47°28'09" N., longitude 122°13'33" W., thence to latitude 47°27'00" N., longitude 122°11'50" W., thence clockwise along the arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°29'20" N., longitude 122°23'10" W., thence to point of beginning, and within 2 miles each side of the 360° bearing from the Seattle-Tacoma ILS LOM, extending from the 5-mile radius arc to the LOM.

Sedalia, Mo.
Within a 5-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 185° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.

Selma, Ala.
Within a 5-mile radius of Craig AFB (lat. 32°20'30" N., long. 86°59'15" W.); within 2 miles each side of the ILS localizer southeast course, extending from the 5-mile radius zone to 0.5 mile southeast of the LOM; within 1.5 miles each side of Craig TACAN 320° radial, extending from the 5-mile radius zone to 5 miles northwest of the TACAN. This control zone is effective from 0600 to 2400 hours, local time, Monday through Friday; 0600 to 1800 hours, local time, Saturday and Sunday, and closed on holidays.

AMENDMENTS 3/30/72 · 37 F. R. 7387 (Rewritten)
AMENDMENTS 8/29/72 37 F. R. 18289 (Changed)

Shemya, Alaska
Within a 5-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); within 2 miles each side of the 104° bearing from the Shemya RBN, extending from the RBN to 12 miles east of the RBN, and within 2 miles each side of the 284° bearing from the Shemya RBN, extending from the RBN to 8 miles west of the RBN. The portion within R-2204 is excluded.

Sheridan, Wyo.
Within a 5-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC, and within 3.5 miles each side of the Sheridan VORTAC, 139° radial extending from the VORTAC to 23 miles southeast of the VORTAC.

Shreveport, La. (Barksdale AFB)
That airspace within a 5-mile radius of the Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.); within a 5-mile radius of Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Shreveport Downtown VOR 318° radial extending from the 5-mile radius zone to 5.5 miles NW of the VOR, within 2 miles each side of the Elm Grove VOR 330° radial extending from the 5-mile radius zone to 0.5 of a mile NW of the VOR, within 2 miles each side of the Barksdale TACAN 156° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN, excluding the portion within the Shreveport, La. (Shreveport Regional Airport) control zone; and excluding the portion within the Shreveport, La. (Downtown Airport), control zone during the hours the Shreveport, La. (Downtown Airport), control zone is effective.

Shreveport, La. (Downtown Airport)
That airspace within a 5-mile radius of Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44' 40" W.), and within 2 miles each side of the Shreveport Downtown VOR 313° radial extending from the 5-mile radius zone to 5.5. miles NW of the VOR, excluding the portion SE of a direct line between the two intersecting points of a 5-mile radius circle centered on Downtown Airport and Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.) and the portion within the Shreveport, La. (Shreveport Regional Airport) control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

Shreveport, La. (Shreveport Regional Airport)
That airspace within a 5-mile radius of the Shreveport Regional Airport (latitude 32°26'45" N., longitude 93°49'25" W.); and within 2 miles each side of the Greater Shreveport ILS localizer SE course, extending from the 5-mile radius zone to 6 miles SE of the airport.

Sidney, Nebr.
Within a 5-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC.

Silver City, N. Mex.
Within a 5-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3 miles each side of the Silver City VOR 141° radial extending from the 5-mile radius zone to 9 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Simmons Army Air Field, N. C.
Within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°57'05" W.); within 3 miles each side of Simmons VOR 085° radial, extending from the 5-mile radius zone to 8.5 miles east of the VOR; excluding the portion northwest of a line extending from latitude 35°11'15" N., longitude 78°56'05" W. to latitude 35°05'55" N., longitude 79°00'05" W.

Sioux City, Iowa
Within a 5-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2½ miles each side of the Sioux City VORTAC 140° and 320° radials, extending from the 5-mile radius zone to 6 miles southeast of the VORTAC.

Sioux Falls, S. Dak.
Within a 5-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 2 miles each side of the Sioux Falls VORTAC 156° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

Sitka, Alaska
Within a 5-mile radius of the Sitka Airport (latitude 57°03'00" N., longitude 135°21'51" W.); within 2 miles each side of the Biorka Island VORTAC 029° and 209° radials, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC; within 2 miles each side of the Sitka RBN 027° and 207° bearings, extending from the 5-mile radius zone to 2 miles southwest of the RBN; and within 2 miles each side of the LDA northwest course, extending from the 5-mile radius zone to 10 miles northwest of the LDA.

AMENDMENTS 11/9/72 37 F. R. 20233 (Changed)

South Bend, Ind.
Within a 5-mile radius of St. Joseph County Airport, South Bend, Ind. (Lat 41°42'15" N, Long. 86°18' 50" W).

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South Weymouth, Mass.
Within a 5-mile radius of South Weymouth NAS (latitude 42°08'55" N., longitude 70°56'25" W.); within 2 miles each side of the 337° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 6 miles S of the TACAN; and within 2 miles each side of the South Weymouth TACAN 073° radial extending from the 5-mile radius zone to 6 miles E of the TACAN.
This control zone is effective from 0700-2300 hours, local time, Monday through Thursday; 0700-2400 hours, local time, Friday; 0001-2400 hours, local time, Saturday; 0001-2300 hours, local time, Sunday; or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/7/72 37 F. R. 25021 (Changed)

Spartanburg, S. C.
Within a 5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 2 miles each side of Spartanburg VORTAC 196° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; excluding the portion within the Greer (Greenville-Spartanburg Airport), S. C. control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

Spokane, Wash. (Fairchild AFB)
Within a 5-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles southwest of the liftoff end of Runway 23; and within 4 miles northwest and 4.5 miles southeast of the Spokane VORTAC 048° and 228° radials extending from 3 miles northeast to 8 miles southwest of the VORTAC, excluding the portion east of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W.

Spokane, Wash. (Felts Field)
That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.); within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC, and within 2 miles each side of the 086° bearing from the Fort LOM, extending from the 5-mile radius zone to the LOM, excluding the portion within the Spokane, Wash. (International) control zone.

Spokane, Wash. (International)
Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), within 2 miles each side of the Runway 21 centerline extended, extending from the 5-mile radius zone to 6 miles southwest of the lift-off end of Runway 21, and within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the VORTAC to 11 miles northeast of the VORTAC, excluding the portion west of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W.

Springfield, Ill.
That airspace within a 5-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the Capital ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Capital VORTAC 040° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of the Capital VORTAC 036° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; and within 2 miles each side of the Capital VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

Springfield, Mo.
Within a 5-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.) and within 2 miles W and 2.5 miles E of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

Stockton, Calif.
Within a 5-mile radius of Stockton Municipal Airport (latitude 37°53'39" N., longitude 121°14'14" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

Sumter, S. C.
Within a 5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 1.5 miles each side of Shaw AFB TACAN 033° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN: within 2 miles east side of Shaw AFB TACAN 213° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily, during e.s.t., and from 0800 to 2400 hours, local time, daily, during e.d.s.t.

AMENDMENTS 7/1/72 37 F. R. 12221 (Changed)
AMENDMENTS 7/13/72 37 F. R. 14690 (Changed)
AMENDMENTS 11/8/72 through 11/10/72 37 F. R. 21160 (Changed)

Syracuse, N. Y.
Within a 5-mile radius of the center 43°06'50" N., 76°06'35" W. of Syracuse Hancock International Airport, Syracuse, N. Y.; and within 2.5 miles each side of the Syracuse Hancock International Airport Runway 10 ILS localizer back course,
extending from the 5-mile radius zone to 5 miles west of the localizer, excluding that airspace within a 1-mile radius of the center 43°10'45" N., 76°07'30" W. of Michael Field, Cicero, N. Y.

Tacoma, Wash. (McChord AFB)
Within a 5-mile radius of McChord AFB (latitude 47°08'20" N., longitude 122°28'30" W.), excluding the portion SW of a line extending from latitude 47°09'12" N., longitude 122°35'15" W., to latitude 47°04'15" N., longitude 122°31'15" W.; within 2 miles each side of the McChord AFB VOR 182° radial, extending from the 5-mile radius zone to 7.5 miles S of the VOR.

Tacoma, Wash. (Tacoma Industrial Airport)
Within a 5-mile radius of Tacoma Industrial Airport (latitude 47°15'55" N., longitude 122°34'40" W.), excluding the portion E of a line 2 miles E of and parallel to the 009° bearing from the Gray AAF RBN; within 2 miles each side of the 009° bearing from the Gray AAF RBN, extending from the 5-mile radius zone to 1 mile N of the RBN, excluding the portion within the McChord AFB control zone, and within 2 miles each side of the 187° bearing from the Crescent RBN (latitude 47°21'29" N., longitude 122°33'41" W.), extending from the 5-mile radius zone to 1 mile S of the RBN. The control zone will be effective during the times established in advance by a Notice to Airmen continuously published in the Airman's Information Manual.

Talkeetna, Alaska
Within a 5-mile radius of Talkeetna Airport (Lat. 62°19'20" N, Long. 150°05'20" W), from 0545 to 2145, hours, local time, daily.

Tallahassee, Fla.
Within a 5-mile radius of Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within 1.5 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 1.5 miles south of the VORTAC; within 1 mile each side of the ILS localizer north course extending from the 5-mile radius zone to 1.5 miles south of the Joseph Intersection.

Tampa, Fla. (International Airport)
Within a 5-mile radius of Tampa International Airport (lat. 27°58'59" N., long. 82°31'38" W.); within 1.5 miles each side of St. Petersburg VORTAC 064° radial, extending from the 5-mile radius zone to 1 mile northeast of the VORTAC; excluding the portion within St. Petersburg control zone and the portion southeast of a line 2 miles north of and parallel to MacDill AFB ILS localizer northeast course.

Tanana, Alaska
That airspace within a 5-mile radius of the Ralph M. Calhoun Memorial Airport (latitude 65°10'30" N., longitude 152°06'32" W.)
and within 3.5 miles each side of the 251° bearing from the Bear Creek radio beacon, extending from the 5-mile radius zone to 11.5 miles west of the RBN, effective 0545 to 2145 hours, local time, daily or during the specific dates and times established in advance by Notice to Airmen. The effective date and time would thereafter be continuously published in the Flight Information Publication Supplement Alaska.
AMENDMENTS 12/7/72 37 F. R. 21628 (Changed)

Temple, Tex.
That airspace within a 5-mile radius of the Draughon-Miller Airport, Temple, Tex. (latitude 31°09'10" N., longitude 97°24'25" W.); and within 2 miles each side of the Temple, Tex., VOR 348° radial extending from the 5-mile radius zone to 11.5 miles N of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

Terre Haute, Ind.
Within a 5-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 2 miles each side of the Terre Haute ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Terre Haute VORTAC 051° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; and within 2 miles each side of the Terre Haute VORTAC 230° radial, extending from the 5-mile radius zone to 19 miles southwest of the VORTAC.

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Teterboro, N. J.
Within a 5-mile radius of Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.), and within 2 miles each side of the La Guardia VOR 295° radial extending northwest from the Teterboro, N. J., 5-mile radius zone to 17.5 miles northwest of the La Guardia VOR.

Texarkana, Ark.
That airspace within a 5-mile radius of the Texarkana, Ark., Municipal Airport (latitude 33°27'20" N., longitude 93°59'15" W.); and within 2 miles each side of the 129° radial of the Texarkana VORTAC extending from the 5-mile radius zone to 0.5 mile SE of the VORTAC.

Thermal, CA.
Within a 5-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.).

AMENDMENTS 4/27/72 37 F. R. 3745 (Added)

Thief River Falls, Minn.
Within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone will be effective during the times designated by a Notice to Airmen and continuously published in the Airman's Information Manual.

Titusville, Fla.
Within a 5-mile radius of TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion within R-2902A. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Toledo. Ohio
Within a 5-mile radius of the center of Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.: within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to OM; within 2 miles each side of the airport ILS localizer NE course extending NE from the 5-mile radius zone for 7.5 miles from the localizer and within 2 miles each side of the Waterville VOR 318° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR.

Tonopah, Nev.
Within a 5-mile radius of Tonopah Airport (latitude 38°03'30" N., longitude 117°05'00" W.) and within 3.5 miles each side of the Tonopah VORTAC 115° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

AMENDMENTS 2/3/72 36 F. R. 22009 (Rewritten)

Topeka, Kans. (Forbes AFB)
Within a 5-mile radius of Forbes AFB (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN, and within 2 miles each side of the Forbes AFB ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the OM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Philip Billard Airport) control zone.

Topeka, Kans. (Philip Billard Airport)
Within a 5-mile radius of Philip Billard Airport (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 219° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Philip Billard Airport ILS localizer SE course, extending from the 5-mile radius zone to 11 miles SE of the SE end of the Philip Billard Airport Runway 31, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Forbes AFB) control zone.

Torrance, CA.
Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), within 2 miles each side of the Los Angeles VORTAC 150° radial, extending from the 3-mile radius zone to 7 miles southeast of the VORTAC, and within 1 mile each side of the Torrance localizer course extending from the 3-mile radius zone to 5 miles southeast of the lift-off end of Runway 11L. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/20/72 37 F. R. 10661 (Rewritten)

Traverse, City, Mich.
Within a 5-mile radius of Cherry Capital Airport (latitude 44°44'35" N., longitude 85°34'55" W.); and within 3 miles each side of the Traverse City VORTAC 158° and 338° radials, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

Trenton, N. J.
Within a 5-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40°12'00" N., longitude 74°48'55" W.).

Tri-City, Tenn.
Within a 5-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.); within 2 miles each side of Tri-City ILS localizer Northeast course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 042° and 222° bearings from Boone RBN, extending from the 5-mile radius zone to 11 miles southwest of the RBN.

Trinidad, Colo.
Within a 5-mile radius of Los Animas County Airport (latitude 37°15'35" N., longitude 104°20'21" W.), and within 2 miles each side of the 352° bearing from the Trinidad, Colo., RBN extending from the 5-mile radius zone to 8 miles north of the RBN.

Troutdale, Oreg.
Within a 3-mile radius of Troutdale Airport (latitude 45°33'00" N., longitude 122°23'50" W.), within 3 miles each side of the 119° bearing from the Lake LOM, extending from the Lake LOM to 8 miles south of the LOM, and that airspace bounded on the northeast by a line 3 miles northeast of and parallel to the 119° and 299° bearings from the Lake LOM, on the northwest by the 154° radial of the Portland VORTAC, and on the southeast by an arc of the 3-mile radius zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

Troy, Ala.
Within a 5-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 197° radial of the Troy VOR, extending from the 5-mile radius zone to 8.5 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Truth or Consequences, N. Mex.
That airspace within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° and 193° radiale extending from the 5-mile radius zone to a point 9.5 miles north of the VORTAC.

Tucson, Ariz. (Davis-Monthan AFB)
Within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°53'00" W.) excluding the portion subtended by a chord drawn between the points of INT of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles SW and 2.5 miles NE of the Davis-Monthan ILS Localizer SE course, extending from the 5-mile radius zone to the OM.

Tucson, Ariz. (Tucson International Airport)
Within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile radius zone to 15 miles west of the VORTAC; within 2 miles each side of the extended centerline of Runway 21L extending from the 5-mile radius zone to 5 miles southeast of the lift-off end of Runway 12L; within 2 miles northeast and 2.5 miles southwest of the extended centerline of Runway 30R extending from the 5-mile radius zone to 15.5 miles northwest of the lift-off end of Runway 30R, and within 2 miles southeast and 3 miles northwest of the extended centerline of Runway 21 extending from the 5-mile radius zone to 6.5 miles southwest of the lift-off end of Runway 21, excuding the portion subtended by a chord drawn between the points of INT of the Tucson International Airport 5-mile radius zone with the Davis Monthan-AFB 5-mile radius zone.

Tucumcari, N. Mex.
That airspace within a 6-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103° 35'15" W.); within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 033° radial extending beyond the 6-mile radius zone to a point 6.5 miles northeast of the VORTAC; and within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 078° radial extending beyond the 6-mile radius zone to a point 6.5 miles east of the VORTAC.

AMENDMENTS 3/3/72 36 F. R. 24114 (Rewritten)

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Tulsa, Okla.
That airspace within a 5-mile radius of the Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 2 miles each side of the Tulsa ILS localizer N course, extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Tulsa ILS localizer S course, extending from the 5-mile radius zone to 0.5 mile N of the OM; and within 2 miles each side of the Tulsa VORTAC 268° Radial, extending from the 5-mile radius zone to the VORTAC.

Tulsa, Okla. (Riverside Airport)
Within a 3-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 3-mile radius zone to 21 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Tupelo, MS.
Within a 5-mile radius of C. D. Lemons Municipal Airport (lat. 34°15'32" N., long. 88°45'32" W.); within 3 miles each side of Tupelo VOR 214° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR. This control zone is effective from 0700 to 2130 hours, local time, Monday through Friday; 0700 to 2000 hours, local time, Saturday, and 1100 to 2130 hours, local time, Sunday.

AMENDMENTS 9/14/72 37 F. R. 13338 (Added)

Tuscaloosa, Ala.
Within a 5-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 1.5 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 0.5 mile northeast of the OM.

Twin Falls, Idaho
Within a 5-mile radius of the Twin Falls City-County (Joslin Field), Idaho Airport (latitude 42°28'54" N., longitude 114°29'11" W.) within 5 miles each side of Twin Falls VORTAC 086° and 281° radials, extending from the 5-mile radius zone to 10.5 miles east and 10.5 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airman's Information Manual.

Tyler, Tex.
That airspace within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'15" N., longitude 95°23' 55" W.); within 2 miles each side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

Tyndall AFB, Fla.
Within a 5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 1.5 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

AMENDMENTS 7/1/72 37 F. R. 12716 (Changed)
AMENDMENTS 10/6/72 37 F. R. 16536 (Changed)

Unalakleet, Alaska
Within a 5-mile radius of Unalakleet Airport (lat. 63°53'12" N., long. 160°47'42" W.); within 3.5 miles each side of the Unalakleet 225° radial, extending from the VORTAC to 12.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Unalakleet RR, west course, extending from the 5-mile radius zone to 8.5 miles west of the RR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 9/14/72 37 F. R. 14993 (Rewritten)

Utica, N. Y.
Within a 5-mile radius of the center, lat. 43°08'45" N., long. 75°22'55" W. of Oneida County Airport, Utica, N. Y.; within 2 miles each side of the 317° bearing from the Clay RBN, extending from the 5-mile radius zone to 3 miles northwest of the RBN; within 2 miles each side of the Utica VORTAC 306° radial, extending from the 5-mile radius zone to 1 mile northwest of the VORTAC, excluding the portion within the Rome, N. Y., control zone.

Valdosta, GA. (Moody AFB)
Within a 5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 1 mile each side of the ILS localizer N course, extending from the 5-mile radius zone to 1 mile north of the OM; within 3 miles each side of Moody VOR 007° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR; within 3 miles each side of the Moody VOR 173° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR. This control zone is effective from 0700 to 2300 hours, local time, Monday through Thursday; from 0700 to 2130 hours, local time, Friday; from 1000 to 1800 hours, local time, Saturday, and from 1200 to 1800 hours, local time, Sunday; excluding Federal legal holidays.

AMENDMENTS 9/14/72 37 F. R. 14691 (Rewritten)
AMENDMENTS 11/14/72 37 F. R. 24892 (Changed)

Valdosta, Ga. (Valdosta Municipal Airport)
Within a 5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'44" W.).

Vandalia, Ill.
Within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.) and within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR.

Vandenberg AFB, Calif.
Within a 5-mile radius of Vandenberg AFB, Lompoc, Calif. (latitude 34°43'50" N., longitude 120°34'30" W.); within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from the 5-mile radius zone to 2.5 miles northwest of the OM, and within a 1-mile radius of Lompoc Airport (latitude 34°39'55 N., longitude 120°27'55" W.), excluding that portion within R-2516.
This control zone is effective from 0700 to 2300 hours local time daily.

AMENDMENTS 8/17/72 37 F. R. 11559 (Changed)

Van Nuys, CA.
Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.), within 2.5 miles each side of the 350° radial of the Van Nuys VOR/DME facility extending from the 5-mile radius zone to 9.5 miles north of the facility, excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25' 55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

AMENDMENTS 7/20/72 37 F. R. 10070 (Rewritten)

Vernal, Utah
Within a 5-mile radius of Vernal Airport (latitude 40°26'30" N., longitude 109°30'50" W.), and within 3 miles each side of the Vernal VOR 157° radial, extending from the 5-mile radius zone to 8.5 miles S of the VOR. This control zone will be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Vero Beach, Fla.
Within a 5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.).

Vichy, MO.
Within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the 067° radial of the Vichy VORTAC extending from the 5-mile radius zone to 6½ miles northeast of the Vichy VORTAC.

AMENDMENTS 7/20/72 37 F. R. 9622 (Added)

Victoria, Tex.
Within a 5-mile radius of the Victoria County-Foster Airport (latitude 28° 51' 10" N., longitude 96° 55' 20" W.) and within 2 miles each side of the 320° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from the 5-mile radius zone to 8 miles NW of latitude 28° 51' 30" N., longitude 96° 55' 00" W., effective from 0600 to 2200 hours, local time, daily.

Victorville, Calif.
Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.).
This control zone is effective from 0700 to 0100 hours local time daily.

AMENDMENTS 9/14/72 37 F. R. 18289 (Changed)

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Visalia, Calif.
Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°19'30" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously in the Airman's Information Manual.

Waco, Tex.
That airspace within a 5-mile radius of Waco Municipal Airport (latitude 31°36'40" N., longitude 97°13'40" W.), within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM.

Waimea-Kohala, Hawaii
Within a 5-mile radius of the Waimea-Kohala Airport (latitude 20°00'17" N., longitude 155°40'16" W), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

Wake Island
Within a 5-mile radius of Wake Island Airport (lat. 19°16'50" N., long. 166°38'30" E.); within 3.5 miles each side of the Wake Island VORTAC 307° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 3.5 miles each side of the 281° bearing from the Wake Island RBN (AXX), extending from the 5-mile radius zone to 11.5 miles west of the RBN; within 3.5 miles each side of the 101° bearing from the Wake Island RBN (AWK), extending from the RBN to 11.5 miles east of the RBN; and within 4.5 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 20.5 miles east of the VORTAC.

Walla Walla, Wash.
Within a 5-mile radius of Walla Walla City-County Airport (latitude 46°05'35" N., longitude 118°17'20" W.), within 3 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR and that airspace within an arc of a 14-mile radius circle centered on the Walla Walla VOR extending clockwise from a line 4 miles west to a line 4 miles southeast of and parallel to the Walla Walla VOR 354° and 036° radials.

Washington, D. C.
Within a 5-mile radius of Washington National Airport (latitude 38°51'05" N., longitude 77°02'20" W.), within 2 miles each side of the Washington National Airport ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the 137° bearing from the Georgetown, D. C., RBN and 2 miles SW of the Washington, D. C., VOR 313° radial, extending from the 5-mile radius zone to the Georgetown RBN, within 2 miles each side of the Washington VOR 324° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR, and within 2 miles each side of the Washington VOR 060° radial, extending from the 5-mile radius zone to 5 miles NE of the VOR, excluding the portion within P-56 and the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Camp Springs, Md., control zone.

Waterloo, Iowa
Within a 5-mile radius of Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 2½ miles each side of the Waterloo, Iowa, VORTAC 078° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC; and within 2½ miles each side of the Waterloo, Iowa, VORTAC 200° radial extending from the 5-mile radius zone to 6½ miles south of the VORTAC.

PENDING AMENDMENT
Waterloo, Iowa
Within a 5-mile radius of Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 2½ miles each side of the Waterloo, Iowa VORTAC 078° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC; and within 2½ miles each side of the Waterloo, Iowa, VORTAC 200° radial extending from the 5-mile radius zone to 6½ miles south of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 001° radial extending from the 5-mile radius zone to 10½ miles north of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa VORTAC 316° radial extending from the 5-mile radius zone to 10½ miles northwest of the airport.

AMENDMENTS 1/4/73 37 F. R. 24030 (Rewritten)

Watertown, N. Y.
That airspace within a 5-mile radius of the center 43°59'20" N., 76°01'20" W. of Watertown International Airport, Watertown, N. Y., and within 3 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

AMENDMENTS 10/12/72 37 F. R, 21529 (Changed)

Watertown, S. Dak.
That airspace within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97° 09'16" W.).

PENDING AMENDMENT
Watertown, S. Dak.
Within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 1.5 miles each side of the Watertown VORTAC 001° radial, extending from the 5-mile radius zone to 2.5 miles north of the VORTAC; and within 1 mile each side of the Watertown VORTAC 181° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

AMENDMENTS 2/1/73 37 F. R. 24657 (Rewritten)

Wausau, Wis.
Within a 5-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and within 2½ miles each side of the 142° bearing from the Wausau Municipal Airport extending from the 5-mile radius zone to 6 miles southeast.

Wenatchee, Wash.
Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (lat. 47°24'00" N., longitude 120°12'30" W.) and within 3 miles each side of the Wenatchee VOR 124° radial extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26' 55" N., longitude 120°16'40" W.).

Westfield, Mass.
Within a 5-mile radius of the center 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass.; within 3 miles each side of the Barnes VOR 012° radial, extending from the 5-mile radius zone to 10 miles north of the VOR; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius zone to 7.5 miles northwest of the end of the runway, excluding the portion which coincides with the Westover, Mass., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

Westhampton Beach, NY.
Within a 5.5-mile radius of Suffolk County Airport (lat. 40°50'39" N., long. 72°37'49" W.), excluding that portion within the Calverton, NY., control zone. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

AMENDMENTS 10/12/72 37 F. R. 15370 (Added) Corr: 37 F. R. 24106 (eff. date changed to 12/7/72)

Westover, Mass.
Within a 5-mile radius of the center, 42°11'40" N., 72°32'15" W., Westover AFB, Chicopee Falls, Mass.; within 2 miles each side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; within 2 miles each side of Chicopee TACAN 028° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN and within 2 miles each side of the Westover AFB TACAN 221° radial extending from the 5-mile radius zone to 6 miles SW of the TACAN.

Weyers Cave, Va.
Within a 5-mile radius of the center (lat. 38°15'49" N., long. 78°53'46" W.), of Shenandoah Valley Airport, Weyers Cave, Va., and within 3 miles each side of the 218° bearing and the 038° bearing from the Staunton LOM extending from the 5-mile radius zone to 8.5 miles southwest of the LOM. This control zone is effective from 0600 to 2400 hours, local time, daily.

Wheeling, W. Va.
Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM.

Whidbey Island, Wash.
Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), within 2 miles each side of the Whidbey Island TACAN 351° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 283° bearing from the Whidbey Island RBN, extending from the 5-mile radius zone to 8 miles west of the RBN.

White Plains, N. Y.
Within a 5-mile radius of Westchester County Airport (lat. 41°04'05" N, long. 73°42'35" W); and within 2 miles either side of the Westchester County ILS localizer NW course extending from the 5-mile radius zone to the OM.

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Wichita, Kans. (McConnell AFB)
Within a 5-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles west and 4 miles east of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN; and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

Wichita, KS. (Wichita Municipal)
Within a 5-mile radius of the Wichita, KS., Municipal Airport (latitude 37°39'09" N., longitude 97°25'47" W.); and within 2 miles each side of the Wichita Municipal Airport ILS localizer north course, extending to 7.5 miles north, excluding that portion subtended by a chord drawn between the points of INT of the 5-mile-radius zone of the Wichita, KS., (McConnell AFB), 5-mile-radius control zone.

AMENDMENTS 10/12/72 37 F. R. 16073 (Rewritten)

Wichita Falls, Tex.
That airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex., (latitude 33°58'55" N., longitude 98°29'35" W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

Wilkes-Barre, Pa.
Within a 5-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., and within 2 miles each side of the airport ILS localizer SW course extending SW from the 5-mile radius zone for 2 miles SW of the OM.

PENDING AMENDMENT

Wilkes-Barre, Pa.
Within an 8-mile radius of the center, lat. 41°20'18" N., long. 75°43'29" W. of Wilkes-Barre-Scranton Airport, extending clockwise from a 235° bearing to a 355° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 025° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 050° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 050° bearing to a 210° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 210° bearing to a 235° bearing from the airport; within 3.5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer southwest course extending from the OM to 6 miles southwest of the OM and within 4 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer northeast course extending from the localizer to a point 11.5 miles northeast of the localizer.

AMENDMENTS 2/1/73 37 F. R. 25488 (Rewritten)

Williamsport, Pa.
Within a 5-mile radius of the center, 41°14'30" N., 76°55'20" W., of Williamsport-Lycoming County Airport, Williamsport, Pa.; within 2 miles each side of the Williamsport ILS localizer E course extending from the 5-mile radius zone to the Picture Rocks RBN; within 2 miles each side of the centerline of Runway 12 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the centerline of Runway 27 extended from the 5-mile radius zone to 10.5 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 7 miles NW of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5.5 miles NW of the end of the runway.

Williston, N. Dak. (Sloulin Airport)
Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 1½ miles each side of the Williston VOR 136° radial, extending from the 5-mile radius zone to 1½ miles southeast of the VOR; and within 2 miles each side of the 126° bearing from the Sloulin International Airport, extending from the 5-mile radius zone to 10 miles southeast of the airport.

Willoughby, OH.
Within a 5-mile radius of the Lost Nation Airport (latitude 41°40'45" N., longitude 81°23'45" W.); within 4 miles each side of the 088° bearing from the Lost Nation RBN extending from the 5-mile radius zone to 12 miles east of the RBN; within 3 miles each side of the 268° bearing from the RBN extending from the 5-mile radius zone to 8.5 miles west of the RBN; within 3 miles each side of the 050° radial of the Lost Nation TVOR extending from the 5-mile radius zone to 8.5 miles northeast of the TVOR; excluding the portion within the Cleveland, OH. (Cuyahoga County Airport), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

AMENDMENTS 5/25/72 37 F. R. 6381 (Rewritten)

Willow Grove, Pa.
Within a 5-mile radius of Willow Grove NAS (latitude 40° 12' 00" N., longitude 75° 08' 55" W.); within a 5-mile radius of Warminster NAF (latitude 40°11'55" N., longitude 75°04'00" W.); within 2 miles each side of the 325° bearing from the Willow Grove RBN, extending from the RBN to 7 miles NW of the RBN; within 2 miles each side of the Warminster NAF TACAN 274° radial, extending from the TACAN to 9 miles W of the TACAN; within 2 miles each side of the Warminster NAF TACAN 082° radial, extending from the TACAN to 6.5 miles E of the TACAN; within 2 miles each side of the Yardley, Pa., VOR 245° radial, extending from the VOR to the Willow Grove NAS, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Warminster NAF with the North Philadelphia, Pa., control zone, and excluding the portion within the Trenton, N. J., control zone. This control zone is effective from 0700 to 2400 hours, local time Monday through Friday; and 0001 to 2400 hours, local time, Saturday and Sunday or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 9/14/72 37 F. R. 13169 (Changed)

Wilmington, Del.
Within a 5-mile radius of the Greater Wilmington Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.); within 2 miles each side of the Greater Wilmington Airport ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC; and within 2 miles each side of the New Castle, Del., VORTAC 278° radial extending from the 5-mile radius zone to 5.5 miles west of the VORTAC.

Wilmington, N. C.
Within a 5-mile radius of New Hanover County Airport (latitude 39°16'15" N., longitude 77°54'05" W.).

Windsor Locks, Conn.
Within a 5-mile radius of the center lat. 41°56'19" N., long. 72°41'00" W., of Bradley International Airport, Windsor Locks, Conn.; within 3.5 miles each side of the Bradley International Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11.5 miles southwest of the OM; within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius zone to 6 miles S of the end of the runway; within 2 miles each side of the centerline of Runway 15 extended from the 5-mile radius zone to 6 miles SE of the end of the runway within 2 miles each side of the centerline of Runway 6 extended from the 5-mile radius zone to 5 miles from the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 6 miles from the end of the runway.

Wink, Tex.
Within a 3-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'05" W.); within 2 miles each side of the Wink VOR 161° radial, extending from the VOR to 5 miles south of the airport.

Winona, Minn.
Within a 5-mile radius of the Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); within 2½ miles each side of the 319° bearing from Winona Municipal-Max Conrad Field, extending from the 5-mile radius area to 6 miles northwest of the airport and within 3 miles each side of the 107° bearing from the Winona Municipal-Max Conrad Field extending from the 5-mile radius area to 6½ miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Winslow, AZ.
Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of an 8.5-mile radius circle centered on Winslow VORTAC, extending clockwise from a line 3.5 miles south of and parallel to the Winslow 277° radial to a line 3.5 miles north of and parallel to the Winslow 292° radial.

AMENDMENTS 5/25/72 37 F. R. 6574 (Rewritten)

Winston-Salem, N. C.
Within a 5-mile radius of Smith Reynolds Airport (lat. 36°08'01" N., long. 80°13'22" W.); within 2 miles each side of Winston-Salem ILS localizer southeast course, extending from the 5-mile radius zone to the LOM.

Worcester, Mass.
Within a 5-mile radius of Worcester Municipal Airport (Lat. 42°16'05" N, Long. 71°52'20" W).

Worland, Wyo.
Within a 5-mile radius of Worland Municipal Airport (latitude 43°58'10" N., longitude 107°56'50" W.), and and within 3.5 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 12 miles north of the VOR.

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Worthington, Minn.
That airspace within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'17" N., longitude 95° 35'01" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Wrightstown, N. J. (McGuire AFB)
Within a 5-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.), within 2 miles each side of the McGuire VOR 350° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the McGuire VOR 051° radial extending from the 5-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the McGuire VOR 180° radial extending from the 5-mile radius zone to 6 miles S of the VOR; and within 2 miles each side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to the OM.

Yakima, Wash.
Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'26" W.), within 4 miles north and 2 miles south of the Yakima ILS localizer east course, extending from the 5-mile radius zone to 4 miles east of the Donald OM, and within 2.5 miles each side of the Yakima ILS localizer west course, extending from the 5-mile radius zone to 16.5 miles west of the Donald OM.

Yakutat, Alaska
Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and that airspace bounded on the northeast by a line 2 miles northeast of and parallel to the 315° bearing from the Yakutat RR, on the east and southeast by the 5-mile radius zone, on the south by a line 3 miles south of and parallel to the 283° bearing from the Yakutat RR, and on the west and northwest by the arc of an 8-mile radius circle centered on the Yakutat RR.

Yankton, S. Dak.
That airspace within a 5-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97° 23'15" W.); within 2½ miles each side of the Yankton VOR 321° radial extending from the 5-mile radius to 7 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Youngstown, Ohio
Within a 5-mile radius of the center, lat. 41°15'28" N., long. 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within 2 miles each side of the extended centerline of Runway 5, extended from the 5-mile radius zone to 6 miles northeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 14, extended from the 5-mile radius zone to 5.5 miles southeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 23, extended from the 5-mile radius zone to 5.5 miles southwest of the center of the airport and within 1 mile each side of the Youngstown Municipal Airport localizer northwest course, extended from the 5-mile radius zone to 5.5 miles northwest of the center of the airport.

Yuma, Ariz.
Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36' 20" W.); within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2.5 miles each side of the Yuma TACAN (latitude 32°38'46" N., longitude 114°36'46" W.) 037° radial, extending from the 5-mile radius zone to 8 miles northeast of TACAN.

Zanesville, Ohio
Within a 5-mile radius of the Zanesville Municipal Airport (latitude 39° 56' 40" N., longitude 81° 53' 20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 5-mile radius zone to 7 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville, (latitude 39° 59' 10" N., longitude 81° 59' 00" W.).

SUBPART G - TRANSITION AREAS

§ 71.181 Designation.
The parts of airspace described below are designated as transition areas.

Aberdeen, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 39°28'00" N., long. 76°10'00" W. of Phillips AAF; within a 9.5-mile radius of the center of the airport, extending clockwise from a 260° bearing to a 010° bearing from the airport and within 3.5 miles each side of the 029° bearing from the Aberdeen RBN, extending from the RBN to 11.5 miles northeast of the RBN.

AMENDMENTS 12/7/72 37 F. R. 21529 (Rewritten)

Aberdeen, SD.
That airspace extending upward from 700 feet above the surface within a 15½-mile radius of the Aberdeen VORTAC; and within 5½ miles southwest and 9½ miles northeast of the Aberdeen VORTAC 131° radial, extending from the 15½-mile radius area to 21½ miles southeast of the VORTAC, and within 3½ miles southwest and 5 miles northeast of the Aberdeen VORTAC 312° radial, extending from the 15½-mile radius area to 22 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of the Aberdeen VORTAC; and within 6 miles northeast and 9½ miles southwest of the Aberdeen VORTAC 312° radial, extending from the 22½-mile radius area to 29 miles northwest of the VORTAC.

AMENDMENTS 9/14/72 37 F. R. 13796 (Rewritten)

Abilene, Tex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°25'10" N., longitude 99°51'15" W., and within 8 miles east and 5 miles west of the Abilene ILS localizer south course extending from the OM to 12 miles south.

Adak, Alaska
That airspace extending upward from 700 feet above the surface within the arc of a 15-mile radius circle centered on the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.), extending clockwise from the 033° bearing to the 090° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Navy Adak TACAN 250° radial extending from the TACAN to 12 miles West of the TACAN.

Adrian, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Lenawee County Airport (latitude 41°52'10" N., longitude 84°04'30" W.); and within 3 miles each side of the 221° bearing from the Lenawee County Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport.

Aguadilla, P. R.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ramey AFB (lat. 18°29'45" N., long. 67°08'00" W.); within a 10-mile radius of Mayaguez Airfield (lat. 18°15'26" N., long. 67° 08'58" W.).

AMENDMENTS 9/14/72 37 F. R. 14291 (Rewritten)

Ahoskie, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tri-County Airport (lat. 36°17'56" N., long. 77°10'26" W.); within 2 miles each side of Coflied VORTAC 253° radial, extending from the 5-mile radius area to 13 miles west of the VORTAC.

Aiken, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 3 miles each side of the 048° bearing from Aiken RBN (latitude 33°39'06" N., longitude 81°40'38" W.), extending from the 8-mile radius area to 8.5 miles northeast of the RBN.

Ainsworth, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'15" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 164° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

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Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.), and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Akron VORTAC 123° and 303° radials, extending from 20 miles southeast to 10 miles northwest of the VORTAC.

Akron, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 40°54'58" N., long. 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, and within 5 miles each side of the Akron-Canton Airport south localizer course extending from the Akron-Canton Airport 8.5-mile radius area to 11.5 miles south of the Akron-Canton Runway 1 OM; within a 10-mile radius area of the center, lat. 41°02'18" N., long. 81°28'01" W. of Akron Municipal Airport, Akron, Ohio; within 5 miles each side of the Akron VORTAC 255° radial extending from the Akron Municipal Airport 10-mile radius area to the VORTAC; within a 6-mile radius of the center, lat. 41°12'35" N., long. 81°14'55" W. of Portage County Airport, Ravena, Ohio; within 1.5 miles each side of the Akron VORTAC 340° radial extending from the Portage County Airport 6-mile radius area to the VORTAC; within a 5-mile radius area of the center of lat. 41°08'45" N., long. 81°25'00" W. of Andrew W. Paton of Kent State University Airport, Kent, Ohio; within a 7-mile radius of the center, lat. 41°08'06" N., long. 81°45'36" W. of Freedom Field, Medina, Ohio, and within 4.5 miles south and 6.5 miles north of the Medina, Ohio, RBN (lat. 41°08'29" N., long. 81°38'46" W.) 084° and 264° bearings extending from 5.5 miles west to 11.5 miles east of the RBN.

AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)

Alabama
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama, including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portions within R-2101 and R-2103.

Alabaster, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (latitude 33°10'40" N., longitude 86°47'00" W.).

Alamogordo, N. Mex.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Holloman AFB Airport (latitude 32°5104" N., longitude 106°06'05" W.); within 4 miles east and 6 miles west of the Holloman AFB TACAN 349° radial extending from the 11-mile radius area to 17.5 miles north of the TACAN; within 2 miles east and 6 miles west of the extended centerline of Runway 15 extending from the 11-mile radius area to 12.5 miles south of the south end of Runway 15.
This transition area will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/1/72 37 F. R. 11558 (changed)

Alamosa, Colo.
That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Alamosa VORTAC 335° and 155° radials extending from 20 miles northwest to 12 miles southeast of the VORTAC; and within 2 miles northwest and 6 miles southeast of the Alamosa VORTAC 200° radial extending from the VORTAC to 16 miles southwest of the VORTAC.
That airspace extending upward from 1,200 feet above the surface within 13 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 335° radial extending from the VORTAC to 31 miles northwest of the VORTAC; within 5 miles each side of the Alamosa VORTAC 018° radial extending from the VORTAC to 45 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 065° radial extending from the VORTAC to 37 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 080° radial extending from the VORTAC to 56 miles east of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 127° radial extending from the VORTAC to 19 miles southeast of the VORTAC; and within 5 miles each side of the Alamosa VORTAC 200° radial extending from the VORTAC to 37 miles southwest of the VORTAC.
That airspace extending upward from 12,000 feet MSL within 5 miles each side of the Alamosa VORTAC 200° radial extending from 37 to 54 miles southwest of the VORTAC.

Albany, Ga.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2 miles each side of Albany VORTAC 143° radial, extending from the 9.5-mile radius area to the VORTAC; within a 5.5-mile radius of Sylwester Airport (lat. 31° 33'25" N., long. 83°53'33" W.); within 3 miles each side of the 194° bearing from Sylvester RBN (lat. 31°33' 27" N., long. 83°53'34" W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN; within a 10-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'06" W.).

AMENDMENTS 2/18/72 37 F. R. 4704 (Changed)

Albany, N. Y.
That airspace extending upward from 700 feet above the surface within the area bounded by a point on the Albany VORTAC 007° radial 23 miles north of the VORTAC, thence clockwise along the arc of a 23-mile radius circle centered on the Albany VORTAC to its point of intersection with the Albany VORTAC 037° radial, thence southwest along the Albany VORTAC 037° radial to a point 12 miles northeast of the VORTAC, thence clockwise along the arc of a 12-mile radius circle centered on the Albany VORTAC to its point of intersection with the arc of a 9-mile radius circle centered on the Schenectady VOR (42°51'05" N., 73°56'05" W.), thence clockwise along the arc of the 9-mile radius circle centered on the Schenectady VOR to its point of intersection with a line 2 miles south and parallel to the extended centerline of the Schenectady County Airport Runway 28, thence west along this parallel line to its point of intersection with the arc of a 13-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of this 13-mile radius circle to its point of intersection with the Schenectady VOR 342° radial, thence north along a line bearing 356° from this point to the point of intersection of this line and the arc of a 19-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of the 19-mile radius circle centered on the Schenectady VOR to its point of intersection with the arc of a 23-mile radius circle centered on the Albany VORTAC;
within a 6.5-mile radius of the center lat. 43°03'00" N., long. 73°51'30" W., of Saratoga County Airport, Saratoga Springs, N. Y., and within 5 miles each side of the Cambridge VORTAC 278° radial, extending from 43 miles west of the Cambridge VORTAC to the 6.5-mile radius area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 44°00' 00" N., long. 73°47'00" W.; to lat. 44°00'00" N., long. 73°16'00" W.; to lat. 43°47'00" N., long. 72°39'00" W.; to lat. 43°11'00" N., long. 72°39'00" W.; to lat. 42°02'00" N., long. 73°16'00" W.; to lat. 42°01'00" N., long. 74°30'00" W.; to lat. 43°19'00" N., long. 74°30'00" W.; to point of beginning.

Albany, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the University of Ohio Airport (latitude 39°12'38" N., longitude 82°13'53" W.).

Albert Lea, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Albert Lea Airport (latitude 43°40'52" N., longitude 93°22'04" W.); within 3 miles each side of the 356° bearing from the Albert Lea Municipal Airport extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 356° and 176° bearings from Albert Lea Municipal Airport extending from 18½ miles north of the airport to 6 miles south of the airport and 5 miles each side of the 176° bearing from Albert Lea Municipal Airport from the airport to 12 miles south of the airport.

Albertville, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Albertville Municipal Airport (latitude 34°13'54" N., longitude 86°15'08" W.); within 3 miles each side of the 048° bearing from Saratoga RBN (latitude 34°15'00" N., longitude 86°13'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 3/2/72 37 F. R. 136 (Added)

Albion, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°46'40" N., 74°56'55" W., of Albion Airport, Albion, N. J., and within 2 miles each side of the Millville VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N. J., transition area. This transition area is effective from sunrise to sunset, daily.

Albuquerque, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.); and that airspace extending upward from 11,000 feet MSL within 5 miles each side of the Albuquerque VORTAC 339° radial, extending from the 46-mile radius area to 79 miles N of the VORTAC, and within 5 miles each side of the Albuquerque VORTAC 303° radial, extending from the 46-mile radius area to 79 miles NW of the VORTAC. The portions of this transition area within 5 miles each side of the Albuquerque VORTAC 303° and 339° radials, extending from the 46-mile radius area to 79 miles N and NW are excluded from Federal airways.

Alexander City, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thomas C. Russell Field Airport (latitude 32°55'15" N., longitude 85°57'45" W.); within 3 miles each side of the 181° bearing from the Alexander City RBN (latitude 32°53'10" N., longitude 85°57'30" W.), extending from the 5-mile radius area to 8.5 miles south of the RBN.

Alexandria, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexandria Airport (latitude 40°13'25" N., longitude 85°38'15" W.) excluding the portion which overlies the Anderson, Ind., transition area.

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Alexandria, La.
That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.), within a 7-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.), and within 4 miles each side of the Esler VOR 155° radial extending from the Esler Field 7-mile radius area to 17 miles southeast of the VOR.

Alexandria, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 7-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Alexandria VORTAC, extending from the 306° radial clockwise to the 148° radial; within 4½ miles southeast and 9½ miles northwest of the Alexandria VORTAC 051° and 231° radials extending from 6 miles southwest to 18½ miles northeast of the VORTAC; and within 5 miles each side of the Alexandria VORTAC 231° radial, extending from 9½ miles southwest to 21½ miles southwest of the VORTAC.

Allegan, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Padgham Field Airport (latitude 42°31'55" N., longitude 85°49'45" W.); and within 2½ miles each side of the 072° radial of the Pullman VORTAC, extending from the 7-mile radius area to 22 miles east of the VORTAC, excluding the portion which overlies the Battle Creek, Michigan 700-foot floor transition area.

Allendale, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allendale County Airport (latitude 35°59'30" N., longitude 81°16'05" W.); within 2.5 miles each side of Allendale VOR 329° radial, extending from the 6-mile radius area to 8.5 miles northwest of the VOR.

Allentown, Pa.
That airspace extending upward from 700 feet above the surface within a 21-mile radius of the center, 40°39'10" N., 75°26'20" W., of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from the 205° bearing from the airport to 5 miles northwest of the Allentown, Pa., VORTAC 043° radial; within 5 miles each side of the Allentown VORTAC 043° radial extending from the VORTAC to 18 miles northeast of the VORTAC; within a 12-mile radius of the airport extending clockwise from 5 miles southeast of the Allentown VORTAC 043° radial to the 205° bearing from the airport.

Alliance, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 10-mile radius area to 11 miles southeast of the airport; and that airspace extending from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 142° bearing from Alliance Municipal Airport, extending from the airport to 21½ miles southeast of the airport; within 4½ miles northeast and 9½ miles southwest of the Alliance VOR 304° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the Alliance VOR 150° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4 nautical miles each side of a line extending from Alliance Municipal Airport to Chadron, Nebr., Municipal Airport (latitude 42°50'10" N., longitude 103°05'50" W.), excluding the area which overlies the Scottsbluff, Nebr., transition area.

Alliance, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 40°59'00" N., long. 81°02'30" W. of Miller Airport, Alliance, Ohio, and within a 5.5-mile radius of the center, lat. 40°54'22" N., long. 81°00'02" W. of Tri-City Airport, Sebring, Ohio.

Alma, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.). This transition area is effective from 0600 to 2200 hours, local time, daily.

Alma, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Gratiot Community Airport (latitude 43°19'25" N., longitude 84°41'40" W.); and within 2 miles each side of the 278° bearing from Gratiot Community Airport, extending from the 6-mile radius area to 8 miles west of the airport.

Almyra, AR.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Almyra Municipal Airport (latitude 34°24'30" N., longitude 91°27'30" W.).

AMENDMENTS 3/2/72 37 F. R. 727 (Added)

Alpena, Mich.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Alpena VORTAC; within 9½ miles west and 4½ miles east of the 360° bearing from the Alpena RBN, extending from the 17-mile radius area to 18½ miles north of the RBN; within 9½ miles west and 4½ miles east of the 346° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles north of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the 305° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles east and 4½ miles west of the Alpena VORTAC 186° radial extending from the 17-mile radius area to 18½ miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 32-mile radius circle centered on the Alpena RBN, extending from a line 5 miles west of and parallel to the 360° bearing from the RBN clockwise to a line 5 miles east of and parallel to the 026° bearing from the RBN; within a 34-mile radius circle centered on the Alpena VORTAC extending from a line 5 miles northwest of and parallel to the 329° radial of the VORTAC clockwise to a line 5 miles east of and parallel to the 350° radial of the VORTAC.

Alva, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alva Municipal Airport (latitude 36°46'00" N., longitude 98°40'00" W.); within 2 miles each side of the 170° bearing from the Alva RBN (latitude 36°46'47" N., longitude 98°40'34" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

Amarillo, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.).

Amchitka, Alaska
That airspace extending upward from 700 feet above the surface within 8 miles north and 5 miles south of the 082° bearing from the Amchitka RBN extending from the RBN to 11.5 miles east; within 8 miles southeast and 5 miles northwest of the 247° bearing from the Amchitka RBN, extending from the RBN to 11.5 miles southwest; and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Amchitka Airport (latitude 51°22'45" N., longitude 179°15'42" E.).

Americus, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Souther Field (lat. 32°07'00" N., long. 84°11'30" W.); within 3 miles each side of the 041° bearing from Souther RBN (lat. 32°06'39" N., long. 84°11'07" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 3/2/72 37 F. R. 13 (Added)
AMENDMENTS 6/27/72 37 F. R. 13337 (Changed) Corr: 37 F. R. 13975

Ames, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.), and within 3 miles each side of the 127° bearing from Ames Municipal Airport, extending from the 5½-mile radius area to 7 miles southeast of the airport.

Anchorage, Alaska
That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage International Airport (latitude 61°10'16" N., longitude 149°58'48" W.); that airspace extending upward from 1,200 feet above the surface within an 85-mile radius of the Anchorage VORTAC; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VORTAC, excluding the portions within the United States, Federal Airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

AMENDMENTS 12/7/72 37 F. R. 22373 (Rewritten)

Anderson, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Anderson Municipal Airport (latitude 40°06'35" N., longitude 85°36'55" W.); and within 3 miles each side of the 296° bearing from Anderson Municipal Airport, extending from the 7-mile radius area to 12½ miles northwest of the airport.

Anderson, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.).

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Andover, N. J.
That airspace extending upward from 700 feet above the surface wtihin a 7-mile radius of the center, 41°00'30" N., 74°44'20" W. of Aeroflex-Andover Airport, Andover, N. J., and within 5 miles north and 8 miles south of the Stillwater, N. J., VOR 263° radial extending from the VOR to 12 miles west of the VOR within 2 miles each side of the Stillwater, N. J. VOR 083° radial extending from the 7-mile radius area to the VOR effective from sunrise to sunset daily.

That airspace extending upward from 1200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°33'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'16" N., 75°11'04" W.; 41°31'00" N., 75°07'00" W. to point of beginning.

Aniak, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the 230° bearing from the Aniak RBN extending from 8 miles SW to 18 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles NE and 8 miles SW of the 140° and 320° bearings from the Aniak RBN extending from 7 miles NW to 18 miles SE of the RBN.

Ann Arbor, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ann Arbor Municipal Airport (latitude 42°13'22" N., longitude 83°44'40" W.); excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area.

Annette Island, Alaska
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Annette Island VOR; within 5 miles southwest of the 331° bearing from the Gravina Island RBN, extending from the 14-mile radius area to 8 miles northwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the Annette Island radio range northwest course, extending from the RR to 28 miles northwest of the RR; and within 14 miles northeast and 22 miles southwest of the Annette Island VOR 150° radial, extending from the VOR to 30 miles southeast of the VOR; excluding the portion outside the United States.

Anniston, Ala.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within a 12-mile radius of Talladega Municipal Airport (latitude 33°34'07" N., longitude 86°03'36" W.); within an 8-mile radius of St. Clair County Airport, Pell City, Ala. (lat. 33°33'22" N., long. 86°14'58" W.); excluding the portion within R-2101.

Anthony, Kans.
That airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-12, on the northeast by V-74, and on the south by the Kansas/Oklahoma State line.

Apalachicola, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Apalachicola Municipal Airport (lat. 29°43'45" N., long. 85°01'45" W.); within 3 miles each side of the 322° bearing from Apalachicola RBN, extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

Appleton, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); excluding the portions which overlie the Green Bay, Wis., 700-foot floor transition area.

Arcata, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° bearing from the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°57'00" N., on the northeast by a line 2 miles northeast of and parallel to the ILS localizer southeast course, on the south by latitude 40°45'00" N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 309° bearings from the Murray Airport latitude 40°48'18" N., longitude 124°06'52" W., on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace extending upward from 1,200 feet above the surface, bounded on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34'00" N., latitude 40°22'00" N., longitude 124°12'00" W., thence to latitude 40°22'00" N., longitude 124°30'00" W., on the west by longitude 124°30'00" W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial, extending from the VORTAC to 61 miles east of the VORTAC, and that airspace within an arc of a 28-mile radius circle centered on the Fortuna, Calif., VORTAC extending counterclockwise from the northeast edge of V-27 to the south edge of V-195.

Ardmore, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 085° bearings from the Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN.

Arkadelphia, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Arkadelphia Municipal Airport (latitude 34°06'15" N., longitude 93°03'45" W.), and within 3.5 miles each side of the 216° bearing from the Arkadelphia RBN (latitude 34°03'19" N., longitude 93°06'17" W.) extending from the 6.5-mile radius area to 11.5 miles southwest of the RBN.

Arkansas
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Arkansas.

Arkansas City/Winfield, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'10" N., longitude 97°02'25" W.); and within 5 miles each side of the 175° bearing from Strother Field, extending from the 7-mile radius area to 15 miles south to the airport.

Artesia, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Artesia Municipal Airport (lat. 32°50'58" N., long. 104°28'02" W.); and within 3.5 miles each side of the Artesia NDB (lat. 32°51'11" N., long. 104°27'34" W.) 152° bearing, extending from the 9.5-mile radius area to 12 miles south of the NDB; within 3.5 miles each side of the Artesia, N. Mex., NDB 296° bearing extending from the 9.5-mile radius area to 12 miles northwest of the NDB.

Asheboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Asheboro Municipal Airport (latitude 35°39'18" N., longitude 79°53'41" W.).

Asheville, N. C.
That airspace extending upward from 700 feet above the surface within 7 miles east and west of the 160° and 340° bearings from Biltmore RBN, extending from 7 miles north of Biltmore RBN to 12 miles south of Broad River RBN; within 9.5 miles east and 4.5 miles west of the ILS localizer south course, extending from Broad River RBN to 18.5 miles south of the RBN; within 5 miles each side of Sugarloaf Mountain VORTAC 230° radial, extending from the VORTAC to Broad River RBN; within 3 miles each side of the 339° bearing from Biltmore RBN, extending from the RBN to 8.5 miles north of the RBN.

Ashland, Ky.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ashland-Boyd County Airport (lat. 38°33'00" N., long. 82°44'15" W.); within 2.5 miles each side of York VORTAC 116° radial, extending from the 8-mile radius area to 0.5 mile east of the VORTAC; excluding the portion within Huntington, W. Va., transition area.

Ashland, VA.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center (lat. 37°42'27" N., long. 77°26'11" W.) of Hanover County Municipal Airport, Ashland, VA., and within 2.5 miles each side of the Richmond, VA., VORTAC 336° radial, extending from the 5.5-mile radius area to 22 miles northwest of the VORTAC.

AMENDMENTS 8/17/72 37 F. R. 12486 (Added)

Ashland, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the John F. Kennedy Memorial Airport (latitude 46°32'55" N., longitude 90°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southeast and 4½ miles northwest of the 209° bearing from the John F. Kennedy Memorial Airport extending from the airport to 18½ miles southwest of the airport.

Aspen, Colo.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 39°41'00" N., longitude 107°12'30" W., to latitude 39°31'30" N., longitude 107°25'00" W., to latitude 39°17'30" N., longitude 107°09'00" W., to latitude 39°10'24" N., longitude 106°56'04" W.; thence clockwise via a 5-mile arc from the Aspen-Pitkin County Airport (latitude 39°13'30" N., longitude 106°52'09" W.) to latitude 39°16'33" N., longitude 106°48'12" W., to latitude 39°27'30" N., longitude 107°01'00" W. to point of beginning.
AMENDMENTS 12/7/72 37 F. R. 20806 (Added)

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Astoria, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Astoria VOR 309° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'40" W.) to 8 miles NW of the Fort Stevens FM (latitude 46°12'31" N., longitude 123°57'51" W.), and within 2 miles each side of the Astoria VOR 347° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 5 miles southwest of the Astoria, Oreg., VOR 147° and 327° radials, extending from 7 miles southeast to 13 miles northwest of the VOR; within 9 miles south and 2 miles north of the Astoria VOR 268° radial; extending from the VOR to 13 miles west of the VOR; within 5 miles northeast and 8 miles southwest of the Astoria VOR 309° radial, extending from the Fort Stevens fan marker to 12 miles northwest of the fan marker and within 8 miles northeast and 6 miles southwest of the Astoria VOR 309° radial extending from the Fort Stevens fan marker to 20 miles northwest of the fan marker.
That airspace extending upward from 4,500 feet MSL bounded on the northwest by the southeast edge of V-27E, on the east by the west edge of V-165, and on the south by the north edge of V-112.

Athens, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Athens Municipal Airport (latitude 33°56'54" N., longitude 83°19'37" W.).

Athens, Tenn.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of McMinn County Airport (lat. 35°23'45" N., long. 84°33'45" W.).

Athens, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jones Municipal Airport (latitude 32°10'00" N., longitude 95°50'00" W.) and within 3.5 miles each side of the 176° bearing from the Athens RBN (latitude 32°09'35" N., longitude 95°49'50" W.) extending from the 5-mile radius to 11.5 miles south of the RBN.

AMENDMENTS 5/25/72 37 F. R. 6573 (Rewritten)

Atlanta, Ga.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of The William B. Hartsfield Atlanta International Airport (latitude 33°38'35" N., longitude 84°25'25" W.); within 4.5 miles north and 9.5 miles south of the 091° bearing from Bruce RBN, extending from the 15-mile radius area to 18.5 miles east of the RBN; within 9.5 miles northeast and 4.5 miles southwest of Atlanta ILS Runway 33 localizer southeast course, extending from the 15-mile radius area to 18.5 miles southeast of the LOM; within 9.5 miles south and 4.5 miles north of Atlanta ILS Runway 9R localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM; within a 10-mile radius of Fulton County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within an 11.5-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°54'40" N., longitude 84°31'00" W.); within 4 miles each side of the NAS Atlanta TACAN 301° radial, extending from the 11.5-mile radius area to 11.5 miles northwest of the TACAN; within an 8.5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.); within a 6.5-mile radius of Falcon Field Airport, Peachtree City, GA. (latitude 33°21'23" N., longitude 84°34'07" W.).

AMENDMENTS 3/30/72 37 F. R. 776 (Changed)

Atlantic, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Atlantic Municipal Airport (latitude 41°24'20" N., longitude 95°02'45" W.); and within 5 miles NE and 8 miles SW of the 313° bearing from the Atlantic, Iowa, RBN, extending from the RBN to 12 miles NW.

Atlantic City, N. J.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°27'25" N., 74°34'45" W. of Atlantic City Municipal (Pomona) Airport, Atlantic City, N. J., and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 NM offshore; on the SE by a line 3 NM offshore; and on the NE by the Atlantic City VORTAC 112° radial, within 8 miles SW and 5 miles NE of the Atlantic City ILS localizer NW course extending from the 12-mile radius area to 12 miles NW of the OM.

AMENDMENTS 7/20/72 37 F. R. 10866 (Changed)

Atterbury, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bakalar AFB (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the AFB, extending from the 6-mile radius zone to 12 miles NE of the AFB.

Auburn, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-Opelika Airport (lat. 32°37'00" N., long. 85°26'00" W.); within 2 miles each side of the extended centerline of runway 18/36, extending from the 5-mile radius area to 6 miles N of the runway end; within 5 miles each side of Tuskegee VORTAC 056° radial, extending from the 5-mile radius area to the VORTAC; within 5 miles each side of Columbus VORTAC 270° radial, extending from the 5-mile radius area to 11.5 miles W of the VORTAC; excluding the portion that coincides with the Columbus, Ga., transition area.

Auburn, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-De Kalb Airport (latitude 41°18'25" N., longitude 85°04'00" W.); and within 2½ miles each side of the Fort Wayne, Ind., VORTAC 016° radial, extending from the 5-mile radius area to the arc of a 17-mile radius circle centered on Bear Field (latitude 40°58'50" N., longitude 85°11'25" W.).

Auburn, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°02' 55" N., 70°17'00" W. of Auburn-Lewiston Municipal Airport; within 3 miles each side of the 215° and 035° bearing from the New Gloucester, Maine RBN, 43°59'14" N., 70°19'29" W., extending from the 5-mile radius area to 9 miles southwest of the RBN; and within 2 miles each side of the 049° bearing from the New Gloucester, Maine RBN extending from the RBN to 12 miles northeast of the RBN.

Augusta, Ga.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bush Field (latitude 33°22'10" N., longitude 81°57'55" W.); within 9.5 miles west and 4.5 miles east of Augusta ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the LOM; within 9.5 miles southwest and 4.5 miles northeast of Augusta VORTAC 321° radial, extending from the 11-mile radius area to 18.5 miles northwest of the VORTAC; within 9.5 miles west and 4.5 miles east of the 166° and 346° bearings from Emory RBN, extending from the 11-mile radius area to 18.5 miles north of the RBN; excluding the portion within R-6004.

Augusta, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine, within 4.5 miles northeast and 9.5 miles southwest of the Capital City, Maine RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the Capital City RBN to 18.5 miles northwest of the RBN and within 4.5 miles northeast and 9.5 miles southwest of the Augusta VORTAC 328° radial, extending from the Augusta VORTAC to 18.5 miles northwest of the VORTAC.

Aurora, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 126° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 306° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

Austin, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport, Austin, Minnesota (latitude 43°40'00" N., longitude 92°55'58" W.), and within 5 miles E and 8 miles W of the 351° bearing from Austin Municipal Airport, extending from the airport to 12 miles N and within 5 miles W and 8 miles E of the 176° bearing from the airport extending from the airport to 12 miles S.

Austin, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 30°23'25" N., longitude 97°43'35" W.; within a 7-mile radius of Bergstrom AFB; within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 7-mile radius area to 12 miles S of the LOM; and within 2 miles each side of the Austin ILS localizer SE course, extending from the 7-mile radius area to 8 miles SE of the Austin LOM.

PENDING AMENDMENT
Austin, Tex.
That airspace extending upward from 700 feet above the surface within a 16-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 2 miles each side of the Bergstrom ILS localizer south course, extending from the 16-mile radius area to 12 miles south of the LOM.

AMENDMENTS 1/4/73 37 F. R. 23823 (Rewritten)

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Babylon, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Republic Airport, Farmingdale, N. Y. (latitude 40°43'45" N., longitude 73°24'45" W.); within 2 miles each side of the 158° bearing from the Babylon RBN extending from the Republic Airport 8-mile radius area to 8 miles S of the RBN; within 2 miles each side of the 165° bearing from the Babylon RBN extending from the Republic Airport 8-mile radius area to 8 miles S of the RBN; and within an 8-mile radius of Grumman Bethpage Airport, Bethpage, N. Y. (latitude 40°44'45" N., longitude 73°29'35" W.); within a 5-mile radius of Deer Park Airport, Deer Park, N.Y. (latitude 40°45'31" N., longitude 73°18'35" W.); and within 2 miles each side of the Deer Park VORTAC 007° radial extending from the 5-mile radius area to 8 miles N of the VORTAC, excluding the portion within the Islip, N. Y., and New York, N. Y., transition areas.

Bad Axe, MI.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Huron County Airport (latitude 43°47'00" N., longitude 82°59'00" W.); within 3 miles each side of the 023° and 215° bearings from the Huron County Airport extending from the 5-mile radius area to 8 miles northeast and southwest of the airport.

AMENDMENTS 3/2/72 37 F. R. 1360 (Added)
AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Baker, Oreg.
That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138° and 317° radials extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of V-298.

Bakersfield, CA.
That airspace extending upward from 700 feet above the surface within 4.5 miles each side of the Bakersfield ILS localizer southeast course, extending from an arc of a 5-mile radius circle centered on Meadows Field, Bakersfield, CA. (latitude 35°25'40" N., longitude 119°03'05" W.) to 7 miles southeast of the LOM, within 4.5 miles each side of the Bakersfield VORTAC 144° radial, extending from an arc of a 5-mile radius circle centered on Meadows Field to 17.5 miles southeast of the VORTAC, within 4.5 miles each side of the Bakersfield ILS localizer northwest course, extending from an arc of a 5-mile radius circle centered on Meadows Field to 21.5 miles northwest of the LOM and within 4.5 miles each side of the Bakersfield VORTAC 338° radial, extending from the VORTAC to 13 miles north of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 36°00'00" N., on the east by longitude 118°45'00" W., on the south by latitude 35°05'00" N., and on the west by a line extending from latitude 35°05'00" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 119°30'00" W. to latitude 36°00'00" N., longitude 119°30'00" W.

AMENDMENTS 3/30/72 37 F. R. 2572 (Rewritten) Corr: 37 F. R. 3745

Baltimore, Md.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°10'25" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; within 2 miles each side of the runway 33 centerline extended from the 9-mile radius area to 9 miles northwest of the end of the runway; within 5 miles north and 8 miles south of the Baltimore ILS west course extending from the 9-mile radius area to 12 miles west of the OM; within a 6-mile radius of the center, 39°19'35" N., 76°25'00" W., of Martin Airport, Baltimore, Md.; within 2 miles each side of the runway 14 centerline extended from the 6-mile radius area to 7 miles southeast of the end of the runway; within 2 miles each side of the runway 36 centerline extended from the 6-mile radius area to 9 miles north of the end of the runway; within 2 miles each side of a 132° bearing from the Martin RBN (39°18'15" N., 76°22'45" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN; within 2 miles each side of the Martin TACAN (39°19'18" N., 76°24'42" W.) 317° radial extending from the 6-mile radius area to 15 miles northwest of the TACAN and within a 19-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 004° radial to the 035° radial; within a 6.5-mile radius of the center, lat. 39°05'04" N., long. 76°45'37" W., of Tipton AAF, Fort Meade, Md., and within 3 miles each side of the 091° bearing from the Fort Meade, Md., RBN, lat. 39°05'04" N., long. 76°45'37" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN.

Bangor, Maine
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius arc of the center, lat. 44°48'28" N., long. 68°49'41" W. of Bangor International Airport, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile radius arc of Bangor International Airport, extending clockwise from 093° to 245°; within 3 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the VORTAC to 9 miles northwest of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Bangor International Airport ILS localizer southeast course, extending from the OM to 18.5 miles southeast of the OM; within a 5-mile radius of the center, lat. 44°57'15" N., long. 68°40'30" W. of De Witt Field-Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor VORTAC 052° radial extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to the VORTAC; within 4 miles each side of the Bangor VORTAC 050° radial, extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 25.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN lat. 45°00'24" N., long. 68°38'02" W., extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 10.5 miles northeast of the RBN; within 2 miles each side of the De Witt Field--Old Town Municipal Airport runway 22 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 6 miles south of the end of the runway; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 33 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 15 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 5 miles southeast of the end of the runway.
and that airspace
extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44° 50' 00" N., longitude 67° 56' 00" W., to latitude 44° 18' 30" N., longitude 67° 56' 00" W., to latitude 43° 52' 00" N., longitude 69°00'00" W., to latitude 43°48'00" N., longitude 69°03'00" W., to lat. 43°44'00" N., long. 69° 19'42" W.; to latitude 43°50'00" N., longitude 69° 18' 00" W..to latitude 43° 59' 00" N., longitude 69° 16' 00" W., to latitude 44° 09' 00" N., longitude 69° 39' 00" W., thence clockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine. VOR to latitude 44° 09' 00" N., longitude 69° 57' 00" W., to latitude 44° 03' 00" N., longitude 70° 06' 00" W.. to latitude 43° 50' 00" N., longitude 70° 12' 00" W., to latitude 43° 55' 00" N., longitude 70° 28' 00" W.. to latitude 44° 05' 00" N., longitude 70° 23' 00" W., to latitude 44° 12' 00" N., longitude 70° 10' 00" W., to latitude 44° 18' 00" N., longitude 70° 14' 00" W., to latitude 44° 39' 00" N., longitude 69° 47' 00" W., to latitude 44° 50' 00" N., longitude 69° 47' 00" W., to latitude 45° 12' 00" N., longitude 69° 23' 00" W., to latitude 45° 24' 00" N., longitude 68° 55' 00" W., to latitude 45° 30' 00" N., longitude 68° 31' 00" W.. to latitude 45° 27' 00" N., longitude 68° 20' 00" W., to latitude 45° 33' 00" N., longitude 68° 16' 00" W., to latitude 45° 38' 00" N., longitude 67° 40' 30" W., thence via the United States/Canadian border to latitude 45° 09' 00" N., longitude 67° 23' 00" W., to latitude 45° 07' 00" N., longitude 67° 30' 00" W., to latitude 44°50'00" N., longitude 67°30'00" W., to the point of beginning.

AMENDMENTS 3/2/72 37 F. R. 136 (Changed)

Baraboo, Wis.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Baraboo-Wisconsin Dells Airport (latitude 43°31'21" N., longitude 89°46'22" W.).

Bardstown, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Samuels Field (lat. 37°48'55" N., long. 85°29'58" W.); within 3 miles each side of the 022° bearing from Bardstown RBN (lat. 37°50' 52" N., long. 85°29'00" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

Bar Harbor, ME.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (lat. 44°26'56" N., long. 68°21'42" W.) of the Bar Harbor Airport excluding that airspace previously designated as the Bangor, ME., 700-foot transition area. Within 4.5 miles west and 9.5 miles east of the Bar Harbor ILS localizer course extending from the 12.5-mile radius to 11.5 miles north of the Surry (BH) NDB.
AMENDMENTS 6/22/72 37 F. R. 10563 (Rewritten)

Barnesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 00'10" N., long. 81°11'30" W., of the Bradfield Airport, Barnesville, Ohio.

Barnwell, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barnwell County Airport (lat. 33°15'26" N., long. 81°23'06" W.); within 3 miles each side of the 009° bearing from Barnwell RBN (lat. 33°15'31" N., long. 81°22'43" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within R-6004.

Bartlesville, Okla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.); within 5 miles each side of the Bartlesville VORTAC 176° radial extending from the 9-mile radius to 21½ miles south of the VORTAC; and within 3½ miles each side of the Bartlesville VORTAC 354° radial extending from the 9-mile radius to 12 miles north of the VORTAC; that airspace which lies within the State of Kansas extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 354° radial of the Bartlesville VORTAC extending from the VORTAC to 18½ miles north of the VORTAC.

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Bastrop, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Morehouse Airport (latitude 32°45'30" N., longitude 91°53'00" W.), and within 2 miles each side of the Monroe VORTAC 030° radial extending from the 5-mile radius area to 19 miles northeast of the VORTAC.

Batavia, NY.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 43°01'46" N., long. 78°10'15" W. of Genesee County Airport, Batavia, NY., and within 2.5 miles each side of the Rochester, NY., VORTAC 257° radial, extending from the 5.5-mile radius area to 19.5 miles west of the VORTAC.

AMENDMENTS 6/22/72 37 F. R. 8658 (Rewritten)

Batesville, Ark.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Batesville Regional Airport (latitude 35°43'50" N., longitude 91°38'25" W.).

Baton Rouge, La.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.), within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport, within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest, within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC, and within 2 miles each side of the Baton Rouge VORTAC 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport.

Battle Creek, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41° 57' 30" N., longitude 85° 35' 30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Battle Mountain, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°36'03" N., longitude 116°52'25" W.) and within 5 miles each side of the Battle Mountain VORTAC 218° radial, extending from the VORTAC to 16 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Battle Mountain 218° radial extending from the VORTAC to 23 miles southwest of the VORTAC, and within 6.5 miles south and 9 miles north of the Battle Mountain VORTAC 077° and 257° radials, extending from 8 miles west to 18.5 miles east of the VORTAC.

Baudette, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'15" N., longitude 94°36'00" W.); within 3 miles each side of the 106° bearing from the Baudette International Airport extending from the 5½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 106° and 286° bearing from the Baudette International Airport, extending from 6 miles west to 18½ miles east of the airport; and within 5 miles each side of the 286° bearing from Baudette International Airport, extending from the airport to 12 miles west of the airport, excluding the portion outside the United States.

Baxley, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baxley Municipal Airport (lat. 31°42'50" N., long. 82°23'25" W.); within 2 miles each side of Alma VORTAC 029° radial, extending from the 5-mile radius area to 8 miles north of the VORTAC.

Bay City, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bay City Municipal Airport (lat. 28°58'23" N., long. 95°51'48" W.), excluding that portion within a 1-mile radius of Bay City Airport (lat. 28°58'41" N., long. 95°56'22" W.).

Bay Minette, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bay Minette Municipal Airport (lat. 30°52'20" N., long. 87°49'30" W.).

Bay St. Louis, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stennis International Airport (lat. 30°22'15" N., long. 89°27'16" W.).

AMENDMENTS 11/7/72 37 F. R. 24340 (Changed)

Beatrice, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Beatrice Municipal Airport (latitude 40°18'00" N., longitude 96°45'15" W.), and within 8 miles SW and 5 miles NE of the Beatrice VOR 319° radial extending from the VOR to a point 12 miles NW of the VOR.

Beaufort, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the TACAN.

Beaumont, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), within a 5-mile radius of Beaumont Municipal Airport (latitude 30°04'15" N., longitude 94°13'00" W.), within 3 miles each side of the Beaumont ILS localizer southeast course extending from the 7-mile radius area to 13.5 miles southeast of the approach end of Jefferson County Airport Runway 29, and within 2.5 miles each side of the Beaumont ILS localizer northwest course extending from the 7-mile radius area to the 5-mile radius area.

Beaver Falls, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°46'21" N., 80°23'37" W. of Beaver County Airport, Beaver Falls, Pa., and within 2 miles each side of the Elwood City, Pa. VOR 248° radial extending easterly from the 6-mile radius area to the VOR.

Beckley, W. Va.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, lat. 37°46'54" N., long. 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va.; within a 14-mile radius of the center of Raleigh County Memorial Airport, extending clockwise from the 025° bearing to the 215° bearing from the airport and within 4.5 miles north and 9.5 miles south of the Beckley VOR 284° radial, extending from the VOR to 18.5 miles west of the VOR.

Bedford, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'25" N., long. 86°26'45" W.); within 5 miles each side of the Bloomington, Ind., VORTAC 156° radial, extending from the 6½-mile radius area to 35 miles southeast of the VORTAC; and within 3 miles each side of the 302° bearing from Virgil I. Grissom Municipal Airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

Beeville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Chase Field (lat. 28°21'50" N., long. 97°39'40" W.); within 2 miles each side of the NAS Chase TACAN 129° and 321° radials extending from the 7-mile radius area to 10 miles northwest and southeast of the TACAN; within 2 miles each side of the 339° bearing from the NAS Chase RBN extending from the 7-mile radius area to 12 miles north of the RBN; within a 6.5-mile radius of Beeville Municipal Airport (lat. 28°22'00" N., long. 97°48'00" W.).

Bellaire, Mich.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 198° bearing from the Antrim County Airport, extending from the airport to 25 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area.

Belleville, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

Bellingham, Wash.
That airspace extending upward from 700 feet above the surface bounded on the east by longitude 122°15'00" W., on the south by latitude 48°52'00" N., on the west and north by the United States/Canada border, and within 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from 21.5 to 24 miles south of the VORTAC.

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Belzoni, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belzoni Municipal Airport (latitude 33°08'40" N., longitude 90°30'55" W.).

Bemidji, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 5 miles each side of the Bemidji VORTAC 135° radial, extending from the 7-mile radius area to 19½ miles southeast of the VORTAC; within 5 miles each side of the Bemidji VORTAC 318° radial, extending from the 7-mile radius area to 8 miles northwest of the VORTAC; and within 4½ miles north and 9½ miles south of the 262° bearing from Bemidji Municipal Airport, extending from the airport to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Bemidji VORTAC, extending from the 318° radial, clockwise to the 014° radial; within a 23½-mile radius of Bemidji VORTAC extending from the 014° radial clockwise to the 285° radial; within 4½ miles northeast and 9½ miles southwest of the Bemidji VORTAC 318° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bemidji VORTAC 135° radial, extending from the 23½-mile radius area to 30 miles southeast of the VORTAC.

Bend, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bend Municipal Airport (latitude 44°05'35" N., longitude 121°12'00" W.) and within 2 miles each side of the Redmond VORTAC 334° and 154° radials, extending from the 5-mile radius area to 1 mile northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Redmond VORTAC 334° radial, extending from the VORTAC to 12 miles northwest of the VORTAC.

Bennington, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°53'30" N., 73°14'50" W. of Bennington State Airport, Bennington, Vt., and within 2 miles each side of the Cambridge, N. Y., VOR 145° radial, extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

Benson, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Benson Municipal Airport (latitude 45°20'00" N., longitude 95°39'00" W.); and within 3 miles each side of the 323° bearing from Benson Municipal Airport extending from the airport to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 323° and 143° bearings from Benson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Morris, Minn., transition area.

Benton Harbor, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.), and within 2 miles each side of the ILS back course and Keller, Mich., VORTAC 266° radial extending from the 7-mile radius area to 12 miles west of the airport.

Berkeley Springs, WV.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the center (lat. 39°41'30" N., long. 78°09'45" W.) of Potomac Airpark, Berkeley Springs, WV., extending clockwise from the 062° bearing to the 167° bearing from the airport; within a 22.5-mile radius of Potomac Airpark, extending clockwise from the 167° bearing to the 215° bearing from the airport; within a 21.5-mile radius of Potomac Airpark, extending clockwise from the 215° bearing to the 266° bearing from the airport; within a 15.5-mile radius of Potomac Airpark, extending clockwise from the 266° bearing to the 304° bearing from the airport; within a 19.5-mile radius of Potomac Airpark, extending clockwise from the 304° bearing to the 342° bearing from the airport; within a 21.5-mile radius of Potomac Airpark, extending clockwise from the 342° bearing to the 023° bearing from the airport; within a 23.5-mile radius of Potomac Airpark, extending clockwise from the 023° bearing to the 062° bearing from the airport; within 2.5 miles each side of the Hagerstown VOR 268° radial, extending from the 14.5-mile radius to 1 mile west of the VOR, excluding the portion within the Hagerstown, MD., and and Martinsburg, WV., transition areas.
AMENDMENTS 8/17/72 37 F. R. 12486 (Added)

Berlin, N.H.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 44°34'35" N., 71°10'40" W. of Berlin Municipal Airport, Berlin, N. H.; within 2 miles each side of the Berlin Municipal Airport Runway 18 centerline, extended from the 8.5-mile radius area to 12 miles south of the end of the runway; within 2 miles each side of the Berlin Municipal Airport Runway 36 centerline, extended from the 8.5-mile radius area to 20.5 miles north of the end of the runway and within 4.5 miles west and 9.5 miles east of the Berlin, N. H. VOR (44°38'05" N., 71°11'12" W.) 355° radial, extending from the 8.5-mile radius area to 18.5 miles north of the VOR.
That airspace extending upward from 1,200 feet above the surface beginning at 44°54'00" N., 71°10'00" W. to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'00" N., 71°00'30" W. to 44°31'00" N., 70°55'00" W. to 44°29'00" N., 71°03'00" W. to 44°22'00" N., 71°02'00" W. to 44°13'00" N., 71°45'00" W. to 44°25'00" N., 71°52'00" W. to 44°36'00" N., 71°20'00" W. to 44°47'00" N., 71°28'00" W. to point of beginning.

Bethel, Alaska
That airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the Bethel VORTAC.

Big Delta, AK.
That airspace extending upward from 700 feet above the surface within 9.5 miles each side of the Big Delta VORTAC 220° and 040° radials extending from 2 miles southwest to 18.5 miles northeast of the Big Delta VORTAC; and within a 16.5-mile radius of the Big Delta VORTAC extending clockwise from the 309° radial to the 006° radial.

AMENDMENTS 4/27/72 37 F. R. 4073 (Added) Corr: 37 F. R. 8441

Big Mountain, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° and 229° bearings from the Big Mountain RBN, extending from 7 miles northeast to 13 miles southwest of the RBN.

Big Piney, Wyo.
That airspace extending upward from 700 feet above the surface within 5.5 miles southwest and 9.5 miles northeast of the Big Piney VOR 134° and 314° radials, extending from 4.5 miles northwest to 19 miles southeast of the VOR, and that airspace extending upwards from 1,200 feet above the surface within 9 miles southwest and 13.5 miles northeast of the Big Piney 134° and 314° radials, extending from 11.5 miles northwest to 24.5 miles southeast of the VOR.

Big Sandy, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ambassador Field (latitude 32°35'00" N., longitude 95°03'45" W.), and within 2 miles each side of the Gregg County VORTAC 303° radial extending from the 5-mile radius area to 15 miles northwest of the VORTAC.

Big Spring, Texas
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°12'55" N., longitude 101°31'06" W.

Billings, Mont.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 075° radial; within a 24-mile radius of Billings VORTAC extending from the Billings VORTAC 075° radial clockwise to the 124° radial; within a 13-mile radius of Billings VORTAC extending from the Billings VORTAC 124° radial clockwise to the 147° radial; within a 21-mile radius of Billings VORTAC extending from the Billings VORTAC 147° radial clockwise to the 197° radial; within a 13-mile radius of the Billings VORTAC extending from the Billings VORTAC 197° radial clockwise to the 219° radial; within a 21-mile radius of Billings VORTAC extending from the Billings VORTAC 219° radial clockwise to the 287° radial; within a 31-mile radius of the Billings VORTAC extending from the Billings VORTAC 287° radial clockwise to the 312° radial; that airspace within a 25-mile radius of Billings VORTAC extending from the Billings VORTAC 312° radial clockwise to the 008° radial; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 057° radial; within a 35-mile radius of Billings VORTAC extending from the Billings VORTAC 057° radial clockwise to the 212° radial; within a 25-mile radius of Billings VORTAC extending from the Billings VORTAC 212° radial clockwise to the 266° radial; within a 35-mile radius of Billings VORTAC extending from the Billings VORTAC 266° radial clockwise to the 301° radial; within a 42-mile radius of Billings VORTAC extending from the Billings VORTAC 301° radial clockwise to the 008° radial; that airspace extending upward from 6,200 feet MSL within a 35-mile radius of Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 057° radial and from the Billings VORTAC 212° radial clockwise to the 266° radial;
that airspace extending upward from 7,000 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 072° radial clockwise to the 131° radial. That airspace extending upward from 7,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 301° radial clockwise to the 317° radial; that airspace extending upward from 8,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 266° radial clockwise to the 301° radial; and that airspace extending upward from 9,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 131° radial clockwise to the 150° radial, excluding the portions that overlie VOR Federal airways.

AMENDMENTS 2/3/72 36 F. R. 23550 (Rewritten)
AMENDMENTS 12/7/72 37 F. R. 20024 (Changed)

Binghamton, N.Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Broome County Airport, 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 8 miles from the VOR; within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Nimmons RBN.

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Birch Hollow, Va.
That airspace extending upward from 700 feet above the surface within an area 7 miles east of and parallel to and 14 miles west of and parallel to the Martinsburg, W. Va., 140° radial extending between the Martinsburg, W. Va., and Herndon, Va., VORTACs.

Birmingham, Ala.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36 north of the Birmingham Municipal Airport and the arc of a 17-mile radius circle centered at Birmingham Airport surveillance radar antenna site (latitude 33°34'24" N., longitude 86°45'23" W.); thence clockwise along this arc to the intersection of the 270° bearing from the radar antenna site; thence east along the 270° bearing from the radar antenna site to the intersection of the arc of a 13-mile radius circle centered at the radar antenna site; thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC 313° radial; thence southeast along this line to the intersection of the arc of a 10-mile radius circle centered at the radar antenna site; thence clockwise along this arc to the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36; thence north along this line to the point of beginning; within 5 miles each side of Birmingham ILS localizer southwest course, extending from the 17-mile radius area to 11.5 miles southwest of the OM.

Bishop, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bishop VOR (latitude 37°22'37" N., longitude 118°21'56" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 12 miles northeast of the Bishop VOR 156° and 336° radials, extending from 10 miles northwest to 22 miles southeast of the VOR; that airspace extending upward from 12,500 feet MSL within 5 miles each side of the Bishop VOR 341° radial extending from the VOR to V-244, within 5 miles each side of a direct course between the Bishop VOR and Lida Intersection, 42 miles 12,500 feet MSL, 10,500 feet MSL Lida Intersection, and within 5 miles each side of a direct course between Bishop VOR and Beatty, Nev., VOR 80 miles 12,500 feet MSL, 10,500 feet MSL Beatty.

Bismarck, N. Dak.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Bismarck VORTAC; within a 20-mile radius of Bismarck VORTAC, extending from the Bismarck VORTAC 152° radial clockwise to the Bismarck VORTAC 182° radial; within 4½ miles north and 9½ miles south of the Bismarck VORTAC 105° radial extending from the 17-mile radius area to 18½ miles east of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bismarck ILS localizer southeast course, extending from the 17-mile radius area to 18½ miles southeast of the OM;
and within 4½ miles northeast and 9½ miles southwest of the Bismarck ILS localizer northwest course extending from the 17-mile radius area to 32 miles northwest of the OM; that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of the Bismarck VORTAC, extending from 5 miles northwest of and parallel to the Bismarck VORTAC 204° radial clockwise to the Bismarck VORTAC 082° radial, and within a 33-mile radius of the Bismarck VORTAC, extending from the Bismarck 082° radial clockwise to a line 5 miles northwest of and parallel to the Bismarck VORTAC 204° radial.

Blacksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 37°12'25" N., 80°24'30" W., of VPI Airport, Blacksburg, Va.; within 4 miles northwest and 3 miles southeast of the Pulaski VORTAC 064° radial, extending from the 6-mile radius area to 3 miles northeast of the Pulaski VORTAC; within 2 miles each side of the Runway 8
centerline extended from the 6-mile radius area to 7 miles east of the end of the runway; and within 2 miles each side of the Runway 30 centerline extended from the 6-mile radius area to 11 miles northwest of the end of the runway, excluding the portion within the Dublin, Va., transition area.

Blackstone, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.) excluding the portion within R-6602.

Blanding, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°34'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC excluding that portion within R-6410 during the times that R-6410 is in use.

Block Island, R. I.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Block Island State Airport (lat. 41°10'05" N., long. 71°34'40" W.).

Bloomington, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Bloomington Normal Airport; and within 3 miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 6½-mile radius area to 8 miles northeast, east and northwest of the VOR.

Bloomington, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 5 miles each side of the Bloomington VORTAC 062° radial, extending from the 7-mile radius area to 14 miles northeast of the VORTAC; within 5 miles each side of the Bloomington VORTAC 181° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; within 5 miles each side of the Bloomington VORTAC 341° radial, extending from the 7-mile radius area to 12 miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 7-mile radius area to 10½ miles southwest of the VORTAC.

Bloomsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center of Bloomsburg Municipal Airport, Bloomsburg, Pa., lat. 40°59'45" N., longitude 76°26'30" W., and within 3 miles each side of the Milton, Pa., VORTAC 099° radial extending from the 7.5-mile radius area to the VORTAC.

Bluefield, WV.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 37°17'45" N., long. 81°12'29" W., of Mercer County Airport, Bluefield, WV.; within a 14.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 113° bearing from the airport; within a 17-mile radius of the center of the airport, extending clockwise from a 113° bearing to a 195° bearing from the airport; within a 23.5-mile radius of the center of the airport, extending clockwise from a 195° bearing to a 248° bearing from the airport and within 3.5 miles each side of the Bluefield VORTAC 047° radial, extending from the 11-mile radius area to 11 miles northeast of the VORTAC.

AMENDMENTS 3/30/72 37 F. R. 1358 (Rewritten)

Blythe, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Blythe VORTAC 227° radial, extending from the arc of a 5-mile radius circle centered on the Blythe Airport (latitude 33°37'15" N., longitude 114°43'00" W.) to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 33°43'00" N., on the E by longitude 114°30'00" W., on the S by the arc of an 18-mile radius circle centered on the Blythe Airport, and on the W by longitude 115°00'00" W.

Blytheville, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (latitude 35°56'15" N., longitude 89°49'45" W.), within 4 miles east and 7 miles west of a 005° bearing from the Hicks RBN (latitude 35°57'52" N., longitude 89°49'35" W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport; and that airspace extending upward from 1,200 feet above the surface within the States of Kentucky and Missouri south of a line beginning on the Arkansas/Missouri State line at latitude 36°26'25" N., thence to latitude 36°20'00" N., longitude 89°59'00" W., to latitude 36°20'00" N., longitude 89°49'30" W., to latitude 36°33'30" N., longitude 89°34'00" W., to latitude 36°28'00" N., longitude 89°19'00" W.; and that airspace extending upward from 5,000 feet MSL bounded by a line beginning at latitude 36°33'30" N., longitude 89°34'00" W., to latitude 37°03'00" N., longitude 89°19'00" W., to latitude 36°58'30" N., longitude 89°00'00" W., to latitude 36°28'00" N., longitude 89°19'00" W., to point of beginning excluding the portion within the Tennessee transition, the State of Kentucky transition area and the portion extending upward from 5,000 feet MSL within Federal airways.

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Boise, Idaho
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°56'00" N., longitude 116°33'00" W., direct to latitude 43°51'15" N., longitude 116°25'00" W., thence via a 21.5-mile radius arc, centered on the Boise VORTAC, to longitude 116°14'00" W., direct to latitude 43°45'00" N., longitude 116°14'00" W., direct latitude 43°31'00" N., longitude 115°52'00" W., direct latitude 43°20'00" N., longitude 115°58'00" W., direct latitude 43°27'00" N., longitude 116°22'00" W., direct latitude 43°25'00" N., longitude 116°25'00" W., direct latitude 43°42'00" N., longitude 116°57'00" W., direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Boise VORTAC, extending clockwise from a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial to the Boise VORTAC 204° radial; that airspace east of Boise within a 34-mile radius of Boise VORTAC, extending clockwise from the north edge of V-4N to the northeast edge of V-4; within a 40-mile radius of Boise VORTAC, extending clockwise from the Boise VORTAC 204° radial to a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; within 8 miles south and 7 miles north of the Boise VORTAC 269° radial, extending from the 40-mile radius area to 57 miles west of the VORTAC; within 8 miles northeast and 11 miles southwest of the Boise VORTAC 295° radial, extending from the 40-mile radius area to 75 miles northwest of the VORTAC; within 8 miles northeast and 16 miles northwest of the Boise VORTAC 319° radial, extending from the 40-mile radius area to 55 miles northwest of the VORTAC, and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253, and on the southwest by a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL, extending from the 34-mile radius area bounded on the north by the south edge of V-500, on the northeast by the southwest edge of V-293 and on the south by the north edge of V-330 and on the southwest by the northeast edge of V-4.
That airspace northeast of Boise extending upward from 11,500 feet MSL, bounded on the northeast by the southwest edge of V-293, on the south by the north edge of V-500, on the southwest by the 25-mile radius area and on the west by the east edge of V-253.
AMENDMENTS 4/27/72 37 F. R. 3632 (Changed) Corr: 37 F. R. 4957

Bonneville, Utah.
That airspace SE of Bonneville extending upward from 1,200 feet above the surface bounded by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°35'00" N., longitude 113°00'00" W., thence via longitude 113°00'00" W., to the S edge of V-32, thence via the S edge of V-32 to longitude 112°56'30" W., thence via longitude 112°56'30" W., to latitude 40°40'00" N., thence to point of beginning; and that airspace extending upward from 8,500 feet AMSL bounded on the S by latitude 40°35'00" N., on the W by longitude 113°51'00" W., on the N by the S edge of V-32 and on the E by longitude 113°00'00" W.

Boone, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boone Municipal Airport (latitude 42°03'00" N., longitude 93°50'45" W.); and within 3 miles each side of the 338° bearing from Boone Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 338° bearing from Boone Municipal Airport, extending from the airport to 18½ miles north of the airport; and within 5 miles each side of the 158° bearing from Boone Municipal Airport, extending from the airport to 12 miles south of the airport, excluding the portion which overlies the Fort Dodge and Des Moines, Iowa, transition area.

Borger, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.), within 2 miles each side of the Borger, Tex., VOR 185° and 005° radials extending from the 7-mile radius area to 8 miles N of the VOR.

Boston, Mass.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°52'00" N., longitude 71°02'45" W. to latitude 42°54'00" N., longitude 71°00'15" W., to latitude 42°49'45" N., longitude 70°54'00" W. to latitude 42°48'15" N., longitude 70°55'30" W. to latitude 42°43'00" N., longitude 70°46'00" W. to latitude 42°30'00" N., longitude 70°48'00" W. to latitude 42°14'00" N., longitude 70°38'00" W. to latitude 41°59'00" N., longitude 70°48'00" W. to latitude 41°59'00" N., longitude 70°53'00" W. to latitude 42°03'00" N., longitude 71°10'00" W. to latitude 42°13'00" N., longitude 71°21'00" W. to latitude 42°21'00" N., longitude 71°25'00" W. to latitude 42°22'00" N., longitude 71°47'00" W. to latitude 42°27'00" N., longitude 71°55'00" W. to latitude 42°39'00" N., longitude 71°55'00" W. to latitude 42°41'00" N., longitude 71°42'00" W. to latitude 42°38'00" N., longitude 71°20'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning; and within 3.5 miles each side of the 154° bearing from the Stoughton, Mass., RBN (42°07'10" N., 71°07'41" W.) extending from the NDB to 10.5 miles southeast of the NDB; that airspace
extending upward from 1,200 feet above the surface bounded by a line beginning at:
Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°45'00" N., longitude 70°37'00" W. to latitude 42°44'25" N., longitude 70°37'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°41'20" N., longitude 70°30'00" W. to latitude 42°15'20" N., longitude 70°30'00" W. to latitude 42°13'20" N., longitude 70°18'30" W. to latitude 41°53'30" N., longitude 70°56'30" W. to latitude 42°04'00" N., longitude 71°19'00" W. to latitude 41°56'35" N., longitude 71°26'00" W., thence counterclockwise along the arc of a 27-mile-radius circle centered on the NAS Quonset Point VOR to latitude 41°47'45" N., longitude 71°46'40" W. to latitude 41°55'00" N., longitude 71°59'00" W. to latitude 42°05'00" N., longitude 72°00'00" W. to latitude 42°55'00" N., longitude 72°00'00" W. to latitude 42°43'00" N., longitude 71°40'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning, excluding the portion within the Taunton, Mass., transition area; and that airspace extending upward from FL 200 to FL 300, inclusive, east of Boston bounded by a line beginning at:
Latitude 42°24'30" N., longitude 70°15'30" W. to latitude 42°27'50" N., longitude 70°04'00" W. to latitude 42°25'30" N., longitude 70°04'00" W. to latitude 42°24'30" N., longitude 69°46'00" W. to latitude 42°21'30" N., longitude 69°30'00" W. to the point of beginning.

Boulder Junction, WI.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Boulder Junction Airport (latitude 46°08'15" N., longitude 89°38'45" W.); and within 3 miles each side of the 049° bearing from the Boulder Junction Airport, extending from the 5½-mile radius area to 8 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 049° bearing from Boulder Junction Airport, extending from the airport to 18½ miles northeast of the airport, excluding the portion which overlies the Land O'Lakes transition area.

AMENDMENTS 5/25/72 37 F. R. 7150 (Added)

Bowie, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowie Municipal Airport (latitude 33°36'15" N., longitude 97°46'27" W.), and within 2 miles each side of the Bridgeport VORTAC 359° radial extending from the 5-mile radius area to 31 miles north of the VORTAC.

Bowling Green, Ky.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 4.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 11-mile radius area to 11 miles southwest of the VORTAC.

AMENDMENTS 10/16/72 37 F. R. 22973 (Changed) Corr: 37 F. R. 25022

Bozeman, Mont.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 10½ miles southwest of the Bozeman VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR.

Bradford, Pa.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 4.5 miles northeast and 9.5 miles southwest of the Bradford Regional Airport Runway 32 ILS localizer southeast course, extending from the LOM to 18.5 miles southeast of the LOM; within 5 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 11-mile radius area to 14 miles northwest of the VORTAC.

Brainerd, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'55" N., longitude 94°08'15" W.); within 3 miles each side of the 120° radial of the Brainerd VORTAC extending from the 7-mile radius area to 7½ miles southeast of the VORTAC; within 5 miles each side of the Brainerd VORTAC 302° radial extending from the 7-mile radius area to 21 miles northwest of the VORTAC; within 3 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 11½ miles south of the airport; and within 3 miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Brainerd VORTAC; within 9½ miles southwest and 4½ miles northeast of the Brainerd VORTAC 302° radial, extending from the 13-mile radius area to 31½ miles northwest of the VORTAC; within 9½ miles east and 4½ miles west of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius to 23 miles south of the airport; within 9½ miles northeast and 4½ miles southwest of the Brainerd VORTAC 120° radial extending from the 13-mile radius area to 18½ miles southeast of the VORTAC; and within a 25-mile radius of the Brainerd VORTAC from a line 5 miles southwest of and parallel to the VORTAC 302° radial clockwise to a line 5 miles southeast of and parallel to the VORTAC 024° radial.

Breckenridge, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stephens County Airport (latitude 32°43'01" N., longitude 98°53'34" W.) and within 3.5 miles each side of the 004° bearing from the Breckenridge RBN (latitude 32°44'50" N., longitude 98°53'27" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Brewton, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Brewton Municipal Airport (lat. 31°03'00" N., long. 87°04'00" W.); within 5 miles each side of Crestview, Fla., VORTAC 303° radial, extending from the 6.5-mile radius area to 16 miles northwest of the VORTAC.

AMENDMENTS 3/2/72 37 F. R. 276 (Added)

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Bridgeport, Conn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°09'41" N., 73°07'35" W., of the Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 229° radial extending SW from the 7-mile radius area for 1 mile; within a 7-mile radius of the center 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 5 miles W and 8 miles E of the New Haven VOR 192° radial extending from the New Haven VOR for 12 miles; within 5 miles E and 5 miles W of the Hartford, Conn., VOR 223° radial extending NE from the Bridgeport 7-mile radius area for 24 miles; within 5 miles E and 5 miles W of the Poughkeepsie, N.Y., VOR 149° radial extending NW from the Bridgeport 7-mile radius area for 11 miles, within 5 miles N and 5 miles S of the Carmel, N.Y., VOR 065° radial extending from the Carmel VOR to 17 miles NE of the VOR; within 5 miles N and 5 miles S of the Carmel VOR 093° radial extending from the Carmel VOR to 28 miles E of the VOR, excluding those portions that coincide with the White Plains, N.Y., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°31'00" N., 73°30'00" W. to 41°31'00" N., 73°20'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 72°46'00" W. to 41°18'00" N., 72°30'30" W. to 41°00'00" N., 72°45'00" W. to 41°00'00" N., 73°33'00" W. to 41°10'00" N., 73°33'00" W. to 41°20'00" N., 73°23'00" W. to 41°25'00" N., 73°30'00" W. to point of beginning.

Brigham City, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brigham City Airport (latitude 41°32'30" N., longitude 112°03'30" W.), and within 4.5 miles each side of the 205° T (188°M) bearing from the Brigham City RBN (latitude 41°30'58" N., longitude 112°04'38" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

Broken Bow, Nebr.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Broken Bow Municipal Airport (latitude 41°26'05" N., longitude 99°38'25" W.); and within 3 miles each side of the 321° bearing from Broken Bow Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 321° and 141° bearings from Broken Bow Municipal Airport; extending from 6 miles southeast to 18½ miles northwest of the airport.

Brookhaven, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brookhaven Municipal Airport (lat. 31°36'20" N., long. 90°24'00" W.).

Brookings, S. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Brookings, S. Dak. Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.), within 3 miles each side of the Brookings VOR 123° radial, extending from the 7-mile radius area to 9 miles southeast of the VOR, within 3 miles each side of the 142° bearing from the Brookings Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport, within 4.5 miles northeast and 9.5 miles southwest of the 301° bearing from Brookings Municipal Airport, extending from the airport to 18.5 miles northwest of the airport, within 4.5 miles northeast and 9.5 miles southwest of the Brookings VOR 317° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the 142° bearing from the Brookings Municipal Airport, extending from the airport to 18.5 miles southeast of the airport.
PENDING AMENDMENT
Brookings, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 4.5 miles northeast and 9.5 miles southwest of the Brookings VOR 316° radial extending from the 9.5-mile radius area to 18.5 miles northwest of the VOR; within 9.5 miles southwest of the Brookings VOR 300° radial extending from the 9.5-mile radius area to 18.5 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Brookings VOR 118° radial extending from the 9.5-mile radius area to 18.5 miles southeast of the VOR.

AMENDMENTS 1/4/73 37 F. R. 23536 (Rewritten)

Brownsville, Tex.
That airspace overlying the United States extending upward from 700 feet above the surface within a 7-mile radius of the Brownsville International Airport (latitude 25°54'25" N., longitude 97°25'25" W.).

Brownwood, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Brownwood Municipal Airport (latitude 31°47'40" N., longitude 98°57'25" W.); and within 2 miles each side of the Brownwood VOR 360° and 180° radials, extending from the 6-mile radius area to 8 miles N of the VOR.

Brunswick, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of NAS Glynco (lat. 31°15'30" N., long. 81°28'50" W.); within 4.5 miles each side of Glynco TACAN 055° radial, extending from the 8.5-mile radius area to 7 miles northeast of the TACAN; within 4.5 miles each side of Glynco TACAN 250° radial, extending from the 8.5-mile radius area to 8.5 miles west of the TACAN; within 3 miles each side of the 271° bearing from Glynco RBN, extending from the 8.5-mile radius area to 8.5 miles west of the RBN; within an 8.5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05" N., long. 81°23'20" W.); within a 5-mile radius of Jekyll Island Airport (lat. 31°04'00" N., long. 81°25'40" W.); within 5 miles each side of Brunswick VOR 215° radial, extending from the Malcolm-McKinnon Airport 8.5-mile and Jekyll Island Airport 5-mile radius areas to 8.5 miles south of the VOR; excluding the portion outside the continental limits of the United States.

AMENDMENTS 6/29/72 37 F. R. 11674 (Changed)

Brunswick, ME.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of NAS Brunswick (lat. 43°53'35" N., long. 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 9-mile radius area to 12 miles south of the VOR.

AMENDMENTS 6/3/72 37 F. R. 11155 (Rewritten)

Bryan, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°28'05" N., 84°30'25" W.) of Williams County Airport, Bryan, Ohio; within 2 miles each side of the Runway 25 centerline extended from the 7-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of a 068° bearing from the Bryan, Ohio, RBN (41°28'47" N., 84°27'58" W.) extending from the RBN to 8 miles east of the RBN, excluding the portion which coincides with the Defiance, Ohio, transition area.

Bryce Canyon, UT.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bryce Canyon Airport (latitude 37°42'00" N., longitude 112°09'30" W.) and within 2 miles each side of the Bryce Canyon, UT., VORTAC 085° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southeast and 9½ miles northwest of the Bryce Canyon VORTAC 240° and 060° radials, extending from 18½ miles southwest to 13 miles northeast of the VORTAC.

AMENDMENTS 7/20/72 37 F. R. 10564 (Rewritten)

Buffalo, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport; within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 8-mile radius area to 8 miles east of the VORTAC; within 8 miles northwest and 5 miles southeast of the Greater Buffalo International Airport northeast localizer course extending from the OM to 12 miles northeast of the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 8-mile radius area to 8 miles southwest of the OM; within the arc of a 12-mile radius circle from 052° to 112° clockwise, centered on a point, 42°56'26" N., 78°44'11" W.; within an 8-mile radius of the center, 43°06'20" N., 78°56'55" W., of Niagara Falls International Airport; within 8 miles north and 5 miles south of the Niagara Falls International Airport localizer east course extending from the OM to 12 miles east of the OM; within 2 miles each side of the Niagara Falls International Airport localizer east course extending from the OM to the intersection of the localizer course and the Buffalo, N. Y., VORTAC 034° radial; and within a 5-mile radius of Buffalo Airpark Airport, 42°51'45" N., 78°43'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°21'00" N., longitude 78°00'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°37'00" N., longitude 79°15'00" W., to latitude 42°41'00" N., longitude 79°19'30" W., thence via the United States/Canadian border to longitude 78°00'00" W., thence south along longitude 78°00'00" W., to the point of beginning, excluding the portion outside the United States.

AMENDMENTS 12/7/72 37 F. R. 19355 (Changed)

Buffalo, Wyo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo, Wyo., Airport (latitude 44°22'48" N., longitude 106°43'02" W.) and within 4.5 miles each side of the Crazy Woman, Wyo., VORTAC 332° radial, extending from the 6-mile radius area to 12 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5.5 miles southwest of the Crazy Woman VORTAC 332° radial, extending from 4 miles to 30 miles northwest of the VORTAC.

Bunkie, LA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bunkie Municipal Airport (latitude 30°57'25" N., longitude 92°14'02" W.).

AMENDMENTS 3/30/72 37 F. R. 2835 (Added)

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Burbank, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34° 14' 00" N., longitude 118° 27' 00" W.; to latitude 34° 14' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 53' 30" W.; to latitude 34° 21' 30" N., longitude 118° 53' 00" W.; to latitude 34° 30' 30" N., longitude 118° 27' 00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 30' 00" N., longitude 118° 50' 00" W.; to latitude 34° 30' 00" N., longitude 118° 45' 00"W.; thence N along longitude 118° 45' 00" W. to the S boundary of V-137, thence along the S boundary of V-137 to longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 50' 00" W.; thence to point of beginning.

Burley, Idaho
That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121° radial, extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292° radial extending from the VORTAC to 17 miles west of the VORTAC; within 4.5 miles each side of the Burley VORTAC 323° radial extending from the VORTAC 11 miles northwest of the VORTAC within 4 miles each side of the Burley VORTAC 344° radial extending to the north edge of V-500; and that airspace extending upward from 1,200 feet above the surface within 12 miles north and 9 miles south of the Burley VORTAC 075° and 255° radials, extending from 18 miles east of the Burley VORTAC to 14-mile radius circle centered on the Twin Falls, Idaho, VOR and the 038° radial from the Twin Falls VOR; that airspace southeast of Burley bounded on the north by the south edge of V-4, on the south by the south edge of V-101 and on the east by an arc of a 33.5-mile radius circle centered on the Burley VORTAC.

AMENDMENTS 6/22/72 37 F. R. 8658 (Changed)
AMENDMENTS 10/12/72 37 F. R. 16475 (Changed)

Burlington, Iowa
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); and within 2 miles each side of the 293° radial of the Burlington VORTAC extending from the 8½-mile radius area to the Burlington VORTAC; and that airspace extending upward from 1,200 feet above the surface west of the Iowa-Illinois boundary within a 14-mile radius of Burlington Municipal Airport.

Burlington, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Burlington Municipal Airport (latitude 36°02'45" N., longitude 79°28'40" W.); within 3 miles each side of the Greensboro VORTAC 090° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC.

Burlington, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°28'15" N., 73°09'10" W., of Burlington International Airport, Burlington, Vt.; within 2 miles each side of the Burlington VOR 201° radial extending from the 10-mile radius to 8 miles south of the Burlington VOR; within 8 miles northeast and 5 miles southwest of the Burlington ILS northwest localizer course extending from the 10-mile radius to 12 miles northwest of the Burlington LOM; excluding that airspace that coincides with the Plattsburgh, N. Y., transition area.
That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at: 45°00'30" N., 72°00'00" W. to 44°55'00" N., 72°05'00" W. to 44°25'00" N., 72°20'00" W. to 43°55'00" N., 72°16'00" W. to 43°47'00" N., 72°39'00" W., 44°00'00" N., 73°16'00" W. to 44°00'00" N., 74°35'00" W. to 44°42'00" N., 74°54'00" W. to 44°42'00" N., 75°05'00" W. to 44°56'00" N., 75°05'00" W. thence easterly along the United States-Canadian Border to the point of beginning.

Burlington, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Burlington Municipal Airport (latitude 42°41'20" N., longitude 88°18'05" W.); and within 3 miles each side of the 101° bearing from the Burlington Municipal Airport extending from the 6½-mile radius area to 8 miles east of the airport.

Burnet, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal-Kate Craddock Field (latitude 30°44'34" N., longitude 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (latitude 30°44'35" N., longitude 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

Burwell, Nebr.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Burwell Municipal Airport (latitude 41°46'35" N., longitude 99°08'55" W.); and within 3 miles each side of the 330° bearing from the Burwell Municipal Airport, extending from the 7½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 330° bearing from the Burwell Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

Butler, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler Memorial Airport (latitude 38°17'20" N., longitude 94°20'25" W.); and within 2 miles each side of the Butler, Mo., VORTAC 079° radial, extending from the 5-mile radius area to the VORTAC.

Butler, Pa.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, lat. 40°46'45" N., long. 79°57'15" W. of Butler-Graham Airport, Butler, Pa., and within 3.5 miles each side of the 181° bearing from the Butler RBN, lat. 40°41'54" N., long. 79°57'14" W., extending from the 7.5-mile radius area to 11.5 miles south of the RBN.

Butte, MT.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Butte VORTAC and within 6 miles southwest and 10 miles northeast of the VORTAC 325° radial, extending from the VORTAC to 11 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the VORTAC 325° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC, and within 4½ miles west and 9½ miles east of the VORTAC 002° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

AMENDMENTS 8/17/72 37 F. R. 12381 (Rewritten)

Cadillac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cadillac, Mich., Municipal Airport (latitude 44°16'30" N., longitude 85°25'10" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area.

Cairo, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Cairo Airport (latitude 37°03'50" N., longitude 89°13'15" W.); and within 3 miles each side of the 032° bearing from Cairo Airport, extending from the 5½-mile radius to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 032° and 212° bearings from Cairo Airport extending from 6 miles southwest to 18½ miles northeast of the airport; and within 5 miles each side of the 212° bearing from Cairo Airport, extending from the airport to 12 miles southwest of the airport, excluding the portion which overlies the Sikeston, Mo., transition area, excluding the portion which overlies the State of Illinois.

Calverton, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Peconic Airport (latitude 40°54'55" N., longitude 72°47'35" W.).

Cambridge, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°32'30" N., 76°01'55" W.), of Cambridge Municipal Airport and within 2 miles each side of a 145° bearing from the Cambridge, Md., RBN (38° 32' 17" N., 76° 01' 56" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN and within 2 miles each side of the Salisbury, Md. VORTAC 295° radial, extending from the 5-mile radius area to 25 miles northwest of the VORTAC.

Cambridge, OH.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport, OH. (Latitude 39°58'33" N., Longitude 81°34'37" W.); and within 3 miles each side of the 214° bearing from the Cambridge Municipal Airport extending from the 5-mile radius to 8 miles southwest.

AMENDMENTS 8/17/72 37 F. R. 11969 (Added)

Camden, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrell Airport (latitude 33°37'00" N., longitude 92°45'45" W.), and within 2 miles each side of the 012° bearing from the Camden RBN (latitude 33°37'15" N., longitude 92°45'45" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

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Camden, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (latitude 34°17'03" N., longitude 80°33'53" W.); within 3 miles each side of the 040° bearing from Camden RBN (latitude 34°17'02" N., longitude 80°33'42.5" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

Camp Douglas, Wis.
That airspace extending upward from 700 feet above the surface, within a 10-mile radius of Volk Field, Camp Douglas, Wis. (latitude 43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 10-mile radius to 12 miles E of the VORTAC.

AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Camp Pendleton, Calif.
That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 3 miles northwest of the Camp Pendleton TACAN (latitude 33°18'04" N., longitude 117°21'06" W.) 041° radial, extending from the TACAN to 18 miles northeast of the TACAN.

Cape Girardeau, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 4½ miles east and 9½ miles west of the Cape Girardeau VOR 194° radial, extending from the 10-mile radius area to 18½ miles south of the VOR; and within 4½ miles north and 9½ miles south of the Cape Girardeau VOR 279° radial, extending from the 10-mile radius area to 18½ miles west of the VOR, excluding the portion which overlies the Sikeston, Mo., transition area.

Carlsbad, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 157° radial extending from the 7-mile radius area to 11 miles southeast of the VOR.

Carroll, Iowa
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'20" W.); and within 3 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 18½ miles southeast of the airport.

Carrollton, Ohio
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Carroll County-Tolson Airport (latitude 40°33'45" N., longitude 81°04'30" W.).

Casper, Wyo.
That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the Casper ILS localizer west course, extending from the OM to 18.5 miles west of the OM within 4 miles each side of the Casper ILS localizer east course, extending from the 5-mile radius zone to 3 miles east of the Casper RBN and within 2 miles each side of the Casper VORTAC 216° radial extending from 26 to 31 miles southwest of the VORTAC;
that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Casper RBN and that airspace northwest of Casper extending upward from 11,500 feet MSL, extending from the 35-mile radius area to an arc of a 60-mile radius circle centered on the Casper VORTAC, bounded on the south by the north edge of V-298 and on the east by the west edge of V-19.

Cedar City, Utah
Thar airspace extending upward from 1,200 feet above the surface within 6 miles E and 10 miles W of the Cedar City VOR 184° and 004° radials extending from 8 miles S to 20 miles N of the VOR.

Cedar Rapids, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 4½ miles north and 9½ miles south of the Cedar Rapids ILS localizer west course, extending from the OM to 18½ miles west of the OM; and within 4½ miles north and 9½ miles south of the Cedar Rapids VORTAC 264° radial, extending from the VORTAC to 18½ miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W.; thence south along longitude 91°00'00" W.; to and west along the north edge of V-434; to and northwest along the northeast edge of V-52; to and north along longitude 92°53'00" W.; to and northeast along the southeast edge of V-161; to and east along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC; to and southeast along the southwest edge of V-67; to and east along latitude 42°05'00" N.; to the point of beginning excluding the area which overlies the Ottumwa, Iowa, transition area.

Cedar Springs, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Great Northern Airport (latitude 31°10'30" N., longitude 85°05'40" W.); within 2 miles each side of the Dothan VORTAC 110° radial, extending from the 5-mile radius area to 15 miles east of the VORTAC.

Cedartown, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cornelius Moore Field (lat. 34°01'20" N., long. 85°08'50" W.); within 3 miles each side of Rome, Ga., VOR 009° and 189° radials, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; excluding the portion within Rome, Ga., transition area.

Celina, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 29°00" N., long. 84°33'50" W., of Lakefield Airport, Celina, Ohio; within 3.5 miles each side of the 262° bearing from the Celina, RBN, lat. 40°28'35" N., long. 84°38'06" W., extending from the 7-mile radius area to 11.5 miles west of the RBN; and within 3.5 miles each side of the 282° bearing from the Celina RBN, extending from the 7-mile radius area to 8.5 miles west of the RBN.

Centerville, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Centerville Municipal Airport (latitude 35°50'15" N., longitude 87°26'45" W.); within 3 miles each side of Graham, Tenn., VOR 177° radial, extending from the 5.5-mile radius area to 8.5 miles south of the VOR.

Centralia, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial, extending from the 5-mile radius area to the VOR.

Chadron, Nebr.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.), and within 5 miles each side of the Chadron VOR 030° radial, extending from the 14-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Chadron VOR 030° and 210° radials , extending from 5 miles NE to 14 miles SW of the VOR.

Champaign, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC.

Chanute, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the Chanute, Kans. VOR 064° and 244° radials, extending from 6 miles northeast to 18½ miles southwest of the VOR.

Chariton, IA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Chariton Municipal Airport (latitude 41°01'00" N., longitude 93°21'30" W.); and within 3 miles each side of the 352° bearing from the Chariton Municipal Airport extending from the 5-mile-radius area to 8 miles north of the airport.

AMENDMENTS 10/12/72 37 F. R. 16170 (Added)

Charles City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (latitude 43°04'15" N., longitude 92°36'15" W.); and within 3 miles each side of the 311° bearing from Charles City Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 131° and 311° bearings from Charles City Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport excluding the portion which overlies the Waterloo, Iowa, transition area.

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Charleston, S. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Charleston AFB/Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 3.5 miles each side of Charleston VORTAC 018°, 211°, and 332° radials, extending from the 9-mile radius area to 11.5 miles north; southwest and northwest of the VORTAC; within 3.5 miles each side of Charleston VORTAC 135° radial, extending from the 9-mile radius area to 10.5 miles southeast of the VORTAC; within a 6.5-mile radius of Johns Island Airport (lat. 32°42'00" N., long. 80°00'00" W.).

AMENDMENTS 6/22/72 37 F. R. 7689 (Changed)
AMENDMENTS 10/17/72 37 F. R. 23177 (Changed)

Charleston, WV.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, lat. 38°22'22" N., long. 81°35'35" W., of Kanawha Airport, Charleston, WV.; within 6.5 miles southwest and 5 miles northeast of a line bearing 321° from a point lat. 38°26'25" N., long. 81°39'50" W., extending from said point to 11.5 miles northwest; within 6.5 miles northeast and 5 miles southwest of a line bearing 141° from a point lat. 38°17'12" N., long. 81°30'30" W., extending from said point to 11.5 miles southeast; and within 8 miles northwest and 5 miles southeast of the Kanawha Airport ILS localizer northeast course, extending from the 14-mile radius area to 13 miles northeast of the OM.

AMENDMENTS 4/27/72 37 F. R. 4326 (Rewritten)

Charlevoix, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Charlevoix Municipal Airport (latitude 45°18'17" N., longitude 85°16'08" W.) and within 3 miles each side of the 270° bearing from Charlevoix Municipal Airport, extending from the 5½-mile radius area to 8 miles west of the airport, and within 3 miles each side of the 69° bearing from Charlevoix Municipal Airport, extending from the 5½-mile radius area to 8 miles east of the airport; that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 270° and 90° bearings from Charlevoix Municipal Airport, extending from the airport to 18½ miles west and 6 miles east of the airport, and within 4½ miles south and 9½ miles north of the 69° and 249° bearings from Charlevoix Municipal Airport, extending from the airport to 18½ miles east and 6 miles west of the airport, excluding the portion which overlies the Pellston, Mich., transition area.

Charlotte, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fitch H. Beach Airport (latitude 42°34'30" N., longitude 84°48'45" W.); and within 2 miles each side of the Lansing, Mich., VOR 209° radial, extending from the 6-mile radius area to the VOR, excluding the portion which overlies the Lansing, Mich., 700-foot floor transition area.

Charlotte, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 058° radial, extending from the 8.5-mile radius area to 14 miles northeast of the VORTAC; within 9.5 miles west and 4.5 miles east of Charlotte VORTAC 171° radial, extending from the 5.5 NM DME Fix to 24 miles south of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte VORTAC 223° radial, extending from the 5.5 NM DME Fix to 24 miles southwest of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within a 6.5-mile radius of Gastonia Municipal Airport, N. C. (latitude 35°12'00" N., longitude 81°09'05" W.); within a 6.5-mile radius of Rock Hill Municipal Airport, S. C. (latitude 34°59'05" N., longitude 81°03'30" W.).

Charlotte Amalie, St. Thomas, V. I. (Harry S. Truman Airport)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Harry S. Truman Airport; within 9.5 miles west and 4.5 miles east of St. Thomas VOR 358° radial, extending from the 15-mile radius area to 18.5 miles north of the VOR.

AMENDMENTS 9/14/72 37 F. R. 14291 (Rewritten)

Charlottesville, VA.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 38°08'25" N., long. 78°27'09" W. of Charlottesville-Albemarle Airport, Charlottesville, VA., extending clockwise from a 340° bearing to a 072° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 072° bearing to a 166° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 233° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 280° bearing from the airport; within a 19.5-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 340° bearing from the airport and within 3 miles each side of the 202° bearing from the Charlottesville RBN, extending from the 13-mile radius arc to 8.5 miles south of the RBN, excluding the portion that coincides with the Weyers Cave, VA., transition area.

AMENDMENTS 9/14/72 37 F. R. 13168 (Rewritten)

Chattanooga, Tenn.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.), extending clockwise from the 030° to the 210° bearing from Lovell Field; within a 19-mile radius of Lovell Field, extending clockwise from the 210° to the 030° bearing from Lovell Field.

Cheraw, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cheraw Municipal Airport (latitude 34°42'45" N., longitude 79°57'35" W.); within 2 miles each side of the Chesterfield VOR 077° radial extending from the 5-mile radius area to the VOR.

Cherokee, Wyo.
That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° and 081° radials extending to 8 miles east and 19 miles west of the VORTAC.

Cherokee Village, Ark.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cherokee Village Airport (latitude 36°15'49" N., longitude 91°33'55" W.), within 3.5 miles each side of the 223° bearing from the Cherokee Village RBN (latitude 36°15'55" N., longitude 91°33'45" W.) extending from the 8-mile radius area to 11 miles southwest of the RBN.

Chester, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°23'01" N., 72°30'20" W. of Chester Airport, Chester, Conn., and within 2 miles each side of the Madison VOR 062° radial extending from the 5-mile radius to the VOR.

Chester, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chester Municipal Airport (lat. 34°47'18" N., long. 81°11'45" W.).

AMENDMENTS 3/2/72 36 F. R. 24798 (Added)

Chesterfield, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Spirit of St. Louis Airport (latitude 38°39'35" N., longitude 90°38'45" W.); within 3½ miles each side of the Maryland Heights, Missouri VORTAC 310° radial, extending from the 9-mile radius area to 12 miles northwest of the VORTAC; within 5 miles each side of the Maryland Heights VORTAC 241° radial, extending from the 9-mile radius area to 16½ miles southwest of the VORTAC; and within 2½ miles each side of the Spirit of St. Louis ILS localizer west course, extending from the 9-mile radius area to 8 miles west of the OM, excluding the portion which overlies the St. Louis, Mo., 700-foot floor transition area.

Cheyenne, Wyo.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the NE by V-6, on the SE by V-207, on the SW by V-4N and on the NW by V-524, and that airspace NW of Cheyenne within 7 miles NE and 10 miles SW of the Cheyenne VORTAC 305° radial, extending from the VORTAC to 47 miles NW of the VORTAC, excluding the portions within the Laramie, Wyo. transition area.

Chicago, Ill.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°31'00" N., longitude 87°47'00" W.; to latitude 41°29'00" N., longitude 87°34'00" W.; to latitude 41°29'00" N., longitude 87°19'00" W.; to latitude 41°55'00" N., longitude 87°19'00" W.; to latitude 42°30'00" N., longitude 87°35'00" W.; to latitude 42°38'00" N., longitude 87°52'00" W.; to latitude 42°30'00" N., longitude 87°59'00" W.; to latitude 42°25'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°25'00" W.; to latitude 41°55'00" N., longitude 88°25'00" W.; to latitude 41°53'00" N., longitude 88°31'00" W.; to latitude 41°50'00" N., longitude 88°31'00" W.; thence counterclockwise via the arc of a 5-mile radius circle centered on the Aurora Municipal Airport (latitude 41°46'14" N., longitude 88°28'16" W.) to latitude 41°48'00" N., longitude 88°22'50" W. to latitude 41°50'00" N., longitude 88°12'00" W to point of beginning.
AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Chico, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR, and that airspace within 2 miles each side of the Chico VOR 165° radial extending from the 5-mile radius area to 12 miles south of the VOR, excluding the portion within a 1-mile radius of the Ranchero Airport (latitude 39°43'10" N., longitude 121°52'10" W.

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Chicopee Falls, Mass.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°11'40" N., 72°32'15" W., of Westover AFB, Chicopee Falls, Mass.; within 7 miles each side of the Chicopee Falls, Mass., ILS localizer NE course extending from the 12-mile radius area to 13 miles NE of the outer marker and within a 10-mile radius of the center, 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass., and within that airspace bounded by a line beginning at 42°11'50" N., 72°54'10" W. to 42°32'20" N., 72°49'20" W. to 42°30'00" N., 72°32'00" W. to 42°24'45" N., 72°34'00" W. to 42°24'50" N., 72°33'25" W. to 42°22'00" N., 72°34'00" W., thence to the point of beginning; within a 6.5-mile radius of the center lat. 42°10'45" N., long. 72°37'00" W., of La Fleur Airport, Northampton, Mass.; within 3.5 miles each side of the Chester, Mass. VOR 082° radial, extending from the 6.5-mile radius area to the Chester, Mass. VOR, excluding the portion which coincides with the Hartford, Conn., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°55'00" N., 72°00'00" W. to 42°05'00" N., 72°00'00" W. to 41°55'00" N., 71°59'00" W. to 42°02'00" N., 72°07'00" W. to 42°02'00" N., 73°16'00" W. to 43°11'00" N., 72°39'00" W. to 43°05'00" N., 72°13'00" W. to point of beginning.

Childress, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.);

China Lake NAF, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the NAF China Lake TACAN 350° radial extending from 8 miles to 12 miles N of the TACAN and within 2 miles each side of the NAF China Lake TACAN 148° radial extending from 8 miles to 11 miles SE of the TACAN.

Chincoteague, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.).

Christiansted, St. Croix, V. I.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (latitude 17°42'13" N., longitude 64°47'54" W.); within 3 miles each side of the 208° bearing from the St. Croix RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles southeast and 4.5 miles northwest of the 208° bearing from the St. Croix RBN, extending from the 15-mile radius area to 18.5 miles southwest of the RBN.

AMENDMENTS 9/14/72 37 F. R. 14291 (Changed)

Cincinnati, Ohio
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 9.5 miles east and 4.5 miles west of Runway 36 ILS localizer south course, extending from the 11.5-mile radius area to 18.5 miles south of the LOM; within 3 miles each side of Runway 9R ILS localizer west course, extending from the 11.5-mile radius area to 8.5 miles west of Burlington RBN; within 5 miles each side of Cincinnati VORTAC 223° radial, extending from the 11.5-mile radius area to 11.5 miles southwest of the VORTAC; within a 12-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'16" W.); within 3 miles each side of the 044° bearing from Lunken RBN, extending from the 12-mile radius area to 8.5 miles northeast of the RBN; within a 5½-mile radius of Clermont County Airport, Batavia, OH. (latitude 39°04'43" N., longitude 84°12'38" W.); within a 5-mile radius of the Blue Ash Airport, Cincinnati, OH. (latitude 39°14'59" N., longitude 84°23'14" W.) and within 3 miles each side of the 046° bearing from the Blue Ash Airport from the 5-mile radius area to 7 miles northeast.

AMENDMENTS 6/17/72 37 F. R. 11859 (Changed)
AMENDMENTS 10/12/72 37 F. R. 16388 (Changed)
AMENDMENTS 10/16/72 37 F. R. 22073 (Changed)

Circleville, OH.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Pickaway County Memorial Airport (latitude 39°31'00" N., longitude 82°58'55" W.) excluding the portion which lies within the Lockbourne AFB transition area.

AMENDMENTS 10/12/72 37 F. R. 16388 (Added)

Claremont, N. H.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 43°22'15" N., 72°22'05" W., of Claremont Municipal Airport, Claremont, N. H.; and within 5 miles south and 3 miles north of the 097° bearing from the Claremont, N. H., RBN (43°21'50" N., 72°17'57" W.); extending from the RBN to 10 miles east of the RBN, excluding the portions within the Lebanon, N. H., and Springfield, Vt., transition areas.

Clarksburg, WV.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 39°17'44" N., long. 80°13'46" W., of Benedum Airport; within 5 miles each side of the Clarksburg VOR 219° radial, extending from the 8.5-mile radius area to 11.5 miles southwest of the VOR and within 5 miles each side of the Benedum Airport ILS localizer northeast course, extending from the 8.5-mile radius area to 10 miles northeast of the OM.

AMENDMENTS 3/30/72 37 F. R. 1358 (Rewritten)
AMENDMENTS 7/20/72 37 F. R. 11156 (Rewritten)

Clarksdale, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fletcher Field (latitude 34°17'45" N., longitude 90°30'50" W.); within 3 miles each side of the 010° and 163° bearings from the Clarksdale RBN (latitude 34°17'33" N., longitude 90°30'57" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN.

Clemson, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clemson-Oconee County Airport (latitude 34°40'22" N., longitude 82°53'07" W.); within 3 miles each side of the 092° bearing from the Oconee RBN (latitude 34°40'25" N., longitude 82°53'13" W.), extending from the 5-mile radius area to 8.5 miles east of the RBN.

AMENDMENTS 11/9/72 37 F. R. 19121 (Added)

Cleveland, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Cleveland Municipal Airport (lat. 33°45'30" N., long. 90°45'15" W.); within 3 miles each side of the 355° bearing from Renova RBN (lat. 33°48'25" N., long. 90°45'45" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 3/2/72 37 F. R. 136 (Added)
AMENDMENTS 10/12/72 37 F. R. 15512 (Changed)

Cleveland, Ohio
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (41°24'30" N., 81°51'00" W.), of Cleveland-Hopkins International Airport, Cleveland, Ohio; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 18-R centerline, extended from the 12.5-mile radius area to 14.5 miles south of the end of the runway; within 3 miles each side of the 230° bearing from the Gilbert, Ohio, RBN extending from the 12.5-miles radius area to 5 miles southwest of the RBN; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 28-R centerline, extended from the 12.5-mile radius area to 13 miles west of the end of the runway; within the area bounded by a line beginning at a point on the Cleveland, Ohio, VORTAC 041° radial 20 miles northeast of the VORTAC, thence along a line bearing 052° from this point to its intersection with the arc of a 15-mile radius circle centered on Lost Nation Airport, Willoughby, Ohio (41°41'00" N., 81°23'20" W.), thence clockwise along the arc of the 15-mile radius circle to its intersection with the arc of a 9-mile radius circle centered on Casement Airport, Painesville, Ohio (41°44'05" N., 81°13'25" W.), thence clockwise along the arc of the 9-mile radius circle to its intersection with the arc of a 7.5-mile radius circle centered on Concord Airpark, Painesville, Ohio (41°40'00" N., 81° 12'00" W.), thence clockwise along the arc of the 7.5-mile radius circle to its point of intersection with a line 2 miles east and parallel to the Chardon VORTAC 350° radial, thence south along this parallel line to its point of intersection with the Chardon VORTAC 080° radial, thence west along the Chardon VORTAC 080° radial to the Chardon VORTAC, thence southeast along the Chardon VORTAC 145° radial to a point 2 miles southeast of the VORTAC, thence southwest along a line 2 miles southeast and parallel to the Chardon VORTAC 235° radial commencing at the point of intersection of this parallel line and the Chardon VORTAC 145° radial to the point of intersection with the arc of a 5.5-mile radius circle centered on Chagrin Falls Airport, Chagrin Falls, Ohio (41°25'45" N., 81°19'50" W.), thence clockwise along the arc of the 5.5-mile radius circle to the point of intersection of the 5.5-mile arc with a line bearing 180° from a point 41°25'45" N., 81°19'50" W., thence direct to the intersection of a line bearing 126° from latitude 41°24'35" N., longitude 81°41'25" W., and the arc of a 12.5-mile radius circle centered on the Cleveland-Hopkins International Airport, thence to the point of beginning.

AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)

Clifton, Tenn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hassell Field (lat. 35°23'00" N., long. 87°58'00" W.).

Clinton, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Clinton Municipal Airport (latitude 41°49'55" N., longitude 90°19'45" W.); within 2 miles each side of the Cordova VORTAC 043° radial, extending from the 7-mile radius area to the VORTAC; and within 8 miles southwest and 5 miles northeast of the 324° bearing from Clinton Municipal Airport, extending from the airport to 12 miles northwest of the airport.

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Clinton, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sampson County Airport (lat. 34°58'48" N., long. 78°21'48" W.); within 3 miles each side of the 247° bearing from Clinton RBN (lat. 34°58'31" N., long. 78°21'48" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

Clinton, Okla. (Clinton-Sherman Airport)
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longitude 99°12'00" W.), and within 8 miles west and 5 miles east of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from the 8-mile radius area to 20 miles north and 18 miles south of the ends of the runways excluding the portion within the Hobart, Okla., transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Clinton, Okla. (Clinton Municipal Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clinton Municipal Airport (lat. 35°32'15" N., long. 98°56'00" W.), and within 3.5 miles each side of the 171° bearing from the Clinton RBN (lat. 35°32'00" N., long. 98°56'02" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Clintonville, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'52" W.).

Cloquet, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Cloquet-Carlton County Airport (latitude 46°42'10" N., longitude 92°30'20" W.); within 3 miles each side of the 355° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius to 8 miles north of the airport; within 3 miles each side of the 175° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius area to 8 miles south of the airport.

Clovis, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of Cannon AFB, Clovis, N. Mex. (lat. 34°23'01" N., long.103°18'58" W.); within 7.5 miles north and 2 miles south of the Texico VORTAC 254° and 074° radials, extending from the 23-mile radius area to 1.5 miles east of the Texico VORTAC; and within 3.5 miles each side of the Portales NDB (lat. 34°10'45" N., long. 103°22'33" W.) 202° bearings extending from the 23-mile radius area to 12 miles south of the NDB.

Coaldale, Nev.
That airspace extending upward from 10,500 feet MSL within 9 miles northeast and 6 miles southwest of the Coaldale VORTAC 146° and 326° radials, extending from 17 miles southeast to 7 miles northwest of the VORTAC.

Coatesville, Pa.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°59'00" N., 75°52'00" W. of Chester County Area Airport, Chester, Pa., and within 2 miles each side of the Coatesville RBN 283° bearing extending from the 4-mile radius area to 8 miles W of the RBN.

Cochise, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR.

Cochran, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cochran Airport (lat. 32°23'45" N., long. 83°16'45" W.); within 2.5 miles each side of Vienna VORTAC 046° radial, extending from the 5-mile radius area to 12.5 miles northeast of the VORTAC.

Cody, Wyo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), within 3 miles each side of the Cody VOR 022° and 202° radials, extending from the 8-mile radius area to 8.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9.5 miles east of the Cody VOR 022° and 202° radials, extending from 2.5 miles south to 18.5 miles north of the VOR.

Coeur D'Alene, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur D'Alene air terminal (latitude 47°46'30" N., longitude 116°49'05" W.), and within 2 miles each side of the 071° and 251° bearings from the Coeur D'Alene RBN (latitude 47°44'44" N., longitude 116°57'24" W.) extending from the 5-mile radius area to 8 miles west of the RBN.

Coffeyville, KS.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Coffeyville, KS., Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles either side of the 163° bearing from the airport extending from 7 miles to 8 miles south of the airport.

AMENDMENTS 8/17/72 37 F. R. 12062 (Rewritten)

Colby, Kans.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Colby Municipal Airport (latitude 39°25'30" N., longitude 101°02'40" W.); and within 3 miles each side of the 017° bearing from Colby Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 017° and 197° bearings from Colby Municipal Airport extending from 5 miles south to 18½ miles north of the airport.

Cold Bay, Alaska
That airspace extending upward from 1,200 feet above the surface within a 16.5-mile radius of the Cold Bay VORTAC, extending clockwise from the 253° radial to the 041° radial; within 7 miles southeast of the Cold Bay VORTAC 041° radial, extending from the VORTAC to 16.5 miles northeast of the VORTAC; within 7 miles south of the Cold Bay VORTAC 253° radial, extending from the VORTAC to 16.5 miles west of the VORTAC; within 5 miles west and 11.5 miles east of the Cold Bay VORTAC 335° radial, extending from the VORTAC to 20 miles north of the VORTAC, and within 8.5 miles west and 5 miles east of the Cold Bay VORTAC 150° radial, extending from 18 to 29 miles south of the VORTAC.

AMENDMENTS 12/7/72 37 F. R. 21528 (Rewritten)

Coldwater, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County, Memorial Airport (latitude 41°56'05" N., longitude 85°02'55" W.), within 2 miles each side of the Litchfield, Mich. VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport.

College Station, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Easterwood Field (latitude 30°35'19" N., longitude 96°21'54" W.); within 2 miles each side of the College Station VORTAC 107° radial extending from the 5-mile radius area to 18 miles east of the VORTAC; within 3.5 miles each side of the College Station northwest localizer course extending from the 5-mile radius area to 13 miles northwest of the localizer site (latitude 30°35'59" N., longitude 96°21'48.3" W.); within 1.5 miles each side of the southeast localizer course extending from the 5-mile radius area to 7 miles southeast of the localizer site.

AMENDMENTS 12/7/72 37 F. R. 20110 (Rewritten)

Colorado Springs, Colo.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.), and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20-mile radius area to 21 miles north of the localizer, excluding the portion west of longitude 104°52'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 38°30'00" N., on the west by longitude 104°52'00" W., on the north by latitude 39°05'00" N., on the east by the west edge of V-263, on the southeast by the southeast boundary of V-108S and longitude 104°00'00" W.; that airspace northwest of Colorado Springs bounded on the north by latitude 39°05'00" N., on the east by longitude 104°52'00" W. and on the southwest by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial;
that airspace southwest of Colorado Springs bounded on the north by a line beginning at latitude 38°35'00" N., longitude 105°10'00" W., to latitude 38°40'00" N., longitude 104°52'00" W., on the east by longitude 104°52'00" W., on the south by the north edge of V-244 and on the west by longitude 105°10'00" W.; that airspace southwest and northwest of Colorado Springs extending upwards from 11,700 feet MSL bounded on the north by a line beginning at latitude 38°30'00" N., longitude 105°27'00" W., to latitude 38°35'00" N., longitude 105°10'00" W., on the east by longitude 105°10'00" W., on the south by the north edge of V-244 and on the west by longitude 105°27'00" W., and that airspace bounded on the north by latitude 39°05'00" N., on the northeast by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial on the east by longitude 104°52'00" W., on the south by latitude 38°55'00" N., and on the west by longitude 105°20'00" W.

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Columbia, MO.
That airspace extending upward from 700 feet above the surface and within a 5-mile radius of the E.W. Cotton Woods Memorial Airport (latitude 39°00'15" N., longitude 92°17'45" W.); and within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.); within 2½ miles each side of the Hallsville, Mo., VORTAC 193° radial extending from the 8½-mile radius area to 10 miles south of the VORTAC; excluding the portion which overlies the Jefferson City, Mo., 700-foot floor transition area; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the east by V-175, on the north by V-4, on the south by V-234 and on the west by longitude 92°40'00" W., excluding the portions which overlie the Vichy, Mo., and Kaiser, Mo., transition areas.

AMENDMENTS 10/12/72 37 F. R. 16170 (Rewritten)

Columbia, S. C.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W); within 9.5 miles southwest and 4.5 miles northeast of Columbia VORTAC 147° radial, extending from the 11-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles south and 4.5 miles north of Columbia ILS localizer west course, extending from the 11-mile radius area to 18.5 miles west of the LOM.

Columbus, Ga.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55" N., long. 84°56'25" W.); within a 10-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 1.5 miles each side, expanding in width to 5 miles each side of Columbus ILS localizer northeast course, extending from the intersection of the Columbus VOR 102° radial to 11.5 miles northeast; within 9.5 miles southwest and 4.5 miles northeast of Lawson AAF ILS localizer southeast course, extending from the 10-mile radius area to 12 miles southeast of Louvale RBN; within 9.5 miles southwest and 4.5 miles northeast of Columbus VOR 140° and 329° radials, extending from the 10.5-mile radius area to 18.5 miles northwest of the VOR; within 4 miles each side of Lawson VOR 339° radial, extending from the 10-mile radius area to 20.5 miles north of the VOR.

Columbus, Miss
That airspace extending upward from 700 feet above the surface within a 17.5-mile radius of Columbus AFB (latitude 33°38'38" N., longitude 88°26'39" W.); within an 8-mile radius of Monroe County Airport (latitude 33°52'20" N., longitude 88°28'25" W.); within an 8-mile radius of Columbus-Lowndes County Airport (latitude 33°27'52" N., longitude 88°22'50" W.); within 4.5 miles north and 9.5 miles south of the Columbus VORTAC 281° radial, extending from the
VORTAC to 18.5 miles west; within an 8.5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48" N., long. 88°35'30" W.).

Columbus, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'25" W.), and within 8 miles NE and 5 miles SW of the Columbus VOR 141° radial extending from the VOR to 12 miles SE, and within 8 miles W and 5 miles E of the Columbus VOR 340° radial extending from the VOR to 12 miles N and within 8 miles SW and 5 miles NE of the 330° and 150° bearings from the Columbus RBN extending from 2 miles SE of the RBN to 12 miles NW of the RBN.

Columbus, Ohio
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 39°50'41" N., long. 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within a 14-mile radius of the center, lat. 39°49'00" N., long. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within an 8-mile radius of the center, lat. 40°19'43" N., long. 82°31'32" W. of Mount Vernon Airport, Mount Vernon, Ohio; within an 8-mile radius of the center, lat. 40°01'29" N., long. 82°27'44" W. of Licking County Airport, Newark, Ohio; within a 7-mile radius of the center, lat. 40°04'40" N., long. 83°04'30" W. of Ohio State University Airport, Columbus, Ohio; within the arc of a 25-mile radius circle centered on a point located at lat. 39°50'50" N., long. 82°53'44" W., extending clockwise from the 048° bearing from this point to the 170° bearing from this point and within 3.5 miles each side of the 273° bearing from the Ohio State University RBN, lat. 40°04'47" N., long. 83°04'54" W., extending from the RBN to 11.5 miles west of the RBN; within a 6½-mile radius of Bolton Field (latitude 39° 54'07" N., longitude 83°08'12" W.).

AMENDMENTS 4/27/72 37 F. R. 5285 (Changed)
AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)

Columbus, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Columbus Airport (latitude 29°43'10" N., longitude 96°33'50" W.).

Colusa, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles E and 3.5 miles W of the Williams, Calif. VORTAC 015 radial, extending from the VORTAC to 11 miles N of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-23, on the S by the N edge of V-200 and on the W by the W edge of V-195.

Commerce, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Commerce Municipal Airport (latitude 33°17'36" N., longitude 95°53'46" W.) and within 2.5 miles each side of the Sulphur Springs, TX., VORTAC 286° radial extending from the 5-mile radius area to 14.5 miles west of VORTAC.

AMENDMENTS 3/30/72 37 F. R. 2836 (Added)

Concord, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°22'00" N., 71°23'00" W., to 43°09'30" N., 71°17'30" W., to 43°08'00" N., 71°11'50" W., to 42°58'50" N., 71°01'00" W., to 42°53'00" N., 71°11'30" W., to 42°47'00" N., to 71°08'00" W., to 42°38'00" N., 71°20'00" W., to 42°40'00" N., 71°38'00" W., to 42°43'00" N., 71°36'00" W., to 42°45'00" N., 71°38'25" W., to 42°54'00" N., 71°57'00" W., to 43°06'00" N., 71°47'00" W., to 43°08'00" N., 71°58'00" W., to 43°21'00" N., 71°56'00" W., to 43°19'00" N., 71°38'00" W. to point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35'00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning.

Concord, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Propst Airport (latitude 35°23'30" N., longitude 80°34'30" W.); within 2.5 miles each side of Charlotte VORTAC 060° radial, extending from the 5-mile radius area to 18 miles northeast of the VORTAC.

Connecticut
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

Connellsville, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 39° 57'35" N., long. 79°39'25" W. of Connellsville Airport and within 9.5 miles northwest and 4.5 miles southeast of the 230° bearing from the Connellsville, Pa. RBN lat. 39°57'37" N., long. 79°39'16" W., extending from the RBN to 19.5 miles southwest of the RBN, excluding the portion that coincides with the Morgantown, W. Va., transition area.

Connersville, IN.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Mettel Airport (latitude 39°42'00" N.; longitude 85°08'00" W.), and within 3 miles each side of the 015° bearing from the Mettel Airport extending from the 6½-mile radius to 8 miles north of the airport; excluding that airspace designated at Richmond, IN.

AMENDMENTS 7/20/72 37 F. R. 9985 (Rewritten)

Cordele, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cordele Airport (latitude 31°59'15" N., longitude 83°46'24" W.).

Cordova, AK.
That airepace extending upward from 700 feet above the surface within 6 miles northwest and 9.5 miles southeast of the 233° bearing from the Cordova (CDV) NDB extending from the intersection of the 233° bearing from the Cordova (CDV) NDB and the east course of the Hinchinbrook, AK., RR to 19 miles southwest; that airspace extending upward from 1,200 feet above the surface within 6 miles each side of the Cordova localizer east course extending from the localizer to 40 miles east; and within 5 miles each side of a line extending from the Johnstone Point, AK., VOR to the Cordova (CDV) NDB.

AMENDMENTS 7/20/72 37 F. R. 9985 (Rewritten)

Corinth, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Roscoe Turner Airport (lat. 34°54'30" N., long. 88°36'00" W.); within 3 miles each side of the 185° and 346° bearings from Corinth RBN (lat. 34°54'39" N., long. 88°36'04" W.), extending from the 7-mile radius area to 8.5 miles south and north of the RBN.

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Corpus Christi, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within a 9-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within a 4-mile radius of the Sinton Airport (latitude 28°02'25" N., longitude 97°32'34" W.); within 2 miles each side of the Corpus Christi VORTAC 328° radial, extending from the 4-mile radius area to the VORTAC; within 2 miles each side of the Corpus Christi ILS localizer SE course, extending from the 6-mile radius area to 13 miles SE of the airport; within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the International Airport 6-mile radius area to 8 miles NW of the OM; within 2 miles each side of the Navy Corpus RBN 135° bearing, extending from the NAS Corpus Christi 9-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the NAS Corpus Christi 9-mile radius area to 12 miles SE of the TACAN.

Corsicana, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corsicana Municipal Airport (latitude 32°02'00" N., longitude 96°24'00" W.) and within 3 miles each side of the Scurry, Tex., VORTAC 186° radial extending from the 5-mile radius area to 24 miles south of the VORTAC.

AMENDMENTS 11/9/72 37 F. R. 18182 (Added)

Cortez, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cortez-Montezuma County Airport, Cortez, Colo., (latitude 37°18'15" N., longitude 108°37'35" W.), within 3.5 miles each side of the Cortez VOR 184° and 004° radials extending from the 7-mile radius area to 11.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Cortez VOR 184° and 004° radials, extending from 8 miles south to 19 miles north of the VOR, and within 5 miles northeast of and parallel to the Dove Creek VORTAC 129° radial, extending from the VORTAC to 21 miles southeast of the VORTAC.

PENDING AMENDMENT
Cortland, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 42° 35'30" N., long. 76°13'00" W. of Cortland County Chase Field Airport, Cortland, N. Y., and within 6.5 miles north and 5 miles south of the Georgetown, N. Y., VORTAC 236° radial extending from the 9-mile radius area to the VORTAC.

AMENDMENTS 2/1/73 37 F. R. 25488 (Added)

Corvallis, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.) within 4.5 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile radius area to 14 miles northeast of the VOR, within 5 miles each side of the Eugene, Oreg., VORTAC 345° radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180° radial, extending from the 7-mile radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oreg., transition area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029° and 209° radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

Coshocton, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Richard Downing Airport (latitude 40°18'37" N., longitude 81°51'17" W.).

AMENDMENTS 2/3/72 36 F. R. 23049 (Added) Corr: 37 F. R. 9461

Cotulla, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 8 miles north and 5 miles south of the Cotulla VOR 085° and 265° radials, extending to 5 miles west and 12 miles east of the VOR.

Covington, GA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (latitude 33°37'54" N., longitude 83°51'07" W.); within 5 miles each side of Rex VORTAC 093° radial, extending from the 6.5-mile radius area to 34 miles east of the VORTAC.

AMENDMENTS 5/25/72 37 F. R. 5005 (Added)

Crawfordsville, IN.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Crawfordsville Municipal Airport (latitude 39°58'45" N., longitude 86°55'00" W.) and within 3 miles each side of the 217° bearing from the Crawfordsville Municipal Airport extending from the 5-mile radius to 8 miles southwest.
AMENDMENTS 7/20/72 37 F. R. 9986 (Added)

Crescent City, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius area to 9 miles northwest of the VORTAC and within 4 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius area to 10 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC, within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC and within 8 miles northeast and 9.5 miles southwest of the Crescent City VORTAC 325° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC.

Creston, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Creston Municipal Airport (latitude 41°01'05" N., longitude 94°21'35" W.); and within 3 miles each side of the 171° bearing from Creston Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 171° and 351° bearings from Creston Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 351° bearing from Creston Municipal Airport, extending from the airport to V-6S.

Crestview, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.).

Creve Coeur, Mo.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the St. Louis, Mo., VORTAC 190° radial, extending from 12 miles south to 25½ miles south of the VORTAC, excluding the portions which overlie the Chesterfield, Mo., and St. Louis, Mo., 700-foot floor transition areas.

Crookston, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crookston Municipal Airport-Kirkwood Field (latitude 47°50'30" N., longitude 96°37'15" W.); and within 3 miles each side of the 304° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the 5-mile radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 124° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the airport to 12 miles southeast of the airport; and within 8 miles southwest of the 124° and 304° bearings from Crookston Municipal Airport-Kirkwood Field, extending from 2 miles northwest to 6 miles southeast of the airport, excluding the portion which overlies the Grand Forks, N. Dak., 1,200-foot floor transition area.

Cross City, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cross City Airport (lat. 29°37'45" N., long. 83°06'15" W.); within 3.5 miles each side of Cross City VORTAC 121° radial, extending from the 8-mile radius area to 7.5 miles southeast of the VORTAC.

AMENDMENTS 10/13/72 37 F. R. 22729 (Changed)

Crossett, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Crossett Municipal Airport (latitude 33°10'30" N., longitude 91°52'45" W.); and within 3 miles each side of the 056° bearing from the Crossett RBN (latitude 33°10'30" N., longitude 91°52'45" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Crossville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.); within 2 miles each side of the Hinch Mountain VORTAC 334° radial, extending from the 6.5-mile radius area to the VORTAC; within 3 miles each side of the 063° bearing from the Crossville RBN (latitude 35°58'06" N., longitude 84°59'40" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Crows Landing, CA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crows Landing ALF (latitude 37°24'35" N., longitude 121°06'40" W.), excluding the portion within a 1-mile radius of Patterson Field, Patterson, CA. (latitude 37°28'05" N., longitude 121°10'06" W.), and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 37°38'00" N., on the east by the west edge of V-109, on the southwest by the northeast edge of V-107 and on the west by longitude 121°31'00" W.

AMENDMENTS 6/22/72 37 F. R. 7689 (Rewritten)

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Crystal Lake, Ill.
That airspace extending upward from 700 feet above the surface within a 4.5-mile radius of the Crystal Lake Airport (latitude 42°12'12" N., longitude 88°19'27" W.); excluding the portion within the Chicago, Ill., transition area.

AMENDMENTS 2/2/72 36 F. R. 2302 (Added)

Culpeper, Va.
That airspace extending upward from 700 feet above the surface within the arc of a 6.5-mile radius circle centered on Culpeper Municipal Airport (lat. 38°31'30" N., long. 77°51'40" W.) Culpeper, Va., extending clockwise from a 248° bearing to a 090° bearing from the center of the airport; within the arc of a 5.5-mile radius circle centered on Culpeper Municipal Airport, extending clockwise from a 090° bearing to a 245° bearing from the center of the airport and within 2.5 miles each side of the Casanova VORTAC 178° radial, extending from the 6.5-mile radius arc to the VORTAC, excluding the portion that coincides with the Midland, Va., transition area.

Cumberland, Md.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 39°37'02" N., long. 78°45'45" W.) of Cumberland Municipal Airport, Cumberland, Md.; and within 3.5 miles each side of the 022° bearing from the Cumberland RBN (lat. 39°39'00" N., long. 78°44'48" W.) extending from the 8.5-mile radius area to 11.5 miles north of the RBN.

Cushing, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cushing Municipal Airport (latitude 35°57'00" N., longitude 96°46'30" W.), and within 3.5 miles each side of the 180° bearing from the Cushing RBN (latitude 35°53'24" N., longitude 96°46'30" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Cut Bank, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 9½ miles northeast and 4½ miles southwest of the Cut Bank VORTAC 150° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; and within a 12-mile radius of the Cut Bank VORTAC extending from a line 5 miles west of and parallel to the Cut Bank VORTAC 172° radial counterclockwise
to a line 5 miles northeast of and parallel to the Cut Bank VORTAC 150° radial.

Daggett, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Barstow-Daggett Airport (latitude 34°51'20" N., longitude 116°47'10" W.); within 2 miles each side of the 050° bearing from Barstow-Daggett Airport extending from the 3-mile radius area to 6 miles NE of the airport, and within 2 miles each side of the 090° bearing from the Barstow-Daggett Airport extending from the 3-mile radius area to 6.5 miles E of the airport.

Dalhart, Texas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dalhart Municipal Airport (latitude 36°01'10" N., longitude 102°33'10" W.), and within 2 miles each side of the Dalhart VORTAC 002° radial extending from the 9-mile radius area to 12 miles N of the VORTAC.

Dallas-Fort Worth, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°11'00" N., long. 97°27'00" W., thence to lat. 33°11'00" N., long. 97°19'00" W., to lat. 33°26'00" N., long. 97°15'00" W., to lat. 33°26'00" N., long. 97°07'00" W., to lat. 33°19'00" N., long. 97°06'00" W., to lat. 33°19'00" N., long. 96°57'00" W., to latitude 33°08'30" N., longitude 96°36'00" W.; to latitude 33°08'30" N., longitude 96°25'00" W.; to latitude 32°44'00" N., longitude 96°26'00" W.; to latitude 32°34'00" N., longitude 96°37'00" W.; to latitude 32°29'00" N., longitude 96°32'00" W.; to latitude 32°25'00" N., longitude 96°36'00" W.; to latitude 32°31'00" W., longitude 96°44'00" W.; to latitude 32°29'00" N., longitude 97°01'00" W.; to latitude 32°23'00" N., longitude 97°05'00" W.; to latitude 32°16'30" N., longitude 97°25'30" W.; to latitude 32°19'30" N., longitude 97°33'00" W.; thence north along longitude 97°33'00" W. to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W.; to latitude 32°55'00" N., to latitude 33°13'00" N., longitude 97°56'00" W.; to latitude 33°15'30" N.; longitude 97°49'00" W.; to point of beginning.

AMENDMENTS 4/27/72 37 F. R. 4160 (Changed)
AMENDMENTS 11/9/72 37 F. R. 17467 (Changed)

Dalton, Ga.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Dalton Municipal Airport (lat. 34°43'00" N., long. 84°52'00" W.).

Danbury, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°22'20" N., 73°29'00" W., of Danbury Airport, Danbury, Conn.; and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius area to 7 miles N of the end of the runway, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N. Y., 700-foot floor transition areas.

Danielson, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°49'10" N., 71°54'05" W., of Danielson Airport, Danielson, Conn.; within 2 miles each side of the runway 13 centerline, extended from the 5-mile radius area to 7.5 miles southeast of the end of the runway; within 2 miles each side of the runway 31 centerline, extended from the 5-mile radius area to 7.5 miles northwest of the end of the runway; and within 3 miles each side of the Putnam VORTAC 107° radial, extending from the 5-mile radius area to 2 miles south of the VORTAC.

Danville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vermillion County Airport (latitude 40°11'55" N., longitude 87°35'40" W.); within 2 miles each side of the Danville VORTAC 196° radial extending from the 5-mile radius area to the VORTAC; and within 2 miles each side of the Danville VORTAC 198° radial, extending from the south edge of the 5-mile radius area to 18 miles south of the VORTAC.

Danville, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 7-mile radius area to 8 miles NE and 8 miles SW of the VOR.

Darby, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 290° bearing from the Unalakleet, Alaska, RR, extending from 32 miles to 52 miles W of the RR.

Darlington, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Darlington County Airport (latitude 34°26'50" N., longitude 79°53'23" W.).

Darwin, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles S and 6 miles N of the Darwin VOR 088° and 268° radials, extending from 8 miles E to 19 miles W of the VOR.

Dayton, Ohio
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 39°59'00" N., 83°40'00" W. to 39°55'00" N., 83°37'00" W. to 39°45'00" N., 83°43'00" W. to 39°39'00" N., 84°07'00" W. to 39°45'00" N., 84°24'00" W. to 39°49'00" N., 84°27'00" W. to 40°04'00" N., 84°17'00" W. to the point of beginning.

AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)

Dayton, Ohio (Montgomery County)
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°35'20" N., 84°13'20" W., of Montgomery County Airport, Dayton, Ohio; and within 2 miles each side of the Montgomery County VOR 145° radial extending from the 6-mile radius area to 8 miles southeast of the VOR, excluding the portion which lies within the Middletown, Ohio, transition area.

Daytona Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.); within a 6.5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); within 3 miles each side of Daytona Beach VORTAC 256° radial, extending from the 6.5-mile radius area to 8.5 miles west of the VORTAC.

AMENDMENTS 3/2/72 36 F. R. 23796 (Rewritten)
AMENDMENTS 10/13/72 37 F. R. 22720 (Changed)

Deadhorse, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles south and 10 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49" N., longitude 148° 27'53" W.) extending from the RBN to 24 miles northeast; within 5 miles south and 10 miles north and parallel to the 250° True (218° Magnetic) bearing of the RBN extending from the RBN to 25 miles southwest.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00" N., longitude 153°00'00" W.; to latitude 70°33'00" N., longitude 150°45'00" W.; thence east via 3 nautical miles offshore to latitude 70°14'00" N., longitude 146°00'00" W.; to latitude 69°35'00" N., longitude 146°00'00" W.; to latitude 69°00'00" N., longitude 148°00'00" W.; to latitude 69°00'00" N., longitude 153°00'00" W.; thence to point of beginning.

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Decatur, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.).

Decorah, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Decorah Municipal Airport (latitude 43°16'35" N., longitude 91°44'50" W.); and within 3 miles each side of the 122° bearing from Decorah Municipal Airport, extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 122° and 302° bearings from Decorah Municipal Airport, extending from 18½ miles southeast to 6 miles northwest of the airport; and within 5 miles each side of the 302° bearing from Decorah Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Defiance, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Bryan-Defiance Memorial Airport, Defiance, Ohio, 41°20'30" N., 84°25'30" W. and within 2 miles each side of the Defiance RBN 299° bearing extending NW from the 4-mile radius area for 4 miles.

DeLancey, N. Y.
That airsapce extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 42°40'00" N., 75°30'00" W. to 42°10'00" N., 75°25'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 42°01'00" N., 74°30'00" W. to 43°00'00" N., 74°30'00" W. to point of beginning.

De Land, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of De Land Municipal/Sidney H. Taylor Field (lat. 29°04'03" N., long. 81°17'00" W.); excluding the portion within Daytona Beach transition area.

Delaware
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Delaware including the offshore airspace within 3 nautical miles and parallel to the shoreline.

Del Rio, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N., longitude 100°50'15" W., and within 5 miles southwest and 8 miles northeast of the Laughlin VOR 148° and 330° radials extending from 12 miles southeast of the VOR to 12 miles northwest of the VOR, excluding the portion outside the United States.

Delta, UT.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39°23'00" N., longitude 112°30'35" W.), and that airspace extending upward from 1,200 feet above the surface within 9 miles southeast and 13.5 miles northwest of the Delta VOR 203° and 023° radials, extending from 12 miles northeast to 25.5 miles southwest of the VOR.

AMENDMENTS 4/27/72 37 F. R. 3632 (Rewritten)

Deming, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

Denison, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Denison, Iowa, Municipal Airport (latitude 41°59'15" N., longitude 95°23'00" W.) and within 2 miles each side of the 115° bearing from Denison Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 115° bearing from Denison Municipal Airport, extending from the airport to 12 miles southeast of the airport.

Denver, Colo.
That airspace extending upward from 700 feet above the surface, within an arc of a 22-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°52'40" W.) extending clockwise between the 253° and 078° bearings from Stapleton Airport, within an arc of a 37-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 160° bearings from Stapleton Airport, within an arc of a 31-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 194° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 194° and 253° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°20'00" W.; that airspace northeast of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-132, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-207, and that airspace east of Denver bounded on the northwest by V-160, on the northeast by V-132, on the east by V-169, on the south by the east edge of V-263 and latitude 39°05'00"
N., and on the west by longitude 104°00'00" W. excluding the airspace within Federal airways; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°20'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°23'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W.; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W. to latitude 39°30'00" N., thence direct to latitude 39°20'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°26'00" W., thence direct latitude 39°44'00" N., longitude 105°38'00" W., thence direct latitude 40°30'00" N., longitude 105°33'00" W.

DeQueen, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sevier County Airport (latitude 34°02'44" N., longitude 94°23'58" W.) and within 3.5 miles each side of the 269° bearing from the DeQueen NDB (latitude 34°02'39" N., longitude 94°23'59" W.) extending from the 5-mile radius area to a point 10 miles west of the NDB.

AMENDMENTS 11/9/72 37 F. R. 17382 (Added)

De Quincy, LA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of De Quincy Industrial Airport (latitude 30°26'17" N., longitude 93°28'21" W.) and within 2 miles each side of the Lake Charles VORTAC 313° radial extending from the airport to a point 6 miles southeast.

AMENDMENTS 4/27/72 37 F. R. 3409 (Added)

DeRidder, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Beauregard Parish Airport (latitude 30°50'00" N., longitude 93°20'00" W.), and within 3.5 miles each side of the 347° bearing from the DeRidder RBN (latitude 30°50'00" N., longitude 93°20'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Des Moines, Iowa
That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" N., longitude 93°39'35" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence west along latitude 42°00'00" N., to and south along longitude 94°00'00" W., to and west along the south edge of V-172, to and south along longitude 94°42'00" W., to V-6 to and east along the north edge of V-6, to longitude 94°23'30" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" N., thence northeast to latitude 41°02'00" N., longitude 93°30'00" W., thence south on longitude 93°30'00" W., to the north edge of V-216, thence northeast along the north edge of V-216 to latitude 40°58'30" N., longitude 92°48'30" W., thence north to the point of beginning; and that airspace upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 93°30'00" W., and the north edge of V-216; thence southwest along the north edge of V-216 to and north along longitude 95°00'00" W., to and east along the south edge of V-6S to the intersection of the south edge of V-6S and longitude 94°10'15" W.; thence southeast to latitude 40°56'30" N., longitude 93°54'00" W.; thence northeast to latitude 41°01'45" N., longitude 93°30'00" W.; thence south to the point of beginning.

AMENDMENTS 9/14/72 37 F. R. 13249 (Rewritten) Corr: 37 F. R. 17824

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Detroit, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), and within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM, and within 2 miles each side of the Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the intersection of the Willow Run Airport ILS localizer NE course and the Salem, Mich., VOR 140° radial, and within 2 miles each side of the Windsor, Ontario, ILS localizer SW course extending from the Detroit Metropolitan Wayne County Airport 8-mile radius to the Unites States/Canadian Border, excluding the portion within the Grosse Ile, Mich., control zone.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Detroit City, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Berz Airport, Birmingham, Mich. (latitude 42°32'40" N., longitude 83°10'25" W.), and within a 23-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), extending from the 303° bearing from the Detroit City Airport clockwise to the 123° bearing from the Detroit City Airport excluding the Pontiac, Mich., and Mount Clemens, Mich., transition areas and the airspace outside the United States.

Detroit Lakes, MN.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Detroit Lakes Airport (latitude 46°49'35" N., longitude 95°53'05" W.); and within 3 miles each side of the 315° bearing from the Detroit Lakes Airport, extending from the 6½-mile radius area to 7½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 315° and 135° bearings from the Detroit Lakes Airport, extending from 6 miles southeast of the airport to 18½ miles northwest of the airport; and within 5 miles each side of the 135° bearing of the Detroit Lakes Airport, extending from the airport to 12 miles southeast of the airport excluding the portion that overlies the Fargo, N. Dak., transition area.

AMENDMENTS 1/28/72 37 F. R. 3632 (Changed)

Devils Lake, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 4½ miles southwest and 9½ miles northeast of the Devils Lake VORTAC 134° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; within 4½ miles northeast and 9½ miles southwest of the Devils Lake VORTAC 324° radial extending from the VORTAC to 18½ miles northwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the 026° bearing from the Devils Lake Airport extending from the airport to 18½ miles northeast of the airport; and that airspace extending upward from 1200 feet above the surface within a 17½ mile radius of the Devils Lake VORTAC.

Dexter, Mo.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Dexter Municipal Airport (latitude 36°46'30" N., longitude 89°56'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Dexter Municipal Airport extending from the airport to 18½ miles south of the airport, excluding the portion which overlies the Malden, Mo., transition area.

Dickinson, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius circle centered on the Dickinson VORTAC, extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial; and within 9.5 miles west and 4.5 miles east of the Dickinson VORTAC 013° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

Dillingham, Alaska
That airspace extending upward from 700 feet above the surface, within a 6-mile radius of the Dillingham Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 5 miles northwest and 8 miles southeast of the Dillingham VOR 025° radial extending from the VOR to 18 miles northeast; within 5 miles northwest and 8 miles southeast of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the RBN to 12 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Dillingham VOR 205° radial extending from the VOR to 12 miles southwest. This transition area would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Dillon, Mont.
That airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Dillon VORTAC 025° radial, extending from the VORTAC to 24 miles northeast; and that airspace extending upward from 11,700 feet MSL within 7.5 miles west and 10.5 miles east of the Dillon VORTAC 168° and 348° radials extending from 4.5 miles north to 19.5 miles south of the VORTAC.

Dillon, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dillon County Airport (lat. 34°27'00" N., long. 79°22'00" W.); within 2.5 miles each side of Florence VORTAC 046° radial, extending from the 5-mile radius area to 16 miles northeast of the VORTAC.

District of Columbia
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the District of Columbia. The portion within P-56 is excluded.

Dixon, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles R. Walgreen Field, Dixon, Ill. (latitude 41°50'03" N., longitude 89°26'37" W.), and within 2 miles each side of the Polo, Ill., VORTAC 155° radial extending from the 5-mile radius area to the VORTAC.

Dodge City, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., long. 99°58'00" W.), and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Dodge City Municipal Airport; within a 13-mile radius of the Dodge City VORTAC, and within 4½ miles east and 9½ west of the Dodge City VORTAC 341° radial extending from the 13-mile radius area to 18½ miles north of the VORTAC.

Dothan, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 5 miles each side of Dothan VORTAC 157° radial, extending from the 8.5-mile radius area to 11.5 miles SE of the VORTAC; within 4.5 miles each side of Dothan VORTAC 331° radial, extending from the 8.5-mile radius area to 10.5 miles NW of the VORTAC; excluding the airspace within a 1.5-mile radius of Headland
Minicipal Airport (latitude 31°21'45" N., longitude 85°18'30" W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of Dothan VORTAC 350° radial; within a 6.5-mile radius of Wheelless Airport (lat. 31°13'35" N., long. 85°29'30" W.); excluding the portion northwest of Dothan VOR 237° radial.

AMENDMENTS 8/15/72 37 F. R. 17160 (Changed)

Douglas, Ariz.
That airspace extending upward from 700 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Douglas VORTAC 333° radial extending from the VOR to 18.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Douglas VORTAC, within a 23-mile radius of the Douglas VORTAC extending clockwise from the southwest edge of V-66 to the southeast edge of V-66, and within 5 miles east and 8.5 miles west of the Douglas VORTAC 347° radial extending from the 23-mile radius area to the Cochise VORTAC, excluding the portion within the Cochise, Ariz., transition area.

Douglas, Wyo.
That airspace extending upward from 8,500 feet MSL, bounded on the north by latitude 42°44'00" N., and the east by V-169, on the southeast by V-89, on the south by V-100, on the west by V-19E and on the southwest by V-19E and V-247.

Dover, Del.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°07'45" N., 75°27'50" W. of Dover AFB, Dover, Del., and within 2 miles each side of the Dover AFB ILS localizer S course extending from the 9-mile radius to 8 miles S of the LOM, and within a 5-mile radius of the center 39°13'05" N., 75°35'55" W., of Dealaware Airpark, Dover-Cheswold, Del.

AMENDMENTS 7/20/72 37 F. R. 10565 (Changed)
PENDING AMENDMENT
Dover, Del.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 39° 07'30" N., long. 75°28'00" W. of Dover AFB, Dover, Del.; within 3.5 miles each side of the Dover TACAN 178° radial, extending from the 9-mile radius area to 10.5 miles south of the TACAN; within 3.5 miles each side of the Dover TACAN 012° radial, extending from the 9-mile radius area to 10.5 miles north of the TACAN; within 3.5 miles each side of the Dover TACAN 132° radial, extending from the 9-mile radius area to 10.5 miles southeast of the TACAN; and within a 5-mile radius of the center, lat. 39°13'04" N., long. 75°35'56" W., of Delaware Airpark, Dover-Cheswold, Del.
AMENDMENTS 2/1/73 37 F. R. 25487 (Rewritten)

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Dowagiac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cass County Memorial Airport (latitude 41°59'30" N., longitude 86°07'30" W.), and within 2 miles each side of the Keeler, Mich., 181° radial extending from the 5-mile radius area to the Keeler VOR excluding the portion within the Benton, Harbor, Mich., and South Bend, Ind., transition areas.

Doylestown, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (40°20'20" N., 75°07'20" W.), of Doylestown Airport, Doylestown, PA.; within 2 miles each side of the runway 5 centerline extended from the Doylestown, Pa., 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Solberg, N. J., VORTAC 229° radial extending from the Doylestown, Pa., 5-mile radius area to 10 miles southwest of the VORTAC, excluding the portions which coincide with the North Philadelphia, Pa., and Readington, N. J., transition areas. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 3/11/72 37 F. R. 5254 (Changed)

Drew, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ruleville-Drew Airport (lat. 33°46'39" N., long. 90°31'27" W.).

Dublin, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Dublin Municipal Airport (lat. 32°33'55" N., long. 82°59'10" W.); within 2.5 miles each side of Dublin VORTAC 069° radial, extending from the 6-mile radius area to 1.5 miles east of the VORTAC.

Dublin, VA.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 37°08'12" N., long. 80°40'50" W., of New River Valley Airport, Dublin, VA.; within a 23-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 272° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 272° bearing to a 291° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 291° bearing to a 314° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 355° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 015° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 015° bearing to a 060° bearing from the airport; within 5 miles each side of the Pulaski VORTAC 192° radial extending from the VORTAC to 11.5 miles south of the VORTAC, and within 5 miles each side of the 233° bearing from a point lat. 37°08'39" N., long. 80°40'03" W., extending from said point to a point 16 miles southwest.

AMENDMENTS 3/30/72 37 F. R. 1359 (Rewritten)

Dubois, Idaho
That airspace extending upward from 1,200 feet above the surface within 11 miles east and 7 miles west of the Dubois VOR 170° and 350° radials, extending from 10 miles north to 20 miles south of the VOR.

Du Bois, Pa.
That airspace extending upward from 700 feet above the surface within an 11.5 mile radius of the center, 41° 10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3.5 miles each side of the Du Bois ILS localizer northeast course extending from the 11.5-mile radius area to 11.5 miles northeast of the OM.

Dubuque, Iowa
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); and within 4½ miles northeast and 9½ miles southwest of the Dubuque VORTAC 321° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence west along latitude 42°05'00" N., to and north along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC, to and east along the south edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and southeast along the southwest edge of V-218, to and south along longitude 89°55'00" W., to and southwest along the northwest edge of V-216, to 90°08'00" W., and south to the north edge of V-172, to and north along longitude 91°00'00" W., to the point of beginning, excluding the portion which overlies the State of Illinois, excluding State of Wisconsin.

AMENDMENTS 9/14/72 37 F. R. 13250 (Rewritten)
AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Duluth, Minn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within a 17.5-mile radius of the Duluth International Airport, extending from the Duluth VOR 262° radial clockwise to the Duluth VOR 058° radial; within 4½ miles north and 9½ miles south of Duluth localizer west course, extending from 4 miles east to 18½ miles west of the OM; and within 4½ miles east and 9½ miles west of the Duluth VORTAC 023° radial, extending from the 17.5-mile radius area to 28 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within 8 miles northwest and 5 miles southeast of the Duluth VORTAC 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Duluth VORTAC 244° radial, extending from the 35-mile radius area to 41 miles southwest of the VORTAC; excluding the portions which overlie the Hibbing, Minn., and Cloquet, Minn., transition areas;
that airspace extending upward from 5,000 feet MSL in the area bounded by V-129, V-26, V-191 and V-217.

AMENDMENTS 5/25/72 37 F. R. 7150 (Changed)

Duncan, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Halliburton Field (latitude 34° 28' 30" N., longitude 97° 57' 30" W.), and within 2 miles each side of the Duncan VOR 157° and 337° radials, extending from the 5-mile radius area to 7 miles SE of the VOR.

Dunkirk, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°29'35" N., 79°16'20" W., of Dunkirk Municipal Airport, Dunkirk, N. Y.; within 2 miles northwest and 5 miles southeast of the Dunkirk, N. Y. VOR 046° radial extending from the VOR to 12 miles NE of the VOR; and within 2 miles each side of the Runway 15 centerline extended from the 5-mile radius area to 10 miles southeast of the lift-off end of the runway.

Durango, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the La Plata Airport (latitude 37°09'12" N., longitude 107°45'04" W.), and within 3.5 miles each side of the Durango VOR 224° radial, extending from the 7-mile radius area to 11.5 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southeast and 6 miles northwest of the Durango VOR 224° and 044° radials, extending from 8 miles northeast to 25 miles southwest of the VOR.

Dyersburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 3 miles each side of the Dyersburg VORTAC 078° radial, extending from the 6.5-mile radius area to 8.5 miles east of the VORTAC.

Eagle, Colo.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 39°34'30" N., long. 106°25'00" W.; to lat. 39°45'30" N., long. 106°25'00" W.; to lat. 39°47'00" N., long. 107°05'00" W.; to lat. 39°41'00" N., long. 107°12'30" W.; to lat. 39°27'30" N., long. 107°01'00" W.; to lat. 39°33'30" N., long. 106°53'00" W.; to the point of beginning.

AMENDMENTS 12/7/72 37 F. R. 20024 (Rewritten)

Eagle Lake, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Lake Airport (latitude 29°36'00" N., longitude 96°19'26" W.); and within 2 miles each side of the Eagle Lake VOR 007° radial extending from the 5-mile radius area to 8 miles N of the VOR.

Eagle River, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eagle River Municipal Airport (latitude 45°55'45" N., longitude 89°16'00" W.); and within 3 miles each side of the 037° bearing from Eagle River Municipal Airport extending from the 5-mile radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 037° and 217° bearings from Eagle River Municipal Airport, extending from 6 miles southwest to 18½ miles northeast of the airport, excluding the portions which overlap the Rhinelander and Land O'Lakes, Wis., transition areas.

East Hampton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of East Hampton Airport (latitude 40°57'36" N., longitude 72°15'05" W.); and within 2 miles each side of the Hampton VOR 231° radial extending from the 6-mile radius area to 8 miles SW of the VOR.

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Eastman, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.).

Easton, MD.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°48'30" N., long. 76°04'30" W. of Easton Municipal Airport, and within 3 miles each side of the 038° bearing from the Easton, MD., RBN, lat. 38°44'25" N., long. 76°04'05" W., extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 9/14/72 37 F. R. 13160 (Rewritten)

East St. Louis, IL.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bi-State Parks Airport (latitude 38°34'30" N., longitude 90°10'00" W.) and within 3 miles each side of the 130° bearing from the airport extending from the 7-mile radius area to 8 miles southeast of the airport, excluding the area which overlies the St. Louis, MO., transition area.

AMENDMENTS 9/14/72 37 F. R. 13468 (Rewritten)

East Tawas, MI.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iosco County Airport (latitude 44°18'48" N., longitude 83°25'30" W.), excluding the portion which overlies the Oscoda, MI., transition area.

AMENDMENTS 3/30/72 37 F. R. 2952 (Added)

Eau Claire, WI.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Eau Claire Municipal Airport (latitude 44°51'54" N., longitude 91°29'02" W.) and within 3½ miles each side of the Eau Claire ILS localizer northeast course extending from the 14-mile radius to 18 miles northeast of the airport; within 5 miles each side of the Eau Claire ILS localizer southwest course extending from the 14-mile radius to 15 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface north of the 45° parallel within a 25½-mile radius of the Eau Claire VORTAC.

AMENDMENTS 3/30/72 37 F. R. 3509 (Rewritten)
AMENDMENTS 9/14/72 37 F. R. 13468 (Rewritten)

Ebensburg, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°27'40" N., 78°46'25" W., of Ebensburg Airport, Ebensburg, Pa.; within 2 miles each side of the Runway 24 centerline extended from the 6-mile radius area to 6 miles southwest of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of the Revloc, Pa., VORTAC 194° radial extending from the 6-mile radius area to the VORTAC, excluding the portion that coincides with the Johnstown, Pa., transition area.

Edenton, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Edenton Municipal Airport (latitude 36°01'30" N., longitude 76°33'30" W.); within 3 miles each side of the 218° and 352° bearings from Edenton RBN (latitude 36°01'33" N., longitude 76°33'57" W.), extending from the 6.5-mile radius area to 8.5 miles southwest and north of the RBN.

Edwards AFB, Calif.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'55" W.), within 2 miles SE and 8 miles NW of the Edwards AFB TACAN 058° radial extending from the 15-mile radius area to 13.5 miles NE of the TACAN.

Effingham, IL.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Effingham County Memorial Airport (latitude 39°04'15" N., longitude 88°32'15" W.).

AMENDMENTS 3/2/72 37 F. R. 726 (Added)

Eglin AFB, Fla.
That airspace extending upward from 700 feet above the surface within 9-mile radii of Eglin AFB (lat. 30°29' 07" N., long. 86°31'35" W.), Eglin AF Aux No. 3 (Duke Field) (lat. 30°39'01" N., long. 86°31'25" W.) and Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within a 5-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); excluding the portions within R-2909, W-151, Crestview, Fla., transition area, and a 1.5-mile radius of Fort Walton Beach Airport (lat. 30°24'25" N., long. 86°49'40" W.).

AMENDMENTS 2/3/72 36 F. R. 23795 (Rewritten)

El Centro, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Imperial VORTAC 088° and 268° radials, extending from 15 miles E to 15 miles W of the VORTAC, and within 15 miles W and 5 miles E of the Imperial VORTAC 360° radial, extending from the VORTAC to 25 miles N of the VORTAC, excluding the portion under the jurisdiction of Mexico.

El Dorado, Ark.
That airspace extending upward from 700 feet above the surface within 5 miles southeast and 8 miles northwest of the El Dorado VORTAC 059° radial, extending from the VORTAC to 12 miles northeast; within 5 miles each side of the 239° radial, extending from the VORTAC to 5 miles southwest; and within 2 miles each side of the 236° radial, extending from the VORTAC to 18 miles southwest.

Elizabeth City, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of the 127° bearing from Weeksville RBN, extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within 8 miles east and 5 miles west of Elizabeth City VOR 195° radial, extending from the 8.5-mile radius area to 12 miles south of the VOR; within 3 miles each side of Elizabeth City VOR 357° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; excluding the portion within R-5301B.

Elizabethtown, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elizabethtown-Hardin County Airport (lat. 37°45'13" N., long. 85°53'09" W.); within 2 miles each side of New Hope VOR 306° radial, extending from the 5-mile radius area to 9 miles northwest of the VOR; excluding the portion within Louisville transition area.

Elkhart, IN.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elkhart Municipal Airport (latitude 41°43'11" N., longitude 85°59'41" W.); and within 2 miles each side of the South Bend, IN., VORTAC 101° radial, extending eastward from the 5-mile radius area to 23 miles east of the VORTAC, and within 2 miles each side of the Goshen, IN., VORTAC 008° radial, extending south from the 5-mile radius area to 5 miles north of the Goshen VORTAC excluding the portion which overlies the South Bend, IN., 700-foot floor transition area.

AMENDMENTS 4/27/72 37 F. R. 4703 (Rewritten)

Elkin, NC.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elkin Municipal Airport (lat. 36°16'40" N., long. 80°47'12" W.); within 3 miles each side of the 056° bearing from Zephyr RBN (lat. 36°18'47" N., long. 80°43'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 6/22/72 37 F. R. 6572 (Added) Corr: 37 F. R. 12785

Elkins, W. Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38° 53'20" N., long. 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 4 miles each side of the Elkins VORTAC 098° radial extending from the 6.5-mile radius area to 1.5 miles east of the VORTAC and within 4.5 miles east and 9.5 miles west of the 011° bearing from the Randolph County RBN, extending from the RBN to 18.5 miles north of the RBN. This transition area is effective from sunrise to sunset, daily.

Elko, Nev.
That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by an arc of a 17-mile radius circle centered on the Elko VORTAC extending clockwise from the 091° to the 258° radial of the Elko VORTAC, and that airspace bounded on the northwest and north by V-6, on the southeast by V-465 and on the south by V-32.

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Ellensburg, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowers Field (latitude 47°02'10" N., longitude 120°31'50" W.) and within 5 miles northeast and 9.5 miles southwest of the Ellensburg VORTAC 131° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Ellensburg VORTAC 064° and 244° radials extending from 9 miles southwest to 20 miles northeast of the VORTAC, and that airspace southeast of Ellensburg within an arc of 16.5-mile radius circle centered on the Ellensburg VORTAC, extending clockwise from the south
edge of V-2 to the Ellensburg VORTAC 114° radial; that airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-28, on the east by the west edge of V-28 west and on the southwest by the northeast edge of V-4.

Elmira, N.Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center of Chemung County Airport Elmira, N.Y., 42°09'37" N., 76°53'35" W. within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR; within 5 miles SE and 8 miles NW of the airport ILS NE localizer course extending from the 12-mile radius area to 12 miles NE of the Alpine RBN.

El Paso, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.), extending clockwise from the 016° to the 196° bearings from the El Paso International Airport; within 2 miles each side of the Newman, Tex., VOR 040° radial, extending from the 15-mile radius area to 12 miles NE of the VOR, excluding the portion outside of the United States.

Ely, MN.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ely Municipal Airport (latitude 47°49'26" N., longitude 91°49'45" W.); and within 3 miles each side of the 112° bearing from the Ely Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport, and within 3 miles each side of the 305° bearing from Ely Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; that airspace extending upward from 1,200 feet above the surface within 9½ miles south and 4½ miles north of the 112° bearing from the Ely Municipal Airport extending from the airport to 18½ miles southeast of the airport, and within 9½ miles southwest and 4½ miles north of the 305° bearing of the Ely Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portion which overlies the prohibited areas P-205 and P-204.

AMENDMENTS 7/20/72 37 F. R. 10919 (Added)

Ely, NV.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, NV., VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Ely VOR 007° and 187° radials extending from 17 miles north to 2 miles south of the VOR and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles south of the VOR.

AMENDMENTS 5/25/72 37 F. R. 6573 (Rewritten) Corr: 37 F. R. 8524

Elyria, Ohio
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°20'40" N., 82°10'40" W., of Lorain County Regional Airport and within 3.5 miles each side of the Cleveland VORTAC 300° radial, extending from the 9-mile radius area to 9.5 miles northwest of the VORTAC, excluding the portion that coincides with the Cleveland, Ohio 700-foot transition area.

Emporia, Kans.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Emporia VORTAC 134° radial extending from the arc of a 5-mile radius circle centered on the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.) to 8 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Emporia VORTAC 134° radial extending from the VORTAC to 12 miles SE of the VORTAC.

Emporia, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 36°41'15" N., 77°29'10" W., of Emporia Municipal Airport, Emporia, Va.; within 2 miles each side of the Runway 27 centerline extended from the 6-mile radius area to 6 miles west of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 6 miles northwest of the end of the runway and within 2 miles each side of the 135° bearing from the Emporia RBN (36°40'58" N., 77°28'57" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

Endicott, NY.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center lat. 42° 04'42" N., long. 76°05'49" W. of Tri-Cities Airport, Endicott, NY.; within a 10.5-mile radius of the center of the airport, extending clockwise from a 020° bearing to a 090° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 090° bearing to a 125° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 235° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 263° bearing from the airport and within 3.5 miles each side of the Binghamton, NY., VORTAC 340° radial, extending from the 10-mile radius area to 11.5 miles north of the VORTAC.

AMENDMENTS 6/22/72 37 F. R. 8440 (Rewritten)

Enid, Okla.
That airspace extending upward from 700 feet above the surface within 10 miles E and W of Vance AFB runway 17R-35L, extending to 15 miles N and S of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 5 miles W and 8 miles E of the Woodring VOR 355° radial, extending from 2 miles SE of the VOR to 12 miles N of the VOR, and within 5 miles W and 8 miles E of the Woodring VOR 185° radial, extending from the VOR to 12 miles S.

Erie, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Erie International Airport (latitude 42°04'56" N., longitude 80°10'44" W.); within 5 miles NW. and 8 miles SE of the Erie ILS localizer SW course, extending from the ILS OM to 12 miles SW of the Erie VORTAC; and within 2 miles each side of the Cascade RBN 054° bearing, extending from the 7-mile radius area to 8 miles northeast of the RBN.

Escanaba, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 8 miles west and 5 miles east of the Escanaba VORTAC 007° radial, within 8 miles north and 5 miles south of the Escanaba VORTAC 101° radial and within 8 miles south and 5 miles north of the Escanaba VORTAC 266 radial, extending from the VORTAC to 12 miles north, east, and west of the VORTAC; and within 8 miles west and 5 miles east of the 349° bearing from Escanaba Municipal Airport, extending from the airport to 15 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Escanaba VORTAC.

Estherville, Iowa
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Estherville Municipal Airport (latitude 43°25'00" N., longitude 94°44'45" W.); and within 3 miles each side of the 175° bearing from Estherville Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 175° and 355° bearings from Estherville Municipal Airport extending from 6 miles north to 18½ miles south of the airport.

Eufaula, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weedon Field (latitude 31°57'05" N., longitude 85°07'45" W.); within 3 miles each side of Eufaula VOR 014° radial, extending from the 6.5-mile radius area to 8.5 miles north of the VOR.

Eugene, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles east and 8 miles west of the Eugene VORTAC 007° radial, extending from the VORTAC to 14 miles north of the VORTAC; within 2 miles southeast and 3 miles northwest of the Eugene VORTAC 030° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 2 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to 12 miles west of the VORTAC,
and that airspace south of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of a 21-mile radius circle centered on the Eugene VORTAC, on the northwest by a line 5 miles northwest of and parallel to the Eugene VORTAC 224° radial;
and on the north by an arc of a 5-mile radius circle centered on Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.); that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to V-27; within 16 miles west and 10 miles east of the Eugene VORTAC 015° and 195° radials, extending from 26 miles north to 22 miles south of the VORTAC; within 6 miles east and 9 miles west of the Eugene VORTAC 172° radial, extending from the VORTAC to 39 miles south of the VORTAC, and that airspace southwest of Eugene bounded on the southeast by the northwest edge of V-121, on the northwest by the southeast edge of V-287, and on the north by a line 5 miles south of and parallel to the Eugene VORTAC 272° radial and that airspace northeast of Eugene bounded on the north by the south edge of V-536, on the south by the north edge of V-121, and on the northwest by the southeast edge of V-23E.

AMENDMENTS 5/25/72 37 F. R. 6572 (Changed)

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Eunice, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eunice Airport (latitude 30°28'00" N., longitude 92°25'30" W.) and within 2 miles each side of the Lafayette VORTAC 310° radial extending from the 5-mile radius area to 6 miles southeast of the approach end of Runway 34.

Evadale, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Evadale Airport (latitude 30°19'30" N., longitude 94°04'24" W.), and within 2 miles each side of the 150° bearing from the Evadale RBN (latitude 30°24'16" N., longitude 94°07'37" W.), extending from the 5-mile radius area to the RBN.

Evansville, Ind.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°31'45" W.); and within 2 miles each side of the Evansville VORTAC 060° radial, extending from the 10-mile radius area to the VORTAC.

Fairbanks, Alaska
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 64°49'40" N., longitude 147°34'00" W., within a 7-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles southeast of the VOR; within 8 miles west and 5 miles east of the 018° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles north of the VORTAC; and within 8 miles east and 5 miles west of the 168° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface beginning at latitude 68°00'00" N., longitude 153°00'00" W. to latitude 68°00'00" N., longitude 144°00'00" W. to latitude 63°10'00" N., longitude 144°00'00" W. to latitude 62°38'00" N., longitude 145°41'00" W. to latitude 62°45'00" N., longitude 148°48'00" W. to latitude 62°59'00" N., longitude 150°15'00" W. to latitude 63°00'00" N., longitude 151°10'00" W. to latitude 64°00'00" N., longitude 153°00'00" W. to point of beginning, excluding the portion within Restricted Areas R-2202A, R-2202B, R-2205A, and R-2206.

AMENDMENTS 5/13/72 37 F. R. 9622 (Changed)

Fairfield, IL.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Fairfield Airport (latitude 38°23'00" N., longitude 88°25'00" W.) and within 3 miles either side of the 179° bearing from the Fairfield Airport extending from the 5½-mile radius to 8 miles south of the airport.

AMENDMENTS 4/27/72 37 F. R. 5011 (Added)

Fairfield, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield-Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 3 miles each side of the 188° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 008° and 188° bearings from Fairfield Municipal Airport, extending from 3 miles north to 21½ miles south of the airport, excluding the portion which overlies the Ottumwa, Iowa, transition area.

Fairmont, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 3 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and within 3 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Fairmont Municipal Airport, extending from the airport to 18½ miles southeast of the airport; and within 4½ miles northeast and 9½ miles southwest of the 319° bearing from Fairmont Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

Fallon, Nev.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the NAAS Fallon TACAN and within 2 miles northeast and 2.5 miles southwest of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles northwest of the TACAN; that airspace extending upward from 1,200 feet above the surface within 12 miles northwest and 7 miles southeast of the Hazen, Nev., VOR 061° and 241° radials, extending from 5 miles southwest to 30 miles northeast of the VOR, within 5 miles each side of the NAAS Fallon TACAN 039° radial, extending from the TACAN to 30 miles northeast of the TACAN, within a 20-mile radius of the Fallon TACAN extending clockwise from the TACAN 050° to the 110° radials, within 23 miles southwest and 10 miles northeast of the Fallon TACAN 139° and 319° radials, extending from 10 miles northwest to 23 miles southeast of the TACAN, excluding that airspace within the Yerington and Reno, Nev., transition areas; and that airspace extending upward from 9,500 feet MSL within 23 to 44 miles southeast of Fallon TACAN bounded on the northeast by a line 10 miles northeast of and parallel to the Fallon TACAN 139° radial and on the southwest by the northeast edge of V-105E.

AMENDMENTS 12/7/72 37 F. R. 21321 (Rewritten)

Falmouth, Mass.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within a 6-mile radius of Barnstable Airport, Hyannis, Mass., (latitude 41°40'10" N., longitude 70°16'45" W.); within 5 miles NW and 8 miles SE of the Barnstable Airport ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within a 4-mile radius of the Chatham Airport, Chatham, Mass. (latitude 41°41'20" N., longitude 69°59'25" W.); within a 6-mile radius of Martha's Vineyard Airport, Martha's Vineyard, Mass., (latitude 41°23'35" N., longitude 70°36'50" W.), and within 6 miles NW and 8 miles SE of the Martha's Vineyard VOR 055° radial, extending from the VOR to 12 miles NE of the VOR; within 2 miles each side of the 183° bearing from Edgartown RBN, extending from the 6-mile radius area to 8 miles S of the RBN; and within a 5-mile radius of the Oak Bluffs Airport, Oak Bluffs, Mass. (latitude 41°26'25" N., longitude 70°34'10" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°13'20" N., longitude 70°18'30" W., thence to latitude 42°10'50" N., longitude 70°03'00" W., to latitude 41°40'29" N., longitude 69°46'32" W., to latitude 41°38'00" N., longitude 69°45'10" W., to latitude 41°21'00" N., longitude 69°45'10" W., to latitude 41°09'00" N., longitude 70°00'00" W., to latitude 41°10'25" N., longitude 70°12'50" W., to latitude 41°04'00" N., longitude 70°42'30" W., to latitude 41°12'45" N., longitude 70°42'30" W., to latitude 41°21'00" N., longitude 70°48'00" W., to latitude 41°42'00" N., longitude 70°48'00" W., to latitude 41°53'30" N., longitude 70°56'30" W., thence to the point of beginning; and that airspace extending upward from 2,000 feet MSL bounded on the N by Control 1142, on the SE by Control 1143, and on the W by a line extending through latitude 41°40'29" N., longitude 69°46'32" W. and latitude 42°10'50" N., longitude 70°03'00" W., excluding the portion within the Nantucket, Mass., transition area.

Farewell, AK.
That airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Farewell RR southeast and northwest courses extending from 6 miles southeast to 18.5 miles northwest of the RR.

AMENDMENTS 4/27/72 37 F. R. 4074 (Rewritten)

Fargo, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hector Field (latitude 46°55'05" N., longitude 96°48'55" W.); within 2 miles each side of the Fargo ILS localizer north course, extending from the 7-mile radius area to 8 miles north of the RBN; within 2 miles each side of the Fargo VORTAC 007° radial, extending from the 7-mile radius area to 24 miles north of the VORTAC; and within 5 miles west and 8 miles east of the Fargo ILS localizer south course, extending from 5 miles north to 12 miles south of the LOM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Fargo VORTAC; within a 36-mile radius of the Fargo VORTAC, extending from a line 9 miles west of and parallel to the Fargo VORTAC 353° radial, clockwise to a line 5 miles east of and parallel to the Fargo VORTAC 034° radial; and within 10 miles east and 7 miles west of the Fargo VORTAC 187° radial, extending from the 35-mile radius area to 56 miles south of the VORTAC.

Faribault-Owatonna, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface in the Faribault-Owatonna terminal area bounded on the north by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'06" N., longitude 93°13'11" W.), on the east by V-82, on the south by V-24 and on the west by V-219, excluding the portion which overlies the Hope, Minn., and Rochester, Minn., transition areas.

AMENDMENTS 4/6/72 37 F. R. 8659 (Changed)

Farmington, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Farmington Municipal Airport (latitude 37°45'45" N., longitude 90°26'30" W.); and within 1½ miles each side of the Farmington VORTAC 300° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Farmington VORTAC 120° and 300° radials, extending from 5½ miles northwest to 18½ miles southeast of the VORTAC, excluding the portion which overlies the Perryville, Mo., transition area.

Farmington, N. Mex.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.) within 3.5 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles east of the VORTAC, and within 4.5 miles each side of the Farmington VORTAC 265° radial extending from the 11-mile radius area to 23 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

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Farmville, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 37° 21'22" N., long. 78°26'16" W. of Farmville Municipal Airport, Farmville, Va.

Fayetteville, Ark.
That airspace extending upward from 700 feet above the surface within a 27.5-mile radius of latitude 36°12'00" N., longitude 94°14'00" W., within 5 miles each side of the Drake VOR 186° radial extending from the 27.5-mile radius area to 19 miles south of the VOR, and within 5 miles east and 10 miles west of the Fayetteville VORTAC 005° radial extending from the 27.5-mile radius area to 33.5 miles north of the VORTAC.

Fayetteville, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'22" N., longitude 78°52'52" W.); within a 10-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.); within 9.5 miles northwest and 4.5 miles southeast of Pope AFB ILS loclaizer northeast course, extending from the 10-mile radius area to 18.5 miles northeast of the LOM; excluding the portion within R-5311.

AMENDMENTS 6/22/72 37 F. R. 7688 (Changed)

Fayetteville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fayetteville Municipal Airport (lat. 35°03'28" N., long. 86°33'53" W.); within 3 miles each side of the 188° bearing from Highland RBN (lat. 35°03'32" N., long. 86°33'58" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

Fergus Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (latitude 46°17'10" N., longitude 96°09'35" W.); and within 3 miles each side of the 187° bearing from Fergus Falls Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ miles east of the 187° and 007° bearings from Fergus Falls Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 007° bearing from Fergus Falls Municipal Airport, extending from the airport to 12 miles north of the airport.

Festus, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Festus Memorial Airport (latitude 38°11'45" N., longitude 90°23'00" W.); and within 3 miles each side of the 180° bearing from Festus Memorial Airport, extending from the 7-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Festus Memorial Airport extending from the airport to 18½ miles south of the airport, excluding the portion that overlies the State of Illinois.

Findlay, OH.
That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Findlay, OH. Airport (latitude 41°00'40" N., longitude 83°40'30" W.) within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport, within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 6.5-mile radius area to 8.5 miles south of the airport within 2 miles each side of the Findlay VORTAC 231° radial extending from the Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) 5-mile radius area to the 6.5-mile radius area of the Findlay Airport.

AMENDMENTS 4/27/72 37 F. R. 4703 (Rewritten)
AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)
AMENDMENTS 10/12/72 37 F. R. 16388 (Rewritten)

Fire Island, N. Y.
That airspace extending upward from 8,500 feet MSL bounded on the north by Control 1169, on the southeast by a line 10 nautical miles southeast of and parallel to the southeast boundary of V-139, on the southwest by Control 1147 and on the northwest by V-139.

Fitzgerald, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fitzgerald Municipal Airport (lat. 31°41'00" N., long. 83°16'00" W.); within 3 miles each side of the 200° bearing from Fitzgerald RBN (lat. 31°41'06" N., long. 83°16'00" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

Five Finger, Alaska
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Five Finger RBN, and within 2 miles each side of the 349° and 189° bearings from the Five Finger RBN, extending from the RBN to 8 miles N and 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 189° and 009° bearings, extending from 7 miles N to 13 miles S of the RBN, and within 8 miles W and 5 miles E of the 349° and 169° bearings, extending from 13 miles N to 7 miles S of the RBN.

Flagstaff, Ariz. (Pullian Airport)
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Pullian Airport (latitude 35°08'16" N., longitude 111°40'17" W.), and that airspace extending upward from 1,200 feet above the surface within 9.5 miles each side of the Flagstaff VOR 127° and 307° radials, extending from 8 miles northwest to 19 miles southeast of the VOR, excluding that portion within R-2302.

AMENDMENTS 3/2/72 36 F. R. 24797 (Rewritten)

Flint, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the OM; and within a 4-mile radius of Owosso City Airport, Owosso, Mich. (latitude 42°59'30" N., longitude 84°08'00" W.).

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Flippin, Ark.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W.); within 3.5 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 9.5-mile radius area to 8.5 miles east of the VOR; within an 8-mile radius of Mountain Home Municipal Airport (latitude 36°22'00" N., longitude 92°28'00" W.); and within 3.5 miles each side of the Flippin VOR 172° radial extending from the Mountain Home Municipal Airport 8-mile radius area to 8.5 miles south of the VOR.

Florence, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Florence Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.); within 4 miles each side of Florence VORTAC 049° radial, extending from the 8.5-mile radius area to 9 miles northeast of the VORTAC.

AMENDMENTS 10/17/72 37 F. R. 23177 (Changed)

Florida
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Florida including the airspace within 3 nautical miles of and parallel to the shoreline of Florida; that airspace east of Jacksonville, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°43'05" N., longitude 81°21'00" W., thence to latitude 30°44'00" N., longitude 81°18'10" W., thence clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and east along latitude 30°17'30" N., to longitude 81°01'30" W., thence to latitude 30°09'00" N., longitude 81°02'15" W., to latitude 29°54'00" N., longitude 81°02'15" W., to latitude 29°56'00" N., longitude 81°14'50" W.; that airspace extending upward from 1,200 feet above the surface to and including 12,000 feet above the surface bounded by a line beginning at the intersection of a line 3 nautical miles east of and parallel to the shoreline and lat. 29°29'00" N., thence east along lat. 29°29'00" N., to and clockwise along the arc of a 23-nautical mile radius circle centered on the Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.), to and north along a line 3-nautical miles east of and parallel to the shoreline to point of beginning;
that airspace east of Melbourne, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline, and the arc of a 25-mile radius circle centered on Patrick AFB, Cocoa, Fla. (latitude 28°14'21" N., longitude 80°36'28" W.); that airspace east of Palm Beach, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 30-mile radius circle centered on the Palm Beach VORTAC; that airspace east and south of Miami, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 50-mile radius circle centered on the Miami International Airport (latitude 25°47'34" N, longitude 80°17'10" W.); that airspace surrounding Key West, Fla., beginning at latitude 25°04'05" N., longitude 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered on the Key West VORTAC to latitude 24°08'50" N., longitude 82°04'35" W., to latitude 24°13'00" N., longitude 82°02'30" W., to latitude 24°13'00" N., longitude 82°21'00" W., to latitude 24°25'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 81°56'50" W., to latitude 24°49'00" N., longitude 81°55'00" W., to point of beginning; that airspace northeast of Key West bounded on the west by B-19, on the south and east by V-35 and on the north by the arc of a 50-mile radius circle centered on the Miami International Airport; that airspace southwest of Fort Myers, Fla., bounded by a line 3 nautical miles from the shoreline and the arc of a 20-mile radius circle centered on the Fort Myers VORTAC; that airspace north, west, and south of Tampa, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 26°30'00" N.,

Florida transition area continued on next page.

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and a point 3 nautical miles from the shoreline, thence west along latitude 26°30'00" N., to the east boundary of W-168, thence north and west along the boundary of W-168, to longitude 83°42'00" W., thence to the north boundary of Control 1226 at longitude 83°47'50" W., thence east along the north boundary of Control 1226, to and clockwise along the arc of a 42-mile radius circle centered on MacDill AFB (latitude 27°50'57" N., longitude 82°31'38" W.) to a point 3 nautical miles from the shoreline; that airspace south of Panama City, Fla., bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 29°43'10" N., longitude 85°27'00" W., to latitude 30°04'00" N., longitude 85°56'00" W., to latitude 30°11'10" N., longitude 85°56'00" W.; that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 30°15'00" N., longitude 86°06'15" W., to latitude 30°10'30" N., longitude 86°07'30" W., to latitude 30°07'30" N., longitude 86°13'00" W., to latitude 30°07'30" N., longitude 86°24'00" W., to latitude 30°14'46" N., longitude 86°28'40" W., to latitude 30°06'00" N., longitude 86°29'50" W., to latitude 30°00'00" N., longitude 86°34'00" W., to latitude 30°00'00" N., longitude 86°44'00" W., to latitude 30°05'00" N., longitude 86°47'58" W., to latitude 30°09'20" N., longitude 86°47'58" W., to latitude 30°20'30" N., longitude 86°41'00" W.; that airspace
south of Pensacola, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°18'20" N., longitude 87°00'00" W., to latitude 29°54'00" N., longitude 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered at latitude 30°20'19" N., longitude 87° 20'00" W., to latitude
30°02'50" N., longitude 87°42'20" W., to latitude 30°04'00" N., longitude 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to latitude 30°09'45" N., longitude 87°45'45" W., to latitude 30°11'20" N., longitude 87°44'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 30°13'15" N., longitude 87°32'55" W.;
That airspace 4.5 miles southeast of and 9.5 miles northwest of the 228° bearing from the Naples RBN (latitude 26°09'00" N., longitude 81°46'31" W.), extending from the RBN to 18.5 miles southwest of the RBN, that airspace southwest of Miami
extending upward from 1,700 feet MSL bounded on the northeast by a line 3 nautical miles from and parallel to the shoreline, on the southeast by V-51, on the south by the arc of a 35-mile radius circle centered on the Key West VORTAC and on the west by V-225E; that airspace extending upward from 2,000 feet MSL; east of Jacksonville beginning at latitude 30°44'00" N., longitude 81°18'10" W., to latitude 30°45'15" N., longitude 80°58'50" W., to latitude 30°17'30" N., longitude 81°01'30" W., thence west along latitude 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC to point of beginning; that airspace south of Marathon, Fla., bounded on the north by V-35, on the east by longitude 80°25'00" W., on the south by latitude 24°20'00" N., and on the west by Control 1233; that airspace southwest of Fort Myers, Fla., bounded on the south by Control 1230, on the east by V-225, on the northeast by the arc of a 20-mile radius circle centered on the Fort Myers VORTAC, on the north by latitude 26°30'00" N., and on the west by W-168 and a line extending from latitude 26°10'00" N., longitude 82°17'00" W., to the north boundary of Control 1230 at longitude 82°15'00" W.; that airspace northwest of Tampa bounded on the east by V-35W, on the west by V-97 and on the north by V-7W; that airspace west of Tampa extending upward from 4,700 feet MSL bounded
on the northeast by V-97 and V-97W, on the southeast by the arc of a 42-mile radius circle centered on MacDill AFB, on the south by Control 1226, on the northwest by the Cross City VOR 212° radial from the southwest boundary of V-97 to the St. Petersburg VORTAC 280° radial, then west along this radial to Control 1226, excluding: That portion within W-151 east of the INT of the north boundary of Control 1226, and the St. Petersburg VORTAC 280° radial; that portion southeast of a line extending from
latitude 29°43'35" N., longitude 84°39'00" W., to latitude 29°47'00" N., longitude 84°40'00" W., to latitude 29°52'30" N., longitude 84°34'40" W., thence to the west boundary of V-7W at latitude 29°52'30" N.

Including the additional airspace extending upward from 2,000 feet above the surface bounded by a line beginning at lat. 27°19'00" N., long. 82°47'00" W.; to lat. 26°04'30" N., long. 82°14'30" W.; to lat. 26°10'00" N., long. 82°58'00" W.; to lat. 26°10'00" N., long. 83°30'00" W.; to lat. 27°19'00" N., long. 83°42'00" W.; to point of beginning.

Corr: 37 F. R. 9461
AMENDMENTS 3/2/72 36 F. R. 23796 (Changed)
AMENDMENTS 12/7/72 37 F. R. 21530 (Changed)
AMENDMENTS 12/7/72 37 F. R. 22973 (Changed)

Forrest City, Ark.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Forest City Municipal Airport (latitude 34°56'42" N., longitude 90°46'16" W.), and within 3.5 miles each side of the 180° bearing from the Forrest City RBN (latitude 34°56'28" N., longitude 90°46'24" W.) extending from the 5.5-mile radius area to 11.5 miles south of the RBN.

Fort Bridger, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Bridger Municipal Airport (latitude 41°24'00" N., longitude 110°25'00" W.), and within 3.5 miles each side of the Fort Bridger VORTAC 224° radial extending from the 5-mile radius area to 12 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southeast and 9 miles northwest of the Fort Bridger VORTAC 044° and 224° radials, extending from 19 miles southwest to 8 miles northeast of the VORTAC

Fort Collins, Colo.
That airspace extending upward from 700 feet above the surface within 9.5 miles east and 5 miles west of the 173° and 353° bearings from the Fort Collins-Loveland RBN (latitude 40°26'49" N., longitude 105°00'22" W.) extending from 6.5 miles north to 18.5 miles south of the RBN.

Fort Dodge, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.); that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of Fort Dodge VOR, extending from the Fort Dodge VOR 261° radial clockwise to the Fort Dodge VOR 055° radial; within a 25-mile radius of Fort Dodge VOR, extending from the Fort Dodge VOR 055° radial clockwise to the Fort Dodge VOR 261° radial; within 4½ miles southwest and 9½ miles northeast of the Fort Dodge VOR 127° radial, extending from the 25-mile radius area to 32 miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Fort Dodge VOR 307° radial, extending from the 14-mile radius area to 18½ miles northwest of the VOR; and that airspace extending upward from 3,500 feet MSL south and east of Fort Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-138.

Fort Huachuca, AZ.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, AZ. (latitude 31°35'00" N., longitude 110°20'30" W.), that airspace within an arc of a 22-mile radius circle centered on the Libby AAF VOR, extending clockwise from a line 5 miles northwest of and parallel to the 033° radial of the Libby AAF VOR to a line 5 miles south of and parallel to the Libby AAF VOR 093° radial; that airspace extending upward from 1,200 feet above the surface bounded on the north by the Tucson, AZ., transition area, on the northeast by the southwest edge of V-66, on the east by longitude 109°44'00" W., on the south by latitude 31°25'00" N., on the west by longitude 110°30'00" W., and that airspace northeast of Libby AAF bounded on the north by the south edge of V-16S, on the east by a line 5 miles west of and parallel to the Douglas, AZ., VORTAC 347° radial, on the southwest by the northeast edge of V-66 and on the west by longitude 110°00'00" W.

AMENDMENTS 3/30/72 37 F. R. 2571 (Rewritten)

Fort Jones, Calif.
That airspace extending upward from 9,500 feet MSL bounded on the NE by V-23 and V-23W, on the S by latitude 41°19'00" N., and on the W by longitude 123°01'00" W.

Fort Leonard Wood, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 323° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the 146° and 326° bearings from Forney AAF RBN, extending from Forney AAF to 18½ miles southeast of the Forney AAF RBN; and within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 152° radial extending from the VOR to 18½ miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the following direct radials: Maples, Mo., VORTAC to Forney AAF VOR; Maples VORTAC to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; and Vichy VORTAC to Forney AAF RBN; and within 5 miles each side of the Forney AAF VOR 086° radial and the Forney AAF RBN 080° bearing extending from the VOR and the RBN to V-238, excluding the portions which overlie the Vichy and Maples, MO., transition areas.

AMENDMENTS 6/22/72 37 F. R. 8062 (Changed)

Fort Madison, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa VORTAC 258° radial, extending from the 5-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

Fort Myers, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Page Field (lat. 26°35'09" N., long. 81°51'51" W.); within 3 miles each side of the 220° bearing from Tice RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; within 5 miles each side of Fort Myers VORTAC 126°, 213°, and 318° radials, extending from the 8.5-mile radius area to 8.5 miles southeast, southwest, and northwest of the VORTAC.

Fort Polk, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 10 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 8 miles NW of the north fan marker.

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Fort Rucker, Ala.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 31°38'00" N., longitude 86°23'30" W.; thence northeast via V-70 to V-7; thence south via V-7 to V-241; thence southwest via V-241 to and clockwise along the arc of a 5-mile radius circle centered at latitude 31°03'00" N., longitude 86°19'33" W.; to latitude 31°03'00" N., longitude 86°24'30" W.; to the point of beginning.

PENDING AMENDMENT
The Fort Rucker, Ala., transition area is amended as follows: "to the point of beginning" is deleted and "to point of beginning; within a 6.5-mile radius of Blackwell Field, Ozark, Ala. (lat. 31°25'50" N., long. 85° 37'10" W.)" is substituted therefor.

AMENDMENTS 2/1/73 37 F. R. 25489 (Changed)

Fort Scott, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'45" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 348° bearing from Fort Scott Municipal Airport, extending from the airport to 12 miles north of the airport.

Fort Smith, Ark.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within an 11.5-mile radius of the Fort Smith VORTAC extending clockwise from the 078° to the 155° radials of the VORTAC, within 6 miles northwest and 5 miles southeast of the Fort Smith VORTAC 053° radial extending from the 12.5 and 11.5-mile radius areas to 12 miles northeast of the VORTAC, within 2 miles each side of the Fort Smith VORTAC 239° radial extending from the 12.5-mile radius area to 20 miles southwest of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 12.5-mile radius area to 8 miles west of the Peno Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

Fort Stockton, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos County Airport (latitude 30°55'00" N., longitude 102°54'30" W.), within 6 miles each side of the Fort Stockton VORTAC 308° and 128° radials extending from the airport to 8 miles northwest of the VORTAC, and within 7 miles each side of the Fort Stockton VORTAC 128° radial extending from 9 miles southeast to 21 miles southeast of the VORTAC.

Fortuna, CA.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC; within 2.5 miles southwest and 3.5 miles northeast of the 129° and 309° bearings from the Rohnerville Airport (latitude 40°33'15" N., longitude 124°07'53" W.), extending from 7.5 miles northwest to 3 miles southeast of the airport, and within 2 miles each side of the Fortuna VORTAC 034° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southeast and 10 miles northwest of the Fortuna VORTAC 229° radial, extending from the VORTAC 18.5 miles southwest of the VORTAC.

AMENDMENTS 6/22/72 37 F. R. 7783 (Rewritten)

Fort Wayne, Ind.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Fort Wayne VORTAC; and within an 18½-mile radius of Fort Wayne VORTAC, extending from the Fort Wayne VORTAC 194° radial clockwise to the Fort Wayne VORTAC 335° radial.

AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)

Fort Yukon, AK.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'16" N., longitude 145°14'50" W.) and within 3 miles south and 4.5 miles north of Fort Yukon 076° radial extending from the 5-mile radius area to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile radius area to 8.5 miles southwest of the VORTAC.

AMENDMENTS 4/27/72 37 F. R. 4073 (Rewritten)

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PART II

Section 2

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

14 CFR Parts 71, 73, 75
Compilation of Regulations

No. 38—Pt. 2—Sec. 2——1

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Frankfort, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Capital City Airport (lat. 38°10'55" N., long. 84°54'16" W.); within 3 miles each side of the 062° bearing from Jett RBN (lat. 38°12'56" N., long. 84°49'32" W.), extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 3 miles each side of Frankfort VOR 063° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of Jett RBN; within 3 miles each side of Frankfort VOR 240° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR.

Franklin, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41° 22'45" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.: within 3.5 miles each side of the Franklin, Pa., VOR 360° radial, extending from the 7-mile radius area to 11.5 miles north of the VOR and within 3.5 miles each side of the 102° bearing from the Cranberry, Pa., RBN (41°21'51" N., 79°46'10" W.), extending from the 7-mile radius area to 11.5 miles east of the RBN.

Franklin, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 36°41'50" N., 76°54'15" W. of John Beverly Rose Field-Franklin Municipal Airport; and within 3.5 miles each side of the 083° bearing from 36°42'07" N., 76°53'20" W., extending from this point to 11.5 miles east.

Frederick, MD.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 39°25'00" N., long. 77°22'30" W. of Frederick Municipal Airport, Frederick, MD.; within a 16-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 350° bearing from the airport and within 3 miles each side of the Frederick VOR 032° radial, extending from the 8-mile radius area to 8.5 miles northeast of the VOR, excluding the portion within P-40.

AMENDMENTS 9/14/72 37 F. R. 13169 (Rewritten)

Frederick, OK.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Frederick, OK., Municipal Airport (latitude 34°21'09" N., longitude 98°59'21" W.) and within 3.5 miles each side of a 001° bearing from the Frederick, OK., RBN (latitude 34°23'35" N., longitude 98°59'19" W.) extending from the 6-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 5/25/72 37 F. R. 6461 (Added)

Fredericksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°15'40" N., 77°26'20" W. of Shannon Airport, Fredericksburg, Va., and within 2 miles each side of the Brooke, Va., VORTAC 227° radial, extending from the 6-mile radius area to 1 mile southwest of the VORTAC.

Freeport, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Albertus Airport (latitude 42°14'50" N., longitude 89°34'45" W.); and within 2 miles each side of the 065° bearing from Albertus Airport, extending from the 6-mile radius area to 8 miles northeast of the airport.

Fremont, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Fremont Airport, Fremont, Michigan (latitude 43°26'30" N., longitude 85°59'30" W.) and within 2 miles each side of the White Cloud, Michigan, VOR 236, radial, extending from the 4-mile radius area to 23 miles SW of the VOR.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Fremont, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport (latitude 41°26'55" N., longitude 96°30'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 334° bearing from Fremont Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

Fremont, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 41° 20'00" N., long. 83°09'40" W. of Progress Field, Fremont, Ohio, and within 2.5 miles each side of the Waterville, Ohio, VORTAC 108° radial, extending from the 5-mile radius area to 19.5 miles east of the VORTAC.

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French Lick, IN.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the French Lick Municipal Airport (latitude 38°30'26" N., longitude 86°37'50" W.) and within 3 miles each side of the 076° bearing from the French Lick Municipal Airport extending from the 6½-mile radius to 8 miles northeast.

AMENDMENTS 7/20/72 37 F. R. 9986 (Added)

Fresno, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius area to the VORTAC, excluding the portion within the arc of a 5-mile radius circle centered on the Fresno Air Terminal, and the portion NE of a line 2 miles SW of and parallel to the Fresno VORTAC 143° radial, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to the VORTAC; within 2 miles W and 4 miles E of the Fresno VORTAC 158° radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles SE of the VORTAC, and within 2 miles each side of the Fresno ILS localizer SE course, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 13 miles SE of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°29'00" N., longitude 119°15'00" W., to latitude 36°49'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 119°09'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., thence west via latitude 36°00'00" N., to longitude 119°30'00" W., thence north via longitude 119°30'00" W., to the west edge of V-23, thence north via the west edge of V-23 to latitude 36°37'00" N., longitude 119°56'00" W., to latitude 37°02'00" N., longitude 120°18'00" W., to point of beginning.

Fryeburg, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 43° 59'28" N., long. 70°56'53" W., of Eastern Slopes Airport, Fryeburg, Maine, and within 4.5 miles north and 6.5 miles south of the 118° bearing and the 298° bearing from the Fryeburg NDB, lat. 43°59'21" N., long. 70°56'58" W., extending from 5.5 miles west of the NDB to 11.5 miles east of the NDB, excluding the portions within the North Conway, N. H., area.

Fulton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 43° 21' 05" N., 76°23'20" W. of Oswego County Airport, Fulton, N. Y.
That airspace extending upward from 1,200 feet above the surface within 5.5 miles each side of the Syracuse, NY., 344° radial, extending from the VORTAC to the United States/Canadian border; and within 5 miles each side of the Watertown, NY., 309° radial extending from the VORTAC to the United States/Canadian border.

AMENDMENTS 9/14/72 37 F. R. 13169 (Changed)

Gadsden, Ala.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Gadsden Municipal Airport (latitude 33°58'25" N., longitude 86°05'14" W.).

Gage, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°17'45" N. longitude 99°46'30" W.).

Gainesville, FL.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.).

AMENDMENTS 2/18/72 37 F. R. 4704 (Rewritten)

Gainesville, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lee Gilmer Memorial Airport (lat. 34°16'37" N., long. 83°49'42" W.); within 9.5 miles southeast and 4.5 miles northwest of the 216° bearing from Gainesville RBN (lat. 34°16'30" N., long. 83°49'56" W.), extending from the RBN to 18.5 miles southwest; excluding the portion within the Lawrenceville, Ga., transition area.

Gaithersburg, MD.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 39°09'54" N., long. 77°10'00" W. of Montgomery County Airport, Gaithersburg, MD., and within 3 miles each side of the 008° bearing from the Gaithersburg, MD., RBN lat. 39°10'06" N., long. 77°09'42" W., extending from the 8.5-mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 7/20/72 37 F. R. 10563 (Rewritten)

Galax, Va.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, lat. 36°45'52" N., long. 80°40'20" W. of Twin County Airport; and within 4.5 miles each side of the Pulaski VORTAC 196° radial, extending from the 10.5-mile radius area to 8 miles south of the VORTAC.

Galena, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena VORTAC 089° radial extending from the control zone extension east boundary to 12 miles E of the VORTAC; within 2 miles S and 5 miles N of the Galena VORTAC 269° radial extending from the control zone boundary to 19 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 28-mile radius of the Galena VORTAC; within a 40-mile radius of the Galena VORTAC extending from the 240° radial clockwise to the 298° radial and extending from the 28-mile radius area to 40 miles W of the VORTAC; and within a 35-mile radius of the Galena VORTAC extending from the 089° radial clockwise to the 119° radial and extending from the 28-mile radius area to 35 miles E of the VORTAC.

Galesburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 5 miles E and 8 miles W of the Galesburg VOR 019° radial extending from the VOR to 12 miles N of the VOR; and within 5 miles NW and 8 miles SE of the Galesburg VOR 214° radial extending from the VOR to 12 miles SW of the VOR.

Galeton, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 40'00" N., long. 77°49'15" W., of Cherry Springs Airport, Galeton, Pa.

AMENDMENTS 3/2/72 37 F. R. 135 (Rewritten)

Gallipolis, OH.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Gallia-Meigs Regional Airport, Gallipolis, OH. (latitude 38°50'03" N., longitude 82°09'49" W.).

AMENDMENTS 3/30/72 37 F. R. 1360 (Added)

Gallup, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.); within 3.5 miles each side of the Gallup VORTAC 242° radial, extending from the 9-mile radius area to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface witnin an area bounded by a line beginning at latitude 35°47'30" N., longitude 108°34'00" W.; to latitude 35°26'50" N., longitude 108°34'00" W.; to latitude 35°13'15" N., longitude 109°06'00" W.; to latitude 35°20'25" N., longitude 109°10'40" W.; to latitude 35°52'00" N., longitude 108°47'00" W., to point of beginning, excluding the portion which coincides with the State of New Mexico transition area.

Garden City, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Garden City Municipal Airport (latitude 37°55'49" N., longitude 100°43'40" W.), within 3 miles each side of the 144° and 324° bearings from Garden City RBN, extending from the 7-mile radius to 8 miles northwest of the RBN; and 4½ miles east and 9½ miles west of the 004° radial of the Garden City VORTAC extending from the 7-mile radius to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Garden City VORTAC; within 4½ miles west and 9½ miles east of the 171° radial of the Garden City VORTAC extending from the 15-mile radius to 18½ miles south of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the 324° bearing from the Garden City RBN extending from the 15-mile radius area to 18½ miles northwest of the RBN; and the area southwest of Garden City bounded on the north by the south edge of V-10, on the east by the west edge of V-17W, and on the southwest by the northeast edge of V-210; and the area northeast of the Garden City VORTAC bounded on the northwest by the southeast edge of V-255, on the south by the north edge of V-10, and on the east by 100° W. longitude, excluding that portion of which overlies the Dodge City, Kans. and Liberal, Kans. 1,200-foot floor transition areas.

Gaylord, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Otsego County Airport (latitude 45°00'50" N., longitude 84°41'45" W.) and that airspace extending upward from 1,200 feet above the surface within 9½ miles north and 4½ miles south of the 085° bearing from the Otsego County Airport; extending from the airport to 18½ miles east of the airport and within 5 miles each side of the 265° bearing from the Otsego County Airport extending from the airport to 12 miles west of the airport; that airspace extending upward from 5,000 feet MSL within the area east of Gaylord bounded on the northeast by V-45 on the southeast by V-45W and on the west by V-297; and within the area west and north of Gaylord bounded on the east by V-297 on the south by V-430 and on the northwest by V-193.

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Georgetown, DE.
That airspace extendirg upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°41'23" N., long. 75°21'38" W. of Sussex County Airport, Georgetown, DE., and within 2 miles each side of the Waterloo, DE., VORTAC 225° radial extending from the 6.5-mile radius area to the VORTAC.

AMENDMENTS 9/14/72 37 F. R. 13170 (Added)

Georgetown, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gerogetown Municipal Airport (latitude 30°40'47" N., longitude 97°40'52" W.).

Georgia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Georgia including the offshore airspace within 3 nautical miles from the parallel to the shoreline of Georgia and including the additional airspace outside the United States southeast of Savannah bounded by a line beginning at latitude 32°03'25" N., longitude 80°46'30" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 31°30'00" N., longitude 80°51'05" W.; to latitude 31°30'00" N., longitude 80°47'30" W.; to latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; to latitude 30°43'05" N., longitude 81°21'00" W.; thence north via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, and including the airspace extending upward from 2,000 feet MSL southeast of Brunswick bounded by a line beginning at latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°45'15" N., longitude 80°58'50" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; thence northeast to point of beginning, excluding the portion within R-6004.

Gibson City, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gibson City Municipal Airport, latitude 40°29'00" N., longitude 88°16'00" W., and within 2 miles either side of the Roberts VORTAC 220° radial extending from the 5-mile radius northeast to Roberts VORTAC.

Gillette, Wyo.
That airspace extending upward from 700 feet above the surface within 6 miles east and 9.5 miles west of the Gillette VOR (latitude 44°20'52" N., longitude 105°32'34" W.) 176° and 356° radials, extending from 8 miles south to 18.5 miles north of the VOR. That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line between the Crazy Woman VORTAC and the Gillette VOR.

Glasgow, Ky.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow Municipal Airport (lat. 37°01'54" N., long. 85°57'10" W.); within 3 miles each side of the 252° bearing from Glasgow RBN (lat. 37°01'03" N., long. 86°00'33" W.), extending from the 9-mile radius area to 8.5 miles west of the RBN.

Glasgow, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Glasgow VOR 327° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4 miles east and 9½ miles west of the 342° bearing from Glasgow International Airport, extending from the airport to 18½ miles north of the airport; within 4½ miles southwest and 9½ miles northeast of the Glasgow VOR 127° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles south and 9½ miles north of the 112° bearing from Glasgow International Airport, extending from the airport to 18½ miles east of the airport.

Glendive, Mont.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Dawson Community Airport (latitude 47°08'20" N., longitude 104°48'25" W.); and within 4½ miles northeast and 9½ miles southwest of the 325° bearing from Dawson Community Airport, extending from the 12-mile radius area to 18½ miles northwest of the airport.

Glens Falls, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°20'32" N., 73°36'35" W. of Warren County Airport, Glens Falls, N. Y. and within 2 miles each side of the Glens Falls VOR 172° radial extending from the 7-mile radius area to 15 miles south of the VOR; within 2 miles each side of the centerline of Runway 30 extended from the 7-mile radius area to 14 miles west of the end of the runway; and within 2 miles each side of the centerline of Runway 1 extended from the 7-mile radius area to 13.5 miles north of the end of the runway.

Gloucester, Mass.
That airspace east of Gloucester extending upward from 11,000 feet MSL bounded by Contol 1141, Control 1142, and Control 1143. This transition area is effective from 0000 to 0600 and 1801 through 2359 hours, local time, Monday through Friday and continuous on Saturday and Sunday.

Gloucester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°23'45" N., 76°31'50" W. of the Gloucester Airport, Gloucester, Va.; and within 2 miles each side of the 110° radial of the Harcum, Va., VOR, extending from the 5-mile radius area to the VOR, excluding the portion within the West Point, Va., transition area.

Goldsboro, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Seymour-Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 9-mile radius area to 8 miles east of the TACAN; within 2.5 miles each side of Seymour Johnson TACAN 253° radial, extending from the 9-mile radius area to 21 miles west of the TACAN; within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Goldsboro-Wayne Municipal Airport (latitude 35°27'30" N., longitude 77°58'00" W.).

Goodland, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.); and within 5 miles each side of the Goodland VORTAC 163° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Goodland VORTAC 343° radial, extending from the VORTAC to 12 miles north of the VORTAC; within a 17-mile radius of Goodland VORTAC, extending from the Goodland VORTAC 096° radial clockwise to the Goodland VORTAC 249° radial; and within 4½ miles west and 9½ miles east of the Goodland VORTAC 163° radial, extending from the 17-mile radius area to 18½ miles south of the VORTAC.

Gordonsville, VA.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 38°09'21" N., long. 78°09'59" W. of Gordonsville Municipal Airport, Gordonsville, VA., and within 2 miles each side of the Gordonsville VORTAC 356° radial, extending from the 7-mile radius area to the VORTAC.

AMENDMENTS 9/14/72 37 F. R. 13168 (Rewritten)

Gorman, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 118°45' 00" W, on the S by Lat. 34°30'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 35°05'00" N.

Goshen, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.), and within 2 miles each side of the Goshen, Ind., VORTAC 090° radial extending from the 5-mile radius area to the VORTAC.

Graham, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (latitude 33°06'20" N., longitude 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham RBN (latitude 33°07'48" N., longitude 98°32'59" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Grain Valley, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the East Kansas City Airport (latitude 39°00'55" N., longitude 94°12'45" W.); and within 5 miles each side of the 312° radial of the Blue Springs, Mo., VORTAC extending from the 6½-mile radius area to 8 miles northwest of the VORTAC, excluding the portion which overlies the Kansas City, Mo., 700-foot floor transition area.

Grand Canyon, Ariz. (Grand Canyon National Park Airport)
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Grand Canyon National Park Airport (latitude 35°57'16" N., longitude 112°08'37" W.), and within 2 miles each side of the Grand Canyon VOR 211° radial extending from the 3-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 112°27'00" W., to latitude 36°05'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°27'00" W., thence to point of beginning; and that airspace within 5 miles each side of a direct line between the Grand Canyon, Ariz., VOR and Boulder City, Nev., VORTAC extending from the Grand Canyon VOR to 21 miles west of the VOR.

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Grand Forks, ND.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.) within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 173° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.) and within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 180° radial, extending from the 8.5-mile radius to 26½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles east of and parallel to the Red River VOR 180° radial to a line 5 miles northwest of and parallel to the Red River VOR 209° radial.

AMENDMENTS 10/12/72 37 F. R. 15915 (Rewritten)

Grand Island, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 4½ miles northeast and 9½ miles southwest of the Grand Island VORTAC 303° radial, extending from the 10-mile radius area to 18½ miles northwest of the VORTAC; and within 4½ miles east and 9½ miles west of the Grand Island VORTAC 360° radial, extending from the 10-mile radius area to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Grand Island VORTAC, extending from the Grand Island VORTAC 273° radial clockwise to the Grand Island VORTAC 084° radial; within a 27-mile radius of Grand Island VORTAC, extending from the Grand Island VORTAC 084° radial clockwise to the Grand Island VORTAC 273° radial and within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 17-mile radius area to V-172, excluding the portion which overlies the Hastings, Nebr., transition area.

Grand Isle, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29° 15' 45" N., longitude 89° 57' 40" W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN; within 2 miles each side of the Leeville, Louisiana, VORTAC 052° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the
Leeville, Louisiana, VORTAC 050° radial extending from the 5-mile radius area to 20 miles northeast of the VORTAC.

Grand Junction, Colo.
That airspace extending upward from 700 feet above the surface within 8 miles northwest and 5 miles southeast of the Grand Junction VORTAC 247° and 067° radials extending from 13 miles southwest to 14 miles northeast of the VORTAC and within 2 miles south and 10 miles north of the Grand Junction VORTAC 110° radial extending from the VORTAC to 22 miles southeast; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand
Junction VORTAC, within 5 miles each side of the Grand Junction VORTAC 166° radial extending from the 35-mile radius area to 38 miles S of the VORTAC, within 5 miles each side of the Grand Junction ILS localizer NW course extending from the 35-mile radius area to the INT of the localizer NW course and the Grand Junction VORTAC 318° radial.

Grand Marais, Minn.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Devils Track Municipal Airport (latitude 47°49'35" N., longitude 90°22'45" W.); and within 4½ miles north and 9½ miles south of the 103° bearing from the Devils Track Municipal Airport, extending from the airport to 18½ miles east of the airport except for that portion which overlies P-204; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 273° bearing from the Devils Track Municipal Airport extending from the airport to 12 miles west of the airport.

Grand Rapids, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.); within 2 miles each side of the 261° bearing from the Kent County Airport extending from the 9-mile radius area to 15½ miles west of the airport.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Grand Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'34" W.); and 5 miles each side of the Grand Rapids VOR 162° radial, extending from the 9½-mile radius area to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Grand Rapids VOR 162° radial extending from the VOR to 18½ miles south of the VOR.

Grandview, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within a 6-mile radius of Johnson County Airport (latitude 38°51'00" N., longitude 94°44'15" W.); and within 3 miles each side of the 183° bearing from Johnson County Airport, extending from the 6-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the south by latitude 38°00'00" N., on the west by the east edge of V-12; on the north by the arc of a 10-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); and on the east by the west edge of V-159, excluding the portion which overlies the Emporia and Wichita, Kans., transition areas.

Grantsburg, Wis.
That airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Grantsburg VOR 018° and 198° radials, extending from 7 miles S to 13 miles N of the VOR.

Grayling, Mich.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Grayling Army Airfield (latitude 44°40'45" N., longitude 84°43'45" W.); excluding that portion which overlies restricted areas R-4201 and R-4202; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 4.5 miles southwest of the 316° bearing from the Grayling Army Airfield extending to 25 miles northwest of the airport excluding that portion which overlies R-4201.

Great Barrington, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°11'05" N., 73°24'15" W., of Great Barrington Airport, Great Barrington, Mass.; within 2 miles each side of the Runway 5 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the Runway 11 centerline extended from the 5-mile radius area to 13 miles east of the end of the runway; within 2 miles each side of the Runway 23 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; within 2 miles each side of the Runway 29 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 5 miles east and 8 miles west of the 152° bearing from Great Barrington, Mass., RBN 42°10'58" N., 73°24'17" W., extending from the RBN to 12 miles southeast of the RBN.

Great Bend, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°51'47" W.); and within 2 miles each side of the 301° bearing from Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles NE and 8 miles SW of the 301° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

Great Bend, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°03'25" N., 75°43'15" W., of Wheeler-Sack AAF, N. Y.; within 2 miles each side of the Wheeler-Sack AAF runway 15 centerline, extended from the 5-mile radius area to 5 miles southeast of the end of the runway; within 2 miles each side of the Wheeler-Sack AAF runway 21 centerline, extended from the 5-mile radius area to 7.5 miles south of the end of the runway; within 3 miles each side of the Watertown, N. Y., VOR 069° radial, extending from the 5-mile radius area to the VOR.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43°51'30" N., 75°40'00" W., to 43°59'30" N., 75°30'00" W., to 44°08'00" N., 75°30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W. to point of beginning, excluding the portion which coincides with the Watertown, N. Y. 700-foot and 1,200-foot transition area.

Great Falls, Mont.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Malmstrom Air Force Base (latitude 47°30'05" N., longitude 111°11'20" W.) and within 3½ miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles north and 8 miles south of the Great Falls VOR 074° radial, extending from the 40-mile radius area to 61 miles east of the VOR; and within 12 miles south and 8 miles north of the Great Falls VOR 272° radial extending from the 40-mile radius area to 56 miles west of the VOR.

Greeley, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Weld County Airport (latitude 40°25'35" N., longitude 104°37'45" W.) and within 3.5 miles each side of the Gill VOR 038° and 218° radials extending from the 6-mile radius area to 11 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Gill VOR 038° and 218° radials, extending from 20 miles northeast to 13 miles southwest of the VOR.

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Green Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'16" N., longitude 88°07'49" W.); within 2½ miles each side of the Green Bay ILS southwest localizer course extending from the 9-mile radius to 8 miles southwest of the OM; within 5 miles each side of the Green Bay VORTAC 326° radial, extending from the 9-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the Green Bay ILS localizer northeast course extending from the 9-mile radius to 14 miles northeast of the airport;
that airspace extending upward from 5,000 feet MSL in the area bounded by V-191E, V-26, V-217.

AMENDMENTS 5/25/72 37 F. R. 7150 (Changed)
AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Greeneville, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greeneville Municipal Airport (lat. 36°11'30" N., long. 82°49'01" W.); within 9.5 miles southeast and 4.5 miles northwest of the 038° bearing from Greene County RBN (lat. 36°11'26" N., long. 82°48'50" W.), extending from the RBN to 18.5 miles northeast of the RBN; excluding the portion within the Tri-City, Tennessee transition area.

Greensboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N., longitude 79°56'34" W.); within 5 miles each side of Greensboro VORTAC 035° radial, extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC; within 4 miles each side of Greensboro VORTAC 207° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VORTAC; within 9.5 miles southwest and 4.5 miles northeast of Greensboro ILS localizer northwest course, extending from the LOM to 18.5 miles northwest.

AMENDMENTS 10/17/72 37 F. R. 23177 (Changed)

Greenville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Greenville, Ill., Airport (latitude 38°50'10" N., longitude 89°22'40" W.) and within 2 miles each side of the 348° bearing from Greenville Airport, extending from the 5-mile radius area to 8 miles north of the airport.

Greenville, Maine
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 45°27'47" N., long. 69°33'21" W.), Greenville Municipal Airport, Greenville, Maine, within 3.5 miles each side of a 212° bearing from the Greenville, Maine, NDB, extending from the 8.5-mile radius area to a point 10 miles southwest of the Greenville NDB, within a 6.5-mile radius of the center (lat. 45°28'10" N., long. 69°36'00" W.) Greenville Seaplane Base, Greenville, Maine, within 3.5 miles each side of a 181° bearing from the Greenville NDB extending from the 6.5-mile radius area to a point 9.5 miles south of the Greenville NDB.

AMENDMENTS 3/2/72 37 F. R. 136 (Added)

Greenville, Miss.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'20" W.); within 3 miles each side of the Greenville VOR 358° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR.

Greenville, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Pitt-Greenville Airport (latitude 35°37'55" N., longitude 77°23'05" W.); within 3 miles each side of the 007° bearing from Greenville RBN (latitude 35°42'32" N., longitude 77°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

Greenville, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within an 8.5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); within a 9.5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 4 miles each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 9.5-mile radius area to 15 miles northeast of the airport.

Greenville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Majors Airport (latitude 33°04'00" N., longitude 96°03'45" W.); and within 2 miles each side of the Majors VOR 188° radial, extending from the 7-mile radius area to 8 miles S of the VOR.

Greenwood, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Greenwood-Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 1.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 10-mile radius area to the VORTAC.

Greenwood, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.).

Griffith, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffith, Ind., Airport (latitude 41°31'10" N., longitude 87°23'55" W.), and within 2 miles each side of the Chicago Heights, Ill., VORTAC 089° radial extending from the 5-mile radius area to the VORTAC, excluding the airspace within the Chicago, Ill., transition area.

Groton, Conn.
That airspace extending upwards from 700 feet above the surface within the area bounded by a line beginning at 41°10'30" N., 72°00'00" W. to 41°12'00" N., 72°10'00" W. to 41°18'00" N., 72°14'00" W. to 41°27'00" N., 72°09'00" W. to 41°25'00" N., 71°42'00" W. to 41°18'00" N., 71°42'00" W. to 41°16'00" N., 71°49'00" W. to 41°13'00" N., 71°48'00" W. to point of beginning.

Guam Island
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 13°48'35" N. longitude 144°51'15" E., thence clockwise along the arc of a 12-nmi radius circle centered on Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.), to latitude 13°23'50" N., longitude 145°01'00" E., thence to latitude 13°08'45" N., longitude 144°29'20" E., thence to latitude 13°29'45" N., longitude 144°18'30" E., thence to point of beginning.
and that airspace extending upward from 1,200 feet above the surface within a 100-nautical mile radius of the Agana VOR and within a 35-nautical mile radius of the Saipan RBN, excluding the portion within W-517.

Guard Island, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the 247° and the 067° bearings from the Guard Island RBN extending from 7 miles northeast to 13 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the 150° and 330° bearings from the Guard Island RBN extending from 8 miles southeast to 19 miles northwest of the RBN.

Gulfport, MS.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gulfport Municipal Airport (lat. 30°24'28" N., long. 89°04'05" W.); within 3.5 miles each side of Gulfport VORTAC 050°, 129°, 213°, and 319° radials, extending from the 8.5-mile radius area to 11 miles northeast, southeast, southwest and northwest of the VORTAC; within an 8.5-mile radius of Keesler AFB (lat. 30°24'39" N., long. 88°55'26" W.); within 3 miles each side of the 036° bearing from Keesler RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 4.5 miles each side of Keesler TACAN 050° and 200° radials, extending from the 8.5-mile radius area to 12.5 miles northeast and southwest of the TACAN.

AMENDMENTS 8/17/72 37 F. R. 11858 (Rewritten) Corr: 37 F. R. 13467
AMENDMENTS 10/16/72 37 F. R. 22973 (Changed)

Gulkana, Alaska
That airspace extending upward from 1,200 feet above the surface within 7 miles east and 10 miles west of the Gulkana TACAN 350° and 170° radials extending from 18 miles north to 25 miles south of the TACAN.

Gunnison, Colo.
That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Gunnison VORTAC 045° and 225° radials extending from 12 miles northeast to 19 miles southwest of the VORTAC.

Gustavus, Alaska
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sisters Island, Alaska, VOR; and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the Gustavus RBN, extending from 16 miles NW to 48 miles SE of the RBN.

Guthrie, OK.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Guthrie Municipal Airport (latitude 35°50'30" N., longitude 97°25'00" W.) and within 3 miles each side of the 349° true bearing from the Guthrie RBN (latitude 35°51'04" N., longitude 97°25'10" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

AMENDMENTS 5/2/72 37 F. R. 9461 (Added)

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Guthrie, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of latitude 33°38'25" N., longitude 100°20'50" W., and within 2 miles each side of the Guthrie VOR 182° radial extending from the 6-mile radius area to the VOR.

Guymon, Okla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Guymon Municipal Airport (latitude 36°40'45" N., longitude 101°30'30" W.), and within 3.5 miles each side of the 006° bearing from the Guymon RBN (latitude 36°42'19" N., longitude 101°30'17" W.) extending from the 8-mile radius area to 11 miles north of the RBN.

Hagerstown, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°42'30" N., 77°43'45" W., of Hagerstown Airport, Hagerstown, Md.; and within 2 miles each side of the Hagerstown VOR 239° radial extending from the 7-mile radius area to 8 miles SW of the VOR.

Haleyville, Ala.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Haleyville Municipal Airport (lat. 34°16'40" N., long. 87°36'05" W.); within 5 miles each side of Hamilton VORTAC 077° radial, extending from the 5.5-mile radius area to 11.5 miles E of the VORTAC.

Hamilton, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Marion County Airport (lat. 34°07'10" N., long. 87°59'53" W.); within 3 miles each side of Hamilton VORTAC 349° radial extending from the 9-mile radius area to 8.5 miles northwest of the VORTAC.

AMENDMENTS 2/3/72 36 F. R. 22226 (Added) Corr: 37 F. R. 2571

Hamilton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center lat. 42°50'35" N., long. 75°33'40" W. of AMA Executive Airport, Hamilton, N. Y., and within 5 miles each side of the Georgetown, N. Y., VORTAC 074° and 254° radials extending from the 6.5-mile radius area to 4.5 miles west of the Georgetown, N. Y., VORTAC.

Hamilton, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°21'58" N., 84°31'30" W. of Hamilton Airport, Hamilton, Ohio; and within 2 miles north and 5 miles south of a 279° bearing from the Hamilton RBN extending from the 7-mile radius area to 8 miles west of the RBN excluding the portions within the Cincinnati, Ohio and Middletown, Ohio, transition areas.

Hammond, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hammond Municipal Airport (latitude 30°31'15" N., longitude 90°25'00" W.), and within 3 miles each side of the New Orleans VORTAC 337° T radial extending from the 5-mile radius to 28 miles northwest of the VORTAC.

AMENDMENTS 11/9/72 37 F. R. 18614 (Added)

Hammonton, N. J.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of lat. 39°40'30" N., long. 74°44'30" W. of Hammonton Municipal Airport, Hammonton, N. J.;within 2 miles each side of the Millville, N. J., VORTAC 051° radial extending from the 5.5-mile radius area to 7.5 miles northeast of the VORTAC.

Hanford, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of the Hanford Municipal Airport (latitude 36°19'04" N., longitude 119°37'39" W.), and within 2 miles each side of the Visalia TVOR 246° radial extending from the 3-mile radius area toward the Visalia TVOR to abut the currently designated Visalia 700-foot transition area, excluding that airspace within a 1-mile radius of the Blair (private) Airport (latitude 36°16'31" N., longitude 119°38'23" W.).

Hanksville, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hanksville (FAA Site 54) Airport (latitude 38°25'01" N., longitude 110°41'57" W.), and within 3.5 miles each side of the Hanksville VORTAC 106° radial, extending from the 5-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9.5 miles south of the Hanksville VORTAC 286° and 106° radials, extending from 7.5 miles west to 18.5 miles east of the VORTAC.

Harlan, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Harlan Municipal Airport (latitude 41°35'15" N., longitude 95°20'15" W.); and within 5 miles each side of the Neola, Iowa, VORTAC 064° radial, extending from the 7-mile radius area to 8 miles northeast of the VORTAC.

Harlingen, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°13'36" N., longitude 97°39'10" W.) and within 3.5 miles either side of the Harlingen ILS localizer north course extending from the 5-mile radius zone to 11.5 miles north of the outer marker; within 2 miles either side of Harlingen VOR 118° radial extending from the VOR to the airport.

AMENDMENTS 10/12/72 37 F. R. 15915 (Rewritten)

Harrisburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Harrisburg-Raleigh Airport (latitude 37°48'45" N., longitude 88°33'00" W.); and within 3 miles each side of the 049° bearing from Harrisburg-Raleigh Airport, extending from the airport to 8 miles northeast of the airport.

Harrisburg, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of a point 40°13'24" N., 76°52'39" W.; within 5 miles south and 8 miles north of the Capital City Airport ILS localizer west course extending from the 12-mile radius area to 12 miles west of the OM; within 5 miles north and 8 miles south of the Harrisburg VOR 280° radial extending from the 12-mile radius area to 12 miles west of the VOR; within a 9-mile radius of the center, 40°11'35" N., 76°45'47" W. of Harrisburg International Airport-Olmsted Field, Middletown, Pa.; within 5 miles north and 8 miles south of the Harrisburg International Airport-Olmsted Field ILS localizer northwest course extending from the 12-mile radius area to 12 miles northwest of the OM; and within 2 miles each side of the centerline of Harrisburg International Airport-Olmsted Field Runway 13 extended from the 9-mile radius area to 9 miles southeast of the end of the runway.

Harrison, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Boone County Airport (latitude 36°15'55" N., longitude 93°09'14" W.), within a 12.5-mile radius of the airport extending from the Harrison VOR 140° radial clockwise to the 320° radial, and within 3.5 miles each side of the Harrison VOR 320° radial extending from the 6.5-mile radius area to 11.5 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-72, on the east by V-71, and on the south by the Arkansas/Missouri State line excluding the portion within the Point Lookout, Mo., transition area.

Hartford, Conn.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 41°56'19" N., long. 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 4.5 miles northwest and 9.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile radius area to 18.5 miles southwest of the OM; within a 9-mile radius of the center, 41°45'10" N., 72°37'25" W., of Rentschler Field, East Hartford, Conn.; within 2 miles each side of a 130° bearing from the Brainard RBN extending from the RBN to 8 miles southeast of the RBN; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the Runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VOR; within 2 miles each side of the Hartford VOR 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VOR; and within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest.

Hartsville, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hartsville Municipal Airport (latitude 34°24'15" N., longitude 80°07'04" W.); within 3 miles each side of the 014° bearing from Hartsville RBN (latitude 34°24'25" N., longitude 80°06'56" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within the Darlington, S. C., transition area.

Hastings, Mich.
That airspace extending upward from 700 feet above the surface within a 6½ mile radius of Hastings Municipal Airport (latitude 42°39'50" N., longitude 85°20'50" W.); and within 2 miles each side of the Grand Rapids, Mich., VOR 141° radial extending from the 6½ mile radius area to the Grand Rapids VOR, excluding the portion which overlies Grand Rapids, Mich. 700-foot floor transition area.

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Hastings, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 323° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles NW of the airport; within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 143° bearing from Hastings Municipal Airport extending from the Hastings Municipal Airport to 14 miles SE, within 5 miles E and 9 miles W of the 338° bearing from the Hastings Municipal Airport extending from the Hastings Municipal Airport to 13 miles N, and within 5 miles each side of the 066° bearing from Hastings Municipal Airport extending from the Hastings Municipal Airport to the S edge of V-138 and the area bounded on the S by a line 5 miles S of and parallel to the 286° bearing from Hastings Municipal Airport on the N by V-8 S and on the E by a line 9 miles W of and parallel to the 338° bearing from Hastings Municipal Airport.

Hattiesburg, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hattiesburg Municipal Airport (latitude 31°16'01" N., longitude 89°15'16" W.); within 1.5 miles each side of the Hattiesburg VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 3 miles each side of the 330° bearing from Hub City RBN (latitude 31°17'57" N., longitude 89°18'01" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN.

Haverhill, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°48'05" N., 71°03'45" W., of Haverhill Airport, Haverhill, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass. transition area. This transition area shall be effective from sunrise to sunset, daily.

Havre, Mont.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Havre VOR; within 4½ miles south and 9½ miles north of the Havre VOR 080° radial, extending from the 14-mile radius area to 18½ miles east of the VOR; and within 4½ miles north and 9½ miles south of the Havre VOR 287° radial, extending from the 14-mile radius area to 18½ miles west of the VOR.

Hawaiian Islands.
That airspace extending upward from 14,500 feet MSL within the area bounded by lines beginning at latitude 22°24'N.. longitude 161°15' W., to latitude 23°53' N., longitude 159°30' W., to latitude 22°31' N., longitude 156°05' W., to latitude 21°47' N., longitude 155°32' W., to latitude 19°44' N., longitude 153°15' W., to latitude 18°20' N., longitude 153°32' W., to latitude 17°15' N., longitude 155°40' W., to latitude 19°43' N., longitude 158°00' W., to latitude 20°46' N., longitude 159°29' W., to latitude 21°18' N., longitude 159°32' W., to latitude 21°30' N., longitude 159°32' W., to latitude 21°30' N., longitude 161°00' W., to latitude 21°56' 30" N., longitude 161°20' W., to the point of beginning. The airspace within control area extensions, transition areas, Federal airways, warning areas W-318, W-319, W-320, W-321, W-322, W-511, W-512, and the airspace less than 1,500 feet above the terrain is excluded.

Hays, Kansas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the Hays, Kans., VOR 162° radial, extending from the VOR to 14 miles south of the VOR.

Hayward and Cable, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hayward Municipal Airport (latitude 46°01'35" N., longitude 91°26'40" W.); and within an 8-mile radius of Cable Union Airport (latitude 46°11'30" W.), longitude 91°5'00" W.), and within 2½ miles each side of the 026° bearing from the Hayward Municipal Airport extending from the Hayward Municipal Airport 7-mile radius area to 15 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 6 miles southeast of the 026° bearing from Hayward Municipal Airport, extending from 3 miles northeast to 27½ miles northeast of the airport; and within 9½ miles southeast and 4½ miles northwest of the 228° bearing from Cable Union Airport, extending from 5 miles southwest to 27½ miles southwest of the airport.

Hazlehurst, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hazlehurst Airport (lat. 31°53'00" N., long. 82°38'45" W.); within 2.5 miles each side of Alma VORTAC 342° radial, extending from the 6-mile radius area to 18 miles north of the VORTAC.

Hazleton, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 40°59'11" N., 75°59'38" W. of Hazleton Airport, Hazleton, Pa., within 2 miles each side of the 076° bearing from the Weatherly RBN extending from the 7-mile radius area to 8 miles E of the RBN and within 2 miles each side of the Hazleton VOR 263° radial extending from the 7-mile radius area to 8 miles W of the VOR.

Heber, Ariz.
That airspace extending upward from 13,500 feet MSL bounded by a line beginning at latitude 34°43'00" N., longitude 111°24'00" W. to latitude 34°43'00" N., longitude 110°20'00" W., thence south via longitude 110°20' 00" W. to V-190N, thence southwest via V-190N to latitude 34°03'00" N., longitude 111°24'00" W. to point of beginning.

Heber Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Heber Springs, Ark., Airport (latitude 35°30'41" N., longitude 92°00'25" W.).

Helena, MT.
That airspace extending upward from 700 feet above the surface within a 16½-mile radius of the Helena VORTAC (latitude 46°36'25" N., longitude 111°57'09" W.), extending from the Helena VORTAC 352° radial clockwise to the 191° radial; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Helena VORTAC, extending from the Helena VORTAC 272° radial clockwise to the Helena VORTAC 191° radial; within 6 miles south and 9½ miles north of the Helena VORTAC 102° radial, extending from the 21-mile radius area to 23 miles east of the VORTAC; within 6 miles south and 9 miles north of the Helena VORTAC 272° radial, extending from the VORTAC to 45 miles west of the VORTAC; within 5 miles east and 9 miles west of the Helena VORTAC 023° radial, extending from the 21-mile radius area to 36 miles northeast of the VORTAC.

AMENDMENTS 7/20/72 37 F. R. 10562 (rewritten)

Henderson, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Henderson Airport (lat. 37°48'27" N., long. 87°41'00" W.); within 1.5 miles each side of Evansville, Ind., VORTAC 152° radial, extending from the 5.5-mile radius area to the VORTAC; excluding the portion within Evansville, Ind., transition area.

Hershey, Pa.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center (40°17'35" N., 76°39'40" W.) of Hershey Air Park Airport, Hershey, Pa.; and within 2 miles each side of the Runway 8 centerline extended from the 4-mile radius area to 5 miles east of the end of the runway,excluding that portion which coincides with Harrisburg, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

Hibbing, Minn.
That airspace extending upward from 700 feet above the surface within an 11½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'19" W.); within 5 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile radius area to 26 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'55" N., longitude 92°30'03" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 092° radial, extending from the 11-mile radius area to 18½ miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 196° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC, extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 196° radial; within 4½ miles northeast and 10 miles southwest of the Hibbing VORTAC 313° radial, extending from the 27-mile radius area to 33½ miles northwest of the VORTAC, excluding the portion which overlies the Duluth, Minn., transition area.

AMENDMENTS 6/22/72 37 F. R. 8439 (Rewritten)
AMENDMENTS 12/7/72 37 F. R. 22576 (Rewritten)

Hickory, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hickory Municipal Airport (latitude 35°44'30" N., longitude 81°23'20" W.); within 9.5 miles southeast and 4.5 miles northwest of the 042° bearing from Hickory RBN (latitude 35°44'00" N., longitude 81°23'30" W.), extending from the RBN to 18.5 miles northeast; within 3 miles each side of Hickory VOR 058° and 222° radials, extending as a corridor from the 8.5-mile radius area to 8.5 miles northeast of the VOR.

Hillsboro, Oreg.
That airspace extending upward from 700 feet above the surface witnin a 5-mile radius of the Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles of each side of the Newberg, Oreg., VORTAC 007° and 187° radials, extending from the 5-mile radius area to 1 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 15 miles SE and 10 miles NW of the Newberg VORTAC 024° and 204° radials, extending from 12 miles NE to 27 miles SW of the VORTAC.

Hillsdale, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hillsdale, Mich., Airport (latitude 41°55'15" N., longitude 84°35'05" W.), and within 2 miles each side of the Litchfield, Mich., VORTAC 140° radial extending from the 5-mile radius area to 8 miles northwest of the airport.

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Hilltop Lakes, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hilltop Lakes Airport (latitude 31°04'50" N., longitude 96°12'50" W.), and within 2 miles each side of the Leona VORTAC 258° radial extending from the 5-mile radius area to 9 miles west of the VORTAC.

Hilo, Hawaii
That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), extending clockwise from a line 2 miles southwest of and parallel to the Hilo VORTAC 321° radial to a line 2 miles south of and parallel to the Hilo VORTAC 099° radial; and that airspace extending upward from 1,200 feet above the surface northeast of Hilo bounded on the north by V-21, on the south by V-22 and on the west by V-19; that airspace east of Hilo bounded on the north by V-22, on the east by the Honolulu FIR/Oceanic CTA and on the south by V-15; that airspace south of Hilo within the arc of a 21-mile radius circle centered on the Hilo, Hawaii, VORTAC, extending clockwise from V-15 to a line 9 miles southwest of and parallel to the 157° radial of the Hilo VORTAC.

Hilton Head Island, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport (latitude 32°13'20" N., longitude 80°41'55" W.), excluding the portion outside the continental limits of the United States.

Hobart, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-
mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360°
and 180° bearings from latitude 34°33'53" N., longitude 99°16'24" W.; extending from 24 miles N to 12 miles S of latitude 34°33'53" N., longitude 99°16'24" W.

Hobbs, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 9-mile radius of Crossroads Intercontinental Airport (lat. 32°46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial extending from the 9-mile radius area of the Lea County Airport to 11.5 miles southwest of the VOR.

Holdrege, NE.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brewster Field (latitude 40°27'15" N., longitude 99°20'15" W.); and within 3 miles each side of the 011° bearing from Brewster Field, extending from the 5-mile-radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 011° and 191° bearings from Brewster Field extending from 6 miles south to 18½ miles north of the airport.

AMENDMENTS 10/12/72 37 F. R. 16171 (added)

Holland, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.); within a 6-mile radius of Tulip City Airport (latitude 42°44'45" N., longitude 86°06'30" W.); within 3 miles each side of the 175° bearing from Park Township Airport, extending from the 6-mile radii area to 8 miles south of the airport; and within 2 miles each side of the Pullman, Mich., VORTAC 359° radial, extending from the 6-mile radii area to 12 miles north of the VORTAC.

Homer, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Homer Airport (latitude 59°38'35" N., longitude 151°28'52" W.), and within 2 miles each side of the 234° bearing from the Homer Airport, extending from the 5-mile radius area to 8.5 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8.5 miles south and 5.5 miles north of the 265° and 085° bearings from the Homer RR, extending from 17.5 miles west to 7 miles east of the RR; within 7.5 miles northwest and 12 miles southeast of the Homer VORTAC 224° and 044° radials, extending from 22.5 miles southwest to 10 miles northeast of the VORTAC; and within a 55.5-mile radius of the Homer VORTAC extending counterclockwise from the south boundary of V-436E west of Homer, to the west boundary of V-438W southwest of Homer.

AMENDMENTS 12/7/72 37 F. R. 22372 (Rewritten)

Honesdale, PA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 41°30'52" N., long. 75°15'10" W. of Cherry Ridge Airport, Honesdale, PA., and within 5 miles each side of the Wilkes-Barre VORTAC 054° radial extending from the 6.5-mile radius area to 10 miles northeast of the Wilkes-Barre VORTAC.

AMENDMENTS 5/25/72 37 F. R. 6052 (Added)

Honolulu, Hawaii.
That airspace extending upward from 700 feet above the surface south and southeast of Honolulu beginning at latitude 21°20'30" N., longitude 157°51'15" W. thence south to latitude 21°15'30" N., longitude 157°49'15" W. thence west to latitude 21°09'50" N., longitude 158°09'50" W. thence northwest to latitude 21°10'10" N., longitude 158°11'55" W. thence northeast along a line 4.5 miles southeast of and parallel to the Honolulu VORTAC 242° radial to and counterclockwise along the arc of a 5-mile radius circle centered on NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.) to and counterclockwise along the arc of a 5-mile radius circle centered on Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.) to the point of beginning, and within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from 13 miles to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above
the surface within a 30-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°09'00" N., longitude 158°24'45" W. to latitude 21°15'00" N., longitude 157°31'45" W., thence W to latitude 21°15'00" N., longitude 157°36'30" W., thence within a 25-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°15'00" N., longitude 157°36'30" W. to latitude 21°10'10" N., longitude 158°20'30" W., thence W to point of beginning; that airspace S of Honolulu within 12 miles E and 8 miles W of the Honolulu VORTAC 180° radial, extending from the 25-mile radius area to 68 miles S of the VORTAC; that airspace W of Honolulu, extending from the 30-mile radius area bounded by a line beginning at latitude 21°24'15" N., longitude 158°26'45" W., thence to latitude 21°42'05" N., longitude 158° 54'00" W., thence to latitude 21°13'30" N., longitude 159°04'50" W., thence to latitude 21°07'30" N., longitude 158°31'00" W., thence to latitude 21°09'00" N., longitude 158°24'45" W.; that airspace northwest of Honolulu, extending from the 30-mile radius area bounded on the northeast by W-322D, on the west by the Lihue transition area, and on the southwest by V-2; and that airspace southeast of Honolulu bounded on the northeast by V-16, on the east by longitude 157°17'00" W., on the south by a line extending from latitude 20°47'15" N., longitude 157°17'00" W. to latitude 20°48'00" N., longitude 157°30'00" W. through latitude 20°52'00" N., longitude 157°50'00" W. to a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, and on the west by a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, excluding the portion within W-322D and the portion within the Kaneohe control zone and the Kaneohe transition area.

Honolulu, Hawaii (Wheeler AFB)
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Honolulu VORTAC 358° radial extending from the arc of a 3-mile radius circle centered on Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.) to the INT of the Honolulu, Hawaii, VORTAC 358° and the Koko Head, Hawaii, VOR 298° radials.

Hope, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hope Municipal Airport (latitude 33°43'06" N., longitude 93°39'30" W.); and within 2 miles each side of the Texarkana VORTAC 058° radial extending from the 6-mile radius area to 17 miles northeast of the Texarkana VORTAC.

Hope, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Farmington, Minn., VOR 184° radial, extending from 38 miles S to 65 miles S of the VOR.

Hopewell, VA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 37°18'00" N., long. 77°13'00" W. of Hopewell Airport, Hopewell, VA.

AMENDMENTS 9/14/72 37 F. R. 13796 (Rewritten)

Hopkinsville, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 3 miles each side of the 044° bearing from Campbell RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within an 8.5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87°24'52" W.); within a 6.5-mile radius of Hopkinsville-Christian County Airport (lat. 36°51'25" N., long. 87°
27'25" W.); within 3 miles each side of the 081° bearing from Christian RBN (lat. 36°52'07" N., long. 87°22'18" W.), extending from the 6.5-mile radius area to 8.5 miles east of the RBN.

AMENDMENTS 3/2/72 36 F. R. 25212 (Changed)

Hoquiam, Wash.
That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 068° radial, on the south by a line 2 miles south of and parallel to the Hoquiam VORTAC 088° radial, extending eastward between the arcs of 5- and 13-mile radius circles centered on Bowerman Field, (lat. 46°58'15" N., long. 123°56'05" W.); and that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9 miles south of the Hoquiam VORTAC 081° and 261° radials, extending from 8 miles east to 19 miles west of the VORTAC, excluding that portion coinciding with W-237.

AMENDMENTS 2/3/72 36 F. R. 23049 (Rewritten)

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Hornell, NY.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 42°22'30" N., long. 77°40'45" W. of Hornell Municipal Airport, extending clockwise from a 319° bearing to a 352° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 352° bearing to a 028° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 028° bearing to a 074° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 096° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 131° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 131° bearing to a 157° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 252° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 290° bearing from the airport and within a 10.5-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 319° bearing from the airport. This transition area is effective from sunrise to sunset, daily.
AMENDMENTS 10/12/72 37 F. R. 15915 (Added)

Hot Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3.5 miles each side of the 248° bearing from the Hot Springs RBN extending from the 15-mile radius area to 11.5 miles west of the RBN.

Hot Springs, Va.
That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the center, lat. 37°57'04" N., long. 79°50'02" W. of Ingalls Field, Hot Springs, Va.

Houghton, Mich.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Houghton RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 9½ miles southwest of the Houghton VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton VOR 141° radial, extending from the VOR to 18½ miles southeast of the VOR.

Houlton, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine.
That airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection southeast of Presque Isle, Maine, of the United States-Canadian border and a 40-mile radius arc centered at 46°57'05" N., 67°53'10" W. (Loring AFB), thence clockwise along this arc to 46°33'00" N., to 45°56'00" N., 68°36'00" W. to 45°38'00" N., 67°40'30" W. thence along the United States-Canadian border to the point of beginning, excluding the airspace within Canada.

Houma, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Houma Municipal Airport (latitude 29°34'10" N., longitude 90°39'40" W.), within 2 miles each side of the Tibby VORTAC 123° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Tibby VORTAC 124° radial extending from the 5-mile radius area to 27 miles SE of the VORTAC, and within 2 miles each side of a 360° bearing from the Houma RBN (latitude 29°37'01" N., longitude 90°39'39" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

Houston, Tex.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 30°35'00" N., longitude 95°28'00" W., thence to latitude 29°45'00" N., longitude 94°44'00" W., thence to the intersection of the arc of a 5-mile radius circle centered on Scholes Field, Galveston, Tex. (latitude 29°15'55" N., longitude 94°41'35" W.) and latitude 29°16'00" N. at a point east of Scholes Field, thence clockwise along the arc of the 5-mile radius circle to latitude 29°16'00" N. at a point west of Scholes Field, thence to latitude 29°30'00" N., longitude 95°54'00" W., to latitude 30°26'00" N., longitude 95°42'00" W., to point of beginning.

Howell, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Howell, Mich., Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Mich., 308° radial extending from the 6-mile radius area to 7 miles southeast of the airport.

Hugo, Colo.
That airspace south of Hugo, Colo., VOR extending upward from 8,500 feet MSL, bounded on the north by V-108S, on the northeast by V-263, on the south by V-210, and on the west by V-19E and that airspace east of Hugo, extending upward from 9,500 feet MSL, bounded on the north by V-4, on the east by V-17, on the southeast by V-216, on the southwest by V-263, and on the northwest by V-169, excluding the airspace within Federal airways and the Pueblo and Colorado Springs, Colo., transition areas.
AMENDMENTS 3/2/72 37 F. R. 727 (Changed)

Humboldt, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Humboldt Municipal Airport (lat. 35°48'00" N., long. 88°52'00" W.); within 2.5 miles each side of the Dyersburg VORTAC 121° radial, extending from the 5-mile radius area to 23 miles southeast of the VORTAC.

Huntingburg, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Huntingburg Airport (latitude 38°15'00" N., longitude 86°57'00" W.); and within 3 miles either side of an 072° bearing from the Huntingburg Airport extending from the 6-mile radius to 8 miles ENE of the airport.

AMENDMENTS 2/3/72 36 F. R. 23201 (Rewritten)

Huntington, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Huntington Municipal Airport (latitude 40°51'15" N., longitude 85°27'50" W.), excluding the portion which overlies the Fort Wayne, Ind., 700-foot floor transition area.

Huntington, WV.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 38°22'00" N., long. 82°33'20" W. of Tri-State Airport (Walker-Long Field) Huntington, WV.; within 2 miles each side of the Tri-State Airport (Walker-Long Field) localizer east course, extending from the 11-mile radius area to 7 miles east of the Shoals, WV., FM; and within 3 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of the OM.

AMENDMENTS 5/25/72 37 F. R. 6051 (Rewritten)

Huntsville, Ala.
That airspace extending upward from 700 feet above the surface within a 15.5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 3 miles each side of Huntsville ILS localizer north course, extending from the Capshaw RBN to 8.5 miles north of the RBN; within 3 miles each side of Huntsville ILS localizer south course, extending from the localizer to 14.5 miles south; within an 8.5-mile radius of Pryor Field (latitude 34°39'09" N., longitude 86°56'45" W.); within 9.5 miles west and 4.5 miles east of the Decatur VOR 351° radial, extending from the VOR to 18.5 miles north; within a 5-mile radius of North Huntsville Airport (lat. 34°51'25" N., long. 86°33'22" W.).

AMENDMENTS 2/3/72 36 F. R. 22226 (Changed)

Huntsville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Huntsville Municipal Airport (lat. 30°44'30" N., long. 95°35'30" W.), within 3 miles each side of the Leona VORTAC 139° radial extending from the 5-mile radius area to 27.5 miles southeast of the VORTAC, and within 3.5 miles each side of the 008° bearing from the Huntsville RBN (lat. 30°44'20" N., long. 95°35'17" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Huron, S. Dak.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the W. W. Howes Municipal Airport (latitude 44°23'03" N., longitude 98°13'39" W.); within 4½ miles northeast and 11 miles southwest of the Huron VORTAC 314° and 134° radials, extending from 5 miles southeast to 18½ miles northwest of the VORTAC; and within 5 miles each side of the Huron ILS localizer southeast course, extending from the 6½-mile radius area to 19½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Huron VORTAC extending from a line 5 miles west of and parallel to the 343° radial clockwise to a line 5 miles north of and parallel to the 269° radial; and within 4½ miles southwest and 9½ miles northeast of the Huron localizer southeast course extending from 6 miles southeast of the OM to 29 miles southeast of the OM.

Hutchinson, Kans.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'37" W.); within 3½ miles each side of the Hutchinson VORTAC 222° radial, extending from the 8½ mile radius area to 8 miles southwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Hutchinson ILS localizer northwest course, extending from the airport to 18½ miles northwest of the ILS outer marker; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Hutchinson VORTAC; within 10 miles west and 6 miles east of the Hutchinson VORTAC 025° radial, extending from the 30-mile radius area to 44 miles north of the VORTAC; within 6 miles southwest and 10 miles northeast of the Hutchinson VORTAC 296° radial, extending from the 30-mile radius area to 44 miles northwest of the VORTAC; within 6 miles north and 10 miles south of the Hutchinson VORTAC 266° radial, extending from the 30-mile radius area to 41 miles west of the VORTAC; and the area southwest of Hutchinson bounded on the northeast by the 30-mile radius area, on the south by the north edge of V-12 north, and on the northwest by the southeast edge of V-280, excluding the portion which overlies the Wichita and Salina, Kans. transition areas.

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Ida Grove, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ida Grove Municipal Airport (latitude 42°19'55" N., longitude 95°26'40" W.); and within 2 miles each side of the 117° bearing from Ida Grove Municipal Airport, extending from the 7-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 117° bearing from Ida Grove Municipal Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 297° bearing from Ida Grove Municipal Airport, extending from the airport to V-100.

Idaho Falls, Idaho
That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 21.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

Iliamna, Alaska
That airspace extending upward from 1,200 feet above the surface within 6 miles W. and 8 miles E. of the 016° and 196° bearings from the Iliamna RBN, extending from 7 miles N. to 13 miles S. of the RBN.

Illinois
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Illinois.

Independence, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to the Oklahoma transition area.

Indiana
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Indiana.

Indiana, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, (lat. 40°38'00" N., long. 79°06'15" W.) of Indiana County-Jimmy Stewart Field, Indiana, Pa., and within 3.5 miles each side of the 091° bearing from the Indiana RBN (lat. 40°37'54" N., long. 79°03'51" W.) extending from the 7-mile radius area to 9.5 miles east of the RBN.

Indianapolis, Ind.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within a 5½-mile radius of Bob Shank Airport (latitude 39°49'15" N., longitude 86°14'30" W.); within a 5½-mile radius of Eagle Creek Airpark (latitude 39°49'45" N., longitude 86°17'45" W.); and within 3 miles each side of the Indianapolis VORTAC 257° radial, extending from the 5½ and 9-mile radii to 8 miles west of the VORTAC.

Indianola, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field (lat. 33°29'05" N., long. 90°40'34" W.); within 3 miles each side of the 191° and 354° bearings from Indianola RBN (lat. 33°28'48" N., long. 90°40'34" W.), extending from the 6.5-mile radius area to 8.5 miles south and north of the RBN.

International Falls, Minn.
That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VORTAC 140° and 320° radials, extending from 6 miles southeast to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls VORTAC 129° and 309° radials extending from 6 miles northwest to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the International Falls VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls ILS southeast localizer course extending from the 20-mile radius area to 18½ miles southeast of the outer marker, excluding the portions outside the United States.

Ionia, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ionia County Airport (latitude 42°56'20" N., longitude 85°04'15" W.); and within 3 miles each side of the 064° radial of the Grand Rapids, Michigan VOR, extending from the 5-mile radius area to 30 miles northeast of the VOR.

Iowa City, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41° 38' 25" N., longitude 91° 32' 50' W.), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR.

Iron Mountain, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Iron Mountain VORTAC; within 4½ miles west and 9½ miles east of the Iron Mountain VORTAC 193° radial, extending from the 13-mile radius area to 18½ miles south of the VORTAC; within 4½ miles west and 9½ miles east of the 182° bearing from Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.) extending from the 13-mile radius area to 18½ miles south of the airport; and within 4½ miles north and 9½ miles south of the 276° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15½-mile radius of the Iron Mountain VORTAC; within 4½ miles southwest and 9½ miles northeast of the Iron Mountain VORTAC 141° radial; extending from the VORTAC to 18½ miles southeast of the VORTAC; and within 4½ miles east and 9½ miles west of the Iron Mountain VORTAC 004° radial, extending from the VORTAC to 18½ miles north of the VORTAC, excluding the portion which overlies the Marquette, Mich., 1,200-foot transition area.

Ironwood, Mich.
That airspace extending upward from 700-feet above the surface within a 9½-mile radius of Gogebic County Airport (latitude 46°31'25" N., longitude 90°07'50" W.); within 9½ miles north and 4½ miles south of the Ironwood VORTAC 254° radial, extending from the 9½-mile radius area to 18½ miles west of the VORTAC; and within 3 miles each side of the Ironwood VORTAC 108° radial, extending from the 9½-mile radius area to 12½ miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Ironwood VORTAC; and within 4½ miles south and 9½ miles north of the Ironwood VORTAC 108° radial, extending from the 17-mile radius area to 23½ miles east of the VORTAC.

Islip, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Islip-MacArthur Airport (latitude 40°47'50" N., longitude 73°06'01" W.); and within 2 miles each side of the Islip-MacArthur Airport localizer SW course extending from the 7-mile radius area to 8 miles SW of the OM; and within 2 miles each side of the NE ILS localizer course extending from the 7-mile radius area to 9 miles NE of the localizer.

Ithaca, N. Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 42°29'25" N.. 76°27'30" W. of Tompkins County Airport, Ithaca, N.Y., and within 5 miles SW and 8 miles NE of the Ithaca VOR 305° radial extending from the VOR to a point 12 miles NW. excluding that portion which overlies the Elmira. N.Y.. transition area.

Jackson, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Jackson, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'05" W.); and within 3 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 147° and 327° bearings from Jackson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

Jackson, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within an 8-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 8-mile radius area to the VORTAC; within a 5.5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.); within 1.5 miles each side of the Jackson VORTAC 142° radial, extending from the 5.5-mile radius area to the VORTAC; within 1.5 miles each side of Runway 17 extended centerline, extending from the 5.5-mile radius area to 5.5 miles north of the runway end.

AMENDMENTS 11/2/72 37 F. R. 22373 (Changed)

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Jackson, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.).

Jackson, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on Jackson Hole Airport, Wyo. (latitude 43°36'24" N., longitude 110°44'13" W.); that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9 miles east of the Jackson VOR 200° and 020° radials, extending from 23 miles south to 11 miles north of the VOR, and within 6 miles north and 9 miles south of the Dunoir, Wyo. VOR 282° and 102° radials, extending from 8 miles east to 21 miles west of the VOR, and that airspace within 5 miles each side of the Jackson VOR 107° radial extending from 9 to 15 miles east of the VOR.

Jacksonville, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); NAS Jacksonville (lat. 30°14'00" N., long. 81° 40'30" W.); NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.), and NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.).

Jacksonville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jacksonville Municipal Airport (latitude 39°46'30" N., longitude 90°14'30" W.); and within 3 miles each side of the 309° bearing from Jacksonville Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Jacksonville, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); within 3 miles each side of the 051° bearing from New River RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 2 miles each side of New River TACAN 236° radial, extending from the 8.5-mile radius area to 9.5 miles southwest of the TACAN; within an 8.5-mile radius of Albert J. Ellis Airport (lat. 34°49'49" N., long. 77°36'42" W.); within 3 miles each side of the 045° and 220° bearings from Onslow RBN (lat. 34°49'53" N., long. 77°36'51" W.), extending from the 8.5-mile radius area to 8.5 miles northeast and southwest of the RBN; excluding the portion within R-5306B and C.

AMENDMENTS 10/2/72 37 F. R. 21529 (Changed)

Jamestown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Chautauqua County Airport, Jamestown, N. Y. (42°09'07" N., 79°15'26" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N. Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM.

Jamestown, N. Dak.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Jamestown Municipal Airport; and within 4.5 miles southwest and 9.5 miles northeast of the Jamestown VORTAC 140° radial, extending from the 17-mile radius area to 18.5 miles southeast of the VORTAC; and within 4.5 miles northeast and 9.5 miles southwest of the Jamestown VORTAC 308° radial, extending from the 17-mile radius area to 18.5 miles northwest of the VORTAC.

Janesville, Wis.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'28" W.).

Jasper, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walker County Airport (latitude 33°51'55" N., longitude 87°15'40" W.); within 4.5 miles each side of Birmingham VORTAC 303° radial, extending from the 6.5-mile radius area to 14 miles northwest of the VORTAC.

AMENDMENTS 12/7/72 37 F. R. 21160 (Added)

Jasper, Tenn.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Marion County-Brown Field (latitude 35°03'35" N., longitude 85°35'05" W.); excluding the portion that coincides with the Chattanooga, Tenn., transition area.

Jasper, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 30°53'32" N., longitude 94°02'03" W.), within 3.5 miles each side of the 360° bearing from the Jasper RBN (latitude 30°57'16" N., longitude 94°02'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN, and within 3.5 miles each side of the 182° bearing from the Pine RBN (latitude 30°52'00" N., longitude 94°02'06" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Jefferson, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (lat. 34°10'29" N., long. 83°33'37" W.).

Jefferson, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Jefferson Municipal Airport (latitude 42°00'36" N., longitude 94°20'31" W.); and within 3 miles each side of the 152° bearing from Jefferson Municipal Airport extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 152° and 332° bearing from Jefferson Municipal Airport, extending from 9 miles northwest to 18½ miles southeast of the airport excluding the portion which overlies the Perry, Iowa, transition area.

Corr: 37 F. R. 9461

Jefferson, OH.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ashtabula County Airport, Ashtabula, OH. (latitude 41°46'40" N., longitude 80°41'45" W.) and within 3½ miles each side of the Jefferson VORTAC 243° radial, extending from the 7-mile radius area to 11½ miles southwest of the VORTAC.

AMENDMENTS 5/25/72 37 F. R. 6573 (Rewritten)

Jefferson City, MO.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.) and within 3.5 miles either side of the 118° bearing from the Jefferson City RBN facility (latitude 38°33'20" N., longitude 92°04'40" W.) and 3.5 miles each side of the 124° bearing from the Jefferson City RBN extending from the 8-mile radius zone to 17.5 miles southeast of the VOR.

AMENDMENTS 9/14/72 37 F. R. 13250 (Rewritten)

Jennings, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (latitude 30°14'30" N., longitude 92°40'00" W.), and within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC.

Johnson City, TX.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Johnson City Airport (latitude 30°15'05" N., longitude 98°37'21" W.); within a 5-mile radius of Shepherd Farm Airport (latitude 30°12'30" N., longitude 98°43'20" W.) and within 2.5 miles each side of the 175° bearing from the Johnson City RBN (latitude 30°12'32" N., longitude 98°37'05" W.) extending from the 7-mile radius area to 8 miles south of the RBN.

AMENDMENTS 8/17/72 37 F. R. 11859 (Rewritten)

Johnston Island, Johnston Atoll
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Johnston Island RBN.

Johnstown, Pa.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, lat. 40° 19'00" N., long. 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.

Joliet, Ill.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Joliet Municipal Airport (latitude 41°31'03" N., longitude 88°10'30" W.); within 4 miles each side of a line between latitude 41° 38'00" N., longitude 88°20'42" W., and latitude 41°34'15" N., longitude 88°16'04" W., extending from the 5.5-mile radius area to 11.5 miles northwest of the airport and within 4 miles each side of a line between latitude 41° 38'00" N., longitude 88°17'30" W., and latitude 41°34'15" N., longitude 88°16'04" W., extending from a point at latitude 41°34'15" N., longitude 88°16'04" W., to 4 miles north of that point, excluding the Morris, Ill., transition area.

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Jonesboro, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3.5 miles each side of the Jonesboro VOR 048° radial extending from the 8.5-mile radius area to 11.5 miles northeast of the VOR excluding the portion within the Paragould, Ark., transition area.

Joplin, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Joplin Municipal Airport (latitude 37°09'05" N., longitude 94°29'55" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° and 318° bearings from the Joplin Municipal Airport, extending from 23 miles north northwest to 25½ miles southeast of the airport.

Junction, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kimble County Airport (latitude 30°30'35" N., longitude 99°45'45" W.), within 5 miles northeast and 8 miles southwest of the Junction VORTAC 150° and 330° radials extending from the VORTAC to 12 miles northwest and 5 miles southeast of the VORTAC.

Juneau, Alaska
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN, that airspace northwest of Juneau bounded on the east by A-15; on the northwest by a line from the Gustavus, Alaska, RBN to the Haines, Alaska, RBN, and on the southwest by a line 19 miles northeast of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RBN, and that airspace south of Juneau, extending from the 20-mile radius area, bounded on the northeast by A-15 and on the southwest by B-38, excluding the portion within the Gustavus, Alaska, transition area.

Juneau, Wis.
That airspace extending upward from 700 feet above the surface within 6½-mile radius of Dodge County Airport (latitude 43°25'30" N., longitude 88°42'00" W.); and within 3 miles each side of a 195° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles south of the airport; and within 3 miles each side of the 032° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles northeast of the airport.

Kahului, Hawaii
That airspace extending upward from 700 feet above the surface bounded on the southwest by a line 2 miles southwest of and parallel to the Maui VORTAC 331° radial, on the north by the arc of an 8.5-mile radius circle centered on the Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.), on the southeast by a line 4 miles northwest of and parallel to the Maui VORTAC 038° radial and on the south by the arc of a 5-mile radius circle centered on the Kahului Airport, and within 4 miles each side of the Maui VORTAC 038° radial, extending from 14 to 17 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Kahului Airport, extending clockwise from V-6 northwest of Kahului to V-6 east of Kahului, and that airspace east of the 30-mile radius area bounded on the north by a line 5 miles north of and parallel to the Maui VORTAC 061° radial, on the east by the arc of a 55-mile radius circle centered on the Maui VORTAC, and on the south by V-6; and that airspace bounded on the north and northeast by V-22, on the east by V-11, on the south by V-21, and on the west by the Kona, Hawaii, VORTAC 357.5° radial.

Kaiser, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lee C. Fine Memorial Airport (latitude 38°05'45" N., longitude 92°32'55" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 045° bearing from Lee C. Fine Memorial Airport, extending from the airport to 18½ miles northeast of the airport; and within 5 miles each side of the 225° bearing from Lee C. Fine Memorial Airport, extending from the airport to 12 miles southwest of the airport.

Kalispell, Mont.
That airspace extending upward from 700 feet above the surface within 2.5 miles each side of the Kalispell VOR 334° radial, extending from an arc of a 5-mile radius circle centered on Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.) to the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 5 miles east of the Kalispell VOR 166° radial, extending from the VOR to 18.5 miles south of the VOR and within 5 miles east and 8 miles west of the Kalispell VOR 346° radial, extending from the VOR to 7 miles north of the VOR.

Kaneohe, Hawaii.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15" N., longitude 157°46'30" W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.) to latitude 21°29'25" N., longitude 157°50'45" W., thence to latitude 21°32'45" N., longitude 157°51'20" W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00" N., longitude 157°41'00" W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 21°32'45" N., longitude 157°51'20" W., thence to latitude 22°00'45" N., longitude 157°56'00" W., thence clockwise via the arc of a 40-mile radius circle centered on the MCAS Kaneohe TACAN to V-12, thence SW along the NW boundary of V-12 to latitude 21°23'00" N., longitude 157°39'50" W.; thence to latitude 21°23'00" N., longitude 157°41'00" W.; thence counterclockwise via the arc of an 8-mile radius circle centered on MCAS Kaneohe to the point of beginning.

Kankakee, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Greater Kankakee Airport (latitude 41°04'15" N., longitude 87°50'55" W.); within 2 miles each side of the Peotone, Ill., VORTAC 192° radial extending from the 6½-mile radius area to the VORTAC; within 3 miles each side of the 212° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport; within 3 miles each side of the 222° bearing from Greater Kankakee Airport extending from the 6½-mile radius area to 8 miles southwest of the airport; and within 3 miles each side of the 052° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles northeast of the airport.

Kansas City, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles west of the Kansas City Municipal Airport ILS localizer north course, extending from the 10-mile radius area to 8 miles north of the OM; within an 8-mile radius of Kansas City International Airport (latitude 39°18'20" N., longitude 94°43'30" W.); and within 2 miles each side of the Kansas City International Airport ILS localizer north and south courses, extending from the 8-mile radius area to 13 miles north of the airport and to 8 miles south of the OM; within a 7-mile radius of Sherman AAF (latitude 39°22'05" N., longitude 94°54'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the southeast by the arc of a 42-mile radius circle centered on Kansas City Municipal Airport, beginning at the west boundary of V-159 and extending counterclockwise to the south boundary of V-12 thence along the south boundary of V-12 to longitude 93°30'00" W., thence north along longitude 93°30'00" W., to the southeast boundary of V-10 thence direct to latitude 39°47'45" N., longitude 93°34'00" W., thence southwest along the northwest boundary of V-10 to the east boundary of V-161, thence west to latitude 39°44'00" N., longitude 94°43'20" W., thence southwest to latitude 39°30'00" N., longitude 94°49'00" W., thence west along latitude 39°30'00" N., to the southwest boundary of V-71, thence northwest along the southwest boundary of V-71 to longitude 95°09'00" W., thence south along longitude 95°09'00" W., to the southeast boundary of V-10, thence northeast along the southeast boundary of V-10 to the arc of a 10-mile radius circle centered on Kansas City Municipal Airport, thence clockwise to the west boundary of V-159, thence south along the west boundary of V-159 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the west by longitude 93°30'00" W., on the south by V-4, on the east by V-424, on the north by V-116 and on the northwest by V-206; and within the area bounded on the west by longitude 93°30'00" W., on the south by V-116, on the east by V-206 and on the north by V-10; and within an area bounded on the west by V-161, on the southeast by V-10 and on the north by V-50.

Ke-ahole, Kona, Hawaii
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.), within 4.5 miles each side of the Kona VORTAC 179° radial, extending from the 8.5-mile radius area to 11 miles south of the VORTAC and within 4.5 miles each side of the Kona VORTAC 348° radial, extending from the 8.5-mile radius area to 17.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the Kona VORTAC 179° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, within a 17-mile radius of the Kona VORTAC, extending counterclockwise from V-20 to the Kona VORTAC 179° radial, and within the area bounded on the northeast by V-20, on the west by a line 5 miles west of and parallel to the Maui, Hawaii, VORTAC 179° radial and on the south by a line 5 miles south of and parallel to the Kona VORTAC 281° radial.

Kearney, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'37" N., longitude 99°00'04" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport; within 4 miles each side of the Kearney VOR 194° radial, extending from the airport to 13 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Kearney VOR 194° radial, extending from the airport to 18½ miles south of the airport.

AMENDMENTS 10/12/72 37 F. R. 16170 (Rewritten)

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Keene, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 43°01'00" N., 72°27'00" W. to 43°01'00" N., 72°13'00" W. to 42°55'00" N., 72°00'00" W. to 42°51'30" N., 71°54'00" W. to 42°28'00" N., 71°54'00" W. to 42°28'00" N., 72°27'00" W. to the point of beginning excluding that portion within the Boston, Mass., transition area.

Kenai, Alaska
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Kenai Municipal Airport (latitude 60°34'21" N., longitude 115°14'44" W.), extending clockwise from the 048° to the 290° bearing from the airport.

AMENDMENTS 12/7/72 37 F. R. 22372 (Rewritten)

Kendallville, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kendallville Municipal Airport (latitude 41°28'30" N., longitude 85°15'30" W.); within 2 miles each side of the 037° radial of the Wolflake VOR, extending from the 5½-mile radius area to 6 miles southwest of the airport.

Kenedy, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Karnes County Airport (latitude 28°49'30" N., longitude 97°51'55" W.) and within 5 miles each side of the Three Rivers VORTAC 038°T (029° M) radial extending from the 5-mile radius to 17 miles northeast of the Three Rivers VORTAC.

AMENDMENTS 9/14/72 37 F. R. 14292 (Added)

Kennett, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kennett Memorial Airport (latitude 36°14'00" N., longitude 90°02'00" W.); and within 2 miles each side of the 346° radial of the Blytheville VOR extending from the 5-mile radius area to 13½ miles north of the VOR.

Kenosha, Wis.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kenosha Municipal Airport (latitude 42°35'30" N., longitude 87°55'15" W.), and within 3 miles each side of the 332° bearing from Kenosha Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport, excluding the portions which overlie the Chicago, Ill., and Milwaukee, Wis., 700-foot floor transition areas.

Kentucky
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Kentucky.

Keokuk, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40° 27' 35" N., longitude 91° 25' 50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40° 27' 45" N., longitude 91° 26' 00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 311° bearing from the Keokuk RBN, extending from the RBN to 12 miles NW of the RBN, and within 5 miles each side of the 131° bearing from the Keokuk RBN, extending from the RBN to 12 miles SE of the RBN, excluding the portion which overlies the State of Illinois.

Kerrville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (latitude 29°58'41" N., longitude 99°05'11" W.), and within 3 miles each side of the 134° bearing from the Kerrville RBN (latitude 29°59'11" N., longitude 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

PENDING AMENDMENT
Kerrville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (latitude 29°58'41" N., longitude 99°05'11" W.); within 3 miles each side of the 134° bearing from the Kerrville RBN (latitude 29°59'11" N., longitude 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN; within 3.5 miles each side of the 306° radial from the proposed non-Federal TVOR site (latitude 30°00'29" N., longitude 99°08'15" W.) to 11.5 miles northwest.

AMENDMENTS 1/4/73 37 F. R. 23823 (Rewritten)

Key West, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 5 miles each side of Key West VORTAC 309° radial, extending from the 8.5-mile radius area to 8.5 miles northwest of the VORTAC; within an 8.5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.).

Killeen, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (lat. 31° 08'15" N., long. 97°42'50" W.); within a 7-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49' 45" W.); within 9.5 miles west and 5 miles east of the Hood VOR 352° and 172° radials extending from 2 miles north of the VOR to 12 miles south of the VOR; within 5 miles southeast and 9.5 miles northwest of the Hood VOR 219° T (210° M) radial extending from the VOR to 19 miles southwest of the VOR; within 3.5 miles each side of the 341° bearing from Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 7-mile radius area to 11.5 miles north of the RBN.

Kingman, Ariz.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kingman Municipal Airport (latitude 35°15'31" N., longitude 113°56'20" W.); within 2 miles each side of the Kingman VOR 025° radial, extending from the 5-mile radius area to 7 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 9 miles NW of the Kingman VOR 025° and 205° radials, extending from 38 miles NE to 13 miles SW of the VOR.

King Salmon, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the King Salmon VORTAC 132° and 312° radials, extending from 15 miles SE of the VORTAC to 11 miles NW of the VORTAC; within a 9-mile radius of the King Salmon Airport (latitude 58°40'40" N.; longitude 156°38'55" W.) extending from the 226° bearing from the airport clockwise to the 055° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the King Salmon VORTAC; within 7 miles S and 9 miles N of the 068° radial, extending from the King Salmon VORTAC to 34 miles E; within a 37-mile radius of the King Salmon VORTAC, extending from the 105° radial clockwise to a line 4 nautical miles south of and parallel to the King Salmon, RR, 130° bearing; within 7 miles E and 10 miles W of the King Salmon VORTAC 186° radial, extending from the VORTAC to 28 miles S of the VORTAC; and within a 34-mile radius of the King Salmon LFR, extending from 5 miles S of the 281° bearing from the LFR clockwise to 5 miles NE of the 312° bearing from the LFR; and that airspace extending upward from 14,500 feet MSL outside the United States within a 172-mile radius of the King Salmon VORTAC. Federal airways, Control 1217, Control 1234, Control 1400, Control 1401, are excluded from the portion extending upward from 14,500 feet MSL.

Kingsville, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of NAAS Kingsville (north) (latitude 27°30'10" N., longitude 97°48'25" W.), within a 7-mile radius of the Kleberg County Airport (latitude 27°33'01" N., longitude 98°01'39" W.), and within 2 miles each side of a 316° bearing from the Kleberg County RBN (latitude 27°36'20" N., longitude 98°05'22" W.) extending from the 7-mile radius area to 8 miles northwest of the RBN, excluding that portion which lies within the Alice, Tex., control zone.

Kinston, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°36'55" W.); within 4.5 miles each side of the Kinston VORTAC 048° radial, extending from the 8.5-mile radius area to 10.5 miles northeast of the VORTAC.
AMENDMENTS 10/17/72 37 F. R. 23177 (Changed)

Kirksville, MO.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.); within 3 miles each side of the Kirksville VORTAC 316° radial, extending from the 6½-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the 360° bearing from Clarence Cannon Memorial Airport, extending from the 6½-mile radius area to 11½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Kirksville, MO., VORTAC and 9.5 miles northeast and 4.5 miles southwest of the 135° radial of the Kirksville, MO., VORTAC extending from 21 miles to 29 miles.

AMENDMENTS 9/14/72 37 F. R. 13249 (Rewritten)

Klamath Falls, Oreg.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 9.5 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile radius area to 18.5 miles south of the Merrill RBN; that airspace extending upward from 1,200 feet above the surface between 15- and 25-mile radius circles centered on Klamath Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles east of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 295° radials; that airspace extending upward from 8,600 feet MSL within the area bounded by the arcs of 25- and 48-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles east of and parallel to the VORTAC 165° radial to a line 11.5 miles west of and parallel to the VORTAC 181° radial; that airspace extending upward from 9,000 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 11.5 miles west of and parallel to the VORTAC 181° radial to the 245° radial, and within the area bounded by the arcs of 25- and 28-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials; and that airspace extending from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.

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Knoxville, IA.
That airspace extending upward from 700 feet above the surface within a five (5)-mile radius of Knoxville Municipal Airport (latitude 41°18'00" N., longitude 93°06'40" W.) and within three (3) miles each side of the 342° bearing from Knoxville Municipal Airport extending from the five (5)-mile radius area to eight (8) miles northwest of the airport, and within three (3) miles each side of the 146° bearing from the Knoxville Municipal Airport extending from the five (5)-mile radius area to eight (8) miles southeast of the airport.

AMENDMENTS 4/27/72 37 F. R. 4702 (Rewritten)

Knoxville, Tenn.
That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.) and a line 3 miles northwest of and parallel to Knoxville VORTAC 040° radial, to and northeast along this line, to and southeast along a line 8.5 miles northeast of and perpendicular to Knoxville VORTAC 040° radial, to and southwest along a line 3 miles southeast of and parallel to Knoxville VORTAC 040° radial, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to and east along the Knoxville VORTAC 100° radial, to and clockwise along the arc of a 25.5-mile radius circle centered on McGhee-Tyson Airport, to and north along the west boundary of V-97, to and southwest along a line 4.5 miles southeast of and parallel to Knoxville ILS localizer southwest course, to and northwest along a line 18.5 miles southwest of and perpendicular to Knoxville ILS localizer southwest course, to and northeast along a line 9.5 miles northeast of and parallel to Knoxville ILS localizer southwest course, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to point of beginning; within a 15-mile radius of Sevier-Gatlinburg Airport (lat. 35°51'25" N., long. 83°31'44" W.); excluding the portion within the Morristown, Tenn., transition area.

AMENDMENTS 12/7/72 37 F. R. 20674 (Changed)

Kodiak, Alaska
That airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Kodiak Airport (latitude 57°45'02" N., longitude 152°29'19" W.), and within a 35-mile radius of the Kodiak Airport, extending clockwise from the 029° to the 085° bearing from the airport.

AMENDMENTS 12/7/72 37 F. R. 22372 (Rewritten)

Kokomo, Ind.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind. Municipal Airport (latitude 40°42'35" N., longitude 86°22'45" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course, extending from the 8½-mile and 6½-mile radii areas to 4½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½-mile and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC.

Kosciusko, Miss.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Kosciusko-Attala County Airport (latitude 33°05'20" N., longitude 89°32'25" W.); within 3 miles each side of the 142° and 310° bearings from the Kosciusko RBN (latitude 33°05'29" N., longitude 89°32'25" W.), extending from the 5.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

Kotzebue, AK.
That airspace extending upward from 700 feet above the surface within a 19-mile radius of the Kotzebue VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Kotzebue VORTAC 103° radial extending from the VORTAC to 43 miles east of the VORTAC; that airspace extending upward from 5,500 feet MSL within 5 miles each side of the Kotzebue VORTAC 103° radial extending from a point 43 miles east of the VORTAC to 59 miles east, and that airspace extending upward from 7,500 feet MSL within 5 miles each side of the Kotzebue 103° radial at 59 miles east of the VORTAC widening to 8.5 miles each side of the 103° radial at 111 miles east of the Kotzebue VORTAC.

AMENDMENTS 5/25/72 37 F. R. 7586 (Added)

Kwajalein Island, Marshall Islands
That airspace extending upward from 700 feet above the surface within a 12-nmi radius of the Kwajalein TACAN; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Kwajalein TACAN.

Laconia, N. H.
That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, 43°34'30" N., 71°25'25" W. of Laconia Municipal Airport, Laconia, N. H.; within 3.5 miles each side of the 249° bearing from the Laconia RBN, 43°33'14" N., 71°29'12" W., extending from the 6.5-mile radius area to 9.5 miles west of the RBN; and within 2 miles each side of the Runway 17 centerline, extended from the 6.5 mile radius area to 9.5 miles southeast of the end of the runway.

La Crosse, Wis.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.).

AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)
AMENDMENTS 9/14/72 37 F. R. 13467 (Rewritten)

Lafayette, Ind.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.) within 2 miles each side of the 144° radial of the Lafayette, Ind., VORTAC, extending from the 7½-mile radius area to the Lafayette VORTAC; within a 5½-mile radius of Halsmer Airport (latitude 40°23'40" N., longitude 86°48'25" W.); and within a 5½-mile radius of Aretz Airport (latitude 40°27'37" N., longitude 86°50'00" W.).

AMENDMENTS 7/10/72 37 F. R. 15292 (Changed)

Lafayette, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Lafayette ILS localizer north course extending from the OM to 1 mile S, within 2 miles each side of the Lafayette ILS localizer S course extending from the arc of a 5-mile radius circle centered on the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.) to 14 miles S of the airport, and within 2 miles each side of the Lafayette VORTAC 171° radial extending from the VORTAC to 8 miles south, within a 5-mile radius of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.); and within 2 miles each side of the Lafayette VORTAC 207° radial, extending from the VORTAC to the Abbeville Municipal Airport.

La Grange, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Callaway Airport (lat. 33°00'30" N., long. 85°04'20" W.); within 1.5 miles each side of La Grange VORTAC 110° radial, extending from the 6-mile radius area to the VORTAC.

La Grange, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rocky Creek Ranch Airport (latitude 29°55'30" N., longitude 96°48'12" W.) and within 2 miles each side of the Industry VOR 262° radial extending from the 5-mile radius area to the VOR.

La Junta, Colo.
That airspace extending upward from 700 feet above the surface bounded on the north by the south edge of V-244, on the south by a line 9.5 miles south of and parallel to the 091° and 271° bearings from the La Junta, Colo., RBN (latitude 38°02'54" N., longitude 103°37'14" W.), extending from 12 miles east to 18.5 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-244, on the east by the west boundary of the 700-foot portion of the transition area, on the south by the north edge of V-210, on the southwest by the northeast edge of V-81, excluding the airspace within the Pueblo, Colo., transition area.

Lake Charles, La.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of East Lake Charles Airport (latitude 30°13'25" N., longitude 93°08'55" W.), within 2 miles each side of the Lake Charles VORTAC 339° radial extending from the 4-mile radius area to the VORTAC, and within 2 miles each side of the Lake Charles ILS localizer NW course extending from the OM to 8 miles NW of the OM.

Lake City, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake City Municipal Airport (lat. 30°10'45" N., long. 82°34'45" W.).

Lake City, Mich.
That airspace extending upward from 1,200 feet above the surface within 6 miles SW and 10 miles NE of the Traverse City, Mich., VOR 136° radial, extending from 8 miles NW to 19 miles SE of the INT of the Traverse City VOR 136° radial and the White Cloud, Mich., VOR 033° radial.

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Lake Geneva, WI.
That airspace extending upward from 700 feet above the surface within an 8-statute mile radius of the Playboy Airport (latitude 42°36'53" N., longitude 88°23'27" W.).

AMENDMENTS 10/12/72 37 F. R. 15698 (Added)

Lake Havasu, AZ.
That airspace extending upward from 700 feet above the surface within 7 miles east and 5.5 miles west of the Needles, CA., VORTAC 163° radial, extending from 17 to 27 miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within 7 miles east and 5.5 miles west of the Needles VORTAC 163° radial extending from the VORTAC to 17 miles south of the VORTAC.

AMENDMENTS 5/25/72 37 F. R. 6573 (Added)

Lake Jackson, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brazoria County Airport
(latitude 29°02'15" N., longitude 95°27'20" W.); within 2 miles each side of the Lake Jackson VOR 343° radial extending from the 5-mile radius area to 8 miles NW of the VOR, and within 2 miles each side of the Lake Jackson VOR 158° radial extending from the 5-mile radius area to 8 miles SE of the VOR.

Lakeland, FL.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lakeland Municipal Airport (lat. 27°59'15" N., long. 82°00'55" W.); within 3 miles each side of Lakeland VORTAC 175° and 233° radials, extending from the 8.5-mile radius area to 9 miles south and 9.5 miles southwest of the VORTAC; within a 7-mile radius
of Bartow Municipal Airport (lat. 27°57'00" N., long. 81°47'00" W.); within a 5-mile radius of Plant City Municipal Airport (lat. 28°00'00" N., long. 82°09'40" W.); within a 6.5-mile radius of Gilbert Field Municipal Airport, Winter Haven, FL. (lat. 28°03'40" N., long. 81°45'15" W.); within 2.5 miles each side of Lakeland VORTAC 074° radial, extending from the 6.5-mile radius area to the Lakeland Municipal Airport 8.5-mile radius area.

AMENDMENTS 4/27/72 37 F. R. 3409 (Changed)
AMENDMENTS 6/22/72 37 F. R. 8440 (Rewritten) Corr: 37 F. R. 10661
AMENDMENTS 9/14/72 37 F. R. 15513 (Changed)

Lakeview, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake County-Lakeview Airport (latitude 42°09'35" N., longitude 120°24'15" W.), and within 2 miles each side of the 180° bearing from the Lakeview RBN (latitude 42°09'15" N., longitude 120°24'18" W.), extending from the RBN to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9 miles west of the 180° and 360° bearings from the Lakeview RBN extending from 5 miles north to 18 miles south of the RBN.

Lamar, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lamar Airport (latitude 38°04'10" N., longitude 102°41'25" W.) and within 3.5 miles each side of the Lamar VOR 001° radial, extending from the 6-mile radius area to 10 miles north of the VOR; that airspace extending upward from 1,200' above the surface within 6 miles east and 9.5 miles west of the Lamar 001° and 181° radials extending from 18.5 miles north to 8 miles south of the VOR.

Lansing, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Chicago-Hammond Airport (latitude 41°32'20" N., longitude 87°32'05" W.); and within 3½ miles each side of the 228° radial of the Chicago Heights, Ill. VORTAC extending from the 5½-mile radius area to 11½ miles southwest of the VORTAC excluding the airspace within the Chicago, Ill., and Griffith, Ind., transition areas.

Lansing, Mich.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Capital City Airport (latitude 42°46'40" N., longitude 84°35'20" W.); within 3 miles each side of the Lansing ILS localizer east course, extending from the 8½-mile radius area to 14 miles east of the OM; and within 3 miles each side of the Lansing ILS localizer west course, extending from the 8½-mile radius area to 14 miles west of the OM.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Lapeer, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dupont-Lapeer Airport (latitude 43°04'10" N., longitude 83°16'15" W.); and within 2 miles each side of the Flint, Mich., VORTAC 074° radial extending from the 5-mile radius area to 18 miles east of the VORTAC.

La Pryor, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chaparrosa Ranch Airport (latitude 28°52'45" N., longitude 99°59'25" W.) and within 3.5 miles each side of a 330° bearing from the (Chaparrosa Ranch) RBN (latitude 28°54'35" N., longitude 100°00'19" W.) extending from the radio beacon to a point 11.5 miles northwest of the radio beacon.

Laramie, Wyo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 5 miles each side of the Laramie VORTAC 301° radial, extending from the 9-mile radius area to 11.5 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 9.5 miles northeast of the Laramie VORTAC 301° radial, extending from the VORTAC to 19 miles northwest of the VORTAC.

Laredo, Tex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within a 12-mile radius of the Laredo VORTAC extending from a line 5 miles northeast of and parallel to the Laredo VORTAC 149° radial clockwise to the United States-Mexico border, within 2 miles each side of the Laredo VORTAC 326° radial extending from the 9-mile radius area to 20 miles northwest of the VORTAC, within 2 miles each side of the border TACAN 337° radial extending from the 9-mile radius area to 21 miles northwest of the TACAN, within 2 miles each side of the border TACAN 348° radial extending from the 9-mile radius area to 17.5 miles north of the TACAN and within 2 miles each side of the border TACAN 360° radial extending from the 9-mile radius area to 15 miles north of the TACAN, excluding those portions outside the United States.

Las Cruces, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Las Cruces Municipal Airport (lat. 32°17'27" N., long. 106°55'18" W.); and within 3.5 miles either side of the Las Cruces NDB (lat. 32°16'56" N., long. 106°55'23" W.) 180° bearing extending from the 10.5-mile radius areas to 12 miles south of the NDB.

Lanai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

Lancaster, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 5 miles SW and 8 miles NE of the Lancaster VOR 128° radial extending from the VOR to 12 miles SE; within 5 miles N and 8 miles S of the Lancaster VOR 260° radial extending from the VOR to 12 miles W.

Lancaster, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lancaster Airport (lat. 34°43'22" N., long. 80°51'18" W.).

Land O'Lakes, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of King's Land O'Lakes Municipal Airport (latitude 46°09'15" N., longitude 89°12'31" W.); and within 9½ miles southwest and 4½ miles northeast of the 312° and 132° bearings from the King's Land O'Lakes Municipal Airport extending from the 5-mile radius area to 18½ miles northwest of the airport to 6 miles southeast of the airport.

Langhorne, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°11'15" N., 74°54'00" W., of Buehl Field, Langhorne, Pa., excluding the portion which coincides with the North Philadelphia, Pa., transition area.

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Las Vegas, Nev.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 36°11'00" N., longitude 115°28'00" W., to latitude 36°11'00" N., longitude 115°11'00" W., to latitude 36°24'00" N., longitude 115°00'00" W., to latitude 36°18'00" N., longitude 114°51'00" W., to latitude 36°00'00" N., longitude 114°50'00" W., to latitude 35°52'00" N., longitude 115°11'00" W., to latitude 35°52'00" N., longitude 115°28'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°16'00" N., longitude 115°32'00" W., to latitude 36°58'00" N., longitude 114°41'00" W., to latitude 36°58'00" N., longitude 114°07'00" W., to latitude 36°47'00" N., longitude 113°59'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°57'00" W., to latitude 35°30'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°50'00" W., to latitude 35°36'00" N., longitude 115°50'00" W., to latitude 36°06'00" N., longitude 116°18'00" W., to latitude 36°13'00" N., longitude 116°18'00" W., thence to point of beginning; that airspace extending upward from 9,000 feet MSL beginning at latitude 36°47'00" N., longitude 113°59'00" W., thence clockwise via an arc of an 82-mile radius circle centered on Las Vegas, Nev., VORTAC to a line 5 miles north of and parallel to a direct line between the Grand Canyon, Arizona VOR and Boulder City, Nev., VORTAC, thence west along a line 5 miles north of and parallel to a direct line between the Grand Canyon VOR and the Boulder City VORTAC to longitude 114°14'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to point of beginning.

PENDING AMENDMENT
The description of the Las Vegas, Nev., transition area is amended in part as follows: Beginning in line 6 delete "latitude 36°16'00" N., longitude 115°32'00" W.," and substitute "latitude 36°16'00" N., longitude 115°55'00" W., to latitude 36°58'00" N., longitude 115°55'00" W.," therefor.

AMENDMENTS 1/4/73 37 F. R. 24815 (Changed)

Las Vegas, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial, extending beyond the 9-mile radius area to 11.5 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial, extending beyond the 9-mile radius area to 11.5 miles southwest of the VORTAC.

Latrobe, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 40° 16'39" N., long. 79°24'14" W., of Latrobe Airport, Latrobe, Pa.; within the arc of an 8.5-mile radius circle centered on Latrobe Airport, extending clockwise from a 270° bearing from the center of the airport to a 360° bearing from the center of the airport; within 2 miles each side of the 226° bearing from the Latrobe RBN lat. 40°22'32" N., long. 79°16'19" W., extending from the 5-mile radius area to the RBN; within 4 miles each side of the 046° bearing from the Latrobe RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the 213° bearing from the Latrobe RBN, extending from the RBN to 3 miles southwest of the RBN; within 2 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile radius area to 17 miles southwest of the Latrobe RBN and within 2.5 miles each side of the Latrobe Airport localizer southwest course, extending from 17 miles southwest of the Latrobe RBN to 27 miles southwest of the RBN.

Laurel, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Laurel Municipal Airport (lat. 31°40'10" N., long. 89°10'20" W.); within 3 miles each side of Laurel VOR 325° radial, extending from the 7-mile radius area to 8.5 miles northwest of the VOR.

Laurinburg, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Laurinburg-Maxton Airport (latitude 34°47'25" N., longitude 79°21'55" W.); within 3 miles each side of Pinehurst VORTAC 157° radial, extending from the 8.5-mile radius area to 20 miles southeast of the VORTAC.

PENDING AMENDMENT
The Laurinburg, N. C., transition area is amended as follows: "southeast of the VORTAC" is deleted and "southeast of the VORTAC; within 3 miles each side of the 225° bearing from Rocky Ford RBN (lat. 34°45'28" N., long. 79°24'40" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN" is substituted.

AMENDMENTS 2/1/73 37 F. R. 24106 (Changed)

Lawrence, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude 39°00'30" N., longitude 95°13'00" W.); within 2 miles each side of the Topeka, Kans., VORTAC 116° radial, extending from the 5-mile radius area to 13 miles southeast of the VORTAC; and within 3 miles each side of the 318° bearing from Lawrence Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport.

Lawrenceburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceburg Municipal Airport (lat. 35°14'00" N., long. 87°15'30" W.); within 9.5 miles west and 4.5 miles east of the 349° bearing from the Lawrenceburg RBN (lat. 35°15'51" N., long. 87°15'56" W.), extending from the RBN to 18.5 miles north; excluding the portion within the Mount Pleasant transition area.

Lawrenceville, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County Airport (latitude 33°58'53" N., longitude 83°57'50" W.); within 1.5 miles each side of Norcross VORTAC 077° radial, extending from the 6-mile radius area to 3 miles east of the VORTAC.

Lawrenceville, VA.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, lat. 36°46'20" N., long. 77°47'45" W. of Lawrenceville Municipal Airport, Lawrenceville, VA., and within 1.5 miles each side of the Lawrenceville VORTAC 117° radial, extending from the 5.5-mile radius area to the VORTAC.

AMENDMENTS 10/12/72 37 F. R. 15985 (Rewritten)

Lawton, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.), within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 12 miles S of the VOR, and within 2 miles each side of the 180° bearing from the Fort Sill RBN extending from the 7-mile radius area to the RBN.

Lebanon, MO.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lebanon, MO., Airport located at latitude 37°38'56" N., longitude 92°39'06" W., and within 3 miles either side of the 182° bearing from the Lebanon Airport extending from 5 miles to 8.5 miles; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the 182° bearing from the Lebanon Airport extending from the airport to 18.5 miles south.

AMENDMENTS 7/20/72 37 F. R. 9986 (Added)

PENDING AMENDMENT
Lebanon, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lebanon, Mo., airport located at latitude 37°38'56" N., longitude 92°39'06" W., and within 3 miles either side of the 177° bearing of the Lebanon Airport extending from 5 miles to 8.5 miles; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the 177° bearing from the Lebanon Airport extending from the airport to 18.5 miles south.

AMENDMENTS 1/4/73 37 F. R. 24030 (Rewritten)

Lebanon, N. H.
That airspace extending upward from 700 feet above the surface, within an arc of a 23.5-mile radius circle centered on the Lebanon, NH., Regional Airport (lat. 43°37'41" N., long. 72°18'21" W.) extending clockwise between the 034° and 134° bearings from the Lebanon Airport; within an arc of an 18-mile radius circle centered on the Lebanon Airport extending clockwise between the 134° and 231° bearings from the Lebanon Airport; within an arc of a 23.5-mile radius circle centered on the Lebanon Airport extending clockwise between the 231° and 300° bearings from the Lebanon Airport; within an arc of a 19.5-mile radius circle centered on the Lebanon Airport extending clockwise between the 300° and 034° bearings from the Lebanon Airport.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 43°11'00" N., 72°39'00" W. to 43°47'00" N., 72°39'00" W. to 43°55'00" N., 72°16'00" W. to 43°43'00" N., 71°50'00" W. to 43°35'00" N., 71°55'00" W. to 42°55'00" N., 72°00'00" W. to 43°05'00" N., 72°13'00" W. to the point of beginning.

AMENDMENTS 5/25/72 37 F. R. 5931 (Changed)

Leesburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, lat. 39° 04'31" N., long. 77°33'25" W. of Leesburg Municipal (Godfrey) Airport and within 2 miles each side of a line bearing 079° from a point lat. 39°05'32" N., long. 77°27'30" W. extending from the 6-mile radius area to 8 miles east of said point excluding that portion within the Washington, D. C., transition area.

LeMars, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of LeMars Municipal Airport (latitude 42°46'36" N., longitude 96°11'37" W.); and within 3 miles each side of the 358° bearing from LeMars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 358° and 178° bearings from LeMars Municipal Airport, extending from 4½ miles south to 18½ miles north of the airport, excluding the portion which overlies the Sioux City, Iowa, transition area.

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Lemoore, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN, and within 5 miles each side of a 156° bearing from the NAS Lemoore RBN extending from the 10-mile radius area to 13.0 miles southeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36° 46' 00" N., longitude 120° 03' 50" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., to latitude 36° 37' 00" N., longitude 119° 44' 10" W., thence S along the W boundary of V-23 to longitude 119° 30' 00" W., thence to latitude 35° 43' 50" N., longitude 119° 30' 00" W., on the S by latitude 35° 43' 50" N., on the W by V-485 S of the Priest, Calif., VOR and V-113 N of the Priest VOR, and on the N by V-230.

Lewisburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center (lat. 37°51'35" N., long. 80°23'55" W.) of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from the 252° bearing to the 278° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 278° bearing to the 291° bearing from the airport; within a 16-mile radius of Greenbrier Valley Airport, extending clockwise from the 291° bearing to the 301° bearing from the airport; within a 21.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 301° bearing to the 332° bearing from the airport; within a 22.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 332° bearing to the 347° bearing from the airport; within a 23.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 347° bearing to the 357° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 357° bearing to the 030° bearing from the airport; within an 18.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 030° bearing to the 086° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 086° bearing to the 143° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 143° bearing to the 192° bearing from the airport; within a 14-mile radius of Greenbrier Valley Airport, extending clockwise from the 192° bearing to the 252° bearing from the airport; within 3 miles each side of the 216° bearing from the Lewisburg, W. Va., RBN (lat. 37°46'52" N., long. 80°28'10" W.) extending from the RBN to 9.5 miles southwest and within 3 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial, extending from the VOR to 8.5 miles southeast.

AMENDMENTS 3/2/72 37 F. R. 135 (Rewritten)
AMENDMENTS 12/7/72 37 F. R. 21530 (Changed)

Lewiston, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles each side of the Lewiston VOR 263° radial extending from the 5-mile radius area to the VOR, and within 2.5 miles each side of the Lewiston VOR 065° and 245° radial extending from 1 mile southwest to 6 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Lewiston VOR 065° radial, extending from the VOR to 19 miles northeast of the VOR, that airspace west of Lewiston bounded on the northwest by V-536, on the northeast by V-253, and on the south by V-520; and that airspace extending upward from 6,500 feet MSL within 12 miles northwest and 8 miles southeast of the Lewiston VOR 065° and 245° radials, extending from 11 miles southwest to 23 miles northeast of the VOR.

Lewistown, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Lewistown, Mont., Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 4 miles each side of the Lewistown VORTAC 289° radial, extending from the 7-mile radius area to 10.5 miles west of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 4.5 miles north and 9.5 miles south of the Lewistown VORTAC 289° radial, extending from the VORTAC to 18.5 miles west of the VORTAC, and within 5 miles north and 8 miles south of the Lewistown VORTAC 109° radial, extending from the VORTAC to 7 miles east of the VORTAC.

Lexington, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 3 miles each side of the ILS localizer northeast course, extending from the 8.5-mile radius area to 14 miles northeast of the runway end; within 9.5 miles northwest and 4.5 miles southeast of the ILS localizer southwest course, extending from the 8.5-mile radius area to 18.5 miles southwest of the OM.

Lexington, NE.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lexington Municipal Airport (latitude 40°47'38" N., longitude 99°46'10" W.); and within 3 miles each side of the Lexington RBN 314° bearing, extending from the 5-mile radius area to 8 miles northwest of the RBN.

AMENDMENTS 4/27/72 37 F. R. 4702 (Added)

Lexington, Tenn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Franklin-Wilkins Airport (latitude 35°39'07" N., longitude 88°22'47" W.); within 3 miles each side of the Jacks Creek VORTAC 165° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

Liberal, Kans.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Liberal Municipal Airport, excluding the portion within the State of Oklahoma.

Liberty, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Causey Airport (lat. 35°54'50" N., long. 79°37'03" W.); within 2 miles each side of Liberty VOR 358° radial, extending from the 5-mile radius area to the VOR.

Liberty, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Liberty Air Service Airport (latitude 30°04'30" N., longitude 94°41'50" W.); and within 2 miles each side of Daisetta VOR 203° radial extending from the 5-mile radius area to the VOR.

Lihue, Hawaii
That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on the Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.), extending clockwise from a line 2 miles west of and parallel to the Lihue VORTAC 021° radial to a line 2 miles northeast of and parallel to the Lihue VORTAC 130° radial and within 2 miles each side of the Lihue VORTAC 130° radial, extending from 9 miles southeast to 10.5 miles southeast of the Lihue VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of a 25-mile radius circle centered on the Lihue VORTAC, extending clockwise from a line 5 miles west of and parallel to the Lihue VORTAC 021° radial to V-2, excluding the portion within W-511.

Lima, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Allen County Airport (latitude 40°42'26" N., longitude 84°01'36" W.); within 3 miles each side of the Allen County VOR 090° radial extending from the 6.5-mile radius to 8.5 miles east of the VOR; within a 5-mile radius of the Lima Airport (latitude 40°45'45" N., longitude 84°10'45" W.); within 3 miles each side of the 268° bearing from the Lima RBN extending from the 5-mile radius to 8 miles west of the RBN.

AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)
AMENDMENTS 11/9/72 37 F. R. 18715 (Rewritten)

Lincoln, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan County Airport (latitude 40°09'40" N., longitude 89°20'05" W.); and within 2½ miles each side of the Capital, Ill., VORTAC 041° radial, extending from the 5-mile radius area to 17 miles northeast of the VORTAC.

Lincoln, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9-mile radius area to 13 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of longitude 97°02'00" W. and the north edge of V-216, thence north to and clockwise around the arc of a 29-mile radius circle centered on Lincoln Municipal Airport, to latitude 41°15'00" N., longitude 96°35'00" W., thence northeast to latitude 41°19'00" N., longitude 96°30'00" W., thence southeast to latitude 41°16'00" N., longitude 96°23'00" W., thence south along longitude 96°23'00" W., to and west along the north edge of V-216 to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 97°02'00" W. and the north edge of V-216, thence north to and clockwise around the arc of a 29-mile radius circle centered on Lincoln Municipal Airport to latitude 41°15'00" N., longitude 96°35'00" W., thence northeast to latitude 41°19'00" N., longitude 96°30'00" W., thence southeast to latitude 41°16'00" N., longitude 96°23'00" W., thence north along longitude 96°23'00" W., to and west along the south edge of V-172, to and south along longitude 98°00'00" W., to and east along the north edge of V-216 to the point of beginning.

Little Rock, Ark.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°39'15" N., longitude 92°36'00" W., thence to latitude 35°06'00" N., longitude 92°18'00" W., to latitude 35°06'00" N., longitude 91°58'00" W., to latitude 34°47'00" N., longitude 91°56'00" W., to latitude 34°31'00" N., longitude 92°01'00" W., to latitude 34°26'00" N., longitude 92°30'00" W., to latitude 34°28'00" N., longitude 92°36'00" W., thence clockwise along the arc of a 6.5-mile radius circle centered at latitude 34°33'30" N., longitude 92°38'30" W. to point of beginning.

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Livingston, Mont.
That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2 miles each side of the Livingston VORTAC 068° radial, extending from a 5-mile radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 085° and 265° radials, extending from 7 miles west to 21 miles east of the VORTAC, and within a 15-
mile radius of the Livingston VORTAC extending clockwise from the 261° to the 085° radials of the VORTAC.

Llano, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Llano Municipal Airport (latitude 30°46'30" N., longitude 98°39'30" W.) and within 2 miles each side of the Llano VORTAC 100° radial (091° magnetic radial) extending from the 5-mile radius area to the Llano VORTAC.

AMENDMENTS 7/20/72 37 F. R. 10565 (Added)

Logan, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan-Cache Airport (latitude 41°47'09" N., longitude 111°50'53" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-4, on the east by longitude 111°40'30" W., on the south by the north edge of V-288, on the west by the east edge of V-21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V-4S, on the west by longitude 111°40'30" W., and on the south by the north edge of V-288.

London, Ky.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.); within 4.5 miles each side of London VORTAC 202° radial, extending from the 12.5-mile radius area to 10 miles south of the VORTAC.

AMENDMENTS 12/7/72 37 F. R. 25820 (Changed)

Lone Star, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lone Star Airport (latitude 32°55'40" N., longitude 94°44'50" W.); and within 2 miles each side of the 316° bearing from the Lone Star RBN, extending from the 5-mile radius area to 8 miles NW of the RBN.

Longview, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County ILS localizer NW course, extending from the 6-mile radius area to 8 miles NW of the OM, within 2 miles each side of the Gregg County ILS localizer SE course, extending from the 6-mile radius area to 14 miles SE of the airport, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 6-mile radius area to 17.5 miles southeast of the VORTAC, and within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 6-mile radius area to 8 miles NW of the VORTAC.

Los Angeles, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°05'00" N., longitude 118°33'00" W.; to latitude 34°05'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 117°53'00" W.; to latitude 33°46'00" N., longitude 117°45'00" W.; to latitude 33°39'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.;
to latitude 33°42'00" N., longitude 118°09'00" W., to latitude 33°42'00" N., longitude 118°26'00" W., to latitude 33°48'00" N., longitude 118°26'00" W., to latitude 33°53'00" N., longitude 118°33'00" W., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 119°05'00" W.; to latitude 34°00'00" N., longitude 118°33'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°30'00" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 119°07'00" W.; to latitude 33°52'03" N., longitude 119°06'59" W.; thence to point of beginning.

AMENDMENTS 7/20/72 37 F. R. 10661 (Changed)

Los Banos, Calif.
That airspace extending upwards from 700 feet above the surface within a 3-mile radius of Los Banos Municipal Airport (latitude 37°03'43" N., longitude 120°52'05" W.) and within 3 miles each side of the Los Banos VORTAC 348° radial, extending from the 3-mile radius area to 18.5 miles north of the VORTAC.

Louisiana
That airspace extending upward from 1,200 feet above the surface bounded on the west, north, and east by the Louisiana/Texas, Arkansas/Louisiana, and Louisiana/Mississippi State lines and bounded on the south by a line beginning at latitude 30°07'20" N., longitude 88°51'00" W. (point of intersection of the Louisiana/Mississippi State line and longitude 88°51'00" W.), thence south to latitude 29°55'00" N., longitude 88°51'00" W., thence west to latitude 29°55'00" N., longitude 89°18'00" W., thence south to latitude 29°41'00" N, longitude 89°18'00" W., to latitude 29°33'00" N., longitude 89°16'00" W., thence southwest to latitude 29°28'35" N., longitude 89°23'50" W., thence southeast along the outer limits of the territorial waters of the United States to the north boundary of Control 1226, thence west along the north boundary of Control 1226 to latitude 29°13'30" N., longitude 89°51'00" W., thence southwest to latitude 28°57'00" N., longitude 90°01'00" W., thence west to latitude 28°59'00" N., longitude 90°15'00" W., thence northwest to latitude 29°11'00" N., longitude 90°25'00" W., thence north to latitude 29°15'00" N., longitude 90°25'00" W., thence west to latitude 29°15'00" N., longitude 91°05'00" W., thence north to latitude 29°25'00" N., longitude 91°05'00" W., thence west to latitude 29°25'00" N., longitude 91°27'30" W., thence northwest to latitude 29°33'00" N., longitude 91°35'30" W., thence west via latitude 29°33'00" N., to longitude 92°36'00" W., thence north to latitude 29°35'00" N., longitude 92°36'00" W., thence west via latitude 29°35'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to the Louisiana/Texas State line.

Louisville, Ky.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 3 miles each side of the ILS localizer north course, extending from the 11-mile radius area to 8.5 miles north of Louisville VOR 328° radial; within 3 miles each side of the ILS localizer east course, extending from the 11-mile radius area to 8.5 miles east of the LOM; within 9.5 miles west and 4.5 miles east of the ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the OM; within 3 miles each side of the ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of Nabb VOR 206° radial; within a 10-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within an 8.5-mile radius of Godman AAF, Fort Knox (lat. 37°54'27" N., long. 85°58'21" W.).

Louisville, Miss.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Louisville-Winston County Airport (lat. 33°08'35" N., long. 89°03'45" W.); within 3 miles each side of the 353° bearing from Louisville RBN (lat. 33°08'37" N., long. 89°03'39" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

Lovelock, Nev.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lovelock VORTAC 068° and 248° radials, extending from 20 miles E to 7 miles W of the VORTAC, and within 7 miles NW and 10 miles SE of the Lovelock VORTAC 058° and 238° radials, extending from 20 miles SW to 7 miles NE of the VORTAC.

Lovington, N. Mex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lovington, N. Mex., Lea County Airport (lat. 32°57'30" N., long. 103°24'30" W.) and within 3.5 miles each side of a 244° bearing from the Lovington, N. Mex., NDB (lat. 32°56'40" N., long. 103°24'08" W.), extending from the NDB to 11.5 miles southwest.

Lubbock, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°42'15" N., longitude 101°54'45" W.

Lucin, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

Ludington, MI.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mason County Airport (latitude 43°57'40" N., longitude 86°24'30" W.) and within 2 miles each side of the 055° bearing from the airport extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface north of the 44° parallel, within 5 miles northwest and 8 miles southeast of the 055° bearing from the airport extending to 12 miles northeast of the airport.

AMENDMENTS 8/17/72 37 F. R. 11858 (Rewritten)

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Lufkin, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles E and 5 miles W of the Lufkin VOR 157° radial, extending from the VOR to 12 miles SE; within 5 miles each side of the Lufkin VOR 337° radial extending from the VOR to 5 miles NW.

Lumberton, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'30" W.); within 3 miles each side of the 302° bearing from Lumberton RBN (latitude 34°36'48" N., longitude 79°03'36" W.), extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

Lynchburg, VA.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center lat. 37° 19'37" N., long. 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, VA.; within 3 miles each side of the Lynchburg, VA., VORTAC 201° radial, extending from the 9-mile radius area to 8.5 miles south of the VORTAC and within 3.5 miles each side of the Lynchburg, VA., VORTAC 023° radial extending from the 9-mile radius area to 24.5 miles northeast of the VORTAC.

AMENDMENTS 3/30/72 37 F. R. 1359 (Rewritten)

Lyons, KS.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lyons Airport (latitude 38°20'30" N., longitude 98°13'45" W.) and 3 miles either side of the 350° bearing from the airport, extending from 5 miles to 8.5 miles north, and that airspace extending upward from 1,200 feet above the surface, 9.5 miles west of and 4.5 miles east of the 350° bearing from 1.5 miles south to 18.5 miles north of the airport, excluding that airspace that overlies the Hutchinson, KS., transition area.

AMENDMENTS 8/17/72 37 F. R. 11968 (Added)

Macomb, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Macomb Municipal Airport (latitude 40°31'10" N., longitude 90°39'15" W.); and within 2 miles each side of the 085° bearing from Macomb Municipal Airport, extending from the 5-mile radius area to 8 miles east of the airport.

Macon, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Herbert Smart Airport (latitude 32°49'20" N., longitude 83°33'45" W.); within an 11-mile radius of Lewis B.Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within a 14-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 5 miles each side of Macon VORTAC 227° radial, extending from the 14-mile radius area to 10.5 miles southwest of the VORTAC; within 4 miles each side of Macon ILS localizer southwest course, extending from the 14-mile radius area to 14 miles southwest of the LOM; within a 5.5-mile radius of Perry-Fort Valley Airport (lat. 32°30'33" N., long. 83°45'50" W.); within 5 miles each side of Vienna VORTAC 323° radial, extending from the 5.5-mile radius area to 16 miles northwest of the VORTAC.

AMENDMENTS 7/20/72 37 F. R. 10564 (Changed)

Madison, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Madison Municipal Airport (lat. 33°36'46" N., long. 83°27'41" W.).

Madison, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Madison Municipal Airport (latitude 38°45'38" N., longitude 85°27'41" W.); within 3 miles each side of the 217° bearing from Madison Municipal Airport, extending from 5½-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies Restricted Area R-3403.

Madison, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles N and 6 miles S of the Watertown, S. Dak., VOR 086° radial, extending from 37 miles E to 64 miles E of the VOR.

Madison, Wis.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Truax Airport (latitude 43°08'15" N., longitude 89°20'10" W.); within 3 miles each side of the Madison ILS localizer south course extending from the 11-mile radius to 8 miles south of the Madison ILS outer marker; and within 3 miles each side of the Madison ILS localizer north course extending from the 11-mile radius to 8 miles north of the Windsor back course marker.

AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Madisonville, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Madisonville Municipal Airport (lat. 37°21'00" N., long. 87°24'00" W.); within 1.5 miles each side of Central City VOR 257° radial, extending from the 5.5-mile radius area to the VOR.

Malad City, Idaho
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.

Malden, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Malden Municipal Airport (latitude 36°36'20" N., longitude 89°59'20" W.), and within 3 miles each side of the Malden VOR 120° radial, extending from the 6½-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within an 18½-mile radius of Malden VOR, excluding the portions which overlie the Poplar Bluff, Mo., and Blytheville, Ark., transition areas.

Manhattan, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°27'00" N., longitude 96°31'00" W., direct to latitude 39°02' 50" N., longitude 97°28'20" W., thence S clockwise along the arc of the 14-mile radius circle centered on the Salina VORTAC, to the N edge of V-4S, thence E along the N boundary of V-4s to the Emporia VORTAC 346° radial, thence N along the Emporia VORTAC 346° radial to the point of beginning.

Manila, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manila Municipal Airport (latitude 35°53'25" N., longitude 90°09'20" W.); and within 2 miles each side of the 175° bearing from the Manila RBN (latitude 35°53'25" N., longitude 90°09'20" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

Manistee, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 5 miles north and 8 miles south of the Manistee VOR 274° radial, extending from 9-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Manistee VOR 099° radial, extending from the 9-mile radius area to 12 miles east of the VOR.

Manistique, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Schoolcraft County Airport (latitude 45°58'25" N., longitude 86°10'35" W.); and within 2 miles each side of the 099° bearing from Schoolcraft County Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 099° bearing from Schoolcraft County Airport, extending from the airport to 12 miles east of the airport.

Manitowoc, Wis.
That airspace extending upward from 700 feet above the surface within 8 miles west and 5 miles east of the Manitowoc VOR 343° and 163° radials extending from 2 miles south to 13 miles north of the VOR, and within 8 miles west and 5 miles east of the Manitowoc VOR 176° radial extending from the VOR to 12 miles south of the VOR.

Mankato, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 167° bearing from Mankato Municipal Airport, extending from the airport to 13 miles south of the airport; and within 5 miles each side of the 347° bearing from Mankato Municipal Airport, extending from the airport to 12 miles north of the airport.

Manning, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Clarendon County Airport (latitude 33°35'13" N., longitude 80°12'32" W.); within a 1.5-mile radius of the Goat Island Airport (latitude 33°30'26" N., longitude 80°18'41" W.); within a 1.5-mile radius of the Grayson (private) Airport (latitude 33°36'48" N., longitude 80°20'17" W.); and within 2 miles each side of the Vance VOR 061° radial, extending from the 6.5-mile radius area to the VOR; within a 5.5-mile radius of Wings and Wheels Airport, Santee, SC. (lat. 33°28' 52" N., long. 80°28'30" W.); within 3 miles each side of Vance VOR 100° radial, extending from the 5.5-mile radius area to 8.5 miles east of the VOR.
AMENDMENTS 7/20/72 37 F. R. 10563 (Changed)

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Mansfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°00'05" N., 71°11'55" W., of the Mansfield Municipal Airport, Mansfield, Mass., and within 2 miles each side of the Whitman, Mass., VOR 249° radial extending from the 5-mile radius area to the VOR, excluding that portion that councides with the Boston, Mass., transition area.

Mansfield, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Mansfield Lahm Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); and within a 5-mile radius of the Galion Municipal Airport (latitude 40°45'10" N., longitude 82°43'35" W.); within 5 miles SW and 8 miles NE of the Mansfield Lahm Municipal Airport ILS localizer SE course, extending from the ILS LOM to 12 miles SE, within 2 miles each side
of the Mansfield VORTAC 307° radial, extending from the VORTAC to 12 miles NW of the VORTAC; within 2 miles each side of the Mansfield Lahm Municipal Airport localizer northwest course, extending from the Mansfield Lahm Municipal Airport 8.5-mile radius area to 14 miles northwest of the localizer; within a 10-mile radius arc of the Mansfield VORTAC, extending clockwise from the Mansfield VORTAC 180° radial to the Mansfield VORTAC 197° radial; within 5 miles southwest and 8 miles northeast of the Mansfield VORTAC 130° radial, extending from 10 miles southeast of the VORTAC to 22 miles southeast of the VORTAC; within 2 miles
each side of the Mansfield VORTAC 221° radial, extending from the Galion Municipal Airport 5-mile radius area to the VORTAC.

AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)

Maples, Mo.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 5 miles NW of the Maples VOR 057° and 237° radials, extending from 7 miles NE to 13 miles SW of the VOR, excluding that portion within the Fort Leonard Wood, Mo., transition area.

Marble Falls, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Horsehoe Bay Airport (latitude 30°31'27" N., longitude 98°21'45" W.), and within 3.5 miles each side of the 012° bearing extending from the 5-mile radius area to 11.5 miles north of the NDB site at latitude 30°31'27" N., longitude 98°21'45" W.

AMENDMENTS 12/7/72 37 F. R. 20561 (Added)

Marfa, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marfa Municipal Airport (latitude 30°22'15" N., longitude 104°01'15" W.) and within 5 miles NE and 8 miles SW of the Marfa VOR 324° and 144° radials extending from 5 miles NW to 14 miles SE of the VOR.

Marianna, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Marianna Municipal Airport (lat. 30°50'08" N., long. 85°11'02" W.); within 3 miles each side of Marianna VOR 127° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VOR.

Marion, IL.
That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37° 53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°47'25" N., longitude 89°26'00" W., thence south to latitude 37°42'10" N., longitude 89°24'00" W., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface 9.5 miles southeast of and 4.5 miles northwest of the 257° bearing from the Southern Illinois Airport, extending from the airport to 18.5 miles southwest, excluding that portion within the State of Illinois.

AMENDMENTS 9/14/72 37 F. R. 13529 (Rewritten); Corr: 37 F. R. 16073

Marion, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155°, 211°, and 320° radials extending from the 5-mile radius area to 8 miles northeast, southeast, southwest, and northwest of the VOR.

Marion, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Muncipal Airport (latitude 40°36'55" N., longitude 83°03'55" W.); within 2 miles each side of a 328° bearing from the Marion RBN extending from the 5-mile radius area to 8 miles NW of the RBN.

Marion, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport (latitude 34°11'00" N., longitude 79°20'00" W.); within 2 miles each side of the Florence VORTAC 101° radial, extending from the 6-mile radius area to the Florence VORTAC excluding the portion that coincides with the Florence transition area.

Marks, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Selfs Airport (latitude 34°13'50" N., longitude 90°17'25" W.); within 3 miles each side of the 197° bearing from Marks, Miss., RBN (latitude 34°13'50" N., longitude 90°17'28" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 5/17/72 37 F. R. 10661 (Changed)

Marksville, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marksville Municipal Airport (latitude 31°05'45" N., longitude 92°04'00" W.).

AMENDMENTS 12/7/72 37 F. R. 21805 (Added)

Marquette, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 8 miles S and 5 miles N of the Marquette VOR 250° radial extending from the VOR to 12 miles W of the VOR; within an 8-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer course extending from the 8-mile radius area to 12 miles S of the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial, extending from the 8-mile radius area to 12 miles S of the TACAN; and within 2 miles E and 5 miles W of the K. I. Sawyer AFB TACAN 015° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of K. I. Sawyer AFB, excluding the portion which overlies the Escanaba, Mich., transition area.

Marshall, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshall, Mich., Brooks Field (latitude 42°15'05" N., longitude 84°57'25" W.) and within 2 miles each side of the Battle Creek, Mich., VORTAC 105° radial extending from the 5-mile radius area to 7 miles east of the airport, excluding the portion which coincides with the Battle Creek, Mich., transition area.

Marshall, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Marshall Municipal Airport (latitude 44°26'50" N., longitude 95°49'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 323° and 143° bearings from the Marshall Municipal Airport, extending from 1½ miles southeast of the airport to 18½ miles northwest of the airport.

Marshalltown, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 321° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles northwest of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

PENDING AMENDMENT
Marshalltown, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport and within 3.5 miles each side of the 135° radial of the Marshalltown VOR, extending from the 6-mile radius to 11.5 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 321° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles northwest of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

AMENDMENTS 1/4/73 37 F. R. 23178 (Rewritten)

Marshfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Airport (42°05'45" N., 70°40'25" W.), Marshfield, Mass.; and within 2 miles each side of the centerline of Runway 24 extended from the end of the runway to 5 miles southwest, excluding the portion that coincides with the Boston, Mass. 700-foot floor transition area and excluding the portion outside the United States.

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Marshfield, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 40°38'10" N., longitude 90°11'15" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Martinsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 40°17'51" N., long. 78°19'10" W. of Blair County Airport, Martinsburg, Pa., extending clockwise from 061° bearing to a 076° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 076° bearing to a 096° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 128° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 128° bearing to a 158° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 158° bearing to a 180° bearing from the airport; within a 15-mile radius of the center of the airport, extanding clockwise from a 180° bearing to a 245° bearing from the airport, within an 11-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 260° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 260° bearing to a 314° bearing from the airport, within a 9-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 357° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 357° bearing to a 031° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 031° bearing to a 061° bearing from the airport; and within 9.5 miles northwest and 4.5 miles southeast of the Altoona, Pa., VOR 026° radial, extending from the VOR to 18.5 miles northeast of the VOR.

AMENDMENTS 11/9/72 37 F. R. 18903 (Rewritten)

Martinsburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 39°24'03" N., long. 77°59'09" W. of Martinsburg Municipal Airport, Martinsburg, W. Va.

Martinsville, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (36°37'50" N., 80°01'00" W.), of Blue Ridge Airport, Martinsville, Va.; within 2 miles each side of the Runway 30 centerline, extended from the 6.5-mile radius area to 14 miles northwest of the end of the runway; within 2 miles each side of the Runway 12 centerline, extended from the 6.5-mile radius area to 7.5 miles southeast of the end of the runway and within 3.5 miles each side of the 176° bearing from the Blue Ridge RBN (36°37'45" N., 80°01'00" W.), extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

Maryland
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Maryland including the offshore airspace within 3 nautical miles and parallel to the shoreline, excluding that airspace within P-40 and R-4002.

Marysville, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.); within an 8-mile radius of Yuba County Airport, Marysville, Calif. (latitude 39°05'50" N., longitude 121°34'00" W.), within 9 miles west and 5 miles east of the Beale VOR 162° and 342° radials, extending from the Beale 10-mile radius area to 17 miles north of the VOR; within 8 miles west and 5 miles east of the Marysville VOR 343° radial, extending from the Yuba County 8-mile radius area to 12 miles north of the VOR, and within 8 miles southwest and 5 miles northeast of the Marysville VOR 153° radial, extending from the Yuba County 8-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from latitude 40°00'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°55'00" W., to latitude 39°00'00" N., longitude 120°55'00" W., on the south by latitude 39°00'00" N., on the west by the west boundary of V-23, on the northwest by the Red Bluff, Calif., transition area, and on the north by latitude 40°00'00" N.; that airspace extending upward from 8,500 feet MSL bounded on the south by latitude 40°00'00" N., on the west by the Red Bluff, Calif., transition area, on the north by latitude 40°45'00" N., and on the east by a line extending from latitude 40°45'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°25'00" W., to latitude 40°00'00" N., longitude 121°25'00" W.; that airspace extending upward from 10,500 feet MSL bounded on the east by longitude 120°19'00" W., on the south by a line extending from latitude 39°30'00" N., longitude 120°19'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 121°25'00" W., on the west by longitude 121°25'00" W., and on the north by latitude 40°45'00" N.; that airspace extending upward from 12,500 feet MSL bounded on the east by longitude 121°25'00" W., on the south by latitude 40°23'00" N., on the west by longitude 121°39'00" W., and on the north by latitude 40°45'00" N.

AMENDMENTS 4/27/72 37 F. R. 3746 (Changed)

Mason City, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.); within 5 miles each side of the Mason City VORTAC 002° radial, extending from the 9-mile radius area to 24½ miles north of the VORTAC; and within 4½ miles west and 9½ miles east of the Mason City VORTAC 182° and 002° radials, extending from 5 miles north to 24½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of Mason City VORTAC; and within 4½ miles east and 10 miles west of the Mason City VORTAC 002° radial, extending from the 24-mile radius area to 34½ miles north of the VORTAC, excluding the portion which overlies the Albert Lea, Minn., transition area and Charles City, Iowa, transition area.

AMENDMENTS 9/14/72 37 F. R. 13240 (Rewritten)

Massena, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 44°56'10" N., long. 74°50'50" W. of Richards Field, Massena, N. Y.; within 3 miles each side of the Massena, VORTAC 104° radial extending from the 8.5-mile radius area to 8 miles east of the VORTAC, excluding the airspace within Canada.

Matagorda, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Matagorda Peninsula Airport (latitude 28°32'35" N., longitude 96°07'10" W.), excluding that portion more than 3 nautical miles from and parallel to the shoreline.

Mattoon, Ill.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Coles County Memorial Airport (lat. 39°28'45" N., long. 88°16'51" W.); and within 4.5 miles each side of the Mattoon VOR 228° radial, extending from the 9-mile radius area to 13 miles southwest of the VOR.

Maxwell, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-195, on the S by V-200, on the W by V-25 and on the N by the Red Bluff, Calif., transition area.

McAlester, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the McAlester, Okla. Airport (latitude 34°53'05" N., longitude 95°46'55" W.); within 2 miles each side of the McAlester VOR 176° radial extending from the 5-mile radius area to 8 miles S of the VOR.

McAllen, TX.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.) and within 3.5 miles either side of the McAllen, TX., VOR 095° true radial (086° magnetic) extending from the 5.5-mile radius area to 11.5 miles east of the VOR.

AMENDMENTS 10/12/72 37 F. R. 15370 (Rewritten)

McCall, Idaho
That airspace extending upward from 9,500 feet MSL within 6 miles west and 9 miles east of the McCall VORTAC 344° and 164° radials extending from 8 miles south to 19 miles north of the VORTAC.

McComb, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.).

McCook, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 5 miles southwest and 8 miles northeast of the 120° bearing from McCook Municipal Airport extending from the 8-mile radius area to 12 miles southeast of the airport and within 5 miles southwest and 8 miles northeast of the 324° bearing from McCook Municipal Airport, extending from the 8-mile radius area to 12 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles each side of a line extending from McCook Municipal Airport direct to the Hayes Center, Nebr., VORTAC.

McCordsville, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Indianapolis Brookside Airport (latitude 39°54'19" N., longitude 85°55'29" W.); and within a 5½-mile radius of the Indianapolis Metropolitan Airport (latitude 39°56'10" N., longitude 86°02'45" W.).

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McGrath, AK.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 3 miles southwest of the McGrath VORTAC 123° radial extending from the control zone extension to 12.5 miles southeast of the VORTAC; within 4 miles each side of the McGrath VORTAC 008° radial extending from the control zone extension to 14.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21.5-mile radius of the McGrath VORTAC extending clockwise from the 344° radial to the 236° radial of the VORTAC; within a 12-mile radius of the McGrath VORTAC extending clockwise from the 236° radial to the 344° radial of the VORTAC; and within 9.5 miles east and 4.5 miles west of the McGrath VORTAC 008° radial extending from the 21.5-mile radius area to 23 miles north of the VORTAC.

AMENDMENTS 4/27/72 37 F. R. 4074 (Rewritten)

McMinnville, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of McMinnville Municipal Airport (latitude 45°11'35" N., longitude 123°08'15" W.) and within 2 miles each side of the Newberg VORTAC 215° radial extending from the 5-mile radius area to the VORTAC.

McMinnville, Tenn.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Warren County Memorial Airport (lat. 35°42'00" N., long. 85°50'30" W.); within 9.5 miles northwest and 4.5 miles southeast of the 061° bearing from Warren County RBN (lat. 35°42'11" N., long. 85°50'40" W.), extending from the 13-mile radius area to 18.5 miles northeast of the RBN.

McPherson, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McPherson Municipal Airport (latitude 38°21'19" N., longitude 97°41'29" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 309° bearing from the McPherson Municipal Airport, extending from the airport to 18½ miles northwest of the airport, excluding the portions that overlie the Salina and Hutchinson, Kans., 1,200-foot floor transition areas.

McRae, GA.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Telfair-Wheeler Airport (lat. 32°05'46" N., long. 82°52'55" W.); within 3 miles each side of the 030° bearing from McRae RBN (lat. 32°05'40" N., long. 82°53'02" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 6/22/72 37 F. R. 7387 (Added)

Meadville, PA.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 41°37'37" N., long. 80°12'51" W., of Port Meadville Airport, Meadville, PA.

AMENDMENTS 7/20/72 37 F. R. 10563 (Rewritten)

Medford, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer northwest course extending from 3 to 9 miles northwest of the OM and within 3.5 miles each side of the Medford ILS localizer southeast course extending from the OM to 24 miles southeast of the OM; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Medford VORTAC; that airspace extending
from the 23-mile radius area bounded on the north by latitude 42° 28' 00" N., on the east by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg. VORTAC, on the south by latitude 42° 04' 00" N., and on the southwest by the southwest edge of V-23W; that airspace south of Medford, bounded on the north by latitude 42° 04' 00" N., on the east by the west edge of V-23 and on the west by the east edge of V-23W; that airspace north of Medford within 16 miles west and 11 miles east of the Medford VORTAC 353° radial, extending from 25 to 65 miles north of the VORTAC, and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial, extending from the 23-mile radius area to V-27.

Melbourne, FL.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Cape Kennedy Regional Airport (lat. 28°06'01" N., long. 80°38'00" W.); within an 8.5-mile radius of Patrick AFB (lat. 28° 14'21" N., long. 80°36'28" W.); within 3 miles each side of Patrick AFB TACAN 030° radial, extending from the 8.5-mile radius area to 9.5 miles northeast of the TACAN.
AMENDMENTS 4/27/72 37 F. R. 4902 (Rewritten)

Melfa, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37° 38' 50" N., 75° 45' 40" W., of Accomack County Airport, Melfa, Va., and within 2 miles each side of a 200° bearing from the Melfa, Va., RBN 37°39'27" N., 75°45'27" W., extending from the 6-mile radius area to 8 miles south of the RBN.

Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 4.5 miles each side of Memphis ILS localizer east course, extending from the 8.5-mile radius area to Holly Springs, Miss., VOR 328° radial; within 3 miles each side of Memphis ILS localizer south course, extending from the 8.5-mile radius area to 8.5 miles south of the LOM; within 3 miles each side of Memphis ILS localizer west course, extending from the 8.5-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'05" W.); within 1.5 miles each side of Memphis VORTAC 265° radial, extending from the 6.5-mile radius area to the VORTAC; within a 6.5-mile radius of West Memphis Municipal Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within 3 miles each side of Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC; within 3 miles each side of the 187° and 352° bearings from West Memphis RBN (latitude 35°08'20" N., longitude 90°14'02" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN; within an 8.5-mile radius of Olive Branch Municipal Airport (lat. 34°58'44" N., long. 89°47'33" W.).

Memphis, Tenn. (NAS)
That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (lat. 35°21'15" N., long. 89°52'10" W.); within 3 miles each side of the 083° bearing from NAS Memphis RBN, extending from the 12-mile radius area to
8.5 miles east of the RBN; within a 7-mile radius of Arlington Municipal Airport (latitude 35°16'58" N., longitude 89°40'22" W.); within 3 miles each side of the 161° bearing from Loosahatchie RBN (latitude 35°17'04" N., longitude 89°40'19" W.), extending from the 7-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 2/3/72 36 F. R. 23201 (Changed)

Mena, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mena Municipal Airport (latitude 34°33'00" N., longitude 94°12'31" W.) and within 5 miles each side of the Page, Okla., VORTAC 112° radial extending from the 5-mile radius area to the VORTAC. The transition area will provide controlled airspace for aircraft executing approach/departure procedures at Mena, Ark., Municipal Airport.

AMENDMENTS 12/7/72 37 F. R. 20561 (Added)

Menominee, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 4½ miles east and 9½ miles west of the Menominee VOR 349° radial, extending from the VOR to 18½ miles north of the VOR; and within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from Menominee County Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Menominee VOR 169° radial, extending from the VOR to 15½ miles south of the VOR; and within 5 miles each side of the 140° bearing from Menominee County Airport extending from the airport to 12 miles southeast of the airport, excluding the portion which overlies the Sturgeon Bay, Wis. transition area.

Merced, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Castle Air Force Base (latitude 37°22'45" N., longitude 120°34'00" W.); within a 7-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.) and within 2 miles each side of the Castle VOR 141° and 321° radials extending from the Merced 7-mile radius area to 3 miles SE of the Castle VOR; that airspace extending upward
from 1,200 feet above the surface bounded on the NE and E by V-459, on the S by V-230, on the W by V-109 and on the N by V-244, excluding the portions within the Fresno, Stockton, and Modesto, Calif., transition areas; that airspace extending upward from 7,500 feet MSL NE of Merced bounded on the E by V-165, on the SW by V-459, and on the N by V-244, and that airspace extending upward from 12,000 feet MSL E of Merced bounded on the E by longitude 119°30'00" W., on the S by the Fresno, CA., transition area, on the W by V-165 and on the N by V-244.

AMENDMENTS 2/3/72 36 F. R. 24798 (Changed)

Mercury, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16" N., longitude 116°00'54" W.); that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°41'00" N., longitude 116°26'30" W., to latitude 36°41'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°36'00" N., longitude 116°26'30" W., thence to point of beginning, excluding the portion within R-4808.

Meriden, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°30'35" N., 72°49'50" W. of Meriden Markham Municipal Airport, Meriden, Conn.; and within 2 miles each side of the Runway 36 centerline extended from the 5-mile radius area to 7 miles north of the end of the runway, excluding the portion which coincides with the Bridgeport, Conn., and Hartford, Conn., transition areas.

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Meridian, Miss. (Key Field)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 3 miles each side of the ILS localizer south course, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 3 miles each side of the 191° bearing from Meridian RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 5 miles each side of Meridian VORTAC 315° radial, extending from the 11-mile radius area to 11.5 miles northwest of the VORTAC.

AMENDMENTS 10/16/72 37 F. R. 22973 (Changed)

Meridian, Miss. (NAS Meridian)
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NAS Meridian (lat. 32°33'27" N., long. 88°33'33" W.); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF RBN, extending from the 10-mile radius area to 11.5 miles north of the RBN; excluding the portion within Meridian, Miss. (Key Field) transition area.

Meridian, Miss. (OLF Bravo Field)
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of OLF Bravo Field (lat. 32°47'33" N., long. 88°49'40" W.).

AMENDMENTS 3/2/72 37 F. R. 276 (Added)

Merrill, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 332° and 152° bearing from Merrill Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

Mexico, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mexico Memorial Airport (latitude 39°09'35" N., longitude 91°49'25" W.); and that airspace extending upward from 1,200 feet above the surface northeast of the Hallsville, Mo., VORTAC within a 34-mile radius circle centered on the Hallsville VORTAC, extending from the southeast edge of V-63 clockwise to the north edge of V-4.

Miami, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Miami International Airport (lat. 25°47'34" N., long. 80°17'10" W.); within 3 miles each side of Runway 9L ILS localizer west course, extending from the 8.5 radius area to 8.5 miles west of Portland RBN; within 3 miles each side of Miami VORTAC 139° radial, extending from the 8.5-mile radius area to the VORTAC; within 3 miles each side of Runway 27L ILS localizer east course, extending from the 8.5-mile radius area to 8.5 miles east of Orange RBN; within 4.5 miles each side of Runway 27L ILS localizer west course, extending from the 8.5-mile radius area to the Miami VORTAC 205° radial; within an 8.5-mile radius of Opa Locka Airport (lat. 25°54'26" N., long. 80° 16'48" W.), Homestead AFB (lat. 25°29'15" N., long. 80°23'00" W.), Tamiami Airport (lat. 25°38'51" N., long. 80°25'59" W.) and Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.); within a 6.5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'41" N., long. 80°10'15" W.); within a 6.5-mile radius of Pompano Beach Airpark (latitude 26°15'00" N., longitude 80°06'30" W.), and within 3 miles each side of the Pompano Beach VOR (latitude 26°14'52" N., longitude 80°06'32" W.) 319° radial, extending from the 6.5-mile radius area to 8.5 miles northwest of the VOR.

AMENDMENTS 6/22/72 37 F. R. 7969 (Changed)

Miami, Fla. (Dade-Collier Training and Transition Airport)
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.).

Miami, OK.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Miami Municipal Airport (latitude 36°54'02" N., longitude 94°53'03" W.) and that airspace within the State of Kansas extending upward from 1,200 feet above the surface which is bounded on the south by the Kansas-Oklahoma State line and on the west along a line which is 7 miles east of and parallel to the Oswego, KS., VOR 207° radial, on the north by the south edge of VOR airway V-190 and on the east by the west edge of VOR airway V-88.

AMENDMENTS 8/17/72 37 F. R. 11156 (Added)

Michigan
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Michigan south of the 44° parallel.

AMENDMENTS 8/17/72 37 F. R. 11858 (Added)

Michigan City, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Michigan City Airport (latitude 41°42'10" N., longitude 86°49'15" W.); and within a 6½-mile radius of Michigan City Municipal Airport (latitude 41°40'10" N., longitude 86°53'20" W.).

PENDING AMENDMENT
Middleton Island, Alaska
That airspace extending upward from 700 feet above the surface within 12 miles northwest and 7.5 miles southeast of the Middleton Island VORTAC 037° and 217° radials, extending from 22.5 miles northeast to 11.5 miles southwest of the VORTAC; and within 9.5 miles west of the Middleton Island RBN 011° bearing, extending from the RBN to 18.5 miles north of the RBN.

AMENDMENTS 1/4/73 37 F. R. 22846 (Added)

Middletown, NY.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 25'54" N., long. 74°23'40" W., of Randall Airport, Middletown, NY., and within 2 miles each side of the Huguenot, NY., VORTAC 082° radial, extending from the 7-mile radius area to the VORTAC, excluding the portion that coincides with the Newburgh, NY., 700-foot floor transition area. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 7/20/72 37 F. R. 10563 (Rewritten)

Middletown, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of 39°32'00" N., 84°23'30" W. of Hook Field Municipal Airport and within 2 miles each side of a 232° bearing from Hook Field, Ohio, RBN extending from the 5-mile radius area to 8 miles southwest of the RBN.

Midland, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.) excluding the portion within a 1.5-mile radius of Midland Airpark (latitude 32°02'00" N., longitude 102°05'55" W.), within a 5-mile radius of Ector County Airport (latitude 31°55'00" N., longitude 102°23'00" W.), within 3.5 miles each side of the Midland VORTAC 011° radial extending from the 8-mile radius area to 11.5 miles north of the VORTAC excluding the portion within a 1.5-mile radius of Midland Airpark, and within 2 miles each side of the Midland ILS localizer southeast course extending from the 8-mile radius area to the INT of the Midland VORTAC 128° and the Big Spring VORTAC 212° radials.

Midland, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°35' 15" N., 77°42'45" W. of Warrenton-Fauquier Airport, Midland, Va., and within 2 miles each side of the Casanova, Va. VORTAC 113° radial extending from the 5-mile radius area to the VORTAC.

Midway Island
That airspace extending upward from the 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

Miles City, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 5 miles each side of the 252° bearing from the Horton RBN, extending from the 7-mile radius area to 11 miles southwest of the RBN; within 3.5 miles each side of the Miles City VORTAC 225° radial, extending from the 7-mile radius area to 11 miles southwest of the Miles City VORTAC; within 3.5 miles each side of the Miles City VORTAC 047° radial, extending from the 7-mile radius area to 22 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120, and within 9.5 miles southeast and 4.5 miles northwest of the Miles City VORTAC 225° radial extending from the VORTAC to 18½ miles southwest of the VORTAC.

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Milford, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Lat. 38°25'35" N, Long. 113°00'40" W) and within 2 miles either side of the Milford VORTAC 196° radial, extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Millard, Nebr.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Millard Municipal Airport (latitude 41°11'45" N., longitude 96°06'45" W.); and within 3 miles each side of the 314° bearing from the Millard Municipal Airport extending from the 6½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 314° bearing from the Millard Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portions which overlie the Omaha and Lincoln, Nebr., transition areas.

Millbrook, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°42'25" N., 73°44'20" W., of the Sky Acres Airport, Millbrook, N. Y., and within 2 miles each side of the centerline of Runway 17 extended from the 5-mile radius area to 6 miles south of the end of the runway, excluding that portion within the Poughkeepsie, N. Y., and the Red Hook, N. Y., transition areas.

Milledgeville, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Baldwin County Airport (latitude 33°09'15" N., longitude 83°14'10" W.); within 3 miles each side of the 089° bearing from Milledgeville RBN (latitude 33°09'13" N., longitude 83°14'35" W.), extending from the 8.5-mile radius area to 8.5 miles east of the RBN.

Millersburg, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°32'15" N., 81°57'10" W. of Holmes County Airport, Millersburg, Ohio, and within 2 miles each side of the Tiverton, Ohio, VOR 059° radial extending from the 5-mile radius area to the VOR.

Millinocket, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine, and within 3.5 miles each side of a 094° bearing from the Sterns RBN extending from the 7-mile radius area to 11.5 miles east of the RBN.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 45°56'00" N., 68°36'00" W. to 45°39'00" N., 69°48'00" W. to 45°23'00" N., 69°48'00" W. to 45°15'00" N., 69°50'00" W., to 45°07'30" N., 69°50'00" W., to 45°07'30" N., 69°28'00" W., to 45°12'00" N., 69°23'00" W. to 45°24'00" N., 68°55'00" W. to 45°30'00" N., 68°31'00" W. to 45°27'00" N., 68°20'00" W. to 45°33'00" N., 68°16'00" W. to 45°38'00" N., 67°40'30" W. to the point of beginning.

AMENDMENTS 3/2/72 37 F. R. 136 (Changed)
AMENDMENTS 3/30/72 37 F. R. 1359 (Changed)

Millville, N. J.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 39°37'00" N., 75°05'00" W. to 39°35'00" N., 74°52'00" W. to 39°16'30" N., 74°59'00" W. to 39°16'30" N., 75°10'00" W. to 39°30'00" N., 75°15'00" W. to point of beginning, excluding the portion that coincides with the Atlantic City, N. J., 700-foot transition area.

Milton, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the 315° bearing from Navy Whiting RBN, extending from the 6-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of Navy Whiting TACAN 309° radial, extending from the 6-mile radius area to 8 miles northwest of the TACAN, and within a 1.5-mile radius of Milton "T" (Private) Field (latitude 30°38'15" N., longitude 86°59'20" W.).

Milwaukee, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.); within a 7-mile radius of the Horlick-Racine Airport (latitude 42°45'45" N., longitude 87°49'00" W.); within 3 miles each side of the 031° bearing from the airport extending from the 7-mile radius to 8 miles northeast of the airport; within an 8-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); within a 6½-mile radius of the Waukesha County Airport (latitude 43°02'25" N., longitude 88°14'00" W.); and within 3 miles each side of the 274° bearing from the Waukesha County Airport extending from the 6½-mile radius to 7½ miles west of the airport.

AMENDMENTS 7/20/72 37 F. R. 9986 (Changed)
AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Mineola, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wisener Airport (latitude 32°40'47" N., longitude 95°30'45" W.) and within 2 miles each side of the Quitman, TX., VORTAC 211° radial extending from the airport to 6 miles northeast of the airport.

AMENDMENTS 4/27/72 37 F. R. 4180 (Added)

Mineral Wells, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.); within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 6-mile radius area to 8 miles SE of the RBN and within 2 miles each side of the Millsap, Texas, VORTAC 137° radial, extending from the 6-mile radius area to 8 miles SE of the VORTAC.

Minneapolis, Minn.
That airspace extending upward from 700 feet above the surface within a 26-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within a 28-mile radius of Minneapolis-St. Paul International Airport, extending from the 206° bearing from the airport clockwise to the 353° bearing from the airport; and within 4½ miles north and 9½ miles south of the Flying Cloud VOR 292° radial, extending from the 28-mile radius area to 18½ miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on the east by the 36-mile radius area; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-210 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile radius area west of Minneapolis southwest along the northwest edge of V-148; thence clockwise along a 70-mile radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; thence southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile radius area thence counterclockwise along the 36-mile radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 95°06'00"; on the north by latitude 46° 13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile radius arc, excluding State of Wisconsin south of 45° parallel.
AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Minot, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within a 10-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 5 miles each side of the Minot VORTAC 260° radial, extending from the 10-mile radii areas to 12 miles west of the VORTAC; within 5 miles each side of the Minot VORTAC 129° radial extending from the 10-mile radius area to 12 miles southeast of the VORTAC; and within 5 miles each side of the Minot VORTAC 097° radial, extending from the 10-mile radius area to 12 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Deering TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Deering TACAN, excluding the area north of latitude 49°00'00" N., and the area which overlies V-430 and V-15.

Mississippi
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Mississippi, including that airspace 3 nautical miles from and parallel to the shoreline, beginning at the intersection of the Mississippi/Alabama State line, extending west along a line 3 nautical miles from and parallel to the shoreline, to and south along longitude 88°51'00" W. to latitude 30°07'20" N. (point of intersection of the Mississippi State line and longitude 88°51'00" W.).

Missoula, Mont.
That airspace extending upward from 700 feet above the surface within a 35-mile radius of the Missoula VORTAC extending from a line 5 miles southwest of and parallel to the 298° radial of the VORTAC clockwise to a line 5 miles east of and parallel to the 354° radial of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 11 miles southwest of the 302° and 122° radials of the Missoula VORTAC extending from 6 miles southeast of the VORTAC to 26 miles northwest of the VORTAC; and within 7 miles east of the Missoula 354° radial extending from the VORTAC to the south edge of V-120; and within 9½ miles southwest and 4½ miles northeast of the 311° bearing from the Kona CL extending from the CL to 18½ miles northwest of the CL.
PENDING AMENDMENT
Missoula, Mont.
That airspace extending upward from 700 feet above the surface within 8 miles southwest of the Missoula, Mont. VORTAC 296° radial extending from the VORTAC to 21 miles northwest; and within 8.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 311° radial extending from the VORTAC to 38 miles northwest; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Missoula, Mont. VORTAC (latitude 46°54'29" N., longitude 114°04'58" W.); within a 32-mile radius of the Missoula, Mont. VORTAC extending clockwise from the 256° radial to the 357° radial; within 9.5 miles southwest of the Missoula, Mont. VORTAC 298° radial extending from the VORTAC to 38 miles northwest; and within 9 miles southwest and 6 miles northeast of the Missoula, Mont. VORTAC 113° radial extending from the VORTAC to 19 miles southeast.
AMENDMENTS 2/1/73 37 F. R. 24657 (Rewritten)

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Mitchell, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 18½ miles northwest of the VOR.

Moab, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Canyonlands Airport, Moab, Utah, (latitude 38°45'40" N., longitude 109°44'50" W.) and within 7 miles northeast and 10 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 301° radial extending from the VOR to 18.5 miles northwest of the VOR.

AMENDMENTS 2/3/72 36 F. R. 22810 (Rewritten)

Moberly, MO.
That airspace extending upward from 700 feet above the surface within a 6.5-statute-mile radius of the Omar N. Bradley Airport (latitude 39°27'50" N., longitude 92°25'35" W.); and 3 miles either side of the 317° bearing from the airport extending from the 6.5-mile radius to 8 miles northwest, and that airspace extending upward from 1200 feet above the surface 9.5 miles southwest and 5 miles northeast of the 317°/137° bearing from the airport extending from the airport to 18.5 miles northwest and 6.5 miles southeast; 6.5 miles west and 5 miles east of and parallel to the 350° radial of the Macon, MO. VORTAC, extending from 11 miles south of the VORTAC to the 21-mile arc of the Kirksville, MO. VORTAC facility.

AMENDMENTS 10/12/72 37 F. R. 16790 (Added)

Mobile, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within an 8.5-mile radius of Mobile Aerospace Airport (latitude 30°37'08.5" N., longitude 88°03'57.2" W.); within 3.5 miles each side of Brookley VORTAC 150° radial, extending from the 8.5-mile radius area to 11 miles southeast of the VORTAC; within a 6.5-mile radius of Fairhope Municipal Airport (latitude 30°27'50" N., longitude 87°52'35" W.); within 2 miles each side of Brookley VORTAC 134° radial, extending from the 6.5-mile radius area to Mobile Aerospace Airport 8.5-mile radius area.

AMENDMENTS 10/13/72 37 F. R. 22729 (Changed)

Modesto, Calif.
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Modesto VOR 122° and 302° radials, extending from 18.5 miles northwest to 18.5 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120°30'00" W., on the SE by a line extending from latitude 37°38'45" N., longitude 120°30'00" W., to latitude 37°25'00" N., longitude 120°48'00" W.. on the S by latitude 37°25'00" N.. on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00" N.. longitude 121°00'35" W., to latitude 37°45'45" N., longitude 120°30'00" W.

Moline, Ill.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from 1 mile east to 18½ miles west of the OM; within a 6½-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Davenport RBN, extending from the 6½-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Cordova VOR 220° radial, extending from the 6½-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°55'00" N., on the southeast by the Illinois-Iowa boundary, and on the west by longitude 91°00'00" W.

Molokai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC and within 4 miles north and 2 miles south of the VORTAC 126° radial extending from the intersection of the Molokai VORTAC 126° and the Lanai, Hawaii, VORTAC 011° radials to a point 7 miles east of this intersection; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15, and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°22'00" N., longitude 156°48'00" W., thence to latitude 21°14'00" N., longitude 156°31'30" W., thence to latitude 21°29'00" N., longitude 156°25'00" W., thence to latitude 21°31'00" N., longitude 156°34'05" W., thence to latitude 21°25'00" N., longitude 156° 49'30" W., thence to point of beginning; that airspace bounded on the northwest by V-8 on the northeast by V-6, and on the south by V-15; that airspace bounded on the north by V-15, on the east by V-17, on the south by V-2, and on the west by V-7; and that airspace bounded on the north by V-8, on the east by V-7, and on the southwest by V-2.

Monongahela, Pa.
That airspace extending upward from 700-feet above the surface within a 6.5-mile radius of the center, 40°12'40" N., 79°49'50" W., of Rostraver Airport, Monongahela, Pa., and within 2 miles each side of the Allegheny, Pa., VORTAC 113° radial extending from the 6.5-mile radius area to the VORTAC, excluding the portion which coincides with the Pittsburgh, Pa., transition area.

Monroe, La.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Monroe VORTAC 222° radial extending from the VORTAC to 12 miles SW, and within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the OM.

Monroe, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Custer Airport (latitude 41°56'10" N., 83°26'15" W.); and within 2 miles each side of the Carleton, Mich., VORTAC 171° radial, extending from the 5-mile radius area to the VORTAC excluding the portion which overlies the Detroit, Mich. 700-foot floor transition area.

Monroe, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe Airport (lat. 35°01'15" N., long. 80°38'00" W.); within 3 miles each side of Fort Mill, S. C. VORTAC 084° radial, extending from the 5-mile radius area to 23 miles east of the VORTAC.

Monroe, Wis.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Monroe Municipal Airport (latitude 42°38'57" N., longitude 89°35'26" W.).

AMENDMENTS 11/9/72 37 F. R. 18031 (Added)

Monroeville, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroeville County Airport (latitude 31°27'25" N., longitude 87°20'50" W.); within 3 miles each side of Monroeville VORTAC 039° and 201° radials, extending from the VORTAC to 9 miles northeast and south of the VORTAC.

AMENDMENTS 10/13/72 37 F. R. 22729 (Changed)

Montague, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 6 miles west of the 180° and 360° bearings from the Montague RBN, extending from 8 miles north to 19 miles south of the RBN.

Monterey, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, Calif., latitude 36°40'55" N., longitude 121°45'40" W., excluding the portion S of latitude 36°32'00" N.; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 37°05'00" N., long. 122°43'15" W., thence to lat. 37°08'45" N., long. 122°34'45" W., thence southeast via V-27 to lat. 37°00'00" N., thence to lat. 37°00'00" N.. long. 121°29'30" W., thence to lat. 36°23'00" N., long. 121°03'20" W., thence to lat. 36°03'30" N., long. 121° 29'00" W., thence southeast via V-27 to long. 121°03'00" W., thence to lat. 35°30'00" N., long. 121°03'00" W., thence to lat. 35°30'00" N., long. 121°37'00" W., to point of beginning; that airspace extending upward from 5,000 feet MSL bounded on the northwest by a line 12 miles southeast of and parallel to the Big Sur VOR 047° radial, on the northeast by V-25, on the south by a line extending from the southwest boundary of V-25 and latitude 35°33'00" N., to latitude 35°33'00" N., longitude 121°03'00" W., thence south to the northeast boundary of V-27 and longitude 121°03'00" W., and on the southwest by V-27.

AMENDMENTS 2/3/72 36 F. R. 23795 (Changed) Corr: 36 F. R. 24988
AMENDMENTS 7/20/72 37 F. R. 9461 (Changed)

Montevideo, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longitude 95°42'40" W.); and within 3 miles each side of the 313° bearing from the Montevideo Municipal Airport extending from the 5-mile radius to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 313° and 133° bearings from the Montevideo Municipal Airport extending from 5 miles southeast of the airport to 18½ miles northwest of the airport; and within 5 miles each side of the 133° bearing from the Montevideo Municipal Airport extending from the airport to 12 miles southeast of the airport.

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[redacted], Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within 4.5 miles north and 9.5 miles south of Dannelly Field ILS localizer west course, extending from the 8.5-mile radius area to 18.5 miles west of the LOM; within 3.5 miles each side of Runway 3 extended centerline, extending from the 8.5-mile radius area to 10 miles SW of the runway end; within 2.5
miles each side of Montgomery VORTAC 311° radial, extending from the 8.5-mile radius area to 23 miles northwest of the VORTAC; excluding the portion within the Selma, Ala., transition area; within a 9-mile radius of Maxwell AFB (latitude 32°22'48" N., longitude 86°21'55" W.); within 3 miles northeast and 8 miles southwest of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR.

AMDNDMENTS 1/14/72 37 F. R. 1360 (Changed)

Monticello, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Monticello Municipal Airport (latitude 33°38'10" N., longitude 91°45'10" W.).

Monticello, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monticello Municipal Airport (latitude 42°13'40" N., longitude 91°10'00" W.); and within 3 miles each side of the 135° bearing from Monticello Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

Monticello, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41°42'00" N., 74°47'50" W. of Sullivan County International Airport, Monticello, N. Y.; within 2 miles each side of the Sullivan County International Airport runway 15 centerline extended from the 8.5-mile radius area to 9 miles southeast of the end of the runway; within 2 miles each side of the Sullivan County International Airport runway 33 centerline extended from the 8.5-mile radius area to 12.5 miles northwest of the end of the runway; and within 3.5 miles each side of the 130° bearing from the White Lake RBN (latitude 41°41'51" N., longitude 74°47'48" W.) extending from the 8.5-mile radius area to 11.5 miles southeast of the RBN.

Montpelier, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, lat. 44° 12'15" N., long. 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 6.5 miles west and 5 miles east of the Montpelier VOR 163° radial extending from the 10-mile radius zone to 11.5 miles south of the VOR.

AMENDMENTS 3/2/72 37 F. R. 13 (Rewritten)

Montrose, Colo.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

Morganton, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Morganton-Lenoir Airport (latitude 35°49'20" N., longitude 81°36'35" W.); within 3 miles each side of the 238° bearing from Morganton RBN (latitude 35°49'15" N., longitude 81°36'50" W.), extending from the 8-mile radius area to 8.5 miles south of the RBN; excluding the portion that coincides with Hickory transition area.

Morgantown, W. Va.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 39°38'34" N., long. 79°55'01" W. of Morgantown Municipal Airport, Morgantown, W. Va., extending clockwise from a 205° bearing to a 030° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 055° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 055° bearing to a 065° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 095° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 095° bearing to a 157° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 205° bearing from the airport; within 5 miles each side of the Morgantown VORTAC 152° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC and within 5 miles southwest and 7.5 miles northeast of the Morgantown VORTAC 334° radial, extending from the 11.5-mile radius arc to 22 miles northwest of the VORTAC.

Morrilton, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Petit Jean Airport (lat. 35°08'15" N., long. 92°54'30" W.), and within 3.5 miles each side of the 216° bearing from the Morrilton RBN (lat. 35°07'07" N., long. 92°55'30" W.) extending from the 8.5-mile radius to 11.5 miles southwest of the RBN.

Morris, Ill.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Morris Municipal Airport (latitude 41°25'46" N., longitude 88°25'12" W.) and within 2 miles each side of the Joliet, Ill., VORTAC 213° radial extending from the 5-mile radius area to the VORTAC.

Morris, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the airport to 7 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° bearing from the Morris Municipal Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 318° bearing from the Morris Municipal Airport extending from the airport to 12 miles northwest of the airport.

Morristown, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport (latitude 36°10'50" N., longitude 83°22'20" W.); within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (latitude 36°11'10" N., longitude 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

Morrisville, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 44° 32'10" N., long. 72°36'55" W. of Morrisville-Stowe State Airport, Morrisville, Vt., and within 3.5 miles each side of the 034° bearing and the 214° bearing from the Morrisville RBN lat. 44°35'13" N., long. 72°35'10" W., extending from the 5-mile radius area to 11.5 miles northeast of the RBN.

Moses Lake, WA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grant County Airport (latitude 47°12'19" N., longitude 119°19'05" W.), within 3.5 miles west and 4 miles east of the Moses Lake ILS localizer south course extending from the 5-mile radius area to 9.5 miles south of the Pelican RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 19 miles northeast; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the arc of a 21-mile radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 9.5 miles northeast of the Ephrata VORTAC 337° radial extending from the VORTAC to 19 miles northwest of the VORTAC, within 5 miles southwest and 6 miles northeast of Moses Lake VOR 144° radial extending from 26 miles southeast of the VOR to the northwest edge of V-112W, within 15 miles east and 10 miles west of the Moses Lake VOR 161° and 341° radials extending from 27 miles south to 14 miles north of the VOR; that airspace northeast of Moses Lake bounded on the northwest by a line 5 miles northwest of and parallel to the Ephrata VORTAC 066° radial, on the east by an arc of a 52-mile radius circle centered on Fairchild Air Force Base, Spokane, WA. (latitude 47°36'55" N., longitude 117°39'20" W.) on the southeast by a line 6 miles southeast of and parallel to the Moses Lake VOR 066° radial on the west by longitude 119°15'00" W., that airspace west of Moses Lake bounded on the north by latitude 47°30'00" N., on the east by longitude 119°15'00" W., on the south by a line 6 miles south of and parallel to the Moses Lake VOR 266° radial, on the west by an arc of a 39-mile radius circle centered on the Grant County Airport; that airspace extending upward from 3,500 feet MSL bounded on the northeast by a line 5 miles southwest of and parallel to the Moses Lake VOR 144° radial, on the southeast by the northwest edge of V-112W, on the south by the north edge of V-298, on the west by longitude 119°15'00" W., and on the north by latitude 46°44'00" N.; that airspace east of Moses Lake extending upward from 4,500 feet MSL bounded on the northwest by a line 6 miles southeast of and parallel to the Moses Lake VOR 066° radial, on the northeast by the 52-mile radius arc of Fairchild AFB, on the southeast by the northeast edge of V-112W and on the west by a line 15 miles east of the Moses Lake VOR 161° radial; that airspace southwest of Moses Lake extending upward from 5,500 feet MSL, bounded on the southeast by a line 10 miles southeast of and parallel to the Moses Lake VOR 238° radial extending from 10 miles to 52 miles southwest of the VOR on the west by a 52-mile radius arc centered on the Moses Lake VOR, on the north by a line 4 miles south of and parallel to the Moses Lake VOR 266° radial.

AMENDMENTS 5/25/72 37 F. R. 6572 (Rewritten)

Moses Point, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles N and 10 miles S of the Moses Point VOR 088° and 268° radials, extending from 11 miles W to 15 miles E of the VOR.

Mosinee, Wis.
The airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 5 miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 13 miles east of the airport; and within 5 miles each side of the 242° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 12 miles southwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

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Moultrie, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.); within an 8.5-mile radius of Thomasville Municipal Airport (lat. 30°54'05" N., long. 83°53'00" W.); within an 8.5-mile radius of Spence AF Auxiliary Field (lat. 31°08'15" N., long. 83°42'15" W.).

Mountain Home, Idaho
That airspace extending upward from 700 feet above the surface within 10 miles NE and 9 miles SW of the Mountain Home AFB TACAN 135° and 315° radials, extending from 18 miles SE to 18 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the NE by the SW boundary of V-4, on the SE, S and SW by the arc of a 35-mile radius circle centered on Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.), on the W by the Boise, Idaho, VORTAC 204° radial and on the NW by the arc of a 25-mile radius circle centered on the Boise VORTAC; that airspace SE of Mountain Home, extending upward from 6,500 feet MSL, extending from the 35-mile radius area bounded on the NE by V-253, on the S by latitude 42°24'00" N., and on the W by longitude 115°39'00" W., excluding the portion within the Twin Falls, Idaho, transition area; that airspace S of Mountain Home, extending upward from 7,500 feet MSL, extending from the 35-mile radius area bounded on the E by longitude 115°39'00" W., on the S by the arc of a 46-mile radius circle centered on Mountain Home AFB, and on the NW by a line 5 miles NW of and parallel to the Mountain Home AFB VOR 208° radial; and that airspace S of Mountain Home, extending upward from 10,500 feet MSL within 5 miles each side of the Mountain Home VOR 178° and 208° radials, extending from the 46-mile radius circle to 61 miles S and SW of the VOR.

Mt. Clemens, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Selfridge AFB, Mt. Clemens, Mich. (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 5 miles W and 8 miles E of the Selfridge AFB ILS localizer N course, extending from 3 miles S to 12 miles N of the OM, and within 2 miles each side of the Selfridge AFB ILS localizer S course, extending from the 7-mile radius area to 11 miles S of Selfridge AFB.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Mount Pleasant, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mount Pleasant Municipal Airport (latitude 40°56'45" N., longitude 91°30'30" W.); and within 3 miles each side of the 140° bearing from Mount Pleasant Municipal Airport extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from the Mount Pleasant Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport; excluding the portion which overlies the Burlington, Iowa, 1,200-foot floor transition area.

Mt. Pleasant, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Mt. Pleasant, Mich., Airport (latitude 43°37'00" N., longitude 84°44'00" W.); and within 2 miles each side of the 093° bearing from Mt. Pleasant, MI., Airport extending from the 4-mile radius area to 8 miles E of the airport.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Mount Pleasant, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport (latitude 35°33'15" N., longitude 87°10'50" W.); within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (latitude 35°33'20" N., longitude 87°10'57" W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

Mount Pocono, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°07'40" N., 75°22'20" W. of Mount Pocono Airport, Mount Pocono, Pa., within 2 miles each side of the 333° bearing from the Tobyhanna RBN (41°12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN.

Mount Vernon, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial, extending from the 6-mile radius area to 17 miles southwest of the VOR.

Mullan Pass, Idaho
That airspace extending upward from 8,500 feet MSL within 6 miles N and 9 miles S of the Mullan Pass VORTAC 095° and 275° radials, extending from 8 miles E to 15 miles W of the VORTAC.

Muncie, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Delaware County-Johnson Field (latitude 40°14'30" N., longitude 85°23'45" W.); within 3 miles each side of the Muncie VOR 125° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; within 3 miles each side of the Muncie VOR 017° radial, extending from the 7-mile radius area to 8 miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 7-mile radius area to 10 miles northwest of the VOR.

Muscatine, Iowa
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscatine Municipal Airport (latitude 41°22'00" N., longitude 91°08'40" W.).

Muscle Shoals, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

Muskegon, Mich.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Muskegon County Airport (lat. 43°10'16" N., long. 86°14'09" W.); within a 7-mile radius of the Grand Haven Memorial Airpark (lat. 43°02'00" N., long. 86°12'00" W.), Grand Haven, Mich.; within 4.5 miles southwest and 9.5 miles northeast of the Muskegon County Airport ILS localizer southeast course, extending from the 10-mile radius area to 18.5 miles southeast of the OM; within 4 miles each side of the Muskegon VORTAC 092° radial, extending from the VORTAC to 11.5 miles east of the VORTAC; and within 4½ miles each side of the Muskegon County Airport runway 14 centerline extended to the northwest, extending from the 10-mile radius area to 17 miles northwest of the Muskegon County Airport ILS OM.

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

Muskogee, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla. (latitude 35°39'25" N., longitude 95°21'40" W.), and within 10 miles southwest and 5 miles northeast of the Muskogee VOR 137° radial extending from the VOR to 20 miles southeast.

AMENDMENTS 11/9/72 37 F. R. 18183 (Rewritten)

PENDING AMENDMENT
Muskogee, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla. (latitude 35°39'25" N., longitude 95°21'40" W.); and within 10 miles southwest and 5 miles northeast of the Muskogee VOR 137° T (130° M) radial extending from the VOR to 20 miles southeast.

AMENDMENTS 1/4/73 37 F. R. 23178 (Rewritten)

Myrtle Beach, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within an 8.5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.).

Nacogdoches, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Del Rentzel Airport (latitude 31°34'35" N., longitude 94°42'25" W.), within 2.5 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 3.5 miles each side of the 339° and 150° bearings from the Nacogdoches RBN (latitude 31°38'01" N., longitude 94°44'01" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Nantucket, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Nantucket Memorial Airport, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.); within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 6-mile radius area to 10 miles NE of the VOR; and that airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of a 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket RBN on the N by Control 1144, on the SW by Control 1145; and that airspace from FL 240 to FL 300, inclusive, SW of Nantucket, bounded on the N by Control 1169, on the E by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket RBN; that airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and on the east by longitude 67°00'00" W. The portion east of longitude 68°00'00" W., is excluded below 5,500 feet MSL.

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Naples, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Naples Municipal Airport (latitude 26°09'10" N., longitude 81°46'30" W.); within 3 miles each side of the 041° and 228° bearing from the Naples RBN, extending from the 6.5-mile radius area to 8.5 miles northeast and southwest of the RBN.

AMENDMENTS 12/7/72 37 F. R. 21530 (Added)

Nappanee, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Nappanee Municipal Airport (latitude 41°26'45" N., longitude 85°56'00" W.); and within 2 miles each side of the 138° radial of the Goshen, Ind., VORTAC extending from the 5½-mile radius area to 14 miles southeast of the VORTAC excluding the airspace which overlies the Goshen, Ind., transition area.

Nashville, Tenn.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 9.5 miles east and 4.5 miles west of the ILS localizer north course, extending from the 14-mile radius area to 23 miles north of the localizer; within an 8.5-mile radius of Smyrna Airport (lat. 36°00'33" N., long. 86°31' 13" W.); within 3 miles each side of Nashville VORTAC 131° radial, extending from the 8.5-mile radius area to 21.5 miles southeast of the VORTAC; within 3 miles each side of the 138° bearing from Sewart RBN (lat. 35°57'19" N., long. 86°27'45" W.), extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30"W.); within an 8-mile radius of Lebanon Municipal Airport (lat. 36°11'22" N., long. 86°18'55" W.).

AMENDMENTS 1/26/72 37 F. R. 2836 (Changed)
AMENDMENTS 3/2/72 37 F. R. 136 (Changed)
AMENDMENTS 8/17/72 37 F. R. 12220 (Changed)

Natchez, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hardy-Anders Field (latitude 31°36'50" N., longitude 91°17'55" W.); within 3 miles each side of Natchez VOR 020° radial, extending from the 7-mile radius area to 8.5 miles north of the VOR.

Natchitoches, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Natchitoches Municipal Airport (latitude 31°44'30" N., longitude 93°06'20" W.) and within 3.5 miles each side of the 177° bearing from the Natchitoches RBN (latitude 31°44'03" N., longitude 93°05'43" W.), extending from the 5-mile radius zone to 11.5 miles south of the RBN.

Needles, Calif.
That airspace extending upward from 1,200 feet above the surface within 9 miles south and 13 miles north of the Needles VORTAC 092° and 272° radials, extending from 11 miles west to 24 miles east of the VORTAC.

AMENDMENTS 3/2/72 36 F. R. 24798 (Rewritten)

Nenana, AK.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Nenana Airport (latitude 64°32'56" N., longitude 149°04'24" W.); and within 4 miles each side of the Nenana RR southeast course extending from the 5-mile radius area to 10.5 miles southeast of the RR.

AMENDMENTS 4/27/72 37 F. R. 4074 (Added) Corr: 37 F. R. 8441

Neosho, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Neosho Memorial Airport (latitude 36°48'35" N., longitude 94°23'15" W.); and within 2 miles each side of the Neosho, Mo., VOR 308° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the Neosho VOR 308° radial, extending from the VOR to 12 miles northwest of the VOR, excluding the portion which overlies the Joplin, Mo., transition area, and the portion within the State of Oklahoma.

Nevada, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nevada Municipal Airport (latitude 37°51'10" N., longitude 94°18'05" W.); and within 3 miles each side of the 037° bearing from the Nevada Municipal Airport extending from the 7-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 037° and 217° bearings from Nevada Municipal Airport, extending from 3 miles southwest to 18½ miles northeast of the airport, excluding the portion which overlies the Grandview, Mo., 1,200-foot floor transition area.

New Bern, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); excluding the portion within R-5306A.

Newberry, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Luce County Airport (latitude 46°18'30" N., longitude 85°27'00" W.); within 3 miles each side of the 301° bearing from Luce County Airport, extending from the 6½-mile radius to 8 miles northwest of the airport; and within 3 miles each side of the 103° bearing from Luce County Airport, extending from the 6½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 301° bearing from Luce County Airport, extending from the airport to 18½ miles northwest of the airport; and within 4½ miles north and 9½ miles south of the 103° bearing from Luce County Airport, extending from the airport 18½ miles east of the airport, excluding the portion which overlies the Sault Ste. Marie, Mich., transition area.

Newburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°30'34" N., 74°05'44" W. of Stewart AFB, Newburgh, N. Y., and within 2 miles S of the Stewart TACAN 253° radial clockwise to 2 miles NE of the Stewart TACAN 328° radial extending from the 12-mile radius area to 16 miles W and NW of the TACAN.
PENDING AMENDMENT
Add the following to the description of the Newburgh, N. Y., 700-foot floor transition area:
and within 3.5 miles each side of the Orange County Airport, Montgomery, N. Y., ILS localizer south course, extending from the OM to a point 14 miles south of the OM.

AMENDMENTS 2/1/73 37 F. R. 25489 (Changed)

Newburyport, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°47'45" N., 70°50'25" W.) of Plum Island Airport, Newburyport, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

New Castle, Pa.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (lat. 41°01'34" N., long. 80°24'49" W.) of New Castle Municipal Airport, New Castle, Pa.; within 3 miles each side of the Castle VOR (lat. 41°01'32" N., long. 80°24'58" W.) 043° radial, extending from the VOR to 8.5 miles northeast and within 3 miles each side of the Castle VOR 217° radial, extending from the VOR to 8.5 miles southwest.

Newcastle, Wyo.
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Newcastle VOR (latitude 43°52'54" N., longitude 104°18'26" W.), 154° and 334° radials extending from 6 miles northwest to 18.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the north edge of V-86, on the east by an arc of a 53-mile radius circle centered on Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.), on the south by the north edge of V-26, on the west by a line 5 miles west of and parallel to the Newcastle VOR 360° radial, excluding the airspace within a 3-mile radius of Schloredt, Wyoming Airport (latitude 44°23'30" N., longitude 104°24'30" W.).

New Jersey
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Jersey including the offshore airspace within 3 nautical miles east of and parallel to the shoreline; that airspace east of Long Branch, NJ., bounded by latitude 40°17'30" N., longitude 73°54'45" W., to latitude 40° 12'55" N., longitude 73°19'00" W.; to latitude 39°58'40" N., longitude 73°38'35" W., to latitude 39°37' 30" N., longitude 74°07'00" W., thence north along that line 3-NM east and parallel to the State of New Jersey shoreline to latitude 40°17'30" N., longitude 73°54'45" W.; that airspace extending upward from 2,000 feet above the surface bounded on the northwest by the southeast boundary of V-139, on the northeast by the southwest boundary of Control 1147, on the south by a line along latitude 39°44'00" N. The airspace within W-107 below 2,000 feet and within Control 1147 is excluded.

AMENDMENTS 7/20/72 37 F. R. 10565 (Added)

New Madrid, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of County Memorial Airport (latitude 36°32'10" N., longitude 89°35'50" W.); and within 2 miles each side of the Malden, Mo., VOR 95° radial, extending from the 5-mile radius area to 8 miles east of the VOR, excluding the portion which overlies the Malden, Mo., 700-foot floor transition area.

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New Mexico
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Mexico, excluding that airspace north of a line beginning on the Arizona/New Mexico State line at lat. 35° 31'00" N., thence to lat. 35°52'00" N., long. 108°47'00" W., to lat. 35°47'30" N., long. 108° 34'00" W., thence along long. 108°34'00" W. to and along the north boundary of V-291N to and clockwise along the arc of a 46-mile radius circle centered at the Albuquerque VORTAC to lat. 35°37'35" N., long. 106°24'48" W., to lat. 35° 47'00" N., long. 106°15'00" W., to lat.
35°47'00" N., long. 106°12'30" W., to lat. 36°05'35" N., long. 106°09'50" W., to lat. 36°03'40" N., long. 105° 52'20" W., to lat. 35°47'00" N., long. 105°54'40" W., to lat. 35°47'00" N., long. 105°50'00" W., thence along long. 105°50'
00" W. to and along the north boundary of V-19 to long. 105°16'30" W., to lat. 36°00'00" N., long. 105°07' 00" W., thence along lat. 36°00'00" N., to and along the north boundary of V-190 to the New Mexico/Texas State line, excluding R-5101, R-5107B, and the portion of R-5107A north of lat. 32°18'00" N., excluding that airspace bounded by a line beginning on the Arizona/New Mexico State line at lat. 34°18'00" N., thence to the south boundary of V-264 at long. 108°54'00" W., thence along the south boundary of V-264 to and south along long. 107°00'00" W. to and along the northwest boundary of V-19 to lat. 33°35'00" N., to lat. 33°35'00" N., long. 107°20'00" W., to the northwest boundary of V-202 at long. 107°25'00"W., thence along the northwest boundary of V-202 to lat. 32°59'00" N., to lat. 32°35'00" N., long. 108°37'00" W., to the Arizona/New Mexico State line at lat. 32°25'00" N., thence along the State line to point of beginning, excluding that airspace south of V-66 and excluding that airspace below 11,500 feet MSL bounded by a line beginning at lat. 33°57'00" N., long. 105°27'00" W., thence to lat. 33°12'50" N., long. 105°27'00" W., to lat. 33°10'20" N., long. 105°38'00" W., thence counterclockwise along the arc of a 35-mile radius circle centered at lat. 32°51'04" N., long. 106° 06'05" W. to and along long. 106°04'00" W. to and along the south boundary of V-264 to long. 105°50'30" W., thence to point of beginning.

Newnan, GA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newnan-Coweta County Airport (lat. 33°19'06" N., long. 84°46'18" W.); within 2.5 miles each side of LaGrange VORTAC 053° radial, extending from the 5-mile radius area to 19.5 miles northeast of the VORTAC.
AMENDMENTS 3/30/72 37 F. R. 776 (Added)

New Orleans, La.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'25" N., longitude 90°16'35" W.; to latitude 30°08'20" N., longitude 90°02'30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.); to latitude 30°02'20" N., longitude 89°54'20" W.; to latitude 29°49'40" N., longitude 89°54'20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); to latitude 29°44'45" N., longitude 90°05'25" W.; to latitude 29°53'45" N., longitude 90°20'00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29°59'25" N., longitude 90°15'15" W.); to point of beginning; and within 2 miles each side of the Harvey VOR 053° radial extending from the VOR to 8 miles NE;

New Philadelphia, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Harry Clever Field (latitude 40°28'15" N., longitude 81°25'10" W.).

Newport, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newport Municipal Airport (lat. 35°38'25" N., long. 91°10'55" W.), and within 3.5 miles each side of the 163° bearing from the Newport RBN (lat. 35°38'30" N., long. 91°10'00" W.) extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

Newport, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newport Municipal Airport (latitude 44°34'45" N., longitude 124°03'30" W.); within 2 miles each side of the Newport VORTAC 005° radial, extending from the 5-mile radius area to 10 miles N of the VORTAC; within 2 miles each side of the Newport VORTAC 044° radial, extending from the 5-mile radius area to 13 miles NE of the VORTAC; and within 2 miles each side of the Newport VORTAC 184° radial, extending from the 5-mile radius area to 9.5 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 8 miles E of the Newport VORTAC 005° and 184° radials, extending from 12 miles N to 12 miles S of the VORTAC, and within lines 5 miles each side of the Newport VORTAC 237° radial including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to a line extending through latitude 44°35'00" N., longitude 124°17'30" W. and latitude 44°22'00" N., longitude 124°13'25" W.; and that airspace between the arcs of a 12 and 16.5-mile
radius circle centered on the Newport VORTAC, extending counterclockwise from the 044° radial to a line 5 miles west of a parallel to the 005° radial of the VORTAC.

Newport, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°53'22" N., 72°13'48" W., of Newport State Airport, Newport, Vt.,; within 2 miles each side of a bearing 032° from the Newport
radio beacon extending from the 5-mile radius area to 8 miles northeast of the radio beacon, excluding the portion overlying Canada. This transition area is effective from sunrise to sunset, daily.

Newton, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Newton Municipal Airport (latitude 41°40'40" N., longitude 93°01'25" W.); and within 2 miles each side of the Newton VOR 149° radial extending from the 4-mile radius area to the VOR.

Newton, Kans.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Newton Municipal Airport (latitude 38°03'20" N., longitude 97°16'35" W.).

New Ulm, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Ulm Municipal Airport (latitude 44°19'15" N., longitude 94°30'05" W.); and within 2 miles each side of the 307° bearing from New Ulm Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 307° bearing from New Ulm Municipal Airport extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 127° bearing from New Ulm Municipal Airport, extending from the airport to 12 miles southeast of the airport.

New York, N. Y.
That airspace extending upward from 700 feet above the surface beginning at latitude 41°07'30" N., longitude 73°57'00" W.; to latitude 41°01'00" N., longitude 74°00'00" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°24'20" N., longitude 74°45'40" W.; to latitude 40°31'15" N., longitude 74°42'30" W.; to latitude 40°38'00" N., longitude 74°49'30" W.; to latitude 40°55'00" N., longitude 74°31'00" W.; to latitude 40°57'00" N., longitude 74°33'00" W.; to latitude 41°03'00" N., longitude 74°27'00" W.; to latitude 41°02'30" N., longitude 74°21'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to the point of beginning; including that airspace 5 miles N and 3 miles S of the Solberg, NJ., VORTAC 298° radial extending from the VORTAC to a point 10 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface beginning at latitude 41°19'00" N., longitude 74°00'00" W.; to latitude 41°12'00" N., longitude 74°00'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 40°49'00" N., longitude 74°37'00" W.; to latitude 41°19'00" N., longitude 74°33'00" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°30'00" N., longitude 73°36'00" W.; thence via latitude 40°30'00" N. to the W edge of V-139; thence along the west edge of V-139 to latitude 40°12'55" N., longitude 73°19'00" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude
40°18'30" N., longitude 73°39'30" W.; to the point of beginning. The airspace within W-106 below 3,000 feet MSL and that airspace within Control Area 1147 are excluded.

AMENDMENTS 5/25/72 37 F. R. 6051 (Changed)

Nome, Alaska
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Nome VOR. extending clockwise from the 319° radial to the 125° radial; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Nome VOR.

Norfolk, Nebr.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Norfolk VOR.

Norfolk, Va.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 37°10'35" N., long. 76°17'35" W., to lat. 36°49'45" N., long. 75°52'05" W., to lat. 36°29'25" N., long. 76°09'40" W., to lat. 36°35'40" N., long. 76°18'40" W., to lat. 36°54'00" N., long. 76°27'30" W., to lat. 36°54'00" N., long. 76° 36'15" W., to lat. 37°11'30" N., long. 76°46'40" W., to lat. 37°16'10" N., long. 76°39'25" W., to lat. 37°11' 50" N., long. 76°16'20" W., thence to the point of beginning; within 2 miles southeast and 5 miles northwest of the Langley AFB, Hampton, Va. (lat. 37°05'05" N., long. 76°21'25" W.) Runway 7 centerline extended 15 miles northeast of the end of Runway 7; within the arc of an 8.5-mile radius circle centered on Patrick Henry Airport, Newport News, Va. (lat. 37°07'51" N., long. 76°29'35" W.) extending clockwise from a 323° bearing to a 066° bearing from the center of the airport; within 3.5 miles each side of the Patrick Henry Airport ILS localizer southwest course, extending from the LOM to 11.5 miles southwest, and within a 9-mile radius of Oceana NAS (Soucek Field) (latitude 36°49'30" N., longitude 76°01'45" W.).

AMENDMENTS 8/17/72 37 F. R. 12715 (Changed)

North, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.); excluding the portion within Columbia transition area. This transition area is effective during the specific dates
and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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North Bend, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within 2 miles each side of the North Bend VORTAC 023° radial, extending from the VORTAC to 8 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 044° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 090° radial, extending from the VORTAC to 8 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the VORTAC to 13 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the North Bend VORTAC 270° radial, extending from the VORTAC to 10 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the North Bend VORTAC, extending clockwise from the east edge of V-27, south of the VORTAC to the east edge of V-287 north of the VORTAC; within 5 miles north and 8 miles south of the North Bend VORTAC 090° radial, extending from the VORTAC to 12 miles east of the VORTAC.

North Carolina
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of North Carolina including that airspace within 3 nautical miles of and parallel to the shoreline of North Carolina; and including the additional airspace bounded by a line beginning at latitude 34°09'45" N., longitude 77°45'45" W., to latitude 34°03'05" N., longitude 77°42'30" W., to latitude 34°01'05" N., longitude 77°50'05" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace bounded by a line beginning at latitude 33°50'30" N., longitude 78°23'45" W., to latitude 33°45'50" N., longitude 78°31'00" W., to latitude 33°48'10" N., longitude 78°31'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south and west by a line 3 nautical miles from and parallel to the shoreline and on the north by latitude 36°33'30" N., excluding that airspace within R-5306A, B and C, R-5311.

AMENDMENTS 3/29/72 37 F. R. 6382 (Changed)

North Conway, N. H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°01'25" N., 71°06'45" W.), of White Mountain Airport, North Conway, N. H.; within 2 miles each side of a 128° bearing from the North Conway, N. H., RBN (44°01'26" N., 71°06'59" W.), extending from the 5-mile radius area to 8 miles southeast of the RBN.
That airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of a 128° bearing from the North Conway, N. H., RBN extending from the RBN to 12 miles southeast of the RBN; within 5 miles each side of a direct line extending from the Dalton, NH., RBN (44°21'43" N., 71°41'08" W.), to the North Conway, NH., RBN; within 5 miles each side of a direct line extending from the Montpelier, Vt., VOR to the North Conway, N. H., RBN; within 5 miles each side of a direct line extending from the Lebanon, N. H., VOR to the North Conway, N. H., RBN and within 5 miles each side of a line bearing 116° from the North Conway, N. H., RBN extending from the RBN to the northwest boundary of the Portland, Maine, 1,200-foot transition area, excluding those portions that coincide with the Berlin, N. H., Lebanon, N. H., and Burlington, Vt., 1,200-foot transition areas. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 7/1/72 37 F. R. 13085 (Changed)

North Hilo, Hawaii
That airspace extending upward from 1,200 feet above the surface north of Hilo, Hawaii, bounded on the south by V-1 Hawaii, and on the west, north and east by a line extending from V-1 Hawaii, through latitude 20°30'00" N., longitude 155°33'30" W.; to latitude 20°45'00" N., longitude 155°43'00" W.; thence along latitude 20°45'00" N.; to longitude 155°27'00" W.; thence through latitude 20°27'22" N., longitude 155°15'00" W., to V-1 Hawaii.

North Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 234° bearing from the Wings Field, Philadelphia, Pa., RBN (latitude 40° 07' 33" N., longitude 75° 17' 08" W.) extending from the RBN to 8 miles SW of the RBN, within a 7-mile radius of the North Philadelphia Airport (latitude 40° 04' 45" N., longitude 75° 00' 35" W.); within a 7-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.) and including the airspace beginning at latitude 40° 17' 40" N., longitude 75° 21' 15" W., to latitude 40° 24' 10" N., longitude 75° 09' 20" W., to latitude 40° 18' 10" N., longitude 75°03'50" W., to latitude 40°22'05" N., longitude 74°52'00" W., to latitude 40°10'30" N., longitude 74°48'00" W., to latitude 40°07'30" N., longitude 74°53'30" W., to latitude 40°02'40" N., longitude 75° 08' 00" W., to latitude 40° 04' 30" N., longitude 75° 18' 50" W., to latitude 40° 07' 00" N., longitude 75° 22' 00" W., to point of beginning.

North Platte, Nebr.
That airspace extending upward from 700' above the surface within a 10-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the North Platte VOR.

Northway, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Northway RR, extending from 8 miles SE to 12 miles NW of the RR; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway RR, extending from 22 miles SE to 42 miles NW of the RR.

Oakland, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center lat. 39° 34'49" N., long. 79°20'25" W. of Garrett County Airport, Oakland, Md., and within 2 miles each side of the Grantsville VORTAC 256° radial, extending from the 6-mile radius area to 9 miles west of the VORTAC.

Ocala, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ocala Municipal (Jim Taylor Field) Airport (lat. 29°10'18" N., long. 82°13'26" W.).

Ocean City, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 38°18'35" N., long. 75°07'09" W. of Ocean City Airport, Ocean City, Md.; within 2.5 miles each side of the Snow Hill, Md., VORTAC 047° radial, extending from the 5-mile radius area to 18.5 miles northeast of the VORTAC and within 2.5 miles each side of the Salisbury, Md., VORTAC 097° radial, extending from the 5-mile radius area to 15.5 miles east of the VORTAC, excluding the portion outside the United States.

AMENDMENTS 12/7/72 37 F. R. 20806 (Rewritten)

Oceanside, Calif.
That airspace extending upward from 700 feet above the surface between the Oceanside VORTAC 316° and 136° radials and a line 5 miles northeast of and parallel to the Oceanside VORTAC 316° and 136° radials, extending from latitude 33°15'00" N., to 5 miles northwest of the VORTAC.

Oelwein, Iowa
That airspace extending upward from 700 feet above the surface within a 6-statute mile radius of the Oelwein Municipal Airport (latitude 42°41'04" N., longitude 91°58'42" W.); and within 3.5 statute miles each side of the 303° bearing from the airport reference point extending from the 6-mile radius to 11.5 miles northwest of the airport.

AMENDMENTS 11/9/72 37 F. R. 18714 (Added)

Ogden, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°27'00" N., on the east by longitude 111°55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC;
that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°50'00" W., on the S by latitude 41°00'00" N., on the W by longitude 112°45'00" W., and on the N by the N boundary of V-288, that airspace W of Ogden bounded on the S and W by the Wendover, Utah, transition area, on the N by V-6 and on the E by longitude 112°45'00" W., that airspace W of Ogden bounded on E by longitude 112°45'00" W., on the S by V-6 and on the N by V-288, that airspace NW of Ogden within 10 miles SW and 6 miles NE of the Ogden VORTAC 316° radial, extending from the N boundary of V-288 to 63 miles NW of the VORTAC, that airspace N of Ogden within 10 miles W and 7 miles E of the Ogden VORTAC 345° radial, extending from the N boundary of V-288 to 42 miles N of the VORTAC; that airspace E of Ogden extending upward from 10,500 feet m.s.l. bounded on the N by V-288 on the S by V-6 and on the W by longitude 111°50'00" W., and that airspace bounded on the N by V-6, on the SE by V-32, on the S by latitude 41°00'00" N., and on the W by longitude 111°50'00" W.

Ogdensburg, N.Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°40'52" N., 75°28'05" W. of Ogdensburg Municipal Airport, Ogdensburg, N.Y., excluding the portion over Canada; within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon.
That airspace extending upward from 1,200 feet above the surface beginning at 44°16'00" N., 75°30'00" W. to 44°16'00" N., 76°10'00" W., thence NE along the U.S./Canadian border to 44°56'00" N., 75°05'00" W. to 44°42'00" N., 75°05'00" W. to point of beginning.

Ohio
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Ohio.

AMENDMENTS 8/17/72 37 F. R. 11859 (Added)

Oklahoma
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Oklahoma, excluding the portion within R-5601A.

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Oklahoma City, Okla.
That airspace west of longitude 97°10'00" W. extending upward from 700 feet above the surface within a 23-mile radius of latitude 35°24'25" N., longitude 97°23'50" W.; within 10 miles west and 5 miles east of the Will Rogers World Airport, runway 35R ILS south course, extending from the LOM to 18.5 miles south of the LOM; and within a 5-mile radius of the Cimarron, Okla., Municipal Airport (latitude 35°29'15" N., longitude 95°49'00" W.).

Okmulgee, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Okmulgee, Okla., Airport (latitude 35°39'45" N., longitude 95°56'45" W.); and within 8 miles S and 5 miles N of the Okmulgee VOR 068° Radial extending from the VOR to 12 miles E.

Olean, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 42°14'20" N., long. 78°22'30" W. of Olean Municipal Airport and within 3.5 miles each side of the Olean, N. Y., RBN (lat. 42°17'20" N., long. 78°20'08" W.) 028° bearing extending from the 8-mile radius area to 11.5 miles northeast of the RBN. This transition area shall be effective 0700 to 2200 hours, local time, daily.

AMENDMENTS 12/7/72 37 F. R. 10355 (Rewritten)

Olney, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport, Olney, Ill. (latitude 38°43'20" N., longitude 88°10'25" W.); and within 2 miles each side of the 223° bearing from Olney-Noble Airport, extending from the 5-mile radius area to 8 miles SW of the airport.

Omaha, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); within 2 miles each side of the Eppley Field ILS localizer southeast course, extending from the 10-mile radius area to 15 miles southeast of the airport; and within 5 miles northeast and 8 miles southwest of the Eppley Field ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the OM; within a 10-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 6 miles northeast and 8 miles southwest of the Offutt AFB VOR 310° and 130° radials, extending from the 10-mile radius area to 12 miles southeast of the VOR; and within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 10-mile radius area to 8 miles northwest of the TACAN; within a 5-mile radius of Council Bluffs, Iowa, Municipal Airport (latitude 41°15'35" N., longitude 95°45'40" W.); and within 2 miles each side of the Omaha VORTAC 341° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area beginning southeast of Omaha at the north edge of V-216 and longitude 95°00'00" W.; thence north along longitude 95°00'00" W. to and east along the north edge of V-6, to and north along longitude 94°42'00" W., to and west along the south edge of V-172, to and north along longitude 95°18'00" W., to and west along latitude 41°43'00" N., to and south along longitude 96°25'00" W., to and east along latitude 41°30'00" W., to and south along longitude 96°23'00" W., to and east along the north edge of V-216 to the point of beginning.

Omak, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°27'50" N., longitude 119°31'00" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'13" N., longitude 119°30'56" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

Oneida, TN.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (lat. 36°27'23" N., long. 84°35'10" W.).

AMENDMENTS 4/27/72 37 F. R. 9105 (Rewritten)

O'Neill, Nebr.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of O'Neill Municipal Airport (latitude 42°28'10" N., longitude 98°41'15" W.); and within 3½ miles each side of the O'Neill VORTAC 315° radial, extending from the 5½-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of an 18½-mile radius circle centered on the O'Neill VORTAC, extending from the O'Neill VORTAC 228° radial clockwise to the O'Neill VORTAC 049° radial; and within the arc of a 9-mile radius circle centered on the O'Neill VORTAC, extending from the O'Neill VORTAC 049° radial clockwise to the O'Neill VORTAC 228° radial.

Oneonta, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°31'26" N., 75°03'56" W.), of Oneonta Municipal Airport, Oneonta, N. Y.; and within 2 miles each side of the Rockdale VOR 067° radial, extending from the 5-mile radius area to the Rockdale VOR, excluding the portion within the Sidney, N. Y. transition area.

Ontario, Oreg.
That airspace extending upward from 700 feet above the surface within 4.5 miles west and 9.5 miles east of the 168° and 348° bearings from the Ontario, Oreg., RBN, extending from 18.5 miles south to 6 miles north of the RBN.

Ontonagon, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ontonagon County Airport (latitude 46°50'47" N., longitude 89°21'29" W.); and within 3 miles each side of a 042° bearing from Ontonagon County Airport, extending from the 6-mile radius area to 7.5 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 042° bearing from Ontonagon County Airport, extending from the airport to 18½ miles northeast of the airport.

Opelousas, La.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of St. Landry Parish Airport (latitude 30°33'30" N., longitude 92°06'00" W.), and within 2.5 miles each side of the Lafayette VORTAC 347° radial extending from the 5-mile radius area to 22.5 miles north of the VORTAC.

Orangeburg, S. C.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport (latitude 33°27'40" N., longitude 80°51'30" W.); within 3 miles each side of the 226° bearing from Orangeburg RBN (latitude 33°26'23" N., longitude 80°52'41" W.), extending from the 7.5-mile radius area to 8.5 miles southwest of the RBN.

Orlando, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Herndon Airport (lat. 28°32'40" N., long. 81°19'55" W.); within an 8.5 mile radius of McCoy AFB (lat. 28°25'55" N., long. 81° 19'15" W.); within 3 miles each side of Orlando VORTAC 175° radial, extending from the 8.5-mile radius area to 23 miles south of the VORTAC; within 3 miles each side of McCoy ILS localizer south course, extending from the 8.5-mile radius area to 9.5 miles south of the OM; within a 6.5-mile radius of Kissimmee Municipal Airport (lat. 28°17'30" N., long. 81°26'15" W.); within 3 miles each side of the 165° and 322° bearings from Kissimmee RBN (lat. 28°17'21" N., long. 81°26'05" W.), extending from the 6.5-mile radius area to 8.5 miles south and northwest of the RBN.

AMENDMENTS 7/20/72 37 F. R. 10564 (Changed)

Osceola, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Osceola Municipal Airport (latitude 45°18'40" N., longitude 92°41'30" W.); and within 3 miles each side of the 114° bearing from Osceola Municipal Airport, extending from the 6½-mile radius to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 114° and 294° bearings from Osceola Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport.

Oscoda, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 7-mile radius area to 14 miles SW of the TACAN; and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 7-mile radius area to 14 miles NE of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Wurtsmith AFB; within 5 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 30-mile radius to 40 miles E of the TACAN; and within the area bounded on the NW by a line 5 miles NW and parallel to the 238° bearing from the Wurtsmith AFB OM, on the NE by the 30-mile radius area, on the SE by a line 5 miles SE and parallel to the 216° bearing from the Wurtsmith AFB OM, and on the SW by the arc of a 33-mile radius circle centered on the Wurtsmith AFB OM.

Oshkosh, Nebr.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Oshkosh Municipal Airport (latitude 41°22'55" N., longitude 102°21'12" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 302° bearing from Oshkosh Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

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Oshkosh, Wis.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3½ miles each side of the 275° radial of the Oshkosh VOR extending from the 10-mile radius area to 12 miles west of the VOR; within 9½ miles west and 4½ miles east of the 008° radial of the Oshkosh VOR extending from the 10-mile radius area to 18½ miles north of the VOR; within 9½ miles east and 4½ miles west of the 182° radial of the Oshkosh VOR extending from the 10-mile radius area to 18½ miles south of the VOR; within an 8½-mile radius of the Fond du Lac County Airport (latitude 43°46'10" N., longitude 88°29'30" W.); and within 9½ miles south and 4½ miles north of a 275° bearing from the Fond du Lac County Airport, extending from the 8½-mile radius area to 18½ miles west of the airport excluding the portion which overlies the Appleton, Wis., 700-foot floor transition area.

AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Oswego, KS.
That airspace extending upward from 1,200 feet above the surface beginning at latitude 37°00'00" N., longitude 94°57'30" W., thence NE to a point 22 miles west of the 358° radial of the Neosho, MO, VORTAC and 5 miles south of the 085° radial of the Oswego, KS, VORTAC, thence west along a line 5 miles south of the 085° radial of the Oswego, KS, VORTAC to a point 7 miles east of the 206° radial of the Oswego, KS, VORTAC, thence northeast along a line 7 miles east of and parallel to the 206°/027° radials of the Oswego, KS, VORTAC to a point 20 miles northeast of the Oswego VORTAC, thence northwest to a point 10 miles NW of the 027° radial of the Oswego VORTAC, thence southwest parallel to the 027° radial of the Oswego VORTAC to a point 7 miles northeast of the 306° radial of the Oswego VORTAC, thence northwest parallel to the 306° radial of the Oswego VORTAC to a point 5 miles east of the 186° radial of the Chanute, KS, VORTAC, thence S parallel to the 186° radial of the Chanute, KS, VORTAC to the 37° parallel (latitude 37°00'00" N.), thence to the point of beginning, excluding the Parsons, KS, transition area.

AMENDMENTS 8/17/72 37 F. R. 12062 (Rewritten)

Oswego, N. Y.
That airspace extending upward from 1,200 feet AGL beginning at lat. 43°37'00" N., long. 76°45'00" W.; to lat. 43°24'00" N., long. 76°45'00" W.; to lat. 43°24'00" N., long. 78°00'00" W.; to lat. 43°37'00" N., long. 78°00'00" W.; to the point of beginning.

AMENDMENTS 12/7/72 37 F. R. 20160 (Added)

Ottumwa, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ottumwa Industrial Airport (latitude 41°06'20" N., longitude 92°26'50" W.) and within 2 miles each side of the Ottumwa VORTAC 309° radial extending from the 6-mile radius area to 13 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of a line 5 miles south of and parallel to the Ottumwa 251° radial and the arc of a 25-mile radius circle centered on the Ottumwa VORTAC, thence clockwise along the arc of a 25-mile radius circle centered on the Ottumwa VORTAC, to and south along a line 5 miles east of and parallel to the Ottumwa VORTAC 026° radial, to and clockwise along the arc of a 15-mile radius circle centered on the Ottumwa VORTAC, to and west along a line 5 miles south of and parallel to the Ottumwa VORTAC 251° radial to the point of beginning.

Owensboro, Ky.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 3.5 miles each side of Owensboro VOR 181° radial, extending from the 9-mile radius area to 8.5 miles south of Masonville RBN (lat. 37°39'35" N., long. 87°10'17"W.).

Oxford, Conn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius area of the center of lat. 41°28'45" N., long. 73°08'10" W. of Waterbury-Oxford Airport, Oxford, Conn., and within 4 miles each side of the Oxford, Conn., RBN (lat. 41°31'45" N., long. 73°08'36" W.) 354° bearing extending from the 7-mile radius area to 10 miles north of the RBN.

Oxford, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.); within 3 miles each side of the 280 bearing from Oxford RBN (latitude 34°23'00" N., longitude 89°32'30" W.), extending from the 5-mile radius area to 8.5 miles west of the RBN.

Oxford, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 225° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

Oxnard, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Point Mugu RBN; that airspace extending upward from 1,200 feet above the surface bounded on the east by long. 118°50'00" W., on the south by lat. 34°00'00" N., on the west by long 120°00'00" W., and on the north by a line extending from lat. 34°20'00" N., long. 120°00'00" W.; to lat. 34°20'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 118°50'00" W.; within the arc of a 34-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 165° radial to the 255° radial, and within 14 miles southeast and 9 miles northwest of the Point Mugu TACAN 220° radial, extending from the 34-mile radius area to 49 miles southwest of the TACAN, excluding the portion within W-412; and that airspace extending upward from 5,000 feet MSL bounded on the north by latitude 34°15'00" N., on the east by longitude 120°00'00" W., on the south by latitude 34°00'00" N., and on the west by longitude 120°30'00" W., excluding the portion within the Santa Barbara, Calif., transition area.

Paducah, Ky.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 5 miles each side of Cunningham VORTAC 225° radial, extending from the 10-mile radius area to 11.5 miles southwest of the VORTAC.

Pahokee, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Beach County Glades Airport (lat. 26°47'15" N., long. 80°41'45" W.); within 3 miles each side of Pahokee VORTAC 342° radial, extending from the 5-mile radius area to 9.5 miles north of the VORTAC.

AMENDMENTS 10/13/72 37 F. R. 22729 (Changed)

Palacios, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VORTAC 308° radial extending from the VORTAC to 8 miles NW, and within 2 miles each side of the Palacios VORTAC 176° radial extending from the Palacios VORTAC to the intersection with the Matagorda Island AFB VOR 033° radial and within 2 miles each side of the Matagorda Island AFB VOR 033° radial extending from its intersection with the Palacios VORTAC 176° radial to 16 miles NE of the Matagorda Island AFB VOR.

Palestine, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palestine Municipal Airport (latitude 31°47'00" N., longitude 95°42'10" W.), and within 2 miles each side of the 208° bearing from the Palestine RBN (latitude 31°46'48" N., longitude 95°42'03" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

Palm Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within a 6.5-mile radius of Palm Beach County Park Airport (lat. 26°35'15" N., long. 80°05'15" W.); excluding the portion outside the continental limits of the United States.

AMENDMENTS 3/30/72 37 F. R. 2836 (Changed)

Palmdale, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles S and 7 miles N of the Palmdale VORTAC 298° radial extending from the VORTAC to 18 miles NW; within 6 miles S and 12 miles N of the Palmdale VORTAC 298° and 118° radials extending from 11 miles NW to 13 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°36'30" N., longitude 118°45'00" W., to latitude 35°44'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°35'00" W., to latitude 35°36'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°06'30" W., to latitude 35°34'30" N., longitude 116°29'40" W., to latitude 35°34'30" N., longitude 116°23'30" W., to latitude 35°28'35" N., longitude 116°18'45" W., to latitude 35°21'30" N., longitude 116°13'00" W., to latitude 34°43'00" N., longitude 116°13'00" W., thence W along latitude 34°43'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to latitude 34°30'00" N., thence W along latitude 34°30'00" N., to longitude 118°20'00" W., thence N along longitude 118°20'00" W., to the S boundary of V-137, thence W along the S boundary of V-137 to longitude 118°45'00" W., thence to point of beginning.

Palmer, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42° 13'25" N., 72°18'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 2 miles each side of the 202° bearing from the Palmer, Mass., RBN, 42°13'26" N., 72° 18'47" W., extending from the 5-mile radius area to 8 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

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Palm Springs, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), within 2 miles NE and 5 miles SW of the Palm Springs VOR 120° and 300° radials, extending from 3 miles NW to 8.5 miles SE of the VOR, and within 3 miles S of the 104° bearing from the Palm Springs Airport, extending from the 5-mile radius area to 10 miles E of the airport.

Pampa, TX.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 3½ miles each side of the 001° bearing from the Pampa RBN (latitude 35°36'40" N., longitude 100°59'45" W.), extending from the 7-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 8/17/72 37 F. R. 12562 (Rewritten)

Panama City, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within an 8.5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 3 miles each side of the Panama City VOR 059° and 310° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VOR; excluding the airspace outside of the continental limits of the United States.

Paragould, Ark.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (latitude 36°03'52" N., longitude 90°30'45" W.), and within 2 miles each side of the 235° bearing from the Paragould RBN (latitude 36°03'52" N., longitude 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN excluding the portion within the Jonesboro, Ark., control zone.

Paris, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (lat. 36°20'15" N., long. 88°23'00" W.); within 3 miles each side of the 213° and 353° bearings from Paris RBN (lat. 36°20'28" N., long. 88°22'46" W.), extending from the 5-mile radius area to 8.5 miles southwest and north of the RBN.

Paris, Tex.
That airspace extending upward from 700 feet above the aurface within a 6-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.), and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 6-mile radius area to the VOR.

Parker, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker VORTAC 071° and 251° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Parkersburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.; within 2 miles each side of the Parkersburg VOR
208° and 028° radials extending from the 6-mile radius area to 8 miles northeast of the VOR.

Park Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Park Rapids Municipal Airport (latitude 46°53'55" N., longitude 95°04'15" W.); and within 3 miles each side of the 132° bearing from Park Rapids Municipal Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° and 312° bearings from Park Rapids Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portion north of latitude 47°00'00" N.; and within 5 miles each side of the 307° bearing from Park Rapids Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Parsons, Kansas
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Tri-City Airport (latitude 37°20'00" N., longitude 95°30'30" W.), and within 5 miles E and 8 miles W of a 359° bearing from the Tri-City Airport, extending from the Airport to a point 12 miles N; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 5 miles SW of the Oswego VOR 306° radial extending from the Oswego VOR to the Tri-City Airport, and within 5 miles E and 5 miles W of the Chanute VOR 166° radial extending from the Chanute VOR to the Tri-City Airport excluding the Oswego and Chanute transition areas.

Pascagoula, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (latitude 30°22'43" N., longitude 88°29'37" W.); within 3 miles each side of the 060° bearing from Pascagoula RBN (latitude 30°22'53" N., longitude 88°29'33" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Pasco, Wash.
That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 6 miles southeast of the Pasco VOR 046° and 226° radials extending from 23 miles northeast to 12 miles southwest of the VOR within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial extending from the VOR to 18.5 miles southeast of the VOR.
That airspace extending upward from 1,200 feet above the surface, southwest of Pasco, Wash., bounded on the north by the south edge of V-298, on the east by the west edge of V-112W and on the southwest by the northeast edge of V-4.

AMENDMENTS 3/2/72 37 F. R. 13 (Changed)
AMENDMENTS 6/22/72 37 F. R. 7880 (Changed)

Paso Robles, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VORTAC 332° and 342° radials, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.) to 10 miles NW of the VOR, and within 2 miles each side of the Paso Robles VORTAC 149° radial, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VORTAC 149° and 329° radials, extending from 20 miles SE to 9 miles NW of the VORTAC, and within 12 miles NE and 7 miles SW of the 142° and 322° radials, extending from 9 miles SE to 24 miles NW of the VORTAC.

Patterson, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harry P. Williams Memorial Airport (latitude 29°42'40" N., longitude 91°20'18" W.), within 2.5 miles each side of the Tibby VORTAC 276° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the 228° bearing from the Patterson RBN (latitude 29°42'32" N., longitude 91°20'14" W.) extending from the 5-mile radius area to 11.5 miles southwest of the RBN.

Patuxent River, Md. NAS
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the NAS Patuxent River VOR, excluding the portion NW of a line extending from latitude 38°15'00" N., longitude 76°39'20" W., to latitude 38°26'20" N., longitude 76°14'00" W.

Peach Springs, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs VORTAC 074° and 254° radials, extending from 9 miles W to 20 miles E of the VORTAC. That airspace extending upward from 9,000 feet MSL bounded on the north by a line 5 miles north of and parallel to a direct line between the Grand Canyon, Ariz., VOR and the Boulder City, Nev., VORTAC, on the south by the north edge of V-210 and on the southwest by the northeast edge of V-105E.

Pecos, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos, Tex., Municipal Airport (latitude 31°23'45" N., longitude 103°30'50" W.); and within 2 miles each side of the Pecos VOR 146° radial, extending from the 6-mile radius area to the VOR.

Peebles, OH.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Electric Airport (latitude 33°55'25" N., longitude 83°19'40" W.).

AMENDMENTS 7/20/72 37 F. R. 9622 (Added)

Pekin, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Pekin Municipal Airport (latitude 40°29'25" N., longitude 89°40'20" W.); excluding the portion which overlies the Peoria, Ill., 700-foot floor transition area.

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Pellston, Mich.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); and within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Pellston VORTAC; within 4½ miles northwest and 9½ miles southeast of the Pellston VORTAC 238° radial extending from the 13-mile radius area to 32½ miles southwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the Pellston VORTAC 060° radial, extending from the 13-mile radius area to 18½ miles northeast of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Emmet County Airport, extending from the airport to 18½ miles southeast of the airport, excluding the portion which overlies the Sault Sainte Marie, Mich., transition area.

Pendleton, Oreg.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 45°41'30" N., longitude 118°47'24" W.; within 4.5 miles each side of the Pendleton VORTAC 254° radial extending from the 12-mile radius area to 12.5 miles west of the VORTAC; within 4.5 miles north and 1 mile south of the Pendleton 273° radial extending from the 12-mile radius area to 8 miles west of the VORTAC; and within 9.5 miles north and 5 miles south of the Pendleton 090° bearing from the Pendleton ILS OM (latitude 45°41'45" N., longitude 118°43'46" W.), extending from the 12-mile radius area to 18.5 miles east of the OM; that airspace extending upward from 1,200 feet above the surface within 11 miles NE and 7 miles SW of the Pendleton VORTAC 137° radial extending from the 12-mile radius area to 50 miles SE of the VORTAC, within 10 miles S and 7 miles N of the Pendleton 254° radial extending from the 12-mile radius area to 33 miles W of the VORTAC, within 9.5 miles north and 5 miles south of the Pendleton 273° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC; within 6 miles southwest and 9 miles northeast of the Pendleton 310° radial, extending from the 12-mile radius area to 30 miles NW of the VORTAC, within 5 miles NW of the 025° radial and 5 miles SE of the 049° radial, extending from the 12-mile radius area to an arc of a 35-mile radius circle centered on the Pendleton VORTAC, that airspace within the arc of a 32-mile-radius circle centered on the Pendleton VORTAC extending clockwise from the southeast edge of V-112E to the northeast edge of V-298.

Pennington Gap, Va.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 36° 44'33" N., long. 83°01'50" W. of Lee County Airport, Pennington Gap, Va.

Pennsylvania
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°40'00" N., longitude 75°30'00" W., to latitude 42°10'00" N., longitude 75°25'00" W., to latitude 42°00'00" N., longitude 75°26'00" W., to latitude 42°00'00" N., longitude 75°00'00" W., to latitude 41°31'00" N., longitude 75°07'00" W., to latitude 40°56'16" N., longitude 75°11'04" W., to latitude 40°48'00" N., longitude 75°00'00" W., to latitude 40°49'00" N., longitude 74°37'00" W., to latitude 40°38'00" N., longitude 74°49'30" W., to latitude 40°31'15" N., longitude 74°42'30" W., to latitude 40°24'20" N., longitude 74°45'40" W., to latitude 40°16'10" N., longitude 74°39'20" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°18'20" N., longitude 75°36'40" W., to latitude 39°25'25" N., longitude 75°46'05" W., thence northerly along the Delaware State line to the Pennsylvania State line; thence westerly along the Pennsylvania State line to the intersection with the West Virginia and Ohio State lines; thence westerly along the Ohio State line to latitude 39°46'00" N., longitude 80°52'10" W.; thence within a 60-mile radius of the Imperial VORTAC extending clockwise to the 249° radial; thence along a 37-mile arc centered on the Imperial VORTAC, extending clockwise from the 249° radial to latitude 40°56'00" N., longitude 80°36'00" W., to latitude 40°56'00" N., longitude 80°51'00" W., to latitude 41°05'00" N., longitude 80°50'00" W., to latitude 41°28'00" N., longitude 81°10'00" W., thence counterclockwise via the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41°41'00" N., longitude 81°23'35" W.) to: latitude 41°50'55" N., longitude 81°05'30" W., to latitude 41°55'00" N., longitude 80°35'00" W., to latitude 42°14'00" N., longitude 80°41'00" W., to latitude 42°37'00" N., longitude 79°15'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°40'00" N., longitude 77°23'45" W., to latitude 42°41'30" N., longitude 76°23'00" W., thence to the point of beginning.

Pensacola, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer north course, extending from the 8.5-mile radius area to 8.5 miles north of Brent LOM; within a 9-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 7 miles each side of Forrest Sherman Field Runways 6/24 and 18/36 extended centerlines, extending from the 9-mile radius area to 12 miles northeast, south and southwest of the airport; within a 6-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20' 30" W.); within 9.5 miles southeast and 4.5 miles northwest of the 214° bearing from NAS Saufley UHF RBN, extending from the RBN to 18.5 miles southwest; within 9.5 miles southeast and 4.5 miles northwest of NAS Saufley VOR 234° radial, extending from the VOR to 18.5 miles southwest.

Peoria, IL.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Greater Peoria Airport (latitude 40°39'47" N., longitude 89°41'22" W.); within a 7-mile radius of the Ingersoll Airport (latitude 40°34'10" N., longitude 90°04'24" W.); within 9.5 miles south and 4.5 miles north of the Peoria VORTAC 279° radial, extending from the VORTAC to 18.5 miles west of the VORTAC; within 9.5 miles southwest and 4.5 miles northeast of the Greater Peoria Airport ILS localizer northwest course, extending from 3.5 miles northwest of the airport to 22 miles northwest of the airport; and within 6.5 miles northwest and 5 miles southeast of the Peoria VORTAC 052° radial, extending from the VORTAC to 12 miles northeast of the VORTAC.

AMENDMENTS 8/17/72 37 F. R. 13085 (Rewritten)

Perry, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perry Municipal Airport (latitude 41°49'35" N., longitude 94°09'30" W.); and within 2 miles each side of the 147° bearing from Perry Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 147° bearing from Perry Municipal Airport, extending from the airport to 12 miles southeast of the airport, excluding the portions which overlie the Jefferson, Iowa, transition area.

Perryton, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perryton Airport (latitude 36° 24' 45" N., longitude 100° 45' 00" W.), and within 2 miles each side of the 101° bearing from the Perryton RBN (latitude 36° 24' 46" N., longitude 100° 44' 17" W.) extending from the 5-mile radius area to 8 miles E of the RBN.

Perryville, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Perryville, Mo., Municipal Airport (latitude 37°51'55" N., longitude 89°51'45" W.) and within 2 miles each side of the Farmington, Mo., VORTAC 057° radial extending from the 8-mile radius area to 15 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection of lines 5 miles southwest of and parallel to the Farmington VORTAC 336° and 120° radials, thence northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 336° radial to and clockwise along the arc of a 13-mile radius circle centered on the Farmington VORTAC, to and northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 120° radial, to the point of beginning, and within 5 miles each side of the Farmington VORTAC 057° radial extending from the 13-mile radius area to 15 miles northeast of the VORTAC.

Petersburg, VA.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 37°11'00" N., long. 77°31'00" W. of Petersburg Municipal Airport, Petersburg, VA., and within 5 miles each side of the 226° bearing from the Petersburg RBN, lat. 37°07'48" N., long. 77°34'30" W., extending from the 8-mile radius area to 11.5 miles southwest of the RBN.

AMENDMENTS 10/12/72 37 F. R. 15984 (Rewritten); Corr: 37 F. R. 16475

Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Philadelphia International Airport(latitude 39° 52' 30" N., longitude 75° 14' 20" W.); within 2 miles each side of the Philadelphia International Airport ILS localizer W course, extending from the OM to 8 miles W of the OM; within a 5-mile radius of the Bridgeport, N. J., Airport (latitude 39° 47' 40" N., longitude 75° 20' 25" W.); within 2 miles each side of the 329° bearing from the Philadelphia ILS OM, extending from the OM to 8 miles NW of the OM; within 2 miles each side of the Woodstown, N. J., VOR 350 radial, extending from the VOR to 10 miles north of the VOR.

Philip, S. Dak.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Philip Airport (latitude 44°02'45" N., longitude 101°35'45" W.); that airspace bounded by a line 8 miles south of and parallel to the Philip, S. Dak., VORTAC 102° radial, extending from the VORTAC to 3 miles east of the VORTAC, and within 4.5 miles north and 9.5 miles south of the Philip VORTAC 282° radial, extending from the VORTAC to 18.5 miles west of the VORTAC.

Philipsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 40°53'05" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 067° radial extending from the 10-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the 342° bearing from the Ginter RBN extending from the 10-mile radius area to 8 miles NW of the RBN.

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Phillipsburg, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Phillipsburg Municipal Airport (latitude 39°44'15" N., longitude 99°19'00" W.); and within 3 miles each side of the 142° bearing from Phillipsburg Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 142° bearing from the Phillipsburg Municipal Airport, extending from the airport to 21 miles southeast of the airport.

Phoenix, Ariz.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°48'30" N., longitude 112°15'00" W., direct to latitude 33°34'45" N., longitude 111°32'15" W., thence clockwise via the arc of a 20-mile radius circle centered on Williams AFB (latitude 33°18'25" N., longitude 111°39°35" W.) to latitude 33°02'30" N., longitude 111°47'30" W., thence direct to latitude 33°16'00" N., longitude 112°31'00" W., thence via an arc of a 20-mile radius circle centered on Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) to point of beginning;
and that airspace extending upward from 1,200 feet above the surface bounded
by a line beginning at latitude 34°10'00" N., longitude 112°30'00" W.; thence to latitude 34°10'00" N., longitude 111°30'00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°43'00" W.; thence to the point of beginning. That airspace west of Phoenix extending upward
from 5,500 feet MSL bounded on the north by the south edge of V-16, on the east by longitude 113°00'00" W., on the south by the north edge of V-66 and on the west by longitude 114°00'00" W., and that airspace extending upward from 7,000 feet MSL bounded on the north by latitude 34°00'00" N., on the east by longitude 113°00'00" W., on the south by the north edge of V-16 and on the west by longitude 114°00'00" W., excluding that airspace within restricted areas R-2308A, R-2308B, and R-2307.
That airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-12, on the east by the west edge of V-327, on the south and southeast by the north and northwest boundary of the 1,200 foot portion of the transition area, and on the southwest by a line extending from latitude 34°05'00" N., longitude 112°37'00" W., to point of intersection of longitude 113°10'00" W., and the south edge of V-12.

Picayune, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30°31'20" N., longitude 89°42'25" W.); within 3.5 miles each side of Picayune VORTAC 334° radial, extending from the 5-mile radius area to 8 miles northwest of the VORTAC.
AMENDMENTS 10/16/72 37 F. R. 22973 (Changed)

Pierre, S. Dak.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 5 miles each side of the Pierre VORTAC 087° radial extending from the 8½-mile radius area to 7 miles east of the VORTAC; within 5 miles each side of the Pierre VORTAC 265° radial extending from the 8½-mile radius area to 18½ miles west of the VORTAC; within 5 miles each side of the Pierre ILS localizer northwest course extending from the 8½-mile radius area to 17½ miles northwest of the airport; within 3½ miles each side of the Pierre ILS localizer southeast course extending from the 8½-mile radius area to 18 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Pierre VORTAC.

AMENDMENTS 4/27/72 37 F. R. 3509 (Rewritten) Corr: 37 F. R. 5012
AMENDMENTS 12/7/72 37 F. R. 21929 (Rewritten)

Pine Bluff, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 5 miles each side of the Little Rock VORTAC 137° radial and the Pine Bluff VORTAC 007° and 186° radials extending from the Little Rock, Ark., transition area to 22.5 miles south of the Pine Bluff VORTAC.

Pine Mountain, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gardens-Harris County Airport (latitude 32°50'30" N., longitude 84°52'55" W.); within 3 miles each side of the 264° bearing from Pine Mountain RBN (latitude 32°50'30" N., longitude 84°52'36" W.), extending from the 8-mile radius area to 8.5 miles west of the RBN.

Pipestone, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pipestone Municipal Airport (latitude 43°59'10" N., longitude 96°18'05" W.); and within 3 miles each side of the 193° bearing from Pipestone Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 013° and 193° bearings from Pipestone Municipal Airport, extending from 5 miles north to 18½ miles south of the airport; and within 5 miles each side of the 013° bearing from Pipestone Municipal Airport, extending from the airport to 12 miles north of the airport.

Piqua, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°10' 00" N., 84°19'00" W. of Piqua Airport, Piqua, Ohio; and within 2 miles each side of the Dayton VOR 024° radial extending from the 4-mile radius area to the VOR.

Pitman, N. J.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°45' 00" N., 75°08'00" W. of Pitman Airport, Pitman, N. J., and within 2 miles each side of the Woodstown, N. J., VOR 047° radial extending from the 4-mile radius area to the VOR, excluding that portion within the Philadelphia Pa.. transition area. effective from sunrise to sunset, daily.

Pittsburgh, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 40°29'37" N., long. 80°13'54" W. of Greater Pittsburgh Airport, Pittsburgh, Pa.; within an 8.5-mile radius of the center, lat. 40°21'17" N., long. 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Cecil RBN extending from the 8.5-mile radius area to 11 miles west of the RBN; and within a 7-mile radius of the center, lat. 40°21'15" N., long. 80°11'16" W. of Campbell Airport, Bridgeville, Pa.

Pittsfield, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44° 46'05" N., 69°22'40" W. of Pittsfield Municipal Airport, Pittsfield, Maine and within 3.5 miles each side of the 350° bearing and the 170° bearing from the Burnham, Maine RBN 44°41'50" N., 69°21'30" W., extending from the 5-mile radius area to 10 miles south of the RBN.

Pittsfield, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°25'36" N., 73°17'30" W.,
of Pittsfield Municipal Airport, Pittsfield, Mass., and within 4.5 miles northwest and 6.5 miles southeast of the 061° bearing and the 241° bearing from the Berkshire, Mass., RBN lat. 42°28'05" N., long. 73°11'38" W., extending
from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN.

Pittstown, N. J.
That airspace extending upward from 700 feet above the surface within a 7-mile radius area of the center of lat. 40°33'59" N., long. 74°58'43" W. of Sky Manor Airport, Pittstown, N. J., and within 3 miles each side of the Solberg, N. J., VORTAC 265° radial extending from the 7-mile radius area to 22 miles west of the VORTAC.

Plainview, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex., (latitude 34°10'10" N., longitude 101°43'00" W.).

Platteville, Wis.
That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Platteville Municipal Airport (latitude 42°41'15" N., longitude 90°26'41" W.).

AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Plattsburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 44°39' 05" N., 73°28'10" W., of Plattsburgh AFB, Plattsburgh, N. Y.; within 2 miles each side of the airport ILS localizer north course extending from the 13-mile radius area to 12 miles north of the OM.

Plymouth, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Plymouth Municipal Airport (latitude 41°22'00" N., longitude 86°18'10" W.); within 2½ miles each side of the Knox, Ind. VOR 080° radial, extending from the 5-mile radius area to 12 miles east of the VOR; and within 2½ miles each side of the Knox VOR 081° radial, extending from the 5-mile radius area to 25½ miles east of the VOR.

Plymouth, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°54' 35" N., 70°43'45" W., of Plymouth Municipal Airport, Plymouth, Mass., and within 2 miles each side of the Whitman, Mass., VOR 129° radial extending from the 5-mile radius area to the VOR, and within 2 miles each side of the 204° bearing from the Plymouth, Mass., RBN , 41°54'32" N., 70°44'11" W. extending from the 5-mile radius area to 8 miles southwest of the Plymouth RBN, excluding that airspace which
coincides with the Boston, Mass., and Taunton, Mass., 700-foot transition areas.

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Plymouth, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mettetal Airport (latitude 42°20'55" N., longitude 83°27'25" W.); and within 2 miles each side of the Salem, Mich., VORTAC 120° and 128° radials, extending from the 5-mile radius area to the VORTAC, excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area and the Salem, Mich., transition area.

Pocatello, Idaho
That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 11 miles northwest of the Pocatello VORTAC 048° radial, extending from the VORTAC to 28 miles northeast of the VORTAC; within 9.5 miles north and 4.5 miles south of the 252° radial extending from 18.5 miles west to 1.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°11'30" N., longitude 112°10'00" W., thence to latitude 42°52'00" N., longitude 112°11'45" W., thence clockwise via a 23-mile radius arc centered on the Pocatello VORTAC to latitude 43°05'20" N., longitude 113°00'00" W., thence to latitude 43°20'30" N., longitude 112°45'30" W., thence to point of beginning.

Point Barrow, Alaska
That airspace extending upward from 700 feet above the surface within a 17-mile radius of latitude 71°18'00" N., longitude 156°43'00" W.

PENDING AMENDMENT
Point Barrow, Alaska
That airspace extending upward from 700 feet above the surface within 3 miles each side of the Browerville RBN (HMT) 155° bearing, extending from the control zone to 10 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of latitude 71°18'00" N., longitude 156°43'00" W.

AMENDMENTS 1/4/73 37 F. R. 23904 (Rewritten)

Point Lookout, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of School of the Ozarks Airport (latitude 36°37'25" N., longitude 93°13'45" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 127° bearing from School of the Ozarks Airport, extending from the airport to 18½ miles southeast of the airport, excluding the portion within the State of Arkansas.

Point Reyes, Calif.
That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V-27, on the SW by V-107, and on the W by V-199; and W of Point Reyes bounded on the E by V-199; on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'30" N., longitude 123°23'00" W., to 38° 43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

Ponca City, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport (latitude 36°43'40" N., longitude 97°05'50" W.) within 2 miles each side of the Pioneer, Oklahoma, VORTAC 289° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC.

Ponce, P. R.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Mercedita Airport Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of latitude 18°00'00" N.; within 9.5 miles south and 4.5 miles north of the Ponce VOR 111° radial, extending from the VOR to 18.5 miles east of the VOR.

Pontiac, MI.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Oakland-Pontiac Airport (latitude 42°39'53" N., longitude 83°25'01" W.); within 4.5 miles each side of the 112° radial of the Pontiac VORTAC extending from the 10-mile radius area to 22.5 miles southeast of the VORTAC; within 3.5 miles each side of the 272° radial of Pontiac VORTAC extending from the 10-mile radius area to 11.5 miles west of the VORTAC.

AMENDMENTS 3/30/72 37 F. R. 2835 (Rewritten)

Poplar Bluff, Mo.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'20" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east of the 009° and 189° bearings from Earl Field Memorial Airport, extending from 6 miles north to the Arkansas transition area, and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport extending from the airport to V-9.

Portal, Ariz.
That airspace extending upward from 1,200 feet above the surface within 13 miles north and 8 miles south of the Cochise, Ariz., VORTAC 096° radial extending from 20 miles east to 56 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by V-198, on the south by V-16, and on the west by longitude 108°49'00" W.

Port Angeles, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clallam County Airport, Port Angeles, Wash. (latitude 48°07'20" N., longitude 123°29'40" W.); within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles N and 5 miles S of the Port Angeles VOR 093° radial, extending from the VOR to 12 miles E of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-440, on the S by latitude 48°03'00" N., on the W by longitude 123°35'00" W. and on the N by the United States/Canadian border.

Port Clinton, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 30'55" N., long. 82°52'00" W. of Carl R. Keller Field, Port Clinton, Ohio.

Porterville, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porterville Municipal Airport (latitude 36°02'00" N., longitude 119°04'00" W.) and within 2 miles each side of the Porterville VOR 343 radial extending from the 5-mile radius area to 1 mile north of the VOR.

Port Huron, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Clair County Airport (lat. 42°54'40" N., long. 82°31'35" W.), within 3 miles each side of the 229° and 341° bearings from the St. Clair County Airport extending from the 7-mile radius area to 8.5 miles southwest and north of the airport, excluding the portion outside the United States.

Portland, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Steed Field (latitude 40°27'00" N., longitude 84°59'15" W.); and within 2 miles each side of the 100° bearing from Steed Field, extending from the 6-mile radius area to 8 miles East of the airport.

Portland, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°16'00" W., thence to latitude 43°50'00" N., longitude 69°18'00" W., to latitude 43°44'00" N., longitude 69°19'42" W., thence SW via the W boundary of Warning Area W-103 to long. 70°25'00" W., thence S via long. 70°25'00" W. to the NW boundary of Control 1141, thence SW via NW boundary Control 1141 to long. 70°30'15" W., thence N via long. 70°30'15" W. to lat. 42°41'15" N., long. 70° 30'15" W., thence 3 NM from and parallel to the United States shoreline to lat. 42°45'00" N., long. 70°37' 00" W., thence to latitude 42°53'00" N., longitude 71°05'00" W., to latitude 43°45'00" N., longitude 71°09'00" W., to latitude 44°06'00" N., longitude 70°43'00" W., to latitude 44°02'05" N., longitude 70°37'30" W., to latitude 44°13'30" N., longitude 70°11'30" W., to latitude 44°12'00" N., longitude 70°10'00" W., to latitude 44°05'00" N., longitude 70°23'00" W., to latitude 43°55'00" N., longitude 70°28'00" W., to latitude 43°50'00" N., longitude 70°12'00" W., to latitude 44°03'00" N., longitude 70°06'00" W., to latitude 44°09'00" N., longitude 69°57'00" W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine VOR to latitude 44°09'00" N., longitude 69°39'00" W., thence to the point of beginning, excluding the airspace below 2,000 feet MSL and the airspace above FL 450 within W-103 west of long. 70°25'00" W.

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Portland, Oreg.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.), within a 5-mile radius of Kelso-Longview, Washington Airport (latitude 46°07'12" N., longitude 122°53'58" W.), within 2 miles each side of the 012° bearing from the Kelso, Wash., RBN (latitude 46°09'14" N., longitude 122°54'40" W.), extending from the 5-mile radius area to 8 miles north of the RBN, within 5 miles northeast and 11 miles southwest of the 299° bearing from the Sauvies RBN, extending from the 23-mile radius area to 25 miles northwest of the RBN, and within 4.5 miles northeast and 9.5 miles southwest of the 119° bearing from the Lake LOM, extending from the 23-mile radius area to 18.5 miles southeast of the LOM; that airspace extending
upward from 1,200 feet above the surface within a 30-mile radius of the Portland International Airport; that airspace northwest of Portland extending from the 30-mile radius area bounded on the south by latitude 45°38'00" N., on the west by longitude 123°17'00" W., on the north by V-112, that airspace north of Portland within arcs of 30- and 38.5-mile radius circles centered on Portland International Airport extending clockwise from the east edge of V-23 to the northwest edge of V-448, that airspace north of the Kelso
RBN bounded on the north by latitude 46°26'00" N., on the east by a line 6 miles east of and parallel to the 021° bearing from the RBN, on the south by latitude 46°09'00" N., on the southwest by a line 5 miles southwest of and parallel to the 336° bearing from the RBN; that airspace south of the Kelso RBN bounded on the north by latitude 46°09'00" N., on the northeast by a line 6 miles northeast of and parallel to the 151° bearing from the RBN, on the south by the 30-mile radius area and the north edge of V-112, on the northwest by a line 5 miles northwest of and parallel to the 216° bearing from the RBN, and within 5 miles east and 8 miles west of the 012° bearing from the Kelso RBN extending from the RBN to 12 miles north of the RBN; that airspace extending upward from 4,500 feet MSL northwest of Portland bounded on the south by V-112, on the west by longitude 123°17'00" W., on the north by latitude 46°11'00" N., and on the east by V-165; that airspace extending upward from 6,500 feet MSL west of Portland extending from the 30-mile radius area bounded on the SE by V-287W, on the W by V-27, and on the N by V-112, that airspace N of Portland extending from the 38.5-mile radius arc bounded on the W by V-287, on the N by the arc of a 40-nautical mile radius circle centered on McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'05" W.), and on the E by longitude 122°16'00" W.; that airspace east of Portland extending
from the 30-mile radius area bounded on the north by the south edge of V-448S, on the east by an arc of a 60-mile radius circle centered on the Portland Airport and on the south by the Newberg VORTAC 081° radial; that airspace within arcs of 30- and 44-mile radius circles centered on Portland Airport bounded on the north by the Newberg VORTAC 081° radial and on the south by the northeast edge of V-165 excluding that airspace within Federal airways, that airspace south of Portland bounded on the northeast by the southwest edge of V-165, on the south by an arc of a 60-mile radius circle centered on Portland Airport and on the west by the east edge of V-23E; that airspace extending upward from 8,500 feet MSL north of Portland extending from the 38.5-mile radius arc bounded on the northwest by the Portland VORTAC 036° radial, on the northeast by an arc of a 60-mile radius circle centered on Portland Airport and on the southeast by the northwest edge of V-448; that airspace east and southeast of Portland within arcs of 44- and 60-mile radius circles centered on the Portland Airport extending clockwise from the Newberg 081° radial to the northeast edge of V-165, excluding the airspace within arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the north by the Portland VORTAC 118° radial and on the south by the Newberg 092° radial.
That airspace extending upward from 11,500 feet MSL northeast of Portland extending from the 38.5-mile radius arc bounded on the north by latitude 46°25'00" N., on the
east by longitude 121°53'00" W., on the northeast by an arc of a 60-mile radius circle centered on Portland Airport, on the southeast by the Portland VORTAC 036° radial, and on the west by longitude 122°16'00" W.
That airspace south of Portland extending upward from 10,000 feet MSL, bounded on the north by the 60-mile circle centered on Portland International Airport, on the east by the west edge of V-165, on the south by the north edge of V-121, and on the west by the east edge of V-23E.

AMENDMENTS 3/30/72 37 F. R. 3349 (Changed) Corr: 37 F. R. 4957

Portland, TN.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Portland Municipal Airport (lat. 36°35'37" N., long. 86°28'39" W.); within 5 miles each side of Bowling Green VOR 184° radial, extending from the 7-mile-radius area to 11.5 miles south of the VOR.

AMENDMENTS 10/12/72 37 F. R. 16599 (Added)

Port Lavaca, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Calhoun County Airport (latitude 28°39'12" N., longitude 96°40'56" W.) and within 2.5 miles each side of the Palacios VORTAC 250° radial extending from the 5-mile radius area to 16 miles southwest of the VORTAC.

Portsmouth, N. H. (Pease AFB)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Pease AFB (latitude 43°04'40" N., longitude 70°49'25" W.); within 2
miles each side of the extended centerline of Runway 16, extending from the 11-mile radius area to 13 miles SE of the lift-off end of the runway.

Portsmouth, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 38°50'26" N, 82°50'50" W, of Scioto County Airport, Portsmouth, Ohio; within 2 miles each side of a 178° bearing from the Portsmouth RBN 38°46'54" N, 82°50'42" W extending from the 8-mile radius area to 8 miles S of the RBN.

Portsmouth, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 36° 46'45" N., long. 76°26'45" W. of Chesapeake Portsmouth Airport, Portsmouth, Va.; within 3 miles each side of the 203° bearing from the Portsmouth RBN, lat. 36°46'54" N., long. 76°28'39" W., extending from the 5-mile radius area to 8.5 miles southwest of the RBN; and within 3 miles each side of the 189° bearing from the Portsmouth RBN, extending from the 5-mile radius area to 6.5 miles south of the RBN excluding the portion that coincides with the Norfolk, Va., transition area.

Port Sulphur, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Sulphur, La., seaplane base (latitude 29°27'45" N., longitude 89°42'10" W.), and within 2 miles each side of the Harvey, La., VORTAC 145° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area.

Potsdam, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center of Potsdam Municipal (Damon Field) Airport lat. 44°40'30" N., long. 74°57'00" W.

Pottstown, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°15' 37" N., 75°40'09" W., of Pottstown Municipal Airport, Pottstown, Pa.; within a 5-mile radius of the center, 40° 14'15" N., 75°33'45" W., of Pottstown Limerick Airport, Pottstown, Pa.; within 2 miles each side of the centerline of
Runway 1, Pottstown Municipal Airport, extended from the 6-mile radius area to 8 miles north of the end of the runway; within 5 miles east and 8 miles west of the Pottstown, Pa., VOR 190° radial extending from the VOR to 12 miles south of the VOR.

Pottsville, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°42'25" N., 76°22'40" W., of Schuylkill County (Zerbey) Airport, Pottsville, Pa.; and within 2 miles each side of the Ravine, Pa., VOR 049° radial extending from the 6-mile radius area to 9 miles northeast of the VOR.

Poughkeepsie, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°37'40" N., 73°53'00" W. of Dutchess County Airport, Poughkeepsie, N. Y., and within 2 miles each side of the Kingston VOR 025° radial extending from the 7-mile radius area to 8 miles NE of the VOR within a 5-mile radius of the center (41°34'40" N., 73°43'55" W.) of Stormville Airport,
Stormville, N. Y.; within 2 miles each side of the Stormville Airport Runway 8 centerline extended from the 5-mile radius area to 10 miles east of the end of the runway; within 2 miles each side of the Stormville Airport Runway 26 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 2 miles each side of the Kingston, N. Y., VOR 323° and 143° radials extending from the 5-mile radius area to 8 miles northwest of the Kingston, N. Y., VOR excluding that portion
coinciding with the Newburgh transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°02'00" N., 73°16'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 73°20'00" W. to 41°31'00" N., 73°54'00" W. to 41°27'00" N., 73°54'00" W. to 41°19'00" N., 73°57'00" W. to 41°19'00" N., 74°33'00" W. to 41°31'00" N., 75°07'00" W. to 42°00'00" N., 75°00'00" W. to point of beginning.

Prairie Du Chien, WI.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Prairie Du Chien Municipal Airport (latitude 43°01'17" N., longitude 91°07'24" W.); and within 4.5 miles each side of the 130° radial of the Waukon VORTAC, extending from the 9.5-mile radius to 18.5 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 55-mile radius to the Waukon VORTAC between the 089° and 145° radials excluding the portion which overlies the Dubuque and Lone Rock, WI., transition areas.

AMENDMENTS 9/14/72 37 F. R. 15148 (Added)

Pratt, Kans.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Pratt Municipal Airport (latitude 37°42'13" N., longitude 98°44'47" W.); and within 3 miles each side of the 360° bearing from the Pratt nondirectional beacon (NDB), extending from the 6.5-mile radius area to 8 miles north of the NDB; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles east and 9.5 miles west of the 360° bearing from the NDB; extending from the NDB to 18.5 miles north of the NDB, and within 5 miles each side of the 256° bearing from the NDB, extending from the NDB to 8 miles west.

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Prescott, AZ.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.) and within 3 miles each side of the Prescott VORTAC 319° radial extending from the 10.5-mile radius area to 8.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Prescott VORTAC extending clockwise from a line 5 miles south of and parallel to the Prescott VORTAC 252° radial to a line 5 miles west of and parallel to the Prescott VORTAC 159° radial and within a 14-mile radius of Prescott VORTAC, extending clockwise from a line 5 miles west of and parallel to the Prescott VORTAC 159° radial to a line 5 miles south of and parallel to the Prescott 252° radial.

AMENDMENTS 5/25/72 37 F. R. 6924 (Rewritten) Corr: 37 F. R. 8524

Presque Isle, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 46°41'30" N., long. 68°02'30" W. of Presque Isle Municipal Airport, Presque Isle, Maine; within 3.5 miles each side of the Presque Isle VORTAC 338° radial, extending from the 8-mile radius area to 11.5 miles north of the VORTAC; within 3.5 miles each side of the 167° bearing from lat. 46°37'46" N., long. 68°01'51" W., extending from the 8-mile radius area to 11 miles south of the RBN; within a 5-mile radius of the center, lat. 46°52'20" N., long. 68°01'10" W. of Caribou Municipal Airport, Caribou, Maine; within an 8-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine; within 2 miles each side of the Loring TACAN 348° radial extending from the Loring 8-mile radius area to 12 miles north of the TACAN; within 2 miles each side of the Loring ILS localizer south course extending from the Loring 8-mile radius area to 12 miles south of the OM, excluding the portion outside the United States.
That airspace extending upward from 1,200 feet above the surface within a 40-mile radius of the center of Loring AFB excluding the portion outside of the United States.

AMENDMENTS 9/26/72 37 F. R. 20109 (Changed)

Price, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Price VOR (latitude 39°36'50" N., longitude 110°44'56" W.) and within 2 miles each side of the 201° radial of the Price VOR, extending from the 5-mile radius area to 8 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 11 miles east of the 021° and 201° radials of the Price, VOR extending from 9 miles north to 18.5 miles south of the VOR.

Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by latitude 35° 55' 00" N., and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111, excluding the portion within the Lemoore, Calif., transition area.

Princeton, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Princeton Airport (latitude 45°12'05" N., longitude 67°34'00" W.); and within 2 miles each side of the Princeton VOR 143° radial, extending from the 5-mile radius area to the VOR.

Princeton, N.J.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°23'55" N., 74°39'30" W., of Princeton Airport within 2 miles each side of the Solberg, N.J., VOR 161° radial extending from the 4-mile radius area to the VOR; and within 2 miles each side of the runway 27 centerline extended from the 4-mile radius area to 6 miles west of the end of the runway.

Providence, R. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green State Airport, Providence, R. I. (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of the Providence ILS localizer NE course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM, within a 12-mile radius of NAS Quonset Point, R. I., (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, within a 5-mile radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'40" W.), and within 2 miles each side of the 050° bearing from the Fall River, Mass., RBN, extending from the 5-mile radius area to 8 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°12'45" N., longitude 70°42'30" W.; to latitude 41°07'10" N., longitude 71°09'00" W.; to latitude 41°05'15" N., longitude 71°22'05" W.; to latitude 41°03'35" N., longitude 71°31'40" W.; to latitude 41°00'35" N., longitude 72°05'00" W., thence to latitude 41°18'00" N., longitude 72°30'30" W.; to latitude 41°40'00" N., longitude 72°08'00" W.; to latitude 41°55'00" N., longitude 71°59'00" W.; to latitude 41°47'45" N., longitude 71°46'40" W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35" N., longitude 71°26'00" W.; to latitude 42°04'00" N., longitude 71°19'00" W.; to latitude 41°53'30" N., longitude 70°56'30" W.; to latitude 41°42'00" N., longitude 70°48'00" W.; to latitude 41°21'00" N., longitude 70°48'00" W.; to the point of beginning.

Provincetown, Mass.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 42°04'15" N., 70°13'15" W., of Provincetown Municipal Airport, Provincetown, Mass.; and within 2 miles each side of the Provincetown RBN 237° bearing extending from the 4-mile radius area to 8 miles SW of the RBN.

Provo, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the Provo VOR (latitude 40°12'52" N., longitude 111°43'13" W.) 328° and 148° radials extending from 25.5 miles northwest to 6.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the southeast by the northwest edge of V-235 and V-21, on the west by the east edge of V-257, and that airspace bounded on the east and south by an arc of a 23-mile radius circle centered on the Provo VORTAC extending clockwise from the south edge of V-200 to the southeast edge of V-21, on the west by a line from the point of intersection of the 23-mile arc and the southeast edge of V-21 direct to latitude 40°30'00" N., longitude 111°49'00" W., and on the northeast by a line from latitude 40°30'00" N., longitude 111°49'00" W., direct to point of beginning.

Pueblo, Colo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Pueblo VORTAC; within 2 miles each side of the Pueblo VORTAC 275° radial, extending from the 9-mile radius area to 16 miles west of the VORTAC, and within 4.5 miles each side of the Pueblo VORTAC 081° radial, extending from the 9-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 38°30'00" N., longitude 104°52'00" W., thence to latitude 38°30'00" W., longitude 104°00'00" W., thence to latitude 38°07'00" N., longitude 104°00'00" W., thence west along latitude 38°07'00" W., to the west edge of V-19, thence south along the west edge of V-19, and west along the north edge of V-210 to longitude 105°00'00" W., thence to latitude 38°07'00" N., longitude 104°43'00" W., thence to latitude 38°07'00" N., longitude 105°00'00" W., thence to latitude 38°25'00" N., longitude 105°00'00" W., thence to latitude 38°25'00" N., longitude 104°52'00" W., thence to point of beginning.

Pullman, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR (latitude 46°40'25" N., longitude 117°13'30" W.) 232° and 047° radials extending from the 5-mile radius area to 8 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Pullman VOR 052° and 232° radials extending from 17.5 miles southwest to 7.5 miles northeast of the VOR.

Quakertown, Pa.
That airspace extending upward from 700 feet above the surface within an 8-mile radius area of the center of Quakertown Airport, Quakertown, PA., lat. 40°26'15" N., long. 75°22'45" W., and within 3.5 miles each side of a line bearing 099° from the Quakertown, Pa. RBN (lat. 40°25'29" N., long. 75°17'52" W.) extending from the 8-mile radius area to 11 miles east of the RBN.

AMENDMENTS 3/11/72 37 F. R. 5254 (Changed)

Quantico, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va.; and within 2 miles each side of the Brooke, Va., 013° radial extending from the 7-mile radius area to the VOR.
PENDING AMENDMENT
Quantico, Va.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 38° 30'15" N., long. 77°18'15" W. of Quantico MCAS (Turner Field) Quantico, Va.; within a 9.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 350° bearing from the airport; and within 9.5 miles east and 4.5 miles west of the 201° bearing from the Marine Quantico RBN, extending from the RBN to 18.5 miles south of the RBN, excluding the portion that coincides with the Fredericksburg, Va., and Washington, D. C., 700-foot floor transition areas.

AMENDMENTS 2/1/73 37 F. R. 25488 (Rewritten)

Quincy, Ill.
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course, extending from 4 miles northeast to 12 miles southwest of the OM; and that airspace extending upward from 1,200 feet above the surface west of the Illinois-Missouri boundary within a 13-mile radius of the Quincy VORTAC.

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Raleigh, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 9.5 miles northwest and 4.5 miles southeast of the 045° bearing from Leesville RBN, extending from the RBN to 18.5 miles northeast of the RBN; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham VORTAC 231° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC; within a 6.5-mile radius of Horace Williams Airport (lat. 35°55'50" N., long. 79°04'00" W.).
AMENDMENTS 9/14/72 37 F. R. 14223 (Changed)
AMENDMENTS 11/14/72 37 F. R. 24893 (Changed)

Rapid City, S. Dak.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Ellsworth AFB TACAN; and within 4½ miles southwest and 10½ miles northeast of the Rapid City VOR 155° radial, extending from the 14-mile radius area to 19 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.).

Raton, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (latitude 36°44'30" N., longitude 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 050° radial, within 3.5 miles northwest and 6 miles southeast of the Cimarron VORTAC 050° radial extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC, and within 5 miles each side of the Cimarron VORTAC 050° radial extending from 17.5 miles northeast to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 050° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 050° and 230° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 050° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC

AMENDMENTS 2/3/72 36 F. R. 23721 (Changed)

Rawlins, Wyo.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

Reading, Pa.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40°22'39" N., 75°57'57" W. of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., and within 5 miles W and 8 miles E of the
Reading ILS localizer S course extended from the OM for 12 miles; within 5 miles each side of the East Texas VOR 253° radial extended to the Ravine VOR 125° radial and within a 6-mile radius of the center, 40°30'08" N., 75°47'05" W. of Kutztown Airport, Kutztown, Pa., excluding that portion coincident with the Allentown, Pa., 700-foot transition area.

Readington, N. J.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°34'55" N., 74°44'20" W., of Solberg-Hunterdon Airport, Readington, N. J., and within 5 miles east and 5 miles west of Solberg, N. J., VORTAC 227° radial extending from the 6-mile radius area to 14 miles southwest of the VORTAC excluding the portion that coincides with the New York, N. Y., transition area.

Readsville, Mo.
That airspace extending upward from 1,200 feet above the surface within an area bounded on the north by V-4, on the east by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the south by V-12, and on the west by V-63.

Red Bluff, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.) and within 2 miles west and 4 miles east of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, excluding the portion within a
1-mile radius of Redding Sky Ranch Airport (latitude 40° 30' 00" N., longitude 122° 22' 35" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC; within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles NW of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, and within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC.
That airspace NW of Red Bluff extending upward from 1,200 feet above the surface bounded on the SW by a line 9 miles NE of and parallel to the Red Bluff VORTAC 291° radial, on the NW by a line 5 miles NW of and parallel to the Redding VOR 233° radial, and on the NE by a line 9 miles W of and parallel to the Red Bluff VORTAC 342° radial.
AMENDMENTS 12/7/72 37 F. R. 21321 (Changed)

Red Hook, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°59'15" N., 73°50'15" W., of the Stark-Tator Skypark, within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius area to 7 miles south of the end of the runway and within 2 miles each side of the 358° radial of the Kingston, N. Y., VOR extending from the 5-mile radius area to the VOR, excluding the portion within the Poughkeepsie, N. Y. transition area.

Redmond, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Redmond VORTAC 281° radial extending from the VORTAC to 5 miles west of the VORTAC; within 2 miles each side of the Redmond VORTAC 162° radial extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of a 230° bearing from Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), extending from the arc of a 5-mile radius circle centered on Roberts Field Airport to 10 miles southwest of the airport, and within 2 miles each side of a 302° bearing from the Roberts RBN extending from the RBN to 6 miles northwest of the RBN; that airspace extending upward from 1,200 feet above the surface within 14 miles northeast and 2 miles southwest of the Redmond VORTAC 122° and 302° radials extending from 18 miles northwest to 10 miles southeast of the VORTAC, within 6 miles west and 9 miles east of the Redmond VORTAC 189° radial extending from the VORTAC to 19 miles south of the VORTAC, and that airspace bounded on the northeast by a line 2 miles southwest of and parallel to the Redmond VORTAC 302° radial, on the east by the west edge of V-25, on the south by a line 5 miles south of and parallel to the Redmond VORTAC 281° radial and on the west by an arc of a 19-mile radius arc centered on the Redmond VORTAC.

Redwood Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Redwood Falls VORTAC; within 5 miles each side of the Redwood Falls VORTAC 023° radial, extending from the 13-mile radius area to 18 miles north of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Redwood Falls VORTAC 196° radial, extending from the 13-mile radius area to 18½ miles southwest of the VORTAC.

Reed City, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°54'05" N., longitude 85°31'05" W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport.

Reedsville, PA.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the center lat. 40°40'44" N., long. 77°37'22" W. of Mifflin County Airport, Reedsville, PA., and within 3.5 miles each side of the 228° bearing from a point lat. 40°36'55" N., long. 77°43'09" W. extending from said point to a point 11.5 miles southwest.

AMENDMENTS 6/22/72 37 F. R. 8659 (Added)

Refugio, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of the 039° bearing from the Refugio RBN (latitude 28°20'27" N., longitude 97°08'58" W.), extending from the 5-mile radius area to 8 miles northeast of the RBN; and within a 4-mile radius of Mellon Ranch Airport (latitude 28°16'15" N., longitude 97°12'30" W.).

Rehoboth Beach, Del.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°43'10" N., 75°07'35" W., of Rehoboth Aircrafters Airport, Rehoboth Beach, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 144° radial extending from the 5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

Reno, Nev.
That airspace extending upward from 700 feet above the surface within an arc of a 25-mile radius circle centered on Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.) beginning at longitude 120°00'00" W., clockwise to latitude 39°25'00" N.; thence direct latitude 39°13'00" N., longitude 119°47'00" W.; thence south via longitude 119°47'00" W. to its intersection with an arc of a 25-mile radius circle centered on Reno Municipal Airport; thence clockwise via the 25-mile radius arc to longitude 120°00'00" W.; thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Reno VORTAC, excluding the portion west of longitude 120°19'00" W., east of longitude 119°00'00" W.; and that airspace southwest of Reno within 22 miles north and 13 miles south of the Lake Tahoe, Calif., VOR 090° and 270° radials, extending from 7 miles east to 35 miles west of the VOR; and that airspace northwest of Reno extending from the 45-mile radius area bounded on the northeast by the southwest edge of V-452 and on the west by longitude 120°19'00" W.

AMENDMENETS 12/7/72 37 F. R. 21160 (Changed)

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Rexburg, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rexburg-Madison County Airport (latitude 43°49'30" N., longitude 111°49'00" W.).

AMENDMENTS 9/14/72 37 F. R. 13250 (Added)

Rhinelander, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhinelander-Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); and within an 8-mile radius of the Drott Airport (latitude 45°31'00" N., longitude 89°33'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Rhinelander VORTAC; within 9½ miles southeast and 4½ miles northwest of the Rhinelander VORTAC 229° radial extending from the 17-mile radius area to 18½ miles southwest of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the Rhinelander VORTAC 322° radial extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 031° radial extending from the 17-mile radius area to 18½ miles northeast of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 058° radial extending from the 17-mile radius area to 23½ miles northeast of the VORTAC.

Richmond, IN.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Richmond Municipal Airport (latitude 39°45'23" N., longitude 84°50'36" W.); within 3 miles each side of the Richmond VOR 045° radial, extending from the 6½-mile radius area to 8 miles northeast of the VOR; within 3 miles each side of the Richmond VOR 243° radial, extending from the 6½-mile radius area to 8 miles southwest of the VOR.

AMENDMENTS 3/30/72 37 F. R. 2952 (Rewritten)
AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)

Richmond, Va.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 37° 30'16" N., long. 77°19'11" W. of Richard Evelyn Byrd International Airport, Richmond, Va., extending clockwise from a 245° bearing from the airport to a 045° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 045° bearing to a 245° bearing from the airport; within 3.5 miles each side of the Richmond VORTAC 134° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 2 miles each side of the Richmond VORTAC 137° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 3.5 miles each side of the Richard Evelyn Byrd International Airport ILS localizer southwest course, extending from the OM to 11.5 miles southwest of the OM; within 3.5 miles each side of the Richmond VORTAC 342° radial, extending from the VORTAC to 11.5 miles north of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 359° radial, extending from the VORTAC to 11.5 miles north of the VORTAC.

AMENDMENTS 11/9/72 37 F. R. 18904 (Rewritten)

Rio Vista, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Rio Vista Airport (latitude 38°10'20" N., longitude 121°41'20" W.) and within 2 miles each side of the Sacramento VORTAC 202° radial extending from the 3-mile radius area to 8 miles north of the airport.

Riverhead, N. Y.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°00'35" N., longitude 72°05'00" W.; thence S via longitude 72°05'00" W. to the S boundary of V-139; thence SW via the SE boundary of V-139 to latitude 40°30'00" N., thence to latitude 40°30'00" N., longitude 73°36'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 41°00'00" N., longitude 73°33'00" W.; to latitude 41°00'00" N., longitude 72°45'00" W.; to latitude 41°18'00" N., longitude 72°30'30" W.; to the point of beginning, excluding the portion below 3,000 feet MSL within W-106.

Riverside, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°50'00" N., longitude 117°01'00" W., to latitude 33°42'30" N., longitude 116°56'30" W., to latitude 33°38'00" N., longitude 117°09'00" W., to latitude 33°51'00" N., longitude 117°24'30" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 117°43'00" W., thence E along latitude 34°30'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'40" W., to latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°16'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°39'00" N., longitude 117°30'00" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°43'00" W., thence to point of beginning.

Riverton, Wyo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 4.5 miles each side of the Riverton VOR 291° radial, extending from the 10-mile radius area to 19 miles west of the VOR, and within 3.5 miles each side of the Riverton VOR 123° radial extending from the 10-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR, and that airspace within 1 mile north and 9.5 miles south of the Riverton VOR 291° radial extending from the 25-mile radius area to 30 miles west of the VOR.

Roanoke, Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the Roanoke VOR 177° radial extending from the 12-mile radius area to 17 miles south of the Roanoke VOR.

Roanoke Rapids, NC.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Halifax County Airport (lat. 36°26'29" N., long. 77°43'00" W.).

AMENDMENTS 4/27/72 37 F. R. 4075 (Added)

Robinson, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Robinson, Ill., Municipal Airport (latitude 39°00'51" N., longitude 87°38'47" W.) and within 8 miles SW and 5 miles NE of the 333° bearing from Robinson Municipal Airport extending from the airport to 12 miles NW of the airport.

Rochelle, IL.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Rochelle Municipal Airport (latitude 41°53'35" N., longitude 89°04'45" W.) and within 3 miles either side of the Polo VORTAC 102° radial extending 1 mile west from the 5½-mile radius area excluding the portion that overlies the Rockford, IL., transition area.

AMENDMENTS 4/27/72 37 F. R. 4703 (Added)

Rochester, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fulton County Airport (latitude 41°03'55" N., longitude 86°11'55" W.); and within 2 miles each side of the 096° bearing from Fulton County Airport, extending from the airport to 8 miles east of the airport.

Rochester, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2½ miles each side of the Rochester VOR 029° radial, extending from the VOR to 23 miles northeast of the VOR; within 3 miles each side of the Rochester ILS localizer northwest course, extending from the 7-mile radius area to 19 miles northwest of the OM; and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from 3 miles northwest to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of Rochester VOR, extending clockwise from V-24 southeast of Rochester to V-82 northwest of Rochester; the airspace north and east of Rochester bounded on the west by the west edge of V-82, on the northwest by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the northeast by V-2 and on the south by V-82; within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the 22½-mile radius area to 38 miles south of the VOR; and within 5 miles south and 7 miles north of the Rochester VOR 104° radial, extending from 22½ miles to 45 miles east of the VOR, excluding the portions that overlie the Winona and Fairbault-Owatonna, Minn., transition areas.

Rochester, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rochester-Monroe County Airport (latitude 43°07'10" N., longitude 77°40'15" W.); within 8 miles N and 5 miles S of the Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport to 12 miles E of the OM; within 5 miles each side of the Rochester VOR 125° radial, extending from the 7-mile radius area to the INT of the Rochester VOR 125° and the Geneseo, N. Y., VORTAC 061° radials; within 2 miles each side of the Rochester VOR 168° radial, extending from the 7-mile radius area to 8 miles S of the VOR; and within 8 miles S and 5 miles N of the Rochester VOR 280° and 100° radials, extending from the Rochester-Monroe County Airport to 12 miles W; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from: latitude 43°24'00" N., longitude 76°53'00" W., to latitude 42°57'00" N., longitude 76°57'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 43°24'00" N., longitude 77°55'00" W., to point of beginning.

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Rockford, Ill.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 8 miles E and 5 miles W of the Rockford ILS localizer S course, extending from the Greater Rockford Airport to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°45'00" N., on the E by longitude 88°30'00" W., on the S by the Illinois-Wisconsin boundary, and on the W by longitude 89°55'00" W.

Rockingham, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rockingham-Hamlet Airport (latitude 34°53'30" N., longitude 79°45'35" W.); within 4 miles each side of Pinehurst VORTAC 203° radial, extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

Rockland, Maine
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Knox County Regional Airport, Rockland, Maine (lat. 44°03'40" N., long. 69°06'05" W.), and within 3.5 miles each side of the 203° bearing from the Rockland RBN, extending from the 7.5-mile radius area to 11.5 miles southwest of the RBN.

Rockport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Aransas County Airport (latitude 28°05'14" N., longitude 97°02'30" W.), and within 2 miles each side of the 314° bearing from the Rockport RBN (latitude 28°05'30" N., longitude 97°02'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN, and within 2 miles each side of the Corpus Christi VORTAC 062° radial, extending from the 5-mile radius area to 20.5 miles northeast of the VORTAC.

Rocksprings, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edwards County Airport (latitude 29°56'30" N., longitude 100°10'30" W.) and within 1.5 miles each side of the Rocksprings VORTAC 125° radial extending from the 5-mile radius area to the Rocksprings VORTAC.

AMENDMENTS 7/20/72 37 F. R. 10564 (Added) Corr: 37 F. R. 11858

Rock Springs, Wyo.
That airspace extending upward from 700 feet above the surface within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from Rock Springs LOM, extending from 8 miles west to 18.5 miles east of the LOM; within 1 mile north and 6 miles south of the Rock Springs VORTAC 104° radial, extending from the VORTAC to 18.5 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of Rock Springs VORTAC extending clockwise from a line 5 miles northwest of and parallel to the Rock Springs VORTAC 026° radial to a line 6 miles south of and parallel to the VORTAC 104° radial.

Rockton, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wagon Wheel Airport (latitude 42°26'15" N., longitude 89°04'00" W.) and within 1½ miles each side of the Janesville VORTAC 172° radial extending from the 5-mile radius to the Janesville VORTAC, excluding the portion that overlies the Janesville, Wis., transition area.

AMENDMENTS 2/3/72 36 F. R. 23049 (Added)

Rockwood, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Rockwood Municipal Airport (lat. 35°55'20" N., long. 84°41'23" W.); excluding the portion within Crossville, Tenn., transition area.

Rocky Mount, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Downtown Airport (lat. 35°58'01" N., long. 77°47'33" W.); within 5 miles each side of Rocky Mount VORTAC 083° radial, extending from the 7-mile radius area to 11.5 miles east of the VORTAC; within an 8.5-mile radius of Rocky Mount-Wilson Airport (lat. 35°51'17" N., long. 77°53'34" W.).

AMENDMENTS 5/18/72 37 F. R. 10661 (Changed)
AMENDMENTS 10/12/72 37 F. R. 16170 (Changed)

Rolla, MO.
That airspace extending upward from 700 feet above the surface within a 5.5-statute mile radius of the Rolla Downtown Airport (latitude 37°56'10" N., longitude 91°48'55" W.).

AMENDMENTS 8/17/72 37 F. R. 11969 (Added)

Rome, Ga.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Richard B. Russell Airport (lat. 34°20'57" N., long. 85°09'31" W.); within 5 miles each side of Rome VOR 350° radial, extending from the 12-mile radius area to the VOR.

Romulus, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of a point lat. 42°44' 30" N., long. 76°52'20" W., and within 3.5 miles each side of the 330° bearing from the Seneca RBN lat. 42° 44' 40" N., long. 76°54'18" W., extending from the 6-mile radius area to 11 miles northwest of the RBN.

Roosevelt Roads, P.R.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NS Roosevelt Roads (latitude 18°15'05" N., longitude 65°38'35" W.), excluding the portion within the San Juan 700-foot transition area.

Roscommon, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Roscommon County Airport (latitude 44°21'30" N., longitude 84°40'15" W.); and within 3 miles each side of the 082° bearing from Roscommon County Airport, extending from the 5½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 082° and 262° bearings from Roscommom County Airport, extending from 5 miles west to 18½ miles east of the airport; and within 5 miles each side of the 256° bearing from Roscommon County Airport, extending from the airport to the Lake City, Mich., transition area.

Roseau, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (lat. 48°51'25" N., long. 95°41'40" W.); within 2½ miles each side of the 163° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 7 miles south of the airport; and within 2½ miles each side of the 341° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 7 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles south of the airport; and within 4½ miles west and 9½ miles east of the 341° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles north of the airport, including that airspace east of and within a 9½-mile radius of the airport between the 71° and 73° bearings from the airport, and excluding the portions outside the United States.

Roseburg, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roseburg Municipal Airport (latitude 43°14'20" N., longitude 123°21'15" W.), within 2 miles each side of the Roseburg VOR 177° radial, extending from the 5-mile radius area to 3.5 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 177° radial, extending from the VOR to 12 miles S of the VOR, and within 8 miles W and 5 miles E of the 003° and 183° radials, extending from 18 miles N to 7 miles S of the VOR.

Roswell, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Roswell VORTAC extending clockwise between the 092° and 036° radials of the VORTAC, and within a 29-mile radius of the Roswell VORTAC extending clockwise between the 036° and 092° radials of the VORTAC.

Russell, Kans.
That airspace extending upward from 700 feet above the surface within 2½ miles each side of the Hays, Kans., VORTAC 086° radial, extending from a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.) to 19 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles north and 9½ miles south of the Hays VORTAC 086° radial extending from 1 mile to 29 miles east of the VORTAC, excluding the portion which overlies the Hays, Kansas, transition area.

Ruston, La.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of Ruston Municipal Airport (latitude 32°30'45" N., longitude 92°37'45" W.), and within 2 miles each side of the Monroe, La., VORTAC 278° radial extending from the 5-mile radius area to 24 miles west of the VORTAC.

Rutland, Vt.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 43°31'45" N., long. 72°57'00" W., of the Rutland State Airport, Rutland, Vt., and within 4.5 miles east and 6.5 miles west of the 344° bearing from the Rutland RBN, lat. 43°33'35" N., long. 72°57'50" W., extending from the RBN to 11.5 miles north of the RBN.

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Sacramento, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius circle centered on the Sacramento, Calif., VORTAC (latitude 38°26'37" N., longitude 121°33'02" W.); that airspace within an arc of a 38-mile radius circle centered on the Sacramento VORTAC, bounded on the west by the west edge of V-23, and on the southwest by the northeast edge of V-23, and that airspace SW of Sacramento bounded by a line beginning at latitude 38°16'00" N., longitude 122°05'00" W., thence to latitude 38°27'00" N., longitude 121°47'00" W., thence to latitude 38°18'-00" N., longitude 121°39'00" W., thence to latitude 38°02'00" N., longitude 121°52'00" W., thence via latitude 38°02'00" N. to the W edge of V-195, thence via the W edge of V-195 to latitude 38°16'00" N., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of the E edge of V-195 and the S edge of V-200, thence via the S edge of V-200, the W edge of V-23 and latitude 39°00'00" N. to the W edge of V-165, thence via the W edge of V-165 to the N edge of V-244, thence via the N edge of V-244 to longitude 120°04'00" W., thence via longitude 120°04'-00" W., to latitude 38°07'00" N., thence via latitude 38°07'00" N., to longitude 121°37'00" W., thence via longitude 121°37'00" W., to latitude 38°02'00" N., thence via latitude 38°02'00" N., to the E edge of V-195, thence via the E edge of V-195 to point of beginning.
AMENDMENTS 2/3/72 36 F. R. 24798 (Changed)

Saginaw, Mich.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.); within 2 miles each side of the Saginaw ILS localizer northeast course, extending from the 8½-mile radius zone to 13 miles northeast of the Saginaw, Mich., VORTAC; within a 5-mile radius of James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.); within a 5-mile radius of Jack Barstow Airport (latitude 43°39'40" N., longitude 84°15'40" W.).
AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

St. Clairsville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alderman Field, St. Clairsville, Ohio (latitude 40°03'30" N., longitude 80°58'00" W.).

St. Cloud, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Cloud Municipal Airport (latitude 45°32'45" N., longitude 94°03'40" W.); and within 3 miles each side of the 118° bearing from St. Cloud Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 118° bearing from St. Cloud Municipal Airport, extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 298° bearing from the St. Cloud Municipal Airport, extending from the airport to 12 miles northwest of the airport.

St. George, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° bearing from the St. George radio beacon (latitude 37°05'13" N., longitude 113°35'27" W.) extending from 12.5 to 18.5 miles southeast of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° and 311° bearings from the St. George radio beacon, extending from 7 miles northwest to 12.5 miles southeast of the radio beacon.

St. Johns, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns VORTAC 067° and 247° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the portion within the State of New Mexico.

St. Joseph, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rosecrans Memorial Airport (latitude 39°46'25" N., longitude 94°54'45" W.); and within 5 miles east and 8 miles west of the St. Joseph ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of the southeast edge of V-77 and the west edge of V-13; thence south along the west edge of V-13 to latitude 39°42'20" N., longitude 94°29'00" W.; thence to latitude 39°44'00" N., longitude 94°43'20" W.; to latitude 39°30'00" N., longitude 94°49'00" W.; thence west along latitude 39°30'00" N., to the southwest edge of V-71; thence northwest along the southwest edge of V-71 to the west edge of V-77; thence north along the west boundary of V-77 to the northeast edge of V-71; thence northwest along the northeast edge of V-71; to the south edge of V-50 thence to latitude 40°00'35" N., longitude 95°32'30" W.; thence to latitude 40°09'00" N., longitude 95°30'00" W.; thence to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise via the arc of a 14-mile radius circle centered on the St. Joseph VOR to the southeast edge of V-77; thence northeast along the southeast edge of V-77 to the point of beginning; and that airspace extending upward from 4,500 feet MSL in the vicinity of St. Joseph bounded by V-13 on the west, V-161 on the east and V-50 on the south; within the area bounded on the west by V-13, on the north by V-50, on the east by V-161 and on the south by a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°40'45" N., longitude 94°18'35" W.; within the area bounded on the north by V-216, on the east by V-15 and on the southwest by a line starting at the intersection of the south edge of V-216 and on the north edge of V-50, to the intersection of the north edge of V-50 and a line from latitude 40°00'35" N., longitude 95°32'30" W. to latitude 40°09'00" N.; longitude 95°30'00" W.; thence direct to latitude 40°09'00" N., longitude 95°30'00" W., to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise along the arc of a 14-mile radius circle centered on the St. Joseph VOR to its intersection with the west edge of V-15; and the area bounded on the southwest by V-15, on the north by V-216, on the southeast by V-77 and on the south by the arc of a 14-mile radius circle centered on the St. Joseph VOR.

St. Louis, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the St. Louis International Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 8 miles northeast of the St. Louis International Airport Runway 12R ILS localizer northwest course, extending from the Runway 12R OM to 12 miles northwest of the OM; within an 8-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'30" N., longitude 90°03'00" W.); that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of St. Louis International Airport; within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-238 and on the south by the north boundary of V-88; within a 40-mile radius of Scott AFB (latitude 38°32'30" N., longitude 89°51'05" W.); excluding the portion overlying the State of Illinois; that airspace extending upward from 2,500 feet MSL within the area bounded on the northeast by the southwest edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, and on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.
PENDING AMENDMENT
The St. Louis, Mo., transition area is amended in part as follows:
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert St. Louis International Airport (latitude 39°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the Lambert St. Louis International Airport runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the runway 24 OM; within 5 miles southwest and 9 miles northeast of the Lambert St. Louis International Airport runway 12R ILS localizer northwest course; extending from the runway 12R OM to 12 miles northwest of the OM; within an 8-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'30" N., longitude 90°30'00" W.);

AMENDMENTS 1/4/73 37 F. R. 24030 (Changed)

St. Marys, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°24'45" N., 78°30'20" W., of St. Marys Municipal Airport, St. Marys, Pa.; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 7 miles east of the end of the runway; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 5 miles west of the end of the runway and within 2 miles each side of the Slate Run VORTAC 256° radial extending from the 5-mile radius area to 19 miles west of the VORTAC.

Salem, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'45" N., longitude 88°57'45" W.); and within 2 miles each side of the 003° bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 6½ miles north of the airport.

Salem, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of New Hudson, Mich., Airport (latitude 42°30'15" N., longitude 83°37'25" W.), and within a 6-mile radius of Wixom, Mich., Spencer Airport (latitude 42°31'15" N., longitude 83°33'10" W.), and within 2 miles each side of the Salem, Mich., VORTAC 347° and 013° radials extending from the 6-mile radius areas to the VORTAC, excluding that portion which coincides with the Pontiac, Mich. transition area.

Salem, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.); within 2 miles each side of a 196° bearing from the Salem ILS LOM, extending from the 7-mile radius area to 8 miles S of the LOM and within 2 miles each side of the Salem ILS localizer SE course, extending from the 7-mile radius area to 6 miles SE of the LOM; that airspace extending upward from 1,200 feet above the surface within 6 miles SW and 7 miles NE of the 150° and 330° bearings from the Salem ILS LOM, extending from V-23E to V-23W.

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Salina, Kansas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 97°39'30" W.); within 4½ miles W and 9½ miles E of the Salina ILS localizer course, extending from 3 miles N to 18½ miles S of the ILS OM; and within 3 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 8 miles N of the VORTAC, excluding the portion which overlies restricted area R-3601 and the McPherson, Kansas 700 foot floor transition area; and that airspace extending upward from 1200 feet above the surface within a 27-mile radius of the Salina, Kansas VORTAC; and that airspace SE of Salina bounded by a line starting at the intersection of the 27-mile radius and the S edge of V-4S; then east along the south edge of V-4S; to and SE along the W edge of V-307; to and W along the N edge of V-10; to and NE along the W edge of V-77; to and SW along the S edge of V-280; to and N along the E edge of V-73E; to the 27-mile radius; then counterclockwise along the 27-mile radius to the point of beginning.

Salisbury, Md.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°20'21" N., long. 75°30'41" W. of Salisbury-Wicomico County Airport, Salisbury, Md.; within 3.5 miles each side of the Salisbury VORTAC 209° radial, extending from the 6.5-mile radius area to 11.5 miles southwest of the VORTAC; within 3.5 miles each side of the Salisbury VORTAC 052° radial, extending from the 6.5-mile radius area to 11 miles northeast of the VORTAC; and within 3.5 miles each side of the Salisbury VORTAC 132° radial, extending from the 6.5-mile radius area to 11.5 miles southeast of the VORTAC.

AMENDMENTS 12/7/72 37 F. R. 20806 (Rewritten)

Salisbury, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rowan County Airport (latitude 35°38'30" N., longitude 80°31'10" W.); within 3 miles each side of the 014° bearing from Salisbury NDB (latitude 35°40'29" N., longitude 80°30'32" W.), extending from the 8-mile radius area to 8.5 miles north of the NDB.

Salt Lake City, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°00'00" N., on the east by longitude 111°45'00" W., and on the south and west by the arc of an 18.5-mile radius circle centered on the Salt Lake City VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°36'00" W. and V-235, on the S by latitude 40°30'00" N., on the SW by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°40'00" N., longitude 112°56'30" W., on the W by longitude 112°56'30" W., and on the N by latitude 41°00'00" N.; that airspace E of Salt Lake City extending upward from 11,000 feet m.s.l. bounded on the NW by V-32, on the SE by V-235, on the SW by V-484, and on the W by longitude 111°36'00" W.; and that airspace SE of Salt Lake City extending upward from 12,400 feet MSL bounded on the NE by the SW edge of V-484, on the S by the N edge of V-200 and on the NW by the SE edge of V-235, excluding the portion within Restricted Area R-6403.

Salyer Farms, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Salyer Farms Airport (latitude 36°05'01" N., longitude 119°32'39" W.), and within 2 miles each side of the 151° bearing from the Salyer Farms radio beacon (latitude 36°05'14" N., longitude 119°32'44" W.) extending from the 3-mile radius area to 8 miles southeast of the radio beacon excluding that airspace within a 1-mile radius of Corcoran Airport (latitude 36°06'10" N., longitude 119°35'40" W.), that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 151° bearing from the Salyer Falms radio beacon extending from the radio beacon to 12 miles southeast.

San Angelo, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 5 miles northwest and 8 miles southeast of the San Angelos ILS localizer southwest course extending from the OM to 12 miles southwest.

San Antonio, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W., thence west via latitude 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°13'15" N., longitude 98°20'00" W., thence southeast to latitude 29°05'30" N., longitude 98°14'30" W., thence southwest to latitude 29°01'40" N., longitude 98°21'40" W., thence northwest to latitude 29°06'30" N., longitude 98°34'10" W., thence north to the 23-mile radius circle at latitude 29°12'00" N., longitude 98°32'40" W., thence clockwise along the arc of the 23-mile radius circle to latitude 29°46'30" N., longitude 98°12'30" W., thence to latitude 29°43'00" N., longitude 98°01'30" W., thence to point of beginning, and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.

PENDING AMENDMENT

San Antonio, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W.; thence west via latitude 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°13'15" N., longitude 98°20'00" W.; thence southeast to latitude 29°05'30" N., longitude 98°14'30" W.; thence southwest to latitude 29°01'40" N., longitude 98°21'40" W.; thence northwest to latitude 29°06'30" N., longitude 98°34'10" W.; thence north to the 23-mile radius circle at latitude 29°12'00" N., longitude 98°32'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°38'00" N., longitude 98°50'15" W.; thence northwest to latitude 29°43'30" N., longitude 98°57'00" W.; thence northeast to latitude 29°53'00" N., longitude 98°50'30" W.; thence southeast to the 23-mile radius circle at latitude 29°47'30" N., longitude 98°42'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°46'30" N., longitude 98°12'30" W.; thence to latitude 29°43'00" N., longitude 98°01'30" W.; thence to point of beginning and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.

AMENDMENTS 1/4/73 37 F. R. 23249 (Rewritten)

San Carlos, Ariz.
That airspace extending upward from 12,000 feet MSL bounded on the northwest by the southeast edge of V-190, on the east by an arc of a 115 mile radius circle centered on Williams AFB, Ariz. (latitude 33°18'25" N., longitude 111°39'35" W.); on the south by the north edge of V-94 and on the west by longitude 110°52'00" W.

San Diego, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33° 15' 00" N., longitude 117° 30' 30" W., to latitude 33° 15' 00" N., longitude 117° 17' 00" W., to latitude 33° 00' 00" N., longitude 117° 07' 00" W., to latitude 33° 00' 00" N., longitude 116° 51' 00" W., thence S along longitude 116° 51' 00" W., to the United States/Mexican Border, thence W along the United States/Mexican Border, and Flight Information Region Boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 33' 00" N., longitude 117° 27' 30" W., thence N to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33° 30' 00" N., longitude 117° 30' 00" W., thence to latitude 33° 30' 00" N., longitude 116°18'00" W., thence to latitude 33°18'00" N., longitude 116°10'30" W., thence to latitude 33° 00' 00" N., longitude 116° 05' 00" W., thence S via longitude 116° 05' 00" W., to the United States/Mexican Border, thence W via the United States/Mexican Border and Flight Information Region boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 37' 15" N., longitude 117° 31' 50" W., thence to latitude 32° 34' 45" N., longitude 117° 39' 00" W., thence to latitude 32° 49' 30" N., longitude 117° 45' 15" W., thence to latitude 32° 57' 40" N., longitude 117° 35' 00" W., thence to latitude 33° 11' 00" N., longitude 117° 48' 55" W., thence to latitude 33° 15' 00" N., longitude 117° 30' 00" W., thence N via longitude 117° 30' 00" W., to the point of beginning.

Sandusky, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.); within 2 miles each side of the Sandusky VOR 026° and 206° radials, extending from the 5-mile radius area to 8 miles SW of the VORTAC.

Sanford, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sanford Airport (lat. 28°46'30" N., long. 81°14'25" W.); within 3 miles each side of the 260° bearing from Sanford RBN (lat. 28°37'05" N., long. 81°14'38" W.); extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

Sanford, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sanford Municipal Airport (latitude 43°23'30" N., longitude 70°42'35" W.); within 2 miles each side of the Kennebunk, Maine VOR 066° radial, extending from the 7-mile radius area to 8 miles NE of the VOR.

Sanford, N. C.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Sanford Municipal Airport (latitude 35°25'55" N., longitude 79°11'10" W.); within 2.5 miles each side of Pinehurst VORTAC 057° radial, extending from the 5.5-mile radius area to 21 miles northeast of the VORTAC.

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San Francisco, Calif.
That airspace extending upward from 700 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by longitude 121°52'00" W., on the S by latitude 37°30'00" N., and on the W by a line extending from latitude 37°30'00" N., longitude 122°27'00" W., to latitude 37°34'00" N., longitude 122°31'00" W., to latitude 37°55'00" N., longitude 122°31'00" W., to latitude 38°02'00" N., longitude 122°40'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by a line extending from latitude 38°02'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°50'00" W., to latitude 37°30'00" N., longitude 121°50'00" W., on the S by latitude 37°30'00" N., and on the W by V-27 and V-199.

San Jose, Calif.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the Moffett TACAN 157° radial extending from the TACAN to 23 miles southeast of the TACAN, within 2 miles each side of the San Jose ILS localizer course extending from the San Jose 5-mile radius control zone to 1 mile SE of the San Jose LOM, within 5 miles SW and 8 miles NE of the San Jose VOR 139° radial, extending from 16 miles SE to 28 miles SE of the VOR, and that airspace bounded by a line beginning at latitude 37°30'00" N., longitude 121°52'00" W., thence to latitude 37°22'00" N., longitude 122°08'00" W., thence to latitude 37°22'00" N., longitude 122°24'00" W., thence to latitude 37°30'00" N., longitude 122°27'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°30'00" N., on the E and NE by longitude 121°50'00" W., and the SW edge of V-107, on the SE and S by the NW edge of V-111 and latitude 37°00'00" N., and on the W by the E edge of V-27 to latitude 37°30'00" N.

San Juan, P. R.
That airspace extending upward from 700 feet above the surface south of lat. 18°23'00" N., within a 20-mile radius of Puerto Rico International Airport (latitude 18°26'48" N., longitude 66°00'07" W.); that airspace north of latitude 18°23'00" N., within a 12-mile radius of Puerto Rico International Airport; within 5 miles each side of the San Juan VORTAC 058° radial, extending from the 12-mile radius area to 15 miles northeast of the VORTAC; within 4 miles each side of the San Juan VORTAC 086° radial, extending from the 12-mile radius area to 12 miles east of VORTAC; within 5 miles each side of the 101° bearing from the Dorado RBN, extending from the 12-mile and 20-mile radius areas to the Dorado RBN; within 9.5 miles north and 4.5 miles south of the 277° bearing from the San Pat RBN, extending from the 12-mile and 20-mile radius areas to 18.5 miles west of the RBN; and that airspace
extending upward from 1,200 feet above the surface beginning at the intersection of a line 4 nautical miles north of and parallel to the centerline of Route 2 and the arc of a 41-mile radius circle centered at Puerto Rico International Airport west of San Juan VORTAC; thence clockwise along this arc to the centerline of Route 3; thence southeast along the centerline of Route 3 to the arc of a 23-mile radius circle centered at Puerto Rico International Airport; thence clockwise along this arc to longitude 65°55'00" W.; thence south to latitude 18°40'00" N., longitude 65°55'00" W.; thence east to latitude 18°40'00" N., longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to a line 4 nautical miles north of and parallel to the centerline of Route 2; thence east and southeast along this line to the arc of a 15-mile radius circle centered at Harry S. Truman Airport (latitude 18°20'26" N., longitude 64°58'11" W.); thence counterclockwise along this arc to a line 3 nautical miles southwest of and parallel to the centerline of Route 2; thence northwest and west along this line to longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to the arc of a 15-mile radius circle centered at NS Roosevelt Roads Airport (latitude 18°15'05" N., longitude 65°38'35" W.); thence clockwise along this arc to the intersection of a line 5 miles southeast of and parallel to the 052° bearing from the Point Tuna RBN; thence southwest along this line to latitude 18°00'00" N.; thence west along latitude 18°00'00" N., to and south along longitude 66°15'00" W., to and east along a line 4.5 miles north of and parallel to Ponce VOR 111° radial, to and south along a line 18.5 miles east of Ponce VOR and perpendicular to the Ponce VOR 111° radial, to latitude 17°46'15" N., longitude 66°18'30" W.; thence west along a line 9.5 miles south of and parallel to Ponce VOR 111° radial to the intersection of a 15-mile radius circle centered at Mercedita Airport (latitude 18°00'40" N., longitude 66°33'50" W.); thence clockwise along this arc to latitude 18°00'00" N.; thence west to latitude 18°07'00" N., longitude 67°22'00" W.; thence north to the intersection of longitude 67°23'00" W. and the arc of a 25-mile radius circle centered at Ramey AFB (latitude 18°29'45" N., longitude 67°08'00" W.); thence clockwise along this arc to a line 4 nautical miles north of and parallel to the centerline of Route 2 east of Ramey AFB; thence east along this line to the point of beginning; and that airspace extending upward from 2,000 feet MSL within a 100 nautical mile radius of the Isla Grande Airport (Latitude 18°27'33" N., longitude 66°05'55" W.) San Juan, P. R.; excluding the portion that coincides with the 1,200-foot floor portions of the San Juan, St. Croix, and St. Thomas transition areas.

AMENDMENTS 9/14/72 37 F. R. 14291 (Changed)

San Luis Obispo, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.); within 2 miles each side of the San Luis Obispo VORTAC 280° and 100° radials, extending from the 3-mile radius area to 8 miles west of the VORTAC; and within 2 miles west and 3 miles east of the 191° bearing from the San Luis Obispo County Airport, extending from the 3-mile radius area to 6 miles south of the airport.

San Rafael, Calif.
That airspace extending upward from 700 feet above the surface bounded on the E by the W edge of V-195, on the S by latitude 38°02'00" N., and on the W and N by an arc of a 23-mile radius circle centered on Hamilton AFB (latitude 38°03'35" N., longitude 122°30'35" W.); that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-200, on the E by the W edge of V-195, on the S by latitude 38°02'00" N., on the W by the E edge of V-199 to latitude 38°43'30" N., thence via latitude 38°43'30" N. to the E edge of V-25, thence via the E edge of V-25 to the S edge of V-200.

San Simon, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the San Simon VOR 089° and 269° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the portion within the Cochise, Ariz., Portal, Ariz., and New Mexico transition areas.

Santa Barbara, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the OM to 2 miles west of the OM; between the arcs of a 5-mile radius circle and 8.5-mile radius circle centered on the Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.), extending clockwise from a line 2 miles north of the 089° bearing from the Santa Barbara LMM to a line 2.5 miles south of the 115° bearing from the LMM; and within 2 miles east and 7 miles west of the Santa Barbara VORTAC 196° radial, extending from a 5-mile radius circle centered on the Santa Barbara Municipal Airport to 15.5 miles south of the VORTAC;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°35'00" N., longitude 120°05'00" W., thence to latitude 35°05'00" N., longitude 120°05'00" W., to latitude 35°05'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°10'30" W., to latitude 34°08'15" N., longitude 120°30'00" W., to latitude 34°24'00" N., longitude 120°30'00" W., to latitude 34°24'45" N., longitude 120°27'20" W., to latitude 34°35'00" N., longitude 120°31'40" W., to latitude 34°39'50" N., longitude 120°31'15" W., to latitude 34°46'15" N., longitude 120°26'40" W., to latitude 34°49'00" N., longitude 120°27'15" W., to latitude 34°59'32" N., longitude 120°41'50" W., to latitude 35°10'00" N., longitude 120°55'00" W., to latitude 35°21'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 120°40'30" W., to latitude 35°22'25" N., longitude 120°31'50" W., to latitude 35°31'40" N., longitude 120°15'00" W., to latitude 35°35'35" N., longitude 120°18'10" W., thence to point of beginning.

Santa Catalina, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 117° 30' 00" W., on the S by a line extending from latitude 33° 15' 00" N., longitude 117° 30' 00" W., to latitude 33° 11' 00" N., longitude 117° 48' 55" W., to latitude 33° 18' 00" N., longitude 118° 34' 00" W., on the W by longitude 118° 34' 00" W., and on the N by latitude 33° 30' 00" N., excluding the portion within Control Area 1177.

Santa Elena, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Diamond "O" Ranch Airport (latitude 26°43'10" N., longitude 98°33'25" W.), and within 3.5 miles each side of the 359° bearing from the Santa Elena RBN (latitude 26°43'07" N., longitude 98°33'37" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Santa Fe, N. Mex.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.), and within 3 miles each side of the Santa Fe VORTAC 165° radial, extending from the 11.5-mile radius area to 9 miles south of the VORTAC.

Santa Maria, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.) and within 3 miles each side of the Santa Maria VOR 133° and 327° radials extending from 17 miles southeast to 7 miles northwest of the VOR.

Santa Rosa, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddingtown Airport (latitude 38°28'30" N., longitude 122°44'25" W.).

Santa Ynez, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), and within 2 miles each side of the Gaviota VOR 336° radial, extending from 3.5 miles to 12 miles northwest of the VOR.

Saranac Lake, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center lat. 44° 23'05" N., long. 74°12'20" W. of Adirondack Airport, Saranac Lake, N. Y.; within 4.5 miles southeast and 9.5 miles northwest of the Saranac Lake VOR 237° radial, extending from the VOR to 18.5 miles southwest of the VOR.

Sarasota, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VORTAC; excluding that airspace outside the continental limits of the United States.

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Sault Ste. Marie, Mich.
That airspace within the United States extending upward from 700 feet above the surface within a 7-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 8 miles northeast and 5 miles southwest of the 129° bearing from the Sault Ste. Marie RBN, extending from the RBN to 12 miles southeast of the RBN; within 2 miles each side of the Sault Ste. Marie VOR 153° radial, extending from the VOR to 8 miles southeast of the VOR, within 2 miles each side of the Sault Ste. Marie, Ontario, Canada, ILS localizer northwest course, extending from the OM to 8 miles northwest of the OM, and within 2 miles each side of the 293° bearing from the Gros Cap RBN, extending from the RBN to 8 miles northwest of the RBN, and the airspace within the United States extending upward from 1,200 feet above the surface within a 34-mile radius of Kincheloe AFB.

Savannah, Ga.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 3 miles south of and parallel to Savannah Municipal Airport Runway 27 centerline extended from the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport (latitude 32°07'35" N., longitude 81°12'05" W.), to and clockwise along this arc, to and east along a line 2.5 miles north of and parallel to Savannah ILS localizer east course, to and south along a line 8.5 miles east of and perpendicular to the Savannah ILS localizer east course and its intersection with Savannah VORTAC 179° radial, to and west along a line 2.5 miles south of and parallel to Savannah ILS localizer east course, to and clockwise along the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport, to and north along a line 3 miles west of and parallel to Runway 18 centerline extended, to and west along a line 3 miles south of and parallel to Runway 27 centerline extended, to point of beginning.

Savannah, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Savannah Municipal Airport (latitude 35°10'15" N., longitude 88°13'00" W.).

Scottsbluff, Nebr.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Scottsbluff VORTAC 211° and 031° radials, extending from 7 miles NE to 13 miles SW of the VORTAC; within 5 miles S and 8 miles N of the Scottsbluff VORTAC 259° and 080° radials, extending from 4 miles W to 13 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Scottsbluff VORTAC.

Searcy, AR.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Searcy Municipal Airport (latitude 35°13'17" N., longitude 91°44'15" W.).
AMENDMENTS 4/27/72 37 F. R. 4704 (Added)

Seattle, Wash.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'30" W.); within a 23-mile radius of the Seattle VORTAC; within a 10-mile radius of Olympia VORTAC, within 5 miles each side of the Olympia VORTAC 195° radial, extending from the 10-mile radius area to 15.5 miles south of the VORTAC; within a 23-mile radius of latitude 47°39'30" N., longitude 122°25'00" W.; within an 8-mile radius of Kitsap County Airport, Bremerton, Wash. (latitude 47°29'35" N., longitude 122°45'35" W.); that airspace N of Seattle extending from the 23-mile radius area of latitude 47°39'30" N., longitude 122°25'00" W., bounded on the W by longitude 122°30'00" W., on the N by latitude 48°05'00" N., and on the E by longitude 121°55'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 48°05'00" N., on the east via longitude 121°35'00" W. to latitude 46°55'00" N., thence via latitude 46°55'00" N. to longitude 121°53'00" W., thence via longitude 121°53'00" W. to latitude 46°45'00" N., thence via latitude 46°45'00" N. and an arc of a 22-mile radius circle centered on the Olympia VORTAC to longitude 123°15'00" W., thence via longitude 123°15'00" W., to latitude 48°05'00" N., that airspace southwest of Seattle bounded on the north by the north edge of V-27, on the east by longitude 123°15'00" W., on the south by the south edge ov V-204, and on the west by longitude 123°40'00" W.; that airspace S of Seattle extending upward from 4,500- feet MSL bounded on the north by an arc of a 22-mile radius circle centered on Olympia VORTAC and latitude 46°45'00" N., on the southeast by a line extending from latitude 46°45'00" N., longitude 122°25'00" W., to latitude 46°38'00" N., longitude 122°30'00" W., on the east by longitude 122°30'00" W., on the south by latitude 46°26'00" N., on the west by the east edge of V-165; that airspace southwest of Seattle bounded on the southeast by V-165, on the SW by the arc of a 37-mile radius circle centered on the Olympia, Wash., VORTAC, and on the N by V-204, and that airspace W of Seattle bounded on the E by longitude 123°15'00" W., on the S by V-27, on the W by longitude 123°40'00" W., and on the N by a line 7 miles N of and parallel to the N edge of V-27; that airspace extending upward from 6,500 feet MSL S of Seattle bounded on the E by a line extending from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., on the S by latitude 46°25'00" N., and on the W by longitude 122°30'00" W., and on the N by latitude 46°45'00" N.; that airspace S of Seattle extending upward from 7,000 feet MSL, bounded on the E by longitude 121°53'00" W., on the S by latitude 46°25'00" N., on the W by a line extending from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., and on the N by latitude 46°45'00" N.; that airspace W of Seattle extending upward from 8,500 feet MSL, bounded on the E by longitude 123°15'00" W., on the S by a line 7 miles N of and parallel to the N edge of V-27, on the W by longitude 123°40'00" W., and on the N by latitude 47°30'00" W.; that airspace NW of Seattle extending upward from 9,500 feet MSL bounded on the E by longitude 123°15'00" W., on the S by latitude 47°30'00" N., on the W by longitude 123°40'00" W., and on the N by latitude 48°03'00" N., and that airspace NE of Seattle bounded on the E by longitude 121°00'00" W., on the S by V-2N, on the W by longitude 121°35'00" W., and on the N by latitude 48°00'00" N. The portions within the Portland, Oreg., and Port Angeles, Wash., transiton areas are excluded.

Sedalia, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of the Whiteman AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°10'50" W.); and within 2 miles each side of the 042° bearing from Sedalia Memorial Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 93°30'00" W.; and the south edge of V-12, thence north via longitude 93°30'00" W.; to and east along the south boundary of V-4; to and south along longitude 92°31'00" W.; to and west along the south edge of V-12; to and southwest along a line 8 miles southeast of and parallel to the 042° bearing from Sedalia Memorial Airport; to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman AFB VOR; to and northwest along the northeast edge of V-159; to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); to and east along the south edge of V-12; to the point of beginning.

Selinsgrove, Pa.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, lat. 40°49'04" N., long. 76°51'51" W. of Penn Valley Airport, Selinsgrove, Pa.; within 3.5 miles each side of the Selinsgrove, Pa., VORTAC 209° radial extending from the 10.5-mile radius area to 10.5 miles southwest of the VORTAC; within the arc of a 14-mile radius circle centered on Penn Valley Airport extending clockwise from 095° to 125°.

Selma, AL.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Craig AFB (lat. 32° 20'30" N., long. 86°59'15" W.); within 3 miles each side of the ILS localizer southeast course, extending from the 9-mile radius area to 8.5 miles southeast of the OM; within a 5-mile radius of Selfield Airport (lat. 32° 26'25" N., long. 86°57'10" W.); excluding the portion within Montgomery transition area.

AMENDMENTS 3/30/72 37 F. R. 7387 (Rewritten)

Seymour, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Freeman Field (latitude 38°55'36" N., longitude 85°54'20" W.); within 3 miles each side of the 061° bearing from Freeman Field, extending from the 7-mile radius area to 7½ miles northeast of the airport; and within 3 miles each side of the 161° bearing from Freeman Field extending from the 7-mile radius area to 7½ miles south of the airport.

Seymour, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°39'00" N., longitude 99°20'00" W., thence to latitude 33°46'00" N., longitude 99°23'00" W., to latitude 33°52'00" N., longitude 99°07'00" W., to latitude 33°42'00" N., longitude 99°03'00" W., to point of beginning.

Shawnee, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shawnee Municipal Airport (latitude 35°21'16" N., longitude 96°56'33" W.), and within 2 miles each side of the 009° bearing from the Shawnee RBN (latitude 35°20'51" N., longitude 96°56'48" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Sheboygan, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sheboygan County Memorial Airport (latitude 43°46'05" N., longitude 87°51'05" W.); and within 3 miles each side of the 026° bearing from the Sheboygan County Memorial Airport extending from the airport to 8 miles northeast of the airport.

Shelby, Mont.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Shelby Airport (latitude 48°32'26" N., longitude 111°52'30" W.) and within 3 miles each side of the 043° bearing from Shelby Airport extending from the 6-mile radius area to 8.5 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct course between the Cut Bank, Mont., VORTAC and the Shelby Airport, extending from the airport to 7 miles east of the VORTAC and within 4.5 miles southeast and 9.5 miles northwest of the 043° bearing from the Shelby Airport, extending from the airport to 18.5 miles northeast of the airport.

Shelby, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport (latitude 35°15'25" N., longitude 81°36'00" W.); within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

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Shelby, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°52'25" N., 82°41'55" W., of Shelby Community Airport, Shelby, Ohio, excluding the portion which coincides with the Mansfield, Ohio, transition area.

Shelbyville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shelbyville Memorial Airport (latitude 39°34'50" N., longitude 85°48'20" W.), and within 2 miles each side of the Shelbyville, Ind., VOR 340° radial extending from the 5-mile radius area to 8 miles north of the VOR.

Shelbyville, Tenn.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.); within 4.5 miles north and 9.5 miles south of the Shelbyville VOR 272° radial, extending from the VOR to 18.5 miles west; within 4.5 miles east and 9.5 miles west of the Shelbyville VOR 195° radial, extending from the VOR to 18.5 miles south.

Sheldon, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Sheldon Municipal Airport (latitude 43°12'35" N., longitude 95°50'05" W.); and within 3 miles each side of the 163° bearing from Sheldon Municipal Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° and 343° bearings from Sheldon Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 343° bearing from Sheldon Municipal Airport, extending from the airport to 12 miles north of the airport.

Shemya, Alaska
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Shemya Airport. The portion within R-2204 is excluded.

Shenandoah, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Shenandoah, Iowa, Municipal Airport (latitude 40°45'15" N., longitude 95°25'15" W.), and within 5 miles NE and 8 miles SW of the 133° bearing from the Shenandoah RBN, extending from the RBN to a point 12 miles SE of the RBN.

Sheridan, Wyo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); that airspace extending upward from 1,200 feet above the surface within 7 miles southwest and 10 miles northeast of the Sheridan VORTAC 138° and 318° radials, extending from 18.5 miles northwest to 34 miles southeast of the VORTAC.

Sherman, TX.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sherman Municipal Airport (latitude 33°37'30" N., longitude 96°35'09" W.) and within a 7-mile radius of Grayson County Airport (latitude 33°42'25" N., longitude 96°40'25" W.).

AMENDMENTS 5/25/72 37 F. R. 6572 (Rewritten)

Shirley, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°48'40" N., 72°52'00" W., of Brookhaven Airport, Shirley, N. Y.; within 2 miles each side of the Runway 15 centerline extending from the 6-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 7 miles northwest of the end of the runway; and within 3 miles northwest and 5 miles southeast of the 245° bearing from the Peconic RBN extending from the RBN to 10 miles southwest of the RBN excluding the portions which coincide with the Islip, N. Y., and Calverton, N. Y., transition areas.

Shreveport, La.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 32°48'10" N., longitude 93°48'30" W.; to latitude 32°42'00" N., longitude 93°37'00" W.; to latitude 32°25'00" N., longitude 93°27'00" W.; to latitude 32°14'00" N., longitude 93°27'00" W.; to latitude 32°16'30" N., longitude 93°53'30" W.; to latitude 32°35'30" N., longitude 94°00'30" W.; to point of beginning.

Sidney, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Sidney-Richland Municipal Airport (latitude 47°42'35" N., longitude 104°11'10" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles east and 4½ miles west of the 356° bearing from the Sidney NDB (latitude 47°42'45" N., longitude 104°10'56" W.), extending from the 9-mile radius area to 18½ miles north of the NDB; and within 9½ miles southeast and 4½ miles northwest of the 215° bearing from the Sidney NDB extending from the 9-mile radius area to 18½ miles southwest of the NDB; and within 9½ miles northeast and 5 miles southwest of the 135° bearing from the Sidney NDB extending from the 9-mile radius area to 19½ miles southeast of the NDB.

AMENDMENTS 2/3/72 36 F. R. 23550 (Rewritten)

Sidney, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 12 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 12 miles SE of the VORTAC; and that airspace SW of Sidney VORTAC extending upward from 8,500 feet MSL bounded on the N by the S edge of V-138, on the E by the W edge of V-169, on the SE by the NW edge of V-172, on the SW by the NE edge of V-132 and on the NW by the SE edge of V-207, excluding the airspace within Federal airways.

Sidney, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°18'30" N., 75°24'45" W. of Sidney Municipal Airport, Sidney, N. Y.; within 2 miles each side of the Rockdale VOR 217° radial extending from the 5-mile radius to the VOR; within 2 miles each side of a bearing 049° from the Sidney radio beacon 42°20'25" N., 75°21'30" W. extending from the 5-mile radius to 8 miles NE of the radio beacon.

Sidney, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°14'23" N., 84°09'17" W. of Sidney Airport, Sidney, Ohio; and within 2 miles each side of the Rosewood VOR 242° radial extending from the 4-mile radius area to the VOR.

Sikeston, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sikeston Memorial Airport (latitude 36°53'50" N., longitude 89°33'45" W.); and within 2 miles each side of the 016° bearing from Sikeston Memorial Airport, extending from the 6-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 016° bearing from Sikeston Memorial Airport, extending from the airport to the south edge of V-178S, excluding the portion which overlies the State of Illinois.

Silver City, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3.5 miles each side of the Silver City VOR 141° radial extending from the 8-mile radius area to 10 miles southeast of the VOR.

Sioux City, Iowa
That airspace extending upward from 700 feet above the surface within a 11-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within a 7-mile radius of Graham Field (latitude 42°32'25" N., longitude 96°29'05" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 11-mile radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 11-mile radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC; and within 9½ miles northeast and 4½ miles southwest of the 319° bearing from Graham Field, extending from Graham Field to 18½ miles northwest of Graham Field; that airspace extending upward from 1,200 feet above the surface within a 28½-mile radius of Sioux City VORTAC; and that airspace extending upward from 3,500 feet MSL east, south, and west of Sioux City bounded on the north by V-100, on the southeast by V-138, on the south by V-172 and on the west by longitude 98°00'00" W.

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Sioux Falls, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 9½ miles southwest and 4½ miles northeast of the Sioux Falls VORTAC 336° radial, extending from the 10-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Sioux Falls ILS localizer northeast course, extending from the 10-mile radius area to 23 miles northeast of the airport; and that airspace extending from 1,200 feet above the surface within a 27-mile radius of the Sioux Falls VORTAC extending from the VORTAC 054° radial clockwise to the Sioux Falls ILS localizer southwest course; within a 25-mile radius of the Sioux Falls VORTAC extending from the Sioux Falls ILS localizer southwest course clockwise to the VORTAC 004° radial; and within a 13-mile radius extending from the Sioux Falls VORTAC 004° radial clockwise to the Sioux Falls VORTAC 054° radial; and that airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-26S, on the southeast by V-148 and on the southwest by V-15; within a 50-mile radius of Sioux Falls VORTAC, extending from the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls.

Sitka, Alaska
That airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles southeast of the Sitka RBN 207° bearing, extending from the RBN to 8 miles southwest of the RBN; within 2 miles each side of the Biorka Island VORTAC 148° radial, extending from the VORTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RBN 147° bearing, extending from the RBN to 8 miles southeast of the RBN; and within 2 miles each side of the LDA northwest course, extending from 10 miles northwest to 22 miles northwest of the LDA; and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 22 miles northeast of the Biorka Island VORTAC 308° radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 9 miles northwest and 6 miles southeast of the Biorka Island VORTAC 027° and 207° radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC.

AMENDMENTS 11/9/72 37 F. R. 20233 (Changed)

Skaneateles, N. Y.
That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°54'50" N., 76°26'20" W. of Empire Aero Services Airport, Skaneateles, N. Y.; within 2 miles each side of the Runway 10 centerline, extended from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 3.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC, excluding the portion that coincides with the Syracuse, N. Y., transition area.

Skwentna, Alaska
That airspace extending upward from 1,200 feet above the surface within 15 miles S and 23 miles N of the 100° and 280° bearings from the Skwentna RR, extending from 40 miles W to 13 miles E of the RR.

Slidell, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (latitude 30°20'37" N., longitude 89°49'18" W.), and within 2.5 miles each side of the New Orleans VORTAC 043° radial extending from the 5-mile radius area to 23 miles northeast of the VORTAC.

Smithfield, R.I.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°55'21" N., 71°29'30" W. of North Central State Airport, Smithfield, R.I., and within 2 miles east and 5 miles west of the Providence, R.I., VOR 347° radial extending from the 5-mile radius to the VOR, excluding the portion that overlaps the Providence 700-foot transition area.

Snyder, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winston Field Airport (latitude 32°41'50" N., longitude 100°57'10" W.) and within 3 miles each side of the 184° True bearing from the Snyder, TX., radio beacon extending from the 5-mile radius area to 8 miles south of the radio beacon.

AMENDMENTS 7/20/72 37 F. R. 10069 (Added)

Soldotna, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Soldotna Airport (latitude 60°28'25" N., longitude 151°02'20" W.), excluding the portion within the Kenai 700-foot floor transition area.

AMENDMENTS 12/7/72 37 F. R. 23250 (Rewritten)

Somerset, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Somerset-Pulaski County Airport (lat. 37°03'24" N., long. 84°36'45" W.); within 3 miles each side of the 230° bearing from Somerset RBN (lat. 37°03'19" N., long. 84°36'58" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN.

Somerset, PA.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the center (lat. 40°02'15" N., long. 79°01'00" W.) of Somerset County Airport, Somerset, PA, and within 3.5 miles each side of the 056° bearing from the Stoystown RBN (lat. 40°05'17" N., long. 78°55'20" W.) extending from the 9.5-mile radius area to 11 miles northeast of the RBN, excluding the portion that coincides with the Johnstown, PA., transition area.

AMENDMENTS 5/25/72 37 F. R. 6052 (Added)

South Bend, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of St. Joseph County Airport, South Bend, Ind. (latitude 41°42'15" N., longitude 86°18'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from St. Joseph County Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Ind. VOR 360° radial, extending from the St. Joseph County Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Mich. (latitude 41°50'30" N., longitude 86°13'30" W.).

AMENDMENTS 8/17/72 37 F. R. 11858 (Changed)

South Boston, VA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 36°42'45" N., long. 78°51'00" W. of William M. Tuck Airport, South Boston, VA., and within 2 miles each side of the South Boston VORTAC 078° radial, extending from the 6.5-mile radius area to the VORTAC.

AMENDMENTS 9/14/72 37 F. R. 13168 (Rewritten)

Southbridge, Mass.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 42°06'05" N., 72°02'20" W. of Southbridge Municipal Airport, Southbridge, Mass.; within 3.5 miles each side of the Putnam, Conn., VORTAC 315° radial, extending from the 6.5-mile radius area to the VORTAC; within 2 miles each side of the Runway 2 centerline extended from the 6.5-mile radius area to 6.5 miles north of the end of the runway and within 2 miles each side of the Runway 20 centerline extended from the 6.5-mile radius area to 6.5 miles south of the end of the runway.

South Carolina
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of South Carolina including the offshore airspace within 3 nautical miles of and parallel to the shoreline of South Carolina, and including the airspace outside the United States southeast of Myrtle Beach, S. C., bounded by a line beginning at latitude 33°48'10" N., longitude 78°31'45" W.; to latitude 33°45'50" N., longitude 78°31'00" W.; to latitude 33°40'10" N., longitude 78°40'15" W.; thence clockwise along a 15-mile radius circle centered on the Conway TACAN to latitude 33°27'40" N., longitude 78°55'20" W.; to latitude 33°19'40" N., longitude 79°02'10" W.; to latitude 33°14'15" N., longitude 79°06'15" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and east of Charleston, S. C., bounded by a line beginning at latitude 33°04'55" N., longitude 79°13'10" W.; to latitude 32°58'30" N., longitude 79°18'00" W.; to latitude 32°50'40" N., longitude 79°23'15" W.; thence clockwise along the arc of a 38-mile radius circle centered on the Charleston VORTAC to latitude 32°38'40" N., longitude 79°27'25" W.; to latitude 32°44'00" N., longitude 79°45'10" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and southeast of Beaufort, S. C., bounded by a line beginning at latitude 32°15'00" N., longitude 80°30'00" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 32°03'25" N., longitude 80°46'30" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning, excluding the airspace within R-6004.

South Island, NY.
That airspace on each side of Control 1147, extending upward from FL 230 to FL 390, inclusive, bounded on the northeast by a line beginning at latitude 40°00'00" N., longitude 72°43'00" W., to latitude 39°35'00" N., longitude 72°20'00" W., thence south along longitude 72°20'00" W. to the northeast boundary of Control 1147, northwest along the northeast boundary of Control 1147, northeast along the southeast boundary of the Fire Island transition area to latitude 40°03'00" N., thence to point of beginning; and including the airspace bounded on the southwest by a line beginning at latitude 39°44'00" N., longitude 73°30'00" W., thence east along latitude 39°44'00" N., to the southwest boundary of Control 1147, southeast along the southwest boundary of Control 1147, southwest along the northwest boundary of the New York oceanic control area to longitude 72°30'00" W., thence to latitude 39°40'00" N., longitude 73°30'00" W., thence to point of beginning.

AMENDMENTS 10/12/72 37 F. R. 17025 (Added) Corr: 37 F. R. 18183

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Southern Pines, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pinehurst-Southern Pines Airport (latitude 35°14'02" N., longitude 79°23'36" W.); within 1.5 miles each side of Pinehurst VORTAC 082° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within R-5311.

South Haven, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of South Haven Municipal Airport (lat. 42°21'15" N., long. 86°15'45" W.); and within 1.5 miles each side of the Pullman VORTAC 224° radial, extending from the 7-mile radius area to the VORTAC.

South Kauai, Hawaii
That airspace extending upward from 700 feet above the surface within 2 miles north and 4 miles south of the South Kauai, Hawaii, VORTAC 271° radial extending from the VORTAC to 8 miles west of the VORTAC; within 2 miles each side of the South Kauai, VORTAC 089° radial extending from the VORTAC to 6 miles east of the VORTAC and within 2 miles each side of the South Kauai, VORTAC 133° radial extending from the VORTAC to 6 miles southeast of the VORTAC.

Sparta, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sparta Community Airport (latitude 38°08'55" N., longitude 89°41'55" W.); and within 3 miles each side of the 009° bearing from Sparta Community Airport, extending from the 5-mile radius area to 8 miles north of the airport.

Spartanburg, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); 3.5 miles each side of Spartanburg VORTAC 016° radial, extending from the 6.5-mile radius area to 9 miles north of the VORTAC; within 3.5 miles each side of Spartanburg VORTAC 191° radial, extending from the 6.5-mile radius area to 16.5 miles south of the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within the Greenville, S. C., transition area.

AMENDMENTS 10/17/72 37 F. R. 23177 (Changed)

Spencer, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa, Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.), and within 2 miles each side of the 191° bearing from the Spencer Municipal Airport, extending from the 5-mile radius to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 191° bearing from the Spencer Municipal Airport, extending from the airport to 12 miles S of the airport, and within 5 miles each side of the 011° bearing from the Spencer Municipal Airport, extending from the airport to V-120.

Spirit Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Spirit Lake Municipal Airport (latitude 43°23'05" N., longitude 95°08'10" W.); and within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport, extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 353° bearing from Spirit Lake Municipal Airport, extending from the airport to 18½ miles north of the airport.

Spokane, Wash.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.); within a 15-mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.); within 5 miles northwest and 10 miles southeast of the Spokane 228° radial extending from the 15-mile radius area to 18.5 miles southwest of the VORTAC, and within 3 miles each side of the Spokane VORTAC 060° radial extending from the Felts Field 5-mile radius zone to 26 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 38-mile radius of Fairchild AFB, Spokane (latitude 47°36'55" N., longitude 117°39'20" W.), within a 52-mile radius of Fairchild AFB, extending clockwise from the Spokane VORTAC 024° radial to a line 5 miles S of and parallel to the Spokane VORTAC 094° radial, and clockwise from a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial to the Spokane VORTAC 300° radial; and that airspace S of Spokane extending from the 52-mile radius area bounded on the east by the west edge of V-253, on the S by V-536, and on the W by the E edge of V-112E; that airspace extending upward from 7,000 feet MSL within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from the Spokane VORTAC 300° to the 024° radials; and that area southeast of Spokane bounded on the northwest by the 52-mile arc, on the north by the south edge of V-2S on the southeast by the north edge of V-536, on the southwest by the northeast edge of V-253; and that airspace extending upward from 6,000 feet MSL within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from a line 5 miles S of and parallel to the Spokane VORTAC 094° radial to a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial.
AMENDMENTS 3/30/72 37 F. R. 2952 (Changed)

Springfield, Ill
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); and within the arc of a 23-mile radius circle centered on the Capital VORTAC, extending from a line 2 miles southeast of and parallel to the Capital VORTAC 213° radial clockwise to a line 2 miles northwest of and parallel to the Capital VORTAC 228° radial.

Springfield, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius area of the Springfield Municipal Airport; within 7 miles northwest and 10 mile southeast of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles southwest of the VORTAC; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 240° radial, extending from the 25-mile radius area to 37 miles southwest of the VORTAC; within 7 miles south and 10 miles north of the Springfield VORTAC 261° radial, extending from the 25-mile radius area to 51 miles west of the VORTAC; within a 26-mile radius area of the Springfield VORTAC, within 7 miles northeast and 10 miles southwest of the Springfield VORTAC 337° radial, extending from the 26-mile radius area to 40 miles northwest of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 028° radial, extending from the 26-mile radius area to 41 miles northeast of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 058° radial, extending from the 26-mile radius area to 44 miles northeast of the VORTAC; and within 8 miles southeast and 11 miles northwest of the Dogwood, Mo., VORTAC 053° and 233° radials, extending from 7 miles northeast to 14 miles southwest of the VORTAC.

Springfield, Vt.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (48°20'40" N., 72°31'15" W.) of Springfield State (Hartness) Airport, Springfield, Vt., within 5 miles northwest and 8 miles southeast of a 214° bearing from the Hartness RBN (43°16'12" N., 72°35'12" W.) extending from the RBN to 12 miles southwest of the RBN and within 2 miles each side of a 034° bearing from the Hartness RBN extending from the 6-mile radius area to the RBN.

Starkville, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field (lat. 33°26'00" N., long. 88°50'45" W.); within 5 miles each side of Columbus VORTAC 260° radial extending from the 6.5-mile radius area to 32.5 miles west of the VORTAC; excluding the portion within Columbus, Miss., transition area.

State College, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°51' 05" N., 77°51'00" W., of University Park Airport, State College, Pa.; within a 5-mile radius of the center 40° 46'15" N., 77°52'50" W., of State College Air Depot Airport, State College, Pa., and within 2 miles each side of the State College Air Depot Airport Runway 22 centerline extended from the State College Air Depot Airport 5-mile radius area to 10 miles southwest of the end of the runway, excluding that portion that coincides with the Philipsburg, Pa., transition area.

Statesboro, GA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Statesboro Municipal Airport (lat. 32°29'25" N., long. 81°44'08" W.); within 3 miles each side of the 120° and 326° bearings from Statesboro RBN (lat. 32°28'27" N., long. 81°44'40" W.), extending from the 6.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

AMENDMENTS 5/25/72 37 F. R. 5605 (Rewritten) Corr: 37 F. R. 7203

Statesville, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Statesville Municipal Airport (latitude 35°45'36" N., longitude 80°57'15" W.); within 2 miles each side of Hickory VOR 114° radial, extending from the 5-mile radius area to 3.5 miles southeast of the VOR; excluding the portion within the Hickory transition area.

Sterling, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Whiteside County Airport (latitude 41°44'35" N., longitude 89°40'30" W.); within 2 miles each side of the 074° bearing from Whiteside County Airport, extending from the 7 mile radius area to 14 miles east of the airport; and within 2 miles each side of the 232° bearing from Whiteside County Airport, extending from the 7-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies the Dixon, Ill., transition area.

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Stevens Point, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stevens Point, Wis., Municipal Airport (latitude 44°32'38" N., longitude 89°31'50" W.); within 2 miles each side of the Stevens Point, Wis., VOR 024° radial extending from the 5-mile radius area to 11 miles NE of the VOR; within 2 miles each side of the Stevens Point VOR 111° radial extending from the 5-mile radius area to 8 miles E of the VOR; within 2 miles each side of the Stevens Point VOR 217° radial extending from the 5-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the Stevens Point VOR 306° radial extending from the 5-mile radius area to 8 miles NW of the VOR.

Stillwater, OK.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, OK., latitude 36°09'31" N., longitude 97°05'08" W.; and within 2 miles each side of the Stillwater VOR 005° radial extending from the 6-mile radius area to 8 miles north of the VOR.

AMENDMENTS 3/30/72 37 F. R. 6995 (Rewritten)

Stockton, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120° 04' 00" W., on the SE by a line extending from latitude 37° 52' 00" N., longitude 120° 04' 00" W., to latitude 37° 38' 00" N., longitude 121° 00' 00" W., on the S by latitude 37° 38' 00" N., on the W by longitude 121° 37' 00" W., and on the N by latitude 38° 07' 00" N. The airspace within R-2531 is excluded.

Storm Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Storm Lake Municipal Airport (latitude 42°36'00" N., longitude 95°14'31" W.); and within 3 miles each side of the 142° bearing from Storm Lake Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 142° and 322° bearings from Storm Lake Municipal Airport extending from 6 miles northwest to 18½ miles southeast of the airport.

Sturgeon Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Door County Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 3 miles each side of a 195° bearing from the Door County Cherryland Airport extending from the 5-mile radius area to 7½ miles south of the airport.

AMENDMENTS 9/14/72 37 F. R. 13468 (Changed)

Sturgis, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Kirsch Airport, Sturgis, Mich., (latitude 41° 48' 50" N., longitude 85° 26' 10" W.), and within 8 miles NW and 5 miles SE of the 059° bearing from Kirsch Airport, extending from Kirsch Airport to 12 miles NE of the airport.

Stuttgart, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stuttgart Municipal Airport (latitude 34°36'15" N., longitude 91°34'30" W.), and within 3.5 miles each side of the 350° bearing from the Stuttgart RBN (latitude 34°39'52" N., longitude 91°35'30" W.) extending from the 6.5-mile radius area to 11.5 miles north of the RBN.

Sullivan, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sullivan County Airport (latitude 39°07'00" N., longitude 87°26'55" W.); and within 3 miles each side of the 187° bearing from Sullivan County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

Sulphur Springs, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sulphur Springs Airport (latitude 33°09'30" N., longitude 95°37'15" W.), and within 2 miles each side of the Sulphur Springs VORTAC 240° radial extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

Sumter, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 5 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 12.5 miles northeast of the TACAN; within 5 miles each side of the ILS localizer southwest course, extending from the 8.5-mile radius area to 13.5 miles southwest of the OM; within a 10.5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 5 miles each side of McEntire ANGB TACAN 138° radial, extending from the 10.5-mile radius area to 12.5 miles southeast of the TACAN; within a 5-mile radius of Sumter Municipal Airport (lat. 33°59'39" N., long. 80°21'45" W.); excluding the portion within Columbia transition area.

AMENDMENTS 4/7/72 37 F. R. 7387 (Changed) Corr: 37 F. R. 9104

Sunol, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 121°31'00" W., on the SW by V-107 and on the NW by V-244S.

Sunrise, Hawaii
That airspace extending upward from 2,500 feet above the surface bounded on the north by V-12, on the east by the Honolulu Oceanic Control Area, and on the south by V-4; that airspace bounded on the north by V-4, on the east by the Honolulu Oceanic Control Area, on the south by V-8, and on the west by the arc of a 19-mile radius circle centered on the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.); and that airspace bounded on the north by V-8, on the east by the Honolulu Oceanic Control Area, on the south by a line 15 nmi south of and parallel to the Molokai VOR 067° radial, and on the west by the arc of a 30-mile radius circle centered on the Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.).

Sussex, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°12'00" N., 74°37'25" W.) of Sussex Airport, Sussex, N. J.; within 2 miles each side of the Sparta, N. J. VOR 334° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the centerline of Runway 3 extended to 9 miles NE of the end of the runway; within 2 miles each side of the centerline of Runway 21 extended to 10 miles SW of the end of the runway; within 2 miles each side of the centerline of Runway 26 extended to 12 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 8 extended to 10 miles E of the end of the runway, excluding the portion within the Andover, N. J., 700-foot-floor transition area. This transition area shall be in effect from sunrise to sunset daily.

Swainsboro, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Emanuel County Airport (lat. 32°36'30" N., long. 82°22'15" W.); within 3 miles each side of Swainsboro TVOR (lat. 32°36'24" N., long. 82°22'10" W.) 294° radial extending from the 6.5-mile radius area to 8.5 miles northwest of the TVOR.

AMENDMENTS 12/7/72 37 F. R. 24815 (Changed)

Swordfish, Hawaii
That airspace extending upward from 5,000 feet above the surface bounded on the north and northeast by V-14, on the south by V-12 and the Honolulu Oceanic Control Area, and on the west by longitude 160°00'00" W.; that airspace bounded on the north by V-12 and the Honolulu transition area, on the northeast by V-14, on the south by V-4, and on the west by the Honolulu Oceanic Control Area; and that airspace bounded on the north by V-4, on the east by the Honolulu transition area, on the south by W-319, and on the southwest by the Honolulu Oceanic Control Area.

AMENDMENTS 5/25/72 37 F. R. 6381 (Changed)

Syracuse, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 43° 06'50" N., 76°06'35" W. of Syracuse Hancock International Airport, Syracuse, N. Y.; within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 28 ILS localizer course, extending from the OM to 18.5 miles east of the OM; and within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 10
ILS localizer back course, extending from the localizer to 26 miles west of the localizer.

Talkeetna, Alaska
That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Talkeetna RBN, extending from 40 miles N to 15 miles S of the RBN, excluding the airspace within Federal airways.

Tallahassee, Fla.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within a 6.5-mile radius of the Tallahassee Commercial Airport (lat. 30°33'02" N., long. 84°22'31" W.); within 3 miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM.

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Tallassee, AL.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tallassee Municipal Airport (lat. 32°29'00" N.,long. 85°53'00" W.); within 2 miles each side of Tuskegee VOR 270° radial extending from the VOR to 19 miles west of the VOR.

AMENDMENTS 7/20/72 37 F. R. 10564 (Added)

Tampa, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Tampa International Airport (lat. 27°58'29" N., long. 82°31'38" W.); within an 8.5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41'19" W.); within 3 miles each side of St. Petersburg VORTAC 343° radial, extending from the 8.5-mile radius area to 8 miles north of the VORTAC; within an 8.5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 3 miles each side of MacDill AFB ILS localizer northeast course, extending from the 8.5-mile radius area to 8.5 miles northeast of the OM; within a 7-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); within a 5-mile radius of Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.).

Tanana, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ralph M. Calhoun Memorial Airport, latitude 65°10'30" N., longitude 152°06'32" W. and within 9.5 miles south and 4.5 miles north of the Bear Creek radio beacon 251° bearing extending from the radio beacon to 18.5 miles west.

AMENDMENTS 12/7/72 37 F. R. 21628 (Rewritten)

Tangier, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Tangier Island Airport, lat. 37°49'30" N., long. 75°59'55" W.; within 3 miles each side of the Cape Charles, Va., VORTAC 360° radial extending from the 5-mile radius area to 26 miles north of the VORTAC.

Taos, N. Mex.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taos Municipal Airport (lat. 36°27'33" N., long. 105°40'31" W.); within 3 miles each side of a 215° bearing from the Taos NDB (lat. 36°27'40" N., long. 105°40'10" W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface beginning at lat. 36°07'00" N., long. 105°50'00" W.,thence via a 25-mile arc centered on the Taos Municipal Airport coordinates (lat. 36°27'33" N., long. 105°40'31" W.) clockwise to lat. 36°48'00" N., long. 105°49'15" W., thence direct to lat. 36°30'00" N., long. 105°30'00" W., thence direct to point of beginning.

Taunton, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 41°52'35" N., 71°01'00" W., of Taunton Municipal Airport, Taunton, Mass.; within 2 miles each side of the Whitman, Mass., VORTAC 187° radial, extending from the 6-mile radius area to the Whitman VORTAC and within 2 miles each side of the 118° bearing from the Taunton, Mass., RBN, 41°52'35" N., 71°01'03" W., extending from the 6-mile radius area to 8 miles southeast of the Taunton RBN.

Tecumseh, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Tecumseh, Mich. Airport (latitude 42°01'30" N., longitude 83°56'20" W.).

Tell City, IN.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Perry County Municipal Airport, IN., (latitude 38°01'05" N., longitude 86°41'30" W.); and within 3 miles each side of the 105° bearing from the Perry County Municipal Airport extending from the 5-mile radius to 8 miles southeast.

AMENDMENTS 3/30/72 37 F. R. 2953 (Added)

Tennessee
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Tennessee.

Terre Haute, IN.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (latitude 39°27'07" N., longitude 87°18'25" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest of the VORTAC; within a 5-mile radius of the Sky King Airport (latitude 39°32'56" N., longitude 87° 22'38" W.).

AMENDMENTS 4/27/72 37 F. R. 5012 (Rewritten)

Texarkana, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Municipal-Webb Field (lat. 33°27'20" N., long. 93°59'15" W.), within 2 miles each side of the Texarkana ILS localizer northeast course extending from the 5-mile radius area to the OM, and within 2 miles each side of the Texarkana VORTAC 129° radial extending from the 5-mile radius area to the VORTAC.

Texas
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Texas including the airspace within 3 nautical miles of and parallel to the shoreline of Texas, that airspace south of Beaumont, Tex., bounded on the north by a line 3 nautical miles from and parallel to the shoreline, on the east by the Louisiana/Texas State line and on the south by the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., that airspace east of Corpus Christi, Tex., bounded by a line 3 nautical miles from and parallel to the shoreline and a line beginning at a point 3 nautical miles from the shoreline at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., excluding that airspace bounded by a line beginning at the United States/Mexican Border, thence counterclockwise along the arc of a 95-mile radius circle centered at latitude 31°48'35" N., longitude 106°22'55" W., to and along the south boundary of V-198 to longitude 103°16'00" W., thence to latitude 30°37'00" N., longitude 102°40'00" W., thence to the south boundary of V-198 at longitude 102°30'00" W., thence along the south boundary of V-198 to and along longitude 101°00'00" W., to and counterclockwise along the arc of a 60-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W., to and along the United States/Mexican Border to the point of beginning.

AMENDMENTS 9/14/72 37 F. R. 14767 (Changed)
PENDING AMENDMENT
The Texas transition area is amended by deleting "thence along the south boundary of V-198 to and along longitude 101°00'00" W., to and counterclockwise along the arc of a 60-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W.;" and substituting therefor "thence along the south boundary of V-198 to and counterclockwise along the arc of a 105-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W.,"

AMENDMENTS 1/4/73 37 F. R. 22729 (Changed) Corr: 37 F. R. 23329

The Dalles, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of The Dalles Municipal Airport (latitude 45°37'05" N., longitude 121°10'05" W.), that airspace south of The Dalles, extending from a line 2 miles east of and parallel to The Dalles VORTAC 186° radial clockwise to the 222° radial, extending from the 5-mile radius area to an ARC of an 11.5-mile radius circle centered on The Dallas Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 6 miles S of The Dalles VORTAC 281° and 101° radials, extending from 7 miles W to 14 miles E of the VORTAC; within 5 miles N of The Dalles VORTAC 101° radial, extending from 14 miles E to 23 miles E of the VORTAC, and that airspace within a 23-mile radius of The Dalles VORTAC, extending clockwise from the 101° radial to the 272° radial, excluding the airspace within the Portland, Oreg., transition area.

Thermal, CA.
That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Thermal VORTAC 140° radial, extending from the VORTAC to 8 miles southeast of the VORTAC, within 3.5 miles southwest of and parallel to the Thermal VORTAC 155° radial, extending from the VORTAC to 6.5 miles southeast of the VORTAC and within 3 miles each side of the Thermal VORTAC 324° radial, extending from the VORTAC to 16 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Thermal VORTAC 140° radial extending from the VORTAC to 20 miles southeast of the VORTAC, excluding the portion within R-2521.

AMENDMENTS 4/27/72 37 F. R. 3745 (Added)

Thief River Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 138° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 305° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles NW of the airport.

Thunder Bay, Ontario, Canada
That airspace extending upward from 1,200 feet above the surface within a 35-nautical mile radius of Thunder Bay Airport (lat. 48°22'19" N., long. 89°19'26" W.), excluding the portion outside the United States.

AMENDMENTS 3/30/72 37 F. R. 6381 (Added)

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Tiffin, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Seneca County Airport (latitude 41°05'38" N., longitude 83°12'45" W.); within 3 miles each side of the 053° bearing from the Seneca County Airport extending from the 7-mile radius area to 8.5 miles northeast of the airport.

AMENDMENTS 2/3/72 36 F. R. 23201 (Rewritten)

Tifton, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Henry Tift Myers Airport (lat. 31°25'36" N., long. 83°29'06" W.).

Titusville, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion within R-2902A and R-2902B.

Titusville, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center lat. 41° 36'45" N., long. 79°44'45" W. of Titusville Airport, excluding the portion that coincides with the Franklin, Pa., transition area.

Tobe, Colo.
That airspace north of Tobe, Colo., VORTAC, extending upward from 8,500 feet MSL, bounded on the north by V-210, on the southeast by V-263, and on the west by V-19E, excluding the airspace within Federal airways.

Toccoa, Ga.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport (latitude 34°35'40" N., longitude 83°17'40" W.).

Toledo, OH.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°40'00" N., longitude 84°20'00" W.; to latitude 41°49'00" N., longitude 83°37'00" W.; to latitude 41°34'00" N., longitude 83°19'00" W.; to latitude 41°17'00" N., longitude 83°36'00" W.; to latitude 41°22'00" N., longitude 84°05'00" W.; to point of beginning.

AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)
AMENDMENTS 10/12/72 37 F. R. 16073 (Rewritten)

Tonopah, Nev.
That airspace extending upward from 1,200 feet above the surface within 14 miles north and 5 miles south of the 083° and 263° radials of the Tonopah VORTAC extending from 12 miles west to 25.5 miles east of the VORTAC, and within 10 miles south of and parallel to the Tonopah VORTAC 089° radial, extending from the VORTAC to 21.5 miles east of the VORTAC.

AMENDMENTS 2/3/72 36 F. R. 22009 (Rewritten)

Topeka, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Philip Billard Airport, Topeka, Kans. (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7-mile radius area to 8 miles NE of the VORTAC, within 5 miles SW and 8 miles NE of the Philip Billard Airport ILS localizer NW course, extending from 3 miles SE to 12 miles NW of the OM, within a 7-mile radius of Forbes AFB, Topeka, Kans. (latitude 38°57'10" N., longitude 95°39'50" W.), and within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 7-mile radius area to 9 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded by the Emporia, Kans., VORTAC 346° radial beginning at latitude 39°26'50" N., longitude 96°30'50" W., S to the NW edge of V-10, thence NE to latitude 39°00'00" N., longitude 95°09'00" W., thence N along longitude 95°09'00" W. to the S edge of V-71, thence NW to latitude 39°49'00" N., longitude 95°34'00" W., thence direct to point of beginning excluding the portion within the Emporia, Kans., transition area.

Toughkenamon, PA.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, lat. 39° 49'55" N., long. 75°46'08" W. of the New Garden Flying Field, Toughkenamon, including that airspace 5 miles west and 3 miles east of the Modena, PA., VORTAC 047° and 227° radials extending from 5 miles southwest to 10 miles northeast of the VORTAC.

AMENDMENTS 3/2/72 37 F. R. 1360 (Added)

Tracy, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Tracy Municipal Airport (latitude 37°41'15" N., longitude 121°26'25" W.), and within 2.5 miles each side of the Stockton VORTAC 237° radial, extending from the 3-mile radius area to 10.5 miles southwest of the VORTAC.

Traverse City, Mich.
That airspace extending upward from 700 feet above the surface within a 10½-mile radius of Cherry Capital Airport (latitude 44°44'35" N., longitude 85°34'55" W.); within 4½ miles west and 9½ miles east of the Traverse City VORTAC 158° radial, extending from the 10½-mile radius area to 18½ miles south of the VORTAC; and within 5 miles each side of the Traverse City VORTAC 344° radial, extending from the 10½-mile radius area to 20 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19½-mile radius of the Traverse City VORTAC, extending from the Traverse City VORTAC 060° radial clockwise to the Traverse City VORTAC 129° radial; within a 25-mile radius of the Traverse City VORTAC, extending from the Traverse City VORTAC 268° radial clockwise to the Traverse City VORTAC 060° radial; and within 4½ miles north and 9½ miles south of the Traverse City ILS localizer east course, extending from the 19½-mile radius area to 18½ miles east of the OM.

Trenton, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Trenton, Mo. Municipal Airport (latitude 40°05'00" N., longitude 93°35'25" W.) and within 2 miles each side of the 172° bearing from Trenton Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° bearing from Trenton Municipal Airport, extending from the airport to 12 miles south of the airport.

Trenton, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gibson County Airport (latitude 35°56'02" N., longitude 88°50'54" W.); excluding the portion within the Humboldt, Tenn., transition area.

Tri-City, Tenn.
That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of a 21.5-mile radius circle centered on Tri-City Airport (latitude 36°28'30" N., longitude 82°24'20" W.) and a line 5 miles northwest of and parallel to Blackford VOR 216° radial (northeast of Tri-City Airport); thence northeast along this line to and clockwise along the arc of a 30-mile radius circle centered on Tri-City Airport to the northwest boundary of V-16S; thence northeast along the northwest boundary of V-16S to and clockwise along the arc of a 21.5-mile radius circle to point of beginning; including the airspace within 2 miles each side of Virginia Highlands Airport Runway 6 extended centerline, extending from the arc of a 30-mile radius circle centered on Tri-City Airport to 7.5 miles northeast of Virginia Highlands Airport.

Trinidad, Colo.
That airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° and 352° bearings from the Trinidad, Colo. RBN, extending from 7 miles south to 13 miles north of the RBN.

Troy, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the OM.

Truth or Consequences, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° radial, extending from the 8-mile radius area to 11 miles north of the VORTAC.

Tucson, Ariz.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles NE and 13 miles SW of the Tucson VORTAC 138° radial, extending from the 10-mile radius area to 9 miles SE of the VORTAC, and within 9 miles SW and 1 mile NE of the Tucson VORTAC 318° radial, extending from the 10-mile radius area to 22 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°33'00" N., longitude 111°45'00" W.; to latitude 32°33'00" N., longitude 110°52'00" W.; thence N via longitude 110°52'00" W. to the S boundary of V-94; thence SE via the S boundary of V-94 to longitude 110°00'00" W.; thence S to latitude 31°39'00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning.

AMENDMENTS 2/3/72 36 F. R. 22010 (Changed)

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Tucumcari, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.).

AMENDMENTS 3/3/72 36 F. R. 24114 (Rewritten)

Tullahoma, Tenn.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Arnold Air Force Station (latitude 35°23'33" N., longitude 86°05'10" W.); within 3 miles each side of the Arnold VOR 216° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR; within a 7-mile radius of William Northern Field (lat. 35°23'00" N., long. 86°14'30" W.); within 3 miles each side of Shelbyville VOR 136° radial, extending from the 7-mile radius area to 8.5 miles southeast of Arnold VOR 226° radial; excluding the portion within Shelbyville transition area.

Tulsa, Okla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (lat. 36°12'00" N., long. 95°53'15" W.), within a 5-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north, within 8 miles north and 5 miles south of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 33 miles east of the VORTAC, and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 5-mile radius area to 23 miles southwest of the VORTAC.

Tupelo, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the C. D. Lemons Municipal Airport (latitude 34°15'32" N., longitude 88°45'32" W); within 3 miles each side of the Tupelo VOR 214° radial, extending from the 5-mile radius area to 8.5 miles southwest of the VOR.

AMENDMENTS 9/14/72 37 F. R. 13338 (Changed)

Tuscaloosa, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 2.5 miles each side of Tuscaloosa VORTAC 052° radial, extending from the 11-mile radius area to 6.5 miles northeast of the VORTAC.

Twentynine Palms, CA.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 17'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 116°18'00" W., to latitude 34°17'00" N., longitude 116°18'00" W., thance to point of beginning, excluding the portions within R-2501E, R-2501S, and R-2507.
AMENDMENTS 5/25/72 37 F. R. 5364 (Rewritten)

Twin Falls, Idaho
That airspace extending upward from 700 feet above the surface within 9.5 miles north and 5 miles south of the Twin Falls VORTAC 086° and 281° radials, extending from the VORTAC to 18.5 miles east and 18.5 miles west of the VORTAC, and within 5 miles each side of the Twin Falls 156° radial, extending from the VORTAC to 9.5 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Twin Falls VOR, extending clockwise from the VOR 038° radial to the VOR 311° radial; including that airspace northeast of Twin Falls bounded on the north vy V-500, on the east by longitude 114°01'00" W., on the south by V-269 and on the southwest by V-293, and that airspace northwest of Twin Falls bounded on the north by V-330, on the northeast by V-293 and on the southwest by V-4; and within 9 miles southwest and 6 miles northeast of the Twin Falls VOR 311° radial, extending from the VOR to 39 miles northwest of the VOR.

Tyler, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line extending from latitude 32°05'30" N., longitude 95°17'00" W., to latitude 32°27'00" N., longitude 95°42'30" W., to latitude 32°35'30" N., longitude 95°32'30" W., to latitude 32°13'30" N., longitude 95°07'00" W., to point of beginning.

Ukiah, Calif.
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Ukiah, Calif., VORTAC bounded on the E by the W edge of V-25, that airspace S of Ukiah bounded on the E by the W edge of V-25, on the S by latitude 38°43'30" N., on the W by longitude 123°23'15" W., and that airspace between the 20- and 24-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 7,500 feet MSL between the 24- and 45-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 8,500 MSL bounded on the NE by a 45-mile arc of the Red Bluff, VORTAC, on the SE by the SE edge of V-25, on the S and SW by the N edge of V-200 and a 20-mile arc of the Ukiah VORTAC, and on the NW by the NW edge of V-199; that airspace extending upward from 9,500 feet MSL bounded on the SE by the NW edge of V-199, on the W by the E edge of V-27, and on the N by a line 9 miles S of and parallel to the Red Bluff VORTAC 291° and Fortuna VORTAC 110° radials.

Unalakleet, Alaska
That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the Unalakleet RR west course extending from the RR to 24.5 miles west of the RR; within 4.5 miles southeast and 9.5 miles northwest of the Unalakleet VORTAC 225° radial, extending from the VORTAC to 24.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7.5 miles north and 9.5 miles south of the Unalakleet VORTAC 110° and 290° radials, extending from 13 miles east to 13 miles west of the VORTAC.

AMENDMENTS 9/14/72 37 F. R. 14093 (Rewritten)

Union City, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Everett-Stewart Airport (latitude 36°22'50" N., longitude 88°59'15" W.); within 3 miles each side of Dyersburg VORTAC 037° radial, extending from the 5.5-mile radius area to 25.5 miles northeast of the VORTAC; within 3 miles each side of the 186° and 347° bearings from Union City RBN (latitude 36°23'06" N., longitude 88°58'50" W.), extending from the 5.5-mile radius area to 8.5 miles north and south of the RBN.

Upolu Point, Hawaii
That airspace extending upward from 1,200 feet above the surface bounded on the north by V-15, on the east by V-6, on the south by V-2, and on the west by V-11; that airspace bounded on the northeast by V-16, on the southeast by V-11, and on the southwest by V-5; and that airspace bounded on the north by a line 4 nmi north of and parallel to the Lanai VOR 110° radial, on the east by V-11, and the south by V-2.

Utica, N. Y.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 43°14'10" N., 75°24'25" W. of Griffiss AFB, Rome, N. Y., and within 2 miles each side of the Griffiss-TACAN 306° radial extending from the 10-mile radius to 14 miles NW of the TACAN.

Within a 12-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N. Y., and within 3.5 miles each side of the 137° bearing from the Clay RBN, extending from the 12-mile radius area to 11.5 miles southeast of the RBN.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 43°24'00" N., 76°53'00" W. to 42°57'00" N., 76°57'00" W. to 42°40'00" N., 77°23'45" W. to 42°41'30" N., 76°23'00" W. to 42°40'00" N., 75°30'00" W. to 43°00'00" N., 74°30'00" W. to 43°19'00" N., 74°30'00" W., to 43°16'00" N., 74°37'00" W., thence counterclockwise along an arc with a radius of 40 SM from the center of Griffiss AFB to 43°44'00" N., 75°49'15" W. to 43°32'00" N., 76°23'00" W. to 43°24'00" N., 76°40'00" W to point of beginning.

Uvalde, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Garner Field (latitude 29°12'54" N., longitude 99°44'30" W.) and within 2 miles each side of the 171° bearing from the Uvalde RBN (latitude 29°13'06" N., longitude 99°44'29" W.) extending from the 5-mile radius area to 8 miles south of the RBN.

Valdosta, GA.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'34" W.); within an 8.5-mile radius of Moody AFB (lat. 30°58' 01" N., long. 83°11'27" W.); within 3 miles each side of the ILS localizer N course and Moody VOR 007° radial, extending from the 8.5-mile radius area to 8.5 miles north of the OM; within 5 miles each side of the Moody VOR 173° radial, extending from the 8.5-mile radius area to 14 miles south of the VOR; within 3 miles each side of the Moody VOR 242° and 295° radials, extending from the 8.5-mile radius area to 14 miles southwest and 17 miles northwest of the VOR.

AMENDMENTS 9/14/72 37 F. R. 14691 (Rewritten)

Valentine, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Miller Field Airport (latitude 42°51'25" N., longitude 100°32'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 145° bearing from the Miller Field Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 325° bearing from the Miller Field Airport extending from the airport to 12 miles northwest of the airport; excluding the portion which overlies the Ainsworth, Nebr., 1,200-foot floor transition area.

Valparaiso, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Porter County Airport (latitude 41°27'10" N., longitude 87°00'20" W.).

Vandenberg AFB, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 2.5 miles northwest to 1 mile southeast of the OM.

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Venice, FL.
That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of Venice Municipal Airport (lat. 27°04'30" N., long. 82°26'00" W.).

AMENDMENTS 7/20/72 37 F. R. 9987 (Added)

Vernal, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Vernal VOR 157° and 337° radials, extending from 10 miles northwest to 18.5 miles southeast of the VOR.

Vernon, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lamar County Airport (lat. 33°50'30" N., long. 88°07'10" W.); within 2.5 miles each side of Hamilton VORTAC 195° radial, extending from the 6.5-mile radius area to 17 miles south of the VORTAC, excluding the portion within Columbus, Miss., transition area.

Vernon, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (latitude 34°14'00" N., longitude 99°17'30" W.), and within 2 miles each side of the Altus VOR 182° radial extending from the 6-mile radius area to 7 miles north of the airport.

Vero Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.); within 5 miles each side of Vero Beach VORTAC 291° radial, extending from the 8.5-mile radius area to 8.5 miles west of the VORTAC; within a 6.5-mile radius of St. Lucie County Airport, Fort Pierce, Fla. (lat. 27°29'38" N., long. 80°22'02" W.); excluding the portion outside the continental limits of the United States.

Versailles, OH.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Darke County Airport (latitude 40°12'17" N., longitude 84°31'38" W.); and within 3 miles either side of the 265° bearing from the airport, extending from the 5-mile radius area to 8 miles from the airport.

AMENDMENTS 5/25/72 37 F. R. 6382 (Added)

Vichy, MO.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles of each side of the 067° radial of the Vichy VORTAC, extending from 6½-mile radius area to 8½ miles northeast of the Vichy VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 062° and 242° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 216° radial clockwise to the Vichy VORTAC 321° radial and that airspace south of Vichy VORTAC bounded on the northeast by the Vichy 138° radial, southeast by the 052° radial of Maples VORTAC, south by the 086° radial of the Forney AAF VOR, northwest by the Vichy 216° radial.

AMENDMENTS 7/20/72 37 F. R. 9622 (Rewritten)

Vicksburg, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20" N., longitude 90°55'40" W.).

Victoria, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the Victoria VOR 313° radial, extending from the VOR to 12 miles NW of the VOR; within 8 miles SW and 5 miles NE of the 324° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from latitude 28° 51' 30" N., longitude 96°55'00" W., to 12 miles NW.

Victorville, Calif.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.).

Vidalia, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vidalia Municipal Airport (lat. 32°11'45" N., long. 82°22'15" W.).

Vincennes, IN.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville/Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'27" W.) within 3 miles each side of the 189° bearing from the Lawrenceville/Vincennes Airport, extending from the 7-mile radius to 8 miles south; and 3 miles each side of the 355° bearing from the Lawrenceville/Vincennes Airport, extending from the 7-mile radius to 8 miles north; and within a 5.5-mile radius of O'Neal Airport (latitude 38°41'28" N., longitude 87°33'12" W.) and within 3 miles each side of the 258° bearing from O'Neal Airport, extending from the 7-mile and 5½-mile radii to 8 miles west of the airport.

AMENDMENTS 7/20/72 37 F. R. 9986 (Rewritten)

Vincentown, NJ.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 39° 54'15" N., long. 74°45'00" W. of Red Lion Airport, Vincentown, NJ.

AMENDMENTS 6/22/72 37 F. R. 8659 (Added)

Virginia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Virginia including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Virginia and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south by latitude 36°33'30" N, and on the west and north by a line 3 nautical miles from and parallel to the shoreline, excluding that airspace within Control 1149, W-50, R-6602 and R-6606.

Visalia, CA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), within 2 miles each side of the Visalia VOR 123° and and 303° radials, extending from the 5-mile radius area to 8 miles northwest of the VOR and within 4 miles each side of the Visalia VOR 150° radial, extending from 7 to 20 miles southeast of the VOR.

AMENDMENTS 8/17/72 37 F. R. 12382 (Rewritten)

Vivian, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vivian Municipal Airport (latitude 32°51'55" N., longitude 94°00'30" W.), and within 2 miles each side of the Shreveport VORTAC 299° radial extending from the 5-mile radius area to 5.5 miles northwest of the VORTAC.

Wabash, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°45'50" N., longitude 85°48'05" W.); within 5 miles each side of the 105° bearing from Wabash Municipal Airport extending from the 5-mile radius area to 12 miles east of the airport; and within 2 miles each side of the 040° radial of the Kokomo, Ind., VORTAC, extending from the 5-mile radius area to 15 miles northeast of the Kokomo, Ind., VORTAC; excluding the portion which overlies the Kokomo, Ind., 700-foot floor transition area.

Waco, Tex.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 32°08'00" N., longitude 96°54'00" W.; to latitude 32°02'00" N., longitude 96°50'40" W.; to latitude 31°49'00" N., longitude 97°00'00" W.; to latitude 31°39'30" N., longitude 96°43'50" W., to latitude 31° 17'00" N., longitude 96°47'00" W., to latitude 31°17'00" N., longitude 97°13'00" W.; to latitude 30°56'30" N., longitude 97°25'30" W.; to latitude 30°58'30" N., longitude 97°35'40" W.; to latitude 31°11'00" N., longitude 97°31'00" W.; to latitude 31°27'00" N., longitude 97° 34'00" W.; to latitude 31°27'00" N., longitude 97°41'00" W.; to latitude 31°35'00" N., longitude 97°44'00" W.; to latitude 31°46'30" N., longitude 97°41'50" W.; to latitude 31°50'00" N., longitude 97°24'00" W.; to point of beginning.

AMENDMENTS 7/20/72 37 F. R. 10069 (Changed)

Waimea-Kohala, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waimea--Kohala Airport
(latitude 20°00'17" N., longitude 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bound on the north by V-16, on the west by V-11 and on the southeast by V-3 and the Waimea-Kohala control zone.

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Wakefield, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 36°59'14" N., long. 77°00'06" W. of Wakefield Municipal Airport, Wakefield, Va., and within 3.5 miles each side of the 024° bearing, from the Wakefield RBN lat. 36°58'59" N., long. 77°00'05" W., extending from the 5-mile radius area to 11.5 miles northeast of the RBN.

Wake Island
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

Wallace, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henderson Field (latitude 34°43'05" N., longitude 78°01'20" W.); within 3 miles each side of Wilmington VORTAC 344° radial, extending from the 5-mile radius area to 22 miles northwest of the VORTAC.

Walla Walla, Wash.
That airspace extending upward from 700 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Walla Walla VOR 215° radial, extending from the VOR to 18.5 miles southwest of the VOR; that airspace extending upward from
1,200 feet above the surface within 5 miles SE and 13 miles NW of the Walla Walla VOR 023° and 203° radials, extending from 14 miles SW to 28 miles NE of the VOR, within 5 miles each side of the Walla Walla TACAN 041° radial extending from the TACAN to 23 miles NE of the TACAN, within 5 miles SE and 9 miles NW of the Pendleton, Oreg., VORTAC 025° radial, extending from 33 miles NE to 61 miles NE of the VORTAC, and that airspace bounded by an arc of a 19-mile radius circle centered on the Walla Walla VOR (latitude 46°06'13" N., longitude 118°17'29" W.), from 5 miles SE of the Walla Walla 040° radial, to 4 miles SE of the Pendleton VORTAC 025° radial, within 5 miles east and 10 miles west of the Walla Walla 165° radial, extending from the 19-mile radius area to the northeast edge of V-298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V-112 to the southeast edge of V-112W, excluding the portion within the Pendleton, Oreg., transition area.

PENDING AMENDMENT
The description of the Walla Walla, Wash., transition area is amended as follows:
In the first line of the text, between the phrase "700 feet above the surface" and the phrase, "within 5 miles southeast" insert the following:"within 4 miles each side of the Walla Walla VOR 036° radial, extending from the VOR to 16 miles northeast;"

AMENDMENTS 1/4/73 37 F. R. 23536 (Changed)

Walnut Ridge, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Municipal Airport (lat. 36°07'30" N., long. 90°55'25" W.); within 3 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 6.5-mile radius area to 8.5 miles southwest of the VORTAC; and within a 5-mile radius of the Pocahontas Municipal Airport (lat. 36°14'40" N., long. 90°56'45" W.).

Walterboro, SC.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walterboro Municipal Airport (lat. 32°55'08" N., long. 80°38'25" W.); within 3 miles each side of the 060° bearing from Walterboro RBN (lat. 32°55'32" N., long. 80°38'27" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 4/20/72 37 F. R. 8944 (Rewritten)

Warren, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (latitude 33°33'50" N., longitude 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 270° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

Warsaw, Indiana
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warsaw, Ind., Municipal Airport (latitude 41°17'00" N., longitude 85°51'00" W.); and within 2 miles each side of the Wolflake, Ind., VOR 278° radial, extending from the 5-mile radius area to 25 miles W of the VOR.

Washington, D. C.
That airspace extending upward from 700 feet above the surface bounded on the W by a line beginning at latitude 38°37'20" N., longitude 77°35'30" W., extending N to latitude 38°50'30" N., longitude 77°35'20" W., thence clockwise along the arc of a 10-mile radius circle centered at Dulles International Airport, Chantilly, Va. (latitude 38°56'40" N., longitude 77°27'24" W.), to and clockwise along the arc of a 22-mile radius circle centered at Davison AAF, Fort Belvoir, Va. (latitude 38°42'55" N., longitude 77°10'50" W.) to, and clockwise along, the arc of a 10-mile radius circle centered at Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.) to latitude 38°40'15" N., longitude 76°55'10" W., to latitude 38°35'00" N., longitude 76°54'20" W., to latitude 38°30'00" N., longitude 77°04'00" W., to latitude 38°35'00" N., longitude 77°11'40" W., thence counterclockwise
along the arc of an 8-mile radius circle centered at MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.) to latitude 38°35'10" N., longitude 77°24'20" W., thence to the point of beginning, and within 2 miles each side of the Dulles International Airport runway 19-R ILS localizer N course, extending from the 10-mile radius area centered at the Dulles International Airport to a point latitude 39°05'32" N., longitude 77°27'30" W.; within a 6.5-mile radius of the center of latitude 38°43'30" N., longitude 77°31'00" W., of Manassas Municipal Airport (Harry P. Davies Field) Manassas, VA., and within 2.5 miles each side of a line bearing 329° from the airport geographical position to a point 12 miles northwest of said position; excluding the portion within P-56.

AMENDMENTS 3/2/72 37 F. R. 136 (Changed)

PENDING AMENDMENT
Delete in the description of the Washington, D. C., 700-foot floor transition area "MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.)" and insert the following in lieu thereof, "Quantico MCAS (Turner Field), Quantico, Va. (latitude 38°30'15" N., longitude 77°18'15" W.)."

AMENDMENTS 2/1/73 37 F. R. 25488 (Changed)

Washington, GA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Washington-Wilkes County Airport (lat. 33°47'20" N., long. 82°48'30" W.); within 2.5 miles each side of Athens VOR 112° radial, extending from the 6.5-mile radius area to 25 miles east of the VOR.

AMENDMENTS 8/17/72 37 F. R. 11858 (Added)

Washington, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Daviess County Airport (latitude 38°41'58" N., longitude 87°07'55" W.); within 3 miles each side of the 010° bearing from Daviess County Airport, extending from the 8-mile radius area to 8½ miles north of the airport.

Washington, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 156° bearing from Wanoca RBN (lat. 35°32'40" N., long. 77°02'00" W.), extending from the 8.5-mile radius area to 8.5 miles south of the RBN.

Washington, Pa.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of lat. 40°08'15" N., long. 80°17'15" W. of Washington County Airport, Washington, Pa.

Waterloo, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 3 miles each side of the Waterloo ILS localizer northwest course extending from the 9-mile radius area to 8 miles northwest of the OM; and within 5 miles each side of the Waterloo, Iowa, VORTAC 120° radial extending from the 9-mile radius area to 16 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Waterloo VORTAC, extending clockwise from a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial to a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial; within the arc of an 18-mile radius circle centered on the Waterloo VORTAC extending clockwise from a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial to a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial; and within 9½ miles north and 4½ miles south of the Waterloo VORTAC 078° radial extending from the VORTAC to 18½ miles east of the VORTAC.

PENDING AMENDMENT
Waterloo, Iowa
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); and within 3½ miles each side of the Waterloo ILS localizer northwest course extending from the 10-mile radius area to 8 miles northwest of the OM; and 3 miles each side of the Waterloo, Iowa, VORTAC 120° radial extending from the 10-mile radius to 15 miles southeast of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa VORTAC 200° radial extending from the 10-mile radius to 11½ miles south of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 001° radial extending from the 10-mile radius to 11½ miles north of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 316° radial extending from the 10-mile radius to 11½ miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface with the arc of a 29-mile radius circle centered on the Waterloo VORTAC.
AMENDMENTS 1/4/73 37 F. R. 24030 (Rewritten)

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Watertown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°59'20" N., 76°01'20" W. of Watertown International Airport, Watertown, N. Y., and within 3.5 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 7-mile radius area to 12 miles southwest of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 44°16'00" N., 75°40'00" W. to 44°16'00" N., 76°10'00" W. to 43°52'00" N., 76°21'00" W. to 43°32'00" N., 76°23'00" W. to 43°44'00" N., 75°49'00" W. to 43°52'00" N., 75°54'00" W. to point of beginning.

AMENDMENTS 10/12/72 37 F. R. 21529 (Changed)

Watertown, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 4½ miles east and 9½ miles west of the Watertown VORTAC 006° radial extending from the 10-mile radius to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 23½-mile radius circle centered on the Watertown VORTAC, extending from a line 5 miles north of and parallel to the VORTAC 086° radial clockwise to a line 5 miles northwest of and parallel to the VORTAC 235° radial; within a 13-mile radius of the Watertown VORTAC from a line 5 miles northwest of and parallel to the VORTAC 235° radial clockwise to a line 5 miles north of and parallel to the VORTAC 086° radial; and within 9½ miles east and 4½ miles west of the Watertown VORTAC 185° radial extending from the VORTAC to 30 miles south of the VORTAC.

PENDING AMENDMENT
Watertown, S. Dak.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the Watertown VORTAC extending clockwise from the 238° radial to the 086° radial; within a 26-mile radius of the Watertown VORTAC extending clockwise from the 086° radial to a line located parallel to and 4.5 miles west of the 181° radial; and within 6 miles east and 9.5 miles west of the Watertown VORTAC 001° radial extending from the VORTAC to 21 miles north; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 7 miles west of the 181° radial extending from the VORTAC to 31.5 miles south; and within a 26-mile radius of the Watertown VORTAC extending clockwise from a line 7 miles west of and parallel to the 181° radial to the 238° radial.

AMENDMENTS 2/1/73 37 F. R. 24657 (Rewritten)

Waterville, Maine
That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center (44°32'10" N., 69°40'30" W.) of Waterville Robert LaFleur Airport, Waterville, Maine; within 2 miles each side of a 211° bearing from Waterville RBN (44°30'26" N., 69°41'48" W.) extending from the 5 mile radius area to 8 miles SW of the RBN and within 2 miles each side of the Augusta, Maine, VOR 022° radial extending from the 5-mile radius area to 9 miles north of the VOR excluding the portion that coincides with the Augusta, Maine, 700-foot floor transition area.

Wausau, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Wausau Municipal Airport (latitude 44°55'33" N., longitude 89°37'32" W.) and that airspace extending upward from 1,200 feet above the surface north of the 45° parallel within a 15-mile radius of the airport.

AMENDMENTS 9/14/72 37 F. R. 13468 (Rewritten)

Waycross, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Waycross-Ware County Airport (lat. 31°14'55" N., long. 82°23'48" W.); within 1.5 miles each side of Waycross VORTAC 099° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within a 1.5-mile radius of Bivins Airport (lat. 31°11'06" N., long. 82°16'25" W.).

Webster City, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 157° and 337° bearings from Webster City Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portions which overlie the Fort Dodge, Iowa, and Boone, Iowa, transition areas.

Wells, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harriet Field (latitude 41°06'54" N., longitude 114° 55'24" W.) and within 4.5 miles south and 9.5 miles north of the Wells VOR 287° radial, extending from the VOR to 18.5 miles west of the VOR. That airspace extending upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Wells VOR 287° and 107° radials extending from 23 miles west to 10 miles east of the VOR.

Wellsboro, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 41°43'45" N., 77°23'30" W., of Grand Canyon State Airport, Wellsboro, Pa., and within 2 miles each side of Stonyfork, Pa., VOR 212° radial extending from the 6-mile radius area to 8 miles southwest of the VOR. This transition area is effective from sunrise to sunset daily.

Wellsville, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center (lat. 42° 06'34" N., long. 77°59'59" W.) of Wellsville Municipal (Tarantine) Airport, Wellsville, NY., within 4 miles each side of the 090° bearing from the Hallsport RBN, lat. 42°06'34" N., long. 77°54'33" W., extending from the 9-mile radius area to 11.5 miles east of the RBN, and within 3.5 miles each side of the Wellsville, N. Y., VOR 196° radial extending from the 9-mile radius area to 11.5 miles south of the VOR.

AMENDMENTS 4/27/72 37 F. R. 4325 (Changed)

Welsh, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Welsh Municipal Airport (latitude 30°14'30" N., longitude 92°49'45" W.), but excluding that portion within the Jennings, La., 700-foot transition area.

Wenatchee, Wash.
That airspace extending upward from 700 feet above the surface within 4 miles each side of the Wenatchee VOR 124° radial, extending from the VOR to 12.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the Wenatchee VOR 092° and 272° radials, extending from 7 miles west to 14 miles east of the VOR and within 5 miles southwest and 9.5 miles northeast of the 124° radial, extending from the VOR to 23 miles southeast of the VOR.

Wendover, Utah
That airspace extending upward from 8,500 feet MSL bounded on the N by V-6, on the W by V-253, on the S by V-32 and on the E by a line extending from latitude 40°51'30" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°12'00" N., longitude 112°52'00" W.; thence N via longitude 112°52'00" W., to V-6.

West Bend, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of West Bend Municipal Airport (latitude 43°25'20" N., longitude 88°07'45" W.); and within 3 miles each side of the 133° bearing from the West Bend Municipal Airport, extending from the 7-mile radius area to 7½ miles southeast of the airport.

West Branch, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of West Branch Community Airport (latitude 44°14'36" N., longitude 84°10'58" W.); and within 3 miles each side of the 87° bearing from West Branch Community Airport, extending from the 5½-mile radius area to 13 miles east of the airport.

Westhampton Beach, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Suffolk County Airport, Westhampton Beach, N. Y. (latitude 40°50'39" N., longitude 72°37'49" W.).

AMENDMENTS 11/9/72 37 F. R. 16935 (Added)

West Helena, Ark.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Thompson-Robbins Airport (latitude 34°34'29" N., longitude 90°40'48" W.), and within 3.5 miles each side of the 350° bearing from the Thompson-Robbins RBN (latitude 34°34'16" N., longitude 90°40'33" W.) extending from the 5.5-mile radius area to 11.5 miles north of the RBN.

Westminster, MD.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 39°36'15" N., long. 77°00'15" W. of Westminster Airport, Westminster, MD.; within an 8-mile radius of the center of the airport, extending clockwise from a 035° bearing from the airport to a 085° bearing from the airport and within 1.5 miles each side of the Westminster VORTAC 350° radial, extending from the 6.5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 9/14/72 37 F. R. 13169 (Rewritten)

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West Point, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center of West Point Municipal Airport 37°31'00" N., 76°45'40" W. and within 2 miles each side of the Harcum, Va., VOR 148° radial extending from the 6-mile radius area to 8 miles southeast of the VOR.

West Virginia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of West Virginia.

AMENDMENTS 8/17/72 37 F. R. 11969 (Rewritten)

West Yellowstone, Mont.
That airspace extending upward from 700 feet above the surface within 6½ miles west and 9½ miles east of the 019° and 199° bearings from Yellowstone Airport (latitude 44°41'20" N, longitude 111°06'55" W.), extending from 12 miles north to 19½ miles south of the airport; that airspace extending upward from 10,700 feet MSL within a 30-mile radius of Yellowstone Airport, extending from the 087° bearing from Yellowstone Airport clockwise to the 217° bearing from Yellowstone Airport; and that airspace extending upward from 12,000 feet MSL within a 30-mile radius of Yellowstone Airport, extending from the 217° bearing from Yellowstone Airport clockwise to the 087° bearing from Yellowstone Airport, excluding the portion which overlies V-343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Wetumpka, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wetumpka Municipal Airport (latitude 32°31'45" N., longitude 86°19'30" W.); within 3 miles each side of the Maxwell VOR 069° radial, extending from the 7-mile radius area to 22 miles northeast of the Maxwell VOR; excluding the portion that coincides with the Montgomery, Ala., transition area.

Weyers Cave, Va.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 38°15'49" N., long. 78°53'46" W.) of Shenandoah Valley Airport, Weyers Cave, Va., within 4.5 miles southeast and 6.5 miles northwest of the 218° bearing from the Staunton LOM extending from the LOM to 11.5 miles southwest; within a 7.5-mile radius of the center (lat. 38°21'58" N., long. 78°57'35" W.) of Bridgewater Airpark, Bridgewater, Va., and within 4.5 miles northwest and 6.5 miles southeast of the 210° bearing and the 030° bearing from the Bridgewater RBN (lat. 38°21'56" N., long. 78°57'41" W.), extending from 5.5 miles northeast of the RBN to 11.5 miles southwest of the RBN.

Wheeling, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.

Whidbey Island, Wash.
That airspace extending upward from 700 feet above the surface bounded on the E by a line extending from latitude 48°40'00" N., longitude 122°05'00" W. to latitude 48°05'00" N., longitude 121°55'00" W., on the S by latitude 48°05'00" N., on the W by the W edge of V-440, and the United states/Canadian border to latitude 48°25'00" N., thence via latitude 48°25'00" N. to an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence clockwise via the 13-mile radius arc to longitude 122°45'00" W., thence to latitude 48°40'00" N., longitude 122°43'00" W., on the N by latitude 48°40'00" N. to point of beginning, and that airspace NW of Whidbey Island NAS bounded by a line beginning at the point of intersection of latitude 48°25'00" N., and the United States/Canadian border, thence via the United States/Canadian border to altitude 48°40'00" N., thence via latitude 48°40'00" N., to longitude 123°02'00" W., thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 48°52'00" N., longitude 122°00'00" W., thence via longitude 122°00'00" W. to latitude 48°43'00" N., thence via latitude 48°43'00" N. to longitude 121°45'00" W., thence via longitude 121°45'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°55'00" W., thence to latitude 48°40'00" N., longitude 122°05'00" W., thence via latitude 48°40'00" N., to longitude 122°43'00" W., thence to latitude 48°31'00" N., longitude 122°45'00" W., to intercept an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence counterclockwise via the 13-mile radius arc to latitude 48°25'00" N., thence via latitude 48°25'00" N., to its intersection with the United States/Canadian border, thence to latitude 48°40'00" N., longitude 123°02'00" W., thence via latitude 48°40'00" N., to the east edge of Canadian VOR airway V-300, thence N via the east edge of V-300 to the United States/Canadian border, thence via the United States/Canadian border to latitude 48°52'00" N., thence to point of beginning; that airspace extending upward from 8,200 feet MSL bounded on the E by longitude 121°30'00" W., to latitude 48°00'00" N., thence via latitude 48°00'00" N., to longitude 121°35'00" W., thence via longitude 121°35'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°45'00" W., on the W by longitude 121°45'00" N., to latitude 48°38'00" N., thence via latitude 48°38'00" N., to longitude 121°30'00" W.; that airspace extending upward from 12,000 feet MSL bounded on the E by longitude 121°00'00" W., on the S by latitude 48°00'00" N., on the W by longitude 121°30'00" W., and on the N by latitude 48°30'00" N.

Whitefield, NH.
That airspace extending upward from 700 feet above the surface within an arc of a 25.5-mile radius circle centered on the Whitefield, NH., Regional Airport (lat. 44°21'53" N., long. 71°33'07" W.) extending clockwise between the 012° and 160° bearings from the Whitefield Airport; within an arc of a 29.5-mile radius circle centered on the Whitefield Airport extending clockwise between the 160° and 218° bearings from the Whitefield Airport; within an arc of a 12.5-mile radius circle centered on the Whitefield Airport extending clockwise between the 218° and 294° bearings from the Whitefield Airport; within an arc of a 24-mile radius circle centered on the Whitefield Airport extending clockwise between the 294° and 337° bearings from the Whitefield Airport; within an arc of a 17-mile radius circle centered on the Whitefield Airport extending clockwise between the 337° and 012° bearings from the Whitefield Airport; within 3.5 miles each side of the 267° bearing from the Dalton, NH., NDB extending from the 12.5-mile radius area to 11.5 miles west of the NDB, excluding that airspace contained within the Berlin, NH., and North Conway, NH., transition areas.
That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line extending from the Dalton, NH., NDB (lat. 44°21'43" N., long. 71°41'08" W.) to the North Conway, NH., NDB (lat. 44°01'26" N., long. 71°06'59" W.); within 5 miles each side of a direct line extending from the Dalton NH., NDB to the Newport, VT., NDB (lat. 44°57'10" N., long. 72°10'40" W.); within 5 miles each side of a direct line extending from the Dalton, NH., NDB to the Montpelier, VT., VOR; within 5 miles each side of a direct line extending from the Dalton, NH., NDB to the Lebanon, NH., VOR; and within 4.5 miles north and 9.5 miles south of the 267° bearing from the Dalton, NH., NDB extending from the Dalton, NH., NDB to a point 18.5 miles west, excluding those portions that coincide with the Burlington, VT., and Lebanon, NH., 1,200-foot transition areas.

AMENDMENTS 5/25/72 37 F. R. 5488 (Rewritten) Corr: 37 F. R. 6571 (effective date changed to 4/27/72)

White Plains, N.Y.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 41°16'00" N., 74°06'00" W. to 41°16'00" N., 74°00'00" W. to 41°19'00" N., 74°00'00" W. to 41°19'00" N., 73°57'00" W. to 41°27'00" N., 73°54'00" W. to 41°27'00" N., 73°47'00" W. to 41°19'00" N., 73°42'00" W. to 41°25'00" N., 73°30'00" W. to 41°20'00" N., 73°23'00" W. to 41°10'00" N., 73°33'00" W. to 41°00'00" N., 73°33'00" W. to 40°50'00" N., 73°42'00" W. to 41°01'00" N., 74°00'00" W. to 41°07'30" N., 73°57'00" W. to 41°10'30" N., 74°09'00" W. to the point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°31'00" N., 73°54'00" W. to 41°31'00" N., 73°30'00" W. to 41°25'00" N., 73°30'00" W. to 41°19'00" N., 73°42'00" W. to 41°27'00" N., 73°47'00" W. to 41°27'00" N., 73°54'00" W. to the point of beginning.

Wichita, Kansas
That airspace extending upward from 700 feet above the surface within 8.5-mile radius of the Wichita, KS., Municipal Airport (latitude 37°39'09" N., longitude 95°25'47" W.) and from 9.5 miles west of the LOC (BC) to Runway 1L, extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to Runway 1R to 6.5 miles east of the 176° radial of the Wichita, KS., VORTAC facility, extending from the 8.5-mile radius to 15 miles south of the airport; within 8.5-radius of the McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); and 2 miles each side fo the McConnell AFB ILS localizer south course, extending from the 8.5-mile radius to 8 miles south of the OM; within a 5-mile radius of the Piper Airpark (latitude 37°44'45" N., longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from the Piper Airpark extending from the 5-mile radius to 6 miles north; within a 5-mile radius of the Augusta, Kansas Airport (latitude 37°40'21" N., longitude 97°04'38" W.); and that airspace extending upward from 1,200 feet above the surface bounded by
a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W.; thence extending northwest to the INT of a line 10 miles southeast and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to the Emporia VORTAC 134° radial, thence northwest along the Emporia VORTAC 134° and 314° radials to and west along the north boundary of V-10 to and northeast along the west boundary of V-77 to and southwest along the southeast boundary of V-280 to and east along the north boundary of V-10 to longitude 97°15'00" W., thence southwest to latitude 38°00'30" N., longitude 97°28'00" W., thence southwest to the INT of the northwest boundary of V-12N and longitude 97°56'25" W., thence southwest along the northwest boundary of V-12N to and south along the west boundary of V-125 to, and southeast along the southwest boundary of V-74 to the Ponca City, Okla., VORTAC 217° radial, thence northeast along the Ponca City VORTAC 217° and 047° radials to and northeast along the northwest boundary of V-516 point of beginning, excluding the portion which overlies the Emporia, Kans., transition area and the portion within the State of Oklahoma; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W., thence northwest to the INT of a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to, and southeast along the southwest boundary of V-132 to, and southeast along a line 12 miles southwest of and parallel to the Chanute, Kans., VOR 334° and 154° radials to, and south along the west boundary of V-131 to, and southwest along the northwest boundary of V-516 to the point of beginning, excluding the portion within the State of Oklahoma.

AMENDMENTS 10/12/72 37 F. R. 16073 (Changed)

Wichita Falls, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°59'56" N., longitude 98°30'25" W.

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Wildwood, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°00'32" N., 74°54'32" W. of Cape May County Airport, Wildwood, N. J., and within 2 miles each side of the Sea Isle, N. J., VORTAC 225° radial extending from the 5-mile radius area to the VORTAC.

Wilkes-Barre, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., within 2 miles each side of the airport ILS localizer SW course extending from the 12-mile radius area for 7 miles.

PENDING AMENDMENT
Wilkes-Barre, Pa.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center, lat. 41°20'18" N., long. 75°43'29" W. of Wilkes-Barre-Scranton Airport, extending clockwise from a 260° bearing to a 355° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 025° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 050° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 050° bearing to a 210° bearing from the airport; within a 10-mile radius of the center of the airport extending clockwise from a 210° bearing to a 260° bearing from the airport; within 3.5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer southwest course, extending from the OM to 11.5 miles southwest of the OM; and within 5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer northeast course, extending from the localizer to 13.5 miles northeast of the localizer, excluding the portions that coincide with the Honesdale, Pa., and Mount Pocono, Pa., transition areas.

AMENDMENTS 2/1/73 37 F. R. 25488 (Rewritten)

Wilkesboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Wilkes County Airport (lat. 36°08'33" N., long. 81°11'36" W.); within 5 miles north and 3 miles south of the 070° bearing from Wilkesboro RBN (lat. 36°08'35" N., long. 81°11'44" W.), extending from the 8.5-mile radius area to 10 miles east of the RBN.

Willard, Ohio
That airspace extending upward from 700 feet above the surface within 7.5-mile radius of the Willard Airport (latitude 41°02'15" N., longitude 82°43'45" W.); excluding that portion which overlaps the Mansfield, Ohio, 700-foot transition area.

Williamsport, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°14'30" N., 76°55'20" W., of the Williamsport-Lycoming County Airport, Williamsport, Pa.; within 5 miles N and 8 miles S of the Williamsport ILS localizer E course extending from the 12-mile radius area to 12 miles E of the Picture Rocks RBN; and within 2 miles each side of the centerline of Runway 27 extended from the 12-mile radius area to 14 miles W of the end of the runway.

Williamston, NC.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Martin County Airport (lat. 35°51'45" N., long. 77°10'35" W.); within 2.5 miles each side of Rocky Mount VOR 105° radial, extending from the 5-mile radius area to 24.5 miles east of the VOR.

AMENDMENTS 9/14/72 37 F. R. 14224 (Added)

Willimantic, Conn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°44'40" N., 72°10'46" W. of Windham Airport, Willimantic, Conn.; within 2 miles each side of the centerline of Runway 9 extended from the 8-mile radius area to 9.5 miles E of the end of the runway; within 2 miles each side of the Norwich VOR 323° radial extended from the 8-mile radius area to the VOR; and within 2 miles each side of the centerline of Runway 27 extended from the 8-mile radius area to 9 miles W of the end of the runway. This transition area shall be in effect from sunrise to sunset.

Williston, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 3½ miles each side of the Williston VOR 316° radial, extending from the 10-mile radius area to 11½ miles northwest of the VOR; and within 3½ miles each side of the 126° bearing from the Sloulin International Airport, extending from the 10-mile radius area to 14½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Williston VOR, extending from the Williston VOR 203° radial clockwise to the Williston VOR 088° radial, and within 9½ miles southwest and 4½ miles northeast of the Williston VOR 316° radial, extending from the 13-mile radius area to 18½ miles northwest of the VOR; and within 5 miles southwest and 9½ miles northeast of the 126° bearing from the Sloulin International Airport extending from the 10-mile radius area to 21½ miles southeast of the airport.

Willmar, Minn.
That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the 104° and 284° bearings from Willmar, Minnesota, Municipal Airport (Lat. 45°08'52" N., Long. 95°05'11" W.), extending from 7 miles E to 13 miles W of the airport.

Willows, Calif.
That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Maxwell, Calif., VORTAC 360° radial, extending from 3.5 miles to 19.5 miles north of the VORTAC.

Wilmington, Del.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Greater Wilmington, Del., Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.) within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 7-mile radius area to 8 miles SW of the VORTAC; and within 2 miles each side of the New Castle, Del., VORTAC 278° radial extending from the 7-mile radius area to 8 miles west of the VORTAC, within a 4-mile radius of the center (39°31'20" N., 75°43'25" W.) of Summit Airpark Airport; and within 2 miles each side of the New Castle, Del., VORTAC 207° radial extending from the Summit Airpark 4-mile radius area to the VORTAC.

Wilmington, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New Hanover Airport (latitude 34°16'15" N., longitude 77°54'05" W.).

Winchester, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Codell Airport (lat. 38°01'21" N., long. 84°13'00" W.); within 2 miles each side of Lexington VORTAC 074° radial, extending from the 5-mile radius area to 8 miles east of the VORTAC.

Winchester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°08'30" N., 78°08'30" W., of Winchester Airport, Winchester, Va.

Winder, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Winder Airport (lat. 33°58'52" N., long. 83°40'02" W.); within 2 miles each side of Athens VORTAC 277° radial, extending from the 6-mile radius area to 13.5 miles west of the VORTAC.

Windom, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Windom Municipal Airport (latitude 43°54'50" N., longitude 95°06'35" W.); and within 9½ miles west and 4½ miles east of the 354° and 174° bearings from the Windom Municipal Airport extending from 4 miles south of the airport to 18½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 174° bearing from the Windom Municipal Airport extending from the airport to 12 miles south of the airport.

Winner, S. Dak.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of the Wiley Field (latitude 43°23'25" N., longitude 99°50'40" W.); within three miles each side of the Winner VOR 212° radial extending from the 7½-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 4½ miles southeast of the Winner VOR 032° and 212° radials extending from 5 miles southwest of the VOR to 18½ miles northeast of the VOR; and within 5 miles each side of the Winner VOR 212° radial extending from the VOR to 20 miles southwest of the VOR.

Winnsboro, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winnsboro Municipal Airport (latitude 32°56'22" N., longitude 95°16'43" W.) and within 1.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 5-mile radius area to the VORTAC.

Winona, Minn.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); excluding that portion which overlies the La Crosse, Wis., transition area.

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Winslow, AZ.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Winslow Municipal Airport (latitude 35°01'15" N.,longitude 110°43'15" W.), and that airspace within an arc of a 10-mile radius circle centered on Winslow VORTAC extending clockwise from a line 4 miles south of and parallel to the Winslow 277° radial to a line 4 miles north of and parallel to the Winslow 292° radial; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 16.5 miles south of the Winslow 112° and 292° radials, extending from 15.5 miles east to 19 miles west of the VORTAC.

AMENDMENTS 5/25/72 37 F. R. 6574 (Rewritten)

Winston-Salem, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Smith Reynolds Airport (latitude 36°08'01.3" N., longitude 80°13'22.1" W.); within 3 miles each side of Winston-Salem ILS localizer southeast course, extending from the 8.5-mile radius area to 8.5 miles southeast of the LOM; excluding the portion that coincides with the Greensboro transition area.

Wisconsin
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Wisconsin south of the 45° parallel.

AMENDMENTS 9/14/72 37 F. R. 13468 (Added)

Wisconsin Rapids, WI.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field, Southwood County Airport (latitude 44°21'31" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field, Southwood County Airport, extending from the 6½-mile radius area to 8 miles south of the airport and within 3 miles each side of the 125° bearing from Alexander Field, Southwood County Airport, extending from the 6½-mile radius to 8 miles southeast of the airport and within 4 miles each side of the Stevens Point VORTAC 230° radial extending from the 6½-mile radius to 13 miles northeast of the airport excluding the portion that overlies the Stevens Point, WI., transition area; and that airspace extending upward from 1,200 feet above the surface bounded by V-246, V-177W, and a 30-mile radius of Volk Field, Camp Douglas, WI. (latitude 43°56'25" N., longitude 90°15'20" W.).

AMENDMENTS 4/27/72 37 F. R. 5012 (Rewritten)

Wise, VA.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 36°59'15" N., long. 82°31'50" W. of Lonesome Pine Airport, Wise, VA., and within 3 miles each side of the 055° bearing from the Wise RBN lat. 37°01'18" N., long. 82°28'04" W. extending from the 11-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 7/20/72 37 F. R. 9987 (Added)

Wolf Point, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Wolf Point International Airport (latitude 48°05'40" N., longitude 105°34'45" W.); and within 3 miles each side of the 314° bearing from Wolf Point International Airport, extending from the 8-mile radius area to 10 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 314° bearing from Wolf Point International Airport, extending from the airport to 20½ miles northwest of the airport; and within 5 miles each side of the 134° bearing from Wolf Point International Airport extending from the airport to 12 miles southeast of the airport.

Woodruff, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lakeland Airport (latitude 45°55'38" N., longitude 89°43'53" W.); and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of Lakeland Airport, excluding the portion which overlies the Rhinelander, Wis., Eagle River, Wis., and Land O'Lakes, Wis., transition areas.

AMENDMENTS 3/2/72 36 F. R. 25098 (Rewritten)

Woodsfield, Ohio
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Monroe County Airport (latitude 39°46'45" N., longitude 81°06'15" W.).

Wooster, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 52'29" N., long. 81°53'14" W., of Wayne County Airport, Wooster, Ohio, and within 3.5 miles each side of the 090° bearing from the Smithville RBN, lat. 40°52'30" N., long. 81°50'00" W., extending from the 7-mile radius area to 11.5 miles east of the RBN.

Worcester, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Worcester, Mass., Airport (latitude 42°16'05" N., longitude 71°52'20" W.).

Worland, Wyo.
The airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Worland VOR 352° and 172° radials extending from 18.5 miles north to 6 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of the VOR.

Worthington, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Worthington Municipal Airport (latitude 43°39'17" N., longitude 95°35'01" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the Worthington VOR 358° radial extending from the VOR to 18½ miles north of the VOR; and within 9½ miles west and 4½ miles east of the Worthington VOR 189° radial extending from the VOR to 18½ miles south of the VOR.

Wrightstown, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°04'00" N., 74°10'40" W. of Lakewood Airport, Lakewood, N. J.; within a 12-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.); within a 12-mile radius of NAS Lakehurst (West Field) (latitude 40°02'05" N., longitude 74°21'05" W.); within a 5-mile radius of Trenton-Robbinsville Airport (latitude 40°12'45" N., longitude 74°35'50" W.); within 2 miles N and 3 miles S of the Robbinsville VOR 278° and 098° radials extending from the Trenton-Robbinsville 5-mile radius area to 8 miles E of the VOR; within a 5-mile radius of Monmouth County Airport (latitude 40°11'05" N., longitude 74°07'20" W.); within 2 miles each side of the Colts Neck VOR 167° radial extending from the Monmouth County Airport 5-mile radius area to the VOR; and within a 5-mile radius of the center, 40°13'05" N., 74°05'30" W., of the Asbury Park-Neptune Airport, Neptune, N. J., and within 2 miles each side of the Colts Neck VOR 151° radial extending from the Asbury Park-Neptune Airport 5-mile radius area to the VOR; within a 7-mile radius of lat. 39°55'41" N., long. 74°17'30" W. of Robert J. Miller Air Park, Toms River, N. J.; within 1.5 miles each side of the Coyle, N. J. VORTAC 044° radial extending from the 7-mile radius area to the Coyle VORTAC; within a 6-mile radius of the center of latitude 39°56'30" N., longitude 74°50'30" W. of Burlington County Airpark, Mt. Holly, NJ., excluding the portion within the New York, NY., Transition Area.

AMENDMENTS 3/2/72 36 F. R. 24114 (Changed)
AMENDMENTS 4/4/72 37 F. R. 6731 (Changed)
AMENDMENTS 7/20/72 37 F. R. 10565 (Changed)

Wurtsboro, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°35'50" N., 74°27'35" W.) of Wurtsboro-Sullivan County Airport, Wurtsboro, N. Y.; and within 2 miles each side of the Huguenot, N. Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N. Y., Transition Area, effective from sunrise to sunset daily.

Xenia, Ohio
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Greene County Airport (latitude 39°41'30" N., longitude 83°59'25" W.); and within 3.5 miles each side of the 063° bearing from the Greene County Airport extending from the 5.5-mile radius to 14.5 miles northeast of the airport excluding that airspace that overlies the Dayton, Ohio, transition area.

Yakataga, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga Airport (latitude 60°04'52" N., longitude 142°29'30" W.); within 2 miles each side of the southwest course of the Yakataga RR, extending from the 5-mile radius area to the INT of the southwest course of the Yakataga RR and the east course of the Hinchinbrook, Alaska, RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Yakataga RR southwest course, extending from 7 miles northeast to 13 miles southwest of the INT of the southwest course of the Yakataga RR and east course of the Hinchinbrook, Alaska, RR; within 5 miles each side of the Yakataga RR southeast course extending from the RR to the INT of the southeast course of Yakataga RR and the west course of the Yakutat, Alaska, RR.

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Yakima, Wash.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Ellensburg, Wash., VORTAC 191° radial, extending from 9 miles south to 13 miles north of the INT of the Ellensburg VORTAC 191° and the Yakima VORTAC 305° radials, within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; that airspace northeast and east of Yakima within a 16-mile radius of the Yakima VORTAC, extending clockwise from the east edge of V-25 to the northeast edge of V-4, within a 21-mile radius of the Yakima VORTAC, extending clockwise from the southwest edge of V-4 to the northwest edge of V-448, and within a 23-mile radius of the Yakima VORTAC extending clockwise from the northwest edge of V-448 to the south edge of V-204; that airspace extending upward from 1,500 feet MSL within 11 miles northwest and 16 miles southeast of the Yakima VORTAC 242° radial, extending from 8 miles southwest to 52 miles southwest of the VORTAC.

Yakutat, Alaska
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Yakutat AR, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 119° radial, extending from the 700-foot transition area to 65 miles southeast of the VORTAC.

Yankton, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); and within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 321° radial extending from the VOR to 18½ miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 135° radial extending from the VOR to 18½ miles southeast of the VOR.

Yazoo City, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barrier Field (latitude 32°52'30" N., longitude 90°24'25" W.); within 3 miles each side of the Jackson, Miss., VORTAC 332° radial, extending from the 6.5-mile radius area to 17.5 miles northwest of the VORTAC.

Yerington, Nev.
That airspace extending upward from 11,000 feet MSL within 12 miles, southwest and 8 miles northeast of the Reno, Nev., VORTAC 135° radial, extending from 10 miles northwest to 22 miles southeast of the INT of Reno VOR 135° and Lovelock, Nev., VORTAC 197° radials, excluding the airspace within Federal airways.

York, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°55'00" N., 76°52'00" W. of York Airport, York, Pa., and within 2 miles each side of the centerline of Runway 16 extended from the 6-mile radius area to 7 miles S of the end of the runway and within 2 miles each side of the 336° bearing of the Thomasville RBN extending from the 6-mile radius area to 8 miles NW of the RBN excluding that portion coincident with the Harrisburg, Pa., 700-foot transition area.

Youngstown, Ohio
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 41° 15'28" N., long. 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within a 7-mile radius of the center, lat. 41°03'33" N., long. 80°49'55" W. of Youngstown Executive Airport, Youngstown, Ohio; within a 5.5 mile radius of the center, lat. 41°07'45" N., long. 80°37'15" W. of Lansdowne Airport, Youngstown, Ohio; within 3.5 miles each side of the Youngstown VORTAC 358° radial, extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the Youngstown VORTAC; within 3.5 miles each side Youngstown Municipal Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 4.5 miles each side of the Youngstown VORTAC 203° radial, extending from 9 miles southwest of the VORTAC to 15.5 miles southwest of the VORTAC; within 5 miles each side of the 023° radial of the Youngstown VORTAC extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the VORTAC.

Yuma, Ariz.
That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius area to 21 miles south of the VORTAC, that airspace within a 13-mile radius of the Yuma VORTAC extending from the 11-mile radius area bounded on the west by a line 4 miles west of and parallel to the Yuma VORTAC 351° radial and on the east by longitude 114°30'00" W., and within 5 miles north and 6 miles south of the Yuma VORTAC 089° radial, extending from the VORTAC to 20.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States.

AMENDMENTS 12/7/72 37 F. R. 22576 (Changed)

Zanesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 8 miles E and 5 miles W of the Zanesville VOR 222° radial extending from the VOR to 12 miles SW of the VOR.

AMENDMENTS 8/17/72 37 F. R. 11859 (Changed)

Zionsville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Terry Airport (latitude 40°02'05" N., longitude 86°15'00" W.).

Zuni, N. Mex.
That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC, excluding the portion within the State of New Mexico.

SUBPART H - POSITIVE CONTROL AREAS

§71.193 Designation of Positive Control Areas.
The parts of airspace described below are designated as positive control areas.

Continental positive control area.
That airspace within the continental control area from 18,000 feet MSL to and including flight level 600 within the 48 contiguous States and District of Columbia excluding the Santa Barbara Island, Farallon Island, and the portion south of lat. 25°04'00" N.

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SUBPART I - REPORTING POINTS

§ 71.201 Designation.

The locations described in this Subpart are designated as reporting points.

§ 71.203 Domestic low altitude reporting points.

The reporting points listed below are designated at all altitudes up to but not including 18,000 feet MSL.

Aberdeen, S. Dak.
Abilene, Tex.
Acton, Tex.
Akron, Colo.
Alamosa, Colo.
Albany, Ga.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allendale, S. C.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Amzie INT: INT Bangor 146° radial and centerline of Control 1143.
Anderson, S. C.
Anton Chico, N. Mex.
Appleton, Ohio
Ardmore, Okla.
Atlanta, Ga.
Augusta, Ga.
Augusta, Maine
Austin, Tex.
Avenal, Calif.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine
Baton Rouge, La.
Battle Mountain, Nev.
Beatty, Nev.
Beaumont, Tex.
Bellingham, Wash.
Bemidji, Minn.
Berlin, N. H.
Bible Grove, Ill.
Big Spring, Texas
Big Sur, Calif.
Billings, Mont.
Binghamton, N. Y.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Ridge, TX
Blue Springs, Mo.
Blythe, Calif.
Boise, Idaho.
Bolton INT: INT Myrtle Beach, S. C., 031° and Wilmington, N. C., 276° radials.
Bonneville, Utah
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Boysen Reservoir, Wyo.
Bozeman, Mont.
Bradford, Ill.
Brainerd, Minn.
Bridgeport, Tex.
Brooke, Va.
Brookley, Ala.
Brookwood, Ala.
Brownsville, Tex.
Brunswick, Ga.
Bryce Canyon, Utah
Buckeye, Ariz.
Buffalo, N. Y.
Burley, Idaho
Burlington, Iowa
Burlington, Vt.
Butler, Mo.

Cape Girardeau, Mo.
Capital, Ill.
Carleton, Mich.
Carlsbad, N. Mex.
Carmel, N. Y.
Casa Grande, Ariz.
Casper, Wyo.
Cedar Rapids, Iowa
Centralia, Ill.
Chadron, Nebr.
Champaign, Ill.
Chanute, Kans.
Charleston, S. C.
Charleston, W. Va.
Charlo INT: INT Mullan Pass, ID., 089°, Kalispell, MT., 177° radials.
AMENDMENTS 4/27/72 37 F. R. 4903 (Changed)
AMENDMENTS 7/20/72 37 F. R. 13250 (Rewritten)
Charlo DME INT: Mullan Pass, ID., VORTAC 089° radials, 62 nautical miles from Mullan Pass VORTAC.
AMENDMENTS 4/27/72 37 F. R. 4903 (Changed)
AMENDMENTS 7/20/72 37 F. R. 13250 (Rewritten)
Chattanooga, Tenn.
Cherokee, Wyo.
Chesterfield, S. C.
Cheyenne, Wyo.
Chicago Heights, Ill.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio
Cleveland, Ohio
Coaldale, Nev.
Coalfax INT: INT Johnstown, Pa., 093°, St. Thomas, Pa., 358° radials.
Cochise, Ariz.
Cofield, N. C.
Columbia, Mo.
Columbia, S. C.
Columbus, Ga.
Columbus, Miss.
Columbus, N. Mex.
Concord, N. H.
Cooksburg, Pa. INT: INT Clarion, Pa., 044° and Franklin, Pa. 099° radials.
Cordova, Ill.
Corona, N. Mex.
Corpus Christi, Tex.
Cotulla, Tex.
Coyle, N. J.
Crazy Woman, Wyo.
Crescent City, Calif.
Crestview, Fla.
Cross City, Fla.
Cunningham, KY
Cut Bank, Mont.
Dalhart, Tex.
Danville, Ill.
Daytona Beach, Fla.
Dayton, Ohio
Decatur, Ill.
DeLancey, N. Y.
Delta, Utah.
Deming, N. Mex.
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dillon, Mont.
Dogwood, Mo.
Dothan, Ala.
Douglas, Ariz.
Douglas, Wyo.
Dublin, Ga.
Dubois, Idaho
Dubuque, Iowa
Duluth, Minn.
Dunkirk, N. Y.
Dupree, S. Dak.
Dyersburg, Tenn.
Eagle Lake, Tex.
Eau Claire, Wis.
Edgerton INT: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 273° radials.

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El Dorado, Ark.
Elkins, W. Va.
Elko, Nev.
Ellensburg, Wash.
Elmira, N. Y.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.
Evansville, Ind.
Fairfield, Utah
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Minn.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fayetteville, N. C.
Fellows, Calif.
Fillmore, Calif.
Findlay, Ohio
Fish Hook, Fla. RBN
Flat Rock, Va.
Flint, Mich.
Flint Stone INT: INT of Kessal, W. Va. 033°, Martinsburg, W. Va., 297° radials.
Florence, S. C.
Fort Bridger, Wyo.
Fort Dodge, Iowa
Fort Jones, Calif.
Fort Mill, S. C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Franklin, Va.
Fresno, Calif.
Friant, Calif.
Front Royal, Va.
Gage, Okla.
Gainesville, Fla.
Garden City, Kans.
Garrett INT: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials.
Garrison INT: INT Drummond, Mont., 092°, Butte, Mont., 002° radials.
Gaviota, Calif.
Gila Bend, Ariz.
Gill, Colo.
Gill INT: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials.
Goffs, Calif.
Goodland, Kans.
Gordonsville, Va.
Goshen, Ind.
Graham, Tenn.
Grand Island, Nebr.
Grand Junction, Colo.
Grand Rapids, Minn.
Grant INT: INT Atlanta, Ga., 180° and Columbus, Ga., 068° radials.
Grantsburg, Wis.
Grantsville, Md.
Greater Southwest, TX
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N. C.
Greenville, Fla.
Greenwood, Miss.
Greenwood, S. C.
Gregg County, Tex.
Gulfport, Miss.
Guthrie, Tex.
Hallsville, Mo.
Hamilton, Ala.
Hampton INT: INT Harrisburg, Pa., 196°, Lancaster, Pa., 256° radials.
Hanksville, Utah
Harcum, Va.
Harris, Ga., VORTAC
Harrisburg, Pa.
Harrison, Ark.

Hartford, Conn.
Hattiesburg, Miss.
Hayes Center, Nebr.
Hays, Kansas
Hazen, Nev.
Hector, Calif.
Heflin INT: Rex, Ga., 270° and LaGrange, Ga., 342° radials.
Helena, Mont.
Herndon, Va.
Hickory, N. C.
Hill City, Kans.
Hinch Mountain, Tenn.
Hobart, Okla.
Hobbs, N. Mex.
Hoquiam, Wash.
Holston Mountain, Tenn.
Hot Springs, Ark.
Houghton, Mich.
Houlton, Maine
Houston, Tex.
Hudspeth, Tex.
Huntsville, Ala.
Huron, S. Dak.
Hutchinson, Kans.
Imperial, Calif.
Indianapolis, Ind.
International Falls, Minn.
Jacks Creek, Tenn.
Jackson, Mich.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Joliet, Ill.
Julian, Calif.
Junction, Tex.
Kansas City, Mo.
Keating, Pa.
Keeler, Mich.
Kennebunk, Maine
Kenton, Del.
Key West, Fla.
Kimberly, Oreg.
Kingston, N. Y.
Kinston, N. C.
Kirksville, Mo.
Klamath Falls, Oreg.
Knoxville, Tenn.
Kokomo, Ind.
Kremmling, Colo.
LaBelle, Fla.
Lafayette, Ind.
Lafayette, La.
Lake Charles, La.
Lake Henry, Pa.
Lake Hughes, Calif.
Lakeland, Fla.
Lamar, Colo.
Lamoni, Iowa
Lancaster, Pa.
Lansing, Mich.
Laramie, Wyo.
Laredo, Tex.
Las Vegas, Nev.
Lawrenceville, Va.
Leona, Tex.
Leslie INT: INT Salem, Mich., 273°, Lansing, Mich., 159° radials.
Lewis, Ind.
Lewistown, Mont.
Lexington, Ky.
Liberal, Kans.
Liberty, N. C.
Linden, Calif.
Linden, Va.
Litchfield, Mich.
Little Rock, Ark.
Livingston, Mont.
Llano, Tex.

AMENDMENTS 10/12/72 37 F. R. 18615 (Added)

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Lometa, Tex.
London, Ky.
Lone Rock, Wis.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah
Lufkin, Tex.
Lynchburg, Va.
Macon, Ga.
Madison INT: INT Rex, Ga., 090° and Athens, Ga., 192° radials.
Malad City, Idaho
Malden, Mo.
Mansfield, Ohio
Maples, Mo.
Marianna, Fla.
Marion, Ill.
Martinsburg, W. Va.
Massena, N. Y.
Mason City, Iowa
McAlester, Okla.
McCall, Idaho
McComb, Miss.
McCook, Nebr.
Medford, Oreg.
Medicine Bow, Wyo.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Midland, Tex.
Miles City, Mont.
Milford, Utah
Millinocket, Maine
Millsap, TX
Millston INT: INT Eau Claire, Wis., 134° and Nodine, Minn., 055° radials.
Milton, Pa.
Milwaukee, Wis.
Minneapolis, Minn.
Minot, N. Dak.
Missoula, Mont.
Mobile, Ala.
Modena, Pa.
Moline, Ill.
Monroe, La.
Monroeville, Ala.
Montebello, Va.
Montgomery, Ala.
Mormon Mesa, Nev.
Morgantown, W. Va.
Mount Pleasant, Mich.

AMENDMENTS 11/9/72 37 F. R. 18904 (Added)

Mullan Pass, Idaho
Muncie, Ind.
Muscle Shoals, Ala.
Muskegon, Mich.
Myrtle Beach, S. C.
Nabb, Ind.
Nantucket, Mass.
Naperville, Ill.
Nashville, Tenn.
Needles, Calif.
Nelson INT: INT Atlanta, Ga., 003° and Chattanooga, Tenn., 127° radials.
Neola, Iowa
Neosho, Mo.
Newcombe, Ky.
Newman, Tex.
New Orleans, La.
Newport, Oreg.
Nodine, Minn.
Norris INT: INT Modena, Pa., 250°, Lancaster, Pa., 178° radials.
North Bend, Oreg.
Northbrook, Ill.
North Platte, Nebr.
Nottingham, Md.
Oakland, Calif.
Ocala, Fla.

Oceanside, Calif.
Ogden, Utah
Oklahoma City, Okla.
Omaha, Nebr.
O'Neill, Nebr.
Ontario, Calif.
Orlando, Fla.
Oshkosh, Wis.
Oswego, Kans.
Ottumwa, Iowa
Pahokee, Fla.
Palacios, Tex.
Palm Beach, Fla.
Palmdale, Calif.
Palm Springs, Calif.
Parker, Calif.
Parkersburg. W. Va.
Paso Robles, Calif.
Patuxent, Md.
Pawling, N. Y.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pecos, Tex.
Pellston, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Peoria, Ill.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.
Pinon, NM.

AMENDMENTS 4/27/72 37 F. R. 4075 (Added)

Pioneer INT: INT Ft. Wayne, Ind., 039°, Waterville, Ohio, 288° radials.
Pioneer, OK.

AMENDMENTS 5/25/72 37 F. R. 4181 (Added)

Plainview, Tex.
Plattsburg, N. Y.
Pocatello, Idaho
Point Reyes, Calif.
Polo, Ill.
Pomona, Calif.
Pontiac, Ill.
Porterville, Calif.
Portland, Fla. RBN
Portland, Oreg.
Prescott, Ariz.
Presque Isle, Maine
Priest, Calif.
Princeton, Maine
Providence, R. I.
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.
Quincy, Ill.
Quitman, Tex.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Ravine, Pa.
Raymond, Nebr.
Readsville, Mo.
Red Bluff, Calif.
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis.
Rex, Ga.
Rhinelander, Wis.
Roberts, Ill.
Rochester, Minn.
Rochester, N. Y.
Rockford, Ill.
Rock Springs, Wyo.
Rocky Mount, N. C.
Rome, Oreg.
Rosewood, Ohio
Roswell, N. Mex.

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Sacramento, Calif.
Saginaw, Mich.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.
Salt Lake City, Utah
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
San Luis Obispo, Calif.
San Simon, Ariz.
Santa Barbara, Calif.
Santa Fe, N. Mex.
Saufley, Fla.
Sault Ste. Marie, Mich.
Savannah, Ga.
Saybrook INT: INT Carmel, N. Y., 093°, Riverhead, N. Y., 046° radials.
Sayre, Okla.
Scipio INT: INT Syracuse, N. Y., 210° and Georgetown, N. Y., 273° radials.
Scottsbluff, Nebr.
Scurry, Tex.
Sea Isle, N. J.
Seal Beach, Calif.
Seattle, Wash.
Selinsgrove, Pa.
Shelbyville, Ind.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa
Sioux Falls, S. Dak.
Snow Hill, Md.
Sod House, Nev.
South Bend, Ind.
South Boston, Va.
Spokane, Wash.
Springfield, Mo.
Stacy INT: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials.
Stevens Point, Wis.
Stockton, Calif.
Sugarloaf Mountain, N. C.
Sulphur Springs, Tex.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio
Tobe, Colo.
Topeka, Kans.
Traverse City, Mich.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucson, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.
Tuscola, Tex.
Tuskegee, Ala.
Twenty-Nine Palms, Calif.
Twin Falls, Nev.
Tyrone, Pa.
Ukiah, Calif.
Vance, S. C.
Vandalia, Ill.
Ventura, Calif.
Vero Beach, Fla.
Vichy, Mo.
Vienna, Ga.
Waco, Tex.

Walnut Ridge, Ark.
Waterloo, Iowa
Watertown, N. Y.
Watertown, S. Dak.
Waterville, Ohio
Waukon, Iowa
Wausau, Wis.
Waycross, Ga.
White Cloud, Mich.
Whitehall, Mont.
White Lake, La.
Whitesburg, Ky.
Wichita, Kans.
Wichita Falls, Tex.
Wilkes-Barre, Pa.
Williams, Calif.
Williamsport, Pa.
Wilmington, N. C.
Wink, Texas
Winslow, Ariz.
Wolbach, Nebr.
Woodside, Calif.
Woodstown, N. J.
Yakima, Wash.
York, Ky.
Youngstown, Ohio
Yuma, Ariz.
Zuni, N. Mex.

§ 71.207 Domestic High Altitude Reporting Points.

The reporting points listed below are designated at all altitudes from 18,000 feet MSL to Flight Level 450, inclusive.

Aberdeen, S. Dak.
Abilene, Tex.
Alamosa, Colo.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio
Atlanta, Ga.
Augusta, Ga.
Austin, Tex.
Bakersfield, Calif.
Bangor, Maine
Battle Mountain, Nev.
Beckley, W. Va.
Bellaire, Ohio
Billings, Mont.
Birmingham, Ala.
Biscayne Bay, Fla.
Blythe, Calif.
Boise, Idaho
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Bradford, Ill.
Brownsville, Tex.
Bryce Canyon, Utah
Buffalo, N. Y.
Butler, Mo.
Carleton, Mich.
Casanova, Va.
Chardon, Ohio
Charleston, S. C.
Charleston, W. Va.
Cleveland, Ohio
Coaldale, Nev.
Columbia, S. C.
Coyle, N. J
Crazy Woman, Wyo.

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Crestview, Fla.
Croaker [illegible] Norfolk, Va., 088° and Sea Isle, N. J., 146° radials.
Croaker [illegible] Cliffs, Norfolk, Va., VORTAC 088° radial, 154 nautical miles from Norfolk VORTAC.
Davey Rock, [illegible] Yarmouth, Nova Scotia, 230° and Bangor, Maine 152° radials.
Daytona Beach, Fla.
Delta, Utah
Denver, Colo.
Des Moines, Iowa
Dickinsen, N. Dak.
Dove Creek, Colo.
Dubois, Idaho
Duluth, Minn.
Dunkirk, N. Y.
Dupree, S. Dak.
El Paso, Tex.
Evansville, Ind.
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fort Stockton, Tex.
Flat Rock, Va.
Flint, Mich.
Florence, S. C.
Fresno, Calif.
Front Royal, Va.
Gainesville, Fla.
PENDING AMENDMENT
Gainesville, Fla. is revoked.
Garden City, Kans.
Gila Bend, Ariz.
Goodland, Kansas
Gordonsville, Va.
Grand Junction, Colo.
Great Falls, Mont.
Greater Southwest, Tex.
Green Bay, Wis.
Greensboro, N. C.
Greenwood, Miss.
Hancock, N. Y.
Harrisburg, Pa.
Hector, Calif.
Herndon, Va.
Hill City, Kans.
Houston, Tex.
Indianapolis, Ind.
Iowa City, Iowa
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Y.
Joliet, Ill.
Kansas City, Mo.
Keating, Pa.
Kennedy, N. Y.
Key West, Fla.
Kimberly, Oreg.
Knoxville, Tenn.
Lake Charles, La.
Lakeview, Oreg.
Laredo, Tex.
Las Vegas, N. Mex.
Lewistown, Mont.
Lincoln, Nebr.
Little Rock, Ark.
Los Angeles, Calif.
Louisville, Ky.
Lufkin, Tex.
Malad City, Idaho
Mason City, Iowa
Massena, N. Y.
Meeker, Colo.
McCall, Idaho
McComb, Miss.
Medford, Oreg.
Memphis, Tenn.
Meridian, Miss.

AMENDMENTS 1/4/73 37 F. R. 23905 (Revoked)

AMENDMENTS 10/12/72 37 F. R. 18615 (Added)

Miami, Fla.
Milford, Utah
Millinocket, Maine
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Mobile, Ala.
Montgomery, Ala.
Mullan Pass, Idaho
Nantucket, Mass.
Nashville, Tenn.
New Orleans, La.
Nodine, Minn.
Norfolk, Va.
Northbrook, Ill.
Oakland, Calif.
Oklahoma City, Okla.
O'Neill, Nebr.
Orlando, Fla.
Palm Beach, Fla.
Palmdale, Calif.
Parker, Calif.
Pawnee City, Nebr.
Peach Springs, Ariz.
Peck, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Philipsburg, Pa.
Phoenix, Ariz.
Plattsburgh, N. Y.
Presque Isle, Maine
Pueblo, Colo.
Pulaski, Va.
Putnam, Conn.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Red Bluff, Calif.
Reno, Nev.
Richmond, Va.
Robbinsville, N. J.
Rock Springs, Wyo.
Rome, Oreg.
Roswell, N. Mex.
Rosewood, Ohio
Sacramento, Calif.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salt Lake City, Utah
San Angelo, Tex.
San Antonio, Tex.
San Diego, Calif.
San Juan, P. R. RBN
San Simon, Ariz.
Sault Ste. Marie, Mich.
Savannah, Ga.
Scottsbluff, Nebr.
Seattle, Wash.
Shreveport, La.
Sidney, Nebr.
Sioux Falls, S. Dak.
South Bend, Ind,
Sparta, N. J.
Spartanburg, S. C.
Spokane, Wash.
Springfield, Mo.
Stockton, Calif.
Syracuse, N. Y.
Tallahassee, Fla.
PENDING AMENDMENT
Taylor, Fla.
Texarkana, Ark.
Tuba City, Ariz.
Tucson, Ariz.
Tulsa, Okla.
Tuna DME INT: Kennedy, N. Y., VORTAC 143° radial, 128 nautical miles from Kennedy VORTAC.

AMENDMENTS 1/4/73 37 F. R. 23905 (Added)

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Vero Beach, Fla.
Waco, Tex.
Walnut Ridge, Ark.
Westminster, Md.
Whitehall, Mont.
Wichita, Kans.
Wilmington, N. C.
Wilson Creek, Nev.
Wink, Tex.
Wolbach, Nebr.
Yuma, Ariz.

§ 71.209 Other domestic reporting points.
The reporting points listed below are designated at all altitudes.

Alaska INT: INT Ponce, P. R., 181°, St. Croix, P. R., 243° radials.

Albacore INT: INT 191° bearing Galveston, TX., RBN, 097° bearing Corpus Christi, TX., RBN at latitude 27° 33' N., longitude 95°08' W.

AMENDMENTS 9/14/72 37 F. R. 14690 (Rewritten)

Azalea INT: INT Charleston, S. C., 109°, Wilmington, N. C., 189° radials.

Azalea INT: INT 188° bearing Wilmington (Carolina Beach), N. C., RBN, 110° bearing Ashley, S. C., RBN.

Balboa INT: INT 219° bearing Marathon, Fla. RBN, with latitude 24°00'00" N.

Barracuda INT: INT 055° bearing Satellite, Fla., RBN, 008° bearing Bimini, Bahamas, RBN.

Bass INT: INT 133° bearing Weeksville, N. C., (Navy) RBN, W boundary New York Oceanic Control Area, at latitude 34°26' N., longitude 73°51' W.

Bimini, Bahamas, RBN.

Bonita INT: INT 208° bearing New Orleans, La., RBN and 110° bearing Galveston, Texas, RBN, at latitude 28°15" N., longitude 91°27" W.

AMENDMENTS 9/14/72 27 F. R. 14690 (Changed)

Brim INT: INT 227° Grand Isle, La., RBN, 108° bearing Galveston, Tex., RBN at latitude 28°15" N., longitude 91°13' W.

AMENDMENTS 9/14/72 37 F. R. 14690 (Changed)

Carp INT: INT direct line between Carolina Beach (Wilmington), N. C., RBN, Nassau, British West Indies, RBN, 090° bearing Dinsmore, Fla., RBN.

Catfish INT: INT 220° Grand Isle, La., RBN, 107° bearing Galveston, Tex., RBN, at latitude 28°15'N., longitude 90°58' W.

AMENDMENTS 9/14/72 37 F. R. 14690 (Changed)

Cod INT: INT of Nantucket, Mass., RBN 089° bearing and the W boundary of New York Oceanic Control Area at latitude 41°16'50" N., longitude 68°00'00" W.

Crab INT: INT Sarasota, Fla., 286°, Tallahassee, Fla., 187° radials.

Crab INT: INT 188° bearing Wakulla, Fla., RBN, 284° bearing Egmont Key, Fla., RBN.

Croaker INT: INT of 073° bearing Weeksville, N. C., RBN, and the west boundary of New York Oceanic Control Area at latitude 36°57'20" N., longitude 73°00'00" W.

Dolphin INT: INT 177° bearing Grand Isle, La., RBN, 103° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°02' W.

AMENDMENTS 9/14/72 37 F. R. 14690 (Changed)

Ear Shell INT: INT 140° bearing Galveston, TX., RBN, 255° bearing Grand Isle, LA., RBN, at latitude 28°15'N., longitude 93°45'W.

AMENDMENTS 9/14/72 37 F. R. 14690 (Rewritten)

Fallfish INT: INT 153° bearing Grand Isle, La., RBN, 223° bearing Pensacola, Fla., RBN, at latitude 28°15' N., longitude 89°34' W.

Florida INT: INT 149° bearing San Juan, P. R., RBN, St. Croix, P. R., 220° radial.

Gateway INT: INT 090° bearing Dinsmore, Fla., RBN, 188° bearing Wilmington (Carolina Beach), N. C., RBN.

Gateway Cedar INT: INT Hoquiam, Wash., 232° radial, E boundary Oakland Oceanic Control Area at latitude 45°30'35" N., longitude 126°43'10" W.

Gateway Hemlock INT: INT Newport, Oreg., 237° radial, E boundary Oakland Oceanic Control Area at Lat. 43° 19'20" N., Long. 126°40'45" W.

Gateway Pine INT: INT San Luis Obispo, Calif., 242° radial, east boundary Oakland Oceanic Control Area at latitude 34°12'42" N., longitude 123°03'20" W.

Haddock INT: INT rhumb line Nantucket, Mass., RBN to Kindley AFB, Bermuda, RBN W boundary New York Oceanic Control Area at latitude 39°50'00" N., longitude 69°14'30" W.

Halibut INT: INT 008° bearing Bimini, Bahamas, RBN, 090° bearing Rubin, Fla., RBN.

Hawaii INT: INT Ramey AFB, P. R., 195°, Ponce, P. R., 235° radials.

Herring INT: INT Nantucket, Mass., 066° radial with longitude 67°47'30" W. (latitude 42°00'30" N., longitude 67°47'30" W.).

Idaho INT: INT Ramey AFB, P. R., 326° radials, Mona Island, P. R., RBN 012° bearing.

Ohio INT: INT Ramey AFB, P. R., 013°, San Juan, P. R., 333° radials.

Perch INT: INT Los Angeles, Calif., 264°, Ventura, Calif., 200° radials.

Ramey AFB, P. R.

San Juan, P. R.

Sea Lion INT: INT 205° bearing Fish Hook, Fla., RBN with latitude 24°00'00" N.

Shad INT: INT of Millville, N. J., RBN 135° bearing and west boundary New York Oceanic Control area at latitude 37°43' N., longitude 73°00' W.

Shad INT: INT of Sea Isle, N. J., 134° and Norfolk, Va., 071° radials.

Shad DME INT: Sea Isle, N. J., VORTAC 134° radial, 118 nautical miles from Sea Isle VORTAC.

Smelt INT: INT 110° bearing Ashley, S. C., RBN, W boundary New York Oceanic control area at latitude 31°58' N., longitude 77°00' W.

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Tadpole INT: INT of Marathon, Fla., RBN 180° bearing with lat. 24°00'00" N.

AMENDMENTS 2/3/72 36 F. R. 23358 (Rewritten)

Trout INT: INT 090° bearing Dinsmore, Fla., RBN, W boundary New York Oceanic Control area, at latitude 30°21'N., longitude 77°00" W.

Tuna INT: INT 137° bearing Newark, N. J., RBN, W boundary New York Oceanic Control Area, at latitude 38°55' N., longitude 72°07' W.

Utah INT: INT San Juan. P.R.. 314°. Ramey. P.R., 354° radials, at latitude 19°35' N., longitude 67°15' W. is added.

Vermont INT: INT Ramey, P. R., 027°, San Juan, P. R., 351° radials.

Viperfish INT: INT 132° bearing Grand Isle, La., RBN, 214° bearing Pensacola, Fla., RBN, at latitude 28°14' N., longitude 88°51' W.

§ 71.211 Alaskan low altitude reporting points.

The reporting points listed below are designated up to but not including 18,000 feet MSL.

Adak, Alaska, RBN
Amchitka, Alaska, RBN
Anchorage, Alaska
Anchorage, Alaska, RR
Aniak, Alaska, RBN
Annette Island, Alaska
Annette Island, Alaska, RR

AMENDMENTS 10/12/72 37 F. R. 18031 (Added)

Anvil INT: INT 006° bearing Amchitka, Alaska, RBN, 282° bearing Adak, Alaska, RBN.

AMENDMENTS 10/12/72 37 F. R. 18031 (Changed)

Bear Creek, Alaska, RBN
Bethel, Alaska
Bethel, Alaska, RBN
Bettles, Alaska
Bettles, Alaska, RR
Big Delta, Alaska
Big Delta, Alaska, RR
Big Lake, Alaska
Big Mountain, Alaska, RBN
Blorka Island, Alaska
Cape Sarichef, Alaska, RBN.
Carp INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, 207° bearing Sitka, Alaska, RBN.

AMENDMENTS 11/9/72 37 F. R. 20233 (Changed)

Chandalar, Alaska, RBN.
Clam Gulch INT: Homer, Alaska, 294° Kenai, Alaska, 216° radials.
Coghlan Island, Alaska, RBN
Cold Bay, AK.

AMENDMENTS 10/12/72 37 F. R. 15423 (Added)

Crab INT: INT 227° bearing King Salmon, Alaska, RR, 314° bearing Port Heiden, Alaska, RBN.
Deadhorse, Alaska, RBN
Dillingham, Alaska
East Cordova INT: INT E course Hinchinbrook, AK., RR, and 151° bearing Cordova, AK., RBN.

AMENDMENTS 3/30/72 37 F. R. 2836 (Changed)

Fairbanks, Alaska
Fairbanks, Alaska, RR
Farewell, Alaska, RR
Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska
Fort Yukon, Alaska, RBN
Galena, Alaska
Galena, Alaska, RBN
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Granite INT: INT 118° bearing Homer, Alaska, RR, NW boundary Anchorage Oceanic Control Area, at latitude 58°43' N., longitude 148°14' W.
Gulkana, Alaska
Gulkana, Alaska, RR

Haines, Alaska, RBN
Halibut INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, southwest course Annette Island, Alaska,
Harbor Point INT: INT 273° bearing Cape Spencer, Alaska, RBN, southeast course Yakutat, Alaska, RR.
Hazy Island INT: INT 127° bearing Sitka, Alaska, RBN, southwest course Petersburg, Alaska, RR.

AMENDMENTS 11/9/72 37 F. R. 20233 (Changed)

Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR
Homer, Alaska
Homer, Alaska, RR
Iliamna, Alaska, RBN
Johnstone Point, Alaska
Kenai, Alaska
Kenai, Alaska, RR
King Salmon, Alaska
King Salmon, Alaska, RR
Kodiak, Alaska
Kodiak, Alaska, RR
Kotzebue, Alaska
Kotzebue, Alaska, RBN
Level Island, Alaska
Marble INT: INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.
Marlin INT: INT 041° bearing Cold Bay, Alaska, RR, 313° bearing Port Moller, Alaska, RBN.
McGrath, Alaska
McGrath, Alaska, RR
Middleton Island, Alaska
Middleton Island, Alaska, RBN
Mordvinoff INT: INT 255° bearing Cold Bay, Alaska, RR, 344° bearing Cape Sarichef, Alaska, RBN.
Moses Point, Alaska
Muzon INT: Annette Island, Alaska 236°, and Sandspit, British Columbia, Canada, 331° radials.
Muzon LF INT: INT 331° bearing Sandspit, British Columbia, Canada, RR, southwest course Annette Island, Alaska, RR.
Nenana, Alaska
Nenana, Alaska, RR
Nikolski, Alaska, RBN.
Nome, Alaska
Nome, Alaska, RR
Northway, Alaska
Northway, Alaska, RR
Norton Bay, Alaska, RBN
Oliktok, Alaska, RBN
Petersburg, Alaska, RR

AMENDMENTS 2/3/72 36 F. R. 23358 (Added)

Porpoise INT: INT 122° bearing Middleton Island, Alaska, RBN, southwest course Yakutat, Alaska, RR.
Port Alexander INT: INT 148° bearing Sitka, Alaska, RBN, southwest course Petersburg, Alaska, RR.

AMENDMENTS 11/9/72 37 F. R. 20233 (Changed)

Puntilla Lake, Alaska, RBN
Sagwon, Alaska, RBN
Shemya, Alaska, RBN
Shrimp INT: INT 122° bearing Middleton Island, Alaska (MDO), RBN, 218° bearing Cape Spencer, Alaska, RBN.

AMENDMENTS 3/2/72 36 F. R. 24799 (Rewritten)

Sisters Island, Alaska
Sisters Island, Alaska, RBN
Sitka, Alaska, RBN

AMENDMENTS 11/9/72 37 F. R. 20233 (Added)

Skilak INT: INT Anchorage, Alaska, 198°, Homer, Alaska 027° radials.
Skwentna, Alaska, RR
Sparrevohn, Alaska, RBN.
Summit, Alaska, RR
Talkeetna, Alaska, RBN
Tanana, Alaska
Tux Bay INT: INT Kenai, Alaska, 239° Homer, Alaska, 316° radials.
Unalakleet, Alaska
Unalakleet, Alaska, RR
Wide Bay INT: INT 164° bearing King Salmon, Alaks, RR, 074° bearing Port Heiden, Alaska, RBN.
Yakutat, Alaska
Yakutat, Alaska, RR

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§ 71.213 Alaskan high altitude reporting points.
The reporting points listed below are designated at 18,000 feet MSL to Flight Level 450.

Adak, Alaska, RBN
Anchorage, Alaska
Annette Island, Alaska
Anvil INT: INT 006° bearing Amchitka, Alaska, RBN, 282° bearing Adak, Alaska, RBN.
AMENDMENTS 10/12/72 37 F. R. 18031 (Changed)

Bethel, Alaska
Bettles, Alaska
Big Lake, Alaska
Biorka Island, Alaska
Browerville, Alaska, RBN
AMENDMENTS 11/9/72 37 F. R. 19355 (Added)
Carp INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, Biorka Island, Alaska, 207° radial.
AMENDMENTS 10/12/72 37 F. R. 15423 (Added)
Cold Bay, AK.
Crab INT: INT King Salmon, Alaska, 226° radial, 314° bearing Port Heiden, Alaska RBN.
AMENDMENTS 10/12/72 37 F. R. 15423 (Changed)

Deadhorse, Alaska
Dillingham, Alaska.
Fairbanks, Alaska
Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska
Galena, Alaska
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Gulkana, Alaska.
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Johnstone Point, Alaska
King Fish INT: INT Yakutat, Alaska, 213° radial and Hinchinbrook, Alaska, 118° bearing (lat. 58°45'N., long. 140°35' W.).
King Salmon, Alaska.
Kodiak, Alaska
Kotzebue, Alaska
Marble INT: INT of Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.
McGrath, Alaska
Middleton Island, Alaska
Nenana, Alaska
Nikolski, Alaska, RBN.
Nome, Alaska
Northway, Alaska
Oliktok, Alaska, RBN
AMENDMENTS 2/3/72 36 F. R. 23358 (Added)
Porpoise INT: INT 122° bearing Middleton Island, Alaska, RBN, Yakutat, Alaska, 215° radial.
PENDING AMENDMENT
Porpoise INT: INT of Middleton Island, Alaska, 121° and Yakutat, Alaska, 215° radials.
AMENDMENTS 1/4/73 37 F. R. 22577 (Added)

PENDING AMENDMENT
Porpoise DME INT: Middleton Island, Alaska, 121° radial, 171 nautical miles from Middleton Island.
AMENDMENTS 1/4/73 37 F. R. 22577 (Added)

Prudhoe Bay, Alaska, RBN.
Sagwon, Alaska, RBN.
Saint Paul, Alaska, RBN.
Sisters Island, Alaska
Unalakleet, Alaska
Yakutat, Alaska.
Yakutat. Alaska. RR.

§ 71.215 Hawaiian reporting points.
The reporting points listed below are designated at all altitudes.

Bait INT: INT Hilo, Hawaii, 078° radial and the Honolulu FIR Oceanic CTA at lat. 20°00'42" N., long. 153° 33'16" W.

Breakers INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 130° radials.

Cod INT: INT Hilo, Hawaii, 356° radial and the Honolulu FIR/Oceanic CTA at lat. 21°26'17" N., long. 155° 08'30" W.

Cuttle INT: INT Upolu Point, Hawaii, 093° radial and the Honolulu FIR/Oceanic CTA at lat. 20°04'48" N., long. 153°37'46" W.

Dogwood INT: INT South Kauai, Hawaii, 271° radial, with longitude 161°20'00" W, at latitude 21°56'00" N.

Eel INT: INT Hilo, Hawaii, 099° radial and the Honolulu FIR/Oceanic CTA at lat. 19°27'35" N., long. 153° 18'22" W.

Frog INT: INT Molokai, Hawaii, 015° radial and the Honolulu FIR/Oceanic CTA at lat. 22°46'16" N., long. 156°41'58" W.

Hilo, Hawaii

Honolulu, Hawaii

Lanai, Hawaii

Lihue, Hawaii

Lobster INT: INT Maui, Hawaii, 086° radial and the Honolulu FIR/Oceanic CTA at lat. 21°00'34" N., long. 154°39'36" W.

Makai INT: INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 262° radials.

Maui, Hawaii

Molokai, Hawaii

Palmtree INT: INT Honolulu, Hawaii, 119° and Molokai, Hawaii, 262° radials.

Paradise INT: INT Hilo, Hawaii, 336°, Upolu Point, Hawaii 093° radials.

Shark INT: INT of Koko Head, Hawaii, 050° Upolu Point, Hawaii, 355° radials, at latitude 22°31' N., longitude 156°05' W.

South Honolulu INT: INT Honolulu, Hawaii, 179°, Lanai, Hawaii, 223° radials, at latitude 19°43' N., longitude 158°00' W.

South Kauai, Hawaii

South Port Allen INT: INT Koko Head, Hawaii 254°, Lihue, Hawaii, 186° radials, at latitude 20°46' N., longitude 159°29' W.

Sunrise INT: INT Koko Head, Hawaii, 065°, Upolu Point, Hawaii, 002° radials, at latitude 22°06' N., longitude 155°46' W.

Swordfish INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 195° radials, at latitude 21°18' N., longitude 159°32' W.

Tuna INT: INT Molokai, Hawaii, 067°, Upolu Point, Hawaii, 010° radials, at latitude 21°47' N., longitude 155°32' W.

Upolu, Hawaii

Vanda INT: INT South Kauai, Hawaii, 288° radial, with Long. 161°15'00" W, at latitude 22°24'00" N.

Subpart J - Area Low Routes

§71.301 Designation.
The parts of airspace described below are designated as area low routes.

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SUBPART K - TERMINAL CONTROL AREAS

§71.401 Designation.
The parts of the airspace described below are designated as terminal control areas. The primary airport or airports for each terminal control area are also designated. Except as otherwise specified, all mileages are nautical miles.

(a) Group I, Terminal Control Areas:

Atlanta, Ga., Terminal Control Area

Primary Airport
Atlanta Airport (lat. 33°38'42" N., long. 84°25'37" W.)

Area A. That airspace extending upward from the surface to 8,000 feet MSL within a 7-mile radius of the Atlanta Airport including that area within lines drawn 2 statute miles each side of the 268° radial of the Rex VOR extending from the 7-mile radius circle to the Rex VOR, excluding the Fulton County control zone and excluding the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

Area B. That airspace extending upward from 2,500 feet MSL to 8,000 feet MSL within a 12-mile radius of the Atlanta Airport, excluding Area A, the Fulton County control zone, and the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

Area C. That airspace extending upward from 3,500 feet MSL to 8,000 feet MSL within a 20-mile radius of the Atlanta Airport, excluding Area A, Area B and the airspace north of a line 1 mile south of and parallel to the 271° and 091° radials of the Fulton County VOR.

Area D. That airspace extending upward from 6,000 feet MSL to 8,000 feet MSL north of the Atlanta Airport bounded on the east by a 20-mile radius arc from the Atlanta Airport, on the south by a line 1 mile south of and parallel to the 271° and 091° radials of Fulton County VOR, on the west by a 20-mile radius arc from the Atlanta Airport, and on the north by the southern boundary of the area described as the Dobbins AFB control zone and the 260° radial of Norcross VOR east of the Dobbins AFB control zone.

Chicago, Ill., Terminal Control Area

Primary Airport
1. Chicago-O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'28" W.)

Boundaries. That airspace up to and including 7,000 feet MSL -

1. Area A. That airspace extending upward from the surface within the Chicago, Ill. (O'Haro International Airport), control zone, including that airspace within 2 miles northwest of the centerline of Runway 4 extended and 2 miles southeast of the centerline of the proposed Runway 4R extended, extending from the 5-mile radius control zone to 2 miles southwest of the Pine Outer Marker.

2. Area B. That airspace extending upward from 1,900 feet MSL within a 10.5-mile radius arc of Chicago O'Hare International Airport, excluding Area A and that area bounded on the southeast by a line 2 miles northwest of and parallel to the centerline extended of Runway 22, on the south and southwest by the southwest boundary of Glenview, Ill., control zone, on the north by a 10.5-mile radius arc of the Chicago-O'Hare International Airport, and
excluding Area E described hereinafter.

3. Area C. That airspace extending upward from 3,000 feet MSL within a 20-mile radius arc of Chicago-O'Hare International Airport, excluding Areas A and B, previously described, Areas D and E, described hereinafter, and that airspace within a 1.5-mile radius of Clow Airport (latitude 41°41'40" N., longitude 88°07'38" W.).

4. Area D. That airspace extending upward from 4,000 feet MSL north of Chicago bounded on the south by a line 2 nautical miles south of and parallel to the 093° and 274° radials of the Northbrook VORTAC, on the west by a line 3 miles northeast of and parallel to
the centerline extended of Runway 14L, and on the north by the 20-mile radius arc of the Chicago-O'Hare International Airport. That area southeast of Chicago between the 10.5-mile and 20-mile radius arcs of the Chicago-O'Hare International Airport and bounded
on the north by a line 3 miles south of and parallel to the extended centerline of Runway 27R, and on the southwest by a line 3 miles northeast of and parallel to the extended centerline of Runway 32R.

5. Area E. That airspace northeast of Chicago extending upward from 2,500 feet MSL bounded on the northeast by a 10.5-mile radius arc of Chicago-O'Hare International Airport, on the south by the extended-center-line of Runway 9/27 at NAS Glenview and on the northwest by a line 2 miles northwest of and parallel to the extended centerline of Runway 22 at Chicago-O'Hare International Airport.

Los Angeles, Calif., Terminal Control Area

Primary Airport
Los Angeles International Airport (lat. 33°56'25" N., long. 118°24'10" W.)

Boundaries
That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to 2,500 feet MSL and from 5,000 feet MSL to and including 7,000 feet MSL bounded on the north by Bolona Creek, on the east by the San Diego Freeway, on the south by Imperial Boulevard, and on the west by the Pacific Ocean shoreline.

Area B. That airspace extending upward from the surface to and including 7,000 feet MSL east of Los Angeles Airport bounded on the east by the Los Angeles, Calif., VORTAC 10-mile radius arc, on the south by the Los Angeles VORTAC 091° radial, on the west by the San Diego Freeway and on the north by the Los Angeles VORTAC 061° radial; and that airspace west of Los Angeles Airport bounded on the east by the Pacific Ocean shoreline, on the southeast by the Los Angeles VORTAC 207° radial, on the west by the Los Angeles VORTAC 11-mile radius arc, and on the north by the Santa Monica VOR 270° radial and the Ventura, Calif., VORTAC 107° radial.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL east of Los Angeles between the 10- and 15-mile radii of the Los Angeles VORTAC bounded on the north by the Los Angeles VORTAC 061° radial and on the south by the Santa Monica VOR 112° radial; and that airspace west of Los Angeles bounded on the east by the Los Angeles VORTAC 11-mile radius arc and the Los Angeles VORTAC 207° radial, and the south by the Seal Beach, Calif., VORTAC 266° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Santa Monica VOR 270° radial.

Area D. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL east and northeast of Los Angeles Airport bounded by a line beginning at the intersection of the Los Angeles VORTAC 061° radial and the San Diego Freeway, thence northwest along the San Diego Freeway to and northeast along the Los Angeles VORTAC 024° and the Santa Monica VOR 057° radials to and east along the Ontario, Calif., VORTAC 288° and the Pomona VORTAC 266° radials to and south along the Los Angeles VORTAC 20-mile radius arc to and west along the Ontario VORTAC 268° radial to and north along the Los Angeles VORTAC 15-mile radius arc to and southwest along the Los Angeles VORTAC 061° radial to the point of beginning.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL east of Los Angeles bounded on the east by the Los Angeles VORTAC 25-mile radius arc, on the south by the Ontario VORTAC 268° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Pomona VORTAC 266° radial; that airspace bounded on the east by the Los Angeles VORTAC 180° radial, on the south by the Seal Beach VORTAC 266° radial, and on the northwest by the Los Angeles VORTAC 207° radial; and that airspace northwest of Los Angeles bounded on the northeast by the Los Angeles VORTAC 320° radial, on the south by the Santa Monica VOR 270° radial and the Ventura VORTAC 107° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Ventura VORTAC 090° radial.

Area F. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL north of Los Angeles bounded by a line beginning at the intersection of the Ventura VORTAC 090° radial and the Santa Monica VOR 057° radial, thence southwest along the Santa Monica VOR 057° radial to the Los Angeles VORTAC 024° radial, thence southwest along the Los Angeles VORTAC 024° radial to Bolona Creek, thence southwest along Bolona Creek to the Pacific Ocean shoreline, thence northwest along the Los Angeles VORTAC 320° radial to the Ventura 090° radial, thence east along the Ventura 090° radial to the point of beginning; and that airspace southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 12-mile radius arc, on the south by the Seal Beach VORTAC 266° radial, on the west by the Los Angeles VORTAC 180° radial and on the north by Areas A, B, and C.

Area G. That airspace extending upward from 6,000 feet MSL to and including 7,000 feet MSL southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 25-mile radius arc, on the southwest by the Seal Beach VORTAC 330°/150° radials, and on the north by the Ontario 268° radial.

New York, N. Y., Terminal Control Area

Primary Airports
Kennedy International Airport (lat. 40°38'20" N., long. 73°47'10" W.).
LaGuardia Airport (lat. 40°46'30" N., long. 73°52'20" W.).
Newark Airport (lat. 40°41'34" N., long. 74°10'24" W.).

Boundaries
That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile radius circle of Kennedy (JFK) VORTAC; within a 4-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W.; and within a 6-mile radius circle of LaGuardia (LGA) VORTAC; excluding the airspace within and below Areas B, C, D, and E hereinafter described.

NEW YORK TERMINAL CONTROL AREA CONTINUED

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Area B. That airspace extending upward from above 500 feet MSL to and including 7,000 feet MSL within an 8-mile radius
circle of JFK VORTAC south of a line beginning at the intersection of the JFK VORTAC 237° radial and the Atlantic Ocean shoreline, thence east along the shoreline to its intersection with the JFK VORTAC 5-mile DME fix, thence north along the 5-mile DME arc to and east along the JFK VORTAC 094° radial to the 8-mile radius circle of JFK VORTAC; that airspace within a 6-mile radius circle of LGA VORTAC bounded by a line beginning at the intersection of the 6-mile radius circle and the LGA VORTAC 039° radial, thence southwest along the LGA VORTAC 039° radial to and south along the Bronx shoreline to the north stanchion of the Throgs Neck Bridge, thence direct to the intersection of the LGA VORTAC 071° radial and the 6-mile radius circle of LGA VORTAC, thence counterclockwise along the 6-mile radius circle to the point of beginning; and that airspace between the 4-mile and the 6.5-mile radial of a circle centered at lat. 40°41'30" N., long. 74°10'00" W.; excluding the airspace within and below Areas C, D and J hereinafter described.

Area C. That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., and bounded by a line beginning at the point where the 6.5-mile radius circle intersects U. S. Highway No. 1, thence northeast along U. S. Highway No. 1 to its point of intersection with a 4-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., at the Esso Research Center, thence direct to the Public Service powerplant, thence direct to the Staten Island Expressway at its point of intersection with the 4-mile radius circle, thence east via the Staten Island Expressway to Richmond Avenue, thence south along Richmond Avenue to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning.

Area D. That airspace extending upward from above 1,100 feet MSL to and including 7,000 feet MSL within the 6-mile radius circle of LGA VOR west of the east bank of the Hudson River; that airspace between the east and west banks of the East River southwest of the north end of Welfare Island; and that airspace within the 6.5-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., east of the Colts Neck VORTAC 012° radial.

Area E. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within the area bounded by a line beginning at the intersection of the 20-mile radius circle of JFK VORTAC and the JFK VORTAC 208° radial, thence counterclockwise along the 20-mile arc to its intersection with the Long Island shoreline, thence southwest along the Long Island shoreline to and counterclockwise along the 13-mile radius circle of JFK VORTAC to and counterclockwise along the 11-mile radius circle of LGA VORTAC to the LGA VORTAC 351° radial, thence direct to the LGA VORTAC 283° radial at the LGA VORTAC 17-mile DME fix, thence counterclockwise along a 10-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to its intersection with the Colts Neck VORTAC 005° radial, thence direct to the intersection of the Colts Neck VORTAC 034° radial and the New Jersey shoreline at Sandy Hook, thence south along the New Jersey shoreline to the point of beginning; and that airspace within 2 miles each side of the Newark ILS Runway 4L localizer course, extending from the Chelsea outer marker to 6 miles southwest of the outer marker, and that airspace within a 6-mile radius circle of the LGA VORTAC east of a line beginning at the intersection of the LGA VORTAC 071° radial and the 6-mile arc of LGA VORTAC, thence direct to the Kennedy VORTAC 340° radial at the Kennedy VORTAC 10-mile DME fix, thence via the Kennedy VORTAC 340° radial to the Kennedy VORTAC 9-mile DME fix, thence direct to the intersection of the LGA VORTAC 104° radial and the LGA VORTAC 6-mile radius circle; excluding the airspace within Areas A, B, C, and D previously described; and excluding the airspace within and below Areas F and J hereinafter described.

Area F. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VOR 337° radial and the Erie Lackawanna Railroad tracks, thence south along the railroad tracks to the east branch of the Hackensack River, thence south and west along the river to the LGA VOR 299° radial, thence direct to the intersection of the 6-mile radius circle of LGA VOR and the LGA VOR 264° radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to and southwest along New Jersey Highway Route No. 22 to and clockwise along a 10-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to LGA VOR 283° radial, thence direct to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., within a 20-mile radius circle of JFK VORTAC; and within a 20-mile radius circle of LGA VORTAC, excluding the airspace within Areas A, B, C, D, E and F previously described and excluding the airspace within and below Areas H and J hereinafter described.

Area H. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 13- and 20-mile radii circles of JFK VORTAC bounded on the north by the JFK VORTAC 050° radial and on the south by the Long Island shoreline.

Area J. That airspace extending upward from above 1,200 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., and bounded by a line beginning at the intersection of the 6.5-mile radius circle and the tracks of the Central Railroad of New Jersey, thence eastward along the railroad tracks to their point of intersection with the 4-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., thence counterclockwise along the 4-mile radius circle to U. S. Highway No. 1, thence southwest along U. S. Highway No. 1 to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning.

AMENDMENTS 6/22/72 37 F. R. 8440 (Changed)
PENDING AMENDMENT CONTINUED ON THE NEXT PANEL.

PENDING AMENDMENT
The New York, N. Y., Terminal Control Area is amended to read as follows:

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile radius circle of Kennedy (JFK) VORTAC; within a 4-mile radius circle centered at Lat. 40°41'30" N., Long. 74° 10'00" W.; and within a 6-mile radius circle of La Guardia (LGA) VOR; excluding the airspace within and below Areas B, D and J hereinafter described and excluding that airspace east of Flushing Airport bounded by a line beginning at the point of intersection of the LGA VOR 071° radial and the 6-mile arc of the LGA VOR, thence clockwise along the LGA VOR 6-mile arc to and counterclockwise along the 8-mile arc of the JFK VORTAC to and north along the Clearview Expressway to the north stanchion of the Throggs Neck Bridge, thence to the point of beginning.

Area B. That airspace extending upward from above 500 feet MSL to and including 7,000 feet MSL within an 8-mile radius circle of JFK VORTAC south of a line beginning at the intersection of the JFK VORTAC 237° radial and the Atlantic Ocean shoreline, thence easterly along the shoreline to its intersection with the JFK VORTAC 125° radial 5-mile DME fix, thence northerly along the 5-mile DME arc to and easterly along the JFK VORTAC 094° radial to the 8-mile radius circle of JFK VORTAC; that airspace within a 6-mile radius circle of LGA VOR bounded by a line beginning at the intersection of the 6-mile radius circle and the LGA VOR 039° radial, thence southwesterly along the LGA VOR 039° radial to and southerly along the Bronx shoreline to the north stanchion of the Throggs Neck Bridge, thence direct to the intersection of the LGA VOR 071° radial and the 6-mile radius circle of LGA VOR, thence counterclockwise along the 6-mile radius circle to the point of beginning; and that airspace between the 4-mile and the 6.5-mile radii of a circle centered at Lat. 40°41'30" N., Long. 74°10'00" W.; excluding that airspace within and below Areas C, D and J hereinafter described.

Area C. That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., and bounded by a line beginning at the point where the 6.5-mile radius circle intersects U. S. Highway No. 1, thence northeast along U. S. Highway No. 1 to its point of intersection with a 4-mile radius circle centered at Lat. 40°41'30: N., Long. 74°10'00" W., at the Esso Research Center, thence direct to the public service powerplant, thence direct to the Staten Island Expressway at its point of intersection with the 4-mile radius circle, thence east via the Staten Island Expressway to Richmond Avenue, thence south along Richmond Avenue to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning.

Area D. That airspace extending upward from above 1,100 feet MSL to and including 7,000 feet MSL within the 6-mile radius circle of LGA VOR west of the east bank of the Hudson River; that airspace between the east and west banks of the East River southwest of the north end of Welfare Island; and that airspace within the 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., east of the Colts Neck VORTAC 012° radial.

Area E. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within the area bounded by a line beginning at the intersection of the 20-mile radius circle of JFK VORTAC and the JFK VORTAC 208° radial, thence counterclockwise along the 20-mile arc to its intersection with the Long Island shoreline, thence southwest along the Long Island shoreline to and counterclockwise along the 13-mile radius circle of JFK VORTAC to and counterclockwise along the 11-mile radius circle of LGA VOR to the LGA VOR 351° radial, thence direct to the LGA VOR 283° radial at the LGA VOR 17-mile DME fix, thence counterclockwise along a 10-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to its intersection with the Colts Neck VORTAC 005° radial, thence direct to the intersection of the Colts Neck VORTAC 034° radial and the New Jersey shoreline at Sandy Hook, thence south along the New Jersey shoreline to the point of beginning; and that airspace within 2 miles each side of the Newark ILS Runway 4L localizer course, extending from the Chelsea outer marker to 6 miles southwest of the outer marker, excluding that airspace within and below Areas A, B, C, and D previously described; and excluding the airspace within and below Areas F and J hereinafter described.

Area F. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VOR 337° radial and the Erie Lackawanna Railroad tracks, thence south along the railroad tracks to the east branch of the Hackensack River, thence south and west along the river to the LGA VOR 299° radial, thence direct to the intersection of the six-mile radius circle of LGA VOR and the LGA VOR 264° radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to and southwest along the New Jersey Highway Route No. 22 to and clockwise along a 10-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to LGA VOR 283° radial, thence direct to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., within a 20-mile radius circle of JFK VORTAC; and within a 20-mile radius circle of LGA VOR, excluding the airspace within and below Areas A, B, C, D, E, and F previously described and excluding the airspace within and below Areas H and J hereinafter described.

Area H. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 13- and 20-mile radii circles of JFK VORTAC bounded on the north by the JFK VORTAC 050° radial and on the south by the Long Island shoreline, excluding that airspace north of Hempstead Turnpike and west of the Seaford-Oyster Bay Expressway.

NEW YORK TERMINAL CONTROL AREA CONTINUED

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PENDING AMENDMENT
New York, N. Y., Terminal Control Area continued from previous panel.
Area J. That airspace extending upward from above 1,200 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., and bounded by a line beginning at the intersection of the 6.5-mile radius circle and the tracks of the Central Railroad of New Jersey, thence eastward along the railroad tracks to their point of intersection with the 4-mile radius circle centered at Lat. 40°41' 30" N., Long. 74°10'00" W., thence counterclockwise along the 4-mile radius circle to U. S. Highway No. 1 thence southwest along U. S. Highway No. 1 to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning; and that airspace beginning at the north stanchion of the Throggs Neck Bridge, thence westerly to the Kennedy VORTAC 341° radial 10-mile DME fix, thence southerly to the Kennedy VORTAC 340° radial 9-mile DME fix, thence easterly to the intersection of the 8-mile arc of the Kennedy VORTAC and the Clearview Expressway, thence northerly along the expressway and the Throggs Neck Bridge to the point of beginning.

AMENDMENTS 1/4/73 37 F. R. 24893 (Rewritten)

PENDING AMENDMENT
San Francisco, Calif., Terminal Control Area

Primary Airport

San Francisco International Airport (latitude 37°37'07" N., longitude 122°22'35" W.), San Francisco LVOR/DME (latitude 37°37'10" N., longitude 122°22'22" W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 7-mile radius of the San Francisco (SFO) VOR extending clockwise from the SFO VOR 247° radial to the SFO VOR 127° radial and within a 5-mile radius of the SFO VOR extending clockwise from the SFO VOR 127° radial to the SFO VOR 247° radial, excluding that airspace within a 3-mile radius of the Oakland VORTAC and excluding that airspace west of the Pacific coast shoreline.

Area B. That airspace extending upward from 1,500 feet MSL to and including 8,000 feet MSL bounded on the northwest by a 5-mile radius arc of the SFO VOR, on the southeast by a 10-mile radius arc of the SFO VOR, on the northeast by the SFO VOR 107° radial, and on the southwest by the SFO VOR 137° radial, excluding that airspace within Area A.

Area C. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL bounded on the northwest by a 10-mile radius arc of the SFO VOR, on the southeast by a 15-mile radius arc of the SFO VOR, on the northeast by the SFO VOR 107° radial, and on the southwest by the SFO VOR 137° radial.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 5-mile DME point on the SFO VOR 137° radial thence southeast along the 137° radial to and counterclockwise along a 15-mile DME arc of the SFO VOR to and east along the SFO VOR 107° radial to and clockwise along the 20-mile radius DME arc of the SFO VOR to and northwest along the SFO VOR 167° radial to and counterclockwise along the 5-mile radius DME arc of the SFO VOR to the point of beginning.

Area E. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 5-mile DME point on the SFO VOR 167° radial thence southeast along the 167° radial to and counterclockwise along the 20-mile DME arc of the SFO VOR to and east along the SFO VOR 107° radial to and clockwise along the 25-mile DME arc of the SFO VOR to and northwest along the Point Reyes VORTAC 161° radial to and northeast along the SFO VOR 217° radial to and counterclockwise along the 5-mile DME arc of the SFO VOR to the point of beginning.

Area F. That airspace extending upward from 2,100 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 10-mile DME point on the SFO VOR 247° radial thence clockwise along the 10-mile DME arc to and west along the SFO VOR 107° radial to and counterclockwise along the 7-mile DME arc of the SFO VOR to and clockwise along the 3-mile DME arc of the Oakland VORTAC to and counterclockwise along the 7-mile DME arc of the SFO VOR to and southwest along the SFO VOR 247° radial to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL between the 10- and 15-mile radii of the SFO VOR from the SFO VOR 247° radial clockwise to the SFO VOR 107° radial, excluding the airspace southwest of the Point Reyes VORTAC 161° radial.

Area H. That airspace extending upward from 4,500 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the intersection of the Sausalito VORTAC 052° radial and the Oakland VORTAC 305° radial thence northeast along the Sausalito VORTAC 052° radial to and clockwise along the 20-mile DME arc of the SFO VOR to and southwest along the SFO VOR 072° radial to and counterclockwise along the 15-mile DME arc of the SFO VOR to and northwest along the Oakland VORTAC 305° radial to the point of beginning.

Area I. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL between the 20- and 25-mile radii of the SFO VOR from the Sausalito VORTAC 052° radial clockwise to the SFO VOR 072° radial, excluding the airspace north of latitude 38°00'00" N.

SAN FRANCISCO TERMINAL CONTROL AREA CONTINUED

Area J. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL bounded on the northeast by a 5-mile radius arc of the SFO VOR, on the southeast by the SFO VOR 217° radial, on the southwest by the Point Reyes VORTAC 161° radial, and on the northwest by the SFO VOR 247° radial.

Area K. That airspace extending upward from 1,500 feet MSL to and including 8,000 feet MSL bounded on the west by a 7-mile radius arc of the SFO VOR and on the east by the Pacific coast shoreline.

AMENDMENTS 12/11/72 37 F. R. 21928 (Added) Corr: 37 F. R. 24106

Washington, D. C. Terminal Control Area
Primary Airports
1. Washington National Airport (lat. 38°51'05" N., long. 77°02'20" W.).
2. Andrews AFB (lat. 38°48'40" N., long. 76°52'05" W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 7-mile radius of the Washington, D. C., VOR and within a 7-mile radius of the Andrews, Md., VORTAC excluding the airspace bounded on the north by lat. 38°45'50" N., on the east by long. 76°54'25" W., on the south by a 7-mile radius circle of the Andrews VORTAC, and on the west by long. 76°59'30" W.; and excluding Prohibited Area P-56.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of the Washington VOR and a 10-mile radius of the Andrews VORTAC, excluding Area A.

Area C. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL between the 10-mile and 15-mile radius circles of the Washington VOR and the Andrews VORTAC, excluding that airspace west of a line from a point on the Nottingham 308° T radial 31.75 nautical miles northwest of the VORTAC to a point on the Nottingham 268° T radial 25.25 nautical miles west of the VORTAC.

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Subpart A -- General

§ 73.1 Applicability.

The airspace that is described in Subpart B and Subpart C of this part is designated as special use airspace. These parts prescribe the requirements for the use of that airspace.

§ 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.
(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level.
(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.
(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

§ 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.
(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B -- Restricted Areas

§ 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

§ 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of
(a) The using agency described in § 73.15; or
(b) The controlling agency described in § 73.17.

§ 73.15 Using agency.

(a) For the purposes of this subpart, the following are using agencies:
(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.
(2) In the case of a Restricted Area/Military Climb Corridor that does not have a designated controlling agency, the Military Air Traffic Control facility that may be contacted for permission for transit through the climb corridor.
(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.
(c) The using agency shall --
(1) Schedule activities within the restricted area;
(2) Authorize transit through, or flight within, the restricted area as feasible; and
(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

§ 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

§ 73.19 Reports by using agency.

(a) Each using agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D. C., on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.
(b) In its report under this section the using agency shall --
(1) State the name and number of the restricted area as published in this part;
(2) State the period covered by the report;
(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;
(4) State the time that daily operations are normally scheduled to begin and end;
(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations the total number of aircraft hours of actual use during the reporting period;
(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;
(7) State whether or not radar is used during operations;
(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;
(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;
(10) Include a chart of the area (of optional scale and design) showing --
(i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any), begins and ends, and the release point pullup point; and
(ii) The location of impact areas, if any;
(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;
(12) State the daily number of hours or nimutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;
(13) List the altitudes normally used for daily surface to surface firing operations;
(14) Include a chart of the area (of optional scale and design) showing --
(i) The location of firing points and impact areas, if any; and
(ii) The perimeter of the firing fan for each weapon used, if any; and
(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.
(c) This section does not apply to restricted areas established for climb corridors.

Subpart C -- Prohibited Areas

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the prohibited area.
Note: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.

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§ 73.21 Alabama

R-2101 Anniston Army Depot, Ala.
Boundaries. Beginning at latitude 33°41'20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.
Designated altitude. Surface to 5,000 feet MSL.
Time of designation. From 0700 to 1800 c.s.t., Monday through Saturday.
Using agency. Commanding Officer, Anniston Army Depot.

R-2102 Fort McClellan, Ala.
Boundaries: Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to point of beginning.
Designated altitudes: Subarea A, surface to and including 8,000 feet MSL. Subarea B, from 8,000 feet MSL to and including 14,000 feet MSL. Subarea C, from 14,000 feet MSL to 24,000 feet MSL.
Time of use: Continuous.
Controlling agency: Federal Aviation Administration, Atlanta ARTC Center.
Using agency: Commanding Officer, Fort McClellan, Ala.

R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at latitude 31°26'55" N., longitude 85°47'45" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

R-2104A Huntsville, Ala.
Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°33'58" N., longitude 86°37'50" W.; thence west along the Tennessee River to latitude 34°35'02" N., longitude 86°43'25" W.; to latitude 34°37'19" N., longitude 86°43'20" W.; to latitude 34°37'19" N., longitude 86°43'05" W.; to latitude 34°41'25" N., longitude 86°42'57" W.; to latitude 34°42'00" N., longitude 86°41'35" W.; to latitude 34°39'30" N., longitude 86°41'10" W.; to the point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

R-2104B Huntsville, Ala.
Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°39'25" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°35'21" W.; to latitude 34°35'05" N., longitude 86°35'24" W.; thence west along the Tennessee River to latitude 34°33'58" N., longitude 86°37'50" W.; to the point of beginning.
Designated altitudes. Surface to 2,400 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

§ 73.22 Alaska

R-2202A Big Delta, Alaska
Boundaries. Beginning at latitude 64°14'45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning, excluding that airspace within R-2202B.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

R-2202B Big Delta, Alaska
Boundaries. Beginning at latitude 64°07'30" N., longitude 146°27'30" W.; to latitude 64°02'30" N., longitude 146°11'30" W.; to latitude 63°53'00" N., longitude 146°24'30" W.; to latitude 63°57'00" N., longitude 146°41'00" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska

R-2203A Eagle River, Alaska
Boundaries. Beginning at latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2203B Eagle River, Alaska
Boundaries. Beginning at latitude 61°29'00" N., longitude 149°33'48" W.; to latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149°44'00" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2204 Shemya, Alaska.
Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Continuous.
Using agency. Commander, 5073rd Air Base Squadron, Shemya AFB, Alaska.

R-2205A Yukon, Alaska
Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.
Designated altitudes. Surface to 21,000 feet MSL.
Time of Designation. Continuous from April 1 through November 30; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2206 Clear, Alaska
Boundaries: Beginning at latitude 64°19'46" N., longitude 149°10'08" W.; to latitude 64°19'46" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°10'05" W ; thence north, 100 feet west of and parallel to the Alaskan railroad to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency: Commander 13th Missile Warning Squadron, Clear, Alaska.

R-2207 Amchitka Island, Alaska
Boundaries: Within the boundary of Amchitka Island, Alaska, including the airspace within 3 nautical miles from and parallel to the shoreline.
Designated altitude: Surface to 18,000 feet MSL.
Time of designation: As activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: Federal Aviation Administration, Anchorage, Alaska, ARTC Center.
Using agency: Manager, Nevada Operation Office, U. S. Atomic Energy Commission, Las Vegas, Nev.

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R-2208 Chatanika, Alaska

Boundaries: Within a 1½-mile radius circle centered at lat. 65°07'45" N., long. 147°29'30" W., and within a line drawn from the northerly tangent of the 1½-mile radius circle to lat. 65°15'00" N., long. 146°19'00" W., thence to lat. 64°59'40" N., long. 146°19'00" W., thence to the southerly tangent of the 1½-mile radius circle.
Designated altitudes: Surface to unlimited.
Time of designation: From 9:30 a.m. to 10:30 a.m., local time, Monday through Friday for a period of 2 years beginning August 19, 1971.
Controlling agency: Federal Aviation Administration, Fairbanks ARTC Center.
Using agency: U. S. Army Electronics Command, Fort Huachuca, Ariz.

§ 73.23 Arizona

R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112° 56'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°28'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°45'50" N, Long. 113°34'30" W; to the point of beginning; excluding that airspace below 3,000 feet MSL, N of a line beginning at latitude 32°40'45" N., longitude 114°18'29" W.; to latitude 32°37'40" N., longitude 114°12'40" W.; to latitude 32°37'40" N., longitude 114°09'00" W.; to latitude 32°42'30" N., longitude 113°45'00" W.; to latitude 32°44'15" N., longitude 113°41'05" W.
Designated altitudes. Surface to flight level 800.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2302 Flagstaff, Arizona.

Boundaries. A circular area with a 6,600-foot radius centered at latitude 35°10'20" N., longitude 111°51'19" W.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0800 to 2400 MST, Monday through Saturday.
Using agency. Commanding Officer, Navajo Ordance Depot, Flagstaff, Arizona.

R-2303A Fort Huachuca, Ariz.

Boundaries: Beginning at latitude 31°40'40" N.; longitude 110°11'00" W.; to latitude 31°34'00" N., longitude 110°08'30" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°41'30" W.; to latitude 31°34'00" N., longitude 110°43'30" W.; to latitude 31°38'30" N., longitude 110°42'00" W.; to latitude 31°38'30" N., longitude 110°39'30" W.; to latitude 31°41'00" N., longitude 110°33'30" W.; to latitude 31°41'00" N., longitude 110°12'00" W.; to point of beginning.
Designated altitudes: Surface to 15,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commanding Officer, Fort Huachuca Support Command, Fort Huachuca, Ariz.

R-2303B Fort Huachuca, Ariz.

Boundaries: Beginning at latitude 31°35'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°45'00" W.; to latitude 31°48'00" N., longitude 110°46'00" W.; to latitude 31°48'00" N., longitude 110°25'45" W.; to point of beginning.
Designated altitudes: 15,000 feet MSL to FL 450.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commanding Officer, Fort Huachuca Support Command, Fort Huachuca, Ariz.

R-2304 Gila Bend, Arizona.

Boundaries. Beginning at latitude 32°38'30" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°43'30" W.; to latitude 32°49'00" N., longitude 112°39'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation: Sunrise to 2400 local time, Monday through Friday.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112° 42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Ariz.

R-2306A Yuma West, Ariz.

Boundaries: Beginning at latitude 33°00'00" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°34'00" W.; to latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°15'00" N., longitude 114°15'00" W.; thence south along Highway 95 to latitude 33°00'00" N., longitude 114°17'20" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding officer, Yuma Proving Ground, Yuma, Ariz.

R-2306B Yuma West, Ariz.

Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; thence south along Highway 95 to latitude 33°15'00" N., longitude 114°15'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°28'00" N., longitude 114°28'00" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2306C Yuma West, Ariz.

Boundaries: Beginning at latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°23'00" N., longitude 114°34'37" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to point of beginning.
Designated altitudes: Surface to 17,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2307 Yuma, Ariz.

Boundaries. Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°-21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308A Yuma East, Ariz.

Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°17'20" W.; thence north along Highway 95 to point of beginning.
Designated altitudes: 1,500 feet AGL to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308B Yuma East, Ariz.

Boundaries: Beginning at latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°02'00" N., longitude 113°39'04" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

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§ 73.24 Arkansas

R-2401 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 18' 32" N., longitude 94° 12' 02" W.; to latitude 35° 18' 06" N., longitude 94° 16' 04" W.; to latitude 35° 17' 15" N., longitude 94° 17' 30" W.; to latitude 35° 15' 59" N., longitude 94° 18' 33" W.; to latitude 35° 13' 36" N., longitude 94° 15' 10" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation: Continuous June 1 through August 31; and 0600 Saturday to 2400 c.s.t., Sunday, September 1 through May 31; other times following issuance of a NOTAM by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2402 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 17' 25" N., longitude 94° 12' 02" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to latitude 35° 13' 36" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 01' 33" W.; to latitude 35° 17' 36" N., longitude 94° 06' 00" W.; to latitude 35° 17' 09" N., longitude 94° 09' 55" W.; to point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation: Continuous June 1 through August 31; and 0600 Saturday to 2400 c.s.t., Sunday, September 1 through May 31; other times following issuance of a NOTAM by the using agency at least twenty-four (24) hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2403A Little Rock, Ark.

Boundaries. Beginning at lat. 34°57'00" N., long. 92°15'00" W.; to lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to lat. 34°57'00" N., long. 92°19'30" W.; to point of beginning.
Designated altitudes. Surface to 16,000 feet MSL.
Time of designation. Daily 0700 to 2100, 1 May through 31 August, to be activated by NOTAM 48 hours in advance stating periods of activation. Other times, 0700 Saturday to 1700 Sunday, 1 September through 30 April.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Arkansas Army National Guard.

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R-2403B Little Rock, Ark.

Boundaries. Beginning at lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°19'30" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to point of beginning.
Designated altitudes. Surface to 16,000 feet MSL.
Time of designation. Daily 0700 to 2100 1 May through 31 August, to be activated by NOTAM 48 hours in advance stating period of activation. Other times, 0700 Saturday to 1700 Sunday, 1 September through 30 April, to be activated by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Arkansas Army National Guard.

AMENDMENTS 4/27/72 37 F. R. 4903 (Changed)

§ 73.25 California

R-2501N Bullion Mountains North, Calif.
Boundaries. Beginning at latitude 34°43'00" N., longitude 116°26'20" W.; to latitude 34°43'00" N., longitude 116°17'00" W.; to latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°33'30" N., longitude 116°24'00" W.; to latitude 34°30'00" N., longitude 116°26'30" W.; to latitude 34°40'30" N., longitude 116°29'40" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501C Bullion Mountains Central, Calif.

Boundaries. Beginning at latitude 34°33'30" N., longitude 116°24'00" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°26'30" N., longitude 116°24'30" W.; to latitude 34°30'00" N., longitude 116°26'30" W.; to point of beginning.
Designated altitudes, Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501S Bullion Mountains South, Calif.

Boundaries: Beginning at latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°28'00" N., longitude 116°09'40" W.; to latitude 34°27'30" N., longitude 116°04'10" W.; to latitude 34°18'25" N., longitude 115°58'20" W.; to latitude 34°14'00" N., longitude 115°59'00" W.; to latitude 34°14'00" N., longitude 116°17'00" W.; to latitude 34°26'30" N., longitude 116°24'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501E Bullion Mountains East, Calif.

Boundaries. Beginning at latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°41'00" N., longitude 116°03'00" W.; to latitude 34°35'30" N., longitude 115°58'00" W.; to latitude 34°33'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°59'00" W.; to latitude 34°18'25" N., longitude 115°58'20" W.; to latitude 34°27'30" N., longitude 116°04'10" W.; to latitude 34°28'00" N., longitude 116°09'40" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2502N Fort Irwin, CA.

Boundaries. Beginning at latitude 35°37'45" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°23'30" W.; to latitude 35°28'35" N., longitude 116°18'45" W.; to latitude 35°10'25" N., longitude 116°42'15" W.; to latitude 35°08'50" N., longitude 116°48'40" W.; to latitude 35°10'00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°55'20" W.; to latitude 35°37'45" N., longitude 116°55'20" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles, ARTC Center.
Using agency. Commanding Officer, Fort MacArthur, CA.

AMENDMENTS 2/2/72 37 F. R. 2499 (Added)

R-2502E Fort Irwin, CA.

Boundaries. Beginning at latitude 35°28'35" N., longitude 116°18'45" W.; to latitude 35°18'45" N., longitude 116°18'45" W.; to latitude 35°07'00" N., longitude 116°34'00" W.; to latitude 35°07'00" N., longitude 116°47'45" W.; to latitude 35°08'50" N., longitude 116°48'40" W.; to latitude 35°10'25" N., longitude 116°42'15" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles, ARTC Center.
Using agency. Commanding Officer, Fort MacArthur, CA.

AMENDMENTS 2/2/72 37 F. R. 2499 (Added)

R-2503 Camp Pendleton, Calif.

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117° 29'13" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, El Toro Approach Control.
Using agency. Commanding General, Camp Pendleton, Calif.

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R-2504 Camp Roberts, Calif.

Boundaries. Beginning at latitude 35° 42' 18" N., longitude 120° 47' 55" W.; to latitude 35° 42' 18" N., longitude 120° 47' 20" W.; to latitude 35° 42' 58" N., longitude 120° 45' 33" W.; to latitude 35° 48' 38" N., longitude 120° 44' 38" W.; to latitude 35° 47' 18" N., longitude 120° 44' 45" W.; to latitude 35° 47' 54" N., longitude 120° 45' 49" W.; to latitude 35° 49' 10" N., longitude 120° 45' 40" W.; to latitude 35° 51' 00" N., longitude 120° 46' 25" W.; to latitude 35° 51' 11" N., longitude 120° 47' 55" W.; to latitude 35° 48' 50" N., longitude 120° 49' 58" W.; to latitude 35° 46' 00" N., longitude 120° 49' 55" W.; to latitude 35° 44' 03" N., longitude 120° 48' 08" W.; to latitude 35° 43' 08" N., longitude 120° 49' 00" W.; to latitude 35° 42' 44" N., longitude 120° 48' 48" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0600 to 2400 P.s.t., daily.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

R-2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N, Long. 117°53'00" W; to Lat. 36°14'00" N, Long. 117° 25'00" W; to Lat. 35°40'30" N, Long. 117°25'00" W; to Lat. 35°37'30" N, Long. 117°35'30" W; to Lat. 35°37'30" N, Long. 117°47'30" W; to Lat. 35°54'00" N, Long. 117°53'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2506 China Lake South, Calif.

Boundaries. Beginning at latitude 35°37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°47'00" W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2507 Chocolate Mountains, California

Boundaries. Beginning at latitude 33°32'40" N., longitude 115°33'50" W.; to latitude 33°31'30" N., longitude 115°32'00" W.; to latitude 33°31'15" N., longitude 115°26'45" W.; to latitude 33°29'00" N., longitude 115°20'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; to latitude 33°24'15" N., longitude 115° 17'00" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°22'50" N., longitude 115°09' 58" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°01'00" N., longitude 115°06'00" W.; to latitude 33°21'30" N., longitude 115°32'55" W.; to latitude 33°23'40" N., longitude 115°33'20" W., to latitude 33°28'30" N., longitude 115°42'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N, Long. 117°20'00" W; to Lat. 35°34'00" N, Long. 116° 23'00" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 34°51'30" N, Long. 118°05'45" W; to Lat. 34°56'00" N, Long. 118°21'00" W; Lat. 35°15'00" N, Long. 118°35'00" W; to Lat. 37°12'00" N, Long. 118°35'00" W; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°25'00" N, Long. 117° 16'52" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, George AFB, Calif.

R-2510 El Centro, Calif.

Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°55'35" N., longitude 115°40'15" W.; to latitude 32°53'45" N., longitude 115°40'15" W.; thence counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'00"N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 500.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2511 Fort Ord, California

Boundaries. Beginning at latitude 36° 37' 42" N., longitude 121° 48' 47" W.; to latitude 36° 38' 25" N., longitude 121° 46' 29" W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36° 40' 55" N., longitude 121° 45' 41" W.; to latitude 36° 38' 43" N., longitude 121° 44' 00" W.; to latitude 36° 38' 08" N., longitude 121° 43' 20" W.; to latitude 36° 35' 45" N., longitude 121° 42' 42" W.; to latitude 36° 34' 45" N., longitude 121° 47' 24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36° 35' 30" N., longitude 121° 50' 30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Monterey Approach Control
Using agency. Commanding General, Fort Ord, California.

R-2512 Holtville, Calif.

Boundaries. Beginning at Lat. 33°05'00" N, Long. 115°17'30" W; to Lat. 33°00'00" N, Long. 115° 13'30" W; to Lat. 32°51'00" N, Long. 115°05'30" W; to Lat. 32°51'00" N, Long. 115°17'00" W; to Lat. 32°58'00" N, Long. 115°17'30" W; to Lat. 33°05'00" N, Long. 115°20'00" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, U.S. Marine Corps Air Station, Yuma, Ariz.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

R-2513 Hunter-Liggett, Calif.

From latitude 36°03'43" N., longitude 121°22'38" W., to latitude 36°02'45" N., longitude 121°17'45" W., to latitude 35°59'18" N., longitude 121°13'30" W., to latitude 35°56'45" N., longitude 121°09'45" W., to latitude 35°55'20" N., longitude 121°05'45" W., to latitude 35°48'17" N., longitude 121°10'53" W., to latitude 35°51'02" N., longitude 121°16'15" W., to latitude 35°51'02" N., longitude 121°17'20" W., to latitude 35°58'10" N., longitude 121°23'40" W., to latitude 35°58'10" N., longitude 121°21'40" W., to latitude 36°02'12" N., longitude 121°24'40" W., to the point of beginning.
Designated altitudes. Surface to FL 240.
Time of designation. Continuous.
Controlling agency. FAA, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

R-2515 Muroc Lake, Calif.

Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116° 49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Edwards AFB, Calif.

R-2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries: Beginning at latitude 34°59'32" N., longitude 120°41'50" W.; to latitude 34°53'30" N., longitude 120°33'20" W.; to latitude 34°50'15" N., longitude 120°31'30" W.; to latitude 34°46'15" N., longitude 120°26'40" W.; to latitude 34°39'50" N., longitude 120°31'15" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°34'52" N., longitude 120°42'37" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

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R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°34'52" N., longitude 120°42'37" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°24'00" N., longitude 120°30'00" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Force Western Test Range, Vandenburg AFB, Calif.

R-2518 Offshore of California.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to 2000 local time.
Using Agency. Officer in Charge, Fleet Air Control and Surveillance Facility, San Diego, Calif.

R-2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119° 03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'08" N, Long. 119°09'32" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119° 05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2521 Salton Sea, Calif.

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.
Designated altitudes: Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using Agency. Commanding Officer, Naval Air Facility, El Centro, Calif.

R-2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 116° 55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to Lat. 35°47'46" N, Long. 117°16'52" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2525 Vernalis, Calif.

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-2529 Fort Ord West, California

Boundaries. Beginning at latitude 36° 42' 00" N., longitude 121° 49' 45" W.; to latitude 36° 40' 45" N., longitude 121° 48' 22" W.; thence south along California State Highway No. 1 to latitude 36° 38' 05" N., longitude 121° 49' 55" W.; to latitude 36° 38' 15" N., longitude 121° 51' 45" W.; to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.
Controlling agency. Federal Aviation Administration, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

R-2530 Sierra Army Depot, Calif.

Boundaries. Beginning at latitude 40° 18' 21" N., longitude 120° 05' 06" W.; to latitude 40° 18' 21" N., longitude 120° 02' 51" W.; to latitude 40° 18' 06" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 05' 06" W.; to the point of beginning.
Designated altitudes. Surface to 8,600 feet MSL.
Time of designation. 0800 to 1800 p.s.t., Monday through Friday.
Using agency. Commanding Officer, Sierra Army Depot, Herlong, California.

R-2531 Tracy, Calif.

Boundaries. Beginning at latitude 37°40'34" N., longitude 121°33'42" W.; to latitude 37°40'45" N., longitude 121°31'29" W.; to latitude 37°39'28" N., longitude 121°30'28" W.; to latitude 37°38'50" N., longitude 121°31'05" W.; to latitude 37°39'03" N., longitude 121°34'03" W.; thence to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 1000 to 1800, local time, Monday through Friday.
Using agency. United States Atomic Energy Commission, San Francisco Operations Office.

R-2532 Blythe, Calif.
Boundaries: Beginning at latitude 33°30'30" N., longitude 115°00'00" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Blythe, Calif., airport at latitude 33°37'15" N., longitude 114°43'00" W.; to latitude 33°23'50" N., longitude 114°53'00" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°22'50" N., longitude 115°09'58" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°24'15" N., longitude 115°17'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; thence to point of beginning.
Time of designation. Sunrise to sunset, April 3, 1969, through April 3, 1971.
Designated altitudes: 100 feet AGL to 17,000 feet MSL.
Controlling agency: FAA, Los Angeles ARTC Center.
Using agency: MCAS, Yuma, Ariz.

R-2533 Oceanside, Calif.

Boundaries: Beginning at latitude 33°27'48" N., longitude 117°33'15" W.; thence to latitude 33°18'20" N., longitude 117°21'48" W.; thence to latitude 33°17'30" N., longitude 117°16'40" W.; thence to latitude 33°13'20" N., longitude 117°29'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 33°22'30" N., longitude 117°39'45" W.; thence to the point of beginning, excluding that airspace within the San Mateo Point Prohibited Area P-25.
Designated altitudes: Surface to 2,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, El Toro RATCC.
Using agency: Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif.

R-2534A Point Arguello, Calif.

Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°35'45" N., longitude 120°28'10" W.; to latitude 34°36'20" N., longitude 120°27'20" W.; to latitude 34°30'00" N., longitude 120°15'30" W.; to latitude 34°25'10" N., longitude 120°15'30" W.; thence 3 miles from and parallel to the shoreline to latitude 34°24'40" N., longitude 120°19'10" W.; to point of beginning.
Designated altitudes: 500 feet above the surface to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, ARTCC, Los Angeles, Calif.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

R-2534B Point Arguello, Calif.
Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°24'40" N., longitude 120°19'10" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to point of beginning.
Designated altitudes: 500 feet above the surface to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, ARTCC, Los Angeles, Calif.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

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§ 73.26 Colorado

R-2601A Fort Carson, Colo.

Boundaries: Beginning at latitude 38°43'38" N., longitude 104°45'50" W.; to latitude 38°40'53" N., longitude 104°45'35" W.; to latitude 38°42'04" N., longitude 104°49'34" W.; thence northeasterly along Colorado Highway No. 115 to latitude 38°43'12" N., longitude 104°49'07" W.; to latitude 38°42'58" N, longitude 104°48'30" W.; to latitude 38°43'43" N., longitude 104°46'20" W.; to the point of beginning.
Designated altitudes: Surface to 8,500 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

R-2601B Fort Carson, Colo.
Boundaries: Beginning at latitude 38°40'53" N., longitude 104°45'35" W.; to latitude 38°32'06" N., longitude 104°45'00" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to latitude 38°36'20" N., longitude 104°52'00" W.; to latitude 38°39'00" N., longitude 104°52'00" W.; thence northeasterly along Colorado Highway No. 115 to latitude 38°42'04" N., longitude 104°49'34" W.; to the point of beginning.
Designated altitudes: Surface to 35,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

R-2602 Fort Carson, Colo.
Boundaries: Beginning at latitude 38°39'00" N., longitude 104°52'00" W.; to latitude 38°36'20" N., longitude 104°52'00" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to latitude 38°32'06" N., longitude 104°45'00" W.; to latitude 38°26'10" N., longitude 104°45'00: W.; to latitude 38°26'10" N., longitude 104°57'13" W.; to latitude 38°32'38" N., longitude 104°57'13" W.; thence northeast along Colorado Highway No. 115 to point of beginning.
Designated altitudes: Surface to 35,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using Agency: Commanding General, Fort Carson, Colo.

R-2604 Platteville, Colo.
Boundaries. A circle with a 2,000-foot radius centered at latitude 40°10'48" N., longitude 104°43'30" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Flight Service Station, Denver, Colo.
Using agency. Environmental Science Services Administration Research Laboratories, Boulder, Colo.

§ 73.27 Connecticut

§ 73.28 Delaware

§ 73.29 Florida

R-2901A Avon Park, Fla.

Boundaries. Beginning at lat. 27°35'30" N., long. 81°08'15" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°32'40" N., long. 81°16'50" W.; to lat. 27°32'32" N., long. 81°21'40" W.; thence northerly along Arbuckle Creek to Arbuckle Lake and along the east and north shore of Arbuckle Lake to lat. 27°43'10" N., long. 81°25'20" W.; to lat. 27°44'50" N., long. 81°25'20" W.; to lat. 27° 44'45" N., long. 81°21'25" W.; to lat. 27°44'45" N., long. 81°11'40" W.; to point of beginning.
Designated altitudes. Surface to FL 180, inclusive.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901B Avon Park, Fla.

Boundaries. Beginning at lat. 27°35'30" N., long. 81°08'15" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°32'40" N., long. 81°16'50" W.; to lat. 27°32'32" N., long. 81°21'40" W.; thence northerly along Arbuckle Creek to Arbuckle Lake and along the east and north shore of Arbuckle Lake to lat. 27°43'10" N., long. 81°25'20" W.; to lat. 27°44'50" N., long. 81°25'20" W.; to lat. 27° 44'45" N., long. 81°21'25" W.; to lat. 27°44'45" N., long. 81°11'40" W.; to point of beginning.
Designated altitudes. From FL 180 to FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901C Avon Park, Fla.

Boundaries. That area bounded on the east by long. 81°14'00" W., on the south by lat. 27°44'45" N., on the west by long. 81°21'00" W., and on the north by Florida State routes 60 and 630.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901D Avon Park, Fla.

Boundaries. Beginning at lat. 28°00'00" N., long. 81°21'00" W.; to lat. 28°00'00" N., long. 81°14'00" W.; to lat. 27°50'00" N., long. 81°14'00" W.; to lat. 27°50'00" N., long. 81°21'00" W.; to point of beginning.
Designated altitudes. 1,000 feet MSL to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901E Avon Park, Fla.

Boundaries. Beginning at lat. 27°32'40" N., long. 81°15'30" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°29'30" N., long. 81°05'30" W.; to lat. 27°26'30" N., long. 81°12'00" W.; to point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901F Avon Park, Fla.

Boundaries. Beginning at lat. 27°26'30" N., long. 81°12'00" W.; to lat. 27°29'30" N., long. 81°05'30" W.; from lat. 27°21'00" N., long. 81°00'00" W., to lat. 27°26'30" N., long. 81°12'00" W.; to lat. 27°16'45" N., long. 81°06'00" W.; to point of beginning.
Designated altitudes. 1,000 feet MSL to 4,000 feet MSL northeast of a line extending from lat. 27°21'00" N., long. 81°00'00" W.; 1,500 feet MSL to 4,000 feet MSL southwest of above described line.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901G Avon Park, Fla.

Boundaries. That area bounded on the north by lat. 27°50'00" N., on the east by long. 81°14'00" W., on the south by Florida State highways 630 and 60, and on the west by long. 81°21'00" W.
Designated altitudes. 500 feet MSL to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2902A Cape Kennedy, Fla.
Boundaries: Beginning at latitude 28°41'40" N., longitude 80°35'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 28°24'30" N., longitude 80°30'30" W.; to latitude 28° 24'30" N., longitude 80°41'45" W.; to latitude 28°30'30" N., longitude 80°43'30" W.; to latitude 28°37'35" N., longitude 80°46'50" W.; to latitude 28°38'00" N., longitude 80°47'02" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

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R-2902B Cape Kennedy, Fla.
Boundaries. Beginning at latitude 28°41'40" N., longitude 80°35'00" W.; to latitude 28°38'00" N., longitude 80°47'02" W.; to latitude 28°45'00" N., longitude 80°37'50" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

R-2903A Jacksonville, Fla.
Boundaries: Beginning at latitude 30°15'30" N., longitude 81°43'25" W.; clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W.; to latitude 30°11'25" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 82°02'00" W.; to latitude 30°21'32" N., longitude 82°02'00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to latitude 30°15'30" N., longitude 81°50'00" W.; to point of beginning.
Designated altitudes: Surface to and including 10,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903B Stevens Lake, Fla.
Boundaries: Within a 5 nautical mile radius of lat. 29°53'04" N., longitude 81°59'09" W., excluding the airspace bounded by lat. 29°53'45" N., long. 82°04'50" W.; lat. 29°52'35" N., long. 82°02'00" W.; lat. 29°50'27" N., long. 82°00'00" W.; lat. 29°48'30" N., long. 81°57'00" W.; with a southeast extension beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to the point of beginning; and a northeast extension beginning at lat. 29°59'50" N., long. 81°57'40" W.; to lat. 29°56'45" N., long. 81°53'15" W.; to lat. 29°55'30" N., long. 81°54'10" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to lat. 29°58'10" N., long. 81°59'10" W.; to point of beginning.
Designated altitudes: Within the circular area, surface to FL 230; within the southeast extension, surface to 7,000 feet MSL in the area beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to point of beginning. Surface to 5,000 feet MSL in the area beginning at lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°51'10" N., long. 81°51'00" W.; within the northeast extension, surface to 7,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903C Putnam, Fla.

Boundaries: A circle with a 5 nautical mile radius centered at lat. 29°47'00" N., long. 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2906 Rodman, Fla.
Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°29'00" N., longitude 81°46'00" W.; excluding the area east of the east bank of the St. Johns River.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 10/12/72 37 F. R. 15985 (Changed)

R-2907 Lake George, Fla.
Subarea A
Boundaries: Beginning at latitude 29°23'00" N., longitude 81°31'10" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°38'30" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°20'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°39'10" W.; thence via a 5-nautical-mile arc centered at latitude 29°19'11" N., longitude 81°35'15" W.; to point of beginning.
Designated altitudes: Surface to FL 230.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 2/26/72 37 F. R. 4075 (Changed)
AMENDMENTS 10/12/72 37 F. R. 15985 (Changed)

Subarea B
Boundaries: Beginning at latitude 29°20'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°51'50" W.; to latitude 29°20'05" N., longitude 81°51'50" W.; to point of beginning.
Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W., to a line of longitude 81°42'55" W.; surface to 6,000 feet MSL from a line of longitude 81°42'55" W., to a line of longitude 81°51'50" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 10/12/72 37 F. R. 15985 (Changed)

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long, 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Pensacola RATCC.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2909 Pensacola, Fla.

Boundaries. Bounded on the N by the Florida shoreline; on the E by Long. 86°48'00" W; on the S by a line 3 nautical miles from and parallel to the Florida shoreline; and on the W by a line extending from Lat. 30° 18'20" N, Long. 87°00'00" W to Lat. 30°21'15" N, Long. 87°00'50" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Pensacola RATCC.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2910 Pinecastle, Fla.

Boundaries: A circle withi a 5-nautical mile radius centered at latitude 29°06'52" N., longitude 81°42'55" W.; with a northwest extension to the circle beginning at latitude 29°07'55" N., longitude 81°48'20" W.; to latitude 29°10'00" N., longitude 81°50'35" W.; to latitude 29°14'00" N., longitude 81°45'50" W.; to latitude 29°11'50" N., longitude 81°43'00" W.; and with a southeast extension to the circle beginning at latitude 29°10'05" N., longitude 81°38'50" W.; to latitude 28°57'55" N., longitude 81°28'25" W.; to latitude 28°53'50" N., longitude 81°33'45" W.; to latitude 29°03'05" N., longitude 81°47'00" W.
Designated altitudes: Surface to FL 230 within the 5-nautical mile radius. Surface to 9,000 feet MSL within the northwest extension. Surface to 9,000 feet MSL within the southeast extension from the circle to a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W. Surface to 6,000 feet MSL within that portion of the southeast extension that lies southeast of a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 2/26/72 37 F. R. 4075 (Changed)

R-2914 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°43'15" N., longitude 86°25'00" W.; to latitude 30°43'45" N., longitude 86°10'30" W.; to latitude 30°41'00" N., longitude 86°05'10" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'00" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°15'00" N., longitude 86°06'15" W., to latitude 30°23'20" N., longitude 86°08'10" W.; to latitude 30°30'45" N., longitude 86°25'00" W.; to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament development and Test Center, Eglin AFB, Fla.

R-2915A Eglin AFB, Fla.

Boundaries. Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.;to latitude 30°42'50" N., longitude 86°38'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

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R-2915B Eglin AFB, Fla.

Boundaries. Beginning at latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°20'50" N., longitude 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00"W.; to latitude 30°23'20" N., longitude 86°48'00" W.; to latitude 30°22'50" N., longitude 86°51'30" W.; to latitude 30°23'50" N., longitude 86°51'30" W.; to latitude 30°24'20" N., longitude 86°48'00" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; to point of beginning.
Designated altitudes. Surface to FL 1200.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2916 Cudjoe Key, Fla.

Boundaries. A circular area 4 statute miles in diameter centered at latitude 24°42'01" N., longitude 81°30'30" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Using agency. Department of the Air Force.

R-2917 DeFuniak Springs, Fla.
Boundaries: A circle with a 1½-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitude: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Armament Development and Test Center (DTC), Eglin AFB, Fla.

R-2918 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°43'10" N., longitude 86°27'37" W., to latitude 30°43'15" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°27'37" W., to point of beginning.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

R-2919 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°30'45" N., longitude 86°25'00" W.; to latitude 30°23'20" N., longitude 86°08'10" W.; to latitude 30°15'00" N., longitude 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 30°25'00" N., longitude 86°22'26" W.; to latitude 30°25'00" N., longitude 86°25'00" W.; to point of beginning.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

§ 73.30 Georgia

R-3002 Fort Benning, Ga.

Boundaries. Beginning at latitude 32°30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railroad to latitude 32°32'10" N., longitude 84°40'40" W.; to lat. 32°31'20" N, long. 84°40'20" W.; thence northeast along Upatoi Creek to lat. 32°31'46" N, long. 84°39'25" W; to lat. 32°18'30" N, long. 84°39'25" W; along the Central of Georgia Railroad to latitude 32°20'54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; to latitude 32°20'15" N., longitude 84°58'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N., longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to lat. 32°24'00" N, long. 84°53'30" W; to lat. 32°29'17" N, long. 84°52'32" W; to lat. 32°29'17" N, long. 84°51'35" W; to lat. 32°30'19" N, long. 84°52'21" W; to the point of beginning.
Designated altitude. Surface to and including 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Atlanta ARTC Center.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3003 Fort Gordon, Ga.
Boundaries. Beginning at latitude 33°23'35" N., longitude 82°08'30" W.; to latitude 33°22'15" N., longitude 82°08'18" W.; to latitude 33°21'35" N., longitude 82°09'10" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to latitude 33°25'00" N., longitude 82°12'00" W.; to point of beginning.
Designated altitude. Surface to 4,000 feet MSL.
Time of designation. 0730 to 1700 local time, Monday through Sunday and at other times when published by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Augusta, Ga., ATC Tower.
Using agency. Commanding Officer, Fort Gordon, Ga.

AMENDMENTS 4/13/72 37 F. R. 7311 (Changed)
AMENDMENTS 11/2/72 37 F. R. 23330 (Changed)

R-3004 Fort Gordon, Ga.

Boundaries. Beginning at latitude 33°21'53" N., longitude 82°12'15" W., to latitude 33°19'43" N., longitude 82°12'15" W.; to latitude 33°16'20" N., longitude 82°18'00" W.; to latitude 33°17'29" N., longitude 82°23'00" W.; to latitude 33°21'15" N., longitude 82°18'47" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to point of beginning.
Designated altitude. Surface to and including 18,000 feet MSL.
Time of designation. As published by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3005A Fort Stewart, Ga.
Boundaries. Beginning at latitude 32°04'40" N., longitude 81°50'00" W.; to latitude 32°07'00" N., longitude 81°43'30" W.; to latitude 32°06'15" N., longitude 81°31'30" W.; to latitude 32°05'30" N., longitude 81°31'30" W.; to latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 31°56'30" N., longitude 81°30'00" W.; thence along the arc of a 5-mile circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'48" N., longitude 81°30'42" W.; thence SW along Georgia Highway 144 to latitude 31°53'11" N., longitude 81°37'51" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°55'30" N., longitude 81°53'00" W.; to latitude 31°57'00" N., longitude 81°53'15" W.; to latitude 31°59'45" N., longitude 81°51'06" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005B Fort Stewart, Ga.

Boundaries. Beginning at latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 32°04'15" N., longitude 81°22'30" W.; thence along the Ogeechee River to latitude 32°00'30" N., longitude 81°19'30" W.; to latitude 31°58'45" N., longitude 81°19'45" W.; to latitude 31°56'15" N., longitude 81°23'00" W.; to latitude 31°54'03" N., longitude 81°28'45" W.; thence along the arc of a 5-statute-mile-radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'30" N., longitude 81°30'00" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005C Fort Stewart, Ga.
Boundaries. Beginning at latitude 31°54'03" N., longitude 81°28'45" W.; to latitude 31°51'20" N., longitude 81°36'00" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°53'11" N., longitude 81°37'51" W.; thence NE along Georgia Highway 144 to latitude 31°56'48" N., longitude 81°30'42" W.; thence along the arc of a 5-mile radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W., to the point of beginning.
Designated altitudes. Surface to 3,500 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

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R-3006 Townsend, Ga.

Boundaries. Beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°37'35" N., longitude 81°37'10" W.; thence clockwise via the arc of a circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL within the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W. Surface to 9,000 feet MSL within the area beginning at latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°37'35" N., longitude 81°37'10" W.; thence counterclockwise along the arc of the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to point of beginning. Surface to 6,000 feet MSL within the area beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.
Time of designation. 0600 to 1800 e.s.t., Monday through Friday.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

§ 73.31 Hawaii

R-3101 PMRFAC FOUR, Hawaii

SUBAREA A
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Combined Station/Tower
Using agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA B
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: 5,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu ARTC Center.
Using agency: Commander, Pacific Missile Range (COMPMR).

R-3103 Humuula, Hawaii
Boundaries. Beginning at latitude 19°48'25" N., longitude 155°37'30" W.; thence to latitude 19°43'30" N., longitude 155°29'20" W.; thence to latitude 19°35'00" N., longitude 155°34'30" W.; thence to latitude 19°35'00" N., longitude 155°40'25" W.; thence to latitude 19°40'15" N., longitude 155°43'45" W.; thence to latitude 19°46'40" N., longitude 155°42'20" W.; to the point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Hilo Combined Station/Tower.
Using agency. Commanding General, U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3104A Island of Kahoolawe, Hawaii

Boundaries. Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: Surface to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104B Island of Kahoolawe, Hawaii
Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: 10,000 feet MSL to FL 180.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104C Island of Kahoolawe, Hawaii
Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: FL 180 to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107A Kaula Rock, Hawaii

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 21°39'30" N, Long. 160°32'30" W.
Designated altitudes: Surface to FL 180
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107B Kaula Rock, Hawaii

Boundaries: A circular area with a 3-nautical-mile radius centered at latitude 21°39'30" N., longitude 160°32'30" W.
Designated altitudes: FL 180 to FL 300
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3109A Schofield-Makua, Oahu, Hawaii
Beginning at latitude 21°30'29" N., longitude 158°04'09" W.; to latitude 21°29'25" N., longitude 158°05'00" W.; to latitude 21°27'28" N., longitude 158°05'55" W.; to latitude 21°29'11" N., longitude 158°07'35" W.; to latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to latitude 21°32'14" N., longitude 158°05'12" W.; to point of beginning.
Designated altitudes: The area southeast of a line between latitude 21°28'35" N., longitude 158°07'00" W.; and latitude 21°29'25" N., longitude 158°05'00" W.; surface to 8,000 feet MSL. The area northwest of this line, surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

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R-3109B Schofield-Makua, Oahu, Hawaii

Beginning at latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°31'00" N., longitude 158°14'00" W.; to latitude 21°32'30" N., longitude 158°14'30" W.; to latitude 21°33'15" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°13'15" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to point of beginning.
Designated altitudes: Surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3120 PMRFAC Five, Hawaii

Boundaries: Beginning at latitude 21°58'30" N., longitude 159°48'55" W., thence to latitude 21°58'25" N., longitude 159°43'35" W., thence southeasterly along the shoreline of the Island of Kauai to latitude 21°57'45" N., longitude 159°42'00" W., thence to latitude 21°54'45" N., longitude 159°42'00" W., thence clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Combined Station/Tower
Using agency: Commander, Pacific Missile Range (COMPMR).

§ 73.32 Idaho

R-3201 Arco, Idaho.

Boundaries. Beginning at Lat. 43°59'20" N, Long. 112°43'50" W; to Lat. 43°50'20" N, Long. 112° 30'00" W; to Lat. 43°32'00" N, Long. 112°35'00" W; to Lat. 43°27'00" N, Long. 113°03'00" W; to Lat. 43°34'30" N, Long. 113°11'50" W; to Lat. 43°48'40" N, Long. 112°49'40" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Idaho Falls, Idaho.

R-3202 Sailor Creek, Idaho

SUBAREA A

Boundaries: Beginning at latitude 42°48'45" N., longitude 115°38'14" W.; to latitude 42°48'45" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°38'14" W.; to point of beginning.
Designated altitudes: Surface to 12,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake ARTC Center.
Using agency: Commander, 347th Tactical Fighter Wing, Mountain Home AFB, Idaho.

SUBAREA B

Boundaries: Beginning at latitude 42°53'00" N., longitude 115°42'20" W.; to latitude 42°53'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°42'20" W.; to point of beginning.
Designated altitudes: Surface to flight level 240.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake ARTC Center.
Using agency: Commander, 347th Tactical Fighter Wing, Mountain Home AFB, Idaho.

SUBAREA C

Boundaries: Beginning at latitude 42°36'00" N., longitude 115°37'00" W.; to latitude 42°36'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake City ARTC Center.
Using agency: Commander, 347th Tactical Fighter Wing, Mountain Home AFB, Idaho.

SUBAREA D

Boundaries: Beginning at latitude 42°33'00" N., longitude 115°37'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes: Surface to 11,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake City ARTC Center.
Using agency: Commander, 347th Tactical Fighter Wing, Mountain Home AFB, Idaho.

AMENDMENTS 1/12/72 37 F. R. 437 (Changed)

§ 73.33 Illinois

R-3301 Havana, Ill.

Boundaries. A circular area with a 500-foot radius centered latitude 40°13;16" N., longitude 90°01'23" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.
PENDING AMENDMENT
R-3301, Havana, Ill., is revoked. AMENDMENTS 2/1/73 37 F. R. 25022 (Revoked)

R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered at latitude 42°13'15" N., longitude 90°21'24" W.
Designated altitudes. Surface to 2,300 feet MSL.
Time of designation. 0800 to 2200 c.s.t.
Using agency. Commanding Officer, Ordnance Depot, Savanna, Ill.

§ 73.34 Indiana

R-3401 Atterbury Reserve Forces Training Area, IN.

Boundaries. Beginning at Lat. 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Adjutant General, State of Indiana, Indianapolis, IN.

AMENDMENTS 2/26/72 37 F. R. 4076 (Changed)

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

R-3404 Crane, IN.

Boundaries. A circular area 1 nautical mile in diameter, centered on latitude 38°49'18" N., longitude 86° 50'03" W.
Designated altitudes. Surface to 1,800 feet MSL.
Time of designation. Sunrise to Sunset.
Controlling agency. Federal Aviation Administration, Terre Haute Flight Service Station.
Using agency. Commanding Officer, Naval Ammunition Depot, Crane, IN.

AMENDMENTS 7/20/72 37 F. R. 10919 (Added)

§ 73.35 Iowa

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§ 73.36 Kansas

R-3601A Brookville, Kans.
Boundaries: Beginning at latitude 38°45'20" N., longitude 97°46'00" W.; to latitude 38°39'45" N., longitude 97°46'00" W.; along the Missouri Pacific Railroad to latitude 38°38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to latitude 38°45'20" N., longitude 97°56'00" W.; to point of beginning.
Designated altitudes. Surface to FL-200.
Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, 184 Tac Ftr Tng GP, Kansas ANG, McConnell AFB, Kansas.

AMENDMENTS 9/8/72 37 F. R. 18184 (Changed)

R-3601B Brookville, Kans.
Boundaries. Beginning at latitude 38°38'20" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°56'00" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to point of beginning.
Designated altitudes. Surface to 6,500 feet MSL.
Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, 184 Tac Ftr Tng GP, Kansas ANG, McConnell AFB, Kansas.

AMENDMENTS 9/8/72 37 F. R. 18184 (Changed)

R-3602 Manhattan, Kans.
Subarea A
Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°18'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°55'00" W.; to latitude 39°10'38" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U. S. Highway No. 77 to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

Subarea B
Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence south along U. S. Highway No. 77 to latitude 39°07'54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°52'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a 4 nautical mile radius circle centered on the Marshall Army Air Field RBN at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°05'17" N., longitude 96°45'40" W.; to latitude 39°08'20" N., longitude 96°43'00" W.; to latitude 39°09'23" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'55" W.; to latitude 39°12'17" N., longitude 96°40'55" W.; to latitude 39°13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

§ 73.37 Kentucky

R-3702 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°43'30" N., longitude 87°48'15" W.; to latitude 36°37'30" N., longitude 87°48'15" W.; to latitude 36°35'30" N., longitude 87°45'00" W.; to latitude 36°33'30" N., longitude 87°42'30" W.; to latitude 36°32'00" N., longitude 87°35'00" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°40'00" W.; to latitude 36°42'00" N., longitude 87°40'30" W.; to latitude 36°43'30" N., longitude 87°43'00" W.; to the point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3703 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'15" N., longitude 87°30'12" W.; to latitude 36°39'30" N., longitude 87°29'45" W.; to latitude 36°39'30" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°29'50" W.; to latitude 36°34'00" N., longitude 87°29'50" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3704 Fort Knox, Ky.

Boundaries. Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°56'46" W; to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37°59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.
Designated altitudes: Subarea A surface to and including 10,000 feet MSL.
Subarea B from 10,000 feet MSL to 20,000 feet MSL.
Time of designation: Subarea A 0600 to 2400 e.s.t.; other times by NOTAM 24 hours in advance.
Subarea B by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Standiford Control Tower, Louisville, Ky.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

§ 73.38 Louisiana

R-3801A Camp Claiborne, LA.

Boundaries. Beginning at lat. 31°18'00" N., long. 92°46'30" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°28'00" N., long. 93°15'00" W.; to lat. 31°32'30" N., long. 93°11'50" W.; to point of beginning.
Designated altitudes. 1,500 feet AGL to and including 5,000 feet MSL northwest of a line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W.; 500 feet AGL to and including 5,000 feet MSL southeast of the line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W.
Time of designation. Continuous R-3801A shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England, AFB, LA.

AMENDMENTS 3/30/72 37 F. R. 2837 (Added)

R-3801B Camp Claiborne, LA.

Boundaries. Beginning at lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°18'00" N., long. 92°46'30" W.; to point of beginning.
Designated altitudes. Surface to and including 14,000 feet MSL.
Time of designation. Continuous. R-3801B shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England AFB, LA.

AMENDMENTS 3/30/72 37 F. R. 2837 (Added)

R-3801C Camp Claiborne, LA.

Boundaries. Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.
Designated altitudes. Surface to and including 20,000 feet MSL.
Time of designation. Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England AFB, LA.

AMENDMENTS 3/30/72 37 F. R. 2837 (Added)

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R-3801D Camp Claiborne, LA.

Boundaries. Beginning at lat. 31°11'45" N., long. 92°30'15" W.; to lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°17'10" N., long. 92°40'10" W.; to point of beginning.
Designated altitudes. Surface to and including 20,000 feet MSL.
Time of designation. Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England AFB, LA.

AMENDMENTS 3/30/72 37 F. R. 2837 (Added)

R-3801E Camp Claiborne, LA.

Boundaries. Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.
Designated altitudes. 20,000 feet MSL to but not including FL 240.
Time of designation. Continuous. R-3801E shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England AFB, LA.

AMENDMENTS 3/30/72 37 F. R. 2837 (Added)

R-3803 Fort Polk, La.

Boundaries. Beginning at latitude 31°23'36" N., longitude 93°09'57" W.; to latitude 31°23'12" N., longitude 93°09'48" W.; to latitude 31°22'00" N., longitude 93°10'05" W.; to latitude 31°19'16" N., longitude 93°11'10" W.; to latitude 31°19'16" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°16'42" W.; to latitude 31°23'35" N., longitude 93°13'24" W.; to point of beginning.
Designated altitude. Surface to 15,000 feet MSL.
Time of designation: Continuous from June 1 through August31; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804A Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W. to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804B Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°10'52" W.; to latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°06'10" N., longitude 93°08'11" W.; to latitude 31°04'14" N., longitude 93°12'30" W.; to point of beginning..
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration. Houston, Tex., ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

AMENDMENTS 2/3/72 37 F. R. 437 (Changed)

R-3804C Fort Polk, La.
Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W.; to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. 15,000 feet MSL to 18,000 feet MSL.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Time of designation. As published by NOTAM 24 hours in advance.
Using agency. Commanding General, Fort Polk, La.

§ 73.39 Maine

§ 73.40 Maryland

R-4001 Aberdeen, Md.

Boundaries. Beginning at Lat. 39°30'30" N, Long. 76°10'00" W; to Lat. 39°29'00" N, Long. 76°08'00" W; to Lat. 39°29'30" N, Long. 76°05'00" W; to Lat. 39°27'00" N, Long. 76°00'30" W; to Lat. 39°19'47" N, Long. 76°11'34" W; to Lat. 39°12'10" N, Long. 76°16'30" W; to Lat. 39°12'45" N, Long. 76°22'30" W; to Lat. 39°17'30" N, Long. 76°19'45" W; to Lat. 39°18'30" N, Long. 76°22'00" W; to Lat. 39°22'00" N, Long. 76°22'00" W; to Lat. 39°23'28" N, Long. 76°20'40" W; to Lat. 39°26'10" N, Long. 76°14'50" W; to Lat. 39°27'00" N, Long. 76°12'30" W; to the point of beginning.
Designated altitudes and time of designation:
1. Surface to unlimited, 0700 to 2400 local time.
2. Surface to 10,000 feet MSL, 0000 to 0700 local time, higher altitudes by NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. From sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance.
Using agency. Commander, Amphibious Training Forces Atlantic, U. S. Amphibious Base, Little Creek, Va.

R-4005 Patuxent River, Md.

Boundaries. Beginning at latitude 38°05'40" N., longitude 76°33'32" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°18'20" N., longitude 76°17'05" W.; to latitude 38°18'26" N., longitude 76°14'30" W.; to latitude 38°13'00" N., longitude 76°11'20" W.; to latitude 38°08'00" N., longitude 76°08'50" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; to the point of beginning.
Designated altitudes. Surface to FL 850.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

R-4006 Patuxent River, Md.
Boundaries: Beginning at latitude 38°41'15" N., longitude 75°46'00" W.; to latitude 38°32'30" N., longitude 75°43'45" W.; to latitude 38°19'00" N., longitude 75°37'00" W.; along Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°52'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°45'00" N., longitude 75°58'45" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°30'00" N., longitude 76°04'00" W.; to latitude 38°36'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning, excluding R-4002, R-4005, and R-6609.
Designated altitudes: 3,500 feet MSL to FL 850.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.

R-4007 Patuxent River, Md.

Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25'10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17'25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

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§ 73.41 Massachusetts

R-4101 Camp Edwards, Mass.

Boundaries. Beginning at latitude 41°44'17" N., longitude 70°29'11" W.; to latitude 41°42'42" N., longitude 70°30'51" W.; to latitude 41°42'20" N., longitude 70°30'15" W.; to latitude 41°41'32" N., longitude 70°30'58" W.; to latitude 41°40'54" N., longitude 70°32'45" W.; thence west along the south side of Howe Road to latitude 41°40'58" N., longitude 70°33'39" W.; to latitude 41°41'50" N., longitude 70°35'09" W.; thence north along the east side of State Highway 28 to latitude 41°44'36" N., longitude 70°35'13" W.; to latitude 41°46'06" N., longitude 70°33'28" W.; to latitude 41°46'06" N., longitude 70°32'39" W.; thence southeast along the southwest side of State Route 6 to point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. From 0600 to 1800 hours local time, daily, other times as specified in a NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Otis Approach Control.

Using agency. Commanding Officer, Camp Edwards, Mass.

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N, Long. 70°48'40" W.

Designated altitudes. Surface to but not including 18,000 feet MSL.

Time of designation. 0700 to 2400 EST.

Controlling agency. Federal Aviation Administration, Quonset Approach Control.

Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

R-4106 North Eastham, Mass.

Boundaries. A circular area with a 2-mile radius centered at Lat. 41°51'00" N, Long. 70°03'00" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. 0800 to 2400 EST.

Controlling agency. Federal Aviation Administration, Otis Approach Control.

Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

§ 73.42 Michigan

R-4201 Camp Grayling, Mich.

Boundaries. Beginning at Lat. 44°54'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°37'00" W; to Lat. 44°54'00" N, Long. 84°37'00" W; to the point of beginning.

Designated altitudes. The area N of Lat. 44°47'00" N, surface to 29,000 feet MSL June 1 through August 31; Surface to 20,000 feet MSL September 1 through May 31. The area S of Lat. 44°47'00" N, surface to 9,000 feet MSL.

Time of designation. The area N of Lat. 44°47'00" N, continuous June 1 through August 31; sunrise to sunset September 1 through May 31. The area S of Lat. 44°47'00" N, continuous June 1 through August 31.

Controlling agency. Federal Aviation Administration, Traverse City Flight Service Station.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.

Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

Controlling agency. Federal Aviation Administration, Traverse City Flight Service Station.

AMENDMENTS 1/12/72 37 F. R. 438 (Changed)

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at latitude 45°17'00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

§ 73.43 Minnesota

R-4301 Camp Ripley, Minn.

Boundaries. Beginning at latitude 46°18'54" N., longitude 94°29'02" W.; thence along the S bank of the Crow Wing River and the W bank of the Mississippi River to latitude 46°06'22" N., longitude 94°21'10" W.; to latitude 46°06'22" N., longitude 94°26'06" W.; to latitude 46°08'39" N., longitude 94°26'06" W.; to latitude 46°08'39" N.; to longitude 94°30'00" W.; to latitude 46°18'18" N., longitude 94°30'00" W.; to the point of beginning.

Designated altitudes and time of designation. Surface to 27,000 feet MSL, May 1 through October 31; surface to 14,500 feet MSL, Saturday and Sunday, November 1 through April 30; and at other altitudes and times specified by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commanding Officer, Camp Ripley, Minn.

R-4305 Lake Superior, Minn.

Boundaries. Beginning at latitude 47°45'00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90°05'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 0001 local time Monday to 2400 local time Friday.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

§ 73.44 Mississippi

R-4401 Camp Shelby, Miss.

Boundaries. Beginning at latitude 31°12'54" N.; longitude 89°11'03" W.; to latitude 31°11'48" N.; longitude 89°00'00" W.; to latitude 31°10'15" N.; longitude 88°56'34" W.; to latitude 31°09'10" N.; longitude 88°56'34" W.; thence southwest along Mississippi State Highway No. 15 to latitude 31°04'36" N.; longitude 88°59'24" W.; to latitude 31°04'36" N.; longitude 89°11'03" W.; to point of beginning.

Designated altitudes. Subarea A, surface to 4,000 feet MSL. Subarea B, 4,000 feet MSL to 18,000 feet MSL. Subarea C, 18,000 feet MSL to 29,000 feet MSL.

Time of designation. As activated by NOTAMs at least 24 hours in advance. NOTAMs to contain information concerning deactivation of area.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

R-4403 Gainesville, Miss.

Boundaries. Beginning at latitude 30°21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°34'04" W.; to the point of beginning.

Altitudes. From surface to 5,000 feet MSL.

Time of use. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.

R-4404 Macon, Miss.

Boundaries: 1. Beginning at lat. 33°02'39" N., long. 88°42'37" W.; to lat. 33°04'30" N., long. 88°40'18" W.; to lat. 33°03'34" N., long. 88°39'08" W.; to lat. 33°01'43" N., long. 88°41'23" W.; to point of beginning.

2. A circle with a 5-nautical mile radius centered at lat. 33°03'11" N., long. 88°40'41" W.

Designated altitudes: Surface to 11,500 feet MSL, within the area described in Item 1; from 1,200 feet above the surface to 11,500 feet MSL, within the area described in Item 2.

Time of designation: Sunrise to Sunset, Monday through Saturday.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commander, Training Wing 1 NAS Meridian, Miss.

AMENDMENTS 3/2/72 37 F. R. 590 (Added)

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§ 73.45 Missouri

R-4501A Fort Leonard Wood West, Mo.

Boundaries. Beginning at latitude 37°41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°37'10" N., longitude 92°13'45" W.; to latitude 37°37'10" N., longitude 92°15'06" W.; to latitude 37°38'42" N., longitude 92°15'06" W.; to latitude 37°41'07" N., longitude 92°14'23" W.; to the point of beginning.
Designated altitudes. Monday through Friday, surface to 2,200 feet MSL; Saturday and Sunday, surface to 11,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

R-4501B Fort Leonard Wood East, Mo.

Boundardies. Beginning at latitude 37°43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°06'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°43'02 N., longitude 92°09'17" W.; to the point of beginning.
Designated altitudes.
The area north of a line between latitude 37°42'51" N., longitude 92°06'47" W.; and latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL.
The area south of this line, surface to 2,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

§ 73.46 Montana

§ 73.47 Nebraska

§ 73.48 Nevada

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.
Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W; and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4806 Las Vegas, Nev.

Boundaries: Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°53'00" W.; to latitude 36°36'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to point of beginning.
Designated altitudes: Surface to unlimited, Monday through Saturday; Sunday from 13,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: Commander, Nellis AFB, Nev.

R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Las Vegas, Nevada.

R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°09'15" N, Long. 118°42'20" W.
Designated altitudes: Surface to flight level 240.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4811 Hawthorne, Nev.
Boundaries. A 1½-nautical-mile radius circle centered at latitude 38°14'45" N., longitude 118°38'15" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. 0800 to 1500 local time, Monday through Friday.
Using agency. Commanding Officer, Naval Ammunition Depot, Hawthorne, Nev.

R-4812 Sand Springs, Nev.
Boundaries: That area within 5-nautical miles either side of a line extending from latitude 39°10'00" N., longitude 118°37'30" W.; to latitude 39°13'00" N., longitude 118°12'42" W.; and bounded on the east by R-4804 and bounded on the west by R-4810.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Oakland ARTC Center.
Using agency: Commander Fleet Air, Alameda.

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R-4813 Carson Sink, Nev.
Boundaries: That area surrounding R-4802 from latitude 39°51'00" N., longitude 118°38'00" W.; to latitude 40°01'00" N., longitude 118°15'00" W.; to latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°52'36" N., longitude 118°01'00" W.; thence via the arc of a 15-nautical mile radius circle centered at latitude 39°52'36" N., longitude 118°20'27" W.; to latitude 39°45'50" N., longitude 118°38'00" W.; to point of beginning.
Designated altitude: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Oakland ARTC Center.
Using agency: Commander Fleet Air, Alameda.

§ 73.49 New Hampshire

§ 73.50 New Jersey

R-5001 Fort Dix, N. J.
Subarea A
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: Surface to and including 4,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

Subarea B
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: From 4,000 feet MSL to and including 8,000 feet MSL.
Time of designation: Continuous, sunrise Friday to sunset Sunday, other times by NOTAM, 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

R-5002 Warren Grove, N. J.

Boundaries: Beginning at latitude 39°45'50" N., longitude 74°20'00" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'25" N., longitude 74°24'20" W.; to latitude 39°38'25" N., longitude 74°29'00" W.; to latitude 39°39'35" N., longitude 74°29'00" W.; to latitude 39°44'50" N., longitude 74°24'40" W.; to latitude 39°45'20" N., longitude 74°23'45" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL, except surface to 4,000 feet MSL for the portion N of Lat. 39°45'00" N; surface to 9,000 feet MSL SE of a line between Lat. 39°43'45" N, Long. 74°17'57" W, and Lat. 39°38'25" N, Long. 74°24'56" W.
Time of designation: Sunrise to Sunset.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

§ 73.51 New Mexico

R-5101 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°45'15" N, Long. 106°15'12" W; to Lat. 35°50'03" N, Long. 106°21'36" W; to Lat. 35°52'22" N, Long. 106°20'42" W; to Lat. 35°52'52" N, Long. 106°18'48" W; to Lat. 35°52'30" N, Long. 106°14'48" W; to Lat. 35°48'35" N, Long. 106°14'48" W; to Lat. 35°47'05" N, Long. 106°12'06" W; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

R-5103 McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106°10'25" W.; to latitude 32°05'20" N., longitude 106°09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to the point of beginning, excluding that airspace within a two nautical mile radius of latitude 32°39'02" N., longitude 105°40'34" W.; and also excluding that airspace beginning at lat. 32°42'49" N., long. 105°48'10" W.; to lat. 32°40'47" N., long. 105°49'38" W.; to lat. 32°39'42" N., long. 105°47'42" W.; to lat. 32°41'58" N., long. 105°46'12" W.; to the point of beginning from the surface to 1500 feet above the surface.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5104A Melrose, N. Mex.
Boundaries: Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N, longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes: Surface to 18,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commander, Cannon AFB, N. Mex.

R-5104B Melrose, N. Mex.
Boundaries: Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.
Designated altitudes: 18,000 feet MSL to 23,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commander, Cannon AFB, N. Mex.

R-5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

R-5107A White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to the point of beginning.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5107B White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 33°44'45" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 33°49'30" N., longitude 106°16'30" W.; thence along the south side of U. S. Highway 380 to the point of beginning; excluding the airspace in R-5107D, R-5107F, and R-5107G; and that airspace from the surface to 1,500 feet above the surface within a 2-nautical mile radius of latitude 32°26'35" N., longitude 106°40'45" W.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

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R-5107C White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'45" N., longitude 106°04'00" W.; thence along the south side of U. S. Highway 380 to latitude 33°49'30" N., longitude 106°16'30" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5107D White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at lat. 33°34'00" N., long. 106°04'00" W.; to lat. 33°04'00" N., long. 106°21'00" W.; to lat. 32°34'00" N., long. 106°15'00" W.; to lat. 32°31'00" N., long. 106°06'00" W.; to lat. 32°36'00" N., long. 106°06'00" W.; to lat. 32°50'00" N., long. 106°04'00" W.; to point of beginning.
Designated altitudes: Surface to 22,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5107E White Sands Proving Grounds, N. Mex.

Boundaries. From the point where an arc of 19 nautical miles radius centered at latitude 33°45'00" N., longitude 106°26'30" W., intersects the western boundary of R-5107C, to latitude 33°54'00" N., longitude 106°46'30" W.; to latitude 33°32'45" N., longitude 106°58'45" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of use. As published in NOTAMs at least 12 hours in advance.
Controlling agency. FAA, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5107F White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at lat. 33°10'10" N., long. 107°10'55" W.; to lat. 33°20'30" N., long. 107°08'20" W.; to lat. 33°16'10" N., long. 106°51'40" W.; to lat. 33°05'30" N., long. 106°04'00" W.; to lat. 33°00'00" N., long. 105°27'00" W.; to lat. 32°45'00" N., long. 105°27'00" W.; to lat. 32°45'00" N., long. 105°49'00" W.; to lat. 32°50'30" N., long. 106°04'00" W.; to lat. 33°05'00" N., long. 106°50'20" W.; to point of beginning.
Designated altitude: From FL 240 to FL 450.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.
AMENDMENTS 2/26/72 37 F. R. 4076 (Changed)

R-5107G White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at lat. 33°11'40" N., long. 107°10'25" W.; to lat. 33°21'00" N., long. 107°08'00" W.; to lat. 33°22'55" N., long. 107°05'50" W.; to lat. 33°25'20" N., long. 105°27'00" W.; to lat. 33°14'00" N., long. 105°27'00" W.; to point of beginning.
Designated altitude: From FL 240 to FL 450.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, ARTC Center.
Using agency: Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.
AMENDMENTS 2/26/72 37 F. R. 4076 (Changed)

R-5109A White Sands, N. Mex.

Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5109B White Sands, N. Mex.

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5111A Elephant Butte, N. Mex. (East).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5111B Elephant Butte, N. Mex. (West).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. Surface to unlimited.
Time of designation: Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5113 Socorro, N. Mex.

Boundaries. Beginning at latitude 34°00'00" N., longitude 107°07'30" W.; thence to latitude 33°55'30" N., longitude 107°07'30" W.; to latitude 33°55'30" N., longitude 107°12'30" W.; to latitude 34°00'00" N., longitude 107°12'30" W.; to point of beginning.
Designated altitudes. Surface to 45,000 feet MSL.
Time of designation. From 0900 to 1900 local time, daily June 1 through September 30, annually.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. U. S. Navy, Office of Naval Research, Atmospheric Sciences.

R-5116A White Sands Proving Grounds, NM.

Boundaries. Beginning at lat. 33°53'40" N., long. 106°44'35" W.; to lat. 34°00'36" N., long. 106°49'12" W.; to lat. 34°21'13" N., long. 106°49'12" W.; to lat. 34°09'55"N., long. 106°41'35" W.; to point of beginning.
Designated altitudes. Surface to FL 180.
Time of designation. Sunrise to sunset, October 1, 1972, through March 31, 1973, as published in NOTAM's at least 12 hours in advance of use.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, Albuquerque, NM.

AMENDMENTS 10/1/72 37 F. R. 15857 (Added)

R-5116B White Sands Proving Grounds, NM.

Boundaries. Beginning at lat. 34°00'36" N., long. 106°49'12" W.; to lat. 34°20'35" N., long. 107°02'35" W.; to lat. 34°25'00" N., long. 106°51'45" W.; to lat. 34°21'13" N., long. 106°49'12" W.; to point of beginning.
Designated altitudes. 7,000 feet MSL to FL 180.
Time of designation. Sunrise to sunset, October 1, 1972, through March 31, 1973, as published in NOTAMS at least 12 hours in advance of use.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, Albuquerque, NM.

AMENDMENTS 10/1/72 37 F. R. 15857 (Added)

R-5118 Socorro, NM.

Boundaries. Beginning at lat. 34°33'00" N., long. 106°53'18" W.; to lat. 34°19'12" N., long. 107°17'18" W.; to lat. 34°11'24" N., long 107°45'00" W.; to lat. 34°32'48" N., long. 107°55'36" W.; to lat. 34°46'12" N., long. 107°34'00" W.; to lat. 34°52'48" N., long. 107°08'12" W.; to point of beginning.
Designated altitudes: From surface to unlimited.
Time of designation: From October 12, 1972, through April 12, 1973, during night-time hours from 1800 to 0700 local time as published by NOTAM.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commander, Air Force Special Weapons Center, Kirtland AFB, NM.

AMENDMENTS 10/12/72 37 F. R. 16598 (Added)

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§ 73.52 New York

R-5201 Camp Drum, N. Y.

Boundaries. Beginning at lat. 44°15'00" N., long. 75°31'30" W.; to lat. 44°11'15" N., long. 75°25'00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°00'45" N., long. 75°37'25" W.; to lat. 44°03'25" N., long. 75°39'30" W.; to lat. 44°05'47" N., long. 75°44'30" W.; to lat. 44°10'00" N., long. 75°39'30" W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL, April 1 through September 30; surface to 20,000 feet MSL, October 1 through March 31.
Time of designation. Continuous April 1 through September 30 and 0600 through 1800 hours local time. October 1 through March 31; other times by NOTAM 48 hours in advance.
Controlling agency. Federal Aviation Administration, Boston ARTC Center.
Using agency. Commanding Officer, Camp Drum, N. Y.

R-5202 Gardiner's Island, N. Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72° 08'50" W.
Designated altitudes: Surface to 10,000 feet MSL, inclusive.
Time of designation: 0900 to 1800 local time, April 15 through October 14; 0900 to 1600 local time, October 15 through April 14.
Controlling agency: FAA, Quonset RATCC
Using agency: Commander, Fleet Air Quonset, Naval Air Station, Quonset Point, R. I.

R-5203 Oswego, N. Y.

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45' 00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.
Designated altitudes. Surface to Flight Level 500.
Time of Designation. Continuous
Controlling agency. Federal Aviation Administration, Cleveland ARTC Center.
Using agency. Commander, 107th Fighter Group, Niagara Falls International Airport.

AMENDMENTS 12/7/72 37 F. R. 20160 (Changed)

R-5206 West Point, N. Y.

Subarea A

Boundaries: Beginning at lat. 41°23'08" N., long. 74°00'00" W.; to lat. 41°23'08" N., long. 73°59'42" W.; thence along south side of U. S. Highway 9W to lat. 41°22'32" N., long. 73°58'58" W.; to lat. 41°22'18" N., long. 73°58'58" W.; to lat. 41°20'04" N., long. 74°00'42" W.; thence along north side of Mine Torne Road to lat. 41°21'24" N., long. 74°02'38" W.; thence along east side of New York State Highway 293 to point of beginning.
Designated altitudes: Surface to and including 5,000 feet MSL.
Time of designation: 0600 to 2400 local, July 1 to August 31, other dates and times by NOTAM 48 hours in advance.
Controlling agency: Federal Aviation Administration, New York ARTC Center.
Using agency: Superintendent, U. S. Military Academy, West Point, N. Y.

Subarea B

Boundaries: Beginning at lat. 41°23'08" N., long. 74°00'00" W.; to lat. 41°23'08" N., long. 73°59'42" W.; thence along south side of U. S. Highway 9W to lat. 41°22'32" N., long. 73°58'58" W.; to lat. 41°22'18" N., long. 73°58'58" W.; to lat. 41°20'04" N., long. 74°00'42" W.; thence along north side of Mine Torne Road to lat. 41°21'24" N., long. 74°02'38" W.; thence along east side of New York State Highway 293 to point of beginning.
Designated altitudes: 5,000 feet MSL to 7,000 feet MSL.
Time of designation: By NOTAM, 48 hours in advance.
Controlling agency: Federal Aviation Administration, New York ARTC Center.
Using agency: Superintendent, U. S. Military Academy, West Point, N. Y.

R-5207 Romulus, N. Y.

Boundaries. A circular area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitudo 76°53'06" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0730 to 1815 local time, Monday through Friday.
Using agency. Commanding Officer, Seneca Army Depot, Romulus, N. Y.

§ 73.53 North Carolina

R-5301A Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36° 03' 30" N., longitude 76° 20' 00" W., excluding the airspace within R-5301B.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

AMENDMENTS 3/29/72 37 F. R. 6382 (Changed)

R-5301B Albemarle Sound, N. C.

Boundaries. A circular area within a 1½-nmi radius centered at latitude 38° 05' 25" N., longitude 76° 18' 30" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

AMENDMENTS 3/29/72 37 F. R. 6382 (Changed)

R-5301C Albemarle Sound, N. C.

Boundaries. A circular area within a 1½ nautical mile radius centered at Lat. 36°05'25" N., Long. 76° 18' 30" W.
Designated altitudes. From 5,000 feet MSL to and including 14,000 feet MSL.
Time of designation. As activated by NOTAM at least 24 hours in advance.
Using agency. Commander, Fleet Air Norfolk NAS Norfolk, Va.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

AMENDMENTS 3/29/72 37 F. R. 6382 (Changed)

R-5302 Albemarle Sound, N. C.

Boundaries: Beginning at latitude 36°03'35" N., longitude 76°03'05" W.; to latitude 35°58'05" N., longitude 76°02'10" W.; to latitude 35°55'40" N., longitude 76°24'05" W.; to latitude 36°01'05" N., longitude 76°25'00" W, to point of beginning.
Designated altitude: Surface to 14,000 feet MSL.
Time of Designation: 0800 hours to 2300 hours e.s.t.
Using Agency: Commander, Fleet Air Norfolk, NAS Norfolk, Va.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

AMENDMENTS 3/29/72 37 F. R. 6382 (Changed)

R-5306A Cherry Point, N. C.

Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°18'15" N, Long. 76°16' 40" W; to Lat. 35°04'30" N, Long. 76°04'30" W; to Lat. 34°46'45" N, Long. 76°24'45" W; to Lat. 34° 45'10" N, Long. 76°40'30" W; to Lat. 34°41'50" N, Long. 76°56'20" W; to Lat. 34°37'30" N, Long. 76° 56'20" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°34'30" N, Long. 77°09' 00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 35°03'00" N, Long. 76°57'00" W; thence to point of beginning.
Designated altitudes. Surface to flight level 350.
Time of designation. Continuous.
Using agency. Commanding General Marine Corps Air Station, Cherry Point, N. C.

R-5306B Cherry Point, N. C.

Boundaries. Beginning at Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°34'30" N, Long. 77°09' 00" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°30'20" N, Long. 77°15' 50" W; to Lat. 34°33'00" N, Long. 77°19'00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34° 40'00" N, Long. 77°22'00" W; to Lat. 34°39'10" N, Long. 77°20'50" W; thence to point of beginning.
Designated altitudes. Surface to flight level 290.
Time of designation. Continuous.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

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R-5306C Cherry Point, N. C.

Boundaries. Beginning at latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; to latitude 34°40'20" N., longitude 77°22'12" W.; to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N. C.

R-5311A Fort Bragg, N. C.

Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitudes: Surface to but not including 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bragg, N. C.

R-5311B Fort Bragg, N. C.

Boundaries: Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitudes: From 18,000 to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, ARTC Center, Washington.
Using agency: Commanding General, Fort Bragg, N. C.

R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N, Long. 75°41'26" W.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, VA.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

AMENDMENTS 3/29/72 37 F. R. 6382 (Changed)

R-5314 Dare County, N. C.

Subarea A
Boundaries. Beginning at latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to latitude 35°47'00" N., longitude 75°59'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea B
Boundaries. Beginning at latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°34'40" N., longitude 75°46'50" W.; to latitude 35°36'45" N., longitude 76°01'20" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea C.
Boundaries. Beginning at latitude 35°48'30" N., longitude 75°43'40" W.; to latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to latitude 35°51'35" N., longitude 75°57'55" W.; to latitude 35°49'30" N., longitude 75°45'00" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

R-5314 CONTINUED

Subarea D.
Boundaries. Beginning at latitude 35°40'30" N., longitude 75°52'15" W.; to latitude 35°38'40" N., longitude 75°52'35" W.; to latitude 35°39'00" N., longitude 75°54'35" W.; to latitude 35°40'40" N., longitude 75°54'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea E.
Boundaries. Beginning at latitude 35°47'50" N., longitude 75°48'50" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°46'10" N., longitude 75°52'35" W.; to latitude 35°48'00" N., longitude 75°52'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea F.
Boundaries. Beginning at latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea G
Boundaries. Beginning at latitude 35°49'40" N., longitude 75°58'20" W.; to latitude 35°38'55" N., longitude 76°01'00" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°50'20" N., longitude 76°02'30" W.; to the point of beginning.
Designated altitudes. 200 feet above the surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea H
Boundaries. Beginning at latitude 35°50'20" N., longitude 76°02'30" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°51'25" N., longitude 76°10'05" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea J
Boundaries. Beginning at latitude 35°51'25" N., longitude 76°10'05" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°43'50" N., longitude 76°35'30" W.; to latitude 35°54'50" N., longitude 76°33'10" W.; to the point of beginning.
Designated altitudes. 1,000 feet above the surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

§ 73.54 North Dakota

§ 73.55 Ohio

R-5502 Lacarne, Ohio
Boundaries: Beginning at latitude 41°41'15" N., longitude 83°07'45" W.; to latitude 41°41'17" N., longitude 83°00'00" W.; to latitude 41°35'30" N., longitude 82°54'48" W.; to latitude 41°32'19" N., long. 83°00'05" W., to latitude 41°32'16" N., longitude 83°01'24" W., to latitude 41°36'54" N., longitude 83°07'45" W.; to the point of beginning.
Designated altitudes: April 1 to May 31 surface to and including 5,000 feet MSL; June 1 to July 31 surface to and including 23,000 feet MSL; and August 1 to November 30 surface to and including 5,000 feet MSL.
Time of designation: 0800 to 1600 local time Saturday and Sunday April 1 through May 31; 0800 to 1600 local time daily June 1 through July 31; 0800 to 1600 local time Saturday and Sunday August 1 through November 30; other dates, time and altitudes (not to exceed 23,000 feet MSL) by NOTAM, published at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Cleveland ARTC Center.
Using agency: The Adjutant General State of Ohio.

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R-5503 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 38°48'30" N, Long. 83°02'00" W; to Lat. 38°58'30" N, Long. 84°05'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

R-5504 Wilmington, Ohio

Boundaries. Beginning at latitude 39°30'00" N., longitude 83°02'00" W.; to latitude 39°08'20" N., longitude 83°02'00" W.; to latitude 39°12'30" N., longitude 84°05'00" W.; to latitude 39°15'45" N., longitude 84°05'00" W.; to latitude 39°17'50" N., longitude 84°02'30" W.; to latitude 39°26'05" N., longitude 83°48'10" W.; to latitude 39°30'00" N., longitude 83°38'35" W.; to the point of beginning.
Designated altitudes. 3,000 feet MSL to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

§ 73.56 Oklahoma

R-5601A Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15 N., longitude 98°20'55" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°40'12" N., longitude 98° 26'17" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; thence counterclockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°26'46" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Sill, Oklahoma.

R-5601B Fort Sill, Okla.

Boundaries Beginning at latitude 34°38'15" N., longitude 98°26'46" W.; thence clockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; thence clockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Sill, Okla.

R-5601C, Fort Sill, Okla.
Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. 23,000 feet MSL to 65,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using Agency. Commanding General, Fort Sill, Okla.

§ 73.57 Oregon

R-5701 Boardman Oreg.

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W., surface to flight level 230; within 3 nautical miles either side of the 093° and 263° bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of the 256° radial of the Pendleton, Oreg., VOR, 20,000 feet MSL to flight level 230; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-5704 Hermiston, Oreg.

Boundaries. Beginning at latitude 45°52'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°30'30" W.; to latitude 45°52'00" N.; longitude 119°30'30" W.; to point of beginning..
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 2000 Pst, Monday through Friday.
Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

R-5706 Boardman, Oreg.
Boundaries. Beginning at latitude 45°40'40" N., longitude 120°02'25" W.; to latitude 45°40'40" N., longitude 120°09'00" W.; to latitude 45°45'45" N., longitude 120°09'00" W.; thence east along the south shore of the Columbia River to latitude 45°51'00" N., longitude 119°40'00" W.; to latitude 45°53'00" N., longitude 119°31'00" W.; to latitude 45°46'35" N., longitude 119°31'00" W.; to latitude 45°46'10" N., longitude 119°35'00" W.; thence counterclockwise along the arc of a 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W.; to latitude 45°46'35" N., longitude 119°46'50" W.; to latitude 45°46'35" N., longitude 120°02'25" W.; to point of beginning.
Designated altitudes. 3,500 feet MSL to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Seattle ARTC Center.
Using agency. Commander, Fleet Air Whidbey, NAS Whidbey Island, Wash.

§ 73.58 Pennsylvania

R-5801 Chambersburg, Pa.

Boundaries. The arc of a circle, having a 5,000-foot radius, centered at latitude 39°59'44" N., longitude 77°43'55" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

R-5802 Indiantown Gap, Pa.

Boundaries. Beginning at latitude 40°28'45" N., longitude 76°35'30" W.; to latitude 40°26'05" N., longitude 76°35'30" W.; to latitude 40°24'55" N., longitude 76°36'55" W.; to latitude 40°23'45" N., longitude 76°43'11" W.; to latitude 40°24'20" N., longitude 76°44'40" W.; to latitude 40°28'45" N., longitude 76°37'40" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. 0630 to 2400 local time, June 1 through August 31; 0800-1800 local time, Saturday and Sunday February 15 through May 31; 0800-1800 local time, Saturday and Sunday September 1 through December 15. Other dates and times by NOTAM, issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commanding General, Indiantown Gap Military Reservation, Annville, Pa.

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R-5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

§ 73.59 Rhode Island

§ 73.60 South Carolina

R-6001 Fort Jackson, S. C.

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°06'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N, Long. 80°46'05" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding General, Fort Jackson, S. C.

R-6002 Poinsett-Sumter, S. C.

Boundaries. Beginning at latitude 33°54'24" N., longitude 80°24'12" W., to latitude 33°46'25" N., longitude 80°23'12" W.,
to latitude 33°44'27" N., longitude 80°31'42" W., to latitude 33°50'13" N., longitude 80°31'03" W., to latitude 33°53'37" N., longitude 80°31'03" W., to point of beginning. Excluding that airspace within the Shaw AFB control zone.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. Sunrise to 2400 hours local time.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Shaw AFB, S. C.

R-6004 Savannah River Plant, S. C.

Boundaries. Beginning at latitude 33°22'00" N., longitude 81°43'15" W.; to latitude 33°20'30" N., longitude 81°27'40" W.; to latitude 33°10'20" N., longitude 81°29'05" W.; to latitude 33°05'50" N., longitude 81°37'05" W.; to latitude 33°09'35" N., longitude 81°45'50" W.; to latitude 33°11'11" N., longitude 81°46'28" W.; to latitude 33°20'25" N., longitude 81°45'29" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Savannah River Plant, Aiken, S. C.

§ 73.61 South Dakota

R-6102 Badlands, South Dakota

Boundaries: Beginning at latitude 43°35'00" N., longitude 102°05'00" W.; to latitude 43°35'00" N., longitude 102°25'00" W.; to latitude 43°42'00" N., longitude 102°25'00" W.; to latitude 43°42'00"N., longitude 102°05'00" W. to the point of beginning.
Designated altitudes: Surface to 32,000 feet MSL.
Time of designation: A 2-week period annually between June 1 and August 31, to be publicized by NOTAM.
Using agency: The Adjutant General, State of South Dakota (147th Artillery Group, South Dakota Army National Guard).

§ 73.62 Tennessee

§ 73.63 Texas

R-6302A Fort Hood, Texas.

Boundaries. Beginning at latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°10'04" N., longitude 97°41'06" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48° N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302B Fort Hood, Texas
Boundaries. Beginning at latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°09'03" N., longitude 97°41'18" W.; to latitude 31°09'40" N., longitude 97°41'20" W.; to latitude 31°09'40" N., longitude 97°43'19" W.; to latitude 31°08'45" N., longitude 97°43'30" W.' to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°10'04" N., longitude 97°41'06" W.' to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302C Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°08'40" N., longitude 97°52'10" W.; to latitude 31°09'15" N., longitude 97°54'30" W.; to latitude 31°15'34" N., longitude 97°54'29" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6303A Matagorda Island, Tex.

Boundaries. Beginning at latitude 28°15'20" N., longitude 96°26'50" W.; to latitude 28°18'55" N., longitude 96°27'45" W.; to latitude 28°20'55" N., longitude 96°29'15" W.; to latitude 28°12'00" N., longitude 96°46'00" W.; to latitude 28°07'00" N., longitude 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitude. Surface to flight level 330.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, La.
AMENDMENTS 2/3/72 36 F. R. 23049 (Added)

R-6303B Matagorda Island, Tex.

Boundaries. Beginning at latitude 28°15'20" N., longitude 96°26'50" W.; to latitude 28°18'55" N., longitude 96°27'45" W.; to latitude 28°20'55" N., longitude 96°29'15" W.; to latitude 28°12'00" N., longitude 96°46'00" W.; to latitude 28°07'00" N., longitude 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitude. Flight level 330 to flight level 450.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

AMENDMENTS 2/3/72 36 F. R. 23049 (Added)

R-6304 Camp Bowie, Tex.

Boundaries: Beginning at latitude 31°41'00" N., longitude 98°58'00" W., to latitude 31°39'25" N., longitude 98°52'15" W., to latitude 31°34'30" N., longitude 98°54'10" W., to latitude 31°36'10" N., longitude 99°00'00" W., thence to point of beginning.
Designated altitudes: Surface to 6,000 feet MSL.
Time of designation: A 4-hour period commencing at official sunset, Monday through Thursday.
Using agency: Commander, 75th Tactical Reconnaissance Wing, Bergstrom AFB, Texas.
Controlling agency: Federal Aviation Administration, Air Route Traffic Control Center, Fort Worth, Texas.

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R-6312 Cotulla, Tex.,

Boundaries: The area within 5 nmi of geographical points located at 28°14'50" N., 98°43'30" W.; and 28°05'53" N., 98°42'51" W.

Designated altitudes: Surface to 12,000 feet MSL except for the area west of a line between 28°17'40" N., 98°47'55" W., and 28°11'55" N., 98°48'00" W., and the area along Highway 624 extending ½ mile each side where the floor is 1,000 feet AGL.

Time of designation: Sunrise to sunset.

Controlling agency. Federal Aviation Administration, ARTCC, Houston, Tex.

Using agency: Chief of Naval Air Advanced Training Command, NAS Corpus Christi, Tex.

AMENDMENTS 5/27/72 37 F. R. 10731 (Changed)

§ 73.64 Utah

R-6401 Deseret, Utah.

Boundaries. Beginning at Lat. 40°16'27" N, Long. 112°18'43" W; to Lat. 40°15'42" N. 112°18'43" W; to Lat. 40°15'42" N, Long. 112°21'01" W; to Lat. 40°16'27" N, Long. 112°21'01" W; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R-6402 Deseret Test Center, Dugway, Utah

Boundaries. Beginning at latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°13'00" N., longitude 112°43'00" W., to latitude 39°49'00" N., longitude 112°43'00" W., to latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 40°20'20" N., longitude 113°20'02" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to the point of beginning.

Designated altitudes. Surface to FL-400; joint use at and above FL 240.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commanding General, Deseret Test Center, Dugway, Utah.

R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°31'48" N., longitude 112°29'31" W.; to latitude 40°33'14" N., longitude 112°28'20" W.; to latitude 40°29'30" N., longitude 112°25'30" W.; to latitude 40°29'29" N., longitude 112°28'28" W.; to latitude 40°30'45" N., longitude 112°28'28" W.; to latitude 40°30'45" N., longitude 112°29'33" W.; to the point of beginning.

Designated altitude. Surface to 9,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Tooele Army Depot, Tooele, Utah.

AMENDMENTS 2/3/72 36 F. R. 23358 (Rewritten)

R-6404A Hill AFB Range South, Utah

Boundaries. Beginning at latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 40°51'30" N., longitude 112°56'30" W.; to latitude 40°48'30" N., longitude 113°40'00" W.; to latitude 41°00'00" N., longitude 113°-41'40" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

R-6404B Hill AFB Range North, Utah

Boundaries. Beginning at latitude 41°15'00" N., longitude 113°43'50" W.; to latitude 41°11'40" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

R-6404C Hill AFB Range East, Utah

Boundaries. Beginning at latitude 41°11'40" N., longitude 112°56'30" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°56'30" W.; to point of beginning.

Designated altitudes. Surface to flight level 600. Surface to 10,000 feet MSL.

Time of designation. Sunrise to sunset, surface to flight level 600. Sunset to 0100 local time, surface to 10,000 feet MSL.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

R-6405 Wendover, Utah

Boundaries. Beginning at latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°23'00" N., longitude 113°19'00" W., to latitude 39°23'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

R-6406A, Wendover North, Utah.

Boundaries. Beginning at latitude 40°40'30" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°38'30" N., longitude 114°00'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400; joint-use at and above 7,500 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

R-6406B, Wendover South, Utah

Boundaries. Beginning at latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

R-6407 Deseret Test Center, Dugway, Utah

Boundaries. Beginning at latitude 40°20'20" N., longitude 113°20'02" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 114°00'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commanding General, Deseret Test Center, Dugway, Utah

R-6408 Indian Creek, Utah.

Boundaries. Beginning at latitude 37°59'00" N., longitude 109°23'00" W.; to latitude 37°57'00" N., longitude 109°25'00" W.; to latitude 37°58'00" N., longitude 109°40'00" W.; to latitude 38°02'00" N., longitude 109°54'00" W.; to latitude 38°21'00" N., longitude 109°54'00" W.; to latitude 38°23'00" N., longitude 109°52'00" W.; to latitude 38°22'00" N., longitude 109°38'00" W.; to latitude 38°21'00" N., longitude 109°31'00" W.; to latitude 38°16'00" N., longitude 109°24'00" W.; to latitude 38°06'00" N., longitude 109°22'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Denver ARTC Center.

Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.

PENDING AMENDMENT

R-6408 Indian Creek, Utah is revoked.

AMENDMENTS 1/4/73 37 F. R. 23904 (Revoked)

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PENDING AMENDMENT
R-6408A Indian Creek, Utah

Boundaries. Beginning at lat. 38°15'00" N., long. 109°54'00" W.; to lat. 38°21'00" N., long. 109°54'00" W.; to lat. 38°23'00" N., long. 109°52'00" W.; to lat. 38°23'00" N., long. 109°34'00" W.; to lat. 38°16'00" N., long. 109°24'00" W.; to lat. 38°15'00" N., long. 109°23'30" W.; to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 1/4/73 37 F. R. 23904 (Added) Corr: 37 F. R. 25820

PENDING AMENDMENT
R-6408B Indian Creek, Utah

Boundaries. Beginning at lat. 38°15'00" N., long. 109°54'00" W.; to lat. 38°15'00" N., long. 109°23'30" W.; to lat. 38°06'00" N., long. 109°22'00" W.; to lat. 37°59'00" N., long. 109°23'00" W.; to lat. 37°57'00" N., long. 109°25'00" W.; to lat. 37°53'00" N., long. 109°40'00" W.; to lat. 38°02'00" N., long. 109°54'00" W.; to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 1/4/73 37 F. R. 23904 (Added) Corr: 37 F. R. 25820

R-6409 Green River, Utah.
Boundaries. Beginning at latitude 39°00'00" N., longitude 110°03'00" W.; to latitude 38°54'00" N., longitude 109°58'00" W.; to latitude 38°51'00" N., longitude 110°05'00" W.; to latitude 38°58'00" N., longitude 110°09'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-6412 Camp Williams, Utah
Beginning at latitude 40°27'30" N., longitude 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to latitude 40°23'30" N., longitude 111°54'58" W.; to latitude 40°23'30" N., longitude 112°06'00" W.; to latitude 40°27'30" N., longitude 112°06'00" W.; to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Maximum two-week period during the month of June each year with specific dates to be published by NOTAM.
Controlling agency. Federal Aviation Administration, Salt Lake City Tower,
Using agency. The Adjutant General, State of Utah.

§ 73.65 Vermont

R-6501 Underhill, Vt.
Boundaries. Beginning at latitude 44°30'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°55'00" W.; to latitude 44°28'30" N., longitude 72°56'30" W.; to latitude 44°29'15" N., longitude 72°56'30" W.; to latitude 44°30'00" N., longitude 72°53'30"W.; to the point of beginning.
Designated altitudes. Surface to 13,600 feet MSL.
Time of designation: Continuous, Monday through Saturday, other time by a NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Burlington Approach Control.
Using Agency. Adjutant General, State of Vermont, Montpelier, Vt.

§ 73.66 Virginia

R-6601 Camp A. P. Hill, Va.

Boundaries. Beginning at latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°03'40" N., longitude 77°18'45" W.; to latitude 38°04'37" N., longitude 77°18'45" W.; thence along highway U. S. 301 to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°07'53" N., longitude 77°13'40" W.; to latitude 38°06'46" N., longitude 77°12'21" W.; thence to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2300 e.s.t., June 1 through September 8; and 0700 to 2300 e.s.t., September 9, through May 31, by NOTAM issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Quartermaster Center and Fort Lee, Fort Lee, Va.

R-6602 Camp Pickett, Va.

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°59'50" N., longitude 77°50'34" W.; to latitude 36°57'58" N., longitude 77°52'14" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.
Designated altitudes. The area NW of a line between latitude 37°01'05" N., longitude 77°50'43" W., and latitude 36°57'54" N., longitude 77°53'19" W., surface to 18,500 feet MSL. The area SE of this line, surface to 1,900 feet MSL.
Time of designation. Continuous from June 1 through September 8; 0600 EST Saturday to 2200 EST Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.
Uaing Agency. Commanding General U.S . Army Quartermaster Center and Fort Lee, Fort Lee, Va.

R-6604 Chincoteague Inlet, Va.

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N, Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N, Long. 75°31'20" W; to Lat. 37°50'24" N, Long. 75°31'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

R-6606 Pendleton, Va.

Boundaries. Beginning at Lat. 36°50'41" N, Long. 75°54'40" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N, Long. 75°48'40" W; to Lat. 36°45'03" N, Long. 75°56'12" W; to Lat. 36°44'45" N, Long. 75°57'05" W; to Lat. 36°44'39" N, Long. 75°58'00" W; to Lat. 36°47'00" N, Long. 75°58'45" W; to Lat. 36°47'18" N, Long. 75°56'54" W; to the point of beginning.
Designated altitudes: Surface to 51,000 feet MSL.
Time of designation. 0800 to 1700 EST Monday through Friday, except that portion north of latitude 36°41'42" N., from the surface to 1,000 feet MSL, which is continuous.
Using agency. Virginia Capes Operating Area Coordinator (VCOAC) COMNAVAIRLANT/COMFAIRNORFOLK, NAS Oceana, Virginia Beach, VA.

AMENDMENTS 10/12/72 37 F. R. 16791 (Changed)

R-6608 Quantico, Va.

Boundaries. Beginning at latitude 38°31'15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25'34" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation: 0700 to 2400 local time.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commandant, Marine Corps Schools, Quantico, Va.

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R-6609 Tangier Island, Va.

Boundaries: Beginning at latitude 37°53'10" N., longitude 76°14'00" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°50'00" N., longitude 76°00'52" W.; to latitude 37°41'00" N., longitude 76°00'52" W.; to latitude 37°40'00" N., longitude 76°01'30" W.; to latitude 37°40'00" N., longitude 76°10'00" W.; to latitude 37°45'00" N., longitude 76°11'33" W.; to point of beginning.
Designated altitudes: Surface to FL 200.
Time of designation: 0800 to 2300 hours, local time, other times by NOTAM issued at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.

R-6611 Dahlgren Complex, Va.

Subarea A

Boundaries. Beginning at Lat. 38°21'30" N, Long. 77°01'15" W; to Lat. 38°17'30" N, Long. 76°56'00" W; to Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to Lat. 38°19'15" N. Long. 77°02'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. 0800-1700 local time, Monday through Friday, other times by NOTAM issued 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

AMENDMENTS 5/25/72 37 F. R. 6382 (Changed)

Subarea B

Boundaries. Beginning at lat. 38°21'30" N., long. 77°01'15" W.; to lat. 38°17'30" N., long. 76°56'00" W.; to lat. 38°15'45" N., long. 76°52'00" W.; to lat. 38°13'00" N., long. 76°54'35" W.; to lat. 38°19'15" N., long. 77°02'00" W.; to the point of beginning.
Designated altitudes. 40,000 feet MSL to 60,000 feet MSL.
Time of designation. By NOTAM issued 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

AMENDMENTS 5/25/72 37 F. R. 6382 (Added)

R-6612 Dahlgren Complex, Va.

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.
Designated altitudes. Surface to 7,000 feet MSL.
Time of Designation. 0800-1700 local time, Monday through Friday, other times by NOTAM issued 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

AMENDMENTS 5/25/72 37 F. R. 6382 (Changed)

R-6613 Dahlgren Complex, Va.

Subarea A

Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. 0800-1700 local time, Monday through Friday, other times by NOTAM 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

AMENDMENTS 5/25/72 37 F. R. 6382 (Changed) Corr: 37 F. R. 8867

Subarea B.

Boundaries. Beginning at lat. 38°15'45" N., long. 76°52'00" W.; to lat. 38°13'30" N., long. 76°46'35" W.; to lat. 38°10'00" N., long. 76°50'00" W.; to lat. 38°13'00" N., long. 76°54'35" W.; to the point of beginning.
Designated altitudes. 40,000 feet MSL to 60,000 feet MSL.
Time of designation. By NOTAM issued 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

AMENDMENTS 5/25/72 37 F. R. 6382 (Added)

§ 73.67 Washington

R-6701 Admiralty Inlet, Wash.

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6703 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°58'05" N., longitude 122°34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°35'15" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

R-6704 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°00'40" N., longitude 122°41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°38'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

PENDING AMENDMENT
R-6705 Strait of Juan De Fuca, Wash.

Boundaries. Beginning at latitude 48°14'30" N., longitude 123°42'00" W.; to latitude 48°10'30" N., longitude 123°42'00" W.; thence one-half mile north of and parallel to the north coast of Washington to latitude 48°18'35" N., longitude 124°25'00" W.; to latitude 48°24'30" N., longitude 124°25'00" W.; thence along the United States-Canadian Border to the point of beginning.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Seattle Flight Service Station.
Using agency. Commander, Fleet Air Whidbey, NAS Whidbey Island, Wash.

AMENDMENTS 1/4/73 37 F. R. 23330 (Added)

R-6707 Queets, Wash.

Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

PENDING AMENDMENT
R-6713, Whidbey Island, Wash.

Boundaries. Beginning at lat. 48°25'00" N., long. 123°05'00" W.; to lat. 48°23'00" N., long. 123°06'00" W.; to lat. 48°16'30" N., long. 123°03'00" W.; to lat. 48°16'30" N., long. 122°55'30" W.; to lat. 48°18'20" N., long. 122°50'30" W.; to lat. 48°22'45" N., long. 122°50'30" W.; to lat. 48°25'00" N., long. 122°53'30" W.; to point of beginning, excluding that area within one-quarter mile of Smith Island located at lat. 48°19'10" N., long. 122°50'30" W.
Designated altitudes. Surface to 3,500 feet MSL.
Time of designation. Continuous.
Controlling agency. NAS Whidbey Approach Control.
Using agency. Commander, Fleet Air Whidbey, NAS Whidbey Island, Wash.
AMENDMENTS 1/4/73 37 F. R. 23250 (Added)

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R-6714 Yakima, Wash.

Boundaries. Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the W. shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119° 55'30" W.; latitude 46°33'00" N., longitude 120°09'00" W; latitude 46°36'22" N., longitude 120°18'50" W; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS 5/11/72 37 F. R. 9462 (Changed)

R-6715 Richland, Wash.

Boundaries. Beginning at latitude 46°44'25" N.; longitude 119°25'00" W.; to latitude 46°39'30" N.; longitude 119°25'00" W.; thence along the northeast bank of the Columbia River to latitude 46°34'10" N.; longitude 119°20'00" W.; to latitude 46°30'00" N.; longitude 119°20'00" W.; to latitude 46°30'00" N.; longitude 119°15'30" W.; thence along the east bank of the Columbia River to latitude 46°21'30" N.; longitude 119°15'20" W.; to latitude 46°21'30" N.; longitude 119°18'00" W.; to latitude 46°23'20" N.; longitude 119°24'50" W.' thence along State Highway Nos. 240 and 24 to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Richland, Washington.

§ 73.68 West Virginia

§ 73.69 Wisconsin

R-6901 Camp McCoy, WI.
Boundaries: Beginning at latitude 44°08'40" N., longitude 90°44'20" W.; to latitude 44°08'40" N., longitude 90°40'22" W.; to latitude 44°09'36" N., longitude 90°40'22" W.; to latitude 44°09'36" N., longitude 90°36'50" W.; to latitude 44°00'02" N., longitude 90°36'35" W.; to latitude 44°00'02" N., longitude 90°35'15" W.; to latitude 43°56'22" N., longitude 90°35'20" W.; to latitude 43°56'22" N., longitude 90°39'00" W.; to latitude 43°56'38" N., longitude 90°41'00" W.; to latitude 43°56'40" N., longitude 90°45'05" W.; to latitude 43°58'30" N., longitude 90°44'30" W.; to latitude 43°58'40" N., longitude 90°43'55" W.; to latitude 44°02'45" N., longitude 90°44'30" W.; and then to the point of beginning.
Designated altitudes: Surface to 20,000 feet MSL.
Time of designation: Continuous.
Using agency: Commanding Officer, Camp McCoy, WI.
Controlling agency: Federal Aviation Administration, Chicago ARTC Center.

AMENDMENTS 10/12/72 37 F. R. 16865 (Rewritten)

R-6903 Sheboygan, Wis.

Boundaries. Beginning at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wisconsin.

R-6904 Volk Field. Wis.

Boundaries. Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wis.

§ 73.70 Wyoming

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°27'30" N., longitude 104°52'30" W., latitude 42°27'30" N., longitude 104°42'30" W., latitude 42°22'30" N., longitude 104°42'30" W., latitude 42°20'00" N., longitude 104°52'30" W., thence to point of beginning.
Designated altitudes. Surface to 23,500 feet MSL.
Time of designation. 0430 to 2400 MST, May 15 through September 5.
Controlling agency. Federal Aviation Administration, Casper, Wyo., Flight Service Station.
Using agency. Adjutant General, State of Wyoming.

§ 73.71 Puerto Rico

R-7101 Culebra Island, P. R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical-mile limit from the shoreline.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, San Juan ARTC Center.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

R-7103 Salinas, P. R.
SUBAREA A
Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 18°01'00" N., longitude 66°19'58" W.; to latitude 18°01'53" N., longitude 66°18'53" W.; to latitude 18°02'34" N., longitude 66°18'47" W.; to latitude 18°03'25" N., longitude 66°17'54" W.; to latitude 18°04'07" N., longitude 66°17'00" W.; to point of beginning.

SUBAREA B
Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°02'37" N., longitude 66°13'39" W.; to latitude 17°58'53" N., longitude 66°15'22" W.; to latitude 17°58'30" N., longitude 66°16'30" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to point of beginning.

SUBAREA C
Beginning at latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'44" N., longitude 66°19'17" W.; to latitude 18°00'27" N., longitude 66°18'58" W.; to point of beginning.
Designated altitudes: Subarea A, Surface to 12,000 feet MSL. Subarea B, 3,000 feet MSL to 12,000 feet MSL. Subarea C, 2,000 feet MSL to 12,000 feet MSL.
Time of designation: Continuous, June 1 through August 31, other times as activated by NOTAMs issued at least 24 hours in advance.
Controlling agency: Federal Aviation Administration, San Juan ARTC Center.
Using agency: The Adjutant General, Commonwealth of Puerto Rico.

R-7104 Vieques Island, P. R.
Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3-nautical-mile limit from the shoreline.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, San Juan ARTC Center.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

§ 73.72 Guam

R-7201 Farallon De Medinilla Island, Mariana Islands

Boundaries: The area within a 3-nautical mile radius of lat. 16°01'00" N., long. 146°04'30" E.
Designated altitudes: Surface to FL 600.
Time of use: Continuous.
Using agency: Commander, Naval Forces, Marianas.

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§ 73.87 Prohibited Areas

P-56 District of Columbia

Boundaries:
A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);
Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW (latitude 38°53'45" N.; longitude 77°03'24" W.);
Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K street NW (latitude 38°54'08" N.; longitude 77°03'02" W.);
Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE (latitude 38°54'08" N.; longitude 77°00'14" W.);
Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE (latitude 38°53'35" N.; longitude 76°59'57" W.);
Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.);
Thence west via a 265° bearing. 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);
Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);
Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.);
Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);
Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.
B. That area within a one-half mile radius from the center of the U. S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).
Designated altitudes: Surface to 18,000 feet MSL.
Time of designation: Continuous.
Using agency: Administrator, Federal Aviation Administration, Washington, D. C.

§73.88

P-29 Key Biscayne, Fla.

Boundaries: That airspace within a 1 nautical mile radius of latitude 25°41'25" N., longitude 80°10'02" W.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.89

P-25 San Mateo Point, Calif.

Boundaries: That airspace within a 1-nautical-mile radius of the San Mateo Point Loran Station, latitude 33°23'32" N., longitude 117°35'37" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.90

P-40 Thurmont, Md.

Boundaries: That airspace within a one nautical mile radius of the Naval Support Facility, latitude 39°38'53" N., longitude 77°28'01" W.
Designated altitudes: Surface to but not including 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.91

P-73 Mount Vernon, Va.

Boundaries: That airspace within a 0.5-mile radius of latitude 38°42'28" N., longitude 77°05'11" W.
Designated altitudes. Surface to but not including 1,500 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.92

P-26 Denver, Colo.

Boundaries. Beginning at latitude 39°48'45" N., longitude 104°50'46" W.; to latitude 39°50'00" N., longitude 104°50'46" W.; to latitude 39°51'22" N., longitude 104°50'18" W.; to latitude 39°51'22" N., longitude 104°48'00" W.; to latitude 39°48'45" N., longitude 104°48'00" W.; to point of beginning.
Designated altitudes. Surface to 6,900 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Rocky Mountain Arsenal, Denver, Colo.

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PART 75-ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

SUBPART A -- GENERAL
Sec.
75.1 Applicability.
75.11 Jet routes
75.13 Area high routes; control area designation.
75.15 Jet advisory areas
75.17 Bearings; Radials; Miles

SUBPART B -- JET ROUTES
Sec.
75.100 Jet routes

SUBPART C -- JET ADVISORY AREAS
Sec.
75.200 En route jet advisory areas
75.300 Terminal jet advisory areas

SUBPART D -- AREA HIGH ROUTES
75.400 Area high routes.

SUBPART A -- GENERAL

§75.1 Applicability.

The routes described in Subpart B, between high altitude navigational aids or intersections of their signals, are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450. The areas described in Subpart C are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control areas, or in the vicinity of specific geographic locations. The routes described in Subpart D of this Part are designated as area high routes.

§75.11 Jet Routes

Each jet route designated in Subpart B consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route.

§75.13 Area high routes; control area designation.

(a) Each area high route designated in Subpart D of this Part consists of a direct course for navigating aircraft at altitudes between 18,000 feet MSL and flight level 450, inclusive, between the waypoints specified for that route.
(b) Unless otherwise specified, that airspace on each side of an area high route that has a lateral extent specified in §71.6 and that extends outside the continental control areas, is designated as a control area.

§75.15 Jet Advisory Areas

(a) Jet advisory areas consist of airspace within the continental control area, as designated in Subpart C.
(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 240 through flight level 410, inclusive.
(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas from flight level 240 through flight level 410, inclusive.
(d) Nonradar jet advisory areas consist of areas within which jet advisory service is provided on a procedural basis without radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 410, inclusive.
(e) Jet advisory areas do not include the airspace within positive control areas, prohibited areas, or restricted areas except restricted area military climb corridors and those restricted areas specified in Subpart D of Part 71.
(f) En route jet advisory areas are based on jet routes and are identified by the associated jet route number. Terminal jet advisory areas are based on VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas and those in the vicinity of geographical locations, and are identified by geographical names.

§75.17 Bearings: Radials: Miles

(a) All bearings and radials in this Part are true and are applied from point of origin.
(b) Unless otherwise specified, all mileages in this Part are stated as nautical miles.

SUBPART B -- JET ROUTES
§75.100 Jet Routes.

SUBPART C -- JET ADVISORY AREAS
§ 75.200 En route Jet Advisory Areas.
§ 75.300 Terminal Jet Advisory Areas.

SUBPART D -- AREA HIGH ROUTES
§ 75.400 Area high routes.

SUBPART B - JET ROUTES

§ 75.100 Jet routes.
(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

Jet Route No. 1 (United States/Mexican border to Seattle, Wash.).

From the INT of the United States/Mexican border with the direct course between the San Diego VORTAC and the Tijuana, Mexico, RBN, via San Diego; Oceanside, Calif.; Los Angeles, Calif.; INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

Jet Route No. 2 (San Diego, Calif., to Jacksonville, Fla.).

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz.; INT of the Yuma 089° and Gila Bend, Ariz., 261° radials; Gila Bend, Cochise, Ariz.; El Paso, Tex.; Fort Stockton, Tex.; Junction, Tex.; San Antonio, Tex.; Humble, Texas; Lake Charles, La.; INT of the Lake Charles 089° and the New Orleans, La., 275° radials; New Orleans; INT of the New Orleans 066° and the Crestview, Fla., 266° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 290° radials; Tallahassee; to Jacksonville, Fla.

AMENDMENTS 5/25/72 37 F. R. 4957 (Changed)
AMENDMENTS 12/7/72 37 F. R. 21530 (Changed)

Jet Route No. 3 (Oakland, Calif., to Cranbrook, British Columbia, Canada).

From Oakland, Calif., via Red Bluff, Calif.; Lakeview, Oreg.; Kimberly, Oreg.; Spokane, Wash., to Cranbrook, British Columbia, excluding the portion that lies over Canadian territory.

AMENDMENTS 10/6/72 37 F. R. 21160 (Changed)
AMENDMENTS 10/12/72 37 F. R. 18615 (Changed)

Jet Route No. 4 (Los Angeles, Calif., to Wilmington, N. C.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Blythe, Calif., 282° radials; Blythe; INT Blythe 096° and Casa Grande, AZ., 294° radials; Casa Grande; San Simon, AZ.; Newman, TX.; Wink, TX.; Abilene, TX.; Greater Southwest, TX.; Shreveport, LA.; Jackson, MS.; Meridian, Miss.; INT of the Meridian 091° and the Montgomery, Ala., 282° radials; Montgomery; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

AMENDMENTS 5/25/72 37 F. R. 4957 (Changed)

Jet Route No. 5 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg.; to Seattle, Wash.

Jet Route No. 6 (Paso Robles, Calif., to Robbinsville, N. J.).

From the INT of the Salinas, Calif., 145° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif.; Needles, CA.; Prescott, AZ.; Zuni, AZ.; Albuquerque, NM.; Tucumcari, NM.; Amarillo, TX.; Oklahoma City, Okla.; Little Rock, Ark.; Bowling Green, Ky.; Charleston, W. Va.; Front Royal, Va.; Westminster, Md.; INT of Westminster 080° and Robbinsville, N. J. 239° radials; to Robbinsville.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed)

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Jet Route No. 7 (Oakland, Calif., to the United States/Canadian Border).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Rome, Oreg.; Boise, Idaho; Dillon, Mont.; Great Falls, Mont.;
via the Great Falls 040° radial to the United States/Canadian Border.

Jet Route No. 8 (Needles, CA., to Robbinsville, NJ.)

From Needles, CA., via Winslow, AZ.; Gallup, NM.; Las Vegas, NM.; Borger, TX.; INT Borger 095° and Kingfisher, OK., 261° radials; Kingfisher; Springfield, MO.; St. Louis, MO.; Louisville,
Ky.; Charleston, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 080° and Robbinsville, N. J., 239° radials; to Robbinsville.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed) Corr: 37 F. R. 2499

Jet Route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).
From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Fairfield, Utah; Salt Lake City, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont.

Jet Route No. 10 (Los Angeles, Calif. to Denver, Colo.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Farmington, N. Mex., Gunnison, Colo.; Denver, Colo.

Jet Route No. 11 (Tucson, Ariz., to Salt Lake City, Utah)

From Tucson, Ariz., via INT Tucson 316° and Phoenix, Ariz., 161° radials; Phoenix; Prescott, Ariz.; Bryce Canyon, Utah; Fairfield, Utah; to Salt Lake City, Utah.

Jet Route No. 12 (Salt Lake City, Utah, to Grand Junction, Colo.)

From Salt Lake City, Utah, via Fairfield, Utah; to Grand Junction, Colo.

JET ROUTE No. 13 (El Paso, Texas, to the United States/Canadian Border.)

From El Paso, TX., via the INT of the El Paso 275° and the Truth or Consequences, NM., 162° radials; Truth or Consequences;
Albuquerque, N. Mex.; Alamosa, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo.,
Billings, Mont.. Great Falls, Mont.; via the Great Falls 339° radial to the United States/Canadian Border.

AMENDMENTS 5/25/72 37 F. R. 6574 (Changed)

Jet Route No. 14 (Amarillo, Tex.. to Kenton, Del.).

From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.; Spartanburg, S. C.; Greensboro, N. C.; Richmond, Va.; to Kenton, Del.

Jet Route No. 15 (Humble, Tex., to Portland, Oreg.).

From Humble, Tex., via Austin, Tex.; Junction, Tex.;
Wink, Tex.; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque,
N. Mex., 128° radials; Albuquerque; Farmington, N. Mex.; Grand Junction, Colo.; Salt Lake City, Utah; Boise, Idaho; Kimberly, Oreg.; INT Kimberly 288° and Portland, Oreg., 136° radials; to Portland.

AMENDMENTS 10/12/72 37 F. R. 18615 (Changed)

Jet Route No. 16 (Portland, Oreg.. to Boston, Mass.).

From Portland, Oreg., via Pendleton, Oreg.; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; Milwaukee, Wis.; Peck, Mich.;
via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N. Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

Jet Route No. 17 (San Antonio, Texas, to Rapid City, S. Dak.).

From San Antonio, Texas, via Abilene, Texas; Amarillo, Texas; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.).

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz., INT of the Yuma 089° and Gila Bend, Ariz., 261° radials; Gila Bend; Phoenix, Ariz.; St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex.
Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford; to Joliet, Ill.

AMENDMENTS 12/7/72 37 F. R. 21530 (Changed)

Jet Route No. 19 (Phoenix, Ariz., to St. Louis, Mo.)

From Phoenix, AZ., via INT Phoenix 051° and Zuni, AZ., 242° radials; Zuni; Las Vegas, NM.; Liberal, KS.; Wichita, KS.; Butler, MO.; to St. Louis, MO.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed)

Jet Route No. 20 (Seattle, Wash., to Orlando, Fla.).

From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; McCall, Idaho; Pocatello, Idaho; Rock Springs, Wyo.; Denver, Colo.; Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City; Shreveport, La.; Jackson, Miss.;
Meridian, Miss.; INT of the Meridian 091° and the Montgomery, Ala. 282° radials; Montgomery; Tallahassee, Fla.; INT Tallahassee 129° and Orlando, Fla., 306° radials; Orlando; to the INT of the Orlando 118° and the Vero Beach, Fla., 341° radials.

Jet Route No. 21 (United States/Mexican Border to Duluth, Minn.).

From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; Waco, Tex.; Greater Southwest, Tex.; INT Greater
Southwest 356° and Oklahoma City, Okla., 158° radials; Oklahoma City; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

AMENDMENTS 11/9/72 37 F. R. 18715 (Changed)

Jet Route No. 22 (Laredo, Texas, to Gordonsville, Va.).

From Laredo, Tex., via Corpus Christi, Tex.; Palacios, Tex.; Lake Charles, La.; McComb, Miss.; Meridian, Miss., Birmingham; Knoxville, Tenn.; Pulaski,
Va.; to Gordonsville, Va.

AMENDMENTS 12/7/72 37 F. R. 20807 (Changed)

Jet Route No. 23 (San Antonio, Tex., to Wichita, Kans.).

From San Antonio, TX., via Millsap, TX.; Oklahoma City, OK.; Pioneer, OK.; to Wichita, KS.

AMENDMENTS 5/25/72 37 F. R. 4181 (Changed)

Jet Route No. 24 (Kansas City, Mo., to Richmond, Va.).

From Kansas City, Mo., via St. Louis, Mo.; Indianapolis, Ind.; Falmouth, Ky.; Charleston, W. Va.; to Richmond, Va.

Jet Route No. 25 (United States/Mexican Border to Minneapolis, Minn.).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; Waco, Tex.; Greater Southwest, Tex.;
Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.

AMENDMENTS 11/9/72 37 F. R. 18715 (Changed)

Jet Route No. 26 (El Paso, Texas, to Joliet, Ill.)

From El Paso, Tex., via the INT of El Paso 070° and Roswell, N. Mex., 215° radials; Roswell; Amarillo, Texas; Gage, Okla.; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford; to Joliet, Ill.

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Jet Route No. 27 (San Antonio, Tex., to Lufkin, Tex.).

From San Antonio, Tex., to Lufkin, Tex.

Jet Route No. 28 (Pueblo, Colo., to Wichita, Kans.).

From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

Jet Route No. 29 (United States/Mexican Border to Presque Isle, Maine).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; Palacios, Tex.; Humble, Tex.; Lufkin, Tex.;
Shreveport, La.; Memphis, Tenn.; Evansville, Ind.; INT of Evansville 051° and Rosewood, Ohio, 230° radials; Rosewood; Cleveland, Ohio; Jamestown, N. Y.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine to Presque Isle, Maine.

AMENDMENTS 12/7/72 37 F. R. 20807 (Changed) Corr: 37 F. R. 23420

Jet Route No. 30 (Minneapolis, Minn. to Front Royal, Va.).

From Minneapolis, Minn., via Nodine, Minn.;
Joliet, Ill.; via the INT of the Joliet 108° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Appleton, Ohio; INT of Appleton 111° and Belaire, Ohio, 142° radials; to Front Royal, Va.

Jet Route No. 31 (New Orleans, La., to Birmingham, Ala.).

From New Orleans, La., via Meridian, Miss.; to Birmingham.

Jet Route No. 32 (Oakland, Calif., to Duluth, Minn.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Malad City, Idaho; Boysen Reservoir,
Wyo.; Crazy Woman, Wyo., Dupree, S. Dak.; Aberdeen, S. Dak.; Duluth, Minn.; to the INT of the Duluth 051° radial and the United States/Canadian Border.

Jet Route No. 33 (Humble, Tex., to Greater Southwest, Tex.).

From Humble, Tex., via INT Humble 347° and Greater Southwest, Tex., 139° radials; to Greater Southwest.

Jet Route No. 34 (Seattle, Wash., to Westminster, Md.).

From Seattle, Wash., via Ephrata, Wash.; Helena, Mont.; Billings, Mont.; Dupree, S. Dak.; Redwood Falls, Minn.; Nodine,
Minn.; Milwaukee, Wis.; INT of Milwaukee 098° and Carleton, Mich., 297° radials; Carleton; Cleveland, Ohio; Bellaire, Ohio; to INT of Bellaire 104° and Westminster, Md., 247° radials.

Jet Route No. 35 (New Orleans, La., to Northbrook, Ill.).

From New Orleans, La., via the INT of the New Orleans 357° and the Jackson, Miss., 184° radials; Jackson; Memphis, Tenn.; Farmington, Mo.; St. Louis, Mo.;
Capital, Ill.; the INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet, to Northbrook, Ill.

Jet Route No. 36 (Dickinson, N. Dak., to Huguenot, N. Y.).

From Dickinson, N. Dak., via Fargo, N. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N. Y., 274° radials; Dunkirk; to Huguenot, N. Y., excluding the portion within Canada.

Jet Route No. 37 (Houston, Tex., to United States/Canadian border).

From Houston, Tex., via INT of the Houston 090° and New Orleans, La., 257° radials; New Orleans; INT of the New Orleans 066° and the Montgomery, Ala., 230° radials; Montgomery;
N. Y.; Massena, N. Y. to the INT of the Massena 037° radial and the United States/Canadian Border.

AMENDMENTS 12/7/72 37 F. R. 20807 (Changed) Corr: 37 F. R. 23420

Jet Route No. 38 (United States/Canadian Border to Peck, Mich.).

From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Sioux Narrows, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.

Jet Route No. 39 (Crestview, Fla., to Rosewood, Ohio).

From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala., Nashville, Tenn.; Louisville, Ky., to Rosewood, Ohio.

Jet Route No. 40 (Montgomery, Ala., to Ironsides, Md.).

From Mongomery, Ala., via the INT of the Montgomery 068° and the Macon, Ga., 268° radials; Macon; Charleston, S. C.; Wilmington, N. C.; Richmond, Va.; to the INT of the Richmond 009° and the Gordonsville, Va., 059° radials.

Jet Route No. 41 (Key West, Fla., to Omaha, Nebr.).

From Key West, Fla., via INT of Key West 358° and St. Petersburg, Fla., 151° radials; St. Petersburg; Tallahassee,
Fla.; Montgomery, Ala.; Birmingham, Ala.; Memphis, Tenn.; Springfield, Mo., Kansas City, Mo., to Omaha, Nebr.

Jet Route No. 42 (Greater Southwest, Texas to Hampton, N. Y.).

From Greater Southwest, Texas via Texarkana, Ark.; Memphia, Tenn.; Nashville, Tenn.; Beckley, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 080° and Robbinsville, N. J. 239° radials; Robbinsville; INT Robbinsville 073° and Hampton 223° radials; to Hampton.

Jet Route No. 43 (Miami, Fla. to Sault Ste. Marie, Mich.).

From Miami, Fla., via INT of Miami 316° and St. Petersburg, Fla., 133° radials; St. Petersburg; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Falmouth, Ky.; Rosewood, Ohio; Carleton, Mich., to Sault Ste. Marie, Mich.

Jet Route No. 44 (Phoenix, Ariz., to Farmington, N. Mex.).

From Phoenix, Ariz., via Winslow, Ariz., to Farmington, N. Mex.

Jet Route No. 45 (Jacksonville, Fla., to Aberdeen, S. Dak.).

From Jacksonville, Fla., via Alma, Ga.; Atlanta, Ga.; Nashville, Tenn.; St. Louis, Mo.; Des Moines, Iowa, Sioux Falls, S. Dak.; to Aberdeen, S. Dak.

Jet Route No. 46 (Tulsa, Okla., to Knoxville, Tenn.).

From Tulsa, Okla., via Walnut Ridge, Ark.; Nashville, Tenn., to Knoxville, Tenn.

Jet Route No. 47 (Charleston, S. C., to Spartanburg, S. C.)

From Charleston, S. C., via Columbia, S. C., to Spartanburg, S. C.

Jet Route No. 48 (Pulaski, Va., to Boston, Mass.).

From Pulaski, Va., via Westminster, Md.; Sparta, N. J.; Putnam, Conn.; to Boston, Mass.

Jet Route No. 49 (Phillipsburg, Pa., to the United States/Canadian Border).

From Phillipsburg, Pa., via Hancock, N. Y.; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.

Jet Route No. 50 (San Simon, AZ., to Crestview, FL.).

From San Simon, AZ., via INT San Simon 105° and El Paso, TX., 275° radials; El Paso; INT El Paso 093° and Wink, TX., 266° radials; Wink; Abilene, TX.; Waco, TX.; Lufkin, TX; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.

AMENDMENTS 5/25/72 37 F. R. 4957 (Changed)

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Jet Route No. 51 (Jacksonville, Fla., to Norfolk, Va.).

From Jacksonville. Fla.. via Savannah, Ga.; Columbia, S. C.; Raleigh-Durham, N.C.; to Norfolk, Va.

Jet Route No. 52 (Denver, Colo., to Richmond, Va.).

From Denver, Colo., via Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Ardmore, Okla., 309° radials; Ardmore; Greater Southwest, Texas; Texarkana, Ark.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.,; Raleigh-Durham, N. C.; to Richmond. Va.

Jet Route No. 53 (Key West. Fla.. to Kleinburg, Ontario, Canada).

From Key West, FL., via Miami, FL.; Orlando, FL.; Jacksonville, FL.; Augusta, GA.; Spartanburg, SC.; Pulaski, VA.; INT of Pulaski 015° and Ellwood City, Pa., 177° radials; Ellwood City; to Kleinburg, Ontario, Canada. The portion within Canada is excluded.

AMENDMENTS 3/30/72 37 F. R. 2499 (Changed)

Jet Route No. 54 (Pendleton, Oreg., to Pocatello, Idaho).

From Pendleton, Oreg., via Boise, Idaho, to Pocatello, Idaho.

Jet Route No. 55 (Jacksonville, Fla., to United States/Canadian Border).

From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 025° and the Gordonsville, Va., 059° radials; INT of the Grodonsville 059 and Sea Isle, N. J., 257° radials; Sea Isle; INT of Sea Isle 040° and Putnam, Conn., 217° radials; Putnam; Kennebunk, Maine; Bangor, Maine; Presque Isle, Maine; to Mont Joli, Quebec, Canada, excluding the portion within Canada.

Jet Route No. 56 (Salt Lake City, Utah, to Denver, Colo.).

From Salt Lake City, Utah, via Meeker, Colo., to Denver, Colo.

Jet Route No. 57 (Truth or Consequences, N. Mex., to Albuquerque, N. Mex.)

From Truth or Consequences, N. Mex., via Socorro, N. Mex.; to Albuquerque, N. Mex.

Jet Route No. 58 (Oakland, Calif., to New Orleans, La.).

From Oakland, Calif., via Stockton, Calif.; Coaldale, Nev.; Wilson Creek, Nev.; Bryce Canyon, Utah; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; Greater Southwest, Texas; Alexandria, La.; INT of the Alexandria 126° and the New Orleans, La., 295° radials; New Orleans; INT of Grand Isle, La., 104° and Crestview, Fla., 201° radials; INT of Grand Isle 104° and Sarasota. Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

Jet Route No. 59 (Philipsburg, Pa.. to Syracuse, N. Y.).

From Philipsburg, Pa., to Syracuse, N. Y.

Jet Route No. 60 (Los Angeles, Calif., to Robbinsville, N. J.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Hayes Center, Nebr.; Lincoln, Nebr.; INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; INT Phillipsburg 100° and Robbinsville, N. J., 293° radials; to Robbinsville.

Jet Route No. 61 (Westminster. Md. to Buffalo. N. Y.).

From Westminster. Md.. via Philipsburg. Pa.. to Buffalo. N. Y.

Jet Route No. 62 (Kennedy, N. Y., to Nantucket, Mass.).

From Kennedy, N.Y., via the INT of the Kennedy 080° and the Nantucket, Mass., 255° radials, to Nantucket.

Jet Route No. 63 (Tuna INT to Syracuse. N. Y.)

From the Tuna INT (INT of Kennedy, N. Y., 143° radial, 128 NM from Kennedy) via Kennedy; Huguenot, N. Y.; INT of Huguenot 321° and Syracuse, N. Y., 149° radials; to Syracuse.

Jet Route No. 64 (Los Angeles, Calif., to Robbinsville, N. J.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Bradford, Ill.; via the INT of the Bradford 089° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Ellwood City, Pa.; to Robbinsville, N. J.

Jet Route No. 65 (Roswell, NM., to Red Bluff, CA.)

From Roswell, NM., via Truth or Consequences, NM.; Phoenix , AZ.; INT Phoenix 272° and Blythe, CA., 096° radials; Blythe; Palmdale, CA.; INT Palmdale 291° and Bakersfield, CA. 149° radials; Bakersfield; Fresno, CA.; Sacramento, CA.; to Red Bluff, CA.

AMENDMENTS 6/22/72 37 F. R. 8441 (Rewritten)

Jet Route No. 66 (Greater Southwest, Tex., to Rome, Ga.).

From Greater Southwest, Tex., via Little Rock, Ark.; Memphis, Tenn.; INT Memphis 096° and Rome, Ga., 286° radials; to Rome.

Jet Route No. 67 (Lakeview, Oreg., to Portland, Oreg.)

From Lakeview, Oreg., direct Portland, Oreg.

Jet Route No. 68 (Milwaukee, Wis., to Nantucket, Mass.).

From Milwaukee, Wis., via INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N. Y., 274° radials; Dunkirk; Hancock, N. Y.; INT Hancock 082° and Putnam, Conn., 293° radials; Putnam; Providence, R. I.; to Nantucket, Mass., excluding the portion within Canada.

Jet Route No. 69 (Mobile, Ala., to Birmingham, Ala.).

From Mobile, Ala., via INT of the Mobile 015° and the Birmingham, Ala., 232° radials; to Birmingham.

Jet Route No. 70 (Hoquiam, Wash., to Kennedy, N. Y.)(Joins Canadian High Level Airway No. 70).

From Hoquiam, Wash., via Seattle, Wash.; Ephrata, Wash.; Mullan Pass, Idaho; Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; Salem, Mich.; Jamestown, N. Y.; Sparta, N. J.; to Kennedy, N. Y.

Jet Route No. 71 (Memphis, Tenn., to Northbrook, Ill.).

From Memphis, Tenn., via Centralia, Ill.; to Northbrook, Ill.

PENDING AMENDMENT

Jet Route No. 71 (Memphis, Tenn., to Northbrook, Ill.).

From Memphis, Tenn., Centralia, Ill.; INT Centralia 019° and Northbrook, Ill., 186° radials; to Northbrook.

AMENDMENTS 1/4/73 37 F. R. 23905 (Rewritten)

Jet Route No. 72 (Boulder City, Nev., to Greater Southwest, Tex.).

From Boulder City, NV., via Peach Springs, AZ.; Winslow, AZ.; Zuni, AZ.; Albuquerque, NM.; Texico, NM.; Wichita Falls, Texas; to Greater Southwest, Texas.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed)

Jet Route No. 74 (Los Angeles, Calif., to Oklahoma City, Okla.)

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; St. Johns, Ariz., Scorro, N. Mex.; Texico, N. Mex.; to Oklahoma City, Okla.

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Jet Route No. 75 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., via the INT of the Miami 297° and the Lakeland, Fla., 175° radials; Lakeland, Fla.; Taylor, Fla.; Columbia, S. C.;
Greensboro, N. C.; Gordonsville, Va.; Westminster, Md.; Huguenot, N. Y.; Albany, N. Y.; Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian Border.

AMENDMENTS 9/14/72 37 F. R. 14383 (Changed)

Jet Route No. 76 (Boulder City, Nev., to Greater Southwest, Texas).

From Boulder City, NV., via Tuba City, AZ.; Las Vegas, NM.; Tucumcari, NM.; Wichita Falls, Texas; to Greater Southwest, Texas.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed)

Jet Route No. 77 (Miami, Fla., to Boston, Mass.)

From Biscayne Bay, Fla., via the INT of Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach; Daytona Beach, Fla.; Jacksonville, Fla.; Charleston, S. C.; Wilmington, N. C.; Gordonsville, Va; Westminster, Md.; Huguenot, N. Y.; to Boston, Mass.

Jet Route No. 78 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, AZ.; Zuni, AZ.; Albuquerque, NM.; Tucumcari, NM.; Amarillo, TX.; Oklahoma City, Okla.; Tulsa, Okla.; Farmington, Mo.; Louisville, Ky., Charleston, W. Va.; Philipsburg, Pa.; INT Phillipsburg 083° and Keating, Pa., 099° radials; to Kennedy, N. Y.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed)

Jet Route No. 79 (Miami, Fla., to Kennedy, N. Y.).

From Biscayne Bay, Fla., via the INT of Biscayne Bay 348° and Vero Beach, Fla., 178° radials; Vero Beach; Daytona Beach, Fla.; INT of Daytona Beach 360°,
Savannah, Ga., 180° and Jacksonville, Fla., 028° radials; Charleston, S. C.; Wilmington, N. C.; Norfolk, Va.; INT of Norfolk 023° and Coyle, N. J., 208° radials; Coyle; to Kennedy, N. Y.

Jet Route No. 80 (Oakland, Calif. to Kennedy, N. Y.).

From Oakland, Calif., via Stockton, Calif., Coaldale, Nev.; Wilson Creek, Nev.; Milford, Utah; Grand Junction, Colo.; Denver, Colo.; Goodland, Kans.; Hill City, Kans; Salina, Kans.; Kansas City, Mo.; Capital, Ill.; Indianapolis, Ind.; Bellaire, Ohio; Coyle, N. J.; to Kennedy, N. Y.

Jet Route No. 81 (Miami, Fla., to Barracuda, Fla., INT).

From Miami, Fla., via Orlando, Fla., to the INT of the Satellite, Fla., RBN 055° and the Bimini, Bahamas, RBN 008° bearings.

Jet Route No. 82 (Portland, Oreg. to Albany, N. Y.).

From Portland, Oreg., via McCall, Idaho; Dubois, Idaho; Crazy Woman, Wyo.; Rapid City, S. Dak; Sioux Falls, S. Dak.; Fort Dodge, Iowa; Dubuque, Iowa; INT of Dubuque 095° and Joliet, Ill., 317° radials; Joliet; Cleveland, Ohio; Jamestown, N. Y.; to Albany, N. Y.

Jet Route No. 83 (Knoxville, Tenn., to Cleveland, Ohio).

From Knoxville, Tenn., via the INT of the Knoxville 018° and the Appleton, Ohio, 189° radials; Appleton; to Cleveland, Ohio.

Jet Route No. 84 (Oakland, CA., to Northbrook, IL.).

From Oakland, CA., via Linden, CA.; Mina, NV.; Delta, UT.; Meeker, CO.; Sidney, NE.; Wolbach, NE.; Dubuque, IA.; to Northbrook, IL.

AMENDMENTS 2/3/72 36 F. R. 23202 (Changed)

Jet Route No. 85 (Miami, Fla., to Salem, Mich.) (Joins Canadian High Level Airway No. 85).

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Augusta, Ga.; Spartanburg, S. C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio 172° radials; Cleveland; to Salem, Mich. The portion within Canada is excluded.

PENDING AMENDMENT
In Jet Route No. 85 "Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma;" is deleted and "Lakeland; Taylor, Fla.; Alma, Ga.;" is substituted therefor.

AMENDMENTS 1/4/73 37 F. R. 23905 (Changed)

Jet Route No. 86 (Boulder City, Nev. to Miami, Fla.).

From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; El Paso, Tex.; Fort Stockton, Texas; Junction, Tex.; Austin, Tex.; Humble, Tex.; Leeville, La.; INT of Leeville 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

Jet Route No. 87 (Humble, Texas to Northbrook, Ill.).

From Humble, Tex., via INT Humble 332° and Greater Southwest, Tex., 154° radials; Greater Southwest; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Kirksville, Mo., 242° radials; Kirksville; Bradford; Joliet, Ill., to Northbrook, Ill.

Jet Route No. 88 (Los Angeles, Calif., to Oakland, Calif.).

From Los Angeles, Calif., via INT of the Los Angeles 303° and the Santa Barbara, Calif., 109° radials; Santa Barbara; Salinas, Calif.; INT of the Salinas 310° and the Oakland, Calif., 170° radials; to Oakland.

Jet Route No. 89 (Miami, Fla., to Duluth, Minn.).

From Miami, Fla. via the INT of the Miami 316° and the Lakeland, Fla. 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Atlanta, Ga.; Louisville, Ky.; Lafayette, Ind.; Northbrook; Milwaukee, Wis., to Duluth, Minn.
PENDING AMENDMENT
In Jet Route No. 89 "Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma;" is deleted and "Lakeland; Taylor, Fla.; Alma, Ga.;" is substituted therefor.

AMENDMENTS 1/4/73 37 F. R. 23905 (Changed)

Jet Route No. 90 (Seattle, Wash., to Northbrook, Ill.).

From Seattle, Wash., via Ephrata, Wash.; Mullan Pass, Idaho; Lewistown, Mont.; Miles City, Mont.; Aberdeen, S. Dak.; Redwood Falls, Minn.; Mason City, Iowa; INT of the Mason City 095° and the Northbrook, Ill., 292° radials; to Northbrook.

Jet Route No. 91 (Atlanta, Ga., to Cleveland, Ohio).

From Atlanta, Ga., via Knoxville, Tenn.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; to Cleveland.

Jet Route No. 92 (Reno, Nev., to Tucson, Ariz.).

From Reno, Nev., via Coaldale, Nev.; Beatty, Nev.; INT Beatty 142° and Boulder City, Nev., 272° radials; Boulder City; Prescott, Ariz.; Phoenix, Ariz.; to Tucson, Ariz.
PENDING AMENDMENT
Jet Route No. 92 is altered as follows: "to Tucson, Ariz." is deleted and "Casa Grande, Ariz.; INT of Casa Grande 145° and Tucson 298° radials to Tucson, Ariz." is substituted therefor.

AMENDMENTS 1/4/73 37 F. R. 24107 (Changed)

Jet Route No. 94 (Oakland, Calif., to Boston, Mass.).

From Oakland, Calif., via Stockton, Calif.; Reno, Nev.; Battle Mountain, Nev.; Lucin, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Fort Dodge, Iowa; Dubuque, Iowa; Northbrook; Pullman, Mich.; Flint, Mich.; Peck, Mich.;
to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N. Y., 274° radial via Buffalo; Albany, N. Y., to Boston, Mass.

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Jet Route No. 95 (Kennedy, N. Y., to the United States/Canadian Border).

From Kennedy, N. Y., via Huguenot, N. Y., Buffalo, N. Y.; to Kleinburg, Ontario, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 96 (Los Angeles, Calif., to Joliet, Ill.).
From Los Angeles, Calif. via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, AZ.; INT Prescott 084° and Gallup, NM., 246° radials; Gallup; Cimarron, NM.; Garden City, KS.; Salina, KS.; Kirksville, Mo.; Bradford, IL.; to Joliet, IL.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed) Corr: 37 F. R. 2499

Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N. Y.).

From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N. Y.

Jet Route No. 98 (Liberal, Kans., to Farmington, Mo.).

From Liberal, Kans., via Gage, Okla.; Oklahoma City, Okla.; via Tulsa, Okla.; Springfield, Mo.; to Farmington, Mo.

Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.).

From Atlanta, Ga., via Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

Jet Route No. 100 (Los Angeles, Calif., to Northbrook, Ill.).
From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 101 (Humble, Texas to Sault Ste. Marie, Mich.).

From Humble, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Capital, Ill.; INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich.

Jet Route No. 102 (Phoenix, Ariz., to Salina, Kans.).

From Phoenix, Ariz., via INT of Phoenix 066° and Zuni, N. Mex., 226° radials; Zuni; Alamosa, Colo.; Lamar, Colo.; to Salina, Kans.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed)
AMENDMENTS 11/9/72 37 F. R. 18904 (Rewritten)

Jet Route No. 103 (St. Petersburg, Fla., to Savannah, Ga.).

From St. Petersburg, Fla., via Orlando, Fla.; Daytona Beach, Fla.; to Savannah, Ga.

Jet Route No. 104 (Blythe, CA., to Denver, CO.).

From Blythe, CA., via INT Blythe 096° and Gila Bend, AZ., 299° radials; Gila Bend; Tucson, AZ.; San Simon, AZ.; Socorro, NM.; Las Vegas, NM.; Pueblo, CO.; to Denver, CO.

AMENDMENTS 5/25/72 37 F. R. 4957 (Changed)

Jet Route No. 105 (Greater Southwest, Tex., to Milwaukee, Wis.).

From Greater Southwest, Tex., via Fayetteville, Ark.; Springfield, Mo.; Bradford, Ill.; to Milwaukee, Wis.

Jet Route No. 106 (Minneapolis, Minn., to Kennedy, N. Y.).
From Minneapolis, Minn., via Green Bay, Wis.; INT Green Bay 106° and Flint, Mich., 310° radials; Flint; INT Flint 127° and Salem, Mich., 092° radials; Jamestown, N. Y.; Sparta, N. J.; to Kennedy, N. Y., excluding the portion within Canada.

Jet Route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).

That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Delta, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., to Kenora, Ontario, Canada.

Jet Route No. 108 (Winslow, Ariz., to St. Johns, Ariz.)

From Winslow, Ariz., via St. Johns, Ariz.; Truth or Consequences, N. Mex.; INT Truth or Consequences, N. Mex. 106° and Wink, Tex., 297° radials; to Wink, Tex.

Corr: 37 F. R. 4704

Jet Route No. 109 (Wilmington, N. C., to Buffalo, N. Y.).

From Wilmington, N. C., via Gordonsville, Va.; Front Royal, Va.; to Buffalo, N. Y.

Jet Route No. 110 (Oakland, Calif., to Kennedy, N. Y.).

From Oakland, Calif., via INT of the Oakland 170° and the Salinas, Calif., 310° radials; Salinas; Fresno, Calif.; Boulder City, Nev.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Garder City, Kans.; Butler, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Bellaire, Ohio; Coyle, N. J.; to Kennedy, N. Y.

Jet Route No. 111 (Nome, Alaska, to Middleton Island, Alaska.).

From Nome, Alaska, via Unalakleet, Alaska; McGrath, Alaska; Anchorage, Alaska; to Middleton Island, Alaska.

PENDING AMENDMENT
Jet Route No. 111 (Nome, Alaska, to Porpoise INT, Alaska).

From Nome, Alaska, via Unalakleet, Alaska; McGrath, Alaska; Anchorage, Alaska; Middleton Island, Alaska; to Porpoise INT (Middleton Island 121° and Yakutat, Alaska 215° radials).

AMENDMENTS 1/4/73 37 F. R. 22577 (Rewritten)

Jet Route No.112 (Butler, Mo., to Louisville, Ky.).

From Butler, Mo., via Farmington, Mo., to Louisville, Ky.

Jet Route No. 113 (Northbrook, Ill., to Minneapolis, Minn.).
From Northbrook, Ill., via Dubuque, Iowa; to Minneapolis, Minn.

Jet Route No. 114 (Denver, Colo. to Minneapolis, Minn.).

From Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; to Minneapolis, Minn.

Jet Route No. 115 (Shemya, Alaska to Deadhorse, Alaska).

From Shemya, Alaska, RBN, via Adak, Alaska, RBN; Nikolski, Alaska, RBN; Cold Bay, Alaska; King Salmon, Alaska; INT King Salmon 053° and Kenai, Alaska, 239° radials; Kenai; Anchorage, Alaska; Fairbanks, Alaska; Chandalar, Alaska, RBN (CQR); Sagwon, Alaska, RBN; to Deadhorse, Alaska, RBN.

Jet Route No. 116 (Salt Lake City, Utah, to Denver, Colo.).

From Salt Lake City, Utah, via Fairfield, Utah; Meeker, Colo.; to Denver, Colo.

Jet Route No. 117 (McGrath, Alaska, to Kotzebue, Alaska).

From McGrath, Alaska, via Galena, Alaska; to Kotzebue, Alaska.

AMENDMENTS 11/9/72 37 F. R. 17545 (Changed)

Jet Route No. 118 (Memphis, Tenn., to Spartanburg, S. C.)

From Memphis, Tenn., via Chattanooga, Tenn., to Spartanburg, S. C.

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Jet Route No. 119 (Miami, Fla., to Alma, Ga.)

From Miami, Fla., via the INT of the Miami 297° and the St. Petersburg, Fla., 151° radials; St. Petersburg; to Alma, Ga.
PENDING AMENDMENT
In Jet Route No. 119 "St. Petersburg; to Alma, Ga." is deleted and "St. Petersburg; to Taylor, Fla." is substituted therefor.

AMENDMENTS 1/4/73 37 F. R. 23905 (Changed)

Jet Route No. 120 (Bethel, Alaska, to Barter Island, Alaska).

From Bethel, Alaska, via McGrath, Alaska; Fairbanks, Alaska; Fort Yukon, Alaska; to the Barter Island, Alaska, RBN.

Jet Route No. 121 (Norfolk, Va., to Providence, R. I.).

From Norfolk, Va., via INT of Norfolk 023° and Sea Isle, N. J., 212° radials; Sea Isle; INT of Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; Providence, R. I.; to INT of Providence 045° and Boston, Mass., 066° radials.

Jet Route No. 122 (Nenana, Alaska, to Nome, Alaska).

From Fairbanks, Alaska, via Galena, Alaska; to Nome, Alaska.

Jet Route No. 123 (From Marble, Alaska, to Browerville, Alaska).

From INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at lat. 57°28'00" N., long. 150°32'00" W., via Kodiak; King Salmon, Alaska; Bethel, Alaska; Nome, Alaska; Kotzebue, Alaska; to Browerville, Alaska, RBN.

AMENDMENTS 11/9/72 37 F. R. 19355 (Changed)

Jet Route No. 124 (Anchorage, Alaska to Northway, Alaska).

From Anchorage, Alaska, via Big Lake, Alaska; Gulkana, Alaska; to Northway, Alaska.

Jet Route No. 125 (Kodiak, Alaska, to Chandalar Lake, Alaska).

From Kodiak, Alaska, via Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska, RBN.

Jet Route No. 126 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; INT of the Avenal 329° and the Stockton, Calif., 164° radials; Stockton; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg.; to Seattle, Wash.

Jet Route No. 127 (King Salmon, Alaska, to Anchorage, Alaska)

From King Salmon, Alaska, via INT King Salmon 042° and Anchorage, Alaska, 246° radials to Anchorage.

Jet Route No. 128 (Los Angeles, Calif. to Northbrook, Ill.).

From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Gunnison, Colo.; Denver, Colo.; Hays Center, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 129 (Nome, Alaska, to Kotzebue, Alaska)

From Nome, Alaska, to Kotzebue, Alaska, via INT Nome 009° and Kotzebue 221° radials.

Jet Route No. 130 (Wilson Creek, Nev., to Grand Junction, Colo.)
From Wilson Creek, Nev., via INT Wilson Creek 068° and Grand Junction, Colo., 274° radials to Grand Junction.

Jet Route No. 131 (San Antonio, Tex., to Evansville, Ind.).

From San Antonio, Tex., via INT San Antonio 007° and Greater Southwest, Tex., 219° radials; Greater Southwest; Texarkana, Ark.; Little Rock, Ark,; to Evansville, Ind.

Jet Route No. 132 (Fort Dodge, Iowa, to Mason City, Iowa).

From Fort Dodge, Iowa, to Mason City, Iowa.

Jet Route No. 133 (Annette Island, Alaska, to Anchorage, Alaska).

From Annette Island, Alaska, via Biorka Island, Alaska; Hinchinbrook, Alaska, RR; Johnstone Point, Alaska; to Anchorage, Alaska.

Jet Route No. 134 (Los Angeles, Calif., to Front Royal, Va.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, AZ.; INT Prescott 084° and Gallup, NM., 246° radials; Gallup; Cimarron, NM.; Liberal, KS.; Wichita, KS.;
Butler, Mo.; St. Louis, Mo.; Falmouth, Ky.; INT of Falmouth 085° and Front Royal, Va., 264° radials; to Front Royal.

AMENDMENTS 3/2/72 37 F. R. 667 (Changed)

Jet Route No. 135 (Bethel, Alaska, to Unalakleet, Alaska)

From Bethel, Alaska, to Unalakleet, Alaska.

Jet Route No. 136 (Newport, Oreg. to Spokane, Wash.).

From Newport, Oreg., via Portland, Oreg., Yakima, Wash., to Spokane, Wash.

Jet Route No. 138 (Fort Stockton, Tex., to Lake Charles, La.).

From Fort Stockton, Tex.; San Antonio, Tex.; Houston, Tex.; to Lake Charles, La.

AMENDMENTS 12/7/72 37 F. R. 20807 (Rewritten)

Jet Route No. 139 (Bettles, Alaska, to Deadhorse, Alaska)

From the Bettles, Alaska, RBN to the Deadhorse, Alaska, RBN.

Jet Route No. 140 (Fargo, N. Dak., to Sault Ste. Marie, Mich.)
From Fargo, N. Dak., via Duluth, Minn., to Sault Ste. Marie, Mich.

Jet Route No. 142 (San Simon, Ariz., to Socorro, N. Mex.)

From San Simon, Ariz., via the INT of the San Simon 038° and the Socorro, N. Mex., 233° radials; to Socorro.

Jet Route No. 144 (Wolbach, Nebr., to Dubuque, Iowa).

From Wolbach, Nebr.; via Des Moines, Iowa; to Dubuque, Iowa.

Jet Route No. 145 (Charleston, W. Va., to Bellaire, Ohio).

From Charleston, W. Va., to Bellaire, Ohio.

Jet Route No. 146 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder, Nev.; Dove Creek, Colo.; Gunnison, Colo.; Goodland, Kans.; Lincoln, Nebr.; INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City; Joliet, Ill.; South Bend, Ind.; INT South Bend 089° and Chardon, Ohio, 279° radials; Chardon, Keating, Pa.; to Kennedy, N. Y., excluding the portion within Canada.

Jet Route No. 147 (Beckley, W. Va., to Gordonsville, Va.)

From Beckley, W. Va., to Gordonsville, Va.

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Jet Route No. 148 (Delta, Utah, to O'Neill, Nebr.).

From Delta, Utah, via Myton, Utah; Cheyenne, Wyo.; to O'Neill, Nebr.

Jet Route No. 149 (Casanova, Va., to Fort Wayne, Ind.).

From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood; to Fort Wayne, Ind.

Jet Route No. 150 (Hampton, N. Y., to Striper INT).

From Hampton, N. Y., via Hyannis, Mass.; to the INT of Hyannis 068° and Boston, Mass., 097° radials.

Jet Route No. 151 (Birmingham, Ala., to Billings, Mont.).

From Birmingha, Ala., via INT Birmingham 335° and Farmington, Mo., 139° radials; Farmington; St. Louis, Mo.; Des Moines, Iowa; O'Neill, Nebr.; Rapid City, S. Dak.; to Billings, Mont.

Jet Route No. 152 (Capital, Ill., to New Holland, Pa.).

From Capital, IL., via INT of Capital 091° and Rosewood, OH., 263° radials; Rosewood; Johnstown, PA.; Harrisburg, PA.; to INT Harrisburg 096° and Sparta, NJ., 231° radials.

AMENDMENTS 6/22/72 37 F. R. 9386 (Changed)

Jet Route No. 153 (From Shad INT to Sea Isle, N. J.)

From Shad INT (INT of Sea Isle, N. J. 134° radial, 118 NM from Sea Isle to Sea Isle.

Jet Route No. 154 (Battle Mountain, Nev., to Rock Springs, Wyo.).

From Battle Mountain, Nev., via Bonneville, Utah; Salt Lake City, Utah; to Rock Springs, Wyo.

Jet Route No. 155 (Chandalar Lake, Alaska, to Oliktok, Alaska)

From the Chandalar Lake, Alaska, RBN to the Oliktok, Alaska, RBN.

Jet Route No. 156 (Wilson Creek, Nev., to Meeker, Colo.).

From Wilson Creek, Nev., to Meeker, Colo.

Jet Route No. 158 (Mina, Nev., to Malad City, Idaho).

From Mina, Nev., via Lucin, Utah; to Malad City, Idaho.

Jet Route No. 160 (Fairbanks, Alaska, to Fort Yukon, Alaska)

From Fairbanks, Alaska, via INT Fairbanks 016° and Fort Yukon, Alaska, 229° radials to Fort Yukon.

Jet Route No. 161 (Zuni, N. Mex., to Farmington, N. Mex.)

From Zuni, N. Mex., to Farmington, N. Mex.

AMENDMENTS 11/9/72 37 F. R. 18904 (Rewritten)

Jet Route No. 162 (Cleveland, Ohio, to Front Royal, Va.).

From Cleveland, Ohio, via Bellaire, Ohio, INT of Bellaire 142° and Front Royal, Va., 283° radials; to Front Royal.

Jet Route No. 164 (Bryce Canyon, Utah, to Grand Junction, Colo.)
From Bryce Canyon, Utah, via INT Bryce Canyon 090° and Grand Junction, Colo.. 232° radials to Grand Junction.

Jet Route No. 166 (San Simon, AZ., to Wichita Falls, TX.)

From San Simon, AZ.; via Truth or Consequences, NM.; Roswell, NM.; to Wichita Falls, TX.

Corr: 37 F. R. 4704
AMENDMENTS 7/20/72 37 F. R. 10731 (Rewritten)

Jet Route No. 167 (Johnstone Point, AK., to Fairbanks, AK.)

From Johnstone Point, AK., via Gulkana, AK.; Big Delta, AK.; INT Big Delta 356° and Fairbanks, AK., 122° radials; to Fairbanks.

AMENDMENTS 8/17/72 37 F. R. 11859 (Added)

Jet Route No. 174 (Hampton, N. Y., to Herring INT).

From Hampton, N. Y., via Hyannis, Mass.; to the INT of Hyannis 080° and Nantucket, Mass., 066° radials.

Jet Route No. 500 (Thunder Bay, Ontario, to Fredericton, New Brunswick). (joins Canadian high level airway No. 500).

From Thunder Bay, Ontario, via Sault Ste. Marie, Mich.; North Bay, Ontario, Canada; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

Jet Route No. 501 (Oakland, Calif., to Bethel, Alaska) (Join Canadian High Level Airway No. 501).

From Oakland, Calif., via INT Oakland 305° and Ukiah, Calif., 172° radials; Ukiah; Medford, Oreg.; Hoquiam, Wash.; Neah Bay, Wash., RBN; Tofino, British Columbia, Canada, RBN; Cape Scott, British Columbia, Canada, RBN; Sandspit, British Columbia, Canada; Biorka Island, Alaska; Yakutat, Alaska; Johnstone Point, Alaska; Anchorage, Alaska; Sparrevohn, Alaska; to Bethel, Alaska, excluding the airspace within Canada.

Jet Route No. 502 (Seattle, Wash., to Kotzebue, Alaska) (Joins Canadian High Level Airway No. 502).

From Seattle, Wash.; via Victoria, British Columbia, Canada; Malcolm Island, Alaska; Annette Island, Alaska; Level Island, AK.; Sisters Island, AK.; Burwash Landing, Yukon Territory Canada, RR; Northway, AK.; Fairbanks, AK., to Kotzebue, AK., excluding the airspace within Canada.

AMENDMENTS 2/3/72 36 F. R. 23358 (Changed)

Jet Route No. 503(Seattle, Wash., to United States/Canadian Border) (joins Canadian High Level airway No. 503).

From Seattle, Wash., to the United States/Canadian Border via the Seattle direct radial to Princeton, British Columbia.

Jet Route No. 505 (Seattle, Wash., to the United States/Canadian border) (Joins Canadian high level airway No. 505)

From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian border.

Jet Route No. 506 (Millinocket, Maine, to United States/Canadian border). (Joins Canadian high level airway No. 506).

From Millinocket, Maine, via the intersection of Millinocket 114° and St. John, N. B., 267° radials; to the intersection of the St. John 267° radial with the United States/Canadian border.

Jet Route No. 507 (Browerville, Alaska, to Annette Island, Alaska)

From Browerville, Alaska, RBN, via Oliktok, Alaska, RBN; Deadhorse, Alaska, RBN; to Fort Yukon, Alaska. From Northway, Alaska, via Yakutat, AK.; Sisters Island, AK.; Level Island, AK.; to Annette Island, AK., excluding the portion within Canada.

AMENDMENTS 2/3/72 36 F. R. 23358 (Changed)
AMENDMENTS 11/9/72 37 F. R. 19355 (Changed)

Jet Route No. 509 (Long Lake, N.Y., to United States/Canadian border) (Joins Canadian high level airway No. 509)

From the INT of Albany, N.Y., 343° and St. Eustache, Quebec, 188° radials to the INT of the St. Eustache 188° radial with the United States/Canadian border.

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Jet Route No. 511 (Dillingham, Alaska, to the United States/Canadian border): (Joins Canadian high level airway No. 511).

From Dillingham, Alaska, via Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; to Burwash Landing, Yukon Territory, Canada, RR, excluding the portion which lies over Canadian territory.

Jet Route No. 513 (Thunder Bay, Ontario, Canada, to Sudbury, Ontario, Canada). (Joins Canadian high level airway No. HL-513).

From Thunder Bay, Ontario, Canada, direct to Sudbury, Ontario, Canada, excluding the portion within Canada.

Jet Route No. 515 (Fargo, N. Dak., via the United States/Canadian border, to Brownerville, Alaska). (joins Canadian high level airway No. 515.)

From Fargo, N. Dak., via Pembina, N. Dak., to the INT of Pembina 356° radial and the United States/Canadian border. From the INT of Northway, Alaska, 121° radial and the United States/Canadian border via Northway to Fairbanks, Alaska; Bettles, Alaska; to Brownerville, Alaska, RBN.

AMENDMENTS 11/9/72 37 F. R. 19355 (Changed)

Jet Route No. 516 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 516).

From Great Falls, Mont., via the Great Falls 339° radial to the United States/Canadian border.

Jet Route No. 517 (Boise, Idaho to the United States/Canadian border); (joins Canadian high level airway No. 517).

From Boise, Idaho, via Spokane, Wash., to Cranbrook, British Columbia, Canada, excluding the portion which lies over Canadian territory.

AMENDMENTS 10/6/72 37 F. R. 21160 (Changed)

Jet Route No. 518 (Cleveland, Ohio, to Westminster, Md.).

From Cleveland, Ohio, via INT of Cleveland 120° and Westminster, Md., 288° radials; to Westminster.

Jet Route No. 522 (Green Bay, Wis., to Huguenot, N. Y.) (Joins Canadian High Level airway No. 522)

From Green Bay, Wis., via Traverse City, Mich.; Kleinburg, Ontario, Canada; Hancock, N. Y.; to Huguenot, N.Y., excluding the airspace within Canada.

Jet Route No. 523 (Seattle, Wash., to Neah Bay, Wash., Sandspit, British Columbia, Canada, to Annette Island, Alaska.).

From Seattle, Wash., to the Neah Bay, Wash., RBN. From Sandspit, British Columbia, Canada, to Annette Island, Alaska; excluding the airspace within Canada.

Jet Route No. 525 (Sandspit, British Columbia, Canada, to Annette Island, Alaska) (Joins Canadian High Level Airway No. 525).

From the Sandspit, British Columbia, Canada, RR to Annette Island, Alaska, RR, excluding the airspace within Canada.

Jet Route No. 528 (Bellingham, WA., to United States/Canadian border).

From Bellingham, WA., to Williams Lake, British Columbia, Canada. The airspace within Canada is excluded.

AMENDMENTS 4/27/72 37 F. R. 777 (Added)

Jet Route No. 530 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 530).

From Great Falls, Mont., via the Great Falls 040° radial to the United States/Canadian border.

Jet Route No. 531 (Buffalo, N. Y., to Sault Ste. Marie, Mich.) (Joins Canadian high level airway No. 531.).

From Buffalo, N. Y., via Kleinburg, Ont., Canada; Wiarton, Ont., Canada; to Sault Ste. Marie, Mich., excluding the portion which lies over Canadian territory.

Jet Route No. 532 (Pembina, N. Dak., to the United States/Canadian Border) (joins Canadian high level airway No. 532).

From Pembina, N. Dak., to the United States/Canadian Border via the Pembina to Red Lake, Ontario RBN direct radial.

Jet Route No. 533 (Duluth, Minn., to the United States/Canadian Border) (joins Canadian high level airway No. 533).

From Duluth, Minn., to the United States/Canadian border via the Duluth to Thunder Bay, Ontario, direct radial.

Jet Route No. 536 (Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada). (Joins Canadian high level airway No. 536).

From Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada, excluding the portion within Canada.

Jet Route No. 538 (Duluth, Minn., to the United States/Canadian border); (joins Canadian high level airway No. 538).

From the INT of the United States/Canadian border and the direct radial between Duluth, Minn., and Kenora, Ont., to Duluth.

Jet Route No. 540 (Mullan Pass, Idaho, to the United States/Canadian border)(Joins Canadian high level airway No. 540).

From Mullan Pass, Idaho, to the INT of Mullan Pass 041° radial and the United States/Canadian border.

Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border)(joins Canadian High Level Airway No. 545).

From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border.

Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 546).

From Peck, Mich., to the United States/Canadian Border via the Peck to Kleinburg, Ontario direct radial.

Jet Route No. 547 (Northbrook, Ill., to Kennebunk, Maine). (Joins Canadian high level airway No. 547.)

From Northbrook, Ill., via Pullman, Mich.; Flint, Mich.; Peck, Mich.; London, Ontario; Buffalo, N. Y.; Syracuse, N. Y.;
INT Syracuse 094° and Albany, N. Y., 058° radials; to Kennebunk, Maine, excluding the portion which lies over Canadian territory.

Jet Route No. 548 (Pullman, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 548).

From Pullman, Mich.; via Traverse City, Mich.; Sault Ste Marie,
to the United States/Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

Jet Route No. 551 (Peck, Mich., to the United States/Canadian border.) (Joins Canadian high level airway No. 551).

From Peck, Mich., to the United States/Canadian border via the Peck to Wiarton, Ontario, direct radial.

Jet Route No. 552 (St. Georges, Quebec, Canada, to Port Menier, Quebec, Canada)

From St. Georges, Quebec, Canada, to Port Menier, Quebec, Canada, RBN, excluding the portion within Canada.

AMENDMENTS 4/27/72 37 F. R. 4075 (Added)

Jet Route No. 553 (From Beauce, Quebec, to Moncton, New Brunswick) (Joins Canadian High Level Airway No. 553).

From Beauce, Quebec, via Houlton, ME.; to Moncton, New Brunswick, excluding the portion outside the United States.

AMENDMENTS 9/14/72 37 F. R. 14993 (Added)

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Jet Route No. 554 (Knox, Ind., to Jamestown, N. Y.) (Joins Canadian High Level airway No. 554).

From INT Joliet, Ill., 108° and Fort Wayne, Ind., 279° radials; Carleton, Mich., to Jamestown, N. Y., excluding the portion within Canada.

Jet Route No. 559 (Syracuse, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 559).

From Syracuse, N. Y., to the INT of Syracuse 005° radial and the United States/Canadian border.

Jet Route No. 560 (Plattsburgh, N. Y., to the United States/Canadian Border.) (Joins Canadian high level airway No. 560.)

From Plattsburgh, N. Y., to Quebec, Quebec, Canada, excluding the airspace over Canada.

Jet Route No. 563 (Albany, N. Y., to the United States/Canadian border). (Joins Canadian High Level Airway No. 563).

From Albany, N. Y., via INT of Albany 008° and Sherbrooke, Quebec, Canada, 217° radials to Sherbrooke, excluding the airspace over Canada.

Jet Route No. 564 (Presque Isle, Maine, to the United States/Canadian border); (joins Canadian high level airway No. 564).

From Presque Isle, Maine, to INT of the Presque Isle 038° radial and the United States/Canadian border.

Jet Route No. 566 (Massena, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 566).

From Massena, N. Y., to the INT of the Massena 037° radial and the United States/Canadian border.

Jet Route No. 567 (Plattsburgh, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 567).

From Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian border.

Jet Route No. 573 (Providence, R. I., to the United States/Canadian Border). (joins Canadian High Level Airway No. 573).

From Providence, R. I., via INT Providence 045° and Kennebunk, Maine, 180° radials; Kennebunk; to St. John, New Brunswick, Canada, excluding the portion within Canada.

Jet Route No. 575 (Yardley, Pa., to Yarmouth, N. S., Canada). (Joins Canadian high level airway No. 575).

From INT Kennedy, N. Y., 247° and Robbinsville, N. J., 280° radials; via Kennedy; INT Kennedy 042° and Putnam, Conn., 247° radials; Putnam; Boston, Mass.; to Yarmouth, N. S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 581 (Hampton, N. Y. to the United States/Canadian Border); (joins Canadian high level airway No. 581).

From Hampton, N. Y., via Providence, R. I.; Boston, Mass.; Kennebunk, Maine; Bangor, Maine, to the INT of the Bangor 058° radial and the United States/Canadian border.

Jet Route No. 582 (Presque Isle, Maine, to the United States/Canadian border). (Joins Canadian high level airway No. 582.)

From Presque Isle, Maine, to Mont Joli, Quebec, Canada, excluding the portion within Canada.

Jet Route No. 584 (Northbrook, Ill., to Kennedy, N. Y.).

From Northbrook, Ill., via INT of Northbrook 094° and Carleton, Mich., 270° radials; Carleton; Slate Run, Pa.; INT Slate Run 101° and Kennedy, N. Y., 291° radials; to Kennedy.

Jet Route No. 585 (Nantucket, Mass. to Yarmouth, N.S. Canada). (Joins Canadian high level airway No. 585).

From Nantucket, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 586 (Carleton, Mich., to United States/Canadian Border near Massena, N. Y.). (Joins Canadian High Level Airway No. 586).

From Carleton, Mich., via London, Ont., Canada; Stirling, Ont., Canada; Massena, N. Y.; to St. Jean, Quebec, Canada. That airspace within Canada is excluded.

Jet Route No. 587 (Kleinburg, Ontario, Canada, to Sault Ste. Marie, MI.) (Joins Canadian High Level Airway No. 587).

From Kleinburg, Ontario, Canada, via INT Kleinburg 325° and Sault Ste. Marie, MI., 110° radials; to Sault Ste. Marie, MI., excluding the portion within Canada.

AMENDMENTS 4/27/72 37 F. R. 4181 (Added)

Jet Route No. 588 (Sault Ste. Marie, MI., to Stirling, Ontario, Canada) (Joins Canadian High Level Airway No. 588).

From Sault Ste. Marie, MI., via INT Sault Ste. Marie 110° and Stirling, Ontario, Canada, 297° radials; to Stirling, excluding the portion within Canada.

AMENDMENTS 4/27/72 37 F. R. 4181 (Added)

Jet Route No. 590 (Thunder Bay, Ontario, Canada to Sault Ste. Marie, Mich.)(Joins Canadian high level airway No. HL-590).

From the Thunder Bay, Ontario, Canada, RBN; to Sault Ste. Marie, MI., RBN. The portion within Canada is excluded.

AMENDMENTS 3/2/72 36 F. R. 24799 (Changed)

Jet Route No. 595 (From London, Ontario, to St. John, New Brunswick) (joins Canadian high level airway No. 595)

From London, Ontario via latitude 43°52'30" N., longitude 78°43'00" W.); Watertown, N. Y.; Plattsburgh, N. Y.; Bangor, Maine; to St. John, New Brunswick, Canada; excluding the portion outside the United States.

AMENDMENTS 12/7/72 37 F. R, 21530 (Added)

SUBPART C - JET ADVISORY AREAS

§75.200 En route jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 53 Jet Advisory Area.
Radar: Key West, Fla., to the positive control area boundary S of Miami, Fla.

§75.300 Terminal jet advisory areas.

(Unless otherwise specified the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Los Angeles, Calif., Jet Advisory Area
Radar. a. The airspace within 3 miles from the shoreline of Santa Catalina Island, Calif.

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SUBPART D - AREA HIGH ROUTES

§75.400 Area high routes.

The parts of airspace described below are designated as area high routes.

Waypoint name	Location		Reference facility
J800R:			
Robbinsville, N. J., VORTAC	40°12'08" N.	74°29'44" W.	Robbinsville, N. J.
Riddle, Pa.	39°58'04" N.	78°04'45" W.	Philipsburg, Pa.
Horn, Pa.	40°00'43" N.	80°13'38" W.	Elwood City, Pa.
Thackery, Ohio	39°59'34" N.	84°01'53" W.	Rosewood, Ohio
Mellott, Ind.	39°53'23" N.	87°00'54" W.	Lafayette, Ind.
Chapin, Ill.	39°39'58" N.	90°35'08" W.	St. Louis, Mo.
Kansas City, Mo., VORTAC	39°16'46" N.	94°35'28" W.	Kansas City, Mo.
Culver, Kans.	38°51'00" N.	97°43'31" W.	Wichita, Kans.
Granada, Colo.	37°59'43" N.	102°37'19" W.	Lamar, Colo.
Delhi, Colo.	37°40'09" N.	104°13'02" W.	Pueblo, Colo.
Sanford, Colo.	37°19'13" N.	105°48'11" W.	Alamosa, Colo.
Flora, N. Mex.	36°46'10" N.	108°06'23" W.	Farmington, N. Mex.
Cameron, Ariz.	35°58'37" N.	111°12'21" W.	Tuba City, Ariz.
Fenner, Calif.	34°48'12" N.	115°00'57" W.	Parker, Calif.
Morrow, Calif.	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

Waypoint name	Location		Reference facility
J801R:			
Mesquite, CA.	35°42'41" N.	115°36'17" W.	Boulder City, NV.
Boulder City, NV.	35°59'45" N.	114°51'46" W.	Boulder City, NV.
Paria, Ariz.	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah
Gypsum, Colo.	37°51'16" N.	108°33'32" W.	Farmington, N. Mex.
Powder Horn, Colo.	38°15'52" N.	106°57'50" W.	Gunnison, Colo.
Rosemont, Colo.	38°46'01" N.	104°51'03" W.	Pueblo, Colo.
Dresden, Kans.	39°38'14" N.	100°23'38" W.	Hayes Center, Nebr.
Ruskin, Nebr.	40°08'16" N.	97°56'34" W.	Wolback, Nebr.
Garden Grove, Iowa	40°53'49" N.	93°30'28" W.	Des Moines, Iowa
Joliet, Ill., VORTAC	41°32'47" N.	88°19'06" W.	Joliet, Ill.
Wolverine, Mich.	42°13'36" N.	83°58'14" W.	Carleton, Mich.
Spot, Ohio	42°00'19" N.	80°56'16" W.	Carleton, Mich.
Ormsby, Pa.	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J., VORTAC	41°04'03" N.	74°32'19" W.	Sparta, N. J.

AMENDMENTS 4/27/72 37 F. R. 4326 (Changed)

Waypoint name	Location		Reference facility
J802R:			
Robbinsville, N. J., VORTAC	40°12'08" N.	74°29'44" W.	Robbinsville, N. J.
Furnace, Pa.	40°36'35" N.	78°02'40" W.	Philipsburg, Pa.
Shiloh, Ohio	40°57'44" N.	82°30'16" W.	Appleton, Ohio
San Pierre, Ind.	41°08'24" N.	87°02'53" W.	Lafayette, Ind.
Bradford, Ill.	41°09'35" N.	89°35'16" W.	Iowa City, Iowa
Lincoln, Nebr.	40°55'26" N.	96°44'30" W.	Pawnee City, Nebr.
Melton, Nebr.	40°39'38" N.	100°57'02" W.	Hayes Center, Nebr.
Gilcrest, Colo.	40°16'43" N.	104°49'59" W.	Denver, Colo.
Blanco, Colo.	39°53'01" N.	107°52'45" W.	Meeker, Colo.
Hill Creek, Utah	39°33'51" N.	109°58'03" W.	Myton, Utah
Nebo, Utah	39°16'43" N.	111°38'27" W.	Fairfield, Utah
Grafton, Nev.	38°43'06" N.	114°32'58" W.	Wilson Creek, Nev.
Coaldale, Nev., VORTAC	38°00'12" N.	117°46'10" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J803R:			
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.
Bristol, Nev.	39°23'01" N.	114°50'10" W.	Wilson Creek, Nev.
Clear Lake, Utah	39°52'08" N.	112°42'38" W.	Delta, Utah
Ouray, Utah	40°02'59" N.	110°12'19" W.	Myton, Utah
Maybelle, Colo.	40°45'44" N.	108°07'47" W.	Meeker, Colo.
Tank, Wyo.	41°17'12" N.	104°47'30" W.	Cheyenne, Wyo.
Sand, Nebr.	41°44'19" N.	101°09'59" W.	Hayes Center, Nebr.
Plum Creek, Nebr.	42°07'05" N.	96°53'26" W.	Lincoln, Nebr.
Scales Mound, Ill.	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
Haven, Mich.	42°19'27" N.	86°17'17" W.	South Bend, Ind.
Wolverine, Mich.	42°13'36" N.	83°58'14" W.	Carleton, Mich.
Spot, Ohio	42°00'19" N.	80°56'16" W.	Carleton, Mich.
Ormsby, Pa.	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J. VORTAC	41°04'03" N.	74°32'19" W.	Sparta, N. J.

Waypoint name	Location		Reference facility
J804R Tampa, FL., to Atlanta, GA.			
Darby, FL.	28°11'59" N.	82°51'58" W.	Gainesville, FL.
Amsterdam, GA.	30°43'23" N.	84°23'02" W.	Tallahassee, FL.
Texas, GA.	33°02'35" N.	85°12'27" W.	Montgomery, AL.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J807R:			
Belle Terre, Conn.	41°02'17" N.	73°08'51" W.	Hampton, N. Y.
Cherry Plain, N. Y.	42°40'52" N.	73°18'11" W.	Albany, N. Y.
Holland, Vt.	44°59'29" N.	71°59'58" W.	Plattsburgh, N. Y.

Waypoint name	Location		Reference facility
J808R:			
Sardine, NY.	40°31'19" N.	72°47'56" W.	Kennedy, NY.
Mary Ann, Mass.	41°29'31" N.	70°09'06" W.	Nantucket, Mass.
Whaler, Mass.	42°11'49" N.	67°00'28" W.	Nantucket, Mass.

AMENDMENTS 3/30/72 37 F. R. 5814 (Changed)

Waypoint name	Location		Reference facility
J809R:			
Sardine, NY.	40°31'19" N.	72°47'56" W.	Kennedy, NY.
Mary Ann, Mass.	41°29'31" N.	70°09'06" W.	Nantucket, Mass.
Davey, Maine	42°55'46" N.	67°29'55" W.	Nantucket, Mass.

AMENDMENTS 3/30/72 37 F. R. 5814 (Changed)

Waypoint name	Location		Reference facility
J810R:			
Kinderhook, Mich.	41°47'37" N.	85°00'23" W.	Fort Wayne, Ind.
Marble, Ohio	41°38'39" N.	82°31'06" W.	Cleveland, Ohio
Avis, Pa.	41°07'46" N.	77°23'00" W.	Philipsburg, Pa.
Pennwell, N. J.	40°48'06" N.	74°55'59" W.	Sparta, N. J.

Waypoint name	Location		Reference facility
J811R Chicago, IL., to Miami, FL.			
Judyville, IN.	40°14'20" N.	87°22'35" W.	Indianapolis, IN.
Elmwood, TN.	36°19'34" N.	85°50'29" W.	Nashville, TN.
Rockmart, GA.	34°16'05" N.	85°05'51" W.	Birmingham, AL.
Mauk, GA.	32°29'12" N.	84°24'51" W.	Macon, GA.
Peninsula, FL.	30°07'24" N.	83°33'01" W.	Gainesville, FL.
Reptile, FL.	26°10'36" N.	81°06'53" W.	Palm Beach, FL.

AMENDMENTS 10/12/72 37 F. R. 15293 (Added)

PENDING AMENDMENT

In J811R "Rockmart, Ga. 34°16'05" N/85°05'51" W. Birmingham, Ala." is deleted and substitute:

Rome, Ga.	34°09'45" N.	85°07'10" W.	Birmingham, Ala.

AMENDMENTS 1/4/73 37 F. R. 22974 (Changed)

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Waypoint name	Location		Reference facility
J812R Miami, FL., to Chicago, IL.			
Hialeah, FL.	26°11'22" N.	80°42'24" W.	Vero Beach, FL.
Apopka, FL.	28°25'30" N.	81°55'45" W.	Vero Beach, FL.
Archer, FL.	29°34'20" N.	82°33'00" W.	Gainesville, FL.
Alma, GA.	31°32'11" N.	82°30'30" W.	Savannah, GA.
Russell, GA.	33°49'00" N.	83°32'54" W.	Atlanta, GA.
Shutout, KY.	37°14'52" N.	85°21'50" W.	Knoxville, TN.
Borden, IN.	38°37'12" N.	86°02'11" W.	Evansville, IN.
Foresman, IN.	40°51'20" N.	87°11'36" W.	Fort Wayne, IN.
Chicago Heights, IL.	41°30'36" N.	87°34'17" W.	Fort Wayne, IN.

AMENDMENTS 10/12/72 37 F. R. 15293 (Added)

PENDING AMENDMENT

In J812R delete second waypoint information "Apopka, Fla. 28°25'30" N., 81°55'45" W., Vero Beach, Fla." and substitute:

Apopka, Fla.	28°25'30" N.	81°55'45" W.	Daytona Beach, Fla.

AMENDMENTS 1/4/73 37 F. R. 24419 (Changed)

Waypoint name	Location		Reference facility
J813R:			
Bremen, Ga.	33°39'32" N.	85°12'55" W.	Montgomery, Ala.
Montgomery, Ala., VORTAC	32°13'20" N.	86°19'11" W.	Montgomery, Ala.
Monroeville, Ala.	31°27'37" N.	87°21'10" W.	Montgomery, Ala.
New Orleans, La., VORTAC	30°01'47" N.	90°10'20" W.	New Orleans, La.

Waypoint name	Location		Reference facility
J814R:			
New Orleans, La., VORTAC	30°01'47" N.	90°10'20" W.	New Orleans, La.
Monroeville, Ala.	31°27'37" N.	87°21'10" W.	Montgomery, Ala.
Montgomery, Ala.	32°13'20" N.	86°19'11" W.	Montgomery, Ala.
Texas, Ga.	33°02'35" N.	85°12'27" W.	Montgomery, Ala.

Waypoint name	Location		Reference facility
J815R Washington, D. C. to Atlanta, Ga.			
Casanova, Va.	38°38'28" N.	77°51'57" W.	Gordonsville, Va.
Fancy Gap, Va.	36°39'25" N.	80°39'56" W.	Greensboro, N. C.
Lanier, Ga.	34°19'21" N.	83°40'53" W.	Spartanburg, S. C.

Waypoint name	Location		Reference facility
J816R:			
Social Circle, GA.	33°37'10" N.	83°36'42" W.	Augusta, GA.
Lincolnton, N. C.	35°12'11" N.	80°55'57" W.	Spartanburg, S. C.
Richmond, Va.	37°30'08" N.	77°19'14" W.	Flat Rock, Va.
Marburg, Va.	38°30'27" N.	77°07'05" W.	Flat Rock, Va.

AMENDMENTS 4/27/72 37 F. R. 6575 (Changed)

Waypoint name	Location		Reference facility
J819R Boston, MA., to Chicago, IL.			
Merrimack, Mass.	42°41'31" N.	71°24'10" W.	Putnam, Conn.
Spad, NY.	43°04'37" N.	74°41'42" W.	Hancock, NY.
Pakin, NY.	43°02'17" N.	78°39'07" W.	Buffalo, NY.
Sunfield, MI.	42°42'07" N.	84°53'12" N.	Carleton, MI.
Papi, IL.	42°16'16" N.	87°36'28" W.	South Bend, IN.

AMENDMENTS 10/12/72 37 F. R. 15293 (Added)
AMENDMENTS 10/12/72 37 F. R. 16935 (Changed)
AMENDMENTS 9/8/72 37 F. R. 18184 (Changed)

Waypoint name	Location		Reference facility
J820R Chicago, IL., to Boston, MA.			
O'Hare, IL.	41°59'16" N.	87°54'17" W.	Joliet, IL.
Wolverine, MI.	42°13'36" N.	83°58'14" W.	Carleton, MI.
Schooner, PA.	42°20'03" N.	80°20'13" W.	Chardon, OH.
Hamlet, NY.	42°20'40" N.	79°05'55" W.	Slate Run, PA.
Cherry Plain, NY.	42°40'52" N.	73°18'11" W.	Albany, NY.
Gardner, MA.	42°32'45" N.	72°03'31" W.	Putnam, CT.

AMENDMENTS 10/12/72 37 F. R. 15293 (Added)

Waypoint name	Location		Reference facility
J821R Chicago, Ill., to Minneapolis, Minn.			
Milwaukee, Wis.	43°07'01" N.	88°17'03" W.	Green Bay, Wis.
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.

Waypoint name	Location		Reference facility
J822R Minneapolis, Minn., to Chicago, Ill.			
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.
Lakewood, Ill.	42°12'21" N.	88°18'53" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J823R Detroit, MI., to Chicago, IL.			
Holt, MI.	42°28'00" N.	84°34'53" W.	South Bend, IN.
Pullman, MI.	42°27'56" N.	86°06'21" W.	South Bend, IN.
Papi, IL.	42°16'16" N.	87°36'28" W.	South Bend, IN.

AMENDMENTS 10/12/72 37 F. R. 14691 (Added)

Waypoint name	Location		Reference facility
J824R St. Louis, Mo., to Chicago, Ill.			
Jerseyville, Ill.	39°04'13" N.	90°18'27" W.	Centralia, Ill.
Kappa, Ill.	40°50'22" N.	88°54'07" W.	Bradford, Ill.
Joliet, Ill.	41°32'47" N.	88°19'06" W.	Joliet, Ill.
Warren, Ill.	41°48'38" N.	88°16'07" W.	Joliet, Ill.

Waypoint name	Location		Reference facility
J825R Chicago, Ill., to St. Louis, Mo.			
Roberts, IL.	40°34'54" N.	88°09'51" W.	Capital, IL.
Sorento, Ill.	39°01'07" N.	89°35'11" W.	Capital, Ill.
Prairie, Ill.	38°58'18" N.	89°51'27" W.	Capital, Ill.

AMENDMENTS 3/30/72 37 F. R. 2499 (Changed)

Waypoint name	Location		Reference facility
J826R (Kansas City, Mo., to Chicago, Ill.)			
Bogard, Mo.	39°24'13" N.	93°44'49" W.	Lamoni, Iowa
Bradford, Ill.	41°09'35" N.	89°35'16" W.	Iowa City, Iowa
Warren, Ill.	41°48'38" N.	88°16'07" W.	Joliet, Ill.

Waypoint name	Location		Reference facility
J827R (Chicago, Ill., to Kansas City, Mo.)			
Morrison, Ill.	41°55'53" N.	89°47'00" W.	Bradford, Ill.
Kirksville, Mo.	40°08'06" N.	92°35'30" W.	Lamoni, Iowa
Lawson, Mo.	39°30'13" N.	94°05'16" W.	Lamoni, Iowa

Waypoint name	Location		Reference facility
J830R (St. Louis, Mo., to New York, N. Y.)			
Marine, Ill.	38°43'46" N.	89°51'54" W.	Capital, Ill.
Gosport, Ind.	39°25'27" N.	86°39'29" W.	Lafayette, Ind.
Spot, Ohio	42°00'19" N.	80°56'16" W.	Carleton, Mich.
Ormsby, Pa.	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J.	41°04'03" N.	74°32'19" W.	Sparta, N. J.

Waypoint name	Location		Reference facility
J832R Philadelphia, Pa., to Boston, Mass.			
Millville, N. J.	39°32'15" N.	74°58'03" W.	J. F. Kennedy, N. Y.
Tugboat, N. J.	39°48'45" N.	73°22'20" W.	J. F. Kennedy, N. Y.
Water Mill, N. Y.	40°49'17" N.	72°17'15" W.	Putnam, Conn.
Whitman, Mass.	42°03'28" N.	70°59'13" W.	Putnam, Conn.

Waypoint name	Location		Reference facility
J833R Boston, Mass., to Philadelphia, Pa.			
Summer, Mass.	42°02'06" N.	70°36'17" W.	Putnam, Conn.
Tugboat, N. J.	39°48'45" N.	73°22'20" W.	J. F. Kennedy, N. Y.
Coyle, N. J.	39°49'02" N.	74°25'55" W.	Coyle, N. J.

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Waypoint name	Location		Reference facility
J834R (Chicago, Ill., to Cleveland, Ohio)			
Kinderhook, Mich.	41°47'37" N.	85°00'23" W.	Fort Wayne, Ind.
Henrietta, Ohio	41°19'23" N.	82°22'42" W.	Carleton, Mich.

Waypoint name	Location		Reference facility
J835R Cleveland, Ohio, to Chicago, Ill.			
Axtel, Ohio	41°31'27" N.	82°15'55" W.	Rosewood, Ohio
Plant, Ind.	41°37'29" N.	87°15'57" W.	Lafayette, Ind.

AMENDMENTS 9/7/72 37 F. R. 18074 (Changed)

Waypoint name	Location		Reference facility
J836R (Chicago, Ill., to Cincinnati, Ohio)			
Judyville, IN.	40°14'20" N.	87°22'35" W.	Indianapolis, IN.
Osgood, Ind.	39°09'27" N.	85°12'25" W.	Fort Wayne, Ind.

AMENDMENTS 10/12/72 37 F. R. 16475 (Changed)

Waypoint name	Location		Reference facility
J837R Cincinnati, Ohio, to Chicago, Ill.			
Sunman, Ind.	39°15'37" N.	85°08'15" W.	Fort Wayne, Ind.
Foresman, Ind.	40°51'20" N.	87°11'36" W.	Fort Wayne, Ind.
Chicago Heights, Ill.	41°30'36" N.	87°34'17" W.	Fort Wayne, Ind.

Waypoint name	Location		Reference facility
J838R Atlanta, GA., to Jacksonville, FL.			
Crest, GA.	32°59'25" N.	84°27'28" W.	Augusta, GA.
Vienna, GA.	32°12'48" N.	83°29'51" W.	Augusta, GA.
Calahan, FL.	30°45'09" N.	82°05'08" W.	Savannah, GA.

AMENDMENTS 5/25/72 37 F. R. 6383 (Added)

Waypoint name	Location		Reference facility
J839R (Jacksonville, Fla., to Atlanta, Ga.)			
Kings, Ga.	30°45'00" N.	81°44'02" W.	Savannah, Ga.
Sinclair, Ga.	33°05'19" N.	83°33'03" W.	Augusta, Ga.

Waypoint name	Location		Reference facility
J842R Dallas, TX., to New York, NY.			
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.
Texarkana, AR.	33°30'50" N.	94°04'23" W.	Shreveport, LA.
Memphis, TN.	34°56'34" N.	89°57'35" W.	Walnut Ridge, AR.
Watertown, TN.	36°13'46" N.	86°06'27" W.	Bowling Green, KY.
Woodbine, KY.	36°50'56" N.	84°02'21" W.	Knoxville, TN.
Kimball, WV.	37°24'00" N.	81°27'57" W.	Charleston, WV.
Gordonsville, VA.	38°00'48" N.	78°09'12" W.	Richmond, VA.
Atlantic City, NJ.	39°27'21" N.	74°34'36" W.	Westminster, MD.

AMENDMENTS 10/12/72 37 F. R. 14691 (Added)

Waypoint name	Location		Reference facility
J843R New York, NY., to Dallas, TX.			
Robbinsville, NJ.	40°12'08" N.	74°29'44" W.	Robbinsville, NJ.
Westminster, MD.	39°29'42" N.	76°58'44" W.	Gordonsville, VA.
Sanderson, WV.	38°24'04" N.	81°23'29" W.	Beckley, WV.
Shutout, KY.	37°14'52" N.	85°21'50" W.	Knoxville, TN.
Sadler, KY.	36°41'06" N.	87°06'56" W.	Evansville, IN.
Birdeye, AR.	35°27'43" N.	90°35'28" W.	Walnut Ridge, AR.
Horatio, AR.	33°58'47" N.	94°21'05" W.	Texarkana, AR.
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.

AMENDMENTS 10/12/72 37 F. R. 14691 (Added)

Waypoint name	Location		Reference facility
J844R Atlanta, GA., to Chicago, IL.			
Canton, GA.	34°19'29" N.	84°25'39" W.	Chattanooga, TN.
Shutout, KY.	37°14'52" N.	85°21'50" W.	Knoxville, TN.
Borden, IN.	38°37'12" N.	86°02'11" W.	Evansville, IN.
Foresman, IN.	40°51'20" N.	87°11'36" W.	Fort Wayne, IN.
Chicago Heights, IL.	41°30'36" N.	87°34'17" W.	Fort Wayne, IN.

AMENDMENTS 10/12/72 37 F. R. 14691 (Added)

Waypoint name	Location		Reference facility
J846R (Omaha, Nebr., to Chicago, Ill.)			
Omaha, Nebr.	41°18'00" N.	95°54'00" W.	Lamoni, Iowa
Des Moines, Iowa	41°26'15" N.	93°38'54" W.	Lamoni, Iowa
Scales Mound, Ill.	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
Lakewood, Ill.	42°12'21" N.	88°18'53" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J847R Chicago, IL., to Omaha, NE.			
Morrison, IL.	41°55'53" N.	89°47'00" W.	Bradford, IL.
Des Moines, IA.	41°26'15" N.	93°38'54" W.	Lamoni, IA.
Neola, IA.	41°28'23" N.	95°39'29" W.	Lamoni, IA.

AMENDMENTS 10/12/72 37 F. R. 14691 (Added)

Waypoint name	Location		Reference facility
J849R (Chicago, Ill., to Des Moines, Iowa)			
Morrison, Ill.	41°55'53" N.	89°47'00" W.	Bradford, Ill.
Runnells, Iowa	41°36'44" N.	93°22'48" W.	Mason City, Iowa

Waypoint name	Location		Reference facility
J850R Los Angeles, Calif., to San Francisco, Calif.			
Ventura, Calif.	34°06'54" N.	119°02'55" W.	Bakersfield, Calif.
Piers, Calif.	36°34'28" N.	121°55'13" W.	Fresno, Calif.

Waypoint name	Location		Reference facility
J851R San Francisco, Calif., to Los Angeles, Calif.			
Logan, Calif.	36°58'59" N.	121°43'26" W.	Fresno, Calif.
Virginia, Calif.	34°13'24" N.	118°49'11" W.	Los Angeles, Calif.

Waypoint name	Location		Reference facility
J-852R Las Vegas, Nev., to San Francisco, Calif.			
Lucky, Nev.	36°02'22" N.	115°50'08" W.	Beatty, Nev.
Modesto, CA.	37°37'39" N.	120°57'25" W.	Fresno, CA.

AMENDMENTS 6/22/72 37 F. R. 8659 (Changed)

Waypoint name	Location		Reference facility
J853R Los Angeles, Calif., to Phoenix, Ariz.			
Seal Beach, Calif.	33°47'00" N.	118°03'14" W.	Oceanside, Calif.
Kofa, Ariz.	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location		Reference facility
J854R Los Angeles, CA., to Sacramento, CA.			
Ventura, CA.	34°06'54" N.	119°02'55" W.	Bakersfield, CA.
Avenal, CA.	35°38'49" N.	119°58'40" W.	Fresno, CA.
Sacramento, CA.	38°26'38" N.	121°33'02" W.	Sacramento, CA.

AMENDMENTS 8/17/72 37 F. R. 12382 (Added) Corr: 37 F. R. 15294

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Waypoint name	Location		Reference facility
J855R Dallas, Tex., to San Francisco, Calif.			
Wichita Falls, TX.	33°59'14" N.	98°35'35" W.	Wichita Falls, TX.
Crowell, TX.	34°08'33" N.	99°45'50" W.	Wichita Falls, TX.
Texico, NM	34°29'42" N.	102°50'21" W.	Texico, NM.
Palma, NM.	34°54'19" N.	105°18'29" W.	Las Vegas, NM.
Volcano, N. Mex.	35°06'22" N.	106°39'29" W.	Socorro, N. Mex.
Defiance, N. Mex.	35°24'51" N.	108°57'44" W.	St. Johns, Ariz.
Peak, Ariz.	35°41'03" N.	111°20'14" W.	Tuba City, Ariz.
Boulder City, Nev.	35°59'45" N.	114°51'46" W.	Boulder City, Nev., VORTAC
Lucky, Nev.	36°02'22" N.	115°50'08" W.	Beatty, Nev.
Modesto, CA.	37°37'39" N.	120°57'25" W.	Fresno, CA.

AMENDMENTS 3/16/72 37 F. R. 5489 (Changed)
AMENDMENTS 6/22/72 37 F. R. 8659 (Changed)

Waypoint name	Location		Reference facility
J856R Atlanta, GA., to Pittsburgh, PA.			
Canton, GA.	34°19'29" N.	84°25'39" W.	Chattanooga, TN.
Henderson, WV.	38°45'15" N.	82°01'35" W.	Charleston, WV.
Warwood, WV.	40°07'30" N.	80°40'54" W.	Appleton, OH.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J857R Denver, CO., to Salt Lake City, UT.			
Kremmling, CO.	40°00'10" N.	106°26'31" W.	Meeker, CO.
Ioka, UT.	40°12'52" N.	110°07'16" W.	Myton, UT.
Fairfield, UT.	40°16'30" N.	111°56'23" W.	Delta, UT.

AMENDMENTS 6/22/72 37 F. R. 8659 (Added)

Waypoint name	Location		Reference facility
J858R Denver, Colo., to Kansas City, Mo.			
Bonny, Colo.	39°29'41" N.	102°12'42" W.	Hill City, Kans.
Lenora, Kans.	39°29'09" N.	100°13'37" W.	Hill City, Kans.
Potter, KS.	39°18'03" N.	94°59'53" W.	Kansas City, MO.

AMENDMENTS 3/16/72 37 F. R. 5489 (Changed)

Waypoint name	Location		Reference facility
J859R Kansas City, Mo., to Denver, Colo.			
Walcott, Kans.	39°13'06" N.	94°59'28" W.	Salina, Kans.
Enterprise, Kans.	38°58'04" N.	96°59'46" W.	Salina, Kans.
Bonny, Colo.	39°29'41" N.	102°12'42" W.	Hill City, Kans.

Waypoint name	Location		Reference facility
J860R Memphis, TN., to Louisville, KY.			
Ashport, TN.	35°48'04" N.	89°41'49" W.	Memphis, TN.
Leopold, IN.	38°01'52" N.	86°33'55" W.	Evansville, IN.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J861R El Paso, Tex., to Los Angeles, Calif.			
El Paso, Tex.	31°48'57" N.	106°16'52" W.	El Paso, Tex.
Willcox, Ariz.	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
Eloy, AZ.	32°46'04" N.	111°37'04" W.	Phoenix, AZ.
Kofa, Ariz.	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
Beaumont, Calif.	34°05'40" N.	116°44'17" W.	Thermal, Calif.

AMENDMENTS 3/16/72 37 F. R. 5489 (Changed)

Waypoint name	Location		Reference facility
J862R Jacksonville, FL., to Pittsburgh, PA.			
Simon, FL.	30°41'20" N.	81°17'25" W.	Alma, GA.
Columbia, SC.	33°51'26" N.	81°03'15" W.	Spartanburg, SC.
Elkins, WV.	38°54'52" N.	80°05'58" W.	Charleston, WV.
Newton, PA.	40°11'39" N.	79°42'49" W.	Bellaire, OH.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J863R New York, NY., to Atlanta, GA.			
Coyle, NJ.	39°49'02" N.	74°25'55" W.	Coyle, NJ.
Rapidan, VA.	38°08'14" N.	77°50'37" W.	Richmond, VA.
Galax, VA.	36°32'27" N.	80°47'47" W.	Greensboro, NC.
Lanier, GA.	34°19'21" N.	83°40'53" W.	Spartanburg, SC.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J864R Chicago, IL., to Washington, DC.			
Peotone, IL	41°16'11" N.	87°47'28" W.	Indianapolis, IN.
Tippecanoe, IN.	41°08'17" N.	85°59'10" W.	Indianapolis, IN.
Rosewood, OH.	40°17'16" N.	84°02'36" W.	Rosewood, OH.
Cameron, OH.	39°41'31" N.	80°55'50" W.	Bellaire, OH.
Front Royal, VA.	39°05'26" N.	78°12'02" W.	Casanova, VA.
Herndon, VA.	39°01'10" N.	77°27'42" W.	Casanova, VA.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J865R Washington, D. C., to Chicago, Ill.			
Martinsburg, W. Va.	39°23'08" N.	77°50'55" W.	Philipsburg, Pa.
Balsam, Ohio	40°29'20" N.	81°04'05" W.	Appleton, Ohio
Shiloh, Ohio	40°57'44" N.	82°30'16" W.	Appleton, Ohio
Plant, Ind.	41°37'29" N.	87°15'57" W.	Lafayette, Ind.

AMENDMENTS 9/7/72 37 F. R. 18074 (Changed)

Waypoint name	Location		Reference facility
J866R Denver, CO., to Chicago, IL.			
Wiggins, CO.	40°10'04" N.	104°01'30" W.	Goodland, KS.
North Star, NE.	41°18'52" N.	98°19'53" W.	O'Neill, NE.
Shipley, IA.	42°00'03" N.	93°46'45" W.	Des Moines, IA.
Scales Mound, IL	42°22'53" N.	90°24'00" W.	Iowa City, IA.
Lakewood, IL.	42°12'21" N.	88°18'53" W.	Milwaukee, WI.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J867R Chicago, IL., to Denver, CO.			
Morrison, IL	41°55'53" N.	89°47'00" W.	Bradford, IL.
Des Moines, IA.	41°26'15" N.	93°38'54" W.	Lamoni, IA.
Lincoln, NE.	40°55'26" N.	96°44'30" W.	Pawnee City, NE.
Trumbull, NE.	40°42'04" N.	98°09'38" W.	Wolbach, NE.
Strasburg, CO.	39°43'59" N.	103°17'28" W.	Goodland, KS.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J868R Kansas City, MO., to St. Louis, MO.			
Blue Springs, MO.	39°02'46" N.	94°15'31" W.	Kirksville, MO.
Hawk, MO.	38°42'35" N.	90°55'59" W.	Farmington, MO.

AMENDMENTS 5/25/72 37 F. R. 6383 (Added)

Waypoint name	Location		Reference facility
J871R Atlanta, GA., to St. Louis, MO.			
Bremen, GA.	33°39'32" N.	85°12'55" W.	Montgomery, AL.
Fort Payne, AL.	34°22'17" N.	85°58'00" W.	Chattanooga, TN.
Duck River, TN.	35°38'02" N.	87°20'37" W.	Nashville, TN.
Festus, MO.	38°12'05" N.	90°21'00" W.	Centralia, IL.

AMENDMENTS 5/25/72 37 F. R. 6383 (Added)

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Waypoint name	Location		Reference facility
J872R Atlanta, GA., to Columbia, SC.			
Social Circle, GA.	33°37'10" N.	83°36'42" W.	Augusta, GA.
Gilbert, SC.	33°55'32" N.	81°30'05" W.	Augusta, GA.

AMENDMENTS 5/25/72 37 F. R. 6383 (Added)

Waypoint name	Location		Reference facility
J873R Columbia, SC., to Atlanta, GA.			
Irmo, SC.	34°01'57" N.	81°19'19" W.	Augusta, GA.
Lanier, GA.	34°19'21" N.	83°40'53" W.	Spartanburg, SC.

AMENDMENTS 5/25/72 37 F. R. 6383 (Added)

Waypoint name	Location		Reference facility
J874R Memphis, Tenn., to Atlanta, Ga.			
Whitehaven, Tenn.	35°03'00" N.	89°59'00" W.	Greenwood, Miss.
Rockmart, Ga.	34°16'03" N.	85°05'51" W.	Birmingham, Ala.
PENDING AMENDMENT			
In J874R "Rockmart, Ga. 34°16'03" N./85°05'51" W. Birmingham, Ala." is deleted and substitute:			
Rome, Ga.	34°09'45" N.	85°07'10" W.	Birmingham, Ala.

AMENDMENTS 1/4/73 37 F. R. 22974 (Changed)

Waypoint name	Location		Reference facility
J875R Atlanta, Ga., to Memphis, Tenn.			
Bremen, Ga.	33°39'32" N.	85°12'55" W.	Montgomery, Ala.
Birmingham, Ala.	33°40'12" N.	86°53'59" W.	Montgomery, Ala.
Red Banks, Miss	34°46'20" N.	89°29'51" W.	Memphis, Tenn.

Waypoint name	Location		Reference facility
J876R Atlanta, Ga., to Savannah, Ga.			
Social Circle, Ga.	33°37'10" N.	83°36'42" W.	Augusta, Ga.
Springfield, Ga.	32°29'07" N.	81°21'16" W.	Augusta, Ga.

Waypoint name	Location		Reference facility
J877R Savannah, GA., to Atlanta, GA.			
Oliver, GA.	32°20'30" N.	81°26'36" W.	Augusta, GA.
Sinclair, GA.	33°05'19" N.	83°33'03" W.	Augusta, GA.

AMENDMENTS 5/25/72 37 F. R. 6383 (Added)

Waypoint name	Location		Reference facility
J878R Atlanta, GA., to Cleveland, OH.			
Canton, GA.	34°19'29" N.	84°25'39" W.	Chattanooga, TN.
Henderson, WV.	38°45'15" N.	82°01'35" W.	Charleston, WV.
Rittman, OH.	40°59'52" N.	81°44'06" W.	Bellaire, OH.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J879R Cleveland, OH., to Atlanta, GA.			
Appleton, OH.	40°09'04" N.	82°35'18" W.	Charleston, WV.
Princess, WV.	38°24'34" N.	82°45'05" W.	Charleston, WV.
Crabtree, NC.	35°54'52" N.	82°58'18" W.	Spartanburg, SC.
Lanier, GA.	34°19'21" N.	83°40'53" W.	Spartanburg, SC.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J880R Jacksonville, FL., to Cleveland, OH.			
Kings, GA.	30°45'00" N.	81°44'02" W.	Savannah, GA.
Augusta, GA.	33°32'40" N.	82°08'00" W.	Columbia, SC.
Beech Mountain, NC.	36°05'30" N.	82°04'58" W.	Greensboro, NC.
Henderson, WV.	38°45'15" N.	82°01'35" W.	Charleston, WV.
Rittman, OH.	40°59'52" N.	81°44'06" W.	Bellaire, OH.

AMENDMENTS 10/12/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J881R (Detroit, Mich., to Atlanta, Ga.)			
Carleton, Mich.	42°02'53" N.	83°27'28" W.	Fort Wayne, Ind.
Rosewood, OH.	40°17'16" N.	84°02'36" W.	Rosewood, OH.
Greentree, Ky.,	38°09'46" N.	83°54'23" W.	Louisville, Ky.
Lanier, Ga.	34°19'21" N.	83°40'53" W.	Spartanburg, S. C.

AMENDMENTS 6/22/72 37 F. R. 8441 (Changed)

Waypoint name	Location		Reference facility
J882R (Atlanta, Ga., to Detroit, Mich.)			
Canton, Ga.	34°19'29" N.	84°25'39" W.	Chattanooga, Tenn.
Calumet, Ky.	38°05'13" N.	84°26'39" W.	Louisville, Ky.
Dayton, OH.	40°00'59" N.	84°23'49" W.	Fort Wayne, IN.
Milan, Mich.	42°03'05" N.	83°44'55" W.	Fort Wayne, Ind.

AMENDMENTS 5/25/72 37 F. R. 7689 (Changed)

Waypoint name	Location		Reference facility
J883R Minneapolis, MN., to New York, NY.			
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.
Denmark, WI.	44°23'25" N.	87°53'34" W.	Milwaukee, WI.
Nirvana, MI.	44°01'23" N.	85°45'09" W.	Pullman, MI.
Sanilac, MI.	43°32'29" N.	82°37'40" W.	Peck, MI.
Blakely, NY.	42°47'58" N.	78°41'50" W.	Buffalo, NY.
Kingston, NY.	41°39'55" N.	73°49'22" W.	Huguenot, NY.

AMENDMENTS 5/25/72 37 F. R. 6383 (Added)

Waypoint name	Location		Reference facility
J884R New York, N. Y., to Minneapolis, Minn.			
Huguenot, N. Y.	41°24'35" N.	74°35'31" W.	Hancock, N. Y.
Gowanda, N. Y.	42°33'27" N.	78°48'58" W.	Buffalo, N. Y.
Carsonville, Mich.	43°25'49" N.	82°38'59" W.	Peck, Mich.
Nirvana, Mich.	44°01'23" N.	85°45'09" W.	Pullman, Mich.
Denmark, Wis.	44°23'25" N.	87°53'34" W.	Milwaukee, Wis.
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.

Waypoint name	Location		Reference facility
J885R St. Louis, MO., to Memphis, TN.			
St. Louis, MO.	38°51'38" N.	90°28'56" W.	Centralia, IL.
Memphis, TN.	34°56'34" N.	89°57'35" W.	Walnut Ridge, AZ.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J890R Cleveland, OH., to St. Louis, MO.			
Mansfield, OH.	40°52'07" N.	82°35'28" W.	Rosewood, OH.
Rosewood, OH.	40°17'16" N.	84°02'36" W.	Rosewood, OH.
Mayhue, IN.	39°56'38" N.	85°42'55" W.	Lafayette, IN.
Prairie, IL	38°58'18" N.	89°51'27" W.	Capital, IL.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J891R Chicago, IL., to Memphis, TN.			
Roberts, IL.	40°34'54" N.	88°09'51" W.	Capital, IL.
Anna, IL.	37°28'10" N.	89°11'24" W.	Farmington, MO.
Memphis, TN.	34°56'34" N.	89°57'35" W.	Walnut Ridge, AZ.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J894R Jacksonville, FL., to Miami, FL.			
Shand, FL.	30°06'15" N.	81°31'20" W.	Jacksonville, FL.
Orlando, FL.	28°32'33" N.	81°20'07" W.	Orlando, FL.
Bay, FL.	26°49'42" N.	80°44'58" W.	Palm Beach, FL.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added); F. R. Corr: 37 F. R. 17026

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Waypoint name	Location		Reference facility
J895R Atlanta, GA., to New York, NY.			
Social Circle, GA.	33°37'10" N.	83°36'42" W.	Augusta, GA.
Semora, NC.	36°31'24" N.	79°25'48" W.	Raleigh-Durham, NC.
Atlantic City, NJ.	39°27'21" N.	74°34'36" W.	Westminster, MD.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J896R Chicago, IL., to Philadelphia, PA.			
Peotone, IL.	41°16'11" N.	87°47'28" W.	Indianapolis, IN.
Tippecanoe, IN.	41°06'17" N.	85°59'10" W.	Indianapolis, IN.
Rosewood, OH.	40°17'16" N.	84°02'36" W.	Rosewood, OH.
Conifer, OH.	40°19'10" N.	80°48'55" W.	Bellaire, OH.
Harrisburg, PA.	40°14'29" N.	77°01'19" W.	Westminster, MD.
Bucktown, PA.	40°04'49" N.	75°43'26" W.	Westminster, MD.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J897R Philadelphia, PA., to Chicago, IL.			
Maiden, PA.	40°22'03" N.	75°47'30" W.	Philipsburg, PA.
Furnace, PA.	40°36'35" N.	78°02'40" W.	Philipsburg, PA.
Shiloh, OH.	40°57'44" N.	82°30'16" W.	Appleton, OH.
Plant, Ind.	41°37'29" N.	87°15'57" W.	Lafayette, Ind.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)
AMENDMENTS 9/7/72 37 F. R. 18074 (Changed)

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J900R San Francisco, Calif., to Seattle, Wash.			
Napa Calif.	38°10'46" N.	122°22'19" W.	Ukiah, Calif.
Hill, Calif.	40°05'58" N.	122°21'35" W.	Redbluff, Calif.
Hyatt, Oreg.	42°27'23" N.	122°20'36" W.	Medford, Oreg.
Yacolt, Wash.	45°44'50" N.	122°19'12" W.	Portland, Oreg.
Sumner, Wash.	47°11'08" N.	122°18'30" W.	Portland, Oreg.

AMENDMENTS 1/4/73 37 F. R. 23330 (Added)

Waypoint name	Location		Reference facility
J901R Seattle, Wash., to Spokane, Wash.			
Seattle, WA.	47°26'08" N.	122°18'30" W.	Seattle, WA.
Spokane, Wash.	47°33'54" N.	117°37'33" W.	Spokane, Wash.

AMENDMENTS 3/16/72 37 F. R. 5489 (Changed)

Waypoint name	Location		Reference facility
J902R Portland, OR., to Los Angeles, CA.			
Sherwood, OR.	45°22'05" N.	122°59'00" W.	Portland, OR.
Hyatt, OR.	42°27'23" N.	122°20'36" W.	Medford, OR.
Kirkwood, CA.	40°08'28" N.	121°52'29" W.	Red Bluff, CA.
Sacramento, CA.	38°26'38" N.	121°33'02" W.	Sacramento, CA.
Avenal, CA.	35°38'49" N.	119°58'40" W.	Fresno, CA.

AMENDMENTS 6/22/72 37 F. R. 10919 (Rewritten)

Waypoint name	Location		Reference facility
J903R Los Angeles, Calif., to Tucson, Ariz.			
Seal Beach, CA.	33°47'00" N.	118°03'14" W.	Oceanside, CA.
Kofa, Ariz.	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
Tucson, Ariz.	32°07'21" N.	110°49'12" W.	Phoenix, Ariz.

AMENDMENTS 3/16/72 37 F. R. 5489 (Changed)
PENDING AMENDMENT
In J903R "Tucson, Ariz. 32°07'21" N./110°49'12" W. Phoenix, Ariz." is deleted and substitute:

Tucson, Ariz.	32°07'21" N.	110°49'12" W.	Tucson, Ariz.

AMENDMENTS 1/4/73 37 F. R. 25355 (Changed)

Waypoint name	Location		Reference facility
J904R Los Angeles, CA., to Denver, CO.			
Mesquite, CA.	35°42'41" N.	115°36'17" W.	Boulder City, NV.
Boulder City, NV.	35°59'45" N.	114°51'46" W.	Boulder City, NV.
Paria, AZ.	36°53'51" N.	111°55'43" W.	Bryce Canyon, UT.
Gypsum, CO.	37°51'16" N.	108°33'32" W.	Farmington, NM.
Almont, CO.	38°35'18" N.	107°09'06" W.	Gunnison, CO.
Shawnee, CO.	39°25'38" N.	105°27'51" W.	Denver, CO.

AMENDMENTS 3/16/72 37 F. R. 5489 (Changed)
AMENDMENTS 4/27/72 37 F. R. 4326 (Rewritten)

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J905R Las Vegas, Nev., to Tucson, Ariz.			
Boulder City, Nev.	35°59'45" N.	114°51'46" W.	Boulder City, Nev.
Sycamore, Ariz.	34°37'25" N.	112°55'26" W.	Needles, Calif.
Ventana, Ariz.	32°32'05" N.	111°44'33" W.	Phoenix, Ariz.
Tucson, Ariz.	32°07'21" N.	110°49'12" W.	Tucson, Ariz.

AMENDMENTS 1/4/73 37 F. R. 23330 (Added)

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J906R Los Angeles, Calif., to Salt Lake City, Utah			
Hector, Calif.	34°47'49" N.	116°27'43" W.	Boulder City, Nev.
Adamsville, Nev.	37°40'22" N.	113°31'53" W.	Wilson Creek, Nev.
Fairfield, Utah	40°16'30" N.	111°56'23" W.	Delta, Utah

AMENDMENTS 1/4/73 37 F. R. 23330 (Added)

Waypoint name	Location		Reference facility
J907R Houston, Tex., to Los Angeles, Calif.			
Humble, Tex.	29°57'24" N.	95°20'44" W.	Houston, Tex.
Austin, TX.	30°17'51" N.	97°42'11" W.	San Antonio, TX.
Junction, Tex.	30°35'52" N.	99°49'02" W.	San Angelo, Tex.
Fort Stockton, Tex.	30°57'07" N.	102°58'31" W.	Wink, Tex.
Toyah, Tex.	31°31'23" N.	104°03'00" W.	Wink, Tex.
Organ, N. Mex.	32°14'48" N.	106°52'20" W.	Truth or Consequences, N. Mex.
Willcox, Ariz.	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
Eloy, Ariz.	32°46'04" N.	111°37'04" W.	Phoenix, Ariz.
Brenda, Ariz.	33°43'58" N.	113°47'00" W.	Yuma, Ariz.
Beaumont, Calif.	34°05'40" N.	116°44'17" W.	Thermal, Calif.

AMENDMENTS 11/9/72 37 F. R. 16599 (Changed)

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J908R San Francisco, Calif., to Denver, Colo.			
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.
Wheeler, Nev.	38°56'43" N.	114°29'58" W.	Wilson Creek, Nev.
Greenwood, Utah	39°06'52" N.	112°28'54" W.	Delta, Utah
Ferron, Utah	39°13'44" N.	110°46'44" W.	Hanksville, Utah
Rulison, Colo.	39°22'03" N.	107°52'58" W.	Meeker, Colo.
Toner, Colo.	39°23'34" N.	107°04'58" W.	Gunnison, Colo.
Shawnee, Colo.	39°25'38" N.	105°27'51" W.	Denver, Colo.

AMENDMENTS 1/4/73 37 F. R. 23330 (Added)

Waypoint name	Location		Reference facility
J909R Denver, Colo., to San Francisco, Calif.			
Golden, Colo.	39°48'15" N.	105°04'06" W.	Denver, Colo.
Hog Back, Colo.	39°41'23" N.	107°53'25" W.	Meeker, Colo.
Hill Creek, Utah	39°33'51" N.	109°58'03" W.	Myton, Utah
Nebo, Utah	39°16'43" N.	111°38'27" W.	Fairfield, Utah
Grafton, Nev.	38°43'06" N.	114°32'58" W.	Wilson Creek, Nev.
Coaldale, Nev.	38°00'12" N.	117°46'10" W.	Coaldale, Nev.

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Waypoint name	Location		Reference facility
J911R Portland, Oreg., to Denver, Colo.			
Sherwood, Oreg.	45°21'05" N.	122°59'00" W.	Portland, Oreg.
Dayville, Oreg.	44°35'59" N.	119°26'41" W.	Pendleton, Oreg.
Horseshoe, Idaho	43°46'40" N.	116°08'13" W.	Boise, Idaho
McCammon, Idaho	42°38'23" N.	112°12'05" W.	Malad City, Idaho
Rock Springs, Wyo.	41°35'25" N.	109°00'53" W.	Rock Springs, Wyo.

Waypoint name	Location		Reference facility
J912R Dallas, Tex., to Chicago, Ill.			
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex.
Stigler, Okla.	35°06'27" N.	95°07'27" W.	Tulsa, Okla.
Springfield, Mo.	37°21'21" N.	93°20'02" W.	Butler, Mo.
Peoria, Ill.	40°40'07" N.	89°41'28" W.	Capital, Ill.
Joliet, Ill.	41°32'47" N.	88°19'06" W.	Joliet, Ill.
Warren, Ill.	41°48'38" N.	88°16'07" W.	Joliet, Ill.

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J913R Portland, Oreg., to Salt Lake City, Utah			
Sherwood, Oreg.	45°21'05" N.	122°59'00" W.	Portland, Oreg.
Pauline, Oreg.	44°17'49" N.	119°57'47" W.	Kimberly, Oreg.
Oreana, Idaho	43°00'38" N.	116°40'30" W.	Boise, Idaho
Lake Shore, Utah	41°25'55" N.	113°05'27" W.	Malad City, Idaho
Corrington, Utah	41°04'07" N.	112°18'49" W.	Malad City, Idaho

AMENDMENTS 1/4/73 37 F. R. 23330 (Added) Corr: 37 F. R. 24894

Waypoint name	Location		Reference facility
J914R Dallas, Tex., to New Orleans, La.			
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex.
Tenaha, Tex.	31°52'49" N.	94°14'33" W.	Shreveport, La.
Alexandria, La.	31°15'23" N.	92°30'02" W.	Alexandria, La.
New Orleans, La.	30°01'47" N.	90°10'20" W.	New Orleans, La.

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J916R San Antonio, Tex., to Houston, Tex.			
San Antonio, Tex.	29°38'38" N.	98°27'40" W.	Austin, Tex.
Humble, Tex.	29°57'24" N.	95°20'44" W.	Houston, Tex.

AMENDMENTS 1/4/73 37 F. R. 23330 (Added)

Waypoint name	Location		Reference facility
J917R San Francisco, Calif., to Phoenix, Ariz.			
Logan, Calif.	36°58'59" N.	121°43'26" W.	Fresno, Calif.
Easton, Calif.	36°45'17" N.	119°49'48" W.	Fresno, Calif.
Wild Rose, Calif.	36°19'37" N.	116°51'41" W.	Beatty, Nev.
Boulder City, Nev.	35°59'45" N.	114°51'46" W.	Boulder City, Nev.
Sycamore, Ariz.	34°37'25" N.	112°55'26" W.	Needles, Calif.
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location		Reference facility
J918R Houston, TX., to New Orleans, LA.			
Humble, TX.	29°57'24" N.	95°20'44" W.	Houston, TX.
Gueydan, LA.	30°01'21" N.	92°28'52" W.	Alexandria, LA.
New Orleans, LA.	30°01'47" N.	90°10'20" W.	New Orleans, LA.

AMENDMENTS 3/30/72 37 F. R. 2500 (Added)

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J919R El Paso, Tex., to San Antonio, Tex.			
El Paso, Tex.	31°48'57" N.	106°16'53" W.	El Paso, Tex.
Fort Stockton, Tex.	30°57'07" N.	102°58'31" W.	Wink, Tex.
Telegraph, Tex.	30°06'45" N.	100°00'31" W.	Junction, Tex.
San Antonio, Tex.	29°38'38" N.	98°27'40" W.	Austin, Tex.

AMENDMENTS 1/4/73 37 F. R. 23330 (Added)

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J920R Great Falls, Mont., to Salt Lake City, Utah			
Millegan, Mont.	47°02'01" N.	111°24'11" W.	Lewistown, Mont.
Jeffers, Mont.	45°11'50" N.	111°38'35" W.	Dillon, Mont.
Chester, Idaho	44°03'49" N.	111°46'44" W.	Dubois, Idaho
Ogden, Utah	41°13'27" N.	112°05'51" W.	Malad City, Idaho

AMENDMENTS 1/4/73 37 F. R. 23[illegible] (Added) Corr: 37 F. R. 24894 Corr: 37 F. R. 25820

Waypoint name	Location		Reference facility
J923R Albuquerque, NM., to Denver, CO.			
Albuquerque, NM.	35°02'38" N.	106°48'57" W.	Socorro, NM.
Sanford, CO.	37°19'13" N.	105°48'11" W.	Alamosa, CO.
Terryal, CO.	38°32'20" N.	105°10'50" W.	Pueblo, CO.
Monument, CO.	39°16'40" N.	104°47'29" W.	Pueblo, CO.

AMENDMENTS 3/30/72 37 F. R. 2500 (Added)

Waypoint name	Location		Reference facility
J924R Los Angeles, CA., to Seattle, WA.			
Avenal, CA.	35°38'49" N.	119°58'40" W.	Fresno, CA.
Washington, CA.	39°25'23" N.	120°39'06" W.	Reno, NV.
Quartz, OR.	42°24'45" N.	121°14'23" W.	Lakeview, OR.
Sumner, WA.	47°11'08" N.	122°18'30" W.	Portland, OR.

AMENDMENTS 6/22/72 37 F. R. 9022 (Added)

Waypoint name	Location		Reference facility
J925R Minneapolis, MN., to Denver, CO.			
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.
Heidy, MN.	44°07'06" N.	96°00'04" W.	Sioux Falls, SD.
Bonesteel, NE.	42°48'00" N.	98°58'08" W.	O'Neil, NE.
Sand, NE.	41°44'19" N.	101°09'59" W.	Hayes Center, NE.
Denver, CO.	39°51'39" N.	104°45'08" W.	Denver, CO.

AMENDMENTS 6/22/72 37 F. R. 9022 (Added)

Waypoint name	Location		Reference facility
J927R Chicago, IL., to Dallas, TX.			
Roberts, IL.	40°34'54" N.	88°09'51" W.	Capital, IL.
West Plains, MO.	36°47'42" N.	91°59'03" W.	Springfield, MO.
Waldron, AR.	34°58'58" N.	94°18'50" W.	Tulsa, OK.
Blue Ridge, TX.	33°16'59" N.	96°21'53" W.	Ardmore, OK.

AMENDMENTS 3/30/72 37 F. R. 2500 (Added)

Waypoint name	Location		Reference facility
J928R Denver, CO., to Seattle, WA.			
Dixon, WY.	41°12'35" N.	107°19'00" W.	Rock Springs, WY.
Grays Lake, ID.	43°17'31" N.	111°32'08" W.	Malad City, ID.
Knox, ID.	45°09'11" N.	115°54'29" W.	McCall, ID.
Lowden, WA.	46°09'30" N.	118°36'14" W.	Pendleton, OR.
Cumberland, WA.	47°15'12" N.	121°53'53" W.	Yakima, WA.

AMENDMENTS 10/12/72 37 F. R. 15292 (Added)

Waypoint name	Location		Reference facility
J929R Atlanta, GA., to Houston, TX.			
Bremen, GA.	33°39'32" N.	85°12'55" W.	Montgomery, AL.
Birmingham, AL.	33°40'12" N.	86°53'59" W.	Montgomery, AL.
Meridian, MS.	32°22'42" N.	88°48'15" W.	Jackson, MS.
Burkeville, LA.	30°43'25" N.	93°24'11" W.	Lake Charles, LA.
Humble, TX.	29°57'24" N.	95°20'44" W.	Houston, TX.

AMENDMENTS 6/22/72 37 F. R. 9022 (Added)

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Waypoint name	Location		Reference facility
J931R Salt Lake City, UT., to San Francisco, CA.			
Fairfield, UT.	40°16'30" N.	111°56'23" W.	Delta, UT.
Fool Creek, UT.	39°38'15" N.	112°18'42" W.	Delta, UT.
Connors Pass, NV.	38°57'44" N.	114°44'17" W.	Wilson Creek, NV.
Coaldale, NV.	38°00'12" N.	117°46'10" W.	Coaldale, NV.

AMENDMENTS 3/30/72 37 F. R. 2500 (Added)

Waypoint name	Location		Reference facility
J932R New Orleans, LA., to Memphis, TN.			
New Orleans, LA.	30°01'47" N.	90°10'20" W.	New Orleans, LA.
Jackson, MS.	32°30'26" N.	90°10'03" W.	Meridian, MS.
Memphis, TN.	34°56'34" N.	89°57'35" W.	Walnut Ridge, AR.

AMENDMENTS 3/30/72 37 F. R. 2500 (Added)

Waypoint name	Location		Reference facility
J933R Dallas, Tex., to Los Angeles, Calif.			
Wichita Falls, TX.	33°59'14" N.	98°35'35" W.	Wichita Falls, TX.
Crowell, TX.	34°08'33" N.	99°45'50" W.	Wichita Falls, TX.
Texico, N. Mex.	34°29'42" N.	102°50'21" W.	Texico, N. Mex.
Vaughn, N. Mex.	34°37'10" N.	105°12'02" W.	Las Vegas, N. Mex.
Terrace, Ariz.	34°43'28" N.	109°08'57" W.	Gallup, N. Mex.
Manila, Ariz.	34°48'42" N.	110°48'56" W.	Gallup, N. Mex.
Drake, Ariz.	34°56'54" N.	112°32'15" W.	Prescott, Ariz.
Chubbuck, Calif.	34°32'20" N.	114°48'08" W.	Parker, Calif.
Morrow, Calif.	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

AMENDMENTS 3/30/72 37 F. R. 2767 (Changed)
AMENDMENTS 3/31/72 37 F. R. 6575 (Changed)

Waypoint name	Location		Reference facility
J934R Dallas, TX., to Atlanta, GA.			
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.
Texarkana, AR.	33°30'50" N.	94°04'23" W.	Shreveport, LA.
Money, MS.	33°31'12" N.	90°08'54" W.	Jackson, MS.
Columbus, MS.	33°29'07" N.	88°30'49" W.	Jackson, MS.
Birmingham, AL.	33°40'12" N.	86°53'59" W.	Montgomery, AL.
Bremen, GA.	33°39'32" N.	85°12'55" W.	Montgomery, AL.

AMENDMENTS 6/22/72 37 F. R. 9022 (Added)
PENDING AMENDMENT
In J934R "Bremen, Ga. 33°39'32" N./85°12'55" W. Montgomery, Ala." is deleted and substitute:

Rome, Ga.	34°09'45" N.	85°07'10" W.	Birmingham, Ala.

AMENDMENTS 1/4/73 37 F. R. 22974 (Changed) Corr: 37 F. R. 23631

Waypoint name	Location		Reference facility
J935R Tucson, Ariz., to Albuquerque, N. Mex.			
Willcox, Ariz.	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
Jewett, N. Mex.	33°46'00" N.	108°18'15" W.	St. Johns, Ariz.
Albuquerque, NM.	35°02'38" N.	106°48'57" W.	Socorro, NM.

AMENDMENTS 3/16/72 37 F. R. 5489 (Changed)

Waypoint name	Location		Reference facility
J936R Phoenix, AZ., to Chicago, IL.			
Phoenix, AZ.	33°25'53" N.	111°53'17" N.	Phoenix, AZ.
Fence, NM.	34°33'12" N.	108°27'05" W.	Gallup, NM.
Albuquerque, NM.	35°02'38" N.	106°48'57" W.	Socorro, NM.
Mora, NM.	35°52'40" N.	105°18'54" W.	Las Vegas, NM.
Holcomb, KS.	38°08'16" N.	100°52'42" W.	Garden City, KS.
Seneca, NE.	39°55'09" N.	96°02'40" W.	Pawnee City, NE.
Lamoni, IA.	40°35'48" N.	93°58'03" W.	Kirksville, MO.
Warren, IL.	41°48'38" N.	88°16'07" W.	Joliet, IL.

AMENDMENTS 3/16/72 37 F. R. 5489 (Changed)
AMENDMENTS 3/30/72 37 F. R. 2500 (Added)

Waypoint name	Location		Reference facility
J937R Gateway Maple, CA., to Chicago, IL.			
Maple, CA.	37°48'13" N.	125°49'57" W.	Ukiah, CA.
Sawmill, CA.	38°37'27" N.	123°04'28" W.	Ukiah, CA.
Reno, NV.	39°31'53" N.	119°39'18" W.	Reno, NV.
Tenabo, NV.	40°06'20" N.	116°46'26" W.	Battle Mountain, NV.
Bonneville, UT.	40°43'34" N.	113°45'24" W.	Bonneville, UT.
Woods, UT.	40°58'05" N.	112°06'09" W.	Malad City, ID.
Quealy, WY.	41°25'15" N.	108°58'31" W.	Rock Springs, WY.
Slater, WY.	41°53'12" N.	104°53'16" W.	Cheyenne, WY.
Berea, NE.	42°02'38" N.	103°07'04" W.	Sidney, NE.
Dry Creek, NE.	42°20'04" N.	98°25'33" W.	Wolbach, NE.
Kamrar, IA.	42°25'43" N.	93°38'52" W.	Des Moines, IA.
Scales Mound, IL.	42°22'53" N.	90°24'00" W.	Iowa City, IA.
Lakewood, IL.	42°12'21" N.	88°18'53" W.	Milwaukee, WI.

AMENDMENTS 3/30/72 37 F. R. 2500 (Added) Corr: 37 F. R. 5012

Waypoint name	Location		Reference facility
J938R Chicago, IL., to Gateway Maple, CA.			
Morrison, IL.	41°55'53" N.	89°47'00" W.	Bradford, IL.
Bertram, IA.	41°59'43" N.	91°35'23" W.	Iowa City, IA.
Ute, IA.	42°02'05" N.	95°44'37" W.	Omaha, NE.
Cumminsville, NE.	41°59'41" N.	98°22'59" W.	Wolbach, NE.
Angora, NE.	41°47'19" N.	103°03'32" W.	Sidney, NE.
Bordeau, WY.	41°39'48" N.	104°50'04" W.	Cheyenne, WY.
Vermillion, WY.	41°16'13" N.	108°57'02" W.	Rock Springs, WY.
Magna, UT.	40°52'19" N.	112°05'03" W.	Fairfield, UT.
Arinosa, UT.	40°37'37" N.	113°43'47" W.	Bonneville, UT.
Tenabo, NV.	40°06'20" N.	116°46'26" W.	Battle Mountain, NV.
Reno, NV.	39°31'53" N.	119°39'18" W.	Reno, NV.
Sawmill, CA.	38°37'27" N.	123°04'28" W.	Ukiah, CA.
Maple, CA.	37°48'13" N.	125°49'57" W.	Ukiah, CA.

AMENDMENTS 3/30/72 37 F. R. 2500 (Added)

Waypoint name	Location		Reference facility
J939R Chicago, Ill., to Seattle, Wash.			
O'Hare, Ill.	41°59'16" N.	87°54'17" W.	Joliet, Ill.
Elberon, Iowa	42°00'53" N.	92°15'40" W.	Dubuque, Iowa
Corwith, Iowa	42°58'37" N.	93°54'48" W.	Fort Dodge, Iowa
Heidy, Minn.	44°07'06" N.	96°00'04" W.	Sioux Falls, S. Dak.
Turtle Creek, S. Dak.	44°45'05" N.	98°39'52" W.	Aberdeen, S. Dak.
Reva, S. Dak.	45°39'50" N.	103°12'58" W.	Dickinson, N. Dak.
Klein, Mont.	46°27'51" N.	108°26'58" W.	Billings, Mont.
Holter, Mont.	46°51'21" N.	111°54'03" W.	Helena, Mont.
Avery, Idaho	47°10'05" N.	115°41'12" W.	Mullan Pass, Idaho
Amber, Wash.	47°17'02" N.	117°39'24" W.	Spokane, Wash.
Seattle, Wash.	47°26'08" N.	122°18'30" W.	Seattle, Wash.

Waypoint name	Location		Reference facility
J940R Seattle, WA., to Chicago, IL.			
Seattle, WA.	47°26'08" N.	122°18'30" W.	Seattle, WA.
Amber, WA.	47°17'02" N.	117°39'24" W.	Spokane, WA.
Avery, ID.	47°10'05" N.	115°41'12" W.	Mullan Pass, ID.
Holter, MT.	46°51'21" N.	111°54'03" W.	Helena, MT.
Klein, MT.	46°27'51" N.	108°26'58" W.	Billings, MT.
Reva, SD.	45°39'50" N.	103°12'58" W.	Dickinson, ND.
Turtle Creek, SD.	44°45'05" N.	98°39'52" W.	Aberdeen, SD.
Heidy, MN.	44°07'06" N.	96°00'04" W.	Sioux Falls, SD.
Oranto, IA.	43°27'29" N.	93°09'59" W.	Mason City, IA.
Dickeyville, WI.	42°45'30" N.	90°31'36" W.	Dubuque, IA.
O'Hare, IL.	41°59'16" N.	87°54'17" W.	Joliet, IL.

AMENDMENTS 6/22/72 37 F. R. 9022 (Added)

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Waypoint name	Location		Reference facility
J941R Dallas, TX., to Las Vegas, NV.			
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.
Bridgeport, TX.	33°14'16" N.	97°45'58" W.	Ardmore, OK.
Crowell, TX.	34°08'33" N.	99°45'50" W.	Wichita Falls, TX.
Texico, NM.	34°29'42" N.	102°50'21" W.	Texico, NM.
Palma, NM.	34°54'19" N.	105°18'29" W.	Las Vegas, NM.
Volcano, NM.	35°06'22" N.	106°39'29" W.	Socorro, NM.
Defiance, NM.	35°24'51" N.	108°57'44" W.	St. Johns, AZ.
Peak, AZ.	35°41'03" N.	111°20'14" W.	Tuba City, AZ.
Boulder City, NV.	35°59'45" N.	114°51'46" W.	Boulder City, NV.

AMENDMENTS 6/22/72 37 F. R. 9022 (Added)

Waypoint name	Location		Reference facility
J942R Dallas, TX., to Lubbock, TX.			
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.
Bridgeport, TX.	33°14'16" N.	97°45'58" W.	Ardmore, OK.
Diversion, TX.	33°46'13" N.	98°55'41" W.	Wichita Falls, TX.
Guthrie, TX.	33°46'42" N.	100°20'09" W.	Abilene, TX.
Lubbock, TX.	33°42'18" N.	101°54'49" W.	Abilene, TX.

AMENDMENTS 10/12/72 37 F. R. 15292 (Added)

Waypoint name	Location		Reference facility
J944R Morrow, Calif., to Gateway Cypress			
Morrow, Calif.	34°02'51" N.	117°14'54" W.	Oceanside, Calif.
Malo, Calif	33°51'30" N.	119°10'03" W.	Santa Barbara, Calif.
Cypress, Calif.	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.

Waypoint name	Location		Reference facility
J945R Cameron, Ariz., to Gateway Cypress			
Cameron, Ariz.	35°58'37" N.	111°12'21" W.	Tuba City, Ariz.
El Dorado, Nev.	35°21'49" N.	114°38'38" W.	Needles, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
Santa Barbara, Calif.	34°30'35" N.	119°46'12" W.	Santa Barbara, Calif.
Cypress, Calif.	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.

Waypoint name	Location		Reference facility
J946R Morrow, CA., to Gateway Yucca, CA.			
Morrow, CA.	34°02'51" N.	117°14'54" W.	Oceanside, CA.
Santa Catalina, CA.	33°22'30" N.	118°25'08" W.	Los Angeles, CA.
Rosi, CA.	31°56'00" N.	120°15'00" W.	Los Angeles, CA.
Yucca, CA.	31°35'00" N.	121°22'00" W.	Los Angeles, CA.

AMENDMENTS 3/30/72 37 F. R. 2572 (Added)

Waypoint name	Location		Reference facility
J947R Cameron, Ariz., to Gateway Pine			
Cameron, Ariz.	35°58'37" N.	111°12'21" W.	Tuba City, Ariz.
El Dorado, Nev.	35°21'49" N.	114°38'38" W.	Needles, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
San Luis Obispo, Calif.	35°15'08" N.	120°45'31" W.	San Luis Obispo, Calif.
Pine, Calif.	34°13'00" N.	123°03'00" W.	San Luis Obispo, Calif.

Waypoint name	Location		Reference facility
J948R New Orleans, La., to Oklahoma City, Okla.			
Kenner, La.	29°59'05" N.	90°15'04" W.	New Orleans, La.
Montpelier, La.	30°30'42" N.	90°47'09" W.	New Orleans, La.
Dixie, La.	32°43'53" N.	93°50'55" W.	Shreveport, La.
Dibble, Okla.	35°10'02" N.	97°31'55" W.	Oklahoma City, Okla.

Waypoint name	Location		Reference facility
J949R Oklahoma City, Okla., to Houston, Tex.			
Kay, Okla.	35°16'32" N.	97°46'21" W.	Oklahoma City, Okla.
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex., VORTAC
Magnolia, Tex.	30°09'17" N.	95°46'07" W.	Humble, Tex.

Waypoint name	Location		Reference facility
J950R Houston, Tex., to Oklahoma City, Okla.			
Refinery, Tex.	30°17'26" N.	95°19'55" W.	Humble, Tex.
Scurry, Tex.	32°27'52" N.	96°20'14" W.	Greater Southwest, Tex.
Dibble, Okla.	35°10'02" N.	97°31'55" W.	Oklahoma City, Okla.

Waypoint name	Location		Reference facility
J951R Washington, D. C., to St. Louis, MO.			
Casanova, VA.	38°38'28" N.	77°51'57" W.	Gordonsville, VA.
Henderson, WV.	38°45'15" N.	82°01'35" W.	Charleston, WV.
Minerva, KY.	38°42'23" N.	83°57'21" W.	Rosewood, OH.
Borden, IN.	38°37'12" N.	86°02'11" W.	Evansville, IN.
Centralia, IL.	38°25'12" N.	89°09'32" W.	Capital, IL.
Mounds, IL.	38°34'28" N.	90°01'43" W.	Capital, IL.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J952R New York, NY., to Houston, TX.			
Coyle, NJ.	39°49'02" N.	74°25'55" W.	Coyle, NJ.
Gordonsville, VA.	38°00'48" N.	78°09'12" W.	Richmond, VA.
Copper Valley, VA.	36°52'22" N.	80°35'26" W.	Greensboro, NC.
Mt. Mitchell, NC.	35°52'49" N.	82°34'35" W.	Spartanburg, SC.
Summerville, GA.	34°27'25" N.	85°14'12" W.	Atlanta, GA.
Iron Mountain, AL.	33°19'28" N.	87°13'18" W.	Montgomery, AL.
Meridian, MS.	32°22'42" N.	88°48'15" W.	Jackson, MS.
Burkeville, LA.	30°43'25" N.	93°24'11" W.	Lake Charles, LA.
Humble, TX.	29°57'24" N.	95°20'44" W.	Houston, TX.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J953R New Orleans, LA., to New York, NY.			
New Orleans, LA.	30°01'47" N.	90°10'20" W.	New Orleans, LA.
Monroeville, AL.	31°27'37" N.	87°21'10" W.	Montgomery, AL.
Montgomery, AL.	32°13'20" N.	86°19'11" W.	Montgomery, AL.
Texas, GA.	33°02'35" N.	85°12'27" W.	Montgomery, AL.
Kenwood, GA.	33°32'59" N.	84°28'37" W.	Macon, GA.
Gramling, SC.	35°04'19" N.	82°11'18" W.	Columbia, SC.
Sand River, VA.	36°42'42" N.	79°32'36" W.	Raleigh-Durham, NC.
Atlantic City, NJ.	39°27'21" N.	74°34'36" W.	Westminster, MD.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J954R Washington, D. C., to Detroit, MI.			
Martinsburg, WV.	39°23'08" N.	77°50'55" W.	Philipsburg, PA.
Balsam, OH.	40°29'20" N.	81°04'05" W.	Appleton, OH.
Burt, OH.	41°42'00" N.	82°45'00" W.	Appleton, OH.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J956R Memphis, TN., to Chicago, IL.			
Memphis, TN.	34°56'34" N.	89°57'35" W.	Walnut Ridge, AZ.
Cantrall, IL.	39°56'55" N.	89°37'16" W.	Centralia, IL.
Kappa, IL.	40°50'22" N.	88°54'07" W.	Bradford, IL.
Joliet, IL.	41°32'47" N.	88°19'06" W.	Joliet, IL.
Warren, IL.	41°48'38" N.	88°16'07" W.	Joliet, IL.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J957R Jacksonville, FL., to Washington, D. C.			
Simon, FL.	30°41'20" N.	81°17'25" W.	Alma, GA.
Badger, SC.	32°36'40" N.	80°27'00" W.	Charleston, SC.
Florence, SC.	34°13'58" N.	79°39'26" W.	Florence, SC.
Richmond, VA.	37°30'08" N.	77°19'14" W.	Flat Rock, VA.
Marburg, VA.	38°30'27" N.	77°07'05" W.	Flat Rock, VA.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

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Waypoint name	Location		Reference facility
J958R Washington, DC., to Jacksonville, FL.			
Brooke, VA.	38°20'10" N.	77°21'11" W.	Richmond, VA.
Gordonsville, VA.	38°00'48" N.	78°09'12" W.	Richmond, VA.
Society, SC.	34°37'30" N.	79°45'00" W.	Florence, SC.
Ritter, SC.	32°47'00" N.	80°37'30" W.	Charleston, SC.
Chester, GA.	30°52'25" N.	81°28'52" W.	Jacksonville, FL.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J959R Miami, FL., to Detroit, MI.			
Andy, FL.	26°09'43" N.	80°17'36" W.	Vero Beach, FL.
Ponte Vedra, FL.	30°12'23" N.	81°21'39" W.	Jacksonville, FL.
Augusta, GA.	33°32'40" N.	82°08'00" W.	Columbia, SC.
Rader, TN.	36°06'51" N.	82°59'07" W.	Knoxville, TN.
Foxport, KY.	38°30'45" N.	83°50'02" W.	Louisville, KY.
Dayton, OH.	40°00'59" N.	84°23'49" W.	Fort Wayne, IN.
Milan, MI.	42°03'05" N.	83°44'55" W.	Fort Wayne, IN.

AMENDMENTS 10/12/72 37 F. R. 15295 (Added)

Waypoint name	Location		Reference facility
J960R Gateway Cypress to Paria, Ariz.			
Cypress, Calif.	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.
Malo, Calif.	33°51'30" N.	119°10'03" W.	Santa Barbara, Calif.
Rabbitt, Calif.	34°44'09" N.	117°08'00" W.	Hector, Calif.
Sanup, Ariz.	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
Paria, Ariz.	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location		Reference facility
J961R Gateway Cypress to Paria, Ariz.			
Cypress, Calif.	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.
Santa Barbara, Calif.	34°30'35" N.	119°46'12" W.	Santa Barbara, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
Rabbitt, Calif.	34°44'09" N.	117°08'00" W.	Hector, Calif.
Sanup, Ariz.	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
Paria, Ariz.	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location		Reference facility
J962R Gateway Yucca, CA., to Paria, AZ.			
Yucca, CA.	31°35'00" N.	121°22'00" W.	Los Angeles, CA.
Santa Catalina, CA.	33°22'30" N.	118°25'08" W.	Los Angeles, CA.
Rabbitt, CA.	34°44'09" N.	117°08'00" W.	Hector, CA.
Sanup, AZ.	36°08'19" N.	113°51'29" W.	Peach Springs, AZ.
Paria, AZ.	36°53'51" N.	111°55'43" W.	Bryce Canyon, UT.

AMENDMENTS 3/30/72 37 F. R. 2572 (Added)

Waypoint name	Location		Reference facility
J963R Gateway Pine, CA., to Paria, AZ.			
Pine, CA.	34°13'00" N.	123°03'00" W.	San Luis Obispo, CA.
San Luis Obispo, CA.	35°15'08" N.	120°45'31" W.	San Luis Obispo, CA.
Palmdale, CA.	34°37'53" N.	118°03'47" W.	Palmdale, CA.
Rabbitt, CA.	34°44'09" N.	117°08'00" W.	Hector, CA.
Sanup, AZ.	36°08'19" N.	113°51'29" W.	Peach Springs, AZ.
Paria, AZ.	36°53'51" N.	111°55'43" W.	Bryce Canyon, UT.

AMENDMENTS 3/30/72 37 F. R. 2572 (Added)

Waypoint name	Location		Reference facility
J964R Coaldale, NV., to Gateway Apricot, CA.			
Coaldale, NV.	38°00'12" N.	117°46'10" W.	Coaldale, NV.
Buckhorn, CA.	37°40'09" N.	119°59'55" W.	Fresno, CA.
Merle, CA.	37°11'16" N.	122°47'08" W.	Oakland, CA.
Apricot, CA.	36°15'00" N.	124°50'00" W.	Oakland, CA.

AMENDMENTS 3/30/72 37 F. R. 2572 (Added)

Waypoint name	Location		Reference facility
J965R Coaldale, Nev., to Gateway Maple			
Coaldale, Nev.	38°00'12" N.	117°46'10" W.	Coaldale, Nev.
Manteca, Calif.	37°46'30" N.	121°27'59" W.	Sacramento, Calif.
Palisades, Calif.	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
Maple, Calif.	37°48'13" N.	125°49'57" W.	Ukiah, Calif.

Waypoint name	Location		Reference facility
J966R Gateway Maple to Mina, Nev.			
Maple, Calif.	37°48'13" N.	125°49'57" W.	Ukiah, Calif.
Palisades, Calif.	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
Mayfair, Calif.	38°00'02" N.	121°25'14" W.	Sacramento, Calif.
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J967R Gateway Apricot to Mina, Nev.			
Apricot, Calif.	36°15'00" N.	124°50'00" W.	Oakland, Calif.
Merle, Calif.	37°11'16" N.	122°47'08" W.	Oakland, Calif.
Stanislaus, Calif.	37°46'30" N.	120°51'48" W.	Linden, Calif.
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J971R San Antonio, TX., to Dallas, TX.			
Hye, TX.	30°14'02" N.	98°26'56" W.	Austin, TX.
Acton, TX.	32°26'04" N.	97°39'49" W.	Waco, TX.

AMENDMENTS 3/30/72 37 F. R. 2767 (Added)
AMENDMENTS 5/25/72 37 F. R. 8441 (Changed)

Waypoint name	Location		Reference facility
J972R Dallas, Tex., to San Antonio, Tex.			
Waco, Tex.	31°39'44" N.	97°16'08" W.	Millsap, Tex.
Austin, TX.	30°17'51" N.	97°42'11" W.	San Antonio, TX.

AMENDMENTS 2/3/72 36 F. R. 23359 (Added)
AMENDMENTS 11/9/72 37 F. R. 16599 (Changed)

Waypoint name	Location		Reference facility
J974R Washington, D.C., to Los Angeles, CA.			
Casanova, VA.	38°38'28" N.	77°51'57" W.	Gordonsville, VA.
Adolph, WV.	38°40'45" N.	80°12'31" W.	Charleston, WV.
Chimney, WV.	38°38'00" N.	81°47'11" W.	Charleston, WV.
Westport, KY.	38°25'58" N.	85°36'50" W.	Louisville, KY.
Zell, MO.	38°00'54" N.	90°17'37" W.	Farmington, MO.
Irwin, MO.	37°30'10" N.	94°18'35" W.	Butler, Mo.
Tangier, OK.	36°32'14" N.	99°56'38" W.	Kingfisher, OK.
Canadian, TX.	36°21'15" N.	101°48'33" W.	Amarillo, TX.
Wagon, NM.	36°00'45" N.	104°41'29" W.	Las Vegas, NM.
Gallup, NM.	35°28'34" N.	108°52'19" W.	Gallup, NM.
Drake, AZ.	34°56'54" N.	112°32'15" W.	Prescott, AZ.
Chubbuck, CA.	34°32'20" N.	114°48'08" W.	Parker, CA.
Morrow, CA.	34°02'51" N.	117°14'54" W.	Oceanside, CA.

AMENDMENTS 3/30/72 37 F. R. 2767 (Added)

Waypoint name	Location		Reference facility
J975R Dallas, Tex., to El Paso, Tex.			
Acton, Tex.	32°26'04" N.	97°39'49" W.	Waco, Tex.
Maryneal, Tex.	32°17'42" N.	100°31'47" W.	San Angelo, Tex.
Jal, N. Mex.	32°06'49" N.	103°08'09" W.	Fort Stockton, Tex.
El Paso, Tex.	31°48'57" N.	106°16'52" W.	El Paso, Tex.

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Waypoint name	Location		Reference facility
J976R Seattle, WA., to Minneapolis, MN.			
Bothell, WA.	47°43'56" N.	122°05'03" W.	Seattle, WA.
Coulee, WA.	47°39'42" N.	119°24'00" W.	Ephrata, WA.
Mullan Pass, ID.	47°27'25" N.	115°38'42" W.	Mullan Pass, ID.
Eden, MT.	47°21'50" N.	111°25'15" W.	Great Falls, MT.
Moulton, MT.	47°16'24" N.	109°34'42" W.	Lewiston, MT.
Brockway, MT.	46°59'51" N.	105°50'24" W.	Miles City, MT.
Lark, ND.	46°29'51" N.	101°20'11" W.	Dupree, SD.
Oakes, ND.	46°01'58" N.	98°09'59" W.	Aberdeen, SD.
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.

AMENDMENTS 3/30/72 37 F. R. 2767 (Added)

Waypoint name	Location		Reference facility
J981R Los Angeles, CA., to Washington, D. C.			
Seal Beach, CA.	33°47'00" N.	118°03'14" W.	Oceanside, CA.
Parker, CA.	34°06'07" N.	114°40'53" W.	Needles, CA.
Prescott, AZ.	34°42'09" N.	112°28'46" W.	Phoenix, AZ.
Two Wells, NM.	35°13'59" N.	108°47'53" W.	St. Johns, AZ.
Torreon, NM.	35°41'34" N.	107°03'49" W.	Albuquerque, NM.
Springer, NM.	36°15'07" N.	104°46'52" W.	Las Vegas, NM.
Sofia, NM.	36°25'38" N.	104°01'41" W.	Tucumcari, NM.
Larrabee, KS.	37°10'36" N.	100°29'46" W.	Garden City, KS.
Wichita, KS.	37°43'40" N.	97°27'11" W.	Pioneer, OK.
Tightwad, MO.	38°21'43" N.	93°34'00" W.	Springfield, MO.
Hawk, MO.	38°42'35" N.	90°55'59" W.	Farmington, MO.
Marine, IL.	38°43'46" N.	89°51'54" W.	Capital, IL.
Sparksville, IN.	38°46'02" N.	86°22'34" W.	Indianapolis, IN.
Saint Paul, KY.	38°42'02" N.	82°53'43" W.	Charlestown, WV.
Front Royal, VA.	39°05'26" N.	78°12'02" W.	Casanova, VA.

AMENDMENTS 5/25/72 37 F. R. 4076 (Added)

Waypoint name	Location		Reference facility
J982R Los Angeles, Calif., to Kansas City, Mo.			
Parker, Calif.	34°06'07" N.	114°40'53" W.	Needles, Calif.
Prescott, Ariz.	34°42'09" N.	112°28'46" W.	Phoenix, Ariz.
Two Wells, N. Mex.	35°13'59" N.	108°47'53" W.	St. Johns, Ariz.
Torreon, N. Mex.	35°41'34" N.	107°03'49" W.	Albuquerque, N. Mex.
Springer, N. Mex.	36°15'07" N.	104°46'52" W.	Las Vegas, N. Mex.
Sofia, N. Mex.	36°25'38" N.	104°01'41" W.	Tucumcari, N. Mex.
Larrabee, Kans.	37°10'36" N.	100°29'46" W.	Garden City, Kans.
Wichita, KS.	37°43'40" N.	97°27'11" W.	Pioneer, OK.
Factory, Kans.	38°57'48" N.	95°05'22" W.	Butler, Mo.

AMENDMENTS 5/25/72 37 F. R. 4181 (Changed)

Waypoint name	Location		Reference facility
J983R Miami, FL., to New Orleans, LA.			
Hialeah, FL.	26°11'22" N.	80°42'24" W.	Vero Beach, FL.
Sarasota, FL.	27°23'51" N.	82°33'16" W.	Sarasota, FL.
Neptune, LA.	28°36'40" N.	87°38'36" W.	Crestview, FL.
New Orleans, LA.	30°01'47" N.	90°10'20" W.	New Orleans, LA.

AMENDMENTS 5/25/72 37 F. R. 4076 (Added)

Waypoint name	Location		Reference facility
J984R Houston, TX., to Miami, FL.			
Humble, TX.	29°57'24" N.	95°20'44" W.	Houston, TX.
Leeville, LA.	29°10'30" N.	90°06'14" W.	Leeville, LA.
Neptune, LA.	28°36'40" N.	87°38'36" W.	Crestview, FL.
Sarasota, FL.	27°23'51" N.	82°33'16" W.	Sarasota, FL.
Reptile, FL.	26°10'36" N.	81°06'53" W.	Palm Beach, FL.

AMENDMENTS 5/25/72 37 F. R. 4076 (Added)

Waypoint name	Location		Reference facility
J985R San Antonio, TX., to Phoenix, AZ.			
San Antonio, TX.	29°38'38" N.	98°27'40" W.	Austin, TX.
Telegraph, TX.	30°06'45" N.	100°00'31" W.	Junction, TX.
Fort Stockton, TX.	30°57'07" N.	102°58'31" W.	Wink, TX.
Toyah, TX.	31°31'23" N.	104°03'00" W.	Wink, TX.
Organ, NM.	32°14'48" N.	106°52'20" W.	Truth or Consequences, NM.
Sheldon, AZ.	32°47'55" N.	109°05'10" W.	San Simon, AZ.
Phoenix, AZ.	33°25'53" N.	111°53'17" W.	Phoenix, AZ.

AMENDMENTS 5/25/72 37 F. R. 4076 (Added)

Waypoint name	Location		Reference facility
J987R Montreal, Canada, to J. F. Kennedy International Airport, NY.			
Frontier, NY.	44°57'35" N.	74°05'34" W.	Plattsburgh, NY.
Loon Lake, NY.	44°25'15" N.	74°12'19" W.	Plattsburgh, NY.
Kingston, NY.	41°39'55" N.	73°49'22" W.	Huguenot, NY.
Empire, NJ.	40°47'11" N.	74°02'36" W.	Kennedy, NY.

AMENDMENTS 4/27/72 37 F. R. 3510 (Added) Corr: 37 F. R. 7150

Waypoint name	Location		Reference facility
J988R J. F. Kennedy International Airport, NY., to Montreal, Canada			
Belle Terre, NY.	41°02'17" N.	73°08'51" W.	Hampton, NY.
Cherry Plain, NY.	42°40'52" N.	73°18'11" W.	Albany, NY.
Plattsburgh, NY.	44°48'18" N.	73°24'54" W.	Massena, NY.

AMENDMENTS 4/27/72 37 F. R. 3510 (Added)

Waypoint name	Location		Reference facility
J989R Newark, NJ./La Guardia Airport, NY., to Chicago, IL.			
Ulster, PA.	41°57'31" N.	76°33'39" W.	Slate Run, PA.
Hamlet, NY.	42°20'40" N.	79°05'55" W.	Slate Run, PA.
Wixom, MI.	42°35'05" N.	83°33'35" W.	Cleveland, OH.
Vermontville, MI.	42°38'21" N.	84°55'27" W.	South Bend, IN.
Papi, IL.	42°16'16" N.	87°36'28" W.	South Bend, IN.

AMENDMENTS 9/14/72 37 F. R. 15294 (Added)

Waypoint name	Location		Reference facility
J990R Phoenix, AZ., to Bridgeport, TX.			
Phoenix, AZ.	33°25'53" N.	111°53'17" W.	Phoenix, AZ.
Mule, AZ.	33°21'55" N.	109°11'49" W.	St. Johns, AZ.
Truth or Consequences, NM.	33°16'57" N.	107°16'48" W.	Socorro, NM.
Roswell, NM.	33°20'15" N.	104°37'15" W.	Roswell, NM.
Plains, TX.	33°20'52" N.	102°50'29" W.	Texico, NM.
Rochester, TX.	33°18'28" N.	99°50'01" W.	Abilene, TX.
Bridgeport, TX.	33°14'16" N.	97°45'58" W.	Ardmore, OK.

AMENDMENTS 4/27/72 37 F. R. 4904 (Added)

Waypoint name	Location		Reference facility
J991R Minneapolis, MN., to Greater Southwest, TX.			
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.
Woolstock, IA.	42°34'21" N.	93°42'55" W.	Fort Dodge, IA.
Lawson, MO.	39°30'13" N.	94°05'16" W.	Lamoni, IA.
Redfield, MO.	37°53'19" N.	94°56'19" W.	Springfield, MO.
Tulsa, OK.	36°11'46" N.	95°47'16" W.	Oklahoma City, OK.
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.

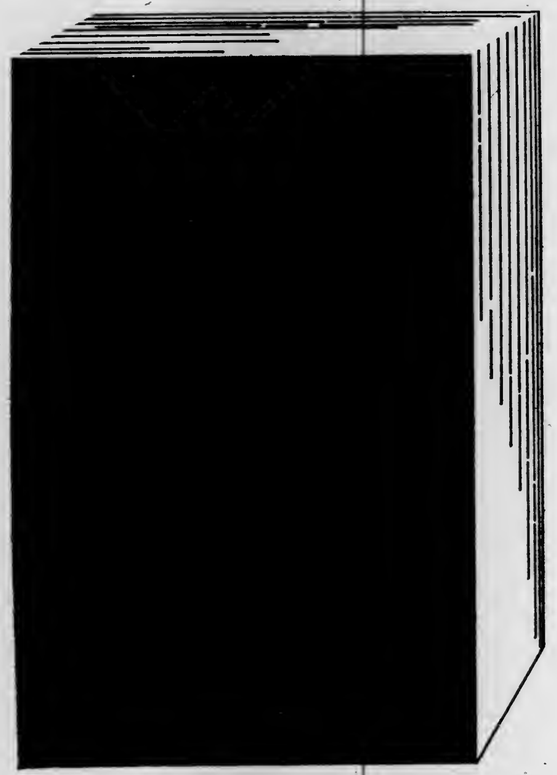
AMENDMENTS 6/22/72 37 F. R. 9462 (Added)

Waypoint name	Location		Reference facility
J992R Refinery, TX., to Tulsa, OK.			
Refinery, TX.	30°17'26" N.	95°19'55" W.	Humble, TX.
Yantis, TX.	32°54'39" N.	95°31'36" W.	Greater Southwest, TX.
Tulsa, OK.	36°11'46" N.	95°47'16" W.	Oklahoma City, OK.

AMENDMENTS 8/17/72 37 F. R. 12382 (Added)

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NOTICE TO AGENCIES

Agencies preparing documents for publication in the FEDERAL REGISTER are reminded that the revised rules of the Administrative Committee of the Federal Register are in effect as of January 3, 1973. (1 CFR Chapter I, 37 F.R. 23602, November 4, 1972.)

These revised rules include the following significant changes:

1. Requirement for a preamble in each proposed rule making and final rule making document that describes the contents of the document in a manner sufficient to apprise a reader who is not an expert in the subject area of the general subject matter of the document.

2. Requirement for setting forth specific effective dates and action dates.

3. Change in publication dates of the daily FEDERAL REGISTER (Monday through Friday instead of Tuesday through Saturday). See 1 CFR 17.2, 18.12, and 18.17.

HIGHLIGHTS OF THIS ISSUE

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EXECUTIVE ORDER 11694

Creating an Emergency Board to Investigate a Dispute Between the Port Authority Trans-Hudson Corporation and Certain of Its Employees

WHEREAS, a dispute exists between the Port Authority Trans-Hudson Corporation and certain of its employees represented by the Brotherhood Railway Carmen of the United States and Canada, a labor organization; and

WHEREAS, this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS, this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its finding to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Port Authority Trans-Hudson Corporation, or by its employees, in the conditions out of which the dispute arose.

Richard Nixon

THE WHITE HOUSE,
January 2, 1973.

[FR Doc.73-313 Filed 1-3-73;10:01 am]

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Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

OFFICERS, CLASSIFICATION, AND EXAMINATION

Whereas, on November 25, 1972, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations 37 F.R. 25054 of November 25, 1972; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now, therefore, by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on December 31, 1972, as follows:

PART 1604—SELECTIVE SERVICE OFFICERS

§§ 1604.61, 1604.62 [Revoked]

Section 1604.61 *Medical advisors to local boards*, is revoked.

Section 1604.62 *Disqualification*, is revoked.

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Paragraph (a) of § 1622.44 *Class 4–F: Registrant not qualified for military service*, is amended to read as follows:

§ 1622.44 Class 4–F: Registrant not qualified for military service.

(a) In Class 4–F shall be placed any registrant who is found by an Armed Forces examining and entrance station, under applicable physical, mental or administrative standards, to be not qualified for service in the Armed Forces; except that no such registrant whose further examination or reexamination is determined by AFEES to be justified shall be placed in Class 4–F until such further examination has been accomplished and such registrant continues to be found not qualified for military service.

• • • • •

PART 1625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

Section 1625.2 *Reopening of classification*, is amended to read as follows:

§ 1625.2 Reopening of classification.

(a) The local board will reopen and consider anew the classification of a registrant: (1) Upon the written request of the Director of Selective Service or the State Director of Selective Service and upon receipt of such request shall immediately cancel any order to report for induction or alternate service which may have been issued to the registrant; (2) who is in Class 1–H and becomes subject to processing for induction according to these regulations and the rules prescribed by the Director; (3) in any classification for the purpose of classifying him in Class 1–H according to these regulations and the rules prescribed by the Director; (4) upon the written request of the registrant that is accompanied by written information presenting facts other than pertaining to his acceptability for induction not considered when the registrant was classified which, if true in the opinion of the board, would justify a change in the registrant's classification; or (5) upon its own motion if such action is based upon facts other than pertaining to his acceptability for induction not considered when the registrant was classified which, in the opinion of the board, would justify a change in the registrant's classification: *Provided*, That in the event of paragraph (a)(4) or (5) of this section, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an order for induction or alternate service or, in the event the order to report for induction or alternate service was postponed and a subsequent letter from the local board establishes the date for induction or for reporting for alternate service, unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

PART 1628—EXAMINATION OF REGISTRANTS

§ 1628.1 [Amended]

Paragraph (c) of § 1628.1 *Who will be examined*, is revoked.

§§ 1628.2, 1628.3, 1628.4, 1628.5 [Revoked]

Section 1628.2 *Preliminary determination of acceptability*, is revoked.

Section 1628.3 *Registrants to be given medical interview*, is revoked.

Section 1628.4 *Duties of medical advisors to local board*, is revoked.

Section 1628.5 *Transfer for medical interview*, is revoked.

BYRON V. PEPITONE,
Acting Director.

DECEMBER 26, 1972.

[FR Doc.73-16 Filed 1-3-73;8:45 am]

Chapter XVI—Selective Service System

CLASSIFICATION PROCEDURES

Whereas, on November 28, 1972, the Director of Selective Service published a notice of proposed amendments to Selective Service Regulations, 37 FR 25179 on November 28, 1972; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on January 6, 1973, as follows:

PART 1621—PREPARATION FOR CLASSIFICATION

Section 1621.14 *Securing information from welfare and governmental agencies*, is amended to read as follows:

§ 1621.14 Securing information from welfare and governmental agencies.

The local board is authorized to request and receive information from welfare and governmental agencies whenever such information will assist it in determining the proper classification of a registrant.

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Section 1622.30 is amended to read as follows:

§ 1622.30 Class 3–A: Registrant deferred by reason of hardship to dependents.

(a) In Class 3–A shall be placed any registrant:

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(1) Whose induction would result in extreme hardship to his wife when she is his only dependent;

(2) Whose induction would result in undue and genuine hardship to his child, parent, grandparent, brother or sister, who is dependent upon him for support;

(3) Who has been separated from active military service by reason of dependency or hardship; or

(4) Who prior to April 23, 1970, submitted to his local board information establishing his eligibility for deferment on the grounds of fatherhood under regulations in effect prior to such date.

(b) Any registrant classified prior to April 23, 1970, in Class 3–A on the grounds of fatherhood and who continues to maintain a bona fide relationship in their home with his child or children may be retained in Class 3–A.

(c) The local board will reopen and consider anew the classification of each registrant in Class 3–A not later than 365 days after he was last classified in Class 3–A.

(d) As used in this section:

(1) The term "child" shall include any person under 18 years of age who is a legitimate or an illegitimate child from the date of its conception, a stepchild, a foster child, or a child legally adopted;

(2) Dependency: Dependency exists when by reason of death or disability of a member of the registrant's family, other members of his family become principally dependent upon him for care or support;

(3) Hardship: Hardship exists when in circumstances not involving death or disability of a member of the registrant's family, his induction will materially affect the care or support of his family by aggravating or causing undue and genuine hardship.

(4) The term "parent" shall include any person who has stood in the place of a parent to the registrant for at least 5 years preceding the 18th anniversary of the registrant's date of birth.

PART 1623—CLASSIFICATION PROCEDURE

Section 1623.1(b) is amended to read as follows:

§ 1623.1 Commencement of classifications.

* * * * *

(b) The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and other written information in his file, oral statements by the registrant at his personal appearance before the local board, appeal board, or National Selective Service Appeal Board, and oral statements by the registrant's witnesses at his personal appearance before the local board. No information in any written summary of the oral information presented at a registrant's personal appearance that was prepared by an official or employee of the Selective Service System will be considered or placed in the registrant's file unless a copy of it has been furnished to the registrant by the Selective Service System. No information in any other document in the registrant's file shall be considered in classifying the registrant unless that document was supplied by the registrant or a copy of it or a fair resume of its contents has been furnished to him by the Selective Service System.

PART 1631—ALLOCATION OF INDUCTIONS

Section 1631.6(b)(2) is amended to read as follows:

* * * * *

§ 1631.6 Action by local board upon receipt of allocation.

* * * * *

(b) * * *

(2) Nonvolunteers in the Extended Priority Selection Group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1: *Provided*, That, in the calendar year 1973, no registrant who first entered this group before December 31, 1972, shall be inducted.

BYRON V. PEPITONE,
Acting Director.

DECEMBER 29, 1972.

[FR Doc.73–168 Filed 1–3–73;8:45 am]

OFFICERS, CLASSIFICATION, AND EXAMINATION

Whereas, on November 25, 1972, the Director of Selective Service published a notice of proposed amendments of Selective Service regulations at 37 FR 25055 of November 25, 1972; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on December 31, 1972, as follows:

PART 1622—CLASSIFICATION

Section 1622.2 *Classes*, is amended to read as follows:

§ 1622.2 Classes.

Each registrant shall be classified in one of the following classes:

CLASS 1

Class 1–A: Available for military service.
Class 1–AM: Registrant in any of the specified medical, dental, and allied specialist categories.
Class 1–A–O: Conscientious objector available for noncombatant military service only.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 1–D: Member of reserve component or student taking military training.
Class 1–H: Registrant not currently subject to processing for induction.
Class 1–O: Conscientious objector available for alternate service.
Class 1–W: Conscientious objector performing alternate service in lieu of induction.

CLASS 2

Class 2–A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.
Class 2–C: Registrant deferred because of agricultural occupation.
Class 2–D: Registrant deferred because of study preparing for the ministry.
Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.
Class 2–S: Registrant deferred because of activity in study.

CLASS 3

Class 3–A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.

CLASS 4

Class 4–A: Registrant who has completed military service.
Class 4–B: Officials deferred by law.
Class 4–C: Aliens.
Class 4–D: Minister of religion.
Class 4–F: Registrant not qualified for military service.
Class 4–G: Registrant exempted from service during peace.
Class 4–W: Conscientious objector who has completed alternate service in lieu of induction.

Section 1622.15 is added to read as follows:

§ 1622.15 Class 1–AM: Medical, dental, or allied specialist.

(a) In Class 1–AM shall be placed every registrant (1) who is or becomes a doctor of medicine, a dentist, a doctor of optometry, a doctor of osteopathy, a doctor of podiatry, a veterinarian, a registered nurse, or other of the medical, dental or allied specialist categories for which in accord with section 5(a) of the Military Selective Service Act the Secretary of Defense has stated that requisitions for induction may be submitted, and (2) who is not eligible for classification in another class other than Class 1–A.

(b) Each registrant who is classified in Class 1–AM shall be identified as follows: Class 1–AMM for doctor of medicine; Class 1–AMD for dentist; Class 1–AME for doctor of optometry; Class 1–AMO for doctor of osteopathy; Class 1–AMP for doctor of podiatry; Class 1–AMV for veterinarian; and Class 1–AMN for registered nurse.

(c) For the purpose of this section a doctor of medicine is a registrant who has received the degree of doctor of medicine; a dentist is a registrant who has received the degree of doctor of dental surgery or doctor of dental medicine; a doctor of optometry is a registrant who has received the degree of doctor of optometry; a doctor of osteopathy is a registrant who has received the degree of doctor of osteopathy; a doctor of podiatry is a registrant who has received the degree of doctor of podiatry; a veterinarian is a registrant who has received the degree of doctor of veterinary medicine; and a nurse is a registrant who has been licensed as a registered nurse. A registrant who has received training equivalent to that evidenced by the issuance of any of the degrees listed in the preceding sentence will be deemed to have received the respective degree.

Section 1622.18 *Class 1–H (holding classification): Registrant not subject to processing for induction*, is amended to read as follows:

§ 1622.18 Class 1–H (holding classification): Registrant not subject to processing for induction.

(a) In Class 1–H shall be placed any registrant who is not eligible for Class 1–AM and is not currently subject to processing for induction according to these regulations and the rules prescribed by the Director of Selective Service.

Paragraph (a) of § 1622.25 *Class 2–S: Registrant deferred because of activity in study*, is amended to read as follows:

§ 1622.25 Class 2–S: Registrant deferred because of activity in study.

(a) In Class 2–S shall be placed any registrant who requests such classification, who was satisfactorily pursuing a full-time course of instruction at a college, university or similar institution of learning during the 1970–71 regular academic school year and who is satisfactorily pursuing such course, such classification to continue until such registrant completes the requirement for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever occurs first.

* * * * *

Section 1622.26 is amended to read as follows:

§ 1622.26 Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.

In Class 2–M shall be placed any registrant who is satisfactorily pursuing a full-time course of study leading to a professional degree in medicine, dentistry, optometry, osteopathy, podiatry, veterinary medicine, licensure as a registered nurse, or other of the medical, dental, or allied specialist categories for which in accord with section 5(a) of the Military Selective Service Act the Secretary of Defense has stated that requisitions for induction may be submitted.

PART 1623—CLASSIFICATION PROCEDURE

Section 1623.2 *Consideration of classes*, is amended to read as follows:

§ 1623.2 Consideration of classes.

(a) Every registrant other than a registrant eligible for classification in Class 1–AM shall be placed in Class 1–A under the provisions of section 1622.10 of this chapter except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1–A–O considered the highest class and Class 4–A considered the lowest class, according to the following table:

Class 1–A–O: Conscientious objector available for noncombatant military service only.
Class 1–O: Conscientious objector available for alternate service.
Class 2–A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.
Class 2–C: Registrant deferred because of agricultural occupation.
Class 2–S: Registrant deferred because of activity in study.
Class 2–D: Registrant deferred because of study preparing for the ministry.
Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.
Class 3–A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.
Class 4–B: Officials deferred by law.
Class 4–C: Aliens.
Class 4–D: Minister of religion.
Class 1–H: Registrant not currently subject to processing for induction.
Class 4–G: Registrant exempted from service during peace.
Class 4–F: Registrant not qualified for military service.
Class 4–W: Conscientious objector who has completed alternate service in lieu of induction.
Class 1–D: Member of reserve component or student taking military training.
Class 1–W: Conscientious objector performing alternate service in lieu of induction.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 4–A: Registrant who has completed military service.

(b) A registrant eligible for classification in Class 1–AM under the provisions of § 1622.15 of this chapter shall be placed in that class except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1–A–O considered the highest and Class 4–A considered the lowest class, according to the following table:

Class 1–A–O: Conscientious objector available for noncombatant military service only.
Class 1–O: Conscientious objector available for alternate service.
Class 2–A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.
Class 2–C: Registrant deferred because of agricultural occupation.
Class 2–S: Registrant deferred because of activity in study.
Class 2–D: Registrant deferred because of study preparing for the ministry.
Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.
Class 3–A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.
Class 4–B: Officials deferred by law.
Class 4–C: Aliens.
Class 4–D: Minister of religion.
Class 1–H: Registrant not currently subject to processing for induction.
Class 4–G: Registrant exempted from service during peace.
Class 4–F: Registrant not qualified for military service.
Class 4–W: Conscientious objector who has completed alternate service in lieu of induction.
Class 1–D: Member of reserve component or student taking military training.
Class 1–W: Conscientious objector performing alternate service in lieu of induction.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 4–A: Registrant who has completed military service.

PART 1630—VOLUNTEERS

Paragraph (a) of § 1630.1 *Who may volunteer*, is amended to read as follows:

§ 1630.1 Who may volunteer.

(a) Any registrant who has attained the age of 18 years and who has not attained the age of 26 years and who has not discharged his current military obligation under the Military Selective Service Act may volunteer for induction into the Armed Forces other than as a medical, dental, or allied specialist by completing and filing with his local board an Application for Voluntary Induction (SSS Form 254) which shall be completed and filed in duplicate if he has not attained the age of 18 years and 6 months. A registrant in Class 1–AM may volunteer for induction as a medical, dental, or allied specialist in accord with § 1680.10 of this chapter.

* * * * *

PART 1631—ALLOCATION OF INDUCTIONS

§ 1631.3 [Amended]

The second sentence of § 1631.3 *Calls by the Secretary of Defense*, is revoked.

§ 1631.4 [Amended]

Paragraph (b) of § 1631.4 *Allocation by the Director of Selective Service*, is revoked.

PART 1680—MEDICAL, DENTAL, OR ALLIED SPECIALIST CATEGORIES (CLASS 1–AM)

Part 1680 is added to read as follows:

Sec.
1680.1 Examinations.
1680.2 Calls by the Secretary of Defense.
1680.3 Allocations by the Director of Selective Service.

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Sec.
1680.4 Allocations by the State Director of Selective Service.
1680.5 Action by Local Board upon receipt of allocation.
1680.6 Random selection sequence.
1680.7 Postponement of induction.
1680.8 Deferments.
1680.9 Alternate service.
1680.10 Volunteers.

AUTHORITY: The provision of this Part 1680 issued pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.) and Executive Order 11623, dated October 12, 1971.

§ 1680.1 Examinations.

Local boards shall forward registrants in Class 1–AM for Armed Forces examination in accord with instructions of the Director of Selective Service.

§ 1680.2 Calls by the Secretary of Defense.

The Secretary of Defense may from time to time place with the Director of Selective Service a call or requisition for men in any medical, dental, or allied specialist category required for induction into the Armed Forces.

§ 1680.3 Allocations by the Director of Selective Service.

Upon receipt of a call or requisition from the Secretary of Defense for men in a medical, dental, or allied specialist category to be inducted into the Armed Forces, the Director of Selective Service shall issue a call or requisition to the several States. The allocation of a call for the delivery of registrants shall specify the random selection sequence numbers of registrants in the appropriate speciality who shall be selected for induction.

§ 1680.4 Allocations by the State Director of Selective Service.

The State Director of Selective Service shall allocate a call for the delivery of registrants as prescribed by the Director of Selective Service pursuant to § 1680.3 of this part.

§ 1680.5 Action by local board upon receipt of allocation.

(a) When an allocation is received from the State Director of Selective Service, any member or compensated employee of the local board, or any compensated employee of the Selective Service System whose official duties include the performance of administrative duties at a local board shall select as provided herein, and issue orders to report for induction to those men required to fill the call from among its registrants who have been classified in Class 1–AM and have been found acceptable for service in the Armed Forces and to whom a Statement of Acceptability (DD Form 62) has been mailed: *Provided*, That a registrant in Class 1–AM who has volunteered for induction may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Statement of Acceptability (DD Form 62) has been mailed to him, but in such case the Armed Forces examination shall be performed after he has reported for induction as ordered and he shall not be inducted until his acceptability has been satisfactorily determined.

(b) Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated:

(1) Volunteers in the sequence in which they have volunteered for induction;

(2) Nonvolunteers within their year of prime vulnerability in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1680.6;

(3) Nonvolunteers within the first year after their year of prime vulnerability in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1680.6;

(4) Nonvolunteers within the second year after their year of prime vulnerability in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1680.6;

(5) Nonvolunteers within the third year after their year of prime vulnerability in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1680.6;

(6) Nonvolunteers within each succeeding year, in turn, after their year of prime vulnerability in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1680.6, until attainment of age 35.

As used in this paragraph, the year of prime vulnerability for an alien who enters the United States after he has completed the professional training described in § 1622.15(c) of this chapter is the 12 months following his first year of residence in the United States. The year of prime vulnerability for all other persons is 365 days immediately following the attainment of the first appropriate professional degree or diploma, or completion of internship or 1 year of equivalent training, whichever is later. The internship or 1 year of equivalent training must follow immediately upon the attainment of the appropriate professional degree.

§ 1680.6 Random selection sequence.

A registrant in Class 1–AM who was born before 1944 shall be assigned a birth date sequence based upon the results of the drawing held on December 1, 1969. A registrant in Class 1–AM who was born in 1944 or later shall be assigned a birth date sequence based upon the results of drawings held in accord with § 1631.1 of this chapter.

§ 1680.7 Postponement of induction.

Section 1632.2 of this chapter applies to registrants subject to this part. The Director of Selective Service or any State Director of Selective Service (as to the registrants registered within his State), in accord with § 1632.2(b) of this chapter, may postpone the induction of a registrant who applies or has applied for an appointment as a Reserve Officer in one of the Armed Forces in any of the medical, dental, and allied specialist categories until final action has been taken on such application.

§ 1680.8 Deferments.

Any registrant subject to this part may be considered for classification in Class 2–A in accord with the standards in § 1622.23(a) of this chapter if his occupation following his year of prime vulnerability as defined in § 1680.5(c) has been found by the appropriate State medical advisory board to represent an especially critical community service, and a replacement cannot be found by the community involved in the time allotted by a postponement of induction.

§ 1680.9 Alternate service.

A registrant in Class 1–O who would be eligible for Class 1–AM were he not in Class 1–O will be ordered to alternate service in lieu of induction in accord with Part 1660 of this chapter at the time that he would be called for induction if he were in Class 1–AM.

§ 1680.10 Volunteers.

Any registrant in Class 1–AM who has not attained the age of 35 years may volunteer for induction under this part by filing with his local board his written request for such induction.

BYRON V. PEPITONE,
Acting Director.

DECEMBER 26, 1972.

[FR Doc.73–15 Filed 1–3–73;8:45 am]

PART 1660—ALTERNATE SERVICE

Whereas, on November 28, 1972, the Director of Selective Service published a notice of proposed amendments of Selective Service regulations at 37 F.R. 25179 of November 28, 1972; and

Whereas more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered.

Now therefore by virtue of the authority vested in me by section 6(j) of the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.), the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on January 6, 1973, as follows:

Section 1660.4(c) is amended to read as follows:

§ 1660.4 Selection of nonvolunteer for alternate service.

• • • • •

(c) A registrant in Class 1–O who would be eligible for Class 1–AM were he not in 1–O will be ordered to alternate service in lieu of induction at the time that he would be ordered for induction if he were in Class 1–AM.

• • • • •

BYRON V. PEPITONE,
Acting Director.

DECEMBER 29, 1972.

[FR Doc.73–169 Filed 1–3–73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS

Chapter 5A of Title 41 is amended as follows:

PART 5A–3—PROCUREMENT BY NEGOTIATION

The table of contents of Part 5A–3 is amended to add the following:

Sec.
5A–3.603–71 Prompt payment discounts.
5A–3.809 Contract audit as a pricing aid.

Subpart 5A–3.6—Small Purchases

Section 5A–3.603–71 is added as follows:

§ 5A–3.603–71 Prompt payment discounts.

Prompt payment discounts offered for payment within less than 20 calendar days will not be considered in evaluating prices quoted on Standard Form 18, Request for Quotations. However, any discount offered by a successful bidder shall be taken provided payment is made within the discount period, even though such discount was not considered in evaluation of the offer (see also § 5A–2.407–3(a)).

Subpart 5A–3.8—Price Negotiation Policies and Techniques

Section 5A–3.809 is added as follows:

§ 5A–3.809 Contract audit as a pricing aid.

Requests by contracting officers for contract audits (see § 5A–53.301).

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PART 5A–53—CONTRACT ADMINISTRATION

Part 5A–53 is amended by adding the following new Subpart 5A–53.3:

Subpart A–53.3—Audit of Contractor's Records

Sec.
5A–53.301 General.

Subpart 5A–53.3—Audit of Contractor's Records

§ 5A–53.301 General.

(a) Section 5–53.301 prescribes that the Contract Audits Division (BKC), Office of Audits, performs contract audits as required by law, regulations, or sound business judgment.

(b) In order that the Commissioner, FSS, may be apprised of such audits and related information if requested, copies of all letters from contracting officers to BKC requesting contract audits shall be furnished to the Office of the Executive Director (FA) (see also § 5A–3.809).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective January 19, 1973, but may be observed earlier.

Dated: December 20, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.73–182 Filed 1–3–73;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5322]

[AA–5927]

ALASKA

Withdrawal for National Forest Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SOUTH TONGASS NATIONAL FOREST

COPPER RIVER MERIDIAN

Old Tom Creek Natural Area

Beginning on point A, approximately 607 feet west of the northeast corner of sec. 6, T. 75 S., R. 86 E., coordinates 55°24'10" N. latitude, 132°23'25" longitude. Proceed S. 14° W., 1,675 feet to point B; thence S. 9° W., 9,500 feet to point C; thence S. 34° W., 7,640 feet to point D; thence S. 7° W., 8,430 feet to point E; thence N. 41° W., 5,540 feet to point F; thence N. 14° W. 8,260 feet to point G; thence N. 2° W., 4,490 feet to point H; thence N. 18° W., 5,800 feet to point I; thence N. 49° E., 6,330 feet to point J; thence N. 85° E., 3,300 feet to point K; thence N., 90° E., 5,500 feet to the point of beginning.

The area described aggregates 4,021 land acres and 213 water acres located on Prince of Wales Island.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 21, 1972.

[FR Doc.73–12 Filed 1–3–73;8:45 am]

[Public Land Order 5323]

[Wyoming 23432]

NEBRASKA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental orders of December 22, 1949, October 15, 1951, and July 11, 1955, withdrawing lands for reclamation purposes in connection with the Missouri River Basin Project, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 31 N., R. 7 W.,
sec. 4, lot 1.

T. 32 N., R. 8 W.,
sec. 17, lot 3.

T. 32 N., R. 10 W.,
sec. 1, lot 4.

T. 34 N., R. 27 W.,
sec. 27, lots 5, 7, 8;
sec. 33, lot 3;
sec. 34, lots 1 to 5, incl.

T. 32 N., R. 31 W.,
sec. 1, lots 1 and 2.

T. 33 N., R. 29 W.,
sec. 28, NE¼NE¼;
sec. 31, lots 2 and 3.

T. 33 N., R. 30 W.,
sec. 31, SW¼SE¼.

T. 33 N., R. 32 W.,
sec. 31, lot 1.

T. 33 N., R. 37 W.,
sec. 13, SE¼NW¼.

T. 24 N., R. 32 W.,
sec. 6, lot 11;
sec. 7, lot 1;
sec. 13, lot 7.

T. 21 N., R. 22 W.,
sec. 23, lot 5.

The areas described aggregate 635.40 acres in Knox, Boyd, Cherry, Hooker, and Blaine Counties.

2. Of these lands, about 272.65 acres described as lots 5, 7, and 8, sec. 27, lot 3, sec. 33, and lots 1 to 5, incl., sec. 34, T. 34 N., R. 27 W., remain withdrawn for the Niobrara National Wildlife Refuge as

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enlarged by Executive Order No. 3256 of March 31, 1920.

3. The lands described as lot 1, sec. 4, T. 31 N., R. 7 W., lot 3, sec. 17, T. 32 N., R. 8 W., lot 4, sec. 1, T. 32 N., R. 10 W., lots 1 and 2, sec. 1, T. 32 N., R. 31 W., and the SW¼SE¼, sec. 31, T. 33 N., R. 30 W., containing 132.90 acres, are hereby classified as suitable for lease or sale under the provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended 43 U.S.C. §§ 869–869–4 (1970), pursuant to an application filed by the Nebraska Game and Parks Commission. These lands, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2440.4).

4. At 10 a.m. on January 26, 1973, the remaining unappropriated, unreserved 229.85 acres of public lands described above, shall be open to operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 26, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 21, 1972.

[FR Doc.73-13 Filed 1-3-73;8:45 am]

[Public Land Order 5324]
[Arizona 08807]

ARIZONA

Withdrawal and Reservation of Lands for Luke-Williams Air Force Range Extended

By virtue of the authority contained in section 1 of the Act of August 24, 1962, 76 Stat. 399 (hereinafter referred to as the Act), and at the option of the Secretary of Defense, as provided in the Act, notice is hereby given that the withdrawal and reservation of lands for the Luke-Williams Air Force Range, as particularly described in the Act, were extended until August 24, 1977, subject to all of the terms, conditions, and limitations contained in the Act.

The withdrawal and reservation of the lands involved may be terminated prior to August 24, 1977, upon notice to the Secretary of the Interior by the Secretary of Defense. If all or part of the lands are needed for military purposes after the termination date of August 24, 1977, the Secretary of the appropriate military department may make application therefor under the applicable laws and regulations then in force.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 21, 1972.

[FR Doc.73-14 Filed 1-3-73;8:45 am]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart 1060.4—Resolving Complaints of Discrimination in Employment, Program Participation and Benefits Against OEO Grantees (OEO Instruction 6004–4)

Part 1060 of Chapter X of Title 45 of the Code of Federal Regulations is revised by adding a new Subpart 1060.4 reading as follows:

Sec.
1060.4–1 Applicability of this subpart.
1060.4–2 Policy.
1060.4–3 Effective date.
1060.4–4 Responsibilities.
1060.4–5 Pre-complaint procedure.
1060.4–6 Formal complaint procedure.
1060.4–7 Implementation of OEO procedures.

AUTHORITY: The provisions of this Subpart 1060.4 issued under sec. 602(n), 78 Stat. 530; 42 U.S.C. 2942.

§ 1060.4–1 Applicability of this subpart.

(a) This subpart applies to all grantees, and the delegate agencies of all grantees receiving financial assistance under Titles II, III–B, and VII of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by the Office of Economic Opportunity.

(b) Hereinafter the words "grantee" and "recipient" are used interchangeably to include both grantees and delegate agencies.

(c) To the extent that these instructions do not conflict with other Federal agency's regulations on the subject, they shall apply to all programs sponsored by grantees.

§ 1060.4–2 Policy.

It is the policy of OEO that no person shall be discriminated against in employment because of race, color, religion, sex, national origin, age, or political affiliation or belief, or in any way excluded from participation in or be denied the benefits in connection with any program of activity receiving OEO funds.

§ 1060.4–3 Effective date.

This subpart is officially effective February 1, 1973, but grantees are urged to comply at the earliest possible date.

§ 1060.4–4 Responsibilities.

(a) All grantees shall have at least one Equal Opportunity Officer (EOO). Grantees with 50 full-time employees or more should have an EOO with full-time responsibility for the Equal Opportunity Program within the agency. Grantees with less than 50 full-time employees should have an EOO who spends an adequate amount of his/her time on the agency's Equal Opportunity Program. OEO may request removal of an EO Officer who fails to carry out the mission of the EEO program. The EOO shall undergo training as prescribed by the Office of Human Rights. All expenses incurred by such training shall be borne by the grantee. Grantees shall display, in a prominent place, posters which summarize the functions of the EOO and explain the procedures for filing complaints either through the EOO or filing complaints directly to OEO. The EOO shall be granted the authority to carry out the following activities:

(1) To receive and attempt to resolve equal opportunity complaints on an informal basis.

(2) To provide aggrieved persons with information and advice on equal opportunity procedures including local, State, and Federal redress procedures, including notification of the filing deadlines for EEOC complaints. The EOO shall also inform the complainant of the right to sue in court.

(3) To take any other steps which may assist in the resolution of the problem, prior to filing a formal complaint.

(4) To assist in preparing a formal complaint to OEO of alleged discrimination based on race, color, religion, sex, national origin or age, political affiliation or belief.

(5) Nothing contained herein shall be construed to deny a complainant the right to make a direct complaint to OEO.

(b) In connection with the responsibilities listed in paragraph (a) of this section:

(1) The aggrieved person and the EOO shall be free from restraint, interference, coercion, discrimination, or reprisal in connection with the program or grievance. The EOO shall not reveal the identity of an aggrieved person who has come to him for consultation, except when authorized to do so by the aggrieved person.

(2) The EOO shall make every effort to resolve the problem informally. To this end, the EOO shall, if requested by the complainant, assist in discussion with the supervisor or any other party to the problem and may take other steps which may assist in the resolution of the problem.

(3) The aggrieved person has the right to be accompanied, represented, and advised by a representative or attorney of his own choice. If the aggrieved person and/or his representative is an employee of the agency, he shall be given a reasonable number of working hours to prepare and present his request for a solution of the problem. These procedures should be included in the grantee's personnel policies.

(4) The EEO shall be given access within the agency to information necessary to provide the aggrieved person with a basis for determining whether there are grounds for filing either a formal civil rights complaint or a personnel grievance. The complaint may not be withdrawn without the consent of the EOO.

(5) The EOO of the recipient shall have 20 working days to resolve the problem before filing a formal complaint.

(6) The EOO shall be responsible for the development and implementation of the agency's affirmative action plan.

(c) Each recipient is responsible for reviewing on a systematic basis the manner in which the program activities are planned and conducted in light of applicable equal opportunity requirements.

(d) The appropriate Assistant, Associate, or Regional Director is responsible for the following:

(1) Monitoring equal opportunity practices on the part of any organization receiving financial assistance through his office;

(2) Attempting, by informal methods of conference, conciliation, and persuasion to resolve any individual complaint and to obtain specific assurances regarding the elimination or avoidance of any unlawful practice;

(3) Initiating action to deny applications for refunding or to suspend or terminate financial assistance in appropriate cases.

(e) The OEO Associate Director for Human Rights is responsible for:

(1) Initiating and coordinating OEO investigations of allegations of discriminatory practices;

(2) Determining whether or not probable cause exists to believe that an unlawful discriminatory practice has occurred;

(3) Making recommendations with respect to the suspension or termination of financial assistance and to the refusal of an application for refunding in appropriate cases.

§ 1060.4–5 Pre-complaint procedure.

(a) *Submission of equal opportunity problems.* Any person who believes he has encountered discrimination because of race, color, religion, sex, national origin, or age should first discuss the problem with the EOO of the grantee or delegate agency. Problems may be submitted by any person or by any group or representative with the approval of the aggrieved person.

(b) *Reports on precomplaint efforts.* When the Equal Opportunity Officer has completed his attempts to resolve the problem he shall prepare a report of his efforts, setting out a summary of the problem, his investigation, his disposition of the problem and the basis for that disposition. He shall file a copy of this report with the OEO Associate Director for Human Rights in Washington or with the Human Rights Chief at the appropriate OEO Regional office. This report shall be forwarded in every case regardless of whether a formal complaint is filed.

§ 1060.4–6 Formal complaint procedure.

(a) *Submission of formal complaint.* (1) A formal signed written complaint shall be addressed to the OEO Associate Director for Human Rights and may be filed with OEO Headquarters in Washington, D.C., or any of its field offices with the Human Rights Chief (OEO Form 265 may be used for this purpose). The formal complaint should contain the following elements of information:

(i) An identification of the organization receiving funds by name and address.

(ii) Specification of the nature of the discriminatory practice (i.e., race, color, religion, sex, national origin, or age).

(iii) Dates or time period within which the discriminatory practice is alleged to have occurred.

(iv) Identification of any Federal, State or local fair employment practices commission to which the practice has been reported (if the charge concerns a discriminatory employment practice).

(2) The OEO Associate Director for Human Rights will notify the complainant in writing of receipt of the complaint, and if the complaint involves employment discrimination, that in order to assure protection of his individual rights under the Federal equal employment opportunity law, title VII of the Civil Rights Act of 1964, he must also file a complaint with the Equal Employment Opportunity Commission, and that he may file a complaint with any State or local agency or commission which may have power to act on charges of discrimination in employment based on race, color, religion, sex or national origin, or that he may file suit directly under 42 U.S.C. 1981 or 1983 in cases of racial discrimination. He shall also advise the complainant that he is taking one or more of the following actions:

(i) Requesting a report from the recipient which is charged with discrimination, and indicating the maximum amount of time allowed for response.

(ii) Forwarding the complaint to the head of the OEO office through which the recipient receives OEO financial assistance for coordination and action.

(iii) Requesting or initiating an OEO investigation of the complaint.

(iv) Rejecting the complaint, stating the reason why the complaint cannot be processed.

(b) *Complaints presented to State or local commissions or to the Equal Employment Opportunity Commission.* When a complainant has also filed a complaint with the Equal Employment Opportunity Commission or with a State or local commission having jurisdiction over the matter, the OEO Associate Director for Human Rights shall communicate with the responsible official of the compliance agency which has received the complaint and shall arrange to handle the complaint in such a way as to avoid duplication and to secure the most effective action to resolve the problem. It shall be the general practice of OEO to await the report of the compliance agency, unless there appears to be a compelling reason for earlier action.

(c) *Investigation of complaints.* (1) All formal complaints shall be forwarded to the Associate Director for Human Rights, whether they are originally filed in headquarters or in a regional office. He will arrange for the full investigation of each formal complaint except where:

(i) He determines on the basis of all reports that the complaint is frivolous.

(ii) He determines on the basis of all reports that the recipient has corrected the alleged discriminatory practice.

(iii) He determines that the charge is being investigated by an appropriate authority which will furnish the results to the Office of Economic Opportunity.

(2) Each investigator will be provided with written authorization to investigate all aspects of complaints of discrimination. Directors of grantee agencies will require all employees to cooperate with the investigators and to have all employees having any knowledge of the matter available for interview.

(3) The investigator shall forward the report of investigation to the Associate Director for Human Rights within two (2) weeks after completion of the investigation.

(d) *Findings and recommendations of the Associate Director for Human Rights.* The OEO Associate Director for Human Rights will review the report of investigation and will determine whether or not there is probable cause to credit the allegation of discrimination. He will forward the decision to the appropriate assistant, associate, or regional director, who shall have the responsibility for its implementation and notification to the respondent and complainant. If the assistant, associate, or regional director does not concur in the decision, he and the Associate Director for Human Rights will prepare summaries for the basis of their conclusions to the Deputy Director of OEO, who will review the summaries and case file for a final determination. If the settlement is satisfactory to the complainant and the respondent, it shall be incorporated into a conciliation agreement, signed by the parties and made part of the case file.

§ 1060.4–7 Implementation of OEO procedures.

(a) *Decision in favor of the respondent.* Where the investigation discloses that a valid claim of discrimination has not been established, the complaint will be dismissed. To the extent practicable, the complainant will be advised of any other administrative office or judicial forum which might accept the complaint without regard to the results of the OEO investigation.

(b) *Procedure to remedy discriminatory practices.* (1) Whenever it is determined that there is probable cause to believe that an unlawful discriminatory practice has occurred the Associate Director for Human Rights, with notice to the head of the responsible OEO office (Assistant Director, Associate Director, or Regional Director), shall inform the recipient of the fact of the determination and will recommend to the recipient(s) any appropriate remedial action. The recipient shall have 30 days to respond.

(2) The Associate Director for Human Rights, in conjunction with the head of the responsible OEO office will also attempt by informal methods of conference, conciliation, and persuasion, to

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achieve a just resolution of the complaint and to obtain assurances that the recipient will eliminate the unlawful practice and will take appropriate affirmative action to insure that such practices do not recur.

(3) If the recipient fails or refuses to confer with the Associate Director for Human Rights, or to adopt the recommended remedial action, within a reasonable time, and ordinarily no longer than 60 days from the commencement of such efforts, OEO efforts to conciliate the dispute will be terminated. In addition,

(i) If the investigation resulted in proof that the recipient committed an unlawful discriminatory practice, the responsible OEO official will initiate action to suspend or terminate financial assistance, or to refuse an application for refunding, as the case may be, or to refer the matter to the Department of Justice for appropriate action, under appropriate regulations.

(ii) If the results of the investigation do not warrant any of the actions described in the immediately preceding subparagraph, the complainant(s) will be advised of any administrative office or judicial forum which has jurisdiction over the complaint; and will be requested to inform the head of the responsible OEO office of the results.

(4) No OEO funding action including extensions, modification, and applications for spending, will be approved for a recipient who is the subject of a complaint, investigation, or request for remedial action, except as follows:

(i) For regionally funded actions, by a regional director with the concurrence of both the OEO Assistant Director for Operations and the OEO Associate Director for Human Rights.

(ii) For headquarters funded actions, by an OEO Assistant or Associate Director with the concurrence of the OEO Associate Director for Human Rights.

WESLEY L. HJORNEVIK,
Deputy Director.

[FR Doc.72-22446 Filed 12-29-72;5:09 pm]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-1178]

RE-REGULATION OF RADIO AND TELEVISION BROADCASTING

Miscellaneous Amendments to Chapter

1. By order adopted November 1, 1972 (FCC 72-967), the Commission amended certain rules which, as a result of its study looking toward re-regulation of radio and television broadcasting, were considered no longer necessary in their existing form.

2. Our continuing re-regulation study indicates that further such amendments are in order.

3. The amendments herein eliminate a number of station reporting, recordkeeping and operating requirements. Individually, they may be minor but, collectively, they become unnecessarily burdensome on the licensee and, in many cases, on the Commission.

4. We believe that the amendments will contribute to the more orderly dispatch of business by the Commission and its licensees in meeting their responsibilities for serving the public interest.

5. The following changes will be made in our rules and regulations:

(a) The requirements that an auxiliary transmitter must be tested at least once a week, and at specified hours, are eliminated. If the licensee determines that testing is necessary, it can be done any time (§§ 73.63(d); 73.255(d); 73.555(d); 73.638(d)).

(1) It is sufficient to specify, as the existing rule does, that the auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. How often any testing is deemed necessary for an auxiliary transmitter—and the time of day it is done—can be left to the licensee's judgment. Present limitations on test hours are inconsistent for the various broadcast services, and, in the case of AM and FM services, are unnecessarily restrictive.

(b) Provision is made that an auxiliary transmitter licensed for lower power than the regular transmitter can be operated in excess of the auxiliary's licensed power (but at not more than 105 percent of the regular transmitter's licensed power). (§§ 73.63(g); 73.255(f); 73.555(f).)

(1) The licensed power of many auxiliary transmitters is less than the licensed power of the regular transmitter. In such case, there is no adverse effect from operation of the auxiliary with power in excess of its licensed power, as long as required performance specifications are met and power does not exceed that which is allowed for the regular transmitter.

(c) The 5-day restriction on use of an FM or TV auxiliary transmitter without further authority of the Commission is deleted. (§§ 73.255(c)(2); 73.555(c)(2); 73.638(c)(2).)

(1) The corresponding rule applicable to AM stations does not include the 5-day restriction. No problems have arisen. Accordingly, we are conforming the FM and TV rules to the AM rule. This will eliminate a source of filings which we have found unnecessary in comparable situations.

(d) The provision for entry in the maintenance log of auxiliary transmitter tests is revised to reflect that such tests are no longer required but, if made voluntarily, must be entered. (§§ 73.114(a)(1)(ii); 73.284(a)(1); 73.584(a)(1); 73.672(a)(1).)

(1) The amendment is editorial to conform to new §§ 73.63(d); 73.255(d); 73.555(d); 73.638(d).

(e) Restriction on an FM auxiliary transmitter not exceeding the power rating or operating range of the main transmitter is deleted (§ 73.321), to conform to the new provision in § 73.255(f).

(f) Under the existing rules, a permittee or licensee can operate for a period of not more than 10 days without further authority of the Commission when, due to causes beyond his control, he cannot meet the requirements of our rules with respect to maintaining minimum operating power (§§ 73.52(a); 73.267(c); 73.567(c); 73.689(b)(3)) or minimum hours of operation (§§ 73.71(b); 73.261(b); 73.651(a)(3)), but must notify the Commission and the engineer in charge immediately. Those rules are revised to eliminate the present notification and to spell out the procedure for obtaining further authority of the Commission, e.g., a written request, no later than the 10th day, for such additional time as may be deemed necessary.

(1) Commission practice in handling such notifications has been to place them in a tickler file until expiration of the 10 day grace period, after which appropriate action is taken. In light of that procedure, the ultimate result will be unaltered if we permit the station to operate without the notification but request, on the last day of the grace period, permission for such additional time as may be deemed necessary. The Commission will be relieved of the man hours required for maintenance of such a file, and both the Commission and the licensees will be relieved of unnecessary paperwork generated by problems remedied in less than 10 days.

(h) Clarification is made of the provisions in the AM and FM rules that an operator on duty must have ready access to, and visibility of, the transmitter, required monitors and other metering equipment—or the remote control instruments. The words "clearly visible" are deleted. They have been construed by some as limiting the instruments to a position directly in front of the operator. The rule is now written to provide that they must be readily accessible and so located that deviations from normal indications of the instruments can be observed within a 360° arc. (§§ 73.93(a); 73.265(a); 73.565(a).)

(1) Both the Commission's staff and licensees have experienced difficulty with this rule as it applies to AM and FM operations. A problem has been the interpretation given to the term "clearly visible." In the past, the Commission has held to a very narrow interpretation, and enforcement of the rule has produced unsatisfactory results. To remedy this situation, a more liberal interpretation was recently implemented. The substance of that interpretation is being incorporated into the revised language of the rule. (The nature of TV operation is such that no problems have arisen. The TV rule is not being changed.)

(i) Notifications to the FCC engineer in charge of the radio district in which the station is located are no longer required in the following cases: Defective modulation monitor (§§ 73.56(b)(2); 73.253(b)(2); 73.553(b)(2); 73.691(b)(2)); defective indicating instruments (§§ 73.58(b)(2); 73.258(b)(2); 73.558(b)(2); 73.688(f)(2)); defective frequency monitor (§§ 73.60(b)(2); 73.252(b)(2); 73.552(b)(2)); maintaining minimum operating schedule (§§ 73.71(b); 73.261(b); 73.651(a)(3)); maintaining minimum operating power (§§ 73.52(a); 73.267(c); 73.567(c); 73.689(b)(3)); departure from regular schedule of sharetime operation (§ 73.77); beginning of stereophonic broadcasting (§§ 73.297(a); 73.596(a)); transmission of point-to-point messages during emergency operation (§§ 73.98(f); 73.298(e); 73.597(e); 73.675(e)).

(1) In the above cases of defective equipment, notifications to the engineer in charge when the defect is found and when the equipment is restored to service are no longer necessary, and so serve no useful purpose. Other provisions of the rules limit operation without such equipment to 60 days without further authority from the Commission.

The other notifications above are made also to the Commission, and duplicate notifications to the engineer in charge are unnecessary.

(j) Specifications concerning temperature variations at the crystals used in transmitters are deleted as unnecessary. (§ 73.40(a)(9)(i)(ii)(iii).

(1) Paragraph (a)(9) requires automatic frequency control equipment. With that requirement, it makes no difference whether the frequency is maintained by temperature cotrol or other means. The means generally for maintaining frequency stability are best left to the industry and current technology.

(k) The requirement that an accurate circuit diagram, as furnished by the manufacturer of the equipment, be retained at the transmitter is eliminated. (§§ 73.317(e); 73.687(h).)

(1) Availability of such circuit diagram at the transmitter serves no Commission purpose.

(l) Equipment performance measurement data may be kept on file at the remote control point or at the transmitter. Additionally, the person signing the required material must also date it. (§§ 73.47(b); 73.254(c).)

(1) The Commission's interest is served if the data to be kept on file are readily available when a Commission engineer is conducting an inspection of the station. Including the remote control point as a permissible location at which to keep the data will not impede the inspection and will accommodate licensees, many of whom have requested this change. Measurement data should be dated in order to demonstrate compliance with the time periods specified elsewhere in these sections; and, accordingly, the pertinent paragraphs are corrected to conform them to the requirements of these sections. (§§ 73.47; 73.254.)

(m) The requirement that a licensee maintain a supply of spare tower lamps is eliminated. (§ 17.52.)

(1) The Commission's fundamental concern is that faulty tower lights be replaced as soon as practicable. This is clearly spelled out in § 17.56. We leave to the licensee's judgment the practice he will follow to comply with § 17.56.

(n) The requirement for an entry in the operating log of each interruption of the carrier wave, where restoration is not automatic, its cause and duration, followed by the signature of the person restoring operation, is eliminated. (§§ 73.113(a)(2); 73.283(a)(2); 73.583(a)(2); 73.671(a)(2).)

(1) The information serves no useful purpose. Strict compliance is unduly burdensome. Interruptions of significant duration are covered elsewhere in the rules.

(o) Signed copies of contracts with part-time, first class radiotelephone operators need no longer be filed with the engineer in charge of the radio district where the station is located. (§§ 73.93(c); 73.265(c); 73.565(c).)

(1) The copies serve no purpose that cannot be satisfied by a Commission request to inspect the contract. The rule presently requires that such contracts be kept in the files of the station and made available for inspection upon request by an authorized representative of the Commission.

(p) The requirement for entry of transmission-line meter readings in the operating logs of FM and TV stations is clarified by making an exception when power is being determined by the indirect method (which is entered under another provision). (§§ 73.283(a)(3)(ii); 73.583(a)(3)(ii); 73.671(a)(3)(ii).)

(1) This is merely a clarification.

(q) The present rules require that one-hop aural STL's, aural intercity relays and TV STL's must be attended. Those rules are being revised to permit unattended operation, as the present rules provide for in the case of intermediate stations in multihop circuits in the aural services and in TV intercity relay stations, TV translator relay stations and multihop TV STL circuits. Observations at the receiving end of the circuit will still be required. (§§ 74.533(b); 74.635(a).)

(1) As presently drawn, the rules present something of an anomaly. They allow unattended operation of intermediate stations in multihop configurations in the aural services and for TV intercity relay stations, TV translator relay stations and multihop TV STL stations, but do not provide for unattended operation in certain single-hop situations. Faced with the anomaly, the Commission has found it appropriate in several instances to waive the requirement that transmitters in single-hop situations be attended. In certain other provisions of this section, specific language for corresponding aural and TV rules differ, but Commission policy and practice has been to give the language the same meaning. Revisions are being made therein to conform the aural and TV provisions and reflect existing Commission policy and practice in this matter.

6. Amendments hereby adopted remove requirements which, for the reasons stated above, we consider no longer necessary. They also make editorial revisions and conform language of certain rule provisions to established Commission policy and practice. We conclude that adoption of the amendments will serve the public interest. Therefore, prior notice of rule making and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553(b)(3)(B).

7. *Therefore, it is ordered,* That, pursuant to sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Parts 17, 73, and 74 of the Commission's rules and regulations are amended as set forth below, effective April 4, 1973.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: December 20, 1972.

Released: December 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

§ 17.52 [Deleted]

1. Section 17.52, *Spare Lamps,* is deleted and that section number is designated as [Reserved].

PART 73—RADIO BROADCAST SERVICES

2. Section 73.40(a)(9) is amended by deleting subdivisions (i), (ii), (iii), thereunder, and, as amended, reads as follows:

§ 73.40 Transmitter; design, construction, and safety of life requirements.

(a) • • •

(9) The transmitter is equipped with automatic frequency control equipment capable of maintaining the operating frequency within the limit specified by § 73.59.

• • • • • •

3. Section 73.47(b) is amended to read as follows:

§ 73.47 Equipment performance measurements.

• • • • • •

(b) The data required by paragraph (a) of this section, together with a description of instruments and procedure, signed and dated by the qualified person making the measurements, shall be kept on file at the transmitter or remote control point for a period of 2 years, and on request shall be made available during that time to any duly authorized repre-

[1] Statement of Commissioner Wiley filed as part of the original document.

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sentative of the Federal Communications Commission.

4. Section 73.52(a) is amended to read as follows:

§ 73.52 Antenna input power; maintenance of.

(a) The actual antenna input power of each station shall be maintained as near as is practicable to the authorized antenna input power and shall not be less than 90 percent nor greater than 105 percent of the authorized power; except that, if, in an emergency, it becomes technically impossible to operate with the authorized power, the station may be operated with reduced power for a period of 10 days, or less, without further authority from the Commission. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 10th day for such additional time as may be deemed necessary.

* * * * *

5. Section 73.56(b) is amended by deleting subparagraph (2) and re-numbering subparagraph (3) as subparagraph (2). As amended, § 73.56(b) reads as follows:

§ 73.56 Modulation monitors.

* * * * *

(b) In the event that the modulation monitor becomes defective, the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed and restored to service.

(2) The degree of modulation of the station shall be monitored with a cathode ray oscilloscope or other acceptable means.

* * * * *

§ 73.58 [Amended]

6. Section 73.58(b)(2) is amended by deleting the requirement for notification to the engineer in charge and reserving the subparagraph number.

§ 73.60 [Amended]

7. Section 73.60(b)(2) is amended by deleting the requirement for notification to the engineer in charge and reserving the sbparagraph number.

8. Section 73.63 is amended by revising paragraphs (d) and (g) to read as follows:

§ 73.63 Auxiliary transmitter.

* * * * *

(d) The auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. If testing is necessary to assure proper operation, it may be done any time. A dummy load or any authorized antenna may be used. Notations as to the time and results of such testing must be made in the maintenance log.

* * * * *

(g) The authorized antenna input power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized antenna input power of the auxiliary transmitter but shall in no event exceed the authorized antenna input power of the regular transmitter.

* * * * *

9. Section 73.71(b) is amended to read as follows:

OPERATION

§ 73.71 Minimum operation schedule.

* * * * *

(b) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. If causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 10th day for such additional time as may be deemed necessary.

* * * * *

10. Section 73.77 is amended to read as follows:

§ 73.77 Sharing time; departure from regular schedule.

A departure from the regular schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission in Washington, D.C.

11. In § 73.93, paragraphs (a) and (c) are amended to read as follows:

§ 73.93 Operator requirements.

(a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty either at the transmitter location or at the remote control point. If operation by remote control has not been authorized, the transmitter, required monitors and other required metering equipment shall be readily accessible, and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required instruments can be observed within a 360° arc from that position. If operation by remote control is authorized, the required controls and instruments shall be readily accessible, and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required metering instruments can be observed in a 360° arc from that position.

* * * * *

(c) A station using a nondirectional antenna and with authorized power of 10 kilowatts or less shall have at least one first-class radio-telephone operator, readily available at all times, either in full-time employment, or, in the alternative, the licensee may contract in writing for the services on a part-time basis of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission.

* * * * *

12. Section 73.98(f) is amended to read as follows:

§ 73.98 Operation during emergency.

* * * * *

(f) Immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages under paragraph (a) of this section, or when daytime facilities were used during nighttime hours in accordance with paragraph (d) of this section, a report in letter form shall be forwarded to the Commission, in Washington, D.C., setting forth the nature of the emergency, the dates and hours of emergency operation, and a brief description of the material carried during the emergency period. A certification of compliance with the noncommercialization provision of paragraph (d) of this section must accompany the report where daytime facilities are used during nighttime hours, together with a detailed showing concerning the alternate service provisions of that paragraph.

* * * * *

§ 73.113 [Amended]

13. Section 73.113(a)(2) is amended by deleting the provisions therein and reserving the subparagraph number.

14. Section 73.114(a)(1)(ii) is amended to read as follows:

§ 73.114 Maintenance log.

(a) * * *

(1) * * *

(ii) Time and result of any auxiliary transmitter test(s).

* * * * *

§ 73.252 [Amended]

15. Section 73.252(b)(2) is amended by deleting the requirement for notification to the engineer in charge and reserving the paragraph number.

16. Section 73.253(b) is amended by deleting subparagraph (2) and renumbering subparagraph (3) as subparagraph (2). As amended, § 73.253(b) reads as follows:

§ 73.253 Modulation monitors.

* * * * *

(b) In the event that the modulation monitor becomes defective, the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed and restored to service.

(2) During the period when the station is operated without the modulation monitor, the licensee shall provide other suitable means for insuring that the modulation is maintained within the tolerance prescribed in § 73.268.

* * * * *

17. Section 73.254(c) is amended to read as follows:

§ 73.254 Required transmitter performance.

* * * * *

(c) The data required by paragraph (b) of this section, together with a description of instruments and procedure, signed and dated by the qualified person making the measurements, shall be kept on file at the transmitter or remote control point for a period of 2 years, and on request shall be made available during that time to any duly authorized representative of the Federal Communications Commission.

18. Section 73.255(c)(2), (d) and (f) are amended to read as follows:

§ 73.255 Auxiliary transmitter.

* * * * *

(c) * * *

(2) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation.

* * * * *

(d) The auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. If testing is necessary to assure proper operation, it may be done any time. A dummy load or any authorized antenna may be used. Notations as to the time and results of such testing must be made in the maintenance log.

* * * * *

(f) The authorized operating power of an auxiliary transmitter may be less but not more than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

§ 73.258 [Amended]

19. Section 73.258(b)(2) is amended by deleting the requirement for notification to the Engineer in Charge and reserving the subparagraph number.

20. Section 73.261(b) is amended to read as follows:

TECHNICAL OPERATIONS AND OPERATORS

§ 73.261 Time of operation.

* * * * *

(b) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. If causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 10th day for such additional time as may be deemed necessary.

21. In § 73.265, paragraphs (a) and (c) are amended to read as follows:

§ 73.265 Operator requirements.

(a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty either at the transmitter location or at the remote control point. If operation by remote control has not been authorized, the transmitter, required monitors and other required metering equipment shall be readily accessible, and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required instruments can be observed within a 360° arc from that potion. If operation by remote control is authorized, the required controls and instruments shall be readily accessible, and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required metering instruments can be observed in a 360° arc from that position.

* * * * *

(c) A station with authorized transmitter output power of 25 kilowatts or less shall have at least one first-class radiotelephone operator readily available at all times, either in full-time employment, or, in the alternative, the licensee may contract in writting for the services on a part-time basis of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission.

* * * * *

22. Section 73.267(c) is amended to read as follows:

§ 73.267 Operating power: determination and maintenance of.

* * * * *

(c) *Reduced power.* In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of 10 days or less without further authority of the Commission. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 10th day for such additional time as may be deemed necessary.

* * * * *

23. In § 73.283(a), subparagraph (2) is deleted and designated [Reserved], and paragraph (a)(3)(ii) is amended as follows:

§ 73.283 Operating log.

(a) * * *

(2) [Reserved]

(3) * * *

(ii) RF transmission line meter reading, except when power is being determined by the indirect method.

* * * * *

24. Section 73.284(a)(1) is amended to read as follows:

§ 73.284 Maintenance log.

(a) * * *

(1) Time and result of any auxiliary transmitter test(s).

* * * * *

25. Section 73.297(a) is amended to read as follows:

§ 73.297 Stereophonic broadcasting.

(a) FM broadcast stations may, without further authority, transmit stereophonic programs in accordance with the technical standards set forth in § 73.322: *Provided, however,* That the Commission in Washington, D.C. shall be notified within 10 days of the installation of type-accepted stereophonic transmission equipment or any change therein, and of the commencement of stereophonic programing.

* * * * *

26. Section 73.298(e) is amended to read as follows:

§ 73.298 Operation during emergency.

* * * * *

(e) Immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages under paragraph (a) of this section, a report in letter form shall be forwarded to the Commission in Washington, D.C., setting forth the nature of the emergency, the dates and hours of emergency operation, and a brief description of the material carried during the emergency period.

* * * * *

§ 73.317 [Amended]

27. Section 73.317(e) is amended by deleting the provisions therein and reserving the paragraph number.

28. Section 73.321 is amended to read as follows:

§ 73.321 Auxiliary transmitters.

Auxiliary transmitters must conform to the performance characteristics specified by § 73.317, except with respect to the provisions of paragraph (a)(2) through (5) thereof.

§ 73.552 [Amended]

29. Section 73.552(b)(2) is amended by deleting the requirement for notifica-

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tion to the Engineer in Charge and reserving the subparagraph number.

• • • • • •

30. Section 73.553(b) is amended by deleting subparagraph (2) and renumbering subparagraph (3) as subparagraph (2). As amended, § 73.553(b) reads as follows:

§ 73.553 Modulation monitors.

• • • • • •

(b) In the event that the modulation monitor becomes defective, the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided*, That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed and restored to service.

(2) During the period when the station is operated without the modulation monitor, the licensee shall provide other suitable means for insuring that the modulation is maintained within the tolerance prescribed in § 73.568.

• • • • • •

31. Section 73.555(c)(2), (d) and (f) are amended to read as follows:

§ 73.555 Auxiliary transmitter.

• • • • • •

(c) • • •

(2) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation.

• • • • • •

(d) The auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. If testing is necessary to assure proper operation, it may be done any time. A dummy load or any authorized antenna may be used. Notations as to the time and results of such testing must be made in the maintenance log.

• • • • • •

(f) The licensed power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the operating power is not limited to 105 percent of its licensed power but shall in no event exceed 105 percent of the licensed power of the regular transmitter.

§ 73.558 [Amended]

32. Section 73.558(b)(2) is amended by deleting the requirement for notification to the Engineer in Charge and reserving the subparagraph number.

33. In § 73.565, paragraphs (a) and (c) are amended to read as follows:

§ 73.565 Operator requirements.

(a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty either at the transmitter location or at the remote control point. If operation by remote control has not been authorized, the transmitter, required monitors and other required metering equipment shall be readily accessible, and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required instruments can be observed within a 360° arc from that position. If operation by remote control is authorized, the required controls and instruments shall be readily accessible, and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required metering instruments can be observed in a 360° arc from that position.

• • • • • •

(c) The operators specified in paragraph (b) of this section shall perform transmitter maintenance and shall correct conditions of improper operation beyond the scope of authority of the lesser grade operator on duty. If the services of the operator or the operators indicated in paragraph (b) of this section are on a contract, part-time basis, a signed copy of the contract shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission.

• • • • • •

34. Section 73.567(c) is amended to read as follows:

§ 73.567 Operating power; determination and maintenance of.

• • • • • •

(c) *Reduced power.* If a station licensed for transmitter power output greater than 10 watts finds it impossible to operate with authorized power, the station may operate with reduced power for a period not to exceed 10 days. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 10th day for such additional time as may be deemed necessary.

• • • • • •

35. In § 73.583, paragraph (a)(2) is deleted and designated [Reserved], and subparagraph (3)(ii) is amended to read as follows:

§ 73.583 Operating log.

(a) • • •

(2) [Reserved]

(3) • • •

(ii) RF transmission line meter reading, except when power is being determined by the indirect method.

• • • • • •

36. Section 73.584(a)(1) is amended to read as follows:

§ 73.584 Maintenance log.

(a) • • •

(1) Time and result of any auxiliary transmitter test(s).

• • • • • •

37. Section 73.596(a) is amended to read as follows:

§ 73.596 Stereophonic broadcasting.

(a) Noncommercial educational FM broadcast stations may, without further authority, transmit stereophonic programs in accordance with the technical standards set forth in § 73.322: *Provided, however*, That the Commission, in Washington, D.C., shall be notified within 10 days, of the installation of type-accepted stereophonic transmission equipment or any change therein, and of the commencement of stereophonic programming.

• • • • • •

38. Section 73.597(e) is amended to read as follows:

§ 73.597 Operation during emergency.

• • • • • •

(e) Immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages under paragraph (a) of this section, a report in letter form shall be forwarded to the Commission in Washington, D.C., setting forth the nature of the emergency, the dates and hours of emergency operation, and a brief description of the material carried during the emergency period.

• • • • • •

39. Section 73.638 (c)(2) and (d) are amended to read as follows:

§ 73.638 Auxiliary transmitter.

• • • • • •

(c) • • •

(2) Transmission of regular programs during maintenance or modification work on the main transmitters, necessitating discontinuance of their operation.

• • • • • •

(d) The auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. If testing is necessary to assure proper operation, it may be done any time. A dummy load or any authorized antenna may be used. Notations as to the time and results of such testing must be made in the maintenance log.

• • • • • •

40. Section 73.651(a)(3) is amended to read as follows:

GENERAL OPERATING REQUIREMENTS

§ 73.651 Time of operation.

• • • • • •

(a) • • •

(3) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. If causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 10th day for such additional time as may be deemed necessary.

• • • • • •

41. In § 73.671, paragraph (a)(2) is deleted and designated [Reserved], and paragraph (a)(3)(ii) is amended to read as follows:

§ 73.671 Operating log.

(a) • • •

(2) [Reserved]

(3) • • •

(ii) Transmission line meter readings for both transmitter. If power of the aural transmitter is being determined by the indirect method, enter the transmission line meter reading for the visual transmitter only.

• • • • • •

42. Section 73.672(a)(1) is amended to read as follows:

§ 73.672 Maintenance log.

(a) • • •

(1) Time and result of any auxiliary transmitter test(s).

• • • • • •

43. Section 73.675(e) is amended to read as follows:

• • • • • •

(e) Immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages under paragraph (a) of this section, a report in letter form shall be forwarded to the Commission in Washington, D.C., setting forth the nature of the emergency, the dates and hours of emergency operation, and a brief description of the material carried during the emergency period.

• • • • • •

§ 73.687 [Amended]

44. Section 73.687(h) is amended by deleting the provisions therein and reserving the paragraph number.

§ 73.688 [Amended]

45. Section 73.688(f)(2) is amended by deleting the requirement for notification to the Engineer in Charge and reserving the subparagraph number.

46. Section 73.689(b)(3) is amended to read as follows:

§ 73.689 Operating power.

• • • • • •

(b) • • •

(3) *Reduced power.* In the event it becomes technically impossible to operate with the authorized power, the station may be operated with reduced power for a period of 10 days or less without further authority of the Commission. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 10th day for such additional time as may be deemed necessary.

• • • • • •

47. Section 73.691(b), is amended by deleting subparagraph (2) and renumbering subparagraph (3) as subparagraph (2) and subparagraph (4) as subparagraph (3). As amended, § 73.691(b) reads as follows:

§ 73.691 Modulation monitors.

• • • • • •

(b) In the event the visual monitoring equipment or the aural modulation monitor becomes defective, the station may be operated without such equipment pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided*, That:

(1) Appropriate entries shall be made in the maintenance log of the station to show the date and time the equipment was removed from and restored to service.

(2) During the period when the station is operated without the aural modulation monitor or the visual monitoring equipment, the licensee shall provide other suitable means for insuring that the aural modulation is maintained within the tolerance prescribed in § 73.687(b)(7) and that the visual signal is maintained in accordance with the requirements of this subpart.

(3) If conditions beyond the control of the licensee or permittee prevent the restoration of the monitor or monitoring equipment to service within the period specified above, an informal request in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument or equipment.

PART 74—EXPERIMENTAL, AUXILIARY AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

48. Section 74.533(b), (b)(1) and (4) are amended to read as follows:

§ 74.533 Remote control and unattended operation.

• • • • • •

(b) Aural broadcast STL and intercity relay stations may be operated unattended: *Provided*, That such operation is conducted in accordance with the conditions listed below: *And provided further*, That the Commission in Washington, D.C., is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description showing the manner of compliance with the following conditions:

(1) In the case where the station retransmits another station's signals received directly "off-the-air", the transmitter shall be equipped with automatic circuits that will cause it to cease radiating at times when no signal is being received from the station which it is relaying.

• • • • • •

(4) Whenever an unattended aural broadcast STL or intercity relay station is in operation, appropriate observations shall be made at the receiving end of the circuit at intervals not exceeding 1 hour by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of our rules.

• • • • • •

49. Section 74.635(a) and (a)(1) are amended to read as follows:

§ 74.635 Unattended operation.

(a) Television intercity relay stations, television translator relay stations, and television STL stations may be operated unattended: *Provided*, That such operation is conducted in accordance with the conditions listed below: *And provided further*, That the Commission, in Washington, D.C., is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description showing the manner of compliance with the following conditions:

(1) In the case where the station retransmits another station's signals received directly "off-the-air", the transmitter shall be equipped with automatic circuits that will cause it to cease radiating at times when no signal is being received from the station which it is relaying.

• • • • • •

[FR Doc.73-59 Filed 1-3-73;8:45 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-18; Notice 14]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, to delete the requirements of the warpage tests for plastic lenses used on lamps.

The NHTSA proposed on July 7, 1972 (37 FR 13350), that the lens warpage test be deleted from the motor vehicle lighting standard. The test requirement itself, as contained in an SAE standard incorporated by reference, lacked objectivity, in that it prohibited warpage that would "affect the proper functioning of the device" without further clarification. The lens warpage test did not appear to add significantly to motor vehicle safety.

Comments to the docket were divided, some confirming the NHTSA position on both issues. Others objected, suggesting that the agency seek to establish objective compliance criteria. On review of all data and arguments, the NHTSA finds that a safety problem that would justify the development of such a requirement has not been demonstrated.

In the future, if serious problems of lens warpage arise, they may be dealt

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with immediately as safety-related defects under section 113 of the National Traffic and Motor Vehicle Safety Act, and steps can be taken to develop and promulgate an objective test.

In consideration of the foregoing, 49 CFR 571.108 is amended as follows:

1. Paragraph S4.1.2 is revised to read:

S4.1.2 Plastic materials used for optical parts such as lenses and reflectors shall conform to SAE recommended practice J576b, August 1966. Plastic materials used as inner lenses or those covered by another material and not exposed directly to sunlight shall meet the requirements of paragraphs 3.4 and 4.2 of SAE J576b when covered by the outer lens or other material.

2. A new paragraph S5.3 is added to read:

S5.3 requirements of SAE standards incorporated by reference in this standard, other than J576b, do not include tests for warpage of devices with plastic lenses.

Effective date: January 1, 1973.

Because this amendment relieves a restriction and creates no additional burden, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on December 29, 1972.

JACK L. GOLDBERG,
Acting Administrator.

[FR Doc.72-22455 Filed 12-29-72;2:06 pm]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 282]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 5–11, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.582 Navel Orange Regulation 282.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is unsettled. Prices f.o.b. the week ended December 28, 1972, average $3.67 per carton on 682 carloads compared to $3.71 on 1,347 carloads the previous week. Track and rolling supplies at 423 cars were up 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 2, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 5, 1973, through January 11, 1973, are hereby fixed as follows:

(i) District 1: 640,000 cartons;
(ii) District 2: 120,000 cartons;
(iii) District 3: 40,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 3, 1973.

PAUL A. NICHOLSON,
Deputy Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-324 Filed 1-3-73;11:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-787, Amdt. 4]

PART 242—REPORTING RESULTS OF SCHEDULED ALL-CARGO SERVICES

Extension of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1972.

By circulation of EDR-236 (Docket 24890), dated November 3, 1972, and publication at 37 FR 23732, the Board gave notice that it proposed to amend Part 242 of the Economic Regulations (14 CFR Part 242) to extend for an indefinite period the duration of the part which is presently scheduled to expire by its terms on December 31, 1972.[1] Two comments were filed,[2] both of which support an extension of the part. However, these parties favor an extension of definite duration with the expiration date governed by the final Board decision in the pending "Domestic Air Freight Rate Investigation" (Docket No. 22859).[3] In support of its position, Flying Tiger states that by the time of the completion of the evidentiary hearing in the freight rate investigation, the Board's staff and the carriers should be able to formulate their respective views on the necessary statistical information, to be followed by the Board's institution of a rule making proceeding with final Board decision in such proceeding deferred for resolution either contemporaneously with, or subsequent to, Board decision in the air freight rate investigation.

We shall extend the part for an indefinite period, as proposed. As the notice indicates, the Board is aware that the comprehensive "Domestic Air Freight Rate Investigation" may indicate the need for, and the nature of, further refinements in reporting procedures and methods of allocation of cost between passenger and all-cargo services. At the conclusion of that evidentiary proceeding the Board intends to review the Part 242 requirements to determine, in light of the data developed, and findings and conclusions made therein, what revisions to Part 242 should be proposed. However, in order to allow ourselves greater flexibility in the timing of our issuance of proposed regulatory revisions to Part 242, to be based upon the outcome of the evidentiary proceeding, we believe that it is in the public interest to extend the part for an indefinite period, rather than to provide now for a definite period, with the expiration date thereof to be fixed by the Board's decision in the air freight rate investigation.

Since it is important that there be no hiatus in the term of the part, the Board finds that good cause exists for making this amendment effective on January 1, 1973. Moreover, since the first reporting period under this amendment will cover the 12 months ending on June 30, 1973, and the filing of said report will not be due until August 15, 1973, the Board further finds that no person will be adversely affected by the Board's failure to give 30 days' notice prior to the effective date of this amendment.

Therefore, in consideration of the foregoing, the Board hereby amends Part 242 of its Economic Regulations (14 CFR Part 242), effective January 1, 1973, as set forth below:

Amend § 242.1 by deleting and reserving paragraph (b) as follows:

§ 242.1 Applicability.

• • • • •

(b) [Reserved].

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-165 Filed 1-3-73;8:45 am]

[1] 14 CFR 242.1(b).

[2] The Flying Tiger Line Inc. (Flying Tiger) and Trans World Airlines, Inc. (TWA).

[3] Flying Tiger urges an extension of the part until 90 days after Board decision in the freight rate investigation; TWA would have the part terminate 1 year after the completion of such investigation.

[Reg. ER-786, Amdt. 288-15; Dockets Nos. 23553, 23579]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Exemption of Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1972.

On May 31, 1972, by notice of proposed rule making EDR-205A/PSDR-32A (37 FR 11344), the Board proposed to amend Parts 288 and 399 of the Economic Regulations (14 CFR Parts 288 and 399) by establishing new minimum rates applicable to certain foreign and overseas air transportation services performed by air carriers for the military on and after July 1, 1971. The notice also dealt with the request filed by several carriers in Docket No. 23579 for an increase in minimum rates for Categories A and Z transportation and with the proposal of DOD and various carriers to establish separate "Category Y" rates for the carriage of DOD passengers in scheduled service under blocked space arrangements. Written data, views, and arguments, were filed in response to the notice by the Department of Defense (DOD), 18 carriers,[1] and Davis Agency, Inc. and thereafter DOD and 13 carriers[2] filed reply comments. All comments and supporting materials before the Board have been carefully considered, and all contentions not otherwise disposed of herein are rejected. Final amendments to Part 399 are being adopted concurrently herewith.

While the notice proposed increases in some rates and decreases in others, the rates proposed for a normal year were, overall, just slightly above the rates currently in effect.[3] In their comments, most carriers argued for considerably higher increases, contending among other things that inflation has severely affected major elements of cost since the base period and will continue to do so in the future. They variously argue that the passage of time has rendered the base priod data stale; that increases have been experienced in fuel expense, wages, services, and materials; that the devaluation of the dollar has also resulted in increased expense; that the Board's policy of rejecting anticipatory cost increases is unrealistic; that the rates should be modified to reflect cost trends; that the Board should accept either the fiscal year 1972 cost projections of the carriers, as submitted, or their reported costs for that period; and that further rate increases should be made for fiscal 1973 and later years. A number of carriers also took issue with the proposed treatment of leased aircraft, the rate of return, the use of B-747 costs, aircraft utilization, and various technical factors affecting the rates or their application. Other major comments by several carriers concerned the rate relationships for categories of individually ticketed or waybilled services and the effective date and duration of the rates.

DOD provided an analysis of carrier costs which reflected the use of reported costs and operating statistics for the year ended March 31, 1972, for most carriers in some cost areas, but the analysis also variously used the figures from the notice, costs modified for current utilizations and speeds, the figures MAC recommended in its preliminary rate study prior to the issuance of the notice, and certain other bases. DOD employed the MAC recommended figures where it believed the carriers' increases in indirect costs allocated to MAC operations were excessive and out of line with industry averages, and hence not representative of an experienced MAC cost element. DOD also took issue with the rate of return used in the notice and with a number of technical factors and methods used to determine costs and payment. In addition, it raised questions concerning the rate relationships proposed and the effective date of the rates. The net effect of DOD's positions would

[1] Airlift International, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Eastern Air Lines, Inc.; The Flying Tiger Line, Inc.; Modern Air Transport, Inc.; Northwest Airlines, Inc.; Saturn Airways, Inc.; Seaboard World Airlines, Inc.; Trans International Airlines, Inc.; Overseas National Airways, Inc.; Pan American World Airways, Inc.; Saturn Airways, Inc.; Seaboard World Airlines, Inc.; Trans International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and World Airways, Inc., all filed individually. Braniff, Capitol, International Airways, Inc., Continental Air Lines, Inc., ONA, Saturn, TIA, and World filed a joint comment (Braniff et al.), as did Airlift, Southern Air Transport, Inc., and World (Airlift et al.).

[2] American, Braniff, Flying Tiger, Northwest, Pan American, Saturn, Seaboard, TWA, and World, individually, and Braniff et al.

[3] For fiscal year 1972 the proposed rates were estimated to be slightly below the current rates in view of the Board's proposal to hold the rates to the current level during the period August 16, 1971–November 13, 1971 (the freeze period) in conformance with rulings and regulations of the Cost of Living Council and the Price Commission. However, as indicated in ER-747, June 30, 1972, the Cost of Living Council has changed its position on disallowing price increase for services provided during the freeze period, and accordingly the rates we are establishing herein will be made applicable without change during the entire period of their effectiveness, which will include the dates August 16, 1971, through November 13, 1971.

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be to reduce most rates below the current rate levels.

The rates proposed in the notice were predicated on carrier and DOD forecasts and submissions, screened and adjusted in the light of: (1) Cost data furnished by the carriers for the 12 months ended September 30, 1970 (the base period), (2) other reported data, and (3) those price or wage increases actually experienced subsequent to the base period or to be experienced during fiscal year 1972, as evidenced by existing contracts or similar documentation. In accordance with established practice, the Board refused to recognize in its proposed rate any anticipatory cost increases or any price or wage increases which were not adequately supported. We will adhere to that policy in establishing the final minimum rates for MAC services. The suggestion that the problem of the proper ratemaking approach to general allegations concerning inflation can be solved in the instant proceeding simply by using a more current base period is not well taken. While a considerable period of time has elapsed since the base period used in the notice (in substantial part because the rule making proceeding was complicated by problems associated with the Economic Stabilization Program), there would be no warrant for shifting the base period, since that would require us to embark upon another full scale review and screening of the reported data for the new period. This could only lead to a further extension of the open rate period during which the amount of carrier revenues for these services, as well as the level of MAC's transportation costs, remain in doubt. Reported costs could not, of course, be blindly accepted, and DOD points out deficiencies in reporting or allocation problems which indicate that modification of reported figures would be necessary, but the several cost data sources used by DOD appear to have been rather selectively chosen and reasons supporting the choices and their applications for each carrier have not been explained in sufficient detail to justify differentiations made by DOD among carriers and aircraft types.

For final rate purposes the Board has reviewed the carrier comments, in the light of the DOD responses, and adjusted the costs computed in the notice where sufficient supporting detail was furnished concerning increases in salaries and wages and costs of fuel, materials and supplies which were actually paid during fiscal 1972 or which were covered by contracts applicable to that rate period: *Provided*, That such increases were not inconsistent with Price Stabilization guidelines. Adequate documentation was supplied by nine carriers,[4] and the adjustments to their costs are shown in the appendixes hereto. Although other carriers made representations concerning the general effect of inflation or even particular areas of expense increases which would affect their cost forecasts, none of these statements contained enough information to afford a predicate for a change from the costs recognized in the notice. In particular, none of the carriers furnished sufficient detail to support an adjustment for the impact of devaluation of the dollar on expenses incurred for MAC services.[5]

As stated above, we have continued to eliminate cost increases of an anticipatory nature, such as increases based on historical trends in wages or other expenses, and have allowed only those cost increases which have been definitely substantiated as applying to MAC service. In following this course we are quite aware that the economy has been passing through a period of general inflation and that this undoubtedly has had an impact on airline costs. But we are also aware of our responsibility not to contribute to that inflation by recognizing undocumented expense increases or increases not reliably attributable to operations for the DOD, and we are aware that recent and future operational improvements and efficiencies are matters particularly within the knowledge of the carriers, which may reasonably be expected to come forward more willingly with information about cost increases than about productivity measures and cost savings. Certainly management continues to work to extend the time between aircraft and engine overhaul steps, to devise improvements in loading and handling techniques, to use more modern equipment where efficiencies are to be gained thereby, and to take advantage of the learning curve. The Board believes that this is reflected in the relatively stable costs of the MAC carriers since the base period.

Based on the Form 41 reports for the entities in which the carriers themselves reported MAC operations, half of the carriers show lower costs per available ton-mile for the year ended June 30, 1972, than for the year ended September 30, 1970, even after exclusion of the generally lower costs of wide-bodied jet aircraft and depreciation and amortization expenses. Further, after weighing the results by the MAC-fixed contract revenues, we find that the international MAC group as a whole showed a slight decrease in ATM expenses.[6] It is true that the Form 41 reports reflect commercial as well as MAC operations, but no convincing showing has been made that commercial services afforded a substantially greater potential for cost savings than MAC service.[7] However, since the results of a mixture of operations are reported in the Form 41 and some cost movements may be attributable solely to commercial service, we have also compared the carriers' figures for MAC operations alone as reported on their Forms 243. These figures show a modest increase of 2 percent between the base period and fiscal year 1972 in the cost per aircraft-mile flown,[8] and here, too, some caution must be used in evaluating the data, for DOD has claimed and several carriers have admitted that the Form 243 reports suffer from various deficiencies. On a standard available ton-mile basis the reported increase is somewhat greater (3.25 percent),[9] but this variance is due to changes in aircraft types with smaller standard ACL's by some carriers, rather than to inflation.

The rates proposed in the notice reflected some cost increases which had been incurred subsequent to the base period, and additional increases are incorporated in the final rates. With these and other changes discussed below or in the appendices, the rates we are establishing herein will provide an increase of approximately 2.66 percent in the yield from MAC services for fiscal year 1972.[10] In our judgment, these rates make adequate provision for recent cost inflation.

[4] Certain of these carriers also provided data for fiscal 1973, but most of the information was so fragmentary as to be of little value, and the remainder was not substantial enough in amount to have any significant impact on the rate level.

[5] Only Seaboard provided figures purporting to reflect the impact of dollar devaluation on MAC costs, but the bases for these figures were not supplied and the apparent (albeit unstated) assumptions underlying their use are of doubtful validity.

[6] 0.89 percent, after excluding Northwest and World, which showed an even greater decrease, but whose results were distorted by strikes.

[7] Except in the shift to wide bodied equipment, but that equipment has been excluded from our cost comparisons. We reject the notion that revenue ton-mile costs should be compared rather than available ton-mile costs, since load factor declines in scheduled commercial operations would not require the conclusion that the costs of providing MAC charters increased.

[8] After eliminating Northwest, World, and Eastern. The data for all MAC international operations shows an increase of only .7 percent, but as indicated above the results of two carriers were affected by strikes, and Eastern's increase of 87.6 percent is so far removed from the experience of the group as to signify either reporting distortions or other distorting influences unrelated to price and wage inflation.

[9] Again, after eliminating Northwest, World, and Eastern. For all MAC international carriers the increase was 2 percent.

[10] See Appendix Q, which is filed as part of the original document.

The Davis Agency has requested a reduction in Category A, B, and Z rates of some 58 percent, based on a computation which assumes that (1) certain promotional fares for individually-ticketed personal transportation of active duty servicemen and their dependents are compensatory on a fully allocated cost basis; (2) MAC service is far less costly to provide than commercial service; and (3) the ratio of Pan American's forecast costs for MAC to the Davis Agency's computation of that carrier's commercial costs can be applied to yields from the said promotional fares to produce a MAC rate. On Dec. 13, 1972, Davis Agency filed a complaint in Docket 25004 in which it stated, among other things, that the same promotional fares are uneconomic (complaint, page 5). We shall not make a determination of the proper level for nonofficial individually-ticketed military travel in this rule making proceeding. It is sufficient to point out that the rates we are here establishing are cost-based; that they are minimum rates; and that, unlike the promotional fares Davis is attacking, they are computed on a fully allocated basis.

Effective date and duration of rate. DOD urges the Board to make the rates effective on or after the issuance of the final rule in this proceeding, rather than on July 1, 1971, as proposed in the notice, but states that it does not object to the rates being of indefinite duration. The carriers which have commented on these issues generally argue that (1) the new rates should be effective beginning July 1, 1971, (2) fiscal 1972 rates should be increased by from 2 to 10 percent for fiscal 1973, on a final or interim basis, and/or a new proceeding should be instituted for the latter year, and (3) absent an escalation factor or other cut-through approach to increase subsequent rates, a rate review should be started for fiscal 1974.

DOD position is that retroactive adjustments in minimum rates are undesirable and contrary to Board policy because of their effect on DOD budgets and appropriations and on carrier revenues; that it cannot make logical choices among aircraft types or volume of commercial service without knowing in advance the cost of the service; and that the MAC contracts call for performance at the minimum rates specified in Part 288 as in effect when the service is provided. With respect to retroactivity, the carriers argue that EDR–205/PSDR–32, which instituted this proceeding, gave all persons advance notice that the rate would be subject to revision effective from the beginning of fiscal 1972; that the Board has made rate changes retroactive to the date of institution of proceedings in the past in cases involving MAC rates without causing undue hardship to DOD (and has made such changes in cases involving rates for the carriage of mail); and that MAC contracts contain provision for amendment by change order to conform to the CAB minimum rate when established for fiscal year 1972. In support of higher rates or new rate reviews for periods following fiscal year 1972 the carriers point to cost increases since the base period and continuing inflationary trends, while MAC states that there is no evidence that the carriers failed to make substantial profits from MAC business at current rates, which it alleges were based on overstated costs, and indicates that the use of updated data in DOD comments meets the problem of stale data.

The Board has decided to establish new rates which will be effective from July 1, 1971, forward; will remain at the same level throughout the period of their effectiveness; and will contain no stated termination date. While it continues to be desirable as a general rule to establish rates on a prospective basis, an inflexible policy which would preclude our making the rates effective from the date of institution of the rule making proceeding is neither required by law nor appropriate to meet the demands of fluid circumstances.[11] Our original notice in this matter made clear that the Board contemplated fixing new minimum rates to be in effect beginning with the start of fiscal year 1972 and the MAC contracts appear to have provided for amendments to accommodate retroactive changes, although in any event the contracts could not limit the Board's authority to fix the level or the period of effectiveness of these rates. As the carriers point out, retroactive rate changes have been made as the result of MAC rate reviews on prior occasions, and these changes have been effectuated during the course of a fiscal year, despite the general desire to have rates remain in effect throughout the annual budget period. Balancing the effects on costs of recent changes in the economy and in MAC activity, on the one hand, against the undoubted benefits of stability and the inconveniences caused by rate changes, on the other, we conclude that we should adhere to the effective date proposed in the notice.

By the same token, we find it advisable to establish a single level of rates of indefinite duration. As set forth in our discussion of base period dates and cost increases, there is no basis, either in the Forms 41 or 243 or in the carriers' comments, for establishing a different rate for fiscal year 1973 or other periods. We have explored the possibility of using ratio techniques, but wide variances among carriers preclude the use of such cut-through approaches. The data would not support the use of a cost trend or escalation factor even if the use of such speculative methods were acceptable, and we find no warrant for embarking immediately upon a new rate review. Available ton-mile costs[12] currently appear to be decreasing for more carriers than not, even with B–747 costs excluded, and inflationary pressures on the general economy give signs of easing. The final rates here established reflect all cost increases documented in carrier comments, afford relief from the time of inception of this rate proceeding, and provide a rate of return to cover risks for reasonably extensive future periods. Under all the circumstances we will not fix a termination date for these rates nor embark on a new rate review at this time.

[11] We might also point out that the problem of MAC contracts being performed pursuant to tariffs by carriers which do not require exemption is not currently a material consideration.

[12] Contrary to the suggestion of some carriers, revenue ton-mile comparisons are not more appropriate, since, as previously indicated, MAC contract rates should not be burdened by load factor and scheduling problems of commercial operations. We also reject the notion that short-haul operations are somehow less costly than long-haul, or that changes in short-haul expenses must move in a different direction from changes in the cost of longer haul operations. Further, length of hop and haul for MAC operations has been increasing in recent years, and since it is a DOD policy to favor the newest and most efficient aircraft types for use in MAC service, the fleet mix continues to be representative of the most economical aircraft in use.

CATEGORY B MINIMUM RATES FOR LARGE TURBOJET AIRCRAFT

The existing minimum rates for category B charters, those proposed in the notice, and the revised minimum fair and reasonable rates adopted herein for large turbojet aircraft are set forth below. The table also shows the percentage differences between the current rates and the rates adopted.

	Current	Proposed	Adopted	Percent increase (decrease) from current
Passengers, cents per passenger mile:				
Round trip	1.916	1.91	1.959	2.24
1-way	3.448	3.60	3.686	6.90
Cargo, cents per ton mile:				
Round trip	7.728	7.45	7.730	.03
1-way	15.379	14.62	14.903	(3.10)

Rates for wide-bodied aircraft. The notice proposed the same rates for passenger service with B–747 aircraft as for other long-range jets. Forecasts had been received only from Braniff and Pan American, and the adjusted costs for these two carriers were included in the computation of the proposed rate per passenger-mile. In view of the relatively low passenger ACL for this aircraft, we also proposed that the request by DOD to use the lower compartment cargo capacity at no extra charge be adopted.

Comments were submitted by several carriers contending that since the wide-bodied jets were not used during fiscal year 1972 and MAC has not contracted for any such buy for fiscal year 1973, the B–747 data should not be considered in establishing the rates in this proceeding. In addition, Flying Tiger suggests that in the event the Board should decide to include B–747 data in establishing the rates, then similar data from other MAC carriers operating B–747 aircraft should be included. On the other hand, World Airways submitted comments in which it supports the common rating of the B–747 with narrow-bodied jets and, since it anticipates delivery of convertible B–747's during 1973, asks the Board to establish mixed rates for these aircraft. World opposes the proposal to allow MAC the free use of the lower compartment cargo capacity. Trans International urged the Board to establish minimum rates for the DC–10–30CF since it expects to take delivery of these convertible aircraft in April and June 1973. The carrier also requests the Board to establish convertible rates for such aircraft at the same rates as established for regular turbojets. DOD recommends that until such time as representative cost data become available the Board set the rates for wide-bodied aircraft at the same level as for first generation jets, that a passenger ACL be established for DC–10 aircraft, and that it be given free use of the belly cargo space.

Upon consideration of the foregoing we can find no valid basis to support the establishment of rates for wide-bodied

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aircraft at this time. Since the wide-bodied aircraft have not been used, and, so far as can now be determined, are not expected to be used in MAC operations in the near future, no historical MAC cost data are available upon which to base a forecast, and no current need exists for these rates. Accordingly, we have eliminated the B–747 estimates from our costing used in determining the rates and will set no rates for wide-bodied aircraft in this proceeding.

Aircraft utilization. Three carriers, American, Saturn, and Trans International,[13] have requested that the Board adjust the aircraft utilization and costs projected in the notice to reflect the lower average daily aircraft utilization each claims to have experienced during fiscal year 1972. We have examined the carriers' claims and have determined to adjust the projections for Saturn, but not for Trans International or American.

With minor variations, the hours of daily utilization reflected in EDR–205A for each aircraft type used by a carrier was the higher of the carrier's forecast or its experience with that aircraft during the base year for its MAC system (that is, the regions or areas where it conducted MAC operations). However, in the case of Trans International's B–727's the carrier's forecast was adjusted to a utilization of 7 hours per day to reflect the minimum acceptable reasonable utilization for short-range jet aircraft in MAC service. Although TIA did not attain that level in fiscal year 1972 we will adhere to the 7-hour figure so as to assure that the MAC rate will be based upon the costs of economical and efficient operations.

For American the 12.29 hours projected in the notice for its B–707–300C aircraft was based on that carrier's submission of experienced utilization in MAC service during the base period. In its comments American requested that we substitute the 11.92 hours apparently reflected in its company records for MAC operations for fiscal 1972. However, beginning with data for January 1, 1972, a separate utilization figure for MAC service only has been reported in the Form 243. Based on that report we find that the carrier's experience for the last half of fiscal year 1972 (the 6 months ended June 30, 1972) was 12.11 hours, an improvement over the utilization for the entire year. In the light of this experience and the very minor difference between the most current figure and our projection in EDR–205A, we shall adhere to the utilization used for American in the notice.

Saturn's forecast of 9 hours per day for its DC–8–50 was accepted in the notice, but it now claims a utilization of 7.6 hours based on its experience with that aircraft in all operations for the year ended March 31, 1972. DOD would accept this change in utilization and we agree.

[13] TIA's comment concerned the utilization used for its B–727 aircraft rather than its long-range equipment, but we are dealing with this item at this point as a matter of convenience.

For its DC–8–61F's Saturn's forecast of 9.3 hours was accepted in the notice. However, its experience for all operations for the year ended March 31, 1972, was 8.3 hours. Nevertheless, the carrier contends that the same 7.6 hour utilization should be used for this aircraft type as for the DC–8–50 since its effectiveness in obtaining commercial charters was responsible for the 8.3 hour record. DOD would not accept the 7.6 for the DC–8–61's, citing figures which show that Saturn's utilization in MAC service is superior to its commercial service record. Instead, DOD believes that 8.3 hours is the most representative figure available for the DC–8–61's. We agree and have adjusted Saturn's cost accordingly.

Depreciation adjustments. In the notice the Board requested the views of the parties concerning the appropriate basis for computing flight equipment depreciation when a change in useful lives or residual values is made in MAC rate reviews. Only DOD responded and it favored retention of the entire service life basis, although it gave no explanation for its taking that position. Northwest suggests that as a matter of equity the method for adjusting flight equipment investment should be revised to parallel the basis used for adjusting depreciation, but it is at least as equitable to change the method of adjusting depreciation as to inflate investment by amounts already charged as depreciation. Adherence to the current bases used for depreciation and investment appears to offer a reasonable accommodation of the various interests at this time.

Rate of return. As in the case of the rates established for domestic MAC operations in ER–733, May 11, 1972, the Board proposed to maintain the 1.5 percentage point difference between the rates of return used for commercial rate and MAC purposes, and therefore to use a 10.5 percent return in this proceeding. In our notice we stated that our reasons for using the 10.5 percent figure were the same as those set forth in ER–733, where the Board canvassed the arguments adduced by MAC, in contending for a lower return of 9 percent, and by the carriers, in contending for a higher return of 12 percent. Yet the comments of the parties opposing the rate of return proposed in the notice[14] are basically the same as those we disposed of in the Logair and Quicktrans proceeding. The Board adheres to the 10.5 percent proposed.

There are, however, a few points on which further clarification or comment may be helpful. DOD points out that rather than its confusing the opportunity to make a fair return with the achievement of the return, this distinction has been the essence of its position, and again argues that since the domestic carriers may fail to achieve 12 percent on commercial operations we should not use our evaluation of trunkline capital costs in the domestic passenger fare investigation[15] as a guide to the establishment of a return for MAC operations. But, however stated, DOD apparently misconceives the purpose and operation of rate of return guidelines and would have us use an unacceptable approach to this area of ratemaking. The profit elements used in establishing rates are not intended to guarantee that the return utilized will in fact be realized, but to afford efficient carriers an opportunity to earn that return which the financial market-place requires over a reasonable time-span if it is to furnish the investment needed for operations. This return is based to a large degree on relative risks. Reported profits, while an element in the evaluation of future prospects, are not determinative by themselves of the investors' requirements and, despite DOD's arguments, do not constitute a ceiling on the capital costs of investment devoted to MAC.

Some carriers have urged that our treatment of leased aircraft requires a higher rate of return since the MAC investment base proposed does not include a constructed value for such equipment and the use of leased equipment has grown. However, as explained in the following section, the policy with respect to this item is the same as that used in the *Fare* case, a cost of capital approach has been followed, and the impact of high ratios of leased to owned aircraft is appropriately reflected in the recognized capital costs. It is also argued that international risks are higher than domestic risks, but it has not been demonstrated that there is any significant impact on risks or capital costs due to differences in foreign and overseas operations for MAC and domestic operations for MAC. We do not find persuasive arguments that long-haul international operations involve more economic risk than short haul domestic flights, since the operating costs of both are covered in their respective rates and the same 1.5 percentage points spread has been used historically for establishing rates for both domestic and foreign MAC service. On the other hand, United has urged that the investor places his money in airline securities, rather than in operations for MAC, or commercial passengers, etc., and indicates that a higher return is needed to attract capital. While the concept of the investor's primary interest being the carrier's total return is certainly valid, there are differences in risk between individually ticketed scheduled service for the general public and chartered service under contract with the DOD. Those features which reduce the risk for MAC include the fixed minimum gross volume of business for an entire year, the minimum rate which generally remains in effect for at least a year, and the guaranteed minimum volumes for each flight. In order that different users pay their proportionate share of costs, an allocation of cost differentials should be made even

[14] The seven carriers which filed a joint comment on long-range rates supported the Board's rate of return standard.

[15] Order 71–4–58, Apr. 9, 1971.

though the investor is looking to a composite of costs and risks stemming from different airline activities. In our view the increase in MAC risks attributed to the increasing uncertainty of volume of MAC operations and the costs flowing from related operational changes and the like are adequately covered by our increase in the return element to 10.5 percent.

Leased aircraft. A number of carriers have complained about our proposal to recognize actual and reasonable rental expenses (plus a profit element in special circumstances) in lieu of the constructive ownership approach used in prior international MAC rate reviews. They argue that the proposed policy would deprive them of an opportunity to make a profit on leased aircraft, is an unwarranted extension of a rule designed for commercial rate purposes, and fails to reflect the risk of foreign operations. Some carriers also contend that the policy has not been applied properly, in that an incorrect method was used for determining if unusual circumstances warranted a special profit element and that the profit element applied was too low.

The carriers basing their argument for retention of the constructive ownership approach because of the profits afforded on that basis apparently refuse to recognize in this connection that the purpose of including a profit element in the computation of all rates for air transportation, including MAC rates, is to provide for the cost of capital devoted to the service. Our adoption of § 399.43 of the Board's statements of general policy was based on a determination that recognizing actual rental expenses was the appropriate treatment of leased aircraft for ratemaking purposes because, among other things, this approach was in accordance with the facts, while the constructive ownership approach did not reflect the carriers' true revenue requirements. The cost of capital is the return on investment necessary to attract that capital, and leased aircraft are simply not a part of carrier capital investment.

The Board recognized that leasing does involve risks, but these risks affect the cost of the carriers' actual investment, and the ratepayers' costs should not be burdened by a profit element for phantom capital which is not truly an asset of the carriers.[16] We determined that these risks are reflected in the rate of return established in the domestic passenger fare investigation,[17] and to the extent that a significantly greater than normal proportion of leasing involves an additional risk not reflected in that rate of return for the capital which is a part of carrier investment, we provided for a profit element 6 percentage points lower than the standard rate of return. Thus, the policy covers all of the costs related to aircraft leasing. Our review of this problem, although part of the fare case, was based on principles generally applicable to all ratemaking, and the policy is intended for across-the-board application. We have already applied the policy in setting rates for domestic Logair and Quicktrans service, and no convincing arguments have been adduced which would persuade us to use a different rule for MAC international rates.

Since we have used as a starting point for MAC rate of return purposes the rate of return established in the *Fare* case, the use of the ratio of leased to owned aircraft values of the carriers in that case provides an appropriate benchmark for determining whether the ratio is so significantly exceeded by any MAC carrier as to entail an additional risk. In making that determination we look to the carrier's entire fleet of the aircraft types it devotes to MAC, rather than compute a ratio for each aircraft type or look to the particular individual aircraft employed. The average ratio of all of the aircraft in the ratemaking unit (the aircraft of all domestic air carriers) is used as the standard, and the ratio used for the individual MAC carriers in assessing the special risk, if any, should be similarly computed. In order to determine the special risk element the proportions of leased aircraft values of one type obviously must be balanced out against the proportions of leased aircraft values of other types devoted to MAC, and in establishing MAC rates the Board will not permit a carrier to pick and choose among its aircraft and allocate its most costly equipment to MAC. Finally, when § 399.43 called for the use of "the standard rate of return, less 6 percentage points," it meant just that: the operation of leased aircraft in a significantly higher ratio than the norm was judged to affect the capital costs of a ratemaking unit by the standard return for that unit less 6 percentage points.[18] Although the relative risk figure is clearly a broad judgment, we deem it applicable without regard to where the aircraft are flown, and there is no sound reason to adopt a different basis for MAC purposes.

Mileage absorption factor. Both DOD and the carriers have challenged the adjustments proposed in the notice to recognize differences between the mileages used to calculate costs and the standard mileages used by MAC for payment purposes. DOD questioned the need for making any adjustment. It claims that the historical costs include the higher costs resulting from shorter stage lengths flown where operationally required,[19] and therefore the adjustment would require a double payment for the same costs. DOD also argues that the costs of flying all miles—including ferry mileage, positioning mileage, and mileage due to longer than pay-mile routings—are divided by revenue miles, only, to determine costs, and hence any adjustment would reimburse carriers a second time for nonrevenue mile costs. Finally, DOD presents a comparison of MAC revenue aircraft miles flown and MAC pay miles, based on Form 243 data for calendar 1971, indicating a deviation factor of only 0.17 percent on an overall average basis, and notes that the use of even that figure should await clarification of reporting discrepancies.

The several carriers commenting on this item urge, variously, that some carriers fly routings longer than those prescribed for payment purposes because of cost savings, already part of the unit cost submissions, which are achieved by avoiding bad weather areas or high cost locations or by using on-line locations; that ferry and positioning miles are not included in the calculations, although they should be so as to permit the recovery of costs associated with nonrevenue operations necessary for MAC service; that errors in calculation in the notice resulted in an understatement of the absorption factor; and that the reporting discrepancies in the Forms 243 leave the Board's analysis and the factors proposed in the notice as the best computations available.

The Board has decided to continue to apply a factor for mileage absorption, based on the techniques historically used for MAC rate reviews. DOD and the carriers have made conflicting claims concerning the unit costs for mileage flown on routings longer than pay-miles routings, but no data supporting either of these allegations have been filed in this proceeding. We note, however, that in connection with a prior rate review, material was filed tending to show that the costs per mile on the longer mid-Pacific routings were lower than on the north-Pacific flights and the total costs were about the same.[20] No conclusion can be drawn from the current record that the historical unit costs used in the notice were increased because of the longer routings flown. Further, in determining unit costs, all MAC costs and all MAC mileages are included in the computation,[21] and hence there is neither a dou-

[16] The rental payments, which are recognized, obviously include an element which goes to pay the capital expenses of the lessor, since he must attract the necessary funds to cover his investment costs. To provide a further return on this investment to the lessee would be to duplicate this expense.

[17] Order 71–4–58, Apr. 9, 1971.

[18] Contrary to the arguments of some carriers, we did not divide the rate of return used in the *Fare* case by two nor fix on 6 percent as the measure of the extraordinary risk. Instead, we subtracted 6 percentage points—approximately the pure interest rate—from the "standard return," which we envisioned would vary in different ratemaking frameworks. The pure cost for the use of money (the 6 percentage points) was deducted from the standard return because no capital requirements (and hence no pure money costs) are involved in leasing.

[19] That is, where routes are flown encompassing: (1) Longer distances than the pay miles and hence (2) shorter stage lengths, because of equipment limitations.

[20] EDR–133, February 20, 1968, page 9.

[21] Except the first 50 miles of ferry flights. See § 288.9(c). MAC does not pay directly for the first 50 miles of ferry flights, but this mileage (though not its cost) is excluded in the carriers' submissions for rate reviews and thus the rates cover the cost of these miles.

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ble reimbursement nor a shortfall in cost coverage. However, a mileage absorption or circuity factor is needed because of the differences between routings flown and the standard routings reflected in MAC pay mileages.

As a theoretical matter, the method used by DOD to derive an absorption factor is not unreasonable, albeit it fails to differentiate among services. But the DOD's results cannot be accepted, because of the lack of reliability in the reported Form 243 figures used in the computation. For example, while we can envision some circumstances where pay miles might exceed miles flown, in the reports for a number of carriers the MAC pay miles exceed the revenue miles flown by a very substantial margin. Further, the DOD and the carriers have pointed out other problems which impair our confidence in the figures. For this reason we will follow the technique of comparing: (1) The miles flown over the predominant routings used with (2) the miles over the standard routings used for payment purposes, as in the notice. These miles-flown figures represent the typical distances operated, according to the carrier submissions, and DOD has made no showing to the contrary, except by reference to the discredited figures from the Forms 243.

After correcting certain obvious errors discovered in the figures used for the notice we have recalculated the absorption factors, weighting the data by the fiscal year 1972 award points to account for volume differences. As shown in Appendix E, the absorption factors adopted by the Board are 1.7 percent and 1.6 percent for regular jets and stretched jets, respectively, in passenger service, and 4.9 percent and 2.3 percent for regular jets and stretched jets in cargo service. Appendix G shows the adjustments in the rates based on those factors.

Other cost adjustments—(1) *Cargo costs.* In the notice the Board included cost data for the American and TWA Boeing 707's in its computation of cargo costs, and several carriers have objected. Flying Tiger and Seaboard state that American submitted no cargo cost computations and argue that if a constructed forecast is used for that low cost carrier, cargo cost forecasts should be constructed for Airlift's DC–8–55 and B–707–320 aircraft, United's DC–8–55F's and Seaboard's DC–8–55F's. Seaboard also states that historically the difference between payments for cargo and passenger operations has been the element of passenger service expense and related adjustments (the basis employed in the notice), but that this is an imprecise approach since some costs in cargo service are greater than similar costs in passenger operations. Pan American complains that American's cargo costs are the lowest of any shown rather than being in line with other carriers offering similar aircraft, and that use of the constructed cost is not fair since the Board first adjusted the cost of passenger operations prior to use of the figures. TWA states that the reason it did not submit a forecast for cargo aircraft is that its cargo operations were very limited during the base period, but that a comparison for calendar year 1971 shows higher direct operating costs for cargo-configured aircraft than for passenger operations.

The carriers' objections are not well taken. We constructed cargo costs for American and TWA for the B–707's since both of those carriers were in fact participating in MAC cargo operations with those aircraft and both had submitted historical data and forecasts of costs for B–707 passenger operations, thus providing a cost base for projecting cargo costs. Contrary to Flying Tiger's assertions, none of the other carriers it mentioned submitted passenger costs for the aircraft types it cited, and thus similar costs bases were not available. The method of deriving cargo costs from data for passenger operations has long been used not only by the Board but by many carriers in MAC rate reviews. Thus there is merit in DOD's observation that if Seaboard is correct in its allegation that direct costs are higher for cargo operations than for passenger service, then passenger rates are inflated since they reflect historical costs of cargo operations which carriers have not correctly segregated. DOD goes on to note that for American's B–707–300's, the aircraft here involved, the direct costs in cargo service are less than those for passenger service, and that TWA had informed MAC in 1971, in connection with the instant rate review, that the costs levels for the B–707–300B passenger aircraft fairly represent cost levels of the B–707–331C and B–707–373C cargo aircraft. We would not draw any firm conclusion from either the unscreened American figures presented by DOD or the unscreened TWA data as adjusted by that carrier in its comments, other than to note that the relationship between direct costs for an aircraft type in cargo and in passenger service is by no means established by the limited data presented. In spite of Pan American's protestations we believe it imperative to screen historical and forecast costs before projecting them for MAC rate purposes. The method of projecting costs used in the notice is not unreasonable and the ton-mile costs so projected (6.69 cents for American and 6.79 cents for TWA) are not out of line with the costs for standard jets of other carriers (ranging from 6.76 cents to 9.49 cents).

(2) *Retroactive cost changes.* TWA has requested that we permit a retroactive adjustment for rate-making purposes to its flight equipment maintenance expense reported in its Form 41 reports for the year ended September 30, 1970, the base period used in the MAC rate review. The adjustment concerns a disparity, revealed in a 1972 audit, in the allocation of maintenance burden among operating entities reflected in TWA's reported results for the years 1968–71. A restatement of the carrier's figures based on an allocation formula adopted by TWA beginning January 1, 1972, would increase its MAC cost projections substantially. As we have determined in other instances involving attempts by TWA retroactively to change reported base year expenses, premised on after-the-fact judgments by the carrier, this restatement would not be warranted.[22]

(3) *Rounding.* TWA and Pan American have requested that the rates be expressed by using three digits to the right of the decimal place, rather than rounding to two digits as in the notice. In rate reviews prior to ER–699, establishing the current rate, we rounded to the nearest hundredth of a cent (two digits), but since the volumes of MAC services and the sums involved are so large and the additional computations call for but slight effort where only one user of the service is involved, it appeared reasonable to express the rates in thousandths of a cent (three digits) in ER–669. We are modifying the procedure used in the notice and reverting to the practice established in ER–669.

Commercial Backhaul Factor. One-way minimum rates are based upon the round trip rates, adjusted to reflect (1) the cost savings involved in return empty backhauls and (2) a reduction for backhaul mileage flown in commercial revenue operations. To develop a commercial backhaul factor the Board subtracted the return empty backhaul miles from the one-way mileage and divided by the total revenue aircraft miles. The factors proposed, 2.8 percent both for passenger trips and cargo trips, were applied to the one-way adjusted costs. The notice pointed out that to some extent the commercial backhaul miles computed on this basis reflected variances between outbound and inbound routings and perhaps problems in classification and reporting. However, the data did not permit a more direct derivation of the factor since the Form 243 reports did not contain the commercial backhaul mileage figure.

DOD complained that deficiencies in reporting made the mileage figures suspect, that the procedure employed frequently resulted in a negative derived factor for particular carriers, and that the percentages should be determined by dividing by the live one-way miles rather than the total revenue miles. It also argued that total backhaul miles should not exceed live one-way miles. After eliminating the figures for certain carriers because of asserted reporting discrepancies and removing the negative backhaul miles of other carriers, DOD derived commercial backhaul factors of 11.95 percent for passengers and 27.11 percent for cargo.

Several carriers admit that backhaul mileage reporting is deficient in various respects, but recommend using the factors developed by the Board as the most reliable available. They also argue that the low yields of the commercial backhauls represent an offsetting factor. Braniff et al. state that the backhaul factor should not be a percentage of one-way miles, but total revenue miles, since the factor is applied to costs based on total revenue miles flown. Northwest argues that no commercial backhaul computation should be made since MAC can convert one-way trips to round trips on 24-hour notice and the effect of this option is to preclude contracts with commerical parties.

[22] Nonpriority mail rates, Order 70–4–9, note 20, mimeo page 18 (April 1970); Transatlantic Final Mail Rate Case, 19 CAB 464, 471 ff. (1954). The reallocation of 1970 costs from domestic to international operations would be particularly inappropriate since the Form 41 expenses for that year formed part of the data base relied upon in the Domestic Passenger Fare Investigation.

The Board agrees that the indirect derivation of the commercial backhaul factor suffered from a number of deficiencies. As the result of a change in the Form 243 effective January 1, 1972, we now have available, on a reported basis, commercial backhaul miles for the 6 months ended June 30, 1972. As shown in Appendix I,[23] we have used that data and computed commercial backhaul factors of 3.13 percent of the one-way passenger miles and 6.26 percent of the one-way cargo miles. DOD is correct in relating the backhaul mileage to the one-way mileage, since this commercial mileage is related to the one-way service for MAC and is applied to adjusted one-way costs. Although it is asserted by the carriers that lower promotional yields should be considered, no supporting data were supplied, and in any event, circuitous mileage associated with such service has been recognized. Such circuity may account for some cases where the live MAC mileage is exceeded by backhaul miles. Finally, we note that the 24-hour option adverted to by Northwest is not actually exercised with such frequency as to preclude, in fact, commercial use of backhaul flights. The factors set forth above appear to be reasonably representative of commercial backhaul mileage associated with MAC operations.

Convertible and Mixed Minimum Rates. The convertible and mixed rates proposed in the notice were computed in the same manner as in previous rate reviews. However, in DOD's initial comments we were advised that in April 1972 MAC had carried out a test program for the purpose of accumulating actual cost data as well as for testing the operational characteristics of the convertible aircraft. Cost data were submitted for 11 such conversions with partial data for a 12th conversion, and based upon a summary compiled from the unadjusted carrier data, DOD proposes the adoption of a fixed payment for each convertible trip. Since the conversion payment is not related to the length of the trip as is the case in the current convertible rates, DOD believes that this procedure will result in a more equitable convertible rate. Specifically, DOD proposes that the conversion compensation be made in addition to the live round trip Category B passenger rate for the passenger leg and the live round trip Category B cargo rate (after adjustment for ACL reduction due to the ferrying of passenger equipment) for the cargo leg. DOD's proposed conversion charges are as follows: Standard jets—$8,200; Stretched jets—$10,500; B–727—$5,200. DOD also proposes revised convertible cargo ACL's of 31.7 tons for standard jets, 39 tons for stretched jets, and 15 tons for B–727 aircraft.

Comments were submitted by Airlift, Flying Tiger, Pan American, Seaboard, and Braniff et al., all of which indicated a general agreement with DOD's approach. While these carriers desire a Board analysis of the data submitted by DOD, the only substantive reservation they indicated was the belief that additional compensation should be made for loss of utilization during the periods of converting from passenger to cargo or cargo to passenger configuration.

DOD's proposal appears to have a great deal of merit. Payment of a fixed conversion charge for convertible services seems to present a more precise manner of compensating the carriers than the present method, under which conversion costs are incorporated into the unit rates per passenger-mile or ton-mile. With regard to the carrier's contention that an additional payment should be made for downtime during conversion, we have analyzed the utilization data submitted to DOD by the carriers together with their conversion cost-data and their figures indicate that the average utilization for convertible trips is virtually the same as the overall utilization reflected in the notice. However, the Board is not persuaded that the fixed payment per plane converted, as proposed by DOD, presents the best solution to this matter. We note that the payments DOD proposes equate to approximately $50 per seat for each of the different aircraft types.

In consideration of all the circumstances, we believe that the adoption of a conversion charge of $50 per seat for each configuration change on each stage length will result in an equitable rate. While this charge applied to the full ACL will result in a slightly higher charge to MAC in the case of a full configuration change, it will afford MAC a greater degree of flexibility in those cases where MAC may desire a partial change in the configuration. Further, the application of the charge on this basis should resolve a problem posed by World, which was concerned over the numerous configuration changes necessary in its interisland services. In the case of the mixed rates, the application of this principle will eliminate the need for the computation of variable mixed rates as in past rate reviews. Instead, the fixed rates for mixed configuration trips will provide for the $50 per seat charge for each seat changed on each segment. The revised convertible cargo ACL's proposed by DOD appear reasonable and we will make the appropriate amendments to § 288.8.

Category B Minimum Rates for Small Turbine Aircraft

Set forth below are the existing minimum rates for small turbine aircraft, the rates proposed in the notice, and the revised fair and reasonable minimum rates adopted herein, together with the percentage differences between the current rates and the rates adopted.

	Current	Proposed	Adopted	Percent increase (decrease) from current
	Pacific Interisland			
Passengers, cents per passenger-mile:				
Round trip	2.578	2.56	2.567	(0.43)
1-way	4.876	4.89	4.902	0.53
Cargo, cents per ton-mile:				
Round trip	13.115	13.50	13.534	3.19
1-way	26.229	26.73	26.934	2.69
	All other			
Passengers, cents per passenger mile:				
Round trip	2.802	2.82	2.819	0.61
1-way	5.302	5.39	5.385	1.57
Cargo, cents per ton-mile				
Round trip	14.572	14.00	13.990	(3.99)
1-way	29.143	27.72	27.840	(4.47)

The foregoing rates reflect changes, indicated in the appendices, which are akin to those made for large turbine aircraft. The major contentions in the comments which are peculiar to the small turbine rates involve the aircraft carriers used for costing purposes. They are discussed below.

The rates proposed in the notice were based exclusively on the data for B–727 aircraft, with separate classifications for Pacific Interisland and for "All Other" service. The Board used costs for Airlift, Southern, and World to compute the Pacific Interisland rate. For the reasons set forth in the notice, it refused to use the costs of Convair equipment, B–707's, or L–100–20/30 turboprop aircraft or to establish separate rates or ACL's for those aircraft types.[24]

As an accommodation to Pan American, MAC has permitted that carrier to use its long-haul (B–707) aircraft on short-haul R. & R. routes at the higher seat-mile revenue of short-haul service. The carrier now claims that the small turbine rates should be paid for all operations falling within the short-haul category, which it defines as covering distances of 2,000 miles or less. We see no basis for extending the narrow exceptions for aircraft in recreation and rehabilitation service which insured that sufficient aircraft would be available for this special service between Viet Nam and certain named countries. To our knowledge there are no other contracts for B–707 service where the small turbine aircraft are flown and MAC has not endorsed the use of B–707's in short-haul service except in the R. & R. operations. The designation of 2,000 miles as a short-haul operation raises further problems. We will reject Pan American's claim.

On the other hand, we will grant

[23] Filed as part of the original document.

[24] The notice proposed to continue the current rates for turboprop and piston aircraft without change.

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Modern's request that we continue to extend the Part 288 exemption to the CV–990 and include that aircraft in the schedule of minimum rates for category B service with small turbine aircraft. It was proposed to delete the CV–990 because DOD had not been using that equipment and did not want to include CV–990 costs in the rate computation, but the aircraft is clearly in the small turbine class. It has the same ACL as the B–727, and if the need should arise for the CV–990 in MAC service there appears to be no basis for requiring Modern to go through a new rule making or exemption procedure in order to receive Board authorization to provide the service.

The comments of Airlift et al. ask that Southern's cost be excluded from the Pacific Interisland rates for 1973, on the ground that that carrier is no longer providing the service. However, we are establishing a single set of rates, without term, and Southern not only performed services under contract in fiscal year 1972, but is continuing to participate in the expansion buy for fiscal year 1973. The rates for Pacific Interisland services will continue to reflect costs for the three carriers, adjusted to reflect documented increases in expense in conformance with our introductory remarks.

While the notice rejected Saturn's L–100–20/30 cost projections because they were based on experience too limited to form a reliable predicate for establishing separate MAC turbo-prop rates for that aircraft, it indicated that we would consider any relevant information submitted in the comments. Saturn has responded with a further submission of data and it asserts that MAC has had a continuing demand for the L–100–20/30 in international service. DOD opposes the establishment of separate rates and ACL, on the ground that the information is still not definitive enough to afford a basis for rates in international MAC service. Our review of the comments and Saturn's Forms 41 and 243 compels us to agree with DOD. The carrier has not reflected any significant amount of international MAC traffic in its reports. While it flew over 18,000 revenue-hours and over 6 million revenue-miles with this aircraft in the year ended March 31, 1972, 80 percent of the hours and miles were in domestic service, and less than 0.2 percent of the L–100–20/30 traffic was reported as military international traffic. Although the carrier's current submission may be based on a longer period of operations than heretofore, Saturn's international MAC traffic volume does not afford an adequate basis for projecting a forecast or establishing a rate for such operations.

INDIVIDUALLY TICKETED AND WAYBILLED SERVICES

In our notice we proposed to establish minimum rates for all individually ticketed and waybilled services (category A and Z) at the level of one-way charters (category B); we rejected the proposal to establish a so-called category Y blocked space service on scheduled service at the round trip category B level; and we requested comments on the validity of continuing category X rates (for inbound transportation of passengers in fixed proportions to category A outbound cargo) at the round trip charter level.

1. *Category A and Z services.* There has been no objection to our proposal to maintain the category A and Z passenger rates at the same level as the one-way category B rates, and we shall continue that rate structure for passengers.

DOD objected to the proposed change in rate relationships for one-way cargo services, stating that the Board should adhere to its past practice of establishing separate outbound and inbound category A cargo rates at levels below the category B one-way cargo rates. It argues that the proposal will result in significantly higher rates for category A cargo, will render this service the most costly and least effective of the cargo choices available to it, and will result in its use being limited to the most unusual situations, thus frustrating the objective of having category A cargo contribute to the maintenance of scheduled cargo service. Asserting that it has never been shown that the rates per ton-mile of 12 cent outbound and 10 cent inbound which antedated the current rates were unjustifiably low, DOD recommends a return to those rate levels.

The carriers which commented on this issue, including those carriers which had sought in Docket 23579 to divorce category A and category Z rates from the rates for category B charters and to increase the former to levels exceeding those for category B service (as well as other carriers with scheduled international services), support the Board's proposal to set the floor for all category A and Z rates at the level for one-way charters. Flying Tiger and Pan American state that the reduction proposed in the notice in the standard weight per pallet (used in computing charges for cargo services) serves to offset the increase in the rate per ton-mile, and a Flying Tiger analysis indicates that the net result of the changes would be to reduce its yield on the category A cargo rate. Both Pan American and Flying Tiger recommend that the add-ons per pound for air and truck pickup [*] be eliminated, in order to increase the comparability of category A and category B one-way cargo rates.

It appears to us that the advantages of moving cargo on less-than-plane-load lots can be considerable, and that the benefits and costs of category A cargo service warrant an equalization of these rates with the one-way category B rates. With the change in standard pallet weights and the elimination of the pick-up charges, the cost increase to DOD is at least largely offset and the rates will be comparable. It appears equitable to eliminate pickup charges and to amend Part 288 to reflect a change in the pallet weights, and we shall do so. No basis has been given for concluding that outbound cargo traffic volumes will be substantially different from inbound traffic volumes in the long term, and no reason why the inbound and the outbound rates should be different. The scheduled carriers appear satisfied that the rate relationships proposed will not interfere with the objective of having category A cargo contribute to the maintenance of scheduled cargo service.

Accordingly, the Board will adhere to its proposal to equate all category A and Z rates with one-way category B rates. We will also make all of the new minimum rates (except category Z rates, which are subject to tariff filing requirements) effective July 1, 1971. Our notice especially solicited views concerning the date of effectiveness of category A cargo rates because we believed that the sizable price changes linked to the change in structure may have affected the use of the service if known in advance, and DOD has responded by stating that much category A cargo service would not have been used if the revised rate relationship had been in effect. Pan American questions this assertion. But in any event, we are also making our countervailing pallet weight changes and elimination of pickup charges effective on that same date, and in view of that ameliorating circumstance the rate changes are of no different character than other changes which we are effectuating on July 1, 1971.

2. *"Category Y" service.* The notice tentatively rejected the category Y proposal as a service essentially the same as category A. Under the category Y proposal passengers would be carried in blocked space in scheduled commercial service at the round-trip category B rate. This service did not appear to warrant the round-trip rate provided for charters where the entire aircraft is contracted for on a round-trip basis. DOD contends that category Y service is the performance of what would otherwise be category B transportation by moving the traffic over scheduled service for an extended period of time. In fact, however, the category Y proposal is not at all akin to category B round-trip charters, since it is performed on the more costly scheduled services. Both DOD and those carriers seeking to operate under category Y rates request the authority to "test" this concept, but no amount of testing can change the nature of the service or of the rate requested: a round-trip full plane charter rate for one-way scheduled transportation of less-than-plane-load groups.[26]

No new argument has been made which serves to change the view set forth in the notice that the category Y rates

[*] Sec. 288.7(d)(4).

[26] Moreover, the economic unsoundness of the rate is underscored, in our view, by the inconsistent arguments of the two chief carrier proponents of category Y. On the one hand, TWA contends that the traffic will be carried "basically on a space-available basis," and that it will neither schedule additional capacity nor disenable higher fare traffic to serve category Y. On the other hand, Pan American argues that category Y traffic will permit greater scheduling of its regular service.

and rate relationships proposed by DOD and certain scheduled carriers were invalid in principle and unsound as a matter of economics. Pan American suggests that it would be willing to modify some of the conditions of category Y service, but tinkering with the details would not change the concept which we here reject.

3. *Category X.* Only DOD replied to our requests for comments on the question whether the category X concept continues to be valid. Category X rates cover the inbound transportation of passengers or property in fixed proportion to category A outbound cargo, pursuant to option provisions of DOD contracts. The rates for this service are currently equal to the round-trip charter rates. DOD indicates that while this service has not been utilized a great deal, category A cargo is now becoming essentially outbound and thus category X traffic will be increasing. But as evidence of this latest change DOD cites purchases of less than $85,000 of category X transportation in April and May of 1972. Fiscal year 1972 MAC volumes exceeded $400 million. More important, despite the fact that such traffic must be in fixed proportion to cargo moving in the opposite direction, the traffic remains essentially one-way passenger traffic, and the use of a rate based on round-trip levels is therefore unsound. Accordingly, we will eliminate the exemption for category X transportation from Part 288.

FERRY RATES

DOD proposes that the ferry rates be based on the category B cargo rate for all ferry miles, since some passenger-associated costs, such as food, full cabin crew salary, and insurance are not incurred in ferrying an aircraft. Currently, § 288.9 provides that minimum payments for ferry miles are to be based on the round-trip cargo rate where only cargo is carried on the live portion of the whole trip and are to be based on the round-trip passenger rate where passengers are carried on any portion of the whole trip. The rates are 75 percent of the live rates for ferry legs up to 1,500 miles and 100 percent of the live rates for longer ferry legs.

Several carriers have indicated that the cabin crews must be paid when being ferried with the aircraft and that the cargo rate would not be compensatory for passenger ferry flights. Flying Tiger argues that since the MAC ferry rate already provides a reduction of 25 percent for flights up to 1,500 miles to offset savings in food and passenger service, there is no basis for the further adjustment sought by DOD. Braniff et al. contend that ferry flights are comparable to the front-haul or back-haul operations of one-way charters, but that the cost savings are less. They question the 1,500 mile break-point and argue that the current ferry rates are not compensatory for these shorter flights, although some savings should be reflected in the rate for long ferry-hops. These carriers would eliminate the break-point, reduce the ferry rate discount to 8 percent for the passenger ferry, and eliminate that discount in the ferry cargo rate. We agree with DOD's basic premise that some cost savings are realized on ferry flights in some areas such as passenger food and insurance. However, we do have reservations as to the savings in cabin crew ferry costs, and we note that DOD has not shown that the present discount in the ferry rate is not sufficient to reflect the cost savings. In the absence of more definitive data we believe it appropriate to maintain the existing ferry rates at this time. However, we will explore the matter more fully in the course of the next rate review.

STANDARD MILEAGE

DOD states that the current nature of MAC contract airlift in the Pacific is such that much of it is not provided for in the routing table shown in § 288.10 (b), since MAC is routinely contracting for trips from the east coast and mid-continent points of the continental United States to points throughout the Pacific, including Australia and New Zealand. Accordingly, DOD proposes that in place of the existing table with its unavoidable limitation on the number of points that can practicably be covered, a mileage computation rule be adopted for the Pacific similar to the rule now applied to the Atlantic, where mileage for nonstop flights of 4,000 or more is computed over the lower of two commonly used routings. DOD also requests that the computation points of Shannon, Ireland and Lajes/Santa Maria, Azores, be deleted from the Atlantic rule in § 288.10(c) in order properly to accommodate such routes as those in the South Atlantic, for which Shannon and Lajes/Santa Maria are not realistic computation points.

Only two carriers submitted comments on DOD's proposal. Flying Tiger states that it has no objection to the proposal. Trans World takes issue with DOD's proposal with regard to routings that yield the shortest mileage, and suggests that pay miles be related to the "operational mileage" over which a carrier can realistically operate. However, standard pay mileages have for many years been based on the most direct feasible routing: the concept is not new, and the use of a circuitry or mileage absorption factor mitigates particular operational problems while avoiding difficulties of interpretation when payment computations are made. Since the introduction of the long-range jet aircraft into MAC service, the carriers engaging in transpacific services have the aircraft capability for operating over the North-Pacific route, and thus such routings cannot be construed as unrealistic. We note that some of the carriers actually operate over the mid-Pacific route, but this deviation from the standard mileages is purely voluntary on the part of the carriers involved. As stated in notice of proposed rule making EDR–133/PSDR–20, February 20, 1968, the Board believes that carriers should generally be given the option of flying transpacific charters over whatever routing they consider most favorable, but the routing so selected should not affect the compensation received. Rather, the compensation should be based on one mileage standard—namely, the shortest feasible routing. The same rationale applies in the Atlantic.

While we agree in principle with DOD's position and recognize the desirability of a rule covering more operations, we are reluctant to delete the table which sets forth the specific routings. However, it appears that the desired result can be achieved by retaining the table in its present form and expanding the language of § 288.10 to provide for the situations mentioned by DOD. Accordingly, the text of § 288.10 is being revised to provide that wherever the distance between airports for a nonstop flight or a route segment specified in a DOD contract is 4,000 miles or longer, the mileage shall be computed via routings indicated in the rule for service between specified points or, where routings are not so indicated, via the routings which yield the shortest mileage.

PRICE STABILIZATION

Although the Cost of Living Council has exempted from the price stabilization program rates for foreign air transportation which are established or approved by the Board, the minimum rates set forth in this amendment to Part 288 also apply to services performed for the military in overseas air transportation and in air transportation between the contiguous 48 States and Hawaii or Alaska, and hence the Board's price stabilization criteria set forth in Part 229 are applicable. As set forth above, we have subjected the carriers' cost submissions to rigorous analysis, both in the review preceding issuance of the notice and after receipt of the comments containing additional data and information. On the basis of the Board's review and analyses, some rates have been increased and some decreased,[27] but overall, based on revenues from military air transportation services for fiscal year 1972, the impact of the changes from current rates is an increase of approximately $10,581,000, or 2.66 percent, for all operations covered by this rate review.

The rate increases are cost based and do not reflect or allow future inflationary expectations. We disallowed anticipatory cost increases from costs projected by the carriers and rejected the notion that the rates should be based on trended costs: the only upward adjustments of base period costs accepted have been those reflecting annualizations of contractual obligations. In our view, the increases are the minimum necessary to assure continued, adequate, and safe service by air carriers for the DOD operations they cover. While the rate of return has been increased over the return used for fiscal year 1971, it is consistent with (though lower than) the rate of return benchmark found reasonable for domestic fare purposes prior to the stabilization program, and it con-

[27] See pp. 14 and 39, supra.

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tinues a differential we have found appropriate to reflect the lesser degree of risk associated with operating MAC contracts. The rate increases will provide the carriers an opportunity to achieve the minimum rate of return needed to attract capital at reasonable costs and not impair their credit. Moreover, the labor costs reflected in the rates do not exceed those allowed by the Price Commission. We have recognized only those wage and salary increases falling within the Pay Board guidelines of (1) being no more than 5.5 percent per year or (2) being required by a contract which became binding before November 8, 1971. In the case of fringe benefits excluded from consideration as wages and salaries, we have followed the Pay Board's Release 51, February 23, 1972, and adopted the 0.7 percent of wage base standard for exempted benefits, plus the additional 1.5 percent for "catch-up" fringe benefits, as set forth in that guideline.

Finally, expected and obtainable productivity gains are taken into account in the rates, since the rates have been based on unit costs for MAC services and hence the impact on costs of operational and managerial efficiencies is considered as part of the rate review. However, since only quantitatively provable cost increases are recognized, we have not attempted to project speculative productivity gains. Rather, the screening of specific cost areas assures that maximum reasonable use of productive capacity is embodied in the unit costs. In the Board's judgment, the rate increases are consistent with the price stabilization program and the criteria embodied in Part 229 of the economic regulations.

AMENDMENTS

In consideration of the foregoing, the Board hereby amends Part 288 of the Economic regulations (14 CFR Part 288), effective July 1, 1971, as follows:

§ 288.1 [Amended]

1. Amend § 288.1 by deleting the fourth paragraph thereof (the definition of "Category X transportation").

§ 288.2 [Amended]

2. Amend § 288.2 by deleting the words "and X".

§ 288.6 [Amended]

3. Amend § 288.6 by deleting the words "and X".

4. Amend § 288.7(a)(1) to read as follows:

§ 288.7 Reasonable level of compensation.

(a) • • •

(1) Performed with turbine-powered aircraft:

Aircraft type	Passengers, per passenger-mile (cents)		Cargo, per ton mile (cents)		Convertible,[1] (cents)		Mixed passenger-cargo per revenue plane-mile [1]	
	Round trip	1-way	Round trip	1-way	Passenger leg, per passenger mile	Cargo leg, per ton mile	Round trip	1-way
Turboprops:								
CL-44	2.00	3.00	9.86	17.19				
L-382/L-100-10/20/30			10.05	19.64				
Regular turbojets	[2] 1.959	3.686	7.730	14.903	1.959	8.911		
Passengers—Pallets:								
165 and 0							$3.232	$6.082
117 and 3							3.113	5.895
105 and 4							3.083	5.848
93 and 5							3.053	5.802
81 and 6							3.023	5.755
63 and 7							2.978	5.685
51 and 8							2.948	5.638
0 and 12							2.821	5.440
DC-8F-61, -63	1.959	3.686	7.730	14.903	1.959	8.911		
Passengers—Pallets:								
219 and 0							4.290	8.072
159 and 5							4.068	7.698
66 and 12							3.719	7.112
87 and 13							3.653	7.000
0 and 18							3.479	6.706
B-727—Pacific interisland	[2] 2.567	[3] 4.902	13.534	26.934	2.567	16.241		
Passengers—Pallets:								
105 and 0							2.605	5.147
61 and 2							2.587	5.022
50 and 3							2.560	4.960
46 and 4							2.550	4.979
0 and 7							2.436	4.848
B-727—All other	[2] 2.819	[3] 5.385	13.990	27.840	2.819	16.788		
Passengers—Pallets:								
105 and 0							2.960	5.654
61 and 2							2.775	5.385
50 and 3							2.729	5.318
46 and 4							2.712	5.293
0 and 7							2.518	5.011

[1] Conversion charges for convertible flights or variable mixed flights shall be at the rate of $50 per seat changed on each segment.

[2] The minimum rate for operation of B-707 in recreation and rehabilitation (R. & R.) service between the Republic of South Vietnam, on the one hand, and Thailand, Malaysia, Singapore, the Republic of the Philippines, Hong Kong, and Taiwan, on the other, shall be 2.567¢ per passenger-mile.

[3] Also applies to CV-990 aircraft.

5. Amend § 288.7(d) (1) and (2) to read as follows:

(d) For Category A transportation:

(1) Passengers, 3.686 cents per passenger-mile.

(2) Cargo, 14.903 cents per ton-mile.

6. Amend § 288.7(d) by deleting and reserving subsection (4) thereof, as follows:

(4) [Reserved]

7. Amend § 288.7(d)(6) by changing the number "4,500" to read "3,750".

8. Delete and reserve § 288.7(e), as follows:

(e) [Reserved]

§ 288.8 [Amended]

9. Replace the table in § 288.8 (minimum aircraft loads) with the following:

Aircraft type	Number of passengers, all-passenger and convertible flights	Tons of cargo	
		All-cargo flights	Convertible flights
B-707-320-B/C	165	36.5	31.7
B-707-300 series	159		
B-707-138B	137		
B-707-100 series (other)	149		
DC-8F-61, -63	219	45	39.0
DC-8-62	165	39.2	
DC-8F	165	36.5	31.7
DC-8 (50 series)	149		
DC-8 (other)	147		
DC-8-30	95		
B-727	105	18	15.0
CV-990	105		
CL-44	148	20.35	--
L-382		20.7	
L-100-10/20/30		20.7	
L-1649A	95	18	15
L-1049-C/E/G/H	95	18	15
DC-7B/C/CF/F	88	15	12
L-1049A	88	15	12
DC-7	88	15	12
DC-6/A/B/C	83	13	12
DC-4	60	8	6

§ 288.10 [Amended]

10. Amend § 288.10(a) by adding after the first sentence thereof the following sentence: "If the direct nonstop airport-to-airport distance between the point of origin of the revenue flight to the point of destination of such flight, or between any pair of points comprising a route segment required to be served by the terms of the DOD contract, is 4,000 miles or more and no intermediate points are required to be served by the terms of the contract or are specified in paragraph (b) of this section, the mileage shall be computed via the routings which yield the shortest mileage."

11. Amend § 288.10 by deleting and reserving paragraph (c) thereof, as follows:

(c) [Reserved]

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386)

NOTE: Appendices A–Q are filed as part of the original document.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.73-167 Filed 1-3-73;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS—50; Amdt. 29]

PART 399—STATEMENTS OF GENERAL POLICY

Military Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1972.

On May 31, 1972, by notice of proposed rule making EDR–205A/PSDR–32A (37 FR 11344), the Board proposed, among other things, to amend Part 399, its Statements of General Policy, by changing the minimum rate for Category Z individually ticketed military transportation.

Comments in response to the notice, and reply comments, filed by a number of interested persons, are discussed in ER–786, which amends Part 288 of the Economic Regulations and is being issued concurrently herewith. For the reasons set forth in ER–786, which are incorporated by reference herein, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective July 1, 1971, as follows:

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

• • • • •

(b) The minimum charges considered fair and reasonable for the transportation of Catagory Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous States, on the one hand, and Hawaii or Alaska, on the other hand, will be 3.686 cents per passenger-mile, applied to the shortest mileage between the commercial air carrier points as set forth in the current IATA mileage manual to compute point-to-point passenger fares.

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.73-166 Filed 1-3-73;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–403; Order 440]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

Full-Cost Accounting for Exploration and Development Costs; Correction

DECEMBER 12, 1972.

Revisions in Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) and Annual Report Form No. 2 to adopt full-cost accounting for exploration and development costs incurred by pipeline companies on natural gas leases acquired on or after October 8, 1969.

In the order Amending Uniform Systems of Accounts for Classes A, B, C, and D Natural Gas Companies and Annual Report Form No. 2, issued November 5, 1971, and published in the FEDERAL REGISTER November 18, 1971 (36 F.R. 21963): In ordering subparagraphs (A)4, (B)3, and (C)3 in the text of "Special Instructions-Costs Related to Leases Acquired After October 7, 1969" change "account 404.1, Amortization and Depletion of Producing Land and Land Rights" to read "account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights".

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-112 Filed 1-3-73;8:45 am]

[Docket No. R–403; Order 440–A]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B NATURAL GAS COMPANIES

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

Full-Cost Accounting for Exploration and Development Costs; Correction

DECEMBER 12, 1972.

Revisions in Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) and Annual Report Form No. 2 to adopt full-cost accounting for exploration and development costs incurred by pipeline companies on natural gas leases acquired on or after October 8, 1969.

In the order clarifying and amending Order No. 440 and denying rehearing, issued January 5, 1972, and published in the FEDERAL REGISTER January 15, 1972 (37 FR 601): In ordering subparagraphs (A)12, (A)23, and (A)31 in the text of "Special Instructions-Costs Related to Leases Acquired After October 7, 1969" change "account 404.1, Amortization and Depletion of Producing Land and Land Rights" to read "account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights".

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-113 Filed 1-3-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

DRUG ABUSE PREVENTION AND CONTROL

During recent months, the need for several minor changes in the regulations implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970 have been brought to the Bureau's attention.

1. *Bureau of Prisons.* Responsibility for medical care in Federal penitentiaries has been recently transferred from the Public Health Service to the U.S. Bureau of Prisons. In order to continue the exemptions afforded officials affected by this transfer, §§ 301.13(a)(1) and 301.25(a) are amended. This change was suggested by the Public Health Service and the Bureau of Prisons.

2. *Importation by researchers.* Section 301.22(b)(3) is amended to permit researchers to import controlled substances without a separate registration as an importer, if the intent and reasons for importation are set forth in the research protocol, and the legal requirements for importation, set forth in Part 312, are followed. In addition, the section is amended to conform to the new § 301.33.

3. *Registration regarding ocean vessels.* Section 301.28(a) is amended to conform to paragraph (d) of that section, so that the authorization granted in paragraph (a) includes the exception provided in paragraph (d). This change was suggested by the Public Health Service.

4. *Special procedures for applications.* On August 8, 1972, a notice of new procedures was published in the FEDERAL REGISTER (37 F.R. 15943) which detailed two special procedures to expedite the registration of pharmacies. At that time, the notice was not codified with the Bureau regulations; in response to requests, the Director has decided to codify the provisions of the August 8 announcement.

5. *Procedures regarding granting exclusions and exemptions of certain products.* The Bureau has previously published procedures for processing applications for exclusion of products containing controlled substances which can be sold over-the-counter without a prescription (§ 308.21(c)) and those which are packaged and/or adulterated in such a way as to eliminate any abuse of the controlled substance therein (§ 308.23(e)). This procedure included publishing a proposed rule making in the FEDERAL REGISTER, allowing at least 30 days for comments, then publishing a final order later in the FEDERAL REGISTER. In the many proposals made thus far (see 37 FR 867, 992, 17478, 23420, and 23551) the Bureau has not received any comments or objections, other than notice of typographical errors. The Director has determined that the cumbersome procedure should be revised to expedite the exclusion or exemption of these products. Therefore, §§ 308.21(c) and 308.23(e) are revised to make the order effective upon one publication in the FEDERAL REGISTER, with a provision for comments and objections after publication. If any comments or objections raise significant questions, then the order will be immediately suspended until the issues can be resolved. Thereafter, the order will be reinstated, revoked or revised depending on the determination of the issues. The Director finds that this procedure will afford affected persons

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and the public with sufficient safeguards to protect the interests and safety of all.

6. *Administrative law judge.* Recently, the Civil Service Commission redesignated "hearing examiners" as "administrative law judges." Section 316.42(f) is amended to reflect this change.

Each of these changes is technical in nature and is not expected to generate any comments or objections from interested persons, because they ease the regulatory restrictions on registrants and adversely affect no registrant. In order to include these changes in the next codification of the Code of Federal Regulations, and thereby provide a complete and current book of regulations under the Controlled Substances Act, the Director has determined to make those changes effective before the end of 1972. Therefore, the Director finds that waiver of the usual period for comments and objections is consistent with the public health and safety, with the interests of affected persons, and with the need to provide a codified set of regulations to all registrants.

If any interested person desires to comment on or object to any of the changes made in this order, the Director will consider such comments and objections for purposes of amending or revoking any of these changes. All interested persons are invited to submit their comments and objections in writing with five copies to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street, NW., Washington, DC 20537.

Under the authority vested in the Attorney General by sections 201, 202, 301, 302, 303, 304, 501(b), and 505 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that parts 301, 308, and 316 of Title 21 of the Code of Federal Regulations be amended as follows:

PART 301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

1. By amending § 301.13(a)(1) to read as follows:

§ 301.13 Persons exempt from fee.

(a) • • •

(1) Any official or agency of the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, Veterans' Administration, Public Health Service, or Bureau of Prisons who or which is authorized to procure or purchase controlled substances for official use; and

2. By amending § 301.22(b)(3) to read as follows:

• • • • • •

§ 301.22 Separate registration for controlled activities.

(b) • • •

(3) A person registered to conduct research with a basic class of controlled substance listed in schedule I shall be authorized to manufacture or import such class if and to the extent that such manufacture or importation is set forth in the research protocol described in § 301.33 and to distribute such class to other persons registered or authorized to conduct research with such class or registered or authorized to conduct chemical analysis with controlled substances;

• • • • • •

3. By amending § 301.25(a) by revising the first sentence to read as follows:

§ 301.25 Exemption of certain military and other personnel.

(a) The requirement of registration is waived for any official of the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service, or Bureau of Prisons who is authorized to prescribe, dispense, or administer, but not to procure or purchase, controlled substances in the course of his official duties.

• • • • • •

4. By amending § 301.28(a) to read as follows:

§ 301.28 Registration regarding ocean vessels.

(a) If acquired by and dispensed under the general supervision of a medical officer described in paragraph (b) of this section, or the master of the vessel under the circumstances described in paragraph (d) of this section, controlled substances may be held for stocking, be maintained in, and dispensed from medicine chests, first aid packets, or dispensaries:

• • • • • •

5. By adding a new § 301.38 to read as follows:

§ 301.38 Special procedures for certain applications.

(a) If, at the time of application for registration of a new pharmacy, the pharmacy has been issued a license from the appropriate State licensing agency, the applicant may include with his application an affidavit as to the existence of the State license in the following form:

AFFIDAVIT FOR NEW PHARMACY

I, _____, the _____
(Title of officer, official, partner, or other position) of _____ (Corporation, partnership, or sole proprietor) doing business as _____ at _____
(Store name) (Number and Street)
_____
(City) (State) (Zip code)
hereby certify that said store was issued a pharmacy permit No. _____ by the _____
(Board of Pharmacy or Licensing Agency)
of _____ on _____
(Date)

This statement is submitted in order to obtain a Bureau of Narcotics and Dangerous Drugs registration number. I understand that if any information is false, the Bureau may immediately suspend the registration for this store and commence proceedings to revoke under 21 U.S.C. 824(a) because of the danger to public health and safety. I further understand that any false information contained in this affidavit may subject me personally and the above-named corporation/partnership/business to prosecution under 21 U.S.C. 843, the penalties for conviction of which include imprisonment for up to 4 years, a fine of not more than $30,000 or both.

_____
Signature (Person who signs Application for Registration)

State of_____
County of_____
Subscribed to and sworn before me this _____day of_____, 19_____.

_____
Notary Public

(b) Whenever the ownership of a pharmacy is being transferred from one person to another, if the transferee owns at least one other pharmacy licensed in the same State as the one the ownership of which is being transferred, the transferee may apply for registration prior to the date of transfer. The Director may register the applicant and authorize him to obtain controlled substances at the time of transfer. Such registration shall not authorize the transferee to dispense controlled substances until the pharmacy has been issued a valid State license. The transferee shall include with his application the following affidavit:

AFFIDAVIT FOR TRANSFER OF PHARMACY

I, _____, the _____
(Title of officer, official, partner or other position) of _____, doing business as _____
(Corporation, partnership, or sole proprietor)
hereby certify:
_____ (Store name)

(1) That said company was issued a pharmacy permit No. _____ by the _____
(Board of Pharamy or Licensing Agency)
of _____ and a BNDD Registration Number _____ for a pharmacy located at _____
(Number and Street)
_____; and
(City) (State) (Zip Code)

(2) That said company is acquiring the pharmacy business of _____ doing business as _____ with BNDD Registration Number _____ on or about _____ and that said company has applied (or will apply on _____ for a
(Date of Transfer) (Date)
pharmacy permit from the board of pharmacy (or licensing agency) of the State of _____ to do business as _____
(Store name)
at _____
(Number and Street)
_____
(City) (State) (Zip Code)

This statement is submitted in order to obtain a Bureau of Narcotics and Dangerous Drugs registration number.

I understand that if a BNDD registration number is issued, the pharmacy may acquire controlled substances but may not dispense them until a pharmacy permit or license is issued by the State board of pharmacy or licensing agency.

I understand that if any information is false, the Bureau may immediately suspend the registration for this store and commence proceedings to revoke under 21 U.S.C. 824(a) because of the danger to public health and safety. I further understand that any false information contained in this affidavit may subject me personally to prosecution under 21 U.S.C. 843, the penalties for conviction of which include imprisonment for up to 4 years, a fine of not more than $30,000 or both.

_____
Signature (Person who signs Application for Registration)

State of_____
County of_____
Subscribed to and sworn before me this _____day of_____, 19_____.

_____
Notary Public

(c) The Director shall follow the normal procedures for approving an application to verify the statements in the affidavit. If the statements prove to be false, the Director may revoke the registration on the basis of section 304(a)(1) of the Act (21 U.S.C. 824(a)(1)) and suspend the registration immediately by pending revocation on the basis of section 304(d) of the Act (21 U.S.C. 824(d)). At the same time, the Director may seize and place under seal all controlled substances possessed by the applicant under section 304(f) of the Act (21 U.S.C. 824(f)). Intentional misuse of the affidavit procedure may subject the applicant to prosecution for fraud under section 403(a)(4) of the Act (21 U.S.C. 843(a)(4)), and obtaining controlled substances under a registration fraudulently gotten may subject the applicant to prosecution under section 403(a)(3) of the Act (21 U.S.C. 843(a)(3)). The penalties for conviction of either offense include imprisonment for up to 4 years, a fine not exceeding $30,000 or both.

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

6. By amending § 308.21(c) to read as follows:

§ 308.21 Schedule II.

• • • • • •

(c) Within a reasonable period of time after the receipt of an application for an exemption under this section, the Director shall notify the applicant of his acceptance or nonacceptance of his application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in this paragraph or requested pursuant to paragraph (d) of this section is lacking or is not set forth as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of this paragraph and paragraph (c) of this section. If the application is accepted for filing, the Director shall issue and publish in the FEDERAL REGISTER his order on the application, which shall include a reference to the legal authority under which the order is issued and the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect. The Director shall permit any interested person to file written comments on or objections to the order within 60 days of the date of publication of his order in the FEDERAL REGISTER. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke, or amend his original order as he determines appropriate.

• • • • • •

7. By amending § 308.23(e) to read as follows:

§ 308.23 Exemption of certain chemical preparations; application.

• • • • • •

(e) Within a reasonable period of time after the receipt of an application for an exemption under this section, the Director shall notify the applicant of his acceptance or nonacceptance of his application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraph (c) or requested pursuant to paragraph (d) is lacking or is not set forth as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (c) and (d) of this section. If the application is accepted for filing, the Director shall issue and publish in the FEDERAL REGISTER his order on the application, which shall include a reference to the legal authority under which the order is based. This order shall specify the date on which it shall take effect. The Director shall permit any interested person to file written comments on or objections to the order within 60 days of the date of publication of his order in the FEDERAL REGISTER. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke, or amend his original order as he determines appropriate.

• • • • • •

8. By amending § 316.42(f) to read as follows:

§ 316.42 Definitions.

• • • • • •

(f) The term "presiding officer" means an administrative law judge qualified and appointed as provided in the Administrative Procedure Act (5 U.S.C. 556).

• • • • • •

Effective date. This order is effective upon the date of its publication in the FEDERAL REGISTER (1–4–73). Any interested person may file written comments on or objections to any part of this order within 60 days of the date of publication of this order. If any comment or objection raises a significant issue regarding any finding of fact or conclusion of law upon which this order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke, or suspend, the Director shall reinstate, revoke, or amend this order as he determines appropriate. Comments and objections should be submitted in quintriplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street NW., Washington, DC 20537.

Dated: December 22, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-17 Filed 1-3-73;8:45 am]

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Excluded Nonnarcotic Substances

A notice was published in the FEDERAL REGISTER of November 3, 1972 (37 FR 23436) proposing that a product, Rynal, containing a nonnarcotic controlled substance (methamphetamine) be excluded from all schedules pursuant to section 201(g)(1) of the Controlled Substances Act (21 U.S.C. 811(g)(1)) and § 308.21 of Title 21 of the Code of Federal Regulations. No comments were filed regarding this proposal.

The Director hereby finds, based on information provided by the Food and Drug Administration, that Rynal may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301) and must be excluded from all schedules of the Controlled Substances Act.

Therefore, under the authority vested in the Attorney General by sections 201(g)(1) and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(g)(1) and 871(b)) and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Part 308 of Title 21 of the Code of Federal Regulations be amended as follows:

By amending § 308.22 by adding the following product:

§ 308.22 Excluded substances.

• • • • • •

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Trade name or other designation	Composition	Manufacturer or supplier
. . .	. . .	. . .
Rynal.....	Solution for Spray: dl-Desoxyephedrine HCl 0.2%; antipyrine 0.8%; pyrilamine maleate 0.01%; methyl dodecylbenzyltrimethyl ammonium chloride 0.02%; glycerine dehydrated 1.50%.	Blaine Co.
. . .	. . .	. . .

Effective date. This order is effective upon the date of its publication in the FEDERAL REGISTER (1-4-72).

Dated: December 22, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-18 Filed 1-3-73;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 233—SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Service Connections

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

A notice of proposed rule making was published on page 19634 of the September 21, 1972, FEDERAL REGISTER (37 FR 19634) to amend § 233.10 of Part 233, Subchapter U, Chapter I, of Title 25 of the Code of Federal Regulations. The purpose of this amendment is to eliminate the need for the project to furnish a meter socket or meter base to consumers. The items are now standardized and, as a general practice in the electric utility industry, the consumer furnishes a complete meter loop. The regulations were proposed pursuant to 5 U.S.C. 301 (1970 ed.), section 5 of the Act of June 7, 1924 (43 Stat. 475–476), and the Act of March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

The revised 25 CFR 233.10 shall become effective February 5, 1973.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

DECEMBER 26, 1972.

§ 233.10 Service connections.

On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter will be furnished by the United States. The meter socket will be furnished and installed by the consumer and in a suitable location, preferably on the outside of the building, or service pole, where the meter will be accessible to the meter reader at all times. The meter socket shall not be more than 7 feet nor less than 5 feet above the ground or floor. The entire service installation must be satisfactory to the project engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the project engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.73-140 Filed 1-3-73;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7246]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Consolidated Returns

On August 25, 1971, a notice of proposed rule making to amend the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954, relating to consolidated returns, was published in the FEDERAL REGISTER (36 FR 16661). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.1502–12(g) as set forth in paragraph 4 of the notice of proposed rule making is changed as set forth below.

PAR. 1A. Paragraph (f)(2)(i) of § 1.1502–13 as set forth in paragraph 5 of the notice of proposed rule making is changed by revising the last sentence thereof and by adding two sentences at the end thereof, to read as set forth below.

PAR. 1B. Paragraph (a)(3) of § 1.1502–15 as set forth in paragraph 7 of the notice of proposed rule making is changed to read as set forth below.

PAR. 2. Paragraph (a)(6) of § 1.1502–19 as set forth in paragraph 9 of the notice of proposed rule making is changed by revising the first sentence thereof to read as set forth below.

PAR. 3. Paragraph (a) of § 1.1502–26 as set forth in paragraph 11 of the notice of proposed rule making is changed by revising the last sentence thereof to read as set forth below.

PAR. 5. Paragraph (b) of § 1.1502–42 in paragraph 13 of the notice of proposed rule making is changed by deleting paragraph (d)(10), by redesignating paragraph (d)(11) as paragraph (d)(10), by revising the last sentence of paragraph (f)(2), and by revising paragraph (g). The section as amended reads as set forth below.

PAR. 5. Paragraph (b) of § 1.1502.42 as set forth in paragraph 15 of the notice of proposed rule making is changed to read as set forth below.

(Secs. 1502, 7805, Internal Revenue Code of 1954, 68A Stat. 367, 917; 26 U.S.C. 1502, 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 29, 1972.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.1502–1(f)(2) is amended to read as follows:

§ 1.1502–1 Definitions.

* * * * * * *

(f) *Separate return limitation year.* * * *

(2) *Exceptions.* The term "separate return limitation year" shall not include—

(i) A separate return year of the corporation which is the common parent for the consolidated return year to which the tax attribute is to be carried (except as provided in § 1.1502–75(d)(2)(ii) and subparagraph (3) of this paragraph),

(ii) A separate return year of any corporation which was a member of the group for each day of such year, or

(iii) A separate return year of a predecessor was a member of the group for each day of such year,

provided that an election under section 1562(a) (relating to the privilege to elect multiple surtax exemptions) was never effective (or is no longer effective as a result of a termination of such election) for such year. An election under section 1562(a) which is effective for a taxable year beginning in 1963 and ending in 1964 shall be disregarded.

* * * * * * *

PAR. 2. Section 1.1502–3 is amended by revising paragraph (a) (3) and (4) to read as follows:

§ 1.1502–3 Consolidated investment credit.

(a) *Determination of amount of consolidated credit.* * * *

(3) *Consolidated limitation based on amount of tax.* (i) Notwithstanding the amount of the consolidated credit earned for the taxable year, the consolidated credit allowed by section 38 to the group for the consolidated return year is limited to—

(*a*) So much of the consolidated liability for tax as does not exceed $25,000. plus

(*b*) For taxable years ending on or before March 9, 1967, 25 percent of the consolidated liability for tax in excess of $25,000, or

(*c*) For taxable years ending after March 9, 1967, 50 percent of the consolidated liability for tax in excess of $25,000.

The $25,000 amount referred to in the preceding sentence shall be reduced by any part of such $25,000 amount apportioned under § 1.46–1 to component members of the controlled group (as defined in section 46(a)(5)) which do not join in the filing of the consolidated return. For further rules for computing the limitation based on amount of tax with respect to the suspension period (as defined in section 48(j)), see section 46(a)(2). The amount determined under this subparagraph is referred to in this section as the "consolidated limitation based on amount of tax."

(ii) If an organization to which section 593 applies or a cooperative organization described in section 1381(a) joins in the filing of the consolidated return, the $25,000 amount referred to in subdivision (i) of this subparagraph (reduced as provided in such subdivision) shall be apportioned equally among the members of the group filing the consolidated return. The amount so apportioned equally to any such organization shall then be decreased in accordance with the provisions of section 46(d). Finally, the sum of all such equal portions (as decreased under section 46(d)) of each member of the group shall be substituted for the $25,000 amount referred to in subdivision (i) of this subparagraph.

(4) *Consolidated liability for tax.* For purposes of subparagraph (3) of this paragraph, the consolidated liability for tax shall be the income tax imposed for the taxable year upon the group by chapter 1 of the Code, reduced by the consolidated foreign tax credit allowable under § 1.1502–4. The tax imposed by section 56 (relating to minimum tax for tax preferences), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), and any additional tax imposed by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by chapter 1 of the Code. In addition, any increase in tax resulting from the application of section 47 (relating to certain dispositions, etc., of section 38 property) shall not be treated as tax imposed by chapter 1 for purposes of computing the consolidated liability for tax.

* * * * * * *

PAR. 3. Section 1.1502–11 is amended to read as follows:

§ 1.1502–11 Consolidated taxable income.

(a) *In general.* The consolidated taxable income for a consolidated return year shall be determined by taking into account—

(1) The separate taxable income of each member of the group (see § 1.1502–12 for the computation of separate taxable income);

(2) Any consolidated net operating loss deduction (see § 1.1502–21 for the computation of the consolidated net operating loss deduction);

(3) Any consolidated net capital gain (see § 1.1502–22 for the computation of the consolidated net capital gain);

(4) Any consolidated section 1231 net loss (see § 1.1502–23 for the computation of the consolidated section 1231 net loss);

(5) Any consolidated charitable contributions deduction (see § 1.1502–24 for the computation of the consolidated charitable contributions deduction);

(6) Any consolidated section 922 deduction (see § 1.1502–25 for the computation of the consolidated section 922 deduction);

(7) Any consolidated dividends received deduction (see § 1.1502–26 for the computation of the consolidated dividends received deduction); and

(8) Any consolidated section 247 deduction (see § 1.1502–27 for the computation of the consolidated section 247 deduction).

(b) *Disposition of stock of a subsidiary*—(1) *In general.* If there is a disposition (as defined in § 1.1502–19(b)) of stock (ignoring for this purpose stock which is limited and preferred as to dividends) of a subsidiary during the taxable year, the adjustments under § 1.1502–32 (b) with respect to such stock and the amount of gain or loss on disposition shall be determined in accordance with this paragraph, and the amounts taken into account in computing consolidated taxable income shall be limited as provided in this paragraph.

(2) *Determination of amount of gain or loss on disposition.* For the purpose of determining gain or loss on disposition—

(i) Consolidated taxable income or consolidated net operating loss (and earnings and profits or deficit in earnings and profits) for the taxable year shall be determined tentatively without regard to gain or loss on disposition,

(ii) The adjustments under § 1.1502–32(b) with respect to the stock disposed of shall be based upon the amounts determined under subdivision (i) of this subparagraph, and

(iii) Gain (including any amount included in income under § 1.1502–19(a)) or loss on disposition shall be determined in accordance with such adjustments to basis.

(3) *Limitation on carryovers.* If this paragraph applies—

(i) The portion of any consolidated net capital or net operating loss carryover attributable to the subsidiary whose stock is disposed of, and

(ii) The portion of any net capital or net operating loss carryover from a separate return year of such subsidiary,

which may be carried to the taxable year shall not exceed the amount of any such carryover which could be carried to the taxable year if the tentative consolidated taxable income determined under subparagraph (2)(i) of this paragraph were consolidated taxable income for the year.

(4) *Limitation on loss.* If there is gain (including any amount included in income under § 1.1502–19(a)) on disposition—

(i) The amount of capital losses of the subsidiary whose stock is disposed of taken into account under § 1.1502–22 shall be reduced by an amount equal to the portion of any tentative consolidated net capital loss attributable to the subsidiary under § 1.1502–79(b)(2), and

(ii) The amount of the excess of deductions over gross income of such subsidiary taken into account under paragraph (a)(1) of this section and § 1.1502–21(f)(1) shall be reduced by an amount equal to the portion of any tentative consolidated net operating loss attributable to the subsidiary under § 1.1502–79(a)(3).

The amount of any loss or excess deductions not taken into account because of the limitations of subdivisions (i) and (ii) of this subparagraph shall be treated as a net capital or net operating loss sustained in the taxable year and shall be carried to those taxable years (consolidated or separate) to which a consolidated net capital or net operating loss could be carried under §§ 1.1502–21, 1.1502–22, and 1.1502–79, but the portion of such loss which may be carried to a prior year shall not exceed the portion of the tentative consolidated net capital or net operating loss attributable to the subsidiary which could be carried to such year if the tentative consolidated net capital or net operating loss determined under subparagraph (2)(i) of this paragraph were the consolidated net capital or net operating loss for the year.

(5) *Adjustments to stock not disposed of.* If some of the stock of a subsidiary is disposed of but the subsidiary remains a member, the adjustments under § 1.1502–32 with respect to stock not disposed of shall include an allocable portion of the amount treated as a net capital or net operating loss under subparagraph (4) of this paragraph which is not carried back and absorbed in a prior taxable year.

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (a) Assume that corporation P and its wholly owned subsidiary S, both incorporated on January 1, 1969, comprise an affiliated group and file a consolidated return for the taxable years 1969 and 1970. In 1969, the group has consolidated taxable income of $30 and a consolidated net capital loss of $100, of which $50 is attributable to S. On

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January 1, 1970, the adjusted basis of the S stock is $300. In 1970, P has a net capital gain of $20 (computed without regard to any capital loss carryover and without regard to gain from the disposition of the S stock) and ordinary income of $30, and S has a deficit of $100. On December 31, 1970, P sells all of the stock of S for 280.

(b) Tentative consolidated taxable income consists of (1) net capital gain of zero ($20 capital gain reduced by $20 of the net capital loss carryover, of which $10 is attributable to S), and (2) a net operating loss of $70, all of which is attributable to S and $30 of which may be carried back and absorbed in 1969.

(c) Under § 1.1502–32 (b) and (e) and subparagraph (2)(ii) of this paragraph there is a net negative adjustment to the basis of the S stock of $70 (negative adjustments of $100 for the deficit and $10 for the portion of the consolidated net capital loss for 1969 attributable to S which is carried over and absorbed in the taxable year, and a positive adjustment of $40 for the portion of the consolidated net operating loss attributable to S which is not carried back and absorbed in 1969). Accordingly, the adjusted basis of the S stock is $230 and a gain of $50 is realized on the sale.

(d) Under subparagraph (3)(i) of this paragraph, the consolidated net capital loss carryover is limited to $60 (all of the portion attributable to P ($50), plus the amount attributable to S included in the tentative computation ($10) under subdivision (b)(1) of this example). Under subparagraph (4)(i) of this paragraph, the excess of deductions over income of S ($100) taken into account is reduced by an amount equal to the portion of the tentative consolidated net operating loss attributable to S ($70). Accordingly, consolidated taxable income for 1970 is computed as follows:

Consolidated net capital gain:		
Capital gain for 1970	$70 i.e., 50+20	
Capital loss carryover from 1969	60	$10
Income exclusive of capital gain:		
P	30	
S	(30) i.e. (100)−70	0
Consolidated taxable income		10

The amount by which the excess of deductions over income of S is reduced ($70) is treated as a net operating loss of S for the year; $30 of such amount is carried back and absorbed in 1969 and $40 may be carried over to a separate return year of S. In addition, S has a net capital loss carryover of $40 from 1969.

Example (2). (a) Assume that corporation P owns all 10 outstanding shares of corporation S and that P and S comprise an affiliated group which files a consolidated return for 1969, 1970, and 1971. Neither P nor S was in existence before January 1, 1969. In 1969, the group has consolidated taxable income of $100. On January 1, 1970, the adjusted basis of each of the 10 shares of S is $40. In 1970, P has a deficit of $80 (determined without regard to gain on the disposition of the S stock) and S has a deficit of $80. On December 31, 1970, P sells two shares of the S stock for $85 each.

(b) The tentative consolidated net operating loss for 1970 is $160 of which $80 is attributable to S. One hundred dollars of such tentative loss is carried back and absorbed in 1969 and of this amount the portion attributable to S is $50.

(c) Under § 1.1502–32 (b) and (e) and subparagraph (2)(ii) of this paragraph, there is a net negative adjustment to each of the two shares of S stock sold by P of $5, i.e., an allocable portion of an aggregate net negative adjustment of $50 (a negative adjustment of $80 for the deficit and a positive adjustment of $30 for the portion of the consolidated net operating loss attributable to S which is not carried back and absorbed in 1969). Accordingly, the adjusted basis of each of the two shares of S stock disposed of by P is $35 and a gain of $100 is realized on the sale of the two shares of stock.

(d) Under subparagraph (4)(ii) of this paragraph, the excess of deductions over income of S ($80) taken into account is reduced by an amount equal to the portion of the tentative consolidated net operating loss attributable to S ($80). Accordingly, consolidated taxable income for 1970 is computed as follows:

Consolidated net capital gain		$100
Income exclusive of capital gain:		
P	($80)	
S	0 i.e. (80)−80	(80)
Consolidated taxable income		20

The amount by which the excess of deductions over income of S is reduced ($80) is treated as a net operating loss of S for the taxable year. Because of the limitation of subparagraph (4) of this paragraph, only $50 of such loss may be carried back and absorbed in 1969, since the portion of such loss which may be carried back to a prior year may not exceed the portion of the tentative consolidated net operating loss attributable to S which was carried back to the prior year in the tentative computation under subparagraph (2)(i) of this paragraph. The remaining $30 may be carried over to 1971 and subsequent years.

(e) Under § 1.1502–32 (b) and (e) and subparagraph (5) of this paragraph, there is a negative adjustment of $5 to the basis of each of the remaining eight shares of S owned by P, i.e., an allocable portion of an aggregate net adjustment of $50 (see subdivision (c) of this example).

Example (3). (a) Assume that corporations P and S comprise an affiliated group and file a consolidated return for 1969. There is no income for years prior to 1969. In 1969, P has capital gain of $100 (determined without regard to loss on the disposition of the S stock) and S has a capital loss of $60. In addition to the capital loss, S has a deficit of $200. On January 1, 1969, the basis of the S stock is $400. On December 31, 1969, P sells all of the stock of S for $140.

(b) Tentative consolidated taxable income consists of (1) net capital gain of $40, and (2) a net operating loss of $160, all of which is attributable to S.

(c) Under § 1.1502–32 (b) and (e) and subparagraph (2) (ii) of this paragraph, there is a net negative adjustment to the basis of the S stock of $100 (a negative adjustment of $260 for the deficit and a positive adjustment of $160 for the portion of the consolidated net operating loss attributable to S, none of which is carried back to a prior year). Accordingly, the adjusted basis of the S stock is $300 and P realizes a loss of $160 on the sale.

(d) Consolidated taxable income for 1969 is computed as follows:

Consolidated net capital loss:		
P	($60) i.e., 100−(160)	
S	(60)	($120)
Income exclusive of capital gain:		
P	0	
S	(200)	(200)
Consolidated net operating loss		(200)

Sixty dollars of the consolidated net capital loss is attributable to S and the entire consolidated net operating loss is attributable to S. Since S is no longer a member of the group, such amounts are apportioned to S under § 1.1502–79 (a) and (b) and may be carried to a subsequent separate return year of S.

PAR. 4. Section 1.1502–12 is amended by revising paragraph (g) to read as follows:

§ 1.1502–12 Separate taxable income.

• • • • •

(g) In the computation of the deduction under section 167, property shall not lose its character as new property as a result of a transfer from one member to another member during a consolidated return year if—

(1) The transfer occurs on or before January 4, 1973, or

(2) The transfer occurs after January 4, 1973, and the transfer is a deferred intercompany transaction as defined in § 1.1502–13(a)(2) or the basis of the property in the hands of the transferee is determined (in whole or in part) by reference to its basis in the hands of the transferor;

• • • • •

PAR. 5. Section 1.1502–13 is amended by revising paragraph (e)(2), by revising that part of paragraph (f)(1) which precedes subdivision (i), and by revising paragraph (f)(2). The revised provisions read as follows:

§ 1.1502–13 Intercompany transactions.

• • • • •

(e) *Restoration of deferred gain or loss for installment obligations and sales.* • • •

(2) *Installment sales.* If—

(i) Property acquired in a deferred intercompany transaction is disposed of outside the group, and

(ii) The purchasing member-vendor reports its income on the installment method under section 453,

then on each date on which the purchasing member-vendor receives an installment payment the selling member shall take into account an amount equal to the deferred gain or loss attributable to such property (after taking into account any prior redeductions under paragraph (d)(3) of this section) multiplied by a fraction, the numerator of which is the installment payment received and the denominator of which is the total contract price. If the deferred gain includes any ordinary income, the ordinary income shall be taken into account first.

• • • • •

(f) *Restoration of deferred gain or loss on dispositions, etc.*—(1) *General rule.* The remaining balance (after taking into account any prior reductions under paragraphs (d)(3) and (e)(3) of this section) of the deferred gain or loss attributable to property, services, or other expenditure shall be taken into account by the selling member as of the earliest of the following dates:

• • • • •

(2) *Exceptions.* (i) Subparagraph (1) of this paragraph shall not apply solely because of a termination of the group (hereinafter referred to as the "terminating group") resulting from—

(*a*) The acquisition by a nonmember corporation of (*1*) the assets of the common parent in a reorganization described in subparagraph (A), (C), or (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met) of section 368(a)(1), or (2) stock of the common parent, or

(*b*) The acquisition (in a transaction to which § 1.1502–75(d)(3) applies) by a member of (*1*) the assets of a nonmember corporation in a reorganization referred to in (*a*) of this subdivision or (2) stock of a nonmember corporation,

if all the members of the terminating group (other than such common parent if its assets are acquired) immediately before the acquisition are members immediately after the acquisition of another group (hereinafter referred to as the "succeeding group") which files a consolidated return for the first taxable year ending after the date of acquisition. The members of the succeeding group shall succeed to any deferred gain or loss of members of the terminating group and to the status of such members as selling or purchasing members. This subdivision shall not apply with respect to acquisitions occurring before August 25, 1971, except that in the case of an acquisition occurring after April 16, 1968, and before August 25, 1971, this subdivision shall apply if the terminating group and the succeeding group elect to apply § 1.1502–18(c)(4) (notwithstanding the last sentence thereof) with respect to such acquisition. The election shall be made in a joint statement filed by the terminating and succeeding groups on or before March 5, 1973, with the Internal Revenue Service Center or Centers with which the terminating and succeeding groups filed their consolidated returns for the taxable year which includes the date of the acquisition. Such election shall be irrevocable.

(ii) Subparagraph (1)(iii) of this paragraph shall not apply in a case where—

(*a*) The selling member or the member which owns the property, as the case may be, ceases to be a member of the group by reason of an acquisition to which section 381(a) applies, and the acquiring corporation is a member, or

(*b*) The group is terminated, and immediately after such termination the corporation which was the common parent (or a corporation which was a member of the affiliated group and has succeeded to and become the owner of substantially all of the assets of such former parent) owns the property involved and is the selling member or is treated as the selling member under paragraph (c)(6) of this section.

Paragraphs (d) and (e) of this section and this paragraph shall apply to such selling member. Thus, for example, subparagraph (1)(iii) of this paragraph does not apply in a case where corporation P, the common parent of a group consisting of P and corporations S and T, sells an asset to S in a deferred intercompany transaction, and subsequently all of the assets of S are distributed to P in complete liquidation of S. Moreover, if, after the liquidation of S, P sold T, subparagraph (1)(iii) of this paragraph would not apply even though P ceased to be a member of the group.

• • • • •

PAR. 6. Section 1.1502–14 is amended by adding a new paragraph as follows:

§ 1.1502–14 Stock, bonds, and other obligations of members.

• • • • •

(f) *Acquisition of group.* Paragraphs (b)(3), (c), and (d)(2), (3), and (4)(ii) of this section shall not apply solely because of a termination of the group (hereinafter referred to as the "terminating group") resulting from—

(1) The acquisition by a nonmember corporation of (i) the assets of the common parent in a reorganization described in subparagraph (A), (C), or (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met) of section 368(a)(1), or (ii) stock of the common parent, or

(2) The acquisition (in a transaction to which § 1.1502–75(d)(3) applies) by a member of (i) the assets of a nonmember corporation in a reorganization referred to in subparagraph (1) of this paragraph, or (ii) stock of a nonmember corporation,

if all the members of the terminating group (other than such common parent if its assets are acquired) immediately before the acquisition are members immediately after the acquisition of another group (hereinafter referred to as the "succeeding group") which files a consolidated return for the first taxable year ending after the date of acquisition. The members of the succeeding group shall succeed to any deferred gain or loss of members of the terminating group and to the status of such members as distributing or distributee corporations. This paragraph shall not apply with respect to acquisitions occurring before August 25, 1971.

PAR. 7. Section 1.1502–15 is amended by revising paragraph (a)(2), (3), and (4) to read as follows:

§ 1.1502–15 Limitations on certain deductions.

(a) *Limitation on built-in deductions.* • • •

(2) *Built-in deductions.* (i) For purposes of this paragraph, the term "built-in deductions" for a consolidated return year means those deductions or losses of a corporation which are recognized in such year, or which are recognized in a separate return year and carried over in the form of a net operating or net capital loss to such year, but which are economically accrued in a separate return limitation year (as defined in § 1.1502–1(f)). Such term does not include deductions or losses incurred in rehabilitating such corporation. Thus, for example, assume P is the common parent of a group filing consolidated returns on the basis of a calendar year and that P purchases all of the stock of S on December 31, 1966. Assume further that on December 31, 1966, S owns a capital asset with an adjusted basis of $100 and a fair market value of $50. If the group files a consolidated return for 1967, and S sells the asset for $30, $50 of the $70 loss is treated as a built-in deduction, since it was economically accrued in a separate return limitation year. If S sells the asset for $80 instead of $30, the $20 loss is treated as a built-in deduction. On the other hand, if such asset is a depreciable asset and is not sold by S, depreciation deductions attributable to the $50 difference between basis and fair market value are treated as built-in deductions.

(ii) In determining, for purposes of subdivision (i) of this subparagraph, whether a deduction or loss with respect to any asset is economically accrued in a separate return limitation year, the term "predecessor" as used in § 1.1502–1(f)(1) shall include any transferor of such asset if the basis of the asset in the hands of the transferee is determined (in whole or in part) by reference to its basis in the hands of such transferor.

(3) *Transitional rule.* If the assets which produced the built-in deductions were acquired (either directly or by acquiring a new member) by the group on or before January 4, 1973, and the separate return limitation year in which such deductions were economically accrued ended before such date, then at the option of the taxpayer, the provisions of this paragraph before amendment by T.D. 7246 shall apply, and, in addition, if such assets were acquired on or before April 17, 1968, and the separate return limitation year in which the built-in deductions were economically accrued ended on or before such date, then at the option of the taxpayer, the provisions of § 1.1502–31A(b)(9) shall apply in lieu of this paragraph.

(4) *Exceptions.* (i) Subparagraphs (1), (2), and (3) of this paragraph shall not limit built-in deductions in a taxable year with respect to assets acquired (either directly or by acquiring a new member) by the group if—

(*a*) The group acquired the assets more than 10 years before the first day of such taxable year, or

(*b*) Immediately before the group acquired the assets, the aggregate of the adjusted basis of all assets (other than cash, marketable securities, and goodwill) acquired from the transferor or owned by the new member did not exceed the fair market value of all such assets by more than 15 percent.

(ii) For purposes of subdivision (i)(*b*) of this subparagraph, a security is not a marketable security if immediately before the group acquired the assets—

(*a*) The fair market value of the security is less than 95 percent of its adjusted basis, or

(*b*) The transferor or new member had held the security for at least 24 months, or

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(c) The security is stock in a corporation at least 50 percent of the fair market value of the outstanding stock of which is owned by the transferor or new member.

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PAR. 8. Section 1.1502–18 is amended by revising paragraph (a) and by adding paragraph (c)(4). The revised and added provisions read as follows:

§ 1.1502–18 Inventory adjustment.

(a) *Definition of intercompany profit amount.* For purposes of this section, the term "intercompany profit amount" for a taxable year means an amount equal to the profits of a corporation (other than those profits which such corporation has elected not to defer pursuant to § 1.1502–13(c)(3) or which have been taken into account pursuant to § 1.1502–13(f)(1)(viii)) arising in transactions with other members of the group with respect to goods which are, at the close of such corporation's taxable year, included in the inventories of any member of the group. See § 1.1502–13(c)(2) with respect to the determination of profits. See the last sentence of § 1.1502–13(f)(1)(i) for rules for determining which goods are considered to be disposed of outside the group and therefore not included in inventories of members.

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(c) *Recovery of initial inventory amount.* • • •

(4) *Acquisition of group.* For purposes of this section, a member of a group shall not become a nonmember or be considered as filing a separate return solely because of a termination of the group (hereinafter referred to as the "terminating group") resulting from—

(i) The acquisition by a nonmember corporation of (*a*) the assets of the common parent in a reorganization described in subparagraph (A), (C), or (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met) of section 368(a)(1), or (*b*) stock of the common parent, or

(ii) The acquisition (in a transaction to which § 1.1502–75(d)(3) applies) by a member of (*a*) the assets of a nonmember corporation in a reorganization referred to in subdivision (i) of this subparagraph, or (*b*) stock of a nonmember corporation,

if all the members of the terminating group (other than such common parent if its assets are acquired) immediately before the acquisition are members immediately after the acquisition of another group (hereinafter referred to as the "succeeding group") which files a consolidated return for the first taxable year ending after the date of acquisition. The members of the succeeding group shall succeed to any initial inventory amount and to any unrecovered inventor. amount of members of the terminating group. This subparagraph shall not apply with respect to acquisitions occurring before August 25, 1971.

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PAR. 9. Section 1.1502–19 is amended by revising paragraph (a)(3), by adding subparagraphs (5) and (6) to paragraph (a), by revising examples (1) and (2) of paragraph (c)(2), by revising paragraph (e), and by revising paragraph (g). The revised and new provisions read as follows:

§ 1.1502–19 Excess losses.

(a) *Recognition of income.* • • •

(3) *Cancellation or redemption.* If stock of a subsidiary is considered to be disposed of under paragraph (b)(1)(ii) of this section other than in complete liquidation of such subsidiary, any amount which would otherwise be included in the income of the disposing member under subparagraph (1) of this paragraph shall be deferred and taken into account at the time provided in § 1.1502–14(b)(3).

. . . . . .

(5) *Foreign expropriation losses.* If there is a disposition of stock of a subsidiary, subparagraph (1) of this paragraph shall not apply to the excess loss account with respect to such stock to the extent such excess loss account is attributable to a foreign expropriation loss occurring in a taxable year beginning before January 1, 1966, which is absorbed as part of a consolidated net capital or net operating loss carryover in a taxable year ending before January 1, 1971, and the regulations applicable to taxable years beginning before January 1, 1966, shall apply to such disposition.

(6) *Election to reduce basis of other investment.* If there is a disposition (as defined in paragraph (b) of this section after August 25, 1971, of stock of a subsidiary, all or any part of the excess loss account with respect to such stock may be applied to reduce the basis of any other stock or obligations of the subsidiary (whether or not evidenced by a security) held by the disposing member immediately before the disposition. Only the excess loss account which remains after such application shall be included in income under this paragraph. If subparagraph (4) of this paragraph applies to part of the excess loss account, such part must be applied to reduce the basis of stock or obligations under this subparagraph before the other part may be so applied.

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(c) *Effect of chain ownership.* • • •

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (a) Assume that corporations P, S, T, and U first file a consolidated return for the taxable year beginning January 1, 1966. On that date, P owns all the stock of S with an adjusted basis of $15, S owns all the stock of T with an adjusted basis of $5, and T owns all the stock of U with an adjusted basis of $10. For the year 1966, the group has consolidated taxable income but U has a deficit in earnings and profits of $20. Under § 1.1502–32(b)(2), T reduces its basis with respect to the stock of U to zero and has an excess loss account of $10, S reduces its basis in T's stock to zero and has an excess loss account of $15, and P decreases its basis in S's stock to zero and has an excess loss account of $5.

(b) In 1967 the stock of U becomes worthless. T is considered as having disposed of such stock under paragraph (b) of this section and realizes income of $10. If the group has elected to adjust earnings and profits currently, T will have earnings and profits of $10 resulting from the disposition of the stock of U (see § 1.1502–33(c)(4)(ii)(b)); if the group has not so elected, T will have a deficit in earnings and profits of $10 resulting from the disposition (see § 1.1502–33(c)(4)(i)(b)). However, for purposes of the adjustment under § 1.1502–32(b) to the basis of stock owned by higher-tier members, T's earnings and profits on the disposition are $10 regardless of whether the group adjusts earnings and profits currently (see § 1.1502–32(d)(1)(i)). S's excess loss account with respect to T's stock will be reduced to $5 (see § 1.1502–32(b)(1)(i)). P's excess loss account with respect to S's stock will be reduced to zero and its basis for S's stock will be increased to $5 (see § 1.1502–32(b)(1)(i) or (iii)).

Example (2). Assume the same facts as in example (1) except that the stock of T, rather than the stock of U, becomes worthless and therefore S is considered as having disposed of its stock in T under paragraph (b) of this section and T is considered as having disposed of its stock in U. Since U is the lowest tier subsidiary, this section is applied first with respect to the excess loss account relating to the stock of U with the same result as in example (1). This section is then also applied with respect to the stock of T. Thus, in addition to the result in example (1), S will realize income of $5, and P's basis for S's stock will be increased by $5 to $10.

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(e) *Nontaxable liquidations and reorganizations to which the subsidiary is a party.* If, in a consolidated return year, a member is the transferor or distributor corporation and another member is the acquiring corporation in a transaction to which section 381(a) applies, members owning stock in the transferor or distributor corporation shall not, by reason of such transaction (or by reason of an exchange under section 354 pursuant to such transaction), be considered for purposes of paragraph (b) of this section as having disposed of such stock. If the transaction is a distribution in liquidation to which section 334(b)(1) applies, the excess loss account in the stock of the distributor corporation shall be eliminated. If the transaction involves an exchange to which section 354 applies, the excess loss account in the stock of the transferor corporation surrendered in exchange shall be applied to reduce the basis (or to increase the excess loss account) of the stock received in the exchange or previously owned. If, immediately before a transfer described in section 381(a), the transferor corporation owned stock of the acquiring corporation, the excess loss account in such stock shall be eliminated. For example, assume that corporation P owns all of the stock of corporation S with an excess loss account of $20, and that S owns all of the stock of T with an excess loss account of $30. If S is merged into corporation U (another member) in a transaction described in section 368(a)(1)(A), P will apply the $20 excess loss account against and reduce the basis (or increase the excess loss account) of any stock of U which P owns or receives pursuant to the merger. However, if S is merged into T, the $30 excess loss account in the T stock is eliminated (and is not included in income), and the $20 excess loss account in the S stock becomes a $20 excess loss account in the T stock in the hands of P.

. . . . . .

(g) *Acquisition of group—(1) In general.* Paragraph (b) of this section shall not apply solely because of a termination of the group (hereinafter referred to as the "terminating group") resulting from—

(i) The acquisition by a nonmember corporation of (*a*) the assets of the common parent in a reorganization described in subparagraph (A), (C), or (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met) of section 368(a)(1), or (*b*) stock of the common parent, or

(ii) The acquisition, in a transaction to which § 1.1502–75(d)(3) applies, by a member of (*a*) the assets of a nonmember corporation in a reorganization referred to in subdivision (i) of this subparagraph, or (*b*) stock of a nonmember corporation,

if all the members of the terminating group (other than such common parent if its assets are acquired) immediately before the acquisition are members immediately after the acquisition of another group (hereinafter referred to as the "succeeding group") which files a consolidated return for the first taxable year ending after the date of acquisition. The members of the succeeding group shall succeed to any excess loss accounts with respect to stock of members of the terminating group as of the date of acquisition. This paragraph shall not apply with respect to acquisitions occurring before August 25, 1971.

(2) *Adjustments—(i) In general.* If any stock of a member of the succeeding group is disposed of under this section, a higher tier limitation member (as defined in subdivision (ii) of this subparagraph) owning stock in the disposing member shall, in making the adjustment under § 1.1502–32(b) with respect to stock of such disposing member, take into account the increase in earning and profits attributable to inclusion of the excess loss account in the income of such member only to the extent that the amount of such excess loss account exceeds the amount of any excess loss account with respect to the stock disposed of at the time of the acquisition. If there are intervening members between the member disposing of stock under this section and a higher tier limitation member, and if a member owning stock in the disposing member is not a higher tier limitation member, then solely for the purpose of the adjustment under § 1.1502–32(b) by the higher tier limitation member with respect to stock of a subsidiary, the adjustments under § 1.1502–32(b) for such intervening members shall be computed as if members owning stock in the disposing member were higher tier limitation members.

(ii) *Limitation member.* A higher tier member of the succeeding group is a "higher tier limitation member" unless such member (*a*) was a member immediately before the acquisition of the same group as the member with respect to the stock of which the excess loss account existed, or (*b*) acquired the assets of the common parent of such group in a reorganization described in subparagraph (1) of this paragraph.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (a) Assume there are two affiliated groups, one comprising P, S, and T, and the other comprising X and Y, both of which file consolidated returns for the calendar year 1971. P owns all the stock of S with an adjusted basis of $100, and S owns all the stock of T with an adjusted basis of zero and an excess loss account of $30. X owns all the stock of Y with an adjusted basis of $200. On January 1, 1972, Y acquires all the assets of P in exchange for 20 percent of the stock of X in a reorganization to which section 368(a)(1)(C) applies. As a result of the acquisition of the assets of P by Y, the P-S-T group terminates. X, Y, S, and T file a consolidated return for the first taxable year ending after the date of the acquisition.

(b) Paragraph (b) of this section does not apply, merely because of the termination of the P group, to include in S's income its excess loss account with respect to the stock of T.

(c) If T has a deficit in earnings and profits of $10 for 1972, S would increase its excess loss account with respect to the stock of T to $40, Y would decrease the basis of its S stock (which is a carryover of P's basis) to $90, and X would decrease the basis of its Y stock to $190.

(d) Assume that the stock of T becomes worthless in 1973. S would include $40 in income. For purposes of the adjustments under § 1.1502–32(b), S would have earnings and profits of $40 resulting from the disposition of the stock of T (amount realized, $40, minus the adjusted basis of zero determined by taking into account the adjustments under § 1.1502–32(e)). If S had no other earnings and profits for the year, Y (which is not a higher tier limitation member) would adjust its basis for the stock of S under § 1.1502–32(b)(1)(i) by the full amount of S's earnings and profits, thus increasing the basis of the S stock to $130. The adjustment by Y with respect to the stock of S would ordinarily be reflected under § 1.1502–32(b)(1)(i) or (iii) in the adjustment by X with respect to the stock of Y. However, X is a higher tier limitation member, and, solely for the purpose of determining the adjustment by X with respect to the stock of Y, the adjustment by Y with respect to the stock of S must be recomputed by including only $10 (i.e., the amount by which S's excess loss account in the stock of T, $40, exceeds the excess loss account with respect to such stock at the time of the acquisition, $30) in the adjustment under § 1.1502–32(b)(1)(i). Thus, if there were no other adjustments under § 1.1502–32(b) with respect to the stock of S and Y, X would make a positive adjustment under § 1.1502–32(b)(1)(i) or (iii) and (e)(2) of $10 with respect to the stock of Y, increasing the basis of such stock to $200. The basis of the stock of S held by Y is not affected by the recomputation.

Example (2). Assume the same facts as in example (1) except that the shareholders of P receive more than 50 percent of the stock of X so that the transaction is a reverse acquisition under § 1.1502–75(d)(3) with the X-Y group terminating and the P-S-T group surviving. The adjustments and limitations apply as in example (1).

Example (3). Assume the same facts as in example (1) except that subsequent to the acquisition T has earnings and profits of $100 in 1972 (thus eliminating the excess loss account with respect to the stock of T and increasing the basis of such stock to $70) and a deficit in earnings and profits of $110 in 1973, thereby decreasing the basis with respect to such stock to zero and creating an excess loss account of $40 which is included in S's income in 1973. The adjustments and limitations apply as in example (1).

PAR. 10. Section 1.1502–23 is amended to read as follows:

§ 1.1502–23 Consolidated section 1231 net gain or loss.

The consolidated section 1231 net gain or loss for the taxable year shall be determined by taking into account the aggregate of the gains and losses to which section 1231 applies of the members of the group for the consolidated return year. Section 1231 gains and losses on intercompany transactions shall be reflected as provided in § 1.1502–13. Section 1231 losses that are "built-in deductions" shall be subject to the limitations of §§ 1.1502–21(c) and 1.1502–22(c) as provided in § 1.1502–15(a).

PAR. 11. Section 1.1502–26(a) is amended to read as follows:

§ 1.1502–26 Consolidated dividends received deduction.

(a) *In general.* The consolidated dividends received deduction for the taxable year shall be the lesser of—

(1) The aggregate of the deductions of the members of the group allowable under sections 243(a)(1), 244(a), and 245 (computed without regard to the limitation provided in section 246(b)), or

(2) 85 percent of the consolidated taxable income computed without regard to the consolidated net operating loss deduction, consolidated section 247 deduction, the consolidated dividends received deduction, and any consolidated net capital loss carryback to the taxable year.

Subparagraph 2 of this paragraph shall not apply for any consolidated return year for which there is a consolidated net operating loss. (See paragraph (f) of § 1.1502–21 for the definition of a consolidated net operating loss.) If section 593 applies to one or more members and any member computes additions to the reserve for losses on loans for a taxable year beginning after July 11, 1969, under the percentage of income method provided by section 593(b)(2), the deduction otherwise computed under this section shall be reduced by an amount determined by multiplying such deduction (determined without regard to this sentence and without regard to dividends received by the common parent if such parent does not use the percentage of income method provided by section 593(b)(2)) by the applicable percentage of the member with the highest applicable percentage (determined under subparagraphs (A) and (B) of section 593(b)(2)).

. . . . . .

PAR. 12. Section 1.1502–31(b)(2)(ii) is amended to read as follows:

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§ 1.1502–31 Basis of property.

• • • • •

(b) *Basis after liquidation or intercompany distributions with respect to stock.* • • •

(2) *Liquidations and redemptions.* • • •

(ii) The aggregate basis of all property acquired in a distribution in cancellation or redemption of stock (as defined in § 1.1502–14(b)(1)) by a member to another member, other than a liquidation to which section 332 applies, shall be the same as the adjusted basis of the stock exchanged therefor (adjusted in accordance with the rules prescribed in § 1.1502–32(a)), increased by the amount of any liabilities of the distributing corporation assumed by the distributee or to which the property acquired is subject, and reduced by the amount of cash received in the distribution. Such aggregate basis shall be allocated among the assets received (except cash) in proportion to the fair market values of such assets on the date received.

PAR. 13. Section 1.1502–32 is amended by revising paragraph (b) (1)(iii) and (2)(iv), by adding paragraph (c)(3), by revising paragraph (d) (1), (8), and (9), by adding paragraph (d)(10), by revising paragraph (f), by revising paragraph (g), and by deleting examples (3) and (4) in paragraph (j). The revised and added provisions read as follows:

§ 1.1502–32 Investment adjustment.

• • • • •

(b) *Stock which is not limited and preferred as to dividends*—(1) *Postive adjustment.* • • •

(iii) If such subsidiary owns stock in another subsidiary and § 1.1502–33(c)(4)(i) applies to the taxable year, an allocable part of the net positive adjustment made by the higher tier subsidiary for the taxable year with respect to its stock in such other subsidiary.

(2) *Negative adjustment.* • • •

(iv) If such subsidiary owns stock in another subsidiary and § 1.1502–33(c)(4)(i) applies to the taxable year, an allocable part of the net negative adjustment made by the higher tier subsidiary for the taxable year with respect to its stock in such other subsidiary.

(c) *Limited and preferred stock.* • • •

(3) *Exception.* The negative adjustment under subparagraph (2)(i) of this paragraph shall not exceed—

(i) The sum of the positive adjustments under subparagraph (1) of this paragraph for all prior years, minus

(ii) The sum of the negative adjustments under subparagraph (2)(i) of this paragraph for all prior years.

The amount by which the adjustment under subparagraph (2)(i) of this paragraph (determined without regard to this subparagraph) exceeds the amount of such adjustment determined with regard to this subparagraph shall be treated for purposes of paragraph (b)(2)(iii)(*a*) of this section as a distribution with respect to stock which is not limited and preferred as to dividends.

(d) *Operating rules.* For purposes of paragraphs (b) and (c) of this section—

(1) *Earnings and profits.* (i) The earnings and profits (or deficit in earnings and profits) of a member shall be determined under § 1.1502–33, except that—

(*a*) The earnings and profits of a member resulting from the disposition of stock of a subsidiary shall be determined in accordance with § 1.1502–33(c)(4)(ii)(*b*) whether or not such section otherwise applies,

(*b*) Section 1.1502–33(c)(4)(ii)(c)(2) and (3) shall not apply, and

(*c*) In computing the earnings and profits of a member resulting from the disposition of stock or an obligation to which § 1.1502–19(a)(6) applies, the adjusted basis of such stock or obligation shall be determined by taking into account any adjustments under § 1.1502–19(a)(6).

(ii) The undistributed earnings and profits for the taxable year shall first be allocated to all the outstanding stock (including the stock held by nonmembers) which is limited and preferred as to dividends in an amount equal to the excess, if any, of—

(*a*) The cumulative dividends in arrears (determined as of the last day of the subsidiary's taxable year) for all consolidated return years beginning after December 31, 1965, over

(*b*) The accumulated earnings and profits of the subsidiary as of the first day of the taxable year,

but such amount shall not exceed the accumulated earnings and profits of the subsidiary as of the last day of the taxable year. The balance, if any of the undistributed earnings and profits, and any net positive adjustment made by such subsidiary with respect to lower tier subsidiaries, for the taxable year shall be allocated among all the outstanding stock of such subsidiary (including stock held by nonmembers) which is not limited and preferred as to dividends.

• • • • •

(8) *Undistributed earnings and profits.* For purposes of this section, the term "undistributed earnings and profits for the taxable year" means earnings and profits for the taxable year after diminution by reason of distribution of dividends (as defined in § 1.1502–14(a)(1)).

(9) *Preaffiliation year.* The term "preaffiliation year" of a subsidiary means any taxable year which includes at least 1 day on which such subsidiary was not a member of the group, and each taxable year preceding such year.

(10) *Prior consolidated return years beginning after December 31, 1965.* The term "prior consolidated return years beginning after December 31, 1965" shall not include consolidated return years of a corporation which precede the most recent separate return year of such corporation. Thus, if P and its wholly owned subsidiary, S, filed a consolidated return for 1966, separate returns for 1967, and a consolidated return for 1968, P's basis in S's stock is not reduced under paragraph (b)(2)(iii) or (c)(2) of this section because of distributions by S after 1967 out of earnings and profits accumulated in 1966.

• • • • •

(f) *Special rules*—(1) *Transitional rules.* (i) If any subsidiary joined in filing (or was required to join in filing) a consolidated return for a taxable year beginning before January 1, 1966 (whether or not with the same group), then for purposes of determining the basis of stock of such subsidiary as of the first day of the first taxable year to which this section applies, § 1.1502–34A(b)(2), and (c) shall be applied with respect to the stock (other than stock which is limited and preferred as to dividends) of such subsidiary owned by each member as if such stock were disposed of on such date. If the amount of deductions for losses availed of under § 1.1502–34A (b)(2) or (c)(2) exceeds the sum of the aggregate bases of such stock owned by all members, such excess shall be treated as an excess loss account with respect to such stock. See § 1.1502–19(a)(4) with respect to the treatment of such excess loss account.

(ii) No adjustments to the basis of a subsidiary's stock shall be made under paragraph (b)(2)(ii) of this section on account of losses sustained in taxable years beginning before January 1, 1966, to the extent that the basis of such stocks would have been higher as of the beginning of the first taxable year beginning after December 31, 1965, if this section had applied to taxable years beginning before January 1, 1966. For example, assume that subsidiary S was organized in 1961 with $100 capital by the parent of a group filing consolidated returns on a calendar year basis, that S earned $200 in 1961, had no income or losses in 1962 through 1964, and had a deficit of $225 in 1965 that was not absorbed by the parent in 1965 or prior years but was carried over to and absorbed in 1966. The basis of the S stock on January 1, 1966, is $100, but if § 1.1502–32 had applied for the years 1961 through 1965, the basis of the S stock on January 1, 1966, would have been $300. Therefore, to the extent of $200 there is no basis adjustment under paragraph (b)(2)(ii) of this section on account of the absorption, and the adjustment is only $25 ($225 minus $200).

(2) *Deemed dividend.* If all the stock of a subsidiary is owned on each day of the subsidiary's taxable year by members, then at the election of the group, such subsidiary shall be treated for all tax purposes as having made a distribution on the first day of such taxable year in an amount equal to, and out of, its accumulated earnings and profits on the day preceding such day. Each member owning stock in such subsidiary shall be treated for all tax purposes as having received an allocable share of such distribution, and as having immediately contributed such allocable share to the capital of the subsidiary. The election shall be made by submitting a statement, on or before the due date (including any extensions of time) of the consolidated return for such year, to the Internal Revenue Service Center with which the group files such return.

(g) *Adjustment on disposition*—(1) *Separate return year ending on or before January 4, 1973.* A member owning stock in a subsidiary shall, on the first day of the first separate return year ending on or before January 4, 1973, of the member or of the subsidiary, whichever occurs first, decrease its basis for such stock by the lesser of—

(i) The accumulated earnings and profits of the subsidiary, or

(ii) The excess, with respect to such stock, of—

(*a*) The net positive adjustments under paragraph (e)(2) of this section for all consolidated return years, over

(*b*) The net negative adjustments under paragraph (e)(1) of this section for all consolidated return years.

(2) *Separate return year ending after January 4, 1973.* A member owning stock in a subsidiary shall, on the first day of the first separate return year ending after January 4, 1973, of the member or of the subsidiary, whichever occurs first, decrease its basis for such stock by the excess, with respect to such stock, of

(i) The net positive adjustments under paragraph (e)(2) of this section for all consolidated return years, over

(ii) The net negative adjustments under paragraph (e)(1), plus any decreases under paragraph (f)(1)(i), of this section, for all consolidated return years.

If the amount referred to in the preceding sentence exceeds the basis of such stock, the amount of the excess shall, as of the day immediately preceding such first day, be included in the income of such member as income described in § 1.1502–19(a).

(3) *Example.* Assume that in 1967 corporation P organizes corporation S, investing $500 for all of S's stock. For the taxable year 1967, S has earnings and profits of $100, thus increasing P's basis in S's stock to $600 on the last day of 1967. On December 31, 1967, P sells one-half of its stock in S to a nonmember for $370. P recognizes a gain of $70 on such sale, and on January 1, 1968, P's basis for its remaining stock in S is reduced by $50 to $250.

• • • • •

PAR. 14. Section 1.1502–33(c)(4) is amended to read as follows:

§ 1.1502–33 Earnings and profits.

• • • • •

(c) *Stock and obligations.* • • •

(4) *Investment adjustment*—(i) *Taxable years beginning before January 1, 1976.* Except as provided in subdivision (iii) of this subparagraph, for taxable years beginning before January 1, 1976—

(*a*) Adjustments made by a member under § 1.1502–32(e) (1) and (2), and (g) shall not be reflected in the earnings and profits of such member.

(*b*) For purposes of computing the earnings and profits of a member resulting from the disposition of stock of a subsidiary, the adjusted basis of such stock shall be—

(*1*) The adjusted basis determined without regard to adjustments under § 1.1502–32(e) (1) and (2), and (g), plus

(2) The amount of any excess loss account includible in income by such member under § 1.1502–19(a)(1) on such disposition.

(ii) *Taxable years beginning after December 31, 1975.* For taxable years beginning after December 31, 1975—

(*a*) There shall be reflected in the earnings and profits of each member for a taxable year an amount equal to any increase or decrease for such taxable year pursuant to § 1.1502–32(e) (1) and (2), and (g) in such member's basis or excess loss account for its stock in a subsidiary.

(*b*) For purposes of computing the earnings and profits of a member resulting from the disposition of stock of a subsidiary, the adjusted basis of such stock shall be determined by taking into account any adjustments under § 1.1502–32(e) (1) and (2), and (g).

(c) If subdivision (i) of this subparagraph applies for one or more taxable years before this subdivision applies—

(*1*) For purposes of computing the earnings and profits of a member resulting from the disposition of stock of a subsidiary, the adjusted basis of such stock shall be determined by taking into account any adjustments under § 1.1502–32(e) (1) and (2), and (g) for all consolidated return years;

(2) The negative adjustment applicable under § 1.1502–32(b)(2)(iii)(*a*) or (c)(2)(i) to distributions made in years for which this subdivision applies out of earnings and profits accumulated in years for which this subdivision did not apply shall be eliminated in computing earnings and profits; and

(3) The earnings and profits of a member disposing of stock of a subsidiary shall be (*i*) increased by an amount equal to the excess of the positive adjustments with respect to such stock under § 1.1502–32(b)(1) or (c)(1) for all years for which this subdivision did not apply, over the sum of the negative adjustments under § 1.1502–32(b)(2) or (c)(2) for all such years plus any adjustments under § 1.1502–32(b)(2)(iii)(*a*) or (c)(2)(i) which are described in (c)(2) of this subdivision, or (*ii*) decreased by an amount equal to the excess of the sum of the negative adjustments with respect to such stock under § 1.1502–32(b)(2) or (c)(2) for all years for which this subdivision did not apply plus any adjustments under § 1.1502–32(b)(2)(iii)(*a*) or (c)(2)(i) which are described in (c)(2) of this subdivision, over the positive adjustments with respect to such stock under § 1.1502–32 (b)(1) or (c)(1) for all years for which this subdivision did not apply.

(iii) *Election to adjust currently.* For any taxable year beginning before January 1, 1976, the group may elect to apply the provisions of subdivision (ii) of this subparagraph. Such election shall be made by submitting a statement, on or before the due date (including any extensions of time) of the consolidated return for the first taxable year for which the election is to apply, to the internal revenue officer with whom the group files such return. However, such election may be made for any taxable year beginning after December 31, 1965, within 60 days after July 3, 1968, if it is made in conjunction with an election under paragraph (d) of this section. If an election is made under this subdivision for any taxable year, it may not thereafter be revoked and shall apply for all subsequent taxable years beginning before January 1, 1976.

(iv) *Example.* The application of subdivisions (i) and (ii) of this subparagraph may be illustrated by the following example:

Example. (a) Corporation P forms a wholly owned subsidiary, S, on January 1, 1966, with a capital contribution of $100, and the P-S group files consolidated returns for calendar years 1966 and 1967. S earns $100 in 1966 and has no earnings and profits or deficit in 1967. During 1967 S distributes a $50 dividend to P. On December 31, 1967, P sells all of the stock of S for $150.

(b) If the group has not elected under subdivision (iii) of this subparagraph, the $100 earned by S is not reflected in P's earnings and profits in 1966. However, P's earnings and profits are increased by $50 in 1967, since the dividend is reflected in earnings and profits under paragraph (c)(1) of this section and the corresponding negative adjustment under § 1.1502–32(b)(2)(iii)(*a*) is not reflected in earnings and profits. P's earnings and profits are further increased by $50 on the sale of the S stock since, for purposes of computing earnings and profits, the basis of such stock is $100 (the original basis without regard to adjustments under § 1.1502–32(e) (1) and (2)).

(c) If the group has elected under subdivision (iii) of this subparagraph, for 1966, the $100 earned by S, a net positive adjustment under § 1.1502–32(e)(2), is reflected in the earnings and profits of P for 1966. No additional earnings and profits result from the distribution in 1967, since there is a $50 increase under paragraph (c)(1) of this section, and the corresponding $50 negative adjustment under § 1.1502–32(b)(2)(iii)(*a*) is reflected as a decrease in earnings and profits. The subsequent sale of the S stock for $150 does not affect P's earnings and profits since the basis is $150 ($100 original basis plus $100 earnings and profits, minus the $50 distribution out of earnings and profits accumulated in consolidated return years beginning after December 31, 1965).

(d) If the group first elected under subdivision (iii) of this subparagraph for 1967 (so that subdivision (i) was applicable for 1966), the $100 earned by S in 1966 is not reflected in P's earnings and profits in 1966. However, P's earnings and profits are increased by $50 in 1967, since the dividend is reflected in earnings and profits under paragraph (c)(1) of this section, and the corresponding negative adjustment under § 1.1502–32(b)(2)(iii)(*a*) is eliminated under subdivision (ii)(c) of this subparagraph in computing earnings and profits. P's earnings and profits are further increased by $50 on the sale of the S stock, the amount by which the positive adjustment ($100) under § 1.1502–32(b)(1) for years for which subdivision (ii) did not apply exceeds the sum of the negative adjustments under § 1.1502–32(b)(2) for such years (zero) and the negative adjustment ($50) under § 1.1502–32(b)(2)(iii)(*a*) for years for which subdivision (ii) did apply.

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(v) *Transitional rule.* (*a*) Adjustments under § 1.1502–32(f)(1) shall not be reflected in earnings and profits.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock (or an obligation to which § 1.1502–19(a)(4) applies) of a subsidiary, the adjusted basis of such stock (or obligation) shall be (*1*) the adjusted basis determined without regard to adjustments under §§ 1.1502–32(f)(1), plus (2) the amount of any excess loss account includable in income by such member under § 1.1502–19(a)(4) on such disposition.

(vi) *Stock or obligations with reduced basis.* (*a*) Adjustments under § 1.1502–19(a)(6) shall not be reflected in earnings and profits.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock or an obligation to which § 1.1502–19(a)(6) applies, the adjusted basis of such stock or obligation shall be determined by taking into account any adjustments under § 1.1502–19(a)(6) except such adjustments which were made for a taxable year to which subdivision (i) of this subparagraph applies.

* * * * *

PAR. 15. There is inserted after § 1.1502–41 the following new section:

§ 1.1502–42 Mutual savings banks, domestic building and loan associations, and cooperative banks.

In the case of mutual savings banks, domestic building and loan associations and cooperative banks—

(a) In computing for purposes of section 593(b)(1)(B)(ii) total deposits or withdrawable accounts at the close of the taxable year, the total deposits or withdrawable accounts of other members shall be excluded, and

(b) For purposes of section 593(b)(2), a member's taxable income shall be the amount computed under § 1.1502–27(b) (computed without regard to the amount of any addition to the reserve for bad debts of any member determined under section 593(b)(2)). In the case of a taxable year beginning before July 12, 1969, such amount shall be computed without regard to any net operating loss carryback.

PAR. 16. Section 1.1502–75 is amended by revising paragraph (d)(2)(ii), by adding subdivisions (iii) and (iv) to paragraph (d)(2), by adding a sentence at the end of subdivision (i) of paragraph (d)(3), by adding titles to subdivisions (ii) and (iii) of paragraph (d)(3), by adding subdivisions (iv), (v), and (vi) to paragraph (d)(3), by reserving paragraph (i), and by adding paragraph (j). The revised and added provisions read as follows:

§ 1.1502–75 Filing of consolidated returns.

* * * * *

(d) *When group remains in existence.* * * *

(2) *Common parent no longer in existence.* * * *

(ii) *Transfer of assets to subsidiary.* The group shall be considered as remaining in existence notwithstanding that the common parent is no longer in existence if the members of the affiliated group succeed to and become the owners of substantially all of the assets of such former parent and there remains one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation and which was a member of the group prior to the date such former parent ceases to exist. For purposes of applying paragraph (f)(2)(i) of § 1.1502–1 to separate return years ending on or before the date on which the former parent ceases to exist, such former parent, and not the new common parent, shall be considered to be the corporation described in such paragraph.

(iii) *Taxable years.* If a transfer of assets described in subdivision (ii) of this subparagraph is an acquisition to which section 381(a) applies and if the group files a consolidated return for the taxable year in which the acquisition occurs, then for purposes of section 381—

(*a*) The former common parent shall not close its taxable year merely because of the acquisition, and all taxable years of such former parent ending on or before the date of acquisition shall be treated as taxable years of the acquiring corporation, and

(*b*) The corporation acquiring the assets shall close its taxable year as of the date of acquisition, and all taxable years of such corporation ending on or before the date of acquisition shall be treated as taxable years of the transferor corporation.

(iv) *Exception.* With respect to acquisitions occurring before January 1, 1971, subdivision (iii) of this subparagraph shall not apply if the group, in its income tax return, treats the taxable year of the former common parent as having closed as of the date of acquisition.

(3) *Reverse acquisitions*—(i) *In general.* * * * For purposes of determining under (*a*) of this subdivision whether the second corporation becomes (or would become) a member of the group of which the first corporation is the common parent, and for purposes of determining whether the former stockholders of the second corporation own more than 50 percent of the outstanding stock of the first corporation, there shall be taken into account any acquisitions or redemptions of the stock of either corporation which are pursuant to a plan of acquisition described in (*a*) or (*b*) of this subdivision.

(ii) *Prior ownership of stock.* * * *

(iii) *Election.* * * *

(iv) *Transfer of assets to subsidiary.* This subparagraph shall not apply to a transaction to which subparagraph (2)(ii) of this paragraph applies.

(v) *Taxable years.* If, in a transaction described in subdivision (i) of this subparagraph, the first corporation files a consolidated return for the first taxable year ending after the date of acquisition, then—

(*a*) The first corporation, and each corporation which, immediately before the acquisition, is a member of the group of which the first corporation is the common parent, shall close its taxable year as of the date of acquisition, and each such corporation shall, immediately after the acquisition, change to the taxable year of the second corporation, and

(*b*) If the acquisition is a transaction described in section 381(a)(2), then for purposes of section 381—

(*1*) All taxable years ending on or before the date of acquisition, of the first corporation and each corporation which, immediately before the acquisition, is a member of the group of which the first corporation is the common parent, shall be treated as taxable years of the transferor corporation, and

(2) The second corporation shall not close its taxable year merely because of such acquisition, and all taxable years ending on or before the date of acquisition, of the second corporation and each corporation which, immediately before the acquisition, is a member of any group of which the second corporation is the common parent, shall be treated as taxable years of the acquiring corporation.

(vi) *Exception.* With respect to acquisitions occurring before April 17, 1968, subdivision (v) of this subparagraph shall not apply if the parties to the transaction, in their income tax returns, treat subdivision (i) as not affecting the closing of taxable years or the operation of section 381.

* * * * *

(i) [Reserved]

(j) *Statements and schedules for subsidiaries.* The statement of gross income and deductions and the schedules required by the instructions on the return shall be prepared and filed in columnar form so that the details of the items of gross income, deductions, and credits for each member may be readily audited. Such statements and schedules shall include in columnar form a reconciliation of surplus for each corporation, and a reconciliation of consolidated surplus. Consolidated balance sheets as of the beginning and close of the taxable year of the group, taken from the books of the members, shall accompany the consolidated return and shall be prepared in a form similar to that required for reconciliation of surplus.

PAR. 17. Section 1.1502–76(b) is amended by revising subparagraphs (1) and (5)(i) to read as follows:

§ 1.1502–76 Taxable year of members of group.

* * * * *

(b) *Income to be included in returns for taxable year*—(1) *Inclusion of income in consolidated return.* The consolidated return of a group must include the income of the common parent for that corporation's entire taxable year (excluding any portion of such taxable year for which its income is properly included in the consolidated return of another group) and, except as provided in subparagraph (5) of this paragraph, the income of each subsidiary for the portion of such taxable year during which it was a member of the group. If § 1.1502–75(d)(2)(ii) applies to a group, then for purposes of this paragraph, the former common parent shall be deemed to continue in existence and shall be regarded as the common parent for the entire taxable year in which the acquisition occurs. If § 1.1502–75(d)(3)(v) applies to a group, then for purposes of the application of this paragraph (other than to a group which ceases to exist as a result of the application of § 1.1502–75(d)(3)(i)), the second corporation (whether or not it remains in existence) shall be treated as the common parent for the entire taxable year of such corporation in which the acquisition occurs, and the first corporation shall be treated as a subsidiary for the portion of such taxable year subsequent to the acquisition.

* * * * *

(5) *Period of 30 days or less may be disregarded.* * *

(i) If within a period of 30 days after the beginning of a corporation's taxable year (determined without regard to the required change to the parent's taxable year) it becomes a member of a group which files a consolidated return for a taxable year which includes such period, then such corporation may at its option be considered to have become a member of the group as of the beginning of the first day of such corporation's taxable year, or

* * * * *

PAR. 18. Section 1.1502–78 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 1.1502–78 Tentative carryback adjustments.

(a) *General rule.* If a group has a consolidated net operating loss, a consolidated net capital loss, or a consolidated unused investment credit for any taxable year, then any application under section 6411 for a tentative carryback adjustment of the taxes for a consolidated return year or years preceding such year shall be made by the common parent corporation to the extent such loss or unused investment credit is not apportioned to a corporation for a separate return year pursuant to § 1.1502–79(a), (b), or (c). In the case of the portion of a consolidated net operating loss or consolidated net capital loss or consolidated unused investment credit to which the preceding sentence does not apply, and in the case of a net capital or net operating loss or unused investment credit arising in a separate return year which may be carried back to a consolidated return year, the corporation or corporations to which any such loss or credit is attributable shall make any application under section 6411.

(b) *Special rules*—(1) *Payment of refund.* Any refund allowable under an application referred to in paragraph (a) of this section shall be made directly to and in the name of the corporation filing the application, except that in all cases where a loss is deducted from the consolidated taxable income or a credit is allowed in computing the consolidated tax liability for a consolidated return year, any refund shall be made directly to and in the name of the common parent corporation. The payment of any such refund shall discharge any liability of the Government with respect to such refund.

* * * * *

[FR Doc.72–22452 Filed 12–29–72;2:06 pm]

[T.D. 7247]

PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Withholding of Tax Imposed on Foreign Private Foundations

On November 10, 1972, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1443(b) of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 101(j)(22)(B) of the Tax Reform Act of 1969 (83 Stat. 528) was published in the FEDERAL REGISTER (37 F.R. 23921). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 29, 1972.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In order to provide rules for the withholding of the tax imposed by section 4948(a) of the Code, the Income Tax Regulations (26 CFR Part 1) under section 1443(b) of the Internal Revenue Code of 1954, as amended by section 101(j)(22)(B) of the Tax Reform Act of 1969 (83 Stat. 528), relating to income subject to section 4948, are hereby amended. Temporary Treasury Regulation 13.14, 35 F.R. 17331 (T.D. 7067, 1970) is repealed.

Section 1.1443–1 is amended by adding thereto a new paragraph (b). This added provision reads as follows:

§ 1.1443–1 Foreign tax-exempt organizations.

* * * * *

(b) *Income subject to section 4948*—(1) *In general*—(i) *Application of withholding provisions.* Except as provided in subdivision (ii) of this subparagraph, in the case of a foreign private foundation which is subject to the tax imposed by section 4948(a) and the regulations thereunder, the withholding provisions of Chapter 3 of the Code and the regulations thereunder shall apply with respect to the gross investment income (as defined in section 4940(c)(2)) of such foundation from sources within the United States (within the meaning of section 861 and the regulations thereunder) as if the excise tax imposed by section 4948(a) were a tax imposed by Chapter 3 of the Code, except that the deduction and withholding shall be at the rate of 4 percent. The withholding requirements imposed by this paragraph are in addition to the requirements otherwise applicable to a withholding agent, such as the depositary requirements of section 6302 and the regulations thereunder. Similarly, the requirements of this paragraph do not obviate a private foundation's obligation to file any return required by law with respect to such an organization, such as the form the foundation is required to file under section 6033 for the taxable year.

(ii) *Special rule with respect to certain tax treaties.* Whenever there exists a tax treaty between the United States and a foreign country, and a foreign private foundation which is subject to the tax imposed by section 4948(a) and the regulations thereunder is a resident of such country or is otherwise entitled to the benefits of such treaty (whether or not such benefits are available to all residents), if the treaty provides that any item or items (or all items with respect to an organization exempt from income taxation) of gross investment income (within the meaning of section 4940(c)(2)) shall be exempt from income tax, the withholding provisions of Chapter 3 of the Code and the regulations thereunder shall not apply to such item or items.

(2) *Return on Form 1042.* Every withholding agent required to deduct and withhold any amount by virtue of the provisions of this paragraph shall make a return of the amount required to be deducted and withheld by completing and filing a Form 1042 with the Internal Revenue Service in accordance with the instructions accompanying that form and submitting the balance due (if any). In addition, in any case in which any amount is so withheld, the withholding agent shall prepare and submit to the foreign private foundation one of the copies of the Form 1042S showing the tax withheld under this paragraph in addition to any tax otherwise shown on such form.

(3) *Claims for refund and credits.* Claims for refund of or credit for amounts overpaid shall be made on a Form 843 or 1042 or other appropriate form, which shall be filed with the Mid-Atlantic Service Center on or after January 1, 1973. Claims filed prior to January 1, 1973, shall be filed with the Director of International Operations. In determining whether a claim for refund is appropriate and, if appropriate, who should make the claim, the provisions of section 1464 and the regulations thereunder shall apply.

(4) *Identification of foreign private foundations; general rule.* (i) Except as provided in subparagraph (6) of this paragraph, where a foreign organiza-

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tion does not have a ruling or determination letter that it is an organization described in section 509(a) (1), (2), (3), or (4), any person required under section 1443(b) and this paragraph to deduct and withhold any tax imposed by section 4948(a) on such foreign organization (if it were a private foundation) shall not be liable for such tax if prior to the day on which the person deposits or pays to the Internal Revenue Service any amount required to be withheld, such person has made a good faith determination that the foreign organization is an organization described in section 509 (a) (1), (2), (3), or (4). For purposes of this subdivision, such a "good faith determination" ordinarily will be considered as made where the determination is based on an affidavit of the foreign organization or an opinion of counsel (of the withholding agent or the foreign organization) that the foreign organization is an organization described in section 509(a) (1), (2), (3), or (4). Such an affidavit or opinion must set forth sufficient facts concerning the operations and support of the foreign organization for the Internal Revenue Service to determine that such organization would be likely to qualify as an organization described in section 509(a) (1), (2), (3), or (4).

(ii) For special transitional rules relating to the identification of foreign private foundations, see subparagraph (5) of this paragraph.

(iii) Nothing in this paragraph relieves any foreign private foundation of the liability for the tax (including interest and penalties) imposed by section 4948(a).

(5) *Special transitional rules relating to identification of foreign private foundations.* (i) Any person required under section 1443(b) and this paragraph to deduct and withhold any tax imposed by section 4948(a) on any foreign organization for any period after December 31, 1969, and before the 90th day after publication of final regulations under section 508 in the FEDERAL REGISTER shall not be liable for such tax if such person receives a certified statement from the foreign organization prior to the day on which the person deposits or pays to the Internal Revenue Service any amount required to be withheld stating that either—

(*a*) Such foreign organization has properly filed the notice described in section 508(b) and the regulations thereunder and has not been notified by the Commissioner or his delegate by the 30th day after the day on which the notice is filed that such notice has failed to establish that such foreign organization is not a private foundation, or

(*b*) The presumption contained in section 508(b) does not apply to such foreign organization by reason of section 508(c) and the regulations thereunder.

(ii) If a certified statement described in subdivision (i) of this subparagraph is not received prior to the day on which a deposit or payment of any amount withheld in accordance with the provisions of this paragraph must be made by any person required to deduct and withhold any tax imposed by section 4948(a) with respect to any foreign organization, except as provided in subparagraph (4) of this paragraph such person shall be liable for all such tax imposed (including interest and penalties) for the period being returned by such person on Form 1042, to the extent that such person incurs liability to the foreign organization for gross investment income, as defined in section 4940(c)(2).

(iii) Any foreign organization to which section 508 by reason of section 4948(b) does not apply because such organization has received substantially all of its support (other than gross investment income, as defined in section 4940 (c)(2)) from sources outside the United States may nevertheless receive the benefits of subdivision (i) of this subparagraph by following the procedure set forth in such subdivision.

(6) *Effect of notice by Internal Revenue Service concerning organization's statement.* Subparagraphs (4) and (5) of this paragraph shall have no effect with respect to a withholding agent as to a particular foreign organization on or after the earlier (i) the date on which such agent acquires knowledge that the Internal Revenue Service has given notice to such foreign organization that its notice or statement has failed to establish that it is not a private foundation, (ii) the date on which the Internal Revenue Service makes notice to the public that such foreign organization has failed to establish that it is not a private foundation, or (iii) the date on which the Internal Revenue Service makes notice to the public that such foreign organization is a private foundation.

[FR Doc.72-22461 Filed 12-29-72;5:03 pm]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7249]

PART 42—FOUNDATION EXCISE TAXES

Operating Foundations

On January 5, 1971, notice of proposed rule making in order to conform the Excise Tax Regulations (26 CFR Part 53) to section 4942(j)(3) of the Internal Revenue Code of 1954, relating to operating foundations, as added by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 506) was published in the FEDERAL REGISTER (36 F.R. 107). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted as set forth below:

PARAGRAPH 1. Section 53.4942(b), as set forth in the notice of proposed rule making, is deleted.

PAR. 2. Sections 53.4942(b)-1 through 53.4942(b)-6, as set forth in the notice of proposed rule making, are revised by deleting §§ 53.4942(b)-4 through 53.4942 (b)-6 and by amending §§ 53.4942(b)-1 through 53.4942(b)-3. These amended sections are inserted immediately following § 53.4942(a)-3 and read as follows:

Sec.
53.4942(b)-1 Operating foundations.
53.4942(b)-2 Alternative tests.
53.4942(b)-3 Determination of compliance with operating foundation tests.

§ 53.4942(b)-1 Operating foundations.

(a) *In general.* For purposes of section 4942 and the regulations thereunder, the term "operating foundation" means any private foundation which makes qualifying distributions (within the meaning of paragraph (a)(2) of § 53.4942(a)-3) directly for the active conduct of activities constituting its charitable, educational, or other similar exempt purpose equal in value to substantially all of its adjusted net income (as defined in paragraph (d) of § 53.4942(a)-2) and which, in addition, satisfies either the assets test set forth in paragraph (a) of § 53.4942(b)-2, the endowment test set forth in paragraph (b) of such section, or the support test set forth in paragraph (c) of such section.

(b) *Active conduct of activities constituting the exempt purpose*—(1) *In general.* For purposes of this section, except as provided in subparagraph (2) or (3) of this paragraph, qualifying distributions are not made by a foundation "directly for the active conduct of activities constituting its charitable, educational, or other similar exempt purpose" unless such qualifying distributions are used by the foundation itself, rather than by or through one or more grantee organizations which receive such qualifying distributions directly or indirectly from such foundation. Thus, grants made to other organizations to assist them in conducting activities which help to accomplish their charitable, educational, or other similar exempt purpose are considered an indirect, rather than direct, means of carrying out activities constituting the charitable, educational, or other similar exempt purpose of the grantor foundation, regardless of the fact that the exempt activities of the grantee organization may assist the grantor foundation in carrying out its own exempt activities. However, amounts paid to acquire or maintain assets which are used directly in the conduct of the foundation's exempt activities, such as the operating assets of a museum, public park, or historic site, are considered direct expenditures for the active conduct of the foundation's exempt activities. Likewise, administrative expenses (such as staff salaries and traveling expenses) and other operating costs necessary to conduct the foundation's exempt activities (regardless of whether they are "directly for the active conduct" of such exempt activities) shall be treated as qualifying distributions expended directly for the active conduct of such exempt activities if such expenses and costs are reasonable in amount. Conversely, administrative expenses and operating costs which are not attributable to exempt activities, such as expenses in connection with the production of investment income, are not treated as such qualifying distributions. Expenses attributable to both exempt and nonexempt activities shall be allocated to each such activity on a reasonable and consistently applied basis. Any amount set aside by a foundation for a specific project, such as the acquisition and restoration, or construction, of additional buildings or facilities which are to be used by the foundation directly for the active conduct of the foundation's exempt activities, shall be deemed to be qualifying distributions expended directly for the active conduct of the foundation's exempt activities if the initial setting aside of the funds constitutes a set-aside within the meaning of paragraph (b) of § 53.4942 (a)-3.

(2) *Payments to individual beneficiaries*—(i) *In general.* If a foundation makes or awards grants, scholarships, or other payments to individual beneficiaries (including program related investments within the meaning of section 4944 (c) made to individuals or corporate enterprises) to support active programs conducted to carry out the foundation's charitable, educational, or other similar exempt purpose, such grants, scholarships, or other payments will be treated as qualifying distributions made directly for the active conduct of exempt activities for purposes of paragrarph (a) of this section only if the foundation, apart from the making or awarding of the grants, scholarships, or other payments, otherwise maintains some significant involvement (as defined in subdivision (ii) of this subparagraph) in the active programs in support of which such grants, scholarships, or other payments were made or awarded. Whether the making or awarding of grants, scholarships, or other payments constitutes qualifying distributions made directly for the active conduct of the foundation's exempt activities is to be determined on the basis of the facts and circumstances of each particular case. The test applied is a qualitative, rather than a strictly quantitative, one. Therefore, if the foundation maintains a significant involvement (as defined in subdivision (ii) of this subparagraph) it will not fail to meet the general rule of subparagraph (1) of this paragraph solely because more of its funds are devoted to the making or awarding of grants, scholarships, or other payments than to the active programs which such grants, scholarships, or other payments support. However, if a foundation does no more than select, screen, and investigate applicants for grants or scholarships, pursuant to which the recipients perform their work or studies alone or exclusively under the direction of some other organization, such grants or scholarships will not be treated as qualifying distributions made directly for the active conduct of the foundation's exempt activities. The administrative expenses of such screening and investigation (as opposed to the grants or scholarships themselves) may be treated as qualifying distributions made directly for the active conduct of the foundation's exempt activities.

(ii) *Definition.* For purposes of this subparagraph, a foundation will be considered as maintaining a "significant involvement" in a charitable, educational, or other similar exempt activity in connection with which grants, scholarships, or other payments are made or awarded if—

(A) An exempt purpose of the foundation is the relief of poverty or human distress, and its exempt activities are designed to ameliorate conditions among a poor or distressed class of persons or in an area subject to poverty or national disaster (such as providing food or clothing to indigents or residents of a disaster area), the making or awarding of the grants or other payments to accomplish such exempt purpose is direct and without the assistance of an intervening organization or agency, and the foundation maintains a salaried or voluntary staff of administrators, researchers, or other personnel who supervise and direct the activities described in this subdivision (A) on a continuing basis; or

(B) The foundation has developed some specialized skills, expertise, or involvement in a particular discipline or substantive area (such as scientific or medical research, social work, education, or the social sciences), it maintains a salaried staff of administrators, researchers, or other personnel who supervise or conduct programs or activities which support and advance the foundation's work in its particular area of interest, and, as a part of such programs or activities, the foundation makes or awards grants, scholarships, or other payments to individuals to encourage and further their involvement in the foundation's particular area of interest and in some segment of the programs or activities carried on by the foundation (such as grants under which the recipients, in addition to independent study, attend classes, seminars, or conferences sponsored or conducted by the foundation, or grants to engage in social work or scientific research projects which are under the general direction and supervision of the foundation).

(3) *Payment of section 4940 tax.* For purposes of section 4942(j)(3) (A) and (B)(ii), payment of the tax imposed upon a foundation under section 4940 shall be considered a qualifying distribution which is made directly for the active conduct of activities constituting the foundation's charitable, educational, or other similar exempt purpose.

(c) *Substantially all.* For purposes of this section, the term "substantially all" shall mean 85 percent or more. Thus, if a foundation makes qualifying distributions directly for the active conduct of activities constituting its charitable, educational, or other similar exempt purpose in an amount equal to at least 85 percent of its adjusted net income, it will be considered as satisfying the income test described in this section even if it makes grants to organizations or engages in other activities with the remainder of its adjusted net income and with other funds. In determining whether the amount of qualifying distributions made directly for the active conduct of such exempt activities equals at least 85 percent of a foundation's adjusted net income, a foundation is not required to trace the source of such expenditures to determine whether they were derived from income or from contributions.

(d) *Examples.* The provisions of this section may be illustrated by the following examples. It is assumed that none of the organizations described in these examples is described in section 509(a) (1), (2), or (3).

Example (1). N, an exempt museum described in section 501(c)(3), was founded by the gift of an endowment from a single contributor. N uses 90 percent of its adjusted net income to operate the museum. If N satisfies one of the tests set forth in § 53.4942(b)-2 it may be classified as an operating foundation since substantially all of the qualifying distributions made by N are used directly for the active conduct of N's exempt activities within the meaning of paragraph (b)(1) of this section.

Example (2). M, an exempt organization described in section 501(c)(3), was created to improve conditions in a particular urban ghetto. M receives its funds primarily from a limited number of wealthy contributors interested in helping carry out its exempt purpose. M's program consists of making a survey of the problems of the ghetto to determine the areas in which its funds may be applied most effectively. Approximately 10 percent of M's adjusted net income is used to conduct this survey. The balance of its income is used to make grants to other nonprofit organizations doing work in the ghetto in those areas determined to have the greatest likelihood of resulting in improved conditions. Under these circumstances, since only 10 percent of M's adjusted net income may be considered as constituting qualifying distributions made directly for the active conduct of M's exempt activities, M cannot qualify as an operating foundation.

Example (3). Assume the facts as stated in example (2), except that M uses the remaining 90 percent of its adjusted net income for the following purposes: (1) M maintains a salaried staff of social workers and researchers who analyze its surveys and make recommendations as to methods for improving ghetto conditions; (2) M makes grants to independent social scientists who assist in these analyses and recommendations; (3) M publishes periodic reports indicating the results of its surveys and recommendations; (4) M makes grants to social workers and others who act as advisers to nonprofit organizations, as well as small business enterprises, functioning in the community (these advisers acting under the general direction of M attempt to implement M's recommendations through their advice and assistance to the nonprofit organizations and small business enterprises); and (5) M makes grants to other social scientists who study and report on the success of the various enterprises which attempt to implement M's recommendations. Under these circumstances, M satisfies the requirements of paragraph (b)(2) of this section, and the various grants it makes constitute qualifying distributions made directly for the active conduct of its exempt activities. Thus, if M satisfies one of the tests set forth in § 53.4942(b)-2 it may be classified as an operating foundation.

Example (4). P, an exempt educational organization described in section 501(c)(3), was created for the purpose of training

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teachers for institutions of higher education. Each year P awards a substantial number of fellowships to students for graduate study leading toward their M.A. or Ph. D. degrees. The applicants for these fellowships are carefully screened by P's staff, and only those applicants who indicate a strong interest in teaching in colleges or universities are chosen. P publishes and circulates various pamphlets encouraging a development of interest in college teaching and describing its fellowships. P also conducts annual summer seminars which are attended by its fellowship recipients, its staff, consultants, and other interested parties. The purpose of these seminars is to foster and encourage the development of college teaching. P publishes a report of the seminar proceedings along with related studies written by those who attended. Despite the fact that a substantial portion of P's adjusted net income is devoted to granting fellowships, its commitment to encouraging individuals to become teachers at institutions of higher learning, its maintenance of a staff and programs designed to further this purpose, and the granting of fellowships to encourage involvement both in its own seminars and in its exempt purpose indicate a significant involvement by P beyond the mere granting of fellowships. Thus, the fellowship grants made by P constitute qualifying distributions made directly for the active conduct of P's exempt activities within the meaning of paragraph (b)(2) of this section.

Example (5). Q, an exempt organization described in section 501(c)(3), is composed of professional organizations interested in different branches of one academic discipline. Q trains its own professional staff, conducts its own program of research, selects research topics, screens and investigates grant recipients, makes grants to those selected, and sets up and conducts conferences and seminars for the grantees. Q has particular knowledge and skill in the given discipline, carries on activities to advance its study of that discipline, and makes grants to individuals to enable them to participate in activities which it conducts in carrying out its exempt purpose. Under these circumstances, Q's grants constitute qualifying distributions made directly for the active conduct of Q's exempt activities within the meaning of paragraph (b)(2) of this section.

Example (6). R, an exempt medical research organization described in section 501(c)(3), was created to study and perform research concerning heart disease. R has its own research center in which it carries on a broad number of research projects in the field of heart disease with its own professional staff. Physicians and scientists who are interested in special projects in this area present the plans for their projects to R. The directors of R study these plans and decide if the project is feasible and will further the work being done by R. If it is, R makes a grant to the individual to enable him to carry out his project, either at R's facilities or elsewhere. Reports of the progress of the project are made periodically to R, and R exercises a certain amount of supervision over the project. The resulting findings of these projects are usually published by R. Under these circumstances, the grants made by R constitute qualifying distributions made directly for the active conduct of R's exempt activities within the meaning of paragraph (b)(2) of this section.

Example (7). S, an exempt organization described in section 501(c)(3), maintains a large library of manuscripts and other historical reference material relating to the history and development of the region in which the collection is located. S makes a limited number of annual grants to enable post-doctoral scholars and doctoral candidates to use its library. Sometimes S obtains the right to publish the scholar's work, although this is not a prerequisite to the receipt of a grant. The primary criterion for selection of grant recipients is the usefulness of the library's resources to the applicant's field of study. Under these circumstances, the grants made by S constitute qualifying distributions made directly for the active conduct of S's exempt activities within the meaning of paragraph (b)(2) of this section.

Example (8). T, an exempt charitable organization described in section 501(c)(3), was created by the members of one family for the purpose of relieving poverty and human suffering. T has a large salaried staff of employees who operate offices in various areas throughout the country. Its employees make gifts of food and clothing to poor persons in the area serviced by each office. On occasion, T also provides temporary relief in the form of food and clothing to persons in areas stricken by natural disasters. If conditions improve in one poverty area, T transfers the resources of the office in that area to another poverty area. Under these circumstances, the gifts of food and clothing made by T constitute qualifying distributions made directly for the active conduct of T's exempt activities within the meaning of paragraph (b)(2) of this section.

Example (9). U, an exempt scientific organization described in section 501(c)(3), was created for the principal purpose of studying the effects of early childhood brain damage. U conducts an active and continuous research program in this area through a salaried staff of scientists and physicians. As part of its research program, U awards scholarships to young people suffering mild brain damage to enable them to attend special schools equipped to handle such problems. The recipients are periodically tested to determine the effect of such schooling upon them. Under these circumstances, the scholarships awarded by U constitute qualifying distributions made directly for the active conduct of U's exempt activities within the meaning of paragraph (b)(2) of this section.

Example (10). O, an exempt charitable organization described in section 501(c)(3), was created for the purpose of giving scholarships to children of the employees of X Corporation who meet the standards set by O. O not only screens and investigates each applicant to make sure that he complies with the academic and financial requirements set for scholarship recipients, but also administers an examination which each applicant must take—90 percent of O's adjusted net income is used in awarding these scholarships to the chosen applicants. O does not conduct any activities of an educational nature on its own. Under these circumstances, O is not using substantially all of its adjusted net income directly for the active conduct of its exempt activities within the meaning of paragraph (b) of this section. Thus, O is not an operating foundation because it fails to satisfy the income test set forth in paragraph (a) of this section.

§ 53.4942(b)-2 Alternative tests.

(a) *Assets test*—(1) *In general.* A private foundation will satisfy the assets test under the provisions of this paragraph if substantially more than half of the foundation's assets:

(i) Are devoted directly (A) to the active conduct of activities constituting the foundation's charitable, educational, or other similar exempt purpose, (B) to functionally related businesses (as defined in paragraph (c)(3)(iii) of § 53.4942(a)-2), or (C) to any combination thereof;

(ii) Are stock of a corporation which is controlled by the foundation (within the meaning of section 368(c)) and substantially all the assets of which (within the meaning of paragraph (c) of § 53.4942(b)-1) are so devoted; or

(iii) Are in part assets which are described in subdivision (i) of this subparagraph and in part stock which is described in subdivision (ii) of this subparagraph.

(2) *Qualifying assets*—(i) *In general.* For purposes of subparagraph (1) of this paragraph, an asset is "devoted directly to the active conduct of activities constituting the foundation's charitable, educational, or other similar exempt purpose" only if the asset is actually used by the foundation directly for the active conduct of activities constituting its charitable, educational, or other similar exempt purpose. Thus, such assets as real estate, physical facilities or objects (such as museum assets, classroom fixtures and equipment, and research facilities), and intangible assets (such as patents, copyrights, and trademarks) will be considered qualifying assets for purposes of this paragraph to the extent they are used directly for the active conduct of the foundation's exempt activities. However, assets which are held for the production of income, for investment, or for some other similar use (for example, stocks, bonds, interest-bearing notes, endowment funds, or, generally, leased real estate) are not devoted directly to the active conduct of the foundation's exempt activities, even though the income derived from such assets is used to carry out such exempt activities. Whether an asset is held for the production of income, for investment, or for some other similar use rather than being used for the active conduct of the foundation's exempt activities is a question of fact. For example, an office building used for the purpose of providing offices for employees engaged in the management of endowment funds of the foundation is not devoted to the active conduct of the foundation's exempt activities. However, where property is used both for exempt purposes and for other purposes, if such exempt use represents 95 percent or more of the total use, such property shall be considered to be used exclusively for an exempt purpose. Property acquired by a foundation to be used in carrying out the foundation's exempt purpose may be considered as devoted directly to the active conduct of such purpose even though the property, in whole or in part, is leased for a limited period of time during which arrangements are made for its conversion to the use for which it was acquired, provided such income-producing use of the property does not exceed a reasonable period of time. Generally, 1 year shall be deemed to be a reasonable period of time for purposes of the immediately preceding sentence. Similarly, where property is leased by a foundation in carrying out its exempt purpose and where the rental income derived from such property by the foundation is less than the amount which would be required to be charged in order to recover the cost of purchase and maintenance of such property (taking into account the deductions permitted by paragraph (d)(4) of § 53.4942(a)-2), such property shall be considered devoted directly to the active conduct of the foundation's exempt activities.

(ii) *Limitations.* (A) Assets which are held for the purpose of extending credit or making funds available to members of a charitable class (including any interest in a program related-investment, except as provided in paragraph (b)(2) of § 53.4942(b)-1) are not considered assets devoted directly to the active conduct of activities constituting the foundation's charitable, educational, or other similar exempt purpose. For example, assets which are set aside in special reserve accounts to guarantee student loans made by lending institutions will not be considered assets devoted directly to the active conduct of the foundation's exempt activities.

(B) Any amount set aside by a foundation within the meaning of paragraph (b)(1) of § 53.4942(b)-1 shall not be treated as an asset devoted directly to the active conduct of the foundation's exempt activities.

(3) *Assets held for less than a taxable year.* For purposes of this paragraph, any asset which is held by a foundation for part of a taxable year shall be taken into account for such taxable year by multiplying the fair market value of such asset (as determined pursuant to subparagraph (4) of this paragraph) by a fraction, the numerator of which is the number of days in such taxable year that the foundation held such asset and the denominator of which is the number of days in such taxable year.

(4) *Valuation.* For purposes of this paragraph, all assets shall be valued at their fair market value. Fair market value shall be determined in accordance with the rules set forth in paragraph (c)(4) of § 53.4942(a)-2, except in the case of assets which are devoted directly to the active conduct of the foundation's exempt activities and for which neither a ready market nor standard valuation methods exist (such as historical objects or buildings, certain works of art, and botanical gardens). In such cases, the historical cost (unadjusted for depreciation) shall be considered equal to fair market value unless the foundation demonstrates that fair market value is other than cost. In any case in which the foundation so demonstrates that the fair market value of an asset is other than historical cost, such substituted valuation may be used for the taxable year for which such new valuation is demonstrated and for each of the succeeding 4 taxable years if the valuation methods and procedures prescribed by paragraph (c)(4)(iv)(B) of § 53.4942(a)-2 are followed.

(5) *Substantially more than half.* For purposes of this paragraph, the term "substantially more than half" shall mean 65 percent or more.

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples. It is assumed that none of the organizations described in these examples is described in section 509(a)(1), (2), or (3).

Example (1). W, an exempt organization described in section 501(c)(3), is devoted to the maintenance and operation of a historic area for the benefit of the general public. W has acquired and erected facilities for lodging and other visitor accommodations in such area, which W operates through a wholly owned, separately incorporated, taxable entity. These facilities comprise substantially all of the subsidiary's assets. The operation of such accommodations constitutes a functionally related business within the meaning of paragraph (c)(3)(iii) of § 53.4942(a)-2. Under these circumstances, the stock of the subsidiary will be considered as part of W's assets which may be taken into account by W in determining whether it satisfies the assets test described in this paragraph.

Example (2). M, an exempt conservation organization described in section 501(c)(3), is devoted to acquiring, preserving, and otherwise making available for public use geographically diversified areas of natural beauty. M has acquired and erected facilities for lodging and other visitor accommodations in national park areas. The operation of such accommodations constitutes a functionally related business within the meaning of paragraph (c)(3)(iii) of § 53.4942(a)-2. Therefore, M's assets which are directly devoted to such visitor accommodations may be taken into account by M in determining whether it satisfies the assets test described in this paragraph.

Example (3). P, an exempt organization described in section 501(c)(3), is devoted to acquiring and restoring historic houses. To insure that the restored houses will be kept in the restored condition, and to make the houses more readily available for public display, P rents the houses rather than sells them once they have been restored. The rental income derived by P is substantially less than the amount which would be required to be charged in order to recover the cost of purchase, restoration, and maintenance of such houses. Therefore, such houses may be taken into account by P in determining whether it satisfies the assets test described in this paragraph.

Example (4). Z, an exempt organization described in section 501(c)(3), is devoted to improving the public's understanding of Renaissance art. Z's principal assets are a number of paintings of this period which it circulates on an active and continuing basis to museums and schools for public display. These paintings constitute 80 percent of Z's assets. Under these circumstances, although Z does not have a building in which it displays these paintings, such paintings are devoted directly to the active conduct of activities constituting Z's exempt purpose. Therefore, Z has satisfied the assets test described in this paragraph.

(b) *Endowment test*—(1) *In general.* A foundation will satisfy the endowment test under the provisions of this paragraph if it normally makes qualifying distributions (within the meaning of paragraph (a)(2) of § 53.4942(a)-3) directly for the active conduct of activities constituting its charitable, educational, or other similar exempt purpose in an amount not less than two-thirds of its minimum investment return (as defined in paragraph (c) of § 53.4942(a)-2). In determining whether the amount of such qualifying distributions is not less than an amount equal to two-thirds of the foundation's minimum investment return, the foundation is not required to trace the source of such expenditures to determine whether they were derived from investment income or from contributions.

(2) *Definitions.* For purposes of this paragraph, the phrase "directly for the active conduct of activities constituting the foundation's charitable, educational, or other similar exempt purpose" shall have the same meaning as in paragraph (b) of § 53.4942(b)-1.

(3) *Example.* This paragraph may be illustrated by the following example:

Example. X, an exempt organization described in section 501(c)(3) and not described in section 509(a)(1), (2), or (3), was created on July 15, 1970. X uses the cash receipts and disbursements method of accounting. For 1971, the fair market value of X's assets not described in paragraph (c)(2) or (3) of § 53.4942(a)-2 is $400,000. X makes qualifying distributions for 1971 directly for the active conduct of its exempt activities of $17,000. For 1971 two-thirds of X's minimum investment return is $16,000 (6 percent × $400,000 = $24,000; ⅔ × $24,000 = $16,000). Under these circumstances, X has satisfied the endowment test described in this paragraph for 1971. However, if X's qualifying distributions for 1971 directly for the active conduct of its exempt activities were only $15,000, X would not satisfy the endowment test for 1971, unless the fair market value of its assets not described in paragraph (c)(2) or (3) of § 53.4942(a)-2 were no greater than $375,000 (6 percent × $375,000 = $22,500; ⅔ × $22,500 = $15,000).

(c) *Support test*—(1) *In general.* A foundation will satisfy the support test under the provisions of this paragraph if:

(i) Substantially all of its support (other than gross investment income as defined in section 509(e)) is normally received from the general public and from five or more exempt organizations which are not described in section 4946(a)(1)(H) with respect to each other or the recipient foundation;

(ii) Not more than 25 percent of its support (other than gross investment income) is normally received from any one such exempt organization; and

(iii) Not more than half of its support is normally received from gross investment income.

(2) *Definitions and special rules.* For purposes of this paragraph—

(i) *Support.* The term "support" shall have the same meaning as in section 509(d).

(ii) *Substantially all.* The term "substantially all" shall have the same meaning as in paragraph (c) of § 53.4942(b)-1.

(iii) *Support from exempt organizations.* The support received from any one exempt organization may be counted towards satisfaction of the support test described in this paragraph only if the foundation receives support from no fewer than five exempt organizations. For example, a foundation which normally receives 20 percent of its support (other than gross investment income) from each of five exempt organizations

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may qualify under this paragraph even though it receives no support from the general public. However, if a foundation normally received 10 percent of its support from each of three exempt organizations and the balance of its support from sources other than exempt organizations, such support could not be taken into account in determining whether the foundation had satisfied the support test set forth in this paragraph.

(iv) *Support from the general public.* "Support" received from an individual, or from a trust or corporation (other than an exempt organization), shall be taken into account as support from the general public only to the extent that the total amount of the support received from any such individual, trust, or corporation during the period for determining the normal sources of the foundation's support (as set forth in § 53.4942(b)–3) does not exceed 1 percent of the foundation's total support (other than gross investment income) for such period. In applying this 1-percent limitation, all support received by the foundation from any person and from any other person or persons standing in a relationship to such person which is described in section 4946(a)(1) (C) through (G) and the regulations thereunder shall be treated as received from one person. For purposes of this paragraph, support received from a governmental unit described in section 170(c)(1) shall be treated as support received from the general public, but shall not be subject to the 1-percent limitation.

§ 53.4942(b)–3 Determination of compliance with operating foundation tests.

(a) *In general.* A foundation may satisfy the income test and either the assets, endowment, or support test by satisfying such tests for any 3 taxable years during a 4-year period consisting of the taxable year in question and the three immediately preceding taxable years or on the basis of an aggregation of all pertinent amounts of income or assets held, received, or distributed during such 4-year period. A foundation may not use one method for satisfying the income test described in paragraph (a) of § 53.4942(b)–1 and another for satisfying either the assets, endowment, or support test described in § 53.4942(b)–2. Thus, if a foundation satisfies the income test on the 3-out-of-4-year basis for a particular taxable year, it may not use the aggregation method for satisfying either the assets, endowment, or support test for such particular taxable year. However, the fact that a foundation has chosen one method for satisfying the tests under §§ 53.4942(b)–1 and 53.4942(b)–2 for 1 taxable year will not preclude it from satisfying such tests for a subsequent taxable year by the alternate method. If a foundation fails to satisfy the income test and either the assets, endowment, or support test for a particular taxable year under either the 3-out-of-4-year method or the aggregation method, it shall be treated as a nonoperating foundation for such taxable year and for all subsequent taxable years until it satisfies the tests set forth in §§ 53.4942(b)–1 and 53.4942(b)–2 for a taxable year occurring after the taxable year in which it was treated as a nonoperating foundation.

(b) *New organizations*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, an organization organized after December 31, 1969, will be treated as an operating foundation only if it has satisfied the tests set forth in §§ 53.4942(b)–1 and 53.4942(b)–2 for its first taxable year of existence. If an organization satisfies such tests for its 1st taxable year, it will be treated as an operating foundation from the beginning of such taxable year. If such is the case, the organization will be treated as an operating foundation for its 2d and 3d taxable years of existence only if it satisfies the tests set forth in §§ 53.4942(b)–1 and 53.4942(b)–2 by the aggregation method for all such taxable years that it has been in existence.

(2) *Special rule.* An organization organized after December 31, 1969, will be treated as an operating foundation prior to the end of its 1st taxable year if such organization has made a good faith determination that it is likely to satisfy the income test set forth in paragraph (a) of § 53.4942(b)–1 and one of the tests set forth in § 53.4942(b)–2 for such 1st taxable year pursuant to subparagraph (1) of this paragraph. Such a "good faith determination" ordinarily will be considered as made where the determination is based on an affidavit or opinion of counsel of such organization that such requirements will be satisfied. Such an affidavit or opinion must set forth sufficient facts concerning the operations and support of such organization for the Commissioner to be able to determine that such organization is likely to satisfy such requirements. An organization which, pursuant to this subparagraph, has been treated as an operating foundation for its 1st taxable year, but actually fails to qualify as an operating foundation under subparagraph (1) of this paragraph for such taxable year, will be treated as a private foundation which is not an operating foundation as of the 1st day of its 2d taxable year for purposes of making any determination under the internal revenue laws with respect to such organization. The preceding sentence shall not apply if such organization establishes to the satisfaction of the Commisioner that it is likely to qualify as an operating foundation on the basis of its 2d, 3d, and 4th taxable years. Thus, if such an organization fails to qualify as an operating foundation in its 2d, 3d, or 4th taxable year after having failed in its 1st taxable year, it will be treated as a private foundation which is not an operating foundation as of the 1st day of such 2d, 3d, or 4th taxable year in which it fails to qualify as an operating foundation, except as otherwise provided by paragraph (d) of this section. Such status as a private foundation which is not an operating foundation will continue until such time as the organization is able to satisfy the tests set forth in §§ 53.4942(b)–1 and 53.4942(b)–2 by either the 3-out-of-4-year method or the aggregation method. For the status of grants or contributions made to such an organization with respect to sections 170 and 4942, see paragraph (d) of this section.

(c) *Transitional rule for existing organizations.* An organization organized before December 31, 1969 (including organizations deemed to be so organized by virtue of the principles of paragraph (e)(2) of § 53.4942(a)–2), but which is unable to satisfy the tests under §§ 53.4942(b)–1 and 53.4942(b)–2 for its first taxable year beginning after December 31, 1969 on the basis of its operations for taxable years prior to such taxable year by either the 3-out-of-4-year method or the aggregation method, will be treated as a new organization for purposes of paragraph (b) of this section only if:

(1) The organization changes its methods of operation prior to its first taxable year beginning after December 31, 1972 to conform to the requirements of §§ 53.4942(b)–1 and 53.4942(b)–2;

(2) The organization has made a good faith determination (within the meaning of paragraph (b)(2) of the section) that it is likely to satisfy the tests set forth in §§ 53.4942(b)–1 and 53.4942(b)–2 prior to its first taxable year beginning after December 31, 1972 on the basis of its income or assets held, received, or distributed during its taxable years beginning in 1970 through 1972; and

(3) Such good faith determination is attached to the return the organization is required to file under section 6033 for its taxable year beginning in 1972.

(d) *Treatment of contributions*—(1) *In general.* The status of grants or contributions made to an operating foundation with respect to sections 170 and 4942 will not be affected until notice of change of status of such organization is made to the public (such as by publication in the Internal Revenue Bulletin), unless the grant or contribution was made after:

(i) The act or failure to act that resulted in the organization's inability to satisfy the requirements of §§ 53.4942(b)–1 and 53.4942(b)–2, and the grantor or contributor was responsible for, or was aware of, such act or failure to act, or

(ii) The grantor or contributor acquired knowledge that the Commissioner has given notice to such organization that it would be deleted from classification as an operating foundation.

(2) *Exception.* For purposes of subparagraph (1)(i) of this paragraph, a grantor or contributor will not be considered to be responsible for, or aware of, the act or failure to act that resulted

in the grantee organization's inability to satisfy the requirements of §§ 53.4942(b)–1 and 53.4942(b)–2 if such grantor or contributor has made his grant or contribution in reliance upon a written statement by the grantee organization that such grant or contribution would not result in the inability of such grantee organization to qualify as an operating foundation. Such a statement must be signed by a foundation manager (as defined in section 4946(b)) of the grantee organization and must set forth sufficient facts concerning the operations and support of such grantee organization to assure a reasonably prudent man that his grant or contribution will not result in the grantee organization's inability to qualify as an operating foundation.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 29, 1972.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.72-22463 Filed 12-29-72;5:06 pm]

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Consolidated Return Regulations

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 5, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by February 5, 1973. In such case, a public hearing will be held and notice of time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to reflect the amendments made by section 512 of the Tax Reform Act of 1969 and section 106 of the Revenue Act of 1971, and to make other miscellaneous amendments, the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Section 1.1502–3 is amended as follows: (1) A new sentence is added as flush material at the end of paragraph (c)(2). (2) New subparagraph (3) is added to paragraph (c). (3) New examples (4) and (5) are added to paragraph (d). (4) A new sentence is added as flush material at the end of paragraph (e)(2). (5) New subparagraph (3) is added to paragraph (e). The new and revised provisions are set forth below:

§ 1.1502–3 Consolidated investment credit.

* * * * * *

(c) *Limitation on investment credit carryovers and carrybacks from separate return limitation years.* * * *

(2) *Computation of limitation.* * * * In the case of an unused credit arising in a separate return limitation year ending before January 1, 1971, which is an investment credit carryover to a consolidated return year beginning after December 31, 1970, the amount determined under this subparagraph shall be computed without regard to subdivision (ii)(*a*) of this subparagraph.

(3) *Treatment as unused credit arising in separate return limitation year.* If the amount of an investment credit carryover from a separate return limitation year of a member ending before January 1, 1971, which is added to the amount allowable as a credit for a consolidated return year beginning after December 31, 1970, exceeds the amount of such carryover which could be so added were it not for the last sentence of subparagraph (2) of this paragraph, then an amount of credit earned by such member for the taxable year equal to such excess shall not be taken into account for purposes of computing the consolidated credit earned. Instead, such amount shall be treated as an unused credit of such member arising in a separate return limitation year of such member.

(d) *Examples.* * * *

Example (4). (i) Corporation P acquires all the outstanding stock of corporation S on January 1, 1972, and the P–S group files a consolidated return for the calendar year 1972. S has an unused credit of $40 for 1970 which is an investment credit carryover to 1972. P has no unused credits for 1970 and prior years, and neither P nor S has a credit earned or tax liability in 1971. In 1972, P and S each has a credit earned of $50. The limitation based on amount of tax of the group for 1972 is $100 and such limitation recomputed by excluding the items of income, deductions, and foreign tax credit of S is $25.

(ii) Under section 46(b), the amount of S's unused credit from 1970 which may be added to the amount allowable as a credit for 1972 is determined without regard to the credit earned by P and S for 1972. However, since 1970 is a separate return limitation year of S, the amount of the 1970 carryover of S which may be added to the amount allowable as a credit for 1972 is limited to the amount determined under paragraph (c)(2) of this section. The amount determined under such paragraph for 1972 is $75 (the excess of (*a*) the limitation based on amount of tax of the group, $100, minus such limitation recomputed by excluding the items of income, deductions, and foreign tax credit of S, $25, over (b) the unused credits attributable to S which may be carried to 1972 arising in years prior to 1970, zero). Thus, all $40 of S's carryover from 1970 may be added to the amount allowable in 1972.

(iii) If the last sentence of paragraph (c)(2) of this section did not apply, the amount determined under such paragraph would be $25 (the excess of the subdivision (i) amount, $75, over the subdivision (ii) amount, $50). Thus, as a result of the application of the last sentence of paragraph (c)(2) of this section, an additional $15 of the 1970 carryover of S is added to the amount allowable for 1972. Consequently, the amount of credit earned by S for 1972 ($50) which may be taken into account in computing the consolidated credit earned is only $35. The $15 not taken into account as part of the consolidated credit earned for 1972 is treated as an unused credit of S arising in a separate return limitation year and therefore in subsequent years will be subject to the limitation of paragraph (c) of this section.

(iv) The credit earned by the group which may be taken into account in computing consolidated credit earned for 1972 is $85 ($50 from P and $35 from S). Of this amount, only $60, the excess of $100 (the limitation based on amount of tax for 1972) over $40 (the unused credit for 1970 which may be added to the amount allowable for 1972) may be added to the amount allowable for 1972. Therefore, the consolidated unused credit for 1972 is $25.

Example (5). The facts are the same as in example (4) except that in addition P has an unused credit of $120 in 1970 which is an investment credit carryover to 1972. Under paragraph (b)(2) of this section, $75 of P's carryover and $25 of S's carryover is absorbed in 1972. Since the amount of S's carryover which is added to the amount allowable for 1972 does not exceed the amount which could be so added without regard to the last sentence of paragraph (c)(2), all of the credit earned by S for 1972 is taken into account in computing the consolidated credit earned for 1972.

* * * * * *

(e) *Limitation on investment credit carryovers where there has been a consolidated return change of ownership.* * * *

(2) *Computation of limitation.* * * * In the case of an unused credit arising in a taxable year ending before January 1, 1971, which is an investment credit carryover to a taxable year beginning after December 31, 1970, the amount determined under this subparagraph shall be computed without regard to subdivision (i) of this subparagraph.

(3) *Treatment as unused credit arising prior to year of change.* If the aggregate amount of investment credit carryovers from a taxable year ending before January 1, 1971, which is added to the amount allowable as a credit for any year of change beginning after December 31, 1970, or any subsequent year, exceeds the amount of such carryovers which could be so added were it not for the last sentence of subparagraph (2) of this paragraph, then an aggregate amount of the credit earned by the old members for such taxable year beginning after December 31, 1970, equal to such excess shall not be taken into account for purposes of computing the consolidated credit earned for such taxable year. Instead, such amount shall be treated as an unused credit of the old members for such year and, solely for the purpose of applying the limitation of subparagraph (2) of this paragraph, as arising in a taxable year prior to the year of change. The amount of credit earned by each of the old members which is not taken into account is a pro rata share of the aggregate amount of the credit earned by old members which is not taken into account.

* * * * * *

PAR. 2. Section 1.1502–4(d)(1) is amended by revising subdivisions (ii) and (iv) thereof to read as follows:

§ 1.1502–4 Consolidated foreign tax credit.

* * * * * *

(d) *Computation of limitation on credit.* * * *

(1) *Computation of taxable income from foreign sources.* * * *

(ii) Any such foreign source net capital gain (determined without regard to any net capital loss carryover or carryback);

* * * * * *

(iv) The portion of any consolidated net capital loss carryover or carryback attributable to such foreign source income which is absorbed in the taxable year.

* * * * * *

PAR. 3. Section 1.1502–5 is amended by adding a sentence at the end of paragraph (a)(2) and by revising examples (1), (2), and (3) of paragraph (c). The new and revised provisions read as follows:

§ 1.1502–5 Estimated tax.

(a) *General rule.* * * *

(2) *Estimated tax on a separate basis.* * * * Notwithstanding the first sentence of this subparagraph, in the case of a taxable year ending before [the date of publication of this regulation as a Treasury decision] the group may file its declaration of estimated tax on a consolidated basis for the first and second taxable years for which it files a consolidated return and in such case shall be treated as a single corporation for purposes of sections 6016 and 6154.

* * * * * *

(c) *Examples.* * * *

Example (1). Corporations P and S–1 file a consolidated return for the first time for calendar year 1973. P and S–1 also file consolidated returns for 1974 and 1975. For 1973 and 1974 P and S–1 must file separate declarations of estimated tax, and they are entitled to separate $100,000 exemptions. For 1975, however, the group must compute its estimated tax on a consolidated basis, and it is limited to a single $100,000 exemption. In determining whether P and S–1 come within the exception provided in section 6655(d)(1) for 1975, the "tax shown on the return" is the tax shown on the consolidated return for 1974.

Example (2). Assume the same facts as in example (1). Assume further that corporation S–2 was a member of the group during 1974, and joined in the filing of the consolidated return for such year, but ceased to be a member of the group on September 15, 1975. In determining whether the group (which no longer includes S–2) comes within the exception provided in section 6655(d)(1) for 1975, the "tax shown on the return" is the tax shown on the consolidated return for 1974.

Example (3). Assume the same facts as in example (1). Assume further that corporation S–2 becomes a member of the group on June 1, 1975, and joins in the filing of the consolidated return for 1975. In determining whether the group (which now includes S–2) comes within the exception provided in section 6655(d)(1) for 1975, the "tax shown on the return" is the tax shown on the consolidated return for 1974. Any tax of S–2 for any separate return year is not included as a part of the "tax shown on the return" for purposes of applying section 6655(d)(1).

* * * * * *

PAR. 4. Section 1.1502–22 is amended as follows: (1) Paragraph (a)(1)(i) and (iii) is revised. (2) Paragraph (b)(1) is revised. (3) The title of paragraph (c) is revised. (4) Paragraph (c)(2)(i) is revised. The revised provisions are set forth below:

§ 1.1502–22 Consolidated net capital gain or loss.

(a) *Computation—(1) Consolidated net capital gain.* * * *

(i) The aggregate of the capital gains and losses (determined without regard to gains or losses to which section 1231 applies or net capital loss carryovers or carrybacks) of the members of the group for the consolidated return year.

* * * * * *

(iii) The consolidated net capital loss carryovers or carrybacks to such year (as determined under paragraph (b) of this section).

* * * * * *

(b) *Consolidated net capital loss carryovers and carrybacks—(1) In general.* The consolidated net capital loss carryovers and carrybacks to the taxable year shall consist of any consolidated net capital losses of the group, plus any net capital losses of members of the group arising in separate return years of such members, which may be carried over or back to the taxable year under the principles of section 1212(a). However, such consolidated carryovers and carrybacks shall not include any consolidated net capital loss apportioned to a corporation for a separate return year pursuant to paragraph (b) of § 1.1502–79 and shall be subject to the limitations contained in paragraphs (c) and (d) of this section. For purposes of section 1212(a)(1), the portion of any consolidated net capital loss for any taxable year attributable to a foreign expropriation capital loss is the amount of the foreign expropriation capital losses of all the members for such year (but not in excess of the consolidated net capital loss for such year).

* * * * * *

(c) *Limitation on net capital loss carryovers and carrybacks from separate return limitation years.* * * *

(2) *Computation of limitation.* * * *

(i) The consolidated net capital gain for the taxable year (computed without regard to any net capital loss carryovers or carrybacks), minus such consolidated net capital gain for the taxable year recomputed by excluding the capital gains and losses and the gains and losses to which section 1231 applies of such member, over

* * * * * *

PAR. 5. Section 1.1502–24(c) is amended to read as follows:

§ 1.1502–24 Consolidated charitable contributions deduction.

* * * * * *

(c) *Adjusted consolidated taxable income.* For purposes of this section, the adjusted consolidated taxable income of the group for any consolidated return year shall be the consolidated taxable income computed without regard to this section, section 242, section 243(a)(2) and (3), §§ 1.1502–25, 1.1502–26, and 1.1502–27, and without regard to any consolidated net operating or net capital loss carrybacks to such year.

PAR. 6. Section 1.1502–25(c)(2) is amended by revising subdivisions (ii) and (iv) thereof to read as follows:

§ 1.1502–25 Consolidated section 922 deduction.

* * * * * *

(c) *Portion of consolidated taxable income attributable to Western Hemisphere trade corporations.* * * *

(2) *Taxable income.* * * *

(ii) Such member's net capital gain (determined without regard to any net capital loss carryover or carryback attributable to such member);

* * * * * *

(iv) The portion of any consolidated net capital loss carryover or carryback attributable to such member which is absorbed in the taxable year.

* * * * * *

PAR. 7. Section 1.1502–27(b) is amended by revising subparagraphs (2) and (4) to read as follows:

§ 1.1502–27 Consolidated section 247 deduction.

* * * * * *

(b) *Computation of taxable income.* * * *

(2) Such member's net capital gain (determined without regard to any net capital loss carryover or carryback attributable to such member);

* * * * * *

(4) The portion of any consolidated net capital loss carryover or carryback attributable to such member which is absorbed in the taxable year.

PAR. 8. Section 1.1502–32 is amended as follows: (1) Paragraph (b)(2)(iii)(*b*) is revised. (2) New subdivision (c) is added to paragraph (b)(2)(iii). (3) Paragraph (c)(2)(ii) is revised. (4) New subdivision (iii) is added to paragraph (c)(2). The new and revised provisions read as follows:

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§ 1.1502–32 Investment adjustment.

• • • • •

(b) *Stock which is not limited and preferred as to dividends.* • • •

(2) *Negative adjustment.* • • •

(iii) • • •

(b) Accumulated in preaffiliation years of the subsidiary, if the distribution occurs on or before [the date of publication of this regulation as a Treasury decision]; or

(c) Accumulated in separate return limitation years of the subsidiary, if the distribution occurs after [the date of publication of this regulation as a Treasury decision]; and

• • • • •

(c) *Limited and preferred stock.* • • •

(2) *Negative adjustment.* • • •

(ii) Accumulated in preaffiliation years of the subsidiary, if the distribution occurs on or before [the date of publication of this regulation as a Treasury decision]; or

(iii) Accumulated in separate return limitation years of the subsidiary, if the distribution occurs after [the date of publication of this regulation as a Treasury decision].

• • • • •

PAR. 9. Section 1.1502–41(b) is amended to read as follows:

§ 1.1502–41 Determination of consolidated net long term capital gain and consolidated net short term capital loss.

• • • • •

(b) *Consolidated net short term capital loss.* The consolidated net short term capital loss shall be determined by taking into account (1) those gains and losses to which paragraph (a)(1) of § 1.1502–22 applies which are treated as short term under section 1222, and (2) the consolidated net capital loss carryovers and carrybacks to the taxable year (as determined under paragraph (b) of § 1.1502–22).

PAR. 10. Section 1.1502–42 is amended to read as follows:

§ 1.1502–42 Mutual savings banks, domestic building and loan associations, and cooperative banks.

(a) *In general.* The provisions of this section shall apply to mutual savings banks, domestic building and loan associations, and cooperative banks.

(b) *Total deposits.* In computing for purposes of section 593(b)(1)(B)(ii) total deposits or withdrawable accounts at the close of the taxable year, the total deposits or withdrawable accounts of other members shall be excluded.

(c) *Taxable income.* (1) In the case of a taxable year the due date for the return of which is on or before (the date of publication of this regulation as a Treasury decision), a member's taxable income for purposes of section 593(b)(2) shall be the amount computed under § 1.1502–27(b) (computed without regard to the amount of any addition to the reserve for bad debts of any member determined under section 593(b)(2)). In the case of a taxable year beginning before July 12, 1969, such amount shall be computed without regard to any net operating loss carryback.

(2) In the case of a taxable year the due date for the return of which is after [the date of publication of this regulation as a Treasury decision], a member's taxable income for purposes of section 593(b)(2) shall be the portion of consolidated taxable income attributable to such member. For purposes of this subparagraph, the portion of the consolidated taxable income attributable to a member is an amount equal to the consolidated taxable income (computed without regard to the amount of any additions to reserves for bad debts under section 593(b)(2)) multiplied by a fraction, the numerator of which is the taxable income of the member and the denominator of which is the sum of the taxable incomes of all members of the group. For purposes of the preceding sentence, the taxable income of a member shall be the separate taxable income determined under § 1.1502–12, adjusted for the following items taken into account in the computation of consolidated taxable income:

(i) The portion of the consolidated net operating loss deductions, the consolidated charitable contributions deduction, and the consolidated dividends received deduction, attributable to such member;

(ii) Such member's net capital gain (determined without regard to any net capital loss carryover or carryback attributable to such member);

(iii) Such member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such member; and

(iv) The portion of any consolidated net capital loss carryover or carryback attributable to such member which is absorbed in the taxable year.

If the computation of the taxable income of a member under this subparagraph results in an excess of deductions over gross income, then for purposes of this subparagraph such member's taxable income shall be zero.

PAR. 11. Section 1.1502–79 is amended by revising paragraph (b)(1) and (2)(i) to read as follows:

§ 1.1502–79 Separate return years.

• • • • •

(b) *Carryover and carryback of consolidated net capital loss to separate return years*—(1) *In general.* If a consolidated net capital loss can be carried under the principles of section 1212(a) and paragraph (b) of § 1.1502–22 to a separate return year of a corporation (or could have been so carried if such corporation were in existence) which was a member of the group in the year in which such consolidated net capital loss arose, then the portion of such consolidated net capital loss attributable to such corporation (as determined under subparagraph (2) of this paragraph) shall be apportioned to such corporation (and any successor to such corporation in a transaction to which section 381(a) applies) under the principles of paragraph (a)(1), (2), and (3) of this section and shall be a net capital loss carryback or carryover to such separate return year.

(2) *Portion of consolidated net capital loss attributable to a member.* • • •

(i) Such member's net capital gain or loss (determined without regard to any net capital loss carryover or carryback); and

• • • • •

[FR Doc.72–22453 Filed 12–29–72;2:06 p.m.]

Internal Revenue Service

[26 CFR Parts 1, 20, 25, 301]

INCOME, ESTATE, AND GIFT TAXES

Priority of Lien; Release of Lien or Discharge of Property

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 20, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by February 20, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations, the Estate Tax Regulations, the Gift Tax Regulations and the Regulations on Procedure and Administration (26 CFR Parts 1, 20, 25, and 301) under sections 545, 6323, and 6325 of the Internal Revenue Code of 1954 to section 236 of the Revenue Act of 1964 (78 Stat. 127), section 17(a) of Public Law 89–493 (80 Stat. 263), and sections 101 and 103 of the Federal Tax Lien Act of 1966 (80 Stat. 1125 and 1133), such regulations are amended as set forth hereinafter. Section 301.6323(g)–1 of the regulations hereby adopted supersedes those provisions of §§ 400.1 and 400.1–1 of this chapter relating to section 101(a) of the Federal Tax Lien Act of 1966 which were prescribed by T.D. 6932, approved October 13, 1967 (32 F.R. 14385). Section 301.6325–1 hereby adopted supersedes those provisions of §§ 400.2 and 400.2–1 of this chapter relating to section 103(a) of such Act which were prescribed by T.D. 6944, approved January 17, 1968 (33 F.R. 732).

A. Part 1, Income Tax Regulations, of 26 CFR Chapter I, is amended as follows:

PARAGRAPH 1. Paragraph (j)(1) of § 1.545–2 is amended to read as follows:

§ 1.545–2 Adjustments to taxable income.

• • • • •

(j) *Amount if a lien in favor of the United States.* (1) If notices of lien are filed in the manner provided in section 6323(f), the amount of the liability to the United States outstanding at the close of the taxable year, and secured by such liens which are in effect at that time, shall be allowed as a deduction in computing undistributed personal holding company income. However, the amount of such deduction which may be allowed for any taxable year shall not exceed the taxable income (as adjusted for purposes of determining the undistributed personal holding company income, but without regard to the deduction under section 545(b)(9)) for such year. The fact that the amount of, or any part of, the outstanding obligation to the United States was deducted for 1 taxable year does not prevent its deduction for a subsequent taxable year to the extent the obligation is still outstanding at the close of the subsequent taxable year and is secured by a lien, notice of which has been filed.

• • • • •

B. Part 20, Estate Tax Regulations, of 26 CFR Chapter I, is amended as follows:

PAR. 2. Section 20.6323 is amended by revising sections (a) through (e), by adding subsections (f) through (i), and by revising the historical note. These revised and added provisions read as follows:

§ 20.6323 Statutory provisions; validity and priority against certain persons.

SEC. 6323. *Validity and priority against certain persons*—(a) *Purchases, holders of security interests, mechanics's lienors, and judgment lien creditors.* The lien imposed by section 6321 shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Secretary or his delegate.

(b) *Protection for certain interests even though notice filed.* Even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid—

(1) *Securities.* With respect to a security (as defined in subsection (h)(4))—

(A) As against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) As against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) *Motor vehicles.* With respect to a motor vehicle (as defined in subsection (h)(3), as against a purchaser of such motor vehicle, if—

(A) At the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) Before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) *Personal property purchased at retail.* With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) *Personal property purchased in casual sale.* With respect to household goods, personal effects, or other tangible personal property described in section 6334(a) purchased (not for resale) in a casual sale for less than $250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) *Personal property subject to possessory lien.* With respect to tangible personal property subject to a lien under local law securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) *Real property tax and special assessment liens.* With respect to real property, as against a holder of a lien upon such property, if such lien is entitled under local law to priority over security interests in such property which are prior in time, and such lien secures payment of—

(A) A tax of general application levied by any taxing authority based upon the value of such property;

(B) A special assessment imposed directly upon such property by any taxing authority, if such assessment is imposed for the purpose of defraying the cost of any public improvement; or

(C) Charges for utilities or public services furnished to such property by the United States, a State or political subdivision thereof, or an instrumentality of any one or more of the foregoing.

(7) *Residential property subject to a mechanic's lien for certain repairs and improvements.* With respect to real property subject to a lien for repair or improvement of a personal residence (containing not more than four dwelling units) occupied by the owner of such residence, as against a mechanic's lienor, but only if the contract price on the contract with the owner is not more than $1,000.

(8) *Attorneys' liens.* With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who, under local law, holds a lien upon or contract enforcible against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement, except that this paragraph shall not apply to any judgment or amount in settlement of a claim or of a cause of action against the United States to the extent that the United States offsets such judgment or amount against any liability of the taxpayer to the United States.

(9) *Certain insurance contracts.* With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

(A) Before such organization had actual notice or knowledge of the existence of such lien;

(B) After such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge; or

(C) After satisfaction of a levy pursuant to section 6332(b), unless and until the Secretary or his delegate delivers to such organization a notice, executed after the date of such satisfaction, of the existence of such lien.

(10) *Passbook loans.* With respect to a savings deposit, share, or other account, evidenced by a passbook, with an institution described in section 581 or 591, to the extent of any loan made by such institution without actual notice or knowledge of the existence of such lien, as against such institution, if such loan is secured by such account and if such institution has been continuously in possession of such passbook from the time the loan is made.

(c) *Protection for certain commercial transactions financing agreements, etc.*—(1) *In general.* To the extent provided in this subsection, even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

(A) Is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

(i) A commercial transactions financing agreement,

(ii) A real property construction or improvement financing agreement, or

(iii) An obligatory disbursement agreement, and

(B) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) *Commercial transactions financing agreement.* For purposes of this subsection—

(A) *Definition.* The term "commercial transactions financing agreement" means an agreement (entered into by a person in the course of his trade or business)—

(i) To make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) To purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) *Limitation on qualified property.* The term "qualified property", when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) *Commercial financing security defined.* The term "commercial financing security" means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) *Purchaser treated as acquiring security interest.* A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) *Real property construction or improvement financing agreement.* For purposes of this subsection—

(A) *Definition.* The term "real property construction or improvement financing

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agreement" means an agreement to make cash disbursements to finance—

(i) The construction or improvement of real property,

(ii) A contract to construct or improve real property, or

(iii) The raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) *Limitation on qualified property.* The term "qualified property", when used with respect to a real property construction or improvement financing agreement, includes only—

(i) In the case of subparagraph (A)(i), the real property with respect to which the construction or improvement has been or is to be made,

(ii) In the case of subparagraph (A)(ii), the proceeds of the contract described therein, and

(iii) In the case of subparagraph (A)(iii), property subject to the lien imposed by section 6321 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A)(iii).

(4) *Obligatory disbursement agreement.* For purposes of this subsection—

(A) *Definition.* The term "obligatory disbursement agreement" means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) *Limitation on qualified property.* The term "qualified property", when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by section 6321 at the time of tax lien filing and (to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)) property acquired by the taxpayer after tax lien filing.

(C) *Special rules for surety agreements.* Where the obligatory disbursement agreement is an agreement insuring the performance of a contract between the taxpayer and another person—

(i) The term "qualified property" shall be treated as also including the proceeds of the contract the performance of which was insured, and

(ii) If the contract the performance of which was insured was a contract to construct or improve real property, to produce goods, or to furnish services, the term "qualified property" shall be treated as also including any tangible personal property used by the taxpayer in the performance of such insured contract.

(d) *45-day period for making disbursements.* Even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

(1) Is in property (A) subject, at the time of tax lien filing, to the lien imposed by section 6321, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) *Priority of interest and expenses.* If the lien imposed by section 6321 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

(1) Any interest or carrying charges upon the obligation secured,

(2) The reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) The reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) The reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) The reasonable costs of insuring payment of the obligation secured, and

(6) Amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by section 6321,

to the extent that, under local law, any such item has the same priority as the lien or security interest to which it relates.

(f) *Place for filing notice; form*—(1) *Place for filing.* The notice referred to in subsection (a) shall be filed—

(A) *Under State laws*—(i) *Real property.* In the case of real property, in one office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated; and

(ii) *Personal property.* In the case of personal property, whether tangible or intangible, in one office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated; or

(B) *With clerk of district court.* In the office of the clerk of the U.S. district court for the judicial district in which the property subject to the lien is situated, whenever the State has not by law designated one office which meets the requirements of subparagraph (A); or

(C) *With recorder of deeds of the District of Columbia.* In the office of the Recorder of Deeds of the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

(2) *Situs of property subject to lien.* For purposes of paragraph (1), property shall be deemed to be situated—

(A) *Real property.* In the case of real property, at its physical location; or

(B) *Personal property.* In the case of personal property, whether tangible or intangible, at the residence of the taxpayer at the time the notice of lien is filed.

For purposes of paragraph (2)(B), the residence of a corporation or partnership shall be deemed to be the place at which the principal executive office of the business is located, and the residence of a taxpayer whose residence is without the United States shall be deemed to be in the District of Columbia.

(3) *Form.* The form and content of the notice referred to in subsection (a) shall be prescribed by the Secretary or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

(g) *Refiling of notice.* For purposes of this section—

(1) *General rule.* Unless notice of lien is refiled in the manner prescribed in paragraph (2) during the required refiling period, such notice of lien shall be treated as filed on the date on which it is filed (in accordance with subsection (f)) after the expiration of such refiling period.

(2) *Place for filing.* A notice of lien refiled during the required refiling period shall be effective only—

(A) If such notice of lien is refiled in the office in which the prior notice of lien was filed; and

(B) In any case in which, 90 days or more prior to the date of a refiling of notice of lien under subparagraph (A), the Secretary or his delegate received written information (in the manner prescribed in regulations issued by the Secretary or his delegate) concerning a change in the taxpayer's residence, if a notice of such lien is also filed in accordance with subsection (f) in the State in which such residence is located.

(3) *Required refiling period.* In the case of any notice of lien, the term "required refiling period" means—

(A) The 1-year period ending 30 days after the expiration of 6 years after the date of the assessment of the tax, and

(B) The 1-year period ending with the expiration of 6 years after the close of the preceding required refiling period for such notice of lien.

(4) *Transitional rule.* Notwithstanding paragraph (3), if the assessment of the tax was made before January 1, 1962, the first required refiling period shall be the calendar year 1967.

(h) *Definitions.* For purposes of this section and section 6324—

(1) *Security interest.* The term "security interest" means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected under local law against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money's worth.

(2) *Mechanic's lienor.* The term "mechanic's lienor" means any person who under local law has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid under local law against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) *Motor vehicle.* The term "motor vehicle" means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) *Security.* The term "security" means any bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) *Tax lien filing.* The term "tax lien filing" means the filing of notice (referred to in subsection (a)) of the lien imposed by section 6321.

(6) *Purchaser.* The term "purchaser" means a person who, for adequate and full consideration in money or money's worth, acquires an interest (other than a lien or security interest) in property which is valid under local law against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section, and for purposes of section 6324—

(A) A lease of property,

(B) A written executory contract to purchase or lease property,

(C) An option to purchase or lease property or any interest therein, or

(D) An option to renew or extend a lease of property,

which is not a lien or security interest shall be treated as an interest in property.

(i) *Special rules*—(1) *Actual notice or knowledge.* For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event from the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) *Subrogation.* Where, under local law, one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by section 6321 or 6324.

(3) *Disclosure of amount of outstanding lien.* If a notice of lien has been filed pursuant to subsection (f), the Secretary or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

[Sec. 6323 as amended by sec. 236 (a) and (c)(1), Rev. Act 1964 (78 Stat. 127); sec. 17(a), Act of July 5, 1966 (Public Law 89-493, 80 Stat. 263); sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

PAR. 3. Section 20.6323–1 is amended to read as follows:

§ 20.6323–1 Validity and priority against certain persons.

For regulations concerning the validity of the lien imposed by section 6321 against certain persons, see §§ 301.6323(a)–1 through 301.6323(i)–1 of this chapter (Regulations on Procedure and Administration).

PAR. 4. Section 20.6325 is amended by revising subsections (a) through (e), by adding subsections (f) through (h), and by revising the historical note. These revised and added provisions read as follows:

§ 20.6325 Statutory provisions; release of lien or discharge of property.

Sec. 6325. *Release of lien or discharge of property*—(a) *Release of lien.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of release of any lien imposed with respect to any internal revenue tax if—

(1) *Liability satisfied or unenforceable.* The Secretary or his delegate finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied or has become legally unenforceable; or

(2) *Bond accepted.* There is furnished to the Secretary or his delegate and accepted by him a bond that is conditioned upon the payment of the amount assessed, together with all interest in respect thereof, within the time prescribed by law (including any extension of such time), and that is in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified by such regulations.

(b) *Discharge of property*—(1) *Property double the amount of the liability.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to any lien imposed under this chapter if the Secretary or his delegate finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the unsatisfied liability secured by such lien and the amount of all other liens upon such property which have priority over such lien.

(2) *Part payment; interest of United States valueless.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if—

(A) There is paid over to the Secretary or his delegate in partial satisfaction of the liability secured by the lien an amount determined by the Secretary or his delegate, which shall not be less than the value, as determined by the Secretary or his delegate, of the interest of the United States in the part to be so discharged, or

(B) The Secretary or his delegate determines at any time that the interest of the United States in the part to be so discharged has no value.

In determining the value of the interest of the United States in the part to be so discharged, the Secretary or his delegate shall give consideration to the value of such part and to such liens thereon as have priority over the lien of the United States.

(3) *Substitution of proceeds of sale.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if such part of the property is sold and, pursuant to an agreement with the Secretary or his delegate, the proceeds of such sale are to be held, as a fund subject to the liens and claims of the United States, in the same manner and with the same priority as such liens and claims had with respect to the discharged property.

(c) *Estate or gift tax.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any or all of the property subject to any lien imposed by section 6324 if the Secretary or his delegate finds that the liability secured by such lien has been fully satisfied or provided for.

(d) *Subordination of lien.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of subordination of any lien imposed by this chapter upon any part of the property subject to such lien if—

(1) There is paid over to the Secretary or his delegate an amount equal to the amount of the lien or interest to which the certificate subordinates the lien of the United States, or

(2) The Secretary or his delegate believes that the amount realizable by the United States from the property to which the certificate relates, or from any other property subject to the lien, will ultimately be increased by reason of the issuance of such certificate and that the ultimate collection of the tax liability will be facilitated by such subordination.

(e) *Nonattachment of lien.* If the Secretary or his delegate determines that, because of confusion of names or otherwise, any person (other than the person against whom the tax was assessed) is or may be injured by the appearance that a notice of lien filed under section 6323 refers to such person, the Secretary or his delegate may issue a certificate that the lien does not attach to the property of such person.

(f) *Effect of certificate*—(1) *Conclusiveness.* Except as provided in paragraphs (2) and (3), if a certificate is issued pursuant to this section by the Secretary or his delegate and is filed in the same office as the notice of lien to which it relates (if such notice of lien has been filed) such certificate shall have the following effect:

(A) In the case of a certificate of release, such certificate shall be conclusive that the lien referred to in such certificate is extinguished;

(B) In the case of a certificate of discharge, such certificate shall be conclusive that the property covered by such certificate is discharged from the lien;

(C) In the case of a certificate of subordination, such certificate shall be conclusive that the lien or interest to which the lien of the United States is subordinated is superior to the lien of the United States; and

(D) In the case of a certificate of nonattachment, such certificate shall be conclusive that the lien of the United States does not attach to the property of the person referred to in such certificate.

(2) *Revocation of certificate of release or nonattachment.* If the Secretary or his delegate determines that a certificate of release or nonattachment of a lien imposed by section 6321 was issued erroneously or improvidently, or if a certificate of release of such lien was issued pursuant to a collateral agreement entered into in connection with a compromise under section 7122 which has been breached, and if the period of limitation on collection after assessment has not expired, the Secretary or his delegate may revoke such certificate and reinstate the lien—

(A) By mailing notice of such revocation to the person against whom the tax was assessed at his last known address, and

(B) By filing notice of such revocation in the same office in which the notice of lien to which it relates was filed (if such notice of lien had been filed).

Such reinstated lien (1) shall be effective on the date notice of revocation is mailed to the taxpayer in accordance with the provisions of subparagraph (A), but not earlier than the date on which any required filing of notice of revocation is filed in accordance with the provisions of subparagraph (B), and (ii) shall have the same force and effect (as of such date), until the expiration of the period of limitation on collection after assessment, as a lien imposed by section 6321 (relating to lien for taxes).

(3) *Certificates void under certain conditions.* Notwithstanding any other provision of this subtitle, any lien imposed by this chapter shall attach to any property with respect to which a certificate of discharge has been issued if the person liable for the tax reacquires such property after such certificate has been issued.

(g) *Filing of certificates and notices.* If a certificate or notice issued pursuant to this section may not be filed in the office designated by State law in which the notice of lien imposed by section 6321 is filed, such certificate or notice shall be effective if filed in the office of the clerk of the United States district court for the judicial district in which such office is situated.

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(h) *Cross reference.* For provisions relating to bonds, see chapter 73 (sec. 7101 and following).

[Sec. 6325 as amended by sec. 77, Technical Amendments Act 1958 (72 Stat. 1662); sec. 103, Federal Tax Lien Act 1966 (80 Stat. 1133)]

C. Part 25, Gift Tax Regulations, of 26 CFR Chapter I is amended as follows:

PAR. 5. Section 25.6323 is amended by revising subsections (a) through (e), by adding subsections (f) through (i), and by revising the historical note. These revised and amended provisions read as follows:

§ 25.6323 Statutory provisions; validity and priority against certain persons.

SEC. 6323. *Validity and priority against certain persons*—(a) *Purchases, holders of security interests, mechanic's lienors, and judgment lien creditors.* The lien imposed by section 6321 shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Secretary or his delegate.

(b) *Protection for certain interests even though notice filed.* Even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid—

(1) *Securities.* With respect to a security (as defined in subsection (h)(4))—

(A) As against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) As against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) *Motor vehicles.* With respect to a motor vehicle (as defined in subsection (h)(3)), as against a purchaser of such motor vehicle, if—

(A) At the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) Before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) *Personal property purchased at retail.* With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) *Personal property purchased in casual sale.* With respect to household goods, personal effects, or other tangible personal property described in section 6334(a) purchased (not for resale) in a casual sale for less than $250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) *Personal property subject to possessory lien.* With respect to tangible personal property subject to a lien under local law securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) *Real property tax and special assessment liens.* With respect to real property, as against a holder of a lien upon such property, if such lien is entitled under local law to priority over security interests in such property which are prior in time, and such lien secures payment of—

(A) A tax of general application levied by any taxing authority based upon the value of such property;

(B) A special assessment imposed directly upon such property by any taxing authority, if such assessment is imposed for the purpose of defraying the cost of any public improvement; or

(C) Charges for utilities or public services furnished to such property by the United States, a State or political subdivision thereof, or an instrumentality of any one or more of the foregoing.

(7) *Residential property subject to a mechanic's lien for certain repairs and improvements.* With respect to real property subject to a lien for repair or improvement of a personal residence (containing not more than four dwelling units) occupied by the owner of such residence, as against a mechanic's lienor, but only if the contract price on the contract with the owner is not more than $1,000.

(8) *Attorneys' liens.* With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who, under local law, holds a lien upon or a contract enforcible against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement, except that this paragraph shall not apply to any judgment or amount in settlement of a claim or of a cause of action against the United States to the extent that the United States offsets such judgment or amount against any liability of the taxpayer to the United States.

(9) *Certain insurance contracts.* With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

(A) Before such organization had actual notice or knowledge of the existence of such lien;

(B) After such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge; or

(C) After satisfaction of a levy pursuant to section 6332(b), unless and until the Secretary or his delegate delivers to such organization a notice, executed after the date of such satisfaction, of the existence of such lien.

(10) *Passbook loans.* With respect to a savings deposit, share, or other account, evidenced by a passbook, with an institution described in section 581 or 591, to the extent of any loan made by such institution without actual notice or knowledge of the existence of such lien, as against such institution, if such loan is secured by such account and if such institution has been continuously in possession of such passbook from the time the loan is made.

(c) *Protection for certain commercial transactions financing agreements, etc.*—(1) *In general.* To the extent provided in this subsection, even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

(A) Is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

(i) A commercial transactions financing agreement,

(ii) A real property construction or improvement financing agreement, or

(iii) An obligatory disbursement agreement, and

(B) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) *Commercial transactions financing agreement.* For purposes of this subsection—

(A) *Definition.* The term "commercial transactions financing agreement" means an agreement (entered into by a person in the course of his trade or business)—

(i) To make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) To purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) *Limitation on qualified property.* The term "qualified property," when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) *Commercial financing security defined.* The term "commercial financing security" means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) *Purchaser treated as acquiring security interest.* A person who satisfies subparagraph (A) by reason or clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) *Real property construction or improvement financing agreement.* For purposes of this subsection—

(A) *Definition.* The term "real property construction or improvement financing agreement" means an agreement to make cash disbursements to finance—

(i) The construction or improvement of real property,

(ii) A contract to construct or improve real property, or

(iii) The raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) *Limitation on qualified property.* The term "qualified property," when used with respect to a real property construction or improvement financing agreement, includes only—

(i) In the case of subparagraph (A)(i), the real property with respect to which the construction or improvement has been or is to be made,

(ii) In the case of subparagraph (A)(ii), the proceeds of the contract described therein, and

(iii) In the case of subparagraph (A)(iii), property subject to the lien imposed by section 6321 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A)(iii).

(4) *Obligatory disbursement agreement.* For purposes of this subsection—

(A) *Definition.* The term "obligatory disbursement agreement" means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made

by reason of the intervention of the rights of a person other than the taxpayer.

(B) *Limitation on qualified property.* The term "qualified property," when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by section 6321 at the time of tax lien filing and (to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)) property acquired by the taxpayer after tax lien filing.

(C) *Special rules for surety agreements.* Where the obligatory disbursement agreement is an agreement insuring the performance of a contract between the taxpayer and another person—

(i) The term "qualified property" shall be treated as also including the proceeds of the contract the performance of which was insured, and

(ii) If the contract the performance of which was insured was a contract to construct or improve real property, to produce goods, or to furnish services, the term "qualified property" shall be treated as also including any tangible personal property used by the taxpayer in the performance of such insured contract.

(d) *Forty-five-day period for making disbursements.* Even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

(1) Is in property (A) subject, at the time of tax lien filing, to the lien imposed by section 6321, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) *Priority of interest and expenses.* If the lien imposed by section 6321 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

(1) Any interest or carrying charges upon the obligation secured,

(2) The reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) The reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) The reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) The reasonable costs of insuring payment of the obligations secured, and

(6) Amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by section 6321,

to the extent that, under local law, any such item has the same priority as the lien or security interest to which it relates.

(f) *Place for filing notice; form*—(1) *Place for filing.* The notice referred to in subsection (a) shall be filed—

(A) *Under State laws*—(i) *Real property.* In the case of real property, in one office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated; and

(ii) *Personal property.* In the case of personal property, whether tangible or intangible, in one office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated; or

(B) *With clerk of district court.* In the office of the clerk of the U.S. district court for the judicial district in which the property subject to the lien is situated, whenever the State has not by law designated one office which meets the requirements of subparagraph (A); or

(C) *With recorder of deeds of the District Columbia.* In the office of the Recorder of Deeds of the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

(2) *Situs of property subject to lien.* For purposes of paragraph (1), property shall be deemed to be situated—

(A) *Real property.* In the case of real property, at its physical location; or

(B) *Personal property.* In the case of personal property, whether tangible or intangible, at the residence of the taxpayer at the time the notice of lien is filed.

For purposes of paragraph (2)(B), the residence of a corporation or partnership shall be deemed to be the place at which the principal executive office of the business is located, and the residence of a taxpayer whose residence is without the United States shall be deemed to be in the District of Columbia.

(3) *Form.* The form and content of the notice referred to in subsection (a) shall be prescribed by the Secretary or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

(g) *Refiling of notice.* For purposes of this section—

(1) *General rule.* Unless notice of lien is refiled in the manner prescribed in paragraph (2) during the required refiling period, such notice of lien shall be treated as filed on the date on which it is filed (in accordance with subsection (f)) after the expiration of such refiling period.

(2) *Place for filing.* A notice of lien refiled during the required refiling period shall be effective only—

(A) If such notice of lien is refiled in the office in which the prior notice of lien was filed; and

(B) In any case in which, 90 days or more prior to the date of a refiling of notice of lien under subparagraph (A), the Secretary or his delegate received written information (in the manner prescribed in regulations issued by the Secretary or his delegate) concerning a change in the taxpayer's residence, if a notice of such lien is also filed in accordance with subsection (f) in the State in which such residence is located.

(3) *Required refiling period.* In the case of any notice of lien, the term "required refiling period" means—

(A) The 1-year period ending 30 days after the expiration of 6 years after the date of the assessment of the tax, and

(B) The 1-year period ending with the expiration of 6 years after the close of the preceding required refiling period for such notice of lien.

(4) *Transitional rule.* Notwithstanding paragraph (3), if the assessment of the tax was made before January 1, 1962, the first required refiling period shall be the calendar year 1967.

(h) *Definitions.* For purposes of this section and section 6324—

(1) *Security interest.* The term "security interest" means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected under local law against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money's worth.

(2) *Mechanic's lienor.* The term "mechanic's lienor" means any person who under local law has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid under local law against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) *Motor vehicle.* The term "motor vehicle" means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) *Security.* The term "security" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) *Tax lien filing.* The term "tax lien filing" means the filing of notice (referred to in subsection (a)) of the lien imposed by section 6321.

(6) *Purchaser.* The term "purchaser" means a person who, for adequate and full consideration in money or money's worth, acquires an interest (other than a lien or security interest) in property which is valid under local law against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section, and for purposes of section 6324—

(A) A lease of property,

(B) A written executory contract to purchase or lease property,

(C) An option to purchase or lease property or any interest therein, or

(D) An option to renew or extend a lease of property,

which is not a lien or security interest shall be treated as an interest in property.

(i) *Special rules*—(1) *Actual notice or knowledge.* For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event from the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) *Subrogation.* Where, under local law, one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by section 6321 or 6324.

(3) *Disclosure of amount of outstanding lien.* If a notice of lien has been filed pursuant to subsection (f), the Secretary or his delegate is authorized to provide by regula-

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tions the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

[Sec. 6323 as amended by sec. 236 (a) and (c)(1), Rev. Act 1964 (78 Stat. 127); sec. 17(a), Act of July 5, 1966 (Public Law 89-493, 80 Stat. 263); sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

PAR. 6. Section 25.6323-1 is amended to read as follows:

§ 25.6323-1 Validity and priority against certain persons.

For regulations concerning the validity of the lien imposed by section 6321 against certain persons, see §§ 301.6323(a)-1 through 301.6323(i)-1 of this chapter (Regulations on Procedure and Administration).

D. Part 301, Regulations on Procedure and Administration, of 26 CFR Chapter I is amended as follows:

PAR 7. Sections 301.6323 and 301.6323-1 are deleted, and immediately following § 301.6322, there are added the following new sections:

§ 301.6323(a) Statutory provisions: validity and priority against certain persons; purchasers, holders of security interests, mechanic's lienors, judgment lien creditors.

SEC. 6323. *Validity and priority against certain persons*—(a) *Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors.* The lien imposed by section 6321 shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Secretary or his delegate.

[Sec. 6323(a) as amended by sec. 236(c)(1), Rev. Act 1964 (78 Stat. 127); sec. 17(a), Act of July 5, 1966 (Public Law 89-493, 80 Stat. 263); sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

§ 301.6323(a)-1 Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors.

(a) *Invalidity of lien without notice.* The lien imposed by section 6321 is not valid against any purchaser (as defined in paragraph (f) of § 301.6323(h)-1), holder of a security interest (as defined in paragraph (a) of § 301.6323(h)-1), mechanic's lienor (as defined in paragraph (b) of § 301.6323(h)-1), or judgment lien creditor (as defined in paragraph (g) of § 301.6323(h)-1) until a notice of lien is filed in accordance with § 301.6323(f)-1. Except as provided by section 6323, if a person becomes a purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor after a notice of lien is filed in accordance with § 301.6323(f)-1, the interest acquired by such person is subject to the lien imposed by section 6321.

(b) *Cross references.* For provisions relating to the protection afforded a security interest arising after tax lien filing, which interest is covered by a commercial transactions financing agreement, real property construction or improvement financing agreement, or an obligatory disbursement agreement, see §§ 301.6323(c)-1, 301.6323(c)-2, and 301.6323(c)-3, respectively. For provisions relating to the protection afforded to a security interest coming into existence by virtue of disbursements made before the 46th day after the date of tax lien filing, see § 301.6323(d)-1. For provisions relating to priority afforded to interest and certain other expenses with respect to a lien or security interest having priority over the lien imposed by section 6321, see § 301.6323(e)-1. For provisions relating to certain other security interests arising after tax lien filing, see § 301.6323(b)-1.

§ 301.6323(b) Statutory provisions; validity and priority against certain persons; protection for certain interests even though notice filed.

SEC. 6323. *Validity and priority against certain persons.* * * *

(b) *Protection for certain interests even though notice filed.* Even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid—

(1) *Securities.* With respect to a security (as defined in subsection (h)(4))—

(A) As against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) As against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) *Motor vehicles.* With respect to a motor vehicle (as defined in subsection (h)(3)), as against a purchaser of such motor vehicle, if—

(A) At the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) Before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) *Personal property purchased at retail.* With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) *Personal property purchased in casual sale.* With respect to household goods, personal effects, or other tangible personal property described in section 6334(a) purchased (not for resale) in a casual sale for less than $250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) *Personal property subject to possessory lien.* With respect to tangible personal property subject to a lien under local law securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) *Real property tax and special assessment liens.* With respect to real property, as against a holder of a lien upon such property, if such lien is entitled under local law to priority over security interests in such property which are prior in time, and such lien secures payment of—

(A) A tax of general application levied by any taxing authority based upon the value of such property;

(B) A special assessment imposed directly upon such property by any taxing authority, if such assessment is imposed for the purpose of defraying the cost of any public improvement; or

(C) Charges for utilities or public services furnished to such property by the United States, a State or political subdivision thereof, or an instrumentality of any one or more of the foregoing.

(7) *Residential property subject to a mechanic's lien for certain repairs and improvements.* With respect to real property subject to a lien for repair or improvement of a personal residence (containing not more than four dwelling units) occupied by the owner of such residence, as against a mechanic's lienor, but only if the contract price on the contract with the owner is not more than $1,000.

(8) *Attorneys' liens.* With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who, under local law, holds a lien upon or a contract enforcible against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement, except that this paragraph shall not apply to any judgment or amount in settlement of a claim or of a cause of action against the United States to the extent that the United States offsets such judgment or amount against any liability of the taxpayer to the United States.

(9) *Certain insurance contracts.* With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

(A) Before such organization had actual notice or knowledge of the existence of such lien;

(B) After such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge; or

(C) After satisfaction of a levy pursuant to section 6332(b), unless and until the Secretary or his delegate delivers to such organization a notice, executed after the date of such satisfaction, of the existence of such lien.

(10) *Passbook loans.* With respect to a savings deposit, share, or other account, evidenced by a passbook, with an institution described in section 581 or 591, to the extent of any loan made by such institution without actual notice or knowledge of the existence of such lien, as against such institution, if such loan is secured by such account and if such institution has been continuously in possession of such passbook from the time the loan is made.

[Sec. 6323(b) as amended by sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

§ 301.6323(b)-1 Protection for certain interests even though notice filed.

(a) *Securities*—(1) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)-1, the lien is not valid with respect to a security (as defined in paragraph (d) of § 301.6323(h)-1) against—

(i) A purchaser (as defined in paragraph (f) of § 301.6323(h)-1) of the security who at the time of purchase did not have actual notice or knowledge (as defined in paragraph (a) of § 301.6323(i)-1) of the existence of the lien;

(ii) A holder of a security interest (as defined in paragraph (a) of § 301.6323(h)-1) in the security who did not have actual notice or knowledge (as defined in paragraph (a) of § 301.6323(i)-1) of the existence of the lien at the time the security interest came into existence or at the time such security interest was acquired from a previous holder for a consideration in money or money's worth; or

(iii) A transferee of an interest protected under subdivision (i) or (ii) of this subparagraph to the same extent the lien is invalid against his transferor.

For purposes of subdivision (iii) of this subparagraph, no person can improve his position with respect to the lien by reacquiring the interest from an intervening purchaser or holder of a security interest against whom the lien is invalid.

(2) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). On May 1, 1969, in accordance with § 301.6323(f)-1, a notice of lien is filed with respect to A's delinquent tax liability. On May 20, 1969, A sells 100 shares of common stock in X corporation to B, who, on the date of the sale, does not have actual notice or knowledge of the existence of the lien. Because B purchased the stock without actual notice or knowledge of the lien, under subdivision (i) of subparagraph (1) of this paragraph, the stock purchased by B is not subject to the lien.

Example (2). Assume the same facts as in example (1) except that on May 30, 1969, B sells the 100 shares of common stock in X corporation to C who on May 5, 1969, had actual notice of the existence of the tax lien against A. Because the X stock when purchased by B was not subject to the lien, under subdivision (iii) of subparagraph (1) of this paragraph, the stock purchased by C is not subject to the lien. C succeeds to B's rights, even though C had actual notice of the lien before B's purchase.

Example (3). On June 1, 1970, in accordance with § 301.6323(f)-1, a notice of lien is filed with respect to D's delinquent tax liability. D owns 20 $1,000 bonds issued by the Y company. On June 10, 1970, D obtains a loan from M bank for $5,000 using the Y company bonds as collateral. At the time the loan is made M bank does not have actual notice or knowledge of the existence of the tax lien. Because M bank did not have actual notice or knowledge of the lien when the security interest came into existence, under subdivision (ii) of subparagraph (1) of this paragraph, the tax lien is not valid against M bank to the extent of its security interest.

Example (4). Assume the same facts as in example (3) except that on June 19, 1970, M bank assigns the chose in action and its security interest to N, who had actual notice or knowledge of the existence of the lien on June 1, 1970. Because the security interest was not subject to the lien to the extent of M bank's security interest, the security interest held by N is to the same extent entitled to priority over the tax lien because N succeeds to M bank's rights. See subdivision (iii) of subparagraph (1) of this paragraph.

Example (5). On July 1, 1970, in accordance with § 301.6323(f)-1, a notice of lien is filed with respect to E's delinquent tax liability. E owns 100 $1,000 bonds issued by the Y company. On July 5, 1970, E borrows $4,000 from F and delivers the bonds to F as collateral for the loan. At the time the loan is made, F has actual knowledge of the existence of the tax lien and, therefore, holds the security interest subject to the lien on the bonds. On July 10, 1970, F sells the security interest to G for $4,000 and delivers the Y company bonds pledged as collateral. G does not have actual notice or knowledge of the existence of the lien on July 10, 1970. Because G did not have actual notice or knowledge of the lien at the time he purchased the security interest, under subdivision (ii) of subparagraph (1) of this paragraph, the tax lien is not valid against G to the extent of his security interest.

Example (6). Assume the same facts as in example (5) except that, instead of purchasing the security interest from F on July 10, 1970, G lends $4,000 to F and takes a security interest in F's security interest in the bonds on that date. Because G became the holder of a security interest in a security interest after notice of lien was filed and does not directly have a security interest in a security, the security interest held by G is not entitled to a priority over the tax lien under the provisions of subparagraph (1) of this paragraph.

(b) *Motor vehicles*—(1) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)-1, the lien is not valid against a purchaser (as defined in paragraph (f) of § 301.6323(h)-1) of a motor vehicle (as defined in paragraph (c) of § 301.6323(h)-1) if—

(i) At the time of the purchase, the purchaser did not have actual notice or knowledge (as defined in paragraph (a) of § 301.6323(i)-1) of the existence of the lien, and

(ii) Before the purchaser obtains such notice or knowledge, he has acquired actual possession of the motor vehicle and has not thereafter relinquished actual possession to the seller or his agent.

(2) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). A, a delinquent taxpayer against whom a notice of tax lien has been filed in accordance with § 301.6323(f)-1, sells his automobile (which qualifies as a motor vehicle under paragraph (c) of § 301.6323(h)-1) to B, an automobile dealer. B takes actual possession of the automobile and does not thereafter relinquish actual possession to the seller or his agent. Subsequent to his purchase, B learns of the existence of the tax lien against A. Even though notice of lien was filed before the purchase, the lien is not valid against B, because B did not know of the existence of the lien before the purchase and before acquiring actual possession of the vehicle.

Example (2). C is a wholesaler of used automobiles. A notice of lien has been filed with respect to C's delinquent tax liability in accordance with § 301.6323(f)-1. Subsequent to such filing, D, a used automobile dealer, purchases and takes actual possession of 20 automobiles (which qualify as motor vehicles under the provisions of paragraph (c) of § 301.6323(h)-1) from C at an auction and places them on his lot for sale. C does not reacquire possession of any of the automobiles. At the time of his purchase, D does not have actual notice or knowledge of the existence of the lien against C. Even though notice of lien was filed before D's purchase, the lien was not valid against D because D did not know of the existence of the lien before the purchase and before acquiring actual possession of the vehicles.

(3) *Cross reference.* For provisions relating to additional circumstances in which the lien imposed by section 6321 may not be valid against the purchaser of tangible personal property (including a motor vehicle) purchased at retail, see paragraph (c) of this section.

(c) *Personal property purchased at retail*—(1) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)-1, the lien is not valid against a purchaser (as defined in paragraph (f) of § 301.6323(h)-1 of tangible personal property purchased at a retail sale (as defined in subparagraph (2) of this paragraph) unless at the time of purchase the purchaser intends the purchase to (or knows that the purchase will) hinder, evade, or defeat the collection of any tax imposed by the Internal Revenue Code of 1954.

(2) *Definition of retail sale.* For purposes of this paragraph, the term "retail sale" means a sale, made in the ordinary course of the seller's trade or business, of tangible personal property of which the seller is the owner. Such term includes a sale in customary retail quantities by a seller who is going out of business, but does not include a bulk sale or an auction sale in which goods are offered in quantities substantially greater than are customary in the ordinary course of the seller's trade or business or an auction sale of goods the owner of which is not in the business of selling such goods.

(3) *Example.* The application of this paragraph may be illustrated by the following example:

Example. A purchases a refrigerator from the M company, a retail appliance dealer. Prior to such purchase, a notice of lien was filed with respect to M's delinquent tax liability in accordance with § 301.6323(f)-1. At the time of the purchase A knows of the existence of the lien. However, A does not intend the purchase to hinder, evade, or defeat the collection of any Internal Revenue tax, and A does not have any reason to believe that the purchase will affect the collection of any Internal Revenue tax. Even though notice of lien was filed before the purchase, the lien is not valid against A because A in good faith purchased the refrigerator at retail in the ordinary course of the M company's business.

(d) *Personal property purchased in casual sale*—(1) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)-1, the lien is not valid against a purchaser (as defined in § 301.6323(h)-1(f)) of household goods, personal effects, or other tangible personal property of a type described in § 301.6334-1 (which includes wearing apparel; school books; fuel, provisions, furniture, arms for personal use; livestock, and poultry (whether or not the seller is the head of a family); and books and tools of a trade, business, or profession (whether or not the trade, business, or profession of the seller)), purchased, other than for resale, in a casual sale for less than $250 (excluding interest and expenses described in § 301.6323(e)-1). For purposes of this paragraph, a casual sale is a sale not made in the ordinary course of the seller's trade or business.

(2) *Limitation.* This paragraph applies only if the purchaser does not have actual notice or knowledge (as defined in paragraph (a) of § 301.6323(i)-1)—

(i) Of the existence of the tax lien, or

(ii) That the sale is one of a series of sales.

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For purposes of subdivision (ii) of this subparagraph, a sale is one of a series of sales if the seller plans to dispose of, in separate transactions, substantially all of his household goods, personal effects, and other tangible personal property described in § 301.6334–1.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). A, an attorney's widow, sells a set of law books for $200 to B, for B's own use. Prior to the sale a notice of lien was filed with respect to A's delinquent tax liability in accordance with § 301.6323(f)–1. B has no actual notice or knowledge of the tax lien. In addition, B does not know that the sale is one of a series of sales. Because the sale is a casual sale for less than $250 and involves books of a profession (tangible personal property of a type described in § 301.6334–1, irrespective of the fact that A has never engaged in the legal profession), the tax lien is not valid against B even though a notice of lien was filed prior to the time of B's purchase.

Example (2). Assume the same facts as in example (1) except that B purchases the books for resale in his second-hand bookstore. Because B purchased the books for resale, he purchased the books subject to the lien.

Example (3). In an advertisement appearing in a local newspaper, E indicates that substantially all of his household property is for sale. In response to the advertisement, F purchases E's dining room furniture for $200. Prior to the sale a notice of lien was filed with respect to E's delinquent tax liability in accordance with § 301.6323(f)–1. Because such an advertisement contemplates a series of sales to dispose of substantially all of E's household articles, F has notice that the sale is one of a series of sales and, therefore, purchases the dining room furniture subject to the lien.

Example (4). In an advertisement appearing in a local newspaper, G indicates that he is offering for sale a lawn mower, a used television set, a desk, a refrigerator, and certain used dining room furniture. In response to the advertisement, H purchases the dining room furniture for $200. H does not receive any information which would impart notice of a lien, or that the sale is one of a series of sales, beyond the information contained in the advertisement. Prior to the sale a notice of lien was filed with respect to G's delinquent tax liability in accordance with § 301.6323(f)–1. Because H had no actual notice or knowledge that substantially all of G's household goods was being sold, or that the sale is one of a series of sales and because the sale is a casual sale for less than $250, H does not purchase the dining room furniture subject to the lien. The household goods are of a type described in § 301.6334–1 (a)(2) irrespective of whether G is the head of a family or whether all such household goods offered for sale exceed $500 in value.

(e) *Personal property subject to possessory liens.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid against a holder of a lien on tangible personal property which under local law secures the reasonable price of the repair or improvement of the property if the property is, and has been, continuously in the possession of the holder of the lien from the time the possessory lien arose. For example, if local law gives an automobile repairman the right to retain possession of an automobile he has repaired as security for payment of the repair bill and the repairman retains continuous possession of the automobile until his lien is satisfied, a tax lien filed in accordance with § 301.6323(f)(1) which has attached to the automobile will not be valid to the extent of the reasonable price of the repairs. It is immaterial that the notice of tax lien was filed before the repairman undertook his work or that he knew of the lien before undertaking the work.

(f) *Real property tax and special assessment liens*—(1) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid against the holder of another lien upon the real property (regardless of when such other lien arises), if such other lien is entitled under local law to priority over security interests in real property which are prior in time and if such other lien on real property secures payment of—

(i) A tax of general application levied by any taxing authority based upon the value of the property;

(ii) A special assessment imposed directly upon the property by any taxing authority, if the assessment is imposed for the purpose of defraying the cost of any public improvement; or

(iii) Charges for utilities or public services furnished to the property by the United States, a State or political subdivision thereof, or an instrumentality of any one or more of the foregoing.

(2) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). A owns Blackacre in the city of M. A notice of lien affecting Blackacre is filed in accordance with § 301.6323(f)–1. Subsequent to the filing of the notice of lien, the city of M acquires a lien against Blackacre to secure payment of real estate taxes. Such taxes are levied against all property in the city in proportion to the value of the property. Under local law, the holder of a lien for real property taxes is entitled to priority over a security interest in real property even though the security interest is prior in time. Because the real property tax lien held by the city of M secures payment of a tax of general application and is entitled to priority over security interests which are prior in time, the lien held by the city of M is entitled to priority over the Federal tax lien with respect to Blackacre.

Example (2). B owns Whiteacre in N county. A notice of lien affecting Whiteacre is filed in accordance with § 301.6323(f)–1. Subsequent to the filing of the notice of lien, N county constructs a sidewalk, paves the street, and installs water and sewer lines adjacent to Whiteacre. In order to defray the cost of these improvements, N county imposes upon Whiteacre a special assessment which under local law results in a lien upon Whiteacre that is entitled to priority over security interests that are prior in time. Because the special assessment lien is (i) entitled under local law to priority over security interests which are prior in time, and (ii) imposed directly upon real property to defray the cost of a public improvement, the special assessment lien has priority over the Federal tax lien with respect to Whiteacre.

Example (3). C owns Greenacre in town O. A notice of lien affecting Greenacre is filed in accordance with § 301.6323(f)–1. Town O furnishes water and electricity to Greenacre and periodically collects a fee for these services. Subsequent to the filing of the notice of lien, town O supplies water and electricity to Greenacre, and C fails to pay the charges for these services. Under local law, town O acquires a lien to secure charges for the services, and this lien has priority over security interests which are prior in time. Because the lien of town O (i) is for services furnished to the real property and (ii) has priority over earlier security interests, town O's lien has priority over the Federal tax lien with respect to Greenacre.

(g) *Residential property subject to a mechanic's lien for certain repairs and improvements*—(1) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid against a mechanic's lienor (as defined in § 301.6323(h)–1(b)) who holds a lien for the repair or improvement of a personal residence if—

(i) The residence is occupied by the owner and contains no more than four dwelling units, and

(ii) The contract price on the prime contract with the owner for the repair or improvement (excluding interest and expenses described in § 301.6323(e)–1) is not more than $1,000.

For purposes of subdivision (ii) of this subparagraph, the amounts of subcontracts under the prime contract with the owner are not to be taken into consideration for purposes of computing the $1,000 prime contract price. It is immaterial that the notice of tax lien was filed before the contractor undertakes his work or that he knew of the lien before undertaking the work.

(2) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). A owns a building containing four apartments, one of which he occupies as his personal residence. A notice of lien which affects the building is filed in accordance with § 301.6323(f)–1. Thereafter A enters into a contract with B in the amount of $800, which includes labor and materials, to repair the roof of the building. B purchases roofing shingles from C for $300. B completes the work and A fails to pay B for the agreed amount. In turn, B fails to pay C for the shingles. Under local law, B and C acquire mechanic's liens on A's building. Because the contract price on the prime contract with A is not more than $1,000 and under local law B and C acquire mechanic's liens on A's building, the liens of B and C have priority over the Federal tax lien.

Example (2). Assume the same facts as in example (1), except that the amount of the prime contract between A and B is $1,100. Because the amount of the prime contract with the owner, A, is in excess of $1,000, the tax lien has priority over the entire amount of each of the mechanic's liens of B and C, even though the amount of the contract between B and C is $300.

Example (3). Assume the same facts as in example (1), except that A and B do not agree in advance upon the amount due under the prime contract but agree that B will perform the work for the cost of materials and labor plus 10 percent of such cost. When the work is completed, it is determined that the total amount due is $850. Because the prime contract price is not more than $1,000 and under local law B and C acquire mechanic's liens on A's residence, the liens of B and C have priority over the Federal tax lien.

(h) *Attorneys' liens*—(1) *In general.* Even though notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid against an attorney who, under local law, holds a lien upon, or a contract enforceable against, a judgment or other amount in settlement of a claim or of a cause of action. The priority afforded an attorney's lien under this paragraph shall not exceed the amount of the attorney's reasonable compensation for obtaining the judgment or procuring the settlement. For purposes of this paragraph, reasonable compensation means the amount customarily allowed under local law for an attorney's services for litigating or settling a similar case or administrative claim. However, reasonable compensation shall be determined on the basis of the facts and circumstances of each individual case. It is immaterial that the notice of tax lien is filed before the attorney undertakes his work or that the attorney knows of the tax lien before undertaking his work. This paragraph does not apply to an attorney's lien which may arise from the defense of a claim or cause of action against a taxpayer except to the extent such lien is held upon a judgment or other amount arising from the adjudication or settlement of a counterclaim in favor of the taxpayer. In the case of suits against the taxpayer, see § 301.6325–1(d)(2) for rules relating to the subordination of the tax lien to facilitate tax collection.

(2) *Claim or cause of action against the United States.* Paragraph (h)(1) of this section does not apply to an attorney's lien with respect to—

(i) Any judgment or other fund resulting from the successful litigation or settlement of an administrative claim or cause of action against the United States to the extent that the United States, under any legal or equitable right, offsets its liability under the judgment or settlement against any liability of the taxpayer to the United States, or

(ii) Any amount credited against any liability of the taxpayer in accordance with section 6402.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A notice of lien is filed against A in accordance with § 301.6323(f)–1. Subsequently, A is struck by an automobile and retains B, an attorney to institute suit on A's behalf against the operator of the automobile. B knows of the tax lien before he begins his work. Under local law, B is entitled to a lien upon any recovery in order to secure payment of his fee. A is awarded damages of $10,000. B charges a fee of $3,000 which is the fee customarily allowed under local law in similar cases and which is found to be reasonable under the circumstances of this particular case. Because, under local law, B holds a lien for the amount of his reasonable compensation for obtaining the judgment, B's lien has priority over the Federal tax lien.

Example (2). Assume the same facts as in example (1), except that before suit is instituted A and the owner of the automobile settle out of court for $7,500. B charges a reasonable and customary fee of $1,800 for procuring the settlement and under local law holds a lien upon the settlement in order to secure payment of the fee. Because, under local law, B holds a lien for the amount of his reasonable compensation for obtaining the settlement, B has priority over the Federal tax lien.

Example (3). In accordance with § 301.6323(f)–1, a notice of lien in the amount of $8,000 is filed against C, a contractor. Subsequently C retains D, an attorney, to initiate legal proceedings to recover the amount allegedly due him for construction work he has performed for the United States. C and D enter into an agreement which provides that D will receive a reasonable and customary fee of $2,500 as compensation for his services. Under local law, the agreement will give rise to a lien which is enforceable by D against any amount recovered in the suit. C is successful in the suit and is awarded $10,000. D claims $2,500 of the proceeds as his fee. The United States, however, exercises its right of set-off and applies $8,000 of the $10,000 award to satisfy C's tax liability. Because the $10,000 award resulted from the successful litigation of a cause of action against the United States, B's contract for attorney's fees is not enforceable against the amount recovered to the extent the United States offsets its liability under the judgment against C's tax liability. It is immaterial that D had no notice or knowledge of the tax lien at the time he began work on the case.

(i) *Certain insurance contracts*—(1) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid with respect to a life insurance, endowment, or annuity contract, against an organization which is the insurer under the contract, at any time—

(i) Before the insuring organization has actual notice or knowledge (as defined in paragraph (a) of § 301.6323(i)–1) of the existence of the tax lien,

(ii) After the insuring organization has actual notice or knowledge of the lien (as defined in paragraph (a) of § 301.6323(i)–1), with respect to advances (including contractual interest thereon as provided in paragraph (a) of § 301.6323(e)–1) required to be made automatically to maintain the contract in force under an agreement entered into before the insuring organization had such actual notice or knowledge, or

(iii) After the satisfaction of a levy pursuant to section 6332(b), unless and until the district director delivers to the insuring organization a notice (for example, another notice of levy, a letter, etc.), executed after the date of such satisfaction, that the lien exists.

Delivery of the notice described in subdivision (iii) of this subparagraph may be made by any means, including regular mail, and delivery of the notice shall be effective only from the time of actual receipt of the notification by the insuring organization. The provisions of this paragraph are applicable to matured as well as unmatured insurance contracts.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On May 1, 1964, the X insurance company issues a life insurance policy to A. On June 1, 1970, a tax assessment is made against A, and on June 2, 1970, a notice of lien with respect to the assessment is filed in accordance with § 301.6323(f)–1. On July 1, 1970, without actual notice or knowledge of the tax lien, the X company makes a "policy loan" to A. Under subparagraph (1)(i) of this paragraph, the loan, including interest (in accordance with the provisions of paragraph (a) of § 301.6323(e)–1), will have priority over the tax lien because X company did not have actual notice or knowledge of the tax lien at the time the policy loan was made.

Example (2). On May 1, 1964, B enters into a life insurance contract with the Y insurance company. Under one of the provisions of the contract, in the event a premium is not paid, Y is to advance out of the cash loan value of the policy the amount of an unpaid premium in order to maintain the contract in force. The contract also provides for interest on any advances so made. On June 1, 1971, a tax assessment is made against B, and on June 2, 1971, in accordance with section 6323(f)–1, a notice of lien is filed. On July 1, 1971, B fails to pay the premium due on that date, and Y makes an automatic premium loan to keep the policy in force. At the time the automatic premium loan is made, Y had actual knowledge of the tax lien. Under subparagraph (1)(ii) of this paragraph, the lien is not valid against Y with respect to the advance (and the contractual interest thereon), because the advance was required to be made automatically under an agreement entered into before Y had actual notice or knowledge of the tax lien.

Example (3). On May 1, 1964, C enters into a life insurance contract with the Z insurance company. On January 4, 1971, an assessment is made against C for $5,000 unpaid income taxes, and on January 11, 1971, in accordance with § 301.6323(f)–1, a notice of lien is filed. On January 29, 1971, a notice of levy with respect to C's delinquent tax is served on Z company. The amount which C could have had advanced to him from Z company under the contract on the 90th day after service of the notice of levy on Z company is $2,000. The Z company pays $2,000 pursuant to the notice of levy, thereby satisfying the levy upon the contract in accordance with section 6332(b). On February 1, 1973, Z company advances $500 to C, which is the increment in policy loan value since satisfaction of the levy of January 29, 1971. On February 5, 1973, a new notice of levy for the unpaid balance of the delinquent taxes, executed after the first levy was satisfied, is served upon Z company. Because the new notification was not received by Z company until after the policy loan was made, under paragraph (1)(iii) of this paragraph, the tax lien is not valid against Z company with respect to the policy loan (including interest thereon in accordance with paragraph (a) of § 301.6323(e)–1).

Example (4). On June 1, 1973, a tax assessment is made against D and on June 2, 1973, in accordance with § 301.6323(f)–1, a notice of lien with respect to the assessment is filed. On July 2, 1973, D executes an assignment of his rights, as the insured, under an insurance contract to M bank as security for a loan. M bank holds its security interest subject to the lien because it is not an insurer entitled to protection under section 6323(b)(9) and did not become a holder of the security interest prior to the filing of the notice of lien for purposes of section 6323(a). It is immaterial that a notice of levy had not been served upon the insurer before the assignment to M bank was made.

(j) *Passbook loans*—(1) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid against an institution described in section 581 or 591 to the extent of any loan

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made by the institution which is secured by a savings deposit, share, or other account evidenced by a passbook (as defined in paragraph (i)(2) of this section) if the institution has been continuously in possession of the passbook from the time the loan is made. This paragraph applies only to a loan made without actual notice or knowledge (as defined in paragraph (a) of § 301.6323(i)–1) of the existence of the lien. If a passbook loan is made without actual notice or knowledge of the existence of the lien, this paragraph does not apply to any additional loan made after knowledge of the lien is acquired by the institution even if it continues to retain the passbook from the time the original passbook loan is made.

(2) *Definition of passbook.* For purposes of this paragraph, the term "passbook" includes—

(i) Any tangible evidence of a savings deposit, share, or other account which, when in the possession of the bank or other savings institution, will prevent a withdrawal from the account to the extent of the loan balance, and

(ii) Any procedure or system, such as an automatic data processing system, the use of which by the bank or other savings institution will prevent a withdrawal from the account to the extent of the loan balance.

(3) *Example.* On June 1, 1970, a tax assessment is made against A and on June 2, 1970, a notice of lien with respect to the assessment is filed in accordance with § 301.6323(f)–1. A owns a savings account at the M bank with a balance of $1,000. On June 10, 1970, A borrows $300 from the M bank using the savings account as security therefor. The M bank is continuously in possession of the passbook from the time the loan is made and does not have actual notice or knowledge of the lien at the time of the loan. The tax lien is not valid against M bank with respect to the passbook loan of $300 and accrued interest and expenses entitled to priority under § 301.6323(e)–1. Upon service of a notice of levy, the M bank must pay over the savings account balance in excess of the amount of its protected interest in the account as determined on the date of levy.

§ 301.6323(c) Statutory provisions; validity and priority against certain persons; protection for certain commercial transactions financing agreements, etc.

SEC. 6323. *Validity and priority against certain persons.* • • •

(c) *Protection for certain commercial transactions financing agreements, etc.*—(1) *In general.* To the extent provided in this subsection, even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

(A) Is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

(i) A commercial transactions financing agreement,

(ii) A real property construction or improvement financing agreement, or

(iii) An obligatory disbursement agreement, and

(B) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) *Commercial transactions financing agreement.* For purposes of this subsection—

(A) *Definition.* The term "commercial transactions financing agreement" means an agreement (entered into by a person in the course of his trade or business)—

(i) To make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) To purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) *Limitation on qualified property.* The term "qualified property", when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) *Commercial financing security defined.* The term "commercial financing security" means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) *Purchaser treated as acquiring security interest.* A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) *Real property construction or improvement financing agreement.* For purposes of this subsection—

(A) *Definition.* The term "real property construction or improvement financing agreement" means an agreement to make cash disbursements to finance—

(i) The construction or improvement of real property,

(ii) A contract to construct or improve real property, or

(iii) The raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) *Limitation on qualified property.* The term "qualified property", when used with respect to a real property construction or improvement financing agreement, includes only—

(i) In the case of subparagraph (A)(i), the real property with respect to which the construction or improvement has been or is to be made,

(ii) In the case of subparagraph (A)(ii), the proceeds of the contract described therein, and

(iii) In the case of subparagraph (A)(iii), property subject to the lien imposed by section 6321 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A)(iii).

(4) *Obligatory disbursement agreement.* For purposes of this subsection—

(A) *Definition.* The term "obligatory disbursement agreement" means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) *Limitation on qualified property.* The term "qualified property", when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by section 6321 at the time of tax lien filing and (to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)) property acquired by the taxpayer after tax lien filing.

(C) *Special rules for surety agreements.* Where the obligatory disbursement agreement is an agreement insuring the performance of a contract between the taxpayer and another person—

(i) The term "qualified property" shall be treated as also including the proceeds of the contract the performance of which was insured, and

(ii) If the contract the performance of which was insured was a contract to construct or improve real property, to produce goods, or to furnish services, the term "qualified property" shall be treated as also including any tangible personal property used by the taxpayer in the performance of such insured contract.

[Sec. 6323(c) as amended by sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

§ 301.6323(c)–1 Protection for commercial transactions financing agreements.

(a) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid with respect to a security interest which:

(1) Comes into existence after the tax lien filing,

(2) Is in qualified property covered by the terms of a commercial transactions financing agreement entered into before the tax lien filing, and

(3) Is protected under local law against a judgment lien arising, as of the time of the tax lien filing, out of an unsecured obligation.

See paragraphs (a) and (e) of § 301.6323(h)–1 for definitions of the terms "security interest" and "tax lien filing," respectively. For purposes of this section, a judgment lien is a lien held by a judgment lien creditor as defined in paragraph (g) of § 301.6323(h)–1.

(b) *Commercial transactions financing agreement.* For purposes of this section, the term "commercial transactions financing agreement" means a written agreement entered into by a person in the course of his trade or business—

(1) To make loans to the taxpayer (whether or not at the option of the person agreeing to make such loans) to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(2) To purchase commercial financing security, other than inventory, acquired by the taxpayer in the ordinary course of his trade or business.

Such an agreement qualifies as a commercial transactions financing agreement only with respect to loans or purchases made under the agreement before (i) the 46th day after the date of tax lien filing or, (ii) the time when the lender or purchaser has actual notice or knowledge (as defined in paragraph (a) of § 301.6323(i)–1) of the tax lien filing, if earlier. For purposes of this paragraph, a loan or purchase is considered to have been made in the course of the lender's or purchaser's trade or business if such person is in the business of financing commercial transactions (such as a bank or commercial factor) or if the agreement is incidental to the conduct of such person's trade or business. For example, if a manufacturer finances the accounts receivable of one of his customers, he is considered to engage in such financing in the course of his trade or business. The extent of the priority of the lender or purchaser over the tax lien is the amount of his disbursements made before the 46th day after the date the notice of tax lien is filed, or made before the day (before such 46th day) on which the lender or purchaser has actual notice or knowledge of the filing of the notice of the tax lien. Property which is commercial financing security to which the priority of the lender extends is not affected by the fact that it was acquired by the taxpayer after the lender received actual notice or knowledge of the filing of the notice of the tax lien and before such 46th day. For example, although the receipt of actual notice or knowledge of the filing of the notice of the tax lien has the effect of ending the period within which protected disbursements may be made to the taxpayer, property which is acquired by the taxpayer after the lender receives actual notice or knowledge of such filing and before such 46th day, which otherwise qualifies as commercial financing security, becomes commercial financing security to which the priority of the lender extends for loans made before he received the actual notice or knowledge.

(c) *Commercial financing security.* The term "commercial financing security" means—

(1) Paper of a kind ordinarily arising in commercial transactions,

(2) Accounts receivable,

(3) Mortgages on real property, and

(4) Inventory.

For purposes of this paragraph, the term "paper of a kind ordinarily arising in commercial transactions" in general includes any written document customarily used in commercial transactions. For example, such written documents include paper giving contract rights, chattel paper, documents of title to personal property, and negotiable instruments or securities. The term "commercial financing security" does not include general intangibles such as patents or copyrights. A mortgage on real estate (including a deed of trust, contract for sale, and similar instrument) may be commercial financing security if the taxpayer has an interest in the mortgage as a mortgagee or assignee. The term "commercial financing security" does not include a mortgage where the taxpayer is the mortgagor of realty owned by him. For purposes of this paragraph, the term "inventory" includes raw materials and goods in process as well as property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

(d) *Qualified property.* For purposes of paragraph (a) of this section, qualified property consists solely of commercial financing security acquired by the taxpayer-debtor before the 46th day after the date of tax lien filing. An account receivable or a paper giving contract rights described in § 301.6323(c)–1(c) is acquired by a taxpayer at the time, and to the extent, a right to payment is earned by performance. Chattel paper, documents of title, negotiable instruments, securities, and mortgages on real estate are acquired by a taxpayer when he obtains rights in the paper or mortgage. Inventory is acquired by the taxpayer when title passes to him. Identifiable proceeds, which arise from the collection or disposition of qualified property by the taxpayer, are considered to be acquired at the time such qualified property is acquired if the secured party has a continuously perfected security interest in the proceeds under local law. The term "proceeds" includes whatever is received when collateral is sold, exchanged, or collected. For purposes of this paragraph, the term "identifiable proceeds" does not include money, checks and the like which have been commingled with other cash proceeds. Property acquired by the taxpayer after the 45th day following tax lien filing, by the expenditure of proceeds, is not qualified property.

(e) *Purchaser treated as acquiring security interest.* A person who purchases commercial financing security, other than inventory, pursuant to a commercial transactions financing agreement is treated, for purposes of this section, as having acquired a security interest in the commercial financing security. In the case of a bona fide purchase at a discount, a purchaser of commercial financing security who satisfies the requirements of this section has priority over the tax lien to the full extent of the security.

(f) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). (i) On June 1, 1970, a tax is assessed against M, a tool manufacturer, with respect to his delinquent tax liability. On June 15, 1970, M enters into a written financing agreement with X, a bank. The agreement provides that, in consideration of such sums as X may advance to M, X is to have a security interest in all of M's presently owned and subsequently acquired commercial paper, accounts receivable, and inventory (including inventory in the manufacturing stages and raw materials). On July 6, 1970, notice of the tax lien is filed in accordance with § 301.6323(f)–1. On August 3, 1970, without actual notice or knowledge of the tax lien filing, X advances $10,000 to M. On August 5, 1970, M acquires additional inventory through the purchase of raw materials. On August 20, 1970, M has accounts receivable, arising from the sale of tools, amounting to $5,000. Under local law, X's security interest arising by reason of the $10,000 advance on August 3, 1970, has priority, with respect to the raw materials and accounts receivable, over a judgment lien against M arising July 6, 1970 (the date of tax lien filing) out of an unsecured obligation.

(ii) Because the $10,000 advance was made before the 46th day after the tax lien filing, and the accounts receivable in the amount of $5,000 and the raw materials were acquired by M before such 46th day, X's $10,000 security interest in the accounts receivable and the inventory has priority over the tax lien. The priority of X's security interest also extends to the proceeds, received on or after the 46th day after the tax lien filing, from the liquidation of the accounts receivable and inventory held by M on August 20, 1970, if X has a continuously perfected security interest in identifiable proceeds under local law. However, the priority of X's security interest will not extend to other property acquired with such proceeds.

Example (2). Assume the same facts as in example (1) except that on July 15, 1970, X has actual knowledge of the tax lien filing. Because an agreement does not qualify as a commercial transactions financing agreement when a disbursement is made after tax lien filing with actual knowledge of the filing, X's security interest will not have priority over the tax lien with respect to the $10,000 advance made on August 3, 1970.

Example (3). Assume the same facts as in example (1) except that, instead of additional inventory, on August 5, 1970, M acquires an account receivable as the result of the sale of machinery which M no longer needs in his business. Even though the account receivable was acquired by taxpayer M before the 46th day after tax lien filing, the tax lien will have priority over X's security interest arising in the account receivable pursuant to the earlier written agreement because the account receivable was not acquired by the taxpayer in the ordinary course of his trade or business.

Example (4). Pursuant to a written agreement with the N Manufacturing Company entered into on January 4, 1971, Y, a commercial factor, purchases the accounts receivable arising out of N's regular sales to its customers. On November 1, 1971, in accordance with § 301.6323(f)–1, a notice of lien is filed with respect to N's delinquent tax liability. On December 6, 1971, Y, without actual notice or knowledge of the tax lien filing, purchases all of the accounts receivable resulting from N's November 1971 sales. Y has taken appropriate steps under local law so that the December 6, 1971, purchase is protected against a judgment lien arising November 1, 1971 (the date of tax lien filing) out of an unsecured obligation. Because the purchaser of commercial financing security, other than inventory, is treated as having acquired a security interest in commercial financing security, and because Y otherwise meets the requirements of this section, the tax lien is not valid with respect to Y's December 6, 1971, purchase of N's accounts receivable.

§ 301.6323(c)–2 Protection for real property construction or improvement financing agreements.

(a) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid with respect to a security interest which:

(1) Comes into existence after the tax lien filing,

(2) Is in qualified property covered by the terms of a real property construction or improvement financing agreement entered into before the tax lien filing, and

(3) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

For purposes of this section, it is immaterial that the holder of the security interest had actual notice or knowledge of the lien at the time disbursements are made pursuant to such an agreement. See paragraphs (a) and (e) of § 301.6323

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(h)–1 for general definitions of the terms "security interest" and "tax lien filing." For purposes of this section, a judgment lien is a lien held by a judgment lien creditor as defined in paragraph (g) of § 301.6323(h)–1.

(b) *Real property construction or improvement financing agreement.* For purposes of this section, the term "real property construction or improvement financing agreement" means any written agreement to make cash disbursements (whether or not at the option of the party agreeing to make such disbursements):

(1) To finance the construction, improvement, or demolition of real property if the agreement provides for a security interest in the real property with respect to which the construction, improvement, or demolition has been or is to be made;

(2) To finance a contract to construct or improve, or demolish real property if the agreement provides for a security interest in the proceeds of the contract; or

(3) To finance the raising or harvesting of a farm crop or the raising of livestock or other animals if the agreement provides for a security interest in any property subject to the lien imposed by section 6321 at the time of tax lien filing, in the crop raised or harvested, or in the livestock or other animals raised.

For purposes of subparagraphs (1) and (2) of this paragraph, construction or improvement may include demolition. For purposes of any agreement described in subparagraph (3) of this paragraph, the furnishing of goods and services is treated as the disbursement of cash.

(c) *Qualified property.* For purposes of this section, the term "qualified property" includes only—

(1) In the case of an agreement described in paragraph (b)(1) of this section, the real property with respect to which the construction or improvement has been or is to be made;

(2) In the case of an agreement described in paragraph (b)(2) of this section, the proceeds of the contract to construct or improve real property; or

(3) In the case of an agreement described in paragraph (b)(3) of this section, property subject to the lien imposed by section 6321 at the time of tax lien filing, the farm crop raised or harvested, or the livestock or other animals raised.

(d) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, in order to finance the construction of a dwelling on a lot owned by him, mortgages the property to B. The mortgage, executed January 4, 1971, includes an agreement that B will make cash disbursements to A as the construction progresses. On February 1, 1971, in accordance with § 301.6323(f)–1, a notice of lien is filed with respect to A's delinquent tax liability. A continues the construction, and B makes cash disbursements on June 10, 1971, and December 10, 1971. Under local law B's security interest arising by virtue of the disbursements is protected against a judgment lien arising February 1, 1971 (the date of tax lien filing) out of an unsecured obligation. Because B is the holder of a security interest coming into existence by reason of cash disbursements made pursuant to a written agreement, entered into before tax lien filing, to make cash disbursements to finance the construction, of real property, and because B's security interest is protected, under local law, against a judgment lien arising as of the time of tax lien filing out of an unsecured obligation, B's security interest has priority over the tax lien.

Example (2). (i) C is awarded a contract for the demolition of several buildings. On March 3, 1969, C enters into a written agreement with D which provides that D will make cash disbursements to finance the demolition and also provides that repayment of the disbursements is secured by any sums due C under the contract. On April 1, 1969, under section 6323(f), a notice of lien is filed with respect to C's delinquent tax liability. With actual notice of the tax lien, D makes cash disbursements to C on August 1, September 1, and October 1, 1969. Under local law D's security interest in the proceeds of the contract with respect to the disbursements is entitled to priority over a judgment lien arising on April 1, 1969 (the date of tax lien filing) out of an unsecured obligation.

(ii) Because D's security interest arose by reason of disbursements made pursuant to a written agreement, entered into before tax lien filing, to make cash disbursements to finance a contract to demolish real property, and because D's security interest is valid under local law against a judgment lien arising as of the time of tax lien filing out of an unsecured obligation, the tax lien is not valid with respect to D's security interest in the proceeds of the demolition contract.

Example (3). Assume the same facts as in example (2) and, in addition, assume that, as further security for the cash disbursements, the March 3, 1969 agreement also provides for a security interest in all of C's demolition equipment. Because the security interest arising under an agreement to make cash disbursements to finance a contract to demolish real property is limited to the proceeds of the demolition contract, the tax lien will have priority over D's security interest in the equipment.

Example (4). (i) On January 2, 1969, F and G enter into a written agreement, whereby F agrees to provide G with cash disbursements, seed, fertilizer, and insecticides as needed by G, in order to finance the raising and harvesting of a crop on a farm owned by G. Under the terms of the agreement F is to have a security interest in the crop, the farm, and all other property then owned or thereafer acquired by G. In accordance with § 301.6323(f)–1, on January 10, 1969, a notice of lien is filed with respect to G's delinquent tax liability. On March 3, 1969, with actual notice of the tax lien, F makes a cash disbursement of $5,000 to G and furnishes him seed, fertilizer, and insecticides having a value of $10,000. Under local law F's security interest, coming into existence by reason of the cash disbursement and the furnishing of goods, has priority over a judgment lien arising January 10, 1969 (the date of tax lien filing) out of an unsecured obligation.

(ii) Because F's security interest arose by reason of a disbursement (including the furnishing of goods) made under a written agreement which was entered into before tax lien filing and which constitutes an agreement to finance the raising or harvesting of a farm crop, and because F's security interest is valid under local law against a judgment lien arising as of the time of tax lien filing out of an unsecured obligation, the tax lien is not valid with respect to F's security interest in the crop even though a notice of lien was filed before the security interest arose. Furthermore, because the farm is property subject to the tax lien at the time of tax lien filing, F's security interest with respect to the farm also has priority over the tax lien.

Example (5). Assume the same facts as in example (4) and in addition that on October 1, 1969, G acquires several tractors to which F's security interest attaches under the terms of the agreement. Because the tractors are not property subject to the tax lien at the time of tax lien filing, the tax lien has priority over F's security interest in the tractors.

§ 301.6323(c)–3 Protection for obligatory disbursement agreements.

(a) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid with respect to a security interest which:

(1) Comes into existence after the tax lien filing,

(2) Is in qualified property covered by the terms of an obligatory disbursement agreement entered into before the tax lien filing, and

(3) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

See paragraphs (a) and (e) of § 301.6323(h)–1 for definitions of the terms "security interest" and "tax lien filing." For purposes of this section, a judgment lien is a lien held by a judgment lien creditor as defined in paragraph (g) of § 301.6323(h)–1.

(b) *Obligatory disbursement agreement.* For purposes of this section the term "obligatory disbursement agreement" means a written agreement, entered into by a person in the course of his trade or business, to make disbursements. An agreement is treated as an obligatory disbursement agreement only with respect to disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer. The obligation to pay must be conditioned upon an event beyond the control of the obligor. For example, the provisions of this section are applicable where an issuing bank obligates itself to honor drafts or other demands for payment on a letter of credit and a bank, in good faith, relies upon that letter of credit in making advances. The provisions of this section are also applicable, for example, where a bonding company obligates itself to make payments to indemnify against loss or liability and, under the terms of the bond, makes a payment with respect to a loss. The priority described in this section is not applicable, for example, in the case of an accommodation endorsement by an endorser who assumes his obligation other than in the course of his trade or business.

(c) *Qualified property.* Except as provided under paragraph (d) of this section, the term "qualified property," for purposes of this section, means property subject to the lien imposed by section 6321 at the time of tax lien filing and, to the extent that the acquisition is directly traceable to the obligatory disbursement, property acquired by the taxpayer after tax lien filing.

(d) *Special rule for surety agreements.* Where the obligatory disbursement agreement is an agreement insuring the performance of a contract of the taxpayer and another person, the term "qualified property" shall be treated as also including—

(1) The proceeds of the contract the performance of which was insured, and

(2) If the contract the performance of which was insured is a contract to construct or improve real property, to produce goods, or to furnish services, any tangible personal property used by the taxpayer in the performance of the insured contract.

For example, a surety company which holds a security interest, arising from cash disbursements made after tax lien filing under a payment or performance bond on a real estate construction project, has priority over the tax lien with respect to the proceeds of the construction contract and, in addition, with respect to any tangible personal property used by the taxpayer in the construction project if its security interest in the tangible personal property is protected under local law against a judgment lien arising, as of the time the tax lien was filed, out of an unsecured obligation.

(e) *Examples.* This section may be illustrated by the following examples:

Example (1). (i) On January 2, 1969, H, an appliance dealer, in order to finance the acquisition from O of a large inventory of appliances, enters into a written agreement with Z, a bank. Under the terms of the agreement, in return for a security interest in all of H's inventory, presently owned and subsequently acquired, Z issues an irrevocable letter of credit to allow H to make the purchase. On December 31, 1968 and January 10, 1969, in accordance with § 301.6323(f)–1, separate notices of lien are filed with respect to H's delinquent tax liabilities. On March 31, 1969, Z honors the letter of credit. Under local law, Z's security interest in both existing and after-acquired inventory is protected against a judgment lien arising on or after January 10, 1969, out of an unsecured obligation. Under local law, Z's security interest in the inventory purchased under the letter of credit qualifies as a purchase money security interest and is valid against persons acquiring security interests in or liens upon such inventory at any time.

(ii) Because Z's security interest in H's inventory did not arise under a written agreement entered into before the filing of notice of the first tax lien on December 31, 1968, that lien is superior to Z's security interest except to the extent of Z's purchase money security interest. Because Z's interest qualifies as a purchase money security interest with respect to the inventory purchased under the letter of credit, the tax liens attach under section 6321 only to the equity acquired by H, and the rights of Z in the inventory so purchased are superior even to the lien filed on December 31, 1968, without regard to this section.

(iii) Because Z's security interest arose by reason of disbursements made under a written agreement which was entered into before the filing of notice of the second tax lien on January 10, 1969, and which constitutes an agreement to make disbursements required to be made by reason of the intervention of the rights of O, a person other than the taxpayer, and because Z's security interest is valid under local law against a judgment lien arising as of the time of such tax lien filing on January 10, 1969, out of an unsecured obligation, the second tax lien is, under this section, not valid with respect to Z's security interest in inventory owned by H on January 10, 1969, as well as any after-acquired inventory directly traceable to Z's disbursements (apart from such greater protection as Z enjoys, with respect to the latter, under its purchase money security interest). No protection against the second tax lien is provided under this section with respect to a security interest in any other inventory acquired by H after January 10, 1969, because such other inventory is neither subject to the tax lien at the time of tax lien filing nor directly traceable to Z's disbursements.

Example (2). On June 1, 1971, K is awarded a contract to construct an office building. At the same time, S, a surety company, agrees in writing to insure the performance of the contract. The agreement provides that in the event S must complete the job as the result of a default by K, S will be entitled to the proceeds of the contract. In addition, the agreement provides that S is to have a security interest in all property belonging to K. On December 1, 1971, prior to the completion of the building, K defaults. On the same date, under § 301.6323(f)–1, a notice of lien is filed with respect to K's delinquent tax liability. S completes the building on June 1, 1972. Under local law S's security interest in the proceeds of the contract and S's security interest in the property of K are entitled to priority over a judgment lien arising December 1, 1971 (the date of tax lien filing) out of an unsecured obligation. Because, for purposes of an obligatory disbursement agreement which is a surety agreement, the security interest may be in the proceeds of the insured contract, S's security interest in the proceeds of the contract has priority over the tax lien even though a notice of lien was filed before S's security interest arose. Furthermore, because the insured contract was a contract to construct real property, S's security interest in any of K's tangible personal property used in the performance of the contract also has priority over the tax lien.

Example (3). (i) On February 2, 1970, L enters into an agreement with M, a contractor, to construct an apartment building on land owned by L. Under a separate agreement, N bank agrees to furnish funds on a short-term basis to L for the payment of amounts due to M during the course of construction. Simultaneously, X, a financial institution, makes a binding commitment to N bank and L to provide long-term financing for the project after its completion. Under its commitment, X is obligated to pay off the balance of the construction loan held by N bank upon the execution by L of a new promissory note secured by a mortgage deed of trust upon the improved property. On September 4, 1970, in accordance with § 301.6323(f)–1, notice of lien is properly filed with respect to L's delinquent tax liability. On September 8, 1970, X obtains actual notice of the tax lien filing. On September 14, 1970, the documents creating X's security interest are executed and recorded, N bank's lien for its construction loan is released, and X makes the required disbursements to N bank. Under local law, X's security interest is protected against a judgment lien arising on September 4, 1970 (the time of tax lien filing) out of an unsecured obligation.

(ii) Because X's security interest arose by reason of a disbursement made under a written agreement entered into before tax lien filing, which constitutes an agreement to make disbursements required to be made by reason of the intervention of the rights of N bank, a person other than the taxpayer, and because X's security interest is valid under local law against a judgment lien arising as of the time of the tax lien filing out of an unsecured obligation, the tax lien is not valid with respect to X's security interest to the extent of the disbursement to N bank. The obligatory disbursement is protected under section 6323(c)(4) even if X is not subrogated to N bank's rights or X's agreement is not itself a real property construction financing agreement.

§ 301.6323(d) Statutory provisions: validity and priority against certain persons; 45-day period for making disbursements.

SEC. 6323. *Validity and priority against certain persons.*

• • • • • •

(d) *45-day period for making disbursements.* Even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

(1) Is in property (A) subject, at the time of tax lien filing, to the lien imposed by section 6321, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

[Sec. 6323(d) as amended by sec. 236(a) Rev. Act 1964 (78 Stat. 127); sec. 101(a) Federal Tax Lien Act 1966 (80 Stat. 1125)]

§ 301.6323(d)–1 45-day period for making disbursements.

(a) *In general.* Even though a notice of a lien imposed by section 6321 is filed in accordance with § 301.6323(f)–1, the lien is not valid with respect to a security interest which comes into existence, after tax lien filing, by reason of disbursements made before the 46th day after the date of tax lien filing, or if earlier, before the person making the disbursements has actual notice or knowledge of the tax lien filing, but only if the security interest is—

(1) In property which is subject, at the time of tax lien filing, to the lien imposed by section 6321 and which is covered by the terms of a written agreement entered into before tax lien filing, and

(2) Protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

For purposes of subparagraph (1) of this paragraph, a contract right is in existence at the time of tax lien filing only to the extent earned by performance at such time. For purposes of subparagraph (2) of this paragraph, a judgment lien is a lien held by a judgment lien creditor as defined in paragraph (g) of § 301.6323(h)–1. For purposes of this section, it is immaterial that the written agreement provides that the disbursements are to be made at the option of the person making the disbursements. See paragraphs (a) and (e) of § 301.6323(h)–1 for definitions of the terms "security interest"

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and "tax lien filing," respectively. See paragraph (a) of § 301.6323(1)–1 for certain circumstances under which a person is deemed to have actual notice or knowledge of a fact.

(b) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). On December 1, 1967, an assessment is made against A with respect to his delinquent tax liability. On January 2, 1968, A enters into a written agreement with B whereby B agrees to lend A $10,000 in return for a security interest in certain property owned by A. On January 10, 1968, in accordance with § 301.6323(f)–1 notice of the tax lien affecting the property is filed. On February 1, 1968, B, without actual notice or knowledge of the tax lien filing, disburses the loan to A. Under local law, the security interest arising by reason of the disbursement is entitled to priority over a judgment lien arising January 10, 1968 (the date of tax lien filing) out of an unsecured obligation. Because the disbursement was made before the 46th day after tax lien filing, because the disbursement was made pursuant to a written agreement entered into before tax lien filing, and because the resulting security interest is protected under local law against a judgment lien arising as of the date of tax lien filing out of an unsecured obligation, B's $10,000 security interest has priority over the tax lien.

Example (2). Assume the same facts as in example (1) except that when B disburses the $10,000 to A on February 10, 1968, B has actual knowledge of the tax lien filing. Because the disbursement was made with actual knowledge of tax lien filing, B's security interest does not have priority over the tax lien even though the disbursement was made before the 46th day after the tax lien filing. Furthermore, B is not protected under § 301.6323(a)–1(a) as a holder of a security interest because he had not parted with money or money's worth prior to the time the notice of tax lien was filed (Jan. 10, 1968) even though he had made a firm commitment to A before that time.

§ 301.6323(e) Statutory provisions; validity and priority against certain persons; priority of interest and expenses.

Sec. 6323. *Validity and priority against certain persons.* • • •

(e) *Priority of interest and expenses.* If the lien imposed by section 6321 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

(1) Any interest or carrying charges upon the obligation secured,

(2) The reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) The reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) The reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) The reasonable costs of insuring payment of the obligation secured, and

(6) Amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by section 6321, to the extent that, under local law, any such item has the same priority as the lien or security interest to which it relates.

[Sec. 6323(e) as amended by sec. 236(a) Rev. Act 1964 (78 Stat. 127); sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

§ 301.6323(e)–1 Priority of interest and expenses.

(a) *In general.* If the lien imposed by section 6321 is not valid as against another lien or security interest, the priority of the other lien or security interest also extends to each of the following items to the extent that under local law the item has the same priority as the lien or security interest to which it relates:

(1) Any interest or carrying charges (including finance, service, and similar charges) upon the obligation secured,

(2) The reasonable charges and expenses of an indenture trustee (including, for example, the trustee under a deed of trust) or agent holding the security interest for the benefit of the holder of the security interest,

(3) The reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) The reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) The reasonable costs of insuring payment of the obligation secured (including amounts paid by the holder of the security interest for mortgage insurance, such as that issued by the Federal Housing Administration), and

(6) Amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by section 6321.

(b) *Collection expenses.* The reasonable expenses described in paragraph (a)(3) of this section include expenditures incurred by the protected holder of the lien or security interest to establish the priority of his interest or to collect, by foreclosure or otherwise, the amount due him from the property subject to his lien. Accordingly, the amount of the encumbrance which is protected is increased by the amounts so expended by the holder of the security interest.

(c) *Costs of insuring, preserving, etc.* The reasonable costs of insuring, preserving, or repairing described in paragraph (a)(4) of this section include expenditures by the holder of a security interest for fire and casualty insurance on the property subject to the security interest and amounts paid by the holder of the lien or security interest to repair the property. Such reasonable costs also include the amounts paid by the holder of the lien or security interest in a leasehold to the lessor of the leasehold to preserve the leasehold subject to the lien or security interest. Accordingly, the amount of the lien or security interest which is protected is increased by the amounts so expended by the holder of the lien or security interest.

(d) *Satisfaction of liens.* The amounts described in paragraph (a)(6) of this section include expenditures incurred by the protected holder of a lien or security interest to discharge a statutory lien for State sales taxes on the property subject to his lien or security interest if both his lien or security interest and the sales tax lien have priority over a Federal tax lien. Accordingly, the amount of the lien or security interest is increased by the amounts so expended by the holder of the lien or security interest even though under local law the holder of the lien or security interest is not subrogated to the rights of the holder of the State sales tax lien. However, if the holder of the lien or security interest is subrogated, within the meaning of paragraph (b) of § 301.6323(1)–1, to the rights of the holder of the sales tax lien, he will also be entitled to any additional protection afforded by section 6323(i)(2).

§ 301.6323(f) Statutory provisions; validity and priority against certain persons; place for filing notice; form.

Sec. 6323. *Validity and priority against certain persons.* • • •

(f) *Place for filing notice; form*—(1) *Place for filing.* The notice referred to in subsection (a) shall be filed—

(A) *Under State laws*—(i) *Real property.* In the case of real property, in one office within the State (or the county, or other governmental subdivision) as designated by the laws of such State, in which the property subject to the lien is situated; and

(ii) *Personal property.* In the case of personal property, whether tangible or intangible, in one office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated; or

(B) *With clerk of district court.* In the office of the clerk of the U.S. district court for the judicial district in which the property subject to the lien is situated, whenever the State has not by law designated one office which meets the requirements of subparagraph (A); or

(C) *With recorder of deeds of the District of Columbia.* In the office of the Recorder of Deeds of the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

(2) *Situs of property subject to lien.* For purposes of paragraph (1), property shall be deemed to be situated—

(A) *Real property.* In the case of real property, at its physical location; or

(B) *Personal property.* In the case of personal property, whether tangible or intangible, at the residence of the taxpayer at the time the notice of lien is filed.

For purposes of paragraph (2)(B), the residence of a corporation or partnership shall be deemed to be the place at which the principal executive office of the business is located, and the residence of a taxpayer whose residence is without the United States shall be deemed to be in the District of Columbia.

(3) *Form.* The form and content of the notice referred to in subsection (a) shall be prescribed by the Secretary or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

[Sec. 6323(f) as added by sec. 101(a) Federal Tax Lien Act of 1966 (80 Stat. 1125)]

§ 301.6323(f)–1 Place for filing notice; form.

(a) *Place for filing.* Unless subparagraph (2) or (3) of this paragraph applies, the notice of lien referred to in § 301.6323(a)–1 shall be filed as follows:

(1) *Under State laws*—(i) *Real property.* In the case of real property, notice shall be filed in one office within the State (or the county or other governmental subdivision), as designated by

the laws of the State, in which the property subject to the lien is deemed situated under the provisions of paragraph (b)(1) of this section.

(ii) *Personal property.* In the case of personal property, whether tangible or intangible, the notice shall be filed in one office within the State (or the county or other governmental subdivision), as designated by the laws of the State, in which the property subject to the lien is deemed situated under the provisions of paragraph (b)(2) of this section.

(2) *With the clerk of the U.S. district court.* Whenever a State has not by law designated one office which meets the requirements of subparagraph (1)(i) or (1)(ii) of this paragraph, the notice shall be filed in the office of the clerk of the U.S. district court for the judicial district in which the property subject to the lien is deemed situated under the provisions of paragraph (b) of this section. For example, a State has not by law designated one office meeting the requirements of subparagraph (1)(i) of this paragraph if more than one office is designated within the State, county, or other governmental subdivision for filing notices with respect to all real property located in such State, county, or other governmental subdivision. A State has not by law designated one office meeting the requirements of subparagraph (1)(ii) of this paragraph if more than one office is designated in the State, county, or other governmental subdivision for filing notices with respect to all of the personal property of a particular taxpayer.

(3) *With the Recorder of Deeds of the District of Columbia.* If the property subject to the lien imposed by section 6321 is deemed situated, under the provisions of paragraph (b) of this section, in the District of Columbia, the notice shall be filed in the office of the Recorder of Deeds of the District of Columbia.

(b) *Situs of property subject to lien.* For purposes of paragraph (a) of this section, property is deemed situated as follows:

(1) *Real property.* Real property is deemed situated at its physical location.

(2) *Personal property.* Personal property, whether tangible or intangible, is deemed situated at the residence of the taxpayer at the time the notice of lien is filed.

For purposes of subparagraph (2) of this paragraph the residence of a corporation or partnership is deemed to be the place at which the principal executive office of the business is located, and the residence of a taxpayer whose residence is not within the United States is deemed to be in the District of Columbia.

(c) *Form.* The notice referred to in § 301.6323(a)–1 shall be filed on Form 668, "Notice of Federal Tax Lien under Internal Revenue Laws". Such notice is valid notwithstanding any other provision of law regarding the form or content of a notice of lien. For example, omission from the notice of lien of a description of the property subject to the lien does not affect the validity thereof even though state law may require that the notice contain a description of the property subject to the lien.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). The law of State X provides that notices of Federal tax lien affecting personal property are to be filed in the Office of the Recorder of Deeds of the county where the taxpayer resides. The laws of State X also provide that notices of lien affecting real property are to be filed with the recorder of deeds of the county where the real property is located. On June 1, 1970, in accordance with § 301.6323(f)–1, a notice of lien is filed in county M with respect to the delinquent tax liability of A. At the time the notice is filed, A is a resident of county M and owns real property in that county. One year later A moves to county N and 1 year after that A moves to county O. Because the situs of personal property is deemed to be at the residence of the taxpayer at the time the notice of lien is filed, the notice continues to be effectively filed with respect to A's personal property even though A no longer resides in county M. Furthermore, because the situs of real property is deemed to be at its physical location, the notice of lien also continues to be effectively filed with respect to A's real property.

Example (2). B is a resident of Canada but owns personal property in the United States. On January 4, 1971, in accordance with § 301.6323(f)–1, a notice of lien is filed with the office of the Recorder of Deeds of the District of Columbia. On January 2, 1973, B changes his residence to State Y in the United States. Because the residence of a taxpayer who is not a resident of the United States is deemed to be in the District of Columbia and the situs of personal property is deemed to be at the residence of the taxpayer at the time of filing, the lien continues to be effectively filed with respect to the personal property of B located in the United States even though B has returned to the United States and taken up residence in State Y and even though B has at no time been in the District of Columbia.

Example (3). The law of State Z in effect before July 1, 1967, provides that notices of lien affecting real property are to be filed in the office of the recorder of deeds of the county in which the real property is located, but that if the real property is registered under the Torrens system of title registration the notice is to be filed with the registrar of titles rather than the recorder of deeds. The law of State Z in effect after June 30, 1967, provides that all notices of lien affecting real property are to be filed with the recorder of deeds of the county in which the real property is located. Accordingly, where the Torrens system is adopted by a county in State Z, there were before July 1, 1967, two offices designated for filing notices of Federal tax lien affecting real property of titles rather than the recorder of deeds. nated for Torrens real property and another office was designed for non-Torrens real property. Because State Z had not designated one office within the State, county, or other governmental subdivision for filing notices before July 1, 1967, with respect to all real property located in the State, county, or governmental subdivision, before July 1, 1967, the place for filing notices of lien under this section, affecting property located in counties adopting the Torrens system, was with the clerk of the U.S. district court for the judicial district in which the real property is located. However, after June 30, 1967, the place for filing notices of lien under this section, affecting both Torrens and non-Torrens real property in counties adopting the Torrens system is with the recorder of deeds for each such county. Notices of lien filed under this section with the clerk of the U.S. district court before July 1, 1967, remain validly filed whether or not refiled with the recorder of deeds after the change in State law or upon refiling during the required refiling period.

Example (4). The law of State W provides that notices of lien affecting personal property of corporations and partnerships are to be filed in the office of the Secretary of State. Notices of lien affecting personal property of any other person are to be filed in the office of the clerk of court for the county where the person resides. Because the State law designates only one filing office within State W with respect to personal property of any particular taxpayer, notices of lien filed under this section, affecting personal property, shall be filed in the office designated under State law.

§ 301.6323(g) Statutory provisions: validity and priority against certain persons; refiling of notice of tax lien.

Sec. 6323. *Validity and priority against certain persons.* • • •

(g) *Refiling of notice.*—For purposes of this section—

(1) *General rule.*—Unless notice of lien is refiled in the manner prescribed in paragraph (2) during the required refiling period, such notice of lien shall be treated as filed on the date on which it is filed (in accordance with subsection (f)) after the expiration of such refiling period.

(2) *Place for filing.*—A notice of lien refiled during the required refiling period shall be effective only—

(A) If such notice of lien is refiled in the office in which the prior notice of lien was filed; and

(B) In any case in which, 90 days or more prior to the date of a refiling of notice of lien under subparagraph (A), the Secretary or his delegate received written information (in the manner prescribed in regulations issued by the Secretary or his delegate) concerning a change in the taxpayer's residence, if a notice of such lien is also filed in accordance with subsection (f) in the State in which such residence is located.

(3) *Required refiling period.*—In the case of any notice of lien, the term "required refiling period" means—

(A) The 1-year period ending 30 days after the expiration of 6 years after the date of the assessment of the tax, and

(B) The 1-year period ending with the expiration of 6 years after the close of the preceding required refiling period for such notice of lien.

(4) *Transitional rule.*—Notwithstanding paragraph (3), if the assessment of the tax was made before January 1, 1962, the first required refiling period shall be the calendar year 1967.

[Sec. 6323(g) as added by sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

§ 301.6323(g)–1 Refiling of notice of tax lien.

(a) *In general*—(1) *Requirement to refile.* In order to continue the effect of a notice of lien, the notice must be refiled in the place described in paragraph (b) of this section during the required refiling period (described in paragraph (c) of this section). In the event that two or more notices of lien are filed with respect to a particular tax assessment, the failure to comply with the provisions of paragraphs (b)(1)(i) and (c) of this section in respect of one of the notices of lien does not affect the effectiveness of the

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refiling of any other notice of lien. Except for the filing of a notice of lien required by paragraph (b)(1)(ii) of this section (relating to a change of residence) the validity of any refiling of a notice of lien is not affected by the refiling or nonrefiling of any other notice of lien.

(2) *Effect of refiling.* A timely refiled notice of lien is effective as of the date on which the notice of lien to which it relates was effective.

(3) *Effect of failure to refile.* If the district director fails to refile a notice of lien in the manner described in paragraphs (b) and (c) of this section, the notice of lien is not effective, after the expiration of the required refiling period, as against any person without regard to when the interest of the person in the property subject to the lien was acquired. However, the failure of the district director to refile a notice of lien during the required refiling period will not, following the expiration of the refiling period, affect the effectiveness of the notice with respect to:

(i) Property which is the subject matter of a suit, to which the United States is a party, commenced prior to the expiration of the required refiling period, or

(ii) Property which has been levied upon by the United States prior to the expiration of the refiling period.

However, if a suit or levy referred to in the preceding sentence is dismissed or released and the property is subject to the lien at such time, a notice of lien with respect to the property is not effective after the suit or levy is dismissed or released unless refiled during the required refiling period. Failure to refile a notice of lien does not affect the existence of the lien.

(4) *Filing of new notice.* If a notice of lien is not refiled, and if the lien remains in existence, the Internal Revenue Service may nevertheless file a new notice of lien either on the form prescribed for the filing of a notice of lien or on the form prescribed for refiling a notice of lien. This new filing must meet the requirements of section 6323(f) and § 301.6323(f)–1 and is effective from the date on which such filing is made.

(b) *Place for refiling notice of lien*—(1) *In general.* A notice of lien refiled during the required refiling period (described in paragraph (c) of this section) shall be effective only—

(i) If the notice of lien is refiled in the office in which the prior notice of lien (including a refiled notice) was filed under the provisions of section 6323; and

(ii) In any case in which 90 days or more prior to the date the refiling of the notice of lien under subdivision (i) is completed, the Internal Revenue Service receives written information (in the manner described in subparagraph (2) of this paragraph) concerning a change in the taxpayer's residence, if a notice of such lien is also filed in accordance with section 6323(f)(1)(A)(ii) in the State in which such new residence is located (or, if such new residence is located without the United States, in the District of Columbia).

A notice of lien is considered as refiled in the office in which the prior notice or refiled notice was filed under the provisions of section 6323 if it is refiled in the office which, pursuant to a change in the applicable local law, assumed the functions of the office in which the prior notice or refiled notice was filed. If on or before the 90th day referred to in subdivision (ii) more than one written notice is received concerning a change in the taxpayer's residence, a notice of lien is required by this subdivision to be filed only with respect to the residence shown on the written notice received on the most recent date. Subdivision (ii) is applicable regardless of whether the taxpayer resides at the new residence on the date the refiling of notice of lien under subdivision (i) of this subparagraph is completed.

(2) *Notice of change of taxpayer's residence*—(i) *In general.* Except as provided in subdivision (ii) or (iii) of this subparagraph, for purposes of this section, a notice of change of a taxpayer's residence will be effective only if it (A) is received, in writing, from the taxpayer or his representative by the director of the service center which serves the district in which the former residence was located, (B) relates to an unpaid tax liability of the taxpayer, and (C) states the taxpayer's name and the address of his new residence. Although it is not necessary that a written notice contain the taxpayer's identifying number authorized by section 6109, it is preferable that it include such number. For purposes of this subdivision, a notice of change of a taxpayer's residence shown on a return or an amended return (including a return of the same tax) will not be effective to notify the Internal Revenue Service.

(ii) *Notice received before July 1, 1973.* For purposes of this section, a notice of a change of a taxpayer's residence will also be effective if it (A) is received, in writing, by any office of the Internal Revenue Service before July 1, 1973, from the taxpayer or his representative, (B) relates to an unpaid tax liability of the taxpayer, and (C) states the taxpayer's name and the address of his new residence.

(iii) *By return or amended return.* For purposes of this section, in the case of a notice of lien which relates to an assessment of tax made after December 31, 1966, a notice of change of a taxpayer's residence will also be effective if it is contained in a return or amended return of the same type of tax filed with the Internal Revenue Service by the taxpayer or his representative which on its face indicates that there is a change in the taxpayer's address and correctly states the taxpayer's name, the address of his new residence, and his identifying number required by section 6109.

(iv) *Other rules applicable.* Except as provided in subdivisions (i), (ii), and (iii) of this subparagraph, no communication (either written or oral) to the Internal Revenue Service will be considered effective as notice of a change of a taxpayer's residence under this section, whether or not the Service has actual notice or knowledge of the taxpayer's new residence. For the purpose of determining the date on which a notice of change of a taxpayer's residence is received under this section, the notice shall be treated as received on the date it is actually received by the Internal Revenue Service without reference to the provisions of section 7502.

(3) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A, a delinquent taxpayer, is a resident of State M and owns real property in State N. In accordance with § 301.6323(f)–1, notices of lien are filed in States M and N. In order to continue the effect of the notice of lien filed in M, the Internal Revenue Service must refile, during the required refiling period, the notice of lien with the appropriate office in M but is not required to refile the notice of lien with the appropriate office in N. Similarly, in order to continue the effect of the notice of lien filed in State N, the Internal Revenue Service must refile, during the required refiling period, the notice of lien with the appropriate office in N but is not required to refile the notice of lien with the appropriate office in M.

Example (2). B, a delinquent taxpayer, is a resident of State M. In accordance with § 301.6323(f)–1, notice of lien is properly filed in that State. One year before the beginning of the required refiling period, B establishes his residence in State N, and B immediately notifies the Internal Revenue Service of his change in residence in accordance with the provisions of paragraph (b)(2) of this section. In order to continue the effect of the notice of lien filed in M, the Internal Revenue Service must refile, during the required refiling period, notices of lien with (i) the appropriate office in M, and (ii) the appropriate office in N, because B properly notified the Internal Revenue Service of his change in residence to N more than 89 days prior to the date refiling of the notice of lien in M is completed. Even if the Internal Revenue Service had acquired actual notice or knowledge of B's change in residence by other means, if B had not properly notified the Internal Revenue Service of his change in residence, the effect of the notice of lien in State M could have been continued without any refiling in State N.

Example (3). C, a delinquent taxpayer, is a resident of State O. In accordance with § 301.6323(f)–1, notice of lien is properly filed in that State. Four years before the required refiling period, C establishes his residence in State P, and C immediately notifies the Internal Revenue Service of his change in residence in accordance with the provisions of paragraph (b)(2) of this section. Three years before the required refiling period, C establishes his residence in State R, and again C immediately notifies the Internal Revenue Service of his change in residence in accordance with the provisions of paragraph (2) of this section. In order to continue the effect of the notice of lien filed in O, the Internal Revenue Service must refile, during the required refiling period, notices of lien with (i) the appropriate office in O, and (ii) the appropriate office in R. Refiling in R is required because the notice received by the Service of C's change in residence to R was the most recent notice received more than 89 days prior to the date refiling in O is completed. The notice of lien is not required to be filed in P, even though C properly notified the Internal Revenue Service of his change in residence to P, because such notice is not the most recent one received.

Example (4). Assume the same facts as in example (3), except that C does not notify the Internal Revenue Service of his change in residence to R in accordance with the provisions of paragraph (b)(2) of this section. In order to continue the effect of the notice of lien filed in O, the Internal Revenue Service must refile, during the required refiling period, the notice of lien with (i) the appropriate office in O, and (ii) the appropriate office in P. Refiling in P is required because C properly notified the Internal Revenue Service of his change in residence to P, even though C is not a resident of P on the date refiling of the notice of lien in O is completed. The Internal Revenue Service is not required to file a notice of lien in R because C did not properly notify the Service of his change in residence to R.

Example (5). D, a delinquent taxpayer, is a resident of State M and owns real property in States N and O. In accordance with § 301.6323(f)–1, the Internal Revenue Service files notices of lien in M, N, and O States. Five years and 6 months after the date of the assessment shown on the notice of lien, D establishes his residence in P, and at that time the Internal Revenue Service received from D a notification of his change in residence in accordance with the provisions of paragraph (b)(2) of this section. On a date which is 5 years and 7 months after the date of the assessment shown on the notice of lien, the Internal Revenue Service properly refiles notices of lien in M, N, and O which refilings are sufficient to continue the effect of each of the notice of lien. The Internal Revenue Service is not required to file a notice of lien in P because D did not notify the Internal Revenue Service of his change of residence to P more than 89 days prior to the date each of the refilings in M, N, and O was completed.

Example (6). Assume the same facts as in example (5) except that the refiling of the notice of lien in O occurs 100 days after D notifies the Internal Revenue Service of his change in residence to P in accordance with the provisions of paragraph (b)(2) of this section. In order to continue the effect of the notice of lien filed in O, in addition to refiling the notice of lien in O, the Internal Revenue Service must also refile, during the required refiling period, a notice of lien in P because D properly notified the Internal Revenue Service of his change of residence to P more than 89 days prior to the date the refiling in O was completed. However, the Internal Revenue Service is not required to refile the notice of lien in P to maintain the effect of the notices of lien in M and N because D did not notify the Internal Revenue Service of his change in residence to P more than 89 days prior to the date the refilings in M and N were completed.

Example (7). E, a delinquent taxpayer, is a resident of State T. Because T has not designated one office in the case of personal property for filing notices of lien in accordance with the provisions of section 6323(f)(1)(A)(ii), the Internal Revenue Service properly files a notice of lien with the clerk of the appropriate U.S. district court. However, solely as a matter of convenience for those who may have occasion to search for notices of lien, and not as a matter of legal effectiveness, the Internal Revenue Service also files notice of lien with the recorder of deeds of the county in T where E resides. In addition, the Internal Revenue Service sends a copy of the notice of lien to the X life insurance company to give the company actual notice of the notice of lien. In order to continue the effect of the notice of lien, the Internal Revenue Service must refile the notice of lien with the clerk of the appropriate U.S. district court during the required refiling period. In order to continue the effect of the notice of the lien, it is not necessary to refile the notice of lien with the recorder of deeds of the county where E resides, because the refiling of the notice of lien with the recorder of deeds does not constitute a proper filing for the purposes of section 6323(f). In addition, to continue the effect of the notice of lien under this section it is not necessary to send a copy of the notice of lien to the X life insurance company, because the sending of a notice of lien to an insurance company does not constitute a proper filing for the purposes of section 6323(f).

(c) *Required refiling period*—(1) *In general.* For the purpose of this section, except as provided in subparagraph (2) of this paragraph, the term "required refiling period" means—

(i) The 1-year period ending 30 days after the expiration of 6 years after the date of the assessment of the tax, and

(ii) The 1-year period ending with the expiration of 6 years after the close of the preceding required refiling period for such notice of lien.

(2) *Tax assessments made before January 1, 1962.* If the assessment of the tax is made before January 1, 1962, the first required refiling period shall be the calendar year 1967. This, to maintain the effectiveness of any notice of lien on file which relates to a lien which arose before January 1, 1962, the Internal Revenue Service will refile the notice of lien during the calendar year 1967.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On March 1, 1963, an assessment of tax is made against B, a delinquent taxpayer, and a lien for the amount of the assessment arises on that date. On July 1, 1963, in accordance with § 301.6323(f)–1, a notice of lien is filed. The notice of lien filed on July 1, 1963, is effective through March 31, 1969. The first required refiling period for the notice of lien begins on April 1, 1968, and ends on March 31, 1969. A refiling of the notice of lien during that period will extend the effectiveness of the notice of lien filed on July 1, 1963, through March 31, 1975. The second required refiling period for the notice of lien begins on April 1, 1974, and ends on March 31, 1975.

Example (2). Assume the same facts as in example (1), except that although the Internal Revenue Service fails to refile a notice of lien during the first required refiling period (April 1, 1968, through March 31, 1969), a notice of lien is filed on June 2, 1971, in accordance with § 301.6323(f)–1. Because of this filing, the notice of lien filed on June 2, 1971, is effective as of June 2, 1971. That notice must be refiled during the 1-year period ending on March 31, 1975, if it is to continue in effect after March 31, 1975.

Example (3). On April 1, 1960, an assessment of tax is made against B, a delinquent taxpayer, and a tax lien for the amount of the assessment arises on that date. On June 1, 1962, in accordance with § 301.6323(f)–1, a notice of lien is filed. Because the assessment of tax was made before January 1, 1962, the notice of lien filed on June 1, 1962, is effective through December 31, 1967. The first required refiling period for the notice of lien is the calendar year 1967. A refiling of the notice of lien during 1967 will extend the effectiveness of the notice of lien filed on June 1, 1962, through December 31, 1973.

§ 301.6323(h) Statutory provisions; validity and priority against certain persons; definitions.

SEC. 6323. *Validity and priority against certain persons.* * * *

(h) *Definitions.* For purposes of this section and section 6324—

(1) *Security interest.* The term "security interest" means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected under local law against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money's worth.

(2) *Mechanic's lienor.* The term "mechanic's lienor" means any person who under local law has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid under local law against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) *Motor vehicle.* The term "motor vehicle" means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) *Security.* The term "security" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument or money.

(5) *Tax lien filing.* The term "tax lien filing" means the filing of notice (referred to in subsection (a)) of the lien imposed by section 6321.

(6) *Purchaser.* The term "purchaser" means a person who, for adequate and full consideration in money or money's worth, acquires an interest (other than a lien or security interest) in property which is valid under local law against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section, and for purposes of section 6324—

(A) A lease of property,

(B) A written executory contract to purchase or lease property,

(C) An option to purchase or lease property or any interest therein, or

(D) An option to renew or extend a lease of property,

which is not a lien or security interest shall be treated as an interest in property.

[Sec. 6323(h) as added by sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

§ 301.6323(h)–0 Scope of definitions.

Except as otherwise provided by § 301.6323(h)–1, the definitions provided by § 301.6323(h)–1 apply for purposes of §§ 301.6323(a)–1 through 301.6324–1.

§ 301.6323(h)–1 Definitions.

(a) *Security interest*—(1) *In general.* The term "security interest" means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time—

(i) If, at such time, the property is in existence and the interest has become

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protected under local law against a subsequent judgment lien (as provided in subparagraph (2) of this paragraph) arising out of an unsecured obligation; and

(II) To the extent that, at such time, the holder has parted with money or money's worth (as defined in subparagraph (3) of this paragraph).

A security interest must be in existence, within the meaning of this paragraph, at the time as of which its priority against a tax lien is determined. For example, to be afforded priority under the provisions of paragraph (a) of § 301.6323 (a)–1 a security interest must be in existence within the meaning of this paragraph before a notice of lien is filed.

(2) *Protection against a subsequent judgment lien.* (i) For purposes of this paragraph, a security interest is deemed to be protected against a subsequent judgment lien on—

(A) The date on which all actions required under local law to establish the priority of a security interest against a judgment lien have been taken, or

(B) If later, the date on which all required actions are deemed effective, under local law, to establish the priority of the security interest against a judgment lien.

For purposes of this subdivision, the dates described in (a) and (b) of this subdivision (i) shall be determined without regard to any rule or principle of local law which permits the relation back of any requisite action to a date earlier than the date on which the action is actually performed. For purposes of this paragraph, a judgment lien is a lien held by a judgment lien creditor as defined in paragraph (g) of this section.

(ii) The application of this subparagraph may be illustrated by the following example:

Example. (1) Under the law of State X, a security interest in negotiable instruments, stocks, bonds, or other securities may be perfected, and hence protected against a judgment lien, only by the secured party taking possession of the instruments or securities. However, a security interest in such intangible personal property is considered to be temporarily perfected for a period of 21 days from the time the security interest attaches, to the extent consideration other than past consideration is given under a written security agreement. Under the law of X, a security interest attaches to such collateral when there is an agreement between the creditor and debtor that the interest attaches, the debtor has rights in the property, and consideration is given by the creditor. Under the law of X, in the case of temporary perfection, the security interest in such property is protected during the 21-day period against a judgment lien arising, after the security interest attaches, out of an unsecured obligation. Upon expiration of the 21-day period, the holder of the security interest must take possession of the collateral to continue perfection.

(ii) Because the security interest is protected during the 21-day period against a subsequent judgment lien arising out of an unsecured obligation, and because the taking of possession before the conclusion of the period of temporary perfection is not considered, for purposes of subdivision (i) of this subparagraph, to be a requisite action which relates back to the beginning of such period, the requirements of this paragraph are satisfied. However, because taking possession is a condition precedent to continued perfection, possession of the collateral is a requisite action to establish such priority after expiration of the period of temporary perfection. If there is a lapse of perfection for failure to take possession, the determination of when the security interest exists (for purposes of protection against the tax lien) is made without regard to the period of temporary perfection.

(3) *Money or money's worth.* For purposes of this paragraph, the term "money or money's worth" includes money, a security (as defined in paragraph (d) of this section), tangible or intangible property, services, and other consideration reducible to a money value. Money or money's worth also includes any consideration which otherwise would constitute money or money's worth under the preceding sentence which was parted with before the security interest would otherwise exist if, under local law, past consideration is sufficient to support an agreement giving rise to a security interest. A relinquishing or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights is not a consideration in money or money's worth. Nor is love and affection, promise of marriage, or any other consideration not reducible to a money value a consideration in money or money's worth.

(4) *Holder of a security interest.* For purposes of this paragraph, the holder of a security interest is the person in whose favor there is a security interest. For provisions relating to the treatment of a purchaser of commercial financing security as a holder of a security interest, see § 301.6323(c)–1(e).

(b) *Mechanic's lienor*—(1) *In general.* The term "mechanic's lienor" means any person who under local law has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement (including demolition) of the property. A mechanic's lienor is treated as having a lien on the later of—

(i) The date on which the mechanic's lien first becomes valid under local law against subsequent purchasers of the real property without actual notice, or

(ii) The date on which the mechanic's lienor begins to furnish the services, labor, or materials.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following example:

Example (1). On February 1, 1968, A lets a contract for the construction of an office building on property owned by him. On March 1, 1968, in accordance with § 301.6323 (f)–1, a notice of lien for delinquent Federal taxes owed by A is filed. On April 1, 1968, B, a lumber dealer, delivers lumber to A's property. On May 1, 1968, B records a mechanic's lien against the property to secure payment of the price of the lumber. Under local law, B's mechanic's lien is valid against subsequent purchasers of real property without notice from February 1, 1968, which is the date the construction contract was entered into. Because the date on which B's mechanic's lien is valid under local law against subsequent purchasers is February 1, and the date on which B begins to furnish the materials is April 1, the date on which B becomes a mechanic's lienor within the meaning of this paragraph is April 1, the later of these two dates. Under paragraph (a) of § 301.6323(a)–1, B's mechanic's lien will not have priority over the Federal tax lien, even though under local law the mechanic's lien relates back to the date of the contract.

(c) *Motor vehicle.* (1) The term "motor vehicle" means a self-propelled vehicle which is registered for highway use under the laws of any State, the District of Columbia, or a foreign country.

(2) A motor vehicle is "registered for highway use" at the time of a sale if immediately prior to the sale it is so registered under the laws of any State, the District of Columbia, or a foreign country. Where immediately prior to the sale of a motor vehicle by a dealer, the dealer is permitted under local law to operate it under a dealer's tag, license, or permit issued to him, the motor vehicle is considered to be registered for highway use in the name of the dealer at the time of the sale.

(d) *Security.* The term "security" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(e) *Tax lien filing.* The term "tax lien filing" means the filing of notice of the lien imposed by section 6321.

(f) *Purchaser*—(1) *In general.* The term "purchaser" means a person who, for adequate and full consideration in money or money's worth (as defined in subparagraph (3) of this paragraph), acquires an interest (other than a lien or security interest) in property which is valid under local law against subsequent purchasers without actual notice.

(2) *Interest in property.* For purposes of this paragraph, each of the following interests is treated as an interest in property, if it is not a lien or security interest:

(i) A lease of property,

(ii) A written executory contract to purchase or lease property,

(iii) An option to purchase or lease property and any interest therein, or

(iv) An option to renew or extend a lease of property.

(3) *Adequate and full consideration in money or money's worth.* For purposes of this paragraph, the term "adequate and full consideration in money or money's worth" means a consideration in money or money's worth having a reasonable relationship to the true value of the interest in property acquired. See paragraph (a)(3) of this section for definition of the term "money or money's worth." Adequate and full consideration in money or money's worth may include the consideration in a bona fide bargain purchase. The term also includes the consideration in a transaction in which the purchaser has not completed performance of his obligation, such as the consideration in an installment purchase contract, even though the purchaser has not completed the installment payments.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A enters into a contract for the purchase of a house and lot from B. Under the terms of the contract A makes a down payment and is to pay the balance of the purchase price in 120 monthly installments. After payment of the last installment, A is to receive a deed to the property. A enters into possession, which under local law protects his interest in the property against subsequent purchasers without actual notice. After A has paid five monthly installments, a notice of lien for Federal taxes is filed against B in accordance with § 301.6323 (f)–1. Because the contract is an executory contract to purchase property and is valid under local law against subsequent purchasers without actual notice, A qualifies as a purchaser under this paragraph.

Example (2). C owns a residence which he leases to his son-in-law, D, for a period of 5 years commencing January 1, 1968. The lease provides for payment of $100 a year, although the fair rental value of the residence is $2,500 a year. The lease is recorded on December 31, 1967. On March 1, 1968, a notice of tax lien for unpaid Federal taxes of C is filed in accordance with § 301.6323(f)–1. Under local law, D's interest is protected against subsequent purchasers without actual notice. However, because the rental paid by D has no reasonable relationship to the value of the interest in property acquired, D does not qualify as a purchaser under this paragraph.

(g) *Judgment lien creditor.* The term "judgment lien creditor" means a person who has obtained a valid judgment, in a court of record and of competent jurisdiction, for the recovery of specifically designated property or for a certain sum of money. In the case of a judgment for the recovery of a certain sum of money, a judgment lien creditor is a person who has perfected a lien under the judgment on the property involved. A judgment lien is not perfected until the identity of the lienor, the property subject to the lien, and the amount of the lien are established. Accordingly, a judgment lien does not include an attachment or garnishment lien until the lien has ripened into judgment, even though under local law the lien of the judgment relates back to an earlier date. If recording or docketing is necessary under local law before a judgment becomes effective against third parties acquiring liens on real property, a judgment lien under such local law is not perfected with respect to real property until the time of such recordation or docketing. If under local law levy or seizure is necessary before a judgment lien becomes effective against third parties acquiring liens on personal property, then a judgment lien under such local law is not perfected until levy or seizure of the personal property involved. The term "judgment" does not include the determination of a quasi-judicial body or of an individual acting in a quasi-judicial capacity such as the action of State taxing authorities.

§ 301.6323(i) Statutory provisions; validity and priority against certain persons; special rules.

SEC. 6323. *Validity and priority against certain persons.* * * *

(i) *Special rules*—(1) *Actual notice or knowledge.* For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event from the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) *Subrogation.* Where, under local law, one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by section 6321 or 6324.

(3) *Disclosure of amount of outstanding lien.* If a notice of lien has been filed pursuant to subsection (f), the Secretary or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

[Sec. 6323(i) as added by sec. 101(a), Federal Tax Lien Act 1966 (80 Stat. 1125)]

§ 301.6323(i)–1 Special rules.

(a) *Actual notice or knowledge.* For purposes of subchapter C (section 6321 and following), chapter 64 of the Code, an organization is deemed, in any transaction, to have actual notice or knowledge of any fact from the time the fact is brought to the attention of the individual conducting the transaction, and in any event from the time the fact would have been brought to the individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(b) *Subrogation*—(1) *In general.* Where, under local law, one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by section 6321 or 6324. Thus, if a tax lien imposed by section 6321 or 6324 is not valid with respect to a particular interest as against the holder of that interest, then the tax lien also is not valid with respect to that interest as against any person who, under local law, is a successor in interest to the holder of that interest.

(2) *Example.* The application of this paragraph may be illustrated by the following example:

Example. On February 1, 1968, an assessment is made and a tax lien arises with respect to A's delinquent tax liability. On February 25, 1968, in accordance with § 301.6323 (f)–1, a notice of lien is properly filed. On March 1, 1968, A negotiates a loan from B, the security for which is a second mortgage on property owned by A. The first mortgage on the property is held by C and has priority over the tax lien. Upon default by A, C begins proceedings to foreclose upon the first mortgage. On September 1, 1968, B pays the amount of principal and interest in default to C in order to protect the second mortgage against the pending foreclosure of C's senior mortgage. Under local law, B is subrogated to C's rights to the extent of the payment to C. Therefore, the tax lien is invalid against B to the extent he became subrogated to C's rights even though the tax lien is valid against B's second mortgage on the property.

(c) *Disclosure of amount of outstanding lien.* If a notice of lien has been filed (see § 301.6323(f)–1), the amount of the outstanding obligation secured by the lien is authorized to be disclosed as a matter of public record on Form 668 "Notice of Federal Tax Lien Under Internal Revenue Laws." The amount of the outstanding obligation secured by the lien remaining unpaid at the time of an inquiry is authorized to be disclosed to any person who has a proper interest in determining this amount. Any person who has a right in the property or intends to obtain a right in the property by purchase or otherwise will, upon presentation by him of satisfactory evidence, be considered to have a proper interest. Any person desiring this information may make his request to the office of the Internal Revenue Service named on the notice of lien with respect to which the request is made. The request should clearly describe the property subject to the lien, identify the applicable lien, and give the reasons for requesting the information.

PAR. 8. Section 301.6325 is amended to read as follows:

§ 301.6325 Statutory provisions; release of lien or discharge of property.

SEC. 6325. *Release of lien or discharge of property*—(a) *Release of lien.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of release of any lien imposed with respect to any internal revenue tax if—

(1) *Liability satisfied or unenforceable.* The Secretary or his delegate finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied or has become legally unenforceable; or

(2) *Bond accepted.* There is furnished to the Secretary or his delegate and accepted by him a bond that is conditioned upon the payment of the amount assessed, together with all interest in respect thereof, within the time prescribed by law (including any extension of such time), and that is in accordance with such requirements relating to

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terms, conditions, and form of the bond and sureties thereon, as may be specified by such regulations.

(b) *Discharge of property*—(1) *Property double the amount of the liability.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to any lien imposed under this chapter if the Secretary or his delegate finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the unsatisfied liability secured by such lien and the amount of all other liens upon such property which have priority over such lien.

(2) *Part payment; interest of United States valueless.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if—

(A) There is paid over to the Secretary or his delegate in partial satisfaction of the liability secured by the lien an amount determined by the Secretary or his delegate, which shall not be less than the value, as determined by the Secretary or his delegate, of the interest of the United States in the part to be so discharged, or

(B) The Secretary or his delegate determines at any time that the interest of the United States in the part to be so discharged has no value.

In determining the value of the interest of the United States in the part to be so discharged, the Secretary or his delegate shall give consideration to the value of such part and to such liens thereon as have priority over the lien of the United States.

(3) *Substitution of proceeds of sale.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if such part of the property is sold and, pursuant to an agreement with the Secretary or his delegate, the proceeds of such sale are to be held, as a fund subject to the liens and claims of the United States, in the same manner and with the same priority as such liens and claims had with respect to the discharged property.

(c) *Estate or gift tax.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any or all of the property subject to any lien imposed by section 6324 if the Secretary or his delegate finds that the liability secured by such lien has been fully satisfied or provided for.

(d) *Subordination of lien.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of subordination of any lien imposed by this chapter upon any part of the property subject to such lien if—

(1) There is paid over to the Secretary or his delegate an amount equal to the amount of the lien or interest to which the certificate subordinates the lien of the United States, or

(2) The Secretary or his delegate believes that the amount realizable by the United States from the property to which the certificate relates, or from any other property subject to the lien, will ultimately be increased by reason of the issuance of such certificate and that the ultimate collection of the tax liability will be facilitated by such subordination.

(e) *Nonattachment of lien.* If the Secretary or his delegate determines that, because of confusion of names or otherwise, any person (other than the person against whom the tax was assessed) is or may be injured by the appearance that a notice of lien filed under section 6323 refers to such person, the Secretary or his delegate may issue a certificate that the lien does not attach to the property of such person.

(f) *Effect of certificate*—(1) *Conclusiveness.* Except as provided in paragraphs (2) and (3), if a certificate is issued pursuant to this section by the Secretary or his delegate and is filed in the same office as the notice of lien to which it relates (if such notice of lien has been filed) such certificate shall have the following effect:

(A) In the case of a certificate of release, such certificate shall be conclusive that the lien referred to in such certificate is extinguished;

(B) In the case of a certificate of discharge, such certificate shall be conclusive that the property covered by such certificate is discharged from the lien;

(C) In the case of a certificate of subordination, such certificate shall be conclusive that the lien or interest to which the lien of the United States is subordinated is superior to the lien of the United States; and

(D) In the case of a certificate of nonattachment, such certificate shall be conclusive that the lien of the United States does not attach to the property of the person referred to in such certificate.

(2) *Revocation of certificate of release or nonattachment.* If the Secretary or his delegate determines that a certificate of release or nonattachment of a lien imposed by section 6321 was issued erroneously or improvidently, or if a certificate of release of such lien was issued pursuant to a collateral agreement entered into in connection with a compromise under section 7122 which has been breached, and if the period of limitation on collection after assessment has not expired, the Secretary or his delegate may revoke such certificate and reinstate the lien—

(A) By mailing notice of such revocation to the person against whom the tax was assessed at his last known address, and

(B) By filing notice of such revocation in the same office in which the notice of lien to which it relates was filed (if such notice of lien had been filed).

Such reinstated lien (i) shall be effective on the date notice of revocation is mailed to the taxpayer in accordance with the provisions of subparagraph (A), but not earlier than the date on which any required filing of notice of revocation is filed in accordance with the provisions of subparagraph (B), and (ii) shall have the same force and effect (as of such date), until the expiration of the period of limitation on collection after assessment, as a lien imposed by section 6321 (relating to lien for taxes).

(3) *Certificates void under certain conditions.* Notwithstanding any other provision of this subtitle, any lien imposed by this chapter shall attach to any property with respect to which a certificate of discharge has been issued if the person liable for the tax reacquires such property after such certificate has been issued.

(g) *Filing of certificates and notices.* If a certificate or notice issued pursuant to this section may not be filed in the office designated by State law in which the notice of lien imposed by section 6321 is filed, such certificate or notice shall be effective if filed in the office of the clerk of the United States district court for the judicial district in which such office is situated.

(h) *Cross reference.* For provisions relating to bonds, see chapter 73 (sec. 7101 and following).

[Sec. 6325 as amended by sec. 77, Technical Amendments Act 1958 (72 Stat. 1662); sec. 103(a), Federal Tax Lien Act 1966 (80 Stat. 1133)]

PAR. 9. Section 301.6325–1 is amended by revising the heading, by revising subparagraphs (1)(i), (2), (3), and (4) of paragraph (b), by revising paragraph (d), and by adding new paragraphs (e), (f), and (g). These revised and added provisions read as follows:

§ 301.6325–1 Release of lien or discharge of property.

* * * * *

(b) *Discharge of specific property from the lien*—(1) *Property double the amount of the liability.* (i) The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to a lien imposed under chapter 64 of the Code if he determines that the fair market value of that part of the property remaining subject to the lien is at least double the sum of the amount of the unsatisfied liability secured by the lien and of the amount of all other liens upon the property which have priority over the lien. In general, fair market value is that amount which one ready and willing but not compelled to buy would pay to another ready and willing but not compelled to sell the property.

* * * * *

(2) *Part payment; interest of United States valueless*—(i) *Part payment.* The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to a lien imposed under chapter 64 of the Code if there is paid over to him in partial satisfaction of the liability secured by the lien an amount determined by him to be not less than the value of the interest of the United States in the property to be so discharged. In determining the amount to be paid, the district director will take into consideration all the facts and circumstances of the case, including the expenses to which the Government has been put in the matter. In no case shall the amount to be paid be less than the value of the interest of the United States in the property with respect to which the certificate of discharge is to be issued.

(ii) *Interest of the United States valueless.* The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to the lien if he determines that the interest of the United States in the property to be so discharged has no value.

(iii) *Valuation of interest of United States.* For purposes of this subparagraph, in determining the value of the interest of the United States in the property, or any part thereof, with respect to which the certificate of discharge is to be issued, the district director shall give consideration to the value of the property and the amount of all liens and encumbrances thereon having priority over the Federal tax lien. In determining the value of the property, the district director may, in his discretion, give consideration to the forced sale value of the property in appropriate cases.

(3) *Discharge of property by substitution of proceeds of sale.* A district director may, in his discretion, issue a certificate of discharge of any part of the property subject to a lien imposed under chapter 64 of the Code if such part of the property is sold and, pursuant to a written agreement with the district director, the proceeds of the sale are held, as a fund subject to the liens and claims of the United States, in the same manner and with the same priority as the lien or claim had with respect to the discharged property. This subparagraph does not apply unless the sale divests the taxpayer of all right, title, and interest in the property sought to be discharged. Any reasonable and necessary expenses incurred in connection with the sale of the property and the administration of the sale proceeds shall be paid by the applicant or from the proceeds of the sale before satisfaction of any lien or claim of the United States.

(4) *Application for certificate of discharge.* Any person desiring a certificate of discharge under this paragraph shall submit an application in writing to the district director responsible for collection of the tax. The application shall contain such information as the district director may require.

* * * * *

(d) *Subordination of lien*—(1) *By payment of the amount subordinated.* A district director may, in his discretion, issue a certificate of subordination of a lien imposed under chapter 64 of the Code upon any part of the property subject to the lien if there is paid over to the district director an amount equal to the amount of the lien or interest to which the certificate subordinates the lien of the United States. For this purpose, the tax lien may be subordinated to another lien or interest on a dollar-for-dollar basis. For example, if a notice of a Federal tax lien is filed and a delinquent taxpayer secures a mortgage loan on a part of the property subject to the tax lien and pays over the proceeds of the loan to a district director after an application for a certificate of subordination is approved, the district director will issue a certificate of subordination. This certificate will have the effect of subordinating the tax lien to the mortgage.

(2) *To facilitate tax collection*—(i) *In general.* A district director may, in his discretion, issue a certificate of subordination of a lien imposed under chapter 64 of the Code upon any part of the property subject to the lien if the district director believes that the subordination of the lien will ultimately result in an increase in the amount realized by the United States from the property subject to the lien and will facilitate the ultimate collection of the tax liability.

(ii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A, a farmer, needs money in order to harvest his crop. A Federal tax lien, notice of which has been filed, is outstanding with respect to A's property. B, a lending institution is willing to make the necessary loan if the loan is secured by a first mortgage on the farm which is prior to the Federal tax lien. Upon examination, the district director believes that ultimately the amount realizable from A's property will be increased and the collection of the tax liability will be facilitated by the availability of cash when the crop is harvested and sold. In this case, the district director may, in his discretion, subordinate the tax lien on the farm to the mortgage securing the crop harvesting loan.

Example (2). C owns a commercial building which is deteriorating and in unsalable condition. Because of outstanding Federal tax liens, notices of which have been filed, C is unable to finance the repair and rehabilitation of the building. D, a contractor, is willing to do the work if his mechanic's lien on the property is superior to the Federal tax liens. Upon examination, the district director believes that ultimately the amount realizable from C's property will be increased and the collection of the tax liability will be facilitated by arresting deterioration of the property and restoring it to salable condition. In this case, the district director may, in his discretion, subordinate the tax lien on the building to the mechanic's lien.

Example (3). E, a manufacturer of electronic equipment, obtains financing from F, a lending institution, pursuant to a security agreement, with respect to which a financing statement was duly filed under the Uniform Commercial Code on June 1, 1970. On April 15, 1971, F gains actual notice or knowledge that notice of a Federal tax lien had been filed against E on March 31, 1971, and F refuses to make further advances unless its security interest is assured of priority over the Federal tax lien. Upon examination, the district director believes that ultimately the amount realizable from E's property will be increased and the collection of the tax liability will be facilitated if the work in process can be completed and the equipment sold. In this case, the district director may, in his discretion, subordinate the tax lien to F's security interest for the further advances required to complete the work.

Example (4). Suit is brought against G by H, who claims ownership of property the legal title to which is held by G. A Federal tax lien against G, notice of which has previously been filed, will be enforceable against the property if G's title is confirmed. Because section 6323(b)(8) is inapplicable, J, an attorney, is unwilling to defend the case for G unless he is granted a contractual lien on the property, superior to the Federal tax lien. Upon examination, the district director believes that the successful defense of the case by G will increase the amount ultimately realizable from G's property and will facilitate collection of the tax liability. In this case, the district director may, in his discretion, subordinate the tax lien to J's contractual lien on the disputed property to secure J's reasonable fees and expenses.

(3) *Application for certificate of subordination.* Any person desiring a certificate of subordination under this paragraph shall submit an application therefor in writing to the district director responsible for the collection of the tax. The application shall contain such information as the district director may require.

(e) *Nonattachment of lien.* If a district director determines that, because of confusion of names or otherwise, any person (other than the person against whom the tax was assessed) is or may be injured by the appearance that a notice of lien filed in accordance with § 301.6323(f)–1 refers to such person, the district director may issue a certificate of nonattachment. Such certificate shall state that the lien, notice of which has been filed, does not attach to the property of such person. Any person desiring a certificate of nonattachment under this paragraph shall submit an application therefor in writing to the district director responsible for the collection of the tax. The application shall contain such information as the district director may require.

(f) *Effect of certificate*—(1) *Conclusiveness.* Except as provided in subparagraphs (2) and (3) of this paragraph, if a certificate is issued under section 6325 by a district director and the certificate is filed in the same office as the notice of lien to which it relates (if the notice of lien has been filed), the certificate shall have the following effect—

(i) In the case of a certificate of release issued under paragraph (a) of this section, the certificate shall be conclusive that the tax lien referred to in the certificate is extinguished;

(ii) In the case of a certificate of discharge issued under paragraph (b) or (c) of this section, the certificate shall be conclusive that the property covered by the certificate is discharged from the tax lien;

(iii) In the case of a certificate of subordination issued under paragraph (d) of this section, the certificate shall be conclusive that the lien or interest to which the Federal tax lien is subordinated is superior to the tax lien; and

(iv) In the case of a certificate of nonattachment issued under paragraph (e), the certificate shall be conclusive that the lien of the United States does not attach to the property of the person referred to in the certificate.

(2) *Revocation of certificate of release or nonattachment*—(i) *In general.* If a district director determines that either—

(*a*) A certificate of release or a certificate of nonattachment of the general tax lien imposed by section 6321 was issued erroneously or improvidently, or

(*b*) A certificate of release of such lien was issued in connection with a compromise agreement under section 7122 which has been breached,

and if the period of limitation on collection after assessment of the tax liability has not expired, the district director may revoke the certificate and reinstate the tax lien. The provisions of this subparagraph do not apply in the case of the lien imposed by section 6324 relating to estate and gift taxes.

(ii) *Method of revocation and reinstatement.* The revocation and reinstatement described in subdivision (i) of this subparagraph is accomplished by—

(*a*) Mailing notice of the revocation to the taxpayer at his last known address, and

(*b*) Filing notice of the revocation of the certificate in the same office in which the notice of lien to which it relates was filed (if the notice of lien has been filed).

(iii) *Effect of reinstatement*—(*a*) *Effective date.* A tax lien reinstated in accordance with the provisions of this subparagraph is effective on and after the date of notice of revocation is mailed to the taxpayer in accordance

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with the provisions of subdivision (ii) (*a*) of this subparagraph, but the reinstated lien is not effective before the filing of notice of revocation, in accordance with the provisions of subparagraph (ii) (*b*) of this subparagraph, if the filing is required by reason of the fact that a notice of the lien had been filed.

(*b*) *Treatment of reinstated lien.* As of the effective date of reinstatement, a reinstated lien has the same force and effect as a general tax lien imposed by section 6321 which arises upon assessment of a tax liability. The reinstated lien continues in existence until the expiration of the period of limitation on collection after assessment of the tax liability to which it relates. The reinstatement of the lien does not retroactively reinstate a previously filed notice of lien. The reinstated lien is not valid against any holder of a lien or interest described in § 301.6323(a)–1 until notice of the reinstated lien has been filed in accordance with the provisions of § 301.–6323(f)–1 subsequent to or concurrent with the time the reinstated lien became effective.

(iv) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. On March 1, 1967, an assessment of an unpaid Federal tax liability is made against A. On March 1, 1968, notice of the Federal tax lien, which arose at the time of assessment, is filed. On April 1, 1968, A executes a bona fide mortgage on property belonging to him to B. On May 1, 1968, a certificate of release of the tax lien is erroneously issued and is filed by A in the same office in which the notice of lien was filed. On June 3, 1968, the lien is reinstated in accordance with the provisions of this subparagraph. On July 1, 1968, A executes a bona fide mortgage on property belonging to him to C. On August 1, 1968, a notice of the lien which was reinstated is properly filed in accordance with the provisions of § 301.–6323(f)–1. The mortgages of both B and C will have priority over the rights of the United States with respect to the tax liability in question. Because a reinstated lien continues in existence only until the expiration of the period of limitation on collection after assessment of the tax liability to which the lien relates, in the absence of any extension or suspension of the period of limitation on collection after assessment, the reinstated lien will become unenforceable by reason of lapse of time after February 28, 1973.

(3) *Certificates void under certain conditions.* Notwithstanding any other provisions of subtitle F of the Code, any lien for Federal taxes attaches to any property with respect to which a certificate of discharge has been issued if the person liable for the tax reacquires the property after the certificate has been issued. Thus, if property subject to a Federal tax lien is discharged therefrom and is later reacquired by the delinquent taxpayer at a time when the lien is still in existence, the tax lien attaches to the reacquired property and is enforceable against it as in the case of after-acquired property generally.

(g) *Filing of certificates and notices.* If a certificate or notice described in this section may not be filed in the office designated by State law in which the notice of lien imposed by section 6321 (to which the certificate or notice relates) is filed, the certificate or notice is effective if filed in the office of the clerk of the U.S. district court for the judicial district in which the State office where the notice of lien is filed is situated.

[FR Doc.72-22413 Filed 12-29-72; 2:20 pm]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

Fresh Fruits, Vegetables and Other Products Inspection, Certification and Standards

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of Regulations Governing Inspection, Certification, and Standards for Fresh Fruits, Vegetables and Other Products[1] (7 CFR 51.1–51.61). The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee to cover the cost of the service.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than March 1, 1973 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27 (b).)

Statement of considerations leading to the amendment of the regulations. The approved shield mark with the appropriate U.S. grade designation, and other approved continuous inspection legends may be used on containers or labels only when: (1) The product has been packed under continuous inspection as provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of U.S. Grade A, U.S. Grade No. 1, or a higher U.S. grade, when the grade mark includes the official shield, or the requirements of such quality, grade or specification as may be approved by the Administrator, when certain other continuous inspection legends are used.

In the enforcement of these labeling regulations to guard against improper use of approved grade marks and inspection legends, it is essential that either the packer's name and address or other identification be shown on each container.

The proposed amendment would revise § 51.49 of the regulations to provide requirements pertaining to packer identification and to add an example of such identification by adding a new paragraph (d) and redesignating the present paragraph (d) to (e). A new figure 6 would be added and the present figure 6 renumbered to figure 7.

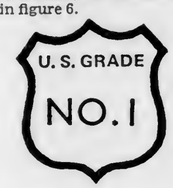
In addition, subparagraph (8) of paragraph (e) of § 51.59 would be reworded to provide that drawings or printers' proofs of each packer's or distributor's labels or other container markings bearing official identification marks be submitted for approval by the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, prior to printing.

As proposed to be amended, §§ 51.49 and 51.59 are set forth below:

§ 51.49 Approved identifications.

• • • • • •

(d) *Packer identification* The packer's name and address or assigned code number or other mark identifying the packer as may be approved by the Administrator, shall appear on any container bearing grade marks or inspection legends approved under paragraph (a), (b), or (c) of this section, as illustrated by the example in figure 6.



PACKER NO. 01
PACKED UNDER CONTINUOUS
FEDERAL - STATE INSPECTION

FIGURE 6.

(e) *Other identification marks.* Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspection mark similar in form and design to figure 7 of this paragraph. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

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FIGURE 7

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations of this subpart.

[2] Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

§ 51.59 Operations and operating procedures.

• • • • • •

(e) • • •

(8) Submit to the Chief of the Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, for approval prior to printing, drawings or printers' proofs of each packer's or distributor's label bearing or referring in any manner to official inspection legends or grade marks.

• • • • • •

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: December 26, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-87 Filed 1-3-73;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1430]

PRICE SUPPORT PROGRAM FOR MILK

Loans, Purchases, and Other Operations

Notice is hereby given that the Secretary of Agriculture, under authority of section 201(c) of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1446), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), is considering the terms and conditions of the price support program for milk, for the 1973–74 marketing year beginning April 1, 1973, including the general level of prices to producers for milk and the prices for and terms of purchase by CCC of butter, nonfat dry milk, and cheddar cheese. Section 201(c) of the Agricultural Act of 1949, as amended, provides as follows: "The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

Consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Livestock and Dairy Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m.–4:45 p.m.). (7 CFR 1.27(b))

Signed at Washington, D.C., on December 22, 1972.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-125 Filed 1-3-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

VITAMIN A AND VITAMIN D

Proposed Statement of Policy; Correction

The Commissioner of Food and Drugs issued a proposed statement of policy on the use of vitamin A and vitamin D which was published in the FEDERAL REGISTER of Thursday, December 14, 1972 (37 FR 26618). The provisions of the proposed new sections should be corrected as follows:

1. The proposed § 3.—— *Vitamin A preparations for oral use as drugs* is amended by deleting paragraph (b)(3), redesignating paragraph (c) as paragraph (d), and adding a new paragraph (c) to read as set forth below.

§ 3.—— Vitamin A preparations for oral use as drugs.

• • • • • •

(b) • • •

(3) [Deleted]

(c) Preparations containing 10,000 or less I.U. of vitamin A per dosage unit will be regarded as misbranded if their recommended daily dosage exceeds 10,000 I.U.

• • • • • •

2. The proposed § 3.—— *Vitamin D preparations for oral use as drugs* is amended by deleting paragraph (b)(3), redesignating paragraph (c) as paragraph (d), and adding a new paragraph (c) to read as set forth below.

§ 3.—— Vitamin D preparations for oral use as drugs.

• • • • • •

(b) • • •

(3) [Deleted]

(c) Preparations containing 400 or less I.U. of vitamin D per dosage unit will be regarded as misbranded if their recommended daily dosage exceeds 400 I.U.

• • • • • •

Dated: December 26, 1972.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-132 Filed 1-3-73;8:45 am]

[21 CFR Part 191]

BANNED HAZARDOUS SUBSTANCES

Proposed Exemption of Artists' Paints and Related Materials

An order was published in the FEDERAL REGISTER of March 11, 1972 (37 F.R. 5229), classifying certain lead-containing paints and other similar surface-coating materials as banned hazardous substances. This regulation (21 CFR 191.9 (a)(6)) was promulgated under section 2(q)(1)(B) of the Federal Hazardous Substances Act.

Section 191.9(a)(6)(i) declares as a banned hazardous substance any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around a household that is shipped in interstate commerce between December 31, 1972, and December 31, 1973, and that contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film. The effective date of this part of the regulation was confirmed in the FEDERAL REGISTER of August 10, 1972 (37 F.R. 16078).

Since the promulgation of said banning regulation, the Food and Drug Administration has received many inquiries and adverse responses concerning the banning of artists' paints due to their lead content. These deal specifically with lead carbonate (also known as white lead, flake white, cremnitz white, and silver white). Interested persons state (1) that lead is a necessary component of artists' paints, (2) that a satisfactory substitute for lead is not currently available, and (3) that although these products are both intended and packaged in a form suitable for use in and around a household, it is not likely that children will ingest the dried paint film.

Having considered the responses and other relevant material, the Commissioner of Food and Drugs proposes to exempt artists' paints and related materials from classification as a banned hazardous substance. If this proposal is adopted these materials will still be subject to other provisions of the Federal Hazardous Substances Act and regulations promulgated thereunder.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304; 15 U.S.C. 1261 (q)(1)(B), (2)) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371 (e)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 191.9(a)(6) be amended by adding thereto a new subdivision (i)(*d*), as follows:

§ 191.9 Banned hazardous substances.

(a) • • •

(6)(i) • • •

(*d*) The provisions of this subdivision (i) do not apply to artists' paints and related materials.

• • • • • •

Publication of this proposal in the FEDERAL REGISTER shall have the effect of suspending the implementation date (De-

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cember 31, 1972) of § 191.9(a)(6)(i)(b) only as it applies to artists' paints and related materials, pending review of comments and promulgation of an order in this matter. This proposal will in no way affect the implementation date of § 191.9(a)(6)(i)(b) as it applies to other paints and similar surface-coating materials.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 26, 1972.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-29 Filed 1-3-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 11350; Notice No. 72-35]

VFR WEATHER MINIMUMS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations by revising § 91.105 to prescribe distance from cloud minimums for aircraft operating 1,200 feet or less above the surface outside controlled airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before March 22, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

I. *Background.* This notice of proposed rule making follows advance notice of proposed rule making (ANPRM) 71-24 (36 FR 17052) which was issued on August 23, 1971. That ANPRM was issued to obtain comments on the adequacy of existing basic VFR weather minimums below 10,000 feet MSL in controlled and uncontrolled airspace.

Approximately 600 of the 730 comments received in response to the notice stated that existing VFR minimums are adequate. Despite the fact that views were solicited on the adequacy of all minimums in controlled airspace below 10,000 MSL, many comments were devoted solely to opposing the results of a pilot survey which indicated that some individuals favored an increase in visibility from 3 to 5 miles. Since many of the comments were preoccupied with this one issue, the amount of information submitted on other aspects of the ANPRM, including distance from cloud requirements, was small. This notice is issued to obtain more adequate public comment with respect to distance from cloud requirements.

II. *Within controlled airspace.* There was overwhelming opposition to increasing VFR minimums in controlled airspace. As indicated above, a large proportion of the comments was directed to the issue of whether or not to increase the visibility minimum to 5 miles (below 10,000 feet). Commentators considered this unacceptable for two reasons. First, they stated that the estimated restriction to all kinds of general aviation activity would be very serious, due to the poor visibility prevailing in many parts of the United States a large portion of the time. Second, they stated that a visibility minimum of 5 miles would not, in itself, enable a pilot to see and avoid another aircraft any sooner than with 3 miles visibility, because, they stated, it is almost impossible to see a small aircraft 5 miles away.

Rule making on the visibility aspects of the ANPRM is being deferred for further study of these comments, particularly since available statistics indicate that most near midair collision incidents occur during daylight hours and when the visibility is in excess of 5 miles. This would indicate that a mere increase in visibility minimums may involve an increased burden on the airspace user without a corresponding increase in safety in controlled airspace.

III. *Outside controlled airspace.* There were few comments directed specifically to adequacy of minimums in uncontrolled airspace. The majority of these stated that the minimums are adequate and no changes are necessary. However, some commentators did support more restrictive requirements. The National Transportation Safety Board (NTSB) commented that in many instances uncontrolled airspace is utilized for training, transition and aircraft familiarization for new or low-time pilots, that these activities plus a low-experience level inherent in training activities tend to increase hazards, and that therefore greater cloud clearance and visibility should be required. The NTSB stated that the weather minimums in uncontrolled airspace should be the same as those in controlled airspace below 10,000 feet. The FAA is giving due consideration to all aspects of this recommendation, and believes that the Board may be correct with respect to distance from clouds at and below 1,200 feet outside controlled airspace. This notice requests further public comment on this point.

Several other comments suggested that the minimums should be increased. Some favored an across-the-board visibility requirement of 3 miles with no change in the existing "clear of clouds" requirement below 1,200 feet AGL. Others suggested some intermediate or sliding scale of visibility values, while a few recommended some form of cloud clearance criteria in uncontrolled airspace below 1,200 feet. In addition, several commentators noted the complexity of the existing weather minimums. The FAA agrees that the present rules are complex, and that one of the complicating factors is the "clear of clouds" requirement outside controlled airspace at and below 1,200 feet above the surface. The proposed amendment, in addition to responding to safety considerations, would eliminate this factor.

As several comments indicated, a requirement to avoid clouds by a moderate distance could prevent a pilot from inadvertently entering clouds since the distance between being "clear of" clouds and "in" clouds is slight. Specifying a moderate minimum distance would introduce a new safety factor in the VFR rules outside of controlled airspace.

Since Notice 71-24 covered many areas and the responding comments were necessarily somewhat fragmented, the FAA believes that the public should have an opportunity to focus on this one aspect of the VFR minimums. In addition to the subject matter of this proposal, there are other subjects either discussed in the ANPRM or generated by it that are receiving consideration and which may lead to future proposals.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by amending § 91.105(a) by deleting, from the table, the words "clear of clouds" and by substituting the words "500 feet below," "1,000 feet above," and "2,000 feet horizontal," therefor.

This amendment is proposed under the authority of sections 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 22, 1972.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.73-144 Filed 1-3-73;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-22; Notice No. 72-25]

MOTOR CARRIER SAFETY REGULATIONS

Vehicle Interior Noise Levels

The Director of the Bureau of Motor Carrier Safety proposes to amend the motor carrier safety regulations to establish a maximum interior sound level for commercial motor vehicles operated in interstate or foreign commerce.

On October 28, 1970, the Bureau issued an advance notice of proposed rule making inviting interested parties to comment on the feasibility and need for regulation of interior noise levels of commercial motor vehicles (35 FR 17194). As that notice stated, the Bureau's objective was to reduce the risk of damage to the hearing of drivers and to look into the possibility that noise-induced driver fatigue may play a role in causing accidents. The advance notice specifically invited comments on test procedures, such as those set forth in SAE recommended practice J336, and sought comments on test methods that would be suitable to the Bureau's safety inspection techniques.

Forty responses were received. They evidenced a general agreement that regulation in the area of vehicle interior noise levels was necesary. There was, however, a wide disparity of views on the question of establishing a valid test procedure. The respondents generally concluded that the hearing conservation criteria in the regulations issued under the Walsh-Healey Public Contracts Act (41 CFR 50-204.10) should be applied to commercial motor vehicles. There was, however, no evidence submitted that showed a correlation between the results obtainable using the SAE J336 test procedure, or any other test procedure and in-service driver noise exposure. As a result, the comments did not produce sufficient data to permit the Bureau to derive a suitable test procedure. Further investigation was obviously required.

The Bureau's staff conducted a detailed survey of the available literature, which tended to confirm the view, expressed by many respondents, that regulation in this area is warranted. Extended periods of exposure to high noise levels are known to cause varying degrees of temporary and permanent hearing loss. The Department of Labor, under the authority of the Walsh-Healey Act and the Occupational Safety and Health Act of 1970, is presently enforcing regulations designed to abate the effects of such high noise levels in a number of industries, thereby reducing the risk of hearing loss in workers employed in those industries. The Director has concluded that any hearing loss, even temporary hearing threshold shifts, is detrimental to the safety of commercial motor vehicle operations. He has further concluded that commercial motor vehicle drivers should not be subjected to the deleterious effects of long term, high noise level exposures.

In the case of a bus or truck driver, hearing loss, permanent or temporary, poses a direct threat to highway safety. This potential safety hazard has long been recognized; it forms the basis for provisions of the motor carrier safety regulations which establish minimum driver hearing qualifications (49 CFR 391.41(b)(11)) and which require drivers who must use a hearing aid to meet that qualification standard to wear the device while they are driving (49 CFR 392.9b). There is some evidence indicating that sustained exposure to noise levels even lower than the maxima permitted under presently accepted hearing conservation criteria may be related to psychophysiological impairments which, if unchecked, could lead to a degradation of driving performance.

Levels of exterior or community noise lower than those which are known to be detrimental to hearing have been documented as a major source of irritation to the public. These phenomena have been characterized as "noise pollution." The Bureau of Motor Carrier Safety lacks authority to regulate "noise pollution." Under the Noise Control Act of 1972, Public Law 92-547, Congress directed the Administrator of the Environmental Protection Agency to promulgate noise emission regulations for vehicles operated by motor carriers in interstate and foreign commerce, after consultation with the Secretary of Transportation to assure appropriate consideration for safety and availability of technology. After carefully considering the impact of the Noise Control Act of 1972 upon the present rule-making proceeding, the Director has concluded that the Congress did not intend, by enacting that statute, to disturb the Bureau's authority to protect not only the physical well-being of commercial motor vehicle drivers, but also other highway users from the danger of accidents resulting from temporarily or permanently deafened commercial vehicle drivers. Instead, it was Congress' purpose to give the Environmental Protection Agency the tools to extend protection of the public to matters relating to health and welfare, rather than safety. Hence, the Director has concluded that the evidence now in hand justifies the issuance of a proposal to prohibit exposure of drivers to noise levels that exceed established hearing conservation criteria for the maximum hours of service a driver may lawfully spend behind the wheel of a commercial motor vehicle.

In an effort to develop data that would be helpful in this rulemaking proceeding, the Department of Transportation's Office of Noise Abatement, in cooperation with the Bureau of Motor Carrier Safety and the American Trucking Associations, Inc., conducted detailed studies of both interior and exterior noise levels generated by commercial motor vehicles. The results of these studies are available in DOT report No. OST/TST 72-2 by writing to the National Technical Information Service, Operations Division, Springfield, Va. 22151. The studies dealt with tire noise and noise generated by other vehicle components. (The field testing portion of the studies was conducted at Wallops Island, Va., and this portion of the study is often referred to as the "Wallops Island tests.") In addition, the Bureau has conducted its own over-the-road interior noise level tests on most of these same vehicles. The main objective of the Wallops Island tests was to develop a simple test procedure that could be performed in a stationary vehicle by members of the Bureau's field staff and that would yield results consistent with the time-exposure methodology developed in 1970 by the intersociety committee (representing the American Academy of Occupational Medicine, the American Academy of Opthamology and Otolaryngology, the American Conference of Governmental Industrial Hygienists, the Industrial Hygiene Association, and the Industrial Medical Association).[1] These guidelines, with which present Federal regulations are consistent, are intended to protect 80 to 90 percent of the exposed worker populace from a noise-induced hearing handicap.

The Society of Automotive Engineers recommended practice J336 was developed to provide a test procedure under which a motor vehicle would generate its "worst case" interior noise levels. This being the case, noise level readings obtained through use of this test procedure could, the Bureau concluded, be directly compared to the hearing conservation criteria developed by the 1970 intersociety committee.

During the Wallops Island tests, therefore, the Office of Noise Abatement utilized test procedures which included both portions of the SAE J336 and J366a procedures and procedures using stationary vehicles, that were considered suitable for the Bureau's use. Data from these initial tests indicated that the results of a test of a stationary vehicle, with its engine at high idle speed and its doors and windows closed would, if modified by a suitable correction factor, equal the results obtained from a SAE J366a test.

Satisfied that a suitable test of stationary vehicles could be developed, the Bureau staff conducted over-the-road tests on 11 of the Wallops Island vehicles plus an additional three vehicles not tested at Wallops Island in an effort to relate the data obtained from testing stationary vehicles to the noise-level-versus time-exposure data that result from presently utilized hearing conservation test methods. Preliminary results of these over-the-road tests indicate that the noise levels experienced during tests on stationary vehicles may be somewhat higher than the noise levels to which a driver is exposed during a typical driving cycle. However, firm conclusions based on this data are still tenative at this time, since a complete analysis of the data has not been completed. The Bureau is, therefore, proposing to establish a maximum interior sound level for commercial motor vehicles based upon recommendations of the 1970 intersociety committee. Those recommendations provide for a maximum sound level of 90 db (A) for 8 hours' exposure. The proposed maximum vehicle interior sound level of 88 db (A) is an extrapolation of those recommendations based upon a 10-hour exposure time. The 10-hour hypothesis was chosen because the maximum allowable driving time under § 395.3(a) of the motor carrier safety regulations is 10 hours.

Existing data indicate that if a driver is exposed to higher sound levels for 10

[1] Guidelines for Noise Exposure Control, Sound and Vibration 4(11), 21-24 (November 1970).

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hours, he will incur a substantial risk of at least temporary hearing impairment. The Director recognizes that additional data may show that a higher level of sound may be permissible in light of conditions shown to exist during actual operations. Consequently, interested persons are particularly invited to submit test data correlating the results of the static test here proposed to the time-weighted noise exposure of drivers in actual operations.

The proposed rule would incorporate the stationary-vehicle high idle test procedure developed during the Wallops Island tests. General purpose hand-held sound level meters, identical to those now used by the enforcement staff of the California Highway Patrol (to enforce that State's roadside noise limits), would be used. The test would be conducted with the vehicle's windows and doors closed to eliminate, so far as possible, the effects of roadway or industrial noise sources over which the carrier has no control. The objective of the proposed test procedures is to have a test that is as simple and foolproof as possible in order to yield a high degree of repeatability and to produce results that can easily be documented for enforcement purposes.

The proposed new rule would apply an identical standard to all commercial vehicles, regardless of the date of their manufacture. The Bureau's tests of older vehicles indicated that, if a vehicle is properly maintained from an acoustical standpoint, with its muffler, shift lever boot, and cab insulation in good condition, it can meet the proposed standard. The proposed rule does allow, however, an additional amount of time in which to bring older vehicles into compliance with the rule.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety proposes to amend Part 393 of the motor carrier safety regulations (Subchapter B in Chapter III of title 49, CFR) by adding a new § 393.94, reading as set forth below.

Interested persons are invited to submit data, views, or arguments pertaining to the proposal. All comments should refer to the docket number and notice number appearing at the top of this notice. Comments should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20590. All comments received before the close of business on March 30, 1973, will be considered before further action is taken. Comments will be available for examination by the public in room 4136, 400 Seventh Street SW., Washington, DC, both before and after closing date for comments.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator in 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on December 22, 1972.

KENNETH L. PIERSON,
Acting Director, Bureau of Motor Carrier Safety.

§ 393.94 **Vehicle interior noise.**

(a) *Application of the rules in this section.* This section applies to all motor vehicles manufactured on and after October 1, 1974. On and after March 1, 1975, this section applies to all motor vehicles manufactured before October 1, 1974.

(b) *General rule.* The interior sound level at the driver's seating position of a motor vehicle must not exceed 88 dB(A) when measured in accordance with paragraph (c) of this section.

(c) *Test procedure.* (1) Park the vehicle at a location so that no large reflecting surfaces, such as other vehicles, signboards, buildings, or hills, are within 50 feet of the driver's seating position.

(2) Close all vehicle doors, windows, and vents. Turn off all power-operated accessories.

(3) Place the driver in his normal seated position at the vehicle's controls. Evacuate all occupants except the driver and the person conducting the test.

(4) Use a sound level meter which meets the requirements of the American National Standards Institute Standard ANSI S1.4–1971 Specification for Sound Level Meters, for Type 2 Meters. Set the meter to the A weighting network, "fast" meter response.

(5) Locate the microphone, oriented vertically upward 6 inches to the right of, in the same plane as, and directly in line with, the driver's right ear.

(6) With the vehicle's transmission in neutral gear, accelerate its engine to its maximum governed or maximum rated engine speed. Stabilize the engine at that speed.

(7) Observe the A-weighted sound level reading on the meter for the stabilized engine speed condition. Record that reading, if the reading has not been influenced by extraneous noise sources such as motor vehicles operating on adjacent roadways.

(8) Return the vehicle's engine speed to idle and repeat the procedures specified in paragraph (c) (6) and (7) of this section until two maximum sound levels within 2 dB of each other are recorded. Numerically average those two maximum sound level readings.

(9) The average obtained in accordance with paragraph (c) (8) of this section is the vehicle's interior sound level at the driver's seating position for the purpose of determining whether the vehicle conforms to the rule in paragraph (b) of this section. However, a 2 dB tolerance over the sound level limitation specified in that paragraph is permitted to allow for variations in test conditions and variations in the capabilities of meters.

[FR Doc.73-143 Filed 1-3-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 19]

NOTICES, INSTRUCTIONS AND REPORTS TO EMPLOYEES OF LICENSEES; INSPECTIONS

Notice of Proposed Rule Making

The Atomic Energy Commission has under consideration the adoption of a new 10 CFR Part 19 which would include certain provisions for the options of employees of Commission licensees concerning Commission inspections. These provisions are comparable with those provided by the Department of Labor for inspections pursuant to the Occupational Safety and Health Act of 1970 (OSHA), as set out in 29 CFR Part 1903. Several requirements presently included in 10 CFR Part 20 regarding information that licensees must provide for their employees would also be included in proposed Part 19.

The basic purpose of the new Part 19 would be to provide options to workers concerning inspections of working conditions regulated by the Commission comparable to those that are afforded for working conditions regulated by the Department of Labor.

Several sections in 10 CFR Part 20 as presently in force deal specifically with information that Commission licensees are required to provide for their employees. Section 20.206 requires instructions and the posting of various notices for employees. Section 20.404 requires radiation exposure reports to former employees upon request. Section 20.405(c) requires notification in writing to any employee (or other individual) who receives an exposure of any type that must be reported to the Commission in accordance with § 20.405 (a) or (b). Section 20.406 requires annual radiation exposure reports to employees upon request. Section 20.408 requires, from licensees subject to § 20.407, a report to any employee (or other individual), upon termination of employment, of an exposure of any type recorded pursuant to §§ 20.401(a) or 20.108. It is proposed to transfer these provisions to the proposed new Part 19; the substance of §§ 20.405(c) and 20.408 would be combined. Notice of proposed amendments to 10 CFR Part 20 to reflect these transfers is being published concurrently with this notice.

Proposed § 19.12, "Instructions to employees", includes the substance of present § 20.206(a) with the addition of new requirements that licensees instruct their employees: (1) To observe Commission regulations and license conditions to the extent within their control, (2) to report to the licensee conditions which may lead to or cause a violation of Commission regulations or license conditions or any unnecessary exposure, and (3) to respond appropriately to warnings in the event of unusual occurrences.

Proposed § 19.13, "Notifications and reports to employees", includes present regulations in 10 CFR Part 20 which require notices or reports to employees of their exposure to radiation or radioactive material. The requirements for notification and reports to employees would be extended to include the results of measurements, analyses, and calculations of radioactive material deposited or retained in the body of an employee.

Sections 19.14 through 19.17 would provide options to employees in connection with AEC inspections comparable to those provided by 29 CFR Part 1903 in connection with Department of Labor inspections.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following new 10 CFR Part 19 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, within forty-five (45) days after publication of this notice in the FEDERAL REGISTER. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545.

A new Part 19 is added to read as follows:

PART 19—NOTICES, INSTRUCTION AND REPORTS TO EMPLOYEES OF LICENSEES; INSPECTIONS

Sec.
19.1 Purpose.
19.2 Scope.
19.3 Definitions.
19.4 Interpretations.
19.5 Communications.
19.11 Posting of notices to employees.
19.12 Instructions to employees.
19.13 Notifications and reports to employees.
19.14 Presence of representatives of licensees and employees during inspections.
19.15 Consultation with employees during inspections.
19.16 Requests by employees for inspections.
19.17 Inspections not warranted; informal review.
19.30 Violations.

§ 19.1 Purpose.

The regulations in this part establish requirements for notices, instructions, and reports, by licensees to licensee employees in connection with licensed activities, and options available to employees of licensees in connection with Commission inspections and investigations of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, and regulations, orders and licenses issued thereunder.

§ 19.2 Scope.

The regulations in this part apply to all persons who receive, possess, use, or transfer material licensed by the Commission pursuant to the regulations in Parts 30, 32 through 35, 40, or 70 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter.

§ 19.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(b) "Commission" means the U.S. Atomic Energy Commission;

(c) "License" means a license issued under the regulations in Parts 30, 32 through 35, 40, or 70 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter. "Licensee" means the holder of such a license.

(d) "Restricted area" means any area access to which is controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials. "Restricted area" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

§ 19.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commissioner.

§ 19.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications, reports, and applications, may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC; at 7920 Norfolk Avenue, Bethesda, MD; or at Germantown, Md.

§ 19.11 Posting of notices to employees.

(a) Each licensee shall post current copies of the following documents: (1) The regulations in this part; (2) the regulations in Part 20 of this chapter; (3) the license or licenses, and amendments; and (4) the operating procedures applicable to the licensed work. If posting of a document is not practicable, the licensee may post a notice which describes the document and states where it may be examined by employees.

(b) Form AEC–3, "Notice to Employees," shall be posted by each licensee.

NOTE: Copies of Form AEC–3 may be obtained by writing to the Director of the appropriate U.S. Atomic Energy Commission regional regulatory operational office listed in appendix "D", Part 20 of this chapter, or the Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(c) Form AEC–3, and any notice or document posted by the licensee pursuant to paragraph (a) of this section, shall be posted conspicuously in every establishment where employees are employed in activities licensed by the Commission, in a sufficient number of places to permit employees to observe them on the way to or from their place of employment.

(d) Except for documents or parts thereof relating to nuclear materials safeguards, each licensee shall post within 24 hours after receipt a copy of any notice of violation, notice of proposed imposition of civil penalty, or order issued pursuant to Subpart B of Part 2 of this chapter, and shall post, within 24 hours after dispatch, a copy of his response to such document(s). Such document shall be conspicuously posted in a sufficient number of places in the licensee's establishment where employees are employed in activities licensed by the Commission to permit employees working in or frequenting any portion of the establishment to observe a copy on the way to or from their place of employment. Such documents shall remain posted until 10 working days after the licensee's response is dispatched, or until action correcting the violation has been completed, whichever is later. If no response from the licensee is required, such documents from the Commission shall remain posted for 10 working days. The licensee shall assure that such documents are not covered by other materials, and are not defaced or altered during the period when posting is required.

§ 19.12 Instructions to employees.

All employees of licensees working in, or frequenting any portion of, a restricted area shall: (a) Be informed of the occurrence of radioactive materials or of radiation in such portions of the restricted area; (b) be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; (c) be instructed in, and instructed to observe, to the extent within the employees' control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials; (d) be instructed to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation or to radioactive material; (e) be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and (f) be advised as to the radiation exposure reports which licensee employees may request pursuant to § 19.13.

§ 19.13 Notifications and reports to employees.

(a) Notifications and reports to an employee as required by this section shall: Be in writing; include appropriate identifying data such as the name of the licensee, the name of the employee, the employee's social security number; include the employee's radiation exposure data obtained in compliance with the regulations of this chapter and the results of any measurements, analyses, and

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calculations of radioactive material deposited or retained in the body of the employee, as performed in compliance with any Commission regulation, order, or license condition as appropriate; and contain the following statement:

This report is furnished to you under the provisions of the Atomic Energy Commission regulation 10 CFR Part 19. You should preserve this report for further reference.

(b) At the request of any employee, each licensee shall advise such employee annually of the employee's exposure to radiation or radioactive material.

(c) At the request of a former employee each licensee shall furnish to the former employee a report of the former employee's exposure to radiation or radioactive material. Such report shall be furnished within 30 days from the time the request is made, shall cover each calendar quarter of the employee's employment involving exposure to radiation or radioactive material, or such lesser period as may be requested by the employee, and shall include the dates and locations of employment with the licensee.

(d) When a licensee is required pursuant to § 20.405 or § 20.408 of this chapter to report to the Commission any exposure of an employee to radiation or radioactive material, the licensee shall also provide a copy of the report to the employee. Such notice shall be transmitted at a time not later than the transmittal to the Commission.

§ 19.14 Presence of representatives of licensees and employees during inspections.

(a) A representative of a licensee and a representative authorized by the employees of the licensee shall be given an opportunity to accompany a Commission inspector during the physical inspection of working conditions in any establishment where licensed activities are conducted, for the purpose of aiding such inspection. An inspector may permit additional licensee representatives or representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. Different licensee and employee representatives may accompany the inspector during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) Commission inspectors shall have authority to resolve all disputes as to who is the representative authorized by the licensee and licensee employees for the purpose of this section. If there is no authorized representative of employees, or if the inspector is unable to determine with reasonable certainty who is such representative, he may consult with a reasonable number of employees concerning matters of radiation protection in the establishment.

(c) The representative(s) authorized by employees shall be an employee(s) of the licensee. However, if in the judgment of the Commission inspector, good cause has been shown why accompaniment by a third party who is not an employee of the licensee (such as a consultant health physicist) is reasonably necessary to the conduct of an effective and thorough physical inspection of the working conditions, such third party may accompany the inspector during the inspection.

(d) Commission inspectors are authorized to refuse to permit accompaniment under this section by any individual whose conduct interferes or is likely to interfere with a fair and orderly inspection. With regard to areas containing proprietary information or information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so.

§ 19.15 Consultation with employees during inspections.

Commission inspectors may consult with employees of licensees concerning matters of radiation protection with respect to employees and other matters related to applicable provisions of Commission regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee may bring privately to the attention of the inspectors any past or present condition in the establishment which he has reason to believe may have contributed to or caused (a) any violation of the Act, the regulations in this chapter, or license condition, or (b) any unnecessary exposure of an individual to radiation or radioactive material.

§ 19.16 Requests by employees for inspections.

(a) Any employee or employee representative who believes that a violation of the Act, the regulations in this chapter, or license conditions exists or has occurred in any establishment where licensed activities are conducted and where such employee is employed, may request an inspection of such establishment by giving notice of the alleged violation to the Director of Regulatory Operations or to a Commission inspector. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy shall be provided the licensee by the Director of Regulatory Operations or the inspector no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the name of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the Commission, except for good cause shown.

(b) If, upon receipt of such notice, the Director of Regulatory Operations determines that the complaint meets the requirements set forth in paragraph (a) of this section, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(c) During any inspection of an establishment in which licensed activities are conducted, any employee or representative of employees employed in such establishment may notify the inspector, in writing, of any past or present condition therein which he has reason to believe may have contributed to or caused any violation. Any such notice shall comply with the requirements of paragraph (a) of this section.

(d) No licensee shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under the regulations in this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this part.

§ 19.17 Inspections not warranted; informal review.

(a) If the Director of Regulatory Operations determines, with respect to a complaint under § 19.16 that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, he shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, and, at the same time, shall provide the licensee with a copy of such statement by certified mail. The licensee may submit an opposing written statement of position with the Director of Regulation, and at the same time, shall provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant or the licensee, the Director of Regulation or his designee may hold an informal conference in which the complainant and the licensee may orally present their views. After considering all written and oral views presented, the Director of Regulation shall affirm, modify, or reverse the determination of the Director of Regulatory Operations and furnish the complainant and the licensee a written notification of his decision and the reason therefor.

(b) If the Director of Regulatory Operations determines that an inspection is not warranted because the requirements of § 19.16(a) have not been met, he shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of § 19.16(a).

§ 19.30 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any regulation or order issued thereunder may be guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both, as provided by law.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 21st day of December 1972.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-107 Filed 1-3-73;8:45 am]

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Reports to Employees and Other Individuals

Concurrently with publication of this notice, the Atomic Energy Commission is publishing a notice of proposed rule making to add to its regulations a new 10 CFR Part 19, Notices, Instructions and Reports; Inspections. Set forth in this notice are proposed amendments to 10 CFR Part 20 of the Commission's regulations. The amendments would transfer from 10 CFR Part 20 certain sections that would be incorporated in the new 10 CFR Part 19, and would add to 10 CFR Part 20 appropriate references to new 10 CFR Part 19 so that the transferred provisions may be easily found. A new section would be added containing the requirements for notification and reports to individuals which may include persons other than employees. The requirements for reports to individuals as specified in §§ 20.405(c) and 20.408 would be combined into one paragraph of the new section.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, within forty-five (45) days after publication of this notice in the FEDERAL REGISTER. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 20.206 is amended to read as follows:

§ 20.206 Instruction of personnel.

All individuals working in or frequenting any portion of a restricted area shall receive instructions as specified in § 19.12 of this chapter.

§ 20.404 [Deleted]

2. Section 20.404 is deleted.

§ 20.405 [Amended]

3. Paragraph (c) of § 20.405 is deleted.

§ 20.406 [Deleted]

4. Section 20.406 is deleted.

§ 20.408 [Amended]

5. Section 20.408 is amended to delete the words "to such individual and".

6. A new § 20.409 is added to read as follows:

20.409 Notifications and reports to individuals.

(a) Notifications and reports to employees and former employees of exposure to radiation or radioactive material shall be made in accordance with § 19.13 of this chapter.

(b) When a licensee is required pursuant to § 20.405 or § 20.408 to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the Commission, and shall comply with the provisions of § 19.13(a) of this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 21st day of December 1972.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-108 Filed 1-3-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19663; FCC 72-1176]

FM BROADCAST STATIONS

Proposed Table of Assignments in Certain Cities in Colorado and Wyoming and Memorandum Opinion and Order

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Craig, Greeley, Vail, and Windsor, Colo., and Laramie and Torrington, Wyo.) (Fort Collins, Pueblo, and Steamboat Springs, Colo.), Docket No. 19663, RM-1895, RM-1896, RM-1871.

1. We have before us, for consideration, three petitions, each requesting the institution of rule making looking toward the assignment of a new FM channel. They each deal with different communities which are related by close proximity. The views of petitioners and commenting parties in respect to each proposal will be set out seriatim. Our public interest evaluation concerning the three proposals will follow in a succeeding paragraph. All population statistics cited are from the 1970 U.S. Census unless otherwise specified.

RM-1871, FORT COLLINS, PUEBLO, STEAMBOAT SPRINGS, AND VAIL, COLO.

2. On October 28, 1971, Mr. Charles R. Tuma filed a petition with this Commission (supplemented on June 1, 1972 and June 19, 1972) requesting the assignment of FM Channel 264 to Fort Collins, Colo. The assignment is proposed to be accomplished by making the following changes in our FM table of assignments:

City	Add	Delete
Fort Collins, Colo.	264	
Pueblo, Colo.	284	[1] 264
Vail, Colo.	245	[2] 284
Steamboat Springs, Colo.	292A	[3] 244A

[1] No application pending.
[2] Two applications pending.
[3] Three applications pending.

An opposition to the proposal was filed by Vail Broadcasting Corp. (Vail Broadcasting), applicant for FM Channel 284 at Vail, Colo. (BPH-7960).[1]

3. Fort Collins, Colo. (population 43,337), is the county seat of Larimer County (population 89,900). FM Channels 227 and 300 are assigned to Fort Collins. The former channel is licensed to the Fort Collins Broadcasting Co. (KIIX-FM). The latter channel has two applications pending for its use, BPH-7434 (Gilroy Broadcasting Co., Inc.) and BPH-7496 (Beef Empire Broadcasting Co.). An educational FM station, KCSU-FM, is licensed to the State Board of Agriculture on Channel 215 in the community. KCOL is licensed to Beef Empire Broadcasting Co. and serves Fort Collins as an unlimited time standard broadcast service. A daytime-only standard broadcast service is provided in the community on KZIX, which is licensed to the Fort Collins Broadcasting Co. In brief, Fort Collins has two FM commercial services, two standard broadcast commercial services and one FM educational service existing or in prospect.

4. Petitioner's filings indicate that Fort Collins (its county's seat) is a rapidly developing community with a population growth, between 1960 and 1970, of 73 percent. Mr. Tuma maintains that the official census statistics for 1970 do not accurately reflect the number of residents in the community since in addition to those persons listed in the census there are approximately 20,000 students located there in attendance at Colorado State University during most of the year. The educational facilities in Fort Collins include the Colorado State University, two high schools, four junior high schools and 18 public and parochial elementary schools. We are told that the community has a healthy industrial base with a variety of companies being active. We are further

[1] A site for Channel 264 at Fort Collins must be at least 5 miles north to meet the spacing requirement to Channel 266 at Denver, Colo. A site for Channel 245 at Vail must be at least 1 mile southwest to meet the spacing requirement to Channel 247 at Boulder, Colo.

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advised that the area will have the benefit of a huge photographic processing plant which is being built by the Eastman Kodak Co., and that there are approximately 57 industrial employers in Larimer County, where the largest employs 1,600 persons. Fort Collins also is the hub for a large farming and ranching area with agricultural products being sold in the county in the value of $30 million a year. Retail sales in Fort Collins have increased from $59 million in 1963 to $99 million in 1970. The average effective buying income per household in Larimer County is in excess of $9,000.

5. In order to assign Channel 264 to Fort Collins a variety of other reassignments are required (see paragraph 2 supra) among which is the deletion of Channel 284 from Vail, Colo., and its replacement with proposed Channel 245. Vail Broadcasting is an applicant for the use of Channel 284 at Vail supra as is Radio Vail, Inc. (BPH-8056). Vail Broadcasting informs us that the only appropriate site for locating the required FM tower and antenna is within the White River National Forest and that any tower located in the forest must meet the rigid standards of the U.S. Department of Agriculture, Forest Service (Forest Service), with respect to ecological criteria. Apparently Vail Broadcasting and a number of users of nonpublic radio facilities have prevailed on the Forest Service to establish an antenna farm, to which all antennas located in the national park are to be restricted, on Vail Mountain. A tower for FM Channel 284, presently assigned to Vail, can be located at the said antenna farm in full compliance with our minimum mileage separation requirements. Petitioner's proposed replacement for Channel 284, Channel 245, cannot have its tower constructed at the said location without causing a short spacing to FM Channel 247 occupied by Station KRNW at Boulder, Colo. Hence, Vail Broadcasting vigorously opposes the suggested replacement of Channel 284 with Channel 245 at Vail, maintaining that the assignment of Channel 245 is impractical at Vail because of the interaction of our minimum mileage separation requirements with the restriction of tower and antenna sites required by the Forest Service.[3] Petitioner makes a showing that Channel 245 can be used at the said site if the Commission will grant a waiver with regard to our minimum mileage separation requirements. Mr. Tuma maintains that such a waiver should be granted because the shortage in spacing is small (.689 of a mile) and because the topography between Vail and Boulder will prevent any possible interference between the proposed Vail station and KRNW at Boulder.

[3] The second best antenna site available to potential broadcasters at Vail under the Forest Service's regulations is clearly unsuitable in Vail Broadcasting's view since it is 28 miles distant by road with the last 6 miles passable only by cross country skis in the winter.

RM-1895, GREELEY AND CRAIG, COLO., AND LARAMIE, WYO.

6. Mr. Joseph Tennessen[4] filed a petition with this Commission on November 19, 1971, requesting the assignment of FM Channel 241 to Greeley, Colo., by the following amendments to § 73.202(b) of our rules:

City	Add	Delete
Greeley, Colo.	241	
Laramie, Wyo.	236	[1] 241
Craig, Colo.	273	[2] 236

[1] No application pending.
[2] No application pending.

The only comment received was from petitioner in support of the proposal.[4]

7. Weld County, Colo., the largest county in Colorado, has a population of 89,297 persons. It contains, as its county seat, Greeley, with its population of 38,902 residents. Our FM table of assignments has one FM channel assigned to the community, Channel 222, on which KGRE, licensed to Meroco Broadcasting Co., operates. An educational FM station, KUNC-FM, operating on Channel 218, is licensed to the University of Northern Colorado in the community. There are two standard broadcast stations in Greeley, KFKA and KYOU. The former is licensed to Colorado R.G., Inc. while the latter is licensed to Meroco Broadcasting Co.

8. Mr. Tennessen states:

Greeley serves as the primary cultural, educational and retail center for Weld County and the surrounding area. It is the site of the University of Northern Colorado which has an enrollment of approximately 10,000 and Aims College with an enrollment exceeding 3,000. The economy of the Greeley area is expanding rapidly. Retail sales have grown from $159 million in 1965 to $260 million in 1971. A number of large manufacturing concerns are now located in the front range area north of Denver and it remains an area of continued high growth. Kodak has built a major facility in Weld County which is expected to employ 3,000 persons by 1975.

We are advised that Greeley's population has grown at a 47.8-percent rate between 1960 and 1970. After a recent survey petitioner made in connection with the operation of KFKA, petitioner concluded that there was a real desire in Greeley for a greater variety of programing with some members of the public in favor of more musical fare while others desired more informational material. Mr. Tennessen hopes to meet this diversity of needs with the proposed new FM operation. While noting the point that 57 percent of the county's gross product is generated by agriculture, petitioner underscores the fact that a substantial portion of the rural population surrounding Greeley receives little or no nighttime radio service. He further suggests that any service received from Denver, Colo., stations, 50 miles distant, does not meet the needs of Weld County since Denver stations' news, information and other programing are directed to the tastes and interests of metropolitan Denver. In conclusion, it is Mr. Tennessen's business judgment that the city of Greeley can support an additional FM broadcast service.

[4] Mr. Tennessen is the president of Colorado R.G., Inc., licensee of standard broadcast Station KFKA at Greeley, Colo.

[4] A site for Channel 241 at Greeley must be at least 10 miles north to meet the spacing requirement to Channel 239 at Denver, Colo.

RM-1896, WINDSOR, COLO., AND LARAMIE AND TORRINGTON, WYO.

9. FM Channel 256 is requested to be assigned to Windsor, Colo., by the petition of Mr. Harry P. Brewer (individual licensee of standard broadcast Station KUAD, Windsor, Colo.), filed with this Commission on November 23, 1971. The assignment is proposed to be made by making the following changes in our FM table of assignments:

City	Add	Delete
Windsor, Colo.	256	
Laramie, Wyo.	275	[1] 255
Torrington, Wyo.	252A	[1] 257A

[1] No application pending.

The only filing subsequent to the petition was the supplement to the petition also filed by Mr. Brewer.[5]

10. There is no FM assignment and only one standard broadcast station at Windsor, located in Weld County, respective populations, 1,564 and 89,297. The standard broadcast station, KUAD is a daytime-only service licensed to petitioner.[6]

11. Most of petitioner's material deals with the engineering problem of finding an FM frequency which can be assigned to Windsor in compliance with our standard requirements. Attempts were made to find a Class A channel for assignment to the community. No Class A channel could be found which could be located to meet our minimum mileage separation requirements and at the same time put the required city-grade signal over Windsor. In view of this circumstance and Mr. Brewer's desire to establish a first full-time local radio service at Windsor, Class C Channel 256 is proposed for assignment to that community. In an attempt to support his proposal petitioner sets out the following facts:

Windsor is a town of single-family homes with almost 95 percent of the dwelling units being in this class. The Windsor School District covers an area of 100 square miles, with an enrollment of almost 1,000 pupils. Since more than half of the students are bused

[5] A site for Channel 256 at Windsor must be at least 11 miles northeast to meet the spacing requirement to Channel 258 at Denver, Colo.

[6] Petitioner states: "KUAD is currently a day-time only broadcast station. Even though they have been granted a PSA license, for 25 percent of the year KUAD is unable to serve their day-time listening audience starting at 6 a.m. due to the limitations incurred for protection of KVOO in Tulsa, Okla. • • •"

into Windsor, a broadcast station—operating presunrise hours to get school closing and other important information to the students and their parents—is an essential and basic need of this remote area of Colorado.

Windsor came into existence in 1882 when it became a regular overnight stop for travelers. It grew into the major shopping and civic center for the surrounding farms and cattle ranches. Windsor is at the intersection of two state highways and is four miles east of a limited access, divided, interstate highway running north to Cheyenne and south to Denver. The community is served by two railroads.

In the past few years, several national and international firms have located in northern Colorado. Among them are IBM, Hewlett-Packard, Beechcraft, Ball Brothers, Dow Chemical, and Westinghouse. In 1968, Eastman Kodak announced that it would build a large facility just southeast of Windsor for the processing of photographic chemicals and sensitized film and paper. The company estimates a payroll of 1,000 persons by the end of 1972 and of 2,500 people by 1975, and it contemplates further expansion after that. On the basis of this projection and the probable location of more industry in the area, a tenfold increase in the population is anticipated by 1990.

Windsor community leaders have come to realize that growth, if unplanned, could bring community problems such as housing, traffic, utilities, schools, health care and drugs. With the aid of a Federal grant and with the assistance of the State of Colorado, the Public Service Co., the Mountain States Telephone Co., and the Eastman Kodak Co., Windsor has had prepared a comprehensive master plan to cope with this future development. The scope of this plan takes into account community goals regarding land use, transportation, housing, community facilities, commercial development, and future industry. Thus, Windsor has seized the opportunity to become the State's most attractive growth area.

PRELIMINARY EVALUATION OF THE FORT COLLINS, GREELEY AND WINDSOR PROPOSED ASSIGNMENTS

12. As noted above, the three communities involved herein are located in close proximity to each other. Fort Collins, Greeley, and Windsor are located in the north central portion of the State of Colorado, with Windsor located in between the other two communities. The distance between Fort Collins and Greeley is approximately 22 miles, and the distance to Windsor is approximately 11 miles from either city. The 1970 U.S. census population for Fort Collins is 43,337, for Greeley is 38,902, and for Windsor is 1,564. Fort Collins has two FM assignments, Greeley has one and Windsor has none. The three petitioners are requesting Class C channel assignments, but due to the proximity of these communities and the low population density, it does not appear that it would be in the public interest to propose an assignment of three Class C channels—no Class A channels are available for assignment in this area of Colorado. However, it would be desirable to explore the possibility of assigning two additional channels to this area. Although it appears that any two of the three channels proposed herein could be assigned to any one of the three communities, Channels 241 and 256 are to be preferred. Our technical analysis indicates that proposed assignment of these two channels would involve the least possible areas of preclusion to future assignments on the cochannel and adjacent channel frequencies. It would thus leave Channel 264 and its adjacent channels available for future assignments to a wide area. Further, the proposal for Channel 264 involves a change in the channel assignments at two communities for which applications have been filed, and it would not be in the public interest to delay consideration of these applications as result of a rule making proceeding herein. Thus we will propose for consideration the assignment of Channel 241 to Greeley and Channel 256 to either Fort Collins or Windsor. It is to be noted that a Class C channel assigned to either Fort Collins or Greeley could be used at Windsor by the provisions of § 73.203(b) of the rules.

13. In view of the foregoing, we propose for consideration the following revisions in our FM Table of Assignments (§ 73.202(b) of our rules) with respect to the cities listed below:

TABLE A

City	Channel No. Present	Channel No. Proposed
Greeley, Colo.	222	222, 241
Laramie, Wyo.	241, 255	236, 255
Craig, Colo.	229, 236	229, 273

TABLE B

City	Channel No. Present	Channel No. Proposed
Windsor, Colo.		(1)
Fort Collins, Colo.	227, 300	227, 256, 300
Laramie, Wyo.	241, 255	241, 275
Torrington, Wyo.	257A	252A

[1] 256 or in the alternative.

14. Authority for the actions proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

15. *Showings required.* Comments are invited on the proposals discussed and set forth above. Proponents of the proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. They should also state their intent to apply for the channels if they are assigned and, if authorized, to build their stations properly. Failure to file may lead to denial of a request.

16. *Cutoff procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decisions in this docket.

17. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 2, 1973, and reply comments on or before February 12, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

18. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

19. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

20. For the reasons stated above: *It is ordered,* That the petition for rule making (as supplemented) filed by Mr. Charles R. Tuma (RM-1871), proposing the assignment of Channel 264 to Fort Collins, Colo., is denied.

Adopted: December 20, 1972.

Released: December 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-175 Filed 1-3-73;8:45 am]

[47 CFR Part 78]

[Docket No. 19623]

BANDWIDTHS AVAILABLE FOR INTRA-CITY STATIONS

Proposed Alternative Channel Arrangement; Order Extending Time for Filing Comments

In the matter of amendment of Part 78 of the Commission's rules and regulations to add an alternative channel arrangement, reducing the bandwidths available for intra-city stations, and adding certain other clarifications, Docket No. 19623, RM-1936.

1. On December 20, 1972, Theta-Com of California filed a motion for extension of time within which to file reply comments in the above-captioned proceeding. Theta-Com requests that the time for filing reply comments be extended from December 29, 1972, to, and including, January 16, 1973.

2. In support thereof, Theta-Com asserts that a number of parties filed comments and recommendations with respect to various aspects of the rule making proceeding and that some of these comments are quite lengthy and that all are highly technical in nature. Theta-Com indicates that the nature of the comments will require a careful technical evaluation in order for the parties

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to submit meaningful and helpful reply comments relative to the important issues raised in the notice of proposed rule making. The fact that the reply comment period runs through the Christmas holiday season lessens the time for evaluation and is added justification for the extension. Finally, Theta-Com submits that the extension will not work to the prejudice of any party, rather will facilitate a decision on the issues raised in the notice of proposed rule making.

3. It appears that good cause exists for the extension of time and it will accordingly be granted.

Accordingly, it is ordered, That the motion for extension of time filed December 20, 1972, by Theta-Com of California is granted and the date for filing reply comments in this proceeding is extended until January 16, 1973.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.289(c)(4) of the Commission's rules.

Adopted and Released: December 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] SOL SCHILDHAUSE,
Chief, Cable Television Bureau.

[FR Doc.73-173 Filed 1-3-73;8:45 am]

[47 CFR Part 89]

[Docket No. 19662; FCC 72-1165]

PUBLIC SAFETY RADIO SERVICES

Memorandum Opinion and Order; Expanded Use of Tone and Impulse Signaling

In the matter of amendment of Part 89 of the Commission's rules to permit expanded use of tone and impulse signaling in the public safety radio services, Docket No. 19662, RM-1762, RM-1892, RM-1731.

1. On July 24, 1963, the Commission adopted rules (Docket 14424) permitting police, fire, and local government licensees use of land-mobile frequencies for certain specified fixed and mobile remote alarm signaling purposes. The transmitters are limited to 50 watts plate input power, voice and nonvoice emission (A1, A2, A3, F1, F2, F3) with a 6-second maximum message length, subject to no more than five repeats. In addition, activation of the transmitter may occur only to indicate intruders, fires, or equipment malfunction. It was felt that these operating conditions, taken together, would insure intermittent operation of alarm signaling units and, thus, minimize interference to the normal voice base-mobile communications of cochannel licensees.

2. The Commission has received petitions from the Forestry Conservation Communications Association (FCCA) and the Associated Public Safety Communications Officers, Inc. (APCO) seeking amendment of the above provisions. The FCCA petition (RM-1762) requests amendment of the forestry conservation radio service rules by addition of the alarm signaling provisions now contained in the rules governing the police, fire, and local government radio services. Such amendment FCCA states, will aid the expansion of conservation efforts while affording better frequency utilization. The FCCA petition is supported by the Department of General Services, Communications Division of the State of California (California). In addition, California recommended "secondary tone and impulse signaling authorization be extended to the Highway Maintenance Radio Service."

3. The APCO rule making petition (RM-1892) seeks modification of the alarm signaling provisions in the police, fire, and local government radio services to eliminate the power, emission, and transmitter activation limitations and the requirement for a showing of noninterference to other licensees. APCO states that tone and impulse signaling equipment could be used to monitor mobile unit status and location, and provide traffic count information. Further, land-mobile transmitters used in conjunction with sensing devices could, in APCO's view, automatically relay pertinent weather data such as the presence of ice, rain, and fog.

4. APCO would also extend these modified signaling provisions to the highway maintenance and forestry conservation radio services. The suggested rule changes, APCO argues, will increase the efficiency and effectiveness of public safety officials and agencies by increasing the quantity of data which the agencies have available for study and analysis.

5. The Commission agrees that the maximum use of new techniques and processes that are possible with expanded use of land-mobile frequencies for nonvoice applications should be encouraged. To this end, we have amended our land-mobile rules to permit widespread nonvoice uses in connection with mobile service activities. Report and order in Docket No. 19086 (FCC 71-854, 36 FR 16914). The rules, as amended in that proceeding, permit almost unlimited short duration nonvoice applications by base and mobile units on a secondary noninterference basis to radiotelephone applications. That proceeding did not, however, modify the provisions governing remote alarm signaling operations which, as mentioned previously, may be both fixed and mobile.

6. Therefore, in keeping with our desire to encourage innovative uses of radio, we feel, as does APCO, that the remote alarm signaling rules require some revision. However, certain of the modifications sought by APCO appear undesirable because of areas of overlap with other rule making proceedings. In particular, the possible use of land-mobile frequencies for automatic vehicle location is being explored in the rule making proceeding in Docket 19302 (FCC 72-556, 37 FR 13640), released July 3, 1972. Further, point-to-point telemetering can be conducted on frequencies allocated for fixed use and additional telemetering frequencies are under consideration in Docket 19451 (FCC 72-173, 37 FR 4454), released March 3, 1972.

7. In addition, APCO fails to support its request for deletion of the power limitation because it does not demonstrate that the 50 watts[1] permitted under the present rules is insufficient to meet normal public safety needs. We believe the power limit for fixed uses has been set at a reasonable level to safeguard regular mobile two-way activities from interference. Such power limitations are needed to insure that the primary uses; namely, mobile communications, are not adversely affected. Further, the 50-watt limitation is intended to be a ceiling since the rules[2] require that the power used be no more than the minimum required for satisfactory technical operations. Fixed operations requiring greater equipment power than 50 watts or unable to operate on a secondary, noninterference basis to mobile operations may be accommodated on frequencies allocated for fixed use. In any event, while we want to permit public safety licensees to use their radio facilities to a maximum degree, care must be exercised to preserve the primary purposes of the mobile service frequencies.

8. Finally, the Commission agrees with the APCO request for deletion of the emission limitations to the extent that we are proposing: (1) To provide for composite emissions, and (2) to delete the current provisions for radiotelephone (A3 and F3). We are proposing to delete the A3 and F3 emission designators because, for remote alarm signaling purposes, modern digital techniques require less transmitter "on-time" than radiotelephone; and, thereby increase the efficient use of the land-mobile channel. The requirement for a noninterference showing is also proposed to be deleted because our experience with secondary alarming indicates interference is not a problem. Moreover, the change to digital techniques will require even shorter on-the-air transmissions further reducing the possibility of interference. We feel these changes, when considered in the light of the other changes proposed, should provide for almost any signaling need consistent with the available channel widths.

9. In conclusion, we propose to amend the public safety rules to permit expanded, fixed signaling and alarming, where an immediate indication of an abnormal condition is necessary to protect human life. Under the proposed rules, licensees would be permitted; for instance, to relay weather data, but the telemetering of traffic counts, traffic flow, and similar uses would not be permitted since it has not been shown that there is any immediate urgency related to such activity that would warrant use of land-mobile frequencies. The proposed rule changes, applicable to licensees in the police, fire, local government, highway maintenance and forestry conservation radio services, are as follows:

a. To permit automatic indication of any abnormal condition in facilities under the jurisdiction of a licensee, that if not promptly reported would result in danger to human life.

b. To permit manually supervised transmissions as may be necessary to correct an abnormal condition or to activate devices that call the attention of the public to the pending condition.

c. To permit automatic confirmation that the manual correction or alerting signal has been accomplished.

d. To delete the requirement for a showing of noninterference to co-channel licensees for point-to-point alarm signal installations.

e. To implement "state-of-the-art" digital techniques by reducing the message length permitted (includes any redundancy desired) to 2 seconds for new installations.

f. To provide for signaling techniques which are not included under A1, A2, and F1, F2 emission designations by adding the A9 and F9 designators.

10. The pending rule making petitions of FCCA and APCO are granted to the extent indicated above and in all other respects are denied.

11. Another pending matter concerning nonvoice uses in the public safety radio services is a petition of Rydax, Inc. (RM-1731). Rydax would permit nonvoice uses in only limited applications where a voice transmission could be replaced by a coded message or where the application would provide system control functions for operation of automatic or multichannel systems where such operation would result in more efficient utilization of transmitters and frequency assignments.

12. The petition of Rydax will be denied since the request asks us to place limits on nonvoice uses beyond those established in the proceeding in Docket 19086. In that proceeding, expanded nonvoice provisions were incorporated in our rules. We encourage the development of very short (1 second or less) transmission tones as well as a standardized coding system, and we will continue to keep abreast of digital applications and will prepare changes where the need is developed. We have no evidence, at this time, that wider application of nonvoice techniques pose problems that warrant new limitations: *Accordingly, it is ordered,* That RM-1731 is denied.

13. The proposed amendments, which are to be found below, are issued under the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 2, 1973, and reply comments on or before March 16, 1973. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

15. In accordance with the provision of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Washington, D.C. headquarters.

Adopted: December 20, 1972.

Released: December 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Part 89 of the Commission's rules is amended as follows:

1. In § 89.101, paragraph (m) is added to read as follows:

§ 89.101 Frequencies.

• • • • • •

(m) In the police, fire, local government, highway maintenance, and forestry conservation radio services, fixed operations may be authorized for tone and impulse signaling on mobile service frequencies above 25 MHz subject to the condition that harmful interference is not caused to the primary mobile service operation of any other licensee subject to the following limitations:

(1) Secondary tone or impulse signaling may be used only for the following purposes:

(i) Automatic indication of equipment malfunction.

(ii) Actuation of a device to indicate the presence of an intruder or fire on the property under the protection of the licensee.

(iii) Automatic indication of an abnormal condition in facilities under the jurisdiction of the licensee that if not promptly reported would result in danger to human life.

(iv) Manually supervised transmissions as may be necessary to correct an abnormal condition or to activate devices that alert the public to the condition.

(v) Automatic confirmation that the manual correction has been accomplished or that the alerting device has been activated.

(2) For equipment installed after 1973, the maximum duration of a nonvoice transmission, including automatic repeats, may not exceed 2 seconds.

(3) The bandwidth shall not exceed that authorized to the licensee for its primary operations on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signaling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile system.

(5) A mobile service frequency may not be used exclusively for secondary tone or impulse signaling.

(6) The plate power input to the final radio frequency state shall not exceed 50 watts.

(7) Only A1, A2, A9, F1, F2, or F9 emissions will be authorized.

(8) Automatic means shall be provided to deactivate the transmitter in the event the carrier remains on for a period in excess of 3 minutes.

(9) Operational fixed stations authorized pursuant to the provisions of this paragraph are exempt from the requirements of §§ 89.55(e)(2), 89.113(c), and 89.153.

• • • • • •

2. Section 89.257 is amended by deleting the text of paragraph (c) and substituting the word "Reserved".

§ 89.257 Station limitations.

• • • • • •

(c) [Reserved]

• • • • • •

3. Section 89.307 is amended by deleting the text of paragraph (e) and substituting the word "Reserved".

§ 89.307 Station limitations.

• • • • • •

(e) [Reserved]

• • • • • •

4. Section 89.357 is amended by deleting the text of paragraph (d) and substituting the word "Reserved".

§ 89.357 Station limitations.

• • • • • •

(d) [Reserved]

• • • • • •

[FR Doc.73-174 Filed 1-3-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-459]

NATURAL GAS PRESENTLY FLARED OR VENTED

Special Relief To Encourage Recovery; Correction

NOVEMBER 21, 1972.

In the notice of proposed rule making relating to special relief to encourage the recovery of natural gas presently flared or vented, issued November 9, 1972, and published in the FEDERAL REGISTER November 16, 1972 (37 FR 24370): Paragraph 2, line 8: Change "gas pursuant to the emergency provisions of Order Nos. 402" to "gas pursuant to the emergency provisions of Order No. 418".

Paragraph 2, line 9: Change "and 402A (18 CFR 2.68; May 6, 1970, and June 3, 1970)," to "(18 CFR 157.22(d), 157.29; December 10, 1970)."

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-111 Filed 1-3-73;8:45 am]

[1] Plate input power to the final radio frequency stage.

[2] Section 89.111(a).

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Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 9141]

OREGON

Notice of Classification of Public Land for Disposal by Exchange

DECEMBER 20, 1972.

On May 11, 1972, the Salem District, Bureau of Land Management, issued a decision proposing to classify the following described land for transfer out of Federal ownership by exchange under the provisions of the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g):

WILLAMETTE MERIDIAN

T. 2 S., R. 7 E.,
Sec. 33, lots 2, 3, 5, 8 to 11, inclusive, 13, 16, 17, 19, 21, 22, 25, 27 to 29, inclusive, 33, and 35.

The area described contains about 21.875 acres in Clackamas County.

In order to obtain adequate public participation and to provide an opportunity to explain the proposal in greater detail, the district held a public meeting on the night of May 31 at Welches. At that meeting, many persons expressed themselves on the proposal. A few were in favor but most were opposed to the proposal. Following the meeting, several letters were received. Again, a few were in favor but most were opposed to the proposal.

The majority of those individuals opposing the exchange classification proposal did so, apparently, because of the damage they suffered during the 1964 flood. These individuals would rather have the land classified for public sale so they could acquire adjoining property to make up for the loss of usable portions of their own property. Others objected to the exchange classification proposal because they fear a developer might construct homes without regard to the wooded character of the area. It would be their desire to have the land retained in Federal ownership or classified for public sale. The latter alternative would give them the opportunity to bid for the adjoining property to develop or not develop, according to their preference. A few individuals objected to the proposal because they would like to buy one or more lots, and they fear they would have to pay a higher price from the owner following the exchange than what they would have to pay at the public auction. For these few individuals, a classification for public sale is preferred.

Many of the protests were withdrawn or modified following receipt of a letter from Mr. William C. Murphy, an exchange proponent. He has offered the existing private landowners the first opportunity to buy the adjoining lot from him, at the value arrived at in the BLM appraisal, should he successfully complete the exchange. This offer has been met with nearly total approval by the adjoining landowners.

It should be brought out that, in spite of the acceptance of this offer, the original protests do not appear to justify modification or termination of the classification decision to exchange the land. These protests do not question the issue that it is proper to dispose of the land. Disposal by exchange in this case will yield greater public benefits than disposal by public sale.

Similarly, the fear of some that the exchange would ruin the area because a developer might construct homes without regard to the wooded character is an unrelated issue. Transfer of the land out of Federal ownership either through exchange or public sale would generate the same risk of private ownership. There can be no guarantee as to what the new owner in either case does with the land except those guarantees provided by State and local laws, zoning, and codes.

Lastly, the fear of those who wish to buy adjoining property that they would have to pay a higher price from the owner following the exchange than what they would have to pay at the public auction is also an unrelated issue. It is impossible to predict what the high bid would be should the land be sold at public auction. The demand for land in this area is keen and we would anticipate a great deal of public interest in a sale offering. It is conceivable that the high bid at the auction would be higher than what the new owner would ask following the exchange.

In consideration of the foregoing reasons, and pursuant to section 7 of the Act of June 28, 1934 (43 U.S.C. 315f) and to regulations in 43 CFR 2400.0–3, the above-described land is hereby classified for disposal through exchange under the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR 2400).

In accordance with 43 CFR 2201.2, no application for an exchange will be accepted unless the application is accompanied by a statement from the Salem District Manager that the proposal appears feasible.

Portions of the land are within the Sandy River flood channel and subject to flood hazards. Pursuant to the authority contained in the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g), and in sec. 1(3) of Executive Order 11296 of August 10, 1966 (31 FR 155), any conveyance of the land within the flood hazard area will be subject to a permanent restriction, which constitutes a covenant running with the land, that the land may be used only for park and nonintensive open space recreation purposes.

For a period of 30 days after receipt of this decision, interested parties may submit comments, objections or protests to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

ARTHUR W. ZIMMERMAN,
Acting State Director.

[FR Doc.73–28 Filed 1–3–73;8:45 am]

National Park Service

[Order No. 2]

ADMINISTRATIVE ASSISTANT, CUMBERLAND GAP NATIONAL HISTORICAL PARK, KY.

Delegation of Authority

1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $5,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

2. *Revocation.* This order supersedes Order No. 1 published in 28 FR 2866, dated March 22, 1963, and Amendment No. 1 published in 30 FR 8494 dated July 2, 1965.

(National Park Service Order No. 66 (36 FR 21218) as amended (37 FR 4001) (37 FR 12854) Southeast Region Order No. 5 (37 FR 7721))

Dated: November 15, 1972.

ALBERT A. HAWKINS,
Superintendent, Cumberland Gap National Historical Park.

[FR Doc.73–137 Filed 1–3–73;8:45 am]

[Order No. 2]

ADMINISTRATIVE OFFICER AND ASSISTANT, BOSTON GROUP

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Equipment, Supplies or Services

1. *Administrative Officer.* The Administrative Officer, Boston Group, National Park Service, may execute, approve, and administer contracts not in excess of $10,000 for supplies, equipment or services, including construction, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any area under the administration of the Boston Group, National Park Service.

2. *Administrative Assistant.* The Administrative Assistant, Boston Group, National Park Service, may issue Purchase Orders not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Assistant in behalf of any area under the administration of the Boston Group, National Park Service.

3. This order supersedes Order No. 1 dated February 6, 1969 (34 FR 5034) and Amendment No. 1 dated April 14, 1972 (37 FR 11736).

(National Park Service Order No. 66, (36 FR 21218) as amended; Northeast Region Order No. 7 (37 FR 6325), as amended)

Dated: November 27, 1972.

HERBERT OLSEN,
General Superintendent, Boston Group, National Park Service.

[FR Doc.73–138 Filed 1–3–73;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions and Deletions

By notice in the FEDERAL REGISTER of March 15, 1972, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 7 (pp. 4923–24), April 4 (pp. 6770–72), May 2 (pp. 8890–95), June 6 (pp. 11274–76), July 4 (pp. 13193–96), August 1 (pp. 15390–91), September 6 (pp. 18043–44), October 3 (pp. 20732–34), November 7 (pp. 23655–57), and December 5 (pp. 25860–63). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been demolished and removed from the National Register:

NEBRASKA

Custer County

Broken Bow vicinity, *Haumont House*, 10 miles northeast of Broken Bow.

NEW YORK

Albany County

Albany, *Hun Houses*, 149–149½ Washington Avenue.

The following is a correction for a previous entry in the FEDERAL REGISTER:

IDAHO

Owyhee County

Silver City vicinity, *Silver City Historic District*, Includes secs. 3–9 of T. 5 S., R. 3 W.; secs. 31–32 of T. 4 S., R. 3 W.; secs. 25, 26, 35, and 36 of T. 4 S., R. 4 W.; and secs 1, 2, and 12 of T. 5 S., R. 4 W.

The following properties were omitted from previous FEDERAL REGISTER listings:

CALIFORNIA

Los Angeles County

Los Angeles, *Will Rogers State Historic Park (Will Rogers House)*, 14253 Sunset Boulevard.

Sacramento County

Sacramento, *Crocker, E. B., Art Gallery*, 216 O Street.

The following properties have been added to the National Register since December 5:

CALIFORNIA

Humboldt County

Eureka, *Tsahpek*, 3431 Fort Avenue.

Kern County

Johannesburg vicinity, *Last Chance Canyon*, 16 miles west of Johannesburg on U.S. 395.

Marin County

San Rafael, *Dollar, Robert, Estate*, 1408 Mission Avenue.

Orange County

Modjeska, *Modjeska House*, Modjeska Canyon Road.

Placer County

Tahoe City, *Outlet Gates and Gatekeeper's Cabin*, at Calif. 89 and Truckee River.

Santa Barbara County

Santa Barbara vicinity, *Painted Cave*, 11 miles north of Santa Barbara off Calif. 150.

Siskiyou County

Yreka, *West Miner Street—Third Street Historic District*, 102–402 West Miner Street; 122–419 Third Street.

COLORADO

Clear Creek County

Georgetown, *McClellan House*, 919 Taos Street.

CONNECTICUT

Hartford County

Hartford, *First Church of Christ and the Ancient Burying Ground*, 60 Gold Street.

New Haven County

Guilford, *Whitfield, Henry, House*, Old Whitfield Street.

New Haven, *Morris House*, 325 Lighthouse Road.

New London County

Colchester, *Champion, Henry, House*, Westchester Road.

DELAWARE

Kent County

Dover, *Christ Church*, Southeast corner of South State and Water Streets.

Dover, *Governor's House, The*, Kings Highway.

Dover, *Town Point*, Kitts Hummock Road.

New Castle County

Middletown, *Middletown Academy (Town Hall)*, 218 North Broad Street.

Odessa, *Appoquinimink Friends Meeting House*, Main Street.

Wilmington, *Lombardy Hall*, U.S. 202.

Wilmington, *Masonic Hall and Grand Theater, The*, 818 North Market Street.

Sussex County

Lewes, *Fisher's Paradise*, 624 Pilottown Road.

DISTRICT OF COLUMBIA

Washington, *Sewall-Belmont House*, 144 Constitution Avenue NE.

Washington, *Sulgrave Club*, 1801 Massachusetts Avenue NW.

Washington, *Washington Club*, 15 Dupont Circle NW.

FLORIDA

Alachua County

Gainesville, *Bailey, Major James B., House*, 1121 Northwest 6th Street.

Brevard County

Titusville, *St. Gabriel's Episcopal Church*, 414 Palm Avenue.

Gadsden County

Quincy, *Methodist Parsonage*, 212 North Madison Street.

Hillsborough County

Tampa, *Tampa Bay Hotel*, 401 West Kennedy Boulevard.

Jackson County

Greenwood, *Great Oaks*, Greenwood Highway (Fla. 71).

Marianna vicinity, *Waddells Mill Pond*, About 7 miles northwest of Marianna.

Jefferson County

Capps vicinity, *May, Asa, House*, On U.S. 19, about 0.5 mile north of its intersection with U.S. 27.

Palm Beach County

Palm Beach, *Bingham-Blossom House*, 1250 South Ocean Boulevard.

Palm Beach, *Whitehall (Henry Morrison Flagler House)*, Whitehall Way.

Wakulla County

Hyde Park vicinity, *Bird Hammock*, About 2 miles south of Hyde Park.

GEORGIA

Spalding County

Griffin, *Old Medical College Historical Area*, 223–233 East Broadway Street.

HAWAII

Honolulu County

Honolulu, *Royal Brewery, The*, 553 South Queen Street.

Kaneohe vicinity, *Moli Fish Pond*, Southeast of Kamehameha Highway between Kualoa and Johnson Road.

IDAHO

Ada County

Boise, *Jacobs, Cyrus, House*, 607 Grove Street.

Bear Lake County

Paris, *Bear Lake Stake Tabernacle*, Main Street.

Owyhee County

Silver City vicinity, *Camp Three Forks*, South of Silver City.

ILLINOIS

Cook County

Chicago, *Jackson Park Historic Landscape District and Midway Plaisance.*

Chicago, *Prairie Avenue District*, bounded roughly by 18th Street on the north, Calumet and Prairie on the east, midway between 18th and Cullerton on the south, and Indiana on the west.

Gallatin County

Old Shawneetown, *Marshall, John, House.*

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KANSAS

Franklin County

Williamsburg vicinity, *Silkville*, 2.5 miles southwest of Williamsburg on U.S. 50.

KENTUCKY

Jefferson County

Louisville, *St. James-Belgravia Historic District*, bounded by Wilson Avenue on the north, South Fourth Street on the east, Hill Street on the south, and South Sixth Street on the west.

LOUISIANA

Iberville Parish, St. Gabriel, *St. Gabriel Roman Catholic Church*, 0.25 mile south of Louisiana 74 between the Illinois Central Railroad tracks and Louisiana 75.

MAINE

Cumberland County

Gorham, *McLellan House*, Gorham School Street.

MARYLAND

Anne Arundel County

Annapolis, *Artisan's House*, 43 Pinkney Street.

Kent County

Sassafras, *Rich Hill, The Griffith House*, On Maryland 299 south of Sassafras.

Prince Georges County

Upper Marlboro, *Mount Pleasant*, Mount Pleasant Road.

MASSACHUSETTS

Essex County

Salem, *Old Town Hall Historic District*, 215–231 Essex Street, 121–145 Washington Street, 6–34 Front Street, and Derby Square.

Norfolk County (also in Suffolk County)

Boston-Milton, *Paul's Bridge*, Neponset Valley Parkway, across the Neponset River.

MICHIGAN

Wayne County

Detroit, *St. Joseph's Roman Catholic Church*, 1828 Jay Street.

MISSOURI

Mississippi County

Charleston, *Missouri Pacific Depot*, East of the intersecting branches of the Missouri Pacific Railroad.

NEBRASKA

Cass County

Weeping Water, *Weeping Water Historic District*.

Jefferson County

Fairbury, *Jefferson County Courthouse*, Block bounded by Fourth and Fifth Streets and D and E Streets.

Lancaster County

Lincoln, *Ferguson, William H., House*, 700 South 16th Street.

NEW HAMPSHIRE

Sullivan County

Cornish, *St. Gaudens, Louis, House and Studio*, Dingleton Hill and Whitten Roads.

NEW JERSEY

Essex County

Newark, *South Park Calvary United Presbyterian Church*, 1035 Broad Street.

Gloucester County

Glassboro, *Whitney Mansion (Holly Bush)*, Whitney Avenue.

NEW YORK

Dutchess County

Poughkeepsie, *Garfield Place Historic District*, Both sides of Garfield Place.

Kings County

Brooklyn, Houses on Hunterfly Road Historic District, 1698–1708 Bergen Street.

New York County

New York, *High Bridge Aqueduct and Water Tower*, Harlem River at West 170th Street (also in Bronx County).

Rensselaer County

Schaghticoke, *Knickerbocker Mansion*, Knickerbocker Road.

Wayne County

Palmyra, *Market Street Historic District*, Both sides of Market Street.

NORTH CAROLINA

Craven County

New Bern, *Cedar Grove Cemetery*, Bounded by Queen, George, Cypress, Howard, and Metcalf Streets.

New Bern, *Smallwood, Eli, House*, 524 East Front Street.

Hertford County

Ahoskie vicinity, *Mitchell, William, House*, 3 miles east of Ahoskie on North Carolina 350.

Wake County

Raleigh, *Lewis-Smith House*, 515 North Wilmington Street.

OHIO

Franklin County

Columbus, *Harrison, General William Henry, Headquarters (Jacob Oberdier House)* 570 West Broad Street.

Hamilton County

Cincinnati, *Cincinnati City Hall*, 801 Plum Street.

Cincinnati, *Rookwood Pottery*, Celestial and Rookwood Place.

Highland County

Rainsboro vicinity, *Plum Run Mound*, 1.8 miles northeast of Rainsboro on U.S. 50.

Knox County

Mt. Vernon vicinity, *McLaughlin Mound*, 6.5 miles south of Mt. Vernon.

Scioto County

West Portsmouth vicinity, *Tremper Mound and Works*, 3 miles north of West Portsmouth.

Summit County

Cuyahoga Falls, *Chuckery Race*, George Metropolitan Park.

OREGON

Benton County

Philomath, *Philomath College*, Main Street.

PENNSYLVANIA

Chester County

West Chester, *First Presbyterian Church of West Chester*, 130 West Miner Street.

Luzerne County

Wilkes-Barre, *Weiss Hall*, South River Street.

RHODE ISLAND

Newport County

Newport, *Bellevue Avenue-Casino Historic District*, 170–230 Bellevue Avenue.

Providence County

Providence, *Brick School House*, 24 Meeting Street.

Providence, *Lippitt, Governor Henry, House*, 199 Hope Street.

SOUTH CAROLINA

Charleston County

Charleston vicinity, *Magnolia Gardens*, 10 miles northwest of Charleston on South Carolina 61.

Mount Pleasant vicinity, *Christ Episcopal Church*, 4.6 miles northeast of Mount Pleasant on U.S. 17.

Pickens County

Pickens vicinity, *Hagood Mill*, 3.5 miles northwest of Pickens on U.S. 178.

SOUTH DAKOTA

Custer County

Custer, *Custer County Courthouse*, 411 Mt. Rushmore Road.

TENNESSEE

Shelby County

Memphis, *Victorian Village District*, Adams and Jefferson Streets.

Wilson County

Lebanon vicinity, *Sellars Indian Mound*, East of Lebanon off Tennessee 26.

TEXAS

Travis County

Austin, *Ney, Elisabet, Studio and Museum*, 304 East 44th Street.

VERMONT

Bennington County

Manchester, *Equinox House*, Main Street.

Chittenden County

Burlington, *U.S. Post Office and Custom House (Smith-Goldberg U.S. Army Reserve Center)*, southeast corner of Main and Church Streets.

VIRGINIA

Augusta County

Spottswood vicinity, *Old Providence Stone Church*, northwest of Spottswood at junction of Virginia 613 and 620.

Charles City County

Charles City vicinity, *Westover Church*, 5 miles west of Charles City off Virginia 5.

Essex County

Loretto vicinity, *Vauter's Church*, 1 mile northwest of Loretto on U.S. 17.

King William County

Mangohick vicinity, *Mangohick Church*, south of Mangohick off Virginia 30.

Newport News (independent city), *Lee Hall*, 0.6 mile northwest of intersection of U.S. 60 and Virginia 238.

Richmond County

Warsaw, *Richmond County Court House*, at intersection of U.S. 360 and Virginia 3.

Rockingham County

Broadway vicinity, *Lincoln Homestead and Cemetery*, on Virginia 42, 1 mile south of its intersection with Route 884.

WASHINGTON

Whitman County

Colfax, *Perkins House*, North 623 Perkins.

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.73–46 Filed 1–3–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegation of Authority

Section 3.1 of 10 BIAM was published on page 11491 of the June 8, 1972, FEDERAL REGISTER (37 FR 11491). It is being amended to give Area Directors the authority of the Commissioner of Indian Affairs contained in 43 CFR 417.5 which deals with determining the amount of Colorado River water to be diverted for use on Indian reservations.

As amended, 10 BIAM 3.1 reads as follows:

3.1 *Authorities from the Commissioner.* The authorities of the Secretary of the Interior delegated to the Commissioner in Secretarial Order 2508 (10 BIAM 2.1), 25 CFR, 43 CFR 2.6, and 43 CFR 417.5 are hereby redelegated to the Area Directors and the Director of Southeastern Agencies.

This redelegation also includes future authorities of the Secretary of the Interior to the Commissioner which:

A. Do not by their own terms disallow exercise by officials below the Commissioner;

B. Are not within the generally applicable exceptions in section 3.3 below; or

C. Are not expressly excluded, by additional provisions to this chapter, from being exercised by officials below the Commissioner.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

DECEMBER 22, 1972.

[FR Doc.73–139 Filed 1–3–73;8:45 am]

Office of the Secretary

[DES 72–118]

LAHONTAN NATIONAL FISH HATCHERY, DOUGLAS COUNTY, NEV.; PROPOSED ADDITIONAL FACILITIES

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a draft environmental statement for the construction of additional facilities at the Lahontan National Fish Hatchery located about 4 miles south of Gardnerville, Nev., and invites written comments within 45 days of this notice.

The construction will include buildings for public use, staff residence, and storage; ponds for fish production and waste removal; and systems for water treatment and reconditioning. The new facilities are necessary to propagate Lahontan cutthroat trout for restoration of the fisheries in Pyramid and Walker Lakes in Nevada and to increase the numbers of rainbow trout currently stocked on military and Indian reservations in northeastern Nevada and eastern California.

Copies of the statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Post Office 3737, Portland, OR 97208.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

WILLIAM W. LYONS,
Deputy Assistant Secretary, Program Policy.

DECEMBER 22, 1972.

[FR Doc.73–136 Filed 1–3–73;8:45 am]

LIVESTOCK GRAZING ON PUBLIC LANDS

Schedule of Fees, 1973

Pursuant to the authority vested in the Secretary of the Interior, notice is hereby given of the schedule of fees for the 1973 fee year beginning March 1, 1973, and ending February 28, 1974, for livestock grazing on the public lands.

For the purpose of establishing charges, 1 animal unit month (AUM) shall be considered equivalent to grazing use by one cow, five sheep, or one horse for 1 month. The charge for one horse is at twice the rate for one cow.

Bills shall be issued in accordance with the rates prescribed in this notice.

INSIDE STATUTORY GRAZING DISTRICTS

Pursuant to departmental regulations (43 CFR 4115.2–1(k)) as amended January 7, 1972 (32 FR 213), fees within districts, except as otherwise provided herein, shall be 78 cents per AUM of which 49 cents is the grazing use fee and 29 cents is the range improvement fee.

Exceptions to the above rates are hereby set as follows for certain LU project lands (national grasslands) in order to continue the basis of fees that has heretofore been established:

Arizona. For the San Simon project (Cienega area) transferred to the Department by Executive Order 10322, the fees shall be $1.32 per AUM of which 49 cents is the grazing use fee and 83 cents is the range improvement fee.

Colorado. For the Great Divide project transferred to the Department by Executive Order 10046, the fees shall be 93 cents per AUM of which 49 cents is the grazing use fee and 44 cents is the range improvement fee.

Montana. For all LU lands within districts transferred to the Department by Executive Order 10787, the fees shall be 94 cents per AUM of which 49 cents is the grazing use fee and 45 cents is the range improvement fee.

New Mexico. For the Hope Land project transferred to the Department by Executive Order 10787, the fees shall be 87 cents per AUM of which 49 cents is the grazing use fee and 38 cents is the range improvement fee. For the San Simon project (Cienega area) transferred to the Department by Executive Order 10322, the fees shall be $1.32 per AUM of which 49 cents is the grazing use fee and 83 cents is the range improvement fee.

OUTSIDE STATUTORY GRAZING DISTRICTS (EXCLUSIVE OF ALASKA)

Pursuant to departmental regulations (43 CFR 4125.1–1(m)), the rate for grazing leases except as otherwise provided herein, shall be 78 cents per AUM of which 25 percent is the range improvement fee.

Exceptions to the above rate are hereby set as follows for certain LU project lands and for all O&C and intermingled public domain lands in western Oregon in order to continue the basis of fees that has heretofore been established:

Montana. For those Milk River Land project lands outside districts transferred to the Department by Executive Order 10787, the fee shall be 94 cents per AUM of which 25 percent is the range improvement fee.

Wyoming. For the northeast Wyoming project transferred to the Department by Executive Order 10046 and amended by Executive Order 10175, the fee shall be 93 cents per AUM of which 25 percent is the range improvement fee.

Western Oregon. For western Oregon the fee shall be 95 cents per AUM.

ROGERS C. B. MORTON,
Secretary of the Interior.

JANUARY 2, 1973.

[FR Doc.73–277 Filed 1–3–73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

TvTIME SIGNAL FORMAT; BROADCAST AUTHORIZATION

Availability of NBS Petition to Federal Communications Commission

The National Bureau of Standards is giving public notice that it has filed with the Federal Communications Commission a petition pursuant to 47 CFR 1.401 et seq. for the initiation of public proceedings to amend 47 CFR 73.682(a) and 73.699 concerning transmission standards for the television broadcast service.

The amendments proposed in the petition would permanently allocate, in the standard television broadcast format, all of line 21 in the odd field, and the first half of line 21 in the even field, for the transmission of NBS TvTime signals, digital, captioning information, digital

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channel identification, and such other forms of digital information amenable to the NBS TvTime signal format as the Commission finds to be in the public interest. This proposed allocation of line 21 would permit the transmission throughout the United States, via the television broadcast service, of NBS TvTime signals containing NBS standards of both time and frequency, and occasional time advisory messages necessary to the conveying of complete time information to the many interested members of the public who will be using the service. The technology underlying the NBS TvTime System would also permit the transmission of captioning for the deaf and others, channel identification, and other digital information, as designated by the Commission. The petition also urges that the Commission authorize captioning and channel identification and explore other potential uses for this opportunity to transmit digital information.

Copies of this petition are available for public inspection at the Commission's Docket Reference Room, 1919 M Street NW., Washington, DC 20554. Copies of the petition may also be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22151, at a price of $3 per copy. Further information, if desired, may be obtained by calling the subscription desk at NTIS. The telephone number is (703) 321–8543.

Any interested person may file a statement in support of or in opposition to this petition pursuant to 47 CFR 1.405. Such statement should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

Dated: December 27, 1972.

R. S. WALLEIGH,
Acting Director.

[FR Doc.73–124 Filed 1–3–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, BOARD OF SCIENTIFIC COUNSELORS

Amended Notice of Meeting

Notice of December 13, 1972 (37 FR 28090, December 20, 1972) is hereby amended as follows:

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Board of Scientific Counselors, NIEHS, January 8–9, 1973, at 9 a.m., Research Triangle Park, N.C., Building 1 Conference Room. This meeting will be open to the public from 9 a.m. to 1:30 p.m., January 8, at which time Dr. David P. Rall, Director, NIEHS, will report on recent legislative activities affecting the Institute, will present an overview of Institute intramural research activities as an orientation for the Board members, and will conduct a tour of the facilities. The meeting will be closed to the public 1:30 p.m. to 5 p.m., January 8 and 9 a.m. to 5 p.m., January 9 to review specific intramural research projects under consideration or in progress and to consider and formulate advice on the intramural research programs. This portion of the meeting will be closed in accordance with the Secretary's determination of September 27, 1972.

Dr. David P. Rall, Director, NIEHS, Research Triangle Park, N.C., (919) 549–8411, extension 3201, will furnish summaries of the meeting and rosters of the committee members, as well as any substantive information.

Dated: December 22, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–133 Filed 1–3–73;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY (PUBLIC AFFAIRS)

Statement of Organization, Functions and Delegations of Authority

This notice affirms a prior decision to replace the position of Assistant Secretary (education) with Assistant Secretary (public affairs). This notice also recognizes the establishment of the position of Assistant Secretary for Education pursuant to Public Law 92–318, approved June 23, 1972.

1. Section 2–120 of Part 2 of the Statement of Organization, Functions and Delegations of Authority (35 FR 7033, May 2, 1970) for the Department of Health, Education, and Welfare is revoked.

2. A position of Assistant Secretary within the Department of Health, Education, and Welfare shall be utilized for the position of Assistant Secretary (public affairs) and designated Chapter 1H of Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health Education, and Welfare.

3. The position of Assistant Secretary for Education was established by Public Law 92–318, approved June 23, 1972.

Dated: December 27, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc. 73–179 Filed 1–3–73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON AGING RESEARCH

Notice of Public Meeting

This committee was established to advise the Secretary of Health, Education, and Welfare to develop a comprehensive coordinated research program in the field of aging, which program will include disciplines ranging from biomedical research to transportation systems analysis, from psychology and sociology to management science and economics.

The meeting of the committee will be on Tuesday, January 16, 1973, from 9:30 a.m. to 4:30 p.m. in Room 3137 North Building, 330 Independence Avenue SW., Washington, DC. The meeting will be devoted to developing strategies for achieving a plan for a coordinated comprehensive multidisciplinary program in aging research. The meeting will be open for public observation.

ALFRED H. LAWTON,
Executive Director.

DECEMBER 26, 1972.

[FR Doc.73–180 Filed 1–3–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N–72–129]

CARPET STANDARDS AND CARPET CERTIFICATION PROGRAM

Proposed Revision of Standards and Adoption of Program; Correction

On December 12, 1972, at 37 FR 26457, the Department of Housing and Urban Development published a notice to the effect that it proposed to adopt a carpet certification program. The date in the eighth line of that notice reads "September 21, 1972" whereas it should have read: "October 26, 1972."

JOHN L. GANLEY,
Deputy Assistant Secretary for Housing Productions and Mortgage Credit.

[FR Doc.73–171 Filed 1–3–73;8:45 am]

Office of the Secretary

[Docket No. D–72–212]

DIRECTOR, OFFICE OF PERSONNEL AND DEPUTY DIRECTOR, OFFICE OF PERSONNEL

Designation and Redelegation of Authority Regarding Administration of Certain Oaths

SECTION A. *Designation and redelegation.* The Director, Office of Personnel, and the Deputy Director, Office of Personnel, each is hereby:

1. Designated to administer the oath of office required by 5 U.S.C. 3331 incident to entrance into the executive branch, or any other oath required by law in connection with employment in the executive branch, as authorized under 5 U.S.C. 2903(b).

2. Authorized to:

a. Designate in writing subordinate employees by position to administer oaths as authorized under 5 U.S.C. 2903 (b); and

b. Redelegate to subordinate employees the authority to designate in writing subordinate employees by position to administer oaths as authorized under 5 U.S.C. 2903(b).

SEC. B. *Supersedure.* This designation and redelegation supersedes unpublished designation and redelegation effective May 19, 1967.

(5 U.S.C. 2903; sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This designation and redelegation is effective as of October 15, 1972.

HARRY T. MORLEY,
Assistant Secretary for Administration.

[FR Doc.73–172 Filed 1–3–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–285]

OMAHA PUBLIC POWER DISTRICT

Order Extending Completion Date

Omaha Public Power District is the holder of Provisional Construction Permit No. CPPR–41 issued by the Commission on June 7, 1968, for the construction of the Fort Calhoun Station, Unit 1, a 1,420 megawatt (thermal) pressurized water nuclear reactor presently under construction at the company's site in Washington County, Nebr., on the southwest bank of the Missouri River about 19 miles northwest of Omaha, Nebr.

On November 15, 1972, the company filed a request, which was supplemented by telegram dated December 20, 1972, for an extension of the completion date because of (i) a delay in the fabrication of the fuel pending completion of the prepressurization process, and (ii) a delay in procurement and installation of seismic restraints. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown:

It is hereby ordered, That the latest completion date for CPPR–41 is extended from December 31, 1972, to June 31, 1973.

For the Atomic Energy Commission.

Date of issuance: December 27, 1972.

R. C. DEYOUNG,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73–109 Filed 1–3–73;8:45 am]

[Docket No. 50–395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice and Order for Evidentiary Hearing

The Atomic Energy Commission (the Commission) by its "Notice of Hearing on Application for Construction Permit," dated September 21, 1972, ordered a hearing to consider the application of the South Carolina Electric & Gas Co., for a construction permit for a pressurized water nuclear reactor designed for initial operation at approximately 2,775 thermal megawatts with a net electrical output of approximately 900-megawatts. The proposed facility, designated as the Virgil C. Summer Nuclear Station, is to be located at the applicant's site about 26 miles north of Columbia, S.C., in western Fairfield County. This hearing will be held pursuant to the provisions of the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2 rules of practice and Part 50, "Licensing of Production and Utilization Facilities."

The hearing will be conducted by the Atomic Safety and Licensing Board (the Board) appointed by the Commission on November 14, 1972. This Board consists of Dr. John R. Lyman, Mr. Frederick J. Shon, and Mr. Daniel M. Head, Esq., chairman, with Dr. Kenneth A. McCollom, the technically qualified alternate, and Mr. Walter W. K. Bennett, Esq., the alternate chairman.

A prehearing conference was held by the Board in Winnsboro, S.C., on December 18, 1972, pursuant to the notice issued by the Board on November 22, 1972. A prehearing order was issued by the Board on December 27, 1972, containing the orders made by the Board as a result of the prehearing conference.

Please take notice: *And it is hereby ordered,* in accordance with the provisions of the Atomic Energy Act of 1954, as amended, and the Commission's rules of practice, 10 CFR Part 2, That the evidentiary hearing in these proceedings is scheduled for 10 a.m., local time, on Monday, January 29, 1973, in the Fairfield County Courthouse, Congress Street, Winnsboro, S.C.

Issued at Washington, D.C., this 27th day of December 1972.

THE ATOMIC SAFETY AND LICENSING BOARD,
DANIEL M. HEAD,
Chairman.

[FR Doc.73–106 Filed 1–3–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20724]

REMANDED ATLANTA-DETROIT/CLEVELAND/CINCINNATI INVESTIGATION

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been postponed from January 23, 1973 (37 FR 28207, Dec. 21, 1972), to February 6, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge William F. Cusick.

Dated at Washington, D.C., December 27, 1972.

[SEAL] WILLIAM F. CUSICK,
Administrative Law Judge.

[FR Doc.73–25 Filed 1–3–73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 29, 1972.

On November 17, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Portugal concerning exports of cotton textiles and cotton textile products from Portugal to the United States over a 4-year period beginning on January 1, 1971, and extending through December 31, 1974. On May 22, 1972, notes were exchanged amending that agreement. Among the provisions of the amended agreement are those establishing specific limits on Categories 1/2/3/4, 5/6, 9, 22, 24/25, 26, 41/42/43, 46, 50, 51, 52, 53 and parts of 62, 55, 60, and parts of 62 for the third agreement year beginning January 1, 1973.

Accordingly, there is published below a letter of December 29, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories produced or manufactured in Portugal which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1973, and extending through December 31, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 29, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of November 17, 1970, as amended, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1973, and for the 12-month period extending

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through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 5/6, 9, 22, 24/25, 26, 41/42/43, 46, 50, 51, 52, 53, and parts of 62, 55, 60, and parts of 62, produced or manufactured in Portugal, in excess of the following levels of restraint:

Category	12-Month levels of restraint
1/2/3/4	17,724,223 pounds.
5/6	11,957,100 syds (of which not more than 6,696,649 syds may be in Category 6).
9	12,989,097 syds.
22	2,105,865 syds.
24/25	7,721,505 syds (of which not more than 2,807,820 syds may be in Category 25).
26	3,369,384 syds.
41/42/43	126,352 dozen.
46	56,157 dozen.
50	32,291 dozen.
51	32,291 dozen.
52	47,733 dozen.
53 and parts of 62 (T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635, and 382.0640).	47,733 dozen.
55	38,588 dozen.
60	27,563 dozen.
Parts of 62 (all of the category except T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635, and 382.0640).	180,020 pounds (of which not more than 78,057 pounds may be in T.S.U.S.A. Nos. 380.0024, 380.0645, 382.0024, and 383.-0665).

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to January 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1972 through December 31, 1972. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

In carrying out this directive, entries of two or three piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated herein, including the level of restraint for blouses in Category 52.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of November 17, 1970, as amended, between the Governments of the United States and Portugal which provide, in part, that within the aggregate limit and group limits, the limitations on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.73-279 Filed 1-3-73;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 29, 1972.

On December 31, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of the Socialist Federal Republic of Yugoslavia concerning exports of cotton textiles and cotton textile products from Yugoslavia to the United States over a 5-year period beginning January 1, 1971, and extending through December 31, 1975. Among the provisions of the agreement are those establishing an aggregate limit, and within the aggregate limit, specific limits on Categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric), 48 and 49, for the agreement year beginning January 1, 1973.

There is published below a letter of December 29, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in Yugoslavia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning on January 1, 1973, and extending through December 31, 1973, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DECEMBER 29, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1973, and for the 12-month period extending through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric), 48, 49, produced or manufactured in Yugoslavia, in excess of the following 12-month levels of restraint:

Category	12-month level of restraint
9 ---------- square yards	11,025,000
18/19 ---------- do	651,250
22 ---------- do	4,410,000
26 (duck fabric)[1] ---------- do	2,205,000
26 (other than duck fabric) ---------- do	2,756,250
48 ---------- dozen	15,435
49 ---------- do	30,539

[1] The T.S.U.S.A. numbers for duck fabrics are:

320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric), 48, and 49, produced or manufactured in Yugoslavia and which have been exported to the United States from Yugoslavia prior to January 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1972, through December 31, 1972. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provides in part that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from Yugoslavia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

Sincerely yours,

[FR Doc.73-280 Filed 1-3-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19558]

OVERSEAS DATAPHONE SERVICE

Notice of Inquiry Regarding Future Authorization Policy; Order Extending Time

1. By letter dated December 21, 1972, RCA Global Communications, Inc. (RCA Globcom) requests an extension of time until January 26, 1973, in which to file comments in the above-captioned Inquiry.[1] RCA Globcom alleges that the quested extension of time is needed because of the amount of information requested by the Commission, the press of other pending regulatory matters, and the time constraints created by the Christmas and New Year holidays.

2. In view of the previous extensions of time granted in this matter, we cannot find that RCA Globcom has made a sufficient showing of good cause to justify the entire extension of time sought. However, we do believe that a partial grant of the RCA Globcom request is warranted.

3. Accordingly, *It is ordered*, Pursuant to § 0.303(c) of the Commission's rules pertaining to delegations of authority, that the request of RCA Global Communications, Inc. is granted in part; and

(A) The time in which to file comments in Docket No. 19558 is extended until January 12, 1973;

(B) The time in which to file reply comments is extended until February 14, 1973; and

(C) Except to the extent granted above, the request of RCA Global Communications, Inc. is denied.

Adopted: December 26, 1972.

Released: December 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] CHARLES R. COWAN,
Acting Chief, Common Carrier Bureau.

[FR Doc.73-176 Filed 1-3-73;8:45 am]

[1] Notice of inquiry in this matter first published at 37 FR 16042, Aug. 9, 1972.

FEDERAL POWER COMMISSION

[Docket No. E-7892]

ARIZONA PUBLIC SERVICE CO.

Proposed Changes in Rates and Charges

DECEMBER 27, 1972.

Take notice that Arizona Public Service Co. (Company) on September 5, 1972, tendered for filing proposed changes in its FPC Rate Schedule No. 38. The filing consists of a schedule of transmission losses agreed to by the Company and Southern California Edison Co. on May 14, 1967, as provided for through the invocation of Paragraph 10 of their transmission agreement. The Company states that this schedule is still effective without change.

The Company requests waiver of their late filing and the formal requirements of section 35 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-114 Filed 1-3-73;8:45 am]

[Docket No. E-7907]

ARIZONA PUBLIC SERVICE CO.

Proposed Changes in Rates and Charges

DECEMBER 27, 1972.

Take notice that Arizona Public Service Co. (Company) on September 28, 1972 tendered for filing proposed changes in its FPC Rate Schedule No. 50. The filing consists of an escalation as provided for in Exhibit C of the Company's agreement dated April 2, 1971, with Citizens Utilities Co. The proposed change would increase the Company's annual revenues from jurisdictional sales and service by $1,396 computed by using August 1972, as the base month.

The Company requests that § 35.11 of the Commission's regulations be waived and that the current escalation become effective at the beginning of July and August 1972, since it is impossible to anticipate an escalation prior to the end of a month.

The Company also requests waiver of the formal requirements of §§ 35.1 and 35.13 of the Commission's regulations, and that the short form of filing as submitted be filed and accepted. In support of this request, the Company states that the Commission has granted this short form of filing in the Company's FPC Rate Schedules 3 and 32.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-115 Filed 1-3-73;8:45 am]

[Docket No. RP73-70]

CAROLINA PIPELINE CO. AND TRANSCONTINENTAL GAS PIPE CORP.

Notice of Motion for Emergency Relief

DECEMBER 27, 1972.

Take notice that on December 15, 1972, Carolina Pipeline Co. (Carolina) filed in Docket No. RP73-70 a complaint against Transcontinental Gas Pipe Line Corp. (Transco) whereby Carolina seeks a Commission order directing Transco to deliver Carolina's present Annual Contract Quantity (ACQ) entitlement of gas under Transco's Contract Demand 2 (CD-2) Rate Schedule commencing January 1, 1973.

Complainant states it is a resale customer of Transco and also obtains part of its gas supply from Southern Natural Gas Co. Carolina provides service both directly and for resale for domestic, commercial, and industrial customers.

Complainant alleges that some of the interruptible industrial customers utilizing gas for direct flame applications and highly preferential process uses obtain gas as preferred interruptible customers and that these customers "clearly come within the 'human needs' type of customer meaning as used by the Commission."

Complainant states that "[b]ecause curtailments in the South were customarily of very short duration prior to current gas shortages, it was both physically feasible and economically desirable for these [preferred interruptible industrial] customers to purchase interruptible gas while maintaining a limited alternate fuel capability. In view of extensive curtailments now in effect on the Transco and Southern systems, these customers are faced with severe hardships."

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Complainant claims that "if the relief herein sought were granted and Carolina were permitted to obtain the ACQ gas under the CD rate schedule daily basis Carolina would be able to maintain service in the winter to these [preferred interruptible industrial] 'human needs' customers." Complainant states that its preferred interruptible industrial customers have been completely curtailed since November 15, 1972.

Complainant states that the alternate fuels utilized by these preferred interruptible industrial customers "are in very short supply and most difficult to obtain at this time." Complainant alleges that if Carolina could obtain its ACQ gas from Transco under Transco's CD–2 Rate Schedule "at a volume in the range of 10,000 Mcf per day, it would greatly alleviate Carolina's difficulty in maintaining service to these [preferred interruptible industrial] customers."

Complainant claims that its requested relief "could have no adverse effect upon Transco's other customers."

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the request is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–110 Filed 1–3–73;8:45 am]

[Docket No. CP68–179]

FLORIDA GAS TRANSMISSION CO.

Notice of Petition to Amend

DECEMBER 27, 1972.

Take notice that on December 4, 1972, Florida Gas Transmission Co. (Petitioner), Post Office Box 44, Winter Park, FL 32789, filed in Docket No. CP68–179 a petition pursuant to section 7(c) of the Natural Gas Act for an amendment to the certificate of public convenience and necessity issued herein on July 17, 1969 (42 FPC 121), if such is necessary, in order to authorize the continued operation of its facilities and the rendition of service in the manner proposed by Petitioner, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that in its application for a certificate in this proceeding it proposed to construct additional natural gas facilities to expand the average day sales capacity of its pipeline system in Florida by approximately 56,400 Mcf (equivalent to 60,000 MMBtu) to approximately 692,000 Mcf (at 14.73 p.s.i.a.). The sales proposed to be made by Florida Gas with the expanded facilities were shown in the application (Exhibit I) and followed Florida Gas' established practice of gradually upgrading sales made to direct interruptible customers to resale sales to its distributors, both firm and interruptible.

In connection with a rate proceeding in Dockets Nos. RP66–4, RP68–1, the Commission entered an order in Opinion No. 611 on February 16, 1972, directing Florida Gas to submit limitations on its sales to its I Rate Schedule customers reflecting service agreements and contracts on file with the Commission as of September 1, 1972, and not to increase its sales to resale and various direct sale customers beyond service agreement levels as of that date. On October 16, 1972, Florida Gas filed revised tariff sheets in its FPC Gas Tariff, Original Volume No. 1, and revised contracts with its direct sales customers containing limitations on service volumes. However, in an order issued November 14, 1972, the Commission accepted the filing of October 16, 1972, as in compliance with Opinion No. 611 but rejected the proposed service volumes because they did not represent the volumes in service agreements and contracts on file as of September 1, 1972. On December 1, 1972, Florida Gas filed revised tariff sheets and a listing of contract volumes on file as of September 1, 1972. Also, on December 4, 1972, Florida Gas retendered the service volumes contained in its October 16, 1972, filing, proposing to make them effective January 1, 1973, together with a motion for reconsideration of the November 14, 1972, order.

Florida Gas believes it has the necessary certificate authority to render the sales service proposed in the retendered tariff sheets and revised listing of contract volumes for its direct sales customers because the proposed service volumes follow the projected pattern of sales originally estimated in the application in this proceeding. If the Commission grants the relief requested in Florida Gas' motion for reconsideration of the order of November 14, 1972, and permits the proposed service volumes to become effective, then Florida Gas requests that the certificate issued in Docket No. CP68–179 be amended, if in the opinion of the Commission such authority is necessary to permit Petitioner to operate its facilities and render the service proposed. In the event that the Commission denies Florida Gas' motion for reconsideration amendment of Petitioner's certificate issued in this proceeding will not be necessary.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this petition to amend if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the amendment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Petitioner to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–116 Filed 1–3–73;8:45 am]

[Docket No. CP68–179]

FLORIDA GAS TRANSMISSION CO.

Notice of Petition to Amend

DECEMBER 27, 1972.

Take notice that on December 4, 1972, Florida Gas Transmission Co. (Petitioner), Post Office Box 44, Winter Park, FL 32789, filed in Docket No. CP68–179 a petition to amend the order of the Commission issued in said docket on July 17, 1969 (42 FPC 121), by authorizing the continued operation of its facilities and service, all as more fully set forth in the petition to amend in this proceeding.

By the Commission's order of July 17, 1969, Petitioner was authorized to construct and operate certain facilities and transport an additional 60,000,000 B.t.u. (equivalent to 56,400 Mcf) of natural gas per day. By Commission Opinion No. 611 issued February 16, 1972, Florida Gas Transmission Co., Docket Nos. RP66–4, et al. (47 FPC ——), Petitioner was directed, inter alia, to file a revised I rate schedule deleting certain restrictive provisions with a volume limitation on sales. On October 16, 1972, Petitioner filed revised tariff sheets and revised contracts with its direct sales customers containing limitations on service volumes; however, by order issued November 14, 1972, the Commission accepted the tariff sheets but rejected the proposed service volumes.

Petitioner states that it has retendered the service volumes contained in its October 16 filing and has filed a motion for reconsideration of the November 14, 1972, order. Applicant believes that it has the necessary certificate authority to render the sales services proposed in the retendered tariff sheets and revised listing of contract volumes for its direct sales customers because the proposed service volumes follow the projected pattern of sales originally estimated in the application in Docket No. CP68–179. If the Commission grants the relief requested in its motion for reconsideration, Applicant requests that the certificate issued in Docket No. CP68–179 be amended, if in the opinion of the Commission such authority is necessary to permit Petitioner to operate its facilities and render the services proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–117 Filed 1–3–73;8:45 am]

[Project 2301]

MONTANA POWER CO.

Issuance of Annual License

DECEMBER 27, 1972.

On December 23, 1968, the Montana Power Co., licensee for Mystic Lake Project No. 2301 located in Stillwater County Mont., on West Rosebud Creek and Mystic Lake filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§.16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 23, 1969, and a supplemental filing pursuant to Commission Order No. 415 on October 29, 1970.

The license for Project No. 2301 was issued effective December 1, 1961, for a period ending December 31, 1969. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the Montana Power Co. for continued operation and maintenance of Project No. 2301.

Take notice that an annual license is issued to the Montana Power Co. (Licensee) under section 15 of the Federal Power Act for the period January 1, 1973, to December 31, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mystic Lake Project No. 2301, subject to the terms and conditions of its license.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–118 Filed 1–3–73;8:45 am]

NATIONAL GAS SURVEY—SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS SUPPLY

Agenda of Meeting

Meeting to be held in conference room 2043 of the Federal Power Commission, 441 G Street NW., Washington, DC, January 16, 1973—9 a.m.

Presiding: Dr. Paul J. Root, TF FPC Survey Coordinating Representative and Secretary.

1. Call to order and introductory remarks—Dr. Root.

2. Objectives and purposes of meeting: (A) Discussion of the activities and progress of the task force—Mr. Ralph W. Garrett, Director, Supply Technical Advisory Task Force-Natural Gas Supply. (B) Summary of the nature of the individual forecasting responses—Dr. Root. (C) Plans for obtaining supply forecasts for inclusion in the task force report—Mr. Garrett. (D) Status of assigned work and estimated date for completion—Mr. Garrett. (E) Discussion of the environmental aspects concerning the work of the task force—Mr. Garrett. (F) Other business.

3. Adjournment—Dr. Root.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the task force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the task force.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–122 Filed 1–3–73;8:45 am]

NATIONAL GAS SURVEY—TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-ECONOMICS

Agenda of Meeting

Meeting to be held in conference room 4454–B of the Federal Power Commission, 441 G Street NW., Washington, DC, January 9, 1973—9 a.m.

Presiding: Mr. Thos. H. Jenkins (Acting), FPC Survey Coordinating Representative and Secretary.

1. Meeting call to order—Mr. Jenkins.

2. Objectives and purposes of meeting: (A) Discussion of a progress report of work of the Transmission-Technical Advisory Task Force-Economics—Mr. Ray J. Lynch, Deputy Director, Transmission-Technical Advisory Task Force-Economics. (B) Status of assigned work and estimated date for completion—Mr. Lynch. (C) Discussion of environmental aspects concerning the work of the Transmission-Technical Advisory Task Force-Economics—Mr. Lynch. (D) Other business and next meeting date.

3. Adjournment—Mr. Jenkins.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the task force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the task force.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–121 Filed 1–3–73;8:45 am]

[Docket No. E–7908]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Application

DECEMBER 27, 1972.

Take notice that Orange and Rockland Utilities, Inc. (Applicant), incorporated under the laws of the State of New York, with its principal business office at Spring

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Valley, N.Y., filed an initial rate schedule on June 2, 1972 in compliance with § 35.12 of the Commission's regulations under the Federal Power Act.

The rate schedule is in the form of an agreement between the Applicant and Consolidated Edison Company of New York, Inc. (Con Ed) providing for the sale of unit power and energy out of Applicant's Bowline Point Plant to Consolidated Edison for the period after commercial operation begins through April 28, 1973.

Applicant will make available for the use of Con Ed 200 mw. of capability available to Applicant through its one-third ownership of the 600 mw. Bowline Point Unit No. 1. Only the specific unit is available for use by Con Ed and should the unit fail for any reason (specifically including failure to complete construction) Applicant is not obligated to supply back-up reserve or energy from any other unit.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-120 Filed 1-3-73;8:45 am]

[Project 619]

PACIFIC GAS & ELECTRIC CO.

Issuance of Annual License

DECEMBER 27, 1972.

On December 22, 1967, Pacific Gas & Electric Co., Licensee for Bucks Creek Project No. 619 located in the vicinity of Quincy, County of Plumas, California, on Bucks Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on March 2, 1970, and a supplemental filing pursuant to Commission Order No. 415 on November 18, 1970.

The License for Project No. 619 was issued effective April 14, 1926, for a period ending December 31, 1968. In order to authorize the continued operation of the project pursuant to section 15 of the act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pacific Gas & Electric Co. for continued operation and maintenance of Project No. 619.

Take notice that an annual license is issued to Pacific Gas & Electric Co. (Licensee) under section 15 of the Federal Power Act for the period January 1, 1973 to December 31, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bucks Creek Project No. 619, subject to the terms and conditions of its license.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-119 Filed 1-3-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN NATIONAL HOLDING CO.

Order Approving Acquisition of Bank

American National Holding Co., Kalamazoo, Mich., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the American National Bank in Portage, Portage, Mich. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank [1] with deposits of approximately $183 million, representing less than 1 percent of total deposits in commercial banks in Michigan, and is the 18th largest banking organization in the State. (All banking data, except as otherwise noted, are as of December 31, 1971.) Upon acquisition of Bank ($4 million deposits), applicant's share of State deposits would remain less than 1 percent, and applicant's ranking among the State's banking organizations would remain unchanged.

Bank, which was established in 1972 by the management of applicant as a spin off of a branch of applicant's lead bank, serves the Kalamazoo banking market (approximated by the Kalamazoo SMSA) and, with approximately 0.8 percent of market deposits, is the smallest of five banks operating therein.[2]

Bank derives a portion of its loan and deposit business from areas served by applicant's banking subsidiary, the closest office of which is the South Westnedge branch, located approximately 1.1 mile north of Bank's sole office. However, in view of the close relationship that has existed between applicant and Bank since its organization, it appears that no meaningful competition between Bank and applicant's subsidiary bank would be eliminated as a result of consummation of applicant's proposal. Further, in view of Bank's small size, legal prohibitions against the establishment of branches in Portage by applicant's banking subsidiary and against the establishment of branch offices by Bank in any city, town, or village in which applicant's banking subsidiary maintains offices, and the close association between Bank and associates of applicant which is likely to continue irrespective of the Board's action on this application, it appears that no meaningful competition between Bank and applicant's subsidiary bank would develop in the future. Moreover, it appears unlikely that any significant competition would develop between any of applicant's proposed subsidiaries and Bank in the future in view of the distances separating the banking offices, the number of banks in the intervening areas, and State laws restricting branching. Even though Bank may legally branch into the same areas in which applicant's present and one of its proposed subsidiary banks may branch, in view of the relatively sparse populations of the areas involved, such a prospect appears remote. On the basis of the facts of record, the Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing competition, nor would it foreclose the development of significant competition.

The financial condition, managerial resources, and prospects of applicant are considered satisfactory and consistent with approval of the application. The same conclusions apply with respect to applicant's present subsidiary particularly in view of Applicant's recent contribution of $2½ million to the equity account of that bank. The financial condition, managerial resources, and future prospects of Bank appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application. Although applicant does not intend to introduce any services at Bank not presently available in the community, considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application in view of the assistance applicant will provide Bank in establishing additional branch offices and other continuing assistance which applicant may provide Bank. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective December 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-126 Filed 1-3-73;8:45 am]

[1] By order dated December 5, 1972, the Board approved applicant's application to acquire shares of a second bank, the successor by merger to the Niles National Bank and Trust Co., Niles, Mich. Today, the Board also announced, by separate order, its approval of applicant's application to acquire shares of the successor by merger to the American Bank of Three Rivers, N.A., Three Rivers, Mich.

[2] Market deposit data are as of June 30, 1970, at which time Bank's office served as a branch office of applicant's banking subsidiary. Bank operated as a branch office of applicant's banking subsidiary from 1963 until January, 1972, at which time Bank was spun-off as part of a reorganization of Applicant's banking subsidiary into a one-bank holding company in order to comply with Michigan banking law.

BOL STATE BANK

Order Approving Merger of Banks

BOL State Bank, Lansing, Mich., a newly chartered nonoperating proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the Board's prior approval to merge with Bank of Lansing, Lansing, Michigan (Bank), under the name of Bank and charter of applicant, as a means to facilitate the direct acquisition of the voting shares of Bank by Northern States Financial Corp., Detroit, Mich., and the indirect acquisition of Bank's shares by Twin Gates Corp., Wilmington, Del., because of its ownership of 22.48 percent of the voting shares of Northern States Financial Corp.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the information before the Board, including, in particular, communications from the Commissioner of Banking for the State of Michigan, the Board finds that an emergency situation exists with respect to Bank that, pursuant to the provisions of the Bank Merger Act, requires expeditious action on the application.

The competitive effects likely to fall upon consummation of the proposal have been considered by the Board incident to its recent action approving the applications filed under the Bank Holding Company Act by Northern States Financial Corp. and Twin Gates Corp., above mentioned. These considerations and the Board's conclusions thereon are reflected in the Board's order of November 14, 1972 approving the Bank Holding Company Act applications. On the basis of these same considerations, the Board concludes that the proposed merger transaction should be approved. Further, the Board advises that consummation of the merger proposal should be consummated immediately.

It is hereby ordered, On the basis of the record, that the application be and hereby is approved and that the merger shall not be consummated before the fifth calendar day following the effective date of this order, nor later than 3 months after the date of this Order.

By order of the Board of Governors,[1] effective December 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-127 Filed 1-3-73;8:45 am]

FEDERAL NATIONAL BANKSHARES, INC.

Formation of Bank Holding Company

Federal National Bankshares, Inc., Shawnee, Okla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 98 percent or more of the voting shares of the Federal National Bank & Trust Co., Shawnee, Okla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 22, 1973.

Board of Governors of the Federal Reserve System, December 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-128 Filed 1-3-73;8:45 am]

K.B.J. ENTERPRISES, INC.

Formation of Bank Holding Company

K.B.J. Enterprises, Inc., Sibley, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Sibley State Bank, Sibley, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 15, 1973.

Board of Governors of the Federal Reserve System, December 27, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-129 Filed 1-3-73;8:45 am]

MANUFACTURERS HANOVER CORP.

Order Approving Acquisition of Bank

Manufacturers Hanover Corp., Dover, Del., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of Fidelity Bank of Colonie, Latham, N.Y. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the third largest banking organization in New York, controlling two banks with aggregate deposits of $9.2 billion representing 9.4 percent of all deposits of commercial banks in the State.[1] Acquisition of Bank (deposits of $33.1 million) would constitute applicant's initial entry into the Albany banking market and would not change applicant's ranking among banking organizations in the State.

Bank is the 11th largest of 14 banks in the Albany banking market, controlling 1.4 percent of total deposits in that market.[2] Applicant's nearest subsidiary office to Bank is approximately 140 miles distant. It appears that no meaningful competition exists between Bank and any of applicant's subsidiary banking offices. Further, it seems unlikely that meaningful competition would develop in the future between Bank and applicant in light of the facts presented, notably, the distances separating these banks and the New York statutes prohibiting applicant's subsidiaries from branching into the Albany banking market until 1976. It appears that acquisition of Bank would not have a significant adverse effect on the remaining banks in the relevant market nor foreclose entry by other bank holding companies into that market, as five independent banks would remain as potential members of other bank holding companies. Furthermore, entry by applicant may have a procompetitive effect by enabling Bank to compete more effectively with the two largest banks in the Albany market which control approximately 45 percent of market deposits. Consummation of the proposed acquisition would remove home office protection from the town of Latham and permit new competitors to enter this developing area. On the basis of the record before it, the Board concludes that consummation

[1] All banking data are as of June 30, 1972, except for those relating to the Albany market, which are as of June 30, 1970, and are adjusted to reflect bank holding company formations and acquisitions approved by the Board through Nov. 30, 1972.

[2] The Albany market is approximated by Albany, Rensselaer, and Schenectady Counties and the southern tip of Saratoga County.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Sheehan, and Bucher. Absent and not voting: Governors Daane and Brimmer.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

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of the proposal herein would not have an adverse effect on competition in any relevant area.

The financial condition, managerial resources, and future prospects of applicant and its subsidiary banks appear satisfactory. As a result of the affiliation of applicant with Bank and applicant's commitment to make a significant contribution of additional capital to Bank, Bank's financial and managerial resources and future prospects are regarded as satisfactory. The expected strengthening of Bank's capital position lends weight to approval of the application. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-130 Filed 1-3-73;8:45 am]

NORTH AMERICAN MORTAGE CORP.

Order Approving Acquisition of Additional Shares in Bank

North American Mortgage Corp., St. Petersburg, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 27.1 percent of the voting shares of the American Bank, St. Petersburg, Fla. (American Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls the American National Bank of Clearwater, Clearwater, Fla. (American National), with deposits of $13.4 million, representing approximately 0.1 percent of total commercial deposits in the State.[2] Applicants recently obtained Board approval to acquire 23.9 percent of the voting shares of the American Bank, St. Petersburg, Fla. (American Bank) a proposed new bank (1972 Federal Reserve Bulletin 727). Acquisition of an additional 27.1 percent of the voting shares of American Bank from applicant's chairman will result in applicant's having a 51 percent majority interest in bank, and will not adversely affect competition in the relevant area nor significantly increase applicant's share of total deposits in the relevant area or within the State.

Applicant proposes to pay the same price for the additional 27.1 percent of the voting shares of American Bank as the subscription price paid for its original shares; an equal offer has been made to acquire all of the remaining outstanding shares of American Bank. Thus, the Board concludes that the transaction would not be detrimental to the minority stockholders of American Bank.

The financial and managerial resources and future prospects of applicant, American National, and American Bank are generally satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. The Board finds that the proposed application is in the public interest and should be approved.

Applicant is engaged in certain nonbanking activities, involving mortgage banking and operation of a general insurance agency, while its chairman and principal stockholder owns and operates a savings and loan association (Guaranty Federal Savings & Loan Association, St. Petersburg). Mortgage banking and insurance agency activities fall within the proviso in section 4(a)(2) of the Bank Holding Company Act, as amended, the so-called "grandfather" provision under which the Board may terminate such "grandfather" privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Accordingly, the Board has reviewed the activities of applicant for the purpose of determining whether the combination of banking and nonbanking interests in applicant's holding company system would be likely to have an adverse effect on the public interest. Notice of the Board's proposed review of the "grandfather" privileges of North American Mortgage Corp. (North American), and an opportunity for interested persons to submit comments and views or request a hearing was given (37 FR 21382). The time for filing comments, views and requests has expired, and none have been received.

Applicant is engaged in business only in Florida with its principal activities conducted in the "Tampa Bay" area. North American is engaged in the origination of mortgage loans of one to four family residential homes, over 99 percent of which are of the VA-FHA category. Guaranty Federal Savings & Loan Association is also engaged in the origination of residential loans, specializing in conventional loans. Combined, North American and Guaranty Federal originated but 2.2 percent of total mortgage originations in St. Petersburg in 1971. Thus, the two organizations would appear to have a negligible effect on competition for residential mortgages in the St. Petersburg area. Moreover, it is estimated that applicant writes about 1 percent of the total premium volume of insurance in the St. Petersburg area, where its insurance agency operations are conducted. It appears that the volume, scope, and nature of the activities of applicant and its subsidiaries do not indicate an undue concentration of resources nor is there any evidence before the Board of decreased or unfair competition, conflicts of interests, or unsound banking practices.

There appears to be no reason to require applicant to cease engaging in the activities it engages in directly, nor to require applicant to terminate its interests in its subsidiaries. However, this determination is not authority to enter into any activity applicant was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. It is the Board's judgment that at this time termination of the "grandfather" privileges of applicant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. A significant alteration in the nature or extension of applicant's activities, or a change in location thereof (significantly different from any described in this determination), will be cause for a reevaluation by the Board of applicant's activities under the provisions of section 4(a)(2) of the Act, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger or acquisition of assets, other than in the ordinary course of business, nor acquisition of any interest in a going concern to which the applicant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the applicant or any subsidiary thereof shall not be subject to any condition which if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of applicant's nonbanking activities, and a future determination by the Board in favor of termination of "grandfather" benefits of applicant. This determination is subject to the Board's authority to require modification or termination of the activities of applicant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-131 Filed 1-3-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

[2] Banking data are as of June 30, 1972.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

TRANS-EAST AIR, INC.

Order Suspending Trading

DECEMBER 22, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.50 par value, and all other securities of Trans-East Air, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 26, 1972, through January 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-142 Filed 1-3-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Armed Forces Examinations; Determination of Acceptability for Military Service

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

[Temporary Instruction 628-6]

ISSUED: December 29, 1972

SUBJECT: Armed Forces Examinations

1. Armed Forces Examinations for January 1973 and later months will, until further notice, be limited to, (a) registrants who will enter the Extended Priority Selection Group from the 1972 First Priority Selection Group (RSN 001-095) and, (b) any registrants who request examination in accordance with Paragraph 2 of § 628.3 of the RPM.

2. Except for (b) above, registrants born in 1953 will not be scheduled for examination or reexamination during January 1973 or later months. Any registrant born in 1953 who has been scheduled for Armed Forces examination in January 1973 or later months shall have his order to report for Armed Forces examination canceled.

3. Registrants born in 1953 shall not be ordered for Armed Forces examination in January 1973 or later months even though their Reexamination Believed Justified (RBJ) period has expired or will expire.

4. Registrants born in 1953 who are presently in an Acceptability Undetermined (AU) status shall have their orders to report for examination canceled.

5. Processing of medical consultations, "Papers Only" reviews and Registrant Medical Reevaluation and Reviews (RMR) for registrants born in 1953 will be terminated immediately and registrants will be advised that further processing is to be held in abeyance.

6. Any registrant born in 1953 who is overseas and is presently under an order to report for Armed Forces examination and whose examination has not been accomplished, shall have his order to report for examination canceled.

Temporary Instruction No. 628-5 is hereby rescinded.

This temporary instruction will terminate on June 30, 1973, unless sooner rescinded.

[Temporary Instruction 628-7]

ISSUED: December 29, 1972.

SUBJECT: Determination of Acceptability for Military Service.

Proposed regulations published in the FEDERAL REGISTER on November 25, 1972, which will become effective 11:59 p.m., e.s.t., December 31, 1972, will relieve the Selective Service System of the responsibility for making determinations of the medical acceptability of registrants.

Effective January 1, 1973, the provisions of section 628.2 of the Registrants Processing Manual (RPM) pertaining to the use of local board medical advisor in making a determination of a registrant's obviously disqualifying condition or defect will be discontinued. The determination of an obviously disqualifying condition or defect will be made only by the Armed Forces Examining and Entrance Station (AFEES) on the basis of medical documentation or statements submitted by the local board.

Effective January 1, 1973, the "Papers Only" evaluation by the AFEES as covered in section 628.13 and the Registrant Medical Reevaluation and Review (RMR) as covered in section 628.14 of the RPM will be discontinued.

This temporary instruction will terminate upon receipt of the next revision to Chapter 628 of the RPM.

BYRON V. PEPITONE,
Acting Director.

DECEMBER 29, 1972.

[FR Doc.73-170 Filed 1-3-73;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Bucher. Absent and not voting: Governor Sheehan.

TARIFF COMMISSION

[AA1921-109]

KANEKALON WIGS FROM HONG KONG

Determination of No Injury or Likelihood Thereof

DECEMBER 29, 1972.

The Treasury Department advised the Tariff Commission on September 29, 1972, that Kanekalon wigs from Hong Kong are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-109 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on November 17, 1972. Notice of the investigation and hearing was published in the FEDERAL REGISTER of November 1, 1972 (37 FR 23299).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigation, the Commission has unanimously determined[1] that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of Kanekalon wigs from Hong Kong sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS[2]

Nearly all wigs sold in the United States are made from modacrylic fibers or human hair, or a combination of such materials. The wigs from Hong Kong sold at less than fair value (LTFV) are made of Kanekalon—a trade name for a modacrylic fiber manufactured in Japan. None of the U.S. producers use Kanekalon, but they make wigs of Dynel and Elura (modacrylic fibers produced in the United States). Wigs of Dynel and Elura are also imported into the United States, but none have been found to have been sold at less than fair value.

The imported Kanekalon wigs from Hong Kong are marketed in the United States by different techniques, are sold in markedly different price ranges, and generally supply a different sector of the U.S. market than domestic wigs.

Kanekalon wigs from Hong Kong are "prestyled" by the manufacturers and

[1] Commissioner Leonard did not participate in the decision.

[2] Commissioner Ablondi concurs in the result.

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are generally sold to the consumer with no additional styling or customizing at the point of sale. They are sold chiefly through specialty shops catering to the mass market, the "budget" departments of department stores, discount houses, and mail order shops. Such market outlets are supplied almost wholly by imported wigs, and the very great bulk of imported wigs are sold through such markets. In contrast, wigs produced in the United States are usually made so as to be styled or customized at the point of retail sale to meet the needs of the individual buyer. They are generally sold directly to the consumer by the manufacturer or through salons and department stores selling more expensive types of merchandise; their sale requires the services of personnel specially trained in hair styling.

As would be expected, the wigs made in Hong Kong and those made in the United States are sold at widely different price ranges. In 1971–72, nearly all the wigs imported from Hong Kong retailed in the U.S. market at prices ranging from $10 to $25 each. Wigs produced in volume by domestic manufacturers retailed at prices ranging from $50 to $150; the remainder of the domestically produced articles were more expensive, some retailing for more than $2,000 each. Thus, the Hong Kong wigs of Kanekalon compete only indirectly with articles of domestic manufacture.

Although most of the Kanekalon wigs from Hong Kong were found by the Treasury to have been sold at less than fair value, the margin by which those LTFV wigs were sold below fair value could have contributed only a small part of the difference in retail prices between the Hong Kong and domestically produced articles. As is evident from price data given in the preceding paragraph, the wigs imported from Hong Kong generally were sold at retail in the U.S. market at prices ranging from $25 to $40 below the lowest priced domestic wigs. The amount of the LTFV margin represented only a very small fraction of the price differences, and could not have contributed to any significant degree to the amount the Kanekalon wigs imported from Hong Kong undersold the domestic articles.

On the basis of the foregoing, we conclude that a domestic industry is not being, or is not likely to be, injured by reason of imports of Kanekalon wigs from Hong Kong sold at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–11 Filed 1–3–73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNERS AND STUDENT WORKERS

Certificates Authorizing Employment At Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed:

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Mfg. Co., Sheldon, Iowa; 10–1–72 to 9–30–73; 10 learners (boys' jeans).

Alexandria Industrial Garment Mfg. Co., Alexandria, Tenn.; 10–8–72 to 10–7–73 (men's shirts).

Auburntown Industries, Auburntown, Tenn.; 10–31–72 to 10–30–73 (men's and boys' shirts).

Bob Evans of Kentucky, Inc., Burkesville, Ky.; 10–23–72 to 10–22–73 (nurses' and waitresses' uniforms).

Boonville Mfg. Corp., Boonville, Ind.; 11–1–72 to 10–31–73 (men's woven pajamas and shirts).

Brundidge Shirt Corp., Brundidge, Ala.; 9–26–72 to 9–25–73 (men's shirts).

Carolina Lingerie Co., Inc., Mocksville, N.C.; 10–19–72 to 10–18–73 (men's shirts).

Carthage Shirt Corp., Carthage, Tenn.; 11–3–72 to 11–2–73 (men's shirts and ladies' blouses).

Dunbrooke Sportswear Co., El Dorado Springs, Mo.; 10–1–72 to 9–30–73 (men's sport shirts).

Eatonton Mfg. Co., Inc., Eatonton, Ga.; 10–29–72 to 10–28–73 (men's trousers).

Elder Mfg. Co., Webb City, Pa.; 10–31–72 to 10–30–73 (men's, boys', and juveniles' shirts).

Freeland Shirt Co., Inc., Freeland, Pa.; 11–4–72 to 11–3–73 (men's, women's, and children's jackets).

Greenway Mfg. Co., Waynesburg, Pa.; 10–30–72 to 10–29–73 (boys', infants', and children's shirts).

Gross Galesbury Co., Charlton, Iowa; 10–19–72 to 10–18–73 (men's snowmobile suits and jackets).

Howard Industries, Dunlap, Tenn.; 10–23–72 to 10–22–73 (women's and girls' blouses).

Irene Sportswear Co., Inc., Nicholson, Pa.; 10–30–72 to 10–29–73; 10 learners (ladies' blouses).

Kenrose Mfg. Co., Inc., Roanoke, Va.; 11–15–72 to 11–14–73 (women's dresses).

Kenrose Pilot Plant, Saltville, Va.; 9–23–72 to 9–22–73 (women's dresses).

Murcel Mfg. Corp., Glennville, Ga.; 11–2–72 to 11–1–73 (nurses' and maids' uniforms and shirts).

Oshkosh B'Gosh, Inc., Celina, Tenn.; 10–8–72 to 10–7–73 (men's pants and shirts).

Pella Mfg. Corp., Pella, Iowa; 10–4–72 to 10–13–73; 10 learners (men's coveralls, overalls, and work shirts).

Publix Shirt Corp., Myerstown, Pa.; 10–25–72 to 10–24–73 (men's and boys' shirts).

Rappahannock Sportswear Co., Inc., Fredericksburg, Va.; 10–16–72 to 10–15–73 (men's trousers).

Rector Sportswear Corp., Rector, Ark.; 10–28–72 to 10–27–73 (men's plants).

Red Hill Apparel Co., Red Hill, Pa.; 10–15–72 to 10–14–73 (children's dresses).

Reidbord Brothers Co., Philippi, W. Va.; 9–22–72 to 9–21–73; 10 learners (men's work pants).

Ronco Mfg. Co., Ronco, Pa.; 10–30–72 to 10–29–73; 10 learners (children's coats).

J. H. Rutter Rex Mfg. Co., Inc., New Orleans, La.; 10–11–72 to 10–10–73 (men's and boys' work pants and shirts).

Salant & Salant, Lexington, Tenn.; 11–8–72 to 11–7–73 (men's and boys' pants).

Salant & Salant, Paris, Tenn.; 11–9–72 to 11–8–73 (men's and boys' shirts).

Sampson Sewing Co., Clinton, N.C.; 10–18–72 to 10–17–73 (children's car coats, jackets, jumpsuits, and boys' pants).

Shane Uniform Co., Inc., Evansville, Ind.; 11–6–72 to 11–5–73 (men's and women's service apparel).

The Solomon Co., Collinsville, Ala.; 10–5–72 to 10–4–73; 10 learners (men's slacks).

Stapleton Garment Co., Inc., Stapleton, Ga.; 9–23–72 to 9–22–73 (men's and boys' pants).

W. E. Stephens Mfg. Co., Inc., Carthage, Tenn.; 11–8–72 to 11–7–73; 10 learners (men's, boys', ladies', and girls' jeans).

Sullcraft Mfg. Co., Inc., Dushore, Pa.; 10–4–72 to 10–3–73; 9 learners (men's and boys' pajamas).

Tick Tock Frocks, Inc., Fall River, Mass.; 10–4–72 to 10–3–73; 5 learners (ladies' dresses).

Toll Gate Garment Co., Inc., Hamilton, Ala.; 10–1–72 to 9–30–73; 5 percent of the total number of factory production workers (men's shirts).

Tracy City Mfg. Co., Tracy City, Tenn.; 10–17–72 to 10–16–73 (men's and boys' shirts).

The Van Wert Mfg. Co., Van Wert, Ohio; 9–25–72 to 9–24–73; 10 learners (men's and women's work jackets).

Warner's, London, Ky.; 10–25–72 to 10–24–73 (women's brassieres and girdles).

Wentworth Mfg. Co., Florence, S.C.; 11–1–72 to 10–31–73 (women's dresses).

Wilcox Garment Co., Inc., Rochelle, Ga.; 9–26–72 to 9–25–73 (men's and boys' shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Arizona Slack Corp., Yuma, Ariz.; 9–25–72 to 3–24–73; 15 learners (men's slacks).

Dunbrooke Sportswear Co., Greenfield, Mo.; 10–30–72 to 4–29–73; 50 learners (men's outerwear jackets).

The Smockery, Inc., Charleston, S.C.; 10–2–72 to 4–1–73; 8 learners (children's dresses).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.80 to 522.85, as amended).

Universal Cigar Corp., Clearwater, Fla.; 9–24–72 to 9–23–73; 10 percent of the total number of factory production workers for normal labor turnover purposes (machine-made cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Burnham-Edina Mfg. Co., Edina, Mo.; 10–4–72 to 10–3–73; 5 learners for normal labor turnover purposes (leather palm work gloves).

Good Luck Glove Co., Rosiclare, Ill.; 11–8–72 to 11–7–73; 10 learners for normal labor turnover purposes (work gloves).

Monte Glove Co., Maben, Mass.; 10–20–72 to 10–19–73; 10 learners for normal labor turnover purposes (work gloves).

St. Johnsbury Glovers, St. Johnsbury, Vt.; 10–4–72 to 10–3–73; 10 learners for normal labor turnover purposes (ladies' knit and leather gloves and men's gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Amos Hosiery Mills, Inc., High Point, N.C.; 10–12–72 to 10–11–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, boys', and misses' hosiery and anklets).

Excel Hosiery Mills, Inc., Union, S.C.; 9–27–72 to 9–26–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' hosiery).

V. I. Prewett & Son, Inc., Fort Payne, Ala.; 10–24–72 to 10–23–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' and children's hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Barad & Co., Salem, Mo.; 9–28–72 to 9–27–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sleepwear).

Benham Corp., Scottsboro, Ala.; 10–8–72 to 10–7–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Boonville Mfg. Corp., Boonville, Ind.; 11–1–72 to 10–31–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Dothan Mfg. Co., Dothan, Ala.; 9–30–72 to 9–29–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas and shorts).

Isaacson-Carrico Mfg. Co., El Campo, Tex.; 9–11–72 to 9–20–73; 5 learners for normal labor turnover purposes (girls' underwear and sleepwear).

Junior Form Lingerie Corp., Boswell, Pa.; 9–23–72 to 9–22–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear, petticoats, gowns, and pajamas).

Russell Mills, Inc., Alexander City, Ala.; 10–1–72 to 9–30–73; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear, sweatshirts, and athletic wear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bayuk Caribe, Inc., Ciales, P.R.; 10–4–72 to 10–3–73; 13 learners for normal labor turnover purposes in the occupation of cigarmaking and packing, each for a learning period of 320 hours at the rates of $1.38 an hour for the first 160 hours and $1.42 an hour for the remaining 160 hours (cigars).

J. R. N. Mfg. Corp., Inc., Rio Grande, P.R.; 10–19–72 to 10–18–73; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.14 an hour (men's and boys' pajamas).

Meyers & Son Mfg. Co. of P.R., Inc., Cidra, P.R.; 10–4–72 to 10–3–73; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.24 an hour (coveralls).

Phillip Mfg. Corp., Rio Grande, P.R.; 10–19–72 to 10–18–73; 24 learners for normal labor turnover purposes in the occupations of sewing machine operating and machine pressing, each for a learning period of 320 hours at the rate of $1.14 an hour (men's and boys' shorts).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration date, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Union Springs Academy, Union Springs, N.Y.; 10–16–72 to 8–31–73; authorizing the employment of 13 student-workers in the broom manufacturing industry in the occupations of broom maker, sorter, winder, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rate of $1.40 an hour.

The student-worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C. this 22d day of December 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73–100 Filed 1–3–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 147]

ASSIGNMENT OF HEARINGS

DECEMBER 29, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 98945 Sub 8, Thomas Cartage, Inc., now assigned January 15, 1973, at Raton, N. Mex., is canceled and application dismissed.

MC 136672, Choice Messenger Service, Inc., now assigned January 22, 1973, at New York, N.Y., will be held in Room B–2231, Federal Plaza.

MC 113959 Sub 4, Lemmon Transport, Inc., contract carrier, extension waste products, now assigned January 23, 1973, at Richmond, Va., will be held in Room 1035, Federal Building, 400 North Eighth Street.

I&S M 26366, Bus Fares, between New York, N.Y., and New Jersey points, now assigned January 29, 1973, at New York, N.Y., will be held in Courtroom 4, U.S. Customs Courthouse, 1 Federal Plaza.

MC 117883 Sub 159, Subler Transfer, Inc., now assigned January 15, 1973, at Chicago, Ill., is postponed to February 20, 1973, at the Midland Hotel, Adams at La Salle Street, Chicago, Ill.

No. 35599, Southern Pacific Transportation Co., Pacific Motor Trucking Co., Bonded Draying Service, Transportation Service Co., and Aldo J. Scoffone—Investigation of practices, and

MC–C–7758, Southern Pacific Transportation Co., Pacific Motor Trucking Co., Silas F. Royster, doing business as Royster Trucking Co., Bonded Draying Service, Transportation Service Co., and Aldo J. Scoffone—Investigation of operations—now assigned January 31, 1973, at San Francisco, Calif., will be held in Room 112, U.S. Customhouse Building, 555 Battery Street.

MC–136070 Sub 1, John F. Schroeder, Inc., now assigned January 15, 1973, at Seattle, Wash., will be held in Room M–16 Arcade Building, 1319 Second Avenue.

MC–112989 Sub 25, West Coast Truck Lines, Inc., now assigned January 17, 1973, at Seattle, Wash., will be held in Room M–16, Arcade Building, 1319 Second Avenue.

MC–117304 Sub 30, Don Paffile, doing business as Paffile Truck Lines, now assigned January 18, 1973, at Seattle, Wash., will be held in Room M–16, Arcade Building, 1319 Second Avenue.

MC–124692 Sub 95, Sammons Trucking, a corporation, now assigned January 22, 1973, MC–116476 Sub 21, Leavitts Freight Service, Inc., now assigned January 25, 1973, at Portland, Oreg., will be held in Room 401, Multnomah Building, 319 Southwest Pine Street.

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MC-118292 Sub 31, Ballentine Produce, Inc., now assigned January 29, 1973, at San Francisco, Calif., will be held in Room 112, U.S. Customhouse Building, 555 Battery Street.

MC-135524 Subs 6 and 7, G. F. Trucking Co., now assigned January 8, 1973, at Columbus, Ohio, is postponed indefinitely.

MC-C-7874, United Van Lines, Inc., investigation and revocation of certificate, now assigned January 22, 1973, at St. Louis, Mo., postponed to January 29, 1973, in Room 1612, Federal Building, 1520 Market Street, St. Louis, Mo. All other dates remain in effect as stated in the notice of assignment of hearing dated November 17, 1972.

MC 117940 Sub 66, Nationwide Carriers, Inc., MC 135873 Sub 1, KSS Transportation Corp., now assigned January 29, 1973, MC 133095 Sub 33, Texas Continental Express, Inc., now assigned January 30, 1973, MC 115841 Sub 435, Colonial Refrigerated Transportation, Inc., now assigned January 31, 1973, MC 113678 Sub 464, Curtis, Inc., now assigned February 1, 1973, MCC 7284, B & H Transfer, Inc., revocation of certificate, now assigned February 2, 1973, at New York, N.Y., will be held at the Tax Court, Room 308, 26 Federal Plaza.

MC 121658 Sub 2, Steve D. Thompson, continued to January 3, 1973, at the Holiday Inn Motel, 2102 Louisville Avenue, Monroe, LA.

MC-F-11563, Ross Truck Lines, Inc.—Purchase (portion)—Robert Foltz, now assigned January 18, 1973, at Kansas City, Mo., is postponed indefinitely.

MC-123048 Sub 219, Diamond Transportation System, Inc., now assigned January 18, 1973, at Milwaukee, Wis., is canceled and application dismissed.

MCC 7933, Bekins Van Lines Co., investigation and revocation of certificates, now being assigned hearing February 20, 1973, 4 days, at Chicago, Ill., February 26, 1973, 1 day at St. Paul, Minn., February 28, 1973, 3 days, at Denver, Colo., March 5, 1973, 3 days, at Los Angeles, Calif., March 9, 1973, 3 days, at San Francisco, Calif., March 15, 1973, 2 days, at Phoenix, Ariz., March 19, 1973, 3 days, at Jacksonville, Fla., March 23, 1973, Washington, D.C., April 2, 1973, 2 days, at Boston, Mass., April 9, 1973, 1 day, at Chicago, Ill., in hearing rooms to be later designated.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-191 Filed 1-3-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 29, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG AND SHORT HAUL

FSA No. 42595—*Coarse Grains and Related Articles to Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-372), for and on behalf of carriers parties to schedule listed below. Rates on coarse grains and products thereof, in carloads, as described in the application, from points in Illinois, Iowa, Kansas, Missouri, and Nebraska, to points in Texas. Grounds for relief: Rate relationship. Tariff: Supplement 89 to Southwestern Freight Bureau, Agent, tariff ICC 4967. Rates are published to become effective January 23, 1973.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-184 Filed 1-3-73;8:45 am]

[Notice 39]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 29, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29130 (Deviation No. 12), THE ROCK ISLAND MOTOR TRANSIT COMPANY, Post Office Box 1355, Des Moines, IA 50305, filed December 21, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lincoln, Nebr., over Interstate Highway 80 to junction U.S. Highway 81, at or near York, Nebr., thence over U.S. Highway 81 to junction U.S. Highway 136, at or near Hebron, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Omaha, Nebr., over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 77 to Beatrice, Nebr., (2) from Horton, Kans., over unnumbered highways via Mercier and Powhattan, Kans., to junction U.S. Highway 36, thence over U.S. Highway 36 to junction unnumbered highway about 2 miles west of Fairview, Kans., thence over unnumbered highway to Sabetha, Kans., thence over U.S. Highway 75 to junction unnumbered highway, thence over unnumbered highway via Berwick, Kans., to Bern, Kans., thence over unnumbered highway to junction Kansas Highway 63, thence over Kansas Highway 63 to the Kansas-Nebraska State line, thence over Nebraska Highway 50 to junction Nebraska Highway 65, thence over Nebraska Highway 65 to junction Nebraska Highway 4, thence over Nebraska Highway 4 to junction Nebraska Highway 3, thence over Nebraska Highway 3 to junction U.S. Highway 136, thence over U.S. Highway 136 to Fairbury, Nebr., and (3) from Fairbury, Nebr., over U.S. Highway 136 to Hebron, Nebr., thence over U.S. Highway 81 to Belleville, Kans., thence over U.S. Highway 36 to Smith Center, Kans., and return over the same routes.

No. MC-116004 (Deviation No. 11), TEXAS-OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, Dallas, TX 75221, filed December 20, 1972. Carrier's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Kans.-Mo., over U.S. Highway 71 to junction U.S. Highway 66, thence over U.S. Highway 66 to Riverton, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Kansas City, Kans.-Mo., over U.S. Highway 69 to Crestline, Kans., thence over Kansas Highway 26 to Riverton, Kans., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-189 Filed 1-3-73;8:45 am]

[Notice 107]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 29, 1972.

The following publications[1] are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality on the human environment resulting from approval of its application.

No. MC 111103 (Sub-No. 37) (Republication) filed July 12, 1971, published in the FEDERAL REGISTER issue of September 10, 1971, and republished this issue. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-29 South Broad Street, Philadelphia, PA 19147. Applicant's representatives: John M. Delany, 2 Nevada Drive, Lake Success, NY and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. A supplemental order of the Commission, Operating Rights Board, dated June 7, 1972, and served July 6, 1972, finds (1) that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of coins between Culpeper, Va., on the one hand, and, on the other, Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Boston, Mass., Buffalo, N.Y., Charlotte, N.C., Chicago, Ill., Cincinnati and Cleveland, Ohio, Dallas, Tex., Denver, Colo., Detroit, Mich., El Paso, Tex., Helena, Mont., Houston, Tex., Jacksonville, Fla., Kansas City, Mo., Little Rock, Ark., Los Angeles, Calif., Louisville, Ky., Memphis, Tenn., Miami, Fla., Minneapolis, Minn., Nashville, Tenn., New Orleans, La., New York, N.Y., Oklahoma City, Okla., Omaha, Nebr., Philadelphia and Pittsburgh, Pa., Portland, Oreg., Richmond, Va., St. Louis, Mo., Salt Lake City, Utah, San Antonio, Tex., San Francisco, Calif., Seattle, Wash., and Washington, D.C., under a continuing contract with General Services Administration, Washington, D.C., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and (2) that the holding by applicant of the permit authorized to be issued in this proceeding, and the holding of applicant's commonly controlled affiliates in certificates Nos. MC-129742, MC-124688, MC-134213, and MC-135320 and subs thereunder, will be consistent with the public interest and the national transportation policy. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING OF PETITION

No. MC 30837 (Notice of Filing of Petition for Modification of Certificate), filed December 18, 1972. Petitioner: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Petitioner's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Petitioner states it files the instant petition for modification of a portion of its base certificate. As herein pertinent the portion of said base certificate presently reads as follows: "Motor vehicles (other than automobiles and trailers) and chassis, in secondary movements, in driveaway service, between points in the United States (except Alaska and Hawaii). Restriction: The service authorized immediately above is restricted to the transportation of vehicles which have previously been transported in initial movements from Bridgeport, Conn., Fort Wayne, Ind., and Springfield, Ohio; and parts of or accessories for such vehicles as are described above when transported with vehicles moving under the service described in the two paragraphs next above, between points in the United States (except Alaska and Hawaii)." Petitioner further states that the portion of its said authority to be modified would then read: "Between points in the United States (except Alaska and Hawaii). Restriction: The Service authorized immediately above is restricted to the transportation of vehicles which have previously been transported in initial movements from Bridgeport, Conn., Fort Wayne, Ind., Springfield, Ohio, *and Sioux City, Iowa*, and parts of or accessories for such vehicles as are described above when transported with vehicles moving under the service described in the two paragraphs next above, between points in the United States (except Alaska and Hawaii)." Petitioner further states, in short, the words italized above will be added to the authority concerned, thus enabling petitioner to continue to provide complete transportation service to International Harvester Co. and its dealer organization in connection with motor vehicles, including chassis, which have previously been transported in initial movement from Sioux City, Iowa. Any person desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11753. Authority sought for purchase by BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903, of a portion of the operating rights of FALLS CITIES TRANSFER AND STORAGE COMPANY, INCORPORATED, Post Office Box 766, Jeffersonville, IN 47130, and for acquisition by RALPH M. BOWMAN, also of Gadsden, Ala. 35903, of control of such rights through the purchase. Applicants' attorneys: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203, and Robert W. Loser, Chamber of Commerce Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods, classes A and B explosives, and commodities in bulk, as a *common carrier* over irregular routes, between Louisville, Ky., and points in Kentucky within 10 miles of Louisville, on the one hand, and, on the other, points in Clark and Floyd Counties, Ind., not including Sellersburg, Speed, Memphis, Henryville and Borden, Ind. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Maryland, Alabama, Florida, Tennessee, Illinois, Indiana, Ohio, Mississippi, Arkansas, Kentucky, Louisiana, Virginia, Oklahoma, West Virginia, Michigan, Missouri, Texas, Delaware, New York, Connecticut, New Jersey, Iowa, Kansas, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11754. Authority sought for purchase by TRYON MOVING AND STORAGE, INC., Post Office Box 2370, Sanford, NC 27330, of a portion of the operating rights of RABON TRANSFER, INC., Route 2, Box 235, Chadbourn, NC 28431, and for acquisition by GEORGE V. McOTTER, also of Sanford, N.C. 27330, of control of such rights through the purchase. Applicants' attorney: Ralph McDonald, Post Office Box 2246, Raleigh, NC 27602. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between Whiteville, N.C., and points in North Carolina within 50 miles of Whiteville, on the one hand, and, on the other, points in Florida, Georgia, South Carolina, Maryland, Pennsylvania, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in North Carolina and South Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11755. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, MN 55113, of the operating rights and property of THEODORE RANZENBERGER, Caledonia, Minn. 55921, and for acquisition by GEORGE E. BRIGGS and MICHAEL P. WARDWELL, both of St. Paul, Minn. 55113, of control of such rights and property through the purchase. Applicants' attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Spring Grove, Minn., and La Crosse, Wis., serving the intermediate point of Caledonia, Minn.,

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restricted to traffic moving to or from La Crosse, Wis., between Caledonia and Eitzen, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Iowa, Nebraska, Indiana, and Missouri. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-188 Filed 1-3-73;8:45 am]

[Notice 108]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 29, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall met the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing: (1) That it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 6078 (Sub-No. 71), filed December 11, 1972. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, PA 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphite, foundry facings, coke*, in containers, between Asbury, N.J., and Bethlehem, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10914 (Sub-No. 10), filed November 27, 1972. Applicant: THE O'BRIEN & NYE CARTAGE CO., a corporation, 308 Central Viaduct, Cleveland, OH 44115. Applicant's representative: Donald J. O'Connor, 114 Engineers Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale grocery and food business houses, and *advertising material* used in connection with advertising groceries and food products in insulated vehicles equipped with mechanical refrigeration, from Toledo, Ohio, to points in Allen, Auglaize, Champaign, Crawford, Darke, Defiance, Delaware, Fulton, Hancock, Hardin, Henry, Logan, Lucas, Marion, Mercer, Miami, Ottawa, Paulding, Putnam, Sandusky, Seneca, Shelby, Union, Van Wert, Williams, Wood, and Wyandot Counties, Ohio, and Hillsdale, Jackson, Lenawee, and Monroe Counties, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 26396 (Sub-No. 68), filed November 29, 1972. Applicant: POPELKA TRUCKING CO., doing business as, THE WAGGONERS, a corporation, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, from Laramie, Wyo., to points in North Dakota, South Dakota, Nebraska, Colorado, and Montana. NOTE: Applicant states that the requested authority can be tacked at specified points in Montana with the authority it holds in No. MC 26396 and subs thereunder to serve points in additional western and midwestern States. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 29910 (Sub-No. 126), filed November 30, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and composition roofing materials*, from Shreveport, La., to points in Illinois. NOTE: Applicant states that the requested authority can be tacked possibly at Shreveport, La., with applicant's existing authority under MC 29910. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 50069 (Sub-No. 458), filed November 10, 1972. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), OH 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry facings, liquid mold release products, quenching compounds, and hydraulic fluids*, in bulk, in tank vehicles, from Howell, Mich., to points in Illinois, Indiana, and Ohio, and (2) *cutting oil, rust preventive compounds, soluble oils, metal working petroleum oils, and water based metal working lubricant*, from Howell, Mich., to points in Ohio, Indiana, Illinois, Missouri, Wisconsin, and Kentucky. NOTE: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicative authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 296), filed November 27, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bathroom and plumbing fixtures, and parts, attachments and accessories* for bathroom and plumbing fixtures; (2) *plastic products;* (3) *shower stalls;* (4) *china and earthware goods;* and (5) *counter tops;* from the plantsites and warehouse facilities of Peerless Pottery, Inc., at or near Evansville, Ind., and Rockport Sanitary Pottery, at or near Rockport, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New York, North Carolina, Nebraska, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 85465 (Sub-No. 52), filed November 16, 1972. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk and commodities requiring special equipment), serving the warehouse site of Western Electric Co., Inc., located at or near Underwood, Iowa, as an off-route point in connection with applicant's regular-route operations via, Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 102817 (Sub-No. 17), filed November 29, 1972. Applicant: PERKINS FURNITURE TRANSPORT, INC., Post Office Box 24335, Indianapolis, IN 46254. Applicant's representative: R. W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and commercial and institutional furniture, fixtures, and equipment*, between points in Indiana, on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states that tacking is possible at points in Indiana but does not contemplate tacking at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 102817 (Sub-No. 18), filed November 30, 1972. Applicant: PERKINS FURNITURE TRANSPORT, INC., Post Office Box 24335 (5034 Lafayette Road), Indianapolis, IN 46254. Applicant's representative: R. W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Delphi, Ind., on the one hand, and, on the other, points in Mississippi, Alabama, and Louisiana. NOTE: Applicant states that tacking is possible at points in Indiana but does not contemplate tacking at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 106398 (Sub-No. 631), filed November 20, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Robeson County (except Maxton), N.C., to points in North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 106644 (Sub-No. 146), filed November 13, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 914 (2770 Peyton Road NW.), Atlanta, GA 30301. Applicant's representative: Fred Coffman, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts and attachments thereof*, from the plantsite of the Ford Motor Co. at Romeo, Mich., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant also holds contract carrier authority under MC 104724 (Sub-No. 13), therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107012 (Sub-No. 164), filed September 7, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New appliances* (uncrated), (1) from Fallsington, Pa., to New Jersey, New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, the District of Columbia, and Virginia; (2) from Atlanta, Ga., to points in Georgia, North Carolina, South Carolina, Florida, Alabama, Tennessee, and Mississippi; (3) from Memphis, Tenn., to points in Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, Arizona, Tennessee, and New Mexico; and (4) from Des Moines, Iowa, to points in Iowa, Wisconsin, Illinois, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Colorado, Wyoming, and Montana. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority, (1) Memphis, Tenn., to points in the United States under MC 107012 (Sheet 13–14); (2) Memphis, Tenn., to points in the United States via Fort Smith, Ark., transporting uncrated refrigerators; (3) Atlanta, Ga., to points in the United States by tacking through Tennessee with MC 107012 (Sub-No. 61), on new kitchen equipment; and (4) Des Moines, Iowa, transporting new appliances, uncrated to points in the United States, via Nebraska in connection with applicant's authority in MC 107012 (Sub-No. 111). If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107012 (Sub-No. 166), filed November 30, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen equipment*, from Atlanta, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 116632 (Sub-No. 15), filed December 4, 1972. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, ME 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden shingles*, from Van Buren, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia; and (2) *lumber and wooden pallets*, from points in Aroostook County (except Houlton, Smyrna Mills, and Marsardis), Maine and points in Penobscot

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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County (except Sherman Station and Staceyville), Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland or Augusta, Maine, or Boston, Mass.

No. MC 117068 (Sub-No. 22), filed November 29, 1972. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* used or useful in the manufacture of seat cabs from Sioux City, Iowa, and Chicago, Ill., to points in Olmsted and Blue Earth Counties, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 129600 (Sub-No. 9), filed November 20, 1972. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, coleslaw dressing, puddings, and table sauces* (except in bulk), from Atlanta, Ga., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and *pallets, packaging materials, and supplies and materials* used in the manufacture of oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, coleslaw dressing, puddings, and table sauces (except in bulk), from the above-described destination points to Atlanta, Ga., under a contract or continuing contract with J. H. Filbert, Inc., of Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 118142 (Sub-No. 49), filed November 29, 1972. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such products as are dealt in by wholesale, retail and chain grocery and food business houses*, from the plant and storage facilities of Consolidated American Industries, Inc., at Wichita, Kans., to Denver, Colo.; Chicago and Peoria, Ill.; Fort Wayne and Indianapolis, Ind.; New Orleans, La.; Kansas City and St. Louis, Mo.; Fargo, N. Dak.; Oklahoma City and Tulsa, Okla.; Memphis, Tenn.; Dallas, Fort Worth, and Houston, Tex.; and Milwaukee, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 129600 (Sub-No. 10), filed November 9, 1972. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and restaurant supplies*, except in bulk, from Brockton, Quincy, and Watertown, Mass., to points in Virginia, Delaware, and the District of Columbia; (2) *returned and rejected shipments* of the above-described commodities; from the above-named destination points, to the above-named origin points; and (3) *pallets*, between Brockton, Quincy, and Watertown, Mass., and points in Virginia, Delaware, and the District of Columbia. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Howard Johnson Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 134847 (Sub-No. 3) (Amendment), filed February 7, 1971, published in the FEDERAL REGISTER issue of June 10, 1971, and republished this issue. Applicant: BESSETTE TRANSPORT, INC., 505 Provost Street, Iberville, PQ, Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108 and Adrien R. Paquette, 200 Rue St. Jacques, Montreal 126, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bedford slate, slate detergent, and ammoniated stripper and slate detergent*, from ports of entry on the international boundary line between the United States and Canada at or near Champlain, Ogdenburg, and Rouses Point, N.Y., and Highgate Springs and Newport, Vt., to Atlanta, Ga., Baltimore, Md., Pennsacola, Fla., Cincinnati, Ohio, New Orleans, La., Jersey City, N.J., and Boston, Mass.; and (2) *slate*, from Bangor, Pa., East Rutherford, N.J., Grandville and Middle Grandville, N.Y., and Poultney and West Pawlet, Vt, to the international boundary line between the United States and Canada, at or near Champlain, Ogdenburg, and Rouses Point N.Y. and N.Y. and Highgate Springs and Newport, Vt. NOTE: The purpose of this republication is to indicate the additional requests for the authority in (2) above; to show the applicant's new representatives; and to advise interested parties that the hearing assigned January 15, 1973, at Boston, Mass. is postponed to a date to be later determined. Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 135280 (Sub-No. 8), filed November 27, 1972. Applicant: PEP LINES TRUCKING CO., a corporation, 15120 Third Avenue, Highland Park, MI 48203. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by mail order and chain retail department stores and in connection therewith, and materials and supplies used in the conduct of such business*, (1) from Frederick, Md. to Loudon, Fauquier, Warren, Clarke, and Frederick Counties, Va.; (2) from Landover, Md. to points in Virginia; (3) from Manassas, Va. to points in Maryland and the District of Columbia; and (4) returned shipments in (1), (2), and (3) above on return, with the operations in (1), (2), (3), and (4) above conducted under a continuing contract, or contracts, with Montgomery Ward & Co., Inc., at Baltimore, Md. NOTE: Applicant holds a motor common carrier certificate in No. MC 120184 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135874 (Sub-No. 14), filed November 30, 1972. Applicant: LTL PERISHABLES, INC., Box 37468, Millard Station, Omaha, NE 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs*, from Ames, Boone and Webster City, Iowa, to points in Nebraska, Illinois, Indiana, Minnesota, South Dakota, North Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Des Moines, Iowa.

No. MC 136434 (Sub-No. 2), filed November 20, 1972. Applicant: PETE'S TRUCKING, INC., Post Office Box 1545, Charleston, WV 25326. Applicant's representative: C. L. Pauley, 616 Montrose Drive, South Charleston, WV 25303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and empty containers* (a) from Baltimore, Md., to Charleston, W. Va.; and (b) from Winston-Salem, N.C., to Charleston, W. Va.; and (2) *petroleum* in cases and drum lots from Bradford, Pa., to Charleston, W. Va., under contract with Cardinal Distributing, Inc. and Pit-Stop Inc.

No. MC 138176 (Sub-No. 1), filed November 10, 1972. Applicant: MARVIN RENTZ, doing business as: RENTZ FARM SUPPLY, Route 1, Brinson, Ga. 31725. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, from (1) Americus and Tifton, Ga., and Hartford, Ala., to points in Leon, Gadsden, Jefferson, and Taylor Counties, Fla., and (2) from Bainbridge, Ga., to points in Baker, Union, Columbia, Suwannee, Hamilton, Lafayette, Madison, Taylor, Jefferson, Leon, Wakulla, Gadsden, Liberty, Calhoun, Jackson, Franklin, Gulf, Bay, Washington, Holmes, Walton, Okaloosa, Santa Rosa, and Escambia Counties, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138250, filed November 24, 1972. Applicant: ALZIG ENTERPRISES, INC., 115 Parsells Avenue, Rochester, NY 14612. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 East Jefferson Street, Syracuse, NY 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated and noncarbonated soft drinks*, in bottles, cans, and stainless steel containers, and *flavoring extract* for soft drinks, from the town of Pittsford, Monroe County, N.Y., to points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Ohio, and the lower peninsula of Michigan; and (2) *empty bottles, cartons, containers, and pallets* used in the outbound transportation of the above-described commodities, and *raw materials, ingredients, equipment, and supplies* utilized in the manufacture and marketing of soft drinks, from points in Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Ohio, and the lower peninsula of Michigan, to the town of Pittsford, Monroe County, N.Y., under a continuing contract, or contracts with Canada Dry Rochester Bottling Co., Inc. NOTE: Applicant states that it intends to make a motion to dismiss this application at time of hearing or on modified procedure on the contention that the service proposed has been performed by the supporting shipper in exempt private transportation by use of vehicles leased by it from the applicant. If a hearing is deemed necessary, applicant requests it be held at Rochester, Syracuse, or Buffalo, N.Y.

No. MC 138251, filed November 22, 1972. Applicant: GEORGE J. BETTENCOURT, doing business as CHELMSFORD FUEL TRANS. CO., 818 Main Street, Tewksbury, MA 01876. Applicant's representative: Joseph A. Kline, 31 Milk Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from Tewksbury, Mass. to Providence and Cranston, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATION FOR FILING BROKERAGE LICENSE

No. MC 130184, filed December 1, 1972. Applicant: SPLENDID TOURS CORPORATION, 156 East 52d Street, Room 902, New York, NY 10022. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. For a license (BMC-5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation, by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special or charter operations, between points in the United States. NOTE: Applicant states that the requested authority, and the service to be performed thereunder, is exclusively for travel agents in foreign countries.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-186 Filed 1-3-73;8:45 am]

[Notice 175]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 27, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 28067 (Sub-No. 15 TA), filed December 14, 1972. Applicant: WILLIAMS MOTOR TRANSFER, INC., South Vine Street, Barre, Vt. 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, rough quarried and semifinished, from Providence, R.I., to Barre, Vt.; and (2) *quarrying equipment, machinery, and supplies* moving with shipments of stone, between Barre, Vt., and Providence, R.I., for 90 days. Supporting shipper: Rock of Ages Corp., Graniteville, Vt. 05654. Send protests to: District Supervisor Martin P. Monaghan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05841.

No. MC 69116 (Sub-No. 150 TA), filed December 15, 1972. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: J. S. Ruscetta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard wallboard*, from the plantsite of the Celotex Corp. at Dubuque, Iowa to points in Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, and New York, for 180 days. Supporting shipper: David H. Wetzel, Traffic Manager, the Celotex Corp., 1500 North Dale Mabury Highway, Tampa, FL 33662. Send protests to: District Supervisor Richard O. Chandler, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 110683 (Sub-No. 89 TA), filed December 18, 1972. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, between Pottstown, Pa., and Portsmouth, Va., for 180 days. Supporting shipper: Mrs. Smith's Pie Co., Pottstown, Pa. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 117013 (Sub-No. 1 TA), filed December 18, 1972. Applicant: THOMAS G. BURKHOLDER, Altoona, Pa. 16602. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper patterns, related fashion publications, fabrics, buttons, zippers, threads, and other articles* used in the home sewing market; *materials; equipment and supplies* used in the sale, production or distribution of the named commodities, between the facilities of the Butterick Fashion Marketing Co., a division of American Can Co. at Altoona, Pa., on the one hand, and, on the other, ports of entry in New York on the international boundary line between the United States and Canada; and (2) *fashion publications;* from Rockville, Md., and Bristol, Conn., to ports of entry in New York on the international boundary line between the United States and Canada, under continuing contracts with the Butterick Fashion Marketing Co., a division of American Can Co., and Butterick Canada, Ltd., for 150 days. Supporting shipper: Butterick Fashion Marketing Co., Division of American Can Co., Butterick Canada Ltd. 2900 Beale Avenue, Altoona, PA 16603. Send pro-

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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tests to: District Supervisor James C. Donaldson, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 117184 (Sub-No. 8 TA) (Correction), filed December 5, 1972, published in the FEDERAL REGISTER issue of December 19, 1972, and republished this issue. Applicant: APEX TRUCKING CO., INC., 330 West 42d Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business forms*, between the warehouse site of Apex Trucking Co., Inc., at Secaucus, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Bergen, Passaic, Essex, Morris, Somerset, Middlesex, Monmouth, Hudson, Union, and Mercer Counties, N.J., for 180 days. Supporting shipper: Moore Business Forms, Inc., Attention: C. W. Dent, Niagara Falls, N.Y. 14302. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1807, New York, N.Y. 10007. NOTE: The purpose of this republication is to name the supporting shipper which was inadvertently omitted in the previous issue.

No. MC 121060 (Sub-No. 24 TA), filed December 18, 1972. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, 1220 West Third Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials and supplies* (except commodities in bulk), between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Tennessee, Louisiana, Mississippi, North Carolina, and South Carolina, for 180 days. Supporting shipper: Jim Walter Corp., Post Office Box 22601, Tampa, FL 33622. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 126246 (Sub-No. 5 TA), filed December 18, 1972. Applicant: AMERICAN TRANSFER AND STORAGE COMPANY, 950 West Mockingbird Lane, Post Office Box 47165, Dallas, TX 75247. Applicant's representative: W. N. McKinney (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Baxter, Cleburne, Conway, Faulkner, Fulton, Garland, Grant, Hot Springs, Independence, Izard, Jefferson, Lonoke, Marion, Perry, Prairie, Pulaski, Saline, Searcy, Sharp, Stone, Van Buren, and White Counties, Ark., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supported by: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 126305 (Sub-No. 49 TA), filed December 18, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC. (O. TRACY PARKS, III: TRUSTEE), Route 1, Claton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: *Paradichlorobenzene; insecticides*, other than agricultural; and *napthalene*, between the facilities of Standard Chlorine of Delaware, Inc., Delaware City, Del., Standard Chlorine Chemical Co., Inc., Kearny, N.J., and Cartersville, Ga., for 180 days. Supporting shipper: Standard Chlorine Chemical Co., Inc., 1035 Belleville Turnpike, Kearny, NJ 07032. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203. NOTE: The above commodities are restricted against transportation in bulk.

No. MC 128868 (Sub-No. 2 TA), filed December 13, 1972. Applicant: TEXAS CONSTRUCTION SERVICE COMPANY OF AUSTIN, Route 2, Box 78A, Round Rock, TX 78664. Applicant's representative: W. S. Levens (same address as above). Authority suoght to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Blum, Tex., to Madison Parish, La., for 90 days. Supporting shipper: Round Rock Lime Co., Box 218, Round Rock TX 78664. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 135489 (Sub-No. 2 TA), filed December 15, 1972. Applicant: BURLINGTON TRANSPORT SERVICE, INC., 6 Harris Circle, Arlington, MA 02174. Applicant's representative: George C. O'Brien 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate*, in sheets, used in the manufacture of cans, from Trenton, N.J., to Woburn, Mass., for 180 days. Supporting shipper: Lipton Pet Foods, Inc., 209 New Boston Street, Woburn, MA 01801. Send protests to: G. Warren Flynn, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Analex Building, Fifth Floor, 150 Causeway Street, Boston, MA 02114.

No. MC 136647 (Sub-No. 10 TA), filed December 18, 1972. Applicant: GREEN MOUNTAIN CARRIERS, INC., Post Office Box 1319, Albany, NY 12201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products* (except in bulk) restricted to the use of vehicles equipped with mechanical temperature control and also restricted to a transportation service to be performed at plantsites, warehouses, or suppliers of Ayerst Laboratories, between Rouses Point, N.Y., on the one hand, and, on the other, Chicago, Ill.; Cleveland, Ohio, and Baltimore, Md., in connection with stop-off privileges to partially load or unload at Little Falls, N.J., Clifton, N.J., Albany, N.Y., and Detroit, Mich., from Rouses Point, N.Y., to Chamblee, Ga., with stop-off privileges to partially load or unload at Little Falls, N.J., Clifton, N.J., Albany, N.Y., and Baltimore, Md., for 180 days. Supporting shipper: Ayerst Laboratories, Division of American Home Products Corp., Rouses Point, N.Y. 12979. Send protests to: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 136647 (Sub-No. 11 TA), filed December 18, 1972. Applicant: GREEN MOUNTAIN CARRIERS, INC., Post Office Box 1319, Albany, NY 12201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beef and pork products*, in vehicles equipped with mechanical refrigeration, from Omaha, Nebr., to the United States-Canada international boundary line at or near Highgate Springs, Vt., on shipments destined to points in the Province of Quebec, Canada, for 180 days. Supporting shipper: Letovaky Bros., Ltd., 6569–81 Papineau Avenue, Montreal, PQ, Canada. Send protests to: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

MOTOR CARRIERS OF PASSENGERS

No. MC 138260 TA, filed December 18, 1972. Applicant: CHARLES WILLIAM TATE, doing business as TATE'S MOTOR COACH, 1618 Oliver Street NW., Washington, DC 20015. Applicant's representative: George Francis Paxton, 1742 N Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, church groups and social clubs*, between Washington, D.C., and points in New York, New Jersey, Pennsylvania, Virginia, Charleston, W. Va., Winston-Salem, Moorehead City, and Goldsboro, N.C., Charleston, S.C., Atlanta, Ga., Miami and Orlando, Fla., for 180 days. Supported by: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.73-185 Filed 1-3-73;8:45 am]

[No. MC-110420 (Sub-No. 638)]

QUALITY CARRIERS, INC., BRISTOL, WIS.

Application for Certificate of Public Convenience and Necessity

Order. At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 5th day of December 1972.

It appearing, that by application filed July 8, 1971, as amended, Quality Carriers, Inc., of Bristol, Wis., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of chemicals, in bulk, from points in Maryland (except from the plantsite of the Firestone Tire and Rubber Co. and Firestone Plastic Co. at or near Perryville, Md.), and New Jersey (except from the plantsites of the B. F. Goodrich Chemical Co., a division of B. F. Goodrich Co., at or near Pedricktown, N.J.), to Janesville, Wis.;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant filed verified statements in support of the application; that protestants Chemical Leaman Tank Lines, Inc., Matlack, Inc., P. B. Mutrie Motor Transportation, Inc., and Coastal Tank Lines, Inc., all motor common carriers, have filed verified statements in opposition to the application; and that no rebuttal statements were filed;

It further appearing, that the evidence submitted in the form of verified statements, including the statement in support of the application by Northern Petrochemical Co., Varney Division, shows that shipper-receiver purchases principally vegetable oil products from suppliers located at Jersey City, Edison, Newark, Graselli, and Boonton, N.J., and Baltimore, Md., and points within the Baltimore commercial zone; that shipper has primarily utilized its own vehicles to move this traffic to Janesville; that applicant's services are used for the transportation of cleaning compounds outbound from Janesville to points in the eastern United States, including points in Maryland and New Jersey, on a weekly basis; and that shipper can coordinate applicant's outbound movements with the involved return movements which would permit shipper to have a coordinated, complete, and economical service;

It further appearing, that Chemical Leaman is authorized to transport liquid chemicals, in bulk, in tank vehicles, from points in New Jersey and Maryland to Janesville by observing a gateway at any point in Allegheny County, Pa.; that Matlack has been authorized to lease the operating rights of T. I. McCormack Trucking Co., Inc., and by combining its authorities with those leased, can transport liquid chemicals (except petroleum and petroleum products), from points in Maryland and New Jersey to Janesville by observing gateways at any point in Pennsylvania within 150 miles of Monongahela, Pa., then either Dover or Painesville, Ohio, then the plant site of B. F. Goodrich Co. at Milan Township, Ind.; that Coastal holds authority to transport (1) petroleum products from Bayonne, Tremley Point, Sewaren, Perth Amboy, and Paulsboro, N.J., and points within 5 miles of each, and Baltimore, Md., to Janesville, by traversing Natrium, W. Va., and Chicago, Ill., and (2) liquid chemicals from points in Maryland and New Jersey to Janesville by observing various gateways; and that Mutrie relies on an interline arrangement with a nonparty carrier to provide the proposed service;

It further appearing, that protestant Mutrie has not shown that the services of the specified nonparty interline carrier are available for movement of the traffic involved; that the services of protestants Chemical Leaman, Matlack, and Coastal involve circuity and the authority granted herein, as modified to conform to the evidence, will provide shipper with a coordinated and balanced transportation service and should not have any serious adverse affect upon protestants; that the public interest will best be served by authorizing the proposed operation; that the evidence submitted in the form of verified statements in support of the application warrants the grant of authority set forth below which has been modified to conform to the need for service as demonstrated by the supporting shipper; and that such evidence establishes that applicant is fit, willing, and able properly to conduct the operation authorized;

And it further appearing, that under certain extractive processes vegetable oil products may not be transported under "chemical" authority and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described below, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate request for intervention or other pleading setting forth in detail the precise manner in which it has been prejudiced;

Wherefore, and good cause appearing therefor:

We find, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of vegetable oil products, in bulk, from Jersey City, Edison, Newark, Graselli, and Boonton, N.J., and Baltimore, Md., to Janesville, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that following publication in the FEDERAL REGISTER of the authority actually granted, as noted in the last appearing paragraph herein, an appropriate certificate should be granted; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Act and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, and subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted by this order, a certificate be granted to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner described above.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-190 Filed 1-3-73;8:45 am]

[No. MC-C-7963]

PORTLAND AIRPORT LIMOUSINE CO.

Petition for a Declaratory Order

DECEMBER 29, 1972.

Petitioner: PORTLAND AIRPORT LIMOUSINE COMPANY, Portland, Maine. Petitioner's representatives: Michael T. Healy, Verrill, Dana, Philbinck, Putnam & Williamson, 57 Exchange Street, Portland, ME 04111.

Petitioner transport passengers with their baggage from Portland International Airport in Portland, Maine, to points in Maine. Upon the request of certain airlines, petitioner transports in emergencies passengers and their baggage in interstate commerce. On occasion, petitioner has received requests from individual passengers to provide transportation in emergency situations from the Portland Airport to points outside of Maine. Petitioner seeks a declara-

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tory order that the above operations are exempt from the economic regulation of the Interstate Commerce Commission pursuant to sections 203(b)(2) and 203(7)(a) of the Interstate Commerce Act.

Petitioner is hereby directed to explain the types of "emergencies" which give rise to its performance of interstate or foreign transportation and to list specific examples, if possible. Petitioner is also directed to specify the mileages involved in its transportation services, and list destinations which it has served or plans to serve in the future.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before Febraury 21, 1973. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-187 Filed 1-3-73;8:45 am]

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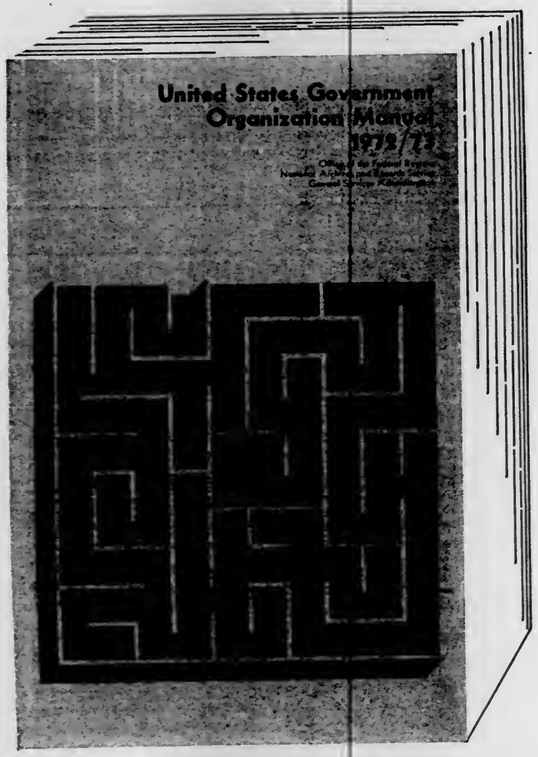
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FRIDAY, JANUARY 5, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 3

Pages 837–945

PART I

(Part II begins on page 933)

NOTICE TO AGENCIES

Agencies preparing documents for publication in the FEDERAL REGISTER are reminded that the revised rules of the Administrative Committee of the Federal Register are in effect as of January 3, 1973. (1 CFR Chapter I, 37 F.R. 23602, November 4, 1972.)

These revised rules include the following significant changes:

1. Requirement for a preamble in each proposed rule making and final rule making document that describes the contents of the document in a manner sufficient to apprise a reader who is not an expert in the subject area of the general subject matter of the document.

2. Requirement for setting forth specific effective dates and action dates.

3. Change in publication dates of the daily FEDERAL REGISTER (Monday through Friday instead of Tuesday through Saturday). See 1 CFR 17.2, 18.12, and 18.17.

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PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

REGULATED AREAS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.45–2 of the Gypsy Moth and Browntail Moth Quarantine regulations, 7 CFR 301.45–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.45–2a *Regulated areas; suppressive and generally infested areas,* is hereby amended to list additional gypsy moth regulated areas in the States of Maryland, New York, and Pennsylvania as set forth below.

A. In § 301.45–2a(a) a description of regulated areas in the State of Maryland is added to read as follows:

MARYLAND

(1) *Generally infested area.*
Harford County. The entire county.
Washington County. That area bounded by a line beginning at a point where U.S. Highway 40A intersects State Highway 66, thence northerly along State Highway 66 to its intersection with State Highway 64, thence west along said Highway to its intersection with the Hagerstown City limits, thence southerly, westerly, and northerly along said city limits to its intersection with U.S. Highway 40, thence west along said Highway to its intersection with Interstate 81, thence southerly along Interstate 81 to its intersection with State Highway 68, thence southerly along State Highway 68 to its intersection with U.S. Highway 40A, thence southerly along U.S. 40A to point of beginning.

(2) *Suppressive Area.* None.

B. In § 301.45–2a(a) relating to the State of New York under generally infested areas, the entire description for that State is changed to read as follows:

NEW YORK

(1) *Generally infested area.*
Albany County. The entire county.
Allegany County. The entire county.
Bronx County. The entire county.
Broome County. The entire county.
Cayuga County. The entire county.
Chemung County. The entire county.
Chenango County. The entire county.
Columbia County. The entire county.
Cortland County. The entire county.
Delaware County. The entire county.
Dutchess County. The entire county.
Essex County. The entire county.
Franklin County. The entire county.
Fulton County. The entire county.
Greene County. The entire county.
Hamilton County. The entire county.
Herkimer County. The entire county.
Jefferson County. The entire county.
Kings County. The entire county.
Lewis County. The entire county.
Livingston County. The entire county.
Madison County. The entire county.
Monroe County. The Towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pittsford, Rush, Webster, and Wheatland; and the city of Rochester.
Montgomery County. The entire county.
Nassau County. The entire county.
New York County. The entire county.
Oneida County. The entire county.
Onondaga County. The entire county.
Ontario County. The entire county.
Orange County. The entire county.
Oswego County. The entire county.
Otsego County. The entire county.
Putnam County. The entire county.
Queens County. The entire county.
Rensselaer County. The entire county.
Richmond County. The entire county.
Rockland County. The entire county.
St. Lawrence County. The entire county.
Saratoga County. The entire county.
Schenectady County. The entire county.
Schoharie County. The entire county.
Schuyler County. The entire county.
Seneca County. The entire county.
Steuben County. The entire county.
Suffolk County. The entire county.
Sullivan County. The entire county.
Tioga County. The entire county.
Tompkins County. The entire county.
Ulster County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Westchester County. The entire county.
Yates County. The entire county.

C. In § 301.45–2a(a) relating to the State of New York under (2) *Suppressive area,* the entire description for that State is changed to read as follows:

NEW YORK

* * * * * *

(2) *Suppressive area.* None

D. In § 301.45–2a(a) relating to the State of Pennsylvania under generally infested areas, the entire description for that State is changed to read as follows:

PENNSYLVANIA

(1) *Generally infested area.*
Adams County. The entire county.
Bedford County. The entire county.
Berks County. The entire county.
Blair County. The entire county.
Bradford County. The entire county.
Bucks County. The entire county.
Cambria County. The entire county.
Cameron County. The entire county.
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Centre County. The entire county.
Chester County. The entire county.
Clearfield County. The entire county.
Clinton County. The entire county.
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Cumberland County. The entire county.
Dauphin County. The entire county.
Delaware County. The entire county.
Elk County. The entire county.
Franklin County. The entire county.
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Jefferson County. The entire county.
Juniata County. The entire county.
Lackawanna County. The entire county.
Lancaster County. The entire county.
Lebanon County. The entire county.
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Luzerne County. The entire county.
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York County. The entire county.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 FR 16210 as amended; 37 FR 6327, 6505, and 10554; 37 FR 12298; 7 CFR 301.45–2)

Effective date: January 5, 1973.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that infestations of the gypsy moth exist or are likely to exist in the civil divisions and parts of civil divisions listed as regulated areas in paragraph (a), or that it is necessary to regulate such areas because of their proximity to gypsy moth infestations or their inseparability for quarantine enforcement purposes from gypsy moth infested localities.

The Deputy Administrator has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the gypsy moth. Therefore, such civil divisions and parts of civil divisions listed above in paragraph (a) are designated as gypsy moth regulated areas.

This amendment adds to the gypsy moth regulated areas all or parts of two previously nonregulated counties in Maryland; 15 previously nonregulated counties and six previously regulated counties in the State of New York; and 15

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previously nonregulated counties in the State of Pennsylvania. There is no change in the browntail moth regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the gypsy moth and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of January 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-309 Filed 1-4-73;8:45 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1973–74 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1973 CROP RICE, AND APPORTIONMENT OF 1973 NATIONAL ACREAGE ALLOTMENT OF RICE AMONG THE SEVERAL STATES

The provisions of §§ 730.1501 to 730.1503 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1973 crop of rice. The purpose of these provisions is to (1) proclaim that marketing quotas shall be in effect for the 1973 crop of rice, (2) establish the national acreage allotment for such crop, and (3) apportion the national acreage allotment among the States. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on October 6, 1972 (37 FR 21173) in accordance with the provisions of 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice and consideration was given thereto to the extent permitted by law.

It is essential that these provisions be made effective as soon as possible, since the proclamation of quotas is required to be made not later than December 31, 1972, and a referendum to determine whether rice producers favor or oppose the quotas must be held within 30 days after proclamation of the quotas. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1501 to 730.1503 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1501 Marketing quotas for the 1973 crop of rice.

The total supply of rice in the United States for the marketing year beginning August 1, 1972, is determined to be 98 million hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 97.2 million hundredweight (rough basis). Since the total supply of rice for the 1972–73 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect for the 1973 crop of rice.

§ 730.1502 National acreage allotment of rice for 1973.

(a) The normal supply of rice for the marketing year commencing August 1, 1973, is determined to be 99.4 million hundredweight (rough basis). The carryover of rice on August 1, 1973, is estimated at 8.5 million hundredweight. Therefore, the production of rice needed in 1973 to make available a supply of rice for the 1973–74 marketing year equal to the normal supply for such marketing year is 90.9 million hundredweight. The national average yield of rice for the 5 calendar years 1968 through 1972 is determined to be 4,500 pounds per planted acre. The national acreage allotment of rice for 1973 computed on the basis of the normal supply for 1973, less estimated carryover, and the national average yield per planted acre for the 5 calendar years, 1968 through 1972, is 2,020,107 acres.

(b) Since such amount is more than the minimum national acreage allotment of 1,652,596 acres prescribed under section 353(c)(6) of the act, the national acreage allotment for rice for the calendar year 1973 shall be 2,020,107 acres.

§ 730.1503 Apportionment of 1973 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1502, less a reserve of 747 acres, is hereby apportioned among the several rice producing States as follows:

State	Acres
Arizona	279
Arkansas	487,664
California	366,359
Florida	1,169
Illinois	24
Louisiana:	
Farm Administrative Area	559,816
Producer Administrative Area	20,716
State total	580,532
Mississippi	57,044
Missouri	5,815
North Carolina	47
Oklahoma	183
South Carolina	3,479
Tennessee	633
Texas	516,132
Total Apportioned to States	2,019,360
Unapportioned National Reserve	747
U.S. Total	2,020,107

(Secs. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 27, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-22445 Filed 12-29-72;10:23 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 15]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1972

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101) hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811, as amended, is to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall, as often as facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether, any area or country will not market the quota for such area or country.

On the basis of information recently available to the Department, three Western Hemisphere countries (Peru, Venezuela, and Guatemala) and one Eastern Hemisphere country (India) will not be able to market their currently established 1972 sugar quotas. Accordingly, additional deficits are determined herein totalling 5,155 short tons, raw value, of sugar, consisting of 4,240 tons for Peru, 461 tons for Venezuela, 219 tons for Guatemala, and 235 tons for India.

The deficits herein determined for the Western Hemisphere countries of 4,920 short tons, raw value, have been prorated to other countries in the Western Hemisphere able to supply additional sugar. The deficit determined for India of 235 tons has been prorated to countries outside the Western Hemisphere

able to supply additional sugar which have quotas currently in effect with the exception of Ireland.

No allocations were made to the Republic of the Philippines since it had previously informed the Department that it would be unable to supply additional sugar in 1972.

On the basis of available information, it appears that the additional quota allocations determined herein can be filled with sugar currently held in bond awaiting quota or with sugar scheduled to arrive into the United States before the end of December.

It is hereby determined that the deficits declared herein and those previously declared constitute all known deficits on which data are currently ascertainable by the Department.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.12 and 811.13 as follows:

1. Section 811.12 is amended by amending paragraph (a) to read as follows:

§ 811.12 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 242,000; Hawaii 103,600; Puerto Rico 704,000; the West Indies, 3,751; Haiti, 4,721; Bahamas, 23,667; Bolivia, 5,659; and Uganda, 15,252. The deficits for the domestic areas and Western Hemisphere countries totaling 1,087,398 tons are reallocated by allocating 305,741 tons to the Republic of the Philippines (the maximum quantity which it can supply in 1972), providing a special allocation of 21,507, 17,950, and 4,415 tons to Costa Rica, Guatemala, and Honduras, respectively, and prorating the remainder to Western Hemisphere quota countries on the basis of quotas determined under section 202 of the Act, except such prorations to Peru, West Indies, Argentina, Guatemala, Venezuela, Panama, Haiti, Honduras, Bahamas, and Bolivia are limited so that total quotas for each country will not exceed 449,662, 177,288, 87,908, 85,707, 70,210, 41,933, 22,522, 17,495, 61, and 54 tons respectively. The deficit in the quota for Uganda of 15,252 tons is reallocated by allocating 30.08 percent to the Republic of the Philippines and prorating the remainder on the basis of quotas determined under section 202 of the Act to Eastern Hemisphere quota countries, other than Ireland, except such proration to India is limited to that its total quota will not exceed 84,168 tons.

* * * * * * *

2. Section 811.13 is amended by amending paragraph (c) to read as follows:

§ 811.13 Quotas for foreign countries.

* * * * * * *

(c) For the calendar year 1972, the prorations to individual foreign countries other than the Republic of the Philippines, pursuant to section 202 of the Act, are shown in columns (1) and (2) of the following table. Deficits and deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). The deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d)[1]	Previous deficits and deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Dominican Republic	420,738	141,713	172,986	1,370	736,807
Mexico	372,090	125,328	152,985	1,212	651,615
Brazil	362,887	122,228	149,201	1,182	635,498
Peru	269,674	87,463	106,765	−4,240	449,662
West Indies	135,425	45,614	−3,751	0	177,288
Ecuador	53,578	18,046	22,029	174	93,827
Argentina	50,291	16,940	20,677	0	87,908
Costa Rica	45,361	15,278	40,665	293	101,597
Colombia	44,703	15,057	18,381	146	78,287
Panama	27,940	9,411	4,582	0	41,933
Nicaragua	42,403	14,281	17,628	274	74,586
Venezuela	40,430	13,617	16,624	−461	70,210
Guatemala	38,787	13,064	34,075	−219	85,707
El Salvador	28,268	9,522	11,751	182	49,733
British Honduras	22,352	7,529	9,190	73	39,144
Haiti	20,379	6,864	−4,721	0	22,522
Bahamas	17,750	5,978	−23,667	0	61
Honduras	7,889	2,657	6,949	0	17,495
Bolivia	4,273	1,440	−5,659	0	54
Paraguay	4,273	1,440	1,757	14	7,484
Australia	165,008	41,932	3,857	99	210,896
Republic of China	68,699	17,458	1,606	41	87,804
India	66,069	16,790	1,544	−235	84,168
South Africa	46,676	11,861	1,091	28	59,656
Fiji Islands	36,157	9,188	845	22	46,212
Mauritius	24,324	6,181	569	15	31,089
Swaziland	24,324	6,181	569	15	31,089
Thailand	15,120	3,843	353	9	19,325
Uganda	12,162	3,090	−15,252	0	0
Malagasy Republic	9,861	2,506	280	6	12,603
Ireland	5,351	0	0	0	5,351
Total	2,473,242	792,500	743,859	0	4,009,601

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * * * *

(Secs. 204 and 403; 61 Stat. 925, as amended, and 932; and 7 U.S.C. 1114 and 1153)

Effective date. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-22458 Filed 12-29-72;4:12 pm]

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

Establishment of Quotas for Local Consumption in 1973

On page 25238 of the FEDERAL REGISTER of November 29, 1972, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1973 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1973. Interested persons were given until December 18, 1972, to submit written data, views, or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Effective date: January 1, 1973.

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas for the calendar year 1973. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the Government.

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Since the Act provides that the Secretary of Agriculture determine sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas to be effective on January 1, 1973, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553(d) (80 Stat. 378), and these regulations shall be effective January 1, 1973.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

AUTHORITY: The provisions of these §§ 812.1 through 812.3 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 201, 203, 209, 211, 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1121.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1973 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1973.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1973 is 140,000 short tons, raw value, and a quota of 140,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1973.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1973 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (33 F.R. 8495), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1973 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area, except as provided in section 204(c). Furthermore, pursuant to section 211(c) of the Act, sugar may be unladed from a carrier and brought into a foreign trade zone for manipulating therein or manufacturing therein another product for the subsequent entry into Hawaii or Puerto Rico for consumption only if such sugar is charged, pursuant to S.R. 816, to the applicable respective local quota.

Statement of bases and consideration. Pursuant to section 203 of the Act, the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the 12-month period ended September 30, 1972, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such 12-month period are estimated to have been approximately 38,000 short tons of sugar, raw value, and 125,000 short tons of sugar, raw value, respectively.

Based on the latest U.S. Census data available, the population of Hawaii as of July 1, 1972, was 809,000 and the population of Puerto Rico as of April 1, 1970, was 2,712,000.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1962 through 1972 the annual sugar consumption in this area has varied from approximately 92.3 to 130.0 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1973 than in the 12 months ended September 30, 1972, when sugar marketings approximated 38,000 short tons, raw value.

In Puerto Rico during the 12 months ended September 30, 1972, marketings of sugar for local consumption totaled approximately 125,000 short tons, raw value. After making allowance for possible consumption increases in 1973 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1973 may be approximately 140,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1973 local quotas are not completely filled. It is, therefore, desirable to establish the 1973 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1973 have been determined to be 50,000 and 140,000 short tons, raw value, respectively.

[FR Doc.72-22459 Filed 12-29-72;4:12 pm]

[Sugar Reg. 814.10, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1972 Quota

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), as amended, hereinafter called the "Act," for the purpose of amending Sugar Regulation 814.10 (37 FR 16471) which established allotments for the Mainland Cane Sugar Area for the calendar year 1972.

This amendment is necessary to revise allotments to determine and prorate deficits in allotments.

On the basis of written advice from individual allottees, it is herein determined that 16 allottees are unable to fully utilize 1972 allotments of the Mainland Cane Sugar Area in excess of stated maximum quantities, and that there is a deficit in the allotments of such allottees amounting to 40,059 short tons, raw value, as follows:

Processors	Short tons, raw value
Albania Sugar Co	4,500
Alma Plantation, Ltd	850
Billeaud Sugar Factory	2,759
Columbia Sugar Co	2,291
Duhe & Bourgeois Sugar Co	6,333
Frisco Cane Co., Inc	1,585
Levert-St. John, Inc	6,762
Louisa Sugar Coop., Inc	2,000
Louisiana State University	23
Milliken & Farwell, Inc	241
M. A. Patout & Son, Ltd	2,598
St. Mary Sugar Coop., Inc	1,366
South Coast Corp	700
Sterling Sugars, Inc	100
Vida Sugars, Inc	4,395
Talisman Sugar Corp	3,556
	40,059

Accordingly, a deficit of 40,059 short tons, raw value, is declared and is herein prorated to other allottees on the basis of 1972 allotments made effective by Sugar Regulation 814.10 (37 FR 16471).

It was found after notice and public hearing that this order shall be revised without further notice or hearing, for the purpose of allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (37 FR 16471).

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered,* That paragraph (a) of § 814.10 be amended to read as follows:

§ 814.10 Allotment of the 1972 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* The 1972 sugar quota for the Mainland Cane Sugar Area of 1,643,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (Short tons, raw value)
Albania Sugar Co	10,090
Alma Plantation, Ltd	14,561
J. Aron & Co., Inc	23,349
Billeaud Sugar Factory	15,051
Breaux Bridge Sugar Co-op	14,993
Wm. T. Burton Industries, Inc	11,181
Caire & Graugnard	9,858
Cajun Sugar Co-op, Inc	32,432
Caldwell Sugars Co-op, Inc	25,919
Columbia Sugar Co	9,489
Cora-Texas Manufacturing Co., Inc	13,496

Processors	Allotments (Short tons, raw value)
Dugas & LeBlanc, Ltd	26,548
Duhe & Bourgeois Sugar Co	11,214
Evan Hall Sugar Co-op, Inc	37,185
Frisco Cane Co., Inc	1,800
Glenwood Co-op, Inc	26,905
Helvetia Sugar Co-op, Inc	20,711
Iberia Sugar Co-op, Inc	27,818
LaFourche Sugar Co	36,096
Harry L. Laws & Co., Inc	22,969
Levert-St. John, Inc	12,592
Louisa Sugar Co-op, Inc	13,559
Louisiana State Penitentiary	6,688
Louisiana State University	2
Meeker Sugar Co-op, Inc	14,822
Milliken & Farwell, Inc	14,891
M. A. Patout & Son, Ltd	24,955
Poplar Grove Planting & Refining Co	13,172
Savoie Industries	23,961
St. James Sugar Co-op, Inc	32,844
St. Mary Sugar Co-op, Inc	21,636
South Coast Corp., Inc	85,868
Southdown Sugars, Inc	59,870
Sterling Sugars, Inc	41,270
J. Supple's Sons Planting Co., Ltd	7,574
Valentine Sugars, Inc	19,880
Vida Sugars, Inc	4,411
A. Wilbert's Sons Lumber & Shingle Co	14,588
Louisiana subtotal	804,248
Atlantic Sugar Association, Inc	51,326
Glades County Sugar Growers Co-op, Association	60,090
Gulf & Western Food Products Co	109,597
Osceola Farms Co	76,888
Sugarcane Growers Co-op, of Florida	155,818
Talisman Sugar Corp	82,470
United States Sugar Corp	302,563
Florida subtotal	838,752
Total all mainland cane	1,643,000

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest date in order to permit processors to fully utilize the entire quota for the area. Accordingly, it is hereby found that compliance with the 30-day effective date requirements in 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-22457 Filed 12-29-72;4:11 pm]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Regulation 567]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 7–13, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.867 Lemon Regulation 567.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) (i) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(ii) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is active this week. Average price is $4.88 per carton. Track and rolling supplies at 126 cars were down 15 cars from last week.

(iii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereon in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 2, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 7 through January 13, 1973, is hereby fixed at 175,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 3, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-389 Filed 1-4-73;11:22 am]

[Grapefruit Reg. 88]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Indian River grapefruit that may

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be shipped to fresh market during the weekly regulation period January 8, through 14, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 912. The quantity of grapefruit produced in the Indian River District in Florida so fixed was arrived at after consideration of the total available supply of Indian River grapefruit, the quantity currently available for market, the fresh market demand for Indian River grapefruit, Indian River grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 912.388 Grapefruit Regulation 88.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) (i) The need for this section to limit the quantity of Indian River grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Indian River grapefruit industry.

(ii) The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Indian River grapefruit is slow. Prices, f.o.b. per four-fifths bushel carton, for the week ended December 31, 1972, averaged $2.50 for white seedless and $2.85 for pink seedless. Shipments for the week ended December 31, 1972, and for the previous week were 230 carlots and 435 carlots, respectively. On December 12, 1972, there were 11,415 carlots of Indian River grapefruit remaining for interstate shipments, while 4,085 carlots have been shipped to date.

(iii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 3, 1973.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled, is hereby fixed at 200,000 standard packed boxes.

(2) As used in the section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-390 Filed 1-4-73;11:22 am]

[Grapefruit Reg. 54]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Interior grapefruit that may be shipped to fresh market during the weekly regulation period January 8–14, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 913. The quantity of grapefruit produced in the Interior District in Florida so fixed was arrived at after consideration of the total available supply of Florida Interior grapefruit, the quantity currently available for market, the fresh market demand for Florida Interior grapefruit, Interior grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 913.354 Grapefruit Regulation 54.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) (i) The need for this section to limit the quantity of Interior District grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Interior District grapefruit industry.

(ii) The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Florida Interior District grapefruit continues to be slow. Prices, f.o.b., 4/5 bushel carton, were $2.30 for white seedless and $2.60 for pink seedless for the week ended December 31, 1972. Shipments for the week ended December 31, and for the previous week were 190 carlots and 185 carlots, respectively. On December 31, 1972, 6,870 carlots of Interior District grapefruit were remaining for interstate shipments while 4,630 carlots had been shipped to that date.

(iii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 3, 1973.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled is hereby fixed at 187,500 standard packed boxes during the period January 8 through January 14, 1973.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-391 Filed 1-4-73;11:23 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order 50]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Illinois marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 28096) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of December 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1050.14, paragraphs (c) (2) and (3).

STATEMENT OF CONSIDERATION

This suspension will remove for the month of December 1972 the limitations on the proportion of each producer's monthly milk production that may be diverted as producer milk from a pool plant to a nonpool plant. A similar suspension was in effect for the months of October and November 1972.

Associated Milk Producers, Inc., requests this suspension for another month in order to enable certain of its member producers to maintain producer status under the order for December and thereby continue receiving the uniform price for their milk, pursuant to the order.

On October 4, 1972, a large distributing plant to which many of this association's member producers shipped their milk ceased all receiving and processing operations. Since that time the cooperative association has been attempting to find alternative outlets for the milk of these producers.

The milk of a majority of these producers has been accommodated on other markets. More time, however, is needed to complete arrangements for satisfactory fluid market outlets for the remaining volume of milk.

While arrangements have been with other handlers in the market to receive this remaining volume of milk some of the time, such handlers cannot receive this milk on a regular basis.

This suspension of diversion limits will afford the cooperative an opportunity to divert the milk of these member producers, thereby maintaining their producer status under the order, and provide the association the needed time to complete other marketing arrangements with respect to the milk of these producers.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will provide a method for producers who have lost their pool plant outlet for milk to retain producer status under the order for an additional month while seeking other marketing arrangements.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension. There were no views filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during December 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for December 1972.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 5, 1973.

Signed at Washington, D.C., on January 2, 1973.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.73-217 Filed 1-4-73;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 72-599]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Area Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (11) relating to the State of Pennsylvania, a new subdivision (iii) relating to Lehigh and Berks Counties is added to read:

(iii) The adjacent portions of Lehigh and Berks Counties bounded by a line beginning at the junction of U.S. Highway 222 and the northeast extension of the Pennsylvania Turnpike in Lehigh County; thence, following the northeast extension of the Pennsylvania Turnpike in a northwesterly direction to Legislative Road 39042; thence, following Legislative Road 39042 in a westerly direction to Legislative Road 39048; thence, following Legislative Road 39048 in a westerly direction to Township Road 593; thence, following Township Road 593 in a generally northwesterly direction to Legislative Road 39057; thence, following Legislative Road 39057 in a southwesterly direction to Legislative Road 39060; thence, following Legislative Road 39060 in a southwesterly, then northerly direction to Legislative Road 39059; thence, following Legislative Road 39059 in a southwesterly direction to U.S. Route 309; thence, following U.S. Route 309 in a generally northwesterly direction to Legislative Road 39072; thence, following

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Legislative Road 39072 in a westerly direction to Legislative Road 39063; thence, following Legislative Road 39063 in a southwesterly direction to Township Road 555; thence following Township Road 555 in a westerly direction to Township Road 625; thence, following Township Road 625 in a southwesterly direction to Township Road 619; thence, following Township Road 619 in a westerly direction to Township Road 638; thence, following Township Road 638 in a generally southeasterly direction to Township Road 623; thence, following Township Road 623 in a southwesterly direction to Township Road 828 in Berks County; thence, following Township Road 828 in a southwesterly direction to Township Road 801; thence, following Township Road 801 in a southeasterly direction to Township Road 975; thence, following Township Road 975 in an easterly direction to Township Road 977; thence, following Township Road 977 in a southerly direction to Township Road 801; thence, following Township Road 801 in a southerly direction to Township Road 555; thence, following Township Road 799 in a southeasterly direction to Legislative Road 06137; thence, following Legislative Road 06137 in a southwesterly direction to Legislative Road 06136; thence, following Legislative Road 06136 in a generally southeasterly direction to Legislative Road 05133; thence, following Legislative Road 06138 in a southeasterly direction to Township Road 827; thence, following Township Road 827 in a southeasterly direction to Township Road 864; thence, following Township Road 864 in a southeasterly direction to Township Road 921; thence, following Township Road 921 in a northeasterly direction to Township Road 612, thence, following Township Road 612 in a southeasterly direction to Legislative Road 06041; thence, following Legislative Road 06041 in a northerly direction to Legislative Road 06057; thence following Legislative Road 06057 in a generally northeasterly direction to Legislative Road 39023 in Lehigh County; thence, following Legislative Road 39023 in a generally northeasterly direction to Township Road 498; thence, following Township Road 498 in a northeasterly direction to U.S. Highway 222; thence, following U.S. Highway 222 in a northeasterly direction to its junction with the northeast extension of the Pennsylvania Turnpike in Lehigh County.

(Secs. 4–7, 23 Stat. 32 as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Lehigh and Berks Counties in Pennsylvania because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendment imposes certain further restrictions necessary to prevent the spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of December 1972.

E. E. SAULMON,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-310 Filed 1-4-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-35-AD; Amdt. 39-1579]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 310N, P and Q Airplanes

There have been reports of ice accumulation in the engine air induction system and on the engine throttle plate of Cessna Model 310N, P and Q airplanes operating in precipitation at below freezing temperatures. This renders the alternate air valve inoperative and causes loss of engine power and throttle control on these aircraft. To correct this condition the manufacturer has issued Service Letter ME70-43 recommending installation of Service Kit SK310-82D which incorporates a deflector baffle over the alternate air inlet in the engine cooling air plenum and increases the size of the warm air opening in the induction air cannister.

Since the condition described herein is likely to exist or develop in other airplanes of the same or similar type design an airworthiness directive is being issued requiring mandatory compliance with the aforementioned service letter within 50 hours' time in service after the effective date of the AD.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Model 310N (Serial Numbers 310N0001 through 310N0198), Model 310P (Serial Numbers 310P0001 through 310P0240), and Model 310Q (Serial Numbers 310Q0001 through 310Q0130) airplanes.

NOTE: This AD is not applicable to Model T310 airplanes which fall within these serial number ranges.

Compliance: Required as indicated, unless already accomplished.

To prevent moisture from possibly entering the alternate air system and freezing on powerplant induction system components when operating in below freezing temperatures, accomplish the following:

Within 50 hours' time in service after the effective date of this AD, install deflector baffles over the alternate air inlet in the vertical baffle and enlarge the warm air cut out in the induction air cannister in accordance with Cessna Service Letter ME70-43 and Service Kit SK310-82D, or any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective January 5, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 22, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.73-340 Filed 1-4-73;8:45 am]

[Docket No. 72-EA-110; Amdt. 39-1580]

PART 39—AIRWORTHINESS DIRECTIVES

Air Cruiser Life Jackets

On page 24121 of the FEDERAL REGISTER for November 14, 1972, the Federal Aviation Administration published a proposed rule so as to issue an airworthiness directive applicable to Air Cruiser Co. Model AD-8 life jackets installed on civil aircraft.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. However ATA requested that, in view of a serious backlog of orders involving air carrier Northwest Airlines, the compliance time be extended to 120 days. A review of all the factors affecting this rule would indicate that air safety is not diminished by such an extension, and the rule will be so amended. Since the extension is less restrictive, notice and public procedure thereon are unnecessary, and the rule as modified may be made effective.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published, except as follows:

I. Delete in the compliance paragraph the figure "90" and insert in lieu thereof the figure "120".

This amendment is effective January 17, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 27, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 39.13 of the Federal Aviation Regulations so as to add a new airworthiness directive described as follows:

AIR CRUISERS Co. Applies to all Model AD-8 life jackets manufactured on or before 15 October 1971.

Compliance required within 120 days after the effective date of this AD, unless already accomplished.

To preclude air chamber deflation from defective inflator manifold stem assemblies, accomplish alteration of the aforementioned life jackets in accordance with either:

a. Air Cruisers Co. Service Bulletin No. 112-72-1, dated 6 March 1972; or

b. Any other method approved as equivalent by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Upon request submitted through a maintenance inspector, accompanied by substantiating data, the compliance time specified in the AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

[FR Doc.73-259 Filed 1-4-73;8:45 am]

[Docket No. 72-NE-24; Amdt. 39-1581]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt and Whitney Aircraft Engines

Amendment 39-591 (33 FR 6286), AD 68-9-1 requires replacement or rework of the engine crankshaft flyweight liners on engines operated with Hartzell propeller models HC-93Z30, HC-B3Z30, or HC-B3W30, or combination thereof, before completion of 1000 hours time in service and thereafter at 1000 hour intervals. Due to service experience, the agency has determined that an increase in both the initial and recurrent compliance times is justified. Therefore the AD is being amended to increase the initial compliance time for engines with Hartzell propeller models HC-93Z30, HC-B3Z30, and HC-B3W30 from 950 hours to 1150 hours and the recurrent compliance time from 1000 hours to 1200 hours.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13397), § 39.13 of the Federal Aviation Regulations, Amendment 39-591 (33 FR 6286), AD 68-9-1, is amended as follows:

1. By deleting the words "950 hours" wherever they appear in paragraphs (a)(1), (a)(2), and (b), and inserting the words "1150 hours" in lieu thereof.

2. By deleting the words "1000 hours" wherever they appear in paragraphs (a)(1) and (a)(2) and inserting the words "1200 hours" in lieu thereof.

This amendment becomes effective January 17, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts, on December 27, 1972.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-258 Filed 1-4-73;8:45 am]

[Airspace Docket No. 72-SO-124]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On December 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25529), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Knoxville, Tenn. (Downtown Island Airport) control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the following control zone is added:

KNOXVILLE, TENN. (DOWNTOWN ISLAND AIRPORT)

Within a 3-mile radius of Downtown Island Airport (lat. 35°57'45" N., long. 83°52'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 21, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-263 Filed 1-4-73;8:45 am]

[Airspace Docket No. 72-SO-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 11, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 24047), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Jesup, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 71.181 (38 F.R. 435), the following transition area is added:

JESUP, GA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jesup-Wayne County Airport (lat. 31°33'18" N., long. 81°52'54" W.); within 3 miles each side of the 286° bearing from Slover RBN (lat. 31°33'08" N., long. 81°52'48" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 19, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-261 Filed 1-4-73;8:45 am]

[Airspace Docket No. 72-SW-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Temporary Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate temporary transition areas at Longhorn, Hico, Camp Bowie, and Lanham, Tex.

On November 14, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 24122) stating the Federal Aviation Administration proposed to designate temporary transition areas at Longhorn, Hico, Camp Bowie, and Lanham, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

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In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0601 G.m.t., January 15, 1973, to 0559 G.m.t., February 16, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following temporary transition areas are added:

LONGHORN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Longhorn temporary nondirectional radio beacon (latitude 31°22'20" N., longitude 97°40'00" W.).

HICO, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hico temporary Army helipad (latitude 31°59'12" N., longitude 97°55'45" W.).

CAMP BOWIE, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Camp Bowie temporary Army helipad (latitude 31°33'37" N., longitude 98°46'15" W.).

LANHAM, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lanham temporary Army helipad (latitude 31°46'10" N., longitude 97°56'12" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on December 18, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-260 Filed 1-4-73;8:45 am]

[Airspace Docket No. 72-SO-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 23, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 24907), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rome, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Rome, Ga., transition area is amended as follows:

"• • • 12-mile radius area to the VOR • • •" is deleted and "• • • 12-mile radius area of the VOR; within a 9.5-mile radius of Tom B. David Field, Calhoun, Ga. (lat. 34°27'18" N., long. 84°56'24" W.); excluding the portion within the Dalton, Ga. transition area • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 26, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-262 Filed 1-4-73;8:45 am]

[Docket No. 11464, Amdt. 91-108]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Aircraft Lease Agreements: Requirements for "Truth in Leasing" Clause

This amendment to Part 91 of the Federal Aviation Regulations further clarifies the applicability of § 91.54, which prescribes requirements for including a "truth in leasing" clause in certain leases and contracts of conditional sales involving United States registered large civil aircraft.

Section 91.54 was issued by the FAA on September 27, 1972, as Amendment 91-104, to become effective on January 3, 1973 (37 FR 20934). Section 91.54 is intended to apply to only leases and contracts of conditional sale entered into after January 2, 1973. This amendment revises paragraph (a) of § 91.54 to make the intent of the rule expressly clear.

In addition, to make the definition of a lease in paragraph (e) conform to the intent of the rule, this amendment revises the definition to make it clear that the term lease does not include an agreement for the sale of an aircraft, or a contract of conditional sale under section 101 of the Federal Aviation Act of 1958.

Since this amendment is clarifying in nature and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations, as amended by Amendment 91-104, is further amended by amending § 91.54, effective January 3, 1973, as follows:

1. By amending the introductory sentence of paragraph (a) and by amending paragraph (e) to read as follows:

§ 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.

(a) Except as provided in paragraph (b) of this section, the parties to a lease or contract of conditional sale involving a United States registered large civil aircraft and entered into after January 2, 1973, shall execute a written lease or contract and include therein a written truth in leasing clause as a concluding paragraph in large print, immediately preceding the space for the signature of the parties, which contains the following with respect to each such aircraft:

• • • • •

(e) For the purpose of this section, a lease means any agreement by a person to furnish an aircraft to another person for compensation or hire, whether with or without flight crewmembers, other than an agreement for the sale of an aircraft and a contract of conditional sale under section 101 of the Federal Aviation Act of 1958. The person furnishing the aircraft is referred to as the lessor and the person to whom it is furnished the lessee.

(Secs. 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 22, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.73-264 Filed 1-4-73;8:45 am]

[Docket No. 12458, Amdt. 845]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtaind by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective February 15, 1973:

Albany, N.Y.—Albany County Airport; VOR Runway 1; Amdt. 11.
Albany, N.Y.—Albany County Airport; VOR Runway 19; Amdt. 11.
Albany, N.Y.—Albany County Airport; VOR/DME-1; Amdt. 2.
Anderson, S.C.—Anderson County Airport; VOR Runway 5; Amdt. 5.
Grand Forks, N. Dak.—Grand Forks International Airport; VOR Runway 17; Amdt. 5.
Grand Forks, N. Dak.—Grand Forks International Airport; VOR Runway 35; Amdt. 5.
Kinston, N.C.—Stallings Field; VOR Runway 22; Amdt. 7.
Kinston, N.C.—Stallings Fields; VOR/DME Runway 4; Amdt. 3.
La Crosse, Wis.—La Crosse Municipal Airport; VOR Runway 13; Amdt. 15.
La Crosse, Wis.—La Crosse Municipal Airport; VOR Runway 36; Amdt. 17.

• • • effective December 22, 1972:

Philadelphia, Pa.—Philadelphia International Airport; VOR/DME Runway 27R; Amdt. 1.

2. Section 97.25 is amnded by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective February 15, 1973:

Albany, N.Y.—Albany County Airport; LOC (BC) Runway 1; Amdt. 3.
Grand Forks, N. Dak.—Grand Forks International Airport; LOC (BC) Runway 17; Amdt. 1.
La Crosse, Wis.—La Crosse Municipal Airport; LOC (BC) Runway 36; Amdt. 1.

• • • effective February 1, 1973:

Tacoma, Wash.—Tacoma Industrial Airport; LOC Runway 17; Amdt. 1; Canceled (Original remains in effect).

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective February 15, 1973:

Albany, N.Y.—Albany County Airport; NDB Runway 19; Amdt. 9.
Charles City, Iowa—Charles City Municipal Airport; NDB Runway 12; Amdt. 3.
La Crosse, Wis.—La Crosse Municipal Airport; NBD Runway 18; Amdt. 1.

• • • effective February 1, 1973:

Tacoma, Wash.—Tacoma Industrial Airport; NDB Runway 17; Amdt. 1; Canceled (Original remains in effect).
Tacoma, Wash.—Tacoma Industrial Airport; NDB Runway 35; Amdt. 2; Canceled (Amendment 1 remains in effect).

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective February 15, 1973:

Albany, N.Y.—Albany County Airport; ILS Runway 19; Amdt. 10.
Grand Forks, N. Dak.—Grand Forks International Airport; ILS Runway 35; Amdt. 1.
La Crosse, Wis.—La Crosse Municipal Airport; ILS Runway 18; Amdt. 1.

• • • effective December 22, 1972:

Philadelphia, Pa.—Philadelphia International Airport; ILS Runway 27R, Amdt. 2.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's effective February 15, 1973:

Albany, N.Y.—Albany County Airport; Radar-1; Amdt. 5.
Alexandria, La.—Alexandria-Pineville Airport; Radar-1; Amdt. 1; Canceled.

• • • effective February 1, 1973:

Tacoma, Wash.—Tacoma Industrial Airport; Radar-1; Amdt. 2; Canceled (Amendment 1 remains in effect).

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's effective February 15, 1973:

Anderson, S.C.—Anderson County Airport; RNAV Runway 23; Original.

• • • effective December 14, 1972:

Hutchinson, Kans.—Hutchinson Municipal Airport; RNAV Runway 31; Amdt. 1; Canceled.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on December 27, 1972.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-265 Filed 1-4-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Use of Mercury in Cosmetics Including Use as Skin-Bleaching Agent in Cosmetic Preparations Also Regarded as Drugs

In the FEDERAL REGISTER of June 30, 1972 (37 FR 12967), the Commissioner of Food and Drugs proposed to eliminate mercury from skin-bleaching preparations and from cosmetics except as a preservative in certain eye-area cosmetics. Interested persons were invited to submit comments on the proposal within 60 days. Comments were received from 13 consumers, one medical school faculty member, the American Medical Association, and five manufacturers.

Supporting the proposal were the following: 11 of the 13 consumers, the American Medical Association, and the medical school faculty member.

The principal comments opposing the proposed statement of policy were as follows:

1. One manufacturer agreed with the principle of limiting mercury compounds in cosmetics to use as preservatives in eye-area cosmetics. However, he pointed out that the phenylmercuric salts generally used contain just under 60 to 65 percent of mercury and that concentrations of 0.01 percent would put them over the 50 p.p.m. limit. He suggested that the limit be changed to 65 p.p.m. This request is granted, because it will provide an increased margin of safety in preventing *Pseudomonas* contamination of cosmetics, without adding a safety hazard.

2. Two manufacturers suggested that the proposed statement of policy be revised to permit the use of 50-to-100 p.p.m. mercury as a preservative in shampoos. Because of the known hazard of mercury and the availability of effective less toxic preservatives, the Commissioner concludes that this use cannot be justified.

3. One manufacturer of an ammoniated mercury bleach cream stated that his firm has never seen a verified case of mercury poisoning or skin irritation resulting from use of its product. He referred to studies conducted by the External Products Research Institute which was formed in 1939 to investigate the toxicity and efficacy of topical ammoniated mercury. He reported that animal work sponsored by that organization showed the products to be safe and effective on lightening the skin. This commentator further pointed out that ammoniated mercury is less toxic than methyl mercury. The Commissioner's response to these comments is that there exists a wealth of published material which verifies that all forms of mercury, including metallic mercury, are sensitizers. There also exists a wealth of published material which shows that mercury is absorbed through the skin. While some of these works do refer to absorption through psoriatic or damaged skin, there is enough experimental work conducted outside the Food and Drug Administration to show that appreciable amounts of mercury are absorbed through the unbroken skin. There is also unequivocal evidence of human injury resulting from long-term use of ammoniated mercury bleaching creams.

4. Another manufacturer of an ammoniated mercury bleach cream criticized the work of Marzulli and Brown, which was cited as support for the proposed statement of policy. The commentator stated that the method used to measure skin penetration is not specified in sufficient detail, the cases of mercury poisoning reported are too few in number, and the symptoms ascribed to mercury poisoning are nonspecific and are also attributable to many other diseases. The Commissioner finds that the criticism of the Marzulli and Brown study is unjustified. It is impossible to give the exact method by which an experiment is carried out in every minute detail. The

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results of the Marzulli and Brown study are in general agreement with observations from other studies. The listing of common symptoms might appear to indicate that mercury poisoning is identical to such diseases as diabetes and pernicious anemia; however, this is not the case. There are differences in the prominence and characteristics of these symptoms which make the differential diagnosis uncomplicated. All of the patients cited in the Marzulli and Brown study were hospitalized on various occasions and all other reasonable diagnoses were ruled out.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), (j), 505, 601(a), 701(a); 52 Stat. 1050, 1051, 1052–1053 as amended, 1054, 1055; 21 U.S.C. 352 (a), (f), (j), 355, 361(a), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 3 and 131 are amended as follows:

1. By revising Subpart A of Part 3 by adding a new statement of policy as follows:

§ 3.92 Use of mercury compounds in cosmetics including use as skin-bleaching agent in cosmetic preparations also regarded as drugs.

(a) Mercury-containing cosmetic preparations have been represented for many years as skin-bleaching agents or as preparations to remove or prevent freckles and/or brown spots (so-called age spots). Preparations intended for such use are regarded as drugs as well as cosmetics. In addition to such use as skin-bleaching agents, mercury compounds have also been widely used as preservatives in cosmetics such as hand and body creams and lotions; hair shampoos, hair sets and rinses, hair straighteners, hair coloring, and other preparations; bath oils, bubble bath, and other bath preparations; makeup; antiperspirants and deodorants; and eye-area cosmetics.

(b) The toxicity of mercury compounds is extensively documented in scientific literature. It is well-known that mercury compounds are readily absorbed through the unbroken skin as well as through the lungs by inhalation and by intestinal absorption after ingestion. Mercury is absorbed from topical application and is accumulated in the body, giving rise to numerous adverse effects. Mercury is a potent allergen and sensitizer, and skin irritation is common after topical application. Cosmetic preparations containing mercury compounds are often applied with regularity and frequency for prolonged periods. Such chronic use of mercury-containing skin-bleaching preparations has resulted in the accumulation of mercury in the body and the occurrence of severe reactions. Recently it has also been determined that microorganisms in the environment can convert various forms of mercury into highly toxic methyl mercury which has been found in the food supply and is now considered to be a serious environmental problem.

(c) The effectiveness of mercury-containing preparations as skin-bleaching agents is questionable. The Food and Drug Administration has not been provided with well-controlled studies to document the effectiveness of these preparations. Although mercurial preservatives are recognized as highly effective, less toxic and satisfactory substitutes are available except in the case of certain eye-area cosmetics.

(d) Because of the known hazards of mercury, its questionable efficacy as a skin-bleaching agent, and the availability of effective and less toxic nonmercurial preservatives, there is no justification for the use of mercury in skin-bleaching preparations or its use as a preservative in cosmetics, with the exception of eye-area cosmetics for which no other effective and safe nonmercurial preservative is available. The continued use of mercurial preservatives in such eye-area cosmetics is warranted because mercury compounds are exceptionally effective in preventing *Pseudomonas* contamination of cosmetics and *Pseudomonas* infection of the eye can cause serious injury, including blindness. Therefore:

(1) The Food and Drug Administration withdraws the opinion expressed in trade correspondence TC–9 (issued May 13, 1939) and concludes that any product containing mercury as a skin-bleaching agent and offered for sale as skin-bleaching, beauty, or facial preparation is misbranded within the meaning of sections 502(a), 502(f) (1) and (2), and 502(j), and may be a new drug without approval in violation of section 505 of the Federal Food, Drug, and Cosmetic Act. Any such preparation shipped within the jurisdiction of the Act after the date of publication in the FEDERAL REGISTER of this order (Jan. 5, 1973) will be the subject of regulatory action.

(2) The Food and Drug Administration withdraws the opinion expressed in trade correspondence TC–412 (issued Feb. 11, 1944) and will regard as adulterated within the meaning of section 601(a) of the Act any cosmetic containing mercury unless the cosmetic meets the conditions of paragraph (d)(1) (i) or (ii) of this section.

(i) It is a cosmetic containing no more than a trace amount of mercury and such trace amount is unavoidable under conditions of good manufacturing practice and is less than 1 part per million (0.0001 percent), calculated as the metal; or

(ii) It is a cosmetic intended for use only in the area of the eye, it contains no more than 65 parts per million (0.0065 percent) of mercury, calculated as the metal, as a preservative, and there is no effective and safe nonmercurial substitute preservative available for use in such cosmetic.

§ 131.15 [Amended]

2. By revising Part 131 in § 131.15 *Drugs for human use; recommended warning and caution statements* by deleting the warning concerning amoniated mercury bleach cream, since the above statement of policy makes this warning obsolete.

Effective date. The provisions of § 3.92(d)(1) and the amendment to § 131.15 above shall become effective on January 5, 1973. The provisions of § 3.92(d)(2) shall become effective on July 5, 1973.

(Secs. 502(a) (f), (j), 505, 601(a), 701(a); 52 Stat. 1050, 1051, 1052–1053 as amended, 1054, 1055; 21 U.S.C. 352(a), (f), (j), 355, 361(a), 371(a))

Dated: December 26, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73–159 Filed 1–4–73;8:45 am]

PART 128—HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

Natural or Unavoidable Defects in Food for Human Use that Present No Health Hazard

A notice of proposed rule making was published in the FEDERAL REGISTER of March 30, 1972 (37 FR 6497), to make publicly available the action levels of natural or unavoidable defects in foods for human use that present no health hazard. The defect levels, used in considering regulatory actions, were made available to the public on the date the notice was published. The notice provided for the filing of comments within 60 days after its publication.

More than 600 comments were received. About 98 percent of the comments were from consumers. The remainder were from consumer organizations, food processors and associations, a food industry consultant, a drug manufacturer and a State agency. Most of the comments referred not to the proposed regulation itself but to the defect action levels that were made public. These comments in general objected to the existence of any level of defects in food or maintained that the levels allow an excessive amount of defects in foods. The premise that defects in food should approach zero as nearly as possible is valid. However, the establishment of a zero defect action level in foods is not practicable in many cases because a zero defect action level cannot be realistically or routinely achieved for the reasons stated in the published proposal.

Few foods contain no natural or unavoidable defects. Even with modern technology, all defects in foods cannot be eliminated. Foreign material cannot be wholly processed out of foods, and many contaminants introduced into foods through the environment can be reduced only by reducing their occurrence in the environment. The food industry must, nevertheless, continually strive to minimize the presence of natural and unavoidable defects in foods, and defect action levels have been and will continue to be reduced as improvements are made. Many of the defect action levels have been in existence for many years and the levels are being reviewed to determine their current validity. The defect action levels do not represent the average levels found in any instance; the average levels are significantly lower than the action levels.

All comments to, and suggested changes of, the proposed regulation have been evaluated. The Commissioner's conclusions are as follows:

1. There were comments that all or some of the defects in foods covered by this regulation present a health hazard. Two comments discussed the close association of mold and mycotoxins in certain foods. One comment suggested that defects indicate the presence of pathogens in foods. The Commissioner is aware of the health hazard of mycotoxins and the toxic metabolites produced by certain types of mold, and regulatory programs have previously been established to monitor and control mycotoxin contamination of food. Pathogens may occur in the absence of other defects. Therefore, the Commissioner does not regard the defect level in food as a reliable indicator of the presence of pathogens. When pathogens are found in food, regulatory action is taken against the food regardless of whether or not it contains defects that present no health hazard.

2. Some commented that public availability of the defect action levels eliminates the incentive to further reduce the levels of defects in foods. It was suggested that only the defect and not the defect action level be made publicly available. The Commissioner believes that public awareness of both the kinds and levels of defects in foods will provide both the food industry and government the incentive to actively increase their efforts to reduce the levels in food.

3. One comment suggested that a statement be included in the order that regulatory action may be taken against imported food at lower defect levels since imported food processors are not subject to factory inspection. Defect action levels represent the maximum levels for natural or unavoidable defects in foods produced under good manufacturing and/or processing practices and are the levels used for recommending regulatory action. The Commissioner concludes that the defect action level for such defects should be the same for a food regardless of whether a food is of domestic or foreign origin.

4. It was suggested that all defect action levels be established on the basis of published scientific and technological studies. The Commissioner finds that sources of information other than published studies are adequate to support defect action levels and the adoption of this suggestion would cause unnecessary expense and delay in the establishment of defect action levels.

5. One suggested change was to add a statement that the level of defects in the finished product is reduced during the manufacturing process and add a list of procedures used to remove defects during the manufacturing process. There is no question that the amounts of defects in a finished food are often reduced by the procedures incorporated in the various manufacturing processes. This reduction is significant where the defect action levels are for unprocessed commodities. However, the many manufacturing procedures used in processing foods that reduce the defects in food are variable in type, complexity, and efficiency. Therefore, these procedures do not permit delineation for purposes of the list that was suggested by this comment. The Commissioner concludes that paragraph (c) of the proposal is adequately explicit concerning the reduction of defects during processing and that a list of quality control procedures used to remove defects during processing is not pertinent to the intent of the regulation.

6. One comment suggested that paragraph (d) be modified to restrict its application to intent. The provisions of paragraph (d) are intended to prohibit the mixing of a food containing defects in excess of the current defect action level with another lot of the food not containing defects in excess of the current defect action level. The Commissioner concludes that the suggested modification would impose restriction on the application of the provisions of this paragraph that would not be in the best interest of consumers. As proposed, paragraph (d) could be interpreted to apply only when two lots of the same type of food are mixed. The paragraph has been edited to reflect its intended application to any mixing of a food containing defects above the action levels listed with the same or other foods whether or not the intended purpose of such mixing is to make a food containing the defects at a lower level.

7. Finally, it has been suggested that all defect levels be published for comment in the FEDERAL REGISTER. The Commissioner concurs in this suggestion. The defect levels were not included in the proposal, and are not contained in the final order, because many are out of date and all should be subject to a thorough review and, where appropriate, revision before they are proposed as formal action levels in the FEDERAL REGISTER. That review and revision is now under way, prompted in large part by making the defect levels a matter of public knowledge, and some reduction of these levels has already been found to be appropriate. When this review and revision is completed to the extent that the Food and Drug Administration can propose these as formal action levels, justified by current technology and methodology, they will be published in the FEDERAL REGISTER for public comment. Current defect action levels will, in the meanwhile, be available through the Office of the Assistant Commissioner for Public Affairs, Food and Drug Administration, Room 15B–42, 5600 Fishers Lane, Rockville, MD 20852. Paragraph (e) has been revised to reflect the fact that these action levels will in the future be included in the regulation.

Based on consideration of the comments received and other relevant information the Commissioner concludes that the proposed regulation should be adopted as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 et seq., 52 Stat. 1040 et seq., as amended; 21 U.S.C. 321 et seq.) and under authority delegated to the Commissioner (21 CFR 2.120), Part 128 is amended by adding the following new section:

§ 128.10 Natural or unavoidable defects in food for human use that present no health hazard.

(a) Some foods, even when produced under current good manufacturing and/or processing practices, contain natural or unavoidable defects at lower levels that are not hazardous to health. The Food and Drug Administration establishes maximum levels for such defects in foods produced under good manufacturing and/or processing practices and uses these levels for recommending regulatory actions.

(b) Defect action levels are established for products whenever it is necessary and feasible. Such levels are subject to change upon the development of new technology or the availability of new information.

(c) Compliance with defect action levels does not excuse failure to observe either the requirement in section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act that food may not be prepared, packed, or held under insanitary conditions or the other requirements in this part that food manufacturers must observe current good manufacturing practices. Evidence obtained through factory inspection indicating such a violation renders the food unlawful, even though the amounts of natural or unavoidable defects are lower than the currently established action levels. The manufacturer of food must at all times utilize quality control procedures which will reduce natural or unavoidable defects to the lowest level currently feasible.

(d) The mixing of a food containing defects above the current defect action level with another lot of food is not permitted and renders the final food unlawful regardless of the defect level of the final food.

(e) Current action levels for natural and unavoidable defects in food for human use that present no health hazard are as follows. (Levels that have been adopted on a temporary basis prior to publication as a regulation may be obtained upon request at the Office of the Assistant Commissioner for Public Affairs, Food and Drug Administration, Room 15B–42, 5600 Fishers Lane, Rockville, MD 20852.)

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Effective date. This order shall be effective January 5, 1973.

Dated: December 22, 1972.

(Secs. 201 et seq., 52 Stat. 1040 et seq., as amended; 21 U.S.C. 321 et seq.)

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-158 Filed 1-4-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Thiabendazole

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (30-103V and 14-350V) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Rahway, N.J. 07065, proposing the use of thiabendazole boluses for the control of the gastrointestinal roundworms *Nematodirus spp.* and *Oesophagostomum radiatum* in cattle. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in the table in § 135c.7(e)(2)(ii) by revising items 1 and 2 in the "Indications for use" column, as follows:

§ 135c.7 Thiabendazole.

* * * * * * *

(e) * * *

(ii) It is also used as follows:

(2) * * *

IN A BOLUS OR IN LIQUID FORM

	Amount	Limitations	Indications for use
1. Thiabendazole	* * *	* * *	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Nema todirus spp., Osteriagia spp.,* and *Oesophagostomum radiatum*).
2. Thiabendazole	* * *	* * *	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Nematodirus spp., Osteriagia spp.,* and *Oesophagostomum radiatum*). Control of infections with *Cooperia spp.*
* * *	* * *	* * *	* * *

Effective date. This order shall become effective January 5, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: December 21, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-45 Filed 1-4-73;8:45 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Director of the Bureau of Narcotics and Dangerous Drugs has received applications pursuant to § 308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 308.24 of Title 21 of the Code of Federal Regulations.

The Director hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substance and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, or (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture contains a narcotic controlled substance, the preparation or mixture is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused, and so that the narcotic substance cannot in practice be removed. The Director further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysis, and suppliers of these products.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and redelegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Part 308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending 308.24(i) by adding the following chemical preparations:

§ 308.24 Exempt chemical preparations.

* * * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
* * *	* * *	* * *	* * *
Abbott Laboratories	T-7 I-125 diagnostic kit No. 7734	Vial: 11 ml	Nov. 15, 1972
Do	Quantisorb T-4 diagnostic kit No. 6719.	Vial: 11 ml	Do.
* * *	* * *	* * *	* * *
Applied Sciences Laboratories, Inc.	Mixture 1—Opiates	Vial: 1 ml	Oct. 4, 1972
Do	Mixture 2—Stimulants	do	Do.
Do	Mixture 3—Depressants	do	Do.
Do	Mixture 4—Barbiturates	do	Do.
Do	Mixture 5—Kit of representatives	do	Do.
* * *	* * *	* * *	* * *
Burroughs Wellcome Co	Lanoxitest beta digoxin radioimmunoassay kit with tritiated digoxin #KT07.	Bottle: 125 ml	Nov. 16, 1972
* * *	* * *	* * *	* * *
Collaborative Research, Inc	Kit to include: (a) LS antiserum #Z-20. (b) I-125-LSD-Polymer #Z-11. (c) LSD standard.	Bottle: 1 and 2 dram	Nov. 14, 1972
* * *	* * *	* * *	* * *
E. R. Squibb & Sons, Inc	Barbital buffer for use with gastrin immunotope kit, #0510.	Vial: 20 cc	Nov. 21, 1972
* * *	* * *	* * *	* * *
Fisher Scientific Co	Electrophoretic buffer No. 1, pH 8.60, ionic strength 0.05, catalog No. E-1.	Packet: 12.14 grams	Oct. 27, 1972
Do	Electrophoretic buffer No. 2, pH 8.60, ionic strength 0.075, catalog No. E-2.	Packet: 18.16 grams	Do.
* * *	* * *	* * *	* * *
Hoffman-La Roche Inc	Abusereen radio-immunoassay for morphine (125I), No. 43021.	Vial: 30 ml	Sept. 27, 1972
Do	Abusereen radio-immunoassay for morphine (I11), No. 43016.	Vial: 60 ml	Do.
* * *	* * *	* * *	* * *
Hyland Division, Travenol Laboratories.	Toxicology serum control, dried, No. 0541.	Vial: 10 ml	Oct. 26, 1972
Do	Toxicology urine control, dried, No. 0542.	do	Do.
* * *	* * *	* * *	* * *
Schwarz/Mann Division, Becton Dickson and Co.	DL-amphetamine sulfate C14 sterile aqueous solution.	Flask: 0.05 mc, 0.1 mc, 0.5 mc, 1.0 mc.	Sept. 14, 1972
Do	D-amphetamine sulfate C14 sterile aqueous solution.	Flask: 0.05 mc, 0.1 mc, 0.5 mc, 1.0 mc.	Do.
Do	L-amphetamine sulfate C14 sterile aqueous solution.	Flask: 0.05 mc, 0.1 mc, 0.5 mc, 1.0 mc.	Do.
Do	Secobarbital 6 C14	Vial: 0.05 mc, 0.1 mc, 0.5 mc, 1.0 mc.	Do.
Do	Secobarbital 2 C14	Vial: 0.05 mc, 0.1 mc, 0.5 mc, 1.0 mc.	Do.
* * *	* * *	* * *	* * *

b. By amending § 308.24(i) by deleting the following chemical preparation:

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
* * *	* * *	* * *	* * *
Hoffman-La Roche Inc	Radioimmunoassay for detection of morphinans.	Tubes: 4 ml, and vials: 5 ml.	Mar. 29, 1972.
* * *	* * *	* * *	* * *

Effective date. This order is effective January 5, 1973.

Dated: December 22, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-95 Filed 1-4-73;8:45 am]

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

A notice was published in the FEDERAL REGISTER of November 4, 1972 (37 FR 23551) proposing that several chemical preparations containing controlled substances be granted the exemptions provided for in § 308.24 of Title 21 of the Code of Federal Regulations. All interested persons were invited to submit objections or comments on the proposal by November 30, 1972. No objections or comments have been received. However, one entry was erroneous and the supplier has notified the Bureau; this entry has been corrected.

The Director hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substance and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, or (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture contains a narcotic controlled substance, the preparation or mixture is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused or to have ill effects, if abused, and so that the narcotic substance cannot in practice be removed. The Director further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and redelegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Part 308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 308.24(i) by adding the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Abbott Laboratories	AUS-tect CEP Barbital Acetate Buffer, No. 9025-02.	Plastic bag 2½" x 3¼"	8-21-72
Do	CEP Agarose Plates, No. 9023-01	Foil pouch: 4½" x 4" and 6¼"x5¼".	8-21-72
Do	CEP Agarose Plates (For Research Studies Only), No. 9023-03 and 9023-04.	Foil pouch: 4½" x 4" and 6½"x5¼".	8-21-72
Do	DiLU-tainer CEP Barbital Acetate Buffer, No. 9025-03.	Plastic bag: 6" x 13"	8-21-72
Do	Tetrasorb-125 T-4 Diagnostic Kit, No. 7775.	Vial: 11 ml	8-21-72
Do	Irosorb-59 Diagnostic Kit, No. 6764.	Vial: 10 ml	8-21-72
* * *	* * *	* * *	* * *
American Hospital Supply Corp. (Harleco Division).	Barbital-Sodium Buffer Salt, No. 11731.	Bottle: 250 ml	6- 6-72
Do	Barbital-Acid Buffer Salt, No. 1173	Bottle: 250 ml	6- 6-72
* * *	* * *	* * *	* * *
Amersham/Searle	Amobarbital-2-C14, No. CFA-401	Ampule: 110 mm. x 13 mm. or Vial: 38.40 mm. x 11 mm.	9-19-72
Do	Pentothal—S35 Sodium Salt, No. SJ-77.	Ampule: 110 mm. x 13 mm. or Vial: 38.40 mm. x 11 mm.	9-19-72
* * *	* * *	* * *	* * *
Becton, Dickinson and Co. (Spectra Biologicals Division).	HepaScreen CEP Barbital Buffer, No. K-751.	Envelope: 3.5" x 5.5"	8-11-72
Do	HepaScreen CEP Plates, Nos. K-742 and K-743.	Plate: 3.5" x 3.5"	8-11-72
* * *	* * *	* * *	* * *
Gelman Instrument Co	Seprachrom Drug System, No. 51920.	Chambers: 6 cm. x 9 cm	9- 6-72
* * *	* * *	* * *	* * *
General Diagnostics	fas T³, No. 30903	Vial: 10.5 cm. x 1.2 cm	8-25-72
* * *	* * *	* * *	* * *
Hylands Division, Travenol Laboratories, Inc.	Partial Thromboplastin, Dried, No. 3491.	Vial: 1 ml. and 5 ml	8-31-71
Do	Agar Gel Plates, No. 8794	Plate: 25 ml	8-1-72
Do	Buffer, No. 8793	Vial: 250 ml	8-1-72
* * *	* * *	* * *	* * *
MCI Biomedical	IEP Buffer; pH 8.2, 0.04 Ionic Strength.	Package: 6.510 grams	8-28-72
* * *	* * *	* * *	* * *
MEAD Diagnostics	T-3 Test fas T³, No. L6902	Vial: ½" x 1 1/16"	5-31-72
Do	T-4 Test fas T⁴, No. L6905	Vial: ½" x 1 1/16"	5-31-72
* * *	* * *	* * *	* * *
Schering Corp	Hepaquik	Vial: 9 dram and plate	7-16-72
SYVA Co	Frat Benzoyl Ecgonine Calibrator	Vial: 1 ml	9-13-72
Do	Frat Methadone Calibrator	do	Do.
Do	Frat Oplate Calibrator	do	Do.
Do	Frat Amphetamine Calibrator	do	Do.
Do	Frat Barbiturate Calibrator	do	Do.
* * *	* * *	* * *	* * *
TLC Corp	Chromat/o/Screen Kit for Amphetamines, No. JJ-175.	Vial: 1.9 cm.X1.6 cm	7- 6-72
Do	Chromat/o/Screen Kit for Alkaloids, No. JJ-176.	Vial: 1.9 cm.X1.6 cm	Do.
Do	Chromat/o/Screen Kit for Barbiturates, No. JJ-177.	Vial: 1.9 cm.X1.6 cm	Do.
* * *	* * *	* * *	* * *

b. By amending § 308.24(1) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
American Hospital Supply Corp. (Scientific Products Division).	Scientific Products Buffer Salt Mixture B-2, No. 93-53.	Vial: 18.18 grams per 10 dram vial.	9-15-71
American Hospital Supply Corp. (Harleco Division).	do	do	Do.
American Hospital Supply Corp. (Dade Division).	Adsorbed Plasma Reagent, Nos. B4233 1 and B4233-2.	Bottle: 1 ml	8-16-71
• • •	• • •	• • •	• • •
Syva Co	Lyophilized Urine Base, Morphine Standard Set.	Vial: 2 ml	2-24-72
Do	Lyophilized Urine Base, Amphetamine Standard Set.	do	Do.
Do	Lyophilized Urine Base, Secobarbital Set.	do	Do.
Do	Lyophilized Urine Base, Methadone Standard Set.	do	Do.

c. By amending § 308.24(1) by revising the listing of two chemical preparations to read as follows:

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
American Hospital Supply Corp. (Harleco Division).	Buffer Barbital, pH 8.6, No. 99801	Vial: 1.51 grams per 15 mm. x 45 mm. vial	9-15-71
• • •	• • •	• • •	• • •
Hyland Division, Travenol Laboratories, Inc.	Agar Gel Plates No. 3016	Package: 10 plates-25 ml. per plate.	8-31-71
• • •	• • •	• • •	• • •

Effective date: January 5, 1972.

Dated: December 22, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-4 Filed 1-4-73;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 274—REGULATIONS GOVERNING COMPETITIVE BIDDING ON U.S. GOVERNMENT GUARANTEED MILITARY EXPORT LOAN AGREEMENTS

The Secretary of Defense approved the following on November 28, 1972:

Sec.
274.1 Purpose.
274.2 Definitions.
274.3 Public notice.
274.4 U.S. guaranty.
274.5 Notice of intent to bid.
274.6 Submission of bids.
274.7 Acceptance of bids.
274.8 Bids - revocations - rejections - postponements.
275.9 Delegation of authority to the Secretary of the Treasury.
274.10 Reservations.

AUTHORITY: The provisions of this Part 274 are published under authority of section 24 of the Foreign Military Sales Act (22 U.S.C. 2764) and Executive Order 11501 (34 FR 20169).

§ 274.1 Purpose.

The purpose of this memorandum is to prescribe regulations under which the Secretary of Defense or his designee may, from time to time, by public notice, offer financial institutions the opportunity to bid on the interest rates for the subject agreements. The bids made will be subject to the terms, conditions, and procedures herein set forth, except as they may be supplemented in the public notice or notices issued by the Secretary of Defense or his designee in connection with particular offerings.

§ 274.2 Definitions.

(a) The terms "public notice," "notices," or "announcement" mean the public notice of invitation to bid and any supplementary or amendatory notices or announcements with respect thereto, including, but not limited to, any statement released to the press by the Secretary of Defense or his designee and notices sent to those who have filed notices of intent to bid or who have filed bids.

(b) The term "Loan Agreement" means the proposed agreement between the foreign government and the private U.S. lender as described in the particular notice of Invitation to Bid.

§ 274.3 Public notice.

(a) Bids hereunder will be invited through a public notice issued by the Secretary of Defense or his designee which will prescribe the amount of the loan for which bids are invited, the repayment schedule, the conditions under which bidders may specify the rate of interest, and the date and closing hour for receipt of bids.

(b) Accompanying the notice will be the form of the Loan Agreement which the successful bidder must execute with the borrower, except for those terms which will be subject to bidding.

§ 274.4 U.S. guaranty.

Under section 24 of the Foreign Military Sales Act (22 U.S.C. 2764), any individual, corporation, partnership, or other juridical entity (excluding U.S. Government agencies) will be guaranteed against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to friendly countries and international organizations. Section 24 explicitly provides that guarantees thereunder are backed by the full faith and credit of the United States. Fees in the amount of one-fourth of 1 percent of the amount of credits agreed upon shall be charged for such guaranties.

§ 274.5 Notice of intent to bid.

Any individual or organization, syndicates, or other group which intends to submit a bid, must, when required by the notice, give written notice of such intent on the appropriate form at the place and within the time specified in the public notice. Such notice, which shall be given to the Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045, will not constitute a commitment to bid.

§ 274.6 Submission of bids.

(a) *General.* Bids will be received only at the place specified and not later than the time designated in the public notice. Bids shall be irrevocable.

(b) *Interest rates.* Bids must be expressed in terms of rates of interest not to exceed three decimals, for example, 5.125 percent.

(c) *Group bids.* A syndicate or other group submitting a bid must act through a representative who must be a member of the group. The representative must warrant to the Secretary of Defense or his designee, that he has all necessary power and authority to act for each member and to bind the members jointly and severally. In addition to whatever other data may be required by the Secretary of Defense or his designee, in the case of a syndicate, the representative must file, within 1 hour after the time for opening bids, at the place specified in the public notice for receipt of bids a final statement of the composition of the syndicate membership and the amount of each member's underwriting participation.

§ 274.7 Acceptance of bids.

(a) *Opening bids.* Bids will be opened at the time and place specified in the public notice.

(b) *Acceptance of successful bid.* The Secretary of Defense or his designee will notify any successful bidder of acceptance in the manner and form specified in the public notice.

§ 274.8 Bids-revocations-rejections-postponements.

The Secretary of Defense or his designee in his discretion, may (a) revoke the public notice of invitation to bid at any time before opening bids, (b) return all bids unopened either at or prior to the time specified for their opening, (c) reject any or all bids, (d) postpone the time for presentation and opening of bids, and (e) waive any immaterial or obvious defect in any bid. Any action the Secretary of Defense or his designee may take in these respects shall be final. In the event of a postponement, known bidders will be advised thereof and their bids returned unopened.

§ 274.9 Delegation of authority to the Secretary of the Treasury.

There is hereby delegated to the Secretary or Acting Secretary of the Treasury the authority, in the name of and title of the Secretary of the Treasury, to invite bids under this memorandum, to issue, modify and revoke public notices, notices, and announcements concerning such bids, to prescribe additional terms and conditions with respect thereto, consistent with this memorandum, to receive, return, open, reject, and accept bids, and to take such other actions as may be necessary and proper to execute this delegation of authority to implement this memorandum, excluding, however, the issuance of guaranties under § 274.4.

§ 274.10 Reservations.

The Secretary of Defense reserves the right, at any time, or from time to time, to amend, repeal, supplement, revise or withdraw all or any of the provisions of this memorandum.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73-216 Filed 1-4-73;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Connecticut	Hartford	East Hartford, Town of.				Dec. 29, 1972. Emergency.
Illinois	Du Page	Lombard, Village of.				Do.
Iowa	Delaware and Dubuque.	Dyersville, City of.				Do.
Massachusetts	Barnstable	Sandwich, Town of.				Do.
Do	Plymouth	Hull, Town of				Do.
Do	Suffolk	Revere, City of				Do.
Michigan	Monroe	Monroe, City of				Do.
Missouri	Barry	Cassville, City of				Do.
New Jersey	Bergen	Englewood, City of.				Do.
New York	Tioga	Owego, Town of				Do.
Ohio	Lake	Mentor, City of				Do.
Oregon	Tillamook	Unincorporated areas.				Do.
Pennsylvania	Berks	Birdsboro, Borough of.				Do.
Do	do	Kenhorst, Borough of.				Do.
Do	do	Robeson, Township of.				Do.
Do	Lebanon	Jonestown, Borough of.				Do.
Wisconsin	Milwaukee	Franklin, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969); and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971 (36 FR 16701, Aug. 25, 1971))

Issued: December 26, 1972.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-64 Filed 1-4-73;8:45 am]

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Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGD 72-234R]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Subpart 3.15—Third Coast Guard District

CAPTAINS OF THE PORT AREAS

This amendment establishes a new Captain of the Port Area at New Haven, Conn., and revises the boundaries of Captains of the Port New York, N.Y. and New London, Conn. The reason for the establishment of the new Captain of the Port New Haven, Conn. and the revision of the Captain of the Port New York, N.Y. and New London, Conn. areas is to provide full coverage of the major industrial ports within the Third Coast Guard District for matters related to port safety and environmental protection.

Since this is a matter relating to agency organization, it is exempted from notice of proposed rule making and public notice and procedure thereon by 5 U.S.C. 553.

Accordingly, Part 3 is amended to read as follows:

3.15-55 New London Captain of the Port.

(a) The New London Captain of the Port Office is located in New London, Conn.

(b) The New London Captain of the Port comprises all navigable waters of the United States and contiguous land areas with the following boundaries: West of a line from Watch Hill Light Station, R.I., due south to 41-09-48N and 71-51-30W; thence due west to Orient Point Light; thence westward along the northern shoreline of Long Island, N.Y. to 72-38-00W; thence north to the southern shoreline of Connecticut; westward along the shoreline to 72-40-00W; thence due north to the Connecticut-Massachusetts boundary; thence eastward along this boundary to the Rhode Island boundary; thence southward along the Rhode Island boundary to Watch Hill Light Station.

§ 3.15-57 New Haven Captain of the Port.

(a) The New Haven Captain of the Port is located in New Haven, Conn.

(b) The New Haven Captain of the Port area comprises all the navigable waters of the United States and contiguous land areas within the following boundaries: From the Connecticut-Massachusetts boundary at 72-40-00W south to the Connecticut shoreline; thence east along the shoreline to 72-38-00W; thence due south to the Long Island-New York shoreline; thence west along the Long Island shoreline to 73-00-00W; thence due south to 40-49-30N; thence west by south to 40-41-20N and 73-39-00W; thence due north to 40-59-00N; thence west to 73-40-00W; thence north to the Connecticut-New York boundary at 41-01-30N; thence northerly along the western boundary of Connecticut to the Massachusetts boundary; thence eastward along this boundary to 72-40-00W.

§ 3.15-60 New York Captain of the Port.

(a) The New York Captain of the Port is located in New York, N.Y.

(b) The New York Captain of the Port area comprises all the navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Navesink South Tower through Ambrose Light Tower to 40-35-00N and 73-39-00W; thence due north to 40-59-00N; thence west to 74-10-00W; thence southwesterly to 40-30-00N and 74-30-00W; thence due south to 40-23-48N; thence east to Navesink South Tower.

(80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

Effective date. This amendment becomes effective on January 5, 1973.

Dated: December 27, 1972.

C. R. BENDER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.73-183 Filed 1-4-73;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7248]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Termination of Private Foundation Status

On November 11, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 507(b)(1) of the Internal Revenue Code of 1954, as added by section 101(a) of the Tax Reform Act of 1969 (83 Stat. 492) was published in the FEDERAL REGISTER (35 FR 17336). After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed is hereby adopted, subject to the changes set forth below.

Temporary Treasury Regulation § 13.-12, added by T.D. 7063 (35 FR 15913), as modified by T.D. 7085 (36 FR 7005) and T.D. 7108 (36 FR 7005), is hereby superseded.

Section 1.507-2 as set forth in the notice of proposed rule making dated November 11, 1970, is amended to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 29, 1972.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

Temporary Treasury Regulation § 13.12, added by T.D. 7063 (35 FR 15913), as modified by T.D. 7085 (36 FR 7005) and T.D. 7108 (36 FR 7005), is hereby superseded.

The following regulations relating to the termination of private foundation status by transfer to, or operation as, a public charity are prescribed under section 507 of the Internal Revenue Code of 1954, as added by section 101(a) of the Tax Reform Act of 1969 (83 Stat. 492).

PARAGRAPH 1. Immediately after § 1.504-1, insert the following sections:

EXEMPT ORGANIZATIONS

PRIVATE FOUNDATIONS

§ 1.507 Statutory provisions; termination of private foundation status; general rule.

SEC. 507. *Termination of private foundation status.*—(a) *General rule.* Except as provided in subsection (b), the status of any organization as a private foundation shall be terminated only if—

(1) Such organization notifies the Secretary or his delegate (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) of its intent to accomplish such termination, or

(2) (A) With respect to such organization, there have been either willful repeated acts (or failures to act), or a willful and flagrant act (or failure to act), giving rise to liability for tax under chapter 42, and

(B) The Secretary or his delegate notifies such organization that, by reason of subparagraph (A), such organization is liable for the tax imposed by subsection (c),

and either such organization pays the tax imposed by subsection (c) (or any portion not abated under subsection (g)) or the entire amount of such tax is abated under subsection (g).

(b) *Special rules*—

(1) *Transfer to, or operation as, public charity.* The status as a private foundation of any organization, with respect to which there have not been either willful repeated acts (or failures to act) or a willful and flagrant act (or failure to act) giving rise to liability for tax under chapter 42, shall be terminated if—

(A) Such organization distributes all of its net assets to one or more organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii)) each of which has been in existence and so described for a continuous period of at least 60 calendar months immediately preceding such distribution, or

(B) (i) Such organization meets the requirements of paragraph (1), (2), or (3) of section 509(a) by the end of the 12-month period beginning with its first taxable year which begins after December 31, 1969, or for a continuous period of 60 calendar months beginning with the first day of any taxable year which begins after December 31, 1969,

(ii) Such organization notifies the Secretary or his delegate (in such manner as the Secretary or his delegate may by regulations prescribe) before the commencement of such 12-month or 60-month period (or before the 90th day after the day on which regulations first prescribed under this subsection become final) that it is terminating its private foundation status, and

(iii) Such organization establishes to the satisfaction of the Secretary or his delegate (in such manner as the Secretary or his delegate may by regulations prescribe) immediately after the expiration of such 12-month or 60-month period that such organization has complied with clause (i).

If an organization gives notice under subparagraph (B)(ii) of the commencement of a 60-month period and such organization fails to meet the requirements of paragraph (1), (2), or (3) of section 509(a) for the entire 60-month period, this part and chapter 42 shall not apply to such organization for any taxable year within such 60-month period for which it does meet such requirements.

(2) *Transferee foundations.* For purposes of this part, in the case of a transfer of assets of any private foundation to another private foundation pursuant to any liquidation, merger, redemption, recapitalization, or other adjustment, organization, or reorganization, the transferee foundation shall not be treated as a newly created organization.

(c) *Imposition of tax.* There is hereby imposed on each organization which is referred to in subsection (a) a tax equal to the lower of—

(1) The amount which the private foundation substantiates by adequate records or other corroborating evidence as the aggregate tax benefit resulting from the section 501(c)(3) status of such foundation, or

(2) The value of the net assets of such foundation.

(d) *Aggregate tax benefit*—

(1) *In general.* For purposes of subsection (c), the aggregate tax benefit resulting from the section 501(c)(3) status of any private foundation is the sum of—

(A) The aggregate increases in tax under chapters 1, 11, and 12 (or the corresponding provisions of prior law) which would have been imposed with respect to all substantial contributors to the foundation if deductions for all contributions made by such contributors to the foundation after February 28, 1913, had been disallowed, and

(B) The aggregate increases in tax under chapter 1 (or the corresponding provisions of prior law) which would have been imposed with respect to the income of the private foundation for taxable years beginning after December 31, 1912, if (i) it had not been exempt from tax under section 501(a) (or the corresponding provisions of prior law), and (ii) in the case of a trust, deductions under section 642(c) (or the corresponding provisions of prior law) had been limited to 20 percent of the taxable income of the trust (computed without the benefit of section 642(c) but with the benefit of section 170(b)(1)(A)), and

(C) Interest on the increases in tax determined under subparagraphs (A) and (B) from the first date on which each such increase would have been due and payable to the date on which the organization ceases to be a private foundation.

(2) *Substantial contributor.*

(A) *Definition.* For purposes of paragraph (1), the term "substantial contributor" means any person who contributed or bequeathed an aggregate amount of more than $5,000 to the private foundation, if such amount is more than 2 percent of the total contributions and bequests received by the foundation before the close of the taxable year of the foundation in which the contribution or bequest is received by the foundation from such person. In the case of a trust, the term "substantial contributor" also means the creator of the trust.

(B) *Special rules.* For purposes of subparagraph (A)—

(i) Each contribution or bequest shall be valued at fair market value on the date it was received,

(ii) In the case of a foundation which is in existence on October 9, 1969, all contributions and bequests received on or before such date shall be treated (except for purposes of clause (i)) as if received on such date,

(iii) An individual shall be treated as making all contributions and bequests made by his spouse, and

(iv) Any person who is a substantial contributor on any date shall remain a substantial contributor for all subsequent periods.

(3) *Regulations.* For purposes of this section, the determination as to whether and to what extent there would have been any increase in tax shall be made in accordance with regulations prescribed by the Secretary or his delegate.

(e) *Value of assets.* For purposes of subsection (c), the value of the net assets shall be determined at whichever time such value is higher: (1) the first day on which action is taken by the organization which culminates in its ceasing to be a private foundation, or (2) the date on which it ceases to be a private foundation.

(f) *Liability in case of transfers of assets from private foundation.* For purposes of determining liability for the tax imposed by subsection (c) in the case of assets transferred by the private foundation, such tax shall be deemed to have been imposed on the first day on which action is taken by the organization which culminates in its ceasing to be a private foundation.

(g) *Abatement of taxes.* The Secretary or his delegate may abate the unpaid portion of the assessment of any tax imposed by subsection (c), or any liability in respect thereof, if—

(1) The private foundation distributes all of its net assets to one or more organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii)) each of which has been in existence and so described for a continuous period of at least 60 calendar months, or

(2) Following the notification prescribed in section 6104(c) to the appropriate State officer, such State officer within 1 year notifies the Secretary or his delegate, in such manner as the Secretary or his delegate may by regulations prescribe, that corrective action has been initiated pursuant to State law to insure that the assets of such private foundation are preserved for such charitable or other purposes specified in section 501(c)(3) as may be ordered or approved by a court of competent jurisdiction, and upon completion of the corrective action, the Secretary or his delegate receives certification from the appropriate State officer that such action has resulted in such preservation of assets.

[Sec. 507, as added by sec. 101(a), Tax Reform Act 1969 (83 Stat. 492)]

PAR. 2. There is inserted immediately after § 1.507-1 the following section:

§ 1.507-2 Special rules; transfer to, or operation as, public charity.

(a) *Transfer to public charities*—(1) *General rule.* Under section 507(b)(1)(A) a private foundation, with respect to which there have not been either willful repeated acts (or failures to act) or a willful and flagrant act (or failure to act) giving rise to liability for tax under chapter 42, may terminate its private foundation status by distributing all of its net assets to one or more organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii)) each of which has been in existence and so described for a continuous period of at least 60 calendar months immediately preceding such distribution. Since section 507(a) does not apply to such a termination, a private foundation which makes such a termination is not required to give the notification described in section 507(a)(1). A private foundation which terminates its private foundation status under section 507(b)(1)(A) does not incur tax under section 507(c) and, therefore, no abatement of such tax under section 507(g) is required.

(2) *Effect of current ruling*—(i) *Distributions before final regulations.* With respect to distributions made before (insert day after the date these regulations are filed by the Office of the Federal Register), an organization to which a distribution of net assets is made will qualify as an organization "described in section 170(b)(1)(A) (other than clauses (vii) and (viii))" for purposes of meeting the requirements of section 507(b)(1)(A) without a further showing if such distributee organization:

(A) Has been in existence for a continuous period of at least 60 calendar months preceding the distribution described in subparagraph (1) of this paragraph;

(B) Has received a ruling or determination letter that it is an organization described in clause (i), (ii), (iii), (iv), (v), or (vi) of section 170(b)(1)(A);

(C) The facts and circumstances forming the basis for the issuance of the ruling have not substantially changed during the 60-month period referred to in (A) of this subdivision; and

(D) The ruling or determination letter referred to in (B) of this subdivision has not been revoked expressly or by a subsequent change of the law or regulations under which the ruling was issued.

(ii) *Distributions after final regulations.* With respect to distributions made after December 29, 1972, a private foundation seeking to terminate its private foundation status pursuant to section 507(b)(1)(A) may rely on a ruling or determination letter issued to a potential distributee organization that such distributee organization is an organization described in clause (i), (ii), (iii), (iv), (v), or (vi) of section 170(b)(1)(A) in accordance with the provisions of § 1.509(a)-7.

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(3) *Organizations described in more than one clause of section 170(b)(1)(A).* For purposes of this paragraph and section 507(b)(1)(A), the parenthetical term "other than in clauses (vii) and (viii)" shall refer only to an organization which is described only in section 170(b)(1)(A) (vii) or (viii). Thus, an organization described in clause (i), (ii), (iii), (iv), (v), or (vi) of section 170(b)(1)(A) will not be precluded from being a distributee described in section 507(b)(1)(A) merely because it also appears to meet the description of an organization described in section 170(b)(1)(A) (vii) or (viii).

(4) *Applicability of chapter 42 to foundations terminating under section 507(b)(1)(A).* Except as provided in subparagraph (5) of this paragraph, an organization which terminates its private foundation status pursuant to section 507(b)(1)(A) will remain subject to the provisions of chapter 42 until the distribution of all of its net assets to distributee organizations described in section 507(b)(1)(A) has been completed.

(5) *Special transitional rule.* (i) Section 4940(a) imposes a tax upon private foundations with respect to the carrying on of activities for each taxable year. For purposes of section 4940, an organization which terminates its private foundation status under section 507(b)(1)(A) by the end of the period described in subdivision (ii) of this subparagraph will not be considered as carrying on activities within the meaning of section 4940 during such period. Such organization will therefore not be subject to the tax imposed under section 4940(a) for such period.

(ii) The period referred to in subdivision (i) of this subparagraph is the 12-month period beginning with the first day of the organization's first taxable year which begins after December 31, 1969, but such period shall not be treated as ending before February 20, 1973. In the case of a private foundation distributing assets pursuant to section 507(b)(1)(A) to a medical research organization or a community trust (or in the case of a private foundation seeking to terminate into such an organization or trust pursuant to section 507(b)(1)(B)), the period described in this subdivision shall not be treated as ending before the 45th day after the day on which regulations respectively designated as § 1.170A–9(b)(2) and (e)(10) et seq. become final.

(iii) If the period described in subdivision (ii) of this subparagraph has not expired prior to the due date for the organization's annual return required to be filed by section 6033 or 6012 (determined with regard to any extension of time for filing the return) for its first taxable year which begins after December 31, 1969 (or for any other taxable year ending before the expiration of the period referred to in subdivision (ii) of this subparagraph), and if the organization has not terminated its private foundation status under section 507(b)(1)(A) by such date, then notwithstanding the provisions of subdivision (ii) of this subparagraph, the organization must take either of the following courses of action:

(A) Complete and file its annual return, including the line entitled "Tax on investment income from Part III," by such date, and pay the tax on investment income imposed under section 4940 at the time it files its annual return. If such organization subsequently terminates its private foundation status under section 507(b)(1)(A) within the period specified in subdivision (ii) of this subparagraph, it may file a claim for refund of the tax paid under section 4940; or

(B) Complete and file its annual return, except for the line entitled "Tax on investment income from Part III", by such date, and, in lieu of paying the tax on investment income imposed under section 4940, file a statement with its annual return which establishes that the organization has taken affirmative action by such date to terminate its private foundation status under section 507(b)(1)(A). Such statement must indicate the type of affirmative action taken and explain how such action will result in the termination of its private foundation status under section 507(b)(1)(A). Such affirmative action may include making application to the appropriate State court for approval of the distribution of all net assets pursuant to section 507(b)(1)(A) in the case of a charitable trust, or the passage of a resolution by the organization's governing body directing the distribution of all net assets pursuant to section 507(b)(1)(A) in the case of a not-for-profit corporation. A written commitment or letter of agreement by the trustee or governing body to one or more section 509(a)(1) distributees indicating an intent to distribute all of the organization's net assets to such distributees will also constitute appropriate affirmative action for purposes of this subdivision. An organization may take such affirmative action and may terminate its private foundation status under section 507(b)(1)(A) in reliance upon 26 CFR 13.12 (rev. as of Jan. 1, 1972) and upon the provisions of the notices of proposed rule making under sections 170(b)(1)(A), 507(b)(1), and 509. Thus, if a distributee organization meets the requirements of the provisions of the notices of proposed rule making under sections 170(b)(1)(A), 507, or 509 as a distributee under section 507(b)(1)(A), the distributor organization may terminate its private foundation status under section 507(b)(1)(A) in reliance upon such provisions prior to the expiration of the period described in subdivision (ii) of this subparagraph. If such organization, however, fails to terminate its private foundation status under section 507(b)(1)(A) within the period specified in subdivision (ii) of this subparagraph by failing to meet the requirements of either the notices of proposed rule making under section 170(b)(1)(A), 507(b)(1), or 509 or the final regulations published under these Code sections, the tax imposed under section 4940 shall be treated as if due from the due date for its annual return (determined without regard to any extension of time for filing its return).

The provisions of this subdivision are applicable only to an organization terminating its private foundation status under section 507(b)(1)(A) and may not be relied upon by any other organization with respect to its own classification under section 509(a)(1) (except as to its liability as a transferee for the tax imposed by section 4940).

(6) *Return required from organizations terminating private foundation status under section 507(b)(1)(A).* (i) An organization which terminates its private foundation status under section 507(b)(1)(A) is required to file a return under the provisions of section 6043(b), rather than under the provisions of section 6050.

(ii) An organization which terminates its private foundation status under section 507(b)(1)(A) is not required to comply with section 6104(d) for the taxable year in which such termination occurs. For purposes of this subdivision, the term "taxable year" shall include the period described in subparagraph (5)(ii) of this paragraph.

(7) *Distribution of net assets.* A private foundation will meet the requirement that it "distribute all of its net assets" within the meaning of section 507(b)(1)(A) only if it transfers all of its right, title, and interest in and to all of its net assets to one or more organizations referred to in section 507(b)(1)(A).

(8) *Effect of restrictions and conditions upon distributions of net assets.* [Reserved]

(b) *Operation as a public charity—*(1) *In general.* Under section 507(b)(1)(B) an organization can terminate its private foundation status if the organization:

(i) Meets the requirements of section 509(a)(1), (2), or (3) by the end of the 12-month period (as extended by paragraph (c)(3)(i) of this section) beginning with its first taxable year which begins after December 31, 1969, or for a continuous period of 60 calendar months beginning with the first day of any taxable year which begins after December 31, 1969;

(ii) In compliance with section 507(b)(1)(B)(ii) and subparagraph (4) of this paragraph, properly notifies the district director before the commencement of such 12-month or 60-month period or before March 29, 1973 that it is terminating its private foundation status; and

(iii) Properly establishes immediately after the expiration of such 12-month or 60-month period that such organization has complied with the requirements of section 509(a)(1), (2), or (3) by the end of the 12-month period or during the 60-month period, as the case may be, in the manner described in subparagraph (4) of this paragraph.

(2) *Relationship of section 507(b)(1)(B) to section 507(a), (c), and (g).* Since section 507(a) does not apply to a termination described in section 507(b)(1)(B), a private foundation's notification that it is commencing a termination pursuant to section 507(b)(1)(B) will not be treated as a notification described in section 507(a) even if the private foundation does not successfully terminate its private foundation status pursuant to section 507(b)(1)(B). A private foundation which terminates its private foundation status under section 507(b)(1)(B) does not incur tax under section 507(c) and, therefore, no abatement of such tax under section 507(g) is required.

(3) *Notification of termination.* In order to comply with the requirements under section 507(b)(1)(B)(ii), an organization shall before the commencement of the 12-month or 60-month period under section 507(b)(1)(B)(i) (or before March 29, 1973) notify the district director of its intention to terminate its private foundation status. Such notification shall contain the following information:

(i) The name and address of the private foundation;

(ii) Its intention to terminate its private foundation status;

(iii) Whether the 12-month or 60-month period shall apply;

(iv) The Code section under which it seeks classification (section 509(a)(1), (2), or (3));

(v) If section 509(a)(1) is applicable, the clause of section 170(b)(1)(A) involved;

(vi) The date its regular taxable year begins; and

(vii) The date of commencement of the 12-month or 60-month period.

(4) *Establishment of termination.* In order to comply with the requirements under section 507(b)(1)(B)(iii), an organization shall within 90 days after the expiration of the 12-month or 60-month period, file such information with the district director as is necessary to make a determination as to the organization's status as an organization described under section 509(a)(1), (2), or (3) and the regulations thereunder. See paragraphs (c) and (d) of this section as to the information required to be submitted under this subparagraph.

(5) *Incomplete information; 12- and 60-month terminations.* The failure to supply, within the required time, all of the information required by subparagraph (3) or (4) of this paragraph is not alone sufficient to constitute a failure to satisfy the requirements of section 507(b)(1)(B). If the information which is submitted within the required time is incomplete and the organization supplies the necessary additional information at the request of the Commissioner within the additional time period allowed by him, the original submission will be considered timely.

(6) *Application of special rules and filing requirements.* An organization which has terminated its private foundation status under section 507(b)(1)(B) is not required to comply with the special rules set forth in section 508 (a) and (b). Such organization is also not required to file a return under the provisions of section 6043(b) or 6050 by reason of termination of its private foundation status under the provisions of section 507(b)(1)(B).

(7) *Extension of time to assess deficiencies.* If a private foundation files a notification (described in subparagraph (3) of this paragraph) that it intends to begin a 60-month termination pursuant to section 507(b)(1)(B) and does not file a request for an advance ruling pursuant to paragraph (e) of this section, such private foundation may file with the notification described in subparagraph (3) of this paragraph a consent under section 6501(c)(4) to the effect that the period of limitation upon assessment under section 4940 for any taxable year within the 60-month termination period shall not expire prior to 1 year after the date of the expiration of the time prescribed by law for the assessment of a deficiency for the last taxable year within the 60-month period. Such consents, if filed, will ordinarily be accepted by the Commissioner. See paragraph (f)(3) of this section for an illustration of the procedure required to obtain a refund of the tax imposed by section 4940 in a case where such a consent is not in effect.

(c) *Twelve-month terminations—*(1) *Method of determining normal sources of support—*(i) *In general.* The 12-month termination provisions of section 507(b)(1)(B) permit a private foundation to terminate its private foundation status by changing its organizational structure, its operations, the sources of its support, or any combination thereof, in order to conform to the requirements of section 509(a)(1), (2), or (3) by the end of the 12-month period.

(ii) *Support requirements for 12-month termination under section 170(b)(1)(A)(vi).* A private foundation attempting to meet the requirements of section 509(a)(1) as an organization described in section 170(b)(1)(A)(vi) will be considered "normally" to receive a substantial part of its support from governmental units or direct or indirect contributions from the general public if it can establish that it has changed the sources of its support before the close of the 12-month period to those of an organization described in section 170(b)(1)(A)(vi) and it can reasonably be expected to maintain its private foundation status for subsequent years. In order to establish these facts, an organization shall submit all information sufficient to make a determination under § 1.170A–9(e) as if such provisions applied, including a description of all organizational and operational changes which have occurred during the 12-month period. It shall also submit detailed information with respect to its sources of support for the 12-month period, as well as for the four taxable years immediately preceding the 12-month period. In applying the tests contained in § 1.170A–9(e), however, data from periods preceding the 12-month period shall be disregarded except for purposes of determining whether the organization has effectively changed its sources of support and whether it can reasonably be expected to maintain such publicly supported status for subsequent years. Thus, for example, in applying the mathematical tests of § 1.170A–9(e) only data for the 12-month period may enter into the computation.

(iii) *Support requirements for 12-month terminations under section 170(b)(1)(A)(iv).* Section 170(b)(1)(A)(iv) describes an organization which "normally" receives a substantial part of its support (exclusive of income from related activities) from the United States or any State or political subdivision thereof, or from the general public, and which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of certain colleges or universities. For purposes of the 12-month termination period, the rule set forth in subdivision (ii) of this subparagraph with respect to section 170(b)(1)(A)(vi) organizations shall be applicable in determining whether an organization "normally" receives a substantial part of its support from the sources required under section 170(b)(1)(A)(iv).

(iv) *Support requirements for 12-month terminations under section 509(a)(2).* An organization attempting to terminate its private foundation status under section 507(b)(1)(B) by meeting the requirements of section 509(a)(2) by the end of the 12-month period will be considered as "normally" receiving its support in compliance with the one-third support requirements of section 509(a)(2) if:

(A) For the 12-month period under section 507(b)(1)(B), the organization receives more than one-third of its support from gifts, grants, contributions, membership fees, and gross receipts from related activities (as limited by section 509(a)(2)(A)(ii)) and not more than one-third of its support from gross investment income, and

(B) The organization can establish that it can reasonably be expected to maintain its continued public support for subsequent years. In order to establish a reasonable expectation of continued public support, an organization shall submit a detailed statement describing its past and current operations, any organizational or operational changes and when such changes have occurred, and any changes in its foundation managers (as defined in section 4946(b)(1)). Duplicate copies of its governing instrument and bylaws, with an indication of any amendments made, and detailed information with respect to its sources of support for the 4 taxable years immediately preceding the 12-month period shall also be submitted as part of the evidence that the organization can reasonably be expected to maintain its publicly supported status.

(2) *Organizational and operational tests—*(i) *Section 509(a)(3) organizations—*(A) *In general.* An organization

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attempting to terminate its private foundation status under section 507(b)(1)(B) by meeting the requirements of section 509(a)(3) by the end of the 12-month period is required to meet the organizational and operational test of section 509(a)(3)(A), in addition to the requirements of section 509(a)(3)(B) and (C), by the end of the 12-month period beginning with its first taxable year which begins after December 31, 1969. An organization may qualify under section 509(a)(3)(A) even though its original governing instrument did not limit its purposes to those set forth in section 509(a)(3)(A) and even though it operated for some other purpose before the end of the 12-month period, if it has amended its governing instrument and changed its operations to conform to the requirements of section 509(a)(3) by the end of the 12-month period.

(B) *Proof of changed status.* In order to establish that an organization described in (A) of this subdivision will continue to be operated exclusively for the required purposes in years subsequent to the end of the 12-month period, such organization shall submit a detailed statement describing its past and current operations, any organizational or operational changes and when such changes have occurred, any changes in foundation managers (as defined in section 4946(b)(1)), and duplicate copies of its governing instrument and bylaws, with an indication of any amendments made. A detailed statement of the relationship between such organization and the specified organizations described in section 509(a)(1) or (2) (as required by section 509(a)(3)(A) and (B)) and all pertinent information to establish that the organization does not violate the control requirements of section 509(a)(3)(C) shall also be submitted.

(ii) *Section 509(a)(1) organizations other than those described in section 170(b)(1)(A)(vi)*—

(A) *In general.* An organization attempting to terminate its private foundation status under section 507(b)(1)(B) by meeting the requirements of section 170(b)(1)(A)(i), (ii), (iii), (iv), or (v) by the end of the 12-month period is required to be operated as an organization described in clauses (i), (ii), (iii), (iv), or (v) of section 170(b)(1)(A) by the end of the 12-month period beginning with its first taxable year which begins after December 31, 1969.

(B) *Proof of changed status.* In order to establish that it will continue to be operated as an organization described in section 509(a)(1) in years subsequent to the end of the 12-month period, the organization shall submit a detailed statement describing its past and current operations, any organizational or operational changes and when such changes have occurred, and any changes in its foundation managers (as defined in section 4946(b)(1)). Duplicate copies of its governing instrument and bylaws, with an indication of any amendments made, and its financial statements for the 4-taxable years immediately preceding the 12-month period shall also be submitted as evidence that the organization can reasonably be expected to maintain its status as an organization described in section 170(b)(1)(A)(i), (ii), (iii), (iv), or (v).

(3) *Extensions of the 12-month period.* (i) For purposes of this section, an organization may accomplish a 12-month termination if it meets the requirements of section 507(b)(1)(B) and this paragraph for such a termination with respect to any of the following periods:

(A) The 12-month period beginning with the organization's first taxable year which begins after December 31, 1969;

(B) The period described in paragraph (a)(5)(ii) of this section; or

(C) Any period consisting of two or more taxable years beginning with the organization's first taxable year beginning after December 31, 1969, and ending with any taxable year ending before the end of the period described in paragraph (a)(5)(ii) of this section.

(ii) An organization will be considered as "normally" meeting the requirements of section 170(b)(1)(A)(iv) or (vi) or 509(a)(2), as the case may be, if it meets the requirements of such provision with respect to any period described in subdivision (i)(A), (B), or (C) of this subparagraph. Thus, for example, an organization on a calendar year basis which seeks to convert to a section 509(a)(2) organization under section 507(b)(1)(B) may meet the one-third support requirement based on the aggregate support received during a period described in subdivision (i)(A), (B), or (C) of this subparagraph, for purposes of subparagraph (1)(iv) of this paragraph.

(4) *Status of organization subsequent to the 12-month period.* For purposes of sections 507 through 509, an organization, the status of which as a private foundation is terminated under section 507(b)(1), shall (except as provided in paragraph (b)(6) of this section) be treated as an organization created on the day after the date of such termination. However, termination of private foundation status under the provisions of section 507(b)(1)(B) is based upon an organization's submission of information establishing compliance by the end of the 12-month period with the requirements of subparagraph (1) or (2) of this paragraph. Therefore, if in the 4 taxable years immediately following the end of the 12-month period, the sources of support or the methods of operation of the organization are materially different from the facts and circumstances presented during the 12-month period upon which the determination under section 507(b)(1)(B)(iii) was made (and such material difference adversely affects such determination), the organization will be deemed not to have satisfied the requirements of section 507(b)(1)(B). Under such circumstances, section 509(c) will not apply and the organization will continue to remain subject to the provisions of section 507. However, the status of grants and contributions under sections 170, 4942, and 4945 will not be affected until the Internal Revenue Service makes notice to the public (such as by publication in the Internal Revenue Bulletin) that the organization has been deleted from classification as an organization described in section 509(a)(1), (2), or (3) unless the donor (1) was in part responsible for, or was aware of, the act or failure to act that resulted in the organization's inability to satisfy the requirements of section 507(b)(1)(B), or (2) had knowledge that such organization would be deleted from classification as an organization described in section 509(a)(1), (2), or (3). Prior to the making of any grant or contribution which allegedly will not result in the grantee's loss of classification under section 509(a)(1), (2), or (3), a potential grantee organization may request a ruling whether such grant or contribution may be made without such loss of classification. A request for such ruling may be filed by the grantee organization with the district director. The issuance of such ruling will be at the sole discretion of the Commissioner.

(d) *Sixty-month terminations*—(1) *Method of determining normal sources of support.* (i) In order to meet the requirement of section 507(b)(1)(B) for the 60-month termination period as a section 509(a)(1) or (2) organization, an organization must meet the requirements of section 509(a)(1) or (2), as the case may be, for a continuous period of at least 60 calendar months. In determining whether an organization seeking status under section 509(a)(1) as an organization described in section 170(b)(1)(A)(iv) or (vi) or under section 509(a)(2) "normally" meets the requirements set forth under such sections, support received in taxable years prior to the commencement of the 60-month period shall not be taken into consideration, except as otherwise provided in this section. Therefore, in such cases rules similar to the rules applicable to new organizations would apply.

(ii) For purposes of section 507(b)(1)(B), an organization will be considered to be a section 509(a)(1) organization described in section 170(b)(1)(A)(vi) for a continuous period of 60 calendar months only if the organization satisfies the provisions of § 1.170A–9(e) based upon aggregate data for such entire period, rather than for any shorter period set forth in § 1.170A–9(e). Except for the substitution of such 60-month period for the periods described in § 1.170A–9(e), all other provisions of such regulations pertinent to determining an organization's normal sources of support shall remain applicable.

(iii) For purposes of section 507(b)(1)(B), an organization will be considered to be a section 509(a)(2) organization only if such organization meets the support requirements set forth in section 509(a)(2)(A) and (B) for the continuous period of 60 calendar months prescribed under section 507(b)(1)(B), rather than for any shorter period set forth in the regulations under section 509(a)(2). Except for the substitution of such 60-month period for the periods

described in the regulations under section 509(a)(2), all other provisions of such regulations pertinent to determining an organization's normal sources of support shall remain applicable.

(2) *Organizational and operational tests.* In order to meet the requirements of section 507(b)(1)(B) for the 60-month termination period as an organization described in section 170(b)(1)(A)(i), (ii), (iii), (iv), or (v) or section 509(a)(3), as the case may be, an organization must meet the requirements of the applicable provision for a continuous period of at least 60 calendar months. For purposes of section 507(b)(1)(B), an organization will be considered to be such an organization only if it satisfies the requirements of the applicable provision (including with respect to section 509(a)(3), the organizational and operational test set forth in subparagraph (A) thereof) at the commencement of such 60-month period and continuously thereafter during such period.

(e) *Advance rulings for 60-month terminations*—(1) *In general.* An organization which files the notification required by section 507(b)(1)(B)(ii) that it is commencing a 60-month termination may obtain an advance ruling from the Commissioner that it can be expected to satisfy the requirements of section 507(b)(1)(B)(i) during the 60-month period. Such an advance ruling may be issued if the organization can reasonably be expected to meet the requirements of section 507(b)(1)(B)(i) during the 60-month period. The issuance of a ruling will be discretionary with the Commissioner.

(2) *Basic consideration.* In determining whether an organization can reasonably be expected (within the meaning of subparagraph (1) of this paragraph) to meet the requirements of section 507(b)(1)(B)(i) for the 60-month period, the basic consideration is whether its organizational structure (taking into account any revisions made prior to the beginning of the 60-month period), proposed programs or activities, intended method of operation, and projected sources of support are such as to indicate that the organization is likely to satisfy the requirements of section 509(a)(1), (2), or (3) and paragraph (d) of this section during the 60-month period. In making such a determination, all pertinent facts and circumstances shall be considered.

(3) *Reliance by grantors and contributors.* For purposes of sections 170, 545(b)(2), 556(b)(2), 642(c), 4942, 4945, 2055, 2106(a)(2), and 2522, grants or contributions to an organization which has obtained a ruling referred to in this paragraph will be treated as made to an organization described in section 509(a)(1), (2), or (3), as the case may be, until notice that such advance ruling is being revoked is made to the public (such as by publication in the Internal Revenue Bulletin). The preceding sentence shall not apply, however, if the grantor or contributor was responsible for, or aware of, the act or failure to act that resulted in the organization's failure to meet the requirements of section 509(a)(1), (2), or (3), or acquired knowledge that the Internal Revenue Service had given notice to such organization that its advance ruling would be revoked. Prior to the making of any grant or contribution which allegedly will not result in the grantee's failure to meet the requirements of section 509(a)(1), (2), or (3), a potential grantee organization may request a ruling whether such grant or contribution may be made without such failure. A request for such ruling may be filed by the grantee organization with the district director. The issuance of such ruling will be at the sole discretion of the Commissioner. The organization must submit all information necessary to make a determination on the factors referred to in subparagraph (2) of this paragraph. If a favorable ruling is issued, such ruling may be relied upon by the grantor or contributor of the particular contribution in question for purposes of sections 170, 507, 545(b)(2), 556(b)(2), 642(c), 4942, 4945, 2055, 2106(a)(2), and 2522.

(4) *Reliance by organization.* An organization obtaining an advance ruling pursuant to this paragraph cannot rely on such a ruling. Consequently, if the organization does not pay the tax imposed by section 4940 for any taxable year or years during the 60-month period, and it is subsequently determined that such tax is due for such year or years (because the organization did not in fact complete a successful termination pursuant to section 507(b)(1)(B) and was not treated as an organization described in section 509(a)(1), (2), or (3) for such year or years), the organization is liable for interest in accordance with section 6601 if any amount of tax under section 4940 has not been paid on or before the last date prescribed for payment. However, since any failure to pay such tax during the 60-month period (or prior to the revocation of such ruling) is due to reasonable cause, the penalty under section 6651 with respect to the tax imposed by section 4940 shall not apply.

(5) *Extension of time to assess deficiencies.* The advance ruling described in subparagraph (1) of this paragraph shall be issued only if such organization's request for an advance ruling is filed with a consent under section 6501(c)(4) to the effect that the period of limitation upon assessment under section 4940 for any taxable year within the advance ruling period shall not expire prior to 1 year after the date of the expiration of the time prescribed by law for the assessment of a deficiency for the last taxable year within the 60-month period.

(f) *Effect on grantors or contributors and on the organization itself*—(1) *Effect of satisfaction of requirements for termination*—(i) *Treatment during the termination period.* In the event that an organization satisfies the requirements of section 507(b)(1)(B) for termination of its private foundation status by the end of the 12-month period or during the continuous 60-month period, such entire 12-month or 60-month period in the same manner as an organization described in section 509(a)(1), (2), or (3).

(ii) *Twelve-month terminations by fiscal year organizations.* In the case of an organization which operates on a fiscal year basis and terminates its private foundation status by the end of the 12-month period beginning with its first taxable year which begins after December 31, 1969, such 12-month period shall, for purposes of this paragraph, be treated as including the period between January 1, 1970, and the last day of the taxable year immediately preceding its first taxable year which begins after December 31, 1969, so long as the requirements of section 507(b)(1)(B) and paragraph (c) of this section are met by the end of the 12-month period (including such additional period).

(2) *Failure to meet termination requirements*—(i) *In general.* Except as otherwise provided in subdivision (ii) of this subparagraph and paragraph (e) of this section, any organization which fails to satisfy the requirements of section 507(b)(1)(B) for termination of its private foundation status by the end of the 12-month period or during the continuous 60-month period shall be treated as a private foundation for the entire 12-month or 60-month period, for purposes of sections 507 through 509 and chapter 42, and grants or contributions to such an organization shall be treated as made to a private foundation for purposes of sections 170, 507(b)(1)(A), 4942, and 4945.

(ii) *Certain 60-month terminations.* Notwithstanding subdivision (i) of this subparagraph, if an organization fails to satisfy the requirements of section 509(a)(1), (2), or (3) for the continuous 60-month period but does satisfy the requirements of section 509(a)(1), (2), or (3), as the case may be, for any taxable year or years during such 60-month period, the organization shall be treated as a section 509(a)(1), (2), or (3) organization for such taxable year or years and grants or contributions made during such taxable year or years shall be treated as made to an organization described in section 509(a)(1), (2), or (3). In addition, sections 507 through 509 and chapter 42 shall not apply to such organization for any taxable year within such 60-month period for which it does meet such requirements. For purposes of determining whether an organization satisfies the requirements of section 509(a)(1), (2), or (3) for any taxable year in the 60-month period, the organization shall be treated as if it were a new organization with its first taxable year beginning on the date of the commencement of the 60-month period. Thus, for example, if an organization were attempting to terminate its private foundation status under section 507(b)(1)(B) by meeting the requirements of section 170(b)(1)(A)(vi), the rules under § 1.170A–9(e) relating to the initial determination of status of a new organization would apply.

(iii) *Aggregate tax benefit.* For purposes of section 507(d), the organization's aggregate tax benefit resulting

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from the organization's section 501(c)(3) status shall continue to be computed from the date from which such computation would have been made, but for the notice filed under section 507(b)(1)(B)(ii), except that any taxable year within such 60-month period for which such organization meets the requirements of section 509(a)(1), (2), or (3) shall be excluded from such computations.

(iv) *Excess business holdings.* See section 4943 and the regulations thereunder for rules relating to decreases in a private foundation's holdings in a business enterprise which are caused by the foundation's failure to terminate its private foundation status after giving the notification for termination under section 507(b)(1)(B)(ii).

(3) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. Y, a calendar year private foundation, notifies the district director that it intends to terminate its private foundation status by converting into a publicly supported organization described in section 170(b)(1)(A)(vi) and that its 60-month termination period will commence on January 1, 1974. Y does not obtain a ruling described in paragraph (e) of this section. Based upon its support for 1974 Y does not qualify as a publicly supported organization within the meaning of § 1.170A-9(e) and this paragraph. Consequently, in order to avoid the risks of penalties and interest if Y fails to terminate within the 60-month period, Y files its return as a private foundation and pays the tax imposed by section 4940. Similarly, based upon its support for the period 1974 through 1975, fails to qualify as such a publicly supported organization and files its return and pays the tax imposed by section 4940 for both 1975 and 1976. Since a consent (described in paragraph (b)(7) of this section) which would prevent the period of limitation from expiring is not in effect, in order to be able to file a claim for refund, Y and the district director agree to extend the period of limitation for all taxes imposed under chapter 42. However, based upon its support for the period 1974 through 1976 Y does qualify as a publicly supported organization, and therefore shall not be treated as a private foundation for either 1977 or 1978 even if it fails to terminate within the 60-month period. However, based upon the aggregate data for the entire 60-month period (1974 through 1978), Y does qualify as an organization described in section 170(b)(1)(A)(vi). Consequently, pursuant to this paragraph, Y is treated as if it had been a publicly supported organization for the entire 60-month period. Y files claim for refund for the taxes paid under section 4940 for the years 1974, 1975, and 1976, and such taxes are refunded.

(g) *Special transitional rules for organizations operating as public charities.* Section 4940 imposes a tax upon private foundations with respect to the carrying on of activities for each taxable year. For purposes of section 4940, an organization which terminates its private foundation status under section 507(b)(1)(B) by the end of the period described in paragraph (a)(5)(ii) of this section will not be considered as carrying on activities within the meaning of section 4940 during such period. Such organization will therefore not be subject to the tax imposed under section 4940 for such period. Consequently, in the case of an organization seeking to terminate its private foundation status under section 507(b)(1)(B) if the period described in paragraph (a)(5)(ii) of this section has not expired prior to the due date for the organization's annual return required to be filed under section 6033 or 6012 (determined with regard to any extension of time for filing the return) for its first taxable year which begins after December 31, 1969 (or any other taxable year ending before the expiration of the period described in paragraph (a)(5)(ii) of this paragraph) and if the organization has not terminated its private foundation status under section 507(b)(1)(B) by such date, then notwithstanding the provisions of paragraph (f) of this section, the organization must take either of the following courses of action:

(1) Complete its annual return including the line entitled "Tax on investment income from Part III" by such date, and pay the tax on investment income imposed under section 4940 at the time it files its annual return. If such organization subsequently terminates its private foundation status under section 507(b)(1)(B) within a period specified in paragraph (c)(3)(i) of this section, it may file a claim for refund of the tax paid under section 4940; or

(2) Complete and file its annual return, except for the line entitled "Tax on investment income from Part III," by such date, and in lieu of paying the tax on investment income imposed under section 4940, file a statement with its annual return which establishes that the organization has taken affirmative action by such date to terminate its private foundation status under section 507(b)(1)(B). Such statement must indicate the type of affirmative action taken and explain how such action will result in the termination of its private foundation status under section 507(b)(1)(B). Such affirmative action may include making application to the appropriate State court for approval to amend the provisions of the organization's trust instrument to limit payments to specified section 509(a)(1) or (2) beneficiaries pursuant to section 509(a)(3) in the case of a charitable trust; commencing a fund-raising drive among the general public in the case of an organization seeking to become a section 170(b)(1)(A)(vi) or 509(a)(2) organization; or the passage of a resolution by the organization's governing body or the filing of an amendment to the organization's articles of incorporation permitting a change in the operations of the organization to enable it to conform to the provisions of section 509(a)(1), (2), or (3) in the case of a not-for-profit corporation. An organization may take such affirmative action and may terminate its private foundation status under section 507(b)(1)(B) in reliance upon 26 CFR 13.12 (rev. as of January 1, 1972) and upon the provisions of the notices of proposed rule making under sections 170(b)(1)(A), 507(b)(1), and 509. Thus, if an organization meets the requirements of the provisions of the notice of proposed rule making as a section 509(a)(3) organization, such organization may terminate its private foundation status under section 507(b)(1)(B) in reliance upon such provisions prior to the expiration of the period described in paragraph (a)(5)(ii) of this section. If such organization, however, fails to terminate its private foundation status under section 507(b)(1)(B) within the period specified in paragraph (a)(5)(ii) of this section by failing to meet the requirements of either the notices of proposed rule making under section 170(b)(1)(A), 507(b)(1), or 509 or the final regulations published under these code sections, the tax imposed under section 4940 shall be treated as if due from the due date for its annual return (determined without regard to any extension of time for filing its return).

While an organization can terminate its private foundation status under section 507(b)(1)(B) by operation as a section 509(a)(1), (2) or (3) organization in reliance upon the provisions of this paragraph, it will retain its status as a section 509(a)(1), (2) or (3) organization after the publication of final regulations under sections 170(b)(1)(A), 507, and 509 only if it meets the requirements of such final regulations.

[FR Doc.72-22462 Filed 12-29-72;5:05 pm]

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7251]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Withholding With Respect to Part-Year Employment

On June 23, 1972, notice of proposed rule making with respect to the amendment of the Employment Tax Regulations (26 CFR Part 31) in order to authorize the use of a new method of computing the amount of income tax to be deducted and withheld with respect to part-year employment was published in the FEDERAL REGISTER (37 FR 12394). After consideration of all relevant matter presented by interested persons regarding the proposed rules, § 31.3402(h)(4)-1 of the Employment Tax Regulations is amended by inserting headings in paragraphs (a) and (b) and by adding a new paragraph (c), to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 29, 1972.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In order to authorize the use of a new method of computing the amount of income tax to be deducted and withheld with respect to part-year employment, § 31.3402(h)(4)-1 of the Employment Tax Regulations (26 CFR Part 31) is amended by inserting headings in paragraphs (a) and (b) and by adding a new paragraph (c) to read as follows:

§ 31.3402(h)(4)-1 Other methods.

(a) *Maximum permissible deviations.* • • •

(b) *Combined FICA and income tax withholding.* • • •

(c) *Part-year employment method of withholding*—(1) *In general.* In addition to the methods authorized by other paragraphs of this section, in the case of part-year employment (as defined in subparagraph (4) of this paragraph) of an employee who determines his liability for tax under subtitle A of the Code on a calendar-year basis and who has in effect a request that the amount of tax to be withheld from his wages be computed according to the part-year employment method described in this paragraph, the employer may determine the amount of tax to be deducted and withheld upon a payment of wages made to the employee on or after January 5, 1973, by taking the following steps:

Step 1. Add the amount of wages to be paid to the employee for the current payroll period to the total amount of wages paid by the employer to the employee for all preceding payroll periods included in the current term of continuous employment (as defined in subparagraph (3) of this paragraph) of the employee by the employer;

Step 2. Divide the aggregate amount of wages computed in Step 1 by the total of the number of payroll periods to which that amount relates plus the equivalent number of payroll periods (as defined in subparagraph (2) of this paragraph) in the employee's term of continuous unemployment immediately preceding the current term of continuous employment, such term of continuous unemployment to be exclusive of any days prior to the beginning of the current calendar year;

Step 3. Determine the total amount of tax that would have been required to be deducted and withheld under section 3402 if the average amount of wages (as computed in Step 2) had been paid to the employee for the number of payroll periods determined in Step 2 (including the equivalent number of payroll periods); and

Step 4. Determine the excess, if any, of the amount of tax computed in Step 3 over the total amount of tax already deducted and withheld by the employer from wages paid to the employee for all payroll periods during the current term of continuous employment.

The use of the method described in this paragraph does not preclude the employee from claiming additional withholding allowances for estimated itemized deductions pursuant to section 3402(m) or the standard deduction allowance pursuant to section 3402(f)(1)(G).

(2) *Equivalent number of payroll periods.* For purposes of this paragraph, the equivalent number of payroll periods shall be determined by dividing the number of calendar days contained in the current payroll period into the number of calendar days between the later of (i) the day certified by the employee as his last day of employment prior to his current term of continuous employment during the calendar year in which such term commenced, or (ii) the last day of the calendar year immediately preceding the current calendar year, and the first day of the current term of continuous employment. For purposes of the preceding sentence, the term "calendar days" includes holidays, Saturdays, and Sundays. In determining the equivalent number of payroll periods, any fraction obtained in the division described in the first sentence of this subparagraph shall be disregarded. An employee paid for a miscellaneous payroll period shall be considered to have a daily payroll period for purposes of this subparagraph. In a case in which an employee is paid for a daily or miscellaneous payroll period and the employer elects under paragraph (d)(2) of § 31.3402(h)-1 to compute the tax to be withheld as if the aggregate of the wages paid to the employee during the calendar week were paid for a weekly period, the employer shall determine the equivalent number of payroll periods for purposes of the computation of the tax to be withheld for the calendar week on the basis of a weekly payroll period (notwithstanding the fact that a determination of the equivalent number of payroll periods for purposes of the computation of the tax to be withheld upon wages paid for daily or miscellaneous payroll periods within such calendar week has been made on the basis of a daily or miscellaneous payroll period).

(3) *Term of continuous employment.* For purposes of this paragraph, a term of employment is continuous if it is either a single term of employment or two or more consecutive terms of employment with the same employer. A term of continuous employment begins on the first day on which any services are performed by the employee for the employer for which compensation is paid or payable. Such term ends on the earlier of (i) the last day during the current term of continuous employment on which any services are performed by the employee for the employer, or (ii) if the employee performs no services for the employer for a period of more than 30 calendar days, the last day preceding such period on which any services are performed by the employee for the employer. For example, a professional athlete who signs a contract on December 31, 1973, to perform services from July 1 through December 31 for the calendar years 1974, 1975, and 1976 has a new term of employment beginning each July 1 and accordingly may qualify for use of the part-year withholding method in each of such years. Likewise, a term of continuous employment is not broken by a temporary layoff of no more than 30 days. On the other hand, when an employment relationship is actually terminated the term of continuous employment is ended even though a new employment relationship is established with the same employer within 30 days. A "term of continuous employment" includes all days on which an employee performs any services for an employer and includes days on which services are not performed because of illness or vacation, or because such days are holidays or are regular days off (such as Saturdays and Sundays, or days off in lieu of Saturdays and Sundays), or other days for which the employee is not scheduled to work. For example, an employee who is employed 2 days a week for the same employer from March 1 through December 31 has a term of continuous employment of 306 days.

(4) *Part-year employment.* For purposes of this paragraph, the term "part-year employment" means a term of continuous employment (i) the total duration of which will not exceed 245 days, (ii) which, during the current calendar year, will not exceed 245 days, or (iii) which, during the calendar year will entitle the employee to wages of more than $30,000. For example, A graduates from college in June and accepts a permanent position with X Co., beginning July 1. Since the total duration of A's term of continuous employment will exceed 245 days it does not qualify as part-year employment for purposes of this section.

(5) *Employee's request.* (i) An employee's request that his employer withhold according to the part-year employment method shall be in writing and in such form as the employer may prescribe. Such request shall be made under the penalties of perjury and shall contain the following information—

(a) The last day of employment (if any) by any employer prior to the current term of continuous employment during the calendar year in which such term commenced.

(b) A statement that the employee reasonably anticipates that he will have no more than $30,000 in gross income from all sources for the calendar year and that he will have no more than 245 days of employment, either based upon all employment during the current calendar year or based upon the current term of continuous employment during the current calendar year and the following year (for this purpose days of employment shall include all days on which an employee performs any services for an employer,) and includes days on which services are not performed because of illness or vacation, or because such days are holidays or are regular days off (such as Saturdays and Sundays, or days off in lieu of Saturdays and Sunday or other days for which the employee is not scheduled to work), and

(c) The employee uses a calendar-year accounting period.

An employee's request furnished to his employer pursuant to this section shall be effective, and may be acted upon by his employer, with respect to wages paid after the furnishing of such request, and shall cease to be effective with respect to any wages paid on or after the beginning of the payroll period during which the current calendar year will end.

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(ii) If, on any day during the calendar year, any of the anticipations stated by the employee in his statement provided pursuant to subdivision (i)(b) of this subparagraph becomes unreasonable, the employee shall revoke the request described in this subparagraph before the end of the payroll period during which it becomes unreasonable. The revocation shall be effective as of the beginning of the payroll period during which it is made.

(6) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). A, a calendar-year taxpayer, being unemployed for the period beginning on May 25, 1973, and ending on October 28, 1973, a period of 157 calendar days, is employed by X Co. X Co. anticipates that A's employment will last 8 calendar weeks, from October 29 to December 23, and A's wages therefor will not exceed $30,000. In the Form W-4 which A furnishes X Co. A claims four exemptions and married status. A makes a written request, incorporating the statements required under subparagraph (5)(i)(b), that X Co. withhold on the basis of the part-year employment method. A works for the period beginning October 29, 1973, and ending on November 11, 1973, and earns $1,800 in wages. Wages are paid on a biweekly basis. Using the part-year employment method, X Co. determines that $22.80 is required to be deducted and withheld from A's wages to be paid for his services from October 29 to November 11, 1973. The determination is made as follows:

Amount of wages to be paid for the payroll period (biweekly)	$1,800.00
Number of payroll periods:	
Payroll period—October 29 to November 11	1
The equivalent number of payroll periods for the period of unemployment, disregarding the fractional payroll period	11
	12
Average amount of wages per payroll period including equivalent number of payroll periods ($1,800÷12)	$150.00
Amount required to be withheld from a payment of $150 for a biweekly payroll period to a married person with 4 exemptions according to the wage bracket tables	1.90
Total amount required to be withheld under the wage bracket method with respect to all payroll periods (including equivalent number of payroll periods) ($1.90×12)	22.80
Amount already withheld by employer	0
Amount to be withheld under part-year employment method ($22.80−0 (the amount previously withheld))	22.80

Example (2). A works for X for another 2-week period beginning on November 12, 1973, and ending on November 25, 1973, for which he earns $2,100. X Co., using the part-year employment method, determines that $323 is required to be deducted and withheld with respect to the wages for the current payroll period, as follows:

Amount of wages to be paid for the payroll period (biweekly)	$2,100.00
Amount of wages previously paid by the employer	1,800.00
Sum of amount of wages to be paid with respect to current payroll period and amount of wages already paid	3,900.00
Number of payroll periods:	
Payroll periods—October 29 to November 11 and November 12 to November 25	2
The equivalent number of payroll periods for the period of unemployment	11
	13
Average amount of wages per payroll period ($3,900÷13)	$300.00
Amount required to be withheld according to wage bracket tables from a payment of $300 for a biweekly payroll period to a married person with 4 exemptions	26.60
Total amount required to be withheld under the wage bracket method with respect to all payroll periods (including equivalent number of payroll periods) ($26.60×13)	345.80
Amount already withheld by employer	22.80
Amount required to be withheld under the part-year employment method $345.80−$22.80)	323.00

[FR Doc.72-22465 Filed 12-29-72;5:08 pm]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7250]

PART 53—FOUNDATION EXCISE TAXES

Subpart A—Taxes on Investment Income

On March 20, 1971, notice of proposed rule making was published with respect to promulgation of regulations under section 4940 of the Internal Revenue Code of 1954, as enacted by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 498), relating to taxes on investment income. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the Foundation Excise Tax Regulations are amended as follows: Except where otherwise specifically provided, these regulations are applicable to taxable years beginning after December 31, 1969.

§ 53.4940 Statutory provisions; imposition of excise tax on investment income.

Sec. 4940. *Excise tax based on investment income*—(a) *Tax-exempt foundations.* There is hereby imposed on each private foundation which is exempt from taxation under section 501(a) for the taxable year, with respect to the carrying on of its activities, a tax equal to 4 percent of the net investment income of such foundation for the taxable year.

(b) *Taxable foundations.* There is hereby imposed on each private foundation which is not exempt from taxation under section 501(a) for the taxable year, with respect to the carrying on of its activities, a tax equal to:

(1) The amount (if any) by which the sum of (A) the tax imposed under subsection (a) (computed as if such subsection applied to such private foundation for the taxable year), plus (B) the amount of the tax which would have been imposed under section 511 for the taxable year if such private foundation had been exempt from taxation under section 501(a), exceeds

(2) The tax imposed under subtitle A on such private foundation for the taxable year.

(c) *Net investment income defined*—(1) *In general.* For purposes of subsection (a), the net investment income is the amount by which (A) the sum of the gross investment income and the net capital gain exceeds (B) the deductions allowed by paragraph (3). Except to the extent inconsistent with the provisions of this section, net investment income shall be determined under the principles of subtitle A.

(2) *Gross investment income.* For purposes of paragraph (1), the term "gross investment income" means the gross amount of income from interest, dividends, rents, and royalties, but not including any such income to the extent included in computing the tax imposed by section 511.

(3) *Deductions*—(A) *In general.* For purposes of paragraph (1), there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred for the production or collection of gross investment income or for the management, conservation, or maintenance of property held for the production of such income, determined with the modifications set forth in subparagraph (B).

(B) *Modifications.* For purposes of subparagraph (A)—

(i) The deduction provided by section 167 shall be allowed, but only on the basis of the straight line method of depreciation.

(ii) The deduction for depletion provided by section 611 shall be allowed, but such deduction shall be determined without regard to section 613 (relating to percentage depletion).

(4) *Capital gains and losses.* For purposes of paragraph (1) in determining net capital gain—

(A) There shall be taken into account only gains and losses from the sale or other disposition of property used for the production of interest, dividends, rents, and royalties, and property used for the production of income included in computing the tax imposed by section 511 (except to the extent gain or loss from the sale or other disposition of such property is taken into account for purposes of such tax).

(B) The basis for determining gain in the case of property held by the private foundation on December 31, 1969, and continuously thereafter to the date of its disposition shall be deemed to be not less than the fair market value of such property on December 31, 1969.

(C) Losses from sales or other dispositions of property shall be allowed only to the extent of gains from such sales or other dispositions, and there shall be no capital loss carryovers.

(5) *Tax-exempt income.* For purposes of this section, net investment income shall be determined by applying section 103 (relating to interest on certain governmental obligations) and section 265 (relating to expenses and interest relating to tax-exempt income).

[Sec. 4940 as added by sec. 101(b), Tax Reform Act 1969 (83 Stat. 498)]

§ 53.4940–1 Excise tax on net investment income.

(a) *In general.* Section 4940 imposes an excise tax of 4 percent on the net investment income (as defined in section 4940(c) and paragraph (c) of this section) of a tax-exempt private foundation (as defined in section 509) for each taxable year beginning after December 31, 1969. This tax will be reported on the form the foundation is required to file

under section 6033 for the taxable year and will be paid annually at the time prescribed for filing such annual return (determined without regard to any extension of time for filing). In addition, an excise tax is imposed in the manner prescribed in paragraph (b) of this section on certain taxable private foundations. This tax is to be reported by means of a schedule attached to its income tax return and is to be paid annually at the time the organization is required to pay its income taxes imposed under subtitle A. Except as otherwise provided herein, no exclusions or deductions from gross investment income or credits against tax are allowable under this section.

(b) *Taxable foundations.* (1) The excise tax imposed under section 4940 on private foundations which are not exempt from taxation under section 501(a) is equal to:

(i) The amount (if any) by which the sum of

(A) The tax on net investment income imposed under section 4940(a), computed as if such private foundation were exempt from taxation under section 501(a) and described in section 501(c)(3) for the taxable year, plus

(B) The amount of the tax which would have been imposed under section 511 for such taxable year if such private foundation had been exempt from taxation under section 501(a), exceeds.

(ii) The tax imposed under subtitle A on such private foundation for the taxable year.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume that the tax liability under subtitle A for private foundation X, which is not exempt from taxation under section 501(a) for 1970, is $10,000. Had X been exempt under section 501(a) for 1970, the tax imposed under section 4940(a) would have been $4,000 and the tax imposed under section 511 would have been $7,000. The excess of the sum of the taxes which would have been imposed under sections 4940(a) and 511 ($11,000) over the tax that was imposed under subtitle A ($10,000) is $1,000, the amount of the tax imposed on such organization under section 4940(b).

Example (2). Assume the facts stated in Example (1), except that the tax liability under subtitle A is $15,000 rather than $10,000. Because the sum of the taxes which would have been imposed under sections 4940(a) and 511 ($11,000) does not exceed the tax that was imposed under subtitle A ($15,000), there is no tax imposed under section 4940(b) with respect to such foundation.

(c) *Net investment income defined*—(1) *In general.* For purposes of section 4940(a), "net investment income" of a private foundation is the amount by which:

(i) The sum of the gross investment income (as defined in section 4940(c)(2) and paragraph (d) of this section) and the net capital gain (within the meaning of section 4940(c)(4) and paragraph (f) of this section) exceeds

(ii) The deductions allowed by section 4940(c)(3) and paragraph (e) of this section.

Except to the extent inconsistent with the provisions of this section, net investment income shall be determined under the principles of subtitle A.

(2) *Tax-exempt income.* For purposes of computing net investment income under section 4940, the provisions of section 103 (relating to interest on certain governmental obligations) and section 265 (relating to expenses and interest relating to tax-exempt income) and the regulations thereunder shall apply.

(d) *Gross investment income*—(1) *In general.* For purposes of paragraph (c) of this section, "gross investment income" means the gross amounts of income from interest, dividends, rents, and royalties (including overriding royalties) received by a private foundation from all sources, but does not include such income to the extent included in computing the tax imposed by section 511. Under this definition, interest, dividends, rents, and royalties derived from assets devoted to charitable activities are includible in gross investment income. Therefore, for example, interest received on a student loan would be includible in the gross investment income of a private foundation making such loan.

(2) *Certain estate and trust disbursements.* In the case of a distribution from an estate or a trust described in section 4947(a)(1) or (2), such distribution shall not retain its character in the hands of the distributee for purposes of computing the tax under section 4940; except that, in the case of a distribution from a trust described in section 4947(a)(2), the income of such trust attributable to transfers in trust after May 26, 1969, shall retain its character in the hands of a distributee private foundation for purposes of section 4940 (unless such income is taken into account because of the application of section 671).

(3) *Treatment of certain distributions in redemption of stock.* For purposes of applying section 302(b)(1), any distribution made to a private foundation by a disqualified person (as defined in section 4946(a)), in redemption of stock held by such private foundation in a business enterprise shall be treated as not essentially equivalent to a dividend if all of the following conditions are satisfied: (i) Such redemption is of stock which was owned by a private foundation on May 26, 1969 (or which is acquired by a private foundation under the terms of a trust which was irrevocable on May 26, 1969, or under the terms of a will executed on or before such date, which is in effect on such date and at all times thereafter, or would have passed under such a will but before that time actually passes under a trust which would have met the test of this subdivision but for the fact that the trust was revocable (but was not in fact revoked)); (ii) such foundation is required to dispose of such property in order not to be liable for tax under section 4943 (relating to taxes on excess business holdings); and (iii) such foundation receives in return an amount which equals or exceeds the fair market value of such property at the time of such disposition or at the time a contract for such disposition was previously executed in a transaction which would not constitute a prohibited transaction (within the meaning of section 503(b) or the corresponding provisions of prior law). In the case of a disposition before January 1, 1975, section 4943 shall be applied without taking section 4943(c)(4) into account. A distribution which otherwise qualifies under section 302 as a distribution in part or full payment in exchange for stock shall not be treated as essentially equivalent to a dividend because it does not meet the requirements of this subparagraph.

(e) *Deductions*—(1) *In general.* (i) For purposes of computing net investment income, there shall be allowed as a deduction from gross investment income all the ordinary and necessary expenses paid or incurred for the production or collection of gross investment income or for the management, conservation, or maintenance of property held for the production of such income, determined with the modifications set forth in subparagraph (2) of this paragraph. Such expenses include that portion of a private foundation's operating expenses which is paid or incurred for the production or collection of gross investment income. Taxes paid or incurred under this section are not paid or incurred for the production or collection of gross investment income. A private foundation's operating expenses include compensation of officers, other salaries and wages of employees, outside professional fees, interest, and rent and taxes upon property used in the foundation's operations. Where a private foundation's officers or employees engage in activities on behalf of the foundation for both investment purposes and for exempt purposes, compensation and salaries paid to such officers or employees must be allocated between the investment activities and the exempt activities. To the extent a private foundation's expenses are taken into account in computing the tax imposed by section 511, they shall not be deductible for purposes of computing the tax imposed by section 4940.

(ii) Where only a portion of property produces, or is held for the production of, income subject to the section 4940 excise tax, and the remainder of the property is used for exempt purposes, the deductions allowed by section 4940(c)(3) shall be apportioned between the exempt and non-exempt uses.

(iii) No amount is allowable as a deduction under this section to the extent it is paid or incurred for purposes other than those described in subdivision (i) of this subparagraph. Thus, for example, the deductions prescribed by the following sections are not allowable: (1) the charitable deduction prescribed under section 170 and 642(c); (2) the net operating loss deduction prescribed under section 172; and (3) the special deductions prescribed under Part VIII, Subchapter B, Chapter 1.

(2) *Deduction modifications.* The following modifications shall be made in

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determining deductions otherwise allowable under this paragraph:

(i) The depreciation deduction shall be allowed, but only on the basis of the straight line method provided in section 167(b)(1).

(ii) The depletion deduction shall be allowed, but such deduction shall be determined without regard to section 613, relating to percentage depletion.

(iii) The basis to be used for purposes of the deduction allowed for depreciation or depletion shall be the basis determined under the rules of Part II of subchapter O of chapter 1, subject to the provisions of section 4940(c)(3)(B), and without regard to section 4940(c)(4)(B), relating to the basis for determining gain, or section 362(c). Thus, a private foundation must reduce the cost or other substituted or transferred basis by an amount equal to the straight line depreciation or cost depletion, without regard to whether the foundation deducted such depreciation or depletion during the period prior to its first taxable year beginning after December 31, 1969. However, where a private foundation has previously taken depreciation or depletion deductions in excess of the amount which would have been taken had the straight line or cost method been employed, such excess depreciation or depletion also shall be taken into account to reduce basis. If the facts necessary to determine the basis of property in the hands of the donor or the last preceding owner by whom it was not acquired by gift are unknown to a donee private foundation, then the original basis to such foundation of such property shall be determined under the rules of § 1.1015-1(a)(3).

(iv) The deduction for expenses paid or incurred in any taxable year for the production of gross investment income earned as an incident to a charitable function shall be no greater than the income earned from such function which is includible as gross investment income for such year. For example, where rental income is incidentally realized in 1971 from historic buildings held open to the public, deductions for amounts paid or incurred in 1971 for the production of such income shall be limited to the amount of rental income includible as gross investment income for 1972.

(f) *Capital gain and losses*—(1) *General rule.* In determining net capital gain for purposes of the tax imposed by section 4940, there shall be taken into account only capital gains and losses from the sale or other disposition of property held by a private foundation for investment purposes (other than program-related investments, as defined in section 4944(c)), and property used for the production of income included in computing the tax imposed by section 511 except to the extent gain or loss from the sale or other disposition of such property is taken into account for purposes of such tax. For taxable years beginning after December 31, 1972, property shall be treated as held for investment purposes even though such property is disposed of by the foundation immediately upon its receipt, if it is property of a type which generally produces interest, dividends, rents, royalties, or capital gains through appreciation (for example, rental real estate, stock, bonds, mineral interests, mortgages, and securities). Under this subparagraph, gains and losses from the sale or other disposition of property used for the exempt purposes of the private foundation are excluded. For example, gain or loss on the sale of the buildings used for the exempt activities of a private foundation would not be subject to the section 4940 tax. Where the foundation uses property for its exempt purposes, but also incidentally derives income from such property which is subject to the tax imposed by section 4940(a), any gain or loss resulting from the sale or other disposition of such property is not subject to the tax imposed by section 4940(a). For example, if a tax-exempt private foundation maintains buildings of a historical nature and keeps them open for public inspection, but requires a number of its employees to live in these buildings and charges the employees rent, the rent would be subject to the tax imposed by section 4940(a), but any gain or loss resulting from the sale of such property would not be subject to such tax. However, where the foundation uses property for both exempt purposes and (other than incidentally) for investment purposes (for example, a building in which the foundation's charitable and investment activities are carried on), that portion of any gain or loss from the sale or other disposition of such property which is allocable to the investment use of such property must be taken into account in computing net capital gain for such taxable year. For purposes of this paragraph, a distribution of property for purposes described in section 170(c)(1) or (2)(B) which is a qualifying distribution under section 4942 shall not be treated as a sale or other disposition of property.

(2) *Basis.* (i) The basis for purposes of determining gain from the sale or other disposition of property shall be the greater of:

(A) Fair market value on December 31, 1969, plus or minus all adjustments after December 31, 1969, and before the date of disposition under the rules of Part II of Subchapter O of Chapter 1, provided that the property was held by the private foundation on December 31, 1969, and continuously thereafter to the date of disposition, or

(B) Basis as determined under the rules of Part II of Subchapter O of Chapter 1,

subject to the provisions of section 4940(c)(3)(B) (and without regard to section 362(c)).

(ii) For purposes of determining loss from the sale or other disposition of property, basis as determined in subdivision (i)(B) of this subparagraph shall apply.

(3) *Losses.* Where the sale or other disposition of property referred to in section 4940(c)(4)(A) results in a capital loss, such loss may be subtracted from capital gains from the sale or other disposition of other such property during the same taxable year, but only to the extent of such gains. Should losses from the sale or other disposition of such property exceed gains from the sale or other disposition of such property during the same taxable year, such excess may not be deducted from gross investment income under section 4940(c)(3) in any taxable year, nor may such excess be used to reduce gains in either prior or future taxable years, regardless of whether the foundation is a corporation or a trust.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A private foundation holds certain depreciable real property on December 31, 1969, having a basis of $102,000. The fair market value of such property on that date was $100,000. For its taxable year 1970 the foundation was allowed depreciation for such property of $5,100 on the straight line method, the allowable amount computed on the $102,000 basis. The property was sold on January 1, 1971, for $100,000. Because fair market value on December 31, 1969, less straight line depreciation of $5,100 ($94,900) is less than basis as determined by Part II of Subchapter O of Chapter 1, $96,900 ($102,000 less $5,100), a gain of $3,100 is recognized (i.e., sales price of $100,000 less the greater of the two possible bases).

Example (2). Assume the same facts in example 1, except that the sale price was $95,000. Because the sale price was $1,900 less than the basis for loss ($96,900 as determined by the application of subparagraph (2)(ii) of this paragraph), there is a capital loss of $1,900 which may be deducted against capital gains for 1971 (if any) in determining net capital gain.

Example (3). A private foundation holds certain depreciable real property on December 31, 1969, having a basis of $102,000. The fair market value of such property on that date was $110,000. For its taxable year 1970 the foundation was allowed depreciation for such property of $5,100 on the straight line method, the allowable amount computed on the $102,000 basis. The property was sold on January 1, 1971, for $100,000. Fair market value on December 31, 1969, less straight line depreciation of $5,100 ($104,900) exceeds basis as determined by Part II of Subchapter O of Chapter 1, $96,900 ($102,000 less $5,100), and will be used for purposes of determining gain. Because basis for purposes of determining gain exceeds sale price, there is no gain. There is no loss because basis for purposes of determining loss ($96,900) is less than sale price.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 29, 1972.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.72-22464 Filed 12-29-72;5:07 pm]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DEFINITIONS OF "WIFE," "WIDOW" AND "LEGALLY ADOPTED CHILD"

On page 24680 of the FEDERAL REGISTER of November 18, 1972, there was published a notice of proposed rule making to amend §§ 3.51, 3.57, 3.210, 3.315, 3.356, 3.403, and 3.503 to define "wife," "widow," and "legally adopted child." Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective October 24, 1972.

Approved: December 27, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. Section 3.51 is revised to read as follows:

§ 3.51 Husband or widower.

(a) *General.* The term "wife" includes the husband of a female veteran and the term "widow" includes the widower of a female veteran.

(38 U.S.C. 102(b))

(b) *Entitlement.* A husband or widower is in the same status as a wife or widow of a male veteran and is eligible to receive the same benefits, if otherwise entitled, in a claim for pension, compensation, or dependency and indemnity compensation.

2. In § 3.57, paragraph (c) is amended to read as follows:

§ 3.57 Child.

• • • • • •

(c) *Legally adopted child.* The term means a child adopted pursuant to a final decree of adoption, a child adopted pursuant to an unrescinded interlocutory decree of adoption while remaining in the custody of the adopting parent (or parents) during the interlocutory period, and a child who has been placed for adoption under an agreement entered into by the adopting parent (or parents) with any agency authorized under law to so act, unless and until such agreement is terminated, while the child remains in the custody of the adopting parent (or parents) during the period of placement for adoption under such agreement. The term includes, as of the date of death of a veteran, such a child who

(1) Was under age 18 and living in the veteran's household at the time of his death, and

(2) Was adopted by the veteran's spouse under a decree issued within 2 years after August 25, 1959, or the veteran's death whichever is later, and

(3) Was not receiving from an individual other than the veteran or his spouse, or from a welfare organization which furnishes services or assistance for children, recurring contributions of sufficient size to constitute the major portion of the child's support.

3. In § 3.210, the introductory portion of paragraph (c) preceding subparagraph (1) is amended to read as follows:

§ 3.210 Child's relationship.

• • • • • •

(c) *Adopted child.* Except as provided in subparagraph (1) of this paragraph evidence of relationship will include a certified copy of the decree of adoption or a copy of the adoptive placement agreement and such other evidence as may be necessary.

• • • • • •

4. Section 3.315 is revised to read as follows:

§ 3.315 Basic eligibility determinations; dependents, loans, education.

(a) *Child over 18 years.* A child of a veteran may be considered a "child" after age 18 for purposes of benefits under title 38, United States Code (except ch. 19 and sec. 5202(b) of ch. 85), if found by a rating determination to have become, prior to age 18, permanently incapable of self-support.

(38 U.S.C. 101(4)(B))

(b) *Loans.* Where a World War II veteran or a Korean conflict veteran had less than 90 days' service, or a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty as defined in §§ 36.4301(gg) and 36.4501(o) of this chapter, eligibility of the veteran for a home, farm, or business loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II, Korean conflict and Vietnam era service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, and before August 5, 1964 are subject to the presumption of aggravation under § 3.306(a) and (c). The provisions of this paragraph are also applicable, regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability.

(38 U.S.C. 1802, 1816)

(c) *Veterans' educational assistance.* Where a veteran who served on or after February 1, 1955, had less than 181 days service on active duty, as defined in § 21.1040 of this chapter, eligibility for educational assistance under 38 U.S.C. ch. 34 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumptions of incurrence under § 3.304(b) and aggravation under § 3.306(a) and (c), based on service rendered on or after February 1, 1955 and before August 5, 1964, and under § 3.306(b), based on service rendered during the Vietnam era.

(38 U.S.C. 1652(a))

5. In § 3.356, paragraph (a) and the introductory portion and subparagraphs (1) and (2) of paragraph (b) are amended to read as follows:

§ 3.356 Conditions which determine permanent incapacity for self-support.

(a) *Basic determinations.* A child must be shown to be permanently incapable of self-support by reason of mental or physical defect at the date of attaining the age of 18 years.

(b) *Rating criteria.* Rating determinations will be made solely on the basis of whether the child is permanently incapable of self-support through his own efforts by reason of physical or mental defects. The question of permanent incapacity for self-support is one of fact for determination by the rating agency on competent evidence of record in the individual case. Rating criteria applicable to disabled veterans are not controlling. Principal factors for consideration are:

(1) The fact that a claimant is earning his or her own support is prima facie evidence that he or she is not incapable of self-support. Incapacity for self-support will not be considered to exist when the child by his or her own efforts is provided with sufficient income for his or her reasonable support.

(2) A child shown by proper evidence to have been permanently incapable of self-support prior to the date of attaining the age of 18 years, may be so held at a later date even though there may have been a short intervening period or periods when his or her condition was such that he or she was employed, provided the cause of incapacity is the same as that upon which the original determination was made and there were no intervening diseases or injuries that could be considered as major factors. Employment which was only casual, intermittent, tryout, unsuccessful, or terminated after a short period by reason of disability, should not be considered as rebutting permanent incapability of self-support otherwise established.

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6. In § 3.403, paragraph (f) is amended to read as follows:

§ 3.403 Children.

Awards of pension, compensation, or dependency and indemnity compensation, to or for a child, or to or for a veteran or widow on behalf of such child, will be effective as follows:

• • • • •

(f) *Adopted child.* Date of adoption either interlocutory or final or date of adoptive placement agreement, but not earlier than the date from which benefits are otherwise payable.

7. In § 3.503, paragraph (j) is amended to read as follows:

§ 3.503 Children.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow on behalf of such child, will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

• • • • •

(j) *Interlocutory adoption decree or adoptive placement agreement.* Date child left custody of adopting parent during the interlocutory period or during adoptive placement agreement, or date of rescission of the decree or date of termination of the adoptive placement agreement, whichever first occurs.

[FR Doc.73-308 Filed 1-4-73;8:45 am]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

SURVIVOR BENEFIT PLAN ANNUITIES

On page 24049 of the FEDERAL REGISTER of November 11, 1972, there was published a notice of proposed rule making to amend § 3.261 to provide that annuities under the Survivor Benefit Plan shall be considered income under laws administered by the Veterans' Administration. The table was corrected on page 25180 of the FEDERAL REGISTER of November 28, 1972. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective September 21, 1972.

Approved: December 27, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows, and children)	Pension; Public Law 86-211 (veterans, widows, and children)	See—
(a) *Income:*					
• • •	• • •	• • •	• • •	• • •	
(14) Retired Serviceman's Family Protection Plan; Survivor Benefit Plan (10 U.S.C. ch. 73):					
Retired Serviceman's Family Protection Plan (Subch. I):					
Annuities	Excluded	Excluded	Excluded	Excluded	
Refund (10 U.S.C. 1446)	Included	Included	Included	Included	
Survivor Benefit Plan (Subch. II).	do	do	do	do	§ 3.262(e).
(Public Law 92-425; 86 Stat. 706)					
• • •	• • •	• • •	• • •	• • •	

[FR Doc.73-306 Filed 1-4-73;8:45 am]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Recovery of Payment of Indebtedness

On page 24198 of the FEDERAL REGISTER of November 15, 1972, there was published a notice of proposed rule making to amend §§ 13.205, 13.207, 13.208, 13.209, 13.210, 13.212, and 13.213 concerning recovery of payment of indebtedness. Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA regulations are effective June 30, 1972.

Approved: December 27, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. Section 13.205 is revised to read as follows:

§ 13.205 Legal and technical assistance.

Legal questions involving a determination under § 2.6(f)(4) of this chapter will be referred to the Chief Attorney for action in accordance with delegations of the General Counsel, unless there is in existence a General Counsel's opinion or an approved Chief Attorney's opinion dispositive of the controlling legal principle. As to matters not controlled by § 2.6(f)(4) of this chapter, the chairman of the field station Committee or at his instance, a member, may seek and obtain advice from the Chief Attorney on legal matters within his jurisdiction and from other division chiefs in their areas of responsibility, on any matter properly before the Committee. Guidance may also be requested from the Central Office Board.

2. Section 13.207 is revised to read as follows:

§ 13.207 Waiver of overpayments.

The term "overpayment" means payments made and determined to be erroneous, indebtedness resulting from services erroneously furnished, and indebtedness of a veteran-borrower or veteran-transferee under the loan guaranty program or the indebtedness of his spouse, under laws administered by the Veterans Administration.

(a) Benefits subject to waiver include indebtedness due the Veterans Administration because of or in connection with hospitalization, domiciliary care, or treatment of a veteran, a person who claimed he was a veteran, or a person to whom such benefits were granted on the assumption that he was an eligible veteran.

(b) In any case where there is an indication of fraud or misrepresentation of a material fact on the part of the debtor or any other party having an interest in the claim, action on a request for waiver will be deferred pending appropriate disposition of the matter. However, the existence of a prima facie case of fraud shall, nevertheless, entitle a claimant to an opportunity to make a rebuttal with countervailing evidence; similarly, the misrepresentation must be more than nonwillful or a mere inadvertence. The Committee may act on a request for waiver concerning such debts, after the Chief Attorney has determined that prosecution is not indicated, or the Department of Justice has notified the Veterans Administration that the alleged fraud or misrepresentation does not warrant action by that department, or the Department of Justice or the appropriate U.S. Attorney specifically authorized action on the request for waiver.

3. In § 13.208, paragraphs (a) and (b) are amended to read as follows:

§ 13.208 Waiver; other than loan guaranty.

(a) *General.* Recovery of overpayments of any benefits made under laws administered by the Veterans Administration shall be waived if recovery of the indebtedness from the payee who received such benefits would be against equity and good conscience.

(b) *Application.* Request for waiver of an overpayment will be considered only if received within 2 years following the date of notice to the payee.

• • • • •

4. In § 13.209, paragraphs (a), (c), and (e) are amended and paragraph (f) is added so that the amended and added material reads as follows:

§ 13.209 Waiver; loan guaranty.

(a) *General.* An indebtedness of a veteran or the indebtedness of his spouse may be waived only when both of the following factors are determined to exist:

(1) Following default there was a loss of the property which constituted security for the loan guaranteed, insured or made under chapter 37 of title 38, United States Code; and

(2) Collection of such indebtedness would be against equity and good conscience.

• • • • •

(c) *Widow or former spouse.* A widow of a veteran or the former spouse of a veteran may be granted a waiver of her indebtedness provided the requirements of paragraph (a) of this section are met.

• • • • •

(e) *Application.* There is no time limit for filing an application for waiver of indebtedness under this section.

(f) *Exclusion.* Except as otherwise provided in this section, the indebtedness of a nonveteran obligor under the loan program is excluded from waiver.

5. Section 13.210 is revised to read as follows:

§ 13.210 Application of standard.

(a) The standard "Equity and Good Conscience," will be applied when the facts and circumstances in a particular case indicate a need for reasonableness and moderation in the exercise of the Government's rights. The decision reached should not be unduly favorable or adverse to either side. The phrase "equity and good conscience" means arriving at a fair decision between the obligor and the Government. In making this determination, consideration will be given to the following elements, which are not intended to be all inclusive:

(1) Fault of debtor: Where actions of the debtor contribute to creation of the debt.

(2) Balancing of faults: Weighing fault of debtor against Veterans Administration fault.

(3) Undue hardship: Whether collection would deprive debtor or family of basic necessities.

(4) Defeat the purpose: Whether withholding of benefits or recovery would nullify the objective for which benefits were intended.

(5) Unjust enrichment: Failure to make restitution would result in unfair gain to the debtor.

(6) Changing position to one's detriment: Reliance on Veterans Administration benefits results in relinquishment of a valuable right or incurrence of a legal obligation.

(b) In applying this single standard for all areas of indebtedness, the following elements will be considered, anyone of which, if found, will preclude the granting of waiver:

(1) Fraud or misrepresentation of a material fact (see § 13.207(b)).

(2) Material fault: The inexcusable commission or omission of an act that directly results in the creation of a debt to the Government.

(3) Lack of good faith: Absence of an honest intention to abstain from taking unfair advantage of the holder and/or the Government.

§ 13.211 [Revoked]

6. Section 13.211 *Standards for waiver; loan guaranty* is revoked.

7. In § 13.212, paragraph (b)(2)(i) is amended to read as follows:

§ 13.212 Scope of waiver decisions.

• • • • •

(b) A field station committee or Central Office Board may:

• • • • •

(2) Waive or decline to waive recovery from specific benefits or sources, except that:

(i) There shall be no waiver of recovery out of insurance of an indebtedness secured thereby; i.e., an insurance overpayment to an insured. However, recovery may be waived of any or all of such indebtedness out of benefits other than insurance then or thereafter payable to the insured.

• • • • •

8. In § 13.213, paragraph (c) is amended to read as follows:

§ 13.213 Refunds.

• • • • •

(c) Amounts which have been recovered by the U.S. Government prior to the date of receipt by the Veterans Administration of a request for waiver, will not be refunded and will be excluded from waiver.

[FR Doc.73-307 Filed 1-4-73;8:45 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. RST-1A]

PART 213—TRACK SAFETY STANDARDS

Miscellaneous Amendments

The purpose of this amendment is to modify a number of the standards for track and track inspection which were promulgated by the Administrator on October 15, 1971, as initial railroad safety standards under the Federal Railroad Safety Act of 1970. Most of the standards affected by this amendment became effective for track in the general railroad system of transportation on October 16, 1972.

On September 5, 1972, the Federal Railroad Administration (FRA) issued a notice of proposed rule making to amend the initial standards (37 FR 18397, 18634). Interested persons were invited to participate in the rule making by submitting written comments before September 30, 1972, and by presenting oral or written statements at a public hearing on September 22, 1972. In response to a request by the Association of American Railroads on behalf of its member railroads, the hearing was postponed, by notice issued September 20, 1972 (37 FR 20041), to October 6, 1972. The hearing was held and participants were given until close of business on October 9, 1972, to file rebuttal statements.

The information and views presented in the comments and at the public hearing have been fully considered and are reflected in the final rules as discussed hereinafter in the analysis of sections. Minor editorial modifications have been made to some sections contained in the notice. Many comments were beyond the scope of the notice of proposed rule making and may be considered for future rule making actions by the FRA.

Section 213.7. Paragraphs (a)(1) and (b)(1) of this section, which governs the qualifications of "qualified persons," are amended to provide an alternative to the requirement that individuals must have at least 1 year of field experience before they may qualify as track inspectors or supervisors for the purpose of Part 213.

It was proposed that in lieu of having 1 year of experience, an individual should be able to qualify after passing an FRA approved training course. However, the Congress of Railway Unions ("CRU") was strongly opposed to this proposal, stating that training alone would not be an adequate substitute for 1 year of practical experience. The FRA concurs with this criticism to the extent that a certain amount of track work is necessary before a person is entitled to be "qualified" as an inspector or supervisor. Consequently, paragraphs (a)(1) and (b)(1) have been revised to incorporate this viewpoint.

Furthermore, the proposal in the notice was made partly because of the many successful training courses presently conducted by rail carriers. At the same time, training from an educational program which is conducted by an institution outside the railroad industry also warrants consideration. For instance, a person who has completed requirements in a civil engineering curriculum at a college or university should be able to qualify as an inspector or supervisor after only a brief period of on the job experience. Therefore, under the final rule the required training may come from a course in track maintenance or inspection, or from a college level educational program related to track maintenance or inspection.

A person who does not have at least 1 year of experience may qualify under the revised requirements if instead he has a combination of some experience and training from an appropriate course or educational program. The amount of

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experience a person must have in conjunction with training will be determined by the track owner who designates a person as qualified. In each case a track owner will have to consider the other minimum requirements for a qualified person set forth in § 213.7(a)(2) and (b)(2) in determining the amount of experience a person must have.

Section 213.7 places the responsibility on each track owner to "designate qualified persons" to supervise track maintenance and inspect track. Each person designated must have demonstrated the qualifications set forth in § 213.7 (a)(2) and (b)(2), and the track owner must maintain a written record of the basis for each such designation. The FRA believes that proper track inspection will be accomplished through this designation procedure and through FRA examination of the track inspected by the persons designated.

The CRU also suggested that the FRA publish its requirements for an approved "training course." At present, the FRA prefers to allow carriers to designate persons as qualified who have training which is suited to the carriers' own situations, rather than prescribe a particular curriculum. Moreover, the proposal that each training course be approved by the FRA has been deleted from the final rule as unnecessary. Nevertheless, if experience demonstrates that persons who qualify on the basis of training from an appropriate course or educational program are not as capable as those with 1 full year's experience, the CRU recommendation will be considered for future rule making.

Section 213.9. This section has been amended to establish higher speed limits for passenger trains than freight trains operating over Classes 1 through 5 track. The higher speed limits are justified by a number of safety factors discussed in the notice. None of the commenters objected to the validity of the proposed increases.

However, at the hearing, the National Railroad Passenger Corporation (Amtrak) suggested that passenger trains be permitted a 20 m.p.h. differential over freight trains on Class 5 track, and that a 10 m.p.h. differential be established for Class 6 track. A 20 m.p.h. differential on Class 5 track would permit passenger trains to operate at 100 m.p.h. The FRA believes that this speed is too high for Class 5 track. Given the minimum standards for safe operations which underlie the track classifications, only Class 6 track can safely accommodate 100 m.p.h. speeds. The request for a 10 m.p.h. differential on Class 6 track is beyond the scope of the notice and cannot be considered at this time. Amtrak originally requested that the speed limit for passenger trains on Class 6 track be increased by 10 m.p.h. in its petition for rule making (Docket No. RST–1; Pet. No. 2). This portion of the petition was denied for failure to show a relationship between high speed specialized equipment and Class 6 track which would support a safe increase in the maximum allowable speed. The FRA is currently studying this relationship, and speed limits for passenger trains above 110 m.p.h. will be the subject of a future notice of proposed rule making.

Section 213.13. No comments were received on the proposed change in the language of this section. It provides that if track is measured when under load, the proper measurement is determined by taking into account any movement of the rails that occurs while the track is loaded.

Section 213.61. Paragraph (b) in this section has been revoked. This paragraph reqired curve markings at the maximum and minimum elevation transition points on Classes 4–6 track. The requirement was deemed unnecessary because the information required to be maintained by paragraph (a) is sufficient for adequate inspection of curve geometry. One commenter stated that efficient inspection would suffer if the markers were not in place. Although this may be true, the absence of curve markers does not constitute a safety hazard, and a Federal standard is unnecessary.

Section 213.109. Paragraph (c) has been amended by transferring the requirement for minimum number of nondefective ties under a rail joint to the new paragraph (d). In addition, the maximum center-to-center distance between nondefective ties for Classes 4–6 track has been increased from 45 to 48 inches to permit cross tie spacings of 23 inches.

The new paragraph (d) restates the requirement for the minimum number of nondefective ties under a joint and provides for the correct positioning of those ties under the joint. Some questions had arisen as to where under a joint a nondefective tie should be placed. Two types of joints are now illustrated (supported and suspended), and in conjunction with a chart, proper tie placement can be discerned. One commenter objected that the new provision still permits a defective tie under a joint. This point was argued when the track standards were originally proposed and was settled at that time. It is not an appropriate issue to raise in this proceeding because the proposed revision did not alter the minimum number of nondefective ties required under a rail joint.

Section 213.113. Paragraph (a) of this section has been revised to provide greater flexibility in operating over a defective rail until the rail is replaced. In general, more stringent corrective action is required as the size of a particular defect increases.

In response to comments, the final rule has been modified in a number of respects from the proposed one. First, operating speed over a transverse fissure or compound fissure has been limited to 10 m.p.h. in all cases where the failure is less than 100 percent. If there is a 100-percent failure, a qualified person must visually supervise each movement over the defective rail, although no speed limit is prescribed. Second, the threshold lengths for horizontal and vertical split heads have been increased because the proposed lengths were deemed too restrictive. Although it was recommended that the threshold lengths for split web, piped rail, and head web separation be likewise increased, no change from the proposed lengths could be justified in the interest of safety. Third, in the case of a bolt hole crack which is more than 1½ inches long, upon reconsideration of the seriousness of the defect, a speed limit of 10 m.p.h. is now imposed rather than requiring a qualified person to supervise each movement over the defect as proposed. The more stringent remedy of having a qualified person at the scene of the defect is now required only after a breakout in the rail head occurs. Finally, comments were directed toward the purpose of Note A. This note is intended to prescribe the most stringent corrective action short of replacing a defective rail. Because there was apparently some difficulty in interpreting what a qualified person is supposed to do at the site of a rail defect, the note has been rewritten to require him to visually supervise each operation over the defective rail. This means, in response to some queries, personal observation and supervision of each operation over every rail defect along a route.

The FRA did not agree with those commenters who suggested that when joint bars are applied to a broken base less than 6 inches long the defect may be considered equivalent to a rail joint and full speed resumed. Therefore, the remedy of a 30 m.p.h. speed limit after joint bars are applied has been adopted as provided in the notice.

Section 213.127. As proposed, paragraph (a) of this section now requires only two spikes instead of three spikes in Class 3 track on curves between 4° and 6°. Also, in Class 4 track on curves between 2° and 4°, only two spikes are required instead of the previous three spikes. Further, the number of spikes required in Class 6 track has been reduced from three to two. One commenter stated that any reduction in the number of spikes previously required could cause a safety hazard. The FRA is cognizant of the importance of proper spiking on curves because of the increased stresses at these locations. However, past industry practice has shown that some minor reductions in spiking on curves can be made without affecting safe operations.

Section 213.133. This section has been rewritten in performance terms to clarify the meaning of the previous requirement. It now provides that fastenings must be maintained so as to keep components in turnouts and track crossings securely in place.

Section 213.233. In paragraph (b), it was proposed to provide an alternative to the requirement that track structure be inspected visually by permitting the use of any mechnical or electrical inspection device which is approved by the Administrator. The purpose of the proposal was to encourage the development of instrumental inspection vehicles so that track inspectors would not be limited to the use of their eyesight in conducting an inspection. As pointed out by one commenter, if such a vehicle were used, it most likely could not detect defects in every component of the track

structure. Therefore, the amendment has been rewritten to provide that an approved device may be used, not in lieu of visual inspection, but as a supplement to visual inspection.

Section 213.237. The proposal to amend paragraph (a) in this section provided an initial 3-year deferment from the yearly inspection requirement for a new rail which has been inductively and ultrasonically inspected and all defects removed before it is installed. However, in consideration of the practice by many railroads, the final rule has been modified to allow a 3-year deferment for a new rail which is internally inspected and has all defects removed within 6 months after installation. The 3-year period between first and second inspections for a new rail is considered sufficient due to the improved metallurgical processes which are presently employed in manufacturing rails; and unlike a used rail which has been subjected to stresses, a new rail is not as likely to become defective.

Section 213.241. The amendments to this section are being adopted as proposed with one exception. It was proposed to add an alternative to the requirement that an inspection record indicate the remedial action taken upon discovery of a deviation. Under the alternative, it would have been permissible for the record to show what remedial action was "recommended" by the inspector. This was proposed because in many instances where an inspector does not actually take the remedial action himself, it is impossible for him to know what remedy was taken when he signs the record of inspection. The FRA now considers a record of "recommended" action to be unnecessary. However, in view of the rationale for the proposed modification, the final rule provides that the record must show the remedial action taken by the inspector. In other words, if an inspector does not actually take any remedial action himself after finding a defect, there would be no entry as to remedial action on the inspection record.

In consideration of the foregoing, Part 213 of Title 49 of the Code of Federal Regulations is amended as set forth below.

1. The table of sections is amended by revising the section heading of § 213.61 to read as follows:

Sec.
213.61 Curve data for Classes 4 through 6 track.

2. Paragraphs (a)(1) and (b)(1) in § 213.7 are amended to read as follows:

§ 213.7 Designation of qualified persons to supervise certain renewals and inspect track.

(a) • • •

(1) At least—

(i) One year of supervisory experience in railroad track maintenance; or

(ii) A combination of supervisory experience in track maintenance and training from a course in track maintenance or from a college level educational program related to track maintenance;

• • • • • •

(b) • • •

(1) At least—

(i) One year of experience in railroad track inspection; or

(ii) A combination of experience in track inspection and training from a course in track inspection or from a college level educational program related to track inspection;

• • • • • •

3. Paragraph (a) in § 213.9 is amended to read as follows:

§ 213.9 Classes of track: operating speed limits.

(a) Except as provided in paragraph (b) of this section and §§ 213.57(b), 213.59(a), 213.105, 213.113 (a) and (b), and 213.137 (b) and (c), the following maximum allowable operating speeds apply:

[In miles per hour]

Over track that meets all of the requirements prescribed in this part for—	The maximum allowable operating speed for freight trains is—	The maximum allowable operating speed for passenger trains is—
Class 1 track	10	15
Class 2 track	25	30
Class 3 track	40	60
Class 4 track	60	80
Class 5 track	80	90
Class 6 track	110	110

4. Section 213.13 is revised to read as follows:

§ 213.13 Measuring track not under load.

When unloaded track is measured to determine compliance with requirements of this part, the amount of rail movement, if any, that occurs while the track is loaded must be added to the measurement of the unloaded track.

5. In § 213.61 the heading is revised and paragraph (b) is revoked. As amended § 213.61 reads as follows:

§ 213.61 Curve data for Classes 4 through 6 track.

(a) Each owner of track to which this part applies shall maintain a record of each curve in its Classes 4 through 6 track. The record must contain the following information:

(1) Location;

(2) Degree of curvature;

(3) Designated elevation;

(4) Designated length of elevation runoff; and

(5) Maximum allowable operating speed.

6. In § 213.109, the table in paragraph (c) is amended, a new paragraph (d) is added, and the previous paragraph (d) is redesignated as paragraph (e), as follows:

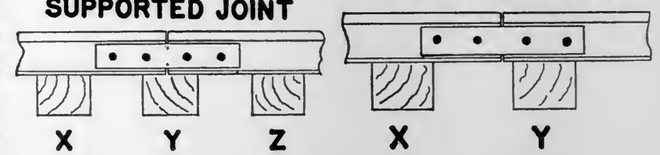
§ 213.109 Cross ties.

• • • • • •

(c) • • •

Class of track	Minimum number of nondefective ties per 39 feet of track	Maximum distance between nondefective ties (center to center) (inches)
1	5	100
2, 3	8	70
4, 5	12	48
6	14	48

(d) If timber ties are used, the minimum number of nondefective ties under a rail joint and their relative positions under the joint are described in the following chart. The letters in the chart correspond to letters underneath the ties for each type of joint depicted.



Class of track	Minimum number of nondefective ties under a joint	Required position of nondefective ties: Supported joint	Required position of nondefective ties: Suspended joint
1	1	X, Y, or Z	X or Y.
2, 3	1	Y	X or Y.
4, 5, 6	2	X and Y, or Y and Z.	X and Y.

(e) Except in an emergency or for a temporary installation of not more than 6-months duration, crossties may not be interlaced to take the place of switch ties.

7. Paragraph (a) in § 213.113 is revised to read as follows:

§ 213.113 Defective rails.

(a) When an owner of track to which this part applies learns, through inspection or otherwise, that a rail in that track contains any of the defects listed in the following table, a person designated under § 213.7 shall determine whether or not the track may continue in use. If he determines that the track may continue in use, operation over the defective rail is not permitted until—

(1) The rail is replaced; or

(2) The remedial action prescribed in the table is initiated:

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Defect	Length of defect (inch) More than	But not more than	Percent of railhead cross-sectional area weakened by defect Less than	But not less than	If defective rail is not replaced, take the remedial action prescribed in note—
Transverse fissure			20		B.
			100	20	B.
				100	A.
Compound fissure			20		B.
			100	20	B.
				100	A.
Detail fracture			20		C.
Engine burn fracture			100	20	D.
Defective weld				100	A, or E and H.
Horizontal split head	0	2			H and F.
	2	4			I and G.
	4				B.
Vertical split head	(Break out in railhead)				A.
Split web	0	½			H and F.
Piped rail	½	3			I and G.
	3				B.
Head web separation	(Break out in railhead)				A.
	0	½			H and F.
Bolt hole crack	½	1½			I and G.
	1½				B.
	(Break out in railhead)				A.
Broken base	0	6			E and I.
	6				Replace rail.
Ordinary break					A or E.
Damaged rail					C.

REMEDIAL ACTION

Note:
A—Assign person designated under § 213.7 to visually supervise each operation over defective rail.
B—Limit operating speed to 10 m.p.h. over defective rail.
C—Apply joint bars bolted only through the outermost holes to defect within 20 days after it is determined to continue the track in use. In the case of classes 3 through 6 track, limit operating speed over defective rail to 30 m.p.h. until angle bars are applied; thereafter, limit speed to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.
D—Apply joint bars bolted only through the outermost holes to defect within 10 days after it is determined to continue the track in use. Limit operating speed over defective rail to 10 m.p.h. until angle bars are applied; thereafter, limit speed to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.
E—Apply joint bars to defect and bolt in accordance with § 213.121 (d) and (e).
F—Inspect rail 90 days after it is determined to continue the track in use.
G—Inspect rail 30 days after it is determined to continue the track in use.
H—Limit operating speed over defective rail to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.
I—Limit operating speed over defective rail to 30 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.

* * * * * * * * * * * * *

8. In § 213.127, the table in paragraph (a) is amended to read as follows:

§ 213.127 Track spikes.

(a) * * *

MINIMUM NUMBER OF TRACK SPIKES PER RAIL PER TIE, INCLUDING PLATE-HOLDING SPIKES

Class of track	Tangent track and curved track with not more than 2° of curvature	Curved track with more than 2° but not more than 4° of curvature	Curved track with more than 4° but not more than 6° of curvature	Curved track with more than 6° of curvature
1	2	2	2	2
2	2	2	2	3
3	2	2	2	3
4	2	2	3	
5	2	3		
6	2			

* * * * * * * * * * * * *

9. Paragraph (a) in § 213.133 is amended to read as follows:

§ 213.133 Turnouts and track crossings generally.

(a) In turnouts and track crossings, the fastenings must be intact and maintained so as to keep the components securely in place. Also, each switch, frog, and guard rail must be kept free of obstructions that may interfere with the passage of wheels.

* * * * * * * * * * * * *

10. Paragraph (b) in § 213.233 is amended to read as follows:

§ 213.233 Track inspections.

* * * * * * * * * * * * *

(b) Each inspection must be made on foot or by riding over the track in a vehicle at a speed that allows the person making the inspection to visually inspect the track structure for compliance with this part. However, mechanical or electrical inspection devices approved by the Federal Railroad Administrator may be used to supplement visual inspection. If a vehicle is used for visual inspection, the speed of the vehicle may not be more than 5 miles per hour when passing over track crossings, highway crossings, or switches.

* * * * * * * * * * * * *

11. Paragraph (a) in § 213.237 is amended to read as follows:

§ 213.237 Inspection of rail.

(a) In addition to the track inspections required by § 213.233, at least once a year a continuous search for internal defects must be made of all jointed and welded rails in Classes 4 through 6 track, and Class 3 track over which passenger trains operate. However, in the case of a new rail, if before installation or within 6 months thereafter it is inductively or ultrasonically inspected over its entire length and all defects are removed, the next continuous search for internal defects need not be made until 3 years after that inspection.

* * * * * * * * * * * * *

12. Paragraphs (a), (b), and (c) in § 213.241 are amended to read as follows:

§ 213.241 Inspection records.

(a) Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart.

(b) Each record of an inspection under §§ 213.233 and 213.235 shall be prepared on the day the inspection is made and signed by the person making the inspection. Records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of this part, and the remedial action taken by the person making the inspection. The owner shall retain each record at its division headquarters for at least 1 year after the inspection covered by the record.

(c) Rail inspection records must specify the date of inspection, the location, and nature of any internal rail defects found, and the remedial action taken and the date thereof. The owner shall retain a rail inspection record for at least 2 years after the inspection and for 1 year after remedial action is taken.

* * * * * * * * * * * * *

Effective dates. Because the rules affected by the amendments contained herein, except §§ 213.61 and 213.109, became effective for most of the Nation's railroad track on October 16, 1972, good cause exists for making the amendments to these rules effective upon publication in the FEDERAL REGISTER (1–5–73). The amendments to §§ 213.61 and 213.109 shall become effective February 5, 1973.

This amendment is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on December 22, 1972.

JOHN W. INGRAM,
Administrator.

[FR Doc.73–7 Filed 1–4–73;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1083, Amdt. 3]

PART 1033—CAR SERVICE

Southern Pacific Transportation Co.; Authorization To Operate Over Tracks of the Texas and Pacific Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of December 1972.

Upon further consideration of Service Order No. 1083 (36 FR 21203, 23803; 37 FR 12726), and good cause appearing therefor:

It is ordered, That: § 1033.1083 *Service Order No. 1083* (Southern Pacific Transportation Co. authorized to operate over tracks of the Texas and Pacific Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–192 Filed 1–4–73;8:45 am]

[S.O. 1086, Amdt. 2]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.; Authorization To Operate Over Tracks of the Peoria and Pekin Union Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of December 1972.

Upon further consideration of Service Order No. 1086 (36 FR 25425, 37 FR 12727), and good cause appearing therefor:

It is ordered, That: § 1033.1086 *Service Order 1086* (Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of the Peoria and Pekin Union Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1972.

Upon further consideration of Service Order No. 1083 (36 FR 21203, 23803; 37 FR 12726), and good cause appearing therefor:

It is ordered, That: § 1033.1083 *Service Order No. 1083* (Southern Pacific Transportation Co. authorized to operate over tracks of the Texas and Pacific Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–195 Filed 1–4–73;8:45 am]

[S.O. 1087, Amdt. 2]

PART 1033—CAR SERVICE

Burlington Northern Inc.; Authorization To Operate Over Tracks of the Peoria and Pekin Union Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of December 1972.

Upon further consideration of Service Order No. 1087 (36 FR 25425, 37 FR 12497), and good cause appearing therefor:

It is ordered, That: § 1033.1087 *Service Order No. 1087* (Burlington Northern Inc. authorized to operate over tracks of the Peoria and Pekin Union Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–193 Filed 1–4–73;8:45 am]

[S.O. 1089, Amdt. 4]

PART 1033—CAR SERVICE

New York Dock Railway; Authorization to Operate Over Trackage Abandoned by Bush Terminal Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of December 1972.

Upon further consideration of Service Order No. 1089 (37 FR 2677, 9118, 15930, and 23336), and good cause appearing therefor:

It is ordered, That: § 1033.1089 *Service Order 1089* (New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–194 Filed 1–4–73;8:45 am]

[S.O. 1091, Amdt. 2]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co.; Authorization to Operate Over Tracks of Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of December 1972.

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Upon further consideration of Service Order No. 1091 (37 FR 4917, 12497), and good cause appearing therefor:

It is ordered, That § 1033.1091 *Service Order No. 1091* (Norfolk and Western Railway Co. authorized to operate over tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-196 Filed 1-4-73;8:45 am]

[S.O. 1100, Amdt. 1]

PART 1033—CAR SERVICE

Union Pacific Railroad Co.; Authorization To Operate Over Tracks of Agricultural Products Corp.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of December 1972.

Upon further consideration of Service Order No. 1100 (37 FR 12324), and good cause appearing therefor:

It is ordered, That: § 1033.1100 *Service Order No. 1100* (Union Pacific Railroad Co. authorized to operate over tracks of Agricultural Products Corp. between Epco, Caribou County, Idaho, and Dry Valley, Caribou County, Idaho) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 73-199 Filed 1-4-73;8:45 am]

[Rev. S.O. 1110, Amdt. 3]

PART 1033—CAR SERVICE

Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of December 1972.

Upon further consideration of Revised Service Order No. 1110 (37 FR 19616, 22871, and 23236), and good cause appearing therefor:

It is ordered, That: § 1033.1110 *Rev. Service Order No. 1110* (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees, required to restore service at the Buttonwood (Wilkes-Barre), Pa., gateway and to reroute traffic originally routed via that gateway) be, and it is hereby, amended by substituting the following paragraphs (a) and (e) for paragraphs (a) and (e) thereof:

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees (Penn Central) be, and it is hereby, ordered to restore service via its Buttonwood (Wilkes-Barre), Pa., gateway on or before

(e) *It is further ordered,* That this order shall become effective at 11:59 p.m., September 15, 1972, and, as to paragraph 1033.1110(b), shall expire at 11:59 p.m., January 31, 1973, unless sooner vacated by order of this Commission upon restoration of service through the Buttonwood (Wilkes-Barre) gateway.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-198 Filed 1-4-73;8:45 am]

[S.O. 1111, Amdt. 3]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co.; Authorization To Operate Over Tracks of Erie Lackawanna Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of December 1972.

Upon further consideration of Service Order No. 1111 (37 FR 19617, 22872, and 25237), and good cause appearing therefor:

It is ordered, That: § 1033.1111 *Service Order No. 1111* (Delaware and Hudson Railway Co. authorized to operate over tracks of Erie Lackawanna Railway Co. Thomas F. Patton and Ralph S. Tyler, Jr., trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 29, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-197 Filed 1-4-73;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 10.105(e) published in the FEDERAL REGISTER on September 1, 1972 (37 FR 17841), established open hunting season for waterfowl in the Atlantic, Mississippi, and central flyways.

Quotas are established annually to control the harvest of Mississippi Valley population Canada geese at their major concentration points in Wisconsin (Horicon Zone) and Illinois (Southern Illinois Zone). The quotas are established cooperatively by Wisconsin and Illinois with the concurrence of the Mississippi Flyway Council and are designed to achieve a postseason level of 300,000 birds in the Mississippi Valley population.

The season in the Southern Illinois Quota Zone, consisting of Alexander, Jackson, Union, and Williamson Counties, is scheduled to close January 5, 1973. Illinois has asked that the season be extended 5 days to January 10 because of the unusually low harvest of geese in the quota zone. The State of Illinois anticipates that less than two-thirds of the 24,000 bird quota will be taken by the scheduled season closure date of January 5.

An aerial inventory on December 29 recorded 320,000 birds in the vicinity. This exceeds by 20,000 the planned postseason population of 300,000 birds. This management objective is largely achieved through quota harvest controls.

Both the State of Wisconsin and the Mississippi Flyway Council support the State of Illinois in its request for a 5-day extension. The Bureau of Sport Fisheries and Wildlife has reviewed the request and determined that it is in the public interest to grant the extension. The total length of season in the Southern Illinois Quota Zone including the 5-day extension will not exceed the framework originally offered.

Accordingly, § 10.105(e) is amended by deleting "January 5" and inserting "January 10" in the column of dates under geese in the table of seasons for the Illinois Counties of Alexander, Jackson, Union, and Williamson.

Notice and public procedure under 5 U.S.C. 553(d) is dispensed with for good cause as described above and this amendment is effective on January 5, 1973.

(16 U.S.C. 704)

SPENCER H. SMITH, *Director.*

JANUARY 4, 1973.

[FR Doc.73-394 Filed 1-4-73;11:50 am]

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on January 5, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking area during daylight hours on foot, bicycle, or by motor vehicle is permitted. Entry by foot or bicycle during daylight hours is permitted on designated travel routes for the purposes of nature study, photography, hiking, skating, and cross-country skiing. Pets are permitted on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,700 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-237 Filed 1-4-73;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on January 5, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Entrance on the refuge and wilderness area in permitted for the purposes of bird watching, photography, nature study, hiking, and swimming during daylight hours. Shellfishing is permitted in conformance with regulations prescribed by the town of Chatham. Tidewater fishing is permitted 24 hours a day. Pets are permitted on a leash not exceeding 10 feet in length. Fires are permitted on the beach. Boats may be beached on the refuge. Erection of tents and other structures is prohibited.

The refuge, comprising of 2,696 acres, is delineated on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, MA 01742 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-239 Filed 1-4-73;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on January 5, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for the individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Use of the picnic area is permitted from 6 a.m. to 9:30 p.m., May 30 to October 15.

The refuge area, comprising 7,761 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-238 Filed 1-4-73;8:45 am]

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PART 33—SPORT FISHING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Del., is permitted in tidal waters. These open areas are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-245 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Prime Hook National Wildlife Refuge, Milton, Del. The refuge is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations and the following special condition: Boats, with or without motors, are permitted for fishing freshwater streams and ponds. Boats may be launched from designated access points or public roads.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-240 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Calais, Maine, is permitted on the areas designated by signs as open to fishing. These open areas, comprising 500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats without motors is permitted on Bearce, Conic, and Cranberry Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLIAM M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-247 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing and entrance on foot for this purpose are permitted on the Great Meadows National Wildlife Refuge, Concord, Mass.

Areas open for fishing are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement regulations which govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-250 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters is permitted from the shores of Monomoy National Wildlife Refuge, Chatham, Mass.

A map of the refuge is available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, MA 01742, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations. Boats may be beached on the refuge and wilderness areas.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-246 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the Parker River National Wildlife Refuge, Mass., is permitted from May 1 through October 15, 1973, and at other times during daylight hours only, in the public use area on the ocean side of Plum Island consisting of 218 acres extending from the south boundary of the swimming and bathing area to the south boundary of the refuge. This area is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State and town regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-248 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Saltwater sport fishing is permitted from the sand beach on Holgate Peninsula and Little Beach Island on the Brigantine National Wildlife Refuge through December 31, 1973, except from those areas posted as closed.

Freshwater sport fishing from the south dike of the west pool is permitted during daylight hours from July 20 through September 21, 1973. The possession of fish or minows for use as bait is prohibited. Parking by freshwater fishermen is permitted at the headquarters and south tower parking areas.

Sport fishing shall be in accordance with all applicable State regulations.

Areas open to sport fishing, comprising 7.5 miles of tidal shoreline and 1 mile of freshwater shoreline, are delineated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries & Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-244 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Iroquois National Wildlife Refuge, Basom, N.Y., is permitted on the areas designated by signs as open to fishing. These open areas comprising 26 acres during spring, summer, and fall, and 172 acres during the winter, are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The use of boats with motors is not permitted.

(2) The use of boats after October 1 is not permitted.

(3) Fishing through the ice is permitted only on Ringneck Marsh from January 1 to March 1 and November 15 to December 31, ice conditions permitting.

(4) Leaving boats, structures, or other equipment overnight is not permitted.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1972.

[FR Doc.73-249 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Sport fishing in State waters in compliance with State regulations is permitted from refuge lands from January 1 to December 31, 1973. The three areas open to access to fishing are designated by signs and delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 27, 1972.

[FR Doc.73-243 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Oyster Bay National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective January 5, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

OYSTER BAY NATIONAL WILDLIFE REFUGE

Sport fishing from the shore of the Oyster Bay Mill Pond and access thereto by walking is permitted on the Oyster Bay National Wildlife Refuge, Oyster Bay, N.Y., during daylight hours through December 31, 1973. The refuge is delineated on a map available at the Target Rock National Wildlife Refuge headquarters, Target Rock Road, Lloyd Neck, Huntington, N.Y. 11743, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massfi 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 27, 1972.

[FR Doc.73-241 Filed 1-4-73;8:45 am]

PART 33—SPORT FISHING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on January 5, 1973.

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§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Pa., is permitted on areas designated by signs as open to fishing. Boats are permitted in Lake Creek above Sugar Lake where designated by signs. These open areas are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 27, 1972.

[FR Doc.73-242 Filed 1-4-73;8:45 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 240—GROUNDFISH FISHERIES

Miscellaneous Amendments

At its 22d annual meeting held in Washington, D.C., May 25 through June 2, 1972, the International Commission for the Northwest Atlantic Fisheries recommended that member governments adopt a system of national allocation of those species that are presently being harvested and several other technical changes to be implemented in 1973.

A complete revised regulation will be published in January 1973 as proposed rule making, which will set forth annual catch quotas allocated to the United States for haddock, cod, yellowtail flounder, silver hake, and red hake for 1973. Interested persons will be provided sufficient time to submit their comments and views.

However, since time is of the essence in regard to some ICNAF recommendations, it has been decided to amend certain portions of Part 240, as it appeared in the January 6, 1971 publication (36 FR 158), and amended on January 19, 1972 (37 FR 786).

Effective date: Date of publication, (1-5-73).

Accordingly, Part 240 is amended as follows:

1. In § 240.1 *Meaning of Terms*, subparagraph (5) of § 240.1(c) is amended by adding two new subdivisions (iv) and (v) to read as follows:

§ 240.1 Meaning of Terms.

• • • • • •

(c) • • •

(5) • • •

(iv) Silver hake (*Merluccius bilinearis* (MITCH.))

(v) Red hake (*Urophycis chuss* (WALB.))

§ 240.8 [Amended]

2. Paragraph (c) of § 240.8 is changed by deleting the words "period January 1 to March 31, 1971, and 1972" in the fifth and sixth lines and inserting the words, "month of April, 1973."

Issued at Washington, D.C., and dated January 2, 1973.

PHILIP M. ROEDEL,
Director.

[FR Doc.73-276 Filed 1-2-73;2:35 pm]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Domestic International Sales Corporations

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 5, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his requ set,Inwriing,t to should submit his request, in writing, to the Commissioner by February 5, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 246(d) of the Internal Revenue Code of 1954 (as added by section 502(a) of the Revenue Act of 1971 (85 Stat. 549)), to section 901(d) of such Code (as amended by section 502(b)(1) of such Revenue Act), to section 922 of such Code (as amended by section 502(c) of such Revenue Act), to section 931(a) of such Code (as amended by section 502(d) of such Revenue Act), to section 1014(d) of such Code (as added by section 502(f) of such Revenue Act), and to certain provisions of section 501 of such Revenue Act, such regulations are amended, effective for taxable years ending after December 31, 1971, as follows:

PARAGRAPH 1. Section 1.246 is amended by revising section 246(b)(1), by adding a new section 246 (d) and (e), and by adding a historical note. The revised and added provisions read as follows:

§ 1.246 Statutory provisions; rules applying to deductions for dividends received.

SEC. 246. *Rules applying to deductions for dividends received.* • • •

(b) *Limitation on aggregate amount of deductions*—(1) *General rule.* Except as provided in paragraph (2), the aggregate amount of the deductions allowed by sections 243 (a)(1), 244(a), and 245 shall not exceed 85 percent of the taxable income computed without regard to the deductions allowed by sections 172, 243(a)(1), 244(a), 245, and 247, and without regard to any capital loss carryback to the taxable year under section 1212 (a)(1).

• • • • • •

(d) *Dividends from a DISC or former DISC.* No deduction shall be allowed under section 243 in respect of a dividend from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporations accumulated DISC income or previously taxed income, or is a deemed distribution pursuant to section 995(b)(1).

(e) *Cross reference.* For special rule relating to mutual savings banks, etc., to which section 593 applies, see section 596.

[Sec. 246 as amended by secs. 434(b) and 512 (f), Tax Reform Act 1969 (83 Stat. 625, 641) sec. 502(a), Rev. Act 1971 (85 Stat. 549)]

PAR. 2. Section 1.246–4, reading as follows, is added immediately after § 1.246–3:

§ 1.246–4 Dividends from a DISC or former DISC.

The deduction provided in section 243 (relating to dividends received by corporations) is not allowable with respect to any dividend (whether in the form of a deemed or actual distribution or an amount treated as a dividend pursuant to section 995(c)) from a corporation which is a DISC or former DISC (as defined in section 992(a) (1) or (3) as the case may be) to the extent such dividend is from the corporation's accumulated DISC income (as defined in section 996(f)(1)) or previously taxed income (as defined in section 996(f)(2)) or is a deemed distribution pursuant to section 995(b)(1) in a taxable year for which the corporation qualifies (or is treated) as a DISC. To the extent that a dividend is paid out of earnings and profits which are not made up of accumulated DISC income or previously taxed income, the corporate recipient is entitled to the deduction provided in section 243 in the same manner and to the same extent as a dividend from a domestic corporation which is not a DISC or former DISC.

PAR. 3. Section 1.301–1 is amended by redesignating paragraph (o) as paragraph (p) and by adding a new paragraph (o), reading as follows:

§ 1.301–1 Rules applicable with respect to distribution of money and other property.

• • • • • •

(o) *Distributions of certain property by DISC's to corporate shareholders.* See § 1.997–1 for the rule that if a corporation which is a DISC or former DISC (as defined in section 992(a) (1) or (3) as the case may be) makes a distribution of property (other than money and other than the obligations of the DISC or former DISC) out of accumulated DISC income (as defined in section 996(f)(1)) or previously taxed income (as defined in section 996(f)(2)), such distribution of property shall be treated as if made to an individual and that the basis of the property distributed, in the hands of the recipient corporation, shall be determined as if such property were distributed to an individual.

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PAR. 4. Section 1.901–1 is amended by adding a new paragraph (i), reading as follows:

§ 1.901–1 Allowance of credit for taxes.

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(i) *Dividends from a DISC treated as foreign.* For purposes of Subpart A, Part III, Subchapter N, Chapter 1, Subtitle A of the Code (sections 991 through 997) and the regulations thereunder, any amount treated as a dividend from a corporation which is a DISC or former DISC (as defined in section 992(a) (1) or (3) as the case may be) will be treated as a dividend from a foreign corporation to the extent such dividend is treated as income from sources without the United States. See section 861(a)(2)(D).

PAR. 5. Section 1.902–3 is amended by adding a sentence at the end of paragraph (a)(1), reading as follows:

§ 1.902–3 Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).

(a) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* • • • For purposes of this section and § 1.902–5, a DISC or former DISC shall be treated as if it were a foreign corporation, but only with respect to dividends from the DISC or former DISC to the extent such dividends are treated as gross income from sources without the United States as determined under section 861(a)(2)(D).

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PAR. 6. Section 1.902–4 is amended by adding a sentence at the end of paragraph (a), reading as follows:

§ 1.902–4 Definition of less developed country corporation for purposes of section 902.

(a) *In general.* • • • A DISC or former DISC is not a less developed

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country corporation for purposes of section 902.

* * * * *

PAR. 7. Section 1.922 is amended by revising section 922 and by adding a historical note, as follows:

§ 1.922 Statutory provisions; special deduction.

SEC. 922. *Special deduction.* In the case of a Western Hemisphere trade corporation there shall be allowed as a deduction in computing taxable income an amount computed as follows—

(1) First determine the taxable income of such corporation computed without regard to this section.

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year prescribed by section 11.

No deduction shall be allowed under this section to a corporation for a taxable year for which it is a DISC or in which it owns at any time stock in a DISC or former DISC (as defined in section 992(a)).

(Sec. 922 as amended by sec. 502(c), Rev. Act 1971 (85 Stat. 550))

PAR. 8. Section 1.922–1 is amended by adding a new paragraph (c), reading as follows:

§ 1.922–1 Special deduction of Western Hemisphere trade corporation.

* * * * *

(c) *Denial of deduction for a DISC or shareholder thereof.* The special deduction provided by section 922 is not allowed to a corporation for a taxable year (1) for which it qualifies (or is treated) as a DISC or (2) during which it owns directly or indirectly at any time stock in a corporation which, at such time, is (or is treated as) a DISC or former DISC. (See section 922(a) (1) and (3), respectively, for the definitions of the terms "DISC" and "former DISC".) For example, assume X and Y corporations have the same taxable years. On the first day of its taxable year X corporation owns and sells all of the stock in Y corporation, Y corporation on such day owns and sells all of the stock in Z corporation, and Z corporation qualifies as a DISC as of such day. Neither X nor Y corporations will be eligible for the special deduction provided by section 922 for their taxable years. Z corporation will likewise not be eligible for the special deduction for the taxable year for which it qualifies as a DISC.

PAR. 9. Section 1.931 is amended by revising so much of section 931(a)(2) as follows section 931(a)(2)(A), by revising section 931(d), and by adding a historical note. The revised and added provisions read as follows:

§ 1.931 Statutory provisions; income from sources within possessions of the United States.

SEC. 931. *Income from sources within possessions of the United States*—(a) *General rule.* * * *

(2) *Trade or business.* * * *

(B) In the case of such citizen, 50 percent or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

This section shall not apply in the case of a corporation for a taxable year for which it is a DISC or in which it owns at any time stock in a DISC or former DISC (as defined in section 992(a)).

* * * * *

(d) *Deductions*—(1) *General rule.* Except as otherwise provided in this subsection and subsection (e), in the case of persons entitled to the benefits of this section the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in part I, under regulations prescribed by the Secretary or his delegate.

(2) *Exceptions.* The following deductions shall be allowed whether or not they are connected with income from sources within the United States:

(A) The deduction, for losses not connected with the trade or business if incurred in transactions entered into for profit, allowed by section 165(c)(2), but only if the profit, if such transaction had resulted in a profit, would be taxable under this subtitle.

(B) The deduction, for losses of property not connected with the trade or business if arising from certain casualties or theft, allowed by section 165(c)(3), but only if the loss is of property within the United States.

(C) The deduction for charitable contributions and gifts allowed by section 170.

(3) *Deduction disallowed.* For disallowance of standard deduction, see section 142 (b)(2).

* * * * *

[Sec. 931 as amended by sec. 107, Foreign Investors Tax Act 1966 (80 Stat. 1571); sec. 502(d), Rev. Act 1971 (85 Stat. 550)]

PAR. 10. Section 1.931–1 is amended by adding a new paragraph (j), reading as follows:

§ 1.931–1 Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States.

* * * * *

(j) *Nonapplication to a DISC or shareholder thereof.* Section 931 does not apply to a corporation for a taxable year (1) for which it qualifies (or is treated) as a DISC or (2) during which it owns directly or indirectly at any time stock in a corporation which, at such time, is (or is treated as) a DISC or former DISC. (See section 992(a) (1) and (3), respectively, for the definitions of the terms "DISC" and "former DISC".) For example, assume X and Y corporations have the same taxable years. On the first day of its taxable year, X corporation owns and sells all of the stock in Y corporation, Y corporation on such day owns and sells all of the stock in Z corporation, and Z corporation qualifies as a DISC as of such day. Section 931 will not apply to X and Y corporations for their taxable years. Section 931 will likewise not apply to Z corporation for the taxable year for which it qualifies as a DISC.

PAR. 11. Section 1.1014 is amended by adding a new section 1014(d) and by revising the historical note, as follows:

§ 1.1014 Statutory provisions; basis of property acquired from a decedent.

SEC. 1014. *Basis of property acquired from a decedent.* * * *

(d) *Special rule with respect to DISC stock.* If stock owned by a decedent in a DISC or former DISC (as defined in section 992(a)) acquires a new basis under subsection (a), such basis (determined before the application of this subsection) shall be reduced by the amount (if any) which would have been included in gross income under section 995(c) as a dividend if the decedent had lived and sold the stock at its fair market value on the estate tax valuation date. In computing the gain the decedent would have had if he had lived and sold the stock, his basis shall be determined without regard to the last sentence of section 996(e)(2) (relating to reductions of basis of DISC stock). For purposes of this subsection, the estate tax valuation date is the date of the decedent's death or, in the case of an election under section 2032, the applicable valuation date prescribed by that section.

(Sec. 1014 as amended by sec. 2, Act of February 11, 1958 (Public Law 85–320, 72 Stat. 5); sec. 502(f), Rev. Act 1971 (85 Stat. 550))

PAR. 12. Section 1.1014–1 is amended by deleting the first sentence of paragraph (b) and replacing the deleted sentence with the two sentences reading as follows:

§ 1.1014–1 Basis of property acquired from a decedent.

* * * * *

(b) *Scope and application.* With certain limitations, the general rule described in paragraph (a) of this section is applicable to the classes of property described in paragraphs (a) and (b) of § 1.1014–2, including stock in a DISC or former DISC. In the case of stock in a DISC or former DISC, the provisions of this section and §§ 1.1014–2 through 1.1014–8 are applicable, except as provided in § 1.1014–9. * * *

* * * * *

PAR. 13. Section 1.1014–9, reading as follows, is added immediately after § 1.1014–8:

§ 1.1014–9 Special rule with respect to DISC stock.

(a) *In general.* If property consisting of stock of a DISC or former DISC (as defined in section 992(a) (1) or (3) as the case may be) is considered to have been acquired from a decedent (within the meaning of paragraph (a) or (b) of § 1.1014–2), the uniform basis of such stock under section 1014, as determined pursuant to §§ 1.1014–1 through 1.1014–8 shall be reduced as provided in this section. Such uniform basis shall be reduced by the amount (hereinafter referred to in this section as the amount of reduction), if any, which the decedent would have included in his gross income under section 995(c) as a dividend if the decedent had lived and sold such stock at its fair market value on the estate tax valuation date. If the alternate valuation date for Federal estate tax purposes is elected under section 2032, in computing the gain which the decedent would have had if he had lived and sold the stock on the alternate valuation date, the decedent's basis shall be determined with reduction for any distributions with respect to the stock which may have been made, after the date of the decedent's death and on or before the alternate valuation date, from the DISC's previously taxed income (as defined in section 996(f)(2)). For purposes of this section, if the corporation is not a DISC or former DISC at the date of the decedent's death but is a DISC for a taxable year which begins after such date and on or before the alternate valuation date, the corporation will be considered to be a DISC or former DISC only if the alternate valuation date is elected. For purposes of section 1014(d) and this section, in computing the gain which the decedent would have had if he had lived and sold the stock, the decedent's basis shall be determined without regard to the last sentence of section 996(e)(2) (relating to reductions of basis of DISC stock). The provisions of this paragraph apply with respect to stock of a DISC or former DISC which is included in the gross estate of the decedent, including but not limited to property which—

(1) Is acquired from the decedent before his death, and the entire property is subsequently included in the decedent's gross estate for estate tax purposes, or

(2) Is acquired property described in paragraph (d) of § 1.1014–3.

(b) *Portion of property acquired from decedent before his death included in decedent's gross estate.* In cases where, due to the operation of the estate tax, only a portion of property which consists of stock of a DISC or former DISC and which is acquired from a decedent before his death is included in the decedent's gross estate, the uniform basis of such stock under section 1014, as determined pursuant to § 1.1014–1 through § 1.1014–8, shall be reduced by an amount which bears the same ratio to the amount of reduction which would have been determined under paragraph (a) of this section if the entire property consisting of such stock were included in the decedent's gross estate as the value of such property included in the decedent's gross estate bears to the value of the entire property. For example, assume that the decedent creates a trust to pay the income to A for life, remainder to B or his estate. The trust instrument further provides that if the decedent should survive A, the income shall be paid to the decedent for life. Assume that the decedent predeceases A, so that, due to the operation of the estate tax, only the present value of the remainder interest is included in the decedent's gross estate. The trust consists of 100 shares of the stock of X corporation (which is a DISC at the time the shares are transferred to the trust and at the time of the decedent's death) with an adjusted basis immediately prior to the decedent's death of $10,000 (as determined under section 1015). At the time of the decedent's death the value of the stock is $20,000, and the value of the remainder interest in the hands of B is $8,000. Applying the principles of paragraph (b)(3)(i) of § 1.1014–6, the uniform basis of the entire property following the decedent's death, prior to reduction pursuant to this paragraph, is $14,000. Assume further that the amount of reduction which would have been determined under paragraph (a) of this section if the entire property consisting of such stock of X corporation were included in the decedent's gross estate is $5,000 The uniform basis of the entire property following the decedent's death, as reduced pursuant to this paragraph, is $12,000, computed as follows:

Uniform basis under section 1014(a), prior to reduction pursuant to this paragraph	$14,000
Less decrease in uniform basis (determined by the following formula)	2,000

Reduction in uniform basis (to be determined) = $5,000 (amount of reduction in paragraph (a) applied) / $8,000 (value of property included in gross estate) × $20,000 (value of entire property)

Uniform basis under section 1014(a) reduced pursuant to this paragraph	12,000

(c) *Estate tax valuation date.* For purposes of section 1014(d) and this section, the estate tax valuation date is the date of the decedent's death or, in the case of an election under section 2032, the applicable valuation date prescribed by that section.

(d) *Examples.* The following examples illustrates the application of section 1014 (d) and this section:

Example (1). If at the date of A's death his DISC stock has a fair market value of $100, the estate does not elect the alternate valuation allowed by section 2032, and A's basis in such stock is $60 at the date of his death, the person who acquires such stock from the decedent will take as a basis for such stock its fair market value at A's death ($100), reduced by the amount which would have been included in A's gross income under section 995(c) as a dividend if A had sold stock on the date he died. Thus, if the amount that would have been treated as a dividend under section 995(c) were $30, such person will take a basis of $70 for such stock ($100, reduced by $30). If such person were immediately to sell the DISC stock so received for $100, $30 of the proceeds from the sale would be treated as a dividend by such person under section 995(c).

Example (2). Assume the same facts as in example (1) except that the estate elects the alternate valuation allowed by section 2032, the DISC stock has a fair market value of $140 on the alternate valuation date, the amount that would have been treated as a dividend under section 995(c) in the event of a sale on such date is $50 and the DISC has $20 of previously taxed income which accrued after the date of the decedent's death and before the alternate valuation date. The basis of the person who acquires such stock will be $90 determined as follows:

(1) Fair market value of DISC stock at alternative valuation date	$140
(2) Less: Amount which would have been treated as a dividend under section 995(c)	50
(3) Basis of person who acquires DISC stock	90

If a distribution of $20 attributable to such previously taxed income had been made by the DISC on or before the alternate valuation date (with the DISC stock having a fair market value of $120 after such distribution), the person who acquires such stock will take a basis of $70 for such stock.

[FR Doc.72-22444 Filed 12-29-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 44]

PROCEDURES FOR DETERMINING NET WEIGHT OF FOOD PRODUCTS

Extension of Time for Filing Written Data, Views and Arguments

A proposal for Procedures for Determining Net Weight of Food Products was published in the FEDERAL REGISTER of December 18, 1971 (FR Doc. 71–18499; 36 FR 24069).

In consideration of comments and suggestions received indicating a need for further study by the industries affected, notice is hereby given that the time for receiving written data, views or arguments from interested parties in connection with the proposed Procedures for Determining Net Weight of Food Products has been extended to April 15, 1973.

All persons who wish to submit written data, views or arguments within the additional time for consideration in connection with the proposal should file the same—in duplicate—with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, DC 20250, on or before April 15, 1973. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-311 Filed 1-4-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW PRESCRIPTION DRUGS

Proposed Bioavailability Requirements

It has long been recognized that the release of active drug from a drug product may be greatly influenced by physicochemical factors in the product and by

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the method of formulation. Thus, a tablet may fail to release its specified content of active drug because the tablet dissolves slowly or because the active drug is bound tightly to other ingredients. Until recently, it was believed that in vitro testing of drug products for potency, content uniformity, disintegration time, and dissolution rate was sufficient to ensure a uniform quality for all formulations of the same drug. However, it has now been established that different formulations of the same drug may produce differing concentrations of drug in body tissues or fluids when tested under standardized conditions even though the formulations may meet current standards for in vitro testing.

The Food and Drug Administration (FDA) recognizes that exact equality among drug products cannot be expected and, indeed, differences in pharmaceutical composition are sometimes designed to achieve such desirable goals as improved shelf life or improved patient acceptability. There is no intent to limit innovation in this important area, but such innovation must not alter the fundamental effectiveness or safety of the drug. Good patient care requires that all formulations of the same drug meet identical standards.

It is not possible to specify at the present time the frequency with which lack of equivalence in bioavailability of chemically equivalent formulations may occur. However, the parameters associated with defining the bioavailability of a drug have been identified and the factors for assessing a drug's bioavailability in most instances are known or can be determined.

It is the responsibility of the manufacturer to assure by acceptable scientific evidence that each dosage form of each drug product is formulated so as to meet appropriate standards, is safe, and has the effectiveness claimed in its labeling. For some drugs a necessary part of this assurance is evidence that the active drug in a drug product is biologically available to a uniform and acceptable degree.

Suitable methodology for accurately measuring the bioavailability of a drug in humans is not currently available for many drug products. Practical limitations on the number of investigators and clinical research facilities available for such work also precludes the possibility of testing in the near future every formulation of every drug currently on the market. There is no reason to believe that a rigid across-the-board requirement for bioavailability testing of every marketed drug product would, on a benefit/risk ratio basis, improve the quality of drug products commensurate with the expenditure of human and technical resources. Thus, it is necessary to set priorities in the categories of drugs selected for bioavailability testing, with primary attention directed toward those in which a defect in bioavailability would be most detrimental to patient care.

In view of the above, the FDA will publish, from time to time, lists of drugs for which bioavailability data will be required on the basis of medical importance and/or indications that problems of bioavailability have been suggested or suspected. The proposed regulation set forth below regarding bioavailability will supersede all previous requests for bioavailability data published in the FEDERAL REGISTER prior to April 21, 1972, through the Drug Efficacy Study Implementation (DESI) announcements. Since April 21, 1972, the FDA conclusions published in DESI announcements have used the criteria and principles for requiring bioavailability as set forth in this proposed regulation.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 507, 701(a), 52 Stat. 1050–1053 as amended, 1055; 21 U.S.C. 352, 355, 357, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 130 be amended as follows:

1. By adding the following new section:

§ 130.____ Bioavailability requirements for prescription drugs.

(a) *Definition.* The bioavailability of an active ingredient(s) from a drug product is defined as the rate and extent to which the ingredient(s) is absorbed from the drug product into the body or to the site of action.

(b) *Methods for establishing bioavailability of a drug.* (1) Bioavailability may be established by tests in which the blood levels and/or urinary excretion rates of the drug and/or of its metabolites are measured after administration of the product, according to the general standards outlined in paragraph (c) of this section.

(2) Where it is not technically possible to ascertain blood levels or urinary excretion rates, bioavailability may also be established by clinical trials which measure the therapeutic effect or an acute pharmacological effect; in such trials, the test formulation is compared for an appropriate indication with a reference product and/or a placebo if appropriate. Clinical trials conducted for the purpose of establishing bioavailability shall adhere rigorously to high standards of quality in design and technical execution; the results of such trials shall be subjected to proper statistical evaluation. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials are conducted with the marketed formulation.

(c) *General requirements for establishing bioavailability.* (1) Requirements for the filing of a "Notice of Claimed Investigational Exemption for a New Drug" (IND).

(i) Where a drug is currently commercially available for an approved indication, an IND is not required for single dose studies in normal individuals where the dose does not exceed that specified in the labeling or single dose or steady state studies in patients.

(ii) An IND may be requnired when steady state studies are to be conducted in normal subjects or when single dose studies in normal individuals or patients call for doses which exceed that specified in the labeling. The Food and Drug Administration will determine on an individual basis whether an IND is required in these situations.

(iii) In all cases the physician-investigator shall abide by the same ethical standards that apply to all human research and testing, and written consent (21 CFR 130.37) and institutional review of the protocol (21 CFR 130.3) are required. Bioavailability testing shall not be performed on critically ill patients.

(2) It is advisable to review proposed bioavailability tests or clinical trials with the Food and Drug Administration to determine that the design of the study is appropriate, that an appropriate reference product is used, and that methods are adequate. Such tests or trials should be reviewed with the Food and Drug Administration prior to initiation to avoid an unacceptable design or other deficiency.

(3) Formulations of a given drug product shall in most instances be tested in comparison with an appropriate reference preparation. For bioavailability tests, the reference preparation shall ordinarily contain the same drug in the same amount and in the same dosage form as the test product and shall ordinarily be a product currently produced by a manufacturer holding an original NDA. In selected cases (*e.g.*, a new chemical entity) the reference preparation may be the drug substance in an appropriate standard system (e.g., solution). For some clinical trials a placebo may serve as an appropriate reference product. Both the test product and reference product shall be shown to meet compendial standards, including potency, content uniformity, and, where applicable, disintegration times and dissolution rates; however, if the drug is not recognized in an official compendium, it shall meet adequate specifications to assure its identity, strength, quality, purity, content uniformity, and, where applicable, disintegration times and dissolution rates. In the case of combination drug products, the bioavailability of each active ingredient shall be established. Attention shall be given to potential interaction from active ingredients which would provide a change in the bioavailability characteristics in the combination product.

(4) Bioavailability testing and clinical assays shall ordinarily be conducted in man, but if an appropriate animal model exists its use is acceptable. Bioavailability testing shall ordinarily be done in normal adults who are given single doses of the test product and/or the reference product under standardized conditions. In selected cases it may be necessary to conduct multiple-dose tests. The guiding principle is that no unnecessary human research should be done.

(5) The data from either bioavailability tests or clinical assays shall demonstrate a lack of substantial inequality between the test product and the reference product and need not demonstrate equality between the two. Criteria for a lack of substantial inequality vary from drug to drug and take into consideration both the statistical significance and the possible medical importance of differences in bioavailability found among the drugs.

(6) Any lot of a drug product encountered which fails to meet appropriate standards of bioavailability but does meet compendial standards for in vitro testing is valuable for further study. Samples of such lots are requested to be sent to the Food and Drug Administration to the attention of the Division of Clinical Research, BD–220, Office of Scientific Coordination, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Such samples will be made available to qualified investigators as part of the Food and Drug Administration's intramural and extramural research effort to develop improved methods of in vitro testing.

(d) *Drugs for which evidence of bioavailability is required.* (1) Notices will be published periodically in the FEDERAL REGISTER listing specific drugs for which the Commissioner concludes bioavailability testing is required. Such notices will be published on a public health priority basis, taking into account the benefit/risk ratio, evidence of a lack of bioavailability, and other relevant factors. Drug Efficacy Study Implementation (DESI) announcements published since April 21, 1972, have used the criteria and principles for requiring bioavailability that are set forth in this regulation and therefore also constitute such notice. Bioavailability requirements set forth in DESI announcements published prior to April 21, 1972, are revoked and superseded by this proposed regulation.

(2) For all drugs subject to approved new drug applications (including abbreviated new drug applications), evidence of bioavailability shall be submitted to the Food and Drug Administration within 180 days after publication of a notice of such requirement unless a time extension is granted .

(3) Any new drug application for a given drug that is under consideration at the time of or after publication of a notice of such bioavailability requirement for that drug shall include evidence of bioavailability. In these cases, inclusion of such evidence is requisite for approval of the new drug application.

(4) Any original new drug application for a new chemical entity that either is pending or is submitted after (insert the effective date of this regulation) shall contain the results of a bioavailability study performed under standardized conditions defining the bioavailability parameters of the drug. In addition the product formulation intended for marketing shall be compared with an appropriate reference preparation (e.g., the pure drug in solution). Waiver or deferral of this requirement may be granted if adequate analytical methodology is unavailable and the applicant demonstrates the drug possesses a negligible potential for bioavailability problems. In original new drug applications studies shall be included which correlate blood or tissue levels with degree of efficacy.

(5) For marketed drugs that are subject to approved new drug applications and that are reformulated after a requirement of bioavailability has been satisfied pursuant to subparagraphs (2), (3), or (4) of this paragraph, bioavailability data shall accompany the required supplement unless waived or deferred. Advice as to the reference product and the need for such data in light of the significance of the formulation change may be obtained from the Food and Drug Administration.

(6) When the Food and Drug Administration finds that different batches (lots) of the same product are chemically equivalent with reference to the active ingredients but fail to produce uniform blood levels, batch to batch (lot to lot) testing of such drug products may be required in accordance with specified or approved procedures or protocols. Such specified or approved procedures or protocols may include physical tests to the extent they are reliable and accurate, such as dissolution and disintegration rates, as well as blood and urine analyses.

(7) Where questions of safety and/or effectiveness are raised for marketed drugs not subject to the new drug provisions of the act, a notice will be published advising interested persons that the Food and Drug Administration considers such products to be in violation of the act unless bioavailability has been established. Drug monographs under which drugs may be marketed as generally recognized as safe and effective and not misbranded and thus without an approved new drug application may include a bioavailability requirement. The failure to comply with such requirement will result in the drug being adulterated and/or misbranded.

(e) Drugs for which bioavailability is not required. Bioavailability evidence will not be required where the rate and amount of the drug going into systemic circulation is directly controlled (e.g., solution intended for intravenous administration) or where bioavailability is not germane to its intended purpose (e.g., urologic irrigating fluids) or where the Commissioner concludes on the basis of other adequate data or information that such evidence is unnecessary to assure reasonably uniform quality and therapeutic performance.

(f) Inquiries related to the bioavailability of drug products should be submitted to the Office of Scientific Coordination, BD–200, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

2. In § 130.4 by adding a new subitem h. to item 12 in Form FD–356H in paragraph (c)(2), and by revising paragraph (f)(3), as follows:

§ 130.4 Applications.

• • • • • •

(c) • • •

(2) • • •

FD–356H • • •

12. • • •

h. Biological availability data in accord with § 130.—— (*Bioavailability requirements for prescription drugs*), for a drug which is a new chemical entity or for which a notice of such requirement has been published pursuant to § 130.—— (*Bioavailability requirements for prescription drugs*).

• • • • • •

(f) • • •

(3) Data showing biological availability of the drug in accord with § 130.—— *Bioavailability requirements for prescription drugs*, if a notice for such requirement for the drug has been published pursuant to § 130.—— *Bioavailability requirements for prescription drugs*. For preparations claiming sustained action, timed-release, or other delayed or prolonged effect, such data should show that the drug is available at a rate of release that will be safe and effective. Original versions of sustained action or timed release preparations must show evidence of efficacy on the basis of clinical trials as compared with short-acting preparations and placebo.

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Interested persons may, by March 6, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 22, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-93 Filed 1-4-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 175]

[CGD 72–120PH]

EQUIPMENT REQUIREMENTS

Personal Flotation Devices

In the Friday, October 6, 1972, issue of the FEDERAL REGISTER (37 FR 21262), the Coast Guard published a notice (CGD 72–120PH) proposing certain requirements for the carriage of lifesaving equipment.

This document is a supplement to the original notice and is being issued to clarify the carriage requirements and extend the proposed requirements for one throwable device to all boats.

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Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (GCMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identifying the notice (CGD 72–120PH), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234. The Commandant will evaluate all comments received before January 30, 1973, and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

The notice (CGD 72–120PH) stated that on boats 26 feet in length and longer man overboard protection should be provided. Based upon several comments received to date, the Coast Guard now feels that man overboard protection is also needed on boats less than 26 feet in length. Therefore, it is proposed to require at least one Type IV PFD, which is a throwable device, on all recreational boats with two exceptions. The first exception would be that of the boat being used by only one person. The second exception would be for the case where all occupants are wearing personal flotation devices.

In consideration of the foregoing, § 175.15 in the notice CGD 72–120PH is changed to read as follows:

§ 175.15 Personal flotation devices required.

• • • • •

(c) No person may use a recreational boat without at least one Type IV PFD or its equivalent listed in Table 175.23 on board unless that person is—

(1) The sole occupant of the boat; or

(2) Wearing a PFD that meets the requirements of this section for the boat.

Dated: December 27, 1972.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.73–274 Filed 1–4–73;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 72–WE–20–AD]

McDONNELL DOUGLAS MODEL DC–8 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas Model DC–8 series airplanes. There has been a failure of the control column casting on a Model DC–8 and one other column has been found with several cracks. The failure resulted from a fatigue crack. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require an inspection of the affected area of all Model DC–8 control columns within 1,000 hours' time in service.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before February 1, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to all Model DC–8 series airplanes.

Compliance required within the next 1000 hours' time in service after the effective date of this AD, unless already accomplished.

To detect cracks and prevent failure of the control column, conduct a dye penetrant inspection of the control columns in accordance with the instructions in McDonnell Douglas All Operators Letter 8–632 issued October 11, 1972, or later FAA-approved revisions, or equivalent inspection technique approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: The agency is examining the possibility of incorporating a repetitive inspection program into this AD. The manufacturer is now performing tests for this purpose. The AD may be amended based on data obtained.

Issued in Los Angeles, Calif. on December 18, 1972.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.73–271 Filed 1–4–73; 8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 72–WE–22–AD]

McDONNELL DOUGLAS MODEL DC–9–10 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to McDonnell Douglas Aircraft Co., Model DC–9–10 series airplanes.

There has been a report of a fatigue crack in a fuselage frame lower end fitting on a DC–9–10 series airplane. This condition, if undetected, may jeopardize safe operation of the airplane. Since this condition is likely to exist in other airplanes of the same design, the proposed airworthiness directive would require initial and repetitive inspections, and replacement or repair of the fuselage frame fittings in accordance with instructions specified in the AD.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments, as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before February 1, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in the notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the rule docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

McDONNELL DOUGLAS. Applies to Model DC–9–10 series airplanes certificated in all categories.

Compliance required as indicated:

To detect fatigue cracks in the fuselage frame lower end fittings (P/N's 9958198, 9958200 and 9958202) at fuselage stations 503, 525, or 544 accomplish the following:

A. 1. For airplanes with 10,000 hours or more time in service on the effective date of this A.D., unless already accomplished within the last 500 hours time in service prior to the effective date of this A.D., within the next 1,000 hours time in service and thereafter at intervals not to exceed 1,500 hours time in service from the last inspection, inspect the fuselage frame left and right hand lower end fittings P/N 9958198, 9958200, and 9958202, in accordance with the instructions and procedures of paragraph B, below.

2. For airplanes with less than 10,000 hours time in service on the effective date of this A.D., comply with paragraph (B) before the accumulation of 11,000 hours time in service.

B. 1. Statically ground the aircraft. Observe all precautionary measures as outlined in Douglas DC–9 Maintenance Manual, Chapter 12–13–0.

2. Remove and retain passenger compartment lower side panels (below the windows) and attaching parts between stations 465 and 566 in accordance with the instructions outlined in Douglas Maintenance Manual, Chapter 25–21–0.

Optional: For additional access, remove and retain the air-conditioning exhaust grill and attaching parts in accordance with the instructions outlined in Douglas Maintenance Manual, Chapter 25–27–0.

3. Accomplishment of paragraph B.2, above, will expose the horizontal shear web which has "taped-over" cutouts for the fuselage frames. Remove the tape, and

4. Visually inspect for evidence of cracking, using positive inspection aids, the areas between and surrounding (including the frame fitting inboard flange) the two upper bolts which attach the rear face of the lower end of the fuselage frame fittings (P/N 9958198, 9949200 and 9958202) to the transverse floor beam members at fuselage stations 503, 525, and 544, both left and right hand sides.

5. If cracks are found replace with a new part of the same design, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

6. Upon accomplishment of paragraph B.5, the inspection periods outlined in paragraph A. may be discontinued, for that part only, until the new or repaired part has accumulated an additional 10,000 hours time in service, at which time the inspections and corrective actions prescribed in paragraph B will be repeated.

7. Report the findings of the inspections performed in compliance with this A.D. to the Chief, Aircraft Engineering Division, FAA Western Region, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. (Reporting approved by the Bureau of the Budget under BOB No. 04–R0174).

C. Equivalent inspections and replacements or repairs may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, Calif., on December 18, 1972.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.73–272 Filed 1–4–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72–NE–25]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to alter the Presque Isle, Maine, control zone (37 FR 2121) and transition area (37 FR 2269).

A new instrument landing system and associated standard instrument approach procedure will be established at the Presque Isle, Maine, airport. This will require alteration of the Presque Isle, Maine, control zone and 700-foot transition area to provide controlled airspace for aircraft executing the procedure for this new approach.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within thirty (30) days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Presque Isle, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Presque Isle, Maine, control zone in its entirety and insert the following in lieu thereof:

Within a 5-mile radius of Presque Isle, Maine, Municipal Airport (lat. 46°41'30" N., long. 68°02'30" W.); within 3.5 miles each side of the Presque Isle localizer course extending from the 5-mile-radius zone to 10 miles south of the LOM; within 2 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile-radius zone to the Presque Isle VORTAC. This control zone is effective from 0800 to 2000 hours, local time, Sunday through Friday; 0800 to 1730 hours, local time, Saturday or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Presque Isle, Maine, 700-foot transition area in its entirety and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Presque Isle, Maine, Municipal Airport (lat. 46°41'30" N., long. 68°02'30" W.); within 3.5 miles east and 8 miles west of the Presque Isle localizer course extending from the 13-mile radius area to 11.5 miles south of the LOM; within 3.5 miles east and 8 miles west of the Presque Isle VORTAC 338° radial extending from the 13-mile radius area to 11.5 miles north of the VORTAC; within an 8.5 mile radius of Caribou, Maine, Municipal Airport (lat. 46°52'20" N., long. 68°01'10" W.); within a 10-mile radius of Loring AFB (lat. 46°57'05" N., long. 67°53'10" W.); Limestone, Maine; excluding that portion outside of the United States.

That airspace extending upward from 1200 feet above the surface within a 40-mile radius of Loring AFB (lat. 46°57'05" N., long. 67° 53'10" W.) Limestone, Maine, excluding that portion outside of the United States.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on December 18, 1972.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73–168 Filed 1–4–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72–NE–26]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Administration Regulations so as to designate a Biddeford, Maine, transition area.

The Standard Instrument Approach Procedure for Biddeford Airport, Biddeford, Maine, has been revised in accordance with the U.S. Standard for Terminal Instrument Procedures. This revised procedure will require the designation of a Biddeford, Maine, 700-foot transition area in order to provide controlled airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Biddeford, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Biddeford, Maine, 700-foot transition area described as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Biddeford, Maine, Airport (lat. 43°27'55" N., long. 70°28'25" W.) extending clockwise from the 270° bearing to the 180° bearing; within a 10-mile radius extending from the 180° bearing clockwise to the 270° bearing excluding that airspace previously

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designated as the Sanford, Maine, 700-foot transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on December 20, 1972.

JACK ORMSBEE,
Acting Director,
New England Region.

[FR Doc.73-267 Filed 1-4-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-132]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Muscle Shoals, Ala., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whippie Street, East Point, GA.

The Muscle Shoals transition area described in § 71.181 (37 FR 2143) would be amended as follows:

"• • • longitude 87°36'39" W.) • • •" would be deleted and "• • • longitude 87°36'39" W.); within 3 miles each side of Muscle Shoals VOR 114° radial, extending from the 11-mile radius area to 8.5 miles east of the VOR • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for the new ILS RWY 29 Instrument Approach Procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 20, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-266 Filed 1-4-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WA-31]

CHICAGO, ILL., TERMINAL CONTROL AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Chicago, Ill., terminal control area (TCA) by expanding the area from 20 to 25 miles; eliminating Area D in the vicinity of Meigs Airport; reducing the size of Area D in the vicinity of Northbrook VORTAC; and redefining certain TCA boundaries by the use of VORTAC radials and DME arcs.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments, as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018. All communication received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Chicago TCA has been in effect more than 2 years and has been generally successful. However, experience in traffic handling capability gained during that period indicates that the area is not large enough to contain all turbojet arrivals executing parallel ILS approaches to O'Hare Airport. During busy periods, and depending on the landing runways in use, up to 23 percent of turbine-powered aircraft being vectored for parallel approaches exit the TCA at the 20-mile boundary then reenter the airspace as they approach the airport. Efforts to contain the aircraft within established boundaries have been unsuccessful due to operational requirements associated with parallel approach procedures and the heavy volume of traffic at O'Hare. It is expected that by expanding the TCA to a 25-mile radius of the airport, all routine vector operations will be kept within the confines of the airspace. Therefore, it is proposed herein to extend the outer boundary of the Chicago TCA to 25 miles with a floor of 4,000 feet MSL.

The current 4,000-foot MSL floor area in the vicinity of Meigs Airport has been unduly restrictive to O'Hare departures. Runway 22L/04R was added to the O'Hare configuration subsequent to the designation of Chicago TCA. Aircraft departing Runway 22L and proceeding eastbound must be restricted in their initial climbs due to arrivals, then vectored clear of the airspace overlying Meigs Airport until passing through 4,000 feet. The 4,000-foot floor area has the effect of extending the departure flight path southeastward towards Midway Airport, imposing restrictions on that airport's traffic. Additionally, the Meigs 4,000-foot exclusion area of questionable value to the VFR user. General aviation aircraft operating in that vicinity are either arriving/departing Meigs Airport at altitudes substantially below 4,000 feet or underflying the TCA along the lakeshore below 3,000 feet MSL. Therefore, the FAA proposes to lower the floor of TCA airspace in the Meigs vicinity from 4,000 feet MSL to 3,000 feet MSL.

There is a need to reduce the size of existing Area D north of O'Hare Airport to permit earlier descent of arrivals from the northwest and northeast. The proposed reduction would also provide additional airspace for slow-climbing turbojets and would allow such aircraft to reach or exceed 4,000 feet prior to crossing the southern boundary of Area D. It is therefore proposed herein to alter the boundaries of Area D by moving the south boundary northward 2 miles to coincide with the relocated position of Northbrook VORTAC and to redefine the east and west boundaries respectively as the 017° and 335° radials of Chicago VORTAC.

Finally, it is proposed herein to define certain other boundaries of the TCA and its subareas by use of radials and DME arcs based on the Chicago O'Hare VORTAC to provide pilots with an additional means of identifying the TCA airspace.

If these proposed actions are taken, the Chicago, Ill., TCA would be amended as follows:

CHICAGO, ILL., TERMINAL CONTROL AREA

A. PRIMARY AIRPORT

(1) Chicago-O'Hare International Airport (lat. 41°58'57"N., long. 87°54'25"W.).
(2) Chicago-O'Hare VORTAC (lat. 41°59'16"N., long. 87°54'17"W.).

B. BOUNDARIES

(1) *Area A.* That airspace extending upward from the surface to and including 7,000 feet MSL within the Chicago, Ill. (O'Hare International Airport), control zone and including that airspace within 2 statute miles northwest of the centerline extended of Runway 4L, and 2 statute miles southeast of the centerline extended of Runway 4R, extending from the 5-statute mile radius control zone to 2 statute miles southwest of the Pine Outer Marker.

(2) *Area B.* That airspace extending upward from 1,900 feet MSL to and including 7,000 feet MSL within a 10.5-mile radius of Chicago-O'Hare (ORD) VORTAC, excluding Area A and that area bounded on the southeast by a line 2 miles northwest of and parallel to the centerline extended of Runway 22R, on the south and southwest by the southwest boundary of Glenview, Ill., control zone, on the north by a 10.5 north M. radius arc of the ORD VORTAC, and excluding Area E described hereinafter.

(3) *Area C.* That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of ORD VORTAC, excluding Areas A and B, previously described, Area E described hereinafter, and excluding that airspace bounded on the west by the ORD VORTAC 336° T (335° M) radial, on the south by the Northbrook VORTAC 269° T (268° M) and 094° T (093° M) radials, on the east by the ORD VORTAC 018° T (017° M) radial and on the north by a 20-mile radius arc of ORD VORTAC.

(4) *Area D.* That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 20- and 25-mile radii of the ORD VORTAC and that airspace bounded on the west by the ORD VORTAC 336° T (335° M) radial, on the south by the Northbrook VORTAC 269° T (268° M) and 094° T (093° M) radials, on the east by the ORD VORTAC 018° T (017° M) radial and on the north by a 20-mile radius arc of ORD VORTAC.

(5) *Area E.* That airspace northeast of Chicago extending upward from 2,500 feet MSL to and including 7,000 feet MSL bounded on the northeast by a 10.5-mile radius arc of ORD VORTAC, on the south by the extended centerline of Runway 9/27 at NAS Glenview and on the northwest by a line 2 miles northwest of and parallel to the extended centerline of Runway 22R.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 26, 1972.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.73-270 Filed 1-4-73;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 71-AL-25]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Supplemental Proposed Designation and Alteration

On April 18, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 7637) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a new joint-use restricted area near Blair Lakes, Alaska, and include it in the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Additionally, two informal airspace meetings were held in Fairbanks, Alaska, on May 17, 1972.

Considerable opposition was manifested by the public at the meetings and through formal comments. In general, those persons objecting from an aeronautical standpoint felt they were being deprived of their public right of transit through the navigable airspace. They also expressed concern that adequate safety and separation could not be assured.

In consideration of the formal comments received and the objections voiced at the informal airspace meetings, the description published in the April 18, 1972 notice is deleted and the following is substituted therefor:

1. BLAIR LAKES, ALASKA, RESTRICTED AREA

Boundaries.

Beginning at lat. 64°33'00" N., long. 147°-45'00" W.; to lat. 64°04'00" N., long. 146°49'-00" W.; thence along the east bank of the Little Delta River to lat. 63°50'50" N., long. 146°47'30" W.; to lat. 63°56'00" N., long. 147°02'00" W.; to lat. 64°25'00" N., long. 147°54'45" W.; to point of beginning.

Time of designation. Monday through Friday at the following local times:

a. April through September 0900–1100; 1400–1700.

b. October through March 0900–1200; 1400–1700.

Designated altitudes.

a. North of an east/west line at lat. 64°20'-00" N., surface to 18,000 feet MSL.

b. South of an east/west line at lat. 64°20'-00" N., 1,000 feet AGL to 7,500 feet MSL.

Controlling agency. Federal Aviation Administration, Elelson RAPCON.

Using agency. Alaskan Air Command.

2. The description of the continental control area would be altered to include the Blair Lakes, Alaska, Restricted Area.

This proposal would provide a local site which is needed for Alaskan-based military aircrews to practice tactical air-to-ground ordnance delivery techniques. However, in contrast to the April 18, 1972, notice it would reduce not only the amount of airspace but also the hours of operation proposed for the restricted area. When the area is active its reduced size would permit nonparticipating aircraft to bypass most of it without difficulty. Sufficient airspace would be designated to contain the military operations and to provide a buffer zone for safe separation from nonparticipating aircraft. Blue Airway 26 would be realigned a few degrees to the west, a DME fix would be established at Fairbanks International Airport, and radar control as well as Standard Instrument Departure Procedures would be routinely used at Fairbanks to further ensure that nonparticipating aircraft operated by instrument flight rules safely avoid the restricted area. Activation and deactivation of the restricted area would be precisely controlled and during inactive periods its joint-use designation would assure its release for other users at their request.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket wil be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 19, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.73-269 Filed 1-4-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 72-1555]

FEDERAL SAVINGS AND LOAN SYSTEM

Preapproval of Additional Activities for Service Corporations

The Federal Home Loan Bank Board considers it advisable to amend § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) for the purpose of preapproving certain new activities for service corporations. The proposed amendments would permit all service corporations to act as trustees under deeds of trust and as escrow agents, and to offer title insurance as agent for a title insurance company. All service corporations would also be permitted to invest in a savings account or accounts in FSLIC-insured institutions which own stock in such corporations. Service corporations meeting the requirements of paragraph (a) of § 545.9-1 would also be permitted to own title insurance companies. Accordingly, the Federal Home Loan Bank Board proposes to amend said § 545.9-1 by revising present subdivisions (iii) and (xi) of subparagraph (4) of paragraph (a) thereof, by redesignating subdivisions (xii) and (xiii) of said subparagraph as subdivisions (xiv) and (xv) of said subparagraph, and by adding two new subdivisions designated as subdivisions (xii) and (xiii) to said subparagraph, and by revising subparagraph (2) of paragraph (b) thereof, to read as set forth below.

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Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by January 31, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.9–1 Service corporations.

(a) *General service corporations.* Subject to the provisions of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of such association is located if:

. . . . . .

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly owned subsidiaries, consist of one or more of the following:

. . . . . .

(iii) Making any of the following kinds of investments:

(*a*) An investment of the type specified in § 545.9 or § 545.9–3; or

(*b*) An investment in a savings account or accounts in any insured institution (as defined in § 561.1 of this chapter) which is a stockholder in such service corporation, if such service corporation does not receive any consideration, other than interest at the current market rate, in connection with opening or maintaining any savings account in such insured institution;

. . . . . .

(xi) Serving as insurance broker or agent, primarily dealing in policies for savings and loan associations, their borrowers, and their accountholders, which provide protection such as homeowners', fire, theft, automobile, life, health, and accident, but excluding private mortgage insurance;

(xii) Serving in any of the capacities hereinafter listed, if any such business activity is either established as a de novo organization or acquired as a going business for no consideration:

(*a*) Trustee under deeds of trust;

(*b*) Escrow agent;

(*c*) Insurance broker or agent, primarily dealing in title insurance policies for savings and loan associations, their borrowers, and their accountholders, but only if a copy of the agreement under which the service corporation, or a wholly owned subsidiary thereof, purports to act as a title insurance broker or agent is first filed with the Supervisory Agent;

(xiii) Ownership of a title insurance company;

(xiv) Activities reasonably incidental to the activities described in the foregoing subdivisions of this subparagraph (4); and

(xv) Such other activities, including a joint venture in any other activity or in any activity specified in this subparagraph (4), as the Board may approve upon application therefor by any such service corporation or otherwise.

(b) *Other service corporations.* In addition to investment in a service corporation which meets the requirements of paragraph (a) of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located if:

. . . . . .

(2) The activities of such corporation, performed directly or through one or more wholly owned subsidiaries, consist solely of (i) one or more of the activities specified in subdivisions (i) through (xiv) of paragraph (a)(4) of this section (but excluding the activity specified in subdivision (xiii) thereof) and (ii) such other activities, including joint ventures thereon or in any activity specified in subdivision (i) of this subparagraph, as the Board may approve upon application therefor by such corporation or otherwise; and

. . . . . .

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.73-201 Filed 1-4-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 505]

[Docket No. 72-60]

COLLECTION AND COMPROMISE OF CIVIL PENALTIES

Enlargement of Time for Filing Comments

Various parties have requested enlargement of time within which to file comments in this proceeding, the requests ranging from February 27, 1973, to March 2, 1973, as due date.

A certain extension appears warranted although not on the order requested. Accordingly, comments herein may be filed on or before January 31, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-202 Filed 1-4-73;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 433]

PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Notice of Public Hearing and Opportunity To Submit Data, Views or Arguments

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., issued on January 26, 1971, a proposed trade regulation rule concerning preservation of buyers' claims and defenses in consumer installment sales (36 FR 1211). Written comments thereon by interested parties were received and public hearings were held in New York, N.Y. (June 7 to 9, 1971), Chicago, Ill. (July 12 to 14, 1971) and Washington, D.C. (September 20 to 23, 1971). See 36 FR 6592; 36 FR 7865.

Notice is hereby given that the Federal Trade Commission, having considered the record produced thereby, issues the following revised proposed rule pursuant to the above-cited authority and under section 553 of Subchapter II, Chapter 5, title 5, United States Code, and invites interested parties to submit data, views, or arguments.

PART 433—PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Sec.

433.1 Definitions.
433.2 Prohibited acts and practices: Seller.
433.3 Consumer notice required: Consumer notes.
433.4 Consumer notice required: Related creditors.

AUTHORITY: The provisions of this Part 433 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58.

§ 433.1 Definitions.

For purposes of this part, the following definitions shall apply:

(a) *Consumer goods or services.* Goods or services purchased or leased primarily for personal, family, or household purposes, including courses of instruction or training regardless of the purpose for which they are taken.

(b) *Seller.* Any person, partnership, corporation, or association, engaged in the retail sale or lease of consumer goods or services to a consumer.

(c) *Consumer.* Any buyer or lessee of consumer goods or services.

(d) *Consumer transaction.* Any sale or lease of consumer goods or services by a seller to a consumer.

(e) *Consumer note.* Any negotiable promissory note or other negotiable instrument of indebtedness, or any retail installment contract whether negotiable or nonnegotiable, executed by a consumer in connection with a consumer transaction. "Consumer note" shall not include a check given in current payment of a presently due consumer obligation, if the check is dated at or before the date of its issuance, or at the time of its issuance is postdated not more than 10 days, and collection thereof through banking channels is initiated by the payee within 7 days of the date of the check.

(f) *Credit card issuer.* Any person, partnership, corporation, or association, including a bank, which by agreement extends to a cardholder the right to use a credit card in connection with a consumer transaction.

(g) *Cardholder.* Any consumer who enters into an agreement with a credit card issuer extending to such consumer the right to use a credit card in connection with a consumer transaction.

(h) *Related creditor.* Any person, partnership, corporation, or association, which is engaged in making loans to consumers to enable payment to be made for consumer goods or services and which either participates in or is directly connected with the consumer transaction. Without limiting the scope of the immediately preceding language, there shall be a rebuttable presumption that a creditor is a related creditor under any one of the following circumstances:

(1) The creditor is a person related by blood or marriage to the seller or to the seller's spouse.

(2) The creditor prepared, supplied or furnished the seller with the forms or documents used to evidence or secure the consumer loan.

(3) The seller prepared, supplied or furnished the creditor with the forms or documents used to evidence or secure the consumer loan.

(4) The creditor is directly or indirectly controlled by, under common control of, or is otherwise affiliated with the seller.

(5) The creditor and the seller are engaged in a joint venture to produce consumer obligations payable either directly or by transfer to the creditor.

(6) The creditor directly or indirectly pays the seller any consideration for the referral of consumer borrowers.

(7) The seller guaranteed the consumer loan or otherwise assumed the risk of loss by the creditor upon the loan.

(8) The creditor made five or more loans within a 1-year period the proceeds of which are used in transactions with the same seller following referral of the consumer to the creditor by the seller.

(9) (i) The creditor knew or had reason to know that the loan proceeds would be used in whole or in substantial part to pay the seller for an obligation of the consumer, and (ii) the creditor had notice that the seller failed or refused to perform contracts with the consumers, or failed to remedy complaints within a reasonable time.

§ 433.2 Prohibited acts and practices: Sellers.

In any consumer transaction it constitutes an unfair and deceptive act or practice for a seller to:

(a) Obtain a consumer note and fail to have inscribed upon the face of such note, in 10 point bold face type the following statement:

NOTICE

CONSUMER NOTE

It is agreed that any holder of this instrument takes this instrument subject to all claims and defenses which would be available to the maker in an action arising out of the contract which gave rise to the execution of this instrument, notwithstanding any agreement to the contrary. Recovery by the maker under this provision shall not exceed the full amount of this instrument.

(b) Take or receive from a consumer any agreement, contract or other obligation which contains:

(1) Any waiver of rights or remedies with respect to any assignee of such agreement, contract, or other obligation, which would accord to such assignee rights and remedies superior to those possessed by the seller with whom the consumer dealt.

(2) Any provision by which the consumer agrees not to assert against any assignee of the seller a claim or defense arising out of the consumer transaction, which claim or defense could be asserted against the seller.

(c) Engage in such a transaction financed by a related creditor unless the financing arrangements between the consumer and the related creditor conform to § 433.2(e) and permit the consumer to maintain against the related creditor any claim or defense arising out of the consumer transaction up to the full amount financed.

(d) Enter into any agreement, contract, or other obligation, for participation in a credit card plan with any credit card issuer who:

(1) Takes or receives from a cardholder any agreement, contract, or other obligation, except one conforming to paragraph (b) of this section, which contains any provision whereby the cardholder agrees not to assert against the issuer claims or defenses arising out of consumer transactions arranged with the issuer's credit card, up to the full amount financed with the credit card in that transaction.

(2) Places any time limitation on the rights of a credit card holder to assert claims or defenses arising out of a consumer transaction which is shorter than the period in which payments are to be made for the sale or lease or the date of final delivery of the goods or the completion of the furnishing of the services, whichever is longest.

(e) Place any time limitation on the rights of a consumer to assert claims or defenses arising out of a consumer transaction which is shorter than the period in which payments are to be made for the sale or lease or the date of final delivery of the goods or the completion of the furnishing of the services, whichever is longest; or to engage in a consumer transaction financed by a related creditor where the financing arrangements specify a shorter period of time within which the consumer may raise a claim or defense.

§ 433.3 Consumer notice required: Consumer notes.

If any consumer transaction requires or involves the execution of a consumer note it constitutes an unfair and deceptive act or practice for a seller to fail to attach to the consumer's receipt or copy of the contract a note in the same language (e.g., Spanish) as that principally used in the consumer transaction containing the following information and statements:

KEEP THIS NOTICE OF YOUR RIGHTS

You have just signed a Consumer Note. It may be sold to a bank or finance company. If so, you will make payments to that bank or finance company, not to the seller. Keep your copy of the Consumer Note with this Notice.

You have the right to expect:

To receive the goods or services promised.

That the seller will fix any defects he promised to fix.

Service on the product if promised by the seller.

That the seller will come through on his part of the bargain.

If you can prove your rights were violated, you have the right:

To refuse payment.

To sue for money already paid.

To tell your side of the story in court if you are sued for nonpayment.

It will be easier to prove your rights were violated if:

You complain to the seller as soon as possible after you find fault with the goods or services. Keep a copy of your letter, or take a friend if you complain in person.

You ask the seller to make good on his promise and he does not. Keep a copy of your letter, or take a friend if you complain in person.

You can show the seller has gone out of business or cannot be located.

You keep all receipts, repair bills, and other papers.

If you have any questions about your rights, get in touch with:

A lawyer.

Your local legal aid society.

Your local or State Consumer Protection Office.

Your neighborhood legal services office.

Your small claims court.

The law stands behind you. Nothing you sign will cause you to lose these rights.

The Federal Trade Commission requires that this notice be given to you. This notice applies only to the goods or services you bought when you got this notice.

§ 433.4 Consumer notice required: Related creditors.

If any consumer transaction is financed by a related creditor it constitutes an unfair and deceptive act or practice for a seller to fail to attach to the consumer's receipt or copy of the contract a notice in the same language (e.g., Spanish) as that principally used in the

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consumer transaction containing the following information and statements:

KEEP THIS NOTICE OF YOUR RIGHTS

You have just borrowed money to make this purchase from a bank or finance company. You will make payments to the bank or finance company, not to the seller.

You Have the Right to Expect:

To receive the goods or services promised.

That the seller will fix any defects he promised to fix.

Service on the product if promised by the seller.

That the seller will come through on his part of the bargain.

If You Can Prove Your Rights Were Violated, You Have the Right:

To refuse payment.

To sue for money already paid.

To tell your side of the story in court if you are sued for nonpayment.

It Will Be Easier To Prove Your Rights Were Violated If:

You complain to the seller as soon as possible after you find fault with the goods or services. Keep a copy of your letter, or take a friend if you complain in person.

You ask the seller to make good on his promise and he does not. Keep a copy of your letter, or take a friend if you complain in person.

You can show the seller has gone out of business or cannot be located.

You keep all receipts, repair bills, and other papers.

If You Have Any Questions About Your Rights, Get In Touch With:

A lawyer.

Your local legal aid society.

Your local or State Consumer Protection Office.

Your neighborhood legal services office.

Your small claims court.

The Law Stands Behind You. Nothing You Sign Will Cause You To Lose These Rights.

The Federal Trade Commission requires that this notice be given to you. This notice applies only to the goods or services you bought when you got this notice.

NOTE: Commission Interpretation:

(a) "Seller": The Commission deems the definition of "Seller" in § 433.1(b) to include any person engaged in consumer sales in commerce, whether at a permanent place of business, door-to-door, or otherwise.

(b) "Inscribed": The Commission deems the requirement in § 433.2(a) that the seller have the notice "inscribed" on the face of consumer notes, to include legible conspicuous stamping, overprinting or overstamping of forms on hand, where necessary to comply with the provisions of this part.

(c) "Full Amount": The Commission interprets the words "full amount" to include all finance charges, interest, prepaid interest, charges for life insurance, and any other fees, charges or costs imposed upon the consumer in connection with the financing of the consumer transaction.

Interested persons are hereby invited to file written data, views, and arguments concerning the revised proposed rule, addressed to: Assistant Director, Division of Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, on or before March 5, 1973. Such persons are urged to express approval or disapproval of the revised proposed rule or to recommend further modification, and to make statements as full as they wish. To the extent possible, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present data, views or arguments with respect to the revised proposed rule at a public hearing to be held commencing at 10 a.m., e.s.t., each day, March 12 through March 16, 1973, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Assistant Director for Rules and Guides not later than March 5, 1973, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. Additionally, any party planning to deliver a prepared statement at the hearing should file such statement with the Assistant Director for Rules and Guides on or before March 5, 1973.

The data, views, arguments, and comments received concerning the revised proposed rule, together with the transcript of hearings, will be available for examination during regular business hours in the Division of Legal and Public Records, Room 130, Federal Trade Commission, Washington, D.C. All such statements will be considered by the Commission before final action is taken in this matter.

Comments are invited with respect to any aspect of this revised proposed rule, but the Commission invites comment particularly with respect to the following:

1. Waivers of claims and defenses in credit card contracts (§ 433.2(d)).

2. Interlocking sales-loans transactions, or "related creditors" (§§ 433.1(h) and 433.2(c)).

3. Scope of the term "full amount."

Issued: January 5, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-22448 Filed 12-29-72;11:33 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9920; File No. S7-468]

SOLICITATION PRACTICES BY TENDER AND EXCHANGE OFFERORS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 10b-13 (17 CFR 240.10b-13) under the Securities Exchange Act of 1934 ("the Act"), governing solicitation practices by tender and exchange offerors. The purpose of the proposed amendment is to insure that certain tendering shareholders, by virtue of their economic position, special relationship or otherwise, are not induced to tender their shares on the basis of offers of more favorable treatment than other persons who tender their shares pursuant to the tender or exchange offer.

In pertinent part, Rule 10b-13 currently requires that a person who makes a cash tender offer or exchange offer for any equity security may not purchase or make an arrangement to purchase any such security "otherwise than pursuant to such tender offer or exchange offer" until the expiration of the period during which securities tendered pursuant to such tender offer or exchange offer may be accepted or rejected.[1] The Commission proposes to amend Rule 10b-13 to indicate clearly that it is considered "otherwise than pursuant to such tender offer or exchange offer," and thus in violation of Rule 10b-13, for a tender or exchange offeror to offer to pay or to pay, directly or indirectly, in whole or in part, any consideration beyond the specific tender or exchange price to any tendering shareholder or to extend or offer to extend special treatment to any such tendering shareholder. The Commission views the payment by a tender offeror of a soliciting dealer's fee,[2] directly or indirectly, in part or in whole, to a tendering shareholder, as compensation "otherwise than pursuant to such tender or exchange offer." As amended, the rule would require that all persons making tender or exchange offers must receive reasonable assurance from soliciting dealers that the soliciting dealer fees paid to such dealers will not directly or indirectly be paid back to any tendering shareholder or its affiliate. The Commission further proposes to provide by amendment to Rule 10b-13 that payment of consideration or the extension of special treatment, directly or indirectly, in whole or in part, to an affiliate of a tendering shareholder will be deemed payment to

[1] Rule 10b-13 provides, in pertinent part: "No person who makes a cash tender offer or exchange offer for any equity security shall, directly or indirectly, purchase, or make any arrangement to purchase, any such security (or any other security which is immediately convertible into or exchangeable for such security), otherwise than pursuant to such tender offer or exchange offer, from the time such tender offer or exchange offer is publicly announced or otherwise made known by such person to holders of the security to be acquired until the expiration of the period, including any extensions thereof, during which securities tendered pursuant to such tender offer or exchange offer may by the terms of such offer be accepted or rejected • • •."

[2] The soliciting dealer's fee is compensation paid by the tender offeror to the soliciting dealer to encourage the solicitation of shareholders to tender pursuant to the terms of the tender offer or exchange offer. Traditionally, this fee has been paid to qualified brokers or dealers (and occasionally, banks) who have been designated by the tendering shareholder and whose names appear on letters of transmittal accompanying tendered securities indicating that the tender was "solicited" by them.

or special treatment to the tendering shareholder. For purposes of this proposed rule, "affiliated person" of a tendering shareholder shall include: (A) Any person directly or indirectly owning, controlling or holding with power to vote, 5 percent or more of the outstanding voting securities of such tendering shareholder; (B) any person 5 percent or more of whose outstanding securities are, directly or indirectly owned, controlled or held with power to vote, by such tendering shareholder; (C) any person directly or indirectly controlling, controlled by or under common control with, such tendering shareholder; (D) any officer, director, partner, co-partner or employee of such tendering shareholder; and (E) any investment adviser to any investment company. For these purposes, a person shall be presumed to control another person if such person has the power to influence the management or policies of such other person or any person who has a right to participate to the extent of more than 25 percent in the profits of such other person.

The Commission is aware that soliciting dealer fees have been treated in varying ways in the past. Thus, for example, some mutual funds have designated a broker-dealer subsidiary as the soliciting dealer and the fee received was credited against the management fee charged the fund. Some mutual fund management may have designated as soliciting dealer persons who sell fund shares in order to provide them with extra sales compensation.[3] In many instances these practices are undertaken with the consent or acquiescence of the tender offeror or exchange offeror, and the existence of the soliciting dealer's fee is used by the offeror to induce larger investors to tender their shares. In view of the uncertainty and existing diversity in the treatment of soliciting dealer fees and the fact that Rule 10b-13 does not expressly address itself to the treatment of such fees,[4] the Commission believes it is appropriate, in the public interest and for the protection of investors, to amend Rule 10b-13.

The Commission believes that certain inequities and hardships result to tendering public shareholders if some shareholders, by virtue of special position or economic power, are able to receive, directly or indirectly, compensation beyond the tendering price generally offered to shareholders. In making any determination as to whether to tender their shares, every effort must be made to insure that the investing public is not deceived as to the terms of the tender offer or exchange offer, the fair market value of the securities and the prospects for a successful exchange offer or tender offer. It is inconsistent with these goals to permit tender offerors or exchange offerors to compensate certain shareholders with consideration greater than or different from that generally being offered other shareholders.[5]

TEXT OF PROPOSED RULE

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particular sections 10(b), 13(e), 14(e), and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by amending § 240.10b-13 as follows:

Paragraph (d) of § 240.10b-13 would be designated paragraph (e) and a new paragraph (d) would be adopted as follows:

§ 240.10b-13 Prohibiting other purchases during tender offer or exchange offer.

• • • • •

(d) For purposes of this section, it shall be considered otherwise than pursuant to such tender offer or exchange offer for any person who makes such cash tender offer or exchange offer to pay or offer to pay, directly or indirectly, in whole or in part, any consideration beyond the specific tender price or exchange consideration to any tendering shareholder or to extend special treatment to such tendering shareholder. Payment of consideration or the extension of special treatment, directly or indirectly, in whole or in part, to an affiliate of a tendering shareholder will be deemed payment to or special treatment to the tendering shareholder.

(1) For purposes of this section, all persons making a cash tender offer or exchange offer must receive reasonable assurance from soliciting dealers that fees or consideration paid to such dealers will not directly or indirectly be paid to any tendering shareholder.

(2) For purposes of this section, an "affiliated person" of a tendering shareholder means (i) any person directly or indirectly owning, controlling or holding with power to vote, 5 percent or more of the outstanding voting securities of such tendering shareholder; (ii) any person 5 percent or more of whose outstanding securities are directly or indirectly owned, controlled, or held with power to vote, by such tendering shareholder; (iii) any person directly or indirectly controlling, controlled by, or under common control with such tendering shareholder; (iv) any officer, director, partner, co-partner or employee of such tendering shareholder; and (v) any investment adviser to an investment company. For purposes of this section, "control" means the power to influence the management or policies of such other person, or any person who has a right to participate to the extent of more than 25 percent in the profits of such other person.

• • • • •

All interested persons are invited to submit their views and comments on this proposal in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before February 28, 1973. All such communications should refer to File No. S7-468 and will be available for public inspection.

(Secs. 10(b), 13(e), 14(e), 23(a), 48 Stat. 891, 894, 895, 901; as amended, 82 Stat. 454, 84 Stat. 1497, sec. 2, 49 Stat. 1379, sec. 2; 15 U.S.C. 78j(b), 78m(e), 78n(e), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 27, 1972.

[FR Doc.73-252 Filed 1-4-73;8:45 am]

[3] Some funds have acted on the assumption that the solicitation fees should not be given to anyone, including their own subsidiaries, and, as a result, have not designated anyone as the soliciting agent.

[4] Neither the releases proposing Rule 10b-13 (Securities Exchange Act Release No. 8391, Aug. 30, 1968, and in the FEDERAL REGISTER for Sept. 14, 1968, at 33 FR 13036 and No. 8595, May 5, 1969, and in the FEDERAL REGISTER for May 9, 1969, at 34 FR 7547) or adopting that Rule (Securities Exchange Act Release No. 8712, Oct. 8, 1969, and in the FEDERAL REGISTER for Oct. 15, 1969, at 34 FR 15838) comment upon the treatment of solicitation fees.

[5] The Commission has recognized an exception to this general principle. In responding to a question whether an arbitrageur, who purchases securities which are the subject of a tender offer in the open market and subsequently tenders such shares, may sign a soliciting dealer's agreement and receive a soliciting dealer's fee, the Commission stated that an arbitrageur may receive such a fee for the tender of its shares, emphasizing the beneficial market function performed by the arbitrageur (Securities Exchange Act Release No. 9395, Nov. 24, 1971 and in the FEDERAL REGISTER for Dec. 9, 1971 at 36 FR 23359). Implicit in the release is a recognition of the fact that a broker-dealer, when not performing a market function, such as that of an arbitrageur, should not receive a soliciting dealer's fee for shares tendered for its own account.

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Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY, SCIENTIFIC ADVISORY COMMITTEE

Notice of Meeting; Correction

In FR Doc. 72-21907 appearing at page 28200 of the issue for Thursday, December 21, 1972 (37 FR 28200), the following change should be made in the date of the meeting: Change "January 18 and 19, 1973" to "February 5 and 6, 1973."

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73-200 Filed 1-4-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Notice of Meeting

JANUARY 3, 1973.

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold its first meeting January 12-13, 1973, at the Royal Inn, 206 South West Temple, Salt Lake City, UT. The agenda for the meeting will include consideration of Advisory Board administrative procedures, proposed regulations and draft environmental impact statements for the management of wild free-roaming horses and burros, and planning for the work of the Board.

The meeting will be open to the public. Seating will be available for about 20 observers. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement must inform the Advisory Board Chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Dr. C. Wayne Cook, 4800 Venturi Lane, Fort Collins, CO 80521. Written statements should be submitted to Dr. Cook, % the Director (330), Bureau of Land Management, Washington, D.C. 20240.

BURTON W. SILCOCK,
Director.

[FR Doc.73-314 Filed 1-4-73;8:45 am]

[Montana 23776]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 21, 1972.

The Department of Transportation, on behalf of the Montana Highway Commission, has filed application M 23776, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for proposed highway construction.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

DEER LODGE NATIONAL FOREST

T. 6 N., R. 6 W.,
Sec. 13, lots 5, 6, 7, 13, 14, and 15.

The area contains 54.34 acres in Jefferson County, Mont.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-134 Filed 1-4-73;8:45 am]

[OR 9144]

OREGON

Notice of Classification of Public Lands for Disposal by Exchange

1. Pursuant to the regulations under 43 CFR 2462, the public lands described below are hereby classified for disposal through exchange, under the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR 2220) for the lands within the Burns District.

WILLAMETTE MERIDIAN

HARNEY COUNTY

T. 31 S., R. 34 E.,
Sec. 4, W½SE¼;
Sec. 7, E½SE¼;
Sec. 8, NE¼SE¼;
Sec. 9, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 10, W½NE¼ and W½;
Sec. 11, W½SE¼ and SE¼SE¼;
Sec. 13, lot 4 and SW¼SE¼;
Sec. 15, W½, W½SE¼, and SE¼SE¼;
Sec. 20, E½, S½NW¼, and SW¼;
Sec. 21, N½,SW¼, and W½SE¼;
Sec. 22, N½NE¼, NW¼NW¼, and NE¼SE¼;
Sec. 24, lot 1, NW¼NE¼, SE¼NW¼, and W½SW¼;
Sec. 25, W½W½;
Sec. 26, E½E½;
Sec. 27, W½SW¼;
Sec. 28, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 32, lots 3 and 4 and NW¼SW¼;
Sec. 33, E½NE¼;
Sec. 34, lots 1, 2, 3, and 4, W½NW¼, and N½SW¼;
Sec. 35, lots 3 and 4, E½NW¼, and NE¼SW¼.

T. 32 S., R. 34 E.,
Sec. 2, lots 3 and 4 and SW¼NW¼;
Sec. 3;
Sec. 4, SE¼NE¼ and SE¼;
Sec. 5, lot 4, SW¼NW¼, and W½SW¼;
Sec. 6, E½SW¼;
Sec. 7, NE¼NW¼;
Sec. 8, N½SE¼ and SE¼SE¼;
Sec. 9, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 10, N½N½, SW¼NW¼, NW¼SW¼, and S½SE¼;
Sec. 11;
Sec. 14, N½ and N½S½;
Sec. 15, E½, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 17, E½NE¼, E½SW¼, and SE¼;

Sec. 20, NE¼ and NE¼NW¼;
Sec. 21, W½NE¼ and NW¼;
Sec. 23, W½NW¼ and E½SW¼.

The area described aggregates 9,058.81 acres.

2. The notice of proposed classification of these lands was published October 13, 1972 (37 FR 21656). No comments or protests were received.

3. In accordance with 43 CFR 2201.2, no application for an exchange will be accepted unless it is accompanied by a statement from the Burns District Manager, Bureau of Land Management, that the proposal is feasible.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2462.3. During this 30-day period, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

ROBERT D. HOSTETTER,
Acting State Director.

[FR Doc.73-273 Filed 1-4-73;8:45 am]

[Bureau Order 701, Amdt. 16]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

1. Subparagraph 2 of paragraph (d), subparagraph 1 of paragraph (h), and paragraph (1) of section 1.2 are amended to read as follows:

SECTION 1.2 *General and miscellaneous matters.*

* * * * *

(d) *Gifts.*

* * * * *

(2) Accept on behalf of the United States any lands or interest in lands where such action will promote the purpose of the Wild and Scenic Rivers Act (82 Stat. 906), the National Trails System Act (82 Stat. 919), and the King Range National Conservation Area Act (84 Stat. 1067).

* * * * *

(h) *Cooperative agreements.* (1) Enter into cooperative agreements involving the improvement, management, use, and protection of the public lands and their resources under his jurisdiction as provided in the Public Land Administration Act (43 U.S.C. 1363). Enter into cooperative agreements under sections 2, 9, and 12 of the Act of June 28, 1934 (43 U.S.C. 315 et seq.) and under the Act of March 29, 1928 (45 Stat. 380). Enter into cooperative agreements for the acquisition of lands or interest in lands under section 10(e) of the Wild and Scenic Rivers Act (82 Stat. 906), under section 7(d) of the National Trails System Act (82 Stat. 919) and the King Range National Conservation Area Act (84 Stat. 1067).

* * * * *

(1) *Acquisition of lands or interest in lands.* Act on matters involving the acquisition of lands or interest in lands under the Federal Highway Act of 1962 (76 Stat. 1145), the Act of July 26, 1955 (69 Stat. 374), the Wild and Scenic Rivers Act (82 Stat. 906), the National Trails System Act (82 Stat. 919), the King Range National Conservation Area Act (84 Stat. 1067), and the Uniform Relocation Assistance and Land Acquisition Policies Act (84 Stat. 1894), including purchases, but not including recommendations to the Attorney General for condemnation proceedings; also the approval of projects for the construction of roads to provide access to public lands subject to above acts.

2. Subparagraph 3 of paragraph (b) of section 1.3 is amended to read:

SEC. 1.3 *Fiscal affairs.*

* * * * *

(b) *Contributions, donations and refunds.*

* * * * *

(3) Accept contributions for use in connection with the administration of the national wild and scenic rivers system pursuant to section 6(f) of the Act of October 2, 1968 (82 Stat. 906), for the purchase of lands or interest in lands pursuant to section 7(d) of the National Trails System Act of October 2, 1968 (82 Stat. 919), and for the purchase of lands or interest in lands pursuant to section 5(2) of the King Range National Conservation Area Act (84 Stat. 1067).

3. The existing Part IV is revoked and a new Part IV is added as follows:

PART IV—REDELEGATION TO DIRECTOR, EASTERN STATES OFFICE

SECTION 4.0 The Director, Eastern States Office may take all actions on matters listed in Part I of this order together with those specific matters listed below:

(a) *Drainage entries.* Take all actions on Arkansas drainage entries in accordance with 43 CFR Subpart 2784.

(b) *Cash and credit system.* Take all actions on cash and credit system and preemption entries when full payment has been made.

(c) *Private land claims.* Take all actions on confirmed private land claims.

(d) *Railroad grants.* Approve the validity of the grant rights in regard to railroad grants and claims within such grants pursuant to 43 CFR Subpart 2631.

(e) *Certificates, scrip, and lieu selections.* Approve the validity of scrip or other rights pursuant to 43 CFR Part 2610.

4. A new Part IV-A is added as follows:

PART IV-A—REDELEGATION TO CHIEF, DIVISION OF LANDS AND MINERALS OPERATIONS, EASTERN STATES OFFICE

SECTION 4.0-1 The Chief, Division of Lands and Minerals Operations is authorized to take action on the matters listed in section 2.6 of this order.

5. A new Part IV-B is added as follows:

PART IV-B—REDELEGATION TO MANAGER, OUTER CONTINENTAL SHELF OFFICE

SECTION 4.1 The Manager, Outer Continental Shelf Office, New Orleans, La., is authorized to take all actions on the following matters as listed in Part 1 of this order:

SEC. 4.2 *General and miscellaneous matters.*

(a) Oaths.

(b) Cancellations or surrenders of contracts, leases, and permits.

(c) Copies of records.

SEC. 4.3 *Fiscal affairs.*

(a) (1) Bonds and forfeitures.

(b) Repayments.

(c) Trespass.

SEC. 4.6 *Outer Continental Shelf Leasing.* The Manager, Outer Continental Shelf Office, New Orleans, La., is authorized to take all actions in connection with the following:[1]

(a) The making of determinations respecting the compliance or noncompliance of mineral leases issued by a State with the requirement of section 6 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.), provided that such determination shall be submitted to the Solicitor for concurrence.

(b) Mineral leases pursuant to the Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), and the regulations under 43 CFR Part 3300 except the issuance of calls for the submission of requests for oil and gas or other mineral lease offerings pursuant to 43 CFR 3301.3 and the publication of notices of the offer of lands for lease pursuant to 43 CFR 3301.5.

SEC. 4.10 *Designation of Acting Officials.* (a) The Manager, Outer Continental Shelf Office, New Orleans, La., may by written order, designate any qualified employee of the office to perform the functions of the manager in his absence.

(b) Each employee who serves in such capacity shall prepare a memorandum to be kept in the office showing the date and hour of the commencement and termination of each period of his service in that capacity.

GEORGE L. TURCOTT,
Associate Director.

DECEMBER 26, 1972.

[FR Doc.73-135 Filed 1-4-73;8:45 am]

National Park Service

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with "Public Law 92-463" that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m. e.s.t., on Friday, January 19, 1973, at the State Office Building, Room 602, Indianapolis, Ind.

[1] The New Orleans Outer Continental Shelf Office has responsibility for the Gulf of Mexico and the Atlantic and Pacific coasts.

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The purpose of the Indiana Dunes National Lakeshore Advisory Commission, which was established by Public Law 89–761, is to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the advisory board are as follows:

Mr. William L. Lieber (Chairman), Indianapolis, Ind.
Mr. Harry W. Frey, Michigan City, Ind.
Mrs. Ione F. Harrington, Chesterton, Ind.
Mr. John A. Hillenbrand II, Batesville, Ind.
Mr. Ed Masiulis, Beverly Shores, Ind.
Mr. Harold G. Rudd, Portage (Ogden Dunes), Ind.
Mr. John R. Schnurlein, Kouts, Ind.

The matters to be discussed at this meeting include:

1. Discussion of Public Law 92–436 concerning Advisory Committee meetings.
2. Superintendent's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
3. Land Acquisition Officer's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
4. Discussion of the Leviton and Associates Beach Erosion Study report.
5. Review of the West Beach Comprehensive Development plans.

Facilities and space for accommodating members of the public are limited to approximately 25 persons.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent of the Indiana Dunes National Lakeshore at 219–926–7561.

Minutes of the meeting will be available for public inspection 3 weeks after the meeting at the Superintendent's Office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Ind.

Dated: December 27, 1972.

STANLEY W. HULETT,
Acting Director,
National Park Service.

[FR Doc.73-278 Filed 1-4-73;8:45 am]

Office of the Secretary

[DES 72-119]

FORT MOHAVE AREA, NEVADA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a draft environmental statement for a proposed transfer of 9,000 acres from the public domain to the Colorado River Commission of Nevada, representing the State of Nevada. The lands are located in Clark County, Nev.

The environmental statement considers the impact of transfer of these Federal lands to the State of Nevada and their subsequent development.

Copies are available for inspection at the following locations:

Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV; Las Vegas District Office, 301 East Stewart, Las Vegas, NV; Director, Bureau of Land Management, Interior Building, Washington, D.C. Comments concerning the environmental impact of the proposed transfer should be addressed to State Director, Bureau of Land Management, 300 Booth Street, Reno, NV. These comments must be within 45 days of the date of publication of this notice to be considered in the preparation of the final environmental statement.

Dated: December 27, 1972.

WILLIAM W. LYONS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.73-236 Filed 1-4-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

RICE

Notice of Marketing Quota Referendum for 1973 Crop

Marketing quotas for the crop of rice to be produced in 1973 have been duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said act requires a referendum to be conducted within 30 days after the date of the issuance of said proclamation of farmers who were engaged in the production of rice in 1972 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1973 crop rice, public notice (37 FR 21173) was given in accordance with 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice. They have been considered to the extent permitted by law. It is hereby determined that the rice marketing quota referendum under said act for the 1973 crop of rice shall be held during the period January 22 to 26, 1973, each inclusive by mail ballot in accordance with Part 717 of this chapter (33 FR 18345, 34 FR 12940, 36 FR 12730).

Signed at Washington, D.C., on December 27, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-22446 Filed 12-29-72;10:25 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimates

Public Law 88–482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1973 are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1973 is 1,450 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year is 1,046.8 million pounds.

Since the estimated quantity of imports exceeds 110 percent of the estimated quantity prescribed by section 2(a) of the Act, under the Act limitations for the calendar year 1973 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed unless suspended by the President pursuant to section 2(d) of Public Law 88–482.

Done at Washington, D.C., this 29th day of December 1972.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-213 Filed 1-2-73;9:41 am]

Soil Conservation Service

CHIPPEWA CREEK WATERSHED PROJECT, OHIO

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Chippewa Creek Watershed Project, Wayne, Medina, Stark, and Summit Counties, Ohio, USDA–SCS–ES–WS–(ADM)–73–38(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by 33.2 miles of channel alteration, and three floodwater retarding reservoirs.

This draft environmental statement was transmitted to CEQ on December 22, 1972.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250
Soil Conservation Service, USDA, 311 Old Federal Building, Columbus, Ohio 43215

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.90.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert E. Quilliam, State Conservationist, Soil Conservation Service, 311 Old Federal Building, Columbus, Ohio 43215.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

W. B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

DECEMBER 27, 1972.

[FR Doc.73-219 Filed 1-4-73;8:45 am]

SIMON RUN WATERSHED PROJECT, IOWA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Simon Run Watershed Project, Pottawattamie County, Iowa, USDA–SCS–ES–WS–(ADM)–73–12(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment measures, supplemented by eight grade stabilization structures for flood damage reduction and the prevention of gully erosion.

The final environmental statement was transmitted to CEQ on December 7, 1972.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.
Soil Conservation Service, USDA, 823 Federal Building, 210 Walnut Street, Des Moines, IA 50309.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $3.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

W. B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

DECEMBER 20, 1972.

[FR Doc.73-221 Filed 1-4-73;8:45 am]

SOUTH FORK WATERSHED PROJECT, NEBRASKA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the South Fork Watershed Project, Pawnee and Richardson Counties, Nebr., USDA–SCS–ES–WS–(ADM)–73–18(D).

The environmental statement concerns a plan for watershed protection, flood prevention and public recreational development. The planned works of improvement include conservation land treatment supplemented by 14 grade stabilization structures, two floodwater retarding and one multiple-purpose reservoir with storage capacity for floodwater and recreation. It also includes basic recreation facilities in association with the multiple-purpose reservoir.

This draft environmental statement was transmitted to CEQ on December 21, 1972.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.
Soil Conservation Service, USDA, Room 804, 134 South 12th Street, Lincoln, NE 68508.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Keith F. Myers, State Conservationist, Soil Conservation Service, Room 604, 134 South 12th Street, Lincoln, NE 68508.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

W. B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

DECEMBER 27, 1972.

[FR Doc.73-220 Filed 1-4-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–320]

AMERICAN EAGLE TANKER CORP. ET AL.

Applications for Operating-Differential Subsidy Contracts

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and the trades in which each proposes to engage are presented also.

Applicant's name and address	Type of ship	Name of ship
American Eagle Tanker Corp., 80 Broad St., New York, N 10004.	Tanker	SS American Eagle.
Cities Service Tankers Corp., 60 Wall St., New York, NY 10005.	do	SS Cantigny.
Do	do	SS Cities Service Baltimore.
Do	do	SS Bradford Island.
Do	do	SS Fort Hoskins.
Do	do	SS Cities Service Norfolk.
Sea Tankers, Inc., 511 5th Ave., New York, NY 10017.	do	SS Alpha Reserve (to be renamed Overseas Rose).
Do	do	SS Gamma Reserve (to be renamed Overseas Evelyn).

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C. during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the reg-

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ulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before January 11, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: January 3, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.73-355 Filed 1-4-73;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. G-542]

BUSTER HARRIS

Notice of Loan Application

DECEMBER 29, 1972.

Buster Harris, Route 1, Box 635, Brownsville, TX 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 73 feet in length, to engage in the fishery for shrimp and oysters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-229 Filed 1-4-73;8:45 am]

Office of Import Programs

NORTH CAROLINA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00383-01-28200. Applicant: North Carolina State University, Purchasing Department, Post Office Box 5935, Raleigh, NC 27607. Article: Electron resonance spectrometer, Model JES-ME-IX. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for research centered around the free radicals produced by the high energy and ultraviolet irradiation of high polymers and monomer-polymer systems. Specific systems to be studied are as follows:

1. The radiation initiated polymerization of vinyl chloride in bulk and in precipitating media;

2. The identity, role, and fate of trapped radicals in radiation initiated graft polymerization systems;

3. The yield of free radicals from ultraviolet irradiated lignin and lignocellulose (wood pulp) fibers; and

4. The identity and yield of the active intermediate formed by the high energy irradiation of polyvinyl chloride under super-dry conditions.

In addition the article will be used by M.S. and Ph. D. candidates in chemistry, forestry, and textiles for research programs. Simple studies with E.S.R. measurements will be incorporated with the course Ch.E. 671.

Comments: No comments have been received with respect to this application. A letter dated June 2, 1972, from Varian Associates (Varian) is treated as an offer to provide additional information according to section 701.10(a).

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: In reply to Question 8 the applicant alleges that the following are the pertinent specifications of the foreign article:

(1) Magnetic field sweep rates of 1, 2.5, 5, 10, and 25 seconds (sec.).

(2) 100 percent effective ultraviolet irradiation of samples in the standard cavity by means of [a] window that permits direct focusing on to the sample.

(3) All sweep widths, sweep times, field modulation and filter modulation and filter adjustments which are utilized for recording on the chart are synchronized with the oscilloscope presentation.

(4) Copper standard cavity with a gold-plated interior (permits use at high temperatures, and ready cleaning when contaminated).

(5) The sample marker, which allows a reference sample Mn^{++} in MgO, for calibration of both g and hyperfine splitting to be inserted simultaneously with the sample to be measured in the standard cavity (avoids contamination of the sample).

(6) Standard low frequency modulation unit (allows second derivative presentation).

The National Bureau of Standards (NBS) advises in its memorandum dated June 27, 1972, that the Varian E-Line E.S.R. spectrometers, comparable to the foreign article for the purposes of evaluation, satisfy all the specifications listed by the applicant in the reply to Question 8. NBS advises as follows with respect to each of the above-alleged pertinent specifications: (1) Varian provides a rapid scan accessory capable of sweep rates from 0.025 to 100 seconds. (2) Varian provides optical transmission cavity accessories. (3) Varian provides for oscilloscope presentation. (4) Varian cavities may be used in excess of 700° C. and are easily cleaned. The gold plating is a design feature. (5) Varian offers a dual cavity accessory as well as their standard cavity permitting simultaneous insertion of a reference sample and the sample to be measured. Contamination can be prevented by appropriate choice of a capsule material such as quartz. Varian permits second derivation presentation with their low frequency modulation unit. Thus NBS advises that the Varian E-Line spectrometers are scientifically equivalent to the foreign article for the applicant's intended uses.

For the foregoing reasons, we find that an instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-226 Filed 1-4-73;8:45 am]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00016-65-46070. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in experiments to determine how the structure of various materials (minerals, cements, woods, oxides, metals, and alloys, semiconductors, meteorites, and polymers) can be modified by various treatments to improve properties. Typical experiments include:

(I) Measuring charge distribution on thin film semiconducting devices.

(II) Aging of alloys to produce strengthening due to fine particles.

(iii) Determination of how micromorphology of cement pastes affects final properties.

(IV) Characterization of number, size, and shape of bubbles of inert gas which are generated and lead to failure in nuclear reactor materials.

(V) Identification, analysis, and determination of the distribution of phases on polished and lapped surfaces of alloys and minerals.

The article will be used for graduate thesis studies in science and engineering and undergraduate laboratory studies in the School of Materials Science and Metallurgical Engineering to teach and develop the concept that properties of materials depend upon structure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States at the time the article was ordered, January 26, 1971.

Reasons: The foreign article has a guaranteed resolving power of 100 Angstroms (Å). The National Bureau of Standards (NBS) in its memorandum dated November 22, 1972, advised that the best resolution available is pertinent to the purposes for which the article is intended to be used. NBS further advised that it knew of no domestic instrument which matched the resolving power of the foreign article at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-227 Filed 1-4-73;8:45 am]

Office of Textiles

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

JANUARY 3, 1973.

A. Importers' Textile Advisory Committee (the Committee).

B. The meeting is scheduled for January 11, 1973, at 2 p.m.

The purpose of the meeting is to advise Government officials of the effects on import markets of wool and man-made fiber textile agreements negotiated under the Agricultural Act of 1956, as amended, and of the cotton textile agreements negotiated under the Long-Term Arrangement Regarding International Trade in Cotton Textiles and the Agricultural Act of 1956, as amended.

The agenda for the meeting is:

1. Review of import trends.

2. Report on conditions in the domestic market.

3. Implementation of textile agreements.

4. Report on Study of the GATT All-Fiber Textile Working Party.

5. Other business.

C. The meeting will be open to public observation. Public participation will be in accordance with established committee procedures.

D. The meeting will be held in Room 4833, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

E. Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

ARTHUR GAREL,
Director, Office of Textiles, Bureau of Resources and Trade Assistance.

[FR Doc.73-370 Filed 1-4-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

JANUARY 2, 1973.

The Advisory Committee on Reactor Safeguards will hold a closed meeting on January 11-13, 1973, at 1717 H Street NW., Washington, DC.

The agenda items tentatively scheduled for consideration are as follows:

Shearon Harris Nuclear Power Plant Units 1, 2, 3 and 4—Construction.
North Anna Power Station Units 3 and 4—Construction.
Waterford Steam Electric Station Unit 3—Construction.
Oconee Nuclear Station Unit 1—Plant repairs and modification of reactor internals.
General Electric Co. Mark III Containment—Preapplication review.

JOHN C. RYAN,
Acting Assistant General Manager for Administration.

[FR Doc.73-345 Filed 1-4-73;8:45 am]

[Docket Nos. 50-373A and 50-374A]

COMMONWEALTH EDISON CO.

Antitrust Matters; Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated December 20, 1972, a copy of which is set forth as Appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washing-

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ton, D.C., 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

JEROME D. SALTZMAN,
Acting Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX "A"

[AEC Docket Nos. 50-373A, 50-374A; Department of Justice File No. 60-415-41]

COMMONWEALTH EDISON CO.

La Salle County Units 1 and 2

DECEMBER 20, 1972.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296 as recently amended by Public Law 91-560, 84 Stat. 1472 (December 19, 1970), in regard to the above-cited application. This supplements our letter of December 27, 1971.

Introduction. This is an application to construct two nuclear electric generating units with capacity in excess of 1 million kilowatts each, at a proposed La Salle County nuclear generating station near Seneca, Ill. The units are to be integrated with applicant's electric bulk power supply system which is described below and the power marketed as a portion of its system output.

Applicant. Applicant is one of the largest electric utilities in the United States. Its 1970 peak load was 10,027 mw; its generating capacity at that time was 11,321 mw, consisting of 10,580 mw of installed capacity and 741 mw of purchases. It serves nearly two-thirds of the entire Illinois market. It is more than five times as large as the Illinois Power Co., its largest competitor in Illinois whose load is less than 2,000 mw. Union Electric Co., which is somewhat larger than Illinois Power Co., serves principally in Missouri although it has substantial Illinois loads in East St. Louis and adjacent areas. In 1965 applicant acquired Central Illinois Electric & Gas Co., which served Rockford, Ill.'s, second largest city and a few other small areas. There are seven small municipal systems serving in northern Illinois; two of these, Rochelle and Winnetka generate as well as distribute power.

Applicant's load is expected to double in the next 10 years, and it has planned or under construction additional generating capacity (largely nuclear) to increase its dependable system capacity to 20,348 mw by 1980. La Salle County Units 1 and 2 are a part of this increase in system capacity, estimated to come on line in 1975 and 1976, respectively.

In 1970 applicant's total assets, including a net plant of $3,045 million, were $3,374,996,000. Its 13 major generating stations are integrated into a single bulk power supply system by 3,407 circuit miles of high voltage and extra high voltage (EHV) transmission lines including 2,149 circuit miles of 138 kv. and 1,039 circuit miles of 345 kv. It is vertically integrated, marketing its bulk power supply at retail through 35,786 pole miles of overhead lines and 9,540 cable miles of underground.

It has high voltage or EHV interconnections to a number of major systems adjacent to it. These include EHV interconnections to the American Electric Power System (AEP), through the latter's operating subsidiary, Indiana & Michigan Electric Co., to Illinois Power Co., Wisconsin Electric Power Co., and Iowa-Illinois Gas & Electric. It is also interconnected with Central Illinois Light Co., Central Illinois Public Service Co., Northern Indiana Public Service Co., Interstate Power Co. and it participates in the Mid-America Interpool Network (MAIN). Through AEP, it interconnects with the Consumers Power Co. of Michigan and it is participating with the latter in a coordinated hydroelectric development at Ludington, Mich.

Applicant's load is estimated to grow 1,000 to 1,400 mw per year through 1980 and from 1,400 to 2,500 mw per year through 1990. These large annual increments of load growth over a large load area, the risk-spreading effect of its integrated transmission system, and the support which it can receive from interconnections and emergency power exchange agreements with other adjacent systems, permit it to use some of the largest sized generating units now being installed by electric utilities. Applicant is among the leaders in the installation of nuclear generating units.

Our investigation indicated a number of practices which may raise questions under the antitrust laws.

(1) Several of the municipal systems which purchase all their bulk power supply at wholesale from applicant have complained to the Federal Power Commission of a "price squeeze" in competing with applicant to attract large industrial customers to locate in their service area. The wholesale customers contend that the wholesale rate has not permitted them to match applicant's retail large industrial rate (Rate 6) and thus has made it difficult or impossible to attract industry to their cities. Price squeezes similar to that alleged here have been found in some cases to represent the unlawful exercise of monopoly power; e.g., Aluminum Co. of America v. United States, 148 F. 2d 416 (2nd Cir. 1945). The complaint in this regard is presently being tried before the FPC.[1] We note that although applicant is claiming in that proceeding that "discriminations" between wholesale rates (regulated by the FPC) and retail rates (regulated by State Commission) are not within the jurisdiction of the FPC to remedy, it has also submitted evidence going to the merits of the price squeeze contention. The FPC has made no final ruling on the issue as of this time, but an Administrative Law Judge has found that there are remedies for "price squeeze" under section 205 of the Federal Power Act.

(2) Applicant has included in its tariff a provision which limits sales at wholesale (a) to customers presently being served by it, and (b) at their present premises. Applicant refers to this as a "wholesale freeze" and states that it does not hold itself out generally to offer wholesale service. State law permits a municipality to issue limited-term franchises and to oust a private utility at the termination of its franchise and thereupon to establish a municipal distribution system.[2] Without access to wholesale power purchased from applicant, however, any municipality desiring to enter the electric distribution business in applicant's general area could find it impossible or very difficult to obtain the necessary bulk power supply. See United States v. Otter Tail Power Co., 330 F. Supp. 54 (D. Minn.) prob. juris. noted 406 U.S. 944. We have discovered little evidence to suggest, however, that applicant's "wholesale freeze" policy has in fact served to impede or prevent the establishment of any municipal distribution system. In the present circumstances the "wholesale freeze" policy seems to amount to little more than applicant's assertion of the legal position that it is not required to render wholesale service to any new customer. Applicant appears to recognize that the District Court's Otter Tail decision is inconsistent with that position, and it has argued that Otter Tail was wrongly decided. It thus seems likely that applicant's future position with regard to its obligation to serve at wholesale will largely be governed by the Supreme Court's decision on appeal in Otter Tail.[3]

The provision in Applicant's wholesale tariffs and contracts limiting the purchasers to resale of the power "at their present premises" has been used by Applicant to restrict the wholesale customers' competition with Applicant for retail loads located outside the boundaries of the municipality. Illinois law does not prohibit a municipal system from marketing power at retail outside the municipal boundaries. It requires only that the majority of the municipal system's total service be provided within the corporate limits.[4]

The "at their present premises" provision thus amounts to an end-use restriction imposed by Applicant; as such, it is inconsistent with antitrust principles. See United States v. Arnold, Schwinn & Co., 388 U.S. 365. Applicant has indicated to us, however, that it is willing to eliminate this provision and to substitute only a requirement that municipal wholesale customers annually report to Applicant regarding the amount of power sold outside of the municipal boundaries. This would enable Applicant to determine whether the applicable provision of Illinois law is being observed.

(3) Some question has been raised regarding the terms of interconnection agreements which Applicant has entered into with two municipal systems (Rochelle and Winnetka) which generate some of their own power. When these systems initially sought interconnection agreements with Applicant, they were offered reserve-sharing arrangement for the interchange of emergency power, some other limited coordination, and the sale of deficiency power—all on the condition that they not install any new generating capacity after completing any expansions in progress. The two cities objected to the total ban and in each case a compromise was reached under which the cities' credit for generating capacity (used in computing demand charges) is limited to capacity in service at the time when the interconnection contracts became effective. This has the practical consequence of requiring Applicant's consent before new generation can be installed. One of the cities, Rochelle, must now plan its expansion program and is seriously concerned about whether credit for additional generating facilities will be available. Applicant has now informed us, however, that it is willing to modify these interconnection agreements in order to recognize the principle that the cities are entitled to appropriate credit for new generating capacity added. The provision of such a credit would be subject only to the condition that the cities give sufficient notice to the Company of their expansion plans to allow for coordination between them with resepct to the time and type of capacity additions.

(4) The form of Applicant's contracts with its five full-requirements municipal customers prohibits them from operating their own power-production equipment in parallel with the Company's without its consent. The effect of this is to preclude them from installing their own generating facilities to supplement their purchases from Applicant without Applicant's consent. The contracts also place an upper limit on the amount of power which Applicant commits itself to supply. Although the evidence available to us indicates that Applicant has willingly supplied the increased power requirements occasioned by its wholesale customers' growing demand, the uncertainty created by the contract limitation could in some circumstances be an inhibiting factor in their competition with Applicant for large retail loads. When these matters were raised with Applicant, it agreed to modify these two provisions in order to eliminate any risk that they would have the effect of precluding bulk power supply alternatives or inhibiting retail competition. First, Applicant would commit itself to consent to the parallel operation of its customers' generating facilities with its own if the customers provide adequate protection against damage to the Company facilities or interference with Company operations. Secondly, the Company would modify the provision requiring a specification of maximum demand to state that "upon reasonable advance notice in writing to the Company of proposed increases in such maximum demand, the Company will arrange to supply the increased demand."

(5) In November 1971, six of the municipal systems in Applicant's area indicated to it a possible interest in acquiring bulk power supply from the proposed LaSalle units. The Company, in response, indicated that it was willing to explore the possibility of bulk power supply to the cities from the proposed LaSalle units, and a meeting was held shortly thereafter. The municipal systems requested Applicant to submit a proposal for sales to them of unit power from LaSalle comparable to the arrangements worked out to allow municipal systems participation in the Vermont Yankee and Maine Yankee nuclear units. Applicant restated its doubts that such arrangements would provide any financial advantage to the Illinois municipal systems over wholesale purchases. It indicated, however, that it would pursue the matter further if the municipals were seriously interested in unit power from capacity costing in the range of $300 per kilowatt and if they were legally free to make the long term commitments which would be required. The municipal systems have restated their interest, and further discussions with Applicant are planned.

Conclusion. As we have noted above, Applicant has made commitments to modify a number of contract and rate schedule provisions which could impede its wholesale customers' development of alternative bulk power supplies or which could restrain their retail competition with Applicant. The commitments offered by Applicant do not extend to two of the areas where our investigation revealed possible questions of competitive importance—the allegations of "price squeeze" and Applicant's announced "wholesale freeze." We do not believe that either of these questions would warrant an antitrust hearing at this time. The facts relevant to the "price squeeze" allegation have been put before the Federal Power Commission, and it is at least arguable that the Commission has sufficient authority to remedy any demonstrated injury resulting from a price squeeze. The Applicant's announced policy of not taking on additional wholesale customers does not appear to have had any practical impact, and its continuation will likely be governed by the forthcoming Supreme Court decision in the Otter Tail case.

We also do not believe that it is necessary to have an antitrust hearing with respect to the municipal systems' expression of interest in participation in the LaSalle units. The municipal systems, whose interest in purchasing capacity in the LaSalle units developed only a fairly short time ago, are still attempting to determine whether such unit power purchases would provide any significant advantage over continued wholesale purchases from Applicant. We are reasonably satisfied from the evidence to date that Applicant will cooperate with the municipal systems by providing the cost data necessary to make that determination. While Applicant has not made any commitment to sell unit power to the municipal systems, it has represented to us that it will negotiate in good faith with the municipal systems with respect to LaSalle unit power. As the Commission is aware, Applicant is very heavily committed to nuclear generation and will be frequently before this Commission seeking licenses for further nuclear generation units. In the event that the discussions and negotiations between Applicant and the municipal systems should take a different course from the one which Applicant's responses to date have led us to expect, we will be able to consider the possible antitrust significance in subsequent antitrust review proceedings.

In light of the foregoing, we conclude that if the commitments set forth in the attached letter from Applicant of October 6, 1972, were to be imposed as license conditions by the Commission, the question of accommodating antitrust policies with the power needs in this case would be satisfactorily resolved. Accordingly, we recommend that these commitments be imposed by the Commission as license conditions, as agreed to by the Applicant. If this were done, there would be no need for an antitrust hearing in this matter.

COMMONWEALTH EDISON COMPANY

JOSEPH J. SAUNDERS, Esq.,
Chief, Public Counsel and Legislative Section, Antitrust Division,
U.S. Department of Justice,
Washington, D.C. 20530.

OCTOBER 6, 1972.

DEAR MR. SAUNDERS: This is to confirm our previous conversations, and to restate in one letter proposed commitments and interpretations heretofore made, in the form finally agreed upon.

We believe that the administration of our rate and service policies which we have discussed with you has been entirely in accordance with law and should raise no question under the antitrust laws. Nevertheless, to avoid the delay which might occur were the Department of Justice to take the position that a hearing on antitrust issues was necessary in the LaSalle County case, we are prepared to confirm the commitments made heretofore, and, in addition, to file the changes in our FPC electric tariff marked on the attached pages of that tariff and described below. We further agree not to reinstate any of the contractual restrictions eliminated by this agreement, during the term of the LaSalle County license.

(1) The deletion of the words "at their present premises" from 3d Revised Sheet No. 1, as shown on Exhibit A,[1] would eliminate any rate restriction on the territory in which customers served under the rate might provide electricity to others. In addition, each of the cities of Batavia, Geneva, Naperville, Rock Falls, and St. Charles, have entered into a letter agreement in the form of Original Sheets Nos. 41 and 42, attached as Exhibit B.[1] We would propose, by agreement with each of the cities, to substitute for that letter a letter in the form attached as Exhibit C.[1]

(2) For Rochelle and Winnetka, a provision corresponding to the letter referred to above appears on Original Sheet No. 105 in the Rochelle Service Contract (Exhibit D attached[1]) and is duplicated in Original Sheets Nos. 115 and 116 of the Winnetka contract. Subject to the necessary agreements by the customers, we would substitute for this provision the following:

The customer and the company agree that the customer will report to the company within 15 days of the close of each calendar year, its total kilowatt-hour sales within the city limits during such calendar year and the revenue therefrom, and its total kilowatt-hour sales outside the city limits in such calendar year and the revenues therefrom.

(3) The proposed change in Original Sheet No. 1B (the underlined language in Exhibit E[1]) adopts the substance of the language proposed to us by your office by telephone, modified only to make it fit into the structure of our rate filings. Language essentially identical with Original Sheet 1B is contained in our electric service contracts with Rochelle and Winnetka and, subject to their agreement, the same change would be made in those service contracts.

(4) The language proposed to be added to Original Sheet No. 5, as shown by Exhibit F,[1] is designed to make clear that the purpose of the "parallel operation" clause is physical protection, and that the consent of the company to parallel operation will not be withheld for economic reasons.

(5) The first page of the form of electric service contract (1st Revised Sheet No. 51, Exhibit G attached[1]) will be revised as shown to make clear that the company will impose only such limits on the customer's maximum demand as are required to give the company an opportunity to arrange its service facilities to meet increases in the customer's requirements.

In addition, we restate our views concerning certain of our outstanding contracts:

(A) Edison does not maintain that it has a right to serve customers within the Rock Falls territory with connected loads of 75 kilowatts or more or to control the prices at which Rock Falls sells electricity. We regard any such rights as having been extinguished in 1955 and interpret our agreement with Rock Falls as permitting us to serve only those customers the city does not want to serve and Russell, Burdsell and Ward Co. (the latter not to the exclusion of the city). International Harvester, also referred to in this connection, is no longer served by the company in Rock Falls.

(B) With regard to the 1968 ordinances agreed upon in connection with the company's reduction of its Rate 78, the company construes these ordinances strictly in accordance with their terms and regards them as giving the company no rights it did not have prior to their enactment, except the

[1] Exhibits A-G filed as part of the original document.

[1] Commonwealth Edison Co., FPC Docket No. 3-7678; City of Geneva v. Commonwealth Edison Co., FPC Docket No. IN-989; City of Batavia v. Commonwealth Edison Co., FPC Docket No. IN-991; Initial Decision, Nov. 29, 1972.

[2] City of Geneseo v. Illinois Northern Utilities Co., 378 Ill. 506, 39 N.E. 2nd 26 (1941), cert. denied 316 U.S. 670; Springfield Gas & Electric Co. v. City of Springfield, 292 Ill. 236, 126 N.E. 739 (1920), aff'd 257 U.S. 66; Central Illinois Public Service Co. v. City of Bushnell, 109 F. 2d 26 (CA 7, 1940).

[3] It may also be that the Federal Power Commission would have some authority to remedy problems raised by the "wholesale freeze" policy. We note that the Commission under Part II of the Federal Power Act appears to have no general authority to require the provision of bulk power supply service at wholesale for resale. Its authority under section 202(b) to require interconnection and the sale or exchange of power is limited to cases which would not require the "public utility" described in section 201(a) to increase its generating capacity. Extension of service to any full requirements customers would ultimately require an increase in capacity for the "public utility." Moreover, section 202(b) relief may not be available to municipalities desiring to enter the electric power business who are not yet engaged in such business. Under section 205, however, the Commission has jurisdiction to remedy discrimination in rates or service. If a utility provides wholesale service to one or more wholesale customers, the Federal Power Commission may be able to require extension of such service to all who apply.

[4] Ill. Rev. Stat. Ch. 24 § 11-117-1; Illinois Power Co. v. City of Jacksonville, 18 Ill. 2nd 618, 165 N.E. 2d 330 (1960).

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right to maintain its facilities to serve customers in newly annexed territories that the cities have not yet determined to serve and also to maintain lines passing through the cities' territory to serve other customers.

We will proceed promptly to secure agreement from the wholesale customers involved and to make the filings outlined above upon notice from you that you will advise the Atomic Energy Commission that no hearing need be held on antitrust issues in the LaSalle County application, and that the construction permit for LaSalle County station need not have antitrust conditions in it or, alternatively, need be conditioned only on our performance of the undertakings in this letter.

Very truly yours,

HUBERT H. NEXON,
Vice-President.

[FR Doc.73-141 Filed 1-4-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Hearing

The Toledo Edison Co., and The Cleveland Electric Illuminating Co. (the licensees), are the holders of Construction Permit No. CPPR-80 (the Construction Permit), issued by the Atomic Energy Commission on March 24, 1971. The Construction Permit authorizes the licensees to construct a pressurized-water nuclear reactor, designated as the Davis-Besse Nuclear Power Station, at the licensees' site on the southwestern shore of Lake Erie in Ottawa County, Ohio. The reactor is designed for initial operation at approximately 2,633 megawatts (thermal).

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970–September 9, 1971. Notice is hereby given, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Part 2, rules of practice, and Appendix D to 10 CFR Part 50, "Implementation of the National Environmental Policy Act of 1969," that a hearing will be held in the captioned proceeding by an Atomic Safety and Licensing Board (Board) at a time and place to be fixed by subsequent order of the Board to consider and make determinations on the matters set forth below:

1. In the event that this proceeding is not a contested proceeding as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will without conducting a de novo evaluation of the application determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

2. In the event that this proceeding is a contested proceeding, the Board will decide any matters in controversy among the parties within the scope of Appendix D to 10 CFR Part 50, with regard to whether, in accordance with the requirements of Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

3. Regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (a) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

The Board will be designated by the Atomic Energy Commission. Notice as to its membership will be published in the FEDERAL REGISTER. Within thirty (30) days from the date of publication of this present notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714(a).

Any person who does not wish to, or is not qualified to become a party to this proceeding concerning continuation, modification, termination, or conditioning the construction permit may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the licensees not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such other time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

For further details pertinent to the matters under consideration, see the licensees' environmental report dated August 3, 1970, as supplemented July 6, 1972, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m. and 5 p.m. Monday through Friday and at the Ida Rupp Public Library, Port Clinton, Ohio, between the hours of 10 a.m. to 8 p.m. Monday through Saturday. As they become available, the following documents also will be available at the above locations:

(1) The Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; and (2) the Commission's final detailed statement on environmental considerations. Copies of item (2), when available, may be obtained by request to Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington D.C. 20545.

With respect to this proceeding, pursuant to 10 CFR 2.785 an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 19th day of December 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-2 Filed 1-4-73;8:45 am]

[Docket No. 50-366A]

GEORGIA POWER CO.

Order Amending Notice and Order for Prehearing Conference

In the matter of Georgia Power Co. (Edwin I. Hatch Nuclear Plant 2); Docket No. 50-366A.

On application of all the parties speaking through the staff attorney for the Atomic Energy Commission: *It is ordered*, That the order of this Board dated December 6, 1972 is amended so that the prehearing conference to be held January 9, 1973, will consider only oral argument on the petitions to intervene and the motion of the Department of Justice to consolidate this proceeding with the Alabama Power Co. matter—Docket 50-348A.

It is further ordered that all papers required by said order will be exchanged on or before January 19, 1973, and that a second prehearing conference be held January 30, 1973, at 9:30 a.m. in room 111, Veterans Administration Building, 811 Vermont Avenue NW., Washington DC 20420.

Issued at Washington, D.C., this 29th day of December 1972.

By order of the Atomic Safety and Licensing Board.

CARL W. SCHWARZ,
Acting Chairman.

[FR Doc.73-223 Filed 1-4-73;8:45 am]

[Docket No. 50-366]

GEORGIA POWER CO.

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated December 22, 1972, the Deputy Director for Reactor Projects has issued Construction Permit No. CPPR-90 to the Georgia Power Co., for construction of a boiling water nuclear reactor at the Georgia Power Co.'s site near the south bank of the Altamaha River in Appling County, Ga., approximately 11 miles north of the town of Baxley, Ga. The proposed reactor, known as the Edwin I. Hatch Nuclear Plant, Unit 2, is designed for a rated power of approximately 2,436 megawatts thermal with a net electrical output of approximately 795 megawatts.

A copy of the initial decision and of the construction permit are on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513.

Dated at Bethesda, Md., this 27th day of December, 1972.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Acting Assistant Director for Boiling Water Reactors Directorate of Licensing.

[FR Doc.73-224 Filed 1-4-73;8:45 am]

[Dockets Nos. 50-390, 50-391]

TENNESSEE VALLEY AUTHORITY

Determination To Grant Exemption From Licensing for Certain Construction Activities

Pursuant to the provisions of 10 CFR 50.12 of the Atomic Energy Commission's (Commission) regulations, the Commission has granted an exemption from the requirements of 10 CFR 50.10 (b) to the Tennessee Valley Authority (the applicant) for certain construction activities involving the Watts Bar Nuclear Plant Units 1 and 2 prior to a decision regarding the issuance of a construction permit.

In an application dated May 18, 1971, the applicant requested permits to construct two pressurized water nuclear power reactors, designated as the Watts Bar Nuclear Plant, Units 1 and 2, at the applicant's site on the Tennessee River in Rhea County, Tenn. In accordance with the Atomic Energy Act and the Commission's regulations in 10 CFR Chapter 1, public hearings have been held in the captioned matter concerning radiological health and safety and environmental aspects of the proposed facilities. These hearings have been completed and the presiding Atomic Safety and Licensing Board has issued its initial decision dated December 19, 1972, which, on the basis of its consideration of such aspects, authorizes the issuance of construction permits for these facilities. However, the time periods associated with certain procedural aspects of the Commission's antitrust review have not yet elapsed, although notice of receipt of Attorney General's advise has been published in the FEDERAL REGISTER on December 19, 1972 (37 FR 27676), reflecting that the Attorney General found no antitrust problems which would require an antitrust hearing.

By letter dated September 18, 1972, the applicant requested an exemption from the provisions of 10 CFR 50.10(b) for certain construction activities at the proposed site prior to a decision regarding the issuance of a construction permit and provided the Commission with supporting information, including information on the environmental impact of the activities to be conducted under the exemption, if granted.

After consideration and balancing of the factors specified in 10 CFR 50.12 of the Commission's regulations, it has been determined that the work requested in the exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and should be authorized. The granted exemption limits the work to be performed to general site clearing and grading, excavation of the powerhouse building foundation, the intake channel and the pumping station, erection of temporary construction facilities, construction of a railroad spur, construction of holding pond dikes, upgrading of the existing dock facility, and certain cooling tower foundation tests.

The basis for granting this exemption is set forth in a document entitled "Discussion and Findings by the Directorate of Licensing, U.S. Atomic Energy Commission, Relating to a Request for an Exemption From Licensing for Certain Construction Activities at the Watts Bar Nuclear Plant, Units 1 and 2, AEC Docket Nos. 50-390/391," dated December 22, 1972. The applicant's letter of September 18, 1972, and referenced supporting in-

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formation, relating to this request for an exemption, a letter from the Deputy Director for Reactor Projects, Directorate of Licensing, to the applicant dated December 22, 1972, granting the exemption, and the discussion and findings referred to above are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and the Dayton Public Library, First Avenue, Dayton, Tenn. 37321. Copies of the discussion and findings document may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 22d day of December, 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-225 Filed 1-4-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24739]

SCHENKER & CO. G.m.b.H. (GERMANY) AND SCHENKERS INTERNATIONAL FORWARDERS, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 16, 1973, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., before the undersigned administrative law judge.

Dated at Washington, D.C., December 29, 1972.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-228 Filed 1-4-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

NOR-AM AGRICULTURAL PRODUCTS, INC.

Notice of Establishment of Temporary Tolerance

NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, submitted a petition (PP 2G1262) requesting establishment of a temporary tolerance for negligible residues of the herbicide ethyl *m*-hydroxycarbanilate carbanilate in or on the raw agricultural commodities sugar beet roots and tops at 0.2 part per million.

It has been determined that a temporary tolerance for negligible residues in or on sugar beet roots and tops at 0.2 part per million is safe and will protect the public health.

It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permits being issued concurrently and which provide for distribution under the NOR-AM Agricultural Products, Inc., name.

This temporary tolerance expires December 22, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for pesticides programs (36 FR 9038).

Dated: December 22, 1972.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-230 Filed 1-4-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-64]

AMERICAN EXPORT LINE, INC. ET AL.

Order of Investigation and Hearing

American Export Line, Inc. (AEL), Sea-Land Service, Inc. (Sea-Land), and United States Lines, Inc. (USL) are all common carriers by water operating inter alia between the east coast of the United States and the United Kingdom and Europe. These carriers submit bids for the carriage of military cargo pursuant to the negotiated competitive procurement system administered by the Military Sealift Command (MSC).

In response to the latest Request for Proposal (RFP)—700, Second Cycle, issued by the MSC, AEL, Sea-Land, and USL submitted bids in the amounts of $12.75M, $13.00M, and $13.15M respectively for Cargo N.O.S.; $25.25M, $28.30M, and $29.27M respectively for carriage of vehicles; and $29.50M, $28.75M, and $24.53M respectively for carriage of refrigerated cargo from U.S. east coast ports to the United Kingdom and Europe on MSC Route Index 4 and 5, to be effective during the period January 1, 1973–June 30, 1973. In most instances these bids are below the rate levels in effect in connection with the previous RFP 700, First Cycle. (See Attachments A and B).[1]

The Commission has for some time been seriously concerned with the apparent precariously low level of rates on military cargo bid pursuant to the MSC procurement system. Section 18(b)(5) of the Shipping Act, 1916 (46 U.S.C. 817 (b)) authorizes the Commission to disapprove any rate or charge which it finds to be so unreasonably high or low as to be detrimental to the commerce of the United States. Because of our concern and responsibility in this regard the Commission has, among other things, instituted an investigation into the lawfulness of certain rates previously submitted in the subject trade area,[2] issued a number of section 21 orders against American-flag carriers participating in the MSC procurement system, and established by rule making a minimum standard in order to determine whether military rates meet the requirements of section 18(b)(5) of the Act (F.M.C. General Order 29).

As the Commission recently had occasion to state in connection with the promulgation of General Order 29, rates on military cargo may fall to such a low level that either the continuation of adequate service is jeopardized or upward pressure is exerted on rates paid by commercial shippers. Both of these contingencies, we believe, result in a situation which is detrimental to the commerce of the United States.

Comparing the bids presently submitted with those submitted under the previous RFP Cycle, which were themselves suspect, and considering the rising costs of operation in the industry, the Commission is of the opinion that the reasonableness of the present level of bids submitted by the subject carriers pursuant to RFP 700, Second Cycle, is in serious doubt. Therefore, the Commission is of the opinion that an investigation should be undertaken in order to determine whether such bid rates are in fact so unreasonably low as to be detrimental to the commerce of the United States, hence warranting disapproval by the Commission. Since the subject rates are effective for only a 6-month period, and because the Commission wants the issue seasonably resolved, we are directing expedition of the proceeding as ordered below.

Now therefore, it is ordered, That, pursuant to section 22 of the Shipping Act, 1916, as amended, an investigation and hearing is hereby instituted to determine the lawfulness of AEL's, Sea-Land's, and USL's RFP–700 Second Cycle bid rates for carriage of Cargo N.O.S., vehicles, and refrigerated cargo under section 18(b)(5) of the Act; and

It is further ordered, That AEL, Sea-Land and USL be made respondents in this proceeding; and

It is further ordered, That this proceeding be referred for public hearing before an administrative law judge of the Commission's Office of Administrative Law Judges with directions that the proceeding be expedited to the fullest extent possible, and that upon completion of the hearing the record developed therein be certified to the Commission; and that the hearing be held at a date and place to be determined and announced by the presiding administrative law judge; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents who desires to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, promptly with copies to parties; and

Finally, it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-205 Filed 1-4-73;8:45 am]

[1] Attachments A and B filed as part of the original document.

[2] Sea-Land Service, Inc.—Possible Violations of section 18(b)(5), Shipping Act, 1916, F.M.C. Docket No. 71-98. In view of the institution of this proceeding and for other reasons, we are by separate order discontinuing that proceeding.

[Docket No. 72-65]

AMERICAN MAIL LINE, INC., ET AL.

Order of Investigation and Hearing

American Mail Line, Inc. (AML), American President Lines, Inc. (APL) and Sea-Land Service, Inc. (Sea-Land) are all common carriers by water operating inter alia between the west coast of the United States and Japan. These carriers submit bids for the carriage of military cargo pursuant to the negotiated competitive procurement system administered by the Military Sealift Command (MSC).

In response to the latest Request for Proposal (RFP)—700, Second Cycle, issued by the MSC, Sea-Land, APL, and AML submitted bids in the amount of $11.00M, $14.83M, and $14.95M respectively for carriage of Cargo N.O.S.; $23.00M, $55.20M, and $29.90M respectively for carriage of vehicles; and $39.65M, $38.00M, and $40.00M respectively for carriage of refrigerated cargo from U.S. west coast ports to Japan, to be effective during the period January 1, 1973–June 30, 1973. In some instances these bids are below the rate levels in effect in connection with the previous RFP 700 First Cycle. (See Attachment A.)[1]

The Commission has for some time been seriously concerned with the apparent precariously low level of rates on military cargo bid pursuant to the MSC procurement system. Section 18(b)(5) of the Shipping Act, 1916 (46 U.S.C. 817 (b)) authorizes the Commission to disapprove any rate or charge which it finds to be so unreasonably high or low as to be detrimental to the commerce of the United States. Because of our concern and responsibility in this regard the Commission has, among other things, initiated an investigation into the lawfulness of the rates previously submitted in the subject trade area,[2] issued a number of section 21 orders against American-flag carriers participating in the MSC procurement system, and established by rule making a minimum standard in order to determine whether military rates meet the requirements of section 18(b)(5) of the Act (F.M.C. General Order 29).

As the Commission recently had occasion to state in connection with the promulgation of General Order 29, rates on military cargo may fall to such a low level that either the continuation of adequate service is jeopardized or upward pressure is exerted on rates paid by commercial shippers. Both of these contingencies, we believe, result in a situation which is detrimental to the commerce of the United States.

Comparing the bids presently submitted with those submitted under the previous RFP Cycle, which were themselves suspect, and considering the rising costs of operation in the industry, the Commission is of the opinion that the reasonableness of the present level of bids submitted by the subject carriers pursuant to RFP 700, Second Cycle, is in serious doubt. Therefore, the Commission is of the opinion that an investigation should be undertaken in order to determine whether such bid rates are in fact so unreasonably low as to be detrimental to the commerce of the United States, hence warranting disapproval by the Commission. Since the subject rates are effective for only a 6-month period, and because the Commission wants the issue seasonably resolved, we are directing expedition of the proceeding as ordered below.

Now, therefore, it is ordered, That, pursuant to section 22 of the Shipping Act, 1916, as amended, an investigation and hearing is hereby instituted to determine the lawfulness of Sea-Land's, APL's, and AML's RFP–700 Second Cycle bid rates for carriage of Cargo N.O.S., vehicles, and refrigerated cargo under section 18(b)(5) of the Act; and

It is further ordered, That AML, APL, and Sea-Land be made respondents in this proceeding; and

It is further ordered, That this proceeding be referred for public hearing before an administrative law judge of the Commission's Office of Administrative Law Judges with directions that the proceeding be expedited to the fullest extent possible, and that upon completion of the hearing the record developed therein be certified to the Commission; and that the hearing be held at a date and place to be determined and announced by the presiding administrative law judge; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents who desires to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, promptly with copies to parties; and

Finally, it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-206 Filed 1-4-73;8:45 am]

[1] Filed as part of the original document.

[2] American President Lines, Inc., American Mail Line, Inc., Sea-Land Service, Inc., and United States Lines, Inc.; Possible Violations of Section 18(b)(5) of the Shipping Act, 1916, F.M.C. Docket No. 72-23. In view of the institution of this proceeding and for other reasons, we are by separate order discontinuing that proceeding.

[Docket No. 72-23]

AMERICAN PRESIDENT LINES, INC., ET AL.

Order of Discontinuance

By order of investigation and hearing served June 13, 1972, the Commission instituted the above proceeding to determine the lawfulness of American President Lines' (APL), American Mail Lines' (AML), Sea-Land Service, Inc. (Sea-Land) and United States Lines' (USL) RFP–700 Military Cargo N.O.S. bid rate of $10.66M, $11.90M, $11.51M, and $12.94M respectively for the carriage of military cargo on Military Sealift Command (MSC) Route Index 1–E under section 18(b)(5) of the Shipping Act, 1916 (Act); and also the lawfulness of the above-mentioned carriers' rates for transportation of privately owned vehicles (P.O.V.) under RFP–700.

Simultaneously with the issuance of the Order of Investigation and Hearing in this proceeding, section 21 orders were issued to the respondents in this proceeding as well as to other carriers in the relevant trade asking for detailed information relating to the cost of carrying military cargo on this MSC Route Index 1–E. The information furnished was then analyzed by the Commission's Office of Transportation Economics in an effort to determine the cost of carrying military cargo on MSC Route Index 1–E, with a view toward using the analysis in Docket No. 72–23.

Since the issuance of the order of investigation and hearing, the Commission has issued General Order 29, which sets forth the standards for determining the lawfulness of a bid submitted by a common carrier by water for carriage of military cargo under the RFP system of competitive bidding. In addition, the rates which are the subject of Docket No. 72–23 will pass out of effect on December 31, 1972.

By order of investigation and hearing, issued this day, thee Commission is undertaking an investigation of certain bid rates submitted pursuant to RFP–700, Second Cycle, for carriage of military cargo on MSC Route Index 1–E. The Commission believes that this new investigation undertaken after the issuance of General Order 29 will result in a much more productive examination of the entire issue of military rates on MSC Route

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Index 1–E than would a continuation of Docket No. 72–23.

Now, therefore it is ordered, That the proceedings in Docket No. 72–23 are hereby discontinued.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof served upon respondents.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–203 Filed 1–4–73;8:45 am]

CITY OF LOS ANGELES AND OVERSEAS SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Roger Arnebergh, City Attorney, City of Los Angeles, Post Office Box 151, San Pedro, CA 90733.

Agreement No. T–2588–1, between the City of Los Angeles (City) and Overseas Shipping Co. (Overseas), modifies the basic agreement which provides for the 5-year nonexclusive preferential assignment to Overseas of Berths 228D, 228E, 229, and 230 plus 24 acres of adjacent land area for operation as a marine terminal. The purpose of the modification is to incorporate into the assigned premises offices, a gear corral, shops, and locker. Compensation for the use of the improvements is pursuant to the Port of Los Angeles Tariff No. 3.

Dated: December 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–285 Filed 1–4–73;8:45 am]

CONTINENTAL/U.S. GULF FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Modification of agreement. Notice of agreement filed by:

Y. V. Wuilfen, Current Chairman, Continental/U.S. Gulf Freight Association, c/o Hapag-Lloyd AG, Ballindamm 25, 2 Hamburg 1, Germany.

Agreement No. 9988–1, among the member lines of the captioned rate agreement, adds the U.S. South Atlantic from Key West to Cape Canaveral, including ports, places or points on inland waterways tributary thereto, to the scope of the basic agreement.

Dated: December 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–286 Filed 1–4–73;8:45 am]

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015 or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Application to modify an approved form of exclusive patronage contract filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 5700 DR–3 modifies Article 1(a) of the New York Freight Bureau's basic dual rate agreement by relinquishing jurisdiction over traffic originating in China, south of Foochow and Viet Nam destined to U.S. Atlantic and Gulf ports.

Dated: December 27, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–208 Filed 1–4–73;8:45 am]

NEW YORK TERMINAL CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham, Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8005–6, between the members of the New York Terminal Conference (Conference), amends the basic agreement which provides for the establishment and maintenance of rates, rules, and regulations applicable to truck loading and unloading at piers in New York Harbor. The purpose of the amendment is to add to the authority of the Conference the right to establish for its members and to alter the rates that they may charge for the loading and unloading of railroad cars in the New York port area.

Dated: December 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–287 Filed 1–4–73;8:45 am]

PACIFIC MARITIME ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. T–2635–2, between the members of the Pacific Maritime Association (PMA), represents the final agreement between members of the PMA for funding the PMA-International Longshoremen's and Warehousemen's Union (ILWU) Longshore Pay Guarantee Plan (Plan). The purpose of Agreement No. T–2635 is to fund PMA members' contingent liability created by the Plan. Contributions to the Plan will be determined by: (a) The number of revenue tons of cargo handled by each member employing longshoremen; and (b) the number of manhours of marine clerks employed by each member. The formula for the contributions is, in essence, the same as that used by the PMA membership in meeting their obligations under the PMA–ILWU Modernization and Mechanization Fund as provided for in FMC Agreement No. T–2210. Contributions per revenue ton and contributions per manhours are to be uniform between all participants with the following exceptions: (a) Bulk cargo shall contribute one-seventh of the contributions per revenue ton applicable to general cargo; (b) automobiles and trucks, exclusive of truck trailers, shall be one-fifth of the amount of assessment per revenue ton applicable to general cargo; (c) cargo in containers shall contribute seven-tenths of the amount per revenue ton applicable to general cargo. Agreement No. T–2635 (as amended by T–2635–1) represents PMA's interim arrangement for meeting members' obligations to the Plan; Agreement No. T–2635–2 amends T–2635 (as amended) by eliminating reference to and provisions relating to the "interim" period. Thus, the final Plan funding formula for the PMA will be identical to that used over the interim period.

Dated: December 27, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–209 Filed 1–4–73;8:45 am]

[Docket No. 71–54]

PACIFIC WESTBOUND CONFERENCE

Application To Extend Exclusive Patronage (Dual Rate) Contract System; Order of Remand

The Commission instituted this proceeding on May 12, 1971, to determine whether the application of the Pacific Westbound Conference (PWC) to expand the scope of its approved form of exclusive patronage contract to include the Conference's Overland Common Point (OCP) territory should be approved, disapproved, or modified pursuant to section 14b of the Shipping Act, 1916. Minnesota Mining and Manufacturing (3M), Orient Overseas Container Lines (OOCL) and the American Cotton Shippers Association (ACSA) intervened and remain as parties in the proceeding.[1]

The proceeding is now before us on appeals from the administrative law judge's rulings on legal issues wherein he held that the PWC proposal to extend its dual rate contract to include the overland territory was per se unlawful, concluded that the need for any further hearing was obviated, and accordingly ordered the proceeding discontinued.

PWC and hearing counsel maintain on appeal[2] that the administrative law judge erred in deciding that there are fundamental legal impediments to PWC's proposed Overland/OCP dual rate system and that the proper resolution of the issues set forth in the Commission's order of investigation in this proceeding requires an evidentiary hearing. In their replies to the appeals from the administrative law judge's rulings, 3M, ACSA and OOCL support the Judge's rulings and his legal basis therefor and conclude that the PWC proposal was properly disapproved.

Also before the Commission at this time are motions to strike filed by PWC and hearing counsel. These parties have moved the Commission to strike those portions of 3M's reply to their appeals which discuss the Commission's authority to approve a dual rate system which, inter alia, encompasses movements from Canada to foreign ports. PWC and hearing counsel argue that since the Canadian issue was ignored by the administrative law judge in his rulings, although argued before him as a legal issue, and thus ignored by them in their appeals from those rulings, the discussion of that issue is improper and should be stricken.

The Commission believes that the issues raised in the order of investigation initiating this proceeding can only be resolved on the basis of a full evidentiary

[1] There were several other interveners and Commission designated petitioners who withdrew following clarification by PWC of the scope of its proposed amendment.

[2] In granting PWC an enlargement of time to file exceptions, the Secretary of the Commission rightly construed the administrative law judge's rulings as a dismissal of the proceeding, appeal from which is governed by § 502.153 of the Commission's rules of practice and procedure.

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hearing. We are not convinced by the arguments presented that there are fundamental legal impediments to the approval of the PWC proposal. Accordingly, we are remanding the proceeding for a full evidentiary hearing in accordance with the Commission's own order of investigation, said hearing to encompass, inter alia, the issues of the inclusion of Canadian ports within PWC's organic agreement and the applicability of section 5 of the Federal Trade Commission Act to the proposed amendment of the Conference's dual rate system.

In light of our disposition of the appeals from the rulings on legal issues in the manner set forth above, we believe that the motions to strike now before us have been mooted and accordingly, we see no necessity to pass upon them.

Therefore it is ordered, That this proceeding be remanded to the Office of Administrative Law Judges for a full evidentiary hearing in accordance with the present order and our order of investigation and hearing served May 12, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-204 Filed 1-4-73;8:45 am]

PHILIPPINES-NORTH AMERICA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 5600-30 is a modification of the Philippines-North America Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 FR 16679).

Dated: December 27, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-210 Filed 1-4-73;8:45 am]

PORT OF HOUSTON AUTHORITY AND LOUIS DREYFUS CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Milton K. Eckert, Esq., Port of Houston Authority, Box 2562, Houston, TX 77001.

Agreement No. T-2719, between the Port of Houston Authority (Port) and Louis Dreyfus Corporation (Dreyfus), provides for the 10-year lease to Dreyfus of the Houston Public Elevator which is to be used as an agricultural bulk commodity elevator in connection with the movement of such commodities through the Port of Houston. To the extent, in Dreyfus' sole discretion, capacity in the facility is not needed to serve Dreyfus and Dreyfus' affiliates, Dreyfus may operate the facility to serve others desiring to use it. Dreyfus has the prior right to use the berths adjacent to the facility (wharves 14 and 15). The Port may use the berths at any time when not needed by Dreyfus, provided, however, that should Dreyfus in its sole discretion need all or any part of the berthing facilities the Port, at its expense, shall cause the berths to be vacated within 8 hours of telephonic or other notice by Dreyfus. Dreyfus will have the right to establish tariffs, rules, and regulations governing the facility. Dockage fees are to be paid to the Port and are not to be increased above the dockage fees assessed at other Port facilities. As compensation, the Port is to receive $1,006,000 annually as rental.

Dated: December 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-288 Filed 1-4-73;8:45 am]

PORT OF OAKLAND AND HARRY H. BLANCO CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. Kerwin Rooney, Esq., Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2722, between the Port of Oakland (Port) and Harry H. Blanco Company, doing business as Mid-Pacific Freight Forwarders (Blanco), is a license and concession agreement providing for the occupancy by Blanco of certain office space, U.S. Customs area, covered dock space, maintenance shop area, and paved open area at the Port of Oakland, Calif., for use as a container freight station and other uses incidental thereto. As compensation, the Port is to receive $3,845.75 per month. The agreement provides that Blanco shall not act as a terminal operator nor conduct or operate a public utility wharfinger business upon the premises. The agreement also stipulates that 90 percent of Blanco's operations are to be concerned with the movement of goods through the Port's marine terminals.

Dated: December 27, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-211 Filed 1-4-73;8:45 am]

SCANDINAVIA BALTIC/U.S. NORTH ATLANTIC WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, NY 10004.

Agreement No. 9982-2 among the members of the above named conference modifies the basic agreement to provide that the word "Secretary" is to be deleted from the Agreement and the word "Chairman" is to be substituted in lieu thereof in each instance. It defines the word "Chairman" as used in this agreement to include the Chairman and any duly authorized member of his staff.

Dated: December 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-212 Filed 1-4-73;8:45 am]

[Docket No. 71-98]

SEA-LAND SERVICE, INC.

Order of Discontinuance

On December 28, 1971, the Commission issued an order requiring Sea-Land Service, Inc. (Sea-Land) to show cause why its bid of $11.69M on Cargo, N.O.S., submitted to the Military Sealift Command (MSC) pursuant to RFP-600, Second Cycle, should not be found unreasonably preferential to shippers of military cargo and unreasonably prejudicial or disadvantageous to commercial shippers in violation of section 16, First of the Shipping Act, 1916 (Act); unjustly discriminatory between shippers and ports in violation of section 17 of the Act; and so unreasonably low as to be detrimental to the commerce of the United States in contravention of section 18(b)(5) of the Act.

Because the memorandum of law and affidavits of facts filed in response to the Commission's order raised certain factual disputes, the Commission on March 16 1972, issued an order of investigation and hearing referring the proceeding to an examiner for a full evidentiary investigation and hearing within the confines of the specific issues set forth in its original order to show cause.

In response to MSC's RFP-700, First Cycle (July 1, 1972 to Dec. 31, 1972), Sea-Land rebid the $11.69M military cargo rate and was again first on the MSC "pecking order" for the carriage of military cargo on the North Atlantic. The Commission, therefore, on June 13, 1972, issued an "Order Dismissing Proceeding in Part and Expanding Investigation" in this proceeding which provided that:

(1) The proceeding would be continued and expanded to include the issue of the lawfulness of Sea-Land's RFP-700, First Cycle, bid of $11.69M for military cargo N.O.S. in the North Atlantic under section 18(b)(5) of the Shipping Act, 1916;

(2) Those portions of the two previous orders dealing with sections 16, First, and 17 of the Act would be discontinued.

(3) Various motions of Sea-Land and of intervenor American Export Lines (AEL) would be denied.

On the same day the Commission issued section 21 orders to Sea-Land, AEL, United States Lines (USL) and Seatrain Lines, directing those carriers to furnish to the Commission detailed information regarding the cost of carrying military cargo from U.S. east coast ports to Europe. Sea-Land however remained the only respondent in Docket No. 71-98.

During the time that the responses of the above-mentioned carriers to the section 21 orders were being analyzed by the Commission staff, the Commission issued General Order 29, which sets forth the standards for determining the lawfulness of bids submitted by common carriers by water for the carriage of military cargo under the RFP system of competitive bidding. In addition the rates which are the subject of Docket No. 71-98 will pass out of effect on December 31, 1972.

By order of investigation and hearing issued this day the Commission is undertaking an investigation of bid rates submitted by Sea-Land, AEL and USL pursuant to RFP 700, Second Cycle for carriage of military cargo between ports on the U.S. east coast and ports in Europe. The Commission believes that this new investigation undertaken after the issuance of General Order 29, and with all the U.S. flag containership operators on the North Atlantic as respondents, will result in a much more productive examination of the entire issue of military rates on the North Atlantic than would a continuation of Docket No. 71-98.

Now, therefore it is ordered, That the proceedings in Docket No. 71-98 are hereby discontinued.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof served upon respondent.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-207 Filed 1-4-73;8:45 am]

STATES STEAMSHIP CO. AND EVERETT ORIENT LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the

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agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

J. J. McGowan, Manager, Rates and Conferences Department, States Steamship Co., 320 California Street, San Francisco, CA 94104.

Agreement No. 9274–3, between States Steamship Co., and Everett Orient Line, Inc., amends Article 1 of their approved Transshipment Agreement by substituting the name "Bangladesh" for "East Pakistan" in the description of the trading area of said agreement.

Dated: December 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–289 Filed 1–4–73;8:45 am]

UNITED STATES GREAT LAKES AND ST. LAWRENCE RIVER PORTS/WEST AFRICA AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John K. Cunningham, Secretary, United States Great Lakes and St. Lawrence River Ports/West Africa Agreement, 67 Broad Street, New York, NY 10004.

Agreement No. 9420–6, among the member lines of the United States Great Lakes and St. Lawrence River Ports/West Africa Agreement, amends their approved Conference agreement by (1) adding a new provision designated as Article 1(a) to set forth the understanding that the rates, charges and practices established thereunder shall apply to the transportation of cargo, either direct or by transshipment, and (2) changing the designation of present Article 1 to Article 1(b).

Dated: December 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–290 Filed 1–4–73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS TECHNOLOGY

Notice of Meeting and Agenda

Agenda, meeting, Supply-Technical Advisory Task Force-Natural Gas Technology, to be held in Conference Room 4454–A of the Federal Power Commission, 441 G Street NW., Washington, DC, January 9 and 10, 1973—9 a.m.

Presiding: Dr. Paul J. Root, TF FPC Survey Coordinating Representative and Secretary.

1. Call to order and introductory remarks—Dr. Root.

2. Objectives and purpose of meeting—

A. Review of Developments Since the Last Meeting—Mr. Lloyd E. Elkins, Director, Supply-Technical Advisory Task Force-Natural Gas Technology.

B. Review of Individual Assignments for Drafting Sections of the Final Report—Mr. Elkins.

C. Discussion of Coverage of Environmental Aspects of Task Force Work Programs—Mr. Elkins.

D. Status of Assigned Work Programs and Estimated Date for Completion—Mr. Elkins.

E. Other Business.

3. Adjournment—Dr. Root.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force, which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–354 Filed 1–4–73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY; TASK FORCE ON FORECAST REVIEW

Notice of Meeting and Agenda

Agenda for a meeting of the Technical Advisory Committee on Power Supply, Task Force on Forecast Review, to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 9:30 a.m., January 12, 1973, Room 2043.

1. Meeting opened by FPC Coordinating Representative.

2. Objectives and purposes of meeting—

A. Discussion of total energy requirement forecasts and relationship between requirements for total energy, and the electric energy portion.

B. Discussion of population and labor force projections.

C. Discussion of projected fuel sources and availability as related to need for electric energy.

D. Develop plan for task force activities.

E. Other business.

F. Set date for next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–353 Filed 1–4–73;8:45 am]

[Docket No. CI73–429]

AMOCO PRODUCTION CO.

Notice of Application

DECEMBER 29, 1972.

Take notice that on December 20, 1972, Amoco Production Co. (Applicant), Post Office Box 3092, Houston, TX 77001, filed in Docket No. CI73–429 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas and Pipe Line Corp. from the La Sal Vieja Field Area, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 3,000 Mcf of gas per day at 35 cents per Mcf at 14.65 p.s.i.a. for 3 years or until 7,500,000 Mcf of gas have been delivered, whichever occurs first within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–282 Filed 1–4–73;8:45 am]

[Docket Nos., RI73–152, etc.]

AMOCO PRODUCTION CO. ET AL.

Order Providing for Hearing On and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

DECEMBER 22, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI73–152	Amoco Production Co	493	6	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (Permian Basin).	$60,133	11–30–72		6–1–73	[1] 21.7562	[2] 23.8788	RI71–167
RI73–153	Skelly Oil Co	159	7	West Texas Gathering Co. (Emperor (Deep) Field, Winkler County, Tex.) (Permian Basin).	55,521	12–1–72		2–1–73	18.0675	19.0713	RI70–1567
		218	4	El Paso Natural Gas Co. (acreage in Terrell County, Tex.) (Permian Basin).	59	12–1–72		6–1–73	26.85	27.20	RI71–267
RI73–154	Gulf Oil Corp.	438	1	Northern Natural Gas Co. (Flying "W" Ellenburger Field, Winkler County, Tex.) (Permian Basin).	9,752	11–30–72		5–31–73	[1] 27.0	[3] 30.0	
RI73–155	Humble Oil & Refining Co.	132	[4] 11	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	3,3,225	[4] 12–4–72		2–4–73	19.0713	21.0	RI73–81.
RI73–156	Mobil Oil Corp.	241	21	El Paso Natural Gas Co. (Brown Bassett Field, Terrell County, Tex.) (Permian Basin).	352,944	12–1–72		6–2–73	[1] 18.462	25.462	RI73–115.
RI73–157	Humble Oil & Refining Co.	447	[5] 8	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	28,591	[4] 12–4–72		2–4–73	19.0713	21.0	RI73–81.
RI73–158	Perry R. Bass	6	[6] 22	Transwestern Pipeline Co. (Keystone Plant, Winkler County, Tex.) (Permian Basin).	4,400	12–6–72		6–6–73	35.0	36.0	RI72–272.
RI73–159	Perry R. Bass (Operator), Agent.	16	4	El Paso Natural Gas Co. (Toro Field, Reeves County, Tex.) (Permian Basin).	10,068	12–6–72		2–6–73	17.5656	18.5691	RI70–775.
RI73–160	Perry R. Bass	17	8	Transwestern Pipeline Co. (Hamon and Halley Fields, Reeves and Winkler Counties, Tex.) (Permian Basin).	2,109	12–6–72		2–6–73	[1] 17.5766	[6] 18.5800	RI69–802.
					153,792	12–6–72		6–6–73	[7] 20.6025	[7] 22.6125	RI69–802.
		18	4	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (Permian Basin).	1,104	12–6–72		2–6–73	17.5656	18.5691	RI70–776.
RI73–161	Sun Oil Co	300	13	Northern Natural Gas Co. (Drinkard Field, Lea County, N. Mex., Permian Basin).	12,861	12–4–72		2–5–73	14.6226	[8] [9] 16.7131	
		314	7	Northern Natural Gas Co. (Blinebry and Tubbs Fields, Lea County, N. Mex.) (Permian Basin).	14,365	12–4–72		2–5–73	14.53	[8] [10] 16.5309	

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Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R173-162..	Union Oil Company of California.	118	11 7	West Texas Gathering Co. (Emperor and South Kermit Fields, Winkler County, Tex.) (Permian Basin).		12- 4-72	1- 4-73	20 Accepted			
			8		600,757	12- 4-72	.....	6- 4-73	18.0675	13 29.5103	R169-149.
R173-163..	Texaco Inc.	409	2	Mountain Fuel Supply Co. (South Baggs Field, Carbon County, Wyo.).	656	12- 4-72	.....	2-14-73	18 21 15.15	18 21 16.16	R170-1113.
R173-164..	Oil Resources, Inc.	13 2	14 3	Grand Valley Transmission Co. (Moon Ridge and Segundo Canyon Fields, Grand County, Utah).		11 21-72	12-25-72	20 Accepted			
			4		4,966	11 24-72	.....	1-25-73	21 12.467	18 21 16.145	
R173-165..	Union Texas Petroleum, a division of Allied Chemical Corp.	17 65	10	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	(23)	12- 4-72	.....	6- 4-73	21 22.0	18 21 28.0	R172-232.
R173-166..	Champlin Petroleum Co.	130	1	El Paso Natural Gas Co. (Jones Ranch Unit, Eddy County, N. Mex.) (Permian Basin).	10,800	12- 5-72	.....	6- 5-73	27.0	30.0	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
1 Includes quality adjustments.
2 Subject to Btu adjustment.
3 Includes letter from buyer agreeing to increase.
4 Corrected filing submitted Dec. 13, 1972.
5 Applicable only to "new gas" as defined by and sold under Supp. No. 13.
6 Hamon Field.
7 Halley Field.
8 Commodity Index adjustment as provided by contract.
9 Converted from filed rate of 17.1409 cents at 15.025 p.s.i.a.
10 Converted from filed rate of 16.951 cents at 15.025 p.s.i.a.
11 Amends pricing provisions.
12 Includes quality adjustment.
13 Succession by Oil Resources, Inc. to FPC Gas Rate Schedule No. 2 of Pacific Lighting Exploration Co. et al. was filed Nov. 22, 1972, and is being reported separately.
14 Renegotiated contract dated Nov. 7, 1972. Providing for a 19.0 cents base rate with 1.0 cents escalation every 5 years.
15 Contract base rate of 19.0 cents less a 2.0 cents compression charge and 0.855 cent/Mcf downward Btu adjustment.
16 Applicable to gas from wells completed on or after June 1, 1970.
17 Filing also covers the interest of Texas Pacific Oil Co. Inc.
18 No production at present.
19 Includes a double amount of contractually due tax remburesement to recover taxes on past sales.
20 Accepted, for filing to be effective on the date shown in the "Effective Date" column.
21 The pressure base is 15.025 p.s.i.a.

The proposed increases of Amoco Production Co., Skelly Oil Co. under its FPC Gas Rate Schedule No. 159, Gulf Oil Corp., Mobil Oil Corp., Perry R. Bass under his FPC Gas Rate Schedule No. 6, and under Supplement No. 8 to its FPC Gas Rate Schedule No. 17 only insofar as it pertains to the 22.6125-cents proposed rate, Union Oil Company of California under Supplement No. 8 to its FPC Gas Rate Schedule No. 118, Union Texas Petroleum and Champlin Petroleum Co., exceed the rate limit for a 1-day suspension, and, therefore, are suspended for 5 months from the expiration of the statutory notice period or the contractual effective date, whichever is later.

The proposed increase of Texaco Inc. under its FPC Gas Rate Schedule No. 409 includes a double amount of the contractually due tax reimbursement for taxes applicable to future production as well as reimbursement for taxes applicable to past production. After tax reimbursement applicable to past production has been recovered, Texaco Inc. shall file a rate decrease reducing the proposed rate so as to provide for tax reimbursement for future production only. Texaco's proposed increase is suspended for 1 day from the proposed effective date consistent with prior Commission action in similar cases.

The other proposed increases involved here do not exceed the corresponding rate filing limitation imposed in Southern Louisiana and therefore are suspended for 1 day from the expiration of the 60-day notice period or the contractual effective date, whichever is later.

Perry R. Bass requests waiver of the 30-day notice requirement. Good cause has not been shown and his request is denied.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 309.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the are ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 FR 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage (See Opinions Nos. 595, 598, and 607, and Order No. 435). In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.73-44 Filed 1-4-73;8:45 am]

INDIANA AND MICHIGAN ELECTRIC CO.

Extension of Time

DECEMBER 22, 1972.

On December 13, 1972, Commission Staff Counsel filed a motion for an extension of time from December 14, 1972, to January 22, 1973, to serve its prepared testimony and exhibits in accordance with the notice issued November 28, 1972, in the above-designated matter. The motion also requests that the other procedural dates be modified accordingly. On December 20, 1972, Staff Counsel filed an addendum to the motion filed on December 13, 1972, advising that Indiana and Michigan Electric Co., City of Anderson, Ind., Indiana Statewide Rural Electric Cooperatives, Inc., Richmond Power & Light, Indiana and Michigan Municipal Distributors Association, City of Fort Wayne, Ind., have no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates fixed by the notice issued November 28, 1972 (37 FR 25789), in the above matter are further amended as follows:

Staff serve testimony, January 22, 1973.
Prehearing conference, February 12, 1973.
Intervenor Service date, February 26, 1973.
I&M Rebuttal Service date, March 27, 1973.
Hearing date, April 17, 1973.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-63 Filed 1-4-73;8:45 am]

[Docket No. ID-1679]

R. DOUGLAS ZIEGLER

Notice of Application

DECEMBER 29, 1972.

Take notice that on October 18, 1972, R. Douglas Ziegler (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act seeking authority to hold interlocking directorate positions.

Applicant is director of the Wisconsin Electric Power Co., a public utility principally engaged in the generation, transmission, and distribution of electricity in southeastern Wisconsin. Applicant has held this position since his initial election on May 5, 1971.

On October 2, 1972, Applicant was elected director of B. C. Ziegler & Co. Applicant expects to be elected president of B. C. Ziegler & Co. during 1973. B. C. Ziegler & Co., with its principal business office at West Bend, Wis., is the Nation's largest broker-dealer specializing in underwriting and distributing debt securities of hospitals, schools, and other nonprofit organizations. It is also a distributor of short term paper and material funds and operates a general insurance agency.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-281 Filed 1-4-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Acquisition of Bank

The Alabama Financial Group, Inc., Birmingham, Ala., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the successor by merger to Marion County Banking Co., Guin, Ala. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 18, 1973.

Board of Governors of the Federal Reserve System, December 22, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-147 Filed 1-4-73;8:45 am]

CITIBANC GROUP, INC.

Order Approving Formation of Bank Holding Company

Citibanc Group, Inc., Alexander City, Ala., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of five banks in Alabama as follows:

(1) 64 percent or more of the voting shares of Covington County Bank, Andalusia ("Covington Bank");

(2) 90 percent or more of the voting shares of City Bank of Goodwater, Goodwater ("Goodwater Bank");

(3) 74 percent or more of the voting shares of City Bank of Tuskegee, Tuskegee ("Tuskegee Bank");

(4) 80 percent or more of the voting shares of City Bank of Lineville, Lineville ("Lineville Bank"); and

(5) 90 percent or more of the voting shares of City Bank of Roanoke, Roanoke ("Roanoke Bank"), all in Alabama.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly formed corporation with no operating history, was organized by principals of a partnership for the purpose of acquiring the five banks which are the subjects of this application. The partnership acquired control of these five banks from 1955 to 1969 and became a registered bank holding company as a result of the 1970 Amendments to the Bank Holding Company Act. The proposed transaction represents a restructuring of an existing bank holding company from a partnership into a corporate form. Upon consummation of the proposal herein, Applicant would control five banks with aggregate deposits of $40.5 million, representing 0.70 percent of total deposits of commercial banks in the State. (All banking data are as of Dec. 31, 1971.)

The banks proposed to be acquired from the existing partnership are located in separate, predominantly rural, counties situated in the eastern half of Alabama and operate in separate markets. Covington Bank ($15.2 million of deposits) operates one office in Andalusia, Covington County; Goodwater Bank ($6.1 million of deposits) operates three offices located in the cities of Goodwater, Rockford, and Kellyton, in Coosa County; Tuskegee Bank ($7.3 million of deposits) operates two offices in Tuskegee, Macon County; Lineville Bank ($5.8 million of deposits) operates one office in Lineville, Clay County; and Roanoke Bank ($6.1 million of deposits) operates two banking offices located in Roanoke and Rock Mills, Randolph County. It appears that no meaningful competition exists among these banks at the present time. Since Alabama banking law permits branching within the county in which a bank's main office is located and three of the banks proposed to be acquired are located in adjacent counties, some potential for competition developing in the future among these banks does exist. However, in view of the present small size of the banks, the limited market areas served by them and the probability of the continuation of their present common owner relationship, the prospect for meaningful competition developing in the future among these banks appears remote. It is the Board's judgment that approval of the proposed formation would have no adverse effects on competition in any area of the State.

The financial condition and managerial resources of the proposed subsidiary banks are generally satisfactory and consistent with approval of the application. The financial condition of the partnership which presently controls these banks is adversely affected by a high degree of debt which was incurred in the purchase of the shares of these banks. Although the proposed transaction would result in the assumption of this debt individually by the principal partner of the present holding company rather than Applicant, the Board views the proposal herein as if the debt would in fact be assumed directly by Applicant since the funds required to service this debt would be derived primarily from Applicant. Principals of Applicant have assured the Board that upon approval of this application, specific steps will be initiated to generate additional funds which would be used to reduce significantly the present excessive debt position. The Board's action herein is taken in the light of these assurances. Moreover, the partners who will be assuming this debt individually have committed themselves to a debt retirement schedule which would eliminate the remaining debt within 10 years. The future prospects for profitable operation of Applicant and its subsidiary banks appear satisfactory and should provide adequate income for Applicant's principal shareholders to service and retire the remaining debt according to the proposed schedule.

No immediate benefits to convenience and needs of the communities to be served by Applicant will result from consummation of Applicant's proposal. However, the improved financial condition of Applicant which is projected after completion of steps to reduce the present holding company's debt position should improve the potential of the subsidiary

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banks to serve better the banking needs of their banking customers. Considerations relating to convenience and needs are regarded as consistent with approval of the application. It is the Board's judgment that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-148 Filed 1-4-73;8:45 am]

DOMINION BANKSHARES CORP.

Proposed Acquisition of The Fitton Co. and Fitton Insurance Agency

Dominion Bankshares Corp., Roanoke, Va., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of The Fitton Co. and of Fitton Insurance Agency, both of Alexandria, Va. The Fitton Co. holds shares of Metropolitan Mortgage Fund, Inc., Metropolitan Data Services, Inc., both of Alexandria, Va. Notice of the application was published on November 24, 1972, in the Washington Post, a newspaper circulated in Washington, D.C., and vicinity.

Applicant states that the proposed subsidiaries would engage in the activities of originating residential, commercial, and industrial mortgage loans for its own account but principally for sale to others, and servicing such loans for others; providing accounting and bookkeeping services principally for Metroloplitan Mortgage Fund, Inc.; providing such accounting and bookkeeping services for other mortgage banking companies, and preparation of mailings and billings for other businesses; and acting as insurance agents for The Fitton Co. and its subsidiary companies upon approval of the pending application for it to become an affiliate of Dominion Bankshares Corp. and act de novo as insurance agent for Dominion Bankshares Corp. and any of its other subsidiaries with respect to (a) their purchase of fire, automobile, and any other insurance they may require for their protection as the named insured; (b) policies of fire insurance, with extended coverage, credit life and mortgage redemption insurance, and surety bonds in connection with extending, protection and further securing the repayment of mortgage loan credit; and (c) policies of health and accident, life, fire with extended coverage, and casualty insurance and miscellaneous bonds, in limited amounts and principally as a convenience to customers of Metropolitan Mortgage Fund, Inc. Activities of this nature have been specified by the Board in § 225.4(a) of Regulation Y as generally permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 22, 1973.

Board of Governors of the Federal Reserve System, December 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-153 Filed 1-4-73;8:45 am]

FIRST ARKANSAS BANKSTOCK CORP.

Order Approving Acquisition of L. E. Lay & Co., Inc.

First Arkansas Bankstock Corp., Little Rock, Ark., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire voting shares of L. E. Lay & Co., Inc., Little Rock, Ark. (Company), a company that engages in the activities of: (1) making or acquiring for its own account or for the account of others, real estate mortgage loans and servicing such loans; and (2) acting as an insurance agent or broker with respect to insurance that is directly related to an extension of credit or provision of other financial services by Company. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a) (1), (3), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors was published (37 FR 18496). Subsequently, Applicant amended its application so that the Board could consider the mortgage banking and insurance agency activities of Company separately. Notice of the amended application was published (37 FR 2439). The time for filing comments and views on both the original and amended application has expired, and the Board has considered all comments received with respect to the mortgage banking activities of Company in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)) and finds that:

Applicant, the largest banking organization in Arkansas, controls three nonbanking subsidiaries which engage in equipment leasing, owning and operating Applicant's business offices, and travel agency services.[1] Applicant controls three banks with aggregate deposits of $305 million, representing 8.1 percent of the total deposits in commercial banks in the State.[2] Applicant's lead bank, Worthen Bank & Trust Co., Little Rock, Ark. (Bank), with deposits of $239.8 million, is the largest bank in the Little Rock banking market[3] and in Arkansas, controlling 30.1 percent of commercial bank deposits in the Little Rock banking market. Bank is engaged in extending credit secured by real property through (1) permanent mortgage loans on one-four family residential properties, (2) permanent mortgage loans on income producing properties, and (3) construction loans.

Company engages in extending credit secured by real property through (1) permanent mortgage loans on one-four family residential properties, (2) permanent mortgage loans on income producing properties, and (3) construction loans. Company also engages in mortgage servicing. Company is the 238th largest mortgage company in the Nation and has six offices, three in Illinois, one in Texas, one in Louisiana, and one in Arkansas. Bank and Company compete for mortgage loan business only in Pulaski County. Bank is the largest mortgage lender in Pulaski County, with a mortgage loan volume of $25.6 million, accounting for 8.7 percent of mortgages recorded in that county in 1971. Of Company's total mortgage servicing portfolio of $82.1 million, only $11.1 million is derived from Pulaski County, where it is the third largest mortgage banking company accounting for 3.8 percent of the mortgages recorded in the county in 1971. Consummation of the proposal will eliminate some existing competition between Bank and Company in the mortgage banking business in Pulaski County; however, neither Bank nor Company have a dominant position in

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

[1] Applicant acquired its travel agency business prior to June 30, 1971 (see § 225.4(e) of Regulation Y).

[2] Banking deposit and market data are as of June 30, 1972.

[3] The Little Rock banking market is approximated by the Little Rock SMSA, which includes Saline and Pulaski Counties. Pulaski County has approximately 90 percent of the population in the Little Rock SMSA.

that county. There are 60 mortgage lending and servicing competitors in the county including the second, third, and fourth largest banks in Arkansas. Also present in the county are offices of the country's largest mortgage company, and offices of three other mortgage companies ranking in the Nation's top 100, which companies have aggregate annual mortgage servicing volumes in excess of $4.2 billion.

While some competition would be eliminated between Bank and Company in all areas of mortgage banking, the only significant amount of competition that would be eliminated is in the market for permanent one-four family residential mortgages. In this market Bank presently holds 2 percent of mortgages originated in Pulaski County and Company originates 4.5 percent of such mortgages. Twenty-eight of the 60 mortgage banking competitors in the market also originate permanent one-four family residential mortgages. Due to the large number of competitors in Pulaski County and the regional nature of Company's business, it is concluded that no significant existing competition would be eliminated upon consummation of the proposed transaction.[4] Further no significant potential competition would be foreclosed upon approval of the proposed transaction since it appears Company would have difficulty competing with other mortgage banking companies in the County without the infusion of additional capital and greater access to financial markets.

Moreover, whatever slight anticompetitive effects might result from approval of this proposal are outweighed in the public interest by other considerations. Upon approval of this application. Applicant states that it will purchase $250 thousand of Company's securities prior to December 31, 1972, thereby significantly improving Company's capital structure. Acquisition of Company by Applicant will also likely provide greater access to financial markets for Company and thereby increase its amount of available funds to meet the growing credit demands for housing and other construction in the Little Rock area. Accordingly, consummation of this proposal should enable Company to offer increased and improved services to its customers and increase its competitive effectiveness.

Company has been selling title insurance through Mortgage Title Agency, Inc., and has engaged in land development through World Wide Land Co. The Board has determined that land development is not a permissible activity for bank holding companies.[5] The Board has not yet determined whether the operation of a title insurance agency is a permissible activity for bank holding companies. Applicant has, however, agreed to immediately divest both Mortgage Title Agency, Inc., and World Wide Land Company, upon consummation of this transaction.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application to engage solely in Company's mortgage banking business is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[6] effective December 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-150 Filed 1-4-73;8:45 am]

FIRST PENNSYLVANIA CORP.

Order Approving Acquisition of Great Acceptance Corp. and Pearce Colvin Finance Co.

First Pennsylvania Corp., Philadelphia, Pa., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire the assets of Great Acceptance Corp. ("Great Acceptance"), Houma, La., and Pearce Colvin Finance Co. "Pearce Colvin"), Ruston, La., companies which engage in the activities of making, acquiring, and servicing loans or other extensions of credit for personal, family, or household purposes and acting as agent in the sale of credit life, accident, and health and disability insurance in connection with such loans. Such activities have been determined by the Board to be closely related to the business of banking (12 C.F.R. 225.4(a)(1), (3) and (9)(ii)(a).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 16997-16998). The time for filing comments and views has expired, and none has been timely received.

Applicant's banking subsidiary, First Pennsylvania Banking and Trust Co. ("Bank"), is the second largest bank in Pennsylvania and the largest in the Philadelphia market area, with total deposits of $2.6 billion as of June 30, 1972. Applicant also has nonbanking subsidiaries engaged principally in mortgage banking, consumer financing, data processing, personal property, and equipment leasing and in providing investment advisory services.

Great Acceptance is engaged in the consumer finance business with three offices in the Houma, La., market, which includes Terrebonne Parish and parts of Lafourche Parish. It competes for personal loans in the Houma market with eight commercial banks and approximately 25 other consumer finance companies, including a wholly owned indirect subsidiary of Applicant, Termplan of Houma, Inc. ("Termplan"). Estimates of the market shares held by Great Acceptance and Termplan reflect control of less than 6 percent and 4 percent respectively of personal loans outstanding—the combined figure amounting to less than 9 percent of the market share held by all consumer finance companies. Consummation of this proposed transaction would therefore eliminate some existing competition. However, neither Great Acceptance nor Termplan controls a significant share of the consumer finance business in the relevant geographic market. Moreover, because of the large number of remaining competitors, the many potential entrants and the relative ease of entry into the consumer finance business, the adverse effect upon competition is considered slight. Since Applicant is already operating in the Houma market, it is not a potential entrant. The prospects of Great Acceptance establishing additional offices in other markets served by Applicant is considered remote. Therefore, consummation of the proposed transaction would have no adverse effect on potential competition.

Pearce Colvin, also engaged in the consumer finance business, began operations during August 1970, and had total loans outstanding of approximately $440,000 as of March 31, 1972. It operates one office in the Ruston, La., market, in which there are eight other finance companies and three commercial banks. Applicant does not operate a consumer finance subsidiary in the Ruston market, its closest consumer finance subsidiary being located 30 miles east at Monroe, La. Applicant does have the financial and managerial resources to enter this market de novo.

[4] In the matter of the applications of First Tulsa Bancorporation, Inc., Tulsa, Oklahoma, to acquire Hall Investment Co., Tulsa, Okla. (37 FR 3210); and First Railroad & Banking Company of Georgia, Augusta, Ga. to acquire Southern Finance Corp., Augusta, Ga. (37 FR 26472), neither mortgage company had significant operations outside the area of competitive overlap, more existing mortgage competition would have been foreclosed, and there were significantly fewer mortgage servicing and lending competitors in the relevant areas.

[5] See application of UB Financial Corp., Phoenix, Ariz., to retain H. S. Pickrell Co., Phoenix, Ariz. (37 FR 6794).

[6] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Bucher. Voting against this action: Governor Robertson. Absent and not voting: Governors Daane and Brimmer. Dissenting statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System or to the Federal Reserve Bank of St. Louis.

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However, the effect upon potential competition is considered slight because of the many potential entrants and the ease of entry into the relevant product market. Pearce Colvin is not considered a likely entrant into other markets served by Applicant because of its limited resources and experience. It is the Board's conclusion that approval of this proposed transaction would have no adverse effect on existing competition and only a slightly adverse effect on potential competition.

There is no evidence in the record indicating that consummation of either of the proposed transactions would result in any undue concentration of resources, unfair competition, unsound banking practices, or other adverse effects in the public interest. Approval of the acquisitions will make available to Great Acceptance and Pearce Colvin the financial and managerial resources of Applicant and enable them to better compete in their respective markets and to provide improved lending services.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective December 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-151 Filed 1-4-73;8:45 am]

FIRST STATE BANCSHARES CORP.

Order Approving Formation of Bank Holding Company

First State Bancshares Corp., Wellston, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of First State Bank & Trust Co., Wellston, Mo. ("First State"), First North County Bank and Trust Co., Jennings, Mo. ("First North County"), and First Northwest Bank, St. Ann, Mo. ("First Northwest").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was organized in 1970 for the purpose of becoming a multibank bank holding company with respect to the three proposed subsidiary banks. Consummation of the proposal herein would result in Applicant controlling approximately $193.7 million in deposits, representing 1.5 percent of total commercial bank deposits in the State, and Applicant would thereby become the 10th largest banking organization in Missouri.[1]

All three proposed subsidiary banks are located in the St. Louis banking market and the distance separating any two of them ranges between 4¾ and 11 miles. First State ($80.8 million in deposits) controls 1.42 percent of market deposits and ranks as the 12th largest of the 111 banks in the market; it is located on the fringe of the city limits of St. Louis in an area which has shown some economic decline in recent years. First North County ($81.1 million in deposits) controls 1.42 percent of market deposits, ranks as the 11th largest bank in the market, and is located in an area which has experienced considerable expansion in the past several years. First Northwest ($31.8 million in deposits) controls 0.56 percent of market deposits, ranks as the 53d largest bank in the market, and is also located in an area characterized by significant growth.

As indicated in the record, there is no significant existing competition between the three proposed subsidiary banks due, in part, to common shareholder control.[2] There is some overlap of service area among the subsidiary banks; however, because of the many alternative sources of banking services existing in the relevant market and in view of the long-standing affiliation between the banks, the effects of consummation of the proposal on existing competition will be insignificant. Further, in view of the strong affiliations, it appears unlikely that any substantial amount of future competition will develop. The Board concludes that consummation of this proposal would not have an adverse effect on competition between competing banks in the market nor on the concentration of banking resources.

The financial condition and managerial resources of Applicant and its proposed subsidiaries are generally satisfactory although the capital positions of the banks are somewhat low. Prospects of all are favorable in view of Applicant's proposal to add up to $4 million in equity capital to the subsidiaries and these consideraitons therefore lend weight toward approval. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective December 21, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-157 Filed 1-4-73;8:45 am]

FLORIDA NATIONAL BANKS OF FLORIDA, INC.

Acquisition of Bank

DECEMBER 26, 1972.

Florida National Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Bank of Commerce of Florida, Fort Lauderdale, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 22, 1973.

Board of Governors of the Federal Reserve System, December 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-149 Filed 1-4-73;8:45 am]

FRANK P. DOYLE TRUST ET AL.

Denial of Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges (grandfather privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's review of nonbank activities and grandfather privileges of the companies listed below and opportunity for interested persons to submit comments and views or request a hearing, has been given.

Frank P. Doyle Trust, Article IX, Santa Rosa, Calif. (37 FR 21382).
Potomac Securities Corp., Silver Spring, Md. (37 FR 21382).
International Equities, Inc., New York, N.Y. (37 FR 21382).
Alexandria Shares Corp., Alexandria, Va. (37 FR 21382).
Virginia Bankshares, Inc., Richmond, Va. (37 FR 21382).
Marine Bancorporation, Seattle, Wash. (37 FR 21382).
The Hong Kong and Shanghai Banking Corp-Hong Kong (37 FR 22414).
First Bancorporation, Reno, Nev. (37 FR 22414).
Amalgamated Associates Co., Chicago, Ill. (37 FR 22414).
Amalgamated Investments Co., Chicago, Ill. (37 FR 22414).
First Highland Corp., Highland Park, Ill. (37 FR 22414).
Financial Network Corp., Milwaukee, Wis. (37 FR 22414).

The time for filing comments and views and requests has expired and all those received have been considered by the Board in the light of the factors set forth in section 4(a)(2) of the Act.

On the basis of the evidence before it, the Board finds that none of the companies named hereinabove, directly or indirectly, engaged on or before June 30, 1968, in nonbanking activities within the meaning of section 4 of the Bank Holding Company Act, other than nonbanking activities that appear to be exempt uder the provisions of section 4(c) of the Act. On this basis, no grandfather privileges under the proviso in section 4(a)(2) of the Act accrue to any of these companies.

Board of Governors of the Federal Reserve System, December 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-155 Filed 1-4-73;8:45 am]

MANUFACTURERS NATIONAL CORP.

Formation of Bank Holding Company

Manufacturers National Corp., Detroit, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Manufacturers National Bank of Detroit, Detroit, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 23, 1973.

Board of Governors of the Federal Reserve System, December 27, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-152 Filed 1-4-73;8:45 am]

SOUTHWEST BANCSHARES, INC.

Order Approving Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Gulf Coast National Bank, Houston, Tex. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization and third largest multibank holding company in Texas, controls 10 banks with aggregate deposits of $1,188.4 million, representing approximately 4 percent of the total deposits of commercial banks in Texas. (All banking data are as of December 31, 1971, and reflect bank holding company acquisitions approved through November 1, 1972.) Applicant is the third largest banking organization in the Houston market with five subsidiary banks holding 11.2 percent of total deposits of commercial banks in that market. Applicant presently holds approximately 19 percent of the outstanding voting shares of Bank and the proposal herein to acquire virtually all of the remaining outstanding shares of Bank would increase applicant's control of commercial bank deposits in the Houston area by 0.2 percentage points and its ranking among commercial banks in that market and in the State would be unchanged.[1]

Bank ($12.4 million of deposits) ranks 81st in deposits among 149 commercial banks in the Houston market. Bank is located in a primarily residential area approximately 10 miles southwest of applicant's lead bank which is located in downtown Houston. Individuals closely associated with applicant's lead bank were instrumental in organizing Bank in 1959 and since its formation one or more officers or directors of applicant or its lead bank have served as a director of bank. Since Bank's formation, approximately 19 percent of the voting shares of Bank have been held by applicant or its trusted affiliate. In addition to applicant's direct share ownership, shareholders common to applicant and Bank hold approximately 35 percent of the outstanding voting shares of Bank. The proposal herein represents a strengthening of existing interests rather than the acquisition of an independent competing bank. In view of applicant's significant holdings, the substantial common shareholder ties and the continued close relationship between applicant and Bank, the prospect of disaffiliation appears remote. Moreover, in view of the relatively small size of Bank, its localized service area, and the presence of a number of intervening banks, it appears that consummation of applicant's proposal would not eliminate any meaningful existing or future competition between Bank and any of applicant's subsidiary banks. Nor would consummation of this proposal raise barriers to entry by other bank holding companies into the expanding Houston market because of the large number of unaffiliated banks which will remain in this area after this transaction.

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

[1] Bank deposit data are as of June 30, 1972.

[2] For several years, the three subsidiary banks have advertised and operated as a group known as the "First Family of Banks." Since 1961, stockholders owning a majority of the common stock of First State also own a majority of the common stock of First North County. In 1965, First State acquired 50 percent ownership of the outstanding shares of First Northwest at the time of the formation of that bank. (First State is a nonmember bank.) Affiliation of the three banks is expected to continue regardless of Board action on this application.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[1] In addition to its 10 subsidiary banks and its share ownership of Bank, applicant holds approximately 20 percent of the outstanding voting shares of Commerce State Bank, Houston, Tex. ($20 million of deposits). Applicant's minority interest of 24.7 percent of the voting shares of Kilgore National Bank, Kilgore, Tex., has recently been liquidated. Applicant has also filed for the Board's approval of an application to acquire Houston Intercontinental National Bank, Houston, Tex.

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On the record before it, the Board concludes that consummation of applicant's proposal would not result in a monopoly nor be in furtherance of any combination, conspiracy, or attempt to monopolize the business of banking in any area, nor have any substantially anticompetitive effect.

The financial condition and managerial resources of applicant and its subsidiaries appear satisfactory and future prospects of all seem favorable. The financial condition, management resources and prospects of Bank, as a subsidiary of applicant, appear consistent with approval of this application. Soon after acquisition, applicant has agreed to strengthen the somewhat low capital position of Bank through the immediate addition of capital funds. Although the banking needs of residents of Bank's service area are adequately served by existing institutions operating in that market, provision of the varied range of banking services available through applicant in Bank's service area should contribute positively to the convenience and needs of the communities served by Bank and, therefore, these considerations are consistent with approval of this application.

It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective December 21, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-154 Filed 1-4-73;8:45 am]

SUMITOMO BANK, LTD. ET AL.

Entitlement to Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges (grandfather privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's review of nonbank activities and the grandfather privileges of the companies listed below and opportunity for interested persons to submit comments and views or request a hearing has been given.

Sumitomo Bank, Ltd., Osaka, Japan (37 FR 21382).
Hopeton Holding Corp., Wilmington, Del. (37 FR 21382).
Financial Investments Corp., Chicago, Ill. (37 FR 21382).
First National Bank of Cicero Corp., Oak Park, Ill. (37 FR 21382).
Investment Securities Corp., Lexington, Ky. (37 FR 21382).
Tennessee Shares Corp., Cheverly, Md. (37 FR 21382).
Independent Bancorporation, Minneapolis, Minn. (37 FR 21382).
Mercantile Commerce Co., St. Louis, Mo. (37 FR 21382).
Barclay's Bank, Ltd., London, England (37 FR 21382).
Royal Bank of Canada, Montreal, Canada (37 FR 21382).
Industrial Bank of Japan, Ltd., Tokyo, Japan (37 FR 21382).
U T Securities Corp., New York, N.Y. (37 FR 21382).
Southeastern Shares Corp., New York, N.Y. (37 FR 21382).
National Bank of Greece, S.A., Athens, Greece (37 FR 21382).
Financial General Corp., Richmond, Va. (37 FR 21382).
Coronado Financial Corp., Kansas City, Mo. (37 FR 22414).
Columbia Union Bancshares, Kansas City, Mo. (37 FR 22414).
Bankshares of Indiana, Inc., Merrillville, Ind. (formerly Indiana Industries, Inc., Gary, Ind.) (37 FR 22414).

The time for filing comments and views and requests has expired and all those received have been considered by the Board in the light of the factors set forth in section 4(a)(2) of the Act.

On the basis of the evidence before it, the Board finds that none of the companies named hereinabove is entitled to grandfather privileges within the meaning of the proviso in section 4(a)(2) of the Act.

Board of Governors of the Federal Reserve System, December 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-156 Filed 1-4-73;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

SECURITIES AND EXCHANGE COMMISSION

AFFILIATED FUND, INC.

[812-3332]

Notice of Filing of Application for Order Exempting Sale of Shares at Other Than Public Offering Price

DECEMBER 27, 1972.

Notice is hereby given that Affiliated Fund, Inc., 63 Wall Street, New York, NY 10005 (Applicant), a Delaware corporation, registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all of the assets of the Carlou Company ("Carlou"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Carlou, a Delaware corporation, is a private investment company all of the outstanding stock of which is beneficially owned by 82 persons and is exempt son of the provisions of section 3(c)(1) thereof. Carlou was incorporated in September 1940 as an investment company and has, at all times, been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an Agreement entered into between Applicant and Carlou on October 27, 1972, substantially all of the cash and securities owned by Carlou, with a market value of approximately $2,296,000 as of October 19, 1972, will be transferred to Applicant in exchange for shares of its capital stock. The number of shares of Applicant's capital stock to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Carlou to be transferred to Applicant by the net asset value (with certain adjustments as set forth in detail in the application) of the assets of Carlou to be transferred to Applicant by the net asset value per share of Applicant both to be determined as of a valuation time, as defined in the Agreement. Applicant intends to sell, after acquisition thereof, securities of Carlou having a market value on October 19, 1972, of $389,943, which represented approximately 17 percent of the total market value of Carlou's assets on that date. The remainder of the assets of Carlou will be retained in Applicant's portfolio.

When received by Carlou, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to Carlou's stockholders on the liquidation of Carlou. Since the exchange is expected, to be tax-free for Carlou and its stockholders, Affiliated's cost-basis for tax purposes for the assets acquired from Carlou will be the same as Carlou's cost-basis, rather than the price actually paid by Affiliated for the assets. Each stockholder of Carlou will represent that he has no present intention of redeeming or transferring any of the Applicant's shares following the proposed transaction.

If applicable, an adjustment to the aggregate market value of the assets of Carlou to be acquired will be made on the following basis: (i) An amount equal to the difference between the net unrealized taxable capital gain on those securities of Carlou which Affiliated shall have advised Carlou that it is Affiliated's intention to sell after the acquisition in order to realign its investment portfolio and the portion of the realized but undistributed taxable long term capital gain of Affiliated allocable to the aggregate shares of Affiliated to be issued to Carlou shall be determined: (ii) an amount equal to the difference between the net unrealized taxable capital gain on those securities of Carlou to be acquired and held by Affiliated and the portion of the net unrealized taxable capital gain of Affiliated determined on a pro forma basis given effect to the acquisition of the assets of Carlou allocable to the aggregate shares of Affiliated to be issued to Carlou shall be determined: and (iii) the amount computed under (i) above shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (ii) above and 10 percent of the resulting amount, if positive, shall be applied to reduce the value of the assets of Carlou to be acquired. If the valuation under the Agreement had taken place on October 19, 1972, when the net asset value of Applicant's stock was $6.97 per share, Carlou would have received 309,611.361 shares of Applicant's stock.

There is no affiliation between Applicant and Carlou. Carlou is not an affiliated person of any affiliated person of Applicant, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Directors approved the agreement as being in the best interests of its shareholders, taking all revelant considerations into account including, among others, that Applicant will be able to acquire at one time additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions and that the resulting net increase in assets will tend to reduce per share expenses.

The exchange contemplated by the agreement would be prohibited by section 22(d) because it would constitute a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) of the Act permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 12, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-253 Filed 1-4-73;8:45 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

DECEMBER 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 28, 1972, through January 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-254 Filed 1-4-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock 10¢ par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 31, 1972, through January 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-296 Filed 1-4-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

DECEMBER 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 30, 1972, through January 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-297 Filed 1-4-73;8:45 am]

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[File 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

DECEMBER 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock $0.10 par value, and all other securities of DCS Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 29, 1972, through January 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-255 Filed 1-4-73;8:45 am]

[File 500-1]

GOODWAY, INC.

Order Suspending Trading

DECEMBER 27, 1972.

The common stock, $0.10 par value of Goodway, Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 29, 1972, through January 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-256 Filed 1-4-73;8:45 am]

[812-3304]

JOHN HANCOCK MUTUAL LIFE INSURANCE CO. AND JOHN HANCOCK VARIABLE ACCOUNT C

Application for Exemption

DECEMBER 29, 1972.

Notice is hereby given that John Hancock Variable Account C (Account C), a diversified, open end management investment company registered under the Investment Company Act of 1940, as amended (Act), and John Hancock Mutual Life Insurance Co. (John Hancock), Hancock Place, Boston, Mass. 02117, a mutual life insurance company incorporated under the laws of the State of Massachusetts (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting applicants, to the extent noted below, from the provisions of sections 22(d), 27(c)(2), 17(f), and Rule 17f-2 thereunder. John Hancock established Account C pursuant to section 132G of Chapter 175 of the Massachusetts General Laws, as amended, to afford a medium for equity investments for certain variable annuity contracts to be issued by John Hancock. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Variable annuity contracts (the Contracts) offered for sale by John Hancock, as principal underwriter of Account C, may be Single Payment Immediate or Deferred Contracts (hereinafter collectively called "Single Payment Contracts") or Periodic Payment Deferred Contracts (Periodic Payment Contracts). In the case of all Contracts, John Hancock will make deductions from purchase payments for sales and administrative expenses based on the amount of the purchase payment and, in the case of Deferred Contracts, there will also be a charge for the minimum death benefit. Under Single Payment Contracts the maximum deduction from the purchase payments for sales expenses will be 5 percent, the administrative expense deduction will be $75 plus a maximum of 2 percent of the purchase payment, and with respect to the Single Payment Deferred Contract, there will be a deduction of 0.5 percent of the purchase payment for the minimum death benefit. The sales expense under the Periodic Payment Contracts will equal 12.5 percent for every purchase payment during the first contract year, 4.5 percent of the purchase payment made during the second through 10th years, and 3.5 percent of the purchase payment made with respect to the 11th and following years. Administrative expenses and minimum death benefit deductions, respectively, will be 2 percent and 0.5 percent of every purchase payment no matter when made.

Applicants request exemptions from the following provisions of the Act to the extent set forth below:

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus. This section has been construed to prohibit variations in the sales load except as permitted by rule or order.

Exemption is requested from the provisions of section 22(d) of the Act to enable John Hancock to afford beneficiaries designated under Deferred Contracts the right, without the imposition of any sales load or other charge, to elect an Annuity Option, in lieu of receiving a single sum with respect to the minimum death benefit. Exemption is further requested to enable John Hancock to permit holders of fixed-dollar insurance policies and annuity contracts issued by John Hancock (hereinafter collectively called "fixed dollar policies") to apply amounts payable under such fixed dollar policies (in the form of maturity benefits, cash surrender values, sums due under optional methods of settlement and the like) to the purchase of Single Payment Contracts with a deduction for sales expenses of one-half the normal deduction and the regular deduction for administrative expenses and for the minimum death benefit, but without the fixed $75 administrative expense charge.

Applicants assert that in affording beneficiaries of minimum death benefits the opportunity to elect an Annuity Option from the proceeds of such benefits, there is no significant selling expense incurred by John Hancock. Applicants also assert that persons who purchase contracts with insurance or annuity proceeds of fixed dollar policies will have already incurred a charge for sales expenses in connection with such fixed dollar policies that is larger than the sales expense deduction applicable to purchase payments under the Single Payment Contracts. It is also represented that a deduction of only one-half of the normal charge more appropriately reflects the selling effort and expense involved in these circumstances.

Section 27(c)(2) of the Act prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for trust indentures of a unit investment trust.

Applicants assert that all purchase payments received under the Contracts, after deductions for sales and administrative expenses, are to be applied or held for later application to the purchase of investments for Account C, of which John Hancock will have custody as owner and not as trustee. Exemption is requested from section 27(c)(2) to permit all purchase payments received under the Contracts to be held and applied by John Hancock in the manner set forth in its Management Agreement which requires, in part, that moneys received for the account be deposited in one or more cash accounts identified as assets of the account maintained in one or more banks which will have the qualifications prescribed in paragraph (1) of section 26(a) of the Act for trustees of unit investment trusts, but which banks will not act as trustee or custodian, or under an indenture or agreement meeting the requirements in sections 26(a)(2) and (3).

Section 17(f) of the Act provides, in pertinent part, that every registered

management company shall place and maintain its securities and similar investments in the custody of: (1) A bank having the qualifications prescribed in paragraph 1 of section 26(a) for trustees of unit investment trusts; (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f-2 provides, among other things, that such assets be placed in a bank subject to the requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specific individuals.

Applicants request an exemption from the provisions of section 17(f) and Rule 17f-2 to the extent necessary to permit the securities and similar investments of Account C to be placed and maintained in the custody of John Hancock in its vault located at its home office in Boston, Mass.

In support of their requested exemptions from section 27(c)(2), section 17(f) and Rule 17f-2 thereunder, Applicants state that John Hancock is subject to extensive supervision and regulation by the Commissioner of Insurance of Massachusetts, and to the applicable insurance laws in the other jurisdictions in which John Hancock does an insurance business. In addition, under Massachusetts law, John Hancock cannot abandon its obligations to Contract owners or annuitants until they have been fully discharged, and the assets of Account C, equal to the reserves and other liabilities under the Contracts, are not chargeable with liabilities arising out of any other business that John Hancock may conduct. It is also represented that John Hancock's vault is similar or superior in every respect to the vaults of most banks and that John Hancock maintains within it securities and other investments having a value in excess of $4 billion. In addition, the supervisory functions of the Massachusetts Commissioner of Insurance include periodic inspections of John Hancock's vault and examination of every aspect of John Hancock's operations. Applicants further state that Account C's investments will be physically segregated at all times from the other assets of John Hancock, that its securities may be withdrawn only for certain purposes, that its investments will at all times be subject to inspection by the Commission, that each person depositing or withdrawing investments will sign a notation in respect thereof, and that only certain designated persons will have access to the securities and other investments in Account C as follows: (1) Two or more jointly of the not more than 10 officers or responsible employees of Account C or of John Hancock designated pursuant to a resolution of the Board of Managers of Account C; (2) properly authorized officers and employees of John Hancock; (3) for the purposes of verification, audit, and examination, independent public accountants jointly with any of the persons designated above; and (4) authorized employees or agents of the State insurance regulatory authorities.

Section 6(c) authorizes the Commission upon application to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act or the rules and regulations promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants have consented that any order granting the requested exemption from section 27(c)(2) may be made subject to the conditions: (1) That the charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of Account C shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Notice is hereby given that any interested person may not later than January 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-291 Filed 1-4-73;8:45 am]

[File 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

DECEMBER 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Management Dynamics, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 28, 1972, through January 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-257 Filed 1-4-73;8:45 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

DECEMBER 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 1, 1973 through January 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-294 Filed 1-4-73;8:45 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

DECEMBER 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other

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securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from December 30, 1972 through January 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-298 Filed 1-4-73;8:45 am]

[File No. 500-1]

MONARCH GENERAL, INC.

Order Suspending Trading

DECEMBER 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Monarch General, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 1, 1973 through January 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-299 Filed 1-4-73;8:45 am]

[File No. 500-1]

NOVA EQUITY VENTURES, INC.

Order Suspending Trading

DECEMBER 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Nova Equity Ventures, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 3, 1973 through January 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-295 Filed 1-4-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Suspending Trading

DECEMBER 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 30, 1972 through January 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-300 Filed 1-4-73;8:45 am]

[File No. 500-1]

TIDAL MARINE INTERNATIONAL CORP.

Order Suspending Trading

DECEMBER 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Tidal Marine International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 2, 1973 through January 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-293 Filed 1-4-73;8:45 am]

[812-2815]

TINTIC STANDARD MINING CO.

Filing of Application

DECEMBER 29, 1972.

Notice is hereby given that Tintic Standard Mining Co. (Applicant), 1112 Walker Bank Building, Salt Lake City, Utah, 84111, organized under the laws of the State of Utah, has filed an application for an order of the Commission, pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act), declaring that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority owned subsidiaries or through controlled companies conducting similar types of businesses. In the alternative, Applicant requests an order pursuant to section 6(c) exempting it and its affiliates from all provisions of the Act. All interested persons are referred to the application and amendments thereto on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant was organized in 1907 to develop mining properties in Utah. Since then it has been primarily engaged in the mining business and, since 1953, to a lesser degree, it has also been engaged in the business of acquiring interests in oil and gas properties and their exploration and development. In 1913, it discovered several large silver and lead ore bodies in the East Tintic area of Utah. There were other companies owning mining claims adjacent or near to its properties and it acquired a majority stock interest in those companies to control as much of the potential ore bodies as possible and it still owns a majority of the stock of those companies. From 1913 to 1950, approximately $80 million in value of silver and lead ores were mined and marketed from the East Tintic area by Applicant. Other potential ore bodies exist in the same area but because of the large amount of capital required to further explore and develop them, Applicant and all of the companies owning properties in the area, including Applicant's subsidiaries, entered into a lease with Bear Creek Mining Co., now Kennecott Copper Corp. (Kennecott), for the further exploration and development of the area and Kennecott is now operating the properties under that lease.

In 1953, after Banner Mining Co., a Nevada corporation (Banner), had made what appeared to be a substantial copper ore discovery near Tucson, Ariz., Applicant, in order to participate in the development and operations of Banner, purchased approximately 12 percent of the Banner stock and to aid in its participation in Banner, it caused its affiliate, U-Tex Oil Company, a Utah corporation controlled by Applicant's president ("U-Tex"), to acquire a substantial block of the Banner stock.

Total adjusted assets of Applicant on December 31, 1971, were $12,132,738, of which $11,830,000 consisted of Banner stock, or approximately 97 percent of total adjusted assets. Since the value of the Banner stock exceeds 40 percent of the value of Applicant's total assets, Applicant concedes that it is within the provisions of section 3(a)(3) of the Act which defines investment company status.

Applicant represents that it exercises control over the operations and management of Banner and in support of that contention, states that: it is the owner of 788,664 shares or 11.33 percent of Banner's stock; its directors own an aggregate of 716,315 shares or 10.29 percent; and U-Tex, the said affiliate of Applicant, owns 568,785 shares or 8.7 percent, making an aggregate ownership by Applicant, its directors and its affiliate of 29.79 percent of the outstanding shares of Banner. To further substantiate its claim of control of Banner, Applicant states that: it is the largest single shareholder of Banner; five of its directors serve on the present nine-man Banner Board; three of Applicant's directors are members of Banner's present four-man executive committee; the president of Banner is a member of Applicant's Board; and Applicant's president and the members of its board who are on the Banner Board actively participate in all of the significant decisions and important policies with respect to the operations of Banner. Applicant states that the only other shareholder owning more than 10 percent of the outstanding stock of Banner is Rico Argentine Mining Co., which owns approximately 10.51 percent of the total outstanding stock.

Applicant states that it now is and has been since its organization engaged primarily in the mining business through its direct participation in such business, through its majority controlled subsidiaries and through its control of Banner. Applicant claims that it does not now and has never been engaged in the business of investing, reinvesting or trading in securities. It claims that it has never held itself out to be engaged in the investment business and its directors and officers are not qualified to nor do they act or purport to act as investment advisers. During the past 20 years it has participated in only 45 transactions involving the purchase or sale of stock in other companies, including Banner.

Applicant also states that a proposed plan of reorganization and merger (filed as exhibits to the application) has been agreed upon, in principle, between it and American Climax, Inc., a New York corporation (Amax), for the merger of Applicant into Amax Cooper Mines, Inc. (ACM), a wholly owned subsidiary of Amax, whereby each share of Applicant will be exchanged for and converted into 0.1236 of a share of Amax Series B Convertible Preferred Stock and that if the merger is consummated, Applicant's corporate existence will end.

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities, either directly through majority owned subsidiaries, or through controlled companies conducting similar types of businesses.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 19, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-292 Filed 1-4-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CALIFORNIA DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR 1902.11 setting forth the method whereby States may assume responsibility for the development and enforcement therein of occupational safety and health standards, notice is hereby given that a developmental occupational safety and health plan has been submitted by the State of California and that on the basis of a preliminary review of the plan the issue of its approval is now under consideration.

The plan involves making those changes in the attributes of the State's current occupational safety and health program that appear necessary to bring it into full conformity with the requirements of section 18(c) of the Act and 29 CFR Part 1902.

The State's program would be enforced by the Division of Industrial Safety of the Department of Industrial Relations of the California Agriculture and Service Agency. Current safety and health standards would be continued unless amended by the State's Occupational Safety and Health Standards Board. Appeals from the granting or denial of requests for variances will also come within the jurisdiction of this Board. Administrative adjudications will be the responsibility of a newly created Occupational Safety and Health Appeals Board.

It is contemplated that enabling legislation will be passed during 1973 and that within 1 year thereafter the plan will be administratively implemented and necessary changes in standards will be effected making it fully operational.

The State program is expected to extend its protection to all employees in the State except those employed by Federal agencies, maritime workers, household domestic service workers, and railroad workers not employed in railroad shops.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, OSHA, Room 305, 400 First Street NW., Washington, DC 20210; Regional Office, OSHA, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, CA 94102; Agriculture and Services Agency, 1220 N Street, Room 114, Sacramento, CA 95814; Department of Industrial Relations, 455 Golden Gate Avenue, Room 999, San Francisco, CA 94102; and Division of Industrial Safety, 3460 Wilshire Boulevard, Room 916, Los Angeles, CA 90010.

3. *Public participation.* Interested persons are hereby given until February 5, 1973, in which to submit written data, views, and arguments concerning the plan. Such requests or submissions are to be addressed to the Director of Federal and State Operations, Room 408, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at this address.

Copies of pages from the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed within the time allowed for comments specified above. If it is found that substantial objections are filed, a formal or informal hearing on the subjects and issues involved shall be held.

After consideration has been given to all material submitted a final decision

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as to the approval or disapproval of the plan will be issued.

Signed at Washington, D.C., this 31st day of December 1972.

CHAINN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-284 Filed 1-4-73;8:45 am]

Office of the Secretary

HAWAII

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, Title II of Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Robert K. Hasegawa, Director, Labor and Industrial Relations, State of Hawaii, has determined that there was a State "off" indicator in Hawaii for the week ending November 11, 1972 and that an extended benefit period terminated in the State with the week ending December 2, 1972.

Signed at Washington, D.C., this 29th day of December, 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73 275 Filed 1-4-73;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Andrews Nursing Home, Inc., nursing home; 12 Market Square, South Paris, Maine; 9-29-73.

Annes Department Store, variety-department store; 4810-20 North Milwaukee Avenue, Chicago, Ill.; 10-28-73.

Banner Food Store, food store; No. 23, Jacksonville, Fla.; 10-2-72 to 9-28-73.

Beatrice Super Market, Inc., food store; 808 Court Street, Beatrice, NE; 10-13-73.

Ben Franklin Store, variety-department stores: Carolina Shopping Center, Boger City, N.C.; 10-14-73; Highway 76 and Gapway Street, Mullins, S.C.; 9-23-73.

Blyth and Fargo Co., variety-department store; Evanston, Wyo.; 10-19-73.

Boone Crest 5-10-25¢ Stores Co., variety-department store; Boone, N.C.; 9-30-73.

Byrd's, Inc., food store; 304 East Main Street, Carrboro, NC; 10-2-73.

Chatham Drug Co., Inc., drug store; Park Shopping Center, Siler City, N.C.; 9-21-73.

Community Memorial Hospital, hospitals, 10-4-73, except as otherwise indicated: Park Street, Sheldon, Iowa; Hettinger, N. Dak.; 819 Ash Street, Spooner, WI (10-26-73).

Cook's, Inc., hardware store; 1100 Washington Street, Grand Haven, MI; 9-25-73.

Crest Stores Co., variety-department store; Villa Park Shopping Center, Conover, N.C.; 10-9-73.

Culter's Drugs, drug stores, 9-20-73: Nos. 2, 5, and 6, Columbus, Ohio.

Discount Foodland, food store; Highway 63 South, Macon, Mo.; 10-17-73.

Discount Food Market, food store; 845 Broad Street, Camden, SC; 9-30-73.

Eagle Stores Co., Inc., variety-department store; No. 6, Sylva, N.C.; 10-16-73.

Elliotts Stores, Inc., apparel stores, 10-15-73; 118 Front Street, Beaver Dam, WI; Four South Main Street, Janesville, WI; 5614 Sixth Avenue, Kenosha, WI; 200 Main Street, Watertown, WI.

Food Fair, Inc., food store; London, Ky.; 9-30-73.

Frank's IGA, food store; 1402 Main, Rock Valley, IA; 10-14-73.

Gerts Hamburgers, restaurant; 1320 North State Street, Belvidere, IL; 9-29-73.

W. T. Grant Co., variety-department stores: No. 243, Galesburg, Ill., 10-27-73; No. 33, Peoria, Ill., 9-28-73; No. 1106, Roselle, Ill., 11-28-73; No. 828, Wyckoff, N.J., 9-30-73; No. 572, Cleveland, Ohio, 10-10-73.

Harvey's Dime Store, Inc., variety-department store; 108 North Broad, Griffith, IN; 10-28-73.

Hively's Pharmacy, Inc., drug store; 101 West Broadway, Monticello, IN; 10-3-73.

John P. Robillo & Co., food store; 910 Vance Avenue, Memphis, TN; 10-9-73.

Johnny's IGA Market, food store; 6190 Madison Pike, Independence, KY; 9-21-73.

Kingsford Drugs, drug store; 373 Woodward Avenue, Kingsford, MI; 9-26-73.

S. S. Kresge Co., variety-department stores: No. 4283, Jacksonville, Fla., 11-2-73; No. 4071, Marietta, Ga., 10-10-73; No. 4189, Savannah, Ga., 10-25-73; No. 4337, Addison, Ill., 10-28-73; No. 81, Aurora, Ill., 9-22-73; No. 88, Belleville, Ill., 10-31-73; No. 4381, Bridgeview, Ill., 10-31-73; No. 4368, Carol Stream, Ill., 9-30-73; No. 253, Chicago, Ill., 9-26-73; No. 305, Chicago, Ill., 9-28-73; No. 301, Chicago Heights, Ill., 10-10-73; No. 4030, Danville, Ill., 10-25-73; No. 4097, Elgin, Ill., 10-31-73; No. 4454, Hanover Park, Ill., 9-30-73; No. 4095, Joliet, Ill., 10-12-73; No. 4322, Kankakee, Ill., 10-28-73; No. 554, Moline, Ill., 9-28-73; No. 502, Mount Prospect, Ill., 9-21-73; No. 463, Oak Lawn, Ill., 9-20-73; No. 187, Palatine, Ill., 9-20-73; No. 4107, Peoria, Ill., 10-23-73; No. 4433, Quincy, Ill., 9-30-73; No. 455, Springfield, Ill., 9-20-73; No. 4048, Springfield, Ill., 10-20-73; No. 4345, Tinley Park, Ill., 9-30-73; No. 4035, Anderson, Ind., 10-30-73; No. 4249, Elkhart, Ind., 10-6-73; No. 4067, Fort Wayne, Ind., 11-8-73; Nos. 4196 and 4203, Indianapolis, Ind., 10-7-73; No. 4336, Indianapolis, Ind., 10-9-73; No. 167, Logansport, Ind., 10-2-73; No. 101, South Bend, Ind., 10-23-73; No. 312, Speedway, Ind., 10-8-73; No. 4124, Terre Haute, Ind., 11-6-73; No. 154, Council Bluffs, Iowa, 10-5-72 to 9-30-73; No. 93, Ottumwa, Iowa., 10-6-72 to 8-5-73; No. 4222, Shawnee Mission, Kans., 9-25-72 to 9-12-73; No. 4437, Topeka, Kans., 10-14-73; No. 4565, Topeka, Kans., 10-8-73; No. 4232, Lexington, Ky., 10-18-73; No. 4006, Louisville, Ky., 10-1-73; No. 4180, Louisville, Ky., 10-4-73; No. 4105, Ann Arbor, Mich., 11-8-73; No. 6, Bay City, Mich., 10-21-73; No. 4091 Bay City, Mich., 9-30-73; No. 681, Birmingham, Mich., 9-28-73; No. 453, Clawson, Mich., 10-23-73; No. 490, Dearborn, Mich., 10-24-73; No. 352, Detroit, Mich., 10-7-73; No. 4134, East Lansing, Mich., 10-21-73; No. 4118, Grand Rapids, Mich., 11-1-73; No. 405, Inkster, Mich., 9-22-73; No. 4256, Lansing, Mich, 10-21-73; No. 4382, Lansing, Mich., 10-31-73; No. 423, Livonia, Mich., 9-23-73; No. 4238, Melvindale, Mich., 10-9-73; No. 4098, Monroe, Mich., 11-1-73; No. 4145, Mount Clemens, Mich., 11-8-73; No. 4099, Mount Morris, Mich., 11-1-73; No. 4481, Plymouth, Mich., 10-14-73; No. 404, Pontiac, Mich., 9-25-73; No. 4323, Pontiac Township, Mich., 10-31-73; No. 4098, Saginaw, Mich., 11-1-73; No. 501, Southfield, Mich., 10-16-73; No. 4326, Sterling Heights, Mich., 10-31-73; No. 4059, Taylor, Mich., 11-14-73; No. 115, Troy, Mich., 10-5-73; No. 4106, Ypsilanti, Mich., 10-30-73; No. 4570, Austin, Minn., 10-19-73; No. 135, Minneapolis, Minn., 11-16-73; No. 694, Minneapolis, Minn., 10-10-72 to 9-2-73; No. 4351, Rochester, Minn., 9-30-73; No. 4251, Charlotte, N.C., 9-24-73; No. 4335, Kannapolis, N.C., 9-29-73; No. 4173, Cincinnati, Ohio 10-19-73; No. 240, Cleveland, Ohio, 9-20-73, No. 376, Cleveland, Ohio, 9-27-73; No. 640, Columbus, Ohio, 10-9-73; No. 644, Dayton, Ohio, 9-20-73; No. 4190, Dayton, Ohio, 10-19-73; No. 150, Portsmouth, Ohio, 10-31-73; No. 4043, Columbia, S.C., 9-23-73; No. 4016, Greenville, S.C., 10-18-73; No. 738, Chattanooga, Tenn., 9-20-73; No. 723, Cleveland, Tenn., 10-7-73; No. 4218, Appleton, Wis., 11-24-73; No. 4385, Greenfield, Wis., 10-31-73; No. 4255, Janesville, Wis., 10-31-73; No. 4517, Janesville, Wis., 10-9-73; No. 4579, Kenosha, Wis., 9-26-73; No. 4486, Milwaukee, Wis., 9-30-73; No. 4254, Oshkosh, Wis., 10-13-73; No. 4380, Wauwatosa, Wis., 10-31-73.

Lerner Shops, apparel stores, 11-4-73, except as otherwise indicated: No. 139, Daytona Beach, Fla.; No. 197, Gainesville, Fla. (11-8-73); No. 346, Hialeah, Fla. (10-31-73); No. 348, Hollywood, Fla. (10-31-73); No. 180, Jacksonville, Fla.; Nos. 102 and 183, Miami, Fla.; No. 66, Miami Beach, Fla.; No. 136, Pensacola, Fla.; No. 344, Pensacola, Fla. (10-31-73); No. 146, Sarasota, Fla.; No. 341, Tallahassee, Fla. (10-31-73); Nos. 54, 62, and 106, Tampa, Fla. (11-8-73); No. 193, Tampa, Fla. (9-22-73); No. 199, Titusville, Fla. (11-10-73); No. 196, West Palm Beach, Fla. (10-18-73); No. 347, Winter Haven, Fla. (10-31-73); No. 144, Savannah, Ga.

Lo Mark, food store; 1013 South Fayetteville Street, Asheboro, NC; 9-30-73.

McCrory-McLellan-Green Stores, variety-department stores: No. 274, Danbury, Conn., 10-7-73; No. 1009, Norwalk, Conn., 10-14-73; No. 7504, Casselberry, Fla., 10-16-73 to 10-6-73; No. 73, Daytona Beach, Fla., 9-22-73; No. 52, Englewood, Fla., 10-14-73; No. 388, Live Oak, Fla., 10-20-73; No. 365, Melbourne, Fla., 9-25-72 to 9-2-73; No. 204, Merritt Island, Fla., 10-18-73; Nos. 319 and 7502, Orlando, Fla., 10-6-73; No. 356, Plant City, Fla., 10-2-13; No. 310, St. Petersburg, Fla., 9-20-73; No. 340, Tarpon Springs, Fla., 9-22-73; No. 262, Titusville, Fla., 9-30-73; No. 339, Winter Garden, Fla., 9-21-72 to 9-2-73; No. 120, Winter Haven, Fla., 10-14-73; No. 432, Athens, Ga., 9-20-73; No. 72, Atlanta, Ga., 10-14-73; No. 359, Dalton, Ga., 9-21-72 to 9-18-73; No. 225, Monroe, Ga., 9-24-73; No. 557, Thomson, Ga., 9-25-72 to 9-19-73; No. 1204, Lexington, Ky., 10-11-73; No. 1135, Louisville, Ky., 10-19-73; No. 382, Fall River, Mass., 10-22-73; No. 641, Greenfield, Mass., 10-8-73; No. 343, Hadley, Mass., 9-24-73; No. 393, Southgate, Mich., 10-21-73; No. 506, Ypsilanti, Mich., 9-23-73; No. 377, Stirling, N.J., 10-2-73; No. 1073, Trenton, N.J., 9-23-73; No. 402, Washington, N.C., 9-25-72 to 9-2-73; No. 1045, Wilmington, N.C., 9-21-72 to 9-2-73; No. 1040, Columbus, Ohio, 9-21-73; No. 210, Pique, Ohio, 9-24-73; No. 1048, Anderson, S.C., 10-26-73; No. 59, Goodlettsville, Tenn., 10-14-73; No. 297, Kingsport, Tenn., 9-20-73; No. 1120, Memphis, Tenn., 10-7-73; No. 320, Whitehaven, Tenn., 9-24-73; No. 144, Madison, Wis., 10-25-73.

Main at Locust Pharmacy, drug store; 129 West Locust Street, Davenport, IA; 9-30-73.

Masons Department Store, variety-department store; 102-112 East Ward Street, Douglas, GA; 11-8-73.

Max Adler, Co., apparel store; 2524 Miracle Lane, Mishawaka, IN; 10-27-73.

Millner-Aycock's, Inc., variety-department store; North Broad Street, Monroe, Ga.; 9-24-73.

Millner's, Inc., variety-department store; 104 Main Street SW., Gainesville, GA; 9-24-73.

H. Minkovitz & Sons, Inc., variety-department store; One South Main Street, Statesboro, GA; 10-4-73.

Mr. H's Village Kitchen, food store; 13925 West Capitol Drive, Brookfield, WI; 9-30-73.

G. C. Murphy Co., variety-department stores: No. 345, Effingham, Ill., 10-31-73; No. 326, Decatur, Ind., 10-14-73; No. 313, Indianapolis, Ind., 10-2-73; No. 324, Okemos, Mich., 9-29-73; No. 332, Minneapolis, Minn., 10-4-73; No. 141, Durham, N.C., 10-31-73; No. 463, Delphos, Ohio, 10-14-73.

Neisner Brothers, Inc., variety-department stores: No. 190, Cape Coral, Fla., 10-17-73; No. 95, Englewood, Fla., 10-9-73; No. 136, Miami, Fla., 11-2-73; No. 5, Palatka, Fla., 10-13-73.

J. J. Newberry Co., variety-department stores: No. 478, Macon, Ga., 10-31-73; 203-7 East Mount Vernon Street, Somerset, Ky., 9-21-73; No. 732, Sidney, Nebr., 9-26-72 to 9-2-73; No. 303, Hackettstown, N.J., 10-10-73; No. 17, New Brunswick, N.J. 10-24-73.

Nobles Super Market, Inc., food store; 10th and Payne Street, Tell City, Ind.; 10-6-73.

Peace Haven Association, nursing home; Walnut, Iowa; 10-8-73.

Pecan Shop, food store; U.S. Highway No. 66, Lexington, Ill., 9-27-73.

Platte Fair United Super Grocery, food store; Platte City, Mo.; 9-25-72 to 8-31-73.

Pleezing Food Store, food store; 201 East Wright Street, Pensacola, FL; 9-30-73.

Rayless Department Store, variety-department store, East Brainerd Road, Chattanooga, Tenn.; 9-21-73.

Rose's Stores, Inc., variety-department stores: No. 93, Belhaven, N.C., 9-20-73; No. 214, Marion, S.C.; 9-30-73.

Rusty's Food Centers, Inc., food store; 23d and Louisiana, Lawrence, Kans.; 9-22-73.

Samuel Schlesinger, Inc., apparel store; 5716 Bergenline Avenue, West New York, NJ, 10-17-73.

Schensul's Cafeteria, restaurant; East Grand River Avenue, Okemos, Mich.; 10-28-72 to 9-30-73.

Schradzki Co., apparel store; 213-215 South West Adams, Peoria, IL; 11-9-73.

Scott Stores Co., variety-department store; Ashland and Union Streets, Aurora, Ill.; 9-30-73.

Skippers Table, Inc., restaurant; No. 2, Livonia, Mich.; 10-14-73.

Spurgeon's variety-department stores: 521 North Adams, Carroll, IA, 10-6-73; 202 East Robinson Street, Knoxville, IA, 9-30-73; 131 West Broadway, Owantonna, MN, 10-17-73; 929 Main Street, Stevens Point, WI, 10-1-73.

T. G. & Y. Stores Co., variety-department stores: No. 1306, Fort Walton Beach, Fla., 10-14-73; No. 9231, Iola, Kans., 10-4-73; No. 126, Kansas City, Mo., 9-20-73; No. 176, Santa Fe, N.Mex., 9-22-73.

Tarboro Crest Stores Co., variety-department store; Tarboro Shopping Center, Tarboro, N.C.; 9-30-73.

Thornberry's Super Valu Market, Inc., food store; Winchester, Ky.; 10-6-73.

Thirftown, food store; 1875 Perry Boulevard NW., Atlanta, GA; 10-19-73.

Tomlinson Stores, Inc., variety-department store; 806 Front Street, Georgetown, SC; 10-16-73.

Town & Country Market, Inc., food store; 2020 10th Street, Sidney, NE; 9-26-73.

Toy House, Inc., toy store; 400 North Mechanic Street, Jackson, MI; 10-3-73.

White's Stores, Inc., variety-department store; 601-607 Dickinson Avenue, Greenville, NC; 10-19-73.

Wilbert Bakery Corp., food store; 3628 West Villard Avenue, Milwaukee, WI; 10-31-73.

Wood's 5 & 10¢ Stores, Inc., variety-department stores: East Gate Shopping Center, Chapel Hill, N.C., 10-31-73: Biggs Park Shopping Center, Lumberton, N.C., 11-5-73.

Younker Brothers, Inc., variety-department store; the Kennedy Mall, Dubuque, Iowa; 10-17-73.

H. Zimmerman & Sons, Inc., apparel store; 118 West Third Street, Marion, IN; 11-9-73.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Burger Chef, restaurants, for the occupation of general restaurant worker, 6 to 37 percent, 10-31-73: 648 State Street, New Albany, IN; 629 Versailles Road, Frankfort, KY; 811 Eastern Parkway, Louisville, KY; 3627 Frederica Street, Owensboro, KY.

Cherry Creek Nursing Home, Inc., nursing home; 350 North Center Street, Lowell, MI; nurse's aide; 10 percent; 10-29-73.

Gali's Fashions, apparel stores, for the occupations of salesclerk, stock clerk, office clerk, porter, 7 to 21 percent, 10-31-73: 47th and State Streets, Kansas City, Kans.; 944 East 23d Street, Fremont, NE.

Holaway's Food Market, food store; 1223 Danville Road Southwest, Decatur, AL; 20 percent; 10-14-73.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, checker-cashier, 10-31-73, except as otherwise indicated:

No. 4489, Tallahassee, Fla., 7 to 21 percent (salesclerk, 9-30-73); No. 3061, Tampa, Fla., 7 to 24 percent (salesclerk, 10-14-73); No. 4384, Palatine, Ill., 18 to 29 percent; No. 3032, Waukegan, Ill., 18 to 25 percent; No 3057, Louisville, Ky., 11 to 25 percent (salesclerk, stock clerk, office clerk, maintenance); No. 3016, Bossier City, La., 4 to 15 percent (salesclerk, stock clerk, office clerk, maintenance, 10-14-73); No. 3069, Flint, Mich., 10 percent (salesclerk, stock clerk, office clerk, food preparation, maintenance); No. 4217, Independence, Mo., 13 to 20 percent (10-10-72 to 7-14-73); No. 7003, Muskogee, Okla., 7 to 27 percent (salesclerk); No. 7007, Aiken, S.C., 11 to 22 percent (salesclerk, checker, 10-14-73); No. 3003, North Augusta, S.C., 4 to 13 percent (salesclerk, 10-14-73); No. 7008, Orangeburg, S.C., 11 to 22 percent (salesclerk, checker, 10-14-73); No. 7004, Victoria, Tex., 7 to 27 percent (salesclerk, 9-30-73).

Lentz Food Market, food store; 80 West Market Street, Hellam, PA; stock clerk; 19 to 20 percent; 9-30-73.

Lo Mark, food store; No. 16, Pittsboro, N.C.; bagger, carry out, clean up, stock clerk, cashier; 18 percent; 10-31-73.

Mr. J's Quality Discount Foods, food store; 4270 West 5415 South, Kearns, UT; bagger, checker, stock clerk, general clerk; 47 to 49 percent; 10-31-73.

G. C. Murhpy Co., variety-department stores: No. 351, Wallace, N.C., salesclerk, stock clerk, office clerk; janitorial, 6 to 27 percent, 10-31-73; No. 805, Warren, Ohio, sales clerk, stock clerk, office clerk, janitorial, 9 to 22 percent, 9-30-73.

Piggly Wiggly, food store; Oneonta, Ala.; bagger, stock clerk; 9 to 27 percent; 10-14-73.

Randall's Food Markets, Inc., food store; Houston, Tex.; stock clerk, carry out; 28 percent; 10-3-73.

Rose's Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, 9-30-73, except as otherwise indicated: No. 229, Columbus, Miss., 13 to 32 percent (salesclerk, stock clerk, office clerk, checker); No. 219, Eden, N.C., 13 to 28 percent; No. 225, Chester, S.C., 11 to 27 percent; No. 223, Greenville S.C., 11 to 23 percent.

Spurgeon's, variety-department store; 102 Fourth Avenue, Baraboo, WI; salesclerk, stock clerk, janitorial, receiving clerk, marking clerk; 9 to 15 percent; 10-31-73.

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 10-31-73, except as otherwise indicated; No. 1615, Hueytown, Ala., 15 to 30 percent (9-30-73); No. 1407, Iola, Kans., 19 to 30 percent; No. 300, Kansas City, Mo., 22 to 30 percent; No. 482, Kansas City, Mo., 22 to 30 percent (9-30-73); No. 282, Artesia, N. Mex., 13 to 24 percent (10-14-73); No. 1019, Ada, Okla., 20 to 30 percent; No. 72, Ponca City, Okla., 14 to 30 percent (9-30-73).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may

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seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 21st day of December 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73-160 Filed 1-4-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 148]

ASSIGNMENT OF HEARINGS

JANUARY 2, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No Amendments will be entertained after the date of this publication.

No. 35533, Petroleum Products, Williams Brothers, Pipe Line Co., No. 35533 Sub 1, Petroleum Products to Illinois, Iowa, and Missouri; Williams Brothers Pipe Line Co., No. 35533 Sub 2, Petroleum Products, Williams Brothers Pipe Line Co., No. 35540 Petroleum Products, Louisiana and Texas to Midwest, FSA No. 42327, Pipeline Rates-Petroleum Products from the Southwest is continued to February 5, 1973, at the Office of the Interstate Commerce Commission, Washington, D.C.

FD 26583, Detroit and Toledo Shore Line Railroad Petition for Joint Use of Terminal Facilities at Trenton, Mich., now being assigned hearing March 22, 1973 (2 days), at Toledo, Ohio, in a hearing room to be later designated.

AB-5 Sub 82, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Mt. Gilead and Health, Morrow, Delaware, Knox, and Licking Counties, Ohio, now being assigned hearing March 26, 1973 (2 days), at Johnstown, Ohio, in a hearing room to be later designated.

AB-5 Sub 93, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Portion Mt. Vernon Secondary Track Between Howard and Holmesville, Knox and Holmes Counties, Ohio, now being assigned hearing March 28, 1973 (3 days), at Millersburg, Ohio, in a hearing room to be later designated.

No. 35641, The Chesapeake and Ohio Railway Co. v. Atlantic and East Carolina Railway Co. et al., now being assigned hearing March 26, 1973, at the Office of the Interstate Commerce Commission, Washington, D.C.

I&S No. 8808, Sand, Yuma, Mich., to Cleveland, Ohio, now being assigned hearing February 21, 1973, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC-105566 Sub 53, Sam Tanksley Trucking, Inc., Extension-Bananas, now assigned January 10, 1973, at Columbus, Ohio, is canceled and application dismissed.

MC-133165 Sub 6, True Transport, Inc., now assigned February 5, 1973, at New York, N.Y., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-301 Filed 1-4-73;8:45 am]

[Notice 149]

ASSIGNMENT OF HEARINGS

JANUARY 2, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

CORRECTION

MC 120820 Sub 2, State Motor Lines, Inc., now being assigned February 5, 1973, at Raleigh, N.C., in a hearing room to be later designated, instead of MC 120820 Sub 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 73-302 Filed 1-4-73;8:45 am]

[Notice 176]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 2, 1973.

The following are notices of filing of applications[1], for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR CARRIERS OF PROPERTY

No. MC 107064 (Sub-No. 91 TA), filed December 19, 1972. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, 75201, Dallas, TX 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, from Wynnewood, Okla., to points in Texas, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Lone Star Producing Co., 301 South Harwood Street, Dallas, TX 75201. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 110420 (Sub-No. 670 TA), filed December 14, 1972. Applicant: QUALITY CARRIERS, INC., Pleasant Prairie, Wis., Mail: Post Office Box 186, 53158, Office: I-94 County Highway C, Bristol Kenosha County, WI 53104. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antibiotic residues*, liquid, in bulk, in tank vehicles, from Terre Haute, Ind., to St. Paul, Minn., for 180 days. Supporting shipper: Knappen Molasses, 13550 Indiana, Riverdale, IL (Joseph B. Decker III, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 110563 (Sub-No. 96 TA), filed December 12, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Ohio Building, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and dairy products*, from Newman Grove, Nebr., to points in Michigan, Ohio, Indiana, Pennsylvania, New Jersey, and New York, for 180 days. Supporting shipper: Mid-West Producers' Creameries, Inc., 224 West Jefferson Boulevard, South Bend, IN 46601. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 111170 (Sub-No. 198 TA), filed December 18, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Applicant's representative: Tom Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound*, in bulk, from Jacksonville, Ark., to Grand Fork, N. Dak., for 180 days. Supporting shipper: Transvaal, Inc., Post Office Box 69, Jacksonville, AR 72076. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 125168 (Sub-No. 26 TA), filed December 19, 1972. Applicant: OIL TANK LINES, INC., Hook Road and Darby Creek, Post Office Box 190, Darby, PA 19023. Applicant's representative: R. H. Davis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (excluding petrochemicals), in bulk, in tank vehicles, from Bayonne and Bayway, N.J., to Falling Rock, W. Va., and between Pittsburgh, Pa., and Falling Rock, W. Va., for 180 days. Supporting shipper: Pennzoil Co., Drake Building, Oil City, Pa. 16301. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1600, 1518 Walnut Street, Philadelphia, PA 19102.

No. MC 125996 (Sub-No. 31 TA), filed December 18, 1972. Applicant: ROAD RUNNER TRUCKING, INC., 7728 F Street, Post Office Box 37491, Omaha, NE 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Onion rings, chopped onions, egg plant*, breaded, precooked, frozen, from Grand Island and York, Nebr., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Delicious Foods Co., Grand Island, Nebr. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 127100 (Sub-No. 10 TA), filed December 13, 1972. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, OH 43604. Applicant's representative: Earl F. Boxell, 9th Floor, Toledo Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (beer and ale) in containers, from Chicago, Ill., to Toledo, Ohio; and *empty containers on return trip*, from Toledo, Ohio, to Chicago, Ill., for 90 days. Supporting shipper: Metropolitan Distributing Co., Toledo, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 129870 (Sub-No. 9 TA), filed December 18, 1972. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, MA 01853. Applicant's representative: John Pacinda (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, in tank vehicles, from Carlstadt, N.J., to Holbrook, N.Y., for 180 days. Supporting shipper: Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501. Send protests to: G. Warren Flynn, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, Analex Building, Fifth Floor, 150 Causeway Street, Boston, MA 02114.

No. MC 136956 (Sub-No. 3 TA), filed December 18, 1972. Applicant: ROYAL TRANSPORTS, INC., Post Office Box 1451, Kansas City, KS 66117. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from the refinery and distribution facilities of Phillips Petroleum Co., at Kansas City, Kans., to points in Jackson, Clay and Buchanan Counties, Mo., under continuing contract or contracts with Consolidated Fuel Oil Co., Inc., Kansas City, Kans., for 180 days. Supporting shipper: Consolidated Fuel Oil Co., Inc., 462 East Donovan Road, Kansas City, KS. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-303 Filed 1-4-73;8:45 am]

[Notice 190]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73954. By order of December 13, 1972, the Motor Carrier Board on reconsideration approved the transfer to W. A. Barnes Trucking Co., Inc., Stoney Creek, Va., of the operating rights in Permit No. MC-29748 (Sub-No. 3) issued October 15, 1971, to Direct Transport, Inc., Richmond, Va., authorizing the transportation of lumber, from Richmond, Va., and points in Virginia within 60 miles of Richmond, to points in Maryland, Delaware, New Jersey, and that part of Pennsylvania within 90 miles of Reading, Pa., including Reading, and the District of Columbia. T. Taylor Cralle, 220 North Sycamore, Petersburg, VA 23803, Attorney for applicants.

No. MC-FC-73982. By order of November 30, 1972, the Motor Carrier Board approved the transfer to Vatter Trucking Co., a corporation, Cincinnati, Ohio, of the operating rights in Certificate No. MC-106438 and Permit No. MC-133134 issued September 1, 1964, and April 1, 1969, respectively, to Walter E. Vatter, doing business as Vatter Trucking Co., Cincinnati, Ohio, authorizing transportation (a) as a motor common carrier, of household appliances, air conditioning and refrigeration units, and materials and supplies used in the installation thereof, between Cincinnati, Ohio, and points in Indiana, Kentucky, and Ohio within 25 miles of Cincinnati, Ohio; and (b) as a motor contract carrier, of such merchandise as is dealt in by retail department stores, and materials, equipment, and supplies used in the conduct of such business, for McAlpin Co., of Cincinnati, Ohio, between Middletown and Cincinnati, Ohio, and points in Union Township, Clermont County, Ohio, on the one hand, and, on the other, points in Boone County, Ky., and Lexington, Ky. *Dual operations were approved.* James W. Muldoon, 50 West Broad Street, Columbus, OH 43215, Attorney for applicants.

No. MC-FC-73989. By order of December 4, 1972, the Motor Carrier Board approved the transfer to Custom Motor Freight, Inc., Columbus, Ohio, of the operating rights in Certificate No. MC-14552 (Sub-No. 35) issued July 16, 1970, to J. V. McNicholas Transfer Co., a corporation, Youngstown, Ohio, authorizing the transportation of prefabricated steel, from Bellefontaine, Ohio, to points in Illinois (except points on and south of U.S. Highway 36), Indiana, Kentucky, Michigan (except points on and south of U.S. Highway 21), Pennsylvania (except points in the Sharon, Pa., Commercial Zone as defined by the Commission), and West Virginia. The operations authorized herein are restricted to the transportation of traffic originating at the plant site and warehouse facilities of Carter Steel and Fabricating Co. at Bellefontaine, Ohio. Paul F. Berry, Suite 1660, 88 East Broad Street, Columbus, OH 43215, Attorney for applicants.

No. MC-FC-74041. By order of December 15, 1972, the Motor Carrier Board approved the transfer to B & L Trucking, Inc., Minneapolis, Minn., of Certificates No. MC-45134 and MC-45134 Subs 3, 4, and 7, issued September 12, 1957, March 12, 1959, August 29, 1963, and January

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28, 1972, respectively, to Collins Truck Line, Inc., Minneapolis, Minn., authorizing the transportation of: general commodities from St. Paul, Minn., to Grand Forks, N. Dak.; manufactured fertilizer, dry, in bags, serving Pine Bend, Minn., and Valley Park, Minn., as offroute points in connection with carrier's authorized regular-route general commodity operation from Minneapolis and St. Paul, Minn., and petroleum and petroleum products, gasoline additives, antifreeze, in containers, and tires, batteries, and service station accessories and supplies, except in bulk, from the plant site and storage facilities of Mobile Oil Corp. in the St. Paul-Minneapolis, Minn., Commercial Zone, as defined, to points in Montana. James S. Holmes, 2014 IDS Center, 80 South Eighth Street, Minneapolis, MN, Applicants' representative.

No. MC–FC–74057. By order of December 11, 1972, the Motor Carrier Board approved the transfer to Vern Rowley, Inc., doing business as Vern's Conoco, Lehi, Utah, of the operating rights in Certificate No. MC–123605 issued November 28, 1961, to Jack H. Christensen, doing business as Jack's 24 Hour Wrecker Service, Spanish Fork, Utah, authorizing the transportation of wrecked or disabled motor vehicles, except passenger automobiles, in truck-away service by means of heavy duty wrecker equipment only, between points in Davis, Salt Lake, and Weber Counties, Utah, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming. Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111, Attorney for applicants.

No. MC–FC–74083. By order of December 1, 1972, the Motor Carrier Board approved the transfer to H. E. Rohrer, Inc., doing business as Rohrer Bus Service, Duncannon, Pa., of Certificate No. MC–111749 issued February 8, 1967, to Howard E. Rohrer, Jr., doing business as H. E. Rohrer, Jr., Duncannon, Pa., authorizing the transportation of: passengers and their baggage, in the same vehicle with passengers, in round trip charter operation, beginning and ending at Millerstown, Pa., and points within 10 miles thereof and extending to points in New York, New Jersey, Maryland, Virginia, and the District of Columbia. Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101, Applicants' representative.

No. MC–FC–74086. By order of December 4, 1972, the Motor Carrier Board approved the transfer to Trans Valley Transport, a California corporation, Gilroy, Calif., of the operating rights in Certificate No. MC–10278 issued May 7, 1969, to Donald J. Triolo, doing business as Tony Victorine Transporation, Gilroy, Calif., authorizing the transportation of various commodities from and to specified points and areas in California. Marvin Handler, 405 Montgomery Street, San Francisco, CA 94104, Attorney for applicants.

No. MC–FC–74088. By order of December 1, 1972, the Motor Carrier Board approved the transfer to Allen D. Taylor, doing business as Allen Taylor Truck Line, Yates Center, Kans. of the operating rights in Certificate No. MC–1808 issued April 1, 1965, to Cecil T. Weide, Yates Center, Kans., authorizing the transportation of various commodities between specified points and areas in Kansas and Missouri.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73 304 Filed 1-4-73;8:45 am]

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PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 3—Pt. II——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing dates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following: Modifications to Area Wage Determinations Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

California	AP–245; AP–248, Oct. 13, 1972.
Louisiana	AP–366; AP–367, Dec. 8, 1972.
Michigan	AP–78, Dec. 22, 1972.
Ohio	AP–34; AP–35; AP–36; AP–37; AP–38; AP–39; AP–40; AP–41; AP–42; AP–43; AP–44; AP–45; AP–46, Nov. 17, 1972.
Tennessee	AM–504, Aug. 20, 1971.
Texas	AP–344, Sept. 29, 1972.
Utah	AP–254, Dec. 8, 1972.
Virginia	AP–440; AP–441, Nov. 3, 1972.
Wyoming	AP–250, Nov. 10, 1972.

Supersedeas Decision number AP–454 for Pennsylvania which supersedes Decision No. AM–5,968—published in the FEDERAL REGISTER on December 17, 1971.

Signed at Washington, D.C., this 29th day of December 1972.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION #AP-248 - Mod. #2
(37 FR 21740 - October 13, 1972)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Oth
Change:						
Bricklayers; Stonemasons:						
Los Angeles & Orange Counties	$8.15	.60	.55		.06	
Riverside & San Bernardino Counties	7.12	.60	.55		.06	
Electricians:						
Orange County						
Electricians	9.40	.25	12%+.45		.02	
Cable splicers	9.81	.25	12%+.45		.02	
Riverside County						
Electricians	8.42	.60	12%+.40		.03	
Cable splicers	8.72	.60	12%+.40		.03	
Santa Barbara County						
Vandenberg Air Force Base:						
Electricians	9.60	.65	12%+.85		.03	
Cable splicers	10.60	.65	12%+.85		.03	
Remainder of County:						
Electricians	8.35	.65	12%+.85		.03	
Cable splicers	9.35	.65	12%+.85		.03	
Ventura County						
Electricians	8.53	.60	12%+.45			
Cable splicers	9.38	.60	12%+.45			
Elevator Constructors						
Imperial, Inyo, Kern (South of Tehachapi Range) Los Angeles, Mono, Riverside, San Bernardino, Orange, San Luis Obispo, Santa Barbara and Ventura Counties	9.21	.195	.20	2%+a		
	7.07JR	.195	.20	2%+a		
Elevator Constructors' Helpers						
Kern County (North of Tehachapi Range)	8.99	.195	.20	2%+a		
	7.07JR	.195	.20	2%+a		
Elevator Constructors						
Elevator Constructors' Helpers						
Line Construction:						
Riverside County						
Groundmen	6.33	.60	12%+.40		.02	
Linemen; Line equipment ops.	8.43	.60	12%+.40		.02	
Cable splicers	8.73	.60	12%+.40		.02	

MODIFICATIONS P. 1

DECISION #AP-245 - Mod. #2
(37 FR 21721 - October 13, 1972)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Oth
Change:						
Bricklayers; Stonemasons:						
Los Angeles & Orange Counties	$8.15	.60	.55		.06	
Riverside & San Bernardino Counties	7.12	.60	.55		.06	
Electricians:						
Orange County						
Electricians	9.40	.25	12%+.45		.02	
Cable splicers	9.81	.25	12%+.45		.02	
Riverside County						
Electricians	8.42	.60	12%+.40		.03	
Cable splicers	8.72	.60	12%+.40		.03	
Santa Barbara County						
Vandenberg Air Force Base:						
Electricians	9.60	.65	12%+.85		.03	
Cable splicers	10.60	.65	12%+.85		.03	
Remainder of County:						
Electricians	8.35	.65	12%+.85		.03	
Cable splicers	9.35	.65	12%+.85		.03	
Ventura County						
Electricians	8.53	.60	12%+.45			
Cable splicers	9.38	.60	12%+.45			
Tile Setters:						
Imperial County	6.71	.30	.45	.60		
Roofers:						
Riverside & San Bernardino Counties	6.80	.55	.40	.50		
Add:						
Bricklayers; Stonemasons:						
Ventura County	7.60	.50	1.00			
Roofers:						
Imperial County	6.64	.40	.25	1.00		

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DECISION #AP-248 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Line Construction: (Cont'd)						
Ventura County						
Groundmen	$7.35	.60	12%+.45			
Linemen; Line equipment ops.	8.53	.60	12%+.45			
Cable splicers	9.38	.60	12%+.45			
Marble Setters; Terrazzo Workers; Tile Setters:						
Imperial County	6.71	.30	.45	.60		
Roofers:						
Riverside & San Bernardino Counties	6.80	.55	.40	.50		
Add:						
Bricklayers; Stonemasons:						
Ventura County	7.60	.50	1.00		.01	
Roofers:						
Imperial County	6.64	.40	.25	1.00		
DECISION #AP-366 - Mod. #3 (37 FR 25245 - December 8, 1972) Calcasieu Parish, Louisiana						
Change:						
Electricians:						
Electricians	$7.99	.25	12%+.10			
Cable splicers	8.24	.25	12%+.10			
DECISION #AP-367 - Mod. #3 (37 FR 26247 - December 8, 1972) Calcasieu Parish, Louisiana						
Change:						
Electricians:						
Electricians	7.99	.25	12%+.10			
Cable splicers	8.24	.25	12%+.10			
Add:						
Line Construction:						
Lineman	7.99	.25	12%+.10			
Cable splicers	8.24	.25	12%+.10			
Equipment operators	7.99	.25	12%+.10			
Groundmen	5.99	.25	12%+.10			

DECISION #AP-78-Mod. #1
(37 FR 28377 - December 22, 1972)
Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippawa, Clare Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand, Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweena, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Montomorency, Newago, Oceana, Ogemaw, Ontonagon, Osceola, Oscode, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford Counties, Michigan

ADD TO COUNTIES:
Alcona and Alger

DECISION #AP-34 - Mod. #2 (37 FR 24563 - November 17, 1972) Butler County, Ohio						
Change:						
Power Equipment Operators:						
Heavy & Highway Construction						
Class I	$7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	
DECISION #AP-35 - Mod. #2 (37 FR 24568 - November 17, 1972) Clark County, Ohio						
Change:						
Power Equipment Operators						
Heavy & Highway Construction						
Class I	$7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	
DECISION #AP-36 - Mod. #2 (37 FR 24572 - November 17, 1972) Cuyahoga County, Ohio						
Change:						
Power Equipment Operators						
Heavy & Highway Construction						
Class I	$8.12	.38	.65		.09	
Class II	8.02	.38	.65		.09	
Class III	7.55	.38	.65		.09	
Class IV	7.15	.38	.65		.09	
Class V	6.73	.38	.65		.09	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION # AP-37 - Mod. #3 (37 FR24576 - November 17, 1972) Franklin & Pickaway Counties, Ohio						
Change:						
Power Equipment Operators						
Heavy & Highway Construction						
Class I	$7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	
DECISION #AP-38 - Mod. #3 (37 FR 24580 - November 17, 1972) Greene & Montgomery Counties, Ohio						
Change:						
Cement masons, Building Const.	$8.08	.40			.03	
Power Equipment Operators						
Heavy & Highway Construction						
Class I	7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	
DECISION #AP-39 - Mod. #1 (37 FR 24585 - November 17, 1972) Hamilton County, Ohio						
Change:						
Lead burners	$8.25	.30		c	.01	
Power Equipment Operators						
Heavy & Highway Construction						
Class I	7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-40 - Mod. #3 (37 FR 24590 - November 17, 1972) Licking County, Ohio						
Change:						
Power Equipment Operators						
Heavy & Highway Construction						
Class I	$7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	
DECISION #AP-41 - Mod. #3 (37 FR 25494 - November 17, 1972) Lucas County, Ohio						
Change:						
Roofers	$9.14	.50	.20		.01	
Power Equipment Operators						
Heavy & Highway Construction						
Class I	7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	
DECISION #AP-42-Mod. #3 (37 FR 24599 - November 17, 1972) Mahoning County, Ohio						
Change:						
Laborers:						
Building & construction Laborer	$6.79	.45	.20			
Jackhammer op. (All machine driven tools, electric, gas or air & gas buggies	6.91	.45	.20			
Mortar mixers (hand or Machine)	6.91	.45	.20			
Trenching & shaft excavations (7' or more)	6.89	.45	.20			
Jackhammer op. in trench or shaft 7' or more	7.01	.45	.20			
Powder & dynamite	7.09	.45	.20			
Sewer pipelayer	7.09	.45	.20			
Asphalt paving	6.79	.45	.20			
Scrap iron burning	6.89	.45	.20			
Gunnite nozzleman	7.40	.45	.20			
Gunnite Scaffoldman over 25'	6.99	.45	.20			
Gunnite gunman	7.40	.45	.20			
Gunnite mixerman	6.89	.45	.20			

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-43 - Mod. #2 (37 FR 24603 - November 17, 1972) Muskingum County, Ohio						
Change:						
Lead burners	$8.25	.30		c	.01	
Power Equipment Operators Heavy & Highway Construction						
Class I	7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	
DECISION #AP-44 - Mod. #2 (37 FR 24608 - November 17, 1972) Portage County, Ohio						
Change:						
Power Equipment Operators Heavy & Highway Construction						
Class I	$7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	
DECISION #AP-45 - Mod. #3 (37 FR 24613 - November 17, 1972) Stark County, Ohio						
Change:						
Power Equipment Operators Heavy & Highway Construction						
Class I	$7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-46 - Mod. #2 (37 FR 24618 - November 17, 1972) Summit County, Ohio						
Change:						
Power Equipment Operators Heavy & Highway Construction						
Class I	$7.41	.38	.65		.09	
Class II	7.34	.38	.65		.09	
Class III	6.73	.38	.65		.09	
Class IV	6.46	.38	.65		.09	
Class V	5.78	.38	.65		.09	

DECISION #AM-504 - Mod. #2 (36 FR 16493 - August 20, 1971) Statewide, Tennessee

MODIFICATIONS P. 9

Change:

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$5.20				
Carpenters	4.35				
Cement masons	4.29				
Ironworkers, reinforcing	4.18				
Ironworkers, structural	4.64				
Painter or sand blaster	4.03				
Laborers:					
Laborers, unskilled	2.60				
Air tool operator	2.88				
Mortar mixer, chain saw, pipelayer, conc. rubber	2.84				
Concrete saw op., guard rail erector, sign erector	2.96				
Firemen	2.90				
Asphalt raker	3.07				
Concrete edger	3.01				
Powderman	3.45				
Form setter, steel road	3.09				
Nozzleman or gunman (gunite)	4.29				
Flagman	2.60				
OPERATING ENGINEERS:					
Dragline op., shovel op., crane op., end loader 5 yds. & over, pile driver op., motor patrol finish, mechanic (class I),	4.35				
Backhoe operator, concrete paver op.	4.27				
End loader under 5 yds., mechanic, class II, motor patrol (rough), central mixing (asphalt or concrete), concrete finishing machine, soil cement machine, asphalt paver	3.83				
Bulldozer or push dozer op., scraper op., trenching machine, tractor (boom and hoist),	3.91				
Roller (high type),	3.79				
Spreader (self-propelled)	3.65				
Distributer (bituminous)	3.54				
Roller, other than finish, dozer or loader - stock pile only	3.40				
Tractor, crawler, utility	3.54				
Concrete mixer, less than 1 yd., earth drill	3.17				
Mulcher or seeder, scale op., motor crane driver & oiler	3.12				
Tractor, farm	2.89				
Curb machine	2.94				
Ditch paver, mechanic helpers	2.88				
Pump operator, welder helper	2.82				
Track drill operator	3.01				
Oiler	2.94				
TRUCK DRIVERS:					
2 axles	2.91				
3 axles	2.96				
4 axles	3.15				
5 axles or more or heavy off the road trucks or haulers	3.40				
Welders - Rate for Craft.					

MODIFICATIONS P. 10

DECISION #AP-344 - Mod. #5 (37 FR 20491 - September 29, 1972) Travis County, Texas

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Building Construction: Bricklayers; Stonemasons	$6.95	.35			.03	
DECISION #AP-254 - Mod. #1 (37 FR 26255 - December 8, 1972) Statewide, Utah						
Change:						
Carpenters: Acoustical Carpenters (all zones)	7.05	.30	.35	.25	.03	
Laborers (That area in the State of Utah beyond 45 road miles of the county seats and all of Daggett County)						
Tunnel and Shaft Work: Group I Underground Laborers	5.93	.25	.25	.15	.04	
DECISION #AP-440 - Mod. #3 (37 FR 23493 - November 3, 1972) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia						
Change:						
Painters: Brush and roller	$5.60		.20			
Structural steel from ground to 74'	6.10		.20			
Spray	5.95		.20			
Any work over 74' from the ground	6.90		.20			
Bituminous coating & hot creosote	7.25		.20			
Swing stage under 40'	5.85		.20			
Swing stage over 40' up to 74'	6.10		.20			
Sandblasting	6.35		.20			
DECISION #AP-441 - Mod. #3 (37 FR 23495 - November 3, 1972) Henrico County and the City of Richmond, Virginia						
Change:						
Electricians, linemen and cable splicers: Zone 1 within the City of Richmond	7.03	5%	1%			
Zone 2 within 15 miles of Richmond	7.28	5%	1%			
Zone 3 beyond 15 miles of Richmond	7.53	5%	1%			

MODIFICATIONS P. 11

DECISION #AP-250 - Mod. #1
(37 FR 24011 - November 10, 1972)
Laramie County, Wyoming

Change:
HEAVY & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I AUGER MACHINE OPERATOR (Post hole, etc., Batch Bin Weighman, Scissorman or Hopperman; Beginner Op.; Brakeman and Helpers; Crusher Oiler, Utility Screed Op.; Tractor Op., Farm, Crawler or Wheel type, 60 hsp. (drawbar) or less with or without use of power attachments except for use of backhoe or bucket	$ 4.60	.17	.20		.01	
GROUP II BROOM OPERATORS, self-propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, Belt & Bucket type	4.65	.17	.20		.01	
GROUP III AIR COMPRESSOR over 315 cu. ft. cap.; Chip Spreader Op.; Form Grader; Joint Machine Op.; Longitudinal Float Op.; Mixer op., concrete (under 1 yd.); Helper (welder or heavy duty); Roller Op., self-propelled (pneumatic, rubber tired, Sheep foot, vibratory or comb. type); Tire Repairman	4.70	.17	.20		.01	
GROUP IV PUMP OPERATOR (except in tunnels, shafts raises)	4.73	.17	.20		.01	
GROUP V CONVEYOR BELT OPERATOR; Fork Lift and Lumber Staker; Screening Plant Op.	4.76	.17	.20		.01	
GROUP VI A-FRAME TRUCK; Tractor Op., Farm, Crawler or Wheel type, over 60 hsp. (drawbar); without use of power attachments	4.81	.17	.20		.01	
GROUP VII OILER, Lead Utility	4.85	.17	.20		.01	
GROUP VIII GUNNITE AND GROUT MACHINE OPERATOR; Mulching Machine Op.; Oiler Distributor	4.86	.17	.20		.01	

MODIFICATIONS P. 12

DECISION #AP-250 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (Cont'd)						
GROUP IX FRONT END LOADER (up to 5 incl. 1 1/2 cu. yds.); Pavement Breakers, Hydro-Tamper & similar type machine; Pump, Well Points	4.97	.17	.20		.01	
GROUP X HOIST OPERATOR (one drum)	5.02	.17	.20		.01	
GROUP XI HAULAGE MOTORMAN & INDUSTRIAL TYPE MOTORMAN; Motor Patrol Op. (all except finish); Pump Op. (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)	5.04	.17	.20		.01	
GROUP XII AIR COMPRESSOR, two or more machines on tunnels, shafts, raises or plant op.; Asphalt Plant Op.; Bituminous Lay-down Machine Op.; CMI Machine & similar; Concrete Batch Plant; Concrete Finish Machine Op.; Concrete Multi-Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Op.; Crusher Op.; Drilling Machine, integrated (core, rotary, caisson, diamond); Elevating Grader; Front End Loader (over 1 1/2 cu. yds.); Jumbo Form Op.; Mixer Op., base course pugmill type; Mixer Bituminous Op. (travel plant); Mixer Op. Concrete (over one yd.); Motor Patrol Op. (finish); Mucking Machine Op.; (all types); Pneumatic Guns; Pumpcrete Op.; Roller Op. (tandem steel wheel, 3 axle or 3 wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Pile-drivers, all Truck Mounted Cranes (mfg's rating) Up to 3 1/2 yds. all attachments; Hydro type Cranes (15 tons and over); Shuttle Car Op. Subgrade Machine Op. (power); Tractor Ops. (all w/use of power attachments & incl. Pushcat, Dozer, Tournadozer, etc.); Trenching Machine Op.; Wash Plant Operator	5.21	.17	.20		.01	

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DECISION #AP-250 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (Cont'd)						
GROUP XIII WELDER, Machine Doctor	5.25	.17	.20		.01	
GROUP XIV HOIST OPERATOR (two or more drums or shafts or raises); Heavy Duty Mechanics, Machine Doctor	5.31	.17	.20		.01	
GROUP XV CABLEWAY OPERATOR; Mixer, dual drum; Cranes (Whirley, Gantry, Stiffleg, Overhead Traveling)	5.37	.17	.20		.01	
GROUP XVI SHOVELS, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes (mfg's rating) 3 1/2 to 7 cu. yds., all attachments; Wheel Operator	5.53	.17	.20		.01	
GROUP XVII SHOVELS, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes (mfg's rating) 7 cu. yds. & over, all attachments	5.85	.17	.20		.01	

WYOMING LINE CONSTRUCTION - 3 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION						
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:						
Cable Splicer	$7.15	.25	1%		3/4%	
Linemen	6.50	.25	1%		3/4%	
Equipment Operator	5.95	.25	1%		3/4%	
Groundman	4.91	.25	1%		3/4%	
All work 34.5 KV and under						
Lineman	6.28	.25	1%		3/4%	
Line Equipment Operator	5.46	.25	1%		3/4%	
Experienced Groundman (2yrs)	4.85	.25	1%		3/4%	
Groundman	4.19	.25	1%		3/4%	

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1-WYO-TD-2-3- (1-2)

DECISION #AP-250 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS						
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to & incl. 45 cu. yds.	$ 4.90					
GROUP II FIELD MECHANICS	4.88					
GROUP III DUMP (Water level capacity box) 35 cu. yds. to & incl. 40 cu. yds.	4.85					
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to & incl. 35 cu. yds.	4.80					
GROUP V DUMP (Water level capacity box) 25 cu. yds. to & incl. 30 cu. yds.	4.75					
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to & incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.65					
GROUP VII LOWBOY & Tandem Axle Float Drivers; Multiple Axle Type; Semi; Dump (Water level capacity box) 13 cu. yds. to & incl. 20 cu. yds.	4.65					
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.41					
GROUP IX OVER 3600 gal. (semi-truck); Transit Mix or Wet Mix over 10 cu. yds.	4.35					
GROUP X OVER 3600 gal. (straight truck); Transit Mix or Wet Mix, over 5 cu. yds. to 10 cu. yds.; Tandem Axle	4.25					
GROUP XI OVER 2500 gals. to & incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to & incl. 13 cu. yds.; Flat Rack, over 5 tons; Winch Trailer						

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MODIFICATIONS P. 15

DECISION #AP-250 - (Cont'd)

1-WYO-TD-2-3- (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI (Cont'd) (cable & hoist); Utility Winch; "A" Frame Transit Mix or Wet Mix, less than 5 cu. yds.; Single Axle	5.15					
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to & incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat Rack, 2 tons to 5 tons; Power Broom; Material Checkers	4.05					
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel Spreader; Flat Rack, less than 2 tons; Gang; Single Axle Type Truck; Warehousemen, Partsmen & Helpers; 2500 gals. or less (straight truck); Fuel Service; Greasemen, Tiremen, Servicemen & Helpers	4.45					
GROUP XIV PILOT CAR DRIVERS; Pick-up	3.85					

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Armstrong, Blair, Crawford, Indiana, McKean, Venango, Warren

DECISION NO.: AP-454 DATE: Date of Publication

Supersedes Decision No. AM-5,968, dated December 17, 1971, in 36 FR 24028.

DESCRIPTION OF WORK: Heavy and Highway Construction.

42-LAB-2-3- J

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
Construction laborer (including tenders, bending, salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt rampers, Latchman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Shedders and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.09	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Hardyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Lineplates (tile or vitrified clay), Manually operated diamond hand core drill, Mechanical joint sealer, Pipe pot, and tar kettle, Power concrete (buggy or two-chair), Pile drivers or puller (not railroad), Pipe layers, Plant set-up, Railroad track work, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Rock sledgemen and bagger, Rail grinder, re-railer, Screed operator						

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42-LAB-2-3- J

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers (cont'd):						
Signal man, Blacker	$5.31	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast tamper, Bolting machine, Power jacks, Rail drills, Rail road breakman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.31	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.60	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.74	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			
Welder (pipeline	7.20	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendent	5.07	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines) Signal man, Drill runner helper	5.31	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.60	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	5.74	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			
Carpenters by counties:						
Armstrong	7.11	6%	3%			
Blair, Crawford, Indiana, McKean, Venango and Warren	6.76	6%	3%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	6%			

AP-454 P. 3 PA-2-PEO-2-3- G (1-2)

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Diler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

AP-454 P. 4 PA-2-PEO-2-3- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light-Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

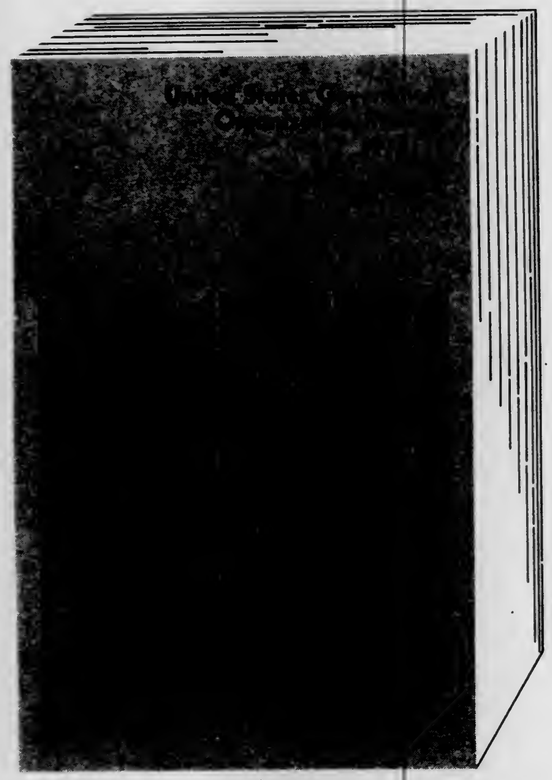
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HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

[FR Doc.73-145 Filed 1-4-73;8:45 am]

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federal register

MONDAY, JANUARY 8, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 4

Pages 947–1107

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(Part II begins on page 1103)



NOTICE TO AGENCIES

Agencies preparing documents for publication in the FEDERAL REGISTER are reminded that the revised rules of the Administrative Committee of the Federal Register are in effect as of January 3, 1973. (1 CFR Chapter I, 37 F.R. 23602, November 4, 1972.)

These revised rules include the following significant changes:

1. Requirement for a preamble in each proposed rule making and final rule making document that describes the contents of the document in a manner sufficient to apprise a reader who is not an expert in the subject area of the general subject matter of the document.

2. Requirement for setting forth specific effective dates and action dates.

3. Change in publication dates of the daily FEDERAL REGISTER (Monday through Friday instead of Tuesday through Saturday). See 1 CFR 17.2, 18.12, and 18.17.

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PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the position of Director of Congressional Affairs is no longer excepted under Schedule C.

Effective January 8, 1973, § 213.3337 (a) (9) is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-318 Filed 1-5-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Schedules; Excluded Nonnarcotic Substances; Exempt Chemical Preparations; Excepted Stimulant or Depressant Compounds

The Comprehensive Drug Abuse Prevention and Control Act of 1970, in section 202(a) (21 U.S.C. 812(a)), requires that the schedules of controlled substances established by that Act be updated and republished on a semiannual basis during the 2-year period beginning 1 year after the effective date of that Act. The effective date of that Act was October 27, 1970. Pursuant to the mandate of section 202(a), therefore, the Director hereby orders the publication of the schedules of controlled substances as of October 27, 1972.

Dated: December 22, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

SCHEDULES

§ 308.11 Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau Controlled Substances Code Number set forth opposite it.

(b) *Opiates.* Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol	9601
(2) Allylprodine	9602
(3) Alphacetylmethadol	9603
(4) Alphameprodine	9604
(5) Alphamethadol	9605
(6) Benzethidine	9606
(7) Betacetylmethadol	9607
(8) Betameprodine	9608
(9) Betamethadol	9609
(10) Betaprodine	9611
(11) Clonitazene	9612
(12) Dextromoramide	9613
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(15) Diethylthiambutene	9616
(16) Dimenoxadol	9617
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(22) Etonitazene	9624
(23) Etoxeridine	9625
(24) Furethidine	9626
(25) Hydroxypethidine	9627
(26) Ketobemidone	9628
(27) Levomoramide	9629
(28) Levophenacylmorphan	9631
(29) Morpheridine	9632
(30) Noracymethadol	9633
(31) Norlevorphanol	9634
(32) Normethadone	9635
(33) Norpipanone	9636
(34) Phenadoxone	9637
(35) Phenampromide	9638
(36) Phenomorphan	9647
(37) Phenoperidine	9641
(38) Piritramide	9642
(39) Proheptazine	9643
(40) Properidine	9644
(41) Propiram	9649
(42) Racemoramide	9645
(43) Trimeperidine	9646

(c) *Opium derivatives.* Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine	9319
(2) Acetyldihydrocodeine	9051
(3) Benzylmorphine	9052
(4) Codeine methylbromide	9070
(5) Codeine-N-Oxide	9053
(6) Cyprenorphine	9054
(7) Desomorphine	9055
(8) Dihydromorphine	9145
(9) Etorphine	9056
(10) Heroin	9200
(11) Hydromorphinol	9301
(12) Methyldesorphine	9302
(13) Methyldihydromorphine	9304
(14) Morphine methylbromide	9305
(15) Morphine methylsulfonate	9306
(16) Morphine-N-Oxide	9307
(17) Myrophine	9308
(18) Nicocodeine	9309
(19) Nicomorphine	9312
(20) Normorphine	9313
(21) Pholcodine	9314
(22) Thebacon	9315

(d) *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):

(1) 3,4-methylenedioxy amphetamine	7400
(2) 5-methoxy-3,4-methylenedioxy amphetamine	7401
(3) 3,4,5-trimethoxy amphetamine	7390
(4) Bufotenine Some trade and other names: 3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N*-dimethyltryptamine; mappine.	7433
(5) Diethyltryptamine Some trade and other names: *N,N*-Diethyltryptamine; DET.	7434
(6) Dimethyltryptamine Some trade or other names: DMT	7435
(7) 4-methyl-2,5-dimethoxyamphetamine Some trade and other names: 4-methyl-2,5-dimethoxy-α-methylphenethylamine; "DOM"; and "STP".	7395
(8) Ibogaine Some trade and other names: 7-Ethyl-6,6α,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2':1,2 azepino 4,5-b) indole; tabernanthe iboga.	7260
(9) Lysergic acid diethylamide	7315
(10) Marihuana	7360
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(17) Tetrahydrocannabinols ---------- 7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers.
Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
$\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers.
(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

§ 308.12 Schedule II.

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

(b) *Substances, vegetable origin or chemical synthesis.* Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium	9600
(ii) Opium extracts	9610
(iii) Opium fluid extracts	9620
(iv) Powered opium	9639
(v) Granulated opium	9640
(vi) Tincture of opium	9630
(vii) Apomorphine	9035
(viii) Codeine	9050
(ix) Ethylmorphine	9190
(x) Hydrocodone	9193
(xi) Hydromorphone	9194
(xii) Metopon	9260
(xiii) Morphine	9300
(xiv) Oxycodone	9143
(xv) Oxymorphone	9652
(xvi) Thebaine	9333

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1) of this paragraph, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ecgonine (9180).

(c) *Opiates.* Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine	9010
(2) Anileridine	9020
(3) Bezitramide	9800
(4) Dihydrocodeine	9120
(5) Diphenoxylate	9170
(6) Fentanyl	9801
(7) Isomethadone	9226
(8) Levomethorphan	9210
(9) Levorphanol	9220
(10) Metazocine	9240
(11) Methadone	9250
(12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane	9254
(13) Morpamide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid	9802
(14) Pethidine	9230
(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	9232
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	9233
(17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid	9234
(18) Phenazocine	9715
(19) Piminodine	9730
(20) Racemethorphan	9732
(21) Racemorphan	9733

(d) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers	1100
(2) Methamphetamine, its salts, isomers, and salts of its isomers	1105
(3) Phenmetrazine and its salts	1630
(4) Methylphenidate	1726

§ 308.13 Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau Controlled Substances Code Number set forth opposite it.

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under §308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid	2100
(2) Chlorhexadol	2510
(3) Glutethimide	2550
(4) Lysergic acid	7300
(5) Lysergic acid amide	7310
(6) Methyprylon	2575
(7) Phencyclidine	7471
(8) Sulfondiethylmethane	2600
(9) Sulfonethylmethane	2605
(10) Sulfonmethane	2610
(d) *Nalorphine*	9400
(e) *Narcotics drugs.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:	
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium	9803
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9804
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium	9805
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9806
(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9807
(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9808
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9809
(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9810

§ 308.14 Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau Controlled Substances Code Number set forth opposite it.

(b) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Barbital	2145
(2) Chloral betaine	2460
(3) Chloral hydrate	2465
(4) Ethchlorvynol	2540
(5) Ethinamate	2545
(6) Methohexital	2264
(7) Meprobamate	2820
(8) Methylphenobarbital	2250
(9) Paraldehyde	2585
(10) Petrichloral	2591
(11) Phenobarbital	2285

§ 308.15 Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) *Narcotic drugs containing noncarcotic active medicinal ingredients.* Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Nor more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

§ 308.22 Excluded substances.

The following nonnarcotic substances which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, are excluded from all schedules pursuant to section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)):

EXCLUDED OVER-THE-COUNTER DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
Amodrine	Tablet: Phenobarbital, 8 mg.; aminophylline, 100 mg.; racephedrine hydrochloride, 25 mg.	G. D. Searle & Co.
Bronkaid	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Drew Pharmacal Co., Inc.
Bronkolixir	Elixir (5 cc): Phenobarbital, 4 mg.; ephedrine sulfate, 12 mg.; glyceryl guaiacolate, 50 mg.; theophylline, 15 mg.; chlorpheniramine maleate, 1 mg.	Breon Laboratories Inc.
Bronkotabs	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Do.
Primatene	Tablet: Phenobarbital, ¾ gr.; ephedrine, ½ gr.	Whitehall Laboratories.
Tedral	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral Anti-H	Tablet: Phenobarbital, 8 mg.; chlorpheniramine maleate, 2 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Tedral one-half strength	Tablet: Phenobarbital, 4 mg.; theophylline, 65 mg.; ephedrine hydrochloride, 12 mg.	Do.
Tedral Pediatric Suspension	Suspension (5 cc): Phenobarbital, 4 mg.; ephedrine hydrochloride, 12 mg.; theophylline, 68 mg.	Do.
Tedral suppositories double strength	Suppository: Phenobarbital, 16 mg.; theophylline, 260 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tedral suppositories regular strength	Suppository: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Verequad	Tablet: Phenobarbital, 8 mg.; theophylline calcium salicylate, 130 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 100 mg.	Knoll Pharmaceutical Co.
Verequad	Suspension (5 cc): Phenobarbital, 4 mg.; theophylline calcium salicylate, 65 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 50 mg.	Do.

§ 308.24 Exempt chemical preparations.

(a) The chemical preparations and mixtures set forth in paragraph (i) of this section have been exempted by the Director from application of sections 302, 303, 305, 306, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 822–3, 825–9, 952–4) and § 301.74 of this chapter, to the extent described in paragraphs (b) to (h) of this section.

(b) Registration and security: Any person who manufactures an exempt chemical preparation or mixture must be registered under the Act and comply with all relevant security requirements regarding controlled substances being used in the manufacturing process until the preparation or mixture is in the form described in paragraph (i) of this section. Any other person who handles an exempt chemical preparation after it is in the form described in paragraph (i) of this section is not required to be registered under the Act to handle that preparation, and the preparation is not required to be stored in accordance with security requirements regarding controlled substances.

(c) Labeling: In lieu of the requirements set forth in Part 302 of this chapter, the label and the labeling of an exempt chemical preparation must be prominently marked with its full trade name or other description and the name of the manufacturer or supplier as set forth in paragraph (i) of this section, in such a way that the product can be readily identified as an exempt chemical preparation. The label and labeling must also include in a prominent manner the statement "For industrial use only" or "For chemical use only" or "For in vitro use only—not for human or animal use" or "Diagnostic reagent— for professional use only" or a comparable statement warning the person reading it that human or animal use is not intended. The symbol designating the schedule of the controlled substance is not required on either the label or the labeling of the exempt chemical preparation, nor is it necessary to list all ingredients of the preparation.

(d) Records and reports: Any person who manufactures an exempt chemical preparation or mixture must keep complete and accurate records and file all reports required under Part 304 of this chapter regarding all controlled substances being used in the manufacturing process until the preparation or mixture is in the form described in paragraph (i) of this section. In lieu of records and reports required under Part 304 of this chapter regarding exempt chemical preparations, the manufacturer need only record the name, address, and registration number, if any, of each person to whom the manufacturer distributes any exempt chemical preparation. Each importer or exporter of an exempt narcotic chemical preparation must submit a semiannual report of the total quantity of each substance imported or exported in each calendar half-year within 30 days of the close of the period to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. Any other person who handles an exempt chemical preparation after it is in the form described in paragraph (i) of this section is not required to maintain records or file reports.

(e) Quotas, order forms, prescriptions, import, export, and transshipment requirements: Once an export chemical preparation is in the form described in paragraph (i) of this section, the requirements regarding quotas, order forms, prescriptions, import permits and declarations, export permit and declarations, and transshipment and intransit permits and declarations do not apply. These requirements do apply, however, to any controlled substances used in manufacturing the exempt chemical preparation before it is in the form described in paragraph (i) of this section.

(f) Criminal penalties: No exemption granted pursuant to § 308.23 affects the criminal liability for illegal manufacture, distribution, or possession of controlled substances contained in the exempt chemical preparation. Distribution, possession, and use of an exempt chemical preparation are lawful for registrants and nonregistrants only as long as such

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distribution, possession, or use is intended for laboratory, industrial, or educational purposes and not for immediate or subsequent administration to a human being or other animal.

(g) Bulk materials: For materials exempted in bulk quantities, the Director may prescribe requirements other than those set forth in paragraphs (b) through (e) of this section on a case-by-case basis.

(h) Changes in chemical preparations: Any change in the quantitative or qualitative composition of the preparation or mixture after the date of application, or change in the trade name or other designation of the preparation or mixture, set forth in paragraph (i) of this section, requires a new application for exemption.

(i) The following preparations and mixtures, in the form and quantity listed in the application submitted (indicated as the "date of application") are designated as exempt chemical preparations for the purposes set forth in this section:

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
American Hospital Supply Corp. (Scientific Products Division).	Scientific Products Buffer, Salt Mixture B-2, No. 93953.	Vial: 18.18 grams per 10 dram vial.	9-15-71
American Hospital Supply Corp. (Dade Division).	Adsorbed Plasma Reagent No. B4233-1 and No. B4233-2.	Bottle: 1 ml	8-16-71
Do	Owren's Veronal Buffer No. B4234-25.	Bottle: 15 ml	8-16-71
Do	Phosphatase Substrate No. B5312-1 and No. B5312-5.	Bottle: 73 mg. dry powder	8-16-71
Do	Serum Reagent No. B4238-1 and No. B4253-2.	Bottle: 1 ml	8-16-71
Do	Thrombin Reagent (Bovine) No. B4233-15.	Bottle: 1 ml	8-16-71
Do	Thyroxine Buffer No. B5630-1	Bottle: 5 ml	8-16-71
American Hospital Supply Corp. (Harleco Division).	Barbital Buffer B-1 No. 96772	Vial: 12.12 grams per 7 dram vial.	9-15-71
Do	Barbiturate Standards Set. No. 64898.	Vial: 9 x 3 ml. of 8 single and 1 mixed at 15 mg per dl.	10-22-71
Do	Barringer & Woodard Buffered Substrate No. 23695.	Vial: 0.73 grams per 15 x 45 mm. vial.	9-15-71
Do	Buchler Instrument Buffer B-2 Double Strength, pH 8.6, 0.075m No. 93834.	Vial: 36.36 grams	9-15-71
Do	Buffer Barbital, pH 8.6, No. 96804	Vial: 1.82 grams per 15 x 45 mm. vial.	9-15-71
Do	Buffer Barbital, pH 8.8, No. 7691	Vial: 11.76 grams per 10 dram vial.	9-15-71
Do	Buffer Salt-Barbital Acetate Mixture, pH 8.6, No. 3787.	Vial: 14.7 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture, pH 8.8, No. 7644.	Vial: 17.85 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture Spinco B-1, pH 8.6, 0.05 Ionic Strength, No. 3947.	Vial: 12.12 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture Spinco B-2, pH 8.6, 0.075 Ionic Strength, No. 3948.	Vial: 18.18 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffered Barbital Sodium Chloride, pH 7.5, No. 64647.	Vial: 14.7 grams per vial	9-15-71
Do	Buffered Substrate Glycerophosphate Bodansky, No. 23681.	Vial: 0.924 grams per 15 x 45 mm. vial.	9-15-71
Do	Buffered Veronal, pH 7.5, No. 64322.	Vial: 16.48 grams per vial	9-15-71
Do	Gilereas & Davis Buffered Substrate, No. 23701.	Vial: 1.228 grams per 15 x 45 mm. vial.	9-15-71
Do	King & Armstrong Buffered Substrate, No. 23721.	Vial: 1.14 grams per 15 x 45 mm. vial.	9-15-71
Do	Roe & Whitmore Buffered Substrate, No. 23086.	Vial: 0.854 grams per 15 x 45 mm. vial.	9-15-71
Do	Scientific Products Buffer Salt Mixture B-2, No. 93953.	Vial: 18.18 grams per 10 dram vial.	9-15-71
Do	Shinowara, Jones & Reinhart Buffered Substrate, No. 23738.	Vial: 0.945 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Barbital Buffer, McLagan Modified, pH 7.8, No. 29944.	Vial: 1.256 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Buffer 100 ml 100 mg., Huergs & Popper, No. 29959.	Vial: 0.964 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Buffer, pH 7.8, MacLagan, No. 29949.	Vial: 1.02 grams per vial	9-15-71
Do	Thymol Buffer, pH 7.55 Mateer, No. 29951.	Vial: 0.96 grams per 15 x 45 mm. vial.	9-15-71
Do	Zinc Sulfate, pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 grams per vial	9-15-71
Amersham/Searle	Codeine (N-methyl-C14) Hydrochloride No. CFA-421.	Ampule: 10 cc	3-27-72
Do	Morphine (N-methyl-C14) Hydrochloride No. CFA-363.	do	3-27-72
Beckman Instruments, Inc. (Spinco Division).	Beckman Buffer B-1	Packet: 12.14 Gm	4-24-71
Do	Beckman Buffer B-2	Packet: 18.16 Gm	4-24-71
Buchler Instruments, Inc	Buchler Instrument Buffer B-2 Double Strength, pH 8.6, 0.075m No. 93834.	Vial: 36.36 grams	9-15-71
Chemed Corp. (Dearborn Chemical Division).	Zinc Reagent No. 2, No. 704	Pillow: 10 mg. each	6-23-71
Geiman Instruments Co	Drug Standard Set No. 51910	Set: 3 vials of 2 ml. each	4- 6-72
Do	Drug Control Set No. 51911	Set: 3 vials of 50 ml. each	4- 6-72
Do	High Resolution Buffer-Tris Barbital Buffer No. 51104.	Vial: 10 dram	12-22-71
Gugol Science Corp	Gugol Concentrate No. 10109	Vials: 20 ml., 90 ml., and 450 ml.	3-23-72
Hach Chemical Co	pH 8.6 Buffer Powder Pillows, No. 929-85.	Pillow: 0.5 Gm. each	11-30-71
Do	pH 8.3 Buffer Powder Pillows, No. 898-98.	Pillow: 1 gram each	11-30-71
Do	Zincover II Powder Pillows, No. 2017.	do	11-30-71
Do	Buffered Substrate, Glycerophosphate, Roe & Whitmore, pH 9.6, No. 20060.	Vial: 0.855 grams per 100 ml	11-30-71
Do	Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart, pH 10.0, No. 20063.	Vial: 0.925 grams per 100 ml	11-30-71
Do	Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart—Stock, No. 20061.	Vial: 1.85 grams per 100 ml	11-30-71
Do	Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart, pH 8.0, No. 20062.	Vial: 0.925 grams per 100 ml	11-30-71
Hoffman-La Roche Inc	Radioimmunoassay for Detection of Morphinans.	Tubes: 4 ml., and vials: 5 ml	3-29-72
Hyland Division Travenol Laboratories, Inc.	Agar Gel Plates No. 3003	Package: 8 plates—25 ml. per plate.	8-31-71
Do	Agar Gel Plates No. 3013	Package: 10 plates—25 ml. per plate.	8-31-71
Do	Agar Gel Plates No. 3058	do	8-31-71
Do	Buffer No. 3017	Vial: 250 ml	8-31-71
Do	Buffer No. 3059	do	8-31-71
Do	Diluting Fluid No. 3400	Vial: 10 ml	8-31-71
Do	Partial Thromboplastin Liquid, No. 3481.	Vial: 0.1 ml	8-31-71
Do	PTC Reagent Dried, No. 3497	Vial: 1 ml	8-31-71
Do	Supplemental Urine Clinical Chemistry Control, Dried, No. 0402 and No. 0521.	Vial: 25 ml	8-31-71
Industrial Biological Laboratories, Inc.	DGV Solution	Vial: 100 cc	12-28-71
Lederle Laboratories Division of American Cyanamid Co.	DGV Buffer, 5x No. 2606-37	Vial: 20 ml	11-19-71
Do	Serum Toxicology Control Drugs A, No. 2940-69.	Vial: 10 ml	11-19-71
Do	Abnormal Urine Control, No. 2920-80.	Vial: 25 ml	11-19-71
Do	Urine Toxicology Control Drugs I, No. 2950-61.	do	11-19-71
Do	Urine Toxicology Drugs I Screening Proficiency, No. 2881-61.	do	8-13-72
Do	Urine Toxicology Control Drugs 2—Barbiturates, No. 2952-61.	do	8-13-72
Do	Urine Toxicology Control Drugs 2—Barbiturates, Proficiency No. 2953-61.	do	8-13-72

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Lederle Laboratory Division of American Cyanamid Co.	Urine Toxicology Control Drugs 3—Amphetamines No. 2951-61.	do	3-13-72
Do	Urine Toxicology Control Drugs 3—Amphetamines, Proficiency No. 2955-61.	do	3-13-72
Do	Urine Toxicology Control, Drugs 4—Alkaloid No. 2956-61.	do	3-13-72
Do	Urine Toxicology Control, Drugs 4—Alkaloid, Proficiency No. 2957-61.	do	3-13-72
Mallard, Inc	High Resolution Buffer-Tris Barbital Buffer No. 51101.	Vial: 1½ dram	12-22-71
Mallinckrodt Chemical Works	Res-O-Mat ETR Solution	Vial: 1½ dram	2-17-72
Do	Res-O-Mat T4 Solution	do	2-17-72
Meloy Laboratories	Agar Gel Plate Kit No. F-101, F-211, F-212, F-213, G-202, G-303, and G-301.	Package: 6 plates and 2 vials (30 x 70 mm) per kit.	11-30-71
Do	Barbital Buffer (or Electrophoresis Buffer).	Vial: 12.12 grams per 29.5 x 80 mm. vial.	9-15-71
Miles Laboratories Inc	Tetralite	Bottle: 4.9 gram	7-20-70
Naleo Chemical Co	Zo-1P No. 723	Pillow: 10 mg. each	11-30-71
Do	Zo-2P No. 723	do	11-30-71
Purex Laboratories, Inc	Cannabis Sativa, Allergenic Extract 1000 pnu/cc.	Vial: 2 cc	9-29-71
Do	Cannabis Sativa, Allergenic Extract, 20,000 pnu/cc.	Vial: 50 cc	9-29-71
Ortho Diagnostics	Activated ThromboFAX No. 731060.	Bottle: 3.2 ml	9-21-71
Do	Hapludex, Agar Gel Plate, No. 740000.	Plate: 43 ml. per plate	9-21-71
Do	Ortho Abnormal Plasma Coagulation Control.	Packet: 96.5 mg	9-21-71
Do	Ortho HAA Positive Control No. 740100.	Vial: 1 mg	3-27-72
SGA Scientific Corp	Barbital-Acid Buffer Salt, No. 1173	Bottle: 4 oz	11- 4-71
Do	Barbital-Sodium Buffer Salt, No. 11731.	do	11- 4-71
Do	Barringer & Woodard Buffered Substrate No. 23695.	Vial: 0.73 gram per 15 x 45 mm. vial.	9-15-71
Do	Buchler Instrument Buffer B-2 Double Strength, pH 8.6, 0.075m No. 93834.	Vial: 36.36 grams	9-15-71
Do	Buffer Barbital pH 8.8, No. 7691	Vial: 11.76 grams per 10 dram vial.	9-15-71
Do	Buffer Salt—Barbital Acetate, Mixture, pH 8.6, No. 3787.	Vial: 14.7 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture pH 8.8, No. 7644	Vial: 17.85 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture Spinco B-1, pH 8.6, 0.05 Ionic Strength, No. 3947.	Vial: 12.12 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture Spinco B-2, pH 8.6, 0.075 Ionic Strength, No. 3948.	Vial: 18.18 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffered Barbital Sodium Chloride, pH 7.5, No. 64647.	Vial: 14.7 grams per vial	9-15-71
Do	Buffered Substrate Glycerophosphate Bodansky, No. 23681.	Vial: 0.924 grams per 15 x 15 mm. vial.	9-15-71
Do	Buffered Veronal, pH 7.5, No. 64322.	Vial: 16.48 grams per vial	9-15-71
Do	Gilereas & Davis Buffered Substrate, No. 23701.	Vial: 1.228 grams per 15 x 15 mm. vial.	9-15-71
Do	King & Armstrong Buffered Substrate, No. 23721.	Vial: 1.14 grams per 15 x 15 mm. vial.	9-15-71
Do	Roe & Whitmore Buffered Substrate, No. 23086.	Vial: 0.851 grams per 15 x 45 mm. vial.	9-15-71
Do	Scientific Products Buffer Salt Mixture B-2, No. 93953.	Vial: 18.18 grams per 10 dram vial.	9-15-71
Do	Shinowara, Jones & Reinhart Buffered Substrate, No. 23738.	Vial: 0.945 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Barbital Buffer, McLagan Modified pH 7.8, No. 29944.	Vial: 1.256 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Hu ter 100 ml = 100 mg., Hinerga & Popper, No. 29959.	Vial: 0.964 grams per 15 x 15 mm. vial.	9-15-71
Do	Thymol Buffer pH 7.8, MacLagan, No. 29949.	Vial: 1.02 gra ns per vial	9-15-71
Do	Thymol Buffer pH 7.55 Mateer, No. 29951.	Vial: 0.96 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Turbidity Test Set, No. 3105.	Packet: 1 gram	11- 4-71
SGA Scientific Corp	Zinc Sulfate pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 grams per vial	9-15-71
Schwarz/Mann Div. Becton Dickinson and Co.	Barbital Buffer Salt Mixture, No. 0732-04 and No. 0732-07.	Vial: 50 cc	11- 4-71
E. R. Squibb & Sons, Inc.	Ausure Barbital Buffer Powder, No. B7939.	Vial: 1.51 grams	7-28-71
Do	AuSure CEP Plate, No. B7839	Plate: 40cc. per plate	9-16-71
Do	Barbital Buffer Mixture Angiotensin I Immunitope Kit, No. 00501.	Vial: 6.055 grams	7-20-71
SYVA Co	Lyophilized Urine Base Morphine Standard Set.	Vial: 2 ml. (7 vials per set)	2-24-72
Do	Lyophilized Urine Base Amphetamine Standard Set.	Vial: 2 ml. (3 vials per set)	2-24-72
Do	Lyoph lized Urine Base Secobarbital Standard Set.	Vial: 2 ml. (4 vials per set)	2-24-72
Do	Lyophilized Urine Base Methadone Standard Set.	Vial: 2 ml. (5 vials per set)	2-24-72
Warner-Lambert Co. (General Diagnostics Division).	Platelin	Vial: 7.3 ml	3-13-72
Do	Platelin plus Activator	do	3-13-72
Do	Simplastin	Vials: 4.7 ml., 7.3 ml. and 16.5 ml.	3-13-72
Do	Simplastin—A	Vial: 7.3 ml	3-13-72
Do	TGTR Set	Package: 4 tests per set	3-13-72

§ 308.32 Excepted compounds.

(a) Until criteria are adopted by the Bureau by which the Director may determine whether to except any compound, mixture, or preparation containing any depressant or stimulant substance listed in § 308.13 (b) or (c), or in § 308.14, or in § 308.15, from the application of all or any part of the Act pursuant to section 202(d) of the Act (21 U.S.C. 812(d)), the drugs set forth in paragraph (b) of this section have been excepted by the Director from application of the sections 305, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 825, 827–9, 952–4) and of § 301.74(d) of this chapter for administrative purposes only. The excepting of these drugs by the Director should not be construed as an adoption or rejection of the criteria by which these drugs were originally excepted. Any deviation from the quantitative composition of any of the listed drugs shall require a petition for exception in order for that drug to be excepted.

(b) The following drugs in dosage unit form, and any other drug of the quantitative composition shown below for one of the following drugs or which is the same except that it contains a lesser quantity of controlled substances or other substances which do not have a stimulant, depressant, or hallucinogenic effect, and which are restricted by law to dispensing on prescription, are excepted from the application of sections 305, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 825, 827–9, 952–4) and of § 301.74(d) of this chapter:

EXCEPTED PRESCRIPTION DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
A.E.A	Tablet: Amobarbital, 25 mg.; aminophylline, 120 mg.; ephedrine hydrochloride, 25 mg.	Haack Laboratories, Inc.
Alased	Tablet: Phenobarbital, 16.2 mg.; homatropine methylbromide, 3.6 mg.; aluminum hydroxide gel, dried, 7½ gr.; magnesium trisilicate, 2½ gr.	Norgine Laboratories, Inc.
Alcitex	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 3½ gr.; magnesium carbonate, 2½ gr.; cerium oxalate, ½ gr.	Paul B. Elder Co., Inc.
Algoson	Tablet: Butabarbital sodium, 7.5 mg.; acetaminophen, 300 mg.	McNeil Laboratories Inc.
Alhydrox	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide, 5 gr.; atropine sulfate, 1/300 gr.	Physicians Supply.
Alkasans	Tablet: Phenobarbital, 8.0 mg.; atropine sulfate, 0.06 mg.; kaolin-alumina gel, 300 mg.	P. J. Noyes Co.
Alsical	Powder (60 gr.): Phenobarbital, ¼ gr.; belladonna extract, ⅓ gr.; calcium carbonate, 24 gr.; magnesium trisilicate, 15 gr.; magnesium oxide, 10 gr.; aluminum hydroxide gel, dried, 10 gr.	Dorsey Laboratories.
Alubelap	Tablet: Phenobarbital, 8 mg.; aluminum hydroxide gel, dried, 300 mg.; belladonna extract, 4 mg.	Haack Laboratories, Inc.
Aludrox SA Suspension	Suspension (5 cc.): Butabarbital, 5 mg.; ambutonium bromide, 2.5 mg.	Wyeth Laboratories.

XUM

EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Aludrox SA Tablets	Tablet: Butabarbital, 8 mg.; ambutonium bromide, 2.5 mg.	Wyeth Laboratories.
Alu-Mag	Tablet: Phenobarbital, ½ gr.; aluminum hydroxide gel, dried, 2½ gr.; magnesium trisilicate, 2½ gr.; belladonna leaf extract, ½ gr.	Norsal Laboratories, Inc.
Alumasen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; magnesium trisilicate, 500 mg.; aluminum hydroxide gel, dried, 250 mg.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Aluminum hydroxide, magnesium trisilicate, and kaolin with phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ½ gr.; aluminum hydroxide, 2 gr.; magnesium trisilicate, 4 gr.; kaolin, colloidal, 2 gr.; atropine sulfate, 1/300 gr.	Buffalo Pharmaceutical Supply Corp.
Aminodrox with Phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 0.1 gm.; aluminum hydroxide gel, dried, 0.12 gm.	The S. E. Massengill Co.
Aminodrox-Forte with Phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.; aluminum hydroxide gel, dried, 280 mg.	Do.
Aminophylline and Amytal	Capsule: Amobarbital, 32 mg.; aminophylline, 0.1 gm.	Eli Lilly Co.
Aminophylline with pentobarbital.	Suppository: Pentobarbital sodium, 100 mg.; aminophylline, 500 mg.	G. D. Searle & Co.
Aminophylline and phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	The Zemmer Co.
Do	Tablet: Phenobarbital, ¼ gr.; aminophylline, 100 mg.	The Blue Line Chemical Co.
Aminophylline with phenobarbital.	Tablet: Phenobarbital, 16 mg.; aminophylline, 100 mg.	H. E. Dubin Laboratories, Inc.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	G. D. Searle & Co.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.	Do.
Aminophylline with phenobarbital.	Tablet: Phenobarbital, 30 mg.; aminophylline, 200 mg.	Do.
Amobarbital and PETN	Capsule: Amobarbital, 50 mg.; pentaerythritol tetranitrate, 30 mg.	Meyer Laboratories, Inc.
Ampyrox with Butabarbital Sodium (AMPYROX).	Tablet: Butabarbital sodium, 15 mg.; scopolamine methylnitrate, 2 mg.	Paul B. Elder Co., Inc.
Ampyrox with Butabarbital Sodium, Elixir.	Elixir (5 cc.): Butabarbital sodium, 10 mg.; scopolamine methylnitrate, 1 mg.	Do.
Amsed (NAP-37)	Tablet: Phenobarbital, ¼ gr.; hyoscine hydrobromide, 0.0072 mg.; atropine sulfate, 0.024 mg.; hyoscyamine hydrobromide, 0.128 mg.	North American Pharmacal, Inc.
Amsodyne	Tablet: Phenobarbital, ¼ gr.; extract belladonna leaves, ¼ gr.; aspirin, 5 gr.; caffeine, ¼ gr.	Paul B. Elder Co., Inc.
Antacia No. 3 with Phenobarbital and Atropine.	Tablet: Phenobarbital, ½ gr.; atropine sulfate, 1/600 gr.; calcium carbonate, 5 gr.; magnesium hydroxide, 5 gr.	Meyers and Co.
Antispasmodic	Tablet (purple): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1037 mg.; homatropine methylbromide, 0.567 mg.; hyoscine hydrobromide, 0.0065 mg.	Hydrex Co., Inc.
Antispasmodic-Enzyme	Tablet: Phenobarbital, 8.1 mg.; hyoscyamine sulfate, 0.0519 mg.; homatropine methylbromide, 0.2885 mg.; hyoscine hydrobromide, 0.0033 mg.; pancreatin, 100 mg.; pepsin, 150 mg.	Do.
Antrocol	Tablet or capsule: Phenobarbital, 16 mg.; atropine sulfate, 0.324 mg.; colloidal sulfur, 22 mg.	Wm. P. Poythress & Co., Inc.
Aqualin-Plus, Children	Suppository: Pentobarbital sodium, 3/8 gr.; theophylline, 1⅞ gr.	The Wm. A. Webster Co.
Aqualin-Plus No. 1	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 3¾ gr.	Do.
Aqualin-Plus No. 2	Suppository: Pentobarbital sodium, 1½ gr.; theophylline, 7½ gr.	Do.
Aqualin-Plus No. 2A	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 7½ gr.	Do.
Asmabar	Tablet: Butabarbital, 20 mg.; ephedrine sulfate, 25 mg.; theophylline hydroxide, 130 mg.	The Blue Line Chemical Co.
Asmacol	Tablet: Butabarbital, 15 mg.; aminophylline, 180 mg.; phenylpropanolamine hydrochloride, 25 mg.; chlorpheniramine maleate, 2 mg.; aluminum hydroxide gel, dried, 60 mg.; magnesium trisilicate, 60 mg.	The Vale Chemical Co., Inc.
Asperease, Modified with Phenobarbital.	Tablet: Phenobarbital, 0.008 gm.; acetylsalicylic acid, 0.5 gm.	P. J. Noyes Co.
Atropal	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/600 gr.; magnesium trisilicate, 2½ gr.; aluminum hydroxide gel, dried, 2½ gr.	Mallinckrodt Chemical Works.

EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Atrosilital	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.; magnesium trisilicate, 0.5 gm.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Bentbine with Phenobarbital	Tablet: Phenobarbital, 15 mg.; methanthbeline bromide, 50 mg.	G. D. Searle & Co.
Butibel	Tablet or elixir (5 cc.): Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (hyoscyamine sulfate, 0.138 mg.; hyoscine hydrobromide, 0.027 mg.; atropine sulfate, 0.067 mg.).	McNeil Laboratories, Inc.
Butibel R-A	Tablet: Butabarbital sodium, 30 mg.; belladonna extract, 30 mg.	Do.
Butibel-Gel Suspension	Suspension (15 cc.): Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.187 mg.); activated attapulgite, 1.5 mg.; pectin, 75 mg.	Do.
Butibel-Gel Tablets	Tablet: Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.0935 mg.); activated attapulgite, 500 mg.; pectin, 45 mg.	Do.
Butibel-Zyme	Tablet: Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (total alkaloids 0.187 mg.); proteolytic enzyme standardized, 10 mg.; amylolytic enzyme standardized, 20 mg.; cellulolytic emzyme standardized, 5 mg.; lipolytic enzymes standardized, 100 mg.; iron ox bile (45% cholic acid), 30 mg.	Do.
Butigetic	Tablet: Butabarbital sodium, 15 mg.; acetaminophen, 200 mg.; phenacetin, 150 mg.; caffeine, 30 mg.	Do.
Cafergot P-B	Tablet: Phenobarbital sodium, 30 mg.; ergotamine tartrate, 1 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.125 mg.	Sandoz Pharmaceuticals.
Do	Suppository: Peutobarbital, 60 mg.; ergotamine tartrate, 2 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.25 mg.	Do.
Cal-Ma-Phen	Tablet: Phenobarbital, ½ gr.; calcium-carbonate, 5 gr.; magnesium hydroxide, 5 gr.; atropine sulfate, 1/600 gr.	Physicians Supply Co.
Cantil with Phenobarbital	Tablet: Phenobarbital, 16 mg.; mepenzolate bromide, 25 mg.	Lakeside Laboratories, Inc.
Carbonates No. 3 with Phenobarbital and Atropine.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.11 mg.; calcium carbonate, 224 mg.; magnesium carbonate, 160 mg.; bismuth subcarbonate, 32 mg.	P. J. Noyes Co.
Cardalin-Phen	Tablet: Phenobarbital, ¼ gr.; aminophylline, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ½ gr.	Mallinckrodt Chemical Works.
Cardilate-P	Tablet: Phenobarbital, 15 mg.; erythrityl tetranitrate, 10 mg.	Burroughs Wellcome & Co. (U.S.A.) Inc.
Cholarsee	Tablet: Pentobarbital, 27.5 mg.; oxtriphylline, 200 mg.; racephedrine, 20 mg.	Warner-Chilcott Laboratories.
Co-Elorine 25	Capsule: Amobarbital, 8 mg.; tricyclamol chloride, 25 mg.	Eli Lilly and Co.
Co-Elorine 100	Capsule: Amobarbital, 16 mg.; tricyclamol chloride, 100 mg.	Do.
Cold Preparation, Special	Tablet: Phenobarbital, 8.1 mg.; chlorpheniramine maleate, 2 mg.; pseudoephedrine hydrochloride, 60 mg.; salicylamide, powder, 300 mg.	Knight Pharmacal Co.
Covadil	Tablet: Butalbarbital sodium, 20 mg.; pentaerythritol tetranitrate, 15 mg.	The Blue Line Chemical Co.
Dactil with Phenobarbital	Tablet: Phenobarbital, 16 mg.; piperidolate hydrochloride, 50 mg.	Lakeside Laboratories, Inc.
Dainite	Tablet: Pentobarbital sodium, ¼ gr. aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Mallinckrodt Chemical Works.
Dainite-KI	Tablet: Phenobarbital, ¼ gr.; aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; potassium iodide, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Dainite Night	Tablet: Phenobarbital, ⅜ gr.; pentobarbital sodium, ½ gr.; aminophylline, 4 gr.; aluminum hydroxide gel, dried, 2½ gr., benzocaine, ¼ gr.	Do.
Daricon PB	Tablet: Phenobarbital, 15 mg.; oxyphencyclimine hydrochloride, 5 mg.	Pfizer Laboratories.
Diairsegus	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/100 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims.	Buffington's, Inc.
Dia-Tropine	Tablet: Diallylbarbituric acid, ¼ gr.; atropine sulfate, 1/600 gr.; magnesium carbonate, 2½ gr.; calcium carbonate, 3½ gr.; bismuth subcarbonate, 1 gr.	Do.

EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Dilantin with Phenobarbital	Capsule: Phenobarbital, ¼ gr.; diphenylhydantoin sodium, 0.1 gm.	Parke, Davis & Co.
Do	Capsule: Phenobarbital, ½ gr.; diphenylhydantoin sodium, 0.1 gm.	Do.
Dolonil	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; hyoscyamine hydrobromide, 0.3 mg.	Warner-Chilcott Laboratories.
Donabarb	Tablet: Phenobarbital, ¼ gr.; powder extract belladonna, ¼ gr.	Paul B. Elder Co., Inc.
Barbatro No. 1	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	The S. E. Massengill Co.
Barbatro No. 2	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.25 mg.	Do.
Barbeloid	Tablet: Amobarbital sodium, 20 mg.; hyoscyamine sulfate, 0.125 mg.; hyoscine hydrobromide, 0.007 mg.; homatropine methylbromide, 0.5 mg.	The Vale Chemical Co., Inc.
Barbidonna Elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine hydrobromide, 0.0074 mg.	Mallinckrodt Chemical Works.
Barbidonna Tablets	Tablet: Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine hydrobromide, 0.0074 mg.	Do.
Barboma Elixir	Elixir (100 cc.): Phenobarbital, 0.4 gm.; homatropine methylbromide, 33.8 mg.	The Blue Line Chemical Co.
Barboma Tablets	Tablet: Phenobarbital, ¼ gr.; homatropine methylbromide, 1/48 gr.	Do.
Bardase	Tablet or elixir (4 cc.): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1 mg.; hyoscine hydrobromide, 0.007 mg.; atropine, 0.020 mg.; Taka-Diastase, 162.0 mg.	Parke, Davis & Co.
Bar-Don Elixir	Elixir (30 cc.): Phenobarbital, 100 mg.; hyoscyamine hydrobromide, 0.60 mg.; hyoscine hydrobromide, 0.042 mg.; atropine sulfate, 0.12 mg.	Warren-Teed Pharamsceuticals Inc.
Bar-Don Tablets	Tablet: Phenobarbital, 16.670 mg.; hyoscyamine hydrobromide, 0.10 mg.; hyoscine hydrobromide, 0.007 mg.; atropine sulfate, 0.020 mg.	Do.
Belap No. 0	Tablet: Phenobarbital, 8 mg.; belladonna extract, 8 mg.	Hsack Laboratories, Inc.
Belap No. 1	Tablet: Phenobarbital, 15 mg.; belladonna extract, 8 mg.	Do.
Belap Ty-Med	Tablet: Amobarbital, 50 mg.; homatropine methylbromide, 7.5 mg.	Do.
Belladenal	Tablet: Phenobarbital, 50 mg.; bellafoline, 0.25 mg.	Sandoz Pharmaceuticals.
Do	Elixir (15 cc.): Phenobarbital, 15.6 mg.; bellafoline, 0.078 mg.	Do.
Bellatol Elixir	Elixir (5 cc.): Butabarbital sodium, 20 mg.; tincture belladonna, 0.83 cc.	The Zemmer Co.
Bellergal	Tablet: Phenobarbital, 20 mg.; ergotamine tartrate, 0.3 mg.; levorotatory alkaloids of belladonna, 0.1 mg.	Sandoz Pharmaceuticals.
Do	Tablet: Phenobarbital, 40 mg.; ergotamine tartrate, 0.6 mg.; levorotatory alkaloids of belladonna, 0.2 mg.	Do.
Beplate with Belladonna Elixir.	Elixir (4 cc.): Phenobarbital, 15 mg.; vitamin B_1, 1.5 mg.; vitamin B_2, 1 mg.; vitamin B_6, 0.33 mg.; vitamin B_{12}, 1.66 mg.; niscinamide, 10 mg.; pantothenol, 0.2 mg.; belladonna alkaloids, 0.2 mg.	Wyeth Laboratories.
Beradonna	Tablet: Phenobarbital, 16 mg.; homatropine methylbromide, 10 mg.; hyoscine hydrobromide, 0.0065 mg.; hyoscyamine sulfate, 0.1 mg.	Bezar Pharmaceuticals.
Bilamide	Tablet: Phenobarbital, ½ gr.; dried ox bile, 2 gr.; dehydrocholic acid, 2 gr.; homatropine methylbromide, 1/48 gr.	Norgine Laboratories, Inc.
Binitrin	Tablet: Butabarbital sodium, 15.0 mg.; nitroglycerin, 0.3 mg.; pentaerythritol tetranitrate, 10.0 mg.	The Vale Chemical Co., Inc.
Biozatphen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; bismuth subnitrate, 120 mg.; cerium oxalate, 120 mg.	The Zemmer Co.
Bismuth, belladonna, and phenobarbital.	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna leaf, ⅛ gr.	The Bernard Co.
Buffadyne A-S	Tablet: Amobarbital, 15 mg.; aspirin, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.; homatropine methylbromide, 2.5 mg.; aluminum hydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Lemmon Pharmacal Co.

EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Buffadyne with Barbiturates	Tablet: Secobarbital sodium, 8 mg.; amobarbital, 8 mg.; aspirin, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.; aluminum hydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Do.
Bunesia	Tablet: Butabarbital sodium, 10 mg.; homatropine methylbromide, 2.5 mg.; magnesium hydroxide, 300 mg.	McNeil Laboratories, Inc.
Buren	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; scopolamine hydrobromide, 0.0065 mg.; atropine sulfate, 0.0194 mg.; hyoscyamine sulfate, 0.1037 mg.	B. F. Ascher & Co., Inc.
Burrizem	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.1 mg.; rutin, 20 mg.; mannitol hexanitrate, 30 mg.	The Zemmer Co.
Butabarbital and hyoscyamine sulfate.	Tablet or elixir (5 cc.): Butabarbital, 15 mg.; hyoscyamine sulfate, 0.125 mg.	McNeil Laboratories, Inc.
Do	Capsule: Butabarbital, 45 mg.; hyoscyamine sulfate, 0.375 mg.	Do.
Donaphen, New Special Donaphen.	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.024 mg.; scopolamine hydrobromide, 0.0072 mg.; hyoscyamine hydrobromide, 0.128 mg.	Burt Krone Co.
Donna-Sed Elixir	Elixir (5 cc.): Phenobarbital, 16.2 mg.; hyoscyamine hydrobromide, 0.1037 mg.; atropine sulfate, 0.0194 mg.; hyscine hydrobromide, 0.0065 mg.	North American Pharmacal, Inc.
Donnasep	Tablet: Phenobarbital, 8.1 mg.; phenazopyridine hydrochloride, 50.0 mg., methenamine mandelate, 500 mg.; hyoscyamine sulfate, 0.0519 mg.; atropine sulfate, 0.0097 mg.; hyoscine hydrobromide, 0.0033 mg.	A. H. Robins Co., Inc.
Donphen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1 mg.; atropine sulfate, 0.02 mg.; scopolamine hydrobromide, 6 mg.	Lemmon Pharmacal Co.
Dormitol-HM	Tablet: Phenobarbital, ¼ gr.; homatropine methylbromide, 1/48 gr.; strontium bromide, 1 gr.	Buffington's Inc.
Dynapin with Phenobarbital	Tablet: Phenobarbital, 15 mg.; nitroglycerin, 0.5 mg.; pentaerythritol tetranitrate, 15 mg.	Key Pharmacal Co.
Elmaloin with Phenobarbital	Capsule: Phenobarbital, 15 mg.; diphenylhydantoin, 1½ gr.	Paul B. Elder Co., Inc.
Ephedrine and sodium phenobarbital.	Tablet: Sodium phenobarbital, ¼ gr.; ephedrine sulfate, ⅜ gr.	The Vale Chemical Co., Inc.
Ephedrine sulfate and phenobarbital.	Tablet: Phenobarbital, 15 mg.; ephedrine sulfate, 25 mg.	The Zemmer Co.
Ephedrine with Phenobarbital.	Tablet: Phenobarbital, ¼ gr.; ephedrine sulfate, ⅜ gr.	P. J. Noyes Co.
Ercaftal	Tablet: Phenobarbital, 7.5 mg.; ergotamine tartrate, 0.5 mg.; caffeine, 50 mg.	The Blue Line Chemical Co.
Ethrava-trate	Tablet: Mephobarbital, 10 mg.; pentaerythrityl tetranitrate, 20 mg.; ethaverine hydrochloride, 30 mg.	North American Pharmacal, Inc.
Eu-Phed-Amin	Tablet: Phenobarbital, 30 mg.; aminophylline, 0.1 gm.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.1 gm.	Warren-Teed Pharmaceuticals Inc.
Eu-Phed-Ital	Tablet: Phenobarbital sodium, 30 mg.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.12 gm.	Do.
Fensobel	Tablet: Phenobarbital, 8.1 mg.; belladonna extract, 2.96 mg.; aluminum hydrochloride gel, dried, 63 mg.; magnesium trisilicate, 63 mg.; bismuth subcarbonate, 32.5 mg.; magnesium carbonate, 252 mg.; precipitated calcium carbonate, 203.5 mg.; malt diastase, 12.5 mg.; peppermint oil, 3 mg.	United States Vitamin & Pharmaceutical Corp.
Franol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine hydrochloride, 32 mg.	Winthrop Laboratories.
Homechol	Tablet: Pentobarbital sodium, 8.0 mg.; homatropine methylbromide, 2.5 mg.; dehydrocholic acid, 60.0 mg.; ox bile extract, 150.0 mg.	Lemmon Pharmacal Co.
Homopent	Tablet: Pentobarbital sodium, 15 mg.; homatropine methylbromide, 2.5 mg.; magnesium trisilicate, 300 mg.	Lemmon Pharmacal Co.
H-P-A (Modified)	Tablet: Phenobarbital, ¼ gr.; aspirin, 5 gr.; extract hyoscyamus, ½ gr.	Paine Drug Co.
Hybephen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	The S. E. Massengil Co.
Hybephen Elixir	Elixir (5 cc.): Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	Do.
Hydrochol Plus	Tablet: Amobarbital, 15 mg.; dehydrocholic acid, 200 mg.; scopolamine methylnitrate, 0.8 mg.; ox bile desiccated, 50 mg.	Paul B. Elder Co., Inc.

XUM

EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Hytrona Antispasmodic Elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Pitman-Moore.
Hytrona Antispasmodic Tablets.	Tablet: Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Do.
Ilocalin	Tablet: Mephobarbital, 30 mg.; methscopolamine nitrate, 2.5 mg.; d-calcium pantothenate, 25 mg.	Warren-Teed Pharmaceuticals Inc.
Isordil with Phenobarbital	Tablet: Phenobarbital, 15 mg.; isosorbide dinitrate, 10 mg.	Ives Laboratories Inc.
Isufranol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 10 mg.	Winthrop Laboratories.
Isufranol, Mild	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 5 mg.	Do.
Isuprel Compound Elixir	Elixir (15 cc.): Phenobarbital, 6 mg.; isoproterenol hydrochloride, 2.5 mg.; ephedrine sulfate, 12 mg.; theophylline, 45 mg.; potassium iodide, 150 mg.	Paul B. Elder Co., Inc.
Kaphebel	Tablet: Phenobarbital, ½ gr.; belladonna root, ¼ gr.; kaolin colloidal, 7½ gr.	Dorsey Laboratories.
Kanumodic	Tablet: Pentobarbital, 8 mg.; methscopolamine nitrate, 2 mg.; cellulase, 9 mg.; pancreatin, 600 mg.; glutamic acid hydrochloride, 200 mg.; ox bile extract, 100 mg.; pepsin, 150 mg.	
Kavatrate	Tablet: Phenobarbital sodium, ¼ gr.; veratrum viride, ½ gr.; mistletoe, ½ gr.; hawthorn tincture, 30 minims; sodium nitrite, 1 gr.	Key Pharmacal Co.
Kle with Phenobarbital	Tablet: Phenobarbital, 16 mg.; potassium iodide, 400 mg.; ephedrine sulfate, 24 mg.	Laser Inc.
Klophyllin	Tablet: Phenobarbital, 15 mg.; aminophyllin, 150 mg.; potassium iodide, 125 mg.	G. D. Searle & Co.
Luftodil Suspension	Suspension (5 cc.): Phenobarbital, 8 mg.; theophylline, 50 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 100 mg.	Mallinckrodt Chemical Works.
Luftodil Tablets	Tablet: Phenobarbital, 16 mg.; theophylline, 100 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 200 mg.	Do.
Lufyllin-EP	Tablet: Phenobarbital, 16 mg.; lufyllin (dyphylline), 100 mg.; ephedrine hydrochloride; 16 mg.	Do.
Magnesium hydroxide-phenobarbital compound.	Tablet: Phenobarbital sodium, 15 mg.; magnesium hydroxide, 300 mg.; atropine sulfate with aromatics, 0.12 mg.	McNeil Laboratories, Inc.
Malgiyn Compound	Tablet or suspension (5 cc.): Phenobarbital, 16.2 mg.; belladonna alkaloids, 0.162 mg.; dihydroxy aluminum aminoacetate, 0.5 gm.	Brayten Pharmaceutical Co.
Manniphen	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The Vale Chemical Co., Inc.
Manniphen with Rutin	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.; rutin, 20 mg.	Do.
Mannitol hexanitrate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	The Blue Line Chemical Co.
Maxitol	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 15 mg.; rutin, 15 mg.; ascorbic acid, 15 mg.	Burt Krone Co:
Meprane Phenobarbital	Tablet: Phenobarbital, 16 mg.; promethestrol dipropionate, 1 mg.	Read & Carnrick.
Mesopin-PB	Tablet or elixir (5 cc.): Phenobarbital, 15 mg.; homatropine methylbromide, 5 mg.	Endo Laboratories Inc.
Metamine with Butabarbital	Tablet: Butabarbital, 16.2 mg.; trolnitrate phosphate, 2 mg.	Pfizer Laboratories.
Do	Tablet: Butabarbital, 48.6 mg.; trolnitrate phosphate, 10 mg.	Do:
Mexal	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The S. E. Massengill Co.
Milprem-200	Tablet: Meprobamate 200 mg. Conjugated Estrogens—equine 0.4 mg.	Wallace Pharmaceuticals.
Milprem-400	Tablet: Meprobamate 400 mg. Conjugated Estrogens—equine 0.4. mg.	Do:
Milpath-200	Tablet: Meprobamate 200 mg. Tridihexethyl Chloride, 25 mg.	Do:
Milpath-400	Tablet: Meprobamate 400 mg. Tridihexethyl Chloride, 25 mg.	Do:
Miltrate-10	Tablet: Meprobamate 200 mg. Pentaerythritol tetranitrate, 10 mg.	Do:
Miltrate-20	Tablet: Meprobamate 200 mg. Pentaerythritol tetranitrate, 20 mg.	Do:

EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Monomeb	Tablet: Mephobarbital, 32 mg.; penthienate bromide, 5 mg.	Winthrop Laboratories.
Mudrane	Tablet: Phenobarbital, 21 mg.; potassium iodide, 195 mg.; aminophylline, 130 mg.; ephedrine hydrochloride, 16 mg.	Wm. P. Poythress & Co., Inc.
Mudrane GG Elixir	Elixir (5 cc.): Phenobarbital, 5.4 mg.; theophylline 20 mg.; ephedrine hydrochloride, 4 mg.; glyceryl guaiacolate, 26 mg.	Do.
Nactisol	Tablet: Butabarbital sodium, 15 mg.; poldine methylsulfate, 4 mg.	McNeil Laboratories, Inc.
Natrona Compound	Tablet: Phenobarbital, 15 mg.; extract hawthorn berries, 30 mg.; extract mistletoe, 15 mg.; sodium nitrite, 60 mg.; sodium bicarbonate, 0.2 gm.	The Zemmer Co:
Neocholan	Tablet: Phenobarbital, 8 mg.; dehydrocholic acid, 250 mg.; bile extract, 15 mg., homatropine methylbromide, 1.2 mg.	Pitman-Moore.
Nergestic	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.10 mg.; magnesium trisilicate, 0.5 gm.	The S. E. Massengill Co.
Nitrased	Tablet: Secobarbital, 15 mg.; nitroglycerin, 0.4 mg.; pentaerythrityl tetranitrate, 15 mg.	Lemmon Pharmacal Co.
Nopheean Tablets	Tablet: Phenobarbital, 8 mg.; acetylsalicylic acid, 300 mg.	P. J. Noyes Co:
Novalene	Tablet: Phenobarbital, 16 mg.; ephedrine sulfate, 24 mg.; potassium iodide, 162 mg.; calcium lactate, 162 mg.	Lemmon Pharmacal Co.
Ossorbil-PB	Capsule: Phenobarbital, 7.5 mg.; belladonna extract, 7.5 mg.; dehydrocholic acid, 32 mg.; deoxycholic acid, 32 mg.; ox bile extract, 65 mg.; sorbitan monooleate, 160 mg.; oleic acid, 180 mg.	Ives Laboratories, Inc.
Paminal Elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	The Upjohn Co.
Pamine PB Elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pamine PB, Hall Strength	Tablet: Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pediatric Piptal Antipyretic	Solution (0.6 cc.): Phenobarbital, 3 mg.; pipensolate bromide, 5 mg.; acetaminophen, 60 mg.	Lakeside Laboratories, Inc.
Pediatric Piptal with Phenobarbital.	Solution (0.6 cc.): Phenobarbital, 3 mg.; pipensolate bromide, 2 mg.	Do.
Penocylon	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 5 gr.	Paul B. Elder Co., Inc.
Pentaerythrityl tetranitrate with phenobarbital.	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 10 mg.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Pentratrol with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	North American Pharmacal Co.
Pentraline	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.05 mg.; pentaerythrityl tetranitrate, 10 mg.	McNeil Laboratories, Inc.
Perburem	Tablet: Butabarbital sodium, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	The Zemmer Co:
Peribar L-A No. 1	Tablet: Phenobarbital, 48.6 mg.; pentaerythrityl tetranitrate, 30 mg.	Whittier Laboratories, Inc.
Peritrate with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Warner-Chilcott
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Peritrate with Phenobarbital SA.	Tablet: Phenobarbital, 45 mg.; pentaerythrityl tetranitrate, 80 mg.	Do.
Phedorine	Tablet: Diallylbarbituric acid, 16 mg.; extract stramonium, 8 mg. (alkaloids 0.0015 gr.); ephedrine, 8 mg.; theophyline, 100 mg.	Buffington's, Inc.
Phenaphen Plus	Tablet: Phenobarbital, 16.2 mg.; phenacetin, 194 mg.; aspirin, 162 mg.; hyoscyamine sulfate, 0.031 mg.; pheniramine maleate, 12.5 mg.; phenylephrine hydrochloride, 10 mg.	A. H. Robins Co., Inc.
Phenobarbital and atropine	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, ¹⁄₁₅₀ gr.	The Blue Line Chemical Co.
Do	do	Meyers & Co.
Do	do	Paine Drug Co.
Do	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, ¹⁄₁₅₀ gr.	The Vale Chemical Co., Inc.
Phenobarbital with atropine sulfate.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.	The Zemmer Co.
Phenobarbital with atropine sulfate No. 2.	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	Do.

EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, ¹⁄₁₅₀ gr.	Buffington's Inc:
Phenobarbital & Atropine No. 1.	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 0.12 mg.	Pitman-Moore:
Phenobarbital & Atropine No. 2.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.65 mg.	Do:
Phenobarbital and Atropine Tablets.	Tablet: Phenobarbital, 8 mg.; atropine sulfate ¹⁄₁₅₀ gr.	P. J. Noyes Co:
Do	Tablet: Phenobarbital, 16 mg.; atropine sulfate, ¹⁄₁₅₀ gr.	Do:
Phenobarbital and Atropine Tablets No. 2.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, ¹⁄₁₅₀ gr.	Do:
Phenobarbital and Atropine Tablets No. 3.	Tablet: Phenobarbital, ½ gr.; atropine sulfate, ¹⁄₁₅₀ gr.	Do:
Phenobarbital and belladonna	Tablet: Phenobarbital, ¼ gr.; belladonna leaves ½ gr. (total alkaloids 0.0015 gr.).	The Vale Chemical Co., Inc.
Do	Tablet: Phenobarbital, ¼ gr.; belladonna extract, ½ gr.	Paine Drug Co:
Do	Tablet: Phenobarbital, 16 mg.; belladonna extract, 8 mg.	Eli Lilly and Co:
Phenobarbital and Belladonna No. 2.	Tablet: Phenobarbital, ¼ gr.; belladonna extract, ½ gr. (alkaloids 0.00162 gr.).	The Upjohn Co:
Phenobarbital with mannitol hexanitrate.	Tablet: Phenobarbital, 7.5 mg., mannitol hexanitrate 15 mg.; ascorbic acid powder, 25 mg.; rutin, 25 mg	Paul B. Elder Co., Inc. (Harold M. Harter, D.V.M.)
Phenobarbital and mannitol hexanitrate.	Tablet; Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	Meyer Drug & Surgical Supply Co.
Phenobarbital Sodium Atropine No. 1.	Tablet: Phenobarbital sodium, 8 mg.; atropine sulfate, 60 μg.	McNeil Laboratories, Inc:
Phenobarbital Sodium Atropine No. 2.	Tablet: Phenobarbital sodium, 15 mg.; atropine sulfate, 120 μg.	McNeil Laboratories, Inc:
Phenobarbital Sodium Atropine No. 3.	Tablet: Phenobarbital sodium, 20 mg.; atropine sulfate, 300 μg.	Do:
Phenobarbital and sodium nitrite.	Tablet: Phenobarbital, ¼ gr.; sodium nitrite, 1 gr	P. J. Noyes Co:
Thedrirem	Tablet: Phenobarbital, 8 mg.; theophylline, hydrous, 130 mg.; ephedrine hydrochloride, 25 mg.	The Zemmer Co:
Theobarb	Tablet: Phenobarbital, 32 mg.; theobromine, 325 mg.	Mallinckrodt Chemical Works.
Theobarb-R	Tablet: Phenobarbital, 10 mg.; reserpine, 0.1 mg.; theobromine, 324 mg.	Do.
Theobarb Special	Tablet: Phenobarbital, 16 mg.; theobromine, 325 mg.	Do:
Theobromine and phenobarbital.	Tablet: Phenobarbital, 16 mg.; theobromine, 0.3 gm.	P. J. Noyes Co:
Theobromine-Phenobarbital	Tablet: Phenobarbital, 30 mg.; theobromine, 0.3 gm.	The S. E. Massengill Co:
Do	Tablet: Phenobarbital, 32 mg.; theobromine, 324 mg.	The Upjohn Co.
Theobromine-Phenobarbital Compound.	Tablet: Phenobarbital, ¼ gr.; theobromine, 2½ gr.; potassium iodide, 2½ gr.; potassium bicarbonate, 2 gr.	Do.
Theobromine with Phenobarbital No. 1.	Tablet: Phenobarbital, 15 mg.; theobromine, 324 mg:	Buffington's, Inc:
Theobromine and sodium acetate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; theobromine and sodium acetate, 3 gr.	Paul B. Elder Co., Inc:
Theobromine sodium salicylate with phenobarbital.	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 300 mg.	The Zemmer Co.
Theocardone No. 1	Tablet: Phenobarbital, 15 mg.; theobromine, 300 mg.	Haack Laboratories, Inc.
Theocardone No. 2	Tablet: Phenobarbital, 30 mg.; theobromine, 300 mg.	Do.
Theodide	Tablet: Phenobarbital, ¼ gr.; potassium iodide, 2½ gr.; theobromine sodium salicylate, 2½ gr.	The Vale Chemical Co., Inc.
Theoglycinate with Phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline-sodium glycinate, 324 mg.	Brayten Pharmaceutical Co.
Theoglycinate with Racephedrine and Phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline-sodium glycinate, 324 mg.; racephedrine hydrochloride, 24 mg.	Do:
Theoplaphen	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 0.2 gm.; calcium lactate, 0.1 gm.	The S. E. Massengill Co:
Theominal	Tablet: Phenobarbital, 32 mg.; theobromine, 320 mg.	Winthrop Laboratories:
Theominal M	Tablet: Phenobarbital, 15 mg.; theobromine, 320 mg.	Do.
Theominal R S	Tablet: Phenobarbital, 10 mg.; theobromine, 320 mg.; alseroxylon, 1.5 mg.	Do.
Theophen	Tablet: Phenobarbital, ¼ gr.; theobromine sodium salicylate, 5 gr.; calcium carbonate, 2½ gr.	The Vale Chemical Co., Inc:
Theorate	Tablet: Phenobarbital, 16.2 mg.; theobromine, 324 mg.	Whittier Laboratories, Inc:
Thymodyne	Tablet: Phenobarbital, 32 mg.; theophylline anhydrous, 130 mg.; ephedrine sulfate, 24 mg.	P. J. Noyes Co:

EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Trocinate with Phenobarbital	Tablet: Phenobarbital, 16 mg.; thiphenamil hydrochloride, 100 mg.	Wm. P. Poythress & Co., Inc.
Tricolold	Tablet: Phenobarbital, 16 mg.; tricyclamol chloride, 50 mg.	Burroughs Wellcome & Co:
Triophen	Tablet: Phenobarbital, ½ gr.; antropine sulfate, ¹⁄₂₅₀ gr.; magnesium trisilicate, 7 gr.	The Vale Chemical Co., Inc:
Valpin-PB	Tablet or elixir (5 cc.): Phenobarbital, 8 mg.; anisotropine methylbromide, 10 mg.	Endo Laboratories Inc.
Vasorutin	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, ¹⁄₂₅₀ gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims; rutin, 20 mg.	Buffington's, Inc.
Veralirem	Tablet: Phenobarbital, 15 mg.; veratrum viride, 50 mg.; sodium nitrite, 60 mg.	The Zemmer Co:
Verastrite	Tablet: Phenobarbital, ¼ gr.; cryptenamine, 40 CSR (carotid sinus reflex) units; sodium nitrite, 1 gr.	Neisler Laboratories, Inc:
Veritag	Tablet: Phenobarbital, 16 mg.; veratrum viride, 40 mg.; sodium nitrite, 65 mg.	S. J. Tutag and Co:
Vertegus	Tablet: Phenobarbital, ¼ gr.; veratrum viride, ½ gr.; sodium nitrite, 1 gr.; mistletoe, ½ gr.; hawthorn berries, ½ gr.	Burt Krone Co.
Veruphen	Tablet: Phenobarbital, 15 mg.; rutin, 20 mg.; veratrum viride, 15 mg.; sodium nitrite, 60 mg.	The Zemmer Co:
Viritin	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 30 mg.; veratrum viride alkaloids, 1.5 mg.; rutin, 20 mg.	Lemmon Pharmacal Co:
W-T	Powder (4 gm.): Phenobarbital, 15 mg.; belladonna extract, 10 mg. (0.12 mg. belladonna alkaloids); benzocaine, 18 mg.; calcium carbonate, 1.55 gm.; magnesium oxide, 0.5 gm.; aluminum hydroxide gel, dried, 60 mg.	Warren-Teed Pharmaceuticals Inc.
W-T	Tablet: Phenobarbital, ¹⁄₁₂ gr.; belladonna extract, ¹⁄₂₄ gr.; benzocaine, ¹⁄₁₂ gr.; calcium carbonate, 6 gr.; magnesium trisilate, 3½ gr.; aluminum hydroxide gel, dried, 2½ gr.; chlorophyll extract, ¹⁄₂₀ₙ.	Do.
Xaniophen	Tablet: Phenobarbital, 16.2 mg.; theobromine, 162 mg.; ethylenediamine dihydriodide, 32.4 mg.	Pitman-Moore:
Zallogen Compound	Tablet: Phenobarbital, 8 mg.; tocamphyl, 75 mg.; homatropine methylbormide, 2.5 mg.	The S. E. Massengill Co:
Zantrate	Tablet: Cyclopentenylallylbarbituric acid, ½ gr.; ephedrine sulfate, ⅓ gr.; theophylline anhydrous, 2 gr.	The Upjohn Co.
Zem-Dab	Tablet: Butabarbital sodium, 10 mg.; dehydrocholic acid, 60 mg.; ox bile desiccated, 120 mg.; homatropine methylbromide, 2.5 mg.	The Zemmer Co:
No. 23	Tablet: Phenobarbital, ½ gr.; aminophylline, 3 gr..	Stayner Corp:
No. 35	Tablet: Phenobarbital, ½ gr.; aminophylline, 1.5 gr.; ephedrine sulfate, ⅓ gr.	Do.
No. 36	Tablet: Pentabarbital sodium, ¼ gr.; ephedrine sulfate, ⅓ gr.; aminophylline, 3 gr.	Do.
No. 65	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do:
No. 66	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do:
No. 75	Tablet: Phenobarbital, ¼ gr.; belladonna, ¼ gr.	Bariatric Corp:
No. 88	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.	Stayner Corp.
No. 89	Tablet: Phenobarbital, ½ gr.; aminophylline, 1.5 gr..	Do.
No. 111	Tablet: Phenobarbital, ½ gr.; ephedrine sulfate, ⅓ gr.	Do.
No. 136	Tablet: Phenobarbital, 20 mg.; homatropine methylbromide, 5 mg.	Do:
No. 643	Tablet: Phenobarbital, ½ gr.; theophylline, 2 gr.; ephedrine hydrochloride, ⅓ gr.	Do:
Rx. No. 4104	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 7½ gr.; magnesium oxide, 4 gr.; atropine sulfate, ¹⁄₂₀₀ gr.	The Zemmer Co:
Rx. No. 4105	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 10 gr.; atropine sulfate, ¹⁄₂₀₀ gr.	Do:
Rx. No. 4108	Capsule: Phenobarbital, ¾ gr.; atropine sulfate, ¹⁄₂₀₀ gr.; calcium carbonate, 6½ gr.; magnesium oxide, heavy, 2 gr.	Do:
Rx. No. 4123	Capsule: Phenobarbital, ½ gr.; bismuth subgallate, 5 gr.; extract belladenna, ⅛ gr.	Do:
Rx. No. 4126	Capsule: Pentobarbital sodium, 15 mg.; extract belladonna, 10 mg.	The Zemmer Co:

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EXCEPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Rx. No. 4143	Capsule: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.; potassium iodide, 1 gr.	Do.
Rx. No. 4152	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/400 gr.	Do.
Rx. No. 4155	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/400 gr.; aluminum hydroxide gel. 3¾ gr.; kaolin, 3¾ gr.	Do.
Rx. No. 4170	Tablet: Phenobarbital, ½ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 10 gr.	Do.
Rx. No. 4184	Capsule: Sodium butabarbital, 15 mg.; belladonna extract, 15 mg.	Do.

[FR Doc.73-3 Filed 1-5-73;8:45 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTION, AND CLASSIFICATION OF ECONOMIC UNITS

Dressed Broilers and Turkeys

Subpart D of Part 101 of Chapter 1 of Title 6 of the Code of Federal Regulations is amended in § 101.32 to include the first sale by producers of broilers and turkeys in the raw agricultural product exemption under § 101.32.

The poultry producing industry is in the unique position of being one of the only major sectors in which an initial sale of agricultural commodities is not exempt. Virtually all chickens and turkeys are hatched, grown to slaughter weight, slaughtered, eviscerated, and otherwise processed before the first sale. The industry is not unlike the fish industry where the killing, scaling, and other processing occurs prior to the first sale. The Council earlier defined "raw seafood" products to include those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated.

Accordingly, this amendment modifies § 101.32 (a) and (b) in order to remove this inequity.

Because the purpose of these amendments is to amend and modify Part 101 to provide immediate guidance and information as to Cost of Living Council regulations, the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit written comments regarding the above amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

Effective date: January 4, 1973.

DONALD RUMSFELD,
Director, Cost of Living Council.

Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart D is amended in § 101.32 to read as follows:

§ 101.32 Agricultural products, seafood products, and raw sugar price adjustments.

(a) *Raw agricultural products.* (1) Subject to the special rule set forth below, the sale of agricultural products which retain their original physical form and have not been processed is exempt. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form. Packaging is not considered a processing activity. Examples:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep, and lambs.	Carcasses and meat cuts.
Live poultry.	
Raw milk	Pasteurized milk and processed products, such as butter, cheese, ice cream.
	Frozen, dried, or liquid eggs.
Sheared or pulled wool.	Wool products.
	Processed and blended honey-butter product.
Mohair.	
Hay: Bulk, pelleted, cubed, or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Sugar beets and sugarcane.	Refined sugar.
Maple sap.	
All seeds for planting.	Seeds processed for other uses.
Raw coffee bean	Roasted coffee bean.
	Canned and frozen vegetables.
	Dill pickles.
	Packaged slaw.
	Popped popcorn.
Feed grains including:	Mixed feed.
Corn	Cracked corn.
Sorghum.	
Barley	Rolled barley.
Oats	Rolled oats.
Soybean	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.
Baled cotton, cotton seed, cotton lint.	Cotton yarn, cotton-seed oil, cotton-seed meal.
	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
	Roasted, salted, or otherwise processed nuts.
	Canned or freeze dried mushrooms.
Stumpage or trees cut from the stump.	Milled lumber.
	Canned fruit or juices.
	Glazed citrus peel.
	Canned grapes, wine.
	Applesauce.
	Canned prunes and prune juice.
	Canned olives.
Garden plants	Floral wreaths.

(2) Special rule: Only the first sale by the producer or grower of those agricultural products which are of a type sold for ultimate consumption in their original physical form is exempt. Examples of these products are:

Shell eggs, packaged or loose.	Brussels sprouts.
	Beets.
Raw honeycomb honey.	Unpopped popcorn.
Fresh potatoes, packaged or not.	All fresh or naturally dried fruits, packaged or not, including:
All raw nuts—shelled and unshelled.	Fresh oranges.
Fresh mushrooms.	Grapes and raisins.
Fresh mint.	Apples.
Dried beans, peas, and lentils.	Peaches.
All fresh vegetables and melons including:	Strawberries.
	Grapefruit.
Tomatoes.	Pears.
Lettuce.	Lemons.
Sweet corn.	Plums and prunes.
Onions.	Cherries.
Green beans.	Cranberries.
Cantaloupe.	Avocados.
Cucumbers.	Blueberries.
Cabbage.	Apricots.
Carrots.	Tangerines.
Watermelons.	Olives, uncured.
Green peas.	Nectarines.
Asparagus.	Raspberries.
Pepper.	Blackberries.
Broccoli.	Figs.
Cauliflower.	Tangelos.
Spinach.	Limes.
Green lima beans.	Dates.
Honeydews.	Papayas.
Escarole.	Bananas.
Garlic.	Pomegranates.
Artichokes.	Currants.
Eggplant.	Persimmons.
	Cut flowers.

(b) *Dressed broilers and turkeys and raw seafood products.* The first sale by (1) a producer of broilers or turkeys or (2) a producer or fisherman of raw seafood products including those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated is exempt.

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(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640, as amended)

[FR Doc.73-459 Filed 1-4-73;4:32 pm]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 10—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The following regulations are issued pursuant to Executive Order 11652 of March 8, 1972 (37 FR 5209), entitled "Classification and Declassification of National Security Information and Material" and the National Security Council Directive of May 17, 1972, implementing that Executive order.

The Department of Agriculture security regulations have been approved by the Interagency Classification Review Committee; the following parts thereof affecting the public are published as required by the above-cited Executive order and Directive.

Sec.
10.1 Purpose.
10.2 Authority to classify.
10.3 Department review committee.
10.4 Review of classified material for declassification purposes.
10.5 Historical research and access by former Government officials.

AUTHORITY: The provisions of this Part 10 are issued under Executive Order 11652 (37 FR 5209, Mar. 10, 1972) and National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972).

§ 10.1 Purpose.

To set forth those provisions of the U.S. Department of Agriculture Security Regulations to the extent they affect the general public.

§ 10.2 Authority to classify.

Classifying authority of national security information or material is vested in and only may be exercised by the Secretary of Agriculture.

§ 10.3 Department review committee.

The Department review committee shall consist of the Department Security Officer, who shall serve as Chairman; the Director of Personnel, who shall serve as Vice Chairman; the General Counsel; the Assistant Secretary for Administration; and the Administrator of the Agency originating a document which has been classified.

§ 10.4 Review of classified material for declassification purposes.

(a) *Mandatory review of exempted material.* All classified information and material originating in the Department of Agriculture after June 1, 1972, which is exempt from the General Declassification Schedule, and classified information originating in the Department of Agriculture prior to June 1, 1972, assigned to Groups 1, 2, or 3 of Executive Order 10501, as amended, shall be subject to a classification review by the originator at any time after the expiration of 10 years from the date or origin provided:

(1) A department or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the Department to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

(b) *Systematic reviews.* All information and material classified after June 1, 1972, and determined in accordance with Chapter 21, 44 U.S.C. to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each Agency of the Department for the purpose of making such information and material available to the public in accordance with the determination regarding declassification made by the classifier. During each calendar year, each agency shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year, the Department or the Archives of the United States if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.

(c) *Review for declassification of classified material 10 years old.* Members of the public or Departments may direct requests for mandatory review for declassification under section 5 (C) and (D) of Executive Order 11652 (hereafter referred to as the Order) to the Department Security Officer, Office of Personnel, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The Security Officer shall in turn assign the request to the appropriate Agency Head for action. In addition, the Security Officer or the Agency which has been assigned action shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to 31 U.S.C. 483a the requester shall be so notified. The Agency which has been assigned action shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Department review committee for a determination. Should the Agency assigned action on a request for review determine that under the criteria set forth in section 5(B) of the Order a continued classification is required, the requester shall promptly be notified, and whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Department review committee and the notice of determination shall advise him of this right.

(d) *Appeals to the Department review committee for declassification.* The Department review committee shall establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The review committee is authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the committee determines that continued classification is required under the criteria of section 5(B) of the Order it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(e) *Review of classified material over 30 years old.* A request by a member of the public or by a Department, to review for declassification, documents more than 30 years old, shall be referred directly to the Archivist of the United States and he shall have the requested documents reviewed for declassification. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the Secretary of Agriculture, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Secretary of Agriculture makes at that time the personal determination required by section 5(E)(1) of the Order. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(f) *Burden of proof for administrative determinations.* For purposes of administrative determinations under paragraphs (c), (d), or (e) of this section, the burden of proof is on the originating Agency to show that continued classification is warranted within the terms of the Order.

(g) *Availability of declassified material.* Upon a determination, paragraphs (c), (d), or (e) of this section, that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of Title 5 U.S.C. (Freedom of Information Act) or other provision of law. As required by section 5(C) of the Order, a request for classification review must describe the document with sufficient particularity to enable the Department to identify it with a reasonable amount of effort. Whenever a request is deficient in its description

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of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the grounds that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If none-the-less the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

§ 10.5 Historical research and access by former Government officials.

(a) Upon written request, persons outside the executive branch engaged in historical research projects or persons who have previously occupied policymaking positions to which they were appointed by the President, other than those referred to in section 11 of the Order, may have access to classified national security information if the Secretary:

(1) Determines that access is clearly consistent with the interests of national security; and

(2) Takes appropriate steps to assure that classified information or material is not published or otherwise compromised.

Access granted a person by reason of his having previously occupied a policymaking position shall be limited to those papers which the former official originated, reviewed, signed, or received while in public office.

(b) Every applicant for access shall, beforehand, agree in writing to the following:

(1) That he will protect any classified information made available to him in accordance with provisions of the Order.

(2) To a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein.

These regulations are effective June 1, 1972.

Dated: December 15, 1972.

FRANK B. ELLIOTT,
Assistant Secretary for Administration.

[FR Doc.73-344 Filed 1-5-73;8:45 am]

Chapter I—Agricultural Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 32—MOHAIR STANDARDS

Standards for Grades of Mohair Top

This document establishes official standards of the United States for grades of mohair top. Mohair top is the processed fiber obtained after raw mohair—the hair of the Angora goat—has been scoured or cleaned, carded, and combed. Essentially, these standards provide:

(1) Specifications in terms of average fiber diameter and fiber diameter dispersion for 12 grades: Finer than 40s, 36s, 32s, 30s, 28s, 26s, 24s, 22s, 20s, 18s, and coarser than 18s; (2) methods for determining the grade of mohair top; and (3) methods for obtaining samples representative of the official mohair top grade standards.

On July 21, 1972, a notice of rule making was published in the FEDERAL REGISTER (37 FR 14614–14617) proposing to establish these standards to appear in 7 CFR Part 32, pursuant to authority conferred by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.). A 90-day period following the public notice was provided for interested persons to submit written data, views, or arguments concerning the proposal.

Statement of considerations. A total of 9 comments on the proposed mohair top grade standards was received from mohair producers and their organizations, marketing agencies, research and educational workers, and others. All favored immediate adoption of the proposal. Among those strongly supporting the proposal were such groups as the Texas Sheep and Goat Raisers Association, the Texas Wool and Mohair Warehouse Association, the American Textile Manufacturer's Institute, Inc., and the Mohair Council of America.

On the basis of the comments received and all other information available to the Department, it is concluded that, with the slight editorial changes made for purposes of clarity and the minor changes noted herein, the adoption of the mohair top grade standards proposed July 21, 1972, is in the public interest and should be implemented.

Therefore, under the authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the official standards of the United States for grades of mohair top (7 CFR 32.100, 32.300, 32.301, 32.302, 32.402, 32.403) are promulgated as proposed in the FEDERAL REGISTER (37 FR 14614–14617) except for the following minor changes:

In § 32.201(d) the definition of the term "lot" is changed to read: "The entire quantity of mohair top constituting the subject of consideration. As used herein, "lot" refers to a test lot not exceeding 20,000 pounds (9,072 kg.)."

Subparagraph (2) of § 32.302(a)(i) is changed by removing the phrase specifying "a searchlight microprojector bulb" and replacing it with the following: "a light source that will give a well-defined fiber image."

Subparagraph (6) of § 32.302(a)(i) is modified by changing the sentence describing the placing of the sliver in the cross-sectioning device to read: "Each sliver (test specimen) of mohair top making up the sample shall be placed individually in the slot of the cross-sectioning device, positioning each sliver so that it will be cut at its approximate midlength."

It is not intended that these changes should make any change in the application of the standards from that intended under the proposal.

Therefore, in accordance with the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further public rule making proceedings on the matter are impractical and unnecessary, and good cause is found for making the standards effective less than 30 days after their publication in the FEDERAL REGISTER.

Accordingly, the standards are promulgated as follows:

(Secs. 203, 205, 60 Stat. 1087, 1090 as amended, 7 U.S.C. 1622, 1624; 37 FR 28464, 28476)

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF MOHAIR TOP

§ 32.100 Official mohair top grades.

The official grades for mohair top and the specifications for each shall be those set forth in table 1. However, mohair top which qualifies for a grade on the basis of its average fiber diameter but does not meet the fiber diameter dispersion requirement for that same grade shall be assigned a dual grade designation. In such cases, the first designation shall indicate the grade based on average fiber diameter and the second designation shall be that of the next coarser grade.

TABLE 1—SPECIFICATIONS FOR THE OFFICIAL GRADES OF MOHAIR TOP

Grade	Limits for average diameter (microns)	Fiber diameter dispersion: percent [1] 30 microns and under, minimum	40 microns and under, minimum	50 microns and under, minimum	30.1 microns and over, maximum	40.1 microns and over, maximum	50.1 microns and over, maximum	60.1 microns and over, maximum	Approximate number of fiber measurements [2]
Finer than 40's	Under 23.55	80			20	1			1,000
40's	23.55 to 25.54	74			26	4			1,000
36's	25.55 to 27.54	67			33	6			1,200
32's	27.55 to 29.54	57			43	8			1,200
30's	29.55 to 31.54	47			53	13			1,400
28's	31.55 to 33.54		80			20	3		1,400
26's	33.55 to 35.54		73			27	5		1,600
24's	35.55 to 37.54		64			36	8		1,600
22's	37.55 to 39.54		56			44	13		1,800
20's	39.55 to 41.54			82			18	6	2,200
18's	41.55 to 43.54			77			23	8	2,200
Coarser than 18's	Over 43.54								2,600

[1] The 3d maximum percent shown for any grade is a part of, and not in addition to, the 1st maximum percent. In each grade, the minimum percent and the 1st maximum percent total 100 percent.

[2] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. The approximate number of fibers for the grades listed above may serve as a guide to the number of measurements needed to meet the required confidence limits.

§ 32.200 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 32.201 Terms defined.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed to mean:

(a) *Average fiber diameter.* The sum of the individual diameter measurements divided by the number of fibers measured, as described in § 32.302.

(b) *Fineness.* Average fiber diameter.

(c) *Grade.* A numerical designation used in classifying mohair top, based on average fiber diameter and dispersion of fiber diameters.

(d) *Lot.* The entire quantity of mohair top constituting the subject of consideration. As used herein, "lot" refers to a test lot not exceeding 20,000 pounds (9,072 kilograms).

(e) *Micron.* A unit of linear measurement equal to $\frac{1}{1000}$ millimeter or $\frac{1}{25.400}$ inch.

(f) *Mohair.* Fiber from the Angora goat.

(g) *Mohair top.* A continuous, untwisted strand of scoured mohair fibers from which the shorter fibers, i.e., noil, have been removed by combing.

(h) *Sample.* Four slivers (test specimens) of mohair top obtained as described in § 32.302(4).

(i) *Standards.* The official standards of the United States for grades of mohair top.

(j) *Standard samples.* Physical samples representative of the standards.

(k) *Test.* A determination by measurement of the average fiber diameter and the fiber diameter dispersion of a sample of mohair top, conducted in accordance with procedures provided in § 32.302.

(l) *Test specimen.* A sliver of mohair top at least 1 yard (0.91 meter) long, obtained as described in § 32.302(4).

METHODS FOR DETERMINING GRADE OF MOHAIR TOP

§ 32.300 General.

The official standards of the United States for grades of mohair top as defined in § 32.100 shall be the basis for grade determination. Grade may be determined by (a) inspection or (b) measuring the number of fibers of a sample needed to attain the required confidence limits of the mean, calculating the average fiber diameter and diameter dispersion, and comparing the average diameter and dispersion with the specifications for grades of mohair top. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

§ 32.301 Inspection method.

Determination of the grade of mohair top by inspection will be accomplished by comparing the fibers in the mohair top to be graded with the fibers in the mohair top samples certified by the U.S. Department of Agriculture as representative of the official grades. When using the certified samples to determine the grade of mohair top, the grade assigned shall be that of the certified sample which most nearly matches the mohair top being graded.

§ 32.302 Measurement method.

The determination of the grade of mohair top by measurement shall be by comparison of the measured average fiber diameter and fiber diameter dispersion with the specifications for the official standards of the United States for grades of mohair top. This determination shall be made in accordance with the procedure for determining average fiber diameter and fiber diameter dispersion provided in paragraph (a) of this section and the procedure for designating grade provided in paragraph (b) of this section.

(a) *Procedure for determining average fiber diameter and fiber diameter dispersion*—(1) *Summary of procedure.* The average fiber diameter and fiber diameter dispersion are determined by sectioning the fibers in a test specimen to a designated length, mounting the sections of fibers on a slide, projecting the magnified image onto a wedge scale, and measuring the diameter of a minimum number of fibers, as specified in this section.

(2) *Apparatus and material.* The following apparatus and materials are needed and shall comply with the following provisions:

(i) *Microprojector.* The microprojector shall be capable of giving a precise magnification of at least 500×. This magnification can be accomplished satisfactorily with a vertically installed microscope equipped with a 10–15× eyepiece, a 20–21× objective with an aperture of approximately 0.50 centimeter, a fixed body tube, a focusable stage responsive to a coarse and fine adjustment, a focusable substage with condenser and iris diaphragm, and a light source that will give a well-defined fiber image. The microscope must be installed so that the projection distance can be adjusted to produce the required 500× magnification.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross-sectioning device, heavy duty.* An instrument approximately 2 inches (5 cm.) in height; consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 1" by 3" (25×75 mm.).

(v) *Cover glasses.* No. 1 thickness, ⅞" by 2" (22×50 mm.).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43 and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board imprinted with a wedge for use at a magnification of 500×. The wedge is usually divided into 2.5 micron intervals (cells).

(3) *Calibration.* The microscope shall be adjusted to give a magnification of 500× in the plane of the projected image. This may be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm. on the stage micrometer will measure 100 mm. when sharply focused in the center of the image plane.

(4) *Sampling.* The lot shall be sampled by drawing from each 20,000 pounds (9,072 kilograms), or fraction thereof, four sections of sliver (test specimens) each of which shall be at least 1 yard (0.91 meter) in length and taken from different balls of mohair top, selected at random. Only one ball shall be taken from any one bale or carton. For broken mohair top (top not wound into balls), an equivalent length of sliver shall be taken at random. Only one test specimen shall be taken from any one can or package. The four test specimens shall constitute a sample.

(5) *Test condition.* Test specimens shall be preconditioned to approximate moisture equilibrium in an atmosphere of from 5 to 25 percent relative humidity at a temperature less than 122° F. (50° C.). Then the test specimens shall be conditioned for at least 4 hours in the standard atmosphere for testing, namely, 63 to 67 percent relative humidity at a temperature of 68° to 72° F. (19.9° to 22.1° C.).

(6) *Preparation of slides*—(i) *Filling cross-section device.* Each sliver (test specimen) of mohair top making up the sample shall be placed individually in the slot of the cross-sectioning device, positioning each sliver so that it will be cut at its approximate midlength. The sliver shall be compacted firmly with the compression key and the latter secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and lower surfaces of the plate. The fiber bundle shall be extruded approximately 0.50 mm. in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a razor blade flush with the upper surface of the fiber holder plate and the section discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm., i.e., 250 microns. The fiber bundle shall be moistened with a few drops of mineral oil and the excess blotted off. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate, leaving the fiber pieces adhering to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle the fiber pieces shall be scraped from the razor blade onto the slide. The fibers shall

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be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth. Slides shall be measured the day they are prepared.

(7) *Measurement of fibers.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. Fiber diameter measurments shall be made at the approximate mid-length of the fibers. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus, or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed in planned courses so that fibers on all portions of the slide will be measured. Successive fibers should be measured whose mid-points come within the field (a circle 4 inches in diameter, centrally located in the projected area). Fibers shorter than 200 microns or longer than 300 microns and those having distorted images shall be excluded from measurement. The marks on the wedge scale indicating the diameter of fibers measured are counted and combined into cells for calculation as indicated in paragraph (a) (10) of this section. Occasionally a fiber diameter will be less or greater than the extreme limits of the wedge scale. When this occurs, the image of the fiber is projected onto the border of the wedge scale and lines are drawn on the scale at the edges of the fiber image. The distance between the lines is later measured with a metric ruler to obtain the diameter of the fiber. When measuring fiber diameters in this manner, 1 mm. is equal to 2 microns.

(8) *Nature of test.* One test shall consist of the measurement by two operators of the same four slivers (test specimens) of mohair top. The measurment of both operators shall be combined for calculation of average fiber diameter and fiber diameter dispersion.

(9) *Number of slides and fibers.* Each operator shall make a slide from each test specimen, making a total of four slides per operator. The number of fibers to be measured per slide shall be determined by dividing the approximate number of fibers to be measured per test by 8 (the total number of slides prepared per test). The minimum number of fiber measurements required for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. Each operator shall measure approximately one-half the required number of fibers. The approximate number of fiber measurements needed for each of the grades—as listed in § 32.100, table 1—may serve as a guide. However, the minimum number of fibers to be measured to attain the prescribed confidence limits can be calculated by using the equation shown below:

$$n=\left(\frac{1.96\sigma}{0.40}\right)^2$$

In this equation:

n = Number of fibers to be measured, and
σ = Standard deviation of fiber diameters.

(10) *Calculation and report.* The measurements of both operators shall be combined and the following calculations made by using the applicable formulae shown below:

(i) The average diameter of fibers ($\overline{X}$):

$$\overline{X}=A+mE_1$$

(ii) The standard deviation (σ):

$$\sigma=m\sqrt{E_2-E_1^2}$$

(iii) The confidence limits of mean at 95 percent probability level=

$$\overline{X}\pm\frac{1.96\sigma}{\sqrt{n}}$$

In the formulae stated above:

A = Midpoint of cell containing the smallest measurement.
m = Cell interval.
n = Total number of fiber measurements.

$$E_1=\frac{\Sigma fz}{n} \text{ and } E_2=\frac{\Sigma fz^2}{n}, \text{ where}$$

Σ = Summation.
f = Observed frequency.
z = Deviation in Cells from A.

An example of the calculations is set forth below:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION, AND CONFIDENCE LIMITS OF MEAN

Cell No.	Cell boundaries (microns)	A (microns)	Deviation in cells from A, z	Observed frequency, f	fz	fz^2	Cumulative frequency	Cumulative percent
5	10.0 to 12.5	11.25	0	1	0	0	1	0.10
6	12.5 to 15.0	—	1	15	15	15	16	1.60
7	15.0 to 17.5	—	2	66	132	264	82	8.20
8	17.5 to 20.0	—	3	141	423	1,269	223	22.30
9	20.0 to 22.5	—	4	165	660	2,640	388	38.80
10	22.5 to 25.0	—	5	176	880	4,400	564	56.40
11	25.0 to 27.5	—	6	138	828	4,968	702	70.20
12	27.5 to 30.0	—	7	99	693	4,851	801	80.10
13	30.0 to 32.5	—	8	79	632	5,056	880	88.00
14	32.5 to 35.0	—	9	55	495	4,455	935	93.50
15	35.0 to 37.5	—	10	35	350	3,500	970	97.00
16	37.5 to 40.0	—	11	9	99	1,089	979	97.90
17	40.0 to 42.5	—	12	8	96	1,152	987	98.70
18	42.5 to 45.0	—	13	6	78	1,014	993	99.30
19	45.0 to 47.5	—	14	4	56	784	997	99.70
20	47.5 to 50.0	—	15	0	0	0	997	99.70
21	50.0 to 52.5	—	16	3	48	768	1,000	100.00
Total				1,000	5,485	36,225		

Number of measurements (n) = 1,000.
A (midpoint of cell containing smallest diameter measurement) = 11.25 microns.
m (cell interval) = 2.5 microns.

$$E_1=\left(\frac{\Sigma fz}{n}\right)=\frac{5,485}{1,000}=5.4850 \text{ and } E_2=\left(\frac{\Sigma fz^2}{n}\right)=\frac{36,225}{1,000}=36.2250$$

Average diameter, $\overline{X}=A+mE_1=11.25+2.5(5.4850)=24.96$ microns.[1]

Standard deviation, $\sigma=m\sqrt{E_2-E_1^2}=2.5\sqrt{36.2250-30.0652}=2.5(2.4779)=6.19$ microns.[1]

Confidence limits of mean at 95 percent probability level=

$$\overline{X}\pm\frac{1.96\sigma}{\sqrt{n}}=24.96\pm\frac{12.1324}{31.6127}=24.96\pm0.38 \text{ micron.}^1$$

[1] Round off the calculated values of average fiber diameter, standard deviation, and confidence limit of the mean to 2 decimal places as follows: If the figure in the 3d decimal place is 4 or less, retain the figure in the 2d decimal place unchanged; otherwise, increase the figure in the 2d decimal place by 1.

(b) *Procedure for designating grade—*

(1) *Single grade designation.* If the measured average diameter and the fiber diameter dispersion correspond to a single grade, that shall be the grade assigned.

Example: Average fiber diameter—30.94 microns.

Fiber diameter dispersion:

	Percent
30 microns and under	51
30.1 microns and over	49
40.1 microns and over	10

Grade designation—30s.

(2) *Dual grade designation.* If the fiber dispersion does not meet the requirements for the grade to which the average fiber diameter corresponds, the mohair top shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds.

Example: Average fiber diameter—30.94 microns.
Fiber diameter dispersion:

	Percent
30 microns and under	45
30.1 microns and over	55
40.1 microns and over	16

Grade designation—30s–28s.

SAMPLES REPRESENTATIVE OF THE OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF MOHAIR TOP

§ 32.402 Standard samples of mohair top grades; method of obtaining.

Samples certified as representative of the official standards of the United States for grades of mohair top will be furnished when available as follows, subject to other conditions of this section, upon filing of an approved application and prepayment of the cost thereof as fixed in § 32.403. The certification will be issued by the U.S. Department of Agriculture and will be signed by the Director of the Livestock Division or other official duly authorized by him.

(a) Samples representative of the official grades of mohair top: (1) *Complete set.* Nine certified samples of mohair top, grades 40s through 20s.

(2) *Individual sample.* Individual certified samples of mohair top, grades 40s through 20s.

(b) Each application for standard samples of mohair top shall be upon an application form furnished or approved by the Agricultural Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, postal money order, or express money order, payable to the "Agricultural Marketing Service," in an amount to cover the cost of the samples requested and shall incorporate the following agreement:

(1) That no samples representative of the official mohair top standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and cancelled by the Director of the Livestock Division, if it is found upon such inspection that the said samples are not representative of the official standards.

§ 32.403 Cost of Standard samples for mohair top grades.

(a) *Complete set.* Twenty-seven dollars each, delivered to any destination within the United States and $30 each, delivered to any destination outside the United States.

(b) *Individual sample.* Three dollars each, delivered to any destination within the United States, and $3.50 each, delivered to any destination outside the United States.

The foregoing standards shall become effective January 1, 1973.

Done at Washington, D.C., this 29th day of December 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-218 Filed 1-5-73;8:45 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Extension of Office Term

On page 24827 of the FEDERAL REGISTER of November 22, 1972 (37 FR 24827), was published a notice of proposed rule making to issue an amendment to the Marketing Quota Review Regulations.

Interested persons were given 15 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed amendment. No data, views, or recommendations were received. Accordingly, the amendment as proposed is adopted with the following additions:

1. The basis and purpose title is added to the introductory paragraph.

2. An authority clause is added.

3. An effective date provision is added immediately following the authority clause.

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The purpose of this amendment is to change the length of the term of office for serving as a member of a marketing quota review committee panel. Currently each panel member is appointed or reappointed annually by the Secretary for a period of 1 calendar year. This amendment provides that effective beginning with the 1973 calendar year each panel member be appointed for 3 consecutive calendar years and be subject to reappointment for succeeding terms. Since appointments of panel members for service in 1973 and succeeding years are required in the near future, it is hereby determined that compliance with the 30 day effective date provisions of 5 U.S.C. 553 is unnecessary and contrary to the public interest. Accordingly, this amendment shall became effective upon publication in the FEDERAL REGISTER (1–8–73).

Section 711.10 of the Marketing Quota Review Regulations (35 FR 15355, 16235, 36 FR 1463, 37 FR 10656, 11465) is revised to read as follows:

§ 711.10 Term of office.

Appointment as a member of a review committee panel shall be for a term of 3 calendar years. A member may be reappointed for succeeding terms. Notwithstanding the foregoing, a review committee shall continue in office to conclude hearings before it which are begun during such 3-year term and make final determinations thereof, or to hold a reopened hearing, or to conclude a hearing remanded to it by a court.

(Secs. 301, 363–368, 375, 52 Stat. 38, as amended, 63, as amended, 64, 66, as amended; 7 U.S.C. 1301, 1363–1368, 1375)

Effective date: Upon publication in the FEDERAL REGISTER (1–8–73).

[FR Doc.73-327 Filed 1-5-73;8:45 am]

PART 722—COTTON

Subpart—1973 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1973 crop of extra long staple cotton held during the period December 4 to 8, 1972, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.564 Result of the national marketing quota referendum for the 1973 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1973 crop of extra long staple cotton was held by mail ballot during the period December 4 to 8, 1972, each inclusive, in accordance with § 722.561 (37 FR 21988) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 2,039 farmers engaged in the production of the 1972 crop of extra long staple cotton voted in the referendum. Of those voting, 1,899 farmers, or 93.1 percent, favored the 1973 national marketing quota, and 140 farmers, or 6.9 percent, opposed the 1973 national marketing quota.

(c) *1973 national marketing quota continues in effect.* The national marketing quota for the 1973 crop of extra long staple cotton of 113,800 bales proclaimed in § 722.558 (37 FR 21988) shall continue in effect since two-thirds or more

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of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

Effective date: Date of filing this document with the Director, Office of the Federal Register (1-5-73).

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-326 Filed 1-5-73;8:45 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1972-Crop Tung Oil Warehouse-Stored Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1972-Crop Tung Oil Warehouse-Stored Loan Program

On page 20182 of the FEDERAL REGISTER of September 27, 1972, there was published a notice of proposed rule making relating to the support program for the 1972 crop of tung nuts. Interested persons were given 30 days in which to submit written data, views, and recommendations pertaining to the level of support, the method of support, conditions of eligibility, area and period of the program, and other program provisions. No comments have been received.

The general regulations governing price support for the 1970 and subsequent crops (35 FR 7363) and any amendments thereto and the 1970 and subsequent crop tung oil warehouse-stored loan program regulations (35 FR 19499) and any amendments to such regulations are supplemented by revising §§ 1421.450–1421.453, effective as to the 1972 crop of tung oil. The material previously appearing in these sections remains in full force and effect as to the crop to which it was applicable. The revised sections read as follows:

§ 1421.450 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *Period.* Loans will be available from November 1, 1972, through September 30, 1973.

§ 1421.451 Service fees and delivery charges.

Producers shall pay a loan service fee as provided in § 1421.11(a) of the general regulations, and instead of the delivery charge specified in § 1421.11(b) of the general regulations, a delivery charge of 6 cents per hundredweight for the quantity of tung oil tendered to CCC for loan which is not redeemed by October 31, 1973. Such fee and charge will be deducted from loan proceeds, but the charge applicable to the quantity of oil redeemed will be credited to the producer's account.

§ 1421.452 Support rate.

Loans on eligible tung oil produced from 1972 crop
from 1972-crop tung nuts shall be made at the rate of 27.6 cents per pound.

§ 1421.453 Maturity of loans.

Loans will mature on demand but not later than October 31, 1973.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714(b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714(c); 7 U.S.C. 1446, 1421)

Effective date: Upon publication in the FEDERAL REGISTER (1-8-73).

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-330 Filed 1-5-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2327]

PART 13—PROHIBITED TRADE PRACTICES

Glen Head Mills of Georgia, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections:* 13.15–235 Producer status of dealer or seller; 13.15–235 (m) Manufacturer; § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.-73–90 Textile Fiber Products Identification Act; § 13.130 *Manufacture or preparation:* 13.130–50 Textile Fiber Products Identification Act. Subpart—Concealing, obliterating, or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification:* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business Status, Advantages, or Connections: § 13.1440 *Identity:* § 13.-1485 *Manufacturer's operations;* § 13.-1530 *Producer status of dealer*—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–80 Textile Fiber Products Identification Act. Subpart—Using misleading name—VENDOR: § 13.2420 *Manufacturing nature:*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply section 5, 88 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Glen Head Mills of Georgia, Inc., et al., Jasper, Ga., Docket No. C-2327, Dec. 1, 1972.]

In the Matter of Glen Head Mills of Georgia, Inc., a Corporation, and Edward Negola, Individually and as an Officer of Glen Head Mills of Georgia, Inc.

Consent order requiring a Jasper, Ga., wholesaler of carpeting fabrics fabricated from its yarns, among other things to cease removing or mutilating information required by the Textile Fiber Products Identification Act; failing to maintain adequate records; and misbranding its textile fiber products. Respondent is further required to cease using the word "Mills" as part of the corporate or trade name which misrepresents that respondent owns, operates or controls mills, factories or manufacturing plants.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Glen Head Mills of Georgia, Inc., a corporation, its successors and assigns, and its officers, and Edward Negola, individually and as an officer of Glen Head Mills of Georgia, Inc., and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain or preserve records of fiber content of textile fiber products fabricated from their yarns and manufactured to their specifications as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the rules and regulations promulgated thereunder.

C. Removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce, and prior to the time such textile fiber product is sold and delivered to the ultimate consumer without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of the Act.

D. Failing to maintain and preserve, as required by section 6(b) of the Textile Fiber Products Identification Act, such records of the fiber content of textile fiber products as will show the information set forth on the stamps, tags, labels, or other identification removed by respondents, together with the name or names of the person or persons from whom such textile fiber products were received, when substituting stamps, tags, labels, or other identification pursuant to section 5(b) of the Textile Fiber Products Identification Act.

E. Failing to set forth in disclosing fiber content information as to floor coverings containing exempted backings, fillings or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not the exempted backings, fillings, or paddings.

It is further ordered, That respondents Glen Head Mills of Georgia, Inc., a corporation, its successors and assigns, and its officers, and Edward Negola, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the offering for sale, sale or distribution of carpet rolls, rugs, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Directly or indirectly using the word "Mills" or any other word or term of similar import or meaning in or as a part of respondents' corporate or trade name or representing in any other manner that respondents perform functions of a mill or otherwise manufacture or process the products sold by them unless or until respondents own, operate, or directly or absolutely control the mill, factory or manufacturing plant wherein said products are manufactured.

2. Misrepresenting in any manner that respondents own, operate or control mills, factories or manufacturing plants where their products are manufactured.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, Glen Head Mills of Georgia, Inc., such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation, Glen Head Mills of Georgia, Inc., shall forthwith distribute a copy of the order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 1, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-232 Filed 1-5-73;8:45 am]

[Docket No. 8894]

PART 13—PROHIBITED TRADE PRACTICES

Howard Carpet Mills, Inc., and Howard S. Stein

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Howard Carpet Mills, Inc., et al., New York, N.Y., Docket No. 8894, Dec. 1, 1972]

In the Matter of Howard Carpet Mills, Inc., a Corporation, and Howard S. Stein, Individually and as an Officer of the Corporation

Order requiring a New York City manufacturer of carpets, among other things to cease marketing dangerously flammable products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the initial decision of the Administrative Law Judge shall, on the 1st day of December, 1972, become the decision of the Commission.

It is further ordered, That respondent Howard Carpet Mills, Inc., a corporation, its successors and assigns, and its officers, and respondent Howard S. Stein, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the provisions of this order with respect to customer notification, recall, and processing or destruction shall, in addition to the products set forth in subparagraph 1 of paragraph 2 of the complaint, be applicable to any other styles of carpeting found not to meet an applicable standard under the Flammable Fabrics Act, as amended, since the issuance of the complaint and until the order becomes final within the meaning of the Federal Trade Commission Act.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce. (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action and (6) any disposition of said products since November 10, 1971. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon requests, respondents will forward to the Commission for

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testing a sample of any such carpet or rug. Respondents will also advise the Commission fully and specifically concerning items (1) through (5) above with regard to any products coming within the purview of paragraph 4 of this order.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That Howard Carpet Mills, Inc., a corporation, and Howard S. Stein, individually and as an officer of the corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: December 1, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-233 Filed 1-5-73;8:45 am]

[Docket No. C-2328]

PART 13—PROHIBITED TRADE PRACTICES

Pakistan Arts and Crafts, Inc., and Jamil Akhter

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply section 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Pakistan Arts and Crafts, Inc., et al., New York, N.Y., Docket No. C-2328, Dec. 6, 1972]

In the Matter of Pakistan Arts and Crafts, Inc., a Corporation, and Jamil Akhter, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and manufacturer of wearing apparel, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Pakistan Arts and Crafts, Inc., a corporation, its successors and assigns, and its officers, and Jamil Akhter, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the ponchos which gave rise to the complaint, of the flammable nature of said ponchos and effect the recall of said ponchos from such customers.

It is further ordered, That the respondents herein either process the ponchos which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said ponchos.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commsision an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the ponchos which gave rise to the complaint, (2) the number of said ponchos in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said ponchos and effect the recall of said ponchos from customers, and of the results thereof, (4) any disposition of said ponchos since November 6, 1970, and (5) any action taken or proposed to be taken to bring said ponchos into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said ponchos, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissoluiton of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: December 6, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73—234 Filed 1-5-73;8:45 am]

[Docket No. 8825-0]

PART 13—PROHIBITED TRADE PRACTICES

Sunshine Art Studios, Inc. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status,* advantages or connections: 13.15–30 Connections or arrangements with others; § 13.75 *Free goods or services.* Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1395 *Connections and arrangements with others;* § 13.1553 *Services;* —Goods: § 13.1625 *Free goods or services;* § 13.1735 *Sample, offer, or order conformance.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 *Free goods;* § 13.2060 *Sample, offer, or order conformance.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.* Subpart—Shipping for payment demand, goods in excess of or without order: § 13.2195 *Shipping for payment demand, goods in excess of or without order.* Subpart—Threatening infringement suits, not in good faith: § 13.2264 *Delinquent debt collection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sunshine Art Studios, Inc. et al., Springfield, Mass., Docket No. 8825, Nov. 30, 1972]

In the Matter of Sunshine Art Studios, Inc., Junior Sales Club of America, Inc., Sales Leadership Club, Inc., and Trans-American Collection Agency, Inc., Corporations, and Ryland E. Robbins, Individually and as an Officer of Said Corporations

Order requiring three Springfield, Mass., sellers of greeting cards and an affiliated collection agency, among other things to cease shipping and seeking payment for unordered merchandise; making deceptive "free" offers; using misleading order forms; sending substitute shipments without offering refunds; and collecting delinquent accounts through subterfuge.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sunshine Art Studios, Inc., Junior Sales Club of America, Inc., Sales Leadership Club, Inc., and Guardian Collection Agency, Inc., corporations, their successors and assigns, and Ryland E. Robbins, individually and as an officer of each such corporation, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of greeting cards or any other product, or in the collection of accounts arising therefrom, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Sending any merchandise without the expressed request or consent of the recipient unless such merchandise shall have attached to it a clear and conspicuous statement that the recipient may treat the merchandise as a gift to him and that he has the right to retain, use, discard, or dispose of it in any manner that he sees fit without any obligation whatsoever to the sender.

2. Sending any communication (including bills, invoices, reminders, letters, notices, or dunning communications) that in any manner seeks to obtain payment for or return of merchandise shipped without the expressed consent or request of the recipient.

3. Sending any merchandise to any person without first obtaining a specific order therefor after respondents have been notified by such person that no further merchandise shipments are to be made.

4. Using any coupon or order form by which purchasers purport to authorize or authorize (either of which is referred to herein as "authorization") respondents to send merchandise at a future date unless the authorization is set forth in a completely separate and distinct paragraph in such document, which separate paragraph contains only words or information necessary to the authorization and which clearly and conspicuously states the following:

(1) That the document is an authorization to send merchandise at a future date; and

(2) That such authorization shall apply only to one offering other than an initial shipment, if any, which offering is to be shipped within 1 year; and

(3) A description of the merchandise covered by the authorization.

5. Resorting to any subterfuge or coercion to sell respondents' merchandise.

6. Representing, directly or by implication, that delinquent accounts will be, or have been, turned over to an independent, bona fide collection agency.

7. Representing, directly or by implication, that Guardian Collection Agency, Inc., is an independent, bona fide collection agency; or that any other organization or trade name owned or controlled wholly or partially by respondents is an independent, bona fide collection agency.

8. Representing, directly or by implication, that delinquent accounts will be referred to an attorney if payment is not received.

9. Using any subterfuge or deceptive scheme or device in connection with the collection of delinquent accounts.

10. Shipping to any customer greeting cards, or any other merchandise, that differ in a material respect from the greeting cards or the other merchandise ordered without informing the customer that he is entitled to a full cash refund if he does not wish to accept the substitute merchandise or a partial refund of a stated amount if he is willing to accept merchandise of lesser quality or value than that ordered.

11. Representing, directly or by implication, that imprinting or other service in connection with the sale of greeting cards or other products is given "free" or as a gift or without cost or charge in connection with:

(1) Any offer which runs for an indefinite term or continuously for a period in excess of 1 year;

(2) Any offer not covered by (1), above, excluding introductory offers, unless as to such limited offer:

(a) A regular bona fide retail price is established for the product without the imprinting or service;

(b) A regular bona fide retail price is established for the imprinting or service, or in the absence of such price a determination is made of the cost to respondents of providing the imprinting or service; and

(c) The price of the greeting cards or product is reduced at least as much as the price or cost of the imprinting or service.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, affiliates, or any other change in the corporate respondents which may affect compliance obligations arising out of this order.

It is further ordered, That corporate respondents distribute a copy of this order to each of their operating divisions or departments.

It is further ordered, That the respondents herein shall, within sixty (60) days after the effective date of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the initial decision, as modified, be, and it hereby is, adopted as the decision of the Commission.

Issued: November 30, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-235 Filed 1-5-73;8:45 am]

[Docket No. C-2329]

PART 13—PROHIBITED TRADE PRACTICES

William Freihofer Baking Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service:* 13.170–74 Nutritive; § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1590 *Composition;* § 13.1605 *Content;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising.*

(Sec. 6 38 Stat. 721; 15 U.S.C. 46. Interprets or applies section 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, William Freihofer Baking Co., Inc., Allentown, Pa., Docket No. C-2329, Dec. 7, 1972]

In the Matter of William Friehofer Baking Co., Inc., a Corporation

Consent order requiring an Allentown, Pa., producer of bakery goods, among other things to cease misrepresenting the nutritional value of its bread.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent William Freihofer Baking Co., a corporation, their successors and assigns, and their agents, officers, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any bread or baked product, forthwith cease and desist from:

(1) Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains the following:

(a) Any representation, orally, visually, or by any other means, that Freihofer's Bread is "double enriched," has "almost twice the nutrition," is "double

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nutrition," or has "almost twice the vitamins and iron," as ordinary enriched bread,

(b) Any representation, or implication, orally, visually, or by any other means, that the wheat germ content of Freihofer's Bread is equivalent to that of whole wheat bread, such as by saying " • • • Freihofer's now contains the same natural wheat germ as 100 percent whole wheat bread,"

(c) Any representation, orally, visually, or by any other means that Freihofer's Bread represents a "nutritional bread through" or breakthrough, or any other representation to that effect;

It is provided however, That should respondent reformulate its bread so as to make any of the above-proscribed representations true, that the above-proscribed representations may be made.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondent shall, within sixty (60) days after the service of the order upon them, file with the Commission a report in detail the manner and form of their compliance with the order to cease and desist.

Issued: December 7, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-231 Filed 1-5-73;8:45 am]

Title 31—MONEY AND FINANCE

Subtitle A—Office of the Secretary of the Treasury

PART 0—STANDARDS OF CONDUCT

Persons Required To File Financial Statements

Appendix A of the Department of the Treasury Standards of Conduct, which identifies positions the incumbent of which must file financial statements, as provided in § 0.735.70 of the Standards, is amended to identify positions in the new Bureau of Alcohol, Tobacco, and Firearms and to revise the entries for several other Bureaus and Offices of the Department.

The Department finds that notice of proposed rule making is not necessary under 5 U.S.C. 553 since the amendment relates exclusively to agency personnel. As revised Appendix A reads as follows:

APPENDIX A—IDENTIFICATION OF POSITIONS THE INCUMBENTS OF WHICH MUST FILE FINANCIAL STATEMENTS

SPECIFIC POSITIONS

Office of the Secretary

All employees Grade 15 and above.
All employees Grades 13 and 14, Office of Domestic Gold and Silver Operations.
All contract and procurement personnel Grades 13 and 14, Office of Administrative Programs, and Office of Central Services.

Bureau of Alcohol, Tobacco, and Fircarms

Director.
Deputy Director.
Assistant Director (Criminal Enforcement).
Deputy Assistant Director.
Chief, Special Programs Division.
Chief, Planning and Procedures Division.
Chief, Liaison and Technology Division.
Chief, Firearms and Explosives Division.
Chief, Alcohol Division.
Assistant Director (Inspection).
Deputy Assistant Director.
Regional Inspectors.
Assistant Director (Administration).
Chief, Administrative Programs Division.
All personnel, GS-13 and above who are involved in contract and procurement.
Assistant Director (Regulatory Enforcement.)
Technical Advisor (Tobacco).
Deputy Director.
Chief, Industry Control Division.
Assistant Chief, Industry Control Division.
Chief, Regulations and Procedures Division.
Assistant Chief, Regulations and Procedures Division.
Chief, Trade and Consumer Affairs Division.
Assistant Chief, Trade and Consumer Affairs Division.
Assistant Director (Technical and Scientific Services).
Chief, Data Processing Division.
Chief, Technical Services Division.
Chief, Scientific Services Division.
Regional Directors.
Assistant Regional Directors.
Special Agents in Charge.
Assistant Special Agents in Charge.
Resident Agents.
Chief, Field Operations.
Area Supervisors.
Group Supervisors.
All Attorneys GS-15 and above.

Bureau of Accounts

Commissioner of Accounts.
Chief Disbursing Officer.
Comptroller.
Director, Cash Management.
Assistant Director, Cash Management (Foreign Depositary Analysis).
Chief Domestic Banking Operations.
Chief Auditor.
Operating Facilities Officer.
Chief, Procurement Section.

Bureau of Customs

All employees, GS-15 and above.
Customs Law Specialists, GS-14.
Deputy Assistant Regional Commissioners of Customs (Classification and Value), (Inspection and Control), (Financial Management).
District Directors.
Assistant District Directors.
Special Agents in Charge.
Assistant and Deputy Special Agents in Charge.
Customs Attachés, GS-13 and above.
Senior Customs Representatives.
Resident Agents.
Senior Resident Agents.
Regional Directors and Assistant Regional Directors, Security and Audit.
Supervisory Import Specialist, GS-13 and above.

Internal Revenue Service

All Staff Assistants in the Office of the Commissioner.
Assistant Commissioners.
Deputy Assistant Commissioners.
Office of Assistant Commissioner (ACTS).
Division Directors.
Associate Directors.
Assistant Division Directors.
Office of Assistant Commissioner (Administration).
Director, Facilities Management Division.
Office of Assistant Commissioner (Compliance).
Division Directors.
Assistant Division Directors.
Office of Assistant Commissioner (Planning and Research).
Director, Systems Development Division.
Office of Assistant Commissioner (Stabilization).
Division Directors.
Office of Assistant Commissioner (Technical).
Technical Advisors to the Assistant Commissioner.
Division Directors.
Assistant Division Directors.
Branch Chiefs.
Personnel at GS-13 and above who have authority to sign off on tax rulings.
Regional Commissioners.
Regional Inspectors.
Assistant Regional Commissioners of Accounts, Collection and Taxpayers Service; Appellate; Audit; Intelligence; and Stabilization.
Executive Assistants to the above Assistant Regional Commissioners.
District Directors.
Assistant District Directors.
Branch Chiefs, Assistant Branch Chiefs and Associate Branch Chiefs of Appellate in Branch Offices.
Contract and procurement personnel at GS-13 and above.

Bureau of the Mint

Director of the Mint.
Deputy Director of the Mint.
Assistant Director for Administration.
Assistant Director for Technology.
Assistant Director for Production.
Assistant Director for Public Services.
Assistant Director for West Coast Operations.
Chief, Management and Organization Division.
Financial Manager and Assistant Financial Manager, Budget and Finance Division.
Contract Specialist.
General Attorney.
Superintendents and Assistant Superintendents, Philadelphia and Denver Mints and New York Assay Office.
Officers in Charge, San Francisco Assay Office and Fort Knox Bullion Depository.
Assistant Officer in Charge, San Francisco Assay Office.
All Presidential Appointments.

Bureau of the Public Debt

Commissioner of Public Debt.
Deputy Commissioner of Public Debt.
Assistant Commissioner of Public Debt.
Chief Counsel.
Assistant Chief Counsel.

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Office of the Treasurer, United States

Treasurer of the United States.
Deputy Treasurer of the United States.
Assistant Deputy Treasurer.
Assistants to the Deputy Treasurer.
Administrative Officer.

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(E.O. 11222, May 8, 1965; 18 U.S.C. 201 note; 5 CFR 735.104)

Dated: January 2, 1973.

[SEAL] WARREN F. BRECHT, *Assistant Secretary for Administration.*

[FR Doc.73-347 Filed 1-5-73;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 807—ISSUING AIR FORCE PUBLICATIONS AND FORMS OUTSIDE THE AIR FORCE

Miscellaneous Amendments

Part 807, Subchapter A, Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 807.1 is amended by revising paragraphs (b) and (c), and deleting paragraph (e) as set forth below.

§ 807.1 Issuing publications and forms to private citizens, private organizations, and commercial activities.

• • • • •

(b) Publications marked "for official use only" will be released to private citizens, private organizations, or commercial activities only under the conditions set forth in AFR 12-31.

(c) Publications and forms other than those specified in paragraphs (a) and (b) of this section will be issued, on request to private citizens and organizations of any country, but only under the conditions cited in AFR 11-25 and Parts 806 and 813 of this chapter. If requested items are not immediately available from local stocks, the Publications Distribution Office will obtain them from the Air Force Publications Distribution Center for release to the requester. For those publications with M or X distribution symbols to which the Publications Distribution Office is not normally entitled, PDOs will include a statement in the remarks section of the requisition that the item is for release to the public. When the index indicates that an item is stocked and issued only by the OPR (Office of Primary Responsibility), the requester will be referred to HQ USAF, AF/DADP.

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(e) [Deleted]

§ 807.2 [Amended]

2. Section 807.2 is amended by deleting paragraphs (a) through (b)(2). The table following paragraph (b)(2) remains under this section.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY, *Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.*

[FR Doc.73-67 Filed 1-5-73;8:45 am]

SUBCHAPTER A—ADMINISTRATION

PART 809—ISSUE AND CONTROL OF IDENTIFICATION (ID) CARDS

Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is amended by revising Part 809 to read as follows:

Subpart A—General Information

Sec.
809.1 Purpose.
809.2 Types of ID cards.
809.3 Reproduction of ID cards.
809.4 Definitions.
809.5 Change in status of member or dependent.
809.6 Accredited/approved institutions of higher learning.
809.7 Chart of entitlement to benefits and privileges.

Subpart B—General Procedures

809.10 Command responsibility.
809.11 Action by Air Force Accounting and Finance Center (AFAFC).
809.12 Retrieval, confiscation, and appeal procedures.
809.13 Loss, theft, or destruction of ID cards.

Subpart C—ID Cards for Members on Active Duty—DD Form 2AF (Activel (Green)

809.20 General information.
809.21 Individual responsibility.
809.22 How to apply for green card.
809.23 Surrender of green card.

Subpart D—ID Cards for Members Entitled to Retire Pay—DD Form 2AF (Retired) (Gray)

809.30 General information.
809.31 How to apply for gray card.
809.32 When to issue/reissue gray card.
809.33 Surrender of gray card.

Subpart E—ID Cards for Reserve Members Not on Active Duty—DD Form 2AF (Reserve) (Red)

809.40 General information.
809.41 How to apply for red card.
809.42 When to issue/reissue red card.
809.43 Surrender of red card.

Subpart F—Geneva Conventions ID Cards—DD Forms 489 and 528

809.50 General information.
809.51 Geneva Conventions credential system described.
809.52 Issuance and use of ID cards.
809.53 When to issue/reissue ID cards.
809.54 Military-civilian relationship for prisoner of war identification purposes.

Subpart G—Uniformed Services Identification and Privilege (USIP) Card—DD Form 1173

809.60 General information.
809.61 Issue by other services.
809.62 Persons entitled to USIP cards.
809.63 When to surrender USIP card.
809.64 Where to file completed DD Forms 1172.
809.65 Expiration date to enter in item 3, DD Form 1173.

AUTHORITY: The provisions of this Part 809 issued under 10 U.S.C. 8012.

Subpart A—General Information

§ 809.1 Purpose.

(a) This part governs the preparation, issuance, use, accountability, and disposition of identification cards issued by the Air Force to U.S. Armed Forces active duty and retired Air Force personnel, Reserve of the Air Force personnel, dependents, and others eligible for certain services administered by the Armed Forces.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 809.2 Types of ID cards.

Individuals, except active duty members serving as OSI special agents and members designated in § 809.62(j), may be issued only one of the types of cards described in paragraphs (a), (b), (c), and (d) of this section. (DD Forms 2AF will be issued to Air Force members only.)

(a) DD Form 2AF (Active) (Green), Armed Forces Identification Card.

(b) DD Form 2AF (Retired) (Gray), Armed Forces Identification Card.

(c) DD Form 2AF (Reserve) (Red), Armed Forces Identification Card.

(d) DD Form 1173, Uniformed Services Identification and Privilege Card.

(e) DD Form 489, Noncombatant's Certificate of Identity.

(f) DD Form 528, Geneva Conventions Identification Card.

§ 809.3 Reproduction of ID cards.

Title 18, U.S.C. 701, prohibits photographing or other unauthorized reproduction or possession of United States identification cards under penalty of fine or imprisonment or both.

EXCEPTION: Photocopying of DD Forms 2AF and 1173 as part of the admission procedure for medical care under the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS) is authorized.

§ 809.4 Definitions.

(a) *Armed Forces.* The Army, Navy, Air Force, Coast Guard, and Marine Corps.

(b) *Issuing activity.* An agency or person authorized, upon receipt of a properly certified application, to issue one of the ID cards listed in this part. (This activity must have the necessary photographing and laminating facilities.) Commissioned officers, warrant officers, noncommissioned officers (grades E-7 through E-9), civilians (GS-5 and above) may be authorized to authenticate ID cards. An NCO in grade E-5 or E-6 who is Noncommissioned Officer in Charge (NCOIC) of the pass issuing facility may be authorized to authenticate ID cards.

(c) *Active duty member of a Uniformed Service.* A person serving on active duty or active duty for training pursuant to a call or order that does not specify a period of 30 days or less.

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(d) *Retired member of a Uniformed Service.* A retired member of the Uniformed Services who is entitled to retired, retainer, or equivalent pay.

(e) *Deceased member.* A member who died while serving on active duty or who died while in a retired status, or a member of the Reserve component who died in line of duty while in an active status for less than 30 days whose survivors are paid the death gratuity under DODPM, part 4, chapter 5.

(f) *Dependent.* A person who bears any of the following relationships to an active duty or retired member of a Uniformed Service or to a person who at the time of his death was on active duty or was a retired member of a Uniformed Service:

(1) The lawful wife.
(2) The unremarried widow.
(3) The lawful husband.
(4) The unremarried widower.
(5) Child:

NOTE: When used in this part, under 21 years of age (under age 21) means before the 21st birthday; under 23 years of age (under age 23) means before the 23d birthday; over 21 years of age (over age 21) means on or after the 21st birthday; over 23 years of age (over age 23) means on or after the 23d birthday.

(i) A legitimate child, adopted child, or legitimate stepchild:

(A) Who is unmarried and under 21 years of age whther or not dependent on the active duty or retired member; or

(B) Who is unmarried and 21 years of age or older, but is incapable of self-support because of a mental or physical incapacity that existed before his 21st birthday, and is, or was at the time of death of the active duty or retired member, dependent on the member for over half of his support; or

(C) Who is unmarried and 21 or 22 years of age and pursuing a full-time course of education approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare (as applicable), or is approved by a State agency under Title 38, U.S.C., chapters 34 (Veterans Educational Assistance) and 35 (War Orphans' and Widows' Educational Assistance) for the purposes of those chapters, and is, or was at the time of death of the active duty or retired member, dependent on him for over half of his support.

(ii) An unmarried child or stepchild who was illegitimate at the time of birth, and who is, or was at the time of death of the active duty or retired member, dependent on the member for more than half of his support; residing in the member's household or in a dwelling provided or maintained by the member, and is:

(A) Under 21 years of age; or

(B) Twenty-one years of age or older, but incapable of self-support because of a mental or physical incapacity that existed before his 21st birthday; or

(C) Twenty-one or 22 years of age and pursuing a full-time course of education approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare (as applicable), or that is approved by a State agency under Title 38, U.S.C., chapters 34 (Veterans' Educational Assistance) and 35 (War Orphans' and Widows' Educational Assistance) for the purpose of those chapters.

NOTE: Courses of education offered by institutions listed in "Education Directory, Part 3, Higher Education" and/or "Accredited Higher Institutions" issued periodically by the Office of Education, Department of Health, Education, and Welfare meet the criteria approved by the Secretary of Defense or Secretary of Health, Education, and Welfare. To determine approval of courses offered by a foreign institution, by an institution not approved by a State agency under Title 38, U.S.C., Chapters 34 and 35, a statement may be obtained from the Office of Education, Department of Health, Education, and Welfare, Washington, D.C. 20202.

(ii) A parent or parent-in-law who either:

(i) Is dependent on the active duty or retired member for over half of his support and is residing in a dwelling provided or maintained by the member; or

(ii) Was at the time of death of the member dependent on him for over half of his support and is residing in a dwelling provided or maintained by the member.

NOTE: For the purpose of commissary and theater, eligibility is determined on actual residence in the household of the military sponsor. For the purpose of exchange, the condition of residence is not essential in defining a parent/parent-in-law.

(g) *Eligible recipient.* Section 809.7 is a guide for designating the extent of benefits and privileges for entitled recipients. The pertinent directive will take precedence in conflicting situations, as follows:

(1) Medical care—Part 815 of this chapter and AFR 168–9.

(2) Commissary privileges—Part 823 of this chapter.

(3) Exchange patronage—AFR 147–14.

(4) Admission to military theaters—AFR 34–32.

(h) *Issuing activity.* An agency or person authorized, upon receipt of a properly certified application, to issue one of the ID cards listed in this part. (This activity must have the necessary photographing and laminating facilities.) Commissioned officers, warrant officers, noncommissioned officers (grades E–7 through E–9), and civilians (GS–5 and above) may be authorized to authenticate ID cards. An NCO in grade E–5 or E–6 who is NCOIC of the pass issuing facility may be authorized to authenticate ID cards.

(i) *Sponsor.* A person independently eligible for one of the cards listed in this part, upon whom another person's eligibility for an ID card is based.

(j) *Verifying activity.* An agency or person designated to certify to the eligibility of individuals to receive ID cards. Normally, the consolidated base personnel office (CBPO) is the responsible activity. The responsible person may be a commissioned officer, warrant officer, noncommissioned officer (grades E–7 through E–9), or civilian employees (GS–5 and above). An NCO in grade of E–5 or E–6 who is NCOIC of the verifying activity may be authorized to certify to the eligibility of ID card recipients.

(k) *Service member.* Individual of the Armed Forces on active duty for 31 days or more or retiree entitled to retired pay or retainer.

(l) *Protected personnel.* Included in this category are:

(1) Medical personnel exclusively engaged in the search for or the collection, transport, or treatment of the wounded or sick, or in the prevention of disease, staffs exclusively engaged in the administration of medical units and establishments, and chaplains attached to the Armed Forces.

(m) *Totally (100 percent) disabled veteran.* An individual who has been honorably discharged from any of the Services of the U.S. Armed Forces and certified by the Veterans' Administration to be totally (100 percent) disabled as a result of a service-connected injury or illness.

§ 809.5 Change in status of member or dependent.

(a) *Legal separation, interlocutory divorce, final divorce decree.* A wife or a dependent husband divorced from a service member (active duty, retired with pay) loses eligibility for DD Form 1173 on the date the divorce becomes final. A spouse does not lose eligibility through issuance of an interlocutory decree of divorce even when the court has approved a property settlement releasing the service member from responsibility for support. (However, the service member may revoke his designation of agent's privileges for commissary if he desires.) A spouse remains eligible for DD Form 1173 as long as the relationship of husband and wife is not terminated by a final divorce decree. (The eligibility of unmarried children is not affected by the divorce, except a stepchild relationship ceases upon divorce of parent and stepparent.) The fact that the divorced wife of a member remarries does not necessarily terminate a child's eligibility for medical care, exchange, and theater privileges. A child of an active duty or retired member adopted after the member's death retains eligibility for health benefits; however, the adoption of a child of a living member by another person (other than by a person whose dependents are eligible for health benefits) terminates the child's eligibility.

(b) *Marriage and final divorce decree of dependent child.* Children lose eligibility upon reaching age 21, except children mentally or physically incapacitated and those enrolled in an approved institution of higher learning. If a child is married, eligibility ceases on the date of marriage. However, should the marriage terminate by "final" divorce decree, annulment, or any other reason, the child may again be entitled to DD Form 1173 as the child of a service member if the eligibility requirements of a dependent child are met. An "interlocutory decree" would entitle the child to commissary and theater privileges if residing in the member's household.

(c) *Dependent's eligibility terminated.* Member's release from active duty, discharge, official placement of the member in a desertion status, or divorce (except as provided in paragraphs (a) and (b) of this section) terminates the eligibility for a dependent's DD Form 1173.

(d) *Hospital insurance benefits.* Upon attaining age 65, retired members, their spouses and children, and spouses and children of deceased members who become entitled to hospital insurance benefits under Social Security health insurance program lose their eligibility for benefits from civilian sources under the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS).

(e) *Stepchildren.* Although an unmarried legitimate stepchild at the time of the member's or retired member's death is and continues to be an eligible dependent for the purpose of this part, such child loses eligibility for DD Form 1173 as a stepchild of a deceased member or retired member when the child's natural mother remarries or the child is adopted by a third party.

§ 809.6 Accredited/approved institutions of higher learning.

Institutions meeting the criteria are listed in the "Education Directory, Higher Education" issued periodically by the Office of Education, Department of Health, Education, and Welfare. (It may be requested through the publication distribution system.) Accredited business schools are listed in the Directory of Accredited Institutions published by the Accrediting Commission for Business Schools and may be obtained upon written request to the Commission, 1730 M Street NW., Washington, DC 20036. Institutions accredited by a State agency pursuant to title 38, U.S.C., chapters 34, 35, and 36 must be verified by the institution concerned. To determine approval or courses offered by a foreign institution, by an institution not listed in either of the above directories, or by an institution not approved by a State agency, a statement may be obtained from the Office of Education, Department of Health, Education, and Welfare, Washington, D.C. 20202.

NOTE: A full-time course of education is official enrollment in an institution above the high school level for 12 or more semester hours.

§ 809.7 Chart of entitlement to benefits and privileges.

Establish eligibility as a dependent/eligible recipient according to the appropriate paragraph.

Eligible recipients	A	B	C	D	E
	Medical Care		Commissary	Exchange	Theater
	Civilian Facility	Service Facility			
1. Dependents of active duty or retired member (eligible for retired pay) of Uniformed Services:					
a. Lawful wife	Yes	Yes	Yes	Yes	Yes.
b. Lawful husband	(1)	(1)	(29)	Yes	Yes.
c. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	Yes	Yes	(3)	(1)	Yes.
(2) Over 21 years of age	(4)	(4)	(3)	(4)	(2).
d. Unmarried illegitimate children:					
(1) Under 21 years of age	(19)	(19)	(3)	No	Yes.
(2) Over 21 years of age	(19)	(19)	(3)	No	(2).
e. Parents	No	(5)	(3)	(1)	(2).
f. Parents-in-law	No	(5)	(3)	(1)	(2).
2. Surviving dependents of members of Uniformed Services who died while on active duty or in a paid retired status:					
a. Unremarried widow	Yes	Yes	Yes	Yes	Yes.
b. Unremarried widower	(6)	(6)	No	No	No.
c. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	Yes	Yes	(3)	(7)	Yes.
(2) Over 21 years of age	(8)	(8)	(3)	(7)	(2).
d. Unmarried illegitimate children:					
(1) Under 21 years of age	(19)	(19)	(3)	No	Yes.
(2) Over 21 years of age	(19)	(19)	(3)	No	(2).
e. Parents	No	(9)	(3)	No	No.
f. Parents-in-law	No	(9)	(3)	No	No.
3. Other members of the household of active duty or retired members, and widows, such as stepparent, parent by adoption and wards.	No	No	(3)	No	(2).
4. Honorably discharged veteran of Armed Forces, totally (100 percent) disabled as result of service-connected disability and so certified by the Veterans' Administration	No	No	Yes	Yes	Yes.
a. Lawful wife	No	No	Yes	Yes	Yes.
b. Lawful husband	No	No	(25)	Yes	Yes.
c. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	No	No	(3)	(1)	Yes.
(2) Over 21 years of age	No	No	(3)	(4)	(2).
d. Parents	No	No	(3)	(1)	(2).
e. Parents-in-law	No	No	(3)	(1)	(2).
5. Surviving dependents of honorable discharged veteran of Armed Forces who died while certified by the Veterans' Administration as being totally (100 percent) disabled as result of service-connected disability:					
a. Unremarried widow	No	No	Yes	Yes	Yes.
b. Unremarried widower	No	No	No	No	No.
c. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	No	No	(3)	(7)	(7).
(2) Over 21 years of age	No	No	(3)	(7)	(7).
d. Parents	No	No	(3)	No	No.
e. Parents-in-law	No	No	(3)	No	No.
6. Surviving dependents of members of Reserve component of Armed Forces who died in line of duty complying with order that specified active status for a period of 30 days or less:					
a. Unremarried widow	No	No	Yes	Yes	Yes.
b. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	No	No	(3)	(7)	(7).
(2) Over 21 years of age	No	No	(3)	(7)	(7).
7. Surviving dependent of member of Reserve component of Armed Forces who died in line of duty with order that specified active duty status for a period of more than 30 days:					
a. Unremarried widow	Yes	Yes	Yes	Yes	Yes.
b. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	Yes	Yes	(3)	(7)	(7).
(2) Over 21 years of age	(8)	(8)	(3)	(7)	(7).
8. Court-approved separation or interlocutory divorce between service member and spouse:					
a. Lawful wife	Yes	Yes	Yes	Yes	Yes.
b. Lawful husband	(1)	(1)	No	Yes	Yes.
c. Unmarried legitimate children including adopted and stepchildren:					
(1) Under 21 years of age	Yes	Yes	(3)	(1)	(2).
(2) Over 21 years of age	(4)	(4)	(3)	(4)	(2).
d. Parents	No	(5)	(3)	(1)	(2).
e. Parents-in-law	No	(5)	(3)	(1)	(2).
9. Court-approved final divorce decree between service member and spouse:					
a. Ex-wife	No	No	No	No	No.
b. Ex-husband	No	No	No	No	No.
c. Unmarried legitimate children, including children adopted by service member residing with person not eligible for ID card:					
(1) Under 21 years of age	Yes	Yes	No	(1)	(2).
(2) Over 21 years of age	(4)	(4)	No	(4)	(2).
d. Parents of service member	No	(5)	(3)	(1)	(2).

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Eligible recipients	A	B	C	D	E
	Medical Care		Commissary	Exchange	Theater
	Civilian Facility	Service Facility			
15. Foreign trainee under the Military Assistance Program, other than NATO, military or civilian, in U.S. or stationed at armed forces installation (and their dependents):					
a. Trainee	(10).....	(10).....	(11).....	(21).....	(15).
b. Dependents	No.....	(10).....	(3).....	No.....	(16).
16. Civilian of foreign nation on duty in U.S. at invitation of DOD Agency (and their dependents):					
a. Civilian on duty	No.....	(23).....	(11).....	(21).....	(15).
b. Dependents	No.....	No.....	No.....	No.....	No.
Eligible recipients					
10. Final divorce decree between deceased service member and spouse:					
a. Ex-wife	No.....	No.....	No.....	No.....	No.
b. Ex-husband	No.....	No.....	No.....	No.....	No.
11. Civilian employee of or affiliated with USAF: (For purposes of this item only, CONUS means for: Exchange—50 States, District of Columbia, Puerto Rico, Guam, Johnston Island, and other U.S. possessions. Medical Care—the 50 States and District of Columbia; Alaska and Hawaii after the 2-year waiting period; Commissary and Theater—the 50 States and District of Columbia)					
a. USAF employee and dependents residing on military installation:					
b. U.S. citizen employee of USAF, including person hired locally, paid from nonappropriated funds and his dependents stationed outside CONUS:	No.....	No.....	(11).....	(13).....	Yes.
c. Uniformed and nonuniformed, full-time paid employee of American Red Cross assigned to duty with USAF and his dependents:	No.....	(10).....	(12).....	(14).....	(12).
(1) OCONUS:	No.....	(10).....	(24).....	(1).....	(16).
(2) Outside CONUS:	No.....	(10).....	(22).....	(13).....	Yes.
d. Civilian employee under private or Government contract with USAF and his dependents:					
(1) CONUS:	No.....	No.....	No.....	(13).....	(16).
(2) Outside CONUS:	No.....	(10).....	(12).....	(18).....	(18).
e. U.S. citizen employee of other U.S. Government department or agency and his dependents:					
(1) CONUS:	No.....	No.....	(11).....	(13).....	(15).
(2) Outside CONUS:	No.....	(10).....	(12).....	(18).....	Yes.
f. Exchange service employee:					
(1) CONUS (including Alaska and Hawaii):	No.....	No.....	(11).....	(14).....	No.
(2) Outside CONUS (U.S. citizen):	Yes.....	(10).....	(12).....	Yes.....	Yes.
12. Foreign military member of NATO in U.S. and his dependents in U.S.:					
a. Lawful wife	Yes.....	Yes.....	Yes.....	(30).....	(2).
b. Lawful husband	Yes.....	(1).....	Yes.....	(30).....	(2).
c. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	Yes.....	Yes.....	(3).....	(30).....	(2).
(2) Over 21 years of age	(4).....	(4).....	(3).....	(30).....	(2).
d. Parents	No.....	No.....	(3).....	(30).....	(2).
e. Parents-in-law	No.....	Yes.....	(3).....	(30).....	Yes.
13. Foreign military member in U.S. other than NATO and his dependents in U.S.:					
a. Lawful wife	No.....	(23).....	Yes.....	(20).....	Yes.
b. Lawful husband	No.....	(23).....	Yes.....	(20).....	Yes.
c. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	No.....	(23).....	(3).....	(20).....	(2).
(2) Over 21 years of age	No.....	(23).....	(3).....	(20).....	(2).
d. Parents	No.....	(23).....	(3).....	(20).....	(2).
e. Parents-in-law	No.....	(10).....	(17).....	(18).....	(18).
14. Foreign military member training under U.S. sponsorship at armed forces installation outside his own country:					
a. Lawful wife	No.....	(10).....	(3).....	(18).....	(18).
b. Lawful husband	No.....	(10).....	(3).....	(18).....	(18).
c. Unmarried legitimate children, including adopted and stepchildren:					
(1) Under 21 years of age	No.....	(10).....	(3).....	(18).....	(18).
(2) Over 21 years of age	No.....	(10).....	(3).....	(18).....	(18).
d. Parents	No.....	No.....	(3).....	(18).....	(18).
e. Parents-in-law	No.....	No.....	(3).....	(18).....	(18).

NOTES: 1. Adopted children and stepchildren (except for medical care). Illegitimate children, parents, parents-in-law, and persons who stood in loco parentis to member for over half of their support. Unmarried legitimate children under 21 years of age who marry are not subject to dependency provisions. Husbands are not subject to dependency provisions for commissary, exchange and theater privileges. Red Cross personnel: Only uniformed paid American National Red Cross personnel are eligible for exchange privileges.

2. Yes, if actually residing in the military sponsor's household. For purposes of theater entitlement, a "military sponsor's household" is limited to the geographical area which constitutes the domicile of dependent children under 21 years of age with the military sponsor for over half of their support and residing in domicile provided or maintained by the military sponsor.

3. If actually residing full time in sponsor's (same) household, designated his agent in writing in Item 15, DD Form 1172, and making purchases in his behalf. A sponsor's child residing in the household of a divorced spouse or other noneligible recipient who is not a sponsor, may not be designated as an agent. A parent, parent-in-law, stepparent, or parent by adoption must be dependent upon the member for over half of his support and reside full-time in the same household as the sponsor. See Part 838 of this chapter for definition of dependency.

4. If unmarried legitimate child is incapable of self-support because of a mental or physical incapacity that existed before he reached age 21 and was at the time of the member's death in fact dependent on the member for over half of his support; or has not passed his 23d birthday and is enrolled in a full-time course of study in an institution of higher education as approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare and is in fact dependent on the member for over half of his support. For exchange purposes, the mental or physical incapacity must have occurred while the child was receiving benefits under title 10 U.S.C., section 1072 (2) (D).

5. If in fact dependent on member for over half of his support and resides in a dwelling place provided or maintained by the member/retiree.

6. Is in fact dependent on member at the time of her death for over half of his support because of a mental or physical incapacity.

7. If the widow remains unmarried, legitimate children over age 21 must be more than 50 percent dependent on the widow for support, or under age 23 and enrolled full-time in a course of study in an accredited educational institution of higher learning above the high school level. Children under age 21 must be more than 50 percent dependent upon the widow.

8. If the child is incapable of self-support because of a mental or physical incapacity that existed before he reached age 21 and was at the time of the member's death in fact dependent on him for over half of his support; or has unit been a full-time course of study in an institution of higher learning as approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare, and was at the time of the member's death in fact dependent on him for over half of his support. Note 7 also applies where appropriate.

9. If at the time of the member's death was in fact dependent on the member for over half of his support and residing in a dwelling provided and maintained by the member.

10. Privileges may be extended by the Secretary of the Air Force when it is impracticable for such personnel to procure subsistence supplies from civilian agencies without impairing the efficient operations of the installation.

11. Major commanders may extend privileges to visiting personnel on military installation upon approval of the installation commander and the Secretary of the Air Force. Dependents are not entitled to exchange privileges.

12. Within CONUS—limited exchange privileges to employee only. Outside CONUS, upon approval of major commander, dependents may be afforded exchange privileges.

13. Privileges may be extended by the military installation commander if the employee is in a TDY status under competent orders, official travel orders or evidence of temporary occupancy of Government quarters, or is occupying permanent Government quarters on military installation. TDY status per se does not entitle civilian personnel to theater privileges. Dependents of such personnel will not be afforded theater privileges. Allied nationals working for the U.S. Government may not be granted theater privileges within the country of their nationality.

(Footnotes continued on next page.)

16. Only during occupancy of temporary or permanent quarters on a military installation.
17. Only to the extent prescribed by Part 823 of this chapter.
18. Only to the extent consistent with applicable international agreements and subject to such limitations and restrictions as the oversea commander may consider necessary to impose.
19. An unmarried child or stepchild who was illegitimate at the time of birth and who is, or was at the time of death of the active duty or retired member, dependent on the member for more than half of his support; residing in the member's household or in a dwelling place provided or maintained by the member, and (1) under 21 years of age; or (2) 21 years of age or older but incapable of self-support because of a mental or physical incapacity that existed prior to his 21st birthday; or (3) 21 or 22 years of age and pursuing a full-time course of education that is approved by the Secretary of Defense or Secretary of Health, Education, and Welfare, as applicable, or that is approved by a State agency pursuant to chapters 34 (Veterans' Educational Assistance) and 35 (War Orphans' and Widows' Educational Assistance) of title 38, U.S.C., for the purposes of these chapters.
20. Officers and enlisted men of the armed forces of foreign nations, when on duty with the U.S. armed forces under competent orders issued by the Army, Navy, Air Force, or Marine Corps, and their dependents, as defined in AFR 147-14, are authorized unlimited exchange privileges. Purchases of items of the uniform are limited by the provisions of AFM 50-29. When visiting U.S. installation, officers and enlisted men of the armed forces of foreign nations are authorized unlimited exchange privileges, except that merchandise sold to them is restricted to quantities required for their personal use, and the sale of items of the uniform is governed by AFM 50-29 and AFR 147-14.
21. Foreign military personnel will be granted the privileges indicated in note 20. Civilian employees of foreign governments on duty under competent orders, and residing within the limits of a U.S. installation, for the convenience of the U.S. Government will be granted limited exchange privileges upon determination by the responsible commander that comparable commercial facilities are not conveniently available and upon authorization by the secretary of the department concerned. See AFR 147-14.
22. Commissary privileges may be extended to all uniformed and nonuniformed, full-time, paid professional and headquarters staff personnel and uniformed, full-time, paid secretarial and clerical workers of the Red Cross who are assigned to duty with the Armed Services by the Red Cross. Extension of such privileges will be determined by the major oversea commander or commandant upon the capability, without detriment to his ability to fulfill his military mission.
23. Foreign nationals, other than personnel of NATO nations, in the United States. Personnel of foreign nations, when in the United States on a status officially recognized by an agency of the Department of Defense, may be provided medical care in Air Force medical facilities to the same extent and under the same conditions as comparable U.S. personnel. Such persons include:
(a) Military personnel whose names appear on the Diplomatic List or the List of Employees of Diplomatic Missions published by the Department of State.
(b) Military personnel assigned or attached to U.S. military units for duty or training.
(c) Military personnel on duty in the United States at the invitation of the Department of Defense or one of the military departments.
(d) Military personnel accredited to Joint U.S. defense boards or commissions.
(e) Dependents of military personnel listed in (a) through (d) above when residing with their sponsor.
(f) Civilian personnel of foreign nations on duty in the United States at the invitation of the Department of Defense or one of the military departments and may be provided care in an emergency.
24. Privileges may be extended to all uniformed and nonuniformed, full-time, paid professional and headquarters staff personnel of the Red Cross who are assigned to duty with the armed services by the Red Cross and who reside within the military installation. Extension of such privileges will be determined by the major commander concerned.
25. Must reside in the same household as the sponsor.

Subpart B—General Procedures

§ 809.10 Command responsibility.

The commander of each Air Force or Air National Guard installation (or his designee) will:

(a) Designate verifying/issuing activities and individuals in writing. The commander of a unit geographically separated from the Unit Personnel Record Group (UPRGp) may act as the verifying activity if he has sufficient information to make an appropriate judgment. (Send questionable cases for verification to the servicing CBPO.)

(b) Issue an ID card to each eligible applicant. If a commander is aware that eligible dependents of active duty and retired members have not been issued DD Form 1173 and the member is unwilling or unable to execute the necessary application, the commander will request the appropriate verifying activity to execute DD Form 1172, "Application for Uniformed Services Identification and Privilege Card." The verifying activity will insure that the statement: "Member is (unwilling) or (unable) to make application" is entered in item 18, "Remarks," and that this paragraph is cited as authority. Upon verification of the dependency as provided herein, the designated issuing activity will issue DD Form 1173 to the eligible dependent(s).

(c) Extend medical care to all eligible dependents and insure it is not withheld because a member has failed to provide the usual ID cards to the dependents (paragraph (b) of this section). (Medical care in military medical treatment facilities is a right accruing to dependents of active duty personnel under title 10 U.S.C., 1071–1088. See also AFR 168–9.)

(d) Advise recipients to carry their ID cards on their person at all times; explain the penalties for their unlawful use. Insure that the sponsor completely understands the certification contained in item 19, DD Form 1172.

(e) Retrieve or confiscate ID cards under § 809.12.

(f) Issue DD Forms 489 and 528 consistent with current Air Force directives as well as policies established by major oversea commanders.

(g) Contact AFMPC/DPMDRM for further interpretation of policy if necessary to resolve question on cases not covered herein.

§ 809.11 Action by Air Force Accounting and Finance Center (AFAFC).

To obtain additional evidence required to establish dependency or relationship, AFAFC will correspond with the dependent(s) listed on DD Form 1172 and, when action is complete, return DD Form 1172 to the verifying activity with a separate statement, indicating whether the relationship/dependency requirement is established. A copy of AFAFC's determination will be filed with the DD Form 1172 until it is superseded.

NOTE: A dependent parent, parent-in-law, or any other person for whom a current determination of dependency is not in effect must complete a questionnaire on residency and financial affairs which AFAFC sends to the person upon receipt of DD Form 1172. Dependency determination is based on the income, expense, and residency data the claimed dependent reports on these forms. This determination is valid until superseded, terminated, or voided by a change in the dependent's status. Subsequent applications may be verified without submission to AFAFC if the sponsor certifies in writing in item 18, DD Form 1172, that the dependency status previously established by AFAFC has not changed. Sponsor should be cautioned that such certification means that the dependent has not received an initial payment or an increase in social security payment, VA compensation, or other income; has not inherited or otherwise acquired anything of monetary value, including cash, stock, or real property, etc; has not changed residence; has had no change in expense—household or personal; or has not had a change in marital status since dependency was last determined by AFAFC.

§ 809.12 Retrieval, confiscation, and appeal procedures.

ID cards are Government property. Any commissioned or noncommissioned officer or security policeman, in performing his duties may confiscate an ID card that has expired, is being fraudulently used, or is presented by a person not entitled to it. When any CBPO activity learns of a change in dependency status affecting entitlement to DD Form 1173 (that is, divorce, marriage of children, overage, etc.) that activity will send complete information to the Personal Affairs Section (Officer or Airman Records Unit for non-Base-Level Military Personnel System (BLMPS) CBPOs). The Personnel Affairs Section or Officer or Airman Records Unit will act to recover the dependent's card through the sponsor or his commander. If such action is unsuccessful, they will comply with paragraph (a) of this section. File evidence of such interim and final actions with the DD Form 1172. If the DD Form 1173 is retrieved, DD Form 1172 will be destroyed or appropriately annotated. A suspense period of 30 days from the date of notice to the sponsor will be established for completing CBPO action.

(a) *Retrieval.* Although authorities will make every effort to retrieve cards on a voluntary basis, they do not have the authority to seize ID cards by force from persons not subject to military law. If a person not subject to military law refuses to surrender an ID card on demand, recourse may be a suit to recover the property. If a card cannot be retrieved voluntarily, the circumstances will be reported to the nearest chief, security police. If all attempts fail, refer information to HQ USAF/JACL, Washington, D.C. 20314 for possible transmittal to the Department of Justice. Send an information copy of referral action to AFMPC/DPMDRM, Randolph AFB, Tex. 78148.

(b) *Confiscation.* Any officer, noncommissioned officer, or security policeman who confiscates an ID card will report the circumstances to the nearest Air Force installation chief, security police, who will initiate appropriate investigative action. Refer completed reports of investigation to the installation staff judge advocate, who will determine if judicial or administrative action is appropriate. In all cases involving the misuse of a card, send a copy of the completed report of investigation to AFMPC/DPMDRM, Randolph Air Force Base, Tex. 78148.

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NOTE: DD Forms 1173 previously issued to retired members remain valid; however, the DD Form 2AF (Ret) (Gray) is presently the only card authorized for issuance/reissuance to Air Force retirees entitled to retired, retainer, or equivalent pay.

(c) *Special retrieval procedures.* When administrative elimination action that may result in discharge is initiated, a member's ID card (DD Form 2AF (Active)) and the member's dependents' ID cards (DD Forms 1173) will be retrieved by the member's commander. The member and his dependents will immediately be reissued ID cards overstamped "temporary" and expiring not later than 90 days from the date elimination action is initiated. If it becomes necessary to reissue the cards after 90 days, reissue will be effected for an additional period not exceeding 90 days. Reissue of cards on a 90-day basis will be continued until the case is resolved. Original (not expired) retrieved cards will be retained until the elimination action is resolved and either returned to the member/dependents or destroyed, as appropriate. All temporary cards will be destroyed. Reissue of DD Forms 2AF and 1173 will be documented by AF Form 279 or DD Form 1172, respectively.

(d) *Reissue.* If it becomes necessary to confiscate an ID card for misuse, abuse, or control of access to a privilege facility:

(1) *DD Form 1173.* Reissue the card immediately and obliterate those privileges withdrawn (that is, commissary, exchange, or theater). Annotations by overstamping that are required to add prominence to withdrawal of a privilege are authorized. Do not withdraw medical care benefits or change expiration date of card.

(2) *DD Form 2AF (Active), 2AF (Retired), and 2AF (Reserve).* Reissue the card immediately, prominently annotating the card to show privileges withheld; for example "exchange not authorized." Do not change other data on card unless incorrect.

(e) *Appeal.* Individuals whose privileges are withdrawn may submit to the installation commander a written appeal for restoring privileges.

§ 809.13 Loss, theft or destruction of ID cards.

The following procedures will be used for loss, theft, or destruction of ID cards.

Line	If the ID card is—	Rule 1	Rule 2	Rule 3
A	DD Form 2AF (Act), 2AF (Ret), 2AF (Res), or 1173	Yes		
B	DD Form 489		Yes	
C	DD Form 528			Yes
D	Loss, theft, or destruction will be reported promptly through the resubmission of the application for the appropriate ID card.	X	X	X
E	The following statement by the sponsor/member must be included on the DD Form 1172, in item 18, Remarks: "I certify that the DD Form....., issued to ....., has been (lost) (stolen) (destroyed) under the following circumstances: (Explain in detail). It has not been (located) (recovered) after a diligent search. Further, if found, I will surrender it to an appropriate USAF facility."	X		
F	The cardholder will certify the circumstances of the loss in a memorandum or letter to the nearest issuing activity who uses this report as a basis for replacement. The information in the report of loss should be similar to the statement in E above.		X	
G	Issuing activity will hold the certificate for 1 year and then destroy it		X	
H	Replacement of ID cards will be accomplished in the same manner as the original application.	X	X	X

Subpart C—ID Cards for Members on Active Duty—DD Form 2AF (Active) (Green)

§ 809.20 General information.

This subpart provides for the issue of DD Form 2AF (Active) (Green) to members of the Air Force on active duty (§ 809.4(c)). It will be issued to all personnel on active duty for more than 30 days, including protected personnel (§ 809.4(1)) and members of the Air Force Reserve and Air National Guard of the United States serving on active duty for training and currently enrolled cadets of the Air Force Academy (USAFA). Members ordered to active duty for 30 days or less will not be issued DD Form 2AF (Active) (Green), but will be identified by copies of their orders or other documents establishing temporary active duty status and their DD Form 2AF (Retired) (Gray) or DD Form 2AF (Reserve) (Red), as appropriate.

§ 809.21 Individual responsibility.

Each person to whom a DD Form 2AF (Active) (Green) is issued will insure that the card is in his possession at all times and will be aware of the penalty for unlawful use.

§ 809.22 How to apply for green card.

The applicant for DD Form 2AF (Active) (Green) will initiate action by contacting the CBPO/geographically separated unit (GSU). The CBPO Officer or Airman Records Unit or the CBPO Personal Affairs Section operating under the Base-Level Military Personnel System (BLMPS) will prepare one copy of AF Form 279, obtain member's signature, and verify information with the Unit Personnel Record Group. If CBPO/GSU services are not available, the applicant will complete AF Form 279 and submit it to a designated agency for verification. The verified AF Form 279 is returned to the applicant who takes it to the nearest Air Force issuing activity. Then it will be filed in the member's UPRGp and destroyed by the CBPO effecting the member's release from active duty when DD Form 2AF (Active) (Green) is destroyed.

§ 809.23 Surrender of green card.

An individual will surrender his DD Form 2AF (Active) (Green) when:

(a) It is replaced.
(b) It expires.
(c) He is in disciplinary confinement.
(d) He is no longer entitled to it.

If the ID card is replaced, he surrenders the old card to the issuing activity when his replacement card is issued; if it is not replaced, he surrenders it to the appropriate records custodian.

Subpart D—ID Cards for Members Entitled to Retired Pay—DD Form 2AF (Retired) (Gray)

§ 809.30 General information.

This subpart provides for the issue of DD Form 2AF (Retired) (Gray) to all USAF and ResAF members entitled to retired pay including those on the Temporary Disability Retired List (TDRL). Retired members entitled to retired pay who waive retired pay to receive VA compensation or who waive receipt of retired pay for any other reason are also entitled to DD Form 2AF (Retired) (Gray). Members who will retire under title 10, U.S.C. 1331, are not entitled to DD Form 2AF (Retired) (Gray) until they are eligible to receive retired pay by virtue of completing service requirements and upon reaching the prescribed statutory age.

§ 809.31 How to apply for gray card.

(a) *Personnel being retired.* An applicant for DD Form 2AF (Retired) (Gray) will complete and submit one copy of AF Form 279 to his Unit Personnel Record Group custodian for verification. The custodian will return the verified AF Form 279 to the applicant, who takes it to the nearest Air Force issuing activity.

(b) *Retired personnel.* An applicant for DD Form 2AF (Retired) (Gray) will complete and submit one copy of AF Form 279 to the CBPO of the nearest Air Force installation in person or by mail, as follows:

(1) Retired Air Force personnel will submit DD Form 2AF (Retired) (Gray), retirement orders (or letter of certification to the Veterans Administration for Pay), or evidence of listing in the Air Force Register.

(2) If retirement orders announce transfer to the Retired Reserve Section, but do not indicate that applicant is entitled to DD Form 2AF (Retired) (Gray) nor indicate entitlement to retired pay, send application and a copy of orders for verification to ARPC, 3800 York Street, Denver, CO 80205.

(3) The verified AF Form 279 is returned to the applicant for presentation to the nearest Air Force issuing activity.

§ 809.32 When to issue/reissue gray card.

(a) *Issue.* DD Form 2AF (Retired) (Gray) will be issued at the time an Air Force member is temporarily or permanently retired or upon individual application therefore at any time thereafter.

(b) *Reissue.* DD Form 2AF (Retired) (Gray) will be reissued to:

(1) Show a change in expiration date.
(2) Replace a lost, stolen, or destroyed card.
(3) Correct an error.
(4) Replace a mutilated card.
(5) Show change from airman to officer status.
(6) Change data that makes the old card questionable as a means of identification.
(7) Document entitlement to civilian medical care.

§ 809.33 Surrender of gray card.

A person surrenders his DD Form 2AF (Retired) (Gray) when:

(a) It is replaced.
(b) It expires.
(c) He is no longer entitled to it.
(d) He is requested to do so by competent authority (§ 809.12).

If the ID card is replaced, he surrenders the old card to the issuing activity where his replacement card is issued; if it is not replaced, he surrenders it to the appropriate records custodian.

Subpart E—ID Cards for Reserve Members Not on Active Duty—DD Form 2AF (Reserve) (Red)

§ 809.40 General information.

This subpart provides for the issue of DD Form 2AF (Reserve) (Red) to members of the USAF Reserve components not on active duty. DD Form 2AF (Reserve) (Red) will be issued to personnel participating in the USAF AFR program and retired Reserve personnel not entitled to either the DD Form 2AF (Active) (Green) or 2AF (Retired) (Gray). DD Form 2AF (Reserve) (Red) is not issued to a member of the Inactive Status List Reserve Section (ISLRS) or the Obligated Reserve Section (ORS). However, members of the Professional Officer Course or the Financial Assistance Program, AFROTC, and AFROTC graduates appointed as Reserves of the Air Force may be issued DD Form 2AF (Reserve) (Red), notwithstanding their assignment to ORS.

§ 809.41 How to apply for red card.

An applicant for DD Form 2AF (Reserve) (Red) will complete one copy of AF Form 279 and submit it to the custodian of his UPRGp for verification. (Exception: At the time oaths of office are signed, the Professor of Aerospace Studies may be designated verifying officer for AF Form 279.) The verified AF Form 279 is returned to the applicant, who takes it to the nearest Air Force or ANG issuing activity. AF Form 279 will be destroyed when DD Form 2AF (Reserve) (Red) becomes invalid and is destroyed.

(a) The ARPC, 3800 York Street, Denver, CO 80205, is custodian for master personnel records pertaining to members of the Retired Reserve (without pay), Nonaffiliated Reserve section, Eligible Reinforcement Designees, Mobilization Augmentees administered by ARPC, and AFROTC graduates.

(b) The ANG CBPO is custodian for all unit personnel records of ANG personnel.

(c) The AFROTC detachment is custodian for all unit personnel records of members of the professional officer course and financial assistance program.

The AF Form 279 will be filed in the Unit Personnel Record Group.

§ 809.42 When to issue/reissue red card.

(a) *Issue.* Upon individual request, DD Form 2AF (Reserve) (Red) may be issued at any time to any eligible member of the USAFR, ANG, or AFROTC.

(b) *Reissue.* DD Form 2AF (Reserve) (Red) will be reissued to:

(1) Show a change in grade upon promotion to or demotion from any grade above airman first class.
(2) Replace a lost, stolen or destroyed card.
(3) Correct an error.
(4) Replace a mutilated card.
(5) Change data that makes the card questionable as a means of identification.

§ 809.43 Surrender of red card.

Member surrenders his DD Form 2AF (Reserve) (Red) when:

(a) It is replaced.
(b) It expires.
(c) He is no longer entitled to it.
(d) He is requested to do so by competent authority (§ 809.12).

If the ID card is replaced, he surrenders the old ID card to the issuing activity where his replacement card is issued; if it is not replaced, he surrenders it to the appropriate records custodian.

Subpart F—Geneva Conventions ID Cards—DD Forms 489 and 528

§ 809.50 General information.

This subpart provides for the issue of ID cards established to meet the requirements of the Geneva Conventions to protect war victims, and it establishes relative military-civilian grade relationships for use exclusively in treatment of prisoners of war with due regard to grade.

§ 809.51 Geneva Conventions credential system described.

Pertinent articles of the Geneva Conventions Relative to Prisoners of War, August 12, 1949, require that:

(a) Identification cards be issued in duplicate to persons who are liable to become prisoners of war. In the event of capture as a prisoner of war, the prisoner is bound to identify himself by providing the capturing authority with his name, rank, service number, and date of birth. Identity cards shall be shown by the prisoner upon demand but shall in no case be taken from him. Prisoners of war should have identity documents in their possession at all times.

(b) Prisoners of war be treated with regard due their rank and age, and protected personnel are to be identified.

§ 809.52 Issue and use of ID cards.

DD Forms 489 and 528 are issued by direction of the appropriate authority and do not reuqire an application.

(a) *Armed Forces members.* (1) DD Form 2AF (Active) (Green) will be issued to all Air Force members on extended active duty. Members will keep this card in their possession at all times to fulfill the requirement referred to in § 809.51.

(2) DD Form 528 will be used in conjunction with DD Form 2AF (Active) (Green) to serve as the duplicate card. Upon capture and detention as a prisoner of war, the DD Form 528 may be surrendered to the capturing authority to provide identification of the bearer and for use in expeditiously compiling accurate prisoner of war data to be forwarded to the United States. DD Form 528 will be issued to all Air Force members departing the continental limits of the United States for assignments to duty elsewhere. The losing CBPO will initiate action to issue the card.

(b) *Civilian noncombatant personnel.* DD Form 489 will be issued in duplicate to civilian noncombatant personnel authorized to accompany U.S. military forces in regions of war and who are liable to capture and detention by the enemy as prisoners of war. This credential will be issued to such individuals departing the continental limits of the United States to serve elsewhere.

(c) *Military-civilian grade relationships.* In paragraph (d) of this section and § 809.54, military-civilian grade relationships are developed to conform with the pattern for advances of pay to prisoners of war established by Article 60 of the Geneva Conventions Relative to the Treatment of Prisoners of War, August 12, 1949, and to facilitate treatment of prisoners of war with due regard to grade. The development of these relationships is based largely on congressional action in establishing grades and salaries for military and civilian employees, and the categories will be used throughout the Department of Defense for prisoners of war identification purposes. It is not the intent of this part to require their use for any other purpose.

(d) *Categories.* Civilian noncombatants authorized by DOD component concerned to accompany the Armed Forces in regions of war will be placed in categories listed in § 809.54 as follows:

(1) Experts, consultants, and other special categories of personnel directly employed by the Federal Government will be assigned by the department concerned to an appropriate category based on a salary or grade comparison with civilian employees listed in § 809.54, columns d and e.

(2) Nonappropriated fund employees or service organization employees, such as United Service Organization (USO), Young Men's Christian Association, Salvation Army, etc., will be assigned by the department concerned to an appropriate category based on a salary or

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grade comparison with civilian employees listed in § 809.54, columns d and e.

(3) Advisors, observers, contractors, representatives, employees, and similar categories of non-Federal personnel will be assigned by the department concerned to an appropriate category, based on the individual's standing in his profession or line of work and the difficulty and responsibility of duties performed.

(4) Professional entertainers will be assigned to the appropriate category by the Department of the Army, acting for the Department of Defense. Categories will be determined upon the recommendation of the United Service Organizations, based on the professional standing of the individual in the entertainment field.

(5) Red Cross personnel will be placed in category III.

(6) Accredited news media representatives will be assigned to the assimilated grade in the joint regulations for "Correspondents Accompanying the Armed Forces of the United States."

§ 809.53 When to issue/reissue ID cards.

DD Forms 489 and 528 will be issued:

(a) To personnel assigned to or proceeding to an oversea area where issue of the Geneva Conventions ID card applies.

(b) To replace a lost or stolen card.

(c) To correct an error.

(d) To replace a mutilated card.

(e) Upon reclassification and placement in a different Geneva Conventions category.

§ 809.54 Military-civilian relationship for prisoner of war identification purposes.

A	B	C	D	E	F
Geneva Convention categories	Description	Military grades	Classification Act and similar categories of personnel	Wage Board employees of Departments of the Army and Air Force	Upgraded employees of Department of the Navy
V	General officers or prisoners of war of equivalent rank.	O-7 and O-8.	GS-16 through GS-18, Public Law 313.		
IV	Majors, lieutenant colonels, and colonels or prisoners of equivalent rank.	O-4 through O-6.	GS-12 through GS-15.	WL-14 and WL-15, WS-15 through WS-19.	Masters, foremen, chief quartermen, and equivalents.
III	Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank.	O-1 through O-3, W-1 through W-4.	GS-7 through GS-11.	WG-12 through WG-15, WL-10 through WL-13, WS-9 through WS-14 (optional).	Quartermen, leadingmen, planners and estimators, progressmen, and other ungraded staff and supervisory personnel above the journeymen level.
II	Sergeants and other noncommissioned officers or prisoners of equivalent rank.	E-4 through E-9.	GS-5 and GS-6.	WG-6 through WG-11, WL-4 through WL-9, WS-1 through WS-8.	Heads, journeymen, and employees in other occupations above the helper level.
I	Prisoners ranking below sergeants.	E-1 through E-3.	GS-1 through GS-4.	WG-1 through WG-5, WL-1 through WL-3.	Laborers, helpers, and equivalents.

Subpart G—Uniformed Services ID and Privilege (USIP) Card—DD Form 1173

§ 809.60 General information.

This subpart states responsibilities of commanders and CBPOs (or designated verifying activities) and explains how to apply for and obtain DD Form 1173.

§ 809.61 Issue by other services.

(a) The Uniformed Services have agreed to assist each other in issuing DD Form 1173. (This agreement does not include issuance of DD Forms 2.) Any applicant for DD Form 1173, including totally (100 percent) disabled veterans, will obtain verification of entitlement from his or her sponsor's parent service before actual issuance of the DD Form 1173.

(b) The parent service will complete section IV and the applicable items of section II, DD Form 1172, and return it to the applicant/sponsor for presentation to any service installation having the proper facility for issuing the card. Every effort will be made to assist individuals of other services in obtaining proper identification credentials by assisting in the preparation of the application and directing the applicant to the nearest parent service installation.

§ 809.62 Persons entitled to USIP card.

DD Form 1173 is issued to:

(a) Dependents 10 years of age or over of members of the Uniformed Services (on active duty, entitled to retired pay, or deceased) when such dependents are residing with a divorced spouse or in a household of which the sponsor is not the head. DD Form 1173 may be issued to dependents under 10 years of age when unusual circumstances require unquestionable proof of relationship and entitlement.

(c) Honorably discharged veterans of the Armed Forces who are totally (100 percent) disabled as a result of a service-connected disability as certified by the Veterans' Administration, their eligible dependents, and surviving dependents.

(d) Military personnel assigned as OSI special agents (§ 809.2).

(e) U.S. civilians employed by or affiliated with the Air Force (§ 809.7, item 11, for restrictions):

(1) U.S. citizen employees of the Air Force and their dependents residing together on a military installation in the continental United States.

(2) U.S. citizen employees of the Air Force and their dependents stationed outside the continental United States.

(3) Uniformed, full-time, paid personnel of American Red Cross assigned to duty within an activity of the Armed Forces and their dependents.

(4) Non-U.S. citizen employees under private or Government contract with the Air Force and their dependents.

(5) U.S. citizen employees of other U.S. Government agencies and their dependents.

NOTE: Personnel on TDY will not be issued DD Form 1173. Travel orders are sufficient to establish entitlement for privileges and benefits.

(f) Foreign military personnel subject to NATO (North Atlantic Treaty Organization)/SOFA (Status of Forces Agreement) and their dependents when serving in the United States under the sponsorship of the Air Force.

(g) Foreign military personnel other than NATO and their dependents when serving in the United States under the sponsorship of the Air Force.

(h) Foreign military personnel and dependents under U.S. sponsorship at an oversea Air Force installation outside their own country.

(i) Foreign civilian personnel and dependents serving in an official status at an Air Force installation under Air Force sponsorship.

(j) Active duty members who also meet the criteria of a dependent when DD Form 1173 is required for proof of eligibility for medical care under the CHAMPUS.

§ 809.63 When to surrender USIP card.

DD Form 1173 will be surrendered:

(a) When a new card is issued, except to replace loss or theft.

(b) Upon expiration date.

(c) When the cardholder becomes ineligible by reason of age, divorce, attainment of self-support, or other reasons.

(d) Upon death, retirement, discharge, or release to inactive duty of sponsor. (CBPO will be notified for active duty personnel and AFMPC/DPMDRM for all others.) Sponsors being processed for separation or release from active duty are required to complete DD Form 1407, Dependent Medical Care and DD Form 1173 Statement, indicating whether they have a dependent receiving medical care under the dependent's Medical Care Program.

(e) When the sponsor is officially placed in deserter status.

(f) Upon demand of the verifying activity, the issuing activity, the base commander, or other authoritative activity (§ 809.12).

(g) Immediately upon a change in status of sponsor that would terminate or modify the right to any benefit for which the card may be used. Survivors of deceased personnel will be directed to comply with these provisions.

§ 809.64 Where to file completed DD Forms 1172.

Line	A If card is—	B Then DD Form 1172 is—
1	Sponsored by active duty member	Filed in member's UPR Gp.
2	Sponsored by member being retired with pay (see note).	
3	Sponsored by member retired with pay other than general officer or retiree on TDRL.	Filed in master personnel records, NPRC/NCPMF-F, 9700 Page Boulevard, St. Louis, MO 63132.
4	Sponsored by general officer retired with pay or member on TDRL.	Filed in master personnel records, AFMPC/DPMDRR, Randolph Air Force Base, Tex. 78148.
5	Issued to surviving dependent	Same as 3 above.
6	Issued to civilian employed by or affiliated with the Air Force.	Returned to verifying activity for filing with locally maintained records of sponsor.
7	Issued to foreign military member	
8	Issued to member of another uniformed service	Returned to verifying activity.
9	Issued to totally (100 percent) disabled veteran	

NOTE: Verifying and issuing activities will coordinate the issue of DD Form 1173 and retrieval of invalidated DD Form 1173 at least 7 days before retirement date of member to assure inclusion/removal of pertinent DD Form 1172 from member's Unit Personnel Record Group before release of the record from CBPO custody.

§ 809.65 Expiration date to enter in item 3, DD Form 1173.

Line	A If cardholder is—	B Then enter date—
1	Spouse of member serving on specific tour of enlistment.	Of sponsor's expiration of enlistment, or extension, or 6 years from date of issuance, whichever is earliest.
2	Spouse of member serving on contracted or specified period of duty.	Sponsor's tour of duty will be completed.
3	Spouse of regular AF officer or Reserve officer serving indefinite tour.	6 years from date of card issuance.
4	Spouse of member placed on TDRL	5 years from date member went on TDRL.
5	Spouse of member entitled to retired pay	6 years from date of issuance or date preceding 65th birthday, whichever comes first. (Card issued or reissued after age 65 showing appropriate civilian medical care entry will expire 6 years from date of issuance.)
6	Dependent child under 21 years of age	6 years from date of issuance, or the day before child's 21st birthday, or service expiration date of sponsor, whichever is earliest.
7	Dependent child over 21, but day under 23 years of age, attending school (§ 809.6).	Before child's 23d birthday, service expiration date of sponsor, or disenrollment date, whichever is earliest.
8	Dependent child over 21 years of age who is incompetent.	Service expiration date of sponsor or 6 years from date of issuance, whichever is earlier.
9	Unremarried widow or widower of a deceased member.	4 years from date of issuance.
10	Parent/parent-in-law	4 years from date of issuance, unless eligibility is otherwise terminated, whichever is earlier.
11	Foreign military member, civilian employee, or dependent(s).	Expiration of sponsor's tour of duty, date dependent child will become ineligible because of age before sponsor's duty is terminated, or 4 years from date of issuance, whichever is earliest.
12	Military member assigned as OSI special agent.	6 years from date of issuance, unless earlier expiration date is appropriate.
13	Totally (100 percent) disabled veteran, his dependent(s), or surviving dependent(s) (§ 809.62(c)).	3 years from date of issuance, unless earlier expiration date is appropriate.
14	Red Cross or U.S. citizen AAFES employee.	2 years from date of issuance, unless earlier expiration date is appropriate.
15	All others	1 year from date of issuance, unless earlier expiration date is appropriate.

NOTES: 1. Card will not be issued to person when eligibility for or use of the card for 30 days or less is indicated or for use in conjunction with TDY.
2. No card will be issued having an expiration date beyond 6 years from date of issuance.
3. Never use "Indefinite" in item 3.
4. Do not establish an expiration date beyond 65th birth date for CHAMPUS recipients. Reissue cards concurrently with 65th birth date with item 15b containing an entry to show CHAMPUS entitlement ("Yes" and date or "No" as appropriate).

By order of the Secretary of the Air Force

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-10 Filed 1-5-73;8:45 am]

PART 809b—DEPENDENTS' EDUCATION

Miscellaneous Amendments

Part 809b, Subchapter A, Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 809b.0 is revised to read as follows:

§ 809b.0 Purpose.

(a) This part prescribes policies and procedures concerning military and contract transportation to and from schools, both on-base and off-base, for dependent schoolchildren of military and civilian personnel.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 809b.6 is amended by revising paragraphs (f) and (k) to read as follows:

§ 809b.6 Policy.

• • • • • •

(f) Do not furnish transportation at Air Force expense to any school 1 mile or less from the pupil's residence unless specifically authorized by the major command concerned. This limitation will be waived only under highly unusual conditions when adherence would clearly jeopardize the health and safety of the pupils. Any request to waive this limitation must include a complete description of the conditions believed to justify it.

• • • • • •

(k) Only one trip to and one trip from the school per day is authorized for any one child. When unusual circumstances warrant, a request for an exception to this restriction may be requested from the major command concerned. The request must clearly document the unusual circumstances that justify the exception.

• • • • • •

3. Section 809b.8 is amended by revising paragraphs (a) (2) and (b) (3) (iii) to read as follows:

§ 809b.8 Transportation of children who reside on a military installation.

(a) *To public schools.* • • •

(2) Prior approval of the major command concerned is required before transportation will be provided at Air Force expense to public schools other than the local public schools. Requests for approval will include all required determinations, supporting documentary data, and rationale. This approval is required for each school year and will be requested only when the base commander determines that:

• • • • • •

(b) *To private schools.* • • •

(3) • • •

(iii) Attendance at private schools is necessary because available public

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schools in the locality are unable to provide adequately for the childrens' education. Prior approval of the major command concerned is required for each school year in which authorization is contingent upon a determination under this paragraph.

• • • • •

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-68 Filed 1-5-73;8:45 am]

SUBCHAPTER B—SALES AND SERVICES

PART 811—SALE OR RELEASE OF DOCUMENTARY STILL PHOTOGRAPHS

Part 811, Subchapter B of Chapter VII of Title 32 of the Code of Federal Regulations is retitled as set forth above and revised to read as follows:

Sec.
811.1 Purpose.
811.2 Exclusions.
811.3 Policy on personal retention of photography.
811.4 Policy on sale of photography.
811.5 Authorized sellers.
811.6 Authorized purchasers.
811.7 Procedure for selling photographs.
811.8 Policy on releasing photographs.
811.9 Procedures for releasing photographs.
811.10 Procedure for collecting and controlling fees.
811.11 Schedule of fees and rates.

AUTHORITY: The provisions of this part 811 issued under 10 U.S.C. 8012, 31 U.S.C. 483a.

§ 811.1 Purpose.

This part controls the sale or release of Air Force documentary still photographs. It explains when photographic material may be sold or released without charge, and includes a schedule of fees. It also explains the collection and control of fees. It should be used with Part 806 of Subchapter A of this chapter and Part 813 of this subchapter. Additionally, Part 806 of this chapter tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 811.2 Exclusions.

This part does not apply to: (a) The sale of aerial photography. All requests for aerial photography are referred to the Assistant Secretary of Defense (Public Affairs), Washington, D.C. 20301.

(b) Photographs obtained by or made at the request of the Office of Special Investigations for use in connection with an investigation or a counterintelligence report. The release of such photographs is governed by Part 806 of Subchapter A of this chapter and AFR 124-4.

(c) Photographs obtained or made by the request of the aircraft and missile accident/incident investigative board in accordance with their investigation of Air Force aircraft and missile accident/incident investigated under authority of AFR 172-4. The release of such photographs is governed by Part 806 of Subchapter A of this chapter nad AFR 127-4.

§ 811.3 Policy on personal retention of photography.

Part 811a of this subchapter explains the policy on personal retention or other personal use of official Air Force photography.

§ 811.4 Policy on sale of photography.

(a) Air Force disclosure and denial procedures regarding requests for photographs are contained in Part 806 of Subchapter A of this chapter.

(b) Reproduction (prints and duplicate negatives) made from existing black and white negatives, duplicate color negatives and transparencies from existing counterpart color material, and color prints from existing color negatives may be sold within the restrictions listed in the following subparagraphs. The commander of the selling activity will insure that the purchaser understands the pertinent restrictions before photographs are sold to him. (See § 811.8 for policy on releasing photography.)

(1) Although photographs may be sold, it is Department of Defense policy not to compete with available commercial services. Therefore, photographs and related services that are also available from commercial sources should not be sold.

(2) Photography or photographic services that satisfy the other provisions of this part may be provided to State and local units of government under title III of the Intergovernmental Cooperation Act of 1968. The requester must certify that such services cannot be procured reasonably and expeditiously through ordinary business channels. Reimbursement will be in accordance with fees listed in § 811.11.

(3) Photographs of non-Air Force subjects or activities made by Air Force photographers may not be sold or released unless clearances or talent releases authorizing their use outside the Air Force are on file at the Depository.

(4) Photographs will not be sold for any use that implies Air Force endorsement of a service or product, unless the buyer has obtained written approval from the Secretary of the Air Force, Office of Information (SAF/OIPL).

(5) The reproduction of prints for sale must not interfere with official Air Force requirements, nor may such work be used to justify increased personnel and equipment.

(6) Each print sold will bear the official Air Force credit line as follows:

U.S. AIR FORCE PHOTO
Released by (Unit), ( ) Air Force Base

(7) The sale of prints does not include the waiver of proprietary or privacy rights, unless these rights and the right of transfer belong to the Air Force.

(8) No person or persons may claim exclusive rights to official Air Force photographs.

(c) Photographs required to conduct official Department of Defense business will be furnished without charge. To the extent that workload and funds permit, prints requested by the sources listed in Part 813 of this subchapter will be furnished without charge.

§ 811.5 Authorized sellers.

Any Air Force audio-visual activity with custody of still documentary negatives and transparencies may sell copies as provided in this part.

§ 811.6 Authorized purchasers.

Unclassified Air Force photographs and photographs not precluded from public dissemination by AFR 12-31 (For Official Use Only) may be purchased by:

(a) Members and agencies of the Federal Government, States, counties, and territorial governments.

(b) The public—that is, any person or group of persons not including those of foreign affiliation as noted in § 811.9(b).

§ 811.7 Procedure for selling photographs.

The Air Force activity receiving a purchase request will:

(a) Determine whether: (1) The photographs requested are unclassified and releasable (if required). (See § 811.8 for policy on release of photography.)

(2) The request requires the approval of another Air Force agency.

(3) The prints can be produced from negatives or other material on hand.

(b) If negatives are not on hand but are known to be in the U.S. Air Force Central Still Photographic Depository or elsewhere, the purchaser will be referred to the holding activity.

(c) A purchase request submitted in writing should include:

(1) The name of the requester (individual or organization).

(2) The title and number of the negative from which the print is to be made, or a complete description of the picture's content.

(3) The intended use of the photographic material—for example, personal, publication, advertising, etc.

(4) The exact number and size of prints requested.

§ 811.8 Policy on releasing photographs.

Photographic material may be released by the appropriate office of information or as stated in § 811.9. Classified photography will be downgraded as provided by Part 850 of Subchapter E of this chapter, and the appropriate classification guide. Photography requiring security clearance before release will be submitted to the appropriate office of information for security review.

§ 811.9 Procedure for releasing photographs.

(a) The appropriate office of information will determine in accordance with AFR 190-12 releasability of photographs requested by:

(1) Print or electronic media.
(2) Motion picture companies.
(3) Commercial industries.
(4) Nonprofit organizations.

(5) Persons connected, in any way, with the above organizations.

(6) The general public.

(b) The Foreign Liaison Division (HQ USAF/CVAFI) is the releasing authority for photography requested by foreign governments, foreign industry, or foreign nationals.

(c) The organizations possessing requested photographic material will release it directly to Federal, State, territorial, county, or municipal agencies.

(d) The appropriate casualty assistance office is the releasing authority for copies of official portraits requested by members of the armed forces in a casualty status, their next-of-kin, or authorized representative.

(e) The Secretary of the Air Force, Office of Legislative Liaison, is the releasing authority for photographs requested by members of Congress, their offices, or their representatives.

§ 811.10 Procedure for collecting and controlling fees.

(a) The Air Force activity that makes the sale (see § 811.5) will collect payment in advance.

(b) Purchasers will pay by cash, U.S. postal money order, certified check, cashier's check, bank draft, or personal or commercial check (subject to collection). Negotiable instruments will be drawn payable to the Treasurer of the United States.

(c) The officer in charge of the collecting activity will safeguard all fees received until they are deposited. The collecting activity will not hold fees overnight, unless adequate safekeeping facilities are available for storing them. The collecting officer will deposit fees daily with the servicing accounting and finance officer (AFO) or accounting and disbursing agent. The collections will be processed in accordance with accounting and finance directives.

§ 811.11 Schedule of fees and rates.

Fees are established by the Department of Defense.

(a) *Photography.* Still pictorial or documentary photographic prints, and not more than three prints from any individual negative, may be sold on each order. Unlisted standard sizes of prints may be furnished, if available, at proportionate rates.

(1) *Black and white photography:*

8- by 10-inches single weight glossy finish, first print	$1.25
Second and third prints, each	1.00
8- by 10-inch double weight matte finish, first print	1.75
Second and third prints, each	1.50
11- by 14-inch double weight matte finish, each	3.50
16- by 20-inch double weight matte finish, each	4.75
20- by 24-inch double weight matte finish, each	6.50

(2) *Color photography:*

35 mm. color transparencies (cardboard mount), each	3.50
4- by 5-inch color transparencies or color negatives, each	6.75
8- by 10-inch color transparencies or color negatives, each (in quantities not exceeding three copies of any one view)	$14.00
8- by 10-inch color print, first print	4.50
Second and third prints, each	2.00
11- by 14-inch color print, first print	8.00
Second and third prints, each	5.00
16- by 20-inch color print, each	17.50
16- by 20-inch color print on 20- by 24-inch board, each	19.25

(b) *Services:*

(1) Clerical search and processing, per hour	5.00
Minimum charge	3.00
(2) Professional searching or researching—(to be established at actual hourly rate prior to search. A minimum charge will be established at one-half hourly rate.)	

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-69 Filed 1-5-73;8:45 am]

PART 811a—AUDIO-VISUAL DOCUMENTATION PROGRAM

Subchapter B of Chapter VII of Title 32 of the Code of Federal Regulations is revised by adding a new Part 811a.

Sec.
811a.1 Purpose.
811a.2 Sources of material for the program.
811a.3 Program objectives.
811a.4 Uses of documentation.
811a.5 Personal photography—U.S. Air Force photographer on official assignment.

AUTHORITY: The provisions of this Part 811a issued under 10 U.S.C. 8012.

§ 811a.1 Purpose.

(a) This part explains the audio-visual documentation program, its objectives and how the program is used.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 811a.2 Sources of material for the program.

The sources of material for this program are audio-visual documentation; combat documentation; base support photography; and the visual records produced by armament recordings, optical instrumentation, mapping and charting, and reconnaissance systems.

§ 811a.3 Program objectives.

The objectives of the audio-visual documentation program are to record the growth, progress, and employment of the Air Force through the use of the motion picture, still photographic and television media; to collect, house, evaluate, preserve, and serve these documentary media records; and to use this documentation to enhance Air Force presentations.

§ 811a.4 Uses of documentation.

Documentation is used for many purposes at all levels in the Air Force. These are divided into "immediate" and "future" uses.

(a) *Immediate use.* Documentation is relied upon heavily in analyzing and evaluating concepts and results of deployments, operations, tests, and exercises and to complete motion picture films and television presentations that support Air Force objectives. Television, motion picture, and still photographic products are extensively used by all Government offices to enhance the presentation of subject matter. Audio-visual documentation provides content for slides, silent and sound motion picture clips, video clips, and multimedia products used for training, management, informational, and briefing purposes.

(b) *Future use.* The audio-visual materials, selected from the total Air Force documentation effort, that have long term or permanent value, are retained in the U.S. Air Force Central Depositories and the National Archives. These historical records of Air Force operations and accomplishments are the source of content material for future presentations such as motion pictures and television productions, and publications such as books and magazines.

§ 811a.5 Personal photography—U.S. Air Force photographer on official assignment.

(a) Air Force photographers on official assignment are not permitted to engage in photography for personal sale, retention, or for any other purposes not directly related to official U.S. Air Force activities.

(b) Sometimes Air Force photographers, by choice or agreement, use personally-owned equipment or supplies—e.g., cameras or film—during an official assignment. In such cases, they should understand that ALL photographic material exposed while on that assignment will be the property of the Department of the Air Force. Photographs, motion pictures, negatives, transparencies, or other products of photography are subject to the same safeguards and release requirements as any material intended for release to the press, public, or to individuals. (For policies governing release of material outside the Department of Defense, refer to Part 806 of Subchapter A of this chapter, Part 810 of this subchapter, AFRs 190-12, and 190-22, and Part 835 of Subchapter C of this chapter.)

(c) Air Force photographic material will not be withheld for personal purposes, reproduced in whole or in part for other than official purposes, or disposed of in any manner whatsoever. The written consent of an official authorized by law, regulation, orders, or other competent authority, is required to permit such withholding, reproduction, or disposition of photographic material.

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By order of the secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc. 73-70 Filed 1-5-73;8:45 am]

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 872—AIR FORCE JUNIOR RESERVE OFFICERS' TRAINING CORPS

Miscellaneous Amendments

Part 872, Subchapter H of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 872.1 is revised to read as follows:

§ 872.1 Purpose.

(a) This part prescribes policies and procedures for the organization, administration, and operation of the Air Force Junior Reserve Officers' Training Corps (AFJROTC).

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

1a. Section 872.2 is amended by revising paragraphs (e), (j), and (k), and adding a new paragraph (m) to read as follows:

§ 872.2 Definitions.

• • • • • •

(e) *Aerospace Education Instructor (AEI).* The senior retired Air Force officer employed by the secondary school to manage and conduct the AFJROTC program at the school.

• • • • • •

(j) *Aerospace Education (AE).* The official designation of the AFJROTC curriculum—an integral academic course of study prescribed by the Air Force and conducted by the secondary school.

(k) *Academic Year (AY).* The annual period of academic instruction at any given school.

• • • • • •

(m) *Officer.* Either a commissioned officer or a warrant officer.

2. Section 872.3 is revised to read as follows:

§ 872.3 Policy on AFJROTC.

The Department of the Air Force will conduct an AFJROTC program that will provide meaningful military training of benefit to the student and to the Air Force. The program is officially sponsored and funded.

3. Section 872.5 is revised to read as follows:

§ 872.5 AFJROTC objectives.

AFJROTC students should develop:

(a) An appreciation of the basic elements and requirements for national security.

(b) Respect for and an understanding of the need for constituted authority in a democratic society.

(c) Patriotism and an understanding of their personal obligation to contribute toward national security.

(d) Habits of orderliness and precision.

(e) A high degree of personal honor, self-reliance, and leadership.

(f) Knowledge of fundamental aerospace doctrine.

(g) Basic military skills.

(h) A knowledge of and appreciation for the traditions of the Air Force.

(i) An interest in the Air Force as a career.

4. Section 872.7 is revised to read as follows:

§ 872.7 AFJROTC organization.

The Secretary of the Air Force will determine the plans and policies to implement and conduct an AFJROTC program.

(a) AFJROTC units. Units of the AFJROTC are classified, as indicated below, according to the type of school where such units are established:

(1) *Military Institutes or Military Schools.* Schools at the secondary level that:

(i) Require a 4-year course of aerospace education.

(ii) Organize their students as a Corps of Cadets under constantly maintained discipline.

(iii) Require all members of the corps to be in uniform for most school activities.

(iv) Have as their objective the development of students' character by means of military training and the regulation of their conduct according to the principles of military discipline, and, in general, to meet military standards similar to those maintained at the service academies.

(2) *High schools—public or private secondary schools not operated on essentially military basis.* A 3-year course of aerospace education is conducted at these schools, and enrollment in the AFJROTC program is elective.

(b) The AFJROTC is organized as a subordinate activity of Air University with a central cadre manned by active duty personnel. AFJROTC units are manned by retired Air Force personnel hired by the host schools. Retired personnel so employed are in no way considered a part of the Air Force manpower ceiling established by the Office of the Secretary of Defense.

5. Section 872.8 is amended by revising the introductory text and paragraphs (a) and (b) to read as follows:

§ 872.8 Requirements for establishment.

A unit is established or involuntarily disestablished only by direction of the Secretary of the Air Force. A school that desires to establish an AFJROTC unit must be fully accredited by the appropriate State or regional accreditation agency and must make proper application for establishment of a unit to Air University. The school must enter into a contractual agreement with the Commander, Air University:

(a) To provide a program of instruction prescribed by the Air Force of either a 4-year course of required aerospace education at military schools or a 3-year elective course at high schools. (The unit is considered established when this program of instruction is fully implemented.)

(b) To maintain at established units an ROTC membership of not less than 100 physically fit male students who are at least 14 years of age and citizens of the United States.

• • • • • •

6. Section 872.9 is revised to read as follows:

§ 872.9 Procedures for establishment.

(a) Officials of a secondary school may apply for an AFJROTC unit by writing to the Commander, Air University, Maxwell Air Force Base, Ala. 36112. An application and agreement form will be sent to the requesting school. If the completed application indicates that the institution satisfies the selection criteria, the school will be visited by Air University personnel before a contract is executed.

(b) Reports of visits and recommendations by Air University will be sent to HQ USAF/DPPEA, Washington, D.C. 20330, not later than January 15th of each year for permission to establish units. If a request is made by a school system, Air University will include recommendations stating the advantages and disadvantages of organizing the AFJROTC program as a multiple unit. Upon approval by HQ USAF, Air University will notify the schools selected for establishment and any applicants not selected.

7. Section 872.10 is amended by revising paragraph (b) to read as follows:

§ 872.10 Conditions for retaining units.

• • • • • •

(b) During the probationary year, AFROTC will visit each unit on probation.

(1) If probation conditions are not corrected by the end of the probationary year, the Commandant, AFROTC, will either recommend disestablishment of the unit or, if a minimum of 50-student members are enrolled, he may request a 1-year extension of the probationary period. Justification for extension must include a program of positive actions to correct the probation conditions. The Commander, Air University, will approve or disapprove extended probation.

(2) If probation conditions are not corrected by the end of the additional probationary year, the Commandant, AFROTC, will recommend disestablishment of the unit or, if a minimum of 50-student members are enrolled, he may request a 3-year extension of the probationary period. This 3-year extension is contingent on a complete change of retired military personnel in the AFJROTC unit (if circumstances so warrant) before the start of the academic year in which the 3-year extension is effective. The Commander, Air University, will approve or disapprove continued extension of probation. The unit will be disestablished at the conclusion of the 3-year period if probation conditions are not corrected by that time.

(3) Copies of all correspondence concerning probation and disestablishment will be sent to HQ USAF/DPPEA, Washington, D.C. 20330. HQ USAF/DPPEA will be notified in writing 45 days before dispatch of disestablishment letters to schools hosting AFJROTC units, unless disestablishment is requested by officials of the host school.

8. Section 872.11 is revised to read as follows:

§ 872.11 Disestablishment of units.

(a) *Notification.* If the authorities of a school desire to disestablish the AFROTC unit, they will notify the Commander, Air University, in writing. Withdrawal of a unit for reasons other than request of the school officials will be made only for cases such as:

(1) Failure to maintain requirements for a unit.

(2) Failure of a school to remedy the deficiency that resulted in the unit's being placed on probation.

(3) When disestablishment serves the best interest of the Air Force.

(b) *Method of disestablishment.* Upon notification of disestablishment, the unit will be phased out and the equipment removed in an orderly manner. No new enrollments will be accepted and the total phaseout will be accomplished within a maximum of 2 years (3 years at military institutes or military schools) after completion of the probationary year.

9. Section 872.12 is amended by changing the title to read "Eligibility requirements" and revising paragraph (e) to read as follows:

§ 872.12 Eligibility requirements.

• • • • • •

(e) Be physically fit to participate in AFJROTC training. A student is considered physically fit if he is qualified for the physical education program of the school.

• • • • • •

10. Section 872.14 is amended by revising paragraphs (b) and (c) to read as follows:

§ 872.14 Admission of special students.

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(b) Special students will not be issued uniforms and will not be reported on institutional records as AFJROTC members.

(c) If the applicant is a citizen of a foreign country recognized by the United States, the national interest of which is compatible with the United States, he must obtain a letter from a representative of his government stating that there is no objection to the student's receiving AFJROTC instruction. The AEI will retain the original of the letter in the student's personnel records and send a copy of the letter to AFJROTC. If the AEI is in doubt about relations between the United States and another country, he will send a request for review through channels for decision.

11. Section 872.16 is revised to read as follows:

§ 872.16 Curriculum requirements.

The program of instruction for AFJ ROTC will be of not less than 3 academic years' duration. The curriculum will include a minimum of 96 hours a year of aerospace education, including leadership laboratory. A 4-year course of required aerospace education will be conducted at all military schools. Summer school sessions are authorized if credit received for summer school AFJ ROTC instruction equals not more than two semesters of credit based on the formula: 96 hours of instruction=2 semesters; 48 hours of instruction=1 semester.

12. Section 872.17 is revised to read as follows:

§ 872.17 Requirements for instructors.

(a) *Authorization.* Retired Air Force officer and noncommissioned officer instructors whose qualifications and subsequent performance of duty meet the standards prescribed by the Commander, Air University, will be authorized as follows:

(1) Single and multiple units in high schools and military schools are authorized one retired officer instructor per 500 AFJROTC members (or major fraction thereof), and one retired enlisted instructor per 100 AFJROTC members (or major fraction thereof). As an exception, each school qualifying for an AFJROTC unit is authorized at least one officer. Within these authorizations, an officer instructor may be substituted for an enlisted instructor, or vice versa.

(2) The number of instructor personnel authorized for each unit is determined annually by Air University, based on the average number of member students.

(i) Supervisory personnel for multiple units are obtained by organizing the multiple unit in such a way that the limitations above are not exceeded.

(ii) Multiple unit organization and management will be established where possible to minimize the number of instructors required, thus reducing the cost of operation to the schools and to the Air Force.

(b) *Application.* Personnel interested in AFJROTC instructor positions should request information and an application from AFROTC/JRI, Maxwell Air Force Base, Ala. 36112. Upon receipt of a completed application and associated documents, applicants will be considered for nomination to the instructor position of their choice. AFROTC will nominate the best qualified of those applicants interested in a vacancy. When possible, several applicants are nominated to schools for each instructor vacancy. The nominated applicants then contact the schools to negotiate for the position. The host school is the hiring authority. The school will send to AFROTC, for approval, the names of instructor personnel.

(c) *Uniform.* Retired personnel will wear the Air Force uniform as prescribed by AFM 35-10 while conducting the AFJROTC program and at such other times as considered appropriate.

(d) *Orientation.* The Air University may conduct orientation programs and workshops for instructors and school officials.

13. Section 872.18 is revised to read as follows:

§ 872.18 Employment status.

AFJROTC instructors are employees of the school. The senior instructor is responsible to the school principal or headmaster for the conduct of the AFJROTC program. The assistant instructors are responsible to the senior instructor. All instructors must meet Air Force and school requirements, maintain standards acceptable to the Department of the Air Force and be accountable to the Air Force for the success or failure of their units.

14. Section 872.19 is revised to read as follows:

§ 872.19 Instructor duties.

(a) Retired Air Force personnel employed under this part are primarily responsible for conducting the AFJROTC program. Normally, a department (or comparable office) of aerospace education or AFJROTC will be established in the school. The senior instructor will be the head of that department (or comparable office). As such, he may serve on committees and perform other duties normally performed by other department or comparable office heads. Assistant AEIs may serve on committees or perform other extra curricular duties normally performed by other faculty members. The performance of any duties desired by the institution in addition to those connected with instruction, operation, and administration of the AFJROTC program must be contracted separately between the school and the individual AFJROTC instructor at no cost to the Air Force.

(b) If an individual employed as an AFJROTC instructor enters into a contract with the institution to provide services that are not part of the AFJROTC instruction, these services must be performed outside the scope and hours prescribed for the AFJROTC duties. The institution is responsible for advising the Air University of any change of employment status of AFJROTC instructors employed at that institution.

15. Section 872.20 is revised to read as follows:

§ 872.20 AF Form 1256, "Certification of Training."

(a) A Certificate of Completion of AFJROTC will be presented to each student who successfully completes all of a prescribed AFJROTC program.

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(b) A Certificate of Training (AF Form 1256) will be presented to each student who successfully completes 2 years of the AFJROTC program.

16. Section 872.21 is amended by revising paragraph (a) to read as follows:

§ 872.21 Credit for training.

(a) A Professor of Aerospace Studies (PAS) may waive either year of the General Military Course (GMC) of Senior AFJROTC for a student who possesses a Certificate of Completion of junior ROTC. A PAS may waive the entire GMC or any portion of it for a student who has completed 4 years of junior ROTC at a military school. A PAS may waive one academic term of the GMC for a student who possesses a Certificate of Training from junior ROTC.

. . . . .

17. Section 872.25 is revised to read as follows:

§ 872.25 Shipping and other costs.

Charges for shipment of Government property to and from the institution, including packaging and handling, will be paid by the Air Force, except for surplus Government property acquired in accordance with § 872.26. All costs incident to maintenance and local storage and safeguarding of the property will be paid by the institution.

18. Section 872.26 is revised to read as follows:

§ 872.26 Acquisition of surplus Government property.

(a) *DOD property.* HQ USAF/DPPEA prepares nominations to the Secretary of Defense to designate AFJROTC units as educational activities of special interest to the Armed Forces. Upon approval by the Secretary of Defense, such designation permits officials of AFJROTC host schools to complete donation agreements allowing their AFJROTC units to obtain certain categories of surplus DOD property for training purposes.

(1) The Defense Supply Agency (DSA) automatically sends donation agreements to approved host schools for signature. (A new AFJROTC unit should expect a delay of several months from the time of activation until a blank donation agreement is received.) Upon receipt of the signed agreement, DSA notifies surplus property disposal agents of DOD and other Government agencies that the AFJROTC unit is eligible to receive surplus property.

(2) For each transaction involving acquisition of surplus DOD property, the AFJROTC host school will be required to submit SF 123, "Application for Donation of Surplus Personal Property."

(3) Air University will annually inspect the property administration of AFJROTC host schools participating in the DOD surplus property programs to ensure the compliance with the donation agreement. The inspection will be performed by personnel responsible for conducting normal visits to AFJROTC units. Additional manning will not be authorized for this purpose. The inspection will specifically include a review of the categories and quantities of property received through donation to assure that only the type and quantity of property actually needed is acquired. Excess or unauthorized property will be reported to appropriate agencies in accordance with the donation agreement. The names of schools violating the donation agreement will be sent to HQ USAF/DPPEA, Washington, DC 20330, with Air University's recommendation for action.

(b) *Other property.* Schools desiring to acquire other surplus Government property must process requests on SF 123. Submit requests through the State surplus property agencies according to Department of Health, Education, and Welfare (DHEW) procedures. Property obtained through DHEW becomes institutional property and does not require the accountability records prescribed for DOD property.

19. A new § 872.27 is added to read as follows:

§ 872.27 Visits to Air Force installations.

Groups of AFJROTC cadets under control of an AEI or assistant AEI are authorized to participate in visits to Air Force installations to enhance or supplement the institutional training program. Such visits serve as motivational activities for cadets and provide educational experiences in addition to the theoretical knowledge supplied in the academic curriculum. AEIs are authorized to coordinate visits directly with local installation commanders. Air Force support and services may include, but are not limited to:

(a) Available housing, bedding, and messing facilities. Cadets will be charged for rations consumed. Commanders of Air Force activities will be prepared to furnish any reasonable assistance to AFJROTC students.

(b) Hospitalization and medical care in emergencies occurring while cadets are participating in AFJROTC sponsored visits to Air Force installations. Hospitalization beyond the period of emergency or medical care at other than Air Force medical facilities is not authorized at Air Force expense.

(c) Local orientation flights in Air Force aircraft and transportation by military motor vehicles, when available, under applicable provisions of AFM 77-1 and Department of Defense regulations.

20. A new § 872.28 is added to read as follows:

§ 872.28 Project officers.

Base commanders at Air Force installations near AFJROTC units are encouraged to appoint an AFJROTC Project Officer, on an additional duty basis, to coordinate support of the AFJROTC program.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-73 Filed 1-5-73;8:45 am]

SUBCHAPTER I—MILITARY PERSONNEL

PART 889—DESERTION AND UNAUTHORIZED ABSENTEEISM

Part 889, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is retitled and revised to read as follows:

Sec.
889.1 Purpose.
889.2 Criteria for administrative classification of deserters.
889.3 Authority to apprehend.
889.4 Rewards and reimbursements.
889.5 Cooperation of Armed Forces and civil law enforcement agencies.
889.6 Deserter information system.
889.7 Amplification of actions required.
889.8 Transfer from civilian to military jurisdiction.
889.9 Disposition when unauthorized absence has been terminated.

AUTHORITY: The provisions of this Part 889 issued under 10 U.S.C. 8012.

§ 889.1 Purpose.

(a) This part establishes uniform policies and standard procedures for the management of desertion and unauthorized absenteeism, to: (1) Minimize the occurrence of desertion and unauthorized absenteeism, (2) foster the development of effective deterrent programs, (3) enhance apprehension efforts, and (4) provide for accurate and timely reporting of cases of desertion and unauthorized absenteeism. This part applies to all military personnel serving on or ordered to report to active duty in the U.S. Air Force and members of the Reserve components serving on active duty or active duty for training.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 889.2 Criteria for administrative classification of deserters.

For administrative purposes, an absentee will be classified as a deserter and a DD Form 553, "Absentee Wanted by the Armed Forces," will be prepared when any of the following conditions exist:

(a) A member of the Air Force is absent without authority regardless of the length of absence, and the facts and circumstances include:

(1) Duty/travel restrictions have been imposed under the provisions of AFR 30-24; or

(2) Access within the past 12 months to top secret information or to secret or confidential information for which special access authority and procedures have been established.

(b) A member has been absent without leave for 30 consecutive days. (For administrative purposes date of departure is first day of a.w.o.l. and a.w.o.l. status continues through 2400 hours on 30th day of continued absence. Desertion starts at 0001 hour on the 31st day of continued absence.)

(c) A member has been absent without authority without regard to length of absence and has gone to or remains in any foreign country and while in such foreign country has requested or applied for, or accepted any type of asylum or residence permit from such country or any governmental agency thereof.

NOTE: When an unauthorized absence occurs and the member falls within the criteria of paragraphs (a) and (c) of this section, immediate action must be taken by the commander to notify the appropriate unit/agency.

(d) A member who absents himself without leave or escapes from custody before appropriate action is taken as a result of previous unauthorized absence.

(e) A member who is a prisoner and escapes.

(f) A member who as a result of preliminary inquiry has been charged in accordance with the Uniform Code of Military Justice (UCMJ) for a serious offense in addition to being absent without leave (a.w.o.l.).

§ 889.3 Authority to apprehend.

Apprehension of absentees and deserters may be accomplished by such personnel as specified in the following paragraphs.

(a) *Members of Armed Forces.* Absentees and deserters may be apprehended by members of the Armed Forces under the circumstances prescribed by Article 7(b) of the Uniform Code of Military Justice and paragraph 19 of Manual for Courts-Martial, 1969 (Revised Edition).

(b) *Civil officers.* Any civil officer having authority to apprehend offenders under the laws of the United States or of a State, Territory, Commonwealth, or Possession, or the District of Columbia may summarily apprehend a deserter and deliver him into the custody of the Air Force.

(c) *United States authorities.* United States authorities may apprehend absentees and deserters in foreign countries only when authorized by an international agreement with the country concerned or by agreement with appropriate local authorities when such an agreement is within the purview of an existing international agreement. In these cases, careful consideration must be given to possible international implications and adverse foreign reaction. Where apprehension cannot be accomplished under these circumstances, or in any case where doubt exists, as to apprehension authority, a report of the facts will be made to AFMPC/DPMAKE, with an information copy to the major command, for submission through channels to the Assistant Secretary of Defense (M&RA) for resolution.

§ 889.4 Rewards and reimbursements.

(a) Any authorized communication, oral or written, from a military or Federal law enforcement official or agency, requesting active cooperation in the apprehension or delivery to military control of an absentee or deserter wanted by the Air Force, will constitute the basis for a reward. Subsequent to such communication, persons or agencies apprehending, detaining, or delivering absentees, deserters, or escaped military prisoners to military control will be rewarded or reimbursed (but not both) as follows:

(1) Payment of a reward of $15 for the apprehension and detention of absentees, deserters, or escaped military prisoners until the military authorities take them under control.

(2) Payment of a reward of $25 for the apprehension and delivery to military control of absentees, deserters, or escaped military prisoners.

(3) Under circumstances where persons or agencies who apprehend/return absentees and deserters to military control may not be paid a reward; reimbursement for reasonable and actual expenses may be made not to exceed $25 for any one case.

(b) Payments authorized by paragraph (a) of this section and cost of travel of guards assigned to the absentees or deserters will be charged to the military personnel appropriation of the Air Force. These costs will not be reimbursed by the absentee or deserter. Costs associated with an absentee's or deserter's own transportation for return to military control will be charged to the pay accounts of the individual member as prescribed in the Joint Travel Regulation, volume I, chapter 5.

§ 889.5 Cooperation of Armed Forces and civil law enforcement agencies.

(a) Notices about members wanted for unauthorized absence or desertion from a command located in the jurisdiction of the United States will be given expeditious selective circulation among Armed Forces and civil law enforcement agencies deemed most useful in apprehending a particular absentee. Notification to the Federal Bureau of Investigation and the Selective Service System or any branch thereof, and Department of State (in the case of noncitizen deserters) will be made only by AFMPC/DPMAKE. The standard format of this notice will be the Department of Defense (DD) Form 553.

(b) Major commands located outside the jurisdiction of the United States will take initial actions such as the local situation may warrant, within the primacy of international agreements, to secure cooperation in apprehension of members absent without leave.

(c) In the absence of other specific prearrangements among Military Service Commands, when one of the military services makes a pickup of absentees or deserters from civil authorities anywhere in the continental United States, all such individuals—regardless of the military service to which they belong—will be picked up when practicable, at the same time and delivered to the nearest military installation having facilities to process absentees or deserters. When such pickup is not accomplished, the apprehending authorities will notify the military service(s) of the individuals remaining in civilian custody preferably prior to these authorities' departure from the civilian confinement facility.

(d) Apprehension of absentees who seek sanctuary in a church or other public building.

(1) When AFMPC/DPMAKE has furnished the Federal Bureau of Investigation (FBI) with a request to locate a deserter (DD Form 553), for return to military control, the FBI will assume responsibility and apprehend a deserter.

(2) When a number of airmen are involved, some of whom are absent without leave and some in a deserter status, responsibility will remain with the U.S. Air Force since it has the authority to apprehend both categories of personnel.

(3) In all other situations, the U.S. Air Force will assume responsibility for apprehending its absentees.

(4) Maximum cooperation will be solicited from local civil authorities in the apprehension of absentees not falling under FBI jurisdiction. If civil authorities decline to apprehend a U.S. Air Force absentee seeking sanctuary in a church or public building, all facts will be reported to HQ USAF/IGS, via OPREP 3 Report, in accordance with Joint Chiefs of Staff (JCS) PUB 6, volume V, before military apprehension is attempted.

NOTE: This does not preclude the U.S. Air Force from continuing to exercise its responsibility in "nonsanctuary" situations. For example, it does not preclude Air Force personnel from entering a building to apprehend an absentee in a "hot pursuit" situation or in other instances in which an absentee happens to be in a church or public building but is making no claim of sanctuary.

§ 889.6 Deserter information system.

(a) AFMPC/DPMAKE is the central focal point to provide for the control, accounting, and dissemination of information concerning Air Force members administratively classified as deserters and as warranted for those absent without leave for less than 30 days.

(b) To provide the means for making timely and complete deserter information available to civil law enforcement agencies, the Air Force has access to a terminal for direct entry to the FBI National Crime Information Center (NCIC) computer. Every deserter must be listed with the NCIC no later than 7 days after being administratively declared a deserter. Minimizing this time interval and increasing the reliability and utilization of this information source will be a primary consideration.

(c) The primary source of information to the NCIC will be from the DD Form 553, and DD Form 616, "Report of Return of Absentee Wanted by the Armed Forces." Upon initial receipt of deserter information, AFMPC/DPMAKE will make, as soon as possible, the requisite entries to the NCIC. Subsequently, AFMPC/DPMAKE will make

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the necessary adjustments to update and purify NCIC records of deserter information. On the 60th day of continuous absence, AFMPC/DPMAKE will forward a copy of DD Form 553 to the FBI. (Distribution to the FBI will not be made by any other Air Force agency.)

§ 889.7 Amplification of actions required.

The actions which require possible further amplification are explained in the paragraphs below.

(a) *Notification of next of kin or payees of allotments.* (1) A letter, signed by the unit commander or the squadron section commander, must be forwarded without delay at the time required to the absentee's next of kin (including those who are aliens residing in a foreign country) under the following circumstances, whichever occurs first:

(i) When substantial information exists which shows that the member had planned or announced his intention to absent himself without authorization, or

(ii) When the member has been in an unauthorized absence status for 10 consecutive days, or

(iii) When the member is administratively declared a deserter.

(2) The letter will state that:

(i) The member is considered in an administrative status of an unauthorized absentee (or deserter, if appropriate), as his whereabouts is unknown to military authorities.

(ii) Continued absence may result in conviction of desertion; loss of pay, allowances, Government insurance; reduction in grade; bad conduct or dishonorable discharge (dismissal, if he is a commissioned officer); and confinement at hard labor.

(iii) They should urge the absentee to return to military control.

(iv) They should notify the nearest military installation if they have knowledge of his whereabouts, and

(v) Dependents will become ineligible for medical care and other benefits and privileges when the sponsor's status changes to desertion.

(vi) The payee of allotments must be notified that continued absence will result in benefits being discontinued.

(3) A copy of the letter to the next of kin will be furnished the Consolidated Base Personnel Office (CBPO) records unit.

(b) *Report of inquiry.* The losing unit commander will prepare the report of inquiry, based on actions he has taken, and will include information as to whether member was pending administrative discharge or court-martial action prior to a.w.o.l. Include duty status prior to a.w.o.l. If leave, furnish leave address, or if reassigned, furnish gaining unit and delay en route leave address. Report will be submitted to CBPO for distribution.

(c) *Preparation and distribution of DD Form 553.* DD Form 553 will show leave address or gaining unit (para (b) of this section) in the remarks section. This form will be prepared, and distributed (all copies will reflect the complete distribution made) to:

(1) AFMPC/DPMAKE—An original, capable of reproduction, and 3 legible copies.

(2) Major command of absent member, major command of CBPO.

(3) Base commander.

(4) Commander of the Army area where unit of assignment is located.

(5) Security Police of base near member's hometown and/or city where member is likely to go.

(6) Law enforcement agencies for addresses listed in items 31 and 33, DD Form 553, and to the place where absentee is likely to go.

(7) Air Force and Army finance and base exchange officers in the unit area and area where absentee is likely to go.

(8) Armed Forces Police Detachment, if such agency is located in geographical area where absentee is likely to go.

(9) Law enforcement agencies of foreign countries only where apprehension can be effected when absence occurs within the oversea command, and limited to countries within the area as determined by the oversea commander.

(10) Field Record Group of absentee.

(11) AFAFC/MPPPC/MPPR, 3800 York Street, Denver CO 80205.

§ 889.8 Transfer from civilian to military jurisdiction.

(a) Absentees and deserters being detained temporarily in the hands of civil authorities will be returned to military control as soon as possible after responsible military officials are informed of their whereabouts and the civil authorities are ready to release them. After receiving notification of the absentee/deserter's whereabouts, military authorities must make every reasonable effort to accomplish return to military control within 48 hours. Apprehension and detention of absent members by civil authorities are accomplished as a service to the military departments. Continuation of this essential support from civil authorities requires mutual cooperation.

(b) The commander of the unit to which the individual was assigned prior to his unauthorized absence is responsible for completing the required action when report of arrest is received. Actions as outlined in AFM 39–12, paragraph 2–23, September 1, 1966, apply when an absentee is serving a sentence to confinement imposed by a civil court. Actions as described in AFM 39–12, paragraph 2–32, apply when an absentee is reported to be in civil confinement and is not available for immediate return to military control. The commander is also responsible for lodging a detainer with civil authorities, and preparing AF Form 2098 to reflect the changed status.

§ 889.9 Disposition when unauthorized absence has been terminated.

Upon termination of unauthorized absence, disposition may be taken as follows:

(a) The immediate commander will make an administrative determination as to whether the absence was avoidable or unavoidable. In making this determination, he will be guided by the instructions in Department of Defense Pay Manual, table 1–3–3, and AFMs 177–373 and 30–3. Absences that are determined to have been unavoidable will be excused. In these cases the previously reported absence will be revoked by AF Form 2098 and the absence charged as leave unless otherwise authorized.

(b) Absences are not chargeable to leave when caused by the member's mental incapacity, or when he is detained, tried, and acquitted by civil authorities and later excused as unavoidable.

(c) When a member dies during a period of unauthorized absence, the commander of member's unit of assignment will make an administrative determination as to whether the member was in absence without leave, absence over leave, desertion, or duty status (DODPM, paragraphs 10212 and 40505c).

(d) When an absence is excused as unavoidable, it will not be counted as time lost. Appropriate entries on AF Form 1226 must be made, as provided in AFM 35–14.

(e) When it is determined that a person has been erroneously reported as an unauthorized absentee or deserter, the servicing CBPO will void all record entries pertaining to the alleged absence and will forward a DD Form 616 to all addressees of the original DD Form 553 and will include a full explanation of the erroneous report in the "Remarks" section. If a letter has been forwarded previously to the next of kin or allotment payee in regard to the member's absence, another letter will be forwarded immediately to all previous addressees explaining the erroneous report in full.

(f) Upon a determination that an absence was avoidable, the immediate commander must consider the appropriateness of disciplinary punishment.

(g) A member who is in an unauthorized absence for more than 31 consecutive days automatically loses his Servicemen's Group Life Insurance (SGLI) coverage. When he returns to Air Force control after an unauthorized absence of more than 31 days, the responsible Personal Affairs Section of the servicing CBPO must counsel the member on the loss of his insurance. When the member is returned to duty with pay, his SGLI coverage in force before his unauthorized absence is automatically restored and the accounting and finance office should resume deductions accordingly (AFR 211–5).

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The

[FR Doc.73-71 Filed 1-5-73;8:45 am]

SUBCHAPTER J—CIVILIAN PERSONNEL

PART 890—EMPLOYMENT POLICIES

Miscellaneous Amendments

Part 890, Subchapter J of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 890.1 is revised to read as follows:

§ 890.1 Purpose.

(a) This part contains information needed by commanders, civilian personnel offices, staff offices, and supervisors of civilian personnel. It does not apply to the employment of non-U.S. citizens in foreign areas or Guam or to the employment of local civilians in the Canal Zone.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

1a. Section 890.4 is amended by expanding the title and revising paragraph (a) to read as follows:

§ 890.4 Restrictions on employing non-Air Force candidates in competitive positions.

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(a) Entitled to priority placement in accordance with § 890.8.

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2. A new § 890.8 is added to read as follows:

§ 890.8 List of priorities.

Priority order	Category	Must be selected	Must be considered and may be selected	Conditions to be observed	Remarks
A	Employee with enforceable assignment rights or to be mandatorily placed as a corrective or remedial action.	Yes.	NA.	NA.	None.
B	Activity employee identified for demotion or separation due to reduction in force (RIF), failure to accept a functional transfer offer or for other reasons beyond his control which entitle him to RIF placement.	Yes, at same or lower acceptable grade.			
C	AF employee of another activity in commuting area identified for demotion or separation due to RIF.				Requirement to place applies whether or not employee is registered in DOD Priority Placement Program (PPP).
D	Employee entitled to non-competitive priority consideration as corrective action for failure to be given proper consideration under the Air Force Merit Promotion Program (AFMPP).	No.	For grade no higher than that improperly denied consideration.		None.
E	Downgraded employee entitled to special consideration for repromotion.		Any downgraded AF employee may be selected. All downgraded employees serviced by CCPO must be considered.		
F	AF employee on Reemployment Priority List (RPL) for commuting area due to RIF.	Yes, position at grade no higher than previously held.	NA.	NA.	Includes current and former employees.
G	AF employee on RPL for commuting area due to failure to accept an offer of functional transfer.				
H	Employee of the major command identified for demotion or separation due to RIF.	Yes, at same or lower acceptable grade.			None.
I	Priority 1 employee on Stopper List.	Yes, at same or lower acceptable grade. See conditions.		DOD 1400.20–1–M, Part 1, Ch 3, V H and L provides guidelines to CCPO.	
J	Priority 2 employee on Stopper List.				

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Priority order	Category	Must be selected	Must be considered and may be selected	Conditions to be observed	Remarks
K	Priority 3 employee on Stopper List.			DOD 1400.20-1-M, Part I, Ch 3, V H and L provides guidelines to CCPO.	AFR 40-922 contains an explanation of placement to positions GS-15 and above.
L	Status quo employee in an Air Force Reserve Technician (ART) position.	Yes, at same or lower acceptable grade.		NA.	This category of employee will be registered in the DOD PPP as Priority 3 under special provisions of DOD 1400.20-1-M.
M	Activity employee whose position is to be downgraded to correct classification error or because of application of new or revised standards. Also employee with permanent physical disability no longer able to perform full range of duties of current position.	Yes, at same grade or grades intervening current and proposed as appropriate.			FPM Ch 752, App A and FPM Ch 306, Subch 8 provide guidelines to CCPO.
N	Candidates eligible for competitive consideration under AFMPP.	No, except for downgraded employee. See conditions.	All AFMPP eligibles must be considered to extent required by AFR 40-300.	Selection of downgraded employee mandatory to extent required by AFMPP guidelines (AF Suppl to FPM 355).	Outside candidates (categories Q-T) are also considered when required by FPM 355 and AF Suppl Priority T conditions must be observed.
O	Air Force employee eligible for noncompetitive in-service placement not covered by higher priorities.	No.	Considered at CCPO option.	NA.	None.
P	RPL registrant of other DOD components for commuting area.	Yes, position at grade no higher than previously held.	NA.		
Q	All RPL registrants for positions at grade higher than those from which separated.	No.	Only if within reach for competitive AFM-PP selection.	Rank with currently employed AFM-PP candidates.	
R	Priority 4 employee on Stopper List.	Yes.	Currently employed AF registrant in categories R and S may be selected before categories P and Q.	NA.	
S	Priority 5 employee on Stopper List.				
T	All other sources (includes transfers, reinstatements not covered in higher priority).	No.	Must be considered when required by FPM 355 and AF supplementation.	Cannot be selected if categories P, Q, R, and S candidates available. Selection also subject to AFR 40-300 restrictions.	

NOTE: Priority order N-T, consider concurrently—note special provisions.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-72 Filed 1-5-73;8:45 am]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 905—MEDICAL SERVICE OFFICER PROCUREMENT PROGRAMS FOR IN-SERVICE TRAINING

Part 905, Subchapter K of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 905.0 is revised to read as follows:

§ 905.0 Purpose.

(a) This part outlines the requirements each applicant must meet to participate in one of the following Air Force medical officer training programs; the civilian medical intern program; the military medical and dental intern program; the senior medical student program, the biomedical sciences training program, or the registered nurses training program.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 905.6 [Amended]

1a. Section 905.6 is amended by changing the office symbol from "USAFMPC (AFMSMB)" to "USAFMPC/SGPSSS."

§ 905.8 [Amended]

2. Section 905.8 is amended by changing the office symbol from "USAFMPC (AFMSMB)" to "USAFMPC/SGPSSS."

3. Section 905.10 is revised to read as follows:

§ 905.10 Participating in a medical, dental and veterinary education program for regular or reserve officers.

Part 908 of this subchapter tells how to participate in the regular program.

4. A new § 905.13 is added to read as follows:

§ 905.13 Participating in the military intern program for medical or dental students.

To be eligible for this training, the applicant must:

(a) Be a graduate or prospective graduate of a medical or dental school acceptable to the Surgeon General, U.S. Air Force.

(b) Participate in the national intern and resident matching program if he is applying for a medical internship.

5. Section 905.24 is revised by adding new paragraphs (c) and (d) to read as follows:

§ 905.24 Assignment and reappointment.

• • • • • •

(c) Each participant in the sponsored optometry training program is reappointed in the Reserve of the Air Force Biomedical Science Corps (BSC), upon graduation from optometry school.

(d) Each new participant (not previously commissioned) in the sponsored military internship program is appointed in the Reserve of the Air Force (Medical Corps) upon his graduation from medical school.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-74 Filed 1-5-73;8:45 am]

PART 907—DELAYED ENLISTMENT PROGRAM (DEP)

Part 907, Subchapter K of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 907.1 is revised to read as follows:

§ 907.1 Purpose.

(a) This part authorizes the program for enlisting qualified applicants in the U.S. Air Force Reserve (USAFR) under 10 U.S.C. 511(b) and 10 U.S.C. 672(d). It states the policies and procedures governing a delayed enlistment program whereby applicants in the 50 States and the District of Columbia who enlist in the USAFR will enter on extended active duty or enlist in the Regular Air Force.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 907.2 [Amended]

1a. Section 907.2 is amended by changing the period of time in the first sentence from "120 days" to "180 days".

2. Section 907.3 is amended by changing the period of time in paragraph (a) (1) from "120 days" to "180 days", by revising paragraphs (a) (2), (b) (4), and (b) (5) to read as follows:

§ 907.3 Enlistment criteria.

• • • • • •

(a) • • • (1) Who is a high school student within 180 days of graduation. (2) For assignment as a performing member of any Air Force band.

(b) • • •

(4) Who requires a preenlistment security investigation in accordance with Part 888 of Subchapter I of this chapter.

(5) Who is a prior service applicant as explained in Part 888 of Subchapter I of this chapter.

3. Section 907.4 is amended by revising paragraph (a) and by deleting paragraph (d) to read as follows:

§ 907.4 Category of enlistment.

• • • • • •

(a) *Regular DEP.* For a male applicant scheduled to enter the Regular Air Force under procedures other than in paragraph (c) of this section.

• • • • • •

AUTHORITY: 10 U.S.C. 8012.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-75 Filed 1-5-73;8:45am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

TERMS AND CONDITIONS FOR TRANSPORTATION CONTRACTS

This amendment of the Federal Procurement Regulation prescribes procedures and contract provisions for freight transportation services. A new Subpart 1–7.7, Transportation Contracts, prescribes the contract clauses for use in transportation contracts. Certain clauses from Standard Forms 33 and 33A are incorporated by reference, while certain other clauses in those forms have been modified appropriately to apply more directly to transportation contracts. Subpart 1–16.5 is amended to prescribe forms for use in transportation contracts. A new Subpart 1–19.7, Supplemental Provisions (Transportation Contracts), is added which sets forth procedures and additional supplemental contract provisions and clauses covering situations peculiar to the procurement of transportation services.

PART 1–7—CONTRACT CLAUSES

The table of contents for Part 1–7 is amended to provide for the addition of new entries, as follows:

Subpart 1–7.7—Transportation Contracts

Sec.

1–7.700 Scope of subpart.
1–7.701 Solicitation of offers for transportation services.
1–7.701–1 Preparation of solicitations.
1–7.701–2 Representations, certifications, and acknowledgments in transportation contracts.
1–7.702 Solicitation instructions and conditions for transportation contracts.
1–7.703 Required clauses in transportation contracts.
1–7.703–1 Definitions.
1–7.703–2 Changes.
1–7.703–3 Extras.
1–7.703–4 Inspection.
1–7.703–5 Payments.
1–7.703–6 Assignment of claims.
1–7.703–7 Examination of records by Comptroller General.
1–7.703–8 Default.
1–7.703–9 Disputes.
1–7.703–10 Convict labor.
1–7.703–11 Equal opportunity.
1–7.703–12 Officials not to benefit.
1–7.703–13 Covenant against contingent fees.
1–7.703–14 Utilization of small business concerns.
1–7.703–15 Federal, State, and local taxes.
1–7.703–16 Utilization of concerns in labor surplus areas.
1–7.703–17 Contract not affected by oral agreement.
1–7.703–18 Service Contract Act of 1965.
1–7.703–19 Termination for convenience of the Government.
1–7.703–20 Moving contracts for the relocation of a Federal office.
1–7.704 [Reserved]

Subpart 1–7.7 is added, as follows:

Subpart 1–7.7—Transportation Contracts

§ 1–7.700 Scope of subpart.

This subpart sets forth clauses for use in formally advertised and negotiated contracts for freight transportation services (including local drayage) by rail, motor (including bus), domestic freight forwarder, and domestic water carriers (including inland coastwise, and intercoastal). This subpart does not apply to the procurement of transportation services by domestic or international air carriers or by international ocean carriers, and it does not apply to the procurement of transportation services which are contracted for by bill of lading or when negotiating for reduced rates under the authority of sections 22, 217(b), 306(c), and 405(c) of the Interstate Commerce Act, 49 U.S.C. 22, 317(b), 906(c), and 1005(c).

§ 1–7.701 Solicitation of offers for transportation services.

§ 1–7.701–1 Preparation of solicitations.

(a) When procurement of transportation services is by formal advertising, the solicitation shall be prepared in accordance with the requirements of Part 1–2 to the extent applicable and not otherwise inconsistent with the requirements set forth in this Subpart 1–7.7.

(b) When procurement of transportation services is by negotiation, the solicitation shall be prepared in accordance with Part 1–3 to the extent applicable and not otherwise inconsistent with the requirements set forth in this Subpart 1–7.7. In addition, the solicitation shall include the requirements of § 1–2.201 to the extent applicable and not otherwise inconsistent with Part 1–3 and this Subpart 1–7.7.

§ 1–7.701–2 Representations, certifications, and acknowledgments in transportation contracts.

In addition to the representations, certifications, and acknowledgments on the reverse of Standard Form 33, the solicitations covering transportation services shall contain the following certification to be executed by the offeror when regulated transportation is involved:

PERMITS, AUTHORITIES, OR FRANCHISES

The offeror certifies that he does [ ], does not [ ], hold authorization from the Interstate Commerce Commission or other cognizant regulatory body. If authorization is held, reference thereto is as follows:

(Name of regulatory body)

(Authorization No.)

The offeror shall furnish to the Government copies of such authorization prior to the movement of the material under any contract awarded, if requested. In addition, the various permits, franchises, licenses, and other authorities issued by State and local agencies in such instances shall be secured and maintaind at his expense.

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§ 1–7.702 Solicitation instructions and conditions for transportation contracts.

The solicitation instructions and conditions set forth in Standard Form 33A shall be modified as follows:

(a) When the solicitation for transportation services is limited to local storage, drayage, and/or hauling services, the following paragraph, completed by the contracting officer, shall be substituted for paragraph 13, Contractor's Invoices:

CONTRACTOR'S INVOICES

The Contractor shall submit itemized and certified invoices (*Contracting Officer to insert time period*) direct to the Government agency ordering services under this contract or as otherwise instructed by that agency. Each invoice shall be annotated with the contract number.

(b) When the solicitation for transportation services is for line-haul services and may or may not include local storage, drayage, and/or hauling services in connection with such line-haul services, the following paragraph, completed by the contracting officer, shall be substituted for paragraph 13, Contractor's Invoices:

CONTRACTOR'S INVOICES

The Contractor shall submit invoices, Standard Form 1113, Public Voucher for Transportation Charges, in accordance with instruction 7 on the reverse of the original Government bill of lading. Invoices should be submitted to the "Charges to be billed to" address shown on the face of the Government bill of lading.

(c) The following paragraphs shall be included as additional solicitation instructions and conditions:

(1) *Financial statement.*

FINANCIAL STATEMENT

The offeror shall, upon request, promptly furnish the Government with a current certified statement of its financial condition and such data as the Government may request with respect to its operations, in order to determine its ability to perform under the contract and its financial responsibility. Failure to comply with such request will be a factor in considering possible rejection of the offer on responsibility grounds.

(2) *Familiarization with conditions.*

FAMILIARIZATION WITH CONDITIONS

The offeror shall acquaint itself with all available information regarding difficulties which may be encountered and the conditions, including safety precautions, under which the work must be accomplished under the contract. The offeror will not be relieved from assuming all responsibility for properly estimating the difficulties and the cost of performing the services required herein because of its failure to investigate the conditions or to become acquainted with all information concerning the services to be performed.

§ 1–7.703 Required clauses in transportation contracts.

The clauses set forth in this section shall be used in transportation contracts in the manner provided.

§ 1–7.703–1 Definitions.

Insert the clause set forth in § 1–7.101–1.

§ 1–7.703–2 Changes.

CHANGES

The Contracting Officer may, at any time, by a written order and without notice to the sureties, if any, make changes within the general scope of the contract in any one or more of the following: (a) Specifications, (b) work or services, (c) the place of origin, (d) the place of delivery, (e) tonnage to be shipped, or (f) amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or in the time required for, performance of any part of the work or services under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price, or time of performance, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 1–7.703–3 Extras.

Insert the clause set forth in § 1–7.101–3.

§ 1–7.703–4 Inspection.

INSPECTION

All services, facilities, and equipment shall be subject to inspection and test by representatives of the Government. The Contractor shall, at all reasonable times, allow inspectors and other Government personnel free access to its facilities, equipment, and operations for this purpose, and shall provide such reasonable facilities and assistance as may be required for this work.

§ 1–7.703–5 Payments.

PAYMENTS

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the amount due for services rendered and accepted, less deductions, if any, as herein provided. Submission of invoices should be in accordance with the requirements set forth in paragraph 13, Standard Form 33A, as modified herein.

§ 1–7.703–6 Assignment of claims.

Insert the clause set forth in § 1–30.703 under the conditions contained therein.

§ 1–7.703–7 Examination of records by Comptroller General.

Insert the clause set forth in § 1–7.101–10 under the conditions contained therein.

§ 1–7.703–8 Default.

DEFAULT

(a) The Government may, subject to the provisions of paragraph (c), below, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances:

(1) If the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified herein or any extension thereof; or

(2) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of (*time to be inserted*), or such longer period as the Contracting Officer may authorize in writing, after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs of such similar services: *Provided, however,* That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

(d) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(e) In case of termination while the Contractor has the Government goods covered by this contract in its possession, the Contractor shall surrender the goods to the Government or its agent on demand.

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(g) The term "subcontractor" as used in this clause means subcontractor at any tier.

§ 1–7.703–9 Disputes.

Insert the clause set forth in § 1–7.101–12.

§ 1–7.703–10 Convict labor.

Insert the clause set forth in § 1–12.203.

§ 1–7.703–11 Equal opportunity.

Insert the clause set forth in § 1–12.803–2 under the conditions contained in § 1–12.803–1.

§ 1–7.703–12 Officials not to benefit.

Insert the clause set forth in § 1–7.101–19.

§ 1–7.703–13 Covenant against contingent fees.

Insert the clause set forth in § 1–1.503.

§ 1–7.703–14 Utilization of small business concerns.

Insert the clause set forth in § 1–1.710–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.703–15 Federal, State, and local taxes.

Insert either the clause in § 1–11.401–1 or the clause in § 1–11.401–2 and, when appropriate, insert the supplementary clause in § 1–11.401–3(a), in accordance with the conditions contained in those sections.

§ 1–7.703–16 Utilization of concerns in labor surplus areas.

Insert the clause set forth in § 1–1.805–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.703–17 Contract not affected by oral agreement.

CONTRACT NOT AFFECTED BY ORAL AGREEMENT

No oral statement of any person shall modify or otherwise affect the terms, conditions, or specifications herein stated. All modifications to the contract must be made in writing by the Government's Contracting Officer or his authorized representive.

§ 1–7.703–18 Service Contract Act of 1965.

Insert either the clause set forth in § 1–12.904–1 or the clause in § 1–12.904–2 in accordance with the conditions contained in those sections.

§ 1–7.703–19 Termination for convenience of the Government.

Insert either the clause set forth in § 1–8.705–1 under the conditions prescribed in § 1–8.700–2(a)(2).

§ 1–7.703–20 Moving contracts for the relocation of a Federal office.

To insure that a prospective contractor is properly authorized and competent to perform a moving contract involving the relocation of a Federal office, whether a move of this type takes place between States including the District of Columbia (i.e., an interstate move), or wholly within the borders of one State or the District of Columbia (i.e., an intrastate move), the following provisions shall be included in each such invitation and in the resulting contract:

PERFORMANCE CAPABILITY

(a) If the move specified herein is to be performed by the Contractor as a carrier within the borders of more than one State, including the District of Columbia (i.e., an interstate move), the Contractor shall have obtained and hold appropriate and current operating authority from the Interstate Commerce Commission.

(b) If the move specified herein is to be performed by the Contractor as a carrier wholly within the borders of one State or the District of Columbia (i.e., an intrastate move), the Contractor shall, when required by the State or the District of Columbia in which the move is to take place, have obtained and hold appropriate and current operating authority from such jurisdiction, in the form of a certificate, permit, or equivalent license to operate, or if no such authority to operate is required by the State or the District of Columbia in which the move is to take place, then the Contractor as carrier shall maintain facilities, equipment, and a business address within the jurisdiction in which the move is to take place: *Provided,* That if the move is to originate and/or terminate within an area of one State, or the District of Columbia, which comprises a part of a recognized Commercial Zone (see 49 CFR Part 1048), whose boundaries encompass portions of more than one State or the District of Columbia, it shall be sufficient if the Contractor as carrier maintains facilities, equipment, and a business address within the Commercial Zone and holds appropriate operating authority, if required, from the jurisdiction within which he maintains such facilities, equipment, and business address.

(c) If the move specified herein will not be performed by the Contractor as carrier it must be performed for the Contractor by a carrier operating under a subcontract with the Contractor. In such instance, the Contractor shall not be subject to the requirements of paragraphs (a) and (b), above, but it shall be the responsibility of the Contractor to require and insure that the subcontractor carrier complies with such requirements in every respect.

(d) There shall be compliance with the applicable requirements of this clause at least 14 days before the date on which performance of the contract shall commence under the terms and conditions herein specified: Except that, if the period from the date of award of the contract to the date that performance shall commence is less than 28 days, the Contractor need only comply with the applicable requirements of this clause midway between the time of award and the time of commencement of performance.

§ 1–7.704 [Reserved]

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

1. Section 1–16.500 is revised, as follows:

§ 1–16.500 Scope of subpart.

This subpart prescribes forms for use in advertised and negotiated transportation and other nonpersonal service contracts (other than construction and architect-engineer contracts).

2. Section 1–16.501 is revised, as follows:

§ 1–16.501 Contract forms.

(a) *Transportation contracts.* Pending issuance of standard forms for use in those contracts for freight transportation services enumerated in § 1–7.700, Standard Form 33, Solicitation, Offer, and Award, and Standard Form 33A, Solicitation Instructions and Conditions (both illustrated at Subpart 1–16.9), shall be used for transportation contracts; however, the forms shall be modified to include the clauses prescribed for use by Subpart 1–7.7. In addition, the clauses prescribed in § 1–7.703 shall be assembled under the heading "General Provisions (Transportation Contracts)," and made an attachment to Standard Form 33. Standard Form 32, General Provisions (Supply Contract), referred to in Block 9 on the face of Standard Form 33, should be cited as not being applicable. The appropriate information, terms, and conditions prescribed in Subpart 1–19.7 shall be assembled separately under the heading of "Supplemental Provisions (Transportation Contracts)" and made an attachment to Standard Form 33. Titles for the subheadings, paragraphs, and subparagraphs in the supplemental clauses shall be those of the applicable subsections, paragraphs, and subparagraphs in Subpart 1–19.7.

(b) *Other nonpersonal service contracts.* The forms prescribed in §§ 1–16.101 and 1–16.201 for advertised and negotiated supply contracts are suitable for use in many advertised and negotiated nonpersonal service contracts (other than transportation, construction, and small purchases). Agencies are encouraged to require the use of these forms in advertised and negotiated nonpersonal service contracts where appropriate and practicable.

PART 1–19—TRANSPORTATION

The table of contents for Part 1–19 is amended by revising the entry for § 1–19.110 and adding a new Subpart 1–19.7 as follows:

Sec.

1–19.110 [Reserved]

Subpart 1–19.4—1–19.6 [Reserved]

Subpart 1–19.7—Supplemental Provisions (Transportation Contracts)

1–19.700 Scope of subpart.
1–19.701 General.
1–19.702 Supplemental provisions.
1–19.702–1 Scope and duration of contract.
1–19.702–2 Transportation service requirements.
1–19.702–3 Determination of weights.
1–19.702–4 Liability of contractor.
1–19.702–5 Insurance requirements.
1–19.702–6 Annotation and distribution of shipping documents.
1–19.702–7 Additional contractor responsibilities.

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Sec.
1–19.702–8 Government responsibilities.
1–19.702–9 Inspection of shipping and receiving facilities.
1–19.702–10 Rates and charges.

Section 1–19.110 is revised to delete the caption and the text and to indicate that the section is reserved.

§ 1–19.110 [Reserved]

Subpart 1–19.7 is added, as follows:

Subpart 1–19.7—Supplemental Provisions (Transportation Contracts)

§ 1–19.700 Scope of subpart.

This subpart sets forth supplemental provisions for transportation contracts entered into either by formal advertising or by negotiation (for other than small purchases as defined in Subpart 1–3.6).

§ 1–19.701 General.

(a) In addition to the required clauses set forth in Subpart 1–7.7, the solicitation and resultant contract shall contain a separate attachment to be entitled "Supplemental Provisions (Transportation Contracts)," hereafter referred to as "Supplemental Provisions" which provide (1) a clear and accurate description of the services required, (2) a basis for submitting rates or charges, and (3) the basis on which bids or proposals will be evaluated.

(b) The supplemental provisions shall be in such terms as to permit full and free competition among all modes of transportation, consistent with the law and safety regulations. Circumstances may exist which will limit competition to a particular mode or method of transportation. For example, the movement of certain dangerous commodities or highly specialized or scientific equipment or paraphernalia might require the services of specialized carriers. Provisions which tend to limit competition may be used where the need for specalized services is established, provided: (1) The requirements for service cannot reasonably be met in any other manner, and (2) a written justification for so limiting competition is included in the contract file.

(c) The information, terms, and conditions set forth in §§ 1–19.702–1 through 1–19.702–10 shall be included in the supplemental provisions for the procurement of transportation services, to the extent that they are applicable. Additional information, terms, and conditions, may be included, but only when such additions do not conflict with other contract provisions.

§ 1–19.702 Supplemental provisions.

§ 1–19.702–1 Scope and duration of contract.

(a) A provision shall be included to indicate the scope of the contract and the length of time the contract will remain in effect. The following points shall be covered by the supplemental provisions used, varying as necessary in accordance with the circumstances of each case.

(1) *Origin of shipments.* Full details shall be furnished regarding the location of the property to be transported. For example, the name of the shipper and the street address (not post office box), city, and State where the shipper is located, when the location is definite; a detailed description of the area, including boundaries, when indefinite or multiple shippers are involved, as in the case of drayage contracts and group movements of Government employees' household goods.

(2) *Destination of shipments.* Full details on the delivery point or points shall be included in each solicitation. For example, the name of the consignee and the street address (not post office box), city, and State where the consignee is located, when the destination is definite; a detailed description of the area, including boundaries, when indefinite or multiple consignees are involved.

(3) *Description of property.* The solicitation must contain a clear and concise description of the property to be transported, using freight classification descriptions, when available, or nontechnical descriptions when classification descriptions are unavailable. The solicitation shall include, when appropriate, a description of packing (i.e., whether domestic, export, etc.), dimensions and/or weight of items of unusual size, identification of items of unusual value, and any other details necessary to insure that offers will be submitted on a realistic basis. Particularly with respect to the supplemental provisions for drayage contracts, any commodities or types of shipments which would be subject to exclusion under the contract should be clearly identified by a separate clause entitled "Exclusion," for example:

EXCLUSION

Excluded from the scope of this contract are shipments which can be more advantageously or economically moved via parcel post or small package carrier, shipments of unusual value, explosives and other dangerous articles, household goods, commodities in bulk, commodities injurious or contaminating to other lading, and shipments which the Government may elect to move in Government-owned vehicles.

(4) *Quantity.* A statement of the actual weight, or a reasonably accurate estimate of the weight, of property to be transported is required. If the services are required for an extended period of time, a schedule should be provided of the actual or estimated tonnage or number of items which are to be moved during the week, month, or other appropriate period of time. In the case of group movements of household goods, an estimate of the aggregate weight and the basis for determining the aggregate weight shall be provided. Unless the services are required for a one-time move, or the requirements are known to be irrevocable, the following clause shall be included:

ESTIMATED WEIGHT

The above estimated weight is not to be construed as a guarantee of actual weight, as the Government does not guarantee any particular volume of traffic described herein. However, to the extent services are required, as described herein, and in accordance with the terms of this contract, orders for such services will be placed with the carrier awarded any contract hereunder.

(5) *Duration of contract.* A statement shall be included with respect to the period of time during which services will be required by the Government, either by establishing an expiration date (month, day, and year) or by stating the period of time during which the contract will remain in effect (usually commencing from the date of award).

(b) When the scope or duration of a contract is subject to exceptions, such exceptions shall be clearly stated. For example, when the contractor will not be obligated to transport all shipments tendered by the Government, regardless of size, the supplemental clauses shall indicate minimum and maximum weights of shipments, below and above which the contractor will not be required to provide services.

§ 1–19.702–2 Transportation service requirements.

(a) All service requirements shall be listed, so that offers can be prepared on a realistic basis. Care should be taken to make a distinction between what would be considered normal services and those services which would be considered "extra." If "extra" services such as inside delivery, are required only occasionally, the supplemental provisions shall so indicate and provide for separate charges for such services. The following details shall be provided:

(1) *Pickup service.* The solicitation shall contain a statement of the days of the week and the hours of the day during which pickup service will be expected and shall specify what advance notice will be furnished to the contractor that service is required. If special, emergency, or priority shipments will be involved, the shorter time for advance notice shall also be stated.

(2) *Delivery service.* The solicitation shall set forth the maximum time allowed for accomplishing delivery, and the following clause shall be added:

PICKUP AND DELIVERY SERVICE

Pickup and delivery services under this contract must be performed within the period set forth herein. Failure to comply may result in termination of the Contractor's right to proceed by reason of default. (See the "Default" clause in the General Provisions (Transportation Contracts) attached to Standard Form 33.)

(3) *Type of equipment.* The type and size of equipment shall be specified when appropriate. Otherwise, a statement to the effect that the contractor shall furnish clean and sound closed-type equipment of sufficient size to accommodate the shipment shall be included.

(b) Under certain types of transportation contracts, particularly for group movements of Government employees' household goods and personal effects, additional services, which otherwise would be considered accessorial services, are required to be performed by the contractor. Such additional services shall be specified, and the following clauses, in substantially the same language, shall be used as applicable:

SUPERVISION, LABOR, MATERIALS, AND EQUIPMENT

The Contractor shall furnish adequate supervision, labor, materials, supplies, and equipment necessary to perform all the services contemplated under this contract in an orderly, timely, and efficient manner.

PACKING AND/OR CRATING AND PADDING

The Contractor shall perform all of the packing and/or crating and padding necessary for the protection of the property to be transported. All packing containers, including, but not limited to barrels, boxes, wardrobes, and cartons; all crating materials; and all padding materials and equipment, shall be furnished by the Contractor. The Contractor shall also furnish or cause to be furnished, when necessary, padding or other protective material for the interior of the buildings, including elevators, from and to which the property shall be moved under this contract. All containers and materials shall be clean and of quality sufficient to insure protection of the property.

DISASSEMBLING AND REASSEMBLING OF PROPERTY AND PREPARING APPLIANCES

The disassembling of property, such as beds and sectional bookcases, and the preparing of appliances, such as washers, driers, and record players, for shipment shall be performed by the Contractor. When it is necessary to disassemble property for shipment, such property shall be reassembled by the Contractor upon delivery at the new location.

UNPACKING AND/OR UNCRATING AND PLACEMENT OF PROPERTY

The Contractor shall perform all unpacking and/or uncrating of property which was packed and/or crated for movement under the provisions of this contract. The Contractor shall also place the property in the new location as instructed by the owner of the property or his authorized representative and shall remove all packing and similar or related material from the premises as requested by the owner.

§ 1–19.702–3 Determination of weights.

(a) The method of determining weights of shipments will vary, depending upon the commodities to be transported, the type of service required, whether shipments will move in load or less-than-load lots, and other factors. The following clauses concerning the determination of the weights of shipments of other than household goods and office furniture and equipment shall be used as applicable, depending on whether the shipment is to move on agreed weights or whether the contractor is responsible for establishing the net weights:

AGREED WEIGHT

The shipping activity will determine the weight of each shipment. Such weight will be shown on the covering bill of lading and will be accepted by the Contractor as the agreed weight.

NET WEIGHTS

The net weight of the shipment shall be determined by deducting the tare weight of the vehicle (determined by having the empty vehicle weighed by a certified weighmaster, on a certified scale, with a full tank of fuel) from the gross weight of the vehicle (determined by having the loaded vehicle weighed by a certified weighmaster, on a certified scale, with a full tank of fuel).

(b) When the contract is for group movements of Government employees' household goods and for relocation of Government offices, the contractor is responsible for determining the net weight of the shipments. The following provisions shall be used as applicable:

FULL LOADS

The net weight of the shipment shall be determined by deducting the tare weight of the vehicle (determined by having the empty vehicle weighed by a certified weighmaster, on a certified scale, with the driver and a full tank of fuel, and all blankets, pads, chains, dollies, hand trucks, and all other necessary equipment inside the vehicle, but without the crew) from the gross weight of the vehicle (determined by having the fully loaded vehicle weighed by a certified weighmaster, on a certified scale, with the driver and a full tank of fuel, but without the crew, prior to arrival at destination).

PART LOADS

The net weight of the first part load shall be determined in the same manner as specified for a full load. The net weight of the second part load shall be determined by using as the tare weight of the vehicle the gross weight of the vehicle containing the first part load and deducting the weight from the new gross weight (determined by having the loaded vehicle weighed again, in the same manner as specified for the full load). The same procedure will apply for each succeeding part load.

SCALES NOT AVAILABLE

If certified scales are not available at origin, at any point en route, or at destination, a constructive weight based on 7 pounds per cubic foot of properly loaded van space may be used as the net weight of the shipment. Such constructive weight also may be used for a part load when its weight could not be obtained at origin, en route, or at destination, without first unloading it or other part loads being transported in the same vehicle.

§ 1–19.702–4 Liability of contractor.

The liability of the contractor for loss, damage, and injury to persons and property during the course of performing under the contract shall be spelled out in detail. Where no specific provisions are incorporated, the usual measure of liability is set forth in section 20(11) of the Interstate Commerce Act, 49 U.S.C. 20 (11). The following are examples of provisions which are to be used for the type of service indicated:

(a) *Transportation of property other than household goods.* The following clause shall be used when liability for the property is not limited to a released or declared value. When the contractor's liability for property is limited to declared or released value only so much of the clause as relates to property shall be used. The clause set forth in (b), below, shall be added with any references to "property" and "property damage" deleted.

TRANSPORTATION OF PROPERTY OTHER THAN HOUSEHOLD GOODS

The Contractor shall assume full liability for any and all property lost or damaged in the movement covered by this contract, except when such loss or damage arises out of causes beyond the control of, and without the fault or negligence of, the Contractor. Such causes may include, but are not restricted to, acts of God or the public enemy, the authority of law, or the act or default of the shipper; but in every case the loss or damage must be beyond the control of, and without the fault or negligence of, the Contractor. In addition, the Contractor shall be responsible for and reimburse the U.S. Government for any and all damage caused by the Contractor, his employees, or his agents to the interior or exterior of the buildings from and to which the property will be moved. Also, the Contractor shall save harmless and indemnify the Government, and assume responsibility for any and all damage or injury to persons or property resulting from the use or operation of his vehicles or other equipment by, or the action of, the Contractor, his employees, or his agents, in the performance of this contract. The Government shall in no event be liable or responsible for damage or injury to persons or property resulting from the use or operation of any vehicle or other equipment by, or the action of, the Contractor, his employees, or his agents, in performing under this contract.

(b) *Transportation of household goods.* The following clause applies to damage or injury to property other than the household goods being transported. A separate clause is required to establish the extent to which the contractor will be liable for loss or damage to the household goods.

TRANSPORTATION OF HOUSEHOLD GOODS

The Contractor assumes responsibility for all damage or injury to persons or property occasioned through the use and operation of his vehicles or other equipment by or the action of the Contractor, his employees, and agents, and the Contractor at his own expense shall maintain adequate public liability and property damage insurance during the continuance of this contract, insuring himself against all claims for injury or damage. The Contractor shall also maintain Workmen's Compensation and other legally required insurance with respect to his own employees and agents. The Government shall in no event be liable or responsible for damage or injury to any person or property occasioned through the use or operation of any vehicles or other equipment by or the action of the Contractor, his employees, and agents in performing under this contract.

§ 1–19.702–5 Insurance requirements.

The amount of insurance the contractor shall be required to maintain will depend upon the type of service required and the value of the property to be transported. Except when the shipments move under rates subject to released valuation or declared value, the contractor shall be required to maintain sufficient cargo insurance to cover the value of each vehicle load. In every instance where the contract is with a motor carrier, the contractor shall be required to carry an appropriate amount of vehicular liability insurance. In addition, all contractors shall be required to carry an appropriate amount of general public liability insurance and any other insurance required by law. The clauses set forth below shall be used in substantially the same language (the appropriate amounts and the

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name and address of the agency to be inserted by the contracting officer at the time the solicitation is issued):

CARGO INSURANCE

The Contractor, at his own expense, agrees to provide and maintain, during the continuance of this contract, cargo liability insurance in the amount of $------ per vehicle to cover the value of property on each vehicle and in the amount of $------ to cover the total value of the property in the shipment. All insurance shall be written on companies acceptable to the (insert name of agency) and policies shall include such terms and conditions as may be required by the (insert name of agency). As evidence of insurance maintained, a complete duplicate certified copy of the cargo liability insurance policy or polices shall be furnished to the (insert name of agency). Evidence of acceptable cargo insurance must be furnished prior to commencing operations under this contract. Each cargo insurance policy shall include the following provision:

It is a condition of this policy that the Company shall furnish written notice to the (insert name of agency), at the address shown on the face sheet of this contract, 30 days in advance of the effective date of any reduction in or cancellation of this policy.

A complete duplicate certified copy of any renewal policy shall be furnished to the (insert name of agency) not less than 15 days prior to the expiration of any current policy on file with the (insert name of agency).

OTHER INSURANCE

The Contractor, at his own expense, agrees to maintain, during the continuance of this contract, vehicular liability and general public liability insurance with limits of liability for bodily injury of not less than $------ for each person and $------ for each occurrence and property damage limits of liability of not less than $------ for each accident and $------ in the aggregate. The Contractor also agrees to maintain Workmen's Compensation and other legally required insurance with respect to his own employees and agents.

§ 1–19.702–6 Annotation and distribution of shipping documents.

The contractor's responsibilities with respect to annotating and distributing shipping documents shall be set forth, in detail, in accordance with the provisions of the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, title 5, Transportation, to the extent such provisions are applicable. Also, the contracting agency's requirements and, when appropriate, the consignee's requirements shall be set forth. Of particular importance is the cross-referencing of bills of lading in mass movements of property made available to the contractor at one time, so that the Government will receive the benefit of the applicable volume rates.

§ 1–19.702–7 Additional contractor responsibilities.

Additional responsibilities of the contractor will vary, depending upon the commodities to be transported, the type of service required, whether shipments will move in load or less-than-load lots, and other pertinent matters. The following clauses, to the extent they are appropriate, shall be included in the supplemental provisions:

RECEIPT OF SHIPMENT

The Contractor will diligently count, examine, and receipt for all property tendered for shipment and make appropriate written exception for any and all property not in apparent good order.

LOADING AND UNLOADING

Unless otherwise specified herein to cover store-door or inside delivery, loading and unloading of shipments will be performed by the Contractor at no additional expense to the Government. The Government or its agent will place or receive freight at the tailgate of the Contractor's vehicle. Tailgate delivery, for purposes of this contract, is defined as that which enables a forklift truck or similar equipment, with operator only, to place or remove cargo from the tailgate of Contractor's vehicle.

BLOCKING AND BRACING

When loading is the responsibility of the Contractor, the Contractor shall perform all shoring, blocking, and bracing. Dunnage shall be provided by, and at the expense of, the Contractor.

RETURN OF UNDELIVERED FREIGHT

When, through no fault of the Contractor, a shipment cannot be delivered, the Contractor shall contact the shipper for disposition instructions. If such shipment is ordered returned to the origin point, the charges assessed for the return trip shall be the same as the charges assessed for the outbound trip. A record will be maintained of material which, through no fault of the Contractor, could not be delivered and is returned to the shipper. If, at a future date, such returned material is determined to be related to a claim against the Contractor, the claim will be adjusted accordingly. If, on the other hand, through the fault of the Contractor, a shipment cannot be delivered, the shipment shall be returned to the origin point and no charge shall be assessed by the Contractor; however, any charges incurred for redelivery, which are in excess of the charges that would have been incurred under this contract, shall be for the Contractor's account in accordance with the "Default" clause in the General Provisions (Transportation Contracts) attached to Standard Form 31.

§ 1–19.702–8 Government responsibilities.

Normally, the Government has certain responsibilities which have a direct bearing on the contractor's performance under the contract, including giving notice to the contractor of dangerous and inherent vices of the property, to insure that such shipments are properly placarded. Therefore, such responsibilities shall be made a part of the supplemental provisions. The following clauses shall be used as appropriate:

ADVANCE NOTIFICATION

The Government will notify the Contractor —— hours in advance as to the number of pieces and weight of all normal shipments and the time the shipment will be available for pickup. On other than normal shipments the Government will furnish such additional information, such as dimension of oversized pieces, etc., as necessary to determine the amount of equipment and/or manpower needed to perform the required services.

GOVERNMENT EQUIPMENT

The Government will provide forklifts or other heavy lifting equipment at (insert origin, destination, or both) to assist in (insert loading, unloading, or both), when required.

SUPERVISION AND MARKING

The agency being moved will tag or mark property, showing floor, room number, and location where property is to be placed within the new building. The agency will provide sufficient personnel to supervise and direct Contractor's personnel in the placement of the property at destination.

§ 1–19.702–9 Inspection of shipping and receiving facilities.

To insure the receipt of realistic bids, inspection of the shipping and receiving facilities should be permitted and should be encouraged. Therefore, a schedule shall be provided showing the dates (and hours, if appropriate) when the shipping facilities at origin and the receiving facilities at destination will be available for inspection by prospective bidders. Also, if appropriate, the supplemental clauses shall include the names, addresses, titles, and telephone numbers of the Government representatives to be contacted at origin and destination to make arrangements for inspecting the facilities.

§ 1–19.702–10 Rates and charges.

(a) A provision shall be included permitting the offeror to insert prices for items bid upon in accordance with the appropriate basis or bases set forth below. Such basis may be on an hourly rate, a rate per specified unit of weight, a total charge for all services required, or on a combination of factors. Certain other requirements relating to rates, as set forth below, shall be considered in connection with each solicitation, and the indicated provisions shall be used under the specified conditions.

(1) The following clause shall be used in all solicitations:

CHARGES

In no event are charges to be assessed under this contract in excess of charges based on the Contractor's lowest regular applicable rate available to the general public or in excess of charges based on rates otherwise tendered to the Government by the Contractor for the same type of service.

(2) When there are various types of services to be provided under one contract and the basis for assessing charges varies with the service, the supplemental provisions shall set forth the basis for submitting bids or proposals on each type of service.

(3) Whenever rates are requested on an hourly basis, a provision shall be made for charging for fractions of an hour; for example, a period of 30 minutes or less would be charged at one-half the hourly rate, and a period of more than 30 minutes but less than an hour would be charged at the full hourly rate.

(4) When shipments will vary in weight; e.g., under 1,000 pounds to over 40,000 pounds, rates shall be requested on a graduated basis, and an appropriate reference shall be made to the table of graduated weights which would be provided in the section in the supplemented provisions entitled "Rates and charges."

(5) The supplemental provisions shall set forth the basis on which the rates and/or charges will be evaluated; i.e., the formula to be used by the contracting officer to determine the lowest overall price quoted or offered. When multiple origins and/or destinations are involved, and the quantities or weights to be shipped between each origin and destination cannot be redetermined, estimated quantities or weights shall be established for the purpose of evaluating bids or proposals and an appropriate clause, in substantially the following language, shall be included:

ESTIMATED WEIGHT

For the purpose of evaluating bids, and for no other purpose, the following estimated quantities or weights will be considered as the quantities or weights to be shipped between each origin and destination listed: (Insert origin, destination, and estimated quantity or weight.)

(6) When procurement of transportation services is by negotiation, provision shall be made for accepting the most favorable proposal without further negotiation. A clause, in substantially the following language, shall be included:

ACCEPTANCE OF LOWEST OFFER

If it is determined by the Government that the most favorable proposal received in response to this request is fair and reasonable, award may be made to the carrier submitting such proposal without further negotiation. Accordingly, proposals should be submitted on the most favorable terms, from both a price and technical standpoint, which the offeror can initially submit to the Government.

(7) When it is anticipated that labor, in addition to that of the driver, will be required for loading or unloading shipments which, because of bulk or weight, are beyond the ability of the driver alone to handle, or when other circumstances will require services of the contractor which are not included in the basic rate, the conditions under which payment will be made for additional services shall be stated.

(b) When a solicitation involves multiple origins and/or destinations, detailed information shall be provided as to whether rates should be quoted for all origins and destinations or whether rates can be quoted for specific groups of origins and/or destinations.

(c) When multiple shipments will be tendered at one time from one origin to two or more consignees at the same destination or to various destinations along the one route, provision shall be made for charging the rate applicable to the aggregate weight; and, if otherwise appropriate, when more than one destination is involved, provision shall be made for payment of a stopoff charge for each of the intermediate destinations. The following clauses shall be included, as applicable:

MULTIPLE SHIPMENTS

When multiple shipments are tendered at one time to the Contractor for movement from one origin to multiple consignees at the same destination, the rate charged for each shipment will be the rate applicable to the aggregate weight.

STOPPING IN TRANSIT FOR PARTIAL UNLOADING

When multiple shipments are tendered at one time to the Contratcor for movement from one origin to two or more consignees along the route between the origin and the last destination, the rate charged will be the rate applicable to the aggregate weight, plus a charge of $---------- for each shipment unloaded at an intermediate point en route to the last destination.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective with respect to solicitations issued after January 29, 1973, but may be observed earlier.

Dated: December 29, 1972.

ARTHUR F SAMPSON,
Acting Administrator of General Services

[FR Doc.73-323 Filed 1-5-73;8:45 am]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 82—PROCEDURAL RULES FOR PROCEEDINGS CONDUCTED PURSUANT TO ENFORCEMENT OF EXECUTIVE ORDER 11246, AND RULES, REGULATIONS, AND ORDERS THEREUNDER

Pursuant to delegated authority and in accordance with Executive Order 11246, and rules, regulations, and orders thereunder, the Secretary of Health, Education, and Welfare hereby adopts the following amendments and revisions to Part 82 of Title 45 of the Code of Federal Regulations. These rules are not subject to the public participation procedures of the Administrative Procedure Act, 5 U.S.C. 553, nor are they subject to the Secretary's statement of policy concerning public participation in rule making, 32 FR 2532 (Feb. 5, 1971). Therefore, these rules shall be immediately effective upon publication in the FEDERAL REGISTER (1–8–73).

1. Section 82.2 is amended to read as follows:

§ 82.2 Scope of rules.

These rules govern the practice and procedure for proceedings conducted by the Department precedent to the imposition of sanctions under section 209(a)(5) and (6) of Executive Order 11246, for violations of Executive Order 11246, for violations of Executive Order 11246, and rules, regulations, and orders thereunder.

2. Section 82.4(b) is amended to read as follows:

§ 82.4 Definitions.

• • • • • •

(b) "Notice" means notice of proposed cancellation, termination, or ineligibility.

• • • • • •

3. Section 82.6(a)(3) is amended to read as follows:

§ 82.6 Participation by interested persons.

(a) • • •

(3) Any person or organization wishing to participate as a party under this paragraph shall file and serve upon the hearing officer and all parties a petition within 14 days after the notice has been filed. Such petition shall concisely state: (i) Petitioner's interest in the proceeding, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitoner intends to present witnesses.

• • • • • •

4. Section 82.10 is amended to read as follows:

§ 82.10 Service-how made.

Service shall be made by personal delivery of one copy to each person to be served, or by mailing by first-class mail, properly addressed with postage prepaid. The notice shall be served upon the last known address of the respondent by registered mail, return receipt requested.

5. Section 82.14 is revised to read as follows:

§ 82.14 Notice of proposed cancellation, termination or incligibility.

Proceedings are commenced by the mailing of a written notice of proposed cancellation, termination, or ineligibility to the last known address of the respondent by registered mail, return receipt requested. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanctions, an enumeration of the sanctions being requested, and a citation of the provisions of the order and regulations pursuant to which the requested action may be taken. The notice shall also indicate that respondent may request a hearing on the matters alleged.

6. Section 82.15 is revised to read as follows:

§ 82.15 Answer to notice.

(a) Within fourteen (14) days from receipt of the notice, respondent may file with the hearing officer, or if no hearing officer has been designated, with the Reviewing Authority, an answer to the notice and may request a hearing. The request for a hearing shall be included as a separate paragraph of the answer.

(b) The answer shall admit or deny specifically and in detail the matters set forth in each allegation of the notice unless respondent is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters alleged as affirmative defenses shall be separately stated and numbered.

(c) If respondent fails to file an answer, request a hearing, or otherwise formally contest the allegations in the notice within the 14-day period following receipt of the notice, the matters

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alleged in the notice are deemed admitted and respondent's opportunity for hearing is deemed waived. The Director, Office for Civil Rights, may then cancel, suspend or terminate any one or more contracts or subcontracts, or parts thereof, held by respondent, or enter an order declaring such contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modification of existing contracts, until the contractor or subcontractor has satisfied the Secretary of Labor that it has established and will carry out personnel and employment policies and practices in compliance with the order.

(d) In response to respondent's request for a hearing, respondent shall be advised by the reviewing authority that a hearing officer has been designated and that the matter has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and shall be subject to change for cause.

7. Section 82.22 is amended to read as follows:

§ 82.22 Evidentiary purpose.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing for the reception of evidence will be held only in case issues of fact must be resolved in order to determine whether respondent has failed to comply with one or more applicable requirements of Executive Order 11246, and rules, regulations, and orders thereunder. In case it appears from respondent's answer to the notice of hearing, from his failure timely to answer, or from his admissions or stipulations, that there are no matters of material fact in dispute, the hearing officer or the reviewing authority may enter an order so finding, vacating the hearing date, and fixing the time for filing briefs under § 82.35. Thereafter the proceedings shall go to conclusion in accordance with §§ 82.35 through 82.43. Within 10 days of its issuance, an order vacating the hearing date may be appealed to the reviewing authority, and the reviewing authority shall affirm, modify, or set aside such order within 28 days thereafter.

Dated: December 28, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.73-342 Filed 1-5-73;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-1200]

PART 0—COMMISSION ORGANIZATION

Subpart D—Public Availability of Classified Material

A new Subpart D is added to Part 0 of the FCC rules to codify that portion of security regulations pertaining to the public availability of classified material.

This action is taken to comply with Executive Order 11652 (37 FR 5209, Mar. 10, 1972) and the National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972). The prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply inasmuch as the new rules will benefit the public by clarifying procedures concerning access to classified documents, compliance with the prior notice and deferred effective date provisions of the APA (5 U.S.C. 553) would be contrary to the public interest.

The Interagency Classification Review Committee has approved the new regulations from which this material was extracted. Accordingly, *it is ordered*, That the rules as set forth below are adopted effective January 5, 1973.

Adopted: December 22, 1973.

Released: December 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended to add a new Subpart D to read as follows:

GENERAL

Sec.
0.501 Purpose.
0.502 Classification Review Committee.
0.503 Administrative enforcement.
0.504 Limitation of authority for original classification.

DOWNGRADING AND DECLASSIFICATION

0.521 Introduction.
0.522 General Declassification Schedule.
0.523 Exemption from General Declassification Schedule.
0.524 Applicability of the General Declassification Schedule to previously classified material.
0.525 Declassification of classified information or material after 30 years.
0.526 Systematic reviews.
0.527 Classification Review Committee.
0.528 Review of classified material over 30 years old.
0.529 Availability of declassified material.
0.530 Classification review requests.

ACCESS TO CLASSIFIED MATERIALS

0.541 Access by historical researchers.
0.542 Access by former Presidential appointees.

AUTHORITY: The provisions of this Subpart D issued under Executive Order 11652 (37 FR 5209, Mar. 10, 1972) and National Security Council Directive of May 17, 1952 (37 FR 10053, May 19, 1972).

GENERAL

§ 0.501 Purpose.

Pursuant to Executive Order 11652, the Commission prescribes the following regulations to insure that classified information and material is protected, but only to the extent and for such period as is necessary. The regulations identify the information to be protected, prescribe classification, downgrading, declassification and safeguarding procedures to be followed, and establish a monitoring system to ensure the regulations' effectiveness.

§ 0.502 Classification Review Committee.

The Executive Director has been assigned the responsibility for ensuring effective compliance with and implementation of these regulations. He will chair the Commission's Classification Review Committee which shall have authority to act on all suggestions and complaints with respect to the Commission's administration of these regulations. The General Counsel, or a senior member of his staff designated by him, and the Security Officer will serve as members of the Committee. All suggestions and complaints including those regarding overclassification, failure to classify, or delay in declassifying not otherwise resolved, shall be referred to the Committee for resolution. In addition, the Committee shall review all appeals of requests for records under section 522 of Title 5 U.S.C. (Freedom of Information Act) when the proposed denial is based on their continued classification under Executive Order 11652.

§ 0.503 Administrative enforcement.

The Classification Review Committee shall have responsibility for recommending to the chairman appropriate administrative action to correct abuse or violation of any provision of these regulations, including notifications by warning letters, formal reprimand, and to the extent permitted by law, suspension without pay and removal. The committee will maintain a record of the action taken.

§ 0.504 Limitation of authority for original classification.

The Commission's authority for original classification of natural security information or material under these regulations is limited to "Secret" and "Confidential." It shall be exercised only by (a) the Chief Engineer, (b) the Chief of the Field Engineering Bureau (FEB), and (c) the Executive Director. The Chief Engineer and the Chief, FEB shall exercise authority for original classification of information or material originated by their respective offices. The Executive Director shall exercise authority for the original classification of all other information or material originated by the FCC.

DOWNGRADING AND DECLASSIFICATION

§ 0.521 Introduction.

Classified information and material, unless declassified earlier by the original classifying authority, shall be declassified and downgraded in accordance with the provisions of §§ 0.522–0.530.

§ 0.522 General Declassification Schedule.

Classified information and material shall be declassified as soon as there are no longer any grounds for continued classification within the classification

[1] Commissioner H. Rex Lee absent.

category definitions. At the time of origination the classifier shall, whenever possible, clearly mark on the information or material a specific date or event upon which downgrading or declassification shall occur. Such dates or events shall be as early as is permissible without causing damage to the national security. Whenever earlier dates or events cannot be determined, the General Declassification Schedule set forth below shall apply. If the information or material is exempted under § 0.523, the classifier shall clearly mark the material to show that it is exempt and indicate the applicable exemption category. Unless impossible, the exempted information or material shall be assigned and clearly marked by the classifier with a specific date or event upon which declassification shall occur. Downgrading and declassification dates or events established in accordance with the foregoing, whether scheduled or non-scheduled, shall to the extent possible be carried forward and applied whenever the classified information or material is incorporated in other documents or material. When classified information or material from more than one source is incorporated into a new document or other material, the document or other material shall be classified, downgraded or declassified in the manner prescribed herein as applicable to the information requring the greatest protection.

(a) *Top secret.* Information or material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated and declassified at the end of the 10th full calendar year following the year in which it was originated.

(b) *Secret.* Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(c) *Confidential.* Information and material originally classified "Confidential" shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

§ 0.523 Exemption from General Declassification Schedule.

Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. The Commission is not authorized to grant such exemption for any information it originated; however, it may receive exempted information from officials of Departments or Agencies having such authority. In each case such official shall specify in writing on the material the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(a) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(b) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(c) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.

(d) Classified information or material the disclosure of which would place a person in immediate jeopardy.

§ 0.254 Applicability of the General Declassification Schedule to previously classified material.

Information or material classified before June 1, 1972, and which is assigned to Group 4 under Executive Order No. 10501, as amended by Executive Order 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to Groups 1, 2, or 3 of Executive Order No. 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of 10 years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after the effective date of these regulations, as set forth in § 0.522. The Office of the Executive Director is hereby designated as the office to which members of the public or Departments may direct requests for mandatory review for declassification under this provision. This office shall, in turn, assign the request to the appropriate office for action. In each instance, receipt of the request will be acknowledged in writing immediately by the office which has been assigned action. Thereafter, that office shall make a determination within 30 days of receipt, or shall explain why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Commission Committee, established by Section 0.502 of these regulations, for a determination. Should the office assigned action on a request for review determine that under the criteria set forth in § 0.523 continued classification is required, the requester shall be promptly notified, and, whenever possible, provided with a brief statement as to the reasons for denying the request. The requester may appeal any such determination to the Commission Committee and the notice of determination shall advise him of his right. If the requester requires the rendering of services for which fair and equitable fees should be charged pursuant to Title 5 of the Independent Offices Appropriations Act 1952, 65 Stat. 290, 31 U.S.C. 483a, the requester shall be so notified.

§ 0.525 Declassification of classified information or material after 30 years.

All classified information or material which is 30 years old or more, whether originating before or after the effective date of this order, shall be declassified under the following conditions:

(a) All information and material classified after June 1, 1972, shall, whether or not declassification has been requested, become automatically declassified at the end of 30 full calendar years after the date of its original classification except for such specifically identified information or material which the head of the originating Department personally determines in writing at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the head of the Department shall also specify the period of continued classification.

(b) All information and material classified before June 1, 1972, and more than 30 years old is systematically reviewed for declassification by the Archivist of the United States by the end of the 30th full calendar year following the year in which it was originated. In his review, the Archivist separates and keeps protected only such information or material as is specifically identified by the head of the Department in accordance with paragraph (a) of this section. In such case, the head of the Department shall also specify the period of continued classification.

§ 0.526 Systematic reviews.

All information and material classified after the effective date of these regulations and determined in accordance with Chapter 21, 44 U.S.C. (82 Stat. 1287), to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each Bureau or Office for the purpose of making such information and material publicly available in accordance with the determination regarding declassification made by the classifier under this section. During each calendar year each Bureau or Office shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year the Commission, or the Archives of the United States, if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.

§ 0.527 Classification Review Committee.

The Committee shall establish procedures to review and act within 30 days

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upon all applications and appeals regarding requests for declassification. The Commission acting through the Committee shall be authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the Committee determines that continued classification is required under the criteria of § 0.522, it shall promptly so notify the requester and advise him that he may file an application for review with the Commission and thereafter may appeal to the Interagency Classification Review Committee.

§ 0.528 Review of classified material over 30 years old.

A request by a member of the public or by a Department under § 0.525 to review for declassification documents more than 30 years old shall be referred directly to the Archivist of the United States. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist, together with the Commission, review the requested documents for declassification. Classifications shall be continued in either case only where the Chairman makes at that time the personal determination required by § 0.525. The Archivist notifies the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

§ 0.529 Availability of declassified material.

Upon a determination under §§ 0.524, 0.525, 0.526, or 0.528, that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of Title 5 U.S.C. (Freedom of Information Act) or other provision of law.

§ 0.530 Classification review requests.

A request for classification review must describe the document with sufficient particularity to enable the Commission to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

ACCESS TO CLASSIFIED MATERIALS

§ 0.541 Access by historical researchers.

Persons outside the executive branch engaged in historical research projects may be authorized access to classified information or material provided that the Commission determines that:

(a) The project and access sought conform to the requirements of section 12 of Executive Order 11652.

(b) The information or material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(c) The historical researcher agrees to safeguard the information or material in a manner consistent with the order and directives thereunder.

(d) The historical researcher agrees to authorize a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein. An authorization for access shall be valid for the period required but no longer than 2 years from the date of issuance unless renewed under Commission regulations.

§ 0.542 Access by former Presidential appointees.

Persons who previously occupied policymaking positions to which they were appointed by the President, may be authorized access to classified information or material which they originated, reviewed, signed or received while in public office. Upon the request of any such former official, such information and material as he may identify shall be reviewed for declassification.

[FR Doc.73-346 Filed 1-5-73;8:45 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 72-238R]

SUBCHAPTER C—UNINSPECTED VESSELS

PART 25—REQUIREMENTS

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS EQUIPMENT

Light Intensity Standards

Sections 25.05-15(d) and 184.15-5(d) require compliance with certain intensity standards for new navigation lights installed and replacements of existing lights made on or after January 1, 1973. This date for compliance was predicated on the development and the issuance prior to that date of approval specifications for navigation lights. It now appears that these approval specifications cannot be developed and issued prior the present date. The amendments in this document extend the effective date for compliance with these light intensity standards from January 1, 1973, to January 1, 1974, in order to provide additional time for the development and issuance of these approval specifications.

Since the approval specifications for navigation lights have not yet been determined, compliance with §§ 25.05-15 (d) and 184.15-5(d) is not required, and since these amendments provide additional time for such a determination, imposing no additional burden on any person, notice and public procedure thereon are unnecessary and the amendments may be made effective in less than 30 days.

In consideration of the foregoing Parts 25 and 184 of Title 46 of the Code of Federal Regulations are amended as follows:

1. Section 25.05-15 is amended in paragraph (d) by revising the date of compliance as follows:

§ 25.05-15 Light intensity standards.

• • • • •

(d) The light intensity standards of this section shall apply to new navigation lights installed and replacement of existing lights made on or after January 1, 1974. Such lights shall be of an approved type.

2. Section 184.15-5 is amended in paragraph (d) by revising the date of compliance as follows:

§ 184.15-5 Light intensity standards.

• • • • •

(d) The light intensity standards of this section shall apply to new navigation lights installed and replacement of existing lights made on or after January 1, 1974. Such lights shall be of an approved type.

(Sec. 17, 54 Stat. 166, sec. 3, 70 Stat. 152, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 526p, 390(b), 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date: January 10, 1973.

Dated: January 2, 1973.

C. R. BENDER,
Admiral,
U.S. Coast Guard, Commandant.

[FR Doc.73-334 Filed 1-5-73;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

[Docket No. R72-222]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

SPECIAL HAZARD AREA IDENTIFICATION

Temporary Discontinuance

It has been the practice of the Federal Insurance Administration to temporarily designate as a flood plain area having special flood hazards the entire area of each community becoming eligible for the sale of flood insurance under the emergency flood insurance program authorized under section 1336 of the National Flood Insurance Act of 1968.

This temporary designation previously effective on the date the community became eligible for the sale of flood insurance under the emergency program, would then be superseded by a designation based upon the issuance of a flood hazard boundary map or flood insurance rate map that delineate the actual boundaries of the special hazard areas in the community. This map was issued or approved upon completion of a flood hazard evaluation or ratemaking study in the community usually at the time the community was converted to participation in the regular flood insurance program.

The purpose of the temporary designation was to warn the community that certain of its areas, not yet identified with precision, were seriously flood-prone, and that subsequent new construction in the community should only be built using construction methods and practices that will minimize flood damage.

Under section 1308(c) of the Act, 42 U.S.C. 4015, any new construction or substantial improvement of property that is begun after the area in which it is located has been identified as a flood plain area having special flood hazards is not eligible for flood insurance at subsidized rates and may be insured only at actuarial rates established for the community as a result of the formal ratemaking study. Because such rates have yet to be established in most of the communities participating in the flood insurance program, the effect of temporarily designating entire communities as special hazard areas has been to deny flood insurance to all new construction undertaken in these communities.

It was anticipated that this denial would not continue for very long, on the assumption that the necessary ratemaking study for each participating community could be completed without undue delay. However, experience to date indicates that the various Federal agencies competent to undertake such ratemaking studies are heavily burdened with other duties, and that substantial delays are being encountered in converting many communities from the emergency to the regular program. This problem has been compounded by Hurricane Agnes, which has imposed an even greater workload on the agencies concerned, with the result that it may in some cases take 3 to 5 years to obtain the detailed data needed to establish actuarial rates for a given community.

Rather than deny flood insurance to all new construction within emergency program communities during this interim period, the Administrator has determined that it is in the public interest to discontinue the temporary designation of these communities as areas of special flood hazards while awaiting completion of the ratemaking study. The burden of the unforeseen delay, in the agency's view, should be borne by the Federal Government, rather than by the participating communities. In addition, it is anticipated that an agreement will soon be worked out with the U.S. Geological Survey which will result in the early development of flood hazard boundary maps identifying specific special flood hazard areas in participating communities.

In the interim, the following regulation modifies existing policy to permit communities to enter the emergency flood insurance program without the necessity of being designated special flood hazard areas at the time of such entry. New as well as existing construction will be permitted to obtain subsidized flood insurance under the emergency program until specific special flood hazard areas are identified. Once the flood hazard boundary map has been issued, however, subsequent new construction in special flood hazard areas will not be eligible for flood insurance except at actuarial rates and therefore must await completion of the ratemaking study to obtain such insurance.

This modification necessitates a revision of the table which appears in 24 CFR 1915.3, in which special hazard area identifications are published. Therefore, another purpose of these amendments is to publish a revised table of communities in which special flood hazard areas have been identified in conformity with the modified procedure.

Since, under this revision, identification of special hazard areas will become effective only upon the issuance or approval of a flood hazard boundary map or flood insurance rate map, the effective date of the applicable map will also be the effective date of such identification. Thus, prior listed effective dates of identification of special hazard areas not based on the issuance of a flood hazard boundary map or flood insurance rate map are being repealed and are not listed in the table below. (In addition, for communities with respect to which no flood hazard boundary map has been issued, the identifications of areas of special hazards and the effective dates of such identifications, which were listed in prior entries to the table, are not listed in the table below and are hereby repealed.)

As of December 31, 1972, there were effective identifications of areas of special hazards only for the communities listed in the following table. For each community listed in the table a flood hazard boundary map or flood insurance rate map has been issued or approved on the date listed for the community in the last column of the table, which therefore is the correct effective date of the identification of special hazard areas in the community.

To accomplish these purposes, the following amendments to Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations (1) revise the language of 24 CFR 1914.3 to state the modified procedure of designating areas of special hazards only upon their specific identification and (2) revise the table which appears in 24 CFR 1915.3 to conform all prior identifications of special hazards areas to the modified procedure.

It has been determined that comment and public procedure are impracticable and that, in order to permit new construction in eligible communities to be protected by flood insurance as quickly as possible, these changes shall be effective upon publication.

Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

PART 1910—CRITERIA FOR LAND MANAGEMENT AND USE

1. The introductory sentence of paragraph (a) of § 1910.3 is revised to read as follows:

§ 1910.3 Required land use and control measures for flood-prone areas.

• • • • • •

(a) When the Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and/or has not provided sufficient data to identify the floodway or coastal high hazard area, the community must—

• • • • • •

2. The introductory sentence of paragraph (a) of § 1910.4 is revised to read as follows:

§ 1910.4 Required land use and control measures for mudslide areas.

• • • • • •

(a) When the Administrator has determined that a community is subject to mudslides but has not yet identified any area within the community as an area having special mudslide hazards, the community must—

• • • • • •

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

3. Section 1914.3 is revised to read as follows:

§ 1914.3 Procedures under the emergency program.

(a) In order to expedite a community's qualification for flood insurance under the emergency program, the Administrator may authorize the sale of such insurance without first designating either the entire community or any part thereof as a flood plain area having special flood

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hazards and/or a mudslide area having special mudslide hazards, provided the community has previously adopted land use and control measures meeting the requirements of § 1910.3(a) or § 1910.4(a) of this subchapter. When the Administrator has obtained sufficient technical information to delineate the special flood or mudslide hazard areas with reasonable accuracy, he may delineate, or he may request the community to delineate subject to his approval, the proposed boundaries of the specific areas having special flood or mudslide hazards on a flood hazard boundary map. The local map or plat used to prepare the flood hazard boundary map must be of sufficient scale to show the location of building sites.

(b) After the issuance or approval of the flood hazard boundary map, flood insurance will be available at chargeable rates for newly constructed or substantially improved properties only if they are located outside of the areas then delineated as having special flood or mudslide hazards. Newly constructed or substantially improved properties located within the delineated areas having special flood or mudslide hazards will be able to obtain flood insurance (at actuarial rates) only upon the completion of a ratemaking study for the community and the subsequent issuance by the Administrator of a flood insurance rate map.

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

4. The table which appears in § 1915.3 is revised to read as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Alabama	Baldwin	Gulf Shores	H 01 003 1493 03 H 01 003 1493 04	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Dept., Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Town Hall, Gulf Shores, Ala. 36542.	July 10, 1971.
Do	Mobile	Unincorporated areas.	H 01 097 0000 04 through H 01 097 0000 40.	do	County Engineer's Office, County Courthouse, 101 Government St., Mobile, AL 36601.	Jan. 8, 1972.
Do	do	Bayou La Batre	H 01 097 0250 01	do	Office of the City Clerk, City of Bayou La Batre, City Hall Bldg., Bayou La Batre, Ala. 36509.	Mar. 18, 1972.
Do	do	Chickasaw	H 01 097 0570 02	do	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Apr. 27, 1972.
Do	do	Mobile	H 01 097 2100 08 through H 01 097 2100 41.	do	Office of the City Clerk, City Hall, Post Office Box 1827, Mobile, AL 36601.	Sept. 15, 1972.
Do	Coffee	Elba	H 01 031 1010 01 through H 01 031 1010 04.	do	City Hall, Elba, Ala. 36323. Coffee County Courthouse, Elba, Ala. 36323.	Oct. 11, 1972.
Alaska	Greater Anchorage Borough.	Chester and Campbell Creeks.	H 02 020 0130 01 through H 02 020 0130 06.	The Local Affairs Agency, Office of the Governor—Pouch AB, Juneau, Alaska 99801. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Planning Department, Greater Anchorage Area Borough, 104 West Northern Lights Blvd., Anchorage, AK 99503.	June 20, 1970.
Do	Greater Juneau Borough.		H 02 110 0000 01 through H 02 110 0000 06.	do	Greater Juneau Borough, 210 Admiral Way, Juneau, AK 99801.	May 22, 1970.
Do		Nenana	H 02 040 1760 01	do	Office of the City Clerk, City of Nenana, Nenana, Alaska 99760.	June 9, 1972.
Do	Fairbanks North Star Borough.	Fairbanks and vicinity.	H 02 040 1760 02 H 02 020 0770 01	do	Fairbanks North Star Borough Planning Division, Post Office Box 1267, Fairbanks, AK 99701. City of Fairbanks Engineering Department, Post Office Box 790, Fairbanks, AK 99701.	June 25, 1969.
Do	do	North Pole	H 02 020 1895 01	do	do	May 15, 1970.
Do		Skagway	H 02 020 2370 02	do	Office of the City Clerk, City Hall, Skagway, Alaska 99840.	Sept. 9, 1970.
Arkansas	Pope	Russellville	H 02 020 2370 03 H 05 145 3450 03 through H 05 145 3450 09.	Division of Soil and Water Resources, State Dept. of Commerce, State Capitol Bldg., Little Rock, Ark. 72201. Arkansas Insurance Dept., 400 University Tower Bldg., Little Rock, Ark. 72204.	Office of the City Building Official, City of Russellville, Russellville, Ark. 72801.	July 18, 1970.
Do	Sebastian	Fort Smith	H 05 131 1370 08 through H 05 131 1370 14.	do	City Clerk's Office, Municipal Bldg., City of Fort Smith, Fort Smith, Ark. 72901.	Aug. 28, 1971.
California	Contra Costa	Concord	H 06 013 0820 02 through H 06 013 0820 23.	Dept. of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Dept., 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, 1950 Parkside Ave., Concord, CA 94520.	Dec. 30, 1971.
Do	do	El Cerrito	H 06 013 1100 03 through H 06 013 1100 05.	do	City Hall, 10890 San Pablo Ave., El Cerrito, CA 94530.	Oct. 17, 1972.
Do	do	Lafayette	H 06 013 1779 09 through H 06 013 1779 14.	do	Office of the City Manager, City of Lafayette, 975 Oakland St., Lafayette, CA 94549.	July 13, 1972.
Do	do	Martinez	H 06 013 2090 09 through H 01 013 2090 16.	do	Office of the City Engineer, 525 Henrietta St., Martinez, CA 94553.	Aug. 7, 1971.
Do	do	Walnut Creek	H 06 013 4070 16 through H 06 013 4070 38.	do	Public Works Department, 1501 North California Blvd., Walnut Creek, CA 94596.	Nov. 9, 1971.
Do	Del Norte	Lower Klamath River Watershed, Zone 4.	H 06 015 0000 02	do	Del Norte County Flood Control District, Courthouse, Crescent City, Calif. 95531.	Sept. 2, 1970.
Do	Fresno	Unincorporated areas.	H 06 019 0000 26 through H 06 019 0000 40.	do	Land Development Division, Fresno County, Department of Public Works, 4499 East Kings Canyon Rd., Fresno, CA 93702.	Dec. 23, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Do	Lake	Lakeport	H 06 033 1800 01 through H 06 033 1800 03.	do	Office of the Director of Public Works, City of Lakeport, City Hall Annex, Lakeport, Calif. 94553.	Oct. 26, 1972.
Do	Los Angeles	Arcadia	H 06 037 0120 05 H 06 037 0120 06	do	Office of the City Clerk, City Hall, Post Office Box 60, Arcadia, CA 91006.	June 26, 1971 and Nov. 27, 1971.
Do	do	Azusa	H 06 037 0230 03 through H 06 037 0230 06.	do	Office of the Director of Public Works, City of Azusa, 213 East Foothill Blvd., Azusa, CA 91702.	Dec. 23, 1971.
Do	do	Burbank	H 06 037 0480 02 through H 06 037 0480 10.	do	City Hall, 275 East Olive Ave., Burbank, CA 91502.	June 26, 1971.
Do	do	Covina	H 06 037 0890 03 H 06 037 0890 04	do	Office of the City Clerk, 125 East College St., Covina, CA 91722.	Sept. 18, 1971.
Do	do	Glendale	H 06 037 1430 03 through H 06 037 1430 11.	do	Civil Defense Office, City Hall, 613 East Broadway, Glendale, CA 91205.	Mar. 10, 1972.
Do	do	Glendora	H 06 037 1440 03 through H 06 037 1440 05.	do	Office of the City Clerk, Glendora City Hall, 116 East Foothill Blvd., Glendora, CA 91740.	Apr. 20, 1972.
Do	do	Hawaiian Gardens	H 06 037 1552 02	do	Hawaiian Gardens City Hall, 12134 Tilbury St., Hawaiian Gardens, CA 90716.	May 14, 1971.
Do	do	Industry	H 06 037 1692 05 through H 06 037 1692 12.	do	Office of the City Clerk, City of Industry, Post Office Box 3366, Industry, CA 91744.	June 16, 1972.
Do	do	Inglewood	H 06 037 1700 02 through H 06 037 1700 05.	do	Public Works Department Office, City of Inglewood, Civic Center, 105 East Queen St., Inglewood, CA 90301.	Oct. 17, 1972.
Do	do	La Puente	H 06 037 1845 03 H 06 037 1845 04.	do	Office of the City Clerk, City Hall, 15900 East Main St., La Puente, CA 91744.	June 26, 1971.
Do	do	Monrovia	H 06 037 2220 05 through H 06 037 2220 13.	do	Public Works Department, City of Monrovia, 415 South Ivy Ave., Monrovia, CA 91016.	Sept. 15, 1971.
Do	do	Monterey Park	H 06 037 2260 03 through H 06 037 2260 06.	do	Office of the City Engineer, 320 West Newmark Ave., Monterey Park, CA 91754.	Apr. 20, 1972.
Do	do	Paramount	H 06 037 2684 05 H 06 037 2684 06.	do	Office of the City Clerk, 16420 South Colorado Ave., Paramount, CA 90723.	Mar. 31, 1972.
Do	do	Pasadena	H 06 037 2700 04 through H 06 037 2700 13.	do	Office of the City Clerk, City of Pasadena, Room 218, City Hall, 100 North Garfield Ave., Pasadena, CA 90000.	May 5, 1972.
Do	do	San Marino	H 06 037 3380 01 H 06 037 3380 02.	do	City Hall, City of San Marino, 2200 Huntington Dr., San Marino, CA 91108.	Mar. 18, 1972.
Do	do	Sierra Madre	H 06 037 3620 01 H 06 037 3620 02.	do	City Hall, 55 West Sierra Madre Blvd., Sierra Madre, CA 91024.	Mar. 22, 1972.
Do	do	South Pasadena	H 06 037 3620 01	do	Department of Public Works, 1414 Mission St., South Pasadena, CA 91030.	Apr. 18, 1972.
Do	do	Walnut	H 06 037 4060 05 H 06 037 4060 06.	do	Office of the City Manager, City of Walnut, 20550 East Carrey Road, Walnut, CA 91789.	Nov. 27, 1971.
Do	Marin	Corte Madera	H 06 041 0870 02 through H 06 041 0870 08.	do	Corte Madera Town Hall, Tamalpias and Willow Ave., Corte Madera, Calif. 94925.	Aug. 17, 1971.
Do	do	Larkspur	H 06 041 1850 02	do	Larkspur City Hall, 400 Magnolia Ave., Larkspur, CA 94939.	July 31, 1971.
Do	do	San Rafael	H 06 041 3410 15 through H 06 041 3410 28.	do	Public Works Office, Room 301, City Hall, 1400 5th Ave., San Rafael, CA 94902.	July 31, 1971.
Do	Monterey	King City	H 06 053 1760 03 through H 06 053 1760 06.	do	City Hall, City of King City, 212 South Vanderhurst, King City, CA 93930.	June 26, 1971.
Do	Orange	Huntington Beach.	H 06 059 1660 01 through H 06 059 1660 06.	do	Office of the City Engineer, City Hall, City of Huntington Beach, Post Office Box 190, Huntington Beach, CA 92648.	Sept. 15, 1972.
Do	San Bernardino	Upland	H 06 071 4000 05 through H 06 071 4000 08.	do	City Administrative Offices, 123 East D St., Upland, CA 91786.	Apr. 20, 1972.
Do	San Diego	Chula Vista	H 06 073 0710 06 through H 06 073 0710 12.	do	Engineering Dept., City of Chula Vista, Chula Vista, CA 92012.	Oct. 17, 1972.
Do	San Mateo	Burlingame	H 06 081 0490 01 through H 06 081 0490 06.	do	Office of the City Clerk, 1st Floor, City Hall, 501 Primrose Rd., Burlingame, CA 94010.	Nov. 10, 1972.
Do	do	South San Francisco.	H 06 081 3730 07 H 06 081 3730 08.	do	Office of the City Clerk, City Hall, 400 Grand Ave., South San Francisco, CA 94070.	July 1, 1970.
Do	Sonoma	Guerneville and vicinity.	H 06 097 0000 01 H 06 097 0000 02.	do	Sonoma County Water Agency, Sonoma County Administration Bldg., 2555 Mendocino Ave., Santa Rosa, CA 95401.	June 17, 1970.
Do	Tehama	Red Bluff	H 06 103 2940 03 through H 06 103 2940 06.	do	Office of the City Clerk, 555 Washington St., Red Bluff, CA 96080.	Oct. 23, 1971.
Do	Tulare	Unincorporated areas.	H 06 107 0000 02 through H 06 107 0000 37.	do	Tulare County Planning Department, County Civic Center, Room 107 Courthouse, Visalia, Calif. 93277.	Dec. 23, 1971.
Do	do	Woodlake	H 06 107 4250 02 through H 06 107 4250 04.	do	Office of the City Clerk, City of Woodlake, 350 North Valencia Blvd., Woodlake, CA 93286.	Nov. 10, 1972.
Do	Ventura	Camarillo	H 06 111 0538 05 through H 06 111 0538 11.	do	Office of the Planning Director, 67 Palm Dr., Post Office Box 248, Camarillo, CA 93010.	Sept. 30, 1972.
Do	do	Port Hueneme	H 06 111 2890 01 H 06 111 2890 02.	do	Office of the Director of Public Works, City Hall, 220 North Market St., Port Hueneme, CA 93041.	July 28, 1972.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Colorado	Adams and Jefferson.	Arvada	H 08 059 0080 01 through H 08 059 0080 05.	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, CO 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Office of the City Engineer, City of Arvada, 8101 Ralson Rd., Arvada, CO 80002.	July 13, 1972.
Do	Arapahoe	Englewood	H 08 005 0740 03 H 08 005 0740 04.	do	Planning Office, City of Englewood, 3400 South Elati St., Englewood, CO 80110.	Feb. 9, 1972.
Do	Jefferson	Lakewood	H 08 059 1435 01 through H 08 059 1435 03.	do	City Engineer's Office, City of Lakewood, 1580 Yarrow St., Lakewood, CO 80215.	July 21, 1972.
Do	do	Wheat Ridge	H 08 059 2555 01 through H 08 059 2555 03.	do	Office of the City Clerk, Post Office Box 610, 7470 West 38th Ave., Wheat Ridge, CO 80033.	May 26, 1972.
Connecticut	Hartford	Hartford	H 09 003 0280 02 through H 09 003 0280 06.	Department of Environmental Protection, Director of Water and Related Resources, Room 225, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Commission of the City Plan, 4th Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103.	July 1, 1970.
Do	do	West Hartford	H 09 003 0823 03 through H 09 003 0823 09.	do	Office of the Town Clerk, Town Hall, West Hartford, Conn. 06107.	Sept. 23, 1971.
Do	Litchfield	Torrington	H 09 005 0760 02 through H 09 005 0760 13.	do	Municipal Bldg., City of Torrington, Torrington, Conn. 06790.	July 1, 1970.
Delaware	New Castle	Elsmere, Newark, and New Castle.	H 10 003 0000 01 through H 10 003 0000 12.	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, DE 19901.	Drainage Division, Department of Public Works, New Castle County Engineering Bldg., Post Office Box 165, Wilmington, DE 19899.	June 5, 1970.
Do	do	Except Elsmere, Newark and New Castle.	do	do	do	Dec. 7, 1971.
Florida	Alachua	Gainesville	H 12 001 1130 02 through H 12 001 1130 12.	Department of Community Affairs, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Office of the City Manager, City Hall, Post Office Box 490, Gainesville, FL 32601.	Oct. 13, 1971.
Do	Brevard	Unincorporated areas.	H 12 009 0000 04 through H 12 009 0000 36.	do	Office of the Clerk of the Circuit Courthouse, 506 Palm Ave., Titusville, FL 32780.	Sept. 27, 1972.
Do	do	Cape Canaveral	H 12 009 0454 01 H 12 009 0454 02.	do	Building Official's Office, City Hall, 105 Polk Ave., Cape Canaveral, FL 32920.	Sept. 30, 1972.
Do	do	Cocoa Beach	H 12 009 0630 04 through H 12 009 0630 06.	do	Building Inspection Department, City of Cocoa Beach, Post Office Box 280, Cocoa Beach, FL 32931.	June 16, 1972.
Do	do	Indialantic	H 12 009 1483 01	do	Office of the Town Manager, Town of Indialantic, 216 5th Ave., Indialantic, FL 32901.	Aug. 18, 1972
Do	do	Indian Harbour Beach.	H 12 009 1471 01 H 12 009 1471 02.	do	City Hall, 40 Cheyenne Ct., Indian Harbour Beach, FL 32937.	June 16, 1972.
Do	do	Melbourne Beach	H 12 009 2000 02	do	Town Hall, Ocean Ave., Melbourne Beach, Fla. 32951.	Nov. 25, 1972.
Do	do	Titusville	H 12 009 3000 09 through H 12 009 3000 14.	do	Office of the City Engineer, City Hall, Titusville, Fla. 32780.	June 16, 1972.
Do	Broward	Unincorporated areas.	H 12 011 0000 02 through H 12 011 0000 04	do	Broward County Engineering Department, Room 365, County Courthouse, Fort Lauderdale, Fla. 33301.	Oct. 26, 1972.
Do	do	Deerfield Beach	H 12 011 0790 01 H 12 011 0790 02	do	City Engineer's Office, City of Deerfied Beach, 150 Northeast 24 Ave., Post Office Drawer A11, Deerfield Beach, FL 33441.	Nov. 10, 1972.
Do	do	Fort Lauderdale	H 12 011 1050 05 through H 12 011 1050 08.	do	Department of Engineering, City of Fort Lauderdale, 100 North Andrews Ave., Fort Lauderdale, FL 33302.	Nov. 7, 1972.
Do	do	Hallandale	H 12 011 1280 01 H 12 011 1280 02	do	City Hall, City of Hallandale, Hallandale, Fla. 33009.	Nov. 25, 1972.
Do	do	Hollywood	H 12 011 1420 01 through H 12 011 1420 03.	do	Department of Engineering, City of Fort Lauderdale, 100 North Andrews Ave., Fort Lauderdale, FL 33302.	Nov. 7, 1972.
Do	do	Landerdale-by-the-sea.	H 12 011 1780 02	do	Town Hall, 4501 Ocean Dr., Lauderdale-by-the-Sea, FL 33308.	Oct. 27, 1972.
Do	do	Lighthouse Point	H 12 011 1826 01	do	City Hall, City of Lighthouse Point, Post Office Box 5100, 2200 38th St., Lighthouse Point, FL 33064.	Nov. 7, 1972.
Do	do	Wilton Manors	H 12 011 3250 01 through H 12 011 3250 03.	do	Office of the City Administrator, 525 North 21st Ct., Wilton Manors, FL 33444.	Oct. 27, 1972.
Do	Collier	Everglades	H 12 021 0970 02	do	Office of the City Clerk, City of Everglades, Everglades, Fla. 33929.	Oct. 11, 1972.
Do	Dade		H 12 025 0000 02 through H 12 025 0000 55.	do	Public Works Department, 1351 Northwest 12th St., Miami, FL 33125.	Sept. 30, 1972.
Do	Escambia	Navarre Beach	H 12 033 0000 02	do	Santa Rosa County Beach Administration, Route 1, Box 372, Gulf Breeze, FL 32561.	June 9, 1972.
Do	do	Pensacola Beach	H 12 033 2494 01 through H 12 033 2494 03.	do	Santa Rosa Island Authority No. 1, Via de Luna, Pensacola Beach, Fla. 32561.	May 26, 1970.
Do	Lee	Unincorporated areas.	H 12 071 0000 03 through H 12 071 0000 60.	do	Public Works Office, Lee County, Fort Myers, Fla. 33902.	Sept. 3, 1971.
Do	do	Fort Myers	H 12 071 1070 05 through H 12 071 1070 08.	do	Building and Zoning Department, City Hall, Post Office Drawer 2217, Fort Myers, FL 33902.	Apr. 9, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Do	Monroe	Unincorporated areas.	H 12 087 0000 01 through H 12 087 0000 03.	do	Office of the Zoning County Courthouse, Key West, Fla. 33040.	June 20, 1970.
Do	do	Key Colony Beach.	H 12 087 1569 02	do	Office of the City Clerk, City of Key Colony Beach, Key Colony Beach, Fla. 33051.	Do.
Do	Okaloosa	Okaloosa Island Beaches, Holiday Isle.	H 12 091 3320 07	do	Okaloosa Island Authority, 105 Santa Rosa Blvd., Okaloosa Island Beaches, Fort Walton Beach, FL 32548. Clerk of the Circuit Court, Okaloosa County Courthouse, Crestview, Fla. 32536.	Aug. 7, 1970.
Do	do	Okaloosa Island Beaches.	H 12 091 3328 05 H 12 091 3328 06.	do	do	May 22, 1970.
Do	do	Valparaiso	H 12 091 3040 01 through H 12 091 3040 04.	do	Valparaiso City Hall, 44 Southview Avenue, Valparaiso, FL 32580.	June 17, 1970.
Do	Palm Beach	Unincorporated areas.	H 12 099 0000 05	do	Board of County Commissioners, Palm Beach County, 301 North Olive Ave., West Palm Beach, FL 33401.	Do.
Do	do	Delray Beach	H 12 099 0820 05 through H 12 099 0820 08.	do	Office of the City Engineer, City Hall, 100 Northwest 1st Ave., Delray Beach, FL 33444.	Apr. 9, 1970.
Do	do	Gulf Stream	H 12 099 1260 01	do	Office of the Town Manager, Gulf Stream Town Hall, Post Office Box 255, Delray Beach, FL 33444.	Nov. 25, 1972.
Do	do	Highland Beach	H 12 099 1350 03 H 12 099 1350 01.	do	Town of Highland Beach, 3612 South Ocean Blvd., Delray Beach, FL 33441.	Oct. 17, 1970.
Do	do	Jupiter	H 12 099 1560 01 through H 12 099 1560 05.	do	Jupiter Town Hall, Town Hall Road Jupiter, Fla. 33458.	Sept. 27, 1972.
Do	do	Jupiter Inlet Colony.	H 12 099 1563 01	do	Office of the Town Manager-Clerk, Town of Jupiter Inlet Colony, Box 723, Jupiter, FL 33458.	Sept. 27, 1972.
Do	do	Ocean Ridge	H 12 099 2280 02 H 12 099 2280 03	do	Town Hall, 6450 North Ocean Blvd., Ocean Ridge, FL 33444.	Sept. 18, 1970.
Do	do	Palm Beach Shores.	H 12 099 2432 02	do	Office of the Town Engineer, Town Hall, 247 Edwards Lane, Palm Beach Shores, FL 33404.	April 27, 1970 and June 26, 1971.
Do	do	Riviera Beach	H 12 099 2660 01 H 12 099 2660 02	do	Office of the City Engineer, City of Riviera Beach, Post Office Box 9757, Riviera Beach, FL 33404.	Sept. 27, 1972.
Do	Pinellas	Unincorporated areas.	H 12 103 0000 01 through H 12 103 0000 06.	do	Pinellas County, Department of Planning, 315 Haveu St., Clearwater, FL 33516.	June 18, 1971.
Do	do	Belleair	H 12 103 0200 02	do	Town of Belleair, Town Hall, 901 Ponce de Leon Rd., Belleair, Clearwater, FL 33516.	May 14, 1971.
Do	do	Belleair Beach	H 12 103 0201 02	do	Municipal Bldg., City of Belleair Beach, 444 Causeway Blvd., Belleair Beach, FL 33535.	Do.
Do	do	Belleair Shore	H 12 103 0202 02	do	Office of the Mayor-Commissioner, 1710 Gulf Blvd., Belleair Shore, FL 33535.	Do.
Do	do	Clearwater	H 12 103 0570 05 through H 12 103 0570 08.	do	City Hall Lobby, Clearwater City Hall, Clearwater, FL 33518.	June 9, 1971.
Do	do	Dunedin	H 12 103 0650 03 H 12 103 0650 04	do	Planner's Office, City Hall, 755 Milwaukee Ave., Dunedin, FL 33528.	May 11, 1971.
Do	do	Gulfport	H 12 103 1250 02	do	City Hall, 2401 53d St. South, Gulfport, FL 33707.	May 21, 1971.
Do	do	Indian Rocks Beach, South Shore.	H 12 103 1170 02	do	Municipal Office, 19305 Gulf Blvd., Indian Rocks Beach, South Shore, FL 33535.	May 22, 1970.
Do	do	Largo	H 12 103 1770 02 through H 12 103 1770 05.	do	Town Manager's Office, 225 1st Ave. SW., Largo, FL 33540.	May 28, 1971.
Do	do	Madeira Beach	H 12 103 1880 03 H 12 103 1880 04	do	Office of the City Clerk, Municipal Bldg., 300 Municipal Dr., Madeira Beach, FL 33708.	June 5, 1970.
Do	do	North Redington Beach.	H 12 103 2236 02	do	Municipal Office Bldg., 190 173d Ave., St. Petersburg, FL 33708.	May 22, 1970.
Do	do	Redington Beach	H 12 103 2650 02	do	Town Hall, 105 164th Ave., Redington Beach, St. Petersburg, FL 33708.	May 15, 1970.
Do	do	Redington Shores	H 12 103 2652 02	do	Office of the Town Clerk, Municipal Bldg., 17298 Gulf Blvd., Redington Shores, FL 33708.	May 8, 1971.
Do	do	Safety Harbor	H 12 103 2680 03 H 12 103 2680 04.	do	Office of the City Clerk, City Hall, 700 Main St., Safety Harbor, FL 33572.	May 11, 1971.
Do	do	St. Petersburg	H 12 103 2730 03 through H 12 103 2730 08.	do	Department of Buildings, City of St. Petersburg, 650 16th St. North, St. Petersburg, FL 33713.	May 28, 1971.
Do	do	St. Petersburg Beach.	H 12 103 2740 02	do	Municipal Bldg., 7701 Boca Ciega Dr., St. Petersburg Beach FL 33706.	May 22, 1970.
Do	do	South Pasadena	H 12 103 2873 02	do	Town Hall, Town of South Pasadena, South Pasadena, Fla. 33707.	June 17, 1970.
Do	do	Treasure Island	H 12 103 3010 05 through H 12 103 3010 08.	do	Office of the City Manager, 120 108th Ave., Treasure Island, FL 33706.	May 8, 1971.
Do	St. Johns	St. Augustine	H 12 109 2690 03	do	Office of the City Manager, City of St. Augustine, St. Augustine, Fla. 32084.	Oct. 11, 1972.
Do	do	St. Augustine Beach.	H 12 109 2691 02	do	Office of the Town Clerk, Town Bldg., No. 7, St. Augustine Beach, Fla. 32084.	Sept. 30, 1972.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Do	Sarasota	Unincorporated areas.	H 12 115 2780 06 through H 12 115 2780 08.	do	Office of the Clerk to the County Commission, Sarasota County Courthouse, Room 21, Sarasota, Fla. 33578.	July 31, 1971.
Do	do	Venice	H 12 115 3050 02 through H 12 115 3050 05.	do	Office of the City Clerk, City Hall, 401 West Venice Ave., Venice, FL 33595.	do.
Georgia	Chatham	Savannah	H 13 051 4910 03 through H 13 051 4910 06.	Bureau of State Planning and Community Affairs, 270 Washington St. SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Department of Inspections, Post Office Box 1027, Savannah, GA 31401.	May 21, 1971.
Do	do	Savannah Beach	H 13 051 4920 03 through H 13 051 4920 06.	do	Office of the City Clerk, Post Office Box 128, Savannah Beach, GA 31326.	Jan. 14, 1972.
Do	De Kalb	Unincorporated areas.	H 13 089 0000 01 through H 13 089 0000 07.	do	De Kalb County Planning Department, Room 349, De Kalb Annex Bldg., 556 North McDonough St., Decatur, GA.	June 5, 1970.
Do	do	Decatur	H 13 089 1610 03 H 13 089 1610 04	do	Office of the City Clerk, City of Decatur, Post Office Box 220, Decatur, GA 30030.	June 11, 1971.
Do	De Kalb and Fulton.	Atlanta	H 13 121 0280 11 through H 13 121 0280 21.	do	City Planning Department, Room 700, City Hall, Atlanta, Ga. 30303.	Oct. 14, 1971.
Do	Fulton	Unincorporated areas.	H 13 121 0000 15 through H 13 121 0000 48.	do	Fulton County Planning Department, Room 306, 165 Central Ave., SW., Atlanta, GA 30303.	Nov. 2, 1971.
Do	Muscogee	Columbus	H 13 215 1280 07 through H 13 215 1280 17.	do	Office of the Building Official, City of Columbus, Post Office Box 1340, Columbus, GA 31902.	Oct. 30, 1970.
Hawaii	Hawaii	Hilo and vicinity.	H 15 001 1900 05 through H 15 001 1900 08.	Board of Land and Natural Resources, Department of Land and Natural Resources, Box 621, Honolulu, HI 96809. Hawaii Insurance Division, Box 3614, Honolulu, HI 96811.	County of Hawaii Planning Department, 25 Aupuni St., Hilo, HI 96720.	June 5, 1970.
Do	do	Honolulu and vicinity.	H 15 003 2400 01 through H 15 003 2400 15.	do	Office of the City Clerk, City Hall, Honolulu, Hawaii 96813.	Do.
Illinois	Greene	Rock Island	H 17 161 7470 01 through H 17 161 7470 09.	Department of Local Government Affairs, 325 West Adams St., Room 406, Springfield, IL 62700. Illinois Insurance Department, 525 West Jefferson St., Springfield, IL 62702.	Rock Island City Planning Department, Rock Island City Hall, 1528 3d Ave., Rock Island, IL 61201.	June 9, 1972.
Indiana	Jay	Portland	H 18 075 4040 01 H 18 075 4040 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Office of the City Clerk Treasurer, City Hall, Portland, Ind. 47871.	May 13, 1972.
Do	Lake	Highland	H 18 089 2090 01 H 18 089 2090 02.	do	Town Hall, 3333 Ridge Rd., Highland, IN 46322.	May 19, 1972.
Do	do	Griffith	H 18 089 1970 03 through H 18 089 1970 06.	do	Office of the Clerk Treasurer, Town of Griffith, 111 North Broad St., Griffith, IN 46319.	Apr. 18, 1972.
Iowa	Clayton	Marquette	H 19 043 5310 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Office of the Town Clerk, Town of Marquette, Marquette, Iowa 52158.	Jan. 19, 1972.
Do	do	McGregor	H 19 043 5080 01	do	Office of the Town Clerk, Town of McGregor, McGregor, Iowa 52157.	Do.
Do	Dubuque	Dubuque	H 19 061 2430 03 through H 19 061 2430 12.	do	City Engineering Department, City Hall, Dubuque, Iowa 52001.	May 15, 1970.
Do	Webster	Fort Dodge	H 19 187 3020 07 through H 19 187 3020 12.	do	City Clerk's Office, Municipal Bldg., Fort Dodge, Iowa 50501.	Apr. 9, 1971.
Kansas	Finney	Garden City	H 20 055 1950 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	City Hall, 116 East Chestnut, Garden City, KS 67846.	Mar. 3, 1972.
Do	Ford	Dodge City	H 20 057 1370 01 H 20 057 1370 02	do	Office of the City Manager, 705 1st Ave., Dodge City, KS 67801.	May 10, 1972.
Do	Johnson	Fairway	H 20 091 1770 03	do	Fairway City Hall, 5244 Norwood Rd., Shawnee Mission, KS 66205.	June 20, 1970.
Do	Shawnee	Topeka	H 20 177 5400 05 through H 20 177 5400 19.	do	City Engineering Department, City Hall, 7th and Quincy Sts., Topeka, Kans. 66603.	Oct. 23, 1971.
Kentucky	Bell	Middlesboro	H 21 013 2220 03 H 21 013 2220 04	Division of Water, Kentucky Department of Natural Resources, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Office of the City Clerk, City Hall, City of Middlesboro, North 20th St. and Lothbury Ave., Middlesboro, Ky. 40965.	May 27, 1971.
Do	Perry	Hazard	H 21 193 1470 03 H 21 193 1470 04	do	City Hall, City of Hazard, High St., Hazard, Ky. 41701.	Mar. 10, 1972.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Louisiana	Acadia Parish	Crowley	H 22 001 0520 01 through H 22 001 0520 04.	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Batou Rouge, LA 70804.	City Hall, Corner of Avenue F and 5th St., Crowley, La. 70526.	July 1, 1972.
Do	East Baton Rouge Parish.	Baton Rouge and vicinity.	H 22 033 0150 01 through H 22 033 0150 16.	do	Office of the Chief Engineer, Room 406, Municipal Bldg., Baton Rouge, La. 70821.	June 20, 1970.
Do	do	Baker	H 22 033 0100 01	do	Office of the City Clerk, City Hall, Post Office Box 308, Baker, LA 70714.	Sept. 9, 1970.
Do	Cameron Parish		H 22 023 0000 06 through H 22 023 0000 09.	do	Office of the Parish Treasurer, Police Jury Annex, Cameron, La. 70631.	June 20, 1970.
Do	Jefferson Parish	Metairie	H 22 051 1345 01	do	Jefferson Parish Department of Sanitation, 648 Helois St., Metairie, LA 70005.	June 25, 1969.
Do	do	Terrytown and vicinity.	H 22 051 2246 02 through H 22 051 2246 14.	do	do	Mar. 13, 1970.
Do	do	Remainder		do	do	Oct. 13, 1971.
Do	do	Grand Isle	H 22 051 0920 03 H 22 051 0920 04.	do	Office of the Town Clerk, Town Hall, Oleander Ave., Grand Isle, La. 70358.	Oct. 20, 1970.
Do	do	Gretna	H 22 051 0950 03 H 22 051 0950 04.	do	City Hall, Hughy P. Long Ave. and 2d St., Gretna, La. 70053.	June 18, 1971.
Do	do	Kenner	H 22 051 1190 05 through H 22 051 1190 08.	do	Regulatory Department, 1801 Williams Blvd., Kenner, LA 70062.	June 26, 1971.
Do	Lafourche Parish	Unincorporated areas.	H 22 057 0000 03 H 22 057 0000 04.	do	Lafourche Parish Courthouse, Thibodaux, La. 70301.	May 8, 1971.
Do	do	Golden Meadow	H 22 057 0850 02	do	Mayor's Office, 313 North Bayou Dr., Golden Meadow, LA 70357.	Nov. 20, 1970.
Do	Orleans Parish	Inner harbor and citrus area.	H 02 071 0000 02 through H 02 071 0000 30.	do	City Planning Commission, Room 4W04 City Hall, 1300 Perdido St., New Orleans, LA 70112.	Mar. 13, 1970.
Do	do	Except inner harbor and citrus area.	do	do	do	Oct. 19, 1971.
Do	St. Bernard's Parish.	Verret to Hopedale-Delacroix.	H 22 087 0000 01	do	Office of the Parish Engineer, St. Bernard's Parish Courthouse, Chalmette, La. 70043.	Mar. 12, 1970.
Do	do	Violet to Verret	H 22 087 0000 02	do	do	Do.
Do	do	Orleans-St. Bernard Parish line to Violet.	H 22 087 0000 03 through H 22 087 0000 07.	do	do	Mar. 31, 1970.
Do	St. Tammany Parish.	Unincorporated areas.	H 22 103 0000 13 through H 22 103 0000 28.	do	Department of Planning and Engineering, Suite M3, Courthouse, Covington, La. 70433.	Apr. 27, 1971.
Do	Terrebonne Parish.	Unincorporated areas.	H 22 109 0000 05 through H 22 109 0000 08.	do	Office of the Secretary-Treasurer, Terrebonne Parish, Post Office Box 367, Houma, LA 70360.	Nov. 20, 1970.
Maryland	Prince George's	Except Laurel	H 24 033 0000 10 through H 24 033 0000 79.	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, MD 21201.	Department of Inspections and Permits, County Service Bldg., Hyattsville, Md. 20781.	Aug. 1, 1972.
Do	Worcester	Ocean City	H 24 047 1150 03 H 24 047 1150 04.	do	Office of the City Engineer, Town of Ocean City, Ocean City, Md. 21842.	July 1, 1970.
Massachusetts	Bristol	Somerset	H 25 005 1185 03 through H 25 005 1185 07.	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Board of Selectmen, Town Office Bldg., Somerset, Mass. 02726.	Mar. 18, 1972.
Do	do	Swansea	H 25 005 1268 05 through H 25 005 1268 10.	do	Office of the Board of Selectmen, Town Hall, Main St., Swansea, Mass 02777.	June 20, 1970 and Aug. 7, 1971.
Do	do	Westport	H 25 005 1441 02 H 25 005 1441 03.	do	Town Office Bldg., Main Rd., Westport, Mass. 02790.	July 16, 1971.
Do	Norfolk	Holbrook	H 25 021 0488 02	do	Office of the Planning Board, Town Hall, Holbrook, Mass. 02343.	Apr. 28, 1972.
Do	do	Norfolk	H 25 021 0877 02 through H 25 021 0877 05.	do	Office of the Town Clerk, Town Hall, Norfolk, Mass. 02056.	Aug. 7, 1970.
Do	Plymouth	Wareham	H 25 023 1360 02 through H 25 023 1360 05.	do	Selectmen's Office, Memorial Town Hall, Wareham, Mass. 02571.	May 27, 1971.
Minnesota	Blue Earth	Unincorporated areas.	H 27 013 0000 01 through H 27 013 0000 11.	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City-County Planner, City Hall, 202 East Jackson St., Mankato, MN 56001.	Nov. 25, 1972.
Do	do	Mankato	H 27 013 4180 03 H 27 013 4180 04.	do	Mankato City Engineering Dept., 202 East Jackson St., Mankato, MN 56001.	Dec. 22, 1972.
Do	Carver	Carver	H 27 019 1090 01 H 27 019 1090 02.	do	Carver Village Hall, Main St., Carver, Minn. 55315.	Sept. 12, 1972.
Do	do	Chaska	H 27 019 1180 03 H 27 019 1180 04.	do	Chaska City Hall, 205 East 4th St., Chaska, MN 55318.	Do.
Do	Chippewa	Montevideo	H 27 023 4840 01 H 27 023 4840 02.	do	Montevideo City Hall, 103 Canton Ave., Montevideo, MN 56265.	May 26, 1972.
Do	Clay	Unincorporated areas.	H 27 027 0000 02 through H 27 027 0000 21.	do	Office of the Codes Administrator, Clay County Planning Commission, Post Office Box 533, Moorhead, MN 56560.	May 5, 1972.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Do.	do.	Moorhead	H 27 027 4880 01 H 27 027 4880 02.	do.	Office of the City Engineer, Box 779, Moorhead, MN 56560.	Feb. 19, 1972.
Do.	Hennepin	Bloomington	H 27 053 0675 03 through H 27 053 0675 06.	do.	Planning Department, City of Bloomington, 2215 West Shakopee Rd., Bloomington, MN 55431.	Sept. 12, 1972.
Do.	Mower	Austin	H 27 099 0290 06 through H 27 099 0290 10.	do.	Office of the City Engineer, Municipal Bldg., 500 Northeast 4th Ave., Austin, MN 55912.	May 14, 1971.
Do.	Nicollet	North Mankato	H 27 103 5280 02.	do.	City of North Mankato Municipa Bldg., 1001 Belgrade Ave., North Mankato, MN 56001.	Apr. 28, 1972.
Do.	Olmsted	Rochester	H 27 109 5960 02 through H 27 109 5960 05.	do.	Office of the City Clerk, City Hall, Rochester, Minn. 55901.	Mar. 30, 1970 and Mar. 27, 1971.
Do.	Washington	Afton	H 27 163 0040 02 through H 27 163 0040 05.	do.	Afton Village Hall, Afton, Minn. 55001.	Apr. 20, 1972.
Do.	do.	Bayport	H 27 163 0130 01	do.	Office of the Village Clerk, Village Hall, Bayport, Minn. 55003.	May 13, 1972.
Do.	do.	Lakeland	H 27 163 3940 01	do.	Village Hall, Village of Lakeland, Lakelnnd, Minn. 55043.	Feb. 9, 1972.
Do.	do.	Lakeland Shores	H 27 163 3950 01	do.	Office of the Mayor, Village of Lakeland Shores, Lakeland, Minn. 55043.	Apr. 28, 1972.
Do.	do.	Lake St. Croix Beach.	H 27 163 3976 01	do.	Office of the Village Clerk, 482 Maple St., Lake St. Croix Beach, MN 55001.	Feb. 19, 1972.
Do.	do.	St. Mary's Point	H 27 163 6314 01	do.	Office of the Mayor, Village of St. Mary's Point, Ronte 1, Lakeland, Minn. 55043.	Feb. 26, 1972.
Do.	Wilkin	Breckenridge	H 27 167 0790 02	do.	Office of the City Clerk, City of Breckenridge, City Hall, Breckenridge, Minn. 56520.	Sept. 2, 1970.
Do.	Winona	Winona	H 27 169 7660 03 through H 27 169 7660 07.	do.	Office of the Planning Director, Room S, Municipal Bldg., Winona, Minn. 55987.	Apr. 20, 1972.
Mississippi	Forrest	Hattiesburg	H 28 035 1050 01.	Mississippi Research and Development Center, Post Office Drawer 2470, Jackson, MS 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Post Office Box 79, Jackson, MS 39205.	Office of the City Clerk, City Hall, Hattiesburg, Miss. 39402.	Apr. 3, 1970.
Do.	Hancock	Unincorporated areas, southern part.	H 28 045 0000 01 through H 28 045 0000 07.	do.	Office of the Chancery Clerk, Hancock County Courthouse, Bay St. Louis, Miss. 39520.	Sept. 9, 1970.
Do.	do.	Bay St. Louis	H 28 045 0130 02.	do.	City Hall, City of Bay St. Louis, South 2d St., Bay St. Louis, Miss. 39520.	July 1, 1970.
Do.	do.	Waveland	H 28 045 2740 02.	do.	Office of the Town Clerk, Town Hall, Waveland, Miss. 39576.	Do.
Do.	Harrison	Unincorporated areas, southern part.	H 28 047 0000 03 through H 28 047 0000 08.	do.	Clerk of the Board of Supervisors, Harrison County, Post Office Drawer CC, Gulfport, MS 39501.	Sept. 18, 1970.
Do.	do.	Biloxi	H 28 047 0230 03 H 28 047 0230 04.	do.	Office of the Building Official, City Hall, 216 Lamuse St., Biloxi, MS 39530.	July 1, 1970.
Do.	do.	Gulfport	H 28 047 1020 03 H 28 047 1020 04.	do.	Office of the City Clerk, City of Gulfport, City Hall, Post Office Box 1780, Gulfport, MS 39501.	May 26, 1970.
Do.	do.	Long Beach	H 28 047 1380 02.	do.	Office of the City Clerk, City Hall, Long Beach, Miss. 39560.	June 17, 1970.
Do.	do.	Pass Christian	H 28 047 1910 02.	do.	Temporary City Hall, 111 Helrn Ave., Pass Christian, MS 39571.	May 26, 1970.
Do.	Jackson	Unincorporated areas, southern part.	H 28 059 0000 03 through H 28 059 0000 07.	do.	Jackson County Planning Commission Office, Courthouse, Pascagoula, Miss. 39567.	Sept. 18, 1970.
Do.	do.	Moss Point	H 28 059 1680 01 through H 28 059 1680 05.	do.	Office of the Building Inspector, Denny and Harris Sts., Moss Point, Miss. 39563.	Do.
Do.	do.	Ocean Springs	H 28 059 1810 02.	do.	City Hall, 1010 Porter Ave., Ocean Springs, MS 39564.	Sept. 9, 1970.
Do.	do.	Pascagoula	H 28 059 1900 05 through H 28 059 1900 08.	do.	Office of the City Clerk, City of Pascagoula, Post Office Drawer 908, Pascagoula, MS 39567.	Sept. 18, 1970.
Missouri	Andrain	Mexico	H 29 007 5170 01 through H 29 007 5170 06.	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	City Engineering Department, City Hall, Mexico, Mo. 65265.	May 26, 1972.
Do.	Boone	Columbia	H 29 019 1800 06 through H 29 019 1800 25.	do.	Office of the City Clerk, Municipal Bldg., Columbia, Mo. 65201.	Aug. 28, 1971.
Do.	Cass	Pleasant Hill	H 29 037 6360 01 through H 29 037 6360 03.	do.	Office of the Mayor, City of Pleasant Hill, City Hall, 203 Paul St., Pleasant Hill, MO 64080.	Sept. 15, 1972.
Do.	Clay	Smithville	H 29 047 7370 02.	do.	Smithville City Hall, 108 South Bridge St., Smithville, MO 64089.	June 5, 1970 and May 21, 1971.
Do.	Jefferson	De Soto	H 29 099 2200 03 H 29 099 2200 04.	do.	Office of the City Manager, City of De Soto, 413 Second St., De Soto, MO 63020.	May 26, 1972.
Do.	Phelps	Newberg	H 29 161 5610 01	do.	Office of the City Clerk, City of Newburg, City Hall, Newburg, Mo. 65550.	Apr. 28, 1972.
Nebraska	Douglas	Omaha	H 31 055 3620 03 H 31 055 3620 04.	Nebraska Natural Resources Commission, State Capitol Bldg., Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, NE 68509.	Planning Department, City of Omaha, 603 City Hall, 108 South 18th St., Omaha, NE 68102.	May 8, 1971.
Do.	Lancaster	Lincoln	H 31 109 2830 07 through H 31 109 2830 15.	do.	Salt Valley Watershed District, Federal Securities Bldg., Lincoln, Nebr. 68509.	Apr. 27, 1971.
Do.	Sarpy	Papillion	H 31 153 3800 01	do.	Office of the Mayor, City of Papillion, 146 North Adams, Papillion, NE 68046.	Aug. 18, 1972.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Nevada	Clark	Las Vegas	H 32 003 0120 01 through H 32 003 0120 08. H 31 109 2830 15.	Division of Water Resources, Department of Conservation and Natural Resources, Nye Bldg., Carson City, Nev. 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701.	Public Works Department, 821 Las Vegas Blvd. North, Las Vegas, NV 89101.	Dec. 2, 1972.
New Jersey	Atlantic	Atlantic City	H 34 001 0000 03 H 34 001 0000 04.	Division of Water Resources, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Engineer, Room 603, City Hall, Atlantic City, N.J. 08401.	June 18, 1971.
Do.	do.	Brigantine	H 34 001 0140 02	do.	Office of the City Clerk, 1417 West Brigantine Ave., Brigantine, NJ 08203.	May 15, 1970.
Do.	do.	Longport Borough.	H 34 001 1770 03	do.	Borough Clerk's Office, Borough Hall, 2301 Atlantic Ave., Longport, NJ 08403.	Aug. 12, 1970.
Do.	do.	Margate City	H 34 001 1830 02	do.	Office of the City Clerk, Washington and Ventnor Aves., Margate City, N.J. 08402.	June 18, 1971.
Do.	do.	Ventnor City	H 34 001 3440 02 H 34 001 3440 03.	do.	Office of the City Engineer, City Hall, Ventnor City, N.J. 08406.	Do.
Do.	Bergen	Oakland	H 34 003 2330 01	do.	Borough Clerk's Office, Municipal Bldg., Oakland, N.J. 07436.	July 1, 1970.
Do.	Burlington	Burlington	H 34 005 0480 02 through H 34 005 0480 05.	do.	Office of the City Clerk, City Hall, 432 High St., Burlington, NJ 08016.	July 23, 1971.
Do.	Cape May	Avalon	H 34 009 0130 03 H 34 009 0130 04.	do.	Office of the Borough Clerk, Borough Hall, 33d and Dune Dr., Avalon, N.J. 08202.	Apr. 17, 1970.
Do.	do.	Cape May City	H 34 009 0530 05 through H 34 009 0530 08.	do.	Office of the Building Inspector, Cape May City Hall, Cape May, N.J. 08240.	Aug. 7, 1970.
Do.	do.	Cape May Point Borough.	H 34 009 0550 02.	do.	Office of the Cape May Point Building Insepctor, Borough Pump House, Light House Ave., Cape May Point, N.J. 08212.	July 1, 1970.
Do.	do.	North Wildwood	H 34 009 2280 02.	do.	Office of the Tax Collector, City of North Wildwood, 901 Atlantic Ave., North Wildwood, NJ 08260.	Mar. 6, 1971.
Do.	do.	Ocean City	H 34 009 2370 02.	do.	Office of the City Engineer, City Hall, 9th St. and Asbury Ave., Ocean City, N.J. 08226.	Apr. 17, 1970.
Do.	do.	Sea Isle City	H 34 009 3090 03 H 34 009 3090 04.	do.	Office of the City Clerk, City Hall, 4416 Landis Ave., Sea Isle City, NJ 08243.	June 17, 1970.
Do.	do.	Stone Harbor	H 34 009 3260 03 H 34 009 3260 04.	do.	Borough Clerk's Office, Municipal Bldg., 95th and 2d Ave., Stone Harbor, N.J. 08247.	Jan. 8, 1971.
Do.	do.	West Wildwood	H 34 009 3630 02.	do.	Borough of West Wildwood, 701 West Glenwood Ave., West Wildwood, NJ 08260.	Do.
Do.	do.	Wildwood	H 34 009 3670 02.	do.	Office of the Treasurer, City of Wildwood, Municipal Bldg., 4400 New Jersey Ave., Wildwood, NJ 08260.	June 5, 1970.
Do.	do.	Wildwood Crest	H 34 009 3680 03 H 34 009 3680 04.	do.	Borough Hall, 6101 Pacific Ave., Wildwood Crest, NJ 08260.	Feb. 26, 1971.
Do.	Hunterdon	Lebanon Borough.	H 34 019 1660 01 through H 34 019 1660 08.	do.	Office of the Borough Clerk, Municipal Offices, Sammis Bldg., Lebanon N.J. 08833.	Aug. 18, 1972.
Do.	do.	Stockton Borough.	H 34 019 3250 01.	do.	Borough Hall, Main St., Stockton, N.J. 08559.	June 16, 1972.
Do.	Mercer	Ewing Township.	H 34 021 0935 02 through H 34 021 0935 07.	do.	Office of the Township Clerk, Township Municipal Bldg., 1872 Pennington Rd., Trenton, NJ 08618.	Aug. 25, 1972.
Do.	do.	Trenton	H 34 021 3380 03 through H 34 021 3380 06.	do.	City Engineer's Office, City Hall, East State St., Trenton, N.J. 08608.	Dec. 7, 1971.
Do.	Middlesex	Middlesex Borough.	H 34 023 1920 02 through H 34 023 1920 06.	do.	Borough Clerk's Office, Municipal Bldg., 1200 Mountain Ave., Middlesex, NJ 08846.	July 10, 1971.
Do.	do.	Woodbridge Township.	H 34 023 3705 06 through H 34 023 3705 14.	do.	Division of Engineering, Woodbridge Township, 1 Main St., Woodbridge, NJ 07095.	June 3, 1972.
Do.	Monmouth	Belmar Borough.	H 34 025 0250 01.	do.	Office of the Municipal Clerk, Borough of Belmar, Belmar, N.J. 07719.	May 13, 1972.
Do.	do.	Highlands Borough.	H 34 025 1390 02.	do.	Office of the Borough Clerk, Borough of Highlands, 171 Bay Ave., Monmouth County, NJ 07732.	Sept. 3, 1971.
Do.	do.	Manasquan Borough.	H 34 025 1890 03	do.	Office of the Borough Clerk, Borough Hall, 15 Taylor Ave., Manasquan, NJ 08736.	May 13, 1972.
Do.	do.	Sea Bright	H 34 025 2980 02 H 34 025 2980 03	do.	Office of the Borough Clerk, Borough of Sea Bright, Monmouth County, 1099 East Ocean Ave., Monmouth County, NJ 07760.	Oct. 11, 1971.
Do.	Morris	Denville Township.	H 34 027 0745 03 H 34 027 0745 04.	do.	Township Clerk's Office, Municipal Bldg., 95 East Main St., Denville, NJ 07834.	June 26, 1971.
Do.	do.	Dover Township	H 34 027 0750 05 through H 34 027 0750 08.	do.	Township Clerk's Office, Town Hall, 33 Washington St., Toms River, NJ 08753.	Mar. 22, 1972.
Do.	do.	Lincoln Park Borough.	H 34 027 1690 05 through H 34 027 1690 08.	do.	Borough Clerk's Office, Municipal Bldg., Lincoln Park, N.J. 07035.	Sept. 15, 1971.
Do.	do.	Pequannock Township.	H 34 027 2567 02.	do.	Office of the Township Clerk, Township of Pequannock, Municipal Bldg., 530 Turnpike, Pompton Plains, NJ 07444.	May 21, 1971.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Do	do	Rockaway Borough.	H 34 027 1850 04 through H 34 027 1850 06.	do	Borough Clerk's Office, Municipal Bldg., Borough of Rockaway, 1 East Main St., Rockaway, NJ 07866.	Sept. 3, 1971.
Do	Ocean	Barnegat Light Borough.	H 34 029 0150 02	do	Borough Hall, Borough of Barnegat Light, West 10th St., Barnegat Light, NJ 08006.	June 5, 1970.
Do	do	Bay Head	H 34 029 0180 02	do	Office of the Borough Clerk, Borough Hall, 67 Bridge Ave., Bay Head, NJ 08742.	Aug. 17, 1971.
Do	do	Beach Haven Borough.	H 34 029 0200 02	do	Office of the Borough Clerk, Municipal Bldg., Bay and Engleside Ave., Beach Haven, N.J. 08008.	June 17, 1970.
Do	do	Brick Township	H 34 029 0416 03 through H 31 029 0416 14.	do	Town Hall, Brick Township, 609 Brick Blvd., Laurelton, Brick Township, NJ 08723.	Aug. 4, 1972.
Do	do	Harvey Cedars Borough.	H 34 029 1320 02	do	Borough Hall, 76th and Boulevard, Harvey Cedars, N.J. 08040.	May 26, 1970.
Do	do	Lavallette	H 34 029 1630 03	do	Borough Hall, Lavallette, N.J. 08735	June 11, 1971.
Do	do	Long Beach Township.	H 34 029 1630 04. H 34 029 1755 05 through H 34 029 1755 08.	do	Office of the Municipal Clerk, Township of Long Beach, 6805 Long Beach Blvd., Brant Beach NJ 08008.	May 26, 1970.
Do	do	Point Pleasant	H 34 029 2650 02 through H 34 029 2650 05.	do	Office of the Borough Clerk, Borough Hall, 2233 Bridge Ave., Point Pleasant, NJ 08742.	July 7, 1972.
Do	do	Seaside Park	H 31 029 3020 03 H 34 029 3020 04.	do	Municipal Bldg., Central and 5th Aves., Borough of Seaside Park, Ocean County, NJ 08752.	Aug. 17, 1971.
Do	do	Ship Bottom Borough.	H 34 029 3060 02	do	Office of the Borough Clerk, Borough Hall, 17th and Boulevard, Ship Bottom, N.J. 08008.	May 26, 1970.
Do	do	Stafford Township.	H 31 029 3270 01 through H 34 029 3270 02.	do	Office of the Township Clerk, 775 East Bay Ave., Manahawkin, NJ 08050.	Sept. 2, 1970.
Do	do	Surf City Borough.	H 34 029 3300 02	do	Office of the Borough Clerk, Borough Hall, Surf City, N.J. 08010.	May 26, 1970.
Do	Passaic	Bloomingdale Borough.	H 34 031 0330 02 through H 34 031 0330 05.	do	Office of the Borough Clerk, Municipal Bldg., Bloomingdale, N.J. 07403.	Mar. 10, 1972.
Do	do	Pompton Lakes	H 34 031 2670 02	do	Municipal Bldg., Borough of Pompton Lakes, 25 Lenox Ave., Pompton Lakes, NJ 07442.	June 5, 1970.
Do	Somerset	North Plainfield	H 34 035 2250 03 H 34 035 2250 04.	do	Office of the Borough Engineer, 263 Somerset St., North Plainfield, NJ 07060.	Aug. 20, 1971.
Do	Union	Clark Township	H 34 039 0616 02 through H 34 039 0616 05.	do	Office of the Township Engineer, Municipal Bldg., Westfield Ave., Clark, N.J. 07066.	Dec. 28, 1971.
Do	do	Cranford	H 34 039 0705 02	do	Office of the Township Engineer, Cranford Municipal Bldg., 8 Springfield Ave., Cranford, NJ 07016.	Sept. 2, 1970.
Do	do	Elizabeth	H 34 039 0860 02 through H 34 039 0860 05.	do	Office of the City Clerk, City Hall, 50 West Scott Pl., Elizabeth, NJ 07201.	May 22, 1970, and May 8, 1971.
Do	do	Plainfield	H 34 039 2630 03 through H 34 039 2630 05.	do	Office of the Director of Public Works and Urban Development, City Hall, 515 Watchung Ave., Plainfield, NJ 07061.	June 26, 1971.
Do	do	Rahway	H 34 039 2730 07 through H 34 039 2730 12.	do	Office of the Planning Director, City Hall, 1470 Campbell St., Rahway, NJ 07065.	Dec. 23, 1971.
Do	do	Springfield	H 34 039 3207 02 through H 34 039 3207 04.	do	Office of the Township Clerk, Municipal Bldg., Springfield, N.J. 07081.	Oct. 13, 1971.
New Mexico	Dona Ana	Las Cruces	H 35 013 0470 02 through H 35 013 0470 09.	State Engineer's Office, Bataan Memorial Bldg., Sante Fe, N. Mex. 87501. New Mexico Department of Insurance, Post Office Box 1269, Sante Fe, NM 87501.	City Hall, Planning Department, P.P.O. Box F 60, Las Cruces, N. Mex. 88001.	June 11, 1971.
New York	Chautauqua	Hanover	H 34 013 8000 03 H 34 013 8000 04	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Town Clerk's Office, Town of Hanover, 239 Central Ave., Silver Creek, N Y 14136.	Sept. 18, 1971.
Do	Nassau	Long Beach	H 36 059 3360 02	do	City Hall, 1 West Chester St., Long Beach, N Y 11561.	July 1, 1972.
Do	Suffolk	Asharoken	H 36 103 0280 03	do	Office of the Village Clerk, 545 Asharoken Ave., Northport, N Y 11768.	Aug. 20, 1971.
Do	do	Brookhaven	H 36 103 0280 04 H 36 103 0705 12 through H 36 103 0705 34.	do	Town Clerk's Office, Town Hall, Sonth Ocean Ave., Patchogue, N.Y. 11772.	Aug. 31, 1972.
Do	do	Islip	H 36 103 2920 11 through H 36 103 2920 32.	do	Office of the Town Clerk, Brookwood Hall, 50 Irish Lane, East Islip, N Y 11730.	Nov. 18, 1972.
Do	do	Ocean Beach	H 36 103 4400 04	do	Village Office, Bay Walk, Ocean Beach, N.Y. 11770.	May 5, 1970.
Do	do	Saltaire	H 36 103 5430 04	do	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	May 22, 1970.
Do	do	Westhampton Beach.	H 36 103 6610 02	do	Village Office, Municipal Bldg., Sunset Ave., Westhampton Beach, N.Y. 11070.	July 1, 1972.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
North Carolina	Brunswick	Holden Beach	H 37 019 2212 01 through H 37 019 2212 08.	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh NC 27611.	Office of the Town Clerk, Town of Holden Beach, Holden Beach, N.C. 28462.	May 26, 1972.
Do	do	Long Beach	H 37 019 2696 02 through H 37 019 2696 05.	do	Town Hall, East Queen Highway, Long Beach, N.C. 28461.	Mar. 27, 1971.
Do	do	Ocean Isle Beach	H 37 019 3314 01 through H 37 019 3414 08.	do	Town Hall, Ocean Isle Realty Bldg., Ocean Isle Beach, Shalotte, N.C. 28459.	Nov. 18, 1972.
Do	do	Sunset Beach	H 37 019 4724 01 through H 37 019 4724 09.	do	Office of the Town Clerk, Town Hall, Sunset Beach, N.C. 28459.	Do.
Do	Cateret	Beaufort	H 37 031 0350 01 H 37 031 0350 02	do	Office of the Town Clerk, Town of Beaufort, Post Office Box 390, Beaufort, NC 28516.	Dec. 2, 1972.
Do	Dare	Southern Shores	H 37 055 0000 01 H 37 055 0000 02	do	Office of the Register of Deeds, Dare County Courthouse, Mantee, N.C. 27954.	May, 13 1972.
Do	do	Nag's Head	H 37 055 3235 01 through H 37 055 3235 08.	do	Office of the Town Clerk, Town of Nag's Head, Town Hall, Nag's Head, N.C. 27959.	Nov. 10, 1972.
Do	Forsyth	Unincorporated areas.	H 37 067 0000 01 through H 37 067 0000 29.	do	City-County Planning Board, City Hall, Winston-Salem, N.C. 27101.	Aug. 31, 1972.
Do	do	Winston-Salem	H 37 067 5120 01 through H 37 067 5120 18.	do	do	Do.
Do	Guilford	Greensboro	H 37 081 1940 06 through H 37 081 1940 14.	do	Office of the City Clerk, City Hall, Greensboro, N.C. 27402.	Mar. 31, 1970.
Do	Macon	Franklin	H 37 113 1710 03	do	Town Office, 70 West Main St., Franklin, NC 28734.	Feb. 23, 1971.
Do	New Hanover	Carolina Beach	H 37 129 0770 01 through H 37 129 0770 03.	do	Office of the Town Clerk, Town of Carolina Beach, Post Office Box 347, Carolina Beach, NC 28428.	May 26, 1972.
Do	do	Wrightsville Beach.	H 37 129 5180 03 through H 37 129 5180 06.	do	Town Hall, Town of Wrightsville Beach, 400 Waynick Blvd., Post Office Box 626, Wrightsville Beach, NC 28480.	June 20, 1970.
Do	Transylvania	Rosman	H 37 175 3990 01	do	Town Hall Bldg., Town of Rosman, Rosman, NC 28772.	June 3, 1972.
North Dakota	Cass	Unincorporated areas.	H 38 017 0000 01 through H 38 017 0000 10.	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, ND 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	County Courthouse, Cass County, Fargo, N. Dak. 58102.	May 13, 1972.
Do	do	Fargo	H 38 017 1020 02 H 38 017 1020 03.	do	Office of the City Engineer, City Hall, Fargo, N. Dak. 58102.	Apr. 10, 1970.
Do	Pembina	Pembina	H 38 067 2500 02	do	City Hall, City of Pembina, Pembina, N. Dak. 58271.	June 20, 1970.
Do	Ransom	Enderlin	H 38 073 0970 04 through H 38 073 0970 06.	do	Office of the City Auditor, Enderlin, N. Dak. 58027.	June 18, 1971.
Do	Stark	Unincorporated areas.	H 38 089 0000 03 through H 38 089 0000 06.	do	City Auditor's Office, Stark County Courthouse, Dickinson, N. Dak. 58601.	Nov. 9, 1971.
Do	Stutsman	Jamestown	H 38 093 1600 01 through H 38 093 1600 04.	do	City Auditor's Office, City Hall, Jamestown, N. Dak. 58401.	May 26, 1972.
Do	Ward	Unincorporated areas.	H 38 101 0000 01 through H 38 101 0000 30.	do	Office of the County Bldg. Inspector, Ward County Courthouse, Minot, N. Dak. 58701.	Mar. 16, 1970 and Apr. 9, 1971.
Do	do	Minot	H 33 101 2170 08 through H 38 101 2170 13.	do	Office of the City Auditor, Civic Center, Minot, N. Dak. 58701.	Mar. 16, 1970.
Ohio	Cuyahoga	Garfield Heights	H 39 035 2840 02 through H 39 035 2840 05.	Ohio Department of Natural Resources, Ohio Departments Bldg., Columbus, Ohio 43215. Ohio Insurance Department, 115 East Rich St., Columbus, OH 43215.	Building Department, 5555 Turney Rd., Garfield Heights, OH 44125.	July 1 1971.
Do	do	Rocky River	H 39 035 7040 07 through H 39 035 7040 08.	do	Office of the Building Commissioner, City of Rocky River, 21012 Hilliard Blvd., Rocky River, OH 44116.	Sept. 18, 1971.
Do	Lorain	Brownhelm Township.	H 39 093 0710 02	do	Office of the Township Clerk, 8372 Claus Rd., Amherst, OH 44001.	Jan. 8, 1971.
Do	do	Vermilion	H 39 043 8400 03 through H 39 043 8400 06.	do	Office of the Clerk of Council, City Hall, Vermilion, Ohio 44089.	May 5, 1970.
Do	Lucas	Toledo	H 39 095 8120 07 through H 39 095 8120 12.	do	Division of Engineering and Construction, City of Toledo, 565 Eric St., Toledo, OH 43624.	Aug. 20, 1971.
Oklahoma	Canadian, Cleveland, and Oklahoma.	Oklahoma City	H 40 109 3550 01 through H 40 109 3550 14.	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Department of Public Works, 4th Floor, Municipal Bldg., 200 North Walker, Oklahoma City, OK 73102.	July 18, 1972.
Do	Osage and Tulsa	Tulsa	H 40 143 4780 10 through H 40 143 4780 19.	do	Office of the City Engineer, 200 Civic Center, Tulsa, Okla. 74103.	Aug. 17, 1971.
Do	Rogers	Unincorporated areas.	H 40 131 0000 02 through H 40 131 0000 27.	do	Metropolitan Area Planning Commission, City of Claremore-Rogers County, Rogers County Courthouse, Post Office Box 904, Claremore, OK 74017.	Nov. 9, 1971.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Do	do	Claremore	H 40 131 0090 03 through H 40 131 0090 10.	do	do	Aug. 28, 1971.
Do	Stephens	Comanche	H 40 137 0070 02 through H 40 137 0070 05.	do	City Hall, City of Comanche, Comanche, Okla. 73529.	Dec. 28, 1971.
Oregon	Clakamas	Unincorporated areas.	H 41 005 0000 01 through H 41 005 0000 14.	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem OR 97310.	Clakamas County Planning Department, 940 Warner Milne Rd., Oregon City, OR 97045.	Aug. 25, 1972.
Do	Jackson	Unincorporated areas.	H 41 029 0000 08 through H 41 029 0000 19.	do	Jackson County Planning Department, Courthouse, Medford, Oreg. 97501.	Aug. 20, 1971.
Do	Josephine	Unincorporated areas.	H 41 033 0000 11 through H 41 033 0000 20.	do	Josephine County Planning Office, 130 Northwest B St., Grants Pass, OR 97526.	Sept. 15, 1971.
Do	Lane	Unincorporated areas.	H 41 039 0000 06 through H 41 039 0000 22.	do	Office of General Administration, Lane County Courthouse, 125 8th Ave., East, Eugene, OR 97401.	Dec. 30, 1971.
Do	do	Springfield	H 41 039 0950 01 through H 41 039 0950 06.	do	Office of the City Manager, 223 North A, Springfield, OR 97477.	June 18, 1971.
Pennsylvania	Allegheny	Neville Township	H 42 003 0745 01 through H 42 003 0745 03.	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Neville Township Municipal Bldg., Grand and Third St., Neville Island, Pittsburgh, Pa. 15225.	July 7, 1972.
Do	Cumberland	Carlisle	H 42 041 1100 01 through H 42 041 1100 02	do	Carlisle Municipal Bldg., 53 West Second St., Carlisle, PA 17013.	Aug. 31, 1972.
Do	Montgomery	Norristown	H 42 091 0000 01	do	Public Works Department, City Hall, De Kalb and Airy Sts., Norristown, Pa. 19401.	Dec. 22, 1972.
Do	do	Springfield Township.	H 42 091 8163 01 through H 42 091 8163 04.	do	Township Manager's Office, Springfield Township, 1510 Papermill Rd., Wyndmoor, PA 19118.	July 7, 1972.
Do	Northumberland	Milton Borough	H 42 097 5330 01	do	Municipal Bldg., 28 North Front St., Milton, PA 17847.	Mar. 10, 1972.
Do	Schuylkill	Tamaqua	H 42 107 8350 03 through H 42 107 8350 04	do	Municipal Bldg., 320 East Broad St., Tamaqua, PA 18252.	Dec. 7, 1971.
Rhode Island	Bristol	Barrington	H 44 001 0013 02 through H 44 001 0013 03	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Town Hall, 283 County Rd., Barrington, RI 02806.	May 16, 1970.
Do	do	Bristol	H 44 001 0030 02 through H 44 001 0030 03	do	Town Hall, 10 Court St., Bristol, RI 02809.	Dec. 2, 1972.
Do	do	Warren	H 44 001 0225 03 through H 44 001 0225 08.	do	Office of the Town Clerk, Town Hall, Main St., Warren R.I. 02885.	July 28, 1972.
Do	Newport	Jamestown	H 44 005 0100 03 through H 44 005 0100 04	do	Office of the Town Clerk, Town of Jamestown, Jamestown, R.I. 02835.	Apr. 20, 1972.
Do	do	Middletown	H 44 005 0135 03 through H 44 005 0135 04	do	Town Hall, 350 East Main Rd., Middletown, R.I. 02840.	Apr. 9, 1971.
Do	do	Newport	H 44 005 0150 03 through H 44 005 0150 04	do	Engineer's Office, City Hall, Newport, RI 02840.	June 17, 1970.
Do	Providence	Central Falls	H 44 007 0040 03 through H 44 007 0040 04	do	Office of the Director of Public Works, Municipal Garage, 77 Hunt St., Central Falls, RI 02863.	May 27, 1971.
Do	do	Cranston	H 44 007 0050 08 through H 44 007 0050 14.	do	City Planning Commission Office, Room 311, City Hall, 820 Park Ave., Cranston, RI 02910.	Aug. 18, 1971.
Do	do	East Providence	H 44 007 0057 01 through H 44 007 0057 02	do	Department of Planning and Urban Development, Weaver Memorial Bldg., 31 Grove Ave. East Providence, RI 02914.	June 5, 1970.
Do	do	Pawtucket	H 44 007 0180 06 through H 44 007 0180 16.	do	Office of the City Engineer, City Hall, Roosevelt Ave., Pawtucket, R.I. 02860.	July 16, 1971.
Do	do	Providence	H 44 007 0190 03 through H 44 007 0190 04.	do	Graphics Section, Department of Planning and Urban Development, 410 Howard Bldg., 10 Dorrance St., Providence, R.I. 02903.	Dec. 15, 1970.
Do	do	Woonsocket	H 44 007 0260 05 through N 44 007 0260 08.	do	Office of the City Engineer, City Hall, Main St., Woonsocket, R.I. 02895.	Oct. 13, 1971.
Do	Washington	Charlestown	H 44 009 0045 02 through H 44 009 0045 09.	do	Town Clerk's Office, Town Hall, South County Trail, Charlestown, R.I. 02813.	July 13, 1972.
Do	do	Narragansett	H 44 009 0137 04 through H 44 009 0137 06.	do	Town Clerk's Office, Town Hall, 66 Rodman St., Narragansett, RI 02882.	Dec. 7, 1971.
Do	do	North Kingstown	H 44 009 0155 08 through H 44 009 0155 13.	do	Department of Planning, 80 Boston Neck Rd., North Kingstown, RI 02852.	July 18, 1972.
Do	do	South Kingstown	H 44 009 0205 06 through H 44 009 0205 16.	do	Town Hall, 66 High St., Wakefield, RI 02879.	July 13, 1972.
Do	do	Westerly	H 44 009 0240 02 through H 44 009 0240 10.	do	Town Clerk's Office, Town Hall, Broad St., Westerly, R.I. 02891.	July 28, 1972.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
South Carolina	Charleston	Unincorporated areas.	H 45 019 0000 02 through H 45 019 0000 88.	South Carolina Water Resources Commission, 2414 Bull St., Columbia, SC 29201. South Carolina Insurance Department, 2711 Middleburg St., Columbia, SC 29204.	Office of the Planning Director, Charleston County Planning Board, 2 Courthouse Square, Charleston, S.C. 29401.	Apr. 27, 1971.
Do	do	Charleston	H 45 019 0410 02 through H 45 019 0410 13.	do	Office of the City Engineer, City Hall, Charleston, SC 29401.	Apr. 9, 1971.
Do	do	Edisto Beach	H 45 019 0763 03.	do	Mayor's Office, Town of Edisto Beach, McConkie St., Edisto Island, S.C. 29438.	Do.
Do	do	Folly Beach	H 45 019 0875 02.	do	Office of the Building Official, 17 Center St., Folly Beach, SC 29439.	Apr. 2, 1971.
Do	do	Isle of Palms	H 45 019 1225 03 H 45 019 1225 04	do	City Hall, City of Isle of Palms, 1301 Palm Blvd., Isle of Palms, SC 29451.	Do.
Do	do	Mount Pleasant	H 45 019 1710 02 H 45 019 1710 03	do	Office of the Clerk/Treasurer, The Town of Mount Pleasant, 305 Church St., Mount Pleasant, SC 29464.	Do.
Do	do	Sullivan's Island	H 45 019 2515 03.	do	Office of the Township Clerk, Sullivan's Island Township Commission, 1610 Middle St., Sullivan's Island, SC 29482.	Do.
Tennessee	Anderson	Lake City	H 47 001 1340 05 H 47 001 1340 06	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, TN 37219.	City Hall, First St., Lake City, Tenn. 37769.	Feb. 26, 1971.
Do	do	Oak Ridge	H 47 001 1850 01 through H 47 001 1850 24.	do	Office of the City Clerk, Municipal Bldg., Post Office Box 1, Oak Ridge, TN 37830.	Oct. 27, 1972.
Do	Blount	Alcoa	H 47 009 0030 02 through H 47 009 0030 05.	do	Office of the City Recorder, Municipal Bldg., Alcoa, Tenn. 37701.	Jan. 8, 1972.
Do	do	Maryville	H 47 009 1570 03 through H 47 009 1570 08.	do	Office of the Building Official, City of Maryville, Municipal Bldg., Maryville, Tenn. 37801.	Dec. 7, 1971.
Do	Campbell	Jacksboro	H 47 013 1198 01.	do	Town Hall, Town of Jacksboro, Post Office Box 75, Jacksboro, TN 37757.	Do.
Do	do	Jellico	H 47 013 1240 03.	do	Office of the Mayor, City of Jellico, Jellico, Tenn. 37762.	June 18, 1971.
Do	do	LaFollette	H 47 013 1320 01 through H 47 013 1320 04.	do	Office of the City Recorder, La Follette, Tenn. 37766.	Dec. 23, 1971.
Do	Carter	Elizabethton	H 47 019 0760 01	do	Office of the Tax Assessor, City Hall, Elizabethton, Tenn. 37643.	Mar. 30, 1970.
Do	Claiborne	Tazewell	H 47 025 2378 03.	do	City Hall, Town of Tazewell, Tarewell, Tenn. 37879.	Oct. 30, 1970.
Do	Cocke	Newport	H 47 029 1780 02 H 47 029 1780 03.	do	Office of the City Recorder, Post Office Box 390, Town of Newport, Newport, TN 37821.	Sept. 3, 1971.
Do	Hamilton	Collegedale	H 47 065 0448 01 through H 47 065 0448 04.	do	Collegedale City Office, Post Office Box 416, Collegedale, TN 37315.	Dec. 2, 1972.
Do	do	East Ridge	H 47 065 0750 01 through H 47 065 0750 04.	do	East Ridge City Hall, 1501 Tombras Ave., East Ridge, TN 37412.	Oct. 27, 1972.
Do	Jefferson	Jefferson City	H 47 089 1230 05 H 47 089 1230 06.	do	City Hall, Post Office Box 666, Jefferson City, TN 37760.	Apr. 9, 1971.
Do	Knox	Unincorporated areas.	H 47 093 0000 05 through H 47 093 0000 76.	do	Metropolitan Planning Commission, Bldg. A, City Hall Park, Knoxville, Tenn. 37902.	July 23, 1971.
Do	do	Knoxville	H 47 093 1300 05 through H 47 093 1300 27.	do	do	May 1, 1971.
Do	Loudon	Lenoir City	H 47 105 1370 02 through H 47 105 1370 05.	do	Office of the Mayor, City of Lenoir City, Lenoir City, Tenn. 37771.	July 21, 1972.
Do	Marion	Jasper	H 47 115 1220 01 through H 47 115 1220 05.	do	Town Hall, Town of Jasper, Jasper, Tenn. 37347.	Feb. 26, 1972.
Do	do	South Pittsburg	H 47 115 2300 01.	do	City Hall, City of South Pittsburg, South Pittsburg, Tenn. 37380.	Apr. 18, 1972.
Do	Rhea	Spring City	H 47 143 2330 01 through H 47 143 2330 04.	do	Municipal Bldg., Town of Spring City, Spring City, Tenn. 37381.	Dec. 22, 1972.
Do	Roane	Harriman	H 47 145 1060 04 through H 47 145 1060 11.	do	Office of the City Treasurer, Post Office Box 305, Harriman, TN 37748.	Feb. 26, 1971.
Do	do	Rockwood	H 47 145 2070 02 H 47 145 2070 03.	do	City Hall, 306 West Rockwood St., Rockwood, TN 37854.	May 15, 1970.
Do	Sevier	Gatlinburg	H 47 155 0020 02 through H 47 155 0020 05.	do	City Hall, 175 Airport Rd., Gatlinburg, TN 37738.	Oct. 30, 1970
Do	do	Pigeon Forge	H 47 155 1948 01 through H 47 155 1948 03.	do	City Hall, Pigeon Forge, Tenn. 37862.	Aug. 31, 1972
Do	do	Sevierville	H 47 155 2170 02.	do	City Recorder, Post Office Box 328, Sevierville, TN 37862.	Mar. 27, 1971
Do	Washington	Johnson City	H 47 179 1250 01 H 47 179 1250 02.	do	Johnson City Planning Department, City Hall, Johnson City, Tenn. 37601.	May 22, 1970.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Aransas	Unincorporated areas.	H 48 007 0000 03 H 48 007 0000 01.	Texas Water Development Board, Post Office Box 13087, Capitol Station, Austin, TX 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	County Clerk's Office, Aransas County Courthouse, Rockport, Tex. 78382.	Aug. 7, 1971.
Do	do	Rockport	H 48 007 5800 01 through H 48 007 5800 06.	do	City Hall, City of Rockport, Broadway St., Rockport, Tex. 78382.	July 2, 1971.
Do	Aransas, Nueces, and San Patricio.	Aransas Pass	H 48 355 0210 03 H 48 355 0210 04.	do	City Offices, City of Aransas Pass, Aransas Pass, Tex. 78336.	June 26, 1971.
Do	Brazoria	Unincorporated areas.	H 48 039 0000 07 through H 48 039 0000 12.	do	Office of the County Engineer, Brazoria County Courthouse, Angleton, Tex. 77515.	May 8, 1971.
Do	do	Alvin	H 48 039 0130 06 H 48 039 0130 07.	do	Office of the City Secretary, Post Office Box 1407, Alvin, TX 77511.	Feb. 19, 1972.
Do	do	Freeport	H 48 039 2190 03 H 48 039 2190 04.	do	Office of the City Manager, City of Freeport, 128 East 4th St., Freeport, TX 77541.	Nov. 17, 1970.
Do	do	Hillcrest Village	H 48 039 3392 02	do	105 West Crestmont Dr., Hillcrest Village, TX 77511.	Mar. 18, 1972.
Do	do	Lake Jackson	H 48 039 3890 05 H 48 039 3890 06.	do	City Manager's Office, 103 Parking Way, Lake Jackson, TX 77566.	July 7, 1972.
Do	do	Richwood	H 48 039 5765 01	do	Office of the City Secretary, City Hall City of Richwood, 215 Halbert St., Clute, TX 77531.	July 28, 1972.
Do	do	Sweeny	H 48 039 6710 03 through H 48 039 6710 07.	do	City Hall, 222 Pecan St., Sweeny, TX 77480.	Dec. 23, 1971.
Do	Cameron	Harlingen	H 48 061 3080 03 through H 48 061 3080 26.	do	City Hall, 118 East Tyler, Harlingen, TX 78550.	July 13, 1972.
Do	do	Laguna Vista	H 48 061 3792 01	do	Village Hall, Village of Laguna Vista, Laguna Vista, Tex. 78578.	July 21, 1972.
Do	Comal	New Braunfels	H 48 091 4870 05 through H 48 091 4870 20.	do	Office of Planning Director, City of New Braunfels, Post Office Box 644, New Braunfels, TX 78130.	Dec. 2, 1972.
Do	Dallas	Garland	H 48 113 2580 03 through H 48 113 2580 08.	do	Office of the City Engineer, City Hall, Post Office Box 189, Garland, TX 75040.	Apr. 16, 1971.
Do	do	Irving	H 48 113 3430 01	do	Office of the City Secretary, City Hall, 835 West Irving Blvd., Irving, TX 75060.	June 17, 1970.
Do	do	Mesquite	H 48 113 4530 03 through H 48 113 4530 07.	do	Mesquite Department of Public Works, Mesquite Municipal Bldg., Municipal Way at Galloway, Box 137, Mesquite, TX 77550.	July 31, 1971.
Do	Galveston	Dickerson area	H 48 167 1920 01 through H 48 167 1920 20.	do	Office of the County Clerk, Galveston County Courthouse, Galveston, Tex. 77550.	Apr. 15, 1970.
Do	do	Unincorporated areas.	H 48 167 0000 03 through H 48 167 0000 13.	do	do	Apr. 8, 1971.
Do	do	Clear Lake Shores.	H 43 167 1366 03	do	Clear Lake Shores City Hall, Clear Lake Rd. at South Shore Dr. and Cedar, Kemah, Tex. 77565.	Oct. 23, 1970.
Do	do	Friendswood	H 48 167 2405 02	do	City Hall, City of Friendswood, 109 Willowwick Ave., Friendswood, TX 77546.	June 5, 1970.
Do	do	Galveston	H 48 167 2570 02	do	Director of Public Works, City of Galveston, City Hall, 823 Rosenberg, Galveston, TX 77550.	May 26, 1970 and May 8, 1971.
Do	do	Hitchcock	H 48 167 3220 02	do	City Hall, City of Hitchcock, 6015 20 St., Hitchcock, TX 77563.	Nov. 17, 1970.
Do	do	Kemah	H 48 167 3647 02	do	City Hall, City of Kemah, 601 Texas Ave., Kemah, TX 77565.	June 5, 1970.
Do	do	La Marque	H 48 167 3850 03 H 48 167 3850 04.	do	Office of the City Clerk, City of La Marque, 322 Laurel, La Marque, TX 77568.	May 26, 1970.
Do	do	League City	H 48 167 3920 03 H 48 167 3920 04.	do	City Hall, City of League City, 516 3d St. League City, TX 77573.	June 5, 1970.
Do	do	Texas City	H 48 167 6860 03 H 48 167 6860 04.	do	Office of the Building Inspector, City Hall, 1801 9th Ave. N., Texas City, TX 77590.	Do.
Do	Grayson	Sherman	H 48 181 6350 03 through H 48 181 6350 14.	do	Office of Urban Affairs, 3d Floor, Municipal Bldg., Sherman, Tex. 75090.	May 22, 1970 and June 9, 1971.
Do	Guadalupe	Seguin	H 48 187 6290 03 H 48 187 6290 04.	do	Municipal Bldg., 205 North River St., Seguin, TX 78155.	June 18, 1971.
Do	Harris	Baytown: Lakewood, Wooster, and Brownwood additions.	H 48 201 0480 01	do	Office of the Planning Director, City Hall, 2101 Market St., Baytown, TX 77520.	Feb. 26, 1970.
Do	do	Clear Lake City	H 48 201 1365 03 through H 48 201 1365 06.	do	Clear Lake City Water Authority, 900 Bay Area Blvd., Houston, TX 77058.	May 26, 1970, and Mar. 10, 1972.
Do	do	El Largo	H 48 201 2178 02	do	City Hall, 1122 Cedar Lane, Seabrook, TX 77586.	July 2, 1971.
Do	do	La Porte	H 48 201 3890 02 H 48 201 3890 03.	do	Office of the City Clerk, 124 South Second St., La Porte, TX 77571.	Feb. 17, 1971.
Do	do	Nassau Bay	H 48 201 4821 02	do	City Hall, 18965 Upper Bay Road, Suite 250, Houston, TX 77058.	Nov. 17, 1970.
Do	do	Seabrook	H 48 201 6247 05 through H 48 201 6247 07.	do	Seabrook City Hall, 1700 1st St., Seabrook, TX 77586.	May 26, 1970.
Do	do	Shoreacres	H 48 201 6370 03 H 48 201 6370 04.	do	Office of the Mayor, City Hall, 619 Shoreacres Blvd., La Porte, TX 77571.	Nov. 20, 1970.
Do	do	Taylor Lake	H 48 201 6247 02	do	Village of Taylor Lake, 815 Timber Cove Dr., Seabrook, TX 77586.	Nov. 17, 1970.
Do	do	Webster	H 48 201 7386 08 through H 48 201 7386 14.	do	City Hall, 311 Pennsylvania Ave., Webster, TX 77598.	May 19, 1972.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Pasadena (that area formerly known as Harris County Water Control District No. 60).	H 48 201 8000 02	do	Harris County Water Control and Improvement District No. 60, 4000 NASA Rd. 1, Seabrook, TX 77586.	Nov. 17, 1970.
Do	Hays	San Marcos	H 48 209 6170 03 through H 48 209 6170 10.	do	Utilities and Tax Office, City Hall, San Marcos, Tex. 78666.	Aug. 26, 1971.
Do	Hunt	Greenville	H 48 231 2860 08 through H 48 231 2860 16.	do	Office of the Department of Community Development, City of Greenville, Greenville, Tex. 75401.	Aug. 17, 1971.
Do	Jackson	Edna	H 48 239 2130 02 through H 48 239 2130 05.	do	Edna City Hall, 105 North Allen, Edna, Tex. 77957.	Nov. 11, 1971.
Do	Jefferson	Beaumont	H 48 245 0490 05 through H 48 245 0490 08.	do	City Hall, 700 Pearl St., Beaumont, TX 77704.	Sept. 2, 1970.
Do	do	Griffing Park	H 48 245 2880 02	do	City Hall, Town of Griffing Park, 3101 Bernhardt Dr., Port Arthur, TX 77642.	Nov. 17, 1970.
Do	do	Groves	H 48 245 2905 03 H 48 245 2905 04.	do	Building Official, City of Groves, Public Works Office Bldg., McKinley Ave. at Highway 366, Groves, Tex. 77619.	May 26, 1970.
Do	do	Lakeview	H 48 245 3830 03 H 48 245 3830 04.	do	Office of the Town Clerk, Town of Lakeview, 640 Duff Dr., Port Arthur, TX 77640.	Do.
Do	do	Nederland	H 48 245 4840 02	do	City Office Bldg., 1400 Boston Ave., Nederland, TX 77627.	Nov. 17, 1970.
Do	do	Pear Ridge	H 48 245 5250 05 through H 48 245 5250 08.	do	Pear Ridge City Hall, 3540 9th Ave., Pear Ridge, TX 77640.	Do.
Do	do	Port Arthur	H 48 245 5430 03 H 48 245 5430 04.	do	Office of Urban Development, 1st Floor, City Hall, 444 4th St., Port Arthur, TX 77640.	May 26, 1970.
Do	do	Port Neches	H 48 245 5470 02	do	City Manager's Office, City Hall, 634 Avenue C., Port Neches, TX 77651.	Nov. 17, 1970.
Do	Johnson	Cleburne	H 48 251 1370 01 through H 48 251 1370 06.	do	City Engineer's Office, 302 West Henderson St., Cleburne, TX 76031.	July 13, 1972.
Do	Jones and Taylor	Abilene	H 48 441 0030 07 through H 48 441 0030 12.	do	Office of the City Engineer, City Hall, 555 Walnut St., Abilene, TX 79604.	July 23, 1971.
Do	Karnes	Kenedy	H 48 255 3630 03 H 48 255 3630 04.	do	City Hall, 222 Tilden St., Kenedy, TX 78119.	June 26, 1971.
Do	Lavaca	Hallettsville	H 48 285 2970 01 through H 48 285 2970 04.	do	Office of the Secretary, City Hall Bldg., Hallettesville, Tex. 77964.	July 7, 1972.
Do	Live Oak	Three Rivers	H 48 297 6920 02	do	City Hall, City Square, Three Rivers, Tex. 78071.	July 1, 1970.
Do	Matagorda	Unincorporated areas.	H 48 321 0000 05 through H 48 321 0000 08.	do	Office of the County Judge, Matagorda County Courthouse, Bay City, Tex. 77414.	May 1, 1971.
Do	do	Bay City	H 48 321 0470 05 through H 48 321 0470 08.	do	City Hall, 1901 5th St., Bay City, TX 77414.	Apr. 23, 1971.
Do	do	Palacios	H 48 321 5160 02	do	Office of the City Secretary, City Hall, 205 4th St., Palacios, TX 77465.	Nov. 17, 1970.
Do	Nueces	Unincorporated areas.	H 48 355 0000 03 through H 48 355 0000 18.	do	Office of the County Engineer, Nueces County Courthouse, Corpus Christi, Tex. 78401.	Sept. 27, 1972.
Do	do	Corpus Christi	H 48 355 1150 05 through H 48 355 1150 09.	do	Planning Department, City Hall, 302 South Shoreline Dr., Corpus Christi, TX 78401.	June 17, 1970, and July 23, 1971.
Do	do	Port Aransas	H 48 355 5420 05 through H 48 355 5420 06.	do	City of Port Aransas, Post Office Box 397, Port Aransas, TX 78373.	June 26, 1971.
Do	do	Robstown	H 48 355 5850 02	do	Office of the City Secretary, City Hall, 330 East Main St., Robstown, TX 78380.	July 16, 1971.
Do	Refugio	Unincorporated areas.	H 48 391 0000 03 through H 48 391 0000 65.	do	Office of the County Clerk, County Courthouse, 808 Commerce St., Refugio, TX 78377.	Oct. 23, 1971.
Do	San Patricio	do	H 48 409 0000 03 through H 48 409 0000 13.	do	Office of the County Clerk, San Patricio County Courthouse, Sinton, Tex. 78387.	Nov. 27, 1971.
Do	do	Ingleside	H 48 409 3380 03 H 48 409 3380 04.	do	City Hall, 116 Humble St., Ingleside, TX 78362.	June 26, 1971.
Do	do	Sinton	H 48 409 6400 02	do	City Hall, 301 East Market St., Sinton, TX 78387.	Mar. 27, 1971.
Do	Tarrant	Arlington	H 48 439 0260 12 through H 48 439 0260 20.	do	Office of the Administrative Assistant, Post Office Box 231, Arlington, TX 76010.	July 23, 1971.
Do	Victoria	Victoria	H 48 469 7190 02 through H 48 469 7190 04.	do	Office of the City Secretary, City Hall, 105 West Juan Linn St., Victoria, TX 77901.	May 22, 1970 and July 23, 1971.
Virginia		City of Alexandria	H 51 510 0000 01 through H 51 510 0000 05.	Division of Water Resources, Department of Conservation and Economic Development, 2d Floor, Davenport Bldg., 11 South 10th St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Aug. 22, 1969, May 2, 1970 and May 28, 1971.
Do	Arlington	Four Mile Run	H 51 013 0000 01	do	Department of Transportation, County Court House, Arlington, Va. 22201.	Oct. 1, 1968.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Fairfax		H 51 059 0000 03 through H 51 059 0000 30.	do	Office of the Director of Public Works, Fairfax County, 4100 Chain Bridge Rd., Fairfax, VA 22030.	May 5, 1970 and Jan. 8, 1972.
Do		City of Fairfax	H 51 600 0000 03 through H 51 600 0000 10.	do	Department of Public Works, City Hall, Fairfax, VA 22030.	Dec. 23, 1971.
Do		City of Hampton	H 51 650 0080 11 through H 51 650 0080 19.	do	City Planning Office, City Hall, Hampton, Va. 23369. City Engineer's Office, City Hall, Hampton, Va. 23369. City Clerk's Office, City Courthouse, Hampton, Va. 23369.	Mar. 24, 1970 and May 28, 1971.
Do	Wise	Big Stone Gap	H 51 195 0170 03 H 51 195 0170 01.	do	Office of the Town Manager, Town of Big Stone Gap, Big Stone Gap, Va. 24219.	Dec. 15, 1970.
Do	do	St. Paul	H 51 195 2160 02	do	Clerk's Office, Town Hall, St. Paul, Va. 24219.	Sept. 2, 1970.
Do		City of Portsmouth	H 51 740 1970 09 through H 51 740 1970 18.	do	City Planning Commission, Municipal Bldg., 3d Floor, 1 High St., Portsmouth, VA 23701.	May 15, 1970.
Do		City of Virginia Beach.	H 51 810 2540 39 through H 51 810 2540 58.	do	Office of the City Clerk, City Hall, Virginia Beach, Va. 23456.	Oct. 3, 1970.
Do		City of Waynesboro.	H 51 740 1970 09 through H 51 740 1970 18.	do	Office of the City Engineer, City Hall, 250 South Wayne Ave., Waynesboro, VA 22980.	June 17, 1970.
Washington	Benton	Richland	H 53 005 1880 02 through H 53 005 1880 06.	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Office of the City Engineer, City Hall, 505 Swift Blvd., Richland, WA 99352.	Mar. 30, 1970.
Do	Snohomish	Unincorporated areas.	H 53 061 0000 03 through H 53 061 0000 51.	do	Snohomish County Planning Department, Court House, Everett, Wash. 98201.	Dec. 23, 1971.
West Virginia	Logan	do	H 54 045 0000 05 through H 54 045 0000 22.	West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Office of the Clerk of the County Court of Logan County, City of Logan Courthouse, Logan, W. Va. 25601.	Apr. 8, 1972.
Do	do	Chapmanville	H 54 045 0470 02 H 54 045 0470 03.	do	Office of the Recorder, Town of Chapmanville, Chapmanville, W. Va. 25508.	Aug. 28, 1971.
Do	do	Logan	H 54 045 1800 02	do	Office of the Recorder, City Hall, Logan, W. Va. 25601.	July 16, 1971.
Do	do	Man	H 54 045 1920 02	do	Office of the Recorder, City Bldg., Town of Man, Man, W. Va. 25638.	Sept. 15, 1971.
Do	do	Mitchell Heights	H 54 045 1780 02	do	Office of the Recorder, Town of Mitchell Heights, Logan, W. Va. 25601.	Aug. 17, 1971.
Do	do	West Logan	H 54 045 2770 02	do	Office of the Recorder, City Hall, West Logan, W. Va. 25601.	June 3, 1972.
Do	Mingo	Matewan	H 54 059 1700 01	do	Town of Matewan, Town Hall, Tug St., Matewan, W. Va. 25678.	Feb. 3, 1970.
Wisconsin	Buffalo	Alma	H 55 011 0070 01 H 55 011 0070 02.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	City Hall, City of Alma, Alma, Wis. 54610.	Dec. 12, 1972.
Do	do	Buffalo	H 55 011 0740 01	do	Office of the City Clerk, City of Buffalo, Cochrane, Wis. 54622.	Mar. 10, 1972.
Do	do	Cochrane	H 55 011 1070 01	do	Village Hall, Village of Cochrane, Cochrane, Wis. 54622.	Feb. 26, 1972.
Do	do	Fountain City	H 55 011 1770 01 H 55 011 1770 02.	do	Office of the City Clerk, 615 South Main St., Fountain City, WI 54629.	Apr. 20, 1972.
Do	Crawford	Ferryville	H 55 023 1720 01	do	Ferryville State Bank, Village of Ferryville, Ferryville, Wis. 54628.	May 26, 1972.
Do	do	Prairie du Chien	H 55 023 3890 02 H 55 023 3890 03.	do	Municipal Office, 207 West Blackhawk Ave., Prairie du Chien, WI 53701.	May 22, 1970.
Do	Grant	Cassville	H 55 043 0890 01	do	Office of the Village Clerk, Village of Cassville, Cassville, Wis. 53806.	Feb. 19, 1972.
Do	Jefferson	Fort Atkinson	H 55 055 1760 03 H 55 055 1760 04.	do	Office of the City Manager, Municipal Bldg., Fort Atkinson, Wis. 53538.	Aug. 7, 1971.
Do	do	Jefferson	H 55 055 2330 01	do	Office of the City Engineer, Municipal Bldg., 112 West Dodge St., Jefferson, WI 53549.	May 26, 1972.
Do	La Crosse	La Crosse	H 55 063 2190 04 through H 55 063 2490 06.	do	City Planning Department, 5th Floor, City Hall, La Crosse, Wis. 54601.	Jan. 15, 1971.
Do	Manitowoc	Mishicot	H 55 071 3125 01	do	Village Hall, Village of Mishicot, Mishicot, Wis. 54228.	May 13, 1972.
Do	Marathon	Mosinee	H 55 073 3200 01	do	Office of Clerk, City of Mosinee, Mosinee, Wis. 54455.	Dec. 16, 1972.
Do	Ozaukee	Mequon	H 55 089 3002 01 through H 55 089 3002 04.	do	Department of Public Works, 11333 North Cedarburg Rd., 60 W., Mequon, WI 53092.	Nov. 7, 1972.
Do	Pepin	Unincorporated areas.	H 55 091 0000 01 through H 55 091 0000 04.	do	Office of County Zoning Administrator, County Court House, Durand, Wis. 54736.	Dec. 16, 1972.
Do	do	Pepin	H 55 091 3710 01	do	Office of the Village Clerk, Village of Pepin, Pepin, Wis. 54759.	May 26, 1972.
Do	do	Stockholm	H 55 091 4640 01	do	Village Hall, Village of Stockholm, Stockholm, Wis. 54769.	Dec. 12, 1972.
Do	Pierce	Unincorporated areas.	H 55 093 0000 02 through H 55 093 0000 11.	do	Pierce County Zoning Office, Court House, Ellsworth, Wis. 54011.	July 18, 1972.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Bay City	H 55 093 0350 02 H 55 093 0350 03.	do	Village Board Meeting Room Village Hall, Village of Bay City, Bay City, Wis. 54723.	June 11, 1971.
Do	do	Prescott	H 55 093 3940 02 through H 55 093 3940 05.	do	Office of the City Clerk City Hall, Prescott, Wis. 54021.	July 30, 1971.
Do	Rock	Beloit	H 55 105 0440 08 through H 55 105 0440 11.	do	City Planning Department, City of Beloit, Beloit, Wis. 53511.	Do.
Do	do	Janesville	H 55 105 2320 01 through H 55 105 2320 08.	do	Office of the City Planner, Municipal Bldg., Janesville, Wis. 53545.	Mar. 31, 1972.
Do	St. Croix	Hudson	H 55 109 2220 01	do	City Hall, City of Hudson, 505 3d St., Hudson, WI 54016.	Nov. 10, 1972.
Do	Trempeale au	Unincorporated areas.	H 55 121 0000 01 through H 55 121 0000 03.	do	Office of the Zoning Administrator, Trempealeau County Zoning Department, Court House, Whitehall, Wis. 54773.	Dec. 27, 197 .
Do	do	Strum	H 55 121 4680 01	do	Village of Strum Office, 202 5th Ave., South, Strum, WI 54770.	May 13, 1972.
Do	do	Trempealeau	H 55 121 4860 01	do	Village Hall, Village of Trempealeau, Trempealeau, Wis. 54661.	Dec. 12, 1972.
Do	Vernon	Genoa	H 55 123 1870 01	do	Office of the Village Clerk, Village Hall, Village of Genoa, Genoa, Wis. 54632.	Feb. 26, 1972.
Do	do	Stoddard	H 55 123 4650 01	do	Office of the Village Clerk, Village Office, Village of Stoddard, Stoddard, Wis. 54658.	Oct. 26, 1972.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969) 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Effective date. This regulation shall be effective on January 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–8 Filed 1–5–73;8:45 am]

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Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 73-10]

PART 16—LIQUIDATION OF DUTIES

X-Radial Steel Belted Tires from Canada

In the FEDERAL REGISTER of May 12, 1972 (37 FR 9568), the Acting Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs regulations (19 CFR 16.24(b)) which raised a question whether certain payments, bestowals, rebates, or refunds granted by Canada upon the manufacture, production, or exportation of X-radial steel belted tires by Michelin Tire Manufacturing Co. of Canada, Ltd., constitute the payment or bestowal of a bounty or grant directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates, or refunds apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs regulations (19 CFR 16.24(d)).

It has been ascertained that Michelin Tire Manufacturing Co. of Canada, Ltd., has had constructed two manufacturing plants in the Province of Nova Scotia, one in Bridgewater, Nova Scotia, for the manufacture of steel cord for use in manufacturing tires and the other in Granton, Nova Scotia, for the manufacture of tires. A substantial majority of the tires produced are being and are expected to continue to be exported to the United States. It has been further ascertained that in connection with the establishment of the two manufacturing plants, the Government of Canada has made certain grants and made available to Michelin a special accelerated depreciation provision under Canadian income tax law. Additionally, the Province of Nova Scotia has provided certain grants and provided a low interest-rate loan and the municipalities concerned have made certain concessions which lower the property taxes on each plant.

After consideration of all information received, the Bureau is satisfied that exports of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., imported directly or indirectly from Canada, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, until further notice the amount of such bounty or grant under the information presently available has been estimated to be 6.6 percent of the f.o.b. value of each tire. Although no benefit is being derived currently from the special accelerated depreciation provision of the Canadian income tax law, any benefit derived thereunder in the future would constitute a bounty or grant within the meaning of section 303. Declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid, directly or indirectly, upon the manufacture, production, or exportation of X-radial steel belted tires from Canada, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants and are subject to the order shall be suspended pending declarations of the net amounts of the bounties or grants paid or bestowed. A deposit of the estimated countervailing duty, in the amount of 6.6 percent of the f.o.b. value of each tire, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid, credited, or bestowed directly or indirectly, upon the manufacture, production, or exportation of such X-radial steel belted tires manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for Canada "X-radial steel belted tires manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd." in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury decision," and the words "Bounty declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759, 19 U.S.C. 66, 1303, 1624)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: January 4, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-466 Filed 1-5-73;9:40 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 500-72]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart H—Antitrust Division

CONSUMER AFFAIRS LITIGATION

The Attorney General has assigned to the Assistant Attorney General in charge of the Antitrust Division the responsibility for conducting litigation pertaining to consumer affairs under certain specified Federal statutes, listed in 28 CFR 0.41 (h). This order amends that provision by adding the Consumer Product Safety Act to that list.

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509, 510, paragraph (h) of § 0.41 of Subpart H of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by deleting the word "and" immediately before "the Textile Fiber Products Identification Act (15 U.S.C. 70 et seq.)" and adding at the end thereof, the following:

§ 0.41 Special functions.

* * * * *

(h) * * * and the Consumer Product Safety Act (Public Law 92-573), and any statute the functions of which are transferred to the Consumer Product Safety Commission by virtue of section 30 of that Act, except as the Commission may direct its attorneys to handle litigation arising under section 12 of the Act. This delegation includes the authority of the Attorney General to concur, in specific proceedings, that litigation other than that arising under section 12 of the Act may be handled directly by the Commission, pursuant to section 27(b)(7).

Dated: December 27, 1972.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-339 Filed 1-5-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 11]

BOTTLED WATER

Proposed Quality Standards

Bottled water for human consumption is a food within the meaning of the Federal Food, Drug, and Cosmetic Act.

Bottled water is increasingly being used as a source of drinking water. Factors that have influenced this increase include consumer reaction to publicity of the potential pollution of some public water supplies, abnormal taste and odor of tap water in some areas, and increasing consumer affluence. The consumer expects bottled water to meet the minimum criteria established for public drinking water supplies.

The Food and Drug Administration has evaluated bottled water for human consumption using essentially the same criteria used in determining the acceptability of public water supplies. The criteria for evaluation of public water supplies are those of the U.S. Public Health Service Drinking Water Standards (1962), promulgated as regulations for drinking water and water supply systems used by interstate common carriers and others subject to the Federal interstate quarantine regulations. These standards set microbiological, physical, chemical, and radioactivity limits in drinking water based on health or esthetic factors. The standards are considered the minimum for public water supplies by the American Water Works Association and are the bases of State and local regulations pertaining to the control of public water supplies.

Analyses by the FDA and the Environmental Protection Agency (EPA) have shown that some bottled water fails to meet the criteria of the US. Public Health Service Drinking Water Standards (1962). A survey of bottled water in 1971, conducted by the FDA, revealed that 8 out of 85 samples tested contained coliform bacteria at levels in excess of the PHS Standards. In addition, the range of the geometric mean of the aerobic total plate count was 0 to 5.4 by 10^7 for the samples. Results of chemical tests on 86 samples revealed that none of the samples contained concentrations of heavy metals or pesticides that exceeded the PHS drinking water standards. As part of the EPA survey of the bottled water industry, bacteriological and chemical examinations were made of about 50 bottled water products from 25 bottling firms. Eight percent of the bottled water examined evidenced the presence of the coliform organism. Standard plate counts ranged from zero to "too numerous to count". Gross changes in the standard plate counts were noted in the 25 samples that were examined during a 63-day storage test. While six samples remained at or near zero for the entire test period, four rose to levels that became too numerous to count, while the remainder fluctuated widely with no definite discernible pattern. Chemical analyses by EPA revealed that three samples exceeded the PHS Standards for total dissolved solids and that one sample exceeded the PHS Standard for copper while another sample exceeded the PHS Standard for lead.

The criteria of the U.S. Public Health Service Drinking Water Standards (1962) can be applied to bottled water with two notable exceptions: (1) The sampling plans of the PHS Standards are designed for the repetitive examination of public water supplies and are not appropriate for bottled water, and (2) the bacteriological limits set by the standards are based on repetitive examinations and also are not appropriate for bottled water.

The Environmental Protection Agency now has the responsibility for establishing drinking water standards. Extensive revisions of the drinking water standards are currently being developed by EPA. It is FDA's intention to revise the bottled water quality standards to keep them compatible with revisions of the EPA drinking water standards.

On the basis of the U.S. Public Health Service Drinking Water Standards (1962), survey data, and other available information, the Commissioner of Food and Drugs is of the opinion that reasonable grounds exist for proposing standards of quality for bottled water. Accordingly, in order to promote honesty and fair dealing in the interest of consumers the Commissioner proposes to establish quality standards for bottled water.

The Commissioner proposed in the FEDERAL REGISTER for September 23, 1972 (37 FR 20038), a new Part 11 for microbiological standards for foods for which there are no standards of identity. Although the proposal to establish quality standards for bottled water includes physical and chemical aspects as well as microbiological aspects, it is logical to include this proposal within that new part. The heading of the new part will be changed when the final order promulgating the regulations proposed in the September 23, 1972, FEDERAL REGISTER is issued, to reflect that quality standards may include provisions relating other than to microbioligical aspects of a food.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(h), 701, 52 Stat. 1046, 1047 and 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343(h), 371) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes to amend Part 11 (37 FR 20038) of Chapter I, of Title 21 of the Code of Federal Regulations by adding a new section to Subpart B as follows:

§ 11.7 Bottled water.

(a) For purposes of this section, the following definitions shall apply:

(1) "Bottled water" is water that is sealed in bottles or other containers and intended for human consumption. Bottled water does not include mineral water or any food defined in § 31.1 of this chapter.

(2) A "sample" is 10 containers of water which are representative of the lot.

(3) An "analytical unit" is that portion of water taken from a container for purposes of analysis.

(b) *Microbiological quality.* Bottled water shall, when a sample is examined by the methods described in Part 400, of "Standard Methods for the Examination of Water and Wastewater," 13th Ed., 1971, American Public Health Association,[1] meet standards of microbiological quality as follows:

(1) (i) *Multiple-tube fermentation method.* Not more than one of the analytical units in the sample shall have a most probable number (MPN) of 2.2 or more coliform organisms per 100 milliliters and no analytical unit shall have a MPN of 9.2 or more coliform organisms per 100 milliliters, or:

(ii) *Membrane filter method.* Not more than one of the analytical units in the sample shall have a 4.0 or more coliform organisms per 100 milliliters and the arithmetic mean of the coliform density of the sample shall not exceed 500 per milliliter.

(2) The geometric average of the bacterial density (Standard Plate Count) of the 10 analytical units comprising the sample shall not exceed 500 per milliliter.

(c) *Physical quality.* Bottled water shall, when a composite of analytical units of equal volume from a sample is examined by the methods described in Part 100 of the 13th Ed., 1971, of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association,[1] meet standards of physical quality as follows:

(1) The turbidity shall not exceed 5 units.

(2) The color shall not exceed 15 units.

(3) The odor shall not exceed threshold odor No. 3.

(d) *Chemical quality.* Bottled water shall, when a composite of analytical units of equal volume from a sample is examined by the methods described in

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Part 100 of the 13th Ed., 1971, of "Standard Methods of Examination of Water and Wastewater," American Public Health Association,[1] meet standards of chemical quality as follows:

(1) The bottled water shall not contain chemical substances in excess of the following concentrations:

Substance	Concentration in milligrams per liter
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chloride	250.0
Chromium (Hexavalent)	0.05
Copper	1.0
Cyanide	0.2
Iron	0.3
Lead	0.05
Manganese	0.05
Nitrate	45.0
Phenols	0.001
Selenium	0.01
Silver	0.05
Sulfate	250.0
Total Dissolved Solids	500.0
Zinc	5.0

(2) The bottled water shall not contain fluoride in excess of the levels in Table I and these levels shall be based on the annual average of maximum daily air temperatures at the location where the bottled water was filled.

TABLE I

Annual average of maximum daily air temperatures:	Flouride concentration in milligrams per liter
50.0–53.7	2.4
53.8–58.3	2.2
58.4–63.8	2.0
63.9–70.6	1.8
70.7–79.2	1.6
79.3–90.5	1.4

(e) *Radiological quality.* Bottled water shall, when a composite of analytical units of equal volume from a sample is examined by the methods described in Part 300 of the 13th Ed., 1971, of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association,[1] meet standards of radiological quality as follows:

(1) The bottled water shall not contain radioactivity in excess of the following concentrations:

Substance	Concentration in micromicrocuries per liter
Radium-226	3
Strontium-90	10

(2) When it is known that the strontium-90 and alpha emitters are absent, the composite shall not contain a gross beta concentration in excess of 1,000 micromicrocuries per liter.

(f) *Label statements.* Bottled water, the quality of which is below that prescribed by this section, shall be labeled with a statement of substandard quality as follows:

(1) When the microbiological quality of bottled water is below that prescribed by paragraph (b) of this section, the label shall bear the statement of substandard quality specified in § 11.1(b).

(2) When the physical, chemical, and/or radiological quality of bottled water is below that prescribed by paragraphs (c) through (e) respectively of this section, the label shall bear the statement of substandard quality specified in § 11.1(b) except that, as appropriate, instead of or in addition to the words "Contains Excessive Bacteria" the following statement(s) shall be used:

(i) "Excessively Turbid", "Abnormal Color", and/or "Abnormal Odor" if the bottled water fails to meet the requirements of paragraph (c)(1), (2), and/or (3), respectively, of this section.

(ii) "Contains Excessive Chemical Substances", if the bottled water fails to meet any of the requirements of paragraph (d) of this section. The specific chemical(s) may be declared in lieu of the words "Chemical Substances" in the statement "Contains Excessive Chemical Substances". When a specific chemical is declared, that name by which the chemical(s) is designated in paragraph (d) of this section shall be used. Example: "Contains Excessive Copper".

(iii) "Excessively Radioactive" if the bottled water fails to meet the requirements of paragraph (e) of this section.

(g) Bottled water containing a substance at a level considered injurious to health under section 402(a)(1) of the act is deemed to be adulterated, regardless of whether or not the bottled water bears a label statement of substandard quality prescribed by paragraph (f) of this section.

Interested persons may, on or before March 9, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 22, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-316 Filed 1-5-73;8:45 am]

[1] "Standard Methods for the Examination of Water and Wastewater," 13th Ed. 1971, can be obtained from the American Public Health Association, 1015 18th Street NW., Washington, DC 20036.

National Institute of Education

[45 CFR Ch. 14]

EDUCATIONAL RESEARCH AND DEVELOPMENT GRANTS

General Provisions of National Institute of Education

Pursuant to the authority contained in section 405 of the General Education Provisions Act, the Director of the National Institute of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby proposes to amend Title 45 of the Code of Federal Regulations by adding a new Chapter XIV, Subchapter A, as set forth below.

In section 301(a) of the Education Amendments of 1972 (Public Law 92–318), Congress enunciated policies of the U.S. Government: (1) To provide to every person an equal opportunity to receive an education of high quality regardless of his race, color, religion, sex, national origin, or social class; (2) to provide leadership in the conduct and support of scientific inquiry into the educational process to achieve such equality of opportunity; and (3) to improve American education through its reform and renewal and through the strengthening of the scientific and technological foundations of education and the building of an effective educational research and development system (section 405(a) of the General Education Provisions Act).

To carry out these policies, Congress established, within the Education Division of the Department of Health, Education, and Welfare, the National Institute of Education, to conduct educational research, collect and disseminate the findings of educational research, train individuals in educational research; to assist and foster such research, collection, dissemination, or training through grants, contracts, technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; and to promote the coordination of such research and research support within the Federal Government. An interim statement of organization for the Institute was published at 37 FR 19158 (September 19, 1972).

This proposed subchapter establishes general rules and requirements, both substantive and procedural, for the award of assistance to eligible parties to support "educational research," which is broadly defined in the statute to include basic and applied research, planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

Sections 1400.2 and 1400.4 of this proposed subchapter indicate that the award and administration of contracts by the Institute are not subject to this subchapter, but are instead covered by Chapters 1 and 3 of Title 41 of the Code of Federal Regulations. However, §§ 1400.2 and 1400.4 bear upon prospective contractors by providing that Department standards for the selection between contract and grant procedures and instruments (published at 41 CFR 3–1.53) shall govern such selection by the Institute, both with respect to solicitation of grant proposals or contract proposals and awards based upon unsolicited proposals. In addition, § 1400.4(e) provides that the provisions on eligible applicants in this subchapter (§ 1403.2) shall govern contracts, as well as grant awards, except that profitmaking institutions may also be eligible for contracts with the Institute. The body of this subchapter applies only to the award and administration of grants by the Institute.

The provisions of this proposed subpart would establish general rules and regulations governing the award and administration of all grants by the Institute, except as otherwise provided in any regulations subsequently published by the Institute in Subchapter B of this chapter.

Notifications of any closing dates for receipt of applications for assistance under this subchapter will be published in the FEDERAL REGISTER.

The instant proposed subchapter contains provisions governing the submission and review of grant applications, and the award of grants based thereon. Part 1403 sets forth limitations on the extent of Federal participation in any project grant, including (in Appendixes) detailed provisions on allowable grantee costs (Part 1408).

Sections herein lay down programmatic and fiscal requirements for recipients of grant awards, including provisions for the protection of humans and animals involved as subjects in educational research. They contain detailed requirements for procurement actions (Part 1406) and property management (Part 1412, Subpart D) by grantees, as well as for construction supported by the Institute (Part 1412, Subpart C). They do not contain copyright provisions, which will be set forth in separate regulations.

Substantive and procedural requirements related to obligations of the grantee to account for Federal funds are set forth in Part 1414 of this proposed subchapter. In the same part are provisions which permit termination and suspension for cause where the grantee has failed to comply with the grant terms and conditions, or applicable statutes or regulations, subject to safeguards designed to assure procedural due process of law to the grantee. Termination is provided for, where the grantee has not so failed to comply with the grant terms and conditions or applicable statutes or regulations, only by agreement of the Institute and the grantee.

Except as specifically noted, the provisions of this subchapter are premised upon section 405 of the General Education Provisions Act (GEPA) which establishes the National Institute of Education and sets forth the parameters of authority of the Institute's basic components—the National Council on Educational Research and the Director of the Institute. Section 405(f)(1) of GEPA provides: "The Director, in order to carry out the provisions of this section, is authorized—(A) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of the Institute * * *."

Interested persons are invited to submit written comments, suggestions, or objections, regarding the proposed regulations to the NIE Management Task Force, Room 627, Reporters Building, 300 Seventh Street SW., Washington, DC 20202, within 30 days of publication of this notice in the FEDERAL REGISTER. Comments received in response to this notice will be available for public inspection in Room 627, Reporters Building, 300 Seventh Street SW., Washington, D.C., between 8 a.m. and 4:30 p.m. Mondays through Fridays.

Dated: December 15, 1972.

THOMAS K. GLENNAN, Jr.,
Director of National Institute of Education.

Approved: December 27, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding a new Chapter XIV, Subchapter A reading as follows:

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL PROVISIONS FOR NATIONAL INSTITUTE OF EDUCATION

Part
1400 General.
1403 Eligibility and application for research grant assistance.
1406 Procurement standards for grantees.
1408 Federal financial participation.
1410 Financial reporting requirements for grantees.
1412 Administration of project grants.
1414 Accountability for Federal funds.

APPENDIX A—Principles for determining costs applicable to grants and contracts with nonprofit institutions.
APPENDIX B—Principles for determining costs applicable to grants and contracts with State and local governments. (OMB Circular No. A–87).
APPENDIX C—Principles for determining costs applicable to research and development under grants and contracts with educational institutions. (OMB Circular A–21).

NOTE: Appendix B is based on OMB Circular No. A–87 and Appendix C is based upon OMB Circular A–21. Incorporation of these same OMB circulars into future regulations will refer to Appendixes B and C of this Chapter XIV.

PART 1400—GENERAL

Sec.
1400.1 Definitions.
1400.2 Scope.
1400.3 Purpose.
1400.4 Policy on use of grants or contracts.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by Section 301(a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1400.1 Definitions.

As used in this subchapter:

"Acquisition" means assumption of ownership including the receipt of gifts and necessary delivery, and includes purchase, lease, or lease-purchase.

"Act" means the General Education Provisions Act, as amended.

"Applicant" means an eligible party seeking Federal financial assistance under this chapter.

"Application" includes requests from eligible parties for grant assistance from the Federal Government.

"Award" means a properly executed grant to an eligible party under this chapter.

"Budget period" means the interval of time into which an approved activity is divided for budgetary purposes.

"Department" means the U.S. Department of Health, Education, and Welfare.

"Director" means the Director of the National Institute of Education or a designee of the Director.

"Educational research" means research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"Expendable personal property" means all tangible personal property other than nonexpendable personal property.

"Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

"Grant period" means the period during which costs may be charged against a grant.

"Grantee" means the individual, agency, organization, or institution which has received an award of grant assistance from the Institute.

"Institute" means the National Institute of Education.

"Nonexpendable personal property" means tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit.

"Private" means not under public supervision or control.

"Procurement" means the acquisition from non-Federal sources of personal property and nonpersonal services, including construction, by such means as purchasing, renting, leasing, including real property, contracting, or bartering, but not by seizure, condemnation, donation, or requisition.

"Project period" means the total period of time for which a project is approved for support with Federal funds.

"Public agency" means a legally constituted organization of government under public administrative control and direction, but does not include agencies of the Federal Government.

"Secretary" means the Secretary of the Department of Health, Education, and Welfare.

§ 1400.2 Scope.

(a) Except as otherwise provided by regulation, the regulations of this subchapter apply to all grant awards of Federal assistance to eligible parties authorized under section 405 of the General Education Provisions Act.

(b) The regulations of this subchapter will be supplemented by other regulations in this chapter setting forth any special (1) rules of procedure; (2) substantive rules of general applicability; and (3) statements of general policy or interpretations of general applicability developed under the authority of section 405 of the General Education Provisions Act.

(c) Subject to the provisions of § 1400.4, the regulations of this subchap-

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ter are not applicable to the award and administration of contracts under section 405 of the Act. Such contracts are subject to the regulations in Chapters 1 and 3 of Title 41 of the Code of Federal Regulations.

(d) Federal financial assistance provided under this subchapter is also subject to the regulations in Part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Public Law 88–352).

(42 U.S.C. 2000 d)

(e) Federal financial assistance provided under this subchapter is also subject to the provisions of title IX of the Education Amendments of 1972 which prohibit sex discrimination, and any regulations issued thereunder (secs. 901–903, 905–907 of Public Law 92–318).

(20 U.S.C. 1681–1683, 1885–1686)

(f) Federal financial assistance provided under this subchapter is also subject to the provisions of section 904 of the Education Amendments of 1972 which prohibit discrimination on the grounds of blindness or severely impaired vision and any regulations issued thereunder.

(20 U.S.C. 1684)

§ 1400.3 Purpose.

(a) Congress has declared it a policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class. The Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process. Congress has further declared it to be the policy of the United States to:

(1) Help to solve, or to alleviate the problems of, and promote the reform and renewal of, American education;

(2) Advance the practice of education as an art, science, and profession;

(3) Strengthen the scientific and technological foundations of education; and

(4) Build an effective educational research and development system.

(b) This subchapter establishes general regulations for the award of grants by the National Institute of Education to carry out the policies set forth in paragraph (a) of this section.

§ 1400.4 Policy on use of grants or contracts.

(a) It is the policy of the Institute that competition be fostered to the maximum extent practicable in the review of grant applications, contract proposals, and unsolicited proposals which may lead to either grant or contract awards. Such competition will be designed to help achieve the purposes of the Institute through the identification and utilization of the best technical competence and other resources.

(b) In order to effectuate the purposes of § 1400.3, the Director may issue, with appropriate publication, formal written requests for proposals directed toward the award of contracts or announcements directed toward the award of grants and may award grants or contracts on the basis of unsolicited proposals from eligible parties. In addition, he may enter jointly financed cooperative arrangements with eligible parties.

(c) Generally, the Director shall select between grant and contract procedures and instruments, both with regard to the solicitation process and with respect to unsolicited proposals, on the basis of criteria set forth in Subpart 3–1.53 of Title 41 of the Code of Federal Regulations.

(d) Except as provided in paragraph (e) of this section, the award and administration of contracts and cooperative arrangements shall not be covered by this subchapter. As provided in § 1400.2 (c), contracts shall be subject to the regulations in Chapters 1 and 3 of Title 41 of the Code of Federal Regulations.

(e) The provisions of § 1403.2(a) of this subchapter on eligible parties shall govern contract awards and jointly financed cooperative arrangements by the Director, as well as grant awards, except that profitmaking corporations, organizations, institutions, or agencies shall also be eligible for such contracts and jointly financed cooperative arrangements.

PART 1403—ELIGIBILITY AND APPLICATION FOR RESEARCH GRANT ASSISTANCE

Sec.
1403.1 Nature and purpose of research project award.
1403.2 Eligibility for award.
1403.4 Applications.
1403.7 Cooperative arrangements.
1403.8 Effective date of approved project.
1403.10 Evaluation of applications.
1403.11 Disposition of applications.
1403.13 Amendments.
1403.15 Preliminary proposals.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301 (a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1403.1 Nature and purpose of research project award.

A research project grant is the award by the Director of funds to an institution, organization, or other person to assist in meeting the costs of conducting, for the purposes specified under § 1400.3 of this subchapter, an identified activity or program (hereinafter termed the "project") consisting of educational research.

§ 1403.2 Eligibility for award.

(a) *Persons eligible.* Except where otherwise prohibited by law, any individual, corporation, public or private institution or agency found by the Director to be authorized and qualified by educational, scientific, or other relevant competence to carry out a proposed research project in accordance with the regulations of this subchapter shall be eligible for an award except:

(1) Federal agencies or institutions not specifically authorized by law to receive such an award; and

(2) Any corporation, institution, agency, or other such person, other than an individual, whose net earnings inure, or may lawfully inure, to the benefit of any private shareholder or individual.

(b) *Projects eligible.* Any project found by the Director to be an educational research project within the meaning of § 1400.1 of this subchapter and § 1403.1 shall be eligible for an award. Eligible projects may include planning, laboratory, clinical, population, field, statistical, basic, applied or other types of investigations, studies, or experiments, dissemination, utilization, application, implementation, training, developments or demonstrations, or combinations thereof, and may either be limited to one, or a particular aspect of, a problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities, and resources.

§ 1403.4 Applications.

(a) *Applications for grants.* Any applicant eligible for grant assistance may submit, on or before such cutoff date or dates as the Director may announce for each fiscal year, an application containing such pertinent information, and in accordance with the forms and instructions, as prescribed herein and additional forms as may be specified by the Director. Such application shall be executed by the applicant or an official or representative of the applicant duly authorized to make such application.

(b) *Forms.* (1) *Federal Assistance Application for Nonconstruction Programs.* The Federal Assistance Application for Nonconstruction Programs form (OMB No. 60–R0186) shall be used by the applicant for all actions covered by this subchapter except where the major purpose of the grant involves construction, land acquisition, or development or single-purpose and one-time grant applications for less than $10,000 which do not require State clearinghouse approval, an environmental impact statement, or the relocation of persons, businesses, or farms.

(2) *Application for Federal Assistance—Short Form.* The Application for Federal Assistance—Short Form (OMB No. 080–R0185) shall be used for all grants for single-purpose and one-time grant applications for less than $10,000 not requiring State clearinghouse approval, an environmental impact statement, or the relocation of persons, businesses, or farms.

(31 U.S.C. 628; OMB Circular No. A–102, Attachment M)

§ 1403.7 Cooperative arrangements.

(a) Eligible parties may enter into cooperative arrangements with other eligible parties, including those in another State, to apply for assistance.

(b) A joint application made by two or more applicants for assistance under this subchapter may have separate budgets corresponding to the programs, services, and activities performed by each of the joint applicants, or may have a combined budget. If joint applications present separate budgets, the Director may make separate awards, or may award separate amounts for each of the joint applicants.

(c) In the case of each cooperative arrangement authorized under paragraph (a) of this section and receiving assistance, except where the Director makes separate awards under paragraph (b) of this section, all such applicants (1) shall be deemed to be joint legal recipients of the grant award and (2) shall be jointly and severally responsible for administering the project assisted under such grant.

§ 1403.8 Effective date of approved project.

Federal financial participation is available only with respect to obligations incurred subsequent to the effective date of an approved project. The effective date of the project will be set forth in the notification of grant award, in accordance with allowable cost provisions set forth in Appendices A, B and C to this subchapter.

(31 U.S.C. 628; OMB Circular Nos. A–21, A–87)

§ 1403.10 Evaluation of applications.

(a) *Review procedures.* All applications filed in accordance with § 1403.4 shall be evaluated by the Director through officers, employees, and such experts or consultants engaged for this purpose as he/she determines are specially qualified in the areas of research involved in Appendixes A, B, and C to this subtions on applications shall be taken only by the Director or his/her designee who will be directly responsible to the Director.

(b) *Criteria for evaluation.* Review of applications under paragraph (a) of this section will take into account such factors as:

(1) Educational and scientific merit and significance of the project;

(2) Feasibility of the project;

(3) Soundness of research design, statistical technique, and procedures and methodology;

(4) Theoretical and technical soundness of the proposed plan of operation, including consideration of the extent to which:

(i) The objectives of the proposed project are sharply defined, clearly stated, and capable of being attained by the proposed procedures;

(ii) Provisions are made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(iii) Where appropriate, provisions are made for satisfactory inservice training connected with project services.

(5) Expected potential for utilizing the results of the proposed project in other projects or programs for similar educational purposes;

(6) Sufficiency of size, scope, and duration of the project so as to secure productive results;

(7) Adequacy of qualifications and experience, including managerial, of personnel;

(8) Adequacy of facilities and other resources;

(9) Reasonableness of estimated cost in relation to anticipated results; and

(10) Where the applicant has previously received an award from the Institute, the applicant's compliance or noncompliance with requirements applicable to such prior award: *Provided, however,* That in any case where the Director proposes to deny assistance based upon the applicant's noncompliance with requirements applicable to a prior award, he shall do so only after affording the applicant reasonable notice and an opportunity to rebut the proposed basis for denial of assistance.

(31 U.S.C. 628)

§ 1403.11 Disposition of applications.

(a) On the basis of the review of an application pursuant to § 1403.10, the Director will either (1) approve the application in whole or in part, for such amount of funds and subject to such conditions as he/she may deem necessary or desirable for the completion of the approved project, (2) disapprove the application, or (3) defer action on the application for such reasons as lack of funds or a need for further review.

(b) *Reconsideration.* Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission.

(c) *Notification of disposition.* The Director will notify the applicant in writing of the disposition of its application. A signed notification of grant award will be issued to notify the applicant of an approved project application.

§ 1403.13 Amendments.

Substantive amendments will be subject to approval in the same manner, and on the same forms, as original applications. Project amendments may be (a) requested by the grantee, as provided in § 1408.4 of this subchapter or (b) initiated by the Director if it appears that Federal grant funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing such projects. If such amendment constitutes a partial termination of the award, the procedures contained in § 1414.14 of this subchapter shall apply. Only those pages of the required forms which relate to the requested changes should be submitted.

§ 1403.15 Preliminary proposals.

When he/she deems it necessary or desirable to effectuate the purposes and policies in § 1400.3 and § 1400.4(a) of this subchapter, the Director may require any applicant for assistance under this subchapter to submit a preliminary proposal for review and approval prior to the acceptance of an application submitted under § 1403.4.

PART 1406—PROCUREMENT STANDARDS FOR GRANTEES

Sec.
1406.1 General standards for procurement.
1406.4 Code of conduct.
1406.5 Free competition.
1406.6 Procedural requirements.
1406.7 Negotiated procurement.
1406.10 Contractor responsibility.
1406.11 Records.
1406.12 Contract administration system.
1406.15 Contract provisions.
1406.16 Procurement of construction.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by Sec. 301 (a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A–102, Attachment O, unless otherwise noted.

§ 1406.1 General standards for procurement.

(a) Each project application shall provide that the activities and services for which Federal financial assistance is sought will be administered by, or under the supervision of, the applicant.

(b) The applicant shall not transfer to others, responsibility, in whole or in part, for the use of Federal funds for the conduct of project activities, but may enter into contracts or arrangements with others for carrying out a portion of any such activities in accordance with the provisions of this part.

(c) This part provides standards for use by grantees in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders.

(d) The standards contained in this part do not relieve the grantee of the responsibilities arising under its contracts. The grantee is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

(e) Grantees may use their own procurement regulations which reflect applicable State and local law, rules, and regulations provided that procurements made with Federal grant funds adhere to the standards set forth in this part.

§ 1406.4 Code of conduct.

The grantee shall maintain a code of standards of conduct which shall govern the performance of its officers, board members, employees, or agents in contracting with and expending Federal grant funds. The grantee's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent per-

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missible by State or local law, rules, or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

§ 1406.5 Free competition.

All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

§ 1406.6 Procedural requirements.

The grantee shall establish procurement procedures which provide for, as a minimum, the following procedural requirements: (a) Proposed procurement actions shall be reviewed by high level grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(b) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(c) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(d) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the purposes of this subchapter. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(e) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to § 1406.7 is necessary to accomplish sound procurement. However, procurements of $2,500 or less need not be so advertised unless otherwise required by State or local law or regulations.

(1) Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price, and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee.

(3) Any or all bids may be rejected when it is in the grantee's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

§ 1406.7 Negotiated procurement.

(a) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the grantee if one or more of the following conditions prevail:

(1) The public exigency will not permit the delay incident to advertising;

(2) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the Director for prior approval;

(3) The aggregate amount involved does not exceed $2,500;

(4) The contract is for personal or professional services, or for any service to be rendered by university, college, or other educational institutions, subject to the requirements of §§ 1406.1 (a) and (b) and 1412.7 of this subchapter.

(5) The material or services are to be procured and used outside the limits of the United States and its possessions;

(6) No acceptable bids have been received after formal advertising;

(7) For materials or services where the prices are established by law;

(8) For experimental, developmental or research work;

(9) Otherwise authorized by law, rules, or regulations.

(b) Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

§ 1406.10 Contractor responsibility.

Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Considerations shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

§ 1406.11 Records.

Procurement records or files for purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

§ 1406.12 Contract administration system.

A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

§ 1406.13 Contract provisions.

The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts:

(a) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts terms, and provide for such sanctions and penalties as may be appropriate.

(b) All contracts, amounts for which are in excess of $2,500, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) All contracts in excess of $10,000 shall include provisions for compliance with Executive Order No. 11246, entitled "Equal Employment Opportunity," as supplemented in Department of Labor Regulations (41 CFR Part 60). Each contractor shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex, and age, and which specifies goals and target dates to assure the implementation of that plan. The grantee shall establish procedures to assure compliance with this requirement by contractors and to assure that suspected or reported violations are promptly investigated.

(d) Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to § 1412.22 of this subchapter and any regulations issued by the grantee. Detailed copyright provisions covering project grants of the Institute will be issued as a separate regulation.

(e) All negotiated contracts except those of $2,500 or less awarded by grantees shall include a provision to the effect that the grantee, the Director, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

(f) Each contract of an amount in excess of $2,500 awarded by a grantee or subcontractor shall provide that the recipient will comply with applicable regulations and standards of the Cost of Living Council (6 CFR Ch. I) in establishing wages and prices. The provision shall advise the recipient that submission of a bid or offer or the submittal of an invoice or voucher for property, goods, or services furnished under a contract or agreement with the grantee shall constitute a certification by him that amounts to be paid do not exceed maximum allowable levels authorized by the Cost of Living Council regulations or standards. Violations shall be reported to the Institute and the local Internal Revenue Service field office.

(g) Contracts of amounts in excess of $10,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the Institute and the Regional Office of the Environmental Protection Agency.

§ 1406.16 Procurement of construction.

All construction contracts are subject to the provisions of Subpart C of Part 1412 of this subchapter.

PART 1408—FEDERAL FINANCIAL PARTICIPATION

Sec.
1408.1 Amount of award.
1408.2 Limitations on costs.
1408.4 Budget revisions and minor deviations.
1408.7 Federal obligation.
1408.8 Payments.
1408.9 Duration of project.
1408.10 Obligation and liquidation by grantee.
1408.12 Allowable costs.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1408.1 Amount of award.

Federal assistance shall be provided only to meet allowable costs incurred by the award recipient in carrying out the approved project in accordance with section 405 of the Act and the regulations of this subchapter.

(31 U.S.C. 628)

§ 1408.2 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Government will not exceed the amount set forth in the grant award document or any modification thereof approved by the Director which meets the requirements of applicable statutes and regulations. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amount unless and until the Director has notified the grantee in writing that such amount has been increased and has specified such increased amount in a revised grant award document pursuant to § 1403.13 of this subchapter. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(31 U.S.C. 200)

§ 1408.4 Budget revisions and minor deviations.

(a) *State and local governments.* (1) This paragraph applies only to grantees which are State and local governments, as defined in subparagraph (2) of this paragraph.

(OMB Circular No. A-102, Attachment K)

(2) As used in this paragraph:

(i) "Direct cost object class budget categories" include only the following:

(a) Personnel;
(b) Fringe benefits;
(c) Travel;
(d) Equipment;
(e) Supplies;
(f) Contractual;
(g) Construction; and
(h) Other.

(ii) "Construction" means solely or primarily for construction.

(iii) "Local government" means a local unit of government including specifically a county, municipality, city, town, township, school district, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

(iv) "Nonconstruction" means not solely or primarily for construction.

(v) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

(OMB Circular No. A-102, Exhibit M-3, 5)

(3) For nonconstruction grants, State and local government grantees shall request prior approval promptly from the Director for proposed budget revisions whenever one or more of the following conditions prevail:

(i) The revision results from approved changes in the scope or the objective of the project;

(ii) The revision indicates the need for additional Federal funding;

(iii) The budget is over $100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed $10,000, or five percent (5%) of the budget, whichever is greater. The same criteria apply to the cumulative amount of transfers among projects, functions, and activities when budgeted separately for a grant, except that the Director will permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended;

(iv) The budget is $100,000 or less, and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed five percent (5%) of the budget. The same criteria apply to the cumulative amount of transfers among projects, functions, and activities when budgeted separately for a grant, except that the Director will permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended;

(v) The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs; or

(vi) The revisions pertain to the addition of items requiring approval in accordance with the provisions of Appendix B to this subchapter.

(OMB Circular No. A-102, Attachment K, 1-2)

(4) Budget revisions for nonconstruction grants, other than those revisions set forth in paragraph (a)(3) of this section, do not require approval by the Director. Budget revisions which do not require such approval include (i) the use of grantee funds in furtherance of project objectives over and above the grantee minimum share (if any) included in the approved budget and (ii) the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

(5) For construction grants, State and local government grantees shall request prior approval promptly from the Director for budget revisions whenever:

(i) The revision results from changes in the scope or objective of the project; or

(ii) The revision increases the budgeted amounts of Federal funds needed to complete the project.

(OMB Circular No. A-102, Attachment K, 2)

(6) (i) For both construction and nonconstruction grants, State and local government grantees shall notify the Director promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient by more than $5,000 or five percent (5%) of the Federal grant, whichever is greater.

(ii) The notification required in paragraph (a)(6)(i) of this section will not be required when applications for additional funding are submitted for continuing grants.

(OMB Circular No. A-102, Attachment K, 2)

(7) Within 30 days from the date of receipt of the request for budget revisions, the Director will review the request and notify the grantee as to whether or not the budget revisions have been approved. If the revision is still under consideration at the end of such 30-day period, the Director will inform the recipient in writing as to when the grantee may expect the Director's decision.

(OMB Circular No. A-102, Attachment K, 3)

(b) *Recipients other than State and local governments.* (1) Minor deviations from the project of a grantee other than a State or local government, as defined in paragraph (a)(2) of this section, in

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methodology, approach, or other aspects of the project that would expedite achievement of the project's research objectives, including changes that grew out of the approved strategy, are permitted without the necessity for an approved amendment of revision where (i) they do not result in expenditures in excess of the total amount granted; (ii) there is not any material change in the content or the administration of the approved application; and (iii) expenditures are otherwise made in accordance with, and for kinds of expenditures authorized in, the approved project.

(2) Project changes which result in (i) expenditures in excess of the total amount granted; (ii) material changes in the content or administration of the approved project; or (iii) expenditures which are not of the kind authorized in the approved project require prior amendment to the grant by the Director, in accordance with § 1403.13 of this subchapter.

(31 U.S.C. 628)

§ 1408.7 Federal obligation.

The issuance of a grant award document will be regarded as an obligation of the Federal Government in the amount of the award.

(31 U.S.C. 200)

§ 1408.8 Payments.

(a) *Payment methods and adjustments.* Payments pursuant to grants may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Director may determine.

(b) *Violations.* A payment under any such grant for expenditures which fail to meet the requirements of any of the provisions of applicable Federal statutes, regulations, or the approved project application (including any terms and conditions applicable thereto) may be taken into account in the determination of any such overpayments and any adjustments relating thereto.

(c) *Current needs.* Funds paid pursuant to a grant for amounts expended by a grantee to carry out its function under such grant generally will be limited to the amount necessary to meet current needs for disbursement.

(d) *Adjustment of records.* Each grantee, in its maintenance of project expenditure accounts, records, and reports shall promptly make any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, resulting from Federal or State administrative reviews and audits or otherwise. Such adjustments shall be set forth in any financial reports required to be filed with the Director.

§ 1408.9 Duration of project.

(a) The amount of the grant award shall remain available for obligation by the grantee during the period specified in the grant award or until otherwise terminated. Such period may be extended by revision of the grant with or without additional funds pursuant to paragraph (b) of this section where otherwise permitted by law.

(b) When it is determined that special or unusual circumstances will delay the completion of the project beyond the period for obligation, the grantee must in writing request the Director to extend such period and must indicate the reasons therefor.

§ 1408.10 Obligation and liquidation by grantee.

(a) Obligations will be considered to have been incurred by a grantee on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities, shall be considered to have been obligated as of the time such services were rendered, such travel was performed, and such rented facilities were used, respectively.

(b) Obligations entered into by a grantee shall be liquidated within 1 year following the grant period unless the Director, in writing, extends the time for so liquidating obligations, on the basis of a request, in writing, from the grantee. Such request must be made prior to the end of the initial period for liquidating obligations.

(31 U.S.C. 200)

§ 1408.12 Allowable costs.

Subject to applicable Federal statutes and regulations, allowability of costs shall be determined in accordance with the principles and procedures contained in the following documents:

(a) Appendix A to this part, if the recipient is a nonprofit institution, agency, or organization which is not covered under paragraphs (b) or (c) of this section,

(b) Appendix B to this part if the recipient is a State or local government, or

(c) Appendix C to this part if the recipient is an institution of higher education.

(OMB Circulars Nos. A-21, A-87)

PART 1410—FINANCIAL REPORTING REQUIREMENTS FOR GRANTEES

Sec.
1410.1 General.
1410.2 Definitions.
1410.3 Reporting.
1410.5 Advances and reimbursements.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A-102, Attachment H, unless otherwise noted.

§ 1410.1 General.

This part prescribes requirements for grantees to report financial information and to request advances and reimbursement when a letter-of-credit method is not used, and specifies standard forms incident thereto.

§ 1410.2 Definitions.

The following definitions apply for the purposes of this part:

Accrued expenditures. Accrued expenditures are the charges incurred by the grantee during a given period requiring the provision of funds for: (1) Goods and other tangible property received; (2) services performed by employees, contractors, and other payees; and (3) amounts becoming owed under programs for which no current services or performance are required.

Accrued income. Accrued income is the earnings during a given period which is a source of funds resulting from: (1) Services performed by the grantee; (2) goods and other tangible property delivered to purchasers; and (3) amounts becoming owed to the grantee for which no current services or performances are required by the grantee.

Disbursements. Disbursements are payments in cash or by check.

Federal funds authorized. Funds authorized represent the total amount of the Federal funds authorized for obligations and establish the ceilings for obligation of Federal funds. This amount may include any authorized carryover of unobligated funds from prior fiscal years.

In-kind contributions. In-kind contributions represent the value of noncash contributions provided by: (1) The grantee; (2) other public agencies and institutions; and (3) private organizations and individuals. In-kind contributions may consist of charges for real property and equipment, and value of goods and services directly benefiting and specifically identifiable to the grant project. When authorized by Federal legislation, property purchased with Federal funds may be considered as the grantee's in-kind contributions.

Obligations. Obligations are the amounts of orders placed, contracts awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

Outlays. Outlays represent charges made to the grant project. Outlays can be reported on a cash or accrued expenditure basis.

Unobligated balance. The unobligated balance is the portion of the funds authorized by the Director which has not been obligated by the grantee and is determined by deducting the cumulative obligations from the funds authorized.

Unpaid obligations. Unpaid obligations represent the amount of obligations incurred by the grantee which have not been paid by him/her.

§ 1410.3 Reporting.

Only the following forms will be authorized for obtaining financial information from grantees:

(a) *Financial Status Report (OMB Form No. 80-120180).* (1) Grantees shall use the standard Financial Status Report to report the status of funds for all nonconstruction grant programs. The Financial Status Report shall not be required when the Request for Advance or Reimbursement (§ 1410.5) is determined to provide adequate information, except that a final Financial Status Report shall be required at the completion of the grant when the Request for Advance or Reimbursement form is used only for advance.

(2) The Director shall prescribe whether the report shall be on a cash or accrual basis. If the Director requires accrual information and the grantee's accounting records are not normally kept on the accrual basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

(3) The Director shall specify the frequency of the Financial Status Report for each grant project considering the site and complexity of the particular project. However, the report shall not be required more frequently than quarterly or less frequently than annually. Also, a final report shall be required at the completion of the grant.

(4) The original and two copies of the Financial Status Report shall be submitted within 30 days after the end of each specified reporting period. In addition, final reports shall be submitted 30 days after the end of the grant period of the completion of the project. Extensions to reporting due dates may be granted when requested by the grantee.

(b) *Report of Federal Cash Transactions (OMB Form No. 80-R0182).* (1) When funds are advanced to grantees through letters of credit or with Treasury checks, the grantee shall submit a Report of Federal Cash Transactions. This report shall be utilized to monitor cash advances to grantees and to obtain disbursement or outlay information for each grant project from the grantees.

(2) Forecasts of Federal cash requirements in the Remarks section of the report may be required.

(3) The Director will accept the identical information from the grantees in a machine-usable format in lieu of the Report of Federal Cash Transactions.

(4) Grantees shall submit the original and two copies of the Report of Federal Cash Transactions no later than 15 working days following the end of each quarter. For those grantees, if any, receiving annual grants totaling $1 million or more, a monthly report shall be required.

(5) The requirement for submission of the Report of Federal Cash Transactions may be waived when monthly advances do not exceed $10,000 per grantee: *Provided,* That such advances are monitored through other forms contained in this section or the grantee's accounting controls are adequate to minimize excessive Federal advances.

§ 1410.5 Advances and reimbursements.

Except as noted in this section, only the following form will be utilized by grantees in requesting advances and reimbursements:

REQUEST FOR ADVANCE OR REIMBURSEMENT (OMB FORM No. 80-R0183)

(a) The Request for Advance or Reimbursement is the standard form for all nonconstruction grant programs when letters of credit or predetermined automatic advance methods are not used.

(b) Grantees are authorized to submit requests for advances or reimbursement when letters of credit are not used. Grantees shall submit the original and two copies of the Request for Advance or Reimbursement.

PART 1412—ADMINISTRATION OF PROJECT GRANTS

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AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); §§ 1412.48 to 1412.52 also issued under OMB Circular No. A-102, Attachment O; §§ 1412.69-1412.73 also issued under OMB Circular No. A-102, Attachment N, unless otherwise noted.

Subpart A—Protection of Human and Animal Subjects

§ 1412.1 Protection of human subjects.

All grantees, insofar as their proposal involves research with human subjects, must insure that the rights and welfare of human subjects are maintained. Every precaution must be taken to protect human subjects from physical, psychological, or sociological harm, in accordance with the specific provisions of Title 41, Subpart 3-4.55 of the Code of Federal Regulations.

§ 1412.2 Data-collection instruments.

(a) *Definitions.* For the purposes of this section:

"Data-collection instruments" means tests, questionnaires, inventories, interview schedules or guides, rating scales, and survey plans or any other forms which are used to collect information on substantially identical items from 10 or more respondents.

"Respondents" means individuals or organizations from whom information is collected.

(b) *Clearance.* (1) No data-collection instruments shall be used in any project unless such instruments have been approved in advance by the Director.

(2) To obtain approval of data-collection instruments, an applicant for assistance shall submit the following data:

(i) A statement which provides—

(*a*) The exact title of the data-collection instrument submitted for approval;

(*b*) The purposes of the project and the relation of such instrument thereto;

(*c*) The nature and size of the sample, including the method or methods of sampling;

(*d*) The locale of the project;

(*e*) The provisions for anonymity and confidentiality of response;

(*f*) A brief indication of the nature and extent of statistical analysis of the data;

(*g*) The estimated average time required of the respondent for his participation in the project; and

(*h*) A single figure giving the estimated cost of the survey as a component of the project to be assisted; and

(ii) Five copies of each data-collection instrument to be cleared, except that copies need not be submitted of instruments which deal solely with—

(*a*) Functions of technical proficiency, such as scholastic aptitude, school achievement, and vocational proficiency;

(*b*) Routine demographic information; or

(*c*) Routine institutional information.

(3) The Director will take into account all factors specified in paragraph (b)(2)(i) of this section in any determination regarding approval of data-collection instruments. Clearance will be denied where the Director determines that such instruments constitute unnecessary or offensive intrusions of privacy through inquiries regarding such matters as religion, sex, or politics.

(c) *Responsibility for collection of information.* A grantee shall not in any way represent or imply (either in a letter of transmittal, in the data-gathering instruments themselves, or in any other manner) that the information is being collected by or for the Federal Government or any of its subdivisions without prior, specific approval from the Director. Basic responsibility for the study and the data-gathering instruments rests with the grantee.

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(d) *Parental consent.* In the case of any survey using data-collection instruments which will include children below the age of 18 as respondents, in addition to the other requirements contained in this section, the applicant for assistance shall provide assurances satisfactory to the Director that informed consent will be obtained from the parents of each respondent prior to the use of such instruments.

§ 1412.3 Treatment of animals.

If animals are utilized in any project receiving assistance, the applicant for such assistance shall provide assurances satisfactory to the Director that such animals will be provided with proper care and humane treatment; in accordance with the Animal Welfare Act of 1970 (Public Law 89–544, as amended).

Subpart B—General Requirements

§ 1412.7 Principal investigators.

All grant awards shall be subject to the condition that the principal investigator designated in the application as responsible for the conduct of the approved project shall continue to be responsible for the duration of the project period. Whenever any such investigator shall become unavailable for any reason to discharge this responsibility, the grant shall be terminated and an accounting rendered as provided in §§ 1414.14 and 1414.15 of this subchapter unless the grantee replaces such investigator with another person found by the Director to be qualified to direct and conduct the approved project.

§ 1412.10 Retention of records.

(a) *Records.* Each grantee shall keep intact and accessible records relating to the receipt and expenditure of Federal funds and to the expenditure of the grantee's contribution to the cost of the project, if any, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the grant.

(b) *Retention.* Except as otherwise provided in this paragraph and paragraph (d) of this section, the records shall be retained for 3 years after the date of the submission of the final expenditure report, or for grants which are reviewed annually, for 3 years after the date of the submission of the annual expenditure report. Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Grantees may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.* The Secretary, the Director, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the grantee.

(OMB Circular No. A–73; OMB Circular No. A–102, Attachment C)

§ 1412.11 Audits.

(a) All expenditures by grantees shall be audited by the grantee or at the grantee's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The grantee shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Director to assure that proper use has been made of the funds expended. The results of such audits will be used to review the grantee's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(d) Each grantee shall use a single auditor for all of its expenditures under Federal education assistance programs, regardless of the number of Federal agencies providing such assistance.

(OMB Circular No. A–102, Attachment G, 2; C–1)

§ 1412.14 Financial interest prohibited.

A person who is a public official, officer, or member of, or who is otherwise associated with a grantee, may not participate in an administrative decision with respect to the grantee's project, if such decision can be expected to result in any benefit or remuneration, including, without limitation, a royalty, commission, contingent fee, brokerage fee, or other benefit, to him/her or to any member of his/her immediate family.

§ 1412.15 Dual compensation.

If a project staff member or consultant of one grantee is involved simultaneously in two or more projects supported by any funds either under this chapter or otherwise, he/she may not be compensated for more than 100 percent of his time from any funds during any part of the period of dual involvement.

§ 1412.16 Fees to Federal employees.

The grantee shall not use any Federal funds or funds from other sources to pay a fee to, or travel expenses of, employees of the Federal Government for lectures, attending program functions, or any other activities in connection with the grant.

§ 1412.19 Commencement of project activity.

Projects receiving Federal financial assistance shall commence within a reasonable period of time subsequent to the awarding of the grant.

§ 1412.21 Leasing facilities.

In the case of a project involving the leasing of a facility, the grantee shall demonstrate that it will have the right to occupy, to operate, and, if necessary, to maintain and improve the leased facility during the proposed period of the project.

§ 1412.22 Inventions or discoveries.

Any award pursuant to this part is subject to the regulations of the Department of Health, Education, and Welfare as set forth in Parts 6 and 8 of this title, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Director to assure that no contracts, assignments, or other arrangements inconsistent with the obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Director or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 1412.23 Standards for grantee financial management systems.

Grantee financial management systems shall provide for:

(a) Accurate, current, and complete disclosure of the financial results of each grant program in accordance with reporting requirements. When the Director requires reporting on an accrual basis and the grantee's accounting records are not kept on that basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

(b) Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Comparison of actual with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements.

(f) Procedures for determining the allowability and allocability of costs in accordance with the provisions of applicable Office of Management and Budget circulars.

(g) Accounting records which are supported by source documentation.

(h) Audits to be made by the grantee in accordance with § 1412.11.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

§ 1412.24 Evaluation and performance reports.

Grantees shall constantly monitor the performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each program, function, or activity of each grant as set forth in the approved grant application.

(a) *Performance reports.* Grantees shall submit a performance report for each grant which briefly presents the following for each program, function, or activity involved:

(1) A comparison of actual accomplishments to the goals established for the period. Where the output of grant programs can be readily quantified, such quantitative data should be related to cost data for computation of unit costs;

(2) Reasons for slippage in those cases where established goals were not met;

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(b) Grantees shall submit the performance reports to the Institute with the Financial Status Reports, in the frequency established by the Director. The Director shall prescribe the frequency with which the performance reports will be submitted with the Request for Advance or Reimbursement when that form is used in lieu of the Financial Status Report. In no case, however, shall the performance reports be required more frequently than quarterly or less frequently than annually.

(c) Between the required performance reporting dates, events may occur which have significant impact upon the project or program. In such cases, the grantee shall inform the Director as soon as the following types of conditions become known:

(1) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project performance units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(2) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more performance units than originally projected.

(d) If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with criteria established, the grantee shall submit a request for budget revision in accordance with § 1408.4 of this subchapter.

(e) The grantee shall cooperate in site visits by representatives of the Institute to:

(1) Review program accomplishments and management control systems.

(2) Provide such technical assistance as may be required.

(OMB Circular No. A–102, Attachment G)

Subpart C—Construction

§ 1412.40 General.

(a) *Scope.* It is the policy of the Institute that only limited funding will be available under section 405 of the Act for the support of construction. Construction activities will be approved for assistance under this subchapter, and the provisions of this part will apply, only when the Director decides that support of such activities is necessary to the effectuation of the purposes set forth in § 1400.3 of this subchapter.

(b) *Definition.* For the purposes of this section, the term "facilities" means one or more structures in one or more locations, constructed pursuant to this section.

(c) *Manner of construction.* Such construction must be functional, undertaken in an economical manner, and not elaborate in design or extravagant in the use of materials.

(d) *Conditions for assistance.* Where applications are submitted to the Director for projects which involve construction, Federal financial assistance for such construction shall be subject to the conditions specified in this subchapter.

§ 1412.41 Title to site.

The applicant shall have or will obtain a fee simple or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the useful life of the facility.

§ 1412.42 Safety and health.

In planning for and designing facilities, the applicant shall observe local and States codes as well as the National Fire Protection Association (NFPA) Standard 101, (Life Safety Code) and standards adopted under the Occupational Safety and Health Act of 1970 (Public Law 91–576): *Provided, however,* That to the extent they are more stringent, State and local codes shall apply.

§ 1412.43 Environmental impact.

The applicant shall provide the Department Regional Office with an assessment of the impact of the project on the quality of the environment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and Executive Order No. 11514 (34 FR 4247); and will comply with such procedures in that regard as may be established by the Department.

§ 1412.44 Reports.

The applicant shall furnish progress reports and such other information relating to the proposed construction and the project as the Director may require.

§ 1412.45 Cultural activities.

Reasonable provision shall be made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities.

§ 1412.46 Commencement of construction.

Approval by the Director of the final working drawings and specifications shall be obtained before the proposed construction is advertised or placed on the market for bidding; the construction shall be completed in accordance with the approved application, drawings, and specifications; the applicant shall submit to the Director for prior approval changes that materially alter the scope or costs of the project, use of space, or functional layout; and the applicant shall not enter into any construction contract for the proposed construction or a part thereof until the requirements of this subchapter and, in particular, Part 1406 of this subchapter and this subpart, have been met.

§ 1412.47 Cost-sharing and operational funds.

Sufficient funds shall be available to meet the non-Federal share of the cost of constructing the facility where applicable, and sufficient funds shall be available when construction is completed to assure effective operation and maintenance of the facility for the purposes for which constructed.

§ 1412.48 Contracting.

Except as otherwise provided by State or local law, all contracting for construction including the purchase and installation of builtin equipment shall be on a lump sum fixed-price basis, and contracts shall be awarded in accordance with the procedural rules and substantive requirements set forth in Part 1406 of this subchapter.

§ 1412.49 Copeland "Anti-Kick Back" Act.

All contracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the Director.

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§ 1412.50 Davis-Bacon Act.

All construction grants awarded by grantees and subcontractors shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the Director.

§ 1412.51 Contract Work Hours and Safety Standards Act.

Where applicable, all contracts awarded by grantees and subcontractors in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible: *Provided*, That the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

§ 1412.52 Bonds and insurance.

(a) State and local government recipients shall follow their own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For all recipients of contracts exceeding $100,000, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to 5 percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(b) Where the Federal Government guarantees the payment of money borrowed by the grantee, the Director may at his discretion require adequate bonding and insurance if the bonding and insurance requirements of a State or local government are not deemed to be sufficient to protect adequately the interest of the Federal Government.

(OMB Circular No. A–102, Attachment B)

(c) Except where the grantee is a State or local government, the grantee's contractor shall provide, during the life of the contract, for adequate fire, public liability, property damage, and workmen's compensation insurance. Where the grantee is a State or local government, the grantee shall follow its own legal requirements and normal practices with regard to insurance.

§ 1412.53 Supervision and inspection.

The applicant shall provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms to the approved drawings and specifications.

§ 1412.54 Civil rights assurance.

If an assurance of compliance with Title VI of the Civil Rights Act of 1964 (Form HEW 441) applying to the facility described in the application has not been filed, such an assurance shall be attached to the application.

§ 1412.55 Federal access to records and work.

Representatives of the Federal Government shall have access at all reasonable times to the applicant's records and to work whenever it is in preparation or progress, and the contractor will provide proper facilities for such access and inspection.

§ 1412.56 Operation and maintenance.

The facility shall be operated and maintained in accordance with the requirements of applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

§ 1412.57 Access by the handicapped.

The applicant shall require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified by other standards prescribed by the Secretary of the U.S. Administrator of General Services.

(41 CFR 101–17.703)

§ 1412.58 Timeliness of work.

The applicant shall cause work on the project to be commenced within a reasonable time after receipt of notification from the Director that funds have been awarded, and the project shall be prosecuted to completion with reasonable diligence.

§ 1412.59 Avoidance of flood hazards.

In the planning of the construction of facilities involving the use of Federal funds, the recipient shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 FR 10663) and such rules and regulations as may be issued by the Secretary to carry out those provisions, evaluate flood hazards in connection with such facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

§ 1412.60 Relocation assistance.

Projects receiving Federal financial assistance pursuant to this section are subject to the regulations on Relocation Assistance and Real Property Acquisition policies contained in Part 15 of this title.

§ 1412.61 Preservation of historic sites.

Each application for Federal financial assistance for construction shall describe the relationship to and the probable effect, or lack of effect, on any district, site, building, structure, or object that is included in the National Register of Historic Preservation of the National Park Service and published with periodical updatings in the FEDERAL REGISTER. Such information is to be furnished to the Department of Health, Education, and Welfare to enable it to take into account such an effect and to consider the comments thereon of the Advisory Council of Historic Preservation, prior to providing such Federal financial assistance, as required by section 106 of Public Law 89–665 (16 U.S.C. 470f).

Subpart D—Property Management

§ 1412.69 Nonexpendable personal property.

(a) *Title.* When nonexpendable personal property is acquired by a grantee wholly or in part with Federal funds, title shall be vested in the grantee.

(b) *Use.* (1) The grantee shall retain such property in the grant project as long as there is a need for such property to accomplish the purpose of the project, whether or not the project continues to be supported by Federal funds.

(2) When there is no longer a need for such property to accomplish the purpose of the project, the grantee shall use the property in connection with other Federal awards it has received in the following order of priority:

(i) Other awards under Federal programs administered by the Director needing the property;

(ii) Grants of other Federal agencies needing the property.

(3) When the grantee no longer has need for such property in any of its federally assisted projects, the property may be used for the grantee's own official activities in accordance with the following standards:

(i) If the property had an acquisition cost of less than $500 per unit and has been used 4 years or more, the grantee may use the property without reimbursement to the Federal Government or sell the property and retain the proceeds;

(ii) For all such property not covered under paragraph (b)(3)(i) of this section, the grantee may retain the property for its own use provided that a fair compensation is made to the Federal Government for the Federal share of the property. The amount of such compensation shall be computed by applying the percentage of Federal participation in the project to the current fair market value of the property.

(c) *Disposition.* If the grantee has no need for the property, disposition of the property shall be made as follows:

(1) If the property had an acquisition cost of $1,000 or less per unit (except for property covered under paragraph (b)(3)(i) of this section), the grantee shall sell the property and reimburse the Federal Government in accordance with paragraph (b)(3)(ii) of this section.

(2) If the property had an acquisition cost of over $1,000 per unit, the grantee shall request disposition instructions from the Director. The Director will issue instructions to the grantee within 120 days following the receipt of such request and the following procedures shall govern:

(i) If the grantee is instructed to ship the property elsewhere, the grantee will be reimbursed by the Federal Government with an amount which is computed by applying the percentage of the grantee's participation in the project to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(ii) If the grantee is instructed to otherwise dispose of the property, the grantee will be reimbursed by the Federal Government for the costs incurred in such disposition.

(iii) If disposition or other instructions are not issued within the 120-day period specified in this subparagraph (2), the grantee shall sell the property and reimburse the Federal Government with an amount which is computed by applying the percentage of Federal participation in the project to the sales proceeds. The grantee may retain $100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

§ 1412.70 Special property.

Where the Director determines that nonexpendable personal property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, he may reserve title to such property, subject to the following provisions:

(a) The property shall be appropriately identified in the award or otherwise made known to the grantee.

(b) The Director will issue disposition instructions within 120 days after completion of the need for the property under the project for which it was acquired. If instructions are not issued within such 120-day period, the grantee shall apply the applicable standards contained in § 1412.69 (b)(1), (2), (3), and (c)(2).

§ 1412.72 Property management standards.

Grantees' property management standards for non-expendable personal property shall also include the following procedural requirements: (a) Property records shall be maintained accurately and provide for:

(1) A description of the property;

(2) Manufacturer's serial number or other identification number;

(3) Acquisition date and cost;

(4) Source of the property;

(5) Percentage of Federal funds used in the purchase of the property;

(6) Location, use, and condition of the property; and

(7) Ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the Federal Government for the Federal share.

(b) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the property.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented. The grantee shall be responsible for replacing or repairing, with funds of such grantee, property which is lost, damaged, or destroyed due to the negligence of the grantee.

(d) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(e) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

§ 1412.73 Unused expendable personal property.

When the total inventory value of any unused expendable personal property exceeds $500 at the expiration of need for any Federal award purposes, the grantee may retain the property or sell the property as long as he compensates the Federal Government for its share in the cost. The amount of compensation shall be computed in accordance with § 1412.69 (b)(3)(ii).

PART 1414—ACCOUNTABILITY FOR FEDERAL FUNDS

Sec.
1414.1 Final accounting.
1414.2 Unexpended funds.
1414.4 Withholding of funds.
1414.6 Waiver of law prohibited.
1414.14 Termination and suspension for cause.
1414.15 Termination by agreement.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301 (a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1414.1 Final accounting.

(a) In addition to such other accounting as the Director may require, the grantee shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Director within 90 days of the expiration or termination of the grant, and the grantee shall remit within 30 days of the recipt of a written request therefor any amounts found by the Director to be due. Such periods may be extended at the discretion of the Director upon written request of the grantee.

(31 U.S.C. 628)

§ 1414.2 Unexpended funds.

In the even that the amounts previously awarded have not been obligated pursuant to the approved project, and in the judgment of the Director, will not be obligated for such purposes, the Director may, upon notice to the grantee, reduce the amount of the grant to an amount consistent with the grantee's needs pursuant to § 1414.14.

§ 1414.4 Withholding of funds.

The approval of a grant, and any payment pursuant thereto, shall not be deemed to waive the right of the Director to withhold funds by reason of the failure of a grantee to observe, either before or after such administrative action, any Federal requirements.

§ 1414.6 Waiver of law prohibited.

No official, agent, or employee of the Institute or the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of the regulations in this chapter, or other relevant statute or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Director's right to enforcement of such provisions in accordance with their terms.

(43 Dec. Comp. Gen. 31 (1963))

§ 1414.14 Termination and suspension for cause.

(a) *General.* (1) Grant assistance provided by the Institute under section 405 of the Act may be terminated in whole or in part if the Director determines, after affording the grantee reasonable notice and an opportunity to be heard, that the grantee has failed to carry out its approved project proposal in accord-

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ance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term, or condition applicable to the grant. Subject to paragraph (c) of this section, such assistance may be suspended during the pendency of termination proceedings initiated pursuant to this section.

(b) *Notice of termination.* (1) Proceedings with respect to the termination of the grant shall be initiated by the mailing of a notice to the recipient setting forth the basis of the proposed termination and the procedures available to the grantee under this section.

(2) If the Director determines that suspension of assistance during the pendency of such proceedings is necessary, such notice shall: (i) Inform the grantee of such determination, (ii) advise the grantee of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) offer the grantee an opportunity to show cause why such action should not be taken.

(3) The notice required under paragraph (b)(2) of this section shall further advise the grantee that no new obligations incurred in connection with the grant during the period of the suspension will be recognized by the Government in the event that assistance is ultimately terminated.

(4) Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved project, and not in anticipation of suspension or termination, will not be considered new expenditures.

(c) *Opportunity to show cause.* If the grantee requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Director will, within 7 days after receiving such request, hold an informal meeting for such purposes at a site selected by the Director.

(d) *Proceedings.* (1) Except as otherwise provided by statute or regulation, the grantee may appeal the Government's decision to terminate, by submitting to the Director, in writing, its rebuttal of the specific grounds for the proposed termination set forth in the notice of termination, within 30 days following the date of mailing of such notice by the Institute, unless an extension of such period of time has been granted by the Institute.

(2) The Director may, at his discretion, permit oral presentations by the Institute and the recipient regarding the notice of termination and the grantee's written rebuttal.

(3) The Director will issue a final decision in the case of such appeal after the submission of the grantee's written rebuttal, or any oral presentations permitted by the Director, whichever is later.

(4) Termination of assistance under this section will be effected by the delivery to the grantee of the notice of termination under paragraph (b) of this section; or, where the grantee invokes the procedures available under paragraphs (c), and (d)(1) of this section, upon the issuance of the Director's final decision under paragraph (d)(3) of this section.

(e) In the event the Department establishes a procedure for the consideration of administrative decisions to terminate a grant and such procedure is made applicable to grants under this subchapter, then the provisions of paragraph (d) of this section will be inapplicable. In such event, the notice of termination specified in paragraph (b) of this section will advise the grantee of the availability of such procedures. If the grantee requests an opportunity to show cause why such termination action shall not be taken, the Director will hold an informal meeting for such purpose. Such meeting may be consolidated with the meeting specified in paragraph (c) of this section may be held at another time no later than 30 days after receipt of such request. If following such meeting the matter of the termination of the grant has not been resolved, the grantee may have recourse to the procedures of the Department.

(f) *Effect of termination.* (1) In the event assistance is terminated under this section, financial obligations incurred by the grantee prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended and no obligations incurred in anticipation of suspension or termination will be allowed.

(2) Within 60 days of the effective date of termination of assistance under this section, the grantee shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the grantee shall remit to the Institute any accounts found due.

(31 U.S.C. 628; OMB Circular No. A-102, Attachment L)

§ 1414.15 Termination by agreement.

The director or the grantee may terminate an award, in whole or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Director will allow full credit to the recipient for the Federal share of the noncancellable obligations, properly incurred by the grantee prior to termination.

(OMB Circular No. A-102, Attachment L)

Appendix A—Principles for Determining Costs Applicable to Grants and Contracts With Nonprofit Institutions

A. PURPOSE AND SCOPE

1. *Objectives.* This Appendix provides principles for determining the costs applicable to grants and contracts awarded by the Department of Health, Education, and Welfare and performed by nonprofit organizations other than educational institutions, hospitals and State and local Government organizations. These principles are confined to the subject of cost detemination and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular project. The principles are designed to provide recognition of the full allocated costs of work under generally accepted accounting principles. No provision for profit or other increment above cost is provided for in these principles.

2. *Definition of Nonprofit Institution.* (a) A nonprofit institution for purposes of this document is any corporation, foundation, trust, association, cooperative or other organization other than (i) educational institutions, (ii) hospitals and (iii) State and local Governmental agencies, bureaus or departments, which is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest, which is not organized primarily for profit and which uses all income exceeding costs to maintain, improve and/or expand its operations.

The charter or other legally binding authority for the existence of the institution must provide that no part of the net earnings, properties or other assets of the institution, on dissolution or otherwise, shall inure to the benefits of any private person or individual including any member, employee, officer, director or trustee of the institution, and that, on liquidation or dissolution all properties and assets remaining after providing for all debts and obligations shall be distributed and paid over to such other fund, foundation or other organization formed and operated as a nonprofit institution, as defined herein, as the board of directors or trustees may determine. Institutions which have received tax exemptions as nonprofit institutions from the U.S. Internal Revenue Service shall be considered to have met the criteria of this definition.

(b) For purposes of this document, the terms nonprofit and not-for-profit as they are descriptively applied to institutions shall be considered synonymous provided the requirements of 2(a) are met.

3. *Policy guides.* The successful application of these principles requires development of mutual understanding between representatives of nonprofit institutions and of the Federal Government as to their scope, applicability, and interpretation. It is recognized that the arrangements for agency and institutional participation in the financing of a project are properly subject to negotiation between the agency and the institution concerned in accordance with such governmentwide criteria as may be applicable, that each institution should be expected to employ sound management practice in the fulfillment of its obligation, and that each grantee or contractor organization in recognition of its own unique combination of staff, facilities and experience should be responsible for employing whatever form of organization and management techniques as may be necessary to assure proper efficient administration.

4. *Application.* These principles shall be applied in determining cost incurred in the performance of all grants and cost-reimbursement type contracts awarded by the Department of Health, Education, and Welfare. The principles shall also apply to cost-reimbursement type contracts performed under DHEW grants and cost-reimbursement type subcontracts and shall be used as a guide in the pricing of fixed price contracts and subcontracts. The principles do not apply to construction grants or contracts.

B. BASIC CONSIDERATIONS

1. *Composition of total cost.* The total cost of a contract or grant is the sum of the allowable direct and indirect costs allocable to the grant/contract less any applicable credits. In ascertaining what constitutes costs, any generally accepted accounting method of determining or estimating costs that is equitable under the circumstances may be used.

2. *Factors affecting allowability of costs.* Factors to be considered in determining the allowability of individual items of cost include (a) reasonableness, (b) allocability, (c) application of those generally accepted accounting principles and practices appropriate to the particular circumstances, and (d) any limitations or exclusions set forth in this document or otherwise included in the grant/contract as to types or amounts of cost items.

3. *Definition of reasonableness.* A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. The question of the reasonableness of specific costs must be scrutinized with particular care in connection with institutions or separate divisions thereof which may not be subject to effective competitive restraints. What is reasonable depends upon a variety of considerations and circumstances involving both the nature and amount of the cost in question. In determining the reasonableness of a given cost, consideration shall be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the institution or the performance of the grant/contract.

(b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms length bargaining, Federal and State laws and regulations, and grant/contract terms and specifications;

(c) The action that a prudent businessman would take in the circumstances, considering his responsibilities to the public at large, the Government, his employees, his clients, shareholders or members and the fulfillment of the purposes for which the institution was organized; and

(d) Significant deviations from the established practices of the institution which may unjustifiably increase the grant/contract costs.

4. *Definition of allocability.* A cost is allocable if it is assignable or chargeable to a particular cost objective, such as a grant/contract, project, product, service, process, or other major activity, in accordance with the relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a Government grant/contract if it:

(a) Is incurred specifically for the grant/contract;

(b) Benefits both the grant/contract and other work and can be distributed to them in reasonable proportion to the benefits received; or

(c) Is necessary to the overall operation of the institution, although a direct relationship to any particular cost objective cannot be shown.

Where an organization utilizes the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations (or comparable generally accepted accounting standards peculiar to its particular organizational structure or activity) to allocate costs to nonfederally supported activities it must also use such standards to allocate costs to Federal grants/contracts.

5. *Applicable credits.* The term applicable credits refers to those receipt or negative expenditure types of transactions which operate to offset or reduce expense items that are allocable to grants or contracts as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; and adjustments of overpayments or erroneous charges. The applicable portion of any income, rebate, allowance, and other credit relating to any allowable cost, received by or accruing to the grantee/contractor shall be credited to the Government either as a cost reduction or by cash refund, as appropriate.

C. DIRECT COSTS

1. A direct cost is any cost which can be identified specifically with a particular cost objective. Direct costs are not limited to items which are incorporated in the end product as materiel or labor. Costs identified specifically with the grant/contract are direct costs of the grant/contract and may be charged directly thereto. Costs identified specifically with other work of the institution are direct costs of that work and are not to be charged to the grant/contract either directly or indirectly. Items charged as direct cost to Government-supported projects must be charged in a uniform manner to all other work of the institution in order to preclude an overcharge to the Government as a result of the Government's participation in the indirect cost pool. Conversely, where the institution's established accounting system provides for the treatment of certain items of cost as direct costs of the institution, then the same items must be considered direct costs to Government-supported projects and may not be included in the indirect cost pool.

2. Certain types of cost, or costs associated with certain activities are not reimbursable as a charge to a DHEW grant/contract. These unallowable costs or activities are identified in section G. Even though a particular activity or cost is designated as unallowable for purposes of computing costs charged to Government work, it nonetheless must be treated as a direct cost or activity if a portion of the institution's indirect cost (as defined in section D) is properly allocable to it. The amount of indirect cost allocated must be in accordance with the principles set forth in section D-2. In general, an unallowable institutional activity shall be treated as a direct function when it (1) includes salaries of personnel, (2) occupies space, and (3) is serviced by an indirect cost grouping(s). Thus the costs associated with the following types of activities when normal or necessary to an institution's primary mission shall be treated as direct costs:

(a) Maintenance of membership rolls, subscriptions, publications and related functions.

(b) Providing services and information to members, legislative or administrative bodies or the public.

(c) Promotion, lobbying, and other forms of public relations.

(d) Meetings and conferences except those held to conduct the general administration of the institution.

(e) Fund raising.

(f) Maintenance, protection, and investment of special funds not used in operation of institutions.

(g) Administration of group benefits on behalf of members or clients including life and hospital insurance, annuity or retirement plans, financial aid, etc.

(h) Other activities performed primarily as a service to a membership, clients, or the public.

3. This definition shall be applied to all items of cost of significant amount unless the institution demonstrates that the application of any different current practice achieves substantially the same results. Direct cost items of minor amount may be distributed as indirect costs as provided in section D.

D. INDIRECT COSTS

1. An indirect cost is one which, because of its incurrence for common or joint objectives, is not readily subject to treatment as a direct cost. Minor direct cost items may be considered to be indirect costs for reasons of practicality. After direct costs have been determined and charged directly to the grant/contract or other work as appropriate, indirect costs are those remaining to be allocated to the several classes of work. The overall objective of the allocation process is to distribute the indirect costs of the institution to its various major activities or cost objectives in reasonable proportions with the benefits provided to those activities or cost objective. Because of the diverse natures and purposes of organizations falling within the definition of a non-profit organization, it is impractical to specifically identify those functions which constitute major activities for purposes of identifying and distributing indirect costs. Such identification will be dependent upon an institution's purpose-inbeing, the services it renders to the public, its clients and/or members, the amount of effort devoted to fund raising activities, public relations, and membership activities, etc. (See section C-2.)

2. Indirect costs shall be accumulated by logical cost groupings with due consideration of the reasons for incurring the costs. Each grouping should be determined so as to permit distribution of the grouping on the basis of the benefits accruing to the several cost objectives. Sub-grouping may be required where there is no single equitable distribution base for all the elements of cost comprising a group. Actual conditions must be taken into account in selecting the method or base to be used in distributing the expenses assembled under each of the individual cost groupings established to applicable cost objectives. Where a distribution can be made by assignment of a cost grouping directly to the area benefited, the distribution should be made in that manner. Where the expenses under a cost grouping are more general in nature, the distribution to the cost objectives should be made through use of a selected base which will produce results which are equitable to both the Government and the institution. In general, any cost element or cost-related factor associated with the institution's work is potentially adaptable for use as a distribution base provided (1) it can readily be expressed in terms of dollars or other quantitative measure (total direct expenditures, direct salaries, manhours applied, square feet utilized, hours of usage, number of documents processed, population served, and the like); and (2) it is common to the cost objectives during the base period. The essential consideration in selection of the distribution base in each instance is that it be the one best suited for assigning the pool of costs to the cost objectives in accord with the relative benefits derived; the traceable cause and effect relationship; or logic and reason, where neither benefit nor cause and effect relationship is determinable.

3. The number and composition of the groupings should be governed by practical considerations and should be such as not to complicate unduly the allocation where substantially the same results are achieved through less precise methods.

4. A base period for distribution of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed within that period. The base period normally should coincide with the fiscal year established by the insti-

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tution, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

E. DETERMINATION AND APPLICATION OF INDIRECT COST RATE OR RATES

1. *Indirect cost pools.* (a) Subject to (b) below, indirect costs allocable to an institution's direct functions should be treated as a common pool, and the costs in such common pool should then be distributed to the individual projects benefiting therefrom by use of a single rate.

(b) In some instances a single rate for use across the board on all activities at an institution may not be appropriate, since it would not take into account those different environmental factors which may affect substantially the indirect costs applicable to a particular segment of work at the institution. For this purpose, a particular segment of work may be that performed under a single grant/contract or it may consist of work under a group of grants/contracts performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of work is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the course of the regular distribution process, and the separate indirect cost rate resulting therefrom should be utilized provided it is determined that (1) such indirect cost rate differs significantly from that which would have been obtained under (a) above, and (2) the volume of work to which such rate would apply is material in relation to other activity at the institution.

2. *The distribution base.* Indirect costs should be distributed to each applicable project on the basis of direct salaries and wages, total direct costs or other basis which results in an equitable distribution. For this purpose, an indirect cost rate should be determined for each of the separate indirect cost pools developed pursuant to section E.1. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the base selected.

F. APPLICATION OF PRINCIPLES AND PROCEDURES

1. Costs shall be allowed to the extent that they are reasonable (see B.3) allocable (see B.4) and determined to be allowable in view of the other factors set forth in paragraph B.2. and section G. These criteria apply to all of the selected items of cost which follow notwithstanding that particular guidance is provided in connection with certain specific items for emphasis or clarity.

2. Costs of all subcontracts under a grant or cost-reimbursement type contract are subject to those Federal cost regulations and policies appropriate to the subcontract involved. Thus if the subcontract is for supplies or services with a nonprofit institution other than an educational institution, hospital or State and local governmental unit this document would apply; if the subcontract is for supplies or services with a commercial organization, Federal Procurement Regulation Part 1.15.2 would apply; if the subcontract is with an educational institution, Bureau of the Budget Circular A–21 (Federal Procurement Regulation Part 1.15.3) would apply.

3. Selected items of cost are treated in Section G. However, section G does not cover every element of cost and every situation that might arise in a particular case. Failure to treat any item of cost in Section G is not intended to imply that it is either allowable or unallowable. With respect to all items, whether or not specifically covered, determination of allowability shall be based on the principles and standards set forth in this document and, where appropriate, the treatment of similar or related selected items.

G. GENERAL STANDARDS FOR SELECTED ITEMS OF COST

Sections G–1 through G–46 provide standards to be applied in establishing the allowability of certain items involved in determining costs. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of a discrepancy between the provisions of a specific grant/contract and the applicable standards provided, the provisions of the grant/contract shall govern. Under any given grant/contract the reasonableness and allocability of certain items of costs may be difficult to determine. This is particularly true in connection with nonprofit institutions which are so diverse in nature and not subject to effective competive restraints. In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that institutions entering into grants or contracts with the Government seek agreement in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability are difficult to determine. Such action may also be initiated by the Government. Examples of costs on which advance agreements may be particularly important are:

1. Compensation for personal services;
2. Consultant fees;
3. Deferred maintenance costs;
4. Excess facility costs;
5. Materiel, services, and supplies sold between organizations or divisions under common control;
6. Preaward costs;
7. Publication and public information costs;
8. Royalties;
9. Training and educational costs;
10. Travel costs, as related to special or mass personnel movement, and to the class of air-travel accommodations allowable;
11. Use charge for fully depreciated assets;
12. Depreciation or use charge on assets donated to the institution by third parties.

1. *Advertising costs.* (a) Advertising costs mean the costs of advertising media and corollary administrative costs. Advertising media include magazine, newspapers, radio, and television programs, direct mail, trade papers, outdoor advertising, dealer cards, and window displays, conventions, exhibits, free goods, and samples, and the like.

(b) The only advertising costs allowable are those which are solely for (1) the recruitment of personnel required for the performance by the institution of obligations arising under the grant/contract, when considered in conjunction with all other recruitment costs, as set forth in G.36; (2) the procurement of scarce items for the performance of the grant/contract or (3) the disposal of scrap or surplus materials acquired in the performance of the project. Costs of this nature, if incurred for more than one Government award or for both Government work and other work of the institution, are allowable to the extent that the principles in paragraphs B–3, B–4, and section D are observed.

2. *Bad debts.* Bad debts, including losses (whether actual or estimated) arising from uncollectible customers' accounts and other claims, related costs, and related legal costs, are unallowable.

3. *Bidding or proposal costs.* Bidding or proposal costs are the immediate costs of preparing bids or proposals on potential Government and non-Government contracts or projects or applications for financial assistance under Federal grant and contract programs, including development of scientific, engineering and cost data necessary to support the institution's bids, proposals or applications. Bidding costs of the current accounting period are allowable as part of the indirect cost pool. Costs of past accounting periods are unallowable. Bidding costs do not include any of those costs described in section G–16 and G–30.

4. *Bonding costs.* (a) Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the grantee/contractor. They arise also in instances where the grantee/contractor requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

(b) Costs of bonding required pursuant to the terms of the grant/contract are allowable.

(c) Costs of bonding required by the grantee/contractor in the general conduct of its operations are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

5. *Civil defense costs.* (a) Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, fire fighting training and equipment, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when allocated to all work of the institution.

(b) Costs of capital assets under (a) above are allowable through depreciation or use charges in accordance with G–10.

(c) Contributions to local civil defense funds and projects are unallowable.

6. *Compensation for personal services.*— (a) *Definition.* Compensation for personal services includes all remuneration paid currently or accrued in whatever form and whether paid immediately or deferred for services rendered by employees of the institution during the period of grant/contract performance. It includes, but is not limited to salary, wages, directors' and executive committee members' fees, bonuses, incentive awards, employee insurance, fringe benefits, and contributions to pension, annuity, and management employee incentive compensation plans.

(b) *Allowability.* Except as otherwise specifically provided in this subsection, the costs of compensation for personal services are to be treated as allowable to the extent that:

(1) Compensation is paid in accordance with policy, programs, and procedures that effectively relate individual compensation to the individual's contribution to the performance of grant or contract work, result in internally consistent treatment of employees in like situations, and effectively relate compensation paid within the organization to that paid for similar services outside the organization;

(2) Total compensation of individual employees is reasonable for the services rendered; and

(3) Costs are not in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder.

(c) *Reasonableness.* (1) When the institution is predominantly engaged in activities other than those sponsored by the Federal Government, compensation for employees on federally sponsored work will be considered reasonable to the extent that it is consistent with that paid for similar work in the institution's other activities;

(2) When the institution is predominantly engaged in federally sponsored activities, and in cases where the kind of employees required for the federally sponsored activities are not found in the institution's other activities, compensation for employees on federally sponsored work will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor markets in which the institution competes for the kind of employees involved.

(d) *Review and approval of compensation of individual employees.* In determining the reasonableness of compensation, the compensation of each individual employee normally need not be subject to review and approval. Reviews and approvals of individuals need be made only in those cases in which a general review reveals amounts or types of compensation which appear unreasonable or otherwise out of line.

(e) *Special considerations in determining allowability.* Certain conditions require special consideration and possible limitation as to allowability for grant and contract cost purposes where amounts appear excessive. Among such conditions are the following:

(1) Compensation to share holders, members, trustees, directors, associates, officers or members of the immediate families thereof, or to persons who are contractually committed to acquire a substantial financial interest in the enterprise. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of earnings in excess of costs.

(2) Any change in an institution's compensation policy resulting in a substantial increase in the institution's level of compensation, particularly when it was concurrent with an increase in the ratio of Government awards to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

(3) The institution's activities are such that its compensation levels are not subject to the restraints normally occurring in the conduct of competitive business.

(f) Notwithstanding any other provisions of this subsection, costs of compensation are not allowable to the extent that they result from provisions of labor-management agreements that, as applied to work in the performance of Government grants or contracts are determined to be unreasonable either because they are unwarranted by the character and circumstances of the work or because they are discriminatory against the Government. The application of the provisions of a labor-management agreement designed to apply to a given set of circumstances and conditions of employment (for example, work involving extremely hazardous activities or work not requiring recurrent use of overtime) is unwarranted when applied to a Government grant or contract involving significantly different circumstances and conditions of employment, (for example, work involving less hazardous activities or work continually requiring use of overtime). It is discriminatory against the Government if it results in individual personnel compensation (in whatever form or name) in excess of that being paid for similar non-Government work under comparable circumstances. Disallowance of costs will not be made under this subparagraph unless:

(1) The institution has been permitted an opportunity to justify the costs; and

(2) Due consideration has been given to whether there are unusual conditions pertaining to the Government work which impose burdens, hardships, or hazards on the institution's employees, for which compensation that might otherwise appear unreasonable is required to attract and hold necessary personnel.

(g) (1) In addition to the general requirements set forth in (a) through (f) of this subsection, certain forms of compensation are subject to further requirements as specified in (2) through (9) below.

(2) *Salaries and wages.* Salaries and wages for current services include gross compensation paid to employees in the form of cash, products, or services, and are allowable. However, see G.25 as it relates to compensation for overtime.

(3) *Incentive compensation.* Incentive compensation to employees based on cost reduction, or efficient performance, suggestion awards, safety awards, etc. are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the institution and the employees before the services were rendered, or pursuant to an established plan followed by the institution so consistently as to imply, in effect, an agreement to make such payment. Awards, and incentive compensation when deferred are allowable to the extent provided in (4) below.

(4) *Deferred compensation.* (a) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals for regular salaries and wages. It includes (i) contributions to pension and annuity plans, (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans, and (iii) other deferred compensation.

(b) Deferred compensation is allowable to the extent that (i) except for past service pension and retirement costs, it is for services rendered during the grant/contract period; (ii) it is, together with all other compensation paid to the employee, reasonable in amount; (iii) it is paid pursuant to an agreement entered into in good faith between the institution and its employees before the services are rendered, or pursuant to an established plan followed by the institution so consistently as to imply, in effect, an agreement to make such payments; (iv) the benefits of the plan are vested in the employees or their designated beneficiaries and no part of the deferred compensation reverts to the employer institution; (v) in the case of past service pension costs, it is amortized over a period of ten years or more; and (vi) for a plan which is subject to approval by the Internal Revenue Service, it falls within the criteria and standards of the Internal Revenue Code and the regulations of the Internal Revenue Service.

(c) In determining the cost of deferred compensation allowable under the grant or contract, appropriate adjustments shall be made for credits or gains, including those arising out of both normal and abnormal employee turnover, or any other contingencies that can result in a forfeiture by employees of such deferred compensation. Adjustments shall be made only for forfeitures which directly or indirectly inure to the benefit of the institution; forfeitures which inure to the benefits of other employees covered by a deferred compensation plan with no reduction in the institution's costs will not normally give rise to an adjustment in grant/contract costs. Adjustments for normal employee turnover shall be based on the institution's experience and on foreseeable prospects, and shall be reflected in the amount of cost currently allowable. Such adjustments will be unnecessary to the extent that the institution can demonstrate that its contributions take into account normal forfeitures. Adjustments for possible future abnormal forfeitures shall be effected according to the following rules:

(i) Abnormal forfeitures that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation shall be reflected by an adjustment of current costs otherwise allowable; and

(ii) Abnormal forfeitures, not within (i) above, may be made the subject of agreement between the Government and the institution either as to an equitable adjustment or a method of determining such adjustment.

(d) In determining whether deferred compensation is for services rendered during the agreement period or is for future services, consideration shall be given to conditions imposed upon eventual payment, such as requirements of continued employment, consultation after retirement, and covenants not to compete.

(5) *Fringe benefits.* Fringe benefits are allowances and services provided by the institution to its employees as compensation in addition to regular wages and salaries. Costs of fringe benefits, such as pay for vacations, holidays, sick leave, military leave, employee insurance, and supplemental unemployment benefit plans are allowable to the extent required by law, employer-employee agreement, or an established policy of the institution.

(6) Severance pay. See G.40.

(7) Training and education expenses. See G.44.

(8) *Location allowances.* (a) "Location allowances", sometimes called "supplemental pay" or "incentive pay", are compensation in addition to normal wages or salaries and are paid by institutions to especially compensate or induce employees to undertake or continue work at locations which may be isolated or in an unfavorable environment. Location allowances include extra wage or salary payments in the form of station allowances, extended per diem, or mileage payments for daily commuting; they also include such benefits as institution-furnished housing. Payment of location allowances shall be allowed as costs under grants and cost-reimbursement type contracts, or recognized in pricing fixed-price type contracts, only with prior approval in writing from the awarding agency and only where and so long as the isolation or unfavorable environment of the site makes such payments necessary to the accomplishment of the work without unacceptable delays. Whether the site is so isolated, or its environment is so unfavorable, as to require location allowances is to be determined in the light of (a) its location and climate; (b) the availability and adequacy of housing within reasonable commuting distance; and (c) the availability and adequacy of education, recreational, medical, and hospital facilities. The extent to which compensation includes location allowances is to be determined by comparing it with (a) the institution's normal compensation policy, including pay scales at its principal operating locations; (b) pay scales of other organizations and concerns operating at or near the site; and (c) compensation paid by other concerns within the same field for similar services elsewhere.

(b) Locations for which location allowances are paid shall be reviewed at least once a year to determine whether such allowances should continue to be allowed.

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(9) *Support of salaries and wages.* (a) Direct charges for professionals must be supported by either:

(i) An adequate appointment and workload distribution system, accompanied by monthly reviews performed by responsible officials and a reporting of any significant change in workload distribution of each professional (i.e., an exception reporting system) or

(ii) A monthly after-the-fact certification system which will require persons in supervisory positions having firsthand knowledge of the services performed to report the distribution of effort (i.e., a positive reporting system). Such reports must account for the *total* salaried effort of the persons covered. Consequently, a system which provides for the reporting only of effort applicable to federally sponsored activities is not acceptable.

(b) Direct charges for salaries and wages of nonprofessionals will be supported by time and attendance and payroll distribution records.

(c) Allowable indirect personal services costs will be supported by the institution's accounting system maintained in accordance with generally accepted institutional practices. Where a comprehensive accounting system does not exist, the institution should make periodic surveys no less frequently than annually to support the indirect personal services costs for inclusion in the overhead pool. Such supporting documentation must be retained for subsequent review by Government representatives.

7. *Capital expenditures.* The costs of equipment buildings, and repairs which materially increase the value or useful life of buildings or equipment, are unallowable except as provided for in the grant/contract.

8. *Contingencies.* (a) A contingency is a possible future event or condition arising from presently known or unknown causes, the outcome of which is indeterminable at the present time.

(b) In historical costing, contingencies are not normally present since such costing deals with costs which have been incurred and recorded on the institution's books. Accordingly, contingencies are generally unallowable for historical costing purposes. However, in some cases, as for example, terminations, a contingency factor may be recognized which is applicable to a past period to give recognition to minor unsettled factors in the interest of expeditious settlement.

(c) In connection with estimates of future costs, contingencies fall into two categories:

(1) Those which may arise from presently known and existing conditions, the effects of which are foreseeable within reasonable limits of accuracy; e.g., pension funds, sick leave, and vacation accruals, etc. In such situations where they exist, contingencies of this category are to be included in the estimates of future cost so as to provide the best estimate of performance costs; and

(2) Those which may arise from presently known or unknown conditions, the effect of which cannot be measured so precisely as to provide equitable results to the institution and to the Government; e.g., results of pending litigation, and other general business risks. Contingencies of this category are to be excluded from cost estimates under the several items of cost, but should be disclosed separately, including the basis upon which the contingency is computed in order to facilitate the negotiation of appropriate contractual coverage (see, for example, G–17, G–21, and G–40).

9. *Contributions and donations.* (a) Contributions and donations by the grantee/contractor are unallowable.

(b) The value of donated services or goods provided by individual volunteers or members of volunteer organizations is not an allowable cost; however, the fair market value of donated services or goods utilized in the performance of a direct cost activity as defined in C.1 and C.2 shall be considered in the determination of the indirect cost rate(s) and, accordingly, shall be allocated a proportionate share of indirect cost.

10. *Depreciation and use allowances.* (a) Institutions may be compensated for the use of buildings, capital improvements and usable equipment on hand through depreciation or use allowances. Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular institution's operations as distinguished from physical life. Use allowances are the means of allowing compensation when depreciation or other equivalent costs are not considered.

(b) Depreciation or a use allowance on assets donated by third parties is allowable. However, any limitations on the amount of depreciation which would have applied to the donor as a result of restrictions contained in this Section shall also apply to the recipient organization.

(c) Due consideration will be given to Government-furnished facilities utilized by the institution when computing use allowances and/or depreciation if the Government-furnished facilities are material in amount. Computation of the use allowance and/or depreciation will exclude both the cost or any portion of the cost of grounds, buildings and equipment borne by or donated by the Federal Government, irrespective of where title was originally vested or where it presently resides, and secondly, the cost of grounds. Capital expenditures for land improvements (paved areas, fences, streets, sidewalks, utility conduits, and similar improvements not already included in the cost of buildings) are allowable provided the systematic amortization of such capital expenditures has been provided in the institution's books of account, based on reasonable determinations of the probable useful lives of the individual items involved, and the share allocated to the grant or contract is developed from the amount thus amortized for the base period involved.

(d) Normal depreciation on an institution's plant, equipment, and other capital facilities, except as excluded by (d) below, is an allowable element of cost provided that the amount thereof is computed:

(1) Upon a property cost basis which could have been used by the institution for Federal Income Tax purposes, had such institution been subject to the payment of income tax; and

(2) By the consistent application to the assets concerned of any generally accepted accounting method, and subject to the limitations of the Internal Revenue Code of 1954 as amended, including—

(a) The straight line method;

(b) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in (a) above;

(c) The sum-of-the-years-digits method; and

(d) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commending with the use of the property and including the current year, does not during the first two-thirds of the useful life of the property exceed the total of such allowances which would have been used had such allowances been computed under the method described in (b) above.

(e) Where the depreciation method is followed, adequate property records must be maintained. The period of useful service (service life) established in each case for usable capital assets must be determined on a realistic basis which takes into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular area, and the renewal and replacement policies followed for the individual items or classes of assets involved. Where the depreciation method is introduced for application to assets acquired in prior years, the annual charges therefrom must not exceed the amounts that would have resulted had the depreciation method been in effect from the date of acquisition of such assets.

(f) Depreciation on idle or excess facilities shall not be allowed except on such facilities as are reasonably necessary for standby purposes. (See G. 13.)

(g) Where an institution elects to go on a depreciation basis for a particular class of assets, no depreciation, rental or use charge may be allowed on any such assets that would be viewed as fully depreciated: *Provided, however,* That reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the actual replacement policy followed in the light of service lives used for calculating depreciation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

(h) Where the use allowance method is followed, the use allowance for buildings and improvements will be computed at an annual rate not exceeding 2 percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance will be computed at an annual rate not exceeding 10 percent of such cost. Original complement for this purpose means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings; however, where a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable equipment which may be used to compute the use allowance at an annual rate not exceeding 6⅔ percent of such estimate.

(i) Depreciation and/or use charges should usually be allocated to all activities as an indirect cost.

11. *Employee morale, health, welfare costs, and credits.* (a) Employee morale, health, and welfare activities are those services or benefits provided by the institution to its employees to improve working conditions, employer-employee relations, employee morale, and employee performance. Such activities include house publications, health or first-aid clinics, recreation, employee counseling services and, for the purpose of this paragraph, food and dormitory services. Food and dormitory services include operating or furnishing facilities for cafeterias, dining rooms, canteens, lunch wagons, vending machines, living accommodations, or similar types of services for the institution's employees at or near its facilities.

(b) Except as limited by (c) below, the aggregate of costs incurred on account of all activities mentioned in (a) above, less income generated by all such activities is allowable to the extent that the net amount is reasonable.

(c) Losses from the operation of food and dormitory services may be included as cost incurred under (b) above, only if the institution's objective is to operate such services on a break-even basis. Losses sustained because food services or lodging accommodations are furnished without charge or at prices or rates which obviously would not be conducive to accomplishment of the above objective, are not allowable, except that a loss may be allowed to the extent the institution can demonstrate that unusual circumstances exist (e.g., (i) where the institution must provide food or dormitory services at remote locations where adequate commercial facilities are not reasonably available or (ii) where it is necessary to operate a facility at a lower volume than the facility could economically support) such that, even with efficient management, operation of the services on a break-even basis would require charging inordinately high prices or prices or rates higher than those charged by commercial establishments offering the same services in the same geographical areas.

(d) In those situations where the institution has an arrangement authorizing an employee association to provide or operate a service such as vending machines in the institution's plant, and retain the profits derived therefrom, such profits shall be treated in the same manner as if the institution were providing the service (but see (e)).

(e) Contributions by the institution to an employee organization, including funds set over from vending machine receipts or similar sources, may be included as cost incurred under (b) above only to the extent that the institution demonstrates that an equivalent amount of the costs incurred by the employee organization would be allowable if incurred by the institution directly.

12. *Entertainment costs.* Costs of amusement, diversion, social activities, ceremonials, and incidental costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable (but see G–11 and G–43).

13. *Excess facility costs.* (a) As used in this paragraph, the words and phrases defined in this subparagraph (a) shall have the meanings set forth below.

(1) Facilities means plant or any portion thereof (inclusive of land integral to the operation); equipment individually or collectively; or any other tangible capital asset, wherever located, and whether owned or leased by the institution.

(2) Idle facilities means completely unused facilities that are excess to the institution's current needs.

(3) Idle capacity means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one shift basis less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materiels, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period. (A multiple shift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.)

(4) Costs of idle facilities or idle capacity are costs such as maintenance, repair, housing, rent, and other related costs, e.g., property taxes, insurance, and depreciation.

(b) The cost of idle facilities are unallowable except to the extent that:

(i) They are necessary to meet fluctuations in workload; or

(ii) Although not necessary to meet fluctuations in workload, they were necessary when acquired and are now idle because of changes in program requirements, grantee/contractor efforts to produce more economically, reorganization, termination, or other causes which could not have been reasonably foreseen.

Under the exception stated in (ii) of this subparagraph (b), costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed 1 year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see G.42(b) and (e)).

(c) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or overhead rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire plant or among a group of assets having substantially the same function may be idle facilities.

14. *Fines and penalties.* Costs of fines and penalties resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the grant or contract instructions in writing from the awarding agency.

15. *Fringe benefits.* (See G.–6–(g)–(5).

16. *Independent research and development.* (a) An institution's independent research and development (I.R. & D.) is that research and development which is not sponsored by the Government or a non-Government organization or agency under a grant/contract or other arrangement.

(b) Basic research, for the purpose of this document, is that type of research which is directed toward increase of knowledge within a particular discipline. In such research, the primary aim of the investigator is a fuller knowledge or understanding of the subject under study, rather than any practical application thereof. Applied research, for the purpose of this document consists of that type of effort which (1) is normally derived from the results of basic research, but may not be severable from the related basic research, (2) attempts to determine and expand the potentialities of new scientific discoveries or improvements in technology, materiels, processes, methods, devices, and techniques, and (3) attempts to "advance the state of the art." Applied research, does not include any such efforts when their principal aim is the design, development, or test of specific articles or services to be offered for sale, which are within the definition of the term development as defined in (c) below. Census research, for the purpose of this document, is that type of activity devoted to the compilation and interpretation of statistical and other analytical information acquired through survey (e.g. interview, circularization of questionnaires), observations or from books, treatises, articles or other sources relative to specifically defined activities, occurrences or conditions for the purpose of accomplishing some scientific end.

(c) "Development" is the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to meet specific performance requirements, but exclusive of manufacturing and production engineering.

(d) Independent research and development will be treated in a manner consistent with the treatment of sponsored research and development. Accordingly, an institution's I.R. & D. shall be allocated in proportionate share of indirect costs on the same basis that indirect costs are allocated to sponsored research and development.

(e) The cost of an institution's I.R. & D. including its proportionate share of indirect costs, is unallowable.

17. *Insurance and indemnification.* (a) Insurance includes insurance which the institution is required to carry, or which is approved, under the terms of the grant or contract and any other insurance which the institution maintains in connection with the general conduct of its business.

(1) Costs of insurance required or approved, and maintained, pursuant to the grant or contract are allowable.

(2) Costs of other insurance maintained by the institution in connection with the general conduct of its business are allowable subject to the following limitations:

(a) Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances;

(b) Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of profit;

(c) Costs of insurance or of any provision for a reserve covering the risk of loss of or damage to Government property are allowable only to the extent that the institution is liable for such loss or damage and such insurance or reserve does not cover loss or damage which results from willful misconduct or lack of good faith on the part of any of the institution's trustees, directors or officers, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the institution's business, or (ii) all or substantially all of the institution's operations at any one separate location in which the grant or contract is being performed, or who are specifically identified as the project director in the project or otherwise primarily responsible for the direction and/or execution of the project supported by the grant or contract.

(d) Provisions for a reserve under an approved self-insurance program are allowable to the extent that types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks; and

(e) Costs of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibilities are allowable only to the extent that the insurance represents additional compensation. (See G–6).

(3) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant or contract, except:

(a) Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice, are allowable; and

(b) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of supplies, which occur in the ordinary course of doing business, are allowable.

(b) Indemnification includes securing the institution against liabilities to third persons and any other loss or damage, not compensated by insurance or otherwise. The Government is obligated to indemnify the institution only to the extent expressly provided in (a)(3) above.

18. *Interest and other financial costs.* (a) Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

(b) Costs of organized fund raising, including financial campaigns, endowment

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drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are unallowable.

(c) Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.

(d) Where substantial effort or time is devoted to fund raising and investment activities as described in (b) and (c) in relation to other functions of an institution, such activities shall be considered as a major activity of the institution and shall be allocated its share of indirect costs in accordance with section D. (See also C-2.)

19. *Labor relations costs.* Costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employee publications, and other related activities, are allowable.

20. *Losses on other grants or contracts.* Any excess of costs over income on any grant or contract is unallowable as a cost of any other grant or contract.

21. *Maintenance and repair costs.* (a) Costs necessary for the upkeep of property (including Government property unless otherwise provided for), which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are to be treated as follows (but see G-10):

(1) Normal maintenance and repair costs are allowable:

(2) Extraordinary maintenance and repair costs are allowable, provided such are allocated to the periods to which applicable for purposes of determining grant or contract costs.

(b) Expenditures for plant and equipment, including rehabilitation thereof, which, according to generally accepted accounting principles as applied under the institution's established policy, should be capitalized and subjected to depreciation, are allowable only on a depreciation basis.

22. *Materiels costs* .(a) The cost of consumable supplies, serum, drugs, fabricated parts, and other materiels necessary to carry out the objectives of a grant or contract, whether purchased outside or manufactured by the institution are allowable subject to the provisions (b) through (e) below. The cost may include such collateral items as inbound transportation and intransit insurance.

In computing these costs consideration will be given to reasonable overruns, spoilage, or defective work if consistent with the nature of the project being performed and the recognized practice of the industry.

(b) Costs of materiel shall be suitably adjusted for applicable portions of income and other credits, including available trade and cash discounts, refunds, rebates, allowances, and credits for scrap and salvage and materiel returned to vendors. Such income and other credits shall either be credited directly to the cost of the materiel involved or be allocated (as credits) to indirect costs. However, where the institution can demonstrate that failure to take cash discounts was due to reasonable circumstances, such lost discounts need not be so credited.

(c) Reasonable adjustments arising from differences between periodic physical inventories and book inventories may be included in arriving at costs, provided such adjustments relate to the period of performance of the grant or contract.

(d) When the materiels are purchased specifically for and identifiable solely with performance under a grant or contract, the actual purchase cost thereof should be charged to that grant or contract. If materiel is issued from stores, any generally recognized method of pricing such materiel is acceptable if that method is consistently applied and the results are equitable. When estimates of materiel costs to be incurred in the future are required, either current market price or anticipated acquisition cost may be used, but the basis of pricing must be disclosed.

(e) Allowance for all materiels, supplies and services which are sold or transferred between any division, subsidiary or affiliate of the institution under a common control shall be on the basis of cost incurred in accordance with these principles, except that when it is the established practice of the transferring organization to price interorganization transfers of materiels, supplies and services at other than cost for non-Government work of the institution or any division, subsidiary or affiliate of the institution under a common control, allowance may be at a price when:

(1) It is or is based on an "established catalog or market price of commercial items sold in substantial quantities to the general public"; or

(2) It is the result of "adequate price competition" and is the price at which an award was made to the affiliated organization after obtaining quotations on an equal basis from such organization and one or more outside sources which normally produce the item or its equivalent in significant quantity.

Provided, That in either case:

(1) The price is not in excess of the transferor's current sales price to his most favored customer (including any division, subsidiary, or affiliate of the institution under a common control) for a like quantity under comparable conditions, and

(2) The price is not determined to be unreasonable by the awarding agency;

The price determined in accordance with (1) above should be adjusted, when appropriate, to reflect the quantities being procured and may be adjusted upward or downward to reflect the actual cost of any modifications necessary because of grant or contract requirements.

23. *Organization costs.* Expenditures, such as incorporation fees, attorney's fees, accountant's fees, brokers' fees, fees to promoters and organizers, in connection with (a) organization or reorganization of a business, or (b) raising capital, are unallowable unless specified otherwise in the grant or contract.

24. *Other business expenses.* Included in this item are such recurring expenses as preparation and publication of reports to members and trustees, preparation and submission of required reports and forms to taxing and other regulatory bodies; and incidental costs of directors and committee meetings. The above and similar costs are allowable when allocated on an equitable basis.

25. *Overtime, extra-pay shift and multi-shift premiums.* Premiums for overtime, extra-pay shifts, and multishift work are allowable only to the extent approved by the awarding agency except:

(a) When necessary to cope with emergencies, such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(b) When by indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(c) In the performance of tests, laboratory procedures, or other similar operations which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(d) When lower overall cost to the Government will result.

Overtime premiums and shift premiums may be considered proper for approval when determined in writing by the awarding agency that approval:

(a) Is necessary to meet delivery or performance schedules, and such schedules are determined to be extended to the maximum consistent with essential program objectives;

(b) Is necessary to make up for delays which are beyond the control and without the fault or negligence of the institution;

(c) Is necessary to eliminate foreseeable bottlenecks of an extended nature which cannot be eliminated in any other way.

Approvals should ordinarily be prospective, but may be retroactive where justified by the circumstances. Such approvals may be for an individual grant or contract project, or program, or for a division, department, or branch, as most practicable.

Overtime for which overtime premiums would be at Government expense should not be approved under an award where the institution is already obligated, without the right to additional compensation, to meet the required delivery date.

Where overtime premiums or shift premiums are being paid at Government expense in connection with the performance of Government grant or contract; the continued need therefor should be subject to periodic review by the awarding agency.

26. *Patent and copyright costs.* Costs of preparing disclosures, reports, and other documents required by the grant/contract and of searching the art to the extent necessary to make such disclosures, are allowable. In accordance with the conditions of the grant or contract relating to patents or copyrights, costs of preparing documents and any other costs, in connction with the filing of a patent application or copyright where title is conveyed to the Government, are allowable. However, similar costs incurred in connection with patents or copyrights where title is not conveyed to the Government are unallowable. (See G-39)

27. *Pension plans.* (See G-6(g)-(4))

28. *Plant protection costs.* Costs of items such as (a) wages, uniforms, and equipment of personnel engaged in plant protection, (b) depreciation on plant protection capital assets, and (c) necessary expenses to comply with security requirements are allowable.

29. *Plant reconversion costs.* Plant reconversion costs are those incurred in the restoration or rehabilitation of the institutions' facilities to approximately the same condition existing immediately prior to the commencement of the grant or contract work, fair wear and tear excepted. Reconversion costs are unallowable except for the cost of removing Government property and the restoration or rehabilitation costs caused by such removal. However, in special circumstances where equity so dictates, additional costs may be allowed to the extent agreed upon in writing before the costs are incurred. Whenever such costs are given consideration, care should be exercised to avoid duplication through allowance as contingencies, as additional profit or fee, or in other grants or contracts.

30. *Preaward costs.* Preaward costs are those incurred prior to the effective date of the grant or contract directly pursuant to the negotiation and in anticipation of the award of the grant or contract where such incurrence is necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the prior written approval of the awarding agency.

31. *Professional service costs—legal, accounting, scientific and other.* (a) Costs of professional services rendered by the member of a particular profession who are not employees of the institution are allowable, subject to (b), (c) and (d) below, when reasonable in relation to the services rendered. (but see G-23)

(b) Factors to be considered in determining the allowability of costs in a particular case include:

(1) The nature and scope of the service rendered in relation to the service required;

(2) The necessity of contracting for the service considering the institution's capability in the particular area;

(3) The past pattern of such costs, particularly in years prior to the award of Government work;

(4) The impact of Government work on the institution's business (i.e., what new problems have arisen);

(5) Whether the proportion of Government work to the institution's total business is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government grants/contracts;

(6) Whether the service can be performed more economically by employment rather than by contracting;

(7) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-government grants/contracts;

(8) Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation; termination provisions).

(c) Retainer fees to be allowable must be reasonably supported by evidence of bona fide services available or rendered.

(d) Costs of legal, accounting, and consulting service, and related costs, incurred in connection with organization and reorganization, defense of anti-trust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent or copyright infringement litigation, are unallowable unless otherwise provided for in the grant or contract.

32. *Profits and losses on disposition of plant equipment, or other capital assets.* Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short or long term investments, shall be excluded in computing grant or contract costs.

33. *Public information services costs.* Public information services cost includes the cost associated with promotions, public relations, pamphlets, news releases, and other forms of information services. Such costs are normally incurred to:

(a) Inform or instruct individuals, groups or the general public about health or social problems.

(b) Interest individuals or groups in participating in a service program of the institution.

(c) Provide stewardship reports to State and local Government agencies, benefactor foundations and associations, etc.

(d) Appeal for funds.

(e) Disseminate the results of sponsored and non-sponsored research or other activity to the scientific community.

To the extent that the costs incurred for any of these purposes are identifiable with a particular cost objective they should be charged to the objective to which they relate.

If these costs are not identifiable with a particular cost objective they should be allocated as indirect costs to all major activities of the institution except that costs related to fund raising appeals are unallowable as costs of grants and contracts.

Public information service costs are unallowable as a direct cost of grants and contracts unless formally approved by the awarding agency.

34. *Publication and printing costs.* Publication costs include the costs of printing (including the processes of composition, platemaking, press work, binding and the end products produced by such processes), distribution, promotion, mailing and general handling.

Publication costs are unallowable as a direct cost of grants and contracts unless formally approved by the awarding agency.

35. *Rearrangement and alteration costs.* Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when written approval has been given in advance by the awarding agency.

36. *Recruitment costs.* (a) Subject to (b), (c), and (d) of this G-36, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of help-wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, and travel costs of applicants for interviews for prospective employment are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) In publications, costs of help-wanted advertising that (1) includes color, (2) includes advertising materiel for other than recruitment purposes, or (3) is excessive in size (taking into consideration recruitment purposes for which intended and normal business practices in this respect) are unallowable.

(c) Costs of (1) help-wanted advertising and (2) excessive salaries, fringe benefits, and special emoluments that have been offered to prospective employees, designed to attract personnel from another institution performing as grantee or contractor to the Government, or in excess of the standard practices in comparable institutions, are unallowable.

(d) Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the institution shall be required to refund or credit such relocation costs to the Government.

37. *Relocation costs.* (a) Relocation costs, for the purpose of this document, are costs incident to the permanent change of duty assignment (for an indefinite period, or for a stated period of no less than 12 months) of an existing employee or upon recruitment of a new employee. These costs may include, but are not limited to cost of (i) transportation of the employee, members of his immediate family and his household and personal effects to the new location; (ii) finding a new home, such as advance trips by employees and spouses to locate living quarters and temporary lodging during the transition period; (iii) closing costs (i.e., brokerage fees, legal fees, appraisal fees, etc.), incident to the disposition of housing; (iv) other necessary and reasonable expenses normally incident to relocation, such as cost of cancelling an unexpired lease, disconnecting or reinstalling household appliances, and purchase of insurance against damages to personal property; (v) loss on sale of home; and (vi) acquisition of a home in a new location (i.e., brokerage fees, legal fees, appraisal fees, etc.).

(b) Subject to (c) below, relocation costs of the type covered in (a) (i), (ii), (iii), and (iv) above are allowable, provided (1) the move is for the benefit of the employer; (ii) reimbursement is in accordance with an established policy or practice consistently followed by the employer, and such policy or practice is designed to motivate employees to relocate promptly and economically; (iii) the costs are not otherwise unallowable under the provisions of G-36 or any other paragraph of this document and (iv) amounts to be reimbursed shall not exceed the employee's actual (or reasonably estimated) expenses.

(c) Costs otherwise allowable under (b) above are subject to the following additional provisions: (i) the transition period for incurrance of costs of the type covered in (a) (ii) above shall be kept to the minimum number of days necessary under the circumtances, but shall not, in any event, exceed a cumulative total of 30 days including advance trip time; and (ii) allowance for cost of the type covered in (a) (iii) above shall not exceed 8 percent of the sales price of the property sold. Costs of the type covered in (a) (iii) and (iv) above are allowable only in connection with the relocation of existing employees, and are not allowable for newly recruited employees.

(d) Costs of the type covered in (a) (v) and (vi) above are not allowable.

38. *Rental costs (including sale and leaseback of facilities).* (a) Rental costs of land, building, and equipment and other personal property are allowable if the rates are reasonable in light of such factors as rental costs of comparable facilities and market conditions in the area, the type, life expectancy, condition, and value of the facilities leased, options available, and other provisions of the rental agreement. Application of these factors, in situations where rentals are extensively used, may involve among other considerations, comparison of rental costs with the amount which the institution would have received had it owned the facilities.

(b) Charges in the nature of rent between plants, divisions, or organizations under common control are allowable to the extent such charges do not exceed the normal costs of ownership, such as depreciation, taxes, insurance, and maintenance: *Provided*, That no part of such costs shall duplicate any other allowed costs.

(c) Unless otherwise specifically provided in the grant or contract, rental costs specified in sale and leaseback agreements, incurred by institutions through selling plant facilities to investment organizations, such as insurance companies, associate institutions, or to private investors, and concurrently leasing back the same facilities, are allowable only to the extent that such rentals do not exceed the amount which the grantee/contractor would have received had it retained legal title to the facilities.

(d) Rentals for land, building and equipment and other personal property owned by affiliated organizations including corporations or by stockholders, members, directors, trustees, officers or other key personnel of the institution or their families either directly or through corporations, trusts or other similar arrangements in which they hold a more than token interest are allowable only to the extent that such rentals do not exceed the amount the institution would have received had legal title to the facilities been vested in it.

(e) The allowability of rental costs under unexpired leases in connection with terminations is treated in G-42(e).

39. *Royalties and other costs for use of patents and copyrights.* (a) Royalties on a patent or copyright or amortization of the cost of acquiring by purchase a copyright, patent or rights thereto, necessary for the proper performance of the grant or contract applicable to grant products or processes, are allowable unless:

(1) The Government has a license or the right to free use of the patent;

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(2) The patent or copyright has been adjudicated to be invalid, or has been administratively determined to be invalid;

(3) The patent or copyright is considered to be unenforceable; or

(4) The patent or copyright is expired.

(b) Special care should be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arms-length bargaining; e.g.:

(1) Royalties paid to persons, including corporations, affiliated with the institution;

(2) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government grant or contract would be awarded; or

(3) Royalties paid under an agreement entered into after the award of the grant or contract.

(c) In any case involving a patent or copyright formerly owned by the institution, the amount of royalty allowed should not exceed the cost which would have been allowed had the institution retained title thereto.

40. *Severance pay.* (a) Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages, by institutions to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that, in each case, it is required by (1) law, (2) employer-employee agreement, (3) established policy that constitutes, in effect, an implied agreement on the institution's part, or (4) circumstance of the particular employment.

(b) Costs of severance payments are divided into two categories as follows:

(1) Actual normal turnover severance payments shall be allocated to all work performed in the institution's facilities; or, where the institution provides for accrual of pay for normal severances such method will be acceptable if the amount of the accrual is reasonable in light of payments actually made for normal severances over a representative past period, and if amounts accrued are allocated to all work performed in the institution's facilities; and

(2) Abnormal or mass severance pay is of such a conjectural nature that measurement of costs by means of an accrual will not achieve equity to both parties. Thus, accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis in the event of occurrence.

41. *Taxes.* (a) Taxes are certain charges levied by Federal, State, or local governments. They do not include fines and penalties except as otherwise provided herein. In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable, except for:

(1) Federal income taxes and similar levies against income of the institution derived from activities unrelated to the project supported by the grant or contract;

(2) Taxes in connection with financing, refinancing, or refunding operations (see G-18);

(3) Taxes from which exemptions are available to the institution directly or available to the institution based on an exemption afforded the Government except when the awarding agency determines that the administrative burden incident to obtaining the exemption outweighs the corresponding benefits accruing to the Government;

(4) Special assessments on land which represent capital improvements; and

(5) Taxes on any category of property which is used solely in connection with work other than on Government grants or contracts. (Taxes on property used solely in connection with either non-Government or Government work should be considered directly applicable to the respective category of work unless the amounts involved are insignificant or comparable results would otherwise be obtained.)

(b) Taxes otherwise allowable under paragraph (a) of this section, but upon which a claim of illegality or erroneous assessment exists, are allowable provided the institution, prior to payment of such taxes:

(1) Promptly requests instructions from the awarding agency concerning such taxes, and

(2) Takes all action directed by the awarding agency arising out of subparagraph (1) of this paragraph or an independent decision of the Government as to the existence of a claim of illegality or erroneous assessment, including cooperation with and for the benefit of the Government to (i) determine the legality of such assessment, or (ii) secure a refund of such taxes.

Reasonable costs of any such action undertaken by the institution at the direction or with the concurrence of the awarding agency are allowable. Interest and penalties incurred by an institution by reason of the nonpayment of any tax at the direction of the awarding agency or by reason of the failure of the awarding agency to issue timely direction after prompt request therefor, are also allowable.

(c) Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or penalties which were allowed as project costs, shall be credited or paid to the Government in the manner directed by the Government, provided any interest actually paid or credited to an institution incident to a refund of tax, interest or penalty shall be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest or penalties.

42. *Termination costs.* Grants and contracts terminations generally give rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the project not been terminated. Cost principles covering these items are set forth below. They are to be used in conjunction with the remainder of this document in termination situations.

(a) *Common items.* The cost of items reasonably usable on the institution's other work shall not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, the awarding agency should consider the institution's plans and orders for current and scheduled production. Contemporaneous purchases of common items by the institution shall be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allocable to the terminated portion of the project should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(b) *Costs continuing after termination.* If in a particular case, despite all reasonable efforts by the institution certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this document, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs shall be considered unallowable.

(c) *Initial costs.* Initial costs, including starting load and preparatory costs, are allowable, subject to the following:

(1) Starting load costs are costs of a nonrecurring nature arising in the early stages of operation, investigation or production and not fully absorbed because of the termination. Such costs may include the cost of labor and materiel, and related indirect cost attributable to such factors as:

(a) Excessive spoilage resulting from inexperienced labor;

(b) Idle time and subnormal production occasioned by testing and changing methods of processing;

(c) Employee training; and

(d) Unfamiliarity or lack of experience with the product, materiels, manufacturing processes, and techniques.

(2) Preparatory costs are costs incurred in preparing to perform the terminated project including costs of initial plant rearrangement and alterations, management and personnel organization, production planning and similar activities, but excluding special machinery and equipment and starting load costs.

(3) If initial costs are claimed and have not been segregated on the institution's books, segregation for settlement purposes shall be made from cost reports and schedules which reflect the high unit cost incurred during the early stages of the project.

(4) When the settlement proposal is on the inventory basis, initial costs should normally be allocated on the basis of total end items called for by the project immediately prior to termination; however, if the project includes end items of a diverse nature, some other equitable basis may be used, such as machine or labor hours.

(5) When initial costs are included in the settlement proposal as a direct charge, such costs shall not also be included in overhead.

(6) Initial costs attributable to only one project shall not be allocated to other projects.

(d) *Loss of useful value.* Loss of useful value of special tooling and special machinery and equipment is generally allowable if:

(1) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution;

(2) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the awarding agency and

(3) The loss of useful value as to any one terminated project is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the project bears to the entire terminated project and other Government projects for which the special tooling and special machinery and equipment was acquired.

(e) *Rental costs.* Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated project less the residual value of such leases, if:

(1) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the project and such further period as may be reasonable; and

(2) The institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease.

There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the project, and of reasonable restoration required by the provisions of the lease.

(f) *Settlement expenses.* Settlement expenses including the following are generally allowable:

(1) Accounting, legal, clerical, and similar costs reasonably necessary for—

(a) The preparation and presentation to awarding agency of settlement claims and supporting data with respect to the terminated portion of the project, and

(b) The termination and settlement of subcontracts; and

(2) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the project.

(g) *Subcontractor claims.* Subcontractor claims, including the allocable portion of claims which are common to the project and to other work of the institution are generally allowable.

43. *Trade, Business, Technical, and Professional Activity Costs*—(a) *Membership.* This category includes costs of memberships in trade, business, technical, and professional organizations. Such costs are allowable.

(b) *Subscriptions.* This item includes cost of subscriptions to trade, business, professional, or technical periodicals. Such costs are allowable.

(c) *Meetings and conferences.* This item includes costs of meals, transportation, rental of facilities for meetings, and costs incidental thereto, when the primary purpose of the incurrence of such costs is the dissemination of technical information or stimulation of production. Such costs are allowable.

44. *Training and educational costs.* (a) The costs of training courses taken by a bona fide employee to acquire basic skills which he should bring to the job or to qualify a person for duties other than those related to an institution's goals are unallowable.

(b) Costs of on the job training and part-time education, at an undergraduate or post-graduate college level, related to the job requirements of bona fide employees, identified in (1) through (5) below, are allowable.

(1) Training materiels;

(2) Textbooks;

(3) Fees charged by the educational institution;

(4) Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect cost of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution; and

(5) Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year where circumstances do not permit the operation of classes or attendance at classes after regular working hours.

(c) Costs of tuition, fees, training materiels and textbooks (but not subsistence, salary, or any other emoluments) in connection with full time scientific and medical education at a post-graduate (but not undergraduate) college level related to the job requirements of bona fide employees for a total period not to exceed 1 school year for each employee so trained, are allowable when approved in writing by the awarding agency.

(d) Grants to educational or training institutions, including the donation of facilities or other properties, scholarships, or fellowships, are considered contributions and are unallowable.

45. *Transportation costs.* Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be directly costed as transportation costs or added to the cost of such items (see G-22).

Where identification with the materiels received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the grant or contract shall be treated as a direct cost.

46. *Travel costs.* (a) Travel costs include costs of transportation, lodging, subsistence, and incidental expenses, incurred by institution personnel in a travel status while on official business.

(b) Travel costs may be based upon actual costs incurred, or on a per diem or mileage basis in lieu of actual costs, or on a combination of the two, provided the method used does not result in an unreasonable charge. The difference in cost between first-class and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would (1) require circuitous routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

(c) Travel costs incurred in the normal course of overall administration of the business are allowable and shall be treated as indirect costs.

(d) Travel costs directly attributable to specific grant or contract performance are allowable and may be charged to the grant or contract in accordance with the principle of direct costing (see section C).

(e) Costs of personnel movement of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency.

APPENDIX B—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS AND CONTRACTS WITH STATE AND LOCAL GOVERNMENTS

PART I—GENERAL

A. PURPOSE AND SCOPE

1. *Objectives.* This appendix sets forth principles for determining the allowable costs of programs administered by State and local governments under grants from and contracts with the Federal Government. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal and State or local participation in the financing of a particular grant. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.

2. *Policy guides.* The application of these principles is based on the fundamental premises that:

a. State and local governments are responsible for the efficient and effective administration of grant and contract programs through the application of sound management practices.

b. The grantee or contractor assumes the responsibility for seeing that federally assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

c. Each grantee or contractor organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.

3. *Application.* These principles will be applied in determining costs incurred by State and local governments under Federal grants and cost reimbursement type contracts (including subgrants and subcontracts) except those with (a) publicly financed educational institutions subject to Appendix C to this part and (b) publicly owned hospitals and other providers of medical care subject to requirements promulgated by the Director.

B. DEFINITIONS

1. *Approval or authorization of the grantor Federal agency* means documentation evidencing consent prior to incurring specific cost.

2. *Cost allocation plan* means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.

3. *Cost,* as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Federal grantor agency as a discharge of the grantee's accountability for Federal funds.

4. *Cost objective* means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.

5. *Federal agency* means the National Institute of Education.

6. *Grant* means an agreement between the Federal Government and a State or local government whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this appendix as applicable to grants in general also apply to any federally sponsored cost reimbursement type of agreement performed by a State or local government, including contracts, subcontracts and subgrants.

7. *Grant program* means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

8. *Grantee* means the department or agency of State or local government which is responsible for administration of the grant.

9. *Local unit* means any political subdivision of government below the State level.

10. *Other State or local agencies* means departments or agencies of the State or local unit which provide goods, facilities, and services to a grantee.

11. *Services,* as used herein, means goods and facilities, as well as services.

12. *Supporting services* means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

C. BASIC GUIDELINES

1. *Factors affecting allowability of costs.* To be allowable under a grant program, costs must meet the following general criteria:

a. Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State or local governments.

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b. Be authorized or not prohibited under State or local laws or regulations.

c. Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.

d. Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government of which the grantee is a part.

e. Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

f. Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period.

g. Be net of all applicable credits.

2. *Allocable costs.* a. A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

b. Any cost allocable to a particular grant or cost objective under the principles provided for in this appendix may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.

c. Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in section J.

3. *Applicable credits.* a. Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: Purchase discounts; rebates or allowances; recoveries or indemnities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

b. Applicable credits may also arise when Federal funds are received or are available from sources other than the grant program involved to finance operations or capital items of the grantee. This includes costs arising from the use or depreciation of items donated or financed by the Federal Government to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

D. COMPOSITION OF COST

1. *Total cost.* The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.

2. *Classification of costs.* There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential therefore that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in the sections which follow.

E. DIRECT COSTS

1. *General.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

2. *Application.* Typical direct costs chargeable to grant programs are:

a. Compensation of employees for the time and effort devoted specifically to the execution of grant programs.

b. Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.

c. Equipment and other approved capital expenditures.

d. Other items of expense incurred specifically to carry out the grant agreement.

e. Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in Section G of these principles.

F. INDIRECT COSTS

1. *General.* Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration of relative benefits derived.

2. *Grantee departmental indirect costs.* All grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this Appendix. In lieu of determining the actual amount of grantee departmental indirect cost allocable to a grant program, the following methods may be used:

a. *Predetermined fixed rates for indirect costs.* A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect cost.

b. *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained or isolated activity. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amounts negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

3. *Limitation on indirect costs.* a. Federal grants may be subject to laws that limit the amount of indirect cost that may be allowed. Agencies that sponsor grants of this type will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation or the amount otherwise allowable under this Appendix, whichever is the smaller.

b. When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this Appendix, the amount not recoverable as indirect costs under a grant may not be shifted to another federally sponsored grant program or contract.

G. COST INCURRED BY AGENCIES OTHER THAN THE GRANTEE

1. *General.* The cost of service provided by other agencies may only include allowable direct costs of the service plus a pro rata share of allowable supporting costs (section B.12.) and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of a department and his staff assistants not directly involved in operations. However, supervision by the head of a department or agency whose sole function is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units of the supplying department or by other agencies.

2. *Alternative methods of determining indirect cost.* In lieu of determining actual indirect cost related to a particular service furnished by another agency, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.

a. *Standard indirect rate.* An amount equal to 10 percent of direct labor cost in providing the service performed by another State agency (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.

b. *Predetermined fixed rate.* A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in section F.2.a.

H. COST INCURRED BY GRANTEE DEPARTMENT FOR OTHERS

1. *General.* The principles provided in section G. will also be used in determining the cost of services provided by the grantee department to another agency.

J. COST ALLOCATION PLAN

1. *General.* A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records which will substantiate the propriety of eventual charges.

2. *Requirements.* The allocation plan of the grantee department should cover all joint costs of the department as well as costs to be allocated under plans of other agencies or organizational unit which are to be included in the costs of federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee department, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:

a. The nature and extent of services provided and their relevance to the federally sponsored programs.

b. The items of expense to be included.

c. The methods to be used in distributing cost.

3. *Approval of cost allocation plan.* The allocation plan for a given cost area or objective will serve all the Federal agencies involved.

a. At the State level, the Department of Health, Education, and Welfare will be responsible for the negotiation and approval of the cost allocation plans for central support services to grant programs. The approved plans will be accepted by other Federal agencies, unless an agency determines that the approved plan would result in significant inequitable or improper charges to programs for which it is responsible. The Department of Health, Education, and Welfare will collaborate with the other Federal agencies concerned in the development of guidance material concerning the cost allocation plan and in the negotiation and approval of the plan. It will also collaborate with the States concerning procedures for the administration of the cost allocation plan. The Department of Health, Education, and Welfare will be responsible for the audit of costs resulting from the cost allocation plan, the results of which will be accepted by other Federal agencies.

b. At the grantee department level in a State, and for local governments, Federal agencies will work toward the objective of designating a single Federal agency, the one with predominant interest, which will have responsibility similar to that set forth in a. above for the negotiation and approval of the cost allocation plan and for the audit of costs.

PART II—STANDARDS FOR SELECTED ITEMS OF COST

A. PURPOSE AND APPLICABILITY

1. *Objective.* This part provides standards for determining the allowability of selected items of cost.

2. *Application.* These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in Part I of this appendix.

B. ALLOWABLE COSTS

1. *Accounting.* The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of government and is not allowable.

2. *Advertising.* Advertising media includes newspapers, magazines, radio, and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:

a. Recruitment of personnel required for the grant program.

b. Solicitation of bids for the procurement of goods and services required.

c. Disposal of scrap or surplus materials acquired in the performance of the grant agreement.

d. Other purposes specifically provided for in the grant agreement.

3. *Advisory councils.* Costs incurred by State advisory councils or committees established pursuant to Federal requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.

4. *Audit service.* The cost of audits necessary for the administration and management of functions related to grant programs is allowable.

5. *Bonding.* Costs of premiums on bonds covering employees who handle grantee agency funds are allowable.

6. *Budgeting.* Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office actively participate in the grantee agency's budget process, the cost of identifiable services is allowable.

7. *Building lease management.* The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

8. *Central stores.* The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

9. *Communications.* Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.

10. *Compensation for personal services*—a. *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits (section B.13.). The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) Is reasonable for the services rendered, (2) follows an appointment made in accordance with State or local government laws and rules and which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in b. below. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State or local government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the State or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

b. *Payroll and distribution of time.* Amounts charged to grant programs for personel services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the State or local agency. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.

11. *Depreciation and use allowances,* a. Grantees may be compensated for the use or buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government through charges to Federal grant programs or otherwise, irrespective of where title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the grantor Federal agency.

c. Where the depreciation method is followed, adequate property records must be maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

d. In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding 2 percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable equipment.

e. No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated: *Provided, however,* That reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

12. *Disbursing service.* The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.

13. *Employee fringe benefits.* Costs identified under a. and b. below are allowable to the extent that total compensation for employees is reasonable as defined in section B.10.

a. Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are: (1) Provided pursuant to an approved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.

b. Employee benefits in the form of employers' contribution or expenses for social security, employees' life and health insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided such benefits are granted under approved plans and are distributed equitably to grant programs and to other activities.

14. *Employee morale, health, and welfare costs.* The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with general State or local policy are allowable. Income generated from any of these activities will be offset against expenses.

15. *Exhibits.* Costs of exhibits relating specifically to the grant programs are allowable.

16. *Legal expenses.* The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or his staff solely for

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the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

17. *Maintenance and repair.* Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

18. *Materials and supplies.* The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

19. *Memberships, subscriptions and professional activities*—a. *Memberships.* The cost of membership in civic, business, technical and professional organizations is allowable provided: (1) The benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.

b. *Reference material.* The cost of books, and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.

c. *Meetings and conferences.* Costs are allowable when the primary purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.

20. *Motor pools.* The costs of a service organization which provides automobiles to user grantee agencies at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

21. *Payroll preparation.* The cost of preparing payrolls and maintaining necessary related wage records is allowable.

22. *Personnel administration.* Costs for the recruitment, examination, certification, classification, training, establishment of pay standards, and related activities for grant programs, are allowable.

23. *Printing and reproduction.* Cost for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.

24. *Procurement service.* The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities and services for grant programs, is allowable.

25. *Taxes.* In general, taxes or payments in lieu of taxes which the grantee agency is legally required to pay are allowable.

26. *Training and education.* The cost of in-service training, customarily provided for employee development which directly or indirectly benefits grant programs is allowable. Out-of-service training involving extended periods of time is allowable only when specifically authorized by the grantor agency.

27. *Transportation.* Costs incurred for freight, cartage, express, postage, and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

28. *Travel.* Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in nonfederally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available.

C. COSTS ALLOWABLE WITH APPROVAL OF GRANTOR AGENCY

1. *Automatic data processing.* The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only upon specific prior approval of the grantor Federal agency as provided under the selected item for capital expenditures.

2. *Building space and related facilities.* The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the grantor Federal agency.

a. *Rental cost.* The rental cost of space in a privately owned building is allowable.

b. *Maintenance and operation.* The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs, and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

c. *Rearrangements and alterations.* Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value or useful life of the facilities (section C.3.) are allowable when specifically approved by the grantor agency.

d. *Depreciation and use allowances on publicly owned buildings.* These costs are allowable as provided in section B.11.

e. *Occupancy of space under rental-purchase or a lease with option-to-purchase agreement.* The cost of space procured under such arrangements is allowable when specifically approved by the Federal grantor agency.

3. *Capital expenditures.* The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Federal grantor agency. When assets acquired with Federal grant funds are (a) sold, (b) no longer available for use in a federally sponsored program, or (c) used for purposes not authorized by the grantor agency, the Federal grantor agency's equity in the asset will be refunded in the same proportion as Federal participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.

4. *Insurance and indemnification.* a. Costs of insurance required, or approved and maintained pursuant to the grant agreement, is allowable.

b. Costs of other insurance in connection with the general conduct of activities is allowable subject to the following limitations:

(1) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.

(2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property is unallowable except to the extent that the grantor agency has specifically required or approved such costs.

c. Contributions to a reserve for a self-insurance program approved by the Federal grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools which occur in the ordinary course of operations, are allowable.

e. *Indemnification* includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in d above.

5. *Management studies.* The cost of management studies to improve the effectiveness and efficiency of grant management for ongoing programs is allowable except that the cost of studies performed by agencies other than the grantee department or outside consultants is allowable only when authorized by the Federal grantor agency.

6. *Preagreement costs.* Costs incurred prior to the effective date of the grant or contract, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.

7. *Professional services.* Cost of professional services rendered by individuals or organizations not a part of the grantee department is allowable subject to such prior authorization as may be required by the Federal grantor agency.

8. *Proposal costs.* Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

D. UNALLOWABLE COSTS

1. *Bad debts.* Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.

2. *Contingencies.* Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.

3. *Contributions and donations.* Unallowable.

4. *Entertainment.* Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.

5. *Fines and penalties.* Costs resulting from violations of, or failure to comply with Federal, State, and local laws and regulations are unallowable.

6. *Governor's expenses.* The salaries and expenses of the office of the Governor of a State or the chief executive of a political subdivision are considered a cost of general State or local government and are unallowable.

7. *Interest and other financial costs.* Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

8. *Legislative expenses.* Salaries and other expenses of the State legislature or similar local governmental bodies such as county supervisors, city councils, school boards, etc., whether incurred for purposes of legislation or executive direction, are unallowable.

9. *Underrecovery of costs under grant agreements.* Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

(OMB Circular No. A–87)

APPENDIX C

PART I—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO RESEARCH AND DEVELOPMENT UNDER GRANTS AND CONTRACTS WITH EDUCATIONAL INSTITUTIONS

A. PURPOSE AND SCOPE

1. *Objectives.* This appendix provides principles for determining the costs applicable to research and development work performed by educational institutions under grants from and contracts with the Federal Government. These principles are confined to the subject of cost determination and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular research or development project. The principles are designed to provide recognition of the full allocated costs of such research work under generally accepted accounting principles. No provision for profit or other increment above cost is intended.

2. *Policy guides.* The successful application of these principles requires development of mutual understanding between representatives of universities and of the Federal Government as to their scope, implementation, and interpretation. It is recognized that—

a. The arrangements for agency and institutional participation in the financing of a research and development project are properly subject to negotiation between the agency and the institution concerned in accordance with such Government-wide criteria as may be applicable.

b. Each college and university, possessing its own unique combination of staff, facilities, and experience, should be encouraged to conduct research in a manner consonant with its own academic philosophies and institutional objectives.

c. Each institution, in the fulfillment of its obligations, should employ sound management practices.

d. The application of the principles established herein should require no significant changes in the generally accepted accounting practices of colleges and universities and standards herein provided on a consistent basis. Where wide variations exist in the treatment of a given cost item among institutions, the reasonableness and equitableness of such treatments will be fully considered during the rate negotiations and audit.

3. *Application.* The Director will apply these principles and related policy guides in determining the costs incurred for such work under any type of research and development agreement. These principles should also be used as a guide in the pricing of fixed price contracts or lump sum agreements.

B. DEFINITION OF TERMS

1. *Organized research* means all research activities of an institution that are separately budgeted and accounted for.

2. *Departmental research* means research activities that are not separately budgeted and accounted for. Such research work, which includes all research activities not encompassed under the term "organized research," is regarded for purposes of this document as a part of the instructional activities of the institution.

3. *Research agreement* means any valid arrangement to perform federally sponsored research, including grants, cost-reimbursement type contracts, cost-reimbursement type subcontracts, and fixed-price contracts and subcontracts for research.

4. *Other institutional activities* means all organized activities of an institution not directly related to the instruction and research functions, such as residence halls, dining halls, student hospitals, student unions, intercollegiate athletics, bookstores, faculty housing, student apartments, guest houses, chapels, theaters, public museums, and other similar activities or auxiliary enterprises. Also included under this definition is any other category of cost treated as "unallowable," provided such category of cost identifies a function or activity to which a portion of the institution's indirect costs (as defined in section E.1.) are properly allocable.

5. *Apportionment* means the process by which the indirect costs of the institution are assigned as between (a) instruction and research, and (b) other institutional activities.

6. *Allocation* means the process by which the indirect costs apportioned to instruction and research are assigned as between (a) organized research, and (b) instruction, including departmental research.

7. *Stipulated salary support* is a fixed or a stated dollar amount of the salary of professorial or other professional staff involved in the conduct of research which a Government agency agrees in advance to reimburse an educational institution as a part of sponsored research costs.

8. *Federal agency* or sponsoring agency means the National Institute of Education.

C. BASIC CONSIDERATIONS

1. *Composition of total costs.* The cost of a research agreement is comprised of the allowable direct costs incident to its performance, plus the allocable portion of the allowable indirect costs of the institution, less applicable credits as described in section C.5.

2. *Factors affecting allowability of costs.* The tests of allowability of costs under these principles are: (a) they must be reasonable; (b) they must be allocable to research agreements under the standards and methods provided herein; (c) they must be accorded consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the research agreement as to types or amounts of cost items.

3. *Reasonable costs.* A cost may be considered reasonable if the nature of the goods or services acquired or applied, and the amount involved therefor, reflect the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are: (a) Whether or not the cost is of a type generally recognized as necessary for the operation of the institution or the performance of the research agreement; (b) the restraints or requirements imposed by such factors as arm's-length bargaining, Federal and State laws and regulations, and research agreement terms and conditions; (c) whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the institution, its employees, its students, the Government, and the public at large; and (d) the extent to which the actions taken with respect to the incurrence of the cost are consistent with established institutional policies and practices applicable to the work of the institution generally, including Government research.

4. *Allocable costs.* a. A cost is allocable to a particular cost objective (i.e., a specific function, project, research agreement, department, or the like) if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a research agreement if it is incurred solely to advance the work under the research agreement; or it benefits both the research agreement and other work of the institution in proportions that can be approximated through use of reasonable methods; or it is necessary to the overall operation of the institution and, in the light of the standards provided in this appendix is deemed to be assignable in part to organized research. Where the purchase of equipment or other capital items is specifically authorized under a research agreement, the amounts thus authorized for such purchases are allocable to the research agreement regardless of the use that may subsequently be made of the equipment or other capital items involved.

b. Any costs allocable to a particular research agreement under the standards provided in this appendix may not be shifted to other research agreements in order to meet deficiencies caused by overruns or other fund considerations, to avoid restrictions imposed by law or by terms of the research agreement, or for other reasons of convenience.

5. *Applicable credits.* a. The term applicable credits refers to those receipt or negative expenditure types of transactions which operate to offset or reduce expense items that are allocable to research agreements as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates, or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; and adjustments of overpayments or erroneous charges.

b. In some instances, the amounts received from the Federal Government to finance institutional activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures should be applied by the institution in determining the rates or amounts to be charged to Government research for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds. (See sections F.6., J.10.b., and J.37. for areas of potential application in the matter of direct Federal financing.)

6. *Costs incurred by State and local governments.* Costs incurred or paid by State or local governments in behalf of educational institutions for certain personnel benefit programs such as pension plans, FICA, and any other costs specifically disbursed in behalf of and in direct benefit to the institutions, are allowable costs of such institutions whether or not these costs are

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recorded in the accounting records of such institutions, subject to the following:

a. Such costs meet the requirements of sections C.1. through C.5.

b. Such costs are properly supported by cost allocation plans in accordance with Appendix B to this part.

c. Such costs are not otherwise borne directly or indirectly by the Federal Government.

D. DIRECT COSTS

1. *General.* Direct costs are those costs which can be identified specifically with a particular research project, an instructional activity or any other institutional activity or which can be directly assigned to such activities relatively easily with a high degree of accuracy.

2. *Application to research agreements.* Identifiable benefit to the research work rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of research agreements. Typical transactions chargeable to a research agreement as direct costs are the compensation of employees for performance of work under the research agreement, including related staff benefit and pension plan costs to the extent that such items are consistently treated by the educational institution as direct rather than indirect costs; the costs of materials consumed or expended in the performance of such work; and other items of expense incurred for the research agreement, including extraordinary utility consumption. The cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations may be included as direct costs of research agreements provided such items are consistently treated by the institution as direct rather than indirect costs and are charged under a recognized method of costing or pricing designed to recover only actual costs and conforming to generally accepted cost accounting practices consistently followed by the institution.

E. INDIRECT COSTS

1. *General.* Indirect costs are those that have been incurred for common or joint objectives and therefore cannot be identified specifically with a particular research project, an instructional activity or any other institutional activity. At educational institutions such costs normally are classified under the following functional categories: general administration and general expenses; research administration expenses; operation and maintenance expenses; library expenses; and departmental administration expenses.

2. *Criteria for distribution*—a. *Base period.* A base period for distribution of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed within that period. The base period normally should coincide with the fiscal year established by the institution, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

b. *Need for cost groupings.* The overall objective of the allocation and apportionment process is to distribute the indirect costs described in section F to organized research, instruction, and other activities in reasonable proportions consistent with the nature and extent of the use of the institution's resources by research personnel, academic staff, students, and other personnel or organizations. In order to achieve this objective, it may be necessary to provide for selective distribution by establishing separate groupings of cost within one or more of the functional categories of indirect costs referred to in section E.1. In general, the cost groupings established within a functional category should constitute, in each case, a pool of those items of expense that are considered to be of like character in terms of their relative contribution to (or degree of remoteness from) the particular cost objectives to which distribution is appropriate. Cost groupings should be established considering the general guides provided in c. below. Each such pool or cost grouping should then be distributed individually to the appertaining cost objectives, using the distribution base or method most appropriate in the light of the guides set out in d. below.

c. *General considerations on cost groupings.* The extent to which separate cost groupings and selective distribution would be appropriate at an institution is a matter of judgment to be determined on a case-by-case basis. Typical situations which may warrant the establishment of two or more separate cost groups (based on account classification or analysis) within a functional category include but are not limited to the following:

(1) Where certain items or categories of expense relate solely to one of the three major divisions of the institution (instruction, organized research or other institutional activities) or to any two but not the third, such expenses should be set aside as a separate cost grouping for direct assignment or selective distribution in accordance with the guides provided in b. above and d. below.

(2) Where any types of expense ordinarily treated as general administration and general expenses or departmental administration expenses are charged to research agreements as direct costs, the similar type expenses applicable to other activities of the institution must, through separate cost groupings, be excluded from the indirect costs allocable to those research agreements and included in the direct cost of other activities for cost allocation purposes.

(3) Where it is determined that certain expenses are for the support of a service unit or facility whose output is susceptible of measurement on a workload or other quantitative basis, such expenses should be set aside as a separate cost grouping for distribution on such basis to organized research and other activities at the institution or within the department.

(4) Where organized activities (including identifiable segments of organized research as well as the activities cited in section B.4.) provide their own purchasing, personnel administration, building maintenance or similar service, the distribution of general administration and general expenses or operation and maintenance expenses to such activities should be accomplished through cost groupings which include only that portion of central indirect costs (such as for overall management) which are properly allocable to such activities.

(5) Where the institution elects to treat as indirect charges the cost of the pension plan and other staff benefits, such costs should be set aside as a separate cost grouping for selective distribution to appertaining cost objectives, including organized research.

(6) The number of separate cost groupings within a functional category should be held within practical limits, after taking into consideration the materiality of the amounts involved and the degree of precision attainable through less selective methods of distribution.

d. *Selection of distribution method.* (1) Actual conditions must be taken into account in selecting the method or base to be used in distributing to applicable cost objectives the expenses assembled under each of the individual cost groupings established as indicated under b. above. Where a distribution can be made by assignment of a cost grouping directly to the area benefited, the distribution should be made in that manner. Where the expenses under a cost grouping are more general in nature, the distribution to appertaining cost objectives should be made through use of a selected base which will produce reaults that are equitable to both the Government and the institution. In general, any cost element or cost-related factor associated with the institution's work is potentially adaptable for use as a distribution base provided (a) it can readily be expressed in terms of dollars or other quantitative measure (total direct expenditures, direct salaries, manhours applied, square feet utilized, hours of usage, number of documents processed, population served, and the like); and (b) it is common to the appertaining cost objectives during the base period.

(2) Results of cost analysis studies may be used when they result in more accurate and equitable distribution of costs. Such cost analysis studies may take into consideration weighting factors, population, or space occupied if they produce equitable results. Cost analysis studies, however, should (a) be appropriately documented in sufficient detail for subsequent review by the cognizant Federal agency, (b) distribute the indirect costs to the appertaining cost objectives in accord with the relative benefits derived, (c) be conducted to fairly reflect the true conditions of the activity and to cover representative transactions for a reasonable period of time, (d) be performed specifically at the institution at which the results are to be used, and (e) be updated periodically and used consistently. Any assumptions made in the study will be sufficiently supported. The use of cost analysis studies and periodic changes in the method of cost distribution must be fully justified.

(3) The essential consideration in selection of the distribution base in each instance is that it be the one best suited for assigning the pool of costs to appertaining cost objectives in accord with the relative benefits derived; the traceable cause and effect relationship; or logic and reason, where neither benefit nor cause and effect relationship is determinable.

3. *Administration of limitations on allowances for research costs.* Research agreements may be subject to statutory or administrative policies that limit the allowance of research costs. When the maximum amount allowable under a statutory limitation or the terms of a research agreement is less than the amount otherwise reimbursable under this Circular, the amount not recoverable under that research agreement may not be charged to other research agreements.

F. IDENTIFICATION AND ASSIGNMENT OF INDIRECT COSTS

1. *General administration and general expenses.* a. The expenses under this heading are those that have been incurred for the general executive and administrative offices of educational institutions and other expenses of a general character which do not relate solely to any major division of the institution; i.e., solely to (1) instruction, (2) organized research, or (3) other institutional activities. The general administration and general expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category may be apportioned and allocated on the basis of total expenditures exclusive of capital expenditures in situations where the results of the distribution made on this basis

are deemed to be equitable both to the Government and the institution; otherwise the distribution of general administration and general expenses should be made through use of selected bases applied to separate cost groupings established within this category of expenses in accordance with the guides set out in section E.2.d.

2. *Research administration expenses.* a. The expenses under this heading are those that have been incurred by a separate organization or identifiable administrative unit established solely to administer the research activity, including such functions as contract administration, security, purchasing, personnel administration, and editing and publishing of research reports. They include the salaries and expenses of the head of such research organization, his assistants, and their immediate secretarial staff together with the salaries and expenses of personnel engaged in supporting activities maintained by the research organization, such as stock rooms, stenographic pools, and the like. The salaries of members of the professional staff whose appointments or assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to research administration is supported as required by section J.7. The research administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category should be allocated to organized research and, where necessary, to departmental research or to any other benefiting activities on any basis reflecting the proportion fairly applicable to each. (See section E.2.d.)

3. *Operation and maintenance expenses.* a. The expenses under this heading are those that have been incurred by a central service organization or at the departmental level for the administration, supervision, operation, maintenance, preservation, and protection of the institution's physical plant. They include expenses normally incurred for such items as janitorial and utility services; repairs and ordinary or normal alterations of buildings, furniture and equipment; and care of grounds and maintenance and operation of buildings and other plant facilities. The operation and maintenance expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category should be apportioned and allocated to applicable cost objectives in a manner consistent with the guides provided in section E.2, on a basis that gives primary emphasis to space utilization. The allocations and apportionments should be developed as follows: (1) Where actual space and related cost records are available or can readily be developed and maintained without significant change in the accounting practices, the amount distributed should be based on such records; (2) where the space and related cost records maintained are not sufficient for purposes of the foregoing, a reasonable estimate of the proportion of total space assigned to the various cost objectives normally will suffice as a means for effecting distribution of the amounts of operation and maintenance expenses involved; or (3) where it can be demonstrated that an area or volume of space basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of facilities by research personnel and others, including students.

4. *Library expenses.* a. The expenses under this heading are those that have been incurred for the operation of the library, including the costs of books and library materials purchased for the library, less any items of library income that qualify as applicable credits under section C.5. The library expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in the performance of the functions represented thereunder. Costs incurred in the purchases of rare books (museum-type books) with no research value should not be allocated to Government-sponsored research.

b. The expenses included in this category should be allocated on the basis of population including students and other users. Where the results of the distribution made on this basis are deemed to be inequitable to the Government or the institution, the distribution should then be made on a selective basis in accordance with the guides set out in section E.2. Such selective distribution should be made through use of reasonable methods which give adequate recognition to the utilization of the library attributable to faculty, research personnel, students and others. The method used will be based on data developed periodically on the respective institution's experience for representative periods.

5. *Departmental administration expenses.* a. The expenses under this heading are those that have been incurred in academic deans' offices, academic departments and organized research units such as institutes, study centers and research centers for administrative and supporting services which benefit common or joint departmental activities or objectives. They include the salaries and expenses of deans or heads, or associate deans or heads, of colleges, schools, departments, divisions, or organized research units, and their administrative staffs together with the salaries and expenses of personnel engaged in supporting activities maintained by the department, such as stockrooms, stenographic pools, and the like provided such supporting services cannot be directly identified with a specific research project, with an instructional activity or with any other institutional activity. The salaries of other members of the professional staff whose appointments or assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to departmental administration expenses is supported as required by section J.7. The departmental administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The distribution of departmental administration expenses should be made through use of selected bases applied to cost groupings established within this category of expenses in accordance with the guides set out in section E.2.d.

6. *Setoff for indirect expenses otherwise provided for by the Government.* a. The items to be accumulated under this heading are the reimbursements and other receipts from the Federal Government which are used by the institution to support directly, in whole or in part, any of the administrative or service (indirect) activities described in the foregoing (sections F.1. through F.5.). They include any amounts thus applied to such activities which may have been received pursuant to an institutional base grant or any similar contractual arrangement with the Federal Government other than a research agreement as herein defined (section B.3).

b. The sum of the items in this group shall be treated as a credit to the total indirect cost pool before it is apportioned to organized research and to other activities. Such setoff shall be made prior to the determination of the indirect cost rate or rates as provided in section G.

G. DETERMINATION AND APPLICATION OF INDIRECT COST RATE OR RATES

1. *Indirect cost pools.* a. Subject to b. below, indirect costs allocated to organized research should be treated as a common pool, and the costs in such common pool should then be distributed to individual research agreements benefiting therefrom on a single rate basis.

b. In some instances a single rate basis for use across the board on all Government research at an institution may not be appropriate, since it would not take into account those different environmental factors which may affect substantially the indirect costs applicable to a particular segment of Government research at the institution. For this purpose, a particular segment of Government research may be that performed under a single research agreement or it may consist of research under a group of research agreements performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of Government research is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the course of the regular distribution process, and the separate indirect cost rate resulting therefrom should be utilized provided it is determined that (1) such indirect cost rate differs significantly from that which would have obtained under a. above, and (2) the volume of research work to which such rate would apply is material in relation to other Government research at the institution.

2. *The distribution base.* Indirect costs allocated to organized research should be distributed to applicable research agreements on the basis of direct salaries and wages. For this purpose, an indirect cost rate should be determined for each of the separate indirect cost pools developed pursuant to section G.1. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the total direct salaries and wages of all research agreements identified with such pool. For the purpose of establishing an indirect cost rate, direct salaries and wages may include that portion contributed to the research by the institution for cost sharing or other purposes. Bases other than salaries and wages may be used provided it can be demonstrated that they produce more equitable results.

3. *Negotiated lump sum for indirect costs.* A negotiated fixed amount in lieu of indirect costs may be appropriate for self-contained, off-campus, or primarily subcontracted re-

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search activities where the benefits derived from an institution's indirect services cannot be readily determined. Such amount negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses before apportionment to instruction, organized research, and other institutional activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

4. *Predetermined fixed rates for indirect costs.* Public Law 87–638 (76 Stat. 437) authorizes the use of predetermined fixed rates in determining the indirect costs applicable under research agreements with educational institutions. The stated objectives of the law are to simplify the administration of cost-type research and development contracts (including grants) with educational institutions, to facilitate the preparation of their budgets, and to permit more expeditious closeout of such contracts when the work is completed. In view of the potential advantages offered by this procedure, consideration should be given to the negotiation of predetermined fixed rates for indirect costs in those situations where the cost experience and other pertinent facts available are deemed sufficient to enable the parties involved to reach an informed judgment as to the probable level of indirect costs during the ensuing accounting period.

5. *Negotiated fixed rates and carryforward provisions.* When a fixed rate is negotiated in advance for a fiscal year (or other time period), the over- or under-recovery for that year may be included as an adjustment to the indirect cost for the next rate negotiation. When the rate is negotiated before the carryforward adjustment is determined due to the delay in audit, the carryforward may be applied to the next subsequent rate negotiation. When such adjustments are to be made, each fixed rate negotiated in advance for a given period will be computed by applying the expected indirect costs allocable to Government research for the forecast period plus or minus the carryforward adjustment (over- or under-recovery) from the prior period, to the forecast distribution base. Unrecovered amounts under lump-sum agreements or cost-sharing provisions of prior years shall not be carried forward for consideration in the new rate negotiation. There must, however, be an advance understanding in each case between the institution and the cognizant Federal agency as to whether these differences will be considered in the rate negotiation rather than making the determination after the differences are known. Further, institutions electing to use this carryforward provision may not subsequently change without prior approval of the cognizant Federal agency. In the event that an institution returns to a postdetermined rate, any over- or under-recovery during the period in which negotiated fixed rates and carryforward provisions were followed will be included in the subsequent postdetermined rates. Where multiple rates are used, the same procedure will be applicable for determining each rate. This procedure also applies to rates established for grants and contracts for training and other educational services, but does not apply to cost-type research agreements covering work performed in wholly or partially Government-owned facilities.

H. SIMPLIFIED METHOD FOR SMALL INSTITUTIONS

1. *General.* a. Where the total direct cost of all federally supported work under research and educational service agreements at an institution does not exceed $1 million in a fiscal year (excluding direct payments by the institution to participants under educational service agreements for stipends, support, and similar costs requiring little, if any, indirect cost support), the use of the abbreviated procedure described in 2., below, may be used in determining allowable indirect costs. Under this abbreviated procedure, the institution's most recent annual financial report and immediately available supporting information, with salaries and wages segregated from other costs, will be utilized as a basis for determining the indirect cost rate applicable both to federally supported research and educational service agreements.

b. The rigid formula approach provided under this abbreviated procedure should not be used where it produces results which appear inequitable to the Government or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

2. *Abbreviated procedure.* a. Establish the total amount of salaries and wages paid to all employees of the institution.

b. Establish an indirect cost pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified under the following titles or their equivalents:

(1) General administration and general expenses (exclusive of costs of student administration and services, student aid, student activities, and scholarships).

(2) Operation and maintenance of physical plant.

(3) Library.

(4) Department administration expenses, which will be computed as 20 percent of the salaries and expenses of deans and heads of departments.

In those cases where expenditures classified under 2.b.(1) and 2.b.(2) have previously been allocated to other institutional activities, they may be included in the indirect cost pool. The total amount of salaries and wages included in the indirect cost pool must be separately identified.

c. Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established under 2.a. the amount of salaries and wages included under 2.b.

d. Establish the indirect cost rate, determined by dividing the amount in the indirect cost pool 2.b. by the amount of the distribution base 2.c.

e. Apply the indirect cost rate established to direct salaries and wages for individual agreements to determine the amount of indirect costs allocable to such agreements.

J. GENERAL STANDARDS FOR SELECTED ITEMS OF COST

Sections J.1. through J.46. provide standards to be applied in establishing the allowability of certain items involved in determining cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of discrepancy between the provisions of a specific research agreement and the applicable standards provided, the provisions of the research agreement should govern.

1. *Advertising costs.* The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, and the like. The only advertising costs allowable are those which are solely for: (a) The recruitment of personnel required for the performance by the institution of obligations arising under the research agreement, when considered in conjunction with all other recruitment costs, as set forth in J.32.; (b) the procurement of scarce items for the performance of the research agreement; or (c) the disposal of scrap or surplus materials acquired in the performance of the research agreement. Costs of this nature, if incurred for more than one research agreement or for both research agreement work and other work of the institution, are allowable to the extent that the principles in sections D and E are observed.

2. *Bad debts.* Any losses, whether actual or estimated arising from uncollectible accounts and other claims, related collections costs, and related legal costs, are unallowable.

3. *Capital expenditures.* The costs of equipment, buildings, and repairs which materially increase the value or useful life of buildings or equipment, are unallowable except as provided for in the research agreement. Government funds shall not be used for the acquisition of land, or any interest therein, except with the specific prior approval of the sponsoring agency.

4. *Civil defense costs.* Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, firefighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when distributed to all activities of the institution. Capital expenditures for civil defense purposes will not be allowed, but a use allowance or depreciation may be permitted in accordance with provisions set forth in section J.10. Costs of local civil defense projects not on the institution's premises are unallowable.

5. *Commencement and convocation costs.* Costs incurred for commencements and convocations apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs.

6. *Communication costs.* Costs incurred for telephone services, local and long-distance telephone calls, telegrams, radiograms, postage and the like, are allowable.

7. *Compensation for personal services*—a. *General.* Compensation for personal services covers all remuneration paid currently or accrued to the institution for services of employees rendered during the period of performance under Government research agreements. Such remuneration includes salaries, wages, staff benefits (see section J.39.), and pension plan costs (see section J.23.). The costs of such remuneration are allowable to the extent that the total compensation to individual employees is reasonable for the services rendered and conforms to the established policy of the institution consistently applied, and provided that the charges for work performed directly on Government research agreements and for other work allocable as indirect costs to organized research are determined and supported as hereinafter provided.

b. *Payroll distribution.* Amounts charged to organized research for personal services, except stipulated salary support, regardless of whether treated as direct costs or allocated as indirect costs, will be based on institutional payrolls which have been approved and documented in accordance with generally accepted institutional practices. Support for direct and indirect allocations of personal service costs to (1) instruction, (2) organized research, and (3) indirect activities as defined in section E.1., or (4) other institutional activities as defined in section

B.4., will be provided as described in c., d., e., and f., below.

c. *Stipulated salary support.* As an alternative to payroll distribution, stipulated salary support amounts may be provided in the research agreement for professorial staff, any part of whose compensation is chargeable to Government-sponsored research. Stipulated salary support may also be provided for any other professionals who are engaged part time in sponsored research and part time in other work. The stipulated salary support for an individual will be determined by the Government and the educational institution during the proposal and award process on the basis of considered judgment as to the monetary value of the contribution which the individual is expected to make to the research project. This judgment will take into account any cost sharing by the institution and such other factors as the extent of the investigator's planned participation in the project and his ability to perform as planned in the light of his other commitments. It will be necessary for those who review research proposals to obtain information on the total academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have such as teaching assignments, administrative assignments, number of graduate students for which they are responsible, or other institutional activities. Stipulated amounts for an individual must not per se result in increasing his official salary from the institution.

d. *Direct charges for personal services under payroll distribution.* The direct cost charged to organized research for the personal services of professorial and professional staff, exclusive of those whose salaries are stipulated in the research agreement, will be based on institutional payroll systems. Such institutional payroll systems must be supported by either: (1) An adequate appointment and workload distribution system accompanied by monthly reviews performed by responsible officials and a reporting of any significant changes in workload distribution of each professor or professional staff member, or (2) a monthly after-the-fact certification system which will require the individual investigators, deans, departmental chairmen or supervisors having first-hand knowledge of the services performed on each research agreement to report the distribution of effort. Reported changes will be incorporated during the accounting period into the payroll distribution system and into the accounting records. Direct charges for salaries and wages of nonprofessionals will be supported by time and attendance and payroll distribution records.

e. *Direct charges for personal services under stipulated salaries.* The amounts stipulated for salary support will be treated as direct costs. The stipulated salary for the academic year will be prorated equally over the duration of the grant or contract period during the academic year, unless other arrangements have been made in the grant or contract instrument. No time or effort reporting will be required to support these amounts. Special provision for summer salaries, or for a particular "off period" if other than summer, will be required. The research agreements will state that any research covered by summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance in writing by the granting agency. The certification required in section K will attest to this requirement as well as all others in a given research agreement. Stipulated salary support remains fixed during the funding period of the grant or contract and will be costed at the rate described above unless there is a significant change in performance. For example, a significant change in performance would exist if the faculty member (1) was ill for an extended period, (2) took sabbatical leave to devote effort to duties unrelated to his research, or (3) was required to increase substantially his teaching assignments, administrative duties, or responsibility for more research projects. In the latter event, it will be the responsibility of the educational institution to reduce the charges to the research agreement proportionately or seek an appropriate amendment. In the case of those covered by stipulated salary support, the auditors are no longer required to review the precise accuracy of time or effort devoted to research projects. Rather, their reviews should include steps to determine on a sample basis that an institution is not reimbursed for more than 100 percent of each faculty member's salary and that the portion of each faculty member's salary charged to Government-sponsored research is reasonable in view of his university workload and other commitments. The stipulated salary method may also be agreed upon for that portion of a professional's salary that represents cost sharing by the institution.

f. *Indirect personal services costs.* Allowable indirect personal services costs will be supported by the educational institution's accounting system maintained in accordance with generally accepted institutional practices. Where a comprehensive accounting system does not exist, the institution should make periodic surveys no less frequently than annually to support the indirect personal services costs for inclusion in the overhead pool. Such supporting documentation must be retained for subsequent review by Government officials.

g. *General guidance for charging personal services.* Budget estimates on a monthly, quarterly, semester, or yearly basis do not qualify as support for charges to federally sponsored research projects and should not be used unless confirmed after the fact. Charges to research agreements may include reasonable amounts for activities contributing and intimately related to work under the agreement, such as preparing and delivering special lectures about specific aspects of the ongoing research, writing research reports and articles, participating in appropriate research seminars, consulting with colleagues and graduate students with respect to related research, and attending appropriate scientific meetings and conferences. In no case should charges be made to federally sponsored research projects for lecturing or preparing for formal courses listed in the catalog and offered for degree credit, or for committee or administrative work related to university business.

h. *Nonuniversity professional activities.* A university must not alter or waive university-wide policies and practices dealing with the permissible extent of professional services over and above those traditionally performed without extra university compensation, unless such arrangements are specifically authorized by the sponsoring agency. Where university-wide policies do not adequately define the permissible extent of consultantship or other nonuniversity activities undertaken for extra pay, the Government may require that the effort of professional staff working under research agreements be allocated as between (1) university activities, and (2) nonuniversity professional activities. If the sponsoring agency should consider the extent of nonuniversity professional effort excessive, appropriate arrangements governing compensation will be negotiated on a case-by-case basis.

i. *Salary rates for academic year.* Charges for work performed on Government research by faculty members during the academic year will be based on the individual faculty member's regular compensation for the continuous period which, under the practice of the institution concerned, constitutes the basis of his salary. Charges for work performed on research agreements during all or any portion of such period would be allowable at the base salary rate. In no event will the charge to research agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period, and any extra compensation above the base salary for work on Government research during such period would be unallowable. This principle applies to all members of the faculty at an institution. Since intrauniversity consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary, the principle also applies to those who function as consultants or otherwise contribute to a research agreement conducted by another faculty member of the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, any charges for such work representing extra compensation above the base salary are allowable provided such consulting arrangement is specifically provided for in the research agreement or approved in writing by the sponsoring agency.

j. *Salary rates for periods outside the academic year.* Charges for work performed by faculty members on Government research during the summer months or other periods not included in the base salary period will be determined for each faculty member at a monthly rate not in excess of that which would be applicable under his base salary and will be limited to charges made in accordance with other subsections of J.7.

k. *Salary rates for part-time faculty.* Charges for work performed on Government research by faculty members having only part-time appointments for teaching will be determined at a rate not in excess of that for which he is regularly paid for his part-time teaching assignments. Example: An institution pays $5,000 to a faculty member for half-time teaching during the academic year. He devoted one-half of his remaining time (25 percent of his total available time) to Government research. Thus his additional compensation, chargeable by the institution to Government research agreements, would be one-half of $5,000 or $2,500.

8. *Contingency provisions.* Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

9. *Deans of faculty and graduate schools.* The salaries and expenses of deans of faculty and graduate schools, or their equivalents, and their staffs, are allowable.

10. *Depreciation and use allowances.* a. Institutions may be compensated for the use of buildings, capital improvements, and usable equipment on hand through use allowances or depreciation. Use allowances are the means of providing such compensation when depreciation or other equivalent costs are not considered. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. Due consideration will be given to Government-furnished facilities utilized by the institution when computing use allowances and/or depreciation if the Government-furnished facilities are material in amount. Computation of the use allowance and/or depreciation will exclude both the cost or any portion of the cost of buildings and equipment borne by or donated by the Federal Government, irrespective of where title was originally vested or where

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it presently resides and, secondly, the cost of grounds. Capital expenditures for land improvements (paved areas, fences, streets, sidewalks, utility conduits, and similar improvements not already included in the cost of buildings) are allowable provided the systematic amortization of such capital expenditures has been provided, based on reasonable determinations of the probable useful lives of the individual items involved, and the share allocated to organized research is developed from the amount thus amortized for the base period involved. Amortization methods once used should not be changed for a given building or equipment unless approved in advance by the cognizant Federal agency.

c. Where the use allowance method is followed, the use allowance for buildings and improvements will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable and needed equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance will be computed at an annual rate not exceeding 10 percent of such cost. Original complement for this purpose means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings; however, where a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable and needed equipment which may be used to compute the use allowance at an annual rate not exceeding 6⅔ percent of such estimate.

d. Where the depreciation method is followed, adequate property record must be maintained and periodic inventory (a statistical sampling basis is acceptable) must be taken to insure that properties for which depreciation is charged do exist and are needed. The period of useful service (service life) established in each case for usable capital assets must be determined on a realistic basis which takes into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular research area, and the renewal and replacement policies followed for the individual items or classes of assets involved. Where the depreciation method is introduced for application to assets acquired in prior years, the annual charges therefrom must not exceed the amounts that would have resulted had the depreciation method been in effect from the date of acquisition of such assets.

e. Where an institution elects to go on a depreciation basis for a particular class of assets, no depreciation, rental or use charge may be allowed on any such assets that, under d. above, would be viewed as fully depreciated provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the actual replacement policy followed in the light of service lives used for calculating depreciation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

11. *Employee morale, health, and welfare costs and credits.* The costs of house publications, health or first-aid clinics and/or infirmaries, recreational activities, employees' counseling services, and other expenses incurred in accordance with the institution's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employer-performance, are allowable. Such costs will be equitably apportioned to all activities of the institution. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

12. *Entertainment costs.* Costs incurred for amusement, social activities, entertainment, and any items relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable.

13. *Equipment and other facilities.* The cost of permanent equipment or other facilities are allowable where such purchases are approved by the sponsoring agency concerned or provided for by the terms of the research agreement. Total expenditures for permanent equipment may not exceed 125 percent of the amount allotted for the permanent equipment category by the sponsoring agency (through an approved budget or other document) except with approval. The term of property which has an acquisition cost of $200 or more and has an expected service life of one year or more.

a. *General purpose equipment.* Approval must be obtained to acquire with Government funds any general purpose permanent equipment, i.e., any items which are usable for activities of the institution other than research, such as office equipment and furnishings, air conditioning, reproduction, or printing equipment, motor vehicles, etc., or any automatic data processing equipment.

b. *Research equipment.* Approval must be obtained to acquire with Government funds any item of permanent research equipment costing $1,000 or more.

14. *Fines and penalties.* Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the research agreement, or instructions in writing from the contracting officer.

15. *Insurance and indemnification.* a. Costs of insurance required or approved, and maintained, pursuant to the research agreement, are allowable.

b. Costs of other insurance maintained by the institution in connection with the general conduct of its activities, are allowable subject to the following limitations: (1) types and extent and cost of coverage must be in accordance with sound institutional practice; (2) costs of insurance or of any contributions to any reserve covering the risk of loss of or damage to Government-owned property are unallowable except to the extent that the Government has specifically required or approved such costs; and (3) costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted.

c. Contributions to a reserve for an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the research agreement, except that costs incurred because of losses not covered under existing deductible clauses for insurance coverage provided in keeping with sound management practice as well as minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of operations, are allowable.

e. Indemnification includes securing the institution against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the institution only to the extent expressly provided for in the research agreement, except as provided in d. above.

16. *Interest, fund raising, and investment management costs.* a. Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

b. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are not allowable under Government research agreements.

c. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are not allowable under Government research agreements.

d. Costs related to the physical custody and control of monies and securities are allowable.

17. *Labor relations costs.* Costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employees' publications, and other related activities, are allowable.

18. *Losses on other research agreements or contracts.* Any excess of costs over income under any other research agreement or contract of any nature is unallowable. This includes, but is not limited to, the institution's contributed portion by reason of cost-sharing agreements or any under-recoveries through negotiation of flat amounts for indirect costs.

19. *Maintenance and repair costs.* Costs incurred for necessary maintenance, repair, or upkeep of property (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life but keep it in an efficient operating condition, are allowable.

20. *Material costs.* Costs incurred for purchased materials, supplies, and fabricated parts directly or indirectly related to the research agreement, are allowable. Purchases made specifically for the research agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores withdrawals conforming to sound accounting practices consistently followed by the institution. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the research agreement, and due credit should be given for any excess materials retained, or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the research agreement. Where Government-donated or furnished material is used in performing the research agreement, such material will be used without charge.

21. *Memberships, subscriptions, and professional activity costs.* a. Costs of the institution's membership in civic, business, technical, and professional organizations are allowable.

b. Costs of the institution's subscriptions to civic, business, professional, and technical periodicals are allowable.

c. Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

22. *Patent costs.* Cost of preparing disclosures, reports, and other documents required by the research agreement and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the research agreement relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable. (See also section J.33.)

23. *Pension plan costs.* Costs of the institution's pension plan which are incurred in accordance with the established policies of the institution are allowable, provided such policies meet the test of reasonableness and the methods of cost allocation are not discriminatory, and provided appropriate adjustments are made for credits or gains arising out of normal and abnormal employee turnover or any other contingencies that can result in forfeitures by employees which inure to the benefit of the institution.

24. *Plant security costs.* Necessary expenses incurred to comply with Government security requirements, including wages, uniforms, and equipment of personnel engaged in plant protection, are allowable.

25. *Preresearch agreement costs.* Costs incurred prior to the effective date of the research agreement, whether or not they would have been allowable thereunder if incurred after such date, are unallowable unless specifically set forth and identified in the research agreement.

26. *Professional services costs.* a. Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable subject to b. and c. below, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

b. Factors to be considered in determining the allowability of costs in a particular case include (1) the past pattern of such costs, particularly in the years prior to the award of Government research agreements; (2) the impact of Government research agreements on the institution's total activity; (3) the nature and scope of managerial services expected of the institution's own organizations; and (4) whether the proportion of Government work to the institution's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government research agreements.

c. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization or the prosecution of claims against the Government, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infrigement litigation, are unallowable unless otherwise provided for in the research agreement.

27. *Profits and losses on disposition of plant, equipment, or other capital assets.* Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short or long term investments, shall not be considered in computing research agreement costs.

28. *Proposal costs.* Proposal costs are the costs of preparing bids or proposals on potential Government and nongovernment research agreements or projects, including the development of engineering data and cost data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution, and no proposal costs of past accounting periods will be allocable in the current period to the Government research agreement. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the method used, the results obtained may be accepted only if found to be reasonable and equitable.

29. *Public information services costs.* Costs of news releases pertaining to specific research or scientific accomplishment are unallowable unless specifically authorized by the sponsoring agency.

30. *Rearrangement and alteration costs.* Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency concerned.

31. *Reconversion costs.* Costs incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of Government research agreement work, fair wear and tear excepted, are allowable.

32. *Recruiting costs.* a. Subject to b., c., and d. below, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees, are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

b. In publications, costs of help wanted advertising that includes color, includes advertising material for other than recruitment purposes, or is excessive in size (taking into consideration recruitment purposes for which intended and normal institutional practices in this respect), are unallowable.

c. Costs of help wanted advertising, special emoluments, fringe benefits, and salary allowances incurred to attract professional personnel from other institutions that do not meet the test of reasonableness or do not conform with the established practices of the institution, are unallowable.

d. Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost, and the newly hired employee resigns for reasons within his control within 12 months after hire, the institution will be required to refund or credit such relocation costs to the Government.

33. *Royalties and other costs for use of patents.* Royalties on a patent or amortization of the cost of acquiring a patent or invention or rights thereto, necessary for the proper performance of the research agreement and applicable to tasks or processes thereunder, are allowable unless the Government has a license or the right to free use of the patent, the patent has been adjudicated to be invalid or has been administratively determined to be invalid, the patent is considered to be unenforceable, or the patent has expired.

34. *Sabbatical leave costs.* Costs of leave of absence to employees for performance of graduate work or sabbatical study, travel, or research are allowable provided the institution has a uniform policy on sabbatical leave for persons engaged in instruction and persons engaged in research. Such costs will be allocated on an equitable basis among all appertaining activities of the institution. Where sabbatical leave is included in fringe benefits for which a cost is determined for assessment as a direct charge, the aggregate amount of such assessments applicable to all work of the institution during the base period must be reasonable in relation to the institution's actual experience under its sabbatical leave policy.

35. *Scholarships and student aid costs.* Costs of scholarships, fellowships and other forms of student aid apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs. However, in the case of students actually engaged in work under research agreements, any tuition remissions to such students for work performed are allocable to such research agreements provided consistent treatment is accorded such costs. (See section J.39.)

36. *Severance pay.* a. Severance pay is compensation in addition to regular salaries and wages which is paid by an institution to employees whose services are being terminated. Costs of severance pay are allowable only to the extent that such payments are required by law, by employer-employee agreement, by established policy that constitutes in effect an implied agreement on the institution's part, or by circumstances of the particular employment.

b. Severance payments that are due to normal, recurring turnover and which otherwise meet the conditions of a. above may be allowed provided the actual costs of such severance payments are regarded as expenses applicable to the current fiscal year and are equitably distributed among the institution's activities during that period.

c. Severance payments that are due to abnormal or mass terminations are of such conjectural nature that allowability must be determined on a case-by-case basis. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment.

37. *Specialized service facilities operated by institution.* a. The costs, including amortization by generally accepted accounting practice, of institutional services involving the use of highly complex and specialized facilities such as electronic computers, including the cost of adapting computers for use, wind tunnels, and reactors are allowable provided the charges therefor meet the conditions of b. or c. below, and otherwise take into account any items of income or Federal financing that qualify as applicable credits under section C.5.

b. The costs of such institutional services normally will be charged directly to applicable research agreements based on actual usage or occupancy of the facilities on the basis of a schedule of rates that (1) is designed to recover only aggregate costs of providing such services over a long term agreed upon in advance by the cognizant Federal agency on an individual basis, and (2) is applied on a nondiscriminatory basis as between organized research and other work of the institution, including usage by the institution for internal purposes. Commercial or accommoda-

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tion sales of computer services will be charged at not less than the above rates; however, if the rates charged for these services are greater, the total amount of charges above the scheduled rates when significant may be considered in revising the schedule of rates. Further, within the constraints of this paragraph, it is not necessary that the rates charged for services be equal to the cost of providing those services during any one fiscal year.

c. In the absence of an acceptable arrangement for direct costing as provided in b. above, the costs incurred for such institutional services may be assigned to research agreements as indirect costs, provided the methods used achieve substantially the same results. Such arrangements should be worked out in coordination with the cognizant Federal agency in order to assure equitable distribution of the indirect costs.

38. *Special services costs.* Costs incurred for general public relations activities, catalogs, alumni activities, and similar services, are unallowable.

39. *Staff benefits.* a. Staff benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all institutional activities, including organized research, in proportion to the relative amount of time or effort actually devoted to each. (See section J.34. for treatment of sabbatical leave.)

b. Staff benefits in the form of employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, the pension plan (see section J.23.), tuition or remission of tuition for individual employees or their families (see section J.35.), and the like, are allowable provided such benefits are granted in accordance with established institutional policies, and provided such contributions and other expenses, whether treated as indirect costs or as an increment of direct labor costs, are distributed to particular research agreements and other activities in a manner consistent with the pattern of benefits accruing to the individuals or groups of employees whose salaries and wages are chargeable to such research agreements and other activities.

40. *Student activity costs.* Costs incurred for intramural activities, student publications, student clubs, and other student activities, apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs.

41. *Student services costs.* Costs of the deans of students, administration of student affairs, registrar, placement offices, student advisers, student health and infirmary services, and such other activities as are identifiable with student services apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs. However, in the case of students actually engaged in work under research agreements, a proportion of student services costs measured by the relationship between hours of work by students on such research work and total student hours including all research time may be allowed as a part of research administration expenses.

42. *Taxes.* a. In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for: (1) Taxes from which exemptions are available to the institution directly or which are available to the institution based on an exemption afforded the Government and in the latter case when the sponsoring agency makes available the necessary exemption certificates, and (2) special assessments on land which represent capital improvements.

b. Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or penalties which were allowed as research agreement costs, will be credited or paid to the Government in the manner directed by the Government provided any interest actually paid or credited to an institution incident to a refund of tax, interest and penalty will be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest, and penalties.

43. *Transportation costs.* Costs incurred for freight, express, cartage, postage, and other transportation services relating either to goods purchased, in process, or delivered, are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the research agreement, should be treated as a direct cost.

44. *Travel costs.* a. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the institution. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed by the institution in its regular operations.

b. Travel costs are allowable subject to c., d., e., and f. below, when they are directly attributable to specific work under a research agreement or are incurred in the normal course of administration of the institution or a department or research program thereof.

c. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would:
(1) Require circuitous routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

d. Costs of personnel movements of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency or its authorized representative.

e. Foreign travel costs are allowable only when the travel has received specific prior approval. Each separate foreign trip must be specifically approved. For purposes of this provision, foreign travel is defined as "any travel outside of Canada and the United States and its territories and possessions."

f. Expenditures for domestic travel may not exceed $500, or 125 percent of the amount allotted for such travel by the sponsoring agency, whichever is greater, except with approval.

45. *Termination costs applicable to research agreements.* a. Termination of research agreements generally gives rise to the incurrence of costs or to the need for special treatment of costs, which would not have arisen had the agreement not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of this Circular in the case of termination.

b. The cost of common items of material reasonably usable on the institution's other work will not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the institution's plans and orders for current and scheduled work. Contemporaneous purchases of common items by the institution will be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allowable to the terminated portion of the agreement should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

c. If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this Circular, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs will be considered unacceptable.

d. Loss of useful value of special tooling, and special machinery and equipment is generally allowable, provided: (1) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution; (2) the interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer or equivalent; and (3) the loss of useful value as to any one terminated agreement is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the agreement bears to the entire terminated agreement and other Government agreements for which the special tooling, special machinery, or equipment was acquired.

e. Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated agreement, less the residual value of such leases, if: (1) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the agreement and such further period as may be reasonable; and (2) the institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the agreement, and of reasonable restoration required by the provisions of the lease.

f. Settlement expenses including the following are generally allowable: (1) Accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers or equivalent of settlement claims and supporting data with respect to the terminated portion of the agreement, and the termination and settlement of subagreements; and (2) reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced by the institution for the agreement.

g. Claims under subagreements, including the allocable portion of claims which are common to the agreement and to other work of the institution, are generally allowable.

K. *Certification of charges.* To assure that expenditures for research grants and contracts are proper and in accordance with the research agreement documents and approved project budgets, the annual and/or final fiscal reports or vouchers requesting payment under research agreements will include a certification, signed by an authorized official of the university, which reads essentially as follows: "I certify that all expenditures reported (or payments requested) are for appropriate purposes and in accordance with the agreements set forth in the application and award documents."

PART II—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO TRAINING AND OTHER EDUCATIONAL SERVICES UNDER GRANTS AND CONTRACTS WITH EDUCATIONAL INSTITUTIONS

A. *Purpose.* This part extends the scope of Part I: To cover the determination of costs incurred by educational institutions under Federal grants and contracts for training and other educational services.

B. *Application.* The Director will use Parts I and II of this Appendix as a basis for determining allowable costs under grants and cost reimbursement type contracts with educational institutions for work performed under federally supported education service agreements.

C. *Terminology.* The following definitions are to be used in determining the indirect cost of federally sponsored training and other educational services under this Attachment:

1. *Educational service agreement* means any grant or contract under which Federal financing is provided on a cost reimbursement basis for all or an agreed portion of the costs incurred for training or other educational services. Typcial of the work covered by educational service agreements are summer institutes, special training programs for selected participants, professional or technical services to cooperating countries, the development and introduction of new or expanded courses, and similar instructional oriented undertakings, including special research training programs, that are separately budgeted and accounted for by the institution.

The term does not extend to: (a) Grants or contracts for organized research, (b) arrangements under which the Federal financing is exclusively in the form of scholarships, fellowships, traineeships, or other fixed amounts such as a cost of education allowance or the normal published tuition rates and fees of an institution, or (c) construction, facility and exclusively general resource or institutional type grants.

2. *Instruction* means all of the academic work other than organized research carried on by an institution, including the teaching of graduate and undergraduate courses, departmental research (see section B.2. of Part I) and all special training or other instructional oriented projects sponsored by the Federal Government or others under educational service agreements.

D. *Student administration and services.* In addition to the five major functional categories of indirect costs described in section F of Part I, there is established an additional category under the title "Student administration and services" to embrace the following:

1. The expenses in this category are those that have been incurred for the administration of student affairs and for services to students, including expenses of such activities as deans of students, admissions, registrar, counseling and placement services, student advisers, student health and infirmary services, catalogs, and commencements and convocations. The salaries of members of the academic staff whose academic appointments or assignments involve the performance of such administrative or service work may also be included to the extent that the portion so charged is supported pursuant to section J.2. The student administration and services category also includes the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the cost of the operation and maintenance of the physical plant, and charges representing use allowance or depreciation applicable to the buildings and equipment utilized in the performance of the functions included in this category.

2. The expenses in this category are generally applicable in their entirety to the instruction activity. They should be allocated to applicable cost objectives within the instruction activity, including educational service agreements, when such agreements reasonably benefit from these expenses. Such expenses should be allocated on the basis of population served (computed on the basis of full-time equivalents including students, faculty, and others as appropriate) or other methods which will result in an equitable distribution to cost objectives in relation to the benefits received and be consistent with guides provided in section E.2. of Part I.

E. *Direct costs of educational service agreements.* Direct costs of work performed under educational service agreements will be determined consistent with the principles set forth in section D of Part I.

F. *Indirect costs of the instruction activity.* The indirect costs of the instruction activity as a whole should include its allocated share of administrative and supportive costs determined in accordance with the principles set forth in section D above and in section F of Part I. Such costs may include other items of indirect cost incurred solely for the instruction activity and not included in the general allocation of the various categories of indirect expenses. Costs incurred for the institutions by State and local governments are allowable as provided for in section C.6. of Part I.

G. *Indirect costs applicable to educational service agreements.* The individual items of indirect costs applicable to the instruction activity as a whole should be assigned to: (1) Educational service agreements, and (2) all other instructional work through use of appropriate cost groupings, selected distribution bases, and other reasonable methods as outlined in section E.2. of Part I. A single indirect pool may be used for all educational service agreements provided this results in a reasonably equitable distribution of costs among agreements in relation to indirect support services provided. However, when the level of indirect support significantly varies for work performed either on campus or off campus under a particular agreement or group of agreements, separate cost pools should be established consistent with the principles set forth in section G.1.b. of Part I. Where direct charges are provided for under educational service agreements for such things as commencement fees, student fees, and tuition, the related indirect costs, through separate cost groupings, should be excluded from the indirect costs allocable to the service agreements.

H. *Indirect cost rates for educational service agreements.* An indirect cost rate should be determined for the educational service agreement pool or pools, as established under section G above. The rate in each case should be stated as the percentage which the amount of the particular educational service agreement pool is of the total direct salaries and wages of all educational service agreements identified with such pool. Indirect costs should be distributed to individual agreements by applying the rate or rates established to direct salaries and wages for each agreement. When a fixed rate is negotiated in advance of a fiscal year, the over- or under-recovery for that year may be included as an adjustment to the indirect cost for the next rate negotiation as in sections G.4. and G.5. of Part I.

J. *General standards for selected items of cost.* The standards for selected items of cost as set forth in sections J.1. through J.46. of Part I applicable to research agreements will also be applied to educational service agreements with the following modifications:

1. *Commencement and convocation costs (J.5.).* Expenses incurred for convocations and commencements apply to the instruction activity as a whole. Such expenses are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see section D.

2. *Compensation for personal services (J.7.).* Charges to educational service agreements for personal services will normally be determined and supported consistent with the provisions of section J.7. of Part I. However, the provision for stipulated salary support will not be used for educational service agreements. Also, charges may include compensation in excess of the base salary of a faculty member for the conduct of courses outside the normal duties of such member provided that: (a) Extra charges are determined at a rate not greater than the basic salary rate of the member; (b) salary payments for such work follow practices consistently applied within the institution; and (c) specific authorization for such charges is included in the educational service agreement.

3. *Scholarships and student aid costs (J.35.).* Expenses incurred for scholarships and student aid are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

4. *Student activity costs (J.40.).* Expenses incurred for student activities are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

5. *Student services costs (J.41.).* Expenses incurred for student services are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see section D.

(OMB Circular A-21)

[FR Doc.73-181 Filed 1-5-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 722, 1427]

EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding 1973 Crop

The Secretary of Agriculture is preparing to make the following determinations and issue regulations with respect

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to the 1973 crop of extra long staple cotton (referred to as ELS cotton):

a. Loan level and payment rate.

b. Detailed operating provisions to carry out the program.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 et seq.):

a. *Loan level and payment rate.* Section 101(f) of the Act (7 U.S.C. 1441(f)) requires that price support shall be made available to cooperators for the 1968 and each subsequent crop of ELS cotton, if producers have not disapproved marketing quotas therefor, through loans at a level which is not less than 50 percent or more than 100 percent in excess of the loan level established for Middling 1-inch upland cotton of such crop at average location in the United States (except that such loan level for ELS cotton shall in no event be less than 35 cents per pound). On October 17, 1972, the Secretary announced the national average loan rate of 19.50 cents per pound for Middling 1-inch upland cotton (micronaire 3.5 through 4.9), at average location. Section 101(f) also provides for price support payments at a rate which, together with the loan level established for such crop, shall be not less than 65 percent or more than 90 percent of the parity price for ELS cotton as of the month in which the payment rate is announced. Section 401 of the Act (7 U.S.C. 1421) requires that, in determining the level of support in excess of the minimum level prescribed for ELS cotton, consideration shall be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture, and the national economy, the ability to dispose of stocks acquired through a price support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

b. *Detailed operating provisions to carry out the program.* Detailed regulations necessary to carry out the price support program on ELS cotton are also being reviewed for 1973. Provisions of this kind in effect under the current program may be found in the regulations providing the terms and conditions for payments on ELS cotton for 1968 and succeeding years (7 CFR 722.700–719 (1972 ed.), as amended by 37 FR 7147) and in the Cotton Loan Program Regulations (7 CFR 1427.1–28 and 1427.104 (1972 ed.), and as amended by 37 FR 13528).

Prior to making the foregoing determinations and issuing related regulations, consideration will be given to any data, views, and recommendations, which are submitted in writing to the Secretary, Commodity Credit Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than 30 days after publication of this notice in the FEDERAL REGISTER except that submissions relating to the Cotton Loan Program Regulations must be received not later than 90 days after publication. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 4091, South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C. on December 29, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-325 Filed 1-5-73;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1421]

FLAXSEED

1973 Crop Loan and Purchase Program

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 301, 303, and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1447, 1449, and 1421), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), is considering a loan and purchase program for the 1973 crop of flaxseed. Such consideration includes determinations relative to (a) the national average loan and purchase rate for the 1973 crop of flaxseed; (b) the manner of making loans and purchases available to producers; (c) county loan rates; and (d) other flaxseed program matters.

The determinations specified above are to be based on the following:

(a) *The national average loan and purchase rate for the 1973 crop of flaxseed.* The Agricultural Act of 1949 authorizes the Secretary to make loans and purchases available to producers of flaxseed at a level not in excess of 90 percent of the parity price for the commodity. The Act requires that, in determining the level of such rate, consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through such an operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. In determining the loan and purchase rate, particular consideration is required to be given to the levels at which the prices of competing agricultural commodities are being supported.

(b) *The manner of making loans and purchases available to producers.* The Act authorizes the Secretary to make a program available to producers through loans, purchases, or other operations. Consideration is being given to making the program available through farm and warehouse storage loans to, and purchases from, producers. County loan rates and detailed operating provisions will also be reviewed. Program provisions for the 1972 crop of flaxseed may be found in 7 CFR 1421. County loan rates and additional provisions for the 1972 crop of flaxseed may be found in 37 FR 5504, March 16, 1972.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than February 7, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-332 Filed 1-5-73;8:45 am]

[7 CFR Part 1421]

RICE

Loan and Purchase Program for 1973 Crop

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 101, 401, and 403 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1441, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c), proposes to make determinations and issue regulations relative to a national average level of support and a loan and purchase program for 1973 crop rice. The program will include (1) loan and purchase rates (value factors), (2) the methods by which loans and purchases will be made, (3) eligibility requirements, (4) storage requirements, (5) sales provisions, (6) area and period of the program, and (7) other operating provisions necessary to carry out the program.

Section 101 of the Agricultural Act of 1949 directs the Secretary to make support available on rice to cooperators, if producers have not disapproved marketing quotas, at a level not in excess of 90 percent nor less than 65 percent of the parity price.

Section 401 of that act requires that, in determining a level of support in excess of the minimum level provided by law, consideration be given to the supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported,

the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Current program provisions regarding the rice loan and purchase program may be found in regulations governing loans, purchases, and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stablization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than February 7, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-331 Filed 1-5-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE FACILITIES

Proposed New Specification for Two-Electrode Gas Tube Protectors

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 345–68 to announce a new REA Specification PE–55 for two-electrode gas tube protectors. On issuance of REA Bulletin 345–68, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the new specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the new REA Specification PE–55 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–68 announcing the issuance of the new specification is as follows:

REA BULLETIN 345–68

SUBJECT: REA Specification for Two-Electrode Gas Tube Protectors

I. *Purpose:* To announce a new REA Specification PE–55 for Two-Electrode Gas Tube Protectors.

II. *General:* This specification covers requirements for two-electrode gas tube protectors used to protect communication circuits and equipments from damages due to foreign voltages and currents. REA Specification PE–55 becomes effective on June 15, 1973. All two-electrode gas tube protectors furnished for REA projects bid or on orders placed by REA borrowers after that date shall comply in all respects with the new REA Specification PE–55. This does not preclude the adoption of the new specification by manufacturers prior to the effective date.

III. *Availability of specification:* Copies of the new PE–55 will be furnished by REA upon request. Questions concerning the new specification may be referred to the Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202—447–3173.

Dated: December 29, 1973.

R. W. LYNN,
Acting Assistant Administrator—Telephone.

[FR Doc.73-348 Filed 1-5-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 70–28; Notice 2]

NEW PNEUMATIC TIRES—PASSENGER CARS

Withdrawal of Proposed Modification of Strength Test

The purpose of this notice is to withdraw the proposed amendment to Standard No. 109 published November 10, 1970 (35 FR 17272). That proposal would have established new criteria for calculating the breaking-energy value for Tire Strength in paragraph S5.3 of the standard.

The standard presently requires that the average of five breaking-energy values be used to determine tire strength. This approach has been used for years by the tire industry as a means of comparing tires of different construction and design, and as a means of evaluating the cord strength of the tire casing. The NHTSA proposed in the November 10, 1970, notice that tire strength be based on the lowest value obtained in the test, as it believed using the lowest value would give a more accurate indication of the performance characteristics of the tire.

Comments received were generally opposed to the proposed rule. The major objections of the commenters were that variables such as plunger lubrication, tread element density, gage repeatability, cord splices, and temperature caused the breaking-energy value to vary in either direction.

Recent changes in the construction of passenger car tires, especially the addition of belts under the tread, have made the strength test specified in Standard No. 109 essentially obsolete, even if the test procedure were modified as proposed. According to NHTSA tests, most passenger car tires of these construction types are exceeding strength requirements by 200 to 300 percent.

Based on the comments received and this test data, the proposed rule establishing new criteria for determining tire strength will not be pursued further. The National Highway Traffic Safety Administration intends to pursue a research program which would include both static and dynamic methods for determining the strength of a tire, in order to establish the best method for measuring strength performance.

(Sections 103, 112, 119, 201, Public Law 89–563, 80 Stat. 718, as amended Public Law 91–265, 84 Stat. 262 (15 U.S.C. 1392, 1401, 1402, 1421), and delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 3, 1973.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.73-319 Filed 1-5-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 201, 260]

[Docket No. R–466]

ADVANCES TO SUPPLIERS FOR GAS OUTSIDE CONTINENTAL UNITED STATES

Accounting and Rate Treatment

DECEMBER 29, 1972.

Pursuant to 5 U.S.C. 553 and sections 4, 8, 10, and 16 of the Natural Gas Act (52 Stat. 822, 825, 826, 830; 15 U.S.C. 717c, 717g, 717i, and 717o) the Commission gives notice it proposes to amend, effective for the reporting year 1973:

A. The Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

B. Certain scheduled pages of the Commission's Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18, CFR.

C. Certain regulations prescribed by sections 154.63, in Part 154 Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18, CFR.

In our previous orders dealing with advances, we have not specifically con-

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sidered the question of advances made to producers operating outside the United States. Review of the history of advances and of the responses[1] to the renotice of Account 166 in Docket No. R–411 reveals that we should set firm guidelines in this area. This matter is an important policy question on which the Commission desires to receive comments by interested persons expressing their views of the appropriate treatment. The Commission has under consideration the following alternative methods of treating advances to producers operating in the North American Continent but outside the 48 States when such production will be accessible by pipeline to the lower 48 States for which a contractual agreement was made after the issuance of an order resulting from this notice:

Alternative 1. That such advances for gas be recorded in a new account 166.1, Advances for Gas Outside Lower Forty-Eight States, and the unrecovered portion of the advances be allowed in rate base as part of working capital. Under this proposal, the accounting and rate base treatment of such advances shall be the same for these advances as for advances subject to the provisions of Order No. 465, made to producers within the lower 48 States, except as noted herein.

Alternative 2. That such advances for gas be recorded in a new account 166.1, Advance for Gas Outside Lower Forty-Eight States, and carrying charges be capitalized until recovery of the advances commence. As found reasonable in a rate proceeding the unrecovered advance and related carrying charges would be allowed in rate base as part of working capital and the carrying charge component of recovered advances would be allowed as a cost of gas purchased.

If the advance payment fails to produce any gas, only the capitalized carrying charges may be assessed against the pipeline's customers. The capitalized charges shall not be included in rate base, but shall be amortized as a cost-of-service item over a period of 5 years, or such other time as the Commission may find reasonable.

If the advance payment produces gas, but none flows to the pipeline's customers, the pipeline will not be permitted to include the advance payment or the carrying charges in rate base or to amortize either item as a cost-of-service item. However, if some gas flows to the pipeline's customers, but not enough to cover the advance payment, pro rata share of the advance payment and of the capitalized carrying charges may be included in rate base and treatment the same as fully successful nondomestic advance payments.

Under both alternatives, all advances in this area made prior to the issuance of an order resulting from this notice shall be treated on a case by case basis.

The proposed amendments to Part 201 of the Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, the Commission's regulations under the Natural Gas Act and the FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act as amended, particularly sections 4, 8, 10, and 16 (52 Stat. 822, 825, 826, 830; 15 U.S.C. 717c, 717g, 717i, and 717o).

[1] See responses associated with R–411 which are in the public file and available for public inspection in the Commission's Office of Public Information.

PART 154—RATE SCHEDULES AND TARIFFS

(A) It is proposed to amend Statement E—Working Capital, in paragraph (f) *Description of statements,* of § 154.63 in Part 154, Rates Schedules and Tariffs, Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by Adding "166.1" immediately following "Account 166" in the first sentence of the second paragraph. As so amended, that portion of § 154.63 will read as per one of the following alternatives:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

. . . . . .

(f) *Description of statements.* . . .

[*Alternative 1*] *Statement E—Working Capital.* . . .

The components of working capital may include (a) . . . (b) an allowance for the average of 13 monthly balances of materials and supplies, prepayments, the unrecovered portion of advances to suppliers in Account 166 and 166.1 made under contracts executed prior to January 1, 1974, and gas for current delivery from underground storage.

. . . . . .

or

[*Alternative 2*] The components of working capital may include (a) . . . (b) an allowance for the average of 13 monthly balances of materials and supplies, prepayments, the unrecovered portion of advances to suppliers in Account 166 made under contracts executed prior to January 1, 1974, the unrecovered portion of advances to suppliers outside the lower 48 States in Account 166, outstanding subsequent to the commencement of deliveries under the contract (including related carrying charges as defined in Account 166.1) and gas for current delivery from underground storage.

. . . . . .

(B) Under Alternative 1, no further amendments to § 154.63 are required. If the Alternative 2 method of treating advances to suppliers for gas outside the lower 48 States by accumulating carrying charges is adopted, the Commission proposes to amend § 154.63(f) of the regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations by:

a. Inserting the following italicized language in the paragraphs describing Schedules E–1 and E–2.

b. Inserting the following new paragraph immediately following the first paragraph of Schedule H (1)–3.

As so amended, these portions of § 154.63 will read:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

. . . . . .

(f) *Description of statements.* . . .

Statement E—Working Capital . . .

. . . . . .

Schedule E–1 Setting forth monthly balances for materials and supplies, prepayments, and advances (*including related carrying charges as defined in Account 166.1*), in such detail as to disclose either by subaccounts regularly maintained on the books or by analysis of the principal items included in the main account, the nature of the charges included therein.

Schedule E–2 Setting forth monthly balances of materials and supplies, prepayments and advances (*including related carrying charges as defined in Account 166.1*), in such detail as to disclose either by subaccounts regularly maintained on the books or by analysis of the principal items included in the main account, the nature of the charges included therein.

. . . . . .

Statement H—(1) Operation and Maintenance expenses . . .

Schedule H(1)–3 . . .

If the company receives gas for which it has paid prior to commencement of deliveries under the contract, the carrying charge component of such gas (as defined in Account 166.1) may be included in this schedule

. . . . . .

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

(C) The following are proposed amendments and revisions (which are the same for Alternative 1 and Alternative 2, except as otherwise noted) to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the Chart of Balance Sheet Accounts, add a new account 166.1, Advances for Gas Outside Lower Forty-Eight States, immediately following account "166, Advances for Exploration, Development and Production." As revised, the chart of accounts will read:

Balance Sheet Accounts

. . . . . .

ASSETS AND OTHER DEBITS

. . . . . .

3. CURRENT AND ACCRUED ASSETS

. . . . . .

166.1 Advances for gas outside lower 48 States.

. . . . . .

2. In the text of the Balance Sheet Accounts, add a new account 166.1, Advances for Gas Outside Lower Forty-Eight States, immediately following account "166, Advances for Gas Exploration, Development and Production." As revised, the new account 166.1 will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

. . . . . .

3. CURRENT AND ACCRUED ASSETS

. . . . . .

166.1 Advances for gas outside lower 48 States.

A. This account shall include all advances made for gas (whether called "advances", "contributions", or otherwise) to producers or others operating outside the lower 48 States but within the North American Continent, whereas such production will be accessible by pipeline to lower 48 States, including advances to affiliated or associated companies, for exploration, development or production (but not to include lease acquisition) of natural gas, when such advances are to be repaid in full by either delivery of gas or other consideration. Under each agreement with payee, such payments must be made prior to initial gas deliveries, or if the agreement provides for advances on a well-by-well basis, each incremental payment must be made prior to deliveries from an incremental well, or prior to Federal and/or State authorization, as appropriate. Noncurrent advances not to be repaid within a 2-year period shall be reclassified and transferred to Account 124, Other Investments, for balance sheet purposes. This transfer is for reporting purposes only and has no effect on accounting or rate making.

B. When a pipeline obtains a working interest as a result of funds advanced to producers, such amounts shall be included in appropriate production accounts.

C. Outstanding advances shall be fully reduced within 5 years, or as otherwise authorized by the Commission, from the date gas deliveries commence or the date it is determined that recovery will be in other than gas. This account shall be credited with advances not fully recovered within the 5-year period, and the unrecovered portion charged directly to Account 426.5, Other Deductions. A sufficient portion of all gas taken should be credited to the related outstanding advance so as to eliminate the advance within the 5-year period or as otherwise authorized by the Commission upon request by the pipeline company. The reduction of the outstanding advance should not be dependent on a buyer purchasing more than 100 percent of the minimum take or pay quantity provided in the contract.

D. Where recovery is by gas, recovered advances shall be credited to this account and charged to the appropriate gas purchase account.

E. When an advance results in a source of proven reserves of natural gas, but none flows to the pipeline company making such advance, the amount of the advance shall be removed from this account and recorded in Account 167, Other Advances for Gas. Any revenues collected as a result of the advance being included in rate base shall be refunded by the pipeline company to their customers within 12 months after the removal of the advance from this account, unless otherwise directed by the Commission. Where there is partial recovery of the advance by gas in this situation, the amount of the advance transferred from this account to Account 167 and the amount of revenues refundable shall be appropriately apportioned.

F. However, if 5 years elapse from the time the advance has been included in this account and during such time no gas deliveries have commenced or no determination has been made that the recovery will be in economic consideration other than gas, the pipeline shall at the end of the 5-year period, transfer the advance from this account to account 167, and cease rate base treatment thereof, unless otherwise directed by the Commission. (Delete this paragraph under Alternative 2 and reletter following paragraphs accordingly.)

G. Whenever, as a result of an advance included in this account, a pipeline receives any amount in excess of a full recovery of the advance, such amount must be credited to Account 813, Other Gas Supply Expenses. If the income or return is received in other than money, it shall be included at the market value of the assets received.

H. If the recipient of an advance is unable to repay it in full, through no fault of the pipeline or contractual provisions, in gas or other assets, the unpaid or nonrecoverable portion must be credited to this account at the time such amount is recognized as nonrecoverable. Nonrecoverable advances significant in amount must be eliminated within 5 years from the date of determination as nonrecoverable by either a charge to Account 435, Extraordinary Deductions, or when authorized by the Commission, by a transfer to Account 186, Miscellaneous Deferred Debits, and amortization to Account 813, Other Gas Supply Expenses. Nonrecoverable advances insignificant in amount should be charged directly to Account 813 in the year recognized as nonrecoverable.

I. No transfers shall be made to or from this account unless otherwise provided herein, except as specifically authorized by the Commission upon request by the pipeline company.

J. Three copies of any agreement concerning advances will be filed with the Secretary within 30 days of the initial related entry in this account.

Note A: This account shall not include advances, as described above, for which a contractual agreement was made prior to the effective date of Order No. 465.

Note B: This account shall not include advances expended for delay rentals, nonproductive well drilling, or abandoned leases, where such advances are related to lease acquisition.

Note C: To keep the Commission informed when an advance is nonrecoverable by any means the company must submit the full details including copies of Federal and State plugging and abandonment reports involved as soon as such fact becomes known.

. . . . . .

(D) If Alternative 2, that of treating advances to suppliers for gas outside the lower 48 States accumulating carrying charges in lieu of rate base treatment, is adopted, the Commission proposes to add the following Note D to the proposed new Account 166.1, Advances for Gas Outside Lower 48 States.

NOTE D: This account may include accumulated carrying charges on advances made in accordance with the above paragraph A, provided such advances have not been afforded rate base treatment. These carrying charges shall be computed in the same manner as "allowance for funds used during construction" as defined in Gas Plant Instruction 3(17). The accumulation of carrying charges must cease upon delivery of the gas related to the advance.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(E) Effective for the reporting year 1973, it is proposed to amend schedule pages 110, Comparative Balance Sheet—Statement A, and 210B. Advances for Gas Prior to Initial Deliveries or Commission Certification (Account 124, 166, and 167) of F.P.C. Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[1]

(F) It is proposed to amend paragraph (c) of § 260.1, Chapter I, Title 18 of the Code of Federal Regulations by revising the schedule title "Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167)" to read "Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, 166.1, and 167)." As so amended, that portion of § 260.1(c) will read:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

. . . . . .

(c) . . .

Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, 166.1 and 167).

. . . . . .

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 12, 1973, data, views, comments, or suggestions in writing concerning all or part of the amendments and revisions proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The Staff in its discretion, may grant or deny requests for conference.

[1] Appendix A filed as part of the original document.

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The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-368 Filed 1-5-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Parts 1, 14]

LEGAL SERVICES, GENERAL COUNSEL

Litigation and Claims for Property Loss, Damage and Personal Injury

The following regulatory provisions provide a complete revision and updating of those regulations relating to litigation involving the Veterans' Administration or its personnel, and the disposition of administrative claims for personal injury, property loss, and damage.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans' Administration, 810 Vermont Avenue NW., Washington, DC 20420. All revent material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting central office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in central office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective the date of final approval by the Administrator of Veterans' Affairs.

It is proposed to amend Title 38, Code of Federal Regulations to read as follows:

1. In Part 1, § 1.511(a) is amended to read as follows:

§ 1.511 Judicial proceedings generally.

(a)(1) Where a suit has been threatened or instituted against the Government, or a prosecution against a claimant has been instituted or is being contemplated, the request of the claimant or his duly authorized representative for information, documents, reports, etc., shall be acted upon by the General Counsel in central office, or the Chief Attorney in the field station, who shall determine the action to be taken with respect thereto. Where the files have been sent to the Department of Justice in connection with any such suit, the request will be referred to the Department of Justice, Washington, D.C., through the office of the General Counsel, for attention. In all other cases where copies of documents or records are desired by or on behalf of parties to a suit, whether in a court of the United States or any other, such copies shall be furnished as provided in paragraph (d) of this section; otherwise to the court only, and on an order of the court or subpoena duces tecum addressed to the Administrator of Veterans' Affairs or the head of the field station in which the records desired are located requesting the same. The determination as to the action to be taken upon any order received in this class of cases shall be made by the service having jurisdiction over the subject matter in central office or the division having jurisdiction over the subject matter in the field station, except in those cases in which the records desired are to be used adversely to the claimant, in which latter event the order of the court or the subpoena will be referred to the General Counsel in Central Office or to the Chief Attorney in the field station for disposition.

(2) Where a claim under the provisions of the Federal Tort Claims Act has been filed or where such a claim can reasonably be anticipated, no information, documents, reports, etc., will be released except through the Chief Attorney of jurisdiction, who will be limited to release of information which would be available under discovery proceedings, were the matter in litigation. Any other information may be released only after concurrence by the General Counsel.

* * * * *

2. In Part 14, §§ 14.514 through 14.617 are revoked and §§ 14.514 through 14.618 are added to read as follows:

LITIGATION (OTHER THAN UNDER THE FEDERAL TORT CLAIMS ACT)

§ 14.514 Suits by or against United States or Veterans' Administration officials.

(a) *Suits against United States or Veterans' Administration officials.* When a suit is filed against the United States or the Administrator involving any activities of the Veterans' Administration, or a suit is filed against any employee of the Veterans' Administration in which is involved any official action of the employee, not covered by the provisions of §§ 14.600 through 14.617, a copy of the petition will be forwarded to the General Counsel who will take necessary action to obtain the pertinent facts, cooperate with or receive the cooperation of the Department of Justice and, where indicated, advise the Chief Attorney of any further action required.

(b) *Counsel and representation of employees.* The Department of Justice may afford counsel and representation to Government employees who are sued individually as a result of the performance of their official duties. A civil action commenced in a State court against an employee, as the result of an action under color of his office, may be removed to the applicable Federal district court. If a suit is filed against an employee as the result of the performance of his official duties, where the provisions of either 28 U.S.C. 2679 or 38 U.S.C. 4116 are not applicable (see § 14.610), and the employee desires to be represented by the U.S. attorney, the Chief Attorney will obtain a written request to this effect from the employee and furnish it together with a copy of the petition and two copies of a summary of pertinent facts to the General Counsel, who will transmit copies thereof to the Department of Justice for appropriate action.

(c) *Suits by the United States.* In any instance wherein direct submission to a U.S. attorney for institution of civil action has been authorized by the Department of Justice, the Chief Attorney will furnish the U.S. attorney a complete report of the facts and applicable law, documentary evidence, names and addresses of witnesses, and, in cases wherein Veterans' Administration action has been taken, a copy of any pertinent decision rendered. The Chief Attorney will forward two copies of such report and of any proposed pleading prepared by him to the General Counsel, and will render any practicable assistance requested by the U.S. attorney.

§ 14.515 Suits involving loan guaranty matters.

(a) In actions for debt, possession or actions similar in substance (including title actions) in which § 36.4282 or § 36.4319 of this chapter has been complied with, the Chief Attorney is authorized to enter the appearance of and represent the Administrator of Veterans' Affairs as his attorney and to file claims for debt in probate proceedings without prior reference to the General Counsel. Any such action will normally be taken within the time prescribed by law as though there had been valid service of process. In all other types of cases, the Chief Attorney will not enter an appearance or file any pleading on behalf of the Administrator except in imperative emergency until authorization is received from the General Counsel after submission of all relevant facts. In doubtful cases, the Chief Attorney will request instructions from the General Counsel, submitting copy of so much of the pleadings or other papers, together with a a sufficient recital of the facts as will make clear the background, the issues, and the relief sought. The submission also will include names and addresses of adverse parties and attorneys so that immediate action may be taken if injunctive relief seems proper. Where necessary in any case to preserve rights which might be lost by default if there had been proper service of process, appropriate action will be taken by a special appearance, or, in jurisdictions where a special appearance does not serve the purpose or under State statute or decisions will constitute a general appearance for a later date, by an appearance through amicus curiae, to obtain an extension of time, preferably 30 days or more, in which to appear and plead without prejudice. If not feasible to obtain an extension, the Chief Attorney will explain to adverse counsel by letter, and personally, if desirable, the necessity of

deferring all action and will see that the proper judge receives a signed copy of the letter before default day. The letter will point out that there is no valid service of process on the Administrator of Veterans' Affairs but will not base the delay on that alone.

(b) The General Counsel and each Chief Attorney representing the General Counsel is the attorney of the Administrator of Veterans' Affairs for all purposes of 38 U.S.C. 1820 and as such is authorized to represent the Administrator in any court action, or other legal matter arising under said statutory provisions. Said authorization is subject to any applicable statutes and executive orders concerning claims of the United States. A Chief Attorney may enter appearance in such cases, subject to the provisions of §§ 36.4282 and 36.4319 of this chapter and paragraph (a) of this section. Each Chief Attorney is authorized to contract for the employment of attorneys on a fee basis for conducting any action arising under guaranty or insurance of loans or direct loans by the Veterans' Administration; or for examination and other proper services with respect to title to and liens on real and personal property, material incident to such activities of the Veterans' Administration, when such employment is deemed by him to be appropriate. The authority delegated to the Chief Attorney may, with the approval of the General Counsel, be redelegated.

(c) The General Counsel and each Chief Attorney in carrying out his duties as authorized in paragraph (a) or (b) of this section is authorized (1) to contract for and execute for and on behalf of the Administrator, any bond (and appropriate contract or application therefor) which is required in or preliminary to or in connection with any judicial proceeding in which the Chief Attorney is attorney for the Administrator, and to incur obligations for premiums for such bonds and (2) to do all other acts and incur all costs and expenses which in his professional opinion are necessary or appropriate to further or protect the interests of the Administrator in or in connection with prosecuting or defending any cause in any court or tribunal within the United States, which cause arises out of or incident to the guaranty or insurance of loans, or the making of direct loans by the Veterans' Administration, pursuant to 38 U.S.C. Chapter 37.

(d) Except in an emergency, no Chief Attorney will initiate action for appellate review without prior approval by the General Counsel. These limitations do not preclude the filing of a motion for a new trial, appeal to intermediate court with hearing de novo, the giving of notice of appeal, reserving of bills of exception, or any other preliminary action in the trial court which may be necessary or appropriate to protect or facilitate the exercise of the right of appellate review, nor do they preclude the taking of appropriate steps on behalf of the Administrator as appellee (respondent) without prior reference to the General Counsel. Upon the conclusion of the trial of a case, the Chief Attorney will report the result thereof to the General Counsel with recommendation as to seeking appellate review if the result reported is adverse to the position of the Veterans' Administration in the litigation. The reporting Chief Attorney who recommends appellate review will include as a part of his communication, or in exhibits attached, (1) a summary of the evidence; (2) a summary of the law points to be reviewed; (3) citations of statutes and cases; (4) statements of special reasons for recommending appellate review; (5) time limitations for the action recommended; (6) requirements, if any, respecting printing of the record and briefs; (7) the estimated total expenses to be incurred by reason of the appeal, reporting separately the estimated costs for printing the brief and record so that authority for printing may be granted in accordance with prescribed procedure, MP–1, Part II, Chapter 9[1]; and (8) the recommendation by the Loan Guaranty Officer, or that he does not desire to make a recommendation.

§ 14.516 Escheat or post fund cases.

In any case in which the Veterans' Administration is entitled to possession of assets or property under the escheat provisions of 38 U.S.C. 3202(e), the gifts provisions of 38 U.S.C. Chapter 83 or the General Post Fund provisions of 38 U.S.C. Chapter 85, the Chief Attorney will endeavor to obtain possession of such assets or property in any manner appropriate under local procedure and practice, other than litigation. This procedure would include the making of exploratory inquiry of the person having custody or possession of the assets or property for the purpose of determining whether he would be willing to turn over the property to the Veterans' Administration without litigation. If unsuccessful in this effort, a complete report will be submitted by the Chief Attorney to the General Counsel so that appropriate action may be taken to obtain the assistance of the Department of Justice in the matter.

§ 14.517 Cases affecting the Veterans' Administration generally.

Chief Attorneys will establish and maintain such close liaison with the State and Federal courts as to insure that notice will be afforded the Veterans' Administration on all cases affecting the Veterans' Administration. Such information will be forwarded to the General Counsel promptly in every case.

§ 14.518 Habeas corpus writs.

Any director, manager, or other employee at a field station of the Veterans' Administration who is served with writ of habeas corpus concerning any beneficiary of the Veterans' Administration in his custody or with any other legal process involving his official actions, in addition to taking such steps as, in his judgment, are necessary to protect himself, will immediately notify the Chief Attorney of the region in which he is situated.

PROSECUTION

§ 14.560 Procedure where violation of penal statutes is involved.

(a) The submission to the appropriate U.S. attorney of a violation or suspected violation of the penal provisions of the statutes of the United States will be made by the Chief Attorney, regional office, or center, within whose jurisdiction the alleged offense appears to have been committed. Where the file or record which contains evidence of a penal offense is located in or forwarded to Central Office, the matter will be referred to the General Counsel for development and reference to the proper Chief Attorney or direct to the Department of Justice. Where the file or record is maintained in any other field station, it will be referred to the Chief Attorney of the regional office in whose area the station is located for development and determination as to whether prosecution is indicated and reference to the proper U.S. attorney if in order.

(b) In all instances where, in developing a necessary administrative investigation, there is evidence of a violation of the penal provisions of the Federal statutes, the case will be submitted to the appropriate U.S. attorney. In central office, investigation and security service reports showing any criminal acts will be reported by the General Counsel to the Department of Justice. If such offense seems probable, but an administrative investigation is not necessary, the matter will be reported, without investigation, to the U.S. attorney or the Department of Justice, as the case may be. The Department of Justice is charged with the duty and responsibility of interpreting and enforcing criminal statutes, and the final determination as to whether the evidence is sufficient to warrant prosecution in any case is a matter for that department. The function of any administrative official is to marshal all evidence within his posession and, when the evidence is sufficient to make a prima facie case of a violation of the statute, to transmit the same to the U.S. attorney for such action as the Department of Justice, acting through the U.S. attorney, may deem necessary. If the U.S. attorney decides to prosecute, the Chief Attorney will cooperate with him as may be requested. Cases deemed essential to protect Veterans' Administration interests or policy will be reported to the General Council if prosecution is delayed or declined.

(c) A report will be made to the Federal Bureau of Investigation concerning criminal matters arising under prior laws authorizing readjustment benefits and war orphans' educational assistance (see sec. 3, Public Law 85–857; 72 Stat. 1262) and current grants of readjustment and educational assistance as authorized in title 38, United States Code. In cases arising under the foregoing acts any evidence or information coming to the at-

[1] Available in any Veterans' Administration station.

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tention of a Chief Attorney requiring determination as to whether there may be a violation of a Federal criminal statute will be brought promptly to the attention of the local office or agent of the Federal Bureau of Investigation without attempting to develop any criminal aspects, as will such facts or evidence subsequently discovered in administrative investigation or other action. Copy of the final investigation report in administrative investigation shall be forwarded to the U.S. attorney, if, in the opinion of the Chief Attorney, prosecutive action is necessary for administrative purposes. The Chief Attorney will bring to the attention of the General Counsel any case wherein he is of the opinion that criminal action should be initiated, notwithstanding adverse report or lack of report, by the Federal Bureau of Investigation.

§ 14.561 Administrative action prior to submission.

Before a submission is made to the U.S. attorney in cases involving personnel or claims, the General Counsel, if the file is in Central Office, or the Chief Attorney, regional office or center, if the file is in the regional office or other field station, will first ascertain that necessary administrative or adjudicatory (forfeiture (see Public Law 86–222; 73 Stat. 452), etc.), action has been taken; except that in urgent cases such as breaches of the peace, disorderly conduct, trespass, robbery, or where the evidence may be lost by delay, or prosecution barred by the statute of limitations, submission to the U.S. attorney will be made immediately.

§ 14.563 Collections or adjustments.

When it is determined that a submission is to be made to the U.S. attorney, no demand for payment or adjustment will be made without his advice. However, if, before or after submission, the potential defendant or other person tenders payment of the liability to the United States, payment will be accepted if the U.S. attorney states he has no objection. If the U.S. attorney determines that prosecution is not indicated, or when prosecution has ended, the file will be returned to the appropriate office with a report as to the action taken.

§ 14.583 Crimes or offenses on reservations.

Upon receipt by the Chief Attorney of a report from the Director of any Veterans' Administration hospital or domiciliary located in his regional office area, other than the District of Columbia, indicating a violation of any penal statutes occurring on such Veterans' Administration hospital or domiciliary reservation, he will extend full cooperation and advice to the Director. In so doing, the Chief Attorney will be guided by the provisions of 18 U.S.C. 13 and 3041, and 38 U.S.C. 625. Serious crimes (felonies or misdemeanors) committed on a hospital or domiciliary reservation will be reported direct to the U.S. attorney or local agent of the Federal Bureau of Investigation. The Chief Attorney will give every assistance to the Director in such cases.

FEDERAL TORT CLAIMS

§ 14.600 Federal Tort Claims Act.

(a) The Federal Tort Claims Act (28 U.S.C. 1291, 1346, 1402, 1504, 2110, 2401, 2402, 2411, 2412, and 2671 through 2680) prescribes a uniform procedure for the handling of claims against the United States, for money only, on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of a Government employee while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable in accordance with the law of the place where the act or omission occurred.

(b) The act provides that: (1) No court action (except those involving a third party complaint, cross-claim, or counterclaim) shall be instituted unless the claimant shall have first presented his claim to, and it has been finally denied by, the appropriate Federal agency. The failure, however, of the agency to make final disposition of the claim within 6 months after it is filed may, at the option of the claimant, be deemed a final denial of the claim (28 U.S.C. 2675(a));

(2) Where a suit is filed after the denial of the administrative claim, the amount sought is limited to the amount of the claim presented to the Federal agency, except on proof of newly discovered evidence or intervening facts relating to the amount of the claim (28 U.S.C. 2675 (b));

(3) Suits are tried without a jury, and a district court judgment may be appealed to the appropriate U.S. Circuit Court of Appeals, or upon consent, to the Court of Claims of the United States;

(4) Administrative claims must be filed in writing with the appropriate Federal agency within 2 years from the date the claim accrues, and a suit must be filed within 6 months from the date of mailing of the final denial by the agency of the administrative claim (28 U.S.C. 2401(b));

(5) Section 2680 of title 28, United States Code, enumerates certain types of claims for which the United States is not liable under the Federal Tort Claims Act.

PREMATURE SUITS

§ 14.601 Dismissal action.

Where a tort suit against the United States (other than by third party complaint, cross-claim, or counterclaim) is filed without being preceded by an administrative claim (see § 14.600(b)(1)), the Chief Attorney shall promptly, upon receipt of notice of the action thereon, notify the U.S. attorney and the General Counsel, who will, in turn, notify the Department of Justice, that the provisions of 28 U.S.C. 2675(a) have not been complied with, and that the suit appears to be subject to a motion to dismiss for lack of jurisdiction. The General Counsel should be kept advised as to subsequent developments, and should be furnished a copy of any order of dismissal which may be entered by the court.

ADMINISTRATIVE CLAIMS

§ 14.602 Scope and authority to consider claims.

(a) The Administrator and those delegated such authority in § 2.6 (e) and (f) of this chapter are authorized to consider, ascertain, adjust, determine, compromise and settle claims for money damages against the United States in accordance with regulations prescribed by the Attorney General (28 CFR 14.1 et seq.). Any award, compromise, or settlement exceeding $25,000 shall be effected only with the prior written approval of the Attorney General or his designee. In addition, a claim may be compromised or settled only after consultation with the Department of Justice when:

(1) A new precedent or point of law is involved;

(2) A question of policy is or may be involved;

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Veterans' Administration is unable to adjust the third party claim;

(4) For any reason, the compromise of a particular claim, as a practical matter, will, or may, control the disposition of a related claim in which the amount to be paid may exceed $25,000; or

(5) The United States, an employee, agent, or cost-plus contractor, is involved in litigation based on a claim arising out of the same incident or transaction.

(b) Authority is delegated by § 2.6(f) of this chapter to Chief Attorneys to act on claims not exceeding the specified dollar value, except that any claim which comes within the purview of the five categories stated in paragraph (a) of this section will be forwarded to the General Counsel, who will consult with the Department of Justice thereon.

(c) Where multiple claims (including claims of a subrogor and a subrogee) arise from the same incident, and the total of such claims exceeds the amount delegated Chief Attorneys by § 2.6(f) of this chapter, all such claims will be forwarded to the General Counsel for consideration.

(d) For the purpose of §§ 14.600 through 14.617, any reference to the General Counsel includes all other personnel in the General Counsel's office to which authority to handle Federal tort claims has been delegated by § 2.6(e) (1) and (2) of this chapter.

§ 14.603 Proper claimants.

(a) (1) A claim for damage to or loss of property may be presented by the owner of the property, his duly authorized agent or legal representative.

(2) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(3) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(4) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly. However, when an insurer presents a claim asserting the rights of a subrogee, he shall also present appropriate evidence to support his right.

(5) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

(b) State court procedures relating to the presentation of claims on behalf of mentally incompetent claimants will be complied with. Applicable statutes of limitation are not, however, tolled by the claimant's incompetency.

(c) State court procedures, other than statutes of limitation, relating to the presentation of claims on behalf of minors will be complied with where:

(1) The claimant is represented by an attorney who, at minimal expense and inconvenience, can easily obtain State court approval;

(2) The claimant is not a parent or is otherwise unrelated to the infant;

(3) The minor will reach majority before the expiration of the 2-year period of limitation prescribed by 28 U.S.C 2401(b); or

(4) The amount involved or the permanence and seriousness of personal injuries are of such magnitude as to warrant judicial approval in order to assure that the interests of the minor are fully protected.

§ 14.604 Filing a claim.

(a) Each person who inquires as to the procedure for filing a claim against the United States, predicated on a negligent or wrongful act or omission of an employee of the Veterans' Administration acting within the scope of his employment, will be furnished a copy of SF 95, Claim for Damage, Injury, or Death. The claimant will be advised to submit the executed claim directly to the Chief Attorney having jurisdiction of the area wherein the occurrence complained took place. He will also be advised to submit the information prescribed by § 14.607, to the extent applicable. If a claim is presented to the Veterans' Administration which involves the actions of employees or officers of other agencies, it will be forwarded to the Veterans' Administration General Counsel, and transmitted by him forthwith to the appropriate agency.

(b) A claim shall be deemed to have been presented when the Veterans' Administration receives from a claimant, his duly authorized agent or legal representative, an executed SF 95, or other written notification of an incident, together with a claim for money damages, in a sum certain, for damage to or loss of property or personal injury or death: *Provided, however,* That before compromising or settling any claim, an executed SF 95 shall be obtained from the claimant.

(c) A claim presented in compliance with paragraphs (a) and (b) of this section may be amended by the claimant at any time prior to final Veterans' Administration action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the Veterans' Administration shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of the amendment. (See § 14.600(b)(1).)

§ 14.605 Investigation and development.

(a) *Development of untoward incidents prior to receipt of a claim.* (1) A report of any collision involving a Government-owned vehicle which results in property damage or personal injury or death will be made by the operator of the Government vehicle immediately following the accident, on SF 91, Operator's Report of Motor Vehicle Accident, and shall be submitted to the Manager or Director of the station involved. A copy of said report, accompanied by an executed copy of SF 91–A, Investigation Report of Motor Vehicle Accident, will be promptly submitted by the Manager or Director to the appropriate Chief Attorney, who will authorize such additional investigation as the circumstances of the case may warrant.

(2) (i) Any incident resulting in damage to, or loss of, property, other than personal effects of a patient in a Veterans' Administration facility, or in personal injury or death, due apparently or allegedly to the negligent or wrongful act or omission of an employee of the Veterans' Administration acting within the scope of his office or employment, or damage to or loss of Government-owned property caused by other than a Veterans' Administration employee acting within the scope of his office or employment, will be immediately reported on SF 92–A, Report of Accident Other Than Motor Vehicle. The Director of the station where such occurrence took place will promptly transmit a copy of the report to the appropriate Chief Attorney, who will authorize such additional investigation as the circumstances of the case may warrant.

(ii) Where the incident involves the loss of personal effects of a patient in a Veterans' Administration facility, the Director will assist the patient in completing a SF 95, Claim for Damage, Injury, or Death, and will advise the patient that it will be forwarded immediately to the appropriate Chief Attorney for consideration. The Director will forward along with the claim a brief summary of the facts, as well as his recommendation, to the Chief Attorney. The Chief Attorney will expedite his consideration and processing of claims of this nature.

(3) An employee will be designated at each station to investigate motor vehicle collisions and other incidents involving damage to, or loss of privately owned property or personal injury or death, apparently or allegedly resulting from the negligent or wrongful act or omission of an employee of the Veterans Administration acting within the scope of his employment, other than investigation of alleged malpractice, or damage to or loss of Government-owned property caused by other than Veterans Administration employees. In Central Office, the designation will be made by the Manager, Administrative Services, and at all other stations, by the Director.

(4) The Chief Attorney, Veterans Benefits Office, District of Columbia, or the Chief Attorney of the regional office for the area in which a field station is located will be the appropriate Chief Attorney within the purview of this section. The Chief Attorney will be responsible for processing claims involving motor vehicle collisions and other occurrences resulting in property damage, personal injury, or death, within such area. The Chief Attorney, Veterans Benefits Office, will also have jurisdiction, except as otherwise provided in subparagraph (3) of this paragraph over incidents occurring in Veterans Administration Central Office.

(b) *Postclaim requirements.* (1) Claims coming within the jurisdiction of the Chief Attorney (see § 2.6(f) of this chapter) shall be handled in accordance with the provisions of § 14.608;

(2) Where a claim is presented for an amount in excess of that for which authority has been delegated to the Chief Attorney, he will immediately forward a copy of the SF 95 (or other written statement of a claim), specifying the demand in a sum certain, to the General Counsel, along with any existing information concerning the claim. The Chief Attorney will notify the claimant of this referral and will commence his investigation and development. In the course of the investigation, any photographs or other graphic material which can be obtained should be included in the report to be submitted to the General Counsel;

(3) Within 60 days after receipt of a claim, the Chief Attorney will review all evidence available, and prepare a concise, complete report, including a summary of the evidence, his findings of essential facts, citations of applicable local laws, regulations, and decisions, and his conclusion as to the liability of the United States. This report will also include sufficient information so that a determination can be made as to the amount of damages for which the United States could be held responsible, and the Chief Attorney will state his conclusions and recommendations in this area. The Chief Attorney will transmit two copies of this report to the General Counsel,

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along with the original and two copies of any applicable medical records which may be available, assembled so they are identical in arrangement with the originals. An extra complete copy of these medical records will be retained by the Chief Attorney which can be forwarded to the U.S. attorney together with the original report of investigation if the claim subsequently reaches the litigation stage. The report itself and the supporting materials, will be indexed, tabbed, and fastened so that it is one unit. If the claimant is a veteran, or the claim involves personal injury or death to a veteran, the veteran's claims folder will be forwarded to the General Counsel along with the report;

(4) In the consideration of claims involving a medical question, the General Counsel will be guided by the views of the Chief Medical Director as to the standard of medical care and treatment, and nature and extent of injuries, the degree of temporary or permanent disability, the prognosis, the necessity for future treatment or physical rehabilitation, and any other pertinent medical aspects of a claim. In claims of this nature, within the jurisdiction of the Chief Attorney, he will be guided by the views of the applicable hospital Director or Chief of Staff where the Director is not a physician.

§ 14.606 Requests for medical information.

(a) Where there is indication that a tort claim will be filed, medical records or other information shall not be released without approval of the Chief Attorney.

(b) Request for medical records, documents, reports, or other information shall be handled in accordance with the provisions of § 1.511(a) (2) of this chapter.

§ 14.607 Evidence to be submitted.

In conducting his investigation into the facts and circumstances giving rise to the claim, the Chief Attorney will consider the following guidelines to the extent applicable:

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payments for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the agency or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the agency any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the damage to or loss of property or the damages claimed.

§ 14.608 Disposition of claims.

(a) *Disallowance.* In the case of a claim where a determination is made that there is no liability on the part of the United States, the Chief Attorney (if he has jurisdiction under § 2.6(f) of this chapter), or the General Counsel will notify the claimant (or his attorney or legal representative) by certified or registered mail. Notification of final denial may include a statement of reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the agency action, suit in an appropriate U.S. district court may be instituted not later than 6 months after the date of mailing of the notice of final denial.

(b) *Reconsideration of disallowance.* Prior to the commencement of suit and prior to the expiration of the 6-month period provided in 28 U.S.C. 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request with the agency for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration, the agency shall have 6 months from the date of filing in which to make a final disposition of the claim, and the claimant's option under 28 U.S.C. 2675(a), shall not accrue until 6 months after the filing of a request for reconsideration. Final agency action on a request for reconsideration shall be effected by the Chief Attorney if the claim is one within his jurisdiction as authorized by § 2.6(f) (1) of this chapter, otherwise by the General Counsel. If the previous denial decision is upheld, the notice shall be by certified mail and the claimant will be advised of his right to bring suit within 6 months.

(c) *Allowance or compromise.* (1) In the case of a claim where a determination is made by the Chief Attorney (if the claim is one for which he has been delegated authority under § 2.6(f) (1) of this chapter), or by the General Counsel, that there is or could be liability on the part of the Government, an attempt will be made to obtain an agreement with the claimant, or his attorney, as to a fair and reasonable settlement or compromise;

(2) If the claim is one being handled by the Chief Attorney, and a tentative settlement agreement is reached, advice will be obtained from the General Counsel as to the availability of funds to pay the amount agreed upon. The claimant's signature, as well as that of his spouse if appropriate, shall then be obtained on SF 1145, Voucher for Payment Under Federal Tort Claims Act, and the Chief Attorney will indicate his approval in the area designated therefor. Where required by the applicable State law, approval of a court of competent jurisdiction will be obtained. He will then forward the voucher, and the order of approval if applicable, to the General Counsel for necessary action to effect payment;

(3) Where the claim is being handled by the General Counsel, and is to be settled or compromised, the appropriate voucher will be forwarded to and executed by the claimant, or his duly authorized agent, and by his spouse if appropriate. Where required by the applicable State law, approval of a court having jurisdiction will be obtained. The General Counsel will then take necessary action to effect payment.

(d) *Attorney fees.* In any claim administratively settled or compromised, no specific portion of the award shall be designated as an attorney fee. However, 28 U.S.C. 2678 prohibits an attorney from charging, demanding, receiving, or collecting for services rendered, fees in excess of 20 per centum of any award, compromise, or settlement made pursuant to 28 U.S.C. 2672. Violation of this prohibition will subject the attorney to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. When a claimant is represented by an attorney, the voucher for payment shall designate as "payee" both the claimant and his attorney and the check shall be delivered to the attorney whose address shall appear on the voucher.

(e) *Setoff for cost of unauthorized medical treatment.* In any tort claim administratively settled or compromised where the claimant owes the Veterans' Administration for unauthorized medical treatment, there will be set off against the tort claim award the amount of the claimant's indebtedness to the Government. The amout set off is for credit to the appropriation account from which the services were provided. The voucher prepared for settlement of the claim will specify that the amount of the setoff be deposited to the credit of the designated account and that the balance of the award be paid to the claimant.

LITIGATED CLAIMS

§ 14.609 Tort suits following denial of an administrative tort claim.

Where civil action against the United States follows denial of an administrative claim, the General Counsel, upon receipt of notice of the action, will furnish to the Department of Justice a copy of the investigation report and other related materials obtained in connection with the consideration of the administrative claim previously submitted to the agency. The General Counsel will instruct the Chief Attorney to forward to the appropriate U.S. attorney the investigation report and other related materials, including medical records and any other information, which may be appropriate to the litigation. The Chief Attorney will keep the General Counsel advised of subsequent developments, and will render assistance as requested by the U.S. attorney and the General Counsel with respect to the defense of the suit.

§ 14.610 Suits against Veterans' Administration employees arising out of the operation of motor vehicles or based upon medical care and treatment furnished by or for the Department of Medicine and Surgery.

(a) (1) Section 2679 of title 28, United States Code, provides for the defense of suits against Federal employees or their estates arising out of their operation of motor vehicles in the scope of their office or employment with the Federal Government.

(2) Section 4116, title 38, United States Code, provides for the defense of suits, alleging malpractice or negligence in furnishing medical care and treatment, filed against physicians, dentists, nurses, pharmacists, or paramedical or other supporting personnel as a result of an act or omission which occurred while acting within the scope of their employment in or for the Department of Medicine and Surgery.

(b) Any Veterans' Administration employee against whom a civil action or proceeding is brought for damage to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his office or employment with the Government or on account of malpractice or negligence in furnishing medical care and treatment which occurred while acting within the scope of his employment in or for the Department of Medicine and Surgery, shall deliver all process and pleadings served upon him, or an attested true copy thereof, forthwith to the Chief Attorney having jurisdiction over the area in which the employee is employed. In addition, upon his receipt of such process or pleadings, or any prior information regarding the commencement of such a civil action or proceeding, he shall immediately so advise the Chief Attorney.

(c) Where civil action against an employee is covered by the provisions of either of the laws cited in paragraph (a) of this section, the Chief Attorney shall promptly, upon receipt thereof, furnish the U.S. attorney for the district embracing the place wherein the action or proceeding is brought, information concerning the commencement of such action or proceeding, and copies of all process and pleadings therein. In addition, the Chief Attorney shall submit a report to the U.S. attorney containing all available data bearing upon the question and state whether the employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose. Two copies of the report will be submitted to the General Counsel. In cases involving the operation of motor vehicles, the report shall include factual information bearing upon the nature of the employee's duties, his authorized destination, the conveyance authorized, whether he had departed from the route authorized or disobeyed the instructions given him, whether at the time of the incident he was engaged in the furtherance of his own personal interests, and any other relevant data. In cases involving allegations of malpractice or negligence in furnishing medical care and treatment, the report shall include factual information bearing upon the nature of the employee's duties and all available facts and circumstances surrounding the alleged act or omission, together with any other relevant information. The Chief Attorney will advise the U.S. attorney of the provisions of either 28 U.S.C. 2679 or of 38 U.S.C. 4116 and render such assistance as may be requested by the U.S. attorney or the General Counsel with respect to the defense of the suit.

ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS ARISING IN FOREIGN COUNTRIES

§ 14.615 General.

(a) *Authority.* Section 236, title 38, United States Code, provides that the Administrator of Veterans' Affairs may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries in connection with Veterans' Administration operations abroad.

(b) *Action by claimant.* Claims for property loss or damage may be filed by the owner of the property or his duly authorized agent or legal representative. If the property was insured and the insurer is subrogated, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim. Claims for personal injury may be filed by the injured person or his agent or legal representative. Claims for death may be filed by the personal representative of the decedent or any other legally qualified person. When filed by an agent or legal representative, the claim must show the title or capacity of the person representing the claimant and be accompanied by evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

(c) *Time for filing.* A claim may not be allowed under 38 U.S.C. 236 unless it is presented to the Administrator or his designee within 2 years after the claim accrues.

§ 14.616 Form and place of filing claim.

(a) *Form of claim.* Claims arising under 38 U.S.C. 236 will be prepared in the form of a sworn statement and submitted in duplicate. The original copy of the claim will be sworn to or affirmed before an official with authority to administer oaths or affirmations and will contain the following information, at least:

(1) The name and address of claimant;

(2) The amount claimed for injury or death, and for property loss or damage;

(3) If property was lost or damaged, the amount paid or payable by the insurer together with the name of the insurer;

(4) A detailed statement of the facts and circumstances giving rise to the claim, including the time, place, and date of the accident or incident;

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(5) If property was involved, a description of the property and the nature and extent of the damage and the cost of repair or replacement based upon at least two impartial estimates;

(6) If personal injury was involved, the nature of the injury, the cost of medical and/or hospital services, and time and income lost due to the injury;

(7) If death is involved, the names and ages of claimants and their relationship to decedent;

(8) The name and official position of the employee of the United States allegedly responsible for the accident or injury, or loss or damage of property;

(9) The names and addresses of any witnesses to accident or incident; and

(10) If desired, the law applicable to the claim.

(b) *Place of filing claim.* Claims arising in the Philippines under 38 U.S.C. 236 will be filed with the Chief Attorney, Veterans' Administration Regional Office, Manila, Republic of the Philippines. Claims arising in other foreign countries will be filed with the American Embassy or Consulate nearest the place where the incident giving rise to the claim took place.

(c) *Evidence to be submitted by claimant*—(1) *General.* The amount claimed on account of damage to or loss of property or on account of personal injury or death shall, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like will, if possible, be obtained from disinterested parties. All evidence will be submitted in duplicate. Original evidence or certified copies shall be attached to the original copy of the claim, and sample copies shall be attached to the other copy of the claim. All documents in other than the English language will be accompanied by English translations.

(2) *Personal injury or death.* In support of claims for personal injury or death, the claimant will submit, as may be appropriate, itemized bills for medical, hospital, or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of the injury, the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization and the like.

(3) *Damage to personal property.* In support of claims for damage to personal property which has been repaired, the claimant will submit an itemized receipt, or, if not repaired, itemized estimates of the cost of repairs by two reliable parties who specialize in such work. If the property is not economically repairable, the claimant will submit corroborative statements of two reliable, qualified persons with respect to cost, age of the property and salvage value.

(4) *Damage to real property.* In support of claims for damage to land, trees, buildings, fences, or other improvements to real property, the claimant will submit an itemized receipt if repairs have been made, or, if repairs have not been made, itemized estimates of the cost of repairs by two reliable persons who specialize in such work. If the property is not economically repairable, the claimant will submit corroborative statements of two reliable, qualified persons with respect to the value of the improvements both before and after the accident or incident and the cost of replacements.

(5) *Damage to crops.* In support of claims for damage to crops, the claimant will submit an itemized signed statement showing the number of acres, or other unit measure of crop damaged, the probable yield per unit, the gross amount which would have been realized from such probable yield and an estimate of the costs of cultivating, harvesting and marketing the crop. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop will also be stated.

§ 14.617 Disposition of claims.

(a) *Disposition of claims arising in Philippines.* All claims arising under 38 U.S.C. 236 in the Philippines, including a complete investigation report and a brief résumé of applicable law, will be forwarded directly by the Chief Attorney to the General Counsel, together with his recommendation as to disposition.

(b) *Disposition of claims arising in foreign countries other than the Philippines.* When a claim is received in an American Embassy or Consulate, the Embassy or Consulate receiving such claim shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, including a résumé of applicable law and a recommendation regarding allowance or disallowance of the claim, through regular channels of the Department of State to the General Counsel, Veterans' Administration Central Office, Washington, D.C.

(c) *Payment of claims.* Upon determining that there is liability on the part of the United States under 38 U.S.C. 236, the General Counsel, or such other personnel as may be designated by the Administrator, will take the necessary action to effect payment.

CLAIMS FOR DAMAGE TO OR LOSS OF GOVERNMENT PROPERTY

§ 14.618 Collection action.

(a) In a case where the Chief Attorney determines that damage to or loss of Government property under the jurisdiction of the Veterans' Administration resulted from the negligence or other legal wrong of a person other than an employee of the United States, and such damages do not exceed $20,000, he will request payment of the amount of damage from the person liable therefor or his insurer.

(b) The Chief Attorney may collect, compromise, suspend, or terminate collection action on any such claim as is authorized under § 2.6(f) of this chapter, in conformity with the standards in § 1.900 series of this chapter. Any such claim which is not compromised or on which collection action is not suspended or terminated, will be referred by the Chief Attorney direct to the appropriate U.S. attorney along with the information required by §§ 1.951 through 1.953 of this chapter. Any claim in excess of the authorized amount on which voluntary payment in full has not been made, will be transmitted along with the report required by § 14.605(a)(2)(i), a report on credit data (§ 1.952 of this chapter), and any other pertinent information, to the General Counsel for appropriate action.

(c) The General Counsel or those designated in § 2.6(e)(4) of this chapter will take action to collect, compromise, suspend, or terminate collection action on such claims not exceeding $20,000 in conformity with § 1.900 series of this chapter. Any such claims not compromised, or on which collection action is not suspended or terminated in accordance with § 1.900 series of this chapter, will be referred promptly to the Department of Justice for appropriate action.

(d) The provisions of paragraphs (a) through (c) of this section are not applicable to the collection of claims involving damage to General Services Administration Motor Pool System vehicles issued for Veterans' Administration use. Whenever there is any indication that a party other than the operator of a motor pool system vehicle is at fault in an accident, all documents and data pertaining to the accident and its investigation will be submitted to the General Services Administration Regional Counsel of the region that issued the vehicle who has jurisdiction over such matters. Whenever a motor pool system vehicle is involved in an accident, resulting in damage to the property of, or injury to the person of a third party, and the third party asserts a claim against the Veterans Administration based upon the alleged negligence of the vehicle operator, the claim will be considered under § 14.600 et seq.

3. In Part 14, §§ 14.664 through 14.670 are revoked and §§ 14.664 through 14.669 are added to read as follows:

PERSONNEL CLAIMS

§ 14.664 Scope of authority and effective date.

Public Law 88-558 (78 Stat. 767), approved August 31, 1964, authorizes the Administrator or his designee to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans' Administration for damage to, or loss of personal property incident to his service. Authority is delegated by § 2.6(e)(5) of this chapter to the General Counsel, Associate General Counsel, Assistant General Counsel (Professional Staff Group I), and the Deputy Assistant General Counsel, of said staff group, or those acting for them, to settle and pay such claims on behalf of the Administrator, and such settlement shall be final and conclusive. Authority is delegated to Chief Attorneys by § 2.6(f)(5) of this chapter to settle and pay on behalf of the Administrator a claim under the Military Personnel and Civilian Employees' Claims Act of 1964, not exceeding amounts authorized by said section, in accordance with instructions issued by the General Counsel.

§ 14.665 Claims.

(a) The claim must be presented in writing on VA Form 2-4760, Employee's Claim for Reimbursement for Personal Property Damaged or Lost Incident to Employment. It will be submitted to the personnel office where the claim originates within 2 years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist. The claim must be executed and certified by the officer or the employee suffering the loss or damage, or in the event of his death, by the surviving spouse, children, father or mother or both, or brothers or sisters or both. Claims of survivors shall be settled and paid in the order named. All claims must contain the following:

(1) The date, time, and place the loss or damage occurred and the circumstances surrounding such loss or damage, together with the supporting statements of any witnesses who can verify such facts.

(2) In the event of damage, the date of acquisition, original cost, condition before damage, and at least two estimates of the cost of repair or replacement. In the event of loss, the date of acquisition, the original cost, the condition, and an estimate of the reasonable market value of the article or articles.

(3) A statement as to any claims or potential claim he may have for indemnification of the loss or damage against other than the United States and whether he will assign such to the United States and cooperate in its prosecution. Where such claim or potential claim is against a carrier or insurer, evidence that a timely claim has been properly made. Where a recovery from the carrier or his insurer has been obtained or offered, such information shall be included.

(4) In cases involving damage or destruction of personal property by patients or domiciliary members, a statement as to whether a claim was filed pursuant to 38 U.S.C. 233(a)(5) and whether such claim has been finally denied.

(b) The Personnel Officer receiving the claim will forward same to the person designated to investigate accidents at the station pursuant to § 14.605 within 5 days after receipt.

(c) The employee designated pursuant to § 14.605 will ascertain if such claim is complete in all respects and conduct such investigation as is necessary to establish all facts required to properly evaluate the claim both as to merit and the reasonable amount payable for the loss or damage. Where it is indicated that the claimant may have a potential claim against other than the United States, he will secure a suitable assignment of all right and title to such claim, to the extent the United States makes reimbursement, and the agreement of the claimant to furnish such evidence as may be necessary to pursue such claim. If the potential claim is against a carrier or insurer, he will ascertain that the claimant has filed a timely proper claim and procure evidence thereof. He will also include information concerning any offer of settlement the carrier may have made. The completed investigation, original claim and supporting evidence will be forwarded to the appropriate Chief Attorney.

§ 14.666 Chief attorney responsibility.

(a) The Chief Attorney having jurisdiction will conduct such additional investigation as he deems necessary to establish all facts required. If the claimant has indicated he may have a potential claim for indemnification against other than the United States, the Chief Attorney will ascertain that a suitable assignment, legally enforceable, of all right and title to such claim, to the extent the United States makes reimbursement, and the agreement of the claimant to furnish such evidence as may be necessary to pursue such claim is of record. If such potential claim is against a carrier or insurer, he will ascertain that claimant has filed a timely proper claim against the carrier or insurer and review same for legal sufficiency.

(b) If the claim is for an amount within his jurisdiction, the Chief Attorney will take action thereon in accordance with §§ 14.664 through 14.667. If the claim exceeds an amount within his jurisdiction, the Chief Attorney will forward the original claim with the supporting evidence, the initial investigation report, the original of his investigation report, if any, and a recommendation as to disposition of the claim to the General Counsel.

§ 14.667 Claims payable.

(a) No claim shall be paid unless timely filed in proper form as provided in § 14.665 and the preponderance of the evidence establishes that the loss or damage:

(1) Actually occurred and the amount claimed is reasonable,

(2) Was incident to the employee's service and his possession of the property was reasonable, useful or proper under the circumstances,

(3) Did not occur at quarters occupied within the 50 States or the District of Columbia that were not assigned to the claimant or otherwise provided in kind by the United States.

(4) Was not caused wholly or partly by the negligent act of claimant, his agent, or his employee, and that the claimant has no right to indemnification for his loss or damage from other than the United States, except to the extent that he assigns such right to the United States and agrees to furnish evidence required to enable the United States to enforce such right. In the event he has a right to recovery for the loss or damage from a carrier or insurer he will be required to file a timely claim for such recovery before consideration of his claim against the United States.

(b) No claim for the cost of repair or replacement of personal property of employees damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of official duties shall be entertained under §§ 14.664 through 14.667, unless claim filed pursuant to 38 U.S.C. 233(a)(5) (§ 14.78 of this chapter) has been finally denied for the reason that such claim did not meet the criteria established by that law.

§ 14.668 Disposition of claims.

(a) *Disallowed claims.* Claimants will be promptly notified of the disallowance of a claim and the reasons therefor.

(b) *Allowed claims*—(1) *Reimbursement in kind.* Where a claim is allowed and it is determined to be to the advantage of the Government, reimbursement will be made in kind. The official authorizing settlement will request the Director, Supply Service, Department of Medicine and Surgery, to procure the necessary article or articles and deliver same to the claimant.

(2) *Reimbursement by check.* The official authorizing settlement will forward allowed claims, other than those requiring reimbursement in kind, to the Finance activity at the Veterans Administration installation where the claim arose. That activity will audit the claim, which if found proper for payment, will be scheduled on VA Form 4-1423, Voucher and Schedule of Payments, and forwarded to the appropriate Regional Disbursing Office for payment.

§ 14.669 Fees of agents or attorneys; penalty.

The Military Personnel and Civilian Employees' Claims Act of 1964 (Public Law 88-558; 78 Stat. 767) was amended by Public Law 89-185 (79 Stat. 789), on September 15, 1965, by adding a new section which provided that no more than 10 percent of the amount paid in settlement of each individual claim submitted and settled under the authority of the Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim. Any person violating the provisions of this Act is deemed to be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved: December 27, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-305 Filed 1- -73 am]

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Notices

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

[Order 499–72]

OFFICIAL SEAL

Notice of Establishment

By virtue of the authority vested in me by section 509 of title 28 and section 301 of title 5 of the United States Code, I hereby establish the attached seal as the official seal of the Law Enforcement Assistance Administration.

The seal is symbolic of the responsibilities and direction of the Law Enforcement Assistance Administration. The star represents the Law Enforcement agencies that are working diligently to bring crime under control in this country. The balance superimposed upon the star represents true equality in justice that can only be created by the proper balance in the criminal justice system of law enforcement, courts, and corrections at the local, State, and national levels. This is symbolic of the teamwork of the three great subdivisions working together to create an ideal criminal justice system within these United States.

Dated: December 20, 1972.

RICHARD G. KLEINDIENST,
Attorney General.



[FR Doc.73–338 Filed 1–5–73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

STAINLESS STEEL WIRE RODS FROM FRANCE

Withholding of Appraisement Notice

Information was received on December 9, 1971, that stainless steel wire rods from France were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of February 17, 1972, on page 3553. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of stainless steel wire rods from France is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the U.S. f.o.b. inland carrier price, or the delivered customer's premises price, as applicable, U.S. inland freight, brokerage fees, U.S. Customs duties, loading charges, ocean freight, insurance, shipping charges, and inland freight in the home market, as appropriate.

The adjusted home market price will probably be based either on a weighted-average of delivered prices to home market customers or on an f.a.s. producer's warehouse price, as applicable, with a deduction for inland freight. Adjustments to this price will probably be made for differences in packing, credit terms, and commissions.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of stainless steel wire rods from France in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office by January 18, 1973.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than February 7, 1973.

This notice, which is published pursuant to § 153.34(b), Customs regulations (19 CFR 153.34(b)), shall become effective January 8, 1973. It shall cease to be effective July 8, 1973, unless previously revoked.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: January 4, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73–467 Filed 1–5–73;9:40 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Idaho 2922; Powersite Cancellation]

IDAHO

Order Providing for Opening of Public Lands

DECEMBER 27, 1972.

By published notice (37 FR 226, Nov. 22, 1972) the U.S. Geological Survey canceled Powersite Classification No. 365 of August 10, 1944, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the public lands involved in that notice.

Under the authority delegated by the Bureau of Land Management Order No. 701, dated July 23, 1964 (29 FR 10526), as amended, it is ordered as follows:

1. Beginning at 10 a.m., March 15, 1973, the following described lands are restored to disposition under applicable public land laws, subject to valid existing rights, withdrawals and classifications:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 6 E.,
Sec. 1, SW¼NW¼;
Sec. 2, N½SE¼.

The areas described aggregate 120 acres acres in Owyhee County, Idaho.

2. Lands described as N½S½, Section 5, T. 6 S., R. 6 E., Boise Meridian, are also included in Powersite Classification No. 275, but are patented lands.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.73–315 Filed 1–5–73;8:45 am]

Office of Oil and Gas

NATIONAL PETROLEUM COUNCIL

Notice of Cancellation of Meeting

The meeting of the Technical Subcommittee of the National Petroleum Council Committee on Petroleum Resources Under the Ocean Floor, January 9, 1973, 9:30 a.m. to 5:30 p.m., NPC Conference Room, 1625 K St., NW., Washington, D.C., is cancelled. Notice of this meeting was published in FR Doc. 72–22351, page 28768, on December 29, 1972.

DAVID R. OLIVER,
Acting Director.

[FR Doc.73–388 Filed 1–5–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[NTIS Order EIS–72–5778–D]

PROPOSED COMMITMENT OF ACREAGE TO NEW BEET SUGAR PRODUCING AREA, HILLSBORO, N. DAK.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a draft environmental statement for the Proposed Commitment of Acreage to a New Beet Sugar Producing Area in the vicinity of Hillsboro, N. Dak., USDA–ASCS–ES (Adm.) 73–2. The 1971 amendments to the Sugar Act of 1948, in order to make acreage available for the growth and expansion of the beet sugar industry, provides that the Secretary of Agriculture shall allocate as needed the acreage required to yield not more than a total of 100,000 tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Allocations are to be for a period of 3 years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value.

The environmental statement applies to the growing of approximately 30,000 acres of sugar beets in the Red River Valley of North Dakota and Minnesota near Hillsboro, N. Dak., in Traill County. The sugar beets will be planted on mostly dryland farming acreage used in rotation with other crops (primarily wheat, corn, and soybeans), the acreage having previously been devoted to such crops.

This draft environmental statement was filed with the Council on Environmental Quality on December 15, 1972.

Copies are available for inspection at USDA, Agricultural Stabilization and Conservation Service, Room 3658, 14th and Independence Avenue SW., Washington, D.C. 20250.

Copies may be obtained from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the statement above when ordering.

Comments concerning the proposed action and request for additional information should be addressed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, Room 3752, 14th and Independence Avenue SW., Washington, D.C. 20250. Comments should be received by February 7, 1973, in order to be considered in the preparation of the final environmental statement.

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73–329 Filed 1–5–73;8:45 am]

[NTIS Order EIS–72–5777–D]

PROPOSED COMMITMENT OF ACREAGE TO NEW BEET SUGAR PRODUCING AREA, WAHPETON, N. DAK.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a draft environmental statement for the Proposed Commitment of Acreage to a New Beet Sugar Producing Area in the vicinity of Wahpeton, N. Dak., USDA–ASCS–ES (Adm.) 73–3. The 1971 amendments to the Sugar Act of 1948, in order to make acreage available for the growth and expansion of the beet sugar industry, provides that the Secretary of Agriculture shall allocate as needed the acreage required to yield not more than a total of 100,000 tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Allocations are to be for a period of 3 years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value.

The environmental statement applies to the growing of approximately 30,000 acres of sugar beets in the Red River Valley of North Dakota and Minnesota near Wahpeton, N. Dak., in Dwight Township. The sugar beets will be planted on mostly dryland farming acreage used in rotation with other crops (primarily wheat, corn, and soybeans), the acreage having previously been devoted to such crops.

This draft environmental statement was filed with the Council on Environmental Quality on December 15, 1972.

Copies are available for inspection at USDA, Agricultural Stabilization and Conservation Service, Room 3658, 14th and Independence Avenue SW., Washington, D.C. 20250.

Copies may be obtained from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the statement above when ordering.

Comments concerning the proposed action and request for additional information should be addressed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, Room 3752, 14th and Independence Avenue SW., Washington, D.C. 20250. Comments should be received by February 7, 1973, in order to be considered in the preparation of the final environmental statement.

Signed at Washington, D.C., on December 29, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73–328 Filed 1–5–73;8:45 am]

Soil Conservation Service

OGUNQUIT SAND DUNE LAND STABILIZATION MEASURE THRESHOLD TO MAINE PROJECT, MAINE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture, has prepared a draft environmental statement for the Ogunquit Sand Dune Land Stabilization Measure USDA–SCS–ES–RD–(ADM)–73–1–(D).

The environmental statement concerns a plan of stabilizing a 28-acre sand dune in the Ogunquit Village area, York County, Maine. The planned works of improvement include restoring and stabilizing a 28-acre barrier dune through the placement of sand, plantings of vegetation, and the installation of erosion and pedestrian control measures.

This draft environmental statement was filed with CEQ on December 29, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington Office, South Agriculture Building, Room 5105 A, 12th Street and Independence Avenue SW., Washington, D.C. 20250.
USDA, Soil Conservation Service, Federal Office Building, Orono, Maine 04473.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Donald T. Dinsmore, State Conservationist, USDA, Federal Office Building, Room 202A, Orono, Maine 04473.

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Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

DECEMBER 29, 1972.

[FR Doc.73-133 Filed 1-5-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-321]

SEA TANKERS, INC.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed Applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805 (a) of the Merchant Marine Act, 1936, as amended, will be required for each such Applicant if its application for operating-differential subsidy is granted.

The following Applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant. Sea Tankers, Inc. (Sea Tankers).

Description of domestic service and vessels. The applicant, Sea Tankers, is a subsidiary of Overseas Shipholding Group, Inc. (Shipholding), whose subsidiaries have engaged in domestic coastwise, intercoastal and noncontiguous petroleum trades with tanker vessels, and the applicant has requested written permission for it and its related companies to continue such operations. The following tanker vessels are owned by the applicant and related companies, all subsidiaries of Shipholding:

Ship	*Owner*
Overseas Alaska	Intercontinental Bulktank Corp.
Overseas Alice	Do.
Overseas Aleutian	Ocean Transportation Co., Inc.
Overseas Ulla	Do.
Overseas Artic	Overseas Bulktank Corp.
Overseas Valdez	Do.
Overseas Joyce	Overseas Oil Carriers, Inc.
Overseas Anchorage	Globe Seaways, Inc.
Overseas Vivian	Ocean Tankships Corp.
Overseas Rose (Alpha Reserve)	Sea Tankers.
Beta Reserve	Do.
Overseas Evelyn (Gamma Reserve)	Do.

Written permission is now required by the applicant, Sea Tankers, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on January 12, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., January 16, 1973, in Room 4896, Department of Commerce Building, 14 and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: January 4, 1973.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.73-414 Filed 1-5-73;8:45 am]

Office of the Secretary

[Dept. Organization Order 30-3A]

PATENT OFFICE

Organization and Functions

This order effective December 15, 1972, supersedes the material appearing at 27 FR 11469 of November 21, 1962.

SECTION 1. *Purpose.* This order delegates authority to the Commissioner of Patents and prescribes the functions of the Patent Office.

SEC. 2. *Status and line of authority.* .01 The Patent Office is hereby continued as a primary operating unit of the Department of Commerce. First established as an independent bureau under the direction of a Commissioner of Patents by the general revision of patent laws enacted by Congress July 4, 1836 (5 Stat. 117), it became a bureau of the Department of Commerce by Executive Order of April 1, 1925, in accordance with the authority contained in the act of February 14, 1903 (32 Stat. 830). When the patent laws were codified as Title 35, United States Code, effective January 1, 1953, the Patent Office was continued as an office in the Department of Commerce.

.02 The Commissioner of Patents (hereinafter called the Commissioner), who is appointed by the President by and with the advice and consent of the Senate, shall be the head of the Patent Office. He shall be principally assisted by a Deputy Commissioner and four assistant commissioners, whose titles and status are specified below. The First Assistant Commissioner (Deputy Commissioner) and the first two assistant commissioners are provided for by 35 U.S.C. 3 and are appointed by the President by and with the advice and consent of the Senate.

a. The Deputy Commissioner (First Assistant Commissioner under 35 U.S.C. 3).

b. The Assistant Commissioner for Patents (an assistant commissioner under 35 U.S.C. 3).

c. The Assistant Commissioner for Trademarks (an assistant commissioner under 35 U.S.C. 3).

d. The Assistant Commissioner for Legal Affairs.

e. The Assistant Commissioner for Administration.

.03 The Deputy Commissioner or, in the event of a vacancy in that office, the assistant commissioner appointed under 35 U.S.C. 3 who is senior in date of appointment, shall act as Commissioner during a vacancy in that office until a Commissioner is appointed and takes office. In the absence of the Commissioner, the Deputy Commissioner shall act as Commissioner. If the Deputy Commissioner is likewise absent or that office is vacant, one of the assistant commissioners appointed under 35 U.S.C. 3 or the Assistant Commissioner for Legal Affairs or the Solicitor of the Patent Office shall act as Commissioner in an order of precedence prescribed by the Commissioner.

.04 The Commissioner shall report and be responsible to the Assistant Secretary for Science and Technology.

SEC. 3. Delegation of authority. .01 Pursuant to the authority vested in the Secretary of Commerce by 35 U.S.C. 3 and Reorganization Plan No. 5 of 1950, the functions of the Patent Office and its officers specified in Title 35 of the United States Code, as amended, are hereby vested in the Secretary of Commerce and redelegated to the Commissioner of Patents.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, the Commissioner of Patents is hereby delegated authority to perform the following functions vested in the Secretary of Commerce.

a. The functions in Title 15, Chapter 22 of the United States Code, which pertain to trademarks.

b. The functions in Executive Order 10096 of January 23, 1950, and the Executive Order 10930 of March 24, 1961, which pertain to inventions made by Government employees.

c. The functions in 42 U.S.C. 2181 and 2182, which pertain to inventions relating to atomic weapons, and in 42 U.S.C. 2457, which pertain to property rights in inventions made in performance of work under contract for the National Aeronautics and Space Administration.

d. Such functions under other authorities of the Secretary of Commerce as are applicable to performing the functions assigned in this order.

.03 Exercise of the functions delegated in paragraphs .01 and .02 of this section shall be subject to such policies or directives as may be prescribed by the Secretary of Commerce or the Assistant Secretary for Science and Technology.

.04 The Commissioner of Patents may, except as precluded by law or regulation, redelegate his authority to employees of the Patent Office subject to such conditions in the exercise of the delegated authority as he may prescribe.

SEC. 4. *Functions.* The Patent Office shall perform the following functions:

.01 Examine applications for patent to determine if they meet the requirements of law for the issuance of patents and, upon such determination, granting patents.

.02 Administer special laws and regulations as to secrecy of certain inventions, licenses for foreign filing, and those relating to atomic energy and space technology.

.03 Decide the ownership of patents and the rights to inventions made by Government employees, as provided by Executive Orders 10096 and 10930.

.04 Provide for the publication, storage, dissemination, and exchange of patents and related documentation.

.05 Maintain systems and facilities providing appropriate access to United States and foreign patents and other technical literature for use of the examiners and the public.

.06 Examine applications for the registration of trademarks to determine their entitlement to registration under the law; give public notice of trademarks allowed for registration and publish registered trademarks; maintain the principal and supplemental registers of trademark registrations, and provide for public access to such registers and related trademark records.

.07 Issue patents and certificates of trademark registration.

.08 Reissue defective patents and issue certificates of correction of patents and trademark registrations.

.09 Maintain records as to proprietary interests in patents and trademarks and applications therefor.

.10 Carry on or authorize studies and programs, separately or in coordination with other United States, foreign, and international agencies, regarding domestic and international patent and trademark law.

.11 Perform other functions required, or which the Commissioner deems necessary and proper, in exercising the authority delegated herein.

Effective date: December 15, 1972.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc.73-320 Filed 1-5-73;8:45 am]

[Dept. Organization Order 30-3B]

PATENT OFFICE

Organization and Functions

This order effective December 15, 1972, supersedes the material appearing at 36 FR 9078 of May 19, 1971.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Patent Office. Department Organization Order 30-3A prescribes the scope of authority and functions.

S53. 2. *Organization structure.* The principal organization structure and line of authority of the Patent Office shall be as depicted in the attached organization chart. A copy of the organization chart is attached to the original document on file in the Office of the Federal Register.

SEC. 3. *Office of the Commissioner.* The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office. He is principally assisted by a Deputy Commissioner and four Assistant Commissioners who shall have the main duties as specified below:

a. The Deputy Commissioner (First Assistant Commissioner under 35 U.S.C. 3) shall assist the Commissioner in the direction of the Patent Office with immediate responsibility for the Office of Petitions and shall perform the duties of the Commissioner in the latter's absence.

b. The Assistant Commissioner for Patents (an assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy direction for the patent examining and related operations which consist of the organizational elements enumerated in section 5 of this order. He is assisted by a Deputy Assistant Commissioner who shall, among other duties, have immediate responsibility for the patent examining groups and shall perform the duties of the Assistant Commissioner during the latter's absence.

c. The Assistant Commissioner for Trademarks (an assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the trademark registration and related operations which consist of the organizational elements enumerated in section 6 of this order.

d. The Assistant Commissioner for Legal Affairs shall be the chief law officer of the Patent Office and as applicable shall provide administrative and policy direction to the organizational elements enumerated in section 7 of this order. Pursuant to Department Organization Order 10-6, he shall be subject to the overall authority of the Department's General Counsel with respect to legal and legislative matters involving the Patent Office, other than in connection with the issuance of patents or the registration of trademarks.

e. The Assistant Commissioner for Administration shall be the principal advisor to the Commissioner on the formulation and application of management policies and shall provide administrative, management, and operational support services to components of the Patents Office. In addition, he shall provide administrative and policy direction to a staff assigned to his office as well as to the organizational elements enumerated in section 8 of this order. He shall be assisted by a Deputy Assistant Commissioner who shall perform the duties of the Assistant Commissioner during the latter's absence.

SEC. 4. *Offices reporting to the Commissioner.* .01 The Offices of Petitions shall receive, docket, maintain records, and take other appropriate action with respect to petitions to the Commissioner submitted under applicable law and regulations; assign petitions to appropriate officials for decision or recommend and prepare decisions for review and approval by the Deputy Commissioner; and recommend changes in office policy, practices, and procedures, where the need for such appears evident from the records of the office.

.02 The Office of Government Inventions and Patents shall administer Executive Order 10930 and related regulations, including the rendering of final decisions on the ownership of patents and the rights to inventions made by Government employees, and advise the Commissioner on matters involving the Committee on Government Patent Policy (of the Federal Council for Science and Technology). It shall also conduct research, liaison, and coordinate functions needed to carry out Executive Order 10096 and to advise the Commissioner on Committee matters; provide executive secretariat support to the Committee; and assist in the development and formulation, to the extent appropriate, of a uniform Government-wide policy.

.03 The Office of Advanced Systems Development shall apply analytical basic research techniques to the development of new machine-assisted experimental search, retrieval, and display systems; to the exploration and application of advanced technology for the betterment of operating systems; and to increasing

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the effectiveness of technical information dissemination and accessing measures. This work is directed primarily to providing solutions to hitherto unresolved problems and to the development of experimental or test applications, or simulations of original techniques or operations. It shall assist in the installation, pilot use, and evaluation of experimental systems in operating environments.

.04 The Office of Information Services shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and the functions, services and administrative publications of the Patent Office; develop publication policies; provide direction and assistance in developing new and revised publications; and assure conformity with policies, regulations, and standards concerning publications and publication practices.

SEC. 5. *Offices reporting to the assistant Commissioner for patents.* .01 The Office of Patent Program Control shall develop procedures for and establish quality, quantity, and other performance standards relating to the conduct of the patent examination and classification functions; establish program activity targets and continually evaluate status against program objectives; provide training to examiners in patent practices and procedures; and monitor compliance with examination and classification standards and procedures.

.02 The Office of Patent Classification shall develop, implement, and maintain subject matter classification systems for patent search files of prior art; evaluate and adapt experimental or other search systems developed elsewhere; determine requirements for and initiate procurement of foreign patent and literature abstracting services for use by examiners; and provide technical specifications, guidance, advice, and assistance to the contracting officer in such procurements; coordinate the classification of U.S. and foreign patent documents and nonpatent literature; and participate in developing and fostering harmonization of the United States and the International Patent Classification systems.

.03 The Examining Groups shall examine applications for patents to ascertain if the applicants are entitled to patents under the law and grant patents to those so entitled. Each examining group shall perform this function for patent applications falling within the generic category assigned to it. The number of examining groups and the coverage of the generic categories shall be determined by the Commissioner.

SEC. 6. *Offices reporting to the Assistant Commissioner for Trademarks.* .01 The Office of Trademark Program Control shall develop guidelines governing trademark examining procedures; establish program activity targets and continually evaluate status against program objectives; and provide instruction in trademark practice and procedures and coordinate trademark administrative support activities.

.02 The Trademark Trial and Appeal Board shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellations, and concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.03 The Trademark Examining Operation shall be responsible for the classification of trademark applications into classes of goods and services, the examination and processing of these applications, and the registration of trademarks, service marks, and certification marks; and maintain the principal and supplemental registers of trademarks.

SEC. 7. *Offices reporting to the Assistant Commissioner for Legal Affairs.* .01 The Office of the Solicitor shall handle all litigation to which the Commissioner is a party and provide other legal services, including advice and assistance on legislative matters, and maintenance of the law library.

.02 The Examiners-in-chief sitting as a Board of Patent Appeals shall be responsible for hearing and deciding appeals from adverse decisions of examiners upon applications for patents.

.03 The Board of Patent Interferences shall conduct patent interference proceedings and make final determinations in the Patent Office as to priority of invention. The Board shall also hear and decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of sections 2182 and 2456 (d) and (e) of title 42, U.S.C.

.04 The Office of Legislation shall develop recommendations and advise policy and action concerning matters which may require changes in the patent and trademark laws; review and prepare analysis of bills or drafts of legislation concerning patent or trademark matters received for technical appraisal; prepare legislative proposals and, after appropriate clearance, draft legislation and supporting documentation for clearance with the Department's Office of the General Counsel and the Office of Management and Budget, for consideration by the Congress; and maintain liaison with patent and trademark bar associations, industry, and others concerned with proposed and pending legislation.

.05 The Office of International Affairs shall coordinate the development of policy and program recommendations or positions respecting international patent and trademark affairs, including all proposed new or modified agreements under the Paris Union, Patent Cooperation Treaty, or like treaties; maintain liaison in such matters with the Office of the Secretary, the Department of State, and concerned elements of the public; and participate in negotiating patent and trademark matters in establishing international agreements and in the implementation of programs affecting Patent Office commitments or responsibilities in these areas.

SEC. 8. *Offices reporting to the Assistant Commissioner for Administration.* .01 Management Planning Organizations:

a. The Office of Budget shall formulate, interpret, and execute budgetary and fiscal policies; establish and maintain a comprehensive budget program collaborating with cost center officials in developing budget and fiscal plans; develop and present budget requests; allocate and maintain budgetary accountability of available funds; maintain external liaison in budgetary matters; and review and evaluate the fulfillment of budget-based program commitments.

b. The Office of Management and Organization shall plan and conduct studies designed to improve organization, methods, procedures, workflow, work measurement, managerial techniques, and resource utilization, or otherwise increase efficiency, effectiveness and economy of operations; develop and manage a system for the issuance of internal administrative orders and instructions; promote development of the Patent Office management improvement program and coordinate the collection, review and submission of reportable plans and accomplishments thereon; coordinate a program for the management and control of external reports; and make special studies as required.

c. The Office of Program Planning and Evaluation shall formulate plans for and coordinate the development of Patent Office-wide long and short range program objectives within the framework of budgetary constraints; define, project, and allocate the manpower and other resources required to achieve Patent Office-wide objectives; develop and monitor a management information system which prescribes code structures for and consolidates all administrative management systems into a single integrated data base to provide information designed to measure performance and achievement against planned objectives; and develop and issue a wide variety of timely internal analytical and interpretive reports to the managers of the Patent Office.

.02 Public service organizations:

a. The Office of Publications shall schedule and manage the processing and movement of allowed patent application files in procuring the creation of full patent text machine language data base and the composition and printing of weekly patent issues and related announcements in the Official Gazette; provide requisition and scheduling services for trademark publications; monitor the quality or performance by contributing sources and maintain close liaison with U.S. Government Printing Office; and prepare and issue patent grants and periodic publications of patent indexes.

b. The Office of Patent and Trademark Services shall provide the materials and services offered directly to the public, many of which are provided on a fee basis. These shall include recording instruments that transfer property rights to patents and trademarks; furnishing copies of patents, trademark registrations, and office records to examiners and others in the Office, as well as to the public; providing drafting services; and maintaining appropriate collections of pertinent technical and scientific information such as United States and foreign patents, periodicals, books, and other publications for use by the public. It shall also conduct an initial examination of patent applications for compliance with law and regulation as to form and certain matters of factual content; grant or deny a filing date based on such examination and forward to the Examining Groups those granted a filing date; acknowledge the acceptance or rejection of applications for examination; originate documentation of pending applications; initially assign accepted applications to units of the examining groups for examination; and maintain records on the status and location of all applications.

.03 Administrative service organizations:

a. The Office of Computer Services shall be responsible for providing data processing services to other elements of the Patent Office. This shall include the conduct of systems analysis and equipment evaluation studies directly related to the design and development of systems and programs for applications of computer techniques; preparation or procurement and testing of computer programs, and supplemental data processing services; operation of all general purpose ADP equipment including that which may be approved for use within another organization unit as an integral part of its operations; and maintenance of a comprehensive library of programs, including those developed or procured by other organization units.

b. The Office of Finance shall develop and maintain the financial accounting system of the Patent Office, perform accounting operations for the revenue, trust funds, and appropriation of the Patent Office, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, audit and certification of vouchers for payment, issuance of deposit account statements, initiation of action to collect amounts due the Patent Office, and administration of the payroll system and related employee accounts; and provide financial advice and opinions.

c. The Office of General Services shall plan and administer a broad Office-wide program of general services, including procurement control; property, space, and facilities management; communications, records, files, mail, and forms management; administrative printing; and clearance of all requirements involving contractual procurements, including liaison with the Department, in connection therewith.

d. The Office of Personnel shall administer activities relating to recruitment, placement, employee relations, equal employment opportunity programs for employees, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations, and various employee benefit programs.

.04 The Office of Technology Assessment and Forecast shall continually assess the status of technological activities in all countries; compare inventive activity in the United States relative to other nations; and forecast developments on a world-wide basis.

Effective date: December 15, 1972.

GUY W. CHAMBERLAIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc. 73-321 Filed 1-5-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OBSTETRICS AND GYNECOLOGY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions sets forth in section 10(a) (1) and (2) of the Act:

Committee Name	Date/time/place	Type of meeting and contact person
Obstetrics and Gynecology Advisory Committee.	Jan. 26, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open—9 a.m. to 10 a.m., closed after 10 a.m.; Victor Berliner, M.D., Room 14B-04, 5600 Fishers Lane, Rockville, MD 20852, 301—443-3492.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in obstetrics and gynecology.

Agenda. Postcoital use of DES for contraception; biometric investigations for causal relationship between use of DES during pregnancy and incidence of vaginal cancer in offspring.

Agenda items are subject to change as priorities dictate.

During the open session shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act and the Secretary's notice of determination of September 27, 1972, published in the FEDERAL REGISTER of October 5, 1972 (37 FR 20995).

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-317 Filed 1-5-73;8:45 am]

Office of Education

NATIONAL ADVISORY COMMITTEE ON THE EDUCATION OF SPANISH AND MEXICAN AMERICANS

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Committee on the Education of Spanish and Mexican Americans will be held on January 10, 1973, at 9 a.m., local time, in Room 1160, FOB-6, 400 Maryland Avenue SW., Washington, D.C.

The National Advisory Committee on the Education of Spanish and Mexican Americans is established under section 1 of Executive Order 11007, U.S.C. 20. The Committee is established to advise the Commissioner of Education on problems central to the education of Spanish speaking children and adults, particularly those of bilingual, bicultural families.

The meeting of the Committee shall be open. The proposed agenda includes a review of subcommittees reports for the total annual report to the Commissioner of Education. Records shall be kept of all committee proceedings (and shall be available for public inspection at the Office for Spanish Speaking American Affairs, located in Room 1155, FOB-6, 400 Maryland Avenue SW., Washington, D.C.).

Signed in Washington, D.C., on December 29, 1972.

GILBERT CHAVEZ,
Director for Spanish Speaking American Affairs.

[FR Doc.73-336 Filed 1-5-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Council on Vocational Education will be held on January 12, 1973, from 9 a.m. to 5 p.m. local time, and on January 13, 1973, from 9 a.m. to 12 noon, local time, at the Hotel Monteleon, 214 Royal Street, New Orleans, LA.

The National Advisory Council on Vocation Education is established under section 104 of the Vocational Education amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning

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the administration of, preparation of, general regulations for, and operation of, vocational education programs supported with assistance under the act, review the administration and operation of vocational education programs under the act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

Report on Project Baseline;
Report on "Occupational Education 1976";
Report on Conference on Continuing Education as a National Capital Investment by Herbert E. Striner;
Report on the Status of the Indian Education Study;
Office of Education Report on the Organizational Structure of the Deputyship for Occupational Education;
Presentation by Louisiana Advisory Council; and
Presentation by Louisiana State Government Officials on Occupational Education in Louisiana.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 852, 425 13th Street NW., Washington, DC 20004.

Signed at Washington, D.C., on December 21, 1972.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73-322 Filed 1-5-73;8:45 am]

Office of the Secretary

REVIEWING AUTHORITY (CIVIL RIGHTS)

Delegation of Authority Regarding Certain Administrative Proceedings

Section IB of the Delegation of Authority to the Reviewing Authority (Civil Rights) is amended to read as follows:

B. *Duties and Functions in regard to Administration of Executive Order 11246.* The Reviewing Authority (Civil Rights) shall have the authority to carry out the responsibilities of the "agency head" described in 41 CFR 60-1.26(b)(1), 41 CFR 60-1.26(b)(2)(v) as it relates to the imposition of sanctions where the contractor or subcontractor's answer does not raise issues of fact or law or where the contractor or subcontractor contests the allegations of the notice other than by filing an answer, and 41 CFR 60-1.26(b)(2)(vi), in connection with the administration of the provisions of Chapter 60 ("Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor") of Title 41 of the Code of Federal Regulations (41 CFR Chapter 60); with the exceptions that the Secretary of Health, Education, and Welfare as agency head, shall retain the authority to prescribe procedural rules pursuant to 41 CFR 60-1.26(b)(1) and that decisions by the Reviewing Authority may be reviewed by the Secretary as provided by 45 CFR Part 82. The Reviewing Authority (Civil Rights) shall have the authority to convene hearings, to designate hearing officers, to select the time and place for hearings, to render final decisions in formal hearings held pursuant to 41 CFR 60-1.26(b) and to take actions consistent with the authority delegated to it.

Dated: December 28, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.73-341 Filed 1-5-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

TRANSPORTATION OF HAZARDOUS MATERIALS

Special Permits Issued

Pursuant to Docket No. HM-1, rulemaking procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during December 1972:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6690	Shippers registered with this Board to ship a gas generator, and certain compressed gases in an inflator assembly patterned after DOT Specification 39.	Highway, rail Passenger-carrying aircraft, cargo only aircraft and cargo vessel.
6691	Union Carbide Corp., New York, N.Y., to ship compressed gases as prescribed in § 173.34(E)(15) except cylinders may be older than 35 years.	Highway, rail, passenger-carrying aircraft, cargo only aircraft, and cargo vessel.
6692	Shippers registered with this Board to ship a gas generator and argon-helium in an inflator assembly patterned after DOT Specification 39.	Highway.
6694	Intsel Corp., New York, N.Y., and Ugine Kuhlmann of America, Inc., New York, N.Y., to ship dichlorodifluoromethane in a non-DOT specification portable tank.	Highway, cargo vessel.
6695	Intsel Corp., New York, N.Y., and Ugine Kuhlmann of America, Inc., New York, N.Y., to ship monochlorodifluoromethane in a non-DOT specification portable tank.	Highway, cargo vessel.
6696	Trojan-U.S. Powder, Allentown, Pa., to ship surplus trinitrotoluene (TNT) in non-DOT specification fiberboard boxes built in compliance with military specification PPP-B-636.	Highway.
6698	Shippers registered with this Board to ship fissile and large quantities of radioactive materials, n.o.s. in NFS Fuel Cask, Model NFS-4.	Highway.
6699	Shippers registered with this Board to ship liquid caustic soda in DOT 111A100W1 tank car tanks having insulation covered with an elastomeric coating instead of a metal jacket.	Rail.
6700	Shippers registered with this Board to ship certain corrosive liquids in non-DOT specification reusable, molded, laminated polyethylene containers of 55-gallon capacity.	Highway, rail, cargo vessel.
6701	Shippers registered with this Board to ship hexafluoropropylene oxide in DOT 110A500-W tanks.	Highway, rail.
6705	Shippers registered with this Board to ship corrosive liquids in DOT 12B fiberboard boxes sealed with a specified tape.	Highway.

Following is a list of requests for special permits which were denied during December 1972:

Denied—Subject

1. Request by FMC Corp., New York, N.Y., for a special permit to ship phosphorous in rebuilt tank cars exceeding total car gross weight limitation specified in 49 CFR 179.13.

ALAN I. ROBERTS,
Secretary.

[FR Doc.73-369 Filed 1-5-73;8:45 am]

CIVIL AERONAUTICS BOARD

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Deadline for Filing Comments

Notice is hereby given that any petitions for modification of Order 72-8-50, August 10, 1972, Domestic Passenger-Fare Investigation Phase 7—Fare Level, or any other Board order prescribing fares, which seek increases in present fares premised on the cost of security measures directed by the Federal Aviation Administration shall be filed with the Board on or before January 19, 1973. Answers shall be filed on or before February 2, 1973.

Dated at Washington, D.C., January 3, 1973.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-350 Filed 1-5-73;8:45 am]

[Dockets Nos. 21446, 21447; Order 73-1-9]

HUGHES AIRWEST

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of January 1973.

By Order 69-12-94, dated December 23, 1969, the Board authorized Hughes Airwest (Airwest), to suspend service at Sun Valley-Hailey-Ketchum (Sun Valley), and Burley-Rupert (Burley), Idaho, for a period of 3 years. The Board provided that the suspension authority would terminate if an air taxi operator failed to provide at least one daily round trip between Sun Valley and Burley, on the one hand, and Boise and Twin Falls, on the other hand.

On October 20, 1972, Airwest filed an application for renewal of its suspension authorization at Sun Valley and Burley for an additional 3-year period.[1] In support of its application Airwest alleges, inter alia, that the factors which formed the basis for the Board's decision in 1969 are still applicable; in addition, there are presently no airports available to serve Sun Valley and Burley capable of accommodating aircraft of the size operated by the carrier; and that the acquisition of small aircraft capable of serving those points would be inordinately expensive and uneconomical.

No answers to Airwest's application have been filed.

Upon consideration of the pleadings and all the relevant facts, we have tentatively decided to authorize Airwest to suspend service at Sun Valley and Burley for an additional 3-year period, conditioned upon provision of replacement service by Trans Magic Airlines, an air taxi operator, subject to essentially the same conditions as are presently in effect. We have tentatively concluded that the suspension/substitution arrangement at Sun Valley and Burley continues to be in the public interest from an overall transportation standpoint.[2]

We have also examined the facts presented herein in light of findings in a recent court case[3] involving air taxi replacement services where the court indicated that the Board should consider whether the statutory conditions for exemption from certification continue to exist. As discussed below, we tentatively find that, with respect to Trans Magic, the statutory conditions and guidelines for exemption from certification continue to exist.[4]

Trans Magic, which provides commuter replacement services at Sun Valley and Burley, has conducted air taxi operations since February 17, 1969. As of December 31, 1971, Trans Magic provided short-haul commuter air services in a total of 28 markets, including Sun Valley and Burley. Trans Magic transported 11,643 passengers and performed 5,634 flights in 1971. Revenue passenger miles performed by Trans Magic for the calendar year 1971 were 1,926,963, as compared to the local service industry average for the same period of 872,373,888. Thus, Trans Magic's total RPM's for calendar year 1971 were approximately two-tenths of 1 percent of the average RPMS for each of the certificated local service carriers.[5] For the calendar year 1971, Trans Magic carried 251 passengers between Sun Valley and Boise, 64 passengers between Sun Valley and Twin Falls, 1,021 passengers between Burley and Boise, and 11 passengers between Burley and Twin Falls. In addition, the carrier maintains aircraft liability insurance required by the Board in Part 298 of the Board's Economic Regulations.

On the basis of the foregoing, and on the basis of our findings set forth in Order 72-9-39, September 12, 1972, and our conclusion therein that the certification process is generally inappropriate in a replacement commuter carrier, we tentatively conclude that it would not be in the public interest to require Trans Magic to undergo a certification proceeding in order to provide replacement services for Airwest at Sun Valley and Burley. Trans Magic's replacement services are neither of sufficient magnitude nor do they hold such prospects of economic success as to warrant their separate certification.

We further tentatively find that certification would be an undue burden on Trans Magic by reason of the limited extent of, and unusual circumstances affecting its operations. As described above, the carrier's operations are of limited extent in terms of both the replacement services involved and the overall scope of its operations. Furthermore, the very nature of the small aircraft to which Trans Magic is restricted makes the operations limited in extent. The accommodations of these aircraft not only limit the competitive capability of Trans Magic, but also limit the amount of traffic it can carry and the length of the markets it can serve, compared with a certificated carrier operating large aircraft. Thus, the cost of certification procedures would impose a severe financial burden on Trans Magic wholly disproportionate to its existing and proposed operations. Moreover, enforcement of section 401 requirements would be an undue burden not only because of the substantial cost of certification procedures, but also because certification would deprive Trans Magic of the necessary operating flexibility it must have to conduct non-subsidized services with small aircraft in short-haul, low-density markets.

We are also satisfied that there are no safety considerations which would warrant a determination that the substitution arrangement is contrary to the public interest. Trans Magic must conduct its operations in strict conformity with Federal Aviation Regulations promulgated by the Secretary of Transportation, who is charged by law with insuring the highest degree of safety in air transportation. Indeed, Trans Magic has had a successful operating history.[6]

Consequently, for the reasons set forth above, we tentatively find and conclude that:

1. Airwest should be authorized to suspend service temporarily at Sun Valley and Burley, subject to the condition that such suspension shall terminate if, at any time, Trans Magic fails to operate at least one daily round trip between Sun Valley and Burley, on the one hand, and Boise and Twin Falls, on the other hand;

2. The authority granted in paragraph 1 should expire 3 years from the date of the order finalizing this order.

Interested persons will be given 21 days following the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to the specific facts in issue, and to support such objections with detailed economic or legal analysis.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and granting the requested suspension;

2. Any interested person having objection to the issuance of an order making final the proposed findings, conclusions, and suspension authorization set forth herein shall, within 21 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix A attached hereto, a statement of objections, together with such statistical data and other materials in evidence relied upon to support the stated objections; answers to such objections shall be filed within 14 days thereafter;

3. Any interested person requesting an evidentiary hearing shall state in detail why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. In the event no objections are filed to any part of this order, all further procedural steps relating to such part

[1] Pursuant to § 377.10(a) of the Board's Special Regulations, the applicant stated its intention to rely upon 5 U.S.C. 558(c) for a continuation of its present authorization which expires, by its terms, on Dec. 23, 1972.

[2] Specifically, we adhere to our prior findings that the suspension would improve Airwest's financial posture and, in light of the air taxi substitute service, not adversely affect the traveling public.

[3] Air Line Pilots Association, International v. C.A.B. 458 F. 2d 846 (C.A.D.C. 1972).

[4] These statutory conditions and guidelines were discussed in Order 72-9-39, Sept. 12, 1972. This order was adopted in response to the remand to the Board from the U.S. Court of Appeals of the Board orders which were in issue in the ALPA case.

[5] The traffic statistics submitted by commuters are confidential for a period of 1 year. However, pursuant to section 298.66 of the Board's Economic Regulations, the Board, on its own motion, finds that it is in the public interest to disclose this information.

[6] We have informally checked with the FAA and they report that Trans Magic has excellent operations with good management, maintenance and training, and has had no safety or maintenance violations of FAA Regulations during the last 12 months.

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or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order shall be served upon all persons listed in Appendix A, below.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK, *Secretary.*

APPENDIX A

SERVICE LIST

The Honorable Don Samuelson, Governor of the State of Idaho, State Building, Boise, Idaho 83701.
The Honorable Mayor, City of Boise, City Hall, Boise, Idaho 83702.
The Honorable Mayor, City of Sun Valley, P.O. Box 43, Sun Valley, ID 83353.
The Honorable Mayor, City of Hailey, City Hall, Hailey, Idaho 83333.
The Honorable Mayor, City of Ketchum, City Hall, Ketchum, Idaho 83340.
The Honorable Mayor, City of Burley, City Hall, Burley, Idaho 83318.
Sun Valley Air, P.O. Box 639, Boise, ID 83701.
Koteen and Burt, 1000 Vermont Avenue NW., Washington, DC 20005.
Richard A. Fitzgerald, Staff Vice President, Regulatory Affairs, Hughes Airwest, San Francisco International Airport, San Francisco, Calif. 94128.
The Honorable Mayor, City of Rupert, City Hall, Rupert, Idaho 83350.
The Honorable Mayor, City of Twin Falls, City Hall, Twin Falls, Idaho 83301.
The Postmaster General, Attn: Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington, D.C. 20260.
Idaho Aeronautics Commission, Boise Municipal Airport, 3103 Airport Way, Boise, ID 83705.
United Air Lines, Inc., P.O. Box 66100, Chicago, IL 60666.
Trans Magic Airlines, Joslin Fields, Twin Falls, Idaho 83301.
P. Payne, Manager, Burley Municipal Airport, Burley, Idaho 83318.
J. C. Fox, Chairman, Blaine County Airport Commission, Hailey Friedman Memorial Airport, P.O. Box 307, Hailey, ID 83333.

[FR Doc.73-352 Filed 1-5-73;8:45 am]

[Dockets Nos. 21520, etc., Order 73-1-3]

MOHAWK AIRLINES, INC., ET AL.

Final Order Regarding Suspensions of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of January 1973. Application of Mohawk Airlines, Inc., Dockets 21520, 21335, and 21533, Agreements CAB 21361 and 21371, for authority to suspend service at Poughkeepsie, Massena, and Ogdensburg, N.Y., and Rutland, Vt.; application of Northeast Airlines, Inc., Docket 21350, for authority to suspend service at Augusta/Waterville and Lewiston/Auburn, Maine; application of Allegheny Airlines, Inc., Docket 24020, Agreement CAB 22801, for authority to suspend service at Lancaster and Reading, Pa.; agreement between Texas International Airlines, Inc. and Metroflight Airlines, Inc., doing business as Houston Metro Airlines, Agreement CAB 22961.

The first two of the above-captioned cases were initially before the Board early in 1970, when we authorized Mohawk Airlines and Northeast Airlines to temporarily suspend service at the named New York and New England points subject to the provision of replacement air taxi services.[1] The Board's actions were reviewed by the United States Court of Appeals for the District of Columbia Circuit and remanded on January 14, 1972, for further proceedings to determine whether, under the circumstances, the replacement air taxi operations could be provided pursuant to the existing Part 298 exemption from certification or whether certification should be required.[2] On September 12, 1972, the Board issued an order to show cause (Order 72-9-39) wherein we tentatively determined that certification was not required in these cases and that the Mohawk and Northeast suspensions/substitutions should again be approved.[3]

Objections to the finalization of the show cause order have been received from the State of Maine and from the Air Line Pilots Association, International (ALPA); Allegheny Airlines, Inc., and Delta Air Lines, Inc., have filed responses to the objections.[4]

ALPA does not directly controvert the factual foundation of the order to show cause. Rather, it asserts that the Board is not in a position to determine the issues remanded by the Court of Appeals because there exist "many subsidiary factual disputes, inaccuracies or evidentiary gaps," and that evidentiary hearings are in any event required as a matter of law in light of the remand by the Court. ALPA renews its contentions that the Board has overstepped its statutory exemption authority and that the full panoply of certification-type proceedings is required to provide for the temporary suspension of certificated service in conjunction with substitution arrangements with Part 298 air taxi commuter operators. ALPA also objects to the Board's conclusion that labor protective provisions should not be imposed in the case of the suspension/substitute service arrangements remanded by the Court, and renews its request for such provisions, arguing that the Board may impose the standard labor protective formula without recourse to any further proceedings.

The basic thrust of ALPA's objections is a challenge to the Board's concept of Part 298 commuter carriers and their appropriate role within the air transportation system. As we noted in the show cause order, our tentative conclusions herein were reached in light of our recent review of this issue in the Part 298 Weight Limitation Investigation,[5] and the record developed therein in a full evidentiary hearing at which ALPA was a participant. For the reasons stated in Order 72-7-61 and in the show cause order, we reaffirm our determination that Part 298 exemption authority continues to be a lawful and appropriate means of regulation of the particular replacement services at issue herein.

Nothing in the Act or the Board's original action promulgating Part 298 warrants the conclusion that the impact of air taxi operations upon the certificated system must be measured by the economic circumstances of 1938 or 1952. On the contrary, it seems self-evident that any determination of the public interest and of "limited extent" or "unusual circumstances" causing "undue burden" must be made in the context of economic realities as known at the time of decision. And, given the circumstance that the role and impact of the scheduled noncertificated carriers as measured against the certificated carriers has remained essentially unchanged, as we have found to be the case, it is not contrary to the purposes of the Act to continue the exemptions here involved. If exemption was proper in 1952, when Part 298 was promulgated, it is equally proper now. This is the case whether we compare the industry as a whole or the individual carriers here involved.

Moreover, ALPA's position is burdened by a curious inconsistency. ALPA opposes replacement services in the three remanded cases and in 28 other dockets which it deems comparable (see Order 72-9-39 at 2, footnote 2). However, it has not specifically objected to replacement services by the Allegheny Commuter at 14 other points, even though it appears that the traffic in the Allegheny Commuter markets far outstrips the traffic in the other substitution instances.[6] Thus, its assertions of the widespread impact of replacement commuter carriers upon certificated operations have a hollow ring. Rather than being a "substantial * * * feature of the air transportation system," as charged by ALPA, the subject replacement arrangements (even when taken together with the other arrangements which, ALPA argues, require certification, and together with Allegheny Commuter operations) constitute a very modest part of commuter operations and an infinitesimal—albeit valued—portion of the scheduled air transportation system as a whole.[7]

With respect to the factual disputes and "evidentiary gaps" which assertedly preclude the Board's action herein, ALPA has made no offer of proof demonstrating that the factual findings upon which the Board relied are in error or otherwise inadequate. Most, if not all, of the issues which ALPA would have us explore in an evidentiary hearing are matters of either law, policy, or legislative fact, with respect to which a hearing would be either inappropriate or unnecessary. Moreover, we find that ALPA's contentions of evidentiary gaps are unfounded.

For example, ALPA questions our appraisal of the average costs of certification proceedings as these bear upon the issues of the public interest in, and the undue burden of, certification. However, it is evident, not only from the Reopened TAG-Wright Case but from the level and type of participation by air taxi operators in the Part 298 Weight Limitation Investigation, and from their generally meager financial status, that certificate procedures "would impose a substantial financial strain on air taxis," Order 72-7-61 at 34. ALPA has not shown that this conclusion is unreasonable or without basis.

Similarly, the weight to be accorded the relative stability of certificated service in general vis-a-vis commuter carrier service in general (with respect to frequency of service, fares, and the ability to weather financial crisis) is a largely irrelevant consideration here, contrary to ALPA's contentions. The simple reason is that the Board's approvals herein are conditioned upon the provision of stated levels of substitute service, with the certificated carrier retaining its obligation to step in should the commuter carrier falter in any way.[8] Moreover, support agreements between the certificated carriers and the commuter carriers, where applicable, provide a further measure of stability to the replacement services. In any event, we have found that the flexibility provided by Part 298 services is in the public interest in the case of the short-haul, low-density operations involved here, particularly where surface transportation is a viable alternative to air service. ALPA has made no showing that this finding is contrary to fact.

We find ALPA's other allegations of "gaps" equally unpersuasive, and believe that our findings with respect to the issues remanded by the Court of Appeals have an adequate basis, making further proceedings, such as evidentiary hearings or oral argument, unnecessary or inappropriate. Accordingly, we will reaffirm and make final our determinations set forth in the order to show cause.[9]

Turning to the issue of labor protective provisions, we tentatively concluded in our initial orders in the cases remanded by the Court of Appeals that the public interest did not require the imposition of labor protective provisions as a condition for approval of the suspension/substitution arrangements. The court, in remanding, did not pass on the question of whether the Board should have initially imposed conditions or ordered hearings thereon, nor did it give any independent grounds for remand of this issue. Rather, it stated there should now be available "hard evidence on which to make a determination," and thought that, in the event we again approved the suspension/substitutions, "ALPA would be entitled to demonstrate that a need for protective conditions exists," 458 F. 2d at 852.

The order to show cause reaffirmed our initial determination. However, we indicated our intention to rely upon the New England Service Investigation, in which evidentiary hearings were imminent, as a "forum and mechanism for considering the need for labor protective conditions" (Order 72-9-39 at 14).[10] We also invited the parties herein, in responding to the show cause order, to proffer facts to demonstrate the need for protective provisions.

ALPA, while arguing that we are in error, has failed to offer any facts to substantiate its claims that protective provisions are required. Instead, it simply reiterates the same contentions which we have previously considered and rejected. Thus, it asserts that the Mohawk and Northeast suspensions here at issue require the imposition of labor protective conditions in and of themselves, and, in any event, that the Board ought to consider the Northeast suspensions as part of a general pattern of suspensions of service by that carrier in New England, and therefore impose conditions pursuant to the Board's Seven States precedent.[11]

With respect to the latter point, ALPA has made no showing whatever in the New England Service Investigation relating to the need for labor protective provisions in the case of Northeast, despite ample opportunity to do so.[12] Nor has it made any serious attempt to do so in this proceeding, notwithstanding general allegations of an overall impact upon Northeast's employees. ALPA has yet to

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[1] Orders 70-1-130 (Jan. 27, 1970), 70-2-23 (Feb. 6, 1970), and 70-3-62 (Mar. 13, 1970).

[2] Air Line Pilots Association, International v. CAB, 458 F. 2d 846 (C.A.D.C., 1972).

[3] We also consolidated therein and approved Allegheny Airlines' suspension and substitution at Lancaster and Reading, Pa., and a ground services agreement between Texas International Airlines (TXI) and Metroflight Airlines, Inc., an air taxi operator, in the Houston-Galveston market. While neither of these two latter cases was before the Court, we believed them to be properly considered in the context of the Court's opinion. Since the entry of the show cause order the arrangement between TXI and Metroflight has been terminated. Accordingly, the application for approval of Agreement CAB 22961 is moot and is hereby dismissed. We have in the interim issued an order to show cause tentatively proposing to delete Galveston from TXI's certificate of public convenience and necessity, as requested by TXI by an application dated July 7, 1972. See Order 72-11-26 (Nov. 9, 1972), finalized by Order 72-12-51 (Dec. 12, 1972).

[4] ALPA's objection was not timely filed. However, under all of the circumstances, we will grant its accompanying motion to file an otherwise unauthorized document. We will similarly grant Allegheny's and Delta's motions for leave to file their respective responses. Allegheny has also filed a motion to sever for separate decision the matters in Docket 24020. In light of the disposition we make herein, that motion is now moot and is hereby dismissed.

[5] Order 72-7-61 (July 18, 1972).

[6] Answer of Allegheny Airlines to response of ALPA to Order 72-9-39, filed Oct. 30, 1972, at 5. Allegheny asserts that the Allegheny Commuter carried 435,000 passengers in 1971 compared to a total of 166,000 passengers carried by the substitute commuter carriers to whose continued exemption ALPA objects.

[7] It is evident that the replacement Allegheny Commuter operations, in which the air taxi commuter operations are conducted pursuant to Part 298 authority, are subject to the same objections which ALPA makes against the other replacement arrangements. Thus, for present purposes we consider the Allegheny Commuter in the same light as other substitution services.

[8] While we have not generally conditioned our approvals on the maintenance of any particular fare levels, the Board retains power over the agreements and may amend or revoke its approval—thus, there is no need to prescribe detailed restrictions in this regard. See, e.g., Order 69-12-73 (Dec. 16, 1969) at 10-11. Moreover, we have previously determined that the possible detriment of higher fares by air taxis in some markets was outweighed by the public benefits of the suspension/substitutions, and by the fact that the issue of higher fares could be considered in the New England area in the New England Service Investigation (Order 72-6-63, June 15, 1972, at 5).

[9] ALPA also asserts that the Board failed to explore the possibility of requiring the certificated carriers to serve those short-haul, low-density markets with small aircraft such as the ones used by air taxi operators. It cites our staff's study, Service to Small Communities, for the proposition that such operations "will result in substantially superior financial results." However, the Court of Appeals, while remanding the Mohawk and Northeast cases, did not disturb the Board's findings that the air taxis would provide better and more economic service, see 458 F. 2d at 849. Moreover, the staff study itself concluded, as have we, that a commuter carrier would achieve better results with small aircraft in most situations than would a certificated carrier, Service to Small Communities, Part II, at 23, 25, 27, 100-117. See also, Order 72-7-61, wherein we concluded that "[a]ir taxis conduct nonsubsidized services of a kind that certificated carriers, by and large, have not been able to operate successfully even with Federal subsidy—i.e., services in extremely short-haul, low-density markets where surface transportation modes are often an attractive travel alternative," at 32-38.

[10] The question of labor protective provisions was included as an issue in the Investigation at the request of ALPA, made at the prehearing conference on Mar. 14 and 15, 1972. The hearings commenced on Sept. 20, 1972, 8 days after the show cause order herein was issued, and ended on November 3, 1972.

[11] Seven States Area Investigation, 30 CAB 473 (1960). The Board's imposition of protective conditions in that case, in the context of extensive suspensions, was predicated "upon an affirmative showing in the record that the suspensions and deletions with respect to these carriers are likely to cause substantial employee dislocation which should, in the public interest, be alleviated, and upon the lack of any evidence that such employee protection will be financially burdensome to either carrier. The existence of these factors differentiates this matter from two earlier suspension cases," in which, absent a genuine showing of need, the Board declined to fashion those protective conditions which we find to be required here.

"Southeast Renewal-United Suspension Case, 15 CAB 61 (1952), Frontier Certificate Renewal Case, 14 CAB 519 (1951)." (30 CAB at 475.

[12] In fact, ALPA did not even enter an appearance in the evidentiary hearings in that proceeding.

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come forward with facts which would demonstrate that Northeast's New England suspensions were the cause of any substantial curtailment of employment, as contrasted to curtailment caused by that carrier's service retrenchment in other markets.[13] It has yet to address itself to the question of whether the imposition of labor protective provisions would have been unduly burdensome to Northeast, a particularly relevant consideration in light of Northeast's financial circumstances at that time.[13] Accordingly, we are not persuaded that the Seven States issue has been presented to us in any meaningful way.[14]

ALPA's contentions with respect to the Mohawk suspensions at Poughkeepsie, Massena, Ogdensburg, and Rutland are even less persuasive. Thus, ALPA points to a decline in Mohawk's pilot and copilot employment (from 401 on June 30, 1969, to 344 on December 31, 1971) as proof that the impact of the suspensions was such as to warrant labor protective provisions. However, whatever the figures cited by ALPA may show, they most certainly do not support the proposition that Mohawk's suspensions caused pilot unemployment. On the contrary, Form 41 reports would seem to indicate that the suspensions had no discernible effect whatever.[15]

Date	Pilots and copilots employed	Total employed
1969		
Mar. 31	395	2,427
Apr. 30[1]		
June 30	401	2,479
Sept. 30	392	2,504
Dec. 16[3]		
Dec. 31	388	2,474
1970		
Jan. 27[3]		
Feb. 6[4]		
Mar. 31	393	2,553
June 30	375	2,506
Sept. 30	389	2,460
Dec. 31	387	2,551
ALPA strike (Nov. 12, 1970 to May 9, 1971).		
1971		
June 30	357	2,288
Sept. 30	345	2,233
Dec. 31	344	2,205
1972		
Apr. 11[5]	343	2,209

[1] Order 69-4-137, ground services agreement.
[2] Order 69-12-73, route transfer with Northeast, plus suspensions/substitutions.
[3] Order 70-1-130, Poughkeepsie.
[4] Order 70-2-23, Massena, Ogdensburg, Rutland.
[5] Merger with Allegheny.

If any conclusion at all is permissable from this skeletal data, it might be that ALPA's strike was significantly more instrumental in reducing employment than any other single factor.

There remains the question of whether the Board should impose labor protective conditions, or institute hearings thereon, at this time. We find in the negative. To begin with, it seems apparent, as we have noted, that the suspensions herein for which ALPA seeks relief did not and do not in and of themselves have the type or extent of impact upon employees which would warrant labor protective provisions. Nor do we think that we are required, under the circumstances, to institute another proceeding simply on the basis of ALPA's allegations. Secondly, the Board would not be in a position to make a determination of the applicability of the Seven States policy in the case of Northeast (now Delta) without examining in depth the entire circumstances surrounding all of Northeast's suspensions, including those not in issue in this proceeding. We see no necessity for engaging in this type of investigation, however, in light of ALPA's failure to utilize the opportunity accorded it in the New England Service Investigation to make a showing in this regard. Finally, as we have noted, the circumstances surrounding Northeast have changed substantially with the Delta merger and the pendency of the New England Service Investigation.[16] The public interest standard governing that proceeding includes the question of whether, and to what extent, air carrier employees should be provided protection from the changes found to be required by the Board. In the absence of any showing that labor protective provisions are appropriate or required now, we leave that question to the Investigation. We are not disposed to impose retroactive and/or interim relief simply on the basis of unsubstantiated allegations.

In sum, nothing in the nature of the evidence which ALPA would seek to adduce in an evidentiary hearing persuades us that we have exceeded the boundaries of the Board's discretion in proceeding by way of the show cause order. On the contrary, it is evident that the issues herein are in sharp focus, and that the dispositive facts pertinent to their resolution have been more than adequately ascertained. And while we have not attempted to deal with each and every one of ALPA's allegations, suffice it to say that we have examined them all, and none of them persuade us that we will err by making final the findings and conclusions reached in the Order to Show Cause.

Turning to the objections of the State of Maine, it does not request an evidentiary hearing, nor does it controvert the suspension/substitution arrangements per se. Rather, Maine faults our tentative resolution in Docket 21350, insofar as the Board would approve the temporary replacement of Delta by Executive Airlines in the Augusta/Waterville and Lewiston/Auburn markets without (1) requiring separate substituted service by the commuter carrier at both Augusta and Waterville; (2) imposing an "Allegheny Commuter" type of arrangement; and (3) requiring the filing of joint fares between the air taxi and Delta and permitting joint fares with other connecting certificated carriers.[17]

Maine has not shown that the requested relief is required in the interim pending the final resolution of these and other basic issues of service to these communities in the New England Service Investigation. We think that the Investigation, rather than this proceeding, provides the proper opportunity for dealing with these issues and in the interim that

[13] See Order 70-3-62 (Mar. 13, 1970) at 2 Fn. 4, where we noted Northeast's uncontested assertion that the prime, if not sole, reason for the furloughs complained of by ALPA was the substantial reduction of schedules in certain Florida and other non-New England markets. Northeast's schedule reductions in other markets on their face were designed to ease a gross financial burden, and under these circumstances a strong showing would be required that the imposition of labor protective provisions with respect to employees affected thereby would be either appropriate or in the public interest. *Cf.*, Trans World Airlines, Inc., Capacity Limitation Agreement, Order 71-8-91 (Aug. 19, 1971).

[14] See, for example, Frontier Airlines, Inc., Suspensions, Order 72-1-100 (Jan. 28, 1972), where we denied a request for labor protective provisions on grounds, inter alia, "that such an action would tend to nullify one of the principal benefits of suspension, i.e., the reduction in costs which the carrier will experience" (at 11). We further noted that "Frontier's current financial position makes the financial savings that result from these suspensions of prime importance and may well, in fact, save more jobs in the long run than it loses" (at 12). Similarly, Northeast's financial position at the time of the suspensions was serious, if not critical, and the suspensions were aimed at ameliorating that situation; the imposition of labor protective conditions might well have obviated the benefits of the suspensions to Northeast and caused even greater dislocations to employees should Northeast have failed.

[15] Moreover, ALPA has not seriously controverted our conclusion that the suspensions at Augusta/Waterville and Lewiston/Auburn do not, in and of themselves, warrant protective conditions. Rather, it simply repeats its contention that these suspensions, plus others, demonstrate a "need," and now requests protective conditions on the basis of these speculative allegations, notwithstanding that ALPA has had a forum—the New England Service Investigation—wherein to substantiate its claims.

[16] Form 41 reports for Mohawk show the following pattern:

[16] The merger of Northeast into Delta has not only enhanced the Northeast employees' general opportunities but also provides that Delta offer reemployment to all Northeast personnel furloughed after Nov. 11, 1969, no matter when they were furloughed or for what reason, to the extent that openings occur. Delta-Northeast Merger Case, Orders 72-5-73/74 (served May 19, 1972), at 35. This provides some measure of protection to such members of ALPA as may in fact have been furloughed as a result of Northeast's New England suspensions.

[17] Maine also asserts that the order is unclear on the question of the termination date of the granted authority. However, our tentative findings were that the authority "should expire on Mar. 13, 1973" (Order 72-9-39, App. A at 4). We fail to see how we could have stated our intention any more clearly. Maine states that it does not object to this date, and we will thus not pursue this matter any further.

Delta simply stands in the shoes of Northeast.

For the reasons set forth in Order 72-9-39 and herein, and pursuant to the authority of sections 401(j), 408(a)(5), 412(b), 416, and other relevant provisions of the Federal Aviation Act of 1958 and the Board's regulations, *It is ordered*, That:

I. 1. CAB Agreement 21361 is approved, subject to compliance by Allegheny Airlines, Inc., with the Railway Labor Act, and subject further to the following conditions:

(a) Any financial transactions between Allegheny Airlines, Inc., and Command Airways, Inc., be appropriately appended to Allegheny's Form 41 reports and so footnoted;

(b) The information requested in (a) above must be shown separately from similar information regarding financial transactions between Allegheny and various other replacement carriers;

(c) Approval of this agreement does not constitute approval for ratemaking purposes, and in no event shall Allegheny Airlines receive any subsidy, directly or indirectly, for the financial guarantees paid by Allegheny or for the operations performed or the services provided by either party pursuant to the agreement;

(d) Air North will use the same formula as is used by certificated carriers (Order 69-9-68, dated September 12, 1969, or any subsequent amendments thereto) in making adjustments, if any, in fares and rates to be charged for services provided pursuant to the agreement herein;

(e) Air North shall, with respect to the operations concluded pursuant to this agreement, keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and The Hague Protocol approved by Board Order E-23680, dated May 13, 1966, and a signed counterpart of any amendment which may be approved by the Board and to which the holder becomes a party;

(f) Approval of the foregoing agreement does not constitute approval for ratemaking purposes, and in no event shall Allegheny receive any subsidy, directly or indirectly, for the operations performed or the services provided by either party pursuant to the agreement;

2. To the extent necessary to relieve Allegheny Airlines of its obligations to provide services in excess of two daily round trips, Monday through Friday, between Poughkeepsie and Binghamton, Allegheny Airlines is authorized to suspend service temporarily at Poughkeepsie, N.Y., subject to the conditions that:

(a) Allegheny shall not itself resume service at Poughkeepsie without Board approval during the period in which Command Airways is providing at least two daily round trips, Monday through Friday, between Poughkeepsie and Binghamton, N.Y., and Agreement CAB 21361 is in effect; and

(b) Such suspension shall immediately terminate if Command Airways ceases to provide regularly the service in (a) above; and

3. The authority in paragraphs 1 and 2, above, shall expire on January 27, 1973, 3 years from the effective date of the original order granting such authority.

II. 1. Agreement CAB 21371, is approved, subject to compliance by Allegheny Airlines, Inc., with the Railway Labor Act and subject further to the following conditions:

(a) Any financial transactions between Allegheny Airlines and Air North, including but not limited to such matters as payment by Allegheny Airlines of underwriting costs, and the amounts and nature thereof, shall be appropriately appended to the Form 41 reports of Allegheny Airlines and so footnoted;

(b) The information requested in (a) above must be shown separately from similar information regarding financial transactions between Allegheny and various other replacement carriers;

(c) Approval of this agreement does not constitute approval for ratemaking purposes, and in no event shall Allegheny Airlines receive any subsidy, directly or indirectly, for the financial guarantees paid by Allegheny or for the operations performed or the services provided by either party pursuant to the agreement;

(d) Air North will use the same formula as is used by certificated carriers (Order 69-9-68, dated September 12, 1969, or any subsequent amendments thereto) in making adjustments, if any, in fares and rates to be charged for services provided pursuant to the agreement herein;

(e) Air North shall, with respect to the operations concluded pursuant to this agreement, keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, dated May 13, 1966, and a signed counterpart of any amendment which may be approved by the Board and to which the holder becomes a party;

4. The authority in paragraphs 1 and 2 above shall expire on March 13, 1973, 3 years from the effective date of the original order granting such authority.

IV. 1. Agreement CAB 22801, is approved subject to the following conditions:

(a) Any financial transactions between Allegheny Airlines, Inc., and Reading Aviation Service, Inc., be appropriately appended to Allegheny's Form 41 reports and so footnoted;

(b) The information requested in (a) above must be shown separately from similar information regarding financial transactions between Allegheny and various other replacement carriers;

(c) Approval of this agreement does not constitute approval for ratemaking purposes, and in no event shall Allegheny receive any subsidy, directly or indirectly, for the operations performed or the services provided by either party pursuant to the agreement;

(d) Reading Aviation Service shall, with respect to the operations conducted pursuant to this agreement, keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and The Hague Protocol approved by Board Order E-23680, dated May 13, 1966, and a signed counterpart of any amendment which may be approved by the Board and to which the holder becomes a party;

2. Pursuant to section 408(a)(5) of the Federal Aviation Act of 1958, as amended, the acquisition by Allegheny of control over Reading Aviation Service, is temporarily exempted from the requirements of section 408 of the Act to the extent necessary for the implementation of Agreement CAB 22801;

III. 1. Delta Air Lines, Inc., in authorized to suspend service at Augusta/Waterville and Lewiston/Auburn, Maine, conditioned upon compliance by Delta with the Railway Labor Act;

2. The authority granted herein shall be subject to the condition that such suspension shall immediately terminate if at any time during the 3-year period the air taxi service to Augusta/Waterville and/or Lewiston/Auburn should for any reason cease or fall below the levels of service described below:

(a) Eight daily round-trip flights, Monday through Friday, in the Boston-Augusta/Waterville market for the period May 1 through October 31;

(b) Six daily round-trip flights, Monday through Friday, in the Boston-Augusta/Waterville market for the period November 1 through April 30;

(c) Four daily round-trip flights Saturday and Sunday in the Boston-Augusta/Waterville market for the period May 1 through October 31;

(d) Three daily round-trip flights Saturday and Sunday in the Boston-Augusta/Waterville market for the period November 1 through April 30;

(e) Five daily round-trip flights in the Boston-Lewiston/Auburn market;

3. Executive Airlines shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, dated May 13, 1966, and a signed counterpart of any amendment which may be approved by the Board and to which the holder becomes a party;

4. The authority in paragraphs 1 and 2 above shall expire on March 13, 1973, 3 years from the effective date of the original order granting such authority.

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3. Reading Aviation Service is temporarily exempted from the provisions of Part 298 of the Board's Economic Regulations to the extent that it would otherwise prevent that carrier from transporting mail in conformance with the provisions of Agreement CAB 22801;

4. The entire compensation for the transportation of mail to be received by Reading Aviation shall be the compensation payable by Allegheny as provided by the subject agreement. Reading Aviation shall not be eligible for additional mail compensation under section 406 for services rendered between the points specified in the agreement;

5. To the extent necessary to relieve Allegheny of its obligation to provide service in excess of those provided for by Agreement CAB 22801, Allegheny is authorized to temporarily suspend service at Lancaster and Reading, Pa., subject to the conditions that:

(a) Allegheny shall not itself resume service to Lancaster and Reading, without Board approval, during the period in which Reading Aviation is providing at least four daily round trips 7 days a week between Lancaster/Reading and Philadelphia, and at least two daily round trips 7 days a week between Lancaster/Reading and Newark; and

(b) Such suspension shall terminate immediately if Reading Aviation Service ceases to provide regularly the service specified in (a) above;

6. The authority granted in ordering paragraphs 1, 2, 3, 4, and 5, above is effective for a period of 10 years, unless sooner terminated by the Board.

V. Agreement CAB 22961 between Texas International Airlines, Inc., and Metroflight Airlines, Inc. doing business as Houston Metro Airlines, be and it hereby is dismissed.

VI. The Motion of Allegheny Airlines to Sever, dated October 12, 1972, be and it hereby is denied (all Dockets except Agreement CAB 22961).

VII. The Motion of the Air Line Pilots Association, International to file an otherwise unauthorized document, dated October 16, 1972, be and it hereby is granted (all dockets).

VIII. The Motion of Allegheny Airlines for leave to File, dated October 30, 1972, be and it hereby is granted (Dockets 21520, 21335 and 21533, Agreements CAB 21361 and 21371; Docket 24020, Agreement CAB 22801).

IX. The Contingent Motion for Leave to File of Delta Air Lines, Inc., dated October 30, 1972, be and it hereby is granted (Docket 21350).

X. A copy of this order shall be served upon all persons listed in Appendix B to Order 72-9-39.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-351 Filed 1-5-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental Impact statements received by the council from December 26 through December 29, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388–7803.

ANIMAL AND PLANT HEALTH SERVICE

Draft, December 27

Fire Ant Control Program. The statement refers to the imported Fire Ant Cooperative Federal-State Control and Regulatory Program for 1973, under which 24 million acres (in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas), will be aerially treated. The agent to be used is mirex, at a dosage rate of one-seventeenth of an ounce per acre. Nontarget species will be affected. (ELR Order No. 05818, 51 pages) (NTIS Order No. EIS–72 5818–D)

AGRICULTURAL STAB. AND CONSERV. SERVICE

Draft, December 22

Rural Environmental Assistance Program. The statement refers to a program under which the Federal Government shares with farmers and ranchers the cost of carrying out approved soil, water, woodland, and wildlife conservation and pollution abatement practices on their land. Adverse effects may occur during the construction of water-storage and other facilities, or result from the improper use of chemical control agents. (ELR Order No. 05805, 120 pages) (NTIS Order No. EIS–72 5805–D)

Draft, December 15

New Beet Sugar Area, Wahpeton, N. Dak. and Minnesota. The proposed action is the commitment (under the Sugar Act of 1948) of 30,000 acres of the Red River Valley to the production of sugar beets, which will serve a new beet processing facility in Wahpeton, N. Dak. Counties involved are Richland in North Dakota and Wilkins in Minnesota. (ELR Order No. 05777, 20 pages) (NTIS Order No. EIS–72 5777–D)

New Beet Sugar Area, Hillsboro, N. Dak. and Minnesota. The proposed action is the commitment (under the Sugar Act of 1948) of 30,000 acres of the Red River Valley to the production of sugar beets, which will serve a new beet processing facility in Hillsboro, N. Dak. Counties involved are Traill, Cass, and Walsh in North Dakota, and Norman in Minnesota. (ELR Order No. 05778, 21 pages) (NTIS Order No. EIS–72 5778–D)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973–5391.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973–7373.

Draft, December 21

Calcined Solida Storage Additions, Idaho; county: Butte. The statement refers to the construction of long-term storage bins for radioactive wastes solidified in the Waste Calcinating Facility of the Nuclear Reactor Testing Station. A small amount of radioactive particulate matter will be discharged during operation of the transport facility from the calciner. The radiation exposure at the site boundary is estimated to be less than one mRem/yr. (ELR Order No. 05803, 64 pages) (NTIS Order No. EIS–72 5803–D)

Draft, December 22

Donald C. Cook Station, Michigan; county: Berrien. The statement concerns the proposed continuation of construction permits and the issuance of operating licenses to the Indiana & Michigan Electric Co., and the Indiana & Michigan Power Co., for the start-up and operation of the station. Each of the two units will employ a pressurized-water reactor to produce 3,250 MWt and 1,100 MWe. Discharge of heat will be made to Lake Michigan by a 1,645,000 g.p.m. once-through cooling system, with measurable effects upon aquatic biota expected. Approximately 650 acres of lakeshore dune-land have been committed to the station, precluding recreational use. Construction of the station has started industrialization of an ecologically unique area which should be perserved. (ELR Order No. 05815, 264 pages) (NTIS Order No. EIS–72 5815–D)

Draft, December 21

Future High Level Waste Facilities, South Carolina; counties: Aiken and Barnwell. The statement refers to the proposed addition to present radioactive waste management facilities of 4, 1.3 million gallon tanks, a waste evaporator, and associated auxiliaries at the Savannah River Plant. The tanks will be constructed of stainless steel and will be enclosed in a steel-lined underground concrete containment vessel. They will be used for interim storage of radioactive wastes generated by the production of nuclear materials. The evaporator will be used to dewater the wastes by a factor of one third. There will be temporary construction disruptions. Small amounts of radioactivity will be released during operation of the evaporator. (ELR Order No. 05801, 76 pages) (NTIS Order No. EIS–72 5801–D)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Colonel Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, 202—695–2889.

Final, December 22

Air Force Academy Airmanship Program, Colorado; county: El Paso. The statement refers to the proposed construction of new facilities at the USAF Academy Airstrip, in order to allow the relocation of an existing program at Peterson Field, where heavy aircraft operations create a hazardous condition for student pilots. The new facilities would include an additional parallel taxiway (75 feet by 3,500 feet), a crosswind runway (75 feet by 2,500 feet), a parking apron and three "T" hangars, an operations building, and a 42 foot-high tower. Comments made by: UPA, DOI, DOT, State agencies and concerned citizens. (ELR Order No. 05813, 235 pages) (NTIS Order No. EIS–72 5813–F)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, December 20

New Haven Harbor, Conn. The proposed navigational maintenance project consists of dredging the main channel from Long Island Sound to the Tomlinson Bridge to its authorized depth of 35 feet and disposal of an estimated 800,000 cubic yards of spoil material. Spoil will be deposited in the New Haven Dump Grounds. Adverse environmental effects include alteration of pelagic and benthic habitat, temporary increases in turbidity and siltation, and resuspension of nonbiodegradable chemical pollutants. (ELR Order No. 05798, 65 pages) (NTIS Order No. EIS–72 5798–D)

Draft, December 27

Aquatic Plant Control Program, Florida. The statement refers to the proposed use of the chemical 2, 4–D in order to control the growth and dispersal of water hyacinth in the water of the State of Florida. The action will result in a temporary deterioration of water quality, with the amount of dissolved oxygen available for other life being reduced; nontarget (broadleaf) species will be affected; the elimination of hyacinth could provide an opportunity for the spread of other problem plants; sports fishing in the vicinity of treated plant may be temporarily curtailed. (ELR Order No. 05817, 149 pages) (NTIS Order No. EIS–72 5817–D)

Draft, December 19

Chagrin River, Ohio; county: Lake. The purpose of this action is to alleviate flooding at the city of Eastlake and to provide recreation facilities. The proposed project involves construction of two breakwaters and a system of levees, extensive channel enlargement and realinement, two groins and some beach fill, all to be provided by the Corps of Engineers; and some parking, boat launching, and other recreational facilities to be provided by local interests. Adverse effects include disruption during construction and damage to the fishery habitat by channelization. (ELR Order No. 05790, 14 pages) (NTIS Order No. EIS–72 5790–D)

Draft, December 12

Union City Dam, Pa.; county: Erie. The statement refers to the proposed construction of a 580-acre conservation pool at the existing detention reservoir. Approximately 5.8 miles of stream environment will be eliminated. Wildlife habitat would be eliminated on the inundated 580 acres, and reduced on 2,120 acres of surrounding Federal land. (ELR Order No. 05768, 22 pages) (NTIS Order No. EIS–72 5768–D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202—755–0940.

Draft, December 29

Wastewater Treatment, North Broward, Fla.; county: North Broward. The statement refers to the proposed construction of wastewater master pumping stations, wastewater transmission mains a wastewater treatment plant and an ocean outfall. The facilities will result in the elimination of raw sewage discharge in Pompano Beach. (ELR Order No. 05830, 90 pages) (NTIS Order No. EIS–72 5830–D)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386–6084.

Draft, December 13

Saluda Project 516 (Lake Murray), S.C.; counties: several. The statement refers to an application filed by the South Carolina Electric & Gas Co. for permission to grant easements to Watergate Partnership for the use of 2.83 acres of land in the Lake Murray Reservoir. Watergate Partnership proposes to develop four causeways, one of which incorporates a bridge section; and a pipeline along a portion of the lake bottom for discharge of treated domestic waste. The bridge and causeways will provide access to five islands consisting of 43.85 acres. (ELR Order No. 05771, 60 pages) (NTIS Order No. EIS–72 5771–D)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use, Planning Division, Washington, D.C. 20410, 202—755–6186.

Draft, December 12

Fairmont Estates, Texas; county: Harris. The statement refers to the proposed acquisition and development of 1,320 acres funded by a mortgage to be insured under the provisions of title X of the National Housing Act (Public Law 73–479). The site, located in the city of Pasadena, will be developed to provide living accommodations for 17,500 people, with shopping facilities and supportive facilities. Development of the area will result in decreased water quality and the need to provide solid waste and sewage disposal systems (ELR Order No. 05767, 22 pages) (NTIS Order No. EIS–72 5767–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426–4355.

Federal Aviation Administration

Draft, December 22

Tierra Rejada Airport, Calif.; county: Ventura. The statement refers to the proposed construction of a new general aviation airport in the Tierra Rejada Valley. The total project includes the acquisition of 170 acres of land, the relocation of the Moorpark Road and its associated telephone and powerlines, and the construction of flood control facilities. Initial development of the facility will consist of a single main runway 3,700 feet by 75 feet, a parallel taxiway, and approximately 50,000 sq. yds. of aircraft parking apron. There will be increases in noise and air pollution. (ELR Order No. 05814, 124 pages) (NTIS Order No. EIS–72 5814–D)

Draft, December 12

Duplin County Airport, N.C.; county: Duplin. The proposed project contemplates the construction of a new general aviation airport in the town of Kenansville. Initial construction will include a paved and marked 3,700 feet by 75 feet runway; a stub taxiway with edge lighting; a 200 feet by 300 feet aircraft parking apron; and installation of medium intensity lighting, rotating beacon, wind sock and segmented circle. Approximately 185 acres of rural land have already been acquired for the airport site. There will be increases in noise levels and air pollution due to aircraft operation. (ELR Order No. 05761, 45 pages) (NTIS Order No. EIS–72 5761–D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, December 27

County Road 63, Alabama; county: Marshall. The statement considers two alternate locations for the improvement of 4.6 miles of Route 63, beginning at U.S. 431 and ending south of the city of Grant. Adverse effects of the project are the acquisition of several acres of land, dislocation of several families, some erosion and water pollution and a change in some small wildlife habitat. (ELR Order No. 05820, 16 pages) (NTIS Order No. EIS–72 5820–D)

Alabama 35, Alabama; counties: Jackson and DeKalb. The statement refers to the proposed widening, improving, and relocating of Alabama Highway No. 35. Project length is 5.3 miles. The amount of land required for right-of-way and the number of displacements will depend upon the route selected. (ELR Order No. 05821, 33 pages) (NTIS Order No. EIS–72 5821–D)

Draft, December 8

Long Island Sound Bridge, New York; counties: Westchester and Nassau. The proposed project is the construction of a bridge crossing of Long Island Sound with approaching highways connecting I–287 and I–95; length is 16.5 miles. The number of displaced families and businesses will depend upon the alternate chosen. The facility will result in regional growth changes to Westchester, Nassau, and Suffolk Counties, N.Y.; and Fairfield County, Connecticut. The project will require a section 4(f) review to obtain land from the Playland Park in Rye. Wetlands traversed by the project are Kirby Pond and areas surrounding Manurseny Island. There will be increases in noise pollution that will effect 3 area schools. Increases in air and water pollution will occur. (ELR Order No. 05748, 318 pages) (NTIS Order No. EIS–72 5748–D)

Draft, December 12

Dakota Street, South Dakota; county: Brown. The statement refers to a proposed comprehensive street system for the city of Aberdeen. The project contemplates reconstructing a 2-mile segment of Dakota Street, extending from U.S. 12 to Fairground Road, and improving a 1-mile rural section, extending from Fairground Road to FAS 845. A bicycle path and improved sidewalks are proposed for the entire project. Three structures and the Chicago-North Western Depot will be displaced. Increased noise and air pollution may affect an elementary school. (ELR Order No. 05759, 111 pages) (NTIS Order No. EIS–72 5759–D)

Final, December 21

L.R. 16059—Cook Forest State Park, Pa.; county: Clarion. The project is the improvement of L.R. 16059 which travels through Cook Forest State Park; length is 5.7 miles. A section 4(f) statement will be required to obtain 0.23 acre from the State park. Comments made by: USDA, DOI, DOT, EPA, HEW, regional and State agencies. (ELR Order No. 05800, 105 pages) (NTIS Order No. EIS–72 5800–F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.73-349 Filed 1-5-73;8:45 am]

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FEDERAL POWER COMMISSION

TONGASS NATIONAL FOREST ET AL.

Order Vacating Land Withdrawals

JANUARY 2, 1973.

The Alaska Power Administration, U.S. Department of the Interior, has reviewed the land withdrawals created for the 38 projects designated above and recommended revocation of these withdrawals in their entirety which are described below, thereby requiring Commission consideration under section 24 of the Federal Power Act.

The estimated prime power potential of the subject power sites ranges from 0 to 470 kw.

Proceedings for 14 of the 38 projects ended without issuance of a license while 24 of the projects were licensed. Project No. 1880 (335 horsepower) was the only project which had an authorized installed capacity over 200 horsepower. All licenses and permits have expired, been terminated, or surrendered, and the subject lands are no longer utilized for hydroelectric development.

Sixteen of the 24 projects that were licensed served fish canneries, four served mining operations, two served sawmills, one served the town of Hyder (1970 population 49), and one was never constructed. Many of the enterprises which were served by the projects have been discontinued. Those that are still operating receive power from other sources. The town of Hyder obtains power from diesel generation in Stewart, B.C.

Most of the projects were located in isolated areas and some were abandoned years ago without proper restoration of the Federal lands involved. Enforcement of any regulation pertaining to land restoration would not appear to be impaired by the proposed revocation of the subject land withdrawals.

Development, or redevelopment, of these small hydroelectric sites is considered unlikely because electric energy is available from other existing sources or equivalent power could be obtained at less cost from portable diesel generators. In any event, revocation of the withdrawals would not prevent future use of the lands for hydroelectric development.

The U.S. Geological Survey has concurred with the Alaska Power Administration's recommendations.

The Commission finds:

The withdrawals of the subject lands pursuant to the applications for Projects Nos. 63, 207, 212, 241, 297, 353, 402, 404, 511, 580, 599, 731, 783, 793, 794, 807, 812, 840, 876, 954, 1023, 1043, 1082, 1085, 1098, 1162, 1204, 1207, 1230, 1286, 1315, 1322, 1357, 1429, 1880, 1947, 1969, and 2046 serve no useful purpose and should be vacated in their entirety.

The Commission orders:

The withdrawals of the subject lands pursuant to the applications for Projects Nos. 63, 207, 212, 241, 297, 353, 402, 404, 511, 580, 599, 731, 783, 793, 794, 807, 812, 840, 876, 954, 1023, 1043, 1082, 1085, 1098, 1162, 1204, 1207, 1230, 1286, 1315, 1322, 1357, 1429, 1880, 1947, 1969, and 2046 are hereby vacated in their entirety.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

1. PROJECT NO. 63

Tongass National Forest, Alaska; Beardslee Creek, tributary to William Henry Bay, on the west side of Lynn Canal

All lands enclosed by a line 200 feet outside the high water mark of the reservoir of approximately 175 acres formed by a log dam about 12 feet high, all lands within 100 feet of the center line of a conduit consisting of wood-stave pipe, 4,400 feet in length, extending from said dam, all lands within 100 feet of the powerhouse, and within 100 feet of a channel approximately 1,100 feet in length along North Fork of Beardslee Creek, by which water is returned from said powerhouse to Beardslee Creek, all as more fully shown and described on a map entitled "Alaska Endicott Mining & Milling Co.—Application for Preliminary Permit—Exhibit B," as filed in the office of the Federal Power Commission on January 3, 1922.

(Approximately 260 acres.)

2. PROJECT NO. 207

Little Susitna River Basin, near Palmer, Alaska

All lands within one-fourth mile of Fishhook Creek lying between the 1400- and 1550-foot contours (datum mean sea level).

All lands within one-fourth mile of Little Susitna River lying between the 1000- and 1550-foot contours (datum mean sea level).

(Approximately 850 acres.)

3. PROJECT NO. 212

Tongass National Forest, Alaska; Chichagof Island

All lands below the 150-foot contour, draining into two unnamed lakes and into a short stream connecting the two lakes, all located between one-half mile and 1½ miles inland from the head of Didrickson Bay; and all lands within 500 feet of the middle course of the stream approximataely one-half mile long which forms the outlet of the lower of the two lakes and drains into the tidal arm at the northwest corner of Didrickson Bay; a strip of land 500 feet in width extending along the easterly shore of the tidal arm from its southerly point to the outlet of the above-mentioned creek. These features are shown on a map designated as "Exhibit 'A'" and entitled "Proposed Power Development, Hirst-Chichagof Mining Co.," filed in the office of the Federal Power Commission on May 10, 1921.

(Approximately 250 acres.)

4. PROJECT NO. 241

Tongass National Forest, Alaska; Stream at head of Pavlof Harbor, Freshwater Bay Chichagof Island

All lands within the surveyed boundary of the reservoir or within 50 feet outside thereof, and all lands within 50 feet of the center line of the conduit location, all as shown and more particularly described on a map designated as "Exhibit F" and entitled "Map to Accompany Application to U.S. Forest Service for Final Permit for Water Power Project at Pavlof Harbor—Freshwater Bay—Alaska, by Freshwater Bay Lumber Co. of Douglas, Alaska," and filed in the office of the Federal Power Commission on August 18, 1921.

(Approximately 15 acres.)

5. PROJECT NO. 297

Craigie Creek, tributary to Willow Creek, Susitna River Basin, near Palmer, Alaska

All lands within one-eighth of Craigie Creek between elevations 2,200 feet and 2,700 feet (datum mean sea level).

(Approximately 160 acres.)

6. PROJECT NO. 353

Tongass National Forest, Alaska

All lands of the United States lying within 50 feet of the center line of the transmission line location 21,500 feet in length, extending from the town limits of Skagway, along the Skagway River, in a northerly direction to the powerhouse location, all as shown on a map designated "Exhibits J and K" and entitled "Home Power Co., Skagway, Alaska," and filed in the office of the Federal Power Commission on May 21, 1927.

(Approximately 29 acres.)

7. PROJECT NO. 402

Archangel Creek, tributary to Little Susitna River, near Palmer, Alaska

All lands lying within one-fourth mile of Archangel Creek from the mouth of Reed Creek downstream to the junction of Archangel Creek with Little Susitna River.

(Approximately 480 acres.)

8. PROJECT NO. 404

Chugach National Forest, Alaska; Port Wells, Prince William Sound

All lands within 50 feet of the centerline of the pipeline, approximately 4,100 feet in length, extending westerly from the powerhouse on the west shore of Harrison Lagoon to the outlet of an unnamed lake on Lagoon Creek; all lands within a radius of 200 feet of the center of the powerhouse, all lands within 200 feet of the shores of the lake; all as shown on an amended map entitled "Preliminary Application for License for Minor Power Projects at Harrison Lagoon, Alaska"; filed in the office of the Federal Power Commission on December 8, 1924, and made a part of the license by Amendment No. 1, dated February 7, 1925.

(Approximately 20 acres.)

All lands of the United States lying within 50 feet of the centerline of the constructed transmission line location, approximately 6,300 feet in length, extending southwesterly from the powerhouse on the west shore of Harrison Lagoon to the Granite mine stampmill as shown on the above-described map.

(Approximately 14 acres.)

9. PROJECT NO. 511

Tongass National Forest; Thumb Creek, tributary to Salmon River, near Hyder, Alaska

Project No. 511 affected lands lying along Thumb Creek from its mouth to a point about three-fourths mile upstream. A precise boundary was not established for this project.

(Acreage not determined.)

10. PROJECT NO. 580

Tongass National Forest, Fish Creek, tributary to Salmon River, near Hyder, Alaska

All lands within .2 of a mile of that section of Fish Creek between the south line of

surveyed Fish Creek Lode Claim No. 5 (Survey No. 1482) and the Salmon River Highway, a distance of approximately .6 mile.

(Approximately 183 acres.)

11. PROJECT NO. 599

Archangel Creek, tributary to Little Susitna River, near Palmer, Alaska

All lands lying within 100 feet of "Lower Lake" located approximately 2 miles up Archangel Creek from its confluence with Reed Creek; also all other lands lying within the project area shown on a map designated "Exhibit F" and entitled: "Map Accompanying Application of Fern Gold Mining Co., for License for Water Power Project, Archangel Creek, Willow Creek Mining District, Territory of Alaska," filed in the office of the Federal Power Commission on April 10, 1925.

(Approximately 6 acres.)

12. PROJECT NO. 731

Tongass National Forest, Alaska; Kupreanof Island, Gunnock Creek, near Kake

All lands within the triangular shaped "Power Location" and all lands within 50 feet of the center line of the constructed conduit location 2,308 feet in length extending from said "Power Location" along Gunnock Creek northerly to the dam site; and all lands within 50 feet of the 1¼ acre storage reservoir above the dam, all as shown on a map entitled "Water Power Project, Sanborn-Cutting Co., Kake, Alaska," and filed in the office of the Federal Power Commission on July 28, 1926.

(Approximately 8 acres.)

All lands lying within 50 feet of the center line of the transmission line location extending approximately 3,740 feet between the powerhouse on Gunnock Creek and the north boundary of the patented tract known as U.S. Survey No. 963, as shown on the above described map.

(Approximately 8 acres.)

13. PROJECT NO. 783

Tongass National Forest, Alaska; Prince of Wales Island

All lands within 200 feet of the reservoir above the constructed dam on Chomly Creek and all lands within 50 feet of the center line of that portion of the constructed conduit extending 2,250 feet from said dam to the south boundary of the Chomly cannery site, all as shown on a certain map designated "Exhibit F" which formed a part of the license issued by the Federal Power Commission on May 24, 1927.

(Approximately 12 acres.)

14. PROJECT NO. 793

Tongass National Forest, Alaska; Baranof Island

All lands lying within 200 feet of the marginal limits of Deep Lake, and all lands lying within 50 feet of the centerline of the flume and conduit locations extending along Red Bluff Creek for a distance of approximately 1,200 feet to the Wakefield Fisheries cannery on Red Bluff Bay, all as shown on a map designated "Exhibit F" and entitled "Map showing project boundary accompanying application for license of Wakefield Fisheries, situated on north shore of Red Bluff Bay 1½ nautical miles northwest from entrance, Baranof Island," and filed in the office of the Federal Power Commission on April 12, 1927.

(Approximately 24 acres.)

15. PROJECT NO. 794

Tongass National Forest, Alaska; Chichagof Island

All lands within 50 feet of the centerline of the flume and conduit location extending from the 2-foot dam across Margaret Creek for a distance of approximately 3,800 feet to the point of intersection of the pipeline with the south boundary of U.S. Survey No. 1657, the trade and manufacturing site for which patent has been applied for by the Deep Sea Salmon Co., all as shown on a map designated "Exhibit F" and entitled "Map showing project boundaries accompanying application for license of Deep Sea Salmon Co., situated on Margaret Creek, Port Althorp, No. end of Chichagof Island, Alaska," and filed in the office of the Federal Power Commission on April 12, 1927.

(Approximately 9 acres.)

16. PROJECT NO. 807

Chugach National Forest, Alaska; Knight Island

All lands within 25 feet of the centerline of the conduit location extending 1,300 feet upstream along the unnamed creek on south side of Drier Bay, Knight Island, as shown on a map designated "Exhibit E" and entitled "Map accompanying application of Gorman Packing Corp. for license for water power project, Unnamed Creek on Drier Bay, Knight Island, Alaska," and filed in the office of the Federal Power Commission on May 18, 1927.

(Approximately 2 acres.)

17. PROJECT NO. 812

Tongass National Forest, Alaska, Prince of Wales Island

All lands of the United States lying within 200 feet of the marginal limits of a reservoir formed by a 7-foot dam across Harris Creek, and all lands of the United States lying within 50 feet of the centerline of the flume location extending 1,286 feet downstream from said dam along Harris Creek to the powerhouse location on the bank of the creek, all as shown on a map designated "Exhibit J" and entitled "Map showing Project Boundaries accompanying application for license of Kassan Gold Co., situated on Harris Creek, 1.7 miles southwest of Hollis, Twelvemile Arm, Kassan Bay, Prince of Wales Island, Alaska," and filed in the office of the Federal Power Commission on June 3, 1927.

(Approximately 10 acres.)

18. PROJECT NO. 840

Tongass National Forest; Spruce Creek, at the head of Windham Bay on the mainland of southeastern Alaska

All lands within 50 feet of the centerline of a proposed pipeline to extend 1,956 feet in a southerly direction from the point of intake (elevation 1,775 feet) at the 20-foot dam to be built at the outlet of a small basin in the creek valley, to the delivery point at the northwest corner of the Jacob Marty amalgamating and concentrating mill, and all lands within 50 feet of the maximum flow line of the reservoir to cover approximately 40 acres above said dam, all as shown on a map designated "Exhibit E" and entitled "Spruce Creek Power Project, Windham Bay, Tongass National Forest, Alaska, map to accompany application of Jacob Marty mines for license for minor project," and filed in the office of the Federal Power Commission on October 8, 1927.

(Approximately 57 acres.)

19. PROJECT NO. 876

Tongass National Forest, Alaska, Prince of Wales Island

All lands within 50 feet of the maximum flow line of a small reservoir of 300 feet elevation, created by a constructed dam 50 feet long and 8 feet high on an unnamed creek entering the North Arm of Moira Sound adjacent to the west side of applicant's salmon cannery at latitude 55°07' N., longitude 132°08' W., and all lands within 50 feet of the centerline of the conduit line location extending 2,200 feet from said dam to a water wheel located at slightly more than tidewater elevation in the cannery building, all as shown on a map designated "Exhibit E" and entitled "The Starr Collinson Packing Co., North Arm Moira Sound, Tongass National Forest, Alaska, Map to accompany application for license for Minor Project," and filed in the office of the Federal Power Commission on February 4, 1928.

(Approximately 6 acres.)

20. PROJECT NO. 954

Tongass National Forest; Granite Creek, tributary to Salmon River, near Hyder, Alaska

This project was redesignated as Project No. 1043 (described below) after a transfer of ownership.

(Acreage not determined.)

21. PROJECT NO. 1023

Tongass National Forest, Alaska, Baranof Island

All lands within the powerhouse site and dam site; all lands within 25 feet of the centerline of the pipeline location from the dam site to the powerhouse site, and approximately 1,000 feet in length; all lands within 50 feet of the maximum flow line of Cliff Lake Reservoir; all as shown on a map designated "Exhibit F" and entitled "Deep Cove Power Project, Baranof Island, Tongass National Forest, Alaska, Map to Accompany Application of the Atlas Packing Corporation for License for Minor Project, Surveyed October 3, 1928, by Wellman Holbrook," and filed in the office of the Federal Power Commission on October 3, 1929.

(Approximately 13 acres.)

22. PROJECT NO. 1043

Tongass National Forest; Granite Creek, tributary to Salmon River, near Hyder, Alaska

All lands within the power house site, 200 feet-square, and all lands within 50 feet of the constructed diversion dam on Granite Creek; all lands within 50 feet of the centerline of the flume and pipeline extending from the diversion dam to the powerhouse; all lands lying within 50 feet of the centerline of the transmission line location extending from the power house to the town of Hyder, all as shown on a map designated "Exhibit F" and entitled "Granite Creek Project, Tongass Power and Light Co., Hyder, Alaska," and filed in the office of the Federal Power Commission on December 16, 1929.

(Approximately 33 acres.)

23. PROJECT NO. 1082

Tongass National Forest, Alaska, Prince of Wales Island

All lands lying within the project boundaries surrounding the small diversion dam on

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Linkum Creek and all lands lying within 50 feet of the centerline of the pipeline location along said creek between the dam and the boundary line of U.S. Survey No. 280; all as shown on a map designated "Exhibit F" and entitled "Map showing project boundaries accompanying application for license of Booth Fisheries Co. situated on Linkum Creek, Kasaan Bay, East Coast of Prince of Wales I., Southeast Alaska," and filed in the office of the Federal Power Commission on April 15, 1930.

(*Approximately 1 acre.*)

All lands of the United States on the North Shore of Kasaan Bay lying within 50 feet on either side of the pipeline location and extending approximately 200 feet beyond the diversion dam on Linkum Creek, all as shown on a map designated "Exhibit F" and entitled "Map accompanying Application of the Pacific American Fisheries, Inc., for Amendment of License No. 1082 for a Water Power Project on Linkum Creek, Kasaan Bay, East Coast of Prince of Wales Island—Territory of Alaska," and filed in the office of the Federal Power Commission on April 30, 1937.

(*Approximately 7.60 acres.*)

24. PROJECT NO. 1085

Tongass National Forest; Glory Creek, near Port Houghton on the mainland of southeastern Alaska

All lands of the United States lying within 100 feet of Glory Creek from its mouth to the proposed dam site, a distance of approximately three-quarters of a mile; and all lands of the United States lying within 750 feet of Glory Creek from the proposed dam site to a point three-quarters of a mile above the dam site; all as shown on a map designated and entitled "Exhibits H and I, Glory Creek Project," and filed in the office of the Federal Power Commission on April 21, 1930.

(*Approximately 154 acres.*)

25. PROJECT NO. 1098

Snowbird Creek, a tributary of Anchorage Bay, an arm of Chignik Bay, on the south coast of the Alaska Peninsula

All United States lands lying within 100 feet of the timber diversion dam on Snowbird Creek, and within 100 feet of the center line of a wood pipeline 1,480 feet in length from diversion dam to the boundary of trade and manufacturing site (U.S. Survey No. 306), all as shown on a map designated "Exhibit F" and entitled "Map Showing Project Boundaries Accompanying Application for License of Booth Fisheries Co. Situated on Snowbird Creek, Anchorage Bay, an arm of Chignik Bay, Alaska Peninsula, Alaska," and filed in the office of the Federal Power Commission on June 5, 1930.

(*Approximately 4 acres.*)

26. PROJECT NO. 1162

Tongass National Forest, Alaska, Baranof Island

All lands within 100 feet of the flume pipeline, and all lands within 100 feet of the unnamed creek between the diversion dam and a point 200 feet upstream, except lands included within the Northwestern Herring Company cannery site; all as shown on a map designated "Exhibits C & F" and entitled "Northwestern Herring Co., Port Conclusion, Alaska," and filed in the office of the Federal Power Commission on April 9, 1931.

(*Approximately 7 acres.*)

27. PROJECT NO. 1204

Chugach National Forest; Hanley Creek, tributary to McClure Bay, Port Nellie Juan, Alaska

All lands within 50 feet of the centerline of the flume and pipeline extending from the present diversion dam to the east boundary of cannery site of the Copper River Packing Co., under special use permit by the Forest Service, and all lands within 50 feet of Hanley Creek between Hanley Lake and the present diversion dam; all as shown on a map designated "Exhibit F" and entitled "Map Showing Project Boundaries Accompanying Application for License (Minor Project) of Copper River Packing Co.," and filed in the office of the Federal Power Commission on April 2, 1932.

(*Approximately 5 acres.*)

28. PROJECT NO. 1207

Chugach National Forest; Sahlin Creek, tributary to Sheep Bay, about 13 miles northwest of Cordova, Alaska

All lands within 25 feet of the centerline of the flume and pipeline extending from Sahlin Creek to a sawmill on the shore of Sheep Bay, and all lands embraced in the powerhouse site on Sheep Bay adjacent to the mouth of Sahlin Creek; all as shown on a map designated "Exhibit E" and entitled "Sahlin Creek Power Project, Sheep Bay, Chugach National Forest, Alaska, map to accompany application of H. G. Cloes for license for minor project," and filed in the office of the Federal Power Commission on May 9, 1932.

(*Approximately 1 acre.*)

29. PROJECT NO. 1230

Chugach National Forest; Stevens Creek, tributary to Orca Inlet, Alaska

All lands within 50 feet of the centerline of the tunnel, flume, and pipeline, extending from an intake on Stevens Creek to and beyond the shore of Orca Inlet, and all lands within 50 feet of the intake and main water wheel; all as shown on a map designated "Exhibit E" and entitled "Premier Salmon Co., Alaska, Chugach National Forest, Map to accompany application for license for minor project," and filed in the office of the Federal Power Commission on December 13, 1932.

(*Approximately 2 acres.*)

30. PROJECT NO. 1286

Tongass National Forest, Prince of Wales Island, Tunnel Creek, near Dolomi Bay, Alaska

All lands of the United States lying within 200 feet of the normal water levels of Upper and Lower Lakes; and all lands of the United States lying within 1,000 feet of the normal water level of Paul Lake from the old mouth of the creek to a point 3,500 feet eastward therefrom; all as shown on a map entitled "General Map & Profile, Tunnel Creek Project, Dolomi, Alaska, of the B. C. Alaska Mines American Inc., Ketchikan, Alaska, dated July 1934," and filed in the office of the Federal Power Commission on August 6, 1934.

(*Approximately 46 acres.*)

31. PROJECT NO. 1315

Dahl Creek, near Hood Bay, Admiralty Island, Alaska

All lands of the United States on the north shore of Hood Bay included within the project boundaries surrounding the powerhouse site and the intake dam on Dahl Creek; also all lands within 20 feet of each side of the centerline of the pipeline location between the dam and powerhouse; all as shown on the project map designated "Exhibit A" and filed in the office of the Federal Power Commission on May 23, 1935.

(*Approximately 1 acre.*)

32. PROJECT NO. 1322

Unnamed Lake near Port Hobron, Sitkalidak Island, Alaska

All lands of the United States lying within the project boundary as shown on a map designated "Exhibit H" and entitled "Map Accompanying Application of Chirikof Island Cattle Company for Preliminary Permit for Water Power Project on a Small Unnamed Lake on Sitkalidak Island, Alaska," and filed in the office of the Federal Power Commission on July 23, 1935.

(*Acreage not determined.*)

33. PROJECT NO. 1357

Tongass National Forest, Goemere Creek (Box Canyon), Tributary to Washington Bay, Kuiu Island, Alaska

All lands of the United States on the north shore of Washington Bay lying within 50 feet of the dam on Box Canyon and all lands lying within 50 feet of the centerline of each of two pipeline locations leading from the diversion dam to the fish-packing plant, all as shown on a map designated "Exhibit F" and entitled "Storfold & Grondahl Packing Company, Kuiu Island, Alaska, Tongass National Forest, Map to accompany application for license for minor project, Survey by J. M. Wyckoff, F. R. May 25, 1932," and filed in the office of the Federal Power Commission on December 18, 1935.

(*Approximately 1.5 acres.*)

34. PROJECT NO. 1429

Kodiak Island, Alaska

All lands of the United States on the west shore of Uyak Bay lying within 50 feet on either side of the pipeline location and extending 50 feet beyond the flood area above the diversion dam, as shown on a map entitled "Domenici Power Project, Uyak Bay, Kodiak Island, Alaska, Map to accompany application of Herbert T. Domenici for license for minor project, Surveyed July 20, 1936, by Harold E. Smith, Dist. Ranger," and filed in the office of the Federal Power Commission on March 31, 1937.

(*Approximately 3.26 acres.*)

35. PROJECT NO. 1550

Chugach National Forest, Hanley Creek Tributary to McClure Bay, Port Nellie Juan, Alaska

All lands lying within a strip 100 feet in width embracing the dam, pipeline, powerhouse and transmission line right-of-way locations, and all lands lying within a line parallel to and 50 feet distant, horizontal measurement, from the mean high water level of Hanley Lake, all as shown on a revised map designated "Exhibit J, K, & L" and entitled "Map Showing Project Boundaries Accompanying Application for License (Major Project) of Copper River Packing Company," and filed in the office of the Federal Power Commission on January 26, 1943.

(*Approximately 45.9 acres.*)

36. PROJECT NO. 1947

Gull Rock Creek (Johnson Creek), Tributary to Turnagain Arm of Cook Inlet, About 6 Miles Northwest of Hope, Alaska

All lands of the United States lying within the project boundary surrounding the dam, flume, penstock, pipelines, powerplants, and tailraces, as shown on a map designated "Exhibit K" and entitled "Map to Accompany Application for License for Minor Project of E. M. Turpin on Gull Rock Creek—Turnagain Arm, Alaska," filed in the office of the Federal Power Commission on March 15, 1946.

(*Approximately 1.582 acres.*)

37. PROJECT NO. 1969

Chena Slough, Near Fairbanks, Alaska

All lands of the United States lying within the project boundary as shown on a map designated "Exhibit K" and entitled "Power Project of Cline S. Koonz, Fairbanks, Alaska," and filed in the office of the Federal Power Commission on June 3, 1947.

(*Acreage not determined.*)

38. PROJECT NO. 2046

Unnamed Stream at the Head of Bear Cove, an Arm of Kachemak Bay, Kenai Peninsula, Alaska

Project No. 2046 affected lands lying along the unnamed stream at the head of Bear Cove. A precise boundary was not established for this project.

(*Acreage not determined.*)

[FR Doc.73-366 Filed 1-5-73;8:45 am]

[General Order 464]

ESTABLISHMENT OR MANAGEMENT OF ADVISORY OR INTERAGENCY COMMITTEES

Administrative Manual

DECEMBER 19, 1972.

Federal Power Commission Administrative Manual—Establishment or Management of Advisory Committees or Interagency Committees, Instruction No. AM 1X60.1, Date: December 19, 1972; Supersedes: AM 1X60.1 dated August 14, 1964, 1X31.1 dated May 2, 1972.

1. *Purpose.* The purpose of this general order instruction is to implement the Commission's administrative and policy responsibilities relative to the establishment and management of advisory committees or interagency committees pursuant to the provisions of the Federal Power Act, 16 U.S.C. 791(a) et seq., the Natural Gas Act, 15 U.S.C. 717(a) et seq., the Federal Advisory Committee Act, 86 Stat. 770, and Office of Management and Budget Circular A–63, "Committee Management", draft November 27, 1972, copy attached.[1] Both types of committees are defined infra, section 3.

Federal Power Commission Administrative Manual Instruction AM 1X60.1, dated August 14, 1964, provided guidelines for the establishment and management of committees of various types, including interagency committees, public advisory committees, international commissions, councils, boards, and internal Commission staff committees involving two or more offices or bureaus. That Instruction was designed to meet the requirements of inter alia Bureau of the Budget Circular A–63 dated March 2, 1964, and Executive Order No. 11007 dated February 26, 1962, 27 FR 1875. That Circular is superseded by Circular A–63 draft November 27, 1972.[2] Executive Order No. 11007 is superseded by Executive Order No. 11671 dated June 5, 1972, 37 FR 11307. Executive Order No. 11671 is superseded in part by Executive Order No. 11686 dated October 7, 1972, 37 FR 21421, which order is, in turn, to be superseded January 5, 1973, by reason of the provisions of the Federal Advisory Committee Act.

Instruction No. 1X31.1 dated May 2, 1972, sets forth the legal framework for various advisory committees established under the National Gas Survey pursuant to Executive Order Nos. 11007 and 11671.

In addition to advisory committees established under the National Gas Survey, the Commission has established various advisory committees under the National Power Survey and the Alaska Power Survey pursuant to Executive Order No. 11671. Exhibit I hereto lists the various advisory committees established by the Commission under the three surveys.

Exhibit II hereto[2] lists various interagency committees upon which a Federal Power Commission member or staff representative serves. None of these committees were established by this Commission or its Chairman.

The President directed as follows in Executive Order No. 11686, section 2: "The Director of the Office of Management and Budget shall * * * (3) prescribe administrative guidelines and management controls for * * * committees composed wholly of full-time officers or employees of the Federal Government (interagency committees not subject to the provisions of the (Federal Advisory Committee) Act), as well as for advisory committees covered by the act." Circular A–63, draft November 27, 1972, adopts a number of the statutory requirements which are applicable to advisory committees and applies them to interagency committees. The Circular is organizationally divided into Parts I and II, one part being specifically directed to each of the two types of committees. Circular A–63 states in part as follows:

ADVISORY COMMITTEES

Part I, section 7a. The head of each agency shall insure compliance with the (Federal Advisory Committee) Act and this circular and shall issue appropriate implementing regulations * * * to all advisory committees established or used by the agency and shall be consistent with the agency's regulations implementing the Freedom of Information Act.

Each agency may establish (as a part of its regulations or otherwise) additional administrative guidelines and management controls for advisory committees established by the agency.

INTERAGENCY COMMITTEES

Part II, section 4(c). Each agency shall establish uniform administrative guidelines and management controls for interagency committees established by that agency.

As will be seen infra, the application of these general requirements of Circular A–63 produces a number of common provisions equally applicable to the management of advisory committees and interagency committees. Accordingly, this instruction has been prepared to simplify Commission requirements by using common provisions where possible and to distinguish between the two types of committees where necessary.

Additionally, it is important to note that advistory committees, established and utilized by the Commission in the conduct of the Alaska Power Survey, the National Gas Survey, and the National Power Survey, are subject to specific orders, rules, and regulations of the Commission in each instance. Nothing in this general order supersedes those requirements and constraints; rather, it sets forth, in summary form, general policy considerations and requirements arising from the provisions of Circular A–63. Congressional policies reflected in the Federal Advisory Committee Act, 86 Stat. 770, include the following purposes (Circular A–63, part I, section 2):

(a) Limiting the number of advisory committees to those that are essential and terminating any advisory committees which are not fulfilling their purposes;

(b) Insuring effective use of advisory committees and their recommendations, while assuring that decisional authority is retained by the responsible Federal officers;

(c) Providing standards and uniform procedures with respect to creation, operation, and duration of advisory committees;

(d) Insuring that adequate information is provided to the Congress and the public regarding advisory committees and insuring adequate opportunities for access by the public to advisory committee meetings.

The basic organic statutory authority of the Commission for the establishment and utilization of advisory committees in the conduct of the three surveys is as set forth in the Federal Power Act, 16 U.S.C. 791(a) et seq., and the Natural Gas Act, 15 U.S.C. 717(a) et seq. To those engaged in survey work and advisory committee activities, Freedom of Information Act, 5 U.S.C. 552, provisions apply as do requirements of the antitrust laws, and most recently, the Federal Advisory Committee Act provisions, 86 Stat. 770.[3]

2. *Scope.* This instruction applies to all advisory committees established or utilized by the Commission, as well as to all interagency committees upon which a

[1] The covering memorandum of the Office of Management and Budget, dated November 27, 1972, indicates that the draft Circular is to be interpreted as an interim regulation of the Director pursuant to the Federal Advisory Committee Act. Accordingly, the provisions of regulations prescribed by this order are subject to possible change upon the issuance of any final regulations by the Director, Office of Management and Budget. The draft circular is referred to hereinafter as Circular A–63, without reference to its interim status, except where contextual relationship make a more definitive reference appropriate.

[2] Exhibits I–IV and a copy of Circular A–63 draft filed as part of the original document.

[3] In the context of the Commission's prior actions and established administrative regulations governing advisory committees utilized in the National Gas Survey (Instruction 1X31.1 (section 3)), the Commission gave general guidance relative to general legal principles applicable to advisory committee meetings, which guidance is equally applicable herein and should be recognized. See Exhibit III, filed as part of the original document.

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Federal Power Commission member or staff representatives serves. Federal Power Commission internal committees established within a single office or bureau of the Commission are the responsibility of the concerned Commission office or bureau head, and those involving two or more offices or bureaus are the responsibility of the Commission's executive director. Both of these types of internal Commission committees are excluded from this instruction.

3. *Designations and Definitions.* (a) The Chairman of the Federal Power Commission is the designated Advisory and Interagency Committee Management Officer of the Commission (Circular A-63, Part I, sections 7 b, c, d, 8, 9, 10, 11, 12, 13; Part II, sections 4, 5, 6, 7). In the exercise of that responsibility, the executive director of the Commission shall assist the chairman so as to:

(i) Exercise control and supervision over the establishment, procedures, and accomplishments of all advisory committees established or utilized by the Commission, as well as all interagency committees upon which a Federal Power Commission member or staff representative serves;

(ii) Assemble and maintain within the files of the Commission committee reports, records, and other papers;

(iii) Carry out upon behalf of the Commission the Freedom of Information Act provisions as they relate to the activities of such committees;

(iv) Provide administrative remedies for noncompliance with the provisions of the Federal Advisory Committee Act and Circular A-63; and

(v) Discharge all reporting, review and budgetary requirements arising from activities of the Commission and advisory committees and interagency committees with respect to the Director, Office of Management and Budget, Committee Management Secretariat, Department of Justice, Office of Legal Counsel.

(b) The Office of Public Information of the Federal Power Commission is the designated office for public inspection and copying of advisory committee records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas, or other documents which were made available to or prepared for or by advisory committees, all subject to the Freedom of Information Act provisions, section 1.36, Public Information and Requests, of the Commission's rules of practice and procedure, 18 CFR 1.36, and Part I, section 10b, Access to Records, Circular A-63. That office is also the designated office for public inspection and copying of records, reports, and documents of interagency committees, subject to Freedom of Information Act provisions and § 1.36 of the Commission's rules of practice and procedure. As a matter of convenience to the general public, a description of general file materials of this type shall be maintained at each of the five regional offices of the Federal Power Commission (Atlanta, Ga., Chicago, Ill., Fort Worth, Tex., New York, N.Y., and San Francisco, Calif.). The Commission's established procedures for duplication of materials available for public inspection and copying shall apply with respect to the foregoing advisory committee materials. The cost of reproduction shall be in accordance with established Commission charges, currently 8 cents per page.

(c) The term "advisory committee", as used herein, means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (that is not composed wholly of full-time officers or employees of the Federal Government which is established or utilized by the Federal Power Commission in the interest of obtaining advice or recommendations to the Commission in connection with the performance of duties imposed upon the Commission by law and determined to be in the public interest by the Commission. (Federal Advisory Committee Act sections 3(2)(c), 9(a)(2), 86 Stat. 770, 773-4.) The term includes all advisory (including industry advisory and industrial advisory) committees listed on Exhibit I and previously established and utilized by the Commission in accordance with the provisions of Executive Orders 11007 and 11671. See Executive Order 11007, section 2(a)(b), 3 CFR 573; Executive Order 11671, section 1(6)(7), 3 CFR ——, 37 FR 11307; Circular A-63, part I, sections 3b, 4.

The term "advisory committee" is a generic term used to denote advisory groups, whether formal or informal, which are "established" or "utilized" by a Government agency "in the interest of obtaining advice or recommendations" and are possessed of some or all of the following characteristics: "fixed membership, usually selected by a Federal official or determined on the basis of Federal law"; "established by a Federal official or on the basis of Federal law • • • the initiative for its use as an advisory body • • • came from a Federal official"; "a defined purpose of providing advice regarding a particular subject • • • subjects"; "an organizational structure"; and "regular or periodic meetings" (Circular A-63, part I, section 4a(1)). The term includes subcommittees or subgroups of the foregoing, whether formal or informal; the formal type being "one which independently possesses most of the requisites of an advisory committee (fixed membership, separate staff, regular meetings, etc.)"; and the informal type being "one possessing few of those requisites (e.g., during a particular meeting, an advisory committee might divide itself into several subgroups to permit simultaneous discussion of several topics) • • • several committee members who confer informally with regard to a matter relating to the committee" (Circular A-63, part I, section 4a(4)). Operational groups are not covered by the term (Circular A-63, part I, section 4a(5)). Where a group is both operational and advisory, the group is to be treated as an advisory committee to the extent that the advisory functions are separable or not incidental to operational functions (ibid). The term does not include committees "composed wholly of full-time officers or employees of the Federal Government." (Circular A-63, part I, section 4b(1)). Also excluded are the Advisory Commission on Intergovernmental Relations, the Commission on Government Procurement, advisory committees established or utilized by the Central Intelligence Agency or the Federal Reserve System, local civic groups "whose primary function is that of rendering a public service with respect to a Federal program", State or local committees "established to advise State or local officials", or persons or organizations which have contractual relations with Federal departments or agencies and which do not have a substantive advisory relation with the agency of the type set out supra.[4] (Circular A-63, part I, section 4b (2)-(6)).

In the context of the Commission's prior actions and established administrative regulations governing advisory committees utilized in the National Gas Survey, Instruction No. 1X31.1 (section 2), the Commission gave specific guidance as to the definition of "advisory committee", which guidance is equally applicable herein and should be recognized.[5]

(d) The term "interagency committee" means any committee, board, commission, council, conference, panel, task force, or other similar group established by a Federal official, department or agency and providing advice or recommendations, for coordinating or operational purposes relative to respective activities of departments or agencies or for other stated purposes, and which has been or will be in existence more than 12 months, and all of whose membership consists exclusively of full-time Federal Government officers or employees, representing more than one department or agency (Circular A-63, part II, sections 2(a)(b); 3, 6).

(e) The term advisory committee "charter" means the Federal Power Commission order or orders establishing or utilizing an advisory committee (Circular A-63, part I, section 8(d)).

(f) The term interagency committee "charter" means the statements, orders, proclamations, or other documents establishing or continuing an interagency committee, issued by the Federal Power Commission, its Chairman, or by some other authorized department or agency of the Federal Government or official thereof, or any statute establishing such committee (Circular A-63, part II, section 6(b)).

4. *General Policy Guidelines and Directives of the Commission For Administrative Control Activation, Operation and Retention of Advisory Committees and Interagency Committees.*—(a) *Administrative.* Subject to applicable statutory requirements and guideline administrative authority and responsibilities of the Director, Office of Management and

[4] Circular A-63, part I, section 4b(6) states: "• • • For example, a consulting firm hired by an agency to provide advice regarding a matter would not be subject to the Act.• • •"

[5] See Exhibit IV, filed as part of the original document.

Budget, relative to the establishment or management of advisory committees or interagency committees, uniform administrative guidelines, and management controls shall be applied to such committees insofar as appropriate (Circular A-63, part I, sections 6a, 7; part II, section 4(a)(b)(c)(d)). To that end, the Advisory and Interagency Committee Management Officer of the Commission will maintain systematic information on the nature, functions, activities, operations, and accomplishments of each advisory committee established or utilized by the Commission as well as interagency committees upon which a Federal Power Commission member or staff representative serves.

(b) *Establishment in general.* Advisory committees and interagency committees should be established only when they are determined to be essential and their objectives cannot be accomplished within the framework of existing organization (Circular A-63, part I, sections 2, 8; part II, sections 3, 6). The number of committees shall be kept to the minimum necessary to the accomplishment of the foregoing, taking into consideration changes in assigned responsibilities, merger or abolition of, existing committee structures so as to determine whether—each such committee is carrying out its assigned purpose, and such purposes and assigned responsibilities are consistent with applicable statutes or Presidential directives. Committees should be revised, merged, or abolished when they are determined to be without purpose as established. (Federal Advisory Committee Act, sections 2, 5; 86 Stat. 770, 771-2). Unless otherwise provided by statutory requirement or Presidential directive, advisory committees and interagency committees should not continue in existence beyond 2 years from the respective dates of their formation, except where the establishing governmental authority renews such committee by appropriate action prior to the end of such period or a renewal thereof (Circular A-63, part I, section 9; part II, section 6).

(c) *Establishment of advisory committees.* Advisory committees should be established or utilized only when specifically authorized by statute or Presidential directive or specifically determined as a matter of formal record by an agency such as this Commission, and its Chairman, to be in the public interest in connection with the performance of duties imposed by law upon the Commission. (Federal Advisory Committee Act, section 9(a), 86 Stat. 773.) In the case of advisory committees to be established, such formal determination shall be completed after Commission consultation with the Director, Office of Management and Budget (Committee Management Secretariat of the Office of Management and Budget), concurrence in the proposal by the Secretariat, and timely notice published in the FEDERAL REGISTER by the Commission's Chairman certifying that the creation of such committee is in the public interest and providing a description of the purpose and nature of the proposed advisory committee. Unless otherwise permitted by the Committee Management Secretariat for good cause, 30 days published notice will be given prior to formal action of the Commission establishing or utilizing such advisory committee (Circular A-63, part I, section 8a).

As indicated in section 3(e) supra, the respective charters of advisory committees are the Commission order or orders establishing or utilizing such committees. Upon the issuance of such orders, the respective committee charters shall be deemed to be filed with the Commission and copies of each Commission order thereupon shall be transmitted by the Secretary of the Commission to the Chairman, Committee on Commerce, U.S. Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress (Circular A-63, part I, section 8d(1)).[6] Until the issuance of such Commission orders "no advisory committee shall meet or take any action" (Circular A-63, part I, section 8d(3)). Commission orders shall set forth the information as specified in section 9(c) of the Federal Advisory Committee Act, 86 Stat. 774.[7]

Advisory committees shall be established or utilized in accordance with advisory committee charters (Circular A-63, part I, section 8c). Unless otherwise specifically provided by statutory requirement or Presidential directive, the function of advisory committees is solely that of advising or recommending (Circular A-63, part I, section 8c (1)-(2)). Determinations of policy to be expressed or actions to be taken with respect to such advice or recommendations are matters solely for Federal governmental determination and expression by the appropriate governmental official, department or agency (ibid). Necessarily, the advice and recommendations of advisory committees should be the result of independent judgment of such committees and not inappropriately influenced by the appointing governmental authority or any special interest (Federal Advisory Committee Act, section 5(b)(3), 86 Stat. 771; Circular A-63, part I, section 8b (3)-(4)). The membership of advisory committees should be "fairly balanced in terms of the points of view represented and the committee's function • • • No strict rule of proportional representation • • • is applicable • • • there is to be no discrimination on the basis of race, color, national origin, religion, or sex." (ibid).

(d) *Establishment in interagency committees*—Interagency committees should be established or continued only when specifically authorized by statute or Presidential directive or specifically determined as a matter of formal record, by a department or agency such as this Commission, or its Chairman, to be in the public interest in connection with the performance of duties imposed by law upon the Commission (Circular A-63, part II, sections 5, 6(a)).

As indicated in section 3(f) supra, the respective charters of interagency committees are the statements, orders, proclamations or other documents issued by the Federal Power Commission, its Chairman, or some other authorized department or agency of the Federal Government or official thereof, or any statute, establishing or continuing such committees. Except where otherwise provided by statutory requirement, Presidential directive, or directive of the Director, Office of Management and Budget, any interagency committee to be established or continued by this Commission, or its Chairman, shall be deemed to have an approved charter of this Commission when such committee is specifically determined as a matter of formal record by this Commission, or its Chairman, to be in the public interest in connection with the performance of duties imposed upon the Commission by law (Circular A-63, part II, section 6(a)(b)). "[U]ntil after a committee charter has been approved by the head of • • • agency establishing" interagency committees, other than statutory or Presidential, shall not meet (Circular A-63, part II, section 6(b)).

Interagency committees shall be established or continued in accordance with interagency committee charters (Circular A-63, part II, section 6(b)). To the extent authorized by the Commission, or its Chairman, and as may be prescribed or permitted by statutory requirement, Presidential directive, or directives of the Director, Office of Management and Budget, such charters will disclose information as referred to in section 3(d)

[6] The Federal Advisory Committee Act, section 9(c), 86 Stat. 773-4, states in part: "No advisory committee shall meet or take any action until an advisory committee charter has been filed • • • with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. • • • A copy of any such charter shall also be furnished to the Library of Congress."

[7] Section 9(c) provides for disclosure of general types of information which may be described as follows: (i) The committee's official designation or name; (ii) The committee's objectives, scope of activity and defined purposes; (iii) The description of the committee's duties for which it is responsible, and, if not solely advisory, a specification of the specific authority for such nonadvisory functions; (iv) The membership roster of the committee; (v) The time duration of the committee or the period of time necessary for the discharge of the committee's purposes and the committee's termination date if less than 2 years from the date of the committee's establishment; (vi) The estimated number and frequency of committee meetings; (vii) The extent to which the Commission has assumed responsibility for providing financial or other material support for the committee, along with the estimated annual operating costs in dollars and man-years for committee operation so supported; (viii) The official or officials of the Commission to whom the committee reports; and (ix) The date of the Commission order or orders establishing or utilizing the committee, which constitute the date the advisory committee charter is filed with the Commission.

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supra, and such other information comparable to that specified for advisory committees and referred to in section 4 (c) supra, insofar as the latter may be relevant and within the Commission's knowledge.

(e) *Termination of advisory committees and interagency committees.*—Unless otherwise provided by statutory requirement, advisory committees and interagency committees shall be established for periods of not more than 2 years from their respective dates of establishment. They should thereupon terminate unless otherwise renewed by appropriate action of the establishing governmental authority for a successive period of not more than 2 years (Circular A–63, part I, section 9; part II, section 6(c)). "Each • • • advisory committee which is in existence on January 5, 1973, shall terminate by January 5, 1975, unless it is renewed • • • prior to the latter date • • •. Before • • • renewed • • • the agency head must determine that such renewal is necessary • • •. Such determination shall be made not more than 60 days before the scheduled date of termination. • • • the agency head shall publish notice of the renewal in the FEDERAL REGISTER and shall file a new charter." (Circular A–63, part I, section 9a(1)). With respect to interagency committees, the circular states "an interagency committee shall terminate not later than 2 years from the date of its formation unless the establishing authority makes a formal determination not more than 60 days prior to the date of scheduled termination that its continued existence is in the public interest." (Circular A–63, part II, section 6(c)).

(f) *Advisory committee meetings, notice, public participation, conduct, access to data, reporting and record keeping.*—There shall be full public disclosure of information relative to the number, purpose, activities, functions, membership and costs of advisory committees. (Federal Advisory Committee Act, section 2, 86 Stat. 770). To this end and unless otherwise mandated to serve the purposes of a statutory requirement, Presidential directive, requirement or determination of the Director, Office of Management and Budget, provision of an advisory committee charter, rule, regulation, or order of the Commission, or its Chairman, the Commission will publish timely notice of each meeting of advisory committees established or utilized by the Commission, including the name of the committee, dates, times, places, agendas, and purposes of meetings and a summarization of the manner in which the public may participate therein; publication shall be made in the FEDERAL REGISTER, supplemented by such other forms of individual or public notification as the Commission, or its Chairman, determines appropriate or as may be prescribed or permitted by the Director, Office of Management and Budget (Circular A–63, part I, section 10a(2)).

The meetings of all advisory committees established or utilized by the Commission shall be open to the public, and interested persons shall be permitted to attend, appear before, or file statements with such committees unless otherwise required to serve the purposes of a statutory requirement,* Presidential directive, determinations of the Director, Office of Management and Budget, or provision of an advisory committee charter, rule, regulation, or order of the Commission or its Chairman.

The meetings of all advisory committees established or utilized by the Commission shall be under the chairmanship of, or in the presence of, a Federal governmental official, full-time salaried officer or employee. None of the advisory committees shall hold any meetings except at the call of, or with the advance approval of such Federal governmental official, in the presence of such official, and with an agenda approved by such official. The Federal governmental official has designated responsibilities for opening, assisting in the conduct of all advisory committee meetings and adjourning any meeting whenever he determines adjournment to be in the public interest (Federal Advisory Committee Act, section 10(e)(f), 86 Stat. 775; Circular A–63, part I, section 10a(1)(5)).

Any person appointed by the Commission to an advisory committee has the right to attend any duly called meeting of his particular committee. In addition, if such person is unable for any reason to attend a duly called meeting of his committee and desires to have someone else represent him at the meeting, he may submit the name of his delegate in advance to the Federal governmental official, the full-time salaried officer or employee of the Commission assigned to the committee as chairman or otherwise. The names of persons proposed for attendance should be submitted to such Commission officer or employee in advance of the meeting date, in order that appropriate arrangements may be made prior to the time of the meeting. Any person who is a committee member or delegate, as set forth above, who intends to present or submit a written report, study, or other document at any meeting of an advisory committee shall submit, in advance of the meeting date, if possible, but in any case prior to its presentation to other members of the committee, a copy of such report, study or document to the full-time salaried officer or employee of the Commission assigned to the committee. Copies of such report, study, or document may, with the advance approval of such officer or employee, be circulated among the other members of the committee concerned prior to the meeting, but discussion and comments among committee members with respect thereto shall be reserved for the advisory committee meeting. Circulation of any written materials among committee members arising from an advisory committee meeting shall be subject to advance approval of the full-time salaried officer or employee of the Commission assigned to the committee.

As provided in Circular A–63, part I, section 10a(3)(b)(iii)–(v): "Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after the meeting. • • • To the extent that the time available for the meeting permits, interested persons may be permitted by the committee or its chairman to present oral statements • • •. A committee may establish procedures requiring such persons to obtain advance approval for such participation • • •. Participation by • • • the public in committee meetings [except as set forth supra] or questioning of committee members or other participants shall not be permitted except in accordance with procedures established by the committee."

The meetings of all advisory committees established or utilized by the Commission shall be recorded in detailed minutes prepared, and certified as accurate, by the secretary or alternate secretary of the committee as appointed by the Chairman of the Commission, which person shall also be designated by the respective advisory committee chairman to record minutes (Circular A–63, part I, section 10a(4)). In addition to minutes, there shall be kept verbatim transcripts of all advisory committee meetings as may be required by the Commission or its Chairman. The minutes shall include:

(a) The time and place of the meeting, an explanation of the extent to which the meeting was open to the public, an identification and listing of committee members and all other persons present and participating in the meeting, together with the interests or affiliations they represent and an explanation of the manner and extent of public participation in the meeting by members of the public who attended but did not present oral or written statements to the committee, including an estimate of the number of such persons;

(b) A complete and accurate description of all matters discussed and all conclusions reached;

(c) The written information made available for consideration by the committee, including copies of all reports received, issued, or approved by the committee;

(d) All recommendations made and reasons therefor; and

(e) The respective advisory committee chairman's designation of a person to record the committee meeting minutes, which person shall be the same person as designated by the Chairman of the Commission as the Secretary or Alternate Secretary of the committee, and the advisory committee chairman's certification as to the accuracy of such minutes.

Advisory committees established or utilized by the Commission shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.

Subject to Freedom of Information Act provisions (5 U.S.C. 552), § 1.36, Public Information and Requests, of the Federal Power Commission Rules of Practice and Procedure, 18 CFR 1.36, and section 10b of the Office of Management and Budget Circular A–63, there shall be available for public inspection and copying in the Commission's Office of Public Information, the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas, or other documents which were made available to or prepared for or by each advisory committee established or utilized by the Commission, as they are contained within the files of the Commission. Referring to the Federal Advisory Committee Act, section 10(b), 86 Stat. 774, Circular A–63 states in part: "the quoted language shall be broadly construed. • • • Access to advisory committee documents is subject to the exemptions contained in 5 U.S.C. 552(b). When the only basis for denying access to a document is exemption (5) [interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency] access may not be denied unless the agency head • • • determines that such denial is essential to protect the free exchange of internal views and to avoid undue interference with agency (or advisory committee) operation." (part I, section 10b(2)(3)).

As pointed out further in Circular A–63, the Federal Advisory Committee Act does not require that transcripts be kept of advisory committee meetings.* "However, section 11(a) of the Act provides as follows: 'Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts • • • advisory committee meetings.' The requirement of availability of transcripts is subject to the exceptions discussed above in paragraph 10.b(3)." (Circular A–63, part I, section 10b(6)).

Subject to Freedom of Information Act requirements and national security considerations, all advisory committees shall provide to the Library of Congress copies of all reports made to the Commission by each advisory committee (copies to be supplied in octuplicate), together with background papers prepared by consultants for a committee, where appropriate, as determined by the Chairman of the Commission or the Committee Management Secretariat of the Office of Management and Budget (Circular A–63, part I, section 11d). These materials shall be forwarded to the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540. Annually, each advisory committee shall compile and report publicly, its membership, functions and actions (Circular A–63, part I, section 8b(5)).

(g) *Interagency committee meetings, notice, public participation, conduct, access to data, reporting and record keeping.* The provisions governing committee activities of interagency committees established or continued by the Federal Power Commission, or its Chairman, shall be as set forth in the appropriate interagency committee charter.

Access to records, reports, and documents of interagency committees as contained within the files of the Commission shall be subject to Freedom of Information Act (5 U.S.C. 552) provisions and § 1.36, *Public Information and Requests,* Federal Power Commission rules of practice and procedure, 18 CFR 1.36.

(h) *Advisory committees, administrative remedies.* With respect to advisory committees established or utilized by the Commission, the following administrative procedural remedies shall obtain before the Commission with respect to complaints for alleged noncompliance with the provisions of the Federal Advisory Committee Act, Circular A–63, or other implementing regulations issued pursuant to authority of the Director, Office of Management and Budget, or any rule, regulation or order of this Commission (Circular A–63, part I, section 13):

(i) Requests for access to advisory committee documents shall be filed and processed procedurally in accordance with the provisions of § 1.36, *Public Information and Requests,* of the Commission's rules of practice and procedure, 18 CFR 1.36; and

(ii) All other requests, applications, complaints, or petitions in respect to advisory committees shall be filed and processed procedurally in accordance with the provisions of § 1.7, *Petitions,* of the Commission's rules of practice and procedure, 18 CFR 1.7.

Request for access to advisory committee documents pursuant to paragraph (i) may be tendered at any time and complaint filings pursuant to paragraph (ii) shall be tendered within 60 days of the date of the alleged noncompliance.

(i) *Support services, advisory committees, and interagency committees.* Unless otherwise provided by statutory requirement, Presidential directive, requirement of the Director, Office of Management and Budget, or provision of an interagency committee charter, the establishing governmental authority should determine the support services for the advisory committee or interagency committee's activities which that authority proposes to supply (Circular A–63, part I, section 11a; part II, section 6(d)). Where more than one department or agency establishes a committee or where any committee reports to more than one department or agency, only one department or agency should be responsible for support services at any one time. In order to strengthen interagency committee responsibilities, such a committee should have dual or rotating chairmanships only when the establishing governmental authority determines that such arrangement is required (Circular A–63, part II, section 6(e)). The term "support services" refers to such matters

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*Examples may be helpful with reference to advisory committees as they have been established by the Commission in respect to the Alaska Power Survey, National Gas Survey, and National Power Survey and the provisions of the Federal Advisory Committee Act. In the several Commission orders establishing the survey advisory committees (see Exhibit I hereto), the Commission and its Chairman have determined as a matter of policy that—public notice of all meetings of survey advisory committees shall be given at least 7 days in advance of the meeting except where impracticable to do so or in an emergency situation, in which events shorter advance notice may be given, such notice to be given by publication in the FEDERAL REGISTER, by publication in local media as appropriate, by press releases, mail or in such other ways as may be prescribed or permitted by the Director, Office of Management and Budget, giving the name of the committee, dates, times, places, agendas, and purposes of all such meetings and a summarization of the manner in which the public may participate therein; and that all meetings of survey advisory committees shall be open to the public and any interested person may attend, appear, before, or file statements with any such committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee, its chairman or established committee procedures which may require advance committee approval of oral presentations and allow or preclude the questioning of committee members or other participants, all subject to reasonable rules or regulations as may be prescribed or permitted by the Director, Office of Management and Budget, the Federal Government official in whose presence such meeting is being held, or further administrative regulation, and all as may be appropriate for the conduct of the survey and committee affairs, considering the number of persons in attendance, the nature and extent of their proposed individual participation and the time, resources and facilities available to the Commission and the committee. Section 10(d) of the Federal Advisory Committee Act, 86 Stat. 775, provides that if the establishing governmental authority determines, in writing, supported by reasons that Freedom of Information Act requirements preclude public participation in any committee meeting, a written determination to that effect is to be made. The committee is then required to report at least annually, setting forth a summary of its activities and such related matters as would be informative to the public, consistent with the policy of the Freedom of Information Act provisions as set forth in 5 U.S.C. 552(b). Public notice of advisory committee meetings is not required when the Director, Office of Management and Budget determines that notice would be inconsistent with national security considerations (Circular A–63, part I, section 10a(2)(a)). Any request for such national security determination with respect to a meeting or series of meetings must be submitted in writing to the Director, normally 30 days or more in advance of any such meeting (Circular A–63, part I, section 10a(2)(d)). Specific requirements of the Director, Office of Management and Budget apply when an advisory committee meeting is to be closed in whole or part to public participation. They are set forth in Circular A–63, part I, section 10a(3)(c) and should be referred to in such instances.

*By specific orders of the Commission authorizing the Alaska Power Survey, the National Gas Survey, and the National Power Survey (Exhibit I hereto, filed as part of the original document), verbatim transcripts are required with respect to Executive Advisory Committee meetings.

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as "staff, quarters, supplies, and funds (including, where appropriate, funds for publication of reports)." (Circular A–63, part I, section 11a(3).)

5. The provisions of this order shall take effect January 5, 1973.

6. The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER; and shall submit copies thereof to the Director, Office of Management and Budget, Committee Management Secretariat, and to the Department of Justice, Office of Legal Counsel.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-283 Filed 1-5-73;8:45 am]

[Docket No. E-7798]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Order Accepting for Filing and Suspending Proposed Increase in Rates, Providing for Hearing, Establishing Procedures, and Permitting Interventions

DECEMBER 29, 1972.

On November 1, 1972, Central Vermont Public Service Corp., a public utility subject to the jurisdiction of this Commission, tendered for filing a proposed increase in its wholesale electric rates. The increase totals $278,000 on a 1971 test year basis. Central Vermont has introduced into the proposed new rate, designated R–1, a delivery point charge, and has updated fuel cost adjustment clause factors to a 1971 basis. Central Vermont requests an effective date of January 1, 1973, except for the Vermont Electric Cooperative's Richmond and Williston delivery points. The company proposes that the R–1 rate become effective at these two delivery points upon expiration of the existing contracts on October 28, 1973.

Notice of Central Vermont's rate increase application was issued on November 27, 1972. Said notice provided that any protests or petitions to intervene should be filed on or before December 18, 1972. On December 18, 1972, petitions to intervene in opposition to Central Vermont's proposed rate increase were filed by the Vermon Electric Cooperative, Inc., of Johnson, Vermont, and by the villages of Hyde Park, Johnson, Ludlow, and Lyndonville, Vt.; Allied Power & Light Co.; and Rochester Electric Light & Power Co.

A review of Central Vermont's rate filing and the petitions to intervene indicates that the company's proposed rate increase should be accepted for filing and suspended, that the petitions to intervene should be granted, and that the issues raised by the pleadings should be resolved on the basis of an evidentiary record to be established upon hearing. Accordingly, the company's proposed rate increase will be suspended for a period of 5 months, and when placed into effect after the suspension period it will be subject to refund of all amounts found by the Commission after hearing not to be justified, together with interest on any amount refunded.

The Commission finds:

It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of Central Vermont's proposed rate R–1, and that the proposed rate R–1 be suspended as herein provided.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of Central Vermont's proposed rate R–1, commencing with a prehearing conference to be held on May 22, 1973.

(B) Pending such hearing and decision thereon, Central Vermont's proposed rate R–1 is hereby accepted for filing, suspended, and its use deferred until June 1, 1973.

(C) At the prehearing conference on May 22, 1973, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(D) On or before May 15, 1973, the Commission staff shall serve its prepared testimony and exhibits if any. The prepared testimony and exhibits of the intervenors shall be served on or before June 5, 1973. Any rebuttal evidence by Central Vermont shall be served on or before June 26, 1973. Cross examination of the evidence filed shall commence at 10 a.m. on July 10, 1973, in a hearing room of the Federal Power Commission.

(E) Vermont Electric Cooperative, Inc.; the villages of Hyde Park, Johnson, Ludlow, and Lyndonville, Vt.; Allied Power & Light Co.; and Rochester Electric Light & Power Co. are hereby permitted to intervene in this proceeding subject to the Commisison's rules of practice and procedure.

(F) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's rules and regulations, and the terms of this order.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-367 Filed 1-5-73;8:45 am]

[Docket No. RP72-151]

EL PASO NATURAL GAS CO.

Order Accepting and Allowing Restructured Rates To Become Effective Subject to Hearing and Refund.

DECEMBER 29, 1972.

El Paso Natural Gas Co. (El Paso), on November 30, 1972, tendered for filing in Docket No. RP72–151 proposed changes in its FPC gas tariff, First Revised Volume No. 3, for its Northwest Division System,[1] to become effective on January 1, 1973, the date of termination of the suspension of its proposed increased rates in this docket. The proposed changes reflect a restructuring of rates to provide rate levels consistent with the Seaboard cost classification procedure and are to be substituted for the rates originally filed and suspended. Concurrently therewith, El Paso filed a motion to place the proposed changes into effect on January 1, 1973.

In its filing, El Paso refers to the following statement in the Commission's order issued November 7, 1972, in Dockets Nos. RP71–137 and RP72–151, in which the Commission conditionally approved El Paso's stipulation and agreement related to rate design in the former docket:

> • • • We recognize that the proposed rates in Docket No. RP72–151 are to become effective on January 1, 1973, subject to refund. To the extent that those rates do not recover fully allocated Seaboard costs, as may be impact of any undercollections under those determined after hearing and decision therein, El Paso may be required to absorb the rates as may have occurred.

El Paso states that inasmuch as the commodity charge under Rate Schedule PL–1 and the level of the interruptible rates under Rate Schedules IOS–1, I–1, and PL–5, as initially proposed in this proceeding, do not comport with the expressions of the Commission in its order of November 7, 1972. El Paso is submitting the restructured rates for protective purposes but without admitting the propriety of the position taken by the Commission respecting rate design in the November 7, 1972, order. El Paso says that the instant filing should not be construed as agreement on its part to such position or as waiver on the part of El Paso of its rights to propose a different rate design in any proceeding. In the event that El Paso's request to substitute the restructured rates for those originally suspended herein is not granted, it tenders an alternative tariff sheet, designated as Tenth Revised Sheet No. 10, containing the increased rates originally proposed in Docket No. RP72–151 and suspended until January 1, 1973.

In view of the fact that El Paso's proposed restructured rates are filed to protect it from being required to absorb the impact of any undercollections which might result from the originally filed increased rates in Docket No. RP72–151 to the extent that they do not recover fully allocated Seaboard costs, it is reasonable and appropriate to accept the tendered rates, subject to hearing and refund and further orders as may be issued in this proceeding.

[1] Substitute Tenth Revised Sheet No. 10.

The Commission orders:

El Paso's Substitute Tenth Revised Sheet No. 10 of its FPC gas tariff, First Revised Volume No. 3, tendered on November 30, 1972, is accepted for filing and allowed to become effective on January 1, 1973, subject to hearing and refund and to further orders as may be issued in Docket No. RP72–151.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-361 Filed 1-5-73;8:45 am]

[Dockets Nos. RP72–150, RP72–155.]

EL PASO NATURAL GAS CO.

Order Accepting and Allowing Restructured Rates To Become Effective Subject to Hearing and Refund

DECEMBER 29, 1972.

El Paso Natural Gas Co. (El Paso), on November 30, 1972, tendered for filing in Docket No. RP72–150 proposed changes in its FPC Gas Tariff, Original Volume No. 1, for its Southern Division System,[1] to become effective on January 1, 1973, the date of termination of the suspension of its proposed increased rates in that docket. The proposed changes reflect a restructuring of rates in the company's Rate Schedules G and G–X to provide rate levels consistent with the Seaboard cost classification procedure and are to be substituted for the rates originally filed and suspended under those schedules. Concurrently therewith, El Paso filed a motion to place into effect these proposed changes, together with the other proposed increased rates which are under suspension until January 1, 1973.

In its filing, El Paso refers to the following statement in the Commission's order issued November 7, 1972, in Dockets Nos. RP71–137 and RP72–151, in which the Commission conditionally approved El Paso's Stipulation and Agreement related to rate design in the former docket:

> • • • We recognize that the proposed rates in Docket No. RP72–151 are to become effective on January 1, 1973, subject to refund. To the extent that those rates do not recover fully allocated Seaboard costs, as may be determined after hearing and decision therein, El Paso may be required to absorb the impact of any undercollections under those rates as may have occurred.

El Paso states that inasmuch as the commodity charge for Rate Schedule G proposed in Docket No. RP72–150 and the related rate under Rate Schedule G–X are below the unit commodity cost resulting from the Seaboard cost classification, El Paso is submitting the restructured rates for protective purposes but without admitting the propriety of the position taken by the Commission respecting rate design in the above-mentioned order of November 7, 1972. El Paso says that the instant filing should not be construed as agreement on its part to such position or as waiver on the part of El Paso of its rights to propose a different rate design in any proceeding. In the event that El Paso's request to substitute the restructured G and G–X rates for those originally suspended in Docket No. RP72–150 is not granted, it tenders an alternative tariff sheet, designated as First Substitute Eighth Revised Sheet No. 3–B, containing the increased rates originally proposed in Docket No. RP72–150 and suspended until January 1, 1973.

In view of the fact that El Paso's proposed restructured rates are filed to protect it from being required to absorb the impact of any undercollections which might result from the originally filed increased rates in Docket No. RP72–151 to the extent that they do not recover fully allocated Seaboard costs, it is reasonable and appropriate to accept the tendered rates, subject to hearing and refund and further orders as may be issued in this proceeding.

The Commission orders:

El Paso's Substitute Tenth Revised Sheet No. 10 of its FPC Gas Tariff, First Revised Volume No. 3, tendered on November 30, 1972, is accepted for filing and allowed to become effective on January 1, 1973, subject to hearing and refund and to further orders as may be issued in Docket No. RP72–150 et al.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-365 Filed 1-5-73;8:45 am]

[Docket No. E-6577]

FALCON DAM PROJECT, TEXAS

Order Confirming and Approving Rates and Charges

DECEMBER 29, 1972.

The Secretary of the Interior (Secretary), acting on behalf of the Bureau of Reclamation (Bureau) and pursuant to Public Law 406, 83d Congress, approved June 18, 1954 (68 Stat. 255), as amended, known as the Falcon Dam Act of 1954 (Act), filed with the Federal Power Commission on August 7, 1972, a request in Docket No. E–6577 for confirmation and approval of a proposed rate schedule for wholesale electric service to Central Power and Light Co. (Central), Corpus Christi, Tex., from the U.S. share of electric power and energy generated at the international Falcon Dam Project (Project). The proposed rate schedule is designed to supersede the current rate schedule which was approved for the period ending December 31, 1972, by Commission order issued December 7, 1967, in Docket No. E–6577 (38 FPC 1133). Approval of the proposed rate schedule is requested for the 5-year period beginning January 1, 1973.

The Project is a multipurpose development located on the Rio Grande approximately 130 miles upstream from Brownsville, Tex. In addition to the dam, which crosses the international boundary between the United States and Mexico, the Project includes hydroelectric generating plants situated on the U.S. side and the Mexican side of the Rio Grande. The Project was constructed and is operated by the two nations through the International Boundary and Water Commission, United States and Mexico (IBWC), pursuant to the provisions of certain treaty arrangements. The output of the Project's generating plants is divided equally between the United States and Mexico. The Act provides that the U.S. share of the electric power and energy generated at the Project which is not required in its operation shall be marketed by the Secretary, who has delegated his marketing functions to the Bureau. Accordingly, the United States, acting through the Secretary and the Bureau, by contract dated December 19, 1967, designated as Contract No. 14–06–500–1479 (Contract), agreed to sell and deliver to Central for resale the aforementioned U.S. share of power and energy for a period of 10 years beginning January 1, 1968.[1] Delivery of that power and energy is made at the point in Texas where Central's transmission system interconnects with the bus of the Project's generating plant.

The treaty arrangements referred to above and the Act also made provisions for the construction and operation of the multipurpose Amistad Dam Project by IBWC and for the marketing of the U.S. share of its output of electric power and energy by the Secretary. The Amistad Dam Project is located on the Rio Grande approximately 300 miles upstream from the Falcon Dam Project. Although constructed and operational for certain purposes, including water storage, the Amistad Dam Project has no facilities for the generation of electric energy.

The proposed rate schedule provides for Central to pay the Bureau for wholesale electric service furnished from the Project at 4 mills per kilowatt-hour for energy delivered between the hours of

[1] The current rate schedule is included in the Contract. Under its provisions as well as those of the Commission's order of December 7, 1967, referred to above, the current rate schedule will not be effective after December 31, 1972. The Contract provides further that for the remaining 5 years of its term, beginning January 1, 1973, Central shall pay the Bureau at rates approved by the Department of the Interior and the Commission. Under these circumstances, the Bureau conducted rate negotiations with Central and obtained its agreement to the rates set forth in the proposed rate schedule, which the Secretary has submitted to the Commission for approval.

[1] Ninth Revised Sheet No. 3–B.

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8:00 a.m. and 10:00 p.m. (Saturdays and Sundays excepted) and 1.75 mills per kilowatt-hour for energy delivered at any other time. The proposed rate schedule is the same as the current rate schedule except that the provisions limiting revenues to $300,000 for the first 100 million kilowatt-hours of energy delivered during any calendar year and to a 1-mill per kilowatt-hour charge for all energy delivered in excess of 100 million kilowatt-hours per year have been eliminated. Such changes will increase revenues for those years when deliveries to Central exceed 100 million kilowatt-hours.

Central is obligated under the Contract to deliver electric energy to the Bureau for the operation of the Project's facilities whenever energy is not available from the Project's generating plants for that purpose. The energy shall be returned by the Bureau to Central kilowatt-hour for kilowatt-hour at times and rates of delivery to be mutually agreed upon. Furthermore, Central, under the Contract, may demand and receive payment from the Bureau adequate to balance the interchange energy account under any or all of the following conditions: (1) Upon termination of the Contract, (2) by mutual agreement between the Bureau and Central at any time during the term of the Contract, or (3) when the account remains unbalanced for a period of 1 year. Settlement of the account by payment is to be at a net value of 3 mills per kilowatt-hour for all energy which may remain as a credit to Central in the account.

Public bodies and cooperatives must be given preference under the Act with respect to the Bureau's sale of electric power and energy generated at the Project. Generation by the Project's hydroelectric plants is not dependable, however, because of the peculiarities of the flow of the Rio Grande and the necessity to adhere to downstream flow requirements. In some years there have been as many as 60 days when no energy could be generated at the Project for those reasons. Consequently, the Project's dependable capacity is zero. It appears therefore that only an electric utility which has its own generating facilities, or other sources of electric supply sufficient to meet its system requirements when Project energy is unavailable, would seek to purchase the Project output. Public bodies and cooperatives operating in the area of the Project have rejected the Bureau's offers for the sale of Project energy.

The Bureau's rate schedule for the sale of electric power and energy generated at the Project is required by the Act to "be drawn having regard to the recovery * * * of the cost of producing and transmitting * * * electric energy, including the amortization of the capital investment allocated to power * * * over a reasonable period of years." The Bureau's Rate and Repayment Study, dated October 27, 1971, for the Project, a copy of which is on file with the Commission, contains revenue and cost data for the period from fiscal year 1955, when the Project began generation, through fiscal year 1971. The Study shows that during the subject period the total Project revenues were $4,512,950, while the total Project operating, maintenance and marketing expenses, together with the interest charges on the portion of the Project's capital investment allocated to electric facilities, were $5,665,724. Accordingly, at the end of fiscal year 1971, the Project was $1,152,774, in arrears with respect to the payment of such expenses and interest charges, apart from having made no payments toward amortizing the capital power investment in the Project during fiscal years 1955 to 1971, inclusive.

Information on file with the Commission or otherwise available to it for subsequent periods, commencing with fiscal year 1972, indicates that the average annual Project generation to be marketed by the Bureau will be an estimated 87.5 million kilowatt-hours,[2] the sale of which to Central under the proposed rate schedule will produce annual revenues of approximately $252,100 or an average of 2.88 mills per kilowatt-hour. Furthermore, according to the Commission's information, the estimated operating, maintenance and marketing expenses for the Project will aggregate approximately $156,000 annually, while $18,000 appears to be a reasonable estimate of the cost of the major replacements for the Project on an annual basis, making a total estimate of $174,000 for these annual expenditures. Therefore, the estimated annual Project revenues of $252,000 will be sufficient to cover the estimated annual Project expenditures listed above, totaling $174,000, and provide $78,100 annually toward the payment of Project interest charges. It is noted that these calculations afford no encouragement that the Project's financial situation will improve in the foreseeable future to the extent that amortization of its capital power investment, which at the end of fiscal year 1971 amounted to $8,195,466, including unpaid interest charges, may get underway.

The statutory payout requirements, referred to above, must, of course, be considered by the Commission in acting upon the Secretary's request for approval of the proposed rate schedule. Compliance with congressional directives should, however, be determined by practical considerations. It appears unrealistic to view the Bureau as having sufficient bargaining strength to improve the rates and charges it has negotiated with Central. According to Central's Annual Report, FPC Form No. 1, for 1971, Central can generate electric energy in its steam plants for only 2.785 mills per kilowatt-hour, whereas, as pointed out above, Central will be obliged to pay an average charge of 2.88 mills per kilowatt-hour for energy supplied from the Project by the Bureau under the proposed rate schedule. Since Central takes delivery of the energy at the bus of the Project's generating plant, it is not necessary for the Bureau to construct and operate transmission facilities for the purpose of making deliveries to Central. The Bureau has no prospective customer other than Central with its own electric transmission system in the vicinity of the Project. Although designated in the Act as preference customers, public bodies and cooperatives are not interested in purchasing the Project output, as noted above. Notwithstanding the anticipated revenue deficiencies discussed above, we conclude that the proposed rate schedule conforms as nearly to the Act's repayment objectives as can be negotiated in the existing circumstances, and accordingly we will approve it.

The Secretary of State, as contemplated by the Act, has concurred in the proposed rate schedule submitted by the Secretary of the Interior for the Commission's approval.

Written notice of the request for confirmation and approval of the Bureau's proposed rate schedule was sent to State officials and other interested persons. Notice of the request was also published in the FEDERAL REGISTER on October 27, 1972 (37 FR 23017), stating that any person desiring to make comments or suggestions for the Commission's consideration with respect to said rate schedule should submit the same in writing on or before November 10, 1972, to the Federal Power Commission, Washington, D.C. 20426. No comments or suggestions were received.

The Commission finds:

It is appropriate for purposes of the Act that the Bureau's proposed rate schedule be confirmed and approved for the period beginning January 1, 1973, and terminating not later than December 31, 1977, as hereinafter provided.

The Commission orders:

The proposed rate schedule of the Bureau of Reclamation for wholesale electric service to Central Power and Light Co. from the United States' share of electric power and energy generated at the international Falcon Dam Project, all as described above, is hereby confirmed and approved for the period beginning January 1, 1973, and terminating not later than December 31, 1977.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-363 Filed 1-5-73;8:45 am]

[2] This estimate reflects 44.0 million kilowatt-hours of on-peak generation and 43.5 million kilowatt-hours of off-peak generation at the Project.

[Docket Nos. RP66-4, etc.]

FLORIDA GAS TRANSMISSION CO.

Order Denying Applications for Reconsideration, Issuing Temporary Certificate of Public Convenience and Necessity, Setting Date for Hearing and Establishing Procedures

DECEMBER 29, 1972.

On November 22, 1972, Plant City Natural Gas Co. (Plant City), Central Florida Gas Corp. (Central Florida), and Miller Gas Co. filed a joint petition for reconsideration of the Commission's order issued November 14, 1972, in Dockets Nos. RP66-4 and RP68-1, requiring Florida Gas Transmission Co. (Florida Gas) to file, inter alia, volumetric limitations for its firm resale (Rate Schedule G) customers based on its contractual obligations as of September 1, 1972, to be effective November 15, 1972.

On December 4, 1972, Florida Gas filed a motion for reconsideration and request to effectuate proposed service plan, requesting reconsideration of the Commission's aforesaid order requiring it to file proposed volumetric limitations based on its contractual obligations as of September 1, 1972, for its resale and direct customers. Florida Gas requests that the Commission after reconsideration accept with an effective date of January 1, 1973, a companion filing of December 4, 1972,[1] containing revised service volumes of its resale and direct customers, and superseding the service volumes submitted in compliance with the Commission's November 14, 1972, order by Florida Gas in its filing of December 1, 1972.[2]

On December 4, 1972, Florida Gas filed, additionally, a petition to amend its certificate of public convenience and necessity in Docket No. CP68-179, 42 FPC 121, in the event that further authorization is necessary to allow Florida Gas to render service at the volumetric levels set forth in its December 4, 1972 filing.

In their joint petition for reconsideration, Plant City et al. assert, inter alia, that Florida Gas' present contractual obligations are not reflected in the out-of-date service agreements that may be on file with the Commission, and that volumes purchased by Plant City and Central Florida subsequent to November 15, 1972, would be in excess of their contract quantities and subject to penalty charges. Petitioners further assert that Florida Gas should be required to file an appropriate section 7 application in the event that it decides to abandon its current "all requirements" authority and to substitute a contract quantity obligation.

In its motion for reconsideration, Florida Gas alleges that its October 16, 1972, filing which was rejected except as a compliance filing by the Commission represents a fair and equitable allocation of the system's sales capacity, reflecting current load conditions and supply availability, as well as the manner in which its pipeline system should be operated under present conditions. Florida Gas contends inter alia that (1) the only increases in deliveries over the September 1, 1972 levels of service contemplated by the October 16, 1972 tariff filing were for services under Rate Schedule G, for resale by distributing companies to small volume residential and commercial users; (2) the Company's operating practice over the years has been to add increments of capacity for its customers to provide to the extent possible the full requirements of its interruptible customers, together with those of its firm resale customers, in order that as additional firm loads are added under Rate Schedule G contracts and more I-service is approved, curtailments to the direct customers are lengthened until the next increment of capacity is added, and the cycle commences anew; [3] and (3) service of Rate Schedule G customers' load requirements at the levels established by the Commission's November 14, 1972 order will be very difficult, especially during the winter heating season.

An answer to Florida Gas' motion for reconsideration by Florida Public Utilities Co. and protests by Central Florida, Miller Gas Co., and Plant City were filed on December 20, 1972. Protests by City Gas Co. of Florida and West Florida Natural Gas Co. were filed on December 21, 1972. These comments by Florida Gas' customers generally reflect objections to the volumetric limitations in Florida Gas' December 1, 1972, filing and a view that proper volumetric limits should be determined after hearing in Docket No. CP68-179.

In view of the difficulties that Florida Gas' customers apparently will encounter during the 1972–73 heating season because of prior reliance upon volumes delivered by the Company above those set forth in their respective service agreements on file with this Commission,[4] we shall allow the increased contract volumes reflected in Florida Gas' December 4, 1972, submittal to go into effect pursuant to temporary authorization, without prejudice to the volume entitlements determined to be appropriate under permanent authorization.

The increased volume entitlements in the above-mentioned filing should enable Florida Gas' customers to meet essential load requirements, pending a final determination of the proper volumes to be allocated to those customers in Docket No. CP68-179. To avoid undue penalties to certain customers which would occur after the November 15, 1972 effective date for volumetric limitations set by our November 14, 1972 order, we will permit the aforesaid revised volumetric entitlements to be effective as of November 15, 1972. Since the filing of December 4, 1972, containing revised alternate tariff sheets is clearly designed to supplement Florida Gas' application to amend its certificate of public convenience and necessity, we shall accept it for filing as a supplement thereto.

In view of our action above, we shall deny the applications for reconsideration of our November 14, 1972, order in Dockets Nos. RP66-4 and RP68-1, and treat them instead as protests to Florida Gas' compliance filing of December 1, 1972.

Review of Florida Gas' filings herein and the comments thereon indicates that the proposed tariff provisions and amendment of its certificate of public convenience and necessity by Florida Gas raise issues which require development in evidentiary proceedings.

We believe that Florida Gas should be required to submit evidence in support of its tariff provisions pertaining to revised volume entitlements and the proposed amendment of its certificate of public convenience and necessity. We also are of the view that after an opportunity has been given for filing answering evidence, a conference should be held to attempt a settlement of the issues that have been raised herein. If the conference does not produce a settlement, we are directing the Administrative Law Judge to proceed immediately to schedule the distribution of rebuttal evidence and a hearing date for cross-examination.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in Florida Gas' FPC Gas Tariff pertaining to revised volume entitlements to resale and direct customers and the proposed amendment of its certificate of public convenience and necessity in Docket No. CP68-179 and that the issues in this proceeding be scheduled for hearing in accordance with the procedures herein set forth.

(2) The Commission finds that an emergency exists on Florida Gas' system and that a temporary certificate should be issued as hereinafter ordered and conditioned.

(3) Good cause exists to accept the December 4, 1972, filing as a supplement to Florida Gas' petition for an amendment to its certificate in Docket No. CP68-179.

(4) It is appropriate and in the public interest that the petition by Plant City et al., and the motion by Florida Gas for reconsideration of the Commission's order issued November 14, 1972, be treated as protests to Florida Gas' compliance filing of December 1, 1972, and that the applications for reconsideration otherwise be denied.

The Commission orders:

(A) Florida Gas' filing of December 1, 1972, is in compliance with the Commission's order issued November 14, 1972, but is superseded by Florida Gas' subsequent filing of December 4, 1972.

[1] Comprised of Frist Revised Sheets Nos. 22-F, 22-G, 22-H, 22-I, and 22-J; and a Statement of Volumetric Quantities of Direct Customers Contained in Contracts on File as of Oct. 16, 1972.

[2] Consisting of 12th Revised Sheet No. 4, 10th Revised Sheet No. 8, First Revised Sheets Nos. 5, 6, 9, 10, 13, 23, 24, 25, 28, and 29, and Original Sheets Nos. 9-A, 22-F, 22-G, 22-H, 22-I, 22-J, 22-K, and 22-L; and a Statement of Volumetric Quantities of Direct Customers Contained in Contracts on File as of Sept. 1, 1972.

[3] According to Florida Gas, the order of curtailment priority has provided the mechanism by which system capacity was gradually upgraded toward the firm service category for G customers, which is given top priority.

[4] For example, Florida Gas states, in its Motion, page 14, that 32 out of 55 resale distributing systems served have exceeded their daily contract entitlements and 23 of the group have exceeded their annual contract quantities as measured by service agreements on file with the Commission as of Sept. 1, 1972.

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(B) The petition by Plant City et al., and the motion by Florida Gas for reconsideration of the Commission's aforesaid order issued November 14, 1972, shall be treated as protests to Florida Gas' compliance filing therewith of December 1, 1972, and otherwise are denied.

(C) The alternate tariff sheets filed by Florida Gas on December 4, 1972, in Dockets Nos. RP66–4 and RP68–1 are hereby accepted for filing as a supplement to its petition to amend its certificate of public convenience and necessity issued in Docket No. CP68–179, to be effective November 15, 1972.

(D) Section 154 of the Commission's regulations under the Natural Gas Act is hereby waived to permit the filing of Florida Gas' revised tariff provisions on December 4, 1972, to be effective November 15, 1972.

(E) Upon the terms and conditions of this order, a temporary certificate of public convenience and necessity is issued in Docket No. CP68–179 authorizing Florida Gas to deliver the revised volume entitlements to customers as set forth in its December 4, 1972, filing as hereinbefore described and as more fully set out in its petition for amendment of its certificate of public convenience and necessity.

(F) The temporary certificate issued above is conditioned as follows:

(1) Said temporary certificate shall take effect as of November 15, 1972, and remain in effect pending final resolution of the issues raised herein.

(2) The issuance of this temporary certificate and the acceptance of Florida Gas' submittal of December 4, 1972, are without prejudice to such final disposition of Florida Gas' application for an amendment of its certificate as the record may require.

(G) Florida Gas shall distribute on or before January 22, 1973, the evidentiary support for the proposed provisions in its December 4, 1972 filing pertaining to revised volume entitlements for its customers and the proposed amendment of its certificate of public convenience and necessity, all as indicated in the recital above.

(H) On or before February 12, 1973, any parties or the Commission's staff may serve prepared testimony and exhibits concerning the issues raised by the volume entitlements in Florida Gas' filing of December 4, 1972, and Florida Gas' proposed amendment of its certificate of public convenience and necessity.

(I) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held in these proceedings to be presided over by the Presiding Administrative Law Judge which shall be held on February 20, 1973, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purpose of incorporating into the record the testimony and exhibits previously distributed. Immediately thereafter the Presiding Administrative Law Judge will convene a conference and in the event that a settlement of the issues does not result from said conference, the Presiding Administrative Law Judge will schedule dates for the distribution of rebuttal evidence, and the date for the commencement of hearings for the purpose of cross-examination and will rule on all data requests and other relevant matters presented at such hearing.

(J) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge [see Delegaton of Authority, 18 CFR, 3.5(d)] shall preside at, and control these proceedings in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-359 Filed 1-5-73;8:45 am]

[Docket No. E-7805]

GULF STATES UTILITIES CO.

Order Authorizing Issuance of Promissory Notes, Granting Intervention, and Consolidation of Proceedings

DECEMBER 29, 1972.

Gulf States Utilities Co. (Applicant), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, filed an application on November 6, 1972, seeking an order pursuant to section 204 of the Federal Power Act authorizing it to issue promissory notes to commercial banks and commercial dealers in the aggregate principal amount not to exceed $125 million outstanding at any one time. The application requests that all notes be issued on or before December 31, 1973, with final maturity dates of all notes to be not later than December 31, 1974.

The interest rate on all borrowings from commercial banks will be at the prime rate of the lender at the time of each borrowing and may be adjusted periodically. Notes issued in the form of commercial paper to established investment banking firms will be issued on various dates and will have a maximum maturity of 9 months. The interest costs (discount rate) on the commercial paper notes will depend upon the money-market conditions, length of time to maturity, and their acceptance by buyers of commercial paper. This rate is anticipated to be below rates on commercial bank borrowings. Notes issued in the form of commercial paper will be limited to an amount not to exceed 50 percent of the Applicant's most recent 6 months' gross revenues.

The Applicant states that the proceeds from the issuance from the notes will be used to provide interim funds for the Applicant's construction expenditures. The estimated expenditures for the 2-year period 1973 and 1974 will be approximately $305 million.

Written notice of the application has been given to the Louisiana Service Commission, the Texas Railroad Commission, and to the Governor of each of those States. Notice has also been given by publication in the FEDERAL REGISTER on November 30, 1972 (37 FR 25415), stating that any person desiring to be heard or to make any protest with reference to the application, should file petitions or protests on or before December 11, 1972, with the Federal Power Commission, Washington, D.C. 20426. On December 11, 1972, the cities of Lafayette and Plaquemine, La. (Cities) filed a protest and petition to intervene in the proceeding alleging violation of antitrust laws. Cities incorporate by reference the protests and petitions to intervene filed by the Cities previously in Dockets Nos. E–7567, E–7663, E–7696, and E–7682. In addition the Cities incorporate by reference the pleadings in Docket No. E–7676. On December 11, 1972, Dow Chemical Co. (Dow) also filed a protest and petition to intervene alleging in general antitrust violations and more specifically that the construction of a certain transmission line as one step in all alleged conspiracy to suppress competition.

Both petitions to intervene request that the respective parties be permitted to intervene in the proceeding and be treated as a party thereto and that the matter be set for hearing.

On December 18, 1972, Applicant filed an answer to both protests and petitions to intervene. Applicant incorporated by reference its responses to all of the petitions and protests to intervene filed previously in the above-mentioned dockets, and further generally denied petitioners contentions.

This application for authorization of securities filed by Applicant must be considered in the light of other previous proceedings. Applicant has previously filed applications for authorization of various types of security issues in Dockets Nos. E–7567, E–7682, E–7663, and E–7751. Protests and petitions to intervene alleging antitrust violations were filed in every docket except E–7751 by the cities of Lafayette and Plaquemine, La.

Docket No. E–7567 was appealed to the United States Court of Appeal for the District of Columbia. On October 12, 1971, the Court for Appeals issued a decision, City of Lafayette, Louisiana v. SEC, 454 CADC 9421, wherein it remanded to the Commission for further proceedings not inconsistent therewith the order issued by the Commission. On May 30, 1972, the Supreme Court granted a writ of certiorari to Gulf States Utilities to review the Court of Appeals decision.

After decision of the Court of Appeals for the District of Columbia in the City of Lafayette case, but before the Supreme Court granted a writ of certiorari in that case, Gulf States filed two additional applications pursuant to section 204 (Dockets Nos. E–7663 and E–7682). The Commission in following the guidelines of the Court of Appeals decision approved the securities issuance but severed the antitrust allegations into a separate complaint proceeding under section

306 of the Federal Power Act (Docket No. E–7676). Pursuant to the grant of the writ of certiorari the Commission by order issued in Docket No. E–7676 on June 1, 1972, stayed all further proceedings in docket before the Commission until the Supreme Court entered its decision on appeal of the City of Lafayette case.

The Commission in its order issued November 4, 1971, in Docket No. E–7663 stated:

> The Commission in reviewing Cities' contentions as set forth in their petition has done so in the light of its overall responsibilities under the Federal Power Act. The Commission is aware of its responsibilities with regards to interconnection and coordination of the facilities, for purposes of assuring an abundance of supply of electric energy throughout the United States with the greatest possible economy and with regard to proper utilization and conservation of natural resources. Further the Commission is aware of its responsibilities to enhance optimum interconnection and interchange of electric energy as well as other activities in furtherance of electric energy capabilities. All of the Commission's responsibilities being directed toward safeguarding cost, rates and reliability.
>
> At the same time the Commission realizes that security issues to provide funds for utility construction and financing programs must be decided in a time frame much more limited than that contemplated for consideration of the alleged anticompetitive activities.
>
> With an awareness of its responsibilities the Commission, however, is unable to determine the merits of Cities' contention and the Commission's authority to grant relief sought without further proceedings and the benefit of a hearing in which evidence is presented and legal authority is cited to grant the relief sought.

The issues presented by the Cities and Dow in this proceeding involve the same subject matter as those presently being considered in Docket No. E–7676. The Commission therefore feels that it is appropriate to consider the petitions to intervene filed in this docket as complaints under section 306 of the Federal Power Act and to consolidate those complaints with the complaints previously filed in Docket No. E–7676.

The Commission finds:

(1) The Applicant, a corporation, is a public utility within the meaning of Section 204 of the Federal Power Act subject to the jurisdiction of this Commission as heretofore determined and set forth in the Commission order issued November 27, 1957, in the Matter of Gulf States Utilities Company Docket No. E–6785 (18 FPC 701).

(2) The proposed issuance of promissory notes to commercial banks and commercial paper dealers in the aggregate principal amount of $125 million, all as described above, will constitute an issuance of securities within the purview of section 204 of the Act.

(3) The proposed issuance of promissory notes will be in excess of 5 percent of the par value of the other securities of Applicant, and therefore, will not be exempt by virtue of section 204(e) from the requirements of section 204(a) of the Act.

(4) Applicant is not organized and operating in a State, under the laws of which the issue herein involved is regulated by a State Commission within the meaning of section 204(f) of the Act, and the proposed issuance is, therefore, not exempt by virtue of that section from the requirements of section 204 of the Act.

(5) The proposed issuance of promissory notes will be exempted from the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act by reason of paragraph 34.1a(a)(2) thereof.

(6) The proposed issuance of securities as hereinafter authorized, will be for a lawful object within the corporate purposes of the Applicant and compatible with the public interest, which is appropriate for and consistent with proper performance of service by Applicant as a public utility, and which will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purposes.

(7) The period of public notice given in this matter is reasonable.

(8) Intervention by the cities of Lafayette and Plaquemine, La., and Dow Chemical Co. may be in the public interest for purposes of Commission consideration of the petitions.

(9) The matters asserted and activities alleged in the filed Protest and Petitions to Intervene by the Cities of Lafayette and Plaquemine, La., and Dow Chemical Company raise issues which should be heard in a proceeding separate from this docket.

(10) The protest and petitions to intervene filed in this docket by the cities of Lafayette and Plaquemine, La., and Dow Chemical Co. should be considered as a complaint filed under section 306 of the Federal Power Act.

(11) The protest and petitions to intervene filed in this docket by Lafayette and Plaquemine, La., and Dow Chemical Co. raise issues which are identical to those being considered in Docket No. E–7676, a complaint proceeding now before the Commission, and is therefore appropriate that the complaints filed in this docket should be consolidated with Docket No. E–7676 for purposes of hearing and decision.

The Commission orders:

(A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* The admission of the aforementioned petitioners shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The proposed issuance and sale of promissory notes upon the terms and conditions and for the purposes specified in the application as described above, is hereby authorized subject to the provisions of this order.

(C) This authorization is expressly conditioned upon all notes being issued on or before December 31, 1973, and having final maturity dates of not later than December 31, 1974.

(D) This authorization is expressly conditioned upon all promissory notes being issued in the form of commercial paper not exceeding 50 percent of the Applicant's most recent 6 months' revenues from the sale of electricity, gas and steam products.

(E) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates, or determination of cause or any other matter whatsoever now pending or which may come before this Commission.

(F) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States in respect to any security to which this order relates.

(G) Pursuant to the authority of the Federal Power Act, particularly sections 202, 306, and 307 thereof in the Commission's rules of practice and procedure, an investigation is hereby instituted to determine the justification of the Protest and Petitions to Intervene by the Cities of Lafayette and Plaquemine, Louisiana and Dow Chemical Co. and, if necessary, to prescribe such relief as is appropriate within the boundaries of the Federal Power Act.

(H) All further proceedings in this docket shall be consolidated with the complaint proceeding previously instituted in Docket No. E–7676.

(I) Inasmuch as Louisiana Power & Light Co. and Central Louisiana Electric Co. as well as Gulf States Utilities Co. were named as parties in Docket No. E–7676, with which this proceeding will be consolidated, a copy of the Cities and Dow's complaints shall be served on Louisiana Power & Light Co. and Central Louisiana Electric Co. and their response thereto shall be filed with the Commission by January 15, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-364 Filed 1-5-73;8:45 am]

[Docket No. E-7806]

ILLINOIS POWER CO.

Order Accepting Rate Schedules for Filing, Reserving Issue for Hearing and Order To Show Cause

DECEMBER 29, 1972.

On November 6, 1972, Illinois Power Co. (Illinois Power) tendered for filing proposed changes in its rates and charges applicable to nine electric cooperatives to be effective as of January 1, 1973. The tendered contracts are proposed to supersede Illinois Power's FPC Rate Schedule Nos. 36, 37, 38, 39, 40, 41, 42, 43, and 44.[1]

The changes include (1) an increase in the demand charge from $1.32 to $1.40 per Kva. of maximum demand; (2) an increase in the energy charge from 50 to 57 cents per Kwh delivered; (3) a modification in the fuel adjustment provision; and (4) a revision of the low-voltage metering charge. The filing purports to

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show that approximately $295,706 additional revenues will result from the increased rates based on unadjusted 1971 calendar year operations.

The fuel clause establishes a new cost of 24 cents per million B.t.u. with the same 11 cents increase or decrease for each upward or downward change of 1 cent or major fraction thereof in the average cost of fuel. That fuel cost is based on the average costs during the 2 calendar months immediately preceding the beginning of the monthly period for which the service is billed. The proposed rate results in an increase in jurisdictional revenues of 7.07 percent which the company indicates results in a realized rate of return of 4.92 percent.

Our review of Illinois Power's cost of service included with its filing indicates that the costs are not excessive. Accordingly, we shall accept the filing without suspension. However, it is our belief that the provision containing the 25-month moratorium on initiating a new rate may not be in the public interest. We shall therefore reserve this matter for hearing pursuant to the procedures prescribed herein.

It appears that the development of the fuel adjustment factor in the rate is such that Illinois Power's own fuel expense variation may be imputed to purchased energy and interchange receipts. This is inconsistent with the Commission's policy and recent opinion with respect to fuel adjustment clauses[2] and Illinois Power should be required to show cause why its fuel adjustment clause should be at variance with that policy.

The filing also contains a provision for an increase or decrease in rate level to coincide with a change in taxes. We shall provide that upon invocation of such change Illinois Power shall submit to the Commission the appropriate data and computations and showing the basis for the calculations change in rate.

Notice of the filing was issued on November 21, 1972. The Cooperatives filed a response in which they request acceptance of the filing and approval of its provisions without hearing. No other comments were filed.

The Commission finds:

It is reasonable and appropriate and in the public interest pursuant to the provisions of the Federal Power Act that Illinois Power's filing tendered on November 6, 1972, be accepted for filing and be permitted to be effective without suspension as hereinafter ordered and conditioned.

The Commission orders:

(A) The proposed rates tendered herein on November 6, 1972, are accepted for filing to be effective as of January 1, 1973, subject to the terms and conditions of this order.

(B) Parties supporting the provision containing a 25-month moratorium on the filing of a new rate by Illinois Power shall serve evidence on January 24, 1973; parties opposing such provisions shall serve evidence on February 7, 1973; supporting parties shall serve rebuttal evidence on February 14, 1973. Hearing and cross-examination on all evidence shall commence on February 21, 1973.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) Pursuant to sections 205, 206, and 309 of the Federal Power Act, the Commission's Regulations issued thereunder, and the Commission's rules of practice and procedure, Illinois Power on or before January 31, 1973, shall show cause why its Fuel Adjustment Clause should not be made to conform to the principles set forth in the Commission's Opinion No. 633.

(E) Prior to Illinois Power affecting any change in rate pursuant to the tax clause described herein, Illinois Power shall submit appropriate data and computations showing the basis for the change in rate.

(F) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in this or any other proceeding instituted by or against Illinois Power Co. or any other person or party affected by the rates hereby permitted to become effective.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

CERTIFICATION OF PRICE INCREASE, ILLINOIS POWER CO. E-7806

(1) The former price, before the increase granted herein, the new prices as granted, and the percentage increase in price are as follows (based on test year operations, 12 months ended December 31, 1971):

Revenues:	
Former price	$4,180,057
New price	$4,475,763
Percent of increase	7.1

(2) The rate increase is expected to provide increased annual revenues of $295,706 from the wholesale customers.

(3) The increase in the Company's profits will be $147,616, or stated in terms of percentage of its total jurisdictional sales, will be 3.26 percent.

(4) The increase in the Company's overall rate of return on capital (rate base) will be from 7.68 percent to 7.71 percent, .03 percentage point or 0.39 percent.

(5) Sufficient evidence was taken during the course of this proceeding to determine whether or not the criteria set forth in paragraphs (d) (1) through (4) of § 300.16 of the Rules and Regulations of the Price Commission have been met.

(6) The rate increase granted in this proceeding meets the criteria set out in paragraphs (d) (1) through (4) of § 300.16 of the Rules and Regulations of the Price Commission.

[FR Doc.73-365 Filed 1-5-73;8:45 am]

[Docket No. CI73-420]

LOUISIANA LAND AND EXPLORATION CO.

Notice of Application; Correction

DECEMBER 27, 1972.

In the notice of application, issued December 20, 1972 and published in the FEDERAL REGISTER December 27, 1972 (37 FR 28554): Paragraph 2, Line 12, Add "subject to upward and downward B.t.u. adjustment," after "Mcf".

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-358 Filed 1-5-73;8:45 am]

[Docket No. CP73-161]

LOWELL GAS CO.

Notice of Petition

DECEMBER 29, 1972.

Take notice that on December 18, 1972, Lowell Gas Co. (Petitioner), 95 East Merrimack Street, Lowell, MA 01853, filed in Docket No. CP73-161 a petition for waiver of jurisdiction over the over-the-road transportation of liquefied natural gas (LNG) by Petitioner or, in the alternative, for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing said transportation, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it transported 218 truckloads of its own LNG during July and August 1972 from Hopkinton and Tewksbury, Mass., to the facilities of Connecticut Natural Gas Corp. at Rocky Hill, Conn., for storage necessitated by Petitioner's inability to store the LNG in its own facilities. Petitioner requests that the Commission waive jurisdiction over this over-the-road transportation, or, in the alternative, issue a certificate of public convenience and necessity therefor. Petitioner alleges that it is an intrastate distributor of natural gas and requests that, if a certificate is issued, that it be limited to the subject transportation and not otherwise alter Petitioner's exempt status under the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said petition for waiver or for a certificate should on or before January 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, if a waiver is not granted, a hearing will be held without further notice before the Commission on the request for a certificate if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-357 Filed 1-5-73;8:45 am]

[Docket No. CI73-432]

MARATHON OIL CO.

Notice of Application

JANUARY 2, 1973.

Take notice that on December 14, 1972, Marathon Oil Co. (Applicant), 539 South Main Street, Findlay, OH 45840, filed in Docket No. CI73-432 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Sand Dunes (Atoka) Field, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on November 1, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to an average of 2,500 Mcf of gas per day at 35.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-355 Filed 1-5-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 302]

CANADIAN BROADCAST STATIONS

Notification List

DECEMBER 15, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CBN	St. John's, Newfoundland, N. 47°30'10", W. 52°48'07" (correction to ground system).	*640 kHz* 10	ND-187	U	1-B	300	120	*584*	
(NEW)	Boissevain Manitoba N. 49°15'26", W. 100°03'24"	*1250 kHz* 10	DA-2	U	II				E.I.O. 12 15 73.
CHFC	Fort Churchill, Manitoba, N. 58°45'48", W. 94°04'42" (correction to antenna system).	*1250 kHz* 0.25	ND-150	U	IV	Inverted L Antenna 200' horizontal, 70' vertical.			
CJAN	Asbestos, Province of Quebec, N. 45°45'06", W. 71°56'26" (assignment of call letters).	*1340 kHz* 1D/0.25N	DA-D	U	IV				
CJNL 1	Princeton, British Columbia, N. 49°26'50", W. 120°30'42" (now in operation).	*1400 kHz* 1D/0.25N	ND-184	U	IV	150	120	282	
CBG	Gander, Newfoundland, N. 48°58'19", W. 54°33'31" *(top loaded to 65°).*	*1450 kHz* 0.25	ND-150	U	IV	*100*			
CKSP	Summerland, British Columbia, N. 49°37'33", W. 119°41'06" (now in operation).	*1450 kHz* 1D/0.25N	ND-187	U	IV	150	120	200-288	

[SEAL]

HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.73-178 Filed 1-5-73;8:45 am]

[1] Applicable to Clinton County Electric Cooperative, Inc., Rate Schedule No. 36; Corn Belt Electric Cooperative, Inc., Rate Schedule No. 37; Farmers Mutual Electric Co., Rate Schedule No. 38; Illinois Valley Electric Cooperative, Inc., Rate Schedule No. 39; McDonough Power Cooperative, Rate Schedule No. 40; Monroe County Electric Cooperative, Inc., Rate Schedule No. 42; Tri-County Electric Cooperative, Inc., Rate Schedule No. 43; Western Illinois Power Cooperative, Inc., Rate Schedule No. 44.

[2] Opinion No. 633, New England Power Co., Docket No. E-7541, issued Oct. 30, 1972.

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[Report 629]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 2, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4611-C2-P-73—Santa Cruz Telephone Answering and Radio Service (KMD683), for additional facilities to operate on 152.12 MHz at Palomar Hotel, 1344 Pacific Avenue, Santa Cruz, CA.

4613-C2-AL-(2)-73—Kalamazoo Telephone Answering Service, consent to assignment of license from Ruth Harper, doing business as Kalamazoo Telephone Answering Service, assignor, to Mobile Radio Telephone and Paging Service, Inc., assignee. Stations: KQK720 and KRM951 (1-way) Kalamazoo, Mich.

4614-C2-AL-73—Big Eddy Telephone Co., consent to assignment of license from Big Eddy Telephone Co., assignor, to Quaker State Telephone Co., assignee station: KGH858 Yalilee, Pa.

4630-C2-P-73—Bexar Communications, Inc.—(New), for a new 2-way station to operate on 454.300 MHz at 2.4 miles northeast of Seguin, Tex.

4631-C2-P-73—Massachusetts-Connecticut Mobile Telephone Co. (KCA514), change the antenna system operating on 152.09 MHz at Montevideo Road, Avon, Conn.

4632-C2-P-(2)-73—Mobilfone (KIF649), for additional facilities to operate on 454.025 and 454.350 MHz at 3101 North "R" Street, Pensacola, Fla.

4665-C2-P-(3)-73—Tel-Illinois, Inc. (KSJ627), replace transmitters operating on 152.06, 152.09 and 152.18 MHz at 2424 West Skyline Drive, Champaign, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4569-C1-P-73—American Telephone & Telegraph Co. (KZA49), 2.75 miles west of Attica, N.Y. C.P. to add 3970H MHz toward Byron, N.Y.

4570-C1-P-73—Same as above (KZA50), 2.1 miles east of Byron, N.Y. C.P. to add 4010H MHz toward Attica and Rochester, N.Y.

4571-C1-P-73—Same (KEG84), 95 North Fitzhugh Street, Rochester, N.Y. C.P. to add 3970H MHz toward Byron, N.Y.

4572-C1-P-73—American Telephone & Telegraph Co. C.P.'s (19) for an additional pair of Type TD-2 telephone channels between Adams, Tex. and Hillsboro, Mo.

4572-C1-P-73—(KKH66), 3.5 miles northeast of Frisco, Adams, Tex. Add 3890H MHz toward Whitewright, Tex.

4573-C1-P-73—(KLS77), 2.6 miles south-southwest of Whitewright, Tex. Add 3930H MHz toward Adams, Tex. and Achille, Okla.

4574-C1-P-73—(KLS78), 2.3 miles south-southeast of Achille, Okla. Add 3890H MHz toward Whitewright, Tex. and Bennington, Okla.

4575-C1-P-73—(KLS79), 7.6 miles north of Bennington, Okla. Add 3930H MHz toward Achille and Kiowa, Okla.

4576-C1-P-73—(KLS80), 6.3 miles south of Kiowa, Okla. Add 3890H MHz toward Bennington and Krebs, Okla.

4577-C1-P-73—(KLS81), 6 miles east-northeast of Krebs, Okla. Add 3930H MHz toward Kiowa and Kinta, Okla.

4578-C1-P-73—(KLS82), 4.8 miles north of Kinta, Okla. Add 3890H MHz toward Krebs and Gans, Okla.

4579-C1-P-73—(KLS83), 1.4 miles north of Gans, Okla. Add 3930H MHz toward Kinta and Natural Dam.

4580-C1-P-73—(KLS84), 6.5 miles north-northwest of Natural Dam, Ark. Add 3890H MHz toward Gans, Okla., and Durham, Ark.

4581-C1-P-73—(KLS85), 3.5 miles south of Durham, Ark. Add 3930H MHz toward Natural Dam and Berryville, Ark.

4582-C1-P-73—(KLS86), 7.3 miles south-southeast of Berryville, Ark. Add 3890H MHz toward Durham, Ark. and 3890V MHz toward Hollister, Mo.

4583-C1-P-73—(KBD32), 5 miles south-southwest of Hollister, Mo. Add 3930V MHz toward Berryville, Ark., and Goodhope, Mo.

4584-C1-P-73—(KBD34), 5.7 miles west-northwest of Goodhope, Mo. Add 3890V MHz toward Hollister and Mansfield, Mo.

4585-C1-P-73—(KBD35), 4 miles east-southeast of Mansfield, Mo. Add 3930V MHz toward Goodhope and Bendavis, Mo.

4586-C1-P-73—(KBD36), 0.7 mile east-southeast of Bendavis, Mo. Add 3890V MHz toward Mansfield and Lenox, Mo.

4587-C1-P-73—(KBD37), 0.7 mile south of Lenox, Mo. Add 3930V MHz toward Bendavis and Cherryville, Mo.

4588-C1-P-73—(KBD38), 7.6 miles southwest of Cherryville, Mo. Add 3890V MHz toward Lenox and 3890H MHz toward Shirley, Mo.

4589-C1-P-73—(KBD39), 5.6 miles north-northwest of Shirley, Mo. Add 3930H MHz toward Cherryville and Hillsboro, Mo.

4590-C1-P-73—(KAQ78), 6.5 miles north-northeast of Hillsboro, Mo. Add 3890H MHz toward Shirley, Mo.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

4674-C1-MP-73—Interdata Communications, Inc. (WIU92), 117 South 17th Street, Philadelphia, Pa. Modification of C.P. to change antenna system, antenna location, frequency, points of communication, power and alarm center location and replace transmitter on frequency 11,265H MHz and 11,605H MHz toward Roxborough, Pa.

4675-C1-P-73—Same as above (New), 8200 Ridge Avenue, Roxborough, Pa. at latitude 40°03'33" N., longitude 75°14'20" W. Frequencies 6197.2H MHz on azimuth 12°03' toward Plumsteadville, Pa. and 10.775H MHz and 11.175H MHz on azimuth 153°42' toward Philadelphia, Pa.

4676-C1-P-73—Same (New), 0.4 mile north-northeast of Plumsteadville, Pa. at latitude 40°23'37" N., longitude 75°08'44" W. C.P. for a new station. Frequencies 5945.2H MHz on azimuth 76°29' toward Neshanic, N.J. and 5974.8H MHz on azimuth 192°06' toward Roxborough, Pa.

4677-C1-P-73—Same (New), 2 miles south-southwest of Neshanic, N.J. at latitude 40°-28'10" N., longitude 74°43'43" W. C.P. for a new station. Frequencies 6286.2H MHz on azimuth 87°52' toward South Amboy, N.J. and 6226.9H MHz on azimuth 256°45' toward Plumsteadville, Pa.

4678-C1-MP-73—Same (WIU95), 0.5 mile west of South Amboy, N.J. Modification of C.P. to change antenna system, antenna location, frequency, points of communication, power and alarm center location and replace transmitter on 5974.8H MHz toward New York, N.Y. and frequency 6034.2V MHz toward Neshanic, N.J.

4679-C1-MP-73—Interdata Communications, Inc. (WIU98), 55 Water Street, New York, N.Y. Modification of C.P. to change antenna system, antenna location, frequency, points of communication, power and alarm center location and replace transmitter on frequency 6226.9H MHz toward South Amboy, N.J.

4680-C1-MP-73—Southern Pacific Communications Co. (WQE91), Seventh & Bay Streets, Oakland, Calif. Modification of C.P. to change transmitters and to increase output power to 10 watts on radio path toward San Francisco, Calif.

4681-C1-MP-73—Same as above (WQE92), One Market Street, San Francisco, Calif. Modification of C.P. to change transmitters and to increase output power to 10 watts on radio path toward Oakland, Calif.

4683-C1-MP-73—Western Tele-Communications, Inc. (WOI59), Saddle Peak, 3.5 miles northeast of Malibu Beach, Calif. Latitude 34°04'32" N., longitude 118°39'30" W. Modification of C.P. 4269-C1-P-70 to change frequency 3770V to 10,976H toward Los Angeles, Calif. on azimuth 115°19'.

4684-C1-MP-73—Same as above (WOI60), modification of C.P. 4270-C1-P-70 to relocate station to 12030 Beatrice, Los Angeles, CA. latitude 33°58'46" N., longitude 118°24'54" W. Change frequency 3730V to 11385V MHz toward Saddle Peak, Calif., on Azimuth 295°27'.

4685-C1-P-73—Video Microwave, Inc. (New), C.P. for a new station at WTVR-TV studios at Tilden Street and Cutshaw Avenue, Richmond, Va., at latitude 37°34'00" N., longitude 77°28'36" W. Frequency 0286.2H MHz on azimuth 119°08' toward Charles City, Va.

4686-C1-P-73—Same as above (New), C.P. for a new station at Charles City, 2.9 miles south-southwest of Roxbury, Va., at latitude 37°25'33" N., longitude 77°09'39" W. Frequency 6152.8H MHz on azimuth 142°50' toward Runnymede, Va.

4687-C1-P-73—Video Microwave, Inc. (New), C.P. for a new station at Runnymede, 4 miles north of Runnymede, Va., on Route 622, Surry County, Va., at latitude 37°05'31" N., longitude 76°50'43" W. Frequency 6226.9H MHz on azimuth 132°07' toward WYAH tower, Shoulders Hill, Va.

4688-C1-P-73—Same (New), C.P. for a new station at the WYAH tower, 0.4 mile east of Shoulders Hill on Route 337, Nansemond County, Va., at latitude 36°48'47" N., longitude 76°27'45" W. Frequency 10815V MHz on azimuth 73°03' toward WTAR-TV studios in Norfolk, Va. (Informative: Applicant proposes a microwave system for the purpose of providing one-way common carrier network television relaying from Richmond, Va., to Norfolk, Va.

4689-C1-P-73—Video Microwave, Inc. (New), C.P. for a new station at WCAU-TV studios at City Line and Monument Avenue, Philadelphia, Pa., at latitude 40°00'26" N., longitude 75°12'54" W. Frequency 6034.2H MHz on azimuth 323°26' toward Norriton, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

4591-C1-P-73—The Mountain States Telephone & Telegraph Co. (KLC49), 120 Fourth Street NW., Albuquerque, N. Mex. Add 10,915V and 11,155H MHz toward Albuquerque Junction, N. Mex.

4592-C1-P-73—Same as above (KNZ49), Albuquerque Junction, 10.4 miles west-southwest of Albuquerque, N. Mex. Add 11,365V and 11,605H MHz toward Albuquerque, and 11,245V and 11,486H MHz toward Correo, N. Mex.

4593-C1-P-73—Same (KTF35), 4 miles north of Correo, N. Mex. C.P. add 10,785V and 11,035H MHz toward Albuquerque Junction and 10,835V and 11,075H MHz toward McCartys, N. Mex.

4594-C1-P-73—Same (KTF32), 6 miles west of McCartys, N. Mex. C.P. add 11,285V and 11,525H MHz toward Correo and add 11,325H and 11,565V MHz toward Grants, N. Mex.

4595-C1-P-73—Same (New), 324 North Third, Grants, N. Mex. C.P. for a new station. Frequencies: 10,975H and 11,115V MHz toward McCartys, N. Mex.

4615-C1-P-73—New England Telephone and Telegraph Co. (KCL85), 25 Concord Street, Manchester, N.H. C.P. change frequencies 10,895 and 10,975 MHz to 11,095H and 11,175H MHz toward Dunbarton, N.H., and replace transmitters for same also 10,815V MHz.

4616-C1-P-73—Same as above (KZI59), 1 mile north of Dunbarton, N.H. C.P. to replace transmitters and change frequencies 11,225 and 11,465 MHz to 11,585H and 11,665H MHz and change polarity from H to V on 11,385 MHz toward Manchester, N.H. Change frequencies 11,245 and 11,685 MHz to 11,365H and 11,605V MHz toward Concord, N.H.

4617-C1-P-73—Same (KCK52), 12 South Street, Concord, N.H. C.P. replace transmitters for 10,915H and 11,155V MHz toward Dunbarton, N.H. (Note: this changes frequency 10,715 MHz to 10,915 MHz.)

American Telephone & Telegraph Co.—Modification of C.P.'s (10) to change equipment from Farinon SS4000A to Farinon FM4000KA-01 between Hillsboro, Mo., and Cherry Valley, Ark., and Farinon FM2000KA-01 between Cherry Valley and Forrest City, Ark. The proposed transmitters will be used in a protected configuration as opposed to hot standby protection.

4618-C1-MP-73—(KAQ78), 6.5 miles north-northeast of Hillsboro, Mo. Frequency 4190H MHz toward Lawrenceton, Mo.

4619-C1-MP-73—(KAS37), 2.5 miles south of Lawrenceton, Mo. Frequency 4198H MHz toward Hillsboro and Alliance, Mo.

4620-C1-MP-73—(KAS38), 4.2 miles north-northeast of Alliance, Mo. Frequency 4190H MHz toward Lawrenceton and Cape Girardeau Junction, Mo.

4621-C1-MP-73—(KAL47), 0.5 mile east of Jackson, Mo. Frequency 4198H MHz toward Alliance and Bloomfield, Mo.

4622-C1-MP-73—(KAS40), 3 miles northeast of Bloomfield, Mo. Frequency 4190H MHz toward Cape Girardeau Junction and Campbell, Mo.

4623-C1-MP-73—(KAS39), 3 miles northeast of Campbell, Mo. Frequency 4198H MHz toward Bloomfield, Mo., and Marmaduke, Ark.

4624-C1-MP-73—(KLD98), 4.8 miles north-northwest of Marmaduke, Ark. Frequency 4190H MHz toward Campbell, Mo., and Bay, Ark.

4625-C1-MP-73—(KLD99), 1 mile southeast of Bay, Ark. Frequency 4198H MHz toward Marmaduke and 4198V MHz toward Cherry Valley, Ark.

4626-C1-MP-73—(KLN73), 2.8 miles east of Cherry Valley, Ark. Frequency 4190V MHz toward Bay and frequency 2120H MHz toward Forrest City, Ark.

4627-C1-MP-73—(KLN72), 7 miles northeast of Forrest City, Ark. Frequency 2170H toward Cherry Valley, Ark.

All other particulars same as Files Nos. 7524 through 7533-C1-P-72.

4628-C1-P-73—The Mountain States Telephone & Telegraph Co. (KYJ55), 7.5 miles north of Leadore, Idaho. C.P. to add 10,755V and 10,995H MHz toward Mill Creek, Idaho, via a passive reflector.

4629-C1-P-73—Same as above (KPH61), 9.5 miles north of Missoula, TV Mountain, Mont. C.P. to add 2170V MHz toward Lolo, Hot Springs, Mont.

4666-C1-P-73—MCI Texas-Pacific, Inc. (New), station location: 1.5 miles south of Burleson, Tex. C.P. for frequency 5945.2H MHz on azimuth 43°42' toward Arlington, Tex. and frequency 5974.8H MHz on azimuth 358°55' toward Fort Worth, Tex. (Informative: The above application was filed by MCI Texas-Pacific, Inc. to maintain on file those facilities deleted from application File No. 6346-C1-P-72.)

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POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

7958-C1-P-72—Same (New), 4 miles northeast of Pegram (Davidson), Tenn., latitude 36°07'11" N., longitude 86°59'02" W. Adding frequency of 4130V MHz toward Nashville, Tenn., and Dickson, Tenn., on azimuth of 74°54' and 266°36' respectively. Also to change polarization of the following frequencies to read 3750V, 3830V, 3910V, 3990V, 4070V, 4150V, and 3730H toward Dickson, Tenn.

7957-C1-P-72—Same (KJG67), approximately 3 miles northwest of Dickson (Dickson), Tenn., latitude 36°05'50" N., longitude 87°25'58" N. (a) Adding frequency of 4170H MHz toward Lobelville, Tenn., and Pegram, Tenn. (b) Change polarization of the following frequency to read 3770H, 3710V, 3790V, 3870V, 3950V, 4030V, and 4110V MHz toward Lobelville, Tenn., and Pegram, Tenn.

7958-C1-P-72—Same (KJG56), approximately 4 miles southwest of Lobelville (Perry), Tenn., latitude 35°37'03" N., longitude 88°48'56" W. (a) Adding frequency of 4130H MHz toward Lexington, Tenn., and Dickson, Tenn. (b) Change polarization of the following frequencies to read 3730H, 3750V, 3830V, 3910V, 3990V, 4070V, and 4150V toward Lexington, Tenn., and Dickson, Tenn.

7959-C1-P-72—Same (KJG55), approximately 7 miles south of Lexington (Henderson), Tenn., latitude 35°33'01" N., longitude 88°23'29" W. (a) Adding frequency of 4170H MHz toward Jackson, Tenn., and Lobelville, Tenn. (b) Change polarization of the following to read 3710V, 3790V, 3870V, 3950V, 4030V, 4110V, and 3770H MHz toward Lobelville, Tenn.

7960-C1-P-72—Same (KJG61), 334 North Cumberland Street, Jackson (Madison), Tenn., latitude 35°37'03" N., longitude 88°48'56" W. (a) Adding frequency of 4130H MHz toward Lexington, Tenn. (b) Add point of communication to Brownsville, Tenn., on frequency 4050H MHz, on azimuth 264°41'.

3400-C1-P-71—GTE Satellite Corp. (New), change geographic coordinates to latitude 28°51'15" N., longitude 82°31'52" W.; change azimuth toward Lecanto, Fla., to 60 145°25'; change frequency 11,115H MHz toward Lecanto, Fla., to 2167.2H MHz.

3401-C1-P-71—GTE Satellite Corp. (New), change geographic coordinates to latitude 28°45'13" N., longitude 82°27'09" W.; change azimuth toward Homosassa, Fla., to 316°54'; change frequency 11,645H MHz toward Homosassa, Fla., to 2117.2H MHz; add Brooksville, Fla., as a point of communication on frequencies 2126.8H, 5060.0V, 6019.3V, and 6078.6V MHz.

[FR Doc.73-177 Filed 1-5-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-2)]

AD HOC PANEL ON ADVANCED REACTOR SPACE POWER TECHNOLOGY

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Space Propulsion and Power, Ad Hoc Panel on Advanced Reactor Space Power Technology will meet at 9 a.m., January 9, 1973, in the Cherry L-Emerson building, School of Nuclear Engineering, Georgia Institute of Technology, Atlanta, Ga. The room number will be available from the office of Dr. L. Weaver, Room 201, Cherry L-Emerson building, School of Nuclear Engineering, area code 404—894-3720. Members of the public will be admitted to the meeting on a first-come, first-served basis up to the seating capacity of the room which is about 20 persons. All visitors must report to Dr. Weaver's office, Room 201, Cherry L-Emerson building.

The NASA Research and Technology Advisory Council, Committee on Space Propulsion and Power, Ad Hoc Panel on Advanced Reactor Space Power Technology serves in an advisory capacity only. In this capacity the panel is concerned primarily with thermoelectric, thermionic and gas turbine conversion systems and the associated reactor heat sources. The panel is comprised of seven members and is chaired by Dr. Lynn E. Weaver. For further information please call Mr. William Woodward, area code 202—755-2377 or Mr. David Gabriel, area code 301—973-3927.

Originally formed on January 25, 1972, the panel prepared a draft report on

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

4600-C1-P-73—Same as above (New), C.P. for a new station at Norrtion, Montgomery County, Pa., 0.3 mile north of intersection of Route 422 and Potshop Road on Potshop Road, Norrtion, Pa., at latitude 40°09'35" N., longitude 75°21'45" W. Frequency 6404.8V MHz on azimuth 265°19' toward Welsh Mountain, Pa.

4691-C1-P-73—Same as above (New), C.P. for a new station at Welsh Mountain, 2.7 miles north-northeast of Honeybrook, Pa., at latitude 40°07'29" N., longitude 75°53'59" W. Frequency 6093.5V MHz on azimuth 259°56' toward Highmount, Pa.

4692-C1-P-73—Same (New), C.P. for a new station at Highmount, 1.6 miles north-northeast of Hellam, York County, Pa., at latitude 40°01'37" N., longitude 76°36'02" W. Frequency 6404.8V MHz on azimuth 341°37' toward Middletown, Pa., and 6404.8H MHz on azimuth 221°23' toward York, Pa.

4693-C1-P-73—Same (New), C.P. for a new station at Derry, Dauphin County, Pa., 0.5 mile southwest of Waltonville, 3.5 miles northeast of Middletown, Pa., at latitude 40°14'09" N., longitude 76°41'28" W. Frequency 11385V MHz on azimuth 81°16' toward Mount Gretna, Pa., and on azimuth 280°24' toward Harrisburg, Pa., to receiver located at 240 Third Street, Harrisburg at latitude 40°15'43.8" N., longitude 76°53'01" W. to WHP-TV studios located at 218 Locust Street, Harrisburg, Pa. (Informative: Applicant proposes a microwave system for the purpose of providing one-way common carrier network television relaying from Philadelphia, Pa., to Harrisburg, Pa., with an intermediate service drop at Lebanon and York, Pa.)

4710-C1-ML-73—American Telephone & Telegraph Co. (KCA46), Modification of License to change polarity from H to V on frequency 3710 MHz toward Bald Hill, Conn. Station located at John Tom Hill, 7 miles east of Glastonbury, Conn.

4596-C1-MP-73—MCI Michigan, Inc. (WOE46), 2.3 miles west of Chelsea, Mich. Latitude 42°18'35" N., longitude 84°04'54" W. Modification C.P. to add frequencies 10775H and 11175H to Bridgewater, Mich. azimuth 138°58'.

4597-C1-MP-73—Same (WOE49), modification C.P. to relocate station to 2.6 miles southwest of Lennon, Mich. Latitude 42°56'00" N., longitude 83°58'20" W. Change azimuths to Fowlerville and Flint, Mich., to 194°25' and 76°21', respectively.

4598-C1-MP-73—Same (WOE50), One East 1st Street, Flint, Mich. Latitude 43°01'00" N., longitude 83°41'23" W. Modification C.P. to change azimuth to Lennon, Mich., to 256°32', change frequency 11,165H MHz toward Lennon, Mich., to 2167.2H MHz.

4599-C1-MP-73—Same (WOE51), 555 East William Street, Ann Arbor, Mich. Latitude 42°16'39" N., longitude 83°44'34" W. Modification C.P. to change azimuth to Northville, Mich., to 35°31'.

4600-C1-MP-73—Same (WOE52), 2.5 miles northwest of Bridgewater, Mich. Latitude 42°11'07" N., longitude 83°56'10" W. Modification C.P. to add frequencies 11265H and 11665H toward Chelsea, Mich., azimuth 319°03'.

4601-C1-MP-73—Same (WOE55), 28 North Saginaw Street, Pontiac, Mich. Latitude 42°38'14" N., longitude 83°17'30" W. Modification C.P. to change azimuth to Northville, Mich., to 228°48'.

4602-C1-MP-73—Same (WOE56), modification C.P. to relocate station to 1.5 miles east of Dearborn, Mich. Latitude 42°19'10" N., longitude 83°09'06" W. Change azimuths to Northville and Detroit, Mich., to 293°54' and 82°29', respectively.

4603-C1-MP-73—Same (WOE57), 500 Griswood Street, Detroit, Mich. Latitude 42°19'47" N., longitude 83°02'46" W. Modification C.P. to change azimuth to Dearborn, Mich., to 262°34'.

4604-C1-MP-73—Same (WIV82), modification C.P. to relocate station to 4.8 miles westnorthwest of Northville, Mich. Latitude 42°27'22" N., longitude 83°34'14" W. Change azimuths as follows: 215°37' to Ann Arbor, Mich., 46°37' to Pontiac, Mich., and 113°37' to Dearborn, Mich.

4605-C1-MP-73—Same (WIV83), 1.5 miles North of Fowlerville, Mich. Latitude 42°41'04" N., longitude 84°04'14" W. Modification C.P. to change azimuth to Lennon, Mich., to 14°21'.

Major Amendments

7955-C1-P-72—South Central Bell Telephone Co. (New), 605 33d Avenue North, Nashville (Davidson) Tenn., latitude 36°09'16" N., longitude 86°49'27" W. Application amended to relocate station to the above coordinates on frequencies 3710V, 3790V, 3950V, 3870V, 4030V, 4110V, and 3770H MHz toward Pegram, Tenn., on azimuth 255°3'. Also adding frequency of 4170H MHz toward Pegram, Tenn.

the NASA–AEC advanced reactor space power technology program and submitted it to the NASA Committee on Space Propulsion and Power for review at its December 13 and 14, 1972, meeting. As a result of the committee's review, there is need to expand and clarify the draft report. The purpose of the January 9, 1973, meeting of the panel is to discuss the committee's recommendations and to begin preparation of the necessary revisions.

AGENDA

January 9, 1973

Time	*Topic*
9 a.m.	Review by the Chairman of the comments made by the Committee on Space Propulsion and Power and suggested procedure and schedule for revising panel draft report.

January 9, 1973

Time	*Topic*
9:30 a.m.–5 p.m.	Panel discussions leading to preparation of revised report.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-468 Filed 1-5-73;9:48 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3347]

BIRR, WILSON & CO., INC.

Notice of Filing of Application for Order of Exemption

JANUARY 2, 1973.

Notice is hereby given that Birr, Wilson & Co., Inc., 155 Sansome Street, San Francisco, CA 94104 (Applicant), prospective representative of a group of underwriters of a proposed offering of shares of common stock of AU/AG Corp. (the Fund), a registered closed end, nondiversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant and its counderwriters from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act) in respect of their transactions incident to the distribution of the Fund's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of the Fund are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between the Fund and the underwriters represented by the Applicant. The several underwriters will be obligated to make a public offering of all of the shares of common stock of the Fund which such underwriters purchase under the underwriting agreement, at the price therein specified, as soon on or after the effective date of the Fund's Registration Statement on Form S–4 (the Form S–4) as the Applicant deems advisable, and such shares are initially to be offered to the public at the per share public offering price and underwriting commissions to be specified in the underwriting agreement, and the dealer concessions and additional compensation to be specified in the agreement among underwriters, at the time the Form S–4 becomes effective under the Securities Act of 1933.

Section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class outstanding securities of the Fund to the same duties and liabilities as those imposed by section 16 of the Exchange Act. It is possible that the Applicant and other members of the underwriting group may individually become obligated to purchase more than 10 percent of the initial amount of common stock of the Fund to be outstanding upon the completion of the initial public offering, thereby becoming "insiders" subject to section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain underwriters from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchase by the Applicant and the other underwriters is for resale in connection with the initial distribution of shares of the Fund. It will thus be a transaction effected in connection with a distribution of a substantial block of securities within the purpose and spirit of the Commission's Rule 16b–2.

The Applicant and their counderwriters, however, may not be exempted from section 16(b) by Rule 16b–2. They may not meet the requirement stated in paragraph (a) (3) of Rule 16b–2 that the aggregate participation of underwriters not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of underwriters receiving the exemption under Rule 16b–2, since it is possible that one or more of the underwriters who take more than 10 percent of the shares may be obligated to purchase more than 50 percent of the shares of the Fund which will be outstanding at the time of the closing.

In addition to purchases from the Fund and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchase to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that to the best of their knowledge no underwriter has any inside information, that there is no possibility of using inside information and, in fact, that there is no inside information in existence. An employee of Applicant is a director of the Fund, but otherwise no director, officer, or employee of any underwriter is a director, officer, or employee of the Fund.

Applicant represents that the requested exemption from the provision of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The Applicant states that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 17, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-337 Filed 1-5-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 150]

ASSIGNMENT OF HEARINGS

JANUARY 3, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as

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presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136468 Sub 1, Virginia Air Freight Inc., now assigned January 15, 1973, at Roanoke, Va., is postponed to January 29, 1973, at Roanoke, Va., in a hearing room to be later designated.

I&S No. 8808, San, Yuma, Mich. to Cleveland, Ohio, now being assigned hearing February 21, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11436, Milton Transportation, Inc.—Purchase—Milton Trucking, Inc., MC 136343, Milton Transportation, Inc., and MC 134776 Sub 20, Milton Trucking, Inc., now assigned February 5, 1973, at Washington, D.C., postponed to February 13, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-125659 Sub 3, Ace Driveaway System, Inc., now assigned January 17, 1973, will be held at Caravan Motel, 19101 Collins Ave., Miami Beach, Fla.

MC-107107 Sub 414, Alterman Transport Lines, Inc. Extension-New Orleans, La., now assigned January 22, 1973, MC-83539 Sub 327, C&H Transportation Co. Inc. Now assigned January 23, 1973, MC-117943 Sub 1, Joseph M. Booth, DBA J. M. Booth Trucking, now assigned January 24, 1973, will be held in the Florida Public Service Commission, 5720 Southwest 17th Street, Miami, Fla.

MC 118803 Sub 7, Atlantic Truck Lines, Inc., now being assigned hearing February 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 1515 Sub 154, Greyhound Lines, Inc., Extension Special Operations, MC 3600 Sub 8, Frank Martz Coach Co., Extension Special Operations, MC 74761 Sub 18, Tamiami Trails Tours, Inc., Extension Special Operations, MC 84728 Sub 57, Safeway Trails, Inc., Extension Special Operations, MC 109736 Sub 33, Capitol Bus Co., Extension Special Operations, now being assigned hearing February 6, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 108811 Sub 6, Thomas Motor Tours, Inc., now being assigned hearing February 12, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 127487 Sub 8, Holt Motor Express, Inc., now being assigned hearing February 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116544 Sub 133, Wilson Brothers Truck Line, Inc., now being assigned February 1, 1973, (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC-F-11616, Food Transport, Inc.—Purchase (Portion)—Earl Swanson Blanchfield, now being assigned February 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115779 Sub 41, John D. Bohr, Inc., now being assigned February 6, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124211 Sub 219, Hilt Truck Line, Inc., now being assigned February 13, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115841 Sub 437, Colonial Refrigerated Transportation, Inc., now being assigned February 14, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Subs 284, 285, 286 & 287, Schneider Transport, Inc., now being assigned February 27, 1973, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 128273 Sub 130, Midwestern Express, Inc., now being assigned hearing February 7, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124796 Sub 100, Continental Contract Carrier Corp., now being assigned hearing February 14, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134599 Subs 46 and 48, Interstate Contract Carrier Corp., now being assigned hearing February 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115841 Sub 438, Colonial Refrigerated Transportation, Inc., now being assigned hearing February 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-343 Filed 1-5-73;8:45 am]

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MONDAY, JANUARY 8, 1973
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Volume 38 ■ Number 4

PART II

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

Proposed Rule Making

No. 4—Pt. II——1

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DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 445, 446, 447]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

Notice of Proposed Rule Making

Notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Department of Agriculture has under consideration proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the 1972 conference of representatives of the State agencies cooperating in the administration of the plans,[1] and that, pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to revise Parts 445, 446, and 447 of Title 9, Chapter IV, Subchapter A, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency.

Parts 445, 446, and 447 would be amended in the following respects:

PART 445—NATIONAL POULTRY IMPROVEMENT PLAN

1. Section 445.1 would be amended by revising paragraph (d) to read as follows:

§ 445.1 Definitions.

• • • • •

(d) *Service.* The Agricultural Research Service of the Department.

• • • • •

2. Section 445.4 would be amended by revising paragraph (d) to read as follows:

§ 445.4 General provisions for all participants.

• • • • •

(d) Participants may not buy, sell, or receive for any purpose products from nonparticipants, except turkey breeding stock, hatching eggs, and poults produced in a State qualified for phase I or II of the Pullorum-typhoid eradication program of the Animal and Plant Health Inspection Service of the Department: *Provided,* That with the permission of the official State agency and approval of the Service, other products may be bought or received for use in breeding flocks or for experimental purposes.

• • • • •

3. Section 445.5 would be amended by revising paragraph (c) to read as follows:

§ 445.5 Specific provisions for participating flocks.

• • • • •

(c) A flock shall be deemed to be a participating flock at any time only if it has qualified for the U.S. Pullorum-Typhoid Clean classification, as prescribed in Subpart B, C, D, or E of this part.

4. Section 445.10 would be amended to read:

§ 445.10 Terminology and classification; flocks and products.

Participating flocks, and the products produced from them, which have met the respective requirements specified in Subpart B, C, D, or E of this part may be designated by the following terms or illustrative designs:

(a) *U.S. Approved.* (See § 445.23(a), § 445.33(a), and § 445.53(a).)



FIGURE 2

(b) *U.S. Pullorum-Typhoid Clean.* (See § 445.23(b), § 445.33(b), § 445.43(b), and § 445.53(b).)



FIGURE 3

(c) *U.S. M. Gallisepticum Clean.* (See § 445.23(c), § 445.33(c), § 445.43(c), and § 445.53(c).)



FIGURE 4

(d) *U.S. Typhimurium Controlled.* (See § 445.23(d) and § 445.43(d).)



FIGURE 5

5. Section 445.11 would be amended by revising paragraph (a) and adding a new paragraph (c) to read as follows:

§ 445.11 Supervision.

(a) The official State agency may designate qualified persons as authorized agents to do the sample collecting and blood testing provided for in §§ 445.5 and 445.14, and the selecting required for the U.S. approved classification provided for in § 445.10(a).

• • • • •

(c) Authorities issued under the provisions of this section shall be subject to cancellation by the official State agency on the grounds of incompetence or failure to comply with the provisions of the plan or regulations of the official State agency. Such actions shall not be taken until a thorough investigation has been made by the official State agency and the authorized person has been given notice of the proposed action and the basis therefor and an opportunity to present his views.

6. Section 445.14 would be amended by revising subparagraph (1) of paragraph (a) and the introductory statement and subdivision (ii) of subparagraph (2) of paragraph (a) to read:

§ 445.14 Blood testing.

(a) *For Salmonella.* (1) The official blood tests for pullorum-typhoid shall be the standard tube agglutination test, the microagglutination test, or the rapid serum test for all classes of poultry or the stained antigen, rapid whole-blood test for all classes of poultry except turkeys. The recommended procedures for conducting such tests are described in §§ 447.1, 447.2, 447.3, and 447.5 of this chapter. Each lot of antigen used for the whole-blood test shall be approved by the Department and shall be of the polyvalent type.

(2) The official blood tests for typhimurium shall be the standard tube agglutination test or the microagglutination test as described in §§ 447.4 and 447.5 of this chapter: *Provided,* That, if the following conditions are fulfilled, the tests for pullorum-typhoid and typhimurium may be combined:

• • • • •

(ii) A single combination antigen composed of equal quantities of pullorum antigen and typhimurium antigen is used at a dilution not exceeding 1:25 as a screening test in accordance with procedures described in § 447.1 or § 447.5 of this chapter.

• • • • •

§ 445.21 [Amended]

7. Section 445.21 would be amended by deleting paragraphs (d) and (e).

8. Section 445.22 would be amended by adding a new paragraph (d) to read:

§ 445.22 Participation.

• • • • •

[1] A copy of the recommended changes as adopted by the 1972 National Plan Conference is filed as part of the original document.

(d) Hatching eggs produced by primary breeding flocks shall be fumigated according to the procedures described in § 447.25(a) of this chapter.

§ 445.23 [Amended]

9. Section 445.23 would be amended by deleting paragraphs (a), (b), and (c) and redesignating paragraphs (d), (e), and (f) as (a), (b), and (c), respectively.

10. Section 445.23 would be further amended by revising the introductory portion of the redesignated paragraph (d) to read:

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in one of the following subparagraphs (1) through (5) of this paragraph: *Provided,* That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be at the discretion of the Official State Agency with the concurrence of the Service. (See § 445.14 relating to the official blood test where applicable.)

11. Section 445.23 would be further amended by deleting the phrase "within the past 12 months" from subparagraph (1), subdivision (iii) of subparagraph (2), and subparagraph (5) of the redesignated paragraph (b).

12. Section 445.23 would be further amended by revising subdivision (i) and the introductory portion of subdivision (ii) of subparagraph (1) of the redesignated paragraph (c) to read:

(i) It is a flock in which all birds, or a sample of at least 500 birds, in the flock have been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided,* That to retain this classification, all birds or a sample of at least 500 birds shall be tested at intervals of not more than 90 days; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks and all birds, or a sample of at least 500 birds, in the flock have been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

13. Section 445.23 would be further amended by adding a new paragraph (d) to read:

(d) *U.S. Typhimurium Controlled.* (1) A flock in which freedom from S. typhimurium has been demonstrated under the criteria specified in subdivision (i) or (ii) of this subparagraph.

(i) All birds have been tested within the past 12 months for S. typhimurium as provided in § 445.14(a) and no reactors were found on the first test, or

(ii) A sample of at least 500 birds in the flock has been tested within the past 12 months for S. typhimurium as provided in § 445.14(a) and environmental samples or cloacal swabs collected by a State inspector or authorized agent as described in § 447.12 of this chapter have been examined for S. typhimurium by an authorized laboratory, and no evidence of the disease was found.

(2) In order to sell hatching eggs or chicks of this classification, all hatching eggs and chicks handled shall meet the requirements for this classification.

14. Section 445.32 would be amended by adding a new paragraph (c) to read:

§ 445.32 Participation.

• • • • •

(c) Hatching eggs produced by primary breeding flocks shall be fumigated according to the procedures described in § 447.25(a) of this chapter.

§ 445.33 [Amended]

15. Section 445.33 would be amended by deleting paragraphs (a) and (b), and redesignating paragraphs (c), (d), and (e) as (a), (b), and (c), respectively.

16. Section 445.33 would be further amended by revising the introductory portion of the redesignated paragraph (b) to read:

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated to the official State agency under the criteria in one of the following subparagraphs (1) through (5) of this paragraph: *Provided,* That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be at the discretion of the official State agency. (See § 445.14 relating to the official blood test where applicable.)

17. Section 445.33 would be further amended by deleting the phrase "within the past 12 months" from subparagraph (1), subdivision (iii) of subparagraph (2), and subparagraph (5) of the redesignated paragraph (b).

18. Section 445.33 would be further amended by revising subdivision (i) and the introductory portion of subdivision (ii) of subparagraph (1) of the redesignated paragraph (c) to read:

(i) All birds have been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a random sample of at least 5 percent of the flock shall be tested at intervals of not more than 90 days; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks and a sample of at least 5 percent of the birds in the flock has been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

§ 445.42 [Amended]

19. Section 445.42 would be amended by deleting paragraph (a) and redesignating the introductory paragraph as paragraph (a).

§ 445.43 [Amended]

20. Section 445.43 would be amended by deleting the present provisions contained in paragraph (a) and marking paragraph (a) as "[Reserved]," and by revising the introductory portion of paragraph (b) to read:

(a) [Reserved]

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated to the official State agency under the criteria in one of the following subparagraphs (1) through (5) of this paragraph: *Provided,* That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be at the discretion of the official State agency. (See § 445.14 relating to the official blood test where applicable.)

21. Section 445.43 would be further amended by deleting the phrase "within the past 12 months" from subparagraph (1), subdivision (iii) of subparagraph (2), and subparagraph (5) of the redesignated paragraph (b).

22. Section 445.43 would be further amended by revising subdivision (i) of subparagraph (1) of paragraph (d) to read:

(i) *(a)* All birds have been tested within the past 12 months for S. typhimurium as provided in § 445.14(a) and no reactors were found on the first test: *Provided,* That the retesting of participating flocks which are moved from one premises to another or kept beyond 12 months after testing shall be at the discretion of the official State agency, or

(b) A sample of at least 500 birds in the flock has been tested within the past 12 months for S. typhimurium as provided in § 445.14(a) and environmental samples or cloacal swabs collected by a State inspector or authorized agent as described in § 447.12 of this chapter have been examined for S. typhimurium by an authorized laboratory and no evidence of the disease was found: *Provided,* That the retesting of participating flocks which are moved from one premises to another or kept beyond 12 months after testing shall be at the discretion of the official State agency.

23. Section 445.43 would be further amended by revising the second sentence of subdivision (ii) of subparagraph (1) of paragraph (d) to read:

"All eggs used for hatching shall be visibly clean and fumigated as described in § 447.25(a) of this chapter as soon as possible after collection: *Provided,* That alternative sanitizing procedures may be used with the approval of the official State agency in each specific instance and general concurrence by the Service in the policy adopted by the official State agency."

24. Section 445.53 would be amended by revising subparagraphs (1) and (2) of paragraph (c) to read as follows:

§ 455.53 Terminology and classification.

• • • • •

(c) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in compliance with the

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provisions of § 447.26 of this chapter and in which no reactors were found when all birds, or a sample of at least 500 birds, in the flock were tested when more than 4 months of age in accordance with the procedures described in § 445.14(b): *Provided*, That to retain this classification, all birds, or a sample of at least 500 birds, in the flock shall be tested at intervals of not more than 90 days.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner found satisfactory by the official State agency in each specific instance and general concurrence by the Service in the policy adopted by the official State agency.

• • • • •

PART 446—[RESERVED]

25. The title of Part 446 would be amended by changing from "National Turkey Improvement Plan (Turkeys and Certain Other Poultry)" to "Reserved."

PART 447—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

26. Part 447, Subpart A, Table of Contents would be amended by adding a reference to a new § 447.5 to read:

Sec.
447.5 The microagglutination test for pullorum-typhoid and thyphimurium.

27. Part 447, Subpart A would be amended by adding a new § 447.5 to read:

§ 447.5 The microagglutination test for pullorum-typhoid and typhimurium.

(a) The procedure for the collection and delivery of blood samples in the microagglutination test is the same as that described in § 447.1(a).

(b) Stained microagglutination test antigens for pullorum-typhoid, typhimurium, or combined pullorum-typhoid and typhimurium are supplied as concentrated stock suspensions and must be approved by the Department.[1] Directions for diluting will be provided with the antigens. The stock as well as the diluted antigen prepared each day should be kept sealed in the dark at 5° to 10° C. when not in use.

(c) The maximum serum dilution employed for pullorum-typhoid must not exceed 1:50 for chickens, nor 1:25 for turkeys. The maximum serum dilution for typhimurium and the combined test shall not exceed 1:25. In all official reports on the blood test, the serum dilutions shall be indicated.

(d) The recommended procedure for the 1:25 dilution is as follows:

[1] Information as to criteria and procedures for approval of concentrated stock suspensions of stained microagglutination test antigens may be obtained from the National Poultry Improvement Plan Staff, Building 265, Agricultural Research Center, Beltsville, Md. 20705.

(1) Add 50 microliters (0.05 cc.) of 0.25 percent phenolized saline to each microwell of the microplate.

(2) Using a microdiluter, transfer 10 microliters (0.01 cc.) of the serum sample from the collected specimen to the corresponding well of the microplate. This is accomplished by touching the surface of the serum sample with the microdiluter and then transferring and mixing the serum with the diluent in the microplate well. The microdiluter is removed, blotted, rinsed in saline, and again blotted. Other acceptable methods of serum delivery are described in "Applied Microbiology," volume 21, No. 3, March 1971, pages 394–399.

(3) Dilute the microagglutination test antigen with 0.25 percent phenolized saline and add 200 microliters (0.2 cc.) to each microplate well.

(4) Seal each plate with a plastic sealer or place unsealed in a tight incubation box as described in "Applied Microbiology," volume 23, No. 5, May 1972, pages 931–937. Incubate at 37° C. for 18–24 hours.

(5) Read the test results with the aid of a reading mirror. Results are interpreted as follows:

(i) N, or — (negative) when the microplate well has a large, distinct button of stained cells.

(ii) P, or + (positive) when the microplate well reveals no antigen button.

(iii) S, or ? (suspicious) when the microplate well has a small button. Suspicious reactions may tend to be more positive than negative [±] or vice versa [∓] and can be so noted, if desired.

27. Part 447, Subpart B, table of contents would be amended by adding a reference to a new § 447.12 to read:

447.12 Procedures for collecting environmental samples and cloacal swabs for bacteriological examination.

28. Part 447, Subpart B would be amended by adding a new § 447.12 to read:

§ 447.12 Procedures for collecting environmental samples and cloacal swabs for bacteriological examination.

Information concerning the pen arrangement and number of birds per pen should be obtained from the owner so that the required number of samples per pen and per flock can be determined. A means of identifying each sample by pen of origin should be provided. The vehicle transporting the personnel taking the samples should be left as far as practical from the poultry pens. Sanitary precautions, including personal cleanliness, should be observed during the sampling procedure. The hands should be carefully washed with a sanitizing soap prior to the sampling. Outer clothing, including gloves, should be changed between visits to different premises so that clean clothing is worn upon entering each premises. The used and clean apparel should be kept separate. Boots or footwear should be cleaned and disinfected between visits to different premises. Disposable caps should be provided and discarded after use on each premises. After collection, the samples should be protected from drying, light, and excessive temperatures and delivered to the laboratory within 1 day. If delivery is delayed, samples should be refrigerated.

(a) *Environmental samples.* Fecal material, litter, or dust to be submitted for bacteriological examination should be collected in accordance with the procedures described in paragraph a (1) or (2) of this section:

(1) *Procedure for sampling in broth.* Authorized laboratories will provide capped tubes 1–2 cm. in diameter and 15–20 cm. in length which are two-thirds full of a recently made, refrigerated, sterile enrichment broth (Selenite Brilliant Green Sulfapyridine or Tetrathionate Brilliant Green) for each sample. Sufficient tubes should be taken to the premises to provide at least one tube per pen or one tube per 500 birds, whichever is greater. At least one sterile, cotton-tipped applicator will be needed for each tube. The dry applicator is first placed or drawn through fresh manure (under roost, near water troughs, cecal droppings, or diarrhetic droppings). After this and each subsequent streaking, the cotton-tipped applicator is placed in the tube of broth and swirled to remove the collected material. The applicator is then withdrawn and is used for taking additional specimens by streaking on or through areas where defecation, trampling of feces, or settling of dust are common; i.e., on or near waterers, feeders, nests, or rafters, etc. When the volume of material collected equals approximately 10 percent of the volume of the broth (usually 10–12 streakings), the applicator is placed in the tube and the stick is broken in half. The lower or cotton-tipped half is left in the broth, and the upper half is retained for future disposal. The cap is then replaced on the inoculated tube, and the sampling procedure is continued in other areas of the pen.

(2) *Procedure for sampling in dry containers.* A sample of fecal material, litter, or dust, is placed in a sterile, sealable container. The sample shall consist of several specimens of material taken from a representative location in the pen. At least 10 grams (approximately a heaping tablespoonful) of material shall be collected for each sample. The specimens in each sample shall be collected with a sterile tongue depressor or similar uncontaminated instrument. The samples should vary in type and consistency. Half of the samples should be comprised of material representing defecated matter from a large portion of the flock; i.e., trampled, caked material near waterers and feeders. The minimum number of samples to be taken shall be determined by the following:

Five samples from pens of up to 500 birds;
Ten samples from pens of 500 to 2,500 birds;
Fifteen samples from pens with more than 2,500 birds.

(b) *Cloacal swabs.* Cloacal swabs for bacteriological examination are taken from each bird in the flock or from a minimum of 500 birds in accordance with the procedure described in paragraph (a)(1) of this section.

(1) *Procedure for taking cloacal swabs.* The authorized laboratory will provide sterile capped tubes or other suitable containers and cotton-tipped applicators for use in taking the cloacal swabs. The cotton-tipped applicator is inserted into the cloaca and rectum in such a manner as to insure the collection of fecal material. The swab and adhering fecal material is then placed in the tube and the stick is broken in half, with the upper half retained for future disposal. The cloacal swabs may be combined in the sterile tubes in multiples of five or in combinations specified by the authorized laboratory.

Any person who wishes to submit written data, views, or arguments, concerning the proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions may do so by filing them with the Chairman, Animal Physiology and Genetics Institute, Building 265, Agricultural Research Center, Beltsville, Md. 20705, by February 7, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at said institute at times and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 2d day of January 1973.

PAUL D. DELAY,
Acting Administrator,
Agricultural Research Service.

[FR Doc.73-312 Filed 1-5-73;8:45 am]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3109 is amended to show that positions on the Cable Ship operated by the Air Force Communication Service are no longer excepted under Schedule A.

Effective on January 9, 1973, § 213.3109 (b) (1) is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-450 Filed 1-8-73;8:45 am]

Title 6—ECONOMIC STABILIZATION

Rulings—Internal Revenue Service, Department of the Treasury

[Price Commission Ruling 1972–286; Cost of Living Council Ruling 1972–121]

APPLICATION OF SMALL BUSINESS EXEMPTION TO COFFEE MANUFACTURERS

Price Commission and Cost of Living Council Ruling

Facts. A Company is a firm with fewer than 60 employees and among the goods it produces are coffee products.

A Company meets the requirements of Economic Stabilization Regulations, 6 CFR 101.51(a) (1972), and thereby qualifies for the exemption for firms with 60 or fewer employees. However, Price Commission Order No. 9C, 37 FR 18595 (1972), by its terms, imposes controls on all manufacturers of coffee. No provision is made for different treatment of different firms based on the number of employees.

Issue. Does A Company still qualify for the small business exemption under § 101.51(a)?

Ruling. Yes. A Company is exempt under § 101.51(a).

Section 8(c) of Executive Order No. 11640, 37 FR 1213 (1972), states that the Price Commission "• • • shall perform such functions with respect to the stabilization of prices and rents as the Council delegates to the Commission." The specific grant of authority to delegate the Council's powers to the Price Commission may be found in section 4 (a) of the above Executive order. That order makes no direct grant of any authority to the Price Commission. The only authority held by the Price Commission is that which has been delegated by the Cost of Living Council under the previously cited sections 8(c) and 4(a).

Cost of Living Council Order No. 7, 37 FR 2678 (1972), which was meant to reaffirm and clarify the authority delegated to the Price Commission, refers to Cost of Living Council Order No. 4, 36 FR 20202 (1972). Section 1(b) of Order No. 4 limits the Price Commission to acting within the "• • • coverage determinations developed by the Council."

In recognition of the foregoing, Price Commission Regulations, § 301.1(b), 37 FR 27615 (1972), states, "This part does not apply to the sale or lease of any property or service that is exempted by Part 101 of this title." It is clear then that the Price Commission intended no more by its regulations than to control those subjects which it was delegated the authority to control.

The Commission was within the coverage determined by the Cost of Living Council when it promulgated Price Commission Order No. 9C, 37 FR 18595 (1972). The language immediately preceding the numbered paragraphs in that order states "• • • notwithstanding any other provision of Part 300 of the Price Stabilization Regulations of the Commission (6 CFR Part 300), it is hereby ordered • • •." The specific reference to Part 300 clearly indicates that the order was meant to modify only the coverage of Part 300 and was not intended to modify Cost of Living Council Regulations, 6 CFR Part 101 (1972).

Since the small business exemption is a Part 101 exemption and Price Commission Order No. 9C does not modify Part 101 coverage, A Company, which otherwise qualifies for the exemption, does not lose it by operation of Price Commission Order No. 9C.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: December 29, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-437 Filed 1-8-73;8:45 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 566, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period December 31, 1972–January 6, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 566 (37 FR 28890). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5

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U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.866 (Lemon Regulation 566, 37 FR 28890) is hereby amended to read as follows:

§ 910.866 Lemon Regulation 566.

* * * * *

(b) *Order.* (1) * * * 200,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-398 Filed 1-8-73;8:45 am]

[Amdt. 1]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

This amendment to the Limitation of Shipments regulation relieves the Sunday packaging holiday for South Texas lettuce for 1 day, Sunday, January 7, 1973. This amendment is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order 971. Rain has impeded the harvest of lettuce in the Lower Rio Grande Valley. The suspension of the packaging holiday for Sunday, January 7, 1973, will permit growers to catch up on their harvesting.

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparations on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves the restriction that no person may package lettuce on Sunday, January 7, 1973.

Regulation, as amended. In § 971.313 (37 FR 24114) the introductory paragraph is hereby amended to read in part as follows:

§ 971.313 Limitation of shipments.

* * * Further, no person may package lettuce during the period ending March 31, 1973, on any Sunday, with the exception of Sunday, January 7, 1973.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued January 4, 1973, to become effective upon issuance.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-457 Filed 1-8-73;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-500]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined and Released

These amendments quarantine an additional portion of Southampton County in Virginia; a portion of Hertford County in North Carolina; portions of Charles, Prince Georges, and St. Marys in Maryland; and portions of Bristol and Plymouth Counties in Massachusetts because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments exclude a portion of Jefferson County in Georgia from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No area in Georgia remains under quarantine.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(10) relating to the State of Virginia is amended to read:

(e) * * *

(10) *Virginia.* That portion of Southampton County bounded by a line beginning at the junction of the Virginia-North Carolina State line and Secondary Road 701; thence, following Secondary Road 701 in a northerly direction to State Highway 195; thence, following State Highway 195 in a northeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to Secondary Road 670; thence, following Secondary Road 670 in a southeasterly direction to Secondary Road 743; thence, following Secondary Road 743 in a southeasterly direction to Secondary Road 716; thence, following Secondary Road 716 in a northeasterly, then northwesterly direction to Secondary Road 665; thence, following Secondary Road 665 in an easterly direction to Secondary Road 672; thence, following Secondary Road 672 in a northeasterly direction to Secondary Road 673; thence, following Secondary Road 763 in a northwesterly direction to Secondary Road 671; thence, following Secondary Road 671 in a northeasterly direction to Secondary Road 749; thence, following Secondary Road 749 in a northeasterly direction to Secondary Road 731; thence, following Secondary Road 731 in a southeasterly direction to Secondary Road 674; thence, following Secondary Road 674 in a northeasterly direction to Secondary Road 680; thence, following Secondary Road 680 in a southeasterly direction to Secondary Road 671; thence, following Secondary Road 671 in a northeasterly direction to the west bank of the Nottoway River; thence, following the west bank of the Nottoway River in a generally southeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a southwesterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to its junction with Secondary Road 701.

2. In § 76.2, in paragraph (e)(6) relating to the State of North Carolina, a new subdivision (ii) relating to Hertford County is added to read:

(e) * * *

(6) *North Carolina.* * * *

(ii) That portion of Hertford County bounded by a line beginning at the junction of the North Carolina-Virginia State line and U.S. Highway 258; thence, following U.S. Highway 258 in a southwesterly direction to Secondary Road 1317; thence, following Secondary Road 1317 in a northwesterly direction to Secondary Road 1310; thence, following Secondary Road 1310 in a northerly direction to Secondary Road 1311; thence, following Secondary Road 1311 in a generally northwesterly direction to the east bank of the Meherrin River; thence, following the east bank of the Meherrin River in a generally northwesterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in an easterly direction to its junction with U.S. Highway 258.

* * * * *

3. In § 76.2, paragraph (e)(1) relating to Georgia is deleted and new paragraphs (e)(1) relating to Maryland and (e)(2) relating to Massachusetts are added respectively to read:

(e) * * *

(1) *Maryland.* The adjacent portions of Charles, Prince Georges, and St. Marys Counties bounded by a line beginning at the junction of the west bank of the Patuxent River and State Highway 472 in St. Marys County; thence, following State Highway 472 in a southwesterly direction to State Highway 235; thence, following State Highway 235 in a northwesterly direction to State Highway 247; thence, following State Highway 247 in a southwesterly direction to State Highway 5; thence, following State Highway 5 in a northwesterly direction to State Highway 238; thence, following State Highway 238 in a southwesterly direction to State Highway 234; thence, following State Highway 234 in a northwesterly direction to State Highway 232 in Charles County; thence, following State Highway 232 in a northwesterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to U.S. Highway 301; thence, following U.S. Highway 301 in a northwesterly direction to State Highway 225; thence, following State Highway 225 in a northwesterly direction to the northeastern boundary of the U.S. Naval Ordnance Station; thence, following the northeastern boundary of the U.S. Naval Ordnance Station; in a northwesterly direction to the east bank of the Potomac River; thence, following the east bank of the Potomac River in a generally northeasterly direction to Interstate Highway 495 in Prince Georges County; thence, following Interstate Highway 495 in a northeasterly direction to State Highway 4; thence, following State Highway 4 in a southeasterly direction to U.S. Highway 301; thence, following U.S. Highway 301 in a southwesterly direction to State Highway 382; thence, following State Highway 382 in a southeasterly direction to Magruder Landing Road (also Magruder Ferry Road); thence, following Magruder Landing Road (also Magruder Ferry Road) in an easterly direction to the west bank of the Patuxent River; thence, following the west bank of the Patuxent River in a generally southeasterly direction to its junction with State Highway 472 in St. Marys County.

(2) *Massachusetts.* The adjacent portions of Bristol and Plymouth Counties bounded by a line beginning at the junction of State Highway 123 and State Highway 106 in Bristol County; thence, following State Highway 106 in a southeasterly direction to State Highway 24 in Plymouth County; thence, following State Highway 24 in a southeasterly then, southwesterly direction to U.S. Highway 44 in Bristol County; thence, following U.S. Highway 44 in a southwesterly direction to State Highway 140; thence, following State Highway 140 in a northwesterly direction to State Highway 123; thence, following State Highway 123 in a northeasterly direction to its junction with State Highway 106 in Bristol County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective January 3, 1973.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions presently imposed, they are no longer deemed necessary to prevent the spread of hog cholera, and they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of January 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-458 Filed 1-8-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72NW8AD, Amdt. 39-1582]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707–300, 707–300B, 707–300C, and 707–400 Series Airplanes

Amendment 39-931 (35 FR 1158), AD 70-2-11, as amended by Amendment 39-1011 (35 FR 9921), as amended by Amendment 39-1450 (37 FR 10068) as amended by Amendment 39-1574 (37 FR 26293), requires inspection of the stabilizer center section front spar terminal fitting lug on the Boeing Model 707-300, 707-300B, 707-300C, and 707-400 series airplanes. After issuing Amendment 39-1574, the agency determined that correction of the AD is necessary, therefore, the AD is being further amended to provide for this correction.

Since this amendment provides a correction only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-931 (35 FR 1158), AD 70-2-11, as amended by Amendment 39-1011 (35 FR 9921), as amended by Amendment 39-1450 (37 FR 10068) as amended by Amendment 39-1574 (37 FR 26293) is further amended to substitute a new paragraph (B)(1) for the existing paragraph (B)(1), as follows:

(B)(1) The stabilizer front spar fitting has been modified in accordance with Boeing Service Bulletin 2959, Revision 1, dated January 15, 1970, or later FAA approved revision, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region, or

This amendment becomes effective January 18, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on December 29, 1972.

C. B. WALK, Jr.,
Director, FAA Northwest Region.

[FR Doc.73-375 Filed 1-8-73;8:45 am]

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[Airspace Docket No. 72-WE-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 17, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 24443) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Yuma, Ariz., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., March 2, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on December 26, 1972.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (38 FR 435) the description of the Yuma, Ariz., transition area as amended by (37 FR 22576) is further amended by adding "• • •, that airspace extending upward from 9,000 feet MSL bounded on the west by the west edge of V–135, on the east by R–2306C and R–2306A, extending from 20 miles north of the Yuma VORTAC to the arc of a 20-mile radius circle centered on the Blythe, Calif. VORTAC."

[FR Doc.73-376 Filed 1-8-73;8:45 am]

[Airspace Docket No. 72-RM-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On November 16, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 24367) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a control zone at Glasgow AFB, Glasgow, Mont., and alter the description of the transition area at Glasgow, Mont.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received, and these proposed amendments are hereby adopted subject to the following changes:

In the proposed amendments to the control zone and transition area, change "Glasgow AFB TACAN" to read, "Cherry Creek TACAN".

A name other than "Glasgow" for the military TACAN is required, due to FAA policy of prohibiting duplicate names for Navaids located within an Air Route Traffic Control Center's area.

Effective date. These amendments shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on December 26, 1972.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

In § 71.171 (38 FR 351) the following control zone is added:

GLASGOW, MONT. (GLASGOW AFB)

Within a 5-mile radius of Glasgow AFB (latitude 48°25'21" N., longitude 106°31'55" W.); within 2 miles each side of the Cherry Creek TACAN 292° radial extending from the 5-mile radius zone to 7 miles northwest of the TACAN; and within 2½ miles north and 2 miles south of the Cherry Creek TACAN 125° radial extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

In § 71.181 (38 FR 435) the description of the Glasgow, Mont., transition area is amended to read:

GLASGOW, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°11'50" N., longitude 106°37'10" W.); within a 9-mile radius of Glasgow AFB (latitude 48°25'21" N., longitude 106°31'55" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Glasgow VOR 127° radial, extending from the VOR to 19½ miles southeast of the VOR; within a 25-mile radius of the Cherry Creek TACAN; within 9½ miles north and 5½ miles south of the Cherry Creek TACAN 125° radial extending from the 25-mile radius area to 33½ miles southeast of the TACAN; within 9½ miles south and 5½ miles north of the Cherry Creek TACAN 292° radial extending from the 25-mile radius area to 33½ miles northwest of the TACAN.

[FR Doc.73-377 Filed 1-8-73;8:45 am]

[Airspace Docket No. 72-SW-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Stephenville, Tex.

On November 8, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 23731) stating the Federal Aviation Administration proposed to designate the Stephenville, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

STEPHENVILLE, TEX.

That airspace extending upward from 700 feet AGL within a 5-mile radius of Clark Field, Tex. (latitude 32°13'00" N., longitude 98°10'42" W.), and within 3 miles each side of the Acton, Tex., VORTAC 244° radial extending from the 5-mile radius area to 27 miles from the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on December 21, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 73-378 Filed 1-8-73;8:45 am]

[Airspace Docket No. 72-RM-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 16, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 24367) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a transition area at Mohall, N. Dak.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on December 26, 1972.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

In § 71.181 (38 FR 435) the description of the Mohall, N. Dak., transition area is designated to read:

MOHALL, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Mohall Municipal Airport (latitude 48°46'01" N., longitude 101°32'04" W.).

[FR Doc.73-379 Filed 1-8-73;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-67, Amdt. 29]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATIONS; NONHEARING MATTERS

Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of January 1973.

The Board's Bureau of Accounts and Statistics recently has been reorganized. As a result of this reorganization, the Board has determined to simplify and reassign Delegations of Authority to various divisions within the Bureau so as to conform with the reorganized functions and responsibilities, and to relieve the Director of the Bureau from direct responsibility for certain decisions which can more appropriately be performed by certain of his subordinates.

The Board has also determined to amend current § 385.17(d), which delegates to the Director authority to grant or deny requests for confidential treatment of preliminary yearend financial reports with the concurrence of the General Counsel, the Director, Bureau of Economics, and the Director, Bureau of Operating Rights. The Board has determined that the concurrences required by § 385.17(d) are not necessary, and that the authority to act upon such requests should rest solely with the Director, Bureau of Accounts and Statistics.[1]

In addition, the Board has determined to delete from current § 385.17(k) the sentence pertaining to furnishing copies of Board magnetic tapes containing international origin and destination statistics to the Air Transport Association of America (ATA). By OR–68, issued contemporaneously herewith, the Board is amending § 389.14a(b) of Part 389 of this chapter, which deals with furnishing magnetic tapes for copying. The Part 389 amendment authorizes the furnishing of any Board magnetic tapes containing data exempt from disclosure to an ADP servicing agent having the capacity to properly house and secure these tapes. This new general authority under Part 389 is broad enough to encompass the existing specific authority with respect to ATA, under § 385.17(k), so that the latter provision is rendered superfluous.

Since the amendments provided for herein are rules of agency organization, the Board finds that notice and public procedure are not necessary, and that the amendments may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends §§ 385.17 and 385.18 of Part 385 of its Organization Regulations (14 CFR Part 385), and adds thereto a new § 385.18a, effective January 3, 1973, the sections as amended to read as follows:

1. Amend the Table of Contents of Subpart B of Part 385 by changing the heading of § 385.18 and by adding a new § 385.18a, the table as amended to read as follows:

Sec.
385.18 Delegation to the Chief, Accounting Regulation Division, Bureau of Accounts and Statistics.
385.18a Delegation to the Chief, Statistical Division, Bureau of Accounts and Statistics.

2. Amend § 385.17 to read as follows:

[1] Board policy on the granting of such requests is set forth at § 399.51 of Part 399 of this chapter.

§ 385.17 Delegation to the Director, Bureau of Accounts and Statistics.

The Board hereby delegates to the Director, Bureau of Accounts and Statistics, the authority to:

(a) Except as authority is otherwise specifically delegated, waive any of the accounting and reporting requirements upon a showing of the existence of such facts, circumstances or other grounds, and subject to such limitations or conditions, as may be prescribed for waivers in the applicable regulations.

(b) Interpret the Board's accounting and reporting requirements. This authority may not be redelegated.

(c) Establish detailed standard accounting and reporting practices required to achieve conformance with regulations promulgated by the Board.

(d) Dismiss petitions for Board action with respect to accounting and reporting matters when such dismissal is requested or consented to by the petitioner.

(e) Require monthly balance sheets and income statements of any supplemental air carrier, where he finds that such reports are necessary for the purpose of determining whether such carrier meets the standards of continuing fitness required by section 401(n)(4) of the Act.

(f) Grant or deny requests for confidential treatment of preliminary yearend financial reports.

3. Amend § 385.18 to read as follows:

§ 385.18 Delegation to the Chief, Accounting Regulation Division, Bureau of Accounts and Statistics.

The Board hereby delegates to the Chief, Accounting Regulation Division, Bureau of Accounts and Statistics, the authority to:

(a) Require submission by carrier of special statements necessary to an explanation of any carrier accounting or reporting practice.

(b) Grant or deny requests by air carriers for substitution of their own forms or adaptation of Board forms to meet special needs where Board approval of such form is required by the Economic Regulations.

(c) Prescribe, in specific instances, different passenger weight standards to approximate variations in actual experience, for reporting passenger ton-miles and available ton-miles.

(d) Establish record-retention practices required to achieve conformance with regulations promulgated by the Board.

(e) Interpret the Board's record-retention requirements.

(f) Waive any of the record-retention requirements as warranted, consistent with the provisions of §§ 249.4 and 249.28 of Part 249 of this chapter.

(g) Extend, with the concurrence of the Director, Bureau of Enforcement, the time period for the preservation of records relating to errors, oversales, irregularities, and delays in handling of passengers (§ 249.13(f) of this chapter. Category No. 303(a) of the Schedule of Records to Part 249 of the Economic Regulations.)

4. Add a new § 385.18a to read as follows:

§ 385.18a Delegation to the Chief, Statistical Division, Bureau of Accounts and Statistics.

The Board hereby delegates to the Chief, Statistical Division, Bureau of Accounts and Statistics, authority to:

(a) Establish classification of aircraft types for reporting financial data and traffic and capacity statistics.

(b) Grant or deny requests for use of service segment data in accordance with the limitations on the availability of these data contained in section 19–6 of Part 241 of this chapter.

(c) Grant or deny requests for use of international origin and destination statistics in accordance with Board policy as set forth in § 399.100 of this chapter.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-445 Filed 1-8-73;8:45 am]

[Reg. OR-68, Amdt. 14]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES FURNISHING MAGNETIC TAPES FOR COPYING

Release of Service Segment Data

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of January 1973.

By OR–67 (Part 385), the Board revised various of its Delegations of Authority to the Director and the Divisions of the Bureau of Accounts and Statistics. One of the provisions affected, § 385.18a (b), involves the release of service segment data furnished to the Board by the certificated carriers. Section 389.14a(b) provides that only the nonconfidential portion of tapes containing data exempt from public disclosure shall be copied. However, since section 19–6 of Part 241 of this chapter exempts service segment data from public disclosure, except as provided for therein, the authority to have those tapes copied is not completely clear. The purpose of the within amendment is to remove from § 389.14a(b) the restriction which only permits the copying of nonconfidential portions of tapes containing data exempt from disclosure, so as to eliminate any necessity for the staff to review the tapes prior to copying in order to sepaarte the confidential from the nonconfidential data. Of course, only those data subject to disclosure would be released following the copying of the tapes.

The within amendments also provide that the Director of the Bureau rather than the Board itself may designate an outside contractor for the copying of tape. This authority is being delegated to relieve the Board from direct responsibility for decisions that can more appropriately be made by the staff.

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Finally, the Board has determined to include in section 389.14a(b) authority for the Director of the Bureau to furnish ADP servicing agents having the capacity to properly store and secure magnetic tapes, copies of Board magnetic tapes.

Since this amendment is procedural in nature, the Board finds that notice and public procedure hereon are not necessary, and that the amendment should be effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 389.14a(b) of Part 389 of its Organization Regulations (14 CFR Part 389), effective January 3, 1973, to read as follows:

§ 389.14a Furnishing magnetic tapes for copying.

* * * * *

(b) Where the tape contains data exempt from disclosure pursuant to 5 U.S.C. 552(b) or which have been withheld from public disclosure by the Board, the Director, Bureau of Accounts and Statistics, may arrange for the copying of the tape, at the applicant's expense, by the Board facilities or by an outside contractor which he may designate. When the copying is performed by the Board, the charge for copying will be seventy-five dollars ($75.00) per computer metered hour or fraction thereof. Whenever the authority provided by this paragraph is invoked, the applicant shall also pay the fee set forth in paragraph (a) of this section for the privilege of copying. Copies of the Board's magnetic tapes may be furnished to an ADP servicing agent having the capacity to house the tapes according to the best practices for industrial/Governmental security and capable of copying magnetic tapes as authorized.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.73-446 Filed 1-8-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2331]

PART 13—PROHIBITED TRADE PRACTICES

H. Groner & Co., Inc., and Henry Groner

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, H. Groner & Co., Inc. et al., Chicago, Ill., Docket No. C-2331, Dec. 12, 1972]

In the Matter of H. Groner & Co., Inc., a Corporation, and Henry Groner, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago, Ill. importer and jobber of various products, including scarves among other things, to cease selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents H. Groner & Co., Inc., a corporation, its successors and assigns, and its officers, and Henry Groner, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any product, fabric or related material; or selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning: (1) The identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since March 19, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 12, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-163 Filed 1-8-73;8:45 am]

[Docket No. C-2330]

PART 13—PROHIBITED TRADE PRACTICES

Strassberg and Tama, Inc. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* 13.1255-30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590-30 Fur Products Labeling Act; § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-30 Fur Products Labeling Act; § 13.1685 *Nature:* 13.1685-35 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Strassberg and Tama, Inc. et al., New York, New York, Docket No. C-2330, Dec. 12, 1972]

In the Matter of Strassberg and Tama, Inc., a Corporation, and Maurice Strassberg and Solomon Tama, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur products, among other things to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Strassberg and Tama, Inc., a corporation, its successors and assigns, and its officers, and Maurice Strassberg, and Solomon Tama, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural, when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 12, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-164 Filed 1-8-73;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-9924]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Reporting of Market Information on Transactions in Listed Securities; Extension of Deadline

The Securities and Exchange Commission has extended from December 26, 1972, until January 26, 1973, the deadline by which each registered national securities exchange and national securities association must file with the Commission a plan pursuant to Rule 17a-15 (17 CFR 240.17a-15) under the Securities Exchange Act of 1934[1] (the Rule) for the reporting of prices and volume of completed transactions in listed securities (last sale reports). The Commission has also extended from January 22, 1973, until February 26, 1973, the Rule's prohibition against releasing last sale reports on a current and continuing basis without an effective plan. The Commission has determined to extend these deadlines in view of the complexities involved in developing such plans and after having been advised that substantial progress has been made in this regard.

(Secs. 10(b), 15(c), 17(a), 23(a), 48 Stat. 891, 895, 897, 901, 49 Stat. 1377, 1379, 52 Stat. 1075, 1076, 78 Stat. 570, 84 Stat. 1653, 15 U.S.C. 78j(b), 78o(c), 78q, 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 3, 1973.

[FR Doc.73-422 Filed 1-8-73;8:45 am]

[1] Adoption of the Rule was announced on November 8, 1972, in Securities Exchange Act Release No. 9850, published in the FEDERAL REGISTER for November 15, 1972, at 37 FR 24172.

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Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GUADALUPE MOUNTAINS NATIONAL PARK, TEX.

Cave Entry and Exploration

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of October 15, 1966 (80 Stat. 920), it is proposed to establish a § 7.93 within Part 7, Special Regulations, Areas of the National Park System to deal with Guadalupe Mountains National Park.

The purpose of this section is to establish restrictions on entry and exploration of all cave formations now known or to be found within the park. Wording and intent of the section conforms almost exactly to that already existing for Carlsbad Caverns National Park under § 7.47. Guadalupe Mountains National Park is situated just south of Carlsbad Caverns National Park in the same Capitan Reef geological formation. Several caves are already known, and explored and indexed in the area. It is safe to assume that with the same geological background more caves will be found as the area comes under increased visitor use. The same requirements for visitor safety, scientific exploration and research, and protection of delicate cave formations are necessary to assure effective management and protection.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Guadalupe Mountains National Park, 3225 El Paso Road, Carlsbad, NM 88220, by February 8, 1973.

The section reads as follows:

§ 7.93 Guadalupe Mountains National Park.

(a) *Cave entry*—(1) *Closed areas.* No person shall enter any cave or passageway of any cave without a written permit from the Superintendent.

(2) *Permits.* The Superintendent may issue written permits for cave entry to persons engaged in scientific investigations, and educational investigations. The Superintendent shall approve issuance of a permit: *Provided:*

(i) That the investigation planned will have demonstrable value to the National Park Service in its management or understanding of park resources, and

(ii) That the permit applicant is adequately equipped and experienced so as to assure the protection and preservation of park resources, and personal safety.

(iii) Solo exploration or investigation is not permitted in any cave or passageway of any cave within the park.

Dated: January 2, 1973.

LAWRENCE C. HADLEY,
Director.

[FR Doc.73-435 Filed 1-8-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 275]

WHOLE OR DRESSED FISH

Proposed Standards for Grades

DECEMBER 27, 1972.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Department of Commerce, it is proposed to amend Title 50 Code of Federal Regulations by the addition of a new Part 275. The purpose of this amendment is to issue standards for grades of whole or dressed fish as set forth below, in accordance with the authority contained in title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1621-1627).

The authority for the Department of Commerce to develop and promulgate fishery product standards is based on Reorganization Plan No. 4 of 1970 (84 Stat. 2090), which, among other things, abolished the Bureau of Commercial Fisheries in the Department of the Interior, and transferred its functions, including development of fishery product standards, to the Department of Commerce.

It is the policy of the Department of Commerce whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment to the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, DC 20235, by February 23, 1973.

ROBERT M. WHITE,
Administrator.

Title 50, Chapter II, of the Code of Federal Regulations is hereby proposed to be amended by the addition of a new Part 275, reading as follows:

PART 275—U.S. STANDARD FOR GRADES OF WHOLE OR DRESSED FISH [1]

Sec.

275.1 Scope and product description.
275.2 Presentation.
275.3 Grades—essential quality factors.
275.4 Determination of grade.
275.6 Hygiene.
275.8 Certification of officially drawn samples.

§ 275.1 Scope and product description.

This standard shall apply to whole or dressed fish of any species suitable for use as human food and processed and maintained in accordance with good manufacturing practices.

§ 275.2 Presentation.

Whole or dressed fish may be glazed or not and shall be presented in accordance with the following types and styles.

(a) *Types.* (1) Fresh;
(2) Frozen solid pack;
(3) Frozen individually.
(b) *Styles.* (1) Skin-on, unscaled;
(2) Skin-on, scaled;
(3) Semi-skinned;
(4) Skinless.

§ 275.3 Grades—Essential quality factors.

(a) *U.S. Grade A.* Whole or dressed fish shall:

(1) Possess good flavor and odor and;

(2) Comply with the limits for defects for U.S. Grade A quality in accordance with Table 1 of the standard.

(b) *U.S. Grade B.* Whole or dressed fish shall:

(1) Possess reasonably good flavor and odor and;

(2) Comply with the limits for defects for U.S. Grade B quality in accordance with Table 1 of the standard.

(c) *Substandard.* Whole or dressed fish does not possess reasonably good flavor and odor and/or exceeds the limits for defects for U.S. Grade B quality in accordance with Table 1 of the standard.

[1] Compliance with the provisions of this standard shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE 1

Quality and degree of defect	Minor [1]	Major [2]	Severe
Abnormal condition:			
Moderate		201	
Excessive			301
Appearance:			
Slight	102		
Moderate		202	
Excessive			302
Discoloration:			
Slight	103		
Moderate		203	
Excessive			303
Dehydration:			
Moderate—3 percent or more area affected		204	
Excessive—less than 3 percent area affected		205	
Excessive—greater than 3 percent area affected			304
Surface defects:			
Area affected—3 to 10 percent	104		
Area affected—greater than 10 percent		206	
Cutting and trimming:			
Body cuts	105		
Heading:			
Small	106		
Large		207	
Evisceration:			
Slight	107		
Moderate		208	
Excessive			305
Improper washing	108		
Belly burn		209	
Texture:			
Moderate	109		
Excessive		210	

[1] Four or more minor defects reduce product to U.S. Grade B.
[2] Four or more major defects reduce product to U.S. Substandard. Eight or more minor defects reduce product to Substandard. Six minor defects and one major defect reduce product to substandard.

*Any major defect shall reduce product to U.S. Grade B.

§ 275.4 Determination of grade.

The grade shall be determined by evaluating the flavor and ordor of the fish and the degree of severity of the following defects as classified in Table 1 and defined in Table 2: Abnormal condition; appearance; discoloration; dehydration; surface defects; cutting and trimming; texture. Defects are classified as minor, major, and severe.

TABLE 2

DEFINITIONS OF DEFECTS IN WHOLE OR DRESSED FISH

1. "Abnormal condition" means that the normal physical and/or chemical structure of the fish flesh has been sufficiently changed so that the usability and/or desirability of the fish is adversely affected. It includes, but is not limited to, the following examples:

a. Jellied refers to the abnormal condition wherein a fish is partly or wholly characterized by a gelatinous, glossy, translucent appearance.

b. Milky refers to the abnormal condition wherein a fish is partly or wholly characterized by a milky-white, excessively mushy, pasty, or fluidized appearance.

c. Chalky refers to an abnormal condition wherein a fish is partly or wholly characterized by a dry, chalky, granular appearance, and fiberless structure.

"Moderate" refers to a condition that is distinctly noticeable but does not seriously affect the appearance, desirability and/or the eating quality of the product.

"Excessive" refers to a condition which is both distinctly noticeable and seriously objectionable.

2. "Appearance" shall refer to the overall general appearance of the fish (consistency of the flesh, odor, eyes, gills, and skin) and presence of excessive blood or drip and appearance of the package.

"Slight" refers to an appearance defect that is slightly noticeable but does not affect the appearance, desirability and/or eating quality of the fish.

"Moderate" refers to an appearance defect that is conspicuously noticeable but does not seriously affect the appearance, desirability and/or eating quality of the fish.

"Excessive" refers to an appearance defect that is conspicuously noticeable and that does seriously affect the appearance, desirability and/or eating quality of the fish.

3. "Discoloration" refers to any color not characteristic of the species used.

"Slight" dislocation of significant intensity involving up to 10-percent skin area.

"Moderate" discoloration of significant intensity involving over 10 percent up to 50-percent skin area.

"Excessive" discoloration of significant intensity involving over 50-percent skin area.

4. "Dehydration" refers to loss of moisture from the fish surfaces during frozen storage.

"Moderate" dehydration is color masking and can easily be scraped off with a blunt instrument.

"Excessive" dehydration is deep color masking and requires a knife or other hard instrument to scrape it off.

5. "Surface defects" shall refer to the following where applicable:

a. Scales. An occurrence of attached or loose scales in any sample unit (where applicable).

b. Blood spot. An accumulation of coagulated opaque, masses of blood on a fish.

c. Fins or pieces of fin. An occurrence or absence of attached or loose fins or pieces of fin in any sample unit (where applicable). Dorsal spine shall be removed (where applicable).

d. Skin refers to the presence of the dark or light inner layers of skin for Style 4. For semiskinned Style 3, reference is to the presence of the dark outside layers.

e. Bruises. An accumulation of damaged portions of fish muscle, red and opaque in appearance (on a fish).

f. Damage to protective coating refers to voids in ice glaze or tears in covering membrane, also to breaks or splits in the skin which are readily discernible and not normally part of the processing.

6. "Cutting and trimming" refers to the following:

a. Heading (as specified) refers to the presence of pieces of gills, gill cover, pectoral fins (spine), or collarbone after the fish have been headed. No ragged cuts should be evident after heading.

b. Body cavity cuts—misplaced cuts made during evisceration.

c. Evisceration—inadequate cleaning of the belly cavity of the fish. All viscera, kidney, spawn, and blood should be removed.

d. Improper washing—inadequate removal of slime, blood, and bits of viscera from the surface of the fish and from the body cavity.

7. *Texture*—tough, dry, fibrous, watery, rubbery, or mushy, not characteristic of species involved.

(a) *Tolerances for microbiological and/or chemical contaminants.* In order to be eligible for certification of grade under this subpart, whole or dressed fish shall comply with the current and applicable limits for microbiological and/or chemical contaminants as prescribed by regulations or guidelines issued pursuant to the Food, Drug and Cosmetic Act as amended.

(b) *Evaluation of flavor and odor.* (1) Evaluation of the odor of the raw fish shall be carried out as follows:

(i) For the examination of small units, break the flesh or thawed sample either with the thumbs or by cutting with a knife in several places. Hold the cut or broken flesh close to the nose for evaluation.

(ii) For the examination of large units, a core may be used. Drill a hole into the hard frozen fish with a high-speed quarter inch drill. As soon as the drill is withdrawn, the hole and "shavings" are smelled.

(2) If the results of the raw odor evaluation indicate the existence of any off odors, the sample shall be cooked by any of the methods set forth below to verify the flavor and odor.

(i) *Boil in bag method.* Insert the sample into a boilable film-type pouch; fold the open end of the pouch over a suspension bar and clamp in place to provide a loose seal after evacuating the air by immersing the pouch into boiling water. Cook the contents for 20 minutes (until the internal temperature of the product reaches 160° F.).

(ii) *Steam method.* Wrap the sample in a single layer in aluminum foil, and place on a wire rack suspended over boiling water in a covered container. Steam the packaged product for 20 minutes.

(iii) *Bake method.* Package the product as previously described. Place the packaged product on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be evenly spread on the sheet or pan. Place the pan and frozen contents in a properly ventilated oven preheated to 400° F. for 20 minutes.

(3) The amount of material to be cooked shall be based on the results of the raw odor evaluation. A minimum of 25 percent of the sample except that not less than 3 sample units shall be used.

§ 275.4 Hygiene.

Whole or dressed fish shall be processed and maintained in accordance with the applicable requirements of the good manufacturing practice regulations contained in Part 128 of Title 21 CFR and

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the applicable requirements of the regulations contained in §§ 260.96 to 260.103 in Part 260 of this chapter.

§ 275.5 Certification of officially drawn samples.

(a) The sampling rate of specific lots for all inspections, other than for military procurement, shall be in accordance with the sampling plans contained in Part 260 of this chapter except that the sample unit is ten (10) fish for fish weighing up to 10 lbs. Fish weighing over ten (10) up to fifty (50) lbs.—the sample shall be five (5) fish. For fish weighing over fifty (50) lbs., the sample shall be a minimum of three (3) fish.

(b) Sampling for inspection for military procurement shall be in accordance with MIL–STD–105. Lot size shall be expressed in terms of pounds. The sample size shall be in accordance with Inspection Level S–3.

Acceptable Quality Levels shall be expressed in terms of defects per hundred units. The AQL's shall be 4.0 for major and 6.5 for minor.

[FR Doc.73–146 Filed 1–8–73;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60–1]

EQUAL EMPLOYMENT OPPORTUNITY

Definition of Agency

Notice is hereby given that pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor proposes to amend 41 CFR Part 60–1 in the manner set forth below.

This proposed amendment concerns matters relating to public contracts. While public participation in this rule making is not required by 5 U.S.C. 553, the Department wishes to invite written comments, suggestions, or objections, regarding this proposed amendment. Accordingly, interested persons are invited to submit written comments regarding the proposed amendment to Philip J. Davis, Acting Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, by February 8, 1973.

It is proposed that 41 CFR 60–1.3(b) be revised to read as follows:

§ 60–1.3 Definitions.

• • • • •

(b) The term "agency" means any contracting, compliance or administering agency of the Government.

• • • • •

Signed at Washington, D.C., this 21st day of December 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73–439 Filed 1–8–73;8:45 am]

DEPARTMENT OF TRANSPORTION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 72–WE–21–AD]

McDONNELL DOUGLAS MODEL DC–8 AND DC–9 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas Model DC–8 and DC–9 series airplanes. There has been a failure of the rudder pedal casting boss on a Model DC–8. (The DC–9 rudder pedal is identical to the DC–8). The failure resulted from a fatigue crack. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require an inspection of the affected area of all Model DC–8 and DC–9 rudder pedals within 1,000 hours' time in service.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments, as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before February 10, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to all Model DC–8 and DC–9 series airplanes.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To detect cracks and prevent failure of the rudder pedals, conduct a dye penetrant inspection of the rudder pedals in accordance with the instructions in McDonnell Douglas All Operators Letter 8–629 issued September 22, 1972, and 9–731 issued September 22, 1972, or later FAA-approved revisions, or equivalent inspection technique approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: The agency is examining the possibility of incorporating a repetitive inspection program into this AD. The manufacturer is now performing tests for this purpose. The AD may be amended based on data obtained.

Issued in Los Angeles, Calif., on December 21, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73–380 Filed 1–8–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72–SW–82]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Fayetteville, Ark., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received by February 8, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (37 FR 2056), the Fayetteville, Ark., control zone is amended by adding "and within 2 miles each side of the Fayetteville ILS localizer north course 342° M (349° T) bearing extending from the 5.5-mile radius zone to 11.5 miles north of the localizer site (latitude 35°59'37.5" N., longitude 94°10'02" W.).

The proposed alteration will provide controlled airspace to accommodate the ILS approach procedure serving Drake Field Airport, Fayetteville, Ark.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 19, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73–381 Filed 1–8–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72–RM–25]

TRANSITION AREA

Proposed Establishment

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would establish a transition area at Madison, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, CO 80207. All communications received by February 8, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

A non-Federal NDB is being installed and a runway 14 instrument approach is being developed for the Madison Municipal Airport, Madison, S. Dak. Accordingly, it is necessary to establish a transition area to provide controlled airspace protection for aircraft executing this procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (37 FR 2143) the description of the Madison, S. Dak., transition area is designated to read:

MADISON, S. DAK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Madison Municipal Airport (latitude 44°00'54" N., longitude 97°04'45" W.); within 3 miles each side of the 346° bearing from the Madison Municipal Airport, extending from the 5-mile radius to 8½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 6½ miles east and 9½ miles west of the 346° and 166° bearings from the Madison Municipal Airport; extending from 7 miles south of the airport to 18½ miles north of the airport.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., December 27, 1972.

R. J. VAN VUREN,
Acting Director,
Rocky Mountain Region.

[FR Doc.73–382 Filed 1–8–73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 24999; EDR–238A]

RECEIVABLES DUE FROM AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS AND FOREIGN AIR FREIGHT FORWARDERS

Supplemental Proposed Schedule B–15

The Board by notice of proposed rule making EDR–238 dated December 12, 1972, and published at 37 FR 26835, gave notice that it had under consideration a proposed amendment of Part 241 of the Board's Economic Regulations which would require route air carriers to report monthly the amounts due from air freight forwarders, international air freight forwarders and foreign indirect air carriers of property only which hold a section 402 permit (foreign air freight forwarders), and an aging of these amounts, on a new Schedule B–15 of the CAB Form 41 report. Interested persons were invited to participate by the submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before January 15, 1973.

Counsel for various carriers have now requested an extension of time for filing comments to January 31, 1973. It is asserted that the additional time is needed in order for the affected carriers to thoroughly analyze and review the Board's proposal and to coordinate the carriers' positions thereon, thereby leading to the filing of an industry response.

The undersigned finds that good cause has been shown for a grant of the additional time requested for the filing of comments. Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to January 31, 1973.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Dated: January 3, 1973.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates.

[FR Doc.73–449 Filed 1–8–73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R–308]

NATURAL GAS PIPELINE COMPANIES

Annual Report of Total Gas Supply; Proposed Form; Notice of Conference

JANUARY 4, 1973.

Take notice that a conference open to the public will be held by the Commission's Staff in this proceeding at 10 a.m., e.s.t., on January 10, 1973, in Room 2043, of the General Accounting Office Building, 441 G Street NW., Washington, D.C.

The purpose of the conference is to provide all parties with an opportunity to explain and clarify points set out in their filed comments to the proposed revisions of Form 15, "Natural Gas Companies Annual Report of Gas Supply" as contained in the Commission's Formal Notice issued October 31, 1972, in Docket No. R–308 (37 FR 23550, Nov. 4, 1972).

All parties interested in the proceeding are invited to attend this session and are urged to have in attendance those persons on their Staffs who are responsible for annually preparing the Form 15 for their company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–383 Filed 1–8–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249a]

[Release No. SIPA–2]

SECURITIES INVESTOR PROTECTION ACT

Trustee Completion of Open Contractual Commitments of a SIPC Act Debtor

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule S6d–1 (17 CFR 240.206d–1) under the Securities Investor Protection Act of 1970 (SIPC Act). The rule would be adopted under sections 6(d) (1) and (2) of the SIPC Act (15 U.S.C. 78fff(d)).

Proposed Rule S6d–1 would provide that it would be in the public interest for the trustee of a SIPC Act debtor to complete the debtor's open contractual commitments consisting of fails to receive, fails to deliver and unsettled transactions relating to transactions in securities between the debtor and a broker-dealer made in the ordinary course of business which were executed on or within 37 calendar days prior to the "filing date" as defined in section 5(b)(4)(B) of the SIPC Act, as to which the settlement date occurs or has occurred no later than 15 calendar days after the filing date. Only

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those fails in which the respective obligations of the parties remained outstanding on their settlement date and until the close of business on the filing date would be completed. In addition, irrespective of whether a customer of the debtor had an interest in the transaction, the trustee would complete only such fails and unsettled transactions which the other broker-dealer can establish to the satisfaction of the trustee were executed as agent on behalf of customers of that broker-dealer. Further, the trustee would not be permitted to pay a broker-dealer regarding money differences arising as a result of closing out of these transactions more than $20,000 with respect to any separate customer account.

The rule would not affect the rights and responsibilities of the trustee regarding the completion of those open contractual commitments under section 6(d) of the SIPC Act which do not fall within the category of fails to receive, fails to deliver, and unsettled transactions as defined in paragraph (a) of the proposed rule.

As the legislative history of the SIPC Act indicates, Congress provided that the entire matter of the handling of open contractual commitments by trustees should be subject to Commission rulemaking authority so as to afford the legislation the necessary flexibility in furthering the public interest.[1]

The operation and interpretation of sections 6d (1) and (2) present a great deal of difficulty, not only in determining the limits and conditions upon which specific types of open contractual commitments may be completed by the trustee but also in assessing and determining what constitutes an open contractual commitment for purposes of these sections. Therefore, the Commission is of the view that those open contractual commitments which present the most immediate and urgent necessity of clarification and limitation, i.e., fails to receive, fails to deliver, and unsettled transactions, should be within the authority of the trustee to complete only under the strict limitations set forth in the proposed rule.

In this proposed rule the Commission is seeking to close off stale transactions from receiving recognition, other than as a possible claim against the debtor's estate. Discouraging open fails has been an objective of the Commission in numerous other rules recently promulgated by it, and proposed Rule S6d–1 further implements that concept. At present, section 6(d) contains no specific limitation on the amount which the trustee shall expend upon the completion of open contractual commitments. The Commission and SIPC have been concerned that without the $20,000 limitation proposed in the rule, the fund administered by SIPC consisting of assessments upon broker-dealer members with a one billion dollar back-up by the U.S. Treasury, as provided for in sections 4 (g) and (h) of the SIPC Act, could be seriously eroded by the need for monies to complete open contractual commitments, the requirement with regard to which presently have no express dollar limitation. It is doubtful that Congress intended that a customer of another broker-dealer should receive unlimited protection when it provided that customers of the debtor were to receive from SIPC advances not more than $50,000 with regard to unsatisfied claims for securities and cash, and not in excess of $20,000 when the unsatisfied claim was based upon cash as distinct from securities. Accordingly, with the concurrence and approval of SIPC, the Commission is proposing, pursuant to the authority and responsibility conferred upon it under section 6(d) of the SIPC Act, the $20,000 limitation on separate customer accounts of a broker-dealer having an open contractual commitment with the debtor.

The proposed rule would further limit the open contractual commitments consisting of fails to deliver, fails to receive, and unsettled transactions which would fall within the purview of those transactions to be completed to those for which the broker-dealer on the other side acted as agent for a customer who is (1) not a broker-dealer, (2) not a person with a relationship to the debtor nor with such broker-dealer as set forth in section 6(f)(1)(C) of the Act, or (3) not a person who had a claim for property which property was part of the capital of such broker-dealer or was subordinated to the claims of the creditors of such broker-dealer. In order to meet the difficulty of establishing whether an agency relationship exists, the rule would provide that before a claim must be paid by the trustee of the debtor, the broker-dealer on the other side must establish to the satisfaction of the trustee that he was acting on behalf of a customer. Additionally, all broker-dealers on the other side would be required as a matter of course to supply appropriate documentation to such effect when filing their final summary of open contractual commitments closed out. The Commission feels that these provisions will substantially alleviate the problems incurred in determining whether the broker-dealer is in fact acting on behalf of a customer.

In order to avoid the expenditure of substantial amounts of SIPC funds on "stale" transactions of the type with which the rule deals, only those open contractual commitments (as covered by the rule) which were executed on or within 37 calendar days prior to the filing date and which have a settlement date occurring no later that 15 calendar days after the filing date would be completed by the trustee. Additionally, the trustee's completion of any qualified open contractual commitment for any separate customer's account would be conditioned upon the broker-dealer on the other side either completing or correctly closing out all qualified open contractual commitments in that separate customer's account. Finally, as previously discussed, the amount payable by the trustee for the total completions in any separate customer's account would not exceed $20,000. These limitations would not be construed to limit the right of a broker-dealer on the other side to effect a general claim against the debtor's separate estate for the difference owed the broker-dealer on open contractual commitments.

Procedurally, qualified open contractual commitments would be completed by (1) optional completion of the transaction by the trustee, (2) close-out of the transaction by the broker-dealer on the other side by usual trade procedures initiated by the broker-dealer within or promptly upon the expiration of 30 calendar days after settlement date, or (3) completion of the transaction by the trustee any time after the settlement date. If the broker-dealer on the other side completes and closes out all qualified open contractual commitments of any specific separate customer's account, then the money difference, whether owing to the trustee or to the broker-dealer on the other side, would be payable.

All broker-dealers who have executed transactions which constitute qualified open contractual commitments would be required to file with the trustee as soon as practical after the publication of notice of the commencement of proceedings in which a trustee is appointed, a report which would list, summarize, and give up-to-date status information as to those specific transactions. (Forms S6(d) A–1 and 2). Also all such broker-dealers would be required to file promptly upon the expiration of 45 days from the filing date or if by the expiration of such 45-day period notice of the commencement of proceedings in which a trustee is appointed has not been published, then as soon as practical after such publication, a report with the trustee summarizing their close-outs of open contractual commitments (Form S6(d) B).

Despite any payment made by the trustee on these postfiling close-outs, or the transmittal by the trustee or SIPC of cash or securities to the broker-dealer in completion of open contractual commitments, the trustee would be entitled to recover such sums and securities from the other broker-dealer in the context of a court proceeding if the court should find that a transaction was not entered into by the debtor, the customer, or the other broker-dealer in the ordinary course of business or was entered into by any of the parties for the purpose of creating a commitment in contemplation of a possible SIPC Act liquidation proceeding in order to subject the transaction to the completion provisions of section 6(d) of the SIPC Act.

Irrespective of the various prescribed conditions and procedures of the rule, upon application that a specified open contractual commitment should be completed in order to avoid substantial detriment to the financial condition of one or more broker-dealers on the other side of such transaction, the Commission could, upon a finding to that effect and to the effect that it is in the public interest, order completion of such transactions which it determines to be in the public interest. Moreover, it is specified in the proposed rule that its provisions are not to be considered to alter the rights of customers under the last sentence of section 6(d) of the Act regarding specifically identifiable property.

Commission action. Pursuant to the authority in section 6(d) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff(d)), the Securities and Exchange Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding at the end thereof a new Subpart B and a new § 240.206d–1 under said Subpart B, and by adding a new Part 249a, and new §§ 249a.6d–1, 249a.6d–2, 249a.6d–3, 249a.6d–3a and 249a.6d–3b thereunder, all to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Subpart B—Rules and Regulations Under the Securities Investor Protection Act of 1970

Sec.
240.201–240.205 [Reserved]
240.206d–1 Completion of open contractual commitments.

AUTHORITY: Sec. 6(d), Securities Investor Protection Act of 1970 (15 U.S.C. 78fff(d)).

Subpart B—Rules and Regulations Under the Securities Investor Protection Act of 1970

§§ 240.201–240.205 [Reserved]

§ 240.206d–1 Completion of open contractual commitments.

(a) Definitions: For the purpose of this section, adopted pursuant to subsection 6(d) of the Securities Investor Protection Act of 1970 (hereinafter referred to as the Act):

(1) The term, "failed to receive", shall mean a contractual commitment of the debtor made in the ordinary course of business, to pay to another broker or dealer (hereinafter referred to as a broker-dealer), the contract price in cash on delivery for securities purchased by the debtor from such broker-dealer, provided that the respective obligations of the parties remained outstanding on the settlement date of the transaction and until the close of business on the filing date (hereinafter referred to as the filing date), as defined in section 5(b)(4)(B) of the Act.

(2) The term, "failed to deliver", shall mean a contractual commitment of the debtor, made in the ordinary course of business, to deliver securities to another broker-dealer against payment of the contract price in cash to the debtor by such broker-dealer: *Provided*, That the respective obligations of the parties remained outstanding on the settlement date of the transaction and until the close of business on the filing date.

(3) The term, "unsettled transaction", shall mean a contractual commitment between the debtor and a broker-dealer, made in the ordinary course of business, for the purpose or sale of securities, involving delivery of the securities against payment of the contract price in cash or the making of payment of the contract price against receipt of the securities, in respect of which the filing date antedates the settlement date of the transaction.

(4) The term, "open contractual commitment", shall mean a failed to receive or failed to deliver or an unsettled transaction of the debtor.

(5) The term, "customer", shall mean a person (other than a broker-dealer) in whose behalf a broker-dealer has executed a transaction with the debtor, out of which arose a failed to receive, failed to deliver or an unsettled transaction, but shall not include any person to the extent that such person at the filing date (i) had a claim for property which by contract, agreement or understanding or by operation of law, was a part of the capital of the broker-dealer who executed such transaction with the debtor or was subordinated to the claims of creditors of such other broker-dealer, or (ii) had a relationship with the debtor which is specified in section 6(f)(1)(G) of the Act, or had a corresponding relationship with such other broker-dealer.

(b) It is hereby determined to be "in the public interest", within the meaning of section 6(d)(2) of the Act, for a trustee to complete such open contractual commitments as are specified in paragraph (c) of this section in accordance with the procedures prescribed in this section, irrespective of whether a customer of the debtor did or did not have an interest therein; and, except as otherwise provided in paragraphs (h) and (i) of this section, it is also hereby determined to be "not in the public interest", within the meaning of section 6(d)(1) of the Act, for a trustee to complete such open contractual commitments as are described in paragraph (a)(4) of this section, other than those specified in paragraph (c) of this section.

(c) The determination under paragraph (b) of this section that completion of an open contractual commitment is "in the public interest" applies only to such open contractual commitments as result from any transaction (1) which the other broker-dealer can establish to the satisfaction of the trustee was executed as agent for the account of his customer, (2) which was executed on or within 37 calendar days prior to the filing date, and (3) as to which the settlement date occurs or has occurred no later than 15 calendar days after the filing date.

(d)(1) The completion of an open contractual commitment meeting the requirements of paragraph (c) of this section shall be effected only

(i) By the close out of the transaction by the other broker-dealer in accordance with the usual trade procedures, initiated by the other broker-dealer within or promptly upon the expiration of a period of 30 calendar days after the settlement date, or by the trustee at any time after the settlement date, or

(ii) Unless previously closed out, by completion of the transaction, at the option of the trustee, by the delivery of securities against payment of the contract price or by making payment of the contract price against receipt of the securities.

(2) In the event of a closeout of an open contractual commitment pursuant to subdivision (i) of paragraph (d)(1) of this section, the money difference resulting from such closeout shall be payable by the other broker-dealer to the trustee or by the trustee to the other broker-dealer, whichever would be entitled to receive such difference under the usual trade procedures: *Provided, however*, (i) That prior to the payment of any such money difference by the trustee to such other broker-dealer with respect to transactions executed by him for any separate customer account, all open contractual commitments with respect to such account which meet the requirements of paragraph (c) of this section must have been completed by the delivery of securities against payment of the contract price, or by making payment of the contract price against receipt of the securities, or by closeout procedures in conformity with subdivision (i) of paragraph (d)(1) of this section, and (ii) that the amount so payable by the trustee to the other broker-dealer shall not exceed $20,000 with respect to any separate customer account.

(e)(1) As soon as practical after publication of notice of the commencement of proceedings under section 5 of the Act in which a trustee is appointed, a broker-dealer who has executed transactions in securities with the debtor out of which arose a failed to receive or failed to deliver or unsettled transaction shall furnish the trustee such information with respect to all open contractual commitments meeting the requirements of paragraph (c) of this section (including any of such commitments as have been closed out by the broker-dealer), as is called for by Forms S6(d)A–1 and S6(d)A–2 (§ 249a.6d–1, 249a.6d–2 of this chapter).

(2) Promptly upon the expiration of 45 calendar days after the filing date, or if by the expiration of such 45-day period notice of the commencement of proceedings under section 5 of the Act in which a trustee is appointed has not been published, then as soon as practicable after publication of such notice such broker-dealer shall furnish to the trustee such information with respect to his closeout of open contractual commitments meeting the requirements of paragraph (c) of this section as is called for by Form S6(d)B (§ 249a.6d–3 of this chapter).

(f) Nothing stated in this section shall be construed to prejudice the right of a

[1] "Experience may show that there are certain types of customer transactions which should not be completed, and certain types of noncustomer transactions which should be completed. The Commission is therefore given rulemaking authority to prohibit or direct completion of these types of transactions." H.R. Rep. 91–1613, 91st Cong. 2d sess. (1970), p. 9.

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broker-dealer to any claim against the debtor's estate, or the right of the trustee to make any claim against a broker-dealer, with respect to a commitment of the debtor which was outstanding on the filing date, but (1) which is not described in paragraph (a)(4) of this section, or (2) which, although described in paragraph (a)(4) of this section, does not meet the requirements specified in paragraph (c) of this section or was not completed in conformity with paragraph (d)(1) of this section or was not reported to the trustee in conformity with paragraph (e) of this section. In addition, nothing stated in this section shall be construed to prejudice the right of a broker-dealer to a general claim against the debtor's estate for the amount by which the money difference due the broker-dealer upon a closeout may exceed the amount paid by the trustee to such broker-dealer.

(g) Notwithstanding the fact that an open contractual commitment described in paragraph (a)(4) of this section meets the requirements of paragraph (c) of this section or the fact that such a commitment has been completed in conformity with paragraph (d) of this section or has been reported by such broker-dealer in conformity with paragraph (e) of this section, a court shall not be precluded from awarding damages or granting such other remedy as it shall deem fair and equitable if, on application of the trustee or the Securities Investor Protection Corporation ("SIPC"), it determines that such commitment was not entered into in the ordinary course of business or was entered into by the debtor, or the broker-dealer or his customer, for the purposes of creating a commitment in contemplation of a liquidation proceeding under the Act. Such a determination shall be made after notice and opportunity for hearing by any broker-dealer, and any customer of a broker-dealer, who may be affected by the action of the Court, and may be made before or after the delivery of securities or payment of the contract price or before or after any closeout of the transaction by the other broker-dealer.

(h) Upon application to the Commission, the Commission may, after notice to and opportunity for hearing by the trustee and SIPC and those persons who have filed claims against the estate of the debtor or with respect to property held by the trustee, determine, provided it finds it to be in the public interest, that in order to prevent a substantial detrimental impact upon the financial condition of one or more broker-dealers, the trustee complete an open contractual commitment, irrespective of whether it is described in paragraph (a)(4) of this section and even though it does not meet the requirements of paragraph (c) of this section or has not been closed out in conformity with paragraph (d)(1)(i) of this section or has not been reported to the trustee in conformity with paragraph (e) of this section.

(i) Nothing contained in this section shall be construed as affecting in any way the power of the trustee (1) to complete, in such manner as may be approved by the Court, an outstanding contractual commitment of the debtor not described in paragraph (a)(4) of this section the completion of which, apart from this section, is authorized or required by section 6(d) of the Act, or (2) to complete an open contractual commitment of the debtor, regardless of whether it is described in paragraph (a)(4) of this section or meets the requirements of paragraph (c) of this section or has been reported to the trustee in conformity with paragraph (e) of this section if it is completed solely with specifically identifiable securities or cash of the customer of the debtor for whose account the commitment was made, to the extent that such commitment is completed with property which constituted specifically identifiable property of such customer on the filing date, or was paid or delivered by or for the account of such customer to the debtor or trustee after the filing date.

PART 249a—FORMS, SECURITIES INVESTOR PROTECTION ACT OF 1970

Sec.

249a.1—249a.5 [Reserved]

249a.6d-1 Form S6(d)A-1 for notification of open contractual commitments at filing dates consisting of fails to deliver and unsettled trades.

249a.6d-2 Form S6(d)A-2 for notification of open contractual commitments at filing dates consisting of fails to receive and unsettled trades.

249a.6d-3 Form S6(d)B for summary of closeouts of open contractual commitments in accordance with § 240.206(d)(1)(i).

249a.6d-3a Schedule 1 to be attached to Form S6(d)B (17 CFR 249a.6d-3).

249a.6d-3b Schedule 2 to be attached to Form S6(d)B (17 CFR 249a.-6d-3).

AUTHORITY: Sec. 6(d), 84 Stat. 1646, 15 U.S.C. 78fff(d)).

§§ 249a.1–249a.5 [Reserved]

§ 249a.6d–1 Form S6(d)A–1 for notification of open contractual commitments at filing date consisting of fails to deliver and unsettled trades.

This form shall be filed as required by § 240.206d–1(e) of this chapter, as soon as practical after publication of notice of commencement of a proceeding under section 5 of the Securities Investor Protection Act of 1970 in which a trustee is appointed, with such trustee by a broker-dealer who has executed transactions in securities with the debtor in such proceeding, out of which arose a failed to deliver or unsettled trade as defined in § 240.206d–1(a) of this chapter.

§ 249a.6d–2 Form S6(d)A–2 for notification of open contractual commitments at filing date consisting of fails to receive and unsettled trades.

This form shall be filed as required by § 240.206d–1(e) of this chapter, as soon as practical after publication of notice of commencement of a proceeding under section 5 of the Securities Investor Protection Act of 1970 in which a trustee is appointed, with such trustee by a broker-dealer who has executed transactions in securities with the debtor in such proceeding, out of which arose a fail to receive or unsettled trade as defined in § 240.206d–1(a) of this chapter.

§ 249a.6d–3 Form S6(d)B for summary of close-outs of open contractual commitments in accordance with § 240.206(d)(1)(i).

This form shall be filed as required by § 240.206d–1(e)(2) of this chapter, promptly upon expiration of 45 days after the filing date as defined in section 5(b)(4) of the Securities Investor Protection Act of 1970 (SIPC Act), or if by that time notice of commencement of proceedings under section 5 of SIPC Act in which a trustee is appointed has not been published then as soon as practical after such publication of notice, with such trustee by a broker-dealer who has executed transactions in securities with the debtor in such proceedings, in which shall be furnished to the trustee information with respect to his close out of open contractual commitments meeting the requirements of paragraph (c) of § 204.206d–1 of this chapter.

§ 249a.6d–3a Schedule 1 to be attached to Form S6(d)B (17 CFR 249a.6d–3).

§ 249a.6d–3b Schedule 2 to be attached to Form S6(d)B (17 CFR 249a.6d–3).

All interested persons are invited to submit their views and comments on the proposed rule. Written statements of views and comments should be submitted to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 10, 1973. All such communications should bear the File No. S7–466 and will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 21, 1972.

FORM S6(d)A-1

NOTIFICATION OF OPEN CONTRACTUAL COMMITMENTS AT FILING DATE CONSISTING OF FAILS TO DELIVER (INCLUDING UNSETTLED TRADES) (SEE NOTE 1)

Date.....

To:....., Trustee of....., Debtor in liquidation.
From:....., Address:....., Telephone No.:.....
Person or persons to call for further information:.....

At the close of business on ....., the "filing date" with respect to the liquidation proceeding for the above-mentioned Debtor,[2] we were failing to deliver (or were obligated to make delivery subsequently in unsettled trades of) the below-listed securities, with respect to trades executed with the Debtor in behalf of our customers: [3]

Customer [4]	Dates		Security description	Number of units	Unit price	Contract amount [4]	Status [5]
	Trade	Settlement					

The undersigned represents that none of the customers whose trades are listed above (i) had a claim for property which by contract, agreement or understanding, or by operation of law was a part of the capital of the undersigned or was subordinated to the claims of creditors of the undersigned, or (ii) had a relationship with the Debtor which is specified in section 6(f)(1)(C) of the Securities Investor Protection Act [6] or had a corresponding realtionship with the undersigned.

.....
(Authorized signature and title)

FORM S6(d)A-2

NOTIFICATION OF OPEN CONTRACTUAL COMMITMENTS AT FILING DATE CONSISTING OF FAILS TO RECEIVE (INCLUDING UNSETTLED TRADES) (SEE NOTE 1)

Date.....

To:....., Trustee of....., Debtor, in liquidation.
From:....., Address:....., Telephone No.:.....
Person or persons to call for further information:.....

At the close of business on ....., the "filing date" with respect to the liquidation proceeding for the above-mentioned Debtor,[2] we were failing to deliver (or were obligated to make delivery subsequently in unsettled trades of) the below-listed securities, with respect to trades executed with the Debtor in behalf of our customer: [3]

Customer [4]	Dates		Security description	Number of units	Unit price	Contract amount [4]	Status [5]
	Trade	Settlement					

The undersigned represents that none of the customers whose trades are listed above (i) had a claim for property which by contract, agreement or understanding, or by operation of law was a part of the capital of the undersigned or was subordinated to the claims of creditors of the undersigned, or (ii) had a relationship with the Debtor which is specified in section 6(f)(1)(C) of the Securities Investor Protection Act,[6] or had a corresponding relationship with the undersigned.

.....
(Authorized signature and title)

FOOTNOTES TO FORM S6(d)A-1 AND FORM S6(d)A-2

NOTE 1: Similar Forms are required for Fails to Receive and Fails to Deliver.

NOTE 2: The Act defines the "filing date" as the date on which an application is filed initiating a liquidation proceeding under the Act, except that if—

(i) a petition was filed before such date by or against the Debtor under the Bankruptcy Act, or

(ii) the Debtor is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee or liquidator for the Debtor was appointed which proceeding was commenced before the date on which such an application was filed,

then the "filing date" is the date on which such petition was filed or such proceeding was commenced.

NOTE 3: Include only items relating to trades in the ordinary course of business which, in conformity with Paragraph (c) of Rule S6d–1 of the Securities and Exchange Commission (17 CFR 240.206d–1) (i) were *executed* by you as agent for the account of a customer (other than a broker-dealer or a person described in the sentence in he Form which immediately precedes your signature), (ii) were *executed on or* within 37 calendar days prior to the filing date; and (iii) had a settlement date no later than 15 calendar days after the filing date.

NOTE 4: Show separately, but in a group, trades in behalf of each separate customer account.

NOTE 5: A. If the trade has been fully performed by delivery of securities against payment of the contract price or by making payment of the contract price against receipt of the securities, state "Completed".

B. If the trade has been closed out by you in accordance with the usual trade procedures *initiated within or promptly upon the expiration of a period of 50 calendar days* after the settlement date for the trade, state "Closed Out".

C. If the trade has been closed out by you in accordance with the usual trade procedures *which were not initiated within or promptly upon the expiration of a period of 50 calendar days* after the settlement date for the trade, state "Delayed Closeout".

D. If the trade has not been closed out by you in accordance with the usual trade procedures, state "Open".

NOTE 6: The relationship with the Debtor specified in section 6(f)(1)(C) of the Act is that of "a general partner, officer, or director of the Debtor, the beneficial owner of 5 percent or more of any class of equity security of the Debtor (other than a nonconvertible stock having fixed preferential dividend and liquidation rights) or limited partner with a participation of 5 percent or more in the net assets or net profits of the Debtor."

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FORM S6(d)B

SUMMARY OF CLOSEOUTS OF OPEN CONTRACTUAL COMMITMENTS IN ACCORDANCE WITH PARAGRAPH (d)(1)(I) OF RULE S6d–1 OF SECURITIES AND EXCHANGE COMMISSION

(Schedules 1 and 2 to be attached)

DATE: .....

To: ....., Trustee of ....., Debtor,
From: ..... Address: ..... Telephone No.: .....
Person or persons to call for further information: .....

RESULTS OF CLOSEOUTS

Name of customer	Closeout gains (owing to Trustee)		Closeout losses (owing by Trustee)		Net money difference owing	
	Fails to deliver (Per schedule 1)	Fails to receive (Per schedule 2)	Fails to deliver (Per schedule 1)	Fails to receive (Per schedule 2)	To Trustee	From Trustee
					(See note below)	

NOTE: If the schedules filed in support of this summary, when combines, show a net money difference owing to you from the Trustee in respect of trades *executed* with respect to any separate customer account, such money difference is payable only if, *within or promptly upon the expiration of a period of 30* calendar days after the settlement date, their was initiated, in the case of each trade in behalf of such account which is subject to Rule S6d–1 (other than trades completed by the delivery of securities or payment of the contract price), the closeout of all fails to deliver and fails to receive. The maximum amount payable by the Trustee to you on account of the closeout of trades with respect to any separate customer account is $20,000, subject to your right to assert a general claim against the Debtor's estate for any deficiency.

SCHEDULE 1

(TO BE ATTACHED TO FORM S6(d)B)

OPEN CONTRACTUAL COMMITMENTS AT FILING DATE CONSISTING OF FAILS TO DELIVER (INCLUDING THOSE RELATED TO UNSETTLED TRADES) CLOSED OUT IN ACCORDANCE WITH PARAGRAPH (d)(1)(i) OF RULE S6d–1 OF SECURITIES AND EXCHANGE COMMISSION

(See Note [1])

Date: .....

Name of Debtor in liquidation .....
Name of Broker-Dealer .....

At the close of business on ....., the "filing date" with respect to the liquidation proceeding for the above-mentioned Debtor,[2] we were failing to deliver (or were obligated to make delivery subsequently in unsettled trades of) the below-listed securities, with respect to trades executed with the Debtor in behalf of our customers, which we closed out, as indicated below, in accordance with Paragraph (d)(1)(i) of Rule S6d–1 of the Securities and Exchange Commission:

Customer [4]	Fail data [3]			Number of units	Unit price	Contract amount	Closeout data [3]				Closeout gains [4] (owing to Trustee)	Closeout losses [4] (owing from Trustee)
	Dates		Security description				Dates		Unit price	Sellout proceeds [4]		
	Trade	Settlement					Trade	Settlement				

The undersigned represents that none of the customers whose trades are listed above (i) had a claim for property which by contract, agreement or understanding, or by operation of law, was part of the capital of the undersigned or was subordinated to the claims of creditors of the undersigned, or (ii) had a relationship with the Debtor which is specified in section 6(f)(1)(C) of the Securities Investor Protection Act,[5] or had a corresponding relationship with the undersigned.

.....
(Authorized signature and title)

SCHEDULE 2

(TO BE ATTACHED TO FORM S6(d)B)

OPEN CONTRACTUAL COMMITMENTS AT FILING DATE CONSISTING OF FAILS TO RECEIVE (INCLUDING THOSE RELATED TO UNSETTLED TRADES) CLOSED OUT IN ACCORDANCE WITH PARAGRAPH (d)(1)(i) OF RULE S6d–1 OF SECURITIES AND EXCHANGE COMMISSION

(See Note [1])

Date: .....

Name of Debtor in liquidation .....
Name of Broker-Dealer .....
At the close of business on ....., the "filing date" with respect to the liquidation proceeding for the above-mentioned Debtor,[2] we were failing to deliver (or were obligated to make delivery subsequently in unsettled trades of) the below-listed securities, with respect to trades executed with the Debtor in behalf of our customers, which we closed out, as indicated below, in accordance with Paragraph (d)(1)(i) of Rule S6d–1 of the Securities and Exchange Commission:

Customer [4]	Fail data [3]			Number of units	Unit price	Contract amount	Closeout data [3]				Closeout gains [4] (owing to Trustee)	Closeout losses [4] (owing from Trustee)
	Dates		Security description				Dates		Unit price	Sellout proceeds [4]		
	Trade	Settlement					Trade	Settlement				

The undersigned represents that none of the customers whose trades are listed above (i) had a claim for property which by contract, agreement or understanding, or by operation of law, was part of the capital of the undersigned or was subordinated to the claims of creditors of the undersigned, or (ii) had a relationship with the Debtor which is specified in section 6(f)(1)(C) of the Securities Investor Protection Act,[5] or had a corresponding relationship with the undersigned.

.....
(Authorized signature and title)

FOOTNOTES TO SCHEDULES 1 AND 2 TO FORM S6(D)B

NOTE 1: Similar Schedules are required for the Closeout of Fails to Receive and Fails to Deliver.

NOTE 2: The Act defines the "filing date" as the date on which an application is filed initiating a Liquidation Proceeding under the Act, except that if—
(i) a petition was filed before such date by or against the Debtor under the Bankruptcy Act, or
(ii) the Debtor is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee or liquidator for the Debtor was appointed which proceeding was commenced before the date on which such application was filed,
then the "filing date" is the date on which such petition was filed or such proceeding was commenced.

NOTE 3: Include only closeouts initiated *within or promptly upon the expiration of a period of 30 calendar* days after the settlement date relating to trades in the ordinary course of business which, in conformity with Paragraph (c) of Rule S6d–1 of the Securities and Exchange Commission, (i) were *executed* by you as agent for the account of a customer (other than a broker-dealer or a person described in the sentence in the Schedule which immediately precedes your signature), (ii) were executed *on or within 37* calendar days prior to the filing date, and (iii) had a settlement date no later than 15 calendar days after the filing date.

NOTE 4: Show separately, but in a group, your gains and losses with respect to the closeout of trades in behalf of each separate customer account, and your net gain or net loss from such closeouts. Attach appropriate documentation to support agency-relationship for each customer account listed, together with confirmation and other documentation for each executed closeout.

NOTE 5: The relationship with the Debtor specified in section 6(f)(1)(C) of the Act is that of "a general partner, officer, or director of the Debtor, the beneficial owner of 5 percent or more of any class of equity security of the Debtor (other than a nonconvertible stock having fixed preferential dividend and liquidation rights) or limited partner with a participation of 5 percent or more in the net assets or net profits of the Debtor."

[FR Doc.73–251 Filed 1–8–73;8:45 am]

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Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document pertaining to the joint call for report of condition of insured banks, issued jointly by the Federal Deposit Insurance Corporation, the Federal Reserve System, and the Comptroller of the Currency, see FR Doc. 73-385, *infra*.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD, ASD DIVISION ADVISORY GROUP

Notice of Closed Meeting

JANUARY 5, 1973.

The ASD Division Advisory Group of the Scientific Advisory Board will hold a closed meeting on January 24-25, 1973, in the ASD Commanders Conference Room, Wright-Patterson Air Force Base, Ohio.

The agenda topics will be remotely piloted vehicles and digital avionics.

Any person desiring information about the advisory group may telephone (202-697-4648) or write the Executive Secretary, USAF Scientific Advisory Board, Headquarters U.S. Air Force, Washington, D.C. 20330.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-374 Filed 1-8-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DIRECTOR OR ACTING DIRECTOR, KANSAS CITY COMMODITY OFFICE

Delegation of Authority

A Delegation of Authority was published in the June 23, 1972, issue of the FEDERAL REGISTER (37 FR 12413) to delegate to the Director or Acting Director, Kansas City ASCS Commodity Office the responsibility to register processors and industrial users under the Processor Wheat Marketing Certificate Program. The responsibility to register distributors was inadvertently omitted. Accordingly, the following delegation is issued in order to have all the registration functions in one office.

Delegation. Pursuant to the authority vested in me by the Processor Wheat Marketing Certificate Regulations (36 FR 21256), I hereby delegate the following responsibility to the Director or Acting Director, Kansas City ASCS Commodity Office:

Registration of distributors. Register distributors of flour second clears and issue notification of registration as described in §777.20.

The authority herein delegated shall be exercised in conformity with the requirements of the Processor Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379(a) to 379(j), 52 Stat. 31, as amended; 7 U.S.C. 1379 a to 1379 j)

Signed at Washington, D.C., on December 27, 1972.

KENNETH T. BENJAMIN,
Director, Grain Division, Agricultural Stabilization and Conservation Service.

[FR Doc.73-395 Filed 1-8-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-322]

PRUDENTIAL-GRACE LINES, INC. ET AL.

Notice of Application

Notice is hereby given that the following corporation has filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date), for any of the five following LASH vessels which the applicant owns or leases, or will own or lease. The bulk cargo carrying vessels proposed to be subsidized and the trades in which each proposes to engage are as follows:

Applicant's name and address	Type of ship	Name of ship
Prudential-Grace Lines, Inc., 1 New York Plaza, New York, NY 10004.	LASH	SS LASH Atlantico.
Do	do	SS LASH Espana.
Do	do	SS LASH Italia.
Do	do	SS LASH Pacifico.
Do	do	SS LASH Turkiye.

The foregoing application may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before January 17, 1973, notify the Board's Secretary in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the U.S. which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within

the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: January 4, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-415 Filed 1-8-73;8:45 am]

Office of Import Programs

JACKSONVILLE CHILDREN'S MUSEUM ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-561; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00258-00-66700. Applicant: Jacksonville Children's Museum, 1025 Gulf Life Drive, Jacksonville, FL 32207. Article: Planetarium Projector, MS-10. Manufacturer: Minolta, Japan. Intended use of article: The article is intended to be used to demonstrate astronomical phenomena and to allow student participation and involvement in the following courses:

Celestial navigation.
Principles of stellar photography.
General astronomy.
Concepts in contemporary astronomy.

Application received by Commissioner of Customs: November 22, 1972.

Docket No. 73-00264-33-46500. Applicant: University of Utah, 50 North Medical Drive, Salt Lake City, UT 84112. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly mammalian, tissues derived from experimental animals and tissue culture and exhibit both normal and pathologic structure. Experiments to be conducted include investigation of the normal, physiologic behavior of the aortic smooth muscle cell and its relation to vascular aging and atherosclerosis. In addition, the behavior of this cell in pathologic and deficiency status will be investigated. Application received by Commissioner of Customs: November 29, 1972.

Docket No. 73-00272-33-46500. Applicant: Frederick Cancer Research Center, P.O. Box B, Building 560 11-33, Frederick, MD 21701. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of several different DNA and RNA oncogenic viruses. Principally, methods of producing these viruses will be developed, primarily in tissue culture. Cell lines known to produce virus at low levels will be studied first. Using these lines, different parameters of culture will be followed. Also research will be directed toward a bitter elucidation of virus and viral components from and in cells. Application received by Commissioner of Customs: December 6, 1972.

Docket Number: 73-00273-33-46040. Applicant: Presbyterian Hospital, 622 West 168th Street, New York, NY 10032. Article: Electron Microscope, Elmiskop 1A and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in research on the structure of normal and developing ocular tissues and of the pathology of the eye. Specific projects include:

(a) Determining how the neurons of the retina connect with each other;

(b) Studies of the developing retina particularly aimed at those cells containing neurofibrils and neurotubules; and

(c) Study of birth defects of the eye and the differentiation of the blood vessels of the choroid.

The article will also be used in the training program for residents in Ophthalmology. Application received by Commissioner of Customs: December 5, 1972.

Docket No. 73-00274-33-68495. Applicant: University of Cincinnati, Department of Pharmacology and Therapeutics, College of Medicine, Cincinnati, Ohio 45219. Article: Watson Marlow Micro Metering Pump and accessories. Manufacturer: Watson-Marlow, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the infusion or injection of drugs with addictive potentials into rats with chronic electrodes during studies to compare the drug's effect on brainwaves. Application received by Commissioner of Customs: December 5, 1972.

Docket No. 73-00275-01-01100. Applicant: Michigan State University, East Lansing, Mich. 48823. Article: Solid State Nitrogen-15 Analyzer. Manufacturer: Breda, Holland. Intended use of article: The article is intended to be used for the following nitrogen studies:

(1) Quantitatizing and maximizing denitrification in land disposal systems for animal wastes.

(2) To assess the quantities of nitrogen being fixed by microorganisms in aquatic environments in order to determine their contribution to the nitrogen pollution of lakes.

(3) To quantitate the fate of nitrogen in fertilizers used in agriculture in order to evaluate their contribution to the nitrogen pollution of rivers and streams.

(4) To trace nitrogen metabolism in crop plants.

(5) To quantitatively evaluate the amount of nitrate being denitrified in the natural soil ecosystem.

(6) To study the effects of photorespiration inhibitors on nitrogen fixation by soybeans.

(7) To study the metabolism and cycling of nitrogen through soil microfauna in the forest litter.

The article will also be used for educational purposes in laboratories in Soil Microbiology and Soil Biochemistry to acquaint students with the use of ^{15}N as a tracer in studies on nitrogen cycles in soil, on nitrogen related pollution problems and on nitrogen metabolism in plants. Application received by Commissioner of Customs: December 4, 1972.

Docket No. 73-00277-90-14200. Applicant: IIT Research Institute, 10 West 35th Street, Chicago, IL 60616. Article: Image Analysing Computer System, Model Quantimet 720. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article is intended to be used to characterize particulate matter which may be from any source: ambient air suspended particles, air pollutants, life science specimens, materials science specimens, powders, pharmaceuticals, slurries, pastes, pigments, etc. The properties investigated are particle number, particle size, size distribution, particle shape and shape distribution. Application received by Commissioner of Customs: December 7, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-454 Filed 1-8-73;8:45 am]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

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Docket No. 73-00111-33-46500. Applicant: State University of New York, Research Foundation, College at Brockport, Brockport, N.Y. 14420. Article: Ultramicrotome, Model OM U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in experiments planned to examine the ultrastructure of "normal" nematodes during the molting processes which involves the synthesis and organization of precursors into a formed pattern. Experiments will also be carried out to evaluate the action of inhibitors of macromolecular biosynthesis (DNA, RNA, protein) and the formation of cuticle. The article will also be used for training graduate students in the techniques of ultramicrotomy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is • • • a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of December 8, 1972, that cutting speeds in the excess of 4 mm./sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-455 Filed 1-8-73;8:45 am]

WAYNE STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00642-33-46040. Applicant: Wayne State University, Detroit, Mich. 48202. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, the Netherlands. Intended use of article: The article is intended to be used in a graduate teaching-research program, specifically, to perform research dealing with the ultrastructural aspects of embryonic cell differentiation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction of undergraduate and graduate students in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 20, 1972 that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-456 Filed 1-8-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Notice of Closing Date for Receipt of Application for Grants

Pursuant to the authority contained in section 623, Early Education for Handicapped Children, of the Education of the Handicapped Act (84 Stat. 183, 20 U.S.C. 1423), notice is hereby given that the U.S. Commissioner of Education has established a final closing date for receipt of application for grants for Early Education for Handicapped Children, under Part C of the Act. Such applications must be postmarked on or before the 30th day following the publication of this notice in the FEDERAL REGISTER.

A notice of proposed rule making governing grants and contracts and other programs and projects for Early Education for Handicapped Children, authorized under Part C of the Act, was published in the FEDERAL REGISTER, Vol. 37, No. 80, pp. 8085-8093, April 25, 1972, and will govern the program when published in the FEDERAL REGISTER as regulations.

JOHN R. OTTINA,
Acting U.S. Commissioner of Education.

[FR Doc.73-411 Filed 1-8-73;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR EDUCATION

Delegation of Authority

The Assistant Secretary for Education serves as head of the Education Division which consists of the Office of the Assistant Secretary for Education, the Office of Education, and the National Institute of Education. Parts 2 and 7 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare will continue to be used for the Office of Education and the National Institute of Education respectively. Part 1 is hereby amended by addition of a new Chapter 1K, as follows:

SECTION 1K.00 *Mission.* The Assistant Secretary for Education is responsible for the general direction and supervision of the Education Division, provides leadership for the education activities of the Department, and serves as the key spokesman and advocate for assuring that the Department provides professional and financial assistance to strengthen education in accordance with Federal laws and regulations. In addition, serves as the principal advisor to the Secretary on education affairs.

SEC. 1K.10 *Organization.* A. The Office of the Assistant Secretary for Education is under the supervision of the Assistant Secretary for Education who heads the Education Division and reports directly to the Secretary.

B. The Office of the Assistant Secretary for Education includes:

Assistant Secretary for Education.
Deputy Assistant Secretary for Education.
Deputy Assistant Secretary (Policy Development).
Deputy Assistant Secretary (Policy Communication).
Director, Fund for the Improvement of Post-Secondary Education.

SEC. 1K.20 *Functions.* 1. "Assistant Secretary for Education" is the principal officer in the Department responsible to the Secretary for the direction and supervision of the Education Division; and for the coordination and general supervision of education activities wherever they are performed in the Department. Provides direct leadership for the administration of the Emergency School Aid Act.

2. "Deputy Assistant Secretary for Education" serves as the principal assistant to the Assistant Secretary for Education and acts for him during his absence or inability to act, or if a vacancy occurs in the position of Assistant Secretary for Education. In addition, provides executive secretariat services for the Education Division.

3. "Deputy Assistant Secretary (Policy Development)" coordinates the development of general policies in the Education Division including the formulation of program and legislative initiatives. Provides guidance in the determination of priorities, objectives, and goals for education including the formulation of recommendations to the Assistant Secretary. Provides articulation among components of the Division to insure effective implementation of short- and long-term policy decisions.

Coordinates 5-year plans, program evaluation, budget submissions, and operating plans for the Assistant Secretary for Education. Monitors research and statistical activities in the agencies comprising the Education Division, as they relate to policy development. Coordinates budget construction within components of the Division. Advises the Assistant Secretary for Education on key implementation issues. Develops budget positions and testimony for the ASE for presentation before OMB, Congress, and the public.

Recommends program and policy issues for analysis, coordinates the necessary studies, and actions to be undertaken within the Education Division, giving particular attention to articulating with National Council on Educational Research.

Coordinates program information systems used at the Assistant Secretary for Education level and within the agencies comprising the Education Division. Develops other major administrative proposals requested by the Assistant Secretary for Education with particular attention to Administrative initiatives.

4. "Deputy Assistant Secretary (Policy Communication)" represents the Assistant Secretary and interprets Federal education policies to the education community and the general public. Maintains a capability for monitoring the activities of the education community to provide timely accurate intelligence on their program and legislative objectives, and to assure that their views are reflected in the policymaking process of the Division.

Is responsible for the development and implementation of information strategies to assure that the programs and policies of the Education Division are effectively communicated to the education community and the general public. Supervises all activities of the Division affecting relationships with the education community including appropriate State agencies.

Provides the principal support and guidance to the Federal Interagency Committee on Education. Participates in shaping the input into policy development and implementing process as it pertains to the development of legislation. Advises and consults with the Assistant Secretary for Education and the public information offices of the agencies comprising the Education Division on new policy initiatives, the setting of priorities and the provision of policy guidance to Eduaction Division agencies' public information offices. Directs Federal Interagency Committee on Education, consistent with Executive Order No. 11185.

5. "Director, Fund for the Improvement of Post-Secondary Education" is responsible for the planning and administration of the Fund including the preparation of program and budgetary plans and supervision of staff necessary to implement those plans.

Dated: January 2, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.73-451 Filed 1-8-73;8:45 am]

ASSISTANT SECRETARY (COMMUNITY AND FIELD SERVICES)

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the statement of organization, functions, and delegations of authority of DHEW is amended to establish under the Assistant Secretary (Community and Field Services), Chapter 1L, an Office of Environmental Affairs as follows:

Under section 1L20B add:

8. Director of the Office of Environmental Affairs.

Under section 1L30 add a paragraph H as follows:

H. The Office of Environmental Affairs: Develops Department policy, procedures and criteria in implementation of the National Environmental Policy Act of 1969, and recommends the approval of such to the Assistant Secretary (Community and Field Services); coordinates the development of internal procedures and criteria; monitors compliance and approves the issuance of draft and final Environmental Impact Statements; and maintains liaison with the Council on Environmental Quality.

Dated: January 2, 1973.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.73-452 Filed 1-8-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-134; Administrative Division Docket No. Z-157]

RESORT HOMES, INC. ET AL.

Notice of Hearing

Notice is hereby given that:

1. Resort Homes, Inc., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.) received a notice of proceedings and opportunity for hearing dated November 22, 1972, which was sent to the developer pursuant to 15 U.S.C. 1706 (d) and 24 CFR 1710.45(b) (1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's statement of record for Bethany West, Section 6 and the failure of the Developer to amend the pertinent sections of the statement of record and property report.

2. The Respondent filed an answer postmarked December 8, 1972, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160 (b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before David Knight in Room 7233, Department of

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HUD Building, 451 Seventh Street SW., Washington, DC, on January 29, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 22, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-397 Filed 1-8-73;8:45 am]

Office of Assistant Secretary for Equal Opportunity

[Docket No. R-73-223]

AFFIRMATIVE FAIR HOUSING MARKETING

Clarification of Issues; Statement of Policy

The Department of Housing and Urban Development published Affirmative Marketing Regulations (24 CFR Part 200, Subpart M, §§ 200.600 et seq., 37 FR 75), effective February 25, 1972, and on the same date issued Circular 8000.4 entitled "Implementation of Affirmative Fair Housing Marketing Regulations." This circular, intended primarily to aid departmental staff in administering the new regulations, is available to interested persons and agencies and may be obtained from the Department's headquarters at 451 Seventh Street SW., Washington, DC 20410. Subsequent to issuance of the regulations and circular, various questions on policy and interpretation were raised by both HUD field offices and program applicants. To clarify policy on these and other possible areas of confusion, we are publishing representative questions and answers on Affirmative Fair Housing Marketing. This statement expresses existing policy and does not impose new requirements. It is therefore effective upon publication, and comment and public procedure are unnecessary.

The questions and answers are set forth below grouped under seven topical headings: Local areawide or institutional plans; scattered lot builders; use of multiple brokers; coverage and applicability of the regulations; characteristics of an acceptable plan pursuant to § 200.625 of the regulations; methods of approval of the plans; and general monitoring of the plans.

CLARIFICATIONS OF ISSUES RELATING TO AFFIRMATIVE MARKETING

A. *Local areawide or institutional plans*—1. *Question.* What are the characteristics of an institutional plan which is adequate to serve in lieu of a separate plan from each applicant? How is such a plan formulated?

Answer. An institutional plan is a plan agreed to jointly by HUD and members of the building and/or real estate industry which commits those members to collective action in support of affirmative marketing and other activities which can achieve the goal of equal housing opportunity. An institutional plan should be designed to enable individual firms to comply with the affirmative marketing requirements and to offer a mechanism which allows all or a portion of the industry in the SMSA or the housing market area to carry out affirmative marketing pursuant to a collective strategy. An institutional plan should be tailored to the specific housing market area and should encourage and permit the adoption of experimental, creative marketing procedures intended to achieve the objectives of the Affirmative Marketing Regulations, while consistent with the principles set forth below. Equal Opportunity personnel can assist home builders associations in developing such plans by sharing with them plans which have been previously approved by the Department.

Institutional plans must in all cases:

a. Be developed through discussions between representatives of HUD-Equal Opportunity and the building and/or real estate industry. The agreement or understanding resulting from such discussions shall be memorialized in a written plan and signed by the Director of the Area/Insuring Office and the participating industry representatives. In the process of developing the plan, the industry should consult with leadership of the minority communities.

b. Be approved by the regional and central offices.

c. Meet all the requirements of the Affirmative Fair Housing Marketing Regulations and Circular 8000.4.

d. Include collective obligations which may be in lieu of the individual actions required by the regulations and circular. Such collective responsibilities might include institutional advertising, some device for consultation and collaboration with the minority community in carrying out the plan, a group training program for real estate brokers and salesmen, and group affirmative employment efforts. Group goals for housing and employment should be developed if possible.

e. Provide for ongoing monitoring by both HUD and the industry and allow for annual renewal if both parties are in agreement that the plan is working.

f. Minority groups should have a clear mandate for assisting in the dissemination of information concerning housing opportunities to minority persons, and participating in the monitoring and review function if possible, and for consulting with industry representatives regarding possible renewal of the plan.

g. Provide for regular monthly reporting by each builder as required by Circular 8000.4. The plan should provide for the submission of baseline racial data on employment and occupancy of housing so that progress under the plan can be properly evaluated, and for such other periodic reports as are appropriate to assure that progress is being made toward achieving the plan's objectives (both individual and collective) and that problems are identified sufficiently in time to allow corrective action.

Institutional plans are encouraged to provide for:

a. Expanding the coverage of affirmative marketing to include all housing.

b. Conducting educational seminars (1) in the minority communities to acquaint those communities with the plan and with available housing opportunities, (2) for the housing industry to acquaint all parts of the industry—brokers, builders, lenders, mortgage bankers—with the need for and implications of affirmative marketing, and (3) for the general public to develop acceptance of and positive responsiveness to affirmative marketing.

c. Contracting with minority groups to (1) conduct educational programs in the minority community to acquaint that community with housing opportunities and/or (2) monitor progress with the plan.

B. *Scattered lot builders*—1. *Question.* How can applications be processed for builders who build and sell more than five units per year under FHA programs, but come in for one conditional commitment at a time and do not know where the rest of the units will be located or how many there will be?

Answer. For the builder in precisely the situation described above (the typical scattered lot builder) Equal Opportunity staff may proceed as follows:

a. At the discretion of the Area Office Equal Opportunity Director or Insuring Office Equal Opportunity Representative, the builder may submit and have approved an annual affirmative marketing plan for all the building he does in the ensuing 12 month period.

b. At the discretion of the Equal Opportunity Director or Representative, the plan may be limited to a maximum number of units.

c. In most cases the plan should cover only that activity which will take place in a single housing market area. However, in areas which are not highly built-up and in which building activity is widely scattered, e.g., rural counties, a plan may cover a larger area.

d. The plan would remain in effect for a year from the date of its approval subject to ongoing review of compliance with the plan.

e. The plan must meet all requirements of the Affirmative Fair Housing Marketing Regulations and the Circular 8000.4. If the units are likely to be built both in white areas and areas of minority concentration, the plan must contain two programs, one for units in white areas and one for units in minority areas.

2. *Question.* How are reporting requirements different for the scattered lot builder?

Answer. Scattered lot builders must report monthly, beginning at the end of the first month that sales occur, just as all other builders must. However, since the building is taking place in a variety of locations, the data should be broken out in categories by type of location: area of minority concentration, non-minority white area; and (as necessary) racially-mixed area.

Instructions to scattered lot builders on how to report should be included in the HUD letter of approval of the affirmative marketing plan.

C. *Use of multiple brokers*—1. *Question.* What requirements apply to a builder who uses several brokers in selling his houses?

Answer. If a builder utilizes several brokers in selling his houses, he must take all necessary steps to insure that minority brokers and salesmen have the opportunity to be involved and are specifically informed that the houses are available without discrimination. The applicant must provide information on the racial composition of the brokers he will use. Further, the applicant must indicate the affirmative outreach that will be made by himself or by the brokers.

The applicant's contract with the brokers should include the affirmative marketing plan. If there is no formal contract, the applicant should send the brokers a letter instructing them to carry out the specific provisions of his affirmative marketing plan. Each broker should then sign and return a copy of the letter indicating his agreement to follow the plan.

2. *Question.* How can affirmative marketing policy be implemented when a builder uses a multiple listing service to sell his houses?

Answer. If a builder chooses to use a multiple listing service to market his houses, all the members of the multiple listing must agree to do affirmative marketing. This can be achieved through a group plan or through separate individual affirmative marketing programs.

3. *Question.* Under what circumstances does a broker who sells a house which was under an affirmative marketing plan have to have his own affirmative marketing plan approved?

Answer. A broker is subject to affirmative marketing requirements indirectly through the applicant who obtained the FHA subdivision report or conditional commitment. In order to assist the applicant in demonstrating to HUD his affirmative marketing program, a broker or several brokers may develop and submit affirmative marketing plans, specific to one application or their total sales program on an annual basis.

D. *Coverage*—1. *Question.* Are nursing homes covered by the Affirmative Fair Housing Marketing Regulations?

Answer. Yes. However, Circular 8000.4 does not address itself to the particular needs and problems of nursing homes. Affirmative Marketing Plans from nursing homes should be approved if they address realistically the kinds of affirmative outreach necessary to insure equal opportunity for residence in the home. For example, if the nursing home does not expect to advertise but will receive referrals from nonminority white doctors and hospitals, then efforts should be made to inform minority doctors and staff at hospitals which serve substantial numbers of minority patients about the services and availability of the home. If the home expects to advertise, then the advertisements must include the Equal Opportunity logo, slogan, or statement and any pictorial representations must be inclusive of minority or majority group persons. Special outreach in minority and majority group media and community groups shall be used as appropriate to reach persons not normally likely to apply to the nursing home.

2. *Question.* Do applicants have to file Affirmative Marketing Plans if there are no minorities in the housing market area?

Answer. Yes, but the plan must indicate that there are no minorities in the housing market area according to the U.S. Bureau of the Census and therefore the remaining questions are not applicable.

3. *Question.* Who is supposed to file the "Certification of Intent Not to Market Housing"?

Answer. A developer who buys raw land, puts in streets, drainage, sewers, and other improvements, and then sells pieces of land to builders who build groups of houses for sale on the land is supposed to file the Certification. If a developer intends to build houses himself, he is required to file an Affirmative Marketing Plan even though he may contract out the marketing. Likewise, if he intends to market the houses but not to build them he is required to file an Affirmative Marketing Plan.

4. *Question.* With respect to subdivision developers who certify intent not to market houses, who, if anyone, submits an Affirmative Marketing Plan? If the builder does not intend to use Government mortgage financing, is a plan required if he intends to build a house in the subdivision?

Answer. The subdivision report alone is not sufficient to establish applicability of the regulations to a subdivision. If a developer who does not build or market houses gets a subdivision report, the builder who later buys that developed land for the purpose of building a house does not need to file an Affirmative Marketing Plan unless he intends to use FHA mortgage insurance.

E. *Characteristics of an acceptable plan*—1. *Question.* What can be done by HUD staff to improve the quality of the affirmative marketing plans received from builders, especially small builders?

Answer. A variety of methods have been utilized to provide technical assistance to builders in this area. Among them are:

a. Holding meetings with the home builders association to explain how the forms should be filled out.

b. Holding individual conferences with builders, especially small builders who do not have staff to prepare an Affirmative Marketing Plan.

c. Issuing Area/Insuring Office Circular further explaining what is desired on the form.

d. Providing model plans of exceptional quality as a guide.

2. *Question.* If the minority newspaper in the locality has a very small circulation, even in the minority community, does a builder still have to use it?

Answer. The primary rule for evaluating every affirmative marketing plan is whether or not Equal Opportunity staff thinks that the plan will be effective in attracting minority and majority persons to the housing. The minority newspaper does not have to be used to attract minorities if:

a. It has a very small circulation, and

b. It is not a good means of communicating with the minority people in the income range eligible for the housing, and

c. It does not have a recognized real estate section and is not used by the minority community for real estate purposes, and

d. It can be clearly established that other methods will reach the minority community effectively. For example, one of the metropolitan (white) newspapers may have very substantial minority readership.

3. *Question.* What kind of information must the applicant supply under "anticipated results"? Must this be a number or percentage?

Answer. The response under "anticipated results" must be a number or percentage. General statements about racial inclusiveness or nondiscrimination are not acceptable.

4. *Question.* What is meant by Item 2 of Form 935.2 "Solicitation of those referred by HUD"?

Answer. The developer is obligated, under the Affirmative Fair Housing Marketing Regulations to "specifically solicit eligible buyers or tenants reported to the applicant by the Area or Insuring Office." The "Instructions for Filing an Affirmative Fair Housing Marketing Plan" provide that the developer may solicit those persons referred "by direct mail with local telephone follow-up". A plan is acceptable on this item if both boxes ("direct mail" and "telephone contact") are checked or if a realistic alternative method is described. However, for the most part, Area and Insuring Offices do not have lists of homeseekers, nor do most offices do any direct housing counseling as they did at the time of the drafting of the regulations. Therefore, to the extent that lists of homeseekers are available to Housing Management or Equal Opportunity, from counseling agencies in the community or from other sources, such names may, at the discretion of the Area/Insuring Office Director, be sent to developers so that they may specifically solicit them.

5. *Question.* How does the affirmative marketing policy apply to housing which is presold before the applicant asks for a conditional commitment?

Answer. A builder who presells is covered by the affirmative marketing policy if he has participated in FHA housing programs to the extent of five or more dwelling units during the year preceding the application, just as any other builder is covered (see section 200.615 of the Affirmative Fair Housing Marketing Regulations). At the time of an application for a conditional commitment on a presold house by a builder who is subject to affirmative marketing requirements, an Affirmative Marketing Plan must be submitted and approved prior to the granting of the commitment. The plan should provide for affirmative marketing of all other units in the subdivision (by a subdivision builder) or all other units for the ensuing year (by a scattered lot builder). After the first application for a conditional commitment for a house which has already been sold, future applications by the builder shall not be approved unless he has had an affirmative marketing Plan, covering that housing approved by HUD. In order to facilitate industry understanding of and compliance with this policy, local office staff should identify those builders operating in their area who have normally done preselling and explain the policy to them, in writing or by individual conferences or group meetings.

F. *Approvals*—1. *Question.* By what method should EO staff communicate the approval of a plan to the applicant? How can the applicant show the public that his plan has been approved?

Answer. The best method is to write, stamp, or type "Approved" on the last page of the plan, sign and date it, and send a Xerox copy to the applicant with a covering letter and (for sales housing) a supply of monthly reporting forms. The covering letter should remind the applicant of the reporting requirement and ask the applicant to check "Final Report" 6 months after all the units have been offered for sale or rent or at 95 percent occupancy, whichever is first.

2. *Question.* Should the multifamily applicant be encouraged to update his plan sometime just before he is ready for occupancy?

Answer. Yes. The letter of approval of the plan should advise the multifamily applicant that compliance will be based on specific performance of the plan and that, if he wants to adapt it to reflect changes in his marketing situation as he approaches occupancy, he should contact HUD to renegotiate the plan. It is highly desirable to remind the applicant of the possible need to update his plan at the preoccupancy conference. When EO staff is unable to be present at the preoccupancy conference to negotiate any needed updating, Housing Management staff should be ready to assume responsibility for handling these negotiations, subject to EO concurrence. The EO representative should be invited to all preoccupancy conferences. All changes of a plan prior to completion of initial rent-up are voluntary. The applicant should also be reminded of the reporting requirements, have explained the "Final Report" requirements, and receive copies of the monthly occupancy report at the preoccupancy conference.

G. *Monitoring*—1. *Question.* What action should be taken when Affirmative Marketing Plans do not meet the Equal Opportunity objectives of HUD? If an applicant states that he has made good faith efforts, is HUD staff restricted from taking further action to achieve the desired results?

Answer. In relation to the submission and approval of the affirmative marketing plan,

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Equal Opportunity staff has a responsibility not to sign off on any plan unless the plan is realistic, workable, and expected to achieve the results stated in the plan. The plan then sets the standard of performance required and compliance is based on the fulfillment of the provisions of the plan.

If the plan proves unworkable or ineffective, the applicant is required to notify Equal Opportunity that it is not working. Likewise, Equal Opportunity has a responsibility to monitor and identify any problems of implementation. If either the applicant or Equal Opportunity determines that the plan is not working, both should meet and work out an alternative plan on a voluntary basis. Equal Opportunity may require an alternative plan on multifamily projects after the initial rent-up.

2. *Question.* Will there be any nationwide analysis of the results of affirmative marketing?

Answer. Yes. To facilitate such analysis, copies of all final sales reports should be sent by EO staff to the Office of Program Standards and Data Analysis, Room 5136, Department of Housing and Urban Development, Washington, D.C., 20410. The final report on subdivisions is the one sent in when 95 percent of the units are sold or 6 months after all units in the subdivision became available, whichever is first. The developer should check the box marked "Final Report" on that monthly sales report. For scattered lot builders, one cumulative report shall be sent to Central Office annually by EO staff. If a builder has an annual Affirmative Marketing Plan, the last report before the renewal of his plan should be considered his "Final Report."

3. *Question.* What mechanism should be used to insure monitoring of Affirmative Marketing Plans?

Answer. Using information on expected date of availability found in the monthly "Equal Housing Opportunities Information Record of Subdivision Reports Issued, Multifamily Properties and Home Mortgage Commitments" required by HPMC 8000.3 (mailed out to fair housing groups and kept available to the public in a bound book in the office), EO staff should keep a list of developments and projects expected to market in each month. A staff member should be assigned to check the newspapers for compliance by each applicant.

A staff member should be assigned to call groups which were listed as community contacts on a spot-check basis to find out if they have been contacted by the developers. The calls could be made as soon as the developer begins to advertise in the newspaper, if both newspapers and community contacts were to be used. If only community contacts were to be used, the time for the phone calls can be determined from the list compiled above of developers and projects expected to market in each month.

Monthly reports should be checked as they are received against the anticipated results stated in the approved plan.

Civil rights groups should be encouraged to monitor by obtaining the Equal Housing Opportunity Information Record, asking developers to see their plans, and checking newspapers and community organizations.

A supply of monthly reporting forms should always be sent to developers of single family homes with the approved marketing plan. Housing Management should give the multifamily developer a supply of HUD Forms 9801 at the preoccupancy conference.

If a developer comes in with a subsequent Affirmative Marketing Plan, the monthly reporting forms sent in on the previous plan should be reviewed before the subsequent plan is approved. Copies of advertisements used pursuant to the previous plan must be attached as exhibits in the subsequent plan to show the type of advertising to be used. If the developer was in compliance with his previous plan but did not obtain his anticipated results, it should be determined whether more extensive outreach efforts or different methods of outreach may be necessary.

4. *Question.* Should a subsequent plan be approved from a builder when there is clear indication that he has not complied with his previous plan?

Answer. No. If there is clear indication that the builder is in noncompliance, based on Area/Insuring Office observations that the specific provisions of the previous plan were not carried out, approval of the subsequent plan should be deferred. Deferral may not be based on failure to reach anticipated results.

If the marketing program of the applicant is only partially completed, Area/Insuring Office staff should send the applicant a letter notifying him:

a. Of the nature of his apparent noncompliance, and

b. That he should bring his marketing program into compliance within 15 days or a compliance review will be conducted by the Regional Office. A copy of this letter should go to the Region.

If the marketing program has been completed or nearly completed, Area/Insuring Office staff should immediately request a compliance review from the Region and notify the applicant that review is being deferred pending a compliance review. The Assistant Regional Administrator for Equal Opportunity should receive a copy of the notification to the builder with a request for an immediate compliance review pursuant to EO 11063, title VIII, title VI (if applicable), the Affirmative Fair Housing Marketing Regulations, and the specific plan of the builder previously approved by HUD.

5. *Question.* Should a subsequent plan from a builder be approved when he has not complied with reporting requirements pursuant to a previous plan?

Answer. No. The builder should be notified by phone or letter that his plan is being held until his reporting requirements are satisfied. If the reports are not sent in promptly after notification, the builder should be notified in writing that approval of the subsequent plan is being deferred pending a compliance review on the previous plan (see Question 4).

6. *Question.* Who is responsible for handling compliance and conducting compliance reviews pursuant to the Affirmative Fair Housing Marketing Regulations?

Answer. In all cases, complaints and compliance reviews are the responsibility of the Assistant Regional Administrator for Equal Opportunity in the appropriate Regional Office.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This statement of policy is effective upon publication in the FEDERAL REGISTER (1-9-73).

MALCOLM E. PEABODY,
Acting Assistant Secretary for Equal Opportunity.

[FR Doc.73-396 Filed 1-8-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On January 18 and 19, 1973, the National Highway Safety Advisory Committee will hold an open meeting in Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

Subject to approval by the Secretary of Transportation, the following meeting will be held:

The Subcommittee on Research, and Program Development will meet from 1:00 p.m. to 4:00 p.m. on Thursday, January 18, and from 9:00 a.m. to 4:00 p.m. on Friday, January 19, in room 2232 of the DoT Headquarters Building, 400 Seventh Street SW., Washington, DC, with the following agenda:

Briefing on NATO/CCMS Programs in Highway Safety
Police Manpower Requirements on Interstate System
Review and Discussion of Standards Revision
New Business

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone 202-426-2872.

This notice is given pursuant to Executive Orders 11671 and 11686.

Issued on: January 4, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-491 Filed 1-8-73;8:45 am]

National Transportation Safety Board

[Docket No. SA-436]

AIRCRAFT ACCIDENT AT CHICAGO, ILL.

Notice of Investigation Hearing

In the matter of investigation of an accident involving Delta Air Lines, Inc., CV-880, of U.S. Registry N8807E, and North Central Airlines, Inc., DC-9, of U.S. Registry N954N, at O'Hare International Airport, Chicago, Ill., December 20, 1972, Docket No. SA-436.

Notice is hereby given that an accident investigation hearing on the above-matter will be held commencing at 9 a.m., c.s.t., on January 17, 1973, at the Sheraton-O'Hare Hotel, 6810 North Mannheim Road, Rosemont, IL.

Dated this 3d day of January 1973.

[SEAL] LESLIE D. KAMPSCHROR,
Hearing Officer.

[FR Doc.73-436 Filed 1-8-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-400—50-403]

CAROLINA POWER & LIGHT CO.

Notice and Order for Special Prehearing Conference

In the matter of the Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4), Dockets Nos. 50-400, 50-401, 50-402, and 50-403.

Take notice, that pursuant to the Atomic Energy Commission's "Notice of Hearing On Application For Construction Permits," dated September 21, 1972, and in accordance with § 2.751a of said Commission's restructed rules of practice, a special prehearing conference will be held on the subject proceeding on January 30, 1973, at 10:30 a.m., local time, in the U.S. District Courthouse, Court Room 2, Seventh Floor, New Federal Building, 310 New Bern Avenue, Raleigh, NC 27611. The special prehearing conference will deal with the following matters:

1. Simplification, clarification, and specification of the issues;

2. Outstanding petitions for intervention;

3. The need for discovery, and the time required for such discovery, if any;

4. The necessity or desirability of amending the pleadings or petitions submitted thus far;

5. Any motions to be addressed to the Atomic Safety and Licensing Board (Board);

6. The procedures to be followed in the presentation of evidence at the evidentiary hearings;

7. Establishment of schedules for further action; and

8. Such other matters as may aid in the orderly disposition of this proceeding.

The attorneys for the respective parties are hereby directed to confer in advance of the special prehearing conference and report to the Board at the time of said conference on the prospects for:

1. Settlement of any pending contentions;

2. A stipulation as to the matters in controversy;

3. A stipulation or statement of the uncontested facts.

At the special prehearing conference, the Board will hear oral argument on the outstanding petitions to intervene. The petitioners as well as the parties, will be given an opportunity to be heard in this regard.

The Board will also hear argument pertaining to the specificity of the contentions proposed to be raised by the petitioning intervenors, Conservation Council of North Carolina and Wake Environment, Inc., as well as the authority of these two organizations to represent any of their members in this particular proceeding. The Board will also hear argument on the particular interests of said members that would, or allegedly might be, affected by the granting of the proposed construction permits. The identity and addresses of individual members of the aforesaid organizations who desire to be represented by those organizations in this proceeding should be presented to the Board at this prehearing conference, and such information should be submitted by the pertinent parties in affidavit form.

The Board will require from the parties, either in the form of briefs or oral argument, their views on the scope of the National Environmental Policy Act review to be made by the Board in light of the Commission's Notice of Hearing and, in particular, in view of the recently enacted Federal Water Pollution Control Act Amendments of 1972. As part of this discussion, the Board will require documentation or citation as to any duly enacted North Carolina State Water Quality Standards or effluent limitations which have been federally approved, and which might be applicable to the four proposed Shearon Harris units.

This Board will be concerned with the health and radiological safety issues and environmental issues set forth in the September 21, 1972 Notice of Hearing. 37 FR 20344, September 29, 1972.

All members of the public are entitled to attend the special prehearing conference, as well as any subsequent prehearing conference and the evidentiary hearing itself.

Issued at Washington, D.C., this 3d day of January 1973.

It is so ordered.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.73-402 Filed 1-8-73;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Order Extending Completion Date

Consolidated Edison Co. of New York, Inc. is the holder of Provisional Construction Permit CPPR-21 issued by the Commission on October 14, 1966, for the construction of the Indian Point Station Unit No. 2, a 2758 megawatt (thermal) pressurized water nuclear reactor, presently under construction at the company's site on the Hudson River in the Village of Buchanan, Westchester County, N.Y.

On November 29, 1972, the company requested an extension of completion date because of delays in the completion and associated testing of the facility due to the determination to refabricate the core and to inspect and repair, as necessary, deficiencies in particular vent/drain assemblies which were indicated during the pre-critical testing program. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown:

It is hereby ordered, That the latest completion date for CPPR-21 is extended from January 2, 1973 to March 1, 1973.

Dated of issuance: December 27, 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-403 Filed 1-8-73;8:45 am]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Notice of Hearing

The Florida Power and Light Co. (the licensee) is the holder of Construction Permit No. CPPR-74 (the Construction Permit), issued by the Atomic Energy Commission on July 1, 1970. The Construction Permit authorizes the licensee to construct a pressurized water nuclear reactor, designated as the St. Lucie Nuclear Power Plant, Unit 1 (formerly designated "Hutchinson Island Nuclear Power Plant"), at the licensees' site in St. Lucie County, Fla. The reactor is designed for initial operation at approximately 2440 megawatts (thermal).

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970—September 9, 1971. Notice is hereby given, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Part 2, rules of practice, and Appendix D to 10 CFR Part 50, "Implementation of the National Environmental Policy Act

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of 1969," that a hearing will be held in the captioned proceeding by an Atomic Safety and Licensing Board (Board) at a time and place to be fixed by subsequent order of the Board to consider and make determinations on the matters set forth below:

1. In the event that this proceeding is not a contested proceeding as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will without conducting a de novo evaluation of the application determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

2. In the event that this proceeding is a contested proceeding, the Board will decide any matters in controversy among the parties within the scope of Appendix D to 10 CFR Part 50, with regard to whether, in accordance with the requirements of Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated or appropriately conditioned to protect environmental values.

3. Regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (a) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated or appropriately conditioned to protect environmental values.

The Board will be designated by the Atomic Energy Commission. Notice as to its membership will be published in the FEDERAL REGISTER. Within thirty (30) days from the date of publication of this present notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714(a).

Any person who does not wish to, or is not qualified to become a party to this proceeding concerning continuation, modification, termination, or conditioning the construction permit may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715.

A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the licensee not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this Notice of Hearing or such other time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

For further details pertinent to the matters under consideration, see the licensee's Environmental Report dated May 20, 1971, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, FL 33450. As they become available, the following documents also will be available at the above locations:

(1) The Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; and (2) the Commission's final detailed statement on environmental considerations. Copies of item (2), when available, may be obtained by request to Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

With respect to this proceeding, pursuant to 10 CFR 2.785 an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 4th day of January 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-438 Filed 1-8-73;8:45 am]

[Docket No. 50-251]

FLORIDA POWER AND LIGHT CO.

Order Extending Completion Date

Florida Power & Light Co. is the holder of Provisional Construction Permit CPPR-28 (as amended) issued by the Commission on April 27, 1967, for the construction of the Turkey Point Nuclear Generating Unit No. 4, a 2,200 megawatt (thermal) pressurized water nuclear reactor, presently under construction at the company's site located at Turkey Point in Dade County, Fla., about 25 miles south of Miami.

By letter of November 7, 1972, and supplemented by a telegram dated December 1, the company requested an extension of the completion date because of construction delays as a result of additional work such as installation of piping seismic supports, and modification of the AC and DC instrument power supplies. Delays have also been experienced in the completion of the in-service inspection program. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown:

It is hereby ordered, That the latest completion date for CPPR-28 (as amended) is extended from January 1, 1973, to January 1, 1974.

For the Atomic Energy Commission.

Date of issuance: December 27, 1972.

R. C. DEYOUNG,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-371 Filed 1-8-73;8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Reconstitution of Board

In the matter of South Carolina Electric and Gas Co., Virgil C. Summer Nuclear Station, Unit 1, Docket No. 50-395.

Mr. Frederick J. Shon was a technical member of the Atomic Safety and Licensing Board established to consider the above application. Mr. Shon is unable to continue his service as a member of this Board because of schedule conflicts.

Dr. Kenneth A. McCollom was previously designated as a technically qualified alternate member for this Board. He has been designated to serve in place of Mr. Shon. Reconstitution of the Board in this manner is in accordance with § 2.721 (b) of the rules of practice.

Dated at: Washington, D.C., this 3d day of January 1973.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.73-401 Filed 1-8-73;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Order Extending Completion Date

Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas and Electric Co. are the holders of Provisional Construction Permit CPPR-50 issued by the Commission on August 6, 1968, for the construction of the Kewaunee Nuclear Powerplant, a 1,650 megawatt (thermal) pressurized water nuclear reactor, presently under construction at the companies' site in the town of Carlton, Kewaunee County, Wis.

On November 6, 1972, the companies requested an extension of completion date because of shortage of skilled tradesmen and technical personnel, delays in completion of piping system restraints due to extensive seismic analysis requirements, the addition of a makeup water pretreatment system to assure a constant quality demineralized water supply, and underestimation of schedule requirements. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown:

It is hereby ordered, That the latest completion date for CPPR-50 is extended from December 31, 1972, to August 31, 1973.

Date of issuance: December 27, 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-372 Filed 1-8-73;8:45 am]

S8G PROTOTYPE, KESSELRING SITE, WEST MILTON, N.Y.

Notice of Availability of the General Manager's Final Environmental Statement

Notice is hereby given that a document entitled, "S8G Prototype, Kesselring Site, West Milton, N.Y." issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Albuquerque Operations Office, Post Office Box 5400, Albuquerque, NM 87115; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; Grand Junction Office, Post Office Box 2567, Grand Junction, CO 81501; Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; New York Office, 376 Hudson Street, New York, NY 10014; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704. This statement was prepared in support of the Commission's legislative action related to development, construction and operation of the protoype nuclear propulsion plant for the *Trident* submarines.

This final environmental statement will be furnished upon request addressed to the Director, Division of Environmental Affairs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 2d day of January, 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-373 Filed 1-8-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24691]

SUPERIOR AIRWAYS LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit, Canada-United States, Casual, Occasional or Infrequent Service With Large Aircraft

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 30, 1973, at 11 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 23, 1973.

Dated at Washington, D.C., January 4, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-447 Filed 1-8-73;8:45 am]

[Docket No. 24250]

SUPERIOR AIRWAYS LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit for Casual, Occasional, and Infrequent Operations With Aircraft Having Maximum Gross Takeoff Weight of 12,500 Pounds

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 30, 1973, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC,

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before Administrative Law Judge Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 23, 1973.

Dated at Washington, D.C., January 4, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-448 Filed 1-8-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

IMPLEMENTATION PLAN, PESTICIDE CONTROL ACT

Statement of Purpose and Preliminary Solicitation of Views

On October 21, 1972, the President signed into law H.R. 10729, the Federal Environmental Pesticide Control Act of 1972 (Public Law 92-516, 86 Stat. 973), amending the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 135 et seq. This document is intended to set forth the Agency's plan for implementing these amendments to FIFRA, to inform the public as to the date when the different amendments became or become effective and the general form and content that various regulations will take. Preliminary views as to form and content of regulations are invited. Naturally such regulations will be developed over time, and the public will be afforded an opportunity to submit specific and formal comments when notice of rule making is published in the FEDERAL REGISTER. However, even prior to that time, comments could be useful and should be addressed to Lowell Miller, Chairman, Pesticides Legislation Task Force, Environmental Protection Agency, Washington, D.C.

A. *Legislative history.* Enactment of the Federal Environmental Pesticide Control Act of 1972, followed numerous congressional hearings and floor debates. The legislation was originally submitted to the Congress in 1971 by the President's Office of Management and Budget and introduced in the Senate as S. 745 and in the House of Representatives as H.R. 4152 on February 10, 1971. Hearings were held before the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture and Forestry on March 23-26, 1971. Hearings were held before the Committee on Agriculture of the House of Representatives beginning February 22, 1971, and ending on March 25, 1971. That Committee reported a bill (H.R. 10729) to the full House on September 25, 1971, accompanied by House Report No. 92-511. H.R. 10729 was taken to the floor on November 7, 1971, and the floor discussion is recorded at H. 10674-10680 Congressional Record November 8, 1971 (and following: Nov. 9, H. 10726-10774, E. 11965-11966; Nov. 10, E. 12057-12058, E. 12070; Nov. 12, E. 12132-12134). H.R. 10729 passed with minor amendment on November 9, 1971, and was referred to the Senate on November 19, 1971. Hearings on H.R. 10729, which replaced S. 745, were held before the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture and Forestry on March 7 and 8, 1972. The committee reported a bill accompanied by Senate Report No. 92-838 on June 7, 1972, which was, in turn, referred for hearings to the Senate Commerce Committee, and hearings were held before the Subcommittee on the Environment on June 15 and June 19, 1972. An amended version of H.R. 10729, accompanied by Senate Report No. 92-970 was reported to the Senate on July 19, 1972. The matter was referred back to the Senate Agriculture Committee which studied H.R. 10729, issued a supplemental report, No. 92-838 Part II (Oct. 3, 1972) and ultimately reported a bill which was referred jointly to the full Senate by that Committee and the Committee on Commerce on September 25, 1972. The accompanying floor remarks can be found at S. 15885 Congressional Record, September 26, 1972. On September 26, 1972, the Senate passed H.R. 10729. The Senate and House conferees met and on October 5, 1972, reported the Federal Environmental Pesticide Control Act accompanied by a conference report, House Report No. 92-1540 (Oct. 5, 1972). The conference bill was adopted by the Senate on October 5, 1972, and by the House on October 12, 1972, and was signed into law on October 21, 1972.

B. *Description of the legislation.* Prior to the 1972 amendments to the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, Federal control of pesticides was focused primarily on the licensing of pesticide products intended for interstate shipments. Control extended to requiring adequate labeling directions for use and cautions and warnings adequate for safe use. The basic structure of that legislation provided for penalties when adulterated or improperly labeled products were shipped interstate. It soon became apparent that the lack of direct control over actual use and intrastate manufacture and sale were significant gaps which created a possible hazard to users and the environment. The only possible means of Federal control over misuse was to revoke the license for registration. Such control involved cumbersome administrative procedures for cancellation based on the inadequacy of the label to protect the user or the environment or the existence of a commonly recognized practice of abuse. The net result was to force the Government to consider a pesticide registration as an "all or nothing" proposition.

The Federal Environmental Pesticide Control Act of 1972 adds a use classification and regulation scheme to the labeling scheme of the Federal Insecticide, Fungicide, and Rodenticide Act. Thus, under the new law the Administrator is given the authority to proceed against persons or individuals who engage in misusing pesticides by applying them in a manner "inconsistent with their labeling." In addition, the Administrator may place pesticides in a "restricted use" category, thus subjecting them to controls in distribution and ultimately requiring their use only by trained applicators. Federal authority is also extended to the use, shipment, distribution and sale of all pesticide products. Other new authorities include: Registration of pesticide-producing establishments and the requirement that they maintain books and records; payment of indemnities to farmers and manufacturers who, without notice, are left holding a product which is suspended because it creates an imminent hazard; authority to allocate the cost of research necessary to satisfy the requirements of product registration where two manufacturers are seeking a registration to sell the same basic product; an obligation on the Government to establish procedures for disposal of pesticide containers and excess pesticides; authority to cooperate with States in the training of applicators and an obligation to establish criteria for their certification; authority to certify States to permit them to register certain products to meet "special local needs." In addition to these authorities the legislation makes substantial amendments to the registration procedures, and the mechanisms for administrative hearings on refusals to register, changes in classification, suspension and cancellation.

C. *Timing of implementation.* Section 4 provides:

SEC. 4. (a) Except as otherwise provided in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by this Act, and as otherwise provided by this section, the amendments made by this Act shall take effect at the close of the date of the enactment of this Act, provided if regulations are necessary for the implementation of any provision that becomes effective on the date of enactment, such regulations shall be promulgated and shall become effective within 90 days from the date of enactment of this Act.

(b) The provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and the regulations thereunder as such existed prior to the enactment of this Act shall remain in effect until superseded by the amendments made by this Act and regulations thereunder: *Provided*, That all provisions made by these amendments and all regulations thereunder shall be effective within 4 years after the enactment of this Act.

(c)(1) Two years after the enactment of this Act the Administrator shall have promulgated regulations providing for the registration and classification of pesticides under the provisions of this Act and thereafter shall register all new applications under such provisions.

(2) After 2 years but within 4 years after the enactment of this Act the Administrator shall register and reclassify pesticides registered under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act prior to the effective date of the

regulations promulgated under subsection (c)(1).

(3) Any requirements that a pesticide be registered for use only by a certified applicator shall not be effective until 4 years from the date of enactment of this Act.

(4) A period of 4 years from date of enactment shall be provided for certification of applicators.

(A) One year after the enactment of this Act the Administrator shall have prescribed the standards for the certification of applicators.

(B) Within 3 years after the enactment of this Act each State desiring to certify applicators shall submit a State plan to the Administrator for the purpose provided by section 4(b).

(C) As promptly as possible but in no event more than 1 year after submission of a State plan, the Administrator shall approve the State plan or disapprove it and indicate the reasons for disapproval. Consideration of plans resubmitted by States shall be expedited.

(5) One year after the enactment of this Act the Administrator shall have promulgated and shall make effective regulations relating to the registration of establishments, permits for experimental use, and the keeping of books and records under the provisions of this Act.

(d) No person shall be subject to any criminal or civil penalty imposed by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by this Act, for any act (or failure to act) occurring before the expiration of 60 days after the Administrator has published effective regulations in the FEDERAL REGISTER and taken such other action as may be necessary to permit compliance with the provisions under which the penalty is to be imposed.

(e) For purposes of determining any criminal or civil penalty or liability to any third person in respect of any act or omission occurring before the expiration of the periods referred to in this section, the Federal Insecticide, Fungicide, and Rodenticide Act shall be treated as continuing in effect as if this Act had not been enacted.

And the Senate agree to the same.

It is the Agency's view that, with certain exceptions, section 4 makes the 1972 amendments effective as of the date of their enactment. These exceptions concern primarily the registration, classification, and the certification of applicator sections. In addition, those sections where regulations are "necessary" do not become effective until 60 days after final regulations are promulgated. This provision, in the Agency's view, refers only to those sections of the amendments where the Congress has expressly directe[1] the Agency to prepare regulations, e.g., the provisions for licensing pesticide producing establishments. While the Pesticides Office contemplates the promulgation of extensive regulations pursuant to the general authority provided in section 25 (a), the Agency does not believe that this defers the effective date of any sections. In those cases, until procedures are established by regulations, pertinent regulations previously issued will remain in effect to the extent consistent with the amendments. If no regulations are in force, the Agency will proceed on a case-by-case basis until regulations are finalized.

The Agency's view as to the effective date of particular provisions is as follows:

a. *Definitions.* The Agency believes that all the definitions and the authorities contained therein became effective upon enactment of Public Law 92-516 unless such definitions relate to an authority in Public Law 92-516 which becomes effective at some later date, e.g., certified applicators. Insofar as explanatory regulations may be desirable to furnish guidance to the public, regulations presently in force will be continued where applicable.

b. *Registration.* Section 4 expressly provides for implementation of the new registration provisions within the next 2 years. A task force has been established to write the necessary rules and regulations to implement this section. It will be the intent of the Agency to issue information guidelines in accordance with the requirements of subsection 2. Additional rules and regulations will address:

1. Procedures for publishing receipt of applications;

2. Explanation of internal procedures followed in processing registrations and notifying registrants;

3. Procedures for the release of data concerning registrations and findings contemplated by section 3(c), and notice of application where a new chemical or changed use pattern exists;

4. Requirements and procedures for identifying the direct costs involved in producing test data and identifying such other information as might be pertinent to determining "reasonable compensation" for the purpose of section (3)(c)(1)(D), and the accounting procedures registrants must follow in order to identify the "compensation" for "producing the test data."[1]

5. Requirements for the packaging of restricted use pesticide chemicals;

6. Requirements for the distribution, sale, and purchase of certain restricted-use pesticides.

Until such time as regulations are issued to implement the registration procedures of the new Act, all provisions and pertinent rules and regulations governing registrations under the 1947 FIFRA will remain in force and effect. Until such time as section 3 of Public Law 92-516 is implemented, but no later than 2 years after its date of enactment, intrastate shipments will be allowed to the same extent as under prior law and will, until such time as section 3 is operable, be subject to regulation under State law. It is understood that products which have been suspended or cancelled for noncompliance with the provisions of the 1947 FIFRA or the 1972 amendments may not be sold or distributed intrastate. After 2 years but no later than 4 years the Agency will classify products which are registered under the 1947 FIFRA.

The Agency has created a special exception to the deferred implementation of section 3 for use, at the registrant's option, in the following circumstances. Where the registration of a product has been cancelled in the last 2 years or an application for registration has been denied, the manufacturer or formulator may, prior to the general implementation of section 3, apply for registration as a restricted-use pesticide if it can be shown that restrictions, other than limiting use for certified applicators, can be placed on its use and can be enforced so as to insure that there will not be unreasonable adverse effects on the environment.[2]

c. *Use of restricted pesticides and certified applicators.* A task force has been formed to work with the States and with EPA's regional offices to develop standards for the certification of pesticide applicators. By the terms of section 4(c)(4)(A) the Agency will within 1 year publish such guidelines. At the same time the task force will work to define criteria for the approval of State plans.

d. *Experimental use permits.* All present regulations relating to experimental permits will remain in force and effect insofar as pertinent and new regulations will be written in conjunction with the regulations for approval of State plans and registration procedures.

e. *Administrative review; suspension.* Section 6 took effect on the date of the enactment of Public Law 92-516. Insofar as compatible with new law, existing

[1] This provision represents a compromise version of the Senate and House Agriculture Committees' version of section 3(c)(1)(D). Both the Senate and House versions provided that no data of one registrant could be used by a subsequent registrant without the "permission of the first" applicant. This provision was discussed extensively in the supplemental report issued by the Senate Agriculture Committee, Senate Report No. 838, supra, at 18 where the purpose was explained:

"The exclusive use of data provision of H.R. 10729 would make it feasible in many such instances for a registrant to undertake research necessary to maintain a product on the market or to put a nonpatentable pesticide on the market, if the registrant could be assured that such research expenditures would not make it possible for competitors to market the same product without the necessity of making such expenditures."

The Agriculture and Commerce Committees finally agreed on a provision and that provision was adopted by the Conference with minor drafting changes. It would appear that the purpose is to allocate among registrants the expenditures for tests necessary for maintaining or obtaining a registration.

[2] Section 4 merely establishes the outside time for implementing the amendments in section 3. Thus, it is the Agency's view that it has the authority to classify presently registered products or register and classify intrastate pesticides or new compounds, pursuant to the 1972 amendments, as soon as it can. To the extent that the certified applicator program is not effective before 4 years, the Agency can recommend use, by label caution, by trained individuals and, where appropriate, apply such other restrictions as may be necessary.

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rules and policies pertaining to 5-year cancellations and renewal and sections 2(z) and 4(c) of the old FIFRA shall remain in effect. Present rules governing the conduct of hearings shall also remain in effect insofar as applicable, until new rules are promulgated. Until that time, insofar as section 6 creates new provisions and procedures, such provisions and procedures shall be applied on a case-by-case basis in accordance with general principles of law and administrative practice. To the maximum extent possible this section shall apply to all administrative proceedings, whether or not initiated before the effective date of this Act. Where a matter has not yet been referred to a scientific advisory committee, the new procedures will apply thus permitting referral of specific questions to a panel of experts. The subpoena power will be exercised in accordance with the Federal rules of civil procedure and applicable precedents.

The Agency will undertake to publish new regulations or, where appropriate, amend existing regulations pertinent to this section as soon as possible.

Such regulations will provide for the expedited hearings prior to suspension actions, and shall follow in most respects the present subpart C of the hearing rules (37 FR 9476).

In developing rules for this section it will be necessary to establish the criteria for third-party participation. Congress has made clear the right of third parties (users and public interest groups) to invoke agency processes and participate fully in agency proceedings. Parts A and B of the previously proposed hearing rules for FIFRA (37 FR 1059), with appropriate modifications to permit user participation, eliminate advisory committee sections, and reflect the Administrator's flexibility under section 6(b)(2) provide an adequate starting point for comment. In addition, many of the comments previously received would also be pertinent. These are matters of public record and interested persons may review them at the Hearing Clerk's Office. Additionally, extensive consideration has already been given to these rules by the public and agency staff, and they have been considered by Congress during its hearings on P.L. 92-516. Publication in final form will generally reflect the various changes and modifications which were cited in Agency testimony as contemplated for the final version of Parts A and B.

As far as the substantive criteria for initiating of suspension and cancellation are concerned, the Agency believes that no change in present policies is required and the Pesticides Office will continue to evolve policy, consistent with stare decisis and other rules of administrative practice, on a case-by-case basis.

f. *Registration of establishments and books and records.* Section 4 of the Act contemplates the issuance of regulations for the implementation of sections 7 and 8 to be effective 1 year after the date of enactment.

g. *Inspection of establishments.* Section 9 does not, by its terms, require regulations, nor does it require explanation in the Agency's view. It is, therefore, effective immediately and will be administered accordingly. All delegations previously issued in connection with enforcement authorities under the 1947 Federal Insecticide, Fungicide, and Rodenticide Act and general agency policy statements and delegations apply to section 9 and the implementation of the enforcement provisions of Public Law 92-516. The portions of section 12(a)(2)(B) which relate to section 9 are also effective immediately.

h. *Protection of trade secrets and release of data.* This section became effective upon enactment of Public Law 92-516. Present rules are consistent with new law and shall remain in force and effect.

i. *Unlawful acts*—1. *General.* The prohibitions against shipment in violation of the section 3 registration provisions, violations of the record-keeping and establishment registration requirements and violations of the device labeling requirements of Public Law 92-516 do not take effect until such time as those provisions are implemented by rules and regulations. Until that time the provisions of present law and pertinent regulations and policies remain in force and effect. Other provisions go into effect immediately.

The provisions of section 12 which the Agency believes are at present in force and effect are:

Section 12(a)(1)(D)	Existing regulations are applicable.
Section 12(a)(1)(E)	
Section 12(a)(1)(F)	Except insofar as it pertains to section 25(c)(4).
Section 12(a)(2)(A)	
Section 12(a)(2)(B)	Insofar as it pertains to section 9.
Section 12(a)(2)(C)	
Section 12(a)(2)(D)	
Section 12(a)(2)(G)	
Section 12(a)(2)(H)	
Section 12(a)(2)(I)	
Section 12(a)(2)(J)	
Section 12(a)(2)(K)	
Section 12(a)(2)(M)	Except for submittals pursuant to sections 7 and 8.
Section 12(a)(2)(O)	
Section 12(a)(2)(P)	

It should be noted that while certain groups of individuals and entities specified in section 12(b) are exempt from the provisions of section 12(a)(1) no such exemption exists for the provisions of section 12(a)(2).

2. *Interpretations with respect to user penalties.* Section 12(a)(2)(G) makes punishable by imposition of a civil or criminal penalty any use of a pesticide in a manner inconsistent with its instructions on the label. These provisions became effective the date the Act was signed into law. In connection with the application of this section the Agency will entertain requests to issue pesticide use rulings on a case-by-case basis and furnish its interpretation of the Act. While such rulings will, after notice, be subject to revocation, they will assist the public in understanding the Agency's interpretation of the Act.

j. *Stop sale, use, removal, and seizure.* It is the Agency's belief that this section became effective upon enactment of Public Law 92-516 and no implementing regulations are required.

k. *Penalties.* Section 14(a) of Public Law 92-516 became effective on October 22, 1972. This provision will be implemented when policy and procedures are developed.

Section 14(b) of Public Law 92-516 became effective on October 22, 1972. These increased criminal penalties apply to all violations occurring on or after October 22, 1972, whether unlawful acts are cited under the FIFRA of 1947 or under Public Law 92-516."

l. *Indemnities.* This provision became effective upon enactment of Public Law 92-516 and applies to any suspension action taken thereafter. Until rules and regulations are promulgated, any application for an indemnity will be considered on a case-by-case basis. Such application shall include a verified statement of facts showing the claimant had no knowledge or could not have been aware of facts which would put a reasonable man on notice that a substantial question existed as to whether or not the product satisfied the requirements for registration. Copies of all tests ever carried out by or on account of a registrant, if not submitted prior to or after registration, shall be submitted. Additionally such application, if made by a registrant, shall include a detailed breakdown of the cost of producing such product including an audited statement showing direct costs of labor and material on a per unit of production basis and the marginal cost of additional unit production for the stocks on hand as opposed to stocks previously sold during the production year. Additional information may be requested.

Purchasers of stock of a suspended chemical must furnish proof as to date of purchase, cost, and payment, copies of any advertisements or sales material furnished by the registrant, amount on hand as of the time of suspension and amount on hand at the conclusion of cancellation proceedings.

As soon as possible, the Agency will promulgate regulations for the implementation of this section. Such regulations will outline in detail the accounting information for product manufacture that producers must submit to claim an indemnity and the methods of computing cost for others besides producers. Procedures for hearings to establish the lack of knowledge and cost basis in the pesticides will also be addressed in the regulations. Should there be a claim submitted before such regulations are published, they will be conducted in accordance with general principles governing administrative hearings.

m. *Imports and exports.* Section 17 became effective upon enactment, except for the provision of section 17(a) subjecting producers of exported pesticides to section 8. Rules and regulations under present law are expected to continue in force insofar as they are applicable.

n. *Exemption for Federal agencies.* The 1947 FIFRA exempted public officials from certain penalty provisions. Public Law 92-516 will result in additional requirements being placed upon such public officials. Until the "emergency conditions" exemption of section 18 is implemented, the 1947 FIFRA will continue in effect as to public officials. It is the intent of the Agency to promulgate within 90 days regulations for permanent procedures for section 18.

o. *Disposal and transportation.* This section will become effective when regulations are issued.

p. *State cooperation, State authority and training.* These provisions relate to the registration provisions, enforcement authorities, and applicator certification program. Their implementation is being studied by the task force. As explicit rules and regulations are drafted, they will be published in draft form to afford the public authority to comment for the record. Existing delegations to states to cooperate in enforcement continue in force and effect until further notice.

q. *Other authority.* The authorities granted by section 25 were effective upon enactment. The authorities therein relating to pests, highly toxic substances and coloration or discoloration are substantially like the authorities under the 1947 FIFRA. Thus, existing Agency regulations and rulings remain in effect to the extent consistent with the amendments.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 4, 1973.

[FR Doc.73-444 Filed 1-8-73;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, each insured bank is required to make a Report of Condition as of the close of business December 31, 1972, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form CC-8022-05, Call No. 484,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105-Call 206,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64-Call No. 102,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November, 1972.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and he copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1972, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971,[1] and any amendments thereto, and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.73-385 Filed 1-8-73;8:45 am]

CERTAIN INSURED MUTUAL SAVINGS BANKS

Call for Annual Report of Income

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a report of income for the calendar year 1972 on Form 73 (Savings), revised December 1971,[1] to the Federal Deposit Insurance Corporation within 30 days after December 31, 1972. Said report of income shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971,[1] and any amendments thereto.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.73-386 Filed 1-8-73;8:45 am]

CERTAIN INSURED STATE COMMERCIAL BANKS

Call for Annual Report of Income

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a report of income for the calendar year 1972 on Form 73 (revised December 1969)[1] to the Federal Deposit Insurance Corporation within 30 days after December 31, 1972. Said report of income shall be prepared in accordance with "Instructions for the Preparation of Report of Income on Form 73 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.73-387 Filed 1-8-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL, MANMADE FIBER TEXTILES AND TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HONG KONG

Entry or Withdrawal From Warehouse for Consumption

JANUARY 3, 1973.

Under the bilateral Cotton Textile Agreement of December 17, 1970, as amended, and the bilateral Wool and Manmade Fiber Textile Agreement of January 6, 1972, between the Governments of the United States and Hong Kong, the Government of Hong Kong

[1] Filed as part of original document.

[1] Filed as part of original document for FR Doc. 73-385, in this issue.

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has undertaken to limit the export of cotton, wool, and manmade fiber textiles and textile products to the United States to certain designated levels. Pursuant to these agreements, the Governments of the United States and Hong Kong have established an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton, wool, and manmade fiber textiles and textile products produced or manufactured in Hong Kong. The purpose of this notice is to announce the implementation of this administrative mechanism. Effective thirty (30) days after publication, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton, wool, and manmade fiber textile and textile products produced or manufactured in Hong Kong and exported from Hong Kong to the United States on or after that date for which Hong Kong has not issued an appropriate visa, fully described below, will be prohibited. Application of this visa requirement to cotton, wool, and manmade fiber textiles and textile products exported from Hong Kong before the date of this publication is to become effective sixty (60) days following the date of publication. The visa is in two parts: (1) A Certificate of Hong Kong Origin indicating the category or categories under which the textiles and textile products are classified; and (2) an export visa appearing as a stamped marking in blue ink on the front side of the Certificate of Hong Kong Origin. The export visa will be valid only if it bears the signature of one of the three officials authorized to issue such visas. The authorized officials are the following: TANG FONG Nai-kwan, LAM HUNG Lai-cheung, and MAK LUI Kit-ming. Facsimiles of the two documents comprising the visa, along with the signatures of the above officials, are published as enclosures to the letter set forth below.

Interested parties are advised to take all necessary steps to assure that cotton, wool, and manmade fiber textiles and textile products produced or manufactured in Hong Kong which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa requirements.

There is published below a letter of January 3, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing the administrative mechanism.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 3, 1973.

DEAR MR. COMMISSIONER: Under the provisions of the bilateral Cotton Textile Agreement of December 17, 1970, as amended, and the bilateral Wool and Manmade Fiber Textile Agreement of January 6, 1972, between the Governments of the United States and Hong Kong, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective 30 days after publication of this letter in the FEDERAL REGISTER and until further notice, entry into the United States for consumption of cotton textiles and cotton textile products in Categories 1–64 and wool textile products in Categories 101–126, 128, and 131–132 and manmade fiber textile products in Categories 200–243, produced or manufactured in Hong Kong, and exported from Hong Kong to the United States on or after that date for which Hong Kong has not issued an appropriate visa, fully described below. The visa requirements, however, will become effective 60 days following the date of publication for all cotton, wool, and manmade fiber textiles and textile products produced or manufactured in Hong Kong and exported from Hong Kong to the United States before that date.

The visa will be comprised of: (1) A Certificate of Hong Kong Origin indicating the category or categories under which the textiles and textile products are classified; and (2) an export visa appearing as a stamped marking in blue ink on the front side of the Certificate of Hong Kong Origin. The export visa will be valid only if it bears the signature of an official authorized by the Hong Kong Government to issue such visa. Facsimile signatures of the authorized officials are enclosed along with facsimiles of the two documents comprising the visa.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool, and manmade fiber textiles and textile products, produced or manufactured in Hong Kong and exported to the United States from Hong Kong, notwithstanding the designated shipment or shipments do not meet the aforementioned visa requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Hong Kong and with respect to imports of cotton, wool, and manmade fiber textiles and textile products from Hong Kong, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

Appendix 1

CERTIFICATE OF HONG KONG ORIGINAL

GOVERNMENT OF HONG KONG

CERTIFICATE NUMBER
Quote in All Correspondence

I hereby certify that the goods described hereunder were made in Hong Kong

Ex/for/to the order of ..... (Name and Address)

to be shipped per ..... (Carrier) on ..... (Date)

from Hong Kong to ..... (Destination)

Shipping Marks	Number and Type of Packages	Weight or Quantity	Description of Goods	Brand Names or Labels (if any)

SPECIMEN

FACTORY NUMBER	DATE OF ISSUE

CROWN COPYRIGHT RESERVED

for Director of Commerce and Industry.

CONDITIONS OF ISSUE

1. This certificate is issued in duplicate the original signed by an officer authorized by the Director, Commerce and Industry Department should be presented to the customs authorities in the country to which the goods have been consigned. The duplicate is a true copy of the original and can be used for any purposes for which a true copy is required.

2. The manufacturer's name and address are omitted where the exporter has indicated that he does not wish such particulars to be disclosed.

3. This certificate is valid for 4 months from the date of issue. In the event of loss the full circumstances must be reported immediately to the Commerce & Industry Department. Duplicate or other copies cannot in any circumstance be endorsed as valid in lieu of the original until the validity of the latter has expired or until acceptable proof has been furnished of the destruction of the original.

4. This certificate is issued under the authority granted to the Director, Commerce & Industry Department under the Exportation (Certificates of Origin and Commonwealth Preferences Certificates) Regulations.

Appendix 2

Export of Restrained Textiles to the U.S.A.

SPECIMEN OF THE HONG KONG TEXTILE EXPORT VISA

to be applied on Certificate of Hong Kong Origin issued by the Commerce and Industry Department

HONG KONG GOVERNMENT
Commerce and Industry Department
HONG KONG TEXTILE EXPORT VISA

Category No. _____ Visa No. _____
Quantity : _____ (Units)
Date: _____

for Director of Commerce & Industry

List of officers authorised by the Director of Commerce and Industry, Hong Kong to issue Textile Export Visas on Certificates of Hong Kong Origin in respect of exports of restrained textiles to the United States of America.

Name	Specimen Signature and Initial
TANG FONG Nai-kwan	
LAM HUNG Lai-cheung	
MAK LUI Kit-ming	

COMMERCE AND INDUSTRY DEPARTMENT
20th November, 1972

[FR Doc.73-453 Filed 1-8-1973;8:45 am]

FEDERAL MARITIME COMMISSION

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 50–22 approved by this Commission for 1 year from January 27, 1972, between the member lines of the Pacific Coast Australasian Tariff Bureau modified the basic conference agreement, as amended, to provide for: (1) A declaration of principle to be added to Article I wherein the parties "pledge to give impartial recognition and consideration, in all matters brought for conference deliberation, to the individual characteristics, needs, desires, and capabilities of each of the other member lines" and (2) the expansion of the cargo covered in Article II to include "cargo moving under intermodal conditions from, to, or between inland points via ports within the scope of this agreement."

By letter dated December 22, 1972, the conference requested an additional 60-day extension of presently approved Agreement No. 50–22 which would then expire on March 28, 1973. In addition, the conference also requested approval for the 2-month interim period language modifying Article III, as sub-Article III (c) to provide that the conference may enter into arrangements for through transportation from and to inland points with other modes of transportation and publish rates, rules, and regulations related thereto. Member lines may issue their own bills of lading pursuant to a published conference tariff or may adopt and utilize a uniform conference through bill of lading. However, no individual member line, either alone or in concert with any other line may establish, publish, or operate unded any through intermodal rates, rules and/or conditions or issue any through bills of lading unless authorized by the conference.

Dated: January 5, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-498 Filed 1-8-73;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI73–167, etc.]

AMOCO PRODUCTION CO. ET AL.

Order Providing for Hearing On and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

DECEMBER 29, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos
R173-167..	Amoco Production Co	494	[1] 7	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (Permian Basin).	----------	12-11-72	1-11-73	[13] Accepted	----------	----------	----------
	----do----------		[1] 8	----do----------	$63,821	12-11-72	----------	6-11-73	17.57	31.12	R170-781
R173-168..	Texas Pacific Oil Co., Inc.	27	12	Northern Natural Gas Co. (Bilinebry & Tubb Fields, Lea County, N. Mex., Permian Basin)	3,504	12- 8-72	----------	2- 8-73	[1] [14] 8.8260	[1] [15] 16.5345	----------
R173-169..	Atlantic Richfield Co.	457	[1] 7	El Paso Natural Gas Co. (Brown Bassett (Ellenburger) Field, Terrell County, Tex.) (Permian Basin)	----------	12- 7-72	1- 7-73 [11]	Accepted	----------	----------	----------
	----do----------		8	----do----------	56,051	1-2 7-72	----------	2- 7-73	19.0713	21.0	R173-94
	----do----------	511	[1] 16	----do----------	----------	1-2 7-72	1- 7-73	[13] Accepted	----------	----------	----------
	----do----------		17	----do----------	102,222	12- 7-72	----------	2- 7-73	19.0713	21.0	R173-94
R173-170..	Skelly Oil Co----------	187	[1] 11	El Paso Natural Gas Co. (West Jal Field, Lea County, N. Mex.) (Permian Basin)	(9)	[1] 12- 1-72	----------	7- 1-73	30.0	31.0	R173-42
	----do----------	260	4	----do----------	3,420	[1] 12- 1-72	----------	7- 1-73	30.0	31.0	R173-36
R173-171..	Belco Petroleum Corp.	5	[10] 8	El Paso Natural Gas Co. (Big Piney Field, Sublette & Lincoln Counties, Wyo.)	----------	12-11-72	1-11-73	[13] Accepted	----------	----------	----------
	----do----------		9	----do----------	18,538	[12] 12- 4-72	----------	6- 4-73	[14] [16] [17] 20.8075	[11] [13] [16] [18] 27.2025	R170-767
	----do----------	6	14	----do----------		12-14-72	1-14-73	[13] Accepted	----------	----------	----------
	----do----------		15	----do----------	415,485	[13] 12- 1-72	----------	6- 1-73	[14] [16] [17] 20.8075	[11] [13] [16] [18] 27.2025	R170-767
R173-172..	Marathon Oil Co------	116	1	Colorado Interstate Gas Co. (Oregon Basin Field, Park County, Wyo.)	57	12-11-72	----------	[17] 1- 2-73	[18] 22.0	[13] [16] [18] 22.0022	----------
R173-173..	Sohio Petroleum Co....	100	11	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.)	3,182	12-11-72	----------	6-11-73	[13] [16] 21.33	[13] [16] [18] 22.0	R173-23

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Contract agreement.
[2] Applicable only to production form Price Estate, Moore and Blalock Well 1-A as provided under Supplement No. 7.
[3] Rate adjusted according to Industrial Commodities Wholesale Price Index as provided by contract.
[4] Converted from filed rate of 15.2054 cents at 15.025 p.s.i.a.
[5] Converted from filed rate of 16.9577 cents at 15.025 p.s.i.a.
[6] Amends pricing provisions.
[7] Applicable to production from formations deeper than the Strawn Formation only.
[8] No current production.
[9] Amended filing made Dec. 14, 1972.
[10] Letter Agreement dated Jan. 5, 1972 providing for renegotiated base rate of 26 cents/Mcf as of Jan. 1, 1973.
[11] 26 cents base rate plus 1 cent for gas capable of producing into an 860-pound gathering system plus tax.
[12] Revised filing received on Dec. 11, 1972.
[13] Subject to upward and downward B.t.u. adjustment from 1000 B.t.u.
[14] Increase from fractured rate to contract rate.
[15] Includes a double amount of contractually due tax reimbursement.
[16] Includes only contractually due tax reimbursement.
[17] One day after the date the increase in the Wyoming Conservation Tax becomes effective.
[18] Accepted for filing to be effective on the dates shown in the "Effective Date" column.
[19] The pressure base is 15.025 p.s.i.a.

The proposed increase of Marathon Oil Co. reflects an increase in the Wyoming Conservation Tax, effective January 1, 1973. Consistent with prior Commission action on similar increases, the proposed increase is suspended for 1 day from January 1, 1973.

The proposed increases of Amoco Production Co., Skelly Oil Co., Belco Production Corp. and Sohio Petroleum Co. exceed the rate limit for a 1 day suspension, and therefore are suspended for 5 months.

The other proposed increases involved here do not exceed the corresponding rate filing limitation imposed in southern Louisiana and therefore are suspended for 1 day from the expiration of the 60 day notice period or the contractual effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission Rules and Regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1 day suspension.

(3) By Order No. 423 (36 FR 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1 day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.73-360 Filed 1-8-73;8:45 am]

[Docket No. E-7891]

CONSUMERS POWER CO.

Notice of Initial Rate Filing

JANUARY 4, 1973.

Take notice that Consumers Power Co. (Consumers Power) on September 18, 1972, tendered for filing as an initial rate schedule copies of a wholesale rate contract between Consumers Power and Wolverine Electric Cooperative, Inc., dated July 11, 1972.

Consumers Power requests that the Commission waive the notice requirements of § 35.3 of the Commission's regulations and permit the wholesale rate contract to become effective on the date that Consumers Power's proposed 46,000-7,200/12,470 volt substation is first placed in operation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-470 Filed 1-8-73;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPELINE CORP.

Notice of Proposed Changes in Rates and Charges

JANUARY 2, 1973.

Take notice that Transcontinental Gas Pipeline Corp. (Transco), on December 15, 1972, tendered for filing proposed changes in its FPC gas tariff, consisting of six revised tariff sheets as follows:

FIRST REVISED VOLUME NO. 1

Fourth Revised Sheet No. 5
Second Revised Sheet No. 6.

ORIGINAL VOLUME NO. 2

Tenth Revised Sheet No. 52.
Sixth Revised Sheet No. 321.
Second Revised Sheet No. 416.
First Revised Sheet No. 495.

The proposed changes would increase revenues from jurisdictional sales and service by $42,250,000 annually based on a test year ending August 31, 1972, adjusted for changes known and measurable to May 31, 1973.

Transco states that the increased rates are necessitated by decreased sales, increased operating expenses, higher debt and equity costs, which Transco says necessitates an increase in the rate of return to 8.75 percent, and a claimed need for an increase in the rate of depreciation of existing facilities from 3 percent to 3.5 percent for onshore facilities and from 3 percent to 5 percent for offshore facilities. Transco also requests a waiver of § 154.63(e)(2)(ii) of the Commission's regulations to include certain noncertified facilities in its rate base. The proposed effective date of the tendered sheets is February 1, 1973.

Transco also makes two proposals which they request be determined on a prospective basis only. First, Transco proposes to track in its GSS storage service rate schedule and also in its Rate Schedule S-2 changes in the rates for storage service furnished Transco by Consolidated Gas Supply Corp. and Texas Eastern Transmission Corp. Second, Transco proposes that a 3.0 cents per Mcf exploration, and development surcharge be included in all of Transco's firm sales rate schedules for a 5-year period.

Copies of this filing were served on Transco's customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. This application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-384 Filed 1-8-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

PREVAILING RATE SYSTEM

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Monday, January 8, 1973.
Thursday, January 11, 1973.
Monday, January 15, 1973.
Thursday, January 18, 1973.
Monday, January 22, 1973.
Thursday, January 25, 1973.
Monday, January 29, 1973.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5554, 1900 E Street NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JANUARY 5, 1973.

[FR Doc.73-512 Filed 1-8-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALASKA BANCSHARES, INC.

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. With respect to a company that controls a bank with assets of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of Alaska Bancshares, Inc., Anchorage, Alaska, and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Alaska Bancshares, Inc.,[1] Anchorage, Alaska (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Registrant's ownership of approximately 50 percent of the voting shares of Alaska State Bank, Anchorage, Alaska (Bank) (assets of $66 million as of December 31, 1970). Bank, which became a subsidiary of Registrant in 1962, had total deposits of approximately $62 million as of December 31, 1971, representing about 9½ percent of the total deposits in the State and giving Bank a rank of third in the State. Bank's offices

[1] Alaska Bancorporation, Anchorage, Alaska, which owns over 65 percent of the voting shares of Alaska Bancshares, became a bank holding company by virtue of the 1970 amendments to the Bank Holding Company Act. However, Alaska Bancorporation was incorporated on July 16, 1969 and acquired its interest in Alaska Bancshares on Aug. 5, 1969. Alaska Bancorporation acquired 100 percent of the voting shares of Alaska North Slope Oil Co., Inc., Anchorage, Alaska, on July 18, 1969. Alaska Bancorporation neither claims nor is entitled to grandfather benefits.

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in Anchorage and Fairbanks rank fourth and third, respectively, of five banks in each of these cities. Bank is not regarded as one of the dominant financial institutions in the State but is a significant competitor. While Bank's present financial condition appears to be satisfactory, the evidence of record in this case points to areas of legitimate concern involving practices of Registrant's management that have potential for impairing Bank's financial condition. Exemplifying one action of management that is of concern to the Board is the relationship that exists between Bank as a subsidiary of Alaska Bancorporation (parent of Registrant) and North Slope Oil Co., Inc., also a subsidiary of Alaska Bancorporation, a relationship that might lead to financial difficulties for the Bank through the use of Bank's resources to further the interests of the North Slope venture. Registrant has no grandfather benefits with respect to the North Slope activity and, in view of the aforesaid adverse aspects of Bank's and Registrant's relationships with North Slope, Registrant is urged to take steps to terminate its affiliation with North Slope at the earliest practicable time.

Registrant engages directly in real estate development, insurance agency activities, mortgage financing, and acts as investment adviser and management consultant to Bank. On the basis of the facts presented, these activities were commenced before June 30, 1968, and have been conducted continuously since that date. Registrant's investment adviser and management consultant and adviser services appear to be limited exclusively to Bank; on this basis, these activities appear to be exempt, under section 4(c)(1)(C), from the general prohibitions of section 4 of the Act. Through Bank's 100 percent owned subsidiary (Alaska State Bank Building Corp., Anchorage, Alaska), Registrant owns real property used principally by Bank, an activity that appears to be exempt under section 4(c)(1)(A) of the Act.

Registrant's nonbanking activities, for which grandfather privileges seem applicable, appear to be limited in scope and not to affect significantly the market position of Bank. The real estate development activities consist of holding property in two subdivisions near Anchorage with a book value of $48,000. The insurance agency and mortgage financing activities apparently produced gross income of $16,000 and $2,800, respectively, during the first half of 1972. These grandfathered activities of Registrant do not now evidence an undue concentration of resources nor decreased or unfair competition. On the other hand, the Board is concerned about Registrant's management, about the unhealthy debt position of Registrant and its parent organization, and about the burdensome aspect of Registrant's interest commitments, particularly in the light of Registrant's reported annual cash income (as reported for calendar years 1970 and 1971), which appears to be short for servicing Registrant's debt. Because the nonbank grandfathered activities apparently have not affected the Bank in any significant adverse respect; and since 38 percent of Registrant's income derives from said nonbanking activities, so that measures looking to a curtailment of Registrant's nonbanking grandfathered activities might have an adverse effect on Bank and might tend to weaken Registrant's financial structure, the Board has concluded that, at this time, Registrant should not be required to relinquish its grandfather privileges. However, Registrant's real estate activities are limited to the two subdivisions now owned. Also, Registrant is urged to take immediate and effective steps to improve its financial condition and its management and to avoid any pressure on the Bank to pay out excessive dividends or engage in any other unsound banking practice. And applicant is alerted to the intent of the Board to require termination of grandfather benefits if it determines that such action is necessary to prevent unsound banking practices (or any of the other evils described in the Act).

It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under § 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review, by the Board, of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[1] effective December 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-423 Filed 1-8-73;8:45 am]

AMERICAN CAPITAL CORP.

Proposed Retention of Economy Loan Co. of Texas

American Capital Corp., Houston, Tex., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2)) of the Board's Regulation Y, for permission to retain voting shares of Economy Loan Co. of Texas, Houston, Tex.

Notice of the application was published in the following newspapers of general circulation on the dates indicated below:

The American-Statesman	Austin, Tex.	Nov. 16, 1972
The Brownsville Herald	Brownsville, Tex.	Nov. 15, 1972
The Daily Courier	Montgomery County, Tex.	Nov. 30, 1972
Elgin Courier	Elgin, Tex.	Nov. 16, 1972
The Waco News-Tribune and Waco Times Herald	Waco, Tex.	Nov. 15, 1972

Applicant has a pending application pursuant to § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company (see 37 FR 23222). Applicant states that the proposed subsidiary would engage in the activities of making consumer loans and the leasing of various types of personal property. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 25, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-424 Filed 1-8-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

COMBANKS CORP.

Acquisition of Bank

JANUARY 2, 1973.

Combanks Corp., Winter Park, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 98.8 percent of the voting shares of the Commercial Bank at Union Park, Union Park, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 19, 1973.

Board of Governors of the Federal Reserve System, January 2, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-404 Filed 1-8-73;8:45 am]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Mo., a bank holding company within the meannig of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Citizens Bank of Festus, Festus, Mo.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has 23 subsidiary banks with total deposits of $995.9 million, representing 8.0 percent of total commercial bank deposits in Missouri, and is the second largest bank holding company and banking organization in the State. (All banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through December 15, 1972.) The acquisition of Bank ($16.3 million deposits) would increase applicant's share of the State's total deposits by 0.13 percent, increasing concentration in Missouri only slightly.

Bank is the largest of seven banking organizations in the Festus-Crystal City banking market which includes all of Jefferson County except a small northern portion that is included in the St. Louis market. Although Bank controls 26.9 percent of market deposits, it is only slightly larger than the second largest bank (14.6 million deposits) and does not appear to be dominant in the market. Applicant's closest subsidiary banking office is located in a separate market area, 20 miles north of Bank. There is no meaningful present competition between any of applicant's subsidiary banks and Bank. Furthermore, it appears unlikely that any significant competition would develop between any of applicant's subsidiaries and Bank in the future due to the distances separating the banking offices, Missouri's restrictive branching law, and the presence of numerous banking alternatives in the intervening areas. The Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have significantly adverse effects on any competing bank.

Considerations relating to the financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. While it appears that major banking needs in the area are being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-425 Filed 1-8-73;8:45 am]

DELTA LOAN & FINANCE CO.

Determination Regarding "Grandfather Privileges"

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges (grandfather privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of the Delta Loan & Finance Co., St. Louis, Mo., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Delta Loan & Finance Co., St. Louis, Mo. (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Registrant's ownership of approximately 97 percent of the voting shares of Jefferson Bank and Trust Co., St. Louis, Mo. (Bank) (assets of $82.2 million as of December 31, 1970). Bank, control of which was acquired by Registrant in January 1950, had total deposits of approximately $80 million as of December 31, 1971, representing a little over 2 percent of the total deposits of the 27 commercial banks in the city of St. Louis, and is the 14th largest of 88 banking organizations in the St. Louis banking market. Bank's management, financial condition and prospects are regarded as satisfactory, and the Board has found no evidence of any unsound banking practices.

Registrant is a finance company and engages directly in consumer lending, commercial lending, purchasing installment time sales contracts and loan participations with Bank, and apparently has engaged in such activities continuously since before June 30, 1968. In addition, Registrant has four nonbanking subsidiaries which are engaged in nonbanking activities that appear eligible

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

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for grandfather benefits. Delta Loan & Finance Co. of Tennessee, Memphis, Tenn. (acquired in July 1952) makes consumer and commercial loans. Delta Discount Co., Memphis, Tenn. (acquired in March 1961) purchases installment time contracts. Valley Printing Co., St. Louis, Mo. (acquired in June 1954) is engaged in the printing of supplies and forms almost exclusively for Registrant and its subsidiaries. Southeast Missouri Insurance & Finance Agency, Inc., St. Louis, Mo. (acquired in June 1954) makes direct loans secured by real estate.

On the basis of total capital funds, Registrant ranks as the 82d largest independent finance company in the United States; in the St. Louis market, Registrant competes with 20 of the 100 largest independent U.S. finance companies and is smaller than any of these 20. Registrant's three branch offices are located in southeastern Missouri—are at least 50 miles apart, each is more than 130 miles from St. Louis or Memphis and competes only in its respective area. Southeast Missouri Insurance & Finance Agency, Inc. (also located in St. Louis) has an insignificant volume of loan activity with less than $10,000 in loans outstanding as of December 31, 1971, and appears to have no current insurance activity. Delta Loan & Finance of Tennessee and Delta Discount Co. engage in consumer and commercial lending in Memphis, compete with 16 of the 100 largest independent U.S. finance companies, are smaller than any of the 16 and compete also with nine commercial banks. Valley Printing, with assets of $89,000, competes with more than 300 printing firms in the St. Louis area, and it appears that 99 percent of its printing services are performed for Registrant and its subsidiaries.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to cease engaging in the activities it engages in directly nor to require Registrant to terminate its interests in its grandfathered subsidiaries. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review, by the Board, of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[1] effective December 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-426 Filed 1-8-73;8:45 am]

DIVERSIFIED MOUNTAINEER CORP.

Formation of Bank Holding Company and Proposed Retention of Nonbanking Activities

Diversified Mountaineer Corp., Charleston, W. Va., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 85 percent or more of the voting shares of First National Bank of South Charleston, South Charleston, W. Va. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Diversified Mountaineer Corp. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the voting shares of Kanawha City Savings & Loan Co., Charleston, W. Va.; Diversified Savings & Loan Co. of Bluefield, Bluefield, W. Va.; Diversified Savings & Loan Co. of Chester, Chester, W. Va.; Diversified Savings & Loan Co. of Elkins, Elkins, W. Va.; Diversified Savings & Loan Co. of Huntington, Huntington, W. Va.; Diversified Savings & Loan Co. of Logan, Logan, W. Va.; Diversified Savings & Loan Co. of Moundsville, Moundsville, W. Va.; Fayette Loan & Thrift Co., Lexington, Ky.; Richmond Industrial Loan & Thrift, Richmond, Va.; Roanoke Industrial Loan & Thrift, Roanoke, Va.; Commonwealth Loan & Thrift Corp., Bristol, Tenn.; Valley Insurance Agency, Inc., Charleston, W. Va.; The Insurance Co. of Delaware, Charleston, W. Va.; Commonwealth Discount Corp., Commonwealth Mortgage Corp., and DMC Securities, Inc., all with offices in Charleston, W. Va. Notices of the application were published on October 20, 21, 22, or 23, 1972, in various newspapers circulated in the 11 communities in West Virginia, Kentucky, Virginia, and Tennessee, where the proposed subsidiaries' various offices are located.

Applicant states that the proposed subsidiaries would continue to engage in industrial banking activities in the manner authorized by State law and act as reinsurer for credit life and disability insurance sold in connection with credit transactions. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies under certain conditions and subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant further states that the proposed subsidiaries would act as agent for credit life and disability insurance sold in connection with credit transactions. Under certain circumstances specified in § 225.4(a)(9) of Regulation Y and 12 CFR 225.128, such activities may be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 29, 1973.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

Board of Governors of the Federal Reserve System, January 2, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-405 Filed 1-8-73;8:45 am]

ESTATE OF JAMES MILLIKIN, DECEASED

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, or another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of the estate of James Millikin, deceased, Decatur, Ill., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. The estate of James Millikin, deceased, Decatur, Ill. (Registrant) became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Registrant's ownership of 55 percent of the outstanding voting shares of the Millikin National Bank of Decatur, Decatur, Ill. (Bank) (assets of $105.4 million as of December 31, 1970). Control of this Bank was acquired by Registrant on June 3, 1909, when Registrant was formed in a bequest of James Millikin, deceased. Bank had total deposits of $95.9 million as of December 31, 1971, representing 29.2 percent of total deposits of commercial banks in Macon County, and is the largest of 13 banks in Macon County, Ill. Bank's management, financial condition, and prospects are regarded as satisfactory, and the Board has found no evidence of any unsound banking practices.

Registrant is a testamentary charitable trust administered by the trustees under the decedent's will for the benefit of charitable and educational institutions within the city of Decatur, Ill. Registrant's nonbanking activities consist of ownership and operation of rural and urban real estate, ownership of various stocks and bonds and other assets. Registrant has no subsidiary other than Bank. It appears that all of the above activities have been engaged in continuously since June 30, 1968, and are eligible for retention by virtue of Registrant's grandfather privileges.

Registrant's assets, as of December 31, 1971, include two farms (valued at $327,246), a single family dwelling (valued at $17,000), common stock (valued at $250,913) other than bank stock, preferred stock (valued at $67,725), corporate and municipal bonds and notes (valued at $396,189), cash and U.S. Treasury bills (valued at $174,315), receivables (in the amount of $23,306), and 88,000 shares of Bank's stock (valued at $4,840,000). Registrant controls approximately 0.2 percent of total rental farmland in Christian County, Ill.; 0.3 percent of total rental farmland in Shelby County, Ill.; and 0.01 percent of the total number of rental occupied units in Decatur, Ill.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its nonbanking interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. Nor is this determination authority for Registrant to acquire additional shares in any company if the Registrant's holdings in said company will exceed 5 percent of the outstanding voting shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under § 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review, by the Board, of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[1] effective December 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-427 Filed 1-8-73;8:45 am]

FEDERATED TEXAS BANCORPORATION, INC.

Formation of Bank Holding Company

Federated Texas Bancorporation, Inc., San Antonio, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of State National Bank of Corpus Christi, Tex., successor by merger to Corpus Christi State National Bank, Corpus Christi, Tex.; and the indirect acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the American National Bank of Austin, Austin, Tex., and the Alamo National Bank of San Antonio, San Antonio, Tex., through the acquisition of all of the shares of American First Corp., Austin, Tex., and Alamo Bancshares, Inc., San Antonio, Tex., registered one-bank holding companies, which own, respectively, all of the voting shares of the American National Bank of Austin and the Alamo National Bank

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

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of San Antonio. In addition, applicant will become the indirect owner of 20 percent of the voting shares of State National Bank of Robstown, Robstown, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 27, 1973.

Board of Governors of the Federal Reserve System, December 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-429 Filed 1-8-73;8:45 am]

FIRST BANCORP, INC.

Acquisition of Bank

DECEMBER 29, 1972.

First Bancorp, Inc., Corsican, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 75.33 percent of the voting shares of Citizens National Bank in Ennis, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 25, 1973.

Board of Governors of the Federal Reserve System, December 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-430 Filed 1-8-73;8:45 am]

FIRST CONTINENTAL CORP.

Order Approving Formation of Bank Holding Company

First Continental Corp., Boulder, Colo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (qualifying shares to be sold to directors immediately thereafter) of the First National Bank of Brush, Brush, Colo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating company, recently formed for the purpose of acquiring Bank ($8.5 million deposits). (Banking data are as of June 30, 1972.) Bank is the third largest of six banks in Morgan County which is the relevant market area; the two largest banks hold deposits of $22.1 and $11.2 million, respectively. Consummation of the proposal would have no adverse effects on the other market banks. Since applicant has no present operations or subsidiaries, it appears that consummation of the proposal would not significantly affect existing or potential competition. Therefore, competitive considerations are consistent with approval of the application.

Applicant's management is capable; its financial condition is dependent on that of Bank which is deemed to be satisfactory. Prospects for both applicant and Bank are favorable in view of applicant's plan to provide the management Bank needs and additional staff. Although applicant will incur considerable debt in acquiring Bank, its income from Bank should provide sufficient revenue to retire the debt within 10 years. Banking factors are therefore consistent with approval of the application. Considerations relating to the convenience and needs of the community are also consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-431 Filed 1-8-73;8:45 am]

FIRST NATIONAL BANK VOTING TRUST

"Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of any grandfather privileges of the First National Bank Voting Trust, Hollywood, Fla., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

In connection with the Board's review of the operations of First National Bank Voting Trust (Trust), relating to a possible termination of grandfather privileges, the facts presented to the Board indicate that the Trust does not constitute a "company" as defined in section 2(b) of the Bank Holding Company Act. The evidence before the Board shows that the Trust does not participate in the management or policies of First National Bank of Hollywood (apart from voting for the election of directors) and is a 10-year voting trust that, by its terms, will terminate on or before May 19, 1974. Accordingly, as presently organized and administered, the First National Bank Voting Trust does not constitute a "bank holding company" under the Act and the question of the termination of grandfather privileges of First National Bank Voting Trust is moot.

This conclusion is based upon facts presented to the Board, and any material change in those facts may result in a different conclusion.

Board of Governors, December 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-432 Filed 1-8-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

GREATER JERSEY BANCORP.

Acquisition of Bank

Greater Jersey Bancorp., Clifton, N.J., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the Provident Bank of New Jersey, Willingboro, N.J. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 25, 1973.

Board of Governors of the Federal Reserve System, December 29, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-428 Filed 1-8-73;8:45 am]

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document pertaining to the joint call for report of condition of insured banks, issued jointly by the Federal Deposit Insurance Corporation, the Federal Reserve System, and the Comptroller of the Currency, see FR Doc. 73-385, *supra*.

MIDWEST BANK SHARES, INC.

Order Approving Formation of Bank Holding Company

Midwest Bank Shares, Inc., Moline, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 29.36 percent or more of the voting shares of the De Witt County National Bank of Clinton, Clinton, Ill. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was organized in 1971 for the primary purpose of becoming a bank holding company with respect to Bank. However, since its formation, applicant has been engaged in offering various services to certain associated banks (discussed hereinafter). As applicant does not have any banking subsidiaries at this time, this transaction would eliminate neither existing nor potential competition.

Bank ($12.6 million in deposits), located in the city of Clinton, Ill. (population approximately 7,800), is the third largest of four banks in De Witt County and controls 28.6 percent of total commercial deposits in the county and 0.03 percent of total commercial deposits in the State.[1] In view of the above, the Board concludes that consummation would not have an adverse effect on any other banking institution or result in the concentration of banking resources in any relevant area. It also appears that community needs for banking services are presently being served and that approval of this proposal would have no immediate effect thereon; however, improvements anticipated under applicant's management would enhance Bank's ability to meet the future needs and convenience of the community.

Bank is in less than satisfactory financial condition notwithstanding recent improvements achieved through new management and ownership,[2] and the injection of additional capital funds; however, Bank has favorable prospects under its present management which is believed to be capable. Applicant's financial condition and management are considered satisfactory and future prospects are most favorable. However, these projections are dependent upon applicant's continuation of its present "nonbanking" activities for a 2-year period. During this time, income largely derived from these activities would be used to reduce the initial acquisition debt to a level serviceable without income from the activities to be discontinued. (The acquisition debt of $140,000 is scheduled to be repaid in semiannual payments over a period of 5 years; an analysis of applicant's earnings statement appears to support applicant's ability to service the debt.) In view of Bank's past operating difficulties and present less than satisfactory condition, it is imperative that Bank's ownership be vested in an entity with demonstrated financial and managerial strength. The Board is of the opinion that applicant has demonstrated both its ability and willingness to provide Bank with the leadership and resources required to return it to a viable condition. Therefore, banking factors lend substantial weight toward approval of this application.

As described in footnote 2 above, applicant furnishes management services to nonsubsidiary banks; these services are not activities that the Board has at present determined to be permissible activities for bank holding companies within the statutory criteria set forth in section 4(c)(8) of the Act. Applicant, however, has committed itself to discontinue such activities within 2 years from the date of the Board's approval of this application. While the Board would normally regard the combination of banking and impermissible nonbanking activities, even for a period as short as 2 years, as an adverse factor in its consideration of an application, under the circumstances of this case such a combination for this limited period would be consistent with the public interest. Accordingly, unless the Board shall, prior to 2 years from the date of this order, determine that the management services presently conducted by applicant are permissible for bank holding companies under section 4(c)(8) of the Act, or are otherwise permissible, applicant shall, as a condition of the approval of this application, discontinue such activities.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective December 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-406 Filed 1-8-73;8:45 am]

SEALY AND SMITH FOUNDATION FOR THE JOHN SEALY HOSPITAL

Determination Regarding "Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to

[1] Bank deposit data are as of June 30, 1972.

[2] Applicant's chairman, individually, acquired 30.36 percent of the stock of Bank in 1971 with the support of the regional administrator of national banks as a salvage move. Applicant was organized to acquire 29.36 percent of these shares by several career bankers who are associated as officers and/or directors in one or more of 17 banks (including Bank), all located in the northern half of Illinois and one bank located in eastern Iowa, and who refer to themselves as the "Midwest Associated Banks of America." These banks are a substantial distance from Bank (the nearest is 60 miles away) and it appears unlikely that their respective service areas would overlap with the service area of Bank. Members of this banking chain have through the years shared in the services which are now being offered through applicant. These management services furnished to client banks for a fee include examination of banks, insurance reviews, tax preparation, and the supervision of "disaster preparedness" programs.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

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June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of the Sealy and Smith Foundation for the John Sealy Hospital, Galveston, Tex., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 F.R. 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. The Sealy and Smith Foundation for the John Sealy Hospital, Galveston, Tex. (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the act, by virtue of Registrant's ownership of approximately 48 percent of the voting shares of the First Hutchins-Sealy National Bank, Galveston, Tex. (Bank) (assets of $62.1 million as of December 31, 1970). Bank, which was acquired by Registrant more than 40 years ago, had total deposits of $61.9 million as of December 31, 1971, representing about 20 percent of the total commercial bank deposits in the Galveston Market, and is the largest of 14 banks in the Galveston market. Registrant also holds (and has held for more than 40 years) 19.7 percent of the voting shares of University National Bank, Galveston, Tex. ($4.8 million deposits as of December 31, 1971), the 13th largest bank in the Galveston market with about 1.6 percent of the total commercial bank deposits therein. Bank's management, financial condition, and prospects are regarded as satisfactory, and the Board has found no evidence of any unsound banking practices. The same conclusions and findings apply with respect to the operations of University National Bank.

Registrant is a nonprofit organization established in 1922 to engage directly in the operation of a charitable foundation principally for the benefit of the John Sealy Hospital, and apparently has engaged in such activities continuously since June 30, 1968. Registrant's nonbanking activities include investments in stocks, bonds, and real properties; owning and operating the John Sealy Hospital in Galveston and two other buildings for the University of Texas Medical School; owning and operating parking facilities and apartments principally for the use of the hospital staff; sale and leasing of land (less than 10,000 acres) now owned in Texas for oil exploration and agricultural uses; and ownership of 19.2 percent of the shares of Cotton Concentration Co., Galveston, Tex., a company engaged in the manufacturing of fiberglass pipe. It appears that all of the above activities have been engaged in continuously since June 30, 1968, and are eligible for retention by virtue of Registrant's grandfather privileges.

Registrant does not appear to be dominant in any of the activities in which it engages directly or indirectly. It holds total assets of $28.9 million as of December 31, 1971, and all of the net profits of Registrant are devoted to the charitable purposes of the foundation, i.e., the John Sealy Hospital. The John Sealy Hospital is one of three hospitals in Galveston; and the parking facilities, apartment buildings, and two other buildings are owned and operated in conjunction with the hospital and the University of Texas Medical School in Galveston. The land holdings of Registrant are dispersed and do not appear to constitute a significant portion of the land in Texas held for oil exploration and agricultural uses. Cotton Concentration Co. ($4.9 million in assets as of December 31, 1970) competes with numerous fiberglass pipe manufacturers and steel pipe manufacturers in the high pressure pipe market in Texas and Louisiana, and produces less than 1 percent of the total output of pipe in that market.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its nonbanking interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. Nor is this determination authority for Registrant to acquire additional shares in any company if the Registrant's holdings in said company will exceed 5 percent of the outstanding voting shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review, by the Board, of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[1] effective December 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-433 Filed 1-8-73;8:45 am]

ZACHARY TAYLOR LIFE INSURANCE CO.

"Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking pratices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of any grandfather privileges of the Zachary Taylor Life Insurance Co., Shreveport, La., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

Zachary Taylor Life Insurance Co., Shreveport, La. (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Registrant's ownership of 38.5 percent of the voting shares of Pioneer Bank and Trust Co., Shreveport, La. (assets of $70.2 million as of December 31, 1970), and would have been a bank holding company on June 30, 1968, if the 1970 amendments to the Bank Holding Company Act had been enacted on that date.

In connection with the Board's review of Registrant, facts presented to the Board show that more than 85 percent of the voting shares of Registrant was owned by members of the same family on June 30, 1968, and has been continuously so owned since that date. On this basis, the Board concludes that Registrant is exempt, by virtue of section 4(c)(ii) of the Act, from the prohibitions relating to nonbanking interests contained in section 4 of the Act; and a Board review of grandfather privileges of Registrant under the proviso of section 4(a)(2) of the Act is unnecessary in view of such exemption.

The conclusion contained herein is based upon the facts presented to the Board, and any material change in those facts may result in a different conclusion.

Board of Governors, December 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-434 Filed 1-8-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

GENERAL SERVICES ADMINISTRATION

ABACA CORDAGE FIBER HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98(e), notice is hereby given of the proposed disposition of approximately 25 million pounds of abaca cordage fiber now held in the national stockpile.

The Office of Emergency Preparedness has made a revised determination pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that by reason of obsolescence there is no longer any need for stockpiling abaca cordage fiber. The revised determination was based on the finding of the Office of Emergency Preparedness that the abaca cordage fiber is obsolescent on account of (1) deterioration and (2) discovery of better materials.

General Services Administration proposes to transfer abaca cordage fiber to other Government agencies, to offer it for sale on a competitive basis, or to dispose of it otherwise in the best interest of the Government. Disposal of this material will begin 6 months after the date of publication of this notice in the FEDERAL REGISTER.

This notice has also been transmitted to the Congress and to the Armed Services Committee of each House thereof.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 2, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-410 Filed 1-8-73;8:45 am]

SISAL CORDAGE FIBER HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of the proposed disposition of approximately 100 million pounds of sisal cordage fiber now held in the national stockpile.

The Office of Emergency Preparedness has made a revised determination pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that by reason of obsolescence there is no longer any need for stockpiling sisal cordage fiber. The revised determination was based on the finding of the Office of Emergency Preparedness that the sisal cordage fiber is obsolescent on account of (1) deterioration and (2) discovery of better materials.

General Services Administration proposes to transfer sisal cordage fiber to other Government agencies, to offer it for sale on a competitive basis, or to dispose of it otherwise in the best interest of the Government. Disposal of this material will begin 6 months after the date of publication of this notice in the FEDERAL REGISTER.

This notice has also been transmitted to the Congress and to the Armed Services Committee of each House thereof.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 2, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-408 Filed 1-8-73;8:45 am]

SPERM OIL HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of the proposed disposition of approximately 23,400,000 pounds of sperm oil now held in the national stockpile.

The Office of Emergency Preparedness has made a revised determination pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that by reason of obsolescence there is no longer any need for stockpiling sperm oil. The revised determination was based on the finding of the Office of Emergency Preparedness that the sperm oil is obsolescent on account of the development of new or better material or materials.

General Services Administration proposes to transfer sperm oil to other Government agencies, to offer it for sale on a competitive basis, or to dispose of it otherwise in the best interest of the Government. Disposal of this material will begin 6 months after the date of publication of this notice in the FEDERAL REGISTER.

This notice has also been transmitted to the Congress and to the Armed Services Committee of each House thereof.

This plan and the date of disposition have been fixed with due regard to the

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protection of producers, processors, and consumers against avoidable disruption of their usual market as well as the protection of the United States against avoidable loss on disposal.

Dated: January 2, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-409 Filed 1-8-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-1]

AD HOC PANEL ON AEROSPACE VEHICLE DYNAMICS AND CONTROL

Notice of Meeting

The NASA Research and Technology Advisory Council Ad Hoc Panel on Aerospace Vehicle Dynamics and Control will meet on January 16 and 17, 1973, at the NASA Ames Research Center, Moffett Field, Calif. 94035. The meeting will be held in the committee room of the Administration Building (N-200). Members of the public will be admitted to the open portion of the meeting beginning at 9 a.m. on the agenda below on a first-come, first-served basis up to the seating capacity of the room, which is about 30 persons. All visitors must report to the reception desk of the Administration Building.

The NASA Research and Technology Advisory Council Ad Hoc Panel on Aerospace Vehicle Dynamics and Control serves in an advisory capacity only. In this capacity, the panel is concerned with the interdisciplinary problem of the dynamics and control of spacecraft and aircraft, including present program effort, balance, technological voids, and needs for new technology. The panel represents the interests of four RTAC committees. It is cochaired by Messrs. M. J. Turner and W. L. Holladay. There are eight members. The following list sets forth the approved agenda and schedule for the meeting of the ad hoc panel. For further information, please contact Mr. George C. Deutsch: area code 202—755-3264.

JANUARY 16, 1973

Time	Topic
9:00 a.m.	Overall Space Vehicle Dynamics and Control Problem Assessment. Purpose: A NASA Center representative will present a review of the broad aspects and fundamental technological problems of the subject, followed by a brief summary of each NASA Center's program in this area.
10:15 a.m.	Marshall Space Flight Center Program Review.
10:45 a.m.	Manned Spacecraft Center Program Review.
11:15 a.m.	Goddard Space Flight Center Program Review.
11:45 a.m.	Jet Propulsion Laboratory Program Review.
1:30 p.m.	Langley Research Center Program Review.
2:00 p.m.	Discussion of Presentations.
3:00 p.m.	*Executive Session* (Closed to Public). Purpose: To consider all classified information not previously presented, advanced program resources, and preliminary recommendations.
5:00 p.m.	Adjourn.

JANUARY 17, 1973

Time	Topic
9:00 a.m.	Overall Aeronautical Vehicle Dynamics and Control Problem Assessment. Purpose: A NASA Center representative will present a review of the broad aspects and fundamental technological problems of the subject, followed by a brief summary of each NASA Center's program in this area.
10:15 a.m.	Ames Research Center Program Review.
10:45 a.m.	Flight Research Center Program Review.
11:15 a.m.	Langley Research Center Program Review.
11:45 a.m.	U.S. Air Force Program Review.
1:30 p.m.	Discussion of Presentation Material.
2:30 p.m.	*Executive Session* (Closed to Public). Purpose: To consider all classified information not previously presented, advanced program resources, and preliminary recommendations.
5:00 p.m.	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

JANUARY 3, 1973.

[FR Doc.73-399 Filed 1-8-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5280]

FALL RIVER ELECTRIC LIGHT CO.

Notice of Proposed Issue and Sale

JANUARY 3, 1973.

Notice is hereby given that Fall River Electric Light Co., 85 North Main Street, Fall River, MA 02722 (Fall River), an electric utility subsidiary company of Eastern Utilities Associates (EUA), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Fall River proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $5 million principal amount of first mortgage and collateral trust bonds, —— percent series due 1983. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Fall River (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount) will be determined by the competitive bidding. The bonds will be issued under the indenture of first mortgage and deed of trust dated as of January 1, 1953, between Fall River and State Street Bank and as heretofore supplemented and amended and to be further supplemented by a fourth supplemental indenture to be dated as of January 1, 1973, and which includes a prohibition until January 1, 1978, against refunding the issue with the proceeds of funds borrowed at an effective interest cost lower than that of such bonds.

The net proceeds from the sale of the bonds will be used to prepay in whole or in part, without premium, Fall River's short-term notes to banks, which were incurred to provide funds for construction purposes and for the purchase of securities of Montaup Electric Co., an associate company.

The filing further states that the Massachusetts Department of Public Utilities has jurisdiction over the proposed transaction and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses related to the proposed transaction are estimated at $75,000, including EUA Service Corp. expenses (at cost) of $15,000, legal fees of $11,450, trustee's fees and expenses of $4,200, and accounting fees of $6,500. The fees and expenses of counsel for the underwriters, estimates to be $7,300, will be paid by the successful bidders.

Notice is further given that any interested person may, not later than January 23, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-417 Filed 1-8-73;8:45 am]

[File No. 500-1]

POWER CONVERSION, INC.

Order Suspending Trading

JANUARY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Power Conversion, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 4, 1973, through January 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-418 Filed 1-8-73;8:45 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

JANUARY 3, 1973.

The common stock, $1.00 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 4, 1973, through January 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-419 Filed 1-8-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

JANUARY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 4, 1973, through January 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-420 Filed 1-8-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL, INC.

Order Suspending Trading

JANUARY 3, 1973.

The common stock, $2.50 par value, of U.S. Financial, Inc., being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 4, 1973, through January 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-421 Filed 1-8-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 959]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of October and November 1972, because of the effects of heavy rainfall and mudslides, damage resulted to property located in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Big Sur Area, Monterey County, Calif., suffered damage or destruction resulting from heavy rainfall and mudslides occurring on October 14 and November 15, 1972.

Office: Small Business Administration Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, CA 94102.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1973.

Dated: December 15, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-413 Filed 1-8-73;8:45 am]

[Delegation of Authority 30 (Rev. 14)—Region IV, Amdt. 1]

CHIEF AND ASSISTANT CHIEF, REGIONAL FINANCING DIVISION, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Revision 14) (37 FR 17603) is hereby amended by revising Part I, section B (para. 1-b), (para. 3-b), (para. 3-c), (para. 4), and Part VII, section B (para. 1) to read as follows:

(1) b. To enter into blanket loan guarantee agreements with banks:

1. Chief and Assistant Chief, Regional Financing Division.
2. Supervisory Loan Officer, Regional Financing Division.
3. District Director.
4. Chief, District Financing Division.
5. Branch Manager, Gulfport, Miss., branch office.

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(3) b. For "fully undisbursed" or "partially disbursed" business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, and coal mine health and safety loans:

1. Chief and Assistant Chief, Regional Financing Division.
2. Supervisory Loan Officer, Regional Financing Division.
3. District Director.
4. Chief, District Financing Division.
5. Branch Manager, Gulfport, Miss., branch office.

(3) c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and occupational safety and health loans personally approved under delegated authority:

1. Chief and Assistant Chief, Regional Financing Division.
2. Supervisory Loan Officer, Regional Financing Division.
3. District Director.
4. Chief, District Financing Division.
5. Branch Manager, Gulfport, Miss., branch office.

(4) To approve minor modifications in fully undisbursed loan authorization:

a. Chief and Assistant Chief, Regional Financing Division.
b. Supervisory Loan Officer, Regional Financing Division.
c. District Director.
d. Chief, District Financing Division.
e. Branch Manager, Gulfport, Miss., branch office.

PART VII

SEC. B. *Size determinations.* 1. a. To make initial size determinations in all financial assistance cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only.

1. District Director.
2. Chief and Assistant Chief, Regional Financing Division.
3. Supervisory Loan Officer, Regional Financing Division.
4. Chief, District Financing Division.
5. Branch Manager, Gulfport, Miss., branch office.

Effective date: July 1, 1972.

WILEY S. MESSICK,
Regional Director, Region IV.

[FR Doc.73-412 Filed 1-8-73;8:45 am]

TARIFF COMMISSION

[337-30]

CERTAIN WRITING INSTRUMENTS AND NIBS THEREFOR

Notice of Hearing

Notice is hereby given that on March 6, 1973, the U.S. Tariff Commission will hold a public hearing in connection with investigation No. 337-30, regarding alleged unfair methods of competition and unfair acts in the importation and sale of certain writing instruments which are embraced within the claims of U.S. Patent No. 3,338,216 and nibs for such writing instruments which contribute to the practice of the claims of said patent. Notice of institution of the investigation was published in the FEDERAL REGISTER of September 21, 1972 (37 FR 19675).

The hearing will be held on March 6, 1973, at 10 a.m., e.s.t., in the hearing room of the tariff Commission, Eighth and E Streets NW., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: January 4, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-463 Filed 1-8-73;8:45 am]

[TEA-W-167]

AMERICAN VISCOSE DIVISION OF FMC CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Lewistown, Pa., plant of the American Viscose Division of the FMC Corp., San Jose, Calif., the U.S. Tariff Commission, on January 2, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with viscose rayon yarns wholly of continuous fibers (of the types provided for in items 310.01 and 310.02 of the tariff schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 4, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-464 Filed 1-8-73;8:45 am]

[TEA-W-168]

ROSE-BRO SHOE CO., INC.

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Rose-Bro Shoe Co., Inc., Boston, Mass., the U.S. Tariff Commission, on January 4, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.43, 700.45, and 700.55 of the tariff schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 4, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-465 Filed 1-8-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 151]

ASSIGNMENT OF HEARINGS

JANUARY 4, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument, appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB-49, Ann Arbor Railroad Co., abandonment entire line of railroad including all of its car ferry routes, north and west of Thompsonville, Mich., in Benzie County, Mich., and Kewaunee and Manitowoc Counties, Wis., now assigned January 8, 1973, at Frankfort, Mich., postponed to January 15, 1973, at the Eagle Hall, Highway M-22 East End, Frankfort, Mich.

MC 136679, Edwin J. Becker, doing business as Becker Transfer Co., now assigned January 29, 1973, at Olympia, Wash., will be held on the 6th Floor, Highway Licenses Building, 12th and Washington Streets.

MC 51146 Sub 279, Schneider Transport, Inc., now assigned January 29, 1973, MC-C-7333, Sam Fanelli et al. vs. Greyhound Lines, Inc., now assigned January 30, 1973, MC-F-11501, Aubrey Freight Lines, Inc.,—Purchase—Whitehall Transport, Inc., MC 135732 Sub 1, now assigned January 31, 1973, MC 118989 Sub 74, Container Transit, Inc., now assigned February 2, 1973, at Chicago, Ill., will be held in Room 1630, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-F-11443, Glendenning Motorways, Inc—Purchase—Pick Up and Delivery, Inc. (Nathan Yorke, assignee), MC 43475 Sub 53, now assigned February 5, 1973, at Chicago, Ill., will be held at the La Salle Hotel, Madison and La Salle Streets.

MC 69635 Sub 4, The Fortune Corp., now assigned January 16, 1973, at Olympia, Wash., will be held at the Highway Administrative Building, Board Room, 300 Maple Park.

MC 136596 Sub 1, Norman H. Davis, doing business as Davis Service Co., now assigned January 22, 1973, at Philadelphia, Pa., will be held in Room 401, Federal Mediation and Conciliation Service, Mall Building, Fourth and Chestnut Streets.

MC-F-11545, Miller Transfer and Rigging Co.—Purchase—Engel Trucking Inc. et al., now assigned January 17, 1973, at Washington, D.C., is postponed to January 30, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 112989 Sub 25, West Coast Truck Lines, Inc., now assigned January 17, 1973, at Seattle, Wash., cancelled and application dismissed.

MC 129600 Sub 8, Polar Transport, Inc., now assigned January 17, 1973, MC-C-7823, New England-New York Transport, Inc.—investigation and revocation of certificates, now assigned January 18, 1973, MC 71164 Sub 4, Land-Sea-Air Service, Inc., now assigned January 22, 1973, MC-F-11487, Auclair Transportation, Inc.—Control and Merger—Paul V. Adams Trucking, Inc., MC-F-11552, Auclair Transportation, Inc.—Purchase (Portion)—Bonded Trucking & Rigging, Inc., FD 27182, Auclair Transportation, Inc., Notes, MC 9429 Sub 6, Paul V. Adams Trucking, Inc., now assigned January 24, 1973, will be held on the 5th Floor, 150 Causeway Street, Boston, MA.

MC 74195 Sub 5, Young and Hay Transportation Co., now assigned January 22, 1973, at Omaha, Nebr., is cancelled and transferred to modified procedure.

MC 58915 Sub 54, Lincoln Transit Co., Inc., extension-special operations, MC 108359 Sub 6, Western New York Motor Lines, Inc., extension-special operations, now being assigned February 6, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-440 Filed 1-8-73;8:45 am]

[Rev. S. O. 994; ICC Order No. 39-A]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 39 (The Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 39 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., December 29, 1972.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 29, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-442 Filed 1-8-73;8:45 am]

[MC-127597 (Sub-No. 1)[1]; (Sub-No. 3)[1]]

TUI[2] EXTENSION

Petition for Extraordinary Relief

Order. At a session of the Interstate Commerce Commission, Division 3, Acting as an Appellate Division, held at its office in Washington, D.C., on the 13th day of December 1972.

Upon consideration of the record in the above-entitled proceedings and of the petition of TUI filed September 18, 1972, for extraordinary relief; and good cause appearing therefor:

It is ordered, That these proceedings be, and they are hereby, reopened on our own motion.

It is further ordered, That our prior order in this proceeding entered November 13, 1972, be, and it is hereby, vacated and set aside.

It is further ordered, That the findings of Division 3, in its report and order of May 19, 1969, reported at 109 M.C.C. 96, be, and they are hereby, modified to reflect the grant of authority set forth in the appendix to this order.

It is further ordered, That notice of the authority granted by this order be published in the FEDERAL REGISTER and issuance of a certificate in accordance with this order be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to intervene in this proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been prejudiced by our present action.

It is further ordered, That an appropriate certificate be issued subject to the prior receipt of a request from applicant in writing for the coincidental cancellation of its Certificate of Public Convenience and Necessity in No. MC-127597 (Sub-No. 1), issued August 15, 1972, and upon compliance with the requirements set forth in the second ordering paragraph below.

It is further ordered, That the said petition except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the additional conditions set forth above, within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

NOTE: That this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 3, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX

[No. MC-127597 (Sub-No. 1)]

TUI EXTENTION—GRAND CANYON, ARIZ. AND DEATH VALLEY, CALIF.

[No. MC-127597 (Sub No. 3)]

TUI EXTENSION—HOOVER DAM, ARIZ.-NEV. (LAS VEGAS, NEV.)

Authority authorized:

Operation by applicant in interstate and foreign commerce, as a common carrier by motor vehicle, as follows:

Regular routes:

Passengers, and express and newspapers, in limousines or sedans with a seating capacity of not more than seven persons, including the driver, between Las Vegas, Nev., and Furnace Creek Inn., Calif., serving no intermediate points:

From Las Vegas over U.S. Highway 95 to junction Nevada Highway 29, thence over Nevada Highway 29 to the Nevada-California State line, thence over California Highway 127 to Death Valley Junction, Calif., and thence over California Highway 190 to Furnace Creek Inn, and return over the same route.

[1] Formerly consolidated in No. MC-1515 (Sub-No. 90), Greyhound Lines, Inc., Extension—Grand Canyon, Ariz., 109 M.C.C. 96.

[2] Formerly Transportation Unlimited, Inc.

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From Las Vegas over U.S. Highway 95 to Beatty, Nev., thence over Nevada Highway 58 to the Nevada-California State line, thence over unnumbered California highway to junction California Highway 190, and thence over California Highway 190 to Furnace Creek Inn, and return over the same route.

The above-described authority to transport passengers was issued pursuant to an application filed on or before January 1, 1967, and therefore incidental charter operations in interstate or foreign commerce may be conducted under rules and regulations prescribed by the Commission pursuant to section 208(a) of the Interstate Commerce Act, as amended November 10, 1966.

Passengers and their baggage, in special operations consisting of sightseeing or pleasure tours, beginning at Bakersfield, Baker, and Barstow, Calif., and at Las Vegas and Beatty, Nev., and extending to entrances of the Death Valley National Monument, Calif-Nev. and ending at Bakersville, Lone Pine, Trona, Mojave, Baker, and Barstow, Calif., and Las Vegas and Beatty, Nev.:

From Bakersfield over California Highway 178 via Isabella, Calif., to Freeman, Calif. (also from Isabella over an unnumbered highway to Kernville, Calif., and return), thence over U.S. Highway 395 (portion formerly U.S. Highway 6) via Olancha, Calif., to Lone Pine, Calif. (also from Olancha over an unnumbered highway to junction California Highway 190, near Keeler, Calif.; also from Lone Pine over unnumbered highways to Whitney Portal and Alabama Hills, Calif., and return), and thence over California Highway 190 via Panamint Springs, Calif., to the entrance of Death Valley National Monument, and return over the same route.

From Bakersfield over California Highway 58 (formerly U.S. Highway 466), via Mojave, Calif., to Barstow, and return over the same route.

From junction California Highway 58 (formerly U.S. Highway 466) and an unnumbered highway, near Boron, Calif., over unnumbered highways to the Borax Works, near Boron, Calif., and return over the same route.

From Mojave over California Highway 14 (portion formerly U.S. Highway 6) to junction unnumbered highway, and thence over unnumbered highway to Trona, and return over the same route.

From junction U.S. Highway 395 and California Highway 58 (formerly U.S. Highway 466) over U.S. Highway 395 to Red Mountain, Calif., and thence over unnumbered highway via Trona, Calif., to the entrance to Death Valley National Monument, and return over the same route.

From Red Mountain over U.S. Highway 395 to junction California Highway 14 (portion formerly U.S. Highway 6), near Brown, Calif., and return over the same route.

From junction California Highway 190 and Panamint Valley Road over Panamint Valley Road to junction Emigrant Canyon Highway, and return over the same route.

From Barstow over U.S. Highway 91 to Baker, Calif., thence over California Highway 127 via Salt Springs Junction and Shoshone, Calif., to Death Valley Junction, Calif., and thence over California Highway 190 to the entrance of Death Valley National Monument (also from Salt Springs Junction over unnumbered highway to the entrance of Death Valley National Monument) and return over the same routes.

From junction California Highway 127 and unnumbered highway near Shoshone, Calif., over unnumbered highway via Saleberry Pass to the entrance to Death Valley National Monument, and return over the same route.

From Las Vegas over U.S. Highway 95 via Lathrop Wells and Beatty, Nev., to junction Nevada Highway 72, and thence over Nevada Highway 72 to the northeast entrance to Death Valley National Monument, and return over the same route.

From Beatty over Nevada Highway 58 to the entrance of Death Valley National Monument (also from junction Nevada Highway 58 and unnumbered highway over unnumbered highway via Rhyolite, Nev., to junction Nevada Highway 58), and return over the same routes.

From Lathrop Wells over Nevada Highway 29 to the Nevada-California State line, and thence over California Highway 127 to Death Valley Junction, and return over the same route.

RESTRICTION: Operations over the routes immediately described above are restricted against service consisting of sightseeing or pleasure tours which both begin and terminate at Las Vegas, Nev., and extend to Death Valley National Monument.

Irregular routes:

Passengers and their baggage, in special or charter operations, in round trip sightseeing or pleasure tours, beginning and ending at Las Vegas, Nev., and points within 5 miles thereof, and extending to Grand Canyon National Park, Ariz., Hoover Dam, Ariz.-Nev., and Death Valley National Monument, Calif.

Any duplication of authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right.

[FR Doc.73-443 Filed 1-8-73;8:45 am]

[Notice 177]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 3, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56679 (Sub-No. 70 TA), filed November 24, 1972. Applicant: BROWN TRANSPORT CORP., Post Office Box 6985, Atlanta, GA 30315. Applicant's representative: B. K. McClain, Brown Transport Corp. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), serving the terminal site of Harper Motor Lines, Inc., at the junction of U.S. Highway 29 and South Carolina Highway 8, near West Pelzer, S.C., as an off-route point in connection with applicant's present regular route operations between Elberton, Ga., and Greenville, S.C., for 180 days. Supporting shipper: Brown Transport Corp., 125 Milton Avenue SE., Atlanta, GA 30315. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 830 TA), filed December 11, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and yeast products*, in vehicles equipped with mechanical refrigeration from Belle Chasse, La., to Jackson, Miss., for 180 days. Supporting shipper: Universal Foods Corp., 433 East Michigan Street, Milwaukee, WI 53201. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 119789 (Sub-No 132 TA) (Correction), filed December 6, 1972, published in the FEDERAL REGISTER, issue of December 27, 1972, and republished as corrected this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188 (1612 East Irving Boulevard), Dallas, TX 75222. Applicant's representative: James K. Newbold (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground apparatus, recreational equipment, and sporting goods*, from Bossier City, La., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Gym-Dandy, Inc., Post Office Box 5637, Bossier City, LA 71010. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, inadverently published in the FEDERAL REGISTER of December 27, 1972, as No. MC 138178 (Sub-No. 1 TA).

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 129360 (Sub-No. 2 TA), filed December 5, 1972. Applicant: KIRKLEY TRANSFER CO., INC., 1603 Nixon Road & New Savannah Road, Augusta, GA 30903. Applicant's representative: D. C. Kirkley (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including *tools* used in the construction maintenance of telephone systems and communications between Augusta, Ga., and point in the Counties of Burke, Columbia, Emanuel, Glascock, Hancock, Jefferson, Jenkins, Lincoln, McDuffie, Richmond, Screven, Taliaferro, Warren, and Wilkes, Ga., for 180 days. Supporting shipper: Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 136233 (Sub-No. 3 TA), filed December 18, 1972. Applicant: NORTHTOWN TRUCK LINE, INC., 1112 Swift Street, Post Office Box 7333, North Kansas City, MO 64116. Applicant's representative: Frank W. Taylor, 1221 Baltimore, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Kansas City, Mo., to Omaha, Nebr., for 180 days. Supporting shipper: American Beauty Macaroni Co., 501 Funston Road, Kansas City, Kans. 66115. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 138178 (Sub-No. 1 TA) (Correction), filed December 7, 1972, published in the FEDERAL REGISTER, issue of December 27, 1972, and republished as corrected this issue. Applicant: HEFLIN INDUSTRIES, INC., 1111 West Maricopa Freeway, Phoenix, AZ 85007. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. NOTE: The purpose of this republication is to show the correct docket number assigned thereto as MC 138178 (Sub-No. 1 TA) in lieu of MC 13878 (Sub-No. 1 TA). The rest of the notice remains as previously published.

No. MC 138261 TA, filed December 5, 1972. Applicant: S. D. ELLIS & W. F. REEVES, a Partnership, doing business as, MARIETTA TRANSFER AND STORAGE COMPANY, 24 North Alexander Street, Marietta, GA 30060. Applicant's representative: S. D. Ellis (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including *tools* used in the construction and maintenance of telephone systems and communications between Marietta, Ga., and points in the Counties of Carroll, Cherokee, Cobb, Douglas, Haralson, and Paulding, Ga., for 180 days. Supporting shipper: Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 138262 TA, filed December 19, 1972. Applicant: IMPEX, INC., 2430 Pennsylvania Avenue NW., Washington, DC 20037. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in the Washington, D.C. Commercial Zone, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Bernard W. Ehrhard, Chief Administrative Services, French Embassy, Washington, D.C.; Stephen B. Modly, Commercial Advisor, German Embassy, Washington, D.C.; Somdee Chareonkul, Assistant Education Counselor, Royal Thai Embassy, 1906 23rd Street NW., Washington, DC 20008; Aydin Yegen, Counselor, Turkish Embassy, Washington, D.C.; Col. Nguyen Linh Chieu, Armed Forces Attaché, Embassy of Viet Nam, Washington, D.C.; Tran Ngoc Dien, Counselor, Embassy of Viet Nam, Washington, D.C. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138263 TA, filed December 5, 1972. Applicant: ADAMS TRANSFER & STORAGE CO., INC., 3641 Pierce Drive, Chamblee, GA 30341. Applicant's representative: Mr. R. E. Adams (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including *tools* used in the construction and maintenance of telephone systems and communications between Chamblee, Ga., and points in the counties of De Kalb, Fulton, Gwinnett, and Walton, Ga., for 180 days. Supporting shipper: Western Electric Co., Inc., 6701 Roswell Road NE., Atlanta GA 30328. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, NW., Atlanta, GA 30309.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-441 Filed 1-8-73;8:45 am]

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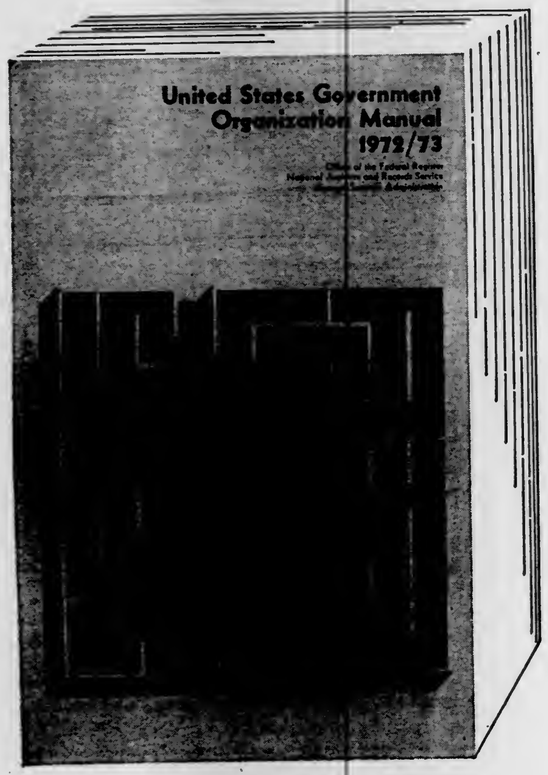
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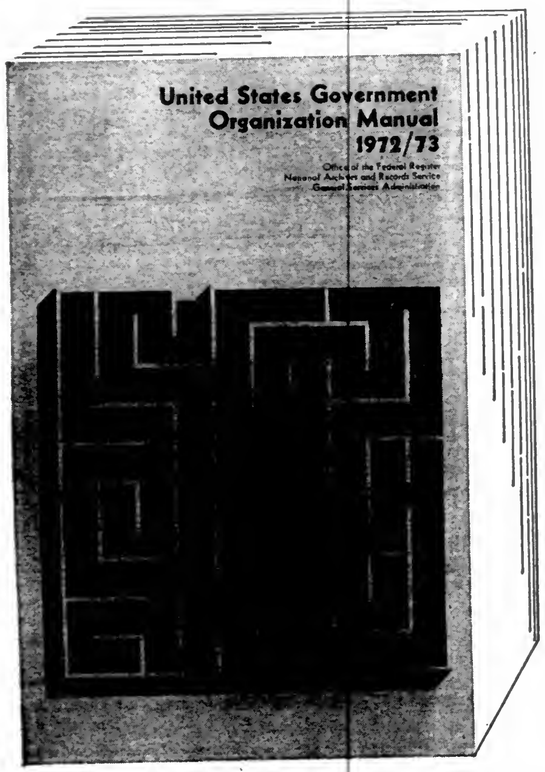
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federal register

WEDNESDAY, JANUARY 10, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 6

Pages 1167–1261

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Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Interest Expense on Long-Term Debt

The purpose of this amendment to Appendix II to Part 300 of the Price Commission's regulations (6 CFR Part 300) is to prescribe the procedures and Price Commission form to be used in accounting for interest expense on long-term debt in computing a firm's base period profit margin.

Instructions currently on Form PC–51—Report on Sales, Costs, and Profits provide for interest expense on long-term debt to be reported as nonoperating income (deduction) in Item 10 of that form. On September 8, 1972, the Price Commission announced that for fiscal years beginning after July 31, 1972, firms are to report interest on long-term debt as an operating expense when calculating their base period profit margins and current profit margins. To facilitate computation of a firm's adjusted base period profit margin to reflect the new policy, a new schedule R–3 is being prescribed for use in connection with form PC–51. Instructions on future editions of form PC–51 will be modified to reflect this policy change with respect to the computation of current profit margins.

To provide specific guidance pending the republication of modified Form PC–51, an addendum to the existing instructions for preparation of Form PC–51 is being prescribed.

Since these amendments provide immediate guidance and information for the effective implementation of the price stabilization program, further notice and procedure thereon is impracticable and good cause exists for making them effective in less than 30 days after publication in the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210, 85 Stat. 743; Executive Order No. 11640, 37 FR 1213, January 27, 1972; Cost of Living Council Order No. 4, 46 FR 20202, October 16, 1971)

In consideration of the foregoing, Appendix II to Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below effective January 4, 1973.

Issued in Washington, D.C., on January 4, 1973.

By direction of the Price Commission.

JAMES B. MINOR,
General Counsel,
Price Commission.

Appendix II to Part 300 of Title 6 of the Code of Federal Regulations is amended by inserting the following addendum and new form immediately after the end of the "Instructions for preparation of Form PC–51" and before "Form PC–63":

ADDENDUM TO INSTRUCTIONS FOR THE PREPARATION OF FORM PC–51

ACCOUNTING FOR INTEREST EXPENSE

For fiscal years which began before August 1, 1972, interest expense on long-term debt must be reported in Item 10, Nonoperating Income (Deduction). For firms' fiscal years commencing on or after August 1, 1972, all interest expense must be reported in Item 6, Cost of Sales, if such is the customary practice of the firm, or, in the absence of such practice, in Item 8, Other Operating Expenses.

All firms must submit schedule R–3, "Computation of Adjusted Base Period Profit Margin," for fiscal years commencing on or after August 1, 1972. This submission must be made at the time Form PC–51 is filed.

A firm selecting different fiscal years for its base period, solely as a result of a change in the manner of reporting interest expense on long-term debt, must submit a new Form PC–50 and schedule R–3 when Form PC–51 is filed.

A firm which has increased prices above base prices before September 9, 1972, and which would be able to continue charging those prices above base prices except for this change in policy and the resultant effect on that firm's profit margin may request that an exception be granted by the Price Commission or Internal Revenue Service, as the case may be, to be allowed to continue charging those prices.

FORM PC-51 SCHEDULE R-3

PRICE COMMISSION

COMPUTATION OF ADJUSTED BASE PERIOD PROFIT MARGIN

(To give consistent effect to accounting for interest expense)

OMB No. 161-R0027
Approval expires 3-31-73

REFERENCE NO.

PART I. IDENTIFYING DATA

1. FILING DATE OF THIS SCHEDULE — MO DA YR

2. D-U-N-S IDENTIFICATION NO. OF PARENT FIRM

3. PERIOD COVERED BY FORM PC-51 SUBMITTED WITH THIS SCHEDULE — FROM MO DA YR — TO MO DA YR

4A. NAME OF PARENT FIRM

B. ADDRESS (Street, City, State and ZIP Code)

PART II. CALCULATION

(ALL DOLLAR AMOUNTS IN THOUSANDS)

ITEM	BASE PERIOD YEARS (from Form PC-50) FISCAL YEAR ENDED MO DA YR	FISCAL YEAR ENDED MO DA YR	TOTAL (Sum of Cols b and c on this form)
a.	(Col (b) on Form PC-50) b.	(Col (d) on Form PC-50) c.	d.
1. NET SALES (Item 5, Form PC-50 "Covered")			
2. OPERATING INCOME (Item 9, Form PC-50 "Covered")			
3. INTEREST EXPENSE ON LONG-TERM DEBT (Included in Item 10, Form PC-50 "Covered")			
4. TOTAL (Item 2 minus Item 3)			
5. ADJUSTED BASE PERIOD PROFIT MARGIN (Item 4 % Item 1) (Enter this amount on Form PC-51, Item 22, covering fiscal years commencing on or after August 1, 1972.)			%

PART III. CERTIFICATION

I CERTIFY that the information submitted with this Schedule R-3 is in accordance with Economic Stabilization Regulations (Title 6, Code of Federal Regulations) and instructions to Form PC-51. This Schedule R-3 is submitted with and made part of Form PC-51 dated _____.

TYPED NAME AND TITLE (Chief Executive Officer of parent firm/other authorized Executive Officer)

SIGNATURE — DATE

Mailing Address: Price Commission, PC-51 Submission, 2000 M Street, N. W., Washington, D. C. 20508

FORM PC-51 DEC 72

[FR Doc.73-469 Filed 1-5-73;10:01 am]

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Title 7—AGRICULTURE

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.3]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Security for Rural Housing Loans

Section 1822.30, Part 1822, Title 7, Code of Federal Regulations (35 FR 14913), is amended to permit section 504 loans of up to $1,500 to be taken without requiring a real estate mortgage as security.

In accordance with 5 U.S.C. 553 this amendment is being published without prior rulemaking because a delay in making available assistance provided by this amendment would be contrary to the public interest.

§ 1822.30 as amended, reads as follows:

§ 1822.30 Security.

Section 504 loans that exceed $1,500 will be secured by a mortgage on the borrower's real estate. Real estate security also will be taken for loans of less than $1,500, whenever the loan approval official determines that such security may be needed to reasonably assure repayment of the loan. The title requirements of Part 1807 of this chapter will not be applicable; however, the county supervisor will use all practical means to verify that title and lien information furnished by the applicant is complete and accurate. If the loan approval official determines that other security is needed to assure repayment of the loan or to accomplish the purposes of the loan, a mortgage may be taken on the applicant's chattels or other assets. § 1831.32(v) of this chapter will be followed when chattels are taken as security for the loan.

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Act. Sec. of Agr., 36 FR 21529, 37 FR 22008; Order of Asst. Sec. of Agr. for Rural Development and Conservation 36 FR 21529)

Dated: January 2, 1973.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-494 Filed 1-9-73;8:45 am]

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 456.1]

PART 1864—DEBT SETTLEMENT

Compromise and Adjustments

On page 20335 of the FEDERAL REGISTER of September 29, 1972, there was published a notice of proposed rulemaking to amend Part 1864, "Debt Settlement," Title 7, Code of Federal Regulations as follows:

1. Section 1864.3(b) has been revised by deleting the requirement that collections cannot be made without suit in effecting compromises and adjustments of debts of $20,000 or less.

2. Section 1864.3(b)(1) and subdivisions (i) and (ii) have been added to provide factors for consideration in determining inability to collect a debt in full and to provide appropriate language under the debtor's offer and certification under Part V, paragraph D of Form FHA 456-1, "Application for Settlement of Indebtedness."

3. Section 1864.3 (b)(1) and (b)(2) are renumbered to (b)(2) and (b)(3), respectively.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections, regarding the proposed regulations. No objections were received within the 30-day period and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: January 10, 1973.

Dated: December 27, 1972.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

As amended, § 1864.3 (b)(1), (b)(2), and (b)(3) read as follows:

§ 1864.3 Compromise and adjustments.

* * * * *

(b) Debts of $20,000 or less, exclusive of interest, which cannot be compromised or adjusted under the provisions of paragraph (a) of this section may be compromised or adjusted in the following instances, even though the debtor may have the ability to pay in full, unless there is an indication of fraud or misrepresentation on the part of the debtor. (Where there is an indication of fraud or misrepresentation, see § 1864.2(j) for handling.)

(1) *Inability to collect.* Inability to collect is when the full amount cannot be collected because of the refusal of the debtor to pay the debt in full and the OGC advises that the Government is unable to enforce collection in full within a reasonable time by enforced collection proceedings.

(i) In determining inability to collect, the following factors will be considered:

(*a*) Availability of assets or income which may be realized upon by enforced collection proceedings, considering the applicable exemptions available to the debtor under State and Federal law.

(*b*) Inheritance prospect within a reasonable time.

(*c*) Likelihood of debtors obtaining nonexempt income within a reasonable time out of which there could be collected a substantially larger sum than the amount of the present offer.

(ii) For this type of settlement an asterisk (*) will be inserted in Part V of Form FHA 456-1 after "(D)" and before the word "I." In the blank space below Part V (E) of Form FHA 456-1 the following will be inserted:

*With knowledge of the penalties for false statements provided by 18 U.S.C. 1001 ($10,000 fine and/or 5 years imprisonment) and with knowledge that this financial statement is submitted by me (us) to affect action by the Department of Agriculture.

(2) *Litigative probabilities.* When the OGC has advised in writing that:

(i) There is a real doubt concerning the Government's ability to prove its case in court for the full amount of the debt, and

(ii) The amount offered represents a reasonable settlement considering:

(*a*) The probability of prevailing on the legal issues involved.

(*b*) The probability of proving facts to establish full or partial recovery, having due regard to the availability of witnesses and other pertinent factors.

(*c*) The probable amount of court costs which may be assessed against the Government if it is unsuccessful in litigation.

(3) *Costs of collecting debt.* When the cost of collecting the debt does not justify enforced collection of the full amount, the amount accepted in compromise or adjustment may reflect an appropriate discount for administrative and litigative costs of collection. Such discount will not exceed $250 unless the OGC advises that in the particular case a larger discount is appropriate. Costs of collecting may be a substantial factor in settling small debts but normally will not carry great weight in settling large debts.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; order of Acting Secretary of Agriculture, 36 FR 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529; order of Director, OEO, 29 FR 14764)

[FR Doc.73-495 Filed 1-9-73;8:45 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

PART 301—ESTABLISHMENT AND ORGANIZATION

Financial Advisors

Part 301, Subpart E of Chapter III, Title 13, of the Code of Federal Regulations (31 FR 11292 and 31 FR 16673) is amended to provide for requirements to be followed in engaging a Financial Advisor when needed for an EDA public works project. A new § 301.65 is added to Subpart E as follows:

§ 301.65 Financial advisors.

(a) *Purpose.* This section describes EDA regulations to be followed in engaging a Financial Advisor when needed for an EDA public works project.

(b) *Policy.* EDA will authorize as an allowable project cost the use of a Financial Advisor when needed to complete funding of an approved public works project. All such Financial Advisors will be selected by the grantee and approved by the Agency. Fees for these services must be reasonable and EDA will participate in accordance with the grant percentage.

(c) *Definition.* A "Financial Advisor" is an individual or firm which is qualified by reason of training and experience to advise the applicant on structuring and marketing a private bond issue needed to complete funding of an approved EDA public works project. It may be an investment banker who deals with municipal securities; a commercial bank with a syndicate department or comparable capability; or a municipal financial consultant who advises on municipal underwritings.

(d) *Financial Advisor services.* (1) The major objectives in the incurrence of long term debt by a unit of local government are:

(i) The adequacy of the loan and the assurance that funds will be available when needed.

(ii) The arrangement of the loan so that it blends into the existing overall debt structure.

(iii) The issuance and sale of bonds at the lowest interest cost consistent with all other considerations.

(2) Services normally performed by the Financial Advisor are:

(i) *Survey of financial resources.* The Financial Advisor shall make a survey of the financial resources of the issuing subdivision to determine the extent of its borrowing capacity. Such a survey shall include an analysis of the existing debt structure as compared to existing and projected sources of income which may be pledged to secure payment of debt service.

(ii) *Financial plan.* On the basis of information developed by the survey, the Financial Advisor shall establish a financial plan which shall be submitted to the governing body of the issuing subdivision. The financial plan shall be complete as to maturity schedule and estimated interest rate of the proposed bonds and shall reflect the resulting overall amount of debt service requirements as compared to existing and projected income sources.

(iii) *Bond elections.* If a bond election is deemed necessary, the Financial Advisor shall assemble and transmit to the bond attorneys such data as is required in preparation of the necessary petitions, resolutions, notices, etc.

(iv) *Terms of bond issue.* The Financial Advisor shall submit his written recommendations as to the various provisions, terms, and conditions of the proposed bond issue. He shall make recommendations as to the date of the issue, interest payment dates, schedule of maturities, options of prior payment, and place of payment. He shall also, whenever possible, suggest additional security provisions designed to make the issue more attractive to investors.

(v) *Selecting date of bond sale.* In the event the bonds are to be sold at competitive bidding, the Financial Advisor shall make a recommendation as to the date on which bids are to be considered. This recommendation shall be based on an estimate of expected market conditions, having given due consideration to such factors as the general trend of the bond market, conflict with offerings of other such divisions and other known relevant factors.

(vi) *Notice of sale.* If required in the marketing of bonds, the Financial Advisor will be expected to prepare and submit the following:

(A) Official Notice of Sale, into which shall be incorporated all necessary information as to time and place of the bond sale, the conditions under which the bonds shall be amended, and the terms and conditions of delivery.

(B) Prospectus: Which shall be fully descriptive of the bonds offered and which shall additionally contain complete information on the issuing subdivision.

(C) Uniform Bid Form: Containing provisions recognized as standard by the municipal securities industry.

(D) Bond Rating: If proper and desirable, to submit to the national bond rating agencies financial and economic data necessary to obtain a rating on the proposed issue.

(vii) *Bond Sale—award of bonds.* The Financial Advisor shall be represented at the bond sale by experienced personnel whose services shall be available to the issuing government in the tabulation and comparison of bids.

(viii) *Issuance of bonds.* As soon as a bid for the bond shall be accepted by the issuing agency, the Financial Advisor shall proceed at once with the general consideration of the efforts of all concerned to the end that the bonds may be delivered and paid for as expeditiously as possible. His services shall be available in the passage or adoption of all required ordinances, resolutions and documents which may be required by the Attorney General of the State in which the issuing subdivision is located.

(ix) *Delivery of bonds.* It shall be the duty of the Financial Advisor to inform and assist all concerned with the delivery of the bonds, and to generally coordinate their efforts. He shall notify the purchasers of the time that payment for the bonds can be made and shall assist the issuer in the escrow of closing documents and the giving of proper instruction for the receipt and transfer of bond proceeds.

(3) The fee for Financial Advisory services shall be reasonable and be in keeping with the magnitude of the service performed. Instances may arise where the preparation of the financial package for a relatively small issuer may be intricate and time consuming. The converse situation may also arise where the preparation of a large issue for a municipality with an extensive marketing history may warrant a lower fee than might normally be expected. The financial staff, Technical Support Division, shall review and approve the Financial Advisor's fee submitted with the public works application.

(e) *Selection and approval of Financial Advisors.* Selection of a Financial Advisor for a public works project will be made by the grantee. Those firms interested in participating in the solicitation of financial advisory contracts shall file their qualifications and experience with the appropriate EDA Regional Offices. The financial staff, Technical Support Division, shall review these submissions and notify approved firms that their fees may be considered as acceptable project costs.

(f) *Financial Advisor precluded as bidder.* The Financial Advisor shall be precluded from bidding except in those cases where the best interests of the grantee and the Federal Government make it necessary that they be the bidder. Any request for a right to bid on all or a part of the issue by the Financial Advisor shall be initiated by the grantee.

(g) *Written agreement with Financial Advisor.* Agreement between the grantee and the Financial Advisor shall be in writing and shall include a listing of the services to be performed, substantially as outlined in paragraph (d) of this section, and provisions for reimbursement for services rendered and precluding the Financial Advisor from bidding except in certain circumstances. The contract shall be approved by the financial component of the Office of Public Works.

This section became effective November 17, 1972.

ROBERT A. PODESTA,
Assistant Secretary
for Economic Development.

Dated: January 3, 1973.

[FR Doc.73-510 Filed 1-9-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12472; Amdt. No. 91-109]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Experimental Aircraft; Operating Limitations

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to clarify the regulation currently prescribed in § 91.42(c) for the operation of an aircraft that has an experimental certificate.

The current regulation prohibits the operation of an experimental aircraft over a densely populated area or in a congested airway with one exception. This amendment more clearly expresses the intent of the regulation regarding that exception, which is to permit an experimental aircraft to be operated over a densely populated area or in a congested airway only when conducting a takeoff or landing for which the FAA has issued special operating limitations and when conducting the takeoff or landing in accordance with the terms and conditions of those operating limitations.

Since this amendment is clarifying in nature, I find that notice and public procedure thereon is unnecessary and that good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective January 10, 1973, by amending § 91.42(c) to read as follows:

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§ 91.42 Aircraft having experimental certificates; operating limitations.

• • • • •

(c) Unless otherwise authorized by the Administrator in special operating limitations, no person may operate an aircraft that has an experimental certificate over a densely populated area or in a congested airway. The Administrator may issue special operating limitations for particular aircraft to permit takeoffs and landings to be conducted over a densely populated area or in a congested airway, in accordance with terms and conditions specified in the authorization in the interest of safety in air commerce.

• • • • •

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 3, 1973.

J. H. SHAFFER,
Administrator.

[FR Doc.73-490 Filed 1-9-73;8:45 am]

[Docket No. 12460; Amdt. 846]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs effective February 1, 1973.

Lancaster, Pa.—Lancaster Airport, VOR Runway 31, Amdt. 6.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs effective January 18, 1973.

Crossville, Tenn.—Crossville Memorial Airport, LOC Runway 25, Original.
Milwaukee, Wis.—General Mitchell Field, LOC Runway 19R, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs effective February 22, 1973.

Chicago, Ill.—Chicago O'Hare International Airport, NDB Runway 9R, Amdt. 4.
Chicago, Ill.—Chicago O'Hare International Airport, NDB Runway 14L, Amdt. 13.
Chicago, Ill.—Chicago O'Hare International Airport, NDB Runway 14R, Amdt. 12.
Chicago, Ill.—Chicago O'Hare International Airport, NDB Runway 27R, Amdt. 12.

• • • effective January 18, 1973.

Milwaukee, Wis.—General Mitchell Field, NDB Runway 19R, Amdt. 5, Canceled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs effective February 22, 1973.

Chicago, Ill.—Chicago O'Hare International Airport, ILS Runway 9R, Amdt. 2.
Chicago, Ill.—Chicago, O'Hare International Airport, ILS Runway 14L, Amdt. 17.
Chicago, Ill.—Chicago O'Hare International Airport, ILS Runway 14R, Amdt. 18.
Chicago, Ill.—Chicago O'Hare International Airport, ILS Runway 27R, Amdt. 14.
Chicago, Ill.—Chicago O'Hare International Airport, Parallel ILS Runway 27R, Amdt. 3.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs effective February 22, 1973.

Greer, S.C.—Greenville-Spartanburg Airport, RNAV Runway 21, Original.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 4, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-489 Filed 1-9-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Cottage Cheese; Definitions, Standards of Identity, and Confirmation of Effective Date

In the matter of establishing a definition and standard of identity for low fat cottage cheese (21 CFR 19.531); amending the identity standard for cottage cheese (21 CFR 19.525) and changing the name of the food to "cottage cheese dry curd"; and amending the identity standard for creamed cottage cheese (21 CFR 19.530) by changing the name of the food to "cottage cheese" and requiring declaration of the milkfat content:

An order in the above identified matter was published in the FEDERAL REGISTER of June 30, 1972 (37 FR 12934). No objections were filed to the order, but communications requesting changes in the order were received from a cottage cheese manufacturer and an association representing cottage cheese manufacturers. The following changes in the identity standard for cottage cheese were requested:

1. To permit the collective ingredient declaration "vegetable gum" in lieu of the specific names for carob (locust) bean gum, guar gum, gum karaya, and gum tragacanth in order to simplify the ingredient statement and permit interchanging of these ingredients without making changes in the labels used.

2. To permit the required declaration of the percentage of fat contained in the food on any appropriate information panel rather than on the principal display panel, thus preventing overcrowding of that panel.

3. To permit use of the declaration "__ percent milkfat," the blank being filled in with the percentage of milkfat contained, as an alternative to the declaration "not less than 4 percent milkfat." The shorter declaration would conserve label space and would be more informative to consumers of cottage cheese having a milkfat content significantly greater than 4 percent by weight of the food, i.e., cottage cheese containing 5 percent or 6 percent fat which is marketed in some areas of the United States.

There is significant consumer interest that labels of standardized foods bear complete information as to the ingredients contained in the food and the Commissioner of Food and Drugs in an earlier publication (37 FR 5120, March 10, 1972) expressed agreement that such complete ingredient declaration is in the interest of consumers. The Commissioner therefore concludes that there is good reason for retaining the provision in the June 30, 1972, order that vegetable gums should be identified by their specific common names.

An increase in the fat level of cottage cheese dressing tends to increase the palatability of the product. However, some consumers wish to reduce their intake of fat. It is reasonable to conclude that statements giving the fat content of cottage cheese products would less likely to be read by consumers at the time of purchase if they appeared on a panel other than the principal display panel. This information, moreover, is part of the common or usual name of the food, and thus must appear wherever the name is used. The requirement of the June 30, 1972, order regarding placement of the fat declaration on labels is retained.

The Commissioner is also of the opinion that the declaration "not less than 4 percent milkfat" should be retained for cottage cheese having fat content at or slightly above 4 percent. Cottage cheese is composed of curd which has a negligible amount of fat and a creaming mixture having a high fat content. The food is not homogenous, and variations in the ratio of curd to creaming mixture from package to package of the finished product cannot be avoided. Manufacturers must maintain an average fat content in excess of 4 percent to assure that each individual package meets the 4 percent minimum fat content specified by § 19.530(a). Under these circumstances the declaration "Not less than 4 percent milkfat" is more truthful than the statement "4 percent milkfat." The Commissioner concludes that the alternate statement "4 percent milkfat minimum," which is somewhat shorter but conveys the same meaning as "Not less than 4 percent milkfat," should also be permitted. Further, he is of the opinion that cottage cheese containing significantly more than 4 percent milkfat should be labeled with a declaration that more accurately reflects the actual fat percentage contained, and the editorial amendment set forth below provides for such declaration.

The June 30, 1972 cottage cheese order gave notice of the intention of the Commissioner that not only the fat content, but also the caloric content and other information shall appear on cottage cheese product labels as may be required by the forthcoming nutrition labeling regulations. An association representing cottage cheese manufacturers has taken exception to this, on grounds that nutrition labeling should be voluntary, rather than mandatory. Although the nutrition labeling plan proposed in the FEDERAL REGISTER of March 30, 1972 (37 FR 6493) is a voluntary one, it would require that labels may not give only partial nutritional information (such as fat content), but must give the complete information required by the nutrition labeling regulations so that consumers can fully evaluate the total nutritional value of the food. Cottage cheese products are frequently used by persons on restricted diets, and the Commissioner is of the opinion that complete nutritional labeling on these products would be of benefit to consumers. Even without full nutrition labeling, moreover, § 125.6 would require declaration of caloric content for a lowfat food.

The amendments promulgated by the order published June 30, 1972 (37 FR 12934), were to become effective 1 year later unless stayed by the filing of proper objections. A number of forthcoming regulations will involve significant changes in the labeling requirements for packaged food. The Commissioner is aware of the unnecessary costs which would be incurred by the food industry resulting from a series of individual labeling changes made over a relatively short period of time and that such costs would likely be passed on to the consumer in the form of higher food prices. Accordingly, he concludes that it would be in the interest of the consumer and food industry alike to establish a new effective date which would provide adequate time for bringing all affected products into full compliance with these amendments.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections or requests for a hearing were filed to the order in the above identified matter published in the FEDERAL REGISTER of June 30, 1972 (37 FR 12934). Accordingly, the amendments promulgated by that order and the editorial amendment set forth below shall become effective December 31, 1974, except that any affected product for which labeling is ordered on or after December 31, 1973 must be brought into full compliance with these amendments at the time such labeling is placed into use, regardless of time. The editorial amendment is as follows:

In § 19.530(c), subparagraph (2) is revised to read as follows:

§ 19.530 Cottage cheese; identity; label statement of optional ingredients.

• • • • • •

(c) • • •

(2) The statement "not less than ____ percent milkfat" or "____ percent milkfat minimum", the blank being filled in with the whole number that is closest to, but does not exceed, the actual fat content of the product.

• • • • • •

Effective date. This regulation shall become effective on December 31, 1974, except that any affected product for which labeling is ordered on or after December 31, 1973, must be brought into full compliance with these amendments at the time such labeling is placed into use, regardless of time.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-481 Filed 1-9-73;8:45 am]

PART 51—CANNED VEGETABLES

Canned Vegetables Other Than Those Specifically Regulated; Use of Safe and Suitable Organic Acid; Confirmation of Effective Date

In the matter of amending the standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to provide for the optional use of any safe and suitable organic acid, with label declaration, as an alternative to the use of a vinegar for acidification as a processing aid.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed in response to the above-identified order which was published in the FEDERAL REGISTER of October 14, 1972 (37 FR 21807). Accordingly, the order became effective December 13, 1972.

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-483 Filed 1-9-73;8:45 am]

PART 121—FOOD ADDITIVES

Glycerol Ester of Wood Rosin; Adjustment of Density of Citrus Oils in Beverage Preparation

In the FEDERAL REGISTER of August 28, of Food and Drugs proposed that 1971 (36 FR 17360) the Commissioner § 121.1084 (21 CFR 121.1084), the food additive regulation providing for the use of glycerol ester of wood rosin to adjust the density of citrus oils used in the preparation of beverages, be amended to restrict usage by imposing a tolerance of not more than 100 parts per million of the additive in the finished beverage. In response to the proposal, the following three comments were received:

1. One comment was made indicating that a tolerance level in excess of 100 parts per million of the additive in the final beverage would be justified on the basis that such higher levels have been used for some time without any apparent harmful effects. It was also stated that a joint survey is underway concerning the usage of the additive, and it was requested that a final decision on the proposal be delayed until completion of the survey.

Since the available toxicological data do not support usage levels of the additive in excess of 100 parts per million, and no new data have been presented, the Commissioner concludes that there is no basis for deferring a final decision on the proposal.

2. Another comment concerned the subject of a notice of filing of a petition (FAP OA2513) published in the FEDERAL REGISTER of May 23, 1970 (35 FR 7996), requesting the use of glycerol ester of

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tall oil rosin for the same use as is permitted for glycerol ester of wood rosin. The petitioner commented that glycerol ester of tall oil rosin is identical in chemical composition and safety to glycerol ester of wood rosin, and requested that the regulation be amended to authorize the use of glycerol ester of tall oil rosin to the same extent as the ester from wood rosin.

The Commissioner concludes that, although the glycerol ester of tall oil rosin is quite similar to glycerol ester of wood rosin, it is not identical and an adequate analytical method is needed for enforcement of the tolerance limitation to complete the petition requirements prescribed by § 121.51 (21 CFR 121.51).

3. A third comment offered no objection to imposing the tolerance limitation, but suggested that a period of 9 months be permitted for products containing glycerol ester of wood rosin to be brought into compliance with the proposed tolerance limitation.

The Commissioner concludes that the requested 9 months extension is reasonable and will protect the public health.

Therefore, having considered the comments received and other relevant information, the Commissioner concludes that the subject proposal should be adopted as set forth below. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1084 is amended by revising paragraph (b) to read as follows:

§ 121.1084 Glycerol ester of wood rosin.

• • • • •

(b) It is used to adjust the density of citrus oils used in the preparation of beverages whereby the amount of the additive does not exceed 100 parts per million of the finished beverage.

Effective date. This order shall become effective on October 9, 1973.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-484 Filed 1-9-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE-(OR TETRACYCLINE-) CONTAINING DRUGS

Veterinary Use of Tetracycline Hydrochloride Intramuscular and Tetracycline Phosphate Complex Intramuscular; Revocation

Based on a notice of withdrawal of approval of a new animal drug application (Docket No. FDC-D-570) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended to revoke provisions for the veterinary use of tetracycline hydrochloride intramuscular and tetracycline phosphate complex intramuscular.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343-351; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), § 146c.221 *Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use* is amended by revoking paragraph (c)(2).

Within 30 days after publication hereof in the FEDERAL REGISTER any person who will be adversely affected by the removal of any such drug from the market may file objections to this order stating reasonable grounds for their objections and may request a hearing on such objections. Objections and request for a hearing should be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

If a hearing is requested, the objections must identify the claimed errors in the NAS/NRC evaluation and any adequate and well-controlled investigations which would indicate conclusively that the drug would have the claimed effectiveness. Objections and requests for a hearing which are received in response to this order may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective February 19, 1973.

(Secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343-351; 21 U.S.C. 357, 360b)

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-561 Filed 1-9-73;8:45 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Utah Developmental Plan

1. *Background.* The State of Utah submitted on September 20, 1972, a plan pursuant to Part 1902 requesting approval of the plan by the Assistant Secretary of Labor for Occupational Safety and Health. On October 21, 1972, a notice was published in the FEDERAL REGISTER (37 FR 22781) concerning the submission of the plan, the fact that the question of approval was in issue before the Assistant Secretary, and an invitation for public comments thereon.

The plan identifies the Utah State Industrial Commission as the State agency designated to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). The plan states that the Utah Industrial Commission currently is exercising statewide inspection authority to enforce many State standards. It describes procedures for the development and promulgation of additional safety standards, rulemaking power for enforcement of standards, laws, and orders in all places of employment in the State; the procedures for prompt restraint or elimination of imminent danger conditions; and procedures for inspection in response to complaints.

The plan includes proposed draft legislation to be considered by the Utah Legislature during its 1973 session amending title 35, Chapter 1 of the Utah State Code and related provisions, to bring them into conformity with the requirements of Part 1902.

Under this legislation all occupational safety and health standards and amendments thereto which have been promulgated by the Secretary of Labor, except those found in 29 CFR 1910.13, 1910.14, 1910.15, and 1910.16 (ship repairing, shipbuilding, shipbreaking, and longshoring) will, after public hearing by the Utah agency be adopted and enforced by that agency. The plan sets forth a timetable for the proposed adoption of standards.

The legislation will give the Utah Industrial Commission full authority to administer and enforce all laws, rules, and orders protecting employee safety and health in all places of employment in the State. It also proposes to bring the plan into conformity in procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; procedures for variances and the protection of employees from hazards; a safety and health program for public employees; and a statewide system of encouraging voluntary compliance. This enforcement will be accomplished through the utilization of State employees hired under an approved merit system.

The proposed legislation will insure employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during, and after inspections; protection of employees against discharge or discrimination in terms and conditions of employment; notice to employees of their protections and obligations; adequate safeguards to protect trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers; and employer's right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings.

Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of Utah. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation by State legislature.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing hearing with respect to the plan, or any part thereof, upon the basis of substantial objections to the contents of the plan.

Written comments concerning the plan were submitted on behalf of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), Utah Manufacturers Association, United States Steel Corp., Associated General Contractors of America, the Horne Construction Corp. There were no requests for an informal hearing.

2. *Issues.* The public comments and the national office review of the plan raised significant issues. The first regards section 6(2)(f)(i) of Utah's proposed legislation. This section, which concerns temporary variances, differs from the Federal Act. It does not have a maximum duration limit for temporary variances whereas OSHA has a 1-year limitation. The public comments expressed concern that temporary variances could last indefinitely. Utah has responded to this problem in a letter to the Director of Federal and State Operations of the Occupational Safety and Health Administration, dated December 11, 1972, in which they propose to include the following clause in their enabling legislation, "In no case shall the period of an temporary order exceed one (1) year." This appears satisfactory and conforms to 29 CFR 1902.4(b)(2)(iv).

Another significant issue is the thoroughness of Utah's program for public employees. Section 15 of Utah's proposed legislation did not clearly state what the elements of the public employee program would be. However, in a letter to the OSHA Director of Federal and State Operations, dated December 8, 1972, Utah stated that the public employee program would be "the same as" the private sector program with one exception. There will be no monetary sanctions assessed against political subdivisions. All such sanctions will be in the form of "close orders." This is consistent with 29 CFR 1902.3(j) and section 18(c)(6).

Another significant issue concerns the composition of the Utah Occupational Safety and Health Review Commission. The Commission is similar to the Federal Commission except that its members are chosen from the Utah Industrial Commission, the agency designated to administer and enforce the Act. Public comments expressed concern that this structure would not comply with due process and afford contesting parties a fair and objective review. The composition of the Utah Commission is acceptable on the assumption that once in operation, it will comply with basic procedural safeguards for fairness such as separation of functions at staff levels.

Public comments also expressed concern that in cases where an employee suffers discrimination due to the exercise of rights afforded him under the State plan, the Utah Review Commission may restrain such discrimination and afford the employee any appropriate relief through the issuance of an order. Under the Federal program (OSHA section 11(c)(2)) the Secretary cannot act directly but must file an action in a United States district court. In each situation, the remedies available to an employee would be identical. Utah's decision to grant such remedies, when appropriate, administratively rather than judicially does not diminish the effectiveness of their antidiscrimination provision. It may be more effective than the Federal procedure by being more efficient. It is, of course, assumed that due process will be complied with and employers will be afforded notice and an opportunity to be heard.

The public comments also raise the issue of whether the results of medical examinations required by standards will be furnished to employers. The concern expressed was that employers would not have access to those records. Section 6(2)(g) of Utah's proposed legislation mirrors OSHA, section 6(b)(7) verbatim with regard to this question. Furthermore, Utah proposes to adopt Federal standards without alteration. Therefore, Utah standards should provide for employer access to medical records whenever a corresponding OSHA standard so provides.

3. *Decision.* After careful consideration of the Utah plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the act and Part 1902.

This decision incorporates requirements of the act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(iii) of Title 29 Code of Federal Regulations the present level of Federal enforcement in Utah will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health Program, and inspect a cross-section of all industries on a random basis.

Within 9 months following this approval, an evaluation of the State plan, as implemented, will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Utah.

The Utah plan is developmental. The following is the schedule of the developmental steps provided by the plan:

(a) Introduction of enabling legislation in State legislature during January 1973.

(b) Expected enactment of the enabling legislation by March 1973.

(c) Formal adoption of Federal standards and revocation of existing Utah State standards by September 1, 1973.

(d) Adoption of safety standards for agriculture by September 1, 1974.

(e) Formal adoption of 29 CFR Parts 1903, 1904, and 1905 as rules and regulations of Utah by July 1974.

(f) Effective date of new standards, commencement of State enforcement by September 1973.

(g) A management information system by July 1, 1974.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding thereto a new Subpart E reading as follows:

Subpart E—Utah

Sec.
1952.110 Description of the plan.
1952.111 Where the plan may be inspected.
1952.112 Level of Federal enforcement.
1952.113 Developmental schedule.

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608; 29 U.S.C. 667.

Subpart E—Utah

§ 1952.110 Description of the plan.

(a) The plan identifies the Utah State Industrial Commission as the State agency designated to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). The plan states that the Utah Industrial Commission currently is exercising statewide inspection authority to enforce many State standards. It describes procedures for the development and promulgation of additional safety standards, rule making power for enforcement of standards, laws, and orders in all places of employment in the State; the procedures for prompt restraint or elimination of imminent danger conditions; and procedures for inspection in response to complaints. The plan includes proposed draft legislation to be considered by the Utah Legislature during its 1973 session amending title 35, chapter 1 of the Utah State Code and related provisions, to bring them into conformity with the requirements of Part 1902. Under this legislation all occupational safety and health standards and amendments thereto which have been promulgated by the Secretary of Labor, except those found in 29 CFR 1910.13, 1910.14, 1910.15, and 1910.16 (ship repairing, shipbuilding, shipbreaking, and longshoring) will, after public hearing by the Utah agency be adopted and enforced by that agency. The plan sets forth a timetable for the proposed adoption of standards. The legislation will give the Utah Industrial Commission full authority to administer and enforce all laws, rules, and orders protecting employee safety and health in all places of employment in the State. It also proposes to bring the plan into conformity in procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for variances and the protection of employees from

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hazards. The proposed legislation will ensure employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during, and after inspections; protection of employees against discharge or discrimination in terms and conditions of employment; notice to employees of their protections and obligations; adequate safeguards to protect trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers; and employer's right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings.

(b) Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of Utah. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 of this chapter upon enactment of the proposed legislation by the State legislature.

(c) The plan includes the following documents as of the date of approval:

(1) The plan with appendixes.

(2) A letter from Carlyle F. Gronning, Chairman of the Utah Industrial Commission to the Office of State Programs with an attached memo sheet of clarifications dated October 27, 1972.

(3) A letter from Carlyle F. Gronning to the Office of State Programs dated December 3, 1972, clarifying issues raised in the plan review.

(4) A letter from Carlyle F. Gronning to the Office of Federal and State Operations dated December 11, 1972, clarifying the remaining issues raised in the review process.

§ 1952.111 Where the plan may be inspected.

A copy of the complete Utah plan may be inspected and copied during normal business hours at the Utah Industrial Commission, Safety Division, 158 Social Hall Avenue, Salt Lake City, UT 84114. A copy of the complete Utah plan may also be inspected and copied during normal business hours at (a) the Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Federal Building, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, CO 80202; and (b) Office of Federal and State Operations, OSHA, U.S. Department of Labor, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

§ 1952.112 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter of Federal Regulations, the present level of Federal enforcement in Utah will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(g), continue its Target Safety and Target Health Programs, and inspect a cross-section of all industries on a random basis.

§ 1952.113 Developmental schedule.

The Utah plan is developmental. The following is the schedule of developmental steps provided by the plan:

(a) Introduction of resulting legislation in State Legislature during January 1973.

(b) Expected enactment of the enabling legislation by March 1973.

(c) Formal adoption of Federal standards and revocation of existing Utah State standards by September 1, 1973.

(d) Adoption of safety standards for agriculture by September 1, 1974.

(e) Formal adoption of Parts 1903, 1904, and 1905 of this chapter as rules and regulations of Utah by July 1974.

(f) Effective date of new standards, commencement of State enforcement by September 1973.

(g) A management information system by July 1, 1974.

(Sec. 18, Public Law 91-596, 84 Stat. 1608; 29 U.S.C. 667)

Signed at Washington, D.C., this 4th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-487 Filed 1-9-73;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16495; FCC 72-1198]

PART 25—SATELLITE COMMUNICATIONS

Establishment of Domestic Communications-Satellite Facilities by Nongovernmental Entities

Memorandum opinion and order. In the matter of establishment of domestic communications-satellite facilities by nongovernmental entities, Docket No. 16495.

1. The Commission has before it six petitions for reconsideration or clarification of the "Second Report and Order (Second Report)" issued in this proceeding on June 16, 1972 (35 FCC 2d 844); various responsive and reply pleadings related to such petitions; a memorandum of understanding and supplementary agreement submitted by Communications Satellite Corp. (Comsat) and MCI Lockheed Satellite Corp. (MCIL); and comments and reply comments on such memorandum of understanding and supplementary agreement.[1] Those seeking reconsideration or clarification are: American Telephone and Telegraph Co. (A.T. & T.); Comsat; RCA Global Communications, Inc. and RCA Alaska Communications, Inc. (the RCA applicants); Network Project; National Association of Educational Broadcasters (NAEB); and Western Union International (WUI).

2. The "Second Report" adopted a policy of affording a reasonable opportunity for entry into the domestic communications satellite field by qualified applicants, subject to certain showings and conditions. Apart from the showings required by statute and an additional showing required of all common carrier applicants now engaged in providing essential communications services to the public ("Second Report", paragraph 18), special conditions were placed on some pending applicants ("Second Report", paragraphs 21–32, 34). The special conditions that are relevant to the instant petitions may be summarized briefly as follows:

a. A.T. & T.'s use of domestic satellites would be limited initially to MTT, WATS, AUTOVON, emergency restoration in the event of terrestrial outage, and possibly other services in the case of Alaska, Hawaii, and Puerto Rico-Virgin Islands (paragraph 21).

b. The Comsat/A.T. & T. proposal based on their contractual lease arrangement would be disallowed (paragraph 22).

c. A.T. & T. would have the option of applying for authority to own and operate domestic satellite facilities, or of leasing transponders under tariff from Comsat or any other carrier who elects to proceed solely as a carrier's carrier (paragraph 22).

d. Comsat would be required to elect between pursuing its multi-purpose application or serving A.T. & T. If it elected to serve A.T. & T., Comsat would be required to operate exclusively as a carrier's carrier pursuant to tariff offerings and to provide some capacity for use by carriers other than A.T. & T. (paragraph 23).

e. In the event Comsat should elect to proceed other than as a carrier's carrier, it would be prohibited from owning or operating domestic satellite facilities at any overseas point served by Intelsat facilities (paragraph 26).

f. A.T. & T. and other terrestrial carriers seeking domestic satellite authorizations would be required to submit for Commission approval, prior to action on their applications, a description of the kinds of interconnection arrangements they will make available to other domestic satellite system or earth station licensees (paragraph 34).

3. The "Second Report" also adopted policies relating to service to Alaska, Hawaii, Puerto Rico, and educational entities, which are under dispute in the instant pleadings. With the advent of service via domestic satellites, it would be Commission policy to integrate charges for services between Alaska, Hawaii, and Puerto Rico and the contiguous 48 States into the domestic rate patterns (paragraphs 35–41). Toward this end (id.):

a. Domestic satellite applicants authorized to serve these points would be required, within 6 months from the issuance of the authorization, to submit a specific proposal for revised rates for MTT service for review and approval of the Commission prior to the commencement of service (paragraph 37).

b. Record carriers now serving these points would be required to submit a proposal for integration within the same time frame (paragraph 38).

c. A.T & T. would provide MTT service via domestic satellites to these three points, in conjunction with the appropriate local carrier, with a possible exception for GTE Satellite Corp. (GTE)[2] in the case of Hawaii in the event GTE makes certain showings to justify authorization of its proposed system (paragraph 39).

d. Alaska, Hawaii, and Puerto Rico would be afforded an opportunity to obtain specialized services via the same satellites and earth stations used for MTT service, without precluding the authorization of additional, independent domestic satellite facilities to provide specialized services to these points (paragraph 40).

e. The system authorized to provide interstate MTT service to Alaska would be required to afford access to the same system for intra-Alaska service, if desired (paragraph 41).

With respect to the terms of access to domestic satellite facilities by public broadcasting and other educational interests, the "Second Report" stated the Commission's willingness to entertain specific proposals by carriers or users for the prescription of preferential rate classifications, but declined to initiate any requirement as to common carriers or to enunciate any general statement of policy (paragraph 43).

4. It appears to us, upon reviewing the petitions for reconsideration and other pleadings, that the principal issues posed by the A.T. & T. and Comsat petitions and by the Comsat/MCIL Memorandum of Understanding are interrelated and involve primarily the same portions of the "Second Report"; whereas other issues raised in their petitions, and in the petitions of the RCA applicants, the Network Project, NAEB and WUI, go to different policy determinations in the "Second Report." The principal requests of the A.T. & T. petition are that the Commission reconsider the conditions limiting its initial use of domestic satellites to particular services and disapproving the Comsat/A.T. & T. lease arrangement. Comsat also challenges the disallowance of the Comsat/A.T. & T. lease agreement, as well as the requirement that it elect between serving A.T. & T. and other carriers as a carrier's carrier or serving entities other than A.T. & T. on both a "retail" and "wholesale" basis as proposed in Comsat's multipurpose application. Comsat has further requested that its memorandum of understanding with MCIL be regarded as supplemental information to its petition for reconsideration, and has indicated that Commission approval of that proposal may moot some issues in its petition. Under the memorandum of understanding, MCIL reserves the right to terminate in the event that the Commission grants that portion of A.T. & T.'s petition challenging the initial limitation on the service it may provide via domestic satellite. Accordingly, we will first address these aspects of the A.T. & T. and Comsat petitions and related pleadings, and then turn to the petitions of others and the remaining questions raised by A.T. & T. or Comsat.

I. A.T. & T.'s INITIAL USE OF SATELLITE, THE COMSAT/A.T. & T. LEASE AGREEMENT, THE COMSAT ELECTION REQUIREMENT, AND THE COMSAT/MCIL MEMORANDUM OF UNDERSTANDING

A. PLEADING OF THE PARTIES

1. A.T. & T. Comsat and MCIL

5. "A.T. & T." urges that the condition limiting its initial use of domestic satellites to specified services (MTT, WATS, AUTOVON, emergency restoration in the event of terrestrial outage and possibly other services in the case of Alaska, Hawaii and Puerto Rico) is unsupported by the record, unsound as a matter of policy, and contrary to the Commission's decision in "Specialized Common Carrier Services," 29 FCC 2d 870. It sees no basis for the concerns expressed in paragraphs 9–12 of the "Second Report" and claims that considerations of this nature would not, in any event, justify the restriction. A.T. & T. also asserts that the limitation would unnecessarily fragment the network function, inject unnecessary costs by requiring A.T. & T. to segregate the segment of private line services eligible for satellite transmission from ineligible services, and deny the public the benefits of full integration of domestic satellites into the nationwide network. A.T. & T. further states that there is no rational basis for singling out only one Government system, AUTOVON, from other essential private line Government services, and that it should, in any event, be authorized to provide any U.S. Government private line service by means of its initial domestic satellite system.

6. Both "A.T. & T." and "Comsat" urge that their lease agreement should not be rejected. A.T. & T. claims that the rejection is without justification and that the Commission should permit any applicant, including A.T. & T., to determine for itself the appropriate means of providing its domestic satellite system. Comsat claims that the disallowance of the agreement constitutes a severe penalty for it, without adequate justification, and that no other system applicant has been treated so harshly. To the extent that this action was affected by A.T. & T.'s stock ownership in Comsat and ability to elect three members of Comsat's Board of Directors, Comsat deems such concern to be baseless. In any event, it asserts that restrictions on Comsat are ineffective and inappropriate to deal with a situation over which Comsat has no control. There is also, Comsat asserts, no basis for concern that the agreement would restrain it from competing vigorously in the specialized market, contrary to its own self-interest, or that revenues from the lease would give it an advantage over other domestic satellite entrants.

7. "Comsat" further urges that the "Second Report" unnecessarily weakens competition and "artificially divides the market available to competitive suppliers of satellite services by forbidding anyone who serves A.T. & T. (the largest part of the carrier portion of the market) to serve also the retail or specialized services market." It claims that, if permitted to function without this restriction, Comsat would be a most energetic competitor to A.T. & T. and would not squeeze out potential competition from future entry. Comsat asserts that the tariff alternative is illusory because A.T. & T. would probably opt for system ownership in preference to turning to a carrier's carrier offering tariffed services to A.T. & T. and other carriers. Comsat further alleges that it has no reasonable chance of attracting the business of other carriers in view of the stated intentions of Western Union and GTE in response to paragraph 45(b) of the "Second Report."

8. According to "Comsat/MCIL" their memorandum of understanding, as supplemented by the agreement of October 3, 1972,[3] contemplates a joint enterprise to establish and operate a multipurpose domestic satellite system. This would be accomplished, subject to Commission approval, through a restructured and renamed MCI Lockheed Satellite Corp., owned jointly and equally by Comsat, MCI Satellite, Inc., and Lockheed Aircraft Corp. New cash in the total amount of $1,750,000 would be contributed by Comsat ($750,000), Lockheed ($500,000) and MCI Satellite ($500,000) to cover foreseeable preoperating expenses of the new corporation. When the funding requirements of the construction phase are known, the management and directors of the jointly held corporation would determine the nature of the necessary financing. The agreement provides for a 16-member Board of Directors. Each of the three stockholders would elect four directors, and all of the stockholders unanimously would elect four independent directors. In order to assure that major decisions of the joint enterprise could not be vetoed by one of the three stockholders or affirmatively forced by any two stockholders, the agreement provides that the vote of 11 directors is required for specified major matters and a majority vote for other matters. However, notwithstanding that provision, a majority of the whole Board, exclusive of all "interested directors" elected by affected stockholders, is required to authorize any contract or transaction (including the issuance, reacquisition or redemption of any securities of the corporation) between the corporation and any

[1] A request for stay of the effectiveness of the Second Report was granted in part and otherwise denied by a memorandum opinion and order issued on Sept. 14, 1972 (FCC 72-807).

[2] Since the Second Report, GTE Service Corp. and the GTE operating companies seeking domestic satellite authorizations have transferred their applications to a newly formed corporation, GTE Satellite Corp.

[3] The agreement was negotiated by Comsat, Lockheed Aircraft Corp., MCI Communications Corp., MCI Satellite, Inc., and MCI Lockheed Satellite Corp.

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entity owning 10 percent or more of the outstanding stock of the corporation.[4]

9. The stockholders would have "pro rata" preemptive rights in any new issues of securities. The corporation and the stockholders would have successive options to purchase at book value the interest of a stockholder who wishes to dispose of its equity.[5] This requirement would be binding for 2 years or until a public issue of securities, whichever came first. The agreement would terminate in 5 years, or on the effective date of a registration statement or a public issue of securities, whichever is earlier.

10. In pertinent essence,[6] the memorandum of understanding makes the obligations of the parties contingent upon Commission approval of the Comsat/A.T. & T. lease agreement appended to the latters' applications for domestic satellite facilities. If the Comsat/A.T. & T. applications are granted and the proposed joint venture is allowed, the parties will request dismissal of the Comsat multipurpose application and such portions of the Comsat petition for reconsideration as are moot, as well as a grant of the MCIL application as modified to reflect the proposed restructuring. The parties will also request the Commission to hold that the limitation precluding Comsat participation in services or facilities at overseas domestic points served by Intelsat facilities is no longer relevant. In the event that the Commission should decline to approve the memorandum of understanding and supplementary agreement as consistent with the policies underlying the "Second Report" or to waive any variances, the memorandum of understanding would be null and void. MCIL reserves the right to terminate the memorandum of understanding if the Commission should grant A.T. & T.'s request for reconsideration of the service limitation on its initial use of satellites.

11. In a statement submitted on September 8, 1972, with the memorandum of understanding, "MCIL" set forth arguments in support of its view that the objectives stated in paragraph 7 of the "Second Report" (35 FCC 2d at 846) would be promoted by the Comsat/MCIL proposal. It is asserted that "the coalescence of know-how and expertise represented by Comsat in space communications operations, by MCI in marketing specialized services and by Lockheed in advanced space technology would 'maximize the opportunities for the early acquisition of technical, operational and marketing data and experience in the use of this technology as a new communications resource for all types of service.'" This in turn would allegedly afford an "excellent opportunity for a strong, new, and independent entity 'to demonstrate how any operational and economic characteristics peculiar to the satellite technology can be used to provide existing and new specialized services more economically and efficiently than can be done by terrestrial facilities'" (id.). MCIL further claimed that the restructuring would result in a corporate entity with a life of its own, under independent management, with no single owner in a position to dominate corporate or management decisions. As a consequence, MCI stated, "any restraints and inhibitions which some may fear Comsat suffers as a consequence of A.T. & T.'s minority equity position in Comsat and the business relationship that exists, or will exist, between the two are virtually eliminated by the circumstances of Comsats' minority position in MCIL" and the Commission's objective (c) would be served (35 FCC 2d at 847). With respect to the Commission's objective (d), it is asserted that the Comsat/MCIL proposal would "in no way derogate the 'leeway and flexibility' the Commission proposed to retain in the Second Report" (id.).

12. In addition, MCIL urged that the proposal would serve the more specific policies enunciated in paragraphs 8–11 of the "Second Report" (35 FCC 2d at 847–848) and eliminate the necessity for some of the conditions imposed by a then divided Commission in paragraphs 13, and 22–26 thereof (35 FCC 2d at 848–849, 852–853). In claiming that the concern about A.T. & T. expressed in paragraphs 9–11 of the "Second Report" would be "greatly eased" by the proposal, MCIL stated:

> The proposed ownership structure of MCIL bars A.T. & T. from influence over MCIL operations. The restrictions of paragraph 21 of the Second Report, which MCIL urges must be maintained, excludes A.T. & T.'s presence in the satellite specialized services market for the present and thus eliminate the problems of cross-subsidy discussed in paragraphs 10–11 of the Second Report.

Noting further that the conditions adopted in paragraphs 13, 22–26 of the "Second Report" were based on the proposals then pending before the Commission (i.e., the ownership and operation by Comsat of the space segment portion of a satellite system dedicated to the exclusive use of A.T. & T. and the ownership and operation of a multipurpose system by Comsat for other carriers and users), MCIL asserted that the current Comsat/MCIL proposal, if approved, would constitute a significant change (i.e., the multipurpose application of Comsat will be dismissed and Comsat would assume a minority position in MCIL). To the extent that the Commission, in paragraph 14 of the "Second Report" (35 FCC 2d at 849), found reinforcement for these conditions in the equity ownership position of A.T. & T. in Comsat, MCIL claimed that the current proposal legally and practically insulates the restructured MCIL applicant from any inhibitions or restraints that might otherwise carry over from that relationship. Finally, MCIL urged that the restriction in paragraph 26 of the "Second Report", prohibiting Comsat from owning or operating domestic satellite facilities to provide "retail" services at any overseas point served by Intelsat, should be eliminated because the concern as to a potential conflict of interest by Comsat would be diluted to insignificance if its interest were reduced to that of a minority participant in an independent domestic system.

2. Comments of Other Parties

13. A.T. & T.'s request for reconsideration of its initial service limitation was opposed by "RCA Global Communications, Inc." and "RCA Alaska Communications, Inc." (the RCA applicants); "Fairchild Industries, Inc." (Fairchild); "Western Union International, Inc." (WUI) and "Western Telecommunications, Inc." (WTCI). In its statement filed on September 8, 1972, in response to paragraph 45(b) of the "Second Report," MCIL also stated that it regards this limitation as "essential to the undertakings proposed in its application and the (memorandum of) understanding." These parties claimed that A.T. & T. is reiterating arguments previously advanced and well known to the Commission. They further urged that the "Second Report" sufficiently sets forth the policy considerations underlying this condition, which they deem to be sound and necessary in the public interest to afford a reasonable opportunity for entry by others to offer specialized communications services via domestic satellite facilities. While all such parties supported

[4] We note that the major matters requiring 11 votes are (bylaws annexed to the agreement, Articles II and III): (i) Election of the chief executive officer of the corporation; (ii) approval of the capital budgets of the corporation and any capital expenditures that would materially exceed previously approved budgets; (iii) financial plans, including any security offering and mortgage or pledge of corporation property in excess of $100,000; (iv) declaration of any dividend or return of capital on any shares of the corporation's capital stock; (v) authorization of the redemption, reacquisition or retirement of any securities of the corporation (except as required pursuant to the terms of any such security); and (vi) approval of the configuration and design of any system of communications satellite facilities, including without limitation earth stations, to be established and operated by the corporation, but not including subsystems or components of any such system. See also, Articles IV and V of the bylaws relating to the powers of the executive committee and the officers of the corporation.

[5] The agreement states in this respect that if the corporation elects to purchase none or less than all of the securities of the selling stockholder, then other stockholders have the option to purchase all or any part of their respective pro rata shares of the securities of the selling stockholder. If the corporation and/or the remaining stockholders do not exercise their successive options within 120 days, the selling stockholder may otherwise dispose of the securities.

[6] Both Comsat and MCIL reserve the right to pursue their pending applications in the event the proposed joint venture is not approved by the Commission or is terminated for other reasons, and MCIL reserves the right then to oppose the Comsat multipurpose application. Various provisions in the memorandum of understanding relating to the rights of the parties should they fail to reach agreement, now appear moot in light of the agreement filed on October 3, 1972.

retention of this condition,[7] WUI made the additional argument that it would be preferable to delete the exception for AUTOVON. These same parties also oppose those portions of the A.T. & T. and Comsat petitions for reconsideration that challenge the disallowance of the Comsat/A.T. & T. lease agreement, on substantially similar grounds.

14. In their initial comments on the Comsat/MCIL memorandum of understanding, which were filed on September 26, 1972, before the supplementary agreement of October 3, 1972, was submitted, various parties urged that the memorandum was contingent on reaching an unknown agreement, and did not afford any adequate basis for a decision by the Commission or for comments by the parties. By order issued on October 11, 1972 (FCC 72–903), the Commission afforded interested parties an opportunity to submit comments and reply comments on the October 3 agreement supplementing the Comsat/MCIL memorandum of understanding. The principal contentions on the merits are as follows.

15. "A.T. & T." has no objection to Commission consideration of the memorandum of understanding and supplemental agreement, and expresses no views on the merits of these undertakings. However, it expressly adheres to its request for reconsideration of the condition limiting its initial use of domestic satellites to particular services and the condition disallowing the Comsat/A.T. & T. proposal, and urges that these questions be resolved on their merits without being delayed or otherwise affected by the Comsat/MCIL proposal.

16. The "RCA" applicants, "Fairchild, American Satellite Corporation and WUI" are opposed to approval of the Comsat/MCIL proposal and urge that the memorandum of understanding and supplemental agreement do not obviate the considerations underlying the conditions imposed in the "Second Report." Specifically, it is asserted that the agreement does not assure that Comsat will not become the dominant partner in view of its experience in Intelsat and financial resources, as compared to MCI and Lockheed, and its position to influence Lockheed through Comsat's procurement powers in both the international and domestic satellite fields.[8] Under the agreement (bylaws, Article III, section 9), they point out, the corporation's financial plans and the system configuration and design are left for future decision by the Board of Directors, and hence are presently unknown to the Commission. Moreover, they claim that the provisions for preemptive rights in new or additional securities issues and for transfer of stockholder securities (agreement, sections 4 and 5), do not assure that Comsat would not ultimately emerge as the dominant stockholder. The provisions relating to the selection of directors and voting (agreement, section 7 and bylaws, Articles II, III and IV) allegedly do not afford an adequate safeguard because the so-called independent Class B directors (and possibly even the directors selected by Lockheed or MCI) might have to accommodate Comsat's private interests in order to avoid an operational stalemate, or might be influenced by Comsat's experience and talent reservoir or its procurement powers for the Intelsat and proposed A.T. & T. system. Further, while the agreement makes no representation as to whether a public offering is intended or not, virtually all of the restrictive provisions would disappear in the event of a public offering (agreement, section 5(g) and section 9).

17. These parties urge that no justification has been shown for departing from the conditions imposed on Comsat by the "Second Report." The RCA applicants claim that the Commission now lacks sufficient information to approve the Comsat/MCIL propopsal, and that even with a minority interest the alleged Comsat conflict of interest with its role in Intelsat would remain at offshore domestic points (see "Second Report," paragraph 26). Fairchild and WUI argue that the disallowal of the Comsat/A.T. & T. lease agreement should stand and that Comsat must be prohibited from engaging in the dual role of retailer, including offshore operations, and wholesaler to A.T. & T.[9] Fairchild further alleges that the Comsat/MCIL arrangement could, without proper safeguards, have an adverse effect on future international satellite procurement, and requests the imposition of safeguards in this area.

18. Other parties commenting take miscellaneous positions. "Western Union" states that the questions raised by the Comsat/MCIL agreement (e.g., composition of the applicant and Board of Directors, stock structure, and rights of positive and negative control) are matters that are ordinarily considered in the course of processing and acting on the application, and should be deferred to that stage. It further supports the policies and procedures of the "Second Report," and comments that the Comsat/MCIL proposal seems like evidence of the anticompetitive tendency which the Commission foresaw when it prescribed limitations on Comsat in the "Second Report." The "State of Alaska" expresses concern that if a new corporation supplants Comsat in the multipurpose domestic field, there may be a shift in attitude toward service in Alaska. However, the State urges favorable consideration of the proposal, because it believes its interests would be best served by the possibility of a continuing commitment from the new corporation (in the event the Commission is unwilling to reconsider its limitation on Comsat service to offshore points) and because the design of the corporation appears fairly to meet the Commission's earlier objection. "Hughes" has no objection to a delay in resolving the ultimate roles of A.T. & T., Comsat and MCIL in the domestic satellite field, so long as the Hughes/GTE role can be determined at the same time. "Data Transmission Company" (Datran) asserts that the Comsat/MCIL proposal does not ameliorate all of the Commission's reservations concerning the Comsat/A.T. & T. system, particularly the conclusion that if Comsat were to serve A.T. & T. it must operate exclusively as a carrier's carrier and serve all carriers indiscriminately. Since approval of the Comsat/A.T. & T. lease agreement would effect a reduction in the options available to terrestrial carriers, the Commission should first ascertain whether there is adequate assurance that satellite capacity will be available to terrestrial carriers other than A.T. & T. on a fully nondiscriminatory basis. The "Corporation for Public Broadcasting" (CPB) and the "Public Broadcasting Service" (PBS) comment that there appears to be a commitment on the part of the parties to the joint venture that the restructured corporation would prosecute the pending MCIL application, and specifically that the present MCIL proposal for service to public broadcasting would remain an obligation of the newly constituted applicant. On that basis, PBS has no objection however, if the parties to the joint venture have a different view, they should state their position at this time and CPB and PBS should be afforded an opportunity to comment on the question.

3. Replies of MCIL and Comsat

19. In reply to the contention that Comsat, by virtue of its alleged superior financial position and its satellite operating experience, would inevitably achieve dominance of the restructured MCIL Corporation even though the parties and the Commission intended otherwise, "MCIL" asserts that the provisions of the agreement governing the election of directors and voting will accomplish the purpose of independence. With this structure, MCIL contends, no single shareholder could control decisions made in vital matters except with the concurrence of both other stockholders or of another stockholder and at least three of the Class B directors. MCIL further urges that under the provisions affording preemptive rights to the stockholders with respect to any securities involving voting rights, every stockholder has the right to, and the capability of, avoiding dilution of its interest and control vis-a-vis any other shareholder and

[7] ITT World Communications, Inc. (ITT Worldcom) and All America Cables and Radio, Inc. (AAC&R) also filed comments generally supporting the Second Report, with specific comments on other aspects of the A.T. & T. and Comsat petitions.

[8] The RCA applicants note that Comsat's initial one-third ownership is greater than the A.T. & T. ownership in Comsat.

[9] In this connection, Fairchild asserts that the Comsat/MCIL proposal gives rise to a greater need for barring any dual role. Otherwise, it is claimed, the ability of other applicants to compete would be seriously impacted by the circumstance that Comsat's investment in multipurpose operations would be lessened while it continued to derive benefits from its private arrangement with A.T. & T. and possibly shared them with only one of the competitors for the specialized service market, MCIL.

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of preventing the issuance of any securities of the corporation which would cause a shift in the control of the corporation. MCIL sees no merit in the argument that regardless of the manner in which the corporation is structured, MCI and Lockheed will be unable to exercise their rights in a manner that would avoid de jure or de facto control by Comsat at some time in the future. Apart from the asserted intent of MCI and Lockheed to the contrary, any future changes that might lead to such a result could not be accomplished without prior written consent of the Commission pursuant to section 310(b) of the Communications Act. Thus, MCIL takes the position that this is not a speculation with which the Commission must deal at this stage.

20. With respect to the contention that the reframed Comsat/MCIL proposal does not obviate the anticompetitive concerns set forth in the "Second Report", MCIL asserts that the danger the Commission sought to avoid by the election requirement is negated by the fact that, under the management structure, Comsat alone will not and cannot control the retail marketing decisions of a multipurpose system in which it holds a minority interest. Moreover, under the proposal any threat of a Comsat advantage over others by virtue of revenues from the Comsat lease agreement would be eliminated because the corporation would not receive these revenues. Though such revenues may constitute resources that Comsat could use for capital contributions to the corporation, MCIL notes this situtation pertains to every domestic satellite applicant whose stockholders have other profitable businesses through which they are able to make capital available to domestic satellite undertakings.

21. In requesting Commission approval of the proposal, MCIL states that Comsat/MCIL is not seeking complete and final approval of the technical and financial qualifications of the corporation, but rather a determination on threshold policy issues. It notes that the technical parameters of the system and the financial plans of the restructured MCIL applicant will be known by the time of, and can be treated in connection with, the Commission's consideration of whether the necessary authorizations should be issued. However, contrary to the contention of Western Union, MCIL urges that a resolution of the policy questions should not be deferred to processing of the applications, which would allegedly place Comsat and MCIL in an inequitable position vis-a-vis other applicants.

22. On November 13, 1972, "Comsat" submitted its reply to comments on the Comsat/MCIL agreement, together with a motion for acceptance of late filing which is hereby granted. Comsat states that: Under our policy of open entry, the Commission has in effect relied upon the forces of competition to ameliorate the potential harmful effects and should not now impose artificial restrictions which would eliminate the most effective potential entrants. Any attempt by one of the three shareholders to weaken the corporation's competitive ability in order to foster external private interests, such as a reluctance to compete with other terrestrial facilities or desire to favor a particular hardware supplier regardless of cost and quality, would redound to the detriment of the corporation and the other two stockholders and is therefore unlikely to succeed. While Comsat does not anticipate that each of the three partners in the corporation would entirely ignore its own self-interest, it urges that the agreement has taken more steps than any other applicant (such as the RCA applicants) to reduce potential conflicts of interest. The necessity to accommodate the widely divergent interests of Comsat, MCI and Lockheed within the framework of the proposed corporate structure that has been established would tend to promote decision-making independence. Comsat further asserts that the comments of other parties challenging the effectiveness of the safeguards in the agreement are not well founded. In any grant of applications the Commission can retain jurisdiction to assure that the representations of the Comsat/MCIL applicant are honored.

23. Specifically, with respect to Fairchild's request for safeguards to prevent an adverse impact on future international procurement competition, Comsat states that even if it were disposed to abuse its fiduciary responsibilities to Intelsat, the procurement regulations of Intelsat and its process for review and evaluation of proposals afford a sufficient safeguard. In any event, the mere fact that Lockheed is a participant in the domestic corporation would not provide sufficient incentive for Comsat to compromise the interests of Intelsat, and its own very substantial investment therein, by attempting to influence the procurement of a spacecraft that was not the best available in terms of price and technical quality. Comsat is also opposed to Western Union's suggestion that consideration of the Comsat/MCIL agreement, and a ruling on its consistency with the Commission's policy objectives, be deferred to the application processing stage.

B. DISCUSSION AND CONCLUSIONS

1. Service limitation on A.T. & T.'s initial use of satellites

24. Turning first to A.T. & T.'s request for reconsideration of the condition in the "Second Report" limiting its use of domestic satellites to specified services, we agree with A.T. & T.'s contention that this issue must be considered on its merits without being affected by the Comsat/MCIL proposal or MCIL's reservation of the right to terminate the memorandum of understanding in the event A.T. & T.'s request should be granted. While Comsat may seek dismissal of issues raised in its own petition for reconsideration, neither Comsat nor MCIL can waive A.T. & T.'s right to pursue its petition for reconsideration of this challenged limitation.

25. On the merits, we are of the opinion that A.T. & T. has not shown any sufficient reason for granting reconsideration of this condition in the public interest except with respect to private line services provided to the Federal Government. The exception for AUTOVON was made in the light of comments by the Department of Defense in response to our "Memorandum Opinion and Order issued herein on March 17, 1972 inviting comments on the staff recommendation (34 FCC 2d 1, 2, 8, 51–53). Although the Department of Defense did not seek any exemption for other private line services to the Federal Government, we are persuaded by the arguments made in paragraphs 10–11 of A.T. & T.'s petition for reconsideration that the condition should be modified to permit A.T. & T. to use any domestic satellite facilities authorized for its use to provide all U.S. Government private line services. In addition to the circumstance that there are many such services besides AUTOVON which are at least as vital to the national defense and security, private line services to the U.S. Government are peripheral to the kind of specialized service markets the "Second Report" was seeking to afford the competitive domestic satellite entrants a reasonable opportunity to develop (35 FCC 2d at 847–848, paragraphs 9–12).

26. In all other respects, we think that A.T. & T. is merely reiterating arguments made prior to the "Second Report," in its written comments and in the views expressed by other parties, and that such arguments do not call for a different conclusion upon reconsideration. We adhere to the considerations and conclusions set forth in paragraphs 4–12, and 21 of the "Second Report," with the exception discussed above and the following amplification.

27. A.T. & T.'s assertion that this initial limitation would artificially and unnecessarily fragment the network function, inject unnecessary costs by requiring it to segregate eligible from ineligible services for purposes of satellite transmission, and deny the public the benefits of full integration of domestic satellites into the nationwide network, is unsupported by cost data or other factual detail. We note that A.T. & T. does not contend that it is impracticable to segregate the services, or that the cost is such as to affect significantly its revenue requirements applicable to its public offerings of service. The "Second Report" adequately treats the policy foundation for this initial condition which is subject to reexamination no later than 3 years after A.T. & T. commences domestic satellite operations.[10] Moreover, A.T. & T. has consistently maintained that while the pending proposal for its first venture in domestic satellites utilizing 4 and 6 GHz frequencies offers certain operational advantages and an opportunity for experimentation—which justify the conceded costs in excess of utilizing terrestrial facilities only, its principal interest in the domestic satellite technology lies in the potential afforded by the large number of frequencies allocated for communications satellite use higher in the spectrum (see "Second Report," paragraph 3; 34 FCC 2d at 18, 51). We do not yet have any application of A.T. & T. for use of the higher frequencies and hence cannot predict whether the initial service limitation will have been reexamined and/or modified before A.T. & T. seeks to commence domestic satellite operations on any more substantial basis.[11] However, since the opportunity for reexamination of the initial limitation in the light of then prevailing conditions comes in a relatively short time, we fail to see how the limitation could operate to deny the public any benefits to be derived from full integration of domestic satellites into the nationwide network of A.T. & T. over any significant period. In any event, in our judgment, the public benefits to be anticipated from this initial limitation—in the form of an enhanced opportunity for other domestic satellite entrants to develop the competitive specialized markets and for users to have "a wider range of choices as to how they may best satisfy their expanding and changing requirements for specialized communication service" ("Specialized Common Carrier Services," 29 FCC 2d 870, 909–910)—outweigh any inconvenience to A.T. & T. as well as its bare assertion of temporary drawback to its customers.

28. With respect to A.T. & T.'s further contention that the initial service limitation is contrary to the policies adopted in "Specialized Common Carrier Services" and other Commission precedent and beyond the Commission's authority, we note the following. As reflected in paragraph 12 of the "Second Report" (35 FCC 2d at 848), we consider the measure adopted there—toward the end that competitive entry is a meaningful reality in the high capacity satellite field—to be reasonable and compatible with our decision in "Specialized Common Carrier Services," which stressed that "our policy determination as to new specialized carrier entry terrestrially, does not afford any measure of protection against domestic communications satellite entry or otherwise prejudge our determination in Docket No. 16495 as to what course would best serve the public interest in the domestic satellite field" (29 FCC 2d at 920).[12] We further believe this initial limitation to be well within our authority under sections 4 (i) and (j), 214, 303, and 307–309 of the Communications Act, and consonant with section 313(a) of the Communications Act and the policies underlying the antitrust laws. For example, we have previously exercised similar authority in connection with the authorization of the TAT IV cable to enhance the potential for competition among international carriers ("American Telephone and Telegraph Company," 37 FCC 1151, 1158–1160 (1964)). See also, the authority conferred by section 303(b) of the Communications Act to: "Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class" as "public convenience, interest or necessity requires"; and innumerable Commission actions prescribing the nature of the service to be provided by various classes of stations, including those licensed to miscellaneous domestic common carriers (e.g., §§ 21.705, 87.181, 91.2, 93.2, 95.83, and 74.431, 74.531, 74.631, 74.731, 74.831, 74.931, and 74.1231 of the Commission's rules and regulations).

29. Concerning the question of removal of the limitation, we have set forth the two occurrences when this will be considered (see paragraph 21, "Second Report"). We cannot now prejudge the action a future Commission may find necessary to protect the public interest. But we can delineate the appropriate burdens of the interested parties and a timetable for decision. The burden should not be upon A.T. & T. to prove a negative—that its unconditional use of satellite facilities for competitive services will not adversely affect other carriers' domestic satellite undertakings in such a way as to run counter to the public interest. These other carriers are in the most appropriate position to advance any claim of adverse impact affecting the public interest, and the burden is upon them to come forward with a detailed, convincing showing for the continuation of this limitation upon A.T. & T., to which showing A.T. & T. will be afforded an opportunity to respond. Further, the decision on any A.T. & T. request to end this condition should not be delayed for a substantial time period, so that in practical effect—simply because of a delay in administrative procedures—the 3-year initial or "grace" period becomes 4, 5 or 6 years. Accordingly, we specify that the limitation shall end at the earliest of the following occurrences: (a) Upon a finding by the Commission that domestic satellite licensees authorized to offer specialized common carrier services have achieved substantial utilization of their satellite capacity; or, in any event, (b) upon the expiration of a 3-year period after the commencement of domestic satellite operations by A.T. & T. unless the Commission acts to extend the limitation upon consideration of a petition filed by an interested party at least 6 months before the expiration date. In either of the above two circumstances, however, removal of the limitation will depend upon whether the A.T. & T./Comsat ownership issue (see following discussion) has been satisfactorily resolved, either through divestiture by A.T. & T of its stock ownership in Comsat or approval by the Commission of an acceptable plan for such divestiture.

30. Thus, there is one burden that A.T. & T. will be expected to meet as part of any request to use its satellite facilities for competitive specialized services—and that is a showing of elimination of the basic problem which stems from the interrelationship between A.T. & T. and Comsat represented by A.T. & T.'s part ownership of Comsat. It is our view that such interlocking arrangements are not compatible in the long term with the type of competitive environment in the domestic satellite communications that our policies in this and related proceedings (e.g., "Specialized Common Carrier Services," 29 FCC 2d 870) seek to create and maintain. This concern is exacerbated by the proposed interrelationship between Comsat and MCI, considering MCI's competitive posture vis-a-vis A.T. & T. in terrestrial lead-line services.

31. When the Satellite Act was enacted, Congress, in order to assure that the fledgling corporation—Comsat—received needed communications expertise and guidance, made provision for communications common carriers to own up to 50 percent of Comsat stock and to elect six members of Comsat's Board of Directors. Pursuant to this provision, A.T. & T. acquired its 29 percent ownership in Comsat in 1964 and other carriers also acquired substantial interests.[13] Comsat was created by Congress primarily for the important and immediate purpose of representing and promoting this Nation's interests in the establishment and operation, in conjunction with other nations, of a global international communications satellite system. That mission, with the aid and support of A.T. & T. and other carriers, has been achieved with a high degree of success. Comsat is now seeking entry into the domestic communications field to compete with A.T. & T. and other carriers in supplying new and improved domestic communications services. However, in this field the underlying considerations which motivated Congress to permit and

[10] While A.T. & T. renews its previous contention that it does not presently intend to offer satellite only services or to depart from terrestrial tariffs, we think that the 3-year limitation affords greater assurance of a fixed grace period to domestic satellite entrants seeking to serve the specialized markets than a statement of "present" intentions that is subject to change at the discretion of A.T. & T.

[11] However, even assuming that any such application for use of the higher frequencies should be forthcoming and processed in time for the facilities to become operational prior to reexamination of the service limitation, we are of the view that the initial 3-year limitation is nevertheless warranted in the public interest.

[12] Nor do we see any inconsistency between the Second Report and our decision on reconsideration in the Computer Inquiry (Docket No. 16979), 34 FCC 2d 557, which confirmed the Commission's jurisdiction to adopt the restrictions there imposed on non-A.T. & T. carriers eligible to engage in data processing services.

[13] The right of any carrier to own stock was not intended by Congress to be an absolute right. Rather, only those carriers authorized by the Commission upon a finding that their ownership would be consistent with the public interest could become stockholders (see section 304(b) (1) and (2) of the Satellite Act). The FCC issued the appropriate authorization to A.T. & T. on April 29, 1963.

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encourage A.T. & T.'s ownership in Comsat are no longer controlling. On the contrary, the competitive roles which Comsat and A.T. & T. are assuming in the domestic communications field dictate the need for maximum independence from each other and an arm's-length relationship.

32. Consideration of Comsat's current posture in the international arena does not override the foregoing conclusion. For conditions have changed markedly from 1964 and stock ownership by A.T. & T. in Comsat is no longer necessary to further the policies of the Communications Satellite Act. Since that time, Comsat has developed its own expertise and is a viable entity in its own right, thus obviating the need for the internal guidance and assistance of A.T. & T. and other carriers. Furthermore, the Congress has recognized the diminution, with time, of the importance of carrier participation in the internal affairs of Comsat. Thus, in 1969, Congress amended the 1962 Satellite Act [14] to provide that carrier representation on the Comsat Board of Directors will be proportionate to the amount of stock they collectively own in Comsat, as contrasted with the original Act which provided for six carrier directors regardless of the amount of carrier stock ownership. The major carriers, with the exception of A.T. & T., have all divested themselves of their shareholdings with the result that only A.T. & T. is now eligible to nominate and elect carrier directors and, in fact, there are currently only three carrier directors on the Comsat Board, all of whom represent A.T. & T.

33. In light of the foregoing considerations, we believe that A.T. & T. has the burden of showing that it has either wholly eliminated the problems stemming from stock ownership in Comsat or is well on its way to doing so in accordance with a plan of divestiture approved by the Commission. That is the only burden of proceeding that we impose upon A.T. & T., in connection with removal of the limitation in question. We will, of course, consider appropriately filed pleadings of interested persons in response to any request of A.T. & T. with respect to this matter.

2. The Comsat/A.T. & T. lease agreement and the requirement of the Second Report that Comsat elect between roles

34. The Memorandum of Understanding between Comsat and MCIL and the supplementary agreement have a direct impact on the basic reasons for our requirement in the "Second Report" that Comsat elect between operating exclusively as a carrier's carrier for A.T. & T. and others pursuant to tariff or pursuing its multipurpose application. Accordingly, we deem it appropriate to take this into account in determining whether we should grant the requests of A.T. & T. and Comsat for reconsideration of the disallowal of their lease agreement in the "Second Report" and Comsat's request for reconsideration of the aforementioned election requirement. For, if we decide that the Comsat/A.T. & T. lease agreement, the applications predicated thereon, and the applications of the restructured MCIL Corp. should be accepted for processing in the present circumstances,[15] it may be unnecessary to reach the question of whether reconsideration is warranted for the reasons stated in the A.T. & T. and Comsat petitions for reconsideration. Comsat has represented that it would dismiss these portions of its petition in the event of a favorable Commission decision on the lease agreement and on its proposal to proceed in dual roles now before us. A.T. & T. has not sought reconsideration of the Comsat election requirement and will not be prejudiced if the relief it seeks as to the lease agreement is granted, albeit on grounds asserted by others.

a. *The Comsat/MCIL proposal.* 35. A combination of MCI, Lockheed and Comsat would bring together some of the basic elements that are conducive to the likelihood of the successful provision of communication common carrier services via domestic satellites. It would coalesce in one stronger applicant the retail marketing know-how of MCI, derived from its existing and proposed operations as a terrestrial specialized carrier; the technical talents of Lockheed as a major manufacturer of space hardware; and the considerable experience of Comsat in the international communications satellite field as manager of the Intelsat system and as a carrier's carrier for U.S. authorized users, as well as the strengthening factor of Comsat's financial position. This in turn would promote achievement of our objectives: "To maximize the opportunities for the early acquisition of technical, operational, and marketing data and experience in the use of the technology as a new communications resource for all types of services" ("Second Report," par. 7(a)); "to afford a reasonable opportunity for multiple entities to demonstrate how any operational and economic characteristics peculiar to the satellite technology can be used to provide existing and new specialized services more economically and efficiently than can be done by terrestrial facilities" ("Second Report," par. 7(b)); to "afford an opportunity for access to the satellite technology by retail carriers who lack sufficient existing or potential traffic to warrant the investment required for ownership of space segment facilities" ("Second Report," par. 24); and, in light of the predominant position of Hughes at this time in the field of commercial communications satellite procurement, to encourage "entry by different equipment manufacturers to demonstrate rival technologies" ("Second Report," par. 19; "Memorandum Opinion and Order" issued on March 17, 1972 herein, pars. 84–86, 34 FCC 2d 1, 44–45). In our judgment, the addition of Comsat offers a more solid foundation for an early partial realization of these objectives through implementation of the tripartite proposed system than does either the MCIL application or the Comsat multipurpose application, standing alone.

36. On the other hand, the contingencies upon which the Comsat/MCIL proposal is premised conflict on their face with the policy conditions adopted in the "Second Report" that bar consideration of the Comsat/A.T. & T. proposal based on their lease agreement and require Comsat to elect between operating solely as a carrier's carrier serving A.T. & T. and other carriers pursuant to tariffs or serving entities other than A.T. & T. as a "retail" and/or "wholesale" carrier ("Second Report," paragraphs 13–14, 22–23). Thus, the threshold question for present resolution is whether the Comsat/MCIL proposal constitutes such a significant change in circumstances as to substantially alleviate the concerns underlying those requirements and to warrant deletion or modification of such requirements upon reconsideration.

37. The nub of the dispute between the parties on this point seems to turn on the issue of the degree of potential Comsat influence over the restructured MCIL applicant. As previously indicated, the basic thrust of MCIL's position is that Comsat's minority participation in the new corporation poses a situation fundamentally different from its multipurpose application, because the corporation is so structured under the agreement as to preclude dominance or control by any one of the three owners and to reduce to a minimum any restraints or inhibitions that might flow from Comsat's corporate and business relationship with A.T. & T. or its roles in the Intelsat system. Those challenging this position contend principally that the agreement does not suffice to assure that Comsat would not in fact become the dominant partner because of its experience in Intelsat, financial resources and procurement powers, or as a result of future changes in the initial stock ownership pattern.

38. Upon considering the agreement in light of the contentions of the parties, we are persuaded that it constitutes a good faith endeavor by Comsat, MCI and Lockheed to structure an applicant in which all three could participate as equals, without placing any single owner in a position to control or dominate corporate or management decisions or depriving the corporation of flexibility to make future decisions on the basis of evolving circumstances. With respect to the provisions of the agreement relating to election of directors and voting on specified major matters and transactions between the corporation and a stockholder (agreement, section 7 and bylaws, articles III–V), we think that Comsat/MCIL have been reasonably successful in achieving independent management—that is, "independent" in the sense that of being not subject to control by any one stockholder without the substantial concurrence of both other stockholders or at least one other stockholder and most of the Class B directors.[16] While Comsat's voice might be more influential to some directors because of its experience in Intelsat and procurement powers, it could not join forces with Lockheed to compel action contrary to the views of MCI (or vice versa), unless it also succeeds in persuading at least three of the four Class B directors that such action is in the best interest of the corporation.

39. The aspect of the agreement giving rise to greater concern is the presently unknown nature of future management and/or stockholder decisions concerning financing and securities (new issuances, transfers and/or a public offering). Though Comsat, MCI, and Lockheed would each furnish preoperational capital in approximately equal amounts, the agreement leaves for future decision by the board of directors the plans for financing the system, including any security offering and mortgage or pledge of corporation property in excess of $100,000 (agreement, section 3; bylaws, Art. III, section 9(a)(iii)). Moreover, while Comsat, MCI, and Lockheed would each own one-third of the initial stock of the corporation (agreement, section 3), each such stockholder would have the preemptive right to subscribe for all or any part of its pro rata share of any new or additional securities issued by the corporation (agreement, section 4); the corporation and the stockholders would have successive options during a 2-year initial period to purchase the interest of a stockholder wishing to dispose of its equity or of a bankrupt or breaching stockholder (agreement, sections 5 and 6); and the duration of the agreement is only for 5 years or "until the day preceding the effective date of a registration statement under the Securities Act of 1933 relating to a public, underwritten offering of securities of the corporation (whether such offering is made by the corporation or by its stockholders, or both), whichever shall come first" (agreement, section 5(g)). As some parties point out, the agreement does not preclude the possibility of an enhanced Comsat role due to, for example, a management decision to obtain all or a disproportionate part of future financing from Comsat, or an increased Comsat ownership interest, or de facto control by Comsat in the event of a public offering.

40. Further, apart from the agreement, we see some basis for concern as to interlocking directorates and the possibility of conflicting fiduciary duties of directors. For example, MCI would probably disclose to the corporation's board of directors its long-range plans for utilizing terrestrial and satellite facilities and its marketing plans in the specialized field so that intelligent decisions could be made with respect to such matters as the location of earth stations, assignment of transponders and the breakdown of channels within transponders. Comsat's representatives on the corporation's board of directors who became privy to MCI's plans would, in turn, be required to report to Comsat's board of directors on which three representatives of A.T. & T. sit. Two of the present A.T. & T. nominees on the Comsat Board are active officials in A.T. & T., one being a vice president of A.T. & T. and president of the Long Lines Department, which would appear to be primarily charged with meeting potential MCI competition.[17] These corporate relationships give rise to the possibility that A.T. & T., through its representatives on the Comsat Board of Directors, would have some indirect influence on decisions of the Comsat/MCIL management or on decisions of the Comsat Board affecting the interests of Comsat/MCIL, as well as access to proprietary information of Comsat/MCIL and MCI.

41. In view of the foregoing uncertainties and potential conflicts of interest, we cannot conclude on the basis of the agreement alone that Comsat's role in the restructured corporation would actually be of such nature as to minimize any restraints that might flow from its corporate and business relationship with A.T. & T. However, it is not necessary to bar the Comsat/MCIL and Comsat/A.T. & T. proposals from further consideration on that ground,[18] for we can and will condition further implementation of those proposals upon the following requirements to safeguard the public interest.

42. First, since Comsat and MCIL have premised their request for approval of the presently proposed dual role by Comsat on the representation that Comsat would be a minority participant in the restructured MCIL Corp., we will hold the Comsat/MCIL applicant to that standard for so long as Comsat provides, or proposes to provide, domestic satellite service to A.T. & T. As a prerequisite to any authorization, the corporation will be required to show not only that it is financially qualified, but also that its financial plans are not in derogation of that standard, directly or indirectly, and that there have been no changes in ownership interest such as to affect the minority status of Comsat. Any grant will be upon condition that the corporation obtain prior written consent from the Commission, whether or not required by section 310(b) of the Communications Act, for any securities acquisition by the corporation or the stockholders pursuant to section 4 or section 5 of the agreement or any public offering that would increase directly or indirectly the ownership position of Comsat beyond 33⅓ percent or in any other way place it in a position where it could exercise de facto control.

43. Second, we will not grant any application for authorization under section 212 of the Communications Act to permit any person holding the position of officer or director in A.T. & T. to serve on the Comsat board of directors.[19] Since 1964 the Commission has approved, on an annual basis, applications for section 212 authorization of interlocking relationships between A.T. & T. and Comsat on the ground that the representatives nominated by A.T. & T. were experienced officials whose expertise would benefit Comsat.[19a] In addition to Comsat's present lack of need for such expert assistance ("Second Report," paragraph 14; 35 FCC 2d at 849), authorization of the Comsat/MCIL proposal would preclude us from finding that "neither public nor private interests will be adversely affected" by authorizing interlocking relationships between A.T. & T. and Comsat (section 212).

44. Third, we think it necessary to condition any approval of the Comsat/A.T. & T. lease arrangement upon further requirements to mitigate the potential conflict of interest. The foregoing condition would not suffice to preclude A.T. & T. from nominating to the Comsat Board of Directors other persons closely identified with A.T. & T.'s interests, such as former officers or directors or present or past employees of A.T. & T. Accordingly, the Comsat/A.T. & T. lease arrangement will be approved only upon condition that any members of the Comsat Board nominated by A.T. & T. shall be persons who do not have any present or past affiliation with A.T. & T.; and that Comsat submit for Commission approval prior to authorization, a statement of the procedures that the Comsat Board of Directors will follow to avoid any participation by A.T. & T. elected

[14] 47 U.S.C. 733.

[15] We are not, of course, in a position—prior to the processing of perfected applications—to make any determination as to whether the pending Comsat/A.T. & T. applications or any future applications incorporating the Comsat/MCIL proposal should be granted.

[16] We are not persuaded by the argument of the RCA applicants that these provisions afford each of the three stockholders such a degree of veto power as to make some accommodation of private stockholder interests a prerequisite to the corporation's ability to act. The provision for 11 out of 16 director votes for major matters does not confer a veto power upon any one stockholder alone, though it requires a relatively high degree of unanimity among directors not elected by a particular stockholder for action contrary to the desires of that stockholder. See also, agreement, bylaws, articles IV and V.

[17] Another of A.T. & T.'s nominees on the Comsat Board of Directors is a vice president and general counsel of A.T. & T., and the third is a former vice chairman of the A.T. & T. Board of Directors.

[18] Contrary to the suggestion of Western Union, we will not defer the threshold policy questions for resolution in the course of processing and acting on the applications. It appears more equitable and in the public interest to set forth now for the guidance of all applicants the conditions to which any grant would be subject.

[19] This condition is consistent with the provisions of section 303 of the Communications Satellite Act of 1962, as amended in 1969 (47 U.S.C. 733). That Act does not require that members elected by A.T. & T. need be officers or directors of A.T. & T., or override provisions of section 212 of the Communications Act that are not inconsistent with the Satellite Act.

[19a] While the most recent authorization issued on April 14, 1972, by the staff under delegated authority was not specifically limited to 1 year, we do not construe that authorization as extending beyond the customary 1-year period.

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members in matters involving the Comsat/MCIL domestic satellite venture or disclosure to such members of confidential aspects of the plans and operations of that venture. These requirements in combination with the requirements for divestiture of A.T. & T.'s stock in Comsat described in paragraphs 29–33, supra, will in our judgment protect the public interest. The Commission will study whether further actions are required in this matter.

45. In this connection, we note that Comsat has not sought reconsideration of the requirement of the "Second Report" that it form a separate corporation to engage in any domestic satellite venture whether or not entailing service to A.T. & T. (paragraph 26, 35 FCC 2d at 853). In light of the dual capacity in which Comsat now proposes to proceed, the Comsat/MCIL Corp. does not encompass the aspect of furnishing domestic satellite facilities for the use of A.T. & T. Moreover, the formation of a separate corporate subsidiary to engage in all domestic satellite activities of Comsat, including its participation in the Comsat/MCIL Corp., will assist in separating such activities from Comsat's role in Intelsat. Since such separate corporate subsidiary would not come within the provisions of section 303(a) of the Communications Satellite Act of 1962 relating to the nomination of directors by A.T. & T., we anticipate that the board of directors for this separate corporate subsidiary of Comsat will not include any representatives of A.T. & T.

46. Finally, in agreement with the position of Comsat, we reject the argument of various parties that additional safeguards are necessary to avoid the possibility that Lockheed would be overly subject to influence by Comsat because of the latter's proceurement powers for the Intelsat system and for the proposed Comsat/A.T. & T. system (see pars. 16–17, above). With respect to any procurement matter coming before the management of Comsat/MCIL the provisions of the agreement and bylaws relating to election of officers and voting afford a reasonably adequate assurance that the independent corporate interests of Lockheed and/or Comsat are unlikely to dictate management decisions contrary to the best interests of the corporation (see pars. 38–42 above). Insofar as procurement for the Intelsat system and the proposed Comsat/A.T. & T. system is concerned, we think that Intelsat and A.T. & T. are in the best position to protect their own interests.[19b] Significantly, Hughes, which has a record of being the predominant supplier of spacecraft to Intelsat, has not objected to the Comsat/MCIL proposal on this ground or urged that safeguards are necessary in order to afford it a realistic opportunity to compete for the procurement business of Comsat/A.T. & T. or other domestic satellite applicants.

47. In light of all of the foregoing, we conclude that the Comsat/MCIL proposal as conditioned herein constitutes a significantly different situation from that before us at the time of the "Second Report" and that the public interest does not now require that Comsat elect between participating in the Comsat/MCIL applicant or serving A.T. & T. We turn next to the related question of whether Comsat should be permitted to serve A.T. & T. on the basis contemplated by their lease agreement in the present circumstances.

b. *The Comsat/A.T. & T. lease agreement.* 48. The disallowance of the Comsat/A.T. & T. lease agreement in the "Second Report" was premised largely on the following considerations (paragraph 13, 35 FCC 2d at 848–849): Concern that Comsat would be unlikely to compete vigorously with A.T. & T. in the provision of specialized domestic services because A.T. & T. would be the principal source of the domestic revenues Comsat would seek to obtain; concern that the revenues from its contractual arrangement with A.T. & T. would give Comsat an extraordinary advantage and head-start over domestic satellite entrants seeking to compete with Comsat and with A.T. & T.'s terrestrial services; and concern that Comsat's expertise and facilities would not be available to the public and carriers other than A.T. & T. if Comsat elected to serve A.T. & T. (paragraph 24, 35 FCC 2d at 852–853).

49. To a significant extent these concerns have been ameliorated by the nature of the Comsat/MCIL proposal and the conditions attached above for further consideration of that proposal and the Comsat/A.T. & T. lease agreement. Thus, even assuming that should Comsat feel some constraint about competing vigorously with A.T. & T., it will not be in a position to preclude the directors selected by MCI and Lockheed and the Class B directors, who are not so constrained, from taking such action as they believe to be most conducive to successful operations by the corporation. Indeed, their predominant role and influence may encourage Comsat to adopt a more aggressive competitive stance than it would assume if it were solely responsible for a domestic satellite system offering specialized services in competition to A.T. & T.'s terrestrial offerings. Moreover, while Comsat's participation in the corporation and its overall financial position, including its revenues from the A.T. & T. lease agreement, may make it easier for the corporation to obtain equity or debt financing, it does not follow that the Comsat/MCIL system would be financed primarily or to any substantial degree out of revenues from A.T. & T. As MCIL points out, such revenues flow to Comsat and not to the Comsat/MCIL Corp. Even if Comsat should use revenues derived from A.T. & T. for a further capital investment in, or loan to, the corporation, the conditions specified in paragraphs 41–42 above would preclude authorization of any financial plan of the corporation that changes Comsat's presently proposed minority status, directly or indirectly, unless the Commission should find that the public interest will be served thereby in light of the circumstances then prevailing.

50. Acceptance of the Comsat/A.T. & T. lease agreement for further consideration would deprive other carriers of an opportunity to lease transponders on the same system from Comsat under a tariff offering, as developed in the "Second Report" (paragraphs 24–25; 35 FCC 2d at 852–853). However, the present Comsat/MCIL proposal and the proposal of American Satellite Corp., submitted on October 16, 1972, would, if authorized, increase the likelihood that such carriers will have other available options. Such carriers would also have the option of leasing transponder capacity in the Western Union System, if authorized, or that of any other carrier entrant offering this type of service. Comsat's expertise would be available to other carriers and to the public through the Comsat/MCIL system, if desired. In the present circumstances, we conclude that the public interest does not require that other carriers have access to the system used by A.T. & T. under a tariff offering by Comsat. However, the special conditions in the "Second Report" and in paragraphs 64–76 below require A.T. & T. to permit access to its facilities by other carriers, whether by lease or otherwise, for the purpose of service to Alaska, Hawaii, and Puerto Rico.

51. There remains the question of whether one common carrier should be permitted to provide space segment capacity or other domestic satellite system services and/or facilities to another common carrier on a nontariff basis. The "Second Report" did not raise any question about the Hughes/GTE applications on the ground that GTE was proposing to lease transponder capacity from a private entity on a nontariff basis. However, aside from the policy conditions relating to Comsat and A.T. & T., the "Second Report" adopted a general requirement that other common carriers authorized domestic satellite system facilities shall offer all services, incuding services and facilities to other carriers, pursuant to tariff schedules setting forth all terms and conditions relating to each class of offering ("Second Report," paragraph 31, 35 FCC 2d at 854–855). This requirement was deemed particularly essential for domestic satellite system common carrier licensees offering both "wholesale" and "retail" services (i.e., the provision of services and facilities to other carriers and the provision of end-to-end services to noncarrier customers) to insure that "other carriers leasing transponder or satellite system facilities are not burdened with any portion of the revenue requirements applicable to the supplying carrier's retail offerings". (id.)[20] It also constitutes an appropriate means of implementing the statutory requirements contained in sections 202(a) and 203(c) of the Communications Act.

52. The Comsat/A.T. & T. agreement presents a somewhat different situation in that the entire capacity of the proposed space segment facilities would be leased to A.T. & T. In view of our determination that the public interest does not require that Comsat offer service to other carriers on the same system in light of other available options,[21] the principal purpose of a tariff filing embodying the Comsat/A.T. & T. contractual terms would be to afford A.T. & T. the protections of sections 203–205 of the Communications Act. Since GTE would be permitted to forego these protections in the event that the Hughes/GTE proposal is authorized, we will accord A.T. & T. a similar option.[22] In other words, Comsat's provision of facilities and services to A.T. & T. pursuant to their lease agreement will be treated as a noncommon carrier activity not requiring a tariff filing.

53. Accordingly, in light of the changed circumstances now before us, the Comsat/A.T. & T. applications based on their lease agreement will be accepted for further consideration under the policy conditions of the "Second Report" as modified herein.

c. *The A.T. & T. and Comsat petitions for reconsideration.* 54. Having decided to accept the Comsat/MCIL and Comsat/A.T. & T. proposals for further consideration, for the reasons and under the conditions specified above, we find it unnecessary to reach the merits of those portions of the Comsat and A.T. & T. petitions that seek reconsideration of the disallowal of the Comsat/A.T. & T. lease agreement or of Comsat's request for reconsideration of the election requirement of the "Second Report."[23] Since the Comsat/MCIL proposal is a substitute for Comsat's multipurpose application, the latter application will be dismissed. In view of Comsat's minority role in the Comsat/MCIL Corporation, which substantially obviates the potential conflict of interest formerly posed by its multipurpose application vis-a-vis Comsat's responsibilities to the Intelsat system, we will not impose any general prohibition that would preclude the Comsat/MCIL Corporation from being authorized to own or operate domestic satellite facilities at any overseas point served by Intelsat facilities. However, like other applicants, the Comsat/MCIL applicant will be subject to our determinations as to conditions under which domestic satellite facilities to serve Alaska, Hawaii and/or Puerto Rico-Virgin Islands will be authorized.

II. Service To Alaska, Hawaii, and Puerto Rico-Virgin Islands

A. Pleadings of the Parties

1. The RCA Petition for Reconsideration

55. The "RCA applicants" have requested clarification or partial reconsideration of paragraphs 35–42 of the "Second Report" insofar as they relate to service to Alaska. RCA Alascom supports the fundamental policy that, upon the advent of domestic satellite service, Alaska (along with Hawaii and Puerto Rico), should be included in the uniform mileage rate pattern that now obtains for interstate message telephone service (MTT) in the contiguous States "with all that such approach implies in terms of nationwide cost averaging and equalizations for interstate rate making purposes" ("Second Report," paragraph 37). However, RCA Alascom urges that it should be permitted to interconnect with A.T. & T. in the contiguous States, in accordance with existing interconnection policy and practice,[24] and it should provide the facilities between Alaska and the contiguous States, either through use of the proposed system of the RCA applicants or through an appropriate ownership interest in the A.T. & T. system. RCA Alascom further urges that it should be the only carrier authorized to provide record services to Alaska, and that rate levels for such services should be the "lowest reasonable," rather than made comparable to mainland charges, since they would not derive any subsidy from the interstate MTT "pool" of revenues.

56. According to RCA Alascom, the most important specific issue in its Petition relates to the points at which it will interconnect with A.T. & T.'s network for MTT service. RCA Alascom claims that its continued right to provide the interstate service with interconnection in the contiguous States is the foundation of its entire ability to service Alaska, as well as essential to fulfillment of its existing commitments to improve and expand both interstate and intrastate service for Alaska at greatly reduced rates. In order to be able to continue to provide present services and to make major investments for intrastate service, RCA Alascom asserts that it must be permitted to make additional necessary investments in interstate facilities and to derive a reasonable rate of return on interstate service.

57. In this connection, RCA Alascom alleges that it faces an unusual and difficult situation. It points out that a very high percentage of its existing facilities are leased rather than owned, and rental expense does not contribute to a carrier's return or profit from its participation in the interstate MTT pool of revenues.[25] Rather, return or profit is related to the carrier's investment in facilities used to participate in the rendition of interstate MTT service, which currently constitutes about 80 percent of its total operating revenues, and intrastate service is currently provided below cost. The State of Alaska has a land area comprising some 586,000 square miles, a total population of only 302,000 persons, and few population centers of any substantial size.[26] RCA Alascom states:

> With intrastate routes of 1,000 miles or more leading to very small population centers, with an obligation to provide telephone service to 142 Indian and Eskimo villages at costs which greatly exceed the revenues than can ever be expected from them and with all of its other obligations to serve Alaska under conditions which make that service a high risk undertaking, RCA Alascom is wholly dependent upon interstate business and revenues, which constitute its life blood.

[19b] As Comsat points out, procurement for Intelsat is governed by its procurement regulations and proposals for spacecraft procurement are evaluated not only by the manager but also by the interim committee and the technical subcommittee. Moreover, under the definitive arrangements Comsat will not have a veto power as a member of the board of governors. Further, it is subject to instructions from the U.S. Government insofar as its vote on the interim committee or the board of governors is concerned.

[20] Although paragraph 31 of the Second Report is phrased in terms of "terrestrial carriers," our intent was not so narrow. That paragraph is hereby modified to delete the word "terrestrial" from the first and second sentences.

[21] While A.T. & T. may be required to permit other carriers to have access to its leased transponder capacity as a result of our policy determinations with respect to service to Alaska, Hawaii, and Puerto Rico, this requirement does not entail any arrangement between Comsat and such third parties or raise any question of possible cross-subsidy insofar as Comsat is concerned.

[22] This does not mean, of course, that we are abdicating our responsibility to assure that customers of A.T. & T. and/or GTE, and/or the RCA applicants, are not burdened with unreasonable costs. In the event that we should subsequently find in a rate making context that A.T. & T., or GTE, or the RCA applicants have not properly discharged their obligation to obtain and operate facilities in the most economical and efficient manner possible, any excess costs will not be included in any rate base, or charged to expense for rate purposes, but will be charged against surplus.

[23] Although Comsat requested oral argument in its petition for reconsideration, the pleadings of the parties afford an adequate basis for decision and that request is hereby denied.

[24] RCA Alascom relies on: The Alaska Communications Disposal Act, 40 U.S.C. 771 et seq.; its legislative history (e.g., S. Rept. No. 213 (pp. 8, 9–10) and H. Rept. No. 662 (p. 4), 90th Cong., 1st sess.; and "RCA Alaska Communications, Inc. et al.," 26 FCC 2d 466, 473–474 (1970). RCA Alascom states that acting in reliance on present interconnection practices and its authorizations from the FCC and the Alaska Public Utilities Commission to effectuate the Alaska Communications Disposal Act, it has already cut rates by approximately one-third and has spent more than $45 million of the $58 million it is committed to invest by 1974. It stands ready to invest millions more in domestic satellite system facilities if authorized to do so.

[25] RCA Alascom does not have any substantial ownership interest in local exchange facilities in Alaska used to provide the "local loop" portion of interstate service or intrastate toll service.

[26] We note that the 1970 census reflects the following with respect to larger population centers and census divisions (equivalent in Alaska to a county):

City	Population	Census division	Population	Land area square miles
Anchorage	48,081	Anchorage	126,333	927
Fairbanks	14,771	Fairbanks	45,864	7,074
Juneau	6,050	Juneau	13,556	1,286
Bethel	2,416	Bethel	7,767	19,642

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58. While conceding that the existing interconnection practice for Alaska interstate service could be "maintained simply by affording RCA Alascom the right to an appropriate ownership interest in the A.T. & T. system," RCA Alascom urges that use of the proposed system of the RCA applicants would be preferable. It claims that unit costs per transponder on the RCA system would be less than on A.T. & T.'s system, that coverage of Alaska by means of the elliptical main beam proposed by the RCA applicants is superior to the type of spot beam coverage proposed by A.T. & T., and that interconnection at multiple earth station points in the contiguous States, as proposed by RCA, would do more to deemphasize distance as a cost factor than would A.T. & T.'s proposal for interconnection at a single gateway earth station on the west coast.[27] RCA Alascom further notes that, unlike the RCA proposal, the A.T. & T. system does not include any proposal for the use of 2 GHz frequencies for instructional television and intrastate radio service with small, low cost earth stations. Though claiming that there is no basis for an assumption that A.T. & T. has greater ability to load a high capacity domestic satellite system, RCA Alascom states that it "is prepared to proceed on the basis that the costs of its satellite facilities and earth station facilities in the contiguous States utilized to derive message telephone circuits and thus included in the calculation of its share of revenues from the interstate telephone 'pool' would be based on a loading substantially equal to that" of A.T. & T., and that the "RCA applicants and their parent corporation, rather than the rate paying public, would assume the risk involved in being unable to 'achieve a substantial initial loading.' "

2. Other Parties

59. In its petition for reconsideration, "A.T. & T." comments on the question of service to Alaska, Hawaii, and Puerto Rico, but does not expressly seek reconsideration of this portion of the "Second Report." A.T. & T. is of the view that these off-shore points should receive a high quality of service at rates supported by costs, with the ultimate objective that rate levels should be comparable to those provided on the mainland. However, A.T. & T. questions whether this objective should be realized simultaneously with the advent of domestic satellites, and states that rates for services between these points and the mainland should not be made uniform with the mainland rate structure by imposing on mainland users the burden (which it estimates to approximate $100 million) of subsidizing the allegedly higher costs of such service.[28] Moreover, a diversity of facilities, both cable and satellite, is allegedly essential for the protection of services. Both cable and satellite costs are declining dramatically, and over a reasonable period of time would permit rate reductions to levels that approach the mainland rate structure.

60. A.T. & T.'s opposition to RCA's petition may be summarized as follows: The Commission has correctly concluded that Alaska should receive domestic satellite MTT service as an integral part of a larger domestic system. A.T. & T. points out that it has previously offered the use of its system for this purpose. Making available to other carriers transponders in the A.T. & T. system for the purpose of furnishing domestic satellite service to Alaska in conjunction with such carriers is the appropriate means of providing efficient and economical service to Alaska. Duplicate construction and operation by RCA of earth stations in the contiguous States, whether or not there is a duplicate space segment, would result in the expenditure of substantial sums—ultimately to be borne by the interstate rate payers. RCA's cost arguments are allegedly infirm, because they are based on the assumption of a 100 percent fill of the satellites and do not take account of the costs of earth stations, connecting terrestrial facilities, and additional multiplex costs attributable to RCA's multiple earth station access proposal. There are diseconomies and inefficiencies in the RCA proposal, such as having multiple carriers access a single transponder from separate earth stations—which may require a reduction in circuit capacity by one-half or more. According to A.T. & T., directing many small circuit groups to several different earth stations, rather than one large group to a single earth station, reduces significantly the traffic handling capability of each individual circuit.

61. The "State of Hawaii" generally supports paragraphs 35–40 of the "Second Report" and urges that it is important to the people of Hawaii that implementation of this goal proceed without further delay. The State "views with considerable alarm the position taken by A.T. & T." in its petition for reconsideration, and urges the Commission to reject that position as invalid and not in the public interest. It urges that A.T. & T. has not defined the "inherent physical characteristics of service" which it alleges justify tariffs higher than mainland rates or the basis for its estimate for a $100 million burden on mainland rate payers if Hawaii, Alaska, and Puerto Rico are integrated in the mainland rate pattern. The State of Hawaii also urges that GTE and other system applicants propose a type of geographic integration that is superior in certain respects to that proposed by A.T. & T., for, whereas they propose access to multiple earth stations in the contiguous States, A.T. & T. is proposing to include Hawaii in point-to-point linkage with only one gateway earth station on the west coast, "thus perpetuating the 'umbilical cord' service" that Hawaii now has.

62. "The State of Alaska" also approves of the Commission's decision to require integration of the cost of interstate Alaska service into the nationwide rate structure, and requests firm adherence to that policy. However, it is concerned that the "Second Report" may operate to the State's disadvantage in the area of improved intrastate service insofar as it eliminated Comsat as a contender for service to Alaska via domestic satellite. The State values the presence in Alaska of the most experienced and technically proficient company now operating in the field of satellite communications, and the potential of competition as a spur to innovation. It asserts that there is room for competition in the provision of some services to Alaska, and requests that all generally authorized carriers willing to assume the financial risks of entry be permitted to serve Alaska, including the Comsat/MCIL applicant.

63. "WUI" urges that RCA Alascom should not be granted a monopoly position for all services to Alaska. It requests that capital investment positions in the facilities of domestic satellite systems authorized to serve Alaska, Hawaii, and Puerto Rico be made available to qualified entrants for the purpose of providing services other than MTT. In its petition for clarification of the "Second Report," WUI also argues that Western Union is precluded by section 222 of the Communications Act from operating between Hawaii or Puerto Rico and the mainland, and from owning or operating earth stations at these locations. WUI claims that services to such points are not "domestic" under law, and should be treated as "overseas" services in accordance with past practice.

B. DISCUSSION AND CONCLUSIONS

1. Service to Alaska, Hawaii, and Puerto Rico

64. RCA's request for clarification or partial reconsideration of the "Second Report" is premised on valid concerns insofar as it may be construed as contemplating that MTT service between Alaska and the contiguous States would be furnished by means of satellite facilities owned or operated by A.T. & T. We are constrained to agree with RCA Alascom that in acquiring the Alaska Communications System (ACS) pursuant to the Alaska Communications Disposal Act, it succeeded to the right and responsibility of its predecessor to provide the facilities for the transmission of MTT traffic between Alaska and the contiguous States. We acknowledged RCA Alascom's entitlement to perform this service in "RCA Alaska Communications, Inc. et al.," 26 FCC 2d 466, 473–474 (1970). Thus, we recognized the importance and desirability of giving RCA Alascom "every legitimate opportunity to improve and expand interstate communications between Alaska and the lower 48 States." Hence, we stressed that we would not adhere to the practices applicable to overseas MTT service under which mainland carriers and their correspondents at the overseas locations interconnect at the satellite. As we indicated in that decision, RCA Alascom's offer, accepted by the Government, proposed to succeed to the interstate operations of ACS and anticipated that, regardless of the mode of communication it may be authorized to engage in, the interconnection practices previously followed by ACS would apply. ACS's practice was to interconnect with A.T. & T.'s domestic system at a gateway in or at the boundaries of the contiguous States and not at a midpoint between Alaska and the lower 48 States.

65. While the Commission qualified its action in the aforementioned proceedings as not being controlling of matters that may come before us in the future, we believe that the considerations which underpinned our ruling at that time are equally relevant to a resolution of the questions raised by RCA Alascom's instant petition. In other words, it is our view that in the interest of assuring that RCA Alascom shall have a bona fide opportunity to establish and maintain a viable financial condition required to discharge its obligations with respect to the development and improvement of services, RCA Alascom should have reasonable access to the revenues and earnings that may derive from interstate MTT operations. Accordingly, the policies formulated herein should accord to RCA Alascom, to the extent consistent with the public interest in efficient and economic service, appropriate responsibility for the operations involved in the rendition of interstate MTT service between Alaska and the lower 48 States.

66. It is our opinion that this objective can be realized in a manner consistent with the other objectives set forth in our "Second Report," particularly that Alaska shall be integrated into the uniform mileage rate pattern that now obtains for the contiguous States. However, we are not in a position to conclude that these objectives will be met by authorizing, at this time, the provision of interstate MTT service to Alaska on independent satellite system facilities entirely owned by the RCA applicants. We recognize that the proposed system of the RCA applicants may offer some technical advantages (e.g., the use of an elliptical main beam covering the contiguous States and Alaska and the use of 2 GHz frequencies in addition to 4 and 6 GHz) which might benefit the State of Alaska with respect to such services as interstate television program transmission for reception at less expensive earth stations such as might be used by a community and for intrastate instructional television and radio service to "bush" communities.

67. There are, however, a number of uncertainties which we are unable to resolve on the basis of the record before us as to whether interstate MTT service to Alaska as proposed by the RCA applicants can be provided either as efficiently, or more efficiently and economically, than would be possible by reliance on the A.T. & T. system proposal. For example, it is not clear that the proposed RCA system would be implemented as promptly as the A.T. & T. system which is premised largely on developed technology whereas RCA's proposal is premised on largely undemonstrated technology. Nor is it clear that the RCA proposed system would be likely to achieve a level of traffic loading or fill sufficient to make a cost per unit of MTT service comparable to or more favorable than the unit costs derived from a domestic satellite system, such as proposed by A.T. & T., integrated into the nationwide MTT terrestrial network. In this connection, the record does not provide an adequate basis for evaluating the effects of RCA's proposed operation of multiple earth stations in the contiguous States on the efficient use of satellite transponder circuit capacity in the rendition of MTT service or the extent to which additional multiplex costs will be generated by RCA's multiple earth station access proposal.

68. The foregoing is not to be construed as foreclosing our consideration of a future application by the RCA applicants for authorization to transfer Alaskan service, including MTT, to the RCA system in the event that this system is implemented.[29] In this connection, we also take official notice that the RCA applicants are negotiating for the use of the Canadian Telsat satellite system as an interim measure for its provision of MTT services between Alaska and its own earth stations in the contiguous States. However, our authorization of either of these systems must be predicated upon a more convincing showing than has thus far been made that the cost of using such facilities for interstate MTT service to Alaska would be less than or approximately equivalent to the use of the domestic satellite system facilities of A.T. & T. as discussed in paragraphs 65–66 above.

69. It is our view that until such showing is made by the RCA applicants, we shall require that A.T. & T. extend to the RCA applicants appropriate access, by lease or otherwise, to the circuit capacity in the A.T. & T. facilities involved in serving Alaska. We shall therefore condition any authorization of satellite and earth station facilities issued to A.T. & T. accordingly. Any such arrangement will, of course, be subject to prior approval by this Commission.

70. By such arrangements, the RCA carriers, rather than A.T. & T., will be responsible for the costs associated with that portion of the satellite circuit facilities involved in providing MTT service between Alaska and those locations in the contiguous States where such facilities interconnect with the terrestrial MTT network of A.T. & T. In this context, we perceive no cost or other detriment to the interest of the general public in the availability of efficient and economic MTT service. Nor do we perceive any reason why such arrangements should thwart our policy objective of promoting the integration of Alaska in the uniform mileage rate pattern as discussed in paragraphs 35–40 of the "Second Report."

71. From a cost of service standpoint, there should be no significant difference to the total MTT service depending upon how cost responsibility for this increment of satellite circuit capacity is arranged. Although as a result of integrating Alaska into the interstate MTT uniform rate schedule, the costs related to such facilities may, to some extent, be subsidized by the interstate nationwide MTT pool of revenues, the total cost of nationwide MTT will not be significantly different whether A.T. & T. or RCA Alascom is responsible for those costs. However, the arrangement is significant in terms of maintaining RCA Alascom's established role and responsibility as the supplier of interstate service between Alaska and the contiguous States.

72. We do not here resolve the question of whether service to Alaska and/or Hawaii (in the event of a determination that the A.T. & T. rather than the GTE system should be utilized for MTT service to Hawaii) should be through one gateway earth station, as proposed by A.T. & T., or through multiple earth stations, as proposed by GTE and the RCA applicants and as urged by the State of Hawaii. Our policy objective is that service between Alaska, Hawaii, and Puerto Rico and all mainland points shall be provided at rates and on terms comparable to those obtaining within the contiguous States and at the lowest possible cost. It is anticipated that A.T. & T. and those carriers affected will work together in an effort to propose a mutually satisfactory solution, for the Commission's approval, which will best accomplish this objective considering all pertinent factors. In the event that they are unable to reach agreement, the applicants can address this matter in their application for authority to acquire circuit capacity in the A.T. & T. system facilities. A.T. & T. will also be afforded an opportunity to submit a showing in support of

[27] The RCA applicants concede that, for the purpose of serving Alaska, access to satellite transponders through a single gateway earth station may result in a more efficient utilization of transponder capacity than would be achieved through access by multiple earth stations. However, in their reply comments the RCA applicants outline an approach for handling traffic, which they allege would minimize the difference between the two methods insofar as efficient use of transponder capacity is concerned. The RCA applicants state that they expect to file an amendment to their applications incorporating this approach.

[28] A.T. & T. is supported in this position by All America Cables and Radio, Inc., and ITT World Communications, Inc.

[29] Contrary to the construction of the RCA applicants, the Second Report does not require that MTT service to Alaska be provided exclusively on domestic satellite facilities or bar the use of alternative facilities for diversity purposes. We are concerned that the nationwide MTT and other interstate services not be burdened with costs that are greater than necessary in order to integrate Alaska into domestic rate patterns, and that full advantage be taken of any cost savings that can be derived from the use of domestic satellite facilities. However, the extent to which domestic satellites should be utilized is a matter the RCA applicants can address in their application to acquire circuit capacity in the satellite system facilities of A.T. & T., and will be resolved in that context.

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its position, as will the State of Hawaii and carriers now serving that State in the event of a determination that the GTE system should not be utilized for MTT service to Hawaii. Our decision as to what method would be less costly (all relevant factors considered) and should therefore be employed, will be made after consideration of such submissions.

73. However, we hereby reaffirm the policy determinations in paragraphs 35–38 and 40–41 of the "Second Report" (35 FCC 2d at 856–859) that rates for interstate services to Alaska, Hawaii, and Puerto Rico shall not be higher because one or the other method is authorized, and that the advent of domestic satellite service will be accompanied by the integration of all interstate services between the mainland and Alaska, Hawaii, and Puerto Rico into an enlarged domestic rate pattern. As specified in paragraphs 37–38, the timetable for accomplishing this and the question of whether any deviations should be permitted will be determined after consideration of the specific proposals for revised rates and supporting showings to be submitted by the affected carriers for Commission approval no later than 6 months after the issuance of authorizations for the system or systems to serve these points. We will at that time determine whether any further procedures are necessary and, if so, of what nature.

74. We also reaffirm our decision that carriers now providing services other than MTT to Hawaii, Alaska, and Puerto Rico shall be afforded appropriate access to the A.T. & T. system (and/or GTE system) and to the earth stations in Hawaii, Alaska, and Puerto Rico used for the provision of interstate MTT service (paragraphs 38 and 40 of the "Second Report"). While this requirement pertains only to carriers now engaged in providing non-MTT services to these points, we do not foreclose consideration of an application by another carrier for authority to acquire a similar right of access to such facilities to provide non-MTT services upon a showing that the public interest would be served thereby (see paragraph 54 above). The question of whether such "appropriate access" should be afforded pursuant to a tariff offering by the supplying carrier or through a proportionate investment or rental interest in the facilities of the supplying carrier will be determined upon consideration of applications for authority to obtain such access and the responsive pleadings of the supplying carrier.

75. As indicated in paragraphs 38 and 40 of the "Second Report" such right of access to the satellite system facilities used for interstate MTT is designed to facilitate implementation of our goal that all interstate services to these three points shall be integrated into domestic rate patterns. It is also predicated on our belief that the public in Alaska, Hawaii, and Puerto Rico should have an opportunity to take advantage of the potential cost savings in obtaining specialized services on the same satellite system facilities used for MTT without the necessity for duplicate earth station and space segment facilities. However, as stated in the "Second Report", we do not preclude the authorization of independent domestic satellite system facilities to provide specialized interstate services to these points. In view of our policy determinations above with respect to the Comsat/MCIL proposal, and upon consideration of the arguments of the RCA applicants and the State of Alaska, we will consider on their merits applications from the Comsat/MCIL applicant or any other eligible applicant desiring to provide specialized interstate and/or intrastate services to these points, including Alaska, by means of independent satellite system facilities owned by such applicants.[30] We do not regard this policy as unduly prejudicial to RCA Alascom, since no duplicate facilities will be authorized for the provision of the interstate MTT service which concededly constitutes the bulk of the interstate business and revenues that are its "life blood." Furthermore, such applicants will be required to show with specificity how a grant of their application will serve the public interest and how they will provide tangible benefits in the form of new and better service, lower rates, etc. We will also consider the impact of a grant on the ability of RCA Alascom to discharge its responsibility to Alaska.

76. It is not practicable, however, to authorize all of the pending system applicants to serve Alaska, Hawaii, and Puerto Rico or to adopt a licensing standard that makes the desire of a qualified applicant to serve one or more of these points the sole controlling consideration. There are only seven available orbital locations (at 3° separations) capable of viewing all 50 States at 4 and 6 GHz frequencies. While the system or systems authorized to provide MTT service to Alaska, Hawaii, and Puerto Rico will not utilize all of these locations, we will not authorize use of the remaining locations for 4 and 6 GHz operations, in whole or in part, unless in addition to meeting the standard set forth above the applicant shows that it will provide an additional service which should be made available to all 50 States on the same system (e.g., interstate television program transmission) or that it will provide some service on terms and conditions of special benefit to the States of Alaska and/or Hawaii. Service at 4 and 6 GHz frequencies can be provided to the contiguous States and Puerto Rico by means of the 15 more easterly orbital locations that are available. The foregoing requirement will not apply to applicants proposing to use only frequencies other than 4 and 6 GHz, or to the use of an orbital location west of those capable of viewing all 50 States for operations at 4 and 6 GHz (and other frequencies allocated for communications satellite use) to provide service to Alaska and/or Hawaii and to such of the contiguous States as can be served by that orbital location.[31]

2. WUI Petition for Clarification[32]

77. Finally, in the case of Western Union which proposes to provide, among other services, network program transmission service, message, Mailgram and other services to Hawaii and Alaska,[33] there is an unresolved question as to whether and to what extent Western Union is barred by Section 222 of the Communications Act from furnishing any such services between the contiguous States and Hawaii. This question is now the subject of active consideration by the Commission pursuant to a petition for reconsideration filed by Western Union against an action taken by the Chief, Common Carrier Bureau which rejected an application of Western Union for authority to lease satellite channels from Comsat in the Intelsat system in order to furnish Mailgram service between the U.S. Mainland and Hawaii. The Commission expects to resolve this question very shortly and will thereby determine the scope of permissible operations between these points for which Western Union may seek authorization.

78. Pending such determination, we will withold processing of Western Union's application for authority to construct an earth station in Hawaii. We stress, however, that our assessment of an application by Western Union or any other applicant for an earth station in either Hawaii or Alaska must take account of the limited market in those States for non-MTT services and the effects thereof on the economic viability of satellite service, particularly in view of the relatively limited markets and the requirements we are imposing with respect to the integration of rates and charges for MTT services into the MTT rate schedule applicable within the contiguous States.

III. Interconnection

79. Our "Second Report" enunciated the policy objective of

> • • • assuring that all carriers providing retail interstate satellite services (whether or not affiliated with Bell System companies) have access at nondiscriminatory terms and conditions to local loop and interexchange facilities as necessary for the purpose of originating and terminating such interstate services to their customers (paragraph 34, 35 FCC 2d at 856).

In furtherance of this policy, we stated that we would require all terrestrial carriers seeking domestic satellite system authorizations to submit, for Commission approval, prior to action on their applications, a description of the kinds of interconnection arrangements they will make available to other satellite system and/or earth station licensees.

A. Pleadings of the Parties

80. In its petition for reconsideration of the "Second Report" A.T. & T. urges that the requirement in paragraph 34 (see also, paragraph 2 (f) above) is unnecessary and burdensome, and would unduly delay authorizations for domestic satellite system facilities. It sets forth its belief that a preferable course would be that followed by the Commission in "Specialized Common Carrier Services" (29 FCC 2d at 940), primarily wherein we indicated our reliance on the commitments of existing carriers to negotate interconnection arrangements with new carrier entrants on just, reasonable and nondiscriminatory terms. A.T. & T. further states that it sees no factual support in the record of this proceeding to justify the imposition of the condition adopted by the Commission in the "Second Report."

81. Other parties commenting in response to this portion of A.T. & T.'s petition (e.g., "General Electric Co." (GE) and "Fairchild Industries, Inc." Fairchild)) have taken positions contrary to that of A.T. & T. By letter dated November 22, 1972 "Western Union International" (WUI) also submitted an untimely pleading in support of the views of GE and Fairchild.[34]

B. Discussion and Conclusions

82. A.T. & T. has failed to demonstrate how or why the requirement for nondiscriminatory access to local loops and interexchange facilities controlled by A.T. & T. and its operating subsidiaries is either unnecessary or budensome. The entire thrust of our policy of encouraging multiple entities to provide service via domestic satellite facilities to meet current and emerging needs could be vitiated if such access were to be denied or unduly delayed. Furthermore, experience with respect to international communications, particularly insofar as the use of local loops and interexchange facilities are concerned for access between the offices of international carriers and earth stations which communicate with the Intelsat satellites, refutes A.T. & T.'s contentions. During the many years when the required facilities were supplied to the international carriers by A.T. & T. pursuant to Commmission order for nondiscriminatory access, we have not been made aware of any difficulties or burdens whatsoever that these requirements imposed on A.T. & T.

83. Accordingly, we perceive no reason to reconsider, at this time, the policies and conditions set forth in the "Second Report" concerning interconnection. We simply reiterate that it is our intent and requirement that the terrestrial carriers who are applicants for satellite and/or earth station authorization comply fully with these policies and conditions. In this connection we stress that we will not accept as compliance a token statement of good intentions to negotiate appropiate terms and conditions. We have already indicated, with clarity, the type of objectives we believe can guide the carriers in formualting a specific framework of standards within which they will make their facilities available to other Commission licensees.

84. The availability of timely and effective interconnection arrangements may well, in many cases, be vital to the meaningful implementation of authorizations issued in the public interest in furtherance of the Commission's policies herein. We therefore intend to examine thoroughly the showings made by existing carriers in their applications for satellite facilities pursuant to the above cited provisions of our "Second Report."[35] In the event that such showings fall short of satisfying us that interconnection will be offered in a timely manner by existing carriers to other licensees on reasonable and nondiscriminatory terms and conditions, we will withhold the issuance of authorizations to the existing carriers and will take whatever affirmative actions as may be required for the prompt and effective implementation of our interconnection policies.

IV. Terms of Access by Public Broadcasting and Other Educational Interests

85. As indicated in paragraph 3 above, our "Second Report" stated the Commission's willingness to entertain specific proposals by carriers or users for the prescription of preferential rate classifications, but declined to initiate any requirement as to common carriers or to enunciate any general statement of policy at this time (paragraph 43, 35 FCC 2d at 859).

A. Pleadings of the Parties

86. In its petition for partial reconsideration of the "Second Report," the NAEB urges us to set forth more specific policy objectives now and to require, rather than invite, rate proposals from all carrier applicants for domestic satellite system facilities. The position of NAEB is supported by the "Corporation for Public Broadcasting" (CPB) and the "Public Broadcasting Service" (PBS). In their comments filed on October 30, 1972, CPB and PBS stated that they would have no objection to Commission approval of the proposed Comsat/MCIL joint venture if that corporation should adhere to the commitment in the pending MCIL application as to service to educational interests. However, in the event that Comsat/MCIL Corp. has different views, CPB and PBS request that the corporation be required to state their position and that CPB and PBS be afforded an opportunity to submit specific comments bearing on this matter.

B. Discussion and Conclusions

87. We have carefully considered the requests of NAEB, CPB, and PBS that we specify policy objectives, rather than simply invite rate proposals from all carrier applicants. However, we are of the opinion that there are ample safeguards and statutory guidelines and policies to promote, in a timely fashion, the interests of educational broadcasters and other educational users in preferential rates. We will, of course, welcome a showing by all applicants as to the terms and conditions upon which they will make their services available to public broadcasting and educational interests. We recognize, nevertheless, that it may well be premature to expect applicants, several years in advance of their operational date, to have sufficient cost and other information available to set forth their rate proposals with specificity. It was based on the same considerations that the Commission indicated in the "Second Report" that it is not in a position at this time to enunciate any general statement of policy beyond that indicated in the analysis and conclusions of the staff recommendation ("Memorandum Opinion and Order," paragraphs 153–162, 34 FCC 2d at 73–76) and our statement in paragraph 43 of the "Second Report" (35 FCC 2d at 859).

88. Concerning the request that the Comsat/MCIL joint venture be required to adhere to the commitments made by MCIL in its pending application, we do not feel that we would be justified in holding the new applicant to any greater obligation or standard than we have laid down for all other carrier applicants to follow in the matter of free or reduced rate service for educational interests.

V. The National Environmental Policy Act of 1969

89. The Commission did not treat the question of the applicability of the National Environmental Policy Act of 1969 (NEPA)[36] to the policy objectives adopted in our "Second Report," although the Network Project was granted leave to participate in the oral argument held in this proceeding on May 1–2, 1972, and raised this question in its oral presentation. Since the issuance of the "Second Report" we have instituted a rule making proceeding (Docket No. 19555) looking toward the adoption of rules in this area which are designed to govern our action on applications for authorization for construction and operation of the various types of radio, cable and wire facilities, including communications satellites and earth stations that are subject to our jurisdiction. Although that proceeding is still pending before us, we are applying the proposed rules to all such applications.

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[30] In the case of Alaska, we do not exclude the possibility that intrastate MTT service may be provided on domestic satellite facilities not used for interstate MTT, upon a showing that the public interest would be best served by such an authorization. As stated in the Second Report, A.T. & T. will be required to afford access to its transponder capacity for the purpose of intra-Alaska service, if desired.

[31] See, Second Report, paragraph 42, 35 FCC 2d at 859; memorandum opinion and order, paragraph 152, 34 FCC 2d at 72–73; Public Notice issued on Nov. 9, 1972 (FCC 72–992).

[32] See paragraph 63 above.

[33] See, Second Report, paragraph 3 (35 FCC 2d at 845); memorandum opinion and order, paragraph 10 (34 FCC 2d at 14); see also, Western Union's amended application filed on July 25, 1972. In this connection, we do not construe section 222 of the Communications Act as precluding Western Union from owning or operating earth stations in the State of Hawaii for intrastate service.

[34] WUI's letter of Nov. 22 is hereby accepted for our consideration.

[35] See also, Public Notice issued on Nov. 9, 1972 (FCC 72–992).

[36] 42 U.S.C. sec. 4331 et seq.

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A. PLEADINGS OF THE PARTIES

90. In its petition for reconsideration of the "Second Report," the "Network Project" asserts principally that the "Second Report" is in contravention of the NEPA in the following respects:

(a) In the "Second Report" the Commission did not employ a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts, as required by section 4332(2)(A) of the NEPA, which is applicable to this proceeding since the earth-transmitting and microwave relay stations to be employed in a domestic satellite system would emit microwave radiation which may have an adverse impact on man's environment;

(b) The Commission did not identify and develop methods and procedures, in consultation with the Council on Environmental Quality, in order to insure that presently unquantified environmental amenities and values, regarding the imposition of such microwave radiation, will be given appropriate consideration in the Commission's resolution of this proceeding along with the economic and technical considerations, as required by section 4332(B) of the NEPA;

(c) The Commission did not include a detailed statement discussing such matters as the environmental impact on, and possible alternatives to, the establishment of a domestic satellite system, as required by section 4332(2)(C) of the NEPA, which is applicable to this proceeding since, in light of such microwave radiation, a policy looking toward the potential establishment of multiple domestic satellite systems is a major Federal action significantly affecting the quality of the human environment.

(d) The Commission did not study, develop, or describe appropriate alternatives to the recommended courses of action made in the 1970 report and order in Docket No. 16495, its staff recommendation, or in the "Second Report" as required by section 4332(D) of the NEPA, which is applicable to this proceeding because the establishment of a policy looking toward the authorization of domestic satellite systems involves unresolved conflicts concerning alternative uses of available resources; and

(e) The Commission did not initiate and utilize ecological information in the planning and development of domestic satellite systems, as required by section 4332(2)(G) of the NEPA, which is applicable to this proceeding since the establishment of a policy looking toward authorization of such systems constitutes a resource-oriented project.

91. In support of the foregoing assertions, the Network Project relies on scientific literature expressing concern regarding the potential physiological and behavioral dangers posed to man by low intensity, nonionizing microwave radiation.[37] As legal authority for its position the Network Project cites: "Calvert Cliffs' Coordinating Committee v. A.E.C.," 449 F. 2d 1109, 1123–4 (C.A.D.C. 1971); "WMOZ, Inc. v. F.C.C.," 344 F. 2d 197 (C.A.D.C. 1965); Banzhaf v. F.C.C., 405 F. 2d 1082, 1096–7 (C.A.D.C. 1968), "cert. den. sub nom. Tobacco Institute v. F.C.C.," 396 U.S. 842 (1969); "National Helium Corp. v. Morton," 455 F. 2d 650, 654–5 (C.A. 10 1971); "Ely v. Velde,". 451 F. 2d 1130, 1138 (C.A. 4 (1971)). For the Network Project's arguments in support in its position, see pages 14–27 of its petition for reconsideration of the "Second Report," the affidavit attached to the petition, and its subsequently filed errata. By way of relief, the Network Project requests the Commission to rescind the "Second Report" and to remand this proceeding to the staff, so that our staff can prepare a detailed draft environmental impact statement which could be subject to ongoing review and reconsideration through the agency review process.

92. In opposition to the Network Project's petition, "MCIL" asserts that it has raised a highly novel question with respect to the Commission's compliance with NEPA. MCIL argues that the Network Project's concern is premised largely on a study presented to OTP by ERMAC (see footnote 37 above), which recommended a $63 million research program with respect to the biological effects of nonionizing electromagnetic radiation; and that the Network Project is requesting us "to undertake the type of thorough study recommended in the ERMAC Report." MCIL points to statements made by a member of our staff at the oral argument on May 2, 1972 (see transcript, pp. 393–395) and asserts that the pleading of the Network Project (as well as its supporting affidavit) does not allege any actual harm, but rather states that there is no assurance that human beings would be reasonably safe if authorizations implementing the policy objectives of the "Second Report" were to be issued. MCIL also takes issue with the scientific literature cited by the Network Project (see footnote 37 above), and urges that any problem relating to terrestrial radio radiation is not limited to the authorization of domestic satellite facilities but rather concerns all radio authorizations granted by this Commission—particularly those for television broadcast stations. MCIL asserts that it would be irresponsible and contrary to the public interest to halt all radio licensing actions, "pending long research programs to fill in remote lacunae in our present state of scientific knowledge." It also argues that the legal authorities cited by the Network Project deal with "very real environmental problems, not mere conjections about unknown laws of nature."[38]

93. In reply to MCIL's opposition, the Network Project takes issue with the arguments briefly summarized above, and concludes its reply statement as follows (pp. 7–8):

> In conclusion, the number of research conclusions criticized by the single author cited by MCI-Lockheed underscores the substantiality of scientific opinion supportive of the position that low-level radiation bears the potential for significantly affecting the quality of the human environment. To the extent that definitive evidence as to the consequences of such radiation is lacking, the presence of "known" consequences or of "answers" to questions surrounding the effects of such radiation is not a prerequisite to the Commission's obligation to prepare an environmental impact statement, and the substance of the impact statement, required by section 102(2)(C) of NEPA, 42 U.S.C. sec. 4332(2)(C), can and should be tailored accordingly. Aside from the preparation of an environmental impact statement, the consideration, utilization, and study—on the record—of environmental factors and information remain as required elements of this proceeding, pursuant to sections 102 (A), (B), (D), and (G) of NEPA * * *.

B. DISCUSSION AND CONCLUSIONS

94. Upon consideration of the pleadings of the parties and the views of our staff, we have determined to require all applicants for earth stations and satellite facilities to make a satisfactory showing that their operations will comply with

[37] The Network Project cites, inter alia: Michaelson, "Human Exposure to Nonionizing Radian Energy—Potential Hazards and Safety Standards," 60 Proceedings of the IEEE, pages 389, 390 (Apr. 1972); Bowers and Frey, "Technology Assessment and Microwave Diodes," Scientific American, pages 13, 21 (Feb. 1972); a standard adopted by the Department of Labor pursuant to the Occupational Safety and Health Act of 1970, 29 U.S.C. 657 (36 FR 10466, 10522–3 (1971)); A. H. Frey, "Human Auditory System Response to Modulated Electromagnetic Energy," 17 J. Appl. Physiol. pages 689–692 (1962); R. L. Carpenter, "Studies on the Effects of 2450 Mc Radiation on the Eye of the Rabbit," Proceedings of the Third Annual Tri-Service Conference Biological Hazards of Microwave Radiating Equipments (University of California, Berkeley), pages 279–290 (1959); A. F. Frey, "Biological Function as Influenced by Low-Power Modulated RF Energy," IEEE Transactions on Microwave Theory and Techniques, Vol. MTT–19 (Feb. 1971), pages 153–164; and (concerning direct and indirect effects on the central nervous system of man) Yu. A. Kholodov, "The Effect of an Electromagnetic Field on the Central Nervous System," 4 Priroda (U.S.S.R.), pages 104–105, Library of Congress, ATD P 65–68, FTD–TT 62–1107; Yu. A. Kholodov, "The Effect of Electromagnetic and Magnetic Fields on the Central Nervous System," NASA Technical Translation, TTF–465, Washington, D.C. 1967; and a Program for Control of Electromagnetic Pollution of the Environment: The Assessment of Biological Hazards of Nonionizing Electromagnetic Radiation, pages 2, 5, and 9 submitted to the Office of Telecommunications Policy (OTP) by the Electromagnetic Radiation Management Advisory Council (ERMAC).

[38] See pages 9–12 of MCIL's opposition.

governmentally prescribed standards for the protection of employees and the general public against excess levels of nonionizing radiation. In this regard we have reference to the standards promulgated by the Department of Labor pursuant to the Occupational Safety and Health Act of 1970, giving maximum levels of continuous exposure of employees. We shall require each applicant for earth station and satellite facilities to make a full showing of the measures he has taken to comply with these standards. The Occupational Safety and Health Act of 1970, governing levels of continuous exposure for employees covered by the Act, specifies a maximum of ten milliwatts per square centimeter of area (10 mw./cm.^{2}) averaged over any 6-minute period. These levels derive from Standard C95.1 of the American National Standards Institute (ANSI). Essentially these same levels have been adopted by the three military services.

95. We will expect applicants to conduct studies to predict radiation levels in and around earth stations and their associated terrestrial facilities. The results of such studies shall be submitted to the FCC as part of the appropriate application. Licensees will also be required to conduct surveys at intervals to be specified in our authorizations. Such surveys will be conducted in and around earth stations and their associated terrestrial facilities to determine levels of radiation. All licensees will also be required to identify areas having levels above 10 mw./cm.^{2} Such areas shall be prominently posted with appropriate warnings. As any additional evidence becomes available, which would raise further questions with respect to adverse effects of radiation and indicate a reasonable probability of damage to the quality of the environment, we will promptly take such action as is necessary to mitigate and obviate the dangers of which we are made aware. In this connection, applicants for satellite facilities will be subject to any other applicable requirements of the proposed environmental protection rules now being considered in Docket 19555, including any revisions of such rules as finally promulgated therein by the Commission. It is, of course, also our intention to comply fully with the requirements of NEPA in the handling of applications for authority to use the radio spectrum and to coordinate our efforts with those other branches of the Federal Government which are concerned with environmental matters.

VI. MISCELLANEOUS

96. With respect to various other requests made in pleadings of parties to Docket No. 16495, our views are as follows: First, in light of our resolution of the policy issues in the Second Report, as modified herein, we are of the opinion that any remaining questions raised by the petition of the Network Project (p. 30), that have not previously been treated in this proceeding, should be appropriately considered in connection with the processing of the applications. Second, the pleading filed by WUI on September 22, 1972, and supported by Datran, which suggested a possible solution to certain of the policy questions determined in this proceeding, is hereby dismissed as moot. And, finally, the request for licensing policy filed by the RCA applicants on September 26, 1972, will be treated as a petition for rule making and placed on public notice in accordance with the Commission's usual procedures.

97. Finally, we have taken note that various United States entities have been exploring the possible use of the Canadian Telsat System until such time as domestically owned space segment facilities are available and operational. In fact, two applicants for domestic common carrier satellite authorizations have recently entered into agreements with Telsat of Canada for the lease of transponder capacity in the Telsat system, subject to obtaining this Commission's authorization. Implementation of these arrangements would, of course, require appropriate authorizations by this Commission since such arrangements involve the construction and operation of earth stations in the United States. We are now prepared to state definitively what our policies will be with respect to the use of the Telsat system for the purposes contemplated by either carriers or noncarriers. The use of the Telsat system for purely domestic communications purposes is not barred or inhibited by any international agreement to which the United States is signatory. However, each specific proposal involving the use of Telsat of Canada will be examined for its justification in terms of all applicable statutory requirements and the policies set forth herein at such time as we are presented with implementing applications for authorization.

VII. ORDER

98. In light of all of the foregoing: *It is hereby ordered*, Pursuant to sections 1, 2, 3, 4 (i) and (j), 201, 202, 203, 212, 214, 218, 219, 220, 301, 303, 307–309, 310 (b), 319, 396, 403, and 605 of the Communications Act of 1934, and sections 102, 201(c), and 303–304 of the Communications Satellite Act of 1962, as amended, that:

A. The requests made by the various parties to this proceeding in pleadings filed since the "Second Report" are granted to the extent reflected herein and are otherwise denied.

B. This proceeding is terminated.

(Secs. 1–4, 201–203, 212, 214, 218–220, 301, 303, 307–310, 319, 403, 605, 48 Stat., as amended, 1065–1066, 1070, 1074, 1075, 1077, 1078, 1081–1086, 1089, 1094, 1103; sec. 396, 81 Stat. 368, as amended, secs. 102–201, 303, 304, 76 Stat., 419, 421, 423, 424; 47 U.S.C. 151–154, 201–203, 212, 214, 218–220, 301, 303, 307–310, 319, 396, 403, 605, 701, 721, 733, 734)

Adopted: December 21, 1972.

Released: December 22, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[39]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73–515 Filed 1–9–73;8:45 am]

[Docket No. 19598]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in Certain States; Correction

In the Matter of Amendment of § 73.202(b), *Table of assignments*, FM broadcast stations (Washington, Iowa, Centerville, Tenn.; Winnsboro, Tex.; Stanton, Ky.; Gordon, Ga.; Mercersburg, Pa.; Elkader, Iowa; and Kernville, Calif.). Docket No. 19598, RM–1926, RM–1969, RM–1972, RM–1988, RM–1993, RM–1996, RM–2009, RM–2010.

The first report and order (FCC 72–1134), (37 FR 28138) released December 18, 1972, in the above-captioned proceeding, disposed of all of the petitions for rule making except RM–2010. The proceeding is still open, and action remains to be taken with regard to RM–2010. Through inadvertence, paragraph 5 of the First Report and Order read, in its entirety, as follows: "5. *It is further ordered*, That this proceeding is terminated."

Accordingly, the first report and order is corrected by striking all of paragraph 5.

Released: January 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73–516 Filed 1–9–73;8:45 am]

PART 76—CABLE TELEVISION SERVICE

Performance Tests; Extension of Time; Correction

In regard petitions for an extension of time for initial compliance with § 76.601 of the rules.

The memorandum opinion and order in the above entitled matter, FCC 72–1147, released December 18, 1972, and

[39] Chairman Burch concurring and issuing a statement, which is filed as part of the original document, in which Commissioners Reid and Wiley join; Commissioners Johnson and H. Rex Lee concurring in the result; Commissioner Hooks concurring in the result and joining in paragraph 3 of Chairman Burch's statement.

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published in the FEDERAL REGISTER on December 22, 1972, 37 FR 28296, is corrected to indicate "Adopted: December 13, 1972".

Released: January 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-517 Filed 1-9-73;8:45 am]

[Docket No. 18944]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Technical Standards for Computation of Service Area for Public Coast III–B Stations; Correction

In the matter of amendment of Part 81 of the Commission's rules to provide technical standards for the computation of service area for public coast III–B Stations, Docket No. 18944.

In paragraph 27 of the report and order in the above-entitled matter released May 31, 1972, FCC 72–448 (37 FR 11328, June 2, 1972) we stated, essentially, that we considered it a responsibility of an applicant for a public coast class III–B station to submit a map showing the service area contour of the proposed station as a part of the application, and that the application should include supporting data used in determining the service area contour. In the appendix attached to that report and order, however, the words "with supporting data" were inadvertently omitted from the text of § 81.49 that requires applicants for stations of this class to include service area contour charts with applications. These words should be included in the rule section so that the rule will be consistent with our intention as explained in the report and order.

Accordingly, § 81.49 is amended to read as follows:

§ 81.49 Supplemental information for public coast stations.

Each application for a new public coast station operating on frequencies in the band 156–162 MHz shall include as supplementary information a chart, with supporting data, showing the service area contour computed in accordance with Subpart R of this part.

Released: January 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-518 Filed 1-9-73;8:45 am]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Receiving Apparatus and Assignment of Frequencies; Correction

Order. In the matter of correcting cross references in Part 83 of the Commission's rules and regulations.

1. The report and order in Docket 14375, FCC 62–722 released July 17, 1962, published at 27 FR 7096, redesignated § 8.240 as § 8.243, in Part 8 (now Part 83). This change was not reflected in § 8.112. Accordingly, the text of § 83.112 is corrected to substitute reference to § 83.243 in lieu of § 83.240.

2. Additionally, the report and order in Docket 18632, FCC 71–1044, released October 26, 1971, published at 36 FR 20949, amended § 83.351(a) by deleting subparagraphs (1) through (5). Section 83.359 is therefore corrected by cross-referencing § 83.351(a) in lieu of § 83.-351(a) (5).

3. Authority for these changes is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since these changes are editorial to correct oversights in previous actions, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. In view of the foregoing, Part 83 is amended as set forth below, effective January 12, 1972.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: December 27, 1972.

Released: December 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 83, Stations on Shipboard in Maritime Services.

1. Section 83.112 is amended to read as follows:

§ 83.112 General requirements for receiving apparatus.

The radio equipment of each ship station, or marine-utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions, including in particular that necessary for compliance with the provisions of §§ 83.181 and 83.243 can be readily effected prior to the transmission of any signals or communications by the ship station on the associated transmitting frequency.

2. The introductory statement of § 83.-359 is amended to read as follows:

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

The frequencies listed in the following table are available for assignment to stations as indicated. Except as provided in § 83.351(b)(55), these frequencies are not authorized for communication with stations on board aircraft. The limitations applicable to the respective frequencies are set forth in § 83.351(a).

* * * * *

[FR Doc.73-519 Filed 1-9-73;8:45 am]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Frequencies Available

Order. In the matter of amendment of Part 83—to include the frequency 6451.9 kHz in § 83.351(a).

1. In the appendix to the third report and order in Docket No. 18271, released December 22, 1969, FCC 69–1369 (34 FR 20194), the Commission set forth, in § 83.354(a)(2),[2] frequencies to be used for communication with public correspondence stations when the mobile station and the coast station transmit alternately on the same radio channel.

2. The frequencies listed in column (4) of the table of § 83.354(a)(2)[1] are also set forth in the table following § 83.351 (a), with the exception of the frequency 6451.9 kHz, which was inadvertently omitted.

3. This amendment is editorial in nature, and hence the prior notice, and effective date provisions of 5 U.S.C. 553 are not applicable. Authority for the promulgation of this amendment, is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules.

4. In view of the foregoing, § 83.351(a) is amended to include the frequency 6451.9 kHz, which was in advertently January 12, 1973.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: December 29, 1972.

Released: January 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

In § 83.351, paragraph (a) is amended to add the frequency 6451.9 kHz, to read as follows:

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency (kHz)	See section—	Conditions of use
* * *	* * *	* * *
6147.5	83.354	3, 5, 15, 21.
6451.9	83.354	3, 5, 15, 21.
6455.0	83.354	3, 4, 15, 21.
* * *	* * *	* * *

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[FR Doc.73-520 Filed 1-9-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–377]

RYEGRASS SEED GROWN IN OREGON

Notice of Hearing on Proposed Marketing Agreement and Order

Notice is hereby given of a public hearing to be held in the Swept Wing Motel, Route 1 (Box 207), Santiam Highway, Albany, OR, beginning January 30, 1973, with respect to a proposed marketing agreement and order regulating the handling of ryegrass seed grown in Oregon. Each day's session of the hearing will commence at 10 a.m., local time, unless the presiding officer otherwise specifies during the course of the hearing. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900).

The public hearing is for the purpose of: (a) Receiving evidence with respect to the economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof;

(b) Determining whether the handling of ryegrass seed in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement or order regulating the handling of ryegrass seed in the area; and

(d) Determining whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposed marketing agreement and order, the provisions of which are as follows, were submitted with a request for a hearing thereon by the Oregon Ryegrass Growers Association, Post Office Box 765, Albany, OR 97321, and have not received the approval of the Secretary of Agriculture (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

§ __.1 Acquire.

"Acquire" means to purchase ryegrass from, or otherwise handle ryegrass on behalf of the grower thereof.

§ __.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ __.3 Ryegrass.

"Ryegrass" means seed of annual ryegrass (Lolium multiflorum) and perennial ryegrass (Lolium perenne) grown in the production area.

§ __.4 Committee.

"Committee" means the Ryegrass Administrative Committee established pursuant to this Part.

§ __.5 Crop year.

"Crop year" means the 12 months beginning July 1 of any year through June 30 of the following year inclusive, or such other period as the Committee, with the approval of the Secretary, may establish.

§ __.6 District.

"District" means the applicable one of the following defined subdivisions of the production area or as such subdivisions may be redefined pursuant to § —.20

(a) District 1—Linn County, Oreg.

(b) District 2—Benton and Lane Counties, Oreg.

(c) District 3—All other counties in Oregon.

§ __.7 Grower.

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the commercial production of ryegrass for market.

§ __.8 Handle.

"Handle" means to purchase ryegrass from the grower thereof, or to sell, consign, ship or transport (except as a common or contract carrier of ryegrass owned by another person) or acquire ryegrass, whether or not of own production, except that (a) the shipment or transportation within the production area of ryegrass by the grower thereof for cleaning or storage therein shall not be construed as "handling", and (b) the sale, shipment, or transportation of ryegrass by the grower thereof to a registered handler shall not be construed as handling by the grower.

§ __.9 Handler.

"Handler" and "registered handler" means any person who handles ryegrass: *Provided, however,* That with respect to the acquisition of a grower's ryegrass by a person other than a registered handler, such grower shall be the first handler of such ryegrass. "Registered handler" means any handler who has been registered as a handler with the Committee pursuant to rules and regulations issued by the Committee.

§ __.10 Part and subpart.

"Part" means the order regulating the handling of ryegrass grown in the production area, and all rules and regulations issued thereunder. The order regulating the handling of ryegrass grown in the production area shall be a "subpart" of such part.

§ __.11 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ __.12 Production area.

"Production area" means the State of Oregon.

§ __.13 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated to act in his stead.

§ __.14 Quantity.

"Quantity" means the weight of cleaned ryegrass in pounds.

§ __.15 through .19. Additional definitions as required.

RYEGRASS ADMINISTRATIVE COMMITTEE

§ __.20 Establishment and membership.

(a) There is hereby established a Ryegrass Administrative Committee consisting of nine members, each of whom shall have an alternate. The term "member" throughout this subpart, unless otherwise specified, shall refer to both the member and his alternate. Seven of the members shall be growers or officers or employees of growers, who are not also handlers. Of the grower members, four shall be producers of ryegrass in District 1, two in District 2, and one in District 3. Two of the members shall be handlers or officers or employees of handlers who shall be elected from the production area at large. A producer who is also a handler may serve as a handler member only.

(b) The Committee, with the approval of the Secretary, may redefine the Districts into which the production area is divided, and reapportion the representation of any District on the Committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in Ryegrass production within the Districts and the production area.

§ __.21 Eligibility.

Each grower member of the Committee shall be, at the time of his selection and during his term of office, a grower or an officer or employee of a grower in the District for which selected. Each handler member of the Committee shall

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be, at the time of his selection and during his term of office, a handler or an officer or employee of a handler.

§ ___.22 Nominations.

(a) *General.* Separate nominations shall be made for each member position listed in § ___.20. Except as otherwise provided for obtaining initial nominations, nominations shall be certified by the Committee and submitted to the Secretary by June 1 of each crop year, together with information deemed by the Committee to be pertinent or requested by the Secretary. If nominations for any member are not submitted in the specified manner by such date, the Secretary may select the member for that position without nomination.

(b) *Grower members.* The Committee shall conduct nominations for grower members in each District through meetings or on the basis of ballots to be mailed by the Committee to all growers of record. Only growers eligible to serve on the Committee from the District in which the nominations are to be held shall be eligible to vote and each such grower shall have one vote for each grower member position to be filed. If a grower is also a handler, such grower may vote either as a grower or as a handler, but not both. No grower shall participate in the election of nominees in more than one District regardless of the number of Districts in which such person is a grower. A multidistrict grower may elect the district in which he votes.

(c) *Handler nominations.* The Committee shall conduct nominations for handler members through meetings or on the basis of ballots to be mailed by the Committee to all handlers who have registered with the Committee. Each handler shall have one vote for each handler member position to be filled.

(d) *Initial nominations.* For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the Committee as soon as practicable after the effective date of this part.

§ ___.23 Selection.

(a) *Selection.* Members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons on the basis of the representation provided for in §—.20.

(b) *Term of office.* The terms of office of the initial members of the Committee shall be established by the Secretary so that the term of office for two grower members and one handler member shall be the initial crop year, the term of office for two grower members and one handler member shall be the initial crop year plus the succeeding crop year, and the term of office for three grower members shall be the initial crop year plus the two succeeding crop years. Successor members of the Committee shall serve for terms of 3 crop years, except for shorter terms occasioned by the death, removal, resignation, or disqualification of any member, and subject to any such disqualification each member shall serve until his successor is selected and has qualified.

§ ___.24 Acceptance.

Each person selected by the Secretary as a member shall qualify by filing a written acceptance with the Secretary as soon as practicable after being notified of his selection.

§ ___.25 Vacancy.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Committee, or in the event of the failure of any person selected as a member to qualify, a successor for the unexpired term or the term shall be nominated and selected in the manner provided in §§—.22 and —.23, so far as applicable, unless a selection is deemed unnecessary by the Secretary.

§ ___.26 Alternates.

(a) An alternate for a member of the Committee shall act in the place and stead of such member during his absence, and in the event of the member's removal, resignation, disqualification, or death until a successor for such member's unexpired term has been selected and has qualified.

(b) If both a member and his alternate are unable to attend a Committee meeting, the Committee may designate any other alternate from the same group (grower or handler) to serve in the member's place if such alternate is not serving in the place of another member.

§ ___.27 Procedure.

(a) Six members (including alternates acting as members) of the Committee shall constitute a quorum at an assembled meeting of the Committee and any action of the Committee at such meeting shall require the concurring vote of at least five members (including alternates acting as members). At any assembled meeting, all votes shall be cast in person.

(b) The Committee may provide for voting by mail, telephone, telegraph, or other means of communication upon due notice to all members and any proposition to be so voted upon first shall be explained accurately, fully, and identically. Any such vote other than by mail, telegraph, or other written means of communication shall be promptly confirmed by the member in writing or by telepgraph. Seven concurring votes shall be required for approval of a Committee action so voted upon.

(c) Members and alternate members of the Committee shall serve without compensation, but shall be allowed such reasonable expenses as approved by the Committee in attending to authorized Committee business.

§ ___.28 Powers.

The Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ___.29 Duties.

The Committee shall have among others the following duties:

(a) To select from among its members such officers and adopt such rules or bylaws for the conduct of its meetings as it deems necessary;

(b) To hire employees, appoint such subcommittees and advisory committees as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination at any time by the Secretary;

(d) To submit to the Secretary as soon as practicable after the beginning of each crop year a budget for such period, including a report in explanation of the items appearing therein, and a recommendation as to the rate of assessment for such period;

(e) To prepare quarterly statements of the financial operations of the Committee and to make copies of each such statement available to growers and handlers for examination at the office of the Committee and to send two copies to the Secretary;

(f) To cause the books of the Committee to be audited by a competent accountant at least once each crop year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the office of the Committee by growers and handlers;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to Ryegrass;

(i) To submit to the Secretary such available information as he may request or the Committee may deem desirable and pertinent;

(j) To notify growers and handlers of all meetings of the Committee to consider recommendations for regulation; and of all regulatory actions taken affecting growers and handlers;

(k) To give the Secretary the same notice of meetings of the Committee and of meetings of its subcommittees as is given to the applicable membership; and

(l) To investigate compliance and to use means available to the Committee to prevent violations of the provisions of this part.

RESEARCH AND DEVELOPMENT

§ ___.30 Research and development.

The Committee, with the approval of the Secretary, may establish or provide

for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and utilization or efficient production of ryegrass. The expense of such projects shall be paid from funds collected pursuant to §—.56.

MARKETING POLICY

§ ___.35 Marketing policy.

Prior to and as far in advance of each ensuing crop year as it finds feasible, but in any event not prior to the preceding September 1, the Committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for such crop year. Such marketing policy shall set forth the Committee's evaluation of the various factors of supply and demand that will affect the marketing of ryegrass (separately for annual and perennial ryegrass) during the crop year, including:

(a) Carryin: The estimated quantity of ryegrass in all hands (growers, handlers, brokers, and wholesalers) at the beginning (July 1) of the crop year;

(b) Production: The estimated ryegrass production during the crop year;

(c) Trade demand: The prospective domestic and export trade demand, taking into consideration prospective imports;

(d) Carryout: The quantity to be in all hands at the end of the crop year;

(e) Market prices for ryegrass; and

(f) Other relevant factors.

On the basis of its evaluation of these factors, the Committee shall recommend to the Secretary the total quantity of ryegrass (hereinafter referred to as the "Total Desirable Quantity") (separately for annual and perennial) that should be allotted for handling during the crop year. If, in the event of subsequent changes in the supply and demand factors, the Committee deems it advisable that the total desirable quantity be increased for such crop year, it shall prepare a new or revised marketing policy and submit a report thereon to the Secretary together with its recommendations as to an appropriate revision in the total desirable quantity for such crop year. The Committee shall announce each marketing policy (including new and revised policies) and notice and contents thereof shall be provided to growers and handlers by bulletins, newspapers, or other appropriate media.

VOLUME REGULATION

§ ___.36 Total desirable quantity.

Whenever the Secretary finds, on the basis of the Committee's recommendation or other available information, that establishing, limiting, or increasing the quantity of ryegrass (annual or perennial) available for handling during a crop year, would tend to effectuate the declared policy of the Act, he shall establish the total desirable quantity for such crop year, which all handlers may acquire in the crop year. The Committee shall equitably apportion such quantity among producers by establishing allocation bases and allotments as provided in §§ —.41 and —.42.

§ ___.41 Grower allocation bases.

(a) Upon request of the Committee, each producer desiring an allocation base for ryegrass (annual or perennial or both) shall register with the Committee and furnish to it on forms prescribed by the Committee, a report of the number of pounds of such ryegrass produced by him and sold by him, or on his behalf, during each of the crop years 1969 through 1972, broken down by annual and perennial ryegrass, and names of handlers to whom sales were made as may be required by the Committee and approved by the Secretary.

(b) For the crop year which begins in 1973 a separate allocation base shall be established by the Committee for each registered producer for each of the two kinds—annual and perennial—in accordance with: (1) The average crop year pounds of ryegrass, of the particular kinds produced and sold by him, or on his behalf, during the four crop years 1969 through 1972 if such production and sales covered such four crop years; (2) the average crop year pounds of ryegrass of a particular kind produced and sold by him, or on his behalf, during any three of the crop years 1969 through 1972 if such production and sales covered only three of such crop years; (3) the average crop year pounds of ryegrass of a particular kind produced and sold by him or on his behalf, during any two of the crop years 1969 through 1972 if such production and sales covered only two of such crop years; (4) the crop year pounds of ryegrass of a particular kind produced and sold by him, or on his behalf, during any one of the crop years 1969 through 1972 if such production and sales covered only one of such crop years.

(c) For each crop year subsequent to the crop year 1973, each allocation base shall be recomputed by the Committee to recognize trend in sales volume of individual operations. This shall be accomplished by recalculating for each crop year all allocation bases according to the applicable one of the following procedures: (1) The allocation bases computed on a four-crop year basis shall be adjusted by: (i) Adding the producer's preceding crop year's sales of ryegrass of the particular kind to his four-crop year's total sales of such ryegrass used in computing his existing allocation base; (ii) subtracting the smallest quantity of sales for a crop year recorded as the sales of such ryegrass during such four-crop years; (iii) recalculating a new four-crop year simple average which shall be the new allocation base. (2) Allocation bases computed on a less than four-crop year basis shall be adjusted by adding the producer's preceding crop year's sales of ryegrass of the particular kind to the total number of pounds used in computing his preceding allocation base and dividing by the number of years of sales of such ryegrass.

(d) The Committee may provide for adjustment of a grower's allocation base upon a showing that such grower's sales in the base period, as provided in §§ —.41 (b) and —.41(c), were not representative due to conditions such as: adverse weather, insects disease, and fire.

(e) A condition for the continuing validity of an allocation base is production and sale of ryegrass thereunder. If no bona fide effort is made, or has been made in reference to the original allocation base, to produce and sell ryegrass thereunder during any 3 consecutive crop years, such allocation base shall be declared invalid due to lack of use and canceled at the end of such third consecutive year of nonproduction and sale.

(f) The Committee shall, for the crop year 1974 and each subsequent year, recommend to the Secretary an adjustment in allocation bases which will reflect (1) increase in usage of ryegrass; (2) desires of new producers to gain entry, and producers with existing allocation bases to expand, as evidenced by application for allocation bases or increased allocation bases; and (3) any additional factors which bear on industry adjustments to new and changing conditions.

(g) (1) Notwithstanding the foregoing provisions of paragraph (f) of this section any increase in the quantity of ryegrass provided for by all allocation bases covered by this part shall be no more than 5 percent of the total allocation bases encompassed by this part during the previous crop year.

(2) Any person may apply, under rules and procedures to be established by the Committee with the approval of the Secretary, either for a new allocation base or for an increase in an existing allocation base. Such applications may be submitted each crop year, but must be filed with the Committee not later than January 1 of a crop year in order to be considered for an award for a new allocation base or the adjustment of an existing allocation base to take effect the following crop year.

(h) The Committee recommendations, with justifications, supporting data, and a listing and summary of all applications for new or adjusted allocation bases, shall be submitted to the Secretary no later than March 1 of each crop year.

(1) Not more than 60 days after receipt of the Committee recommendations, the Secretary shall either approve said recommendations or make whatever alterations therein that he deems necessary in the public interest. In the event no such recommendations or listing of applications are received, the Secretary may issue adjustments in allocation bases each crop year. The decision of the Secretary shall be final; and he shall communicate his decision and the reasons therefor to the Committee in writing.

(2) Within 30 days after receipt of the Secretary's decision, the Committee shall notify each applicant of the Secretary's decision and of their allocation bases for the following crop year.

(i) The Committee shall, with the approval of the Secretary, establish rules, guides, bases, or standards to be used in determining allocation base awards or adjustments that are to be recommended

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to the Secretary taking into account, among other things, the minimum economic enterprise requirements for ryegrass production.

(j) Each allocation base shall be for ryegrass of a particular kind (annual or perennial).

(k) Growers' allocation bases may be transferred to other growers as authorized by regulations recommended by the Committee and approved by the Secretary.

(l) The Committee shall check and determine the accuracy of the information submitted pursuant to this section and is authorized to make a thorough investigation of any application. Whenever the Committee finds an error, omission, or inaccuracy in any such application, it shall correct the same and shall give the grower who submitted the application a reasonable opportunity to discuss with the Committee the factors considered in making the correction. In the event the error, omission, or inaccuracy requires correction of an allocation base, the applicable allotment computed for the grower pursuant to § __.42 shall be on the basis of the corrected allocation base. All allocation base applications, allocation bases assigned, and adjustments therein, shall be subject to review by the Secretary.

§ __.42 Grower allotments.

(a) Prior to the beginning of each crop year but no later than March 15, the Committee shall apportion to each grower who has an allocation base for ryegrass of a particular kind an allotment of ryegrass of such kind which handlers may acquire from each grower during the crop year. Each such allotment shall be computed by dividing the total desirable quantity of ryegrass of such kind established pursuant to § __.36 by the sum of the allocation bases of ryegrass of such kind for all producers and multiplying such grower's allocation base by the resulting percentage. The result shall be the grower's allotment of ryegrass of such kind. Except as otherwise provided, no handler may acquire any quantity of ryegrass of a particular kind (including ryegrass of such kind of own production) which would result in all handlers having acquired a greater quantity of such ryegrass with respect to such grower than the applicable allotment computed for such grower. Each allotment shall be expressed in pounds of cleaned ryegrass.

(b) The Committee with the approval of the Secretary may establish by regulation such means of certification or identification with respect to allotments of producers as may be required to effectuate the purposes of any regulation issued under this part.

(c) Growers allotments shall be nontransferable except in conjunction with the transfer of an allocation base.

§ __.43 Ryegrass harvested prior to effective date of this part.

Any person in the possession of ryegrass harvested prior to the effective date of this part or such date as the Committee may determine, but not more than 90 days following the effective date of this part, shall be entitled, upon application to the Committee to have such ryegrass so designated, and upon so doing, the ryegrass may be certified for handling without regard to any allotment: *Provided*, That the amount certified for handling under this paragraph in any one crop year may be limited by the Committee to not less than 25 percent of the total amount originally so designated.

§ __.44 Foundation and registered ryegrass seed.

The handling of foundation and registered ryegrass seed shall be subject to this part.

INSPECTION AND IDENTIFICATION

§ __.46 Quality regulation.

Subject to §§ —.40 and —.41 all ryegrass seed shall meet regulations of Federal and State seed acts prior to sale. The Committee with the approval of the Secretary, may establish requirements which will prohibit the handling of seed containing viable quack grass, wild garlic, wild onion seed, or any other undesirable seed. The Committee shall notify growers at least 2 crop years in advance before any quality regulation requiring change in production practices shall become effective. No ryegrass shall be handled unless it meets the quality standards established under this part. The Committee shall have authority to regulate the size of a lot certificated by one certificate in order to control quality.

§ __.47 Identification.

All ryegrass purchased from growers by all handlers must be identified as eligible seed under rules prescribed by the Committee. Adequate records shall be maintained by each designated handler of all transactions involving ryegrass seed.

EXPENSES AND ASSESSMENTS

§ __.55 Expenses.

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the Committee by handlers in the manner prescribed in § —.56.

§ __.56 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during a crop year, each handler shall pay to the Committee, upon demand, assessments on all ryegrass he handles as the first handler thereof, during such period. The payment of assessments for the maintenance and functioning of the Committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the uniform rate of assessment to be paid by each handler during a crop year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund not to exceed 1 crop year's expenses: *Provided*, That such rate of assessment, including any increase thereof, shall not exceed 5 cents per 100 pounds of cleaned ryegrass handled. At any time during or after the crop year, the Secretary, upon recommendation of the Committee, may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all ryegrass handled during the applicable crop year. In order to provide funds for the administration of the provisions of this part during the first part of a crop year before sufficient operating income is available from assessments, the Committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ __.57 Accounting.

(a) If, at the end of a crop year, the assessments collected are in excess of expenses incurred, the Committee with the approval of the Secretary, may carry over such excess into subsequent crop years as a reserve: *Provided*, That funds already in the reserve do not exceed approximately 1 crop year's expenses. Such reserve funds may be used: (1) To cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom assessments were collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical such funds shall be returned pro rata to the handlers from whom such funds were collected.

(b) All funds received by the Committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the Committee and its members to account for all receipts and disbursements.

REPORTS AND RECORDS

§ __.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report, showing such information as the Committee may specify with respect to any ryegrass held by him on such dates as the Committee may designate.

(b) *Receipts.* Each handler shall, upon request of the Committee, file with the Committee a certified report showing for each lot of ryegrass received or handled, the identifying marks, variety, weight, place of production, and the grower's name and address on such date(s) as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, with the approval of the Secretary, each handler shall furnish to the Committee such other information as may be necessary to enable it to exercise its powers and perform the duties under this part.

§ __.61 Records.

Each handler shall maintain such records pertaining to all ryegrass acquired from, or handled on behalf of all producers as will substantiate the required reports and such others as may be prescribed by the Committee. All such records shall be maintained for not less than 3 years after the termination of the crop year to which such records relate.

§ __.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where ryegrass is received or held, and at any time during reasonable hours, shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ __.63 Confidential information.

All reports and records furnished or submitted by growers and handlers to or obtained by the employees of the Committee, which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operation of the particular grower or handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under control of one or more employees of the Committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ __.70 Compliance.

Except as provided in this subpart;

(a) No handler may handle ryegrass, the handling of which has been prohibited under the provisions of this subpart, and no handler shall handle ryegrass except in conformity with the provisions of this subpart.

(b) No handler may purchase from or otherwise handle on behalf of a grower any amount of ryegrass that, together with all other marketings of such grower during the crop year, would exceed the apportioned allotment of such grower.

§ __.71 Right of the Secretary.

The members of the Committee (including successors, and alternates), and any agent or employee appointed or employed by Committee, shall be subject on just cause to removal or suspension at any time by the Secretary. Each and every order, regulation, decision, determination or other act of said Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ __.72 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in § —.73.

§ __.73 Termination or suspension.

(a) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the Act.

(b) The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of producers who, during the preceding crop year, have been engaged in the production for market of ryegrass seed within the production area: *Provided*, That such majority has, during such period held allotments for more than 50 percent of the volume of all allotments of such ryegrass in the production area; but such termination shall be effective only if announced at least 30 days prior to the end of the then crop year.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ __.74 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the members of the Committee then functioning shall continue as joint trustees, for the purpose of liquidating their affairs and of all the funds and property then in the possession of or under their control, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the joint trustees pursuant to this subpart.

§ __.75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ __.76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ __.77 Agents.

The Secretary may, by designation in writing, name any person including any officer or employee of the Government, or name any agency in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ __.78 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ __.79 Personal liability.

No member or alternate of the Committee nor any employee or agent thereof, may be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ __.80 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ __.81 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

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§ ...82 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

§ ...83 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of ryegrass in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act such an order.***

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250; or James W. Coddington, Grain Divison, USDA, AMS, 6525 Belcrest Road, Hyattsville, MD 20782.

Signed at Washington, D.C. on January 5, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-514 Filed 1-9-73;8:45 am]

[7 CFR Parts 1032, 1050, 1062, 1064, 1065]

[Docket No. AO-313-A23, etc.]

MILK IN SOUTHERN ILLINOIS AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1032	Southern Illinois	AO-313-A23.
1050	Central Illinois	AO-355-A12.
1062	St. Louis-Ozarks	AO-10-A45.
1064	Greater Kansas City	AO-23-A44.
1065	Nebraska-Western Iowa	AO-86-A28.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Bridgeton, Mo., on October 18, 1972, pursuant to notice thereof issued on October 3, 1972 (37 FR 21171).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 1, 1972 (37 FR 25940), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Adoption of an advertising and promotion program as authorized under Public Law 91-670; and

2. The specific terms and provisions necessary to implement such program in the aforesaid marketing areas.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. *Adoption of an advertising and promotion program.* The respective orders should be amended to provide for an advertising and promotion program to be administered in each case by an agency organized by producers and producers' cooperative associations and financed by producer moneys deducted from pool proceeds.

The amendments to the Agricultural Marketing Agreement Act under Public Law 91-670 provide that a Federal milk order may, with the approval of producers on the market, include provisions for establishing or providing for the establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products (hereinafter referred to in this part as the "advertising and promotion program" or "the program").

The hearing on the matter here under consideration was requested by seven dairy cooperatives representing a majority of producers in the respective markets. These associations are the Associated Milk Producers, Inc., (AMPI), Champaign County Milk Producers Association, Mid-America Dairymen, Inc., Mid-West Dairymen's Co., Mississippi Valley Milk Producers Association, Prairie Farms Dairy, Inc., and Wisconsin Dairies Cooperative.

Under the proposal supported at the hearing and as herein adopted, the advertising and promotion program under each respective order will be funded through a 5-cent per hundredweight assessment each month on producer milk pooled during such month. Such moneys will be deducted from the aggregate value of producer milk in computing the uniform price. Except for certain reserves withheld by the market administrator to cover refunds and administrative costs, the money will be turned over to and administered by an agency organized by producers and producers' cooperative associations under such order. The agency will be responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the act as prescribed in the attached amending orders.

Any producer not desiring to participate in the program, upon proper application, will be eligible for refund of the assessments made against his proportionate share of total producer marketings of milk, such refunds to be made by the market administrator on a quarterly basis. The program as adopted also provides for suitable adjustments to producers assessed under mandatory programs of the same nature under authority of any State law.

It is proponents' contention that there must be a sound and comprehensive program of promotion, education and research in the use of milk and dairy products if producers in the five markets are to compete with other beverage products, substitutes, and alternative foods competing for the consumer's nutritional dollar. Sellers of competing food products, they stated, engage in intensive advertising and promotional plans as a means of stimulating the sales of their products. Proponents suggested the need, therefore, that dairy farmers (members and nonmembers) join together in strong support of an advertising and promotion program as provided for under Public Law 91-670 if they are to hope for a continuing healthy and growing market in the future.

Proponents pointed to the long term decline in consumption of milk and milk products as well as in its share of the food dollar. The per capita civilian domestic consumption of milk solids in dairy products has declined about 9 percent from 1960 to 1971.[1] Consumer expenditures for dairy products as a percentage of all food expenditures dropped from 17.3 percent in 1960 to 14.3 percent in 1971.

In contrast to the declining trend in milk and dairy product consumption as a whole, proponents testified that in the case of cheese in its various forms there have been extensive promotional activities and that per capita consumption has increased. For instance, per capita consumption of American cheese increased from 5.4 pounds in 1960 to 7.4 pounds in 1971.

Proponents further testified that there is substantial support in these markets for the proposed programs, as evidenced both by the proportion of total producers represented by proponent cooperatives and the extent of support now being given by cooperatives to various advertising and promotional programs. Proponents favor the programs here proposed, claiming that a single Agency for each market can maximize effectiveness in the use of funds for promotion of milk and milk products and that more equitable participation by producer members and nonmembers alike will result.

Currently, proponents represent more than three-fourths of the producers on each of the St. Louis-Ozarks, Greater Kansas City and Nebraska-Western Iowa markets. In the Southern Illinois market, more than 80 percent of producers on the market are members of the several proponent cooperatives, and in Central Illinois about two-thirds.

At the present time, most dairy farmers pooled under each of the five markets are currently contributing toward various advertising, research, educational, and promotion programs, but in varying degrees. The proceeds from these contributions are turned over to such organizations as the local Dairy Councils, State American Dairy Associations, the Midland United Dairy Industry Association and the United Dairy Industry Association in Chicago.

Proponents testified that producers in each of the five markets presently support the promotion of milk and dairy products as follows:

St. Louis-Ozarks. About 95 percent of the producers are contributing at the rate of 5¼ cents per hundredweight.

Southern Illinois. Most producers contribute 5¼ cents per hundredweight of their milk marketings.

Greater Kansas City. Producer-members of a proponent cooperative (about 80 percent of the market) contribute 5 cents per hundredweight. Members of another cooperative contribute 3 cents per hundredweight.

Nebraska-Western Iowa. Producer members of a proponent cooperative (about 80 percent of the market) contribute 5½ cents per hundredweight. Producer-members of another cooperative contribute 2-cents per hundredweight.

The foregoing data suggest that for advertising and promotional programs as here proposed, there is reasonable expectation of support by a large majority of producers in each of the five markets. There was no testimony on the record in opposition to the adoption of the proposed programs. In these circumstances, it is concluded that a program essentially as proposed by the cooperatives should be adopted in each market. Specific modifications are necessary, however, as discussed below.

2. *Terms and provisions.* The proposed rate of 5 cents per hundredweight on producer milk suggested by proponents is a reasonable assessment on the marketings of producers under the respective orders and is adopted. Based on the volume of milk marketed in 1971 under these orders, an assessment rate of 5 cents per hundredweight on producer milk will provide a potential of approximately $2.4 million annually.

The enabling legislation specifically provides that the promotion funds deducted from producer proceeds "shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order."

A definition of "Agency" therefore is incorporated in each order to identify the administrative body organized by producers and producers' cooperatives that will be authorized to expend the funds for advertising and promotional activities. As hereinafter used, the term "Agency" is to be understood to be the Agency as it would be organized pursuant to the terms of a particular order.

The Agency under the terms prescribed herein is responsible for administration of the terms and provisions of the program within the scope of its authority. Subject to the approval of the Secretary, it also is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out such program. In addition, the Agency may recommend to the Secretary amendments to the terms of the program and make such rules and regulations as are necessary to carry out its stated objectives.

The powers, duties, and functions specifically assigned to the Agency under the terms herein adopted are of a nature and scope to provide participating[2] producers on the market full and necessary authority through their representatives on the Agency to develop and administer advertising and promotion programs designed to accomplish the purposes of Public Law 91-670.

The Act states that the Agency "* * * may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order." The guidelines concerning this matter are set forth in the amendments to the respective orders. Under the terms of such amendments the Agency will develop and submit to the Secretary for approval, programs and projects that may provide for: (a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising and promotion of milk and milk products on a nonbrand basis; (b) the utilization of the services of other organizations to carry out Agency programs and projects, if the Agency finds that such activities will benefit producers supplying the market; and (c) the establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers supplying the market.

Producers held that certain major considerations should be guidelines in the constituency of such an Agency:

(1) There should be adequate representation of producers in the market both for the membership of various cooperatives and for nonmembers; and

(2) The Agency should be a workable unit, not so large as to encumber its effective operation or impose excessive administrative costs on the program.

The procedures adopted herein authorize cooperative associations in each market to select Agency members to represent their participating producer members. It is provided, likewise, that Agency representatives for participating nonmembers will be elected in a referendum conducted by the market administrator among individual participating producers. In the case of any small cooperative association not having the minimum number of participating members to qualify for a representative, participating producer members of such cooperative will be included with participating nonmembers in such referendum.

It is provided also that cooperative associations may choose to combine their participating memberships for purposes of selecting Agency members. Such combined participating membership then will be treated as a single group in determining the number of Agency representatives to be selected by the cooperative associations.

Since cooperative members constitute most of the producers in each of these markets, it follows that Agency members will be principally persons selected by the cooperatives. Such Agency members (selected by cooperatives individually or in combination) may be producers or individuals not engaged in milk production, for example, employees of the cooperative.

In the case of a cooperative that does not have sufficient participating membership to select an Agency representative, and has not elected to combine with another cooperative(s) to achieve representation, its participating members may vote in a referendum together with participating nonmembers in the selection of Agency members to represent such group. The persons selected as Agency members through the referendum procedure should be producers who actively support the program.

The makeup of producer groups in each market, in terms of cooperative members and nonmember producers, varies distinctly from market to market particularly as to the relative size and number of cooperatives involved. It should be anticipated, also, that relevant grouping of producers in any one market may change considerably from year to year. In determining Agency membership it is concluded that allotment of one Agency member for a specified percentage of participating producers in each market (such as 5 percent or 10 percent) will tend to result in proper producer and cooperative representation in the varying circumstances. For each of the markets, except Central Illinois, the adopted provisions allot one Agency member for each full 5 percent of total participating producers on the market. In Central Illinois there would be one Agency member for each 10 percent of participating producers in the market.

This method differs from proponents' plan for allotting Agency membership. Proponents would allow to each cooperative one Agency member for the first 1 percent that its participating producer members represent of total participating

***Applicable only to the proposed marketing agreement.

[1] Official notice is taken of data in the "Dairy Situation", May 1972 published by Economic Research Service, U.S. Department of Agriculture.

[2] Participating producers are those who have not requested refunds. Further, the program adopted herein for each order provides that for the purposes of the Agency's initial formation, all producers under such order will be considered as participating producers.

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producers on the market, and one additional Agency member for each additional 15 percent it represents of the market's participating producers.

A difficulty in the application of such a dual percentage may arise in a market where a number of cooperatives each represent a small percentage of producers and are individually awarded Agency representation. As a group these small cooperatives may achieve a majority membership on the Agency although their producer membership is a minority in the market.

While it cannot be determined from the record that this situation will occur, the data for one market suggest that the potential definitely exists. In the Southern Illinois market, proponents testified there are nine cooperatives with membership ranging from as little as 1.5 percent up to about 25 percent of the producers on the market. This situation at least approaches the condition under which a minority of producers might select the majority of members on the Agency.

The allotment of one Agency member for each 5 percent (10 percent in Central Illinois) of participating producers will avoid the difficulty illustrated above. Further, with additional adjustments as explained herein, it will provide Agency representation consistent with proponents' guidelines and reasonable representation of all producers on each market.

The different percentage to be used in Central Illinois is advisable in the interest of conserving administrative expense where there is a substantially smaller number of producers than in the other markets. Producer numbers in each market in August 1972 were: St. Louis-Ozarks, 3,285; Southern Illinois, 2,173; Greater Kansas City, 2,207; Nebraska-Western Iowa, 1,797; and Central Illinois, 777. (Official notice is taken of the August 1972 issue of "Summary of Federal Milk Market Statistics", as compiled and published by the Dairy Division, AMS, USDA.)

An additional consideration in some of these markets, however, is that a single cooperative constitutes a large majority of the producers on the market. Selection of Agency members merely according to the proportion of participating producers represented by such cooperatives in the respective markets could result in a larger Agency than necessary for the purposes of: (1) Adequately representing participating producers; and (2) efficient operation. This would be true in the St. Louis-Ozarks, Greater Kansas City and Nebraska-Western Iowa markets where a single cooperative represents three-fourths or more of the producers on each such market.

If a single cooperative represents a substantial majority of participating producers, Agency representation for such cooperative should be limited to a number necessary to retain a voting majority on the Agency but in no event less than five. Considering the market structure of the five orders as here discussed, a minimum of five members for a majority cooperative's representation will allow the breadth of geographical representation among members in each market that proponents suggested.

As indicated previously, cooperative associations may elect to combine their participating membership with those of other cooperatives. If the combined group in total has a majority of participating producers on the market, the number of representatives that may be selected by such group also shall be limited to the minimum necessary to constitute a majority of the Agency representatives, but in no event less than five.

The participating producer members of any cooperative association(s) having less than the required specified minimum percentage, that elects not to combine as discussed above, and nonmember participating producers, will be authorized (as a group) one Agency representative for each full 5 percent (10 percent in Central Illinois market) that such producers constitute of the total number of participating producers under the respective orders. If, however, such group of producers in total constitutes less than the minimum percentage specified for obtaining at least one Agency member, but not less than 1 percent, the group, nevertheless, will be authorized to elect one Agency representative.

On the basis of proponents' statements of cooperative representation on each market, the procedures herein adopted could result in a maximum of 10 Agency members under the Central Illinois order and 11 each, respectively, under St. Louis-Ozarks, Greater Kansas City and Nebraska-Western Iowa. Under the Southern Illinois order a somewhat greater Agency membership could result because of the greater number of cooperatives on this market than in the other markets.

Under the program herein adopted, the market administrator will conduct a referendum annually to determine representation on the Agency of nonmember participating producers and cooperatives not having sufficient membership to select a representative.

Within 30 days after the effective date of the amended order and annually thereafter, the market administrator shall give notice to all such producers (member and nonmember) of their opportunity to nominate Agency members from among their groups and shall specify the number of representatives that such nonmember and member producers together are authorized.

Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and then shall conduct a referendum in which each individual participating producer (member or nonmember) shall have one vote.

Since cooperative associations may freely elect to combine or not combine for purposes of selecting agency representation, it is provided in the case of a cooperative with less than the indicated minimum percentage that does not combine, that the balloting of its participating producer members shall be on an individual basis, the same as nonmembers. This procedure will tend to promote equity between member and nonmember producers in the selection of representation. Election of Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes of participating producers.

Each person selected for the Agency shall qualify by filing with the market administrator a written acceptance of his willingness and intention to serve in such capacity. It is anticipated that any eligible nominee included on the list that the market administrator is required to circulate to participating nonmember producers and certain participating member producers in the conduct of the referendum, as discussed elsewhere in these findings, would advise the market administrator promptly if he were not willing to be a nominee. Notwithstanding, it is possible that a person elected to membership or so designated by a cooperative may not be able or may not wish to accept the position. This requirement, therefore, is necessary in order that the market administrator will know whether or not the position has been filled. Such acceptance should be filed promptly after notification in order that the formation of the Agency can be prompt.

The term of office of each member of the Agency as herein adopted is 1 year or until a replacement is designated by the cooperative association or is elected.

It is possible that an elected representative may leave the market or otherwise be unable to complete his term of office. It is desirable, therefore, that some procedure be provided for filling the vacancy. It is concluded appropriate in such circumstance that the market administrator appoint as his replacement the then currently participating producer who received the next highest number of eligible votes in the referendum.

Actions to be taken by the Agency are of such importance that a majority of the representatives should be required to be present at any meeting to constitute a quorum and any action taken by the Agency should require a majority of concurring votes of those present and voting. The provisions herein adopted so provide except that the Agency may adopt rules that a decision on any action require a greater proportion than a simple majority of members present.

The Agency's duties set forth in the respective orders are generally necessary for the discharge of its responsibilities. It is intended that activities undertaken by the Agency shall be confined to those reasonably necessary to carry out its responsibilities as prescribed by the program. At the same time it should be recognized that these specified duties are not necessarily all inclusive, and it may develop that there are other duties the Agency may need to perform.

The Congress clearly contemplated that producer activities under Public Law 91-670 would be under direct surveillance of the Secretary. It was specifically provided that "all funds collected under this subparagraph (I) shall be separately accounted for and shall be used only for the purposes for which they are collected." It is essential, therefore, that the Agency prepare and submit to the Secretary for his approval budgets showing projected amounts of available funds and how such funds are to be disbursed. Also, in order to make the audit necessary to establish that Agency funds are used only for authorized purposes, the market administrator or other representative of the Secretary must have access to all of the Agency's records and access to, and the right to examine, any directly pertinent books, documents, papers, and records of any organization performing advertising and promotion activities for such Agency.

Proponents proposed that budgets be prepared and submitted for approval on a quarterly basis. The Agency must be in a position to develop firm plans and make commitments covering a sufficient forward period to insure a continuing viable program. A calendar quarter is concluded to be the minimum practical period for achieving this end and it is provided therefore that a budget shall be submitted to the Secretary for his approval prior to each quarterly period.

All of the possible promotion and other authorized activities that the Agency may wish to pursue cannot be anticipated at this time. Therefore, the authority for the Agency to establish programs and projects is purposely left broad and flexible to facilitate the timely development of such programs suitable to prevailing circumstances in the market.

Any promotion program or project the Agency may consider must comport with the terms and conditions of the order and be evaluated in terms of cost, the statutory objectives to be accomplished, the time required to complete the program or project, and other such factors, in order to arrive at a sound decision as to whether the program or project is justified.

The required budget submissions will permit the Secretary to evaluate projected programs in terms of the declared policy of the Act and also will serve as policy guidelines for Agency members in the conduct of their operations for each ensuing quarterly period. This will be particularly helpful in the transition of Agency membership as the terms of office of individual members expire.

The Agency appropriately must follow prudent operating procedures in the furtherance of the best interests of producers. It is required, therefore, that it shall keep minutes of its meetings and such other books and records as will clearly reflect all its transactions, and on request shall submit such books and records to the Secretary for his examination. It also shall provide for the bonding of all persons handling Agency funds with surety thereon satisfactory to the Secretary.

The amending orders prescribe no specific requirements of the Agency to publish an account of funds collected and the use made thereof or to make releases of information concerning the operation of the program to producers and other interested parties. Since the activities of the Agency are under the direct supervision of the Secretary, it is not necessary to prescribe such requirements to insure the integrity of the program. However, since the degree of producer participation in the program, and thus its relative success, will depend in large part upon the interest and confidence it generates among producers, the Agency undoubtedly will keep producers on the market fully informed of its milk promotion plans, projects, and activities. In view of these considerations, it is not necessary to prescribe specific informational releases to producers and other parties.

It is possible that the Agency may find it desirable to enlist the aid of individuals with special talents who might be helpful in program and promotion planning by virtue of their particular knowledge, skills, or expertise, on matters directly involved with advertising and promotion programs. Provision is made, therefore, whereby the Agency, at its pleasure, may establish an advisory committee(s) of persons other than Agency members. Such a committee(s) may include, but would not be necessarily limited to persons drawn from universities, land grant colleges, or extension services, public officials, and others, in the dairy industry. Such committee(s) could make recommendations and participate in the deliberations of the Agency but would have no voting rights.

It would not be expected that the market administrator or his staff or other officials of the U.S. Department of Agriculture would serve on such a committee(s) since the activities of the Agency are under the surveillance of the Department.

The Agency should be authorized to incur reasonable expense in its administration of the program, including the employment and the fixing of compensation of any person necessary to the exercise of its powers and performance of its duties. For example, the Agency may find it necessary to retain the services of an attorney from time to time to assist in the preparation of contracts, or to employ a stenographer, or other individual(s) to handle its recordkeeping and bookkeeping functions. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is, of course, appropriate and necessary, that Agency representatives be reimbursed for reasonable expenses incurred in attending meetings and while on other Agency business. This could involve expenses for travel in private car, and expenses incurred for public transportation, meals, and lodging. It would be unreasonable to require members of the Agency to bear such expenses incurred in the interest of all producers on the market.

It was proposed, and it is here adopted, that the amount of money utilized by the Agency for its expenses in administering the program should not exceed 5 percent of the funds received by the Agency from the market administator. This establishes a reasonable limitation on Agency costs and assurance to producers that the funds collected under the program will be expended prudently on advertising and promotion activities.

The Agency, of course, is handling funds otherwise payable to producers. The Agency members therefore should have assurance that they will not be personally liable for the impact of their official acts except for willful misconduct, gross negligence, or any acts that are criminal in nature. To assure that the Agency funds are used only for the purpose contemplated by the Congress, it is provided that such funds shall not be used for political activities, or for influencing governmental policy or acts.

Although a specified assessment automatically will be withheld for the program with respect to milk deliveries of all producers, the authorizing statute, nevertheless, provides that producers not wishing to participate in the program shall have the right to refund of the deductions on their milk. The provision of the act is that "notwithstanding any other provisions of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the advertising and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

The proposals made by producer groups for these markets would implement refunds by a method similar to those provided in other orders where programs of this type have been established. Specifically, a producer desiring a refund on the assessments made against his marketings would submit to the market administrator his signed request, in the manner prescribed by the market administrator, within the first 15 days of the month (December, March, June, or September) preceding the calendar quarter for which refund is requested.

Refunding on a quarterly basis as proposed is reasonable in that it insures refunds on a timely basis, without undue administrative costs, and therefore conforms to the intent of the Congress.

It was suggested by proponents that patron numbers, social security numbers, or similar information will in most cases provide the necessary identification of the producer requesting the refund. While it is intended that the refund procedure not be cumbersome or in any way impede producers who wish to obtain refunds, it is necessary to require records relevant to the refund. It is not possible to anticipate what information might be necessary in all particular cases to identify an applicant for refund, for instance where several dairy farmers

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having similar names occur on producer payrolls.

In any event, the provisions provided herein will permit the market administrator to develop appropriate procedures to this end. These procedures should include reasonable safeguards to clearly establish that any refund request originates with, and is the action of, the individual producer. It would be inappropriate, for example, for any cooperative or individual not in harmony with the program to file refund requests in the names of individual producers without their full knowledge or understanding of the nature of the action.

To insure that producers have an awareness of the program and of their rights thereunder, it is provided that the market administrator shall forward to each producer a copy of the amended order promptly when the program is effectuated, and thereafter to new producers.

All refunds paid should be made by the market administrator directly to the producer requesting the refund. This is a primary consideration in assuring that the payment of the money to the producer will be expedited and that the producer does, in fact, receive the money to which he is entitled. The market administrator is in possession of the information on which to determine the validity of the request, and the identity of the producer, or is in a position to obtain the necessary information for these purposes. Further, inasmuch as all the money involved in the program is in the first instance collected by the market administrator, there is no reason for any other method of payment of refunds than directly from the market administrator to the individual producer.

Proponents recognized that certain elements of flexibility are necessary in the procedure when a dairy farmer is not on the market during the specified notification period in which request for refunds are to be made. It was proposed that a dairy farmer coming on the market after such specified period and before the beginning of the next regular period for requesting refunds be permitted to request refund for the calendar quarter.

It was pointed out, however, that a dairy farmer coming on the market may have been a producer on another market where a similar program applies and where he had requested refund for the calendar quarter or had opportunity to make such request. Proponents suggested that, ideally, one request by a producer should serve for all markets in which his milk is delivered and subject to program assessments.

The program should operate in such a manner that an application properly submitted by a dairy farmer for refund for a calendar quarter under one order will be valid with respect to refund of program assessments on his milk under a second order. As a corollary, there is no need to provide a new producer opportunity to request refund if he already has had such opportunity in another market. To do so would result in unnecessary duplication of the refund procedure and added expense. A second opportunity for such producers to request a refund would also be inequitable compared to the application of the order to producers who are afforded the opportunity only in the specified 15-day period.

In the case of a new producer who has not been under another order where a similar program exists, and who enters the market after the regular refund notification period applicable to a calendar quarter, or comes on the market during such calendar quarter, application for refund may be made with respect to assessments against such producer's milk during such calendar quarter.

Proponents requested at the hearing that in the event deductions at the start of the program are initiated other than at the beginning of a calendar quarter, a period for requesting refunds be specified in the month prior to the first month in which deductions are made. As proposed in the hearing notice, however, in such circumstances a producer would be allowed to make application for refund for the current calendar quarter up to the beginning date of the next regular period for requesting refunds for the ensuing quarter.

The proposed special refund request period is not considered necessary. The particular circumstance described by proponent would occur only at the beginning of the program. It is not expected under the circumstances in these markets that the proposal would make a significant difference in the funds available.

Proponents recognized that the milk of some producers may be subject to deductions under a State program requiring a mandatory checkoff for a similar advertising and promotion program. Proponents held that a double assessment was not intended and that refund should be made under the Federal order of an amount equal to such State assessment but not in excess of 5 cents per hundredweight. This procedure is provided for in the statute and should be adopted.

A part of the function of the market administrator in relation to handling of applications for refunds is the ascertainment of the amount of funds to be available to the Agency during the ensuing calendar quarter for use in the program. Under the procedure specifying that application for refunds should be made in the first 15 days of the month preceding the quarter, the market administrator will have in hand information from which to estimate the total of assessments on milk during the ensuing quarter that will be available for disbursement to the Agency. Such estimate of available funds will be based, of course, only on existing information at the beginning of the calendar quarter. Changes in producer numbers as well as other occurrences during the quarter will affect somewhat the amount of money available.

Since this is a voluntary program there should be no provision for disclosure by the market administrator regarding the status of any producer under the program. It will be incumbent upon the participants, through their Agency, to conduct programs in a manner and of a nature to set the climate for maximum participation by producers.

It is possible that at some later date producers could request termination of the program, or that the order provisions could be terminated by the Secretary on a finding that they no longer tend to effectuate the declared policy of the Act. In the event that the provisions of the advertising and promotion program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to producers since such moneys are derived solely from funds otherwise due producers. In each of these orders market-wide pools exist and such uncommitted funds appropriately should be deposited in the producer-settlement fund for distribution to producers.

Expenses incurred by the market administrator in the administration of the advertising and promotion program should be charged against the advertising and promotion funds. Neither the marketing service fund nor the administrative fund should be charged with costs directly related to the administration of the advertising and promotion program. The program is producer originated and should be self-sustaining. The expenses attendant to its administration appropriately should be borne by participating producers.

The statutory authority supports this position and makes it clear that this is intended to be strictly a producer program. In part the law states that "Establishing or providing for the establishment of * * * program * * * to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. * * * All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purpose for which they are collected."

To implement the advertising and promotion program under each order, it is necessary that certain provisions of the current orders be modified.

The provisions for computing the weighted average (or uniform) prices must be modified by inserting a new paragraph prescribing the deduction of 5 cents per hundredweight of producer milk from the aggregate value included in the computation. It is through this procedure that the advertising and promotion funds are reserved. This, of course, has the result of reducing the weighted average (or uniform) prices by 5 cents.

The advertising and promotion moneys so reserved will be held in the producer-settlement fund as a separate account for disposition by the market administrator in accordance with the terms and conditions prescribed under the advertising and promotion program order provisions.

In the Greater Kansas City order where a base and excess payment plan applies, it also is necessary to modify the provisions prescribing the computation of the uniform prices for base and excess milk so that the cost of the advertising and promotion program will be divided pro rata between base and excess milk rather than be placed on base milk alone. Official notice is taken of a decision with respect to the Nebraska-Western Iowa order (37 F.R. 23438) in which a Class I base plan is proposed. Appropriate provisions for computation of uniform prices are contained herein in the event such base plan is adopted.

It is necessary also that appropriate corollary changes be made in the provisions prescribing the obligations of a handler operating a partially regulated distributing plant and the obligations of any handler with respect to other source milk allocated to Class I (on which the pool obligation is the difference between the Class I and the weighted average price) so that such handler's pool obligations will not be increased by 5 cents because of the change in the weighted average price.

It is recognized that, unless otherwise provided for, an audit adjustment involving any handler's balance of payment to or from the producer-settlement fund could also require adjustments in the moneys to be turned over to the program or refunded to producers, as the case may be. However, such adjustment normally would not involve sufficient volumes of milk to significantly affect the moneys available to the program. For this reason and because of the substantial administrative costs that would be involved in reflecting audit adjustment in adjusted payments to the program, it is intended that such audit adjustments shall not result in adjustments of funds available to the program.

Other order modifications not specifically discussed herein are necessary and incidental to insure the proper functioning of the order to accommodate the advertising and promotion program as here established.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement[1] regulating the handling of milk, and an order amending the orders regulating the handling of milk in the aforesaid specified marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement,[1] be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreements are identical with those contained in the respective orders as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval of the Advertising and Promotion Program and Determination of Representative Period

November 1972 is hereby determined to be the representative period for the purpose of ascertaining whether the proposed order provisions, constituting the advertising and promotion program in each order regulating the handling of milk in the aforesaid specified marketing areas are separately approved or favored by producers, as defined under the terms of the respective order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the respective marketing area.

Signed at Washington, D.C., on January 5, 1973.

RICHARD E. LYNG,
Assistant Secretary.

Order[2] amending the orders, regulating the handling of milk in certain specified marketing areas.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of

[1] Marketing agreement filed as part of the original document.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the specified orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on December 1, 1972, and published in the FEDERAL REGISTER on December 6, 1972 (37 FR 25940) shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein.

With respect to the Nebraska-Western Iowa Order No. 65, the amending order includes certain provisions (amendment numbers 6 and 7 relative to §§ 1065.71a and 1065.80a, respectively) that were set forth in the recommended decision to apply if a proposed Class I base plan was adopted for such order. By an order of the Assistant Secretary issued December 15, 1972, and published in the December 21, 1972, issue of the FEDERAL REGISTER, a Class I Base Plan was adopted for the Nebraska-Western Iowa Order 65 to become effective February 1, 1973.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. Section 1032.60 is revised as follows:

§ 1032.60 Producer-handlers.

Sections 1032.40 through 1032.54, 1032.61 through 1032.90 and 1032.110 through 1032.122 shall not apply to a producer-handler.

2. In § 1032.62, paragraph (b)(5) is revised as follows:

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus five cents, or the Class II price, whichever is higher; and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

3. In § 1032.71, a new paragraph (c–1) is added to read as follows:

§ 1032.71 Computation of the uniform price.

* * * * *

(c–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * *

4. In § 1032.84, paragraph (b)(2) is revised to read as follows:

§ 1032.84 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1032.70(f).

5. Immediately following § 1032.89, a new centerhead and new §§ 1032.110 through 1032.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1032.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1032.121 (b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1032.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1032.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1032.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group of participating producers, in total, pursuant to § 1032.113(c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1032.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1032.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1032.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1032.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1032.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1032.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1032.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1032.110 and 1032.117.

§ 1032.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select, from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1032.110 and 1032.117;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1032.117 Advertising, Research, Education, and Promotion Program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1032.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1032.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1032.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1032.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1032.71 (c–1): *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1032.71(c–1).

§ 1032.121 Duties of the market administrator.

Except as specified in § 1032.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1032.113(c);

(b) Set aside the amounts subtracted under § 1032.71(c–1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1032.71(c–1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1032.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's

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milk pooled for which deductions were made pursuant to § 1032.71(c–1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1032.110 through 1032.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

§ 1032.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1032.83.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. Section 1050.60 is revised as follows:

§ 1050.60 Producer-handlers.

Sections 1050.40 through 1050.54, 1050.61 through 1050.90, and 1050.110 through 1050.122 shall not apply to a producer-handler.

2. In § 1050.62, paragraph (b)(5) is revised as follows:

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents, or the Class II price, whichever is higher; and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

3. In § 1050.71, a new paragraph (c–1) is added to read as follows:

§ 1050.71 Computation of the uniform price.

* * * * *

(c–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

4. In § 1050.84, paragraph (b)(2) is revised to read as follows:

§ 1050.84 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1050.70(f).

5. Immediately following § 1050.89, a new centerhead and new §§ 1050.110 through 1050.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1050.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1050.121 (b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1050.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations as provided for under § 1050.113(b), is authorized one agency representative for each full 10 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 10 percent of the total participating producers that have elected not to combine pursuant to § 1050.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group of participating producers, in total, pursuant to § 1050.113(c), one Agency representative for each full 10 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 10 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1050.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1050.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1050.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 10 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1050.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 10 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1050.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1050.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1050.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1050.110 and 1050.117.

§ 1050.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1050.110 and 1050.117;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1050.117 Advertising, Research, Education and Promotion Program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1050.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1050.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1050.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1050.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1050.71(c–1). *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1050.71(c–1).

§ 1050.121 Duties of the market administrator.

Except as specified in § 1050.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1050.113(c);

(b) Set aside the amounts subtracted under § 1050.71(c–1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1050.71(c–1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1050.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1050.71(c–1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1050.110 through 1050.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

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§ 1030.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1050.83.

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

1. In § 1062.60, paragraph (a) is revised as follows:

§ 1062.60 Exemptions.

(a) *Producer-handler.* Sections 1062.40 through 1062.46, 1062.50 through 1062.54, 1062.61, 1062.62, 1062.70 through 1062.72, 1062.80 through 1062.89 and 1062.110 through 1062.122 shall not apply to a producer-handler; and

• • • • •

2. In § 1062.62, paragraph (b)(5) is revised as follows:

§ 1062.62 Obligations of handlers operating a partially regulated distributing plant.

• • • • •

(b) • • •

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

3. In § 1062.71, a new paragraph (c–1) is added as follows:

§ 1062.71 Computation of uniform prices.

• • • • •

(c–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents.

§ 1062.84 [Amended]

4. In § 1062.84, *Payments to the producer-settlement fund*, paragraph (b)(2) is revised by inserting the words "plus 5 cents" following the initial words "The value at the weighted average price(s) applicable at the location of the plant(s) from which received • • •"

5. Immediately following § 1062.88, a new centerhead and new §§ 1062.110 through 1062.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1062.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1062.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1062.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1062.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1062.113(b), and participating producers who are not members of cooperatives are authorized to select from such group of participating producers, in total, pursuant to § 1062.113(c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1062.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1062.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1062.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1062.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1062.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1062.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1062.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1062.110 and 1062.117.

§ 1062.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1062.110 and 1062.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1062.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1062.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1062.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1062.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1062.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1062.71(c–1): *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1062.71(c–1).

§ 1062.121 Duties of the market administrator.

Except as specified in § 1062.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1062.113(c);

(b) Set aside the amounts subtracted under § 1062.71(c–1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1062.71(c–1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1062.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1062.71 (c–1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1062.110 through 1062.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

§ 1062.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1062.83.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. Section 1064.60 is revised as follows:

§ 1064.60 Exempt handlers.

Sections 1064.40 through 1064.46, 1064.50 through 1064.53, 1064.61, 1064.70, 1064.71, 1064.80 through 1064.88, and

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1064.110 through 1064.122, shall not apply to a handler pursuant to § 1064.7(f), a producer-handler, or to a handler operating a plant from which less than an average of 600 pounds of Class I milk per day is distributed on routes in the marketing area.

2. In § 1064.61, paragraph (b)(5) is revised as follows:

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(b) • • •

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

3. In § 1064.71, a new paragraph (c–1) is added to read as follows:

§ 1064.71 Computation of uniform price.

• • • • •

(c–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

4. In § 1064.72 revise paragraphs (a) and (b) to read as follows:

§ 1064.72 Computation of uniform prices for base and excess milk.

• • • • •

(a) Subtract from the amount resulting from the computations made pursuant to paragraphs (a) through (d) of § 1064.71 an amount computed by multiplying the weighted average price plus 5 cents times the hundredweight of milk specified in § 1064.71(e)(2);

(b) Determine the value of excess milk by multiplying the hundredweight of producer milk determined to be excess milk in series beginning with Class III by the respective class prices minus 5 cents for milk of 3.5 percent butterfat content, and adding together the resulting amounts;

• • • • •

§ 1064.80 [Amended]

5. In § 1064.80, *Time and method of payment*, the phrase in paragraph (a) "at not less than the applicable uniform price(s) pursuant to § 1064.71 or § 1064.82" is changed to read "at not less than the applicable uniform price(s) pursuant to § 1064.71 or § 1064.72."

6. In § 1064.84, revise paragraph (a)(2)(ii) to read as follows:

§ 1064.84 Payments to the producer-settlement fund.

(a) • • •

(2) • • •

(ii) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the Class III price) with respect to other source milk for which a value is computed pursuant to § 1064.70(e).

7. Immediately following § 1064.88 a new centerhead and new §§ 1064.110 through 1064.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1064.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1064.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1064.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1064.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1064.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group of participating producers, in total, pursuant to § 1064.113(c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers, it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1064.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives but not less than five.

§ 1064.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1064.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1064.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1064.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1064.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1064.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1064.110 and 1064.117.

§ 1064.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1064.110 and 1064.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1064.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1064.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1064.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1064.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1064.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1064.71(c–1): *Provided*, That such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1064.71(c–1).

§ 1064.121 Duties of the market administrator.

Except as specified in § 1064.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1064.113(c);

(b) Set aside the amounts subtracted under § 1064.71(c–1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1064.71(c–1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1064.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1064.71(c–1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1064.110 through 1064.122).

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(d) Make necessary audit to establish that all Agency funds are used only for authorized purposes.

§ 1064.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1064.83.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.60 is revised as follows:

§ 1065.60 Producer-handler.

Sections 1065.40 through 1065.46, 1065.50 through 1065.53, 1065.70 through 1065.73, 1065.80 through 1065.87, and 1065.110 through 1065.122 shall not apply to a producer-handler.

2. In § 1065.62, paragraph (b)(5) is revised as follows:

§ 1065.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

3. In § 1065.71, a new paragraph (d–1) is added as follows:

§ 1065.71 Computation of uniform prices.

* * * * *

(d–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

4. Section 1065.71a is revised to read as follows:

§ 1065.71a Computation of uniform prices for base milk and excess milk.

For each month in which a base plan is effective the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk of 3.5-percent butterfat content received from producers as follows:

(a) From the net amount computed pursuant to § 1065.71 (a) through (e) subtract the amounts specified in subparagraphs (1) through (5) of this paragraph:

(1) The amount computed by multiplying the hundredweight of milk specified in § 1065.71(f)(2) by the weighted average price plus 5 cents for all milk;

(2) The amount obtained by multiplying by the Class III price, less 5 cents, the total hundredweight of milk delivered by all producers who have no Class I base;

(3) The amount computed by multiplying the hundredweight of excess milk by the Class III price, less 5 cents, for 3.5-percent butterfat milk provided that the quantity of milk to which the Class III price, less 5 cents, is applied pursuant to this subparagraph plus the quantity pursuant to subparagraph (2) of this paragraph shall not exceed the quantity of producer milk in Class III;

(4) An amount computed by multiplying any remaining hundredweight of excess milk by the Class II price, less 5 cents, for 3.5-percent butterfat milk to the extent that producer milk in Class II is available for such assignment; and

(5) An amount computed by multiplying any remaining hundredweight of excess milk by the Class I price, less 5 cents, for 3.5-percent butterfat milk;

(b) Divide the net amount obtained in paragraph (a) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform base price per hundredweight of milk of 3.5-percent butterfat content; and

(c) Divide the amount obtained in paragraphs (a) (3), (4) and (5) of this section by the hundredweight of excess milk, and subtract any fractional part of 1 cent. This result shall be known as the uniform excess price per hundredweight of milk of 3.5-percent butterfat content.

§ 1065.80a [Amended]

5. In § 1065.80a, *Time and method of payment to producers and to cooperative associations*, paragraph (a) is revised by inserting the words "less 5 cents" (preceded and followed by commas), immediately following the words "at not less than the Class III price".

6. In § 1065.82, paragraph (b)(2) is revised as follows:

§ 1065.82 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1065.70(e).

7. A new centerhead and new §§ 1065.110 through 1065.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1065.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1065.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1065.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1065.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1065.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group of participating producers, in total, pursuant to § 1065.113(c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1065.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1065.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1065.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to

the Agency under the rules of § 1065.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1065.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1065.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1065.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1065.110 and 1065.117.

§ 1065.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1065.110 and 1065.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1065.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1065.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1065.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1065.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1065.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1065.71(d–1). *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refunds with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1065.71(d–1).

§ 1065.121 Duties of the market administrator.

Except as specified in § 1065.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

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(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1065.113(c);

(b) Set aside the amounts subtracted under § 1065.71(d–1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1065.71(d–1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1065.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1065.71(d–1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1065.110 through 1065.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

§ 1065.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1065.81.

[FR Doc.73-513 Filed 1-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CREAMED COTTAGE CHEESE

Definitions and Standards of Identity; Termination of Proposed Rule Making

In the matter of amending the definition and standard of identity for creamed cottage cheese (21 CFR 19.530) to permit the use of the mold inhibitors sorbic acid, sodium sorbate, and potassium sorbate, or mixtures thereof as optional ingredients:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of September 22, 1971 (36 FR 18800), based on a petition filed by the Milk Industry Foundation, 910 17th Street NW., Washington, DC 20006. Subsequently, an order was published (37 FR 12934, June 30, 1972) which amended § 19.530 by changing the name "creamed cottage cheese" to "cottage cheese," and by providing for use in the creaming mixture of any "safe and suitable" ingredient as defined in 21 CFR 19.499. This would include the subject ingredients. In view of the June 30, 1972, publication, the Milk Industry Foundation has requested withdrawal of its petition, and as provided for in 21 CFR 10.2, notice is given that the rule making procedure in this matter is terminated. The withdrawal of this petition is without prejudice to a future filing.

In response to the above notice of proposed rule making in this matter, a total of 75 written comments were received; 13 comments favored the proposal and 62 comments expressed opposition. The Commissioner wishes to acknowledge these comments and to state his conclusions with respect to those expressing opposition to the proposal in summary as follows:

1. The majority of the adverse comments, mostly from individuals, expressed opposition to the adding of sorbic acid or other chemicals to food.

A review of the legislative intent of the Food Additives Amendment indicates that the use of safe and suitable additives to enable the housewife to safely keep food longer is specifically expressed as a primary purpose of the law. This matter was elaborated upon in the order amending § 19.530 published in the FEDERAL REGISTER on June 17, 1972 (37 FR 12065).

2. Other respondents asserted that preservatives are not needed in creamed cottage cheese produced under good manufacturing practices, since the present product is dated and will keep up to 2 to 3 weeks under refrigeration.

Several research studies have shown that even under conditions of good manufacturing practice, low levels of microflora are present in creamed cottage cheese and that sorbic acid and/or sorbates are effective in suppressing the growth of such microflora. In the manufacture and packaging of creamed cottage cheese, the creaming mixture is added to the curd either in the vat or by utilizing various blenders. Some bacteria capable of producing economic spoilage will gain admittance into the product prior to or during packaging even where the strictest of good manufacturing practices are observed. Creamed cottage cheese is also very susceptible to inoculation with microorganisms from exposure to a variety of utensils used to mix and serve the product. Moreover, many home refrigerators are not maintained at a temperature that is sufficiently low to protect the product adequately, particularly when such microorganisms are present. Cottage cheese is normally spoiled by the growth of Gram-negative bacteria rather than yeasts and molds. When these bacteria have grown sufficiently to produce off-flavors or odors or discoloration, the product is no longer considered fit for consumption, regardless of whether or not sorbic acid and/or sorbates were initially added. While sorbic acid and/or sorbates do help to extend the salable life of foods, they by no means can completely restrict microbial growth, especially with high initial levels of contamination. The use of sorbic acid and/or sorbates as proposed will only delay the respective growth rates of these microorganisms and cannot be used to upgrade a product of poor quality. Chemical off-flavors and physical degradation such as drying, wheying off, etc., that occur in overage cottage cheese would not be impeded by the use of sorbic acid and/or sorbates.

3. Comments were received that certain ingredients (sometimes referred to as "chemicals") in food are detrimental to health, since some individuals should avoid them and other individuals should adhere to restricted diets.

The label declaration of safe and suitable ingredients, as required by the order of June 30, 1972, referred to above, would enable the consumer to learn if a food contains an ingredient which should be avoided and thus provide the consumer a basis for choice.

4. Several commented that use of preservatives in cottage cheese would not improve the nutritional quality of the food and would be more beneficial to the manufacturer than to the consumer.

The optional use of sorbic acid and/or sorbates, while not improving the nutritional quality of the food, will enable the consumer to utilize creamed cottage cheese in a condition comparable to that of the product when manufactured and with no reason for an increase in price. Also, given the opportunity to utilize the additives, producers of cottage cheese would be able to compete in more distant markets; thus competition would likely be intensified, rather than lessened as some respondents asserted, leading to a wider variety of brands from which the consumer may select.

5. One respondent, a manufacturer and major supplier of sorbic acid and potassium sorbate favored the proposal but suggested that a level higher than that of 0.10 percent proposed by the petitioner be permitted.

Data submitted by the petitioner show that a use level of more than 0.10 percent potassium sorbate may impart a detectable off-flavor to creamed cottage cheese and is not warranted.

This termination of proposed rule making is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Effective date. This termination is effective on January 10, 1973.

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-482 Filed 1-9-73;8:45 am]

[21 CFR Parts 135c, 141a, 146a]

PROCAINE PENICILLIN AND STREPTOMYCIN SULFATE IN COMBINATION, PENICILLIN-STREPTOMYCIN POWDER VETERINARY, AND PENICILLIN-DIHYDROSTREPTOMYCIN POWDER VETERINARY

Proposed Revocation of Certification for Use in Animal Drinking Water

In the FEDERAL REGISTER of July 22, 1970 (35 FR 11706, DESI 0063NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Whitmoyer A–V 25, NADA (new animal drug application) No. 65–295; marketed by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, PA 17067. The announcement invited the holder of said new animal drug application and any other interested person to submit pertinent data on the drug's effectiveness.

Available information fails to provide substantial evidence that this drug will have the effect it purports to have when administered in accordance with the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner concludes that neither this nor any similar product should be permitted in the drinking water of animals. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343–351; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Parts 135c, 141a, and 146a be amended by revoking §§ 135c.45 *Procaine penicillin and streptomycin sulfate in combination;* 141a.71 *Penicillin-streptomycin powder veterinary; penicillin dihydrostreptomycin powder veterinary;* and 146a.93 *Penicillin-streptomycin powder veterinary; penicillin-dihydrosteptomycin powder veterinary.*

Any person who would be adversely affected by the removal of any such drugs from the market may file, by February 9, 1973, objections to this proposal stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for hearing must identify the claimed errors in the NAS/NRC evaluation and identifying any adequate and well-controlled investigation on the basis of which it could reasonably be concluded that these drugs would have the effectiveness claimed and would be safe for their intended use. Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Objections and requests for a hearing which are received in response to this order may be seen in the above office during business hours, Monday through Friday.

(Secs. 507 512, 59 Stat. 463 as amended, 82 Stat. 343–351; 21 U.S.C. 357, 360b)

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-485 Filed 1-9-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR Part 15–16]

PROCUREMENT FORMS

Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

Notice is hereby given that the Environmental Protection Agency proposes an amendment to 41 CFR Chapter 15, § 15–16.553 to add general provisions to be used in cost reimbursement contracts with educational and other nonprofit institutions to read as set forth below.

Interested parties may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Environmental Protection Agency, Contracts Management Division, Washington, D.C. 20460. All communications received within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER will be considered prior to adoption of the final regulation. A copy of each communication will be placed on file for public inspection in the Contracts Management Division, Room 415B, Waterside Mall, Washington, D.C. 20460.

Dated: January 5, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 15–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

§ 15–16.553–4 General provisions for use in cost reimbursement contracts with educational and other nonprofit institutions.

GENERAL PROVISIONS

The following listed clauses (1–39), previously published in the FEDERAL REGISTER, dated September 20, 1972, will be included:

1. Definitions.
2. Disputes.
3. Changes.
4. Printing.
5. Stop work order.
6. Inspection.
7. Subcontracts.
8. Competition in subcontracting.
9. Overtime.
10. Foreign travel.
11. Services of consultants.
12. Insurance.
13. Litigation and claims.
14. Notice to the Government of delays.
15. Limitation on withholding of payments.
16. Interest.
17. Payment of interest of contractor's claims.
18. Audit and records.
19. Examination of records by Comptroller General.
20. Price reduction for defective cost or pricing data.
21. Subcontractor cost and pricing data.
22. Pricing of adjustments.
23. Assignment of claims.
24. Utilization of small business concerns.
25. Utilization of labor surplus area concerns.
26. Utilization of minority business enterprises.
27. Equal opportunity.
28. Listing of employment openings.
29. Walsh-Healey Public Contracts Act.
30. Contract Work Hours and Safety Standards Act—overtime compensation.
31. Convict labor.
32. Buy American Act.
33. Officials not to benefit.
34. Covenant against contingent fees.
35. Gratuities.
36. Authorization and consent.
37. Rights in data.
38. Data requirements.
39. Notice and assistance regarding patent and copyright infringement.

In addition to the above, the following clauses will be included for use in cost reimbursement contracts with educational and other nonprofit institutions:

40. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated, in whole or from time to time in part, by the Government whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government. Termination of work hereunder shall be effected by delivery to the Contractor of a notice of termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination becomes effective.

(b) After receipt of the notice of termination the Contractor shall cancel his outstanding commitments hereunder covering the procurement of materials, supplies, equipment, and miscellaneous items. In addition, the Contractor shall exercise all reasonable diligence to accomplish the cancellation or diversion of his outstanding commitments covering personal services and extending beyond the date of such termination to the extent that they relate to the performance of any work terminated by the notice. With respect to such canceled commitments the Contractor agrees to (1) settle all outstanding liabilities and all claims arising out of such cancellation of commitments, with the approval or ratification of the Contracting Officer, to the extent he

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may require, which approval or ratification shall be final for all purposes of this clause, and (2) assign to the Government, in the manner, at the time, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts.

(c) The Contractor shall submit his termination claim to the Contracting Officer promptly after receipt of a notice of termination, but in no event later than 1 year from the effective date thereof, unless one or more extensions in writing are granted by the Contracting Officer upon written request of the Contractor within such 1-year period or authorized extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Any determination of costs under paragraph (c) shall be governed by the contract cost principles and procedures in Subpart 1–15.3 of the Federal procurement regulations (41 CFR 1–15.3) in effect on the date of this contract, except that if the Contractor is not an educational institution any costs claimed, agreed to, or determined pursuant to paragraphs (c) or (e) hereof shall be in accordance with Subpart 1–15.2 of the Federal procurement regulations (41 CFR 1–15.2) in effect on the date of this contract.

(e) Subject to the provisions of paragraph (c) above, and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the termination under his clause, which amount or amounts may include any reasonable cancellation charges thereby incurred by the Contractor and any reasonable loss upon outstanding commitments for personal services which he is unable to cancel: *Provided, however,* That in connection with any outstanding commitments for personal services which the Contractor is unable to cancel, the Contractor shall have exercised reasonable diligence to divert such commitments to his other activities and operations. Any such agreement shall be embodied in an amendment to this contract and the Contractor shall be paid the agreed amount.

(f) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments against costs incurred by the Contractor in connection with the terminated portion of this contract, whenever, in the opinion of the Contracting Officer, the aggregate of such payments is within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand: *Provided,* That if such excess is not so paid upon demand, interest thereon shall be payable by the Contractor to the Government at the rate of 6 percent per annum, beginning 30 days from the date of such demand.

(g) The Contractor agrees to transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, such information and items which, if the contract had been completed, would have been required to be furnished to the Government, including:

(1) Completed or partially completed plans, drawings, and information; and

(2) Materials or equipment produced or in process or acquired in connection with the performance of the work terminated by the notice.

Other than the above, any termination inventory resulting from the termination of the contract may, with the written approval of the Contracting Officer, be sold or acquired by the Contractor under the conditions prescribed by and at a price or prices approved by the Contracting Officer. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of work covered by this contract or paid in such other manner as the Contracting Officer may direct. Pending final disposition of property arising from the termination, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(h) Any disputes as to questions of fact which may arise hereunder shall be subject to the "Disputes" clause of this contract.

41. GOVERNMENT PROPERTY

(a) *Government-furnished property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer shall upon written request of the Contractor shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provision effected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-Furnished Property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, and/or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance on this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(The following paragraph shall be substituted for (c) above when the contract is with an educational institution.)

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor with the prior approval of the Contracting Officer shall be vested in the Contractor without further obligation to the Government except as provided below, unless it is determined by the Contracting Officer that such vesting is not in furtherance of the objectives of the Government or unless there is not proper authority to vest title in the Contractor. Such title shall be vested in the Contractor upon acquisition of the property or as soon as feasible thereafter provided that:

(1) The Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such property.

(ii) At any time prior to twelve (12) months after completion or termination of the contract, the Contracting Officer reserves the right to require the Contractor to transfer title to property costing $1,000 or more per unit to the Government or to a third party named by the Contracting Officer.

(iii) The Contractor shall, at the end of the calendar year, and within 30 days after completion of the contract, furnish the Contracting Officer a list of all property where title is vested in the Contractor. If no such property has vested, the report shall so state.

All Government furnished property, together with all property title to which vests in the Government under this clause, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reasons of affixation to any realty.

(d) *Property Administration.* The Contractor agrees to maintain and administer a property control system in accordance with EPA publication "Guide for Control of Government Property by Contractors," in effect as of the date of this contract, supplied by the Government. While the Contractor is responsible for the Government Property (Government furnished and Contractor acquired), the Government will maintain the official accountability records.

(e) *Use of Government Property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance of Government Property.* The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection and disposition of Government property.

(g) *Risk of Loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) All or substantially all of the Contractor's business; or

(B) All or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) To maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair, protection, and preservation of Government property as required by paragraph (f) hereof, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f) hereof; or

(B) To establish, maintain, and administer, in accordance with (d) above, a system for control of Government property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

(2) If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. The Contractor shall obtain the approval of the Contracting Officer prior to transferring any Government Officer prior to subcontractor. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(h) *Access.* The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located.

(i) *Final Accounting and Disposition of Government Property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form accountable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government property: *Provided, however,* That the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) *Restoration of Contractor's premises and abandonment.* Unless otherwise provided herein, the Government:

(i) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(ii) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j)(i) above), disposition on completion of need or of the contract (paragraph (i) above), nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) above.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

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42. PRINCIPAL INVESTIGATORS

Where principal investigators have been identified in this contract, it has been determined that such named investigators are necessary for the successful performance of this contract; and the Contractor agrees to assign such persons to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned investigators is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer to that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such investigators with investigators of substantially equal ability and qualifications.

43. ALLOWABLE COST AND PAYMENT

(a) For the performance of this contract, the Government shall pay to the Contractor the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(1) Subpart 1–15.3 of the Federal Procurement Regulations as in effect on the date of this contract except that if the Contractor is not an educational institution the allowable costs shall be determined by Subpart 1–15.2 of FPR; and

(2) The terms of this contract.

(b) Once each month (or more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost or ten thousand dollars ($10,000), whichever is less, shall have been put aside.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) A "completion invoice" or "completion voucher" shall be submitted upon the physical completion of all performance provisions and when all costs applicable to the contract have been incurred.

The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. Upon the completion of the final audit and the receipt of a "final invoice" or "final voucher," the Government shall promptly pay to the Contractor any balance of allowable costs, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) property allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor:

(B) Claims, together with reasonable expense incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the Contractor on the date of execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

44. LIMITATION OF COST

(a) It is estimated that the total cost to the Government, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the Schedule, or if, at any time, the Contractor has reason to believe that the total cost to the Government for the performance of his contract will be greater or substantially less than the then estimated cost hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination Clause) or otherwise to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

45. NEGOTIATED OVERHEAD RATES POSTDETERMINED

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than six (6) months after the close of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3), as in effect on the date of this contract. (Other than educational institutions shall be governed by Subpart 1–15.2 and 41 CFR 1–15.3).

(d) The results of each negotiation shall be set forth in a written overhead rate agreement, executed by both parties. Such agreement is automatically incorporated in this contract upon execution and shall specify: (1) The agreed final rates; (2) the bases to which the rates apply; (3) the periods for which the rate apply; and (4) the items treated as direct costs. The overhead rate agreement shall not change any monetary ceiling, contract obligation, or specific cost allowance or disallowance provided for in this contract.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively: (1) Provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision of negotiated provisional rates specified in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(g) Nothing in this clause shall preclude the Contracting Officer from negotiating final overhead rates applicable to this contract, for any period, for the purpose of contract closeout: *Provided*, That (i) the negotiated amount of overhead costs applicable hereto does not exceed $200,000 for any one fiscal year; (ii) there is agreement between the Government and the Contractor that there will be no adjustment against other Government contracts for over or under recovery under this contract disclosed through a subsequent, regular final overhead rate negotiation or determination; and (iii) this contract is appropriately modified to reflect the finality of this negotiation and the fact that other contracts shall not be affected by any over or under recovery resulting therefrom.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

[FR Doc.73-538 Filed 1-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[Docket No. 19660; FCC 72-1192]

DOMESTIC HANDLING OF INTERNATIONAL RECORD TRAFFIC

Inquiry and Proposed Tariff Revisions; Order Specifying Hearing Date

In the matter of International Record Carriers' scope of operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act. Docket No. 19660, RM–690.

1. On December 18, 1972 we issued a notice of inquiry and proposed rule making (37 FR 28303; December 22, 1972) herein in which, among other things, we ordered oral argument on the question whether authorization under section 222 of the Communications Act is a prerequisite to the tariff revisions filed by ITT World Communications Inc., Western Union International, Inc., and RCA Global Communications, Inc.,[1] to absorb the charges associated with direct access between hinterland users and international carriers, e.g., the domestic telex, TWX, and WATS networks for the pickup and delivery of international message telegrams.

2. In the notice of inquiry we left open the date on which the oral argument would be heard, and we are now specifying such date. Moreover, Western Union Telegraph Co., a party respondent, on December 19, 1972, requested that the time specified for the filing of briefs preparatory to oral argument be extended to 30 days, rather than 20 days, and shows good cause for such extension.

3. The time allotments set forth below reflect the fact that the Western Union Telegraph Co. has raised the question whether prior authority is required for the tariff filings at issue herein, and, further, reflects the fact that ITT World Communications Inc. was the original record carrier proposing such tariff.

Accordingly, it is ordered, That oral argument on the above matter shall be heard before the Commission en banc at Washington, D.C. on February 13, 1973 at 9:30 a.m.

It is further ordered, That times allotted for the parties to the oral argument shall be as follows:

Western Union Telegraph Company, 50 minutes; ITT World Communications Inc., 30 minutes; Western Union International, Inc., 15 minutes; RCA Global Communications, Inc., 15 minutes; and TRT Telecommunications Corp., 15 minutes.

Provided, however, that should the parties agree among themselves to a different allocation of time, or should the international carriers agree among themselves on a different allocation of the time allotted to them as a group, the Commission should be so notified 1 week in advance of the date set herein for oral argument;

Provided, further, that the Western Union Telegraph Co. may reserve for rebuttal a portion of the time allocated to it; and

It is further ordered, That the time for filing briefs in this matter is extended until January 17, 1973.

Adopted: December 20, 1972.

Released: December 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-522 Filed 1-9-73;8:45 am]

[1] Since the release of our notice of inquiry and proposed rule making, TRT Telecommunications Corp., on December 19, 1972, filed revisions to its Tariff F.C.C. No. 60 (specifically, 156th revised page 1, 33d revised page 9, 23d revised page 9A, and original page 9B) to provide free direct access as proposed by the other record carriers herein.

[47 CFR Part 73]

[Docket No. 19628]

FM BROADCAST STATIONS IN UNION SPRINGS AND TALLASSEE, ALA.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Union Springs and Tallassee, Ala.), Docket No. 19628, RM–1902, RM–2040.

1. The notice of proposed rule making in the above-entitled proceeding was adopted on November 8, 1972, and published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24369). The dates for filing comments and reply comments are presently designated as December 22, 1972, and January 2, 1973, respectively.

2. On January 2, 1973, Union Springs Broadcasting Co., by its attorney filed a request for extension of time in which to submit reply comments to and including January 15, 1973. Counsel states that the comments and counterproposal of All Channel TV Service, Inc. were received on December 26, 1972, and due to the holidays and delay of the mails resulting therefrom, it has not been possible to communicate with principals of Union Springs Broadcasting or its consulting engineer. Counsel further states that, while it appears the Union Springs proposal will possibly not be affected, additional time is needed for consideration.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments in Docket No. 19628 is extended to and including January 15, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: January 3, 1973.

Released: January 4, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.73-521 Filed 1-9-73;8:45 am]

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Notices

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

OFFICIAL RULINGS AND PROCEDURES

Notice of Publication

Effective January 1, 1973, the Bureau of Alcohol, Tobacco and Firearms will use the Alcohol, Tobacco and Firearms Bulletin as the authoritative instrument of the Director for announcing official rulings and procedures of the Bureau and for publishing other items of general interest. The use of the Internal Revenue Bulletin for announcing such matters, notice of which was published in the FEDERAL REGISTER for July 29, 1972, will be concurrently discontinued.

All regulations, rulings, and procedures, in effect prior to July 1, 1972, issued by the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, will continue in effect until superseded or revised under the authority of Treasury Department Order No. 221, dated June 6, 1972, published in the FEDERAL REGISTER for June 10, 1972. All rulings and procedures issued by the Bureau of Alcohol, Tobacco and Firearms since July 1, 1972, which have been published in the Internal Revenue Bulletin, remain in effect; however, solely for the purposes of continuity, they will be republished in early issues of the Alcohol, Tobacco and Firearms Bulletin.

[SEAL] REX D. DAVIS,
Director.

[FR Doc.73-497 Filed 1-9-73;8:45 am]

DEPARTMENT OF STATE

[Public Notice 375]

CERTAIN FOREIGN PASSPORTS

Notice of Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of 6 months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into argeements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of 6 months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional 6 months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Australia.
Austria (Reisepass only).
Bahamas (See United Kingdom).
Bangladesh (Travel permit and passport).
Belgium.
Bolivia.
Brazil.
Canada.
Chile
Colombia.
Cuba.
Cyprus.
Dominican Republic.
Ecuador.
Egypt (Arab Republic of).
Ethiopia.
Finland.
France.
Germany (Reisepass and Kinderausweis).
Greece.
Guatemala.
Guinea.
Guyana.
Honduras.
Iceland.
India.
Iran.
Ireland.
Israel.
Italy.
Ivory Coast.
Jamaica.
Khmer Republic (Cambodia).
Korea.
Laos.
Lebanon.
Liechtenstein.
Luxembourg.
Malagasy Republic.
Mauritius.
Mexico.
Monaco.
Netherlands (The).
Nicaragua (Diplomatic and Official passports only).
Nigeria.
Norway.
Pakistan.
Panama.
Peru.
Philippines.
Portugal.
Spain.
Sri Lanka (Ceylon).
Sudan.
Sweden.
Switzerland.
Syrian Arab Republic.
Thailand.
Togo.
Tunisia.
United Kingdom of Great Britain and Northern Ireland (including Jersey and Guernsey and its dependencies and the Bahamas).
Uruguay.
Venezuela.
Viet-Nam.
Yugoslavia.

Public notice 238 of November 17, 1964 issued at 29 FR 16097 and amendments thereto are hereby superseded.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.73-508 Filed 1-9-73;8:45 am]

[Public Notice 376]

CERTAIN NONIMMIGRANT VISAS

Notice of Validity

Notice is hereby given that consular officers are authorized to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act (temporary visitors for business or pleasure) valid for an indefinite period of time to otherwise eligible nationals of the following countries, inclusive of British subjects resident in the Bahamas and Netherlands nationals resident in Surinam, which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. This order will be amended from time to time to include other countries which accord similar privileges to U.S. citizens.

Austria.
Bahamas.
Barbados.
Belgium.
Botswana.
British Honduras.
Central African Republic.
Chile.
Cyprus.
Denmark.
Fiji.
Finland.
France.
Germany.
Greece.
Iceland.
Ireland.
Israel.
Italy.
Jamaica.
Liechtenstein.
Lesotho.
Luxembourg.
Malawi.
Maldives, Republic of.
Malta.
Monaco.
Morocco.
Netherlands.
Netherlands Antilles.
New Zealand.
Norway.
Paraguay.
Portugal.
Saint Pierre and Miquelon.
San Marino.
Singapore.
Spain.
Surinam.
Sweden.
Switzerland.
Trinidad and Tobago.
Tunisia.
Turkey.
United Kingdom.
Uruguay.

Public notice 312 of August 27, 1969, issued at 34 FR 13705 and amendments thereto are hereby superseded.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.73-509 Filed 1-9-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD, COMMITTEE ON THE DISPOSAL OF HERBICIDE ORANGE

Notice of Meeting

JANUARY 5, 1973.

The USAF Scientific Advisory Board, Committee on the Disposal of Herbicide Orange will hold a closed meeting on February 8, 1973, at the Pentagon, Washington, D.C. 20330.

The committee will receive briefings and analysis on various methods considered in the disposal of Herbicide Orange.

Any person desiring information about the committee may telephone (202—697-4648) or write the Assistant Executive Secretary, USAF Scientific Advisory Board, Headquarters, U.S. Air Force, Washington, D.C. 20330.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.73-492 Filed 1-9-73;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD, GUIDANCE AND CONTROL PANEL

Notice of Meeting

JANUARY 5, 1973.

The USAF Scientific Advisory Board, Guidance and Control Panel will hold a closed meeting on January 15–16, 1973, at Holloman Air Force Base, N. Mex.

The agenda will include topics pertinent to the ongoing review of all-weather terminal guidance system.

Any person desiring information about the panel may telephone (202—697-4648) or write the Assistant Executive Secretary, USAF Scientific Advisory Board, Headquarters U.S. Air Force, Washington, D.C. 20330.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.73-493 Filed 1-9-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[Docket No. 73-2]

HEXAGON LABORATORIES, INC.

Notice of Hearing

Notice is hereby given that on November 24, 1972, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Hexagon Laboratories, Inc., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs should not deny the application for registration under the Controlled Substances Act of 1970, of the respondent, executed on October 25, 1972, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by Hexagon Laboratories, Inc., and written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on January 18, 1973, in room 812 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537.

Dated: January 4, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-537 Filed 1-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

SEMIDI NATIONAL WILDLIFE REFUGE

Wilderness Proposal: Cancellation of Public Hearing

Notice of the public hearing for the Semidi National Wildlife Refuge wilderness proposal published on page 26743 of the December 15, 1972, issue of the FEDERAL REGISTER as Document 72-21597 is hereby cancelled.

SPENCER H. SMITH,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 5, 1973.

[FR Doc.73-500 Filed 1-9-73;8:45 am]

SEMIDI NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 85–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 7 p.m. on February 20, 1973, at Loussac Library, Anchorage, Third Judicial District, Alaska, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including all or part of the Semidi National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of approximately 256,000 acres of lands and waters located in the Gulf of Alaska.

A study summary containing a map and information about the Semidi Wilderness proposal may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571; or from the Area Director, Bureau of Sport Fisheries and Wildlife, 813 D Street, Anchorage, AK 99501.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the area director at the above address by March 22, 1973.

SPENCER H. SMITH,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 5, 1973.

[FR Doc.73-499 Filed 1-9-73;8:45 am]

Office of the Secretary

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Administrative Procedures

On page 11276 of the FEDERAL REGISTER of June 6, 1972, there was published a notice and text of proposed administrative procedures (charter) for the National Advisory Board on Wild Free-Roaming Horses and Burros.

Interested persons were given 45 days within which to submit written comments, suggestions, or objections. Upon consideration of these comments and suggestions, certain changes have been incorporated. Additionally, language has been added to reflect the requirements of newly enacted Public Law 92–463, the Federal Advisory Committee Act.

The changes required by Public Law 92–463 are as follows:

1. The wording of IIIA5, *Compensation*, has been amended to clarify the provisions for payment of travel expenses.

2. A sentence has been added to IIIC, *Meetings*, to give the estimated number of meetings per year, annual operating costs, and man-years required.

3. A new clause reading: "* * * who is authorized to adjourn any meeting whenever he considers adjournment to be in the public interest." has been added to IIIC3, *Official participation*.

4. Part IIIC4, *Executive session*, has been eliminated, and part IIIC5 renumbered IIIC4.

5. Part IIIE, *Public participation*, has been renumbered IIIC5, reworded to insure that all meetings will be open to the public, and to provide for the making of presentations and the filing of statements.

6. The portion of IIIE, *Public participation*, concerning advance public notice of meetings has been separated and expanded under part IIIC6, *Advance public notice*.

7. A part IIIC7, *Support services*, has been added to spell out responsibility for such services.

8. Part IIIF, *Record of proceedings*, has been renumbered IIIE, and the word "official" dropped from subpart (c). Subpart (d) has been changed to read, "a description of matters discussed and conclusions reached;". Subpart (f) has been amended to provide for certification of the accuracy of records by the Board chairman. Additionally, a sentence has been added to indicate where copies of Board records may be inspected and copied.

9. Part IIIG, *Rules and procedures*, has been renumbered IIIF, and the words "* * * is solely advisory and * * *" added between "Board" and "shall" of the first sentence. A sentence has been added to prescribe responsibility for actions to be taken with respect to any report or recommendation of the Board.

10. A part IIIH, *Termination*, has been added.

The following changes were made in response to comments:

1. The second sentence of II *Authority* has been eliminated. Although the sentence was an accurate statement of the law, its repetition in the charter could be interpreted as a limitation on the broad scope of the Board's advisory functions.

2. IIID *Chairmanship* has been revised to make clear that the chairman and vice chairman would be selected from among the membership of the Board. The word "principal" has been deleted from the first sentence of the second paragraph.

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3. IIIE *Public participation* has been revised to show that their duly authorized representatives, as well as the two Secretaries, can call emergency meetings.

4. IIIH *Advice and recommendations*, renumbered IIIG, has been amended by changing "dissents from majority views" to "minority views" in the second sentence.

It was concluded that no further change was necessary to reflect the fact that State university staff members are qualified to serve on the Board, and that the Secretaries will seek a proper balance of interests on the Board. The suggestion that "land use" be added to the list of qualified disciplines was not adopted because the law itself specifies the qualifications. Similarly, there were recommendations to appoint officials of State government. The Act specifically prohibits such appointments.

The procedures are hereby adopted as revised and as set forth below. They shall become effective January 1, 1973.

I. *Purpose.* This document provides for the operation and describes the purpose, composition, and functions of the National Advisory Board on Wild Free-Roaming Horses and Burros.

II. *Authority.* The Act of December 15, 1971 (16 U.S.C. 1131–1340) requires the protection and management of wild free-roaming horses and burros on the public lands. Section 7 authorizes and directs the Secretary of the Interior and the Secretary of Agriculture to appoint a joint advisory board to advise them on any matter relating to the protection and management of wild free-roaming horses and burros, and specifies the qualifications required for membership on the advisory board.

III. *National Advisory Board on Wild Free-Roaming Horses and Burros. A. Membership.* The Board shall consist of nine members, none of whom shall be an employee of the Federal Government or State governments.

1. *Qualifications.* Each member must have specialized knowledge in one or more of the following fields: The protection of horses and burros, the management of wildlife, animal husbandry, and natural resource management. At least one of each of the above disciplines shall be represented on the Board at all times.

2. *Selection.* All members shall be selected on the basis of experience and established competence in their respective fields of specialized knowledge.

3. *Appointments.* All members will be jointly appointed by the Secretary of the Interior and the Secretary of Agriculture.

4. *Term.* The term of appointment will be 1 year. If a member does not serve his full term, the Secretary of the Interior and the Secretary of Agriculture may appoint a successor for the remainder of the unexpired term. Members may be reappointed for additional 1-year terms not to exceed 10 years of total service.

5. *Compensation.* Members shall serve without compensation, except for reimbursement of travel expenses, including per diem, in connection with their duties as members.

B. *Functions.* The Board shall advise, consult with, and make recommendations to the Secretary of the Interior and the Secretary of Agriculture, or their duly authorized representatives, on any matter relating to wild free-roaming horses and burros.

C. *Meeting.* The Board shall meet at times and places to be determined by the Secretary of the Interior or the Secretary of Agriculture, or both, or their duly authorized representatives. It is estimated that there will be four meetings per year at an annual cost of $30,000 and one man year of support.

1. *Call to meet.* The Secretary of the Interior and/or the Secretary of Agriculture, or their respective designees, will issue a formal call for each Board meeting.

2. *Agenda.* The Secretary of the Interior and/or the Secretary of Agriculture, or their respective designees will, in consultation with the chairman, formulate and approve the agenda for each meeting in advance.

3. *Official participation.* All meetings will be conducted in the presence of a duly authorized full-time salaried official or employee of the Department of the Interior or the Department of Agriculture, who is authorized to adjourn any meeting whenever he considers adjournment to be in the public interest.

4. *Quorum.* A majority of Board members holding office shall constitute a quorum which shall be required for the conduct of Board business.

5. *Public participation.* All meetings of the Board will be open to public observation. Any interested person may attend meetings, make a presentation upon request to the chairman, or file a statement with the Board. However, the authorized Department of Agriculture or Department of the Interior representative may establish reasonable limits as to the numbers of persons who may attend and the nature of their participation to the extent that available accommodations and time require limitation.

6. *Advance public notice.* To provide interested parties in opportunity to attend and participate, advance public notice of the date, place, and general subject matter of scheduled meetings will be given through publication in the FEDERAL REGISTER and appropriate local news media.

7. *Support services.* The Secretary of the Interior or his delegate shall be responsible for providing support services for the Board, including advance public notice of meetings.

D. *Chairmanship.* The Secretary of the Interior and the Secretary of Agriculture will designate one of the members as chairman and another as vice chairman for the first year. Thereafter, members will annually elect the chairman and vice chairman among their own members.

The chairman will be the liaison between the Secretary of the Interior and the Secretary of Agriculture or their duly authorized representatives in working with the Departments in formulating agendas and otherwise arranging for the orderly conduct of business. He will preside at meetings and appoint members of working groups of the Board. The vice chairman will act for the chairman in his absence.

E. *Record or proceedings.* A written record shall be made of all proceedings of Board and working group meetings. A verbatim transcript may be made but is not required. As a minimum, each record of proceedings shall include: (a) the agenda; (b) the date(s) and place(s) of the meeting; (c) the names and addresses of all in attendance and the capacity in which they participated; (d) a description of matters discussed and conclusions reached; (e) the recommendations made and reasons therefor; together with concurring or minority views and, at the request of any individual member, individual views; and, (f) copies of all reports received, issued, or approved by the Board. The Board chairman shall certify to the accuracy of the record of proceedings of each meeting. Such records, together with appendices, working papers, drafts, studies, and other documents, made available to or prepared or used by the Board, will be available for public inspection and copying in the Office of the Director of the Bureau of Land Management, Washington, D.C. Additionally, copies of the record of proceedings for each meeting shall be available for viewing at the libraries of the Department of the Interior and Department of Agriculture and the Library of Congress, Washington, D.C.

F. *Rules and procedures.* The Board is solely advisory and shall function in accordance with applicable Federal committee management requirements, and any supplementary and complementary guidelines which the Secretary of the Interior and the Secretary of Agriculture, or their respective authorized representatives, may jointly prescribe. Determinations of actions to be taken and policy to be expressed with respect to any report or recommendation of the Board shall be made only by the Secretary of the Interior, Secretary of Agriculture, or their authorized representatives.

G. *Advice and recommendations.* All advice and recommendations of the Board shall be made with the approval of a majority of the members present. Advice and recommendations of individual members, including minority views, may be made by the individuals involved. Each report of advice and recommendations shall be addressed only to the Secretary of the Interior or the Secretary of Agriculture, or both, or to their respective authorized representatives, and shall address only matters covered in the record of the Board's proceedings.

H. *Termination.* The term of the Board is indefinite.

HARRISON LOESCH,
Assistant Secretary of the Interior.
T. K. COWDEN,
Assistant Secretary of Agriculture.

JANUARY 2, 1973.

[FR Doc.73-502 Filed 1-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Administrative Procedures

CROSS REFERENCE: For a document establishing final administrative procedures for the National Advisory Board on Wild Free-Roaming Horses and Burros, see FR Doc. 73-502, published under Department of the Interior, *supra*.

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA patent licensing regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the patent application number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231 at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION

Patents 3,638,160. Shock Pressure Transducer. Filed September 4, 1969. Patented January 25, 1972. Not available NTIS.

Patent 3,639,978. Method for Making Flexible Electrical Connections. Filed November 3, 1969. Patented February 8, 1972. Not available NTIS.

Patent 3,640,579. In Situ Pressure Leaching Method. Filed April 28, 1970. Patented February 8, 1972. Not available NTIS.

Patent 3,640,704. High-Temperature-Strength Precipitation-Hardenable, Austenitic, Iron-Base Alloys. Filed January 20, 1970. Patented February 8, 1972. Not available NTIS.

Patent 3,641,465. Compact High-Power Broadband Radiofrequency Load Termination. Filed September 15, 1970. Patented February 8, 1972. Not available NTIS.

Patent 3,644,221. Polycrystalline Graphite with Controlled Electrical Conductivity. Filed November 14, 1969. Patented February 22, 1972. Not available NTIS.

Patent 3,644,664. Nuclear Fuel Body and Process for Making Same. Filed November 14, 1969. Patented February 22, 1972. Not available NTIS.

Patent 3,644,777. Cathode-Ray Tube with Serpentine-Shaped Transmission Line Deflection Means. Filed June 2, 1970. Patented February 22, 1972. Not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR

Patent 3,698,559. Reverse Osmosis Module Suitable for Food Processing. Filed March 1, 1971. Patented October 17, 1972. Not available NTIS.

Patent 3,697,390. Electrodes Position of Metallic Boride Coatings. Filed April 14, 1969. Patented October 10, 1972. Not available NTIS.

Patent 3,699,391. Reactor Fault Relay. Filed September 2, 1971. Patented October 17, 1972. Not available NTIS.

Patent 3,701,905. Static Stopper. Filed October 27, 1971. Patented October 31, 1972. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent Application 281,876. Ultrasonic Biomedical Measuring and Recording Apparatus. Filed August 18, 1972. PC $3.25/MF $0.95.

Patent Application 277,436. Insert Facing Tool. Filed August 2, 1972. PC $3/MF $0.95.

Patent Application 280,390. Method of Making Rolling Elements for Bearings. Filed August 14, 1972. PC $3/MF $0.95.

Patent Application 273,240. Ejectable Underwater Sound Source Recovery Assembly. Filed July 19, 1972. PC $3/MF $0.95.

Patent Application 288,856. High Power Laser Apparatus and System. Filed September 13, 1972. PC $3/MF $0.95.

Patent Application 119,282. Pump for Delivering Heated Fluids. Filed February 26, 1971. PC $3.25/MF $0.95.

Patent Application 289,033. Enhanced Diffusion Welding. Filed September 14, 1972. PC $3/MF $0.95.

TENNESSEE VALLEY AUTHORITY

Patent 3,697,247. Elimination of Magnesium Gels in Liquid and Suspension Fertilizers Derived from Wet Acid. Filed April 1, 1971. Patented October 10, 1972. Not available NTIS.

[FR Doc.73-400 Filed 1-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-570]

AMERICAN CYANAMID CO.

Polyotic Intramuscular 5 Gm.; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of August 5, 1970 (35 FR 12493, DESI 0013NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Polyotic Intramuscular 5 Gm.; marketed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540.

American Cyanamid Co. advised the Commissioner that the product is no longer marketed. They further requested withdrawal of the veterinary application for this product.

Based on the grounds set forth in said announcement and the firm's request, the Commissioner concludes that the above-named product should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of the new animal drug application for Polyotic Intramuscular 5 Gm. is hereby withdrawn effective on the date of publication of this document.

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-486 Filed 1-9-73;8:45 am]

SPECIAL PACKAGING REQUIREMENTS FOR ASPIRIN, METHYL SALICYLATE, AND CONTROLLED SUBSTANCES

Denial of Requests for Extension of Time for Compliance

The Commissioner of Food and Drugs has received requests from manufacturers for an extension of time to comply with the following three regulations establishing the requirement of special packaging under the Poison Prevention Packaging Act:

1. Aspirin products (37 FR 3427), effective as of August 14, 1972.

2. Liquid preparations containing methyl salicylate (37 FR 6184), effective as of September 21, 1972.

3. Controlled substances (37 FR 8433), effective as of October 24, 1972.

The reason given for the requested extension of time is that orders have been placed by manufacturers of these products for appropriate safety packaging but these orders cannot be filled by package or closure manufacturers at this time. The effective date for compliance with these three regulations has previously been extended to January 22, 1973, conditioned upon certain requirements, for retail pharmacists but not for manufacturers (37 FR 22987).

The Commissioner concludes that the reason given for these requests is inadequate and all such requests are therefore denied.

The Commissioner recognizes that certain of the package or closure manufacturers may have misled some manufacturers and packers of these three types of products, and perhaps others, into believing that an adequate supply of safety closures would be available to meet their need within the effective date of regulations issued under the Poison Prevention Packaging Act. The Act provides no penalty against package or closure manufacturers under these circumstances. Because the Act requires only that special packaging shall be technically feasible, practicable, and appropriate, and does not excuse compliance because of the failure of package or closure manufacturers to provide a sufficient supply or to keep their promises with respect to production, there is no basis for extending the effective dates of the regulations issued under the Act.

The Commissioner has refrained from instituting regulatory action with respect to compliance with these regulations pending action on the requests for extension of time. The Act permits inventories of already produced products to be exhausted, and one noncomplying package marketed under the conditions proposed in the FEDERAL REGISTER of October 18, 1972 (37 FR 22001), but otherwise does not permit the packaging of new products after the effective date of the regulations except in full compliance with the requirements of those regulations. The Commissioner hereby gives notice that any production in violation of these regulations after the date of publication of this notice in the FEDERAL REGISTER (1–10–73) will be the subject of regulatory action. The Commissioner requests that any information relating to violation of these regulations immediately be brought to his attention by any interested person.

Dated: January 8, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-646 Filed 1-9-73;9:55 am]

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AMERICAN REVOLUTION BICENTENNIAL COMMISSION

VARIOUS ADVISORY COMMITTEES AND PANELS

Notice of Meetings

Notice is hereby given, pursuant to Executive Order 11671, that the following American Revolution Bicentennial Commission Advisory Committee and Panel Meetings will be held the month of January 1973:

PHILATELIC PANEL

The Philatelic Advisory Panel will hold an open meeting (with the exception of the agenda item asterisked below) on Thursday, January 11, 1973, in the ARBC Conference Room, 736 Jackson Place NW., Washington, DC, from 10 a.m. to 4:30 p.m. The Panel membership consists of leaders in the philatelic field and representatives of organizations such as the American Philatelic Society, Society of Philatelic Americans, American Stamp Dealers Association, etc. The agenda items to be discussed are:

Future bicentennial commemorative stamps.*
ARBC stamp show awards.
ARBC participation in stamp shows.
Bicentennial stamp publications.

COINS AND MEDALS PANEL

The Coins and Medals Advisory Panel will hold an open meeting (with the exception of the agenda item asterisked below) on Friday, January 12, 1973, in the Board Room of the National Trust for Historic Preservation, 740 Jackson Place NW., Washington, DC. The panel is composed of experts in the numismatic arts. The agenda items to be discussed are:

Coinage and currency.*
Panel organization.
Commemorative medal series.
National medal and awards medal.
U.S. Treasury 3-inch medal.

HORIZONS '76 ADVISORY GROUP

The Horizons '76 Advisory Group will hold an open meeting (with the exception of the agenda item asterisked below) on January 16, 1973, from 9:30 a.m. to 4 p.m. in Room 2010 of the New Executive Office Building, 726 Jackson Place NW., Washington, DC.

The Advisory Group membership consists of leaders in the fields of transportation, communications, health, learning, leisure, the environment, community development, citizenship, and the economy.

The agenda will include discussion of:

Development of Horizons '76 National Action Guide.
Evaluation of bicentennial cities criteria.
Discussion of program proposals.
Budget consideration.*

Dated: January 5, 1973.

HUGH A. HALL,
Acting Director, American Revolution Bicentennial Commission.

[FR Doc.73-618 Filed 1-9-73;8:45 am]

COUNCIL OF ECONOMIC ADVISERS

ADVISORY COMMITTEE ON THE ECONOMIC ROLE OF WOMEN

Notice of Closed Meeting

JANUARY 6, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Advisory Committee on the Economic Role of Women will take place in Washington, D.C., on January 16, 1973.

The agenda for the meeting, which will be the Committee's first, includes the responsibilities of the Committee, a review of draft material for the 1973 Economic Report of the President, and planning the future work of the Committee.

Based on section b(5) of 5 U.S.C. 552, the meeting will not be open to public participation.

HERBERT STEIN,
Chairman.

[FR Doc.73-609 Filed 1-9-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.

Notice and Order for Prehearing Conference

In the matter of Commonwealth Edison Co. (Zion Station, Units 1 and 2).

Take notice that pursuant to the direction of the Board at its special prehearing conference on November 17, 1972, in Zion, Ill., and as set forth in its special prehearing conference order dated December 5, 1972, and in response to the motion of the applicant herein, to which motion no other party has filed objection, the Board hereby orders that a prehearing conference will be held in this proceeding on January 25, 1973, in Chicago, Ill. This prehearing conference will commence at 10:30 a.m. local time at the following address: Everett McKinley Dirksen Building, Court Room 2119, 21st Floor, 219 South Dearborn Street, Chicago, IL 60604.

At the subject conference, the parties, by their attorneys will:

1. Report on the status of discovery,
2. Propose a date for the termination of all discovery, in view of the agreed starting date for the evidentiary hearing (April 2, 1973),
3. Submit a stipulation of the parties listing:

(a) The contentions or issues to be resolved,

(b) The contentions or issues which need not be resolved,

(c) The contentions or issues on which the parties cannot agree that they are necessary to the disposition of this proceeding, and as to which the Board is requested to rule.

The parties should be prepared to either submit written memoranda or offer brief oral argument in support of their positions regarding item 3(c) above, so as to enable the Board to make a final resolution of the specific matters in controversy.

All members of the public are entitled to attend the prehearing conference, as well as the evidentiary hearing itself.

It is so ordered.

Issued at Washington, D.C., this 3d day of January 1973.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.73-511 Filed 1-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

AD HOC TASK GROUP OF DIALER DEVICES ADVISORY SUBCOMMITTEE

Notice of Public Meeting

DECEMBER 27, 1972.

In accordance with Executive Order 11671, dated June 7, 1972, announcement is made of a public meeting of the Dialer Devices Advisory Subcommittee Ad Hoc Task Group of the FCC D&A Devices Advisory Committee to be held January 10 and 11, 1973, at 195 Broadway, Room 939-B, New York, NY, 9:30 a.m. until 5 p.m.

1. *Purpose.* The purpose of the Dialer Devices Subcommittee is to prepare recommended standards and procedures for submission to the FCC, in order to permit the interconnection of dialer devices to the public switched network without the need for carrier provided connecting arrangements. The purpose of the Ad Hoc Task Group is to prepare recommended procedures for review and approval by the Dialer Devices Subcommittee.

2. *Membership.* The Task Group is chaired by H. Marcheschi and is composed of the following: R. Mosely, A. Jackson, and R. Whitefleet.

3. *Activities.* This Ad Hoc Task Group will prepare a recommended draft of procedures and enforcement to the Dialer Devices Subcommittee.

4. *Agenda.* The agenda for the January 10 and 11, 1973, meeting will be as follows:

1. Review of document previously submitted related to enforcement and procedures.
2. Review and establishment of basic elements or procedures and enforcement document.
3. Review of A.T. & T. submission of September 29, 1972.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on (202) 632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-527 Filed 1-9-73;8:45 am]

ANSWERING DEVICES SUBCOMMITTEE AD HOC EDITING GROUP

Notice of Public Meeting

DECEMBER 27, 1972.

In accordance with Executive Order 11671, dated June 7, 1972, announcement is made of a public meeting of the Answering Devices Advisory Subcommittee Ad Hoc Editing Group to be held January 8, 1973 at 90 Church Street, Room 604 in New York, NY, 10 a.m. until 4:30 p.m. Those attending the meeting should check at the guard's desk and call X 7321 for sign-in clearance.

1. *Purpose.* The purpose of the Answering Devices Subcommittee is to prepare recommended standards and procedures for submission to the FCC, in order to permit the interconnection of answering devices to the public switched network without the need for carrier provided connecting arrangements. The purpose of the Ad Hoc Group is to edit the technical standards being prepared by the Answering Devices Subcommittee.

2. *Membership.* The Editing Group is chaired by F. Warden and is composed of the following: J. Rosenbaum, L. Hohmann, and R. Rivenes.

3. *Activities.* This Ad Hoc Task Group will devote itself solely to the task of editing the technical standards in conformance with the Subcommittee directions.

4. *Agenda.* The agenda for the January 8, 1973 meeting will be as follows:

1. Review of technical standards draft.
2. Editing of technical standards.
3. Schedule of next meeting.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on (202) 632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-525 Filed 1-9-73;8:45 am]

NONVOICE TASK GROUP MEETING

Notice of Public Meeting

DECEMBER 21, 1972.

In accordance with Executive Order 11671, dated June 7, 1972, announcement is made of a public meeting of the Nonvoice Task Group of the PBX Advisory Committee to be held January 10 and 11, 1973. The Task Group will meet at 590 Madison Avenue, New York, NY, Room A-2d, at 10 a.m.

1. *Purposes.* The purpose of the PBX Advisory Committee is to prepare recommended standards to permit the interconnection of customer provided and maintained PBX equipment to the public switched network. The purpose of this Task Group is to prepare recommendations to the PBX Advisory Committee regarding the most practicable means by which a noncertified device may be used with a combined voice/nonbarrier PBX.

2. *Membership.* The Task Group is chaired by J. Merkel and is composed of the following: P. Bennett, M. J. Birck, G. Jahn, A. Marthens, H. A. Montgomery, G. Orelli, J. L. Wheeler. Observers include P. D. Aoust, L. K. Armstrong, L. L. Butler, J. L. Caldwell, R. B. King, R. F. Norian, J. T. Walker and W. L. Weikl.

3. *Activities.* Members and observers review existing interface criteria in some detail with the aim of identifying any additional harms which might accrue from nonvoice (noncarbon transmitter) devices. Any new criteria or need for modifications to the existing documents are highlighted.

4. *Agenda.* The agenda for the January 10 and 11 meeting will be as follows:

a. Review of report from last meeting.
b. Review of homework assignments.
c. Continued review of test standards.
d. Homework assignments.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on (202) 632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-526: Filed 1-9-73;8:45 am]

[Dockets Nos. 18906, 18907; FCC 72R-398]

SOUTHERN BROADCASTING CO. AND FURNITURE CITY TELEVISION COMPANY, INC.

Applications for Hearing; Memorandum Opinion and Order Enlarging Issues

In regard applications of Southern Broadcasting Co. (WGHP-TV), High Point, N.C., Docket No. 18906, File No. BRCT-574, for renewal of broadcast license; and Furniture City Television Co., Inc., High Point, N.C., Docket No. 18907, File No. BPCT-4302, for construction permit for new television broadcast station.

1. By order, FCC 70-706 (35 FR 11277) published July 14, 1970, the Commission designated the above-captioned mutually exclusive applications for hearing on a standard comparative issue. By memorandum opinion and order, 26 FCC 2d 998, 20 RR 2d 689, released November 7, 1970, the Review Board added a promise versus performance issue against Southern Broadcasting Co. (Southern), licensee of television Station WGHP-TV in High Point, N.C.[1] The Commission redesignated the applications for hearing by order, FCC 72-147, 37 FR 4304, released March 1, 1972. Now before the Review Board is a petition to enlarge issues, filed May 30, 1972, by Furniture City Television Co., Inc. (Furniture City), requesting programing and staffing misrepresentation issues, as well as log falsification and log violation issues, against Southern.[2]

I. *Timeliness.* 2. Furniture City argues that its petition is timely filed in accordance with § 1.229(b) of the Commission's rules and regulations, although it was not filed within 15 days after publication of the redesignation order in the FEDERAL REGISTER. The petition is still timely, Furniture City argues, because the photocopies of WGHP-TV's program logs, which provide the "raw data" for the requested issues, were not received until February 22, 1972, and 3 months have been required to analyze the 15,000 pages of logs to prepare this petition. The Broadcast Bureau contends that Furniture City has not adequately explained why it has taken 3 months from the date it received Southern's logs, February 22, 1972, until May 30, 1972, the date it filed its petition. Without further explanation, the Bureau argues, "the petition must be considered untimely and summarily dismissed." In reply, Furniture City asserts that 3 months was a reasonable time to analyze and compare Southern's 15,000 pages of program logs with its 16 volumes of exhibits. At the hearing held on March 3, 1971, Furniture City asserts, Southern "required 9 months to 1 year" to examine the 15,000 pages of its own logs in order to prepare its exhibits.

3. The Review Board believes petitioner has shown good cause for the late filing of its petition with respect to the requested programing misrepresentation, log falsification, and logging rule violation issues. It does not seem unreasonable that it would take Furniture City 3 months to develop the allegations in its petition, due to the many pages and amount of detail involved in both the exhibits and the program logs. We do not believe, however, that good cause has been shown for the late filing of the staffing misrepresentation issue. Southern's assertion that it allowed petitioner to see and copy its payroll records on November 2 and 3, 1971, is uncontested by Furniture City. Petitioner's explanation for the late filing is premised on the receipt of Southern's program logs on February 22, 1972, but petitioner does not specifically mention when it received Southern's payroll and disbursement records. Furthermore, on the merits, petitioner has not alleged sufficient facts to warrant the addition of an issue. The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1969). See paragraph 8, infra.

II. *Misrepresentation of programing and staffing.* 4. In support of its requested issue concerning alleged misrepresentations in Southern's programing exhibits,[3] Furniture City asserts that portions of Southern's Exhibit 102, which is a

[1] The issue reads as follows:
To determine whether Southern Broadcasting Co. failed to carry out representations made in Docket No. 13072 as to programing, staffing, studios and equipment in operation of WGHP-TV, High Point, N.C., and, if so, the effect of such conduct on the requisite and comparative qualifications of Southern Broadcasting Co., to be a Commission licensee.
The issue encompasses not only the latest license period (1966-69), but also the 1963-66 license period.

[2] Also before the Review Board are the following related pleadings: (a) Opposition, filed June 9, 1972, by Southern; (b) Broadcast Bureau's opposition, filed June 9, 1972; and (c) reply, filed June 21, 1972, by Furniture City.

[3] The exhibits in question were prepared in response to the promise versus performance issue added by the Board in 1970. See paragraph 1, supra.

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month-by-month breakdown of Southern's programing for 1965 indicating types of programing and their origination (network, recorded or local live),[4] do not correspond with Southern's actual recorded logs. That is, the exhibit totals for local live programing do not correspond with the totals for the same programing in the logs, Furniture City asserts. According to petitioner, total local live public service programing for 1965 contained in the logs is 1167:46 minutes, while Southern claims in its exhibit a total of 1544:34 minutes of local live public service programing. In order to show the manner in which Southern falsely represented the content of its program logs, Furniture City states that it studied the logs for the week of April 4–10, 1965. According to Furniture City, its analysis (a copy of which is attached to the petition) shows that, contrary to Southern's exhibit showing 32:07 minutes of live public service programs, the logs reveal that only 21:13 minutes were actually logged as public service programs. Furthermore, Furniture City maintains, Southern ignored the Commission's policy stated in "Television Program Forms," 5 FCC 2d 175, 8 RR 2d 1512 (1966), and included commercials in its total times. As a corollary to the misrepresentations of program times, Furniture City argues, the log-exhibit analysis reveals that Southern changed some of its program classifications—for example, "Science All Stars", logged as "entertainment", appears in the exhibit as "educational"; "Around Town", logged as "entertainment", appears in the exhibit as "discussion". Furniture City states that it found nineteen such discrepancies. To support its request for a staffing misrepresentation issue, petitioner relies on Southern's Exhibits 134 and 135 as well as WGHP–TV's payroll records and station disbursements ledger. Exhibit 134 was submitted by Southern in response to that aspect of the promise versus performance issue that inquiries into whether Southern had carried out the staffing proposals made in its initial application. The exhibit represents WGHP–TV's staff as of "March 15, 1965"; however, according to Furniture City, seven employees claimed to be employed on March 15 cannot be found in the payroll records or in the disbursement records. Furniture City argues that this discrepancy warrants addition of a staffing misrepresentation issue.

5. In opposition, Southern argues that the subject matter of both of Furniture City's requests is encompassed in the promise versus performance issue. In this regard, Southern alleges that at a prehearing conference held on October 27, 1971, it agreed to provide Furniture City with certain logs and payroll records. Thereafter, Southern continues, on November 2 and 3, 1971, Furniture City's counsel reviewed and copied program logs for programing periods including 1963, 1965, and 1966,[5] as well as payroll records for the same periods and for periods in 1964. Hearings began on December 9, 1971, and counsel for Furniture City cross-examined Philip Lombardo, present general manager of Station WGHP–TV, on the classification question. Southern acknowledges that some programs designated one way in the exhibit were designated differently in the logs;[6] however, in Southern's opinion, exploration of these inconsistencies is more properly left for cross-examination under the promise versus performance issue. Southern states that it cannot understand why Furniture City is raising the classification question at this time when exhibits were submitted 8 months ago, cross-examination was conducted 6 months ago, and Furniture City was given all of Southern's logs 3 months ago. Next, Southern argues that it included commercial times in the programing length calculations represented in the exhibits because in its original program proposals, Southern included commercial matter, which was at that time consistent with Commission policy.[7]

6. In its opposition, the Bureau notes that Southern explained in Exhibit 102, pp. 3–4, that some logs had programs that were occasionally coded incorrectly, and as a consequence thereof Furniture City's timing calculations, based on the actual logs, would differ from Southern's calculations in its exhibits which are "corrected" to the proper code. The Bureau asserts that the coding errors are presently under consideration at the hearing and that appropriate findings and conclusions can be drawn from this evidence under present issues; therefore, no new issue is warranted. As for the requested staffing misrepresentation issue, the Bureau states that it compared Southern's payroll record and disbursement ledger with Southern's Exhibit 134 and could find no discrepancy. The Bureau claims that it cannot be determined from Furniture City's showing who the seven unreported individuals are; therefore, no staffing misrepresentation issue is warranted.[8]

7. In reply, Furniture City insists that the requested issues cannot be dealt with by cross-examination under the present issues, and that cross-examination of Southern's sole witness through which the exhibits were offered into evidence only raised the suspicion that the exhibits did not accurately reflect the logs contents. In its voir dire cross-examination, Furniture City explains, it attempted to prevent the exhibits from being received into evidence. Furniture City argues that when the exhibits were accepted into evidence, any further cross-examination into their deceptive nature was mooted; therefore, the requested issues are necessary for a more thorough examination of the licensee's candor. Furniture City argues that the program reclassification admitted to by Southern is merely a "corollary" to the misrepresentation in time amounts in WGHP–TV's claimed public service programing. The issues requested, Furniture City asserts, are aimed at the discrepancies between Southern's exhibits and its logs, and not, as the Bureau seems to argue, at promise versus performance as such. With respect to the requested staffing misrepresentation issue, Furniture City again asserts that the Bureau has misunderstood its request by pointing out that the number of employees found in the payroll records and disbursements ledger exceed the numbers found in Southern's staffing exhibit. While it is true that the total number of persons contained in the payroll records and disbursements ledger exceeds the number in the exhibits, Furniture City argues, the seven employees are listed in the exhibits but cannot be found in the payroll records or disbursements ledger. Such carelessness, Furniture City finally argues, demonstrates Southern's lack of cooperation in this proceeding.

8. The Review Board is of the opinion that Furniture City has made sufficient allegations of fact concerning Southern's program exhibits to warrant further exploration at the hearing under a separate issue. It appears from Furniture City's allegations that Southern may have inflated its live local public interest programing figures in its exhibits. According to Furniture City's figures, Southern's logs for 1965 reveal 1167:56 minutes of local live public service programing, while Southern's exhibit reveals 1544:34 minutes. This disparity of 376:88 minutes raises a serious question of whether Southern misrepresented its live public service programing to put itself in a more favorable position for securing a renewal. While we have some reservations about how Furniture City arrived at these figures, we are still persuaded to add the issue because we do not find Southern's opposition pleading to be responsive and enlightening with respect to the specific allegations raised by Furniture City. We appreciate the coding errors, Southern's candor in explaining how they occurred, and how the corrections affect the exhibits. However, Southern, in its responsive pleading, did not explain how the coding errors specifically relate to the substantial time disparity between the logs and the exhibits. On the basis of the foregoing, it appears that Southern may have misrepresented the exhibit figures. Cf. Seaboard Broadcasting Corp., 26 FCC 2d 649, 20 RR 2d 786 (1970). Finally, in addition to its untimeliness, we believe there is no merit to Furniture City's request for a staffing misrepresentation issue. Furniture City premises its request on its alleged discovery that there were seven individuals listed in Southern's exhibits who did not appear in its payroll records and disbursement ledgers. Furniture City concedes, however, that more total employees are listed in the payroll records than in Southern's exhibit for March 15, 1965. Since the promise versus performance issue seeks an explanation as to why Southern retained only a staff of 79 at the time of its 1966 renewal and a staff of 73 at the time the present application was filed, when it proposed in its initial application a staff of 92 full-time employees, it would be to Southern's advantage to list as many employees as possible in its exhibits. We believe, therefore, that Furniture City has not shown any deliberate attempt by Southern to deceive the Commission to warrant addition of a staffing misrepresentation issue.

[4] Furniture City notes that Southern selected 1965 as the best representative year to present a breakdown of its programing into a detailed and comprehensive summary to meet the promise versus performance issue.

[5] Southern explains that its program logs for 1964 had been "disposed of".

[6] In its Exhibit 102, Southern stated that: "When an incorrect coding was given to a public service program, the content of the program was analyzed, and based on its contents, the proper coding was assigned."

[7] Southern notes that the Commission's policy, Television Program Forms, supra, excluding commercial matter in computing programing length, did not take effect until October, 1966, 1 month before the license period (1963–66) ended.

[8] The Bureau notes that Furniture City's Attachment C, which is Southern's payroll and disbursement records, shows 75 permanent employees and 40 free-lance employees as of March 15, 1965, whereas Southern's Exhibit 134 shows 74 full-time and 39 part-time employees as of March 15, 1965.

III. *Log falsification.* 9. Furniture City requests a log falsification issue against Southern on the ground that during the 1963–66 license period Southern "regularly and frequently misclassified entertainment programs as public service programs."[9] Relying on the logs and Southern's exhibits, Furniture City cites the following examples of false logging:

	Logged as entertainment	Logged as public service	Classification claimed in examples
Industry on Parade.	March–April–June—1 hr. 15 min.	October–November—45 min.	Talk.
ABC's Nightlife.	August–October—70 hrs. 15 min.	March–July—146 hrs. 53 min.	Discussion.
Accent.....	May—30 min..	March–April—2 hrs. 30 min.	Discussion, talk or news.
Around Town.	January–July—152 hrs. 15 min.	August–December—145 hrs. 08 min.	Discussion.
Harvesters.	July–October—14 hrs.	November–December—6 hrs. 30 min.	Religion.
Championship Bowling.	October—1 hr.	January–April and October–December—17 hrs.	Talk.
Major League Baseball.	May–July—42 hrs. 40 min.	April, August–October—33 hrs. 50 min.	Talk.

As a result of this "false" logging, Furniture City asserts, Southern increased its total 1965 public service broadcast time by 352 hours and 36 minutes or nearly 14 percent; consequently, "on paper," Southern appears to have an adequate amount of public service programing "which could be used to dispel any challenge which might arise to renewal of its license." Thus, Furniture City argues, Southern's logging practice violates Commission rules §§ 73.669–73.674, the Commission's television logging rules.

10. In opposition, Southern argues that the cases cited by Furniture City in support of its requested log falsification issue (see note 8, supra) are inapposite. In those cases, Southern notes, the broadcaster in question had deliberately altered or falsified its logs; for example, adding more public service announcements in the logs than were actually broadcast or failure to log the number and length of commercial spots, while, in this case, "certain program classifications were changed—not in the logs but exchange exhibits." Southern also contends that the public interest will be protected if the requested issue is denied because Furniture City's allegations are and will be the subject of cross-examination at the hearing. In its opposition, the Bureau argues that a false logging issue is not warranted because Furniture City has only shown that the logs used by Southern to prepare its exhibits contained errors. Southern, the Bureau notes, has admitted that inaccuracies exist in its logs. Also, the Bureau contends, Furniture City has submitted no affidavits from individuals having personal knowledge as required by Commission rule § 1.229(b).

11. In reply, Furniture City asserts that the heart of its requested log falsification issue centers on Southern's deliberate misclassification of its programing during 1963–66. Corrections were made for the months of June, July, and August, and a sheet dated October 27, 1965, with the corrections was attached to the logs, Furniture City asserts. Petitioner queries why Southern did not also make corrections for the rest of the months in that year.

12. The Board does not believe a log falsification issue is warranted. Simply put, Furniture City has not raised a substantial question as to whether Southern intentionally and deliberately falsified its logs. Compare The Prattville Broadcasting Co., supra. KOKA Broadcasting Co., Inc., supra. Folkways Broadcasting, Inc., 23 FCC 2d 987 21 RR 2d 163 (1972).[10] We note that Rule 73.670(a)(1)(i) requires the licensee of a television station to include within its logs "an entry identifying the program by name or title" and subsection (a)(1)(iii) and (iv) of § 73.670 requires the licensee to classify each program as to "type" and as to "source" respectively. In our opinion, however, the number of errors allegedly made by Southern in logging programs under § 73.670 are not so numerous as to suggest carelessness or inattentiveness to the Commission's logging rules which would warrant the addition of the issue. We have previously denied request for issues predicated on alleged rule violations where, as here, only one rule was violated, no pattern of violation was shown, and the licensee corrected the violation (see, e.g., Harvit Broadcasting Corp., 33 FCC 2d 743, 23 RR 2d 479 (1972); Regal Broadcasting Corp., 27 FCC 2d 694, 21 RR 2d 61 (1971)),[11] and in our view, this precedent is applicable here.

IV. *Logging rule violation.* 13. In support of its request for a logging rule violation issue, Furniture City asserts that Southern failed to delineate in its logs the beginning and ending times of its "weather news" and "sports news" programs throughout the months of March, June, October, November, and December of 1965, and the months of January through April, June, and July of 1966 for both the 7 p.m. and the 11 p.m. news programs in violation of § 73.670(a)(1)(ii).[12] Therefore, petitioner, argues, an issue concerning Southern's violation of the Commission's logging rules is warranted.[13] Both the Broadcast Bureau and Southern oppose the request, noting the pertinent part of the Commission's logging Rule § 73.670(a)(1)(ii) provides that: "The program units which the licensee wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending time of each such unit. * * *" Southern asserts that it chose not to count weather and sports separately.

[9] Furniture City cites the following cases in support of its requested issue: Continental Broadcasting, Inc., 15 FCC 2d 120, 14 RR 2d 813, reconsideration denied 17 FCC 2d 485, 16 RR 2d 30 (1969), affirmed 142 U.S. App. D.C. 70, 439 F.2d 560, 20 RR 2d 2126 (1971), cert. denied 403 U.S. 905; KOKA Broadcasting Co., Inc., FCC 71–232, 21 RR 2d 981 (1971); The Prattville Broadcasting Co., 4 FCC 2d 555, 8 RR 2d 120 (1966).

[10] In Prattville and Folkways, there was evidence in the form of affidavits and witness' testimony which strongly suggested that the licensee intentionally and deliberately falsified the airing of certain programs which were never shown or indicating a lesser time for commercial spots than they actually ran. Furniture City has not presented any allegation of fact suggesting that Southern actually falsified in its logs the broadcast of a program which was not broadcast.

[11] Petitioner notes that Southern had attached correction sheets to its station's logs correcting certain classification of programs mis-coded. Sheets, dated Oct. 27, 1965, were attached to the logs showing corrections for the months of June, July, and August 1965. We believe the correction sheets indicate a realization by Southern of errors in its logs and a willingness to correct the errors. Granted, correction sheets do not appear for every month; however, since these sheets could have been lost or misplaced, the absence of additional corrections does not indicate anything other than that Southern attempted to correct errors in its logs.

[12] Section 73.670(a)(1)(ii) of the Commission's rules reads as follows: "(a) The following entries shall be made in the program log: (1) * * *

(ii) An entry of the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the licensee wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending time for each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit referred to was broadcast within the longer program."

[13] Furniture City attaches to its petition Southern's program log for Oct. 7, 1965, as an illustration of the failure to delineate the beginning and ending time of its weather news and sports news programs.

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Clearly Rule § 73.670(a)(1)(ii) leaves to the broadcaster's discretion whether he will indicate shorter unit programing time under longer programs in his logs.[14] Therefore, the Board finds no basis for the addition of this requested issue.

14. *Accordingly, it is ordered*, That the petition to enlarge issues, filed May 30, 1972, by Furniture City Television Co., Inc., is granted to the extent indicated below, and is denied in all other respects; and

15. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether Southern Broadcasting Co. (WGHP–TV) misrepresented to the Commission material matters with respect to its programing exhibits and, if so, whether such conduct reflects on the applicant's basic or comparative qualifications.

16. *It is further ordered*, That the burden of proceeding with the introduction of the evidence under the issue herein specified shall be on Furniture City Television Co., Inc., and the burden of proof shall be on Southern Broadcasting Co. (WGHP–TV).

Adopted: December 27, 1972.

Released: January 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[15]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-523 Filed 1-9-73;8:45 am]

[Docket No. 19664; FCC 72-1195]

UNITED BROADCASTING CO. OF FLORIDA, INC.

Order Designating Application for Hearing on Stated Issues and Notice of Apparent Liability

In regard application of United Broadcasting Co. of Florida, Inc., Docket No. 19664, File No. BR-4447, for renewal of license for station WFAB, Miami, Fla.

1. The Commission has before it for consideration: (a) The captioned application and (b) its inquiries into the operations of Station WFAB, Miami, Fla.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience, and necessity, and must, therefore, designate the application for hearing.

3. *Accordingly, it is ordered*, That the application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent order, upon the following issues:

(a) To determine whether, and, if so, the extent to which the applicant engaged in fraudulent billing practices in the operation of Station WFAB in violation of § 73.1205 of the Commission's rules;

(b) To determine whether, in the light of evidence adduced under the foregoing issue, the applicant possesses the requisite qualifications to remain a licensee; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issue, whether the grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered*, That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license for Station WFAB, it shall also be determined whether the applicant has willfully violated § 73.1205 of the Commission's rules,[1] and, if so, whether an order of forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within 1 year of the issuance of the bill of particulars in this matter.

5. *It is further ordered*, That this document constitutes a notice of apparent liability for forfeiture for violations of the Commission's rules set out in the preceding paragraph. The Commission had determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered*, That in the event United Television Co., Inc., and United Broadcasting Co., Inc., are determined to be the otherwise qualified and preferred applicants in Dockets Nos. 18559 and 18562, respectively, in regard their applications for renewal of licenses of WFAN–TV and WOOK, the grant of the applications shall be withheld pending the resolution of the issue in this matter. United Television Co. of New Hampshire, Inc., United Television Co. of Eastern Maryland, Inc., and KECC Television Corp. are parties to a renewal and revocation proceeding involving, respectively, Stations WMUR–TV, WMET–TV, and KECC–TV (Dockets Nos. 19336–8). If it should be determined that the public interest would be served by allowing these licensees or applicants to operate or continue to operate these facilities, then the granting of such authority shall be withheld pending resolution of the issue in the instant proceeding. Further, in the event Friendly Broadcasting Co. (Docket No. 19412) is determined to be qualified to continue to be the licensee of Stations WJMO and WLYT(FM), the grant of the applications for renewal of the licenses shall be withheld pending resolution of the issue in this matter. The resolution of the issues in this docketed proceeding shall be binding on any other licensee commonly owned or controlled with the captioned licensee and will be res judicata as to any such other licensee.

7. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this order, a bill of particulars with respect to issue (a).

8. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issue (a), an applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain licensee of Station WFAB and that a grant of its application would serve the public interest, convenience, and necessity.

9. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

11. *It is further ordered*, That the Secretary of the Commission send a copy of this order by certified mail—return receipt requested to United Broadcasting Co. of Florida, Inc.

Adopted: December 20, 1972.

Release: January 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-524 Filed 1-9-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-436]

SOUTHWESTERN ELECTRIC POWER CO. AND CODY C. BEASLEY

Notice of Application

JANUARY 2, 1973.

Take notice that on December 18, 1972, Southwestern Electric Power Co., Post Office Box 1106, Shreveport, LA 71156, and Cody C. Beasley, 2056 East Texas Street, Bossier City, LA 71010, filed in Docket No. CI73-436 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from the Elm Grove Field Area, Bossier Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell approximately 180,000 Mcf of gas per month at 35 cents per Mcf at 15.025 p.s.i.a. for 6 months within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-356 Filed 1-9-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN NATIONAL HOLDING CO.

Order Approving Acquisition of Bank

American National Holding Co., Kalamazoo, Mich., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to the American Bank of Three Rivers, N.A., Three Rivers, Mich. (Bank).

The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls one bank [1] with deposits of approximately $183 million, representing less than 1 percent of total deposits in commercial banks in Michigan, and is the 18th largest banking organization in the State. (All banking data are as of December 31, 1971, unless otherwise indicated.) Upon acquisition of Bank ($5.8 million deposits), applicant's share of State deposits would remain less than 1 percent, and applicant's ranking among the State's banking organizations would remain unchanged.

Bank, which has been closely associated with applicant through common ownership since 1968, operates both its main office and its sole branch office in Three Rivers in the St. Joseph County banking market (approximated by the boundaries of St. Joseph County) and, with approximately 5.4 percent of market deposits, is the sixth largest of nine banking organizations operating therein. Applicant's present subsidiary bank operates a branch office in the relevant market at Mendon, approximately 13 miles northeast of Bank's two offices in Three Rivers. Based on June 30, 1970 deposit data, applicant, by virtue of the deposits in the Mendon office held approximately 2.8 percent of commercial bank deposits in the market, thereby ranking as the eighth largest of the nine banking organizations in the market. Consummation of the proposed transaction would give applicant control of 8.2 percent of deposits in the market thus making applicant the fifth largest of eight banking organizations in a market in which approximately 70 percent of the total deposits are held by the three largest banking organizations.

Bank derives an insignificant portion of its deposits and loans from areas served by applicant's present or proposed banking subsidiaries. Similarly, those banks derive only an insignificant portion of their deposits and loans from the service area of Bank. It appears, therefore, that no significant competition between Bank and applicant's present or proposed subsidiary banks would be eliminated as a result of consummation of applicant's proposal.

In addition, Michigan branching law effectively prohibits applicant's subsidiary bank and Bank from branching into each other's service areas, except at locations which appear unattractive as sites for branch offices. For the same reason, it appears unlikely that Bank and applicant's proposed subsidiary banks could or would establish branch offices in competition with one another irrespective of Bank's longstanding affiliation with applicant. Further, Bank does not appear to be such a significant competitor that applicant should be expected to enter the St. Joseph market through a less significant acquisition or by de novo means, nor does Bank possess the resources to be considered a potential lead bank in a new bank holding company. The Board concludes therefore that it is unlikely that any significant competition would develop between any of applicant's present or proposed subsidiaries and Bank in the future. On the basis of the facts of record, the Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing competition, nor would it foreclose the development of significant competition.

The financial condition, managerial resources, and prospects of applicant are considered satisfactory and consistent with approval of the application. The same conclusions apply with respect to applicant's present subsidiary particularly in view of applicant's recent contribution of $2½ million to the equity account of that bank. The financial condition, managerial resources, and future prospects of Bank appear favorable. Considerations relating to banking factors, therefore, are regarded as consistent with approval of the application. Applicant does not intend to introduce any services at Bank not presently available in the community; however, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] The transaction shall not be consummated (a) before January

[14] We note that no provision of the television logging rules would require the licensee, once he has indicated shorter unit programming times under longer programs in his logs, to thereafter always so indicate his programing.

[15] Board member Berkemeyer would add a log falsification issue. Board member Kessler absent.

[1] See bill of particulars for specific dates and details of each alleged violation.

[1] Commissioner Hooks dissenting.

[1] By order dated December 5, 1972, the Board approved applicant's application to acquire shares of a second bank, the successor by merger to the Niles National Bank and Trust Co., Niles, Mich. Also, by separate order issued today, the Board approved applicant's application to acquire shares of the American National Bank in Portage, Portage, Mich.

[2] Dissenting statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

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25, 1973, or (b) later than March 26, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective December 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-480 Filed 1-9-73;8:45 am]

BANCOHIO CORP.

Order Approving Acquisition of Bank

BancOhio Corp., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the Capital National Bank, Cleveland, Ohio (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Ohio, is the 36th largest of 37 banking organizations in the Cleveland banking market (approximated by Cuyahoga, Geauga, Lake, and portions of Summit, Portage, Lorain, and Medina Counties) with one branch office of one of its subsidiary banks controlling less than 0.05 percent of deposits of commercial banks in that market. (All banking data are as of December 31, 1971, except market deposit data which are as of June 30, 1970.)

Bank ($101.4 million of deposits) is the tenth largest, based on market deposits, of 37 banking organizations in the Cleveland banking market and controls 1.2 percent of total deposits of commercial banks in that area. The nearest office of applicant's banking subsidiaries to Bank's offices is located approximately 10 miles from a branch of Bank. However, due to the number of branches of the larger Cleveland banks in the intervening area and since neither bank derives a significant amount of business from the service area of the other, it appears that no meaningful competition exists between any of applicant's subsidiary banks and Bank; and in view of the distances involved and the Ohio law restricting branch banking within county lines, significant competition between Bank and any of applicant's subsidiary banks is unlikely to develop.

Although applicant is considered one of the most likely potential entrants into the Cleveland banking market, Bank's market share is considered insubstantial and Bank's deposits have not demonstrated consistent growth recently, its growth rate, in any case, being less than that of smaller banks in the market. The proposed transaction therefore appears to represent a foothold acquisition by applicant. Moreover, acquisition of Bank by applicant should have a substantial beneficial effect on competition among commercial banks in the Cleveland market in which the four largest banking organizations account for approximately 76 percent of the deposits. The proposed acquisition should enable Bank to strengthen its role as a competitor in the market particularly for consumer business by permitting it to draw needed financial, technical, and management resource strength from applicant. The Board concludes that consummation of the proposed transaction will not have an adverse effect on competition in any relevant area and may, in fact, serve to stimulate competition among commercial banks in the Cleveland banking market.

The financial condition and managerial resources of applicant and its subsidiaries appear satisfactory and future prospects appear favorable. The managerial resources of Bank appear good, as do its financial condition and future prospects particularly in view of applicant's stated intention to inject $2 million in the equity capital account of Bank upon consummation of the proposed transaction.

The major banking needs of the residents of the Cleveland area appear to be adequately served at the present time by existing institutions. However, applicant's entry into the Cleveland area through acquisition of Bank should benefit individual consumers by enabling Bank to become a significant alternative source of such consumer banking services as mortgage and installment loans. Considerations relating to the convenience and needs of the residents of the Cleveland area are consistent with and lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before February 1, 1973, or (b) later than April 2, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 2, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-471 Filed 1-9-73;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan and Bucher. Voting against this action: Governor Robertson. Absent and not voting: Governors Daane and Brimmer.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

BANCOHIO CORP.

Order Approving Acquisition of Bank

BancOhio Corp., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to the Peoples Savings Bank Co., Delta, Ohio (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization and the largest multi-bank holding company in Ohio, controls 32 banks[1] with deposits totaling approximately $1.9 billion, representing 7.8 percent of the commercial banking deposits in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through Sept. 25, 1972.)

Bank ($9.7 million in deposits), the fourth largest of eight banks in Fulton County (which approximates the relevant banking market), controls 11.4 percent of the county deposits. The largest bank in the county, the Farmers & Merchants State Bank, Archbold, Ohio, controls approximately 32 percent of all deposits in the county. Therefore, Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of Fulton County banking resources.

Applicant's closest subsidiary to Bank is located 20 miles away. There is no meaningful competition between any of Applicant's subsidiary banks and Bank, nor does it appear likely that such competition will develop in the future in the light of the facts presented, notably the distances separating Bank from Applicant's subsidiaries, the number of intervening banks and Ohio's restrictive branching law. Consummation of the proposal would not appear to have an adverse effect on any competing bank. Accordingly, the Board concludes that competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiaries, are regarded as satisfactory and, accordingly, considerations relating to the banking factors are consistent with approval. Applicant proposes to assist Bank in arranging loan participation which should enable Bank to undertake loans far in excess of its current lending limit, and to make the extensive expertise of its staff available to Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before February 1, 1973, or (b) later than April 2, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective January 2, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-472 Filed 1-9-73;8:45 am]

[1] Applicant has also submitted applications to acquire the Western Security Bank, Sandusky, Ohio (deposits of $44.5 million, or 0.19 percent of total State deposits) and the Capital National Bank, Cleveland, Ohio (deposits of $101.4 million, or 0.42 percent of total State deposits).

BANCOHIO CORP.

Order Approving Acquisition of Bank

BancOhio Corp., Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Western Security Bank, Sandusky, Ohio (Bank).

The bank into which Bank will be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 32 banks with aggregate deposits of approximately $1.9 billion. (All banking data are as of Dec. 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through Nov. 15, 1972.) Based on its percentage share of total commercial bank deposits in the market, Bank is the third largest of the 12 banking organizations in the Sandusky banking market (approximated by Erie County, the northern portion of Huron County, the eastern portion of Ottawa County and the northeast corner of Sandusky County) and holds 12.9 percent of total deposits held by the commercial banks located in that market. No banking subsidiary of Applicant is located in the market, and the closest banking subsidiary of Applicant is located some 37 miles southwest of Sandusky. There is no substantial existing competition between Applicant's present banking subsidiaries and Bank; and, for several reasons, including the distances involved, the presence of banking alternatives in the intervening areas, and Ohio's prohibition against branch banking beyond county lines, there is no substantial likelihood of future competition developing between those subsidiaries and Bank. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Considerations relating to the financial and managerial resources and future prospects of Applicant and its subsidiaries and Bank are regarded as satisfactory. Applicant proposes to provide, through Bank, trust services—presently unavailable in Sandusky—and to aid Bank in starting international and leasing services. Convenience and needs considerations relating to the communities to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before January 26, 1973, or (b) later than March 27, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-473 Filed 1-9-73;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

DELTA BANK

Order Approving Application for Merger of Banks

The Delta Bank, Delta, Ohio, a proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with the Peoples Savings Bank Co., Delta, Ohio, under the name of the Peoples Savings Bank Co.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of BancOhio Corp. to acquire the successor by merger to the Peoples Savings Bank Co.: *Provided*, That said merger shall not be consummated: (a) Before February 1, 1973, or (b) later than April 2, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 2, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-474 Filed 1-9-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

HOUSTON NATIONAL CO.

"Grandfather Privileges"

There appeared in the FEDERAL REGISTER of October 19, 1972, a notice that the Board would be reviewing, pursuant to section 4(a)(2) of the Bank Holding Company Act (12 U.S.C. 1843), the nonbanking activities of Houston National Co., Houston, Tex., that the company engaged in on, and continuously since, June 30, 1968 (37 FR 22414). A footnote in that notice explained that Houston National Co. based its claim to "grandfather privileges" with respect to the listed activities on its alleged status as a "successor" corporation, and that the Board had not yet made a determination with respect to that claim.

The Board has recently considered the above-described claim and, on the basis of the evidence presented, has rejected it. The Board regards Houston National Co. as being neither a "successor" nor a "company covered in 1970" as those terms are defined in section 2 of the Act (12 U.S.C. 1841). No grandfather privileges under the proviso in section 4(a)(2) of the Act accrue to Houston National Co.

Board of Governors of the Federal Reserve System, January 2, 1973.

[SEAL] MICHAEL A. GREENSFAN,
Assistant Secretary of the Board.

[FR Doc.73-475 Filed 1-9-73;8:45 am]

NATIONAL BANCSHARES CORP. OF TEXAS

Acquisition of Bank

National Bancshares Corp. of Texas, San Antonio, Tex., has applied for the

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

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Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the First National Bank of Eagle Pass, Eagle Pass, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 30, 1973.

Board of Governors of the Federal Reserve System, January 3, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-479 Filed 1-9-73;8:45 am]

SANDUSKY SECURITY BANK

Order Approving Merger Under Bank Merger Act

The Sandusky Security Bank, Sandusky, Ohio (Applicant), a proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the Board's prior approval to merge with the Western Security Bank, Sandusky, Ohio, under the charter of Applicant and the name of the Western Security Bank and to operate branches at the locations at which the Western Security Bank presently operates branch offices.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of BancOhio Corp., Columbus, Ohio, to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Western Security Bank, Sandusky, Ohio. The transaction shall not be consummated: (a) Before January 26, 1973, or (b) later than March 27, 1973, and (c) the Sandusky Security Bank, Sandusky, Ohio, shall be opened for business not later than June 27, 1973. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-476 Filed 1-9-73;8:45 am]

TENNESSEE HOMESTEAD CO.

Order Approving Acquisition of Bank Shares

Tennessee Homestead Co., Ogden, Utah (THC), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to consolidate Budget Finance Co., Jonathan Edmund Browning Corp., and Frank M. Browning, Inc. (Subsidiaries) into THC and thereby to acquire direct ownership of additional shares of Bank of Utah and Bank of Ben Lomond, both of Ogden, Utah, which additional shares are presently indirectly held by THC through the Subsidiaries.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls one bank (Bank of Utah, Ogden, Utah) with deposits of about $32 million.[2] This bank is controlled by THC through its direct ownership of approximately 16.8 percent of the voting stock of Bank of Utah and through the Subsidiaries, which together own an additional 36 percent of the shares of Bank of Utah. THC also directly holds 6.20 percent of the shares of Bank of Ben Lomond, Ogden, Utah, with deposits of approximately $7 million. The Subsidiaries together hold an additional 12.31 percent of the shares of that bank. The proposal by THC to merge Subsidiaries into itself is essentially a corporate reorganization and would have no effect on existing or future competition. The Board concludes that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Applicant and its subsidiary bank are generally satisfactory and consistent with approval of the applications. Considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the applications. The Board finds that the proposed applications are consistent with the public interest and should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before January 26, 1973, or (b) later than March 27, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[3] effective December 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-477 Filed 1-9-73;8:45 am]

WELLS FARGO & CO.

Order Approving Acquisition of Grayco Land Escrow, Ltd.

Wells Fargo & Co., San Francisco, Calif., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Grayco Land Escrow, Ltd., Pasadena, Calif. (Grayco), a company that engages in the activities of acting as a trustee under subdivision trust agreements and providing to real estate developers and lot purchasers a computerized accounting and collection system. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(4) and (8)(ii)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 18121). The time for filing comments and views has expired, and none has been timely received.

Applicant, a one-bank holding company, controls Wells Fargo Bank, National Association, San Francisco, Calif. (Bank), the third largest bank in California with domestic deposits of $5.4 billion as of December 31, 1971, representing 8.8 percent of total commercial bank deposits in the State. In Los Angeles County, where a substantial number of Grayco's customers are located, Bank holds but 0.9 percent of the county-wide commercial bank deposits. Applicant also has nonbanking subsidiaries engaged principally in management of a real estate investment trust and in providing equipment lease financing and data processing services.

Grayco is a small, family-owned business,[4] engaged in providing an accounting, collection, and fiduciary service for developers and purchasers of lots in real estate subdivisions (all in the State of California). Its data processing activities consist of furnishing reports to developers and lot purchasers containing detailed information on accounts receivable, commissions payable, and other financial data concerning real estate sales. In addition, Grayco is licensed under California law as an escrow company and serves as trustee in the sale of subdivided land under regulations of the California Real Estate Commissioner. In its fiduciary capacity, Grayco holds legal title to and executes sales contracts covering unimproved subdivision lots. Additionally, Grayco receives and disburses installment payments from contract vendees, ultimately conveying title upon fulfillment of all contract terms. Grayco does not search or insure real estate titles nor does it engage in property management, development or consulting. Its fiduciary activities are those performed or carried on by a trust company under California law.

The relevant product market in which Applicant and Grayco may compete with each other may be broadly defined as land escrow services, comprising the total package of fiduciary, collection, and data processing services provided both developers and purchasers of real property. As such services are necessarily restricted by State law, the Board concludes that the relevant geographic market in this case is the entire State of California. Neither Applicant nor any of its subsidiaries are currently engaged in providing land escrow services in California, although Bank does act as trustee, under a subdivision trust agreement, for one customer in the State of Illinois. Bank has both the financial resources and managerial capability to offer similar services in California.

Grayco is one of approximately 15 firms that offer land escrow services in California. In addition, there are a large number of firms, including data processors and title companies, that offer one of the services associated with the package of land escrow services. Moreover, there are an even greater number of other potential entrants with similar capabilities since the barriers to providing land escrow services are relatively low. The Board therefore concludes that consummation of the proposal herein would foreclose no existing competition and that the adverse effect upon potential competition would not be significant.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, unsound banking practices or other adverse effects on the public interest. It is anticipated that Grayco's affiliation with Applicant will provide it with the financial and managerial resources that will enable it to compete more effectively with other land escrow firms and to improve as well as broaden the services presently offered.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[5] effective January 2, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-478 Filed 1-9-73; 8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

[2] Banking data are as of December 31, 1971.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer and Sheehan. Absent and not voting: Governor Bucher.

[4] As of Dec. 31, 1971, Grayco had total assets of $1.4 million and a net worth of $172,000.

[5] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

NATIONAL ENDOWMENT FOR THE ARTS

ADVISORY COMMITTEES

Public Disclosure of Information and Activities

The National Endowment for the Arts utilizes advice and recommendations of advisory committees, including the National Council on the Arts, in carrying out many of its functions and activities.

The Federal Advisory Committee Act (Public Law 92-463) governs the formation, use, conduct, management, and accessibility to the public of committees formed to advise and assist the Federal Government. Section 10 of the Act specifies that department and agency heads shall make adequate provisions for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that committee activities are matters which fall within policies analogous to those recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure.

In administering the Freedom of Information Act, the Endowment's policy is to make fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy, the Endowment will open to the public as many advisory committee meetings as possible.

Committees while engaged in the review, discussion, evaluation, and/or ranking of grant applications and contract proposals, or in evaluation of grantee and contractor performance, should not, however, be required to hold open meetings. The Endowment, grant applicants, and persons submitting contract proposals have long and customarily treated as confidential information submitted in support of grant applications and contract proposals. Information and data are furnished to the Endowment with assurance they will be treated on a confidential basis and not disclosed to the public. This information may include such matters as details relating to the type or design of work to be performed, adequacy of the applicant's facilities, competence of the applicant's or contractor's staff, proposed budget, and other material which would not otherwise be disclosed.

In addition, to operate most effectively, the grant and contract review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion. If the process were not to continue on a confidential basis, grant applicants and potential contractors would not supply sufficiently detailed information so essential for complete and effective review.

Grant applications, contract proposals, and detailed records of deliberations of the committees reviewing them are presently exempt from mandatory disclosure under the Freedom of Information Act.

When an advisory committee considers, discusses, and formulates its advice, conclusions or report, effective functioning of a committee requires that its members have an opportunity to express their individual views and judgments to each other without the presence of the public in arriving at the views and judgments of the committee.

In the interest of meeting our obligations of confidentiality of matters submitted as part of grant applications and contract proposals and encouraging candid expression of opinion concerning the merits of grant applications and contract proposals and the evaluation of grantee and contractor performance, so vital to the review process, and in the interest of assuring committee members necessary opportunity to express their views and judgments to each other in the process of formulating advice to the chairman of the Endowment on matters of Endowment policy:

It is hereby determined in accordance with the provisions of section 10(d) of the Act:

(1) The confidentiality required for grant applications and contract proposals, and evaluations and for the free discussion thereof as outlined herein is analogous to the policies recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and in particular, subsections 552(b)(4), (5), and (6);

(2) The public interest requires such matters not be disclosed so the Endowment may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters; and

(3) The public interest also requires that there be closed to the public meetings or portions thereof held for the sole purpose of considering and formulating advice which the committee will

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

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give or any report it will render and involving exclusively the internal expression of views and judgments of the members, which if reduced to writing would be exempt as internal memoranda from mandatory disclosure under section 3(e)(5) of the Freedom of Information Act (5 USC 552(b)(5)).

Therefore, meetings or portions thereof, of all Endowment advisory committees, including the National Council on the Arts devoted to review, discussion, evaluation, and/or ranking of grant applications, contract proposals, or performance by grantees and contractors or the formulation of advice shall not be open to the public.

The Executive Secretary of each such committee shall prepare a summary of any meeting or portion thereof not open to the public within three (3) business days following the conclusion of the meeting of the National Council on the Arts next following such meeting. Such summaries shall be consistent with the considerations which justified the closing of the meeting.

All other advisory committee meetings shall be open to the public unless the chairman of the National Endowment for the Arts or his designee determines otherwise in accordance with Section 10(d) of the Act.

The Advisory Committee Management Officer shall be responsible for publication in the FEDERAL REGISTER or as appropriate in local media, of a notice of all advisory committee meetings. Such notice shall be published in advance of the meeting and contain:

(1) Name of the committee and its purpose;

(2) Date, and time of the meeting, and, if the meeting is to be open to the public, its location and agenda; and

(3) A statement that the meeting is open to the public, or, if the meeting or any portion thereof is not to be open to the public, a statement to that effect.

The Advisory Committee Management Officer is designated as the person from whom rosters of committee members may be obtained and from whom minutes of meetings may be requested, if available.

Subject to the availability of space any interested persons may attend, as observers, meetings, or portions thereof, of advisory committees which are open to the public.

Members of the public attending a meeting will be permitted to participate in the committee's discussion at the discretion of the chairman of the committee, if the chairman is a full-time Federal employee; if the chairman is not a full-time Federal employee, then public participation, will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting in compliance with the order.

NANCY HANKS,
Chairman,
National Endowment for the Arts.

DECEMBER 1972.

[FR Doc.73-507 Filed 1-9-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEES

Public Disclosure of Information and Activities

The National Endowment for the Humanities utilizes advice and recommendations of advisory committees, including the National Council on the Humanities, in carrying out many of its functions and activities.

The Federal Advisory Committee Act (Public Law 92-463) governs the formation, use, conduct, management, and accessibility to the public of committees formed to advise and assist the Federal Government. Section 10 of the Act specifies that department and agency heads shall make adequate provisions for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that committee activities are matters which fall within policies analogous to those recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure.

In administering the Freedom of Information Act, the Endowment's policy is to make fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy, the Endowment will open to the public as many advisory committee meetings as possible.

Committees while engaged in the review, discussion, evaluation, and/or ranking of grant applications and contract proposals, or in evaluation of grantee and contractor performance, should not, however, be required to hold open meetings. The Endowment, grant applicants, and persons submitting contract proposals have long and customarily treated as confidential information submitted in support of grant applications and contract proposals. Information and data are furnished to the Endowment with assurance they will be treated on a confidential basis and not disclosed to the public. This information may include such matters as details relating to the type or design of work to be performed, adequacy of the applicant's facilities, competence of the applicant's or contractor's staff, proposed budget, and other material which would not otherwise be disclosed.

In addition, to operate most effectively, the grant and contract review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion. If the process were not to continue on a confidential basis, grant applicants and potential contractors would not supply sufficiently detailed information so essential for complete and effective review.

Grant applications, contract proposals, and detailed records of deliberations of the committees reviewing them are presently exempt from mandatory disclosure under the Freedom of Information Act.

When an advisory committee considers, discusses, and formulates its advice, conclusions, or report, effective functioning of a committee requires that its members have an opportunity to express their individual views and judgments to each other without the presence of the public in arriving at the views and judgments of the committee.

In the interest of meeting our obligations of confidentiality of matters submitted as part of grant applications and contract proposals and encouraging candid expression of opinion concerning the merits of grant applications and contract proposals and the evaluation of grantee and contractor performance, so vital to the review process, and in the interest of assuring committee members necessary opportunity to express their views and judgments to each other in the process of formulating advice to the Chairman of the Endowment on matters of Endowment policy:

It is hereby determined in accordance with the provisions of section 10(d) of the Act:

(1) The confidentiality required for grant applications and contract proposals, and evaluations and for the free discussion thereof as outlined herein is analogous to the policies recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and in particular, subsections 552 (b) (4), (5), and (6);

(2) The public interest requires such matters not be disclosed so the Endowment may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters; and

(3) The public interest also requires that there be closed to the public meetings or portions thereof held for the sole purpose of considering and formulating advice which the committee will give or any report it will render and involving exclusively the internal expression of views and judgments of the members, which if reduced to writing would be exempt as internal memoranda from mandatory disclosure under section 3(e)(5) of the Freedom of Information Act (5 U.S.C. 552(b)(5)).

Therefore, meetings or portions thereof, of all Endowment advisory committees, including the National Council on the Humanities, devoted to review, discussion, evaluation, and/or ranking of grant applications, contract proposals, or performance by grantees and contractors or the formulation of advice shall not be open to the public.

The Executive Secretary of each such committee shall prepare a summary of any meeting or portion thereof not open to the public within three (3) business days following the conclusion of the meeting of the National Council on the Humanities next following such meeting. Such summaries shall be consistent

with the considerations which justified the closing of the meeting.

All other advisory committee meetings shall be open to the public unless the Chairman of the National Endowment for the Humanities or his designee determines otherwise in accordance with section 10(d) of the Act.

The Advisory Committee Management Officer shall be responsible for publication in the FEDERAL REGISTER or as appropriate in local media, of a notice of all advisory committee meetings. Such notice shall be published in advance of the meeting and contain:

(1) Name of the committee and its purpose;

(2) Date, and time of the meeting, and, if the meeting is to be open to the public, its location and agenda; and

(3) A statement that the meeting is open to the public, or, if the meeting or any portion thereof is not to be open to the public, a statement to that effect.

The Advisory Committee Management Officer is designated as the person from whom rosters of committee members may be obtained and from whom minutes of meetings may be requested, if available.

Subject to the availability of space any interested persons may attend, as observers, meetings, or portions thereof, of advisory committees which are open to the public.

Members of the public attending a meeting will be permitted to participate in the committee's discussion at the discretion of the Chairman of the committee, if the Chairman is a full-time Federal employee; if the Chairman is not a full-time Federal employee, then public participation will be permitted at the Chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting in compliance with the order.

RONALD S. BERMAN,
Chairman, National Endowment for the Humanities.

DECEMBER 28, 1972.

[FR Doc.73-488 Filed 1-9-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EXPANSION ARTS ADVISORY PANEL TO NATIONAL COUNCIL ON THE ARTS

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held at 9:30 a.m. on January 22, 1973 and at 9:30 a.m. on January 23, 1973, in Washington, D.C.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the Chairman in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. L. Diamond, Secretary, National Council on the Arts, 806 15th Street NW., Washington, DC 20506.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-505 Filed 1-9-73;8:45 am]

from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. L. Diamond, Secretary, National Council on the Arts 806 15th Street NW., Washington, DC 20506.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-503 Filed 1-9-73;8:45 am]

INTERNATIONAL ADVISORY PANEL TO NATIONAL COUNCIL ON THE ARTS

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a closed meeting of the International Advisory Panel to the National Council on the Arts will be held at 9:30 a.m. on January 17, 1973, and at 9:30 a.m. on January 18, 1973, in Washington, D.C.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the Chairman in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. L. Diamond, Secretary, National Council on the Arts, 806 15th Street NW., Washington, DC 20506.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-504 Filed 1-9-73;8:45 am]

MUSIC ADVISORY PANEL TO NATIONAL COUNCIL ON THE ARTS

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Music Advisory Panel to the National Council on the Arts will be held at 10:30 a.m. on January 13, 1973, in Washington, D.C.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the Chairman in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. L. Diamond, Secretary, National Council on the Arts, 806 15th Street NW., Washington, DC 20506.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-506 Filed 1-9-73;8:45 am]

MUSEUM ADVISORY PANEL TO NATIONAL COUNCIL ON THE ARTS

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Museum Advisory Panel to the National Council on the Arts will be held at 10:30 a.m. on January 11, 1973 and at 10:30 a.m. on January 12, 1973, in Washington, D.C.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the Chairman in accordance with Section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. L. Diamond, Secretary, National Council on the Arts, 806 15th Street NW., Washington, DC 20506.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-506 Filed 1-9-73;8:45 am]

POSTAL RATE COMMISSION

McGRAW-HILL FACILITIES, HIGHTSTOWN, N.J.

Notice of Presentation and Visit

JANUARY 10, 1973.

Notice is hereby given that on January 17, 1973, a presentation will be made by McGraw-Hill to employees of the Postal Rate Commission for the purpose of describing its operations relating to use of U.S. mail service. A visit will be made to McGraw-Hill facilities in Hightstown, N.J.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed. A report of the presentation and visit will be on file in the Commission's docket room.

By direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-678 Filed 1-9-73;10:40 am]

TARIFF COMMISSION

[TEA-W-165]

CHRYSLER CORP., DETROIT, MICH.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Hearing

The U.S. Tariff Commission has ordered a hearing in connection with the investigation instituted on December 18, 1972, under section 301(c)(2) of the

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Trade Expansion Act of 1962 on a petition filed on behalf of the workers of the Los Angeles, Calif., assembly plant of Chrysler Corp., Detroit, Mich. The hearing will be held at 9:30 a.m. P.s.t. on January 25, 1973, in room 1345 of the U.S. Courthouse, 312 North Spring Street, Los Angeles, Calif. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his offices in the Tariff Commission Building, Eighth and E Streets NW., Washington, DC 20436, not later than noon, Friday, January 19, 1973.

Issued: January 5, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-540 Filed 1-9-73;8:45 am]

[TEA-W-169]

DAINTY MAID FOOTWEAR, INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Dainty Maid Footwear, Inc., Gettysburg, Pa., the U.S. Tariff Commission, on January 5, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by January 22, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 5, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-542 Filed 1-9-73;8:45 am]

[22-30]

NONFAT DRY MILK

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the U.S. Tariff Commission, on the 4th day of January 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether 25 million pounds of nonfat dry milk described in item 115.50 of the Tariff Schedules of the United States (TSUS) may be imported into the United States during the period beginning December 30, 1972, and ending February 15, 1973, in addition to the quota-quantity specified for such article under TSUS item 950.02, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The text of the President's letter of December 30, 1972, to the Commission follows:

Pursuant to section 22 of the Agricultural Adjustment Act, as amended, I have been advised by the Secretary of Agriculture, and I agree with him that there is reason to believe that additional quantities of nonfat dried milk may be imported for a temporary period without rendering or tending to render ineffective, or materially interfering with, the price support program for milk now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the following article presently subject to section 22 quantitative limitations under item 950.02 of the Tariff Schedules of the United States:

Dried milk, provided for in part 4 of schedule 1 of the Tariff Schedules of the United States Annotated (1972), described in item 115.50 (dried milk, other than buttermilk, containing not over 3 percent of butterfat).

The Secretary has also advised me, pursuant to section 22(b) of the Agricultural Adjustment Act, as amended, that a condition exists requiring emergency treatment with respect to nonfat dried milk and has therefore recommended that I take immediate action under section 22(b) to authorize the importation of 25 million pounds during a temporary period ending February 15, 1973. I have therefore this day issued a proclamation establishing a special temporary quota of 25 million pounds to be effective through February 15, 1973. This quota is in addition to the existing quota of 1,807,000 pounds per annum previously proclaimed under the section 22 authority.

The U.S. Tariff Commission is therefore directed to make an investigation under section 22 of the Agricultural Adjustment Act, as amended, to determine whether the above-described article may be imported in the amount and for the period specified above without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk, and to report its findings and recommendations at the earliest practicable date.

Sincerely,

(Signed) RICHARD NIXON.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 9:30 a.m. e.s.t., on January 15 and 16, 1973. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least by the close of business on January 11, 1973. The notification should indicate the name, address, telephone number, and organization of the person filing the request, and the name and organization of the witnesses who will testify.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Questioning of witnesses will be limited to members of the Commission and officials of the Department of Agriculture.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on January 19, 1973.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential," as provided for in § 201.6 of the Commission's rules of practice and procedure.

Issued: January 5, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-541 Filed 1-9-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

WISE SHOE CO.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962, with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of Wise Shoe Co., Exeter, N.H. (TEA-W-161). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Acting Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before January 20, 1973.

Signed at Washington, D.C. this 3d day of January 1973.

MARVIN M. FOOKS, *Acting Director, Office of Foreign Economic Policy.*

[FR Doc.73-496 Filed 1-9-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 152]

ASSIGNMENT OF HEARINGS

JANUARY 5, 1973.

Cases assigned for hearing, postponement, cancellation, or oral arguments appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11604, McBride Transportation, Inc.—Purchase—C & E Trucking Corp. (Assignee Alfred A. Rosenberg), MC 80428 Sub 80, McBride Transportation, Inc., now being assigned February 12, 1973 (2 days), at New York City, N.Y., in a hearing room to be later designated.

MC-69635 Sub 4, The Fortune Corp., now assigned January 16, 1973, at Olympia, Wash., is postponed indefinitely.

FSA-Nos. 42558 and 42559, Iron or steel, angles and bars, to points in Texas, now being assigned hearing February 20, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. 35720, American Petrofina Company of Texas et al. v. Williams Brothers Pipe Line Co., et al., now assigned continued hearing January 8, 1973, at Washington, D.C., postponed to January 10, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

I & S M-25977, Classification of Gelatin Capsules, now assigned January 9, 1973, at Washington, D.C., is cancelled. The tariffs are being cancelled.

MC-29120 Sub 139, All-American Transport, Inc., is continued to January 22, 1973, at the Hilton Inn, 10330 Natural Bridge Road, St. Louis, MO.

MC 12731 Subs 1 and 2, Teens N Tours, Inc., MC-C-7757, Inter-County Motor Coach, Inc. v. Schenck Tours, Inc. et al., now assigned February 12, 1973, at New York, N.Y., is postponed indefinitely.

I & S Nos. 8777 and 8787, freight all kinds, between Illinois and New Jersey, No. 35719, and No. 35719 Sub 1, TOFC Freight all kinds in trainloads, between Chicago and Kearny, No. 35719 Sub 2, freight all kinds in multiple trailer, between Chicago and New Jersey, No. 35719 Sub 3, freight all kinds, in multiple trailer, between Chicago and Massachusetts No. 35719 Sub 4, freight all kinds in multiple trailer, between Chicago, Maryland, and New Jersey, No. 35719 Sub 5, freight all kinds, in multiple trailer, from Port Reading to Chicago, No. 35719 Sub 6, freight all kinds, in multiple trailer, between Chicago and East, No. 35719 Sub 7, freight all kinds, in multiple trailer, between Illinois and Eastern points, and No. 35719 Sub 8, freight all kinds, in multiple trailer, between Chicago and Massachusetts, now being assigned hearing March 5, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 99208 Sub 10, Skyline Transportation, Inc., now assigned January 29, 1973, at Knoxville, Tenn., will be held in Room LL8, Cumberland Building, 301 Cumberland Avenue.

MC-F-11394, Glosson Motor Lines, Inc.—Control—State Motor Lines, Inc., MC 120280 Sub 2, State Motor Lines, Inc., now assigned February 5, 1973, at Raleigh, N.C., will be held in Room 505, Federal Building, 310 Newbern Avenue.

MC 97904 Sub 13, Knoxville-Maryville Motor Express, Inc., now assigned January 30, 1973, will be held in Room 661, U.S. Courthouse, Eighth and Broadway, Nashville, Tenn.

MC 123613 Sub 9, Claremont Motor Lines, Inc., now assigned January 22, 1973, at Charlotte, N.C., will be held in the public library, 310 North Tryon Street.

MC-115322 Sub 89, Redwing Refrigerated, Inc., now assigned January 18, 1973, at Washington, D.C., is postponed indefinitely.

MC-C-7840, The Millenburg Tours, Inc. v. Lillian Hofmeister, now assigned January 17, 1973, at Baltimore, Md., is postponed to February 21, 1973, at Baltimore, Md., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-533 Filed 1-9-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed by January 25, 1973. FSA No. 42596—*Processed Clay to Pryor, Okla.* Filed by M. B. Hart, Jr., Agent (No. A6331), for interested rail carriers. Rates on clay, processed, in carloads, as described in the application, from Toomsboro, Ga., and points subject thereto, in tariff referenced in the application, to Pryor, Okla. Grounds for relief: Rate relationship. Tariff: Supplement 25 to Southern Freight Association, Agent, tariff ICC S-973. Rates are published to become effective on February 8, 1973.

FSA No. 42597—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd., (No. 6), for itself and interested rail carriers. Rates on general commodities, between ports in Macao, Portuguese Colony, on the one hand, and rail stations on the U.S. Atlantic and Gulf Seaboard, on the other. Grounds for relief: Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-534 Filed 1-9-73;8:45 am]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 5, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed devation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

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Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-109780 (Deviation No. 43), CONTINENTAL TRAILWAYS, INC., 300 South Broadway Avenue, Wichita, KS 67201, filed December 22, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) from Wichita, Kans., over Interstate Highway 35–W and access roads to Newton, Kans., (2) from Newton, Kans., over Interstate Highway 35–W and access roads to McPherson, Kans., (3) from McPherson, Kans., over Interstate Highway 35–W and access roads to Lindsborg, Kans., (4) from Lindsborg, Kans., over Interstate Highway 35–W and access roads to Salina, Kans., and (5) from Salina, Kans., over Interstate Highway 35–W and access roads to junction U.S. Highway 81, located approximately 2 miles east of Minneapolis, Kans., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Lincoln, Nebr., over U.S. Highway 6 to junction unnumbered highway near Dorchester, Nebr., thence over unnumbered highway to Dorchester, Nebr., thence return over unnumbered highway to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 81, thence over U.S. Highway 81 via Salina, McPherson, Newton, Wichita, and Wellington, Kans., to South Haven, Kans., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-530 Filed 1-9-73;8:45 am]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 5, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-69116 (Deviation No. 43), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606, filed December 27, 1972. Carrier's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Memphis, Tenn., over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate Highway 81 (using U.S. Highways 11–W and 11–E where portions of Interstate Highway 81 is not completed) to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 70–N, thence over Interstate Highway 70–N to Baltimore, Md., and (2) from Memphis, Tenn., over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate Highway 81 (using U.S. Highways 11–W and 11–E where portions of Interstate Highway 81 is not completed) to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Memphis, Tenn., over U.S. Highway 79 to Milan, Tenn., thence over U.S. Highway 45 to junction U.S. Highway 45–E, thence over U.S. Highway 45–E to Fulton, Ky., thence over U.S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to West Vienna, Ill., thence over Illinois Highway 37 to Marion, Ill., thence over Illinois Highway 37 to Effingham, Ill., thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 40 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 111 to Baltimore, Md., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-531 Filed 1-9-73;8:45 am]

[Notice 1]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 5, 1973.

The following publications[1] are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

NOTICE FOR FILING PETITION

No. MC 133106 (Sub-No. 3) (Notice of filing of petition to amend a permit), filed September 21, 1970, published in the FEDERAL REGISTER issue of November 19, 1970, and republished, in part, this issue.

Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street (Box 1358) Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street (Post Office Box 80806), Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, and disinfectants*, moving in vehicles equipped with mechanical temperature control devices, from Lilitz, Pa., to points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, and Rockford, Ill., under a continuing contract with Warner-Lambert Pharmaceutical Co. and its divisions and subsidiaries. NOTE: This amendment adds the commodity "disinfectants" to the applicant's previously issued authority, as described, in part, above.

APPLICATION UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR CARRIERS OF PROPERTY

No. MC-F-11756. Authority sought for purchase by P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, PA 19135, of a portion of the operating rights of SOMCO FREIGHT LINES, INC., (Frank G. Masini, receiver), Paterson Plank Road, and Route 3, Rutherford, N.J. 07073, (MATCO TRANSPORTATION, INC., assignee), and for acquisition by JAMES M. CALLAHAN, also of Philadelphia, Pa. 19135, of control of such rights through the purchase. Applicants' attorneys: Terrence L. Bowers, 5240 Comly Street, Philadelphia PA 19135, and Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Operating rights sought ot be transferred: *General commodities*, excepting among others, classes A and B explosives, and commodities in bulk, as a *common carrier* over irregular routes, between Carlstadt, N.J., on the, one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., on and west of New York Highway 112, extending between Patchogue and Port Jefferson, Long Island, N.Y. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, Rhode Island, Massachusetts, New Hampshire, Connecticut, and Delaware, and as a *contract carrier* in Pennsylvania, Delaware, New Jersey, New York, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11757. Authority sought for purchase by TANKSLEY TRANSFER COMPANY, 901 Harrison St., Nashville, TN 37203, of the operating rights of IDEAL MOVING AND STORAGE COMPANY, INC., 404 James Robertson Parkway, Nashville, TN 37219, and for acquisition by ROY TANKSLEY, MILTON G. TANKSLEY, GORDON B. TANKSLEY, AND NOVELLA H. TANKSLEY, all of 901 Harrison Street, Nashville, TN 37203, of control of such rights through the purchase. Applicants' attorney: Charles Carter Baker, Jr., 1800 Third National Bank Building, Nashville, Tenn. 37219. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between points in Marshall County, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Indiana, Ohio, and Michigan, between Shelbyville, Tenn., and points within 65 miles of Shelbyville, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee. Vendee is authorized to operate as a *common carrier* in Tennessee, Mississippi, Alabama, Ohio, Kentucky, North Carolina, South Carolina, Georgia, Arkansas, Florida, Louisiana, Missouri, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11758. Authority sought for purchase by SUN INVESTMENT, INC., a noncarrier, 1835 West Main Street, Zanesville, OH, of the operating rights and property of DIECKBRADER EXPRESS, INC. (MARTIN A. GREENBERGER, operating trustee), 5391 Wooster Road, Cincinnati, OH 45226, and for acquisition by ORIN S. NEIMAN, 3893 Market Street NE., Warren, OH 44484, and ROBERT W. SPADE, Flint and Denman Streets, Cincinnati, Ohio 45214, of control of such rights and property through the purchase. Applicants' attorney: Paul F. Beery, 89 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: Numerous *specified commodities*, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Illinois, Missouri, Indiana, Kentucky, Ohio, Michigan, West Virginia, Iowa, Minnesota, Wisconsin, New York, New Jersey, Pennsylvania, Tennessee, Maryland, Connecticut, Delaware, Kansas, Louisiana, Massachusetts, North Dakota, Rhode Island, Texas, Colorado, Nebraska, South Dakota, North Carolina, Virginia, Arkansas, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-119531 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. Vendee holds no authority from this Commission. However it is affiliated with OHIO FAST FREIGHT, INC., 300 Liberty Road, Warren, OH 44482, which is authorized to operate as a *common carrier* in Ohio, West Virginia, Pennsylvania, New Jersey, Virginia, Maryland, Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, Delaware, Kentucky, Maine, New Hampshire, Tennessee, Vermont, Rhode Island, Alabama, Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, and the District of Columbia, and SPADE CONTINENTAL EXPRESS, INC., Post Office Box 14424, Cincinnati, OH 45214, which is authorized to operate as a *common carrier* in Ohio and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11759. Authority sought for purchase by FRONTIER DISTRIBUTION LINE, INC., 1285 William Street, Buffalo, NY 14206, of the operating rights of MURRAY'S TRUCKING SERVICE, INC. (U.S. Treasury Department-Internal Revenue Service), 111 West Huron Street, Buffalo, NY 14202, and for acquisition by BERNARD A. CESAR, 1328 Delaware Avenue, Buffalo, NY 14209, of control of such rights through the purchase. Applicants' attorney: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, N.Y. 14202. Operating rights sought to be transferred: General commodities, excepting among others, classes A and B explosives, commodities in bulk, and household goods, as a *common carrier*, over irregular routes, from Buffalo, N.Y., to points in Cattaraugus, Chatauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York and Pennsylvania. Application has been filed for temporary authority under section 210a(b), in Docket No. MC-FC-72439, and granted by order of the Commission dated June 30, and served July 13, 1972.

No. MC-F-11760. Authority sought for purchase by T. E. QUINN TRUCK LINES LTD., Box 401, Niagara Falls, Ontario, Canada, of a portion of the operating rights and property of BEANEY TRANSPORT, LIMITED, Post Office Box 392, Lansdale, PA 19446, and for acquisition by THOMAS E. QUINN, also of Niagara Falls, Ontario, Canada, of control of such rights and property through the purchase. Applicants' attorney: Maxwell A. Howell, 1511 K Street NW., Washington, DC 20005. Operating rights sought to be transferred: *Frozen foods*, as a common carrier over irregular route, from Brockport, N.Y., and points within 75 miles thereof, to New York, N.Y., Allentown, Bethlehem, and Philadelphia, Pa., and points in New Jersey, Massachusetts, Connecticut, and Rhode Island; *packinghouse products* as described in paragraphs A, B and C of the appendix in Ex Parte No. MC-38, *Modification of Motor Contract Carriers of Packing-House Products*, 46 M.C.C. 23, from ports of entry on the United States-Canada boundary line at Buffalo and Niagara Falls, N.Y., to New York, N.Y., and points within 50 miles thereof; *fresh fruits, fresh vegetables*, and *the commodities* described in paragraphs A, B, and C, in the appendix to the report in *Modification of Permits Packing-House Products*, 48 M.C.C. 628, between ports of entry on the United States-Canada boundary line at Alexandria Bay, Buffalo, and Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia, with restriction. Vendee holds no authority from this Commission. However, it is affiliated with KEY EXPRESS, INC., Post Office Box 401, Niagara Falls, ON Canada, which is authorized to operate as a *common carrier* in New York, New Jersey, Maryland, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTICE

Fort Worth and Denver Railway Co. hereby gives notice that on November 1, 1972, it filed an application with the Interstate Commerce Commission at Washington, D.C., under section 5(2) of the Interstate Commerce Act for authority to purchase and operate a line of railroad from Stamford, Tex. to Rotan, Tex. This application has been assigned Finance Docket No. 27227. The line of railroad is now owned and operated by the Texas Central Railroad Co. and is approximately 43.55 miles in length, extending between Stamford and Rotan, Tex., in Jones and Fisher Counties, Tex. The line now connects with applicant, Fort Worth and Denver Railway's existing line of railroad at Stamford, Tex.

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Texas Central Railroad Co. is a class II common carrier railroad and performs interstate, intrastate transportation. Fort Worth and Denver Railway Co. will perform interstate and intrastate transportation over the Stamford to Rotan Branch line commensurate with its common carrier obligation.

Applicant's attorneys are Richard M. Gleason, Attorney, Fort Worth and Denver Railway Co., 176 East Fifth Street, St. Paul, MN 55101, and T. E. Shell, General Counsel, Texas Central Railroad Co., Post Office Drawer 220, Dublin, TX 76446.

In the opinion of the applicant, the proposal is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 73-532 Filed 1-9 73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 5, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Arkansas Docket No. M-7385, filed December 15, 1972. Applicant: ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, AR 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, over regular and/or irregular routes, between all points and places in Arkansas presently authorized to be served by Atlas Transit, Inc. by certificate of public convenience and necessity No. 651 over the shortest or most feasible highway routes, as alternate routes only. Both intrastate and interstate authority sought. HEARING: January 22, 1973, at the Arkansas Transportation Commission, Justice Building, Little Rock, Ark., at 10 a.m. Requests for procedural information should be addressed to the Arkansas Transportation Commission, Justice Building, Little Rock, Ark., 72201, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 48,292M, filed November 30, 1972. Applicant: FRANCIS J. GORRELL, doing business as: TOPLIFF TRUCK LINE, 746 North Santa Fe, Salina, Kans. 67401. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading. *Extension of Route 4278:* From Glade, Kans., west over Highway K9 to Leonora, Kans., and return over the same route, with service authorized in either direction from, to and between Glade, Kans., and Leonora, Kans., and the intermediate points of Speed, Logan, Densmore, and Edmond and between said points and all points on the existing Route 4278. Also: From Jewell, Kans., over Highways K14-28 and K14 to Burr Oak, Kans., and return over the same route, with service authorized in either direction from, to and between Jewell, Kans., and Burr Oak, Kans., and the intermediate point of Mankato, Kans., and between said points and all points on the existing Route 4278.

Also: From Jewell, Kans., east over Highway K28 to Jamestown, Kans., thence west and south over county roads to Scottsville, Kans., and south over county road to its junction with Highway U.S. 24, with service authorized in either direction and between Jewell, Kans., and Scottsville, Kans., and the intermediate points of Randall and Jamestown and between said points and all points on existing Route 4278. Also: For operating convenience only—From Jamestown, Kans., east on Highway K28 to its junction with Highway U.S. 81, thence south on said highway U.S. 81 to its junction with Highway U.S. 24, with no transportation for compensation except as otherwise authorized. Both intrastate and interstate authority sought. Hearing: February 13, 1973, at the State Corporation Commission, Transportation Division, Fourth Floor, State Office Building, Topeka, Kans. Requests for procedural information including the time for filing of protests concerning this application should be addressed to the State Corporation Commission, Transportation Division, Fourth Floor, State Office Building, Topeka, Kans. 66612 and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 53751, filed December 15, 1972. Applicant: C-LINE EXPRESS, 525 Silverado Trail, Napa, Calif. 94558. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between points and places in the San Francisco territory described as follows: San Francisco territory includes all of the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the

shore line of the Pacific Ocean to point of beginning. Between points in San Francisco territory on the one hand, and, on the other, all points presently served by applicant as a highway common carrier as set forth in the decisions enumerated in paragraph III herein, specifically as follows:

(A) Between points in the San Francisco territory, on the one hand, and Calistoga, on the other hand. Service is authorized to all intermediate points on Interstate Highway 80 between San Francisco-Oakland and the junction of Interstate Highway 80 and State Highway No. 29 on said Highway No. 29 between its junction with Interstate Highway 80 and Calistoga. Service is also authorized to the off-route points of Benicia and Mont La Salle.

(B) Between all points and places specified in A above, on the one hand, and, on the other hand, (a) State Highway 121 between Napa and Moskowite's Corners, inclusive; (b) State Highway 128 between Moskowite's Corners and the junction of said highway with Knoxville Road, inclusive; (c) Knoxville Road between the junction of said road and State Highway 128 and Knoxville, inclusive; (d) Knoxville Road between Knoxville and Pope Valley junction, inclusive; (e) Pope Canyon Road between Pope Valley junction and Pope Valley, inclusive; (f) Unnumbered highways between Pope Valley and St. Helena, inclusive; (g) State Highway 128 between Moskowite's Corners and Rutherford, inclusive; (h) Steel Canyon Road between Moskowite's Corners and Steele Canyon Park, inclusive; (i) State Highway 128 between Moskowite's Corners and Monticello Dam, inclusive; (j) State Highway 128 between Monticello Dam and the junction of said highway with Pleasants Valley Road, inclusive; (k) Pleasants Valley Road between the junctions of said road with State Highway 128 and Interstate Highway 80, inclusive; (l) Interstate Highway 80 between Vallejo and the junction of said highway with Pleasants Valley Road, inclusive; (m) Suisun Valley Road between the junctions of said road with Interstate Highway 80 and Wooden Valley Road, inclusive, including the off-route point of Mankas Corner; and (n) Wooden Valley Road between the junctions of said road with Suisun Valley Road and State Highway 121, inclusive. Carrier may use the highways named in this order and any other public roadways necessary or convenient to perform the service authorized above.

(C) Between points in San Francisco territory, on the one hand, and, on the other hand, (a) Orinda, Lafayette, Walnut Creek, Danville and Concord, and points intermediate thereto on State Highway Nos. 24 and 21; (b) Port Chicago, Pittsburg, Antioch and points intermediate thereto on State Highway Nos. 24, 21, and 4 and on unnumbered State highways between Concord and Port Chicago and between Port Chicago and Pittsburg; (c) Martinez and Avon and all intermediate points and places on and along State Highway Nos. 24, 21, and 4 and unnumbered State highway between said points; (d) Oakley, Brentwood, and Byron and all intermediate points and places on and along State Highway No. 4 between Antioch and Byron; also via Marsh Creek Road but without serving points thereon between Clayton and Byron; (e) Bethel Island; (f) Clayton and all points intermediate to Concord and Clayton on and along Clayton Road and Marsh Creek Road, serving also the off-route point of Cowell; and (g) San Ramon and all intermediate points and places on and along State Highway No. 21 between Danville and San Ramon. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration. (5) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (8) Logs. (9) High explosives and (10) trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. Both intrastate and interstate authority sought. HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, California State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. 53758, filed December 18, 1972. Applicant: MORRIS TRANSPORTATION, INC., 730 11th Avenue, Oakland, CA 94102. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, CA 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places in the San Francisco territory, which is described as follows: San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right of way at Arastradero Road; southeasterly along the Southern Pacific Co. right of way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right of way; southerly along the Southern Pacific Co. right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue, northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

Except that applicant shall not transport any shipments of: (1). Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10-C of minimum

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rate tariff No. 4–A. (2). Automobiles, trucks, and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobiles chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3). Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. (4). Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5). Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6). Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7). Cement. (8). Logs. (9). Commodities of unusual or extraordinary value. (10). Fresh fruits and vegetables. Both intrastate and interstate authority sought. HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Alaska Docket No. 72-290-MF-O, filed October 10, 1972. Applicant: TRYGVE M. OLSEN AND JOHN & ETHEL ADCOX, a Partnership doing business as ILIAMNA BARGE AND TRUCKING CO., Iliamna, Alaska 99606. Applicant's representative: Theodore R. Dunn, 429 D Street, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a powered barge service as follows: Transportation of *freight* between Iliamna and Naknek, Alaska. In addition the powered barge would be used to make deliveries of freight around the perimeter of Lake Iliamna. The trucking operation would supplement this by permitting freight one off loaded from the barges to be delivered to its final location destination. In addition the community of Nondalton, Alaska, would be served from Iliamna by truck as it is inaccessible by barge. Both intrastate and interstate authority sought. HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, State of Alaska, Department of Commerce, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-529 Filed 1-9-73;8:45 am]

[Notice 178]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56640 (Sub-No. 28 TA), filed December 21, 1972. Applicant: DELTA LINES, INC., Mail: Post Office Box 2081, 96204, 8201 Edgewater Drive, Oakland, CA 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* except those of unusual value, household goods as defined by the Commission, and commodities in bulk, and commodities requiring special equipment, between Colton, Calif., and Calexico, Calif., serving all intermediate points; from Colton via Interstate Highway 10 to junction California Highway 111 (near Indio) thence via California Highway 111 to Calexico and return over the same route; between Riverside and Beaumont, Calif., serving all intermediate points; from Riverside over California Highway 60 to Beaumont and return over the same route; between junction California Highway 111 and Interstate Highway 10 (near Whitewater) and junction Interstate Highway 10 and California Highway 111 (near Indio), serving all intermediate points; from junction California Highway 111 and Interstate Highway 10 via California Highway 111 to junction California Highway 111 and Interstate Highway 10 and return over the same route; between junction California Highway 111 and California Highway 86 (near Coachella) to junction California Highway 111 and California Highway 86 (near Calexico), serving all intermediate points; from junction California Highway 111 and California Highway 86 via California Highway 86 to junction California Highway 111 and California Highway 86 and return over the same route; between junction California Highway 62 and Interstate Highway 10 and Twentynine Palms, Calif., serving all intermediate points and the off-route point of the Marine Corps Training Center near Twentynine Palms; from junction California Highway 62 and Interstate Highway 10 via California Highway 62 to Twentynine Palms, and return over the same route; between San Diego and Winterhaven, Calif., serving all intermediate points; from San Diego via Interstate Highway 8 (also U.S. Highway 80) to Winterhaven, and return over the same route; between San Diego, Calif., and junction Interstate Highway 8 and California Highway 94 near Live Oak Springs, Calif., serving all intermediate points; from San Diego via California Highway 94 to junction California Highway 94 and Interstate Highway 8, and return over the same route; between junction unnumbered road and Interstate Highway 8 west of Live Oak Springs, Calif., and junction unnumbered road and Interstate Highway 8, serving all intermediate points; from junction unnumbered road and Interstate Highway 10 via unnumbered road through Live Oak Springs, Boulevard and Jacumba to junction unnumbered road and Interstate Highway 8, and return over the same route; between junction Interstate Highway 8 and California Highway 98 (near Ocotillo) and junction Interstate Highway 8 and California Highway 98 via California Highway 98 to junction Interstate Highway 8 and California Highway 98 (near Gordon's Wells), serving all intermediate points; from junction Interstate Highway 8 and California Highway 98 via California Highway 98 to junction Interstate Highway 8 and California Highway 98, and return over the same route; between Calipatria, Calif., and junction California Highway 115 and California Highway 98, serving all intermediate points; from Calipatria via California Highway 115 to junction California Highway 115 and California Highway 98, and return over the same route; for 180 days. NOTE: Applicant states it does intend to tack with its own authority in MC 56640 and subs, and interline with other carriers at any common service point. Supported by: There are approximately 105 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 92168 (Sub-No. 2 TA), filed December 11, 1972. Applicant: BEATRICE M. RICHARDS, (HARRY F. RICHARDS, EXECUTOR), doing business as THEATRICAL FILM SERVICE, 61 Greenfield Street, Lawrence, MA 01843. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film and theatre supplies*, from Boston, Mass., to Salem and Plaistown, N.H., and return from Salem and Plaistown, N.H., to Boston, Mass., for 180 days. Supporting shippers: Riverview Theatres, Inc., 901 River Street, Haverhill, MA 01830; Cinema Four Corp., 1130 North Main Street, Brockton, MA 02401. Send protests to: Max Gorenstein, Interstate Commerce Commission, Bureau of Operations, 2211B–J.F.K. Federal Building, Government Center, Boston, Mass. 02203.

No. MC 94201 (Sub-No. 110 TA), filed December 11, 1972. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, 1500 Cedar Grove Road, Atlanta, GA 30316. Applicant's representative: E. A. Wickman (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Copper, brass, or bronze tube, rod, fittings, castings and related products, and by-products*, from the plantsite, warehouse, and storage facilities of Federal Pacific Electric Co. located at or near Fulton, Miss., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Indiana, Massachusetts, Rhode Island, points in New York, New Jersey, and Connecticut within a 35-mile radius of Columbus Circle, N.Y., points in Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio, points in Illinois on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line to point of beginning; between New York, N.Y., and Hartford, Conn., serving all intermediate points, and off-route points of Watertown, Litchfield, Torrington, Winsted, Wethersfield, Manchester, Newington, Guilford, Clinton, Westbrook, Groton, Deep River, New London, and Norwich, Conn., points in Fairfield County, Conn., points in Hudson, Bergen, Passaic, and Union Counties, N.J., points in Virginia, Maryland, and Philadelphia, Pa., and its commercial zone, for 180 days. Supporting shipper: Mueller Brass Co., Division of UV Industries, Highway No. 25, Fulton, Miss. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 102401 (Sub-No. 16 TA), filed December 19, 1972. Applicant: TAYLOR HEAVY HAULING, INC., 20601 West Ireland Road, Post Office Box 2657 (Station A) 46612, South Bend, IN 46614. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete forms and materials and supplies* for the erection of such concrete forms when transported in the same vehicle with such concrete forms, from the plantsite of Hass Concrete Products Co., at or near South Bend, Ind., to points in the lower peninsula of Michigan except points in Berrien, Cass, Saint Joseph, Van Buren, Allegan, and Barry Counties, Mich., for 180 days. Supporting shipper: Hass Concrete Products Co., 24423 Liberty Highway, South Bend, Ind. 46614. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107460 (Sub-No. 40 TA), filed December 21, 1972. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representative: Donald D. Shipley (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum doors and windows*, glazed and unglazed, and *aluminum extrusions*, from the plantsite of Capitol Products Corp. located at or near Kentland, Ind., to the plantsites of National Homes Corp. located at Horseheads, N.Y., Terryville, Conn., Collinsville, Va., and the plantsite of Knox Homes located at Thomson, Ga.; (2) *aluminum scrap*, from the plantsite of Capitol Products Corp., located at on near Kentland, Ind., to the plantsite of Bay Billets Corp. located at Sandusky, Ohio; and (3) *billets*, from the plantsite of Bay Billets Corp. located at or near Kentland, Ind., for 180 days. Supporting shipper: Capitol Products Corp., Kentland, Ind. 47951. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 117565 (Sub-No. 74 TA), filed December 20, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Route 3, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel shot;* (2) *abrasive and abrasive products;* and (3) *cleaning machines, and replacement parts thereof*, from the plantsite and warehouse facilities of Alloy Metal Abrasives, Division of Ervin Industries, Inc., at or near Adrian, Mich., to points in the United States, excluding points in Ohio, Indiana, and the commercial zone of Chicago, Ill., for 180 days. Supporting shipper: Alloy Metal Abrasives, Division of Ervin Industries, Inc., 121 South Division Street, Ann Arbor, MI 48103. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 265 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 128124 (Sub-No. 20 TA), filed December 20, 1972. Applicant: ROCKO TRANSPORTATION, INC., Post Office Box 608, San Marcos, CA 92069. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock*, in bulk, from Gardner Ridge Quarry near Brookings, Oreg., to Crescent City Harbor, Crescent City, Oreg., for 180 days. Supporting shipper: Silberberger Constructors, Inc., Palomar Airport Road, Post Office Box 845, Carlsbad, CA 92008. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 128273 TA, filed December 20, 1972. Applicant: REPUBLIC VAN & STORAGE OF ORANGE COUNTY, INC., 17821 Gillette Avenue, Irvine, CA 92705. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, subject to the "King-pak" restrictions between points located in, and within 30 miles of Orange County, Calif., for 180 days. Supporting shipper: Purchasing and Contracting Office, U.S. Marine Corps., Post Office Box 1609, Oceanside, CA 92054. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 128305 (Sub-No. 1 TA), filed December 22, 1972. Applicant: DELBERT E. ROBINSON, 337 East Center Street, Post Office Box 155, Fairview, UT 84629. Applicant's representative: Harry D. Pugsley, 315 East Second South, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Ground paper insulation*, from Midvale, Utah, to Boise, Idaho, via U.S. Highway I–15 from Midvale, Utah, to junction of I–80N (30S) north of Tremonton, and thence to Boise, Idaho via I–80N (30S), for 180 days. Supporting shipper: Westby Manufacturing Co., 9440 Franklin Road, Boise, ID 83704 (Don Allumbaugh, owner). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239

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Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 129600 (Sub-No. 11 TA), filed December 20, 1972. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368; Office: 11 Holly Street, Hingham, MA 02043. Applicant's reprersentative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections, ice water confections and sherbet*, from Suffield, Conn., to Worcester, Chicopee, Brockton, Lowell, and Boston, Mass.; Farmingdale, Lynbrook, Mount Vernon, Holtsville, West Nyack, Corona, Syracuse, and Schenectady, N.Y.; East Paterson, Middlesex, Mt. Holly, Eatontown, and Lodi, N.J.; Gaithersberg and Baltimore, Md.; Pittsburgh and Turtle Creek, Pa.; Toledo and Cleveland, Ohio, and Tampa, Orlando, and North Miami, Fla. Restriction: Restricted to a transportation service to be performed under a contract or contracts with H. P. Hood, Inc., and its wholly owned subsidiary, American Mobiles Corp. for 180 days. Supporting shipper: American Mobiles Corp., 492 Rutherford Avenue (Rear) Charlestown, (Boston), Mass. 02129. Send protests to: District Supervisor John B. Thomas, Interstate Commerce Commission, Bureau of Operations, 150 Causeqay Street, Boston, MA 02114.

No. MC 135201 (Sub-No. 6 TA), filed December 19, 1972. Applicant: B & F TURGEON, INC., 15 North Edgelawn, Aurora, IL 60506. Applicant's representative: E. J. Lease (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts, accessories and merchandise* normally distributed by retail and wholesale automotive outlets from Chicago, Ill., to East Gary, Hebron, and Valparaiso, Ind., and (2) *damaged, defective and returned shipments and parts, accessories and merchandise* normally distributed by retail and wholesale outlets from East Gary, Hebron, and Valparaiso, Ind., to Chicago, Ill., for 180 days. Supporting shipper: Standard Unit Parts Corp., 505 West 35th Street, Chicago, IL 60616. Send protests to: William J. Gary, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135234 (Sub-No. 12 TA), filed December 20, 1972. Applicant: COMMERCIAL CARTAGE, INC., 101 Hudson Street, St. Albans, WV 25177. Applicant's representative: Marvin L. Meadows (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric wire and cable* on reels and *empty reels and materials* used in the manufacture of wire and cable, between plantsites and warehouses of the Okonite Corp., at Richmond, Ky., Paterson, N.J., and Phillipsdale, R.I., to points in the United States on and east of U.S. Interstate 25, for 180 days. Supporting shipper: The Okonite Co., Ramsey, N.J. Attention: J. W. Roderick, manager-traffic. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 136408 (Sub-No. 6 TA), filed December 19, 1972. Applicant: CARGO CONTRACT CARRIER CORP., Post Office Box 206, U.S. Highway 20, Sioux City, IA 51102. Applicant's representative: Charles G. Peterson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing and polishing soaps and compounds, paints, varnishes and rust preventatives, oils and greases*, except in bulk, in tank vehicles, between Avenel, N.J.; Cleveland and Cincinnati, Ohio; Summit, Ill.; Detroit, Mich.; Des Moines, Iowa; Kansas City, Mo.; Omaha, Nebr.; Sioux Falls, S. Dak., and Roseville, Minn. Restriction: The operations authorized are limited to a transportation service to be performed under a continuing contract with Economics Laboratory, Inc., and further limited to service between the plant and warehouses of Economic Laboratory, for 180 days. Supporting shipper: Economics Laboratory, Inc., Avenel Plant, 255 Blair Road, Avenel, NJ 07001. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 106 South 15th Street, 711 Federal Office Building, Omaha, NE 68102.

No. MC 138119 (Sub-No. 1 TA), filed December 20, 1972. Applicant: RAYMOND HARRISON, doing business as ASSOCIATED CASKET COMPANY, 7444 Washington Street, Pittsburgh, PA 15218. Applicant's representative: Louis Kwall, 2018 Monongahela Avenue, Pittsburgh, PA. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burial caskets*, from Pittsburgh, Pa., to Morgantown and Wheeling, W. Va.; Cambridge, Ohio; Cumberland, Md., and other points in western Pennsylvania, west of U.S. Highway 15, for 180 days. Supporting shippers: Aurora Casket Co., Inc., Aurora, Ind. 47001, and Batesville Casket Co., Batesville, Ind. 47006. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 138243 (Sub-No. 1 TA), filed December 19, 1972. Applicant: RANDALL R. PATTERSON, doing business as COMPLETE AIR FREIGHT, 243 Rodrigues Avenue, Milpitas, CA 95035. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods, commodities in bulk, and commodities requiring special equipment, between the San Francisco International Airport, Calif., on the one hand, and points in the counties of Sacramento, Yolo, Solano, and Placer, Calif., on the other, the above restricted to the transportation of traffic having immediate prior or immediate subsequent movement by air, for 180 days. Supporting shipper: Computer Hardware Inc., 2550 Fair Oaks Boulevard, Sacramento, CA 95825; Basic Vegetable Products, Inc., Box 599, Vacaville, Calif. 95688; Formica Corp., Formica Building, 120 East Fourth Street, Cincinnati, OH 45202; Wemco, 721 North B Street, Sacramento, CA. Mailing address: Post Office Box 15619, Sacramento, CA 95813; Shulman Air Freight Internat., 342 Allerton Avenue, Internation Airport Branch, San Francisco, CA 94080; Aero Special Air Freight, Inc., 1216 Rollins Road, Burlingame, CA 94010; Jet Air Freight, 380 Allerton Road, South San Francisco, CA 94080; Transcon Airfreight, 342 Allerton Avenue, South San Francisco, CA 94080; Wits Air Cargo, 216 Harris Court, South San Francisco, CA. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138274 TA, filed December 20, 1972. Applicant: SHIPPERS BEST EXPRESS, INC., 1656 West 14600 South, Riverton, UT 84065. Applicant's representative: Jerald Payne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Items dealt in and distributed by wholesale and retail grocers* (1) from points in Illinois, Minnesota, Iowa, South Dakota, Nebraska, and Texas to points Utah and Wyoming; (2) between points in Colorado, Utah, and Wyoming; (3) between points in California, Utah, Idaho, and Wyoming; (4) between points in Oregon, Utah, and Wyoming and (5) between points in Washington, Utah, and Wyoming, for 180 days. NOTE: Applicant intends to tack its requested authority with its existing authority at Salt Lake City, Utah. Supporting shipper: Dean and Co., 1500 South Redwood Road, Salt Lake City, UT 84104 (Mr. E. D. Shelledy—president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-535 Filed 1-9-73;8:45 am]

[Notice 179]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 5, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 53321 (Sub-No. 9 TA), filed December 21, 1972. Applicant: RAU CARTAGE, INC., 1107 East Noble Avenue, Monroe, MI 48161. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard*, from Monroe, Mich., to Celina, Tenn., for 180 days. Supporting shipper: Time Container Corp., 1151 West Elm Street, Monroe MI 48161. Send protests to: District Supervisor Melvin F. Kirsch, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 115841 (Sub-No. 447 TA), filed December 21, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Office: 1215 Bankhead Highway West, Birmingham, AL 35204, Post Office Box 168, Concord, TN 37720. Applicant's representative: Roger M. Shaner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, from the plant and warehouse facilities of Needham Packing Co., Sioux City, Iowa, and Omaha, Nebr., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Needham Packing Co., 220 Badgerow Building, Sioux City, Iowa 51101. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 128575 (Sub-No. 9 TA), filed December 21, 1972. Applicant: GOLDEN WEST TRUCK CO., 12780 Southwest Prince Albert Street, Tigard, OR 97223. Applicant's representative: William F. Fox (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden beams, trusses, arches, plywood, groundwood sheets, lumber, timbers*, fabricated or not fabricated, and *necessary connecting hardware*, from (1) points in Lane County, Oreg., to points in Washington; and (2) Snohomish, King, Pierce, Pacific, Gray Harbor, Lewis, Cowlitz, Skamania and Clark Counties, Wash., to points in Oregon, for 180 days. Supporting shipper: Al Disdero Lumber Co., Post Office Box 42247, Portland, OR 97242. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 138180 (Sub-No. 1 TA), filed December 21, 1972. Applicant: FRED O'BAKER AND FAY E. LEYDIG, doing business as VALLEY TRUCKING COMPANY, Post Office Box 176, Corriganville, MD 21524. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk rock salt*, from Corriganville, Md., to points in Mineral, Hampshire, Hardy, and Morgan Counties, W. Va., for 180 days. Supporting shipper: Morton Salt Co., Main Street, Wadsworth, OH 44281. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 138255 (Sub-No. 1 TA), filed December 14, 1972. Applicant: HERSCHEL A. WIMMER AND CHARLES T. HACKER, doing business as DAYTON AIR FREIGHT, 9000 Peters Pike, Vandalia, OH 45377. Applicant's representative: Herschel A. Wimmer (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment, between Cox Municipal Airport at Vadalia, Ohio and Detroit Metropolitan Airport at Romulus, Mich., restricted to the transportation of shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: United Air Lines, Dayton Minicipal Airport, Vandalia, Ohio 54377. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 138255 (Sub-No. 2 TA), filed December 14, 1972. Applicant: HERSCHEL A. WIMMER AND CHARLES T. HACKER, doing business as DAYTON AIR FREIGHT, 9000 Peters Pike, Vandalia, OH 45377. Applicant's representative: Herschel A. Wimmer (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment, between Cox Municipal Airport at Vadalia, Ohio, on the one hand, and, on the other, John F. Kennedy Airport and LaGuardia Airport, Jamaica, N.Y., and O'Hara Airport, Chicago, Ill., restricted to the transportation of shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: Trans World Airlines, Inc., James M. Cox Municipal Airport, Vandalia, Ohio 45377. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 138229 (Sub-No. 1 TA), filed December 21, 1972. Applicant: P & M TRANSPORT, INC., Box 518, Morrisville, VT 05661. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc, talc tailings and asphalt filler*, in bags and in bulk, from Johnson, Vt., to Burlington, and St. Johnsbury, Vt., for 90 days. Supporting shipper: Eastern Magnesia Talc Co., Subsidiary of: Engelhard Minerals & Chemical Corp., Menlo Park, N.J. 08817. Send protests to: District Supervisor Martin P. Monaghan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 138282 TA, filed December 22, 1972. Applicant: HENRY D. MAAS, Box 264, Arlee, MT 59821. Applicant's representative: Craig S. Sternberg, fourth Floor Hoge Building Seattle, Wash. 98104. Authority sought to operate a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Junk automotive and farm machinery bodies and parts and scrap iron*, from points in Montana and Idaho to Spokane, Wash., for 180 days. Supporting shipper: American Recycling Corp., P.O. Box 337, Parkwater Station, Spokane, WA 99211. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138283 TA, filed December 22, 1972. Applicant: DANA CORPORATION, Round Lake, Minn. 56167. Applicant's representative: Earl H. Schdder, Jr.,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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P.O. Box 82028, Lincoln NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectionery products, nuts and cookies and related advertising material*, from the facilities used by Sather Cookie Co. at Round Lake, Minn., to points in the United States (except Alaska and Hawaii); and (2) the *commodities* in (1) above and *materials and supplies* used in the packaging, processing, storage and distribution of the commodities enumerated in (1) above from points in the United States (except Alaska and Hawaii) to the facilities used by Sather Cookie Co. at Round Lake, Minn., for 150 days. Supporting shipper: Sather Cookie Co., Round Lake, Minn. 56167. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-536 Filed 1-9-73;8:45 am]

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

REGULATION OF FUELS AND FUEL ADDITIVES

No. 6—Pt. II——1

V 38 - 6 JAN 10 73 XUM

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

On February 23, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 3882), setting forth proposed regulations promulgating Federal standards for the use of lead and phosphorus additives in gasoline. Pursuant to the above notice, several public hearings were held. In addition, numerous written comments were received during an extended public comment period. After consideration of the hearings' testimony and other comments, and after further consideration of the available information on health effects of airborne lead and the adverse effect of leaded gasoline on emission control devices, the regulations have been divided into two separate pieces of regulatory action: proposed regulations based upon the health effects of airborne lead, which provide for the reduction of lead in all grades of leaded gasoline, and final regulations, which provide for the general availability of lead-free gasoline. The regulations on reduction of lead for health reasons are being reproposed because the Agency's basis for the reduction has been substantially revised. The proposed regulations are published in this issue of the FEDERAL REGISTER, accompanied by an explanation of the basis for the reproposal. The regulations providing for the availability of lead-free and phosphorus-free fuel, modified as determined to be appropriate by the Agency, are promulgated below. The basis for this promulgation is explained below.

When the proposed regulations were published, the Administrator had determined that emission products of lead and phosphorus additives would impair to a significant degree the performance of emission control systems which include catalytic converters that motor vehicle manufacturers are developing to meet the 1975–76 motor vehicle emission standards and that are likely to be in general use if lead and phosphorus additives are controlled or prohibited for use in certain motor vehicle gasolines. This determination was based upon consideration of the available scientific and economic data including a cost-benefit analysis comparing motor vehicle emission control devices or systems which are or will be in general use and require control or prohibition of lead additives in gasolines with emission control devices or systems which are or will be in general use and do not require such control or prohibition of those additives. After identifying the emission control systems or devices under consideration by automobile manufacturers for meeting the 1975–76 standards, the Administrator determined that one system, the catalytic converter, would be in general use in the 1975 model year. Accordingly, a comparison of systems or devices was not feasible. Since publication of the proposed rule making, additional information on this subject has been submitted to the Agency during public hearings on the suspension of 1975 model year light duty motor vehicle emission standards, and the lead regulations hearings and comment period. This information provides further support for the Administrator's determination.

Therefore, the proposed provision for the general availability by July 1, 1974, of essentially lead-free and phosphorus-free gasolines of an octane quality suitable for 1975 and subsequent model year light duty vehicles is included in the final regulations. Copies of the cost-benefit analysis referred to above, entitled Aerospace Report, PB–205–981, are available for $4.50 each from National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22151.

At the time of the proposed rule making, the Administrator concluded that the proposed control of the use of lead additives and phosphorus-containing additives in lead-free gasoline would not cause the use of any other fuel or fuel additive that will produce emissions which will endanger the public health or welfare to the same or greater degree. Since that time, additional information has been developed which further supports the Administrator's earlier conclusion. This additional information and the basis for the original finding are set forth in a paper entitled "Effects of Reduced Use of Lead in Gasoline on Vehicle Emissions and Photochemical Reactivity" (with addendum). Copies of this paper are available from the Publications Section, Environmental Protection Agency, 401 M Street SW., Room 238W, Washington, DC 20460.

In the preamble to the proposed regulations, the Administrator invited comments concerning the effect of various levels of sulfur concentrations in lead-free and phosphorus-free gasoline on catalytic emission control systems, the impact of a sulfur limitation on the petroleum industry, and the impact of a sulfur limitation on motor vehicle performance and the cost of gasoline to the consumer. In light of these comments, the Administrator has determined that the currently available information is not adequate to clearly determine the impact of gasoline sulfur levels on emission control devices. Accordingly, additional information on both the effects of sulfur on catalyst deterioration and the impact of a sulfur regulation on the oil industry is required before regulatory action can be proposed.

The regulations as proposed provided that the lead content of unleaded gasoline not exceed 0.05 gram of lead per gallon. This maximum trace lead level is based upon the determination that it would provide adequate protection for catalyst emission control devices and that delivery of unleaded gasoline meeting this specification is within the capability of the petroleum industry.

Most of the auto manufacturers initially asserted that the standard should be set at a maximum of 0.03 gram per gallon or less to prevent impairment of the effectiveness of the catalytic emission control devices. More recently, several manufacturers have stated that the proposed trace lead standard of 0.05 gram per gallon would be acceptable if such a standard assured that the average lead content of unleaded gasoline were 0.03 gram per gallon.

Spokesmen for the petroleum industry urged that the trace lead standard be set at 0.07 gram per gallon, the specification for unleaded gasoline established by the American Society for Testing and Materials. This specification was chosen on the basis of: (a) The capacity of the distribution system to deliver gasoline with low trace lead levels and (b) the reproducibility of the test methods. The experience of the petroleum industry as a whole in delivery of unleaded gasoline was conceded to be limited. The one company with substantial experience in the distribution of unleaded product is currently able to meet a 0.05 standard most of the time.

The regulations provide for the general availability of a lead-free and phosphorus-free gasoline with specified trace lead levels of 0.05 gram of lead per gallon. It is the Administrator's determination that without regulatory action requiring retail outlets to market at least one grade of such gasoline, availability of that product to the general public in all areas of the country would be uncertain, and may not be sufficient to assure the protection of catalytic control devices. This regulation will determine the range of trace lead in gasoline which will be available to the consuming public for use in motor vehicles with control devices (e.g., from 0 gram lead to 0.05 gram lead). Based on the available data on marketing of unleaded gasolines, the Agency projects that a 0.05 gram of lead per gallon maximum will result in a 0.03 gram per gallon average lead content. Since the Agency's motor vehicle certification regulations require that gasoline generally available at retail outlets be used in vehicle certification tests, 1975 model year vehicle certification testing will be required to be conducted using gasolines having a minimum lead content of 0.03 gram per gallon.

EPA has received numerous comments from the automobile industry requesting that the trace phosphorus level in the lead-free and phosphorus-free gasoline be lowered from the proposed level of 0.01 gram of phosphorus per gallon to 0.005 gram of phosphorus per gallon and below. After evaluating the catalyst deterioration data submitted in support of these requests, the Administrator has determined that the trace phosphorus level must be lowered to 0.005 gram of phosphorus per gallon in order to prevent

catalyst deterioration which would preclude compliance with the emission standards for the useful life of 1975 and later model year vehicles. Though some members of the oil industry contend that a lower phosphorus level would remove some of the existing flexibility in the use of phosphorus detergent additives, the Agency has determined that the need for any such flexibility is outweighed by the need to prevent catalyst deterioration. Moreover, nonphosphorus additives are fast becoming the predominant detergents in unleaded gasoline and are already in large scale use.

Representatives of the petroleum industry have sought clarification of the term "owner or operator" of a retail outlet used in paragraphs (c), (d), and (g) of § 80.22 of the regulations as proposed. These paragraphs have been modified to adopt the terms of the definition of "owner or operator" contained in section 111(a)(5) of title I of the Clean Air Act which defines an "owner or operator" as any person who "owns, leases, operates, controls, or supervises" a regulated facility.

The final regulations do not include the proposed prohibition of the dyeing of unleaded gasolines or the proposed requirement that leaded gasolines be conspicuously colored. Based on comments received on the control of transport of unleaded gasoline, the Agency has determined that a color-coding system is not necessary to the implementation of this regulation.

The Agency agrees with comments received that engine octane demand decreases with increase in altitude, and has added to the requirement that retail outlets market unleaded gasoline of at least 91 octane a provision allowing reduction in octane number in high altitude areas.

The proposed regulations set forth labeling requirements for retail outlets and motor vehicles and dimensions specifications for pump nozzles and automobile fuel filler inlets to prevent accidental use of leaded gasoline in vehicles equipped with emission control devices requiring the use of unleaded fuel. The regulations include slight changes in the required fuel filter inlet and pump nozzle dimensions proposed, in accordance with the recommendations of the Society of Automotive Engineers.

The country's independent gasoline marketers have expressed concern that the major refiners, who currently provide their supply of leaded gasoline, will not produce enough unleaded gasoline during the transition period following the regulation's effective date to supply both the majors' branded outlets and the independent outlets. Based on the results of the Agency's evaluation of the independent marketers' supply problems, the Administrator has determined that it would be premature to conclude that gasoline refiners will be unable or unwilling to provide adequate supplies of unleaded gasoline to retail outlets required by these regulations to offer it. If the shortage of unleaded gasoline feared by the independent marketers materializes, this Agency will consider whether additional measures are necessary to assure the general availability of unleaded gasoline.

Comments were received which objected to the imposition of liability upon major brand refiners for sales at their retail outlets of unleaded gasoline containing lead in violation of the standard. The regulation retains this provision, with slight wording changes, based upon the Agency's determination that the contamination of unleaded gasoline associated with transportation of the product can best be prevented by the major refiners who have control or the ability to control their distribution networks. However, in order to clearly indicate that there is a positive duty on the major brand refiner to prevent any violation of the unleaded gasoline standard at his retail outlets, the Agency is proposing in this issue of the FEDERAL REGISTER a regulation specifically imposing this duty.

The regulations promulgated below shall be effective on February 9, 1973.

Dated: January 4, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

A new Part 80 is added to Chapter I, Title 40 of the Code of Federal Regulations, as follows:

Subpart A—General Provisions

Sec.
80.1 Scope.
80.2 Definitions.
80.3 Test methods.
80.4 Right of entry; tests and inspections.
80.5 Penalties.

Subpart B—Controls and Prohibitions

80.20 [Reserved]
80.21 Controls applicable to gasoline distributors.
80.22 Controls applicable to gasoline retailers.
80.23 Liability for violations.
80.24 Controls applicable to motor vehicle manufacturers.

AUTHORITY: Secs. 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–6c).

Subpart A—General Provisions

§ 80.1 Scope.

This part prescribes regulations for the control and/or prohibition of fuels and additives for use in motor vehicles and motor vehicle engines. These regulations are based upon a determination by the Administrator that the emission product of a fuel or additive will impair to a significant degree the performance of a motor vehicle emission control device in general use or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulations promulgated; and certain other findings specified by the Act.

§ 80.2 Definitions.

As used in this part:

(a) "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) "Administrator" means the Administrator of the Environmental Protection Agency.

(c) "Gasoline" means any fuel sold in any State[1] for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

(d) "Research octane number" means a measurement of a gasoline's knock characteristics which is determined by American Society for Testing and Materials analytical method designated D–2699.

(e) "Lead additive" means any substance containing lead or lead compounds.

(f) "Leaded gasoline" means gasoline which is produced with the use of any lead additive or which contains more than 0.05 gram of lead per gallon or more than 0.005 gram of phosphorus per gallon.

(g) "Unleaded gasoline" means gasoline containing not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon.

(h) "Refinery" means a plant at which gasoline is produced.

(i) "Refiner" means any person who owns, leases, operates, controls, or supervises a refinery.

(j) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public.

(k) "Retailer" means any person who owns, leases, operates, controls, or supervises a retail outlet.

(l) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery and any retail outlet.

§ 80.3 Test methods.

The lead and phosphorus content of gasoline shall be determined in accordance with test methods to be prescribed by the Administrator.

§ 80.4 Right of entry; tests and inspections.

The Administrator or his authorized representative upon presentation of appropriate credentials shall have a right to enter upon or through any retail outlet or the premises or property of any distributor and shall have the right to make inspections, take samples, and conduct tests to determine compliance with this part and the Act.

§ 80.5 Penalties.

Any person who violates these regulations shall forfeit and pay to the United States a civil penalty of $10,000 for each and every day of the continuance of

[1] "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

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such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district where such person has his principal office or any district in which he does business. The Administrator may, upon application by the person against whom any such penalty has been assessed, remit or mitigate any such forfeiture. The Administrator shall have authority to determine the facts upon all such applications.

Subpart B—Controls and Prohibitions

§ 80.20 [Reserved]

§ 80.21 Controls applicable to gasoline distributors.

After July 1, 1974, no distributor shall sell to any distributor or retailer any gasoline which he represents is unleaded gasoline unless such gasoline does, in fact, meet the defined requirements for unleaded gasoline in § 80.2(g).

§ 80.22 Controls applicable to gasoline retailers.

(a) After July 1, 1974, no retailer or his employee or agent shall introduce, or cause or allow the introduction of leaded gasoline into any motor vehicle which is labeled "unleaded gasoline only," or which is equipped with a gasoline tank filler inlet which is designed for the introduction of unleaded gasoline.

(b) After July 1, 1974, every person who owns, leases, operates, controls, or supervises a retail outlet at which 200,000 or more gallons of gasoline was sold during any calendar year beginning with the year 1971 shall offer for sale at least one grade of unleaded gasoline of not less than 91 Research Octane Number at such retail outlet: *Provided, however,* That the octane number of unleaded gasoline offered for sale in areas where altitude is greater than 2,000 feet may be reduced one (1) octane number for each succeeding 1,000 feet but not more than three (3) octane numbers in total.

(c) After July 1, 1974, every person who owns, leases, operates, controls, or supervises six or more retail outlets shall offer for sale at least one grade of unleaded gasoline of not less than 91 Research Octane Number at no fewer than 60 percent of such outlets; *Provided, however,* That the octane number of unleaded gasoline offered for sale in areas where altitude is greater than 2,000 feet may be reduced one (1) octane number for each succeeding 1,000 feet but not more than three (3) octane numbers in total.

(d) After July 1, 1974, every retailer shall prominently and conspicuously display in the immediate area of each gasoline pump stand the following notice:

Federal law prohibits the introduction of any gasoline containing lead or phosphorus into any motor vehicle labeled "UNLEADED GASOLINE ONLY."

Such notice shall be no smaller than 36-point bold type and shall be located so as to be readily visible to the retailer's employees and customers.

(e) After July 1, 1974, every retailer shall affix to each gasoline pump stand a permanent legible label as follows:

(1) For gasoline pump stands containing pumps for introduction of unleaded gasoline into motor vehicles, the label shall state:

Unleaded gasoline.

(2) For gasoline pump stands containing pumps for introduction of leaded gasoline into motor vehicles, the label shall state:

Contains lead antiknock compounds.

Any label required under this paragraph shall be located so as to be readily visible to the retailer's employees and customers.

(f) After July 1, 1974, every retailer shall equip all gasoline pumps as follows:

(1) Each pump from which leaded gasoline is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 0.930 inch (2.362 centimeters).

(2) Each pump from which unleaded gasoline is sold shall be equipped with a nozzle spout which meets the following specifications:

(i) The outside diameter of the terminal end shall not be greater than 0.840 inch (2.134 centimeters);

(ii) The terminal end shall have a straight section of at least 2.5 inches (6.34 centimeters) in length;

(iii) The retaining spring shall terminate 3.0 inches (7.6 centimeters) from the terminal end.

(g) If more than one grade of gasoline is dispensed from a gasoline pump or pump stand, the Administrator may grant an exception to paragraph (e) or (f) of this section where it has been demonstrated to his satisfaction that an alternate system of labeling or equipment will comply with the objectives of paragraph (e) or (f) of this section.

§ 80.23 Liability for violations.

Liability for violations of paragraph (a) of § 80.22 shall be determined as follows:

(a) (1) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries appears on the pump stand or is displayed at the retail outlet from which the gasoline was sold, the retailer and such gasoline refiner shall be deemed in violation. The refiner shall be deemed in violation irrespective or whether any refiner, distributor, or retailer, or the employee or agent of any refiner, distributor, or retailer may have caused or permitted the violation.

(2) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries does not appear on the pump or pump stand or is not displayed at the retail outlet from which the gasoline was sold, the retailer and any distributor who sold the retailer gasoline contained in the retail outlet storage tank which supplied that pump at the time of the violation shall be deemed in violation.

(b) (1) In any case in which a retailer and any gasoline refiner or distributor would be in violation under paragraph (a) (1) or (2) of § 80.22 the retailer shall not be liable if the retailer can demonstrate that the violation was not caused by him or his employee or agent.

(2) In any case under paragraph (a) (2) of § 80.22 in which two or more distributors have sold the retailer gasoline contained in the retail outlet storage tank which supplied the pump from which the gasoline was sold, any of such distributors who can demonstrate that the violation was not caused by him or his employee or agent shall not be liable.

(c) In any case in which a retailer or his employee or agent introduced leaded gasoline from a pump from which leaded gasoline is sold into a motor vehicle which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline, only the retailer shall be deemed in violation.

§ 80.24 Controls applicable to motor vehicle manufacturers.

The manufacturer of any motor vehicle equipped with an emission control device which the Administrator has determined will be significantly impaired by the use of leaded gasoline shall:

(a) Affix two permanent, legible labels reading "Unleaded Gasoline Only" to such vehicle at the time of its manufacture, as follows:

(1) One label shall be located on the instrument panel so as to be readily visible to the operator of the vehicle: *Provided, however,* That the required statement may be incorporated into the design of the instrument panel rather than provided on a separate label; and

(2) One label shall be located immediately adjacent to the gasoline filler tank inlet, outside of any filler inlet compartment, and shall be located so as to be readily visible to any person introducing gasoline to such filler inlet.

Such labels shall be in the English language in block letters which shall be of a color that contrasts with their background.

(b) Manufacture such vehicle with a gasoline tank filler inlet having a restriction with an inside diameter not greater than 0.910 inch (2.311 centimeters), which prevents the insertion of a nozzle with a spout larger than prescribed in § 80.22(f)(2)(i). Such filler inlet shall be designed so as to activate immediately any automatic shutoff device on any nozzle subject to § 80.22(f)(1) when the introduction of gasoline into such filler inlet from such a nozzle is attempted.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

REGULATION OF FUELS AND FUEL ADDITIVES

Notice of Proposed Rule Making

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

REGULATION OF FUELS AND FUEL ADDITIVES

Notice of Proposed Rule Making

On February 23, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 3882), setting forth the proposed text of regulations promulgating Federal standards for the use of lead and phosphorus additives in gasoline. Pursuant to the above notice, several public hearings were held. In addition, numerous written comments were received from interested persons during an extended public comment period. After consideration of the hearings testimony and other comments, and after further consideration of the available information on the health effects of airborne lead and the adverse effect of leaded gasolines on emission control devices, the Administrator has determined that the originally proposed regulation should be divided into two parts. The sections which provide for the availability of lead-free gasoline to protect emission control devices are promulgated, with some modifications from the proposal, in this issue of the FEDERAL REGISTER. The sections providing for a reduction in the lead content of leaded gasolines for health protective reasons are reproposed below.

Based on the evidence available at the time of the proposed regulations' publication, the Administrator concluded that airborne lead levels exceeding 2 micrograms per cubic meter, averaged over a period of 3 months or longer, were associated with a sufficient risk of adverse physiologic effects to constitute endangerment of public health. Since airborne lead levels in many major urban areas currently range from 2 to over 5 micrograms and since motor vehicles are the predominant source of airborne lead in such areas, attainment of a 2-microgram level in many areas would require at least 60 to 65 percent reduction in lead emissions from motor vehicles. Accordingly, the Administrator proposed to regulate the lead content of "regular" and "premium" leaded gasolines by providing for the reduction of lead over a 4-year period, beginning January 1, 1974. It was the Agency's judgment that these reductions, together with the introduction of one grade of lead-free gasoline would provide for the protection of health in major urban areas within the shortest time reasonably possible.

In the preamble to the proposed regulations and in a subsequent publication (June 14, 1972; 37 FR 11786), the Administrator invited all interested parties to submit additional information on the health effects of airborne lead. Based upon additional information received as hearing testimony and written comments, reanalysis of the previously available data, and examination of recently developed information, the Agency's position on the health effects of airborne lead has been reevaluated.

Through EPA's reevaluation, the Administrator determined that it is difficult if not impossible to rely on the analysis presented in the earlier proposal to establish a precise level of airborne lead (2 μg. per m.^{3}) acceptable as the basis for a control strategy. Because earlier data lack such precision, and because new data have become available in the interim, the original health position can no long be considered sufficient.

EPA's new health position is based upon the following factors. Currently, considerable numbers of urban residents have abnormally elevated blood lead levels resulting from excessive exposure to environmental lead principally through food, water, paint, air, and dust. Emissions from motor vehicles using leaded gasoline account for over 90 percent of the lead emitted into the atmosphere. The resulting airborne lead can: (a) Be directly absorbed through the lungs as people breathe, or (b) settle out of the air to contaminate the dirt and dust which may be consumed by children. Strong evidence exists to support the view that through these routes airborne lead contributes to excessive lead exposure in urban adults and children.

Adults. Correlations between likelihood of exposure to airborne lead and high blood lead levels have been demonstrated in several selected adult groups. For example, Table I shows that urban male and female samples have significantly higher blood lead levels than their suburban counterparts. Women exposed to the higher air lead levels of the city are consistently found to have higher blood lead levels than women residing in suburban areas (see Table IIa). Although one cannot prove conclusively that airborne lead levels were solely responsible for this difference, the observation that women living in homes close to a highway have increased blood lead compared to women living greater distances from that highway further suggests that airborne lead and consequently lead in gasoline is contributing to these blood lead elevations (see Table IIb). Studies of urban women are especially significant since blood levels in newborn babies are known to be well correlated with lead levels in expectant mothers. Among urban exposed adults (see Table III) exposure by occupation (parking attendants vs. post office employees) and time of exposure (commuters vs. downtown residents) demonstrates that urban dwellers are more likely to have abnormal blood lead levels, and those most directly exposed to airborne lead typically have the highest blood lead levels.

TABLE I.—URBAN-SUBURBAN BLOOD LEAD COMPARISONS IN ADULTS

Group studied	Number studied	Percent blood leads equal to or greater than 40 ug./100 g.
Urban females [2]	423	0.7
Suburban females	536	0
Philadelphia males: [1]		
Urban	66	4.5
Suburban	23	0
Composite: [3]		
Urban	833	[4] 2.7
Suburban	162	0

[1] "Survey of Lead in the Atmosphere of Three Urban Communities," PHS Pub. No. 999-AP-12.
[2] Tepper, Lloyd: "A Survey of Air and Population Lead Levels in Selected American Communities," (7 city study), testimony presented at EPA public hearing in Los Angeles May 3, 1972, and report submitted to EPA, June 1972.
[3] Hofreuter, D. H., et al.: "The Public Health Significance of Atmospheric Lead," Arch. Env. Health 3:82-88, November 1961.
[4] Only those above 40.

TABLE II.—SUMMARY OF DATA RELATING BLOOD LEAD LEVELS IN WOMEN TO PLACE OF RESIDENCE

(a)

	Number studied	Average air lead exposure ug./m.^{3} (geometric mean)	Average blood lead ug./100 g. (geometric mean)	Percent blood leads above 29 ug./100 g.	Percent blood leads 40 and above	Percent blood leads above 50
From 7 city study: [1]						
New York urban	140	2.08	16.6	1.4	0	0
New York suburban	108	1.13	15.3	0.5	0	0
Chicago urban	147	1.76	17.6	3.4	0.7	0
Chicago suburban	208	1.18	13.9	0.5	0	0
Philadelphia urban	136	1.67	20.5	11.0	1.5	0
Philadelphia suburban	150	1.15	18.0	4.7	0	0

(b)

Population	Number studied	Average air lead exposure (ug./m.^{3})		Average blood lead ug./100 g.	Percent blood leads above 29 ug./100 g.	Percent blood leads 40 and above	Percent blood leads above 50
		Front porch	In Home				
From roadway study: [2]							
Living near roadway (12 feet away)	55	4.60	2.30	23.1	25.1	1.8	1.8
Living away from roadway:							
(a) 125 feet away	34	2.41	1.50	17.4	0	0	0
(b) 400 feet away	61	2.24	1.57	17.6	6.6	1.6	0

[1] Tepper, Lloyd, and Levin, Linda, "A Survey of Air and Population Lead Levels in Selected American Communities," Report submitted to EPA, June 1972.
[2] Haines, R. H., Smith, D. W., Fellelano, A. F., and Trout, J. R., "Air Levels of Lead Inside and Outside Homes," Ind. Med. Journal, 41:26-28, October 1972.

TABLE III.—EXTENT OF ABNORMALLY ELEVATED BLOOD LEADS AMONG URBAN ADULTS

City	Exposure category	Number studied	Percent of blood leads equal to or greater than 40 ug./100 g.
Cincinnati	Post Office employees [1]	140	2.9
	Firemen [1]	191	3.0
	Service station attendants [1]	130	12.3
	Police [1]	40	12.5
	Drivers of cars [1]	59	15.0
	Parking attendants [1]	48	41.0
	Garage mechanics [1]	152	67.0
Los Angeles area	Los Angeles Police [1]	155	0.6
	Pasadena male city employees [1]	88	3.3
	Los Angeles female aircraft employees [1]	87	3.3
	General Los Angeles clinic population [2]	45	4.4
	Los Angeles male aircraft employees [1]	201	5.2
Oakland	Female clinic patients [2]	53	1.9
	Male clinic patients [2]	36	5.5
Philadelphia	Male commuters [1]	43	2.3
	Police [1]	113	3.5
	Downtown male residents [1]	66	4.5
Camden, N.J.	Women living near freeways [1]	55	1.8
Composite urban samples	Females from New York, Philadelphia, and Chicago [3]	423	0.7
	Males and females from 6 cities [3]	833	[4] 2.7

[1] "Survey of Lead in the Atmosphere of Three Urban Communities," PHS Pub. No. 999-AP-12.
[2] Tepper, L.: "A Survey of Air and Population Lead Levels in Selected American Communities" (7 city study), testimony presented at EPA public hearing in Los Angeles May 3, 1972, and report submitted to EPA, June 1972.
[3] Hofreuter, D. H., et al.: "The Public Health Significance of Atmospheric Lead," Arch. Env. Health 3:82-88, November 1961.
[4] Haines, R. H. et al.: "Air Levels of Lead Inside and Outside Homes," Ind. Med. Journal, 41: pp. 26-28, October 1972.
[5] Goldsmith, J., California Department of Public Health, testimony submitted to EPA July 11, 1972.
[6] Only those above 40.

Children. Though airborne lead also contributes to total lead exposure in children, a possibly more important route of exposure may be ingestion of leaded nonfood items such as leaded paint and dirt. Exposure of children to lead-based peeling paint commonly found in deteriorating housing has been traditionally recognized as a hazard for young children. However, recent studies indicate that the presence of lead contaminated dirt and dust in urban areas represents another potentially significant source of lead exposure for children. Levels of lead in dust and dirt are known to decrease with increased distance from roadways and hence are directly related to the use of lead in gasoline. Continued ingestion of only fractions of a teaspoon per day of the lead contaminated dirt and dust presently found in urban areas would easily exceed the daily permissible intake of lead for children (300 μg. per day). A report by the National Academy of Sciences concludes that "the swallowing of lead contaminated dust may well account in large part for higher mean blood lead content in urban children."

Though none of the above findings viewed individually and in the context of possible experimental error can be taken as conclusive evidence that airborne lead by itself is a current public health problem, considered together, they do suggest that airborne lead is contributing to excessive total lead exposures among the general urban population. In light of this evidence, the Administrator has concluded that it would be prudent to reduce preventable lead exposures from automobile emitted airborne lead to the fullest extent possible.

In setting forth this conclusion, the Administrator recognizes that uncertainties exist concerning the relative significance of various sources of lead exposure and the most cost-effective approach to prevent excessive exposure. Currently, the contribution of any one source such as lead in gasoline to the general problem of excessive lead exposure has not been quantified and requires additional investigation. Due in part to this situation, the most cost-effective approach to the aggregate prevention of excessive lead exposure has not been defined. Several questions remain unanswered concerning the emphasis which should be placed on preventative measures such as the removal of lead-based paint from existing structures, the complete versus partial or gradual elimination of lead from gasoline, and stricter controls on the lead content of food and water. The lead in gasoline issue presents particular difficulties regarding the cost-effectiveness of reducing lead contents below the level of 0.5 gram per gallon.

The proposal set forth in this notice, is limited to reducing the lead content in leaded gasoline to 1.25 grams per gallon. It is the Administrator's intention that lead in gasoline should be reduced as much as possible. In determining if further reductions will be required the Administrator will consider: (a) The degree of lead reduction that will occur as a result of the use of unleaded gasoline. If it appears that the choice of emission control systems eventually will require the universal use of unleaded gasoline, this would influence the type of reduction schedule considered by the Administrator for the period following January 1, 1978. On the other hand, if lead sensitive emission control systems are not employed universally, the Administrator will take appropriate actions to reduce lead content in leaded grades as much as possible; (b) evidence on the feasibility of reducing lead from other environmental sources.

The lead reduction specified in this proposal will augment the final lead additive regulations which provide for the general availability of lead-free gasoline. EPA recognizes that if lead-free gasoline is required in all 1975 and later model vehicles, lead-free gasolines would eventually replace leaded gasolines. However, the removal of lead from gasoline according to this approach would be dependent upon the fuel requirements of future emission control devices and consequently would not assure the reduction or elimination of motor vehicle lead emissions. Even if unleaded fuel ultimately displaces all leaded gasolines, the action to reduce lead content in leaded gasoline to 1.25 grams per gallon significantly accelerates the total lead reduction during the next 5 years. Though the benefits associated with the accelerated lead reductions have not been quantified, the Administrator has concluded that this approach is not unreasonably costly and will prudently prevent unnecessary exposure to airborne lead.

Because of the need for public comment on the foregoing issues and since the restated health position is based upon a health effects document which has not been reviewed and commented upon by the public or the scientific community, the Administrator has determined that the previously proposed lead reductions for leaded grades of gasoline should be reproposed for public comment and discussion in a somewhat revised form. The scientific community particularly is encouraged to comprehensively study and comment upon the relative significance of various lead exposure routes in the environment, the cost effectiveness of various approaches to controlling these exposure routes, and the benefits gained by reducing the lead content of leaded gasolines as well as providing for the general availability of lead-free fuel. Such efforts could complement additional investigation of this subject by EPA and other Federal agencies. A detailed examination of the health effects information which forms the basis for EPA's position is included in a paper entitled "EPA's Position on the Health Effects of Airborne Lead." Copies of this paper are available from the Publications Section, Environmental Protection Agency, 401 M Street SW., Room W238, Washington, DC 20460.

The Administrator is required to assure that substitute fuel formulations or additives will not produce emissions that would endanger the public health or welfare to the same or greater degree than lead emissions. The lead reductions required by these regulations and the lead reductions resulting from the general availability of lead-free gasoline will not cause an increase in other harmful emissions. The basis for this finding is set forth in a paper entitled "Effects of Reduced Use of Lead in Gasoline on Vehicle Emissions and Photochemical Reactivity." Copies of this paper are available from the Publications Section, Environmental Protection Agency, 401 M Street SW., Room 238W, Washington, DC 20460.

The Administrator has considered whether it would be more economically and technologically feasible to provide for the protection of public health by

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means of a new vehicle emission standard for lead particles than by means of the proposed reduction of gasoline lead content. It is considered unlikely that new motor vehicles could be equipped with lead emission control devices prior to the 1975 model year. Beginning in that model year, vehicles will be equipped with catalytic emission control systems which are rendered ineffective by lead emissions, and all evidence available to the Administrator indicates that lead trap devices adequate to protect the catalysts will not be available by 1975. Furthermore, the Administrator does not have authority to prescribe a lead emission standard applicable to other-than-new vehicles so that even a zero lead emission standard could be applied to new motor vehicles only. Older vehicles would continue to use leaded gasolines. Accordingly, the Administrator has determined that providing for the protection of public health by means of a new motor vehicle emission standard for lead is not feasible.

The February proposal provided for control of lead additives in leaded grades of gasoline by specifying a maximum lead content for each gallon of leaded gasoline sold during a given year. The regulations provided for a maximum of 2 grams per gallon effective January 1, 1974; 1.7 grams per gallon effective January 1, 1975; 1.5 grams per gallon effective January 1, 1976; and 1.25 grams per gallon effective January 1, 1977.

The regulations proposed below provide for the lead reductions set forth in the February proposal with certain modifications. Due to the lead time needed by the petroleum industry to prepare for the proposed lead reductions, the regulations proposed below defer the reduction schedule by 1 year. Furthermore, the regulations provide for an average lead level per gallon of leaded gasoline produced by an individual refinery during any quarter rather than a maximum lead content per gallon of gasoline sold. Accordingly, the regulations proposed below provide for a quarterly average lead content in the leaded grades of gasoline produced by any refinery of 2 grams per gallon effective January 1, 1975; 1.7 grams per gallon effective January 1, 1976; 1.5 grams per gallon effective January 1, 1977; and 1.25 grams per gallon effective January 1, 1978.

The proposal's specified average lead levels in the leaded grades of gasoline rather than the maximum lead level per gallon sold responds to comments received on the February proposal. Gasoline refiners emphasized that establishing a maximum lead level for each grade or batch of gasoline restricts flexibility in production of gasoline. The optimum quantity of lead to be added to a particular blend of gasoline varies with the octane quality of the blending stocks and their susceptibility to octane boost from lead additives. These factors result in different lead levels to maximize the utility of lead additives in refining gasoline.

In addition, the ability to add amounts of lead exceeding the standard to particular batches is useful in correcting blending errors or to cover cases where refining units are shutdown for repairs. The alternative would be to store as insurance against shutdowns and to reblend stocks not meeting the octane blending stocks specifications unless additional lead is added. The elimination of flexibility in the use of lead would increase costs and also increase the use of crude oil to some extent.

For these reasons, the refiners urged that each refinery be permitted to allocate lead over gasoline production to make optimal use of lead additives so long as the average lead content of gasoline produced by each refinery did not exceed the maximum levels necessary to achieve the reduction in lead additive usage and lead emissions determined by EPA to be necessary each year.

Several types of averaging have been proposed. Under one system proposed, each refinery (not company) would be permitted to allocate lead over all leaded grades produced so long as the average lead content per gallon of leaded gasoline produced did not exceed EPA's standard for the particular year over a given period. Various companies have proposed quarterly, semiannual, or annual averaging and reporting periods.

The second system recommended would permit a refinery to average its lead usage over all grades of gasoline produced, including the unleaded grade. The unleaded grade will be produced without the use of lead additives. This approach would require that the lead reduction schedule be recomputed to take account of production of unleaded gasoline in establishing the permissible average lead level. The effect would be to reduce the average lead levels allowable for all gasoline produced.

The Administrator finds that optimum refining flexibility consistent with attainment of the necessary reductions in lead usage can be best attained by providing for averaging of lead usage over each refinery's quarterly production of leaded gasoline. Analysis of industry comments and a study commissioned by EPA suggests that leaded pool averaging affords maximum flexibility to the refining industry as a whole, provides for the most efficient use of natural resources, accomplishes the necessary reduction in lead usage and lead emissions throughout the country, and will not cause a variation in the lead content of gasoline sold in different geographic regions. Accordingly, a system of leaded pool averaging is proposed for comment.

Monitoring of lead usage by refineries in production of leaded gasoline requires that quarterly reports be submitted by each refinery showing lead inventories on the first and last days of the reporting period, total gallons of leaded gasoline produced during the period, and the average lead content in each gallon of leaded gasoline produced during the period. Information on quarterly lead shipments to each refinery by lead additive manufacturers is also required for verification of lead usage reported by refineries. Regulations requiring these reports and providing for confidentiality of information reported as appropriate are proposed below.

This issue of the FEDERAL REGISTER sets forth regulations providing for the liability of major brand refiners for sales at their retail outlets of unleaded gasoline containing lead in violation of the standard presented in those regulations. In order to clearly indicate that there is a positive duty on the major brand refiner to prevent any violation of the unleaded gasoline standard at his retail outlets, the Agency is proposing below a regulation specifically defining this duty.

Interested persons may participate in the proposed rule making by submitting written comments in triplicate. Comments on the proposed regulations' lead reduction schedule and the health rationale for this action should be submitted to the Assistant Administrator for Air and Water Programs, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, DC 20460. All relevant comments postmarked not later than 60 days after publication of this notice will be considered. Comments received will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Waterside Mall, 401 M Street SW., Room 329C, Washington, DC 20460.

This notice of proposed rule making is issued under the authority of sections 211 and 301 of the Clean Air Act as amended (42 U.S.C. 1857f–6c, 1857g(a)).

Dated: January 4, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

It is proposed to amend Part 80 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 80.1, the second sentence is revised to read as follows:

§ 80.1 Scope.

• • • These regulations are based upon a determination by the Administrator that the emission product of a fuel or additive will endanger the public health, or will impair to a significant degree the performance of a motor vehicle emission control device in general use or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulations promulgated; and certain other findings specified by the Act.

2. In § 80.2, a new paragraph (m) is added as follows:

§ 80.2 Definitions.

• • • • • •

(m) "Lead additive manufacturer" means any person who produces a lead additive or sells a lead additive under his own name.

3. A new § 80.20 is added as follows:

§ 80.20 Controls applicable to gasoline refiners.

(a) (1) In the manufacture of leaded gasoline at any refinery, no gasoline refiner shall exceed the average lead content per gallon specified below for each 3-month period (January through March, April through June, July through September, October through December):

(i) 2.0 grams of lead per gallon, after January 1, 1975;

(ii) 1.7 grams of lead per gallon, after January 1, 1976;

(iii) 1.5 grams of lead per gallon, after January 1, 1977;

(iv) 1.25 grams of lead per gallon, after January 1, 1978.

(2) For each 3-month period (January through March, April through June, July through September, October through December) the average lead content per gallon shall be computed by dividing total grams of lead used at a refinery in the manufacture of gasoline by total gallons of leaded gasoline manufactured at such refinery.

(3) For each 3-month period (January through March, April through June, July through September, October through December) commencing with the period January 1, 1975, through March 31, 1975, each refiner shall submit to the Administrator a report showing for each refinery: (i) The total grams of lead in lead additive inventory on the first day of the period, (ii) the total grams of lead received during the period, (iii) the total grams of lead in lead additive inventory on the last day of the period, (iv) the total gallons of leaded gasoline produced by such refinery during the period, and (v) the average lead content in the total gallonage of leaded gasoline produced during the period. Reports shall be submitted within 15 days after the close of the reporting period, on forms supplied by the Administrator upon request.

(b) The provisions of paragraph (a) (1) (i) of this section shall not apply to any refiner which does not have more than 30,000 barrels per day crude oil or bona fide feed stock capacity from owned or leased facilities or from facilities made available to such refiner under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis), or a throughput or other form of processing agreement, with the same effects as though such facilities had been leased.

(c) After July 1, 1974, no refiner shall cause or permit any violation of § 80.22 (a) by any retailer at whose retail outlet or on whose gasoline pumps or pumpstands the corporate, trade, or brand name of the refiner or any of the refiner's marketing subsidiaries appears or is displayed.

4. A new § 80.25 is added as follows:

§ 80.25 Controls applicable to lead additive manufacturers.

For each 3-month period (January through March, April through June, July through September, October through December) commencing with the period January 1, 1975, through March 31, 1975, each additive manufacturer shall submit to the Administrator a report showing the total grams of lead shipped to each refinery by such lead additive manufacturer during the period. Reports shall be submitted within 15 days after the close of the reporting period, on forms supplied by the Administrator upon request.

5. A new § 80.26 is added as follows:

§ 80.26 Confidentiality of information.

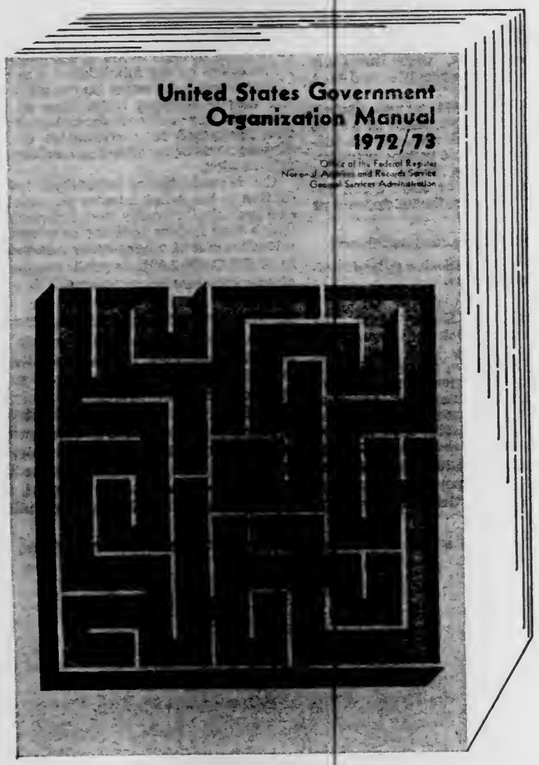
(a) All information reported to the Administrator or his representatives pursuant to this part, which information contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905, shall be considered confidential for the purpose of such 18 U.S.C. 1905, except that such information may be disclosed to other officers or employees of the United States concerned with carrying out this Act or when relevant in any proceeding under the Act. Nothing in this part shall authorize the withholding of information by the Administrator or any officer or employee under his control from the duly authorized committees of the Congress. Any such confidential information forwarded to a committee of the Congress will be identified as confidential information.

(b) Manufacturers submitting information to the Administrator pursuant to this part shall identify that information which they believe contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905. Where public disclosure of any information so identified is contemplated by the Administrator, the manufacturer will be notified and allowed a reasonable time in which to satisfy the burden of showing the applicability of 18 U.S.C. 1905 to such information. If the Administrator determines that the manufacturer has sustained this burden of proof, the information in question will not be disclosed. If the Administrator determines that the manufacturer has not sustained this burden of proof, the Administrator may disclose such information.

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Secretary to the Assistant to the Secretary for Legislative Affairs is excepted under Schedule C.

Effective on January 11, 1973, subparagraph (36) of paragraph (a) of § 213.3305 is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(36) One Secretary to the Assistant to the Secretary for Legislative Affairs.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–630 Filed 1–10–73;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that the position of Public Information Officer is no longer excepted under Schedule C.

Effective on January 11, 1973, § 213.3318(c)(3) is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–631 Filed 1–10–73;8:45 am]

PART 213—EXCEPTED SERVICE

Occupational Safety and Health Review Commission

Section 213.3344 is amended to show that one position of Confidential Assistant to the Chief Counsel to the Chairman is excepted under Schedule C.

Effective on January 11, 1973, paragraph (d) is added to § 213.3344 as set out below.

§ 213.3344 Occupational Safety and Health Review Commission.

• • • • • •

(d) One Confidential Assistant to the Chief Counsel to the Chairman.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–632 Filed 1–10–73;8:45 am]

PART 213—EXCEPTED SERVICE

Agency for International Development

Section 213.3368 is amended to show that the following two positions are no longer excepted under Schedule C: Congressional Liaison Officer and Confidential Assistant to the Assistant Administrator for Administration.

Effective on January 11, 1972, subparagraph (5) of paragraph (e) is amended and paragraph (f) is revoked under § 213.3368 as set out below.

§ 213.3368 Agency for International Development.

• • • • • •

(e) *Office of the Assistant Administrator for Legislative Affairs.* • • •

(5) One Congressional Liaison Officer.

(f) [Revoked]

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–633 Filed 1–10–73;8:45 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Reporting Profit Margin Overages

The purpose of this amendment to Appendix II to Part 300 of the Price Commission's regulations (6 CFR Part 300), is to clarify the profit margin reporting requirements as they apply to firms whose accounting procedures call for the establishment of a liability or contingent liability to reflect profit margin overages.

Section 300.54 of the Price Commission's regulations sets forth rules with respect to remedial orders which the Commission may issue in cases of profit margin violations by manufacturers, service organizations, retailers, wholesalers, and providers of health services.

The Price Commission has consistently interpreted its regulations to require that the amount of the profit margin overage is to be determined before any adjustment is made in the accounts of a firm by entering the amount of the overage as a liability or contingent liability.

The Price Commission has received inquiries concerning the method by which profit margin overages are to be reflected in the reports (Form PC–51) required by §§ 300.51 and 300.52 of the Commission's regulations.

It is understood that, in some cases, the use of generally accepted accounting principles would require a firm which has determined that its profits had exceeded its base period profit margin to make adjustments in its accounts after its fiscal period has closed to reflect the liability for that overage and a corresponding reduction in net sales. In those cases, the profit margin stated on the firm's Form PC–51 would not fairly state the amount of the overage as a result of its being eliminated by the adjustment.

Accordingly, the establishment of a liability or contingent liability in the accounts of a firm (including any Price Category III firm) will not eliminate the possible imposition of the sanctions described in § 300.54 for a violation of the firm's base period profit margin. Instructions on future editions of Form PC–51 will be modified to more clearly provide for the reporting of these profit margin overages by Price Category I or II firms. Pending the republication of modified Form PC–51, an addition to the existing instructions for preparation of Form PC–51 is being prescribed.

Since this amendment provides clarification and immediate guidance and information for the effective implementation of the price stabilization program, further notice and procedure thereon is impracticable and good cause exists for making it effective in less than 30 days after publication in the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210, 85 Stat. 743; E.O. No. 11640, 37 FR 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 46 FR 20202, Oct. 16, 1971)

In consideration of the foregoing, Appendix II to Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below effective January 9, 1973.

Issued in Washington, D.C., on January 9, 1973.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

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Appendix II to Part 300 of Title 6 of the Code of Federal Regulations is amended by inserting the following clause at the end of the "Addendum to instructions for preparation of Form PC-51".

ADDENDUM TO INSTRUCTIONS FOR THE PREPARATION OF FORM PC-51

. . . . . .

PROFIT MARGIN OVERAGE

If, except for the fact that the firm's accounting procedures call for profit margin overages to be treated as a liability or contingent liability, Part II (Summary Income Report) would reflect a profit margin overage, the firm shall attach a schedule to Form PC-51 showing (a) the amount of that overage; (b) the detail computation of that overage; and (c) the item in Part II to which that overage was charged.

[FR Doc.73-730 Filed 1-10-73;8:45 am]

Rulings—Internal Revenue Service, Department of the Treasury

[Pay Board Ruling 1973-1]

ESCALATOR CLAUSES

Pay Board Ruling

Facts. An independent local union has negotiated with several employers a labor contract the terms of which provide that there will not be an initial wage increase but wages will increase as the cost of living rises. More specifically, the terms provide for a raise of 15 cents per hour for each rise of 1 point in the Labor Department's Consumer Price Index. The amount of the increase in the index, and thus wages, is to be determined every 6 months. Presently, the average salary of a covered employee is $5.60 per hour. A 1-point rise in the Consumer Price Index will result in a 2.7-percent increase in salary pursuant to the terms of the negotiated contract.

Issue. Does the above cost-of-living adjustment formula constitute a generally acceptable escalator clause for purposes of Economic Stabilization Regulations, § 201.64(a), 37 FR 24979 (1972), in which case it will be entitled to the special computational rules contained in such section?

Ruling. No. To qualify as a generally accepted escalator clause, such clause must meet, inter alia, the following requirements:

(1) Be directly related to a rise in the cost of living as measured by the Bureau of Labor Statistics Consumer Price Index for either the locale of the work force or for some broader area which includes that locale;

(2) Provide for a periodic review of movement in the CPI and appropriate wage adjustments in response thereto, in accordance with a previously stated formula (downward adjustments do not have to be specified to fulfill this criterion);

(3) Cause a percentage rise in average straight-time hourly pay which does not exceed the percentage rise in the Consumer Price Index;

(4) In those instances where the escalator is adopted after November 14, 1971, be implemented prospectively. Thus, for example, a formula initially adopted in the 10th month of a control year which provided for an increase to reflect the CPI rise in the first 9 months of the control year would not meet this last requirement. The formula would have to be geared to CPI increases occurring after the 10th month of the control year.

The escalator clause negotiated in the above factual situation provides for a 2.7 percent increase in salary for each one point rise in the Consumer Price Index; at its level in October 1972 (126.6; 1967=100), a 1-point rise in the CPI would be a percentage rise of 0.78 percent, or substantially less than 2.7 percent. Therefore, the formula does not meet requirement No. 3 indicated above and will not qualify as a generally accepted escalator clause for purposes of § 201.64(a).

The agreement reached represents a general wage and salary increase which is subject to the 5.5 percent general wage and salary standard and the standard sum of the percentage increases method will be used to determine the appropriateness of each raise under the formula without the time weighting allowed in § 201.64(a).

This ruling has been approved by the General Counsel of the Pay Board.

Dated: January 9, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: January 9, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-741 Filed 1-10-73;10:00 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 283]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 12-18, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.583 Navel Orange Regulation 283.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) (i) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(ii) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges has weakened because of poor quality shipments. However, there is a demand for good quality fruit which is in short supply in the markets. Prices f.o.b. the week ended January 4, 1973, average $3.59 a carton on 638 carloads compared to $3.71 on 682 carloads the previous week. Track and rolling supplies at 375 cars were down 48 cars from last week.

(iii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 9, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 12, 1973, through January 18, 1973, are hereby fixed as follows:

(i) District 1: 810,000 cartons;

(ii) District 2: 150,000 cartons;

(iii) District 3: 40,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 10, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-786 Filed 1-10-73;12:50 pm]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 0—CONDUCT OF EMPLOYEES

Solicitations and Indebtedness

The Atomic Energy Commission is amending Part 0 of its regulations concerning the credit affairs of its employees.

Because these amendments relate to a matter of agency management and personnel, notice of proposed rule making and public procedure thereon are unnecessary. These amendments are effective on January 11, 1973.

Part 0 is amended as set out below:

1. Section 0.735-42(d) of Subpart D, Chapter I, Title 10 of the Code of Federal Regulations is amended to read as follows:

§ 0.735-42 Gifts, entertainment, and favors.

. . . . . .

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351), nor shall an employee directly or indirectly solicit from, accept from, offer to, or grant to an official superior or subordinate employee a loan of more than a nominal amount. However, this paragraph does not prohibit (1) a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement, or (2) a loan as described above of more than a nominal amount where a special personal or business relationship is involved, with prior approval of the higher-ranking employee's supervisor, after consultation with the counselor for AEC, or a deputy counselor, as provided in § 0.735-3(h). A copy of such approval shall be filed as provided for in § 0.735-28(e)(11).

. . . . . .

2. Section 0.735-45 of Subpart D, Chapter I, Title 10 of the Code of Federal Regulations is amended to read as follows:

§ 0.735-45 Employee indebtedness.

Except as provided in § 0.735-42(d), the AEC considers the credit affairs of its employees essentially their own concern. However, employees are expected to conduct their credit affairs in a manner which does not reflect adversely on the Government as their employer. The AEC will not be placed in the position of acting as a collection agency or of determining the validity or amount of contested debts. An employee is expected to pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. Failure on the part of an employee without good reason to honor just financial obligations or to make or adhere to satisfactory arrangements for settlement may be cause for disciplinary action. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which AEC determines does not, under the circumstances, reflect adversely on the Government as his employer.

Dated this 4th day of January 1973.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-575 Filed 1-10-73;8:45 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The Atomic Energy Commission in early 1972 announced major organizational changes in the regulatory staff. Commission regulations contain numerous references to the previous organizational units with respect to the filing of applications and reports.

The amendments of Commission regulations set forth below change the names of the former regulatory divisions, Regional Compliance Offices, and District Safeguards Offices to conform with the names of the new regulatory units.

Because these amendments relate solely to agency management, and minor matters, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20, 30, 31, 32, 34, 35, 36, 40, 50, 55, 70, 71, 73, 100, 115, 140, and 150, are published as a document subject to codification to be effective on January 11, 1973.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. Sections 20.402 (a) and (b), 20.403 (a) and (b), and 20.405(a) are amended by substituting "Regulatory Operations Regional Office" for "Regional Compliance Office" and substituting "Director of Regulatory Operations" for "Director, Division of Compliance."

2. The heading of Appendix D is amended by substituting "Regulatory Operations Regional Offices" for "Compliance Offices."

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

3. Section 30.32(a) is amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing."

4. Section 30.55(c) is amended by substituting "Director of Regulatory Operations" for "Director, Division of Nuclear Materials Safeguards" and for "Division of Nuclear Materials Safeguards."

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

5. Sections 31.5(d) (1) and (5) are amended by substituting "Regulatory Operations Regional Office" for "Regional Compliance Office."

6. Sections 31.6(a) and 31.11 (b) and (e) are amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing."

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

7. Sections 32.12, 32.16, 32.20, 32.25 (c), 32.29(c), 32.52(a), 32.56, 32.60, and 32.63 are amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing."

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

8. Section 34.25(d) is amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing" and substituting "Regulatory Operations

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Regional Office" for "Regional Compliance Office."

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

9. Sections 35.31(b) and (d) are amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing."

PART 36—EXPORT AND IMPORT OF BYPRODUCT MATERIAL

10. Sections 36.2 (a) and (b), 36.11, 36.22(c), and 36.24(c) are amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing" and for "Director, Division of State and Licensee Relations."

PART 40—LICENSING OF SOURCE MATERIAL

11. Sections 40.5 and 40.23 (a) and (e) are amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing" and for "Director, Division of State and Licensee Relations".

12. The first sentence of § 40.31(a) is amended to read as follows:

§ 40.31 Applications for specific licenses.

(a) Applications for specific licenses should be filed in quadruplicate on Form AEC–2, "Application for Source Material License," or on Form AEC–7, "Application for License to Export Byproduct or Source Material," as appropriate, with the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. * * *

* * * * *

13. Section 40.64(c) is amended by substituting "Director of Regulatory Operations" for "Director, Division of Nuclear Materials Safeguards".

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

14. Sections 50.4, 50.30(c), and 50.59 are amended by substituting "Director of Licensing" for "Director, Division of Reactor Licensing".

15. The first sentence of § 50.30(a) is amended to read as follows:

§ 50.30 Filing of applications for licenses; oath or affirmation.

(a) *Place of filing.* Each application for a license, including whenever appropriate a construction permit or amendment thereof, should be filed with the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. * * *

* * * * *

16. Footnote 1 of Appendix E is amended to read as follows:

[1] The guide is available for inspection at the Commission's Public Document Room, 1717 H Street NW., and copies may be obtained by addressing a request to the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

17. In § 50.55(e), subparagraphs (2) and (3) are amended by substituting "Regulatory Operations Regional Office" for "Regional Compliance Office" and substituting "Director of Regulatory Operations" for "Director, Division of Compliance", and subparagraph (4) is amended by substituting "Director of Regulatory Operations" for "Division of Compliance".

PART 55—OPERATORS' LICENSES

18. Sections 55.5, 55.10(a), 55.60, and the note which follows 55.60 are amended by substituting "Director of Licensing" for "Director, Division of Reactor Licensing."

PART 70—SPECIAL NUCLEAR MATERIAL

19. Section 70.5 is amended to read as follows:

§ 70.5 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC; 7920 Norfolk Avenue, Bethesda, MD; or at Germantown, Md.

20. The first sentence of § 70.21(a) is amended to read as follows:

§ 70.21 Filing.

(a) Applications for licenses should be filed in sextuplicate, provided that 25 copies of an application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant shall be filed with the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. * * *

* * * * *

21. Footnote 1., which follows § 70.22 (b)(1) is amended by substituting "Director of Licensing" for "Director, Division of Nuclear Materials Safeguards".

22. Section 70.39(d) is amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing".

23. Footnote 4., which follows § 70.51 (c)(1) is amended by substituting "Director of Licensing" for "Director, Division of Nuclear Materials Safeguards".

24. Section 70.52 is amended to read as follows:

§ 70.52 Reports of accidental criticality or loss of special nuclear material.

Each licensee shall report immediately to the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A, by telephone, telegram, or teletype, any case of accidental criticality and any loss, other than normal operating loss, of special nuclear material.

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

25. Section 71.10 is amended by substituting "Director of Licensing" for "Director, Division of Materials Licensing".

26. Section 71.61 is amended by substituting "Director of Licensing" for "Division of Materials Licensing".

PART 73—PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

27. Sections 73.5, 73.31(d), and 73.42 are amended by substituting "Director of Regulatory Operations" for "Director, Division of Nuclear Materials Safeguards" and for "Division of Nuclear Materials Safeguards" and substituting "Regulatory Operations Regional Office" for "District Safeguards Offices."

28. Appendix A of Part 73 is revised to read as follows:

APPENDIX A

U.S. ATOMIC ENERGY COMMISSION
REGULATORY OPERATIONS REGIONAL OFFICES

Region and address	Telephone: Daytime	Telephone: Nights and Holidays
Region I, Directorate of Regulatory, Operations, USAEC, 970 Broad St., Newark, NJ 07102	201–645 3960	201–645 3960
Region II, Directorate of Regulatory, Operations, USAEC, Suite 818, 230 Peachtree St. NW., Atlanta, GA 30303	404–526 1503	404–526 1503
Region III, Directorate of Regulatory, Operations, USAEC, 799 Roosevelt Rd., Glen Ellyn, IL 60137	312–858 2660	312–739 7711
Region V, Directorate of Regulatory, Operations, USAEC, 2111 Bancroft Way, Berkeley, CA 94701	415–841 5121 (Ext. 655)	415–841 9214

For the purposes of this regulation, the geographical areas assigned to the Regional Offices are as follows:

REGION I

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

REGION II

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and West Virginia.

REGION III

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

REGION V

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

PART 100—REACTOR SITE CRITERIA

29. The note at the end of § 100.11 is amended by substituting the words "Director of Licensing" for "Director, Division of Reactor Licensing".

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

30. Sections 115.6, 115.20 (a) and (c), and 115.47(d) are amended by substituting the words "Director of Licensing" for "Director, Division of Reactor Licensing".

31. Section 115.43(c) is amended by substituting the words "Regulatory Operations Regional Office" for "Regional Compliance Office" and substituting "Director of Regulatory Operations" for "Director, Division of Compliance" and for "Division of Compliance".

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

32. Section 140.5 is amended by substituting "Director of Licensing" for "Director, Division of State and Licensee Relations".

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

33. Sections 150.17(c), 150.19(c), and 150.20(b) are amended by substituting "Director of Regulatory Operations" for "Director, Division of Nuclear Materials Safeguards" and for "Division of Nuclear Materials Safeguards" and substituting "Regulatory Operations Regional Office" for "Regional Compliance Office".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Bethesda, Md., this 27th day of December 1972.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.73-577 Filed 1-10-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-GL-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 20953 and 20954 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Macomb, Ill.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Moines, Ill., on December 15, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Macomb Municipal Airport (latitude 40°31'11" N., longitude 90°39'17" W.); and within 3 miles each side of the 084° bearing from the airport extending from the 5-mile-radius area to 8 miles east of the airport.

[FR Doc.73-545 Filed 1-10-73;8:45 am]

[Airspace Docket No. 72-WA-64]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of the Sailor Creek, Idaho, Restricted Area R–3202. This change was requested by the Department of the Air Force.

This amendment is minor in nature and effects no substantive change in the regulation; therefore, notice and public procedure thereon are deemed unnecessary, and good cause exists to make this amendment effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on January 11, 1973, as hereinafter set forth.

In § 73.32 (38 FR 648) the Sailor Creek, Idaho, Restricted Area R–3202 is amended by changing the using agency from "Commander, 347th Tactical Fighter Wing, Mountain Home AFB, Idaho." to "Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 3, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-544 Filed 1-10-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8863-o]

PART 13—PROHIBITED TRADE PRACTICES

Brown Auto Stabilizer Co., and Charles R. Brown

Correction

In FR Doc. 72-22116 appearing on page 28504 of the issue for Wednesday, December 27, 1972, in the ninth line of the first paragraph the reference to "§ 13.70" should read "§ 13.1740".

[Docket No. C-2320]

PART 13—PROHIBITED TRADE PRACTICES

Stark, Roschelle & Alchas, Inc., et al.

Correction

In FR Doc. 72-21969 appearing on page 28281 of the issue for Friday, December 22, 1972, the following should be inserted after the fourth line of the first ordering paragraph: "Alchas, individually and as officers of".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Ethylisobutrazine Hydrochloride Injection, Veterinary, and Ethylisobutrazine Hydrochloride Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications for ethylisobutrazine hydrochloride injection, veterinary (35–265V), and ethylisobutrazine hydrochloride tablets, veterinary (11–222V), filed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, Mo. 64141, proposing the safe and effective use of the drugs as tranquillizers in dogs. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 135c are amended as follows:

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1. Part 135b is amended by adding the following new section:

§ 135b.73 **Ethylisobutrazine hydrochloride injection, veterinary.**

(a) *Specifications.* The drug is a sterile aqueous solution. Each milliliter contains 50 milligrams of ethylisobutrazine hydrochloride.

(b) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in dogs as a tranquilizer.

(2) It is administered intramuscularly at a dosage level of 2 to 5 milligrams of ethylisobutrazine hydrochloride per pound of body weight for profound tranquilization. It is administered intravenously at a dosage level of 1 to 2 milligrams of ethylisobutrazine hydrochloride per pound of body weight to effect.

(3) It is not to be used in conjunction with organophosphates and/or procaine hydrochloride because phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 135c is amended by adding the following new section:

§ 135c.89 **Ethylisobutrazine hydrochloride tablets, veterinary.**

(a) *Specifications.* Each tablet contains either 10 milligrams or 50 milligrams of ethylisobutrazine hydrochloride.

(b) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is administered orally to dogs as a tranquilizer.

(2) It is administered once daily at a dosage level of 2 to 5 milligrams of ethylisobutrazine hydrochloride per pound of body weight.

(3) It is not to be used in conjunction with organophosphates and/or procaine hydrochloride because phenothiazine may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on January 11, 1973.

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 3606b(1))

Dated: January 4, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.73-562 Filed 1-10-73;8:45 am]

BAMBERMYCINS

The Commissioner of Food and Drugs has evaluated a new animal drug application (44-759V) filed by Hoechst Pharmaceuticals, Inc., Route 202-206, Somerville, N.J. 08876, proposing the safe and effective use of bambermycins in broiler chicken feed. The application is approved.

The Commissioner concludes that to assure that edible tissues are safe for human consumption the regulations should be amended to provide safe tolerances for residues of the drug in edible tissues of chickens.

To facilitate referencing, Hoechst Pharmaceuticals, Inc., is being assigned a code number and is placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b (i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135, 135e, and 135g are amended as follows:

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

1. Part 135 is amended in § 135.501(c) by adding a new code No. 090 as follows:

§ 135.501 **Names, addresses, and code numbers of sponsors of approved applications.**

* * * * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
090	Hoechst Pharmaceuticals, Inc., Route 202-206, Somerville, N.J. 08876.

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. Part 135e is amended by adding a new § 135e.65 as follows:

§ 135e.65 **Bambermycins.**

(a) *Specifications.* Bambermycins are the dried fermentation residues produced by the fermentation of *Streptomyces bambergiensis, Streptomyces ghanaensis, Streptomyces ederensis, Streptomyces geysiriensis,* and mutants and variants of these organisms.

(b) *Approvals.* Premix level of 2 grams of bambermycin activity per pound of premix has been granted; for sponsor see Code No. 090 in § 135.501(c) of this chapter.

(c) *Assay limits.* Premix must contain not less than 90 percent nor more than 110 percent of labeled amount of bambermycin activity. Finished feed must contain not less than 70 percent nor more than 130 percent of the labeled amount of bambermycin activity.

(d) *Related tolerances.* See § 135g.84 of this chapter.

(e) *Conditions of use.* It is used as follows:

	Grams per ton	Limitations	Indications for use
Bambermycins	1-2	For broiler chickens; feed continuously as the sole ration.	For increased rate of weight gain and improved feed efficiency.

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. Part 135g is amended by adding a new § 135g.84 as follows:

§ 135g.84 **Bambermycins.**

Tolerances are established for residues of bambermycins in uncooked edible tissues of chickens as follows:

(a) In muscle tissues: 0.75 part per million.

(b) In liver: 0.50 part per million.

(c) In kidney, skin, and fat of chickens: 1.00 part per million.

Effective date. This order shall be effective on January 11, 1973.

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: January 4, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.73-563 Filed 1-10-73;8:45 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 50]

OI REG. 1—OIL IMPORT REGULATION

Fuel Oil Imports From the Virgin Islands

The President's Proclamation of December 18, 1972, "Modifying Proclamation 3279, Relating to Imports of Petroleum and Petroleum Products", among other changes, added the following sentence at the end of subparagraph (4) of paragraph (b) of section 3:

Whenever the Secretary, upon recommendation of the Director of the Office of Emergency Preparedness finds that there may be shortages in the supply of any finished product or products in Districts I–IV which products are deemed by the Director of the Office of Emergency Preparedness to be important to the national security, the Secretary may allocate imports of any such product or products manufactured in the Virgin Islands in excess of the limitation in the preceding sentence for such product or products, for such time and under such conditions as he may deem consistent with the purposes of this proclamation.

The substantially colder than normal weather experienced this year to date, particularly in the midwest, has resulted in an unexpectedly high level of natural gas curtailments and local propane and No. 2 fuel oil shortages.

In view of the complex interrelationships of these fuels and estimates of the increasingly tight demand-supply situation with respect to distillates in Districts I–IV and upon the recommendation of the Director of the Office of Emergency Preparedness, I find that there may be shortages this heating season in Districts I–IV of No. 2 fuel oil, a product which the Director of the Office of Emergency Preparedness has deemed to be important to the national security.

In order to contribute to the alleviation of potential supply dislocations as rapidly as possible, it is not considered necessary to give notice of proposed rule making respecting this amendment, and it shall become effective immediately.

Accordingly, a new section 13A is added to Oil Import Regulation 1 (Revision 5), as amended.

ROGERS C. B. MORTON,
Secretary of the Interior.

I concur: January 5, 1973.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

§ 13A **Emergency finished products allocation.**

(a) For the purpose of this section, (1) the term "No. 2 fuel oil" means a finished product which has the physical and chemical characteristics as set forth in subparagraph (1), paragraph (a) of section 30 of this regulation. (2) The term "eligible applicant" means any person in the business of selling No. 2 fuel oil in Districts I–IV.

(b) (1) For the period January 1, 1973 through April 30, 1973, hereafter referred to as the "period" within the allocation period which begins January 1, 1973, No. 2 fuel oil which has been or is to be manufactured in the Virgin Islands may be imported by eligible applicants who comply with the provisions of this section.

(2) For the "period," the Director shall make an allocation of imports of No. 2 fuel oil into Districts I–IV to any eligible applicant who certifies that such imports are required to meet obligations under contracts with, or purchase orders from, customers in Districts I–IV, and that such eligible applicant, through contract of purchase or otherwise, has the right to take delivery of such No. 2 fuel oil in the Virgin Islands or elsewhere.

(3) An application for allocations under this section may be filed in letter or telegraphic form during the "period."

(c) (1) The Director shall process applications in the sequence in which they are received and make allocations in the quantity which the applicant has certified in accordance with paragraph (b) (2) of this section. Any person making application based upon the certification in this section is cautioned against making false statements in, or in connection with application filed with the Director or in connection with any stated contractual commitment with his buyers, and is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both.

(2) When an allocation has been made to a person under this section, the Director shall issue a license or licenses based on the allocation specifying the amount of No. 2 fuel oil which may be imported from the Virgin Islands into Districts I–IV. All licenses issued under allocations made pursuant to this section shall be valid only during the period January 1, 1973 through May 15, 1973. No licenses issued pursuant to this section may be sold, assigned, or otherwise transferred. No. 2 fuel oil imported pursuant to an allocation and license issued under this section must not be further processed in any manner, including blending or mixing with other petroleum products, by mechanical means. It is intended that No. 2 burner fuel oil which is imported pursuant to an allocation and license under this section be for use in fuel oil burning equipment for the generation of heat in furnaces for heating buildings or the generation of steam. Importers are urged to verify its ultimate use to the best of their ability.

(d) Shipments of No. 2 fuel oil made pursuant to this section 13A will not be credited as shipments of product to meet any other written or exising contractual or allocation agreements made with the Department of the Interior.

[FR Doc.73-604 Filed 1-8-73;2:00 pm]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

INCORPORATION BY REFERENCE OF REGULATIONS GOVERNING "MAIL TRANSPORTATION CONTRACTING"

Part 601 sets forth the regulations of the Postal Service relating to the incorporation by reference of the Postal Contracting Manual. Section 601.102(a) of that part provides as follows: "The Postal Contracting Manual applies to all Postal Service procurements of property services, except the purchase of mail transportation and related services by contract (see Part 619 of this subchapter). Provisions relating to the purchase of mail transportation and related services by contract may, however, be incorporated at a later date into the Postal Contracting Manual and may be subject to later incorporation by reference in the Code of Federal Regulations."

The Postal Service has now amended its Postal Contracting Manual to include therein provisions relating to the purchase of mail transportation and related services by contract. (Notice of the amendment to the Postal Contracting Manual will be published separately in accordance with the provisions of 39 CFR 601.105.) The purpose of this document is to delete those provisions of Title 39 which duplicate or are inconsistent with the provisions included within the Postal Contracting Manual.

Accordingly Chapter I of Title 39 is amended as follows:

PARTS 510–570—[DELETED]

1. Delete all of Subchapter G consisting of Parts 510, 520, 530, 540, 550, 560, and 570.

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

2. Revise the heading of Part 601 to read as set forth above.

3. Revise the authority citations to read as follows:

AUTHORITY: 5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008, 5001–5605.

4. Revise § 601.102(a) to read as follows:

§ 601.102 **Applicability and coverage.**

(a) The Postal Contracting Manual applies to all Postal Service procurements of property and services.

* * * * * *

PART 619—[DELETED]

5. Delete Part 619.

Effective date. This document is effective January 15, 1973.

(39 U.S.C. 401, 404, 2008, 5001–5605)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-574 Filed 1-10-73;8:45 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Xylene

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of October 20, 1972 (37 FR 22627), proposing that § 180.1001 *Exemptions from the requirements of a tolerance* of the pesticide regulations be amended in paragraph (c) to provide for the use of xylene as an inert ingredient in pesticide formulations applied to stored grain only. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), § 180.1001 is amended by alphabetically inserting a new item in the table in paragraph (c) as follows:

§ 180.1001 **Exemptions from the requirement of a tolerance.**

* * * * * *

(c) * * *

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Inert ingredients	Limits	Uses
• • •	• • •	• • •
Xylene meeting the specifications listed in § 121.1182(b)(4) of Chapter I, Title 21, Code of Federal Regulations.	In pesticide formulations for grain storage only.	Solvent, cosolvent.
• • •	• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 11, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: January 4, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-550 Filed 1-10-73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following revisions delete the requirement for Central Office approval on amendments issued for projects released by the Central Office for bidding purposes, and prescribe and illustrate the revised editions of GSA Forms 1467-A, 1468, and 1903 and Standard Form 21 (GSA Overprint).

PART 5B-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B-2.2—Solicitation of Bids

Section 5B-2.207 is revised as follows:

§ 5B-2.207 Amendment of invitations for bids.

Amendments regarding questions raised by prospective bidders shall not be issued later than 10 days before the date set for receipt of bids. Amendments involving wage determinations shall be issued as provided in §§ 1-12.404-2 and 5B-12.404-2.

PART 5B-16—PROCUREMENT FORMS

The table of contents of Part 5B-16 is amended to include the following new entries:

Sec.
5B-16.901-21 Standard Form 21 (GSA Overprint, May 1971), Bid Form (Construction Contract).
5B-16.950-1903 GSA Form 1903, May 1971, Notice to Bidder (Construction Contract).

Subpart 5B-16.70—Forms for Building Service Contracts

Section 5B-16.7001 is revised as follows:

§ 5B-16.7001 Forms prescribed.

The following GSA forms are prescribed for use in procuring building services:

(a) GSA Form 1467, December 1966 edition, Invitation, Bid, and Award (Contract for Building Services).

(b) GSA Form 1467-A, September 1970 edition, Bidding Instructions, Terms, and Conditions (Contract for Building Services).

(c) GSA Form 1468, July 1969 edition, General Provisions (Contract for Building Services).

NOTE: Copies of the forms listed in §§ 5B-16.901-21 and 5B-16.950-1903 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This amendment is effective on January 11, 1973.

Dated: January 3, 1973.

JOHN F. GALUARDI,
Acting Commissioner, Public Buildings Service.

[FR Doc.73-407 Filed 1-10-73;8:45 am]

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-59—ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT ACTIVITIES

Miscellaneous Amendments

These changes are being made to (1) revise the language in § 9-7.5004-7(b) to clarify the policy that the clause regarding payment of interest on contractors' claims, as set forth in FPR 1-1.322(b), is to be included in all subcontracts containing the Disputes clause set forth in § 9-7.5004-3(b); and (2) revise the language in § 9-59.003(j) to clarify the policy that the Disputes clause may be included in lower-tier subcontracts provided all subcontracts of a higher tier are cost type.

1. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5004-7, *Payment of interest on contractors' claims*, paragraph (b), is revised to read as follows:

Subpart 9-7.50—Use of Standard Clauses

§ 9-7.5004 Standard AEC clauses which are mandatory as to text.

§ 9-7.5004-7 Payment of interest on contractors' claims.

• • • • • •

(b) The clause referenced in paragraph (a) of this section applies to subcontracts under cost-type contracts in the manner the Disputes clause applies to such subcontracts pursuant to § 9-59.003(j).

• • • • • •

2. In Part 9-59, Administration of cost-type Contractor Procurement Activities, § 9-59.003, *Policies for cost-type contractor procurement*, paragraph (j) is revised to read as follows:

§ 9-59.003 Policies for cost-type contractor procurement.

• • • • • •

(j) (1) First-tier subcontracts and purchase orders for supplies and services for the AEC work normally should include provisions for resolving disputes to the same extent and in the same manner as in similar AEC direct contracts.

(2) The disputes provision referred to in paragraph (j)(1) of this section may be applied to lower-tier subcontracts and purchase orders provided all subcontracts and purchase orders of a higher tier are cost type.

(3) A Disputes clause which can be used to carry out the policy in paragraph (j) (1) and (2) of this section is set forth in § 9-7.5004-3(b).

• • • • • •

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective on January 11, 1973.

Dated at Germantown, Md., this 4th day of January 1973.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
Acting Director, Division of Contracts.

[FR Doc.73-576 Filed 1-10-73;8:45 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 71-12D]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Prohibition of Motor Vehicles Containing Gasoline in Closed Containers

This amendment is to prohibit the carriage of motor vehicles and mechanized equipment with fuel in their tanks in closed containers. Also the reference in § 146.21-45 dealing with gas tight holds will be deleted.

Both these amendments are outstanding issues that have not been finalized subsequent to their publication in a notice of proposed rule making in the March 20, 1971 FEDERAL REGISTER (36 FR 5400). Previous amendments based on this notice were published in the July 21, 1972 FEDERAL REGISTER (37 FR 14586).

One comment was received on each of these issues. The comment on the stowage of motor vehicles containing gasoline in closed containers was from a major U.S. containership operator. It was pointed out by this particular operator that they had been carrying vehicles safely in this manner for 10 years, they were reasonably sure other container operators were doing it the same way, and they had been unable to document any incidents aboard vessels or ashore to justify this change. Subsequent to commenting to the U.S. Coast Guard on this proposal this company carried out tests to indicate that the atmosphere in a closed container containing vehicles with gasoline did not contain detectable explosive vapors.

The Coast Guard agrees with the comment and the test results; however, there is one overriding consideration in this issue. There is no control over the condition of an automobile fuel system when it is shipped; therefore, the likelihood of a leak in a motor vehicle fuel system is an unknown factor. Leaking gasoline within a closed container would be an unacceptable situation. The Coast Guard considers the effort required to empty the fuel tank in order to carry vehicles in this manner is not an undue hardship considering the added safety it provides.

The comment on gas tight holds asked that the Coast Guard consider allowing these holds for the stowage of flammable liquids. This comment is being studied by the Coast Guard at the present time and a decision on this will be published at a later date. For the present the reference to gas tight holds in § 146.21-45 will be deleted.

In consideration of the foregoing Title 46 CFR Part 146 is amended as follows:

1. By revising § 146.21-45 to read as follows:

§ 146.21-45 Ventilation.

All cargo holds in which flammable liquids are to be stowed and which are provided with means for ventilating shall, before any flammable liquid cargo in a quantity in excess of 1 ton be stowed in such hold, have fire screens fitted at the weather end of the vent ducts. This fire screen shall consist of two layers of fine brass wire screen of at least a 20 x 20 mesh spaced not less than ½ inch or more than 1½ inches apart. This screen may be removable, and if so fitted, means for effectively securing the same in place when in service shall be provided. Mushroom type heads shall have similar fire screens so fitted as to completely and efficiently cover the open area. Stowage of flammable liquids in a quantity in excess of 1 ton shall not be permitted in holds or compartments that are fitted with gooseneck type vent trunk heads.

2. By revising § 146.27 as follows:

a. By adding to § 146.27-30(c) the following:

§ 146.27-30 Motor vehicles and mechanized equipment powered by internal combustion engines and fueled by flammable liquids or flammable compressed gases.

• • • • • •

(c) *Conditions of acceptance and stowage.* • • •

(11) Vehicles with fuel in their tanks may not be stowed in closed containers.

• • • • • •

b. By adding to § 146.27-31(c) the following:

§ 146.27-31 Motor vehicles and mechanized equipment powered by internal combustion engines and fueled by combustible liquids.

• • • • • •

(c) *Conditions of acceptance and stowage.* • • •

(9) Vehicles with fuel in their tanks may not be stowed in closed containers.

• • • • • •

This amendment becomes effective on April 13, 1973.

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: January 2, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.73-602 Filed 1-10-73;8:45 am]

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116, Rev. (Amdt. 1)]

PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

Miscellaneous Amendments

The following additional regulations have been adopted by the Maritime Subsidy Board to govern the operating-differential subsidy program with respect to bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics. These regulations are in addition to those appearing in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349) as corrected on December 14, 1972 (37 FR 26601).

Rule making involving the operating-differential subsidy program is exempt from the requirements of section 553 of title 5, United States Code. A new definition, "(7) Subsidized voyage days," is added to existing § 294.5(c), a revision of existing § 294.10 accommodates the effective date of these amendments and new § 294.11, "Voyage Reporting Requirements," and § 294.12 *Partial payment billings,*" are hereby added to Part 294, Title 46, Chapter II, Code of Federal Regulations, as follows:

§ 294.5 Definitions.

• • • • • •

(c) *Subsidized voyage.* • • •

(7) *Subsidized voyage days.* For subsidy payment purposes subsidized voyage days are divided into two categories: Port days and sea days. Port days are those subsidized days (i) from commencement of a voyage to time of departure from the first loading port, (ii) from time of arrival to time of departure from any subsequent port or ports of call, and (iii) if the vessel is engaged in the bulk carriage of inbound cargo, from the time of arrival at the final discharge port until termination of the voyage. Port days are computed for the voyage on the basis of accumulated days and hours per voyage to the nearest full day. Sea days are those subsidized days within the voyage exclusive of port days and are computed for the voyage on the basis of accumulated days and hours per voyage to the nearest full day. Cumulatively port days and sea days may not exceed total approved voyage days.

§ 294.11 Voyage reporting requirements.

(a) *In general.* In order to determine compliance with the requirements of the operating-differential subsidy contract and this part, a voyage report is required to be submitted to the Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20235, after termination of each approved voyage but prior to or sumultaneously with the first billing for the partial payment as specified in §§ 294.8(a)(2) and 294.12.

(b) *Contents of report.* The report shall include the following items to the extent they are applicable to the approved voyage:

(1) Name of vessel.

(2) Contract number.

(3) Attach a copy of the Certificate of Readiness issued by the National Cargo Bureau.

(4) U.S. loading port(s): Following information by port:

(i) Date and time of arrival.

(ii) Date and time of commencement of loading.

(iii) Date and time of completion of loading.

(iv) Date and time of departure.

(v) Quantity, commodity and freight rate of cargo loaded.

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(5) Foreign discharge port(s): Following information by port:
(i) Date and time of arrival.
(ii) Date and time of commencement of discharge.
(iii) Date and time of completion of discharge.
(iv) Date and time of departure.
(v) Quantity and commodity discharged.

(6) Foreign loading port(s): Following information by port, if applicable:
(i) Date and time of arrival.
(ii) Date and time of commencement of loading.
(iii) Date and time of completion of loading.
(iv) Date and time of departure.
(v) Quantity and commodity loaded by port(s) of destination.

(7) U.S. discharge port(s): Following information regarding discharge of U.S. import cargo by port, if applicable:
(i) Date and time of arrival.
(ii) Date and time of commencement of discharge.
(iii) Date and time of completion of discharge.
(iv) Quantity and commodity discharged.

(8) U.S. port of arrival in ballast:
(i) If port of arrival is the same as that at which vessel loaded outbound cargo: Date and time of arrival.
(ii) If port of arrival is different from that at which vessel loaded outbound cargo: Estimated date and time vessel would have arrived at U.S. port at which outbound cargo was loaded.

(9) If the vessel engaged in the carriage of U.S. import cargo during the subsidized voyage, the operator's calculation of the number of days and hours that the steaming time of the inbound voyage exceeded the normal steaming time required for a ballast return voyage from the last port of discharge of the U.S. export cargo to the first port of discharge of the U.S. import cargo. (A maximum of 3 days and 12 hours excess is allowed for subsidy purposes.)

(10) If the vessel engaged in the carriage of foreign-to-foreign trade, the date and hour that the vessel deviated from the general track of the normal ballast return voyage.

(11) Number of subsidized days:
(i) Days at sea.
(ii) Days in port.
(iii) Total subsidized days.

(12) Pursuant to § 294.5(c)(4), the report must contain a detailed explanation of (i) any period of idleness or delay in excess of 2 days more than the normal operating time in port or (ii) any excessive delay at sea.

The Voyage Report shall be submitted in duplicate and certified as correct by an official of the subsidized company.

(c) *Approval of voyage days.* After review, the operator will be notified by letter of the approved voyage days, in port and at sea, for use in preparing subsequent billings with respect to the subsidized voyage.

§ 294.12 Partial payment billings.

(a) *In general.* Upon termination of an approved voyage a partial payment billing may be submitted for payment of an amount not to exceed 90 percent of the estimated operating-differential subsidy due in accordance with § 294.8(a)(2). The partial payment billing is to be prepared using the voyage days reported on, or approved based upon, the Voyage Report submitted pursuant to § 294.11, and the tentative per diem subsidy amounts and differential percentages incorporated in the operating-differential subsidy contract.

(b) *Partial payments of subsidy applicable to maintenance and repairs and stores, supplies and expendable equipment*—(1) *Negative differentials.* If the tentative per diem subsidy amounts incorporated in the contract for maintenance and repairs and/or stores, supplies and expendable equipment are negative, the partial payment will be reduced by 90 percent of the product of such negative per diem amount times the number of subsidized voyage days.

(2) *Positive differentials.* Where the tentative per diem subsidy amounts incorporated in the contract for maintenance and repairs and/or stores, supplies and expendable equipment are positive, the partial payment will be limited to the lesser of (i) an amount determined by multiplying the differential percentage for such category of expense by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to commencement of the subsidized voyage or (ii) 90 percent of the tentative per diem amounts for such category of expense times the number of subsidized voyage days.

(c) *Reduction in subsidy payments due to deviations, idleness, or delays.* In accordance with § 294.5(c)(4) a subsidized vessel is allowed a maximum of 3½-days steaming time in excess of the normal total steaming time for a ballast return voyage when engaging in the bulk carriage of U.S. import commerce. Any time in excess of the allowable 3½-days steaming time will result in a reduction of subsidy. Similarly, any time that is disallowed by the Maritime Subsidy Board applicable to periods of idleness or delay pursuant to § 294.5(c)(5) will result in a reduction in subsidy. The required reduction in subsidy will be accomplished by reducing the "total voyage days" on schedule A of the billing format by the excess deviation time or unallowable period of idleness or delay.

(d) *Reduction in subsidy payments applicable to abatements.* The total subsidy determined as above will be reduced by the amount of the abatement calculated pursuant to § 294.6(e).

(e) *Forms.* The partial payment billing is to be prepared on a public voucher, standard forms 1034 and 1034a which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 and is to be submitted in five copies, made up of an original supported copy (SF 1034), three supported copies and one unsupported copy (SF 1034a). The unsupported copy will be returned to the payee by the Treasury Department. The following schedules are to be used for computing the operating-differential subsidy due and as support of the public voucher. Each operator shall furnish his own required supply of these schedules.

Schedule A—MA/MSB

(Company)

Calculation of Operating-Differential Subsidy Due for Operations in Connection with the Carriage of Bulk Agricultural Commodities from the United States to the Union of Soviet Socialist Republics

Vessel name ____
Voyage number ____
Voyage dates—From ____ To ____
Total voyage days ____
Nonsubsidized voyage days:
Deviation in excess of 3½ days ____
Idle and delays ____
Other (describe) ____
Subsidized voyage days ____

Subsidy payable *Tentative ( ) Final ( )*	*Per diem*	*Subsidized voyage days*	*Total subsidy*
Wages	$		$
Subsistence			
Vessel insurance			
Fuel:			
At sea			
In port			
Other vessel expenses			
Vessel depreciation			
Interest expense on vessel indebtedness			
1. Gross subsidy before M. & R. and S. S. & E. subsidy			$
2. Partial payment—90 percent of item 1			
Final payment—100 percent of item 1			
3. Add:			
a. Maintenance and repairs subsidy (schedule A-1)			
b. Stores, supplies and expendable equipment subsidy (schedule A-2)			
4. Subsidy payable before abatement			
5. Abatement (schedule A-3)			
6. Subsidy payable after abatement			
7. Less subsidy previously paid for this voyage			
8. Subsidy payable this voucher			

NOTE: Show all negative amounts in brackets.

Schedule A-1

(Company)

Computation of Maintenance and Repairs Subsidy

Vessel ____ Voyage ____

	Total
I. M. & R. subsidy based on expenses paid:	
a. Total M. & R. expenses (see note)	$
b. M. & R. subsidy percentage	
c. M. & R. subsidy (a×b)	
II. M. & R. subsidy based on per diem amount:	
a. M. & R. per diem amount [1]	
b. Subsidized voyage days (schedule A)	
c. M. & R. subsidy (a×b)	
d. 90 percent of IIc	
III. M. & R. subsidy payable:	
Partial—Limited to the lesser amount on IIc or IId	
Final—Limited to the lesser amount on Ic or IIc	[2]

[1] Show negative per diem amounts in brackets.
[2] Enter on line 3a Schedule A.

NOTE: For purpose of supplemental partial payment or final payment of ODS on M. & R. expenses covering the 5-year period following the commencement of this voyage (§ 294.8(b)(2)(ii)) the cumulative M. & R. expenses should be shown on line Ia.

Schedule A-2

(Company)

Computation of Stores, Supplies and Expendable Equipment Subsidy

Vessel ____ Voyage ____

	Total
I. S.S. & E. subsidy based on expenses paid:	
a. Total S.S. & E. expenses (see note)	$
b. S.S. & E. subsidy percentage	
c. S.S. & E. subsidy (a×b)	$
II. S.S. & E. subsidy based on per diem amount:	
a. S.S. & E. per diem amount [1]	$
b. Subsidized voyage days (schedule A)	
c. S.S. & E. subsidy (a×b)	
d. 90 percent of IIc	$
III. S.S. & E. subsidy payable:	
Partial—Limited to the lesser amount on IIc or IId	
Final—Limited to the lesser amount on Ic or IIc	$ [2]

[1] Show negative per diem amounts in brackets.
[2] Enter on line 3b Schedule A.

NOTE: For purpose of supplemental partial payment or final payment of ODS on S.S. & E. expenses covering the 5 year period following the commencement of this voyage (§ 294.8(b)(2)(ii)) the cumulative S.S. & E. expenses should be shown on line Ia.

Schedule A-3

(Company)

Computation of Abatement

Vessel ____ Voyage ____

Current market charter rate per ton		$
Add 10 percent premium		
Fixture rate		
Less average of market charter rates (for the last 3 years)		[1] 8.05
Difference		$
Abatement of subsidy per ton of cargo carried:		
Abatement attributable to the premium:		
Gross premium per ton		
Less commissions at—		
Net revenue per ton		
Abatement percentage		100
Abatement per ton		$
Abatement attributable to the excess of the current market charter rate over the average of market charter rates for the last 3 years:		
Excess of $0.95 or less		
Less commissions at—		
Net revenue per ton		
Abatement percentage		0
Abatement per ton		$ -0-
Excess between $0.95 and $1.95		
Less commissions at—		
Net revenue per ton		
Abatement percentage		50
Abatement per ton		$
Excess over $1.95		
Less commissions at—		
Net revenue per ton		
Abatement percentage		75
Abatement per ton		$
Total abatement of subsidy per ton of cargo carried		$ (a)
Abatement of Subsidy:		
Total tons of grain carried		
Abatement, per ton		$ (a)
Abatement of subsidy		$ [2]

[1] For U.S. Gulf port to Soviet Bloc sea port.
[2] Enter on line 5 of Schedule A.

(f) *Operator's affidavit.* An operator's affidavit, substantially in the form shown below is to be submitted with each billing.

AFFIDAVIT

State of ____
City of ____,
County/Parish of ____

I, ____, being duly sworn, depose and say, that I am ____ of ____ (herein referred to as the "Operator"), and as such am familiar with (a) the provisions of the Operating-Differential Subsidy Agreement, Contract No. ____, dated as of ____ to which the Operator is a party; and (b) the operation of the vessel(a) covered by said Agreement; and (c) the accounts, books, records, and disbursements of the Operator relating to such operation.

Referring to the public voucher dated ____, covering (vessel name) ____, on a voyage which commenced ____ and terminated ____, and attached, submitted by said Operator concurrently herewith for a payment on account in the sum of ____, under said Agreement, I further depose and say that to the best of my knowledge and belief, the Operator has fully complied with the terms and conditions of said Agreement and applicable orders, regulations, rulings and provisions of the Merchant Marine Act, 1936, as amended, and is entitled under the provisions of said Agreement and orders, regulations and rulings applicable thereto, to the amount of the payment on account requested; and further depose and say that the vessel named in the attached schedules was in authorized service for the voyage on which the payment on account is requested and has not included in the calculations of the amount of subsidy claimed in the attached voucher any costs of a character that the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, had advised the Operator to be ineligible to be so included, or any costs collectible from insurance, or from any other source; and further depose and say that during the course of this voyage the vessel named did not carry (1) any cargo in the domestic commerce of the United States; or (2) any U.S. preference cargo, including that covered by 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a; or (3) any other commercial cargo simultaneously with the export bulk raw and processed agricultural commodities being carried to the U.S.S.R., except equipment which may be needed to facilitate unloading of such agricultural commodities.

Payment by the Maritime Administration of all or part of the amount claimed herein shall not be construed as approval as the correctness of the amount stated to have been due, nor a waiver of any right or remedy the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, may have under the terms of said Agreement, or otherwise.

I further depose and say that this affidavit is made for and on behalf and at the direction of the Operator for the purpose of inducing the Maritime Administration to make a payment on account pursuant to the provisions of the aforesaid Operating-Differential Subsidy Agreement.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this ____ day of ____, 19____. My commission expires ____

Notary Public

(g) *Submission of partial payment billing.* The partial payment billing is to be submitted to the Maritime Administration, Office of Budget and Accounts, Washington, D.C. 20235 for processing and payment.

(h) *Supplemental partial payment billing.* Supplemental partial payment billings for maintenance and repairs and store supplies and expendable equipment costs incurred by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to the preparation of the initial partial payment billing may be submitted not more frequently than once every 30 calendar days. Supplemental partial payment billings will be prepared and submitted in the same manner as the initial partial payment billing.

In order to accommodate the effective date of the foregoing amendments, § 294.10 is revised to read as follows:

§ 294.10 Effective period.

The provisions of this part, except §§ 294.5(c)(7), 294.11, and 294.12 shall be effective on October 21, 1972. The provisions of §§ 294.5(c)(7), 294.11, and 294.12 shall be effective January 2, 1973. The provisions of this part shall terminate on June 30, 1973, except that they shall continue in effect for (a) the subsidized voyages in progress on that date, and (b) the purposes of § 294.8(b).

To conform with the foregoing amendments, the section headings index is amended to add the following:

294.11 Voyage reporting requirements.
294.12 Partial payment billings.

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: January 3, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary, Maritime Administration.

[FR Doc.73-416 Filed 1-10-73;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minn.

The following special regulations are issued and are effective on January 11, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minn., is permited from January 1, 1973, through December 31, 1973, and shall be in accordance with all applicable State fishing laws and refuge regulations. Areas open for fishing comprise 13,675 acres and are designated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Refuge waters open to fishing include Wauboose, Two Island, Lost and Upper Egg Lakes plus all lakes south of the "Governor's Consent Line." Fishing in

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the Ottertail River at the bridge on County Road 26 is limited, as posted by signs, to 50 yards upstream and 100 yards downstream from the bridge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Part 33, and are effective through December 31, 1973.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

JANUARY 4, 1973.

[FR Doc.73-595 Filed 1-10-73;8:45 am]

PART 33—SPORT FISHING

Carolina Sandhills National Wildlife Refuge, S.C.

The following special regulations are furnished and are effective on January 1, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 135 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1973 through December 31, 1973 on Lake Bee; from March 15, 1973 through October 15, 1973 on Martin's Lake, Lake 16, Pools A, B, C, D, G, and H; and from March 15, 1973 through September 14, 1973 on Lake 17, Pool J, and the Black Creek Bridge areas on Wire Road, State Road 33, State Road 145, and U.S. Highway 1, as posted.

(2) Fishing permited from official local sunrise until one-half hour after official local sunset.

(3) Boats with electric motors permitted only in Lake Bee, Lake 16, Lake 17, and Martin's Lake. Other type motors prohibited. The other areas are open only for bank fishing.

(4) Alcoholic beverages prohibited.

(5) All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes or goose nesting areas. Nesting areas in Martin's Lake are closed and posted with closed area signs.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 3, 1973.

[FR Doc.73-557 Filed 1-10-73;8:45 am]

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on January 11, 1973.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public sport fishing on South Dakota Lacreek National Wildlife Refuge, Martin, S. Dak. 57551 is permitted only on the Little White River Recreation Area, that portion of Water Management Unit No. 10, designated by signs as open to fishing and those portions of Cedar Creek Dams 1 and 2 designated by signs as open to fishing. These open areas comprising a total of about 265 acres are delineated on maps available at the Refuge Headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Pierre, S. Dak. 57501.

Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The open season for sport fishing on the Little White River Recreation Area extends from January 1 through December 31, 1973, inclusive; daylight hours only.

(2) The open season for winter sport fishing on Water Management Unit No. 10 extends from January 1 through February 28, 1973 inclusive; daylight hours only.

(3) The open season for sport fishing on Cedar Creek Dams No. 1 and 2 extends from July 1 through September 15, 1973.

(4) The use of motorized vehicles on ice is prohibited.

(5) The use of boats on Water Management Unit No. 10 and on Cedar Creek is prohibited.

(6) The use of live minnows as bait on Cedar Creek Dams is prohibited.

(7) Public fishing on Lacreek National Wildlife Refuge may be closed whenever the access roads are temporarily closed or whenever refuge wildlife needs further protection.

The provision of these special regulations supplement the regulations which govern fishing on Wildlife Refuge Areas, generally, which are set forth in Title SD, Part 33 and are effective through December 31, 1973.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

[FR Doc.73-594 Filed 1-10-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3110]

SIMULTANEOUS OFFERS

Noncompetitive Leases; Oil and Gas Leasing

Pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920, as amended (43 U.S.C. 181 et seq.), and Revised Statute 2478 (43 U.S.C. 1201), it is proposed to amend 43 CFR Subpart 3112 as set forth below.

The purpose of the amendment is (a) to clarify the regulation by specifying that an applicant may file only one lease application on any parcel offered under the simultaneous oil and gas leasing procedures and (b) to eliminate the requirement that advance rental must be submitted with simultaneous lease offers.

In accordance with the Department's policy on public participation in rule making (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until February 9, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

Subpart 3112—Simultaneous Offers

Subpart 3112 of Chapter II is amended as follows:

1. Subparagraphs (1), (2), and (3) of paragraph (a) of § 3112.2–1 are deleted and a new paragraph (b) is added as follows:

§ 3112.2–1 Offer to lease.

(a) • • •

(1)–(3) [Deleted]

(b) Only one complete leasing unit, identified by parcel number, may be included in one entry card. Lands not on the posted list may not be included. An offeror (applicant) is permitted to file only one offer to lease (entry card) for each numbered parcel on the posted list. Submission of more than one entry card by or on behalf of the offeror for any parcel on the posted list will result in the disqualification of all offers submitted by that applicant for the drawing to be held for that particular parcel. Only one entry card will be drawn for each unit.

2. Section 3112.4–1 is revised to read as follows:

§ 3112.4–1 Rental payment.

A lease will be issued in the name of the successful drawee shall have fifteen (15) days from the date of receipt of notification of the issuance of the lease to tender the first year's rental. Failure to tender the rental within the time allowed will result in the automatic cancellation of the lease. The unpaid rental will remain a debt owed to the United States and may be collected by any means available to the United States for the collection of unpaid debts.

ROGERS C. B. MORTON,
Secretary of the Interior.

JANUARY 4, 1973.

[FR Doc.73-596 Filed 1-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1062]

[Docket No. AO 10-A46]

MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the St. Louis-Ozarks marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by January 26, 1973. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Bridgeton, Mo., on November 1, 1972, pursuant to notice thereof which was issued October 10, 1972 (37 FR 21641).

The material issue on the record of the hearing relates to reducing the location adjustment in Zone II of the marketing area.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The plus location adjustment applicable to the Class I price and uniform price at a plant in Zone II (the southeastern Missouri counties of Cape Girardeau, Bollinger, St. Francois, Perry, and Ste. Genevieve) should be reduced from 15 cents to 7 cents.

The hearing notice proposal was submitted by a handler at Cape Girardeau who operates the only regulated plant in Zone II. He proposed to eliminate the present plus 15-cent location adjustment, claiming that it places him at a disadvantage in competing for sales with those handlers under the St. Louis-Ozarks order whose Class I price is not subject to a plus location adjustment. Also, he testified that his producers, even without the plus 15-cent location adjustment, still would realize a better return than they could obtain by delivering their milk a greater distance to plants in St. Louis.

There was significant opposition at the hearing to removing the 15-cent location adjustment. Operators of regulated plants under the Memphis and Central Arkansas orders, who compete for sales with the Cape Girardeau handler in southeastern Missouri and in the Memphis area, claimed that removal of the plus 15-cent adjustment in Zone II would misalign the Class I price applicable at the Cape Girardeau location with the Class I prices under other orders.

Spokesmen for a cooperative representing a majority of the producers under the Memphis and Central Arkansas orders contended that removal of the plus 15-cent location adjustment would jeopardize the supply of the Cape Girardeau handler, because Cape Girardeau area producers would ship instead to nearby plants under the other orders where they could realize a higher return for their deliveries.

A Paducah order handler and the principal cooperative under that order also opposed removing the plus 15-cent location adjustment at Cape Girdardeau. They claimed that it would give the Cape Girardeau handler an advantage over Paducah handlers in their common sales areas and would cause an inappropriate alignment of prices between the two orders.

A major cooperative under the St. Louis-Ozarks order represents all but

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one of the producers supplying the Cape Girardeau handler. It took the position that any change in location pricing resulting from the hearing should be directed to achieving comparable Class I prices at Cape Girardeau under both the St. Louis-Ozarks and Memphis orders. Its spokesman also stated that the Class I price applicable in Zone II should be at a level that would price neither the Cape Girardeau handler nor handlers under the other nearby orders at a competitive disadvantage with the other.

A cooperative whose members ship to St. Louis-Ozarks regulated plants, and that also operates a distributing plant regulated by the southern Illinois order, similarly opposed eliminating the plus 15-cent location adjustment. Its spokesman proposed, however, to reduce the location adjustment 7 or 8 cents, stating that such a reduction would more appropriately align the Class I price at Cape Girardeau with the Southern Illinois order Class I price.

Besides his distribution in Zone II of the St. Louis-Ozarks marketing area, the Cape Girardeau handler proposing the price reduction sells in the Memphis marketing area, in the Missouri portion of the Paducah marketing area, and in several counties in southeastern Missouri that are not in any Federal order marketing area. His sales in the Paducah marketing area are, however, not a significant proportion of his total Class I distribution or of the total Class I sales in that marketing area.

Currently, Class I distribution from the Cape Girardeau plant in the Memphis marketing area is only slightly less than its sales in the St. Louis-Ozarks marketing area. In fact, in some months (but not for 3 consecutive months) the plant's sales in the Memphis marketing area have been more than in the St. Louis-Ozarks marketing area. Both orders specify that a plant's distribution in an other order marketing area must exceed those in the order under which it is currently regulated for 3 consecutive months before it may be regulated by the other order.

The Cape Girardeau plant has been a fully regulated plant under the St. Louis-Ozarks order (or its predecessor, the St. Louis order) since February 1, 1965. The plus 15-cent location adjustment at Cape Girardeau has been effective since February 1, 1965, when the five counties in Zone II were added to the marketing area of the St. Louis order (which became the St. Louis-Ozarks order October 1, 1968). The decision of the Assistant Secretary on November 5, 1964 (28 FR 15130), concluded that the plus 15-cent adjustment in Zone II was necessary to insure an adequate supply for plants in such area and to improve the alignment of prices among orders regulating competing handlers.

The St. Louis-Ozarks Class I price and those in the nearby Federal order markets are computed by adding stated amounts, commonly referred to as Class I differentials, to the basic formula price (Minnesota-Wisconsin manufacturing milk price). The St. Louis-Ozarks Class I differential of $1.60 is applicable in the St. Louis metropolitan area, the principal population center under the order. With the plus 15-cent location adjustment, the applicable Class I differential at Cape Girardeau is $1.75. Under both the Memphis and Central Arkansas orders the Class I differential (over the same basic formula price) is $1.94.

The Class I differential applicable at the Cape Girardeau plant, if regulated by the Memphis order, would be $1.67. This results from subtracting from the $1.94 Class I differential the 27-cent location adjustment that applies at a plant 175 miles from Memphis. In effect, if the Cape Girardeau plant were regulated by the Memphis order, its Class I price would be 8 cents less ($1.67 versus $1.75) than is now provided under the St. Louis-Ozarks order.

Cape Girardeau, which is near the main north-south highway between St. Louis and Memphis, is about 175 miles from Memphis. In view of relatively small differences between the plant's volumes of sales under the two orders in recent months, there is the possibility that at least at times it could become a fully regulated plant under the Memphis order.

Paragould is about 85 miles northwest of Memphis and 148 miles south of Cape Girardeau. The Class I price differential at the Paragould location under the Central Arkansas order is $1.805, or 15 cents higher than the price that would be applicable under such order for a plant regulated thereby and located at Cape Girardeau. A principal competitor of the Cape Girardeau handler for sales in southeastern Missouri is a handler at Paragould, Arkansas, regulated by the Central Arkansas order.

The Class I price in the Paducah marketing area is 10 cents higher than at Cape Girardeau. Paducah, the principal city in the Paducah marketing area, is about 70 miles southeast of Cape Girardeau. While the Cape Girardeau handler has no Class I distribution in the city of Paducah, he has limited competition for sales with handlers under that order in the southeastern Missouri counties of the Paducah marketing area.

Although the Cape Girardeau handler competes for sales with St. Louis handlers in the Cape Girardeau vicinity, he has no distribution of his own in the St. Louis metropolitan area. Neither does he compete for sales with handlers regulated under the nearby Southern Illinois marketing area, in or outside such area.

The alternatives available to producers delivering their milk to the Cape Girardeau plant are not limited to plants located in St. Louis. The economic value of their milk may be expected to be more affected by the best of their opportunities pricewise than by their lowest-priced alternative outlets. The Paragould, Ark., plant is an outlet for additional quantities of milk on a direct-delivery basis. The Cape Girardeau producers are situated to take advantage of this outlet. The return to such producers after the haul to Paragould would be significantly more than if the milk were delivered to St. Louis. Also, the higher blend price under the Central Arkansas order at the Paragould plant could reasonably be expected to return to such producers more than they would realize at Cape Girardeau after a 15-cent reduction, as was proposed. Consequently, there can be no strong presumption that such producers would gravitate to the lowest-priced outlets in the region.

It was concluded in a previous decision on the St. Louis-Ozarks order that price alignment among regulated markets where intermarket handler competition occurs is an important factor to be considered by the Secretary in his efforts to achieve market stability for producers under a given order and reasonable market allocation of available milk supplies where market milksheds tend to overlap. These intermarket relationships involving St. Louis-Ozarks with Memphis, Central Arkansas and Paducah have been referred to herein above.

The primary problem of market price alignment on this record relates to the St. Louis-Ozarks-Memphis relationship. The Cape Girardeau handler, as previously indicated, sells approximately as much milk in the Memphis marketing area as in his home market at Cape Girardeau.

The Class I price relationship between this order and the Memphis order has changed significantly since Zone II was added to the marketing area. From February 1965 through July 1968 the Memphis Class I price exceeded the St. Louis Zone II Class I price an average of 61 cents. Since July 1968 the Memphis Class I price has been 19 cents more than the Zone II Class I price in each month.

When Zone II was added to the marketing area, the existing differences between the monthly Class I price under the St. Louis and Memphis orders was a matter considered in establishing the plus 15-cent location adjustment. The revised basis of pricing at Cape Girardeau herein provided gives recognition to the current relationship of prices in the St. Louis-Ozarks and Memphis orders.

The handler competition between these markets calls for a close price alinement for the purposes described above. The plus location adjustment of 7 cents proposed herein for Cape Girardeau will promote orderly marketing by providing a Class I price at Cape Girardeau equivalent to that prevailing for the same location under the Memphis order.

It was found further in a prior decision on the St. Louis-Ozarks order that the greater the distance that an order market is situated geographically from the heavy production region of the country, the higher the Class I price tends to be. For the St. Louis-Ozarks market and other markets to the south of St. Louis-Ozarks, the Chicago milkshed is an important alternative source of supply when outside milk is needed for fluid use.

A basic reason for this is that local supplies for those markets farther removed from the Chicago milkshed tend to be less adequate for their year-round needs than those nearer the Chicago production area. In 1971, for example, the Class I utilization of producer deliveries under the Memphis, central Arkansas and Paducah orders was 85 percent, 89 percent, and 74 percent, respectively. Under the St. Louis-Ozarks and Southern Illinois orders, Class I utilization of producer receipts was 64 percent and 60 percent, respectively, for the same period. These conditions are reflected in the relative prices of the Memphis, central Arkansas and Paducah markets. The Memphis, central Arkansas, and Paducah Class I prices are 34 cents, 34 cents, and 25 cents, respectively, more than the Zone I Class I price in the St. Louis-Ozarks order.

Since Cape Girardeau is about 65 miles farther from Chicago than St. Louis proper, the 7-cent plus adjustment adopted is reasonable in respect of the greater distance, and consequent cost of delivery, to such location from the basic source of alternative supplies.

Both the proponent Cape Girardeau handler and a Paducah order handler contended that there is misalignment of prices between the Paducah order and St. Louis-Ozarks order at Cape Girardeau, primarily because the Paducah Class I price is too high relative to the Class I price under the St. Louis-Ozarks order. The level of the Paducah price was not, of course, an issue at this hearing. However, a proposal to reduce the Paducah Class I price 15 cents was considered at a hearing held in Paducah December 12, 1972 (37 FR 24760). Official notice is here taken of the fact of that hearing. If an adjustment in the Class I price differential of the Paducah order is warranted, the appropriate action can be taken on the basis of that hearing.

The available supply of milk relative to local Class I needs at Cape Girardeau approximates that for total deliveries and total Class I utilization under the St. Louis-Ozarks order. That is, about 65 percent of producer deliveries are utilized in Class I. Consequently, the 8-cent reduction in the location adjustment at Cape Girardeau adopted in this decision should not impair the maintenance of an adequate supply of milk at that location, but will tend to promote orderly marketing by assisting producers delivering to Cape Girardeau to maintain this nearby outlet for their milk.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the St. Louis-Ozarks marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

In § 1062.53, paragraph (b) is revised as follows:

§ 1062.53 Location differentials to handlers.

• • • • •

(b) In Zone II of the marketing area, shall be the Zone I price plus a location adjustment of 7 cents;

• • • • •

Signed at Washington, D.C., on January 8, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-638 Filed 1-10-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 72-SW-80]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations which would designate a temporary joint-use restricted area near Killeen, Tex.

Interested persons are invited to participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received by February 12, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Air Force has requested the establishment of a temporary joint-use restricted area in the vicinity of Killeen, Tex. The proposed restricted area would be utilized for a 9-day period beginning April 23, 1973, for the Joint Training Exercise GALLANT HAND 73. The restricted airspace is required to effectively test participating tactical aircraft squadrons under the most realistic conditions.

The proposed area would overlie approximately 30 general aviation airports and a number of low altitude airways and jet routes. However, temporary rerouting procedures would be established to handle airways traffic during the exercise period. A reverse-charge telephone number would be made available by the Air Force for the use of general aviation pilots to request clearance to operate within the restricted area on an individual basis. Procedures would also be developed to permit unrestricted air carrier operations into and out of Brownwood, Tex.

The proposed amendment would designate the following temporary restricted area:

R-6314 KILLEEN, TEX.

SUBAREA A

Boundaries.—Beginning at Lat. 32°10'00" N., Long. 98°52'00" W.; to Lat. 32°10'00" N.,

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Long. 99°30'00" W.; to Lat. 31°20'00" N., Long. 99°55'00" W.; to Lat. 31°02'00" N., Long. 99°00'00" W.; to Lat. 31°42'00" N., Long. 99°00'00" W.; to Lat. 31°46'00" N., Long. 98°52'00" W.; to point of beginning, excluding that airspace within a 3-nautical-mile radius of Lat. 31°11'00" N., Long. 99°19'27" W. from the surface to 2,500 feet AGL.

Designated altitudes. 1,500 feet AGL to FL 280 sunrise to sunset. Surface to FL 280 sunset to sunrise.

Time of designation. Continuous 0001 C.S.T., April 23, 1973, to 2359 C.S.T., May 1, 1973.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. USAF Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley AFB, Va.

SUBAREA B

Boundaries.—Beginning at Lat. 32°00'00" N., Long. 97°50'00" W.; to Lat. 32°10'00" N., Long. 98°32'00" W., to Lat. 32°10'00" N., Long. 98°52'00" W.; to Lat. 31°46'00" N., Long. 98°52'00" W.; to Lat. 31°42'00" N., Long. 99°00'00" W.; to Lat. 31°02'00" N., Long. 99°00'00" W.; to Lat. 30°47'00" N., Long. 98°03'00" W.; to Lat. 30°50'00" N., Long. 97°44'00" W.; to Lat. 31°06'06" N., Long. 97°32'42" W.; to Lat. 31°13'45" N., Long. 97°32'35" W.; to Lat. 31°19'37" N., Long. 97°40'32" W.; to Lat. 31°20'48" N., Long. 97°40'32" W.; to Lat. 31°22'33" N., Long. 97°42'45" W.; to point of beginning, excluding that airspace east of a line from Lat. 30°48'00" N., Long. 98°00'00" W.; to Lat. 31°05'00" N., Long. 97°47'00" W.; to Lat. 31°41'00" N., Long. 97°46'15" W.; above FL 200, and excluding that airspace from Lat. 31°00'00" N., Long. 97°37'00" W.; to Lat. 31°03'54" N., Long. 97°42'05" W.; to Lat. 31°09'03" N., Long. 97°41'18" W.; to Lat. 31°06'06" N., Long. 97°32'42" W.; from the surface to 4,000 feet MSL.

Designated altitudes. Surface to FL 280 except as excluded.

Time of designation. Continuous 0001 C.S.T., April 23, 1973, to 2359 C.S.T., May 1, 1973.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. USAF Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley AFB, Va.

SUBAREA C

Boundaries.—Beginning at Lat. 32°00'00" N., Long. 97°35'00" W.; to Lat. 31°32'00" N., Long. 97°28'00" W.; to Lat. 31°23'00" N., Long. 97°35'00" W.; to Lat. 31°13'45" N., Long. 97°32'45" W.; to Lat. 31°19'37" N., Long. 97°40'32" W.; to Lat. 31°20'48" N., Long. 97°40'32" W.; to Lat. 31°22'33" N., Long. 97°42'45" W.; to Lat. 32°00'00" N., Long. 97°50'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous 0001 C.S.T., April 23, 1973, to 2359 C.S.T., May 1, 1973.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. USAF Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley AFB, Va.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 3, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-546 Filed 1-10-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-7571, S7-467]

QUANTITY DISCOUNTS FOR CERTAIN GROUP PURCHASES OF MUTUAL FUND SHARES

Notice of Proposed Rule Making

In its recent announcement of hearings on mutual fund distribution and the potential impact of the repeal of section 22(d) of the Act (15 U.S.C. 80a-22(d)), (Investment Company Act Release No. 7475, Nov. 3, 1972 (37 FR 24449)) the Commission stated one of the issues to be a reconsideration of the provision of Rule 22d-1 (17 CFR 270.22d-1) which precludes quantity discounts for certain group purchases of redeemable securities issued by investment companies. The Commission believes that a specific proposal to amend the rule would provide a helpful focal point for comments of the public. Rather than simply reactivate a pending 1968 proposal (33 FR 15263), however, the Commission is hereby (1) withdrawing that proposal and (2) publishing a new proposal, significantly revised, for comments. The period for comments on this proposal has been set by the Commission to expire on March 30, 1973, a date estimated to be substantially after the projected close of the forthcoming hearings. The Commission hopes that this proposal will stimulate discussion at the hearings and that the discussion will lead to more informed comments on the rule itself.

PROPOSED AMENDMENT TO RULE 22d-1

(1) Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of Rule 22d-1 under the Investment Company Act of 1940 ("Act") (15 U.S.C. 80a-1 et seq.) to permit under certain circumstances quantity discounts for certain group purchases of redeemable securities issued by investment companies. The proposed amendment to the rule would be adopted pursuant to the authority granted to the Commission in sections 6(c), 22(d), and 38(a) of the Act. (15 U.S.C. 80a-6(c), 80a-22(d), 80a-37(a).)

Section 22(d) of the Act prohibits a registered investment company, its principal underwriter, or a dealer in its redeemable securities from selling such securities to "any person" except "at a current public offering price described in the prospectus." The purpose of the section, as described in the congressional reports on the Act, is to prohibit investment companies from selling redeemable securities to any person other than a dealer or principal underwriter at a price less than that at which the security is sold to the public. Section 6(c) of the Act provides that the Commission by rule, regulation, or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the power conferred upon the Commission in the Act.

In 1958 the Commission adopted Rule 22d-1, which in most respects codified prior administrative interpretations of section 22(d) of the Act as well as exemptive orders granted under section 6(c) of the Act. The rule permits reductions in the sales loads charged upon the sale of mutual fund shares in connection with quantity purchases and in other specified circumstances. (Investment Company Act of 1940 Release No. 2798, Dec. 2, 1958 (23 FR 9601).) The provision in the last sentence of paragraph (a) of Rule 22d-1 that quantity discounts would not be available to "a group of individuals whose funds are combined, directly or indirectly, for the purchase of reedemable securities of a registered investment company jointly or through a trustee, agent, custodian, or other representative • • • of such a group of individuals," reflects Commission concern in 1958 that, if continued, quantity discounts in such circumstances could disrupt the orderly effective distribution of mutual fund shares.

In 1968 the Commission proposed the removal of the present restrictive definition of "person" in the rule so as to provide organized groups of small investors with the opportunity to purchase mutual fund shares at the lower sales charges presently available only to investors of large sums (Investment Company Act Release No. 5507, Oct. 7, 1968 (33 FR 15263)). Such proposed amendment of Rule 22d-1 would have deleted the proviso clause in the last sentence of paragraph (a) and made it clear that, as used in the rule, the term "person" shall have the meaning set forth in section 2(a)(28) of the Act,[1] but shall also include the other classes presently enumerated in the definition of "any person"

[1] This antigrouping provision defines "any person" more narrowly than sections 2(a)(28) and 2(a)(8) of the Act, taken together (15 U.S.C. 80a-2(a)(28), 80a-2(a)(8)). Section 2(a)(28) provides that "person" means a natural person or a company. Section 2(a)(8) provides (among other things) that "company" means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not.

in the rule. However, the Commission has held that rule proposal in abeyance while the effects of the repeal of section 22(d) of the Act were being studied by its staff.

The staff has now completed the study and the Commission has determined to withdraw its earlier proposal (see (2) below) and to propose in its place a modified version which, in effect, gives each issuer a choice between (a) giving quantity discounts, but denying them to groups in the manner the present rule provides or (b) offering quantity discounts to certain "bona fide" groups as well as to purchasers presently eligible. This is accomplished by retaining paragraph (a) of the rule and inserting a new paragraph (b) which is for the most part similar to paragraph (a) except that paragraph (b) employs a new term "purchaser" with a broader definition than the term "any person" now used in paragraph (a). Thus, an investment company would have the option of distribution to "persons" in the manner specified in Rule 22d-1(a) or to "purchasers" in the manner specified in Rule 22d-1(b).

Proposed paragraph (b) has no antigrouping clause but does include a narrower, more precise definition of group than the 1968 proposal. The definition includes any organized group of purchasers, whether incorporated or not, but excludes any group not in existence for at least 6 months or which has no other purpose than to purchase mutual fund shares at a discount. For example, these modifications in the 1968 proposal would make it clear that all customers of a single broker are not a "group" eligible for a quantity discount. These modifications would also make more certain the continued viability of any groups the fund and its distributor might deal with.

It should be noted that paragraph (a) of the present rule requires that any scale of reducing sales loads offered by a fund or its distributor "shall be applicable to sales to all persons." Therefore, an investment company offering a quantity discount to a "person", as defined in the present rule, is required also to offer it to any group of persons presently within the definition of "person" in the rule. For example, a pension trust accumulating shares for a number of beneficiaries is presently treated as a single person. Hence, if other groups were included within the definition of "any person" in present paragraph (a) the only choice of investment companies and their distributors would be to offer quantity discounts to all, including groups, or to no one. As noted above, the Commission's present proposal would give each issuer a choice between restricting quantity discounts to purchasers as provided in the present rule or affording such discounts to the kinds of groups specified in new paragraph (b).

If adopted, the amendment would not relax the obligation under the Securities Act of 1933 of broker-dealers and other distributors of investment company shares to provide prospectuses to all persons who are solicited. Thus, it is assumed that a prospectus would be furnished to each member of any group being solicited. Similarly, it is assumed that after purchases of investment company shares, all proxy soliciting material and reports to shareholders required by the Act and rules thereunder would be provided in some manner to each participating group member. In this connection the Commission staff is considering other rule changes which would result in lower administrative costs for group sales. The rules in question relate to the requirements that shareholders receive individual notices, confirmations, dividend statements, and shareholder reports. The staff is now exploring whether these rules can be revised without diminishing the basic shareholder protections they provide.

It should also be noted that in order to avoid problems under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Company Act of 1940 (15 U.S.C. 77a et seq., 78a et seq., 80a-1 et seq.), all group purchases would be required to be handled in a manner substantially similar to ordinary brokerage transactions. Thus, where limitations are imposed on the rights of an individual participant, or special charges are made, a separate security may be created which would be required to be registered under the Securities Act of 1933 and the issuer of which may be an investment company required to register under the Investment Company Act of 1940. For example, such problems would arise if: (1) Sums were accumulated for material periods of time before investment; (2) special fees or charges, such as a front-end load, were imposed;[2] (3) limitations were imposed on the right of participants to withdraw securities held in custody; or (4) limitations were imposed on the rights and privileges of participants as shareholders. (See Securities Act of 1933 Release No. 4790, July 13, 1965 (30 FR 9059).)

The text of the proposed Commission action is as follows:

Rule 22d-1 under the Investment Company Act of 1940 is amended as follows:

A new paragraph (b) is inserted. The first two paragraphs of new paragraph (b) are identical to the first two paragraphs of present paragraph (a) except that wherever the word "person(s)" appears, it is changed to read "purchaser(s)." The last paragraph of the proposed new paragraph (b) reads as follows:

As used in this paragraph (b), the term "purchaser" shall have the same meaning as the word "person" set forth in section 2(a)(28) of the Act but shall also include: (i) An individual, or an individual, his spouse and their children under the age of 21, purchasing securities for his or their own account, and (ii) a trustee or other fiduciary purchasing securities for a single trust estate or single fiduciary account (including a pension, profit-sharing, or other employee benefit trust created pursuant to a plan qualified under Section 401 of the Internal Revenue Code) although more than one beneficiary is involved: *Provided, however,* That the term "purchaser" shall not include any group of individuals which has not been in existence as an organized group for at least 6 months: *And further provided,* The term "organized group" shall not include a group which has no other purpose than to purchase investment company shares at a discount.

[2] In this connection, it should be borne in mind that any person who is paid any portion of a sales load or who receives other special compensation in connection with the purchase or sale of securities will probably be required to register as a broker-dealer pursuant to section 15(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(a)).

Commission action. The Securities and Exchange Commission, pursuant to authority in sections 6(c), 22(d), and 38(a) of the Investment Company Act, proposes to amend § 270.22d-1 of Chapter II of Title 17 of the Code of Federal Regulations (1) by redesignating paragraphs (b), (c), (d), (e), (f), (g), and (h) thereof as paragraphs (c), (d), (e), (f), (g), (h), and (i), respectively and (2) by adding thereunder a new paragraph (b) to read as follows:

§ 270.22d-1 Variations in sales load permitted for certain sales of redeemable securities.

• • • • • •

(b) In accordance with a scale of reducing sales load varying with the quantity of securities purchased by any purchaser. The quantity entitling any purchaser to any such reduced sales load may be computed on any of the following bases, and may include redeemable securities of other registered investment companies having the same principal underwriter as the issuer of such securities: (1) The aggregate quantity of securities being purchased at any one time; (2) the aggregate quantity of securities previously purchased or acquired and then owned plus the securities being purchased; or (3) the aggregate quantity of securities purchased by any purchaser within a period of no more than 13 months from the date of and pursuant to a written statement of his intention, accepted by the underwriter, which provides that the purchaser intends, but is not obligated, to purchase securities within such period in a specified aggregate amount which would entitle the purchaser to a quantity discount if purchased at one time, and which further provides that each purchase made pursuant to the statement shall be made either (i) at the price applicable to the quantity of securities being purchased in each separate transaction until at least a sufficient quantity of securities has been purchased to qualify for a discount pursuant to the statement, or until the aggregate quantity specified therein has been purchased, whereupon a retroactive price adjustment for all purchases theretofore made under the statement to reflect the quantity discount to which the purchaser is then entitled pursuant to the statement shall be made by the underwriter and the dealer involved, if any, or (ii) at the price applicable to the intended aggregate quantity of securities specified by the purchaser: *Provided,* That an amount of

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the securities purchased shall be retained by the underwriter or held by a bank escrow agent pursuant to terms and conditions which will reasonably assure that the full applicable sales load will be charged if the purchaser does not complete the intended purchases. The statement of intention may also provide that, if the total purchases made within the period covered by the statement exceed the amount specified by the purchaser as his expected aggregate purchases, and equal an aggregate amount which would, if purchased at a single time, qualify for an additional quantity discount, a retroactive price adjustment shall be made by the underwriter and the dealer involved, if any, for all purchases made under the statement to reflect the quantity discount applicable to the aggregate amount of such purchases.

(A) The scale of reducing sales load and the method of computation utilized shall be specifically described in the prospectus and shall be applicable to sales to all purchasers.

(B) As used in this paragraph (b), the term "purchaser" shall have the same meaning as the word "person" set forth in section 2(a)(28) of the Act but shall also include (*1*) an individual, or an individual, his spouse and their children under the age of 21, purchasing securities for his or their own account, and (2) a trustee or other fiduciary purchasing securities for a single trust estate or single fiduciary account (including a pension, profit-sharing, or other employee benefit trust created pursuant to a plan qualified under section 401 of the Internal Revenue Code) although more than one beneficiary is involved: *Provided, however,* That the term "purchaser" shall not include any group of individuals which has not been in existence as an organized group for at least 6 months: *And further provided,* The term "organized group" shall not include a group which has no other purpose than to purchase investment company shares at a discount.

* * * * *

(Secs. 6(c), 22(d), 38(a), 54 Stat. 800, 823, 841, 15 U.S.C. 80a-6(c), 80a-22(d), 80a-37(a))

Withdrawal of prior proposal. (2) Notice is hereby given that the Commission hereby withdraws its proposal to adopt an amendment of Rule 22d-1 published in Investment Company Act Release No. 5507, October 7, 1968.

The Commission has announced that it will conduct public hearings on the subject of mutual fund distribution (Investment Company Act Release No. 7475, November 3, 1972). Group sales will be among the issues to be considered in those hearings. Although this proposal may serve as a reference point for those hearings, they are policy proceedings while this is a specific rule proposal which should be commented upon separately from the record in the hearings. Accordingly, all interested persons are invited to submit their views and comments on the above proposal in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before March 30, 1973, and reference should be made to File No. S7-467. All such communications will be considered available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 21, 1972.

[FR Doc.73-597 Filed 1-10-73;8:45 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF HOUSING

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 88, as amended, from the Administrator, AID, dated November 4, 1970 (35 FR 17675), I hereby amend further the redelegation of authority to the Director and Deputy Director, Office of Housing, dated November 5, 1970 (35 FR 17675), as follows:

1. Section 1,A is revised to read, as follows:

A. All of the authorities delegated to me by the above-mentioned Delegation of Authority No. 88, as amended, except for the following reserved authorities:

(1) The authority to execute guaranties;

(2) The authority to prescribe and amend interest rates provided in section 223(f) of the Foreign Assistance Act of 1961, as amended.

2. Section 2 is revised to read as follows:

2. The authorities redelegated herein may be further redelegated provided that redelegations under this section other than to officials in the Office of Housing or Regional Assistant Administrators, shall be subject to approval by the appropriate Regional Assistant Administrator or his designee.

This amendment to the redelegation of authority to the Director and Deputy Director, Office of Housing, shall be effective immediately.

Dated: January 4, 1973.

JAMES F. CAMPBELL, *Assistant Administrator for Program and Management Services.*

[FR Doc.73-579 Filed 1-10-73;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 11]

MOHAWK INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds; Change of Name

Jersey Insurance Company of New York, N.Y., a New York corporation, has formally changed its name to Mohawk Insurance Company. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated October 11, 1972, has been issued by the Secretary of the Treasury to Mohawk Insurance Company, Allentown, Pennsylvania, under sections 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1972 (37 FR 13597, July 11, 1972) to the Company under its former name, Jersey Insurance Company of New York. The underwriting limitation of $1,126,000 previously established for the Company remains unchanged.

The change in name of Jersey Insurance Company of New York does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, DC 20226.

Dated: January 8, 1973.

[SEAL] JOHN K. CARLOCK, *Fiscal Assistant Secretary.*

[FR Doc.73-643 Filed 1-10-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

CONARC ADVISORY COMMITTEE TO U.S. ARMY INSTITUTE FOR MILITARY ASSISTANCE

Notice of Public Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee meeting:

The CONARC Advisory Committee to the U.S. Army Institute for Military Assistance will meet at Fort Bragg, N.C., from January 30 to February 1, 1973. The meeting will be held in Room 103, Bryant Hall, U.S. Army Institute for Military Assistance. Sessions will convene at 0830 on January 31 and February 1, 1973. The theme of the conference will be "Security Assistance Training in the 1970's."

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

E. W. GANNON, *Lieutenant Colonel, U.S. Army, Chief, Plans Office, TAGO.*

[FR Doc.73-580 Filed 1-10-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-3743]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 4, 1973.

1. By order dated December 6, 1972, and published at pages 26547-8 in the FEDERAL REGISTER, December 13, 1972, the Federal Power Commission ordered that (a) "The land withdrawal pursuant to the filing for Project No. 885 is hereby vacated insofar as it may pertain to lands described in the attached land list." That land list appears below; and, (b) "The land withdrawals pursuant to the filings for Project Nos. 1379, 1854, 2141, are hereby vacated in their entirety." No specific lands are identified for these projects:

LAND LIST

BOISE MERIDIAN

KANIKSU NATIONAL FOREST

T. 60 N., R. 4 W.,
Sec. 3, Lots 3, 6, 7;
Sec. 5, Lots 1, 2;
Sec. 6, Lots 1, 6, 7, 12;
Sec. 7, Lots 1, 2, 3, 4, 5;
Sec. 8, Lots 1, 2, 3;
Sec. 16, Lots 1, 2;
Sec. 17, Lots 1, 2, 3, 4, 5;
Sec. 19, Lots 1, 2, 3, 4, 7, NE¼SE¼SE¼;
Sec. 20, Lots 1, 2, 3, 4;
Sec. 21, Lot 1;
Sec. 28, Lot 2;
Sec. 29, Lots 1, 2, 3, 4;
Sec. 30, Lot 6;
Sec. 32, Lots 1, 2, 3, 4.
T. 61 N., R. 4 W.,
Sec. 4, Lots 1, 2;
Sec. 5, Lots 1, 4;
Sec. 8, Lots 1, 2;
Sec. 9, Lots 2, 3;
Sec. 17, Lot 2;
Sec. 19, unpatented parts of Lots 3 and 6;
Sec. 20, Lots 1, 2, 3, 4, 5;
Sec. 21, Lot 2;
Sec. 28, Lot 3;
Sec. 29, Lots 2, 3, 4;
Sec. 30, unpatented part of Lot 1;
Sec. 32, Lots 1, 2, 3, 4.
T. 62 N., R. 4 W.,
Sec. 4, Lots 4, 5, 8, 9;
Sec. 9, Lots 4, 5, 6, 9;
Sec. 16, Lots 1, 2, 3, 4;
Sec. 21, Lots 1, 2, 3, 4, 5;
Sec. 28, Lots 1, 2, 3;
Sec. 29, Lots 1, 2;
Sec. 32, Lots 1, 2, 3, 4.

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T. 63 N., R. 4 W.,
Sec. 19, Lots 4, 5, 6, 7;
Sec. 29, Lot 4;
Sec. 30, Lots 1, 2, 5, 6, 7;
Sec. 32, Lots 1, 2, 3, 4, 6;
Sec. 33, Lots 1, 4, 5.
T. 60 N., R. 5 W.,
Sec. 12, Lot 5;
Sec. 13, Lots 1, 2, 3, 4;
Sec. 24, Lots 1, 2, 3, 4.

The areas described aggregate approximately 2,918 acres in Bonner County, Idaho.

2. These lands are all within the Kaniksu National Forest and in addition are withdrawn from mineral entry and location for the Priest Lake Recreation Area by Public Land Order 1479. All of the lands are located in Bonner County.

3. Beginning at 10 a.m. on February 1, 1973, the national forest lands shall be open to such form of disposition as may by law be made of such lands.

4. Inquiries concerning the land should be addressed to the Chief Branch of L&M Operations, Idaho State Office, 550 West Fort Street, Post Office Box 042, Boise, ID 83702.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc 73-615 Filed 1-10-73;8:45 am]

[Montana 23941]

MONTANA

Proposed Withdrawal and Reservation of Lands

JANUARY 2, 1973.

The Department of Transportation, on behalf of the Montana Highway Commission, has filed application, M 23941, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for proposed highway construction.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

DEER LODGE NATIONAL FOREST

T. 5 N., R. 3 W.,
Sec. 30, Lots 1, 2, 3, and 4, E½W½; and
Sec. 31, Lots 1, 2, 3, and 4, E½, E½W½.
T. 5 N., R. 4 W.,
Sec. 15, Lot 1, NE¼, W½, NE¼SE¼, W½SE¼;
Sec. 22, Lots 1 and 2, S½NE¼;
Sec. 23, all;
Sec. 24, Lots 3 and 4, S½NW¼, SW¼; and
Sec. 25, Lots 1, 2, 3, and 4, W½E½.

The areas described aggregate 2,991.16 acres in Jefferson County, Mont.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-614 Filed 1-10-73;8:45 am]

[Montana 23948]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 3, 1973.

The Department of Transportation, on behalf of the Montana Highway Commission, has filed application, M 23948, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for proposed highway construction.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 3 N., R. 2 W.,
Sec. 8, SW¼.
T. 2 N., R. 3 W.,
Sec. 4, Lots 1 and 2, S½NE¼ and S½; and
Sec. 24, NE¼.
T. 3 N., R. 3 W.,
Sec. 2, Lots 2, 3, and 4, S½NW¼, SW¼, NE¼SE¼, and S½SE¼; and
Sec. 24, N½.
T. 5 N., R. 3 W.,
Sec. 19, Lot 4;
Sec. 30, SE¼; and
Sec. 32, W½NE¼, SE¼NE¼, and NW¼.
T. 5 N., R. 4 W.,
Sec. 13, Lot 3; and
Sec. 14, Lots 1, 2, 3, and 4, SW¼NW¼, N½SW¼, and NW¼SE¼.

The areas described aggregate 2,409.25 acres in Jefferson County, Mont.

ROLAND F. LEE,
Chief, Branch of Lands and Mineral Operations.

[FR Doc 73-613 Filed 1-10-73;8:45 am]

[Nev. 054565]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 3, 1973.

The Forest Service, U.S. Department of Agriculture has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, but not the mining and mineral leasing laws.

The applicant desires the lands for inclusion in the Toiyabe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, NV 89502.

The Department's regulations (43 CFR 2351.4(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands

and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The public lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 N., R. 18 E.,
Sec. 34, N½NE¼, E½SW¼NE¼, N½NW¼ SW¼NE¼, SE¼NE¼.

containing 145 acres.

RALPH S. DUNN,
Acting Chief, Division of Technical Services.

[FR Doc.73-616 Filed 1-10-73;8:45 am]

Geological Survey

[Power Site Cancellation 316]

COLUMBIA RIVER BASIN, WASH.

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 426 of July 25, 1952, is hereby canceled to the extent that it affects the following described land:

WILLAMETTE MERIDIAN

T. 5 N., R. 24 E.,
Sec. 32, N½NE¼SE¼.

The area described aggregates 20 acres.

The effective date of this cancellation is May 3, 1973.

HENRY W. COULTER,
Acting Director.

JANUARY 3, 1973.

[FR Doc.73-559 Filed 1-10-73;8:45 am]

[Power Site Cancellation 258]

STANISLAUS RIVER BASIN, CALIF.

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 220 of May 13, 1919, is hereby canceled to the extent that it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 3 N., R. 14 E.,
Sec. 36, SW¼NE¼ and SE¼NW¼.
T. 3 N., R. 15 E.,
Sec. 6, NW¼NE¼ (lot 4), N½SW¼NE¼, and SW¼SW¼NE¼;
Sec. 24, SE¼SW¼ and SE¼;
Sec. 25, lot 1, N½NE¼, and NW¼;
Sec. 26, NE¼NE¼, S½NE¼, SE¼NW¼, and S½;
Sec. 27, NE¼SW¼, S½SW¼, and SE¼;
Sec. 28, SE¼SW¼ and S½SE¼;
Sec. 31, lots 2, 3, and 4, SE¼NW¼, E½SW¼, and SE¼;
Sec. 32, S½N½ and S½;
Sec. 33, NE¼ and N½SW¼;
Sec. 34, N½N½ and SW¼NW¼;
Sec. 35, N½NW¼.
T. 4 N., R. 15 E.,
Sec. 15, E½;
Sec. 22, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 28, NW¼NE¼, E½NW¼, and NW¼SW¼;
Sec. 29, SW¼SE¼ and SE¼SE¼;
Sec. 32, SE¼NW¼ (unsurveyed).
T. 3 N., R. 16 E.,
Sec. 27, S½SW¼;
Sec. 29, lots 9, 10, and 11, and SW¼SW¼;
Sec. 30 lots 3, 4, 5, 6, and 7, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 31, lot 1, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 32, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 33, lots 1, 2, 3, 4, 5, and 6, NE¼, and NW¼SE¼;
Sec. 34, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 4 N., R. 16 E.,
Sec. 19, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, S½N½ and S½;
Sec. 21, S½N½ and S½;
Sec. 22, S½N½ and N½S½;
Sec. 23, NW¼NE¼, S½NE¼, NW¼, and N½S½;
Sec. 24, S½NW¼ and N½SW¼.
T. 4 N., R. 17 E.,
Sec. 1, NE¼ (fractional), N½SE¼, and SW¼SE¼;
Sec. 12, NE¼NW¼;
Sec. 14, SW¼NW¼ and SE¼SW¼;
Sec. 19, SE¼SW¼ and S½SE¼;
Sec. 20, S½SW¼ and SW¼SE¼;
Sec. 22, S½NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 23, N½NW¼ and SW¼NW¼.
T. 6 N., R. 17 E.,
Sec. 2, S½SE¼;
Sec. 8, SE¼NE¼;
Sec. 9, NE¼NW¼ and W½NW¼;
Sec. 10, N½NE¼;
Sec. 11, N½;
Sec. 12, N½, NE¼SW¼, and N½SE¼.
T. 7 N., R. 17 E. (unsurveyed),
All lands within one-fourth mile of Stanislaus River and Bloods Creek. Protraction of public land surveys indicates that the lands described above, when surveyed, will be wholly within secs. 24, 25, 34, 35, and 36.
T. 5 N., R. 18 E.,
Sec. 3, lots 2, 3, and 4, S½NW¼, and NW¼SW¼;
Sec. 4, lot 8, S½NE¼, and S½;
Sec. 8, E½E½;
Sec. 9, W½NE¼, NW¼, and W½SW¼;
Sec. 16, W½NW¼ and NW¼SW¼;
Sec. 17, NE¼NE¼, S½NE¼, and SE¼;
Sec. 20, E½ and E½W½;
Sec. 29, N½, SW¼, and NW¼SE¼;
Sec. 30, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 31, lot 1, SE¼SW¼, and NW¼SE¼.
T. 6 N., R. 18 E.,
Sec. 7, lots 1 and 2, NE¼SW¼, and N½SE¼.
All lands within one-fourth mile of Middle Fork Stanislaus River in unsurveyed portion of township. Protraction of public land surveys indicates that the lands described above, when surveyed, will be wholly within secs. 25, 26, 34, 35, and 36.
All lands within one-fourth mile of Highland Creek in unsurveyed portion of township, not withdrawn in a Federal waterpower project. Protraction of public land surveys indicates that the lands described above, when surveyed, will be wholly within secs. 5, 7, 8, and 9.
T. 7 N., R. 18 E.,
All unsurveyed lands adjacent to North Fork Stanislaus River, below the 6,900-foot contour as shown on U.S. Geological Survey topographic map of Big Trees and Dardanelles quadrangles. Protraction of public land surveys indicates that the lands described above, when surveyed, will be wholly within secs. 15, 19, 20, 21, 22, 27, 28, 29, 30, 31, and 32.
T. 6 N., R. 19 E.,
Sec. 12, E½ and E½SW¼;
Sec. 13, NW¼NE¼ and NW¼;
Sec. 14, NE¼, SE¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 15, S½SW¼ and SE¼;
Sec. 19, S½S½;
Sec. 20, SE¼NE¼ and S½;
Sec. 21, NE¼, S½NW¼, SW¼, and N½SE¼;
Sec. 22, N½ and NE¼SE¼;
Sec. 23, N½ and N½S½;
Sec. 24, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 25, NE¼ and N½SE¼;
Sec. 29, NW¼NE¼ and N½NW¼;
Sec. 30, N½ and N½SW¼.
T. 5 N., R. 20 E.,
Sec. 11, S½SE¼;
Sec. 12, SW¼NE¼ and E½SE¼;
Sec. 13, N½NE¼.
T. 6 N., R. 20 E.,
Sec. 26, SW¼SW¼ (unsurveyed);
Sec. 27, SW¼NW¼ (unsurveyed), SW¼, W½SE¼, and SE¼SE¼;
Sec. 28, SE¼NE¼, S½NW¼, and NE¼SE¼;
Sec. 29, S½N½ (unsurveyed) and N½S½;
Sec. 30, lots 1 and 2, S½NE¼, E½NW¼, and N½SE¼;
Sec. 34, N½NE¼;
Sec. 35, W½NW¼, SE¼NW¼ (unsurveyed), SW¼, and SW¼SE¼.

The area described aggregates about 24,650 acres.

The effective date of this cancellation is May 3, 1973.

HENRY W. COULTER,
Acting Director.

JANUARY 3, 1973.

[FR Doc.73-560 Filed 1-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

MIDAMERICA COMMODITY EXCHANGE

New Name for Board of Trade Designated as Contract Market

Notice is hereby given that under the authorization and direction contained in the Commodity Exchange Act, as

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amended (7 U.S.C. 1–17a), the order of the Secretary of Agriculture of October 24, 1922, designating the Chicago Open Board of Trade as a contract market for wheat, corn, oats, and rye, and the order of December 8, 1940, designating the Chicago Open Board of Trade as a contract market for soybeans, have been amended to show the name Midamerica Commodity Exchange instead of Chicago Open Board of Trade, effective on November 22, 1972. Headquarters of the exchange are in Chicago, Ill.

Done at Washington, D.C., this the 8th day of January 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-635 Filed 1-10-73;8:45 am]

SOIL CONSERVATION SERVICE

BIG RUNNING WATER DITCH WATERSHED PROJECT, ARKANSAS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Big Running Water Ditch Watershed Project, Lawrence and Randolph Counties, Ark., USDA–SCS–ES–WS–(ADM)–73–33(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment measures and 82 miles of channel modification with mitigation features.

This draft environmental statement was transmitted to CEQ on December 19, 1972.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Post Office Box 2323, Little Rock, AR 72203.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.75.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Einer L. Roget, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, AR 72203.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: January 4, 1973.

W. B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-636 Filed 1-10-73;8:45 am]

MUD CREEK WATERSHED PROJECT, S. DAK.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Mud Creek Watershed Project, Grant and Deuel Counties, S. Dak. USDA–SCS–ES–WS–(ADM)–73–37(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, one floodwater retarding structure, 1.7 miles of channel improvement, and 9.5 miles of clearing and snagging.

This draft environmental statement was transmitted to CEQ on December 18, 1972.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, 239 Wisconsin Avenue SW., Huron, SD 57350.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.15.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to V. W. Shally, State Conservationist, Soil Conservation Service, 239 Wisconsin Avenue SW., Huron, SD 57350.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: January 4, 1973.

W. B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-637 Filed 1-10-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-323]

ALBANY RIVER TRANSPORT, INC. ET AL.

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicants, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicants have requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicants: Albany River Transport, Inc. (Albany River); Empire Transport, Inc., (Empire); Meadowbrook Transport, Inc. (Meadowbrook); Ogden Merrimac Transport, Inc. (Ogden Merrimac); Platte Transport, Inc. (Platte); Rio Grande Transport, Inc. (Rio Grande); Mohawk Shipping Co., Inc. (Mohawk); Ogden Sacramento Trans., Inc. (Ogden Sacramento); Ogden Sea Transport, Inc. (Ogden Sea); James River Transport, Inc. (James River).

Description of domestic service and vessels. Albany River, Empire, Meadowbrook, Ogden Merrimac, Platte, Rio Grande, Mohawk, Ogden Sacramento, Ogden Sea, and James River, all affiliates of one another and of the other owning companies listed hereafter, have each requested written permission to continue employment in the domestic intercoastal and/or coastwise service for the below-listed vessels owned by each or their affiliates: *Provided, however,* The vessel(s) are not then currently receiving operating-differential subsidy.

Ship	*Owning Company*
Albany	Albany River.
Connecticut	Connecticut Transport, Inc.
James	James River.
Missouri	Meadowbrook.
Mohawk	Mohawk.
Ogden Wabash	Wabash Transport, Inc.
Ogden Willamette	Willamette Transport, Inc.
Ogden Yukon	Ogden Sea.
Yellowstone	Rio Grande.

Written permission is now required by the applicants notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect these applications in the Office of The Secretary Maritime Administration, Department of Commerce Building, 14th and E Streets NW, Washington, DC 20235.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on January 17, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., January 19, 1973, Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation, operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

Dated: January 5, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-642 Filed 1-10-73;8:45 am]

[Docket No. S-325]

MONTPELIER TANKER CO.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed Applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such Applicant if its application for operating-differential subsidy is granted.

The following Applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of Applicant. Montpelier Tanker Co. (Montpelier).

Description of Domestic Service and Vessels. The applicant, Montpelier, a subsidiary of Victory Carriers, Inc., owns the *Montpelier Victory* and *American Victory*, and has requested written permission to, directly or indirectly, own, operate or charter one or more vessels in the domestic intercoastal or coastwise service, and to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters or operates any vessels in the domestic intercoastal or coastwise service. The applicant is also affiliated with Monticello Tanker Co., Mount Vernon Tanker Co. and Mount Washington Tanker Co. who each own and operate a tanker operating in worldwide trading.

Written permission is now required by the applicant, Montpelier, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on January 18, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., January 23, 1973 in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

Dated: January 8, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-641 Filed 1-10-73;8:45 am]

[Docket No. S-324]

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Lines, Inc. (Lines) has filed an application requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, (1) for Lines and Moore and McCormack Co., Inc. (Co., Inc.) (a) to own, charter out, and operate dry bulk cargo ships as contract carriers in the domestic trade between U.S. ports on the Great Lakes, and (b) to own a pecuniary interest, directly or indirectly, in a person or concern that owns or charters, and operates dry bulk cargo ships as contract carriers in the domestic trade between U.S. ports on the Great Lakes, and (2) for Messrs. Barker and Tregurtha to be directors, and Messrs. Hoyt and McInnes to be officers and directors of a proposed subsidiary, probably named Interlake Steamship Co. Lines has requested this permission in connection with Lines and Co., Inc.'s intention to acquire the assets and properties of Pickands Mather & Co. (PM), including 13 dry bulk cargo ships, listed hereafter, operating as contract carriers between U.S. ports on the Great Lakes. Upon acquisition it is proposed that the ships continue to be operated as contract carriers between U.S. ports on the Great Lakes.

Frank Armstrong.	Samuel Mather.
Charles M. Beeghly.	J. L. Mauthe.
Harry Coulby.	Colonel James Pickands.
E. G. Grace.	
Robert Hobson.	Charles M. Schwab
Elton Hoyt 2d.	John Sherwin.
Herbert C. Jackson.	Walter E. Watson.

Lines has requested the aforementioned written permission for domestic operation without prejudice to the claimed existence of a bona fide operation by PM or its predecessors as a contract carrier in domestic trade between U.S. ports on the Great Lakes in 1935 and continuous operations since that time, thereby establishing rights under section 805(a).

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent

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to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on January 18, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. January 22, 1973, in Room 4896, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the subjects and policy of the Act.

Dated: January 8, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON,
Secretary.

[FR Doc.73-639 Filed 1-10-73;8:45 am]

[Docket No. S-326]

OGDEN SEA TRANSPORT, INC., ET AL.

Notice of Multiple Applications

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and the trades in which each proposes to engage are also presented. The address of each of the applicants is the same, i.e., Two Pennsylvania Plaza, New York, NY 10001.

Applicant's Name	Type of Ship	Name of Ship
Ogden Sea Transport, Inc.	Bulk carrier	SS Columbia.
Do	Tanker	SS Ogden Yukon.
James River Transport, Inc.	General carrier.	SS James.
Ogden Sacramento Transport, Inc.	Bulk carrier	SS Sacramento.
Mohawk Shipping Co., Inc.	General carrier.	SS Mohawk.
Rio Grande Transport, Inc.	Bulk carrier.	SS Yellowstone.
Platte Transport, Inc.	do	SS Platte.
Ogden Merrimac Transport, Inc.	do	SS Merrimac.
Meadowbrook Transport, Inc.	do	SS Missouri.
Albany River Transport, Inc.	General carrier.	SS Albany.
Empire Transport, Inc.	Bulk carrier.	SS Potomac.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C. during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before January 18, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: January 8, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-640 Filed 1-10-73;8:45 am]

Office of Import Programs

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket Number: 72-00545-01-74600. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Digital correlator and probability analysis system, Type K7023. Manufacturer: Precision Devices and Systems, Ltd., United Kingdom. Intended use of article: The article will be used initially in an investigation of the variation of the relaxation time of local fluctuations in the order parameter of nematic, smetic, and cholesteric liquid crystals in their isotropic phases very near the phase transition between the isotropic phase and a liquid crystal phase. The materials to be studied include p-methoxy benzylidene, p-n-butyl aniline and p-ethoxy benzylidene, p-amino benezonitriile (nematic liquid) and several p-alkoxybenzylidene-p aminoacetophenons (smetic liquid).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum

dated December 8, 1972, that the combination of speed of data collection and time resolution of input pulses that the foreign article provides is pertinent to the applicant's study which involves measurement of relaxation times of nematic and smetic liquid crystals. The most closely comparable domestic instrument is the Model SAI-43 correlation and probability analyzer manufactured by Saicor Analysis Industries Corp. HEW further advises that it knows of no comparable domestic instrument (including the SAI-43) which matches the pertinent combination provided by the foreign article. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-623 Filed 1-10-73;8:45 am]

MERCY CATHOLIC MEDICAL CENTER ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00087-33-46040. Applicant: Mercy Catholic Medical Center, Lansdowne Avenue and Baily Road, Darby, Pa. 19023. Article: Electron Microscope, Model EM 9S-2, Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studying the evolution of pulmonary edema in dogs. Specifically the article will be used for analysis of the fractional volume of interalveolar tissue. The article will also be used for training in pathology of electron microscope operation and electron micrograph interpretation. Application received by Commissioner of Customs: August 4, 1972. Advice submitted by Department of Health, Education, and Welfare on: December 8, 1972.

Docket No. 73-00100-33-46040. Applicant: St. Joseph Hospital, 1919 LaBranch, Houston, TX 77002. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the elucidation of pathological entities to be reported in medical literature, and the study of more basic research problems, such as the fine structure of tissue cultures, and experimentally produced neoplasms in mice. In addition the article will be used in a formal training program in electron microscopy. Application received by Commissioner of Customs: August 10, 1972. Advice submitted by Department of Health, Education, and Welfare on: December 8, 1972.

Docket No. 73-00106-33-46040. Applicant: Beekman Downtown Hospital, 170 William Street, New York, NY 10038. Article: Electron Microscope, Model HS-8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for training of medical technologists and residents in the principles of electron microscopy and application of electron microscopy to tissues sections. In addition, the article will be used in research directed largely to the cardiovascular system in man and animals to improve the understanding of cardiac disease and diagnosis and provision of a rational basis for therapy. Application received by Commissioner of Customs: August 11, 1972. Advice submitted by Department of Health, Education, and Welfare on: December 8, 1972.

Docket Number: 73-00110-33-46040. Applicant: Shippensburg State College, Shippensburg, Pa. 17257. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used to observe and photograph the various cellular organelles and membrane systems of animal and plant cells in order to establish relationships between structural properties of the organelles and functioning or metabolic state of the cell or organism from which they have been extracted. Specifically, the experiments to be conducted involve (1) ultrastructure of lysosomes in carrot embryoids, and their possible role in control of cell division and (2) the study of cellular components of certain flagellate protozoa, namely the kinetoplast and flagellar structures in trypanosomatids. The article will also be used in various graduate and undergraduate courses as a research tool to examine various cellular components; and as a training tool to teach techniques of specimen preparation, use of the electron microscope, and interpretation of electron micrographs. Application received by Commissioner of Customs: August 15, 1972. Advice submitted by Department of Health, Education, and Welfare on: December 8, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-626 Filed 1-10-73;8:45 am]

RUTGERS MEDICAL SCHOOL ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00092-33-46040. Applicant: Rutgers Medical School, New Brunswick, N.J. 08903. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the biosynthesis and degradation of collagen, the major protein found in tissues such as skin, bone, and small blood vessels. Sections of tissues and cells which are either synthesizing or degrading collagen and molecules such as enzymes which are involved in either the biosynthesis or degradation of collagen will be examined with the article. The article will also be used to teach students who are candidates for M.D. degree, students who are candidates for Ph. D. degrees in biochemistry and postdoctoral fellows who seek further research training. Application received by Commissioner of Customs:

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August 3, 1972. Advice submitted by Department of Health, Education, and Welfare on: December 8, 1972.

Docket No. 73–00104–33–46040. Applicant: University of Iowa, Ultrastructure Division, College of Dentisty, Dental Science Building, Iowa City, Iowa 52240. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for biological research projects in the academic discipline of dentistry which include, among others, the following:

A. Computerization of electron densitometric data obtained from Faraday cage of electron microscope in quantitative and three-dimensional studies of the nervous system.

B. Comparative quantitative studies between light microscopy and low magnification electron microscopic technics, specifically with regard to nerve fiber size spectra.

C. High resolution electron microscopy of nerve twig myelin and axoplams with different functions.

D. Three-dimensional reconstructions of millimeter-long mammalian muscle spindles.

E. High resolution negative staining technic in characterization of proteinpolysaccharide-complexes of unknown size and composition in embryonic connective tissue from mice. Also students completing the course Electron Microscopy will use the instrument for training in three-dimensional ultrastructure, high-resolution electron microscopy, and maintenance of different makes of a modern electron microscope. Application received by Commissioner of Customs: August 11, 1972. Advice submitted by Department of Health, Education, and Welfare on: December 8, 1972.

Docket No. 73–00108–33–46040. Applicant: Veterans' Administration Hospital, General Medical Research Service, 3495 Bailey Avenue, Buffalo, NY 14215. Article: Electron microscope, Model Elmiskop 1A and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in studies of tight junction of the proximal tubule of rabbit for determination of fine structure and modification of fine structure by hormones such as antidiuretic hormone. Other experiments to be conducted include: (1) Localization of lactic dehydrogenase isoenzymes in the heart muscle of experimental animals subjected to periods of hypoxia, and (2) identification of the components of amyloid in organs of experimental animals and human beings afflicted with the disease, and (3) identification of isolated and purified components prior to chemical characterization. Application received by Commissioner of Customs: August 15, 1972. Advice submitted by Department of Health, Education, and Welfare on: December 8, 1972.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU–4C has a specified resolving capability of 5 Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU–4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. Blankenheimer,
Acting Director,
Office of Import Programs.

[FR Doc.73–624 Filed 1–10–73;8:45 am]

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00182–01–77030. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, CT 06520. Article: Nuclear Magnetic Resonance. Spectrometer, Model JNM–MH–100. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in several areas of research including the following representative samples: (1) Structural investigations of sparingly soluble natural, products; (2) High sensitivity studies of ^{13}C sidebands to follow incorporation of labeled compounds in the elucidation of biosynthetic pathways; (3) Kinetic and mechanistic studies using accurate nmr line shape analysis of nonrigid organic, organometallic and inorganic complex compounds; (4) Studies of binding of small molecules to oligonucleotides; (5) Studies of isotope exchange; (6) Studies of rearrangement mechanisms in Vitamin B_{12} analogs; (7) NOE and high resolution studies of stereo-chemistry about the glycosidic linkage in nucleosides; (8) Studies involving relationships between electronic and molecular structure and nmr parameters in small ring and bicyclic alkanes and alkenes; (9) Kinetic and mechanistic studies of rearrangements of carbonium ions; and (10) Structural investigations of aqueous dispersions of lecithins and other model membrane systems. The article will also be used in the following courses: (1) Chemistry 42 (a,b), Research Problems in Chemistry; and (2) Chemistry 144, Organic Laboratory Techniques.

Comments: Comments were received from Varian Associates which allege inter alia that an NMR Spectrometer of equivalent scientific value (the Varian XL–100–15) for the purposes for which the article is intended to be used is being manufactured in the United States. (Comments dated January 28, 1972.) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant institution without excessive delay at the time the foreign article was ordered (Sept. 2, 1970). Reasons: The foreign article is of the category that is customarily "produced on order" which is defined in § 701.2(j) of the Department's regulations as "an instrument, apparatus, or accessory which a manufacturer lists in a current catalog and is able and willing to produce and have available without unreasonable delay to the applicant." Section 701.11(b) of the regulations provides in pertinent part that "In determining whether a U.S. manufacturer is able and willing to produce a product on order, or custom-made instrument, apparatus, or accessory and have it available without unreasonable delay to the applicant, the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category."

The question of availability without unreasonable delay is associated with the issue of excessive delivery time which is explained in § 701.11(c) of the regulations as follows:

(c) *Excessive delivery time.* Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The foreign article was ordered September 2, 1970. The applicant alleges that the Varian XL–100–15, the most closely comparable domestic instrument, was not available "within a reasonable delivery period from the time of our purchase." In a letter dated August 5, 1970, to the Department of Commerce regarding the availability of the Varian XL–100–15 system, Varian advised that the delivery time for the XL–100–15 system, was 6 to 8 months. The delivery time for the foreign article was quoted as 90 days from the receipt of order. The National Bureau of Standards (NBS) advises in its memorandum dated October 7, 1972, that the difference in delivery time is significant for the applicant's requirement for use of the article during the 1970–71 academic year.

Accordingly, we find the difference in delivery time between the foreign article and the Varian XL–100–15 to be excessive within the meaning of § 701.11(c) as it would seriously impair the accomplishment of the applicant's program.

B. Blankenheimer,
Acting Director,
Office of Import Programs.

[FR Doc.73–625 Filed 1–10–73;8:45 am]

YESHIVA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73–00052–01–10100. Applicant: Yeshiva University, Belfer Graduate School of Science, Amsterdam Avenue and 185th Street, New York, N.Y. 10033. Article: Temperature-jump instrument. Manufacturer: Hartley Measurements, Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine the rates of extremely fast reactions in aqueous solutions. The temperature-jump technique consists of perturbing an equilibrium system with rapid change in temperature and observing the rapid exponential relaxation to the new equilibrium conditions. The relaxation times of the reactions to be studied are as fast as 1 or 2 microseconds. Particular emphasis will be placed on reactions of biochemical importance, differences between diastereoisomeric pairs, and differences between isotopic pairs.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article can be used to measure reactions taking place in as little as 1 microsecond. The most closely comparable domestic temperature-jump apparatus, the Model D–150, manufactured by the Durrum Instrument Corp. cannot be used to measure reaction times faster than 20 microseconds. The Department of Health, Education, and Welfare (HEW) in its memorandum dated December 8, 1972 advises that the capability of the article for measuring reactions occurring in a minimum time is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no comparable domestic instrument which matches the pertinent specification of the article.

For these reasons we find the Model D–150 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. Blankenheimer,
Acting Director,
Office of Import Programs.

[FR Doc.73–627 Filed 1–10–73;8:45 am]

Office of Minority Business Enterprise

ADVISORY COUNCIL FOR MINORITY ENTERPRISE—EDUCATION COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776) notice is hereby given that a public meeting of the Education Committee of the Advisory Council for Minority Enterprise will be held on January 19 and 20, 1973 in Room Executive IV of the Ramada Inn, 6060 Central Expressway, Dallas, Tex. The meeting will be held from 1 p.m. to 5 p.m. on January 19 and from 9 a.m. to 12 noon on January 20, and will be open to the public. Any member of the public who wishes to do so may file a written statement with the Committee, before or after the meeting. Such statements may be filed at 1000 Vermont Avenue, Washington, D.C. (202/967–3922). Interested persons may make oral statements at the meeting to the extent that the time available for the meeting permits.

The purpose of the meeting is to formulate plans and priorities for the Education Committee for the forthcoming year.

Dated: January 8, 1973.

Charles Stein,
Executive Secretary of the Advisory Council for Minority Enterprise.

[FR Doc.73–669 Filed 1–10–73;8:45 am]

Office of Textiles

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Notice of Closed Meeting

A. Management-Labor Textile Advisory Committee (the Committee).

B. The meeting is scheduled for January 17, 1973, at 2 p.m., Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

C. The purpose of the meeting is to provide advice and information to Department officials on conditions in the textile industry and on trade in textiles and apparel.

D. The Acting Assistant Secretary of Commerce for Administration, pursuant to section 10(d) of Public Law 92–463, determined on January 8, 1973, that the Committee meeting scheduled for January 17, 1973, shall be exempt from the provisions of section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in section 552(b)(5) of title 5, United States Code.

E. Further information may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

Arthur Garel,
Director, Office of Textiles, Bureau of Resources and Trade Assistance.

[FR Doc.73–751 Filed 1–10–73;10:25 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9542; Docket No. FDC–D–535; NDA 9–542, etc.]

CERTAIN COMBINATION DRUGS CONTAINING RAUWOLFIA ALKALOIDS

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications; Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study

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Group, on the following drugs for oral administration:

1. Reserpine with Pyrilamine Maleate Tablets containing pyrilamine maleate and reserpine; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, NY 11106 (NDA 10-934).

2. Belserp Tablets containing reserpine, hyoscyamine sulfate, atropine sulfate, and scopolamine hydrobromide; Nysco Laboratories, Inc. (NDA 10-254).

3. Raudonna Tablets containing reserpine, hyoscyamine sulfate, atropine sulfate, and scopolamine hydrobromide; Mallinckrodt Pharmaceuticals, Division Mallinckrodt Chemical Works, Second and Mallinckrodt Street, St. Louis, Mo. 63160 (NDA 10-127).

4. Renir Tablets containing reserpine and ephedrine sulfate: The S. E. Massengill Co., 527 Fifth Street, Bristol, TN 37620 (NDA 10-407).

5. Pedresin Tablets containing rescinnamine, thiamine mononitrate, and cobalamin concentrate; Nysco Laboratories, Inc. (NDA 11-291).

6. Aminoserp Tablets containing aminophylline and reserpine; Nysco Laboratories, Inc. (NDA 10-164).

7. Solfo-Serpine Tablets and Capsules containing reserpine, phenobarbital, and colloidal sulfur; Wm. P. Poythress & Co., Inc., 16 North Street, Richmond, VA 23217 (NDA 11-139).

8. Sandril with Pyronil Tablets, containing reserpine and pyrrobutamine phosphate; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 9-542).

The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that combination drugs of the kinds described above will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or that each ingredient of the combination preparations contributes to the total effects claimed for the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto, including those providing for other oral dosage forms, on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the appplicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner withqut further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-566 Filed 1-10-73;8:45 am]

[DESI 6257; Docket No. FDC-D-540; NDA 6-257]

COMBINATION CONTAINING AMINOPHYLLINE, DIPHENHYDRAMINE, AND AMMONIUM CHLORIDE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Hydryllin Compound, containing aminophylline, diphenhydramine, and ammonium chloride; G. D. Searle & Co., Post Office Box 5110, Chicago, Ill. 60680 (NDA 6-257).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this fixed combination drug will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drug contributes to the total effects claimed.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 27, 1972.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-567 Filed 1-10-73;8:45 am]

MANUFACTURERS AND DISTRIBUTORS

Notice of Prescription Drugs for Human Use Affected by Drug Efficacy Study Implementation; Correction

The Commissioner of Food and Drugs issued a notice to manufacturers and distributors regarding prescription drugs for human use affected by Drug Efficacy Study Implementation, which was published in the FEDERAL REGISTER of Thursday, December 14, 1972 (37 FR 26623). The third sentence in the second paragraph of the first column on page 26625 reading "If infections with the gram-negative organisms are impetigo-like and not deep and spreading, they may be treated with topical antibiotics because systemically administered agents for these organisms would be used for most skin infections since they are usually due to staphylococci and streptococci." should be corrected to make two sentences that will read "If infections with the gram-negative organisms are impetigo-like and not deep and spreading, they may be treated with topical antibiotics because systemically administered agents for these organisms may produce serious side effects. Bacitracin (or gramicidin) and neomycin would be used for most skin infections since they are usually due to staphylococci and streptococci."

Dated: December 26, 1972.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-564 Filed 1-10-73;8:45 am]

[DESI 9036]

OXYTETRACYCLINE HYDROCHLORIDE AND POLYMYXIN B SULFATE VAGINAL TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation Followup Notice

In a notice (DESI 9036) published in the FEDERAL REGISTER of April 4, 1972 (37 FR 6773), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

Terramycin Vaginal Tablets with Polymyxin B Sulfate, containing oxytetracycline hydrochloride and polymyxin B sulfate; Pfizer Inc., 235 East 42d Street, New York, NY 10017 (NDA 61-009).

The notice stated that the drug was regarded as effective and possibly effective for the various labeled indications.

The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted pursuant to the notice of April 4, 1972.

Pfizer Inc. has supplemented their antibiotic application to delete the possibly effective indications from the drug's labeling.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release or eligible for exemption from certification.

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Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 26, 1972.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-565 Filed 1-10-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D–73–213]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Loan and Contract Servicing

The Redelegation of Authority to Regional Administrators et al., with respect to Loan and Contract Servicing published at 35 FR 16104, October 14, 1970, and amended at 36 FR 1488, January 30, 1971, 36 FR 21539, November 10, 1971, 37 FR 104, January 5, 1972, and 37 FR 14427, July 20, 1972, is further amended as follows:

1. In section A a new paragraph 2 is added to read as follows:

2. In addition to the authority redelegated in section A.1, the Regional Administrator and Deputy Regional Administrator, San Francisco Regional Office, Region IX, and the Area Director, Deputy Area Director, and Director, Housing Management Division, San Francisco Area Office, Region IX, each is authorized to exercise within the jurisdiction of the San Francisco Area Office the following authority:

a. To approve and execute the modification in the terms of insured project mortgages subsequent to final insurance endorsement or HUD-held mortgages: *Provided*, That such authority is limited to deferment of principal not to exceed 1 year and only so long as the mortgagor continues to pay full interest, escrow requirements, and, as applicable, service charges on HUD-held mortgages.

b. To approve and execute Provisional Work-Out Arrangements with respect to HUD-held project mortgages even though in default: *Provided*, That such work-out arrangements shall not exceed 1 year and that the mortgagor continues to pay a monthly installment equal to the service charge, escrow requirements and not less than one-half (½) of the interest requirement.

2. In section A, paragraph 2 is renumbered 3 and is revised to read:

3. Each Director, Housing Management Division, Area Office and Insuring Office, is authorized to exercise the power and authority under section A,1, and each Chief, Management and Mortgage Servicing Section, Insuring Office, is authorized to exercise the power and authority under section A,1, paragraphs d–s.

(Secretary's delegation of authority published at 36 FR 5005, Mar. 16, 1971)

Effective date. This amendment to redelegation of authority is effective as of December 15, 1972.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.73–605 Filed 1–10–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX 72–2; Notice 2]

GENERAL MOTORS CORP.

Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to grant General Motors Corp. an exemption from compliance with Federal Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, from January 8, 1973 to January 1, 1974, covering up to 1,000 Chevrolet passenger cars. The ground for the exemption is that it would facilitate the development and field evaluation of an innovational safety feature.

Notice of petition for the exemption was published in the FEDERAL REGISTER on December 13, 1972 (37 FR 26539) and an opportunity afforded for comment. Section 123(e) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410(e)) requires General Motors to "include in the application research, development, and testing documentation establishing the innovational nature of the safety features and a detailed analysis establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which the exemption is sought." The salient points of the petition in support of these factors may be summarized as follows:

1. A detailed description of the General Motors Air Cushion Restraint System has been filed in Docket No. 69–7, and the system is discussed in two papers of the Society of Automotive Engineers: No. 720407, "Air Cushion Restraint Systems Development and Vehicle Applications", by D. D. Campbell, and No. 720411, "Special Problems and Considerations in the Development of Air Cushion Restraint Systems", by E. H. Klove, Jr. and R. N. Oglesby.

2. The SAE papers and documentation submitted previously by General Motors establish the innovational nature of air cushions on a restraint system, and demonstrate that the level of safety exceeds the level of safety provided by the lap and shoulder restraints required by Standard No. 208.

The petition was supported by Allstate Insurance Co. and opposed by the Public Interest Research Group and Edward F. Kearney of Falls Church, Va. The principal issues raised by the comments, and involved in the matter, are as follows:

A. *Support for petition.* The Public Interest Research Group asserts that petitioner has submitted no research, development, or test data with the application to support its allegations that it is developing an innovational safety feature or that the feature provides a level of safety which equals or exceeds that required by Standard No. 208. The Research Group contends that it is unnecessarily burdensome for the public to search the files for the documents General Motors has referenced, and that the petitioner should submit the results of "development and certification tests conducted in accordance with MVSS 208" which apparently are not in the public domain.

The NHTSA has decided that General Motors has adequately made and documented its case, and that the exemption if granted would facilitate the development and field evaluation of an innovational safety feature, one which will provide a level of safety exceeding that required by Standard No. 208. The air cushion restraint system in question was developed by General Motors as a result of rulemaking proceedings of the NHTSA (Docket No. 69–7) culminating in the issuance of Standard No. 208, *Occupant Crash Protection*. The system is designed to satisfy the requirements of "Option 1" of that standard, providing complete passive protection. All aspects of the air cushion restraint system, including test data and discussions of its merits relative to other types of systems, are described in detail in the many thousands of pages of material contained in that docket, which is available to the public at the same location as the petition considered in this notice. In response to petitions for review of the

standard in the U.S. Court of Appeals for the Sixth Circuit, this agency took the position that passive systems such as the one considered in this petition provide an overall level of protection that is equivalent to, and in many respects superior to, the protection offered by belt systems presently in use. Although the court of appeals remanded the proceeding to the agency for further elaboration of its test dummy specifications, it upheld the NHTSA's judgment that the passive protection requirement was practicable and met the need for motor vehicle safety. (Chrysler Corp. v. DOT, No. 71–1339, 6th Cir. 1972.) Thus, this petition is unique in that it involves a system that is already exhaustively described in the public docket, and whose merits have already been favorably passed on in the course of both agency rulemaking and judicial review. For these reasons this agency has determined that further documentation of the features of General Motors' air cushion system for purposes of this petition is unnecessary.

B. *Scope of exemption.* Edward F. Kearney has commented that the exemption should not relieve the manufacturer of the obligation to provide lap belts in the driver's seating position, contending that failure of the driver to wear the lap belt can contribute to a crash or cause injuries to others.

The purpose of the exemption is to evaluate under actual driving conditions a restraint system for front seat occupants that is completely passive in nature, and not a hybrid active-passive system. To grant Mr. Kearney's request would tend to defeat the purpose of this exemption. Also, as noted above, the agency has determined that the air cushion system provides a level of safety at least equivalent to belt systems. The Allstate Insurance Co., which has equipped an experimental fleet of over 200 vehicles with both air cushions and lap belts, did not make a request similar to Mr. Kearney's in supporting the petition, as it has found that usage of the lap belt system is less than 17 percent.

C. *Timeliness of application.* The Research Group argued that an exemption cannot be granted in advance of the application procedures, alleging that the regulations are an integral part of the exemption scheme.

The NHTSA does not agree with this position. The new exemption authority (Public Law 92–548) was enacted on October 25, 1972. Although the legislation directed the Secretary to issue regulations, it did not state that no action on petitions should be taken until regulations were finally in effect. In this case, deferring consideration of the petition would delay field evaluation of a safety device which the agency believes has a great potential in reducing deaths and injuries resulting from traffic accidents. The NHTSA agrees that it is normally preferable to defer action until the implementing regulations are adopted, but in this case important countervailing considerations were found to exist.

In consideration of the foregoing, General Motors Corp. is granted NHTSA Exemption No. 73–2, exempting up to 1,000 Chevrolet passenger cars manufactured from January 8, 1973, to January 1, 1974, from compliance with the requirements of paragraphs S4.1.1.2, S4.1.1.3, and S4.1.2.2 of Federal Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, applicable to front designated seating positions.

General Motors will be required to provide notification in the manner proposed (37 FR 25533, Dec. 1, 1972), in both a windshield label and the vehicle's certification label attached to the door or door post nearest the driver.

(Sec. 3, Public Law 92–548, 86 Stat. 1151, 15 U.S.C. 1410; delegation of authority at 49 CFR 1.51)

Issued on January 5, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73–547 Filed 1–8–73;10:50 am]

[Docket No. EX 72–1; Notice 2]

LOTUS CARS, LTD.

Temporary Exemption from Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to grant Lotus Cars, Ltd. an exemption from compliance with Federal Motor Vehicle Safety Standard No. 214, *Side Door Strength*, from January 8, 1973, to August 15, 1973. The ground for the exemption is that compliance would cause the petitioner substantial economic hardship. The exemption is for the Lotus Europa model only.

Notice of petition for the exemption was published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25768), and an opportunity afforded for comment. Section 123(e) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410(e)) requires Lotus to demonstrate that compliance with Standard No. 214 would cause it substantial economic hardship, and that it has made a good faith effort to comply with the standard. The salient points of the petition in support of these factors may be summarized as follows:

1. The basic design of the Europa door does not permit the introduction of a straight beam linking the door hinge to the door latch. Introduction of a sufficient reinforcement would incur tooling and development costs of $750,000, and necessitate an increase in retail price of $1,500. However, the reinforcement would reduce the window opening in the Europa to less than 3 inches.

2. Thirty-eight percent of the company's worldwide sales in 1972 have been in the American market. The Elan model, representing 20 percent of U.S. sales, has already been discontinued because of its inability to meet Standards No. 215 and No. 302, effective September 1, 1972. Failure to secure an exemption from Standard No. 214 would terminate the participation by Lotus in the American market for about a year until new conforming models are introduced. Projected losses of $444,000 would be incurred.

3. Lotus believes the exemption will not be necessary for more than 1,000 units, and the two new models scheduled for introduction in 1973 are designed to conform to Standard No. 214.

Comments supporting the petition were received from American Motors Corp. and Ecurie Shirlee Corp. of Manhattan Beach, Calif. The petition was opposed by the Center for Auto Safety, the Public Interest Research Group, and Mr. George J. Grumbach, Jr. of New York City, N.Y. The principal issues raised by the comments, and involved in the matter, are as follows.

A. *Substantial economic hardship.* The Public Interest Research Group argued that Lotus has failed to prove that lack of an exemption would result in an irretrievable loss of U.S. dealerships and permanent exclusion from the American market. It asserted that affidavits from dealers and market surveys should have been submitted by Lotus in support of its statement of expected consequences of a denial. The Research Group also contended that Lotus should have estimated whether the predicted economic loss of $444,000 could be made up in whole or in part by raising the price of vehicles sold outside the U.S. market, and showing, as an alternative, that the market outside the United States could not absorb the nonexempted Lotuses. The Research Group suggested that in the absence of such a demonstration, the only economic hardship suffered would be a reduction in profits, and expressed doubt that that alone constitutes "substantial economic hardship." The Center for Auto Safety asked for a clarification of "hardship," arguing that the need of Lotus for an exemption is predicated upon faulty management decisions and that the NHTSA should discourage applications growing out of such circumstances.

The NHTSA has decided that Lotus has adequately made and documented its case for substantial economic hardship. It is clear that a denial would cause Lotus to leave the American market until either a conforming Europa could be manufactured, late in 1973, or until its planned new models could be introduced. Bringing the Europa into conformity would necessitate large, unplanned-for expenditures, delay new models that will incorporate a higher level of overall safety than the Europa, and result in a vehicle whose reception by the public would be dubious because of its reduced window opening. Either course would deprive petitioner of almost 40 percent of its sales income for 1973.

It is possible that some lost volume could be diverted elsewhere, but other costs and risks would be incurred. The incremental inventory cost of equipping the vehicles to meet U.S. safety standards would either be substantially lost, or result in an additional price premium that would make the vehicles harder to sell. The effort to expand sales for a

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short period in other markets would entail major costs in overhead and management time, with uncertain results. It is probably true that Lotus has a sufficient reputation that denial of the exemption would not cause an irretrievable loss of its dealerships, or permanently exclude it from the U.S. market. But this agency does not interpret the exemption legislation (Public Law 92–548, 86 Stat. 1159) as requiring such a showing. It finds that Lotus has demonstrated that without an exemption this small producer will suffer a severe financial setback. That the projected loss may ultimately not be fatal is balanced by the fact that the exemption sought is limited to one standard and to a short period of time. Thus, on the basis of data presented, the NHTSA finds that conformity to Standard 214 would cause substantial economic hardship for Lotus within the meaning of section 123 of the Act.

The NHTSA cannot accept the view of the Center for Auto Safety that the agency should reject an application resulting from a risk that management consciously incurred. The Center argues that Lotus should have devoted its efforts to improving the Europa rather than gambling that its conforming model would be ready by January 1, 1973. It was, however, demonstrated that Lotus has given effort to upgrading the Europa. The basic design of the vehicle antedates its introduction in 1968, when the initial Federal safety standards became effective, and the company has not previously sought an exemption from any other standard.

Particularly in a small company, management cannot be expected to anticipate every contingency, and Lotus' inability to adhere to its production schedule for its new model should not be considered fatal to its application. The situation would be different where management deliberately avoided conformance, but no evidence of bad faith is present in the current situation.

B. *Good faith efforts to comply.* The Public Interest Research Group and the Center for Auto Safety argued that Lotus should demonstrate at what points and how its schedule for development of a model complying with Standard No. 214 was delayed, and that Lotus should state whether alternate methods were considered.

The NHTSA believes that the submission by Lotus demonstrates that the Europa could not be brought into conformity without major changes to the vehicle structure, which would create a problem of window clearance, and that the decision to introduce successor models was made at a reasonably early time, with a view to conforming to Standard No. 214 and presumably other standards coming into effect in the mid-70's. Submission of a development schedule would be relevant to the issue of good faith, but since a delay of less than a year is involved, the agency has found such a submission unnecessary to make a decision at this time. The question may be reconsidered, however, in the event of a petition for extension of the exemption.

C. *Public interest.* Mr. George J. Grumbach, Jr. commented that the economic hardship to Lotus should be weighed against the cost of injuries that could be suffered. He argued that damages from personal injuries of $100,000 could arise, and that if Lotus' profit on a sale of 1,000 units is $1,000 per unit, "no more than ten serious accidents would be required to counterbalance the economic hardship Lotus claims it would suffer." Mr. Grumbach suggested that as a minimum Lotus should indicate on its sales controls and literature, and on a permanent plaque on the dashboard, that the Europa fails to meet Standard No. 214.

Mr. Grumbach's comments point to an issue that much be considered in determining whether the exemption is in the public interest. It should be noted, however, that an analysis of direct public costs and benefits may not be conclusive in determining the merits of an exemption petition. The intent of the hardship exemption legislation was at least in part to mitigate the economic effects of the standards on small manufacturers, with a view to preserving their viability and the long-term public benefits of variety of choice in automotive transportation—benefits that cannot adequately be measured in financial terms.

The NHTSA has found that the safety detriment to drivers and passengers of Lotus Europas is not sufficient to outweigh the other considerations discussed herein, in light of the purposes of the exemption legislation. The exemption will enable Lotus to introduce in a relatively short time vehicles that will meet or exceed current and proposed standards. Again, the limited character of the Lotus petition is relevant, in that exemption is sought for only 1,000 vehicles from one standard for 8 months.

Mr. Grumbach's suggestion regarding purchaser notification has been filed in Docket No. 72–30 and will be considered in formulating the regulations for Temporary Exemption from Federal Motor Vehicle Safety Standards. Lotus will be required to provide notification in the manner proposed (37 FR 25533, Dec. 1, 1972), on both a windshield label and the vehicle's certification label attached to the door or door post nearest the driver. The certification label will read:

This Vehicle Conforms To All Applicable Federal Motor Vehicle Safety Standards In Effect on the Date of Manufacture Shown Above Except for Standard No. 214, Side Door Strength. Exempted Pursuant to NHTSA Exemption No. 73–1.

The windshield label will have the same statement, except that the words "shown above" will not be included.

D. *Timeliness of application.* The Public Interest Research Group argued that an exemption cannot be granted in advance of adoption of the application procedures, alleging that the regulations are an integral part of the exemption scheme.

The NHTSA does not agree with this position. The new exemption authority (Public Law 92–548) was enacted on October 25, 1972. Although the legislation directed the Secretary to issue regulations, it did not state that no action on petitions should be taken until the regulations were finally in effect. In this case, delay would create a hardship, since Standard No. 214, from which exemption is sought, was effective January 1, 1973. The NHTSA agrees that it is normally preferable to defer action until the implementing regulations are adopted, but in this case important countervailing considerations were found to exist.

In consideration of the foregoing, Lotus Cars, Ltd. is granted NHTSA Exemption No. 73–1, exempting its Europa model manufactured from January 8, 1973, to August 15, 1973, from compliance with Federal Motor Vehicle Safety Standard No. 214, *Side Door Strength.*

(Sec. 3, Public Law 92–548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 40 CFR 1.51)

Issued on January 5, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-548 Filed 1-8-73;10:50 am]

PRIME GLAZING MATERIAL MANUFACTURERS

Assignment of Code Numbers

This notice publishes code numbers presently assigned by NHTSA to prime glazing material manufacturers.

Code numbers may be used by prime glazing material manufacturers as a means of certifying that glazing materials conform to Motor Vehicle Safety Standard No. 205, "Glazing Materials" (49 CFR 571.205). Pursuant to recent amendments to Standard No. 205 (37 FR 12237, June 21, 1972; 37 FR 24035, November 11, 1972), each prime glazing material manufacturer will be required, after April 1, 1973, to certify glazing materials manufactured by him by affixing the symbol DOT to them, in accordance with paragraph S6.2 of Standard No. 205, followed by a code number assigned by NHTSA. Code numbers will be assigned to prime glazing material manufacturers on their written request to the Associate Administrator, Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

(Sections 103, 114, 119, Public Law 89–563, 80 Stat. 718 15 U.S.C. 1392, 1403, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 5, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

CODE NUMBERS ASSIGNED TO PRIME GLAZING MATERIAL MANUFACTURERS

Code No.	Manufacturer
1	Not assigned.
2	Do.
3	Do.
4	Do.
5	Do.
6	Do.
7	Do.
8	Do.
9	Do.
10	Do.
11	Do.
12	Do.
13	Do.
14	Saftee Glass Co., Inc., Philadelphia, Pa.
15	Libbey-Owens-Ford Co., Toledo, Ohio.
16	Hayes-Albion Corp., Jackson, Mich.
17	Triplex Safety Glass Co., Ltd., London, England.
18	P.P.G. Industries, Pittsburgh, Pa.
19	Duplate Canada, Ltd., Toronto, Ontario, Canada.
20	Asahi Glass Co., Ltd., Tokyo, Japan.
21	Chrysler Corp., Detroit, Mich.
22	Guardian Industries Corp., Detroit, Mich.
23	Nippon Sheet Glass Co., Ltd., Osaka, Japan.
24	Splintex Belge S.A., Gilly, Belgium.
25	Flachglas AG Delog Detag, Furth/Bayern, West Germany.
26	Corning Glass Works, Corning, N.Y.
27	Vereinigte Glaswerke, Herzogenrath, West Germany.
28	Spiegelglaswerke Germania, Porz, West Germany.
29	Withdrawn.
30	Sildglas Klumpp & Arretz Gmbh, Bietigheim/Wurtt, West Germany.
31	Glas-und Spiegelmanufaktur N. Kinon Gmbh, Aachen, West Germany.
32	Glaceries Reunies, S.A., Belgium.
33	Laminated Glass Corp., Detroit, Mich.
34	Withdrawn.
35	Hordis Brothers, Inc., Pennsauken, N.J.
36	Societa Italiana Vetro, S.p.A., San Salvo (Chieti), Italy.
37	Fabbrica Pisana DiSpecchi E Lastre Colate, Milan, Italy.
38	N V Glasfabriek "SAS VAN GENT", Sas van Gent, Netherlands.
39	Compagnie de Saint-Gobain, Neuilly, France.
40	Dearborn Glass Co., Bedford Park (Argo Post Office), Ill.
41	Scanex Säkerhetsglas Aktiebolag, Landskrona, Sweden.
42	Société Industrielle TRIPLEX, Longjumeau, France.
43	Boussois - Souchon - Neuvesel, Paris, France.
44	Central Glass Co., Ltd., Tokyo, Japan.
45	Splintex, Ltd., London, England.
46	Cristales Inastillables de Mexico, S.A., Xalostoc Edo. de Mexico.
47	Nordiamex Safety Glass OY, Helsinki, Finland.
48	Rohm and Haas Co., Philadelphia, Pa.
49	Lasipalno Ky, Tampere, Finland.
50	Armourplate Safety Glass Ltd., Port Elizabeth, South Africa.
51	Vetreria di Vernante, S.p.A., Cuneo, Italy.
52	Shatterproof Glass Corp., Detroit, Mich.
53	Hsinchu Glass Works, Inc., Taipai, Taiwan, Republic of China.
54	Sunex Säkerhetsglas AB, Lysekil, Sweden.
55	Globe Glass Mfg. Co., Elk Grove Village, Ill.
56	Armour Glass Co., Santa Fe Springs, Calif.
57	Aktiebolaget Trempex, Eslöv, Sweden.
58	Shatterproof de Mexico, S.A., Col. Industrial Vallejo, Mexico 15, D.F.
59	Industrias Venezolanas Automotrices C.A., Caracas, Venezuela.
60	Muotolast OT, Rauma, Finland.
61	Taylor Products, Inc., Payne, Ohio.
62	Glass Arts of California, Inc., Los Angeles, Calif.
63	Union Carbide Corp., Ottawa, Ill.
64	Tyneside Safety Glass Co., Ltd., Gateshead-on-Tyne, England.
65	Royal Industries, Wichita, Kans.
66	Swedlow, Inc., Garden Grove, Calif.
67	Sierracin Corp., Sylmar, Calif.
68	Vetrobel, S.p.A., Torino, Italy.
69	Fujiwara Kogyo Co., Ltd., Osaka, Japan.
70	AUTOLASI, Lappi T.L., Finland.
71	P. M. Tabor Co., Inc., Costa Mesa, Calif.
72	Mitsubishi Rayon Co., Ltd., Los Angeles, Calif.
73	V. E. Lipponen OY, Oulu, Finland.
74	Beclawat (Canada), Ltd., Pointe Claire, Quebec, Canada.
75	Ford Motor Co., Dearborn, Mich.
76	The Tudor Safety Glass Co., Ltd., Sheppey, Kent, England.
77	Dongsung Glass Co., Ltd., of Korea, Seoul, Korea.
78	American Cyanamid Co., Sanford, Maine.
79	Triclover Safety Glass, Ltd., Waterford, Ireland.
80	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.
81	Tamglass oy, Tampere, Finland.
82	Donnelly Mirrors, Inc., Holland, Mich.
83	Vidrierias de Llodio, S.A., Llodio, Spain.
84	Lahtis Glasbruk, Lahti, Finland.
85	K.S.H., Inc., St. Louis, Mo.
86	Eastman Chemical Products, Inc., Kingsport, Tenn.
87	Glaverbel s.a.—Brussels, Belgium.
88	Chromalloy Corp., Philadelphia, Pa.
89	Goodyear Tire & Rubber Co., Akron, Ohio.
90	Soliver, Belligbeidsglas, Groenenherderstraat 18, Belgium.
91	Sietex Safety Glass AB, Uppsala, Sweden.
92	Toughened Glass, Ltd., Liverpool L36 6BL, England.
93	Day Specialties Co., Ltd., Midland, Ontario, Canada.
94	General Electric Co., Pittsfield, Mass.
95	Glaverbel Glass Manitoba, Ltd., Winnipeg, Manitoba, Canada.
96	Taiwan Glass Corp., Lake Oswego, Oreg.
97	AB Emmaboda Glasverk, Sweden.
98	Plaskolite, Inc., Columbus, Ohio.
99	Ohio Plate Glass Co., Paul Manufacturing, Lewisburg, Ohio.
100	Mills Appliance Products, Ltd., Bramalea, Ontario, Canada.
101	Polycast Technology Corp., Stamford, Conn.
102	Glass Develop AB, Lund, Sweden.
103	Artistic Glass Products, Quakertown, Pa.
104	Sheffield Poly-Glaz, Inc., Sheffield, Mass.

[FR Doc.73-644 Filed 1-10-73;8:45 am]

ATOMIC ENERGY COMMISSION

OAK RIDGE OPERATIONS OFFICE

Trespassing On Commission Property

The notice concerning unauthorized entry into or upon certain installations and facilities of the Oak Ridge Operations Office of the Atomic Energy Commission dated October 12, 1965, appearing at pages 13285–13287 of the FEDERAL REGISTER of October 19, 1965, 30 FR 13285 (FR Doc. 65–11108), and amended at page 5384 of the FEDERAL REGISTER of March 30, 1967, 32 FR 5384 (FR Doc. 67–3473), and at page 18302 of the FEDERAL REGISTER of December 1, 1970, 35 FR 18302 (FR Doc. 70–16033), is hereby further amended in the following respects:

The following installations and facilities are added to this notice:

The Atomic Energy Commission installation known as the Oak Ridge National Laboratory 7900 Area occupied by the High-Flux Isotope Reactor, High-Flux Isotope Reactor Office Building, Transuranium Processing Plant, and Thorium-Uranium Recycle Facility, located in the Second Civil District, Roane County, Tenn., within the corporate limits of the city of Oak Ridge, on the south side of Melton Valley Drive, approximately 0.7 mile west of the intersection of Melton Valley Drive and Melton Valley Access Road, said intersection being approximately 0.6 mile south of the intersection of Bethel Valley Road and Melton Valley Access Road. This installation contains approximately 36 acres and is enclosed by a 6-foot chain link fence.

Dated at Germantown, Md., this 3d day of January 1973.

ROBERT E. HOLLINGSWORTH,
General Manager.

[FR Doc.73-578 Filed 1-10-73;8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Environmental Statement related to the proposed issuance of a construction permit to the South Carolina Electric and Gas Company for the Virgil C. Summer Nuclear Station, Unit 1", is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Fairfield County Library, Vanderhorst Street, Winnsboro, SC 29180. The report is also being made available at the Office of the Governor, State Planning and Grants Division, Wade Hampton Office Building, Columbia, SC 29201, and at the Central Midlands Regional Planning Council, 1125 Blanding Street, Columbia, SC 29201.

The notice of availability of the Draft Environmental Statement for the Virgil C. Summer Nuclear Station and request for comments from interested persons was published in the FEDERAL REGISTER on September 30, 1972, 37 FR 20585 and 20586. The comments received from Federal, State, and local officials and interested members of the public have been included as appendixes to the final environmental statement.

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Single copies of the statement may be obtained by writing to the U.S. Atomic Energy Commission, Washington, DC 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 8th day of January 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.73-717 Filed 1-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24739]

SCHENKER & CO. G.m.b.H. (GERMANY) AND SCHENKERS INTERNATIONAL FORWARDERS, INC.

Postponement of Hearing

Notice is hereby given, that due to the receipt of objections by the parties to the prehearing conference report served December 15, 1972, and to a request of several of the parties for establishment of new procedural dates, the hearing in the above-entitled proceeding now scheduled for January 16, 1973 (38 FR 906), is hereby postponed, to be renoticed in the supplement to the prehearing conference report forthcoming in the near future.

Dated at Washington, D.C., January 5, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-629 Filed 1-10-73;8:45 am]

[Docket No. 24686, etc.]

STANDARD AIRWAYS, INC., ET AL.

Notice of Prehearing Conference

In the matter of Standard Airways, Inc., Mark Aero, Inc., Charlotte Aircraft Corp., et al.; acquisition of control and interlocking relationships, Docket No. 24686, Standard Airways, Inc., certificates of public convenience and necessity for supplemental air transportation, Docket No. 21355, etc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 30, 1973, at 10 a.m. (local time), in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Alexander N. Argerakis.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the judge of: (1) Proposed statements of issues, (2) proposed stipulations, (3) requests for information, (4) statement of positions of parties, and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 19, 1973, and the other parties on or before January 25, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 5, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-628 Filed 1-10-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Addition to Initial List

Notice of proposed addition to the initial procurement list, August 26, 1971 (36 FR 16982) was published in the FEDERAL REGISTER on April 21, 1972 (37 FR 7944).

Pursuant to the above notice, the following commodity is added to the procurement list.

COMMODITY	Set
Class 6625:	
Test set, lead 6625-553-1442	$2.20

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-568 Filed 1-10-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAO

Entry or Withdrawal From Warehouse for Consumption

JANUARY 5, 1973.

On December 22, 1972, the U.S. Government, in furtherance of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Portugal concerning exports of cotton textiles and cotton textile products from Macao to the United States over a 5-year period beginning January 1, 1973, and extending through December 31, 1977. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 50 and 62 for the agreement year which began on January 1, 1973.

There is published below a letter of January 5, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 50 and 62 produced or manufactured in Macao which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 5, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 22, 1972, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning January 1, 1973, and extending through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 50 and 62 produced or manufactured in Macao, in excess of the following 12-month levels of restraint:

Category		12-month levels of restraint [1]
50	dozen	39,332
62	pounds	152,174

[1] These levels have not been adjusted to reflect any entries made on or after Jan. 1, 1973.

Cotton textiles and cotton textile products in Categories 50 and 62 produced or manufactured in Macao and which have been exported to the United States prior to January 1, 1973, shall not be subject to this directive.

Cotton textiles and cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 22, 1972, between the Governments of the United States and Portugal which provide, in part, that within the aggregate limit, the limitations on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of shortfalls to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Macao have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.73-621 Filed 1-10-73;8:45 am]

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAO

Entry or Withdrawal from Warehouse for Consumption

JANUARY 5, 1973.

On December 22, 1972, the U.S. Government concluded a comprehensive bilateral Wool and Man-Made Fiber Textile Agreement with the Government of Portugal concerning exports of wool and man-made fiber textiles from Macao to the United States over a 5-year period beginning January 1, 1973, and extending through December 31, 1977. Among the provisions of the agreement are those establishing specific export limitations on man-made fiber textile products in Categories 219, 221, 222, 223, 224, 229, and 230, for the agreement year which began January 1, 1973.

Accordingly, there is published below a letter of January 5, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of man-made fiber textile products in the above categories produced or manufactured in Macao which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1973, and extending through December 31, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 5, 1973.

DEAR MR. COMMISSIONER: Under the provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of December 22, 1972, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible and for the 12-month period beginning January 1, 1973, and extending through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 219, 221, 222, 223, 224, 229, and 230, produced or manufactured in Macao, in excess of the following 12-month levels of restraints:

Category		12-month levels of restraint [1]
219	dozen	247,059
221	do	142,826
222	do	226,517
223	do	111,000
224	pounds	193,846
229	dozen	140,800
230	do	12,715

[1] These levels have not been adjusted to reflect any entries made on or after Jan. 1, 1973.

Entries of man-made fiber textile products in the above categories produced or manufactured in Macao and which have been exported to the United States prior to January 1, 1973, shall not be subject to this directive.

Man-made fiber textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 22, 1972, between the Governments of the United States and Portugal which provide in part that within the aggregate limit, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustment pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802).

In carrying out this directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to the imports of wool and man-made fiber textile products from Macao have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.73-622 Filed 1-10-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

MERCK SHARP & DOHME

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 3F1332) has been filed by Merck Sharp & Dohme, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide thiabendazole (2 - (4 - thiazolyl) benzimidazole) in or on the raw agricultural commodity citrus at 10 parts per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 3H5023) proposing establishment of a food additive tolerance (21 CFR Part 121) of 35 parts per million for residues of thiabendazole in dried citrus pulp resulting from application of the fungicide to growing citrus fruit.

The analytical method proposed in the pesticide petition for determining residues of the fungicide is a procedure in which residues are extracted with ethyl acetate. The extract is purified by a series of extraction procedures and determined spectrophotofluorometrically.

Dated: January 4, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-549 Filed 1-10-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 141]

CALIFORNIA FINANCIAL CORP.

Receipt of Application for Approval of Acquisition of Control

JANUARY 8, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the California Financial Corp., San Jose, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Trans-Coast Investment Co., a multiple savings and loan holding company which controls

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Transcoast Savings and Loan Association, Oxnard, Calif., Santa Maria Savings and Loan Association, Santa Maria, Calif., and Independent Savings and Loan Association, Salinas, Calif., insured institutions, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by an exchange of stock between California Financial Corp. and Trans-Coast Investment Co. Following said acquisition, it is proposed that Transcoast Savings and Loan Association, Santa Maria Savings and Loan Association, and Independent Savings and Loan Association be merged into Security Savings and Loan Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-619 Filed 1-10-73;8:45 am]

[H.C. 142]

FIRST TEXAS FINANCIAL CORP.

Receipt of Application for Permission To Acquire Control

JANUARY 8, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Texas Financial Corp., Dallas, Tex., a multiple savings and loan holding company, for approval of acquisition of control of the First Savings and Loan Association, El Paso, Tex., and First Savings and Loan Association of Midland, Midland, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisitions to be effected by the exchange of shares of First Texas Financial Corp., for shares of said associations. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-620 Filed 1-10-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1219]

G. P. DONAHUE, INC.

Order of Revocation

G. P. Donahue, Inc., 415 Lafayette Building, Philadelphia, Pa. 19106, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1219 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 1219 of G. P. Donahue, Inc., be and is hereby revoked effective December 13, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon G. P. Donahue, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-607 Filed 1-10-73;8:45 am]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Gerald A. Malia, Esq., Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. T-2005-8, between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land), amends the basic lease between the parties (as heretofore amended) which provides for the lease to Sea-Land of certain marine terminal facilities at Seattle, Wash. The purpose of the modification is to provide for: (1) The construction by Sea-Land of a new warehouse, garage, and offices; (2) the demolition and removal by Sea-Land of certain construction to provide for a container yard, such area becoming preferentially assigned to Sea-Land; (3) extend the term of the basic agreement for an additional 5 years; (4) incorporate FMC Agreement No. T-2565 into the basic agreement; (5) grant options for the incorporation of two additional areas to the premises; and (6) describe with more specificity the circumstances under which the Port may permit third persons to use portions of the premises. While Sea-Land is to be reimbursed by the Port for the costs of the improvements made under this amendment, Sea-Land's rental for the facility will increase to the extent necessary to amortize the Port's expenditures on the improvements over the term. Sea-Land will be credited for all sums received by the Port from third parties for wharfage, wharf demurrage, and storage for the area preferentially assigned to Sea-Land.

Agreement No. T-2451-1, between the Port and Sea-Land, amends the basic agreement which provides for the lease of container cranes at the facility in Seattle leased by Sea-Land under the terms of Agreement No. T-2005, as amended. The purpose of the amendment is to: (1) Provide for an increase in the capacity of the existing three cranes and construction of a fourth crane, with the cost of the foregoing to be borne by the Port and amortized by Sea-Land; (2) extend the term of the basic agreement by 5 years; and (3) clarify the Port's right to permit third-person use of the cranes by redefining Sea-Land's rights to the cranes as a preferential assignee rather than a lessee.

Dated: January 4, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-608 Filed 1-10-73;8:45 am]

UNITED STATES GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, LA 70160.

Agreement No. T-2728, between the Board of Commissioners of the Port of New Orleans (Port) and Container Lift International (CLI), is a permit under which CLI will install, maintain, and operate at its own cost a container crane at Berth No. 5 of the Port's France Road Terminal. Charges for the use of the crane are to be competitive and/or comparable to similar services now provided at New Orleans and other modern container ports. These charges are to be published in the Port's Dock Department Tariff, provided that CLI shall have the right to change such charges in accordance with sound business practices, subject to the review and approval of the Port.

Dated: January 9, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-727 Filed 1-10-73;8:45 am]

FEDERAL RESERVE SYSTEM

BUDGET INDUSTRIES, INC.

Nonbanking Activities

Budget Industries, Inc., Los Angeles, Calif., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant controls Century Bank, Los Angeles, Calif.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 1, 1973.

Board of Governors of the Federal Reserve System, January 5, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-581 Filed 1-10-73;8:45 am]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND CONTAINER LIFT INTERNATIONAL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlington, Underwood & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8682-9 in effect modifies the basic agreement between the American companies and the Japanese companies, comprising the membership of the United States Gulf/Japan Cotton Pool to provide for the readmission of the Waterman Steamship Corp. and for a rearrangement of the percentage participation of carryings and in the minimum number of sailings per annum for the three American companies, States Marine Lines, Lykes Bros. Steamship Co., Inc., and Waterman Steamship Corp.

Dated: January 5, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-606 Filed 1-10-73;8:45 am]

CAMBRIDGE AGENCY, INC.

Order Approving Formation of Bank Holding Company, Acquisition of Insurance Agency, and Engaging De Novo in Insurance Agency Activities

Cambridge Agency, Inc., Cambridge, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of The Cambridge State Bank, Cambridge, Nebr. (Bank).

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y to acquire voting shares of Cambridge Insurance Agency, Inc., Cambridge, Nebr. (Agency). Applicant has also applied for permission, itself, to engage de novo in the sale of credit life and credit accident and health insurance.

Applicant states that Agency would engage in the activities of a general insurance agency in a community of less than 5,000 persons and that Applicant, itself, would engage de novo in the sale of credit life and credit accident and health insurance. Such activities have been determined by the Board to be

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closely related to the business of banking (12 CFR 225.4(a)(9)).

Notice of receipt of these applications was published in the FEDERAL REGISTER on November 4, 1972 (37 FR 23593), and the time for filing comments and views has expired. One comment was received as discussed below. The Board has considered the applications in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act.

Applicant was organized to acquire the shares of Bank and Agency, and to engage de novo in the sale of credit life and credit accident and health insurance. Applicant's principal owners, as individuals, acquired Bank's shares in July 1971 and 81 percent of Agency's shares in September, 1971. Subsequently, Agency acquired the Louis Shaffert Agency, Inc. The proposed transaction involves the transfer of these shares to Applicant in return for Applicant assuming the debts arising from its organizers' purchase of Bank shares and the Louis Shaffert Agency, Inc.

Bank, the smaller of two banks located in Cambridge, a community of approximately 1,400 persons, had deposits as of June 30, 1972 of approximately $2 million. Since the proposed acquisition of Bank essentially involves only a change from individual to corporate ownership, consummation of the proposal will have no significant adverse effects on existing or potential competition.

Considerations relating to financial and managerial resources and prospects of Applicant and Bank appear to be satisfactory and consistent with approval. Although Applicant will assume the debt incurred by its organizers when Bank and the Louis Shaffert Agency, Inc., were acquired, it appears that such debt may be adequately serviced without placing an undue strain on Bank earnings. Since Applicant's principals acquired control of Bank in July 1971, the bank has increased its banking hours, and has added services, such as free checking accounts and passbook savings. While such services have already been introduced, approval of the application will assure continuation of the new management of Bank. Accordingly, considerations relating to the convenience and needs of the communities involved support approval of the transaction. It is the Board's judgment that the transaction would be in the public interest and that the application to acquire Bank should be approved.

Agency, which was formed in September 1971, by Applicant's principal owners, didn't begin business until January 1972, shortly after it had acquired an existing general insurance agency. Agency has its office in Bank's building and its day-to-day operations are handled by two employees not associated with Bank. Agency is one of five general insurance agencies in Cambridge.

Among the comments made by a competing insurance agency are that the use of bank premises and personnel causes the creation of a "captive" relationship in the provision of insurance on property of a borrower and that the "bank" may split its overhead among various activities. Applicant states that Agency and Bank are separate corporations and are operated by different personnel.

The Board notes the legislative policy stated in the National Bank Act that national banks in communities of less than 5,000 persons may sell insurance (12 U.S.C. 92) and the provisions of section 106 of the Bank Holding Company Act Amendments of 1970 which prohibit banks from tying an extension of credit to the purchase of insurance from the bank or its bank holding company. The Board finds that approval of Applicant's proposals to acquire Agency and to engage de novo in the sale of credit life and credit accident and health insurance is unlikely to result in any undue concentration of resources, decreased or unfair competition, unsound banking practices, or other adverse effects on the public interest. Furthermore, in the Board's judgment, the benefits to the public resulting from approval of these proposals, including assurance of the continued operation of an alternative source of banking and insurance services, and the availability of credit life and credit accident and health insurance in connection with Bank's lending transactions, lends substantial weight to approval. On the basis of the foregoing and other facts reflected in the record, the balance of the public interest factors the Board must consider regarding the acquisition of Agency and Applicant engaging de novo in the sale of credit life and credit accident and health insurance is favorable and the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the 13th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Agency's and Applicant's insurance agency activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[1] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-582 Filed 1-10-73;8:45 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

CEDAR FALLS HOLDING CO., LTD.

Formation of Bank Holding Company

Cedar Falls Holding Co., Ltd., Cedar Falls, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 96.8 percent or more of the voting shares of Cedar Falls Trust & Savings Bank, Cedar Falls, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 29, 1973.

Board of Governors of the Federal Reserve System, January 5, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-583 Filed 1-10-73;8:45 am]

CENTURY BANCORP, INC.

Order Approving Acquisition of Bank

Century Bancorp, Inc., Somerville, Mass., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 95 percent or more of the voting shares of North Shore Bank & Banking Co., Lynn, Mass. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, Century Bank & Trust Co., Somerville, Mass. (Century Bank), with deposits of $22.4 million, representing approximately 0.2 percent of total deposits in commercial banks in the State and in the Boston SMSA,[1] and ranking 30th of 56 banking organizations in the Boston SMSA.

Bank is a Morris Plan bank and it appears that State law authorizes it to accept demand deposits and make commercial loans.[2] Bank will provide such services either prior to or directly after consummation of the proposed acquisition. Bank has deposits of approximately $2.9 million, representing 0.036 percent of total deposits in commercial banks in the Boston SMSA, in which Bank ranks 53d of 56 banking organizations. The nearest existing office of Century Bank is located

[1] Banking deposit and market data are as of June 30, 1972. All data are adjusted to reflect holding company formations and acquisitions approved by the Board through Nov. 30, 1972.

[2] See Massachusetts General Laws, Ch. 172, section 1.

11 miles from Bank and Century Bank's proposed branch office will be 8 miles from Bank. Although Bank and Century Bank are both located in the Boston SMSA, each bank is located in a separate county and is prohibited by State law from branching into the county of the other organization. In light of the distances separating banking offices, Massachusetts' restrictive branching laws, and the presence of numerous banking alternatives in the intervening areas, no meaningful competition exists between Bank and Century Bank, and it appears unlikely that any such competition would develop in the future. In addition, Applicant's acquisition of Bank may have a procompetitive effect since Bank will become an additional source of commercial loan services in its area. On the basis of these facts, the Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have an adverse effect on any competing bank.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary bank, and Bank are consistent with approval of the application. While it appears that the banking needs in the area are being adequately met at present, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application, since Bank will become an alternative source of commercial loan services. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[3] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-584 Filed 1-10-73;8:45 am]

FIRST NATIONAL BANKSHARES OF FLORIDA, INC.

Acquisition of Banks

First National Bankshares of Florida, Inc., Pompano Beach, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of the following banks:

(1) The Indian River Citrus Bank, Vero Beach, Fla.;

(2) The Beach Bank of Vero Beach, Fla.;

(3) The Westside Bank of Vero Beach, Vero Beach, Fla.; and

(4) The Sebastian River Bank, Sebastian, Fla.

The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 31, 1973.

Board of Governors of the Federal Reserve System, January 3, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-558 Filed 1-10-73;8:45 am]

FIRST NATIONAL FINANCIAL CORP.

Order Approving Acquisition of Bank

First National Financial Corp., Kalamazoo, Mich., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to the Commercial Bank of Stambaugh, Stambaugh, Mich. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of $296.9 million, representing 1.2 percent of the total commercial bank deposits in Michigan, and is the 11th largest banking organization in the State. (All banking data are as of Dec. 31, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through July 31, 1972.) The acquisition of Bank (deposits of $5.3 million) would increase Applicant's percentage share of the State's total deposits by 0.1 percent, and Applicant would become the 10th largest banking organization in Michigan. Consummation of the acquisition would not result in a significant increase in the concentration of banking resources in the State.

Bank, which operates its main office in the city of Stambaugh and its only branch office in the city of Caspian, holds 20.3 percent of the total commercial bank deposits in Iron County (the relevant market area), and is the smallest of four banks in the market. The three largest banks in the market hold, respectively, 31.2 percent, 28.0 percent, and 20.5 percent of the deposits. (Market data are as of Dec. 31, 1971.) Applicant's closest subsidiary banking office is located in a separate market area, approximately 110 miles north of Bank. There is no present competition between any of Applicant's subsidiary banks and Bank. Furthermore, it appears unlikely that any significant competition would develop between any of Applicant's subsidiaries and Bank in the future due to the distances separating the banking offices and the presence of numerous banking alternatives in the intervening areas. The Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have adverse effects on any competing bank.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. While it appears that major banking needs in the area are being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 4, 1973.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-585 Filed 1-10-73;8:45 am]

HAMILTON BANCSHARES, INC.

Order Approving Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tenn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 50.06 percent or more of the voting shares of Hardeman County Savings Bank, Bolivar, Tenn. (Bank).

Notice of the application affording opportunity for interested persons to submit comments and views has been given

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

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in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none have been timely received. The Board has considered the application in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization and bank holding company in the State, controls 11 banks with aggregate deposits of approximately $521 million representing about 6 percent of total deposits of commercial banks in Tennessee. (All banking data are as of Dec. 31, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through Oct. 31, 1972.) Acquisition of Bank (deposits of about $14.5 million) would add only 0.2 of 1 percentage point to Applicant's share of Statewide deposits and would not alter Applicant's ranking among the State's banking organizations and bank holding companies.

Bank is the largest of five banking organizations competing in the Hardeman County market and holds about 46 percent of the total commercial bank deposits therein. The nearest banking subsidiary of Applicant to Bank is located approximately 185 miles east of Bank, and neither it nor any of Applicant's other subsidiary banks complete with Bank to any significant extent, primarily due to the distances involved. Nor does it appear likely that significant competition would develop in the future in view of the distances separating Bank and Applicant's subsidiaries, the presence of numerous banks in the intervening areas, and Tennessee's restrictive branching laws. Furthermore, it appears unlikely that Applicant would establish a new bank in Hardeman County, since the area is unattractive for de novo entry with both the population to banking office ratio and the per capita income of the area being considerably lower than averages for the State. Even though Bank is the largest bank in the market, its total deposits are less than $15 million, and it does not appear that its acquisition by Applicant would place Bank in a dominant competitive position nor adversely affect the other competing banks in the area. On the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are generally satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application.

In connection with its review of the proposal herein, the Board's attention has been called to the fact that Applicant has followed a practice of acquiring certain banks that are members of the Federal Reserve System and thereafter systematically withdrawing those banks from membership in the System. Six of Applicant's present 11 subsidiary banks are not now members of the System, and three of those six were converted to nonmember status after having been acquired by Applicant. Applicant now proposes to convert another of its subsidiaries to nonmember status within a month. Although the bank that is the subject of the present application is not now a member of the System and thus a consideration of the practice previously followed by Applicant with respect to its other subsidiary banks is not directly before the Board, the Board is concerned that large bank holding companies such as this one should shun the public responsibilities that large banks or large families of banks have to be a part of and support the policies of the Nation's central bank. Such a practice (if permitted to go unchecked) could significantly diminish the effectiveness of one of the major tools of the Board in administering monetary policy, i.e., the setting of reserve requirements for member banks of the System. If large banks or the members of a large family of banks shirk this public responsibility the task of implementing monetary policy becomes more difficult and one-sided in its impact on the banking system as a whole.

Late last year the Board amended its Regulation D governing reserve requirements in order to substantially remove discrimination in the application of such requirements among member banks that were similarly situated as to size and access to national money markets. Another type of discrimination has become of significant importance, namely between branching systems of member banks and bank holding company families. The reserve requirements of the former are based on the aggregate of the branching banks' deposits wherever located. For holding companies, on the other hand, deposits are fractioned according to the size of each separate unit or office. This results in lower requirements for a banking entity, the multiple bank holding company, which is essentially comparable and competitive with branching systems.

When the holding company amendments were considered in 1970 the Board advised the Congress it did not believe that, as a matter of law, membership in the Federal Reserve System should be required for the subsidiary banks of a holding company. In the light of developments in the past 2 years and the rapid spread of holding company form of banking organization in many States, the merit of that recommendation should be reexamined and the Board is in the process of doing so.

Nonetheless, on the basis of the facts in this case, and in light of the factors set forth in the Act, it is the Board's judgment that the proposed acquisition should be approved. The transaction shall not be consummated (a) before the 13th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 5, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-588 Filed 1-10-73;8:45 am]

KANSAS BANCORP, INC.

Formation of Bank Holding Company

Kansas Bancorp, Inc., Concordia, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of the First National Bank, Concordia, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 22, 1973.

Board of Governors of the Federal Reserve System, January 5, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-589 Filed 1-10-73;8:45 am]

MINNESOTA SMALL LOAN CO.

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of the Minnesota Small Loan Co., Minneapolis, Minn., and an opportunity for interested persons to submit comments and views or request a hearing has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in § 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Minnesota Small Loan Co., Minneapolis, Minn. (Registrant),[1] became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of approximately 68.5 percent of the outstanding voting shares of First National Bank of Sioux City, Sioux City, Iowa (Bank) (assets of $92.6 million as of December 31, 1970). Bank, control of which was acquired by Registrant in September 1967, had total deposits of $78.2 million as of June 30, 1972, representing about 24 percent of the total deposits in the immediate Sioux City area (which includes the towns of South Sioux City, Nebr., and Sargeant Bluff, Iowa). Bank is the second largest of the seven banks located in Sioux City, as well as second among the 10 banks in the immediate Sioux City area. Bank's management, financial condition, and prospects are regarded as satisfactory, and the Board has found no evidence of any unsound banking practices.

Registrant (total assets of $7.7 million, as of December 31, 1971), is a small loan company and engages directly in making consumer loans and, to a limited extent, engages in selling credit life, health, and accident insurance related to such loans, and apparently has engaged in such activities continuously since before June 30, 1968. Bank is the only subsidiary of Registrant. Registrant conducts its small loan business from its sole office, located in Minneapolis, Minn. In addition to serving local consumers, Registrant makes consumer loans to school teachers in a 30-State area through a mail-order business. Registrant did not rank as one of the 150 largest finance companies in the United States as of December 31, 1971 (the most recent data available). Registrant's income in 1971, from interest and insurance commissions on small loan operations, was $0.6 million. The size of Registrant's total lending operation is not substantial (about $2 million in receivables as of December 31, 1971), and the number of local sources for consumer credit is diverse (20 firms with offices in the Minneapolis area, including six of the 10 largest finance companies in the country).

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiary do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfathered activities. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination, nor authority for Registrant to engage in any additional type of insurance agency activity.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review, by the Board, of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[2] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-590 Filed 1-10-73;8:45 am]

SOUTHWEST BANCSHARES, INC.

Order Approving Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Houston Intercontinental National Bank, Houston, Tex. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization and third largest multibank holding company in Texas, controls 10 banks with aggregate deposits of $1,188.4 million, representing approximately 4 percent of the total deposits of commercial banks in Texas. (All banking data are as of June 30, 1972, and reflect bank holding company acquisitions approved through October 31, 1972.) Applicant is the third largest banking organization in the Houston market with five subsidiary banks holding 11.2 percent of total deposits of commercial banks in that market. Consummation of the proposal herein would increase insignificantly applicant's share of commercial bank deposits in the Houston area and its ranking among commercial banks in that market and in the State would be unchanged.[3]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan and Bucher. Absent and not voting: Governor Mitchell.

[1] On July 13, 1972, Registrant became a subsidiary of MEI Corp. Because MEI became a bank holding company with respect to Bank subsequent to December 31, 1970 (pursuant to the Board's order of May 9, 1972), MEI is not entitled to grandfather privileges and is required to divest its interest in Bank or in MEI's nonbanking interests by July 13, 1974, 2 years from the date upon which it became a bank holding company.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Bucher. Absent and not voting: Governor Sheehan.

[3] In addition to its 10 subsidiary banks, applicant holds approximately 20 percent of the outstanding voting shares of Commerce State Bank, Houston, Tex. ($20 million of deposits). On December 21, 1972, the Board approved applicant's application to acquire Gulf Coast National Bank, Houston, Tex. ($12.4 million of deposits). Applicant's minority interest of 24.7 percent of the voting shares of Kilgore National Bank, Kilgore, Tex., has recently been liquidated.

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Bank ($2.7 million of deposits) ranks 141st in deposits among 149 commercial banks in the Houston market. Bank is located near the Houston Intercontinental Airport on the fringe of the Houston banking market, approximately 20 miles north of applicant's lead bank which is located in downtown Houston. Bank was organized in 1970 by officials and other individuals closely associated with applicant, and its lead bank and one or more officers or directors of applicant or its lead bank have served on Bank's board since it began operations in 1970. At the present time, there exists a significant degree of common stock ownership among shareholders of Bank and applicant. In view of Bank's small size, its location on the outskirts of the Houston banking market, and the presence of a large number of intervening banks, no meaningful competition exists between Bank and any of applicant's subsidiary banks. In the light of these factors, it appears unlikely that any significant competition between Bank and any of applicant's subsidiary banks would develop in the future. Acquisition of Bank by applicant will not have any adverse effect on the concentration of banking resources in the Houston area.

On the record before it, the Board concludes that consummation of applicant's proposal would not result in a monopoly nor be in furtherance of any combination, conspiracy, or attempt to monopolize the business of banking, nor have any significant anticompetitive effect, in any area of the State.

The financial condition and managerial resources of applicant and its subsidiaries appear satisfactory and future prospects of all seem favorable. The financial condition of Bank has deteriorated during the past year due to its experiencing capital inadequacies and substantial losses on loans. Applicant has recently moved to provide additional personnel from its lead bank in order to strengthen Bank's managerial resources—especially in the areas of asset management and loan administration. In addition, applicant has committed itself to add at least $350,000 of additional funds to Bank's capital accounts. This increased financial and managerial assistance from applicant which would be made available to Bank upon consummation of the proposed transaction should enable Bank to remedy its present financial and managerial problems. Although the banking needs of residents of the Houston area are adequately served by existing institutions, provision of applicant's broad range of services through Bank should provide a more convenient source for these sophisticated services to the increasing number of customers locating in Bank's immediate service area. Addition of these services should contribute positively to the convenience and needs of the communities served by Bank and, these considerations are consistent with approval of this application.

It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-591 Filed 1-10-73;8:45 am]

WEST MICHIGAN FINANCIAL CORP.

Formation of Bank Holding Company

West Michigan Financial Corp., Cadillac, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to The Cadillac State Bank, Cadillac, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 29, 1973.

Board of Governors of the Federal Reserve System, January 5, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-592 Filed 1-10-73;8:45 am]

ZIONS UTAH BANCORPORATION

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determinatin within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of the Zions Utah Bancorporation, Salt Lake City, Utah, and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414 and 25204). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Zions Utah Bancorporation, Salt Lake City, Utah (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Registrant's ownership of approximately 52 percent of the outstanding voting shares of Zions First National Bank, Salt Lake City, Utah (Bank) (assets of $325.9 million as of December 31, 1970). Bank, control of which was acquired by Registrant in April 1960,[1] had total deposits of $339.2 million (as of December 31, 1971), representing about 16 percent of the total deposits in commercial banks in Utah. On the basis of its share of deposits, Bank ranks third of 13 banks in the Salt Lake County market, with about 21 percent of the deposits therein, and fourth of five banks in the Provo banking market, with about 14 percent of deposits therein. While Bank is a significant competitor among the State's banking organizations, it does not appear to be dominant. Bank's management financial condition and prospects are regarded as satisfactory, and the Board has found no evidence of unsound banking practices.

Registrant (consolidated assets of about $342 million in 1970) engages directly in insurance agency activities and real estate business, and apparently has engaged in such activities continuously since before June 30, 1968. Registrant's insurance agency activities consist of writing credit life insurance almost entirely for loans made by Registrant's subsidiaries and casualty insurance for property pledged as collateral against such loans. Registrant's principal real estate activity is the development of an industrial park in a 170 acre area acquired in 1955 in Salt Lake City. Registrant engages in the consumer finance business in Utah and has been engaged therein continuously since before June 30, 1968, through the Lockhart Co., Salt Lake City, and Lockhart Finance Co., Salt Lake City (both acquired in January 1966), and in Colorado through the following nonbanking subsidiaries: Rocky Mountain Industrial Bank, Colorado Springs (acquired in January 1966); Littleton First Industrial Bank, Littleton (acquired in May 1968); Fort Collins First Industrial Bank, Fort Collins (acquired in October 1971); Guaranty Industrial Bank, Loveland (acquired in November 1971); Arvada First Industrial Bank, Arvada (acquired in December 1971); and First Industrial Bank, Longmont (acquired in December 1971).[2] The two finance company subsidiaries located in Utah (combined assets of about $21 million in 1970) compete with over 150 lending offices of other small loan companies operating in Utah, including offices of two large national corporations engaged in consumer finance, and do not appear to be large enough to affect the position of Bank in the Utah markets served by it. The two finance company subsidiaries located in Colorado, which are eligible for grandfather benefits, had combined assets of less than $6 million in 1970, and are not regarded as significant competitors in the markets served by Registrant's banking subsidiary.

Through the Lockhart companies, Registrant also engages in the equipment leasing business. The Lockhart Co. conducts such activities directly, and the Lockhart Finance Co. engages in such activities through a wholly owned subsidiary formed in 1966, Zions Leasing Co., Salt Lake City, Utah (assets of about $3 million as of December 1970). In addition, Registrant operates a real estate business (Lockhart Realty Co., Salt Lake City, Utah), which was acquired in January 1966, and now limits its activities to collecting payments on contracts of sale of real estate previously made. The equipment leasing activities and the current real estate operations of Lockhart Realty appear eligible for grandfather benefits, and the nature and scope of such activities are such that curtailment or divestiture of such activities is not required.

Registrant also owns an electrical supplies distributing business and a company engaged in the sale of money orders. These businesses were not acquired by Registrant prior to June 30, 1968, and are not eligible for grandfather benefits.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968 and continuously thereafter, or any activity that is not subject to this determination. Nor is this determination authority for Registrant to acquire any additional real property or additional types of insurance agency activity.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board, of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[3] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-593 Filed 1-10-73;8:45 am]

[1] Registrant acquired all of the remaining shares of Bank in April 1972.

[2] Registrant received approval of the Federal Reserve Bank of San Francisco pursuant to delegated authority to acquire three finance companies during 1971, under the provisions of section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y.

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Bucher. Absent and not voting: Governor Sheehan.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-3]

NASA LIFE SCIENCES SUBCOMMITTEE

Notice of Open Meeting

A special subcommittee of the NASA Life Sciences Committee will meet on January 23, 1973, at the Headquarters of the National Aeronautics and Space Administration, Washington, D.C. 20540. The meeting will be held in Room 5092 of the Federal Office Building 6, NASA Headquarters, 400 Maryland Avenue SW., Washington, DC. The meeting is open and members of the public will be admitted on a first-come first-served basis up to the seating capacity of the room, which is 35 persons.

The subcommittee is meeting for the purpose of reviewing and evaluating the standards for sterilizing spacecrafts to avoid carrying earth organisms to other celestial bodies. Special attention to this matter is being addressed at this time in preparation for the Project Viking flights to Mars in 1975.

The NASA Life Sciences Committee of which this subcommittee is a part serves in an advisory capacity only. In this capacity, it is concerned with man in relation to space and habitation, exobiology, with other life forms, and including: Physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, nutrition and food technology, biology of gravity and rhythms, ecology and biotechnology. The current Chairman is Dr. Shields Warren.

The following agenda is proposed for the meeting on January 23, 1973. For further information, please contact Dr. Stanley C. White, Area Code 202—755-2350.

Time	*Topic*
9:00 a.m.	Planetary Quarantine Constraints Established by COSPAR and NASA—(Purpose: To review the international and national rules for safeguarding the planets from biological infection via spacecraft which could cause undesirable changes in the environments of the planets).
9:25 a.m.	Philosophy and Guidelines for Planetary Quarantine Research—(Purpose: To familiarize the subcommittee with the research requirements and guidelines imposed by NASA in forming the planetary quarantine research program).
9:50 a.m.	Lethality of Outer Space for Micro-organisms—(Purpose: To review the results of research performed to establish the effects of the forces in outer space (vacuum-temperature, ultraviolet radiation, solar winds, ionizing radiation) on the viability of micro-organisms on a spacecraft).

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Time	Topic
10:15 a.m.	Numbers and Characteristics of the Bio-load on a Spacecraft—(Purpose: To discuss the research which has been conducted to define the estimates of the number of viable micro-organisms which may be expected to be buried inside nonmetallic spacecraft elements and the number of organisms to be found on spacecraft surfaces).
11:20 a.m.	Release of Organisms from Space Hardware—(Purpose: To review the results of the research which has been conducted to determine the release of organisms from buried, mated surfaces and open surfaces of the spacecraft under conditions of normal and high velocity impact).
11:45 a.m.	Heat Resistance of Organisms—(Purpose: To discuss the details of the experience gained through research on the resistance of bacterial spores to dry heat, including the variables of temperature, time, and water activity. These results provide the basis for establishing the standards for sterilization).
1:30 p.m.	Growth of Organisms of the Martian Surface—(Purpose: To summarize the best data available on the ability of terrestrial microorganisms to replicate on the Martian surface).
2:20 p.m.	Estimation of the Contamination Hazard—(Purpose: To review the methods that have been used by the planetary quarantine program to interrelate all the factors involved in the potential contamination of Mars and to develop the parametric values to be used in the Viking sterilization program).
3:15 p.m.	Viking Planetary Quarantine Operations—(Purpose: To present the plans and procedures, based on the foregoing parameters, to be used in the preparation of the Viking vehicle prior to flight in order that NASA complies with the planetary quarantine requirements).
4:00 p.m.	Subcommittee Review and Recommendations — (Purpose: To develop the subcommittee comments and recommendations regarding the adequacy of current plans and procedures proposed for Viking).

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

JANUARY 5, 1972.

[FR Doc.73-603 Filed 1-10-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JANUARY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 5, 1973 through January 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-552 Filed 1-10-73;8:45 am]

[812-3136]

BACHE-HUNTOON PAIGE GINNY MAE TRUST, SERIES 1 (AND SUBSEQUENT SERIES)

Notice of Filing of Application for an Order of Exemption

JANUARY 3, 1973.

Notice is hereby given that Bache-Huntoon Paige Ginny Mae Trust, Series 1 (and subsequent series) (hereinafter called Applicant), a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act and Rule 22c-1 under the Act and pursuant to section 45(a) of the Act granting confidential treatment to the profit and loss statements of Bache & Co. Inc., 100 Gold Street, New York, NY 10038, and Huntoon Paige Securities Corp., 44 Wall Street, New York, NY 10005, the Sponsors of the Applicant, which statements Applicant has filed or may from time to time file with its registration statements under the Securities Act of 1933.

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 14(a). Applicant includes Bache-Huntoon Paige Ginny Mae Trust, Series 1 and all subsequent series of "Bache-Huntoon Paige Ginny Mae Trust." Each series will be governed by trust instruments under which Bache & Co. Inc. and Huntoon Paige Securities Corp., and possibly others, will act as Sponsors and the Bank of New York will act as Trustee. The trust instruments for all series will contain similar terms and conditions of trust. Pursuant to such trust instruments, the Sponsors will deposit with the Trustee a portfolio of mortgaged-backed certificates (commonly known as Ginny Maes) guaranteed as to payment of principal and interest by Government National Mortgage Association, a corporate instrumentality of the U.S. Government. Simultaneously with such deposit of the portfolio the Sponsors will receive from the Trustee registered certificates evidencing units of undivided interest in the fund portfolio of a series.

Applicant alleges that when these two events occur the Trust is in existence and the Sponsors cease to have significant power over the underlying portfolio. No securities may be added to or substituted for those originally comprising the fund portfolio, nor may the number of units originally issued be increased. On the date of deposit of the portfolio securities for Series 1, and before any unit of that Series is offered to the public, Applicant will have a net worth of approximately $25 million represented by the market value of the Ginny Mae certificates deposited with the Trustee on that date. While the size of the portfolios of future series has not been established, the Sponsors anticipate that in no event would the portfolio of any series be less than $5 million. Applicant proposes to offer the units of Series 1 of the fund for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed with the Commission but has not yet become effective. After the Sponsors deposit the portfolio with the Trustee, and the Trust is in existence, an amendment to the registration statement under the Securities Act of 1933 will be filed. Upon the effectiveness of such registration statement, the units will be offered to the public by means of the final prospectus. The trust instruments do not provide for the issuance of additional units.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless either (i) such company has a net worth of at least $100,000 or (ii) provision is made as a condition of registration of its securities under the Securities Act of 1933 which adequately insures, in the opinion of the Commission, (A) that after the effective date of such registration statement such Company will not issue any security or receive any proceeds of any subscription until not more than 25 responsible persons have made agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (B) that said amount will be paid into such company before subscriptions will be accepted from any person in excess of 25; (C) that arrangements will be made whereby any amount so paid in, as well as any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received by the Company do not result in the company having a net worth of at least $100,000 within 90 days after such registration statement becomes effective.

In connection with this request for exemption, the Sponsors hereby agree that they will refund, on demand and without deduction, all sales charges to purchasers of units of a series if, within 90 days from the time when that series becomes effective under the Securities Act, the net worth of the series shall be reduced to less than $100,000 or if the series shall have been terminated. The Sponsors further agree to instruct the Trustee on the date of deposit of each series that in the event redemption by the Sponsors of units constituting a part of the unsold units shall result in that series having a net worth of less than $5 million, the Trustee shall terminate the series in the manner provided in the Trust Agreement and distribute all securities and other assets deposited with the Trustee pursuant to the Agreement as provided therein. The Sponsors further agree, in such event, to refund any sales charges to any purchaser of units purchased from the Sponsors or any dealer participating in the underwriting on demand and without deduction.

Rule 22c-1. The application also seeks an order pursuant to section 6(c) of the Act exempting the secondary market operations of Applicant's Sponsors from the provisions of Rule 22c-1 under the Act. The Sponsors propose to adopt the practice of valuing Applicant's units, for repurchase and resale by the Sponsors in the secondary market, at prices computed once a week as of the close of business on the last business day of the week, effective for all transactions made during the following week.

The trust instruments provide that Applicant's units may be tendered by the unit holders to the Trustee for redemption. The unit holder will receive cash from the Fund on the basis of the current bid side evaluation of the mortgaged-backed (Ginny Mae) certificates forming the portfolio of the fund. Applicant's Sponsors, Bache & Co., Inc., and Huntoon Paige Securities Corp., intend (though they will not be obligated) to maintain a secondary market for the fund and continuously to offer to repurchase units from holders at a price based on the offering side prices of the portfolio securities of the fund. Such price, according to the application, may exceed the redemption price (based upon the bid side evaluations of the underlying certificates) by an average of $10 per unit. In addition, the Sponsors will resell units at a public offering price based upon the offering side evaluation prices of the underlying certificates plus a sales charge of 3½ percent of the public offering price. To avoid the Sponsors' receiving more than the specified sales charge on the resale of the units, the Sponsors undertake not to resell any units which they purchase at a price below the then current offering side evaluation. Both the repurchase and resale prices are to be computed as of the close of business on the last business day of each week and will be effective for all purchases and sales by the Sponsors during the following week. The evaluation is made by Applicant's evaluator, Standard and Poor's Corp.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to repurchase or sell such security.

Applicant asserts that the pricing by the Sponsors in the secondary market in no way affects Applicant's assets, and that the public unit holders benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that the Sponsors have undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a purchase by the Sponsors, if the evaluator cannot state that the previous Friday's offering side evaluation is at least equal to the current bid side evaluation, the Sponsors will order a new offering side evaluation for the purpose of such purchase. Also, in the case of such a purchase, if the evaluator cannot state that the previous Friday's offering side evaluation, to be paid to a holder, is no more than one-half point lower than the current offering side evaluation, a full evaluation will be ordered to determine the current offering side evaluation to be paid the holder. In the case of sale by the Sponsors, if the evaluator cannot state that the previous Friday's offering side evaluation is no more than one-half point ($5 on the purchase of a unit representing $1,000 face amount of underlying securities) greater than the current offering side evaluation, a full evaluation will be ordered. Applicant asserts that this procedure will minimize the risk to the selling holders of the units without imposing the expense of daily evaluations upon the fund's investors.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rules or regulations under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 45(a). Applicant also seeks an order of the Commission pursuant to section 45(a) of the Act granting confidential treatment to the profit and loss statements of Bache & Co., Inc., and Huntoon Paige Securities Corp., the Sponsors, submitted in connection with registration statements of Bache-Huntoon Paige Ginny Mae Trust, Series 1, filed with the Commission from time to time.

When a determination has been made by the Sponsors to offer a new series of the fund, the Sponsors will prepare and file with the Commission registration statements under the Act and the Securities Act of 1933. It is contemplated that current profit and loss statements of the Sponsors will be filed in connection with the registration statements of new series. The application requests confidential treatment for such statements and subsequent profit and loss statements which Applicant has filed or may from time to time file with the Commission.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicant submits that public disclosure of the Sponsors' profit and loss statements is neither necessary nor appropriate in the public interest or for the protection of investors. As stated above, Applicant alleges that after the securities forming the portfolio of the fund are deposited with the Trustee, the Trust is then in existence and the Sponsors cease to have significant power over the underlying portfolio. No securities may be added to or substituted for those originally comprising the fund portfolio. Investors in the fund are not offered an opportunity to acquire any interest whatsoever in the Sponsors. Apart from the Sponsors' minimal obligation under the trust instruments to designate Ginny Mae certificates for liquidation by the Trustee to the extent necessary to provide funds for redemption (which obligation may be performed by the Trustee if not performed by the Sponsors), and certain other contingent supervisory responsibilities, the Sponsors have virtually no discretionary authority relating to the management of the fund. Applicant states that the Sponsors thus function primarily as underwriters of the fund. Applicant asserts that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the Sponsors, acting as underwriters from whom the units are purchased.

In addition, Applicant submits that to the extent that the Sponsors' solvency may conceivably be thought relevant to the maintenance of the secondary

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market in the units of the fund, the Sponsors' statements of financial condition, which appear in the prospectus, contain adequate information in this regard. Moreover, there is clear disclosure in the prospectus of the Sponsors' right to terminate secondary market activities in a fund at any time. Even in the absence of a secondary market, unit holders nevertheless retain the protection of their right under the trust instruments to the redemption of their units upon presentation of such units to the Trustee. Upon such redemption, the unit holders receive cash equal to the "unit value" of the units computed with regard to the underlying assets of the fund. The soundness of the investors' interests in the funds, it is stated, is solely a function of the value of the underlying Ginny Mae certificates, the payment of principal of and interest on which is guaranteed by Government National Mortgage Association (a guaranty backed by the full faith and credit of the United States). Applicant thus represents that the profitability of the Sponsors will in no way enhance or diminish the prospect for an orderly payment of the underlying mortgage-backed certificates.

Notice is further given that any interested person may, not later than January 24, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-556 Filed 1-10-73;8:45 am]

[812-3342]

CAPITAL EXCHANGE FUND, INC., ET AL

Notice of Application for Exemption

JANUARY 4, 1973.

Notice is hereby given that Capital Exchange Fund, Inc., Depositors Fund of Boston, Inc., Diversification Fund, Inc., the Exchange Fund of Boston, Inc., Fiduciary Exchange Fund, Inc., Leverage Fund of Boston, Inc., and Second Fiduciary Exchange Fund, Inc. (the Funds), 111 Devonshire Street, Boston, MA 02109, all Massachusetts corporations registered as management investment companies under the Investment Company Act of 1940 (the Act), and Philip H. Theopold (Theopold), 294 Washington Street, Boston, MA 02108 (hereinafter collectively called Applicants), have filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Theopold shall not be deemed an "interested person" of the Funds or any investment adviser of, or principal underwriter for, the Funds, within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director, member of the Committee of Finance, and Chairman of the Real Estate Committee of John Hancock Mutual Life Insurance Co. (Hancock Life), or as a director and member of the U.S. Investment Advisory Committee of the Employers-Commercial Union Insurance Co., The Employers' Fire Insurance Co., the Northern Assurance Company of America, or American Employers' Insurance Company (ECU Subsidiaries). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Theopold, a member of the board of directors of each of the Funds, is also a director of Hancock Life, a mutual insurance company which is in the business of selling life insurance and variable annuities. Hancock Life is a registered broker-dealer under the Securities Exchange Act of 1934 (the 1934 Act). It also has registered as an investment adviser under the Investment Advisers Act of 1940 for the purpose of advising the variable annuity separate accounts it has organized and for the purpose of selling its own variable annuity contracts through its independent and employee insurance agents. It wholly owns John Hancock Advisers, Inc., which is the investment adviser for John Hancock Growth Fund, Inc., and John Hancock Signature Fund, Inc., open-end investment companies registered under the Act, and John Hancock Investors, Inc., and John Hancock Income Securities Corp., closed-end investment companies registered under the Act (hereinafter collectively referred to as "John Hancock Funds"). The shares of the two open-end investment companies are offered for sale to the public only by independent and employee insurance agents of Hancock Life who are registered representatives of John Hancock Distributors, Inc. (Hancock Distributors), a wholly owned subsidiary of John Hancock Advisers, Inc., and a registered broker-dealer under the 1934 Act.

Vance, Sanders & Co. (VS), a Maryland corporation employed by the Funds as their investment adviser, does not sell shares of the John Hancock Funds, and neither does any affiliated person of VS. In his capacities as a director, member of the Committee of Finance, and Chairman of the Real Estate Committee of Hancock Life, Theopold has no direct supervisory authority over, or direct responsibility for, the day-to-day management or the broker-dealer operations of Hancock Life or of Hancock Distributors.

Theopold is also a member of the board of directors and the U.S. Investment Advisory Committee of the ECU Subsidiaries, which are wholly owned subsidiaries of ECU Corp., which, in turn, is a wholly owned subsidiary of Commercial Union Assurance Co., Ltd., a publicly owned company domiciled in London, England, which owns other subsidiary companies that are engaged in the insurance business. ECU Corp. owns 85 percent of the outstanding voting stock of Egret Holding Corp. which owns all of the outstanding voting stock of Egret Distributing Co., Inc. (Egret Distributing), CU Securities Corp. (CU Securities), and Egret Management Co., Inc., which furnishes Egret Growth Fund, Inc. (Egret Fund), an investment company registered under the Act, with investment advisory and management services. The remaining 15 percent of the outstanding voting stock of Egret Holding Corp. is owned by Employers-Commercial Union Insurance Co., of which Theopold is a director. It is expected, however, that prior to December 31, 1972, Employers-Commercial Union Insurance Co. will distribute a dividend consisting of all of its capital stock interest in Egret Holding Corp. to ECU Corp., and that thereafter, ECU Corp. will directly own all of the outstanding securities of Egret Holding Corp.

Egret Distributing is the principal underwriter of Egret Fund. CU Securities is a member of the PBW Stock Exchange. The only business of CU Securities at present is to execute transactions on the PBW Stock Exchange or otherwise recapture commissions for Egret Fund and subsidiaries of ECU Corp. It may not be so limited in the future. Both Egret Distributing and CU Securities are registered as broker-dealers under the 1934 Act. As a director of ECU Subsidiaries, Theopold is ultimately responsible, together with other directors, for setting the policies and managing the business of the ECU Subsidiaries. As a member of the U.S. Investment Advisory Committee of such corporation, he, together with other members of the committee, provide investment advice to the pension fund and insurance company subsidiaries of ECU Corp., but Theopold has no supervisory authority or responsibility for management or operations of Egret Distributing or CU Securities.

Applicants assert that neither Egret Distributing nor CU Securities, nor Hancock Life, nod Hancock Distributors engage in portfolio transaction with, or on behalf of, the Funds, nor, in the normal course, would they be considered by the Funds or VS as a potential firm through which to execute securities transactions. Each of the Funds and VS represent that so long as Theopold is a director of such Fund, such Fund and VS will not engage in any securities transactions through Hancock Life, Hancock Distributors, Egret Distributing, or CU Securities.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person," when used with respect to an investment company, to include any broker or dealer registered under the 1934 Act or any affiliated person of such a broker or dealer. Section 2(a)(3) defines an "affiliated person" of another person to include any director of such other person.

Section 6(c) of the Act provides that the Commission by order, upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that Theopold is subject to no conflicts of interest as a result of his relationships with Hancock Life or ECU Subsidiaries since his activities at Hancock Life and the ECU Subsidiaries are isolated from, and independent of, any business activities of the Funds and of VS.

Notice is further given that any interested person may, not later than January 29, 1973, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-599 Filed 1-10-73;8:45 am]

[812-3290]

FEDERAL STREET FUND, INC.

Notice of Application for an Order Exempting a Proposed Transaction

JANUARY 5, 1973.

Notice is hereby given that Federal Street Fund, Inc. (Applicant), 225 Franklin Street, Boston, MA 02110, a diversified, open-end management investment company registered under the Investment Company Act of 1940, as amended (the "Act"), has filed an application pursuant to section 17(b) of the Act for an order of exemption from section 17(a) of the Act to permit the Estate of Howard Cullman (Estate), to tender shares of Applicant for redemption in kind. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of Massachusetts and was created as a so-called "exchange type" fund. Since the completion of the initial public offering of its shares of common stock in exchange for outstanding stock or other securities of various business corporations, Applicant has not offered its shares to the general public, and until September 25, 1972, had not issued any additional shares except with respect to a 20 for 1 stock split in 1962, an acquisition of assets of a private investment company in 1968, and shares issued in payment of various optional stock dividends to Applicant's shareholders.

Applicant, in the ordinary course of its business, redeems shares tendered for redemption by its shareholders and has continuously followed the policy of paying the price of substantially all such redemptions in kind with securities from its portfolio. Applicant states that it intends to continue this policy for the foreseeable future.

On September 25, 1972, The Second Federal Street Fund, Inc., formerly a Massachusetts corporation registered under the Act as a diversified, open-end management investment company, was merged into Applicant and, as part of the merger plan, Applicant split its stock 3 for 1. Immediately thereafter, Applicant acquired $33,502,756 of marketable securities (market value as of September 22, 1972) and cash from Cullman Bros., Inc. (Cullman), a New York private investment company, in exchange for 1,021,920 shares of Applicant's common stock having a per share net asset value as of September 22, 1972 (adjusted for the aforesaid 3 for 1 stock split), of $31.49. Cullman was subsequently liquidated and the shares of Applicant were distributed to the Cullman stockholders. As of September 30, 1972, the former Cullman stockholders or their representatives held the following amounts and percentages of Applicant's outstanding shares:

Former Cullman stockholders	Shares of applicant held	Percentage of applicants outstanding stock
Joseph F. Cullman, 3d., Edgar M. Cullman, and W. Arthur Cullman, trustees u/w of Joseph F. Cullman, Jr.	311,682	3.54
Estate of Howard S. Cullman	207,859	2.36
Joseph F. Cullman, 3d	207,859	2.36
Edgar M. Cullman	207,859	2.36
Lawrence H. Levy	34,439	.39
Hugh Cullman	23,607	.27
W. Arthur Cullman	23,607	.27
Bernhard L. Cohn	5,008	.06

Applicant states that between the time when it reached a formal agreement with Cullman to acquire Cullman's assets and the effective completion date of such transaction, Mr. Howard S. Cullman, a former stockholder of Cullman, died. The executors of the Estate are Marguerite W. Cullman, Joseph F. Cullman, 3d, Hugh Cullman, and Bankers Trust Co. (New York). The Estate, which may be deemed to be an affiliated person of Applicant if its holdings are combined with the holdings of other members of the Cullman family, including the Estate of Joseph F. Cullman, Jr., desires to redeem a portion of the 207,859 shares of Applicant presently held by it in order to raise approximately $1 million to pay certain of its expenses, including Federal estate taxes.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security, or other property. Section 17(b) of the Act: *Provides, however*, That the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicant, in accordance with its continuous redemption policy described above, wishes to pay the redemption price of the shares to be tendered for redemption by the Estate with one or more marketable securities from Applicant's portfolio.

The portfolio securities of Applicant to be used to meet such redemption will be

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selected solely by Applicant in its investment discretion at the time of the redemption, and there is no arrangement or understanding with the executors of the estate as to what the securities will be. Such portfolio securities will be valued in accordance with the valuation practices of Applicant (as set forth in its governing instruments) for determining its net asset value per share as of the same time as the net asset value of the Applicant's shares tendered for redemption is determined. By paying the redemption price of its shares tendered by the estate for redemption with portfolio securities, Applicant will be adhering to its policy, in effect since its inception, of paying all redemptions of its shares, except for those involving an insubstantial amount, by delivery of portfolio securities. Applicant submits that if it were required to sell portfolio securities in order to raise cash to meet redemptions, it would, in consequence, be forced to realize substantial capital gains and thereby incur substantial capital gains tax liability and the expense of brokerage commissions, all of which would be to the detriment of its shareholders. No realization of capital gains or incurring of brokerage commission expense by Applicant will occur upon a redemption in which portfolio securities are delivered in satisfaction of the redemption price.

Notice is further given that any interested person may, not later than January 29, 1973, submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–600 Filed 1–10–73;8:45 am]

[File No. 500–1]

FIRST WORLD CORP.

Order Suspending Trading

JANUARY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 5, 1973 through January 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–551 Filed 1–10–73;8:45 am]

[70–5287]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Amendments of Articles of Acceptance, Increase in Permitted Short-Term Unsecured Indebtedness, and Solicitation of Proxies in Connection Therewith

JANUARY 4, 1973.

Notice is hereby given that Indiana & Michigan Electric Co. (I & M), 2101 Spy Run Avenue, Fort Wayne, IN 46801, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

I & M proposes to amend its Articles of Acceptance (Articles) to increase the number of authorized shares of its cumulative preferred stock. As of November 15, 1972, of the 1,250,000 authorized shares of I & M's cumulative preferred stock, 120,000 shares of its 4⅛ percent Series, 60,000 shares of its 4.56 percent Series, 40,000 shares of its 4.12 percent Series, 300,000 shares of its 7.08 percent Series, and 350,000 shares of its 7.76 percent Series were issued and outstanding. I & M now proposes, to provide funds with which to finance its expenditures for construction and other corporate purposes, to amend its Articles so as to increase its authorized cumulative preferred stock to 2,250,000 shares. The cost of I & M's construction program for the year 1973 is estimated, on the basis of presently existing conditions, to be approximately $140 million.

I & M proposes to obtain the consent and approval of the holders of the outstanding cumulative preferred stock to an increase in the amount of unsecured short-term debt, which the company is authorized to incur, to exceed 10 percent, but provided that combined short-term and long-term unsecured indebtedness would be not more than 20 percent of its total capitalization for a period ending on December 31, 1976, but with no maturity later than, June 30, 1977, except as otherwise provided by I & M's Articles. Authorization from the Commission for such an increase in the permissable amount of short-term debt, as required by I & M's debenture agreement is requested. The actual issue and sale of securities related to such proposed increase in short-term indebtedness will be subject to further authorization by this Commission.

I & M intends to submit the proposed amendments of its Articles and the proposed consent to its shareholders for their approval at a special meeting of shareholders to be held on March 7, 1973. In connection therewith, I & M proposes to solicit proxies from the holders of its preferred stock through the use of solicitation material which sets forth the proposals in detail. The declaration states that the proposed amendments require the affirmative vote of the holders of a majority of the outstanding shares of I & M's common stock and of the holders of a majority of the outstanding shares of each class of cumulative preferred stock, voting separately as a class. Consent of the holders of a majority of the outstanding cumulative preferred stock, voting as a class, is needed to increase the amount of short-term unsecured indebtedness. American Electric Power Co., Inc., holder of all of the outstanding shares of I & M's Power Co., Inc., has indicated that all such shares will be voted in favor of the proposed amendments.

The fees and expenses incurred and to be incurred in connection with the provided transactions are estimated not to exceed $21,500. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, that any interested person may, not later than January 25, 1973, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as

it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–555 Filed 1–10–73;8:45 am]

[812–3333]

KEYSTONE CUSTODIAN FUNDS, INC., ET AL.

Notice of Filing of Application for Order Conditionally Exempting Certain Underwriting Contracts

JANUARY 4, 1973.

Notice is hereby given, that Keystone Custodian Funds, Inc. (Keystone), a Delaware corporation, as trustee of each of the following nine trusts, namely, Keystone Custodian Fund Series B–1, B–2, B–4, K–1, K–2, S–1, S–2, S–3, S–4 (Funds) each registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, the Keystone Company of Boston (Keystone-Boston), a Delaware corporation, and Cornerstone Financial Services, Inc. (Cornerstone), 99 High Street, Boston, MA 02104, a Delaware corporation, (collectively Applicants), have filed an application for an order pursuant to section 6(c) of the Act, exempting Keystone-Boston and Cornerstone from the provisions of section 15(b)(1) of the Act, on condition that the principal underwriting contracts dated April 1, 1971, between Keystone and Keystone-Boston and between Keystone and Cornerstone, and any future contracts of the type required by section 15(b) of the Act so entered into, shall continue in effect with respect to any of the Funds only so long as the continuance is specifically approved at least every 3 years by either written approval by holders of a majority of the outstanding shares of each of the Funds, or by the vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for the purpose. If the requested order were not granted, such approval would be required annually. The exemption, if granted, shall not be operative with respect to any approval required from and after December 31, 1980. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Commission by Order dated September 24, 1965 (Investment Company Act Release No. 4361) (the "1965 Order") granted a conditional order to Keystone and Keystone-Boston similar to that requested by the present application. The 1965 Order provided that the exemption would not be operative with respect to any approval which would otherwise be required to continue such underwriting contracts in effect from and after December 31, 1972. New underwriting contracts with Keystone-Boston and Cornerstone (the latter not a party to the 1965 order), both Keystone subsidiaries, executed on April 1, 1971, were most recently submitted to and approved by shareholders of the nine Funds between March 8 and March 22, 1971. Applicants now seek an order exempting them from section 15(b)(1) and extending the 1965 Order to permit them to continue to submit the underwriting contracts with Keystone-Boston and Cornerstone or any future such contracts to shareholders of the Funds every 3 years beginning in 1974 and continuing through December 1980.

The nine Funds, created in 1935, are unincorporated common law trusts, each existing under a separate but substantially identical trust agreement between Keystone as Trustee of each fund and the investors in the Funds. Keystone is a corporation which, pursuant to the terms of the trust agreements, performs as trustee all of the investment, management, and administrative services required by the Funds. Except for the Trustee, the Funds have no employees.

As a principal underwriter, Keystone-Boston is authorized to sell shares of the Funds as agent for the Funds upon receipt of orders from retail dealers. It may also sell shares to the public acting as principal, although it does not presently do so. The contract allots the entire sales charge to Keystone-Boston. Keystone-Boston is required to pay the retail dealers' concessions, the cost of registration of shares sold by it under Federal and State securities laws and the cost of preparation and distribution of prospectuses and sales literature.

As a principal underwriter, Cornerstone is authorized to sell shares of the Funds as principal to the public. Cornerstone, with the approval of Keystone, may enter into sales contracts with other business entities, acting as either principal or agent for resale by such other business entities to the public although it does not presently do so. Cornerstone is required to pay the cost of registration of shares sold by it under Federal and State securities laws and the cost of preparation and distribution of prospectuses and sales literature.

Section 15(b)(1) of the Act makes it unlawful for any principal underwriter of a registered open-end investment company to offer securities of such company except pursuant to a written contract, which contract shall continue in effect for a period of more than 2 years from the date of its execution only so long as such continuance is specifically approved at least annually by the Board of Directors or by vote of a majority of the outstanding voting securities of such Fund.

In August 1960, certain shareholders of the Funds brought suit in the Court of Chancery of New Castle County, Del., against Keystone Individually and as trustee, its directors, and Keystone-Boston, in which, among other things, they challenged the validity of the underwriting contracts with Keystone-Boston. "Saminsky v. Abbott," 185 A. 2d 765 (Del. Ch. 1961). The defendants filed a motion for summary judgment which the court granted in part and denied in part. With respect to the challenge to the validity of the then existing underwriting contracts, the court held such contracts to be void on the ground that the contracts had been continued for more than 2 years without shareholder approval. Other issues, including the plaintiff's right to recover for violations of section 15(b) of the Act, were reserved for later decision.

Subsequent to the proceedings in the Delaware Chancery Court at special meetings held in January 1963 to consider various matters related to the litigation, the shareholders of each of the Funds voted to approve new underwriting contracts with Keystone-Boston and to ratify and approve past underwriting contracts and transactions thereunder. After these meetings, the parties to the aforementioned litigation agreed to settlement subject to court approval.

Applicants assert that the cost of an annual submission of the underwriting contracts to shareholders, which cost is borne by Keystone, would be large in relation to any interest of shareholders in the matter. Ordinarily, no other matters are submitted for shareholder approval. For example, the cost of the proxy solicitation and shareholders' meetings conducted in 1971, when there were approximately 460,000 shareholders in the nine Funds, was $90,000, of which about $53,000 represented postage. Based on the current number of shareholders (about 450,000 at Oct. 31, 1972) and higher postage and other costs, it is estimated that a solicitation at this time would cost more than $115,000. The cost will increase with each increase in the number of shareholders.

In addition Applicants state that there is substantial question whether sufficient shareholder interest can be obtained to secure the majority approval required by the Act when the underwriting contract is the only matter to be brought before the shareholders. Applicants know of no investment company situation where the only annual submission to shareholders is that of the underwriting contract. Applicants allege that failure to obtain necessary approval might make further sales of shares impossible and thus have a serious adverse effect on Keystone and the Funds.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and

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consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 25, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of any attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-554 Filed 1-10-73;8:45 am]

[File No. 500-1]

LILAC TIME, INC.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.s.t.) on January 5, 1973 through January 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-598 Filed 1-10-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Amending Order Suspending Trading

JANUARY 4, 1973.

The Commission having determined to amend its order of December 29, 1972, summarily suspending trading in the securities of Star-Glo Industries, Inc. for the period from December 30, 1972 through January 7, 1973;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, no par value, and all other securities of Star-Glo Industries, Inc. being traded otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 30, 1972 through January 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73 553 Filed 1-10-73;8:45 am]

[70-5288]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Term Notes to Banks and Exception From Competitive Bidding

JANUARY 5, 1973.

Notice is hereby given that Utah Power & Light Co. (Utah), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, UT 84110, an electric utility company and a registered holding company has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Utah proposes to issue and sell, from time to time prior to December 31, 1973, unsecured promissory term notes with 10-year maturities to commercial banks, in an aggregate amount not exceeding $50 million. The principal amount of the term notes will be payable at maturity or the principal amount may be prepaid, in whole or in part, at any time, without penalty or premium, upon payment of the interest accrued to the date of such prepayment on the principal prepaid.

The rate of interest per annum on each outstanding term note, or portion thereof, shall be: 1¼ percent of the prime rate during the first and second years; 1¼ percent of the prime rate plus one-fourth of 1 percent during the third and fourth years; 1¼ percent of the prime rate plus one-half of 1 percent during the fifth, sixth, and seventh years and 1¼ percent of the prime rate plus 2 percent during the eighth, ninth, and 10th years. Based on a prime rate at commercial banks of 5¾ percent per annum, the average interest cost on the term notes during a 7-year period would be approximately 6.8 percent per annum, and over a 10-year period approximately 7.4 percent per annum. During the first 7 years of each term note outstanding the maximum average interest rate is guaranteed to not exceed 8 percent per annum. There are no compensating balances required.

Utah further proposes to issue its notes, in accordance with the above-stated terms, in units of approximately $10 million to $15 million each to no less than two of the following banks:

First National City Bank, New York, N.Y.
Irving Trust Co., New York, N.Y.
Mellon National Bank & Trust Co., Pittsburg, Pa.
Morgan Guaranty Trust Company of New York, New York, N.Y.
The Chase Manhattan Bank, New York, N.Y.

The proceeds from the sale of the term notes will be used to pay for short-term notes and/or commercial paper then outstanding; and, together with other funds, to pay for Utah's construction program during 1973. Construction costs for 1973 are estimated to be $100 million. The sale of the term notes is excepted from the competitive bidding requirements of Rule 50 under the provisions of subparagraph (a)(2).

It is stated that the Idaho Public Utilities Commission and the Wyoming Public Service Commission has jurisdiction over the proposed transaction. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Miscellaneous expenses are estimated not to exceed $4,000.

Notice is further given that any interested person may, not later than January 29, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter,

including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-601 Filed 1-10-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Region I; Amdt. 2]

DISTRICT DIRECTOR, DISTRICT OFFICE ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30—Region I (37 FR 17590), as amended (37 FR 26557) is hereby further amended to expand disaster loan authority.

PART II—DISASTER PROGRAM

SECTION A. *Disaster Loan Authority.*

1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) District Director, District Office.
(2) Disaster Branch Manager, as assigned.
(3) Chief and Assistant Chief, Financing Division, Regional Office.
(4) Supervisory Loan Officer, Regional Office.
(5) Chief, Financing Division, District Office.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to aprove such loans up to the total SBA funds of $50,000:

(1) District Director, District Office.
(2) Disaster Branch Manager, as assigned.
(3) Chief and Assistant Chief, Financing Division, Regional Office.
(4) Supervisory Loan Officer, Regional Office.
(5) Chief, Financing Division, District Office.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(1) District Director, District Office	$500,000
(2) Disaster Branch Manager, as assigned	500,000
(3) Chief and Assistant Chief, Financing Division, Regional Office	500,000
(4) Supervisory Loan Officer, Regional Office	50,000
(5) Chief, Financing Division, District Office	350,000

4. To appoint as a processing representative any bank in the disaster area:

(1) District Director, District Office.
(2) Disaster Branch Manager, as assigned.
(3) Chief and Assistant Chief, Financing Division Regional Office.

Effective Date: July 1, 1972.

DAVID P. HEILNER,
Regional Director, Region I.

[FR Doc.73-617 Filed 1-10-73;8:45 am]

TARIFF COMMISSION

[TEA-W-170]

ANDAL SHOES, INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Andal Shoes, Inc., Haverhill, Mass., the U.S. Tariff Commission, on January 5, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in Items 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the customhouse.

By order of the Commission.

Issued: January 8, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-634 Filed 1-10-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 153]

ASSIGNMENT OF HEARINGS

JANUARY 8, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136884, James J. Hamilton doing business as Hamilton's Towing Service, now assigned January 15, 1973, at Chicago, Ill., is canceled and reassigned January 15, 1973, will be held at the Kirkwood Hotel, Fourth and Walnut Streets, Des Moines, Iowa.

MC 66886 Sub 30, Belger Cartage Service, Inc., now assigned January 15, 1973, at Kansas City, Mo., is postponed indefinitely.

MC-121495 Sub 5, Englewood Transit Co., now assigned January 31, 1973, at Denver, Colo., is canceled and application dismissed.

AB-5 Sub 47, Penndel Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between New Castle and Houston Junction, in Mercer and Lawrence Counties, Pa., now being assigned hearing March 1, 1973 (2 days), at New Castle, Pa., in a hearing room to be later designated.

MC-115311 (Sub-No. 134), J & M Transportation Co., Inc., now assigned February 5, 1973, will be held in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 63792, Tom Hicks Transfer Co., Inc., now assigned January 23, 1973, at Jackson, Miss., will be held in Room 536, U.S. Post Office and Courthouse, East Capitol and Southwest Streets.

MC 136468 Sub 1, Virginia Air Freight Inc., now assigned January 29, 1973, at Roanoke, Va., will be held in Room 301, U.S. Post Office Building, 212 Church Avenue SW., MC 115841 Sub 413, Colonial Refrigerated Transportation, Inc., now assigned February 5, 1973, at Washington, D.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-612 Filed 1-10-73;8:45 am]

V 38 - 7 JAN 11 73 XUM

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 8, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42598—*Methylene chloride from points in Texas and Louisiana.* Filed by Southwestern Freight Bureau, agent (No. B-375), for interested rail carriers. Rates on methylene chloride, in tank-car loads, as described in the application, from Nadeau and Texas City, Tex., to Chicago, Ill., and points taking same rates, also from specified points in Louisiana and Texas, to East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief—Market competition.

Tariffs—Supplements 23 and 165 to Southwestern Freight Bureau, agent, tariffs ICC 5044 and 4899, respectively. Rates are published to become effective on February 1, 1973.

FSA No. 42599—*Resin plasticizers to points in Florida.* Filed by Southwestern Freight Bureau, agent (No. B-368), for interested rail carriers. Rates on resin plasticizers, in tank-car loads, as described in the application, from Bayport and Houston, Tex., to specified points in Florida.

Grounds for relief—Market competition.

Tariff—Supplement 39 to Southwestern Freight Bureau, agent, tariff ICC 5019. Rates are published to become effective on February 12, 1973.

FSA No. 42600—*Salt and related articles to points in southern territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3030), for interested rail carriers. Rates on salt and salt compounds and mixtures, salt, common (sodium chloride), in bulk, in carloads, as described in the applicataion, from Seneca Lake, Retsof, and Ludlowville, N.Y., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 108 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC A-907. Rates are published to become effective on February 7, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-610 Filed 1-10-73;8:45 am]

[Rev. S.O. 994; ICC Order 78, Amdt. 4]

LONG ISLAND RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 78 (the Long Island Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 78 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 19, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 5, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 4, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-611 Filed 1-10-73;8:45 am]

[Notice 2]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 5, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing: (1) That it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, or oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 1042 (Sub-No. 8), filed November 16, 1972. Applicant: C.P.T. FREIGHT, INC., 2600 Calumet Avenue, Hammond, IN 46320. Applicant's representative: E. H. Heisterberg (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and contractors' machinery, equipment, materials and supplies*, between Indian Oaks, Ill., and points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1263 (Sub-No. 17) (Correction), filed October 17, 1972, published in

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

the FEDERAL REGISTER issue of November 16, 1972, and republished as corrected this issue. Applicant: MCCARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) serving all points within 10 miles of St. Joseph, Mo., and 15 miles of Platte City, Mo., as off-route points in connection with McCarty's regular route operations between Kansas City and St. Joseph, Mo. NOTE: The purpose of this republication is to delete the phrase "for operating convenience only, serving no intermediate points," which was erroneously published. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 1641 (Sub-No. 99), filed November 20, 1972. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials and ammonium nitrate*, in bulk, or in bags from Farmland Industries, Inc., plant or warehouse located at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming; and (2) *liquid asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles from the Sioux City, Iowa-South Sioux City Nebraska commercial zone, including Bridgeport industrial park, to points in Iowa, Minnesota, Nebraska, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 2202 (Sub-No. 420) (Amendment), filed October 10, 1972, published in the FEDERAL REGISTER issue of November 16, 1972, and republished in part as amended this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Connor (same address as applicant). NOTE: The purpose of this partial republication is to show (1) as follows: From Davenport over U.S. Highway 61 to the junction of U.S. Highway 61 and Missouri 19, thence over Missouri Highway 19 to the junction of Missouri 19 and U.S. Highway 54, thence over U.S. Highway 54 to the junction of U.S. Highways 54 and 40, and return over the same route. The rest of the application remains the same.

No. MC 8535 (Sub-No. 44) (Amendment), filed November 9, 1972, published in the FEDERAL REGISTER issue of December 21, 1972, and republished as amended this issue. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Baltimore, Md. 21120. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between the site of applicant's terminal at or near South Hill, Va., on the one hand, and, on the other, points in North Carolina, serving South Hill, Va., for purpose of joinder only. NOTE: Applicant presently holds authority as above described between Victoria and Kenbridge, Va., on the one hand, and, on the other, points in North Carolina. Applicant presently holds authority to transport a number of special commodities between Virginia, on the one hand, and, on the other, points in the following States: Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Under its existing certificates it is presently authorized to tack at either Victoria or Kenbridge to permit through movements of traffic between North Carolina, on the one hand, and, on the other, points in the States named above. Applicant states it does intend to continue to tack the two authorities involved but over the additional gateway of South Hill, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26396 (Sub-No. 65), filed November 24, 1972. Applicant: POPELKA TRUCKING CO., doing business as, THE WAGGONERS, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fence and materials and wood poles*, from points in St. Regis, Superior, Troy, Montana; and Idaho, Boundry, Bonner, Kootenai, Shoshone, Ada, Benewah, Latah, Clearwater, Lewis, Nez Perce Counties, Idaho, to points in Indiana, Michigan, Ohio, Nebraska, Minnesota, Iowa, Missouri, Kansas, Illinois, Wisconsin, Oklahoma, Wyoming, Colorado, New Mexico, Arizona, Utah, Montana, Washington, Oregon, North and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 26396 (Sub-No. 67), filed November 27, 1972. Applicant: POPELKA TRUCKING CO., doing business as, THE WAGGONERS, a corporation, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated and untreated poles, posts, piling, ties, and lumber*, from Flathead County, Mont., to points in North Dakota, South Dakota, Colorado, and Wyoming; and (2) *forest products*, from points in Montana to points in the United States (including Alaska and excluding Hawaii) on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the Ohio River at the Illinois State line, thence along the Ohio River to its intersection with the eastern State boundary of Indiana, thence northward along the eastern State boundary of Indiana, to its intersection with the Michigan State line, and thence eastward along the Michigan State line to Lake Erie. NOTE: Applicant states that the requested authority can be tacked with the authority it holds in certificate No. MC 26396 at points in Wyoming within a 100-mile radius of Bridger, Mont., to serve points in Montana. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 30844 (Sub-No. 445), filed November 20, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Ames, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the facilities of Carriage House Meat & Provision Co., Inc. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is demed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 30844 (Sub-No. 446), filed November 20, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mankato, Kans., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

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NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Washington, D.C.

No. MC 30844 (Sub-No. 447), filed November 20, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, footwear accessories, and footwear display cases*, (1) from Brockton, Mass., to points in Colorado and Oklahoma and (2) from Norwood, Mass., to points in Colorado, Illinois (except Chicago and points in the Chicago commercial zone), Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 46737 (Sub-No. 48), filed December 5, 1972. Applicant: GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit, MI 48209. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the installation or distribution thereof, from the plantsite and facilities of United States Gypsum Co. at River Rogue, Mich., to points in Illinois, Kentucky, Pennsylvania, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 51146 (Sub-No. 300), filed November 27, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished and unfinished plywood*, (1) from Baltimore, Md., Camden and Newark, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, West Virginia, Ohio, Kentucky, Tennessee, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, and (2) from Joliet and Chicago, Ill., St. Louis, Mo., St. Paul, Minn., and Louisville, Ky., to points in Tennessee, Kentucky, Ohio, Michigan, Indiana, Wisconsin, Illinois, Arkansas, Oklahoma, Kansas, Nebraska, Missouri, Iowa, and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 301), filed December 7, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lenoir, N.C., to points in the Upper Peninsula of Michigan and points in Illinois on and north of U.S. Highway 30 (except points in Chicago, Ill., commercial zone as defined by the Commission). NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 303), filed December 11, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plant and warehouse sites of Tri-Valley Growers located at Madera, Modesto and at or near Stockton, Calif., to points in North Dakota, South Dakota, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Missouri, Indiana, Ohio, and Pennsylvania, restricted to traffic originating at the named plant and warehouse sites and destined to points in the above named States. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 51146 (Sub-No. 304) filed December 11, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plant and warehouse sites of Tri-Valley Growers located at Madera, Modesto and at or near Stockton, Calif., to points in Texas, Louisiana, Arkansas, Mississippi, and Alabama, restricted to traffic originating at the named plant and warehouse sites and destined to points in the above named States. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 52460 (Sub-No. 117), filed November 26, 1972. Applicant: HUGH BREEDING, INC., Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in manufacturing of carpeting; (a) from Toccoa, Ga., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas; and (b) from Rome, Dalton, Oxford, and Columbus, Ga., to Poteau, Okla.; (2) *rugs and carpeting;* (a) from Bristow, Okla., to points in Arkansas, Kansas, Missouri, Texas, and Louisiana; and (b) from Poteau, Okla., to Des Moines, Iowa, Kansas City, Kansas-Missouri commercial zone and Dallas, Tex.; and (3) *finished carpeting*, from Columbus, Ga., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, Okla.; Atlanta, Ga.; or Little Rock, Ark.

No. MC 52574 (Sub-No. 45), filed December 4, 1972. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority songht to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Totowa, N.J., to Somerset, Altoona, and Pittsburgh, Pa., Dover, Del., and Berlin, Md., under a continuing contract, or contracts, with S. B. Thomas, Inc., at Totowa, N.J. NOTE: Applicant presently holds permanent contract carrier authority to transport similar commodities for S. B. Thomas, Inc., from Totowa, N.J., to various points in Maryland, Pennsylvania, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 61592 (Sub-No. 294), filed November 27, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Beaverhead, Fergus, Flathead, Gallatin, Granite, Lake, Lincoln, Mineral, Missoula, Musselshell, Powell, Ravalli, Rosebud, and Sanders Counties, Mont., and Salmon, Idaho, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 61592 (Sub-No. 295), filed November 27, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, wines, and spirits*, excluding beer and malt beverages, from Louisville, Frankfort, Bardstown, and Ownesboro, Ky., to Tulsa and Oklahoma City, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 76266 (Sub-No. 123), filed December 1, 1972. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, MN 55114. Applicant's representative: Cecil L. Goettsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving the warehouse site of Western Electric located at or near Underwood, Iowa, as an offroute point in connection with applicant's regular-route operations via Omaha, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.; Omaha, Nebr.; or Des Moines, Iowa.

No. MC 85465 (Sub-No. 53), filed November 30, 1972. Applicant: WEST NEBRASKA EXPRESS, INC., The 1650 Grant Street Building, Denver, CO 80203. Applicant's representative: Stockton and Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Huron, S. Dak., to points in Wyoming and Colorado. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Rapid City, S. Dak.

No. MC 103498 (Sub-No. 30), filed December 6, 1972. Applicant: W. D. SMITH TRUCK LINE, INC., Post Office Drawer C, De Queen, Ark. 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards composed of wood fiber and cement combined and accessories therefor*, when moving incidental to and in the same vehicle with subject boards, returned of rejected and damaged materials; and return commodities used in the manufacture and distribution of the above-named commodity, from the plantsite and warehouse of the Gold Bond Building Products, Division of National Gypsum Co., at or near Arkadelphia, Ark., to points in Louisiana, Texas, Oklahoma, Iowa, Illinois, Wisconsin, Missouri, Kansas, Alabama, Colorado, Georgia, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, South Dakota, Florida, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 104523 (Sub-No. 53), filed December 10, 1972. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. 68359. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone; and landscaping, building and stone products, materials and supplies*, from points in Colorado, New Mexico, and Utah to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC 104523 (Sub-No. 40). If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Albuquerque, N. Mex.

No. MC 106644 (Sub-No. 145), filed November 13, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 916 (2770 Peyton Road NW.), Atlanta, GA 30301. Applicant's representative: Fred Coffman, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Switch gears, circuit breakers, bus bar systems and rectifiers; parts of the above named commodities*, from Camden, N.J., and Philadelphia, Pa., to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant holds contract carrier authority under MC 104724 (Sub-No. 13), therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the applications may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106748 (Sub-No. 10), filed November 24, 1972. Applicant: GODDARD'S TRANSPORTATION, INC., Route 4, Fair Haven, Vt. 05743. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed, ground, and broken limestone* in dump vehicles, from points in Rutland County, Vt., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked

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with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either (1) Montpelier, Vt.; (2) Concord, N.H.; or (3) Boston, Mass.

No. MC 107012 (Sub-No. 167), filed November 30, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, from Greenville, S.C., to Charleroi and Clarion, Pa. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 107012 (Sub-No. 169), filed November 30, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass bathtub and shower enclosures*, from Cordele, Ga., to points in Louisiana, Arkansas, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107478 (Sub-No. 16), filed December 6, 1972. Applicant: OLD DOMINION FREIGHT LINE, a corporation, Post Office Box 1189, High Point, NC 27261. Applicant's representative: Francis W. McInerny, 1000 16th Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous articles, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Richmond, Va., and Henderson, N.C., from Richmond over Interstate Highway 95 to its junction with Interstate Highway 85, thence over Interstate Highway 85 to Henderson, N.C., and return over the same route; and (2) between Richmond, Va., and Roanoke Rapids, N.C., from Richmond over Interstate Highway 95 and/or U.S. Highway 301 to Roanoke Rapids, and return over the same route, as alternate routes for operating convenience only in connection with applicant's presently held regular-route authority and serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or High Point, N.C.

No. MC 107743 (Sub-No. 19), filed October 12, 1972. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, WA 99206. Applicant's representative: Gordon Roberts, Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and millwork*, from points in Washington, Idaho, and Oregon, to points in Ohio, Michigan on, south and west of U.S. Highway 10 and Port Huron, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Portland, Oreg.

No. MC 107743 (Sub-No. 20), filed November 21, 1972. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, WA 99206. Applicant's representative: S. J. Cully, Jr., Post Office Box 3456TA, Spokane, WA 99220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those, the transportation of which, because of their size or weight, require the use of special equipment, and except pipe as described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in California to points in Oregon, Washington, Idaho, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 109172 (Sub-No. 10), filed November 30, 1972. Applicant: NATIONAL TRANSFER, INC., 4100 East Marginal Way S., Seattle, WA 98134. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo vans and containers only; and *empty cargo vans and containers*; (1) between points in King, Pierce, Lewis, Clark, and Cowlitz Counties, Wash.; and (2) between points in King, Pierce, Lewis, Clark, and Cowlitz Counties, Wash., on the one hand, and, on the other, points in Multnomah, Clackamas, Yamhill, Washington, and Marion Counties, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 110420 (Sub-No. 669), filed November 22, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, over irregular routes, from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 291), filed November 24, 1972. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, in tank or hopper-type vehicles, from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 110988 (Sub-No. 292), filed November 24, 1972. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, in tank or hopper-type vehicles, from the plantsite of the Hubinger Co. at or near Elk Grove Village, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111545 (Sub-No. 178), filed December 10, 1972. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, GA 30062. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and tubing, iron and steel pipe and tubing and fittings for pipe and tubing*, from the plantsite of Tex-Tub Division, Detroit Steel Corp., a division of Cyclops Corp., at or near Houston, Tex., to points in the United States

(except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 111812 (Sub-No. 482), filed November 27, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago and Deerfield, Ill., to points in California, restricted to traffic originating at the plantsites and warehouses utilized by the Kitchens of Sara Lee at the above-named origin points and destined to California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112750 (Sub-No. 291), filed December 11, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY. Applicant's representative: John M. Delaney (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Adrian, Mich., and Toledo, Ohio, under contract with banks and banking institutions. NOTE: Applicant holds common carrier authority under MC 111729 and subs thereto, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 113382 (Sub-No. 15) (Amendment), filed October 11, 1972, published in the FEDERAL REGISTER issue of November 9, 1972, and republished as amended this issue. Applicant: NELSEN BROS., INC., Post Office Box 613, Nebraska City, NE 68410. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products* produced or distributed by manufacturers and converters of paper and paper products, from Minneapolis, Minn., to points in South Dakota, Nebraska, Kansas, and Missouri; and (2) *Materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment), from points in South Dakota, Nebraska, Kansas, and Missouri to St. Paul and Minneapolis, Minn., under contract with Hoerner Waldorf Corp. Restriction: Restricted to traffic originating at or destined to the plantsites or warehouse facilities utilized by Hoerner Waldorf Corp. at St. Paul and Minneapolis, Minn. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113855 (Sub-No. 264), filed November 24, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining equipment and construction equipment, and attachments and parts of mining equipment and construction equipment*, between Salt Lake City and Monticello, Utah; Lebanon, Mo.; and Rock, Mich., on the one hand, and, on the other, points in the United States (except Hawaii but including Alaska). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 114045 (Sub-No. 374), filed August 25, 1972. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils, cleaning, and polishing compounds*, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114840 (Sub-No. 13), filed November 27, 1972. Applicant: EUGENE EBY, GLENN EBY AND WAYNE EBY, a partnership, doing business as, EBY BROTHERS, Route 2, Boise, ID 83702. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, particle board, and poles*, from points in Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union, and Wallowa Counties, Oreg., and points in Idaho to points in Nevada; (2) *precast and prestressed concrete products*, from points in Ada County, Idaho, to points in Baker, Grant Harney, Malheur, Umatilla, Union, and Wallowa Counties, Oreg., and points in Nevada; (3) *stone and clay products*, (a) from points in Ada County, Idaho, to points in Baker, Grant, Harney, Malheur, Umatilla, Union, and Wallowa Counties, Oreg., and points in Nevada; and (b) from points in Nevada to points in Ada County, Idaho; and (4) *corrugated steel pipe and steel storage tanks*, from points in Ada County, Idaho, to points in Baker, Grant, Harney, Malheur, Umatilla, Union and Wallowa Counties, Oreg. NOTE: Applicant states that portions of the requested authority can be tacked with applicant's presently held authority but has no present intention of tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 115092 (Sub-No. 22), filed November 8, 1972. Applicant: WEISS TRUCKING, INC., Post Office Box 0, Vernal, UT 84078. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Torches and accessories, metal heating or melting furnaces, liquefied petroleum gases in steel cylinders, portable gas stoves, lanterns, engine starters, steel tool boxes, hardware, camping equipment and accessories including, but not limitd to barrack, duffel, clothing or sleeping bags, waterproofing compound, mattresses, tents, tent poles or stakes, cotton piece goods, cloth awnings, tarpaulins, cotton clothing, portable toilet seats, folding camp seats, portable alcohol stoves, pads, cots and umbrellas*, from Sycamore, Ill., to points in Arizona, California, and Nevada and (2) *tents and accessories*, from Bellwood, Ill., to same destinations as (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116459 (Sub-No. 46), filed November 30, 1972. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Chattanooga, TN 37405. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* in bulk, in tank vehicles and packages, from Chattanooga, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, South Carolina, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 116544 (Sub-No. 137), filed November 2, 1972. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, MO 64836. Applicant's

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representative: Floyd F. Knutson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hampton, Iowa, to points in Florida, Georgia, Alabama, Mississippi, and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117169 (Sub-No. 4), filed November 29, 1972. Applicant: BEASLEY'S HOT SHOT SERVICE, INC., Post Office Box 161, Farmington, NM 87401. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies used in or in connection with*, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of *natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in or in connection with*, the construction, operation, repair, servicing, maintenance, and dismantling of *pipelines* (except the stringing or picking up of pipe in connection with main or trunk pipelines), between points in Arizona, that part of Colorado on and south of U.S. Highway 50, New Mexico and Utah. NOTE: Applicant states that the authority sought could be tacked at points in San Juan County, N. Mex., with existing authority in its Sub-No. 1, to provide service to and from Nevada and that part of Wyoming on and south of U.S. Highway 26. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117574 (Sub-No. 221), filed October 19, 1972. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts* and *attachments* therefor, from Romeo, Mich., to points in that part of Illinois east of U.S. Highway 51 and north of U.S. Highway 50; Indiana, Ohio, that part of Kentucky east of U.S. Highway 127, that part of New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Hamburg, N.Y., and thence along U.S. Highway 62 to Niagara, N.Y., that part of Pennsylvania west of U.S. Highway 219, and that part of West Virginia west of U.S. Highway 219. Restriction: The authority sought hereinabove is restricted to the transportation of shipments originating at the plantsite of Ford Motor Co. at Romeo, Mich., and destined to the named destination points above. NOTE: Applicant states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118457 (Sub-No. 9), filed November 30, 1972. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., West 145 South 6550 Tess Corners Drive, Muskego, WI 53150. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Chicago Heights, Ill., to points in Wisconsin, Indiana, Ohio, and the Lower Peninsula of Michigan and (2) *meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the town of Paris, Kenosha County, Wis., to points in Illinois, Indiana, Iowa, Ohio, Kentucky, Missouri, the Lower Peninsula of Michigan, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 118989 (Sub-No. 83), filed December 1, 1972. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers (cans) and parts related thereto*, from Indianapolis, Ind., to Sheboygan, Appleton, and Plymouth, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119789 (Sub-No. 134), filed November 30, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers (except frozen foods), from Croswell and Edmore, Mich., to points in Texas, Oklahoma, Arkansas, Louisiana, Kansas, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.Y., or Dallas, Tex.

No. MC 119789 (Sub-No. 135), filed November 14, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188 (1612 East Irving Boulevard), Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products* (other than frozen) and *dried citrus pulp*, from points in Cameron, Hidalgo, Starr, and Willacy Counties, Tex., to points in the United States (except Alaska, Hawaii, Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harlingen, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 137), filed December 1, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188 (1612 East Irving Boulevard), Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground apparatus, recreational equipment, and sporting goods*, from Bossier City, La., to points in North Carolina, South Carolina, Georgia, Florida, Virginia, Alabama, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authoriy. If a hearing is deemed necessary applicant requests it be held at Shreveport, La., or Washington, D.C.

No. MC 123048 (Sub-No. 239), filed November 27, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished and unfinished plywood*, (1) from Baltimore, Md., Camden and Newark, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, Wisconsin, and those in Pennsylvania on and west of U.S. Highway 219, and (2) from Louisville, Ky., St. Paul, Minn., and St. Louis, Mo., to points in Illinois, Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124078 (Sub-No. 535), filed December 11, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio,

Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124813 (Sub-No. 100), filed November 20, 1972. Applicant: UNTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean flour and feed ingredients*, from points in Illinois to Muscatine, Iowa, and (2) *feed*, from Dundee, Ill., to points in Iowa, Minnesota, and Missouri. NOTE: Applicant states that the requested authority can be tacked at Muscatine to transport feed ingredients to points in Kansas, Missouri, and Nebraska and at Eagle Grove, Iowa, to transport feed to Nebraska, South Dakota, Colorado, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Des Moines, Iowa, or Chicago, Ill.

No. MC 125777 (Sub-No. 139), filed November 13, 1972. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in dump vehicles, from Chicago, Ill., to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128375 (Sub-No. 87), filed November 30, 1972. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories*, and *those commodities* used in the manufacture, production, and distribution of motor vehicle parts and accessories (except in bulk) between Ripley, Tenn., on the one hand, and, on the other, points in the United States (including Alaska and Hawaii), under a continuing contract with the Maremont Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Chicago, Ill.

No. MC 128527 (Sub-No. 32), filed November 27, 1972. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Caldwell, Idaho, to points in Oregon west of the Cascade Mountain Range. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 134097 (Sub-No. 2), filed November 27, 1972. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. 21774. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Baltimore, Md., to the gasoline stations of Cheker Oil Co. in Winchester, Va., Harrisburg, and Middletown, Pa., under contract with Cheker Oil Co. NOTE: Applicant also holds common carrier authority under MC 56388 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134369 (Sub-No. 3), filed December 6, 1972. Applicant: CARLSON TRANSPORT, INC., Post Office Box R, Byron, IL 61010. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from (1) Michigan City, Ind., to points in the Lower Peninsula of Michigan, Waukegan and North Chicago, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission. Points in Ohio; (2) points in Berrien County, Mich., to points in Indiana, points in Ohio and that part of Illinois north of U.S. Highway 36, and (3) Oregon, Ill., to points in Indiana, points in the Lower Peninsula of Michigan and points in Ohio, restricted to traffic originating at the plantsite and facilities of Martin-Marietta Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134601 (Sub-No. 4), filed October 26, 1972. Applicant: GOOSE CREEK TRANSPORT, INC., Rural Delivery No. 1, Ashville, N.Y. 14710. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the town of Harmony (located in Chautauqua County), N.Y. to points in Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Columbia, Elk, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Lycoming, Mercer, Mifflin, Montour, Northumberland, Perry, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Washington, Westmoreland, Wyoming Counties, Pa., to points in Ashtabula, Columbiana, Mahoning, and Trumbull Counties, Ohio, under a continuing contract with Fairbank Farms, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134922 (Sub-No. 38), filed December 11, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: L. C. Cypert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Clifton, N.J., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Clifton, N.J., or Little Rock, Ark.

No. MC 135220 (Sub-No. 4), filed December 6, 1972. Applicant: MORRIS MILLER, 288 Maple Avenue, Cassadaga, NY 14718. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, and newspaper supplements otherwise exempt from economic regulation pursuant to section 203(b)(7) of the Act when transported in mixed loads with printed matter*, from the plantsites of the Greater Buffalo Press, Inc., at Buffalo and Dunkirk, N.Y., to points in Connecticut, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin, and returned shipments on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135423 (Sub-No. 2), filed November 24, 1972. Applicant: FRANKLIN GORDON, Rural Route 1, Manilla, Ind. 46150. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed supplements, and feed ingredients*, between Rushville, Ind., on the one hand, and, on the other, points in Ohio; and Anderson, Boone, Bourbon,

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Bracken, Bullitt, Campbell, Carroll, Fayette, Franklin, Gallatin, Grant, Hardin, Harrison, Henry, Jefferson, Jessamine, Kenton, Larue, Marion, Mercer, Nelson, Nicholas, Oldham, Owen, Pendleton, Robertson, Scott, Shelby, Spencer, Trimble, Washington, and Woodford Counties, Ky. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Cargill, Inc., Nutrena Feed Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 135553 (Sub-No. 6), filed December 6, 1972. Applicant: HENRY ANDERSEN, INC., 1618 College Avenue, Fredericksburg, VA 22401. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), (a) from Dogue, Va., to points in Texas; and (b) from North Bergen, N.J., to Washington, D.C.; and (2) *fresh pork and pork bellies and frozen pork products*, from points in Illinois, Iowa (except Ottumwa and Sioux City), Kansas, Nebraska, Kentucky, Georgia, Indiana, North Carolina, Wisconsin (except Cudahy), Michigan (except Detroit), Ohio (except Greenfield), Missouri (except St. Louis), New Jersey (except Jersey City), Pennsylvania (except Philadelphia), and New York (except Buffalo) to Dogue, Va., under contract with White Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136030 (Sub-No. 3), filed December 1, 1972. Applicant: CAVALIER TRANSPORTATION CO., INC., Post Office Box 7, Riverside, NJ 08075. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products* (except in bulk), and *building materials* as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from the plantsite of the Kaiser Gypsum Co., Inc., at Delanco, N.J., to points in Illinois, Iowa, Indiana, Kentucky, Ohio, Wisconsin, Missouri, Michigan, Minnesota, and Tennessee and (2) *Materials, supplies, equipment and returned, rejected shipments* in the reverse direction. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136476 (Sub-No. 2), filed May 18, 1972. Applicant: TRANSPORT WEST, INC., 2115 Birchwood, Eugene, OR 97401. Applicant's representative: Hector E. Smith, 33 East 10th Avenue, Post Office Box 334, Eugene, OR 97401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing steel*, from McMinnville, Oreg. (Cascade Steel Rolling Mills), to San Jose, Calif., under contract with Cascade Steel Rolling Mills. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eugene, McMinnville or Portland, Oreg.

No. MC 136769 (Sub-No. 3), filed November 13, 1972. Applicant: POP TRUCKING, INC., 20 North Main Street, Cornelia, GA. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages*, in containers, and *nonalcoholic beverage concentrate and syrup*, other than frozen, in containers, from Augusta, Ga., Inman, S.C., and the plant and warehouse sites of Custom Canners, Inc., located at points in Gwinnett and De Kalb Counties, Ga., to points in Arkansas, Illinois, Indiana, Missouri, Ohio, Pennsylvania, and Texas; and (2) *materials, supplies, and equipment* used in the production and distribution of nonalcoholic beverages (except commodities in bulk), from the destination points named above to Augusta, Ga., Inman, S.C., and the plant and warehouse sites of Custom Canners, Inc., located at points in Gwinnett and De Kalb Counties, Ga. Restriction: The Service authorized herein is subject to the following conditions: The operations herein are limited to transportation service to be performed, under a continuing contract, or contracts, with Custom Canners, Inc., of Gwinnett County, Ga. Further the authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. Additionally, the operations authorized herein are subject to the condition that any transportation service performed by the carrier from and to the points set forth above shall only be performed under authority of and in accordance with the terms, express or implied, of the permit issued hereunder. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136879 (Sub-No. 1), filed November 24, 1972. Applicant: PAUL R. GARNSEY and PAUL Z. GARNSEY, doing business as PAUL GARNSEY & SON, Post Office Box 55, Rural Delivery 1, Schuylerville, NY 12871. Applicant's representative: Julius Braun, Port Administration Building, Albany, NY 12202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured shipping containers, fabricated steel units, shipping rigs, pulp and paper manufacturing machinery and parts thereof, and rough and finished castings*, between Hudson Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin; (2) *paperboard boxes, folding cartons, and papermill supplies*, between Saratoga, N.Y., on the one hand, and, on the other, points in New Jersey, Nassau, and Suffolk Counties, N.Y., and New York City; and (3) *paper and paper mill supplies*, between Greenwich, N.Y., on the one hand, and, on the other, points in New Jersey, Nassau and Suffolk Counties, N.Y., and New York City, under contract with Sandy Hill Corp., Hollingsworth & Vose Co., and the A. L. Gerger Co. NOTE: Applicant also holds common carrier authority under MC 119297 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 136980, filed August 3, 1972. Applicant: TERRANCE W. SHEARER, Rural Delivery No. 1, Hinsdale Highway, Box 337, Olean, NY 14760. Applicant's representative: David P. Feldman, 714 Genesee Building, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Engines, pumps, compressors, and turbines, and parts of said commodities*; and *equipment and materials* used in the manufacture or assembly of said commodities, in units not exceeding 15,000 pounds in weight, from shipper plantsite and warehouse in Olean, Cattaraugus County, N.Y., to points in Allegany, Cattaraugus, Cayuga, Chautauqua, Delaware, Erie, Monroe, Nassau, Niagara, Onondaga, Ontario, Orleans, Oswego, St. Laurence, Steuben, Wayne, Wyoming, and Yates Counties, N.Y.; New York, N.Y.; Newark, N.J.; and points in Essex County, N.J., under contract with Clark Bros. Co., Division of Dresser Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Olean, N.Y., Buffalo, N.Y., or Washington, D.C.

No. MC 138020, filed September 5, 1972. Applicant: E. & S. TRUCKING, INC. 43 West Calhoon Street, Memphis, TN 38100. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment of expeditious transportation), between Memphis, Tenn., on the one hand, and, on the other, points in Tennessee, Mississippi, and Arkansas, restricted to shipments having prior and/or subsequent movements in interstate commerce by railroads, air and barge transportation systems. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Jackson, Miss., or Oklahoma City, Okla.

No. MC 138050 (Sub-No. 2), filed December 10, 1972. Applicant: STILWELL CANNING COMPANY, INC., Post Office Box 432, Stilwell, OK 74960. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Indiana, Iowa, Michigan, and Wisconsin to Arkansas City and Wichita, Kans., and Enid, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, or Tulsa, Okla.

No. MC 138164 (Sub-No. 1), filed November 27, 1972. Applicant: CAN-AM MARINE TRANSIT LTD., Cote St. Charles Road, Post Office Box 145, Hudson Heights, PQ, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Street, Repentigny, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sailboats and ancillary equipment*, using specialized equipment (extra low bed trailers or trucks with specially designed racks), from ports of entry on the international boundary line between the United States and Canada in Minnesota, Michigan, New York, Vermont, and Maine, to points in Maine, Connecticut, Delaware, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia, restricted to traffic in foreign commerce originating in the Province of Quebec, Canada: NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 138192, filed October 27, 1972. Applicant: JAMISON MOTOR LINES, INC., 516 Warren Avenue, Dade City, FL 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tobacco products, advertising and promotional material including redemption premiums, and merchandise used in the sale and distribution of tobacco products*, from points in Florida, to points in Arizona, California, Oregon, Washington, Montana, Idaho, Utah, New Mexico, Colorado, Wyoming, and Nevada; and (2) *cigar boxes and materials, supplies and equipment used in the manufacture of tobacco products*, from points in California, to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC 138249, filed August 31, 1972. Applicant: R. C. TRANSFER, INC., 833 Northeast Second Avenue, Fort Lauderdale, FL. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New crated furniture*, between points in Dade, Broward, and Palm Beach Counties, Fla.; all shipments to have a prior or subsequent movement by motor or rail carrier. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Fort Lauderdale, Fla.

No. MC 138253, filed December 1, 1972. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, Post Office Box G, Greeley, CO 80631. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts*, and *articles* distributed by meat packinghouses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, and such other *commodities* as are usually dealt in, or used by restaurants and restaurant supply houses, from Denver and Greeley, Colo., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, and such other *commodities* as are used, or dealt in by persons (as defined in section 203 (a) of the Interstate Commerce Act) engaged in the production and distribution of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to Denver and Greeley, Colo., under a continuing contract or contracts with Monfort Packing Co.; Monfort Portion Foods, Inc.; Monfort Food Distributing Co.; Monfort International Sales Corp.; Monfort Feed Lots, Inc.; Monfort-Gilcrest, Inc., and Monfort of Colorado International, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATION FOR FREIGHT FORWARDER

No. FF-330 (Sub-No. 1) (Amendment) (HOME-PACK TRANSPORT, INC., extension—domestic service), filed December 1, 1972, published in the FEDERAL REGISTER issue of December 21, 1972, and republished, in part, as amended this issue. Applicant: HOME-PACK TRANSPORT, INC., 57–48 49th Street, Maspeth, NY 11378. Applicant's representatives: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006 and Edward M. Alfano, 2 West 45th Street, New York, NY 10036. NOTE: The purpose of this partial republication is to include Mr. Alfano's name as applicant's representative in addition to Mr. Wohlstetter.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130185, filed December 1, 1972. Applicant: CRAWFORD COUNTY AUTOMOBILE CLUB, 314 South Sandusky Avenue, Bucyrus, OH 44820. Applicant's representative: Gerald P. Wadkoski, 85 East Gay Street, Columbus, OH 43215. For a license (BMC–5) to engage in operations as a *broker* at Bucyrus, Ohio, in arranging for transportation in interstate or foreign commerce in the transportation of: *Passengers and their baggage*, in all expense round trip tours, in special and charter operations, beginning and ending at points in Crawford, Morrow, Marion, and Wyandot Counties, Ohio, and extending to points in the United States including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 113908 (Sub-No. 248) (Correction), filed November 17, 1972, published in the FEDERAL REGISTER issue of December 21, 1972, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). NOTE: The purpose of this republication is to show that this application has been assigned No. MC 113908 Sub-No. 248 in lieu of MC 113908 Sub 247 which was in error. The rest of the notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-528 Filed 1-10-73;8:45 am]

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THURSDAY, JANUARY 11, 1973
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Volume 38 ■ Number 7

PART II

FEDERAL HOME LOAN BANK BOARD

■

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Conversions of Insured Institutions From Mutual Into Stock Associations

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FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 546]

[No. 73-25]

FEDERAL MUTUAL SAVINGS AND LOAN ASSOCIATIONS

Mutual to Stock Conversions

JANUARY 3, 1973.

The third unnumbered paragraph of section 5(i) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (i)), among other things, authorizes Federal mutual savings and loan associations to convert to the stock form upon an equitable basis and subject to the approval by regulations or otherwise of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. This authority has been implemented by § 546.5 of the Board's rules and regulations for the Federal savings and loan system (12 CFR 546.5).

In a companion proposal made on the same date as this proposal, the Board proposes to replace its existing regulations dealing with mutual to stock conversions with a new Part 563b of its rules and regulations for insurance of accounts (12 CFR Part 563b). If that companion proposal were adopted it would not be necessary for the Board to continue to provide for conversions of Federal associations to the stock form under the rules and regulations for the Federal savings and loan system. An extended preamble to that companion proposal describes the contents of proposed Part 563b and the Board's reasons for making the proposal.

For the reasons specified above and in that companion proposal, the Board would amend Part 546 of the Federal regulations by revoking § 546.5 thereof.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by March 12, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.73-460 Filed 1-10-73;8:45 am]

[12 CFR Parts 563, 563b, 571]

[No. 73-26]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Conversions of Insured Institutions From Mutual Into Stock Associations

JANUARY 3, 1973.

The third unnumbered paragraph of section 5(i) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (i)), among other things, authorizes Federal mutual savings and loan associations to convert to the stock form upon an equitable basis and subject to the approval by regulations or otherwise of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation (FSLIC). This authority has been implemented by § 546.5 of the rules and regulations for the Federal savings and loan system (12 CFR 546.5). The laws of somewhat less than half the States permit the chartering of both mutual and stock savings and loan associations and the conversion of mutual associations into stock associations. Under Title IV of the National Housing Act, as amended (12 U.S.C. 1724 et seq.) the Board, as operating head of the Federal Savings and Loan Insurance Corporation, has authority to regulate any such conversion involving an association whose accounts are insured by the Corporation. This authority has been implemented by § 563.22–1 of the rules and regulations for insurance of accounts (12 CFR 563.22–1), whose requirements are substantially similar to those of said § 546.5.

Since December 5, 1963, the Board has maintained a moratorium on conversions of all FSLIC-insured institutions, both federally chartered and State-chartered, from the mutual to the stock form. This moratorium was imposed primarily because of abuses arising from earlier conversions and because of the absence of sufficient information and knowledge on how conversions can occur in a safe and fair manner and without undue injury to the stability of the financial and managerial structure of the savings and loan industry.

During the time that such moratorium has been in effect, the Board has engaged three detailed studies of this difficult subject (the so-called Scott report, Hester report, and Friend report). In order to gain further information and experience, the Board in February 1972 approved a test conversion involving Citizens Federal Savings and Loan Association of San Francisco, Calif. In an additional effort to obtain information and experience in this area, the Board in July 1972 called for study applications. Five such applications were received. On the basis of the foregoing, the Board in September 1972 directed the preparation of proposed revised conversion regulations and decided that the moratorium is terminated effective upon the final adoption of revised conversion regulations.

The proposed regulations would revoke said § 563.22–1 and replace it by adding a new Part 563b of the rules and regulations for insurance of accounts. A companion proposal would revoke § 546.5 of the rules and regulations for the Federal savings and loan system. New Part 563b would be applicable to both federally chartered and State-chartered FSLIC-insured associations. Part 563b would govern only ordinary conversions in which the converted institution is insured by the FSLIC. It would not govern conversions involving mergers and holding companies and conversions in which the converted institution is not insured by the FSLIC. In addition, certain related amendments dealing with management contracts, stock options, and Federal charter amendments are not proposed at this time. Proposed regulations on related matters are being prepared and it is expected that they will be proposed at a later date during the comment period for this proposal.

Included in these proposals are three forms, form PA, form PS, and form FA, to be used in connection with conversions and dealing respectively with preliminary approval, proxy and information statements, and final approval. Because of their integral and significant relationship to the operation of Part 563b, they are published for comment in the same manner as the proposed regulations.

The general contents of proposed Part 563b may be summarized as follows: Section 563b.1 deals with the scope of the proposed regulations and § 563b.2 contains necessary definitions. Section 563b.3 sets forth the general sequence of processing applications for conversion and provides for numerous administrative requirements such as number of copies, place of filing, format for filings, amendments, and incorporation by reference. Section 563b.3 is modeled on regulation C of the Securities and Exchange Commission (SEC) (17 CFR 230.400–494) and is designed in part to insure that the filings under Part 563b can be used by insured institutions without substantial additional expense to meet the formal filing requirements of the SEC. Section 563b.4 deals with notice of filing and confidentiality of filings. Section 563b.4 also deals with the difficult question of what statements may be made by the insured institution prior to preliminary approval of the plan of conversion. The Corporation is concerned that improper statements made prior to such approval may subject the association to serious liability.

Section 563b.5 is one of the most significant sections of proposed Part 563b. Primarily, it deals with prohibited and optional provisions in plans of conversion and specifies a formula for determining the eligibility of accountholders to participate in the conversion distribution and for calculating the amount of the distribution to which eligible accountholders are entitled. In general, eligibility would be determined as of a fixed distribution record date and such date would be shifted annually an automatically to December 31 of each succeeding year. In general, the formula for determining the amount of distribution is a system of forward time-weighting which operates to discount more recent deposits. It is the present conclusion of the Board that shifts of funds on a destabilizing scale may occur among insured institutions unless some system of time-weighting or time-averaging is employed uniformly throughout the industry. It is also the present conclusion of the Board that weighting or averaging on the basis of past deposits over any extended period of time is probably not feasible. It appears that it would be too expensive for insured institutions to reconstruct their past deposit records far enough backwards in time for weighting for averaging to be sufficiently effective in discouraging shifts of funds.

Section 563b.6 deals with proxies, solicitations of proxies, and the use of proxy and information statements prepared in accordance with form PS. This section and form PS are based on regulation 14A, schedule 14A and form 10 of the Securities and Exchange Commission (17 CFR 240.14a–1 to 14a–12, 240.14a–101, and 239.7 respectively). It is the intent of the Board that this section and form PS should operate to give eligible accountholders and association members all the information they may need to vote intelligently on the plan of conversion and to make informed investment decisions with respect to the securities distributed incident to conversion. It is also the intent of the Board that § 563b.6 and form PS should operate to produce a document which insured institutions may use without substantial additional expense to meet the registration requirements of section 12(g) of the Securities Exchange Act of 1934.

Section 563b.7 deals with form and content of financial statements to be filed under item 17 of form PS. This section is based on regulation S–X of the SEC (17 CFR Part 210). It should be clearly noted that § 563b.7, unlike other parts of this proposal, is designed to be applicable to conversions involving mergers and holding companies, as well as ordinary conversions. Therefore, some parts of § 563b.7 will not be relevant to ordinary conversions. It should also be noted that some parts of item 17 will not be relevant to most insured institutions since under present circumstances their subsidiaries considered as a whole do not constitute a significant subsidiary.

Section 563b.8 concerns requirements for voting by members and notice of the meeting of members to consider the plan of conversion. Section 563b.9 deals with pricing and distribution of securities incident to conversion. A primary requirement of this section is that the prices be arrived at only after thorough and independent appraisal. Section 563b.10 deals with certain reports to be filed following conversion.

In order to carry out these proposals, the Board would amend Subchapter D of Chapter V of Title 12 of the Code of Federal Regulations substantially as set forth below:

PART 563—OPERATIONS

§ 563.22–1 [Revoked]

1. It is proposed to revoke § 563.22–1.

PART 563b—CONVERSIONS

2. It is proposed to add a new Part 563b to read as follows:

Sec.
563b.1 Scope of part.
563b.2 General definitions.
563b.3 General procedures.
563b.4 Notice of filing, public statements, and confidentiality.
563b.5 General principles for conversions.
563b.6 Solicitation of proxies and use of proxy and information form.
563b.7 Form and content of financial statements.
563b.8 Vote by members; application to the corporation for final approval.
563b.9 Distribution of capital stock.
563b.10 Post-conversion reports.

Authority: Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

§ 563b.1 Scope of part.

This part shall govern conversions from a federally-chartered mutual insured institution to a State-chartered stock insured institution and conversions from a State-chartered mutual insured institution to a State-chartered stock insured institution. Except as provided in this part, a Federal or a State-chartered mutual insured institution may not convert to a stock institution. Any provision in a form prescribed under this part and covering the same subject matter as any provision in this part shall be controlling.

§ 563b.2 General definitions.

(a) As used in this part and in the forms under this part, the following definitions apply, unless the context otherwise requires:

(1) *Affiliate.* An "affiliate" of, or a person "affiliated" with, a specified person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) *Amount.* The term "amount," when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(3) *Applicant.* An "applicant" is an insured institution which has applied to convert pursuant to this part.

(4) *Associate.* The term "associate," when used to indicate a relationship with any person, means (i) any corporation or organization (other than the applicant or a majority-owned subsidiary of the applicant) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (ii) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (iii) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the applicant or any of its parents or subsidiaries.

(5) *Association members.* The term "association members" refers to persons who, pursuant to the charter or bylaws of the applicant, are eligible to vote at the applicant's meeting at which conversion will be voted upon.

(6) *Board.* The term "Board" refers to the Federal Home Loan Bank Board.

(7) *Capital stock.* The term "capital stock" includes permanent stock, guaranty stock, permanent reserve stock, or any similar certificate evidencing nonwithdrawable capital.

(8) *Charter.* The term "charter" includes articles of incorporation, articles of association, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

(9) *Control.* The term "control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(10) *Corporation.* The term "Corporation" refers to the Federal Savings and Loan Insurance Corporation.

(11) *Dealer.* The term "dealer" means any person who engages either for all or part of his time, directly or indirectly, as agent, broker, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.

(12) *Director.* The term "director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

(13) *Eligible account holders.* The term "eligible account holders" refers to those persons who are eligible to receive a pro rata distribution of the ownership interest in the applicant upon its conversion pursuant to this part.

(14) *Employee.* The term "employee" does not include a director or officer.

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(15) *Equity security.* The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such security; or any such warrant or right.

(16) *Insured institution.* The term "insured institution" has the same meaning as in § 561.1 of this subchapter.

(17) *Material.* The term "material," when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before purchasing an equity security of the applicant, or matters as to which an average prudent association member ought reasonably to be informed in voting upon the plan of conversion of the applicant, or matters as to which an average prudent eligible account holder ought reasonably to be informed in determining whether to purchase, sell, or retain the securities being issued incident to the plan of conversion of the applicant.

(18) *Member.* The term "member" means any person qualifying as a member of an insured institution pursuant to its charter or bylaws.

(19) *Offer.* The term "offer," "offer to sell," or "offer of sale" shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. These terms shall not include preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are or are to be in privity of contract with an applicant.

(20) *Officer.* The term "officer" means the chairman of the board, president, vice-president, secretary, treasurer or principal financial officer, comptroller or principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

(21) *Person.* The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof.

(22) *Proxy.* The term "proxy" includes every form of authorization by which a person is, or may be deemed to be, designated to act for an association member in the exercise of his voting rights in the affairs of an insured institution. Such an authorization may take the form of failure to dissent or object.

(23) *Purchase.* The terms "purchase" and "buy" include every contract to purchase, buy, or otherwise acquire a security or interest in a security for value.

(24) *Sale.* The terms "sale" and "sell" include every contract to sell or otherwise dispose of a security or interest in a security for value.

(25) *Security.* The term "security" includes any note, stock, treasury stock, bond, debenture, transferable share, investment contract, voting-trust certificate, passbook savings account, savings account certificate of deposit, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase, any of the foregoing.

(26) *Solicitation; solicit.* The terms "solicitation" and "solicit" refer to (i) any request for a proxy whether or not accompanied by or included in a form of proxy; (ii) any request to execute, not execute, or revoke a proxy; or (iii) the furnishing of a form of proxy or other communication to association members under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy to an association member upon the unsolicited request of such association member, the performance of acts required by § 563b.6(f), or to the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(27) *Subsidiary.* A "subsidiary" of a specified person is an affiliate controlled by such person, directly or indirectly through one or more intermediaries. (See also "majority-owned subsidiary," "significant subsidiary" and "totally-held subsidiary" in § 563b.7.)

(28) *Supervisory agent.* The term "Supervisory Agent" means (i) the president of the bank of the Federal home loan bank district in which the applicant has its principal office, or (ii) any other person who is specifically designated as a supervisory agent by the Corporation to act in its behalf in the administration of this part.

(29) *Underwriter.* The term "underwriter" means any person who has purchased from an applicant with a view to, or offers or sells for an applicant in connection with, the distribution of any security, or participates or has a direct or indirect participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors' or sellers' commission.

§ 563b.3 General procedures.

(a) (1) *Preliminary approval.* An applicant that desires to convert in accordance with this part shall file an application for preliminary approval in 10 copies on forms prescribed by the Corporation. Copies of such forms may be obtained from any Federal home loan bank or the Office of the Secretary of the Board.

(2) *Approval of members.* The plan of conversion shall not be submitted to a vote of the members in accordance with § 563b.8, until the Corporation has given preliminary approval of the plan of conversion.

(3) *Final approval.* Upon approval by association members of a plan of conversion, an applicant may file an application for final approval in accordance with § 563b.8 in 10 copies on forms prescribed by the Corporation. Copies of such forms may be obtained from any Federal home loan bank or the Office of the Secretary of the Board.

(b) *Return of improperly executed or materially incomplete filings.* Any application for preliminary approval that is improperly executed, or that does not contain copies of a (1) plan of conversion, (2) preliminary proxy and information statement with signed financial statements and (3) form of proxy, shall not be accepted for filing and shall be returned to the applicant. Any application for preliminary approval containing a materially incomplete plan of conversion, proxy and information statement or form of proxy may be returned by the Corporation to the applicant.

(c) *Number of copies; place of filing; binding; signatures.* (1) Whenever a requirement is made under this part for the filing of four copies of any document with the Corporation, one copy shall be filed with the Supervisory Agent and three copies with the Office of the Secretary of the Board. Whenever a requirement is made under this part for the filing of 10 or more copies of any document with the Corporation, three copies shall be filed with the Supervisory Agent and the remaining copies with such Office of the Secretary of the Board. Whenever a requirement is made under this part that a document to be filed be manually signed, one manually signed copy shall be filed with the Supervisory Agent and another with such Office of the Secretary. Each of the copies filed under this part shall be bound, in one or more parts, without stiff covers. The binding shall be made on the side or stitching margin in such manner as to leave the reading matter legible.

(2) At least two copies of every application and every amendment thereto filed shall be manually signed by (i) a duly authorized representative of the applicant on its behalf, (ii) its principal executive officer, (iii) its principal financial officer, (iv) its principal accounting officer, and (v) at least two-thirds of its board of directors or persons performing similar functions.

(3) If any name is signed to an application or any amendment thereto pursuant to a power of attorney, four copies of such power of attorney, including two manually signed, shall be filed with the application.

(4) (i) Except as provided in paragraph (c) (4) (ii) of this section, the filing of any application or amendment thereto under this part shall constitute a representation of the applicant by its duly authorized representative, the applicant's principal executive officer, the applicant's principal financial officer, and the applicant's principal accounting officer, and each member of the applicant's board of directors (whether or not such director has signed the application or any amendment thereto) severally that (A) he has read such application or amendment, (B) in the opinion of each such person, he has made such examination and investigation as is necessary to enable him to express an informed opinion that such application or amendment complies to the best of his knowledge and belief with the applicable requirements of this part and forms prescribed thereunder, and (C) each such person holds such informed opinion.

(ii) The representations specified in paragraph (c) (4) (i) of this section shall not be deemed to have been made by any director of the applicant who did not sign the application or any amendment thereto, if, and only to the extent that, such director files with the Corporation within 10 business days after the filing of such application or amendment a statement describing those portions of such filing as to which he does not so represent.

(d) *Requirements as to paper and printing.* (1) Applications shall be filed on good quality, unglazed, white paper, approximately 8½ by 13 or 8½ by 11 inches in size, insofar as practicable. However, tables, charts, maps, and financial statements may be on larger paper if folded to such sizes, and the plan of conversion and proxy and information statement may be on smaller paper if the applicant so desires.

(2) Applications and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, or typewritten. However, applications or any portion thereof may be prepared by any similar process which, in the opinion of the Corporation, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(e) *Method of preparation.* Every application shall furnish information in item-and-answer form in response to the items of the appropriate form, and shall include the captions of the form, but omit the text of all items and instructions. Every proxy and information statement shall present information as provided in paragraph (k) of this section in response to the items of the appropriate form in lieu of furnishing the information in item-and-answer form, and shall omit the captions and text of all items and instructions. Every preliminary application shall include a cross-reference sheet showing the location in the proxy and information statement of the response to the items of the appropriate form. If any such item is inapplicable, or the answer thereto is in the negative and is omitted, a statement to that effect shall be made in the cross-reference sheet.

(f) *Interpretation of requirements.* (1) Unless the context indicates otherwise, the forms require information only as to the applicant.

(2) Whenever words relate to the future, they have reference solely to present intention.

(3) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

(g) *Additional information.* In addition to the information expressly required to be included in any application under this part, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(h) *Information unknown or not reasonably available.* Information required need be given only insofar as it is known or reasonably available to the applicant. If any required information is unknown and not reasonably available to the applicant, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the applicant, the information may be omitted, subject to the following conditions:

(1) The applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.

(2) The applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(i) *Incorporation of certain information by reference.* (1) Where an item in an application calls for information not required to be included in the proxy and information statement, matter contained in any part of the application, including exhibits, may be incorporated by reference in answer, or partial answer, to such item. No information may be incorporated by reference in a proxy and information statement, unless the document containing such information is attached thereto or is summarized or outlined as provided in paragraph (j) of this section.

(2) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

(j) *Summaries or outlines of documents.* Where a summary or outline of the provisions of any document is required, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular items, sections or paragraphs of any exhibit and may be qualified in its entirety by such reference.

(k) *Legibility of materials.* The body of all printed plans of conversion and proxy and information statements, including all notes to financial statements and other tabular data included therein, shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

(l) *Presentation of information.* (1) The information required in a proxy and information statement need not follow the order of the items or other requirements in the appropriate form. Such information shall not, however, be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Where an item requires information to be given in tabular form it shall be given in substantially the tabular form specified in the item.

(2) All information contained in a plan of conversion and proxy and information statements shall be set forth under appropriate captions or headings reasonably indicative of the principal subject matter set forth thereunder. Except as to financial statements and other tabular data, all information set forth in any form under this part shall be divided into reasonably short paragraphs or sections.

(3) Every proxy and information statement shall include in the forepart thereof a reasonably detailed table of contents showing the subject matter of its various sections or subdivisions and the page number on which each such section or subdivision begins.

(4) All information required to be included in a proxy and information statement shall be clearly understandable without the necessity of referring to the particular form or to the regulations under this part. Except as to financial statements and information required in tabular form, the information set forth in a proxy and information statement may be expressed in condensed or summarized form. Financial statements are to be set forth in comparative form, and shall include the notes thereto and the accountants' certificate or certificates.

(m) *Application of amendments to regulations and forms.* (1) The form and contents of any filing under this part made after _____, 1973 (date of final adoption of this part) need conform only to the applicable regulations and forms in effect, and contain the information including financial statements specified therein, at the time the filing is made, notwithstanding subsequent amendments to such regulations, except as otherwise provided in any such amendment or in subparagraph (2) of this paragraph (m).

(2) Whenever the Corporation prohibits by order or otherwise the use of any filing under this part, the form and contents of any filing used thereafter shall conform to the requirements of

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such order and the applicable regulations and forms in effect at the time such prohibition ceases to be effective.

(n) *Consents of experts.* (1) If any accountant, attorney, investment banker, appraiser, or other persons whose professions give authority to a statement made in any application under this part is named as having prepared, reviewed, passed upon, or certified any part thereof, or any report or valuation for use in connection therewith, the written consent of such person shall be filed with the application. If any portion of a report of an expert is quoted or summarized as such in any filing under this part, the written consent of the expert shall expressly state that the expert consents to such quotation or summarization.

(2) All written consents filed pursuant to this paragraph (n) shall be dated and signed manually. A list of such consents shall be filed with the application. Where the consent of the expert is contained in his report, a reference shall be made in the list to the report containing such consent.

(o) *Consents of persons about to become Directors.* If any person who has not signed an application is named in the proxy and information statement as about to become a director, the written consent of such person shall be filed with the appropriate form.

(p) *Date of filing.* The date on which any documents are actually received by the Office of the Secretary of the Board shall be the date of filing thereof.

(q) *Amendments.* All amendments to any application under this part shall be filed under cover of an appropriate facing sheet, shall be numbered consecutively in the order in which filed, and shall conform to all pertinent regulations applicable to the type of application which they amend.

(r) *Pre-filing conferences with applicants.* (1) The staff of the Board and the Supervisory Agent will be available for conferences with prospective applicants or their representatives in advance of filing an application to convert. These conferences may be held for the purpose of discussing generally the problems confronting an applicant in effecting conversion or to resolve specific problems of an unusual nature.

(2) Pre-filing review of an application may be refused by the staff of the Board and the Supervisory Agent if such review would delay the examination and processing of material which has already been filed or would favor certain applicants at the expense of others. In any conference under this paragraph (r), the staff of the Board and the Supervisory Agent will not undertake to prepare material for filing but will limit itself to indicating the kind of information required, leaving the actual drafting to the applicant and its representatives.

§ 563b.4 Notice of filing, public statements, and confidentiality.

(a) *Advertising of conversions.* No insured institution, or any director, officer or employee thereof, shall advertise, directly or indirectly, the benefits of conversion generally or of any plan of conversion, whether its own, or another institution's.

(b) *Information prior to preliminary approval of plan of conversion.* (1) An insured institution which is considering converting pursuant to this part and its directors, officers, and employees shall maintain such consideration in confidence to the extent consistent with the need to prepare information for filing an application for preliminary approval. If a public statement should become essential as a result of rumors prior to the adoption of a plan of conversion by the applicant's board of directors, such statement shall only be made with the prior approval of the General Counsel of the Corporation.

(2) Promptly after the adoption of a plan of conversion by its board of directors, the insured institution shall (i) notify its members of such action by issuing a press release and/or mailing a letter to each of its members and (ii) have copies of the adopted plan of conversion available for inspection by its members at its home office and each branch office. Copies of the proposed press release and letter are not required to be filed with the Corporation, but may be submitted for comment to the Office of General Counsel. Copies of the definitive press release and letter shall be filed with the Corporation as part of the application for preliminary approval.

(3) The press release and letter, unless otherwise authorized by the Corporation, shall only:

(i) State that the board of directors has adopted a proposed plan to convert the institution from a Federal (or State, as the case may be) mutual association to a State-chartered stock association;

(ii) State that the proposed plan of conversion must be approved by at least two-thirds of the votes eligible to be cast by association members at a meeting at which the plan will be submitted for their approval;

(iii) State that existing proxies held by the institution will not be voted with respect to the conversion, and that new proxies will be solicited for voting on the proposed plan of conversion;

(iv) State that a proxy and information statement setting forth more detailed information with respect to the proposed plan of conversion will be sent to association members prior to the meeting of members;

(v) State that the proposed plan of conversion must be approved by the Federal Home Loan Bank Board and by the appropriate State regulatory authority or authorities (naming such an authority or authorities) before such plan can become effective;

(vi) State that the proposed plan of conversion is also contingent upon obtaining favorable tax rulings from the Internal Revenue Service or an appropriate tax opinion;

(vii) State that there is no assurance that the approval of the Federal Home Loan Bank Board or the approval of the appropriate State authority or authorities will be obtained, and also no assurance that the favorable tax rulings or tax opinion will be received;

(viii) State the proposed record date for determining the eligible account holders entitled to receive the distribution;

(ix) Describe briefly the proposed distribution terms under the proposed plan of conversion;

(x) State that the proposed distribution will be in satisfaction of the eligible account holders' ownership interest in the institution in its mutual form and briefly describe the nature of such ownership interest;

(xi) State the title, par value (if any) and approximate amount of securities to be distributed under the proposed plan of conversion;

(xii) Describe briefly the extent to which directors, officers and employees will participate in the distribution of securities incident to the conversion;

(xiii) State that savings account holders will find their deposits in the converted institution identical as to dollar amount, rate of return and general terms, and that their accounts will continue to be insured identically by the Federal Savings and Loan Insurance Corporation;

(xiv) State that the institution will also continue to be a member of the Federal Home Loan Bank System;

(xv) State that borrowers' loans will be unaffected by conversion, and that the amount, rate, maturity, security and other conditions will remain contractually fixed as they existed prior to conversion;

(xvi) State that the normal business of the institution in accepting savings and making loans will continue without interruption; that the converted institution will continue after conversion to conduct its present services to savings account holders and borowers under current policies to be carried on in existing offices and by the present management and staff; and that an election of directors for the converted institution will occur at its first annual meeting after the adoption of the proposed plan of conversion (unless State law requires the election of directors at the meeting at which conversion is voted, in which case so state);

(xvii) State that the proposed plan of conversion, including the proposed distribution terms, may be substantively amended by the board of directors as a result of comments from the regulatory authorities or otherwise prior to the meeting, and that the proposed plan may also be terminated by the board of directors prior to such meeting; and

(xviii) State that questions of members will be answered in the proxy material to be sent after the regulatory approvals of the proposed plan of conversion have been obtained and that any questions at this time may be answered by telephoning or writing to the institution.

(4) Such press release and letter shall not in any manner solicit proxies, include financial statements, or describe the benefits of conversion or the value of the capital stock of the institution upon conversion. In replying to inquiries, the insured institution should limit its answers to the matters listed in subparagraph (3) of this paragraph (b).

(c) *Notice of filing.* (1) Promptly after filing an application for preliminary approval, the applicant shall publish a notice of such filing in a newspaper printed in the English language and having general circulation in each community in which an office of the applicant is located, as follows:

NOTICE OF FILING OF APPLICATION FOR PRELIMINARY APPROVAL TO CONVERT TO A STOCK SAVINGS AND LOAN ASSOCIATION

Notice is hereby given that, pursuant to Part 563b of the rules and regulations for Insurance of Accounts_____
(fill in name of applicant)
has filed an application with the Federal Savings and Loan Insurance Corporation for preliminary approval to convert to the stock form of organization. Copies of the application have been delivered to the Office of the Secretary of said Corporation, 101 Indiana Avenue NW., Washington, DC 20552 and to the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of _____, _____
(street address) (city)
_____, _____
(State) (Zip Code)

Written comments from any member of the applicant will be considered by the Corporation if filed within 10 business days after the date of this publication. Three copies of such comments should be sent to the aforementioned Office of the Secretary with one copy to said Office of the Supervisory Agent. The proposed plan of conversion is available for inspection by any savings account holder at said Office of the Secretary and at said Office of the Supervisory Agent. A copy of the plan may also be inspected at the home office and any branch office of the applicant.

If a significant number of the applicant's members speak a language other than English and a newspaper in that language is published in the area served by the applicant, an appropriate translation of such notice shall also be published in such newspaper.

(2) Promptly after publication of the notice or notices prescribed in subparagraph (1) of this paragraph (c), the applicant shall file four copies thereof with the Corporation accompanied by an affidavit of publication from each publisher.

(d) *Confidential information.* Should the applicant desire to submit any information it deems to be of a confidential nature regarding the answer to any item or a part of any exhibit included in any application under this part, such information pertaining to such item or exhibit shall be separately bound and labeled "confidential." Only general reference thereto need be made in that portion of the application which the applicant deems not to be confidential. Applications under this part shall be made available for inspection by the public, except for portions which are bound and labeled "confidential" and which the Corporation determines to withhold from public availability under 5 U.S.C. 552 and Part 505 of this chapter. The Corporation will withhold the public availability of preliminary copies of proxy soliciting materials without the necessity of their being bound and labeled as "confidential." The applicant will be advised of any decision by the Corporation to make public information designated as "confidential" by the applicant. Even though sections of the application are considered "confidential" as far as public inspection thereof is concerned, to the extent it deems necessary the Corporation may comment on such confidential submissions in any public statement in connection with its decision on the application without prior notice to the applicant.

§ 563b.5 General principles for conversions.

(a) *Prohibited provisions in plans.* No plan shall be approved which:

(1) Would result in any reduction of the Federal insurance reserve or would cause the applicant to fail to meet any net worth requirement of § 563.13 of this subchapter;

(2) Would result in a taxable reorganization of the applicant under the Internal Revenue Code of 1954, as amended, or in the distribution of any securities under the plan of conversion being a taxable event to eligible accountholders;

(3) Does not provide for the continuance of the present board of directors of the converting institution until the first annual meeting of the converted institution under its new charter and bylaws, unless Sate law requires an election of directors at the meeting of the members to consider the plan of conversion;

(4) Would result in the converted institution not being insured by the Corporation;

(5) Does not provide that each accountholder of the converting institution shall receive, without any payment, a withdrawable account or accounts in the converted institution equal in withdrawable amount to such accountholder's withdrawable account or accounts in the converting institution;

(6) Does not provide that each eligible accountholder's entitlement under the plan respecting his ownership interest in the association shall be pro rata to his interest in the association calculated in accordance with paragraphs (c), (d), and (e) of this section;

(7) Would constitute a preferential distribution to management on the basis of past services;

(8) Would result in a charge to eligible accountholders other than normal underwriting discount, commissions, or fees, a warrant subscription price, or the cost of purchasing the necessary number of shares to round up to a minimum number of shares;

(9) Does not provide a mechanism whereby each eligible accountholder may realize in cash the market value of the securities to be distributed if he so desires;

(10) Would result in the issuance of fractional shares;

(11) Provides for the distribution of capital stock, rather than cash, to eligible accountholders entitled to less than 25 shares, unless such accountholders elect under the plan of conversion to purchase a sufficient number of shares to round up to at least 25 shares;

(12) Would require eligible accountholders to purchase shares of capital stock to round up to more than 100 shares in order to receive shares in the distribution, or to pay more than $1,000 to purchase shares in order to round up to the minimum number of shares to be distributed;

(13) Provides for the distribution to eligible accountholders of a number of shares of capital stock, the expected initial price of which would be less than $5 per share or more than $40 per share (based on a reasonable price earnings multiplier applied to prior earnings of the applicant);

(14) Does not provide for the initial price of the capital stock to be based on an independent valuation of such stock at the expense of the applicant;

(15) Does not contain, if the applicant proposes to distribute subscription rights or warrants to eligible accountholders, adequate provision to insure that such holders who do not exercise or transfer such rights or warrants will receive fair value for their pro rata interest in the applicant, and that such value is supported by an independent valuation at the expense of the applicant;

(16) Provides that under the charter of the converted association its savings accountholders and borrowing members will have any vote unless State law requires or in such case more than the minimum number of votes required;

(17) Does not provide that under the charter of the converted association the applicant will solicit the proxies of the savings accountholders and borrowing members who have voting rights, if any, in the same manner as the applicant solicits the proxies of its capital stockholders; or

(18) Contains any other provision that the Corporation finds to be detrimental to the applicant, its accountholders and management, other insured institutions, or the public generally.

(b) *Optional provisions.* Unless State law otherwise requires, a plan of conversion may provide, among other things, for:

(1) Issuance to eligible accountholders without payment on a pro rata basis calculated in accordance with paragraphs (c), (d), and (e) of this section of subscription warrants or rights to purchase the capital stock representing the ownership of such holders;

(2) Issuance without payment of subscription warrants or rights to borrowing members, eligible accountholders, association members, and directors, officers and employees of the applicant to purchase additional capital stock to be sold incident to the plan of conversion: *Provided,* That the exercise price of such

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warrants or rights shall not be less than the price of the capital stock representing the ownership interest in the applicant, and the exercise period shall not exceed 90 days from the date of final approval of the plan of conversion;

(3) Sale of additional capital stock incident to the plan of conversion: *Provided*, That the purchase price upon the sale of such additional capital stock shall not be less than the price of the capital stock representing the ownership interest of eligible accountholders;

(4) Internal matching of purchase and sell orders from eligible accountholders with respect to the securities representing their ownership interest and any additional capital stock;

(5) The mandatory payment of cash to eligible accountholders who do not return order forms or similar instruments within the time limits specified in the plan of conversion, and who are entitled to 25 or more shares and less than 100 shares in the distribution; and

(6) Authorization of management employment contracts and adoption of a stock option or stock purchase plan at the meeting at which the plan of conversion is voted upon and to take effect after conversion.

(c) *Distribution record date.* The distribution record date for eligible accountholders means, for plans adopted in any given year, (1) December 31 of the previous calendar year, or (2) such earlier date as the applicant may select with the approval of the Corporation or State law may require. No person shall be an eligible accountholder unless such person had an account in the applicant on the distribution record date. An applicant's plan of conversion may employ more than one distribution record date, a distribution record period, or distribution record periods, but only with the approval of the Corporation and only if none of such dates and no part of such period or periods is later than the date specified in paragraph (c)(1) of this section.

(d) *Distribution of securities.* (1) For the purposes of this paragraph—

(i) The term "adopted" means adopted by the applicant's board of directors;

(ii) The term "average" refers to the result reached by dividing a sum by the number of its addends;

(iii) The phrase "on the basis of qualifying deposits" means, with respect to an eligible accountholder having an account on a fixed date, the amount of securities obtained by multiplying the appropriate percentage of the total securities to be distributed by the ratio of the amount of his qualifying deposits on such date to the total amount of qualifying deposits on such date. The phrase "on the basis of the quarterly average of qualifying deposits" means, with respect to an eligible accountholder having an account open during all or part of a period, the amount of securities obtained by multiplying the appropriate percentage of the total securities to be distributed by the ratio of the amount of the quarterly average of his qualifying deposits during such period to the total amount of the quarterly average of all qualifying deposits during such period;

(iv) The term "predecessor account" means (A) a given account which is not open on the distribution record date and from which funds were transferred to an account open on the distribution record date at the time of or prior to the closing of such given account, and (B) a given account which is not open on the record date and from which funds were transferred to a predecessor account under paragraph (d)(1)(iv)(A) of this section at the time of or prior to the closing of such given account;

(v) The term "qualifying deposits" means deposits in accounts open on the distribution record date plus deposits in predecessor accounts; and

(vi) Whenever a fixed date is used, the phrase "or earlier" should be understood, in accordance with paragraph (d)(2) of the section.

(2) The amount of securities to which each eligible accountholder is entitled shall be calculated in accordance with this paragraph (d), whose operation may be summarized in the following table:

[In percent]

Plans of conversion adopted during year	July 13, 1972	Dec. 31, 1972	Average 1973	1974	1975	1976	1977
1972	100						
1973	90	10					
1974	75	15	10				
1975	0	75	15	10			
1976	0	55	20	15	10		
1977	0	30	25	20	15	10	
1978	0	0	30	25	20	15	10

(3) For plans adopted during 1972, 100 percent of the securities will be distributed to eligible accountholders on the basis of their qualifying deposits on July 13, 1972.

(4) For plans adopted during 1973, the distribution of securities will be made to persons having accounts on December 31, 1972. Ninety percent of the securities will be distributed on the basis of their qualifying deposits on July 13, 1972; and 10 percent on the basis of their qualifying deposits on December 31, 1972.

(5) For plans adopted during 1974, the distribution of securities will be made to persons having accounts on December 31, 1973. Seventy-five percent of the securities will be distributed on the basis of their qualifying deposits on July 13, 1972; 15 percent on the basis of their qualifying deposits on December 31, 1972; and 10 percent on the basis of the quarterly average of their qualifying deposits during 1973.

(6) For plans adopted during 1975, the distribution of securities will be made to persons having accounts on December 31, 1974. Seventy-five percent of the securities will be distributed on the basis of their qualifying deposits on December 31, 1972; 15 percent on the basis of the quarterly average of their qualifying deposits during 1973; and 10 percent on the basis of the quarterly average of their qualifying deposits during 1974.

(7) For plans adopted during 1976, the distribution of securities will be made to persons having accounts on December 31, 1975. Fifty-five percent of the securities wil be distributed on the basis of their qualifying deposits on December 31, 1972; 20 percent on the basis of the quarterly average of their qualifying deposits during 1973; 15 percent on the basis of the quarterly average of their qualifying deposits during 1974; and 10 percent on the basis of the quarterly average of their qualifying deposits during 1975.

(8) For plans adopted during 1977, the distribution of securities will be made to persons having accounts on December 31, 1976. Thirty percent of the securities will be distributed on the basis of their qualifying deposits on December 31, 1972; 25 percent on the basis of the quarterly average of their qualifying deposits during 1973; 20 percent on the basis of the quarterly average of their qualifying deposits during 1974; 15 percent on the basis of the quarterly average of their qualifying deposits during 1975; and 10 percent on the basis of the quarterly average of their qualifying deposits during 1976.

(9) For plans of conversion adopted during any given year following 1977, the distribution of securities will be made, in accordance with paragraph (c) of this section, to persons having accounts on the December 31 of the year preceding such given year. Thirty percent of the securities will be distributed on the basis of the quarterly average of their qualifying deposits during the fifth calendar year preceding such given year; 25 percent on the basis of the quarterly average of their qualifying deposits during the fourth calendar year preceding such given year; 20 percent on the basis of the quarterly average of their qualifying deposits during the third calendar year preceding such given year; 15 percent on the basis of the quarterly average of their qualifying deposits during the second calendar year preceding such given year; and 10 percent on the basis of the quarterly average of their qualifying deposits during the year preceding such given year.

(e) *Permissible variations and special rules.* With respect to the system prescribed by paragraph (d) of this section—

(1) An applicant which had adopted a plan during 1972 may refile during 1973 and employ the 1973 percentages if the applicant can show that no unusual inflows of funds occurred during the period between July 13, 1972 and December 31, 1972;

(2) An applicant may employ percentages different than those specified in paragraph (d) of this section if such different percentages do not operate to give greater weight to any more recent deposits. An applicant may, for example, employ 85 percent, 10 percent, and 5 percent for plans adopted during 1974, but may not employ 70 percent, 20 percent, 10 percent for plans adopted during 1974;

(3) An applicant may compute averages on a basis more frequent than quarterly;

(4) If the qualifying deposits or quarterly average of the qualifying deposits of any officer, director, or associate thereof on a 10 percent date or during a 10 percent period are greater than his qualifying deposits or the quarterly average of his qualifying deposits during the preceding 90 percent date, 15 percent date, or 15 percent period, as the case may be, the excess is to be disregarded in determining the amount of securities that is to be distributed to him for such 10 percent date or period.

(5) If the quarterly average of the qualifying deposits of any eligible accountholder (other than an officer, director, or associate thereof) during a 10 percent period is greater than his qualifying deposits or the quarterly average of his qualifying deposits on the preceding 15 percent date or during the preceding 15 percent period, as the case may be, the distribution with respect to the 10 percent period shall be based on the cumulative average of his qualifying deposits during such 10 percent period and during such 15 percent period or during such 10 percent period and on such 15 percent date, as the case may be; and

(6) In determining the amount of qualifying deposits or the quarterly average of qualifying deposits, the applicant shall deduct the amount of any share loans and may deduct or include interest and dividends provided such deduction or inclusion is performed consistently for all accounts.

(f) *Dividend and repurchase restrictions.* Without the prior approval of the Corporation, no insured institution that has converted under this part shall for 5 years after the date of such conversion (1) repurchase any of its capital stock from any director, officer, former director or officer, or associate thereof or (2) declare or pay a cash dividend on, or repurchase, any of its capital stock in an amount exceeding 25 percent of its earned surplus accumulated after the date of conversion; except that there shall be no such declaration, payment or repurchase unless the insured institution, upon giving effect thereto, shall satisfy the net worth requirements contained in § 563.13(b) of this subchapter.

(g) *Manipulative and deceptive devices.* In the offer, sale or purchase of stock issued incident to its conversion, no insured institution, or any director, officer or employee thereof, shall (1) employ any device, scheme, or artifice to defraud, or (2) obtain money of property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or (3) engage in any act, transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser or seller.

(h) *Reports and trading.* No plan of conversion shall be aproved, unless the applicant has furnished to the Corporation an agreement, in form satisfactory to the Corporation, from each of the applicant's present directors and officers and each person who incident to the conversion will become directly or indirectly the beneficial owner of more than 10 percent of its capital stock, that (1) each such person will file statements with the Corporation in the same manner as such person would be required to file with the Securities and Exchange Commission if section 16(a) of the Securities Exchange Act of 1934, as amended, and the rules and regulations under such section, applied to the applicant immediately upon conversion and (2) any profit realized by such person from any purchase and sale, or any sale and purchase, of any equity security of the applicant within any period of less than 6 months shall inure to and be recoverable by the applicant as if section 16(b) of the Securities Exchange Act of 1934, as amended, and the rules and regulations under such section, applied to the applicant immediately upon conversion. No plan of conversion shall be approved, unless the applicant has furnished to the Corporation an agreement, in form satisfactory to the Corporation, that the applicant will promptly obtain and furnish to the Corporation similar agreements from each person who subsequent to the conversion becomes a director, officer or beneficial owner directly or indirectly of more than 10 percent of the applicant's capital stock. The requirements of this paragraph shall automatically terminate whenever the applicant becomes registered under section 12(g) of the Securities Exchange Act of 1934, as amended.

§ 563b.6 Solicitation of proxies and use of proxy and information statement.

(a) *Solicitations to which rules apply.* This section applies to every solicitation of a proxy from an association member of an insured institution for the meeting at which a conversion plan will be voted upon, except the following:

(1) Any solicitation made otherwise than on behalf of the management of the insured institution where the total number of persons solicited is not more than 50;

(2) Any solicitation through the medium of a newspaper advertisement which informs association members, following preliminary approval of the plan of conversion, of a source from which they may obtain copies of a proxy and information statement, form of proxy, or any other soliciting material and does no more than (i) name the insured institution, (ii) state the reason for the advertisement, (iii) identify the proposal or proposals to be acted upon by association members, and (iv) urge the member to vote at the meeting.

(b) *Use of proxy soliciting material to be authorized.* No proxy soliciting material required to be filed with the Corporation prior to use shall be furnished to association members or otherwise released for distribution until the use of such material has been authorized in writing by the Corporation.

(c) *Information to be furnished association members.* No solicitation subject to this section shall be made unless each person solicited is concurrently furnished, or has previously been furnished, a written proxy and information statement the use of which has been authorized by the Corporation.

(d) *Requirements as to proxy.* (1) The form of proxy (i) shall indicate in bold face type whether the proxy is solicited on behalf of the management, (ii) shall provide specifically designated blank spaces for dating and signing the proxy, (iii) shall identify clearly and impartially each matter or group of related matters intended to be acted upon, (iv) shall be clearly labeled "Revocable Proxy" in bold face type (at least as large as 18 point), (v) shall describe any charter or State law requirement restricting or conditioning voting by proxy, (vi) shall contain an acknowledgement by the person giving the proxy that he has received a proxy and information statement prior to signing the form of proxy, (vii) shall contain the date, time and place of meeting, if practicable, and (viii) shall provide by a box or otherwise, a means whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter referred to therein as intended to be acted upon.

(2) No proxy subject to this section shall confer authority to vote at any meeting other than the meeting (or any adjournment thereof) to vote on conversion. A proxy may be deemed to confer authority to vote with respect to matters incident to the conduct of such meeting. If the plan of conversion is considered at an annual meeting, existing proxies may be voted with respect to matters not related to the plan of conversion.

(3) The proxy and information statement or form of proxy shall provide that the votes represented by the proxy will be voted and that, where the person solicited specifies by means of a ballot provided pursuant to paragraph (d)(1)(viii) of this section a choice with respect to any matter to be acted upon, the votes will be voted in accordance with the specifications so made.

(e) *Material required to be filed.* (1) Applicants shall file preliminary copies of such proxy materials as are required by the appropriate form for applying for preliminary approval to convert under this part.

(2) Ten preliminary copies of any additional soliciting material subject to this section including soliciting material in the form of press releases, and radio or television scripts, to be used or furnished to association members subsequent to furnishing the proxy and information statement, shall be filed with the Corporation at least 5 business days prior to the date on which the Corporation is requested to authorize the use of such material. Speeches may, but need not be, filed with the Corporation prior to use.

(3) Twenty-five copies of the proxy and information statement and 10

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copies of the form of proxy and all other soliciting material, in the form in which such material is furnished to association members, shall be filed with or mailed for filing to the Corporation not later than the date such material is first sent or given to association members. All materials filed pursuant to this paragraph (e)(3) of this section shall be accompanied by a statement of the date on which copies of such materials are to be released to association members.

(4) If the solicitation is to be made in whole or in part by personal solicitation, 10 preliminary copies of all written instructions or other material which discusses or reviews, or comments upon the merits of, any matter to be acted upon and which is to be furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Corporation at least 5 days prior to the date on which the Corporation is requested to authorize the use of such material.

(5) All preliminary copies of material filed pursuant to subparagraphs (1), (2), and (4) of this paragraph (e) shall be clearly marked on the cover page "Preliminary Copy." Such preliminary copies shall be for the information of the Corporation only and shall not be deemed available for public inspection except that such material may be disclosed to any department or agency of the U.S. Government and the Corporation may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Corporation.

(6) Unless requested by the Corporation, copies of replies to inquiries from members of the insured institution and copies of communications which do no more than request that forms of proxy theretofore solicited be signed and returned need not be filed pursuant to this paragraph (e).

(7) Where any proxy and information statement, form of proxy or other material filed pursuant to this paragraph (e) is amended or revised, four copies of such amended or revised material filed with the Corporation shall be marked to indicate clearly and precisely the changes effected therein subsequent to the last prior filing.

(f) *Mailing communications for association members.* If the management of the applicant has adopted a plan of conversion, the applicant shall perform such of the following acts as may be duly requested in writing with respect to a matter to be considered at the meeting to vote on the plan of conversion by any association member who will defray the reasonable expenses to be incurred by the applicant in the performance of the act or acts requested.

(1) The applicant shall mail or otherwise furnish to such association member the following information as promptly as practicable after the receipt of such request:

(i) A statement of the approximate number of association members who have been or are to be solicited on behalf of the management, or any group of such holders which the association member shall designate.

(ii) An estimate of the cost of mailing a specified proxy and information statement, form of proxy or other communication to such association members.

(2)(i) Copies of any proxy and information statement, form of proxy or other communication furnished by the association member and as approved by the Corporation shall be mailed by the applicant to such of the association members specified in paragraph (f)(1)(i) of this section as the association member shall designate.

(ii) Any such material which is furnished by the association member shall be mailed with reasonable promptness by the applicant after receipt of the material to be mailed, envelopes or other containers therefor and postage or payment for postage.

(iii) Neither the management nor the applicant shall be responsible for such proxy and information statement, form of proxy or other communication.

(g) *False or misleading statements.* (1) No solicitation of a proxy by the applicant, its management, or any other person for the meeting to vote on conversion shall be made by means of any proxy and information statement, form of proxy, notice of meeting or other communication, written or oral, containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for such meeting which has become false or misleading.

(2) The fact that a proxy and information statement, form of proxy or other soliciting material has been filed with or examined by the Corporation and authorized for use shall not be deemed a finding by the Corporation that such material is accurate or complete or not false or misleading, or that the Corporation has passed upon the merits of or approved any proposal contained therein. No representation contrary to the foregoing shall be made by any person.

(3) If a solicitation by management violates any provision of this section, the Corporation may require remedial measures including:

(i) Correction of any such violation by means of a retraction and new solicitation;

(ii) Rescheduling of the meeting for a vote on the conversion;

(iii) Withholding final approval of the conversion; and

(iv) Any other actions the Corporation may deem appropriate in the circumstances in order to insure a fair vote.

(4) If a nonmanagement solicitation violates any provision of this section, the applicant shall be entitled with the concurrence of the Corporation to disregard any proxy given in response to such solicitation and may employ any other remedy available to it.

(h) *Prohibition of certain solicitations.* No person soliciting a proxy from an association member for the meeting to vote on conversion shall solicit:

(1) Any undated or post-dated proxy; or

(2) Any proxy which provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the association members; or

(3) Any proxy which is not revocable at will by the association member giving it; or

(4) Any proxy which is part of any other document or instrument (such as an account card).

§ 563b.7 Form and content of financial statements.

(a) *Application of this section.* This section states the requirements as to the form and content of all financial statements to be furnished with forms pursuant to this part. The term "financial statements" shall be deemed to include all notes to the statements and related schedules.

(b) *Definitions of terms used in this § 563b.7.* Unless the context otherwise requires, terms defined in § 563b.2 or in the instructions to the applicable form, when used in this § 563b.7 shall have the respective meanings given in such sections or instructions. In addition, the following terms shall have the meanings indicated in this section unless the context otherwise requires.

(1) *Accountant's report.* The term "accountant's report", when used in regard to financial statements, means a document in which an independent public or certified public accountant indicates the scope of the audit (or examination) which he has made and sets forth his opinion regarding the financial statements taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed.

(2) *Audit (or examination).* The term "audit" (or "examination"), when used in regard to financial statements, means an examination of the statements by an independent accountant in accordance with generally accepted auditing standards for the purpose of expressing an opinion thereon.

(3) *Fifty-percent-owned person.* The term "50-percent-owned person", in relation to a specified person, means a person approximately 50 percent of whose outstanding voting shares is owned by the specified person either directly, or indirectly through one or more intermediaries.

(4) *Fiscal year.* The term "fiscal year" means the annual accounting period or if the applicant has previously used an audit period in connection with its certified financial statements which does not coincide with its fiscal year, such audit period may be used in place of any fiscal year requirement provided it covers a full 12 months' operations and is used consistently.

(5) *Majority-owned subsidiary.* The term "majority-owned subsidiary" means a subsidiary more than 50 percent of whose outstanding voting shares is owned by its parent and/or the parent's other majority-owned subsidiaries.

(6) *Parent.* A "parent" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

(7) *Principal holder of equity securities.* The term "principal holder of equity securities", used in respect of an applicant or other person named in a particular statement or report, means a holder of record or a known beneficial owner of more than 10 percent of any class of equity securities of the applicant or other person, respectively, as of the date of the related balance sheet filed.

(8) *Share.* The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(9) *Significant subsidiary.* The term "significant subsidiary" means a subsidiary or a subsidiary and its subsidiaries, which meet either of the conditions described below based on the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were an applicant and the most recent annual consolidated financial statements of the applicant being filed:

(i) The parent's and the parent's other subsidiaries' proportionate share of the total assets (after intercompany eliminations) of the subsidiary, or their investments in and advances to the subsidiary exceed 10 percent of the total assets of the parent and consolidated subsidiaries.

(ii) The parent's and the parent's other subsidiaries' proportionate share of the total sales and revenues (after intercompany eliminations) of the subsidiary exceed 10 percent of the total sales and revenues of the parent and consolidated subsidiaries.

(10) *Totally held subsidiary.* The term "totally held subsidiary" means a subsidiary (i) substantially all of whose outstanding equity securities are owned by its parent and/or the parent's other totally held subsidiaries, and (ii) which is not indebted to any person other than its parent and/or the parent's other totally held subsidiaries, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within 1 year from the date of its creation, whether evidenced by securities or not. Indebtedness of a subsidiary which is secured by its parent by guarantee, pledge, assignment or otherwise is to be excluded for purposes of paragraph (a)(10)(ii) of this section.

(11) *Wholly owned subsidiary.* The term "wholly-owned subsidiary" means a subsidiary substantially all of whose outstanding voting shares are owned by its parent and/or the parent's other wholly owned subsidiaries.

(c) *Qualifications of accountants.* (1) For the purpose of this part, the Corporation will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. For the purposes of this part, the Corporation will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(2) For the purposes of this part, the Corporation will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (i) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest or (ii) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of this section the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

(3) In determining whether an account may in fact be not independent with respect to a particular person, the Corporation will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Corporation.

(d) *Accountants' reports*—(1) *Technical requirements.* The accountant's report (i) shall be dated; (ii) shall be signed manually; (iii) shall indicate the city and state where issued; and (iv) shall identify without detailed enumeration the financial statements covered by the report.

(2) *Representations as to the audit.* The accountant's report (i) shall state whether the audit was made in accordance with generally accepted auditing standards; and (ii) shall designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing in this subparagraph shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by subparagraph (3) of this paragraph.

(3) *Opinion to be expressed.* The accountant's report shall state clearly: (i) The opinion of the accountant in respect of the financial statements covered by the report and the accounting principles and practices reflected therein; and (ii) the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements as required to be set forth in the appropriate proxy and information statement.

(4) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(e) *Examination of financial statements of persons other than the applicant.* If an applicant is required to file financial statements of any other person, such statements need not be examined if examination of such statements would not be required if such person were itself an applicant.

(f) *Examination of financial statements by more than one accountant.* If, with respect to the examination of the financial statements of the applicant, the principal accountant relies on an audit made by another accountant of certain of the accounts of such applicant or its subsidiaries, the report of such other accountant shall be filed (and the provisions of paragraphs (c) and (d) of this section shall be applicable thereto); however, the report of such other accountant need not be filed (1) if no reference is made directly or indirectly to such other accountant's audit in the principal accountant's report, or (2) if, having referred to such other accountant's audit, the principal accountant states in his report that he assumes responsibility for such other accountant's audit in the same manner as if it had been made by him.

(g) *Form, order, and terminology.* (1) Financial statements may be filed in such form and order, and may use generally accepted terminology, as will best indicate their significance and character in the light of the provisions applicable thereto.

(2) All money amounts required to be shown in financial statements may be expressed in whole dollars, in thousands of dollars or in hundred thousands of dollars, as appropriate: *Provided*, That when stated in other than whole dollars,

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an indication to that effect is inserted immediately beneath the caption of the statement or schedule, or at the top of the money columns, or at an appropriate point in narrative material.

(3) Negative amounts (red figures) shall be shown in brackets or parentheses and so described in the related caption, columnar heading or a note to the statement or schedule, as appropriate.

(h) *Items not material.* If the amount which would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

(i) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* (1) No caption need be shown in any financial statements as to which the items and conditions are not present.

(2) Financial statements not required or inapplicable because the required matter is not present need not be filed.

(3) Financial statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(j) *Omission of substantially identical notes.* If a note covering substantially the same subject matter is required with respect to two or more financial statements relating to the same or affiliated persons, for which separate sets of notes are presented, the required information may be shown in a note to only one of such statements: *Provided*, That a clear and specific reference thereto is made in each of the other statements with respect to which the note is required.

(k) *Additional information.* The information required with respect to any statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(l) *Changes in accounting principles and practices and retroactive adjustments of accounts.* (1) Any change in an accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are being filed which materially affects comparability of such financial statements with those of prior periods, and the effect thereof upon the net income of the period in which such change is made and, if practicable, of the prior periods for which financial statements are being filed, shall be disclosed in an appropriate manner.

(2) Any material retroactive adjustment made in income statements during any period for which financial statements are being filed, and the effect thereof upon net income of prior periods shall be disclosed in a note to the appropriate financial statements.

(m) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such case, specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

(n) *Valuation and qualifying accounts.* Valuation and qualifying accounts shall be shown separately in the financial statements as deductions from the specific assets to which they apply.

(o) *Basis of determining amounts—book value.* If an instruction requires a statement as to "the basis of determining the amount," the basis shall be stated specifically. The term "book value" will not be sufficiently explanatory unless, in a particular instruction, it is stated to be acceptable with respect to a particular item.

(p) *General notes to financial statements.* If present in regard to the applicant for which the financial statements are filed, the following shall be set forth on the face of the appropriate statement or in notes appropriately captioned and referred to in such statement. The information shall be provided for each statement required to be filed, except that the information required by paragraphs (p)(4), (6), (7), and (8) of this section, shall be provided as of the most recent audited statement of financial condition and any subsequent unaudited balance sheet being filed. When specific statements are presented separately the pertinent notes shall be attached unless cross-referencing is appropriate.

(1) *Principles of consolidation or combination.* With regard to consolidated or combined financial statements, refer to paragraph (q) of this section for requirements for supplemental information in notes to the financial statements.

(2) *Plan of conversion.* A brief description of the plan of conversion and the financial statement implications including any subsequent dividend restrictions. Reference may be made to other descriptions contained in the form.

(3) *Principles of translation of items in foreign currencies.* When items in foreign currencies are included in the financial statements being presented, there shall be stated (i) a brief description of the principles followed in translating the foreign currencies into United States currency and (ii) the amount and disposition of the unrealized gain or loss.

(4) *Assets subject to lien.* Assets mortgaged, pledged, or otherwise subject to lien, and the approximate amounts thereof, shall be designated and the obligations collateralized briefly identified.

(5) *Intercompany profits and losses.* The amount, and the effect upon any balance sheet item, of profits or losses resulting from transactions with affiliated companies and not eliminated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, give an estimate or explain.

(6) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements and the entire amount of obligations to which the default or breach relates shall be classified as a current liability if said default or breach accelerates the maturity of the obligations and makes it current under the terms of the related indenture or agreement. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(7) *Pension and retirement plans.* A brief description of the essential provisions of any employee pension or retirement plan and of the accounting and funding policies related thereto shall be given. The estimated cost of the plan for each period for which an income statement is presented shall be stated.

(8) *Restrictions which limit the availability of reserves and undivided profits for dividend purposes.* Describe the most restrictive of any such restrictions, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of reserves and undivided profits (i) so restricted or (ii) free of such restrictions. These restrictions would include absolute restrictions, such as those imposed by State laws or credit agreements as well as those restrictions resulting from any additional income tax requirements before payment of dividends and disclose the amount of income tax which would become payable.

(9) *Commitments and contingent liabilities.* (i) If material in amount, there shall be disclosed the pertinent facts relative to firm commitments for the acquisition of permanent or long-term investments (excluding normal commitments made during the ordinary course of business) and property, plant and equipment and for the purchase, repurchase, construction, or rental of assets under material leases.

(ii) Where the annual rentals or obligations under noncancelable leases which have not been recorded as assets and liabilities are in excess of 1 percent of total sales and revenues of the most recent fiscal year, there shall be shown (A) the minimum annual rentals for the current and each of the 5 succeeding years; (B) the nature and effect of any provisions that would cause the annual rentals to vary from the minimum rentals; and (C) a description of the types of property leased, important obligations assumed or guarantees made, and any other significant provisions of such leases.

(iii) A brief statement as to contingent liabilities not reflected in the balance sheet shall be made.

(10) *Bonus, profit sharing, and other similar plans.* Describe the essential provisions of any such plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(11) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

(12) *Depreciation, depletion, obsolescence, and amortization.* State the policy followed with respect to:

(i) The provision for depreciation, depletion, obsolescence, and amortization of physical properties and capitalized leases, including the methods and, if practicable, the rates used in computing the annual amounts;

(ii) The provision for depreciation and amortization of intangible assets or the lack of such provision, including the methods and, if practicable, the rates used in computing the annual amounts;

(iii) The accounting treatment for maintenance, repairs, renewals, and betterments; and

(iv) The adjustment of accumulated depreciation, depletion, obsolescence, and amortization at the time the properties are retired or otherwise disposed of, including the disposition of any gain or loss on sale of such properties.

(13) *Capital stock optioned, sold or offered for sale to directors, officers and key employees.* (i) A brief description of the terms of each option arrangement shall be given including (A) the title and amount of securities subject to option; (B) the year or years during which the options were granted; and (C) the year or years during which the optionees became, or will become, entitled to exercise the options.

(ii) State (A) the number of shares under option at the balance sheet date, and the option price and the fair value thereof, per share and in total, at the dates the options were granted; (B) the number of shares with respect to which options became exercisable during each period presented, and the option price and the fair value thereof, per share and in total, at the dates the options became exercisable; (C) the number of shares with respect to which options were exercised during each period, and the option price and the fair value thereof, per share and in total, at the dates the options were exercised; and (D) the number of unoptioned shares available, at the beginning and at the close of the latest period presented, for the granting of options under an option plan.

(iii) A brief description of the terms of each other arrangement covering shares sold or offered for sale to only directors, officers, and key employees shall be given, including the number of shares, and the offered price and the fair value thereof per share and in total, at the dates of sale or offer to sell, as appropriate.

(iv) The required information should be summarized and tabulated, as appropriate, with respect to all option plans as a group and other plans for shares sold or offered for sale as a group.

(v) State the basic of accounting for such arrangements and the amount of charges, if any, reflected in income with respect thereto.

(14) *Income tax expense.* Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (i) Taxes currently payable; (ii) the net tax effects, as applicable, of (iii) timing differences and (iv) operating losses; and (v) the net deferred investment tax credits. The applicant's status as a "savings and loan association" as defined in section 593 of the Internal Revenue Code, as amended, shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the applicant has relied in making or not making provisions for such taxes. Amounts applicable to Federal income taxes and to other income taxes shall be stated separately for each component, unless the amounts applicable to other income taxes do not exceed 5 percent of the total for the component and a statement to that effect is made.

(15) *Warrants or rights outstanding.* Information with respect to warrants or rights outstanding at the date of the related balance sheet shall be set forth as follows:

(i) Title of issue of securities called for by warrants or rights.

(ii) Aggregate amount of securities called for by warrants or rights outstanding.

(iii) Date from which warrants or rights are exercisable and expiration date.

(iv) Price at which warrant or right is exercisable.

(q) *Consolidated and combined financial statements.* This section shall govern the presentation of consolidated and combined financial statements.

(1) *Consolidated financial statements of the applicant and its subsidiaries.* (i) The applicant shall follow in the consolidated financial statements principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the applicant and its subsidiaries: *Provided, however*, That the applicant shall not consolidate:

(*A*) Any subsidiary which is not majority owned; or

(*B*) Any subsidiary whose financial statements are as of a date or for periods different from those of the applicant, unless all the following conditions are met: (*1*) Such difference is not more than 93 days; (2) the closing date of the subsidiary is expressly indicated; and (3) the necessity for the use of different closing dates is briefly explained.

(ii) Notwithstanding the 93-day requirement specified in paragraph (q)(1)(i)(*B*)(*1*) of this section, in connection with the retroactive combination of the financial statements of entities following a "pooling of interests," the financial statements of the constituents may be combined even if their respective fiscal periods do not end within 93 days, except that the financial statements for the latest fiscal year shall be recast to dates which do not differ by more than 93 days, if practicable. Disclosure shall be made of the periods combined and of the sales or revenues, net income before extraordinary items and net income of any interim periods excluded from or included more than once in results of operations as a result of such recasting.

(iii) The 93-day requirement specified in paragraph (q)(1)(i)(*B*)(*1*) of this section is not applicable to the recognition of earnings or losses of 50 percent or less owned persons, the investments in which are accounted for by the equity method of accounting.

(2) *Group financial statements of subsidiaries not consolidated and 50 percent or less owned persons.* There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50 percent or less owned persons the investments in which are accounted for by the equity method are consolidated or combined in one or more groups, pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

(3) *Statement as to principles of consolidation or combination followed.* (i) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (A) subsidiaries in consolidated or combined financial statements and (B) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(ii) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed. If there have been any changes in the respective fiscal periods of the persons included made during the periods of the report which have a material effect on the financial statements, indicate clearly such changes and the manner of treatment.

(4) *Reconciliation of investment of a person in subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, and equity of such person in their net assets.* A statement shall be made in a note to the latest balance sheet of the amount and the accounting treatment of any difference between (i) the investment of a person and its consolidated subsidiaries, as shown in the consolidated balance sheet, in the unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method and (ii) their equity owned persons as shown in their financial statements.

(5) *Intercompany items and transactions.* In general, there shall be eliminated intercompany items and transactions between persons included in the (i) consolidated financial statements being filed and, as appropriate, (ii) unrealized

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intercompany profits and losses on transactions between persons for which financial statements are being filed and persons the investment in which is presented in such statements by the equity method. If such eliminations are not made, a statement of the reasons and the methods of treatment shall be made.

(6) *Consolidation of financial statements of an applicant and its subsidiaries engaged in diverse financial activities.* (i) If the applicant and its subsidiaries are engaged in one or more types of financial activities, e.g., banking, insurance, finance, and savings and loan subsidiaries, consolidated financial statements may be filed unless deemed inappropriate: *Provided*, That, when more than one type of financial activity is involved, separate audited financial statements for each significant financial subsidiary or each significant group of financial subsidiaries shall be presented. Savings and loan and other direct or indirect subsidiaries of savings and loan holding companies engaged in savings and loan related finance activities are considered to be one type of financial activity for the purpose of this rule.

(ii) If the applicant and its subsidiaries are engaged in (A) manufacturing, merchandising or other nonfinancial activities as well as in (B) financial activities as described in paragraph (q)(6)(i) of this section, the subsidiaries related to whichever of group (A) or (B) is less significant shall not be consolidated with the operations of the major group; however, the group of lesser significance may be included in the consolidated financial statements if its activities are principally for the benefit of the operations of the major group. In interpreting the significance of the groups above, the applicant should consider factors in addition to those in the definition of significant subsidiary including the primary business activities of the registrant, trends, and other pertinent matters.

(r) *Financial statements for savings and loan associations*—(1) *Application of this section.* All financial statements shall be prepared in accordance with generally accepted accounting principles and practices applicable to the savings and loan industry and the accounting rules prescribed by the Board. Except as otherwise permitted by the Corporation, applicants shall comply with the following provisions:

STATEMENTS OF FINANCIAL CONDITION-ASSETS

(2) *Cash and cash items.* State separately (i) cash on hand and demand deposits; (ii) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; (iii) time deposits; and (iv) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., as compensating balances or special purpose funds. The general terms and nature of such repayment provisions and withdrawal or usage restrictions shall be described in a note referred to herein.

(3) *U.S. Government and Federal agency obligations.* State, parenthetically or otherwise, the basis of determining the amount shown in the balance sheet and state the alternate of the aggregate cost or the aggregate amount on the basis of market quotations at the balance sheet date. When the original cost of securities purchased on a yield basis has been properly adjusted to reflect amortization of premium or accumulation of discount since acquisition, the basis of determining their amount may be described "as cost" with appropriate footnote disclosures. Show separately (*a*) other securities and investments and (*b*) securities of affiliates.

(4) *Loans secured by savings accounts.* Include the balance of loans secured by the pledge of its savings account.

(5) *Mortgage loans.* State separately here, or in a note referred to herein, each major class, such as FHA and VA loans, conventional loans, loans to facilitate sales of real estate foreclosed, unimproved land, contracts to facilitate the sale of real estate. Indicate any amounts pledged to secure debt.

(6) *Other loans.* Include (i) improvement loans both insured and uninsured, (ii) education loans, (iii) mobile home loans, (iv) other loans. Show separately any significant category.

(7) *Accrued interest receivable on loans.* Accrued interest receivable should be shown separately.

(8) *Valuation allowance.* Loans known to be uncollectible shall be excluded from the assets as well as from the valuation allowance.

(9) *Real estate owned.* State, parenthetically or otherwise, (i) the basis of determining the amount shown on the balance sheet, (ii) a description of the real estate owned including if it was acquired by foreclosure, by deed in lieu of foreclosure, in judgment and subject to redemption, or for development or resale. Any accumulated depreciation or valuation allowances should be shown separately.

(10) *Accounts and notes receivable.* (i) State separately amounts receivable from (*a*) parents and subsidiaries; (*b*) other affiliates and other persons the investments in which are accounted for by the equity method; (*c*) underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates; and (*d*) others. Exclude from (*c*) amounts for purchases by such persons subject to usual trade terms, for ordinary travel and expense advances and for other such items arising in the ordinary course of business. With respect to (*c*) and (*d*), state separately in the applicant's balance sheet the amounts which in the related consolidated balance sheet are eliminated and not eliminated.

(ii) For receivables maturing after 1 year, state in a note to the financial statements the amount thereof and, if practicable, the amounts maturing in each year. Interest rates on major receivable items maturing after 1 year, or classes of receivables so maturing, shall be set forth, or an indication of the average interest rate, or the range of rates, on all receivables shall be given.

(iii) Receivables from a parent, a subsidiary, an affiliate or other person designated under subdivisions (1)(*c*) and (1)(*d*) above shall not be considered as current unless the net current asset position of such person justifies such treatment.

(iv) If the aggregate amount of notes receivable exceeds 10 percent of the aggregate amount of receivables, the above information shall be set forth separately for accounts receivable and notes receivable.

(11) *Securities of affiliates and other persons.* Include under this caption amounts representing investments in affiliates and investments in other persons which are accounted for by the equity method, and state the basis of determining these amounts. State separately in the applicant's statement of financial condition the amounts which in the related consolidated statement of financial condition are eliminated and not eliminated.

(12) *Other security investments.* State the basis of determining the amount shown in the balance sheet and state, parenthetically or otherwise, the alternate of the aggregate cost or the aggregate amount on the basis of market quotations at the balance sheet date.

(13) *Investment in stock of the Federal Home Loan Bank.* Indicate basis for determining amount shown in the balance sheet.

(14) *Other Investments.* State separately, by class of investments, any items in excess of 5 percent of total assets.

(15) *Premises and equipment.* State separately here, or in a note referred to herein, if practicable, each major class, such as land, buildings, machinery and equipment, leaseholds, or functional grouping such as revenue producing equipment or industry categories, and the basis of determining the amounts.

(16) *Accumulated depreciation, depletion and amortization of property, plant and equipment.* Show separately on the statement of financial condition or in a separate note.

(17) *Prepayment to FSLIC Secondary Reserve.* In a separate note indicate the nature of this asset.

(18) *Intangible assets.* State separately each major class, such as goodwill, franchises, patents or trademarks, and the basis of determining their respective amounts. Indicate if any of these amounts have been required to be written off for purposes of reports to the Corporation and the consequent effect on net worth requirements.

(19) *Accumulated amortization of intangible assets.* Show separately any applicable amortization indicating the policy for such amortization.

(20) *Other assets.* State separately (i) each pension or other special fund; and (ii) any other item not properly classed in one of the preceding asset captions which is in excess of 5 percent of total assets.

(21) *Preoperating expenses deferred organization expense and similar deferrals.* State separately each major class and, in a note referred to herein, the policy for deferral and amortization. Indicate whether any of these amounts have been required to be written off for purposes of the Corporation.

(22) *Deferred debt expense.* State, in a note referred to herein, the policy for deferral and amortization.

(23) *Deferred commissions and expense on capital shares.* State, in a note referred to herein, the policy for deferral and amortization. These items may be shown as deductions from additional capital.

(24) *Total assets and, when appropriate, other debits.*

LIABILITIES, RESERVES AND STOCKHOLDERS' EQUITY

(25) *Savings Accounts.* Include accrued interest, if appropriate.

(26) *Loans in Process.* Include the amount of all undisbursed loan proceeds only where a clear liability exists.

(27) *Advance payments by Borrowers for Taxes and Insurance.*

(28) *Advances from Federal Home Loan Bank.* State separately here, or in a note referred to herein, such information as will indicate (i) the general character of each type of debt including the rate of interest, (ii) the date or dates of maturity and the amounts maturing as of each date. Any assets pledged should be noted.

(29) *Accounts and notes payable.* (i) State separately amounts payable to (*a*) banks, for borrowings; (*b*) trade creditors; (*c*) parents and subsidiaries; (*d*) other affiliates and other persons the investments in which are accounted for by the equity method; (*e*) underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates; and (*f*) others. Exclude from (*e*) amounts for purchases from such persons subject to usual trade terms, for ordinary travel expenses, and for other such items arising in the ordinary course of business. With respect to (*c*) and (*d*), state separately in the applicant's balance sheet the amounts which in the related consolidated balance sheet are eliminated and not eliminated.

(ii) If the aggregate amount of notes payable exceeds 10 percent of the aggregate amount of payables, the above information shall be set forth separately for accounts payable and notes payable.

(30) *Accrued liabilities.* State separately (i) payrolls; (ii) taxes, indicating the current portion of deferred income taxes; (iii) interest (indicating nature of accrual); and (iv) any other material items, indicating any liabilities to affiliates.

(31) *Other liabilities.* State separately (i) dividends declared; (ii) any other item in excess of five percent of liabilities, indicating any liabilities to affiliates. The remaining items may be shown in one amount.

(32) *Bonds, mortgages and similar debt.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (i) the general character of each type of debt including the rate of interest; (ii) the date of maturity, or if maturing serially, a brief indication of the serial maturities, such as "maturing serially from 1980 to 1990"; (iii) if the payment of principal or interest is contingent, an appropriate indication of such contingency; (iv) a brief indication of priority; (v) if convertible, the basis; and (vi) the combined aggregate amount of maturities and sinking fund requirements for all issues, each year for the 5 years following the date of the balance sheet. For amounts owed to affiliates, state separately in the applicant's balance sheet the amounts which in the related consolidated balance sheet are eliminated and not eliminated.

The amounts of unamortized debt discount and premium applicable shall be deducted from or added to the face amounts of the issues under the particular caption either individually or in the aggregate, but if the aggregate method is used the face amounts of the individual issues and the applicable unamortized discount or premium shall be shown parenthetically or otherwise.

(33) *Deferred credits.* State separately amounts for (i) deferred income taxes, (ii) deferred tax credits, and (iii) material items of deferred income.

(34) *Commitments and contingent liabilities.* (See § 563b.7(p)(9).)

MINORITY INTERESTS

(35) *Minority interests in consolidated subsidiaries.* State separately in a note referred to herein, amounts represented by preferred stock and the applicable dividend requirements if the preferred stock is material in relation to the consolidated stockholders equity.

STOCKHOLDERS' EQUITY

(36) *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares issued or outstanding, as appropriate, and the dollar amount thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom. Show here, or in a note or statement referred to herein, the changes in each class of capital shares for each period for which an income statement is required to be filed.

(37) *Other stockholders' equity.* (i) Separate captions shall be shown for (*a*) paid-in additional capital, (*b*) other additional capital, and (*c*) retained earnings (*1*) appropriated and (*2*) unappropriated.

(ii) If undistributed earnings of unconsolidated subsidiaries and 50 percent or less owned persons are included, state the amount in each category parenthetically or in a note referred to herein.

(iii) For a period of at least 10 years subsequent to the effective date of a quasi-reorganization, any description of retained earnings shall indicate the point in time from which the new retained earnings dates and for a period of at least 3 years shall indicate the total amount of the deficit eliminated.

(iv) A summary of each account under this caption setting forth the information prescribed in 563b.7(r)(39) shall be given for each period for which a statement of operations is being filed.

(38) *Total liabilities, and stockholders' equity.*

STATEMENT OF STOCKHOLDERS' EQUITY

(39) A summary shall be given for each class of stockholders' equity set forth in the related statement of financial condition.

(i) *Balance at beginning of period.* State separately the adjustments to the statement of financial condition at the beginning of the first period of the report for items which were retroactively applied to periods prior to that period.

(ii) *Net income or loss from statement of operations.* (See § 563b.7(r)(55).)

(iii) *Other additions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

(iv) *Dividends.* For each class of shares state the amount per share and in the aggregate. Show separately cash and other (specify) dividends.

(v) *Other deductions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

(vi) *Balance at end of period.* The balance at the end of the most recent period shall agree with the related statement of financial condition caption.

STATEMENT OF OPERATIONS

All items of profit and loss given recognition in the accounts during each period covered by the statement of operations, except retroactive adjustments, shall be included in the statement of operations for each such period (see § 563b.7(1)). Only items entering into the determination of net income or loss may be included.

INCOME

(40) *Interest on loans.* Include amortization of any premium.

(41) *Interest and Dividends on Investments.* Show separately interest or dividends from affiliates. Exclude from this caption dividends from both subsidiaries and investments which are accounted for by the equity method.

(42) *Loan Origination Fees.* Include fees and charges received in connection with the making or acquisition of mortgage loans not subject to deferral by regulation.

(43) *Other fees.* Include loan servicing fees, prepayment charges, late charges, etc. showing separately, if material, any significant items.

(44) *Other income.* State separately any material amounts indicating clearly the nature of the transaction out of which the items arose. Other income may be stated net of applicable expenses, provided that any material amounts are set forth separately.

EXPENSES

(45) *Interest on Savings Accounts.* Include all interest or dividends paid or accrued on savings accounts.

(46) *Interest on Borrowings.* Include all interest paid or accrued on borrowings.

(47) *General and Administrative Expenses.* (See § 563b.7(r)(58).)

(48) *Other expenses.* Indicate separately any material items.

(49) *Income or loss before income tax expense and appropriate items below.*

(50) *Income Tax Expense.* (See § 563b.7(p)(14).) This caption only taxes based on income. Show separately current and deferred income taxes, if significant. Explain the nature of major items relating to deferred income taxes. Explain the method of calculating the bad debt deduction and the fact that the allowable deduction will be declining in future years. Include the amount of stockholders' equity for which no income taxes have been paid and explain the significance in terms of dividend payments on capital stock.

(51) *Minority interest in income of consolidated subsidiaries.*

(52) *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned person.* The amount reported under this caption shall be stated net of any applicable tax provisions. State, parenthetically or in a note referred to herein, the amount of dividends received from such persons. If justified by circumstances, this item may be presented in a different position and a different manner.

(53) *Extraordinary items, less applicable tax.* State separately any material items and disclose, parenthetically or otherwise, the tax applicable to each.

(54) *Cumulative effects of changes in accounting principles.* State separately, any material items and disclose parenthetically or otherwise, the tax applicable to each.

(55) *Net income or loss.* (See § 563b.7(r)(39)(ii).)

(56) *Allocation of net income.* Indicate the amounts of net income allocated to (i) appropriated retained earnings and (ii) unappropriated retained earnings.

(57) *Earnings per share data.* Show separately: (i) Earnings before any extraordinary items, (ii) earnings applicable to extraordinary items, and (iii) net earnings per share. In connection with any subsequent capital stock distributable to eligible account holders pursuant to a plan of conversion, reflect earnings per share data on a retroactive basis. Set forth in reasonable detail the computation of per share earnings.

(58) *Supplementary Information to the Statement of Operations.* Furnish the following schedule for each statement of operations in which operating revenues were of significant amount. This schedule may be omitted if the information required by Column B and instructions 3 and 4 thereof is furnished in the statement of operations or in a note thereto. This information shall be provided for each of the 3 fiscal years preceding the date of the latest statement of financial condition filed and for the period, if any, between the close of the latest of such fiscal years and the date of the latest statement of financial condition filed.

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SUPPLEMENTARY INFORMATION TO THE STATEMENT OF OPERATIONS [1]

Item	Column A	Column B [2] Charged to general and administrative expenses and other accounts
1. Maintenance and repairs		
2. Depreciation, depletion and amortization of premises and equipment		
3. Depreciation and amortization of intangible assets		
4. Taxes, other than income taxes [3]		
5. Rents [4]		
6. Royalties		
7. Advertising costs [5]		
8. Provision for doubtful accounts and notes		
9. Expenses of conversion		

STATEMENT OF CHANGES IN FINANCIAL CONDITION

(59) The statement of changes in financial condition shall summarize the sources from which funds have been obtained and their application. Material changes in the components of net funds shall be shown in the statement or in a supporting tabulation. As a minimum, the following shall be reported:

(i) Sources of funds:

(a) Funds provided from operations (showing separately net income or loss and the addition and deduction of specific items which did not require the expenditure or receipt of funds; e.g., depreciation and amortization, deferred income taxes, undistributed earnings or losses of unconsolidated persons, etc.).

(b) Principal payments on loans.

(c) Sale of loans, if material.

(d) Sale of other assets (identifying separately such items such as real estate owned, fixed assets, intangibles, etc.).

(e) Issuance of longterm debt.

(f) Increase in savings accounts.

(g) Loan fees deferred.

(ii) Application of funds:

(a) Origination and purchase of loans (showing separately if material).

(b) Purchase of other assets (identifying separately such items as investments, fixed assets, intangibles, etc.).

(c) Repayment of longterm debt.

(60) *Schedules to financial statements.* No schedules to financial statements, other than Supplemental Information to the Statement of Operations, are required to be furnished. However, the Corporation may request that additional schedules be filed in order that the financial statements not be misleading or to insure that all information as would be meaningful be included. The applicant may consider the furnishing of such schedules as are required for any additional filings with the Securities and Exchange Commission.

[1] State, for each of the items noted in Column A which exceeds 1 percent of total revenues as reported in the related statement of operations, the amount called for in Column B.

[2] Indicate amounts charged to other accounts indicating account such as real estate owned or other income—from real estate operations.

[3] State separately each category of tax which exceeds 1 percent of total revenues.

[4] Include rents applicable to leased personal property.

[5] This item shall include all costs related to advertising the company's name, products or services in newspapers, periodicals or other advertising media.

§ 563b.8 Vote by members; application to the Corporation for final approval.

(a) *Vote at special meeting.* Following Corporation approval of an application for preliminary approval, the plan shall be submitted to a special meeting of members, unless State law requires that the plan be considered at an annual meeting of members.

(b) *Determining members eligible to vote.* The record date for determining those members eligible to vote at the meeting called to consider a plan of conversion shall be not more than 60 nor less than 35 days prior to the date of such meeting, unless State law requires a different voting record date.

(c) *Notice to members.* Notice of the meeting to consider a plan of conversion shall be given by the proxy and information statement authorized for use by the Corporation not more than 50 nor less than 30 days prior to the date of the meeting to each association member and each eligible account holder, postage prepaid, at his last address as shown on the books of the applicant, unless State law requires a different notice period.

(d) *Required vote.* The plan shall be approved by a vote of at least two-thirds of the total outstanding votes of the applicant's association members, unless State law requires a higher percentage, in which case the higher percentage shall be used. Voting may be in person or by proxy.

(e) *Application for final approval.* (1) Upon approval by the association members of the plan of conversion in accordance with the vote required by paragraph (d) of this section, the applicant shall submit to the Corporation an application for final approval of the plan of conversion on the appropriate form prescribed by the Corporation, as soon as practicable after the meeting.

(2) No plan of conversion under this part shall be implemented following approval of the plan by the members, unless an application for final approval shall have been approved by the Corporation.

(3) Approval by the Corporation of the application for final approval terminates the Federal charter of an applicant effective upon the issuance to it of a stock charter under the laws of the State in which the home office of the applicant is located. Such Federal charter shall promptly be surrendered to the Board for cancellation.

(4) Every applicant under this part shall promptly file with the Corporation a copy of the stock charter issued to it. Conversion shall be deemed to have occurred on the date of issuance of the stock charter. Upon the granting of final approval by the Corporation the accounts of the converted institution shall be insured to the same extent and in the same manner as the accounts of the converting institution. The certificate of insurance of the converting institution shall promptly be surrendered to the Corporation for cancellation, and the Corporation shall promptly issue a new certificate of insurance to the converted association.

§ 563b.9 Pricing and distribution of securities.

(a) *General.* No sale or distribution of securities of the applicant pursuant to the plan of conversion may be made prior to final approval of the plan pursuant to § 563b.8. No offer to sell or offer to buy such securities may be made prior to preliminary approval of the applicant's plan of conversion by the Corporation. This paragraph shall not apply to preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are or are to be in privity of contract with the applicant.

(b) *Distribution of proxy and information statement.* The appropriate proxy and information statement shall be distributed to eligible account holders at the same time it is mailed to association members pursuant to § 563b.8 (c). Only one proxy and information statement need be distributed to any person who is both an eligible account holder and an association member.

(c) *Specification of price in proxy and information statement.* The proxy and information statement shall set forth a price range for the securities of the applicant to be distributed to eligible account holders under the plan of conversion. The maximum of such price range shall be no more than 10 percent above the average of the minimum and maximum of such price range and the minimum shall be no more than 10 percent below such average.

(d) *Final pricing.* Prior to or at the time of final approval the applicant shall fix an actual price or a final price range for the securities to be distributed under the plan of conversion. The maximum of the price range under this paragraph shall be no more than 3 percent above the average of the minimum and maximum of such price range and the minimum shall be no more than 3 percent below such average. Following final approval only an actual price within such range may be used.

(e) *Representations as to pricing.* The Corporation will review the price ranges and actual prices described in paragraphs (c) and (d) of this section in determining whether to give preliminary and final approval to plans of conversion. No representations may be made in any manner by the applicant that such price ranges or actual prices have been approved by the Corporation.

(f) *Underwriting expenses.* The price ranges and actual prices described in paragraphs (c) and (d) of this section shall be net of any actual or estimated underwriting commissions, fees and discounts. Such underwriting commissions, fees and discounts shall not exceed an amount or percentage per share acceptable to the Corporation.

(g) *Pricing materials.* (1) In considering price ranges and actual prices under paragraphs (c) and (d) of this section, the Corporation will apply the following guidelines to the materials in support of such price ranges and prices:

(i) The materials shall be prepared by persons independent of the applicant, experienced and expert in the area of corporate appraisal, and acceptable to the Corporation;

(ii) The materials shall contain data which are sufficient to support the conclusions reached therein;

(iii) The materials shall contain a complete and detailed description of the appraisal methodology employed; and

(iv) To the extent that the appraisal is based on comparison of the proposed securities of the applicant with outstanding securities of existing stock associations, the materials must demonstrate the appropriate comparability of the form and substance of such outstanding securities and the appropriate comparability of such existing stock associations in terms of such factors as size, market area, competitive conditions, profit history, and expected future earnings.

(2) In addition to the information required in paragraph (g)(1) of this section, the applicant shall submit information demonstrating to the satisfaction of the Corporation the independence and expertise of any person preparing materials under this paragraph. However, a person will not be considered as lacking independence for the reason that such person will participate in effecting a distribution of securities under the plan of conversion.

(h) *Order forms.* (1) Concurrently with or after the distribution of the appropriate proxy and information statement pursuant to paragraph (b) of this section, the applicant may distribute to all eligible account holders and such association members who may have rights under the plan of conversion forms upon which such account holders and members may indicate decisions as to choices exercisable under the applicant's plan of conversion.

(2) The applicant may make provision for such order forms to be binding on such account holders and members even though such order forms, as permitted in paragraph (c) of this section, state a price range. However, an order form stating a price range as permitted in paragraph (c) of this section shall not be binding if it orders the purchase of securities, and if the actual price fixed by the applicant under paragraph (d) of this section is not within such range. Eligible account holders and association members may also revise a choice made on an earlier form up to the time of the meeting. If the form is distributed after the meeting, the minimum exercise period shall be 16 calendar days after completion of the mailing of the forms. The appropriate proxy and information statement shall contain a description of the conditions under which order forms will be binding and of the circumstances under which order forms may be revised.

(3) Forms distributed pursuant to paragraph (h)(1) of this section shall (i) indicate the total number of securities apportioned to the particular eligible account holder to whom the form is addressed, (ii) indicate the period for exercise of the form, (iii) state the price range or actual price of the securities determined in accordance with paragraph (c) or (d) of this section, (iv) provide specifically designated blank spaces for dating and signing the form, (v) contain an acknowledgment by the person completing the form that he has received a proxy and information statement prior to signing the form, (vi) indicate the effect of failing to complete and return the form, and (vii) describe the eligible account holder's right to revise a choice made on an earlier form.

(i) *Exercise and distribution periods.* The minimum exercise period for subscription warrants and rights shall be 16 calendar days after the mailing of such warrants or rights is completed. Distribution of the converted association's capital stock and such cash or credits to accounts as may be payable under the plan of conversion shall be completed as promptly as possible but no later than 30 calendar days after the later of (1) final approval of the conversion by the Corporation, or (2) the expiration date of such warrants or rights, or (3) commencement of a public offering of the applicant's securities, if any, pursuant to the plan of conversion.

§ 563b.10 Post-conversion reports.

(a) *Itemized expenses.* Within 90 days after distribution of capital stock under this part, the insured institution shall file the information required by the item in the appropriate proxy and information statement form relating to expenses incurred in converting to a stock association. Such information shall be final, and the expenses shall be separately stated to the extent required by such form.

(b) *Additional reports.* The insured institution shall file such other reports concerning its conversion as the Corporation may require.

PART 571—STATEMENTS OF POLICY

3. It is proposed to adopt a new Statement of Policy, § 571.8, as follows:

§ 571.8 Maintenance of records for conversions.

(a) Section 563b.5 of the rules and regulations for insurance of accounts requires in part that, in the conversion of an insured institution to the stock form, specified percentages of conversion securities be distributed on the basis of eligible accountholders' qualifying deposits and/or the quarterly average of their qualifying deposits over certain periods. This system of time adjustment for determining the amount of conversion securities to which each eligible accountholder is entitled is basically a system of forward time averaging and weighting, as opposed to back time averaging and weighting. This system was selected because it appears that most insured institutions do not have internal controls sufficient to trace predecessor accounts, as defined in § 563b.5 of this chapter, for any extended period prior to July 13, 1972, except at prohibitive cost. A system of forward time averaging or weighting thus gives insured institutions desiring to convert ample notice that they should establish the necessary internal controls.

(b) The Corporation nevertheless anticipates that there will be insured institutions which will form an intent to convert at a later date and which will not have previously established the necessary internal controls. Such institutions will then be in the posture of having to trace predecessor accounts as though the Corporation had initially adopted a requirement of back time averaging and weighting with respect to them. The Corporation therefore anticipates that it will receive requests from such institutions for a relaxation of time weighting and averaging requirements.

(c) It will be the policy of the Corporation not to consider such requests favorably. The Corporation is of the view that only a system of time adjustment which is applied on a uniform and consistent basis is sufficient to discourage shifts of savings funds on a destabilizing scale as a result of conversions. The Corporation encourages insured institutions to establish promptly the internal controls necessary to trace predecessor accounts whether or not the institution has any plans to convert.

4. In connection with proposed new Part 563b, the Board proposes to adopt and employ the following forms:

FORM PA

[Facing Sheet]

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Insurance Corporation

Washington, D.C. 20552

Application for Preliminary Approval of Conversion

(Exact name of applicant as specified in charter)

(Street address of applicant)

(City, State, and ZIP code)

(Date of application)

GENERAL INSTRUCTIONS

A. RULE AS TO USE OF FORM PA

Form PA shall be used by any insured institution seeking Federal Home Loan Bank Board or Federal Savings and Loan Insurance Corporation preliminary approval of conversion from the mutual to the stock form of organization pursuant to Part 563b of the rules and regulations for insurance of accounts.

B. APPLICATION OF RULES AND REGULATIONS

Attention is directed to insurance § 563b.3. That section contains general requirements regarding preparation and filing of this form. The definitions in insurance § 563b.2 also should be noted.

Item 1. *Form of application.* Set forth an application for preliminary approval of the applicant's plan of conversion in the following form:

(City) (State)

(Date)

V 38 - 7 JAN 11 73 XUM

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Washington, D.C.

The undersigned hereby makes application for preliminary approval to convert into a stock association, and submits herewith a statement of its proposed plan of conversion and other information and exhibits as required by Part 563b of the rules and regulations for insurance of accounts of the Federal Savings and Loan Insurance Corporation.

In submitting this application the applicant understands and agrees that, if further examinations or appraisals, or both, are required by the Federal Home Loan Bank Board or the Federal Savings and Loan Insurance Corporation, they will be conducted by, or as approved by, the Board or the Corporation at the expense of the applicant; and applicant will pay the costs thereof as incurred by the Board or the Corporation.

This application has been approved by at least two-thirds of the board of directors of the applicant. In accordance with § 563b.3(c)(4) of the rules and regulations for insurance of accounts, by the filing of this application, the applicant by its duly authorized representative, the undersigned officers and each member of the applicant's board of directors severally represent, except to the extent otherwise provided in said section, (1) that each such person has read this application; (2) that in the opinion of each such person, he has made such examination and investigation as is necessary to enable him to express an informed opinion that this application complies to the best of his knowledge and belief with the applicable requirements of Part 563b of the rules and regulations for insurance of accounts and forms thereunder; and (3) that each such person holds such informed opinion.

Attest:

_____
Applicant

By _____
(Duly Authorized Representative)

_____
(Principal Executive Officer)

_____
(Principal Financial Officer)

_____
(Principal Accounting Officer)

_____
(Two-thirds of the Board of Directors)

Item 2. *Plan of conversion.* Furnish the complete formal written plan adopted by the board of directors of the applicant for conversion of the applicant to the stock form of organization. The terms of the plan submitted pursuant to this Item will be a basis for the Corporation's approval and the plan as approved will be distributed as an attachment to the proxy and information statement distributed to association members and to eligible account holders.

Item 3. *Proxy and information statement.* Furnish preliminary copies of the proxy and information statement to be distributed by the applicant to association members and to eligible account holders. Attention is directed to § 563b.6(e) regarding additional requirements for filing of proxy solicitation materials.

Item 4. *Form of proxy.* Furnish preliminary copies of the form of proxy to be distributed to association members by the applicant's management.

Item 5. *Sequence and timing of the plan.* Set forth the expected chronological order of the events connected with the applicant's plan of conversion beginning with the filing of this application through distribution of the capital stock certificates pursuant to § 563b.9(i). Indicate the expected timing of any requisite approvals by State authorities. If there will be an underwritten public offering of the applicant's securities as part of the plan of conversion, indicate the proposed timing of all aspects of such offering beginning with the distribution of preliminary offering circulars. For purposes of completing this item, the applicant should allow a minimum of 30 business days after filing of this application for receipt of comments from the Corporation's staff and a minimum of 10 business days after filing amendments in response to such comments for preliminary approval of the plan of conversion by the Corporation.

Item 6. *Record date and percentages.* If the applicant's plan of conversion contains a distribution record date earlier than the latest such date approved by the Corporation, state the reasons for the selection of the earlier date. If the applicant's plan contains more than one distribution record date, a distribution record period, or distribution record periods, state the reasons for the selection of such provisions. If the applicant's plan of conversion contains percentages for allocation of stock which vary from the percentages specified in the table contained in § 563b.5, state the reasons for such variation. It should be noted that such percentage variation may be made only in accordance with § 563b.5(e)(2).

Item 7. *Savings account balances of personnel.* In the case of plans of conversion adopted during 1972 through 1977, for each director and officer of the applicant, and for each employee of the applicant whose total account balances, including the balances of each associate of such employee, as of the distribution record date were more than $20,000, set forth in tabular form his total account balances as of (1) the end of each quarterly period during 1972, unless the end of any such quarterly period is subsequent to the distribution record date under the applicant's plan of conversion; (2) the distribution record date under the applicant's plan of conversion; and (3) any other date or dates during 1972 as of which stock is to be allocated under the plan of conversion. This item need not be completed as to any officer, director, employee, or associate who is not an eligible account holder under the applicant's plan of conversion.

Item 8. *Management syndicate.* If the directors and officers of the applicant propose to form a group or syndicate for the purpose of purchasing the applicant's securities pursuant to the plan of conversion, give a detailed description of any financing arrangements to be employed. If the applicant presently proposes to issue new stock within 1 year following conversion and if the directors and officers of the applicant are to receive any priority right to purchase such stock, give a detailed description of such proposal and of any financing arrangements to be employed.

Item 9. *Subscription warrants or rights.* If subscription warrants or rights are to be employed pursuant to the applicant's plan of conversion, give a complete and detailed description of the operation and the feasibility of the use of such warrants or rights in addition to the information summarized in the proxy and information statement. The information called for by this item should explain fully how the applicant proposes to insure that fair value will be received by persons who do not exercise their warrants or rights.

Item 10. *Expenses of conversion.* With respect to the applicant's estimated expenses of conversion set forth pursuant to Item 5 of Form PS, describe briefly any transactions or proposed transactions giving rise to such expenses in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the applicant, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(a) Any director or officer of the applicant; and

(b) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any subsidiary of the applicant.

Instructions. 1. No information need be given in response to this Item 10 as to any remuneration or other transaction reported in response to Item 7 of Form PS.

2. No information need be given in answer to this Item 10 as to any specified person if the total direct and indirect material interest of such person in transactions or proposed transactions giving rise to the applicant's conversion expenses is less than $5.000.

3. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the applicant related to the applicant's conversion expenses may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material interest in a transaction within the meaning of this Item 10 where—

(a) The interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in paragraphs (a) and (b) of this Item 10, in the aggregate, of less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership;

(b) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the applicant or any of its subsidiaries and the transaction is not material to such other person.

4. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

Item 11. *Indemnification of Directors and Officers.* State the general effect of any charter provisions, bylaw, contract, arrangement, statute, or regulation to be in effect after conversion under which any director or officer of the converted association will be insured or indemnified in any manner against any liability which he may incur in his capacity as such.

EXHIBITS

The following exhibits shall be attached to this form.

Exhibit 1. *Resolution of Board of Directors.* Set forth a certified copy or copies of a resolution or resolutions of the applicant's board of directors (1) adopting the plan of conversion filed with this application; (2) authorizing the filing of this application; and (3) applying for continued insurance of accounts by the Federal Savings and Loan Insurance Corporation and continued membership in the appropriate Federal Home Loan Bank. The action adopting the plan of conversion and authorizing the filing of this application must be approved by two-thirds of the applicant's board of directors.

Exhibit 2. *Copies of documents, contracts and agreements.* Furnish the following documents, contracts and agreements: (a) Proposed capital stock certificates to be issued; (b) proposed order forms, and the subscription warrants and rights; (c) proposed charter and bylaws of the applicant to take effect upon conversion; (d) any proposed stock option plan and form of option, any proposed stock purchase plan and form of agreement, and any proposed management employment contracts; (e) any contract described in response to Item 7(e) of Form PS; (f) the agreements executed pursuant to § 563b.5(h); (g) contracts or agreements with paid solicitors described in response to Item 3(b) of Form PS; (h) any material loan agreements relating to borrowings by the applicant other than from a Federal Home Loan Bank and other than subordinated debt securities approved by the Corporation; (i) proposed underwriting contracts and agreements among underwriters; (j) any contracts or agreements among the members of the group or syndicate regarding the purchase of the applicant's securities described in response to Item 9(g) of Form PS; and (k) any documents referred to in the answer to Item 11 of this form. Documents, contracts, and agreements which are furnished in proposed form pursuant to this item, shall be furnished in final form prior to final approval by the Corporation.

Exhibit 3. *Opinions of Counsel.* Furnish opinions by counsel for the applicant regarding each of the following matters: (a) The legal sufficiency of the applicant's proposed capital stock certificates, order forms, and subscription warrants and rights, (b) State law requirements applicable to the applicant's plan of conversion including citations to applicable State law and whether such requirements will be fulfilled by the plan, (c) the legal sufficiency of the applicant's proposed charter and bylaws, (d) the effect of any State escheat law or other applicable law on securities or cash distributions to eligible account holders who cannot be located by the applicant, (e) the type and extent of each class of voting rights in the applicant after conversion, including any requirement of State law that savings account holders or borrowers have voting rights in the converted institution, and (f) the legality and Federal income tax effect to the applicant of any proposed stock option plan or stock purchase plan described in response to Item 14 of Form PS.

Exhibit 4. *Federal and State tax opinions and rulings.* (a) Furnish an opinion of the applicant's tax advisor as to the Federal income tax consequences of the applicant's plan of conversion to the applicant, to eligible account holders, and to such association members who may have rights under such plan.

Instructions. 1. The applicant should obtain its Federal income tax opinion prior to adoption of the plan of conversion by the board of directors.

2. The Corporation recommends that all applicants obtain a ruling from the Department of Treasury Internal Revenue Service regarding the Federal income tax consequences of the applicant's plan of conversion. The Corporation may require that such a ruling be obtained if the applicant's plan of conversion is not substantially similar to plans of conversion which have received favorable rulings. The Corporation may also require that such a ruling be obtained if the applicant's plan of conversion contains novel provisions or there is otherwise a question as to the Federal income tax consequences of the plan.

(b) Furnish an opinion of the applicant's tax advisor as to any tax consequences of the plan of conversion under the laws of the State in which the applicant will be chartered upon conversion. Such opinion should relate to the applicant, to eligible account holders, and to such association members who may have rights under such plan.

Exhibit 5. *Appraisal materials.* Furnish the materials required by § 563b.9(g) regarding appraisal of the applicant.

Exhibit 6. *Notice to members prior to filing.* Furnish the notice to the applicant's members required by § 563b.4(b)(2).

Exhibit 7. *Statement as to account balances of management.* Attach a statement by an independent public accountant that he has reviewed the information furnished pursuant to Item 7 of this Form relating to account balances of officers, directors, employees and their associates and the procedures followed to obtain that information, and that, based on such review, he is aware of no reason to believe that the information furnished was misleading.

Exhibit 8. *Other materials.* (a) If information required by an appropriate form is not given for the reasons specified in § 563b.3(h), furnish the statement required for each such omission by § 653b.3(h)(2).

(b) Furnish all consents required to be filed by § 563b.3 (n) and (o).

(c) If applicable, furnish the statement required by the Instruction to Item 6(e) of Form PS regarding events which occurred within the last ten years to directors of the applicant.

(d) If information required by Item 17(h) of Form PS relating to historical financial information is omitted, furnish the statement required by Item 17(h)(1) of Form PS.

(e) Furnish any powers of attorney employed pursuant to § 563b.3(c)(3).

(f) Furnish the cross reference sheet referred to in § 563b.3(e).

FORM PS

[Facing Sheet]

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Insurance Corporation

Washington, D.C. 20552

Proxy and Information Statement

_____
(Exact name of Applicant as specified in charter)

_____
(Street address of applicant)

_____
(City, State and Zip Code)

PROXY AND INFORMATION STATEMENT FORM

INDEX TO ITEMS

Item 1. Notice of meeting.
Item 2. Revocability of proxy.
Item 3. Persons making solicitation.
Item 4. Voting rights and vote required for approval.
Item 5. Expenses incident to the conversion.
Item 6. Directors and Executive Officers.
Item 7. Remuneration and other transactions with management and others.
Item 8. Business of the applicant.
Item 9. Description of the applicant's plan of conversion.
Item 10. Description of capital stock.
Item 11. Opposition to the plan of conversion.
Item 12. Capitalization.
Item 13. Use of proceeds.
Item 14. Options, warrants or rights.
Item 15. New charter, bylaws or other documents.
Item 16. Other matters.
Item 17. Financial statements.
Item 18. Consents of experts and reports.
Item 19. Attachments.

FORM PS

INFORMATION REQUIRED IN CONVERSION PROXY AND INFORMATION STATEMENT

NOTE: A. Except as otherwise specifically provided, where any item calls for information for a specified period in regard to directors, officers or other persons holding specified positions or relationships, the information shall be given in regard to any person who held any of the specified positions or relationships at any time during the period. However, information need not be included for any portion of the period during which such person did not hold any such position or relationship provided a statement to that effect is made.

Item 1. *Notice of meeting.* The cover page of the proxy and information statement shall give notice of the meeting of the association members called by the board of directors to act upon the conversion. The cover page shall include the date, time, and place of the meeting, a brief description of each matter to be acted upon at the meeting, the date of record for association members entitled to vote at the meeting, the date of the statement, and the full address, zip code and telephone number of the applicant.

Item 2. *Revocability of proxy.* State that the person giving the proxy has the power to revoke it before the proxy is exercised at the meeting. If the right of revocation is subject to compliance with any formal procedure, briefly describe such procedure. Briefly describe any charter or State law requirement otherwise restricting voting by proxy. State that the proxy is solicited for that meeting, and any adjournment thereof, and will not be used for any other meeting. (See also § 563b.6(d)(3).)

Item 3. *Persons making the solicitation.* (a) State whether the solicitation is made by the management of the applicant. Give the name of any director of the applicant who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(b) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state the material features of any contract or arrangement for such solicitation and identify the parties.

(c) If the solicitation is made otherwise than by the management of the applicant, so state and give the names of the persons by whom and on whose behalf it is made. Any such solicitation normally need not respond to items 6 through 19, but must include such information as to make such solicitations comply with § 563b.6(g)(1).

Item 4. *Voting rights and vote required for approval.* (a) Describe briefly the voting rights of each class of association members. State the approximate total number of votes entitled to be cast at the meeting, and the approximate number of votes to which each class is entitled.

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(b) As part of the description give the date of record for association members entitled to vote at the meeting.

(c) As to each matter which will be submitted to a vote of association members, state the vote required for its approval.

Item 5. *Expenses incident to the conversion.* (a) Provide in substantially the tabular form indicated below the estimated expense of the conversion and the estimated expense to the applicant of the public offering, if any, of the applicant's securities incident to the conversion:

	Allocable to conversion	Allocable to public offering	Total
Legal			
Postage and mailing			
Printing			
Escrow or agent fees			
Underwriting fees			
Appraisal fees			
Transfer agent fees			
Auditing and accounting			
Proxy solicitation fees			
Advertising			
Other expenses			
Total			

(b) State by whom the costs itemized above are to be borne, directly or indirectly. If the solicitation is conducted other than by management of the applicant, the information required in paragraph (a) shall be limited to the cost of such solicitation.

Instructions—1. As to paragraph (a), the applicant shall exclude costs represented by salaries and wages of regular employees and officers, and a statement to that effect shall be included in the proxy statement. The cost of solicitation by specially engaged employees or paid solicitors under paragraph (b) of Item 3 shall be stated under "Proxy Solicitation Fees" in paragraph (a) of this item.

2. If the applicant has any category of expense exceeding $10,000 which is not specified in paragraph (a), such expense shall be itemized rather than including it under the category "Other Expenses."

Item 6. *Directors and Executive Officers.* (a) List the names and ages of all directors of the applicant, indicate all positions and offices with the applicant held by each such person, state his term of office as director and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as a director.

(b) List the names and ages of all executive officers of the applicant and indicate all positions and offices held with the applicant by each such person.

Instruction. The term "executive officer" means the president, vice president, secretary, treasurer, controller, principal accounting officer, any officer in charge of a principal lending or savings function, and any other officer or person who performs similar policy making functions for the applicant.

(c) State the nature of any family relationship between any director or executive officer and any other director or executive officer.

Instruction. The term "family relationship" means any relationship, by blood, marriage, or adoption, not more remote than first cousin.

(d) Give a brief account of the business experience during the past 5 years of each director and each executive officer, including his principal occupations and employments during that period and the name and principal business of any corporation or other organization in which such occupations and employments were carried on.

(e) Describe any of the following events which occurred during the past 10 years and which are material to an evaluation of the ability and integrity of any director of the applicant:

(1) A petition under the Bankruptcy Act or any State insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of, such person, or any partnership in which he was a general partner at or within 2 years before the time of such filing, or any corporation or business association of which he was an executive officer at or within 2 years before the time of such filing;

(2) Such person was convicted in a criminal proceeding or is the subject of a criminal proceeding which is presently pending (excluding proceedings for traffic violations and other minor offenses); or

(3) Such person was the subject of any order, judgment, or decree of any court of competent jurisdiction permanently or temporarily enjoining him from acting as an investment adviser, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank or insurance company, or removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of an insured institution, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, or was the subject of any order of a Federal or State authority barring or suspending, for more than 60 days, the right of such person to be engaged in any such activity, which order has not been reversed or suspended.

Instruction. If any event specified in paragraph (e) has occurred but information in regard thereto is omitted on the ground that it is not material, the applicant shall furnish, as supplemental information and not as a part of the statement the reasons for the omission of information in regard thereto.

(f) State whether control of the applicant has been exercised through the use of proxies and the nature of such control.

Item 7. *Remuneration and other transactions with management and others.* NOTE: Refer to Note 2 of Item 17 of this form.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the applicant and its subsidiaries during the applicant's last fiscal year to the following persons for services in all capacities:

(1) Each director of the applicant whose aggregate direct remuneration exceeded $30,000, and each of the three highest paid officers of the applicant whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the applicant as a group, stating the number of persons in the group without naming them.

(A) Name of individual or number of persons in group	(B) Capacities in which remuneration was received	(C) Aggregate direct remuneration

Instructions. (1) The information is to be given on an accrual basis if practicable. The tables required by this paragraphs (a) and (b) below may be combined if the applicant so desires.

(2) Do not include remuneration paid to a partnership to which any director or officer was a partner, but see paragraph (e) below.

(b) Furnish the following information in substantially the tabular form indicated as to all annuity, pension or retirement benefits proposed to be paid to the following persons in the event of retirement at their normal retirement dates pursuant to any existing plan provided or contributed to by the applicant or any of its subsidiaries:

(1) Each director or officer named in answer to paragraph (a)(1), naming each such person.

(2) All directors and officers of the applicant as a group, stating the number of persons in the group without naming them.

(A) Name of individual or number of persons in group	(B) Amount set aside or accrued during applicant's last fiscal year	(C) Estimated annual benefits upon retirement

Instructions. (1) The term "plan" in this paragraph and in paragraph (c) includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document.

(2) Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified number of years of service. In such case, Columns (A) and (C) need not be answered with respect to directors and officers as a group.

(3) The information called for by Column (C) may be given in the form of a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

(4) In the case of any plan (other than those specified in Instruction (2) where the amount set aside each year depends upon the amount of earnings of the applicant or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated benefits upon retirement, there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefits.

(c) Describe briefly all remuneration payments (other than payments reported in (a) or (b) of this Item) proposed to be made in the future, directly or indirectly, by the applicant or any of its subsidiaries pursuant to any existing plan or arrangement to (i) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the applicant as a group without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization or similar group payments or benefits. If, it is impracticable to state the amount set aside or accrued to date in respect of such payments shall be stated, together with an explanation of the basis for future payments.

(d) State as to each of the following persons who was indebted to the applicant or its subsidiaries at any time during the last 3 years, (i) the largest aggregate amount of indebtedness and the nature of the transaction in which it was incurred, (ii) the amount thereof outstanding as of the largest practicable date, and (iii) the annual percentage rate paid or charged thereon (as computed under 12 CFR Part 226):

(1) Each director and officer of the applicant; and

(2) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any subsidiary of the applicant.

Instructions. (1) Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

(2) This paragraph does not apply to amounts due a person for ordinary travel and expense advances and similar transactions.

(3) If the loans to such persons (a) are secured by a first lien on a single-family dwelling owned and occupied by a director or officer of the applicant at the time of making the loan and such loan at such time did not exceed the amount then specified in section 5(c) of the Home Owners' Loan Act of 1933, as amended, with respect to single-family dwellings if applicable or (b) are fully secured by a savings account, and if the lender is the applicant, such disclosure may consist of a statement, if such is the case, that the loans to such persons (i) were made in the ordinary course of business, (ii) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (iii) did not involve more than normal risk of collectibility or present other unfavorable features.

(4) Computation of the annual percentage rate under paragraph (d)(iii) is to be done as though 12 CFR Part 226 was applicable to the transaction.

(e) Describe briefly any transactions during or since the applicant's last 3 fiscal years or any proposed transactions, to which the applicant or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the applicant, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the applicant;

(2) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any subsidiary of the applicant.

Instructions. 1. No information need be given in response to this Item 7(e) as to any remuneration or other transaction reported in response to Item 7 (a), (b), (c), or (d), or as to any transaction with respect to which information may be omitted pursuant to instructions relating to such Items.

2. No information need be given in answer to this Item 7(e) as to any transaction where—

(a) The amount involved in the transaction or a series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $30,000; or

(b) The interest of the specified person arises solely from the ownership of savings accounts of the applicant and the specified person receives no extra or special benefit not shared on a pro rata basis by all savings account holders as a class.

3. It should be noted that this Item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the applicant or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item 7(e) where—

(a) The interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) and (2) of paragraph (e), above, in the aggregate, of less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership;

(b) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the applicant or any of its subsidiaries and the transaction is not material to such other person.

4. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

5. In describing any transaction involving the purchase or sale of the assets to the purchaser and, if acquired by the seller within 2 years prior to the transaction, the cost thereof to the seller.

6. The foregoing instructions specify certain transactions and interests as to which information may be omitted in answering paragraph (e) of this item. There may be situations where, although the foregoing instructions do not expressly authorize nondisclosure, the interest of a specified person in the particular transaction or series of transactions is not a material interest. In that case, information regarding such interest and transaction is not required to be disclosed in response to this item.

(f) Describe briefly any transactions during or since the applicant's last 3 fiscal years or any presently proposed transactions, to which any pension, retirement or similar plan provided by the applicant or any of its subsidiaries, was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the applicant, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the applicant;

(2) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any subsidiary of the applicant; or

(3) The applicant or any of its subsidiaries.

Instructions. 1. Instructions 2, 3, 4, and 5 to Item 7(e) shall apply to this Item 7(f).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this Item 7(f) any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to this paragraph (f) with respect to—

(a) Payments to the plan, or payments to beneficiaries, pursuant to the terms of the plan;

(b) Payment of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified person during the applicant's last fiscal year from the applicant and its subsidiaries; or

(c) Any interest of the applicant or any of its subsidiaries which arises solely from its general interest in the success of the plan.

Item 8. *Business of the applicant*—(a) *Organization.* State the year in which the applicant was organized and whether its present charter was issued by the State or Federal Government. Describe briefly any previous conversion of the applicant.

(b) *Selected statement of financial condition and other items.* As of the end of each of the periods covered by the statements of operations required by item 17(b)(1) and as of the date of the latest statement of financial condition required by item 17(a), set forth in tabular form the amounts of the following items: (1) total assets, (2) real estate loans outstanding, (3) savings accounts, (4) advances from the Federal Home Loan Bank, (5) other borrowed money, if material, (6) net worth and (7) number of offices indicating any which are less than full service. The applicant may use other substantially similar captions, and may include other items such as number of real estate loans outstanding and number of savings accounts.

(c) *Mergers and acquisitions.* Indicate in tabular form, any mergers, bulk purchase of assets and similar acquisitions which have occurred in the periods covered by statements of operations required by item 17(b). With respect to each such acquisition, give names of the association involved, its location, its total assets immediately prior to such acquisition, the number of offices acquired, the method of accounting for such acquisition, and any excess of cost over the net assets acquired (goodwill) included in the latest balance sheet. The information provided in this section should be referenced to any appropriate notes to the financial statements required by item 17.

(d) *Lending activities.* (1) Describe briefly applicable regulations (both State and Federal) on the lending activities of the applicant including any applicable State usury laws or any other Federal or State laws affecting mortgage loan interest rates. Describe the applicant's general policy concerning loan to value ratios. Describe briefly the applicant's customary methods of obtaining loan originations such as the use of loan consultants and approval of security properties and use of a loan committee, if any. Describe briefly the applicant's policies as to requiring title insurance and fire and casualty insurance on security properties.

(2) As of the end of the periods covered by the statements of operations required by item 17(b)(1) and as of the date of the latest statement of financial condition required by item 17(a), set forth in tabular form the amount and percentage of the loan portfolio of the applicant (i) by type of loan and (ii) by type of security.

Instructions. 1. For the classification required by subparagraph (2)(i), separate types of loans into real estate loans and loans for other purposes. Also, separate real estate loans into conventional loans and FHA–VA loans, and conventional loans shall be separated into loans for construction, loans on existing property and loans refinanced.

2. For the classification required by subparagraph (2)(ii), type of security shall be separated into residential and other types. Residential loans shall be separated into single-family dwellings, two-to-four family dwellings, and other dwelling units. Also, indicate any material classification of other loans such as mobile home loans, home improvement loans, home equipping loans, passbook loans, commercial or industrial loans, and undeveloped land loans.

3. For each of the periods covered by the statements of operations required by item 17(b), set forth in tabular form the amount for each period of (i) loans originated, (ii) loans purchased, (iii) loans sold, and (iv) total net loan activity. Also describe briefly the applicant's total activity as of the date of the latest statement of financial condition required by item 17(a), and the applicant's

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intended future activities in secondary mortgage markets including transactions with the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or mortgage bankers. If significant, indicate loan service fee income as a percentage of gross income for the year ended as of the latest statement of financial condition required by Item 17(a).

Instructions. 1. For the classification required by subparagraph (3)(i), loans originated shall be separated into real estate loans, loans for other purposes, and total loans originated. Real estate loans shall be further separated into conventional loans and FHA-VA loans, and conventional loans shall be separated into loans for construction, loans on existing property, and loans refinanced.

2. For the classification required by subparagraph (3)(ii), loans purchased shall be separated into real estate loans, loans for other purposes, and total loans purchased. Real estate loans shall be further separated into conventional loans and FHA-VA loans.

3. For the classification required by subparagraph (3)(iii), loans sold shall be separated into whole loans, participation loans, and total loans sold.

4. For the classification required by subparagraph (3)(iv), total net loan activity shall be equal to total loans originated plus total loans purchased minus total loans sold.

(4) As to the lending area of the applicant, describe briefly (i) the lending area restrictions applicable to the applicant, (ii) the areas in which the applicant normally lends and areas in which it has a policy not to lend, and (iii) any material loan concentration areas of the applicant. Such descriptions may include a map illustrating one or more of these areas. Furnish an estimate of the housing vacancy rates in areas where the applicant's loan concentrations are located, if practicable.

(5) Describe briefly the general long term nature of investment in mortgage loans and the consequent effect upon the earnings spread of savings and loan associations. State the normal maturity of loans made by the applicant on the security of single-family dwellings and furnish an estimate as to the average length of time such loans are outstanding.

(6) As of the end of each of the periods covered by the statements of operations required by Item 17(b)(1) and as of the date of the latest statement of financial condition required by Item 17(a), set forth in tabular form, excluding origination fees, discounts and premiums on real estate loans originated, the following: (i) weighted average of return on loans originated and purchased during each period, (ii) weighted average rate of return on loans held at the end of each period, (iii) weighted average interest cost of savings at the end of each period, (iv) weighted average interest cost of Federal Home Loan Bank advances and other borrowings during the period, (v) total weighted average interest cost of savings and borrowings for the period (the total of (iii) and (iv)), and (vi) the gross margin ((ii) minus (v)).

Instruction. As an example of the calculation of the weighted average rate, the following method should be used to calculate the weighted average interest rate on savings:

1. Determine the percentage of total savings represented by each type of savings instrument.

2. Multiply these percentages by the contractual interest rate the applicant is committed to pay on such instruments.

3. The resulting percentages are then totaled, giving the weighted rate.

(7) As of the end of each of the periods covered by the statements of operations required by Item 17(b)(1) and as of the date of the latest statement of financial condition required by Item 17(a), set forth in tabular form loan origination fees charged to borrowers expressed as a percentage of the total amount of loans originated.

(8) Describe briefly the applicant's method of loan origination fee and discount amortization and the total of such balances deferred by the applicant as of the date of the latest statement of financial condition required by Item 17(a). Describe briefly the volatile nature of loan fee income.

(9) Describe briefly the regulatory classifications of scheduled items and the applicant's customary procedures regarding delinquent loans. As of the end of each of the periods covered by the statements of operations required by Item 17(b)(1) and as of the date of the latest statement of financial condition required by Item 17(a), set forth in tabular form the amounts and categories (slow loans, real estate owned, loans to facilitate, and others) of scheduled items and the ratio of such scheduled items to specified assets and to total assets. Where real estate owned is a significant portion of scheduled items, include a brief description of the major properties included therein and a statement as to the applicant's probable loss, if any, upon disposition of such properties.

(e) *Savings activities.* (1) As of the date of the latest statement of financial condition required by Item 17(a), set forth in tabular form the amounts and percentages of savings accounts by categories of interest rate. As to certificates of deposit, indicate the term and minimum balances required for each. As of the date of the latest statement of financial condition required by Item 17(a), also set forth in tabular form the amounts of such certificates maturing by quarter for each of the subsequent five quarters and the total maturing thereafter, the percentage of such amounts to total savings.

(2) Describe the applicant's methods of computing and paying interest for both passbook savings accounts and certificates of deposit. State that the maximum rate of interest which the applicant may pay is established by the Board. State that in the event of liquidation of the applicant after conversion, savings account holders will be entitled to full payment of their accounts prior to payment to stockholders. Also, indicate the percentage of total savings accounts which are from out-of-state sources, if such total is significant.

(f) *Insurance of accounts.* (1) Describe briefly insurance of accounts and the general regulatory authority of the Corporation.

(2) Describe the Federal insurance reserve requirements, the results of failure to meet those requirements, and the applicant's Federal insurance reserve account position in relation to those requirements. Also describe the annual insurance premium payment and prepayment requirements.

(g) *Federal Home Loan Bank System.* (1) Describe briefly the Federal Home Loan Bank System and state that the applicant is a member. Such description shall include (i) limitations on borrowings, (ii) recent loan policies of the applicant's Federal Home Loan Bank and current interest rates, and (iii) Federal Home Loan Bank stock purchase requirements and the applicant's position with respect to those requirements.

(2) Describe briefly applicable liquidity requirements under section 5A of the Federal Home Loan Bank Act, as amended, the regulations thereunder, and State law. State the applicant's position with respect to those requirements.

(h) *State Savings and Loan Association Law.* Describe briefly applicable provisions of State law which have a material effect on the business of the applicant.

(i) *Federal and State taxation.* Describe briefly the Federal income tax laws applicable to the applicant including (1) permissible bad debt reserves, (2) the applicant's position with respect to the maximum bad debt reserve limitations as of the date of the latest statement of financial condition required under Item 17(a), (3) future increases in the effective income tax rate, (4) the date through which the applicant's Federal income tax returns have been audited by the Internal Revenue Service, and (5) the tax effect to the applicant of the payment of cash dividends on capital stock of the applicant after conversion. Also describe briefly the State taxation of the applicant.

(j) *Competition.* Describe the material sources of competition for savings and loan associations generally and indicate to the extent practicable the applicant's position in its principal lending and savings markets.

(k) *Office and other material properties.* (1) Furnish the location of the applicant's home office and each existing and approved branch office and other office facilities (such as mobile or satellite offices). State the total net book value of all such offices as of the date of the latest statement of financial condition required by Item 17(a). If any such office is leased, state the expiration dates of such leases.

(2) Describe briefly undeveloped land owned by the applicant, including location, net book value, and prospective use and holding period. If the applicant or a subsidiary owns or leases electronic data processing equipment principally for its own use, describe briefly such equipment indicating net book value if owned or the principal lease terms if leased.

(l) *Employees.* State the number of persons employed fulltime by the applicant including executive officers listed under Item 6. State whether employes are represented by a collective bargaining group and whether the applicant's relations with its employees is satisfactory. Describe briefly any loans, profit sharing, retirement, medical, hospitalization or other remuneration plans provided for employees not already included pursuant to Item 7.

(m) *Service corporations.* Describe briefly the applicant's investment in any subsidiary and the major lines of business (including any joint ventures) of the subsidiary which are material to its operations.

(n) *Pending legal proceedings.* Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the applicant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underly the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

(o) *Additional information.* The Corporation may, upon the request of the applicant, and where consistent with the protection of eligible account holders and others, permit the omission of any of the information required by this item or the furnishing in substitution therefor of appropriate information of comparable character. The Corporation may also require the furnishing of other information in addition to, or in substitution for, the information required by this item in any case where such information is necessary or appropriate for an adequate description of the applicant's business done or intended to be done.

Item 9. *Description of the applicant's plan of conversion.* (a) The following statement shall be inserted in the proxy and information statement immediately preceding the information required by this item: "The Federal Home Loan Bank Board (FHLBB) has given preliminary approval to this plan of conversion. However, the FHLBB preliminary approval does not constitute a recommendation or endorsement of this plan. Final approval of this plan will not be given by the FHLBB unless at least two-thirds of the outstanding votes of the association's members are cast for this plan."

(b) The proxy and information statement shall contain a description of the applicant's plan of conversion. Such description shall contain the information required by paragraphs (c) through (h) of this Item and such additional information as may be necessary to accurately describe the material provisions of the plan.

(c) Briefly describe the effects of conversion from a mutual association to a stock association including the following information: (1) Describe the ownership interest of a savings member of a mutual association and state that the purpose of the plan is to preserve that ownership interest on an equitable basis in conjunction with converting the applicant to a stock institution; (2) state that savings accounts of the applicant will not be affected by the conversion with respect to such matters as balances in the accounts and the extent of FSLIC insurance of savings accounts; (3) state whether savings and borrowing members of the applicant will continue to have voting rights in the applicant after conversion, and describe the voting rights they will have; (4) state that the rights and obligations of borrowers from the applicant will not be changed in any manner; (5) state that capital stock issued by the applicant will not be insured by the Corporation; (6) state that none of the assets of the applicant will be distributed in order to effect the conversion other than to pay expenses incident thereto; (7) state briefly the reasons why management is recommending the conversion, including any advantages to the community served by the applicant.

(d) With respect to the determination, valuation and distribution of the ownership of eligible account holders, furnish the following information:

(1) State (i) the record date(s) or record period(s) for determining the savings account holders eligible to receive a distribution of the ownership interest, and (ii) the formula used to determine the pro-rata ownership interest for each eligible account holder.

(2) As to the valuation of the ownership interest of eligible account holders, (i) describe briefly the results of the appraisal of the association made by an independent appraiser, (ii) as of the end of each of the periods covered by the profit and loss statements required by Item 17(b)(1) and as of the date of the latest balance sheet required by Item 17(a), set forth in tabular form the earnings per share of capital stock representing the ownership interest of eligible account holders on a pro-forma basis, and (iii) as of the date of the latest balance sheet required by Item 17(a), state the book value per share of capital stock representing the ownership interest of eligible account holders on a pro-forma basis.

(3) If capital stock is to be distributed, or is to be distributable, to eligible account holders, (i) state to what extent fractional shares will be computed (i.e., tenths, hundredths, etc.), that fractional shares will not be issued, and what provision will be made for disposition of fractional share interests on behalf of eligible account holders, (ii) state the minimum number of shares which will be issued and describe the provision under which eligible account holders will be entitled to purchase additional shares to reach the minimum, or to sell allocated shares less than the minimum, and (iii) furnish an example of the computation of the capital stock entitlement to a hypothetical eligible account holder.

(4) If rights or warrants to purchase capital stock are to be distributed, or are to be distributable, to eligible account holders, (i) furnish the information called for by subparagraph (3) above, (ii) describe in detail the nature of such rights or warrants including such matters as transferability and expiration, (iii) state the price at which the rights or warrants may be exercised, and (iv) describe briefly the reasons for using rights or warrants.

(5) In addition to the information furnished under paragraph (d), (1) describe briefly the use of the order forms which are enclosed with the proxy and information statement or which will be mailed to eligible account holders at a later date, (2) describe to the extent practicable present management intentions with respect to listing the capital stock on an exchange or otherwise providing a market for the purchase and sale of the capital stock in the future, (3) describe briefly the tax effect of the conversion both to the applicant and to eligible account holders, and (4) state that the plan of conversion as approved by the Corporation is attached as an exhibit to the proxy and information statement and should be consulted for further information.

(f) If the applicant proposes at or shortly after the time of conversion to issue capital stock in addition to the capital stock representing the ownership interest of eligible account holders, (1) state the number of additional shares which will be offered and state the expected price or price range of such additional shares or how that price will be determined, (2) state whether such additional capital stock will be offered on a preferential basis to eligible account holders and other members, and describe the terms of the offer, and (3) describe the dilution of the ownership interest of eligible account holders as a result of issuing such additional shares.

(g) If in connection with making a market for capital stock, rights, or warrants to be distributed, or for additional capital stock, directors and officers of the applicant and their associates, intend to purchase as a group or individually more than 5 percent of the total capital stock to be outstanding, state the price per share that will be paid and set forth in tabular form the name of each such purchaser, his position or relationship with the applicant, and the number of shares he intends to purchase.

(h) Furnish the following information in substantially the tabular form indicated below as to capital stock representing the ownership interest of eligible accountholders to be allocated to the directors and officers of the applicant, in their capacities as eligible accountholders, under the plan of conversion:

(1) As to each director and officer named in Item 7(a)(1), name him, state his position, and state the number of shares allocated to him.

(2) As to any director or officer not named in Item 7(a)(1) but who will be allocated 100 shares or more, name him, state his position, and state the number of shares to be allocated to him.

(3) State the number of shares to be allocated to all directors and officers of the applicant as a group, stating the number of persons in the group without naming them.

(A) Name of individual or number of persons in group	(B) Positions held in association	(C) Total shares to be allocated

Item 10. *Description of capital stock.* Furnish the following information concerning the capital stock of the applicant to be issued upon conversion:

(a) Outline briefly (1) dividend rights and restrictions; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) liability to further calls or to assessment by the applicant; and (6) other material provisions.

(b) If the rights of holders of such capital stock may be modified otherwise than by a vote of a majority or more of the capital stock outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restrictions on the repurchase or redemption of capital stock, or any part thereof, by the applicant.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the capital stock will be materially limited or qualified by the rights of savings account holders or borrowers, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the capital stock.

Item 11. *Opposition to the plan of conversion.* (a) If any association member furnishes to the applicant within 10 days after publication of notice of filing for preliminary approval under § 563b.4(c) a statement in opposition to the applicant's plan of conversion, or any part thereof, the applicant, upon the written request of the association member, shall include such statement in its proxy and information statement. Any statement in opposition so included by the applicant need not be longer than 100 words exclusive of the name and address of the association member or members who furnished such statement.

(b) The proxy and information statement shall either include the name and address of the association member who submitted the statement in opposition or state that such information will be furnished by the applicant, orally or in writing as requested, promptly upon receipt of any oral or written request therefor. If the name and address is omitted from the proxy and information statement, it shall be furnished to the Corporation at the time of filing the preliminary proxy and information statement with the appropriate application for preliminary approval, or as an amendment thereto.

(c)(i) The applicant shall not include in its proxy and information statement any statement in opposition which, if implemented, would have the result of causing the applicant's plan of conversion to violate any applicable State or Federal law or regulation. (ii) The applicant may omit any statement in opposition with the prior approval of the Corporation. (iii) The applicant may combine statements in opposition which are substantially similar.

(d) The applicant may set forth a response to any statement in opposition included in

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the proxy and information statement pursuant to paragraph (a) of this item.

(e) Neither the applicant nor its management shall be responsible for any statement in opposition included in the proxy and information statement, and a statement to that effect shall be set forth in the proxy and information statement immediately after the statements in opposition included pursuant to paragraph (a) of this item.

Item 12. *Capitalization.* Set forth in substantially the tabular form indicated below the dollar amounts of the capitalization of the applicant:

	(A) Capitalization as of latest balance sheet date	(B) Adjustments as a result of conversion	(C) Pro-forma capitalization after giving effect to the conversion	(D) Adjustments for additional stock (if applicable)	(E) Capitalization after issuance of additional stock (if applicable)
1. Savings accounts	$	$	$	$	$
2. FHL bank advances					
3. Subordinated debt securities					
4. Other borrowings					
5. Capital stock					
6. Paid in capital					
7. Federal insurance reserve					
8. Other reserves and undivided profits					
9. Total					

Instruction.—With respect to capital stock, indicate in the table or in a footnote the total number of shares to be authorized, the par or stated value of such shares, the number of shares to be issued as part of the conversion and the number of additional shares, if any, to be issued.

Item 13. *Use of proceeds.* If in connection with the conversion the applicant will issue securities for cash, state the principal purposes for which the net proceeds to the applicant from such securities are intended to be used and the approximate amount for each such purpose.

Instruction. Details of proposed expenditures are not to be given. There need be furnished, for example, only a brief statement of any activity of the applicant which will be affected materially by availability of the proceeds.

Item 14. *Options, warrants, or rights.* If action is to be taken with respect to the granting to directors, officers and employees of any options, warrants or rights to purchase capital stock of the converted association to take effect after conversion, furnish the following information:

(a) State (1) the title and amount of securities to be called for by such options, warrants or rights; (2) the prices, expiration dates, and other material conditions upon which the options, warrants or rights may be exercised; (3) the consideration to be received by the converted association for the granting of the options, warrants or rights; and (4) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the converted association.

(b) State separately the amount of options, warrants or rights to be received by the following persons, naming each such person: (i) each director or officer named in answer to Item 7(a); (2) each associate of such directors or officers; and (3) each other person who is to receive five percent or more of such options, warrants or rights to be received by all directors and officers of the converted association as a group, without naming them.

(c) Furnish such information, in addition to that required by Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, deferred compensation or other remuneration or incentive plans, now in effect or in effect within the past five years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the applicant as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

Instructions. 1. The term "plan" as used in this Item means any plan as defined in Instruction 1 to Item 7(b).

2. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to stockholders of the converted association as such on a prorata basis.

3. If the options described in answer to this Item are to be issued pursuant to a plan which is set forth in a written document, three copies of such documents are to be filed at the time the proxy statement and form of proxy are filed with the appropriate form for preliminary approval.

Item 15. *New charter, bylaws or other documents.* Describe briefly any material differences between the provisions of existing charter, bylaws and any similar documents of the applicant and those which will take effect after conversion.

Instructions. This Item requires only a brief summary of the provisions which are pertinent from both an investment standpoint and a voting standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions verbatim; only a succinct resume is required.

Item 16. *Other matters.* (a) State conditions under which the applicant will be required to register its capital stock under the Securities Exchange Act of 1934, as amended, and that upon such registration the applicant will be subject to the proxy rules, insider trading restrictions, reporting, and other requirements of that Act.

(b) Describe briefly the general terms and effect of the agreements executed by directors and officers of the applicant pursuant to section 563b.5(h).

Instruction. The instruction to Item 15 applies to paragraph (b) of this Item.

Item 17. *Financial statements.*

NOTE: 1. The following instructions specify the statements of financial condition, the statement of operations and statements of stockholders' equity required to be included in the proxy and information statement. Section 563b.7 governs the certification, form and content of such financial statements including the basis of consolidation.

2. If the applicant has previously used an audit period in connection with its certified financial statements which does not coincide with its fiscal year, such audit period may be used in place of any fiscal year requirement provided it covers a full 12 months' operations and is used consistently. The Board understands that this procedure is also acceptable to the Securities and Exchange Commission in fulfilling the requirements of the Commission's Form 10 for registration of the applicant's capital stock under section 12(g) of the Securities Exchange Act of 1934.

(a) *Statements of financial condition of the applicant.* (1) Furnish a certified statement of financial condition as of the close of the applicant's latest fiscal year. (2) If the statement furnished under (1) is in excess of 120 days from the date of filing for preliminary approval, furnish an additional statement of financial condition as of a date within 120 days of such filing. This additional statement need not be certified.

Instruction. The capital section of the statements of financial condition should give retroactive effect for the stock to be issued to eligible account holders in connection with the conversion, if practicable, with an explanation of the financial statement implications of the plan in a separate footnote.

(b) *Statements of operations and statements of stockholders' equity.* Furnish in comparative columnar form statements of operations and statements of stockholders' equity of the applicant (1) for each of the 5 fiscal years preceding the date of the statement of financial condition filed under paragraph (a) and (2) for the period, if any, between the close of the latest of such fiscal years and the date of the statement of financial condition filed under paragraph (a). Furnish a statement of operations for the period comparable to (b)(2) in the immediately preceding fiscal year. Statements for the three latest fiscal years under (b)(1) shall be certified.

Instructions. 1. Reflect information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the proxy and information statement. Include comparable data for any additional fiscal years necessary to keep the statements from being misleading. The statements shall reflect the retroactive adjustment of any material items affecting the comparability of the results.

2. In connection with capital stock distributable to the eligible account holders pursuant to the plan of conversion, the statements shall reflect earnings that would have been applicable to such outstanding stock.

(c) *Statements of changes in financial position.* Furnish certified statements of changes in financial position (1) for each of the 3 fiscal years preceding the date of the latest statement of financial condition filed under paragraph (a) and (2) for the period, if any, between the close of the latest of such fiscal years and the date of the latest statement of financial condition filed under paragraph (a).

(d) *Omission of applicant's statements in certain cases.* Notwithstanding paragraphs (a), (b), and (c), the individual financial statements of the applicant may be omitted if (1) the conditions specified in either of the following paragraphs are met, and (2) the Corporation is advised as to the reasons for such omission.

(1) The applicant is primarily an operating company and all subsidiaries included in the consolidated financial statements filed are totally-held subsidiaries; or

(2) The applicant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, constitute 85 percent or more of the total assets shown by the consolidated statement of financial condition filed and the applicant's total gross revenues for the period for which its statements of operations would be filed, exclusive of interest and dividends received from the consolidated subsidiaries, constitute 85 percent or more of the total gross revenue shown by the consolidated statements of operations filed.

(e)(1) *Consolidated statements.* Furnish consolidated statements for the same periods and as of the same dates as would be required for the applicant. These statements shall be certified as would be required for the applicant's statements. (Paragraphs (a), (b), and (c) above.)

(2) *Unconsolidated subsidiaries and other persons.* Subject to § 563b.7(q)(2) regarding group statements of unconsolidated subsidiaries, there shall be set forth for each majority owned subsidiary of the applicant not consolidated the financial statements which would be required if the subsidiary were itself an applicant. Insofar as practicable, these financial statements shall be as of the same dates or for the same periods as those of the applicant.

(3) *Fifty-percent-owned persons and other persons.* If the applicant owns directly or indirectly approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person is owned directly or indirectly by another single interest, or if the applicant takes up the equity in undistributed earnings of any other unconsolidated person, there shall be set forth for each such person the financial statements which would be required if it were an applicant, subject to § 563b.7(q)(2) regarding group statements. The statements set forth for each person shall identify the other single interest, or other interests in any person operated jointly.

(4) *Omission of statements required by paragraphs (2) and (3).* Notwithstanding paragraphs (2) and (3), there may be omitted from the proxy and information statement all financial statements of any one or more unconsolidated subsidiaries or 50-percent-owned persons or other persons: (1) If all such subsidiaries and 50-percent-owned and other persons for which statements are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary; or (2) if the income from the subsidiary reported by the applicant does not exceed 10 percent of the consolidated net income for the latest fiscal year for which income statements are filed.

(f) *Special provisions—(1) Succession to other business.* (i) If during the period for which its statements of operations are required, the applicant has by merger, consolidation or otherwise succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the statements of financial condition set forth. In addition, statements of operations for each constituent business, or combined statements if appropriate, shall be set forth for such period prior to the succession as may be necessary when added to the time, if any, for which statements of operations after the succession are set forth to cover the equivalent of the period specified in paragraphs (a), (b), and (c) above.

(ii) If the applicant by merger, consolidation or otherwise is about to succeed to one or more businesses, there shall be filed for the constituent businesses financial statements, combined, if appropriate, which would be required by these instructions. In addition, there shall be set forth a statement of financial condition of the applicant giving effect to the plan of succession. These statements of financial condition shall be set forth in such form, preferably columnar, as will show in related manner the statements of financial condition of the constituent business, the changes to be effected in the succession and the statement of financial condition of the applicant after giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(iii) This subparagraph (1) shall not apply with respect to the applicant's succession to the business of any totally held subsidiary, or to the acquisition of one or more businesses by purchase if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(2) *Acquisition of other businesses.* (i) There shall be set forth for any business directly or indirectly acquired by the applicant after the date of the statement of financial condition set forth pursuant to paragraph (a) and for any business to be directly or indirectly acquired by the applicant, the financial statements which would be required if such business were an applicant.

(ii) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control. In addition, the acquisition of securities which will extend the applicant's control of a business shall be deemed the acquisition of the business if any of the capital stock of the applicant is to be offered in exchange for the securities to be acquired.

(iii) No financial statements need be set forth pursuant to this subparagraph (2), however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(g) *Filing of other statements in certain cases.* The Corporation may, upon the request of the applicant, and where consistent with the protection of eligible account holders and others, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Corporation may also require the inclusion of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of eligible account holders and others.

(h) *Historical financial information—(1) Applicability of paragraph (h).* The information required by this paragraph (h) shall be included in the proxy and information statement if in the opinion of the applicant it is material to the understanding of its financial condition. If the applicant determines to omit the information required by this paragraph, it shall file with the appropriate form for preliminary approval a statement briefly explaining such omission.

(2) *Scope of paragraph (h).* The information required by paragraph (h) shall be furnished for the 7-year period preceding the period for which statements of operations are set forth, as to the accounts of each person whose statement of financial condition is set forth. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Paragraph (h) does not call for an audit, but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to eligible accountholders and others.

(3) *Revaluation of property.* (i) If there were any material increases or decreases in investments, in property, plant and equipment, or in intangible assets, resulting from revaluing such assets, state: (*a*) In what year or years such revaluations were made; (*b*) the amounts of such increases or decreases, and the accounts affected, including all related entries; and (*c*) if in connection with such revaluations any related adjustments were made in reserve accounts, state the accounts and amounts with explanations.

(ii) Information is not required as to adjustments made in the ordinary course of business, but only as to major revaluations made for the purpose of entering on the books current values, reproduction cost, or any values other than original cost.

(iii) No information need be furnished with respect to any revaluation entry which was subsequently reversed or with respect to the reversal of a revaluation entry recorded prior to the period if a statement as to the reversal is made.

(4) *Other changes in surplus.* If there were any material increases or decreases in surplus, other than those resulting from transactions specified above, the closing of the profit and loss account or the declaration of payment of dividends, state (i) the year or years in which such increases or decreases were made; (ii) the nature and amounts thereof; and (iii) the accounts affected, including all material related entries. Paragraph (3)(iii) shall also apply here.

(5) *Predecessors.* The information shall be furnished, to the extent it is material, as to any predecessor of the applicant from the beginning of the period to that date of succession, not only as to the entries made respectively in the books of the predecessor or the successor, but also as to the changes effected in the transfer of the assets from the predecessor. However, no information need be furnished as to any one or more predecessors which, considered in the aggregate, would not constitute a significant predecessor.

(6) *Omission of certain information.* (i) No information need be furnished as to any subsidiary, whether consolidated or unconsolidated, for the period prior to the date on which the subsidiary became a majority-owned subsidiary of the applicant or of the predecessor for which information is required above.

(ii) No information need be furnished to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(iii) Only the information specified in paragraph (3) need be given as to any predecessor or any subsidiary thereof if immediately prior to the date of succession thereto by a person for which information is required, the predecessor or subsidiary was in insolvency proceedings.

Item 18. *Consents of experts and reports.* (a) The proxy and information statement shall briefly describe all consents of experts filed pursuant to section 563b.3(n).

(b) The statement shall contain a report of the independent public accountants who have certified the financial statements and other matters in the statement.

Instruction. The instruction to Item 15 shall apply to paragraph (a) of this Item.

Item 19. *Attachments.* There shall be attached to the proxy and information statement distributed to eligible account holders and association members a copy of the applicant's plan of conversion as preliminarily approved by the Corporation. There may also be attached to such statement a copy of any stock option or stock purchase plan described under item 14.

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FORM FA

[FACING SHEET]

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Insurance Corporation

Washington, D.C. 20552

Application for Final Approval of Conversion

(Exact name of applicant as specified in charter)

(Street address of applicant)

(City, State, and zip code)

(Date of application)

ITEMS

Item 1. With respect to each matter voted upon at the meeting of members to consider the plan of conversion and related to such plan, state the total number of votes eligible to be cast; the total number of votes cast in favor of each such matter; and the percentage of votes necessary to approve each such matter.

Item 2. State the actual price proposed by the applicant pursuant to § 563b.9(d). If it is not feasible to state such actual price, state the final price range pursuant to § 563b.9(d).

EXHIBITS

Exhibit 1. Attach a statement by an independent public accountant or independent transfer agent that: (1) Such accountant or transfer agent has mailed, or supervised the mailing of, the proxy and information statements, order forms, proxy forms, and warrants or rights, if applicable, to eligible account holders and association members in accordance with §§ 563b.8 and 563b.9; (2) such accountant or transfer agent has received the completed proxy forms; (3) such accountant or transfer agent has reviewed the applicant's systems and procedures for calculating the pro rata entitlement of eligible account holders, has completed a test check of such calculation and has reviewed written inquiries received by the applicant respecting the amount of the securities allocated to inquiring eligible account holders on a test basis for the purpose of stating that, based on his review, he is aware of no indications that the entitlements were calculated in a manner inconsistent with the plan; (4) all votes cast by proxy were cast in accordance with the choice or choices made on each proxy form; and (5) in his opinion, the results reported pursuant to Item 1 of this form accurately reflect such choices.

Exhibit 2. Attach an opinion of counsel to the effect that: (1) The meeting of members was held in accordance with all requirements of applicable State and Federal law and regulation; and (2) all requirements of State law applicable to the conversion, including State and Canadian securities laws, have been complied with, except to the extent that the granting of final approval by the Corporation is such a requirement.

Exhibit 3. Attach a copy of the pricing materials required by section 563b.9(g) in support of the information contained in Item 2.

Exhibit 4. Attach a certified copy of each resolution adopted at the meeting of the members to consider the plan of conversion.

Exhibit 5. Attach copies of all exhibits and other information required by Form PA and Part 563b and not previously submitted.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260 as amended; 12 U.S.C. 1725, 1726, 1730; sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan. No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

Interested persons are invited to submit written data, views, and arguments, to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by March 12, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.73-461 Filed 1-10-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

PLANS OF CONVERSION

Change in Distribution Record Date

JANUARY 3, 1973.

Pursuant to section 5 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464), and title IV of the National Housing Act, as amended (12 U.S.C. 1724, et seq.), the Federal Home Loan Bank Board hereby gives notice that the latest date the Board will approve as the date for determining the eligibility of account holders to receive stock under a plan to convert a federally insured mutual savings and loan association to the stock form of organization is changed from July 13, 1972, or earlier to December 31, 1972, or earlier.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.73-462 Filed 1-10-73;8:45 am]

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federal register

THURSDAY, JANUARY 11, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 7

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Notice of Proposed Rule Making

No. 7—Pt. III——1

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 125]

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Environmental Protection Agency. The proposed regulations describe, pursuant to the authority contained in sections 402 and 405 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et seq.; Public Law 92-500 (1972)) (hereinafter referred to as the "Act"), the policy and procedures for issuing or denying permits under sections 402 and 405 of the Act.

Section 402 of the Act creates a National Pollutant Discharge Elimination System under which the Administrator of the Environmental Protection Agency may, after opportunity for public hearing, issue permits for the discharge of any pollutant or combination of pollutants, upon condition that such discharge will meet all applicable requirements of the Act relating to effluent limitations, water quality standards and implementation plans, new source performance standards, toxic and pretreatment effluent standards, inspections, monitoring and entry provisions, and guidelines establishing ocean discharge criteria.

Prior to the promulgation of guidelines specifying the requirements of the Act indicated in the preceding paragraph, the Administrator may issue permits under conditions which he determines are necessary to carry out the provisions of the Act. Permit holders (for all point sources, other than publicly owned treatment works) are required to achieve, not later than July 1, 1977, effluent limitations which require the application of best practicable (waste) control technology currently available. Publicly owned treatment works are required to achieve secondary treatment by the same date. In addition, all point source dischargers must comply with applicable water quality standards requirements.

All discharges from point sources into the navigable waters, the waters of the contiguous zone, and the oceans are unlawful unless the discharger possesses a valid permit or is excluded from coverage by law or regulation. Dischargers required to obtain permits include, among other point sources, municipal and other publicly owned waste treatment works, industries discharging directly to navigable waters, and concentrated animal feeding operations.

Industrial, commercial, and residential discharges to municipal or other publicly owned waste treatment works, properly functioning marine engines, and certain discharges to wells associated with oil and gas production, among other exclusions listed in these regulations, do not require discharge permits.

These proposed regulations do not apply in any State where the Administrator has granted authority to a State to carry out a State permit program pursuant to section 402(a)(5) of the Act or where the Administrator has approved a State program pursuant to section 402(b) of the Act. In such cases, the Administrator will suspend issuance of permits pursuant to his authority, except with respect to Federal agencies and instrumentalities, for which the Administrator will continue to process permit applications in accordance with these regulations and will be the exclusive source of permits.

Section 405 of the Act provides that any discharge of sewage sludge that results in any pollutant from the sewage sludge entering the navigable waters is prohibited, except in accordance with a permit issued by the Administrator under section 405. These proposed regulations apply to the discharge of sewage sludge.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of Enforcement and General Counsel, Washington, D.C. 20460 by February 12, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 5, 1973.

Subpart A—General

Sec.
125.1 Definitions.
125.2 Scope and purpose.
125.3 Law authorizing permits.
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125.11 General provisions.
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Subpart C—Terms and Conditions of Permits

125.21 Prohibitions.
125.22 Conditions of permits.
125.23 Schedules of compliance.
125.24 Effluent limitations in permits.
125.25 Duration of permit.
125.26 Special categories of permits.
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Subpart D—Notice and Public Participation

125.31 Formulation of tentative determinations.
125.32 Public notice.
125.33 Fact sheets.
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Subpart E—Miscellaneous

125.41 Objections to permit by another state.
125.42 Other legal action.
125.43 Environmental impact statements.

AUTHORITY: Secs. 402, 405 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et. seq.; Public Law 92-500).

Subpart A—General

§ 125.1 Definitions.

Except as otherwise specifically provided,

(a) The term "Act" means the Federal Water Pollution Control Act, as amended, Public Law 92-500.

(b) The term "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(c) The term "applicable effluent standards and limitations" means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.

(d) The term "applicable water quality standards" means all water quality standards to which a discharge is subject under the Act and which have been (1) approved or permitted to remain in effect by the Administrator following submission to him pursuant to section 303(a) of the Act, or (2) promulgated by the Administrator pursuant to section 303(b) or 303(c) of the Act.

(e) The term "contiguous zone" means the entire zone established or to be established by the United States under Article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

(f) The term "discharge" when used without qualification includes a discharge of a pollutant and a discharge of pollutants.

(g) The term "discharge of pollutant" and the term "discharge of pollutants" each means: (1) Any addition of any pollutant to navigable waters from any point source, (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

(h) The term "effluent limitations" means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.

(i) The term "Environmental Protection Agency" means the U.S. Environmental Protection Agency.

(j) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator.

(k) The term "municipality" means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Act.

(l) The term "National Pollutant Discharge Elimination System" (hereinafter referred to as "NPDES") for the purpose of these regulations means the system for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans, by the Administrator of the Environmental Protection Agency pursuant to section 402 of the Federal Water Pollution Control Act, as amended.

(m) The term "navigable waters" means the waters of the United States including the territorial seas.

(n) The term "new source" means any building, structure, facility, or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under section 306 of the Federal Water Pollution Control Act, as amended, which will be applicable to such source, if such standard is thereafter promulgated in accordance with section 306.

(o) The term "ocean" means any portion of the high seas beyond the contiguous zone.

(p) The term "permit" means any permit or equivalent document or requirement issued to regulate the discharge of pollutants.

(q) The term "person" means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

(r) The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(s) The term "pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean (1) "sewage from vessels" or (2) water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in the degradation of ground or surface water resources.

(*Comment.* The legislative history of the Federal Water Pollution Control Act amendments reflects that the term "radioactive materials" as included within the definition of "pollutant" in section 502 of the Act covers only radioactive materials which are not encompassed in the definition of source, by-product or special nuclear materials as defined by the Atomic Energy Act of 1954, as amended, and regulated pursuant to the latter Act. Examples of radioactive materials not covered by the Atomic Energy Act and, therefore, included within the term "pollutant" are radium and accelerator produced isotopes. (H.R. Rep. 92-911, 92d Cong. 2d sess., 131, Mar. 11, 1972; 117 Cong. Rec. 17401, daily ed., Nov. 2, 1971; 118 Cong. Rec. 9115, daily ed., Oct. 4, 1972.))

(t) The term "pollution" means the man-made or man-induced alteration of the natural chemical, physical, biological, and radiological integrity of water.

(u) The term "Regional Administrator" means one of the Regional Administrators of the U.S. Environmental Protection Agency.

(v) The term "schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

(w) The term "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

(x) The term "sewage sludge" shall mean the solids and precipitates separated from wastewater by unit processes.

(y) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(z) The term "State water pollution control agency" means the State agency designated by the Governor, having responsibility for enforcing State laws relating to the abatement of pollution.

(aa) The term "territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of 3 miles.

(bb) The term "trade secrets" shall mean a secret method or process, not patented, but known only to certain individuals using it in compounding some article of trade having a commercial value.

(cc) The term "treatment works" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extension, improvement, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

§ 125.2 Scope and purpose.

(a) These regulations prescribe the policy and procedures to be followed in connection with applications for federally issued permits authorizing discharges into the navigable waters, the waters of the contiguous zone, and the oceans, during the periods that the Administrator of the Environmental Protection Agency may be authorized to issue such permits pursuant to sections 402 and 405 of the Act.

(b) These regulations do not prescribe policy or procedures where the Administrator has authorized a State program pursuant to section 402(a)(5) of the Act or where the Administrator has approved a State program pursuant to section 402(b) of the Act.

§ 125.3 Law authorizing permits.

(a) Section 301(a) of the Act provides that discharges without permits are unlawful. This section states, in part, that "Except in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

(b) Section 402 of the Act establishes the National Pollutant Discharge Elimination System (NPDES). This section provides in part that "the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, • • • upon condition that such discharge will meet either all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of (the) Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of (the) Act."

(c) Section 405 of the Act prohibits the discharge of sewage sludge into navigable waters except in accordance with a permit issued by the Administrator under section 405. This section provides in part that "in any case where the disposal of sewage sludge resulting from the operation of a treatment works • • • (including the removal of in-place sewage sludge from one location and its deposit at another location) would result in any pollutant from such sewage sludge entering into the navigable waters, such disposal is prohibited except in accordance with a permit issued by the Administrator under this section."

(d) Unless specifically noted to the contrary, all provisions of these regulations concerning permits under section 402 of the Act, are applicable to permits under section 405 of the Act.

§ 125.4 Exclusions.

The NPDES does not apply to:

(a) Sewage from vessels (section 502(6));

(b) Any addition of any pollutant to the waters of the contiguous zone or the ocean from any vessel or other floating craft (section 502(12)(B));

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(c) Discharges from properly functioning marine engines [1];

(d) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located and if such State determines that such injection or disposal will not result in the degradation of ground or surface water resources (section 502(6));

(e) Aquaculture projects (section 318); and

(f) Dredged or fill material (section 404).

§ 125.5 Delegation of authority.

(a) Subject to the appeal provisions of § 125.34 and the national security responsibility provision of § 125.35(c), the authority to issue and condition permits or to deny applications for discharges covered by the NPDES and by section 405 of the Act, is hereby delegated to each of the Regional Administrators of the Environmental Protection Agency for the area which he administers.

(b) The authority granted to the Administrator by sections 308(a) and 308 (b) of the Act, is hereby delegated to each of the Regional Administrators for the area which he administers.

Subpart B—Processing of Permits

§ 125.11 General provisions.

(a) All discharges of pollutants or combination of pollutants from all point sources into the navigable waters, the waters of the contiguous zone, or the ocean are unlawful and subject to the penalties provided by the Act, unless the discharger has a permit or is specifically relieved by law or regulation of the obligation of having a permit. When a permit has been issued, discharges must be consistent with the terms and conditions of such permit. Discharges in violation of permit terms and conditions may result in the institution of proceedings under the Act.

(b) The decision as to whether or on what conditions a permit authorizing a discharge will issue will be based upon an evaluation as to how such discharge will meet applicable requirements under the Act, or other applicable laws and regulations. Subsequent to the taking of necessary implementing actions relating to such requirements, all discharges in order to receive a permit must meet the requirements of sections 301, 302, 306, 307, 308, and 403, and all regulations pertaining thereto.

(c) In the period of time prior to the taking of necessary implementing actions relating to all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of the Act, the Administrator may issue permits under such conditions as he determines are necessary to carry out the provisions of the Act. Any permit issued shall include any conditions necessary to insure compliance with any applicable requirements of sections 301, 302, 306, 307, 308, and 403 that become applicable prior to the issuance of the permit. Foremost among other factors to be considered prior to the taking of the necessary implementing actions is the requirement for abatement measures designed to achieve, not later than July 1, 1977, best practicable (waste) control technology currently available for the particular point source (other than publicly owned treatment works) as determined by the Regional Administrator based upon information available to him to date and his professional judgment taking into account the intent of sections, 301, 302, 306, 307, 308, and 403 of the Act. Likewise, publicly owned treatment works must achieve secondary treatment by July 1, 1977, or in accordance with the period specified in section 301(b)(1)(B) of the Act. Furthermore, any permit issued shall include any more stringent condition pursuant to section 301(b)(1)(C) of the Act necessary to insure compliance with any limitation, including those necessary to meet applicable water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulation (under authority preserved by section 510 of the Act) or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to the Act. The likely impact or the existing impact of the discharge on the quality and uses of the receiving body of water where no adequate water quality standards exist also may have to be taken into account. In many cases the possibility of occurrence and the probability of effects of spills of materials from the point source are very important. In those cases spills should be considered. The objections of any State or interstate agency whose waters may be affected by the discharge shall be duly considered when making any permit decision.

§ 125.12 Application for a permit.

(a) An applicant for a permit must secure the required application form(s) from the Regional Administrator. Application form(s) must also be filed with the Regional Administrator.

(b) Any person who applied for a permit under the Refuse Act Permit Program operating under rules promulgated in the FEDERAL REGISTER on April 7, 1971 (33 CFR 209.131) and whose application has not been denied need not reapply for a permit under these regulations unless the discharge described in the application for a Refuse Act permit has substantially changed in nature, volume, or frequency. Such Refuse Act permit application shall be considered to be an application under the NPDES and shall be treated accordingly.

(c) Any person now discharging whose discharge was not covered by the Refuse Act Permit Program but which is now covered under the NPDES must apply for a permit on or before April 16, 1973.

(d) Any persons wishing to discharge into waters covered by the NPDES on or after June 16, 1973 (but who is not now discharging into such waters) must apply for a permit not later than 180 days in advance of the date on which it is desired to commence the discharge. If persons desire to discharge on or before June 15, 1973, they shall give at the minimum a 60-day notice; and if such notice is impossible they shall apply to the Regional Administrator for a variance.

(e) An application submitted by a corporation must be signed by an official of the rank of corporate vice president or above. In the case of a partnership or a sole proprietorship the application must be signed by a general partner or the proprietor respectively. In the case of a municipal, State, Federal, or other public facility, the application must be signed by the official having responsibility for the overall operation of the facility.

(f) Except as provided below, a fee of $100 will be charged in connection with each application for a permit which involves no more than one outlet from which a discharge will flow. If there is more than one outlet from which the discharge will flow, an additional $50 will be charged for each additional outlet. Agencies or instrumentalities of Federal, State, or local governments will not be required to pay any fee in connection with the filing of an application for a permit.

(g) Minor discharges are those whose discharge on every day of the year is less than 50,000 gallons unless their environmental impact, as determined by the Regional Administrator, is not insignificant. If there is more than one discharge from a facility and the total aggregate discharge from all discharges exceed 50,000 gallons on any day of the year then no discharge will be considered minor. Minor discharges will pay a fee of $10 per application. Where an application is filed for a permit for a minor discharge and where after review of the application the Regional Administrator believes that due to the particular characteristics of this discharge, it should not be considered to be a minor discharge, the applicant shall be advised of this determination and within a reasonable period of time, of not less than 30 days, shall be required to complete the normal application forms and provide the normal fees specified in these regulations.

(h) The fee structure set forth above will be reviewed from time to time as experience with the program is developed, and such fees may be revised. Fees collected shall be used to help defray the cost of administering the program. Checks should be made out to the order of "Environmental Protection Agency."

(i) Permittees who wish to continue to discharge subsequent to the expiration date of their permit must apply for reissuance of the permit using proper

[1] See Congressional Record for Oct. 10, 1972; page E8454, Extension of Remarks; Congressman Robert E. Jones of Alabama, Chairman of the Conference Committee "(The Conference Committee) would not expect the Administrator to require permits to be obtained for any discharges from properly functioning marine engines."

forms, not less than 180 days prior to the permit expiration date.

§ 125.13 Access to facilities and further information during evaluation of the application.

Permit application forms are designed to fit the normal situation for most facilities in the United States. Therefore, in many cases, further information including site visits may be necessary in order to evaluate the discharge completely and accurately. When the Regional Administrator determines that either further information or a site visit is necessary in order for the Environmental Protection Agency to evaluate the discharge, he shall so notify the applicant and in addition provide a date no later than 60 days hence by which time the requested information will be received and/or the site visit will be accomplished. In the event that a satisfactory response is not received the permit application may be issued or denied and the applicant so notified. Sections 308, 309, and 402(k) of the Act, also provide for sanctions in the event of noncompliance with reasonable requests for additional information.

§ 125.14 Distribution of application and permit.

(a) When an application for a permit is received Regional Administrators shall determine if the applicant has provided all of the information required by the application form and by this section.

(b) In order to assure that the Secretary of the Army acting through the Chief of Engineers has adequate time to evaluate the impact of the proposed discharge on anchorage and navigation, Regional Administrators will forward to the District Engineer in the appropriate District one copy of the application form immediately upon its receipt in the Regional Office in completed form. Accompanying the application will be notice that the Environmental Protection Agency has received a request for a permit to discharge and that the District Engineer has a stated number of days to evaluate the impact of granting such permit upon anchorage and navigation and to advise the Regional Administrator of his evaluation. District Engineers of the Corps of Engineers will normally be given 30 days to evaluate the impact on anchorage and navigation. Where the Regional Administrator finds that less time should be allowed he should so advise the District Engineer of such lesser period of time while at the same time outlining his reasons for such lesser period of time. In all cases the Regional Administrator should advise the District Engineer that failure to answer within the allotted period of time will be deemed to be a finding that anchorage and navigation will not be substantially impaired by granting of this permit. Where the District Engineer advises the Regional Administrator that anchorage and navigation of any of the navigable waters would be substantially impaired by the granting of a permit, such permit will be denied and the applicant shall be so notified. Where the District Engineer advises the Regional Administrator that the imposition of specified conditions upon the permit is necessary to avoid any substantial impairment of any of the navigable waters, then the Regional Administrator shall impose upon the permit those conditions so specified by the District Engineer. Where the District Engineer notifies the Regional Administrator that more time is needed for his evaluation, more time will be granted where it appears that the public interest warrants such extension.

(c) Upon receipt of an application which does not include a State certification where such certification is required by section 401 of the Act, the Regional Administrator will make available one copy of the application form to the State water pollution control agency for the State in which the discharge will occur. Accompanying the application will be a statement by the Regional Administrator that a request for a permit has been received by the Environmental Protection Agency, and that before such permit can issue, the State must certify that the discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 or that there are no applicable effluent or other limitations under sections 301 and 302 and there are no applicable standards under sections 306 and 307, or deny such certification or waive its right to certify or deny. The Regional Administrator must also state that such certification or denial must be received within a reasonable period of time or a waiver will be deemed to have occurred.

(d) If a permit issues, a copy of the permit and, if not previously transmitted, a copy of the application forms, shall be transmitted to the State in which the discharge is located. Copies of these documents shall be available for observation and reproduction by the public in the Regional Office.

(e) Regional Administrators shall assist applicants for permits in coordinating the requirements of the Act, with those of appropriate public health agencies.

(f) Whenever the provisions of the Fish and Wildlife Coordination Act, 16 U.S.C. 662, apply, Regional Administrators shall consult with appropriate officials of the U.S. Department of the Interior and the U.S. Department of Commerce, and with the head of the agency exercising administration over the wildlife resources of the State in which the discharge will occur.

§ 125.15 State certification.

(a) Section 401(a)(1) of the Act, provides that "Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of this Act. In the case of any such activity for which there is not an applicable effluent limitation or other limitation under sections 301(b) and 302, and there is not an applicable standard under sections 306 and 307, the State shall so certify." Where certification is required, no license or permit shall be granted until the certification has been obtained or has been waived. A waiver occurs when the certifying agency fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed 1 year) after receipt of such request. Three months shall generally be considered to be a reasonable period of time. If, however, special circumstances identified by the Regional Administrator require that action on a permit application be taken within a more limited period of time, the Regional Administrator shall determine a reasonable lesser period of time, advise the certifying agency of the need for action by a particular date and that, if certification is not received by the date established, it will be considered that the requirement for certification has been waived. Similarly, if it appears that circumstances may reasonably require a period of time longer than 3 months, the Regional Administrator may afford the certifying agency up to 1 year to provide the required certification before determining that a waiver has occurred. Where such extension of time is made at the request of the certifying agency, the request must be in writing and must include the reasons for the request. The Regional Administrator shall check with the certifying agency at the end of the allotted period of time before determining that a waiver has occurred.

(b) Any certification provided shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to insure compliance with any applicable effluent limitations and other limitations, under section 301 or 302 of the Act, standard of performance under section 306 of the Act, or prohibition, effluent standard, or pretreatment standard under section 307 of the Act, and with any other appropriate requirement of of State law set forth in such certification.

(c) Discharges from agencies or instrumentalities of the Federal Government, as provided in section 401(a)(6) of the Act, do not require certification pursuant to section 401. Regional Administrators will, however, make available one copy of any application from any Federal point source to the State in which the discharge is located and will request that the State, within a reasonable time, comment upon compliance of the discharge with the provisions of sections 301, 302, 306, and 307 and any other applicable State and local water quality requirements.

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Subpart C—Terms and Conditions of Permits

§ 125.21 Prohibitions.

(a) No permit shall issue in cases where the applicant, pursuant to section 401 of the Act, is required to obtain a State or other appropriate certification that the discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 and such certification was denied (section 401(a)).

(b) No permit shall issue where pursuant to section 401(a)(2) of the Act, the imposition of conditions cannot insure compliance with the applicable water quality requirements of all involved States.

(c) No permit shall issue if, in the judgment of the Secretary of the Army acting through the Chief of Engineers, anchorage and navigation of any of the navigable waters would be substantially impaired by the discharge (section 402(b)(6)).

(d) No permit shall issue for the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the navigable waters (section 301(f)).

(e) No permit shall issue for any discharge from a point source in conflict with a plan approved pursuant to section 208(b) of the Act (section 208(e)).

(f) No permit shall issue for any discharge to the territorial sea, the waters of the contiguous zone, or the oceans prior to the promulgation of guidelines under section 403(c) of the Act unless the Regional Administrator determines it to be in the public interest (section 403(a)).

(g) No permit shall issue for any discharge to the territorial sea, the waters of the contiguous zone, or the oceans after promulgation of guidelines under section 403(c) except in compliance with such guidelines (section 403(a)).

(h) No permit shall issue for any discharge to the territorial sea, the waters of the contiguous zone, or the oceans, subsequent to the promulgation of guidelines pursuant to section 403(c) of the Act, where insufficient information exists to make a reasonable judgment as to whether the discharge complies with any such guidelines (section 403(c)(2)).

§ 125.22 Conditions of permits.

(a) Regional Administrators shall insure that the terms and conditions of all issued permits provide for and insure the following:

(1) That all discharges authorized by the permit shall be consistent with the terms and conditions of the permit; that facility expansions, production increases, or process modifications which result in new or increased discharges of pollutants must be reported by submitting a new application; that the discharge of any pollutant not identified and authorized by the permit or the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit;

(2) That the permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the permit;

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and,

(iii) A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge;

(3) That the permittee shall permit the Regional Administrator or his authorized representative, and/or the authorized representative of the State water pollution control agency in the case of non-Federal facilities, upon the presentation of his credentials:

(i) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the permit;

(ii) To have access to and copy any records required to be kept under terms and conditions of the permit;

(iii) To inspect any monitoring equipment or method required in the permit; or,

(iv) To sample any discharge of pollutants.

(4) That the permit may not be transferred to a third party without the prior written approval of the Regional Administrator. Such prior written approval will be granted by the Regional Administrator where the transferee acquires a property interest in the point source and agrees in writing to fully comply with all the terms and conditions of the permit and the Act. Where the discharge is not in compliance with the terms and conditions of the permit or the Act at the time of the transfer, the transferee must agree in writing to bring the discharge into compliance with the terms and conditions of the permit and the Act, within the shortest reasonable period of time as determined by the Regional Administrator.

(5) That the permittee shall at all times maintain in good working order and operate at maximum efficiency any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit.

(6) The issuance of a permit does not convey any property rights either in real estate or material, or any exclusive privileges, nor does it authorize any injury to private property or invasion of rights, nor any infringement of Federal, State, or local laws or regulations; nor does it obviate the necessity of obtaining State or local assent required by law for the discharge authorized.

(7) That each permittee shall within 30 days from the day the permit was issued agree in writing to comply with all the terms and conditions of the permit and the Act. Such agreement of the permittee may be subject to the reservation of all of the permittee's rights under section 509 of the Act.

(b) Permits shall also include such special conditions as the Regional Administrator considers necessary or appropriate to specify and to assure compliance with applicable effluent limitations or other water quality requirements including schedules of compliance, treatment standards and such other conditions as the Regional Administrator considers necessary or appropriate to carry out the provisions of the Act. Permits shall also contain such other conditions as the District Engineer of the Corps of Engineers considers to be ncessary to insure that navigation and anchorage will not be substantially impaired. Also, conditions recommended by State water pollution control officials or other governmental officials may be added to permits if the Regional Administrator believes such recommended conditions will aid in carrying out the purposes of the Act. Furthermore, all permits will be conditioned upon achieving compliance with any applicable effluent limitations and other limitations, and monitoring requirements set forth on any certification pursuant to section 401 of the Act.

§ 125.23 Schedules of compliance in permits.

Regional Administrators shall follow the procedures below in setting schedules of compliance in permits:

(a) With respect to any discharge which is not in compliance with applicable effluent standards and limitations, applicable water quality standards, and other applicable requirements, the permittee shall be required to take specific steps to achieve compliance with the following:

(1) Any schedule of compliance contained in (i) applicable effluent standards and limitations; or, (ii) water quality standards, if more stringent; or (iii) any other applicable requirements, if more stringent; or

(2) In the absence of any applicable schedule of compliance in the shortest, reasonable period of time, such period not to be extended beyond July 1, 1977.

(b) In any case where the period of time for compliance specified in paragraph (a) of this section exceeds 9 months one or more interim dates shall be specified for which the permittee shall achieve interim requirements; in no event shall more than 9 months elapse between interim dates. Interim dates and the final date for compliance shall fall on the last day of February, April, June, August, October, and December.

(c) Not later than fourteen (14) days following each interim date and the final date of compliance the permittee shall provide the Regional Administrator with written notice of the permittee's compliance or noncompliance with the interim or final requirements.

§ 125.24 Effluent limitations in permits.

In the application of effluent standards and limitations, water quality standards, and other applicable requirements, the Regional Administrator shall for each permit, specify average and maximum daily quantitative limitations for the level of pollutants in the authorized discharge of terms of weight or other appropriate expression. Where a schedule of compliance is included as a condition in a permit, effluent limitations shall be included for the interim period as well as for the period following the final compliance date.

§ 125.25 Duration of permit.

(a) No permit will issue for a period longer than 5 years.

(b) Permits of less than 5 years duration may issue in appropriate cases and Regional Administrators shall give great weight to the advice of State or interstate water pollution control officials on the appropriate duration for particular permits.

(c) All permits will be for a fixed term.

§ 125.26 Special categories of permits.

(a) *Disposal of pollutants into wells.* If an applicant for a permit proposes to dispose of pollutants into wells as part of a program to meet the proposed terms and conditions of a permit, the Regional Administrator shall specify additional terms and conditions in the permit which shall (1) prohibit the proposed disposal, or (2) control the proposed disposal in order to prevent pollution of ground and surface waters and to protect the public health and welfare.

(b) *Discharges from publicly owned treatment works.* (1) If the permit is for a discharge from a publicly owned treatment works, the Regional Administrator shall require the permittee to provide notice to the Regional Administrator of the following:

(i) Any new introduction of pollutants into such treatment works from a source which would be a new source as defined in section 306 of the Act if such source were discharging pollutants;

(ii) Any new introduction of pollutants which exceeds 10,000 gallons on any one day into such treatment works from a source which would be subject to section 301 of the Act if such source were discharging pollutants; and

(iii) Any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit.

(2) Such notice shall include information on—

(i) The quality and quantity of effluent to be introduced into such treatment works, and

(ii) Any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

(3) The permittee shall require any industrial user of such treatment works to comply with the requirements of sections 204(b), 307, and 308 of the Act. Any industrial user subject to the requirements of section 307 of the Act shall be required by the permittee to prepare and transmit to the Regional Administrator periodic notice (over intervals not to exceed 9 months) of progress toward full compliance with section 307 requirements.

§ 125.27 Monitoring, recording and reporting.

(a) Any permit shall be subject to such monitoring requirements as may be reasonably required by the Regional Administrator, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods).

(b) Any discharge which

(1) Averages more than 50,000 gallons per operating day,

(2) The Regional Administrator requires to be monitored, or

(3) Contains toxic pollutants for which an effluent standard has been established by the Administrator pursuant to section 307(a) of the Act, shall be monitored by the permittee for at least the following:

(i) Flow (in gallons per day); and

(ii) All of the following pollutants;

(A) Pollutants (measured either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the permit;

(B) Pollutants which the Regional Administrator finds, on the basis of information available to him, could have a significant impact on the quality of navigable waters;

(C) Pollutants specified by the Administrator, in regulations issued pursuant to the Act, as subject to monitoring;

(c) Each effluent flow or pollutant required to be monitored pursuant to Paragraph (b) of this section shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant. Variable effluent flows and pollutant levels shall be monitored at more frequent intervals than relatively constant effluent flow and pollutant levels which may be monitored at less frequent intervals.

(d) The Regional Administrator shall specify recording requirements for any permit which requires monitoring of the authorized discharge consistent with the following:

(1) The permittee shall maintain records of all information resulting from any monitoring activities required of him in his permit;

(2) Any records of monitoring activities and results shall include for all samples;

(i) The date, exact place, and time of sampling;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods used; and,

(v) The results of such analyses;

(3) The permittee shall be required to retain for a minimum of 3 years any records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Regional Administrator.

(e) The Regional Administrator shall require periodic reporting (at a frequency of not less than once per year) on the proper NPDES reporting form of monitoring results obtained by a permittee pursuant to monitoring requirements in a permit. Such reporting periods, whose length shall be determined by the Regional Administrator, shall end on the last day of February, April, June, August, October, and/or December.

Subpart D—Notice and Public Participation

§ 125.31 Formulation of tentative determinations.

The Regional staff shall formulate and prepare tentative determinations with respect to a permit in advance of public notice of the proposed issuance or denial of the permit. Such tentative determinations shall include at least the following:

(a) A proposed determination to issue or to deny a permit for the discharge described in the application; and,

(b) If the determination proposed in paragraph (a) of this section is to issue the permit, the following additional tentative determinations;

(1) Proposed effluent limitations for those pollutants proposed to be limited;

(2) A proposed schedule of compliance, as explained in § 125.23, including interim dates and requirements, for meeting the proposed effluent limitations; and,

(3) A brief description of any other proposed special conditions (other than those required by § 125.22) which will have a significant impact upon the discharge described in the application.

§ 125.32 Public notice.

(a) Public notice of every complete application for a permit shall be circulated in a manner designed to inform interested and potentially interested persons of the discharge and of the proposed determination to issue or to deny a permit for the discharge. Public notice of public hearings shall be circulated in a manner designed to inform interested and potentially interested persons of the discharge and of the intention to hold a public hearing on the matter of a permit being issued for the discharge. Procedures for the circulation of public notice shall include at least the following:

(1) Notice shall be circulated within the geographical area of the proposed discharge; such circulation shall include any one of the following:

(i) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located;

(ii) Posting near the entrance to the applicant's premises and in nearby places; and,

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(iii) Publishing in local newspapers and periodicals, or, if the local newspaper is not a daily newspaper, in a daily newspaper of general circulation;

(2) Notice shall be mailed to any person or group upon request; and

(3) The Regional Administrator shall add the name of any person or group upon request to a mailing list to receive copies of notices for all applications within the State or within a certain geographical area.

(4) Regional Administrators shall notify other appropriate government agencies of each complete application for a permit and of public hearings and shall provide such agencies an opportunity to submit their written views and recommendations on each complete application.

(b) (1) Where notice is being given of an application for a permit, the Regional Administrator shall provide a period of not less than thirty (30) days following the date of the public notice during which time interested persons may submit their written views concerning the tentative determinations or request that a public hearing be held. All written comments submitted during the 30-day comment period shall be retained by the Regional Administrator and considered in the formulation of his final determinations with respect to the application.

(2) Where notice is being given of a public hearing, the Regional Administrator shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may prepare themselves for the hearing.

(c) The contents of public notice shall include at least the following:

(1) Name, address, phone number of Regional Office issuing the public notice;

(2) Name and address of each applicant;

(3) Brief description of each applicant's activities or operations which result in the discharge described in the application (e.g., municipal waste treatment plant, steel manufacturing, drainage from mining activities);

(4) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway;

(5) A statement of the Regional staff's tentative determination to issue or deny a permit for the discharge described in the application;

(6) A brief description of the procedures for the formulation of final determinations, including the 30-day comment period required by paragraph (b) of this section and any other means by which interested persons may influence or comment upon those determinations; and

(7) Address and phone number of premises at which interested persons may obtain further information, request a copy of the fact sheet described in § 125.33, and inspect and copy all application forms and related documents.

(d) If individual States in connection with applications for certification required by section 401 of the Act wish to enter into agreements for joint public notice concerning proposed discharges, the Regional Administrator may, after consulting with Headquarters, approve mutually satisfactory agreements and such agreements, once published in the FEDERAL REGISTER, shall supersede this § 125.32.

(e) Any public notice issued under this section may describe more than one discharge except that each discharge will be described separately.

§ 125.33 Fact sheets.

Prior to issuance of public notice the Regional Administrator shall prepare and, following public notice, shall send, upon request to any person a fact sheet with respect to the application described in the public notice. The contents of such fact sheets shall include at least the following information:

(a) A sketch or detailed description of the location of the discharge described in the application;

(b) A quantitative description of the discharge described in the application which includes at least the following:

(1) The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow in gallons per day or million gallons per day;

(2) The average summer and winter temperatures of the discharge in degrees Fahrenheit; and,

(3) The average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under sections 301, 302, 306, or 307 of the Act and regulations published thereunder;

(c) The tentative determinations required under § 125.31;

(d) A brief citation, including a brief identification of the uses for which the receiving waters have been classified, of the water quality standards and effluent standards and limitations applied to the proposed discharge; and,

(e) A more detailed description of the procedures for the formulation of final determinations than that given in the public notice including:

(1) The term of the 30-day comment period required by § 125.32 and the address where comments will be received;

(2) Procedures for requesting a public hearing and the nature thereof; and

(3) Any other procedures by which the public may participate in the formulation of the final determinations.

§ 125.34 Hearings and appeals.

(a) *Definitions.* (1) "Party" means any affected person who files a request for a hearing meeting the requirements of paragraph (b) of this section and whose request is not denied.

(2) "Affected person" means the Environmental Protection Agency; the water pollution control agency of any State or States in which the discharge or proposed discharge shall originate, or which may be affected by such discharge; the applicant; and any foreign country, or other interested person or persons.

(b) *Initiation of hearings.* Any affected person may within 30 days of the first day of public notice of an application for a permit pursuant to § 125.32 request the Regional Administrator to hold a public hearing to consider the issuance of a permit under this part. Upon receipt of any such request, stating with particularity any objections to the issuance of the proposed permit, and the issues of fact, law, or policy which are proposed to be considered at the hearing, the Regional Administrator shall fix a time and place for the public hearing. After the filing of the initial request, any other affected person may file a request under this subsection. Regional Administrators shall deny any requests not meeting the requirements of this subsection. Such denial shall be accompanied by a brief written statement setting forth the reasons for his denial.

(c) *Location of hearings.* All proceedings conducted pursuant to this section shall be held in the State of the discharge or other appropriate area.

(d) *Notice of hearing.* Public notice of the public hearing shall be given as provided for by § 125.32.

(e) *Presiding Officer.* After granting a public hearing in accordance with paragraph (b) of this section the Regional Administrator shall appoint a qualified person to serve as Presiding Officer for such hearing. No official who participated in the development of proposed conditions for the permit to be considered at such hearing may serve as Presiding Officer.

(f) *Hearing file.* Upon his appointment pursuant to paragraph (e) of this section, the Presiding Officer shall establish a hearing file. The hearing file shall include the permit application and supporting data, the staff recommendation for proposed permit conditions, the request or requests for the hearing, any data or material submitted in justification thereof, and such other material as the Presiding Officer deems relevant to the hearings. The hearing file shall be available for inspection by any person subject to the requirements of § 125.35.

(g) *Representation.* At the hearing, any party may appear on his own behalf, or may be represented by counsel or by any other authorized representative.

(h) *Prehearing conferences.* (1) In the discretion of the Presiding Officer, prehearing conferences may be held prior to any hearing or hearing on appeal held pursuant to this section. All parties will be given reasonable notice of not less than 10 days of the time and location of the conference. In the discretion of the Presiding Officer, persons other than parties may be included in attendance. At the conference, the Presiding Officer may:

(i) Obtain stipulations and admissions, and identify disputed issues of fact and law.

(ii) Mark and admit exhibits.

(iii) Set a hearing schedule which includes definite or tentative times for as many of the following as are deemed necessary by the Presiding Officer:

(A) Oral and written statements.

(B) Submission of written direct testimony as required by the Presiding Officer.

(C) Oral direct and cross-examination, if any is permitted.

(D) Oral argument, if any is permitted.

(E) Submission of proposed findings of fact.

(2) The results of any conference shall be reduced to writing by the Presiding Officer and made part of the hearing file.

(i) *Conduct of hearings.* (1) Hearings shall be conducted by the Presiding Officer in an orderly but expeditious manner. Any party shall be permitted to submit oral or written statements concerning the proposed permit, and to present views and recommendations thereon. In the discretion of the Presiding Officer, other persons may be allowed to present oral statements for the hearing record. All persons will be allowed to present written statements for the hearing record.

(2) The Presiding Officer shall have discretion to establish reasonable limits upon the time allowed for statements of witnesses, and for arguments of parties, or their counsel or representatives.

(3) In view of the need for an expeditious hearing, and the cross-examination provided in paragraph (i)(5) of this section, no cross-examination shall be permitted in hearings held pursuant to paragraph (b) of this section, except as provided in paragraph (i)(6) of this section.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by any person from the Environmental Protection Agency.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their relevancy and materiality, be received in evidence and shall constitute a part of the hearing file.

(6) In the discretion of the Presiding Officer exercised before the hearing begins, the hearing may be held in conformity with the requirements of paragraphs (l), (m), (n) of this section. If the hearing is held in conformity with such requirements, no request for a hearing on appeal may be filed under paragraphs (k) and (n) of this section and any issues specified in the requests for hearings shall be considered.

(j) *Initial decision.* On the basis of the hearing file and the evidence adduced at the hearing, the Presiding Officer shall determine whether the proposed permit conditions meet the requirements of the Act. If he determines that the proposed conditions do not meet such requirements, he shall set forth such conditions as he determines are necessary to comply with the requirements of the Act, or shall determine that the permit should be denied. The decision of the Presiding Officer shall be provided to all parties and be available to the public within 20 days of the completion of the hearing. Such initial decision shall constitute the final decision of the Regional Administrator with regard to the application for a permit unless within 10 days of the date of the Presiding Official's decision, any party files with the Regional Administrator a request for a hearing on appeal or for findings and opinion. If no such request is filed, the Regional Administrator shall issue the permit promptly with conditions established by the Presiding Officer or shall deny the permit according to the decision of the Presiding Officer.

(k) *Availability of hearing on appeal.* (1) Any party requesting a hearing on appeal shall submit his request in writing to the Administrator through the Regional Administrator. Any such request shall set forth in detail the basis of the request, and shall identify any expert witnesses which are requested to testify, and any issues of fact concerning the proposed discharge with respect to which cross-examination of further testimony of witnesses, or further evidence or argument in rebuttal is necessary. The Administrator shall grant the request for a hearing on appeal if he determines:

(i) That the request presents material issues of fact relating to the issuance of the proposed permit; and

(ii) That such issues require cross-examination or further evidence, testimony, or argument.

(2) Upon granting a request for a hearing on appeal the Administrator shall specify in writing those issues which meet the requirements of paragraphs (k)(1)(i) and (ii) of this section.

(l) *Conduct of hearing on appeal.* (1) The Administrator shall designate an official of the Environmental Protection Agency to serve as Presiding Officer for the hearing on appeal. No official who participated in the initial hearing and decision under this section, or who participated in the development of proposed conditions for the permit considered at such hearing, may serve as Presiding Officer on appeal.

(2) The Presiding Officer shall conduct the hearing on appeal in an orderly but expeditious manner. The parties may offer oral or written testimony, subject to the exclusion by the Presiding Officer of irrelevant, immaterial, and repetitious evidence.

(3) The hearing on appeal shall be confined to those issues specified by the Administrator pursuant to paragraph (k)(2) of this section.

(4) Witnesses shall be required to make oath or affirmation.

(5) Witnesses may, in the discretion of the Presiding Officer, be examined or cross-examined by the Presiding Officer, the parties, or their representatives. Among the factors to be considered by the Presiding Officer in determining whether or not to allow cross-examination are:

(i) Whether witness credibility, veracity, and demeanor are relevant to a fair resolution of factual issues; and

(ii) Whether, without cross-examination, parties would otherwise have an adequate opportunity to rebut opposing evidence.

To insure fair and expeditious consideration of all material issues, the Presiding Officer shall have discretion to limit the time allowed for examination and cross-examination. The Presiding Officer may exclude any testimony not relevant to the issues specified by the Administrator pursuant to paragraph (k)(2) of this section.

(6) Hearings on appeal shall be reported verbatim. Copies of transcripts of proceedings may be purchased by any person from the Environmental Protection Agency.

(7) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their relevancy, and materiality, be received in evidence and shall constitute a part of the hearing file.

(8) Parties shall have the right to present for the record oral argument, and argument or evidence in rebuttal, within reasonable time limits set by the Presiding Officer.

(9) The decision of the Presiding Officer in a hearing on appeal shall be issued according to the provisions of paragraph (j) of this section.

(m) *Official notice.* In any hearing or hearing on appeal under this section, the Presiding Officer may take official notice of any general, technical or scientific fact or material within the specialized knowledge of the Environmental Protection Agency. All parties shall be notified of any fact or material so noticed, and shall be afforded an opportunity to contest such facts or material.

(n) *Findings of fact and opinion.* At any time prior to 10 days following the issuance of the decision of the Presiding Officer in a hearing or hearing on appeal held pursuant to this subpart, any party may request the Presiding Officer to issue findings of fact and an opinion with regard to issues raised at the hearing or hearing on appeal. The party shall specify the issues on which findings and an opinion are requested. In the discretion of the Presiding Officer, parties may be required to submit proposed findings of fact within a period of not more than 20 days. The Presiding Officer shall issue his findings of fact and opinion no later than 20 days following the receipt of a request for such findings and opinion unless he requires the submission of proposed findings of fact. Where the submission of proposed findings of fact are required the Presiding Officer shall issue his findings of fact and opinion no later than 20 days following the end of the period he specified for receipt of such proposed findings. The findings of fact and opinion shall become part of the record, and shall be made available to all parties participating in the hearing or hearing on appeal. In the case of a hearing under paragraph (b) of this section, any party may submit a request for a hearing on appeal within 10 days following the issuance of the findings and opinion.

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§ 125.35 Public access to information.

(a) Certifications pursuant to section 401 of the Act, the comments of all governmental agencies on a permit application, and all information and data provided by an applicant or a permittee identifying the nature and frequency of a discharge shall be available to the public without restriction. All other information (other than effluent data) which may be submitted by an applicant in connection with a permit application or which may be furnished by a permittee in connection with required periodic reports shall also be available to the public unless the applicant or permittee specifically identifies and is able to demonstrate to the satisfaction of the Regional Administrator or his authorized representative that the disclosure of such information or a particular part thereof to the general public would divulge methods or processes entitled to protection as trade secrets.

(b) Where the applicant or permittee is able to demonstrate to the satisfaction of the Regional Administrator or his authorized representative that the disclosure of the information or a particular part (other than effluent data) thereof would result in methods or processes entitled to protection as trade secrets being divulged, the Regional Administrator shall treat the information or the particular part (other than effluent data) as confidential and not release it to any unauthorized person. Such information may be divulged to other officers, employees, or authorized representatives of the United States concerned with carrying out the Act.

(c) Notwithstanding paragraphs (a) and (b) of this section, the Administrator, when the national security requires, may withhold any information from the public.

Subpart E—Miscellaneous

§ 125.41 Objections to permit by another State.

(a) Whenever following receipt of the certification described in § 125.14 the Regional Administrator determines that a discharge may affect the quality of the waters of any State other than the State that made the certification, the Regional Administrator shall, within 30 days of such certification, notify such other State and the applicant of his determination and shall transmit to such other State a copy of the fact sheet described in § 125.22 and upon request a copy of the application. If such other State determines that the discharge will affect the quality of its waters so as to violate any water quality requirement in such State such other State shall have a period of 60 days beginning with the date notice from the Regional Administrator was received within which to notify the Regional Administrator in writing of its objection to the issuance of a permit and to request a public hearing on the objection. Upon receipt of such request, the Regional Administrator shall hold a hearing in conformity with § 125.34 herein. Based upon the record, the Regional Administrator shall issue a permit: *Provided*, That if the imposition of conditions cannot assure compliance with the applicable water quality requirements of all of the involved States, the Regional Administrator shall deny the permit.

(b) Each affected State shall be afforded an opportunity to submit written recommendations to the Regional Administrator which the Regional Administrator may incorporate into the permit if issued. Should the Regional Administrator fail to incorporate any written recommendations thus received, he shall provide to the affected State or States a written explanation of his reasons for failing to accept any of the written recommendations.

(c) Where an interstate agency has authority over waters that may be affected by the issuance of a permit, it shall be afforded to rights of a State pursuant to paragraphs (a) and (b) of this section.

§ 125.42 Other legal action.

Except as provided in section 402(k) of the Act, the mere filing of an application for a permit to discharge into waters covered by the NPDES will not preclude legal action in appropriate cases for violation of the Federal Water Pollution Control Act. The institution of either a civil or criminal action by the United States may not preclude the acceptance or continued processing of a permit application.

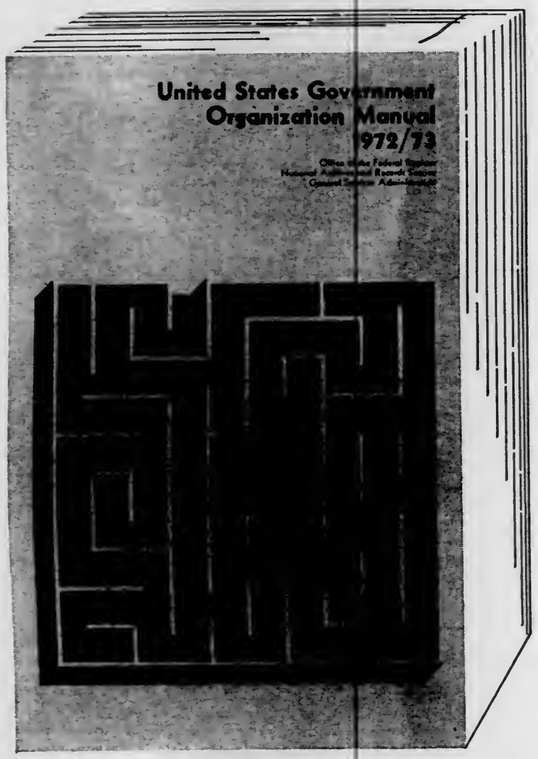
§ 125.43 Environmental impact statements.

Section 511(c)(1) of the Act provides that with the exception of permits for new sources as defined in section 306, no action of the Administrator taken pursuant to the Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[FR Doc.73-569 Filed 1-10-73;8:45 am]

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PART 300—PRICE STABILIZATION

Cafeterias and Restaurants Operated by Prenotification Firms

The purpose of this amendment to § 300.51 of the regulations of the Price Commission is to permit a prenotification firm to increase the price of an item of food or beverage served in a cafeteria, restaurant, or similar facility, owned and operated by that firm for the serving of food and beverage to its employees, without complying with the prenotification requirements of paragraph (a) or (b) of that section.

The Price Commission has received requests from several prenotification firms for an exception from the prenotification requirements of paragraphs (a) and (b) of § 300.51 for an increase in the price of an item of food or beverage served in cafeterias owned and operated by those firms for its employees. It appears that each of these firms operates its cafeteria on a nonprofit basis for the convenience of its employees, absorbs the overhead costs of the operation, and customarily prices the items of food and beverage to recover only direct out-of-pocket expenses and costs.

Recently, the Price Commission granted an exception from the prenotification requirements of § 300.51 (a) and (b) for increases in prices for food and beverage items sold in an employee cafeteria which was owned and operated by a prenotification firm. Experience under that exception indicates that a similar exception may be granted to any prenotification firm for an increase in the price of an item of food or beverage sold in a cafeteria, restaurant, or similar facility owned and operated by that firm on a nonprofit basis for the benefit and convenience of its employees. Section 300.51(1) as adopted herein provides for such an exception subject to the conditions and limitations prescribed in subparagraphs (1) through (4) of that section. The word "restaurant" as used in this amendment and as defined by the Cost of Living Counsel (Ruling 1972–35; 37 FR 6118) includes carryouts, lunch counters, and diners.

Since this amendment is needed to provide relief from restrictive provisions, the Price Commission finds that further notice and public procedure thereon are impracticable and unnecessary and that good cause exists to make it effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11640, 37 FR 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 FR 20202, Oct. 16, 1971)

In consideration of the foregoing, Title 6 of the Code of Federal Regulations is amended as set forth herein, effective January 12, 1973.

Issued in Washington, D.C., on January 9, 1973.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

1. Section 300.51 is amended by adding a new paragraph (l) at the end thereof to read as follows:

§ 300.51 **Prenotification firms.**

* * * * * *

(l) *Firm operated cafeterias and restaurants; prenotification.* A prenotification firm may increase the price for an item of food or beverage served in a cafeteria, restaurant, or similar facility owned and operated by that firm, without the prenotification required by paragraph (a) or (b) of this section, if—

(1) The cafeteria, restaurant, or facility is operated on a nonprofit basis primarily for the benefit and convenience of the firm's employees;

(2) The customary pricing practice of the firm for the operation of the cafeteria, resturant, or facility is to reach a "break-even" point on direct out-of-pocket expenses and costs, and to subsidize the indirect (overhead) expenses and costs;

(3) Any operating deficit incurred by the firm for the operation of the cafeteria, restaurant, or facility is not included as a part of its direct or indirect labor costs; and

(4) The price increase is charged for the purpose of recovering only direct out-of-pocket expenses and costs for the items of food or beverage concerned.

[FR Doc.73-719 Filed 1-11-73;8:45 am]

Title 7—AGRICULTURE

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Agricultural quarantine inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, seaports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following docket increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Public Law 91–656), and Executive Order 11691 dated December 15, 1972. Further, a technical amendment deletes an erroneous reference to Subchapter G of Chapter I of Title 9, Code of Federal Regulations.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 **Overtime work at border ports, seaports, and airports.**

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapter D of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $15.44 per man-hour per employee on a Sunday and at the rate of $10.72 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States on a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular workday beginning either at least 1 hour before his scheduled tour

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of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Deputy Administrator, Plant Protection and Quarantine Programs for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday or holiday or overtime duty if such travel is performed solely on account of such Sunday or holiday or overtime service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, certification, or quarantine services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is the continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The plant protection and quarantine programs inspector in charge in honoring a request to furnish inspection, laboratory testing, quarantine, or certification service, shall assign employees to such Sunday or holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective January 6, 1973, when it shall supersede 7 CFR 354.1, as amended January 19, 1972.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-696 Filed 1-11-73;8:45 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 568]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 14–20, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.868 Lemon Regulation 568.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to improve on sizes 115 and larger. Average price is $4.95 per carton. Track and rolling supplies at 95 cars were down 33 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication herein in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 9, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 14, 1973, through January 20, 1973, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 11, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-860 Filed 1-11-73;11:10 am]

[Grapefruit Reg. 89]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Indian River grapefruit that may be shipped to fresh market during the weekly regulation period January 15 through 21, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 912. The quantity of grapefruit produced in the Indian River District in Florida so fixed was arrived at after consideration of the total available supply of Indian River grapefruit, the quantity currently available for market, the fresh market demand for Indian River grapefruit, Indian River grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 912.389 Grapefruit regulation 89.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) The need for this section to limit the quantity of Indian River grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Indian River grapefruit industry.

(i) The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Indian River grapefruit is showing some strength. Prices, f.o.b. per ⅘ bushel carton, for the week ended January 7, 1973, averaged $2.60 for white seedless and $3 for pink seedless. Shipments for the week ended January 7, 1973, and for the previous week were 415 carlots and 230 carlots, respectively. On January 7, 1973, there were 11,115 carloads of Indian River grapefruit remaining for interstate shipments, while 4,385 carlots have been shipped to date.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until February 12, 1973 (5 U.S.C. 553), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 9, 1973.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled, is hereby fixed at 200,000 standard packed boxes, during the period January 15 through January 21, 1973.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-769 Filed 1-11-73;8:45 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1970 and Subsequent Crops

REDEEMED COMMODITIES INELIGIBLE

The regulations issued by the Commodity Credit Corporation published at 35 FR 7363, as amended, containing the General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities are hereby amended as follows:

A new paragraph (f) is added to § 1421.4 to prohibit, with certain exceptions, loans on collateral which have been redeemed from the loan and purchase program. Paragraph (f) reads as follows:

§ 1421.4 Eligibility requirements.

* * * * * *

(f) *Redeemed loan collateral.* Except as provided in §§ 1421.6(d) and 1421.18 (d) with respect to the transfer of a farm-storage loan to warehouse storage, a producer shall not reoffer as security, or repledge as collateral, for repayment of a CCC loan any commodity that has been previously so mortgaged or pledged.

Since this amendment is needed to carry out the loan and purchase program more effectively, compliance with the notice of proposed rule making and public participation procedure would be impractical and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: January 12, 1973.

Signed at Washington, D.C., on January 3, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-697 Filed 1-11-73;8:45 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 299—IMMIGRATION FORMS

Documentary Requirements

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on November 1, 1972 (37 FR 23274), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set forth proposed amendments pertaining to the exemption from the labor certification requirement of aliens seeking to enter the United States to engage in a commercial or agricultural enterprise in which they have invested or are in the process of investing capital.

The representations which were received concerning the proposed rules of November 1, 1972, have been considered. Those proposed rules have been amended in the following respects: In proposed § 212.8(b), item (4) has been amended

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by deleting the requirement that the enterprise "reasonably be expected to be of prospective benefit to the economy of the United States and not intended solely to provide a livelihood for the investor and his family"; by deleting the words "his own" immediately preceding the word "capital"; by changing "$25,000" to read "$10,000,"; by deleting the words "exclusive of goodwill or personal skills"; and by adding a new clause at the end thereof which reads: "and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise."

The proposed rules, as modified, are hereby adopted:

In § 212.8(b), subparagraph (4) is amended to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

. . . . . .

(b) *Aliens not required to obtain labor certification.* * * * (4) an alien who establishes on Form I–526 that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $10,000, and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise. * * *

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

§ 299.1 Prescribed forms.

. . . . . .

Form No.	*Title and description*
I–526	Request for Determination that Prospective Immigrant is an Investor.

. . . . . .

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to clarify the rules pertaining to exemption from the labor certification requirement of aliens coming to engage in a commercial or agricultural enterprise by specifying a minimum capital investment of $10,000, and to provide that the alien establish that he has had at least 1 year's experience or training qualifying him to engage in such enterprise.

In accordance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), this order shall become effective on February 12, 1973.

Dated: December 21, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73–650 Filed 1–11–73;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Airports

Veterinary Services inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, ocean ports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation, and the charge for such overtime is recoverable from those requesting the services. The following amendment increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Public Law 91–656), and Executive Order 11691.

Therefore, pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation, having ownership, custody, or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period and shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $15.44 per man-hour per employee on a Sunday and at a rate of $10.72 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular workday beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Deputy Administrator, Veterinary Services for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday or Sunday duty if such travel is performed solely on account of such overtime or holiday or Sunday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted traveltime period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which normally constitute a regular workday. It shall be administratively determined from time to time which days constitute holidays.

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

(b) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561, 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective January 8, 1973, when it shall supersede 9 CFR 97.1, effective January 19, 1972.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–695 Filed 1–11–73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 73–GL–1; Amdt. 39–1584]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Propellers

There has been a report of a separation of a blade at the shank of a Hartzell propeller. The cause of the failure is believed to result from corrosion-induced fatigue cracks in the blade shank retention area. Since this condition may exist or develop in other blades of a similar design, an airworthiness directive is being issued to require inspection and rework, or replacement of the propeller blades.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HARTZELL. Applies to all models HC–92ZK, HC–92WK, and BHC–92WK Series Propellers with 8447, W8447, and LW8447 type blades used on the Lycoming O–360 and IO–360 series engines installed on but not limited to the Beech 95 and Piper PA–24 Aircraft.

Compliance required as indicated, unless already accomplished. To prevent blade shank failures, accomplish the following:

(a) Propellers with 950 or more hours in service since new or last overhaul, must be inspected and reworked in accordance with paragraphs (d), (e), and (f) within the next 50 hours time in service after the effective date of this AD, and every 1,000 hours in service from the last inspection.

(b) Propellers with less than 950 hours in service since new or last overhaul as of the effective date of this AD, must be inspected and reworked in accordance with paragraphs (d), (e) and (f) prior to the accumulation of 1,000 hours in service since new, or last overhaul, and every 1,000 hours from the last inspection.

(c) Propellers whose hours in service since new or last overhaul are unknown will be assumed to have a total of 950 hours minimum since new or last overhaul and thus must be inspected and reworked in accordance with paragraphs (d), (e), and (f) within the next 50 hours after the effective date of this AD, and every 1,000 hours from the last inspection.

(d) Remove the blades from the propeller and visibly inspect each blade in the shank area for corrosion. Any indications of corrosion should be lightly polished with a fine grit emery cloth only. In the event the corrosion is not removed completely after .003" material has been removed, replace corroded blades before further flight with blades to which this AD does not apply, or have been inspected and altered in accordance with this directive.

(e) Inspect each blade in the blade shank area for cracks by the penetrant method. Replace any cracked blades before further flight with blades to which this AD does not apply, or have been inspected and altered in accordance with this directive.

(f) Shot peen the blade shank area in accordance with Hartzell Bulletin No. 83 dated October 18, 1962, revised December 27, 1972, or later FAA approved revision, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region. On previously shot peened blades, the shot peening should only be repeated if the shot peened surface is worn or marked in any way below the pebble grain of the shot peened surface.

(g) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Great Lakes Region, may adjust the repetitive inspection interval specified in this AD.

(Hartzell Bulletins No. 83 dated Oct. 18, 1962, revised Dec. 27, 1972, No. 83 Supplement No. 1 dated Feb. 11, 1963, No. 83 Supplement No. 4 dated Nov. 27, 1972, No. 83 Supplement No. 5 dated Dec. 27, 1972 and Overhaul Manuals Nos. 105(—), 110(—) and 114(—) also pertain to this subject.)

This amendment becomes effective January 19, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 5, 1973.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.73–700 Filed 1–11–73;8:45 am]

[Airspace Docket No. 72–GL–44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20955 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Big Rapids, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on December 15, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is added:

BIG RAPIDS, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Roben-Hood Airport (latitude 43° 43'13" N., longitude 85°29'52" W.) and within 5 miles each side of the White Cloud VOR 047° radial extending from a 8-mile radius area to the VOR, excluding the portion overlying the Reed City transition area.

[FR Doc.73–701 Filed 1–11–73;8:45 am]

[Airspace Docket No. 72–GL–45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 20952 and 20953 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at New Castle, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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Issued in Des Plaines, Ill., on December 15, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is added:

NEW CASTLE, IND.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of New Castle-Henry County Municipal, Sky Castle Airport (latitude 39°51'50" N., longitude 85°19'24" W.).

[FR Doc.73-702 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 20953 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter a transition area at Galesburg, Ill.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Des Plaines, Illinois, on December 15, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

GALESBURG, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg Municipal Airport (latitude 40°56'24" N., longitude 90°25'48" W.); within 5 miles east and 8 miles west of the Galesburg VOR 019° radial extending from the VOR to 12 miles north of the VOR; within 5 miles northwest and 8 miles southeast of the VOR 214° radial extending from the VOR to 12 miles southwest of the VOR; within a 5-mile radius of the Monmouth Municipal Airport (latitude 40°55'42" N., longitude 90°38'06" W.).

[FR Doc.73-703 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 20954 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the control zone at Muncie, Ind.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on December 15, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.171 (38 FR 351), the following control zone is amended to read:

MUNCIE, IND.

Within a 5-mile radius of Delaware County-Johnson Field (latitude 40°14'26" N., longitude 85°23'43" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile-radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile-radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile-radius zone to 10 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.73-704 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On pages 20954 and 20955 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the control zone at Cleveland, Ohio (Burke-Lakefront Airport).

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Illinois, on December 15, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.171 (38 FR 351), the following control zone is amended to read:

CLEVELAND, OHIO (BURKE-LAKEFRONT AIRPORT)

Within a 5-mile radius of the Burke-Lakefront Airport (41°31'02" N., 81°41'04" W.); within 2 miles each side of the Burke-Lakefront ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion overlying the Cleveland, Ohio (Cleveland-Hopkins International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.73-705 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 20955 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the control zone at Columbus, Ohio (Ohio State University).

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Illinois, on December 15, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.171 (38 FR 351), the following control zone is amended to read:

COLUMBUS, OHIO (OHIO STATE UNIVERSITY AIRPORT)

Within a 5-mile radius of the Ohio State University Airport (latitude 40°04'40" N., longitude 83°04'30" W.); within 3 miles each side of the 273° and 090° bearings from the airport extending from the 5-mile radius zone to 8½ miles west and east of the airport, excluding that portion within the Columbus, Ohio (Port Columbus International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

[FR Doc.73-706 Filed 1-11-73;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 4a—CLASSIFICATION, DECLASSIFICATION AND PUBLIC AVAILABILITY OF NATIONAL SECURITY INFORMATION

Subtitle A of Title 15 is amended by adding a new Part 4a to read as follows:

Subpart A—Introduction

Sec.
4a.1 Purpose.
4a.2 Policies.
4a.3 Department of Commerce National Security Classification Review Committee.

Subpart B—Classification

4a.21 General.
4a.22 Security classification categories.
4a.23 Authority for classification of documents.

Subpart C—Declassification and Review

4a.31 General policy.
4a.32 General declassification schedule.
4a.33 Exemptions from General declassification schedule.
4a.34 Systematic reviews.
4a.35 Mandatory review of exempted material.
4a.36 Review of classified material for declassification purposes.

Subpart D—Access to Classified Information and Materials

4a.41 Historical researchers.
4a.42 Access by former Presidential appointees.

AUTHORITY: Sec. 5 of E.O. 11652.

Subpart A—Introduction

§ 4a.1 Purpose.

These regulations govern the handling of classified information or material that originates in or comes under the jurisdiction of the Department of Commerce. Their purpose is to assure that classified information is protected, but only to the extent and for such period as is necessary.

§ 4a.2 Policies.

The use and application of security classification shall be limited to only that information which is truly essential to the national security. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. If the classifier has any substantial doubt as to which security classification category is appropriate, or as to whether the material should be classified at all, he should take the less restrictive course of action. Both unnecessary classification and overclassification shall be carefully avoided.

§ 4a.3 Department of Commerce National Security Classification Review Committee.

The Secretary has established the Department of Commerce National Security Classification Review Committee pursuant to section X of the Presidential Directive of May 17, 1972. The committee is composed of the Director, Departmental Office of Investigations and Security (Chairman), and representatives from the Departmental Offices of General Counsel, Organization and Management Systems, and Personnel. Additionally, the Chairman may from time to time identify other organizations of the Department to furnish representation.

(a) This committee shall have responsibility for the following functions:

(1) To resolve all suggestions and complaints concerning the implementation and administration of E.O. 11652 and the Directive of May 17, 1972, including those concerning overclassification, failure to declassify, or delays in declassification not otherwise resolved.

(2) To review all appeals of requests for records under the Freedom of Information Act (title 5 U.S.C., section 552) when the proposed denial is based on their continued classification under E.O. 11652.

(3) To recommend to the Secretary of Commerce appropriate administrative action to correct abuse or violation of any provision of E.O. 11652 or the Directive of May 17, 1972.

(b) All suggestions, complaints or appeals to this committee should be addressed to the Director, Departmental Office of Investigations and Security, Room 5044, Main Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, DC 20230.

Subpart B—Classification

§ 4a.21 General.

Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories, namely Top Secret, Secret or Confidential, depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are described and discussed in § 4a.22 below.

§ 4a.22 Security classification categories.

(a) *Top Secret.* Top Secret refers to that national security information or material which requires the highest degree of protection. The test for assigning Top Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. The classification Top Secret shall be used with the utmost restraint.

(b) *Secret.* Secret refers to that national security information or material which requires a substantial degree of protection. The test for assigning Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification Secret shall be sparingly used.

(c) *Confidential.* Confidential refers to that national security information or material which requires protection. The test for assigning Confidential classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

§ 4a.23 Authority for classification of documents.

No official of the Department of Commerce is authorized to originally classify information or material Top Secret. The authority to originally classify information or material as Secret shall be restricted solely to those offices within the executive branch which are concerned with matters of national security, and shall be limited to the minimum number absolutely required for efficient administration. In the Department of Commerce, such authority shall be exercised only by the Secretary and certain senior principal deputies or assistants, including: (a) Secretarial Officers and their deputies; (b) specified Heads of Departmental Offices; (c) Heads of Operating Units and their deputies; and (d) such other officials as the Secretary may designate in writing. Any exceptions must be justified in a memorandum addressed to the Director of the Departmental Office of Investigations and Security. The authority to originally classify information or material Confidential shall be exercised by officials who have Secret classification authority and by such other officials as they may designate in writing.

Subpart C—Declassification and Review

§ 4a.31 General policy.

When a classification determination is made, it is necessary to determine how long the classification shall last in accordance with Subpart B of this part. Classified information and material shall

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be downgraded and declassified as soon as there are no longer any grounds for continued classification.

§ 4a.32 General Declassification Schedule.

(a) *Top Secret.* Information or material originally classified Top Secret shall become automatically downgraded to Secret at the end of the second full calendar year following the year in which it was originated, downgraded to Confidential at the end of the fourth full calendar year following the year in which it was orignated and declassified at the end of the 10th full calender year following the year in which it was originated.

(b) *Secret.* Information and material originally classified Secret shall become automatically downgraded to Confidential at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(c) *Confidential.* Information and material originally classified Confidential shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

(d) *Applicability of the General Declassification Schedule to previously classified material.* Information or material classified before June 1, 1972, and which was assigned to Group 4 under Executive Order 10501, as amended by Executive Order 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to Groups 1, 2, and 3 of Executive Order 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of 10 years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after June 1, 1972.

§ 4a.33 Exemptions from General Declassification Schedule.

(a) Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. As the Department no longer has Top Secret originating authority, it likewise has no exemption authority for classified information or material originated after June 1, 1972. When exemption is deemed necessary, the person seeking such exemption shall mark the document "Tentative Exempt" citing appropriate category and make application to the Departmental National Security Classification Review Committee. If the committee concurs, the application shall be forwarded to the Department having primary interest in the subject matter for a final determination.

(b) Requests for exemption shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(1) *Category 1.* Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(2) *Category 2.* Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(3) *Category 3.* Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.

(4) *Category 4.* Classified information or material the disclosure of which would place a person in immediate jeopardy.

§ 4a.34 Systematic reviews.

All information and material classified after the effective date of the order and determined in accordance with Chapter 21, 44 U.S.C. (82 Stat. 1287) to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each operating unit of the Department or its successor for the purpose of making such information and material publicly available in accordance with the determination regarding declassification made by the classifier under section 5 of Executive Order 11652. During each calendar year the Department shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year the Department responsible, or the Archives of the United States if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.

§ 4a.35 Mandatory review of exempted material.

(a) All classified information and material originated after June 1, 1972, which is exempted under § 4a.33 from the General Declassification Schedule, shall be subject to a classification review by the originating department at any time after the expiration of 10 years from the date of origin provided:

(1) A department or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the Department to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

(b) Information or material which no longer qualifies for exemption under § 4a.33 shall be declassified. Information or material continuing to qualify under § 4a.33 shall be so marked and, unless impossible, a date for automatic declassification shall be set.

§ 4a.36 Review of classified material for declassification purposes.

(a) *Review of classified material over 10 years old.* Members of the public or departments may direct requests for mandatory review for declassification to the Director, Office of Investigations and Security, Room 5044, Main Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, DC 20230, who shall in turn refer such requests to the appropriate operating unit for action. The operating unit which has been assigned action shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to title 5 of the Independent Offices Appropriations Act, 1952, 65 Stat. 290, 31 U.S.C. 483a, the requester shall be so notified. The office which has been assigned action shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Departmental National Security Classification Review Committee. Should the office assigned action on a request for review determine that under the criteria set forth herein continued classification is required, the requester shall promptly be notified and, whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Departmental Committee and the notice of determination shall advise him of this right. Should the Departmental Committee determine on appeal that continued classification is required, the requester shall be notified and, whenever possible, provided with a brief statement as to why the requested information cannot be declassified. The requester may appeal such determination to the Interagency Classification Review Committee and the notice of determination shall advise him of this right.

(b) *Declassification of classified information or material after 30 years.* All classified information or material which is 30 years old or more, whether originated before or after June 1, 1972, shall be declassified under the following conditions:

(1) All information and material classified after June 1, 1972, shall, whether or not declassification has been requested, become automatically declassified at the end of 30 full calendar years after the date of its original classification except for such specifically identified information or material which the head of the originating Department personally determines in writing at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the head of the Department shall also specify the period of continued classification.

(2) A request by a member of the public or by a Department to review for declassification documents more than 30 years old shall be referred directly to the Archivist of the United States, and he shall have the requested documents reviewed for declassification in accordance with the above. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the head of the Department having custody, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the head of the Department concerned makes at that time the personal determination required above. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(c) *Burden of proof for administrative determinations.* For purposes of administrative determinations under paragraphs (a) and (b) of this section, the burden of proof is on the originating department to show that continued classification is warranted.

(d) *Availability of declassified material.* Upon a determination under paragraphs (a) and (b) of this section that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of title 5 United States Code (Freedom of Information Act) or other provisions of law.

(e) *Classification review requests.* A request for classification review must describe the document with sufficient particularity to enable the Department to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If the requester still does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision. (See paragraph (a) of this section.)

Subpart D—Access to Classified Information and Materials

§ 4a.41 Historical researchers.

Persons outside the executive branch who are engaged in historical research projects may be authorized access to classified information or material, provided that:

(a) It is determined that such access is clearly consistent with the interests of national security.

(b) The material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(c) The person agrees to safeguard the information and to authorize a review of his notes and manuscript, and also agrees that such classified information or material will not be published or otherwise compromised.

(d) An authorization for access shall be valid for a period of 2 years from the date of issuance and may be renewed under regulations of the issuing Department.

§ 4a.42 Access by former Presidential appointees.

(a) Persons who previously occupied policy-making positions to which they were appointed by the President, may be authorized access to classified information or material which they originated, reviewed, signed, received or which was addressed to them while in public office.

(b) Upon the request of any former official, such information as he may identify shall be reviewed for declassification in accordance with the provisions of section 5 of E.O. 11652.

(c) The former Government officials referred to herein do not include members or employees of the White House Staff or Presidential special committees or commissions.

PETER G. PETERSON,
Secretary of Commerce.

[FR Doc.73-645 Filed 1-11-73;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-411, Order 465]

UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS A AND CLASS B)

Accounting and Rate Treatment of Advance Payments for Gas Development and Production

DECEMBER 29, 1972.

On July 3, 1972 this Commission issued a renotice of its proposed rule making in Docket No. R-411 (37 FR 13559, July 11, 1972) proposing to determine whether the advance payment program is stimulating activity toward increasing the supply of natural gas sufficiently to justify the extension of rate base treatment of advances made after December 31, 1972.[1]

In addition, on October 24, 1972, this Commission issued a notice (37 FR 23363, Nov. 2, 1972) requesting comments on or suggested modifications of our proposed rule making. Docket No. R-411 based on the review of the summary[2] of responses to the questionnaire[3] filed by all pipeline companies that filed advance agreements with us in accordance with Orders No. 410 (44 FPC 1142) and No. 410-A (45 FPC 135), Docket No. R-380, and No. 441 (36 FR 21961), Docket No. R-411.

The object of the notice of July 3, 1972, was to afford all parties further opportunity to comment on (1) the question of continuing the rate base treatment of advances beyond the December 31, 1972, termination data; (2) allowing exploration and lease acquisition costs to be included in Account 166 to receive rate base treatment; (3) treating specified advances to pipeline affiliates the same as similar advances to independent producers; and (4) requiring simple interest at the rate of 7 percent per year to be paid by the producer to the pipelines on such advances. Comments were invited from interested parties to be submitted by July 31, 1972, on the renotice of proposed rule making and by November 3, 1972, for comments on the Summary of Responses to the Commission questionnaire, FPC Form No. 102, "Survey of Status of Development Under Terms of Advance Payment Agreement."

The total of 49 respondents' filing comments in the Commission's renotice of proposed rule making in Docket No. R-411 consists of 21 independent producers (including seven small producers), 13 interstate pipelines, three distributors, and eight affiliated companies making separate filings. Two associations and two State commissions also filed comments. Four respondents requested a conference to discuss the renotice, but because of the time element and the apparent completeness of the responses, the conferences were not scheduled.

Many respondents, in answering the four specific questions posed by us in the renotice, expressed reservations, qualifications or suggested variations. Producers, pipelines, distributors, and the associations overwhelmingly stressed higher field prices for both new and flowing gas as the only practical solution to the critical natural gas supply problem.

Sixteen producers (including the seven small producers), nine pipelines, three distributors, four affiliated companies, two associations, and one State commission generally favored continuation of advances beyond the December 31, 1972, cutoff date established by Order No. 441. Three producers, four pipelines, four affiliated companies, and one State commission opposed continuation.

Five pipelines reported substantial success in acquiring new gas reserves through the advances program. Information submitted on the questionnaires filed by these companies complements their conclusion. One of the most aggressive of the companies using the advances program stated "advance payments are virtually the only means by which pipeline companies are presently able to

[1] Termination date set in Order No. 441, issued Nov. 10, 1971, in Docket No. R-411.

[2] "Summary of Advance Payment Status Report," (accumulated and tabulated by the FPC staff) in the public file and available for inspection in the Commission's Office of Public Information and included in Attachment D, which is filed as part of the original document.

[3] Responses to the Commission's questionnaire are in the public file and available for inspection in the Commission's

[4] See Attachment A, List of Respondents.

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acquire gas reserves on a long term basis," stating further that advances activity has been greatly reduced under the more restrictive requirements of Order No. 441.

Another pipeline, on the other hand which has just recently become active in the advances program reported that in their experience it is the small independent producers that are making a significant portion of the discoveries in their area and are particularly dependent on advances since many operate with marginal capital and have limited access to conventional sources of financing. Statements by the small producer respondents confirm this comment. One small producer reported drilling 114 oil and gas wells in 1971 and is continuing an aggressive exploration and development program in 1972. Another small producer reported having participated in exploration programs in the offshore area of Southern Louisiana, assisted by advance payments from an interstate pipeline. Still another reported that it has drilled nine gas discovery wells since November 1970 and has contracted for advances based on computed reserves of each well.

Six respondents referred to their previous statements in Dockets Nos. R–380 and R–411 to support their position in opposition to extending rate base treatment of advances beyond December 31, 1972. Two pipelines also contend their capital structure is weakened and they will have difficulty funding new facilities if the advances program is continued.

Three producers based their opposition on the argument of possible discrimination by the interstate pipelines in favor of their producing affiliates over the nonaffiliated independent producers.

Responses to our question as to whether lease acquisition and exploration costs should be allowed rate base treatment showed 16 supporting, 16 opposing, eight limiting rate base treatment to exploration costs and excluding lease acquisition, and nine respondents taking no position. Those opposing inclusion of these advances in rate base (Account 166) argue that any attempt to add to proven reserves by stimulating drilling activity will necessarily increase lease costs by virtue of more producers competing for a limited number of leases, without producing corresponding increases in proven reserves of gas. Those approving the inclusion of these advances in Account 166 argue that since Order No. 441 excluded these advances from rate base, the level of advances has seriously declined.

Our policy of treating independent producers and pipeline affiliates alike is supported by 25 respondents who favor allowing rate base treatment of advances to a pipeline affiliated producer. Ten respondents (seven large producers, one small producer, a producer association and a State commission) oppose such treatment citing economic advantage and preferential treatment because of affiliate relationships.

The question of requiring the producers to pay 7 percent simple interest on advances was opposed by 32 respondents with only three supporting the proposal. Fourteen respondents did not comment. Most respondents opposing the interest requirement commented that this would offset the basic incentive of the advances program and would be counterproductive.

We issued on October 24, 1972, "Notice of comment period on summary of responses to the renotice," (37 FR 23363, Nov. 2, 1972) to give interested parties an opportunity to comment on the Summary of Advance Payment Status Report, compiled from the questionnaire. (See footnote 2 above.)

Nine respondents[5] filed comments on the summary, maintaining their positions taken in response to our original notice of proposed rule making in Docket No. R–411. Respondents opposing continuation of rate base treatment of advances challenge both the significance of the data reported as well as its accuracy and adequacy. Two of these parties have attempted to make a cost determination by simply dividing total dollars advanced by the total reserve volume currently reported by the pipelines. This approach ignores the repayment requirements of the advance agreements as well as the fact that the cost passed on to the consumers is limited to the return on rate base and related taxes. Also ignored is the fact that exploration and development programs funded by the advances have not been completed, particularly those supported by advances, subject to Order No. 441, which have been in effect less than a year. Consequently the reserve volumes attributable to advances programs can reasonably be expected to increase when the drilling programs are completed.

Upon review of the responses to the renotice of proposed rule making Docket No. R–411, the data filed by the pipelines in answer to our advance payment questionnaire, the responses filed on the notice of the summary of the data compiled by this Commission in response to the questionnaire, and other data available to us, the following determination has been made:

All advances for which a contractual agreement was executed prior to the issuance of this order shall receive rate base treatment in accordance with the provisions of Orders Nos. 410 and 410–A in Docket No. R–380 or Order No. 441 issued in this docket, as appropriate. Advances for which contractual agreements were executed on or after the date of issuance of this order shall be treated as ordered herein. For rate base purposes advances to pipeline affiliated producers shall be treated the same as advances to independent producers.

Attachment D schedules II (a) and (b) show that proved reserves[6] obtained in the lower 48 amount to 8.7 trillion cubic feet (Tcf) from advances subject to Order Nos. 410 and 410–A and 0.8 Tcf from advances subject to Order No. 441 for a total of 9.5 Tcf. Assuming that the total of pre-441 advances in the lower 48 States ($481,849,239) are covered on the average in 5 years, there is a 1 year lag between the advance and commencement of recoupment and an average cost to the consumer of 13 percent for return and taxes; we estimate that the added cost to the consumer for the 8.7 Tcf of proven reserves will be approximately 2.5 cents per Mcf over the field price of gas purchased from those reserves.

Considering that the above reported data shows that advances to date have resulted in the addition of approximately 9½ Tcf of proven gas reserves in the lower 48 States and in view of our analysis of all of the responses to the renotice and our review of the program of advances in general, we find that rate base treatment of advances to producers has "represented a justifiable experiment in the continuing search for solutions to our Nation's critical shortage of natural gas."[7] Therefore, in view of the "temporary nature * * * and * * * ongoing experimental character"[8] of the advances program, it is reasonable and appropriate that the program be extended for the period ending December 31, 1973, and that all advances made pursuant to contractual agreements executed after the issuance of this order, but not later than December 31, 1973, be made subject to the provisions of this order.

In Order No. 441 we stated:

[5] See Attachment B, List of Respondents, which is filed as part of the original document.

[6] Proven reserves of natural gas are the estimated quantities of natural gas which geological and engineering data demonstrate with reasonable certainty to be recoverable in the future from known natural oil and gas reservoirs under existing economic and operating conditions.

Reservoirs are considered proven if economic producibility is supported by either actual production or conclusive formation tests. The area of a reservoir considered proved includes: (1) That portion delineated by drilling and defined by gas-oil, gas-water, or oil-water contacts; and (2) the adjoining portions not yet drilled but which can be reasonably judged as economically productive on the basis of available geological and engineering data. In the absence of information of fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proven limit of the reservoir.

Reserve estimates are prepared for total recoverable natural gas, nonassociated gas and associated-dissolved gas. Estimates do not include (1) gaseous equivalents of natural gas liquids expected to be recovered from reservoir natural gas it is produced; or (2) nonhydrocarbon gases.

[7] Public Service Commission of New York v. F.P.C., —— F. 2d ——, CADC No. 71–1161, issued May 19, 1972 denying rehearing to —— F. 2d ——, CADC No. 71–1161, issued Mar. 29, 1972.

[8] Public Service Commission of New York v. F.P.C., —— F. 2d ——, CADC issued Mar. 29, 1972.

No advance may be included in Account 166 unless such advance is to be repaid in full by either delivery of natural gas or other consideration. Such repayment shall be completed within 5 years or as otherwise authorized by the Commission, from the date gas deliveries commence or the date it is determined that recovery will be in other than gas.

Our purpose in requiring the full recoupment of the advances was to ensure that the customers of the pipeline would not be charged for a project which resulted in a total or partial failure. This objective may also be accomplished by requiring the advancing pipeline itself to absorb any amounts of the advance not recovered either by gas or other economic consideration from the recipient of the advance. We adopt this approach in light of our initial and continuing intention to treat these advances as interest-free loans from the pipeline. Also, this approach will afford the pipeline added flexibility in negotiating with producers.

However, if 5 years elapses from the time the advance has been included in Account 166 and during such time no gas deliveries have commenced or no determination has been made that the recovery will be in economic consideration other than gas, the pipeline shall at the end of the 5-year period, remove the advance from Account 166 and cease rate base treatment thereof, unless otherwise directed by the Commission.

Moreover, if an advance which is or has been included in Account 166 results in the finding of proven reserves of natural gas, gas deliveries commence, but no gas flows to the advancing pipeline, the advance shall be removed from Account 166 immediately, if not already removed, and any revenues collected as a result of the advance being included in rate base shall be refunded by the pipeline company to their customers within 12 months after the removal of the advance from Account 166, unless otherwise directed by the Commission. Where there is partial recovery of the advance by gas, the amount of the advance removable from Account 166 and the amount of revenues refundable, shall be appropriately apportioned. It should be noted that, in considering rate base treatment for these advances, the Commission will consider whether or not a sufficient portion of the reserves found or expected to be found as a result of the advance is dedicated to the pipeline making such advance.

Our renotice of rulemaking herein sought comments as to the advisability of requiring an annual interest rate of 7 percent on advance payments made to producers by pipelines. Our main concern is that the pipeline's customers be protected from the risk of nonrecoverable advances, and if the pipeline and producer can agree to meet that objective, it is not appropriate for us to require a 7 percent annual interest rate to be paid to the pipeline by the producer. The great majority of those commenting on this issue indicated that the interest charge would offset the basic incentive of the advances program and would be counter-productive by making advances a less attractive source of funds to producers. Therefore, the 7 percent interest provision will not be adopted.

In Order No. 441 we excluded advances for exploration and lease acquisition from rate base (Account 166) because we found at that time:

That advances for exploration and lease acquisition have not (been) shown to be an effective vehicle for stimulating the widespread participation (of pipelines) in natural gas production for which their encouragement was intended.

Turning now to Attachment D, Schedule II(a) we find that proved reserves of 5.58 Tcf, all in the lower 48 States, have been developed from such advances under Order Nos. 410 and 410–A. Perhaps more significantly, we find that of the total dollars advanced in the lower 48 States[7] ($491,849,239), 67 percent ($329,502,382), was for lease acquisition and exploration and the resulting volume of proved reserves represents 64 percent of the total proved reserves (8.7 Tcf) developed in the lower 48. If the total proved and potential reserves in that area (8.7 Tcf plus 4.2 Tcf or 12.9 Tcf) were considered then lease acquisition and exploration account for 8.74 Tcf or 68 percent of all the reserves developed in the lower 48.

It is clear then that advances for exploration and lease acquisition have resulted in significant production activity. However, the comments indicate that advances for lease acquisition may have been a contributing factor in the bidding up of the price of the leases. Therefore we shall henceforth allow advances for exploration in rate base while continuing to exclude advances for lease acquisition from rate base.

In Order No. 441, we also imposed restrictions on rate base treatment of advances when a working interest or economic interest was retained by a pipeline affiliate. Upon review of the comments and the situation in general, we find that such treatment is inconsistent with our stated policy of treating pipeline affiliates equally with independent producers. As we stated in Opinion No. 568 (42 F.P.C. 743, 752);

Pipeline producers are henceforth to be treated on a parity with independent producers. By so doing we are encouraging intensified exploration by the pipeline producers. (Emphasis added) We would anticipate that gas produced from leases acquired after the issuance of this opinion would be promptly dedicated in the public interest to assure the adequacy of the supply of natural gas.

The majority of respondents agree with this position, stating that disallowing a working or other economic interest to a pipeline affiliate offers no economic advantage. It should be noted that under Order No. 441 pipeline affiliates, upon receipt of an advance, do not have the degree of freedom that independent producers have to negotiate agreements with other producers to develop the gas. Moreover, if a pipeline affiliate is allowed a working or economic interest, the cost to the customers of the pipeline is the same as when a pipeline makes an advance to an independent producer and retains no working or other economic interest. For these reasons, advances by the pipeline company to its affiliate who obtains a working or other economic interest, may include such advances in the rate base (Account 166). However, as noted above, advances shall not be used for lease acquisition.

Order Nos. 410, 410–A, and 441 allowed only advances made to producers within the lower 48 States to be included in Account 166 and receive rate base treatment. This same restriction shall apply to advances subject to this order. The proper treatment for advances made in the North American continent outside the lower 48 States where such production will be accessible by pipeline to the lower 48 States is the subject of a notice of proposed rule making in Docket No. R–466 issued simultaneously with this order.

To better reflect the intentions of Accounts 166 and 167, we are revising the titles to read:

166 advances for gas, exploration, development, and production.
167 other advances for gas.

Consistent with the amendments to § 154.63 of the regulations under the Natural Gas Act adopted herein, the Commission plans to consider those amounts allowed in Account 166, as rate base items, where found reasonable and appropriate.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of Title 5 of the United States Code.

(2) The amendments of this Commission's uniform system of accounts, regulations under the Natural Gas Act and Annual Report Form No. 2 schedules herein prescribed are necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the revised schedules of FPC Form No. 2 are being prescribed for the reporting year 1972, good cause exists for making the amendments adopted herein effective immediately.

(4) Since the amendments prescribed herein, which are not included in the notice of this proceeding, are consistent with the prime purpose of the proposed rule making, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

This Commission acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly by sections 4, 5, 7, 15, and 16 (52 Stat. 822, 823, 824, 825, 829, and 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717n, and 717o, orders:

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PART 154—RATE SCHEDULES AND TARIFFS

(A) Statement E—Working Capital, in paragraph (f) description of statements, of § 154.63 in part 154, Rates Schedules and Tariffs, Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows: Item (b) in the first sentence of the second paragraph of Statement E is revised by changing the date following the words "prior to" from "January 1, 1973," to "January 1, 1974," Schedules E–1 and E–2 are also amended. As amended, this portion of Statement E reads as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

* * * * * * *

(f) *Description of Statements.* * * *

Statement E—Working Capital. * * *

The components of working capital may include * * * (b) an allowance for the average of 13 monthly balances of materials and supplies, prepayments, the unrecovered portion of advances to suppliers in Account 166 made under contracts executed prior to January 1, 1974, and gas for current delivery from underground storage. * * *

* * * * * * *

Schedule E–1 setting forth monthly balances for materials and supplies, prepayments, and advances in such detail as to disclose, either by subaccounts regularly maintained on the books or by analysis of the principal items included in the main account, the nature of the charges included therein.

Schedule E–2 setting forth monthly balances of material and supplies, prepayments, and advances on purchased gas for 2 years immediately preceding the 12 months of actual experience used in the filing.

* * * * * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

(B) This Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. In the Chart of Balance Sheet Accounts, the title of account "166, Advance Payment for Gas Development and Production," and account "167, Other Advance Payments for Gas" is amended. As so amended, the chart of accounts read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * * * *

166 Advances for gas exploration, development and production.
167 Other advances for gas.

* * * * * * *

2. In the Balance Sheet Accounts section, the title and text of account "166, Advance Payments for Gas Development and Production" and account "167, Other Advance Payments for Gas," is amended to read as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * * * *

166 Advances for gas exploration, development and production.

A. This account shall include all advances made within the lower 48 States for gas (whether called "advances," "contribution," or otherwise) to others, including advances to affiliated or associated companies; for exploration, development or production (but not to include lease acquisition) of natural gas, when such advances are to be repaid in full by either delivery of gas or other consideration. Under each agreement with payee, such payments must be made prior to initial gas deliveries, or if the agreement provides for advances on a well by well basis, each incremental payment must be made prior to deliveries from an incremental well, or prior to Federal and/or State authorization, as appropriate. Noncurrent advances not to be repaid within a 2-year period shall be reclassified and transferred to Account 124, Other Investments, for balance sheet purposes. This transfer is for reporting purposes only and has no effect on accounting or rate making.

B. When a pipeline obtains a working interest as a result of funds advanced to producers, such amounts shall be included in appropriate production accounts. When an associated company obtains a working interest as a result of funds advanced from a pipeline company, the pipeline shall include such amounts in Account 123, Investment in Associated Companies, or Account 146, Accounts receivable from Associated Companies, as appropriate, for formal contractual commitments made during the period of November 10, 1971 (effective date of Order 441) to the date of the issuance of Order No. 465.

C. Outstanding advances shall be fully reduced within 5 years, or as otherwise authorized by the Commission, from the date gas deliveries commence or the date it is determined that recovery will be in other than gas. This account shall be credited with advances not fully recovered within the 5-year period, and the unrecovered portion charged directly to Account 426.5, Other Deductions. A sufficient portion of all gas taken should be credited to the related outstanding advance so as to eliminate the advance within the 5-year period or as otherwise authorized by the Commission upon request by the pipeline company. The reduction of the outstanding advance should not be dependent on a buyer purchasing more than 100 percent of the minimum take or pay quantity provided in the contract.

D. Where recovery is by gas, recovered advance shall be credited to this account and charged to the appropriate gas purchase account.

E. When an advance results in a source of proven reserves of natural gas, but none flows to the pipeline company making such advances, the amount of the advance shall be removed from this account and recorded in Account 167. Any revenues collected as a result of the advance being included in rate base shall be refunded by the pipeline company to their customers within 12 months after the removal of the advance from this account, unless otherwise directed by the Commission. Where there is partial recovery of the advance by gas, in this situation, the amount of the advance transferred from this account to Account 167 and the amount of revenues refundable shall be appropriately apportioned.

F. If 5 years elapses from the time the advance has been included in this account and during such time no gas deliveries have commenced or no determination has been made that the recovery will be in economic consideration other than gas, the pipeline shall at the end of the 5-year period, transfer the advance from this account to Account 167, and cease rate base treatment thereof, unless otherwise directed by the Commission.

G. Whenever as a result of an advance included in this account, a pipeline receives any amount in excess of a full recovery of the advance, such amount must be credited to Account 813, Other Gas Supply Expenses. If the income or return is received in other than money, it shall be included at the market value of the assets received.

H. If the recipient of an advance is unable to repay it in full, through no fault of the pipeline or contractual provisions, in gas or other assets, the unpaid or nonrecoverable portion must be credited to this account at the time such amount is recognized as nonrecoverable. Nonrecoverable advances significant in amount must be eliminated within 5 years from the date of determination as nonrecoverable by either a charge to Account 435, Extraordinary Deductions, or when authorized by the Commission, by a transfer to Account 186, Miscellaneous Deferred Debits, and amortization to Account 813, Other Gas Supply Expenses. Nonrecoverable advances insignificant in amount should be charged directly to Account 813 in the year recognized as nonrecoverable.

I. No transfers shall be made from this account to any other accounts, unless otherwise provided herein, except as authorized by the Commission upon request by the pipeline company.

J. Three copies of any agreement concerning advances will be filed with the Secretary within 30 days of the initial related entry in Account 166.

NOTE A: This account may include advances for exploration (including lease acquisition costs) made according to the provision of Order Nos. 410 and 410–A, for which a contractual commitment was made prior to the date of Order No. 441. All advances made from October 2, 1970 (issue date of Order No. 410), to November 10, 1971 (issue date of Order No. 441), shall be subject to the provisions of Order Nos. 410 and 410–A.

NOTE B: This account shall not include advances for exploration (including lease acquisition costs) in accordance with Order No. 441, for which a contractual commitment was made from November 10, 1971 (issue date of Order No. 441), to the date of the issuance of Order No. 465.

NOTE C: All advances made from November 10, 1971 (issue date of Order No. 441), to the date of the issuance of Order No. 465 shall be subject to the provisions of Order No. 441.

NOTE D: This account shall not include advances expended for delay rentals, nonproductive well drilling or abandoned leases where such advances are related to lease acquisition, except in accordance with Note A and Note B to this account.

NOTE E: To keep the Commission informed when an advance is nonrecoverable by any means the company must submit the full details including copies of Federal and State plugging and abandonment reports involved as soon as such fact becomes known.

167 Other advances for gas.

This account shall include all advances not properly includible in Account 166, exclusive of amounts advanced where a working interest is obtained.

PART 260—STATEMENT AND REPORTS (SCHEDULES)

(C) The schedule pages 110, entitled Comparative Balance Sheet—Statement A, 210A, Gas Prepayment under Purchase Agreements, and 210B, entitled Advances for Gas Prior to Initial Deliveries or Commission Certification (Account 124, 166, and 167), in F.P.C. Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations is amended as set out in Attachment C hereto.*

(D) Subparagraph (c) of § 260.1, Part 260, Subchapter G, Chapter I, Title 18 CFR, is amended by adding a new schedule title, "Advances for Gas Prior to Initial Deliveries or Commission Certification (Account 124, 166, and 167)" immediately following, "Prepaid Gas Purchases Under Purchase Agreements." As amended, the subparagraph reads:

§ 260.1 Form No. 2, annual report for natural gas companies (Class A and Class B).

* * * * * * *

(c) This annual report contains the following schedules:

* * * * * * *

Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167).

(E) This order is effective as of December 29, 1972.

(F) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

ATTACHMENT A

LIST OF RESPONDENTS TO DOCKET NO. R–411 (BENOTICE)

Associations

Associated Gas Distributors (representing 54 companies).

The Independent Petroleum Association of America (IPAA).

Gas Companies

Cities Service Gas Co.
Colorado Interstate Gas Co., a division of Colorado Interstate Corp.
Columbia Gas Transmission Corp.
El Paso Natural Gas Co.
Florida Gas Transmission Co.
Iroquois Gas Corp.
Michigan Gas Storage Co.
Michigan Wisconsin Pipe Line Co.
Natural Gas Pipeline Company of America.
Northern Natural Gas Co.
Northern Illinois Gas Co.
Pacific Gas & Electric Co.
Pacific Gas Transmission Co.
Panhandle Eastern Pipe Line Co., Trunkline Gas Co.
Peoples Gas Light & Coke Co., The
Southern California Gas Co.
Southern Natural Gas Co.
Tennessee Gas Pipeline Co., a division of Tenneco Inc.
Texas Eastern Transmission Corp., Transwestern Pipeline Co.
Texas Gas Transmission Corp.
Transcontinental Gas Pipe Line Corp.
United Gas Pipe Line Co.

Independent Producers

Adobe Oil Co.
Amoco Production Co.
Atlantic Richfield Co.
Bass, Perry R., et al.
The California Co., a division of Chevron Oil Co.
Cities Service Oil Co.
Clark Oil Producing Co.
Continental Oil Co.
Gulf Oil Corp.
Hickerson Oil Co.
Hughes, Kingdon R.
Humble Oil & Refining Co.
Leede, Edward H.
Marathon Oil Co.
Mesa Petroleum Co.
Mobil Oil Corp.
Pennzoil Producing Co., Pennzoil Offshore Gas Operators, Inc.
Phillips Petroleum Co.
Placid Oil Co.
Shell Oil Co.
Sun Oil Co.
Superior Oil Co., The
Tipperary Land & Exploration Corp.

State Commissions

People of the State of California and the Public Utilities Commission of the State of California.
Public Service Commission for the State of New York.

[FR Doc.73–652 Filed 1–11–73;8:45 am]

* Attachment C filed as part of the original documents.

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.682]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to authorize a consular or immigration officer to terminate the validity of a nonimmigrant visa upon entry of a final order of voluntary departure and/or deportation rather than upon institution of proceedings against an alien as presently provided.

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is amended to establish guidelines on the amount and nature of capital an alien has invested or is in the process of investing in a commercial or agricultural enterprise in order not to be considered within the purview of section 212(a)(14) of the Immigration and Nationality Act, as amended.

1. Subparagraph (4) of § 41.122(e) is amended to read as follows:

§ 41.122 Validity of visas.

* * * * * * *

(e) *Termination of validity by consular or immigration officer.* * * *

(4) A final order of deportation or a final order granting voluntary departure with an alternate order of deportation is entered pursuant to 8 CFR Part 3, or 8 CFR Part 242;

* * * * * * *

2. Subdivision (ii)(*d*) of subparagraph (14) of § 42.91(a) is amended to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) * * *

(14) * * *

(ii) The following persons are not considered to be within the purview of section 212(a)(14) and do not require a labor certification: * * *

(*d*) An alien who establishes by documentary evidence that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $10,000, and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise; and * * *

* * * * * * *

Effective date. These amendments shall become effective on February 12, 1973.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States. (Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

[SEAL] WILLIAM N. DALE, *Acting Administrator, Bureau of Security and Consular Affairs, Department of State.*

DECEMBER 27, 1972.

[FR Doc.73–649 Filed 1–11–73;8:45 am]

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Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Baldwin	Unincorporated areas.	I 01 003 0000 01 through I 01 003 0000 43.	Alabama Development Office, Office of State Planning, State Office Building, 501 Dexter Avenue, Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Building, Montgomery, Ala. 36104.	Office of the County Building Inspector, Baldwin County, Bay Minette, Ala. 36507.	Apr. 30, 1971. Emerg. Dec. 31, 1971. Susp. May 5, 1972. Rein. Jan. 12, 1973. Reg.
Connecticut	Middlesex	Chester, Town of.				Jan. 12, 1973. Emerg. Do.
Do	Hartford	East Windsor, Town of.				Do.
Illinois	Cook	Harvey, City of.				Do.
Do	Cook and Will	Park Forest, Village of.				Do.
Indiana	Warrick	Newburgh, Town of.				Do.
Kentucky	Harlan	Unincorporated areas.				Do.
Michigan	Wayne	Dearborn Heights, City of.				Do.
Do	Macomb	New Baltimore, City of.				Do.
Do	do	Sterling Heights, City of.				Do.
Do	St. Clair	Port Huron, City of.				Do.
Minnesota	Kanabec	Mora, Village of				Do.
Do	Yellow Medicine	Unincorporated areas.				Do.
New Jersey	Ocean	Jackson, Township of.				Do.
Pennsylvania	Cumberland	North Middleton, Township of.				Do.
Do	Dauphin	Derry, Township of.				Do.
Do	Lackawanna	Scranton, City of				Do.
Do	Luzerne	Duryea, Borough of.				Do.
Do	Snyder	Penn, Township of.				Do.
Do	Westmoreland	West Newton, Borough of.				Do.
South Dakota	Stanley	Fort Pierre, City of.	I 46 117 1030 01 through I 46 117 1030 03.	South Dakota Planning Agency, Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Building, Pierre, S. Dak. 57501.	City Auditor's Office, City of Fort Pierre, Stanley County Court House, Fort Pierre, S. Dak. 57532.	May 5, 1972. Emerg. Jan. 12, 1973. Reg.
Washington	Chelan	Unincorporated areas.				Jan. 12, 1973. Emerg.
Wisconsin	Eau Claire	do	I 55 035 0000 01 through I 55 035 0000 06.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, WI 53703.	Office of the Zoning Administrator, Eau Claire County Office, Court House Annex, 731 Oxford Avenue, Eau Claire, WI 54701.	May 28, 1971. Emerg. Jan. 12, 1973. Reg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-570 Filed 1-11-73;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
North Carolina	Dare	Manteo, Town of	I 37 055 2870 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	Town Hall, 307 Budleigh Street, Manteo, NC 27954.	March 17, 1972. Emerg. Jan. 5, 1973. Reg.
Wisconsin	Buffalo	Unincorporated areas.	I 55 011 0000 01 through I 55 011 0000 09.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, WI 53703.	Buffalo Company Zoning Committee, Alma, Wis. 54610.	May 7, 1971. Emerg. Jan. 5, 1973. Reg.
Do	St. Croix	North Hudson, Village of.	I 55 109 3450 01	do	Office of the Building Inspector, Village of North Hudson, North Hudson, Wis. 54016.	Sept. 10, 1971. Emerg. Jan. 5, 1973. Reg

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968, as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-572 Filed 1-11-73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical se quence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Baldwin	Unincorporated areas.	H 01 003 0000 01 through H 01 003 0000 43.	Alabama Development Office, Office of State Planning, State Office Building, 501 Dexter Avenue, Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Building, Montgomery, Ala. 36104.	Office of the County Building Inspector, Baldwin County, Bay Minette, Ala. 36507.	Jan. 12, 1973.
South Dakota	Stanley	Fort Pierre, City of.	H 46 117 1030 01 through H 46 117 1030 03.	South Dakota Planning Agency, Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Building, Pierre, S. Dak. 57501.	City Auditor's Office, City of Fort Pierre, Stanley County Court House, Fort Pierre, S. Dak. 57532.	Jan. 12, 1973.
Texas	Taylor	Abilene, City of	H 48 441 0030 13 through H 48 441 0030 18.	Texas Water Development Board, Post Office Box 13087, Capitol Station, Austin, TX 78711. Texas Insurance Department, 1110 San Jacinto Street, Austin, TX 78701.	City Engineer's Office, City Hall, Room 208, 555 Walnut Street, Abilene, TX 79604.	July 23, 1971.
Wisconsin	Eau Claire	Unincorporated areas.	H 55 035 0000 01 through H 55 035 0000 06.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, WI 53703.	Office of the Zoning Administrator, Eau Claire County Office, Court House Annex, 731 Oxford Avenue, Eau Claire, WI 54701.	Jan. 12, 1973.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-571 Filed 1-11-73;8:45 am]

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PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical se quence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Carolina	Dare	Manteo, Town of	H 37 055 2870 01.	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	Town Hall, 307 Budleigh Street, Manteo, NC 27954.	Jan. 5, 1973.
Wisconsin	Buffalo	Unincorporated areas.	H 55 011 0000 01 through H 55 011 0000 09.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, WI 53703.	Buffalo County Zoning Committee, Alma, Wis. 54610.	Do.
Do	St. Croix	North Hudson, Village of.	H 55 109 3450 01.	do	Office of the Building Inspector, Village of North Hudson, North Hudson, Wis. 54016.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–573 Filed 1–11–73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3–1—GENERAL

PART 3–3—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendments

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of these amendments is to provide a policy governing the use of contracts conditioned upon the availability of funds and to prohibit the use of certain types of agreements not authorized by the Federal Procurement Regulations.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rule making process. However, the amendments herein involve administrative matters. Therefore, the public rule making process is deemed unnecessary in this instance.

Subpart 3–1.3—General Policies

1. Table of contents of Subpart 3–1.3 is amended to add the following:

Sec.
3–1.354 Contracts conditioned upon availability of funds.

2. Subpart 3–1.3 is amended to add a new § 3–1.354 which reads as follows:

§ 3–1.354 Contracts conditioned upon availability of funds.

(a) *General.* In those situations where it is necessary to initiate a procurement properly chargeable to funds of the new fiscal year prior to the availability of such funds, contracts may be entered into conditioned upon the availability of funds. In these cases, the supplies or services shall not be accepted until the funds are available to the contracting officer for the procurement and until the contracting officer has given notice, confirmed in writing, to the contractor of the availability of funds. Appropriate records shall be maintained to ensure adequate control of funds.

(b) *Limitations.* Contracts conditioned upon the availability of funds shall be used only for operation, maintenance and continuing services (e.g., janitorial services, garbage removal, utilities, rentals) which are necessary for normal operation and for which the Congress consistently appropriates funds.

(c) *Contract clause.* The following clause shall be inserted in all solicitations and resultant contracts:

AVAILABILITY OF FUNDS

Funds are not presently available for this procurement. The Government's obligation hereunder is contingent upon the availability of appropriated funds from which payment for the contract can be made.

No legal liability on the part of the Government for payment of any money shall arise unless and until funds are made available to the Contracting Officer for this procurement and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the Contractor.

Subpart 3–3.4—Types of Contracts

1. Table of contents of Subpart 3–3.4 is amended to add the following:

Sec.
3–3.450 Unauthorized types of agreements.
3–3.450–1 Letters of intent.
3–3.450–2 Memorandums of understanding.

§ 3–3.450 Unauthorized types of agreements.

§ 3–3.450–1 Letters of intent.

(a) *Description.* A letter of intent is an informal, unauthorized agreement between the Government and a prospective contractor which indicates that products or services will be produced after completion of funding and/or other contractual formalities. Such letters of intent are often solicited by prospective contractors or may be originated by Government personnel.

(b) *Policy.* (1) The practice of issuing letters of intent is not authorized by the Federal Procurement Regulations and is therefore prohibited. HEW personnel shall not issue such letters for the following reasons:

(i) While such letters of intent may disclaim Government liability, they may induce potential contractors to initiate costly preparations in anticipation of contract award.

(ii) Procurements announced in such letters do not always materialize. The result may be costly to the Government, the prospective contractor, or both. If the author of the letter of intent is an authorized contracting agent of the Department, the Government may be bound by his action, even though the action is contrary to sound procurement practices and/or fiscal regulations. If the author of the letter of intent lacks procurement authority, the prospective contractor may incur substantial expenditures for which he may not recover from the Government, but for which he may seek to hold the unauthorized author personally liable. (See Subparts 1–1.4, of this title and 3–1.4 of this chapter.)

(iii) The issuance of a letter of intent may violate the "Anti-Deficiency Act" (31 U.S.C. 665).

(2) It is recognized that potential contractors have a need to obtain procurement information at the earliest possible moment in order to make timely preparations. To this end, procurement personnel are expected to move as efficiently and expeditiously as possible on all procurement actions. It is not permissible, however, to issue letters of intent to circumvent the requirements of FPR and HEWPR.

(c) *Exceptions.* The prohibition against letters of intent does not preclude the award of contracts conditioned upon the availability of funds under conditions which warrant such contracts (see § 3–1.354 of this chapter).

§ 3–3.405–2 Memorandums of understanding.

(a) *Description.* A "memorandum of understanding" is an unauthorized agreement, usually drafted during the course of negotiations, to modify mandatory FPR and HEWPR provisions in such a manner as to make them more acceptable to a prospective contractor. Such memorandums may bind the contracting officer and his successors not to exercise rights given the Government under the contract, or may contain other matters directly contrary to the language of the solicitation or prospective contractual document.

(b) *Policy.* Use of memorandums of understanding described in Paragraph (a) of this section, is not authorized. Any change in a solicitation or contract shall be made by amendment or modification to that document. When a change to a prescribed contract clause is considered necessary, a deviation shall be requested in accordance with § 3–16.5003 of this chapter.

(5 U.S.C. 301, 40 U.S.C. 486(c))

Effective date. These amendments shall be effective on January 12, 1973.

Dated: January 5, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73–710 Filed 1–11–73;8:45 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

PART 1280—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The following regulations are issued pursuant to Executive Order 11652 of March 8, 1972 (37 FR 5209), entitled "Classification and Declassification of National Security Information and Material" and the National Security Council Directive of May 17, 1972, implementing that Executive order.

The Interstate Commerce Commission security regulations have been approved by the Interagency Classification Review Committee; the following parts thereof affecting the public are published as required by the above-cited Executive order and directive.

Sec.
1280.1 Purpose.
1280.2 Authority to classify.
1280.3 Commission review committee.
1280.4 Review of classified materail for declassification purposes.
1280.5 Historical research and access by former Government officials.

AUTHORITY: Executive Order 11652 (37 FR 5209, Mar. 10, 1972) and National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972)

§ 1280.1 Purpose.

To set forth those provisions of the Interstate Commerce Commission Security Regulations to the extent they affect the general public.

§ 1280.2 Authority to classify.

Classifying authority of national security information or material is vested in and only may be exercised by the Chairman of the Interstate Commerce Commission.

§ 1280.3 Commission review committee.

The Commission review committee shall consist of the Chairman of the Interstate Commerce Commission who shall serve as Chairman; the General Counsel, who shall serve as Vice Chairman; the Secretary of the Commission; and the Managing Director; and the Administrator of the Bureau or Office originating a document which has to be classified.

§ 1280.4 Review of classified material for declassification purposes.

(a) *Mandatory review of exempted material.* All classified information and material originating in the Interstate Commerce Commission after March 1, 1973, which is exempt from the General Declassification Schedule, and classified information originating in the Commission prior to March 1, 1973, assigned to Group 1, 2, or 3 of Executive Order 10501, as amended, shall be subject to a classification review by the originator at any time after the expiration of 10 years from the date or origin provided:

(1) A department or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the Commission to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

(b) *Systematic reviews.* All information and material classified after March 1, 1973, and determined in accordance with Chapter 21, 44 U.S.C. to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each Bureau or Office of the Commission for the purpose of making such information and material available to the public in accordance with the determination regarding declassification made by the classifier. During each calendar year, each Bureau or Office shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year, the Commission or the Archives of the United States if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.

(c) *Review for declassification of classified material over 10 years old.* Members of the public or departments may direct requests for mandatory review for declassification under section 5 (C) and (D) of Executive Order 11652 (hereafter referred to as the Order) to the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. The Secretary shall in turn assign the request to the appropriate bureau or office head for action. In addition, the Secretary of the bureau or office which has been assigned action shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to 31 U.S.C. 483(a) the requester shall be so notified. The bureau or office which has been assigned action shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Commission review committee for a determination. Should the bureau or office assigned action on a request for review determine that under the criteria set forth in section 5(B) of the Order a continued classification is required, the requester shall promptly be notified, and whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Commission review committee and the notice of determination shall advise him of this right.

(d) *Appeals to the Commission review committee for declassification.* The Commission review committee shall establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The review committee is authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the committee determines that continued classification is required under the criteria of section 5(B) of the Order it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(e) *Review of classified material over 30 years old.* A request by a member of the public or by a Department, to review for declassification, documents more than 30 years old, shall be referred directly to the Archivist of the United States and he shall have the requested documents reviewed for declassification. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the Chairman of the Commission, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Chairman of the Inter-

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state Commerce Commission makes at that time the personal determination required by section 5(E)(1) of the Order. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(f) *Burden of proof for administrative determinations.* For purposes of administrative determinations under paragraph (c), (d), or (e) of this section, the burden of proof is on the originating Agency to show that continued classification is warranted within the terms of the Order.

(g) *Availability of declassified material.* Upon a determination under paragraph (c), (d), or (e) of this section, that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of title 5 U.S.C. (Freedom of Information Act) or other provision of law. As required by section 5(C) of the Order, a request for classification review must describe the document with sufficient particularity to enable the Commission to identify it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the grounds that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nontheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

§ 1250.5 Historical research and access by former Government officials.

(a) Upon written request, persons outside the executive branch engaged in historical research projects or persons who have previously occupied policy-making positions to which they were appointed by the President, other than those referred to in section II of the Order, may have access to classified national security information if the Chairman:

(1) Determines that access is clearly consistent with the interests of national security; and

(2) Takes appropriate steps to assure that classified information or material is not published or otherwise compromised.

Access granted a person by reason of his having previously occupied a policy-making position shall be limited to those papers which the former official originated, reviewed, signed or received while in public office.

(b) Every applicant for access shall, beforehand, agree in writing to the following:

(1) That he will protect any classified information made available to him in accordance with provisions of the Order.

(2) To a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein.

These regulations are effective March 1, 1973.

Dated: January 3, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-721 Filed 1-11-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

FRESH PEACHES GROWN IN GEORGIA

Findings and Determination Regarding Continuation in Effect of Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketng Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER (37 FR 24914) that a referendum would be conducted among the growers who, during the period January 1, 1972, through October 31, 1972 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted durng the period December 1 to December 12, 1972, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: January 8, 1973.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.73-694 Filed 1-11-73;8:45 am]

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Proposed Handling Limitations

This proposal, if accepted, would extend the currently effective grade and size requirements for Hawaiian Papayas through December 31, 1973 which are as follows: For interstate shipments, Hawaii No. 1 with a 10 ounce minimum size. For intrastate shipments, Hawaii No. 2 with a 12 ounce minimum size, except Hawaii No. 1, and Hawaii Fancy which have a 14 and 16 ounce minimum size, respectively.

Consideration is being given to the following proposal submitted by the Papaya Administrative Committee, established pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is to amend § 928.303 (Papaya Regulation 3; 37 FR 28410) to continue the effective period of said regulation to include all papaya shipments during 1973. It is the committee's recommendation that said regulation be continued through December 31, 1973 in order to continue to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) improving returns to producers pursuant to the declared policy of the act. The present regulation ends January 31, 1973.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112; Administration Building, Washington, D.C. 20250, not later than January 22, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

As proposed to be amended § 928.303 paragraph (a) preceding subparagraph (1), will read as follows:

§ 928.303 Papaya Regulation 3.

(a) *Order.* During the period January 1, 1973 through December 31, 1973 no handler shall ship any container of papayas:

* * * * * *

Dated: January 9, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-728 Filed 1-11-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

UNDERGROUND ELECTRIC DISTRIBUTION PLANT

Specification for 15 kv. and 25kv. Underground Primary Cable

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Bulletin 44-1, Specifications and Standards for Materials and Equipment, to provide for the issuance of revised specifications for power cable for underground electric distribution plant.

Persons interested in the revised specification may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 12, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of this REA specification, designated as REA U-1, may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division. A summary of the proposed changes in each section of the specification is as follows:

PROPOSED CHANGES IN REA SPECIFICATION FOR 15 KV. AND 25 KV. PRIMARY UNDERGROUND POWER CABLE

SECTION 1—Changed to include conductor sizes No. 2 AWG through 1000 kcmil for both 15 kv. and 25 kv. cable.

SEC. 3—Changed to allow for compressed and compact conductor stranding.

SEC. 4—Changed to allow only extruded semiconducting conductor shield.

SEC. 6—Changed to provide for insulation shield thickness to be a function of cable size, in accordance with the specifications of the Insulated Power Cable Engineers Association (IPCEA).

SEC. 7—Changed to allow a reduced concentric neutral with the minimum number of No. 14 AWG copper wires as follows:

Insulated conductor size (AWG or kcmil) copper or aluminum	*Number of neutral wires*
No. 2 AWG through No. 3/0 AWG	6
4/0 through 349 kcmil	9
350 kcmil through 700 kcmil	12
701 kcmil through 1,000 kcmil	18

The maximum length of lay was decreased to 8 times the cable diameter unless other provisions are made to control the spacing between wires, in which case the maximum length of lay may be 10 times the cable diameter.

The minimum thickness of a flat trap neutral is changed to .025 inch. The provision for 90 percent coverage was changed to provide coverage and conductance at least equal to the round wire construction.

SEC. 8—The dimension requirements were modified slightly to agree with specifications by the association of Edison Illuminating Cos.

There were also a few minor editorial changes to coordinate references in this specification to other national specifications.

Dated: January 5, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-699 Filed 1-11-73;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 7175]

BRITISH AIRCRAFT CORPORATION VISCOUNT MODEL 744, 745D, AND 810 SERIES AIRPLANES

Proposed Airworthiness Directive

Amendment 39–231 (31 FR 6790), AD 66–12–3 requires inspection of the nacelle structure tubes and end fittings for cracks, corrosion, and replacement, as necessary, on British Aircraft Corporation Model 744, 745D, and 810 series airplanes. After issuing Amendment 39–231, due to reports of further internal corrosion of the tubular nacelle structure aft of the engines, that could cause failure of the nacelle structure tubes and end fittings, the FAA determined that the requirement should be revised to require periodic inspections of the nacelle structure tubes and end fittings for cracks and corrosion. Therefore, the FAA is considering superseding Amendment 39–231 with a new AD that requires periodic inspection of the nacelle structure tubes and end fittings for cracks and internal corrosion, and replacement, if necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments, as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before February 12, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Viscount Model 744, 745D, and 810 series airplanes.

Compliance is required as indicated.

To prevent failures of the nacelle structure tubes and end fittings on high time engine nacelle structures due to fatigue and corrosion, accomplish the following:

(a) For airplanes which have not been inspected in accordance with paragraph (h) of AD 66–12–3 prior to the effective date of this AD,

(1) Within the next 500 landings or 12 calendar months, whichever occurs sooner, after the effective date of this AD, and thereafter at intervals not to exceed 7,500 landings from the last inspection, comply with paragraph (e); and

(2) Within the next 500 landings after the effective date of this AD or before an accumulation of 19,000 total landings, whichever occurs later, and thereafter at intervals not to exceed 7,500 landings from the last inspection, comply with paragraph (d).

(b) For airplanes which have accumulated more than 5,500 landings since compliance with paragraph (h) of AD 66–12–3, within the next 2,000 landings after the effective date of this AD, or before an accumulation of 19,000 total landings, whichever occurs later, and thereafter at intervals not to exceed 7,500 landings from the last inspection, comply with paragraphs (d) and (e).

(c) For airplanes which have accumulated less than 5,500 landings since compliance with paragraph (h) of AD 66–12–3 on the effective date of this AD, within 7,500 landings after compliance with paragraph (h) of AD 66–12–3 or, before an accumulation of 19,000 total landings, whichever occurs later, and thereafter at intervals not to exceed 7,500 landings from the last inspection, comply with paragraphs (d) and (e).

(d) Inspect the engine nacelle structure tubes and end fittings for cracks at the positions specified for the applicable technique in figures 1 and 2 of British Aircraft Corporation (BAC) Ltd., Preliminary Technical Leaflet (PTL) No. 258, Issue 4 (700 Series), dated August 31, 1971, or No. 122, Issue 4 (800/810 Series), dated August 31, 1971, using dye penetrant, radiographic, and ultrasonic resonance methods in accordance with Techniques 1, 3, and 4, respectively, of the applicable PTL or an FAA-approved equivalent.

(e) Inspect the engine nacelle structure tubes for internal corrosion at the positions specified for Technique 2 in figures 1 and 2 of BAC Ltd. PTL No. 258, Issue 4 (700 Series), dated August 31, 1971, or No. 122, Issue 4 (800/810 Series), dated August 31, 1971, using the radiographic method in accordance with Technique 2 of the applicable PTL or an FAA-approved equivalent.

(f) If, during an inspection required by paragraph (a), (b), or (c), any end fittings are found cracked, or any tubes are found cracked or corroded beyond the limits specified in the applicable PTL, before further flight replace the affected parts with serviceable parts of the same part number.

This supersedes Amendment 39–231 (31 FR 6790), AD 66–12–3.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 4, 1973.

C. R. MELUGIN, Jr.,
Director,
Flight Standards Service.

[FR Doc.73–707 Filed 1–11–73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 212, 378]

[Docket No. 25092; EDR–240; SPDR–3136]

INCLUSIVE TOUR CHARTERS BY TOUR OPERATORS AND FOREIGN TOUR OPERATORS

Authorization

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 207 and 212 of its economic regulations (14 CFR Parts 207, 212) to authorize certificated route air carriers and, subject to certain conditions, foreign route air carriers to perform inclusive tour charters, and related amendments to Part 378 of the special regulations (14 CFR Part 378). The principal features of the proposed amendments are discussed in the attached explanatory statement, and the proposed amendments are set forth in the proposed rules. The amendments are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, and 416(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 766, and 771; 49 U.S.C. 1301, 1324, 1371, 1372, and 1386).

Interested persons may participate in the proposed rule making by submission of twelve (12) copies of written data, views, or arguments, pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before February 12, 1973, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the docket section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

Dated: January 9, 1973.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Part 378 of the Board's Regulations (14 CFR Part 378) authorizes, subject to conditions, inclusive tour charters (ITC's) by tour operators and foreign tour operators. Basically, an ITC is one in which the charterer is a tour operator who arranges a package tour, consisting of air and surface transportation and ground accommodations, which he in turn sells at a fixed price to individual members of the public. Part 378 reflects the fact that, at the present time, only U.S. supplemental air carriers and certain foreign charter air carriers[1] are authorized under Part 208 and their applicable section 402 permits, respectively, to perform the air transportation portion of such tours, i.e., to charter all or part of an aircraft to tour operators.

Trans World Airlines, Inc. (TWA) has filed a petition for rule making which would amend Parts 207 and 378 so as to authorize certificated route air carriers to perform inclusive tour charters. Answers to this petition have been filed by Capitol International Airways, Inc. (Capitol), the National Air Carrier Association, Inc. (NACA), acting on behalf of its member supplemental air carriers,[2] and the Department of Transportation (DOT). A parallel petition has also been filed by KLM Royal Dutch Airlines (KLM), for rule making which would amend Parts 212 and 378 so as to authorize foreign route air carriers to operate inclusive tour charters in foreign air transportation. No answers have been filed to KLM's petition.

Upon consideration of these petitions and answers, the Board has determined, for the reasons hereinafter discussed, to institute rule making proceedings with respect to the proposals of TWA and KLM.

Before discussing the reasons for taking this action, we shall first dispose of two motions separately filed by NACA with respect to the instant petitions.

By these motions, NACA has requested the Board to consolidate the petitions of TWA and KLM with the three rule making petitions which NACA filed on August 31, 1972, and to consider all five rule making petitions in a single proceeding.[3] The three NACA petitions request, inter alia: (1) Liberalization of certain provisions of Part 378 so as to authorize the supplemental carriers to perform one-stop inclusive tour charters; (2) substantial contraction of the existing charter authority of U.S. and foreign route air carriers through amendment of Parts 207 and 212; and (3) adoption of a policy statement with respect to passenger fares in foreign air transportation.

In support of its instant motions, NACA argues that the relief sought by its three rule making petitions constitutes a single integrated package of regulatory reform involving issues which are closely interrelated with those raised by the petitions of TWA and KLM. NACA contends that extending ITC authority to the scheduled carriers will have an adverse competitive impact on the supplemental carriers, unless the Board undertakes a concomitant expansion of the ITC market and adoption of what NACA urges to be a realistic policy with respect to passenger fares in international air transportation.

An answer opposing the motions has been filed jointly by a number of trunkline air carriers (referred to herein as the "trunkline carriers"). TWA and KLM have also filed answers opposing the motions. The opponents argue that NACA's petitions should be rejected as lacking merit, and that, in any event, NACA's petitions should not be consolidated with those of TWA and KLM, since each of NACA's proposals is far-reaching and raises significant questions of both law and policy, as compared with the simple and straightforward proposals of TWA and KLM. Consolidation of NACA's petitions would thus unduly delay the grant to scheduled carriers of ITC authority, which is clearly in the public interest. The trunkline carriers further argue that NACA's motions are a "transparent attempt" to have the Board simultaneously expand the authority of the supplementals as a "trade off," if it decides to grant the petitions of TWA and KLM.

We have determined to deny NACA's motions. Although all the five petitions in question involve charters, there is no close interrelationship between the relief sought in the NACA petitions and that requested by the petitions of TWA and KLM. In our view, the narrow issue of whether the Board should permit scheduled carriers to operate inclusive tour charters can and should be considered independently of the broader revisions to the Board's charter regulations proposed by NACA, since the former would merely equalize the charter authority of the scheduled and supplemental carriers, with respect to participation in the ITC market, while the latter would entail consideration of many important and multifaceted issues involving the basic nature of inclusive tour services as well as of the competition between scheduled and supplemental carriers for the charter market. Moreover, consolidation of NACA's proposals would transform the present rule making into an omnibus proceeding in which the limited issue of scheduled carrier ITC authority is likely to become obscured. Thus, consolidation of NACA's petitions would unduly delay consideration of the proposed charter authority which is the subject of the instant proceeding, and would not be conducive to the proper dispatch of the Board's business.

We turn now to the legal issue involved in our consideration of the petitions in this proceeding.

TWA contends that the 1968 amendment to section 401(e)(6) of the Act[4]—the so-called Pickle amendment—requires the Board to grant the authority requested in its petition. That section, as amended, reads:

> Any air carrier, other than a supplemental air carrier, may perform charter trips (including inclusive tour charter trips) or any other special service, without regard to the points named in its certificate, or the type of service provided therein, under regulations prescribed by the Board.

TWA argues that by adding the parenthetical phrase "(including inclusive tour charter trips)," Congress created a new substantive legal right for scheduled carriers to perform ITC's, which statutory right cannot be withheld by the Board.

At the opposite extreme, DOT argues the Board cannot grant the proposed authority unless and until it finds that such action is justified under the "conventional standards of public convenience and necessity." Support for this view, it is said, can be found in a statement made by Senator Monroney, the then Chairman of the Senate Aviation Subcommittee, with respect to the Pickle amendment, to the effect that: "[t]he Senate assumes that such authority would not be granted without satisfactory demonstration that an expansion of inclusive tour charter programs was required by the conventional standards of public convenience and necessity."

Viewing the legislative history of the Pickle amendment as a whole, we cannot accept DOT's contention that a finding of public convenience and necessity is a prerequisite to the grant of authority to scheduled carriers to perform inclusive tour charters. We believe that the language quoted by DOT can properly be construed to mean no more than that it was assumed by the Senate that the Board's exercise of control over route carriers' ITC authority would be consistent with the public interest, just as in the Board's regulation of the other types of charter service. Indeed, in addition to his remarks which are cited by DOT, Senator Monroney also stated, with respect to the Pickle amendment:

> Since the House amendment clearly makes it clear that inclusive tour charters are indeed charters for the purposes of section 401(e)(6) and does not otherwise alter that section or any other provision of the Act conferring regulatory jurisdiction on the Board, it follows that the Board will continue to enjoy precisely the same control over the scheduled carriers' charters that it had under existing law. (Cong. Rec., Sept. 15, 1968, at S. 10721)

On the other hand, since, for the reasons hereinafter discussed, we have decided to institute rule making proceedings looking toward the extension of ITC authority to route carriers we need not now reach the question whether TWA is correct in contending that we are statutorily required to grant such authority.

Turning to the merits of the petition, the Board is of the tentative opinion that it is in the public interest to authorize all U.S. scheduled air carriers and all foreign route air carriers to operate inclusive tour charter services. Accordingly, we are proposing to amend Parts 207, 212, and 378 of our regulations to reflect such authority.[5]

To begin with, it is the announced policy of the U.S. Government that "both scheduled carriers and supplemental carriers should be permitted a fair opportunity to compete in the bulk air transportation market."[6] Consistent

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[1] Those holding permits expressly authorizing them to perform inclusive tour charters.

[2] Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[3] NACA has also filed a separate motion requesting simultaneous consideration of its three rule making petitions. Seaboard World Airlines, Inc. and certain trunkline carriers, jointly, have filed answers opposing the motion. An answer in support of the motion has been filed by Johnson Flying Service, Inc. We will dispose of this motion in the course of considering the subject petitions.

[4] Public Law 90–514 (S. 3566), Sept. 26, 1968.

[5] The attached proposed rules also include amendments to various provisions of Part 378 which prescribes substantive requirements for carriers which operate inclusive tour charters.

[6] "Statement of International Air Transportation Policy," approved by the President, June 22, 1970.

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with that policy we recently expressed the view in the course of our disapproval of IATA Resolution 045, that the scheduled carriers should be able to provide charter services to the full extent which the Board has found to be required in the public interest.[7] Since inclusive tour charters are a well established part of the charter market we now believe that the scheduled carriers' freedom to compete for this charter business should no longer be impaired.

Although ITC authority has heretofore been confined to supplemental carriers, the Board has never regarded the ITC market to be inherently and necessarily the exclusive province of these carriers, or that such exclusive authority is essential to insure indefinitely the continued economic viability of the supplemental industry. Rather, we think that, as has been expressed by both Congress and the Board on several occasions, ITC's are designed to provide one of several alternative methods for facilitating low-cost travel by large numbers of the traveling public who could not otherwise afford to use air transportation services. Addition of the scheduled carriers to the ITC market will further this objective considerably, since making available to the public a wider range of tour programs, frequencies and destinations, than are offered under present regulations, will provide immediate benefit to both the public and the scheduled carriers. In light of the broad promotional objectives of the Act, the need to meet the ever-burgeoning demand for low-cost charter travel, and the desirability of achieving greater uniformity in our regulation of the various classes of direct air carriers, we have therefore tentatively concluded that we should authorize the United States and foreign route air carriers to participate in the inclusive tour charter market.

A related question is whether the route carriers' access to the ITC market should be circumscribed by conditioning their authority to perform such charters in a manner which is more restrictive than that in which our present regulations restrict supplementals' ITC authority. Capitol and NACA request that the proposed authority be limited solely to markets in which the route carriers provide regularly scheduled nonstop service. In support of this request, they argue that there is no conceivable public need for granting unconditional and unrestricted ITC authority to route carriers; that a grant of such unlimited authority would cause untold economic damage to the supplemental carriers in both international and domestic markets at a time when they can ill afford to suffer a further decline in their operating revenues; and that since the route carriers have already made substantial inroads into ITC markets through the use of various promotional fares, they should not now be further enabled to overrun this market through the grant of new unrestricted ITC authority.

We are not prepared, at this juncture, to circumscribe the proposed charter authority as urged by the supplemental carriers. Historically, ITC's have constituted but a small fragment of the supplementals' total charter business, so that the proposed authority will clearly not invite massive invasion, by the route carriers, into charter markets which have heretofore been the lifeblood of the supplemental operators. Moreover, as previously indicated, NACA has filed a petition for rule making which seeks substantial restriction of the on-route and off-route charter authority of the scheduled carriers. In the interest of expeditiously providing equal authority[8] for all classes of direct air carriers to perform ITC services, we believe it is more appropriate to consider the proposals of the aforementioned parties—insofar as they are directed only toward the limited issue of ITC authority—in the context of the broader issues raised by the NACA petition.

We turn now to the question of the scope of the proposed authority for U.S. scheduled carriers in relation to international air transportation. Experience has shown that inclusive tour programs offered in international markets typically involve a series of tours spanning an entire charter season, with ITC flights scheduled to depart at regular intervals until the program is completed. Whereas U.S. scheduled carriers may perform "on-route" charters without limitation, their "off-route" charters are subject, inter alia, to restrictions on frequency and regularity.[9] These restrictions, which are designed to prevent any semblance of "scheduled off-route charter" services, would clearly preclude U.S. route carriers from operating as off-route charters the transportation services needed to sustain the typical international ITC program. For this reason, we believe that the ITC authority we propose to confer on U.S. route carriers will, as a practical matter, permit substantial operations only in on-route ITC markets in the international market even if the proposed authority is not expressly so limited.

Since it is reasonable to expect that foreign governments will desire comparable authority for their scheduled carriers, under considerations of comity and reciprocity, we are also proposing to authorize foreign route carriers to perform inclusive tour charters. However, we believe that any new ITC authority for foreign route carriers should, to the extent feasible, be reasonably coextensive with that which, as the foregoing discussion makes clear, we expect to be actually usable by U.S. route carriers. The regulatory scheme which we have designed to accomplish this purpose is described hereinbelow.

1. *ITC authority.* Under the proposed rule, foreign route carriers would have authority to perform ITC's only in homeland-U.S. markets wherein they perform comparable individually ticketed services. Thus, they would be authorized to perform inclusive tour charter trips between points in the United States and points in the particular foreign carrier's home country between which it is authorized by permit to and does, in fact, provide regularly scheduled service.[10] With the exception next discussed, no other ITC trips by a foreign scheduled carrier would be authorized under the proposed authority, whether such trips are to be performed "on-route" or "off-route" for the purposes of Part 212.[11]

2. *Additional ITC authority.* We have tentatively concluded that an exception to the foregoing should be made so as to enable the Board to grant to foreign route carriers ITC authority broader in scope than that outlined above. To that end, the proposed rule includes a provision under which ITC operations which do not fall within the aforedescribed category of charter services may be performed to the extent that prior approval, in the form of a Statement of Authorization, to conduct such operations is obtained from the Board, just as we now require approval of all charter trips which are considered "off-route" for a foreign route carrier under Part 212. It will be our intention to confine this exception to instances where such additional ITC authority has been agreed to by the United States in a bilateral intergovernmental understanding with respect to nonscheduled services, unless special or unusual circumstances are shown to exist which would warrant granting the authority requested.

Statements of authorization to perform inclusive tour charters for which prior approval is required will be issued to the extent and for such periods of time as the Board deems in the public interest.[12] As indicated, it will be our policy to authorize inclusive tour charter operations which are covered by, and consistent with, the terms of a nonscheduled air services agreement between the United States and the foreign nation which is the domicile of the applicant and the terms of the applicant's foreign air carrier permit.

All of the procedural requirements prescribed in § 212.5 with respect to applications for Statements of Authorization to conduct off-route charter trips will apply also to applications which request authority to perform inclusive tour charters; however, applicants for ITC authority will be required to refer, in their applications, to the nonscheduled air services agreement or understanding between the United States and the foreign nation which is the domicile of the applicant wherein the applicant has been designated to provide the services covered by the application. The proposed rule requires such applications to be filed with the Board not less than 90 days prior to the date when the applicant proposes to commence inclusive tour charter operations.

One final matter requires discussion. Consistent with present regulations, the proposed authority will apply to foreign-originated inclusive tours as well as to ITC's originating in the United States. Yet, except with respect to foreign charter carriers whose permits expressly provide otherwise,[13] our present regulations require all ITC's, including those which originate in a foreign country to conform to the exact regulatory framework which we have prescribed for ITC's in Part 378. We are aware that many foreign countries have laws and regulations governing inclusive tours which, in various respects, are less restrictive than our own ITC regulations. Accordingly, we would be prepared to grant waivers from our own ITC requirements to the extent necessary to sanction the performance of an inbound ITC, so long as it is operated in accordance with the originating country's ITC rules which are, in turn, consistent with the basic ITC concept embodied in Part 378, to insure that the ITC travel is sufficiently distinguishable from individually ticketed service. The foregoing policy would be extended also to U.S. direct air carriers including supplemental air carriers, insofar as they may operate ITC's originating in such foreign countries.

It is proposed to amend Parts 207, 212, and 378 of the Board's regulations (14 CFR Parts 207, 212, 378) as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend § 207.11 (b) and (c) by adding new subparagraphs (8) and (6), respectively, as follows:

§ 207.11 Charter flight limitations.

Charter flights (trip) in air transportation shall be limited to the following:

* * * * * *

(b) * * *

(8) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter; or

(c) * * *

(6) By a tour operator or foreign tour operator as defined in Part 378 of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more sets: *And provided further*, That paragraph (c) of this section shall not be construed to apply to movements of property.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

1. Amend the table of contents by changing the title of § 212.4, the table as amended to read in pertinent part as follows:

Sec.
212.4 Limitation on the operations of off-route charter trips and certain inclusive tour charter trips.

2. Amend § 212.1 by inserting in alphabetical order, a new definition of "inclusive tour charter trip" to read as follows:

§ 212.1 Definitions.

For the purposes of this part:

* * * * * *

"Inclusive tour charter trip" means a charter trip performed in accordance with the provisions of Part 378 of this chapter.

* * * * * *

3. Amend the title and text of § 212.4 to read as follows:

§ 212.4 Limitation on the operation of off-route charter trips and certain inclusive tour charter trips.

A foreign air carrier shall not perform any off-route charter trips or inclusive tour charter trips for which prior approval is required unless specific authority in the form of a statement of authorization to conduct such charter trip has been granted by the Board: *Provided, however*, That no Statement of Authorization shall be required for the performance of a charter trip as provided in § 212.8(a)(4-a) in cases of emergency: *Provided, also*, That emergency charters for commercial traffic shall be reported in accordance with § 212.14. An emergency charter within the meaning of this section shall not include such circumstances as cancellation of flights due to periodic overhaul of aircraft or delay in the delivery of newly acquired aircraft, and a foreign air carrier may not provide emergency charter trips on any day in each of three or more successive calendar weeks for any single direct air carrier without a statement of authorization.

4. Amend paragraphs (a) and (b) of § 212.5, the paragraphs as amended to read as follows:

§ 212.5 Statements of authorization; application.

(a) Application for a statement of authorization shall be submitted on CAB Form 433 to the Civil Aeronautics Board, addressed to the attention of the Director, Bureau of Operating Rights. Upon a showing of good cause, such application may be transmitted by cablegram or telegram or may be made by telephone: *Provided, however*, That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4-a)) must be submitted on CAB Form 433, and a copy thereof shall be served upon the Federal Aviation Administration, marked for the attention of Director, Flight Standards Service, and upon each certificated air carrier which is authorized to serve the same general area in which the proposed charter trips are to be performed. Each applicant shall keep on file with the Director, Bureau of Operating Rights, a copy of its current standard form of charter agreement. Each application shall contain an abstract of the charter agreement setting forth the names and addresses of the operator, the charterer, and their agents, if any; a description of the proposed operations, type of aircraft to be flown; and, if reciprocity has not previously been established or if any changes have occurred since the previous Board finding thereon, documentation to establish the extent to which the nation which is the domicile of the applicant grants a similar privilege with respect to U.S. air carriers. Applications to perform inclusive tour charter trips for which prior approval is required shall refer to the bilateral agreement or understanding between the United States and the foreign nation which is the domicile of the applicant whereunder the applicant has been designated to provide the charter services covered by the application. A true copy of the charter agreement actually consummated shall be transmitted to the Director, Bureau of Operating Rights, as soon as practicable, but in no event later than fifteen (15) days after consummation.

[7] Order 72-3-112, Mar. 31, 1972. Resolution 045 of the International Air Transportation Association (IATA) had embodied the member carriers' agreement on rules with respect to charters in international air transportation. Several of those rules were more restrictive than the Board's own charter regulations.

[8] We note in this connection our recent authorization, on an experimental basis, of Travel Group Charters (TGC's) to be operated by all certificated air carriers and foreign air carriers having section 402 permits (SPR-61, Sept. 27, 1972).

[9] These restrictions are particularly stringent in the transatlantic, transpacific and mainland-Hawaii markets, where they are imposed on an "area" basis, rather than on a point-to-point single market basis. Thus, any flight between a point in the 48 contiguous States and a point in one of these "areas" is counted against the total number and frequency of flights authorized between a single pair of points; however, with respect to the transatlantic and transpacific markets, the "area" wide restrictions do not apply to off-route charter trips performed by a carrier between a point in the United States and a point in a country to which said carrier is certificated to serve.

[10] A carrier will be deemed to have engaged in regularly scheduled service in a particular market if it performs at least two round trips per week in such markets pursuant to published schedules.

[11] For example, an inclusive tour charter trip performed by a foreign route carrier between a point in the United States named in its permit and a point in a country intermediate to the carrier's homeland (and also so named) would not be authorized, although such trip would be considered "on-route" for said carrier under Part 212.

[12] Under present regulations, statements of authorization to perform off-route charters are issued on an individual-trip basis; however, with respect to applications to operate inclusive tour charters, such statements could authorize a limited or unlimited number of charter flights over a definite or indefinite period of time, depending on the scope of the international agreement applicable to the ITC operations covered by the application.

[13] With several exceptions, these permits authorize the performance of inbound ITC's in accordance with the terms, conditions and limitations in licenses issued to such carriers by the country in which the tour originates.

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(b) Applications shall be filed with the Board at least 5 days in advance of the date of the commencement of the proposed flight, except that applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight:

Provided, however, That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4–a)) shall be filed with the Board at least 45 days in advance of the date of the commencement of the proposed flights: *And provided further,* That an application for authority to perform inclusive tour charter trips for which prior approval is required shall be filed with the Board not less than 90 days prior to the date of the commencement of the proposed flights. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the public interest, applications later submitted may be considered by the Board.

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5. Amend § 212.6 by revising paragraph (a) and adding a new paragraph (b–1), the section as amended to read in pertinent part as follows:

§ 212.6 Issuance of Statement of Authorization.

(a) If the Board finds that the proposed charter trip or trips meet the requirements of this part, that the foreign nation which is the domicile of the applicant grants a similar privilege with respect to U.S. air carriers, and that such charter trip or trips are otherwise in the public interest, it will issue a Statement of Authorization for the conduct of the trip or trips set forth in the application. Such Statement of Authorization may be withheld, conditioned or limited by the Board as the public interest may require.

(b) In passing upon the requirements of the public interest • • •

(b–1) Statements of Authorization to perform inclusive tour charter trips for which prior approval is required will be granted to the extent and for such periods of time as the Board deems in the public interest. In determining whether such charter trips are in the public interest the Board will consider whether the authority sought is covered by and consistent with the terms of a nonscheduled air services agreement or understanding between the United States and the foreign nation which is the domicile of the applicant and the terms of the applicant's foreign air carrier permit.

• • • • • •

6. Amend § 212.8 (a) and (b) by adding new subparagraphs (8) and (6), respectively, as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually way-billed basis—

(a) Where the entire capacity • • •

(8) By a tour operator or foreign tour operator as defined in Part 378 of this chapter when such charter flights are performed between points in the United States and points in the foreign nation which is the domicile of the chartering carrier between which it holds authority under a foreign air carrier permit to, and does in fact, provide regularly scheduled service; or, in all other cases, if authority in the form of a Statement of Authorization (see § 212.4) to conduct such charter flights has been granted by the Board. For the purposes of this section a carrier shall be deemed to provide regularly scheduled service between a particular pair of points on its permit if it provides at least 2 round trips per week between such points and publishes flight schedules which specify the times, days of the week and places between which such flights are performed.

(b) • • •

(5) By a travel group charter organizer on behalf of a travel group, pursuant to Part 372a of this chapter;

(6) By a tour operator or foreign tour operator as defined in Part 378 of this chapter when such charter flights are performed between points in the United States and points in the foreign nation which is the domicile of the chartering carrier between which it holds authority under a foreign air carrier permit to, and does in fact, provide regularly scheduled service; or, in all other cases, if specific authority in the form of a Statement of Authorization (see § 212.4) to conduct such charter flights has been granted by the Board. The term "regularly scheduled service shall have the meaning set forth in paragraph (a)(8) of this section."

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further,* That paragraph (b) of this chapter shall not be construed to apply to movements of property.

PART 378—INCLUSIVE TOUR CHARTERS

1. Amend the title to Part 378 to read as set forth above.

2. Amend the Table of Contents by changing the title of § 378.19, the table as amended to read in pertinent part as follows:

Sec.
378.19 Inclusive tours operated by U.S. certificated air carriers or foreign route air carriers for foreign tour operators.

3. Amend § 378.1 to read as follows:

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers, certificated route air carriers and tour operators, and in foreign air transportation by foreign route air carriers, certain foreign charter air carriers and foreign tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general public utilizing aircraft chartered from supplemental air carriers, certificated route air carriers, foreign route air carriers, and certain foreign charter air carriers. It also sets forth the circumstances and conditions under which supplemental air carriers, certificated route air carriers, and foreign route air carriers may charter to foreign tour operators, and contains a limited declination of exercise of jurisdiction over the latter. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

4. Amend § 378.2 by: Revising paragraphs (a) and (d); deleting and reserving paragraph (f); and adding new paragraph (h), the section as amended to read in pertinent part as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) "Inclusive tour charter" means the charter of the entire capacity of an aircraft or of less than the entire capacity of an aircraft (provided that the remaining capacity of the aircraft is under charter by a person or persons authorized to charter aircraft under § 207.11 (c), § 208.6(c), or § 212.8(b), respectively, of this chapter) by a tour operator or, with respect to tours which originate in a foreign country, by a foreign tour operator for the carriage by a direct air carrier of persons traveling in air transportation on inclusive tours.

• • • • • •

(d) "Tour operator" means any citizen of the United States, as defined in section 101(13) of the Federal Aviation Act, as amended, 49 U.S.C. 1301(13) (other than a direct U.S. air carrier), authorized hereunder to engage in the formation of groups for transportation on inclusive tours.

• • • • • •

(f) [Reserved]

• • • • • •

(h) "Direct air carrier" means (1) a route air carrier holding a certificate of public convenience and necessity issued under section 401(d)(1) of the Act; (2) a supplemental air carrier holding a certificate of public convenience and necessity issued under section 401(d)(3) of the Act to perform inclusive tour charters; (3) a foreign route air carrier holding a permit issued under section 402 of the Act authorizing it to engage in foreign air transportation on an individually ticketed or individually waybilled basis; and (4) a foreign charter air carrier which holds a permit issued under section 402 of the Act authorizing it to perform inclusive tour charters, but only to the extent that such tours are to be performed subject to the provisions of this regulation.

5. Amend paragraph (i) of § 378.13 to read as follows:

§ 378.13 Tour prospectus.

The prospectus shall be filed in duplicate and shall include two copies of the following: • • •

• • • • • •

(i) Samples of solicitation material proposed by the tour operator or foreign tour operator (all sales advertising and solicitation materials employed by the tour operator or foreign tour operator shall state the name of the direct air carrier to be utilized).

6. Amend § 378.14 to read as follows:

§ 378.14 Charter contract.

The charter contract between the tour operator or foreign tour operator and the direct air carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the tour or tours covered by the contact.

7. Amend § 378.15 to read as follows:

§ 378.15 Tariffs to be filed for charter trips.

No direct air carrier shall perform any charter trips for inclusive tours unless such carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and showing the rules, regulations, practices, and services in connection with such transportation.

8. Amend paragraphs (b) and (c), respectively, of § 378.16, the paragraphs as amended to read as follows:

§ 378.16 Surety bond.

• • • • • •

(b) The direct air carrier and the prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of paragraph (b) (1) and (2) of this section as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $200,000 for a series of 20 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however,* That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The direct air carrier and tour operator or foreign tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants paid to tour operators or foreign tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators or foreign tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided,* That, the travel agent agrees in writing with the tour operator or foreign tour operator that if the tour is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the tour;

(ii) The bank shall pay the direct air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the air carrier: *Provided,* That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the charter price has been paid in full to the direct air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing surface accommodations or services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator or foreign tour operator of the amounts payable for such surface accommodations or services and the persons or companies to whom payment is to be made: *Provided, however,* That the total amounts paid by the bank pursuant to paragraph (b)(2) (ii) and (v) of this section shall not exceed 80 percent of the total deposits received by the bank less any refunds made to tour participants pursuant to paragraph (b)(2) (iii) and (iv) of this section;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of any surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b)(1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided,* That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank: *And provided, further,* That should the valuation of such other securities decrease in an amount in excess of 20 percent of the valuation at time of original deposit, additional securities shall be placed in escrow so as to compensate for such decrease in value below 20 percent;

(ix) Except as provided in paragraph (b)(2) (ii), (iii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator, upon certification of the completion date by the direct air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities, in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth as Appendix A following § 378.31.[14] Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific tour or tours to which it relates: *Provided, however,* That these data may be set forth in an addendum attached to the bond which addendum must be signed by the tour operator and the surety company. It shall be effective on or before the date the Tour Prospectus is filed with the Board. If the bond

[14] Filed as part of reissued document (SPR–40).

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does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

* * * * *

9. Amend the title and text of § 378.19 to read as follows:

§ 378.19 Inclusive tours operated by U.S. certificated air carriers or foreign route air carriers for foreign tour operators.

(a) At least 90 days in advance of the date of departure of the proposed tour or series of tours to be operated by a U.S.-certificated air carrier or foreign route air carrier for a foreign tour operator as defined in § 378.2(d-1)(i), such carrier shall file with the Civil Aeronautics Board (Director, Bureau of Operating Rights) a Tour Prospectus which shall contain the following information:

(1) Name and address of the foreign tour operator;

(2) The proposed date and time of each flight;

(3) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(4) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(5) The tour price per passenger;

(6) The number of persons expected to participate in the tour;

(7) Charter price of the aircraft;

(8) The individually ticketed air fare, computed as provided in § 378.2(b)(4).

(b) A U.S.-certificated air carrier or foreign route air carrier operating an inclusive tour for a foreign tour operator shall require full payment of the total charter price prior to commencement of the air transportation.

10. Amend paragraph (a) of § 378.20 to read as follows:

§ 378.20 Post tour reporting.

(a) Within 30 days after termination of a tour or series of tours, the direct air carrier and tour operator or foreign tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post-tour report: *Provided*, That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the direct air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours terminated during such 6 months. The post-tour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.10, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation. The report shall be in the form attached described in Appendix A to this part.[15]

* * * * *

11. Amend § 378.30 to read as follows:

§ 378.30 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a direct air carrier of a written request therefor: *Provided*, That such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

[FR Doc.73-722 Filed 1-11-73;8:45 am]

[15] Filed as part of SPR-62 (37 FR 22854).

Notices

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Delegation Order No. 48]

CHIEF, TECHNICAL SERVICES DIVISION

Authority To Maintain the National Firearms Register and Transfer Record

1. Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by 26 CFR 179.101, there is hereby delegated to the Chief, Technical Services Division, the custody and control of the National Firearms Registration and Transfer Record, and the authority to execute certifications relative thereto.

2. The authority delegated herein may be redelegated to Criminal Investigators, Firearms Enforcement Analysts and Explosives Enforcement Analysts in the Technical Services Division.

3. This order supersedes Alcohol, Tobacco and Firearms Division Order No. 71-20, dated September 23, 1971.

Date of issue and effective date: December 29, 1972.

[SEAL] JOHN L. WEST,
Acting Director.

[FR Doc.73-689 Filed 1-11-73;8:45 am]

Bureau of Customs

[T.D. 73-14]

FOREIGN CURRENCIES

Rates of Exchange

JANUARY 3, 1973.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which vary by 5 percent or more from the quarterly rate published in Treasury Decision 72-285 for the Australia dollar and the Ceylon rupee. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Australia dollar:	
Dec. 26, 1972	$1.2726
Dec. 27, 1972	1.2730
Dec. 28, 1972	1.2730
Dec. 29, 1972	1.2732
Ceylon rupee:	
Dec. 28, 1972	0.1480

[SEAL] G. R. DICKERSON,
Assistant Commissioner, Office of Operations.

[FR Doc.73-690 Filed 1-11-73;8:45 am]

Office of the Secretary

RECORD CHANGERS FROM THE UNITED KINGDOM

Determination of Sales at Not Less Than Fair Value

On November 2, 1972, there was published in the FEDERAL REGISTER a notice of tentative negative determination (37 FR 23365) that record changers from the United Kingdom are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the tentative determination, record changers from the United Kingdom are not being, nor are likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs Regulations (19 CFR 153.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JANUARY 9, 1973.

[FR Doc.73-821 Filed 1-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN INSPECTION

Change in Inspection Agency Name

Notice is hereby given that the Beaumont Board of Trade, which is designated under section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)) to operate the official inspection agency at Beaumont and Port Arthur, Tex., has changed its name to Gulf Coast Inspection & Weighing, Inc. The name change does not involve a change in management or ownership.

Done in Washington, D.C., on January 5, 1973.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.73-693 Filed 1-11-73;8:45 am]

Soil Conservation Service

RED BOILING SPRINGS WATERSHED PROJECT, TENN.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a draft environmental statement for the Red Boiling Springs Watershed Project, Macon and Clay Counties, Tenn., USDA-SCS-ES-WS-(ADM)-73-21(D).

The environmental statement concerns a plan for flood prevention and land treatment in the Red Boiling Springs area, Macon and Clay Counties, Tenn. The planned works of improvement include conservation land treatment, supplemented by five floodwater retarding structures.

This draft environmental statement was transmitted to CEQ on January 4, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tenn. 37203.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Red Boiling Springs Watershed Project, Tenn., Notice of Availability of Draft Environmental Statement.

Please use name and number of statement above when ordering. The estimated cost is $4.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Paul M. Howard, State Conservationist, Soil Conservation Service, 561 U.S. Courthouse, Nashville, Tenn. 37203.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds Soil Conservation Service.

JANUARY 8, 1973.

[FR Doc.73-698 Filed 1-11-73;8:45 am]

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DEPARTMENT OF COMMERCE

Office of Minority Business Enterprise

EXECUTIVE COMMITTEE OF ADVISORY COUNCIL FOR MINORITY ENTERPRISE

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776) notice is hereby given that a public meeting of the Executive Committee of the Advisory Council for Minority Enterprise will be held on January 24, 1973, in the Savoy Room of the Ramada Inn, 14th and Thomas Circle NW., Washington, D.C. The meeting will convene at 8:30 a.m. and will be open to the public. Any member of the public who wishes to do so may file a written statement with the Committee, before or after the meeting. Such statements may be filed at 1000 Vermont Avenue, Washington, D.C. (202/967-3922). Interested persons may make oral statements at the meeting to the extent that the time available for the meeting permits.

The Executive Committee develops plans and policies and serves as an overall steering committee for review and coordination of the work of the Advisory Council for Minority Enterprise and its committees. The January 24, 1973 meeting will be held for these purposes.

Dated: January 5, 1973.

CHARLES STEIN,
Executive Secretary of the Executive Committee.

[FR Doc.73-680 Filed 1-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BIOLOGICAL PRODUCTS

Status of Biological Substances Used for Detecting Bacterial Endotoxins

This notice is issued to inform all interested persons of the applicability of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and the regulations promulgated thereunder (21 CFR Part 273) to biological substances for detecting bacterial endotoxins in human blood and in drugs for human use.

Section 351 of the Public Health Service Act prohibits the sale, barter, or exchange, in interstate or foreign commerce, or within the District of Columbia, of any virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product or arsphenamine or its derivatives (or any other trivalent organic arsenic compound) applicable to the prevention, treatment, or cure of diseases or injuries of man, unless such products have been propagated or manufactured and prepared at an establishment holding an unsuspended and unrevoked license, issued by the Secretary of Health, Education, and Welfare, to propagate or manufacture, and prepare such products.

It has come to the attention of the Commissioner of Food and Drugs that a lysate prepared from the circulating blood cells (amebocytes) of the horseshoe crab (*Limulus polyphemus*) has been shown to be a sensitive indicator of the presence of bacterial endotoxins. Such a product can be employed as an in vitro test in detecting clinical endotoxemia, and for the detection of bacterial endotoxins (pyrogens) in biological products and other drugs or fluids for parenteral administration to man. It is well known that the administration of fluids containing bacterial endotoxins can produce shock, fever, and death.

The Commissioner of Food and Drugs, who is charged with administering section 351 of the Public Health Service Act and the provisions of 21 CFR Part 273, finds that such a product is a biological product applicable to the prevention or treatment of disease in man, in that utilization for the detection of bacterial endotoxins to prevent unsafe drugs from being administered or to diagnose the existence of endotoxemia in man renders it subject to section 351 of the Public Health Service Act, and to the 21 CFR Part 273 regulations, particularly § 273.101 (i) and (k).

The Commissioner recognizes the value of such a product when employed for the prevention or treatment of disease in man by the detection of bacterial endotoxins to prevent the administration of unsafe drugs or to diagnose the presence of endotoxemia in man. Standards designed to insure their continued safety, purity, and potency, therefore are in the process of being developed and will be set forth in regulations as soon as feasible. Until such standards are established, a license for such a product will not be issued.

At the present time, all drugs subject to a pyrogen test are required to be tested by the rabbit pyrogen test. The Limulus test therefore cannot be used as the final pyrogen test on a drug to determine whether it is suitable for administration to man. Information has been received, however, indicating that this test has value as an in-process test because results are obtained quickly. Although the Commissioner finds that such a use is subject to licensing under section 351 of the Public Health Service Act, he has concluded that the Limulus test shall be exempt at this time from the requirement for a license solely for use as an in-process test, pending the development of suitable additional standards. This exemption is conditioned upon the requirement that the labeling on such a product clearly limits its use to in-process testing of drugs, and states that the test is not suitable either as a replacement for the official rabbit pyrogen test or as a diagnostic tool for determining the presence of endotoxemia in man.

This notice is issued pursuant to the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner.

Dated: January 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-648 Filed 1-11-73;8:45 am]

[DESI 11073; Docket No. FDC-D-541; NDA 11-073]

WAMPOLE LABORATORIES

Vastran Forte Capsules; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Vastran Forte Capsules containing niacin (375 mg.) with ascorbic acid, riboflavin, thiamine mononitrate, cyanocobalamin, pyridoxine hydrochloride, and calcium pantothenate; marketed by Wampole Laboratories, 35 Commerce Road, Stamford, CT 06904 (NDA 11-073).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this fixed combination drug, offered for hypercholesteremia, will have the effects that it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before February 12, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before February 12, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before February 12, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after February 12, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 27, 1972.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-647 Filed 1-11-73;8:45 am]

Health Services and Mental Health Administration

MENTAL HEALTH NEW CAREERS TRAINING REVIEW COMMITTEE

Notice of Meeting

The Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of January 1973.

Committee name	Date/time/place	Type of meeting and/or contact person
Mental Health New Careers Training Review Committee.	Jan. 18-19, 1 p.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open, 1-2 p.m., Jan. 18, closed, remainder of meeting; contact Vernon R. James, Room 8C-06, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301—443-1333.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program area administered by the New Careers Training Branch, Division of Manpower and Training Programs, National Institute of Mental Health, related to mental health new careers training and makes recommendations to the Division of Manpower and Training Programs, the Director of the National Institute of Mental Health, and the National Advisory Mental Health Council.

Agenda. The Committee will be open for reports and announcements of administration and program developments from 1-2 p.m. on January 18. From 2 p.m. on January 18 thru January 19, 1973, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 91-463, section 10(d).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: January 4, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-708 Filed 1-11-73;8:45 am]

HEALTH CARE TECHNOLOGY STUDY SECTION

Notice of Meeting; Correction

In FR Doc. 72-22166 appearing at page 28532 in the issue for Wednesday, December 27, 1972, the committee meeting place for the Health Care Technology Study Section should be changed from "Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md." to "Linden Hill Hotel, 5400 Pooks Hill, Bethesda, Md."

Dated: January 4, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-709 Filed 1-11-73;8:45 am]

Social Security Administration

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order No. 11671, published in the FEDERAL REGISTER of June 7, 1972 (37 FR 11307), that the Health Insurance Benefits Advisory Council, established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on medicare and medicaid matters, will meet on Friday, January 19, 1973, and Saturday, January 20, 1973, at 9 a.m. in Room G-10, East Building, Social Security Administration, Woodlawn, Baltimore County, Md. The meeting is open to the public. The Council will consider matters relating to the medicare and medicaid programs.

Further information on the Council may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance

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Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone 301–594–9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated: January 3, 1973.

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.73–718 Filed 1–11–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–329A, 50–330A]

CONSUMERS POWER CO.

Notice and Order for Third Prehearing Conference

Take notice that a third prehearing conference will be held in the subject proceeding on January 25, 1973, at 10 a.m., local time, in Courtroom No. 3, U.S. Court of Claims, 717 Madison Place NW., Washington DC 20005.

The primary purpose of the proposed prehearing conference is to:

1. Hear oral argument on applicant's "Motion for Order Modifying Procedural Schedule" and have the Board rule on such motion;
2. Determine the status of outstanding subpenas and notices for the taking of depositions; and
3. Discuss procedures for expediting this case.

Issued at Washington, D.C., this 10th day of January 1973.

It is so ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73–828 Filed 1–11–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24770]

BEA AIRTOURS, LTD.

Notice of Hearing Regarding Foreign Air Carrier Permit Application, United Kingdom-United States-All Other Countries Charter Flights

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on February 20, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 8, 1973.

[SEAL] ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.73–724 Filed 1–11–73;8:45 am]

[Docket No. 21138 etc.]

REMANDED RENO-PORTLAND/SEATTLE NONSTOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held before the undersigned administrative law judge on February 6, 1973, at 10 a.m. (local time), in the Coliseum South Room, Caesar's Palace, 3570 Los Vegas Boulevard South, Las Vegas, NV, which will be limited to the presentations of the civic parties.

Notice is further given that upon conclusion of the Las Vegas session, the hearing will resume on February 13, 1973, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, for the purpose of receiving the presentations of the remaining parties.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on October 4, 1972, the supplemental prehearing conference report served on October 20, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 8, 1973.

[SEAL] JAMES S. KEITH,
Administrative Law Judge.

[FR Doc.73–723 Filed 1–11–73;8:45 am]

[Docket No. 24808]

PACIFIC WESTERN AIRLINES, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on February 6, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 8, 1973.

[SEAL] ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.73–724 Filed 1–11–73;8:45 am]

[Docket No. 21138 etc.]

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Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held before the undersigned administrative law judge on February 6, 1973, at 10 a.m. (local time), in the Coliseum South Room, Caesar's Palace, 3570 Los Vegas Boulevard South, Las Vegas, NV, which will be limited to the presentations of the civic parties.

Notice is further given that upon conclusion of the Las Vegas session, the hearing will resume on February 13, 1973, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, for the purpose of receiving the presentations of the remaining parties.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on October 4, 1972, the supplemental prehearing conference report served on October 20, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 8, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.73–725 Filed 1–11–73;8:45 am]

[Docket No. 22364; Order 73–1–21]

U.S. MAINLAND-HAWAII FARES

Order Regarding Reduction in Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of January 1973.

By petition dated December 22, 1972, Western Air Lines, Inc. (Western) requests that the Board amend Order 72–5–100 (U.S. Mainland-Hawaii Fares case) to the extent necessary to permit it to establish lower coach fares in the Sacramento-Hawaii market than are prescribed by the aforesaid order.

In support of its request, Western asserts that at present there is no single-plane service in the Sacramento-Honolulu market, but that it plans to schedule single-plane service via San Francisco as of January 5, 1973.[1] However, present Sacramento-Honolulu coach fares involve a $30 round trip add-on to the San Fransico-Honolulu fares, and many people avail themselves of less costly methods of transportation between Sacramento and San Francisco. Western alleges that a reduction in fares is required if its planned single-plane service is to be competitive, and proposes to reduce present one-way peak and offpeak coach fares in this market $7.[2]

In the 12 months ended October 31, 1972, Western carried less than two passengers per day in each direction between Sacramento and Honolulu at other than first-class fares. The annual reduction in revenues resulting from application of the proposed reduced fares to existing traffic would be $10,248, or $28 per day. Consequently, a gain of one round-trip passenger per day would more than offset the reduction in revenues from existing passengers. Western expects to carry 40 passengers per day in each direction as a result of its revised service pattern and reduced fares.

No objections have been filed.

In our opinion, a valid basis exists in this case for an exception to the fare construction formula established in Order 72–5–100. Western believes that it can develop the Sacramento-Hawaii market by providing single-plane service, but not at the present fare level which exceeds the San Francisco-Hawaii fares by $30 round trip. We are inclined to agree that the additional traffic required to support through service from Sacramento to Hawaii could not be developed at the present fare level, in light of less costly alternative means of traveling to the San Francisco gateway. In view of the particular circumstances of this case, a $7 (one-way) reduction in the Sacramento-Hawaii coach fares appears warranted.

Procedures. The exception made herein to Order 72–5–100 will become effective on the fifth day following service of this order if no objections are filed within that time. Tariffs implementing the exception made herein will not be accepted prior to the expiration of the time for the filing of objections hereto. In light of the fact that the through service is to be introduced on January 5, 1973, tariffs may be filed in conformity with the findings herein on 1 day's notice if no objections are filed within such period. If objections are filed, further proceedings shall be conducted in such manner as the Board may deem appropriate, and tariffs inconsistent with Order 72–5–100 will not be accepted until the Board rules on the objections.

Accordingly, upon consideration of the foregoing:

It is ordered, That:

1. An exception to the provisions of paragraph 5 of the ultimate findings in Order 72–5–100 is granted Western Air Lines, Inc., to the extent that such provisions preclude the establishment of a YH class one-way fare of $130 and a YL class one-way fare of $115 between Honolulu and Sacramento.
2. If no objections to the preceding ordering paragraph are filed with the Board within 5 days of the date of service of this order, that paragraph will become final. If objections are filed within 5 days of the service of this order, further proceedings in connection therewith shall be conducted in such manner as the Board may deem appropriate.
3. Except to the extent granted herein, the request of Western Air Lines, Inc., to amend Order 72–5–100 is denied; and
4. A copy of this order will be served upon Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73–726 Filed 1–11–73;8:45 am]

[1] Western's service to Hawaii from Sacramento has been provided via connection at Los Angeles.

[2] Western notes that the Sacramento-San Francisco fare reduction would not apply to local traffic (which Western cannot carry because of a closed-door restriction) and would be a proportional reduction only, viz, the reduction between Sacramento and San Francisco would apply only when the ultimate destination is Hawaii.

FEDERAL POWER COMMISSION

ALASKA POWER SURVEY—TECHNICAL ADVISORY COMMITTEE ON ECONOMIC ANALYSIS AND LOAD PROJECTION

Agenda of Meeting

Meeting to be held in Room GO–3, Federal Building, Anchorage, Alaska, on January 24, 1973, at 9 a.m.

Presiding: Dr. Dale E. Swanson, Chairman.

1. Meeting call to order.
2. Objectives and purposes of meeting.
A. Chairman's statement.
B. Progress reports:
a. Income, population and the economy.
b. Population pattern.
c. Changes in demand for power.
d. Projection of power requirements.
e. Report preparation.
C. Review of study scope.
D. Work plan to complete subcommittee assignment.
E. Time schedule.
F. Other business pertinent to subcommittee assignment.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–685 Filed 1–11–73;8:45 am]

ALASKA POWER SURVEY—TECHNICAL ADVISORY COMMITTEE ON ENVIRONMENTAL CONSIDERATIONS AND CONSUMER AFFAIRS

Agenda of Meeting

Meeting to be held in Room GO–3, Federal Building, Anchorage, Alaska, on January 24, 1973, at 3 p.m.

Presiding: Commissioner Max C. Brewer, Chairman.

1. Meeting call to order.
2. Objectives and purposes of meeting.
A. Chairman's statement.
B. Progress reports:
(a) Environmental considerations.
(b) Consumer affairs.
(c) Report preparation.
C. Review of study scope.
D. Work plan to complete subcommittee assignment.
E. Time schedule.
F. Other business pertinent to subcommittee assignment.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–687 Filed 1–11–73;8:45 am]

ALASKA POWER SURVEY—TECHNICAL ADVISORY COMMITTEE ON RESOURCES AND ELECTRIC POWER GENERATION

Agenda of Meeting

Meeting to be held in Room GO–3, Federal Building, Anchorage, Alaska, on January 24, 1973, at 10:30 a.m.

Presiding: Commissioner Charles F. Herbert, Chairman.

1. Meeting call to order.
2. Objectives and purposes of meeting.
A. Chairman's statement.
B. Progress reports:
a. Oil and gas.
b. Coal.
c. Uranium.
d. Hydroelectric.
e. Geothermal.
f. Existing, authorized, and projected generation.
g. Requirements.
h. Thermal generation.
i. Emerging technology.
j. Report preparation.
C. Review of study scope.
D. Work plan to complete subcommittee assignment.
E. Time schedule.
F. Other business pertinent to subcommittee assignment.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–684 Filed 1–11–73;8:45 am]

[Docket No. CP66–369]

AMOCO GAS CO.

Notice of Redesignation

JANUARY 4, 1973.

By petition filed November 20, 1972, Amoco Gas Co. informed the Commission that its corporate name has been changed from Pan American Gas Co. to Amoco Gas Co. by certificate of amendment of certificate of incorporation dated January 18, 1971, effective February 1, 1971.

Accordingly the declaration of exemption issued to Pan American Gas Co. in Docket No. CP66–369 (35 FPC 983) pursuant to section 1(c) of the Natural Gas Act is redesignated as that of Amoco Gas Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–654 Filed 1–11–73;8:45 am]

[Docket No. RI73–174]

AMOCO PRODUCTION CO.

Order Providing for Hearing

JANUARY 3, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness

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of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI73-174	Amoco Production Co	568	[4] 3	Phillips Petroleum Co. (Guymon-Hugoton Field, Texas County, Okla., Hugoton Area).	$165	12-4-72		[1] 12-5-72	[2] 11.5961	[3] [5] 13.89129	

*The pressure base is 14.65 p.s.i.a.
[1] Pursuant to Opinion No. 586.
[2] Rates computed on basis of 172.928 percent of Amoco's base price of 7.9056 cents plus applicable tax reimbursement (172.928 percent=16.22 cents—Phillips' current resale rate÷9.3796 cents—Phillips' base price as of Jan. 18, 1965, the date Phillips amended its contract with Michigan-Wisconsin to provide for fixed periodic price escalations only). Phillips contends that correct contractually due rate should be computed on base of 157.891 percent of 7.9056 cents. (157.891 percent=16.22 cents÷10.2729 cents—Phillips' current base price.)
[3] Sweet gas rate. Subject to deduction of 0.4466 cent if gas is sour.
[4] Includes unexecuted quality statement filed Dec. 4, 1972, such statement is accepted subject to the understanding that the filing reflects an incorrect rate of 14.25 cents instead of the proper rate of 13.89129 cents, assuming arguendo that Amoco's contract interpretation here is correct.

Amoco's proposed increased rate does not exceed the applicable area rate ceilings established in Opinion No. 586 for the Hugoton-Anadarko Area. There is, however, a dispute between Amoco and Phillips as to whether the rate proposed here is authorized under the subject contract. Accordingly, the proposed rate is suspended for 1 day from the date of filing (the date an acceptable filing would be effective under Opinion No. 586), pending completion of Dockets Nos. RI71-691 and RI73-70 which involve the same contractual issues presented here.

Amoco's proposed increased rate and charge exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 FR 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.73-653 Filed 1-11-73;8:45 am]

[Project No. 2600]

BANGOR-HYDRO ELECTRIC CO.

Further Postponement of Hearing

JANUARY 5, 1973.

The hearing in the above matter is further postponed until February 11, 1973, for the reasons stated in the notice issued September 7, 1972 (see 37 FR 13575, 18582).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-655 Filed 1-11-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON COORDINATED SYSTEM DEVELOPMENT AND INTERCONNECTION

Agenda of Meeting

Alaska Power Survey, Agenda for the meeting of the Technical Advisory Committee on Coordinated System Development and Interconnection, to be held in Room GO-3, Federal Building, Anchorage, Alaska, January 24, 1973, 1:30 p.m.

Presiding: Mr. Willard C. Rhodes, chairman.

1. Meeting call to order.
2. Objectives and purposes of meeting.
A. Introduction of new members and visitors.
B. Reading and approval of the minutes for the September 19, 1972 meeting.
C. Chairman's report.
D. Progress reports by committee members having previous work assignments.
E. Time schedule for completing assignment.
F. Presentation by the Resource Planning Team of the Alaska Land Use Planning Commission on the subject of utilities corridors.
G. Other business pertinent to the committee assignment.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-688 Filed 1-11-73;8:45 am]

NATIONAL POWER SURVEY—EXECUTIVE ADVISORY COMMITTEE

Agenda of Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street, NW., Washington, DC, 9:30 a.m., January 18, 1973, Hearing Room A (Fourth Floor).

1. Meeting called to order and introductory remarks by FPC Chairman John N. Nassikas.
2. Objectives and purposes of meeting.
A. Remarks by Committee Chairman Shearon Harris.
B. Review of current energy studies and their relationship to the National Power Survey—Daniel G. Lewis.
C. Report of Coordinating Committee meeting and discussion of basic assumptions for the National Power Survey—Bernard B. Chew.
D. Brief reports on Technical Advisory Committee activities by Committee Chairmen:

Mr. M. F. Hebb, Jr.
Mr. Paul D. Martinka.
Mr. Gordon R. Corey.
Dr. H. Guyford Stever.
Dr. Bruce Netschert.

E. Other business.
F. Dates for future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-683 Filed 1-11-73;8:45 am]

NATIONAL POWER SURVEY—COORDINATING COMMITTEE

Agenda of Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 2 p.m., January 17, 1973, Room 2043.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Opening remarks—Committee Chairman Shearon Harris.
B. Presentation of revised basic assumptions for the National Power Survey—Bernard B. Chew.
C. Reports on Technical Advisory Committee activities by Committee Chairmen:

Mr. M. F. Hebb, Jr.
Mr. Paul D. Martinka.
Mr. Gordon R. Corey.
Dr. H. Guyford Stever.
Dr. Bruce Netschert.

D. Discussion of committee schedules for meetings and reports.
E. Other business.
F. Dates for future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-686 Filed 1-11-73;8:45 am]

[Project No. 2493—Washington]

PUGET SOUND POWER & LIGHT CO.

Availability of Environmental Statement

JANUARY 5, 1973.

Notice is hereby given that on December 29, 1972, as required by the Commission rules and regulations under Order 415, as amended, a final staff environmental statement prepared by the Commission's staff pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act by Puget Sound Power & Light Co., for its constructed Snoqualmie Falls project.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC and its San Francisco Regional Office. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project is located on the Snoqualmie River in the region of Snoqualmie and Falls City in King County, Wash.

The project consists of a small concrete diversion dam and two generating plants with a combined installed capacity of 40,850 kw. Plant No. 1 was constructed in a cavern beneath the falls. Plant No. 2 is located one-quarter-mile downstream from the falls.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-673 Filed 1-11-73;8:45 am]

[Docket No. CI73-293, etc.]

BELCO PETROLEUM CORP. ET AL.

Extension of Time and Postponement of Hearing

JANUARY 5, 1973.

On December 29, 1972, Texaco Inc. (Docket No. CI73-335), Tenneco Oil Co. (Docket No. CI73-336), and Belco Petroleum Corp. Agent (Docket No. CI73-293), (Applicants) filed a request for an extension of time to and including January 29, 1973, within which Applicants and all the intervenors in support thereof shall file their direct cases, and for a postponement of the hearing from January 25, 1973, to February 15, 1973. The Applicants also request that February 9, 1973, be established as the date for the filing of reply evidence by the other intervenors and Commission Staff, and that parties having common interests be permitted to combine for the purpose of presenting evidence and participating in the hearing.

Upon consideration, notice is hereby given that the dates set by the order issued December 26, 1972, are modified as follows:

Service of direct case of each of the applicants and all intervenors in support thereof—January 26, 1973.
Service of Commission Staff's direct case—February 12, 1973.
Service of direct case of the intervenors in opposition—February 12, 1973.
Rebuttal by applicants—February 21, 1973.
Commencement of hearing—February 28, 1973 (10 a.m., e.s.t.).

Disposition of the request that parties having common interests be permitted to combine for the purpose of presenting evidence and participating in the hearing will be made by subsequent order.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-656 Filed 1-11-73;8:45 am]

[Dockets Nos. E-7738, E-7784]

BOSTON EDISON CO.

Extension of Time

JANUARY 4, 1973.

On December 19, 1972, Commission Staff Counsel filed a motion for extension of service dates as established by the order issued July 28, 1972.

Upon consideration, notice is hereby given that the procedural dates fixed by the order issued July 28, 1972, in the above-designated matter are postponed as follows:

Staff service date—February 2, 1973.
Intervenors service date—February 16, 1973.
Company rebuttal service date—March 2, 1973.
Prehearing conference—March 13, 1973 (10 a.m., e.s.t.).
Hearing date—March 20, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-657 Filed 1-11-73;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Change in Tariff

JANUARY 5, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia), on November 30, 1972, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective as of August 1, 1972. The proposed tariff sheets are submitted pursuant to the Commission's Order Nos. 452 and 452-A in Docket No. R-406, permitting natural gas pipeline companies to submit a purchased gas cost adjustment provision (PGA clause) to be included in their tariffs under § 154.38 (d)(4) of the Commission's regulations under the Natural Gas Act.

Columbia requests that the Commission waive the notice requirements and certain other provisions of the regulations: (i) to permit the determination of PGA rate changes by Columbia's rate zones, rather than on an overall basis; (ii) to permit Columbia to limit rate changes tracking pipeline supplier rate changes to twice a year, except in the event of major pipeline rate changes; and (iii) to permit this filing to become effective as of August 1, 1972. Columbia indicates that the propriety of waivers (i) and (ii) were recognized by the Commission in its order issued September 11, 1972, in Docket No. RP73-12.

Columbia submitted a cost and revenue study based upon the 12-month period ended July 31, 1972, adjusted for the annualization of both costs and revenues, particularly including the "Blue Water Project" costs. The study shows that revenues at Commission approved rate levels for August 1, 1972, are deficient by $1.2 million. Columbia's filing also indicates that the net effect of changes in gas supplier rates since August 1, 1972, would increase its purchased gas

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cost $8.3 million annually by December 31, and that by March 1, 1973, Columbia will have paid approximately $5.2 million in increased charges not reflected in the August 1 rate levels approved by Commission order issued October 19, 1972, in Docket No. RP71-18, et al.

Copies of the filing have been mailed to all jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-658 Filed 1-11-73;8:45 am]

CONSUMERS POWER CO.

[Docket No. E-7803]

Order Providing for Hearing, Suspending Proposed Increased Rates Charges, and Granting Interventions

JANUARY 5, 1973.

Consumers Power Co. (Consumers Power) on November 6, 1972, tendered for filing proposed changes to its contracts with 19 customers in the State of Michigan as supplements to its FPC rate schedules applicable to wholesale electric service, to become effective on January 6, 1973.[1]

The rate schedule changes would increase rates and charges in the annual amount of approximately $1,542,000 based upon operations in the calendar year 1971, representing a 20-percent overall increase in charges to the 19 customers. The new rate increase demand charges by 77 cents per kilovoltampere per month and increase energy charges by 0.05 cent (½ mill) per kilowatt hour. In addition, the contract changes would increase the billing demand interval for all wholesale customers from a 15-minute interval to a 30-minute interval and also change the method of calculating the minimum charge for partial purchase customers.

In support of the proposed rate increase, Consumers Power states that its earnings have become inadequate due to inflation; that its current rates yield only a 4.5-percent return from wholesale service on a 1971 test year basis; that it is experiencing construction expenditures of approximately $379 million in 1972; and that it expects to expend over $2 billion in construction activities by the end of 1976. The rate filing includes cost of service and financial data based upon rate of return allowance of 8.0 percent.

Copies of the filing were served upon Consumers' jurisdictional customers and the Michigan Public Service Commission. The Commission issued notice of the filing which was published in the FEDERAL REGISTER on December 13, 1972 (37 FR 26547). Petitions for leave to intervene were filed by Edison Sault Electric Co., the "Cities/Co-ops" group, jointly,[2] and Alpena Power Co.

The Cities/Co-ops petition also included a motion to reject the filing, or in the alternative, to provide for hearing and suspend it for 5 months. In support of its motion to reject the filing, Cities/Co-ops alleges that Consumers engages in unlawful anticompetitive practices. Petitioner contends, furthermore, that the Commission has a "duty not to allow increased rates to go into effect which would further this unlawful purpose" and it alternatively, requests that the Commission "refuse to accept [the] filing • • • except upon the imposition of conditions", i.e., that Consumers perform certain acts presumably related to abatement of its charges of unlawful practices.

Alpena Power also included a motion to reject Consumers' rate filing, citing section 12 (renegotiation of rate) of its contract with Consumers which provides for rate changes by a renegotiation procedure. Alpena's motion also indicates that in 1971 the contract was amended by the parties in several respects, one of which was the addition to section 6 (Rates), of the following:

Charges Approved by Regulatory Authorities:

The foregoing provisions of this rate are subject to such future revisions and amendments thereof, supplements thereto or substitutions therefor, as may be approved from time to time by any governmental regulatory authority or authorities having jurisdiction in the premises.

Alpena's motion contends that Consumers has made a "unilateral" rate filing "in advance of renegotiation," that there is no language in the contract, as amended, which permits such change, and it therefore must be rejected on the grounds of the holding in Mobile and Sierra.[3] We disagree with Alpena's construction of its contract as amended for we find nothing in the contract which indicates that renegotiation is required as a prerequisite to the contract rate's being reviewed by this Commission in any of the procedures authorized by the provisions of the Federal Power Act, including either section 205 or 206 thereof. Since the language of the amendment provides for rate changes "from time to time", the rate is a "going" rate, not a "fixed" rate.[4] In our view therefore, the amendment of the rates section 6 has added another, not necessarily exclusive, method of changing the rates. This additional method does not nullify, or reduce to "surplusage," the provisions for renegotiation contained in section 12, as contended by Alpena. Accordingly, we shall deny Alpena's motion to reject the filing.

Our review of the rate filing and the motions of Cities/Co-ops and Alpena indicates that rejection of the filing is not justified. However, the issues raised by the pleading, with the exception of the unilateral rate filing issue on which we have ruled herein, as well as other issues raised by our review of the filing may require development in evidentiary proceedings. The proposed changes in rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in rate schedules as proposed to be amended in this docket, and that the tendered rate schedules be suspended as hereinafter provided.

(2) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the rate schedule changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(3) Participation of the above-named persons in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on May 15, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Consumers' FPC Electric Rate Schedules as proposed to be revised herein.

(B) At the prehearing conference on May 15, 1973, Consumers' prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice.

(C) On or before May 4, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before May 22, 1973. Any rebuttal evidence by Consumers shall be served on or before June 5, 1973. Cross-examination of the evidence filed will commence on June 19, 1973.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided.

(E) Pending hearing and a final decision in this proceeding, Consumers' proposed rate schedules, tendered on November 6, 1972, are suspended and the use thereof deferred until June 6, 1973.

(F) Cities/Co-ops and Alpena's motions to reject are denied.

(G) The above-named petitioners are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and *provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

CONSUMERS POWER COMPANY WHOLESALE ELECTRIC SERVICE CUSTOMERS

City of Bay City, City Hall, Bay City, MI 48706.
City of Charlevoix, City Hall, Charlevoix, MI 49720.
City of Eaton Rapids, City Hall Eaton Rapids, MI 48827.
City of Harbor Springs, City Hall, Harbor Springs, MI 49640.
City of Hillsdale, City Hall, Hillsdale, MI 49242.
City of Marshall, City Hall, Marshall, MI 49068.
City of Petoskey, City Hall, Petoskey, MI 49068.
Village of Chelsea, Village Hall, Chelsea, MI 48118.
City of Portland, City Hall, Portland, MI 48875.
Village of Union City, Village Hall, Union City, MI 49094.
Southeastern Michigan Rural Electric Cooperative, Inc., 1610 East Maumee Street, Adrian, MI 49221.
Alpena Power Co., 310 North Second Avenue, Alpena, MI 49707.
Edison Sault Electric Co., 725 East Portage Avenue, Sault Ste. Marie, MI 49783.
Northern Michigan Electric Cooperative, Inc., Post Office Box 138, Boyne City, MI 49712.
City of St. Louis, City Hall, St. Louis, MI 48880.
Lansing Board of Water and Light, 123 West Ottawa Street, Lansing, MI 48903.
City of Petoskey, City Hall, Petoskey, MI 49770.
City of Coldwater, City Hall, Coldwater, MI 49036.
Wolverine Electric Cooperative, Inc., 302 South Warren Avenue, Big Rapids, MI 49307.

[FR Doc.73-682 Filed 1-11-73;8:45 am]

[1] The 19 customers are listed in Appendix A below.

[2] Participants in the joint petition: Cities of Bay City, Charlevoix, Coldwater, Harbor Springs, Hillsdale, Marshall, Petoskey, St. Louis, and Union City; the villages of Chelsea and Portland; Northern Michigan Electric Cooperative, Inc., the Southeastern Michigan Rural Electric Cooperative, Inc., and the Wolverine Electric Cooperative, Inc.

[3] United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956); Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[4] United Gas Pipe Line Co. v. Memphis Light, Gas & Water Div., 358 U.S. 103 (1958). See also Commission orders: issued May 19, 1972 and Jan. 7, 1972, in Central Tel. & Utilities Corp., Docket No. E-7602, 45 FPC 971, 47 FPC ——; Detroit Edison Co., Docket No. E-7687, order issued Jan. 21, 1972, —— FPC ——; Sierra Pacific Power Corp., Docket No. E-7706, orders issued Mar. 31, 1972, and May 26, 1972, 47 FPC ——.

[Docket No. E-7906]

DETROIT EDISON CO.

Proposed Changes in Rates and Charges

JANUARY 5, 1973.

On December 8, 1972, the Detroit Edison Co. (Edison) tendered for filing a proposed superseding supplements to its present contract as supplemented with its wholesale for resale customer, Consumers Power Co. (Consumers). The proposed change would increase revenues from jurisdictional sales and services by $2,133,572 or 20.84 percent based on test year ending September 30, 1972, to become effective on January 1, 1973, or as soon thereafter as permitted by the Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-659 Filed 1-11-73;8:45 am]

[Docket No. CP73-159]

GRAND VALLEY TRANSMISSION CO.

Notice of Application

DECEMBER 26, 1972.

Take notice that on December 18, 1972, Grand Valley Transmission Co. (Applicant), Post Office Box 986, Billings, MT 59103, filed in Docket No. CP73-159 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, for a 1-year period from the date of authorization, and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $30,000, with no single project to exceed a cost of $10,000.

Any person desiring to be heard or make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.18 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-660 Filed 1-11-73;8:45 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Further Extension of Time

JANUARY 4, 1973.

On December 22, 1972, TransCanada PipeLines Limited filed a motion for extension of time of the procedural dates previously fixed by notice issued November 27, 1972, in the above-designated

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matter. The motion states that the dates requested were agreed to by all parties at the prehearing conference held on December 19, 1972.

Upon consideration, notice is hereby given that the procedural dates fixed by notice issued November 27, 1972, are further modified as follows:

Service of Great Lake's evidence on original cost issue—February 20, 1973.
Service of intervenor evidence—March 20, 1973.
Service of Great Lake's rebuttal evidence—April 20, 1973.
Commencement of cross-examination—May 8, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-661 Filed 1-11-73;8:45 am]

[Docket No. CI73-143]

GREAT PLAINS LAND CO.

Postponement of Procedural Dates

DECEMBER 27, 1972.

On December 21, 1972, counsel for Great Plains Land Co. requested an extension of time for filing testimony as required by order issued December 13, 1972, in the above matter.

Upon consideration, notice is given that the time for filing testimony by the applicant in the above matter is postponed to and including January 15, 1973, other procedural dates are postponed accordingly as follows:

Testimony and exhibits of intervenor—February 9, 1973.
Hearing—February 13, 1973.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-662 Filed 1-11-73;8:45 am]

[Docket No. E-7900]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

JANUARY 4, 1973.

Take notice that on December 11, 1972, Iowa Southern Utilities Co. (Applicant) filed an application for an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $10 million principal amount of first mortgage bonds.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The bonds will be dated February 1, 1973, and mature February 1, 2003, and will bear interest at a rate to be determined by competitive bidding pursuant to the Commission's regulations. It is anticipated bids will be opened February 1, 1973.

The proceeds from the issuance of the bonds will be used to repay bank loans and short-term notes issued in the form of commercial paper and to finance in part the Applicant's construction program for 1973 and 1974, the principal item of which, is $20,500,000 for the Applicant's 28 percent ownership share in a 520,000 kilowatt turbogenerator at the Neal Station near Sioux City, Iowa. Any person desiring to be heard or to make any protest with reference to the application should on or before January 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-664 Filed 1-11-73;8:45 am]

[Dockets Nos. CP70-313, CP64-268]

LONE STAR GAS CO.

Extension of Time

JANUARY 4, 1973.

On December 27, 1972, Lone Star Gas Co. filed a request for an extension of the procedural dates as set forth in the order issued December 18, 1972, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates fixed by order issued December 18, 1972, are modified as follows:

Direct testimony of applicant and intervenor—January 26, 1973.
Hearing—February 12, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-665 Filed 1-11-73;8:45 am]

[Docket No. CI73-169]

MESA PETROLEUM CO.

Extension of Time and Postponement of Hearing

JANUARY 4, 1973.

On December 29, 1972, Kansas Power & Light Co. (KP&L) requested an extension of time within which to file its direct testimony and exhibits as required by order issued December 22, 1972. The request states that none of the parties had any objection to the request. On January 3, 1973, Mesa Petroleum Co. filed a telegram requesting a postponement of the hearing from January 16, 1973, to January 22, 1973. The telegram states that counsel for KP&L, Panhandle Eastern Pipe Line Co., and the Commission staff have no objection to the request and have agreed to the January 22 date.

Upon consideration, notice is hereby given that the time is extended to January 10, 1973, within which all parties shall file direct testimony and evidence as required by the order issued December 22, 1972. The hearing is postponed to January 22, 1973, at 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-666 Filed 1-11-73;8:45 am]

[Docket No. RI73-3, etc.]

MOBIL OIL CORP. ET AL.

Postponement of Prehearing Conferences

JANUARY 5, 1973.

Mobil Oil Corp., Docket No. RI73-3, Atlantic Richfield Co., Docket No. RI73-4, Mobil Oil Corp., Docket No. RI72-250, Getty Oil Co., Docket No. RI73-44.

On January 4, 1973, Atlantic Richfield Co. and Getty Oil Co. filed a motion for postponement of the prehearing conferences to April 15, 1973, in the above-designated matters. The motion states that counsel for the intervenors and Commission staff have no objection to the motion.

Upon consideration, notice is hereby given that the prehearing conferences in the above-designated matters are hereby postponed to April 10, 1973, at 10 a.m. (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-663 Filed 1-11-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Further Extension of Time

JANUARY 4, 1973.

On December 26, 1972, Commission staff counsel filed a motion to suspend procedural dates as established by the order issued June 30, 1972, in the above-designated matter as amended by notices issued October 10, 1972, October 27, 1972, and November 28, 1972. On December 27, 1972, Natural Gas Pipeline Company of America also requested an indefinite postponement of procedural dates.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are postponed as follows:

Service of intervenor evidence—February 1, 1973.
Service of company rebuttal—February 22, 1973.
Commencement of hearing—March 13, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-667 Filed 1-11-73;8:45 am]

[Docket No. E-7866]

NEW ENGLAND POWER POOL

Order Accepting for Filing, Suspending Proposed Notice for Cancellation and Permitting Intervention

DECEMBER 29, 1972.

By order issued on September 21, 1972, in Docket No. E-7690, the Commission provided that section 12 of the New England Power Pool NEPOOL Agreement become effective on October 1, 1972. Section 12 deals with the operation of central dispatch of energy.

Braintree, Mass., Electric Light Department (Braintree) was a NEPEX signatory but due to their objection to certain provisions of the NEPOOL Agreement did not choose to become a signatory of NEPOOL. This placed Braintree in the position of losing the benefits of centralized dispatch as provided under both the NEPEX Agreement and the NEPOOL Agreement. Braintree and NEPOOL entered into an agreement on October 1, 1972, allowing Braintree to furnish and receive energy and reserve service through December 31, 1972, as if it were a NEPOOL participant.

By letter dated November 28, 1972, the NEPOOL Management Committee filed a notice of cancellation to the agreement providing that any service Braintree was receiving pursuant to the agreement would be terminated as of December 31, 1972.

The Commission in its December 19, 1972, order upon reconsideration and application for rehearing in Docket No. E-7690 recognized Braintree's situation and made comment as follows:

> While the cancellation of NEPEX services to nonsignatories of the NEPOOL Agreement is not a primary issue in this proceeding, adequate electrical service to all consumers is always of major concern to the Commission. The cancellation of a previously provided service without mutual agreement as to an adequate replacement service will be reviewed by the Commission when the NEPOOL executive committee files its notice of cancellation of the NEPEX service to Braintree, Mass., Electric Department. If deemed appropriate, the Commission can suspend the cancellation of service for as much as 5 months from the date of the notice of cancellation. In the event service arrangements have not been agreed to between the parties at the expiration of any provided suspension period, the Commission can at that time provide a forum for Braintree to seek appropriate protection and relief pursuant to the Federal Power Act.

Pursuant to the notice provided in this docket, Braintree on December 27, 1972, filed comments with regard to the proposed notice of cancellation and requested intervention in the proceeding. Their comments in pertinent part informed the Commission that replacement service would be provided to Braintree by Boston Edison Co. through a previously filed rate schedule (FPC Rate Schedule No. 44) beginning on January 1, 1973.

Braintree further informed the Commission that they are in the course of negotiating with Boston Edison to determine how their agreement might be modified or interpreted, in view of the emergence of NEPEX and NEPOOL in either of the events: (1) Braintree joined NEPOOL, or; (2) remained outside NEPOOL operating under its agreement with Edison. The comments state that while Braintree and Edison have not yet been able to reach agreement on all the terms of their proposed supplemental agreement:

> The discussions have, however, gone far enough so that there have been reached sufficient mutual understandings covering the interpretation of the existing interconnection agreement so that Braintree believes that its best interest will be served by remaining out of NEPOOL for the present. In essence, Braintree believes its agreement with Edison is clear, and Edison will not dispute its utilization to provide to Braintree scheduled and unscheduled outage service at incremental costs plus 12½ percent of such incremental cost, the pricing to be done on an hourly basis upon data furnished by NEPEX after the end of the month. Braintree will provide the same service to Edison at the same rates. If, as may be the case, it is impractical for Edison and Braintree to engage in economy interchanges, it is understood that Braintree is entitled to an economy exchange with NEPOOL on a nonparticipant basis. Meanwhile, Braintree will continue to purchase all capacity, required to serve its firm load, as needed in excess of Braintree's capacity in generating units and unit power entitlements, less 15 percent.

Braintree further states that they have not reached agreement with Boston Edison and the interpretation of such § 15.19 of the NEPOOL Agreement as applied to scheduled or unscheduled outage services by Edison to Braintree. Braintree interprets this provision to apply to such service whether it be supplied to a participant or to a nonparticipant of NEPOOL; therefore Edison capability responsibility will not be affected if it supplies such service during a peak hour, and therefore capability responsibility costs will not enter into the determination of Edison's incremental costs for outage service to Braintree. Braintree however, states that they do not have any belief as to what Edison's position is regarding this point. If the interpretation of the provision is as Braintree believes, Braintree states that they: "should be able to operate adequately on an interchange basis with Edison under the agreement dated March 25, 1969 (FPC Rate Schedule No. 44), and have plans to commence such operations on January 1, 1973." They do, however, further state that: "in view of the fact that Edison and Braintree have not yet executed their contemplated supplemental agreement, Braintree will not be able, until after at least 1 month's experience, to give the Commission assurance that no disputes will arise in connection with the instant matter."

Inasmuch as it appears that all parties are diligently making an effort to reach an agreement which will provide Braintree and its consumers with adequate replacement service to those previously provided by NEPEX, the Commission is constrained to provide Braintree with a reasonable amount of time in which to achieve those goals. Since Boston Edison Co. and Braintree are continuing negotiations with regard to supplemental services to be provided Braintree and since there is no indication that a reasonable suspension of the notice of cancellation of service provided through NEPOOL will adversely affect the NEPOOL Agreement, this Commission shall order a 45-day suspension of the notice of cancellation of NEPOOL services to the Braintree, Mass., Electric Light Department.

The Commission feels that removing the time pressure from the negotiating parties in order to provide a period of further negotiation without the impending threat of cancellation of existing service can only serve the public interest without prejudicing the rights of any of the parties affected hereby. This period will also provide an opportunity for both NEPOOL and Boston Edison Co. to file comments with the Commission.

The Commission will not order at this time any further proceedings in this matter. Should this matter not be terminated to the satisfaction of all the parties concerned at the expiration of the 45-day suspension period on February 15, 1973, the Commission at that time will consider appropriate additional proceedings.

The Commission finds:

(1) The Notice of Cancellation of the Agreement for Energy Exchange between the NEPOOL participants and Braintree Electric Light Department, dated as of October 1, 1972, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful under the Federal Power Act.

(2) Participation of Braintree, Mass., Electric Light Department in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid the enforcement of the provisions of the Federal Power Act that the Commission suspend the notice of cancellation as hereinafter provided.

(4) In the event that this proceeding is not concluded prior to the termination of the suspended period herein ordered, the Commission will enter upon a hearing for purposes of determining what relief if any, the Commission can grant to Braintree, Mass., Electric Light Department.

The Commission orders:

(A) The NEPOOL Management Committee's Notice of Cancellation of the agreement for energy exchange between the NEPOOL participants and Braintree Electric Light Department dated as of October 1, 1972, is hereby accepted for filing and suspended for 45 days until February 15, 1973, as hereinafter provided.

(B) The Braintree, Mass., Electric Light Department is hereby permitted to intervene in this proceeding on the subject of the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting the rights and interests specifically set forth in their statement of comment and petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-668 Filed 1-11-73;8:45 am].

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[Docket No. E-7867]

OHIO POWER CO.

Order Accepting for Filing

JANUARY 3, 1973.

On December 4, 1972, Ohio Power Co. (Ohio Power) tendered for filing proposed changes in its FPC Rate Schedule No. 18 which would increase Ohio Power's jurisdictional revenues by $951,065 annually. The changes primarily reflect increased demand and energy charges and a revised fuel adjustment clause.

Notice of the filing was issued on December 19, 1972, requiring petitions to intervene or protest by December 27, 1972. Timely petition to intervene was filed jointly by Allied Chemical Corp., Blaw Knox Co., Mobay Chemical Co., PPG Industries, Inc., and Triangle Conduct & Cable Co. (intervenors). A notice of intervention was filed by the West Virginia Public Service Commission. The petitioners for intervention have requested additional time to study the filing and submit pleadings. Therefore, in order to determine the necessity of an evidentiary hearing, the Commission requests that the intervenor, Allied et al., and the staff submit offers of proof within thirty (30) days from the issuance of this order to support their position as to the lawfulness of the proposed rates. Within 15 days from the service of such offers of proof, Ohio Power may file its answer to such pleadings. Upon review of the pleadings, the Commission will determine if a full evidentiary hearing is justified and set such further procedural dates as may be necessary.

Our review indicates that the applicant's fuel adjustment clause may not conform with the requirements of § 35.14(a)(1) of the Commission's Regulations under the Federal Power Act. A fuel adjustment clause should, in the public interest and as a matter of regulatory policy, be designed, with respect to the fuel cost component of purchased power, to recover the seller's cost of the fuel which is consumed to generate such power, as distinguished from the purchaser's cost of fuel attributable to such power. New England Power Company, Docket No. E-7541 (Opinion No. 633, mimeo p. 17, issued October 30, 1972). The applicant's fuel adjustment clause may be improper in that it may impute its own changes in fuel costs to its power purchases. We will order the applicant, therefore, to show cause by January 31, 1973, why it should not be required to change its fuel adjustment clause in conformity with the principles enunciated in New England Power Company, supra.

Pending the Commission's determination of whether an evidentiary hearing is necessary, it is appropriate that the proposed increased rates be suspended for a period of one (1) day.

The Commission finds:

(1) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission request offers of proof from the intervenors and staff concerning the lawfulness of the rates and charges contained in Ohio Power's Rate Schedule No. 18 as proposed to be amended in this docket, and that the tendered rate schedule be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) The placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) The aforementioned proposed rate schedules, tendered for filing on December 4, 1972, are accepted for filing subject to the terms and conditions of this order.

(B) The above-named petition to intervene is hereby granted subject to the Commission's rules of practice and procedure: *Provided, however,* The participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(C) Not more than thirty (30) days after the issuance of this order, the Commission staff and the intervenors shall submit offers of proof as to the lawfulness of the proposed rate increases from which the Commission can make a finding as to the necessity of an evidentiary hearing.

(D) Not more than fifteen (15) days after the service of such offers of proof, Ohio Power may file its answer to such pleadings.

(E) Pursuant to sections 205, 206, and 209 of the Federal Power Act and the Commission's rules of practice and procedure, the applicant shall show cause on or before January 31, 1973, why its fuel adjustment clause should not be changed to conform to the principles set forth in the Commission's Opinion No. 633.

(F) Pending a final decision in this proceeding, Ohio Power's proposed rate schedule tendered December 4, 1972, is suspended and the use thereof deferred until January 6, 1973, subject to refund as provided by section 205(e) of the Federal Power Act and the regulations thereunder.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-670 Filed 1-11-73;8:45 am]

[Docket No. E-7853]

OTTER TAIL POWER CO.

Notice of Application

JANUARY 4, 1973.

Take notice that on December 4, 1972, Otter Tail Power Co. (Applicant) of Fergus Falls, Minn., filed an application seeking an order, pursuant to section 204 of the Federal Power Act, authorizing the issuance of $12 million principal amount of First Mortgage Bonds, Series Due 2003.

The bonds are to be issued under the Applicant's indenture of mortgage dated July 1, 1936, as amended and supplemented and as to be supplemented by a 31st supplemental indenture to be dated as of February 2, 1973. The interest rate of the bonds will be determined by competitive bidding pursuant to the Commission's regulations under the Federal Power Act. The bonds will not be redeemable prior to February 1, 1978, at the option of the company through a refunding which has an interest cost to the company less than the interest cost of the bonds.

Proceeds realized from the issuance and sale of the bonds will be used for refunding of short-term borrowing from commercial banking institutions and through the sale of commercial paper in 1972 and 1973 to pay the expense of the company's construction program.

Any person desiring to be heard or to make any protest with reference to such application should, on or before January 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-669 Filed 1-11-73;8:45 am]

[Docket No. E-7795]

PHILADELPHIA ELECTRIC CO.

Order Denying Rehearing and Amending Prior Order

JANUARY 4, 1973.

The borough of Lansdale (Lansdale), on December 5, 1972, filed an application for rehearing and stay, as supplemented on December 20, 1972, of the Commission's order issued November 22, 1972, in the above-captioned proceeding, as amended and corrected by order issued December 11, 1972. Philadelphia Electric Co. (Philadelphia), on December 21, 1972, filed a petition for waiver of the Commission's rules to permit it to file an answer to Lansdale's application for rehearing, together with the answer. On December 29, 1972, Lansdale filed an answer to Philadelphia's petition.

In our opinion a discussion of the background of this proceeding will be helpful to an understanding of our disposition of Lansdale's application for rehearing. Philadelphia and Lansdale entered into a contract dated March 20, 1964,[1] by which Philadelphia was to furnish electric service to Lansdale up to 8,000 kw. demand. By contract dated November 12, 1971,[2] Philadelphia agreed to furnish Lansdale electric service in excess of 8,000 kw., up to 29,000 kw. Philadelphia, on May 1, 1972, filed in Docket No. E-7726 an increase in rates to Lansdale under the November 12, 1971, contract. The Commission, by order issued August 31, 1972, rejected that increase together with the November 12, 1971, contract as being in violation of the Mobile-Sierra[3] doctrine. On October 24, 1972, Philadelphia tendered for filing a rate schedule for electric service to Lansdale in excess of 8,000 kw. In our November 22, 1972, order, as amended and corrected by the December 11, 1972, order, we suspended Philadelphia's rate schedule for 1 day to November 25, 1972, provided for hearing thereon, and required Philadelphia to submit the November 12, 1971, contract as part of its case-in-chief in order for us to determine whether that contract is in the public interest under the circumstances of this case.

In its application for rehearing Lansdale requests the Commission to reject Philadelphia's rate schedule tendered on October 24, 1972, or otherwise preclude its effectiveness prior to hearing and decision and to clarify its intent as to its asserted investigation of the November 12, 1971, contract to make clear that it is undertaken pursuant to section 206 of the Federal Power Act. In the alternative Lansdale requests that the effective date of the October 24, 1972, filing be stayed pending appeal, or at the very least, suspended for 5 months. In support of its application, Lansdale contends and argues, inter alia: (1) The Commission is inconsistent in directing Philadelphia to file its November 12, 1971, contract with Lansdale and also accepting for filing and suspending for 1 day the October 24, 1972, rate schedule as it results in putting two conflicting rate schedules into effect simultaneously; (2) the filing of October 24, 1972, is barred by the November 12, 1971, contract just as Philadelphia's unilateral filing in Docket No. E-7726 was barred; (3) even if the October 24, 1972, filing were valid under the Sierra-Mobile doctrine, a 5 months' suspension of the filing is required by § 300.307 of the Price Commission regulations; and (4) the error of the order of November 22, 1972, lies in allowing the October 24, 1972, filing to become effective prior to the resolution of section 206 proceedings and it is requested that this part of the November 22, 1972, order be stayed pending appeal by Lansdale. In its supplement to its application for rehearing Lansdale contends that the Commission should require Philadelphia to file the November 12, 1971, contract and that the Commission's orders of November 22, 1972, and December 11, 1972, are irreconcilably inconsistent with the Commission's order of December 15, 1972, in Appalachian Power Company, Docket No. E-7775, in which the Commission rejected a rate increase filing under section 205 of the Federal Power Act as an impermissible unilateral rate increase not authorized by the terms of the existing contracts between the company and the municipalities under the Mobile-Sierra doctrine.

We believe that Philadelphia has shown sufficient reasons to justify the filing of an answer to Lansdale's application for rehearing. In its answer Philadelphia contends and argues inter alia: (1) In view of the fact that the Commission rejected the November 12, 1971, contract the contract of March 20, 1964, which provided only for service of up to 8,000 kw. to Lansdale remains in effect but since Lansdale had begun taking an excess of 8,000 kw. Philadelphia could not render service in excess of that provided for in the March 20, 1964, contract without filing an appropriate rate schedule applicable to such additional service; (2) Philadelphia cannot be barred by the Mobile-Sierra cases from increasing its rates by the November 12, 1971, contract as the Mobile-Sierra cases involved attempts to change existing contracts filed and approved by the Commission whereas the November 12, 1971, contract was a new contract offering Lansdale an entirely different service from that which it was then receiving and that contract was rejected by the Commission; and (3) the October 24, 1972, filing is not an attempt to make a unilateral change in an existing rate schedule but is an initial rate applicable to such demands for power and energy Lansdale may take in excess of the demands Philadelphia is authorized to serve under the March 20, 1964, contract.

In its answer of December 29, 1972, Lansdale contends that the November 12, 1971, contract is a valid agreement effective on that date and that, contrary to Philadelphia's assertions, it is of no consequence with respect to the applicability of the Mobile-Sierra rule that Philadelphia has refused to file the original November 12, 1971, agreement as required by the Federal Power Act and the Commission's regulations.

In our order of August 31, 1972, we referred to Carolina Power and Light Company, Docket No. E-7564 (Opinion No. 608 issued January 13, 1972, rehearing denied, Opinion No. 608A, issued February 22, 1972) wherein we indicated that in our judgment the Mobile-Sierra rule is inconsistent with sound regulatory policy in that it has the effect of limiting our authority under section 206(a) of the Federal Power Act. We have more recently indicated our concern over the fixed rate contract concept in Duke Power Company, Docket No. E-7557 (Opinion No. 641 issued December 18, 1972). In our August 31, 1972, order referred to above we further indicated that the Mobile-Sierra rule is currently the law and that we will continue to be governed by its principles; however, it is our intention in future cases involving new fixed rate contracts to scrutinize the provisions of each such contract in order to determine whether they are in the public interest.

We now add as a guideline for this and future proceedings that inasmuch as we consider fixed rate contracts generally to be not in the public interest it is our intent to strictly construe such existing contracts so as to permit no enlargement of rights or obligations thereunder absent a clear showing of necessity to meet the public interest.

In the instant proceeding there are three possible arrangements under which Philadelphia might render service to Lansdale: (1) The 1964 fixed rate contract for providing service up to 8,000 kw. per day, (2) the alleged fixed rate contract of November 12, 1971, and (3) the proposed rate schedules tendered for filing by Philadelphia on October 24, 1972.

The alleged fixed rate contract of November 12, 1971, has never been accepted nor approved by this Commission. It has, therefore, never become a lawful contract under which service subject to our jurisdiction may be rendered. Consistent with our expressed intent in future cases to scrutinize the provisions of new fixed rate contracts in order to determine whether they are in the public interest we herein find that the alleged fixed rate contract of November 12, 1971, is presumptively not in the public interest. In our August 31, 1972, order our reference to new fixed rate contracts contemplated contracts agreed to by the necessary parties and tendered to this Commission for filing. Philadelphia's refusal in the instant proceeding to file the November 12, 1971, contract and Lansdale's characterization of that instrument as a fixed rate contract subject to the Mobile-Sierra rule satisfies us that it is not in the public interest to require Philadelphia to tender that contract for filing. Submission of such contract is not material to our disposition of the pleadings before us.

The 1964 fixed rate contract providing for service of up to 8,000 kw. per day was duly tendered for filing, accepted by this Commission and made effective. As indicated, supra, it is our intention to strictly construe the provisions of that contract, absent a showing of public interest requiring some other interpretation. Accordingly, we fined that Lansdale is not entitled to full requirements service under the terms of that contract nor partial requirements service in excess of 8,000 kw. per day. In the hearing

[1] Rate Schedule FPC No. 24.

[2] Rate Schedule FPC No. 37.

[3] F.P.C. v. Sierra Pacific Power Company 350 U.S. 348 (1956); United Gas Pipe Line Company v. Mobile Gas Service Corporation 350 U.S. 332 (1956).

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hereinafter ordered Lansdale may however proffer evidence, material and relevant, in order to show that an enlargement of the rights and obligations created in that contract is demanded by the public interest.

The rate schedule tendered for filing by Philadelphia on October 24, was suspended for 1 day and set for hearing in our order of November 22, 1972. In that order the proposed rates were to be effective on and after November 25, 1972. Philadelphia indicates that service in excess of 8,000 kw. was rendered to Lansdale starting September 1, 1972, in spite of the fact that no contract or tariff was then on file with this Commission and effective for this service. We are compelled to find that Philadelphia rendered such service at the risk that it would be compensated therefor at the rates contained in the 1964 contract. We will therefore not modify our November 22, 1972, order to provide an earlier effective date. The suspension and hearing provisions of that order are in our opinion correct.

The Commission orders:

(A) Ordering paragraph (A), and the phrase "and its contract with Lansdale dated November 12, 1971", of ordering paragraph (B) of our order of November 22, 1972, are hereby stricken.

(B) Our order of December 11, 1972, is vacated.

(C) All provisions of our orders of August 31, 1972, in Docket No. E-7726 and November 22, 1972, not inconsistent with the provisions of this order remain in full force and effect.

(D) Lansdale's application for rehearing and stay is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-671 Filed 1-11-73;8:45 am]

[Docket No. E-7897]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Proposed Changes in Rates and Charges

JANUARY 4, 1973.

Take notice that Public Service Company of New Hampshire (Company) on December 28, 1971, tendered for filing proposed changes in its FPC Rate Schedule No. 50. The filing consists of an agreement dated August 9, 1971, between New Hampshire Electric Cooperative, Inc. (Cooperative), and the Company for partial requirements resale service and would result in a decrease in the Company's revenues from jurisdictional sales and services of approximately $13,270 based on the 12-month period following October 1, 1970.

The Company states that the provisions of the rate schedule as tendered are similar to those of FPC Rate Schedule No. 50 except modified to the extent necessary to provide for the separation for billing purposes of the ingoing electricity into various categories of electricity. The rate charged for resale service electricity is the same as that in effect under the present rate schedule. No facilities are to be installed or modified in order to supply the electric service under the proposed rate schedule.

The Company requests that the Commission waive the 30-day-notice requirement and permit the rate schedule to become effective as of October 1, 1970.

Copies of this filing were served on the Cooperative and interested State commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-672 Filed 1-11-73;8:45 am]

[Docket No. R-433; Order 459]

MOBIL OIL CORP. AND ASSOCIATED GAS DISTRIBUTORS

Gas Reserves Dedication; Order Denying Rehearing

JANUARY 5, 1973.

Mobile Oil Corp. (Mobil) on December 6, 1972, filed an application for rehearing of the Commission's Order No. 459 issued November 10, 1972, in the above-entitled proceeding. The Commission there established a form for reporting new gas reserves in Texas Gulf Coast and Southern Louisiana by the purchaser upon request of the producer for the purpose of implementing the refund credit and contingent rate escalation provisions of Opinions Nos. 595 and 598.[1]

Mobil in its application for rehearing claims that the Commission erred in making the filing of the form for new gas reserves voluntary, instead of mandatory. In support thereof, Mobil states that certain producers will have no obligation and no incentive to request pipelines to file these reports because they will receive no benefit from the "contingent" area rate escalations for flowing gas in Opinions Nos. 595 and 598. Specifically, Mobil refers to those producers who are (1) new entrants into a given producing area, (2) pipeline affiliates, or (3) applying to sell natural gas under the new optional procedure set forth in the Commission's Order No. 455.

Section 1.4 of the UDC settlement proposal provides that the purchaser upon request by the producer shall file a report with respect to new gas reserves.[2] It is thus clear that reports under that proposal were not to be mandatory. As a result, Order No. 459 made the filing of the form prescribed therein voluntary. Moreover, even though a given producer may receive no specific benefit, it may request its pipeline to report the new gas reserves, and we expect the producer to do so. We shall therefore deny Mobil's application for rehearing.

Associated Gas Distributors (AGD) also filed an application for rehearing of Order No. 459 on December 11, 1972, in which they contend that producers should receive credit only for those new gas reserves coming within the American Petroleum Institute (API) definition of proved reserves. The form adopted in Order No. 459 provides in Item No. 14 for the reporting of proved reserves as that term is defined by the API and in Item No. 15 for the reporting of new reserves that are outside the limits of the API definition but are in conformity with the definition of new gas reserves contained in § 1.4 of the UDC settlement proposal. Reserves reported in both Items Nos. 14 and 15 of the form will count for contingent escalation and refund credit purposes. The use of the UDC definition of new gas reserves in the form not only conforms with the settlement proposal approved in Opinion No. 598, but also eliminates the many problems involved in requiring or permitting changes in previously accepted estimates. Consequently, we shall deny AGD's application for rehearing.

The applications for rehearing of Mobil and AGD present no new facts or principles of law which were not fully considered by the Commission in Order No. 459, or, which having now been considered, warrant any modification of that order.

The Commission orders:

The applications for rehearing of Order No. 459 filed by Mobil on December 6, 1972, and AGD on December 11, 1972, are defined.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-674 Filed 1-11-73;8:45 am]

[1] The form will also be used to implement the refund credit provisions of Opinion No. 607-A (Other Southwest Area).

[2] The UDC settlement proposal is the United Distribution Companies' settlement proposal for the Southern Louisiana Area (Opinion No. 598, Appendix A) which was supported by the overwhelming majority of consumer, pipeline, and producer interests. The proposal was not only approved by the Commission in Opinion No. 598, but the refund credit and contingent rate escalations in Opinion No. 595 were patterned after similar provisions in that proposal.

[Docket No. C173-63]

SOUTHERN UNION GATHERING CO.

Further Extension of Time

JANUARY 4, 1973.

On December 29, 1972, Southern Union Gathering Co. and Aztec Oil & Gas Co. filed a motion for a further extension of time within which evidence is to be filed and a postponement of the date for hearing in the above-designated matter established by order issued September 29, 1972, as amended by notices issued October 10, 1972, November 3, 1972, and November 28, 1972. The motion states that the New Mexico Public Service Commission has no objection to the motion in view of Aztec's agreement to defer the effective date of its rate increase to March 22, 1973.

Upon consideration, notice is hereby given that the time is further extended to and including January 29, 1973, within which prepared testimony and exhibits shall be filed. The hearing is postponed to February 1, 1973, at 10 a.m. (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-675 Filed 1-11-73;8:45 am]

[Docket No. CP73-20, etc.]

TRANSCO ENERGY CO. ET AL.

Order Granting Interventions, Request for Disclaimer and Declaratory Order, Dismissing One Application in Whole and Another in Part, and Establishing Procedures

JANUARY 4, 1973.

On July 24, 1972, Transco Energy Co. (Energy) filed in Docket No. CP73-20 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a "substitute natural gas"[1] plant and the sale for resale of the plant output to Transcontinental Gas Pipe Line Corp. (Transco), its corporate parent.[2] The proposed synthetic gas plant would be located at Twin Oaks, Upper Chichester Township, Delaware County, Pa., and would gasify naphtha from unnamed domestic and foreign sources into approximately 250,000 Mcf of synthetic gas per day.

Also on July 24, 1972, Transcontinental Gas Pipe Line Corp. (Transco) filed in Docket No. CP73-21 an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct, install, and operate a purchase meter station, approximately 1,650 feet of 30-inch pipeline, and a tap on its existing Marcus Hook-Woodbury loop facilities in Delaware County, Pa.[3] The proposed facilities are intended to connect Transco's existing facilities with Energy's synthetic gas plant, which is the subject of Energy's companion certificate application in Docket No. CP73-20. Transco further requests permission to include the cost of synthetic gas purchased from Energy within the operation of its purchased gas adjustment tariff which is the subject of the application filed in Docket No. RP73-3.

On November 2, 1972, Energy filed in Docket No. CP73-20 a request for disclaimer of jurisdiction over the facilities for which it had sought authorization in that docket, or, alternatively a temporary certificate of public convenience and necessity to construct them.[4] Energy in its request for disclaimer relies, inter alia, on the decision of the Presiding Examiner (now Administrative Law Judge) issued in the Algonquin SNG proceedings, cited above.

On September 1, 1972, Gulf Oil Corp. (Gulf) filed in Docket No. CI73-168 a petition requesting that the Commission issue a declaratory order stating that the sale of naphtha by Gulf to Energy for reformation into synthetic gas would not be subject to the Commission's jurisdiction.[5]

A notice of intervention in Dockets Nos. CP73-20 and CP73-21 was timely filed by the Public Service Commission for the State of New York (New York). In its notice, New York requests a formal hearing. Petitions to intervene in the same dockets have been timely filed, except where indicated by an asterisk, as follows:

Name	Docket No. CP73-20	Docket No. CP73-21
Algonquin Gas Transmission Co.	×	×
Atlanta Gas Light Co.*	×	×
Atlantic Richfield Co.	×	.....
R. Lee Bennington*	×	.....
Brooklyn Union Gas Co.	×	×
Carolina Pipeline Co.	×	×
Coastal States Gas Producing Co.*	×	.....
Columbia Gas Transmission Corp.	×	.....
Columbia LNG Corp.*[1]	×	.....
Commonwealth Natural Gas Corp.	×	.....
Consolidated Edison Co. of New York	×	×
Continental Oil Co.	×	.....
Elizabethtown Gas Co.	×	×
Gulf Oil Corp.	×	×
Humble Oil & Refining Co.	×	.....
Long Island Lighting Co.	×	×
Alfred P. McLaughlin*	×	.....
Natural Gas Pipeline Co. of America*	×	.....
The City of New York	×	×
North Penn Gas Co.*	×	×
Petrochemical Group[2]	×	×
Philadelphia Electric Co.	×	×
Philadelphia Gas Works Division of UGI Corp.*	×	×
Phillips Petroleum Co.	×	×
Piedmont Natural Gas Co., Inc.	×	×
Public Service Electric & Gas Co.*	×	×
Southern Natural Gas Co.*	×	.....
South Jersey Gas Co.	×	×
Sun Oil Co.	×	.....
Texaco, Inc.	×	×
Texas Eastern Transmission Corp.*	×	.....
Transcontinental Gas Pipe Line Corp.	.....	×
Washington Gas Light Co.*	×	×
United Natural Gas Co.	×	×

[1] For reasons unknown Columbia LNG Corp. filed two late petitions to intervene in Docket No. CP73-20, one on Sept. 11, 1972, and one on Nov. 17, 1972.

[2] The companies who make up the Petrochemical Group are listed in its petition to intervene.

A formal hearing was requested by the Petrochemical Group, and by Philadelphia Gas Works.

A notice of intervention was timely filed in Docket No. CI73-168 by New York. Petitions to intervene were timely filed in that docket by Columbia LNG Corp., Long Island Lighting Co., Phillips Petroleum Co., and Southern Natural Gas Co.

The disposition of Energy's application in Docket No. CP73-20, of Energy's subsequent request for disclaimer in that docket and of Gulf's petition for declaratory order in Docket No. CP73-168 is controlled, we believe, by our Opinion No. 637, issued December 7, 1972, in the above-cited Algonquin SNG proceedings. In the Algonquin SNG case we adopted the Administrative Law Judge's holding that naphtha, its sale and transportation, is not subject to our jurisdiction. We similarly concluded that the synthetic gas to be produced at Algonquin SNG's proposed plant is not "natural gas" as a matter of law, and, accordingly, that the facilities to be employed in the manufacture and transportation of purely synthetic gas are not subject to our jurisdiction. As a consequence of our holdings in Algonquin SNG, we dismissed the application filed pursuant to section 7(c) of the Natural Gas Act requesting authorization to construct and operate the proposed synthetic gas manufacturing plant, pipelines and related facilities to carry synthetic gas, and to sell synthetic gas to Algonquin Gas Transmission Co. A similar result is required here. Accordingly, we hereby dismiss Energy's application, described above, in Docket No. CP72-20, grant Energy's request for disclaimer of jurisdiction in the same docket, and grant Gulf Oil Corp.'s petition for declaratory order filed in Docket No. CI73-168.

That portion of Transco's filing in Docket No. CP73-21 which requests authorization to construct and operate pipeline and related facilities for the transportation of synthetic gas must also be dismissed under the Algonquin SNG rationale. Transco's request that the cost of synthetic gas be included within the operation of its purchased gas adjustment tariff, on the other hand,

[1] We shall refer to the product of the proposed Energy plant as synthetic gas, in keeping with our Opinion No. 637, issued Dec. 7, 1972, in Algonquin SNG Inc. et al., Docket No. CP72-35 et al.

[2] Notice of the application was issued Aug. 4, 1972, and published in the FEDERAL REGISTER on Aug. 11, 1972 (37 FR 16238).

[3] Notice of the application was issued Aug. 4, 1972, and published in the FEDERAL REGISTER on Aug. 11, 1972, (37 FR 16238).

[4] Energy had maintained in its application in Docket No. CP73-20 that it would become a "natural gas company" upon receipt of the certification requested.

[5] Notice of Gulf petition was issued Sept. 25, 1972, and published in the FEDERAL REGISTER on Sept. 30, 1972 (37 FR 20595).

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is clearly a matter within the Commission's jurisdiction. As we stated in Algonquin SNG, a mixture of synthetic and natural gas is "natural gas" subject to Commission regulation. The rate treatment to be afforded such gas, and other matters related to its purchase, transportation, and sale for resale including public interest considerations under sections 4, 5, and 7 of the Act, thus raise issues appropriately addressed in evaluating the desirability of the project proposed.

We note in this connection that the Transco application does not seek authorization to purchase, transport, or sell the jurisdictional pipeline mixture. We shall, however, construe its application as seeking such authorization, and we require such amendment of the Transco application as may be necessary to furnish the basis for the hearing hereinafter provided for.

Owing to the relatively high price of the synthetic gas Transco would purchase, transport, and sell under the instant proposal, and in light of, inter alia, the existing natural gas shortage which dictates the need for conservation and careful allocation of gas, we consider it appropriate that Transco should present data explaining what part such gas will fill in serving the needs of Transco's customers. Accordingly, we shall by separate letter order require Transco and certain of its customers to submit detailed end-use data pertinent to the transportation and sale of its proposed synthetic and natural gas mixture. Upon satisfactory response to our letter order, we shall set the proceedings herein for formal hearing as requested by New York and petitioners whose intervention is hereby allowed.

We find it appropriate in the public interest that each of the petitions to intervene listed in the above-named dockets be granted. So that the rights and interests of those filing to intervene in Docket No. CP73-20, hereby dismissed, may be properly represented, we shall allow their intervention in Docket No. CP73-21 without the need for an additional filing.

The Commission finds:

(1) The transportation and sale of naphtha is not subject to Commission jurisdiction.

(2) The facilities proposed for the manufacture and transportation of unmixed synthetic gas are not subject to our jurisdiction.

(3) It is necessary and appropriate that end-use data as specified in a companion letter order to be issued herein should be submitted and evaluated in connection with these proceedings.

(4) It is desirable that the above-listed petitioners be allowed to intervene in the dockets in which they have filed, and that those filing in Docket No. CP73-20 be deemed intervenors in Docket No. CP73-21.

The Commission orders:

(A) The application of Transco Energy Co. in Docket No. CP73-20 is hereby dismissed.

(B) Transco Energy Co.'s request for disclaimer of jurisdiction in Docket No. CP73-20 is hereby granted.

(C) The Petition of Gulf Oil Co. for declaratory order in Docket No. CI73-168 is hereby granted.

(D) Each of the above-named petitioners and State commissions is permitted to intervene in the proceedings in which they filed, subject to the rules and regulations of the Commission. Petitioners filing to intervene in Docket No. CP73-20 are hereby deemed intervenors in Docket No. CP73-21: *Provided, however,* That the participation of all such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-676 Filed 1-11-73;8:45 am]

[Docket No. E-7836]

WISCONSIN POWER & LIGHT CO.

Proposed Changes in Rates and Charges

JANUARY 5, 1973.

Take notice that Wisconsin Power & Light Co. (Company) on November 10, 1972, tendered for filing proposed changes in its FPC Rate Schedule No. 81, Supplement No. 1. The filing consists of a wholesale power contract dated October 9, 1972, between the city of Wisconsin Dells, Wis., and the Company which is intended to supersede, replace, and cancel the above rate schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-677 Filed 1-11-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Granting Conditional Approval of Acquisition of Banks

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 USC 1842(a)(3)), to acquire the successors by acquisition of assets and assumption of liabilities to (1) Highland Village State Bank (Highland Village), Houston, and (2) First State Bank of Clear Lake City (Clear Lake), Clear Lake City, Tex. The successor banks to Highland Village and Clear Lake have no significance except as a means to facilitate the acquisition of voting shares of Highland Village and Clear Lake. Accordingly, the proposed acquisitions are treated herein as proposed acquisitions of the shares of Highland Village and Clear Lake.

Notice of the applications affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 10 banks with total deposits of approximately $1.6 billion, representing about 5.2 percent of deposits of commercial banks in Texas and is the third largest banking organization in the State.[1] Applicant also has interests in 15 other banks, ranging from 0.02 to 14.3 percent of voting shares. Acquisition of Highland Village (deposits of about $29 million) or Clear Lake (deposits of about $9 million), or both, would not result in a significant increase in the concentration of banking resources in Texas.

The Department of Justice filed comments with regard to the proposed acquisition of Highland Village and concluded that Applicant's acquisition of that bank would have a significantly adverse effect on competition in the Houston market. The Department takes the position that the Houston market is concentrated and that acquisition by Applicant, which is the largest banking organization in the market (on the basis of deposits), of Highland Village, which ranks as the 40th largest bank in the Houston market, would be anticompetitive. The Department further states that the present affiliation between Applicant and Highland Village is tenuous and

[1] All banking data are as of Dec. 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through Sept. 15, 1972.

there is a reasonable probability that the affiliation would be dissipated in the relatively near future. The Board has received no comment from the Department of Justice with respect to the application relative to Clear Lake.

Applicant asserts that Highland Village is closely tied to Applicant and that essentially the proposed acquisition is merely a corporate reorganization. Applicant further states that its lead bank, the largest in the Houston market, is a wholesale institution and does not compete with Highland Village which is a rather small retail bank located in one of the Houston suburbs. In addition Applicant contends that the Houston market is not a concentrated one, that concentration of resources there has decreased over the past 10 years, and is likely to continue in that direction.

Applicant presently controls approximately 19 percent of deposits in the Houston market and ranks as the largest banking organization there.[2] Clear Lake is a small bank and is located almost 22 miles from the City of Houston. Highland Village, although substantially larger than Clear Lake, is not a large bank by the standards of the Houston market, and its location, almost 6 miles from the downtown Houston area, is not particularly attractive for purposes of entry. In fact, neither Highland Village nor Clear Lake is an attractive point of entry into the Houston market for bank holding companies located outside of that market.

On the basis of the aforestated facts, the Board regards competitive considerations as consistent with approval of the applications. However, Applicant's present share ownership and influence with with respect to South Main and Heights Bank,[3] both located in Houston, Tex., present some adverse competitive considerations with respect to the applications herein. In the Board's judgment, common control over (1) Highland Village and Clear Lake, and (2) South Main and Heights banks, four banks located in the Houston market, would be anticompetitive. Although Applicant's ownership of voting shares in South Main is only 8.9 percent and, in Heights Bank only 0.5 percent, it is clear, from the record, that Applicant has more than a little influence over those banks; the existence of common stockholders and interlocking directors (between (a) Applicant's system and (b) South Main and Heights banks) add to Applicant's influence with respect to those banks. The Board has denied approval for the acquisition of additional shares in South Main and Heights State banks by Applicant (Order dated Jan. 4, 1973) because the Board concluded that an extension of Applicant's influence over those banks would be anticompetitive and not in the public interest. Consistent with those conclusions, the Board is of the view that Applicant's retention of its present influence over the South Main and Heights banks presents competitive considerations adverse to approval of Applicant's acquisition of the two Houston market banks subject of the applications herein. Accordingly, the Board proposes to approve the applications herein on condition that Applicant divest itself of direct or indirect control, or control through one or more other persons, of any and all voting shares, in excess of 5 percent of the voting shares, of (1) South Main Bank and (2) of Heights State Bank, such divestiture to be effected within 6 months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and of Clear Lake and of Highland Village are regarded as generally satisfactory, particularly in view of the commitment of Applicant to provide additional capital for its lead bank. These considerations are consistent with approval of the applications. The convenience and needs of the community to be served are also consistent with approval of the applications. The Board finds that the two proposed acquisitions are in the public interest, provided the Applicant effects the aforementioned divestitures, and should be approved on condition that such divestitures are effected within a 6-month period.

On the basis of the record, and for the reasons summarized above,[4] the applications are approved, on condition that Applicant divest itself on or before June 4, 1973, of direct or indirect control, or control through one or more persons, of any and all voting shares in excess of 5 percent of the (a) South Main Bank and (b) Heights State Bank. The acquisitions shall not be consummated (a) before February 3, 1973, nor (b) later than April 4, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority. The time allowed herein for divestiture may be extended for good cause by the Board or by the Federal Reserve Bank of Dallas.

By order of the Board of Governors,[5] effective January 4, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-586 Filed 1-11-73;8:45 am]

[2] The Houston banking market is approximated by the Houston Standard Metropolitan Statistical Area (SMSA), which includes Clear Lake City.

[3] The record supporting the Board's Order (of Jan. 4, 1973) denying approval with respect to applications for acquisition of shares of these two banks is incorporated herein by reference.

[4] Statement concurring in part and dissenting in part of Governors Daane and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[5] Voting for approval: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher. Voting for conditioning of approval: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Bucher. Voting against imposition of a condition: Governors Daane and Sheehan.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Denying Approval for Acquisition of Banks

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successors by acquisition of assets and assumption of liabilities to (1) South Main Bank (South Main) and (2) Heights State Bank (Heights Bank), both located in Houston, Tex. The successor banks to South Main and Heights Bank have no significance except as a means to facilitate the acquisition of voting shares of South Main and Heights Bank. Accordingly, the proposed acquisitions are treated herein as proposed acquisitions of the shares of South Main and of Heights Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 10 banks with total deposits of approximately $1.6 billion, representing about 5.2 percent of deposits of commercial banks in Texas and is the third largest banking organization in the State.[1] Applicant also has interests in 15 other banks ranging from 0.02 to 14.3 percent of voting shares. Acquisition of South Main (deposits of about $72 million) and acquisition of Heights Bank (deposits of about $60 million) would result in no significant increase in the concentration of banking resources in Texas.

The Department of Justice filed comments on each of the proposed transactions and concluded that the acquisition by Applicant of either South Main or Heights Bank (or both) would have significantly adverse effects on competition in the Houston market. The Department takes the position that the Houston market is concentrated and that an acquisition by Applicant, which is the largest banking organization in the market on the basis of deposits, of either (or both) of the two additional banks, which rank respectively 14th and 17th in the Houston market, would be anticompetitive. The Department further states that the affiliation between Applicant and each of the

[1] All banking data are as of Dec. 31, 1971, and represent bank holding company formations and acquisitions approved by the Board through Sept. 15, 1972. Applicant's share of Texas and Houston area deposits does not include the deposits of Highland Village State Bank, Houston, Tex., and First State Bank of Clear Lake City, Clear Lake City, Tex., the acquisitions of which by Applicant have been conditionally approved by the Board as of this date.

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two banks sought to be acquired is tenuous and that there is a reasonable probability that it would be dissipated in the relatively near future.

In reply to Justice's comments, Applicant asserts that the Houston market is not a concentrated one, particularly when compared to banking markets of comparable size. Applicant also urges that the level of concentration in Houston has decreased over the past 10 years and there is every indication of such a trend continuing into the future. Applicant further asserts that South Main and Heights Bank are strongly tied to Applicant and that the proposed acquisitions are a corporate reorganization rather than acquisitions of independent units. Applicant also states that its lead bank is a wholesale institution and does not compete with either South Main or Heights Bank which are oriented toward a different type of customer and business than is the lead bank.

Applicant presently controls about 19 percent of the deposits in the Houston market and ranks as the largest banking organization there.[2] Both South Main and Heights Bank are in or immediately adjacent to the downtown Houston area; South Main is only 1 mile south of Applicant's lead bank and Heights Bank is approximately 2.5 miles north and west of the lead bank of Applicant. On the basis of location and size, each of the two proposed acquisitions is an attractive entry vehicle for a holding company wishing to enter the Houston market.

The Board recognizes that the Houston banking market is an attractive one for entry, and deems it important that banks of the size and location of South Main and Heights Bank be available as entry points by outside banking organizations that would be able to provide meaningful competition to large banking organizations, such as Applicant. The Board also concludes that the addition of South Main's or Heights Bank's market shares to Applicant's would strengthen the market position of Applicant in Houston without providing any offsetting public benefits.

Applicant has strongly urged that the acquisitions of South Main and Heights Bank are not acquisitions of independent banks, but constitute rather the restructuring of existing corporate relationships. Applicant acquired a stock interest in Heights Bank about 12 years after it was organized and owns approximately 0.5 percent of the voting shares of Heights Bank. Applicant asserts that itself, its lead bank, and Heights Bank have many officers and directors in common. However, this common sharing of officers and directors appears to rest on shares held by a large number of individuals (rather than corporate entities) who have interests in both Applicant and Heights Bank. It appears that directors and officers of Applicant own approximately 15.3 percent of Heights Bank stock, and 146 shareholders who own 50 percent of Applicant's stock own approximately 55 percent of Heights Bank stock. Such individual holdings lack the permanence of a corporate holding and on the facts herein, a termination or diffusion would tend to lead to the end of the sharing of common officers and directors. This is particularly likely inasmuch as the number of individuals in the smallest "control group" postulated by Applicant apparently exceeds 15.

The same analysis can be made with regard to South Main. Applicant owns a larger share of the voting stock of South Main than of Heights Bank, but the total still is only 8.9 percent. Applicant did not acquire a stock interest in South Main until some 8 years after it was initially chartered. Again the fact that there are common officers and directors existing among Applicant, its lead bank, and South Main is not a compelling consideration in view of the fact that this control rests on shares owned by a large number of individuals associated with Applicant. It appears that 137 shareholders who own over 50 percent of Applicant's stock own 44 percent of South Main's stock. Many of these individuals have greatly disparate interests in Applicant and its lead bank on the one hand, and South Main on the other; i.e., a shareholder with a large equity interest in Applicant generally seems to have a small equity in South Main. As in Heights Bank, the number of individuals in the smallest "control group" apparently exceeds 15. It is not an unlikely prospect that common ownership will be diminished or terminated in the foreseeable future and that South Main may become a viable competitor in the market, independent of the influence of Applicant.

The Board concludes, therefore, that competitive considerations weigh against approval of the acquisition of either South Main or Heights Bank by Applicant.

The financial and managerial resources and prospects of Applicant and its subsidiaries are regarded as generally satisfactory, particularly in view of the commitment of Applicant to provide additional capital for its lead bank. The financial and managerial resources and prospects of South Main and Heights Banks are also regarded as generally satisfactory whether as subsidiaries of Applicant or as independent institutions. These considerations are consistent with approval of the applications, but lend no weight for approval. The convenience and needs of the community involved are also consistent with approval of the applications, but do not present considerations to outweigh adverse competitive effects which would arise from acquisition of South Main or Heights Bank by Applicant. The Board finds that neither of the proposed acquisitions is in the public interest and each should be denied.

On the basis of the record, the applications are denied for the reasons summarized above.[3]

By order of the Board of Governors,[4] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-587: Filed 1-11-73;8:45 am]

[2] The Houston banking market is approximated by the Houston Standard Metropolitan Statistical Area (SMSA).

[3] Dissenting statement by Governors Daane and Sheehan filed as part of the original document and available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[4] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Bucher. Voting against this action: Governors Daane and Sheehan.

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Notice of Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on January 1, 1973, and ending on June 30, 1973, is 7⅛ percent per annum.

Dated: January 9, 1973.

RICHARD T. BURRESS,
Chairman.

[FR Doc.73-651 Filed 1-11-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

Establishment

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans (except revolving line of credit) approved on or after January 1, 1973, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: eight and three-quarters (8¾%) per centum per annum. On immediate participation loans approved on or after January 1, 1973, the maximum interest rate shall be seven and three-quarters (7¾%) per centum per annum. Said maximum interest rates shall remain in effect until further amendment or revision.

This notice implements the notification of maximum interest rates as provided in § 120.3(b)(2)(vi) of Part 120 (36 FR 21332).

Effective date: January 1, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-691 Filed 1-11-73;8:45 am]

[License Application No. 05/05-5091]

GLENCO ENTERPRISES, INC.

Notice of Application for License as a Limited Small Business Investment Company

An application for a license to operate as a limited small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Glenco Enterprises, Inc. (applicant) with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Edward L. Wilkerson, President, Director, 1464 East 105th Street, Cleveland, OH 44106.

Lewis F. Wright, Jr., Vice President, Director, 18502 Scottsdale Boulevard, Shaker Heights, OH 44122.

Griffin M. Allen, Secretary-Treasurer, Director, 1257 East 105th Street, Cleveland, OH 44108.

The applicant, an Ohio corporation, with its principal place of business located at 1257 East 105th Street, Cleveland, OH 44106, will begin operations with $150,000 of paid-in capital, consisting of 3,000 shares of common stock. All of the issued and outstanding stock will be owned by six stockholders, each owning 500 shares.

According to the company's stated investment policy its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under that management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, not later than January 29, 1973, submit written comments to SBA on the proposed licensee. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Cleveland, Ohio.

Dated: January 3, 1973.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-692 Filed 1-11-73;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 73-1]

TRADE INFORMATION COMMITTEE

Notice of Public Hearing

Notice of public hearing requesting views regarding Trade Agreement between European Economic Community and the United Arab Republic effective January 1, 1973.

Notice is hereby given pursuant to § 2003.2 of the regulations of the Trade Information Committee of the Office of the Special Representative for Trade Negotiations (36 FR 23620, Dec. 11, 1971) that a public hearing will be held beginning at 10 a.m. on February 9, 1973, in Conference Room 730, 1800 G Street NW., Washington, DC, for the purpose of providing an opportunity to the public to present all facts and views pertaining to the effect on the United States of the arrangements provided in the Trade Agreement between the European Economic Community and the United Arab Republic effective January 1, 1973.

Interested parties are invited to express their views on this subject in person at the aforementioned public hearing provided they notify the Chairman of the Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Room 725, Washington, DC 20506, by January 26, 1973, of their desire to appear. Requests should be submitted in an original and fifteen copies which must be legibly typed, printed, or duplicated and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Requests to present oral testimony should not contain any confidential information. Any requests marked "For Official Use Only" or similarly marked will not be accepted.

Each party will be notified if his request to appear has been granted. If not, the reasons for the denial shall be given. If so, he will be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. (The Committee reserves the right to restrict the time allotted for presentation of oral testimony.) Each party desiring to present oral testimony will also be required to submit a written brief to the Chairman of the Trade Information Committee which must be received by February 2, 1973. The brief must include a statement in nonconfidential form of the position taken and supporting arguments. It must be submitted in not less than 20 copies which must be legibly typed, printed, or duplicated.

Interested parties not wishing to appear in person may also submit written briefs to the Chairman of the Trade Information Committee.

Parties are encouraged to support their briefs with all available information, including material that may be of a confidential nature. Reference should be had to § 2003.8 of the regulations of the Committee governing information exempt from public inspection. All written materials other than confidential information filed with the Committee in connection with the hearing will be open to public inspection by appointment, at Room 725, 1800 G Street NW., Washington, DC 20506.

Interested parties should note that pursuant to § 2003.4(d), a "written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position." Among the subjects which parties discuss in their briefs, it would be useful if at least the following were presented in detail:

(a) The exact nature of the foreign trade arrangements and actions which are to be examined, and the evidence supporting a description of these arrangements and actions;

(b) The effect upon the United States of the arrangements and actions described, and in particular, whether and to what extent U.S. industries, firms, or workers are harmed;

(c) A careful legal analysis of U.S. and foreign country international obligations relating to the arrangements and actions;

(d) Possible responses or actions of the United States to the arrangements or actions discussed in (a);

(e) The effect of such U.S. responses or actions not only on the United States but on foreign countries, including countries participating in arrangements and actions discussed in (a); and

(f) The responses or actions of the United States discussed in (d) which the interested party recommends or prefers.

JOHN JACKSON,
General Counsel, Acting Chairman, Trade Information Committee.

JANUARY 9, 1973.

[FR Doc.73-729 Filed 1-11-73;8:45 am]

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TARIFF COMMISSION

[AA1921-113]

MANUAL HOISTS FROM LUXEMBOURG

Notice of Investigation and Hearing

Having received advice from the Treasury Department of December 29, 1972, that manual hoists from Luxembourg are being, or are likely to be sold at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t. on February 20, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, February 15, 1973.

Issued: January 9, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-711 Filed 1-11-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 39-72]

CONTROL OF DATA AND INFORMATION COLLECTED BY THE BUREAU OF LABOR STATISTICS

DECEMBER 29, 1972.

1. *Purpose.* To establish policy and procedures for the handling of data and information collected by the Bureau of Labor Statistics and employed or processed either by the Bureau, by or for some other Administration or Office within the Department, or by persons or agencies outside the Department in order to protect the confidentiality of information regarding specific firms or individuals. Among other things, this order is intended to centralize and clarify the authority and responsibility for application to such data and information of the provisions of 5 U.S.C. 552 and 29 CFR Part 70.

2. *Background.* The Bureau of Labor Statistics of the Department of Labor (referred to hereinafter as BLS) collects a large quantity of individual and establishment data in the course of its operations. A great deal of this data is provided voluntarily by individuals and establishments who would not themselves make it available to members of the public. This voluntary cooperation is facilitated by informants' understanding that information supplied by them will not be publicly disclosed or used in such a way as to constitute an unwarranted invasion of personal privacy, a serious financial disadvantage to such informant, or a disclosure of privileged or confidential trade secrets and commercial or financial information. The continuing availability of such information furnished voluntarily and accepted under a pledge of confidentiality is essential to the maintenance of BLS and various other departmental programs. In recent years there has been a growth in the number of Federal-State and intra and interdepartmental cooperative programs as well as an expanded use of contractors and of computer technology in information processing. Consequently, the application of the Department of Labor's policy on confidentiality needs to be clarified in the light of these changed circumstances.

3. *Policy.* It is the policy of the Department of Labor:

(a) That all data collected by BLS shall, at all times, be subject to the primary jurisdiction and control of the Commissioner of Labor Statistics in regard to any matter involving the public or intragovernmental disclosure of such data.

(b) That all employees of the Department shall be subject to rules promulgated by the Commissioner of Labor Statistics governing the disclosure of confidential data and information collected by BLS. (Commissioner's Administrative Order No. 6-2.)

(c) That no official or employee of the Department regardless of the subdivision he represents who, under rules promulgated by the Commissioner of Labor Statistics, has access to or knowledge of data collected by BLS, shall disclose any information from or pertaining to such data in such a way as to identify any individual respondent or other data source to any person except pursuant to the written approval of the Commissioner of Labor Statistics.

4. *Scope.* This policy applies to all administrations and offices of the Department of Labor and to all programs and projects including Federal-State cooperative programs sponsored or participated in by the Department in which BLS data is processed or employed.

5. *Definitions.* For the purposes of this Secretary's order:

(a) Data includes, but is not limited to, information provided by individuals subject to a pledge of confidentiality.

(b) Individual includes, but is not limited to, a person, household, corporation, or other business or public service enterprise.

6. *Assignment of responsibilities.* (a) The "Commissioner of Labor Statistics" is responsible for approving the confidentiality policies and procedures relating to the protection of BLS data in connection with any activities of non-BLS organizations within or outside the Department of Labor which provide collection or processing support services to BLS programs or are otherwise allowed access to such data. The Commissioner will certify that all relevant activities of such an organization meet the appropriate standards of confidentiality before any BLS data is entrusted to that organization for any purpose. In addition, he will have the responsibility pursuant to 29 CFR Part 70 for passing upon all requests for public disclosure of data collected by BLS whether the data requested is in the physical possession of that Bureau or not.

(b) The "Solicitor of Labor" is responsible for reviewing and approving the confidentiality policies and procedures promulgated by the Commissioner of Labor Statistics in the light of the Department's general disclosure regulations, 29 CFR Part 70, the Freedom of Information Act (5 U.S.C. 552) and any other pertinent provisions of law.

(c) The "heads of Administrations and Offices" of the Department of Labor are assigned the responsibility for promulgating, implementing, and insuring continued compliance with procedures and policies consistent with this Secretary's Order.

7. *Directives Affected.* Secretary's Order No. 25-72 is canceled by this order.

8. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 29th day of December 1972.

J. D. HODGSON, *Secretary of Labor.*

[FR Doc.73-720 Filed 1-11-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 154]

ASSIGNMENT OF HEARINGS

JANUARY 9, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-29392 Sub 18, Les Johnson Cartage Co., now assigned January 22, 1973 (1 week), at Chicago, Ill., is postponed to February 12, 1973, at the Holiday Inn, 644 North Lake Shore Drive, Chicago, IL.

MC 113362 Sub 249, Ellsworth Freight Lines, Inc., now being assigned hearing February 1, 1973 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

No. 35655, Clougherty Packing Company v. Burlington Northern, Inc., et al., now assigned January 31, 1973, at Washington, D.C., postponed indefinitely.

RRA-No. MC 1289, Asacon Auto Transport, Inc., now assigned January 30, 1973, at Washington, D.C., postponed to February 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134477 Sub 24, Schanno Transportation, Inc., now assigned February 5, 1973, at New York, N.Y., is canceled and application dismissed.

MC 136849 Sub 1, E & H Distributing Co., now assigned February 13, 1973, at Carson City, Nev., canceled and reassigned to February 13, 1973, at the auditorium of Atomic Energy Commission, 2753 South Highland, Las Vegas, NV.

MC-C-7166, Travel Center of Waterbury, Inc. v. Continental Trailways, Inc., et al., MC-C-7631, Travel Center of Waterbury, Inc. v. Eastern Ski Tours, Inc., et al., now assigned January 29, 1973, at New York, N.Y., will be held in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC-F-11644, Maplewood Equipment Co.—Control & Merger—Inter-City Transportation Co., Inc., et al., FD 27179, Maplewood Equipment Co., now assigned January 31, 1973, at Newark, N.J., will be held at the Robert Treat Hotel, 50 Park Place.

MC 1367 Sub 5, Owl Transfer and Storage Co., Inc., now assigned February 5, 1973, at Seattle, Washington, will be held in Room 4054, Federal Office Building, 909 First Avenue.

MC 42894, Frank M. Herbert, Inc., now assigned January 15, 1973, at New York, N.Y., is cancelled and transferred to modified procedure.

MC 98701 Sub 3, Cleveland Express, Inc., now being assigned hearing April 2, 1973, at Knoxville, Tenn., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-713 Filed 1-11-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 9, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 29, 1973.

FSA No. 42601—*Iron or Steel Articles to Harlingen, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-371), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from points in eastern, southern, southwestern and western territories, to Harlingen, Tex.

Grounds for relief—Rate relationship.

Tariff—Supplement 355 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4753. Rates are published to become effective on February 8, 1973.

FSA No. 42602—*Blacks from Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-374), for interested rail carriers. Rates on blacks (carbon gas or oil blacks) and blacks, chemical carbon, in carloads, as described in the application, from specified points in Louisiana and Texas, to Institute, W. Va.

Grounds for relief—Rate relationship.

Tariff—Supplement 44 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4983. Rates are published to become effective on February 16, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-714: Filed 1-11-73;8:45 am]

[Notice 191]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the applications. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 1, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74110. By order entered December 15, 1972, the Motor Carrier Board approved the transfer to Sallee Horse Vans, Inc., Lexington, Ky., of the operating rights set forth in Certificate No. MC-107933, issued March 8, 1966, to Murlogg Farm Van Co., Inc., Louisville, Ky., authorizing the transportation of livestock, other than ordinary, for breeding, racing, show, and other special purposes, and in the same vehicle with such livestock, personal effects of attendants, trainers, and exhibitors, and supplies and equipment used in the care and exhibition of such animals, between points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Texas, Oklahoma, Nebraska, Kansas, Iowa, Missouri, Illinois, Indiana, Ohio, Kentucky, Michigan, Tennessee, and Arkansas. R. Bruce Lankford, 217 East Main Street, Georgetown, KY 40324, and Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036, attorneys for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-716 Filed 1-11-73;8:45 am]

[Notice 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 9, 1973.

The following are notices of filing of applications* for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9279 (Sub-No. 5 TA), filed December 27, 1972. Applicant: C. P. CRASKA, INC., 207 Cosby Manor Road, Utica, NY 13502. Applicant's representative: Murray Kishtein, 118 Bleecker Street, Utica, NY 13501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and meat packinghouse articles, from Syracuse, N.Y.*, to points in the Counties of Bradford, Cameron, Crawford, Elk, Erie, Forest, McKean, Potter, Tioga, Venango, and Warren in the State of Pennsylvania, *returned, refused, and rejected commodities of the same description in the reverse direction*, for 180 days. Supporting shipper: Claude Stewart, Traffic Manager, John Morrel & Co. (1400 North Weber Avenue), Sioux Falls, SD 57103. Send protests to: District Supervisor Morris H. Gross, Interstate Commerce Commission, Room 104 O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

*Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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No. MC 20546 (Sub-No. 17 TA), filed December 22, 1972. Applicant: C. MALONE TRUCKING, INC., Rear 154 Newton Street, Waltham, MA 02154. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lumber* from Providence, R.I., to points in Maine, Massachusetts, Connecticut and Rhode Island, for 180 days. Supporting shippers: Shepard & Morse Lumber Co., 2001 Beacon Street, Brooklyne, MA 02146; Blanchard Lumber Co., Mill Pond Road, Walpole, Mass. 02081 and A. C. Dutton Lumber Corp., Providence R.I. Terminal, Poughkeepsie, N.Y. 12603. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, MA 02114.

No. MC 27754 (Sub-No. 17 TA), filed December 21, 1972. Applicant: FRANK J. KUBLY TRANSFER, INC., Post Office Box 135, Highway 11–81 East, Monroe, WI 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Hopkinton, Delaware County, Iowa, to Monroe, Wis., and return of *cheese factory supplies*, for 180 days. Supporting shipper: J. S. Hoffman Co., Division Anderson Clayton Foods, Post Office Box 295, 1301 18th Street, Monroe, WI 53566. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 56679 (Sub-No. 71 TA), filed October 24, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight), serving the terminal site of Harper Motor Lines, Inc., at the junction of U.S. Highway 29 and South Carolina Highway 8, near West Pelzer, S.C., as an off-route point in connection with applicant's present regular route operations between Elberton, Ga., and Greenville, S.C., under Docket MC–56679 Sub 61TA (permanent authority application pending in Docket MC 56679 Sub 63), for 180 days. NOTE: Applicant states that the requested authority can be joined with its present authority held in Docket MC 56679 and effective subs thereunder, in order to provide through service to, from, and between the above-named terminal site near West Pelzer, S.C., on the one hand, and, on the other, all of applicant's presently authorized service points, and for the purpose of interchanging with connecting carrier's at the above-named terminal site near West Pelzer, S.C. Supporting shipper: Brown Transport Corp., 125 Milton Avenue SE., Atlanta, GA 30315. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 94350 (Sub-No. 1 TA), filed December 29, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial shipments and *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture from North Windham, Maine, to points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Vermont, for 180 days. Supporting shipper: New England Heritage Homes, Inc., North Windham, Maine. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 98964 (Sub-No. 11 TA), filed December 4, 1972. Applicant: PALMER BROTHERS, INCORPORATED, 960 North 1200 West, Post Office Box 37, Orem, UT 84057. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment and handling), (1) between Salt Lake City, Utah, and Fillmore, Utah, over U.S. Highway 91, serving all intermediate points between Levan and Fillmore, including Levan; (2) between Salt Lake City and Delta, Utah, serving points within the area of Delta extending 50 miles on the west, 32 miles on the north, 20 miles on the east, 13 miles on the south of Delta, as follows: (a) Between Salt Lake City and Santaquin over U.S. Highway 6; (b) between Salt Lake City and Holden over U.S. Highway 91, thence to Delta over Utah Highway 91, thence to Delta over Utah Highway 26; (c) between Salt Lake City and Nephi, over Highway 91, thence to Delta over Utah Highways 132 and 148, and return over the same route, serving all intermediate points and the off-route point of Jericho, Utah; (3) between Salt Lake City, Utah, and Silver City, Utah, over U.S. Highway 91 to Santaquin, Utah, and U.S. Highway 6 from Santaquin, Utah, to Silver City, Utah, and all intermediate points between Payson, Utah, and Silver City, Utah; (4) between Payson, Utah, and Santaquin, Utah, over U.S. Highway 91, serving all intermediate points; (5) between Santaquin, Utah, and Jericho, Utah, serving all intermediate points, over U.S. Highway 6, service to off-route points south of Payson, Utah; (6) between Delta, Utah, and the Utah-Nevada State line over U.S. Highway 6, serving all off-route points 25 miles on either side of said Highway 6; (7) between Salt Lake City, Utah, and Provo, Utah, over U.S. Highway 91, serving all intermediate points in Utah County;

(8) Between Salt Lake City, Utah, on the one hand, and points including and lying between (a) Fairview and Kanab; and (b) Mona and Pigeon Hollow Junction, on the other hand, over the following routes: (a) Between Salt Lake City and Spanish Fork over U.S. Highway 91; (b) between Springville and junction of U.S. Highways 50 and 6, about 4 miles east of Spanish Fork, over U.S. Highway 50; (c) between Spanish Fork and Thistle over U.S. Highway 6; (d) between Thistle and Utah-Arizona State line over U.S. Highway 89, and alternate U.S. Highway 89; (e) between Salina and, but not including Emery over Utah Highway 10; (f) between Spanish Fork and Nephi over U.S. Highway 91; (g) between Nephi and Pigeon Hollow Junction over Utah Highway 11; (h) between Moroni and Mount Pleasant over Utah Highway 116; (i) between Nephi and Gunnison over U.S. Highway 91 and Utah Highway 28, serving all intermediate points and all off-route points which are located in Sanpete County, and off-route points of Auroro, Sigurd, Venice, Glenwood, Annabella, Austin, and Monroe in Sevier County; and points between the junction of U.S. Highway 89 and Utah Highway 22, over Utah Highway 89 and Utah Highway 22, over Utah Highways 22 and 54 to and including Escalante and serving Ruby's Inn and all off-route points within 10 miles of U.S. Highway 89 in Kane County; (9) between Salt Lake City, Utah, and points intermediate between Salt Lake City and Sigurd, Utah, on the one hand, and points in Wayne County, Utah, on the other, over U.S. Highways 91 and 89 and Utah Highways 28, 24, and 117, serving the off-route points of Burriville, Koosharem, and Greenwich on Utah Highway 62 and Fish Lake on Utah Highway 25; and between Green River, Utah, and Hanksville, Utah, over Utah Highway 24; (10) between Richfield, Utah, and Sigurd, Utah, and all points in Wayne County, Utah, and between all points in Wayne County over U.S. Highway 89 and Utah Highways 28, 24, and 117; also serving the off-route points of Burriville, Koosharem, and Greenwich, on Utah Highway 62 and Fish Lake on Utah Highway 25; also serving between Green River, Utah, and Hanksville, Utah, over Utah Highway 24; also the right to use Utah Highways 50 and 24 as an alternate route in serving points in Wayne County, particularly Hanksville, in case of emergency only, such emergency, being an event which would make the use of Utah Highway 24 between U.S. Highway 89 and points to be served by applicant impassible.

Over irregular routes: Between points in Kane, Garfield, Sevier, Piute, Millard, and Juab Counties, Utah; *Provided, however*, That such service is restricted against transportation service to all points situated on U.S. Highway 91 or Interstate 15 in Millard County south of the town of Fillmore; (11) between Fredonia, Ariz., and Kanab, Utah, over U.S. Highway 89A; (12) between Kanab, Utah, and Page, Ariz., serving Page, Ariz., and a 25-mile radius of Page, Ariz., from Kanab, Utah, over U.S. Highway 89 to Page, Ariz., and return over the same route, serving all intermediate points and points within 25 miles of Page, Ariz. (B) Regular routes: *Coal*, from Salt Lake City, Utah, to Dugway, Utah, as follows: From Salt Lake City to Mills Junction, Tooele County, over U.S. Highway 40, from Mills Junction to the intersection of the road going to St. John and Utah Highway 36 over said Highway 36; thence to St. John, Utah, over Utah Highway 58; thence to Dugway, Utah, over Army access road, and return together with service from railroad at St. John and/or Stockton, Utah, to Dugway Proving Grounds, together with the alternate route from Salt Lake City to Timpie, Utah, over U.S. Highway 40, thence over unnumbered State Highway to Dugway, and return, with the right to serve the intermediate point of Timpie, Utah; and (C) *salt*, from the plants of Morton Salt Co., at Saltair, Utah, to points including lying between (a) Fairview and Marysdale and (b) Mona and Pigeon Hollow Junction, Utah, over U.S. Highway 40 between Saltair and Salt Lake City and thence over U.S. Highway 89. No local service shall under this certificate be rendered between Saltair or Salt Lake City, on the one hand and points north of Fairview and Mona on the other, for 180 days. NOTE: Applicant states that it does intend to interline with all existing carriers at Salt Lake City, Utah, and Page, Ariz., applicant is presently authorized in certificate of registration to transport general commodities between Salt Lake City, Utah, and points south to the Utah-Arizona line. This application includes request for the authority issued in the registered authority, MC–98964, plus additional authority request from the State line to Page and Fredonia, Ariz. Supported by: There are approximately 26 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC–103786 (Sub-No. 6 TA), filed December 7, 1972. Applicant: SCHJONEMAN TRUCKING, INC., Post Office Box 237, 703 South Main Street, Colby, WI 54421. Applicant's representative: Nancy J. Johnson, Suite 100, The Tregent Building, 4506 Regent Street, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Winona, Minn., to points in Wisconsin except counties of Jackson, Clark, Wood, Marathon, Portage, Adams, Juneau, Monroe, and Vernon, Wis., for 150 days. Supporting shipper: American Oil Co., 500 North Michigan Avenue, Chicago, IL 60611. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC–107010 (Sub-No. 46 TA), filed December 21, 1972. Applicant: BULK CARRIERS, INC., Post Office Box 423, Auburn, NE 68305. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer material, and ammonium nitrate*, in bulk, or in bags, from Farmland Industries, Inc., plantsite or warehouse at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming, for 180 days. Supporting shipper: Robert E. Chipley, Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 111729 (Sub-No. 366 TA), filed December 18, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, between Madison, Wis., on the one hand, and, on the other, Gray, South Bend, and Terre Haute, Ind., Bloomington, Joliet, Springfield, Ill., Cincinnati, and Columbus, Ohio; and (2) *biological laboratory samples, blood specimens, serum specimens, and business papers, records, and accounting media* moving therewith, between Morristown, N.J., on the one hand, and, on the other, Boston, Mass., and Providence, R.I., for 90 days. Supporting shippers: Management Data Systems, 315 West Gorham Street, Madison, WI 53703; Diagnostic Sciences, Inc., 146 Speedwell Avenue, Morris Plains, NJ 07950. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112014 (Sub-No. 19 TA), filed December 20, 1972. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Office: 1417 McLean Road, Mount Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, when transported in vehicles equipped with mechanical refrigeration, between points in Oregon and Washington; and (2) *fish feed*, from La Conner, Wash., to points in Oregon and Idaho, for 180 days. Suporting shippers: Chiquita Brands, Inc., 140 Sylvan Avenue, Englewood Cliffs, NJ 07632; Kelley Farquhar & Co., Post Office Box 1737, Tacoma, WA 98401; Lynden Farms, Division of Western Farmers Association, 201 Elliott Avenue West, Seattle, WA 98119; Moore-Clark Co., Division of R. V. M. Inc., Post Office Box M, La Conner, WA 98257; Terminal Ice & Cold Stg. Co., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: L. D. Boone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 First Avenue, Seattle, WA 98104.

No. MC 112014 (Sub-No. 20 TA), filed December 20, 1972. Applicant: SKAGIT VALLEY TRUCKING CO., INC., 1417 McLean Road, Post Office Box 400, Mount Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, when transported in vehicles equipped with mechanical refrigeration, between points in Oregon and Washington; (2) *Fish feed*, from La Conner, Wash., to points in Oregon and Idaho, for 180 days. Supporting shippers: Chiquita Brands, Inc., 140 Sylvan Avenue, Englewood Cliffs, NJ 07632; Kelley, Farquhar & Co., Post Office Box 1737, Tacoma, WA 98401; Lynden Farms, Division of Western Farmers Association, 201 Elliott Avenue, West, Seattle, WA 98119; Moore-Clark Co., Division of RVM, Inc., Post Office Box M, La Conner, WA 98257; and Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 112963 (Sub-No. 31 TA), filed December 22, 1972. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy, Boston Road, Billerica, Mass. 01821. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Animal feed ingredients*, dry, in bulk, in tank vehicles, from Gibson City, Ill., to Woburn, Mass., for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89, 209 New Boston Street, Woburn, MA 01801. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, MA 02114.

No. MC 113908 (Sub-No. 248 TA), filed December 21, 1972. Applicant: ERICKSON TRANSPORT CORPORATION,

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2105 East Dale Street, Post Office Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Chicago, Ill., to Nixa and Springfield, Mo., for 180 days. Supporting shipper: Standard Brands, Inc., 625 Madison Avenue, New York, NY 10022. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 116459 (Sub-No. 47 TA), filed December 21, 1972. Applicant: RUSS TRANSPORT, INC., Pineville Road, Route 5, Post Office Box 4022, Chattanooga, TN 37405. Applicant's representative: Sam Speer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from points in Knox County, Tenn., to points in Kentucky, Virginia, and Tennessee, for 180 days. Supporting shipper: Cargill Salt, 801–B West Eighth Street, Cincinnati, OH 45203. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 117565 (Sub-No. 75 TA), filed December 21, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Office: Route 3, Coshocton, OH 43812. Applicant's representative: Jack R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper* from points in Pennsylvania to the plantsite and warehouse facilities of the Stone Container Corp., Coshocton, Ohio, for 180 days. Supporting shipper: Stone Container Corp., North Fourth Street, Coshocton, Ohio 43812. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117565 (Sub-No. 76 TA), filed December 21, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Office: Route 3, Coshocton, OH 43812. Applicant's representative: Jack R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles*, weighing each less than 15,000 pounds (except motor homes), in initial movements, from points in Ross County, Ohio, to points in the United States and Alaska, for 180 days. Supporting shipper: Floater Vehicles, Inc., Route 2, Kingston, Ohio 45644. Send protests to: Frank L. Calvery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117565 (Sub-No. 77 TA), filed December 21, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Office: Route 3, Coshocton, OH 43812. Applicant's representative: Jack R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, and paper products*, from the plantsite and warehouse facilities of Stone Container Corp., Coshocton, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Stone Container Corp., North Fourth Street, Coshocton, Ohio 43812. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117565 (Sub-No. 78 TA), filed December 21, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Office: Route 3, Coshocton, OH 43812. Applicant's representative: Jack R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite and warehouse facilities of Castle Manufacturing, at or near Mason, Ohio, to points in Michigan, Indiana, Kentucky, West Virginia, and Pennsylvania, for 180 days. Supporting shipper: Castle Manufacturing, Inc., Castle Drive, Post Office Box 195, Mason, OH 45040. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 119639 (Sub-No. 8 TA), filed December 27, 1972. Applicant: INCO EXPRESS, INC., 3600 South 124th Street, Seattle, WA 98168. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 207 and 766 (except hides and commodities in bulk), from points in King and Pierce Counties, Wash., to ports of entry on the United States-Canada international boundary at or near Blaine, Wash., for 180 days. Supporting shipper: Cudahy Co., 2203 Airport Way South, Post Office Box 3545, Seattle, WA 98124. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 123048 (Sub-No. 240 TA), filed December 22, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53403, Post Office Box A 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Prefinished and unfinished plywood*, from Baltimore, Md., Camden and Newark, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, Wisconsin, and Pennsylvania west of U.S. Highway 219, for 180 days. Supporting shipper: Weyerhaeuser Co., Tacoma, Wash. (John T. Morgans, Assistant Manager, Highway Transportation Analysis). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124344 (Sub-No. 6 TA), filed December 26, 1972. Applicant: HINER TRANSPORT, INC., 1317 South Jefferson Street, Post Office Box 621, Huntington, IN 46750. Applicant's representative: Robert W. Loser, Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream mix, ice milk, sherbert, water ices, and vegetable-fat frozen desserts*, in containers, in mechanically refrigerated vehicles, *and ice novelities*, including *water ice bars, fudge bars, ice creams bars, ice creams cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles* of a like nature, in containers, in mechanically refrigerated vehicles, from Green Bay, Wis., to Huntington, Ind., Cincinnati, Ohio, and Louisville, Ky., and from Huntington, Ind., to Madison, Wis., restricted to operations performed under a continuing contract or contracts with Sealtest Foods Division Kraftco Corp., for 180 days. Supporting shipper: Sealtest Foods Division Kraftco Corp., 435 West State Street, Huntington, IN. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 124708 (Sub-No. 41 TA), filed December 21, 1972. Applicant: MEAT PACKERS EXPRESS, INC., 222 72d Street, Omaha, NE 68114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., Dakota City and West Point, Nebr., Fort Dodge and Mason City, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites

and warehouse facilities of Iowa Beef Processors, Inc., for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 124904 (Sub-No. 3 TA), filed December 27, 1972. Applicant: GIBNEY DISTRIBUTORS, INC., 2335 Waterbury Avenue, Bronx, NY 10462. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Girl Scout cookies*, between the warehouse and storage facilities of Gibney Distributors, Inc., located in Bronx County and Smithtown Township, Suffolk County, N.Y., on the one hand, and, on the other, points in New Jersey and the counties of Nassau, Suffolk, Rockland, and Westchester, N.Y., for 180 days. Supporting shipper: Southern Biscuit Co., Terminal Place, Richmond, Va. 23261. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 133684 (Sub-No. 9 TA), filed December 18, 1972. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, WA 98422. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors and advertising materials*, in connection therewith, from Los Angeles and San Francisco, Calif., to Olympia, Tacoma, and Vancouver, Wash., for 180 days. Supporting shippers: Lucky Breweries, Inc., 615 Columbia Street, Vancouver, WA 98660; O'Farrell Distributing Co., 540 East 15th Street, Tacoma, WA 98421, and Capitol Beverages, Port of Olympia, Post Office Box 292, Olympia, WA 98507. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 134182 (Sub-No. 9 TA), filed December 29, 1972. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Post Office Box 505, Lawrence, KS 66044. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Building, 101 West 11th Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C to Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Dubuque Packing Co., at or near Mankato, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Dubuque Packing Co., Post Office Box 283, Mankato, KS 66956. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 134565 (Sub-No. 3 TA), filed December 26, 1972. Applicant: J&W TRANSPORT, INC., 2212 Hazelwood Avenue, Fort Wayne, IN 46805. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service from Topeka, Ind., to points in the United States (including Alaska, excluding Hawaii), for 180 days. Supporting shipper: Starcraft Co., Div. Bangor-Punta Operations, Inc., Topeka, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 136159 (Sub-No. 10 TA), filed December 22, 1972. Applicant: AVIS HIGGINS, doing business as, A.B.S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, sign poles, sign pole parts, electrical advertising displays, and accessories* when moving therewith, from Arlington, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Federal Sign and Signal Corp., 3015 Avenue E E., Arlington, TX 76011. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 136772 (Sub-No. 2 TA), filed December 26, 1972. Applicant: EARL L. CLYMER AND STANLEY D. BRAMMER, doing business as, B & C TRANSPORT, Route 1, Henderson, Iowa 51541. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Travel trailers*, with goose neck connectors, from the plantsite and storage facilities of Klassic Manufacturing Co., Inc., at or near Sedalia, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, and (2) *repurchased or repossessed travel trailers*, with goose neck connectors, from the destination States named above, to Sedalia, Mo., for 180 days. Supporting shipper: Klassic Manufacturing Co., Inc., Sedalia, Mo. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 106 South 15th Street, 711 Federal Office Building, Omaha, NE 68102.

No. MC 138245 (Sub-No. 1 TA), filed December 22, 1972. Applicant: SUNFLOWER PACKING CO., INC., doing business as, SUNFLOWER TRANSPORTATION, 800 East 37th Street N., Wichita, KS 67208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen meats, meat products, and meat by-products;* between Wichita, Kans., on the one hand, and, on the other, Birmingham, Mobile, and Montgomery, Ala.; Phoenix, Ariz.; Fort Smith and Little Rock, Ark.; Los Angeles, Marysville, San Francisco, and San Diego, Calif.; Denver, Fort Pierce, Hialeah, Homestead, Jacksonville, Miami, Naples, Orlando, Riveria Beach, and Tampa, Fla.; Atlanta, Augusta, Columbus, and Decatur, Ga.; Chicago, Ill.; Cedar Rapids, Council Bluffs, Des Moines, Mason City, Sioux City, and Spencer, Iowa; Covington, Fort Campbell, Louisville, and Owersboro, Ky.; Alexandria, Baton Rouge, and New Orleans, La.; Baltimore and Landover, Md.; Washington, D.C.; Detroit, Mich.; Jackson and West Point, Miss.; Kansas City, St. Joseph, and St. Louis, Mo.; Newark, Jersey City, Paterson. and Elizabeth, N.J.; New York and Boroughs, N.Y.; Charlotte, Kinston, and Raleigh, N.C.; Dakota City, Gering, Grand Island, Lincoln, Minden, Omaha, Schuyler, Scottsbluff, and York, Nebr.; Cincinnati, Ohio; Guymon, Oklahoma City, and Tulsa, Okla.; Philadelphia, Pa.; Charleston, and Columbia, S.C.; Chattanooga, Clarksville, Jackson, Knoxville, Memphis, Nashville, and Union City, Tenn.; and Roanoke, Va.; under contract with Sunflower Beef, Inc., of Wichita, Kans.; and (2) *hides*, (a) from Great Bend, Hutchinson, and Mankato, Kans., to Wichita, Kans., and (b) from Wichita, Kans., to San Francisco, Calif.; under contract with Wichita Packer Hides, Inc., of Wichita, Kans., for 180 days. Supporting shippers: Sunflower Beef, Inc., 800 East 37th Street N., Wichita, Kans.; Wichita Packer Hides, Inc., Wichita, Kans. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 138248 (Sub-No. 1 TA), filed December 29, 1972. Applicant: P. B. L., INC., 8 South Madison Street, Evansville, WI 53536. Applicant's representative: Marvin L. Mohr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alabama, Arkansas, Louisiana, Missouri, Mississippi, and Oklahoma to Tennyson, Wis., for 180 days. Supporting shipper: Quality Wood

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Treating Co., Post Office Box 175, Potosi, WI 53820. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 138248 (Sub-No. 2 TA), filed December 29, 1972. Applicant: P. B. L., INC, 8 South Madison Street, Evansville, WI 53536. Applicant's representative: Marvin L. Mohr (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and conduit and materials, supplies, and tools* used in the installation of plastic pipe, from Madison, Wis., to points in Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Hurlbut Plastic Pipe Corp., 1241 Gilson Street, Madison, WI 53703. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 138272 (Sub-No. 1 TA), filed December 20, 1972. Applicant: ALBERT ANDERSON AND ALBERT B. ANDERSON, doing business as ANDERSON TRUCKING, 310 South Grove Street, Lexington, IL 61753. Applicant's representative: Robert T. Lawley, 300 Reisch Building, 4 West Old State Capitol Plaza, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bags and bulk, from Lincoln, Ill., to points in Kentucky and Missouri, for 180 days. Supporting shipper: Clifford H. Dekesel, Manager, Transportation Service Department, Farmland Industries, Inc., Post Office Box 7305, Kansas City, MO 64116. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138285 TA, filed December 22, 1972. Applicant: KANSAS WAREHOUSE CO., INC., 245 North Rock Island Avenue, Wichita, KS 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects*, between Wichita, Kans., on the one hand, and, on the other, points in the counties of Allen, Barber, Barton, Bourbon, Butler, Chase, Chautauqua, Cherokee, Clark, Comanche, Cowley, Crawford, Edwards, Elk, Ford, Greenwood, Harper, Harvey, Hodgeman, Kingman, Kiowa, Labette, Marion, McPherson, Montgomery, Neosho, Ness, Pawnee, Pratt, Reno, Rice, Rush, Sedgwick, Stafford, Sumner, Wilson, and Woodson, Kans., for 180 days. NOTE: Applicant states it will join with other carriers at Wichita, Kans. Supporting shipper: U.S. Military, McConnell Air Force Base, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

MOTOR CARRIERS OF PASSENGERS

No. MC 138254 (Sub-No. 1 TA), filed December 29, 1972. Applicant: MT. SNOW SHUTTLE SERVICE, INC., Dix Hills Road, Wilmington, VT 05363. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in 12-passenger limousines, including driver, in a door-to-door service, from Boston, Mass., and New York, N.Y., to Vermont communities ton, Jacksonville, Wardsboro, West of East and West Dover, Dover, Wilming-Wardsboro, South Newfane, and Marlboro and return, for 90 days. Supported by: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Martin P. Monaghan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-715 Filed 1-11-73;8:45 am]

[No. MC-128648 (Sub-No. 7)]

TRANS UNITED, INC.

Extension of Additional Points

Order. At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 17th day of November 1972.

Investigation of the matters and things involved in this proceeding having been made, and said review board, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon:[1]

It is ordered, That said application, except to the extent granted in said report, be, and it is hereby, denied.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the Interstate Commerce Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority made in said report shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-712 Filed 1-11-73;8:45 am]

[1] Filed as part of the original document.

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Volume 38 ■ Number 8

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 8—Pt. II——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications and Supersedeas Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494), as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following: A new Area Wage Determination Decision number AP–602 for the States of Illinois, Indiana, Kentucky, Missouri, Ohio, and West Virginia.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Arizona	AP–223 (AP–258), Aug. 18, 1972.
Georgia	AP–106 (AP–149); AP–107 (AP–148), July 21, 1972.
Idaho	AM–6,711 (AP–257), March 24, 1972.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; the Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded):

Arkansas	AP–319, Aug. 25, 1972. AP–365, Dec. 8, 1972.
Idaho	AP–228, Aug. 25, 1972.
Kansas	AP–500, Aug. 11, 1972. AP–516; AP–517, Dec. 8, 1972.
Louisiana	AP–363, Dec. 1, 1972.
Massachusetts	AP–415, Sept. 1, 1972.
Missouri	AP–516; AP–517, Dec. 8, 1972.
Pennsylvania	AM–1,855; AM–1,858; AM–1,861; AM–1,866, Aug. 20, 1971. AP–423; AP–424, Sept. 29, 1972. AP–429; AP–430, Oct. 6, 1972.
Texas	AP–343; AP–344; AP–345, Sept. 29, 1972. AP–355, Nov. 3, 1972. AP–371, Dec. 22, 1972.

Signed at Washington, D.C., this 5th day of January 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, and West Virginia

DECISION NUMBER: AP-602

DATE: Date of Publication

DESCRIPTION OF WORK: Dredging on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; and the Upper Mississippi River between Miles 0.0 and 195.0.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.	Others
Area I - Within the geographical Jurisdiction of the St. Louis District, Corps of Engineers.						
Leverman, Engineer, Mechanic, and Boatman	$8.73					
Oiler and Helper	7.83					
Area II - Within the geographical Jurisdiction of the Louisville District, Corps of Engineers.						
Levermen, Engineer, Mechanic, and Boatman	$8.23					
Oiler	6.85					
Helper	7.07					
Area III - Within the geographical Jurisdiction of the Huntington District, Corps of Engineers.						
Leverman	$8.19					
Engineer, Mechanic & Boatman	7.85					
Oiler	6.33					
Helper	6.68					

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MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-319 - Mod. #3 (37 FR 17303 - August 25, 1972) Union County, Arkansas						
Omit:						
Electricians:						
Electrical contracts $3,000 or less:						
Electricians	$6.45	.25	1%		½%	
Cable splicers	6.75	.25	1%		½%	
Electrical contracts over $3,000:						
Electricians	7.15	.25	1%		½%	
Cable splicers	7.45	.25	1%		½%	
Add:						
Electricians:						
Electrical contracts $20,000 or less:						
Electricians	7.00		1%		½%	
Cable splicers	7.30		1%		½%	
Electrical contracts over $20,000:						
Electricians	7.70		1%		½%	
Cable splicers	8.00		1%		½%	
DECISION #AP-365 - Mod. #1 (37 FR 26203 - December 8, 1972) Pulaski County, Arkansas						
Change:						
Sheet metal workers	$6.90	.20	.30			
DECISION #AP-415 - Mod. #6 (37 FR 17919 - September 1, 1972) Hampden County, Massachusetts						
Change:						
Building, heavy & highway construction:						
Bricklayers; Cement masons; Marble masons; Plasterers; Stone masons; Terrazzo workers; & Tile setters:						
Holyoke	$8.60	.45	.40		.02	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-228 - Mod. #2 (37 FR 17343 - August 25, 1972) Ada, Adams, Blaine, Boise, Butte, Camas, Canyon, Cassia, Custer, Elmore, Gem, Gooding, Jerome, Lemi, Lincoln, Minnedoka, Owyhee, Payette, Twin Falls, Valley and Washington Counties, Idaho						
Change:						
Electricians: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Cos.						
Electricians	7.45	.30	1%		2/10%	
Cable Splicers	8.195	.30	1%		2/10%	
Electricians: Remaining Counties						
Electricians	7.40	.25	1%		.08	
Cable Splicers	8.14	.25	1%		.08	
Ironworkers: Remaining Counties and south of the Weiser-Gibbonsville line in Adams, Valley and Washington Counties						
Fence Erectors; Reinforcing; Structural and Ornamental	6.94	.40	.65		.01	
DECISION #AP-500 - Mod. #3 (37 FR 16308 - August 11, 1972) Sedgwick County, Kansas						
Change(Building Construction):						
Electricians	$7.45	.35	1%		1%	
Plumbers; Steamfitters	8.04	.49	.45		.04	
DECISION #AP-363 - Mod. #2 (37 FR 25638 - December 1, 1972) Rapides Parish, Louisiana						
Change:						
Bricklayers - Stonemasons	$6.00					
Roofers:						
Steep	5.30					
Flat	5.05					
Helper	3.75					
Kettleman	4.60					

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-516 - Mod. #1 (37 FR 26206 - December 8, 1972) Cass, Clay, Jackson, Platte, and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas.						
Change(Building Construction):						
Cass, Clay, Jackson, Platte, & Ray Counties, Missouri:						
Electricians(up to & including 3 stories):						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill	$6.49	.20	1%+.25	.70	.03	
Remainder of Clay, Jackson, Platte, & Cass Counties	5.89	.20	1%+.25	.70	.03	
Ray County	5.89	.20	1%+.25	.70	.03	
Electricians(4 stories):						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill	8.30	.20	1%+.25	.70	.03	
Remainder of Clay, Jackson, Platte, & Cass Counties:						
Electricians(contracts $5,000 & over)	8.30	.20	1%+.25	.70	.03	
Electricians(contracts under $5,000)	7.80	.20	1%+.25	.70	.03	
Ray County:						
Electricians(contracts $5,000 & over)	8.30	.20	1%+.25	.70	.03	
Electricians(contracts under $5,000)	7.25	.20	1%+.25	.70	.03	
Johnson and Wyandotte Counties, Kansas:						
Electricians:						
Johnson County						
Remainder of County	6.49	.20	1%+.25	.70	.03	
Wyandotte County	6.49	.20	1%+.25	.70	.03	

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-517 - Mod. #2 (37 FR 26218 - December 8, 1972) Cass, Clay, Jackson, Platte, & Ray Counties, Missouri; and Johnson & Wyandotte Counties, Kansas.						
Change:						
Building Construction(Cass, Clay, Jackson, Platte, & Ray Counties, Missouri):						
Electricians:						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill:						
Electricians	$8.30	.20	1%+.25	.70	.03	
Remainder of Clay, Jackson, Platte and Cass Counties:						
Electricians(contracts over $5,000)	8.30	.20	1%+.25	.70	.03	
Electricians(contracts under $5,000)	7.80	.20	1%+.25	.70	.03	
Ray County:						
Electricians(contracts over $5,000)	8.30	.20	1%+.25	.70	.03	
Electricians(contracts under $5,000)	7.25	.20	1%+.25	.70	.03	
Building Construction(Johnson and Wyandotte Counties, Kansas):						
Electricians	8.30	.20	1%+.25	.70	.03	

MUX 38 FR 1434-1435 8-1-83

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,855 - Mod. #8 (36 FR 16281 - August 20, 1971) Lackawanna County, Pennsylvania						
Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						
DECISION #AM-1,858 - Mod. #7 (36 FR 16294 - August 20, 1971) Luzerne County, Pennsylvania						
Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						
DECISION #AM-1,861 - Mod. #5 (36 FR 16310 - August 20, 1971) Northampton County, Pennsylvania						
Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						
DECISION #AP-429 - Mod. #1 (37 FR 21255 - October 6, 1972) Berks County, Pennsylvania						
Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						
DECISION #AP-430 - Mod. #1 (37 FR 21259 - October 6, 1972) Lehigh County, Pennsylvania						
Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						

MODIFICATIONS P. 6

DECISIONS #AM-1,855, #AM-1,858, #AM-1,861, #AP-429, #AP-430 (Cont'd)

PA-22-FEC-3 - H 1 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
WAGE GROUP 1						
Pile drivers or engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes						
Draglines						
Keystones						
All types of shovels						
Derricks						
Trench shovels						
Trenching machines						
Pavers 21E and over						
Gradalls						
All front end loaders 4 cu. yds. and over						
Tandem scrapers						
Pippin type backhoes						
Boat Captains						
Batch plant with mixer						
Drill, self contained (Drillmaster Type)						
CMI Autograde						
Machines similar to above	$8.26	4.6%	6.5%		.7%	
WAGE GROUP 2						
Conveyor Loader (Euc Type)						
Scrapers and Tournapulls						
Spreaders						
High or low pressure boilers						
Concrete pumps						
Bulldozers and Tractors						
Asphalt plant engineers						
Rollers (High grade finishing)						
All loaders under 4 cu. yds.						
Mechanic - welders						
Motor Patrols						
Machines similar to above	7.44	4.6%	6.5%		.7%	
WAGE GROUP 3						
Welding Machines						
Well Points						
Compressors						
Pumps						
Heaters						
Farm Tractors						
Form Line Graders						
Fine Grade Machines						
Ditch Witch Type Trencher						
Road Finishing Machines						
Concrete Breaking Machines						

MODIFICATIONS P. 7

DECISIONS #AM-1,855, #AM-1,858, #AM-1,861, #AP-429, #AP-430 (Cont'd)

PA-22-FEO-3 - H 2 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Rollers						
Seaman Pulverizing Mixer						
Power Broom						
Seeding Spreader						
FireMan - (For power equipment)						
Conveyor Loaders other than Euc Type Conveyors						
Machines similar to above	$6.95	4.6%	6.5%		.7%	
WAGE GROUP 4						
Fireman	6.52	4.6%	6.5%		.7%	
WAGE GROUP 5						
Oilers and Deck Hands	5.99	4.6%	6.5%		.7%	
WAGE GROUP 6						
On all machines with booms (including jibs, masts, leads, etc.)						
100 ft. and over	8.51	4.6%	6.5%		.7%	
150 ft. and over	8.76	4.6%	6.5%		.7%	
200 ft. and over	9.01	4.6%	6.5%		.7%	

DECISION #AM-1,866 - Mod. #5 (36 FR 16335 - August 20, 1971) 29 Eastern Counties, Pennsylvania

MODIFICATIONS P. 8

PA-22-FEO-3 - H 1 of 2

Change: Power Equipment Operators: WAGE GROUP 1	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Pile drivers or engineers working with dock builders and pile drivers					
All types of cranes					
All types of backhoes					
Draglines					
Keystones					
All types of shovels					
Derricks					
Trench shovels					
Trenching machines					
Pavers 21E and over					
Gradalls					
All front end loaders 4 cu. yds. and over					
Tandem scrapers					
Pippin type backhoes					
Boat Captains					
Batch plant with mixer					
Drill, self contained (Drillmaster Type)					
CMI Autograde					
Machines similar to above	$8.26	4.6%	6.5%		.7%
WAGE GROUP 2					
Conveyor Loader (Euc Type)					
Scrapers and Tournapulls					
Spreaders					
High or low pressure boilers					
Concrete pumps					
Bulldozers and Tractors					
Asphalt plant engineers					
Rollers (High grade finishing)					
All loaders under 4 cu. yds.					
Mechanic - welders					
Motor Patrols					
Machines similar to above	7.44	4.6%	6.5%		.7%
WAGE GROUP 3					
Welding Machines					
Well Points					
Compressors					
Pumps					
Heaters					
Farm Tractors					
Form Line Graders					
Fine Grade Machines					
Ditch Witch Type Trencher					
Road Finishing Machines					
Concrete Breaking Machines					

XUM

DECISION #AH-1,866 (Cont'd)

MODIFICATIONS P. 9

PA-22-1EO-3 - H 2 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Rollers						
Seaman Pulverizing Mixer						
Power Broom						
Seeding Spreader						
TireMan - (For power equipment)						
Conveyor Loaders other than Euc Type						
Conveyors						
Machines similar to above	$6.95	4.6%	6.5%		.7%	
WAGE GROUP 4						
Fireman	6.52	4.6%	6.5%		.7%	
WAGE GROUP 5						
Oilers and Deck Hands	5.99	4.6%	6.5%		.7%	
WAGE GROUP 6						
On all machines with booms (including jibs, masts, leads, etc.)						
100 ft. and over	8.51	4.6%	6.5%		.7%	
150 ft. and over	8.76	4.6%	6.5%		.7%	
200 ft. and over	9.01	4.6%	6.5%		.7%	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-423 - Mod. #2 (37 FR 20458 - September 29, 1972) Dauphin County, Pennsylvania					
Change: Building Construction: Ironworkers: Structural, ornamental and reinforcing	$8.14	.47	1.03		.05
Highway Construction: Power Equipment Operators (See Modifications Pa. 10 & 11)					
DECISION #AP-424 - Mod. #2 (37 FR 20460 - September 29, 1972) Cumberland County, Pennsylvania					
Change: Building Construction: Ironworkers: Structural, ornamental and reinforcing	8.14	.47	1.03		.05
Highway Construction: Power Equipment Operators (See Modifications Pa. 10 & 11)					

DECISIONS #AP-423, #AP-424 (Cont'd)

MODIFICATIONS P. 10

PA-22-1EO-3 - H 1 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
WAGE GROUP 1						
Pile drivers or engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes						
Draglines						
Keystones						
All types of shovels						
Derricks						
Trench shovels						
Trenching machines						
Pavers 21E and over						
Gradalls						
All front end loaders 4 cu. yds. and over						
Tandem scrapers						
Pippin type backhoes						
Boat Captains						
Batch plant with mixer						
Drill, self contained (Drillmaster Type)						
CMI Autograde						
Machines similar to above	$8.26	4.6%	6.5%		.7%	
WAGE GROUP 2						
Conveyor Loader (Euc Type)						
Scrapers and Tournapulls						
Spreaders						
High or low pressure boilers						
Concrete pumps						
Bulldozers and Tractors						
Asphalt plant engineers						
Rollers (High grade finishing)						
All loaders under 4 cu. yds.						
Mechanic - welders						
Motor Patrols						
Machines similar to above	7.44	4.6%	6.5%		.7%	
WAGE GROUP 3						
Welding Machines						
Well Points						
Compressors						
Pumps						
Heaters						
Farm Tractors						
Form Line Graders						
Fine Grade Machines						
Ditch Witch Type Trencher						
Road Finishing Machines						
Concrete Breaking Machines						

DECISIONS #AP-423, #AP-424 (Cont'd)

MODIFICATIONS P. 11

PA-22-1EO-3 - H 2 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Rollers						
Seaman Pulverizing Mixer						
Power Broom						
Seeding Spreader						
TireMan - (For power equipment)						
Conveyor Loaders other than Euc Type						
Conveyors						
Machines similar to above	$6.95	4.6%	6.5%		.7%	
WAGE GROUP 4						
Fireman	6.52	4.6%	6.5%		.7%	
WAGE GROUP 5						
Oilers and Deck Hands	5.99	4.6%	6.5%		.7%	
WAGE GROUP 6						
On all machines with booms (including jibs, masts, leads, etc.)						
100 ft. and over	8.51	4.6%	6.5%		.7%	
150 ft. and over	8.76	4.6%	6.5%		.7%	
200 ft. and over	9.01	4.6%	6.5%		.7%	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-371 - Mod. #1 (37 FR 28386 - December 22, 1972) Nueces County, Texas					
Change: Building Construction: Marble setters	$5.70				.02
Terrazzo workers	5.70				.02
Tile setters	5.70				.02
Line Construction: Lineman	7.22	.28	1%		1/2%
Cable splicer	7.345	.28	1%		1/2%
Groundman	4.74	.28	1%		1/2%

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-343 - Mod. #7 (37 FR 20488 - September 29, 1972) Bexar County, Texas						
Change: Building Construction: Plumbers - Pipefitters	$7.13	.25	.35		.10	
DECISION #AP-344 - Mod. #6 (37 FR 20491 - September 29, 1972) Travis County, Texas						
Change: Building Construction: Cement masons	5.82	.25				
Line Construction: Lineman	7.33	.28	1%		1/2%	
Ground mechanics	6.19	.28	1%		1/2%	
Groundmen	5.30	.28	1%		1/2%	
Groundmen (1st 6 mos.)	4.21	.28	1%		1/2%	
DECISION #AP-345 - Mod. #6 (37 FR 20494 - September 29, 1972) El Paso County, Texas						
Change: Building Construction: Cement masons	4.475	.26				
DECISION #AP-355 - Mod. #3 (37 FR 23523 - November 3, 1972) Lubbock County, Texas						
Omit: Building Construction: Laborers: Asphalt rakers, tampers and spreaders; pot men and kettlemen, well drillers, bell hole men, dumpers and spotters	3.80					

SUPERSEDEAS DECISION

STATE: Arizona
DECISION NO.: AP-258
COUNTY: Statewide
DATE: Date of Publication

Supersedes Decision No. AP-223, dated August 18, 1972, in 37 FR 16730.

DESCRIPTION OF WORK: Heavy and Highway Construction

*Establish a point 35 miles due north from the city hall of the City of Flagstaff and establish another point 35 miles due north from the city hall of the City of Kingman, then draw a straight line from the first point to the second point and extend that same line to the intersection of the Arizona-Nevada State Line. Establish a third point 35 miles due north of the city hall of the City of Holbrook and draw a straight line from the first point to the third point and from the third point extend a line due east to the intersection of the Arizona-New Mexico State Line.

AP-258 P.2

1-ARIZ-3-HIGHWAY

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
ZONE 1. Phoenix-Tucson + 30 miles radius:						
Linemen	$8.10	.23	5%		4%	
Cable splicers	8.39	.23	5%		4%	
Equipment operators; Hole digger; Ditching	7.62	.23	5%		4%	
Groundmen	6.61	.23	5%		4%	
ZONE 1A. Douglas-Flagstaff-Globe-Kingman-Prescott-Yuma & 10 mile radius:						
Linemen	8.68	.23	5%		4%	
Cable splicer	8.98	.23	5%		4%	
Equipment operator; Hole digger; Ditching	8.20	.23	5%		4%	
Groundmen	7.21	.23	5%		4%	
ZONE 2. Other Areas:						
Linemen	9.25	.23	5%		4%	
Cable splicers	9.53	.23	5%		4%	
Equipment operators; Hole digger; Ditching	8.78	.23	5%		4%	
Groundmen	7.80	.23	5%		4%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
BRICKLAYER: (Phoenix Area)						
Bricklayers; Manhole Builders						
Zone A (0-25 miles from the City Hall of Phoenix); Flagstaff & Yuma	$8.85	.35	.30		.03	
Zone B (25-40 miles from the City Hall of Phoenix; & Williams AFB)	9.74	.35	.30		.03	
Zone C (40-70 miles from the City Hall of Phoenix)	10.18	.35	.30		.03	
Zone D (70-100 miles from the City Hall of Phoenix)	10.62	.35	.30		.03	
Zone E (100-200 miles & over from the City Hall of Phoenix)	11.06	.35	.30		.03	
Zone F (200 miles and over from the City Hall of Phoenix)	11.51	.35	.30		.03	
BRICKLAYERS: (Tucson Area)						
Bricklayers						
Zone A (Shall be from the closest Tucson City limits through 10 miles)	7.825	.40	.30	.25	.02	
Zone B (Shall be from the closest Tucson City limits to over 10 miles & no further than 25 miles)	8.20	.40	.30	.25	.02	
Zone C (Shall be from the Closest Tucson City limits to over 25 miles & no further than 40 miles)	8.575	.40	.30	.25	.02	
Zone D (Shall be all locations over 40 miles from the closest Tucson City limits)	9.325	.40	.30	.25	.02	
Manhole Builders						
Zone A	8.075	.40	.30	.25	.02	
Zone B	8.45	.40	.30	.25	.02	
Zone C	8.825	.40	.30	.25	.02	
Zone D	9.575	.40	.30	.25	.02	
CARPENTERS:						
(Central & Southern Areas):						
Carpenters	7.75	.35	.60		.025	
Power Tools	8.25	.35	.60		.025	
(Northern Area):						
Carpenters	9.625	.35	.60		.025	
Power Tool Opr.	10.125	.35	.60		.025	
CEMENT MASONS (Central & Southern Areas)	7.585	.35	.65		.025	
CEMENT MASONS (Northern Area)	9.51	.35	.65		.025	

AP-258 P.3

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
DRYWALL INSTALLERS:						
From Court House in Phoenix, Mesa, incl. Williams AFB and Luke AFB:						
Tapers						
Zone A (0-40 miles)	$6.00	.225				
Zone B (40-60 miles)	7.00	.225				
Zone C (60 miles & over)	7.25	.225				
Texture Spraymen						
Zone A (0-40 miles)	6.10	.225				
Zone B (40-60 miles)	7.10	.225				
Zone C (60 miles & over)	7.35	.225				
DRYWALL INSTALLERS (Tucson & vicinity)	5.35					
ELECTRICIANS: (Flagstaff Area)						
Electricians						
Zone A (In Flagstaff, which shall cover that area lying in a square extending 20 miles North-South, East & West of the Post Office.) (Williams, Winslow, & Sedona covering a square extending 5 miles North-South, East & West of the Post Offices of each town)	8.90		1%+.60		1/2%	
Zone B (All territorial jurisdiction allotted outside of Zone A.)	10.40		1%+.60		1/2%	
Cable Splicers						
Zone A	9.10		1%+.60		1/2%	
Zone B	10.60		1%+.60		1/2%	
ELECTRICIANS: (Gallup Area - Northern Apache County)						
Electricians	7.35		1%		1/2%	
Cable Splicers	8.09		1%		1/2%	
ELECTRICIANS: (Globe-Miami Area)						
Electricians						
Zone A (Shall be the area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing	9.25	.30	1%		1/2%	
Zone B (Shall be from the 16th road mile and extend up to and including the 32nd road mile)	9.95	.30	1%		1/2%	
Zone C (Shall be from the 32nd road mile and extend up to and including the 48th road mile)	10.55	.30	1%		1/2%	
Zone D (Shall be from the 48th road mile and extend to the outside limits of the union's juridiction)	11.25	.30	1%		1/2%	

AP-258 P.4

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
ELECTRICIANS (Globe-Miami Area)(Cont'd)						
Cable Splicers						
Zone A	$9.50	.30	1%		1/2%	
Zone B	10.20	.30	1%		1/2%	
Zone C	10.80	.30	1%		1/2%	
Zone D	11.50	.30	1%		1/2%	
ELECTRICIANS: (Phoenix-Kingman-Prescott Area)						
Electricians						
Zone A (Phoenix & other areas - Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the North. One mile south of Pinnacle Peak Road to Cotton Lane on the West. Cotton Lane to Pecos Road on the South. Pecos Road to Price Road and from Price Road to Hunt Highway on the South. Hunt Highway to Powers Road on the East. (Kingman & other cities - Zone "A" shall be the area within 16 road miles from the City Hall or central location. Exception to the above shall be Prescott where Zone A shall be 20 road miles from the City Hall.)	8.95	.30	1%+.60		1/2%	
Zone B (Phoenix & other areas - shall be from the outside edge of Zone A up to & including 16 road miles from the outside edge of Zone A. (Kingman & other Cities-shall be from the 16th road mile and extend up to & including the 32nd road mile)	10.60	.30	1%+.60		1/2%	
Zone C (Phoenix & other areas - shall commence at 16 road miles from the outside edge of Zone "A" and extends to the outside limits of the Union's Jurisdiction.) (Kingman & other Cities - shall be from the 32nd road mile and extend to the outside limits of the Union's jurisdiction.)	11.43	.30	1%+.60		1/2%	

AP-258 P.5

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Phoenix-Kingman-Prescott Area) (Cont'd)						
Cable Splicers						
Zone A	$9.36	.30	1%+.60		1/2%	
Zone B	11.10	.30	1%+.60		1/2%	
Zone C	11.97	.30	1%+.60		1/2%	
ELECTRICIANS: (Tucson Area)						
Electricians						
Zone A (Shall be the area within 16 road miles from City Hall of Tucson & Douglas)	9.25	.30	1%		1/2%	
Zone B (Shall be from the 16th road mile and extend up to and including the 32nd road mile from Tucson only).	9.95	.30	1%		1/2%	
Zone C (Shall be from the 32nd road mile and extend up to and including the 48th road mile from Tucson only).	10.55	.30	1%		1/2%	
Zone D (Shall be from the 48th road mile and extend to the outside limits of the units jurisdiction) and - (Douglas - Zone D shall be from the 16th road mile and extend to the outside limits of the units jurisdiction).	11.25	.30	1%		1/2%	
Cable Splicers						
Zone A	9.50	.30	1%		1/2%	
Zone B	10.20	.30	1%		1/2%	
Zone C	10.80	.30	1%		1/2%	
Zone D	11.50	.30	1%		1/2%	
ELECTRICIANS: (Yuma Area)						
Electricians						
Zone A (Yuma north of Colorado River, east to County Avenue 5E, south of County 16, west to County Avenue E; Cities of Somerton and Parker)	9.05	.30	1%		1/2%	
Zone B (1-16 miles from Zone A)	9.55	.30	1%		1/2%	
Zone C (16 mi. from Zone A - 42 mi. from Zone A)	10.05	.30	1%		1/2%	
Zone D (42 miles from Zone A & out)	10.50	.30	1%		1/2%	
Cable Splicers						
Zone A	9.80	.30	1%		1/2%	
Zone B	10.30	.30	1%		1/2%	
Zone C	10.80	.30	1%		1/2%	
Zone D	11.25	.30	1%		1/2%	

AP-258 P.6

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GLAZIERS	$5.19					
IRONWORKERS: (Central & Southern Areas)						
Structural	8.58	.58	.625		.04	
Reinforcing	8.58	.58	.625		.04	
IRONWORKERS: (Northern Area)						
Structural	10.21	.58	.625		.04	
Reinforcing	10.21	.58	.625		.04	
PAINTERS: (Flagstaff Area)						
Brush						
Zone A (From Flagstaff Court House to 20 miles)	5.90					
Zone B (20-35 miles from Flagstaff Court House)	6.40					
Zone C (30-100 miles & over from Flagstaff Court House)	7.15					
Zone D (100 miles & over from Flagstaff Court House)	7.40					
Brush, steel & bridge						
Zone A	6.15					
Zone B	6.55					
Zone C	7.30					
Zone D	7.55					
Spray, steel & bridge						
Zone A	6.65					
Zone B	7.15					
Zone C	7.80					
Zone D	8.05					
Soft tile resilient & carpet						
Zone A	5.90					
Zone B	6.40					
Zone C	7.15					
Zone D	7.40					
Spray						
Zone A	6.35					
Zone B	6.85					
Zone C	7.60					
Zone D	7.85					
PAINTERS: (Phoenix Area)						
Brush						
Zone A (0-40 miles from Phoenix Court House; Mesa; & incl. Williams & Luke Fields)	6.775	.275	.20	.50	.02	
Zone B (41-60 miles from Phoenix Court House)	7.775	.275	.20	.50	.02	
Zone C (61 miles & over from Phoenix Court House)	8.275	.275	.20	.50	.02	
Brush, steel & bridge						
Zone A	7.125	.275	.20	.50	.02	
Zone B	8.125	.275	.20	.50	.02	
Zone C	8.625	.275	.20	.50	.02	

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1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (Phoenix Area) (Cont'd)						
Spray, steel & bridge						
Zone A	$7.325	.275	.20	.50	.02	
Zone B	8.325	.275	.20	.50	.02	
Zone C	8.825	.275	.20	.50	.02	
Carpet & resilient tile layers						
Zone A	6.775					
Zone B	7.775					
Zone C	8.275					
PAINTERS: (Tucson Area)						
Brush						
Zone A (1-30 miles from Tucson Post Office)	6.25	.29	.25		.02	
Zone B (31-40 miles from Tucson Post Office)	7.00	.29	.25		.02	
Zone C (41-50 miles from Tucson Post Office)	7.25	.29	.25		.02	
Zone D (51 miles & over from Tucson Post Office)	7.50	.29	.25		.02	
Brush, steel & bridge						
Zone A	7.20	.29	.25		.02	
Zone B	7.95	.29	.25		.02	
Zone C	8.20	.29	.25		.02	
Zone D	8.45	.29	.25		.02	
Spray, steel & bridge						
Zone A	7.70	.29	.25		.02	
Zone B	8.45	.29	.25		.02	
Zone C	8.70	.29	.25		.02	
Zone D	8.95	.29	.25		.02	
PAINTERS: (Yuma Area)						
Brush						
Zone I (Radius of 30 miles from the Court House of Yuma)	5.85					
Zone II (From outside edge of Yuma Zone I, 31 miles up to & incl. 50 miles from the Court House of Yuma)	6.16					
Zone III (From outside edge of Yuma Zone II, 51 miles & over from Court House of Yuma)	6.66					
Brush, steel & bridge						
Zone I	6.10					
Zone II	6.41					
Zone III	6.91					
Spray, steel & bridge						
Zone I	6.50					
Zone II	6.81					
Zone III	7.31					

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1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS:						
From nearest basing points, of Phoenix, Tucson, Douglas, Flagstaff, & Yuma						
Main Post Offices:						
Zone I (0-15 miles)	$7.74	.45	.70		.06	
Zone II (15-30 miles)	8.04	.45	.70		.06	
Zone III (30-45 miles)	8.39	.45	.70		.06	
Zone IV (45 miles & beyond)	9.49	.45	.70		.06	
ROOFERS (Tucson Area)						
Roofers & waterproofers; Asbestos Shingles & tile machine operator:						
Zone A	6.60	.35	.10		.02	
Zone B	7.85	.35	.10		.02	
ROOFERS (Phoenix Area)						
Roofers & waterproofers	6.10	.30	.20		.02	
SHEET METAL WORKERS						
From nearest basing points of Phoenix, Flagstaff, Holbrook, Yuma, & Prescott-City Hall or Administration Building:						
Zone I (0-25 miles)	7.59	.27	.32		.02	
Zone II (25-50 miles)	8.22	.27	.32		.02	
Zone III (over 50 miles)	9.56	.27	.32		.02	
SHEET METAL WORKERS						
From nearest basing points of Tucson & Douglas City Hall or Administration Building:						
Zone A (0-17 miles)	6.83	.48	1.00		.01	
Zone B (18-23 miles)	7.28	.48	1.00		.01	
Zone C (24-31 miles)	7.73	.48	1.00		.01	
Zone D (32-43 miles)	8.33	.48	1.00		.01	
Zone E (44 miles and over)	8.78	.48	1.00	.01		

XUM

AP-258 P.9

2-ARIZ-LAB-1-2-3-n (1-3)

Northern area of Arizona

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool Diggers and Installers; Chat Box Man; Checker, Tool Dispatcher; Concrete Dump Manbelt, Pipe and/or Hoseman; Dumpman and/or Sporter; Fence Builder, Guard Rail Builder Hwy.; Form Strippers; Labor, General or Construction; Landscape Gardener & Nurseryman; Packing Rod Steel and Pans; Rip Rap Stone man	$ 7.155	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete curer (Impervious membrane); Cutting Torch Operator; Fine Grader (Highway, ~~Engineering and Sewer Work only~~); Kettleman - Tarman; Power Type Concrete Buggy	7.265	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except Tunnel); Creosote Tieman; Guinea Chaser; Powderman Helper; Rip-Rap Stone Paver; Sandblaster (Pot Tender); Spikers & Wrenchers	7.375	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain Saw Machioes (on clearing and grubbing); Concrete Vibrating Machines; Cribber and Shorer (except Tunnel); Floor Sanders - Concrete; Hydraulic Jacks, and similar mechanical tools not separately herein classified; Operators and Tenders of Pneumatic and electric tools; Pipe Caulker and/or Backup Man (pipeline); Pipe Wrapper; Pneumatic Gopher; Rigger/signelman (pipeline)	7.455	.35	.60		.05	

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2-ARIZ-LAB-1-2-3-n (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D)						
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt Rakers and Ironers; Driller; Grade Setter (pipeline); Hand Guided Trencher and Similar Operated Equipment; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Scaler (using Bos'ns Chair of Safety Belt); Tampers (mechanical - all types)	$7.595	.35	.60		.05	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunnite); Sandblaster (Nozzleman)	7.90	.35	.60		.05	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunnite Nozzleman or Rodman; Drillers, Joy Mustang, PR 143,2200 Gardner-Denver, Hydrasonic; Powder Man; Scaler (Drillers); Welders and/or Pipe Layers installing process piping	8.41	.35	.60		.05	
MASON TENDERS	7.21	.30	.45		.05	
PLASTERERS' TENDERS	7.525	.30	.45		.05	
Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate, except where herein specifically covered.						
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or Bos'n Chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						

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2-ARIZ-LAB-1-2-3-n (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS: CONT'D						
TUNNEL AND SHAFT WORKERS						
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on Tunnel Work)	$7.35	.35	.60		.05	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)	7.485	.35	.60		.05	
GROUP III						
GROUT GUNMAN	7.585	.35	.60		.05	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel Blaster, Driller Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher	7.685	.35	.60		.05	
GROUP IV - A						
MINERS - Tunnel (Hand or Machine)	7.885	.35	.60		.05	
GROUP V						
DIAMOND DRILL	8.02	.35	.60		.05	
GROUP V - A						
SHAFT AND RAISE MINER WELDER	8.22	.35	.60		.05	

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2-ARIZ-PEO-1-2-3-n (1-4)

Northern area of Arizona

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
Group I						
Air Compressor Operator; Field Equip-Servicemen Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Oiler; Pump Operator	$8.06	.45	.50		.02	
Group II						
Conveyor Operator; Generator Operator-Portable; Power Grizzly Operator; Self-Propelled Chip Spreading Machine-Conveyor Operator; Watch Fireman; Welding Machine Operator - Gasoline and Diesel Power	8.35	.45	.50		.02	
Group III						
Concrete Mixer Operator-Skip Type; Dinky Operator - (under 20 tons wt.); Drivermoto Paver, Slurry Seal Machine, and similar type equipment; Motor Crane Driver; Power Sweeper Operator-Self-propelled; Ross Carrier or Fork Lift Operator; Skip Loader Operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor Operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	8.75	.45	.50		.02	
Group IV						
A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Firemen; Elevator Hoist Operator (including Tuskey Hoist or similar types); Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Pavement Breaker, Mechanical Compactor Operator, power propelled; Roller Operator - all types except as otherwise classified; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator) Stationary Pipewrapping and Cleaning Machine Operator; Tugger Operator	9.19	.45	.50		.02	

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AP-258 P. 13

2-ARIZ-PEO-1-2-3-R (2-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Groun V Aggregate Plant Operator (including crushing screening and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Machine; Boring Machine Operator; Concrete Mechanical Tamping, spreading or finishing Machine (incl. Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types & sizes; Conductor, Brakeman, or Handler; Elevating Grader Operator - all types and sizes (except as otherwise classified); Field Equipment Serviceman; Highline Cableway Signalman; Kolman Belt Loader op. or similar type, w/belt width 48" or over; Locomotive Engineer (including Dinky-20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Riggers Pneumatic-tired Scraper Op. (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment) up to & incl. 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Op. (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator-on all types asphalt pavement; Self-Propelled Compactor, with blade; Skip Loader Operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip Form Operator (Power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator - single pass type; Stationary Central Generating Plant Operator - rated 300 k.w. or more; surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator	$9.63	.45	.50		.02	
Group V-A Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to & incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat D-W Hancock, and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Op.	9.89	.45	.50		.02	

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2-ARIZ-PEO-1-2-3-S (3-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Group VI Auto-Grade Machine (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator-Paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (Truck Mounted); Crane Operator-Crawler and Pneumatic type, under 100 ton capacity MRC; Crawler type tractor Operator - with boom attachment; Derrick Operator; Forklift op. for hoisting personnel; Grade-all operatur; Helicopter Hoist; Highline Cableway Op. (less than 20 tons rated capacity); Mass Excavator Op. (150 Bucyrus Erie & similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator - any type power blade; Motor Grader Operator with elevating Grader Attachment; Mucking Machine Operator; Operating Engineer Electricians - including lineman, tower erector, cable splicers, etc.; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Op. - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power Driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Op. (including Gunnert, Zimmerman & similar types); Specialized Power Digger Op. - attached to wheel-type tractor; Tower Crane (or similar type) Op.; Tractor Op. (pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger Op. (two or more); Universal Equipment Op. - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$10.17	.45	.50		.02	
Group VII Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot - FAA qualified when used in construction work; Highline Cableway Op., over 20 ton rated capacity and using traveling						

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2-ARIZ-PEO-1-2-3-R (4-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	O
Group VII (Cont'd) head and tail tower; Remote Control Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$10.69	.45	.50		.02	
MULTIPLE-UNIT EARTH MOVING EQUIPMENT: Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50c) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.						
All Operators, Oiler, & Motor Crane Drivers on equipment with booms of 80 & over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.						

AP-258 P. 16

2-ARIZ-TD-1-2-3-e (1-2)

Northern area of Arizona

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I PICKUP; STATION WAGON; TEAMSTERS	$7.295	.35	.60		.02	
GROUP II BUGGYMOBILE, 1 C.Y. OR LESS; Bulk Cement Spreader (2 or 3 Axle); Bus Driver; Dump (2 or 3 Axle); Flatrack (2 or 3 Axle); Water (under 2500 gal.)	7.405	.35	.60		.02	
GROUP III BULK CEMENT SPREADER (4 AXLE); Dump (4 Axle); Dumptor or Dumpster, less than 7 c.y.; Flatrack (4 Axle); Water (2500 gal. but less than 4000 gal.)	7.565	.35	.60		.02	
GROUP IV BULK CEMENT SPREADER (5 AXLE); Dump (5 Axle); Dumptor or Dumpster, 7 c.y. but less than 16 c.y.; Flaherty Spreader or similar type equipment or Leverman; Flatrack (5 Axle); Slurry-Type Equipment or Leverman; Transit Mix, 8 c.y. or less mixer capacity	7.855	.35	.60		.02	
GROUP V BULK CEMENT SPREADER (6 Axle); Dump (6 Axle); Flatrack (6 Axle); Rock Truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.	7.985	.35	.60		.02	
GROUP V - A OIL TANKER OR SPREADER TRUCK DRIVER and/or Bootman, Retortman or Leverman	8.125	.35	.60		.02	
GROUP VI BULK CEMENT SPREADER (7 Axle); Concrete Pump Truck Driver, (when integral part of transit mix truck); Dump (7 Axle); Flatrack (7 Axle);						

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2-ARIZ-TD-1-2-3-e (2-2)

TRUCK DRIVERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI (CONT'D)						
Hydro Lift, Swedish Crane, Iowa 300 and similar types; Ross Carrier Fork Lift or Lift Truck; Transit Mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	$8.235	.35	.60		.02	
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 Axle); Flatrack (8 Axle)	8.575	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series. Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other Teamsters classifications; Bulk Cement Spreader (9 Axle); Dump (9 Axle); Dumptor or Dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 Axle); Rock Truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	8.99	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	9.86	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	8.03	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or Fuel Truck Driver	9.62	.35	.60		.02	
Combination Man - 30¢ over the highest rated work						
Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit						

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1-ARIZ-LAB-1-2-3-n (1-3)

Central & Southern areas of Arizona	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool Diggers and Installers; Chat Box Man; Checker, Tool Dispatcher; Concrete Dump Man-belt, Pipe and/or Hoseman; Dumpman and/or Spotter; Fence Builder, Guard Rail Builder Hwy.; Form Strippers; Labor, General or Construction; Landscape Gardener & Nurseryman; Packing Rod Steel and Pans; Rip Rap Stoneman	$5.53	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete Curer (Impervious membrane); Cutting Torch Operator; Fine Grader (Highway, Engineering and Sewer Work only); Kettleman - Tarman; Power Type Concrete Buggy	5.64	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except Tunnel); Creosote Tieman; Guinea Chaser; Powderman Helper; Rip-Rap Stone Paver; Sandblaster (Pot Tender); Spikers & Wrenchers	5.75	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain Saw Machines (on clearing and grubbing); Concrete Vibrating Machines; Cribber and Shorer (except Tunnel); Floor Sanders - Concrete; Hydraulic Jacks, and similar mechanical tools not separately herein classified; Operators and Tenders of Pneumatic and electric tools; Pipe Caulker and/or Backup Man (pipeline); Pipe Wrapper; Pneumatic Gopher; Rigger/signalman (pipeline)	5.83	.35	.60		.05	

AP-258 P. 19

1-ARIZ-LAB-1-2-3-n (2-3)

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt Rakers and Ironers; Driller; Grade Setter (pipeline); Hand Guided Trencher and Similar Operated Equipment; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Scaler (using Bos'ns Chair or Safety Belt); Tampers (mechanical - all types)	$5.97	.35	.60		.05	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunite); Sandblaster (Nozzleman)	6.275	.35	.60		.05	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunite Nozzleman or Rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powder Man; Scaler (Drillers); Welders and/or Pipe Layers installing process piping	6.785	.35	.60		.05	
MASON TENDERS	6.135	.35	.60		.05	
PLASTERERS' TENDERS	6.45	.35	.60		.05	
Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate, except where herein specifically covered						

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1-ARIZ-LAB-1-2-3-n (3-3)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or Bos'n Chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						
TUNNEL AND SHAFT WORKERS						
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on Tunnel Work)	$5.725	.35	.60		.05	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)	5.86	.35	.60		.05	
GROUP III						
GROUT GUNMAN	5.96	.35	.60		.05	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel Blaster, Driller Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher	6.06	.35	.60		.05	
GROUP IV - A						
MINERS - Tunnel (Hand or Machine)	6.26	.35	.60		.05	
GROUP V						
DIAMOND DRILL	6.395	.35	.60		.05	
GROUP V-A						
SHAFT AND RAISE MINER WELDER	6.595	.35	.60		.05	

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1-ARIZ-PEO-1-2-3-r (1-4)

Central & Southern areas of Arizona

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group I Air Compressor Operator; Field Equip-Servicemen Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Oiler; Pump Operator	$6.42	.45	.50		.02	
Group II Conveyor Operator; Generator Operator-Portable; Power Grizzly Operator; Self-Propelled Chip Spreading Machine-Conveyor Operator; Watch Fireman; Welding Machine Operator - Gasoline and Diesel Power	6.73	.45	.50		.02	
Group III Concrete Mixer Operator-Skip Type; Dinky Operator - (under 20 tons wt.); Driver-moto-Paver, Slurry Seal Machine, and similar type equipment; Motor Crane Driver; Power Sweeper Operator-Self-propelled; Ross Carrier or Fork Lift Operator; Skip Loader Operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor Operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	7.13	.45	.50		.02	
Group IV A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Firemen; Elevator Hoist Operator (including Tuskey Hoist or similar types); Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Pavement Breaker, Mechanical Compactor Operator, power propelled; Roller Operator - all types except as otherwise classified; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator) Stationary Pipewrapping and Cleaning Machine Operator; Tugger Operator	7.57	.45	.50		.02	

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1-ARIZ-PEO-1-2-3-r (2-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group V Aggregate Plant Operator (including crushing screening and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Machine; Boring Machine Operator; Concrete Mechanical Tamping, spreading or finishing Machine (incl. Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types & sizes; Conductor, Brakemen, or Handler; Elevating Grader Operator - all types and sizes (except as otherwise classified); Field Equipment Serviceman; Highline Cableway Signalman; Kolman Belt Loader op. or similar type, w/belt width 48" or over; Locomotive Engineer (including Dinky-20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Op. (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment) up to & incl. 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Op. (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator-on all types asphalt pavement; Self-Propelled Compactor, with blade; Skip Loader Operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip Form Operator (Power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator - single pass type; Stationary Central Generating Plant Operator - rated 300 k.w. or more; surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator	$8.01	.45	.50		.02	
Group V-A Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to & incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat D-W Hancock, and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Op.	8.27	.45	.50		.02	

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1-ARIZ-PEO-1-2-3-r (3-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group VI Auto-Grade Machine (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator-Paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (Truck Mounted); Crane Operator-Crawler and Pneumatic type, under 100 ton capacity MRC; Crawler type tractor Operator - with boom attachment; Derrick Operator; Forklift op. for hoisting personnel; Grade-all operator; Helicopter Hoist; Highline Cableway Op. (less than 20 tons rated capacity); Mass Excavator Op. (150 Bucyrus Erie & similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator - any type power blade; Motor Grader Operator with elevating Grader Attachment; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationery or skid rig); Pneumatic-tired Scraper Op. - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power Driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Op. (including Gunnert, Zimmerman & similar types); Specialized Power Digger Op. - attached to wheel-type tractor; Tower Crane (or similar type) Op.; Tractor Op. (pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger Op. (two or more); Universal Equipment Op. - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.55	.45	.50		.02	
Group VII Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot - FAA quelified when used in construction work; Highline Cableway Op., over 20 ton rated capacity and using traveling						

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1-ARIZ-PEO-1-2-3-r (4-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group VII (Cont'd) head and tail tower; Remote Control Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$9.05	.45	.50		.02	

MULTIPLE-UNIT EARTH MOVING EQUIPMENT:
Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50¢) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.

All Operators, Oiler, & Motor Crane Drivers on equipment with booms of 80 & over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.

Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.

Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.

1-ARIZ-TD-1-2-3-e (1-2)

Central & Southern areas of Arizona

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
GROUP I						
PICKUP; STATION WAGON; TEAMSTERS	$ 5.67	.35	.60		.02	
GROUP II						
BUGGYMOBILE, 1 C.Y. OR LESS; Bulk Cement Spreader (2 or 3 Axle); Bus Driver; Dump (2 or 3 Axle); Flatrack (2 or 3 Axle); Water (under 2500 gal.)	5.78	.35	.60		.02	
GROUP III						
BULK CEMENT SPREADER (4 AXLE); Dump (4 Axle); Dumptor or Dumpster, less than 7 c.y.; Flatrack (4 Axle); Water (2500 gal. but less than 4000 gal.)	5.54	.35	.60		.02	
GROUP IV						
BULK CEMENT SPREADER (5 AXLE); Dump (5 Axle); Dumptor or Dumpster, 7 c.y. but less than 16 c.y.; Flaherty Spreader or similar type equipment or Leverman; Flatrack (5 Axle); Slurry-Type Equipment or Leverman; Transit Mix, 8 c.y. or less mixer capacity	6.23	.35	.60		.02	
GROUP V						
BULK CEMENT SPREADER (6 Axle); Dump (6 Axle); Flatrack (6 Axle); Rock Truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.	6.36	.35	.60		.02	
GROUP V - A						
OIL TANKER OR SPREADER TRUCK DRIVER and/or Bootman, Retortman or Leverman	6.50	.35	.60		.02	
GROUP VI						
BULK CEMENT SPREADER (7 Axle); Concrete Pump Truck Driver, (when integral part of transit mix truck); Dump (7 Axle); Flatrack (7 Axle);						

1-ARIZ-TD-1-2-3-e (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: (CONT'D)						
GROUP VI (CONT'D)						
Hydro Lift, Swedish Crane, Iowa 300 and similar types; Ross Carrier Fork Lift or Lift Truck; Transit Mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	$6.61	.35	.60		.02	
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 Axle); Flatrack (8 Axle)	6.95	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other Teamsters classifications; Bulk Cement Spreader (9 Axle); Dump (9 Axle); Dumptor or Dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 Axle); Rock Truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	7.365	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	8.24	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	6.39	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or Fuel Truck Driver	7.98	.35	.60		.02	
Combination Man - 30¢ over the highest rated work						
Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit						

SUPERSEDEAS DECISION

STATE: Georgia
COUNTY: Fulton, Cobb and DeKalb
DECISION NUMBER: AP-149
DATE: Date of Publication
Supersedes Decision No. AP-106 dated 37 FR 14671 - July 21, 1972
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.40	.35	.15		.01	
Boilermakers	6.85	.40	.60		.01	
Bricklayers:						
Bricklayers and stonemasons	8.00	.30	.30		.05	
Marble masons, terrazzo workers and tile setters	7.45	.30	.30			
Carpenters:						
Carpenters and soft floor layers	7.40	.35	.35		.015	
Millwrights	7.80					
Piledrivermen	7.55	.35	.35		.015	
Cement masons	6.85	.25	.45			
Electricians	8.70	5%	6%		.25%	
Elevator constructors	6.62	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	5.15	.15	.10	.10	.01	
Ironworkers:						
Structural, ornamental and reinforcing	6.80	.40	.27		.05	
Lathers	7.60	.20	.10	.50	.04	
Leadburners	6.90	.30		c	.01	
Painters:						
Brush	7.30	.25	.40		.03	
Spray and sandblasting	8.30	.25	.40		.03	
Paperhanging	7.55	.25	.40		.03	
Plasterers	7.32	.25	.45		.03	
Plumbers and steamfitters	7.85	.35	.45		.03	
Roofers:						
Roofers and weatherproofers	5.65	.20	.20			
Slate, tile, asbestos shingles	5.80	.20	.20			
Sheet metal workers	7.75	.20	.25		.03	
Sprinkler fitters	8.05	.30	.40		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

60 - Georgia LAB C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Group A						
Batch plant men, Buggy rollers (Ca.), Cleaners (brick or Lumber, Clearing of Right of Way and Building Site (hand tools), Concrete Curer-Sealer and Liquid hardner, Conveyor operator (used by tenders of plasterers and bricklayers), Electrician laborer, Excavator, Backfiller grader (hand), Forklift operator, walk type tending bricklayers and plasterers, Form Oiler, Form Stripper, Metal pan handler, Plumber-Laborer, Pipe Doper, Precast Slab Layer (floors, roofs, walks, curbs), Concrete Puddlers, Rail porter, Railroad Track Laborer, Reinforcing steel handler, Scaffold, and staging for masons and plasterers, Erecting and Removing Scarifyer, concrete (mechanical and hand), Sheeting and shoring laborers, Steam Jennier, (used in cleaning equipment), Tenders (all crafts), Truck Spotter dumper, Winch handler (manual)	$4.60	.15	.15			
Group B						
Bucket-dumpman (concrete), Mixer-mortar, Grout clay, etc. (hand or machine), Power post hole digger, Power cleaning machine operator, Power Wheelbarrow, Mortar mixer-hose for gypsum roofs, plastering, ashestos fiber sound proofing, etc.	4.72	.15	.15			
Group C						
Burner-demolition, Chain saw operator, Power concrete saw operator, Steel form setter, Sewer pipe layer, yarner, wiper, potman, Slip form raiser (steel or wood) Jack or screw type	4.82	,15	,15			
Group D						
Wagon Drill Operator, (Track or wheel type), and like used in drilling for blasting	4.90	.15	.15			
Group E						
Powderman-helper	5.10	.15	.15			
Group F						
Powderman, nozzleman (concrete pneumatic)	5.50	.15	.15			
Group G						
Caisson holeman	5.35	.15	.15			
25% Above rate for classification working: Chimney or stacks isolated						

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
Group A						
Backhoe operator; Clamshell operator; Conc. mix operator, Cent. mix plant; Conc. pump operator-Ridley or similar type; Crane operator (truck, tower, crawler or locomotive); Derrick operator; Dragline operator; Drill operator-Caisson foundation type; Elevating grader operator; Forklift operator that comes within the jurisdiction of the operating engineers; Hoisting engine operator; Locomotive operator; Mechanics-heavy duty; Oilers on cranes with earth boring drill attached with a separate power source; Concrete paving mixer operator; Pile driver operator; Rock crusher operator; Shovel operator; Trenching machine operator over 6 ft. depth capacity; Well point system operator (including the operation of all pumps on project operated by the contractor); Generator operator-75 K. VA and over; Tugger hoist operator; Winch truck operator, hoisting material; Air compressor operator, 365 C. F. M. and over, furnishing air simultaneously for more than one contractor	$ 7.00	.25	.15		.07	
Group B						
Bulldozer operator; Dozer shovel operator; Drill operator-Quarry master type; Fireman-Stationary or portable; Motor grader operator; Motor scraper operator-(pans); Pusher dozer operator; Self-propelled compactor operator, with blade; Tractor operator with special equipment; Trenching machine operator-up to and including 6 ft. depth capacity	6.58	.25	.15		.07	
Group C						
Air compressor operator, 600 cu. ft. and over; Air compressor operator batt. of two, 300 cu. ft. and over; Hydrohammer operator; Concrete batch plant operator;	5.58	.25	.15		.07	
Group D						
Oiler-truck or locomotive cranes	5.78	.25	.15		.07	
Group E						
Oiler-unspecified; Pump operator, over 4", up to batteries of 4; Welding machine operator, batteries of two-300 amps and over	5.03	.25	.15		.07	
Group F						
Concrete mixer operator, skip types, except paving mixers; Concrete finishing machine operator; Concrete paving machine operator; Roller operatnr; Well drill operator	5.38	.25	.15		.07	

GA.-1-PEO-1 I 2 of 2

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group C						
Air compressor operator, up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft.; Conveyor operator, chain or belt type; Sand blasting machine operator; water pump operator 4" or less; Water pump operator over 4" (one only); Welding machine operator, 300 amps and over	4.36	.25	.15		.07	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Trucks up to and including 2½ tons tractor, farm types	$4.00					
Trucks from 2½ tons up to and including 5 tons-all low-boys and other trailer pulled by tractor except farm type tractors, with ratings up to and including 5 tons	4.10					
Trucks over 5 tons including all euclids up to and including 10 tons	4.35					
Euclids over 10 tons	4.40					

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.75					
Cement masons	2.47					
Ironworkers, structural	5.09					
Ironworkers, reinforcing	2.35					
Electricians	7.15	4%	6%		.25%	
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.26					
Drillers	1.75					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powdermen, blasters	2.25					
Unskilled	1.60					
Carpenters' helpers	2.25					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors-spreaders	2.78					
Asphalt plant	2.34					
Backhoes	2.65					
Bulldozers	2.75					
Cranes, derricks, & draglines	3.00					
Concrete batching plants	2.25					
Concrete curing machines	2.75					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Concrete saws	2.57					
Drilling machines	2.40					
Loaders (all types)	2.33					
Mechanics	3.00					
Mechanics' helpers	2.50					
Mixers	2.00					
Motor patrols	2.73					
Oilers - greasers	2.25					
Piledrivers	2.80					
Rollers	2.20					
Aggregate spreader	2.00					
Shovels	3.00					
Scrapers (pan)	2.75					
Tractors, farm	2.31					
Tractors, crawler	2.85					
Truck drivers:						
Up to 2½ tons	1.75					
Over 2½ tons	2.25					
Welders	3.00					

SUPERSEDEAS DECISION

STATE: Georgia
DECISION NUMBER: AP-148
Supersedes Decision No. AP-107 dated
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTY: Chatham
DATE: Date of Publication
37 FR 14675 - July 21, 1972

25 - Georgia -1-E 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$5.90	.20	.13			
Boilermakers	6.85	.40	.60		.01	
Bricklayers:						
Bricklayers and stonemasons	6.25	.20	.20			
Marble masons, terrazzo workers, and tile setters	3.00					
Carpenters:						
Carpenters and soft floor layers	6.20	.35	.10			
Millwrights	6.70	.35	.10			
Piledrivermen	6.45	.35	.10			
Cement masons	5.50					
Electricians:						
Electricians	6.80	.30	1%		.2%	
Cable splicers	7.05	.30	1%		.2%	
Elevator constructors	5.80	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	4.06	.17	.185	2%+a+b	.005	
Elevator constructors' helpers(prob.)	2.90					
Glaziers	5.00					
Ironworkers:						
Structural and sheeter	6.75	.40	.30		.01	
Ornamental and reinforcing	6.75	.40	.30		.01	
Laborers:						
Unskilled laborers	3.25	.10				
Mason tenders	3.40	.10				
Mortar mixers	3.50	.10				
Air tool and vibrator operator	3.40	.10				
Plasterers' tenders	3.40	.10				
Pipelayers	3.50	.10				
Lathers	5.00					
Painters:						
Brush	5.00					
Rollers	5.25					
Steel, brush	5.50					
Tapers	5.25					
Stage work and window jack work	5.50					
Paperhangers	5.25					
Paint burners	5.25					
Spray painting & sandblasting	5.75					
Plasterers	3.75					
Plumbers and Pipefitters:						
Plumbing, heating & piping contracts:						
$2,000 or less	6.52	.25	.30		.02	
Over $2,000	7.17	.25	.30		.02	
Air conditioning mechanics:						
Contracts, $2,000 or less	6.52	.25	.30		.02	
Contracts, over $2,000	7.17	.25	.30		.02	

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25- Georgia -1-E 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers	3.00					
Sheet metal workers	6.35			.15		
Sprinkler fitters	8.05	.30	.40		.05	
Truck Drivers:						
Pick-ups and all other trucks up to and including 2½ tons, tractor-farm type	4.05					
Trucks from 2½ tons up to and incldg. 5 tons. All low-boys and other trailers pulled by tractor with ratings up to and including 5 ons (except farm type tractors), forklift	4.15					
Truck over 5 tons including all euclids up to and including 10 tons	4.40					
Euclids over 10 tons	4.45					

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contricutes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

MUX

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A: Air compressors, batchplant, bulldozers, fork tractors, mixers, endloader, scrapers, patrol and tuggers	$6.25	.30	.30		.01
GROUP B: Crane, derrick, draglines, sidebooms, cherry pickers, mechanics, piledrivers, backhoes, concrete pump	6.85	.30	.30		.01
GROUP C: Distributors, finishing machines, rollers, plain tractors, firemen	6.00	.30	.30		.01
GROUP D: Master mechanic	7.35	.30	.30		.01
GROUP E: Pump operators	5.90	.30	.30		.01
GROUP F: Trenching machine, small backhoe	6.45	.30	.30		.01

HEAVY AND HIGHWAY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTH.
Carpenters	$2.75					
Cement masons	2.15					
Ironworkers, structural	4.45					
Laborers:						
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rakers	1.85					
Unskilled	1.60					
Carpenters' helpers	2.50					
Power Equipment Operators:						
Asphalt distributors - spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks & draglines	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (pan)	2.75					
Tractor, farm	2.60					
Tractor, crawler	2.50					
Truck drivers, up to 2½ tons	1.60					
Truck drivers, over 2½ tons	2.07					
Welders	2.50					

SUPERSEDEAS DECISION

STATE: Idaho COUNTY: Ada

DECISION NUMBER: AP-257 DATE: Date of Publication

Supersedes Decision No. AM-6711 Dated March 24, 1972 in 37 FR 6126

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$ 7.71	.35	.42			
BOILERMAKERS	6.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	6.20	.25	.15			
CARPENTERS:						
Carpenters; Drywall applicators; Floor layers; Shinglers	6.32	.22	.20	.30	.10	
Piledrivermen	6.50	.22	.20	.30	.10	
Millwrights; Piledrivermen's boom man	6.62	.22	.20	.30	.10	
CEMENT MASONS:						
Cement Masons	6.20	.22	.20	.10	.10	
Gunnite & composition floor; Power grinder op.; Power trowel op.	6.38	.22	.20	.10	.10	
ELECTRICIANS:						
Electricians	7.45	.30	1%		2/10%	
Cable Splicers	8.195	.30	1%		2/10%	
ELEVATOR CONSTRUCTORS	6.16	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Fence erectors; Reinforcing; Structural	6.94	.40	.65		.01	
PAINTERS						
Brush	5.70	.16	.10			
Steel	5.80	.16	.10			
Sign	5.82	.16	.10			
Spray	6.17	.16	.10			
PLASTERERS	5.98	.22	.20	.10		
PLUMBERS	6.58	.28	.30		.05	
ROOFERS:						
Kettlemen; Roofers	5.85	.13	.15			
Roofers working with coal tar & pitch products	7.35	.13	.15			
SHEET METAL WORKERS	6.43	.22	.20	.40		
SPRINKLER FITTERS	8.70	.30	.50		.05	
TILE SETTERS	5.40	.25	.15			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six paid holidays: A through F.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Group 1 GENERAL LABORERS, Sloper, Clearing and Grading, Form Stripper, Concrete Crew, Concrete Curing Crew, Carpenter Tender, Asphalt Laborer, Hopper Tender, Heater Tender, Stake Jumper, Choker Setter, Spreader and Weighman, Power Wheelbarrow, Scouring Concrete, Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers), Crusher Helper, Cribbing and Shoring (in open ditches), Machinery and Parts Cleaner, Leverman - Manual or Mechanical, Demolition - Salvage, Landscaper, Tool Room Man	4.82	.35	.30		.10	
Group 2 CHUCK TENDER, Driller Helper, Air Tampers, Gunite Nozzleman Tender, Pipe Wrapper, Tar Pot Tender, Concrete Sawyer, Signalman, Handling Cement, Dumpman, Steam Nozzleman, Air and Water Nozzleman (Green cutter, concrete) Grade Checker, Vibrator (less than 4"), Pumpcrete and Grout Pump Crew, Hydraulic Monitor	4.92	.35	.30		.10	
Group 3 PIPELAYER including sewer, drainage, sprinkler systems and water lines, Free Air Caisson, Jackhammer, Paving Breaker, Powderman Helper, Asphalt Raker, Gasoline Powered Tamper, Electric Ballast Tamper, Sand Blasting, Form Setter - Airport Paving, Gunman (Gunite), Manhole Setter, Hand Guided Machines, such as Rotor Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc., Form Setter (Highway-Curb and Gutter), Vibrator (4" and over), Timber Faller and Bucker, Metal Pan Installer	5.02	.35	.30		.10	

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 4						
HOD CARRIER, Mason Tender Plaster Tender, Mason Tender (Concrete), Terrazzo-Tile Tender	5.12	.35	.30		.10	
Group 5						
HIGHSCALER, Wagon Drill, Gunite Nozzleman, Diamond Drill	5.17	.35	.30		.10	
Group 6						
DRILLERS on Drills with manufacturers rating 3" or over, Powderman	5.42	.35	.30		.10	
Group 7 (Underground)						
REBOUNDMAN, Chucktender, Nipper, Dumpman, Vibrator, Brakeman, Muckers, Bullgang	4.97	.35	.30		.10	
Group 8 (Underground)						
FORM SETTER and Mover	5.12	.35	.30		.10	
Group 9 (Underground)						
MINERS, Machinemen, Timbermen, Steelmen, Drill Doctors, Spaders and Tuggers, Spiling and/or Caisson Workers	5.42	.35	.30		.10	

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1-IDA-SIDA-PEO-1-2-3- p (1-3)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1						
Brakeman, Crusher, Plant Feeder (Mechanical), Deckhand, Drill Helpers, Grade Checkers, Heater Tender, Land Plane, Oilers, Pumpman	5.78	.40	.35		.10	
Group 2						
Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (Cement), Bolt Threader Machine Operator-Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or mulching (Regardless of Motive Power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Hoist - Single Drum, Hydraulic Monitor Operator - Skid Mounted, Oiler on Cranes and Shovels, Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Form Type Using Attachments	5.94	.40	.35		.10	
Group 3						
A-Frame Truck (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction jobs), Battery Tunnell Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (Self-propelled), Front End and Overhead Loaders and Similar Machines under 2 Yds. - Rubber-tired, Hoist - 2 or more Drums or Tower Hoist, Hydralift - Fork Lift and Similar (When Hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Road Roller (Regardless of Motive Power), Service Oiler.	6.12	.40	.35		.10	
Group 4						
Boring Machines (Earth or Rock) Quarrymaster - Joy - Tractor Mounted, Drills; Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and Similar Machines - 2 Yds. and including 4 Yds. - Rubber-tired, Grout Pump, Hydra-hammer, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using						

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1-IDA-SIDA-PEO-1-2-3- p (2-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 4 (Cont'd)						
Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and Similar, Asphalt Spreaders.	6.45	.40	.35		.10	
Group 5						
Concrete Plant Operator, Concrete Road Paver Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (Diesel Electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines-under 1 Yd., Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber tired, Sub Grader.	6.63	.40	.35		.10	
Group 6						
Asphalt Pavers - Self-prop., Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operetor, Derrick Operator, Front End and Overhead Loaders and Similar Machines - over 4 yds. to and including 6 Yds., Koehring Scooper Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines - 1 Yd. to and including 3-1/2 Yds., Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (Over 1,000 Tons), Trimmer Machine Operator, Tournapulls - Euclid and Similar - to and including 40 Yds.	6.81	.40	.35		.10	
Group 7						
Cableway Operator, Cranes - Over 50 Ton, Dredges, Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and Similar Machines - Over 6 Yds., Power Shovels and Draglines over 3-1/2 Yds., Quad Type Tractors with all Attachments, Tournapulls - Euclid and Similar - Over 40 Yds. to and including 50 Yds., Multiple Scraper Units.	7.14	.40	.35		.10	

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1-IDA-SIDA-PEO-1-2-3-P (3-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 8						
Tournapulls - Euclid and Similar - Over 50 Yds. to and including 75 Yds.	7.38	.40	.35		.10	
Group 9						
Tournapulls - Euclid and Similar - Over 75 Yds. to and including 100 Yds.	7.63	.40	.35		.10	
Group 10						
Tournapulls - Euclid and Similar - Over 100 Yds.	7.87	.40	.35		.10	

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1 LEVERMAN Loading at Bunkers	5.73	.40	.30	.05	.10	
Group 2 FLAT BED - 2 Axle and Pickup hauling material, Water Tank Truck (1800 gals and under), Fork Lift (3,000 and under)	5.79	.40	.30	.05	.10	
Group 3 FLAT BED - 3 Axle, Fuel Truck (1,000 Gals. and under), Greaser, Tireman, Serviceman, Buggymobile, Man Haul (Shuttle Truck or Bus).	5.85	.40	.30	.05	.10	
Group 4 TRANSIT MIX TRUCK - 3 Yds. and under, Warehouseman, Truck Helpers, Slurry or Concrete Pumping Truck	5.91	.40	.30	.05	.10	
Group 5 FLAT BED using Power Takeoff, Water Tank Truck (over 1,800-4,000 gals.) Semi-Trailer - Low Boy - up to 96,000 lbs. GVW, Bulk Cement Tanker - up to 96,000 lbs GVW, Fork Lift - over 3,000 lbs. (Bull Lift, Hydro Lift), Ross, Hyster and similar Straddle Equipment, "A" Frame Truck (Swedish Crane, Iowa 3,000, Hydro-lift).	5.97	.40	.30	.05	.10	
Group 6 TRANSIT MIX TRUCK, over 3 yds. - 6 yds	6.03	.40	.30	.05	.10	
Group 7 WATER TANK TRUCK - over 4,000 gals., Fuel Truck - over 1,000 gals., Distributor or Spreader Truck, Field Tireman - Serviceman	6.09	.40	.30	.05	.10	
Group 8 TRANSIT MIX TRUCK - over 6-8 yds., Dumptors	6.15	.40	.30	.05	.10	
Group 9 TRANSIT MIX TRUCK - over 8 - 10 yds.	6.27	.40	.30	.05	.10	

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TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 10 LOW BOY - 96,000 lbs. GVW and over, Bulk Cement Tanker - 96,000 lbs. GVW and over	6.33	.40	.30	.05	.10	
Group 11 TRANSIT MIX TRUCK - over 10 yds.	6.39	.40	.30	.05	.10	
Group 12 TURNAROCKER and similar equipment	6.45	.40	.30	.05	.10	
Group 13 TRUCK - side, end and bottom dump (6 yds. and under)	5.91	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 6 yds. - including 12 yds.)	6.03	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 12 yds. - including 20 yds.)	6.27	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 20 yds. including 30 yds.)	6.45	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 30 yds. including 40 yds.)	6.58	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 40 yds. including 50 yds.)	6.70	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 50 yds. including 75 yds.)	6.94	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 75 yds. including 100 yds.)	7.18	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 100 yds.)	7.43	.40	.30	.05	.10	
Group 14 TRUCK MECHANIC	6.81	.40	.30	.05	.10	

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ENVIRONMENTAL PROTECTION AGENCY

■

REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Proposed Transportation Control Measures

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

TRANSPORTATION CONTROL MEASURES

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420 regulations for the preparation, adoption, and submittal of State implementation plans under section 110 of the Clean Air Act, as amended (hereafter referred to as the Act). Those regulations were republished November 25, 1971 (36 FR 22369), as 40 CFR Part 51, amended December 17 and December 30, 1971.

On June 20, 1972 (37 FR 12155), the Administrator of the Environmental Protection Agency published notice of rule making that proposed amendments to 40 CFR Part 51 designed to provide a clearer explanation of requirements related to compliance schedules, revisions to compliance schedules and the requirements for public hearings. It is assumed that these proposed amendments will be promulgated as published for the purpose of the below proposed amendments to 40 CFR Part 51.

The Act and the Administrator's regulations (40 CFR Part 51) require States to take steps to reduce emissions from transportation sources where necessary to attain and maintain national ambient air quality standards. Accordingly, certain States were advised on May 31, 1972 (37 FR 10842), July 27, 1972 (37 FR 15080), and on October 28, 1972 (37 FR 23085), that they would have to submit, no later than February 15, 1973, definitive transportation control plans, including identification of the specific transportation control measures to be implemented, demonstration of the adequacy of these measures for attainment and maintenance of the national standards, and a detailed timetable for obtaining any necessary legal authority and for taking of all other steps necessary to implement the various measures. The Environmental Protection Agency, in cooperation with the Department of Transportation, will provide assistance to the States in the development of their transportation control plans.

The Requirements for Preparation, Adoption, and Submittal of Implementation Plans (40 CFR Part 51) set forth regulations to be followed by the States relative to implementation plans. Except as proposed to be changed herein, those regulations are to be followed in preparation of transportation control plans. In order to fully advise States in the area of transportation control measures, it is necessary to include additional information in the requirements. The principal additions proposed as amendments are described below:

(1) Public hearings for transportation control measures are required—§ 51.4(f).

(2) Administrative and enforcement procedures for transportation control measures must be described in the transportation control plan—§ 51.14(a)(3).

(3) Transportation or other emissions control measures shall not result in an increase in the concentration of any pollutant to a level exceeding a national standard—§ 51.14(c)(1).

(4) New emission factors have been published for light- and heavy-duty gasoline powered vehicles including growth rates, vehicle miles traveled, altitude, and deterioration factors—§ 51.14(f).

(5) Transportation control measures must include procedures for monitoring emissions from transportation sources—§ 51.19(d).

(6) Additional subsections and appendixes are added to cover the following:

(a) Documentation requirements for transportation control methodology and data—§ 51.14(c)(5) and Appendix M.

(b) Estimates of emissions reductions achieved by inspection, maintenance and retrofit of in-use vehicles—§ 51.14(h)(2) and Appendix N.

The Environmental Protection Agency will promulgate transportation control measures in States that do not meet the requirements of section 110 of the Act, as stated on May 31, 1972 (37 FR 10846), or that fail to comply with the timetables for acquisition of legal authority and taking of other steps (40 CFR 52.6). In the latter case, the plans promulgated by EPA may be different from the States' plans.

The Environmental Protection Agency has published the results of an investigation of certain transportation control measures in "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas", final report (The Six Cities Study) November 20, 1972. Additional information is contained in "Evaluating Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas, Final Report," November 20, 1972. Both reports are available from EPA, Air Pollution Technical Information Center, Research Triangle Park, N.C. These reports may be used by a State considering such control measures as motor vehicle restrictions, work schedule changes, expanded mass transit, increased vehicle occupancy, auto-free zones, parking taxes, traffic engineering measures to improve traffic flow and land use planning. The EPA document, "Control Strategies for In-Use Vehicles," November 1972, provides information on the use of inspection, maintenance, retrofit, and gaseous fuel conversion approaches to transportation controls. This report is available from the EPA, Mobile Source Pollution Control Program, 401 M Street SW., Washington, DC 20460.

States preparing transportation control plans are encouraged to consider the relative costs and social and economic impacts of alternative control strategies. As stipulated in § 51.2 of Requirements for Preparation, Adoption, and Submittal of Implementation Plans (40 CFR Part 51), nothing in these requirements shall be construed in any manner as discouraging the consideration of such factors, in addition to air quality effects, in the development of control strategies. States are urged to provide for timely and thorough public notification of the operations and requirements of proposed transportation control measures.

States preparing transportation control plans are also urged to give special consideration to §§ 51.12(a) and 51.14(c)(1) concerning the maintenance of the national ambient air quality standards and the offsetting of emissions increases due to growth in motor vehicle traffic and other factors. Consideration should be given to the possibility that certain improvements in transportation systems (e.g., traffic flow improvements, construction of fixed-guideway mass transit facilities) may stimulate gradual increases in motor vehicle traffic and, consequently, in emissions from transportation sources. Transportation control plans should include provisions as necessary to prevent such emissions increases from leading to pollutant concentrations that exceed the national ambient air quality standards.

Interested persons may participate in this rule making by submitting written comments in triplicate to the EPA, Land Use Planning Branch, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. All relevant comments received not later than 30 days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street SW., Washington, DC 20460. The changes proposed by this notice, with appropriate modification, will be effective upon republication in the FEDERAL REGISTER. This notice of proposed rule making is issued under the authority of section 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: January 5, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Part 51 of Title 40, Code of Federal Regulations is proposed to be amended as follows:

1. In § 51.1, new paragraphs (r), (s), (t), (u), (v), (w), and (x) are added as follows:

§ 51.1 Definitions.

• • • • • •

(r) "Transportation Control Measure" means any measure, such as reducing vehicle use, changing traffic flow patterns, or decreasing emissions from individual motor vehicles, that is directed toward reducing emissions of air pollutants from transportation sources.

(s) "Vehicle Trip" means any movement of a motor vehicle from one location to another that results in the emission of air pollutants by the motor vehicle.

(t) "Trip Type" means any class of vehicle trips possessing one or more characteristics (e.g., work, nonwork; peak, offpeak; freeway, nonfreeway) that distinguish vehicle trips in the class from vehicle trips not in the class.

(u) "Vehicle type" means any class of motor vehicles (e.g., precontrolled, heavy duty vehicles, gasoline powered trucks) whose emissions characteristics are significantly different from the emissions characteristics of motor vehicles not in the class.

(v) "Traffic flow measure" means any measure, such as signal light synchronization, freeway metering and curbside parking restrictions, that is taken for the purpose of improving the flow of traffic and thereby reducing emissions of air pollutants from motor vehicles.

(w) "Roadway type" means any class of roadway facility that can be broadly categorized as to function and assigned average speed and capacity values, e.g., expressway, arterial, collector, and local.

(x) "Time period" means any period of time designated by hour, month, season, calendar year, averaging time, or other suitable characteristics, for which ambient air quality is estimated.

2. In § 51.4, paragraph (f) is added as follows:

§ 51.4 Public hearings.

• • • • • •

(f) The State shall, prior to adoption of transportation control measures deferred beyond the statutory deadline for submittal of implementation plans, conduct one or more public hearings as required in paragraphs (a) through (d) of this section.

3. In § 51.5, paragraphs (d) and (e) are added as follows:

§ 51.5 Submission of plans; preliminary review of plans.

• • • • • •

(d) Submission to the Administrator shall be accomplished by delivering 10 copies of the transportation control portions of the plan to the appropriate regional office. Such portions shall be adopted by the State and submitted by the Governor.

(e) Upon request of a State, the Administrator will provide preliminary review of the draft transportation control measures or portions thereof in advance of the date such measures are due. Such requests shall be made as provided in paragraph (c) of this section and shall not operate to relieve a State of its responsibility for adopting and submitting transportation control measures in accordance with prescribed due dates.

4. In § 51.14, paragraph (a)(3) is added, paragraphs (c)(1) and (c)(5) are revised, and paragraphs (f), (g), and (h) are added. As amended, § 51.14 reads as follows:

§ 51.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide.

• • • • • •

(a) • • •

(3) The plan shall contain:

(i) A description of enforcement methods including, but not limited to, procedures for monitoring compliance with the selected traffic control measures, procedures for handling violations, and a designation of enforcement responsibilities (i.e., air pollution control agency, State police).

(ii) Proposed or adopted rules and regulations pertaining to the selected transportation control measures.

(iii) A description of administrative procedures to be used in implementing all selected transportation control measures.

(iv) A schedule designating dates by which legal authority necessary to implement the plan will be obtained, other significant steps in the implementation of the plan will be achieved, and each control measure will be implemented.

• • • • • •

(c) *Adequacy of control strategy* (1) The plan shall demonstrate, by means of a proportional model or diffusion/photochemical model or other procedure which is adequate and appropriate, that the control strategy included in each plan for a region classified as priority I is adequate for attainment and maintenance of the national standard(s) to which such control strategy applies. Control measures shall not result in an increase in the concentration of any pollutant to a level that exceeds a national ambient air quality standard. The plan shall include provisions as necessary to prevent such increases in concentrations as a result of traffic increases that may be stimulated by transportation control measures.

• • • • • •

(5) The plan shall show that the control strategy including transportation control measures will result in the degree of emissions reduction indicated to be necessary by a proportional model, diffusion model, or other procedure which is adequate and appropriate. The plan shall contain a summary of the computations, assumptions, and judgments used to determine the emissions reductions that will result from application of the control strategy to each point source, and each group of area sources. Such summary shall be included in a table similar to that presented in Appendix D to this part. The plan also shall contain a summary of the data, computations, assumptions, and judgments used to develop any transportation control measures that are a part of the control strategy. Such a summary shall as a minimum contain the material described in Appendix M to this part. The detailed computations and data shall be retained by the State and made available for inspection by the Administrator at his request.

• • • • • •

(f) *Motor vehicle emission factors.* The States required to submit transportation control plans must, except as noted below, use current emission factors and methodology to calculate emissions from gasoline powered motor vehicles. The current emission factors and methodology are presented in "Compilation of Air Pollutant Emission Factors," EPA report No. AP-42, revised semiannually, and in superseding EPA interim reports. These are available from the EPA, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. If emissions other than those presented in the EPA report are used, the substantiating justification must be submitted with the transportation control measures.

(g) *Air quality baseline.* The concentrations of carbon monoxide and photochemical oxidants set forth in the State plan as approved and promulgated on May 31, 1972 (37 FR 10842) (40 CFR Part 52), should be used as the air quality baselines for computation of the emissions reductions through transportation control measures required to meet national standards. More recent air quality data may be used where adequate and appropriate. However, such data must be compatible with the emissions inventory for the region involved and justification submitted for the appropriateness of its use. Revised air quality data should be submitted to the appropriate EPA regional office at the earliest possible date for evaluation and approval to preclude plan disapproval resulting from the use of faulty air quality data.

(h) *Transportation control strategies.* Information and requirements for States which are considering transportation control measures involving inspection, maintenance and retrofit of in-use motor vehicles are presented in Appendix N to this part.

5. In § 51.19, paragraph (d) is added as follows:

§ 51.19 Source surveillance.

• • • • • •

(d) Procedures for obtaining and maintaining data on actual emissions reductions achieved as a result of implementing transportation control measures. In the case of measures involving inspection, maintenance, or retrofit, these data shall include the results of an emission surveillance program designed to determine actual average per vehicle emissions reductions attributable to inspection, maintenance and/or retrofit. In the case of measures based on traffic flow changes or reductions in vehicle use, the data shall include observed changes in vehicle miles traveled (VMT) and average speeds. The data shall be maintained in such a way as to facilitate comparison of the planned and actual efficacy of the transportation control measures.

6. In this part, Appendix M is added as follows:

APPENDIX M—TRANSPORTATION CONTROL SUPPORTING DATA SUMMARY

When transportation control measures of any type are to be imposed, the plans shall

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contain a summary of the data, computations, and rationale used to develop the transportation control measures that will result in the required reduction of emissions. Such a summary shall, as a minimum, contain the material described below. Suggested procedures for obtaining and coding information about air pollutant emissions from stationary and mobile sources have been published.[1] The detailed computations and data shall be retained by the State agency and made available for inspection by the Administrator at his request.

1. The transportation control plan shall display total emissions of hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NOx), subdivided into emissions from mobile and stationary sources, that will occur with and without implementation of the transportation control measures in each region or subregion and time period in which a proportional or other air quality model is used to determine air quality. These data shall be projected for at least 5 years in 1-year intervals starting with the year in which the national ambient air quality standards are to be achieved. The data shall be displayed in a format similar to table 1.

2. If the transportation control measures, either in their application or their effect, distinguish between trip types or vehicle types, the transportation control plan shall display vehicle miles traveled and emissions of HC, CO, and NO_x due to each trip type or vehicle type that will occur with and without implementation of the transportation control measures in each region or subregion and time period in which a proportional or other air quality model is used to determine air quality levels. A strategy that results in different percent emission reductions of HC, CO, or NOx for different trip or vehicle types should distinguish between trip or vehicle types in its effect. The data shall be displayed in a format similar to table 2.

3. If the transportation control measures include traffic flow measures, the transportation control plan shall display average speeds and vehicle miles traveled according to roadway type (freeway, arterial, local/collector) that will occur with and without implementation of the transportation control measures in each region or subregion and time period in which proportional or other air quality model is used to determine air quality levels. The plan shall also display emissions of HC, CO, and NO_x from mobile sources, subdivided according to roadway type, that will occur with and without implementation of the transportation control measures in each region or subregion and time period in which a proportional or other air quality model is used to determine air quality. The data shall be displayed in a format similar to table 2.

4. If the effectiveness of the transportation control measures depends in whole or in part on voluntary public response to changes in prices or taxes, mass transit improvements, or other incentives or disincentives affecting vehicle emissions, travel frequency, mode, location, time of day or other characteristics of travel demand, the transportation control plan shall display the demand elasticities or other appropriate quantitative measures of public response to such incentives or disincentives that were used to evaluate the effects on emissions of the incentives or disincentives. The sources of these elasticities or other quantitative measures shall be described.

5. The sources of all traffic data, such as vehicle miles traveled and speeds by trip type, vehicle type, and roadway type, used in evaluating the effects upon air quality of the transportation control measures shall be described in the transportation control plan.

6. The assumptions, judgments and computations used to develop the information in items 1 through 4 above shall be summarized in the transportation control plan.

A transportation control plan that fails to include any element of data required by this appendix will be acceptable only if the plan presents the data and analytic procedures used to estimate the effects on air quality of the selected transportation control measures and provides adequate justification for the use of such data and procedures.

TABLE 1

The data required by paragraph 1 above shall be displayed in a table similar to the following:

	Emissions*			
	Mobile		Stationary	
	With transportation control measures	Without transportation control measures	With transportation control measures	Without transportation control measures
Time period 1:				
Subregion 1				
Subregion 2				
Do.				
Do.				
Do.				
Time period 2:				
Subregion 1				
Subregion 2				
Do.				
Do.				
Do.				
Other time periods as needed:				
Subregion 1				
Subregion 2				
Do.				

* Indicate pollutant.

TABLE 2

The data required by paragraphs 2 and 3 above shall be displayed in a table similar to the following:

Subregion_____
Time period_____

Trip type and roadway type	Emissions[1] (or VMT or speeds)[2]				
	Vehicle type—1		Vehicle type—2		Continue with other vehicle types as appropriate
	With transportation control measures	Without transportation control measures	With transportation control measures	Without transportation control measures	
Work:					
Freeway					
Arterial					
Collector					
Local					
Shopping:					
Freeway					
Arterial					
Collector					
Local					

[1] Indicate pollutant.
[2] The table need contain only those entries appropriate to the transportation control measures included in the plan.
NOTE: Continue with other trip types as appropriate.

7. In this part, Appendix N is added as follows:

APPENDIX N—EMISSIONS REDUCTIONS ACHIEVABLE THROUGH INSPECTION, MAINTENANCE AND RETROFIT OF LIGHT DUTY VEHICLES

1. *General.* This appendix presents estimates of emissions reductions that, in the judgment of the Administrator, are likely to be achievable through application of inspection, maintenance, and retrofit measures to in-use motor vehicles. To the extent possible, these estimates are based on empirical data. However, lack of data in some areas has necessitated some extrapolation of empirical data using engineering judgment. The sources of empirical data and the bases for judgments are discussed in paragraph 6 of this appendix.

The emissions reductions estimates presented herein are subject to considerable uncertainty. The emissions reductions actually realized in a transportation control program may be greater or less than the estimated reductions. The estimates should therefore be regarded as useful primarily for current planning purposes. Any transportation control plan incorporating in-use vehicle emission control approaches, whether those specifically cited in this appendix or alternatives proposed by a State, must provide, as required by 40 CFR 51.19d, for field verification of the emissions actually achieved in the implemented programs and, as required by section 110(a)(2)(H) of the Act, for any revisions of the transportation control plan that may be indicated thereby.

The approaches to in-use vehicle emissions control cited herein are those judged to be most generally applicable by the Administrator considering the information currently available to him. States are encouraged to consider other approaches that may be applicable to their particular situations. Data and analyses supporting the emissions reductions claimed for alternative approaches must be submitted with the transportation control plan. Several alternative approaches are discussed in a report entitled "Control Strategies for In-use Vehicles," available from EPA, Mobile Sources Pollution Control Program, 401 M Street SW., Washington, DC 20460.

States proposing inspection/maintenance or retrofit programs are encouraged to consider the effects on the implementation of their plans of inequities that may arise in connection with these programs. Such inequities may include premature failure or inadequacy of retrofit components, improper or inadequate workmanship at inspection and repair facilities, inconvenient numbers, locations, and operating schedules for inspection, retrofit, and repair facilities, and inadequate public notice of inspection maintenance and retrofit requirements.

The States are also encouraged to give consideration to transportation control measures based on reductions in vehicle use and traffic flow measures. Nothing in this appendix is intended to suggest that transportation control approaches based on inspection, maintenance, and retrofit should necessarily be considered preferable to approaches based on reductions in vehicle use or traffic flow measures.

2. *Definitions.* a. "Precontrolled vehicles" means light duty vehicles sold nationally (except in California) prior to 1968 model year and light duty vehicles sold in California prior to the 1966 model year.

b. "Controlled vehicles" means light duty vehicles sold nationally (except in California) in the 1968 model year and later and light duty vehicles sold in California in the 1966 model year and later.

c. "Loaded emissions test" means a sampling procedure for exhaust emissions which requires exercising the engine under stress (i.e., "loading") by use of a dynamometer to stimulate actual driving conditions.

d. "Idle emission test" means a sampling procedure for exhaust emissions which requires operation of the engine in the idle mode only.

e. "Retrofit" means the addition or removal of an item of equipment, or a required adjustment, connection, or disconnection of an existing item of equipment, for the purpose of reducing emissions.

f. "Inspection/maintenance" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emissions control related maintenance and requiring that maintenance be performed.

g. "Idle adjustments" means a series of adjustments which include idle RPM, idle air/fuel ratio and basic timing.

3. *Inspection/maintenance of light duty vehicles.* (a) Reductions:

The following average annual reductions in exhaust emissions per vehicle are estimated to be achievable through implementation of an inspection/maintenance program using a loaded emission test:

	Percent
Hydrocarbons	12
Carbon Monoxide	10
Nitrogen Oxides	0

To obtain these reductions an inspection/maintenance program must provide for inspection of each vehicle at least once per year. More frequent inspection and maintenance is expected to provide larger average emissions reductions, although at greater cost. During the first inspection cycle of an inspection/maintenance program, emissions reductions may be assumed only to the extent consistent with the portion of the vehicle population that has been inspected by that time.

b. The average reductions cited above are applicable for all gasoline-powered light duty motor vehicles (except motorcycles) which are included in the inspection/maintenance program.

c. Requirements:

An acceptable inspection/maintenance program must include:

(i) Provisions for regular periodic inspection of all vehicles for which emissions reductions are claimed.

(ii) Provisions for the establishment of inspection failure criteria consistent with the claimed reductions.

(iii) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This might include sanctions against individual owners or repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and/or other measures.

(iv) A program of enforcement to insure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

d. Alternative approaches:

Inspection/maintenance programs employing approaches other than emissions testing using a loaded emissions test may be capable of achieving emissions reductions for vehicles of certain model years. Idle emissions inspection, extensive engine parameter inspection, and mandatory maintenance procedures are discussed in the Environmental Protection Agency report "Control Strategies for In-Use Vehicles." Inspection/maintenance approaches other than those using a loaded emissions test, or emissions reductions greater than those cited in paragraph 3.a using a loaded emissions test, will be acceptable only if sufficient data are provided to justify the emissions reductions claimed.

4. *Retrofit of light duty vehicles*—(a) *Reductions.* The following reductions in exhaust emissions per vehicle are estimated to be achievable through installation of specific classes of retrofit devices on the specific model year classes of vehicles noted. Since retrofitted vehicles are expected to be subject to periodic inspection and maintenance (see Paragraph 4.2), the reductions cited are to be applied to a maintained vehicle emissions baseline. For example, if a 12 percent reduction in hydrocarbon emissions is claimed for inspection/maintenance, the reduction in hydrocarbon emissions due to a retrofit approach should be calculated after the vehicle's original emission rate for hydrocarbons has been reduced by 12 percent.

(i) Pre-controlled vehicles:

[In percent]

Retrofit option	Average reduction per vehicle		
	HC	CO	NO_x
Lean idle air/fuel ratio adjustment and vacuum spark advance disconnect	25	9	23
Oxidising catalytic converter and vacuum spark advance disconnect	68	63	48
Air bleed to intake manifold	21	58	0
Exhaust gas recirculation and vacuum spark advance disconnect	12	31	48

(ii) Controlled vehicles.

[In percent]

Retrofit option	Average reduction per vehicle		
	HC	CO	NO_x
Oxidizing catalytic converter	50	50	0
Exhaust gas recirculation	0	0	40
Oxidizing catalytic converter and exhaust gas recirculation	50	50	40

During the installation phase of a retrofit program, emissions reductions may be assumed only to the extent consistent with the portion of the vehicle population on which retrofit devices have been installed by that time.

(b) *Applicability.* The emissions reductions cited above for precontrolled vehicles are applicable to all gasoline-powered light duty motor vehicles (except motorcycles) sold nationally (except in California) prior to the 1968 model year or in California prior to the 1966 model year.

The emissions reductions cited above for installation of oxidizing catalytic converters on controlled vehicles are applicable to all gasoline-powered light duty motor vehicles (except motorcycles) sold nationally (except in California) in the 1968 through 1974 model years or in California in the 1966 through 1974 model years.

The emissions reductions cited above for installation of exhaust gas recirculation on controlled vehicles are applicable to all gasoline-powered light duty motor vehicles (except motorcycles) sold nationally (except in California) in the 1968 through 1972 model years or in California in the 1966 through 1971 model years.

(c) *Requirements.* An acceptable retrofit program must include:

(i) A method of ensuring that personnel installing the retrofits have the knowledge required to perform the needed tasks satisfactorily and have an adequate supply of retrofit components and that these components will be capable of achieving the claimed reductions.

(ii) Provisions for emissions testing at the time of retrofit installation or some other positive assurance that the retrofit device is installed and operating correctly.

(iii) Provisions for inspection of each retrofitted vehicle at least once per year.

(iv) Provisions for the establishment of inspection standards for retrofitted vehicles consistent with the emissions reductions claimed. Particular attention must be paid in this regard to catalytic converter retrofits as the reductions cited in paragraph 4.a do not include possible irreversible catalyst deterioration over time.

(v) Provisions to ensure that vehicles failing inspection receive the maintenance necessary to achieve compliance with the inspection standards.

(vi) In the case of retrofit programs that include the use of catalytic converters requiring unleaded fuel, provisions to ensure that vehicles utilizing this type of retrofit will not use leaded gasoline and that adequate supplies of lead-free gasoline will be available if Federal regulations will not insure availability, and provided that such provisions are not in violation of section 211(c)(4) of the Act.

(d) *Alternative approaches.* Retrofit programs employing approaches other than those cited above may be capable of achieving emissions reductions for vehicles of certain model years. For example, addition of vacuum spark advance disconnect to the air bleed to intake manifold approach may be feasible for precontrolled vehicles. Alternative retrofit approaches or retrofit emissions reductions

[1] Environmental Protection Agency, A Guide for Compiling a Comprehensive Emission Inventory, APTD–1135, June 1972. Available from Air Pollution Technical Information Center, EPA, Research Triangle Park, N.C. 27711.

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greater than those cited in paragraph 4.a will be acceptable only if sufficient data and analyses are provided to justify the emissions reductions claimed.

5. *Inspection/maintenance or retrofit of vehicles other than light duty vehicles.* The inspection/maintenance and retrofit approaches discussed above may be applicable to certain classes of motor vehicles other than those cited. In particular, the States are encouraged to consider the application of such approaches to motor vehicles in the 6,000 to 10,000 lb. GVW class. In many cases, these vehicles are constructed and operated in a manner similar to light-duty vehicles. However, the present lack of test data for application of inspection/maintenance or retrofit approaches to vehicles of this type prevents the inclusion of data on achievable emissions reductions for such vehicles in this appendix. Transportation control strategies employing inspection/maintenance or retrofit of vehicles other than light-duty vehicles will be acceptable only if sufficient data and analyses are provided to justify the emissions reductions claimed.

6. *Bases for emissions reductions cited in paragraphs 3 and 4*—(a) *Inspection/maintenance.* The reductions cited in paragraph 3.a for inspection/maintenance using a loaded emissions test were derived from test data obtained by EPA in evaluating the initial emissions reductions achieved when a fleet of precontrolled and controlled light duty vehicles are subjected to a loaded emissions inspection test and the vehicles failing that test were serviced in private maintenance garages. The results of that study are presented in the EPA report, "Control Strategies for In-Use Vehicles." The observed average initial reductions were 25 percent (HC), 19 percent (CO), and 0 percent (NOx).

It is expected that in an actual inspection/maintenance program the average emissions reductions achieved will be substantially less than the initial reductions observed in the study, since there will be deterioration of emissions-related components and adjustments between periodic inspection and maintenance events. While the currently available data on such deterioration are inadequate to accurately predict the consequences of this effect, some correction for deterioration is necessary. Therefore, giving consideration to the current frequency of voluntary maintenance and the emissions reductions typically achieved by existing maintenance procedures, it has been assumed that linear deterioration to before-maintenance emissions levels will occur over the 12-month period following maintenance. As a result, the average effectiveness for annual inspection is estimated to be one-half of the initial effectiveness following maintenance.

Data on the effectiveness of inspection/maintenance programs in reducing emissions are available only for light duty vehicles through the 1971 model year. The effectiveness of inspection/maintenance programs in reducing emissions from future model year vehicles will depend primarily on the extent to which emissions from those vehicles increase in use as a result of repairable malfunctions and on the ability of the inspection test to accurately identify vehicles having such malfunctions. These factors can be evaluated only after substantial numbers of such vehicles have been in use for some time. However, for implementation planning purposes, it has been assumed that emissions reductions estimated to be achievable for current light duty vehicles will be applicable for future model years as well.

Available data indicate that initial emissions reductions attainable through inspection/maintenance programs using an idle mode emissions test, are comparable to those attainable when a loaded emission test is used. However, it is anticipated that, in practice, programs based on an idle mode test only, will be substantially less effective than these data suggest. This is because only limited maintenance (in contrast to the extensive maintenance performed in the loaded emissions tests) is generally required in achieve compliance with an idle emissions test. Such maintenance may not achieve improvements in true mass emissions under typical driving conditions. Furthermore, an idle mode test alone can often be satisfied with combinations of engine adjustments that accomplish little or no true emissions reductions in terms of emissions measured over a driving cycle representative of typical urban driving conditions (the Federal Certification Test Procedure). Quantitative estimates of the loss in emissions reduction effectiveness due to these effects are not presently available.

Inspection and maintenance programs using engine parameter inspection or mandatory maintenance approaches may also be effective for vehicles of certain model years. However, such approaches must be tailored to relate to the specific engine and emissions control systems of the vehicles to be inspected and/or maintained. Depending upon inspection and maintenance procedures and the number and choice of engine parameters included in the program, substantial variations in emissions reductions are to be expected.

Because of the above considerations, it has been concluded that generally applicable estimates of achievable emissions reductions can be derived from currently available data only for programs which use a loaded emissions test. States considering inspection and/or maintenance programs based on alternative approaches should take the factors mentioned above into account where estimating and justifying emissions reductions expected from such programs. More detailed discussion of these matters may be found in the EPA report "Control Strategies for In-Use Vehicles."

(b) *Retrofit*—(i) *Pre-controlled vehicles.* The reductions cited in paragraph 4.a for precontrolled vehicles are based upon test data obtained in evaluating the initial emissions reductions obtained when various types of retrofit emissions control systems were fitted to fleets of tuned precontrolled light duty vehicles. The results of these studies are presented in the EPA "Control Strategies for In-Use Vehicles." In each case, the mean emissions reductions observed have been adopted as being most representative of the initial emissions reductions which may be achieved in an actual retrofit program.

Only very limited data are currently available on the deterioration of emissions performance of retrofit vehicles. These data, which are discussed in the EPA report "Control Strategies for In-Use Vehicles," indicate the need for periodic inspection and maintenance of retrofitted vehicles if the attainment and maintenance of the retrofit emissions reductions cited in paragraph 4.a is to be assured. Based upon the available data and the requirements for inspection and maintenance of retrofitted vehicles at least once per year, and considering the nature of the emissions control techniques employed in each retrofit approach, it appears that the average annual emissions reductions per retrofitted vehicle can approach the observed mean initial reductions if suitable inspection and maintenance criteria are adopted. Accordingly, it has been assumed for planning purposes that the observed initial emissions reductions will not be affected by deterioration.

(ii) *Controlled vehicles.* Data which could serve as a basis for estimating emissions reductions achievable through retrofitting controlled light duty vehicles are quite limited. As a result, the emissions reductions cited for this class of vehicles in paragraph 4.a were developed by extrapolating the data for retrofitting precontrolled light-duty vehicles.

The techniques of lean idle air/fuel ratio adjustment, vacuum spark advance disconnect, and air bleed to intake manifold are not considered to be generally applicable to controlled vehicles. This is because these emissions control approaches are either incorporated into or may be inconsistent with emissions control techniques already applied to many controlled vehicles.

Exhaust gas recirculation (EGR) is considered generally applicable only to those vehicles not substantially controlled for nitrogen oxides emissions. Therefore, EGR as a retrofit approach is applicable in 1968 through 1972 models sold nationwide (outside of California), except for an insignificant number of 1972 vehicles already equipped with EGR. Incorporation of EGR into a significant number of 1972 models sold in California limits the general applicability of this retrofit approach to 1966 through 1971 controlled vehicles sold in California.

Oxidizing catalytic converters are considered to be potentially applicable as retrofits through the 1974 model year. Beyond the 1974 model year, the presently anticipated design of emissions control systems required to meet Federal new car emissions standards is considered to preclude retrofitting using currently available retrofit technology.

The following paragraphs describe the bases for the emissions reductions cited for retrofit of controlled vehicles.

Oxidizing catalytic converters. Test data indicate that catalytic converter retrofits to precontrolled vehicles can achieve emissions reductions of 68 percent (hydrocarbons), 63 percent (carbon monoxide), and 48 percent (nitrogen oxides) when combined with vacuum spark advance disconnect. Presently available data suggest that deterioration may not be significant with retrofit-type catalysts.

Experience to date with prototype 1975 emissions control systems suggests that retrofit catalytic converters are capable of achieving substantial reductions of hydrocarbon and carbon monoxide emissions from controlled light-duty vehicles. While studies of precontrolled vehicles have provided evidence that retrofit catalysts may also achieve some reduction of nitrogen oxides emissions, the extent of this reduction is too highly dependent on the air/fuel ratio in the catalyst to be extrapolated to controlled vehicles with reasonable certainty.

In experiments conducted to date, installation of retrofit catalysts on precontrolled vehicles has been accompanied by vacuum spark advance disconnect. In addition, a lean idle air/fuel ratio adjustment has normally been included in the installation procedures. As neither of the latter two modifications is generally applicable to controlled vehicles, it is prudent to anticipate that reductions of hydrocarbon and carbon monoxide emissions achieved by retrofit catalysts on controlled vehicles may be less than those observed with precontrolled vehicles.

The cited emissions reductions of 50 percent (hydrocarbons), 50 percent (carbon monoxide), and 0 percent (nitrogen oxides) are estimates consistent with the foregoing considerations and the results obtained with precontrolled vehicles.

Exhaust Gas Recirculation (EGR). Emissions reductions of 12 percent (hydrocarbons), 31 percent (carbon monoxide), and 48 percent (nitrogen oxides) have been observed as a result of retrofitting precontrolled

light duty vehicles with EGR accompanied by vacuum spark advance disconnect. Experience with 1973 emissions control systems for new cars suggests that EGR retrofits can achieve substantital reductions of nitrogen oxides emissions from controlled vehicles not already equipped with EGR or equivalent nitrogen oxides emissions control systems.

Much of the hydrocarbon control and some of the nitrogen oxides control observed with EGR retrofits to precontrolled vehicles is attributable to the vacuum spark advance disconnect. This is not generally applicable to controlled vehicles. In addition, the design features responsible for much of the carbon monoxide reduction observed with precontrolled vehicles are likely to be already incorporated into many controlled vehicles. It is therefore prudent to expect that EGR retrofits to controlled vehicles may achieve somewhat smaller reductions of nitrogen oxides emissions than have been observed with precontrolled vehicles and no reductions of hydrocarbon and carbon monoxide emissions.

The cited emissions reductions of 0 percent (hydrocarbons and carbon monoxide) and 40 percent (nitrogen oxides) are estimates consistent with the foregoing considerations and the results obtained with precontrolled vehicles.

EGR and oxidizing catalytic converter retrofit for controlled vehicles affect different pollutants and operate independently on different parts of the engine. Therefore, when the two retrofits are combined, the emissions reductions obtained from each can be considered additive.

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ECONOMIC STABILIZATION

■

PHASE III

No. 8—Pt. IV——1

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Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11695

Further Providing for the Stabilization of the Economy

On August 15, 1971, I issued Executive Order 11615 establishing a freeze on prices, rents, wages and salaries for a period of 90 days from the date of that order and establishing the Cost of Living Council as the agency with primary responsibility for administering the Economic Stabilization Program.

Subsequently, I issued Executive Order 11627 which continued the Cost of Living Council and established a Pay Board and a Price Commission. Under the terms of that order, the Cost of Living Council established broad stabilization goals for the Nation and the Pay Board and Price Commission, acting through their respective Chairmen, prescribed specific standards, criteria and regulations and made rulings and decisions aimed at carrying out goals of the Economic Stabilization Program.

On December 22, 1971, I signed into law amendments to the Economic Stabilization Act of 1970. To reflect changes made by these amendments and to reaffirm the existing delegation of authority to the Cost of Living Council, I substituted Executive Order 11640.

As the result of efforts under the Economic Stabilization Program, by public officials and private citizens alike, the rate of inflation has been significantly reduced. However, in furtherance of the goals and for the reasons set forth in my message to the Congress of this date, I have determined that to continue to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade, and protect the purchasing power of the dollar, all in the context of sound fiscal management and effective monetary policies, the Economic Stabilization Program should be continued, building upon the solid foundation of achievement accomplished in the past and redirecting our efforts to respond to the needs of the current year.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. (a) The Cost of Living Council (hereinafter referred to as the "Council"), established by section 2 of the Executive Order 11615 of August 15, 1971, is hereby continued.

(b) The Council shall be composed of the following members: The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Management and Budget, the Chairman of the

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Council of Economic Advisers, the Director of the Office of Emergency Preparedness, the Special Assistant to the President for Consumer Affairs and such others as the President may, from time to time, designate. The Secretary of the Treasury shall serve as Chairman of the Council and the Chairman of the Council of Economic Advisers shall serve as Vice Chairman. The Chairman of the Board of Governors of the Federal Reserve System shall serve as adviser to the Council.

(c) There shall be a Director of the Cost of Living Council who shall be appointed by the President, be a member of the Council, be a full-time official of the United States, be the Council's Chief Executive Officer, and be compensated at the rate prescribed for Level III of the Executive Schedule by section 5314 of Title 5 of the United States Code.

SEC. 2. (a) Except as otherwise provided in subsection (b) of this section, all the powers and duties conferred upon the President by the Economic Stabilization Act of 1970, as amended, are hereby delegated to the Chairman of the Council, including, without limitation, the power and duty to make the determinations and take the actions required or permitted by the act.

(b) The authority conferred by or pursuant to this order shall not extend to the prices charged for raw agricultural products until after the first sale thereof.

(c) The Council shall develop and recommend to the President policies, mechanisms and procedures to achieve and maintain stability of prices and costs in a growing economy. To this end it shall consult with representatives of agriculture, industry, labor, State and local governments, consumers and the public, including the National Commission on Productivity.

(d) In all of its actions the Council shall be guided by the need to maintain consistency of price and wage policies with fiscal, monetary, international, and other economic policies of the United States.

(e) The Council shall inform the public, agriculture, industry, and labor concerning the need for controlling inflation and shall encourage and promote voluntary action to that end.

SEC. 3. (a) All orders, regulations, circulars, rulings, notices or other directives issued and all other actions taken by any agency pursuant to Executive Order 11588, as amended, Executive Order 11615, as amended, Executive Order 11627, as amended, and Executive Order 11640, as amended, and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect as if issued under this order, unless or until altered, amended, or revoked by the Chairman or by such competent authority as the Chairman may specify, and shall be administered by the Chairman or by such competent authority as the Chairman may specify.

(b) The Chairman shall take such steps as are necessary to make appropriate disposition of actions in process under the Economic Stabilization Program and to effect an orderly transfer of stabilization functions pursuant to this order.

(c) This order shall not operate to defeat any suit, action, prosecution, or administrative proceeding, whether heretofore or hereafter commenced, with respect to any right possessed, liability incurred, or offense committed prior to this date.

(d) Renegotiation provisions in price, rent, wage or salary contracts which are dependent for their operation on modification or termination of the Economic Stabilization Program are hereby declared inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Except to the extent permitted pursuant to the provisions of section 4(a), this order shall not operate to permit:

(i) A retroactive increase in prices, rents, wages or salaries for goods or services sold or leased or work performed while the prices, rents, wages or salaries were subject to the rules of the Price Commission or the Pay Board, or

(ii) A prospective increase in prices, rents, wages or salaries under the terms of a contract subject to a Price Commission or Pay Board decision and order, except to the extent consistent with such decision and order.

SEC. 4. (a) The Chairman, in carrying out the provisions of this order, may continue to (i) prescribe definitions for any terms used herein, (ii) make exceptions or grant exemptions, (iii) issue regulations and orders, (iv) provide for the establishment of committees and other comparable groups, and (v) take such other actions as he determines to be necessary or appropriate to carry out the purposes of this order.

(b) The Chairman may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in administering this order, utilize the services of any other agency, Federal or State, as may be available or appropriate.

(c) On request of the Chairman, each executive department or agency is authorized and directed, consistent with law, to furnish the Council with any available information which the Council may require in the performance of its functions, and shall provide such other assistance in carrying out the provisions of this order as is permitted by law.

SEC. 5. (a) The Construction Industry Stabilization Committee (hereinafter referred to as the CISC) established by section 2 of Executive Order 11588 of March 29, 1971, is hereby continued and shall continue to act as an agency of the United States. The CISC shall perform such functions with respect to the stabilization of wages and salaries in the construction industry as the Chairman of the Council may delegate to it.

(b) The CISC shall be composed of twelve members. The CISC shall include four members representative of labor organizations in the construction industry, four members representative of employers in the construction industry, and four members representative of the public. The CISC shall conduct its proceedings in such manner as will be conducive to the proper dispatch of its business and to the ends of justice.

(c) The craft dispute boards (hereinafter referred to as "boards") established by associations of contractors and national and international

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unions under section 2 of Executive Order 11588 are hereby continued. Each board shall be composed of appropriate labor and management representatives. The boards shall perform such functions with respect to the stabilization of wages and salaries in the construction industry as the Chairman of the Council may prescribe.

(d) Upon a determination by a board or the CISC that a proposed wage or salary increase is not acceptable and certification of that determination by the Chairman of the Cost of Living Council the following actions shall be taken.

(i) In implementing the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended) and related statutes the provisions of which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, and including State statutes or laws requiring similar wage standards, the Secretary of Labor and all States shall not take into consideration any wage or salary increases in excess of that found to be acceptable in making determinations under that act and related statutes.

(ii) In order to assure that unacceptable wage rates shall not be utilized in Federal or federally-related construction, the heads of all Federal departments and agencies, subject to the direction and coordination of the Chairman of the Cost of Living Council:

(1) shall review all plans for construction and financial assistance for construction in localities in which wage or salary increases have been certified by the Chairman of the Cost of Living Council to be unacceptable and shall, on the basis of that review, determine whether such plans can be approved or continued; and

(2) shall review current and prospective construction contracts for Federal construction and for construction on projects receiving Federal financial assistance in the area affected by a certification by the Chairman of the Cost of Living Council and shall, on the basis of such review, determine whether such contracts can be awarded or continued.

SEC. 6. (a) There is hereby established the Cost of Living Council Committee on Health to be composed of the Director of the Council, who shall be its Chairman, the Vice Chairman of the Council, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, the Director of the Office of Management and Budget, and such others as the President may, from time to time, designate. The Committee shall review Government activities significantly influencing health care expenses and make recommendations to the Chairman of the Council concerning these matters.

(b) There is hereby established a Health Industry Advisory Committee. This Committee shall be composed of such members as the President may, from time to time, appoint. The President shall designate the Chairman of the Committee. The Committee shall provide advice to the Council on the operation of the Economic Stabilization Program in the health industry and other matters related to health care expenses.

SEC. 7. (a) There is hereby established the Cost of Living Council Committee on Food which shall be composed of the Chairman of the

Council, who shall be its Chairman, the Vice Chairman of the Council, the Director of the Council, the Secretary of Agriculture, the Director of the Office of Management and Budget and such others as the President may, from time to time, designate. The Committee shall review Government activities significantly affecting food costs and prices and make recommendations to the Chairman of the Council concerning these matters.

(b) There is hereby established a Food Industry Advisory Committee. This Committee shall be composed of such members as the President may, from time to time, appoint. The President shall designate the Chairman of the Committee. The Committee shall provide advice to the Council on the operation of the Economic Stabilization Program in the food industry and other matters related to food costs and prices.

SEC. 8. There is hereby established a Labor-Management Advisory Committee. This Committee shall be composed of such members as the President may, from time to time, appoint. The Committee shall provide advice to the Chairman of the Council on methods for improving the collective bargaining process and for assuring wage and salary settlements consistent with gains in productivity and the goal of stemming the rate of inflation.

SEC. 9. The Committee on Interest and Dividends established by section 9 of Executive Order 11627 is hereby continued. The Committee shall be composed of the Chairman of the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Chairman of the Federal Deposit Insurance Corporation, the Chairman of the Federal Home Loan Bank Board, and such others as the President may, from time to time, designate. The Chairman of the Board of Governors of the Federal Reserve System shall serve as Chairman of the Committee. This Committee shall, subject to review by the Council, formulate and execute a program for obtaining voluntary restraints on interest rates and dividends.

SEC. 10. (a) The Pay Board and Price Commission established by sections 7 and 8 of Executive Order 11627 are hereby abolished effective not more than 90 days from the date of this order or such earlier date as the Chairman of the Cost of Living Council may designate. The Board and the Commission during this transition period shall provide for winding up any outstanding matter involving them subject to the direction of the Chairman of the Council.

(b) The Committee on the Health Services Industry established by section 10 of Executive Order 11627 is hereby abolished.

(c) The Committee on State and Local Government Cooperation established by section 11 of Executive Order 11627 is hereby abolished.

(d) The Rent Advisory Board established by section 11A of Executive Order 11627, as amended, is hereby abolished.

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(e) The Chairman of the Council shall make appropriate provision for the disposition of the records, property, personnel, and funds relating to the agencies and committees abolished by this section.

(f) In order that the confidential status of any records affected by this order shall be fully protected and maintained, the use of any confidential records transferred pursuant to this section shall be so restricted by the Chairman of the Council as to prevent the disclosure of information concerning individual persons or firms to persons who are not engaged in functions or activities to which such records are directly related, except as provided for by law or as required in the final disposition thereof pursuant to law.

SEC. 11. (a) Whoever willfully violates this order or any order or regulation continued or issued under authority of this order shall be subject to a fine of not more than $5,000 for each such violation. Whoever violates this order or any order or regulation continued or issued under authority of this order shall be subject to a civil penalty of not more than $2,500 for each such violation.

(b) The Chairman of the Council may in his discretion request the Department of Justice to bring actions for injunctions authorized under section 209 of the Economic Stabilization Act of 1970, as amended, whenever it appears to him that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order continued or issued pursuant to this order. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of monies received in violation of any such order or regulation.

(c) The Chairman of the Cost of Living Council, or his duly authorized agent, shall have authority for any purpose related to the Economic Stabilization Act of 1970, as amended, to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with the provisions of section 206 of the Economic Stabilization Act of 1970, as amended.

SEC. 12. Executive Order 11588 of March 29, 1971, Executive Order 11640 of January 26, 1972, Executive Order 11660 of March 25, 1972, and Executive Order 11674 of June 29, 1972, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
January 11, 1973.

[FR Doc.73-874 Filed 1-11-73;12:16 pm]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Part 130 is added to Title 6, chapter I, Code of Federal Regulations. This part sets forth the Cost of Living Council Phase III Regulations in accordance with the policies and principles established in the Economic Stabilization Act and Executive Order No. 11695. These regulations supersede the provisions of Part 101 of Chapter I, Chapter II (Pay Board Regulations) and Chapter III (Price Commission Regulations) of Title 6, Code of Federal Regulations except as provided with respect to the food industry, health industry, and construction industry. However, the provisions of Chapters II and III serve as a guide in applying the general price and pay standards set forth in subpart B of this part.

As a result of the Economic Stabilization program and public cooperation with its policies, the rate of inflation has been significantly reduced. As explained in the President's message to Congress, the White House fact sheet on phase III, which are attached as an appendix to these regulations, and Executive Order No. 11695, it is necessary to continue the Economic Stabilization Program in this changed form. There is a continued need to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade, protect the purchasing power of the dollar, all within the context of sound fiscal management and effective monetary policies. The Economic Stabilization Program should be continued, building upon the solid foundation of achievement accomplished in the past and redirecting its efforts to respond to the needs of the current year.

Because the immediate implementation of Executive Order No. 11695 is required, and because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20507.

These regulations are effective as of January 11, 1973.

DONALD RUMSFELD,
Director, Cost of Living Council.

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(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11695)

Subpart A—General

§ 130.1 Scope.

(a) This part supersedes the provisions of Part 101 and Chapters II (Pay Board Regulations) and III (Price Commission Regulations) of this title, except insofar as hereinafter provided with respect to the food industry, the health industry, and the construction industry. However, the provisions of Chapters II and III of this title serve as a guide in applying the general price and pay standards set forth in subpart B of this part.

(b) Reports due under prior rules: Any report required to be filed with the Pay Board or the Price Commission under the provisions of Chapter II or III or any rule, order or regulation of the Pay Board or Price Commission in effect on January 10, 1973 for any reporting period which ended on or before that date and which was not filed by that date, shall be filed with the Council in the form and within the time in which it would have been filed with the Pay Board or the Price Commission.

(c) Renegotiation provisions in price, rent, wage, or salary contracts which depend for their operation upon the modification or termination of the Economic Stabilization Program are hereby declared inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. This part shall not operate to permit:

(i) A retroactive increase in prices, rents, wages or salaries for goods or services sold or leased or work performed while the prices, rents, wages, or salaries were subject to the rules of the Price Commission or the Pay Board, or

(ii) A prospective increase in prices, rents, wages, or salaries under the terms of a contract subject to a Price Commission or Pay Board decision and order, except to the extent consistent with such decision and order.

Subpart B—Goals; General Standards for Prices, Wages and Salaries

§ 130.10 Goals.

The goals of the Economic Stabilization Program are to reduce the rate of inflation further in 1973 and to establish general confidence in reasonable stability of prices beyond 1973. Reduction in the rate of inflation to 2½ percent or below by the end of 1973 is proposed as a guide to both Government

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policies and private behavior. The Economic Stabilization Program is designed to encourage private behavior that is consistent with those goals.

§ 130.11 Standards.

This subpart establishes standards for private behavior which are intended to be applied voluntarily and on a self-administered basis and which are consistent with achieving the national goals of the Economic Stabilization Program. The standards do not apply to price adjustments in the food industry or in the health services industry, to rate increases by public utilities, or to pay adjustments affecting employees of firms in the food industry, the health services industry, or the construction industry.

§ 130.12 General wage and salary standard.

The general wage and salary standard is a 5.5 percent increase per annum. The standard shall apply to any pay adjustment payable with respect to an appropriate employee unit after January 10, 1973. Adjustments in excess of the standard may be made only as necessary to reflect qualified fringe benefits or to prevent gross inequities, serious market disruptions, or localized shortages of labor. The policies and principles, including the computation methods, contained in the Pay Board's regulations in effect on January 10, 1973, can be used in applying the standard. No wage or salary increase should be placed into effect which is unreasonably inconsistent with the standard or the goals of the Economic Stabilization Program.

§ 130.13 General price standard.

The general standard for price adjustments is that a person may increase prices above those authorized or lawfully in effect on January 10, 1973, to reflect increased costs so long as his profit margin does not increase over that which prevailed during the base period as modified herein. Alternatively, a person may increase prices by a weighted annual average of 1.5 percent over prices authorized or lawfully in effect on January 10, 1973, to reflect increased costs without limitation as to profit margin. Adjustments in excess of the standard may be made only as necessary for efficient allocation of resources or to maintain adequate levels of supply. The principles and policies contained in the Price Commission's regulations in effect on January 10, 1973, can be used in applying the standard. No price increase should be placed into effect which is unreasonably inconsistent with the standard or the goals of the Economic Stabilization Program.

Subpart C—Reporting and Recordkeeping

§ 130.20 Scope.

The provisions of this subpart do not apply to price adjustments in the food industry or in the health services industry, to rate increases by public utilities, or to pay adjustments affecting employees of firms in the food industry, the health services industry, or the construction industry.

§ 130.21 Price reporting firms; reporting requirements.

(a) A price reporting firm is a firm with annual sales or revenues of $250 million or more.

(b) Each price reporting firm shall submit quarterly reports to the Council with information on prices, costs, and profits in accordance with regulations issued by the Council.

§ 130.22 Price recordkeeping firms; recordkeeping requirements.

(a) A price recordkeeping firm is a firm with annual sales or revenues of $50 million or more.

(b) Each price recordkeeping firm shall maintain information on prices, costs, and profits in accordance with regulations issued by the Council.

§ 130.23 Pay adjustments to be reported; reporting requirements.

(a) A pay adjustment which applies to or affects 5,000 or more employees must be reported to the Council.

(b) Reporting of such pay adjustments shall be submitted to the Council in accordance with regulations issued by the Council.

§ 130.24 Pay adjustments subject to recordkeeping; recordkeeping requirements.

(a) A pay adjustment which applies to or affects 1,000 or more employees is subject to recordkeeping requirements.

(b) Records with respect to each such pay adjustment shall be maintained in accordance with regulations issued by the Council.

Subpart D—Exemptions—Items not Included in Coverage

§ 130.30 General.

Price adjustments and pay adjustments with regard to the property, services, wages, and salaries set forth in this subpart are exempt from and not included in the coverage of this title.

§ 130.31 Agricultural products, seafood products, and raw sugar price adjustments.

(a) *Raw agricultural products.* (1) Subject to the special rule set forth below, the sale of agricultural products which retain their original physical form and have not been processed is exempt. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form. Packaging is not considered a processing activity. Examples:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep, and lambs.	Carcasses and meat cuts.
Live poultry	
Raw milk	Pasteurized milk and processed products such as butter, cheese, ice cream.
	Frozen, dried, or liquid eggs.
Sheared or pulled wool.	Wool products.
	Processed and blended honeybutter product.
Mohair.	
Hay: Bulk, pelleted, cubed, or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Feed grains including:	
Corn	Mixed feed.
Sorghum	Cracked corn.
Barley	Rolled barley.
Oats	Rolled oats.
Soybean	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.
Baled cotton, cottonseed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
	Roasted, salted, or otherwise processed nuts.
	Canned or freeze dried mushrooms.
Fresh hops.	
Sugar beets and sugarcane.	Refined sugar.
Maple sap.	
All seeds for planting.	Seeds processed for other uses.
Raw coffee bean	Roasted coffee bean.
	Canned and frozen vegetables.
	Dill pickles.
	Package slaw.
	Popped popcorn.
Stumpage or trees cut from the stump.	Milled lumber.
	Canned fruit or juices.
	Glazed citrus peel.
	Canned grapes, wine.
	Applesauce.
	Canned prunes and prune juice.
	Canned olives.
	Floral wreath.
Garden plants.	

(2) Special rule: Only the first sale by the producer or grower of those agricultural products which are of a type sold for ultimate consumption in their original physical form is exempt. Examples of these products are:

Shell, eggs packaged or loose.	Tomatoes.
Raw honeycomb honey.	Lettuce.
Fresh potatoes, packaged or not.	Sweet corn.
All raw nuts—shelled and unshelled.	Brussel sprouts.
Fresh mushrooms.	Beets.
Fresh mint.	Unpopped popcorn.
Dried beans, peas, and lentils.	All fresh or naturally dried fruits, packaged or not, including:
All fresh vegetables and melons including:	Fresh oranges.
	Grapes and raisins.
	Apples.
	Peaches.
Strawberries.	Honeydews.
Grapefruit.	Escarole.
Pears.	Garlic.
Lemons.	Artichokes.
Plums and prunes.	Eggplant.
Cherries.	Avocados.
Cranberries.	Blueberries.
Onions.	Apricots.
Green beans.	Tangerines.
Cantaloupe.	Olives, uncured.
Cucumbers.	Nectarines.
Cabbage.	Raspberries.
Carrots.	Blackberries.
Watermelons.	Figs.
Green peas.	Tangelos.
Asparagus.	Limes.
Pepper.	Dates.
Broccoli.	Papayas.
Cauliflower.	Bananas.
Spinach.	Pomegranates.
Green lima beans.	Currants.
	Persimmons.
	Cut flowers.

(b) *Dressed broilers and turkeys and raw seafood products.* The first sale by (1) a producer of broilers or turkeys or (2) a producer or fisherman of raw seafood products including those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated is exempt.

(c) *Raw sugar prices.* Raw sugar price adjustments which are controlled under the Sugar Act of 1948, as amended.

§ 130.32 Real estate and insurance premiums.

(a) *Real estate*—(1) *Sales.* (i) Unimproved real estate.

(ii) Real estate with improvements completed prior to August 15, 1971.

(iii) Real estate with improvements completed on or after August 15, 1971, if—

(*a*) The sales price is determined after the completion of construction; or

(*b*) The sales price is determined before the completion of construction and the wage rates estimated by the builder at the time the price is determined are not subsequently reduced by any action under the Economic Stabilization Program.

(2) *Rentals.* All rentals of residential and nonresidential real property.

(b) *Insurance premiums.* (1) Premiums charged for the following lines of insurance purchased or renewed after November 13, 1971:

(i) Reinsurance of all kinds.

(ii) Ocean marine insurance.

(iii) Inland marine insurance on a bid basis applicable to facilities of transportation and communication.

(iv) Life insurance, annuities, and endowments (including individual and group contracts of: Ordinary and term life insurance, fixed and variable annuities, and endowments of all kinds); but excluding credit life insurance of any kind.

(v) Individually negotiated and rated insurance contracts written in excess of a self-insured retention of at least $100,000.

(2) Premiums charged for the following sublines of aviation insurance purchased or renewed after September 1, 1972:

(i) Hull insurance.

(ii) Liability insurance for bodily injury (excluding passenger hazard) caused by an aircraft.

(iii) Liability insurance for property damage caused by an aircraft.

§ 130.33 Certain price adjustments.

(a) *Federal, State, and local governments.* (1) Price adjustments including rent adjustments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred by any Federal department, agency, or other instrumentality including the Postal Service and wholly owned Government corporations as defined in the Government Corporation Control Act of 1945, as amended.

(2) Price adjustments including rent adjustments by State and local governments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, facilities, materials, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred including tuition and other charges for schools, colleges, and universities owned or operated by a State and local government; except, however, that fees or charges for health services (but not health service fees levied on all students as a condition of enrollment) and for utility services (including, gas, electricity, telephone, telegraph, public transportation by vehicle or pipeline, but not including water or sewage disposal services) provided directly or indirectly by a State and local government are not exempt under the provisions of this section.

(b) *Tuition fees of private nonprofit educational organizations.* Tuition fees and other charges by private schools, colleges, and universities not operated for profit; except that: (1) Fees and charges resulting in income which is subject to tax under Part III of Subchapter F of the Internal Revenue Code of 1954, as amended, as unrelated business taxable income and (2) medical fees and charges, other than a health service fee levied on all students as a condition of enrollment, are not exempt under the provisions of this section.

(c) *Custom products and services.* (1) The following products when custom made to individual order:

(i) Leather goods.

(ii) Wigs and toupees.

(iii) Fur apparel.

(iv) Jewelry.

(2) The following custom services when provided to individual order;

(i) Tailoring of clothing.

(ii) Framing of pictures and mirrors.

(iii) Taxidermy.

(d) *Exports, imports, ocean shipping rates, and foreign air transportation.* (1) Exports, including products sold to a domestic purchaser who certifies that the product is for export.

(2) Imports, but only the first sale into U.S. commerce.

(3) International ocean shipping rates.

(4) All rates, fares, and charges for foreign air transportation (as defined by the Federal Aviation Act, 49 U.S.C. 1301 (21)) which are set forth in tariffs filed with the Civil Aeronautics Board or which are established or approved by the Civil Aeronautics Board.

(e) *Damaged and used products.* Damaged and used products other than products which have been rebuilt, repackaged, baled, reassembled, or otherwise processed.

(f) *Government property.* (1) Abandoned or confiscated property sold by any Federal, State, or local government agency pursuant to authorization of a court.

(2) Property sold by the United States, including lease-sales.

(g) *Transactions in gold.* Transactions in gold on the domestic market under license from the Secretary of the Treasury pursuant to the Gold Reserve Act of 1934 as amended, and regulations issued pursuant thereto.

(h) *Securities and financial instruments.* (1) Securities as defined in § 101.2

(2) Property subject to net leases as defined in 26 U.S.C. 163(d)(4)(a).

(3) Commercial paper.

(4) Commodity futures sold on an organized commodities exchange but not including the commodity (unless otherwise exempt).

(i) *Brokerage fees charged on a securities exchange.* Brokerage fees, charged for the trading of securities on a securities exchange, that are subject to the jurisdiction of the Securities and Exchange Commission, when the Securities and Exchange Commission has certified that such fees are consistent with the objectives of the economic stabilization program.

(j) *Retail firms, including restaurants.* Price adjustments of retail firms, including restaurants, with annual sales or revenues of less than $100,000.

(k) *Fees and charges imposed by Indian Tribal Councils.* Price adjustments, including rent adjustments, for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, commodity, or similar thing of value or utility, performed, furnished, sold, leased, provided, granted, prepared, issued, or transferred by any Indian Tribal Council which is formally recognized by a State or the Federal Government are exempt whether or not all or part of a particular transaction takes place on or off Indian Tribal lands.

(l) *U.S. tanker rates.* Rates for the transportation of goods in a coastwise voyage by sea as defined in 46 U.S.C. section 88, in tank vessels built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or tank vessels to which the privilege of engaging in the coastwise trade is extended by

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section 13 or 808 of title 46 of the United States Code.

(m) *Silver.* Price adjustments for (1) commercial grade silver in refining shapes, (2) silver content in ores and done, (3) silver coins, and (4) other forms of silver sold for manufacturing or professional uses.

§ 130.34 Certain pay adjustments.

(a) *Federal pay adjustments.* Federal Government employees' pay adjustments which are based upon Federal law and regulations and are determined by Presidential directives, including therein pay adjustments in the compensation and allowances of members of the Armed Forces; employees of the Judicial and of the Legislative Branch of the Federal Government: *Provided, however,* This section shall not exempt pay adjustments affecting employees of the U.S. Postal Service.

(b) *Pay adjustments affecting certain U.S. citizens.* Pay adjustments which apply to or affect U.S. citizens who reside and are employed outside the United States and the District of Columbia.

(c) *Professional athletes.* Pay adjustments of professional athletes, and pay adjustments of managers and coaches of professional athletes, when such managers and coaches are employed by professional sports organizations employing professional athletes.

§ 130.35 Miscellaneous.

(a) Royalties and other payments from the sale of copyrights, manuscripts, and like materials prepared for publication.

(b) Dues paid to a nonprofit organization.

(c) Antiques and art objects including paintings, etchings, and sculpture.

(d) Collectors' coins and stamps.

(e) Rock and stone specimens including precious stones and mounting into which precious stones are set.

(f) Handicraft objects.

(g) The first sale of mint oil and maple syrup or sugar.

(h) The first sale of dehydrated fruits.

(i) *Films.* Price adjustments for motion pictures and television productions when such price adjustments are made by producers or distributors of motion pictures and television productions.

Subpart E—Small Business Exemption

§ 130.40 Exemption of firms with 60 or fewer employees.

(a) *Applicability—firms existing on or before December 31, 1971—(1) General.* Subject to the provisions of (a) (2) and (3) of this section, price and pay adjustments (but not rent increases or adjustments) of any firm, existing on or before December 31, 1971, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (a)(3) of this section are exempt from and not included in the coverage of this title.

(2) *Exemption not applicable.* The exemption provided for in paragraph (a) (1) of this section shall not be applicable to:

(i) A firm which in its fiscal year ending prior to May 2, 1972 had annual sales or revenues of $50 million or more;

(ii) A firm which on May 2, 1972, was an institutional or noninstitutional provider of health services (as defined in §§ 300.18 and 300.19 of this title);

(iii) A firm which on May 2, 1972, was engaged in construction as defined by section 11 of Executive Order 11588 (3 CFR, 1971 Comp., p. 147);

(iv) A firm, if the pay adjustments immediately preceding the effective date of this regulation, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group, or other similar basis and which covered more than 60 employees; or

(v) Pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph whose pay adjustments immediately preceding the effective date of this regulation were set or which are set at any time thereafter by a master employment or other employment contract described in subdivision (iv) of this subparagraph which covered more than 60 employees.

(3) *Determination of average number of employees.* The average number of employees for firms in existence on or before December 31, 1971, shall be computed by dividing the sum of the number of employees employed in the pay periods which included June 30, September 30, and December 31, 1971, and March 31, 1972, by the number of such pay periods for which any such firm was in existence.

(b) *Applicability—firms coming into existence on or after January 1, 1972.* (1) *General.* Subject to the provisions of paragraphs (b) (2) and (3) of this section, price and pay adjustments (but not rent increases or adjustments) of any firm coming into existence on or after January 1, 1972, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (b)(3) of this section) are exempt from and not included in the coverage of this title.

(2) *Exemption not applicable.* The exemption provided for in paragraph (b)(1) of this section shall not be applicable to:

(i) A firm which at any time during its first four calendar quarters after March 31, 1972, had annual sales or revenues of $50 million or more;

(ii) A firm which at any time during its first four calendar quarters after March 31, 1972, was an institutional or noninstitutional provider of health services (as defined in §§ 300.18 and 300.19 of this title);

(iii) A firm which at any time during its first four calendar quarters after March 31, 1972, was engaged in construction as defined by section 11 of Executive Order No. 11588 (3 CFR 1971 Comp., p. 147);

(iv) A firm, if the pay adjustments at any time during its first four calendar quarters after March 31, 1972, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group or other similar basis and which covered more than 60 employees;

(v) Pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph whose pay adjustments immediately preceding the effective date of this regulation were set or which are set at any time thereafter by a master employment or other employment contract described in subdivision (iv) of this subparagraph which covered more than 60;

(vi) A firm which is deemed to have an average of more than 60 employees in any calendar quarter in its first four calendar quarters, including its fourth calendar quarter, after March 31, 1972; or

(3) *Determination of average number of employees.* The average number of employees for firms coming into existence on or after January 1, 1972, shall be computed as follows:

(i) For its first calendar quarter after March 31, 1972, the average number of employees shall be deemed to be 60 or fewer until such time as the number of employees in that first calendar quarter after March 31, 1972, exceeds 60;

(ii) If the firm was deemed to have an average of 60 or fewer employees in the pay period which included the last day of its first calendar quarter after March 31, 1972, it shall be deemed to have 60 or fewer employees during its second calendar quarter after March 31, 1972;

(iii) A firm shall compute its average number of employees for its third calendar quarter after March 31, 1972, by dividing by two the sum of the number of employees employed in the pay period which included the last day of its first two calendar quarters after March 31, 1972;

(iv) A firm shall compute its average number of employees for its fourth calendar quarter after March 31, 1972, by dividing by three the sum of the number of employees employed in the pay period which included the last day of its first three calendar quarters after March 31, 1972; and

(v) If the firm's average number of employees was deemed to be 60 or fewer for its first four calendar quarters after March 31, 1972, its average number of employees shall be permanently established for the purpose of this paragraph by dividing by four the sum of the number of employees employed in the pay period which included the last day of its first four calendar year quarters after March 31, 1972.

(c) Definitions.

(1) "Employee" means any person residing in and employed in the several States or the District of Columbia for whom an employer is required to pay taxes imposed pursuant to the Federal Insurance Contributions Act, 1939, as amended, 26 U.S.C. sec. 3101, et seq. (FICA), and any person otherwise excluded from FICA coverage, who (i) performs services for any firm as an agent-driver, or commission-driver engaged in the distribution of milk for his principals; or (ii) is defined as an "employee" in 26 U.S.C. sec. 3121(d).

(2) "Local government" includes any town, village, city, or similar entity which was incorporated by authority of the State and which has and exercises local legislative powers, and any county, town, township, or similar entity which is a subdivision of the State or county and which possesses and exercises some powers of local self-government; any school district which is an independent governmental unit and any special district classified as an independent governmental unit created for the sole purpose of performing one or more municipal functions. An "independent governmental unit" is one which meets the criteria for classifying governmental units used by the Department of Commerce, U.S. Bureau of the Census, in the 1967 Census of Governments, "Governmental Organizations," beginning at p. 13.

Subpart F—Special Rules Applicable to the Food Industry

§ 130.51 Scope.

This subpart establishes special mandatory rules applicable to price adjustments and pay adjustments by manufacturers, service organizations, wholesalers, and retailers in the food industry unless exempted under the provisions of Subpart E of this part.

§ 130.52 Price Reporting: Wholesalers and retailers.

A wholesaler or retailer with annual sales or revenues of $250 million or more must report quarterly, in accordance with regulations issued by the Council, information as to markups and profit margin.

§ 130.53 Price Recordkeeping: Wholesalers and retailers.

A wholesaler or retailer must maintain quarterly records in accordance with regulations issued by the Council, as to markups and profit margin.

§ 130.54 Price Reporting: Manufacturers and service organizations.

A manufacturer or service organization with annual sales or revenues of $250 million or more shall submit quarterly reports to the Council in the form and within the time such reports were required under regulations of the Price Commission in effect on January 10, 1973.

§ 130.55 Price Recordkeeping: Manufacturers and service organizations.

Manufacturers and service organizations must maintain information on prices, costs, and profits in accordance with regulations issued by the Council.

§ 130.56 Wholesalers and retailers—price rules.

A wholesaler or retailer remains subject to regulations of the Price Commission in effect on January 10, 1973, with respect to permissible price levels with the following modifications:

(a) The definition of base period is superseded by the definition in Subpart L of this part;

(b) Customary initial percentage markup may be applied and reported on the basis of total sales by the wholesaler or retailer or any other level of item or category control;

(c) Customary initial percentage markup may be increased to reflect on a dollar-for-dollar basis Government-mandated operating cost increases; and

(d) Only firms with $250 million or more in annual sales or revenues are subjust to the requirements for prenotification and reporting; and

(e) §§ 300.13(b)(c)(d)(e) and 300.13a of this title are hereby revoked.

§ 130.57 Manufacturers and service organizations—price rules.

Manufacturers and service organizations remain subject to the rules and regulations of the Price Commission in effect on January 10, 1973, except that only firms with $250 million or more in annual sales or revenues are subject to the requirements for prenotification and reporting and except that the definition of base period profit margin is superseded by the definition in Subpart L of this part. The Council shall succeed to and assume all applicable rights, duties, and obligations of the Price Commission as contained in the rules and regulations of the Price Commission applicable to manufacturers and service organizations. Whenever under those rules and regulations authorizations from or reports to the Price Commission are required, such authorizations and reports shall be obtained from or made to the Council in the form and within the time required under regulations of the Price Commission in effect on January 10, 1973.

§ 130.58 Pay adjustments.

Pay adjustments affecting employees in the food industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein. Whenever authorizations from or reports to the Pay Board are required under those rules and regulations, such authorizations shall be obtained from and reports made to the Council in the form and within the time required under regulations of the Pay Board in effect on January 10, 1973.

Subpart G—Special rules applicable to Providers of Health Services

§ 130.60 Scope.

This subpart establishes mandatory rules applicable to price adjustments and pay adjustments by providers of health services.

§ 130.61 Price adjustments.

Price adjustments by institutional and noninstitutional providers of health services remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Price Commission in effect on January 10, 1973, except that §§ 300.18(g) and 300.19(d) of this title are hereby revoked. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Price Commission contained therein. Whenever under those rules and regulations authorizations from or reports to the Price Commission are required, such authorizations and written reports shall be obtained from or made to the Council in the form and within the time required under regulations of the Price Commission in effect on January 10, 1973.

§ 130.62 Pay adjustments.

Pay adjustments affecting employees in the health industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein. Whenever authorizations from or reports to the Pay Board are required under those rules and regulations, such authorizations shall be obtained from and reports made to the Council in the form and within the time required under regulations of the Pay Board in effect on January 10, 1973.

Subpart H—Special Rules Applicable to the Construction Industry

§ 130.70 Scope.

This subpart establishes special rules applicable to prices and pay adjustments in the construction industry.

§ 130.71 Prices.

Final payments under any construction contract all or part of which is performed by construction workers whose wages and salaries are subject to review by the Construction Industry Stabilization Committee (CISC), shall be renegotiated if the wage and salary level of construction workers used in determining the final payment is reduced pursuant to the provisions of the contract concerned relating to renegotiation, or if there are no such provisions in the contract, pursuant to customary renegotiation procedures and practices of the construction industry. The amount by which the final payment with respect to any contract shall be reduced as a result of the renegotiation must fairly reflect the results of the CISC action, including any allowable cost increases resulting therefrom.

§ 130.72 Pay adjustments.

Pay adjustments affecting employees in construction remain subject to the

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classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board and the Construction Industry Stabilization Committee in effect on January 10, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein.

Subpart I—Special Rules Applicable to Public Utilities

§ 130.80 Scope.

This subpart applies to each rate increase authorized under law to be placed into effect after January 10, 1973, by any publicly, privately, cooperatively, or municipally owned public utility, whether or not that rate increase is approved by a regulatory agency. These standards shall be applied by public utilities whether or not subject to a regulatory agency, and by regulatory agencies.

§ 130.81 Rules.

Increases in rates for public utilities effective January 10, 1973, should be consistent with the following criteria:

(a) The increase is cost-justified and does not reflect future inflationary expectations;

(b) The increase is the minimum required to assure continued adequate and safe service or to provide for necessary expansion to meet future requirements;

(c) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and will not impair the credit of the public utility; and

(d) The increase takes into account expected and obtainable productivity gains.

Subpart J—Challenge Procedures

§ 130.90 Purpose and scope.

This subpart establishes the procedures under which the Council may challenge price or pay increases which have occurred or are proposed.

§ 130.91 General.

When any report required by Part 130 of this chapter or any audit or investigation discloses, or the Council otherwise discovers, that a person appears to have implemented or is about to implement a price increase or a wage or salary increase which is unreasonably inconsistent with the general price and pay standards set forth in this chapter or the goals of the Economic Stabilization Program, the Council may conduct proceedings to challenge such conduct and issue appropriate orders in accordance with the provisions of this subpart.

§ 130.92 Notice of challenge.

The Council shall begin proceedings under this Subpart J by issuing a notice of challenge to the person involved stating that the Council has reason to believe that conduct which is unreasonably inconsistent with the standards set forth in this chapter has occurred or is about to occur.

§ 130.93 Temporary orders.

If the Council finds that such action is necessary to further the goals of the Economic Stabilization Program, it may, in the notice of challenge, order the person to whom it is directed to take steps temporarily to suspend or halt the conduct being challenged.

§ 130.94 Public hearings.

If the Council determines that such action is necessary to further the goals of the Economic Stabilization Program, it may order public hearings to be held with respect to the conduct being challenged.

§ 130.95 Reply.

(a) Within 10 days of receipt of a notice of challenge issued under § 130.92, the person to whom the notice of challenge is issued may file an answer in writing. In addition, a person may respond to the Council by personal appearance and may be accompanied by counsel. If a person wishes to appear in person, he must request an appointment; the request must be made promptly so that a time and place may be set within the period provided for reply. The Council will extend the period for reply for good cause shown.

(b) If a person does not reply within the time allowed by a notice of challenge, the challenged conduct will be considered unreasonably inconsistent with the general standards as alleged and the Council may issue whatever permanent order would be appropriate.

(c) The burden of producing evidence that the challenged conduct is not unreasonably inconsistent with the standards is upon the person who has taken or proposed the conduct.

(d) An order promulgated under this section is not subject to judicial or any other review with respect to any finding of fact or conclusion of law which could have been raised in proceedings before the Council but was not.

§ 130.96 Order.

(a) If the Council finds, after the person has filed a reply under § 130.95, that no conduct has occurred or is about to occur which is unreasonably inconsistent with the standards or the goals of the Economic Stabilization Program or that for any other reason the issuance of an order would not be appropriate, it will issue a decision so stating, and if necessary an order revoking or modifying any prior temporary order.

(b) If the Council finds that conduct unreasonably inconsistent with the standards or the goals of the Economic Stabilization Program has occurred or is about to occur and that an order is appropriate, it will issue a decision so stating, specifying the nature and extent of the unreasonably inconsistent conduct and, if necessary, issue an order implementing the decision. The decision will state the findings and conclusions upon which it is based.

(c) Orders issued hereunder may prescribe prospectively:

(1) A specific price or wage or salary;

(2) Special reporting requirements; and

(3) Any other requirement which is reasonable and appropriate to accomplish the purposes of the Economic Stabilization Program.

§ 130.97 Modification or rescission.

(a) *General.* The person to whom an order is issued under § 130.96 may file a request for modification or rescission of that order in accordance with the procedures set forth in this section.

(b) *Where to file.* A request for modification or rescission may be filed with the Cost of Living Council, Washington, D.C. 20506.

(c) *When to file.* A request for modification or rescission shall be filed within 10 days of receipt of the order issued under § 130.96.

(d) *Contents of request.* A request for modification or rescission shall—

(1) Be in writing and signed by the applicant;

(2) Be designated clearly as a request for modification or rescission;

(3) Identify the order which is the subject of the request;

(4) Point out the alleged error in the order;

(5) Contain a concise statement of the grounds for the request for modification or rescission and the requested relief;

(6) Be accompanied by briefs, if any; and

(7) Be marked on the outside of the envelope "Request for Modification or Rescission."

(e) *Preliminary processing by the Council.*

(1) A request for modification or rescission of an order issued under § 130.96 will be considered by the Council only if it:

(i) Is made by a person to whom the order sought to be modified or rescinded was issued;

(ii) Is timely; and

(iii) Makes a prima facie showing of error.

(2) The Council may summarily reject a request for modification or rescission which is not made by a person to whom the order was issued, or which is not timely filed, or which fails to make a prima facie showing of error.

(3) When the request for modification or rescission meets the requirements set forth in subparagraph (1) of this paragraph, the Council on its own motion or for good cause shown may temporarily suspend the order appealed from and then proceed in accordance with § 130.96.

Subpart K—Reassertion of Mandatory Controls

§ 130.100 Purpose and scope.

This subpart describes the circumstances under which the Council may reassert mandatory controls over an industry, sector of the economy, or a part thereof.

§ 130.101 Issuance of special rules.

Whenever the Council in the course of administering the Economic Stabilization Program determines that the goals

of the program would be significantly advanced by reasserting controls over an industry, sector of the economy, or a part thereof, it may issue a special rule providing, on a prospective basis, for the stabilization of prices or wages and salaries, on a mandatory basis, in that industry, sector of the economy or part thereof.

§ 130.102 Public hearings.

If the Council determines that such action is necessary to further the goals of the Economic Stabilization Program, it may order public hearings with respect to special rules issued or to be issued pursuant to this subpart.

Subpart L—Definitions

§ 130.110 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Annual sales or revenues" means the total gross receipts of a firm during its most recent fiscal year, from whatever source derived, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenue.

"Appropriate employee unit" means a group composed of all employees in a bargaining unit or in a recognized employee category. Such bargaining unit or employee category may exist in a plant or other establishment or a department thereof, or in a company, or in an industry, or in a government unit or in an agency, or instrumentality thereof, and shall be determined so as to preserve, as nearly as possible, contractual or historical wage and salary relationships.

"Base period" means any two, at the option of the person concerned, of the following fiscal years: That person's last 3 fiscal years ending before August 15, 1971, and any fiscal year completed on or after that date. In determining a base period for the purpose of computing a profit margin during a base period, a weighted average of its profits during the 2 years chosen shall be used.

"Council" means the Chairman of the Cost of Living Council established by Executive Order 11615 (3 CFR, 1971 Comp., p. 199) and continued under the provisions of Executive Order 11695, or his delegate.

"Employer" means a firm which employs one or more persons who receive a wage or salary.

"Exception" means a waiver directed to an individual firm in a particular case which relieves it from the requirements of a rule, regulation, or order issued pursuant to the act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the act.

"Firm" means any person, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship or any other entity, however organized including charitable, educational, or other eleemosynary institutions, and the Federal and State and local governments. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents.

"Nonprofit organization" or one which is "not operated for profit" is a firm which is defined as a nonprofit organization in section 501(c) and is exempt under section 501(a) of the Internal Revenue Code of 1954, amended.

"Pay adjustment" means a change in wages and salaries which includes all forms of direct and indirect remuneration or inducement to employees by their employers for personal services, which are reasonably subject to valuation, including but not limited to: Vacation and holiday payments; bonuses; layoff and severance pay plans; supplemental unemployment benefits; night shift overtime, and incentive pay; employees contributions for insurance plans (but not including Federal public plans, e.g. old-age, survivors, health, and disability insurance under the social security system, Railroad Retirement Acts, Federal Insurance Contributions Acts, Federal Unemployment Tax Acts, and Civil Service Retirement Acts, and not including any workman's compensation or unemployment insurance plan pursuant to State law whether the participation of the employer is optional or obligatory), savings, pension, profit sharing, annuity funds, and other deferred compensation and welfare benefits (including payments to or on behalf of retirees); payments in kind; job prerequisites; housing allowances; uniform and other work clothing allowances (but not including employer-required uniforms and work clothing whether or not for safety purposes); cost-of-living allowances; commission rates; stock options; fringe benefits; and benefits which result in more pay per hour or other unit of work or production (e.g. by shortening the workday without a proportionate decrease in pay). Notwithstanding the foregoing definition of pay adjustment, contributions by any employer for:

(a) Any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

(b) Any group insurance plan; or

(c) Any disability and health plan;

are not to be included in wages and salaries unless such contributions are determined to be unreasonably inconsistent with the standards issue pursuant to section 203(b) of the Act. Further, notwithstanding the foregoing definition of pay adjustment, pay adjustments paid to persons earning less than $2.75 per hour to increase their compensation up to $2.75 per hour are not to be included in wages and salaries.

"Pay Board" means the Board established pursuant to section 7 of Executive Order 11627 (3 CFR, 1971 Comp., p. 218).

"Prenotification" means notice submitted to the Price Commission or Pay Board relating to a proposed price adjustment or pay adjustment.

"Price adjustment" means an increase in the unit price of property or services or a decrease in the quality of substantially the same property or services.

"Price Commission" means the Commission established pursuant to section 8 of Executive Order 11627.

"Professional athlete" means any individual who undertakes or engages in, as a means of livelihood or for economic gain, either individually or as an employee of a professional sports organization, competitive sporting events requiring physical agility or strength.

"Profit margin" means the ratio that operating income (net sales less cost of sales and less normal and generally recurring costs of business operations, determined before nonoperating items, extraordinary items, and income taxes) bears to net sales as reported on the person's financial statement prepared in accordance with generally accepted accounting principles consistently applied.

"Public utility" means a person that furnishes service to the public or a recognized segment of the public, whether or not that person is under the jurisdiction of a regulatory agency, including gas, electric, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal services, but not including water or sewage disposal services furnished by a government agency or instrumentality.

"Real estate with improvements" means land upon which there is a structure, dwelling, or other building. It does not mean land on which roads, water, sewer, or drainage facilities have been constructed.

"Regulatory agency" means any commission, board, or other legal body existing under law which has jurisdiction to regulate prices and services offered by a public utility.

"Retail firm" means a firm whose annual sales or revenues are primarily from the sale of goods to ultimate consumers.

"Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate,

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preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"State and local governments" means the several States and the District of Columbia, a municipality or other political subdivision, authority, commission, board, district, public corporation or other agency or instrumentality of the several States and the District of Columbia and any board, commission, agency, or other instrumentality of a local government.

APPENDIX

THE WHITE HOUSE

To the Congress of the United States:

During 1969, the annual rate of inflation in the United States was about 6 percent. During my first term in office, that rate has been cut nearly in half and today the United States has the lowest rate of inflation of any industrial country in the free world.

In the last year and a half, this decline in inflation has been accompanied by a rapid economic expansion. Civilian employment rose more rapidly during the past year than ever before in our history and unemployment substantially declined. We now have one of the highest economic growth rates in the developed world.

In short, 1972 was a very good year for the American economy. I expect 1973 and 1974 to be even better. They can, in fact, be the best years our economy has ever experienced—provided we have the will and wisdom, in both the public and private sectors, to follow appropriate economic policies.

For the past several weeks, members of my administration have been reviewing our economic policies in an effort to keep them up to date. I deeply appreciate the generous advice and excellent suggestions we have received in our consultations with the Congress. We are also grateful for the enormous assistance we have received from hundreds of leaders representing business, labor, farm and consumer groups, and the general public. These discussions have been extremely helpful to us in reaching several central conclusions about our economic future.

One major point which emerges as we look both at the record of the past and the prospects for the future is the central role of our Federal monetary and fiscal policies. We cannot keep inflation in check unless we keep Government spending in check. This is why I have insisted that our spending for fiscal year 1973 not exceed $250 billion and that our proposed budget for fiscal year 1974 not exceed the revenues which the existing tax system would produce at full employment. I hope and expect that the Congress will receive this budget with a similar sense of fiscal discipline. The stability of our prices depends on the restraint of the Congress.

As we move into a new year, and into a new term for this administration, we are also moving to a new phase of our economic stabilization program. I believe the system of controls which has been in effect since 1971 has helped considerably in improving the health of our economy. I am today submitting to the Congress legislation which would extend for another year—until April 30 of 1974—the basic legislation on which that system is based, the Economic Stabilization Act.

But even while we recognize the need for continued Government restraints on prices and wages, we also look to the day when we can enjoy the advantages of price stability without the disadvantages of such restraints. I believe we can prepare for that day, and hasten its coming, by modifying the present system so that it relies to a greater extent on the voluntary cooperation of the private sector in making reasonable price and wage decisions.

Under phase III, prior approval by the Federal Government will not be required for changes in wages and prices, except in special problem areas. The Federal Government, with the advice of management and labor, will develop standards to guide private conduct which will be self-administering. This means that businesses and workers will be able to determine for themselves the conduct that conforms to the standards. Initially and generally we shall rely upon the voluntary cooperation of the private sector for reasonable observance of the standards. However, the Federal Government will retain the power—and the responsibility—to step in and stop action that would be inconsistent with our anti-inflation goals. I have established as the overall goal of this program a further reduction in the inflation rate to 2½ percent or less by the end of 1973.

Under this program, much of the Federal machinery which worked so well during phase I and phase II can be eliminated, including the Price Commission, the Pay Board, the Committee on the Health Services Industry, the Committee on State and Local Government Cooperation, and the Rent advisory Board. Those who served so ably as members of these panels and their staffs—especially Judge George H. Boldt, Chairman of the Pay Board, and C. Jackson Grayson, Jr., Chairman of the Price Commission—have my deep appreciation and that of their countrymen for their devoted and effective contributions.

This new program will be administered by the Cost of Living Council. The Council's new Director will be John T. Dunlop. Dr. Dunlop succeeds Donald Rumsfeld who leaves this post with the Nation's deepest gratitude for a job well done.

Under our new program, special efforts will be made to combat inflation in areas where rising prices have been particularly troublesome, especially in fighting rising food prices. Our anti-inflation program will not be fully successful until its impact is felt at the local supermarket or corner grocery store.

I am therefore directing that our current mandatory wage and price control system be continued with special vigor for firms involved in food processing and food retailing. I am also establishing a new committee to review Government policies which affect food prices and a non-Government advisory group to examine other ways of achieving price stability in food markets. I will ask this advisory group to give special attention to new ways of cutting costs and improving productivity at all points along the food production, processing, and distribution chain. In addition, the Department of Agriculture and the Cost of Living Council yesterday and today announced a number of important steps to hold down food prices in the best possible way—by increasing food supply. I believe all these efforts will enable us to check effectively the rising cost of food without damaging the growing prosperity of American farmers. Other special actions which will be taken to fight inflation include continuing the present mandatory controls over the health and construction industries and continuing the present successful program for interest and dividends.

The new policies I am announcing today can mean even greater price stability with less restrictive bureaucracy. Their success, however, will now depend on a firm spirit of self-restraint both within the Federal Government and among the general public. If the Congress will receive our new budget with a high sense of fiscal responsibility and if the public will continue to demonstrate the same spirit of voluntary cooperation which was so important during phase I and phase II, then we can bring the inflation rate below 2½ percent and usher in an unprecedented era of full and stable prosperity.

RICHARD NIXON.

THE WHITE HOUSE,
January 11, 1973.

THE WHITE HOUSE

PHASE III

Background

The anti-inflationary policies of the last 4 years have sharply reduced the inflation rate. Whereas 4 years ago prices were rising, according to various measures, around 5 or 6 percent a year, by the end of 1972 the rate had been cut nearly to half that level. This progress has given the United States the lowest inflation rate of any free industrial country.

The decline of inflation in the past year was accompanied by the largest rise of civilian employment in history and a substantial drop in the rate of unemployment. All-in-all, 1972 was a very good year for the American economy.

The main element leading to this good performance was a balanced use of fiscal and monetary policy. The excess demand which generated the 1965–68 inflation was first removed; thereafter a steady expansion was promoted so as to reduce unemployment without reviving inflationary demand conditions. Since August 15, 1971, these fundamental measures have been supplemented by price and wage controls.

Prospects are exceedingly favorable for further economic expansion and reduced inflation in 1973 and 1974. These can be the best years in America's economic history. There are two trouble spots in this prospect.

One is that Federal spending may be so pumped up that the same forces are released that caused the earlier inflation. The other is that food prices may continue their recent rapid rise. The administration will resist both of these dangers vigorously.

The administration will submit a budget in which expenditures do not exceed $250 billion in the current fiscal year and do not exceed the revenues that the existing tax system would yield at full employment in the next fiscal year. Details of these expenditures will be contained in the budget to be published on January 29. To stay within these totals is the essential requirement of sound economic policy in 1973.

New actions and procedures to deal with the food price problem are described in this fact sheet below.

The National Goal in the Fight Against Inflation

Our goal is to reduce the rate of inflation further in 1973 and to establish general confidence in the reasonable stability of prices beyond 1973. Specifically, we propose as a guide to the policies of Government as well as to private behavior that the rate of inflation should be reduced to 2½ percent or below by the end of 1973. The Government's fiscal and monetary policies will be directed to that goal. The Government will manage its own actions that affect prices in particular sectors, such as food, so as to help in this effort. Government will provide guidance as to private behavior that would be most consistent with the goal. And where necessary the Government will take further steps to assure that private behavior is consistent with the national goal.

The Place of Controls

The system of controls that began on August 15, 1971 with the 90-day freeze and continued with Phase II made a valuable contribution to the economic record of 1972. It helped to reduce inflation and put a damper on inflationary expectations. It also helped to bring about a situation in which wages were in better balance with living costs and the wages of the workers coming up for new wage decisions were in better balance with the wages of those who had previously obtained increases. Much has been done to pave the way for price stability.

These results were achieved in a manner that was fair, that did not impair production or productivity in any significant degree and that did not impose large administrative costs.

To help in assessing the place of controls in the future, an extensive consultation process was undertaken. Sixty-three consultation meetings were held. The over 400 individuals who participated represented a complete spectrum of interests. The views and comments obtained were most helpful.

After reviewing the results of this consultation process and the experience gained from operating the present system, it is clear that the burdens of a control system will mount in the coming period if the present system continued for long unchanged in an expanding economy. Red tape and administrative burdens, both for the government and for the public would expand. Delays and interferences with the normal conduct of business would become more serious. Inequities in the treatment of different individuals and businesses would multiply. Incentives to efficiency and investment would be weakened.

Features

Therefore the system is being modified to achieve its continuing contribution to the anti-inflation effort with less danger of injury to the economy. The main features of the modified system are:

The Government will develop standards for private conduct that would be consistent with the national anti-inflation goal. The wage standard will be developed with the advice of management and labor.

The standards will be self-administered. That is, businesses and workers will be able to determine by themselves what conduct conforms reasonably to the guides and will not require prior approval for their actions. —Voluntary behavior consistent with the standards and the goal will be expected.

Procedures will be established which will permit the Government to see whether conduct is reasonably consistent with the standards.

The Government will retain authority to set mandatory rules, controlling future conduct, where it appears that voluntary behavior is inconsistent with the goals of the program. To this end the President is asking for a 1-year extension of the Economic Stabilization Act.

Special programs will be maintained for food, health service, construction, and interest and dividends.

The Pay Board and the Price Commission are terminated. The Cost of Living Council will manage the Economic Stabilization Program during this phase.

Today's Action

The following actions will be taken today:

1. The President has established a goal to reduce the rate of inflation further in 1973 to 2½ percent or below by the end of 1973.

2. Except in special areas (food, health, construction industry, and interest and dividends) the present program will be replaced by one which is self-administering and based on voluntary compliance.

3. Pay and Price Divisions have been established in the Cost of Living Council. The Price Commission and Pay Board cease to exist.

4. A Labor-Management Advisory Committee is being established.

5. A request has been forwarded to the Congress for a 1-year extension of the Economic Stabilization Program.

6. Dr. John Dunlop has been named by the President as the new Director of the Cost of Living Council.

7. An Executive order implementing the program has been signed with an effective date of January 11, 1973.

SUMMARY OF THE PROGRAM

The General Standards

As a general guide for prices, increases of prices above presently authorized levels should not exceed increases of costs. Even where costs have increased prices should not be increased if the firm's profit margin exceeds the firm's base-period profit margin. Alternatively, a firm may increase prices to reflect increased cost without regard to its profit margin if the firm's average price increases would not exceed 1.5 percent in a year. The definition and measurement of costs, price, profits, etc., can be guided by the regulations already established by the Price Commission, which are presumably known to the firms involved.

The base period for calculation of the profit-margin guide is revised to permit inclusion of any fiscal year that has been concluded since August 15, 1971.

The existing general standards of the Pay Board can be taken for the present as a guide to appropriate maximum wage increases unless and until they are modified. A Labor-Management Advisory Committee is being established to advise the Cost of Living Council on whether the standards should be modified and, if so, how. Certain minor modifications are being announced at this time and published in the FEDERAL REGISTER.

The details of the phase III program are briefly summarized below.

Monitoring

The Cost of Living Council staff and the Internal Revenue Service under the direction of the Cost of Living Council will monitor performance through:

Reviewing reports received from firms and employee units;

Spot checks and audits of firm records; and

Use of Government and trade data.

Price Reporting and Recordkeeping

With the exception of firms subject to special rules (food and health) or exceptions:

All firms with sales of more than $50 million (approximately 3,500 firms) are required to keep records of profit margin changes as well as price changes which will permit the computation of weighted average price increases. Firms will have the obligation of producing these upon request.

All firms with sales of $250 million or more (approximately 800 firms) are required to file quarterly reports concerning any weighted average price change and their profit margin.

Regulated industries will be guided by the general criteria listed in present Price Commission regulations and restraint is expected to be reflected in their actions and the actions of the regulatory agencies.

Requirements will not apply to rental units not already exempt under the present program. Landlords are expected to exercise restraint but no standards or binding requirements will be issued. This step is taken in view of the expanding supply of rental units, increasing vacancy rates and the modest rate of inflation shown in this sector. It is estimated that the present program affects less than 30 percent of residential rental units.

Wage Reporting and Recordkeeping

With the exception of units subject to special rules (food, health, and construction) or exceptions:

All employee units of 1,000 or more will be required to keep records of wage rate changes. They will have the obligation of producing these upon request.

All employee units of 5,000 or more will be required to file reports with CLC indicating wage rate changes.

Reserve Authority and Action of the Cost of Living Council

The Cost of Living Council reserves the authority to establish mandatory standards where that is necessary to assure that future action in a particular industry is consistent with the national goal.

Upon learning through its monitoring of prices and labor negotiations that action has been or is about to be taken that is not consistent with the standards or the goals of the program, the Cost of Living Council can use its authority to issue a temporary order setting interim price and wage levels. This would allow the Council to:

Require parties to supply information and assurances demonstrating that their actions are not or will not be inconsistent with the standards or goals of the program.

Hold public hearings.

Issue a special rule or order of the Council setting out a specific legally binding level for proposed price or pay action that would restrain an industry or firm from that point on. Such a rule or order could include the requirement to roll back already effected price or wage increases.

Food

Food processors will be required mandatorily to comply with present regulations, somewhat modified, including prenotification and approval of cost-justified price increases. Food retailers will be held to present margin markups. Minor administrative modifications will be made. Pay units in the food processing and retailing industries will continue to be covered by present regulations.

A committee drawn from the Cost of Living Council will be established. It will be chaired by the Chairman of the Cost of Living Council and composed of the Chairman of the Council of Economic Advisers, Secretary of Agriculture, Director of the Office of Management and Budget, and Director of the Cost of Living Council. The committee's purpose will be to review and recommend appropriate changes in Government policies having an adverse effect on food prices.

Health

The present controls applicable to this sector will be continued until appropriate modifications are recommended by the committee described below.

A committee drawn from the Cost of Living Council will be established. It will be chaired by the Director of the Cost of Living Council and composed of the Chairman of the Council of Economic Advisers, the Director of the Office of Management and Budget, and the Secretaries of the Treasury and Health, Education, and Welfare. (The Secretary of Health, Education, and Welfare is

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being added to the Cost of Living Council.) The committee's purpose will be to review and make appropriate recommendations concerning changes in Government programs that could lessen the rise of health costs.

An advisory committee composed of knowledgeable individuals outside the Federal Government will be established. It will have a broad mandate and will advise the Cost of Living Council on such matters as the operation of controls in the health industry and changes in Government programs that could help alleviate the rise of health costs. This committee will also work to mobilize insurance companies and other third-party payers to use their influence to curb the rise in health costs.

Construction

The present Construction Industry Stabilization Committee will continue its work with the twin goals of improving the bargaining structure in the industry and achieving additional progress in bringing the rate of wage growth in this sector into line with the general wage growth in the economy.

Rules are provided to insure that modifications in the wage growth rate can be reflected by adjustments in construction prices.

Interest and Dividends

The present highly successful voluntary program will be continued under the direction of the Committee on Interest and Dividends chaired by Dr. Arthur Burns of the Federal Reserve.

Structure

The Cost of Living Council will be continued and its membership expanded to include:

The Secretary of Health, Education, and Welfare.

Mrs. Anne Armstrong, Counselor to the President.

The Price Commission and Pay Board and all advisory committees will terminate effective not more than 90 days from the date of the Executive order or such earlier date as the COLC Chairman determines. The Price Commission and Pay Board authority and staff will be transferred to the Cost of Living Council.

The following units will be established or reestablished by a new Executive order:

The Cost of Living Council.

Labor-Management Committee.

Cost of Living Council Committee on Food.

Food Industry Advisory Committee.

Cost of Living Council Committee on Health.

Health Industry Advisory Committee.

Construction Industry Stabilization Committee.

Committee on Interest and Dividends.

It is estimated that the Economic Stabilization Program personnel will be decreased from the present, about 4,000, to about 2,000 positions.

Transition

New regulations and requirements will take effect immediately.

Parties covered by present program rules will be required to comply with all such rules up to the effective date of the new regulations. Price-wage changes or profit developments occurring at a time when they are subject to present program rules will be subject to review and enforcement even after the new regulations have taken effect. Parties required to report under present rules will be obligated to report in the regular manner all developments occurring under these rules prior to this date.

While the Price Commission and Pay Board will terminate operations, their staffs will immediately be assigned to the Cost of Living Council to handle the orderly disposition of pending matters including the application of present regulations to matters occurring while they were in effect, particularly annual profit margin reports.

A major program of placement will be undertaken by the Director's office of the Cost of Living Council to assist Pay Board and Price Commission and advisory committee employees in finding suitable employment as the workload decreases.

The Legislation

A 1-year extension of the present Economic Stabilization Act is requested.

[FR Doc. 73-911 Filed 1-11-73;3:36 pm]

COST OF LIVING COUNCIL

COST OF LIVING COUNCIL ORDER NO. 14

Delegation of Authority

Pursuant to the authority vested in me as Chairman of the Cost of Living Council by Executive Order No. 11695 (hereinafter referred to as the Order), it is hereby ordered as follows:

1. There is delegated to the Director of the Cost of Living Council all of the authorities delegated to the Chairman of the Cost of Living Council by the Order.

2. Significant policy decisions shall be made by the Director after consultation with the Chairman of the Cost of Living Council or the Cost of Living Council as appropriate.

3. The Director of the Cost of Living Council is authorized to redelegate any or all of the authorities set out in such Order that he deems necessary for the orderly and efficient exercise of the authority delegated to him.

4. Cost of Living Council Orders 3, 4, 6, 7, 12, and 13 are hereby superseded.

5. This delegation shall be effective as of January 11, 1973.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-934 Filed 1-11-73;5:30 pm]

COST OF LIVING COUNCIL ORDER NO. 15

Delegation of Authority

Pursuant to the authority delegated to me by Executive Order No. 11695, it is hereby ordered as follows:

1. There is hereby delegated to the Commissioner of Internal Revenue (the Commissioner), subject to the policy guidance and direction of the Director of the Cost of Living Council (the Director), authority to perform the following functions:

(a) Operation and maintenance of local service and compliance centers established in support of the Economic Stabilization Program in Standard Metropolitan Statistical Areas and such other places as the Commissioner may determine;

(b) Dissemination of information and informal guidance in response to inquiries from the public, except that inquiries received with respect to firms with annual sales or revenues of $50 million or more or pay units of 1,000 employees or more shall be forwarded to the Director for response;

(c) All functions previously delegated to the Secretary of the Treasury, the Commissioner or District Directors of the Internal Revenue Service applicable to the food industry or the health services industry by the Pay Board or the Price Commission, except that matters involving firms with annual sales or revenues of $50 million or more or pay units of 1,000 employees or more shall be forwarded to the Director for response;

(d) Conducting investigations as directed by the Director;

(e) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations in the food industry and the health services industry and recommending enforcement action to the Director, where necessary; and

(f) Maintaining adequate records and the making of periodic reports to the Director.

2. All executive departments and agencies shall furnish such necessary assistance to the Commissioner as may be authorized by law.

3. The Commissioner may redelegate to any agency, instrumentality, or official of the United States any authority under this Order, and may, in carrying out the functions delegated by this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

4. Cost of Living Council Orders 5, 8, and 9 and all prior delegations of authority from the Pay Board or the Price Commission to the Secretary of the Treasury, the Commissioner, or District Directors of the Internal Revenue Service are hereby superseded, except that actions in process relating to Phase II matters shall be expeditiously completed.

5. This delegation shall be effective as of January 11, 1973.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-935 Filed 1-11-73;5:30 pm]

COST OF LIVING COUNCIL ORDER NO. 16

Delegation of Authority

Pursuant to the authority vested in me by Executive Order No. 11695, it is hereby ordered as follows:

1. There is delegated to the Construction Industry Stabilization Committee (hereinafter referred to as the "Committee") acting through its Chairman authority to assure generally conformance of any increases in any wage or salary in the construction industry to the provisions of this Order. In carrying out its functions the Committee shall give particular attention to improving the collective bargaining process in the construction industry and to the rationalization of the wage structure within geographic areas and between crafts within a particular area.

2. Each craft dispute board established under authority of section 2 of Executive Order No. 11588 and continued under section 5(b) of Executive Order No. 11695 has the responsibility to determine whether wages and salaries are acceptable in accordance with the criteria established pursuant to this Order.

3. (a) It shall be the responsibility of each board, in relation to the craft or branch over which it has jurisdiction, to provide advice and assistance in an effort to resolve any unresolved collective bargaining disputes over wages and salaries and to promptly examine every collective bargaining agreement negotiated on or after March 29, 1971, and to determine in accordance with the criteria established pursuant to this Order whether wage and salary increases in the agreement are acceptable and may thus be approved. The board shall make determinations within a reasonable time and shall notify the parties and the Committee of action taken. When it is determined by the board that a wage or salary increase is not acceptable, the board shall also notify the Chairman of the Cost of Living Council.

(b) Each board shall also have the authority to examine collective bargaining agreements negotiated prior to March 29, 1971, which contain wage or salary increases scheduled to take effect on or after such date to determine whether any increase is unreasonably inconsistent with the criteria established pursuant to this Order.

4. (a) Upon receipt of notification by a board that it has found a wage or salary increase acceptable, the Committee shall have fifteen days in which to determine whether it will assume jurisdiction over the matter. If the Committee does not determine within that time, and so notify the parties and the board, that it will assume jurisdiction, the board's determination will be deemed final and the increase may take effect. If the Committee determines that it will assume jurisdiction it shall be a violation of this Order to implement the increase unless and until the Committee affirms the board's initial determination. The Committee shall notify the parties, the board and the Chairman of the Cost of Living Council of its final action.

(b) The Committee is also authorized, upon its own motion, if a board has not yet reported or an appropriate board has not been established, to review any proposed wage or salary increase to determine its acceptability.

(c) Unless and until an increase in wage or salary has been approved in accordance with the provisions of sections 3(a) and 4 of this Order, it shall be a violation of this Order to put such wage or salary increase into effect.

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5. Upon a determination by a board or the Committee that a proposed wage or salary increase is not acceptable and certification of that determination by the Chairman of the Cost of Living Council the following actions shall be taken.

(a) In implementing the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended) and related statutes the provisions of which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, and including State statutes or laws requiring similar wage standards, the Secretary of Labor and all States shall not take into consideration any wage or salary increase in excess of that found to be acceptable in making determinations under that Act and related statutes:

(b) In order to assure that unacceptable wage rates shall not be utilized in Federal or federally-related construction, the heads of all Federal departments and agencies, subject to the direction and coordination of the Chairman of the Cost of Living Council:

(1) shall review all plans for construction and financial assistance for construction in localities in which wage or salary increases have been certified by the Chairman of the Cost of Living Council to be unacceptable and shall, on the basis of that review, determine whether such plans can be approved or continued; and

(2) shall review current and prospective construction contracts for Federal construction and for construction on projects receiving Federal financial assistance in the area affected by a certification by the Chairman of the Cost of Living Council and shall, on the basis of such review, determine whether such contracts can be awarded or continued.

(c) The Committee and the boards shall make public their determinations specifying the craft and area affected and the wages or salaries deemed unacceptable.

6. The Committee shall establish criteria, subject to approval by the Chairman of the Cost of Living Council, to be applied in determining whether any wage or salary increase is acceptable.

7. The parties to a labor contract negotiated in the construction industry shall promptly submit that contract to the appropriate board or boards. Where there is no appropriate board to consider the acceptability of a proposed wage or salary increase, the affected national or international union, and the affected association of contractors shall promptly submit that contract to the Committee.

8. The Committee, subject to approval by the Chairman of the Cost of Living Council, is authorized to issue such rules and regulations as may be necessary to provide for the expeditious and effective conduct of its responsibilities under this Order and to effectuate its purposes. Such authority of the Committee under this section shall include the authority to issue such rules and regulations as may be necessary to assure the effective operation of any board which may be established under this Order, and to provide for the resolution of impasses within any board.

9. (a) The term "construction" shall mean, for the purpose of this Order (1) all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways and the like, when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition; (2) the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers; and (3) all other work classified as construction in section 5.2(g) of Part 5, Title 29 of the Code of Federal Regulations.

(b) The term "wage or salary" will mean, for the purpose of this Order, all wage or salary rate schedules and economic benefits established pursuant to a collective bargaining agreement in the construction industry.

10. (a) Subject to approval by the Chairman of the Cost of Living Council, the Chairman of the Committee may redelegate to any agency, instrumentality, or official of the United States any authority under this Order and may, in carrying out the functions delegated to him by this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

(b) Subject to approval by the Chairman of the Cost of Living Council, the Chairman of the Committee shall have the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Economic Stabilization Act of 1970, as amended, for any purpose related to the Act.

(c) Subject to approval by the Chairman of the Cost of Living Council, the Chairman of the Committee may recommend to the Department of Justice enforcement action designed to assure compliance with this Order and the regulations and orders of the CISC.

11. This Order shall be effective immediately.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-936 Filed 1-11-73;5:30 pm]

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federal register

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[Price Commission Ruling 1973-1; Cost of Living Council Ruling 1973-1]

CHANGE IN BUSINESS PRACTICES

Price Commission and Cost of Living Council Ruling

Facts. Husband (H) and wife (W) jointly own 12 single-family rental residences. On August 22, 1972, Cost of Living Council Ruling 1972–103 (37 FR 16833), appeared in the FEDERAL REGISTER. The ruling contained the following paragraph:

> Since no person can be related to a partnership so as to be a "member of the family" (as defined in section 318 of the Internal Revenue Code of 1954, as amended) of the partnership and since the partnership itself owns or has an interest in only four rental units, those units are exempt.

H and W upon reading this ruling set up three jointly owned partnerships and transferred ownership of the 12 rental units to the partnerships. As a result each partnership now owns four rental units, but each partnership has the same two partners, H and W.

Issue. Are the 12 units considered exempt from the economic stabilization rent regulations?

Ruling. No. The units are not now considered exempt from the rent regulations, Economic Stabilization Regulation §§ 301.1–301.451, 37 FR 13226 (1972). Regulation § 301.304 provides that "no lessor or owner may make any changes in his leasing or business practices with respect to any residence subject to this part for the purpose of avoiding compliance with any provision of this part."

The owners of these residences have made a change in business practices to avoid compliance with all of the provisions of the rent regulations. The change in the form of ownership to circumvent these provisions is a change in business practices.

This ruling has been approved by the general counsels of the Price Commission and the Cost of Living Council.

Dated: January 8, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: January 8, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-742 Filed 1-12-73;8:45 am]

[Price Commission Ruling 1973-2]

NONREGULATED ACTIVITIES OF PUBLIC UTILITIES

Price Commission Ruling

Facts. A regulated public utility providing gas is the parent corporation of a subsidiary which supplies water service to 37 customers. The parent proposes to increase water rates and claims that the subsidiary is an unregulated public utility. The State utility commission does not regulate the water rates on the basis of the small gross income generated by the subsidiary. Furthermore, when the parent approaches the State commission for increases in its rate structure, the State utility commission does not consider the subsidiary's revenues in approving rate increases requested by the parent.

Issue. Is the proposed increase in rates of the subsidiary governed by Economic Stabilization Regulation, 6 CFR 300.301–300.311 (1972)—"Public Utilities" or by Regulation § 300.14—"Service Organization"?

Ruling. The proposed rate increase cannot go into effect unless justified under § 300.14. Section 300.14(a)(1) provides that the service regulation does not apply to public utilities covered under Subpart C (§§ 300.301–300.311). Section 300.309 provides "those activities and subsidiaries of a regulated public utility which are not regulated by a regulatory agency and the revenues of which are not included by a regulatory agency in the ratemaking process for that public utility, are not subject to this subpart (meaning Subpart C), but are subject to the provisions of Price Commission Regulations."

Section 300.309 lists two criteria which define the nonutility activity of a regulated public utility. Because the water service meets both criteria outlined in § 300.309, it does not fall under Subpart C. The water service subsidiary is governed by § 300.14 as it is not amenable to Subpart C, and any increases above base price can be made only to reflect increases in allowable costs.

This ruling has been approved by the general counsel of the Price Commission.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: January 5, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-743 Filed 1-12-73;8:45 am]

[Price Commission Ruling 1973-3]

NO FLOOR ON RENT DECREASE

Price Commission Ruling

Facts. The voters in State X will vote on whether to substantially decrease real property taxes in the State. If the initiative is successful, landlords could suddenly be faced with 50 percent decreases in the real property taxes on their buildings. Economic Stabilization Regulations, § 301.102, 37 FR 20251 (1972), provides that such decreases must be passed on to the tenants over a 12-month period.

Issue. Is the landlord required to decrease rents to levels below the rent charged on May 25, 1970, due to substantial decreases in real property taxes?

Ruling. Yes. Section 203(a) of the Economic Stabilization Act of 1970, Public Law 92–210 (1971), states: "The President is authorized to issue such orders and regulations as he deems appropriate, accompanied by a statement of reasons for such orders and regulations, to (1) stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970, except that prices may be stabilized at levels below those prevailing on such date if it is necessary to eliminate windfall profits or if it is otherwise necessary to carry out the purposes of this title * * *" The President delegated his authority under section 203(a) to the Cost of Living Council which in turn redelegated part of this authority to the Price Commission. The Commission decided that in the case of some decreases in allowable costs it would be necessary to stabilize rents at levels below those prevailing on May 25, 1970 in order to carry out the purposes of the Act. In order to implement this decision the Price Commission promulgated Economic Stabilization Regulations, § 301.102(a) which states: "Notwithstanding any other provision of this part, the rent charged for any residence shall be reduced to reflect decreases in allowable costs in accordance with this paragraph." Thus, the rent may be decreased below the floors set by other sections of the rent regulations. Further evidence of this intent is provided by additional language in the same section which provides: "When no increase in allowable costs allocable to a residence occurred after August 15, 1971, but a decrease in those costs occurred after that date, the rent of the residence shall be reduced by the amount of the decrease." Thus the landlord will have to decrease his rent even if it has not been increased over the base level.

Section 301.102(a) affects only the amount of rent charged, not the base rent. Before applying that section the rent allowable under Economic Stabilization Regulations, § 301.101, 37 FR 13226 (1972), should be computed. The

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decrease mandated by § 301.102(a) should then be subtracted from such rent in order to arrive at the amount that may be charged.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 5, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: January 5, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-744 Filed 1-12-73;8:45 am]

[Price Commission Ruling 1973-4]

EVEN DOLLAR CATEGORY PRICING SYSTEM

Price Commission Ruling

Facts. Retailer A has historically priced its merchandise in even dollars or in multiples of $1. Almost all merchandise is sold at three for a dollar, two for a dollar, $1, $2, etc. The firm's stores are organized into departments, and prices are established and changed for items within departmental product groups by considering the effect of the even dollar prices on consumer acceptance and the average markup A desires to earn in each department. A has not customarily set and changed prices on each item within a department to reflect cost and cost changes on that item. Rather, A has customarily determined prices for a group of items in order to achieve a particular weighted average markup for the entire group. A can demonstrate that while some prices being charged are in excess of base prices, the weighted average markup for each product group for a fiscal quarter, which is A's shortest accounting period, is not in excess of the weighted average markup earned for that product during its last fiscal year ending before August 15, 1971.

Issue. May A continue to use its customary pricing practice so long as the weighted average markup for each product group for each shortest accounting period not to exceed a fiscal quarter is not in excess of the weighted average markup earned for that product group in its last fiscal year ended before August 15, 1971?

Ruling. Yes. A may continue to use its customary pricing practice. This method of pricing is a type category pricing, and the limiting markup which may not be exceeded for any particular product group is the weighted average markup earned on that merchandise category during the firm's last fiscal year ending before August 15, 1971.

A retailer may not charge a price after November 13, 1971, in excess of the base price if such price would result in a customary initial percentage markup (CIPM) in excess of its limiting CIPM. Economic Stabilization Regulations, 6 CFR 300.13 (1972). If a firm does not meet one of the determining tests for category pricing provided in Price Commission Ruling 1972-151, 37 F.R. 8562 (1972), it must control prices on a item-by-item level. Firm A cannot be said to have priced its goods in a manner that produced a certain percentage markup on each product since A's item price changes rarely reflect cost changes in the specific item. A has priced its goods in even dollar amounts in accordance with the markup it desired to earn on each group of products. Under the facts of this case, A qualifies as a category pricer.

Pursuant to Economic Stabilization Regulations 6 CFR 300.13 (1972), a retailer or wholesaler is limited to the customary markup prevailing during its last fiscal year prior to August 15, 1971, or, at its option, its last markup applied prior to November 14, 1971. Since a category pricer sets prices to obtain an average markup over time, such a pricer cannot be said to have had a last markup prior to November 14, 1971, unless it prices all items simultaneously. Therefore, A is limited to the weighted average markup which it earned on the same product group during its last fiscal year prior to August 15, 1971.

This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: January 8, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-745 Filed 1-12-73;8:45 am]

[Price Commission Ruling 1973-5]

LENGTH OF LEASE

Price Commission Ruling

Facts. In the State of New York a landlord and tenant entered into an agreement for the lease of an apartment on December 13, 1968. The lease was for a term of 2 years (February 1, 1969 to January 1, 1971) at a monthly rental of $370. Under the terms of the agreement, tenant was given the option to renew for an additional year at a monthly rental of $385. On November 23, 1970, the tenant notified the landlord in writing that he decided to exercise the option and would remain in the apartment for another year until January 1, 1972.

Issue. Whether the 2-year lease containing an option to renew for an additional year, constitutes a single lease or whether the exercise of the option constitutes a new lease?

Ruling. This lease is one lease of 3-year duration. Such terminology such as execute a lease, renew a lease, enter into a lease, or duration of a lease mentioned in Economic Stabilization Regulation, 6 CFR 301.2 (1972) are undefined in the stabilization regulations.

The Price Commission looks to local law for the definition of this term. Under New York law, the tenant's exercise of an option to extend the term accomplishes not a new lease but simply a promulgation of the original agreement for a further period; once the option is exercised, the original lease is deemed one for the entire term. Matter of Harvey Holding Corp., 297 N.Y. 113, 75 NE. 2d 619 (1947). Although the results in some States may vary, one must look to local law for interpretation of such terms.

This ruling has been approved by the General Counsel of Price Commission.

Dated: January 3, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: January 3, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-746 Filed 1-12-73;8:45 am]

[Price Commission Ruling 1973-6]

PC-51, FIRMS MAKING REDUCTION PURSUANT TO PRICE COMMISSION PROFIT MARGIN ORDER

Price Commission Ruling

Facts. Firm A, a prenotification firm, exceeded its base period profit margin for its 1971 fiscal year and was ordered by the Price Commission to reduce prices by three times the revenues derived from above-base price sales during the fiscal year, or three times the amount of the profit margin excess, whichever is less.

During its 1971 fiscal year, the firm exceeded its base period profit margin by $2 million. The amount of revenues derived from price increases from November 14, 1971, to the end of its 1971 fiscal year was $33,000. Consequently, the amount of the price reductions required by the Price Commission order is $99,000 ($33,009×3).

Issue. What adjustments must firm A make in the Form PC-51 it files during its 1972 fiscal year as a result of the price reductions it made?

Ruling. Economic Stabilization Regulations, 6 CFR 300.54(g) (1972), provides that firms which make price reductions pursuant to a Price Commission order for exceeding their base period profit margin may not deduct from their revenues the amount of those reductions. Thus, a corresponding adjustment is required in reporting operating profit to the Price Commission for the fiscal quarter in which the reductions are made.

This adjustment is made in a supplement to Form PC-51 by adding the amount of price reductions actually made pursuant to the order to the amount reported on line 5 of Form PC-51 submitted for the period in which the reductions are made. No adjustment should be made to cost of goods sold or operating expenses. Therefore, in the supplemental calculation, line 9 of Form PC-51 (operating income) will be increased by the amount of price reductions made pursuant to the order during the fiscal quarter for which the form is prepared.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 3, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: January 3, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-747 Filed 1-12-73;8:45 am]

[Price Commission Ruling 1973-7]

PRICING LIMITATION FOR LOW-PROFIT WHOLESALE FIRMS

Price Commission Ruling

Facts. Wholesalers X, Y, and Z are "low-profit firms" as defined in Economic Stabilization Regulations, 6 CFR 300.31 (1972). X, Y, and Z are each eligible, under this section, to effect price increases reasonably calculated to bring the firm to its applicable profit margin.

X sells goods to retailers at a price equivalent to X's landed invoice cost of the goods plus a "service fee" which varies with the dollar amount of goods purchased by the retailer. X adds 10 percent of the cost to all sales of under $1,000, 5 percent of the cost to all sales between $1,000 and $5,000, and 3 percent of the cost to all sales of $5,000 or more.

Y sells goods to retailers at a price equivalent to Y's landed invoice cost of the goods plus a markup over this cost which varies with the physical volume of goods purchased by the retailer. Y adds 10 percent of the cost to all sales of under 100 lbs., 5 percent of the cost to all sales from 100 lbs. to 500 lbs., and 3 percent of the cost to all sales of over 500 lbs.

Z sells goods at a price equivalent to Z's landed invoice cost of the goods plus a markup over this cost which varies with the type of customers. Z adds 10 percent of the cost to all sales made to retail outlets, 5 percent of the cost to all sales made to other wholesaler distributors, and 3 percent of the cost to all sales made to industrial users of the products.

Issue. How do wholesalers X, Y, and Z calculate the maximum allowable selling price of each item under § 300.31?

Ruling. Under Economic Stabilization Regulations, 6 CFR 300.13, (1972), retailers and wholesalers determine maximum selling price by applying the customary initial percentage markup (CIPM) to the landed invoice cost of the product. CIPM is defined in Economic Stabilization Regulations, 6 CFR 300.5 (1972), as "the markup applied to the cost • • • of merchandise when first offered for sale, determined on an item, product line, department, store, or other pricing unit basis, according to the person's customary pricing practice." Economic Stabilization Regulations, 6 CFR 300.31(e) (1972), provides: "No • • • wholesaler may, in the course of any of its fiscal years, increase the price of any of its products under this [§ 300.31] by an amount which results in an increase of more than 8 percent of the customary initial percentage markup of such products." Thus, for the purpose of the low profit regulation, § 300.31, a wholesaler's maximum selling price for each item or group of items is determined by applying a markup of 108 percent of the applicable CIPM to the landed invoice cost of the goods. Price Commission Ruling 1972-251, 37 FR 20833.

X may, therefore, charge a price no higher than the price equivalent to X's cost of goods plus such cost multiplied by 108 percent of X's CIPM, in this case the applicable "service fee." Thus, X may add 10.8 percent of the cost to all sales of under $1,000, 5.4 percent to all sales between $1,000 and $5,000, and 3.24 percent to all sales of $5,000 or more.

Y may charge a price no higher than the price equivalent to Y's cost of the goods plus such cost multiplied by 108 percent of Y's applicable CIPM. Thus Y may add 10.8 percent of the cost to all sales under 100 lbs. to 500 lbs., and 3.24 percent to all sales of over 500 lbs.

Z may charge a price no higher than the price equivalent to Z's cost of the goods plus such cost multiplied by 108 percent of Z's applicable CIPM. Thus Z may add 10.8 percent of the cost to all sales to retail outlets, 5.4 percent to all sales to other wholesaler distributors, and 3.24 percent to all sales to industrial users of the products.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 8, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: January 8, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.73-748 Filed 1-12-73;8:45 am]

[Price Commission Ruling 1973-8]

SPECIAL ASSESSMENTS

Price Commission Ruling

Facts. Lessor X owns six residences. On June 1, 1972, a one-time special assessment fee for sewage hookup to one of the residences became payable to the city in which that residence was located. On December 1, 1972, the first installment of an increased property tax on that residence will become due and payable to the city. Section 301.101(a)(2) of the regulations permits rent to be increased above the base rent to pass through increases in allowable costs which occur after August 15, 1971. The recovery of an increase in allowable cost attributable to the period after December 28, 1971, which could have been passed through in an increased rent but was not is permitted under § 301.101 (a)(2)(v). Economic Stabilization Regulations, 6 CFR 301.101(a)(2) (1972). Following proper notification, X wishes to increase the rent on the residence to reflect both the special assessment for the sewage hookup payable on June 1, 1972, and the increase in the real estate taxes payable on December 1, 1972.

Issue. May rent be increased or the increase in allowable costs be calculated to take account of a special assessment which is payable prior to July 4, 1972?

Ruling. No. Prior to July 4, 1972, a special assessment was not considered to be an allowable cost. Only special assessments payable after that date can be used to increase rent or to calculate an allowable cost increase.

The rent regulations in Part 301 in effect from December 28, 1971 through July 3, 1972 permitted a rent in excess of the base rent to be charged to reflect increases in allowable costs dollar-for-dollar. Those regulations stated that, "Special assessments imposed by any governmental authority are not considered to be an item of allowable costs." Economic Stabilization Regulations, 6 CFR 301.102(b)(1)(ii), 36 FR 25387 (1971). This rule was changed in the publication of the rent regulations in Part 301 in 37 FR 13226 (1972). In the introductory material to the July 4, 1972, regulations it was stated that, "Special assessments are now considered as items of allowable costs, whereas they were previously excluded."

Because the definition of allowable costs in the rent regulations of July 4, 1972, was not made retroactive, special assessments payable prior to July 4, 1972, are not considered allowable costs which may be used to calculate an allowable cost increase. Therefore, in calculating the amount of the increase in allowable costs under § 301.101(a)(2)(ii), X must exclude all special assessments payable before July 4, 1972. He may increase rent to reflect the increase in real estate taxes for leases entered into on or after December 1, 1972, the date the increased taxes are payable, or as provided for in a lease entered into before that date.

It is true that § 301.101(a)(2)(v) of the regulations permits a recovery of a rent increase which may have been charged for the period after December 28, 1971, due to increases in allowable costs which have not been passed through in an increased rent, Price Commission Ruling 1972-250, 37 FR 20832 (1972). However, under the regulations in effect at the time the special assessment was payable in this case no rent increase was allowed for that cost. X may therefore not increase rent now under § 301.101 (a)(2)(v) to recover the increase in allowable costs due to the special assessment which was payable on June 1, 1972.

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This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, JR.,
Chief Counsel,
Internal Revenue Service.

Approved: January 8, 1973.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.73-749 Filed 1-12-73;8:45 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 282, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 5–11, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 282 (38 FR 744). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.582 (Navel Orange Regulation 282 (38 FR 744)) are hereby amended to read as follows:

§ 907.582 Navel Orange Regulation 282.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 760,000 Cartons;

(ii) District 2: 142,000 Cartons;

(iii) District 3: 48,000 Cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-832 Filed 1-12-73;8:45 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Definition of "AEC Personnel"

The Atomic Energy Commission has adopted an amendment to its rules of practice in 10 CFR Part 2 which refines the definition of "AEC personnel" as used in that part.

Section 2.4 of Part 2 now includes within the definition of "AEC personnel" persons who are "consultants * * * of the AEC." In order to clarify the scope of the term "consultants * * * of the AEC," the amendment adopted specifically includes within that definition persons who are acting in the capacity of consultants to the Commission, regardless of the form of the contractual arrangements under which such persons render consultant services. Thus, employees of AEC contractors are included in the definition of AEC personnel (for §§ 2.270 and 2.740 purposes only) to the extent that they act as consultants to the Commission, even though there is no special contract for consulting services between the Commission and such employees.

The clarification of the definition in § 2.4 has the effect of making applicable to employees of AEC contractors and other persons acting as consultants to the Commission, regardless of the form of the contractual arrangements, § 2.270 (h), which deals, inter alia, with attendance and testimony of "AEC personnel."

Since the amendment which follows relates to rules of agency procedure and practice, notice of proposed rule making and public procedure thereon are not required by section 553 of Title 5 of the United States Code and the amendment may be made effective without the customary 30 day notice.

Effective date. Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 2, is published as a document subject to codification, to be effective on January 15, 1973.

1. Section 2.4(p) of 10 CFR Part 2 is amended to read as follows:

§ 2.4 Definitions.

* * * * *

(p) "AEC personnel" means (1) AEC employees, (2) for the purpose of §§ 2.720 and 2.740 only, persons acting in the capacity of consultants to the Commission, regardless of the form of the contractual arrangements under which such persons act as consultants to the Commission; and (3) members of advisory boards, committees, and panels of the AEC; members of boards designated by the Commission to preside at adjudicatory proceedings; and officers or employees of Government agencies, including military personnel, assigned to duty at the AEC.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

For the Atomic Energy Commission.

Dated at Washington, D.C., this 27th day of December 1972.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-750 Filed 1-12-73;8:45 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Ninety Day Restriction in Special Cash Account

The Board of Governors, pursuant to section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g), has amended § 220.4(c)(8) of Regulation T, "Credit by Brokers and Dealers," effective January 2, 1973.

The amendment clarifies that the computation of the 90-day freeze provided for in § 220.4(c)(8) begins with the trade date of the sale of a security with respect to which the customer has not previously paid for the cost of the purchase within the allotted 7 business days, rather than with the trade date of such purchase.

The text of the amendment reads as follows:

§ 220.4 Special accounts.

* * * * *

(c) *Special cash account.* * * *

(8) Unless funds sufficient for the purpose are already in the account, no security other than an exempted security shall be purchased for, or sold to, any customer in a special cash account with the creditor if any security other than an exempted security has been purchased by such customer in such an account, and then, for any reason whatever, without having been previously paid for in full by the customer, the security has been sold in the account or delivered out to any broker or dealer during the preceding 90 days: *Provided,* That an appropriate committee of a national securities exchange or a national securities association, on application of the creditor, may authorize the creditor to disregard for the purposes of this subparagraph any given instance of the type therein described if the committee is satisfied that both creditor and customer are acting in good faith and that circumstances warrant such authorization. For the purposes of this subparagraph, the cancellation of a transaction, otherwise than to correct an error, shall be deemed to constitute a sale. The creditor may disregard for the purposes of this subparagraph a sale without prior payment provided full cash payment is received within the period described by subparagraph (2) of this paragraph and the customer has not withdrawn the proceeds of sale on or before the day on which such payment (and also final payment of any check received in that connection) is received. The creditor may so disregard a delivery of a security to another broker or dealer provided such delivery was for deposit into a special cash account which the latter broker or dealer maintains for the same customer and in which account there are already sufficient funds to pay for the security so purchased; and for the purpose of determining in that connection the status of a customer's account at another broker or dealer, a creditor may rely upon a written statement which he accepts in good faith from such other broker or dealer.

* * * * *

By order of the Board of Governors, January 2, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-759 Filed 1-12-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-NE-31; Amdt. 39-1583]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Model S-61 Helicopters

There have been reports of cracking and loose or missing screws in the outboard end of the main rotor blades on Sikorsky Model S-61 helicopters, and their military counterparts, which could result in loss of the tip cap with a possible loss or impairment of aircraft controllability. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require inspection of the affected area for cracks and loose or missing screws and repair or replacement of cracked or loose parts as necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY. Applies to all Sikorsky S-61A, S-61L, S-61N, S-61R helicopters certificated in all categories.

Compliance required as indicated.

To prevent operation with loose or missing screws or cracks in the outboard end of main rotor blades including the tip cap and tip cap bracket accomplish the following:

(a) Inspect main rotor blades, series S6115-20501, series S6115-20601 and series S6117-20101 with less than 2,000 hours time in service on the effective date of this AD for loose or missing screws or cracks at the outboard end of the main rotor blade spar, tip cap or tip cap bracket, in accordance with Sikorsky Service Bulletin No. 61B15-9A dated November 9, 1972, or later FAA approved revisions, or equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, within the next 30 hours time in service unless already accomplished and at intervals thereafter within 30 hours time in service from the last inspection until 2,000 hours are reached, after which inspect in accordance with (b) below. If screws are missing or loose and cannot be secured, replace main rotor blades prior to further flight. If cracks are found, repair or replace the affected part in accordance with Sikorsky Service Bulletin No. 61B15-9A dated November 9, 1972 prior to further flight.

(b) Inspect main rotor blades, series S6115-20501, series S6115-20601 and series S6117-20101 with 2,000 hours or more time in service on the effective date of this AD for loose or missing screws or cracks at the outboard end of the main rotor blade spar, tip cap or tip cap bracket in accordance with Sikorsky Service Bulletin No. 61B15-9A dated November 9, 1972, or later FAA approved revisions, or equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, prior to first flight of each day. If screws are missing or loose and cannot be secured, replace main rotor blade prior to further flight. If cracks are found, repair or replace the affected part in accordance with Sikorsky Service Bulletin No. 61B15-9A dated November 9, 1972 prior to further flight.

This amendment becomes effective January 24, 1973.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 3, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-737 Filed 1-12-73;8:45 am]

[Airspace Docket No. 72-RM-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area

On December 8, 1972, FR Doc. 72-21074 was published in the FEDERAL REGISTER (37 FR 26102) which amends Part 73 of the Federal Aviation Regulations, effective 0901 G.m.t., February 1, 1973, by revoking restricted area R-2601A and altering restricted areas R-2601B and R-2602 at Fort Carson, Colo. One of the changes involved deleting "B" from the identification of R-2601B, in Part 73. A similar deletion should also have been made in Part 71, Subpart D—Continental Control Area. Action is taken herein to make this change.

Since this amendment is minor in nature with no substantive change in the regulations, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, effective on January 15, 1973, FR Doc. 72-21074 (37 FR 26102) is amended, as hereinafter set forth. Add "In § 71.151 (38 FR 341) 'R-2601B Fort Carson, Colo.' delete the letter 'B' from the identification."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 5, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-734 Filed 1-12-73;8:45 am]

[Airspace Docket No. 72-RM-33]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the time of designation

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of restricted areas R–6401, Deseret, Utah, and R–6403, Tooele, Utah, and to reduce the lateral boundaries of R–6403.

The Department of the Army has advised that they no longer have a requirement for continuous time of designation for R–6401 and R–6403 but that their needs can be satisfied if the restricted areas are designated from 0800 to 2000 local time—Monday through Friday. Additionally, the Department of the Army has determined that the lateral dimensions of R–6403 can be reduced and still contain the activity for which it was designated.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are deemed unnecessary and good cause exists to make this amendment without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on January 15, 1973, as hereinafter set forth.

1. Section 73.64 (38 FR 670) R–6401, Deseret, Utah. The time of designation "Continuous" is deleted and "0800 to 2000 local time, Monday through Friday" is substituted therefor. The word "Ordnance" in the using agency is deleted and the word "Army" is substituted therefor.

2. Section 73.64 (38 FR 670) R–6403, Tooele, Utah, is revoked and the following is substituted therefor:

R–6403, TOOELE, UTAH

BOUNDARIES

Beginning at lat. 40°30'44" N., long. 112°27'30" W.; to lat. 40°29'32" N., long. 112°27'30" W.; to lat. 40°29'32" N., long. 112°29'15" W.; to lat. 40°30'44" N., long. 112°29'15" W.; to the point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. 0800 to 2000 local time, Monday through Friday.

Using agency. Commanding Officer, Tooele Army Depot, Tooele, Utah.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 5, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–733 Filed 1–12–73;8:45 am]

[Airspace Docket No. 72–SO–128]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter restricted areas R–7101, Culebra Island, Puerto Rico, and R–7104, Vieques Island, Puerto Rico. R–7101 is to be divided into two subareas and both R–7101 and R–7104 are to be reduced in size.

The alterations to R–7101 and R–7104 were recommended by the U.S. Navy to promote better utilization of airspace and to allow the civil aviation community easier access to the islands of Culebra and Vieques.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 73.71 (38 FR 677)

1. Amend the description for R–7101, Culebra Island, Puerto Rico, to read as follows:

R–7101 CULEBRA ISLAND, PUERTO RICO

SUBAREA A

Boundaries. That airspace over Culebra Island and surrounding waters.

Beginning at lat. 18°22'40" N., long. 65°15'00" W.; to lat. 18°18'57" N., long. 65°19'02" W.; to lat. 18°16'40" N., long. 65°19'02" W.; to lat. 18°15'20" N., long. 65°20'15" W.; thence clockwise along the 3-nautical-mile limit from the shoreline to point of beginning.

Designated altitudes. Surface to FL 500.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, San Juan ARTC Center.

Using agency. Commander Fleet Air Caribbean/Atlantic Fleet Weapons Range, NAS Roosevelt Roads, Puerto Rico.

SUBAREA B

Boundaries. That airspace over the waters south of Culebra Island.

Beginning at lat. 18°15'20" N., long. 65°20'15" W.; to lat. 18°16'40" N., long. 65°19'02" W.; to lat. 18°15'15" N., long. 65°14'00" W.; thence clockwise along the 3-nautical-mile limit from the shoreline to point of beginning.

Designated altitudes. Surface to FL 500.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, San Juan ARTC Center.

Using agency. Commander Fleet Air Caribbean/Atlantic Fleet Weapons Range, NAS Roosevelt Roads, P.R.

2. Amend R–7104 Vieques Island, Puerto Rico, as follows:

a. After the words, "• • • The airspace over Vieques Island and the surrounding waters • • •" delete the words "• • • extending to the 3-nautical-mile limit from the shoreline • • •." and substitute the following therefor:

"• • • beginning at lat. 18°02'45" N., long. 65°27'05" W.; to lat. 18°13'10" N., long. 65°25'27" W.; thence clockwise along the 3-nautical-mile limit from the shoreline to point of beginning • • •."

b. Delete all after the words "• • • Using agency • • •." and substitute the following therefor: "• • • Commander Fleet Air Caribbean/Atlantic Fleet Weapons Range, NAS Roosevelt Roads, Puerto Rico • • •."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 8, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–731 Filed 1–12–73;8:45 am]

[Airspace Docket No. 72–SW–83]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke restricted area, R–6304 Camp Bowie, Tex.

R–6304 was designated as a joint-use restricted area for VFR night aerial photography because the exploding flash powder charge and free falling dud cartridges associated with the operation constituted a hazard to nonparticipating aircraft using the same airspace. Subsequent to its designation, the utilization of R–6304 was minimal due to numerous complaints from the populace living in the Brownwood, Tex. area. No future use is anticipated because of the lack of an adequate noise abatement solution.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are deemed unnecessary and good cause exists to make this amendment effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on January 15, 1973, as hereinafter set forth.

Section 73.63 (38 FR 669) R–6304 Camp Bowie, Tex., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 5, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–732 Filed 1–12–73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–2332]

PART 13—PROHIBITED TRADE PRACTICES

California Textures, Inc., and Richard Oliver

Subpart—Importing, manfacturing, selling, and transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, and transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, California Textures, Inc., et al., City of Commerce, Calif., Docket No. C–2332, Dec. 12, 1972]

In the Matter of California Textures, Inc., a Corporation, and Richard Oliver, Individually and as an Officer of Said Corporation

Consent order requiring a Commerce, Calif., manufacturer of carpets and rugs, among other things, to cease manufacturing, selling, and distributing carpeting which does not meet the acceptable criteria for carpeting under the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent California Textures, Inc., a corporation, its successors and assigns, and its officers, and respondent Richard Oliver, individually and as an officer of said corporation and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since February 26, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 12, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73–761, Filed 1–12–73;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–469; Order 467]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Utilization and Conservation of Natural Gas

JANUARY 8, 1973.

This order contains a statement of policy by the Commission on priorities-of-deliveries by jurisdictional pipeline companies during periods of curtailment. The Commission proposes to implement such policy in all matters arising under the Natural Gas Act.

When applied in specific cases, opportunity will be afforded interested parties to challenge or support this policy through factual or legal presentation as may be appropriate in the circumstances presented. It is the Commission's intention in this statement to focus the attention of all parties concerned with the natural gas industry upon the general policy views of the Commission in advance of the filing of particular applications with the Commission and thereby to permit affected entities the opportunity to evolve a rational energy resource development program considering national energy goals and objectives as they may be stated from time-to-time, and to minimize the complexity and length of administrative proceedings before this Commission.

Concurrently, the Commission is issuing, in Docket No. R–467, Utilization and Conservation of Natural Resources—Natural Gas, a notice of proposed policy statement pertaining to the priorities of usage of our natural gas supply. In this notice, we discussed the critical shortage of natural gas supply and its effect on this Nation's progress. We then found that it was necessary to promulgate procedures that would maximize high priority of usage for this natural resource. We adopt that discussion here and find, based on that analysis, that procedures should be adopted to maximize the high priority usage of natural gas during curtailment periods on a pipeline's system.

General Discussions. As stated in that notice, the Commission has been called upon to determine the propriety of curtailment procedures to be invoked by jurisdictional pipeline companies during periods of curtailed deliveries. In reaching its decisions, the Commission has reviewed the records in those proceedings and, based upon those reviews, has concluded that the customers' use of the natural gas fall into certain set categories. Accordingly, we believe that those categories are generally applicable industry-wide and can be utilized for establishing priorities-of-delivery during periods of short supply on any jurisdictional pipeline's system. We, of course, recognize that extraordinary circumstances may preclude the strict adherence to the priorities established and, consequently, we will permit those persons who allege that their circumstances require such extraordinary treatment to file petitions for relief under § 1.7(b) of our rules of practice and procedure. Barring such circumstances, our review of those curtailment proceedings and our knowledge of the industry convinces us that the priorities-of-delivery set forth below should be applied to all jurisdictional pipeline companies during periods of curtailment.

The curtailment procedures to be followed must have as their basic objective the protection of deliveries for the residential and small volume consumers who cannot be safely curtailed on a daily basis and requiring, as the initial level of curtailment, reduction in deliveries for large volume interruptible sales. As we pointed out in our Ark-La decision [1]

[1] Arkansas-Louisiana Gas Co., —— FPC ——, Docket No. RP71–122, issued Jan. 5, 1973.

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issued concurrently herewith (mimeo, pp. 17–18):

We are impelled to direct curtailment on the basis of end use rather than on the basis of contract simply because contracts do not necessarily serve the public interest requirement of efficient allocation of this wasting resource. In time of shortage, performance of a firm contract to deliver gas for an inferior use, at the expense of reduced deliveries for priority uses, is not compatible with consumer protection.

Secondly, we have determined that interruptible sales are for the most part, predicated on end-use considerations; those customers, be they direct sales or indirect sales, who require gas for human needs service or nonsubstitutable industrial service do not contract on an interruptible basis. Interruptible service, at the lower rates charged for such service, envisions interruption. And accordingly, interruptible customers can most reasonably be expected to have alternate fuel facilities already operational. We conclude, therefore, that curtailment should first fall on those who have not historically borne the full-fixed costs of providing gas service, particularly since these customers are best prepared to accept interruptions in service and clearly do not require uninterrupted service for protection of life or property.

Finally, if curtailment reaches beyond the level of interruptible service into firm contract service, we commit ourselves to the proposition that large volume boiler fuel usage is inferior and should be curtailed before other firm service. Aside from the established physical fact that combustion of natural gas for raising steam in boilers and its subsequent conversion into electricity or mechanical energy results in a loss of roughly two-thirds of the heating value of the gas used—which we regard as unacceptably inefficient in time of shortage—we note also that those who use gas as boiler fuel generally can substitute other fuels more readily and at lower overall cost than other gas users; additionally, pollution control is more practical because of the large size of individual installations. Other fuels generally can be physically substituted in large boiler fuel applications with less inconvenience and less possible adverse consequences than in other industrial applications, such as direct fired uses, and other uses demanding precise temperature control, flame characteristics, instantaneous response and atmosphere quality. Finally, subordinating boiler fuel use with its comparative ease of substitutability, to other large scale industrial and commercial uses should tend to minimize plant and business closings and the attendant economic loss from decreased production and payrolls, and the personal hardships of unemployment [Footnote omitted].

In establishing the priorities-of-service for the use of the natural gas supply, it is obvious that some direct and indirect customers use their supply of natural gas for similar end-use purposes. Customers with similar usages for the fuel should be accorded the same treatment to avoid any undue discrimination or preference among them. Accordingly, we will place the direct and indirect customers in the same priority-of-service position when their use of natural gas is comparable.

In determining our priority-of-service listing, we are cognizant of the economic impacts that will flow from that listing. However, we believe that we have no choice but to impose certain restrictions on the sale of natural gas within the limits of our jurisdiction during this time of supply shortages. Our decision is made with full knowledge that certain sales to ultimate consumers are beyond our jurisdiction. In those instances, we solicit the cooperation of State authorities to aid implementation of this program.

The Commission finds:

(1) The notice and effective date provisions of 5 U.S.C. 553 do not apply with respect to the policy statement here adopted.

(2) It is appropriate and in the public interest in administering the Natural Gas Act to adopt the policy statement as herein ordered.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5 and 7 (52 Stat. 822, 823, 824, 825; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f), orders:

A. Part 2 of the Commission's general rules of practice and procedure, general policy and interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding new § 2.78(a) as follows:

§ 2.78 Utilization and Conservation of Natural Resources—Natural Gas.

(a) The national interests in the development and utilization of natural gas resources throughout the United States will be served by recognition and implementation of the following priority-of-service categories for use during periods of curtailed deliveries by jurisdictional pipeline companies:

(1) Residential, small commercial (less than 50 Mcf on a peak day).

(2) Large commercial requirements (50 Mcf or more on a peak day) and firm industrial requirements for plant protection, feedstock, and process needs.

(3) All industrial requirements not specified in paragraph (a) (2), (4), (5), (6), (7), or (8) of this section.

(4) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(5) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

(6) Interruptible requirements of less than 1,500 Mcf per day.

(7) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day).

(8) Interruptible requirements of more than 3,000 Mcf per day.

The priorities-of-deliveries set forth above will be applied to the deliveries of all jurisdictional pipeline companies during periods of curtailment on each company's system; except, however, that, upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure, exceptions to those priorities may be permitted.

The above list of priorities requires the full curtailment of the lower priority category volumes to be accomplished before curtailment of any higher priority volumes is commenced. Additionally, the above list requires both the direct and indirect customers of the pipeline that use gas for similar purposes to be placed in the same category of priority.

B. The amendment provided for herein shall be effective as of January 8, 1973.

C. The Secretary shall cause prompt publication of this Order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-825 Filed 1-12-73;8:45 am]

[Docket No. R-406; Order 452-B]

PART 154—RATE SCHEDULES AND TARIFFS

Purchased Gas Cost Adjustment Provision

JANUARY 8, 1973.

By Order No. 452 issued April 14, 1972 (37 FR 12489, June 24, 1972),[1] the Commission amended § 154.38(d) of the Commission's regulations under the Natural Gas Act to permit the inclusion of a purchased gas cost adjustment provision (PGA Clause) in natural gas pipeline companies' FPC Gas Tariffs. We did not, however, amend § 154.52 of our regulations which recognizes and permits the filing of special operating agreements.

As we stated in Order No. 452–A issued June 13, 1972, it is the Commission's intent that the PGA clause be a complete replacement for the concept of purchased gas tracking authority. We further stated that no requests for purchased gas tracking authority other than in a PGA clause would be entertained by this Commission. Under these circumstances we find it necessary and in the public interest to amend Section 154.52 of the Regulations Under the Natural Gas Act to require that purchased gas cost tracking under special operating agreements filed pursuant to that section comply fully with the PGA requirements of § 154.38(d)(4).

The Commission finds:

(1) Adoption of this amendment to the Commission's regulations under the Natural Gas Act is necessary and appropriate for the administration of the Natural Gas Act.

(2) The revision prescribed in ordering paragraph (A) is consistent with the primary purpose of the rule making in this proceeding. Further compliance with the requirements of 5 U.S.C. section 553, including notice and public procedure, are therefore unnecessary.

(3) The revision prescribed herein to § 154.52 of the Commission's regulations under the Natural Gas Act is necessary and appropriate for carrying out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 10, and 16 (52 Stat. 822, 826 and 830; 76 Stat. 72; 15 U.S.C. §§ 717c, 717i, and 717o), orders:

(A) Subchapter E, Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding § 154.52(c) immediately after § 154.52(b) as follows:

§ 154.52 Exception to form and composition of tariff.

* * * * *

(c) Purchased gas cost tracking under special operating arrangements filed pursuant to this section shall conform to to the requirements set forth in § 154.38(d)(4).

(B) The amendment to the Commission's regulations under the Natural Gas Act contained in ordering paragraph (A) above is effective as of January 8, 1973.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-827 Filed 1-12-73;8:45 am]

[1] This order was adopted on Dec. 29, 1972, before Commissioner Walker left the Commission.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Phenylbutazone

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (47–712V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing the safe and effective use of an additional size phenylbutazone tablet for the treatment of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.57 is amended in paragraph (c)(1) as follows:

§ 135c.57 Phenylbutazone tablets and boluses.

* * * * *

(c)(1) *Specifications.* The drug is in tablet form with each tablet containing 100 milligrams or 200 milligrams of phenylbutazone.

* * * * *

Effective date. This order shall be effective on January 15, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 8, 1973.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.73-767 Filed 1-12-73;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7252]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Manufacturers Excise Tax on Tires and Tubes

In order to clarify the regulations under section 4071 of the Internal Revenue Code of 1954, the following amendment of the Manufacturers and Retailers Excise Tax Regulations is hereby adopted:

PARAGRAPH 1. Section 48.4071–2 is amended by adding a new subparagraph (3) immediately after subparagraph (2) of paragraph (b) of such section, which reads as follows:

§ 48.4071–2 Determination of weight.

* * * * *

(b) *Alternative method of determining weight of tires and inner tubes.* * * *

(3) For purposes of this paragraph, the term "manufacturer" means manufacturer, importer, or producer.

Because this Treasury decision is of a clarifying nature, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitations of subdivision (d) of such section.

(Sec. 4071, Internal Revenue Code of 1954 80 Stat. 331; 26 U.S.C. 4071, sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS, *Commissioner of Internal Revenue.*

Approved: January 9, 1973.

FREDERIC W. HICKMAN, *Assistant Secretary of the Treasury.*

[FR Doc.73-836 Filed 1-12-73;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Office of Executive Director

Order. In the matter of editorial amendment of Part 0 of the Commission's statement of organization with respect to the Office of the Executive Director.

This order is being issued to reflect organization changes in the Office of the Executive Director that were adopted in actions by the Commission on December 4 and 21, 1972.

These amendments relate to internal Commission organization, and hence, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of these amendments is contained in sections 4(i) and 5 (b) and (d) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

Accordingly, it is ordered, Effective January 19, 1973, that in Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.12 (c) and (h) are revised to read:

§ 0.12 Units in the Office.

* * * * *

(c) Financial Management Division.

* * * * *

(h) Records Management Division.

* * * * *

Adopted: January 8, 1973.

Released: January 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JOHN M. TORBET, *Executive Director.*

[FR Doc.73-797 Filed 1-12-73;8:45 am]

[Docket No. 19544]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Public Coast Radiotelegraph Stations; Correction

In the matter of inquiry into problems of public coast radiotelegraph stations, Docket No. 19544.

The order adopted in the above matter, FCC 72–1120, released December 18, 1972, and published in the FEDERAL REGISTER on December 21, 1972, 37 FR 28138, Footnote 1 is corrected to read "Commissioner Johnson concurring in the result".

Released: January 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-798 Filed 1-12-73;8:45 am]

[Docket No. 19572; FCC 73-8]

PART 97—AMATEUR RADIO SERVICE

Radio Control of Remote Model Craft and Vehicles

Report and order. In the matter of Amendment of Part 97 of the rules insofar as they pertain to the radio control of remote model craft and vehicles, Docket 19572, RM–1951.

1. The Commission adopted a notice of proposed rule making in the above entitled matter on August 16, 1972, which was published in the FEDERAL REGISTER on August 29, 1972 (37 FR 17497). Interested persons were invited to file comments on or before September 29, 1972, and reply comments on or before October 10, 1972. The notice was in response to a petition, RM–1951, filed by the Academy of Model Aeronautics and proposed the incorporation of special provisions into the rules to exempt certain low

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power amateur radio stations used only for transmitting signals for the control of model vehicles of all types.

2. Formal comments were filed by C. T. Williams; Dr. Walter A Good; Robert F. Aberle; Kraft Systems, Inc.; Michael L. Gilbertson; Dick Jansson Radio Control Corp.; American Radio Relay League (ARRL); and Academy of Model Aeronautics (AMA). All respondents supported the proposal. No comments were received expressing opposition.

3. As claimed by the petitioner, respondents also state the present rules governing the Amateur Radio Service are overly restrictive when applied to radio remote control of model aircraft. Petitioner requested comparability between the rules governing like-type operation in the Amateur Radio Service and the Citizens Radio Service, where remote control is also permitted. In support of this request, respondent Williams states:

As a long-time user of six meters for model control purposes, I have felt strongly that the rules of Part 97, as written, were clearly designed for two-way communications between licensed amateurs, and were more restrictive than necessary for the low-power, short-range, essentially one-way type of transmissions used in model control activities.

A similar opinion was stated by respondent Aberle:

It is my opinion the R/C flyers have, in fact, avoided six meters because of the additional recordkeeping and expense associated with its use. Adoption of this proposal would, in my estimation, act as an incentive for increased six meter R/C flying activities. This is a very important consideration since our "R/C" citizens bands are presently very congested.

4. The AMA petition also requested the special provisions for radio control equally apply to transmissions used for telemetering purposes. Our Notice stated that the petitioner did not furnish details and rationale for this request, and we requested interested parties having information and suggestions in this area to submit same for consideration. One formal comment received in this regard was from respondent Gilbertson, who stated:

• • • there are several small manufacturers producing telemetering devices specifically designed for remote controlled model aircraft. Perhaps the greatest usage at this time is a device used by glider/sailplane modelers to transmit changes in altitude and/or barometric pressure in order to maximize use of the thermal and wind currents necessary to fly this type of aircraft. Other telemetering devices currently available or contemplated include airborne air-speed indicators, tachometers, engine temperatures, etc. which are useful in experimentation and design of various model craft.

5. Representatives of the AMA visited the Commission and demonstrated an application of telemetering technology to model aircraft flying. The transmitter was installed in a flyable model, and operated in the 144 MHz amateur frequency band with F3 emission at a power level of less than 200 milliwatts. The only parameter telemetered was an indication of change in the aircraft rate-of-climb. The AMA representatives reported that some model aircraft can attain altitudes approaching those reached by full size aircraft. Additionally, the AMA formal comments state:

Other functions such as speed and altitude have been telemetered for experimental purposes and these are also in need of the same provisions as proposed for the radio control transmission since they are used only when the model is airborne and under control. It is, therefore, proposed that the same provisions apply to telemetry transmissions related to the model aircraft where the telemetry units would be operated on amateur frequencies above 144 MHz and employing power inputs of less than 200 milliwatts.

6. The Dick Jansson Radio Control Corp. comments state they have low power telemetry devices for model sailplanes in production. Furthermore, respondent states:

With the sensitive receivers available today, this telemetry unit can be heard for a range of 200 foot on the ground, and I have personally experienced a 4,000-foot line-of-sight in air range • • •.

7. Currently, the only authorized use of telemetry in the Amateur Radio Service is in the OSCAR 6 satellite station WA3 NDS. In this instance, certain rules applicable to all amateur radio stations were temporarily waived pending the adoption of rules for space radio stations. This satellite uses two telemetry transmitters. Several parameters are sequentially transmitted using A1 emission, and the transmitters can be commanded on and off by radio remote control. Identification is accomplished by transmitting the letters "HI" in Morse Code.

8. The ARRL comments support the adoption of § 97.99 as proposed in the notice of proposed rule making. The filing states:

The potential benefits to the Amateur Radio Service far outweigh any possible adverse impact. It is respectfully suggested, however, that the Commission's report and order clearly state that such operations will not be entitled to protection from interference from other amateur radio stations operating in compliance with the various rules.

9. Inasmuch as no objections were filed in response to our notice of proposed rule making, and since no additional information has been brought to our attention, we believe the special provisions for amateur radio stations used only for radio control of remote model crafts and vehicles should be adopted as proposed in the notice.

10. While we are sympathetic with the request of the AMA for additional special provisions for telemetering, we find the request is not adequately supported. Even a 200 milliwatt transmitter operating at high altitudes can be heard over areas of hundreds of miles, and would not compare to the very limited coverage of a control transmitter located at ground level. Therefore, exceptions to the identification and control requirements cannot be made for telemetry stations operating in the Amateur Radio Service.

11. The ARRL in its comments expresses concern about interference which may occur from amateur radio stations operating normally on frequencies used for remote-control purposes. Operation in any amateur band, for any purpose, is always subject to interference from other stations. The Amateur Radio Service per se is one involving a high degree of frequency sharing. It would be naive, to say the least, to attempt to write a rule which would purport to give a measure of protection to any emissions permitted within the amateur bands. Section 97.125 prohibits willful or malicious interference to any radiocommunication. Amateurs are expected to abide by the provisions of that rule. Nevertheless, the nature of the remote control function for model aircraft may make it impossible for amateurs to realize that interference is being caused. Users of amateur frequencies in accordance with the new § 97.99 should be aware of the possibilities of such interference and take whatever measures are practicable in the way of advance coordination and planning to ensure the greatest degree of satisfactory operation.

12. We find the attached amendments to the rules are necessary and desirable, and in the public interest. Authority for adoption of these amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

13. Because the rules adopted herein relieve restrictions pertaining to the use of amateur radio stations used only for radio control of remote model craft and vehicles, the effective date provision of the Administrative Procedure Act (5 U.S.C. 553) does not apply: *Accordingly, it is ordered,* That effective January 15, 1973, Part 97 of the Commission's rules is amended as set forth below.

14. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 4, 1973.

Released: January 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is amended as follows:

1. Section 97.99 and undesignated headnote "Special Provisions" are added to read as follows:

SPECIAL PROVISIONS

§ 97.99 Stations used only for radio control of remote model crafts and vehicles.

An amateur transmitter when used for the purpose of transmitting radio signals intended only for the control of a remote model craft or vehicle and having mean output power not exceeding one watt may be operated under the special provisions of this section provided an executed Transmitter Identification Card (FCC Form 452-C) or a plate made of a durable substance indicating the station call sign and licensee's name and address is affixed to the transmitter.

(a) Station identification is not required for transmissions directed only to a remote model craft or vehicle.

(b) Transmissions containing only control signals directed only to a remote model craft or vehicle are not considered to be codes or ciphers in the context of the meaning of § 97.117.

(c) Notice of operation away from authorized location is not required where the portable or mobile operation consists entirely of transmissions directed only to a remote model craft or vehicle.

(d) Station logs need not indicate the times of commencing and terminating each transmission or series of transmissions.

2. In § 97.101, the headnote is amended to read as follows:

§ 97.101 Mobile stations aboard ships or aircraft.

• • • • •

[FR Doc.73-799 Filed 1-12-73;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-80; Amdt. 172-18, 173-68]

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170–189 OF THIS CHAPTER

PART 173—SHIPPERS

Phosphorus Pentasulfide

The purpose of this amendment to the Department's Hazardous Materials Regulations is to identify phosphorus pentasulfide by name as a flammable solid and to prescribe packaging requirements for its transportation.

On March 10, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-80; Notice 71-7 (36 FR 4626) which proposed to classify phosphorus pentasulfide as a flammable solid. On July 18, 1972, the Board published another notice of proposed rule making in Docket No. HM-80, superseding Notice 71-7 (Notice 72-8 (37 FR 14239)). This later notice repeated the proposal to classify the material as a flammable solid and, in addition, proposed specification packaging. Several comments were received on this later notice.

One commenter objected to classification of the subject material as a flammable solid. In his comments, he referred to Docket No. HM-103, an advance notice of proposed rule making on a DOT Hazardous Information System (37 FR 12660), and cited that document as support for classification as a "Dangerous When Wet" material. The advance proposal, as set forth in Docket No. HM-103, does not establish "Dangerous When Wet" as a separate hazard classification, but rather establishes that the material has an additional hazard that is proposed to be specifically identified. It is contemplated that such materials will be classed and labeled as flammable solids. Therefore, since the Board does not intend to propose this additional hazard as a classification, the Board has classed this material as a flammable solid.

Some commenters pointed out that costly modification of certain bin-type packagings would be necessary if the Board pursued its proposed action. Six incidents involving phosphorus pentasulfide have been reported, three of which involved fire. The Board has considered the cost/benefit aspects of the rule and, in view of the incidents that have occurred and the experiences noted in the development of DOT specification 56 and the experience with present packaging, it has concluded that such modifications are warranted. Strengthening of the side-opening door closure in these types of packaging has been a concern of the Board for some time. This conclusion is consistent with its decision in the amendments to Docket HM-68 (37 FR 2885 and 3524) which were based on observed deficiencies in the closure which resulted in sifting of certain materials. The Board acknowledges that these modifications will require a certain period of time in order that the flow of traffic of this material will not be disrupted and is of the opinion that an 8-month modification period is reasonable if no further incidents occur. In this respect, the Board advises shippers to exercise special precautions in preparing these packagings for shipment during the interim period. Some commenters requested that the regulations provide for nonspecification (DOT) packaging. However, other commenters objected to the use of any packaging other than DOT specification packaging. After considering the incidents involving this material, and considering the nature of the product, the Board does not find justification for authorizing other than DOT specification packaging except for material that is fused solid.

One commenter suggested that the packaging for phosphorus pentasulfide be limited to the packaging authorized for phosphorus sesquisulfide. Adoption of such packaging criteria would severely restrict available packaging options for shipment and would in fact entail a substantial deviation from present practices for packaging this chemical. After reviewing the properties of the material and transportation experience with packaging now in use, the Board is of the opinion that DOT specification packagings should be prescribed, but that the restriction to use only packagings now listed in § 173.225 is not warranted. However, the Board does agree that the packaging used must be water-tight, i.e., a packaging design to prohibit the ingress of water, and has provided such a requirement in this amendment.

The note for specification 53 portable tanks indicating that new construction is not authorized has not been included in § 173.225(b)(2) because this specification is no longer shown in Part 178 and continued use is controlled by the requirements of § 173.32(d). The note would be redundant.

In consideration of the foregoing, 49 CFR Parts 172 and 173 are amended as follows:

I. In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Phosphorus pentasulfide	F.S	No exemption, 173.225	Yellow	11 pounds.

• • • • • • • •

II. (A) In Part 173 table of contents, § 173.225 is amended to read as follows:

Sec.
173.225 Phosphorus sesquisulfide and phosphorus pentasulfide.

(B) In § 173.225, the heading is amended; paragraph (b) is added to read as follows:

§ 173.225 Phosphorus sesquisulfide and phosphorus pentasulfide.

• • • • • •

(b) Phosphorus pentasulfide must be packed as follows:

(1) In any packaging prescribed in § 173.154 which will not permit water to come in contact with the lading.

(2) Specification 53 or 56 (§§ 178.251, 178.252 of this subchapter). Metal portable tank.

NOTE 1: Non-DOT specification metal portable tanks or bins similar to specification 53 or 56 may be used until August 30, 1973

(3) Metal drum not over 15 gallons capacity. Authorized only for phosphorus pentasulfide fused into a solid mass before transportation.

This amendment is effective June 30, 1973. However, compliance with the regulations as amended herein is authorized immediately.

(Sec. 831–835, title 18, United States Code, section 9 of the Department of Transportation Act, 49 U.S.C. 1657; title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h), and 1655(c))

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Issued in Washington, D.C., on January 8, 1973.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

KENNETH L. PIERSON,
Alternate Board Member for the Federal Highway Administration.

JAMES F. RUDOLPH,
Board Member for the Federal Aviation Administration.

[FR Doc.73-835 Filed 1-12-73;8:45 am]

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. RST-1A]

PART 213—TRACK SAFETY STANDARDS

Miscellaneous Amendments

Correction

In FR Doc. 73-7, appearing at page 873 in the issue for Friday, January 5, 1973, the table in § 213.113(a)(2) should read as set forth below:

Defect	Length of defect (inch) More than	Length of defect (inch) But not more than	Percent of railhead cross-sectional area weakened by defect Less than	Percent of railhead cross-sectional area weakened by defect But not less than	If defective rail is not replaced, take the remedial action prescribed in note—
Transverse fissure			20		B.
			100	20	H.
				100	A.
Compound fissure			20		B.
			100	20	B.
				100	A.
			20		C.
Detail fracture			100	20	D.
Engine burn fracture				100	A, or E and H.
Defective weld					H and F.
Horizontal split head	0	2			I and G.
	2	4			B.
	4				A.
Vertical split head	(Break out in railhead)				H and F.
Split web	0	½			I and G.
Piped rail	½	3			B.
Head web separation	3				A.
	(Break out in railhead)				H and F.
	0	½			I and G.
Bolt hole crack	½	1½			B.
	1½				A.
	(Break out in railhead)				E and I.
Broken base	0	6			(Replace rail).
Ordinary break					A or E.
Damaged rail					C.

REMEDIAL ACTION

NOTE:
A—Assign person designated under § 213.7 to visually supervise each operation over defective rail.
B—Limit operating speed to 10 m.p.h. over defective rail.
C—Apply joint bars bolted only through the outermost holes to defect within 20 days after it is determined to continue the track in use. In the case of classes 3 through 6 track, limit operating speed over defective rail to 30 m.p.h. until angle bars are applied; thereafter, limit speed to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.
D—Apply joint bars bolted only through the outermost holes to defect within 10 days after it is determined to continue the track in use. Limit operating speed over defective rail to 10 m.p.h. until angle bars are applied; thereafter, limit speed to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.
E—Apply joint bars to defect and bolt in accordance with § 213.121 (d) and (e).
F—Inspect rail 90 days after it is determined to continue the track in use.
G—Inspect rail 30 days after it is determined to continue the track in use.
H—Limit operating speed over defective rail to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.
I—Limit operating speed over defective rail to 30 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1116]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of January 1973.

It appearing, that the West Pittston-Exeter Railroad Co. (WPE), in Docket AB 67, has requested authority to abandon operations over its entire line of railroad; that the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, Trustees) (LV) has requested authority in Finance Docket No. 27266 to acquire and operate the line of the WPE; that the WPE has consented to immediate operation over its line by the LV; that such operation by the LV over the tracks of the WPE will provide continued railroad service to shippers served by such tracks; that operation by the LV over the aforementioned WPE tracks is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1116 **Service Order No. 1116.**

(a) *Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, Trustees) authorized to operate over tracks of West Pittston-Exeter Railroad Co.* The Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, Trustees) (LV) be, and it is hereby, authorized to operate over the entire line of the West Pittston-Exeter Railroad Co. (WPE), located in Luzerne County, Pa., pending final disposition of the applications of the LV in Finance Docket No. 27266 to acquire and operate the WPE, and of the WPE in Docket AB 67 to abandon operations of its entire line.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the LV over tracks of the WPE is deemed to be due to carrier's disability, the rates applicable to traffic moved by the LV over these tracks of the WPE shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., January 10, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-819 Filed 1-12-73;8:45 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), *Special allowances,* which deal with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to provide for the payment of such an allowance for the period October 1, 1972, through December 31, 1972, inclusive.

As so amended § 177.4 reads as follows:

§ 177.4 **Payment of interest benefits, administrative cost allowances, and special allowance.**

* * * * * * *

(c) *Special allowances.* * * *

(3) Special allowances are authorized to be paid as follows:

* * * * * * *

(xiv) For the period October 1, 1972, through December 31, 1972, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of three-fourths of 1 percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: January 3, 1973.

JOHN OTTINA,
Acting Commissioner of Education.

Approved: January 10, 1973.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.73-910 Filed 1-12-73;8:45 am]

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Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 295]

SPECIAL PACKAGING

Modification of Testing Procedures

Section 295.10, setting forth the procedure for testing "special packaging" as defined in section 2(4) of the Poison Prevention Packaging Act of 1970, was promulgated in the FEDERAL REGISTER of November 20, 1971 (36 FR 22152).

Regarding test failures, § 295.10(a) (3) provides that in the case of unit packaging a test failure shall be any child who opens or gains access to the number of individual units which may constitute the amount that may produce serious personal injury or serious illness, or a child who opens or gains access to more than 5 individual units, whichever number is lower, during the full 10 minutes of testing. Upon further consideration, the Commissioner of Food and Drugs concludes that the "more than 5 individual units" specification constituting a test failure is unnecessarily restrictive and is tending to stifle initiative in the packaging industry toward the development of suitable unit packaging because of the inability of present technology to meet this level of performance.

A review of the data generated by protocol testing of unit packaging initiated by the Food and Drug Administration and of pertinent data from other sources indicates that a more realistic test failure specification would be "more than 8 individual units".

The present level was established to provide the packaging industry with parameters within which to develop unit packaging. It also involved an evaluation of an estimated attention span of children relative to opening unit packaging. Since unit packaging has the potential for being a very effective form of child protection packaging for many applications, particularly in the drug field, the test failure specifications should be the most realistic possible. A change from more than 5 to more than 8 individual units will not compromise safety or reduce the child protection quality of special packaging because the number of individual units constituting the amount that may produce serious personal injury or serious illness will prevail in establishing the test failure when such number is 8 or less.

Therefore, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5; 84 Stat. 1670–1672; 15 U.S.C. 1471–1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 295.10 *Testing procedure for special packaging* by revising the fifth sentence of paragraph (a) (3) to read "In the case of unit packaging, however, a test failure shall be any child who opens or gains access to the number of individual units which constitute the amount that may produce serious personal injury or serious illness, or a child who opens or gains access to more than 8 individual units, whichever number is lower, during the full 10 minutes of testing."

Interested persons may, on or before March 16, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 8, 1973.

SAM D. FINE,
Associated Commissioner for Compliance.

[FR Doc.73-766 Filed 1-12-73;8:45 am]

DEPARTMENT OF TRANSPORTION

Coast Guard

[33 CFR Part 117]

[CGD 73-8 P]

ESCATAWPA AND PASCAGOULA RIVERS, MISS.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the State Highway 63 drawbridge across the Escatawpa River and for the U.S. 90 Highway drawbridge across the Pascagoula River to allow additional closed periods in the morning and afternoon peak vehicular periods to permit a freer flow of vehicular traffic. The mayors of Pascagoula, Miss., and Moss Point, Miss., and the president of the Jackson County Board of Supervisors submitted a request for this amendment of the bridge operating regulations because of an increase in vehicle traffic caused by increased production at the Ingalls Shipbuilding Yards.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before February 16, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by

1. Revising § 117.485 to read as follows:

§ 117.485 Escatawpa River, Miss.; Mississippi State Highway 63 Bridge; mile 1.0.

The draw need not be opened for the passage of vessels, from 6 a.m. to 6:45 a.m., 7 a.m. to 7:30 a.m., 3:25 p.m. to 4 p.m., and 4:15 p.m. to 5 p.m. Monday through Friday, except on national holidays, when the draw shall open promptly on signal. At all other times the draw shall open promptly on signal.

2. Revising § 117.495 to read as follows:

§ 117.495 Pascagoula River at Pascagoula, Miss., U.S. 90 Highway Bridge.

The draw shall be opened promptly on signal for the passage of vessels except that it need not be opened from 6:15 a.m. to 7:15 a.m., 7:25 a.m. to 8 a.m., 3:15 p.m. to 4:15 p.m., and 4:30 p.m. to 5:30 p.m., Monday through Friday, except on national holidays when the draw shall open promptly on signal. At all other times the draw shall open promptly on signal.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: January 8, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-791 Filed 1-12-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-WA-13]

TERMINAL CONTROL AREA

Proposed Adoption; Extension of Time

On December 15, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 26737) proposing the adoption of a Group I Terminal Control Area (TCA) for Dallas-Fort Worth, Tex. The deadline for public comment on the proposal was set for January 15, 1973.

Subsequent to publication of the TCA proposal, problems in distribution of the notice arose which require an extension of the comment period.

In consideration of the foregoing, the comment period for the proposed Dallas-Fort Worth TCA is extended to February 15, 1973. All communications received by that date will be considered before action is taken on the proposed TCA.

This action is taken under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 8, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-738 Filed 1-12-73;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 72-WA-67]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would enlarge restricted area, R-4501A, Fort Leonard E. Wood, Mo., and raise the vertical limits to 18,000 feet m.s.l.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106.

All communications received on or before February 14, 1973, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

At the request of the Army, the Federal Aviation Administration proposes to change R-4501A, Fort Leonard E. Wood, by:

1. Increasing the southern boundary from 0 nautical mile at the southeast corner to eight-tenths nautical mile near the southwest corner.

2. Increasing the western boundary about one-fourth nautical mile.

3. Raising the ceiling to, but not including, 18,000 feet m.s.l.

4. Making the time of use: surface to 2,200 feet m.s.l.—continuous; 2,200 feet m.s.l. and above by NOTAM issued at least 24 hours in advance.

The proposed changes effecting 2,200 feet m.s.l. and above would permit the Army to fulfill training requirements for high-angle firing. Such exercises would normally be conducted on weekends about eight times annually (16 days).

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 5, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-735 Filed 1-12-73;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 72-SW-77]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a new restricted area, R-5601D, in the vicinity of Fort Sill, Okla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received on or before February 14, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate the following restricted area:

R-5601D FORT SILL, OKLA.

Boundaries. Beginning at lat. 34°38'15" N., long. 98°38'00" W.; to lat. 34°36'00" N., long. 98°46'45" W.; to lat. 34°42'15" N., long. 98°50'00" W.; to lat. 34°45'00" N., long. 98°40'30" W.; to lat. 34°43'30" N., long. 98°35'39" W.; to lat. 34°41'58" N., long. 98°39'43" W.; to lat. 34°41'58" N., long. 98°45'20" W.; to lat. 34°38'15" N., long. 98°45'20" W.; to point of beginning excluding the airspace above 6,000 feet m.s.l. south of a line from lat. 34°38'15" N., long. 98°38'00" W.; to lat. 34°38'15" N., long. 98°48'00" W.

Designated altitude. Surface to 16,500 feet m.s.l.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.

Using agency. Commanding General, Fort Sill, Okla.

The proposed restricted area would contain a scoreable weapons release range and a safety buffer for range activities. The range is required by Air Force Reserve units based at Carswell AFB and Tinker AFB to conduct air-to-ground ordnance delivery training.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 5, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-736 Filed 1-12-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 73]

[Docket No. 19667; FCC 73-23]

PROGRAM LOGS OF STANDARD BROADCAST STATIONS

Public Inspection and Retention

In the matter of petition for rule making to require broadcast licensees to maintain certain program records, Docket No. 19667, RM-1475.

1. The Commission has before it a petition for rule making filed by the National Citizens Committee for Broadcasting ("NCCB") and oppositions filed by the National Association of Broadcasters ("NAB"), WGN Continental Broadcasting Co. and by Haley, Bader and Potts on behalf of several licensees. The petition seeks a number of changes in our rules, changes which fall into two general categories: Public inspection of program logs and new recordkeeping requirements applicable to all programs other than sports and entertainment, particularly those involving discussion of controversial issues. As explained below, only the former is being considered in this proceeding.

2. Although part of NCCB's petition requires additional study before action on it can be taken, the portion dealing with public inspection of program logs does not require such study and thus may be acted upon at this time. As matters now stand, stations are required to maintain program logs and to keep them on file for 2 years for possible Commission inspection. They are not currently available for public inspection. NCCB would change the retention period from 2 years to the license term plus 90

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days and it would open these logs to public inspection and copying. According to NCCB, community groups are not able to obtain a reliable analysis of a station's programing without being forced to conduct an elaborate and expensive monitoring of the station. In their view, being able to examine the logs of the days which form the composite week used in connection with the triennial renewal application, provides only incomplete and outdated information. Lacking access to program logs is described as an impediment to effective public involvement during the license term, and because of filing deadlines, is said to add unnecessary burden to filings in connection with renewal applications. Although strenuous oppositions have been lodged against NCCB's petition, for the most part these oppositions are directed at those portions of the petition that are not now at issue. Generally, however, the opposing parties express the view that enough material is available for public inspection and that if the composite week is sufficient for Commission use so should it be for public groups.

3. For several reasons we believe the proposal has sufficient merit to warrant further exploration. No new recordkeeping effort would be required, for the program logs to be inspected are those already kept by each station. As has been pointed out, a number of files are currently being maintained for public inspection and (length of retention aside) so the question is only one of adding an item to the current list. This does not appear to be unduly burdensome. As we have had occasion to note elsewhere, the public interest is not best served by community involvement delayed until renewal time and then expressed only through a petition to deny. For all concerned, a continuing dialogue is to be preferred, and we believe that availability of the logs might well be beneficial in this regard. Tentatively, it appears that the license term or 2 years, whichever is greater, would be the appropriate period for retention of the logs. Because material from these logs might be pertinent to issues raised in connection with a renewal application, we propose to require their retention until a final determination is reached regarding issuance of a license for a new term. Thus, under the proposed rule changes, upon issuance of a new license, material already 2-years old could be destroyed and the balance from the previous license term could be when it becomes 2-years old.

4. In addition to comments on the basic proposal itself, we desire comments on the location at which the logs should be kept. Because logs are bulky and may require special handling in storage to enable their easy retrieval, we wish to consider alternative locations for these logs, such as public libraries or the like. On balance, it appears that it might not be inappropriate to allow retention of the logs at a second location other than that of the main public file, so long as it is accessible during business hours, and the proposed language of § 1.526 makes provision for this.

5. In view of the foregoing, and pursuant to authority found in sections 4(i), 303 (g), (j), and (r) of the Communications Act of 1934, as amended, it is proposed to amend §§ 1.526, 73.115, 73.285, 73.585, and 73.673 as set out below.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 2, 1973, and reply comments on or before February 16, 1973. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters, 1919 M Street NW., Washington, DC.

Adopted: January 4, 1973.

Released: January 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

PART 1—PRACTICE AND PROCEDURE

1. Section 1.526 would be amended by adding new paragraph (a)(6)[1] and by amending paragraph (d) to read as shown below (new language underscored).

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees, and licensees.

(a) • • •

(6) The program logs for the station.

• • • • • •

(d) *Location of records.* The file shall be maintained at the main studio of the station, or at any accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours. In the case of program logs, if the public file is maintained at the main studio of the station, the licensee may maintain the program logs at another location which meets the requirements of this paragraph. If the logs are maintained at such a separate location, arrangements shall be made so that the licensee will be able to make them available for the Commission inspection pursuant to § 73.116 of this chapter.

• • • • • •

[1] Under current numbering the new subsection would be (a)(6) but other changes currently being considered may require a renumbering should both changes be adopted.

PART 73—RADIO BROADCAST SERVICES

2. Section 73.115 is amended to read as follows:

§ 73.115 Retention of logs.

Program logs of standard broadcast stations shall be retained for the full license term to which they apply. Upon final determination, no longer subject to review, to renew the station's license for a new term, all logs over 2 years old need not be retained further, and the balance of the logs from the preceding license term may also be disposed of when they become 2 years old. Operating and maintenance logs of standard broadcast stations shall be retained for a period of 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

NOTE: • • •

Section 73.285 is amended to read as follows:

§ 73.285 Retention of logs.

Program logs of FM broadcast stations shall be retained for the full license term to which they apply. Upon final determination, no longer subject to review, to renew the station's license for a new term, all logs over 2 years old need not be retained further, and the balance of the logs from the preceding license term may also be disposed of when they become 2 years old. Operating and maintenance logs of FM broadcast stations shall be retained for a period of 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

4. Section 73.585 is amended to read as follows:

§ 73.585 Retention of logs.

Program logs of noncommercial educational FM broadcast stations shall be retained for the full license term to which they apply. Upon final determination, no longer subject to review, to renew the station's license for a new term, all logs over 2 years old need not be retained further, and the balance of the logs from the preceding license term may also be disposed of when they become 2 years old. Operating and maintenance logs of noncommercial educational FM broadcast stations shall be retained for a period of 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

5. Section 73.673 is amended to read as follows:

§ 73.673 Retention of logs.

Program logs of television broadcast stations shall be retained for the full license term to which they apply. Upon final determination, no longer subject to review, to renew the station's license for a new term, all logs over 2 years old need not be retained further, and the balance of the logs from the preceding license term may also be disposed of when they become 2 years old. Operating and maintenance logs of television broadcast stations shall be retained for a period of 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

[FR Doc.73-795 Filed 1-12-73;8:45 am]

[47 CFR Parts 2, 81, 83, 91]

[Docket No. 19665; FCC 73-6]

INDUSTRIAL AND MARITIME MOBILE SERVICES

Frequencies, Standards and Procedures for Onboard Communications

In the matter of amendments of Parts 2, 81, 83, and 91—to provide frequencies, standards and procedures for onboard communications in the Industrial and Maritime Mobile Services, Docket No. 19665.

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. The Radio Technical Commission for Marine Services (RTCM) established its Special Committee 62, on onboard communications on November 21, 1968. Since formation of SC62, that group has conducted a thorough investigation into the uses and needs for onboard communications by U.S. registry vessels. This investigation has included multiple tests by several vessel operating companies into the use of VHF (156–162 MHz), or UHF (450–470 MHz), and a comparison of the relative merits of VHF versus UHF. As a result of its extensive studies and evaluation, SC62 concluded that there were more advantages to the use of UHF than there were to use of VHF.

3. There is a substantial background to use of mobile (hand-carried) units for intraship (onboard) communications. Hand-carried transceiver units have been in use aboard vessels for intraship communication for more than a decade. A recent survey of U.S. registry vessels indicates that the majority of these hand-carried units are operated on frequencies available to the Citizens Radio Service. The Citizens Radio Service frequencies employed were not made available for this specific usage, are subject to very heavy interference, are not available on a worldwide basis, and some countries look with disfavor upon their use by vessels within their ports and harbors. These hand-carried units were employed aboard ship for a number of reasons, such as contacting key crew personnel due to the large and increasing size of various classes of vessel and the need to improve the operational efficiency aboard ship.

4. In the attached below the Commission has, in general, fulfilled the recommendations of RTCM SC62. Below sets forth amendments to the Commission's rules to provide for the licensing aboard vessels of facilities for the handling of communications relating to the operation of the vessel. These communications are limited to the confines of the vessel, or within its immediate vicinity. Also sets forth below proposed rule amendments relating to frequencies, technical standards and type acceptance requirements of transmitters, supplemental eligibility requirements, points of communication, station records, logs, operator requirements, and station identification.

5. Obtaining frequencies for onboard communications in the UHF band poses problems. There is no exclusive maritime mobile frequency allocation above 300 MHz. In fact, the non-Government spectrum between 300 and 1,000 MHz is fully allocated.[1] Thus, it appears that an exclusive frequency allocation for onboard communications can be achieved only by clearing a number of frequency channels. Since the land mobile frequencies in the UHF portion of the spectrum are fully allocated and are generally heavily used in larger port areas, we do not think reallocation would be realistic particularly since there may be a possibility of meeting the onboard requirement by some compatible, coequal sharing arrangement with one of the land mobile services. Since the onboard requirement is for a short range system, the power requirements are quite moderate, i.e., 2 watts effective radiated power or less. We have a group of frequencies in the Business Radio Service limited to 3 watts plate power input and it appears that the low-power business uses can coexist with onboard installations with a minimum of harmful mutual interference. To establish suitable controls for shared use, the antenna height for shipboard installations will be limited to no higher than 10 feet above the vessel's wheelhouse overhead. In addition, the effective radiated power for all maritime operations will be limited to 2 watts which will provide an adequate power for both repeater and hand-carried transmitter operation. Since there may be a need for simultaneous operation of various vessels in close proximity when in harbors or cargo handling areas, four pairs of frequencies are proposed to provide for duplex or two frequency simplex with automatic retransmit facilities, as well as single frequency operation. The availability of additional channels will also allow for quick change of frequency if interference from Business Service operations is experienced. We emphasize that the maritime use of the frequencies is in no way to be protected from Business Service operations. The proposed rules provide for use of the frequencies on a shared and cooperative basis in the same manner as that permitted in the Business Radio Service.

6. It appears probable that considerable time will pass before all ships that may be involved in large oil transfer operations (See § 83.815(a)(2) below to this notice) will be equipped for onboard communications in the maritime mobile service. To accommodate situations where communications are necessary between ship and dock in either terminal, off-shore, storage complexes, or other areas where oil is transferred and a vessel is not suitably equipped, we propose to so modify the Petroleum and Business Radio Service rules in Part 91 as to designate the same frequencies as being available for the purpose in those services. Equipment licensed in either of the services could be taken aboard ship and used temporarily for the oil transfer purposes. Onboard mobile relay stations would be permitted. Only voice emission would be allowed and the rules would carry the same limitations in effective radiated power and antenna height as have been proposed for the maritime mobile service. Comments specific to this proposal are requested. In any event, the Business Radio Service rules would be amended to show the sharing with the Maritime Mobile Service as set forth below.

[1] Extensive efforts to provide additional radio spectrum space for the land mobile radio services to relieve existing congestion and provide for future growth has occurred in the actions taken in Dockets Nos. 18261 and 18262.

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7. In reference to proposed § 83.823 (Subpart Z, page 7 below), this section is set forth in this manner to facilitate understanding of the proposed operator requirements. Editorially, however, the Commission will incorporate the substance of this section into Subpart F—Operator Requirements, Part 83 of the rules, and this will be done at the time of adoption of the report and order in this proceeding.

8. The proposed amendments to the rules, as set forth in this notice and below, are issued pursuant to authority contained in sections 4(i) and 303 (a), (b), (c), (d), (e), (f), and (r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 20, 1973 and reply comments on or before March 2, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference room at its headquarters in Washington, D.C.

Adopted: January 4, 1973.

Released: January 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

1. In § 2.1, the definition of Maritime Mobile Service is amended to add a note, to read as follows:

§ 2.1 **Definitions.**

• • • • •

Maritime mobile service. A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate.

NOTE: Including use of onboard stations.

• • • • •

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA PUBLIC FIXED STATIONS

B. Part 81, Stations on Land in the Maritime Services and Alaska-Public Fixed Stations, is amended as follows:

1. In § 81.3, paragraph (b)(1) is amended to read as follows:

§ 81.3 **Maritime mobile service.**

• • • • •

(b) *Maritime and land mobile service*—(1) *Maritime mobile service.* A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate. (Includes use of onboard stations. Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

• • • • •

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.3, paragraph (b) is amended, and new paragraphs (n), (o) and (p) are added, to read as follows:

§ 83.3 **Maritime mobile service.**

• • • • •

(b) *Maritime mobile service.* A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate. (Includes use of onboard stations. Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

• • • • •

(n) *Onboard station.* A station in the maritime mobile service on board ship, including a combination of two or more onboard mobiles, or two or more onboard mobiles and an onboard repeater, intended to be used primarily for intraship operational communications on board ship and in the immediate vicinity of the ship, as related to ship security and protection, while the ship is in motion or moored.

(o) *Onboard mobile.* A hand-carried mobile transmitter and receiver operated as part on an onboard station.

(p) *Onboard repeater.* A transmitter and receiver operated as part of an onboard station, intended for the reception and automatic retransmission of signals between onboard mobiles.

2. In § 83.7, the existing paragraphs are lettered (a) through (i) and new paragraphs (j) and (k) are added, to read as follows:

§ 83.7 **Technical.**

• • • • •

(j) *Antenna power gain.* The ratio of the power required at the input of a half-wave dipole to the power supplied to the input of the given antenna to produce, in a given direction, the same field at the same distance. When not specified otherwise, the figure expressing the gain of an antenna refers to the gain in the direction of the radiation main lobe.

(k) *Effective radiated power (ERP).* The product of the antenna input power and the antenna power gain. This product should be expressed in watts and is referred to a half-wave dipole. (If specified in a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

3. In § 83.22, add a new paragraph (h), to read as follows:

§ 83.22 **Administrative classification of stations.**

• • • • •

(h) Onboard stations.

4. In § 83.36, add a new paragraph (d), to read as follows:

§ 83.36 **Application forms for station authorizations.**

• • • • •

(d) FCC Form shall be used in applying for an onboard station license.

5. In § 83.131, a new paragraph (f) is added to read as follows:

§ 83.131 **Authorized frequency tolerance.**

• • • • •

(f) The frequency tolerance authorized for onboard stations operating on frequencies in the band 450–470 MHz is:

(1) Onboard repeater: 2.5 parts in 10^6.

(2) Onboard mobile: 5.0 parts in 10^6.

6. In § 83.132, a new subdivision (iv) is added to paragraph (a)(2), to read as follows:

§ 83.132 **Authorized classes of emission.**

(a) • • •

(2) • • •

(iv)

Frequency band	*Classes of emission*
For the frequency band 450–470 MHz---	F3

• • • • •

7. In § 83.134, a new paragraph (h) is added to read as follows:

§ 83.134 **Transmitter power.**

• • • • •

(h) The power employed by onboard stations when operating on frequencies in the 450–470 MHz band shall not exceed the following values:

Effective radiated power

(1) Onboard repeater---------- 2.0
(2) Onboard mobile---------- 2.0

(3) Onboard transmitters are not type accepted on the basis of effective radiated power. These transmitters will be type accepted on the basis of a carrier power of not more than 4.0 watts, with the transmitter terminated in a dummy load of matching impedance (not connected to an antenna). The licensee shall apply appropriate measures to assure that the effective radiated power does not exceed the value set forth in paragraphs (h) (1) and (2) of this section.

8. In § 83.137, paragraph (h) is amended to read as follows:

§ 83.137 **Modulation requirements.**

• • • • •

(h) Each transmitter [2] operated in the bands 156–162 and 450–470 MHz shall

[2] • • •

be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radio frequency) stage which, at audio frequencies between 3 kHz and 20 kHz, shall have an attenuation greater than the attenuation at 1 kHz by at least 60 $\log_{10}(f/3)$ decibels, where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

9. A new Subpart Z, entitled Use of Onboard Communications, is added to read as follows:

Subpart Z—Use of Onboard Communications

Sec.
83.811 Authorized frequencies.
83.813 Supplemental eligibility requirements.
83.815 Points of communication.
83.817 Antenna height.
83.819 Station records.
83.821 Station logs.
83.823 Operator requirements.
83.825 Identification of station.

AUTHORITY: Secs. 4(i), 303 (a), (b), (c), (d), (e), (f), (r) of the Communications Act of 1934, as amended.

Subpart Z—Use of Onboard Communications

§ 83.811 **Authorized frequencies.**

(a) The assigned frequencies set forth in paragraph (b) of this section may be used aboard vessels employing radiotelephony for onboard communications when authorized by station license. The frequencies are available on a shared and cooperative basis with stations operating in the Business Radio Service.

(b) The frequencies set forth in paragraph (b)(1) of this section may be used where an onboard repeater is employed. The frequencies to be used where an onboard repeater is not employed are set forth in subparagraph (2) of this paragraph.

(1) For two frequency simplex (duplex), paired as follows:

Pair	On-board repeater (MHz)	On-board mobile (MHz)
(i)	457.525	467.750
(ii)	457.550	467.775
(iii)	457.575	467.800
(iv)	457.600	467.825

(2) For single frequency simplex:

(MHz)
457.525, 457.550, 457.575, 457.600

§ 83.813 **Supplemental eligibility requirements.**

Subject to the basic eligibility requirements set forth in § 83.23, authorization for onboard stations may be granted to any person, or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided,* That an applicant for an authorization to operate an onboard station must show control or ownership of the vessel on which the onboard station is to be installed and operated.

§ 83.815 **Points of communication.**

(a) Subject to the conditions and limitations imposed by the terms of the particular station license or by applicable provisions of this part with respect to the use of particular radio-channels, onboard stations on board ships in the maritime mobile service are authorized to communicate with other mobile units of the same station:

(1) Aboard the same vessel for operational communications;

(2) From ship to dock for large oil transfer operations to prevent spillage; and

(3) In the immediate vicinity of the same vessel for operational communications relating to docking or life boat and emergency drills.

(b) An onboard station may not be used;

(1) For communication with any other station; or

(2) For the loading or unloading of cargo.

§ 83.817 **Antenna height.**

The center of the radiating system of the antenna shall be located no higher than 10 feet above the vessels wheel house overhead.

§ 83.819 **Station records.**

(a) Each onboard station shall be provided with records showing:

(1) The name of ship and identification of the onboard station;

(2) The number and type of repeater and mobile units used aboard the vessel under the onboard station authorization;

(3) The date and type of equipment which is added to, removed from, or replaces equipment used under the onboard station authorization;

(4) The date and time of any failure of the equipment to operate as required, together with the date and time of repair;

(5) The nature and date of repair or servicing of each repeater or mobile equipment used under the onboard station authorization; and

(6) The name, category of operator license, and license number of the person effecting repair or servicing of equipment employed under the onboard station authorization.

(b) The record specified in paragraph (a) of this section shall be maintained permanently aboard the ship.

(c) The station records shall be made available to authorized Commission personnel upon request.

§ 83.821 **Station logs.**

(a) Stations authorized for use aboard vessels for onboard communications in the band 450–470 MHz are not required to maintain a station log.

(b) In lieu of maintaining a log, the licensee shall assure:

(1) That the onboard station is operated in accordance with the Commission's rules applicable to that station;

(2) That personnel operating the mobile units are limited to designated members of the crew of the vessel aboard which the onboard station is authorized;

(3) That use of the onboard station is limited to communications between crew members aboard the same vessel; and shall prohibit use of the onboard station for communications with another vessel;

(4) That unnecessary transmissions are not made, as a means of avoiding harmful interference to other vessels within communication range which are employing the same frequencies.

§ 83.823 **Operator requirements.**

(a) All transmitter adjustments or tests during or coincident with installation, servicing, or maintenance of an onboard station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, issued by the Commission.

(b) Where the transmitter, either repeater or mobile, or both, of an onboard station is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and the transmitter(s) are so installed that all controls which may cause improper operation or radiation are not readily accessible to the persons operating the transmitter(s), such transmitter(s) may be operated by an unlicensed person.

(c) Where all of the conditions set forth in paragraph (b) of this section are not fulfilled, transmitter(s) of an onboard station shall be operated by a person holding a first- or second-class commercial radiotelephone or radiotelegraph license issued by the Commission.

(d) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (b) and (c) of this section, no person, whether or not a licensed operator, is required to be in attendance at the repeater of an onboard station when transmitting during the normal rendition of service and when retransmitting by self-actuating means a signal received from another radio station or stations.

§ 83.825 **Identification of station.**

(a) Onboard stations using radiotelephony shall identify transmissions by announcement in the English language as set forth in paragraphs (b), (c), and (d) of this section.

(b) Identification of station shall include the name of the vessel, followed by a number or name designating the respective mobile unit(s), for example, the identification and call would be: "S.S. United States Mobile One this is Mobile Two".

(c) Identification shall be transmitted at the beginning and upon completion of each series of communications with other units of the onboard station when the vessel:

(1) Is in a port or harbor, in inland waters, within 20 miles of shore, or is in a busy shipping lane; or

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(2) Where the calls of one vessel are likely to be received aboard another vessel.

(d) Where identification is required by paragraph (b) or (c) of this section, station identification shall be transmitted at intervals not exceeding 15 minutes whenever transmission, or a series of transmissions, is sustained for a period exceeding 15 minutes.

PART 91—INDUSTRIAL RADIO SERVICES

D. Part 91, Industrial Radio Services is amended as follows:

1. In § 91.554, paragraph (a) is amended by adding new limitation designator 48 to certain frequencies and paragraph (b) is amended to include the new frequency limitation 48 as follows:

§ 91.551 Frequencies available.

(a) • • •

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band MHz	Class of station(s)	General reference	Limitations
• • •	• • •	• • •	• • •
457.525	Mobile	Low power general use.	13, 33, 43, 48.
457.550	do	do	13, 33, 43, 48.
457.575	do	do	13, 33, 43, 48.
157.600	do	do	13, 33, 43, 48.
• • •	• • •	• • •	• • •
467.750	Mobile	Low power general use.	13, 33, 41, 48.
467.775	do	do	13, 33, 41, 48.
467.800	do	do	13, 33, 41, 48.
467.825	do	do	13, 33, 44, 48.
• • •	• • •	• • •	• • •

(b) • • •

(48) This frequency is available on a shared and cooperative basis with the maritime mobile service for on-board vessel communications.

• • • • • •

[FR Doc.73-804 Filed 1-12-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19666; FCC 73-21]

TELEVISION BROADCAST STATIONS IN ITHACA, N.Y.

Proposed Table of Assignments

In the matter of amendment of § 73.606(b), *Table of assignments*, Television Broadcast Stations (Ithaca, N.Y.), Docket No. 19666.

1. The Commission proposes to remove the potential for severe restriction on the geographic sharing of television broadcast Channel 14 in the New York City-Northeastern New Jersey Urbanized Area by stations in the land mobile service.

2. When the Commission provided for land mobile sharing of Channels 14 and 15 in this area the University of the State of New York, State Education Department (USNY) held a construction permit for Station WIET on reserved Channel 14 at Ithaca, N.Y. Interference protection afforded to Station WIET by land mobile stations had a substantial adverse effect on use of Channel 14 by the land mobile stations as a result. Now that USNY has surrendered its construction permit, this restriction could be removed by replacing Channel *14 with Channel *65. If Channel *14 at Ithaca remains in the Table of Assignments in an unfrozen status, there is a possibility of having even more restriction on land mobile use of Channel 14 than that originally imposed by protection of Station WIET.

3. If there had not been an outstanding construction permit for use of Channel *14 at Ithaca, Channel *14 would have been frozen along with the other 17 assignments in the Table which were frozen to permit land mobile sharing. In its new status as an unfrozen and unused channel, the possibility of adverse effect on use of Channel 14 in New York City by land mobile stations places a risk on the sharing of Channel 14 that could put future land mobile stations in jeopardy.

4. Channel *65 is readily available to replace Channel *14. Such a channel switch would remove the threat of highly restrictive and inefficient use overhanging the sharing of Channel 14 by land mobile stations in New York City where available frequencies in the land mobile service are in critically short supply, and where frequency relief through efficient sharing of Channels 14 and 15 is essential.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission's rules as follows:

City	Channel No. Present	Channel No. Proposed
Ithaca, N.Y.	*14, 52	52, *65

6. Under the terms of the Canadian-U.S.A. Television Agreement of 1952, the proposal will require referral to Canada because Ithaca is located within 250 miles of the common border. Although all geographic minimum mileage separation requirements of the Agreement are met by the assignment of Channel *65 to Ithaca, Canadian concurrence is necessary.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before February 20, 1973, and reply comments on or before March 2, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: January 4, 1973.

Released: January 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-796 Filed 1-12-73;8:45 am]

[47 CFR Parts 89, 91, 93]

[Docket No. 16259; FCC 73-11]

SECONDARY FREQUENCY ASSIGNMENTS IN CALIFORNIA, TEXAS, AND CHICAGO

Order Terminating Proceeding

In the matter of temporarily amending Parts 89, 91, and 93 of the Commission's rules to test the principle of secondary frequency assignments in California, Texas, and the city of Chicago, Ill., Docket No. 16259.

1. In our notice of proposed rule making in this proceeding (30 FR 13965, November 4, 1965), we proposed to test the principle of secondary frequency assignments in the land mobile radio services. This was one of a number of studies instituted at the time looking for means of providing frequency relief for the land mobile radio services.

2. The proposal in this docket met with varied reactions. Some parties opposed the plan outright. Others, while not objecting to it, as such, asked that frequencies allocated in the services in which they operated be excluded from the test. Based on this response, we did not feel that the experiment would produce meaningful results; and we delayed its implementation pending further study and evaluation. In the interim, we have taken a number of actions allocating additional spectrum space to the land mobile radio services; and the possibilities for greater interservice sharing of land mobile radio frequencies are now being examined in connection with other current programs. Thus, the need for the program advanced in this proceeding no longer obtains.

3. *Accordingly, it is ordered*, That the proceeding in Docket No. 16259 is terminated.

Adopted: January 4, 1973.

Released: January 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-800 Filed 1-12-73;8:45 am]

[1] Commissioner Johnson concurring in the result.

[47 CFR Part 93]

[Docket No. 13690; FCC 73-10]

TAXICAB RADIO SERVICE

Order Terminating Proceeding

In the matter of amendment of subpart I of Part 93 of the Commission's rules to redefine eligibility and to specify permissible locations of base stations in the Taxicab Radio Service, Docket No. 13690.

1. This proceeding was initiated by our notice of proposed rule making (25 FR 7160, July 28, 1960) to amend the rules governing the Taxicab Radio Service. The purposes of the proceeding were to clarify the intent of certain regulations in force at that time and to restrict the practice of some eligible taxicab companies of selecting site locations designed to afford radio coverage greater than was actually needed or justified for their taxicab operations.

2. Upon review of the comments of the parties, and based upon our own reexamination of the matter in the context of our experience in the regulation of the Taxicab Radio Service in the interim period of time, we have concluded that the contemplated amendments should not be adopted at this time; and, therefore, that the subject rule making should be closed.

3. *Accordingly, it is ordered*, That the proceeding in Docket No. 13690 is terminated.

Adopted: January 4, 1973.

Released: January 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-807 Filed 1-12-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-467]

UTILIZATION AND CONSERVATION OF NATURAL GAS

Proposed Policy Statement

JANUARY 8, 1973.

This notice submits for public comment a proposed policy statement of the Commission relative to the utilization of natural gas and the Commission's administration of the regulatory requirements of the Natural Gas Act, 15 U.S.C. 717 et seq. The Commission proposes to implement such policies, as they may ultimately be developed in the proceeding, in all matters arising under the Natural Gas Act.

When applied in specific cases, opportunity would be afforded interested parties to challenge or support the stated policies through factual or legal presentation as may be appropriate in the circumstances presented. It is the Commission's intention in this statement to focus the attention of all parties concerned with the natural gas industry upon the general policy views of the Commission in advance of the filing of particular applications with the Commission and thereby to permit affected entities the opportunity to evolve a rational energy resource development program considering national energy goals and objectives as they may be stated from time-to-time, and to minimize the complexity and length of administrative proceedings before this Commission.

The policies set forth herein are directed to the establishment of priorities in the use of natural gas. As stated, the priorities reflect public policy guidance which the Commission proposes to give for the benefit of all who may be concerned with the development and utilization of natural gas and other primary energy resources. Sections of the Natural Gas Act chiefly of concern are sections 1, 3, 4, 5, and 7, U.S.C. 717 b, c, d, and f. The Commission requests public comment to all aspects of the proposed policy, which policy is based, in part, on our analyses of curtailment proceedings that have come before us for decision.[1]

Concurrently, the Commission is issuing, in Docket No. R-468, Commission regulations under the Natural Gas Act, Parts 153, 154, 156, 157, a notice of proposed rule making to revise several sections of its regulations under the Natural Gas Act, 18 CFR 153.4, 154.38(b), 154.39, 156.5, and 157.14. These proposed revisions would specify certain conditions for natural gas pipeline rate schedules or tariffs to be filed pursuant to sections 4 and 5 of the Natural Gas Act, 15 U.S.C. 717 c, d, and provide for the submission of additional data in connection with applications filed pursuant to sections 3 and 7 of that Act, 15 U.S.C. 717 b, f.

The Commission is therefore seeking public comment upon the details of those proceedings.

The basic authority of the Commission to initiate this policymaking action is the Natural Gas Act, 15 U.S.C. 717(a) et seq., particularly 717 b, c, d, f, and o, and the Administrative Procedure Act, 5 U.S.C. 553. The responses to the proposed policy will be major determinants in the formulation of such policies as may be finally adopted by the Commission herein.

National policies. Being an industrialized society, this Nation is energy dependent and energy sensitive. Thus, there is an urgent need for continued evolution in the prudent development and utilization of the Nation's energy resources as well as the implementation of coordinated governmental energy programs. The well-being of the Nation and its citizens rests upon an energy production base, which drives the economy and provides the means to accomplish other national goals. See for example, the full-employment goals as stated in the Employment Act of 1946, 60 Stat. 23, 15 U.S.C. 1021 et seq., the environmental protection objectives of the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., and economic goals of the Economic Stabilization Act Amendment of 1971, 85 Stat. 743.

The articulation of energy utilization and conservation concepts in this proceeding will be of substantial assistance to the Commission and all who appear before it in the discharge of established regulatory programs of this Commission. The concepts should be of major assistance to other agencies of government—Federal, State, and local.

Natural gas. The provisions of the Natural Gas Act provide "• • • that the business of transporting and selling natural gas for ultimate distribution to the public is affected with the public interest, and that Federal regulation in matters relating to the transportation of natural gas and the sale thereof in interstate and foreign commerce is necessary in the public interest," 15 U.S.C. 717(a).

For several years, this Commission has been confronted with the problems of curtailment of deliveries by jurisdictional pipeline companies caused by a nationwide shortage in the supply of natural gas. Corrective measures have been, and are being, taken by this Commission to facilitate increased supplies. However, a balance between supply and demand has not yet been achieved. The Nation's proven gas reserve inventory for the contiguous 48 States continues to shrink. Demand factors arising from economic growth, population factors, and environmental requirements continue to increase.

Available data indicate that not all jurisdictional pipelines have been able to procure contracts for new supplies of gas in sufficient quantities to insure that all present and potential customers of natural gas will be able to receive an adequate supply in the foreseeable future. Interstate pipelines, in many instances, have been unable to provide additional service

[1] Commissioner Johnson concurring in the result.

[1] Those cases are: Natural Gas Pipe Line Company of America, Docket No. RP70-42; United Gas Pipe Line Co., Dockets Nos. RP71-29, et al.; Trunkline Gas Co., Docket No. RP71-100; Northern Natural Gas Co., Docket No. RP71-107; Granite State Gas Transmission Inc., Docket No. RP71-116; Michigan-Wisconsin Pipe Line Co., Docket No. RP71-117; Panhandle Eastern Pipe Line Co., Docket No. RP71-118; Panhandle Eastern Pipe Line Co., Docket No. RP71-119; Eastern Shore Natural Gas Co., Dockets Nos. RP71-121, et al.; Arkansas-Louisiana Gas Co., Docket No. RP71-122; Consolidated Gas Supply Corp., Dockets Nos. FP71-127, et al.; Florida Gas Transmission Co., Docket No. RP71-128; Cities Service Gas Co., Docket No. RP71-129; Texas Eastern Transmission Corp., Docket No. RP71-130; Algonquin Gas Transmission Co., Docket No. RP71-131; Great Lakes Gas Transmission Co., Docket No. RP71-134; Colorado Interstate Gas Co., Docket No. RP71-138; Mid Louisiana Gas Co., Docket No. RP71-139; Shenandoah Gas Co., Docket No. RP71-141; El Paso Natural Gas Co. (Southern Division), Docket No. RP72-6; Louisiana-Nevada Transit Co., Docket No. RP72-13; Lone Star Gas Co., Docket RP72-15; Texas Gas Transmission Corp., Docket No. RP72-64; Southern Natural Gas Co., Docket No. RP72-74; Columbia Gas Transmission Co., Docket No. RP72-89.

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to existing customers or service to new customers and some major interstate pipelines are at the present time being forced to curtail deliveries of natural gas below existing contractual commitments.

Supply shortages may not be eliminated in the immediate future. The recent report on "National Gas Supply and Demand 1971–90, Staff Report No. 2," prepared by the Commission's Bureau of Natural Gas projects that the level of potential but unsatisfied demand for gas will rise to 17 trillion cubic feet by 1990. The staff estimates that between 1970 and 1990 accumulated potential demand will exceed projected supplies by more than 185 trillion cubic feet. Additionally, the Future Requirements Committee (FRC) estimates that (exclusive of field use) potential natural gas demand in the United States will increase from about 23.3 trillion cubic feet in 1971 to 28.5 trillion cubic feet in 1975. Based on this projection and on information concerning presently contracted or reasonably assured supplies, the FRC estimates that the gap between potential demand and reasonably assured supplies will increase from about 1 trillion cubic feet in 1971 to nearly 4 trillion cubic feet in 1975. Future Gas Requirements of the United States, Future Requirements Committee, Vol. No. 4, October 1971, page 3.

Pending resolution of the supply-demand question, there is need to evaluate the priorities of use of natural gas resources—as they have been established heretofore, chiefly by the interplay of economic market forces—the effects upon the natural gas industry, the ultimate consumer and the general public, the impacts upon environmental considerations, and the basic questions associated with the matter of conservation of energy. The priorities of use set forth in this proposed policy statement are designed to initiate that evaluation in the light of public interest considerations.

As the Commission has noted on many previous occasions, natural gas is the cleanest burning, and insofar as known today, the least polluting of all the fossil fuels. This is one of the reasons for its present enlarged demand and desirability as a fuel. In some metropolitan areas, air quality standards and regulations have placed great urgency on obtaining clean fuels and developing means for "clean" energy utilization.

It is recognized that the priorities of use of natural gas may have some adverse environmental impact at some point. The extent thereof will relate to the manner in which available gas supplies are utilized. In proposing this policy statement, the Commission desires to facilitate a general public awareness of this problem, a full discussion of the environmental factors, and an awareness of the overall costs of environmental protection.

Pollution abatement equipment and controls can function most effectively and at the lowest economic cost, when alternative fossil fuels are consumed in a few large units rather than in a larger number of small units. For that reason, certain of the proposals herein restrict the use of gas by large consumers who are best able to convert to less desirable alternatives in a least polluting manner. Also, since electricity is, in some regions of the country, the primary residential substitute for natural gas and since it takes approximately three B.t.u.'s of fossil fuel to produce one B.t.u. of electricity, the general priorities set forth herein propose limited uses for industrial boiler fuel, of which electricity generation is the major component, in favor of residential and commercial consumption.

General discussion. As stated heretofore, the Commission has ruled on the propriety of curtailment procedures to be invoked by jurisdictional pipeline companies during periods of curtailed deliveries. In reaching its decisions, the Commission reviewed the record in those proceedings and, based on those reviews, has concluded that the ultimate use of natural gas falls into certain set categories. We believe that those categories are generally applicable industrywide and can be used as a basis for establishing priorities to assure maximum high priority usage of this natural resource. We, of course, recognize that extraordinary circumstances may preclude the strict adherence to the priorities established and, in such alleged circumstances, those persons claiming an exemption should set forth the circumstances in the applications filed for the proposed service.

The priorities and proposed policy have as their highest priority deliveries for the residential and small volume consumers and follow basically the priorities set forth in our order issued concurrently herewith, which order sets forth the priorities-of-deliveries during periods of curtailment. The reasons for the order of priority here are similar to those in that order, since in each case the end-use of the natural gas consumed meets our concept of high priority usage. Thus, we herein adopt the reasons for the specific priority usage set forth in that order without repeating it herein.

Further, we are cognizant of the necessity for a continual review and implementation of policies as will forestall or hopefully preclude other pipeline companies from attaining similar shortage problems on their system and to promote the most efficient use of this natural resource during this time of short supply. To these ends, we solicit comments on several alternatives which may be considered in arriving at a rational solution to the optimum allocation of limited gas reserves at a time of shortage.

(1) Pipeline rates have been designed, in part, on the basis of economics. Thus, certain rates have been approved that encouraged industrial sales, which sales, in today's view, would be placed in a low priority status. Such rate design techniques will be reviewed to meet today's supply situation and should encompass such matters as elimination of conjunctive billing, modification of the Seaboard formula, separate rate for jurisdictional industrial service, elimination of annual contract demands and, in lieu thereof, the use of monthly or seasonal demands, and any other aspects of rate design relating to the principles of conservation of natural gas supply within the concepts set forth above.

(2) Certain contracts between pipelines and producers contain take-or-pay provisions that require pipelines to take gas at times of low demand for high priority usage. Accordingly, it may be advisable to revise those take-or-pay provisions to permit pipelines to husband their supplies of gas for superior end-use customers. Additionally, we may establish procedures to encourage pipelines to develop additional storage facilities, either on their own or in conjunction with other jurisdictional or nonjurisdictional companies. Such encouragement could be in the form of special rates or other incentives for the development of that additional storage capacity.

(3) In order to conserve our future supplies of natural gas, we will consider viewing all import and certificate requests in the context of end-use considerations applying the priorities hereinafter set forth. All requests for tariff changes relating to deliveries, such as requests for change or addition of delivery points, exchange agreements, volumetric changes to customers or classes of customers, and other proposals that bear on changing the usage of gas that has been previously certificated, may also be viewed in the context of the end-use considerations, and the priorities hereafter set forth.

(4) We are considering requiring each pipeline company to furnish us with a complete market study that will reflect end-usage of its present sales. Such a study may be used as the basis for initiation of abandonment proceedings to remove low priority usages from present sales volumes. Further, we are also considering a requirement that pipeline companies notify us in advance of the expiration of the primary term of each direct contract and resale service agreement and whether abandonment or renewal of that contract or service agreement will be sought by the pipeline. By such advance notice, we could determine whether to institute abandonment proceedings on our own motion.

The above four considerations are presented solely for the purpose of soliciting comment. We believe that comments from all interested parties on these proposals or on any other proposal that will further the goals set forth above will aid our deliberations in meeting today's challenges.

Proposed policy statement. The proposed policy statement constitutes a new § 2.78(b) Title 18, Code of Federal Regulations, Chapter I, Part 2, reading as follows: [3]

[3] See FR Doc. 73–825, which adds § 2.78 to 18 CFR, in the rules and regulations section of this issue of the FEDERAL REGISTER.

§ 2.78 Utilization and conservation of natural resources—natural gas.

• • • • •

(b) Except when extraordinary circumstances are found to exist, the public interest requires jurisdictional pipeline companies to recognize and implement the following priorities-of-service in submitting proposals to this Commission requesting service to new and/or additional direct and resale customers during this period of short supply of natural gas:

(1) Residential, small commercial (less than 50 Mcf on a peak day).

(2) Large commercial requirements (50 Mcf or more on a peak day) and firm industrial requirements for plant protection, feedstock, and process needs.

(3) All industrial requirements not specified in paragraph (b) (2), (4), (5), (6), (7), or (8) of this section.

(4) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(5) Firm industrial requirements for large volume (3,000 Mcf or more per day) broiler fuel use where alternate fuel capabilities can meet such requirements.

(6) Interruptible requirements of less than 1,500 Mcf per day.

(7) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day).

(8) Interruptible requirements of more than 3,000 Mcf per day.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 28, 1973, data, views, comments, or suggestions in writing, concerning all or part of the amendment proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment herein.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-824 Filed 1-12-73;8:45 am]

[18 CFR Parts 153, 154, 156, 157]

[Docket No. R-468]

NATURAL GAS UTILIZATION

Notice of Proposed Rule Making

JANUARY 8, 1973.

This notice submits for public comment a series of proposed revisions to the Commission's regulations under the Natural Gas Act, 15 U.S.C. 717 et seq., reflecting changes corresponding to the policy statement in Order No. 467 and the proposed statements of Commission policy which the Commission is noticing concurrently herewith in Docket No. R-467, Utilization and Conservation of Natural Resources—Natural Gas. The proposed revisions to the Commission's regulations under the Natural Gas Act would occur in §§153.4, 154.38(b), 154.39, 156.5, and 157.14, 18 CFR 153.4, 154.38 (b), 154.39, 156.5 and 157.14. They are described infra.

The Commission's purposes in articulating its general policies on the matter of natural gas utilization are set forth in the companion order and notice and need not be repeated herein. The separate rulemaking dockets are designed to facilitate separation and subsequent consideration of factors bearing upon general policy apart from the details of specific Commission regulation changes. The Commission believes that public participation in both dockets will be aided by this dichotomy.

The basic authority of the Commission to initiate this proposed rulemaking action is the Natural Gas Act, 15 U.S.C. 717 et seq., particularly 717, b, c, d, f, and o, and the Administrative Procedure Act, 5 U.S.C. 553. The responses received will be major determinants in the formulation of such rules as may be finally adopted by the Commission herein.

The revisions proposed herein are designed to secure additional information needed by the Commission in its administration of the Natural Gas Act in respect to various applications filed thereunder and to provide additional requirements specifying terms and conditions of rate schedules or tariffs acceptable for filing under the Natural Gas Act by natural gas pipelines, all in light of the stated policies on utilization of natural gas.

Further, the Commission, in its proposed amendment to § 154.38, is offering for comment a requirement that certain large volume industrial sales, both present and future, be made under interruptible contracts and rate schedules. The result of that proposal is anticipated to be achieved by December 31, 1974, and, in order to accomplish that result, some industrial sales made under firm contracts and certificated by us will require abandonment proceedings under section 7(b) of the Natural Gas Act. Accordingly, we are requiring pipeline companies to file such abandonment applications by June 30, 1974.

Accordingly, it is proposed to amend the regulations under the Natural Gas Act as follows:

PART 153—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

Amend § 153.4 of Part 153, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations to read as follows:

§ 153.4 Required exhibits.

(a) • • •

Exhibit G. (1) Names and locations of areas to be served, showing the number of residential, firm commercial, firm industrial, residential space heating, commercial space heating, firm annual commercial and industrial interruptible at peak periods, interruptible customers, and other types of customers for each distribution system served; and the names and locations of each firm industrial, firm annual industrial interruptible at peak periods, and interruptible customer who is served directly or indirectly and whose estimated consumption exceeds 100 Mcf per day or 36,000 Mcf per year together with a description and explanation of the end use to which each of these industrial customers will put the gas.

• • • • •

PART 154—RATE SCHEDULES AND TARIFFS

Amend § 154.38(b) of Part 154, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new subparagraph to read as follows and redesignating the present paragraph subparagraph (1):

§ 154.38 Composition of rate schedule.

• • • • •

(b) *Availability.* • • •

(2) *Form of Filing.* Effective December 31, 1974, contracts providing year-round daily firm service shall be so drafted as expressly to be available only: (i) for direct and resale sales made on a firm basis to the user; (ii) for gas placed into storage; and (iii) for natural gas unavoidably used and/or lost in conjunction with the above. Separate firm rate schedules shall be provided to cover transportation and sales of natural gas which is transported and/or resold on an other than year-round firm basis, e.g., annual contract quantity service, or seasonal service, annual service interruptible at peak periods. Unless otherwise specifically permitted by the Commission, in all cases where the use of alternative fuels is feasible firm rate schedules and contracts shall not be available after December 31, 1974, for resale to or direct delivery to individual consumers in volumes greater than 1500 Mcf per day. Where required by statutory provisions, rate schedules shall be accompanied by appropriate applications pursuant to Section 7 of the Natural Gas Act which applications shall be filed by June 30, 1974.

• • • • •

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Amend § 154.39 of Part 154, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations by adding a new paragraph (c) to read as follows:

§ 154.39 General terms and conditions.

. . . . . .

(c) The general terms and conditions of the tariff shall set forth the priorities of service to be observed in times of inadequate gas supply and/or capacity, both as to services rendered pursuant to FPC Gas Tariff rate schedules and as to services rendered directly to ultimate consumers, showing clearly the priority relationships of all tariff rate schedules and direct service contracts, and subdivided as necessary to show different priorities within individual tariff rate schedules and direct service contracts. The general terms and conditions of the tariff shall explain that on any day the gas entitlements in each priority class shall depend upon the usage of gas on that day and the tariff shall explain how these daily entitlements shall be determined.

PART 156—APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT

Amend § 156.5(a)(10)(i) of Part 156, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, to read as follows:

§ 156.5 Exhibits.

(a) *Exhibits to be submitted with application.* . . .

(10) *Exhibit I—Market data.* . . .

(i) Names and locations of areas to be served, showing the number of residential, firm commercial, firm industrial, residential space heating, commercial space heating, firm annual commercial and industrial interruptible at peak periods, interruptible customers, and other types of customers for each distribution system served; and the names and locations of each firm industrial, firm annual industrial interruptible at peak periods, and interruptible customer who is served directly or indirectly and whose estimated consumption exceeds 100 Mcf per day or 36,000 Mcf per year together with a description and explanation of the end use to which each of these industrial customers will put the gas.

. . . . . .

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Amend § 157.14(a)(11)(i) of Part 157, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, to read as follows:

§ 157.14 Exhibits.

(a) *To be attached to each application.* . . .

(11) *Exhibit I—Market data.* . . .

(i) Names and locations of areas to be served, showing the number of residential, firm commercial, firm industrial, residential space heating, commercial space heating, firm annual commercial and industrial interruptible at peak periods, interruptible customers, and other types of customers for each distribution system served; and the names and locations of each firm industrial, firm annual industrial interruptible at peak periods, and interruptible customer who is served directly or indirectly and whose estimated consumption exceeds 100 Mcf per day or 36,000 Mcf per year together with a description and explanation of the end use to which each of these industrial customers will put the gas.

. . . . . .

Any interested persons may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 28, 1973, data, views, comments, or suggestions, in writing, concerning all or part of the amendment proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment herein.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-823 Filed 1-12-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 90]

TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

Proposed Requirements for Respirable Dust Sampling of Miners Electing Their Option of Transfer

Since promulgation of 30 CFR Part 90 on October 27, 1971 (36 FR 20601), experience in administering the procedures for transfer of miners with evidence of pneumoconiosis has demonstrated a need for more stringent monitoring of the exposure to respirable coal mine dust of those eligible miners who have elected to exercise the option of transfer afforded them by section 203(b) of the Federal Coal Mine Health and Safety Act of 1969, as amended.

Notice is hereby given that in accordance with the provisions of section 203 of the Act (83 Stat. 763; 30 U.S.C. 843), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act (83 Stat. 803; 30 U.S.C. 957), it is proposed that Part 90 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations be amended as set forth below.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than March 1, 1973. In order to facilitate consideration of these proposed amendments by interested persons, an explanation of the reasons for and purposes thereof is also set forth below.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

JANUARY 9, 1973.

1. When a miner is transferred under the provisions of section 203(b) of the Act, or when the operator reports that the miner requesting transfer is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b), it is deemed advisable to require that an operator immediately take three samples of respirable dust and transmit them to the Bureau of Mines. These samples will enable the Bureau to ascertain at an early date whether the atmosphere to which the miner is exposed meets the requirements of section 203(b), and will ensure that corrective action is taken before the miner experiences a prolonged exposure to respirable dust levels in excess of those allowed under section 203(b). If the series of three samples shows a concentration of respirable dust in excess of the levels prescribed by section 203(b), the district manager of the coal mine health and safety district in which the mine is located shall notify the operator and the affected miner that such miner must be transferred in accordance with the provisions of Part 90. To ensure early measurement of exposure to respirable dust, 30 CFR 90.31 would be amended by adding thereto a new paragraph (c) as follows:

§ 90.31 Operator's transfer of miner; requirements.

. . . . . .

(c) Upon transferring the miner to such a position as is required by section 203(b) of the Act, or upon reporting that the miner who has exercised his option of transfer is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b), the operator shall immediately take three samples of respirable dust from the mine atmosphere to which the miner is exposed on three consecutive normal production shifts, each of which is worked on a separate calendar day. Such respirable dust samples shall be taken and transmitted to the Bureau of Mines in accordance with the methods and manner prescribed in 30 CFR Part 70 or Part 71, as applicable.

2. When a Bureau health inspection or the operator's dust sampling program results in a notice of violation of the applicable respirable dust standard specified in 30 CFR Part 70 or Part 71 which affects the area of a mine where a miner who has exercised his option of transfer is working, such violation indicates that the miner may be exposed to concentrations of respirable dust in excess of the levels prescribed by sections 203(b) of the Act. In order to insure that such miners are not exposed to respirable dust concentrations in excess of the provisions of section 203(b), it is deemed advisable to require that the operator immediately take three samples of respirable dust from the mine atmosphere to which the miner who has exercised his option of transfer is exposed, whenever the operator is notified by the Bureau that the area of the mine in which such miner is working is in violation of the applicable respirable dust standard specified in 30 CFR Part 70 or Part 71. If the series of three samples shows a concentration of respirable dust in excess of the levels prescribed by section 203(b), the district manager of the coal mine health and safety district in which the mine is located shall notify the operator and the affected miner that such miner must be transferred in accordance with the provisions of Part 90. To provide this additional safeguard, 30 CFR Part 90 would be amended by adding thereto a new § 90.41 which would read as follows:

§ 90.41 Enforcement of option of transfer; violation of respirable dust standard; individual sampling procedure.

If the operator receives a notice of violation of the applicable respirable dust standard specified in Part 70 or Part 71 of this chapter, and such violation affects the area of the mine in which a miner who has elected to exercise his option of transfer is working, the operator shall immediately take three samples of respirable dust from the mine atmosphere to which such miner is exposed on three consecutive normal production shifts, each of which is worked on a separate calendar day. Such respirable dust samples shall be taken and transmitted to the Bureau of Mines in accordance with the methods and manner prescribed in 30 CFR Part 70 or Part 71, as applicable.

[FR Doc.73-829 Filed 1-12-73;8:45 am]

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Proposed Additions and Deletions to List

Notice is hereby given, pursuant to the authority contained in the Endangered Species Conservation Act of 1969, 80 Stat. 926 (16 U.S.C. 668aa–668cc), as amended by 83 Stat. 275 (16 U.S.C. 668cc–1 to 668cc–6), that the Secretary of the Interior proposes to amend Title 50, Part 17, Appendix A, the "U.S. List of Endangered Foreign Fish and Wildlife," and Appendix D, "The U.S. List of Endangered Native Fish and Wildlife," of the Code of Federal Regulations.

The proposed amendment would add the following animals to Appendix A, the "U.S. List of Endangered Foreign Fish and Wildlife." This proposal is based upon evidence on file with the Bureau of Sport Fisheries and Wildlife, Washington, D.C., which shows these animals are threatened with worldwide extinction due to one or more of the following: (1) The destruction, drastic modification, or severe curtailment, or the threatened destruction, drastic modification, or severe curtailment of its habitat, or (2) its overutilization for commercial or sporting purposes, or (3) the effect on it of disease or predation, or (4) other natural or man-made factors affecting its continued existence.

Information in the "Where Found" column below is provided only for informative and advisory purposes, is not exhaustive nor inclusive and has no legal effect.

Common name	Scientific name	Where found
Yellow-footed rock wallaby.	*Petrogale xanthopus*	Australia.
Red kangaroo	*Megaleia rufa*	Do.
Eastern gray kangaroo.	*Macropus giganteus*	Do.
Western gray kangaroo.	*Macropus fuliginosus*	Do.
Desert bandicoot	*Perameles eremiana*	Do.
Gaimards rat-kangaroo.	*Bettongia gaimardi*	Do.
Quokka	*Setonix brachyurus*	Do.
Queensland hairy-nosed wombat.	*Lasiorhinus gillespiei*	Do.
Eastern native-cat.	*Dasyurus viverrinus*	Do.
Numbat	*Myrmecobius fasciatus*	Do.
Stick-nest rat	*Leporillus conditor*	Do.
Gould's mouse	*Pseudomys gouldii*	Do.
Magpie goose	*Anseranas semipalmata*	Do.
Freckled duck	*Stictonetta naevosa*	Do.
Plain wanderer	*Pedionomus torquatus*	Do.
Bustard	*Otis australis*	Do.
Ground parrot	*Pezoporus wallicus*	Do.
Aquatic box turtle.	*Terrapene coahuila*	Mexico.

Consistent with the foregoing proposal, and in recognition of the fact that by listing the species, the law will apply to their subspecies as well, it is further proposed to amend Appendix A, the "U.S. List of Endangered Foreign Fish and Wildlife" by deleting the following subspecies of the species named above:

Common name	Scientific name	Where found
Rusty numbat	*Myrmecobius fasciatus rufus.*	Australia.

This proposed amendment would add the following animals to Appendix D, "The U.S. List of Endangered Native Fish and Wildlife." This proposal is based upon evidence on file with the Bureau of Sport Fisheries and Wildlife, Washington, D.C., which shows each of these animals are threatened with extinction due to one or more of the following conditions: Its habitat is threatened with destruction, drastic modification, or severe curtailment, or overexploitation, disease, predation, or other factors, pose a severe enough threat that its survival requires assistance if the species is to survive.

MAMMALS

Common name	Scientific name
Utah prairie dog	*Cynomys parvidens.*
Northern Rocky Mountain wolf.	*Caprimulgus nocti-therus.*
Eastern cougar	*Felis concolor cougar.*

BIRDS

Mississippi sandhill crane.	*Grus canadensis pulla.*
Pureto Rico whip-poor-will.	*Batrachoseps aridus. okaloosae.*
Santa Barbara song sparrow.	*Melospiza melodia graminea.*

AMPHIBIANS

Common name	Scientific name
Desert slender sala-mander.	*Batrachoseps aridus.*

FISH

Okaloosa darter	*Etheostoma okaloosae.*

The Secretary of the Interior is not foreclosed, at the conclusion of the notice period below stated, from publishing a list which omits one or more of the species herein proposed for listing, or which retains subspecies herein proposed for delisting, or finally, which includes only some subspecies of the species herein proposed for listing.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received by March 16, 1973, will be considered.

SPENCER H. SMITH,
Director.

JANUARY 11, 1973.

[FR Doc.73-937 Filed 1-12-73;9:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

EASTERN PACIFIC TUNA FISHERIES

Yellowfin Tuna

The resolution adopted by the Inter-American Tropical Tuna Commission at its 28th meeting held on December 20, 1972, in San Diego, Calif., recommends to continue in 1973 the experimental fishing program in effect since 1969.

In addition, for 1973, the Commission recommended removing the restrictions from part of the regulatory area to encourage exploratory fishing. The area to be opened up lies south and west of the Galapagos Islands.

The Commission's resolution for 1973, as in 1972, allows vessels of less than 400 short tons carrying capacity to fish for yellowfin tuna within the regulatory area

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during the closed season under such restrictions as may be necessary to limit the catch of yellowfin by such vessels to 6,000 tons during 1973. It has been the experience of the National Marine Fisheries Service that as much as 700 short tons of yellowfin are additionally available from the unused portion of the overall country 15 percent incidental catch. Thus, the yellowfin tuna to be allotted to the vessels under 400 short tons carrying capacity is 6,000 short tons, plus approximately 700 short tons which we expect will be available under the unused portion of the 15 percent incidental catch. In regard to the allocation of the 6,700 short tons, the National Marine Fisheries Service invites comments upon the desirability of combining the seiners of 300 short tons carrying capacity or less and the seiners 301–400 short tons carrying capacity into one allotment group. In the absence of general interest or a workable plan to combine the two groups of small seiners, or any interest in a redistribution of the allotments to the three categories of small vessels, the allotments and incidental catch rates for 1973 will remain the same as in 1972, namely:

(1) Purse seiners of 301–400 short tons carrying capacity, 900 short tons, 40 percent by round weight of each vessel's total catch.

(2) Purse seiners of 300 short tons carrying capacity or less, 3,500 short tons, 50 percent by round weight of each vessel's total catch.

(3) Bait and jig boats, 2,300 short tons, 50 percent by round weight of each vessel's established short ton carrying capacity.

Before final adoption of amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, on or before January 26, 1973.

Interested persons will also be afforded an opportunity to comment orally on the proposed amendments at a public hearing to be held in the United Portuguese Club, 2818 Addison Street, San Diego, CA, beginning at 9:30 a.m., January 24, 1973. Any person who intends to testify at this hearing is requested to furnish in writing prior to the hearing his name and the name of the organization he represents, if any, to the said Regional Director.

The proposed amendments are issued under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 955(e)), as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Issued at Washington, D.C., and dated January 11, 1973.

The proposed amendment is described below.

1. Amend paragraph (g) of § 280.1 to read as follows:

§ 280.1 Definitions.

* * * * *

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast. Except that for 1973 only, the area encompassed by a line drawn starting at 110° west longitude and 3° north latitude extending east along 3° north latitude to 95° west longitude; thence south along 95° west longitude to 3° south latitude; thence east along 3° south latitude to 90° west longitude; thence south along 90° west longitude to 10° south latitude; thence west along 10° south latitude to 110° west longitude; thence north along 110° west longitude to 3° north latitude shall be excluded from the regulatory area to encourage exploratory fishing.

* * * * *

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73–879 Filed 1–12–73;2:30 pm]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

INDUSTRY ADVISORY COMMITTEE ON MARITIME POLICY

Notice of Meeting

The Industry Advisory Committee on Maritime Policy was established to serve as a nucleus for the exchange of views on military ocean transportation policies and programs and to provide an exchange of information between government and industry on current maritime problems of concern to the Department of Defense.

The first meeting of the Committee will be held at 9:30 a.m. on January 19, 1973. This meeting will be devoted to organization, discussion of current merchant marine problems, the formulation of the role, scope, objectives, and goals for the Committee, and will involve exclusively the expression of views and judgments of its members. Under authority of the notice of determination issued by the Assistant Secretary of Defense (Installations and Logistics), dated December 15, 1972, this meeting is closed to the public.

Dated: January 9, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.73–764 Filed 1–12–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PROPOSED TIMBER MANAGEMENT PLAN, TONTO NATIONAL FOREST

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a Proposed Timber Management Plan, Tonto National Forest.

The purpose of the statement is to consider probable environmental effects of the proposed timber management program.

The final environmental statement was filed with CEQ on January 4, 1973. (USDA–FS–FES(Adm) 72–25.)

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87101.

Tonto National Forest, Federal Building, Room 6208, 230 North First Avenue, Phoenix, AZ 85025.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, Post Office Box 1389, Flagstaff, AZ 86001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, NM 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JANUARY 9, 1973.

[FR Doc.73–833 Filed 1–12–73;8:45 am]

Soil Conservation Service

PERIWINKLE CREEK FLOOD PREVENTION, UPPER WILLAMETTE PROJECT, OREGON

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture, has prepared a final environmental statement for the Periwinkle Creek Flood Prevention, Recreation and Drainage Project Measure, USDA–SCS–ES(Adm) 73–RD–2(F).

The environmental statement concerns a plan for reducing streambank erosion, sediment deposition, flood damage, drainage problems, and water pollution in the Periwinkle Creek area, Linn County, Oreg. The planned works of improvement include conservation land treatment, supplemented by 13,200 feet of floodway, 17,100 feet of open channels, two ponds, and recreation facilities for water-based recreation in two community parks.

The final environmental statement was filed with CEQ on January 8, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington Office, South Agriculture Building, Room 5105A, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Soil Conservation Service, Washington Building, 1218 Southwest Washington Street, Portland, OR 97205.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Dated: January 8, 1973.

KENNETH E. GRANT,
Administrator, Soil Conservation Service.

[FR Doc.73–834 Filed 1–12–73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

CERTAIN PRODUCT AND COMMERCIAL STANDARDS

Notice of Intent To Withdraw

In accordance with § 10.12 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as revised, 35 FR 8349 dated May 28, 1972), notice is hereby given of the Department's intent to withdraw the following listed Product Standard (PS) and Commercial Standards (CS) for the reason that the more up-to-date standard identified parenthetically has been published for the products covered:

PS 2–66, "Standard Sizes of Blackboard Slate" (ASTM C 543–67, "Specifications for Slate Blackboards").

CS 9–65, "Builders' Template Hinges" (ANSI A156.7–1972, "Template Hinges").

CS 123–49, "Grading of Diamond Powder" (ANSI B74.16–1971, "Checking the Size of Diamond Abrasive Grain").

Any comments or objections concerning the intended withdrawal of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, by March 1, 1973. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action will terminate the authority to refer to the standards as voluntary

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standards developed under the Department of Commerce procedures, from the effective date of the withdrawal.

LAWRENCE M. KUSHNER,
Acting Director.

JANUARY 9, 1973.

[FR Doc.73-771 Filed 1-12-73;8:45 am]

CERTAIN SIMPLIFIED PRACTICE RECOMMENDATIONS

Notice of Intent To Withdraw

In accordance with § 10.12 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as revised, 35 FR 8349 dated May 28, 1970), notice is hereby given of the Department's intent to withdraw the eight Simplified Practice Recommendations (SPR) identified below. As a result of a review of these standards with interested industry groups, it has been tentatively determined that each of these Simplified Practice Recommendations is obsolete and revision of the standards would serve no useful purpose:

SPR 10-47 Milk and Cream Bottles.
SPR 58-36 Classification of Iron and Steel Scrap.
SPR 144-60 Paints, Varnishes, and Related Products.
SPR 174-65 Cast Iron Radiators.
SPR 230-48 Flat Veneer Products.
SPR 231-48 Coffee Grinds.
SPR 236-54 Delivery Cases for Glass Milk Bottles and Paperboard Milk Containers.
SPR 265-63 Forms for Two-Way Concrete Joist Floor and Roof Construction.

Any comments or objections concerning the intended withdrawal of any of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, by March 1, 1973. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action will terminate the authority to refer to the standards as voluntary standards developed under the Department of Commerce procedures, from the effective date of the withdrawal.

LAWRENCE M. KUSHNER,
Acting Director.

JANUARY 9, 1973.

[FR Doc.73-763 Filed 1-12 73;8:45 am]

CERTAIN HOSPITAL SUPPLIES

Notice of Action on Proposed Withdrawal of Voluntary Product Standards

In accordance with the provisions of § 10.12 of the Department's published "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the 12 standards identified below. Each of these standards, Commercial Standard (CS) and Simplified Practice Recommendation (SPR), has been found to be obsolete, no longer technically adequate, no longer acceptable to and used by the industry, or otherwise not in the public interest.

CS 54-35 Mattresses for Hospitals.
CS 55-35 Mattresses for Institutions.
CS 114-43 Hospital Sheeting for Mattress Protection.
CS 136-46 Blankets for Hospitals (Wool, and Wool and Cotton).
CS 146-47 Gowns for Hospital Patients.
SPR 24-37 Hospital Beds.
SPR 85-52 Adhesive Plaster.
SPR 86-52 Surgical Gauze.
SPR 139-57 Surgical Dressings.
SPR 224-47 Medical and Surgical Hypodermic Needles (For Hospital Use).
SPR 239-50 Surgical Sutures—Nonbollable Type (Catgut, Silk, Nylon).
SPR 240-50 Clinical Utensils (Aluminum, Enameled Steel, Stainless Steel).

Public notice of the Department's intention to withdraw these standards was published in the FEDERAL REGISTER on November 21, 1972 (37 FR 24773), and a 45-day period was provided for the submission of comments or objections concerning the proposed withdrawal of any of these standards. No objections to the Department's intention of withdrawing any of these standards have been received by the National Bureau of Standards.

The effective date for the withdrawal of these standards will be March 16, 1973. This withdrawal action terminates the authority to refer to these standards as Voluntary Product Standards developed under the Department of Commerce Procedures.

LAWRENCE M. KUSHNER,
Acting Director.

JANUARY 9, 1973.

[FR Doc.73-772 Filed 1-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-518; NADA No. 10-954V]

FORT DODGE LABORATORIES ET AL.

Various NADA's; Notice of Withdrawal of Approval of New Animal Drug Applications

In the FEDERAL REGISTER of November 4, 1972 (37 FR 23587), the Commissioner of Food and Drugs published an announcement proposing to withdraw approval of the following new animal drug applications:

1. Meprobamate, new animal drug application (NADA) No. 10-954V; by Fort Dodge Laboratories, Division of American Home Products Corp., Fort Dodge, Iowa 50501.

2. C-B-G Solution Improved, NADA No. 8-821V; by Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., 2000 South 11th Street, Kansas City, KS 66103.

3. PTZ Capsules, NADA No. 2-513V; PTZ Drench, NADA No. 3-510V; PTZ Pellets, NADA No. 3-850V; Nicozine, NADA No. 5-160V; Coxitrol, NADA No. 5-219V; Vermi-Tabs, NADA No. 6-562V; and PTZ Drench with Lead Arsenate, NADA No. 8-241V; by Hess & Clark, Division of Rhodia, Inc., Ashland, Ohio 44805.

4. 0.5 percent Ophthalmic Solution Hydeltrone, NADA No. 11-433V, by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065.

5. Azium Ophthalmic Solution, NADA No. 13-727V; by Schering Corp., Galloping Hill Road, Kenilworth, N.J. 07033.

6. Chick'n Tee, NADA No. 9-910V; by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

Neither the above named firms nor any other interested persons have filed a written appearance in response to the above cited notice. This is construed as an election by said persons not to avail themselves of the opportunity for a hearing.

Therefore, based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 10-954V, NADA No. 8-821V, NADA No. 2-513V, NADA No. 3-510V, NADA No. 3-850V, NADA No. 5-160V, NADA No. 5-219V, NADA No. 6-562V, NADA No. 8-241V, NADA No. 11-433V, NADA No. 13-727V, and NADA No. 9-910V, including all amendments and supplements thereto, is hereby withdrawn effective January 15, 1973.

Dated: January 8, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-768 Filed 1-12-73;8:45 am]

Health Services and Mental Health Administration

REGIONAL HEALTH ADVISORY COMMITTEE, REGION II

Notice of Open Meeting

The Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following national advisory body scheduled to assemble the month of January 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Regional Health Advisory Committee, Region II.	Jan. 25, 9:30 a.m., Room 3105, 26 Federal Plaza, New York, N.Y.	Open, Contact Miss Irene Johnson, Room 3304, 26 Federal Plaza, New York, N.Y., Code 212-264-4993.

Purpose: To consult with and advise the regional health director on matters relating to health activities and functions of the Health Services and Mental Health Administration in region II. Also, the Committee is responsible for undertaking substantial review, study, and deliberation upon those broad major health and health-related problems and opportunities which may confront the region.

Agenda: Agenda items will cover discussion of Revenue sharing, the Allied Services Act, HR-1—Social Security Welfare bill, planned variation for selected model cities, and third party reimbursement.

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: January 5, 1973.

JOHN H. KELSO,
Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-765 Filed 1-12-73;8:45 am]

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Cancellation of Meeting

In FR Doc. 72-22166 appearing at page 28532 in the issue for Wednesday, December 27, 1972, the meeting of the "Immunization Practices Advisory Committee" has been canceled.

Dated: January 10, 1973.

JOHN H. KELSO,
Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-875 Filed 1-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION ACCIDENT PREVENTION INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of Public Law 92-463, notice is hereby given of the meeting of the General Aviation Accident Prevention Industry Advisory Committee, at 9 a.m. on Tuesday, January 16, 1973, at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591 in Room 9-AB, ninth floor.

The items for discussion at the meeting will include the following:

1. Progress report of the General Aviation Accident Prevention Program.
2. Informing the pilot. Pilot-air traffic controller communication.
3. Physiological effects—Includes electromagnetic forces.
4. Magazine articles on accuracy.
5. Status report on implementation of changes of Parts 61 and 141.
6. Fuel system needs—General Aviation Aircraft.
7. Quality control, aircraft manufacturers, overhaul and inspection.

All persons interested in attending the meeting should contact the General Aviation Accident Prevention Program Coordinator, AFS-6, 800 Independence Avenue SW., Washington, DC 20591. The meeting will be open to the public.

Issued in Washington, D.C., on January 11, 1973.

C. R. MELUGIN, Jr.,
Acting Director, Flight Standards Service.

[FR Doc.73-944 Filed 1-12-73;10:55 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 73-1-18]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

JANUARY 8, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 28, 1972, names an additional specific commodity rate and the extension of an existing rate. These rates, as set forth below, represent reductions from the otherwise applicable general cargo rates.

Agreement CAB 23462	IATA commodity item No.	Description and rates
R-1.....	9512	Handicraft, other than wearing apparel, 163 cents per kilogram, minimum weight 100 kgs. From Ouagadougou to New York.
R-2.....	9910	Tableware, cutlery, and trophies, 91 cents per kilogram, minimum weight 200 kgs., 76 cents per kilogram, minimum weight 500 kgs. From Milan to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23462, R-1 and R-2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions by January 18, 1973.

This order shall be effective and become the action of the Civil Aeronautics Board on January 8, 1973, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-830 Filed 1-12-73;8:45 am]

[Docket No. 24488; Order 73-1-20]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Research Programs

Issued under delegated authority January 8, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the Passenger Traffic Conferences held December 1972 in Geneva.

The agreement would amend an existing resolution governing IATA's North Atlantic Fares Monitoring and Research Program, and revalidate it through March 31, 1974. The amendments would remove references to the initial programs outlined when the resolution was originally adopted, with the intention that the work be carried forward on a continuing basis. We will herein approve the resolution, and condition it so as to require that copies of pertinent reports or other documents be submitted to the Board at the same time they are circulated to the carrier members of IATA.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolution, which is incorporated in Agreement CAB 23463, is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter stated:

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IATA No.	Title	Application
019	North Atlantic Fares Monitoring and Research Program (revalidating and amending).	1/2; 1/2/3

Accordingly, it is ordered, That:

Agreement CAB 23463 be and hereby is approved, provided that copies of reports or other documents developed pursuant to the resolution and circulated to members shall be filed with the Board at the time of their circulation.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions by January 18, 1973.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for reveiw thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-381 Filed 1-12-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA STATE ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia State Advisory Committee will convene at 12:30 p.m. on January 17, 1973, in room 512 (conference room) of the U.S. Commission on Civil Rights, 1121 Vermont Avenue NW., Washington, DC 20425. Persons wishing to attend this meeting should contact the committee chairman, or the Mid-Atlantic Regional Office of the Commission at 2120 L Street NW., Washington, DC 20425. The purpose of this meeting will be to review the first draft of the report of the open meeting on discrimination of black businessmen by financial institutions in the District.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 10, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-837 Filed 1-12-73;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey State Advisory Committee will convene at 7:30 p.m. on January 17, 1973, in room 730 (seventh floor) of the Federal Building, 970 Broad Street, Newark, NJ 07102. Persons wishing to attend this meeting should contact the Committee chairman, or the Mid-Atlantic Regional Office of the Commission at 2120 L Street NW., Washington, DC 20425. The purpose of this meeting will be (1) to develop a timetable for the proposed New Jersey prison project hearing and (2) to select the correctional institutions to be studied in the State of New Jersey.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 10, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-838 Filed 1-12-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee will be held at 8:30 a.m., January 22, 1973, in Room 3305, Waterside Mall, 401 M Street SW., Washington, DC.

This is the regular monthly meeting of this Committee. The agenda includes the Staff Director's report, certain conflicts with laws on occupational health and pesticides, review of Community Health and Environmental Surveillance Study, progress on the study of nitrogenous materials in the environment, review of the National Conference on Pesticide Containers, progress on the herbicide study, environmental aspects of fire retardant chemicals, reports and comments by committee liaison representatives of the EPA Staff, and any items of interest from members.

The meeting will be open to the public. Any member of the public wishing to participate or present a paper should contact Dr. Winfred F. Malone, Staff Science Advisor, Hazardous Materials Advisory Committee, EPA, HEW North Building, Washington, D.C. The telephone number is area code 202 963-5117.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 5, 1973.

[FR Doc.73-873 Filed 1-12-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19473-19474; FCC 73R-3]

ROBERT COWAN WAGNER AND SOUTHEAST ARKANSAS RADIO, INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Robert Cowan Wagner, Pineville, La., Docket No. 19473, File No. BP-18465; Southeast Arkansas Radio, Inc., Dermott, Ark., Docket No. 19474, File No. BP-18476; for construction permits.

1. By Memorandum Opinion and Order, FCC 72-235, released March 24, 1972, the Commission designated the above-captioned applications for hearing on several issues.[1] Presently before the Review Board is a petition to enlarge issues, filed April 14, 1972, by Southeast Arkansas Broadcasters, Inc. (KVSA), licensee of standard broadcast Station KVSA, McGehee, Arkansas.[2] KVSA requests the addition of financial, staffing, § 1.65, concealment, 307(b) programing and "public file" issues against Southeast Arkansas Radio, Inc. (Southeast).[3]

[1] A third application, that of Patrick H. Robinson, which was also designated for hearing, has since been dismissed by the Administrative Law Judge by Order, FCC 72M-682, released May 24, 1972.

[2] By Order of the Administrative Law Judge, FCC 72M-568, released May 1, 1972, KVSA's petition to intervene was granted and KVSA was made a party to this proceeding.

[3] Also before the Review Board are the following related pleadings: (a) Opposition, filed May 18, 1972, by Southeast; (b) Broadcast Bureau's comments, filed May 18, 1972; (c) reply, filed May 31, 1972, by KVSA; (d) [further] reply, filed Sept. 26, 1972, by KVSA; and (e) motion to strike (d), filed Sept. 29, 1972, by Southeast. The Review Board will accept the late-filed KVSA reply of May 31, 1972, because the tardiness is minor, the reply is unopposed, and relevant and important information is contained therein. The Board will, however, grant the motion to strike KVSA's second reply pleading, filed Sept. 26, 1972. Commission § 1.45 (b) requires replies to be filed within 5 days after the filing of any oppositions. KVSA's second reply is almost 4 months late and good cause for its filing has not been shown. Moreover, the information upon which the pleading is based was available at the time of the filing of the first KVSA reply. KVSA's second reply will, therefore, be dismissed.

FINANCIAL ISSUES

2. KVSA requests the addition of two issues essentially inquiring into: (a) Southeast's estimate of first year expenses; (b) its ability to meet second year expenses; (c) its equipment cost estimates; and (d) whether 100 shares of corporate stock have, in fact, been issued or merely subscribed. KVSA initially criticizes Southeast's estimate of first year expenses of $65,000, arguing that there is no showing to support this estimate and that, since the application indicates a full time staff of eight persons for a 10 kw. directional station requiring a first-class engineer at all times, the estimate appears to be unrealistically low. KVSA next argues that Southeast is attempting to evade Ultravision[4] requirements by postponing liability on its bank loan to the second year and beyond because, by the terms of that loan, payments begin during the second year of operation of the station and the amount then due is over $30,000. KVSA contends that such an amount, added to normal operating expenses, will far exceed estimated revenues and that, due to a high debt to asset ratio, Southeast will not be able to meet its financial obligations. Petitioner next attacks Southeast's estimate for cost of equipment, contending that the estimate of $60,300 is over 3 years old and does not reflect current market costs. Finally, petitioner argues that Southeast's application is "internally contradictory" in that it shows 100 shares of no par stock have been issued, whereas the corporation balance sheet lists these shares as subscribed, rather than issued.

3. In opposition, Southeast first explains that, while the stock in question was in fact subscribed and "considered" as issued, actual physical distribution was considered an unnecessary formality until the corporation became more than an applicant. Southeast notes that in order to eliminate any doubt, formal issuance has now occurred. In reference to the estimate for equipment costs, Southeast supplies a current estimate of $71,337 from its equipment supplier and a new credit letter. In regard to its estimate for first year operating expenses of $65,000, Southeast points to KVSA's operating expenses of $65,028 for 1971 and argues that over $16,000 of this amount was paid to KVSA stockholders, indicating that a similar station in the same geographic area[5] is operated for less than $50,000 a year. In this connection, Southeast declares that, contrary to KVSA's allegations, it will have a staff of only five full time and three part time employees and that the proposed station manager has agreed to serve without compensation if necessary. Southeast next supplies a proposed itemized operating budget which totals over $56,000, leaving a contingency fund of nearly $9,000.[6] Southeast relies on this budget to prove that its $65,000 estimate is accurate. In reference to petitioner's claim that it will not have sufficient funds for the second year of operation, Southeast points to its proposed budget which includes $9,000 interest for the bank loan payment and a $1,400 interest payment to the equipment supplier, and also argues that "it is folly to assume that the station would operate for an entire year and be unable to take in any revenues." Finally, Southeast notes that it filed a petition to amend its application to provide for a new bank loan of $150,000, which is $30,000 more than the old loan.[7] Southeast therefore contends that it has an excess of $36,000 over its actual requirments and that there is no basis for an inquiry into its financial qualifications.

4. The Broadcast Bureau supports petitioner's request for an inquiry into Southeast's ability to finance the second year of operation. However, the Bureau opposes an inquiry into the other matters raised by petitioner, believing that, as to the estimate of first year expenses and the equipment proposal, KVSA has failed to supply adequate specific factual allegations, and that the "contradiction" concerning the corporate stock arose from a minor "misnomer" in Southeast's balance sheet. KVSA's reply argues, inter alia, that because Southeast's staffing proposal is inadequate, the salaries are underestimated, and that the $16,000 payment to its stockholders represents salary paid to staff, rather than dividends.

5. The Review Board will not order an inquiry into the adequacy of Southeast's estimate for first year expenses, its estimate for equipment costs, or the circumstances surrounding the subscription and issuance of shares of stock. As to the first year operating expenses, Southeast has supplied an itemized budget of $65,000, with remaining first year cash requirements of $85,837 for equipment. Thus, Southeast's total first year cash requirements are estimated at $148,837. To meet this requirement, Southeast has shown that it has available a $150,000 bank loan and $35,668 in deferred credit from the equipment supplier; therefore, it appears to have available over $36,000 in excess of estimated cash requirements. Under these circumstances, the Board perceives no reason to question Southeast's first year financial proposal. Moreover, the Board is satisfied that the new estimate of the equipment supplier provides a reasonable and current estimate of that expense and that the confusion over whether the stock had in fact been issued was the result of an inadvertent and relatively insignificant error that has now been corrected by formal issuance. However, the Board believes that it must add a limited issue to inquire into Southeast's proposed second year financing. It is to be initially noted that the proposed bank loan of $150,000 provides for a moratorium on principal payments during the first year and a total term of 6 years ($25,000 per year). Also, by the terms of the credit arrangement with the equipment supplier, the $35,668 will be due in monthly payments during the second and third year of operation ($17,834 per year). These deferred payments will total $42,834 for the second year, exclusive of interest. By its own estimate, Southeast will also need approximately $65,000 for operating expenses, for a total second year cash requirement of $107,834. Southeast claims that this amount will be covered by revenues from the first and second year, although absolutely no substantiation of this claim is provided. Moreover, Southeast has set up an extremely thin corporate structure with a very high debt to asset ratio. Indeed, rather than supply risk capital, Southeast is relying solely on loans and deferred credit arrangements to finance its operation. In our view, these circumstances raise a serious question as to whether Southeast will be able to sustain itself during the second year of operation.[8]

ISSUES RELATING TO SOUTHEAST'S STAFFING PROPOSAL AND BUSINESS INTERESTS

6. KVSA also requests the addition of issues to determine whether Southeast has changed its staffing proposal[9] and the current status of the business interests of Bennie Ryburn, Sr. and Bennie Ryburn, Jr., principals in the Southeast application. In support of the requested issue as to staffing, KVSA attaches to its petition a copy of a newspaper article from the Dermott News, dated October 13, 1971, in which Billy Calhoun, a vice president of Southeast and proposed station manager, is quoted as stating that the proposed station "would employ 10 to 12 people, and possibly 15." KVSA argues that this statement indicates a change in Southeast's staffing proposal and should have been promptly reported. KVSA thus concludes that an issue is needed to determine "the amount of staff required" and a related Rule 1.65 issue. In reference to the business interests of the Ryburns, KVSA attaches a portion of an article from the Dumas Clarion, Dumas, Ark., dated January 12, 1972,

[4] In Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965), the Commission stated that it would thereafter require applicants for commercial broadcast stations to make a showing that they can construct their station and operate for a period of 1 year thereafter without reliance on revenues.

[5] Station KVSA is licensed to McGehee, Ark., which is located 7 miles from Dermott, Southeast's proposed city of license.

[6] Southeast's proposed budget of $65,000 includes: $35,750 for salaries; $4,062 for administrative costs; $1,600 for leases on a transmitter and studio site; $3,900 for news services, and finance charges of $9,000 to the bank and $1,400 to the equipment supplier—with a contingency fund of $8,900.

[7] The amendment was accepted by the Administrative Law Judge by memorandum opinion and order, FCC 72M-731, released June 5, 1972. The amendment was further clarified by a later amendment, accepted by the Presiding Judge by order, FCC 72M-950, released July 25, 1972.

[8] See Greenfield Broadcasting Corp. 32 FCC 2d 135 (1971); A-C Broadcasters, 10 FCC 2d 256, 11 RR 2d 359 (1967); Clay Broadcasters, Inc., 21 RR 2d 442 (1971); 5 KW, Inc., 33 FCC 2d 895, 23 RR 2d 1015 (1972).

[9] Southeast's application proposes a staff of eight people.

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which states that the above named Southeast principals purchased the majority of the stock of the Citizens Bank, Tillar, Ark. KVSA submits that this fact has not been reported to the Commission. KVSA alleges that the stock purchase is potentially more damaging to the Southeast application than a § 1.65 violation because, according to KVSA, Arkansas law prohibits a stockholder in three or more banks from borrowing from such banks.[10] KVSA states that "while [it] has no hard evidence that there are other undisclosed bank interests," Mr. Kinney, a KVSA principal, has "hearsay evidence" that Mr. Ryburn, Sr. has an interest in the "Farmers Bank of Hamburg," and others may have an interest in the "First State Savings and Loan Association of Monticello." If such were the case, argues petitioner, Southeast's proposed $120,000 loan would be "illegal" and its financial proposal would obviously be inadequate.

7. In opposition, Southeast attaches an affidavit from Billy Calhoun, in which he avers that he was misquoted in the newspaper article, and, in fact, stated only that the station could employ 10 to 12 or even 15 people, but that this would be sometime in the future and contingent on "the possibility that Southeast might someday get authority for nighttime broadcasts." With regard to the business interests of its principles, Southeast acknowledges that the Ryburns have acquired the majority stock in the Citizens Bank in Tillar, that between January 1971, and April 1972, Ryburn, Sr. held "a minority position in the Farmers Bank in Hamburg," and that he also had a "small interest in the First State Savings and Loan Association." It is alleged by Southeast that Mr. Ryburn did not report these interests to Southeast's attorneys because "he could not conceive of any way this acquisition[s] would affect the radio application" and that he did not attempt to conceal these acquisitions in any manner. Finally, Southeast contends that the Arkansas law referred to by KVSA does not apply to its loan because the stockholders of Southeast do not and have never owned a controlling interest in three or more banks as defined by the Statute; however, to avoid any doubt, Southeast states that it has obtained a new loan commitment of $150,000 from a different bank. (See note 7, supra.) Southeast concludes by noting that the Commission was informed by the original application that Mr. Ryburn was in the banking business and that the subsequent control of a second bank and a minority interest in a third bank has no effect on Southeast's qualifications and addition of the requested issues is therefore not warranted.

8. The Broadcast Bureau opposes addition of the issues relating to Southeast's staffing proposal, arguing that, without a supporting affidavit, the newspaper article is insufficient under § 1.229 (c) of the rules. As to the business interests of Southeast's principals, the Bureau supports the addition of a limited comparative issue only, arguing that the acquisitions "would have no effect on [Southeast's] qualifications" and, therefore, failure to report should not disqualify Southeast. In reply, KVSA argues that Southeast's failure to report Mr. Ryburn's interest requires addition of a Rule 1.65 issue. Petitioner also attacks the new loan commitment for failure to provide the terms of the loan as well as the necessary guarantees.

9. The Review Board will deny the requested issues relating to Southeast's staffing proposal but will add a comparative § 1.65 issue to inquire into Southeast's failure to report the Ryburns' additional banking interests. With regard to the staffing proposal, it is to be initially noted that there is no supporting affidavit of an individual with personal knowledge thereof, as required by § 1.229. In addition, Mr. Calhoun's averment, that his statement that the station "could" (rather than "would") employ 10 to 12 persons, is credible when viewed within the context of the article itself, which states that the comment was made during a question and answer period and the clause in the article immediately following the statement in question discusses the applicant's plans to apply for nighttime authorization sometime in the future. Accordingly, the Board does not believe that the allegations in this regard require either a staffing issue or a related Rule 1.65 issue. In reference to the business interests of the Ryburns, Southeast has admitted that it failed to inform the Commission that Mr. Ryburn has "gained control of a second bank and a minority position in a third bank." Such interests represent a significant change in the information contained in its application and could affect Southeast's financial qualifications because the Ryburns' financial status and stability appear to provide the central basis for the proposed bank loan commitments. Therefore, these bank interests should have been reported and the failure to do so requires addition of the requested § 1.65 issue. However, the failure to inform does not appear to be intentional and Southeast has come forward with a complete statement of the Ryburns' banking interests. Moreover, the Arkansas Statute is clearly no longer applicable due to the new bank loan commitment[11] and the violation is, at most, of questionable significance. Thus, the Board does not believe that this matter should reflect on the applicant's basic qualifications and the issue will be added on a comparative basis only. See RKO General Inc., (WNAC–TV), 34 FCC 2d 265, 24 RR 2d 16 (1972); Great Southern Broadcasting Co., 18 FCC 2d 599, 16 RR 2d 864 (1969); Minshall Broadcasting Co., Inc., 10 FCC 2d 647, 11 RR 2d 754 (1967). Cf. Media, Inc., 22 FCC 2d 486, 18 RR 2d 970 (1970).

PUBLIC FILE ISSUE

10. In support of its request for a "public file" issue, petitioner supplies the sworn statement of Mr. Alan W. Eastham of Dumas, Ark., who, KVSA states, was acting as "agent" for Abbott F. Kinney, president of KVSA. In his affidavit, Eastham avers that on April 4, 1972, he proceeded to inspect Southeast's public file and went to the location specified in the legal notice published in the Dermott News,[12] but the file was not there. According to KVSA, a service station is located at that address and is operated by a Mr. Alvin Torrence, who, Mr. Eastham says, told him that he (Mr. Torrence) "knew what Mr. Eastham was looking for" but that it had been moved and was now in the possession of Mr. Billy Calhoun, Southeast's proposed station manager. Mr. Eastham then states that Mr. Torrence tried to locate Mr. Calhoun but was unsuccessful. On April 5, 1972, the required notice of the Commission hearing date was published, as well as a new location of the local public file, and petitioner states that on April 6, 1972, Mr. Eastham telephoned that new location three times but received no answer.[13] In petitioner's opinion, these facts "indicate that there is a substantial question concerning whether there has been a violation of § 1.594 of the rules."

11. In opposition, Southeast submits the affidavit of Mr. Calhoun, in which he avers that the file was at the location specified in the March 1969 public notice until January 1970. At that time, Mr. Calhoun states, he moved the file to an office in his home—approximately six blocks away—because he has subleased the service station. Moreover, avers Calhoun, the operator of the station knew him and was willing to refer any inquiries concerning the file. Mr. Calhoun further states that Dermott is a "small town" and "we do business in a small town way." According to Calhoun, his office was never locked while the file was there and the file was openly in view and plainly marked. Finally, Mr. Calhoun

[10] According to petitioner, § 67–509 of the Arkansas Statutes reads as follows:

Any person or persons, and/or any company, co-partnership, corporation or other legal entity in which such person or persons own or control a substantial interest, owning either singly or jointly an aggregate of fifty percent (50%) or more of the capital stock of three (3) or more banks and/or trust companies, thus forming a chain or group of banks and/or trust companies, shall be, and are hereby prohibited from borrowing from, or becoming indebted to, such banks, and/or trust companies, thus owned and controlled, in any amount or in any manner.

[11] The terms thereof are more fully stated in a second letter from the Bank dated June 7, 1972, and accepted by the Administrative Law Judge by Order, FCC 72M–950, supra.

[12] Sections 1.580 and 1.594 of the rules require, inter alia, that an applicant publish a local notice indicating, respectively, that an application is on file with the Commission and that the Commission has established a hearing date. These sections also require that the notice state the location of the local file. Accordingly, in March 1969, Southeast published notice of its application, and on Apr. 5, 1972, notice of the hearing was published.

[13] The new location is the residence and informal office of Mr. Calhoun.

states that, in spite of the fact that the file has always been available, he has now made arrangements to move the file to the city clerk's office where it will be available to anyone who requests it.[14] The Broadcast Bureau also opposes the requested issue, contending that petitioner's allegations are too indefinite to add the issue; however, the Bureau maintains, the full circumstances should "be examined in light of Southeast's comparative qualifications."

12. The Review Board will add the requested public file issue. It is not disputed that, on two separate occasions, Eastham attempted to inspect Southeast's public file at the addresses stated in the required public notice and was unsuccessful each time. While Southeast attempts to explain Eastham's difficulties, it does not deny or contradict the basic fact that the file was not available to the public at either location. In this regard, we note that it is the applicant's responsibility to see to it that a copy of its application is always available for public inspection during normal business hours. The responsibility is the applicant's, and not, as Southeast suggests, the inspector's. The rule applies to all applicants, whether or not they do business in a "small town" way, as Southeast says it does. Moreover, in this case, it appears that, for a period of over 2 years (i.e., from January 1970, to April 1972), the public file was not available at the location stated in the local public notice. In view of the foregoing, the requested issue must be added. See Louis Vander Plate, 15 FCC 2d 285, 14 RR 2d 760 (1968).

307(b) PROGRAMING ISSUE

13. Finally, petitioner requests an issue to permit introduction of evidence on the program service presently provided by Station KVSA to Dermott. Petitioner explains that under the technical considerations of the 307(b) issue, Southeast would presumably receive a preference for providing a first local transmission facility; however, argues petitioner, the particular circumstances of this proceeding should negate such a presumption. In support, KVSA notes that McGehee, Ark., its city of license, is only 7 miles from Dermott and that KVSA's studios and transmitter are located midway between the two towns. Moreover, KVSA submits, it maintains dual local studio logs, telephone listings, and bank accounts, and is a member of numerous civic organizations in both towns and covers in detail all such meetings. KVSA also points to a resolution adopted by the Dermott City Council on October 11, 1971, praising KVSA's active participation in local community affairs. KVSA next refers to the ascertainment of community needs showing in its last renewal application, dated February 28, 1970, which shows that nearly one-third of the community leaders surveyed resided in Dermott and that a thorough investigation of the problems and needs of Dermott was made at that time. In addition, notes KVSA, much of its local affairs programing meets these needs as well as a number of the joint needs of both communities, such as merging of the school districts and area industrial development. Finally, in its effort to show that Dermott's needs are being met by existing programing, petitioner alleges that Abbott F. Kinney, president and general manager of KVSA, is a native of Dermott, presently resides there, and is totally familiar with and active in that community's needs and interests. The Broadcast Bureau supports KVSA's request. In opposition, Southeast insists that KVSA's programing proposal is far too limited to allow adequate coverage of the special needs and interests of Dermott, and that, although KVSA did survey Dermott community leaders, it has listed no programs to meet the ascertained needs, with the exception of the joint school program.

15. The Review Board believes that the petitioner's allegations are sufficient to constitute a threshold showing that Station KVSA's existing programing may be, at least to some extent, meeting the programing needs of Dermott at the present time and may therefore be of potential decisional significance. Cookeville Broadcasting Co., 19 RR 897 (1960); Boardman Broadcasting Co., 1 RR 2d 931 (1964); Charlottesville Broadcasting Corp., 1 FCC 2d 1323, 6 RR 2d 744 (1965). Southeast's claim that KVSA's programing is too limited to adequately meet Dermott's unique needs is contradicted by KVSA's strong showing that it is both aware of and presently programing for such needs. Nearly one-third of its most recent ascertainment survey was conducted in Dermott and specific programs are listed which attempt to satisfy the ascertained needs and interests. Thus, as noted by petitioner, the effect of a determination that Dermott's programing needs were being met by Station KVSA would be to potentially negate Southeast's possible preference as a first local transmission facility and, in turn, affect the ultimate determination of which community (Pineville or Dermott) has the greater need for a broadcast facility. "However, in accordance with our usual practice, the requested issue will be added on a contingent basis and is authorized only in the event that the [Southeast] proposal otherwise would prevail under standard section 307(b) criteria." Pettit Broadcasting Co., 30 FCC 2d 930, 934, 22 RR 2d 543, 548 (1971). See also Radio Collinsville, Inc., 14 FCC 2d 1058, 14 RR 2d 559 (1968).

16. *Accordingly, it is ordered,* That, the motion to strike, filed September 29, 1972, by Southeast Arkansas Radio, Inc., is granted, and the reply to opposition to KVSA petition to enlarge issues, filed September 26, 1972, by Southeast Arkansas Broadcasters, Inc. is dismissed; and

17. *It is further ordered,* That the petition to enlarge issues, filed April 14, 1972, by Southeast Arkansas Broadcasters, Inc. is granted to the extent indicated below, and is denied in all other respects; and

18. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

1. To determine whether Southeast Arkansas Radio, Inc. will have available sufficient funds to sustain its proposed station during the second year of operation and, in light of the evidence adduced pursuant thereto, whether the applicant is financially qualified; and

2. To determine whether Southeast Arkansas Radio, Inc. has failed to comply with Commission § 1.65, and if so, the effect thereof upon the applicant's comparative qualifications to be a Commission licensee; and

3. To determine whether Southeast Arkansas Radio, Inc. has complied with § 1.594 of the Commission's Rules, and if not, the effect thereof upon the applicant's basic or comparative qualifications to be a Commission licensee; and

4. In the event that Southeast Arkansas Radio, Inc. should be deemed superior under the ordinary criteria of the section 307(b) issue in the proceeding, to determine the extent to which programing of existing stations meet the local needs and interest of Dermott, Ark., and to determine in light of such evidence which of the applicants should be preferred under the 307(b) issue.

19. *It is further ordered,* That the burden of proceeding with the introduction of evidence under issue 1 shall be upon Southeast Arkansas Radio, Inc.; that the burden of proceeding with the introduction of evidence under the issues 2, 3, and 4 shall be upon Southeast Arkansas Broadcasters Inc. (KVSA); and that the burden of proof under the issues, 1, 2, 3, and 4 shall be upon Southeast Arkansas Radio, Inc.

Adopted: January 3, 1973.

Released: January 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[15]

[SEAL] BEN F. WAPLE,

Secretary.

[FR Doc.73-801 Filed 1-12-73;8:45 am]

[14] By an amendment filed July 14, 1972, Southeast indicates that its file is now located in the offices of the city clerk of Dermott and that the new location has been published in the local weekly newspaper.

[15] Board member Nelson absent.

[FCC 72-1127]

USE OF RECORDING DEVICES IN CONNECTION WITH TELEPHONE SERVICE

Memorandum Opinion and Order Re Waiver

1. Prior to 1948, the tariffs of the telephone companies prohibited telephone subscribers from using customer-provided recording devices in connection

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with the telephone company-provided interstate and foreign message toll-telephone service or facilities. After a general investigation and hearing in Docket 6787, the Commission ruled in 1947 that such tariffs were unjust and unreasonable within the meaning of section 201(b) of the Act and, in 1948, the Commission ordered such tariffs canceled in favor of revised tariffs that would permit the use of such customer-provided devices provided that certain safeguards were imposed as prescribed by the Commission. The principal safeguard ordered by the Commission was that such devices could be used only if accompanied by connecting arrangements provided by the telephone carrier which would, among other things, transmit to the parties an automatic tone warning known as the "beep tone." (11 F.C.C. 1033 (1947); 12 F.C.C. 10005 (1947); 12 F.C.C. 10008 (1948).)

2. The "beep tone" requirement was based upon "the importance and desirability of privacy in telephone conversations" and the conclusion by the Commission that "such conversations should be free from any listening-in by others that is not done with the knowledge and authorization of the parties to the call." The Commission decided that "the use of recording devices should be permitted only when measures are in effect that assure notification to the parties that their conversation is being recorded", and that the transmission of a distinctive "beep tone" (plus a publicity program with regard thereto) was considered to be the best of the optional modes available at that time for providing such notification to the parties to telephone conversations. (11 FCC pages 1050–53.) The presently effective interstate (and intrastate) tariffs are in accord with the Commission's original decisions and orders. Thus, in the last 25 years the "beep tone" has become recognized throughout the United States as an automatic audible warning to a party to a telephone call that the call is being recorded and he has the option of asking that the recording be stopped or of terminating the conversation.

3. In 1970, the Commission adopted new broadcast rules [1] in Docket No. 18601, "Broadcast of Telephone Conservations," 23 F.C.C. 2d 1 (1970). In pertinent part, these rules require that a broadcast licensee, prior to recording a telephone conversation for broadcast, shall inform any party to the call that the licensee intends to broadcast the conversation, except where the party is otherwise cognizant of that intention, or where such awareness may be imputed. Certain broadcast licensees have informally complained to us that they prefer to use recording devices to prerecord "on the air" telephone conversations as an aid in carrying out their licensee responsibilities, but that they see no need for the allegedly disruptive "beep tone" under the new rules.

4. We believe that these broadcast rules and strict adherence thereto render unnecessary the present "beep tone" requirement of the tariffs insofar as it is applicable to the recording of telephone conversations for broadcast. Thus, assuming that a broadcast licensee complies with the aforementioned rules, the parties to the telephone conversation are aware that it is the intent of the licensee to broadcast the telephone conversation over the air where it will be overheard and/or freely recorded by the listening public. Therefore it appears that there is no need to transmit a "beep tone" in these circumstances as the parties have already agreed to the loss of privacy that would otherwise be protected by the "beep tone."

5. In view of the foregoing, we believe that we should waive our 1947–48 requirement and remove the "beep tone" requirement as to those telephone conversations that are recorded for broadcast. We are informed by the Bell System that, if we take this action, the telephone companies will amend the tariffs to provide for an appropriate exception in its tariff applicable to the recording of two-way telephone conversations for broadcast purposes. Our action herein will permit the filing of such tariff revisions.

6. In taking this action for the benefit of broadcast licensees who do not like to use the "beep tone" for "over the air" conversations, we wish to make clear that we expect full adherence on the part of all broadcast licensees to our rules requiring notice of intent to broadcast recorded telephone conversations and that, if future experience indicates a need for reimposing the "beep tone" or some other form of notice requirement, we will not hesitate to reverse or modify the action taken herein.

7. *Accordingly, it is ordered*, That the automatic tone warning requirements of our orders of November 26, 1947 and May 20, 1948 (12 FCC 10005; and 10008) are hereby waived with respect to connecting arrangements provided by the telephone companies to broadcast licensees when such connecting arrangements are used to record two-way telephone conversations broadcast over the air.

8. *It is further ordered*, That American Telephone & Telegraph Co. is hereby authorized to amend its tariff regulations in accordance with this memorandum opinion and order.

Adopted: December 13, 1972.

Released: December 20, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-803 Filed 1-12-73;8:45 am]

[1] Sections 73.126, 73.296, 73.592, 73.664, 73.1206.

[Docket Nos. 19519, 19581; FCC 73R-1]

WESTERN COMMUNICATIONS, INC., AND LAS VEGAS VALLEY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Western Communications, Inc. (KORK–TV), Las Vegas, Nev., Docket No. 19519, File No. BRCT–327, for renewal of license; Las Vegas Valley Broadcasting Co., Las Vegas, Nev., Docket No. 19581, File No. BPCT–4465, for construction permit for new television broadcast station.

1. By order, FCC 72–503 (37 FR 12346, published June 22, 1972), 35 FCC 2d 517 the Commission designated for hearing the application of Western Communications, Inc. (Western) for renewal of its license to operate Station KORK–TV, Las Vegas, Nev., on fraudulent billing and misrepresentation issues. Thereafter, by order, FCC 72–767, released September 1, 1972, the Commission redesignated Western's application for hearing, together with the mutually exclusive application of Las Vegas Valley Broadcasting Co. for a new television broadcast station in Las Vegas. On August 11, 1972, Western filed the instant motion to enlarge issues; a supplement to the motion to enlarge issues was filed by Western on August 22, 1972.[1]

2. Western requests the Board to enlarge the issues in this proceeding to include the following issues.

To determine whether the programing of Station KORK–TV has been meritorious, particularly with regard to public service programs.

To determine, if in light of the evidence adduced pursuant to the foregoing issues the hearing record does not warrant denial of the renewal application, whether any willful or repeated violations of § 73.1205 of the Commission's rules (as specified in the July 12, 1972, Bill of Particulars) have occurred and, if so, to recommend to the Commission whether

[1] The Review Board also has before it: an opposition to the motion to enlarge issues, filed by Valley on Aug. 24, 1972; a petition for leave to file an opposition, filed Aug. 24, 1972, by Valley; the Broadcast Bureau's comments on motion to enlarge issues and supplement to motion to enlarge issues, filed Aug. 29, 1972; an opposition to supplement to motion to enlarge issues, filed by Valley on Sept. 5, 1972; an opposition to Valley's petition for leave to file and conditional reply to Valley's opposition, filed by Western, Sept. 6, 1972; Western's reply to Broadcast Bureau's comments, filed Sept. 11, 1972; and a conditional reply to Valley's opposition to supplement to motion to enlarge issues, filed by Western on Sept. 15, 1972. Since the Commission and all parties to this proceeding were on notice that Valley would be made a party and was in fact made a party to this proceeding by Commission order, FCC 72–767, supra, Valley's petition to file opposition will be granted, and its opposition considered herein.

a forfeiture should be issued against the licensee pursuant to section 503(b) of the Communications Act, the applicant having expressly waived the 1-year statute of limitations of section 503(b)(3) of the Communications Act with respect to the alleged violations of § 73.1205 of the Commission's rules, as specified in the July 12, 1972, Bill of Particulars.

Western concedes that its motion to enlarge issues is late but contends it has good cause for its late filing. In support of this contention, it states: That the motion was filed only 8 days after present counsel undertook to represent it; that to grant its petition would not unduly delay the proceeding since the presiding judge has continued the prehearing conference to afford new counsel an opportunity to prepare for the case; that no party would be prejudiced by the addition of the issues; and that the nature of the case is such that even if the Board did not find good cause for the late filing, the issues should be added on the Board's own motion in the interest of having a full and fair hearing on its application for renewal of license.

3. The Review Board is not persuaded that the change of counsel is good cause for accepting Western's late filed motion. The designation order, supra, appeared in the FEDERAL REGISTER on June 22, 1972; thus, all motions to enlarge issues should have been filed no later than July 7, 1972.[2] Western did not change counsel until August 3, 1972. However, in view of the facts that the renewal of an existing license is at stake and that the issues run to the character qualifications of the licensee, the Board will consider the merits of the motion. Western contends that since the issues in this proceeding allegedly flow from its operational practices, Commission precedent requires addition of a meritorious programing issue. The Review Board is satisfied that Western should be permitted to show meritorious past programing in the public interest.[3] However, as the Board has consistently held, such a showing must be limited to the licensee's performance before it learned that its license was in jeopardy, and the parties are free to argue the weight which should be accorded such evidence. Any mitigating effect of the evidence adduced pursuant to this issue must be limited to the fraudulent billing issue for, as the Board stated in Friendly Broadcasting Co., supra, if the licensee is found to have made willful misrepresentations to the Commission the fact that his station may have served the public interest, no matter how well, can be of no decisional significance. Finally, as to the question of the relevance of the evidence adduced under this issue to the comparative evaluation of the applicants, the Board notes that the presiding judge has initial jurisdiction, and therefore questions of this nature should be addressed to him in the first instances.

4. Western has also requested the Board to include an issue to determine whether a forfeiture might be in the public interest. As a preface to its request, Western expresses its willingness to waive the 1-year statute of limitation as provided by section 503(b)(2) of the Communications Act of 1934, as amended, with respect to alleged violations of § 73.1205 of the Commission's rules (as specified in the Bill of Particulars dated July 1972). It argues that a party for whose protection a statute is intended may waive the statute. Further, Western points out that the purpose of the forfeiture provision of section 503(b) of the Communications Act is to provide the Commission more flexibility in administering sanctions for rules' violation by its licensees, and contends that if Western is not permitted to waive the protection of the statute, it would deprive the Commission of that flexibility and effectively defeat the purpose of the statute.

5. The Broadcast Bureau contends that the Commission, in Belk Broadcasting Co., 29 FCC 2d 150, 21 RR 2d 989 (1971), determined that it had no power to impose a monetary forfeiture for alleged violations beyond the 1-year limitation imposed by section 503(b)(3) of the Communications Act, even though the applicant elected to waive the statute of limitations. This determination, the Bureau argues, effectively precludes a grant of Western's motion to include a forfeiture issue in this proceeding. The Bureau also urges that Western's request, set forth in its supplement to its motion to enlarge issues, must be denied because, even though some of the violations listed in the Bill of Particulars occurred less than 1 year before June 12, 1972 (the date of the designation order), the Commission did not include a written notice of apparent liability in that order and it is now too late to give the licensee such a notice.

6. The Review Board will deny Western's request to include a forfeiture issue in this proceeding. The Board is satisfied that the Commission's decision in Belk is controlling in this proceeding. The Board takes this action despite Western's argument that the Commission's statement of the law in the Belk case with respect to waiver of the statute of limitations is erroneous. The Board is satisfied that where there is a prior determination by the Commission with respect to a particular question of law, it is binding on the Review Board until that determination is reversed by either the Commission or the courts. Valley's request that the Board certify this question to the Commission will also be denied, because we see no useful purpose to be served by referring a question which has already been clearly and concisely answered by the Commission.

7. *Accordingly, it is ordered*, That the petition for leave to file an opposition to motion to enlarge issues and to find good cause for filing, filed August 24, 1972, by Las Vegas Valley Broadcasting Co. is granted;

8. *It is further ordered*, That the motion to enlarge issues, filed August 11, 1972, by Western Communications, Inc., is granted to the extent indicated herein, and is denied in all other respects;

9. *It is further ordered*, That the issues in this proceeding are enlarged as follows:

To determine whether the programing of Station KORK–TV has been meritorious, particularly with regard to public service programs.

10. *It is further ordered*, That the burdens of proceedings with the introduction of evidence and proof under the issue added herein shall be on Western Communications, Inc.

Adopted: January 2, 1973.

Released: January 4, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-802 Filed 1-12-73;8:45 am]

[2] Section 1.229 Motions to enlarge, change, or delete issues.

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing.

(b) Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a motion to enlarge, change, or delete the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

[3] Friendly Broadcasting Co., 35 FCC 2d 611, 24 RR 2d 712 (1972). KFPW Broadcasting Co., 33 FCC 2d 313, 23 RR 2d 515 (1972); Star Stations of Indianapolis, Inc., 28 FCC 2d 448, 21 RR 2d 646 (1971).

[Docket No. 17049; FCC 73-12]

POSSIBLE UTILIZATION OF RADIO COMMUNICATIONS TO ENHANCE SAFETY ON HIGHWAYS

Memorandum Opinion and Order Terminating Proceeding

In the matter of inquiry into possible use of radio communications to enhance safety on the highways, Docket No. 17049, RM–732.

1. This proceeding was initiated in 1966 (notice of inquiry, 31 FR 16380, Dec. 22, 1966) to obtain information and views as to whether, and if so how, radio communications could be employed to enhance safety on the highways. A number of interested parties submitted views and proposals, and some of the suggested methodology has been implemented by us. For example, in a separate proceeding in Docket No. 18705, we reserved "Channel 9" in the Citizens Band for emergency use, including the reporting of automobile accidents and hazardous road situations. Then, in Docket No. 18267, we adopted technical and operating standards for emergency radio call box systems, situated along highways, using frequencies in the 72–76 MHz band. Further, in Docket 17228, we made a "splinter" (7.5 kHz) channel available

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in the 150 MHz band in the Local Government Radio Service for use in providing emergency call box service. More recently, in rule making in Docket No. 19001, we made four frequency pairs in the 450–470 MHz range available for fixed station operation for highway emergency radio systems.

2. While these steps were taken in furthering the objectives of the inquiry, we do not feel its continuation would serve a useful purpose. Moreover, we are keeping abreast of current developments relating to possible future highway communication systems. This matter is being studied at this time, and we anticipate that these studies will lead eventually to further rule making or inquiry better designed to evaluate these new concepts. As we have mentioned, however, this inquiry has served its purpose and may now be closed.

3. In taking this action, it is also appropriate to dispose of the associated petition of the Automobile Manufacturers Association, Inc. (AMA), to institute rule making to establish a "Highway Emergency Locating Plan Service." For essentially the same reasons given for terminating our inquiry in this docket, we conclude that AMA's petition must be denied.

4. *Accordingly, it is ordered,* That the above-referenced petition for rule making, filed by the Automobile Manufacturers Association, Inc., is denied: *And it is further ordered,* That the inquiry in Docket No. 17049 is terminated.

Adopted: January 4, 1973.

Released: January 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-806 Filed 1-12-73;8:45 am]

[Docket No. 18732; FCC 73-13]

LAND MOBILE SPECTRUM UTILIZATION

Order Terminating Proceeding

In the matter of the report on a study of land mobile spectrum utilization prepared for the Commission by the Stanford Research Institute, Docket No. 18732.

1. This proceeding was initiated in 1969 by our notice of inquiry (34 FR 18488, Nov. 20, 1969). In this notice, we invited interested persons to submit comments, views, and information relevant to matters covered by the reports of the Stanford Research Institute on its study of land mobile spectrum utilization.

2. A number of comments were filed. They were evaluated by us, and the material set out in them has been considered by us in the development of our current spectrum management programs. This was the purpose of the inquiry; and that purpose having been served, it is appropriate to conclude the proceeding.

3. *Accordingly, it is ordered,* That the proceeding in Docket No. 18732 is terminated.

Adopted: January 4, 1973.

Released: January 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-808 Filed 1-12-73;8:45 am]

[Report 4334]

CLASS I TV DEVICES

General Action on Equipment Interpretation

JANUARY 4, 1973.

FCC Chief Engineer Raymond E. Spence has sent the following letter in response to a request by Electronic Industries Association (EIA) for an interpretation of the antenna transfer switch and isolation requirements for Class I TV devices:

This is in reply to your letter dated December 20, 1972, requesting an interpretation of the antenna transfer switch and isolation requirements for Class I TV devices.

Our rules, § 15.407, requires the receiver transfer switch to provide 60 db of isolation in either position, i.e., with the TV receiver connected to the antenna or with the receiver connected to the Class I TV device. You point out that equipments are produced in which the power to the Class I TV device is removed when the antenna is connected to the TV receiver thereby preventing the generation of RF interference from this device. You raise the question whether or not such equipment must meet the 60 db switch requirement in both positions. Please be advised that the 60 db isolation requirement between the antenna and the Class I TV device will be considered to be met, if the device is constructed so that power is removed from the Class I TV device when the switch connects the TV receiver to the antenna.

Should any further questions arise concerning this matter, please contact me.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-809 Filed 1-12-73;8:45 am]

MARINE VHF PUBLIC COAST STATIONS

Service Area Contour Data

DECEMBER 27, 1972.

Licensees of very high frequency (VHF) public coast radio stations are reminded of the requirement to submit service area contour data to the Commission. This requirement is contained in paragraph 27 of the report and order released May 31, 1972, and published in the FEDERAL REGISTER on June 7, 1972 in Docket No. 18944.

Paragraph 27 of the report and order reads in part: " • • • in order that the same type of information (as required of new applicants) will be available for all VHF public coast stations, we intend to require, at the time of termination of this docket, that licensees of VHF public coast stations, authorized prior to termination of the proceeding in this docket, submit within a period of 1 year service area contour data computed in accordance with the standards and procedures adopted in this Docket." The data submitted should include the plot of radials, calculation of average height, computation of field strength and service area contour, together with supporting information as set forth in the rules.

Licensees must submit the service area contour data showing their coverage areas, with supporting data, by July 6, 1973.

The new rules include a new Subpart R containing standards for computing VHF coverage. Subpart R was recently published by the Government Printing Office and distributed to subscribers of Volume IV of the Commission's rules and regulations via Transmittal Sheet No. 1. Section 81.313 of the Commission's rules requires that licensees of coast stations have a current copy of the regulations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-810 Filed 1-12-73;8:45 am]

PANEL OF CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE

Meeting Canceled

JANUARY 3, 1973.

The meeting of Panel 1 (measurement methods and instrumentation) of the Cable Television Technical Advisory Committee which was originally scheduled for January 19, 1973, has been canceled. A new date for the meeting has not been set.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-811 Filed 1-12-73;8:45 am]

[FCC 73-4]

NONPAYMENT OF GRANT FEE

Rescission of Receiver Certification

JANUARY 5, 1973.

On April 11, 1972, the Commission granted certification to Sona Labs, Inc., 369 St. Marks Avenue, Brooklyn, NY 11328 for a land mobile communications receiver Model No. RAS 10 operating in the 152–174 MHz band, described in the application for certification as "FM Scanner Monitor receiver". The application for certification was signed by Herman R. Campbell who indicated he was president of Sona Labs, Inc.

Section 1.1120 of the Commission's rules, 47 CFR 1.1120, requires a grant fee, in the amount of $25, for certification of equipment of the kind for which certification was granted to Sona Labs, Model RAS 10.

Section 1.1102 of the Commission's rules, 47 CFR 1.1102, provides that where a grant fee is prescribed, the fee is payable within 45 days after the date of the grant. That section further provides:

All grants, approvals, and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization or approval becoming null and void and ineffective after that date.

Sona Labs, Inc., has not paid the grant fee required by §§ 1.1102 and 1.1120.

Attempts by the Commission to contact the applicant, Sona Labs, Inc., have proven unsuccessful. The applicant is no longer located at the address and telephone number given in the application, nor was any forwarding address or telephone number provided. We have also unsuccessfully attempted to contact Mr. Herman Campbell. In addition the Commission has been informed that Sona Labs, Inc., has filed bankruptcy proceedings, but we have been unable to determine if this is in fact true and if so in what court such proceedings have been initiated.

For the foregoing reasons, the Commission hereby gives notice that the certification granted to Sona Labs, Inc., on April 11, 1972, for its Model RAS 10 land mobile communications receiver is rescinded. Marketing of this equipment without certification will be in violation of § 2.803 of the Commission's rules, 47 CFR 2.803.

Action by the Commission January 4, 1973.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-812 Filed 1-12-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7906]

DETROIT EDISON CO.

Order Accepting for Filing and Suspending Revised Rate Schedule and Providing for Hearing

JANUARY 8, 1973.

On December 8, 1972, The Detroit Edison Co. (Edison) tendered for filing a proposed superseding supplement to its present contract as supplemented with its wholesale for resale customer, Consumers Power Co. (Consumers). The proposed changes would increase revenues from jurisdictional sales and services by $2,133,572 or 20.84 percent based on test year ending September 30, 1972, to become effective on January 1, 1973, or as soon thereafter as permitted by the Commission.

The filing was noticed on January 3, 1973, with the period for protests or petitions to intervene ending on January 22, 1973. The present filing involves no change in the fuel adjustment clause accepted by our order issued August 24, 1972, accepting the settlement of Docket No. E-7687. However, such a clause may not conform to the principles subsequently enunciated in Commission Opinion No. 633 issued October 30, 1972, in Docket No. E-7541, in that Edison's fuel costs may be imputed to its purchased power. Thus, the fuel clause will be investigated as part of the hearing in the proceeding.

Review of rate filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Edison's wholesale rates as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Ch. I), a public hearing shall be held, commencing with a prehearing conference on July 10, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Detroit Edison's Electric Tariff as proposed to be revised herein.

(B) At the prehearing conference on July 10, 1973, Edison's prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(C) On or before June 5, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all interveners shall be served on or before June 19, 1973. Any rebuttal evidence by Edison shall be served on or before July 3, 1973. Cross-examination of the evidence filed will commence on July 17, 1973.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Pending hearing and a final decision in this proceeding, Edison's proposed superseding supplement, tendered on December 8, 1972, is suspended and the use thereof deferred until June 8, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-781 Filed 1-12-73;8:45 am]

[Docket No. CI73-445]

GULF OIL CORP.

Notice of Application

JANUARY 9, 1973.

Take notice that on December 26, 1972, Gulf Oil Corp. (Applicant), P.O. Box 1589, Tulsa, OK 74102, filed in Docket No. CI73-445 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from the Cleo Barton Well No. 1, Gheen (Lower Morrow) Field, Lipscomb County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 3,000 Mcf of gas per day pursuant to a letter agreement dated October 26, 1972. It is stated that the gas will be sold at 40 cents per million Btu for 1 year from initial date of delivery within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the

[1] Commissioner Johnson concurring in the result.

[1] Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Reid, Wiley, and Hooks.

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requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-780 Filed 1-12-73;8:45 am]

[Docket No. E-7902]

ILLINOIS POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 3, 1973.

Take notice that Illinois Power Co. (IPC) on December 8, 1972, tendered for filing an agreement accompanied by a proposed amendment to its FPC Rate Schedule No. 9 —— an Interconnection Agreement between IPC and Indiana & Michigan Electric Co. (I&M). The proposed changes would result in a net increase in the revenues of IPC of $127,000.

According to IPC's transmittal letter, the parties have negotiated in good faith and have reached agreement on this proposed amendment. The amendment would increase the rate of compensation for electric energy (diversity energy) delivered under the aforementioned service agreement. IPC alleges the amendment is necessary to offset higher fuel costs. The parties propose to apply this change in the rate of compensation to energy delivered during the diversity exchange period starting October 1, 1972, and ending September 15, 1973. Finally, IPC requests an effective date of October 1, 1972, and accordingly requests a waiver pursuant to § 35.11 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-783 Filed 1-12-73;8:45 am]

[Docket No. CP73-177]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JANUARY 9, 1973.

Take notice that on January 3, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-177 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas with Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Tennessee), from the Tenerias Field, Willacy County, Tex., and to obtain and operate facilities previously installed, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the exchange of natural gas on December 15, 1975, and constructed facilities consisting of a tap connection, measuring facilities, and a small booster station in order to effectuate this exchange, within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.29); Applicant proposes to continue said exchange, and to retain and operate said facilities, for a 1 year period, beginning at the end of the 60-day emergency period, which began on December 15, 1972, within the contemplation of § 2.70 of the Commission's general policy and interpretations.

Applicant proposes to cause Humble Oil & Refining Co. (Humble) to deliver up to 15,000 Mcf of natural gas per day to Tennessee, who will in turn deliver equivalent volumes of gas to Applicant at a point in San Juan De Carracitos Survey, Willacy County, Tex. Applicant states that the exchange is a straight gas-for-gas exchange and that such gas will be delivered at the pressure existing at the respective points of delivery.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-778 Filed 1-12-73;8:45 am]

[Project 2685—New York]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Availability of Staff Draft Environmental Statement for Inspection

JANUARY 9, 1973.

Notice is hereby given that on January 15, 1973, as required by § 2.81(b) of Commission Regulations under Order 415-C (37 FR 28412, Dec. 23, 1972), a staff draft environmental statement, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)), was placed in the public files of the Federal Power Commission. This statement deals with an application for approval of exhibits for the routing of a proposed transmission line filed by the Power Authority of the State of New York pursuant to article 34 of the license for the Blenheim-Gilboa Pumped Storage Project No. 2685 (41 FPC 712, 718).

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC and its New York regional office. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Commission, on June 6, 1969 (41 FPC 712), issued a license to the Power Authority of the State of New York (PASNY) to construct and operate the Blenheim-Gilboa Pumped Storage Project No. 2685 including, as part of the project works, three 345 kv. transmission lines. By its order issued April 10, 1970 (43 FPC 521), the Commission approved exhibits authorizing construction of the Gilboa-Fraser and Gilboa-New Scotland lines only (now in operation). The Commission reserved decision as to the design and the routing of the Gilboa-Leeds line in view of opposition thereto.

The subject application and proceeding involve PASNY's request for approval of exhibits to authorize the route prior to construction of the Gilboa-Leeds 345 Kv. transmission line. Exhibit J, K, and M show the design and alternative routes "A-1" and "B-1" for the Leeds line which will originate at the project switchyard adjacent to the powerhouse in Schoharie County, N.Y. and extend about 35 miles into Albany (Route "B-1") and Greene Counties (Routes "A-1" and "B-1") to the Leeds substation near Catskill, N.Y.

Alternative designs and routes, in addition to those mentioned above, are under consideration. Additional transmission tower designs are under consideration, modifying the original proposal from single-circuit towers to towers which would permit transmission of larger amounts of power projected for the northeast region without duplicating corridors in the area.

Unless previously granted intervention, any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of his environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in section 2.80 of Order 415-C. Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before March 1, 1973. The Commission will consider all responses to the statement.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-773 Filed 1-12-73;8:45 am]

[Docket No. CP73-169]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 9, 1973.

Take notice that on December 27, 1972, United Gas Pipe Line Co. (Applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP73-169 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas services, and to abandon in place as well as to abandon and remove certain pipeline and measuring facilities originally installed to make such gas sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval for the abandonment of natural gas services to Air Products and Chemicals, Inc. (Air Products) at Air Products' Escambia Plant located near Floridatown, Santa Rosa County, Fla., being made in accordance with a contract dated February 10, 1955, as amended, and authorized in Dockets Nos. G-8230, G-13142, CP60-14 and CP70-297, and for the abandonment in place of 145 feet of 16-inche pipeline, and the removal of a sales meter and regulator station.

Applicant states that its agreement with Air Products was subject to a rate schedule with a stated monthly rate that expired on January 1, 1973, although said contract would have expired by its own terms on January 1, 1983. It is stated that Applicant submitted a new monthly rate schedule for the period January 1, 1973 through January 1, 1978, and two alternative proposals, all of which were rejected by Air Products, thereby Applicant states, effectively terminating the agreement between the parties. Applicant contends that since Air Products would agree only to a new monthly rate that would not enable Applicant to acquire the new reserves necessary to enable continuing industrial service during a time of gas shortage, and because the subject contract is in effect terminated, the Commission should grant Applicant's request to discontinue service to Air Products and to abandon facilities supporting such service.

Applicant states further that Air Products is an industrial customer utilizing the gas it purchases from Applicant as feedstock for the manufacture of chemicals, and that Air Products will most likely utilize natural gas from another source, or another fuel, upon cessation of sales of natural gas by Applicant. It is further stated that since Applicant has been forced to curtail deliveries on its system of natural gas, Air Products, as an industrial customer, should have a lower priority than other nonindustrial customers of Applicant.

Applicant asserts that authorization of the termination of service requested herein will not result in a loss of gas to interstate commerce.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-774 Filed 1-12-73;8:45 am]

[Docket No. CP73-168]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 9, 1973.

Take notice that on December 27, 1972, United Gas Pipe Line Co. (Applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP73-168 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas services, and to abandon and remove certain pipeline and measuring facilities originally installed to make such gas sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval for the abandonment of natural gas services to Stauffer Chemical Co. (Stauffer) at Stauffer's chemical plant located near Salco, Mobile County, Ala., being made in accordance with a contract dated December 24, 1954, as amended, and authorized in Docket No. G-13142, and to abandon in place 22 miles of 4-inch pipeline, and to abandon and remove a sales meter regulator station.

Applicant states that its agreement with Stauffer was subject to a rate schedule with a stated monthly rate that expired on January 1, 1973, although said contract would have expired by its own terms on January 1, 1983. It is stated that Applicant submitted a new monthly rate schedule for the period January 1, 1973 through January 1, 1978, and two alternative proposals, all of which were

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rejected by Stauffer, thereby, Applicant states, effectively terminating the agreement between the parties. Applicant contends that since Stauffer would agree only to a new monthly rate that would not enable Applicant to acquire the new reserves necessary to enable continuing industrial service during a time of gas shortage, and because the subject contract is in effect terminated, the Commission should grant Applicant's request to discontinue service to Stauffer and to abandon facilities supporting such service.

Applicant states further that Stauffer is an industrial customer utilizing the gas it purchases from Applicant as feedstock and boiler fuel for the manufacture of chemicals, and that Stauffer will most likely utilize natural gas from alternative sources, butane or fuel oil upon cessation of sales of natural gas by Applicant. It is further stated that since Applicant has been forced to curtail deliveries on its system of natural gas, Stauffer, as an industrial customer, should have a lower priority than other nonindustrial customers of Applicant.

Applicant asserts that authorization of the termination of service requested herein will not result in a loss of gas to interstate commerce.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-775 Filed 1-12-73;8:45 am]

[Docket No. CP73-171]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 9, 1973.

Take notice that on December 27, 1972, United Gas Pipe Line Co. (Applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP73-171 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas services, and to abandon in place as well as to abandon and remove certain pipeline and measuring facilities originally installed to make such gas sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval for the abandonment of natural gas services to Kentwood Brick and Tile Manufacturing Co., Inc. (Kentwood) at Kentwood's plant located in Tangipahoa Parish, near Kentwood, La., being made in accordance with a contract dated January 27, 1966, and authorized in Docket No. CP66-415, and for the abandonment in place of 1.9 miles of 2-inch pipeline, and the removal of a sales meter and regulator station.

Applicant states that its agreement with Kentwood was subject to a rate schedule with a stated monthly rate that expired on January 1, 1973, although said contract would have expired by its own terms on January 1, 1983. It is stated that Applicant submitted a new monthly rate schedule for the period January 1, 1973 through January 1, 1978, as well as an alternative proposal, both of which were rejected by Kentwood, thereby Applicant states, effectively terminating the agreement between the parties. Applicant contends that since Kentwood would agree only to a new monthly rate that would not enable continuing industrial service during a time of gas shortage, and because the subject contract is in effect terminated, the Commission should grant Applicant's request to discontinue service to Kentwood and to abandon facilities supporting such service.

Applicant states further that Kentwood is an industrial customer utilizing the gas it purchases from Applicant as fuel for its brick kilns and will most likely utilize natural gas from an alternative source, butane, or propane upon cessation of sales of natural gas by Applicant. It is further stated that Since Applicant has been forced to curtail deliveries on its system of natural gas, Kentwood, as an industrial customer, should have a lower priority than other nonindustrial customers of Applicant.

Applicant asserts that authorization of the termination of service requested herein will not result in a loss of gas to interstate commerce.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petiton to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the National Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-776 Filed 1-12-73;8:45 am]

[Docket No. CP73-170]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 9, 1973.

Take notice that on December 27, 1972, United Gas Pipe Line Co. (Applicant), 1500 Southwest Tower, Houston, TX 77002, filed in Docket No. CP73-170 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval for the abandonment of natural gas services to Scott Paper Co. (Scott) at Scott's Mobile plant located in Mobile, Ala., being made in accordance with a contract dated September 8, 1964, as amended, and authorized in Docket No. G-6060. Applicant states that its agreement with Scott was subject to a rate schedule with a stated monthly rate that

expired on January 1, 1973, although said contract would have expired by its own terms on January 1, 1983. It is stated that Applicant submitted a new monthly rate schedule for the period January 1, 1973 through January 1, 1978, as well as an alternative proposal, both of which were rejected by Scott, thereby Applicant states, effectively terminating the agreement between the parties. Applicant contends that since Scott would agree only to a new monthly rate that would not enable continuing industrial service during a time of gas shortage, and because the subject contract is in effect terminated, the Commission should grant Applicant's request to discontinue service to Scott.

Applicant states further that Scott is an industrial customer utilizing the gas it purchases from Applicant as boiler fuel for the manufacture of paper and will most likely utilize natural gas from alternative sources, butane or fuel oil upon cessation of sales of natural gas by Applicant. It is further stated that since Applicant has been forced to curtail deliveries on its system of natural gas Scott, as an industrial customer, should have a lower priority than other nonindustrial customers of Applicant.

Applicant asserts that no facilities are to be abandoned and that the termination of service requested herein will not result in a loss of gas to interstate commerce.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with with reference to said application should on or before January 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-777 Filed 1-12-73;8:45 am]

[Docket No. CP73-180]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 9, 1973.

Take notice that on January 4, 1972, United Gas Pipe Line Co. (Applicant), 1500 Southwest Tower, Houston, TX 77002, filed in Docket No. CP73-180 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval for the abandonment of natural gas services to Allied Paper Inc. (Allied) at Allied's pulp mill located in Jackson, Ala., being made in accordance with a contract dated May 14, 1964, as amended, and authorized in Docket No. CP64-301.

Applicant states that its agreement with Allied was subject to a rate schedule with a stated monthly rate that expired on January 1, 1973, although said contract would have expired by its own terms on January 1, 1983. It is stated that Applicant submitted a new monthly rate schedule for the period January 1, 1973 through January 1, 1978, as well as an alternative proposal, both of which were rejected by Allied, thereby, Applicant states, effectively terminating the agreement between the parties. Applicant contends that since Allied would agree only to a new monthly rate that would not enable Applicant to acquire the new reserves necessary to enable continuing industrial service during a time of gas shortage, and because the subject contract is in effect terminated, the Commission should grant Applicant's request to discontinue service to Allied.

Applicant states further that Allied is an industrial customer utilizing the gas it purchases from Applicant as boiler fuel for the manufacture of paper, and that Allied will most likely utilize natural gas from another source, butane, or fuel oil, upon the cessation of sales of natural gas by Applicant. It is further stated that since Applicant has been forced to curtail deliveries on its system of natural gas, Allied, as an industrial customer, should have a lower priority than other nonindustrial customers of Applicant.

Applicant asserts that authorization of the termination of service requested herein will not result in a loss of gas to interstate commerce.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commisson's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-779 Filed 1-12-73;8:45 am]

FEDERAL RESERVE SYSTEM

CHARLES STEWART MOTT FOUNDATION

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been

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continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such determination within a two year period.

Notice of the Board's proposed review of the grandfather privileges of The Charles Stewart Mott Foundation, Flint, Michigan, and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. The Charles Stewart Mott Foundation, Flint, Mich. (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of 58 percent of the outstanding voting shares of Wayne Oakland Bank, Royal Oak, Mich. (Bank) (assets of $245.4 million as of Dec. 31, 1970). Bank, control of which was acquired by Registrant in July 1944, had total deposits of approximately $267.9 million as of June 30, 1972, representing approximately 2 percent of the total commercial bank deposits in the Detroit SMSA, and is the ninth largest bank in the Detroit SMSA. In addition to its majority interest in Bank, Registrant also owns 5 percent of Gary National Bank ($298.7 million of deposits), Gary, Ind., and less than 5 percent of each of four other banking organizations of which one is located in Chicago, Ill., two in Detroit, Mich., and one in Flint, Mich.[1] Bank's management, financial condition and prospects are regarded as satisfactory, and the Board has found no evidence of any unsound banking practices.

Registrant is a private, charitable foundation which was established in 1926 to maintain a fund and make grants from the fund for educational, health, and similar purposes that are intended to improve individual growth and development, and strengthen society. Registrant's total assets (as of Dec. 31, 1971) amount to about $320 million, the bulk of which is represented by investments in 65 companies and banks; and, except as noted, Registrant's holdings in each of these is less than 5 percent of the outstanding voting shares.[2] Registrant has four nonbanking subsidiaries which are engaged in nonbanking activities that appear eligible for grandfather benefits, namely, United States Sugar Corp., Clewiston, Fla. (acquired in Dec. 1937), St. Louis County Water Corp., University City, Mo. (acquired in July 1963), Missouri Water Co., University City, Mo. (acquired in July 1963), a subsidiary of St. Louis Water Corp., and Everglades Corp., Miami, Fla. (acquired in Jan. 1948). United States Sugar Corp. (about 37 percent of the voting shares of which are held by Registrant) is engaged principally in growing sugarcane and cattle raising and owns approximately 106,000 acres of land in Florida. Registrant's wholly owned subsidiary Everglades Corp. operates leasehold properties in Florida. St. Louis County Water Co. and Missouri Water Co., both of which are wholly owned subsidiaries, are water utilities in St. Louis, Mo., and are subject to the jurisdiction of the Public Service Commission of Missouri.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968 and continuously thereafter, or any activity that is not the subject of this determination. Nor is this determination authority for Registrant to acquire any additional real property or additional shares of any company if the Registrant's holdings in said company will exceed 5 percent of the outstanding voting shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[3] effective January 5, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-754 Filed 1-12-73;8:45 am]

[1] These are, respectively, First Chicago Corp. (deposits of $5.2 billion); National Bank of Detroit (deposits of $4.2 billion); Michigan Bank, N.A. (deposits of $757.0 million); and Gennessee Merchants Bank & Trust Co. (deposits of $406.0 million).

[2] The holding of 5 percent or less of the shares of any company is permissible for a bank holding company under section 4(c)(6) of the Act.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

CONTRACT LEASING CORP. AND CLAYTON BANKSHARES CORP.

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of Contract Leasing Corp., St. Louis, Mo., and of Clayton Bankshares Corp., St. Louis, Mo., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Contract Leasing Corp., St. Louis, Mo. (Contract Leasing), owns approximately 34 percent of Clayton Bancshares Corp., St. Louis, Mo. (Clayton), and has owned such shares continuously since before June 30, 1968. Each of these companies became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Clayton's ownership of approximately 95 percent of the outstanding voting shares of Clayton Bank, Mo. (Bank) (assets of $62 million as of December 31, 1970). Bank, control of which was acquired by Clayton in 1958, had total deposits of approximately $84 million as of December 31, 1971, representing 5 percent of the total deposits in the 45 commercial banks in St. Louis County and 1.4 percent of the total deposits in the St. Louis market, and was the 19th largest bank in the State. Bank's management, financial condition, and prospects are regarded as satisfactory, and the Board has found no evidence of any unsound banking practices.

Contract Leasing[1] reports that it does not engage directly in any activities except for its ownership of shares of Clayton.

Clayton owns the real property on which Bank and its drivein facility are located.[2] In addition, Clayton engages directly in the following activities: Conducting audits of affiliated banks and preparing reports to the respective boards of directors of those banks; providing and supervising messenger and delivery service between affiliated banks and affiliated corporations; supervising new business development, installment loan, and bank operations of affiliated banks; and supervising automation operations of the affiliated banks. It appears that all of the above activities have been engaged in continuously since before June 30, 1968, and are eligible for retention by virtue of the grandfather privileges of Contract Leasing and Clayton (Registrants).

Through its banking subsidiary Clayton has a one-third interest in one nonbanking subsidiary, Databank Corp., St. Louis, Mo., a company providing data processing services to Bank and two affiliated banks. Although Databank Corp. was acquired after June 30, 1968, and thus is not eligible for grandfather benefits, Registrants' retention of their indirect interest in this subsidiary of Bank appears to be permissible under section 4(c)(5) of the Act.

In view of the size of the assets held by Contract Leasing and Clayton ($0.8 million and $3.6 million, respectively, as of December 31, 1970), it appears that continuation of their nonbanking activities would not result in an undue concentration of resources; and, in view of the facts herein, particularly the fact that Registrants perform services only for Bank and affiliated banks and corporations, it appears that continuation of the aforesaid nonbanking and banking activities of Registrants would not result in decreased or unfair competition, conflicts of interest, or unsound banking practices.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrants and their subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrants to terminate their grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrants is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination, nor is this determination authority for Registrants to provide services for banks in addition to those Registrants have been serving since before June 30, 1968.

A significant alteration in the nature or extension of Registrants' activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrants' activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrants or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrants or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review, by the Board, of Registrants' nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrants. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrants or of their nonbanking subsidiary as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[3] effective January 5, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-752 Filed 1-12-73;8:45 am]

[1] On the facts before the Board to the effect that a Mr. James owns 100 percent of the voting shares of Contract Leasing, this holding company may be entitled to the exemption in section 4(c)(11) of the Act, by virtue of which the general prohibitions of section 4 against nonbanking activities are not applicable to a holding company covered in 1970 more than 85 percent of the voting shares of which was owned on June 30 1968, and continuously thereafter by members of the same family.

[2] Section 4(c)(1)(A) of the Act enables a bank holding company to hold shares of a company engaged solely in holding or operating properties used wholly or substantially by any banking subsidiary of such bank holding company in the operations of such banking subsidiary or acquired for such future use.

[3] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

EQUITABLE BANCORPORATION

Order Approving Acquisition of Bank

Equitable Bancorporation, Baltimore, Md., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 41 percent of the voting shares of University National Bank, Rockville, Md.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, with three subsidiary banks holding aggregate deposits of $731.2 million, is the largest bank holding company and second largest banking organization in Maryland with 12.3 percent of the commercial deposits in the State. (All banking data are as of December 31, 1971, unless otherwise indicated, and reflect bank holding company formations and acquisitions approved by the Board through November 30, 1972.) Acquisition of Bank ($56.7 million in deposits) would

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increase applicant's share of statewide deposits by only 1 percent and would leave applicant as the second ranking banking organization in Maryland. Consummation of the transaction would not result in a significant increase in the concentration of banking resources in Maryland.

Bank is the eighth largest of 23 banking organizations serving the Maryland portion of the Washington, D.C., SMSA (which portion approximates the relevant banking market), holding about 3.2 percent of market deposits (as of June 30, 1970). This proposal would represent applicant's initial entry into Montgomery County. Some competition between applicant's offices in Prince George's County and Bank would be eliminated as applicant's offices in Laurel, Seabrook, and Greenbelt are approximately 10, 8, and 3 miles, respectively, distant from Bank's College Park office. However, the amount of competition is not substantial, since applicant's market share is only 2.9 percent and Bank's 3.2 percent. In view of this fact and the number of banking alternatives available, it appears that only a small amount of competition would be eliminated by consummation of this proposal. Moreover, it appears unlikely that meaningful competition would develop in the future in the light of the fact that the population per banking office in the relevant market approximates the statewide figure despite the market's much more rapid population growth during the 1960's, and the fact that applications to form branches in the area have been denied by bank regulatory agencies on the ground that the area is being adequately served. It does not appear, therefore, that significant competition would be eliminated or significant potential competition foreclosed by consummation of applicant's proposal, or that there would be undue adverse effects on any bank in the area involved.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are all regarded as generally satisfactory and consistent with approval of the application. It appears that the banking needs of the residents of the market area are being met; however, customers of Bank should benefit from the higher lending limits and additional services that applicant will be able to provide, and this increase in the competitive capacity of Bank would be in the public interest. Accordingly, convenience and needs considerations are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 5, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-757 Filed 1-12-73;8:45 am]

HELDENFELS BROTHERS

Order Approving Exemption of Nonbanking Activities of Bank Holding Company

Heldenfels Brothers, Corpus Christi, Tex. ("Applicant"), a partnership and a bank holding company within the meaning of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), by virtue of ownership of 52.6 percent of the voting shares of First National Bank of Rockport, Rockport, Tex. ("Bank"), has applied to the Board of Governors, pursuant to section 4(d) of the Act, for an exemption from the prohibitions of section 4 (relating to nonbanking activities and acquisitions).

Notice of receipt of the application was published in the FEDERAL REGISTER on September 8, 1972 (34 FR 18242). Time for filing comments and views has expired and all received have been considered. No request for a hearing has been received.

Section 4(d) of the Act provides that to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the Act to certain one-bank holding companies in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

The Board has considered the application and all comments received in the light of the factors set forth in section 4(d) of the Act and finds that:

Heldenfels Brothers, a partnership with $10.7 million in assets as of December 31, 1971, engages in the principal business activity of general contracting for highway construction. Applicant and its predecessors have operated in Rockport, Tex. (population 3,879), since 1917 and Applicant states that it still maintains an office and marine repair facility in Rockport on the site of the old World War I shipyard. The record shows that the first investment in Bank made by the Heldenfels family was in the early 1920's by the father of the present partners of Applicant; he acquired a controlling interest of about 80 percent in Bank, in 1935. A predecessor partnership to Applicant subsequently acquired Bank's stock. Applicant now owns over 50 percent of the stock of Bank, and Applicant or its predecessors have held control of Bank continuously for the past 37 years. Furthermore, as of December 31, 1971, approximately one-quarter of Bank's total deposits represent deposits on behalf of Applicant or its subsidiaries, or their directors or officers. Bank appears to be well managed and in sound financial condition and the record contains nothing to suggest that Applicant has abused its relationship with Bank or misused Bank's services for the benefit of Applicant's other interests. There is no reason to believe that permitting this relationship to continue indefinitely will adversely affect Bank or the communities involved.

At the present time, controlling interest in Bank is owned by Applicant and residents of the Rockport community and its environs. The record indicates that as a result of an effort to diversify the stock ownership of Bank the number of stockholders, all of whom are residents of the Rockport-Fulton area, has been increased from 45 in 1956 to 113 (as of Aug. 17, 1971). It also appears from the record that were Bank to be sold, any prospective purchaser would not be as similarly representative of the community interest as is Applicant, in view of the history of Applicant and its predecessors, and their contributions to the affairs of the Rockport community. The only offers to purchase control of Bank in the past 10 years have reportedly come from persons outside the Rockport-Fulton-Corpus Christi area. Because of the nature of the Rockport community and the nature of Bank under present ownership, it is the Board's view that forced sale of Bank would result in control by interests not similarly representative of the Rockport community.

Based on the foregoing and other considerations reflected in the record, the Board has concluded, pursuant to section 4(d)(1), that an exemption is warranted to avoid disrupting a business relationship that has existed over a long period of years without adversely affecting the banks or communities involved; and pursuant to section 4(d)(2), that forced sale of Bank would result in sale of Bank to purchasers not similarly representative of community interests. Accordingly, an exemption is granted; provided, however, that this determination is subject to revocation if the facts upon which it is based change in any material respect.

By order of the Board of Governors,[1] effective January 5, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-758 Filed 1-12-73;8:45 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

NATIONAL ASSOCIATION OF INSURANCE AGENTS, INC.

Order Denying Petition For Stay

The National Association of Insurance Agents, Inc. (NAIA), has filed a Petition requesting the Board to stay, pending judicial review, the effectiveness of the Board's interpretation (12 CFR 225.128) of § 225.4(a)(9) of Regulation Y relating to insurance agency activities. The interpretation was issued by the Board on August 31, 1972, and published in 37 FR 18520–18521 on September 13, 1972. On October 5, 1972, NAIA petitioned the U.S. Court of Appeals for the District of Columbia to set aside the interpretation.

The allegations and arguments presented in NAIA's Petition to the Board have been considered by the Board in the light of fairness to persons who may be affected by § 225.4(a)(9) of Regulation Y and the interpretation in question or by the proposed stay; and the Board has weighed the public interest considerations.

The Board has reviewed § 225.4(a)(9) of Regulation Y and the Board's published interpretation thereof, and the procedures used in promulgating the regulation and the interpretation; and has concluded that the regulation and the interpretation are in the public interest and were adopted in accordance with the provisions of the statute and all requirements of due process. In the Board's judgment, the Petitioner has not demonstrated that it is likely to prevail on the merits in its court suit.

The Petition alleges that NAIA will suffer irreparable harm if the stay is denied and Petitioner should prevail in court. The Board finds that the Interpretation does not constitute the approval of any application by a bank holding company to engage in insurance agency activities; NAIA and its members may object to any application by a bank holding company to engage in insurance agency activities and, to the extent that they are aggrieved parties under section 105 of the Bank Holding Company Act Amendments of 1970, they may seek court review of any Board order approving a holding company application over their objections. In view of these circumstances and because NAIA has failed to show that it or its members would suffer irreparable harm in the absence of a stay, the Board concludes that the Interpretation itself and its continued effectiveness are not likely to cause any irreparable harm to NAIA or its members.

The Board concludes that justice does not require a stay and that denial of the requested stay is in the public interest.

It is hereby ordered, that the Petition by NAIA for stay of the Interpretation of § 225.4(a)(9) of Regulation Y relating to insurance agency activities is denied.

By order of the Board of Governors,[1] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-753 Filed 1-12-73;8:45 am]

SOUTH ST. LOUIS INVESTMENT CO. AND HAMPTON BANKSHARES CORP.

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such determination within a 2-year period.

Notice of the Board's proposed review of grandfather privileges of South St. Louis Investment Co., St. Louis, Mo., and of Hampton Bankshares Corp., St. Louis, Mo., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. South St. Louis Investment Co., St. Louis, Mo. (South St. Louis), owns 53 percent of Hampton Bankshares Corp., St. Louis, Mo. (Hampton) and has owned such shares continuously since before June 30, 1968. Each of these companies became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Hampton's direct ownership of approximately 56 percent of the outstanding voting shares of Hampton Bank of St. Louis, St. Louis, Mo. (Bank) (assets of $64 million as of June 30, 1971). Bank, control of which was acquired by Hampton in 1957, had total deposits of approximately $61 million as of December 31, 1971, representing 1.7 percent of the total deposits in the 27 commercial banks in the City of St. Louis and 1.0 percent of total deposits in the St. Louis market, and was the 28th largest bank in the State. Bank's management, financial condition and prospects are regarded as satisfactory, and the Board has found no evidence of any unsound banking practices.

South St. Louis[1] reports that it does not engage directly in any activities except for its ownership of shares of Hampton.

Hampton engages directly in the following nonbanking activities: procuring and managing supplies for affiliated banks and corporations; assisting in establishing policy and supervision of systems and methods of operations for affiliated banks and corporations; and owning, leasing, and managing real estate used and occupied by Bank and by affiliated banks and corporations. It appears that all of the above activities have been engaged in continuously since before June 30, 1968, and are eligible for retention by virtue of the grandfather privileges of South St. Louis and Hampton (Registrants).

Bank has two nonbanking subsidiaries (acquired after Dec. 31, 1970): Hampton Bank Building Corp., a wholly owned subsidiary formed to hold the land and operate the building that Bank will occupy; and Databank Corp., a corporation formed by Bank and two other banks to provide data processing services for the three banks. The activities conducted by Hampton Bank Building Corp. appear to be exempt from the general prohibitions of section 4 of the Act, by virtue of section 4(c)(1)(A), and the interest in Databank Corp. appears to be permissible on the basis of section 4(c)(5) of the Act.

South St. Louis and Hampton ranked as the 20th largest banking organization

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

[1] On the facts before the Board to the effect that a Mr. James owns 100 percent of South St. Louis, this holding company may be entitled to the exemption in section 4(c)(11) of the Act, by virtue of which the general prohibitions of section 4 against nonbanking activities are not applicable to a holding company covered in 1970 more than 85 percent of the voting shares of which was owned on June 30, 1968, and continuously thereafter by members of the same family.

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in the State as of June 30, 1972, by virtue of their control of Bank. In view of the size of the assets held by South St. Louis ($1.4 million as of June 30, 1972), and Hampton ($3.5 million as of Dec. 31, 1971), it appears that continuation of their nonbanking activities and retention of Banks' subsidiaries would not result in an undue concentration of resources; and, in view of the facts herein, particularly the fact that Registrants perform services only for Bank and affiliated banks and corporations, it appears that continuation of the aforesaid nonbanking and banking activities of Registrants will not result in decreased nor unfair competition, conflicts of interest, or unsound banking practices.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrants and their subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrants to terminate their grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrants is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968 and continuously thereafter, or any activity that is not the subject of this determination; nor is this determination authority for Registrants to provide services for banks in addition to those Registrants have been serving since before June 30, 1968.

A significant alteration in the nature or extension of Registrants' activities or a change in location thereof (significantly different from any described in this determination) will be cause for a re-evaluation by the Board of Registrants' activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrants or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrants or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review, by the Board, of Registrants' nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrants. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrants or any of their nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[2] effective January 5, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-755 Filed 1-12-73;8:45 am]

THIRD NATIONAL CORP.

Order Approving Acquisition of Bank

Third National Corp., Nashville, Tenn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to the First National Bank of Lawrenceburg, Lawrenceburg, Tenn. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate acquisition of the voting shares of Bank. Therefore, the proposed acquisition of the shares of the successor bank is treated herein as the proposed acquisition of shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the fourth largest banking organization in Tennessee. It controls one bank, Third National Bank in Nashville, with deposits of $540 million, representing 6 percent of total commercial bank deposits in the State. (All banking data are as of Dec. 31, 1971.) Approval of this application, which would increase Applicant's control of State deposits by less than 0.5 percent, would not have an adverse effect on the concentration of banking resources in Tennessee.[1]

Bank is the largest of five banks in the Lawrence County banking market. It has deposits of $19.6 million and controls approximately 37.8 percent of the commercial bank deposits in that market. The nearest banking office of Third National Bank is in Nashville, approximately 98 miles northeast of Lawrenceburg. Third National Bank has no offices that compete with Bank, which derives less than 1 percent of its loans and deposits from Davidson County, the banking market of Third National Bank. Consummation of the proposed transaction would not, therefore, result in the elimination of any significant existing competition. Because of the distance separating Third National Bank and Bank, the numerous intervening banks, and the home county branching limitation under Tennessee law, there is little likelihood of the development of future competition. Moreover, the possibility of future competition through de novo entry by Applicant is slight. Lawrence County has experienced minimal population growth in the past decade and is not an attractive market for de novo entry. Per capita personal income has increased substantially since 1965 but remains well below State and national levels. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its banking subsidiaries and Bank are considered generally satisfactory. The future prospects of Applicant, its subsidiary banks and Bank are regarded as good. Considerations relating to the convenience and needs of the community are consistent with, and provide some support for, approval of the application. Applicant proposes to offer expanded and improved banking services, and it is expected that the community will benefit. It is the Board's judgment that consummation of the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective January 5, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-756 Filed 1-12-73;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

[1] In a separate application approved by the Board of Governors on Nov. 22, 1972, Applicant was granted permission to acquire all of the voting shares of the successor by merger to the Merchants Bank, Cleveland, Tenn. Affiliation of both banks would increase Applicant's share of the total commercial bank deposits in Tennessee only to 6.81 percent.

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

FEDERAL TRADE COMMISSION

PROPOSED PROTOCOL FOR RETAIL FOOD PRICE SURVEY

Notice of Opportunity to Submit Views

A proposed protocol for the Federal Trade Commission Retail Food Price Survey is hereinafter set forth and is today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act as amended, 15 U.S.C. sections 45, 46. In general, the protocol describes a procedure for the twice monthly collection and publication of prices of 50 to 100 commonly purchased supermarket items, on a chain by chain basis in selected metropolitan areas.

Opportunity is hereby extended by the Federal Trade Commission to all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed protocol for the Federal Trade Commission Retail Food Price Survey to present to the Commission their written comments concerning the protocol. For this purpose, copies of the proposed protocol may be obtained upon request to the Commission. Such comments may be submitted by letter, memorandum, brief or other written communication not later than March 16, 1973 to Assistant Director, Division of General Litigation, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

The comments presented with respect to the proposed protocol will be available for examination by interested parties at the Office of the Secretary, Federal Trade Commission.

I. *Introduction.* The purpose of the proposed protocol is to notify retail food stores, trade associations, consumer organizations and other persons interested in the retail food industry that the Federal Trade Commission intends to initiate a retail food price survey. The design of the survey and the alternative methodologies which may be employed are disclosed at this time. In this way, the Commission is inviting views from all interested persons as to its methodology for the survey.

The Commission's interest in this area has been heightened by the recent widespread use in supermarket advertising of such terms as "lowest prices" and "discount prices." These claims often lead the consuming public to believe that they can satisfy their food needs at the lowest cost at the store which claims the "lowest prices."

If the public and the Commission knew whether, in fact, such advertisements were accurate, they would be aided in evaluating competing claims for retail food stores, and in distinguishing between the seller who is advertising truthfully and the one who is unfairly treating both consumers and competitors by representing, directly or by implication, that its prices are low when, in fact, its prices are not lower than those at other competing stores.

Considering the importance of these questions to consumers and businessmen, the Commission, in fulfilling its statutory responsibility under section 5 of the Federal Trade Commission Act (15 U.S.C. section 45) with respect to unfair and deceptive practices and unfair methods of competition, will initiate retail food price surveys in selected metropolitan areas. These surveys will enable the Commission swiftly to institute appropriate enforcement proceedings against significant false advertisers and, thus, prevent injury to the truthful competitor and the consumer.

Also, in light of the importance of these questions to consumers and businessmen and as an aid in fulfilling its statutory responsibilities under section 5, the information secured by the Commission from the surveys will be made available to the public, pursuant to section 6(f) of the Act, under such terms and conditions as the Commission may from time to time determine. Publication can aid enforcement in two ways: First, the publication of this information will encourage advertising supermarkets to make truthful claims about price. Second, public disclosure can enhance competition by assisting consumers to make a more rational choice among competing supermarkets.

The survey will be conducted in an as yet to be determined number of Standard Metropolitan Statistical Areas (SMSAs). Designed to be experimental, the program will be run for a fixed period of time, after which it will be evaluated as to its significance for Commission enforcement activities, impact on the protection of consumers, and enhancement of competition.

II. *Proposed protocol*—A. *Firms to be included and surveyed.* The following components of the supermarket industry will be included in each survey: All food chains operating in the selected SMSA which account for 1 percent or more of the total percent of grocery store sales in that area, or the top 10 chains by volume, whichever yields the lower number of stores, as determined by Metro Market Studies' Grocery Distribution Guide (1972 ed.).

For the purpose of the above standard, food chain is defined as a corporation, partnership, or sole proprietorship which exercises price control over three or more store locations engaged in the retail sale of food in the given SMSA. This price control can be exercised by specifying the prices charged for each item sold by the individual store or by specifying the percentage of markup over wholesale or profitability of various product categories sold by the store. Such control does not necessarily mean that the prices charged by all individual stores in the chain must be uniform but the control looks only to the relationship between the corporate headquarters, regional office, or local office and each individual store within the corporate structure. Voluntary or cooperative groups will not be included in the survey.

Chains which will be subject to the survey will be notified approximately 1 month before the survey is initiated.

Initially three store locations will be surveyed for each chain, including those operating three or more store locations within the given SMSA. The surveyed store locations will vary each time the survey is made but they will be chosen to uncover price differences made by each chain in different neighborhoods of the SMSA. Where a chain does not adhere to substantially uniform pricing within the metropolitan area, the price of each surveyed item in each store as well as the address of each store will be published. In compiling for each chain subtotals for food groups and totals for an entire market basket, the average price for each surveyed item will be used. If, however, it is determined that a chain adheres to substantially uniform prices throughout the metropolitan area, only one store will thereafter be surveyed for that chain.

B. *Dates and frequency of the survey.* The first survey will be initiated sometime in 1973. Thereafter, subsequent surveys will be undertaken on a semimonthly basis; one survey during the first 15 days and one during the remainder of each month. The exact date of each survey will not be disclosed until the price data is actually collected. All surveyors engaged in the food price survey will be regular Federal Trade Commission employees. Immediately after the data is collected a copy of the store's prices will be given to the manager of that particular store or his delegate to be reviewed at that time for surveyor error. The store's representatives must notify the Commission of any inaccurate prices before the surveyor leaves the store. The price data will be published approximately 2 days after the survey is made. Each published survey will disclose the exact date on which the data was collected.

C. *The survey structure and methodology.* The survey will be composed of a sample of 50 to 100 items each time it is made. Approximately one-half of these items will remain constant. The other items will be rotated on a random or probability basis from a master list. Both the master list and the selection method will remain confidential.

The same name brands will be surveyed in each store in any given survey week, thereby achieving exact quality comparability. From time to time, however, name brands will also be rotated. As to some of those products where house brands have a substantial market share, house brands will be surveyed.

Items of fresh meat and produce will be selected to achieve the degree of quality comparability which can be attained through the use of U.S. and State Department of Agriculture grades and specifications, where possible. The surveyor will also be furnished with a detailed description derived from USDA publications and regulations for each

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meat or fresh produce item to be surveyed. See 7 CFR 51 et seq. Other items will be described by specifications as to size or weight and brand.

Once a tentative survey list is compiled, a pre-survey check will be made to insure that the items as specified in the survey list are actually found in virtually all chains. Substitutions will be made for those items found to be missing in a significant number of stores by selecting food items with characteristics similar to one another (e.g., spinach, kale, and broccoli) from the BLS list of food items and/or by choosing another brand, if necessary.

The price of each food item surveyed will be listed individually. High, low, and middle prices will also be listed after each item. The prices of items on sale will be noted by an "S" following the item's price. "N.A." will be recorded for items which are not available and "N.C.Q." (not comparable quality) for meat and produce items which do not carry Federal or State grades.

In cases where a store is missing an item or only offers a noncomparable item, the following procedure will be followed, regardless of whether totals are to be weighted or unweighted. I: We will compute the variation between that store's prices and the average price for other stores on items which that and the other stores have. II: The average price will be computed on the item which is missing or noncomparable in the particular store. The price to be used in computing the basket total will be the average cost for that item (II) adjusted by the store's variation from average on all items (I). Where these extrapolated prices are used, the appropriate subtotals and totals will be marked by an asterisk.

The Commission is presently considering two different methods of computing "market basket" totals and invites industry and consumer comments on the relative merits of the methods.

Under "Method A," the basket total each week at each store will be computed by totaling the cost of one of each product in the surveyed sample for that week. The quantity chosen for each item will be the most frequently purchased quantity of that product as determined by the Bureau of Labor Statistics. The products chosen each week for inclusion in the survey will be selected so as to preserve a dollar ratio for each product group which is approximately equal to the dollar ratio for purchases of that group by consumers as a whole. See Bureau of Labor Statistics, Relative Importance of Components in the Consumer Price Index, 1971–72. At the same time, the items to be surveyed within each product group will be chosen on a sales volume basis, with the most frequently purchased items (certainty items) included in each survey, and the somewhat less frequently purchased items (probability items) rotated on a random or probability basis.

"Method B" differs from Method A chiefly in that those items which command a larger share of the typical consumer's food budget will be more heavily stressed in computing product group subtotals and the total market basket figure. As in Method A, selection will begin by determining the average relative importance by dollar volume of each product group from BLS data. Also as in Method A, selection of products within each product group will be on a probability sample basis with the probability of inclusion proportional to relative sales volume. About one-half of the items (certainty items) will be included every week; the remainder (probability items) will be included sporadically.

The computation of the basket total and product group subtotals will take place in two stages. First, product group subtotals will be computed by adding (a) the prices of all certainty items weighted by their relative sales volume and (b) the prices of those probability items which are included in the particular survey weighted by the relative sales volume of the subgroup within the product group which the probability item represents. In the second stage, the basket total will be computed by weighting the product group subtotals so as to achieve for each product group the same relative importance vis-a-vis the other product groups that it has in BLS data on average dollar sales volume. The sum of these adjusted product group subtotals will comprise the weighted market basket total. Proposed disclosures to alert consumers to survey limitations for both methods A and B are attached in Appendixes A and B.

D. *Data collection and publication.* The data will be brought to selected regional offices where it will be checked for obvious errors. Sale prices will be checked against the chains' newspaper advertisements. Data will be transmitted by telephone to Commission headquarters for keypunching and computer processing.

The survey results will be announced at press conferences. Copies of the surveys and explanatory material will be distributed to the press and other interested groups. Materials will also be distributed for educational use. In addition, the Commission will attempt to arrange publication of the survey results in a major daily newspaper in each selected SMSA.

III. *Areas of special Commission concern.* The Commission invites comment as to all aspects of the survey, but it is especially interested in receiving comments on the following questions:

1. In how many SMSA's should the survey be conducted? Which ones?

2. What criteria should be employed to determine the inclusion or noninclusion of various retail food marketing entities?

3. How should the existence or absence of zone pricing in an SMSA be ascertained? Where zone pricing exists, how should the zone boundaries be identified?

4. How long should this experimental project be scheduled to run?

5. Of the items in each survey basket, how many should be included each time and how many rotated?

6. Should name brands be rotated from time to time? If so, on what basis?

7. Should "house" brands be surveyed? If so, on what basis and as to which products? How can it be determined whether quality comparability has been achieved?

8. What should the criteria be to ensure quality comparability with respect to meat and fresh produce?

9. How should items to be surveyed within product groups be selected? Should dollar volume, shelf space, or another indicator be the factor which determines the "leading" products? Should only the "leading" products within a group be surveyed, or should some of the "less important" products be included on a probability basis? On what basis should those items which are not to be included in each survey be rotated? (Possibilities include regular rotation, random selection, and probability selection with probabilities based on relative sales volume.)

10. Is there available data as to product volume which will be more reflective of present consumer purchasing patterns than BLS data? Is there available data reflecting regional consumption differences and if so, should it be used instead of national data in determining products to be surveyed and weights (if any) to be assigned to them?

11. On what basis should items which are unavailable or not of comparable quality be dealt with in computing a basket total?

12. Within product groups, should products be weighted in computing the basket total to reflect sales volume? (This question is illustrated in the comparison of Methods A and B.)

Issued: January 9, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

APPENDIX A

SAMPLE DISCLAIMER—METHOD A

This survey is not a complete guide to food pricing.

Meat and produce items surveyed were of the same grade at all stores participating in Federal and State grading programs (most stores), but quality may vary within grades, with the result that quality may be somewhat higher at one store than at another.

Sale prices vary from week to week. Therefore, this week's prices may not be indicative of a store's general pricing policy.

Some subtotals and totals have been derived by substituting an "average" price based on a mathematical formula for missing or noncomparable items. Such subtotals and totals, therefore, are not necessarily an accurate reflection of that store's product group or overall prices as compared with the stores with no missing or noncomparable items.

In addition to price, service, selection, convenience, and store appearance should be considered in making shopping decisions. The items surveyed do not constitute a statistically valid sample of the items likely to be purchased by a typical consumer. Basket totals are therefore not necessarily indicative of the overall price levels of each store. You will likely purchase different items in different quantities than are on this list, so use these basket totals with extreme caution.

APPENDIX B

SAMPLE DISCLAIMER—METHOD B

This survey is not a complete guide to food pricing.

Meat and produce items surveyed were of the same grade at all stores participating in Federal and State grading programs (most stores), but quality may vary within grades, with the result that quality may be somewhat higher at one store than at another.

Sale prices vary from week to week. Therefore, this week's prices may not be indicative of a store's general pricing policy.

Some subtotals and totals have been derived by substituting an "average" price based on a mathematical formula for missing or noncomparable items. Such subtotals and totals, therefore, are not necessarily an accurate reflection of that store's product group or overall prices as compared with the stores with no missing or noncomparable items.

In addition to price, service, selection, convenience, and store appearance should be considered in making shopping decisions. You will likely purchase different items in different quantities than are on this list, so use these basket totals with extreme caution.

[FR Doc.73-785 Filed 1-12-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-4]

COMMITTEE ON GUIDANCE, CONTROL, AND INFORMATION SYSTEMS

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Guidance, Control, and Information Systems will meet on January 31 and February 1, 1973 at the NASA Langley Research Center, Hampton, Va. 23365. The meeting will be held in Room 225 of Building 1219. Members of the public will be admitted to the open portion of the meeting beginning at 8:30 a.m. on the agenda below on a first come first served basis up to the seating capacity of the room, which is about 40 persons. All visitors must report to the Langley Research Center receptionist in Building 1219.

The NASA Research and Technology Advisory Council, Committee on Guidance, Control, and Information Systems serves in an advisory capacity only. In this capacity, the Committee is concerned with electronic, electro-optic, and electro-mechanical sensors, components, and systems and their use in the guidance, control, and processing of information in aerospace vehicles. The current Chairman is Prof. J. Frank Reintjes. There are 16 members. The following list sets forth the approved agenda and schedule for the January 31 and February 1, 1973 meeting of the Guidance, Control, and Information Systems Committee. For further information, please contact Mr. Frank J. Sullivan: area code 202—755–2385.

JANUARY 31, 1973

Time	*Topic*
8:30 a.m.----	Chairman and Executive Secretary's Reports (Purpose: To review results of RTAC meetings, operating policies and introduce new members.)
9:00 a.m.----	Visible Laser Communication Experiment Status Report (Purpose: To update Committee on progress and current status of experiment development program with objective of obtaining comments on program plans.)
10:00 a.m.---	Artificial Intelligence/Robotics Ad Hoc Group Report (Purpose: To review the Ad Hoc Group's activities and report with objective of obtaining Committee recommendations on NASA plans and programs in Artificial Intelligence/Robotics R&D.)
12 noon-----	Lunch.
1:30 p.m.----	Active Controls Technology Review (Purpose: To brief Committee on planning and coordination of Active Controls Technology program and obtain recommendations for followon activities.)

FEBRUARY 1, 1973

Time	*Topic*
8:30 a.m.----	Key Technical Area Review (Purpose: To review status of selected technical areas with the objective of obtaining Committee recommendations of topics for detailed consideration at subsequent meetings.)
10:30 a.m.---	Executive Session (Purpose: To develop Committee action and recommendations on previously listed agenda items. Budget considerations, internal organizational problems and interagency coordination needs will be considered.) (Closed to Public.)
12:30 a.m.---	Adjournment.

HOMER E. NEWELL, *Associate Administrator, National Aeronautics and Space Administration.*

JANUARY 9, 1973.

[FR Doc.73-740 Filed 1-12-73;8:45 am]

[Notice 73-5]

CONTINUATION OF ADVISORY COMMITTEES

Notice of Determinations

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), it is hereby determined that the continuation of the following existing NASA advisory committees is in each case in the public interest in connection with the performance of duties imposed upon NASA by law:

1. The Aerospace Safety Advisory Panel.

2. The NASA Historical Advisory Committee.

3. The NASA Research and Technology Advisory Council and Related Committees and Ad-Hoc Sub-Groups.

4. The NASA Space Program Advisory Council and Related Committees.

5. The Medical Isotopes Advisory Subcommittee of the Manned Spacecraft Center Radiation Safety Committee.

JAMES C. FLETCHER, *Administrator.*

JANUARY 4, 1973.

[FR Doc.73-739 Filed 1-12-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Cancellation of Induction and Alternate Service Orders

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows.

[Temporary Instruction 632-13, 660-8]

Issued: December 27, 1972.

Subject: Cancellation of Induction and Alternate Service Orders for Registrants Postponed or Rescheduled to January or February 1973.

The Selective Service System will not deliver registrants for induction in January or February 1973 since no requisition for men from the Department of Defense has been received.

In accordance with Section 625.2 of the RPM, you are requested to reopen and consider anew the classification of each registrant who has been rescheduled for induction or alternate service or whose postponement is scheduled to expire in January or February 1973, or who was placed in an acceptability undetermined status upon reporting for induction on a date prior to December 28, 1972, other than (1) a violator who is willing to submit to induction in lieu of prosecution, (2) any registrant who is paroled for induction (reference Part 1643, SSR; Chapter 643, RPM) and (3) any registrant certified by his respective armed force as an unsatisfactory participant (reference Section 1631.7, SSR; Section 631.7, RPM). This request shall immediately cancel any order to report for induction or alternate service.

All registrants whose induction orders are canceled will be assigned to the 1973 Extended Priority Selection Group as of January 1, 1973.

This temporary instruction will terminate on February 28, 1973.

[Temporary Instruction 632-12, 628-8, 660-7]

Issued: December 27, 1972.

Subject: Cancellation of Induction and Alternate Service and Rescheduling of Armed Forces Examination (AFE) Scheduled for December 28, 1972.

This temporary instruction confirms telephone message to State Directors on December 27, 1972.

Due to the death of President Truman and the fact that all Federal installations, including Armed Forces Examination and Entrance Stations (AFEES) are closed on December 28, 1972, the following actions are to be taken:

1. In accordance with Section 625.2 of the RPM, you are requested to reopen and consider anew the classification of each registrant who was scheduled to report for induction or alternate service on December 28, 1972. This request shall cancel any order to report for induction or alternate service of a registrant who was to report on that date.

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2. All AFE's scheduled for December 28, 1972, are to be rescheduled for January 1973, except for registrants born in 1953 whose orders for AFE will be canceled.

3. All registrants affected by the provisions in subparagraphs 1 and 2 above, are to be notified immediately.

4. Any authorized costs incurred by a registrant in complying with his induction order who was not notified of the cancellation of his induction order is to be absorbed by the Selective Service System.

5. Violators who have agreed to induction or alternate service may be delivered for induction or may report for alternate service on December 29, 1972.

6. Any registrant whose induction order or order to report for alternate service is canceled under the provisions of this temporary instruction will be assigned to the Extended Priority Selection Group as of January 1, 1973.

This temporary instruction will expire on January 31, 1973.

BYRON V. PEPITONE,
Acting Director.

JANUARY 9, 1973.

[FR Doc.73-794 Filed 1-12-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

NORTHWEST CAPITAL INVESTMENT CORP.

Notice of Filing of an Application for Exemption With Respect to Conflict-of-Interest Transaction

Notice is hereby given that Northwest Capital Investment Corp. (NCIC), 1111 West Spruce, Suite 31–B, Post Office Box 509, Yakima, WA 98902, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 10/10–0159, has filed an application pursuant to section 107.1004 of the Small Business Administration (SBA) rules and regulations (13 CFR 107.1004 (1972)) for an exemption with respect to a conflict-of-interest transaction covered by section 312 of the Act.

NCIC proposes to purchase a 5-year convertible debenture in the amount of $85,000 from Chelco, Inc. (Chelco), 134 East Woodin Avenue, Chelan, WA 98816. This investment comes within the purview of the above cited regulation because Mr. Robert M. Harris, the president, a director, and more than 10 percent owner of NCIC, owns approximately 18 percent of the common stock of Chelco.

The application represents the following:

1. Mr. Robert M. Harris is not an officer and/or a director of Chelco.

2. When NCIC converts the debenture into the common stock of Chelco, Mr. Harris will own less than 10 percent of the Chelco stock, thus removing the investment from the restrictions of section 107.1004 of the regulations. NCIC has indicated that it will convert the debenture before the maturity date.

3. All parties believe the proposed transaction to be fair, reasonable, and beneficial, and that no special privileges or benefits will accrue to Mr. Harris or any other stockholder or group of stockholders.

4. The board of directors unanimously approved (Mr. Robert Harris abstaining) the investment.

Notice is further given that any interested person may, not later than 15 days from the publication of this notice, submit to SBA, in writing, relevant comments on this transaction. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416. After the aforementioned 15-day period, SBA may, under the regulations, dispose of the application upon the basis of the information stated in said application and other relevant data.

Dated: January 8, 1973.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-760 Filed 1-12-73;8:45 am]

TARIFF COMMISSION

[TEA-W-171]

DOVER SHOE MANUFACTURING CO.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Dover Shoe Manufacturing Co., Somersworth, N.H., the U.S. Tariff Commission, on January 9, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the type provided for in item 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by January 25, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 10, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-792 Filed 1-12-73;8:45 am]

[TEA-W-172]

EATON CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Detroit, Mich., plant of the Eaton Corp., Detroit, Mich., the U.S. Tariff Commission, on January 9, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with automotive springs, clutch discs, and rear deck lid torsion bars (of the types provided for in items 652.84, 652.85, 652.88, 652.89, 692.27, and 692.28 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by January 15, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: January 10, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-793 Filed 1-12-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 155]

ASSIGNMENT OF HEARINGS

JANUARY 10, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 134063 Sub 5, Frank R. Chullino, doing business as Midwest Transportation Co., now assigned January 18, 1973, at Omaha, Nebr., will be held in the Winnebago Room, Omaha Hilton, 16th and Dodge.

MC–C–7849, Idaho Cedar Sales Co., Inc.—Investigation of Operations—now assigned January 15, 1973, at Billings, Mont., is canceled.

MC 4405, Sub 494, Dealers Transit, Inc., now assigned February 13, 1973, at Washington, D.C., is canceled and the application is dismissed.

AB 49, Ann Arbor Railroad Co. abandonment entire line of railroad, including all of its car ferry routes, north and west of Thompsonville, Mich., in Benzie County, Mich., and Kewaunee and Manitowoc Counties, Wis., now assigned January 15, 1973, at Frankfort, Mich., is postponed to February 5, 1973, at Frankfort, Mich., will be held at the Eagle Hall, Highway M–22.

MC–128218 Sub 6, Jersey Area Food Transport, Inc., now assigned January 17, 1973, at New York, N.Y., is canceled and application dismissed.

MC–83539 Sub 327, C. & H. Transportation Co., Inc., now assigned January 23, 1973, at Miami, Fla., is canceled and application dismissed.

MC 111812 Sub 478, Midwest Coast Transport, Inc., now assigned February 1, 1973, at Omaha, Nebr., is cancelled and application dismissed.

NO. 35634, Lighterage at New York Harbor, Erie Lackawanna Railway, now assigned continued hearing January 17, 1973, at Washington, D.C., postponed to January 31, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118806 Sub 26, Arnold Bros. Transport, Ltd., now being assigned hearing February 12, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designed.

MC 105566 Sub 80, Sam Tanksley Trucking, Inc., now being assigned hearing, February 13, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

AB–62, Marinette, Tomahawk & Western Railroad Co., Abandonment Between Tomahawk and Kings, Lincoln County, Wis., now being assigned hearing February 15, 1973 (2 days), at Tomahawk, Wis., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-816 Filed 1-12-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 10, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed by January 30, 1973.

FSA No. 42603—*Bituminous Coal to Plaines, Ill.* Filed by Illinois Freight Association, agent (No. 380), for interested rail carriers. Rates on bituminous coal, in carloads, as described in the application, from Western Kentucky, Brazil-Clinton, Linton-Sullivan, and Princeton, Ind. groups as described in the involved tariffs, to Plaines, Ill.

Grounds for relief—Rail competition.

Tariffs—Supplement 3 to Illinois Central Gulf Railroad Co. tariff ICC E–1926 (IC series), and two other schedules named in the application. Rates are published to become effective on March 1, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–817 Filed 1–12–73;8:45 am]

[Notice 192]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 10, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–74194. By application filed January 5, 1973, CONTAINER TRANSFER CORPORATION, 26 East Oneida Street, Oswego, NY 13126, seeks temporary authority to lease the operating rights of MOTOR RAIL TRANSPORT, INC., in Bankruptcy (Stanley R. Rudin, trustee), 825 University Building, Syracuse, N.Y. 13202, under section 210a(b). The transfer to CONTAINER TRANSFER CORPORATION, of the operating rights of MOTOR RAIL TRANSPORT, INC., in Bankruptcy (Stanley R. Rudin, trustee), is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–818 Filed 1–12–73;8:45 am]

[Finance Docket 20812]

RAILWAY EXPRESS AGENCY, INC.

Reopening of Proceeding Regarding Promissory Notes

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the ninth day of January, 1973.

It appearing, that by order of September 25, 1959, as amended, this Commission authorized the issuance of promissory notes by the Railway Express Agency, Inc., to a number of railroads in the amount of $27,637,053.70; the notes were to be issued in exchange for certain "nonnegotiable debt" on the express company's books in the same face amount;

It further appearing, that on September 30, 1971, REA Express, Inc., as successor to the above-named company, commenced an action in the U.S. District Court for the Southern District of New York entitled REA Express, Inc. v. The Alabama Great Southern Railroad Co., et al., 71 Civ. 4278, alleging that the railroad companies, which had until 1968 or 1969 exercised voting control over REA, inter alia, (1) violated section 10 of the Clayton Act, such as for example in creating the nonnegotiable debt, (2) violated section 20a of the Interstate Commerce Act by causing the issuance of a security by REA without approval of the Commission, and thereafter voided the 1959 notes under section 20a(11) by terminating the standard operating agreement, (3) caused the issuance of the 1959 notes which are void for lack of consideration, (4) voided the 1959 notes by breaching an implied covenant to retain the standard operating agreement in force, (5) breached fiduciary obligations to REA, (6) engaged in price fixing in violation of section 1 of the Sherman Act, 15 U.S.C. 1, and (7) violated section 10 of the Clayton Act by issuing the 1959 notes without competitive bidding;

It further appearing, that upon being advised of the pendency of the aforesaid suit, the questions that had been raised concerning our authorization to REA in 1959 to issue promissory notes to its railroad parents and the course of events extending back to 1929 which had led to that authorization, and the decision of District Judge Metzner of June 5, 1972 (343 F. Supp. 851), we voted on August 10, 1972, to reopen the above-entitled proceeding for reconsideration, but to enter no order until the court had been apprised of our vote and had been given an opportunity to entertain a motion to defer further proceedings;

It further appearing, that on December 20, 1972, a three-judge district court, composed of Circuit Judge Friendly and District Judges Knapp and Griesa, entered an order granting motions made by this Commission to intervene in the court proceeding and to stay further court proceedings on the merits of REA's complaint;

It further appearing, that the District Court's stay is conditioned upon our proceeding with expedition in view of the fact that the notes in issue mature on December 31, 1973; and hence the stay will expire on May 1, 1973, unless by motion made not later than April 13, 1973, the Commission shall show good cause for an extension; accordingly,

It is ordered, That this proceeding is hereby reopened for reconsideration, and such hearing as the need therefor may appear;

It is further ordered, That REA Express, Inc., and the railroads and their assignees listed below are hereby made parties to this reopened proceeding;

It is further ordered, That REA Express, Inc., and the parties set forth below, shall file with the Commission a verified original and 15 copies of each of the affidavits bearing on the merits of REA's complaint, which they have already filed in the district court, on or before the expiration of 20 days from the entry of this order;

It is further ordered, That the parties to this reopened proceeding shall on or before the expiration of 30 days from the entry of this order, file an original and 15 copies of briefs, verified statements of

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facts, and proposed findings and conclusions, relating to whatever matters the parties shall desire the Commission to consider or decide in this reopened proceeding; the parties shall, without limiting the matters that may be raised, address themselves to the substance of the following issues and the Commission's authority in the matter:

1. Did the nonnegotiable debt represent the buildup of railroad equity in REA by its railroad parents?

2. Did REA's repayment of that debt or interest thereon represent a return of or on equity capital?

3. If the answer to Nos. 1 or 2 is "yes," what legal and practical consequences should flow from that finding?

4. Did the 1959 order or prior orders exempt the 1959 notes or the nonegotiable debt from the requirements of the antitrust laws?

5. Are there findings that should now be made by this Commission that would retroactively exempt the railroads from the requirements of the antitrust laws?

It is further ordered, That the parties hereto may on or before March 6, 1973, file reply briefs, verified statements of facts, and proposed findings and conclusions in response to the initial briefs and other papers filed herein;

It is further ordered, That any party requesting oral hearing shall set forth with specificity in his initial or reply brief the need therefor and the evidence to be adduced;

And it is further ordered, That copies of this order shall be mailed to REA Express, Inc., to the parties named below in the appendix, to the Governors of each of the contiguous States, and upon the Attorney General of the United States; and that a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Alabama Great Southern Railroad Company.
The Atchison, Topeka and Santa Fe Railway Co.
The Baltimore & Ohio Railroad Company.
Bangor & Aroostock Railroad Company.
Boston & Maine Railroad.
Burlington Northern, Inc.
Canadian National Railway Co.
Central of Georgia Railway Company.
Central Railroad Co. of New Jersey.
The Chesapeake & Ohio Railway Company.
Chicago & Eastern Illinois Railway Co.
Chicago, Milwaukee, St. Paul & Pacific Railroad Company.
Chicago & Northwestern Railway Co.
Chicago Rock Island and Pacific R.R. Co.
The Cincinnati, New Orleans & Texas Pacific Railway Co.
The Cleveland, Cincinnati, Chicago & St. Louis Railway Company.
Clinchfield Railroad Company.
The Colorado & Southern Railway Company.
The Delaware & Hudson Railroad Company.
The Denver & Rio Grande Western Railroad Company.
Erie Lackawanna Railway Co.
Florida East Coast Railway Co.
Forth Worth & Denver Railway Company.
Gulf Mobile & Ohio Railroad Company.
Illinois Central Railroad Co.
The Kansas City Southern Railway Company.
Lake Superior & Ishpeming Railroad Company.
Lehigh Valley Railroad Co.
Louisville & Nashville Railroad Company.
Maine Central Railroad Company.
The Michigan Central Railroad Company.
Missouri-Kansas-Texas Railroad Company.
Missouri Pacific Railroad Co.
The New York, New Haven and Hartford Railroad Company.
Norfolk and Western Railway Company.
Penn Central Transportation Co.
Reading Company.
Richmond, Fredericksburg & Potomac Railroad Company.
St. Louis-San Francisco Railway Co.
St. Louis Southwestern Railway Company.
St. Louis Southwestern Railway Company of Texas.
Seaboard Coast Line Railroad Co.
Soo Line Railroad Company.
Southern Pacific Transportation Company.
Southern Railway Company.
Spokane, Portland & Seattle Railway Company.
The Texas & Pacific Railway Co.
Union Pacific Railroad Co.
The Western Railway of Alabama.
Western Maryland Railway Co.
Western Pacific Railroad Co.
Bankers Trust Company (Pitt & Co. and Salkeld & Co.), as assignee of Maine Central Railroad Company and the New York, Susquehanna Western Railroad Company.
Pennsylvania Coal Co., as assignee of Delaware, Lackawanna and Western Railroad Company and Erie Railroad Company.
United States of America, as assignee of the Central Railroad Co. of New Jersey.

[FR Doc.73-815 Filed 1-12-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Coal Research

GENERAL TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to Executive Order 11671, and as required by the Federal Advisory Committee Act (96 Stat. 770), that a meeting of the General Technical Advisory Committee of the Office of Coal Research will convene at 10 a.m., January 16, 1973, at Room 5160, Department of the Interior Building, 18th and C Streets NW., Washington, D.C.

The Committee is composed of qualified technical representatives from industry and research organizations.

The following agenda items will be discussed, and the meeting will be open to the public except for those items marked with an asterisk below, and such items to be discussed in the afternoon portion of the meeting will be held in executive session:

Opening remarks, Director of Coal Research and Secretary of the Interior.

Discussion of Federal Advisory Committee Act, by representative of Office of the Solicitor.

Status of Power Projects—Technical Review

1. Low B.t.u. Gasification
2. MHD
3. Supporting by member of the OCR Staff.

Discussion of OCR Annual Report by member of the OCR Staff.

Briefing regarding the Program for High B.t.u. Gasification by Director of Office of Coal Research (OCR), and by Director of Research and Engineering, American Gas Association (AGA).

*Review of Fiscal Year 1974 Budget Request.

*Contracts under Negotiation or Planned.

*General Discussion regarding fiscal year 1974 Budget and Future Contract Actions.

Records shall be kept of all proceedings of the General Technical Advisory Committee (and shall be available for public review at the Office of Coal Research, U.S. Department of the Interior Building, 18th and E Streets NW., Washington, DC 20240).

Signed at Washington, D.C., on January 8, 1973.

GEORGE R. HILL, *Director, Office of Coal Research.*

[FR Doc.73-941 Filed 1-12-73;11:19 am]

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MONDAY, JANUARY 15, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 9

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval and Termination of Approval

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-1 N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 30 to November 2, 1972 (List No. 33–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1—2.75—50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/16/0, Acme Type FD all-purpose gas mask, Bureau of Mines Approval No. BM–1436, consisting of BM–1436 canister, BM–1435 timer, BM–1435 canister harness, and BM–1418 facepiece with BM–1418 head harness or BM–1418A facepiece with BM–1418A head harness, manufactured by Acme Protection Equipment Co., 1201 Kalamazoo Street, South Haven, MI 49090, effective October 30, 1972. (It is an extension of Approval No. 160.011/16/0 dated October 31, 1967.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/100/1, Model 2040 survival capsule launching winch; approved as an alternate to a lifeboat winch for a maximum lowering load of 11,000 lbs. on a single fall; identified by assembly drawing 2040–690–370 (sheet 1 of 3) revision A dated October 4, 1972, and drawing list dated October 4, 1972, approved for use on non-self-propelled drilling rigs, artificial islands and fixed structures with the Whittaker survival capsule, manufactured by Ocean Science and Engineering, Inc., 1601 Water Street, Long Beach, CA 90802, effective October 30, 1972. (It supersedes Approval No. 160.015/100/0 dated Aug. 22, 1972 to show change in design.)

LIFEBOATS

Approval No. 160.035/97/7, 22.0′ x 7.5′ x 3.17′ steel, motor-propelled lifeboat, without radio cabin or searchlight Class 1, 28-person* capacity, identified by general arrangement and construction drawing No. 22–001–02 Rev. A dated July 10, 1970, this boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, *approved for 29-person capacity for replacement lifeboats, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,598 pounds; Condition "B"=9,191 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective October 30, 1972. (It supersedes Approval No. 160.035/97/7 dated July 16, 1970 to show change in capacity.)

Approval No. 160.035/98/5, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 30-person* capacity, identified by general arrangement and construction drawing No. 22–001–01 Rev. A dated March 20, 1970, this boat is built with a wooden or fibrous glass reinforced (FRP) removable interior, *approved for 31-person capacity for replacement lifeboats, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=2,540 pounds; Condition "B"=8,445 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective October 30, 1972. (It supersedes Approval No. 160.035/98/5 dated April 23, 1970, to show change in capacity.)

Approval No. 160.035/322/3, 22.0′ x 7.5′ ×3.17′ steel, hand-propelled lifeboat, 30-person* capacity identified by general arrangement drawing No. 22–2E, Rev. C dated July 14, 1971,* approved for 31-person capacity for replacement lifeboats, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,500 pounds; Condition "B"=9,182 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective October 30, 1972. (It supersedes Approval No. 160.035/322/3 dated July 29, 1971, to show change in capacity.)

Approval No. 160.035/404/1, 22.0′ x 7.5′ x 3.17′ aluminum, oar-propelled lifeboat, 30-person* capacity, identified by general arrangement and construction drawing No. 22–001–04, Rev. A dated August 20, 1971, this boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, *approved for 31-person capacity for replacement lifeboats, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=1,750 pounds, Condition "B"=7,659 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective October 30, 1972. (It supersedes Approval No. 160.035/404/1 dated August 31, 1971, to show change in capacity.)

Approval No. 160.035/414/1, 22.0′×7.5′ ×3.16′ steel, hand-propelled lifeboat, 30-person* capacity, identified by general arrangement drawing No. 56–2224 dated April 3, 1958, and revised October 22, 1966, *approved for 31-person capacity for replacement lifeboats, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,320 pounds; Condition "B"=9,097 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective October 30, 1972. (It supersedes Approval No. 160.035/414/1 dated May 3, 1972 to show change in capacity.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/300/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective November 2, 1972. (It supersedes Approval No. 160.047/300/0 dated Feb. 1, 1972.)

Approval No. 160.047/301/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective November 2, 1972. (It supersedes Approval No. 160.047/301/0 dated Feb. 1, 1972.)

Approval No. 160.047/302/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective November 2, 1972. (It supersedes Approval No. 160.047/302/0 dated Feb. 1, 1972.)

Approval No. 160.047/312/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 148, manufactured by The Safegard Corp., Post Office Box 14037, Cincinnati, OH 45214, effective November 2, 1972. (It supersedes Approval No. 160.047/312/0 dated Aug. 26, 1968.)

Approval No. 160.047/313/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 148, manufactured by The Safegard Corp., Post Office Box 14037, Cincinnati, OH 45214, effective November 2, 1972. (It supersedes Approval No. 160.047/313/0 dated August 26, 1968.)

Approval No. 160.047/314/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 148, manufactured by The Safegard Corp., Post Office Box 14037, Cincinnati, OH 45214, effective November 2, 1972. (It supersedes Approval No. 160.047/314/0 dated August 26, 1968.)

Approval No. 160.047/324/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 118, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 2, 1972. (It supersedes Approval No. 160.047/324/0 dated June 4, 1971.)

Approval No. 160.047/325/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 118, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 2, 1972. (It supersedes Approval No. 160.047/325/0 dated June 4, 1971.)

Approval No. 160.047/326/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 118, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 2, 1972. (It supersedes Approval No. 160.047/326/0 dated June 4, 1971.)

Approval No. 160.047/327/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.047/327/0 dated February 18, 1970.)

Approval No. 160.047/328/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.047/328/0 dated February 18, 1970.)

Approval No. 160.047/329/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.047/329/0 dated February 18, 1970.)

Approval No. 160.047/330/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 126, manufactured by Crawford Manufacturing Co., Inc., an Indian Head company, Third and Decatur Streets, Richmond, Va. 23212, effective November 2, 1972. (It supersedes Approval No. 160.047/330/0 dated February 10, 1971.)

Approval No. 160.047/331/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 126, manufactured by Crawford Manufacturing Company, Inc., an Indian Head company, Third and Decatur Streets, Richmond, Va. 23212, effective November 2, 1972. (It supersedes Approval No. 160.047/331/0 dated February 10, 1971.)

Approval No. 160.047/332/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 126, manufactured by Crawford Manufacturing Co., Inc., An Indian Head Co., Third and Decatur Streets, Richmond, Va. 23212, effective November 2, 1972. (It supersedes Approval No. 160.047/332/0 dated Feb. 10, 1971.)

Approval No. 160.047/339/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 137, manufactured by Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective November 2, 1972. (It supersedes Approval No. 160.047/339/0 dated Oct. 21, 1970.)

Approval No. 160.047/340/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 137, manufactured by Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective November 2, 1972. (It supersedes Approval No. 160.047/340/0 dated Oct. 21, 1970.)

Approval No. 160.047/341/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 137, manufactured by Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective November 2, 1972. (It supersedes Approval No. 160.047/341/0 dated Oct. 21, 1970.)

Approval No. 160.047/357/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.047/357/0 dated Mar. 23, 1970.)

Approval No. 160.047/358/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.047/358/0 dated March 23, 1970.)

Approval No. 160.047/359/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.047/359/0 dated March 23, 1970.)

Approval No. 160.047/429/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, manufactured by Noble Products Co., 306 West Street, Caldwell, OH 43724, effective November 2, 1972. (It supersedes Approval No. 160.047/429/0 dated February 19, 1970.)

Approval No. 160.047/430/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, manufactured by Noble Products Co., 306 West Street, Caldwell, OH 43724, effective November 2, 1972. (It supersedes Approval No. 160.047/430/0 dated February 19, 1970.)

Approval No. 160.047/431/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, manufactured by Noble Products Co., 306 West Street, Caldwell, OH 43724, effective November 2, 1972. (It supersedes Approval No. 160.047/431/0 dated February 19, 1970.)

Approval No. 160.047/554/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 150, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective November 2, 1972. (It supersedes Approval No. 160.047/544/0 dated March 27, 1972.)

Approval No. 160.047/545/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 150, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective November 2, 1972. (It supersedes Approval No. 160.047/545/0 dated March 27, 1972.)

Approval No. 160.047/546/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 150, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective November 2, 1972. (It supersedes Approval No. 160.047/546/0 dated March 27, 1972.)

Approval No. 160.047/556/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 119, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Belknap, Inc., Post Office Box 28, Louisville, KY 40201, effective November 2, 1972. (It supersedes Approval No. 160.047/556/0 dated June 7, 1968.)

Approval No. 160.047/557/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ

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119, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way Dallas, TX 75237, for Belknap, Inc., Post Office Box 28, Louisville, KY 40201, effective November 2, 1972. (It supersedes Approval No. 160.047/557/0 dated June 10, 1968.)

Approval No. 160.047/558/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 119, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Belknap, Inc., Post Office Box 28, Louisville, KY 40201, effective November 2, 1972. (It supersedes Approval No. 160.047/558/0 dated June 10, 1968.)

Approval No. 160.047/565/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 125, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Coast to Coast Stores, Central Organization, Inc., 7500 Excelsior, Minneapolis, MN 55440, effective November 2, 1972. (It supersedes Approval No. 160.047/565/0 dated December 19, 1968.)

Approval No. 160.047/566/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 125, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective November 2, 1972. (It supersedes Approval No. 160.047/566/0 dated December 19, 1968.)

Approval No. 160.047/567/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 125, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Coast to Coast Stores, Central Organization, Inc., 7500 Excelsior, Minneapolis, MN 55440, effective November 2, 1972. (It supersedes Approval No. 160.047/567/0 dated December 19, 1968.)

Approval No. 160.047/601/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, for Outdoor Supply Co., 1648 Lawson Street, Durham, NC 27703, effective November 2, 1972. (It supersedes Approval No. 160.047/601/0 dated April 8, 1968.)

Approval No. 160.047/602/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, for Outdoor Supply Co., 1648 Lawson Street, Durham, NC 27703, effective November 2, 1972. (It supersedes Approval No. 160.047/602/0 dated April 8, 1968.)

Approval No. 160.047/603/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, for Outdoor Supply Co., 1648 Lawson Street, Durham, NC 27703, effective November 2, 1972. (It supersedes Approval No. 160.047/603/0 dated April 8, 1968.)

Approval No. 160.047/607/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 147, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., Post Office Box 10956, Dallas, TX 75207, effective November 2, 1972. (It supersedes Approval No. 160.047/607/0 dated October 1, 1968.)

Approval No. 160.047/608/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 147, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., Post Office Box 10956, Dallas, TX 75207, effective November 2, 1972. (It supersedes Approval No. 160.047/608/0 dated October 1, 1968.)

Approval No. 160.047/609/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 147, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas TX 75237, for Red Head Brand Corp., Post Office Box 10956, Dallas, TX 75207, effective November 2, 1972. (It supersedes Approval No. 160.047/609/0 dated October 1, 1968.)

Approval No. 160.047/613/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 130, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, TN 38122, effective November 2, 1972. (It supersedes Approval No. 160.047/613/0 dated October 9, 1968.)

Approval No. 160.047/614/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 130, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, TN 38122, effective November 2, 1972. (It supersedes Approval No. 160.047/614/0 dated October 9, 1968.)

Approval No. 160.047/615/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 130, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, TN 38122, effective November 2, 1972. (It supersedes Approval No. 160.047/615/0 dated October 9, 1968.)

Approval No. 160.047/628/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 134, manufactured by Hunter Outdoor Products, Inc., 234 Union Street, North Adams, MA 01247, effective November 2, 1972. (It supersedes Approval No. 160.047/628/0 dated October 1, 1970.)

Approval No. 160.047/629/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 134, manufactured by Hunter Outdoor Products, Inc., 234 Union Street, North Adams, MA 01247, effective November 2, 1972. (It supersedes Approval No. 160.047/629/0 dated October 1, 1970.)

Approval No. 160.047/630/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 134, manufactured by Hunter Outdoor Products, Inc., 234 Union Street, North Adams, MA 01247, effective November 2, 1972. (It supersedes Approval No. 160.047/630/0 dated October 1, 1970.)

Approval No. 160.047/632/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, manufactured by Swan Products Co., Inc., 1355 West Front Street, Plainfield, NJ 07063, effective November 2, 1972. (It supersedes Approval No. 160.047/632/0 dated November 11, 1971.)

Approval No. 160.047/633/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, manufactured by Swan Products Co., Inc., 1355 West Front Street, Plainfield, NJ 07063, effective November 2, 1972. (It supersedes Approval No. 160.047/633/0 dated November 11, 1971.)

Approval No. 160.047/634/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, manufactured by Swan Products Co., Inc., 1355 West Front Street, Plainfield, NJ 07063, effective November 2, 1972. (It supersedes Approval No. 160.047/634/0 dated November 11, 1971.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/116/1, adult, Model UPA, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 118, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 2, 1972. (It supersedes Approval No. 160.052/116/1 dated August 19, 1970.)

Approval No. 160.052/117/1, child medium, Model UPM, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 118, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 2, 1972. (It supersedes Approval No. 160.052/117/1 dated August 19, 1970.)

Approval No. 160.052/118/1, child small, Model UPS, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 118, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 2, 1972. (It supersedes Approval No. 160.052/118/1 dated August 19, 1970.)

Approval No. 160.052/119/1, adult, Model 245, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective November 2, 1972. (It supersedes Approval No. 160.052/119/1 dated February 1, 1972.)

Approval No. 160.052/120/1, child medium, Model 246M, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective November 2, 1972. (It supersedes Approval No. 160.052/120/1 dated February 1, 1972.)

Approval No. 160.052/121/1, child small, Model 246S, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective November 2, 1972. (It supersedes Approval No. 160.052/121/1 dated February 1, 1972.)

Approval No. 160.052/128/1, adult, Model FM300, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.052/128/1 dated April 25, 1968.)

Approval No. 160.052/129/1, child medium, Model FM320, nonstandard unicellular, plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.052/129/1 dated April 25, 1968.)

Approval No. 160.052/130/1, child small, Model FM310, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.052/130/1 dated April 25, 1968.)

Approval No. 160.052/140/0, adult, Model 390, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 148, manufactured by The Safegard Corp., Post Office Box 14037, Cincinnati, OH 45214, effective November 2, 1972. (It supersedes Approval No. 160.052/140/0 dated August 25, 1970.)

Approval No. 160.052/141/0, child medium, Model 391, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 148, manufactured by The Safegard Corp., Post Office Box 14037, Cincinnati, OH 45214, effective November 2, 1972. (It supersedes Approval No. 160.052/141/0 dated August 25, 1970.)

Approval No. 160.052/142/0, child small, Model 392, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 148, manufactured by The Safegard Corp., Post Office Box 14037, Cincinnati, OH 54214, effective November 2, 1972. (It supersedes Approval No. 160.052/142/0 dated August 27, 1970.)

Approval No. 160.052/186/0, adult, Model BBA, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.052/186/0 dated June 5, 1972.)

Approval No. 160.052/187/0, child medium, Model BBM, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.052/187/0 dated June 5, 1972.)

Approval No. 160.052/188/0, child small, Model BBC–1, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.052/188/0 dated June 5, 1972.)

Approval No. 160.052/222/0, adult, Model AP–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 150, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective November 2, 1972. (It supersedes Approval No. 160.052/222/0 dated July 16, 1971.)

Approval No. 160.052/223/0, child medium, Model CPM–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 150, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective November 2, 1972. (It supersedes Approval No. 160.052/223/0 dated March 24, 1972.)

Approval No. 160.052/224/0, child small, Model CPS–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 150, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective November 2, 1972. (It supersedes Approval No. 160.052/224/0 dated March 24, 1972.)

Approval No. 160.052/234/2, adult, Model ACFL, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 137, manufactured by Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective November 2, 1972. (It supersedes Approval No. 160.052/234/2 dated October 21, 1970.)

Approval No. 160.052/235/2, child medium, Model CCFM, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 137, manufactured by Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective November 2, 1972. (It supersedes Approval No. 160.052/235/2 dated October 21, 1970.)

Approval No. 160.052/236/2, child small, Model CCFS, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 137, manufactured by Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective November 2, 1972. (It supersedes Approval No. 160.052/236/2 dated October 21, 1970.)

Dated: January 8, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73–790 Filed 1–12–73;8:45 am]

[CGD 73–2 N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) requires that various items of lifesaving, firefighting and miscellaneous equipment, construction, and

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materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 31, 1972 to November 8, 1972 (List No. 34–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/390/0, adult, Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 140, manufactured by Miltco Products Corp., 129 Emerson Place, Brooklyn, NY 11205, effective November 2, 1972. (It supersedes Approval No. 160.047/390/0 dated March 16, 1970.)

Approval No. 160.047/391/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 140, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, NY 11205, effective November 2, 1972. (It supersedes Approval No. 160.047/391/0 dated March 16, 1970.)

Approval No. 160.047/392/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 140, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, NY 11205, effective November 2, 1972. It supersedes Approval No. 160.047/392/0 dated March 16, 1970.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/254/0, adult, Model LG62L, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 152, manufactured by Stearns Manufacturing Co., 30th and Division Street, St. Cloud, Minn. 56301, effective November 2, 1972. (It supersedes Approval No. 160.052/254/0 dated December 4, 1968.)

Approval No. 160.052/255/0, child medium, Model LG62M, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 152, manufactured by Stearns Manufacturing Co., 30th and Division Street, St. Cloud, Minn. 56301, effective November 2, 1972. (It supersedes Approval No. 160.052/255/0 dated December 4, 1968.)

Approval No. 160.052/256/0, child small, Model LG62S, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 152, manufactured by Stearns Manufacturing Co., 30th and Division Street, St. Cloud, Minn. 56301, effective November 2, 1972. (It supersedes Approval No. 160.052/256/0 dated December 4, 1968.)

Approval No. 160.052/257/0, adult, Model AP–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 119, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Belknap, Inc., Post Office Box 28, Louisville, KY 40201, effective November 2, 1972. (It supersedes Approval No. 160.052/257/0 dated June 10, 1968.)

Approval No. 160.052/258/0, child medium, Model CPM–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 119, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Belknap, Inc., Post Office Box 28, Louisville, KY 40201, effective November 2, 1972. (It supersedes Approval No. 160.052/258/0 dated June 10, 1968.)

Approval No. 160.052/259/0, child small, Model CPS–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 119, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Belknap, Inc., Post Office Box 28, Louisville, KY 40201, effective November 2, 1972. (It supersedes Approval No. 160.052/259/0 dated June 10, 1968.)

Approval No. 160.052/260/0, adult, Model AU, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 140, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective November 2, 1972. (It supersedes Approval No. 160.052/260/0 dated September 14, 1970.)

Approval No. 160.052/261/0, child medium, Model CUM, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 140, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, NY 11205, effective November 2, 1972. (It supersedes Approval No. 160.052/261/0 dated September 14, 1970.)

Approval No. 160.052/262/0, child small, Model CUS, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 140, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, NY 11205, effective November 2, 1972. (It supersedes Approval No. 160.052/262/0 dated September 14, 1970.)

Approval No. 160.052/274/0, adult, Model AP–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 125, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Coast to Coast Stores, Central Organization Inc., 7500 Excelsior, Minneapolis, MN 55440, effective November 2, 1972. (It supersedes Approval No. 160.052/274/0 dated December 19, 1968.)

Approval No. 160.052/275/0, child medium, Model CPM–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 125, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Coast to Coast Stores, Central Organization Inc., 7500 Excelsior, Minneapolis, MN 55440, effective November 2, 1972. (It supersedes Approval No. 160.052/275/0 dated December 19, 1968.)

Approval No. 160.052/276/0, child small, Model CPS–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 125, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Coast to Coast Stores, Central Organization Inc., 7500 Excelsior, Minneapolis, MN 55440, effective November 2, 1972. (It supersedes Approval No. 160.052/276/0 dated December 19, 1968.)

Approval No. 160.052/277/1, adult, Model SEM300, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.052/277/1 dated December 11, 1968.)

Approval No. 160.052/278/1, child medium, Model SFM320, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.052/278/1 dated December 11, 1968.)

Approval No. 160.052/279/1, child small, Model SFM310, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, manufactured by Gladding-Style Crafters Division of Gladding Corp., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 2, 1972. (It supersedes Approval No. 160.052/279/1 dated December 11, 1968.)

Approval No. 160.052/316/0, adult, Model 1–BB, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.052/316/0 dated August 27, 1970.)

Approval No. 160.052/317/0, child medium, Model 2–BB, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.052/317/0 dated August 27, 1970.)

Approval No. 160.052/318/0, child small, Model 3–BB, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 120, manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective November 2, 1972. (It supersedes Approval No. 160.052/318/0 dated August 27, 1970.)

Approval No. 160.052/347/0, child small, Model LVCS–100, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 124, manufactured by the Carlon Products Co., 1 New Haven Avenue, Derby, CT 06418, effective November 2, 1972. (It supersedes Approval No. 160.052/347/0 dated April 29, 1968.)

Approval No. 160.052/348/0, child medium, Model LVCM–200, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 124, manufactured by the Carlon Products Co., 1 New Haven Avenue, Derby, CT 06418, effective November 2, 1972. (It supersedes Approval No. 160.052/348/0 dated April 29, 1968.)

Approval No. 160.052/349/0, adult, Model LVA–300, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 124, manufactured by the Carlon Products Co., 1 New Haven Avenue, Derby, CT 06418, effective November 2, 1972. (It supersedes Approval No. 160.052/349/0 dated April 29, 1968.)

Approval No. 160.052/359/0, adult, Model 521UV, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 131, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 2, 1972. (It supersedes Approval No. 160.052/359/0 dated March 25, 1971.)

Approval No. 160.052/360/0, child medium, Model 522UV, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 131, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 2, 1972. (It supersedes Approval No. 160.052/360/0 dated March 25, 1971.)

Approval No. 160.052/361/0, child small, Model 523UV, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 131, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 2, 1972. (It supersedes Approval No. 160.052/361/0 dated March 25, 1971.)

Approval No. 160.052/375/0, adult, Model AP–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 147, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., Post Office Box 10956, Dallas TX 75207, effective November 2, 1972. (It supersedes Approval No. 160.052/375/0 dated October 1, 1968.)

Approval No. 160.052/376/0, child medium, Model CPM–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 147, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., Post Office Box 10956, Dallas, TX 75207, effective November 2, 1972. (It supersedes Approval No. 160.052/376/0 dated October 1, 1968.)

Approval No. 160.052/377/0, child small, Model CPS–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 147, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., Post Office Box 10956, Dallas, TX 75207, effective November 2, 1972. (It supersedes Approval No. 160.052/377/0 dated October 1, 1968.)

Approval No. 160.052/387/0, adult, Model AP–2, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 139, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective November 2, 1972. (It supersedes Approval No. 160.052/387/0 dated February 25, 1969.)

Approval No. 160.052/388/0, child medium, Model CPM, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 139, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective November 2, 1972. (It supersedes Approval No. 160.052/388/0 dated February 25, 1969.)

Approval No. 160.052/389/0, child small, Model CPS, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 139, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective November 2, 1972. (It supersedes Approval No. 160.052/389/0 dated February 25, 1969.)

Approval No. 160.052/411/0, adult, Model AP, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 130, manufactured by Farber Bros., Inc., 1324 Farmville Road, Memphis, TN 38122, effective November 2, 1972. (It supersedes Approval No. 160.052/411/0 dated December 28, 1971.)

Approval No. 160.052/412/0, child medium, Model CPM, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 130, manufactured by Farber Bros., Inc., 1324 Farmville Road, Memphis, TN 38122, effective November 2, 1972. (It supersedes Approval No. 160.052/412/0 dated December 28, 1971.)

Approval No. 160.052/413/0, child small, Model CPS, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 130, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, TN 38122, effective November 2, 1972. (It supersedes Approval No. 160.052/413/0 dated December 28, 1971.)

Approval No. 160.052/414/0, adult, Model AP, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 170, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective November 2, 1972.

Approval No. 160.052/415/0, child medium, Model CPM, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 170, manufactured by

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Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective November 2, 1972.

Approval No. 160.052/416/0, child small, Model CPS, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 170, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective November 2, 1972.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/404/0, child medium, Model Yachtsman, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III Device, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, effective November 6, 1972.

Approval No. 160.064/405/0, adult X-large, Model Yachtsman, cloth covered unicellular plastic foam "Yachting Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III Device, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, effective November 6, 1972.

Approval No. 160.064/409/0, adult small, Model No. 14031, vinyl dipped unicellular plastic foam, "Sail 'N' Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Post Office Drawer 539, Wichita Falls, TX 76307, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective November 6, 1972.

Approval No. 160.064/414/0, adult small, Model No. 6755, vinyl dipped unicellular plastic foam, "Sail 'N' Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Post Office Drawer 539, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective November 6, 1972.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/37/5, sound-powered telephone station, selective ringing, common talking, dripproof, bulkhead mounting, drawing No. 70–525, Alt. 12 dated May 4, 1972, Types 2, 8, 17, 2–0, 8–0, 17–0, 2–3, 8–3, 17–3, 2–6, 8–6, 17–6, 2–8, 8–8, 17–8, 2–R, 8–R, and 17–R, for use in locations not exposed to the weather, stations Types 2–0, 8–0, 17–0 without bell; Types 2–R, 8–R, and 17–R, without bell, with relay, shall be supplemented by a separately mounted magneto-operated bell, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective November 8, 1972. (It supersedes Approval No. 161.005/37/4 dated September 17, 1968.)

Approval No. 161.005/62/1 sound-powered telephone stations, selective ringing, common talking, dripproof bulkhead mounting, with internal relay, types 1R and 2R, dwg. No. 70–538, Alt. 4 dated August 24, 1972, for use in locations not exposed to the weather, relay and pilot light to indicate station called, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective November 8, 1972. (It supersedes Approval No. 161.005/62/0 dated December 3, 1969.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/3/2, Series 90 cast iron body safety valve for steam heating boilers and unfired steam generators, drawing No. D–90, Rev. B dated August 8, 1972, approved for 1", 1¼", 1½", 2", 3", and 4" inlet sizes for a maximum pressure of 30 p.s.i. (pounds per square inch), ASTM B–61 Discs and Bushings limited to 450° F., ASTM B–62 Discs and Seat Bushings limited to 366° F., manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/3/1 dated October 11, 1967.)

Approval No. 162.012/4/2, Series 90–E cast iron body safety valve for steam heating boilers and unfired steam generators, drawing No. D–90–E, Rev. B dated August 8, 1972, approved for 1", 1¼", 1½", 2" 2½", 3", and 4" inlet sizes for a maximum pressure of 30 p.s.i., ASTM B–61 Discs and Seat Bushings limited to 450° F., ASTM B–62 Discs and Seat Bushings limited to 366° F., manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/4/1 dated October 11, 1967.)

Approval No. 162.012/5/2, Series 92 cast iron body safety valve for steam boilers and unfired steam generators, drawing No. D–90, Rev. B, dated August 8, 1972, approved for 1", 1¼", 1½", 2", 2½", 3", and 4" inlet sizes for a maximum of 30 p.s.i., ASTM B–61 Discs and Seat Bushings limited to 450° F., ASTM B–62 Discs and Seat Bushings limited to 366° F., manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/5/1, Dated October 11, 1967.)

Approval No. 162.012/6/2, Series 92–E cast iron body safety valve for steam heating boilers and unfired steam generators, drawing No. D–90–E, Rev. B dated August 8, 1972, approved for 1", 1¼", 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pressure of 30 p.s.i., ASTM B–61 Discs and Seat Bushings limited to 450° F., ASTM B–62 Discs and Seat Bushings limited to 366° F., manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/6/1 dated October 11, 1967.)

Approval No. 162.012/10/2, Series 70 pop safety valve, cast iron body enclosed spring standard outlet for steam heating boilers and unfired steam generators drawing No. P–20119–A, Rev. B dated August 7, 1972, approved for a maximum pressure of 30 p.s.i. in the following sizes and capacities:

Size (inches)	Capacity (pounds/hour) at 30 p.s.i.
1	405
1¼	668
1½	1384
2	1984
2½	2469
3	3255
4	5182

ASTM B–61 Discs and Seat Bushings limited to 450° F., ASTM B–62 Discs and Seat Bushings limited to 366° F., manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/10/1 dated October 11, 1967.)

Approval No. 162.012/11/2, Series 70E pop safety valve, cast iron body exposed spring standard outlet for steam heating boilers and unfired steam generators, drawing No. P–20120–A, Rev. B dated August 8, 1972, approved for a maximum pressure of 30 p.s.i. in the sizes and capacities shown below:

Size (inches)	Capacity (pounds/hour) at 30 p.s.i.
1	405
1¼	668
1½	1384
2	1984
2½	2469
3	3255
4	5182

ASTM B–61 Discs and Seat Bushings limited to 450° F., ASTM B–62 Discs and Seat Bushings limited to 366° F., manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/11/1 dated October 11, 1967.)

Approval No. 162.012/12/2, Series 72 pop safety valve, cast iron body enclosed spring expanded outlet for steam heating boilers and unfired steam generators, drawing No. P–20119–A, Rev. B dated August 7, 1972, approved for a maximum pressure of 30 p.s.i. in the sizes and capacities shown below:

Size (inches)	Capacity (pounds/hour) at 30 p.s.i.
1	405
1¼	668
1½	1384
2	1984
2½	2469
3	3255
4	5182

ASTM B–61 Discs and Seat Bushings limited to 450° F., ASTM B–62 Discs and Seat Bushings limited to 366° F., manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/12/1 dated October 11, 1967.)

Approval No. 162.012/13/2, Series 72E pop safety valve, cast iron body exposed spring expanded outlet for steam heating boilers and unfired steam generators, Drawing No. P–20120–A, Rev. B dated August 8, 1972, approved for a maximum pressure of 30 p.s.i. in the sizes and capacities shown below:

Size (inches)	Capacity (pounds/hour) at 30 p.s.i.
1	405
1¼	668
1½	1384
2	1984
2½	2469
3	3255
4	5182

ASTM B–61 Discs and Seat Bushings limited to 450° F., ASTM B–62 Discs and Seat Bushings limited to 366° F., manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/13/1 dated October 11, 1967.)

Approval No. 162.012/14/2, Series 5 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, drawing No. D–5L–2½, Rev. C dated August 8, 1972, approved for a maximum pressure of 30 p.s.i. and maximum temperature of 366° F. in the sizes and capacities shown below:

Size (inches)	Capacity (pounds/hour) at 30 p.s.i.
¾	221
1	310
1¼	586
1½	1068
2	1085
2½	1706
3	2103

manufactured by MIPCO Division, Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio 44135, effective October 31, 1972. (It supersedes Approval No. 162.012/14/1 dated October 11, 1967.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/100/0, Morrison Fig. 153B pressure-vacuum relief valve, atmospheric pattern, weight-loaded pressure and vacuum poppets, all stainless steel construction as per ASTM A–351–63T Grade CF8M, drawing No. B4584, dated February 27, 1951, and revised March 12, 1951, and drawing No. B4585, dated March 6, 1951, approved for size 2½", same as 162.017/63/0 except for material, manufactured by Morrison Bros. Co., Dubuque, Iowa 52001, effective October 31, 1972. (It is an extension of Approval No. 162.017/100/0 dated December 19, 1967.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/6/2, Barbron backfire flame arrester, Part No. 5733B, brass element, cover, and base, also Part No. 5733A, having brass element, anodized aluminum base and cover, opening in base is 4.250" in diameter, size of mounting hole increased from 4.180" to 4.250", manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective November 7, 1972. (It supersedes Approval No. 162.041/6/1 dated August 28, 1970 to show revision.)

Approval No. 162.041/8/2, Barbron backfire flame arrester, Part No. 5753B, brass element, cover, and base, also Part No. 5753A, having brass element, anodized aluminum base and cover, opening in base is 4.250", size of mounting hole increased from 4.180" to 4.250", manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective November 7, 1972. (It supersedes Approval No. 162.041/8/1 dated August 28, 1970 to show revision.)

Approval No. 162.041/138/1, Barbron backfire flame arrester, Part No. 5723B, brass element, cover, and base, also Part No. 5723A, having brass element, anodized aluminum base and cover, opening in base is 4.250" in diameter, size of mounting hole increased from 4.180" to 4.250", manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective November 7, 1972. (It supersedes Approval No. 162.041/138/0 dated November 1, 1971 to show revision.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/89/0, "Fiberglas Insulation PF–CG," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10230–29: FR3661 dated January 20, 1966, and Owens-Corning letter dated August 27, 1963, approved in a 6 lb./cu. ft. density in bat, blanket, and molded form, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43602, effective November 7, 1972. (It is an extension of Approval No. 164.009/89/0 dated November 1, 1967.)

Dated: January 8, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73–789 Filed 1–12–73;8:45 am]

[CGD 73–9N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from November 2, 1972 to November 17, 1972 (List No. 36–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1–2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/92/0, Type CW–75 lifeboat winch; approval limited to mechanical components only, and for a maximum working load of 7,500 pounds pull at the drums (3,750 pounds per fall); identified by general arrangement drawing No. WA–9198, dated August 21, 1967, and drawing list dated January 25, 1968, manufactured by Carroll Engineering Co., 313 State Street, Box 711, Perth Amboy, NJ 08862, effective November 15, 1972. (It is an extension of Approval No. 160.015/92/0 dated January 30, 1968.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/146/1, mechanical davit, straight boom sheath screw, Type 20–20F, approved for a maximum working load of 5,800 pounds per set (2,900 pounds per arm), using either two or six part falls, identified by general arrangement drawing 5014–1D, Alteration C dated January 30, 1963, does not include approval of optional tilting foundation, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective November 15, 1972. (It is an extension of Approval No. 160.032/146/1 dated February 2, 1968 and change of address of manufacturer.

Approval No. 160.032/177/0, gravity davit, Type CG–150–2G, approved for a maximum working load of 15,000 pounds per set (7,500 pounds per arm) using two-part falls; identified by general arrangement drawing DA–9178 dated May 25, 1967, and drawing list dated December 28, 1967, manufactured by Carroll Engineering Co., 313 State Street, Box 711, Perth Amboy, NJ 08862, effective November 15, 1972. (It is an extension of Approval No. 160.032/177/0 dated January 15, 1968.)

Approval No. 160.032/179/0, gravity davit, Type 30–22 MK III; approved for a maximum working load of 22,000 pounds per set (11,000 pounds per arm)

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using two-part falls; identified by general arrangement drawing D1–F–016, Revision C dated October 24, 1967, and drawing list dated December 19, 1967, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective November 15, 1972. (It is an extension of Approval No. 160.032/179/0 dated January 25, 1968 and change of address of manufacturer.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/342/0, adult Model AK–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 129, manufactured by Ero Industries, Inc., 1923–34 North Washtenaw Avenue, Chicago, IL 60647, effective November 2, 1972. (It supersedes Approval No. 160.047/342/0 dated May 19, 1970.)

Approval No. 160.047/343/0, child medium, Model CKM–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 129, manufactured by Ero Industries, Inc., 1923–34 North Washtenaw Avenue, Chicago, IL 60647, effective November 2, 1972. (It supersedes Approval No. 160.047/343/0 dated May 19, 1970.)

Approval No. 160.047/344/0, child small, Model CKS–1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 129, manufactured by Ero Industries, Inc., 1923–34 North Washtenaw Avenue, Chicago, IL 60647, effective November 2, 1972. (It supersedes Approval No. 160.047/344/0 dated May 19, 1970.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/221/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas TX 75237, effective November 16, 1972. (It is an extension of Approval No. 160.048/221/0 dated January 29, 1968 and change of address of manufacturer.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

Approval No. 160.049/51/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions with vinyl dip coatings, sizes to be as per Table 160.049–4(c) (1) and construction and materials to be as per drawings Nos. 1 and 2 dated February 22, 1963, manufactured by Billy Boy Products. Inc., Quincy, Mich. 49082, effective November 16, 1972. (It is an extension of Approval No. 160.049/51/0 dated January 29, 1968.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/48/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal–June Corp. letter dated October 22, 1967, and drawing No. R dated January 25, 1968, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, CA 91606, effective November 16, 1972. (It is an extension of Approval No. 160.050/48/0 dated February 13, 1968.)

Approval No. 160.050/49/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal-June Corp. letter dated October 22, 1967, and drawing No. R dated January 25, 1968, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, CA 91606, effective November 16, 1972. (It is an extension of Approval No. 160.050/49/0 dated February 13, 1968.)

Approval No. 160.050/50/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal-June Corp. letter dated October 22, 1967, and drawing No. R dated July 30, 1967, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, CA 91606, effective November 15, 1972. (It is an extension of Approval No. 160.050/50/0 dated January 12, 1968.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/190/1, adult Model 4155 or 4156, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 129, manufactured by Ero Industries, Inc., 1924–34 North Washtenaw Avenue, Chicago, IL 60647, effective November 15, 1972. (It supersedes Approval No. 160.052/190/1 dated August 19, 1970.)

Approval No. 160.052/191/1, child medium, Model 4160 or 4161, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 129, manufactured by Ero Industries, Inc., 1924–34 North Washtenaw Avenue, Chicago, IL 60647, effective November 15, 1972. (It supersedes Approval No. 160.052/191/1 dated August 19, 1970.)

Approval No. 160.052/192/1, child small, Model 4165 or 4166, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 129, manufactured by Ero Industries, Inc., 1924–34 North Washtenaw Avenue, Chicago, IL 60647, effective November 15, 1972. (It supersedes Approval No. 160.052/192/1 dated August 19, 1970.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/328/1, adult small, Model No. VAS, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, effective November 8, 1972. (It supersedes Approval No. 160.064/328/0 dated March 17, 1972.)

Approval No. 160.064/349/0, child medium, Model No. 321–C, vinyl dipped unicellular plastic foam, "Jump Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III Device, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 8, 1972.

Approval No. 160.064/350/0, adult small, Model No. 322–S, vinyl dipped unicellular plastic foam, "Jump Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III Device, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 8, 1972.

Approval No. 160.064/351/0, adult medium, Model No. 323–M, vinyl dipped unicellular plastic foam, "Jump Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III Device, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 8, 1972.

Approval No. 160.064/352/0, adult large, Model No. 324–L, vinyl dipped unicellular plastic foam, "Jump Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III Device, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 8, 1972.

Approval No. 160.064/389/0, child medium, Model No. Guardian, cloth covered unicellular plastic foam, "Utility Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III Device, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 8, 1972.

Approval No. 160.064/395/0, child small, Model No. Guardian, cloth covered unicellular plastic foam, "Utility Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III Device, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 8, 1972.

Approval No. 160.064/418/0, adult, Model No. LV, vinyl dipped unicellular plastic foam, "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, effective November 8, 1972.

Approval No. 160.064/428/0, child medium, Model No. 100M, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III Device, manufactured by O'Brien Manufacturing Corp., 14615 Northeast 91st Street, Redmond, WA 98052, effective November 17, 1972.

Approval No. 160.064/429/0, adult X-large, Model No. 100XL, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III Device, manufactured by O'Brien Manufacturing Corp., 14615 Northeast 91st Street, Redmond, WA 98052, effective November 17, 1972.

Approval No. 160.064/430/0, adult XX-large, Model No. 100XXL, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III Device, manufactured by O'Brien Manufacturing Corp., 14615 Northeast 91st Street, Redmond, WA 98052, effective November 17, 1972.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/72/1, Type 2575A carbon steel body pop safety valve, 300 p.s.i. (pounds per square inch) maximum pressure for all sizes except 4" P 6", 250 p.s.i. for size 4" P 6", 650° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/72/1 dated January 29, 1968.)

Approval No. 162.001/73/1, Type 2575B carbon steel body pop safety valve, 300 p.s.i. maximum pressure for all sizes except 4" P 6", 250 p.s.i. for size 4" P 6", 750° F. maximum temperature drawing No. 13664B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/73/1 dated January 29, 1968.)

Approval No. 162.001/74/1, Type 2575C alloy steel body pop safety valve, 300 p.s.i. maximum pressure for all sizes except 4" P 6", 250 p.s.i. for sizes 4" P 6", 900° F. maximum temperature drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/74/1 dated January 29, 1968.)

Approval No. 162.001/75/1, Type 2576A carbon steel body pop safety valve, 450 p.s.i. maximum pressure for all sizes except 4" P 6", 350 p.s.i. for size 4" P 6", 650° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/75/1 dated January 29, 1968.)

Approval No. 162.001/76/1, Type 2576B carbon steel body pop safety valve, 450 p.s.i. maximum pressure for all sizes except 4" P 6", 350 p.s.i. for size 4" P 6", 750° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/76/1 dated January 29, 1968.)

Approval No. 162.001/77/1, Type 2576C alloy steel body pop safety valve, 450 p.s.i. maximum pressure for all sizes except 4" P 6", 350 p.s.i. for size 4" P 6", 900° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manuactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/77/1 dated January 29, 1968.)

Approval No. 162.001/78/1, Type 2577A carbon steel body pop safety valve, 600 p.s.i. maximum pressure for all sizes except 4" P 6", 500 p.s.i. for size 4" P 6", 650° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/78/1 dated January 29, 1968.)

Approval No. 162.001/79/1, Type 2577B carbon steel body pop safety valve, 600 p.s.i. maximum pressure for all sizes except 4" P 6", 500 p.s.i. for size 4" P 6", 750° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/79/1 dated January 29, 1968.)

Approval No. 162.001/80/1, Type 2577C alloy steel body pop safety valve, 600 p.s.i. maximum pressure for all sizes except 4" P 6", 500 p.s.i. for size 4" P 6", 900° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/80/1 dated January 29, 1968.)

Approval No. 162.001/81/1, Type 2578A carbon steel body pop safety valve, 750 p.s.i. maximum pressure for all sizes except 4" P 6", 700 p.s.i. for size 4" P 6", 750° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. It supersedes Approval No. 162.001/81/1 dated January 29, 1968.)

Approval No. 162.001/82/1, Type 2578B carbon steel body pop safety valve, 750 p.s.i, maximum pressure for all sizes except 4" P 6", 700 p.s.i. for size 4" P 6", 750° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/82/1 dated January 29, 1968.)

Approval No. 162.001/83/1, Type 2578C alloy steel body pop safety valve, 750 p.s.i. maximum pressure for all sizes except 4" P 6", 700 p.s.i. for size 4" P 6", 900° F. maximum temperature, drawing No. 16364B, Rev. A dated November 1, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, formerly Farris Engineering Corp., effective November 14, 1972. (It supersedes Approval No. 162.001/83/1 dated January 29, 1968.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/66/0, Wayne Manufacturing Corp. "Memphis 1⅜" marine bulkhead panel system identical to that described in National Bureau of Standards Test Report No. FR 3824 dated September 15, 1972, and Wayne's letter dated August 10, 1972, approved as meeting Class B–0 requirements, Wayne Manufacturing Corp. drawing M–138 forms part of this approval, this product may not be used as a component of A Class construction, manufactured by Wayne Manufacturing Corp., Post Office Box 550, Waynesboro, VA 22980, effective November 17, 1972.

Approval No. 164.008/67/0, Wayne Manufacturing Corp. "Memphis 2½" marine bulkhead panel system identical to that described in National Bureau of Standards Test Report No. FR 3824 dated September 15, 1972, and Wayne's letter dated August 10, 1972, approved as meeting Class B–0 requirements, Wayne Manufacturing Corp. drawing M–138 forms part of this approval, this product may not be used as a component of A Class construction, manufactured by Wayne Manufacturing Corp., Post Office Box 550, Waynesboro, VA 22980, effective November 17, 1972.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/108/0, "Fiberglas Incombustible Marine Pipe Insulation Type I", fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2162:FR3699 dated November 28, 1967, approved in a 4½±0.5 pounds per cubic foot density, manufac-

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tured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective November 14, 1972. (It is an extension of Approval No. 164.009/108/0 dated December 15, 1967.)

Dated: January 8, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-787 Filed 1-12-73;8:45 am]

[CGD 73-3N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from June 13, 1972 to November 21, 1972 (List No. 35-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1—2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The Peerless Maid Plastics, Inc., Box 38, Farmington, MN 55024, no longer manufactures certain kapok buoyant vests and Approval No. 160.047/635/0 was therefore terminated effective October 21, 1972.

SAFETY VALVES (POWER BOILERS)

The Crosby Valve & Gage Co., Wrentham, Mass. 02093, Approval Nos. 162.001/6/2 and 162.001/7/2 expired and were terminated effective August 23, 1972.

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

The Tate Industries, Inc., 516 South Eutaw Street, Baltimore, MD 21201, Approval No. 162.017/94/0 expired and was terminated effective June 13, 1972.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, Approval No. 162.041/102/0 expired and was terminated effective November 21, 1972.

Dated: January 8, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-788 Filed 1-12-73;8:45 am]

federal register

MONDAY, JANUARY 15, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 9

PART III

POSTAL SERVICE

■

SPECIAL THIRD-CLASS MAIL RATES

Eligibility Standards for Nonprofit Organizations

No. 9—Pt. III——1

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Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 134—THIRD CLASS

Special Third-Class Mail Rates; Eligibility Standards for Nonprofit Organizations

Section 134.5(a) of Title 39, Code of Federal Regulations, lists eight types of organizations or associations eligible for special third-class bulk mail rates. The present regulations do not, however, contain any definitions of the eight categories.

In the daily issue of August 26, 1972 (37 FR 17423), the Postal Service, complying voluntarily with the advance notice requirement of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rule making, published proposed eligibility standards for determining whether an organization is entitled to special third-class mail rates as a nonprofit organization within the purview of 39 CFR 134.5(a). The proposed eligibility standards were based on longstanding administrative interpretations made through the years. Interested members of the public were given 30 days within which to submit written data, views, or arguments concerning the proposed regulations.

After consideration of all comments received, the Postal Service has determined to adopt the proposed criteria essentially as published, with certain modifications. The educational category has been more precisely defined so as clearly to include education-oriented organizations in addition to schools, colleges, universities, etc., such as, for example, Parent Teachers Associations, symphony orchestras, museums and zoos.

In addition, the philanthropic category has been modified so as not to exclude organizations such as animal welfare leagues and other charitable organizations. In this regard the word "philanthropic" has been historically interpreted in Postal Service regulations as synonymous with "charitable" (see 39 CFR 134.5(b)). This interpretation is also consistent with the Internal Revenue Service's charitable organization category as respects tax exempt organizations. (26 U.S.C. 501(c)(3).) The definitions of agricultural, labor, and veterans organizations have been modified to parallel similar definitions in use by other agencies. In addition, organizations which are "action" organizations as defined in § 134.53 (a)(1) and (b) cannot qualify for special third-class rates as religious, educational, scientific, or philanthropic organizations.

Generally, an organization granted income tax exemption under title 26, United States Code, section 501(c)(3), as a religious, educational, scientific, or charitable (philanthropic) organization, under section 501(c)(5) as an agricultural or labor organization; under 501(c)(8) as a fraternal organization; or under 501(c)(19) as a veterans organization will be considered as qualifying for the special third-class rate.

The definitions set out below more clearly express historical interpretations by the Postal Service than the proposed regulations and, where possible, parallel similar definitions in use by other Government agencies. These regulations are effective January 15, 1973.

Paragraphs (a), (b), (c), and (d)(1) of § 134.5 of this title are amended to read as follows:

§ 134.5 Qualification requirements and application procedure for special third-class rates.

(a) *Kinds of organizations or associations that may qualify.* Only the following organizations or association not organized for profit, none of the net income of which benefits any private stockholder or individual, may be authorized to mail pieces at the special rates provided by §§ 134.1 (b) (1) and (2):

(1) Religious.
(2) Educational.
(3) Scientific.
(4) Philanthropic.
(5) Agricultural.
(6) Labor.
(7) Veterans'.
(8) Fraternal.

Primary purpose: The standard of "primary purpose" in this definition shall require that the organization be both organized for and operated for the primary purpose. Organizations which incidentally engage in qualifying activities only to accomplish other goals do not meet the primary purpose test.

(b) *Definitions*—(1) *Religious.* A nonprofit organization whose primary purpose is one of the following:

(i) To conduct religious worship—for example, churches, synagogues, temples, or mosques;

(ii) To support the religious activities of nonprofit organizations whose primary purpose is to conduct religious worship;

(iii) To perform instruction in, to disseminate information about, or otherwise to further the teaching of particular religious faiths or tenets.

(2) *Educational.* A nonprofit organization whose primary purpose is: The instruction or training of the individual for the purpose of improving or developing his capabilities; or the instruction of the public on subjects beneficial to the community. An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

(i) The following are examples of organizations which are educational:

(a) An organization, such as a primary or secondary school, a college, or a professional or trade school, which has a regularly scheduled curriculum, a regular faculty, and a regularly enrolled body of students in attendance at a place where the educational activities are regularly carried on;

(b) An organization whose activities consist of presenting public discussion groups, forums, panels, lectures, or other similar programs. Such programs may be on radio or television;

(c) An organization which presents a course of instruction by means of correspondence or through the utilization of television or radio;

(d) Museums, zoos, planetariums, symphony orchestras, and other similar organizations.

(3) *Scientific.* A nonprofit organization whose primary purpose is one of the following:

(i) To conduct research in the applied, pure or natural sciences;

(ii) To disseminate systematized technical information dealing with applied, pure or natural sciences.

(4) *Philanthropic (charitable).* A nonprofit organization organized and operated for purposes beneficial to the public. Examples of philanthropic (charitable) organizations are organizations which are organized for:

(i) Relief of the poor and distressed or of the underprivileged;

(ii) Advancement of religion;

(iii) Advancement of education or science;

(iv) Erection or maintenance of public buildings, monuments, or works;

(v) Lessening of the burdens of Government;

(vi) Promotion of social welfare by organizations designed to accomplish any of the above purposes or;

(*a*) to lessen neighborhood tensions;

(*b*) to eliminate prejudice and discrimination;

(*c*) to defend human and civil rights secured by law; or

(*d*) to combat community deterioration and juvenile delinquency.

The fact that an organization which is organized and operated for the relief of indigent persons may receive voluntary contributions from the persons intended to be relieved will not necessarily prevent such organization from being exempt as an organization organized and operated exclusively for charitable purposes. The fact that an organization, in carrying out its primary purpose, advocates social or civic changes or presents opinion on controversial issues with the intention of molding public opinion or creating public sentiment to an acceptance of its views does not preclude such organization from qualifying so long as it is not an "action" organization as described in 134.5(c).

(5) *Agricultural.* A nonprofit organization whose primary purpose is the betterment of the conditions of those engaged in agricultural pursuits, the improvement of the grade of their products, and the development of a higher degree of efficiency in agriculture. The organization may further and advance agricultural interests through educational activities; the holding of agricultural fairs; the collection and dissemination of information concerning cultivation of the soil and its fruits; the rearing, feeding, and management of livestock, poultry, bees, etc., or other activities relating to agricultural interests.

(6) *Labor.* A nonprofit organization whose primary purpose is the betterment of the conditions of workers. Labor organizations include, but are not limited to, organizations in which employees or workmen participate, whose primary purpose is to deal with employers concerning grievances, labor disputes, wages, hours of employment, working conditions, etc. Examples are labor unions and employees' associations formed for the stated purposes.

(7) *Veterans'.* A nonprofit organization of veterans of the Armed Services of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization.

(8) *Fraternal.* A nonprofit organization which meets all of the following criteria:

(i) Has as its primary purpose the fostering of brotherhood and mutual benefits among its members;

(ii) Is organized under a lodge or chapter system with a representative form of government;

(iii) Follows a ritualistic format; and

(iv) Is comprised of members who are elected to membership by vote of the members.

Fraternal organizations include such organizations as the Masons, Knights of Columbus, Elks, college fraternities, and the like. Fraternal organizations do not encompass such organizations as business leagues, professional associations, civic associations or social clubs.

(c) *Examples of organizations or associations that may not qualify.* The following and similar organizations do not come within the prescribed categories even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chambers of commerce; citizens' and civic improvement associations; individuals; municipal, county, or State governmental bodies; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; associations of rural electric cooperatives; trade associations; and religious, educational, scientific and philanthropic "action" organizations.

(1) Religious, educational, scientific and philanthropic "action" organizations for purposes of this section are defined as follows:

(i) An organization is an "action" organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. For this purpose, an organization will be regarded as attempting to influence legislation if the organization:

(*a*) Contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or

(*b*) Advocates the adoption or rejection of legislation.

The term "legislation", as used in this subdivision, includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. An organization will not fail to meet the operational test merely because it advocates, as an insubstantial part of its activities, the adoption or rejection of legislation.

(ii) An organization is an "action" organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term "candidate for public office" means an individual who offers himself or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local. Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

(iii) An organization is an "action" organization if it has the following two characteristics: (*a*) Its main or primary objective or objectives (as distinguished from its incidental or secondary objectives) may be attained only by legislation or a defeat of proposed legislation; and (*b*) it advocates, or campaigns for, the attainment of such main or primary objective or objectives as distinguished from engaging in nonpartisan analysis, study, or research and making the results thereof available to the public. In determining whether an organization has such characteristics, all the surrounding facts and circumstances, including the articles and all activities of the organization, are to be considered.

(d) *Application*—(1) *Filing.* Application on Form 3624, *Application to Mail at Special Bulk Third-Class Rates for Qualified Nonprofit Organizations or Associations*, must be filed by the organization or association at the post office where mailings will be deposited. The application must included evidence that the organization is nonprofit, and, if available, a certificate of exemption from Federal income tax should accompany the application. An exemption from the payment of Federal income tax is not required in order to qualify for the special third-class bulk rates. Such exemption will be considered as evidence of qualification for preferred postal rates but will not be controlling in the matter. When an organization submits proof that it has been granted income tax exemption under title 26, United States Code, section 501(c)(3), as a religious, educational, scientific, or charitable (philanthropic) organization; under section 501(c)(5) as an agricultural or labor organization; under section 501(c)(8) as a fraternal organization; or under section 501(c)(19) as a veterans' organization, it will be considered as qualifying for the special third-class rates unless the available evidence discloses some disqualification.

• • • • •

(39 U.S.C. 401, 3621)

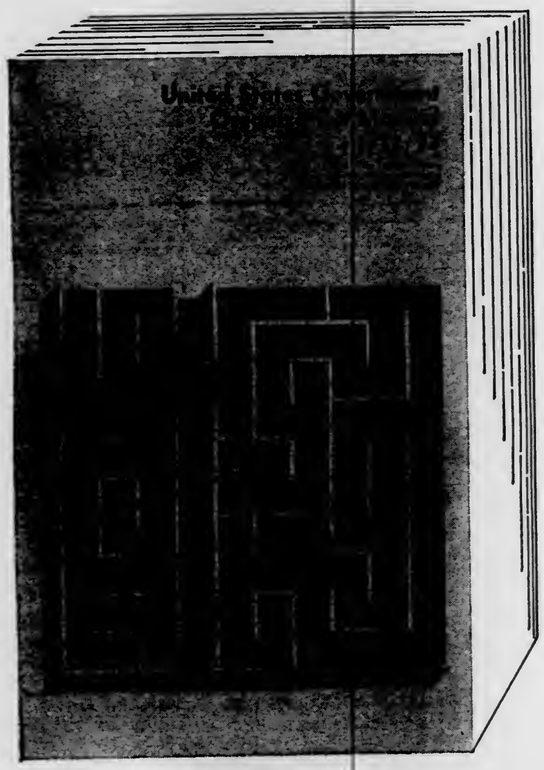
LOUIS A. COX,
General Counsel.

[FR Doc.73-814 Filed 1-12-73;8:45 am]

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federal register

TUESDAY, JANUARY 16, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 10

Pages 1569–1627

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

NOTICE TO READERS

This week several new features are being introduced to remind readers of important action dates established by documents published in the FEDERAL REGISTER.

Beginning January 17th, two new lists will be published. One, entitled "Next Week's Deadlines for comment on Proposed Rules," will serve as a weekly reminder to readers of the opportunity to participate in certain administrative actions of their Government. The other, entitled "Next Week's Hearings," will itemize hearings that appear to be of interest to broad segments of the public. These lists will appear every Wednesday and will cover the week beginning on the Monday following publication.

On Thursday, January 18th, a list entitled "Rules Going into Effect Today" will be introduced. When a rule becomes effective more than 14 days after publication in the FEDERAL REGISTER a reminder will be published on the day that the rule goes into effect. This list will appear daily.

Other changes scheduled to be introduced during January involve changes in the typography of the Highlights, contents pages, and various headings—all designed to make the FEDERAL REGISTER easier to use.

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(Continued Inside)

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[Revised as of January 1, 1972]

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Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 567, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 7–13, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 567 (38 FR 847). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 910.867 (Lemon Regulation 567 (38 FR 847)) is hereby amended to read as follows:

§ 910.687 Lemon Regulation 567.

* * * * *

(b) *Order.* (1) * * * 225,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 11, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-861 Filed 1-15-73;8:45 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1971–72 and Subsequent Storage Periods, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program

STORAGE PAYMENT LIMITATION

The regulations issued by Commodity Credit Corporation published at 36 FR 7417, which contain the regulations governing farm storage reseal loan programs for the 1971–72 and subsequent storage periods are hereby amended as follows:

Paragraph (c) of § 1421.537 is amended to provide that storage credit shall not be allowed beyond the month preceding the month in which a commodity is released to a borrower for delivery to a buyer for sale or conversion to a warehouse storage loan. The amended paragraph reads as follows:

§ 1421.537 Storage payments.

* * * * *

(c) *Storage credit.* Credit will be given for each full month of storage beginning on the day following the original loan program maturity date. Credit will not be allowed for the month in which redemption, release of the commodity to the borrower for delivery to a buyer for sale or for conversion to a storage loan, delivery to CCC, or loss or damage to the commodity to be assumed by CCC under § 1421.16 occurs. A final storage payment shall not include any credit for any part of the 2 calendar months after the original loan maturity date or after the anniversary of the original loan maturity date if the redemption, release to the borrower for delivery to a buyer for sale or for conversion to a storage loan, or loss or damage to the commodity to be assumed by CCC under § 1421.16 occurs within 2 calendar months after the original loan maturity date or after the anniversary of the original loan maturity date.

* * * * *

Since this amendment is necessary to carry but the reseal loan program more effectively, compliance with the notice of proposed rule making and public participation procedure would be impractical and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: January 16, 1973.

Signed at Washington, D.C., on January 5, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-862 Filed 1-15-73;8:45 am]

[CCC Farm Storage and Drying Equipment Loan Program Regs., Amdt. 9]

PART 1474—FARM STORAGE FACILITIES

Farm Storage and Drying Equipment Loan Program Regulations

The subpart of Part 1474, Title 7, Code of Federal Regulations, published in the FEDERAL REGISTER of July 1, 1967 (32 FR 9510), and amended in the FEDERAL REGISTERS of December 14, 1967 (32 FR 17888), June 1, 1968 (33 FR 8221), January 24, 1969 (34 FR 1132), May 30, 1969 (34 FR 8361), April 1, 1970 (35 FR 5397), February 13, 1971 (36 FR 2960), July 1, 1971 (36 FR 12509), corrected July 15, 1971 (36 FR 13131), March 30, 1972 (37 FR 6491), and April 11, 1972 (37 FR 7148), is further amended as follows:

It is essential that the regulations be made effective as soon as possible in order that the changes be implemented during a period when the volume of applications for loans being filed is normally low and for the changes to accomplish the desired objectives. It is hereby found and determined that compliance with the notice of proposed rule making procedure provided for in the statement of policy issued by the Secretary on July 20, 1971 (36 FR 13804), is impracticable and contrary to the public interest. Accordingly, this program

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amendment is effective with respect to loan applications filed on or after December 13, 1972.

1. Section 1474.4 paragraph (b) is revised to change the manner in which the need for storage is determined. The revised paragraph reads as follows:

§ 1474.4 Eligible borrowers.

* * * * *

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however,* That in making this determination (1) production of a price support commodity on a farm shall not be included unless the applicant either is or indicates he will be eligible for price support on the commodity, (2) 1 year's estimated production of eligible commodities shall be used in determining whether the proposed drying equipment is needed, (3) the maximum storage space for which a loan may be made for commodities other than baled hay shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for storage of eligible commodities is less than the storage capacity necessary to store 1 year's production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates, and (4) the maximum storage space for which a loan may be made for baled hay storage shall be the amount by which the total capacity of existing storage for baled hay is less than the capacity necessary to store 1 year's production (estimated) of baled hay which the producer is authorized to harvest from set-aside acres. If the capacity of the storage to be purchased or erected by the applicant exceeds the need as determined above, the application may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

2. Paragraph (a) of § 1474.5 is amended to (1) exclude oxygen-limiting and other silo-type structures in the definition of "farm storage," and (2) revise paragraph (b)(8) to provide that conditioning, handling, and operating equipment shall not be for use with oxygen-limiting and other silo-type structures. The revised § 1474.5 reads as follows:

§ 1474.5 Loans to purchase eligible storage or drying equipment.

(a) *General.* Loans will be made only for the purchase, construction, erection, or installation of farm storage and drying equipment meeting the eligibility requirements in paragraph (b) of this section. For commodities other than baled hay, the term "farm storage" means new or newly constructed conventional-type cribs, bins, or buildings designed for dry storage. The term "farm storage" shall not mean oxygen-limiting and other silo-type structures. For baled hay, the term "farm storage" means a new or newly constructed structure, which, in the opinion of the county committee, is of the type normally used for the storage of baled hay in the area and will be of a permanent-type construction. The term "farm storage" also means used storage structures (including the real estate upon which such structures are located, if any) to be purchased from CCC. Loans may be made for multipurpose (dry storage) structures provided that the area or space to be used for storage is isolated or closed off from other use areas, and provided further that only the cost of the portion or space used for storage will be included in determining the amount of the loan. The term "drying equipment" means new continuous-flow type dryers, or new drying systems with wagons or trailers as integral parts thereof, or new batch or in-store drying systems (including integral parts and equipment) using heated or unheated air, equipment which conditions or facilitates drying by aerating, circulating, or stirring the commodity, or used drying equipment (including the real estate upon which such equipment is located, if any) to be purchased from CCC. For the purposes of this program, used farm storage and used drying equipment sold by CCC under the provisions of its security documents may be considered to be "purchased from CCC".

(b) *Eligibility requirements.* * * *

(8) Loans on storage and drying equipment may include the conditioning, handling, and operating equipment considered essential to the practical operation of the proposed storage or drying unit, and loans may be approved to add individual items of equipment to an existing storage or drying unit when the equipment is considered necessary to make the existing unit more practical and efficient: *Provided, however,* That any conditioning, handling, or operating equipment to be eligible for a loan or for inclusion in a loan shall not be for use with oxygen-limiting or other silo-type structures: *Provided further,* That no equipment shall be eligible for inclusion in a loan for baled hay storage.

* * * * *

3. In § 1474.8, paragraph (a) is revised to provide that "net cost" shall not include the costs of material and labor for concrete work and electrical wiring. Paragraph (b) is revised to remove the reference to wet storage and reduce the maximum aggregate outstanding balance from $35,000 to $25,000. The revised paragraphs read as follows:

§ 1474.8 Amount of loan and loan application approvals.

(a) *Definitions.* (1) "Net cost" means the actual cost to the applicant, after deduction of any discount or rebate, and may include the purchase price, local sales taxes payable by purchasers, and costs for transportation, delivery, and erection or installation of the farm storage or drying equipment. "Net cost" shall not include the cost of used or second-hand material to be used in the proposed construction of otherwise new farm storage or the remodeling of existing storage structures, costs for labor performed by the applicant or other labor usually employed on the farm, or costs of material and labor for concrete work and electrical wiring.

(b) *Amount of loan.* The amount of any loan, including those for baled hay storage, shall not result in an aggregate outstanding balance in excess of $25,000 and shall not exceed (1) 85 percent of the net cost of the applicant's needed farm storage and drying equipment, or (2) the prorated cost for the applicant's farm storage which is needed and suitable for the storage of the eligible commodities when a farm storage structure has a larger capacity than the applicant's needed farm storage.

* * * * *

4. Section 1474.10 is revised to raise the interest rate. The revised section reads as follows:

§ 1474.10 Repayment of loan and acceleration of maturity date.

The principal of the loan shall be repayable in equal annual installments with interest (at an annual percentage rate of 6 percent) on the unpaid balance from date of disbursement or date of last repayment at 50 cents for each whole unit of $100 or fraction thereof (stated to the nearest 10th) for each calendar month or fraction thereof, from and including the calendar month of disbursement, or month to which interest has been paid, but excluding the calendar month of repayment. The first installment plus interest on the unpaid balance shall be payable during the 12-month period beginning on the first anniversary date of the note. A like installment shall be similarly payable during the 12 months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Payment of each installment shall be by cash, check, money order, or by deduction from the amounts of any price support loans, incentive payments, reseal storage payments, or payments for purchases by CCC which may be due the borrower: *Provided, however,* That any such deduction shall not be made until after service charges and amounts due prior lienholders have been deducted. Payment shall be applied first to accrued interest and then to principal. Each installment must be paid not later than the end of the applicable 12-month repayment period. Upon failure to pay any installment by the end of such period, the loan may be declared delinquent and, at the option of the approving State or county committee, the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture or any other agency of the United States. Upon breach by the maker of the note of any covenants, agreements, terms, or conditions on his part to be performed under §§ 1474.1 to 1474.16 or under the loan application, promissory note, chattel mortgage, or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the farm storage or drying equipment is used in connection with any commercial operation including, but not limited to, elevators, warehouses, dryers, or processing plants, during the life of the loan, CCC may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of a loan secured by a chattel mortgage or other security instrument, the county committee shall, upon request by the borrower, release or obtain the release of such instrument. The chairman of each county committee or the county executive director is authorized to act as agent of CCC in releasing or obtaining the release of such instruments.

(Secs. 4 and 5(b), 62 Stat. 1070–1072, as amended; 15 U.S.C. 714b, 714c(b))

Effective date. This amendment is effective with respect to loan applications filed on or after December 13, 1972.

Signed at Washington, D.C., on January 8, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-863 Filed 1-15-73;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-501]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

These amendments quarantine an additional portion of Southampton County in Virginia and an additional portion of Hertford County in North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments remove Virginia from the list of hog cholera Free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from Eradication and Free States are no longer applicable to Virginia.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (g) the name of the State of Virginia is deleted and paragraph (e)(10) relating to the State of Virginia is amended to read:

(10) *Virginia.* That portion of Southampton County bounded by a line beginning at the junction of the Virginia-North Carolina State line and Secondary Road 701; thence, following Secondary Road 701 in a northerly direction to State Highway 195; thence, following State Highway 195 in a northeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to Secondary Road 670; thence, following Secondary Road 670 in a southeasterly direction to Secondary Road 743; thence, following Secondary Road 743 in a southeasterly direction to Secondary Road 716; thence, following Secondary Road 716 in a northeasterly, then northwesterly direction to Secondary Road 665; thence, following Secondary Road 665 in an easterly direction to Secondary Road 672; thence, following Secondary Road 672 in a northeasterly direction to Secondary Road 673; thence, following Secondary Road 673 in a northwesterly direction to Secondary Road 671; thence, following Secondary Road 671 in a northeasterly direction to Secondary Road 749; thence, following Secondary Road 749 in a northeasterly direction to Secondary Road 731; thence, following Secondary Road 731 in a southeasterly direction to Secondary Road 674; thence, following Secondary Road 674 in a northeasterly direction to Secondary Road 680; thence, following Secondary Road 680 in a southeasterly direction to Secondary Road 671; thence, following Secondary Road 671 in a northeasterly direction to Secondary Road 687; thence, following Secondary Road 687 in a southeasterly direction to Secondary Road 689; thence, following Secondary Road 689 in a southeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a southwesterly direction to Secondary Road 687; thence, following Secondary Road 687 in a southeasterly direction to the east bank of the Nottoway River; thence, following the east bank of the Nottoway River in a southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to its junction with Secondary Road 701.

2. In § 76.2, in paragraph (e)(6) relating to the State of North Carolina, subdivisions (ii) relating to Hertford County and (iii) relating to Northampton County are deleted and a new subdivision (ii) relating to Northampton and Hertford Counties is added to read:

(ii) The adjacent portions of Northampton and Hertford Counties bounded by a line beginning at the junction of the North Carolina-Virginia State line and Secondary Road 1339 in Northampton County; thence, following Secondary Road 1339 in a southwesterly direction to Secondary Road 1333; thence, following Secondary Road 1333 in a southeasterly direction to Secondary Road 1337; thence, following Secondary Road 1337 in a southeasterly direction to Secondary Road 1344; thence, following Secondary Road 1344 in a southwesterly direction to Secondary Road 1343; thence, following Secondary Road 1343 in a southeasterly direction to Secondary Road 1341; thence, following Secondary Road 1341 in a northeasterly direction, then southeasterly direction to Secondary Road 1342; thence, following Secondary Road 1342 in a southeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to U.S. Highway 158; thence, following U.S. Highway 158 in an easterly direction to U.S. Highway 158, 258 in Hertford County; thence, following U.S. Highway 158, 258 in a northeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northeasterly direction to the south bank of the Meherrin River; thence, following the south bank of the Meherrin River in a northeasterly direction, then southeasterly direction to the west bank of the Chowan River; thence, following the west bank of the Chowan River in a generally northeasterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with Secondary Road 1339 in Northampton County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective January 10, 1973.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public in-

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terest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-918 Filed 1-15-73;8:45 am]

[Docket No. 73-502]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

This amendment excludes portions of Montgomery and Bucks Counties in Pennsylvania from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(11) relating to the State of Pennsylvania, subdivision (i) relating to Montgomery and Bucks Counties is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective January 10, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-919 Filed 1-15-73;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

This amendment quarantines an additional portion of Riverside County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, apply to the quarantined area.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, in paragraph (a)(1) relating to the State of California, a new subdivision (iv) relating to Riverside County is added to read:

(iv) The premises of the Woodcrest Egg Ranch, 17000 King Street, city of Riverside in Riverside County, located in the southeast quarter of sec. 26, T. 3 S., R. 5 W.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sections 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective on January 11, 1973.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-917 Filed 1-15-73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Cattle From Mexico

The purposes of these amendments are to provide for the use of a dip which is effective for both ticks and scabies when required; to provide an alternative for arsenic dips which is biodegradable and meets environmental residual standards; and to provide for a wider range of effective products with less toxicity to animals subjected to treatment than is possible when arsenic dip is used.

Therefore, pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations, is hereby amended as follows:

1. In § 92.35, the third sentence in paragraph (a)(1) and paragraph (a)(2)(ii) and (iv) are amended to read:

§ 92.35 Cattle from Mexico.

(a) • • •

(1) • • •. Notwithstanding such certificates, such cattle shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once, under supervision of an inspector, in one of the permitted dips listed in § 72.13(b) of this chapter. The selection of the permitted dip to be used will be made by the port veterinarian in each case. • • •

(2) • • •

(ii) The cattle shall be shown by a certificate of a salaried veterinarian of the Mexican Government to have been dipped in a tickicidal dip within 7 to 12 days before being offered for entry.

• • • • •

(iv) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in one of the permitted dips listed in § 72.13(b) of this chapter under the supervision of an inspector 7 to 14 days after the dipping required by subdivision (ii) of this subparagraph. The selection of the permitted dip to be used will be made by the port veterinarian in each case. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until

10 to 14 days after they have again been dipped in the manner provided by subdivision (ii) of this subparagraph.

• • • • •

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective on January 16, 1973.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of animal diseases, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-864 Filed 1-15-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12323, Amdt. 39-1585]

PART 39—AIRWORTHINESS DIRECTIVES

Handley Page HP-137 Mark I Airplanes

Pursuant to the authority delegated to me by the Administrator, an amendment to Amendment 39-1548 (37 FR 22846), AD 72-23-1 was adopted on December 1, 1972, and made effective immediately as to all known United States operators of Handley Page HP-137 Mark I airplanes. The amendment extends the time for compliance with the AD until January 24, 1973.

The FAA has been advised that the modification kits required for compliance with AD 72-23-1 are not available in sufficient quantities to permit compliance with the AD within the time specified and that this will result in grounding of airplanes. AD 72-23-1 was issued as a result of reports of ruptures of the horizontal firewall under the engine hot section due to engine rotor failures or combustor torching flame penetrating the combustor case and firewall, in order to provide additional fire shielding to protect the aft nacelle, wing, and fuel tank in case the horizontal firewall is penetrated. Subsequent to the issuance of AD 72-23-1 the FAA has determined that only a single case of inservice rupture of the horizontal firewall has occurred, that that rupture was caused by an uncontained engine rotor disc failure, and that there have been no cases of rupture caused by combustor torching flames. These determinations have been confirmed by the British CAA.

The FAA issued AD 70-15-4 establishing service life limits on certain engine rotor discs and requiring modifications of the fuel and hydraulic systems in order to reduce the possibility of inflight failure of those discs and subsequent rupture of fuel and hydraulic lines.

In view of the foregoing and based on further review of the service history of these airplanes the FAA has determined that the situation is not as severe as originally determined, that the compliance time specified in AD 72-23-1 is unnecessarily restrictive, and that extension of the compliance time for 60 days will not adversely affect safety.

Since it was found that the amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure thereon was unnecessary. Those conditions still exist and the amendment is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1548 (37 FR 22846), AD 72-23-1, is amended by amending the compliance statement therein to read as follows:

Compliance is required on or before January 24, 1973, unless already accomplished.

This amendment is effective on January 16, 1973, as to all persons except those persons to whom it was made immediately effective by the telegram, dated December 2, 1972, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 4, 1973.

C. R. MELUGIN, JR.,
Acting Director, Flight Standards Service.

[FR Doc.73-848 Filed 1-15-73;8:45 am]

[Airspace Docket No. 72-EA-99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 24120 of the FEDERAL REGISTER for November 14, 1972 the Federal Aviation Administration published a proposed rule which would alter the Wilmington, Del., control zone (38 FR 351) and transition area (38 FR 435).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. However, the description is being modified to correct an omission establishing the transition area. The area was described impliedly from the surface but should be described from 700 feet above the surface. The modification is thus less restrictive, eliminating a need for notice and public procedure thereon.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. March 1, 1973, except as follows:

1. Insert after the words "upward from" in item 2 of the description the words "700 feet above the surface within an".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on December 26, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend §71.171 of Part 71, Federal Aviation Regulations, by deleting the description of the Wilmington, Del., control zone and by substituting the following in lieu thereof:

WILMINGTON, DELAWARE

Within a 6-mile radius of the center 39°-40'42" N., 75°36'27" W., of the Greater Wilmington Airport, Wilmington, Del.; within 3.5 miles each side of the New Castle, Del., VORTAC 281° radial extending from the 6-mile zone to 9.5 miles west of the VORTAC and within 3.5 miles each side of the New Castle VORTAC 114° radial extending from the 6-mile radius zone to 9.5 miles southeast of the VORTAC.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by deleting the description of the Wilmington, Del., 700-foot floor transition area and by substituting the following in lieu thereof:

WILMINGTON, DELAWARE

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 39°40'42" N., 75°-36'27" W. of Greater Wilmington Airport, Wilmington, Del., extending clockwise from a 270° bearing to a 030° bearing from the airport; within a 10-mile radius area of the center of the airport extending clockwise from a 030° bearing to a 270° bearing from the airport; and within 3.5 miles each side of the New Castle, Del. VORTAC 281° radial extending from the VORTAC to 10.5 miles west of the VORTAC; within 3.5 miles each side of the New Castle VORTAC 114° radial extending from the VORTAC to 11 miles southeast of the VORTAC. Within a 5-mile radius of the center 39°31'00" N., 75°43'00" W. of Summit Airpark Airport, Middletown, Del., and within 3 miles each side of a 234° bearing from the Greater Wilmington, Del., ILS OM extending from the 5-mile radius area to 13 miles southwest of the OM.

[FR Doc.73-849 Filed 1-15-73;8:45 am]

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[Airspace Docket No. 72-EA-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 24121 of the FEDERAL REGISTER for November 14, 1972 the Federal Aviation Administration published a proposed rule which would alter the Atlantic City, N.J., control zone (38 FR 351).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. However, the proposal is being modified to delete reference to Crescent Airport since it is no longer an active airport. This modification is less restrictive, making notice and public procedure thereon unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., March 1, 1973, except as follows:

1. Delete in the description of the airspace the words "within a 1.5 mile radius of the center 39°28'27" N., 74°44'03" W. of Crescent Airport, Mays Landing, N.J."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 22, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Atlantic City, N.J., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center 39°27'22" N., 74°34'41" W. of NAFEC Atlantic City Airport, Atlantic City, N.J.; within 2 miles each side of the NAFEC Atlantic City Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the Atlantic City VORTAC 303° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 3-mile radius of the center 39°21'35" N., 74°27'28" W. of Atlantic City Municipal-Bader Field, Atlantic City, N.J.; within 2 miles each side of the Atlantic City VORTAC 136° radial, extending from the VORTAC to the 3-mile radius zone and within 1.5 miles each side of a 283° bearing from a point 39°21'43" N., 74°27'46" W., extending from said point to 5.5 miles west.

[FR Doc.73-850 Filed 1-15-73;8:45 am]

[Airspace Docket No. 72-EA-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 24121 of the FEDERAL REGISTER for November 14, 1972, the Federal Aviation Administration published a proposed rule which would alter the Buffalo, N.Y. transition area (38 F.R. 435).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 20, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Buffalo, N.Y., 700-foot floor transition area by inserting after "Buffalo, N.Y., VORTAC 034° radial", the following:

within a 5.5-mile radius of the center 43°01'-15" N., 78°29'08" W. of Akron Airport, Akron, N.Y.; within 2.5 miles each side of the Buffalo, N.Y., VORTAC 052° radial, extending from the 5.5-mile radius area to 17.5 miles northeast of the VORTAC.

[FR Doc.73-851 Filed 1-15-73;8:45 am]

[Airspace Docket No. 72-EA-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 24121 of the FEDERAL REGISTER for November 14, 1972, the Federal Aviation Administration published a proposed rule which would alter the Red Hook, N.Y. transition area (38 F.R. 435).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 20, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Red Hook, N.Y., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°59'12" N., 73°50'12" W., of Skypark Airport, extending clockwise from a 220° bearing to 025° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 160° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 160° bearing to a 220° bearing from the airport; and within 4.5 miles each side of the Kingston, N.Y., VORTAC 358° radial, extending from 1.5 radius north of the Kingston VORTAC to 22 miles north of the Kingston VORTAC.

[FR Doc.73-852 Filed 1-15-73;8:45 am]

[Airspace Docket No. 72-EA-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 24765 of the FEDERAL REGISTER for November 21, 1972, the Federal Aviation Administration published a proposed rule which would designate a Summersville, W. Va., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 26, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Summersville, W. Va., 700-foot-floor transition area as follows:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 38°13'50" N., 80°52'15" W., of Summersville Airport, Summersville, W. Va., extending clockwise from a 244° bearing to a 304° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 304° bearing to a 337° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 337° bearing to a 018° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 018° bearing to a 056° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 056° bearing to a 070° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 070° bearing to a 083° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 083° bearing to a 100° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 100° bearing to a 109° bearing from the airport; within a 22-mile radius of the center of the airport, extending clockwise from a 109° bearing to a 132° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 132° bearing to a 147° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 147° bearing to a 163° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 163° bearing to a 190° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 190° bearing to a 212° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 212° bearing to a 244° bearing from the airport; and within 4.5 miles southeast and 8 miles northwest of a 221° bearing from the Summersville, W. Va. RBN 38°13'46" N., 80°52'14" W., extending from the RBN to 11.5 miles southwest of the RBN excluding the portion that coincides with Lewisburg, W. Va., transition area.

[FR Doc.73-853 Filed 1-15-73;8:45 am]

[Airspace Docket No. 72-SO-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 25, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25052), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Shelbyville, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Shelbyville, Tenn., transition area is amended as follows:

"• • • 18.5 miles south • • •" is deleted and "• • • 18.5 miles south; within a 9.5 mile radius of Ellington Airport, Lewisburg, Tenn. (Lat. 35°30'35" N., Long. 86°48'15" W.); excluding the portion within the Mount Pleasant, Tenn., transition area • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 27, 1972.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-854 Filed 1-15-73;8:45 am]

[Airspace Docket No. 72-SW-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the 700-foot transition area at Little Rock, Ark.

On November 25, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25052) stating the Federal Aviation Administration proposed to alter the Little Rock, Ark., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Little Rock, Ark., transition area is amended to read:

LITTLE ROCK, ARK.

That airspace extending upward from 700 feet above the surface bounded by a 23-mile radius of Little Rock AFB, Ark. (latitude 34°55'00" N., longitude 92°09'00" W.), and clockwise along a 23 NM arc of Adams Field Airport, Little Rock, Ark. (latitude 34°43'48" N., longitude 92°13'59" W.), to latitude 34°26'50" N., longitude 92°26'00" W., to latitude 34°26'00" N., longitude 92°30'00" W., to latitude 34°28'00" N., longitude 92°36'00" W., thence clockwise along the arc of a 6.5-mile-radius circle centered at latitude 34°33'30"N., longitude 92°36'30" W., to latitude 34°39'30" N., longitude 92°37'50" W., thence clockwise along a 23-mile radius of Adams Field Airport.

(Sec 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 5, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-855 Filed 1-15-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8843]

PART 13—PROHIBITED TRADE PRACTICES

Georgia-Pacific Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, Georgia-Pacific Corp., Portland, Oreg., Docket No. 8843, Dec. 26, 1972]

In the Matter of Georgia-Pacific Corp., a Corporation

Consent order requiring, among other things, the divestiture by Nation's leading producer and distributor of softwood plywood, headquartered in Portland, Oreg., of certain acquisitions alleged to be anticompetitive and monopolistic in nature. The principal provisions of the order are that the respondent shall create an independent corporation and transfer approximately 20 percent of its assets to said corporation. The order further restricts and prohibits future acquisitions in the timber industry in the South for 5 years and places a 10-year ban on the acquisition of the stocks and assets of softwood plywood concerns with prior Federal Trade Commission approval.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Order. For the purposes of this order, the following definitions shall apply:

1. *Respondent.* Georgia-Pacific Corp., its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns and any person, partnership, corporation, or other legal entity acting for or on its behalf or with its express or implied consent: *Provided, however,* That the term Respondent shall not be construed to include Louisiana-Pacific.

2. *The South.* The States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Oklahoma, Arkansas, Louisiana, Texas, and Tennessee.

3. *Market price.* The price established within the same area, for similar quantities, grades, and types of the commodity being sold.

4. *Single ownership.* One or more parcels of timberland in which any interest in the fee is commonly or jointly held by any one or more persons, trust, partnerships, corporations or other legal entities.

5. *Person.* Any individual, partnership, firm, association, corporation, governmental agency or other legal or business entity.

PARAGRAPH 1. *It is ordered,* That Respondent shall:

(A) Prior to thirty (30) days from the date of service of this order (hereinafter referred to as the "effective date") have existing or cause to be formed an independent corporation (hereinafter called "Louisiana-Pacific") with at least sufficient shares of authorized common stock in order to comply with the provisions of this Order and with by-laws containing a provision which shall insure compliance with subparagraph (G) hereof;

(B) Within sixty (60) days of the effective date mail to its stockholders a notice of a special meeting of stockholders, together with a proxy statement containing the recommendation of management that the stockholders authorize the transfer of assets called for by this order;

(C) Prior to thirty (30) days after the effective date transfer to Louisiana-Pacific assets of Respondent, including 45 plants and mills, having a net worth of not less than $150 million and more fully described in Appendices 1 and 2 of this order, in exchange for all of the capital stock of Louisiana-Pacific and the assumption by Louisiana-Pacific of the liabilities transferred in connection with the assets referred to;

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(D) Prior to February 1, 1973, after retaining shares of Louisiana-Pacific stock for possible distribution under Respondent's contingent valuation contracts, distribute the remainder of said stock of Louisiana-Pacific to the stockholders of record on January 2, 1973, in the ratio of one share of Louisiana-Pacific stock for each four shares of Respondent's stock held on January 2, 1973, and shall make appropriate provisions for the handling of fractional shares;

(E) Within ninety (90) days of distribution of the Louisiana-Pacific stock, the amount credited to all salaried personnel in Respondent's stock bonus plan shall be transferred to a similar plan for the salaried employees who were former employees of Respondent and who shall become employees of Louisiana-Pacific, and a like procedure shall be followed regarding the pensions of hourly employees so involved;

(F) Make available executive personnel of Respondent, including officers who have present responsibility concerning the properties to be transferred by the Respondent to Louisiana-Pacific. These officers shall resign from their respective positions with the Respondent upon assuming their office with Louisiana-Pacific and all of the present personnel of the Respondent presently employed by the Respondent in the respective operations transferred to Louisiana-Pacific shall be transferred to Louisiana-Pacific. In addition, all of the present Respondent personnel involved in timber management, timber and log purchases and logging for these operations shall likewise be transferred to Louisiana-Pacific. The present sales organization of Respondent now selling all of its lumber production, kitchen cabinets, and aluminum and wood door and window production for the properties transferred to Louisiana-Pacific shall likewise be transferred to Louisiana-Pacific; and

(G) Respondent shall provide that:

1. Prior to the distribution of the Louisiana-Pacific stock to the stockholders of Respondent, Respondent shall vote the stock of Louisiana-Pacific for the election of an interim Board of Directors to serve until the election of an initial Board of Directors by the stockholders of Louisiana-Pacific;

2. Louisiana-Pacific shall within sixty (60) days of the distribution of the Louisiana-Pacific stock call a stockholders' meeting for the purpose of electing an initial Board of Directors;

3. Except as provided for in subparagraph 1 hereof and except with respect to organizational matters prior to the distribution of the Louisiana-Pacific stock to the Stockholders of Respondent, Georgia-Pacific Corp. shall not vote any stock of Louisiana-Pacific which it shall hold or which shall be held under its direction or control;

4. No nominee for the initial Board of Directors of Louisiana-Pacific shall at the time of his election be an officer or Director of Respondent; and

5. Subsequent to the election of the initial Board of Directors of Louisiana-Pacific no officer or Director of Respondent shall concurrently serve as an officer or Director of Louisiana-Pacific nor shall any officer or Director of Louisiana-Pacific serve concurrently as an officer or Director of Respondent.

PAR. 2. *It is further ordered*, That Respondent may, as requested by Louisiana-Pacific, for a period of ten (10) years from the effective date, purchase the softwood plywood production of Louisiana-Pacific at the current market price for such product and on the same terms and conditions as other purchases of softwood plywood made by Respondent, but only up to the percentage of Louisiana-Pacific's production as set forth immediately hereafter:

	Percent
1st year	100
2d year	80
3d year	60
4th year	40
5th to the 10th year	20

Provided, however, That the purchases by Respondent from Louisiana-Pacific of redwood plywood siding shall not be considered to be included in the limitations or in the percentages set forth above.

PAR. 3. *It is further ordered*, That for a period of five (5) years from the effective date, Respondent shall cease and desist from acquiring directly or indirectly any fee ownership or leasehold interest in pine or mixed pine and hardwood timberland in the South which is held in single ownership exceeding 25,000 acres: *Provided however*,

(A) That this limitation shall not apply to land acquired for and utilized for a purpose other than in plywood production;

(B) That, for the purpose of determining whether 25,000 acres have been acquired, acres acquired from a single owner in separate transactions will only be accumulated if they occur within 12 months of each other;

(C) That this limitation shall not apply to any tract regardless of its size on which Respondent at the time of said acquisition and at the effective date shall have cutting rights thereon existing on the effective date and a bona fide offer has been made for such land by a person not affiliated with Respondent; and

(D) That if Respondent does acquire said timberland pursuant to Paragraph 3(C), Respondent is:

(a) Prohibited from using from said lands so acquired any greater volume of plywood logs for use in any softwood plywood plant of Respondent than the average annual amount taken from said lands by Respondent in the three (3) years prior to said acquisition;

(b) Prohibited from terminating (except for substantial breach) any cutting contract, timber deed or any other right held by any other person other than the person from whom such timberland was acquired, in respect of timber on such acquired lands;

(c) Required to offer for sale annually, on the open market and at market prices, the same volume of softwood timber from the acquired lands as that board footage constituting the average annual open market sales of softwood timber cut from the acquired lands during the three (3) calendar years ending immediately prior to such acquisition by third parties having no interest in the fee of such lands;

(d) Required, within sixty (60) days of any acquisition of such interest, to file a report in writing with the Federal Trade Commission setting forth in detail a description of the interest so acquired and the information necessary to insure compliance with the provisions of this Order.

PAR. 4. *It is further ordered*, That for a period of five (5) years if Respondent acquires, for utilization in any plywood plant, directly or indirectly any fee ownership or leasehold interest in pine or mixed pine and hardwood timberland in the South, which is held in single ownership ranging in size from 10,000 acres to 25,000 acres, Respondent is:

(A) Prohibited from using from said lands so acquired any greater volume of plywood logs for use in any softwood plywood plant of the Respondent than the average annual amount taken from said lands by Respondent in the three (3) years prior to said acquisition;

(B) Prohibited from terminating (except for substantial breach) any cutting contract, timber deed or any other right held by any other person other than the person from whom such timberland was acquired, in respect of timber on such acquired lands;

(C) Required to offer for sale annually, on the open market and at market prices, the same volume of softwood timber from the acquired lands as that board footage, constituting the average annual open market sales of softwood timber cut from the acquired lands during the three (3) calendar years ending immediately prior to such acquisition by third parties having no interest in the fee of such lands;

(D) Required, within sixty (60) days of any acquisition of such interest, to file a report in writing with the Federal Trade Commission setting forth in detail a description of the interest so acquired and the information necessary to insure compliance with the provisions of this Order; and

(E) Prohibited from acquiring in any one year more than 100,000 such acres.

PAR. 5. *It is further ordered*, That for a period of five (5) years from the effective date, Respondent is prohibited from utilizing in its individual softwood plywood plants now in operation any higher percentage of pine timber purchased in the open market (which as used herein shall mean all acquisitions of Southern Pine plywood timber other than from lands held by Respondent in fee), than the percentage of such timber utilized by the said individual plants of Respondent from open market purchases made in 1972, except that the following plants of Respondent may purchase on the open market such logs up to the percentage set opposite the plant listed below:

	Percent
Crossett, Ark. No. 1	20
Crossett, Ark. No. 2	20
Fordyce, Ark	20
Chiefland, Fla	95
Emporia, Va	95
Russellville, S.C	75
Whiteville, N.C	85

Provided, however, That if any event beyond the control of Respondent shall occur which prevents Respondent from cutting timber on lands held by Respondent in fee, Respondent shall be relieved of the limitation on open market purchases, but only to the extent that such event shall have prevented the acquisition of timber from lands held in fee by Respondent: *And provided further*, That within ninety (90) days following the end of each of the five annual periods during which this prohibition is in effect, Respondent shall file with the Federal Trade Commission a report showing compliance with the provision of this Order.

PAR. 6. *It is further ordered*, That for ten (10) years from the effective date, Respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries, or otherwise, for its use in the manufacture of softwood plywood, from any person, firm or corporation other than the manufacturer thereof or a regular dealer or distributor of such equipment in the ordinary course of such dealer's or distributor's business:

(A) Any equipment specifically designed for the manufacture of softwood plywood;

(B) Any equipment specifically designed and theretofore used in the manufacture of softwood plywood; and

(C) Any equipment thereafter converted by Respondent, directly or indirectly, into equipment specifically designed for the manufacture of softwood plywood;

in the absence of prior Federal Trade Commission approval of such acquisition.

PAR. 7. *It is further ordered*, That for a period of ten (10) years from the effective date, Respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries, or otherwise, the whole or any part of the share capital or assets of, or any other interest in, any other person, firm or corporation engaged in the manufacture of softwood plywood in the United States immediately prior to such acquisition, in the absence of prior Federal Trade Commission approval of such acquisition: *Provided, however*, That nothing contained in this paragraph shall preclude or be deemed to preclude Respondent from acquiring timberlands or any interest therein or timber in any form (including but not limited to stumpage, logs, veneers, chips, sawdust, and cores). *And further provided*, That nothing contained in this paragraph shall apply to purchases of lumber, plywood, machinery, or any other product, by Respondent in the regular conduct of its business from suppliers in the regular conduct of their businesses, or to sales made by Respondent in the regular conduct of its business.

PAR. 8. *It is further ordered*, That Respondent while it has voting control of Louisiana-Pacific shall not cause or permit except in the ordinary course of the operation of its business any deterioration in the value of any of the plants, machinery, parts, equipment, timberland, or any other property or assets of the corporations to be transferred which may impair their present capacity or market value unless such capacity or value be restored prior to transfer.

PAR. 9. *It is further ordered*, That Respondent shall within sixty (60) days after date of service of this order, and every ninety (90) days thereafter during the first calendar year following the effective date and thereafter sixty (60) days following each succeeding nine annual periods submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which Respondent intends to comply or has complied with this order. All compliance reports shall include such information necessary or pertinent to insure compliance with the provisions of this order.

PAR. 10. *It is further ordered*, That Respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate Respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of the order.

Issued: December 26, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

FOREWORD TO APPENDIXES 1 AND 2

The contracts relating to the purchase of raw material for use in connection with the operation of the various properties described in Appendixes 1 and 2, together with all property leases and leases on automotive and other equipment will be assigned to Louisiana-Pacific Corp. by Georgia-Pacific Corp.

APPENDIX 1

SAMOA DIVISION

This division, headquartered at Samoa, Calif., with timberlands and plants located in the northern California coastal area, manufactures kraft pulp, lumber, and plywood products.

Division assets include the following:

Timber. Three major tracts of fee timber, involving 125,000 acres of timberland. Timber is 71 percent redwood, 25 percent Douglas fir, and 4 percent other species. Annual harvest is approximately 300,000M ft. Logging is performed by company and contract personnel.

Sawmills. Three redwood sawmills, located at Samoa, Big Lagoon and Carlotta with a combined capacity of 214,000M ft. operate on a two-shift basis with a crew of 680 men. Rough lumber is transferred to three remanufacturing plants located at Eureka, Cloverdale, and Healdsburg. The remanufacturing plants process approximately 50,000M ft. per year and employ 210 persons. A studmill, cutting 60,000M ft. per year and glueboard plant is also located at Samoa.

Plywood. This plant, located at Samoa, employs 290 men and produces approximately 127,000M ft. (⅜ inch) of fir and redwood plywood per year.

Pulp. 600-ton-per-day pulpmill constructed in 1964–65 employs 275 people and operates on 65 percent fir and 35 percent redwood chips. Redwood and fir chips come from G-P operations and from local mills in the area. This mill produces bleached kraft pulp which is shipped approximately 55 percent to export markets and 45 percent domestically. G-P converting plants are a user of this pulp.

Chip Export. A new chip export facility has just been completed wherein G-P will supply redwood chips for export and handle and load fir chips for other exporters.

All plants are in good repair with many continued capital improvements being made. Total Samoa division employment is 1,800.

UKIAH DIVISION

The Ukiah operations, headquartered at Ukiah, Calif., is made up of 8 sawmills and one millwork plant. Principal products are Douglas fir, redwood and white fir lumber, pulp chips and moulding. A total of 865 people are employed.

Division's assets include the following:

Timber. Fee timber involves 157,500 acres of timberland. The timber species is principally Douglas fir, along with some redwood, white fir and pine. In addition to fee timber, the mills cut a substantial volume of Forest Service timber purchased on the open market. Logging is performed principally by contract operators.

Sawmills. Eight sawmills, located at Alderpoint, Covelo, Dinsmore, Fort Bragg, Oroville, Potter Valley, Ukiah, and Willits, Calif., have an annual rated capacity of 413,000M ft. A remanufacturing or millwork plant, located at Calpella, Calif., produces doorjambs and mouldings. All plants are in good repair and equipped with modern milling equipment.

INTERMOUNTAIN DIVISION

This operation, headquartered at Coeur D'Alene, Idaho, consists of seven sawmills and one planing mill located in southeastern Washington, eastern Oregon, and northern Idaho, and manufactures pine, fir, hemlock and other white wood species of lumber and pulp chips. A total of 765 people are employed in the division.

Division assets include the following:

Timber. Fee timber consists of 107,000 acres of timberland. The timber species are principally pine, fir, hemlock and other white woods. The mills are currently cutting a substantial volume of Forest Service timber purchased on the open market. Logging is performed principally by contract loggers.

Sawmills. Seven sawmills located at Pilot Rock, Oreg., Walla Walla and Ione, Wash., and Post Falls, Moyle Springs, Chilco, and Priest River, Idaho, have an annual rated capacity of 225,000M ft. A remanufacturing or planing mill located at Sandpoint, Idaho, processes rough lumber produced at the Priest River and Chilco sawmills. All plants are in good repair and equipped with modern milling equipment.

WEATHER-SEAL DIVISION

The Weather-Seal Division is comprised of six plants manufacturing complete lines of wood windows, doors and cabinets, and aluminum windows and doors. About 50 percent of 1972 sales will be made through the Distribution Division, with the balance sold by outside salesmen or through Nu-Sash dealers.

The Orrville, Ohio, plant produces wood windows, most of which are sold by outside salesmen. This is a union plant employing 109 people. Annual rated capacity (one 8-hour shift, 5 days a week) is 200,000 windows. G-P owns the 157,000 square foot plant, which is 13 years old and in good condition.

The Ottawa, Ohio, plant produces wood casement windows, solid core doors and kitchen cabinets. Windows and doors are

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sold through the Distribution Division and by outside salesmen. Cabinets are produced in six major styles and three colors with many size variations and are sold through the Distribution Division. This is a union plant employing 153 people. Annual rated capacity is 75,000 windows, 200,000 doors and 125,000 cabinets. G-P owns the 351,000 square foot plant, which is 9 years old and in good condition.

The Caldwell, Ohio, plant manufactures aluminum windows used by schools and offices as replacement windows. All sales are made outside G-P, with Nu-Sash dealers handling about 50 percent of the volume. This small, nonunion plant employs 30 people. Annual rated capacity is 126,000 windows. G-P has a lease option on the 24,000 square foot plant, which is 4 years old and in very good condition.

The Winesburg, Ohio, plant produces aluminum storm doors and windows for residential construction. All sales are made through the Distribution Division. This is a nonunion plant employing 152 people. Annual rated capacity is 450,000 windows and 200,000 doors. G-P has a lease option on the 41,000 square foot plant, which is 15 years old and in good condition.

The processing operation at Norton, Ohio, produces Nu-Sash aluminum windows and doors for residential replacement. The windows are sold mainly through Nu-Sash dealers and the doors mainly through Distribution Division and outside salesmen. This union plant employs 134 people. Annual rated capacity is 210,000 windows and 282,000 doors.

The extrusion operation at Norton, Ohio, produces aluminum sashes from purchased aluminum billets. All production is used in the processing operation at Norton or is transferred to the Caldwell and Winesburg plants. This union plant employs 38 people. Annual rated capacity is 9 million pounds of extrusions.

The extrusion and processing operations at Norton are both located in one 138,000 square foot plant which is owned by G-P. It is 12 years old and in fair condition.

An agreement may be reached with The Anaconda Co., to acquire the metal operations of the Weather-Seal Division which encompass the plants at Norton, Caldwell, and Winesburg, Ohio. This is subject to Board approval of The Anaconda Co.

TEXAS-LOUISIANA OPERATIONS

These operations consist of three plywood plants, one particleboard plant with another one under construction, five sawmills with another one under construction, and one wood treating plant. Products produced are softwood plywood, particleboard, creosoted poles and lumber. A total of approximately 1,500 people are employed.

Timber and timberland. Fee timber involves 118,000 acres of timberland.

Plants. The three plywood plants located at Urania, La.; New Waverly, Tex.; Corrigan, Tex., with an annual rated capacity of 499 million square feet, 3/8 inch basis.

The particleboard plant is at Urania, La., with an annual rated capacity of 72 million square feet, 3/4 inch basis; and one is under construction at Corrigan, Tex.

Five sawmills, located at DeQuincy, La.; Jasper, Tex.; Kountze, Tex.; and two at New Waverly, Tex., have a total annual rated capacity of 144,800,000 board feet; and additional sawmill is under construction at Carthage, Tex.

One 1,600 Mcf treating plant for creosote and Woman treating of poles and lumber is at Urania, La. Raw material comes mostly from Urania lands. Sales are primarily to public utilities for transmission poles.

to keep the mill up-to-date and modern. Approximately 500 persons are employed.

Miscellaneous. The Forestry Department, which also operates the treating plant, is responsible for managing the timber and procurement of all raw materials for the plants.

KETCHIKAN (50 PERCENT OWNED)

The Ketchikan operations, located at Ketchikan and Annette, Alaska, are comprised of a pulpmill and two sawmills. Georgia-Pacific and FMC each share 50 percent ownership in these operations.

Pulp mill. This modern 640-ton-per-day pulpmill, constructed in 1954, produces approximately 225,000 tons per year of dissolving pulp for shipment to domestic and export markets. This pulp is used principally in the manufacture of rayon fibers and cellophane film. Substantial capital expenditures have been made over the recent years

Sawmills. Two sawmills located at Ketchikan and Metlakatla, Alaska, with an annual capacity of 160,000M bd. ft. produce spruce and hemlock lumber, principally for export markets. The mills have been recently remodeled and modernized. Total employment in the two sawmills is approximately 190 people.

Timber. Approximately 200,000M bd. ft. per year of hemlock and spruce logs for the pulpmill and sawmill operations are taken from the Tongass National Forest under a Forest Service allotment program through purchases at periodic sales conducted by the Forest Service. Approximately 5,000,000M bd. ft. remain to be logged in the allotment. A small volume of logs is available from fee lands and private owners. Logging is performed by company and contract personnel. The timber division employs 75 people.

APPENDIX 2

LOUISIANA-PACIFIC CORPORATION PLANTS AND MILLS, JUNE 30, 1972

[In thousands]

	Rated capacity	1971 production
Fir plywood plants (1) 3/8" rough, 3 shifts (square feet):		
Samoa, Calif	127,000	137,280
Southern Pine plywood (3) 3/8" rough, 3 shifts (square feet):		
Corrigan, Tex	162,000	----------
New Waverly, Tex	162,000	54,950
Urania, La	175,000	181,600
Total	499,000	239,550
West coast sawmills, redwood specialty (6) (board feet):		
Big Lagoon, Calif	46,000	40,695
Carlotta, Calif	63,000	57,881
Cloverdale, Calif	(1)	(1)
Eureka, Calif	(1)	(1)
Healdsburg, Calif	(1)	(1)
Samoa, Calif	105,000	97,010
Total	214,000	195,535
Fir and western pine (15) (board feet):		
Alder Point, Calif	42,000	40,350
Calpella, Calif	(1)	(1)
Chiloo, Idaho	31,000	29,165
Covelo, Calif	49,000	47,235
Dinsmore, Calif	42,000	34,105
Ione, Wash	32,000	26,365
Moyie Springs, Idaho	42,000	33,880
Oroville, Calif	96,000	79,045
Pilot Rock, Oreg	58,000	54,815
Post Falls, Idaho	31,000	36,610
Potter Valley, Calif	33,000	28,950
Priest River, Idaho	34,000	31,530
Sandpoint, Idaho	(1)	(1)
Ukiah, Calif	51,000	51,730
Walla Walla, Wash	20,000	21,245
Total	564,000	515,105
Spruce and hemlock (2) (board feet):		
Ketchikan, Alaska (50 percent ownership)	100,000	76,010
Metlakatla, Alaska (50 percent ownership)	60,000	10,705
Total	160,000	86,715
Stud mills (3) (board feet):		
Fort Bragg, Calif	56,000	51,830
Samoa, Calif	60,000	41,520
Willits, Calif	64,000	55,925
Total	180,000	152,275
Southern pine sawmills (4) (board feet):		
DeQuincy, La. (Chip-N-Saw)	36,000	----------
Jasper, Tex	42,000	39,675
Kountze, Tex	20,000	18,745
New Waverly, Tex. (Chip-N-Saw)	31,200	18,855
	129,200	77,275
Southern pine stud mills (1) (board feet):		
New Waverly, Tex	15,600	----------
Particleboard plants (1) (square feet):		
Urania, La	72,000	91,680
Wood treating plants (1) (cubic feet):		
Urania, La	1,600	1,285
Pulp plants (2) (tons):		
Ketchikan, Alaska—Dissolving pulp (50 percent ownership)	225	210.91
Samoa, Calif—Kraft pulp	210	171.99
Total	435	382.90

APPENDIX 2—Continued

	Rated capacity	1971 production
Kitchen cabinets, aluminum and wood door and window plants (6):		
Caldwell, Ohio		
Norton, Ohio (2 plants)		
Ottawa, Ohio		
Orrville, Ohio		
Winesburg, Ohio		

[1] Remanufacturing.
[2] 1 shift.

LOUISIANA-PACIFIC CORPORATION, 1972-1973 PLANT ADDITIONS, JUNE 30, 1972

	Approximate completion
Particleboard plants (1), Corrigan, Tex.—90,000,000 square feet 3/4"	March 1973.
Pine sawmills (1), Carthage, Tex. (Chip-N-Saw)—33,000,000 board feet	Second quarter 1973.
West coast stud mills (1), Moyie Springs, Idaho—50,000,000 board feet	November 1972.

[FR Doc.73-762 Filed 1-15-73;8:45 am]

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-448; Order No. 466]

UNIFORM SYSTEMS OF ACCOUNTS FOR CLASSES A, B, C, AND D NATURAL GAS COMPANIES AND FPC ANNUAL REPORT FORMS NO. 2 AND 2-A

JANUARY 9, 1973.

On July 18, 1972, the Commission issued a notice of proposed rule making in this proceeding (37 FR 14618, July 21, 1972) proposing to amend its Uniform Systems of Accounts for Classes A, B, C, and D Natural Gas Companies to provide accounting for unrecovered purchased gas adjustment costs consistent with Commission Order No. 452, issued April 14, 1972, in Docket No. R-406, authorizing deferral and recovery in rates of increases in the cost of purchased gas. The rule making proposed the addition of a new and separate account numbered and entitled Account 191, Unrecovered Purchased Gas Costs, to account for changes in purchased gas costs.

Comments were invited from interested parties to be submitted on or before September 1, 1972. In response to this notice, the Commission received comments from eight respondents.[1]

Two respondents were in full agreement. The other six respondents were in general agreement but suggested modifications to the proposed accounting.

We are adopting the suggestion made by one respondent that the text of Account 191 be amended to authorize the amortization of unrecovered purchased gas costs over other than six-month periods of time when pipeline companies have Commission approved PGA clauses authorizing recovery of the increased costs over such other periods of time.

Two respondents suggested using one subaccount within the purchase gas accounts to record increases or decreases in purchased gas costs incurred so that the actual cost of purchased gas would be shown. We believe the suggestion should be adopted. However, we believe it would be better to establish a separate account following the purchased gas accounts to record such increases or decreases and are adding new Account 805.1, Purchased Gas Cost Adjustments, to our Uniform System of Accounts for Class A and Class B Natural Gas Companies and new Account 731.1, Purchase Gas Cost Adjustments, to our Uniform System of Accounts for Class C and Class D Natural Gas Companies.

Finally, as suggested by one respondent, we are deleting the proposed note to Account 191 that would disallow carrying charges. As noted in Commission Order No. 452-A, ratemaking treatment of carrying charges shall be considered on its merits when the issue is raised in rate proceeding for individual companies.

Three respondents suggested that the Commission establish an unbilled revenue account for recording increases in purchased gas costs. The respondents would credit revenues at the time such increases occur and debit the unbilled revenue account. When the increases in costs are recovered in rates, the balance in the unbilled revenue account would be closed out. The suggested accounting however, is inappropriate because the new rates will not yet have been placed in effect at the time the cost is incurred. Thus, there would be a mismatching of billed revenues and expenses. Our proposal defers the expense until they can be billed, thus providing for a matching of relevant income items.

We will clarify two points raised by respondents. One respondent commented that the proposed text of Account 191 did not provide for the crediting of jurisdictional refunds to that account. Another respondent commented that companies should be allowed to defer costs to limit purchased gas adjustment filings. With respect to the comment on jurisdictional refunds, the text of Account 191 provides that decreases in the cost of purchased gas shall be credited to that account, which includes refunds. With respect to the latter comment, neither the text of Account 191 nor Order No. 452 require that pipeline companies file for rate schedule changes each 6 months.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 201 and 204 of the Commission's Uniform Systems of Accounts for Natural Gas Companies, and Annual Report Forms Nos. 2 and 2-A prescribed by § 260.1 and § 260.2 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are of a minor nature and are consistent with the prime purpose of the proposed rule making, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(4) Good cause exists for making the amendment to the Uniform Systems of Accounts for Natural Gas Companies ordered herein, effective upon issuance, and the amendments to FPC Annual Report Forms Nos. 2 and 2-A ordered herein, effective for the reporting year 1972.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

A. The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended effective upon issuance of this Order, as follows:

1. The Chart of Balance Sheet Accounts is amended by adding a new account "191, Unrecovered Purchased Gas Costs," following account "188, Research and Development Expenditures." As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

. . . . . .

ASSETS AND OTHER DEBITS

. . . . . .

4. DEFERRED DEBITS

. . . . . .

191 Unrecovered purchased gas costs.

. . . . . .

2. The text of the Balance Sheet Accounts is amended by adding new account "191, Unrecovered Purchased Gas Costs," following account "188, Research and Development Expenditures." As amended, the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

. . . . . .

[1] Arthur Andersen & Co., Columbia Gas Transmission Corp., Natural Gas Pipeline Co., Northern Natural Gas Company, Southern Natural Gas Company, Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, and United Gas Pipe Line Company.

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ASSETS AND OTHER DEBITS

. . . . .

4. DEFERRED DEBITS

. . . . .

191 Unrecovered purchased gas costs.

A. This account shall include purchased gas costs related to Commission approved purchased gas adjustment clauses when such costs are not included in the utility's rate schedules on file with the Commission.

B. This account shall be debited or credited, as appropriate, each month for increases or decreases in purchased gas costs with contra entries to Account 805.1, Purchased Gas Cost Adjustments.

C. After a change in a rate schedule recognizing the increases or decreases in purchased gas costs recorded in this account is approved by the Commission, this account shall be debited or credited, as appropriate, with contra entries to expense Account 805.1, Purchased Gas Cost Adjustments, so that the balance accumulated in this account will be amortized on an appropriate basis over a succeeding 6-month period or over such other periods that the Commission may have authorized. Any over or under applied debits or credits to this account shall be carried forward to the succeeding period of amortization.

D. Separate subaccounts shall be maintained for the amounts relating to the period in which the increase or decrease is accumulated and for the amortization of purchase gas increases or decreases, as applicable, so as to keep each period separate.

. . . . .

3. The Chart of Operation and Maintenance Expense Accounts is amended by adding a new account "805.1, Purchased Gas Cost Adjustments," following account "805, Other Gas Purchases." As amended, the Chart of Operation and Maintenance Expense Accounts reads:

Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

. . . . .

D. OTHER GAS SUPPLY EXPENSES

. . . . .

805.1 Purchased gas cost adjustments.

. . . . .

4. The text of the Operation and Maintenance Expense Accounts is amended by adding new account "805.1, Purchased Gas Cost Adjustments," following account "805, Other Gas Purchases." As amended, the text of the Operation and Maintenance Expense Accounts reads:

Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

. . . . .

D. OTHER GAS SUPPLY EXPENSES

. . . . .

805.1 Purchased gas cost adjustments.

A. This account shall be debited or credited with decreases or increases in purchased gas costs related to Commission approved purchased gas adjustment clauses when such costs are not included in the utility's rate schedules on file with the Commission.

B. This account shall be debited or credited with amounts amortized from Account 191, Unrecovered Purchased Gas Costs.

. . . . .

PART 204—UNIFORM SYSTEMS OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

B. The Commission's Uniform System of Accounts for Class C and Class D Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as effective upon issuance of this Order, as follows:

1. The Chart of Balance Sheet Accounts is amended by adding a new account "191, Unrecovered Purchased Gas Costs," following account "188, Research and Development Expenditures." As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

. . . . .

ASSETS AND OTHER DEBITS

. . . . .

4. DEFERRED DEBITS

. . . . .

191 Unrecovered purchased gas costs.

. . . . .

2. The text of the Balance Sheet Accounts is amended by adding new account "191, Unrecovered Purchased Gas Costs," following account "188, Research and Development Expenditures." As amended, the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

. . . . .

ASSETS AND OTHER DEBITS

. . . . .

4. DEFERRED DEBITS

. . . . .

191 Unrecovered purchased gas costs.

A. This account shall include purchased gas costs related to Commission approved purchased gas adjustment clauses when such costs are not included in the utility's rate schedules on file with the Commission.

B. This account shall be debited or credited, as appropriate, each month for increases or decreases in purchased gas costs with contra entries to Account 731.1, Purchased Gas Cost Adjustments.

C. After a change in a rate schedule recognizing the increases or decreases in purchased gas costs recorded in this account is approved by the Commission, this account shall be debited or credited, as appropriate, with contra entries to expense account 731.1, Purchased Gas Cost Adjustments, so that the balance accumulated in this account will be amortized on an appropriate basis over a succeeding 6 month period or over such other periods that the Commission may have authorized. Any over or under applied debits or credits to this account shall be carried forward to the succeeding period of amortization.

D. Separate subaccounts shall be maintained for the amounts relating to the period in which the increase or decrease is accumulated and for the amortization of purchase gas increases or decreases, as applicable, so as to keep each period separate.

. . . . .

3. The Chart of Operation and Maintenance Expense Accounts is amended by adding a new account "731.1, Purchased Gas Cost Adjustments," following account "731, Other Gas Purchases." As amended, the Chart of Operation and Maintenance Expense Accounts reads:

Operation and Maintenance Expense Accounts

. . . . .

4. OTHER GAS SUPPLY EXPENSES

OPERATION

. . . . .

731.1 Purchased gas cost adjustments

. . . . .

4. The text of the Operation and Maintenance Expense Accounts is amended by adding new account "731.1, Purchased Gas Cost Adjustments," following account "731, Other Gas Purchases." As amended, the text of the Operation and Maintenance Expense Accounts reads:

Operation and Maintenance Expense Accounts

. . . . .

4. OTHER GAS SUPPLY EXPENSES

OPERATION

. . . . .

731.1 Purchased gas cost adjustments.

A. This account shall be debited or credited with decreases or increases in purchased gas costs related to Commission approved purchased gas adjustment clauses when such costs are not included in the utility's rate schedules on file with the Commission.

B. This account shall be debited or credited with amounts amortized from Account 191, Unrecovered Purchased Gas Costs.

. . . . .

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

C. Effective for the reporting year 1972, FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising schedule pages 110 and 528, as set out in Attachment A hereto.[1]

D. Effective for the reporting year 1972, FPC Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising schedule page 3, as set out in Attachment B hereto.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By the Commission

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-889 Filed 1-15-73;8:45 am]

[1] Attachments A and B filed as part of the original document.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 73-18]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Pollution of Coastal and Navigable Waters

Executive Order 11548 (35 FR 11677), designates the Coast Guard as the appropriate agency for the purpose of receiving the notice of discharge of oil and the notice of discharge of any hazardous substance required by the Water Quality Improvement Act of 1970 (84 Stat. 91, 98; 33 U.S.C. 1161, 1162). This necessitates amending the Customs Regulations to show the Coast Guard as the agency to be notified of violations of the Act. Certain statutory references found in the Customs Regulations must also be amended.

In order to reflect these changes, § 4.66b of the Customs Regulations is amended as set forth below:

§ 4.66b Pollution of coastal and navigable waters.

(a) When any Customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters or any tributary of any navigable waters in violation of section 13 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), or any hazardous substance is being or has been deposited in navigable waters or that oil is being or has been discharged into or upon the coastal or navigable waters of the United States in violation of the Water Quality Improvement Act of 1970 (84 Stat. 91, 98; 33 U.S.C. 1161, 1162), he shall promptly furnish to the district director a full report of the incident, together with the names of witnesses, and, when practicable, a sample of the material discharged from the vessel in question.

(b) The district director shall forward this report immediately, without recommendation, to the district commander of the Coast Guard district concerned and a copy of such report shall be furnished to the Bureau.

(c) [Deleted]

[1] Attachments A and B filed as part of the original document.

(30 Stat. 1152, 84 Stat. 91, 98; 33 U.S.C. 407, 1161, 1162)

This amendment conforms the Customs Regulations to show the proper statutory authority and the proper recipient of reports of violations of the statutes cited in the amendment. Therefore, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective on the earliest date possible, under 5 U.S.C. 553.

Effective date. This amendment shall be effective January 16, 1972.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 9, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-933 Filed 1-15-73;8:45 am]

[T.D. 73-19]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Certain Coastwise Transport Privileges Accorded Austrian Vessels

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury under date of September 26, 1972, that Austria allows privileges reciprocal to those provided for in the cited statute, to vessels of the United States. Therefore, corresponding privileges are accorded to vessels of Austrian registry. Those privileges related to the coastwise transportation, under the conditions specified in the applicable proviso of section 27, 41 Stat. 999, as amended (46 U.S.C. 883), of empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with those articles; empty barges specifically designed for carriage aboard a vessel; any empty instruments for international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to section 14, 67 Stat. 516 (19 U.S.C. 1322(a)); and certain stevedoring equipment and material.

Accordingly, paragraph (b)(1) of § 4.93, Customs Regulations, is amended by the insertion of "Austria" in appropriate alphabetical order in the list of countries under that paragraph. Paragraph (b)(2) of § 4.93, Customs Regulations, is also amended by the insertion of "Austria" in appropriate alphabetical order in the list of countries under that paragraph.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516; 5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883)

There is a statutory basis for the described extension of reciprocal privileges, and the amendment recognizes an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective on the earliest date possible, under 5 U.S.C. 553.

Effective date. This amendment shall be effective January 16, 1973.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 9, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-932 Filed 1-15-73;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72-96 CR]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARYS RIVER, MICH.

Speed Limits for Vessels of 50 Gross Tons or Over; Corrections

In FR Doc. 72-18959,appearing at page 23540, in the issue of Saturday, November 4, 1972, § 92.49 is corrected as follows:

1. Section 92.49(a), appearing on page 23540, is corrected in the second line by changing the words "and (d)" to read "(d), and (e)."

2. Section 92.49(c)(2), appearing on page 23540, is corrected in the second line by changing the words "Munuscong Channel Buoy 26 to read "Sailors Encampment Channel Buoy 26."

3. Section 92.49(c)(3), appearing on page 23540, is corrected in the first line by changing the words "Munuscong Channel Buoy 26" to read "Sailors Encampment Channel Buoy 26."

Dated: January 3, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.73-916 Filed 1-15-73;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

[Circular No. 2338]

PART 2800—RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Subpart 2800—Rights-of-Way: General

DEFINITIONS

The purpose of the amendment is to correct an error appearing in para-

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graphs (a) and (h) of § 2800.0–5 where reference is made to the Secretary of Transportation and Department of Transportation, respectively. The appropriate titles are the Secretary of the Interior and Department of the Interior which were present until the January 1, 1971, edition of Title 43 of the Code of Federal Regulations.

It is the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in rule making except where such participation would be impracticable, unnecessary or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 FR 8336, May 4, 1971). Public participation is unnecessary in this case since the amendment simply corrects earlier obvious errors in rules of long standing.

Section 2800.0–5 paragraphs (a) and (h) are revised to read:

§ 2800.0–5 Definitions.

(a) "Secretary" means the Secretary of the Interior.

• • • • • •

(h) "Reservation lands" includes national parks and monuments, or any other reservations of the United States for the use of or administration by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside the Department of the Interior.

• • • • • •

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 10, 1973.

[FR Doc.73–842 Filed 1–15–73;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5325]

[Montana 20087]

MONTANA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN, MONTANA

Rock Creek Streamside Zone

A strip of land of variable width along Rock Creek in and through the following described subdivisions, and as shown on a map titled "Rock Creek Streamside Zone" dated May 1, 1971, copies of which are on file in the office of the Forest Supervisor, Lolo National Forest, Missoula, Mont., the Regional Forester, Northern Region, Forest Service, U.S. Department of Agriculture, Missoula, Mont., and in the Montana State Office, Bureau of Land Management, Billings, Mont.:

T. 7 N., R. 16 W.
Secs. 6 and 7.
T. 10 N., R. 18 W.,
Secs. 6, 7, 18, 19, and 30.
T. 7 N., R. 17 W., Unsurveyed, but when surveyed probably will be,
Secs. 1 and 2.
T. 8 N., R. 17 W., Unsurveyed, but when surveyed probably will be,
Secs. 4, 7, 16, 17, 18, 20, 21, 22, 27, 28, 34, 35.
T. 9 N., R. 17 W., Unsurveyed, but when surveyed probably will be,
Secs. 1, 2, 3, 9, 10, 11, 16, 17, 19, 20, 29, 30, 31, 32.
T. 10 N., R. 17 W., Unsurveyed, but when surveyed probably will be,
Secs. 25, 35, and 36.

The areas described appregate approximately 2,140 acres in Granite County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 10, 1973.

[FR Doc.73–843 Filed 1–15–73;8:45 am]

[Public Land Order 5326]

[Idaho 4799]

IDAHO

Withdrawal for National Forest Scenic and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

High Mountain Lakes, Mallard-Larkins Area

Devil's Lake

T. 42 N., R. 6 E.,
Sec. 25, E½SW¼NE¼, W½SE¼NE¼, NW¼NE¼SE¼, NE¼NW¼SE¼.

Fawn Lake

T. 42 N., R. 7 E.,
Sec. 25, S½SW¼NE¼NE¼, S½SE¼NW¼NE¼, E½SW¼NE¼, E½W½SW¼NE¼, SE¼NE¼.

Skyland Lake

T. 42 N., R. 7 E.,
Sec. 25, S½SW¼NW¼SW¼, W½SW¼SW¼;
Sec. 26, SE¼NE¼SE¼, SE¼SE¼;
Sec. 35, NE¼NE¼NE¼, N½NW¼NE¼NE¼;
Sec. 36, N½NW¼NW¼NW¼.

Northbound Lake

T. 42 ., R. 7 E.,
Sec. 34, SE¼SW¼NW¼, SW¼SE¼NW¼, W½SE¼SE¼NW¼, W½NE¼NE¼SW¼, NW¼NE¼SW¼, N½SW¼NE¼SW¼, E½NW¼SW¼, E½NW¼NW¼SW¼.

Hero Lake and Gnat Lake

T. 42 N., R. 7 E.,
Sec. 21, S½S½SW¼NW¼, W½SW¼;
Sec. 28, N½NE¼NW¼NW¼, NW¼NW¼NW¼.

Craig Lake

T. 42 N., R. 7 E.,
Sec. 28, S½NE¼SW¼SW¼, E½SW¼SW¼SW¼, SE¼SW¼SW¼, SW¼SE¼SW¼;
Sec. 33, NW¼NE¼NW¼, N½NW¼NW¼.

Heart Lake

T. 42 N., R. 7 E.,
Sec. 33, SW¼NE¼, S½NW¼SE¼NE¼, SW¼SE¼NE¼, E½SE¼NW¼, SW¼SE¼NW¼, NE¼NE¼SW¼, N½SE¼NE¼SW¼, W½NW¼NE¼SE¼, NW¼SE¼.

Mudd Lake

T. 42 N., R. 7 E.,
Sec. 29, S½SW¼NW¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼, N½SE¼SW¼NE¼, E½NE¼SE¼NW¼, NE¼SE¼SE¼NW¼.

Larkins Lake

T. 42 N., R. 7 E.,
Sec. 29, SW¼NE¼SW¼, SW½SE¼NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, SE¼SW¼.

Bacon Lake

T. 42 N., R. 9 E.,
Sec. 24, SW¼SW¼NE¼, SW¼SE¼SW¼NE¼, SE¼SE¼NW¼, E½NE¼SW¼, N½NW¼SE¼, SW¼NW¼SE¼, NW¼SE¼NW¼SE¼.

Forage Lake

T. 42 N., R. 9 E.,
Sec. 13, NE¼SW¼SW¼, N½SE¼SW¼SW¼, SE¼SE¼SW¼SW¼, SE¼SW¼, SW¼NW¼SW¼SE¼, W½SW¼SW¼SE¼.

Halo Lake

T. 42 N., R. 9 E.,
Sec. 13, S½NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, S½SE¼SE¼;
Sec. 24, N½NE¼NE¼.
T. 42 N., R. 10 E.,
Sec. 18, SW¼NW¼ of lot 4, SW¼ of lot 4;
Sec. 19, NW¼ of lot 1.

The areas described aggregate 946.60 acres.

CLEARWATER NATIONAL FOREST

BOISE MERIDIAN

High Mountain Lakes, Mallard-Larkins Area

T. 41 N., R. 7 E.,
Sec. 23, E½E½SW¼SW¼, W½SE¼SW¼, W½E½SE¼SW¼.
T. 42 N., R. 7 E.,
Sec. 34, E½NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, NW¼SW¼SE¼, N½SW¼SW¼SE¼;
Sec. 35, S½SW¼SE¼NE¼, SW¼SE¼SE¼NE¼, NW¼NE¼SE¼, W½NE¼NE¼SE¼.
T. 41 N., R. 8 E., unsurveyed, but which when surveyed will be:
Sec. 19, W½E½NE¼SE¼, W½NE¼SE¼, NE¼SW¼SE¼, E½SE¼SE¼SE¼;
Sec. 20, W½SW¼SW¼SW¼;
Sec. 29, SW¼NE¼NW¼SW¼, S½NW¼NW¼SW¼, SW¼NW¼SW¼, SW¼SW¼SW¼, W½SE¼NW¼SW¼;
Sec. 30, S½SE¼SE¼SE¼;
Sec. 31, NE¼NE¼NE¼, N½SE¼NE¼NE¼;
Sec. 32, W½NW¼NW¼NW½.

The areas described aggregate approximately 185 acres.

The total of the areas described aggregates approximately 1,131.60 acres in Shoshone and Clearwater Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 10, 1973.

[FR Doc.73–844 Filed 1–15–73;8:45 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–44; Notice 73–2]

PART 392—DRIVING OF MOTOR VEHICLES

Stopping at Railrodd Grade Crossing Controlled by Signal Light

The Director of the Bureau of Motor Carrier Safety is amending § 392.10(b) (3) of the Motor Carrier Safety Regulations for the purpose of eliminating an ambiguity in that subparagraph.

Section 392.10 establishes rules pertaining to stopping at, and proceeding across, railroad grade crossings. Those rules, which apply to all commercial motor vehicles operated in interstate or foreign commerce transporting certain hazardous materials, require, with certain exceptions, the driver of such a vehicle to bring the vehicle to a full stop before crossing railroad tracks at grade. Among the exceptions to this general rule is one, found in paragraph (b) (3) of that section, providing that a stop need not be made at "a railroad grade crossing where a stop and go traffic light controls the movement of traffic".

The Director has received a number of inquiries about the purport of the language quoted above. Some persons have asked for a definition of the term "stop and go traffic light." Others have asked whether the rule permits a commercial motor vehicle subject to its terms to proceed through a red light. Still others have asked about compliance with the rule in case a driver encounters an inoperative signal or a so-called blinker signal.

These inquiries indicate that § 392.10 (b) (3), as it presently stands, is not as clear as it might be, and that a modification in its language to eliminate possible ambiguity is in order. Therefore, the Director is revising the subparagraph to make it clear that the driver of a commercial motor vehicle transporting certain hazardous materials, as specified in § 392.10(a) (1) through (6), must stop when approaching a railroad grade crossing that is equipped with train approach signals or gates, or by a highway traffic signal unless, under local law, he is permitted to proceed through the highway traffic signal without stopping or reducing speed.

Since this amendment merely eliminates an ambiguity and does not add to the rule's substantive burden, notice and public procedure thereon are unnecessary, and it is effective on January 16, 1973.

In consideration of the foregoing, § 392.10(b) (3) of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49, CFR) is revised to read as follows:

§ 392.10 Railroad grade crossings; stopping required.

• • • • • •

(b) A stop need not be made at:

• • • • • •

(3) A railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping.

• • • • • •

This amendment is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389, respectively.

Issued on January 5, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73–871 Filed 1–15–73;8:45 am]

[Docket No. MC–38; Notice 73–1]

PART 395—HOURS OF SERVICE OF DRIVERS

Adverse Driving Conditions

The Director of the Bureau of Motor Carrier Safety is revising § 395.10 of the Motor Carrier Safety Regulations, which provides for special rules on the maximum hours a driver may drive when he encounters adverse driving conditions, such as bad weather or traffic congestion.

In normal circumstances, the regulations, 49 CFR 395.3(a), provide that a driver may not drive for more than 10 hours following 8 consecutive hours off duty. The purpose of the special adverse driving conditions rule was to take account of the fact that a driver may encounter conditions that arise after he has been dispatched and that make it impossible or hazardous for him to complete, within his remaining lawful driving time, a run that was originally scheduled in good faith to consume no more than that amount of driving time. The Bureau has, however, received a number of disturbing reports that the flexibility provided by § 395.10 has been abused. It appears that some carriers are scheduling runs during periods when adverse driving conditions are known to exist, so that drivers will almost certainly be compelled to violate the 10-hour limitation. In one documented instance, a passenger carrier was dispatching drivers in one direction on a scheduled 4-hour run when drivers coming into the terminal from the other direction on the same run were reporting that current driving conditions had extended it to 6 or more hours. This was done in spite of the fact that some of the drivers being dispatched had less than 6 allowable driving hours remaining.

Information of this type led the Director to issue a notice of proposed rule making on May 18, 1972, in which he announced that he was considering revising § 395.10 (37 FR 11684). The principal features of the proposal were that: (a) It would have defined "adverse driving conditions" so that conditions which were foreseen or could have been foreseen in the exercise of reasonable prudence when a run was begun would not have been deemed "adverse" within the meaning of the rule; (b) it would have required a driver who encountered adverse conditions to stop driving when he reached "the nearest place offering safety for vehicle occupants and security for the vehicle and its cargo"; and (c) it would have made explicit the previously implied restriction against driving for more than 12 hours without 8 consecutive hours off duty.

The proposal drew an unusually large response considering its subject matter, and, unlike many of the Bureau's rule making actions in the past, quite a few of the persons who filed comments did so as members of the general public not associated with the motor carrier industry.

The majority of the comments were directed to the three issues noted above. Carriers argued that the "foreseen or could have been foreseen in the exercise of reasonable prudence" standard required them to exercise a greater degree of prescience about weather conditions than could reasonably be expected. One carrier submitted in tabular form an hour-by-hour description of the weather conditions and reports at its home terminal, along its routes, and at its destination terminal for a sample period. This and other submissions indicated that during the winter, particularly in the Midwest, weather conditions are so protean as to defy rational prediction. Granting this to be the case, there remain instances in which the existence of adverse driving conditions en route is not a matter of prediction. There are times when those conditions are a certainty, as the case described above makes clear. In those circumstances, the rules do not, and should not, permit a carrier to dispatch drivers with full knowledge that they will not be able to complete their driving tasks within the allowable hours of service. To countenance such operating practices would amount to sanctioning wanton disregard of the public interest in safe highways.

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The Director has decided that both of these interests can best be accommodated by providing, as he has, that adverse driving conditions are defined as conditions which were not "apparent on the basis of information known to a person dispatching the run at the time it was begun." This formulation would prevent use of the 2-hour allowance for bad weather or heavy traffic in cases where any rational motor carrier must know that those conditions will certainly be faced. On the other hand, it does not require carriers to be, or attempt to be, weather prophets.

When a driver is en route and encounters adverse driving conditions, what must he do? Many comments pointed out that, under the proposed rule, he would have been required to seek a place to stop immediately and to utilize considerable discretion in determining whether that place was adequately safe or secure, or both. In most cases, however, the most secure and safe location is the final destination, provided it can be reached within a reasonable time. It appears, therefore, that the best policy in the majority of cases is to permit the driver to continue to drive until it becomes more clear whether or not he can complete his run within the 10-hour allowable driving time plus the 2 extra hours that accrue because of the adverse conditions. Thus, the revised rule provides that a driver who encounters adverse driving conditions and is unable to complete his run within the 10-hour maximum driving time, may within 2 additional hours, complete the run or stop at a safe and secure place.

Some persons opposed any limitation on maximum driving time of drivers who encounter adverse driving conditions. One group of comments suggested that it would always be preferable, in the interests of safety, for the driver to drive until he reaches his destination, regardless of the duration of his driving stint. The Director has concluded, however, that there is a point at which the hazards of driver fatigue outweigh the hazards or discomfort of an unscheduled stop. That point approaches when the 10-hour limitation has been exceeded. To permit continued, unrestricted operation of a commercial motor vehicle by a driver who has been driving for more than 10 hours without adequate rest is risky at best; to allow the driver to exceed 12 driving hours invites catastrophe. Another viewpoint on this issue was that carriers who were inclined to violate the purport of § 395.10 in the past are unlikely to honor it after the section is revised to clarify its terms. The Director is of the opinion that enforcement of § 391.10 will be enhanced by making it less ambiguous. In addition, the secondary impact of the revised rule (in labor-management relations and the operative rules of tort law, to name a few instances) should make both carriers and drivers more inclined to adhere to its mandate.

It should be emphasized that, for the most part, the revision is an attempt to restate the present rule in a clearer fashion. Some persons who filed comments evidently misapprehended this point. For example, some drivers objected to what they believed was a general extension of the 10-hour rule to allow 12 hours' driving time under all circumstances. No such change was intended, and none is being made.

In consideration of the foregoing, § 395.10 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR), is revised to read as follows:

§ 395.10 Adverse driving conditions.

(a) Except as provided in paragraph (b) of this section, a driver who encounters adverse driving conditions (as defined in paragraph (c) of this section) and cannot, because of those conditions, safely complete the run within the 10-hour maximum driving time permitted by § 395.3(a) may drive and be permitted or required to drive a motor vehicle for not more than 2 additional hours in order to complete that run or to reach a place offering safety for vehicle occupants and security for the vehicle and its cargo. However, that driver may not drive or be permitted or required to drive—

(1) For more than 12 hours in the aggregate following 8 consecutive hours off duty; or

(2) After he has been on duty 15 hours following 8 consecutive hours off duty.

(b) A driver who is driving a motor vehicle in the State of Alaska and who encounters adverse driving conditions (as defined in paragraph (c) of this section) may drive and be permitted or required to drive a motor vehicle for the period of time needed to complete the run. After he completes the run, that driver must be off duty for 8 consecutive hours before he drives again.

(c) "Adverse driving conditions" means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.

Effective date. This revision is effective on April 1, 1973.

This revision is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on January 5, 1973.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.73-872 Filed 1-15-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3540]

MINERAL COLLECTION FROM CERTAIN ACQUIRED NATIONAL FOREST SYSTEM LANDS

Permits

The purpose of this amendment is to incorporate into the regulations provisions for authorizing mineral collectors to enter upon acquired National Forest System lands, within areas herein designated, to collect mineral specimens under terms and conditions necessary for the conservation of natural resources, multiple use of National Forest System lands, equitable distribution of recreation privileges, and public safety. Presently there are no regulations authorizing such authority. The proposed regulations are based on the authority of the Act of March 4, 1917 (16 U.S.C. 520).

It is the policy of the Department of Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management (210), Washington, D.C. 20240 until February 19, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.).

A new subpart is added to Part 3540 to read as follows:

Subpart 3541—Mineral Collection Permits

Sec.
3541.0–1 Purpose.
3541.0–2 Objectives.
3541.0–5 Definitions.
3541.1 Lands to which applicable.
3541.2 Permit requirements.
3541.3 Fees for issuance of permits.
3541.4 Terms and conditions of permits.
3541.5 Penalty for violations.
3541.6 Trespass.

AUTHORITY: Act of March 4, 1917 (16 U.S.C. 520).

Subpart 3541—Mineral Collection Permits

§ 3541.0–1 Purpose.

The purpose of the regulations in this Subpart 3541 is to authorize mineral collectors to enter upon lands pursuant to § 3501.2–6(d) of this chapter for the purpose of searching for and removing mineral specimens.

§ 3541.0–2 Objectives.

The objective is to make certain acquired lands within the National Forest System available to mineral collectors at a reasonable fee and under terms and conditions necessary for the conservation of natural resources, multiple use of National Forest System lands, equitable distribution of recreation privileges, and public safety.

§ 3541.0–5 Definitions.

For purposes of the regulations in this Subpart 3541,

(a) "Chief" is the Chief of the Forest Service or his delegate.

(b) "Fee" is a user charge for searching for and removing mineral specimens. It includes a reasonable amount to defray the cost of rehabilitation and revegetation of the lands.

(c) "Permit" is the authorization issued upon payment of a fee to a permittee to search for or remove mineral specimens.

(d) "Permittee" is the holder of a permit.

§ 3541.1 Lands to which applicable.

The acquired lands for which a permit may be obtained are clearly identifiable by boundary markings and corner monuments at each site and by a boundary map available for public inspection in the offices of the forest supervisor and district ranger in charge of the lands. Areas designated for mineral collecting are described as follows:

EMERALD CREEK GARNET AREA

Lying approximately 8 airline miles south of Fernwood and 4 airline miles west of Clarkia, on the East Fork of Emerald Creek, Clarkia Ranger District, St. Joe National Forest, Idaho.

MOAT MOUNTAIN SMOKY QUARTZ AREA

Lying approximately 2.5 airline miles southwest of North Conway and 1,000 feet south of Thompson Falls on Elm Brook, town of Hales Location, Saco Ranger District, White Mountain National Forest, N.H.

§ 3541.2 Permit requirements.

Any individual who desires to search for or remove mineral specimens on acquired National Forest System lands must first have a permit to do so on the lands involved, signed by the authorized representative of the Bureau of Land Management. Permits can be secured in person or by mail from the forest supervisor or district ranger in charge of the area.

§ 3541.3 Fees for issuance of permits.

Fees will be determined by the Director and will be based on charges for comparable privileges on private and State lands, including recognition of the costs of supervising the activities of permittees, maintaining and providing improvements, and rehabilitating and revegetating the lands disturbed by mineral collecting.

§ 3541.4 Terms and conditions of permits.

The permit will contain terms and conditions which are deemed necessary by the Director and by the Chief to achieve the objectives of the regulations in this subpart, including, but not limited to, the following:

(a) Limits on the amount of material that may be taken by a permittee per day, calendar year, or other period of time, and the total number of days per calendar year any permittee shall be permitted to collect on any site.

(b) Prohibition or restriction of the use of explosives.

(c) Specifications as to the type of tools and equipment which may be used.

(d) Measures to be taken to prevent destruction of other natural resources or antiquities, to rehabilitate the land after removal of mineral specimens, and to protect the environment in any other respect deemed desirable.

(e) Use of fire.

(f) Cleanup.

(g) Avoidance of hazards.

§ 3541.5 Penalty for violations.

Permits are subject to immediate cancellation if any of the terms and conditions are violated. In such case no portion of the fee will be refunded. The Director may refuse to issue a permit to any individual who violated the terms and conditions of any prior permit.

§ 3541.6 Trespass.

Removal of mineral specimens from any National Forest System lands described in § 3541.1 without, or in violation of, a permit issued under the regulations in this subpart is a trespass against the United States. Trespassers will be liable in damages to the United States and may be subject to criminal prosecution.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 10, 1973.

[FR Doc.73-841 Filed 1-15-73;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration

[20 CFR Part 726]

BLACK LUNG BENEFITS

Requirements for Coal Mine Operators Insurance

Pursuant to authority contained in sections 422 and 423 of title IV of the

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Federal Coal Mine Health and Safety Act of 1969 as amended (83 Stat. 742, 86 Stat. 156; 30 U.S.C. 901, et seq.) it is proposed to amend Chapter VI of Title 20, Code of Federal Regulations, by adding thereto a new Part 726 as set forth below. The proposed new part will implement and effectuate provisions of the Act requiring coal mine operators to take prescribed action to secure the payment of any black lung benefits to coal miners and their survivors, for periods after December 31, 1973, to which such individuals may be entitled as a result of employment of such miners in mines operated by such operators.

Interested persons are invited to submit written data, views, or arguments concerning the proposed Part 726 to the Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, on or before February 15, 1973.

The proposed Part 726 reads as follows:

PART 726—BLACK LUNG BENEFITS: REQUIREMENTS FOR COAL MINE OPERATORS' INSURANCE

Subpart A—General

Sec.
726.1 Statutory insurance requirements for coal mine operators.
726.2 Purpose and scope of this part.
726.3 Relationship of this part to other parts in this subchapter.
726.4 Form, submission of information.

Subpart B—Authorization of Self-Insurers

726.101 Procedure and qualifications for self insurer.
726.102 Prior authorization to self-insure.

Subpart C—Contracts of Insurance

726.201 Who may underwrite an operator's liability.
726.202 Insurance contracts—required provisions.
726.203 Terms of policies.

AUTHORITY: 83 Stat. 742, 86 Stat. 156; 30 U.S.C. 901, et seq.

Subpart A—General

726.1 Statutory insurance requirements for coal mine operators.

Section 423 of title IV of the Federal Coal Mine Health and Safety Act requires each coal mine operator who is operating a coal mine in a State which is not included in the list published by the Secretary (see Part 722 of this subchapter) to secure the payment of benefits for which he may be found liable under section 422 of the Act and the provisions of this subchapter by either (a) qualifying as a self-insurer, or (b) by subscribing to and maintaining in force a commercial insurance contract.

§ 726.2 Purpose and scope of this part.

(a) This Part 726 provides rules directing and controlling the circumstances under which a coal mine operator shall fulfill his insurance obligations under the Act.

(b) This Subpart A sets forth the scope and purpose of this Part 726 and generally describes the statutory framework within which this part is operative.

(c) Subpart B of this part sets forth the criteria a coal mine operator must meet in order to qualify as a self-insurer.

(d) Subpart C of this part sets forth the rules and regulations of the Secretary governing contracts of insurance entered into by coal operators and commercial insurance sources for the payment of black lung benefits under Part C of the Act.

§ 726.3 Relationship of this part to other parts in this subchapter.

(a) This Part 726 implements and effectuates responsibilities for the payment of black lung benefits placed upon coal operators by sections 415 and 422 of the Act and the regulations of the Secretary in this subchapter, particularly those set forth in 20 CFR Part 725. All definitions, usages, procedures, and other rules affecting the responsibilities of coal operators prescribed in Parts 715 and 725 of this subchapter are hereby made applicable, as appropriate, to this Part 726.

(b) Part 703 of this chapter sets forth the rules and regulations of the Secretary in respect to the obligations of employers to secure workmen's compensation benefits payable under the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901 et seq., as amended from time to time, hereinafter referred to as the Longshoremen's Act). The provisions of Part 703 of this chapter are hereby made applicable to this Part 726 to the extent prescribed herein.

(c) In the event that an apparent conflict arises between the interpretation of any provision in this Part 726 and the interpretation of some provision appearing in a different incorporated part of this chapter, the conflicting provisions shall be read harmoniously to the fullest extent possible. In the event that a harmonious interpretation of the provisions is impossible the provision or provisions of this Part 726 shall govern insofar as the question is one which arises out of a dispute over the responsibilities and obligations of coal mine operators to secure the payment of black lung benefits as prescribed by the Act. No provision of this Part 726 shall be operative as to matters falling outside the purview of this part.

§ 726.4 Forms, submission of information.

Any information required by this Part 726 to be submitted to the Office of Workmen's Compensation Programs or any other office or official of the Department of Labor, shall be submitted on such forms or in such manner as the Secretary deems appropriate and authorizes from time to time for such purposes.

Subpart B—Authorization of Self-Insurers

§ 726.101 Procedure and qualifications for self-insurer.

In order to qualify as a self-insurer under this part a coal mine operator shall follow the procedures and meet the qualifications prescribed in Part 703 of this chapter governing the certification of self-insurers under the Longshoremen's Act, insofar as and to the extent that Part 703 of this chapter may be made applicable within the context of title IV of the Federal Coal Mine Health and Safety Act as amended. Revocation of the privilege of self-insurance shall also be governed by the provisions of Part 703 of this chapter.

§ 726.102 Prior authorization to self-insure.

(a) Any corporation or other business entity which is presently authorized to self-insure under the Longshoremen's Act and the regulations promulgated thereunder may, without formal application, be permitted to self-insure for purposes of title IV of the Act, provided that such corporation or other business entity has deposited or deposits sufficient security to insure the payment of benefits and the discharge of its other obligations under the Act. The amount of any additional deposits of security shall be determined by the Office in accordance with the provisions of Part 703 of this chapter.

(b) In the case of self-insurance permitted under paragraph (a) of this section, the revocation of the privilege of self-insurance granted for purposes of the Longshoremen's Act shall constitute the revocation of such privilege for purposes of the Federal Coal Mine Health and Safety Act (see Part 703 of this chapter).

Subpart C—Contracts of Insurance

§ 726.201 Who may underwrite an operator's liability.

Each coal mine operator who is not authorized to self-insure shall insure and keep insured the payment of benefits as required by the Act with an authorized insurance carrier. Such a carrier, for purposes of this part, shall include any stock company or mutual company or association, any other person or fund, including any State fund, while such company, association, person or fund is authorized under the laws of any State to insure workmen's compensation.

§ 726.202 Insurance contracts—required provisions.

(a) Every contract of insurance entered into for purposes of fulfilling an operator's obligations under the Act shall contain:

(1) A provision to pay benefits required under section 422 of title IV of the Act, notwithstanding the provisions of a State workmen's compensation law which may provide for lesser payments; and,

(2) A provision that insolvency or bankruptcy of the operator or discharge therein or both shall not relieve the carrier from liability for the full payment of benefits predicated upon a disability or death occurring during the life of the insurance contract; and,

(3) A provision that notification of the responsible operator or potentially responsible operator pursuant to § 725.151 of this Subchapter B shall constitute notification of the insurance carrier; and,

(4) A provision that jurisdiction over the operator by a deputy commissioner, an administrative law judge, the Benefits Review Board, the Secretary, or any court under the Act shall constitute jurisdiction over the insurance carrier; and,

(5) A provision that any ruling or order made by a deputy commissioner, an administrative law judge, the Benefits Review Board, the Secretary, or any court shall be binding upon the insurance carrier in the same manner and to the same extent as upon the coal mine operator.

(b) No policy or contract of insurance issued by a carrier to comply with the requirements of this subpart shall be canceled prior to the date specified in such policy or contract for its expiration until at least thirty days have elapsed after notice of cancellation has been sent by registered or certified mail to the Secretary and to the insured operator at his last known place of business. Each policy or contract of insurance issued for purposes of this subpart shall contain a provision requiring notice of cancellation as prescribed in this paragraph.

(c) Nothing in this section shall relieve any operator of the duty to comply with any State workmen's compensation law, except insofar as such State law is in conflict with the provisions of this section.

§ 726.203 Terms of policies.

A policy or contract of insurance shall be issued for the term of not less than 1 year from the date that it becomes effective, but if such insurance be not needed except for a particular contract or operation, the term of the policy may be limited to the period of such contract or operation.

Signed at Washington, D.C., this 11th day of January 1973.

RICHARD J. GRUNEWALD,
Assistant Secretary for Employment Standards.

[FR Doc.73-914 Filed 1-15-73;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1910]

[S-73-1]

CERAMIC PERMANENT MAGNETS

Proposed Modification of Certain Machine Brake Standards To Allow Use as Setting Devices

Sections 1910.68(c)(1)(i), 1910.217(b)(2), and 1910.263(h)(2) of Title 29 of the Code of Federal Regulations presently require the use of mechanically set brakes for certain kinds of equipment. A petition has been received for the modification of the three sections so as to allow the use of ceramic permanent magnets as setting devices. It is argued in the petition that magnetically set brakes of this type are at least as effective as those presently required, because the former have a braking force comparable to that of the latter and do not depend on an external source of power. It is also pointed out that if electrical power is available in an emergency application of the brakes, magnetic brakes are two-to-three times more effective than mechanical brakes.

It appears that the petition has merit. Accordingly, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to revise 29 CFR 1910.68(c)(1)(1), 1910.217(b)(2) and 1910.263(h)(2) to read as set forth below.

Written data, views, and arguments concerning the proposal may be mailed to the Office of Standards, Room 504, 400 First Street NW., Washington, DC 20210. All written submissions received before February 17, 1973, will be considered. The data, views, and arguments will be available for public inspection and copying at the Office of Standards.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before February 17, 1973;

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

1. In § 1910.68, paragraph (c)(1)(i) is proposed to be revised to read as follows:

§ 1910.68 Manlifts.

* * * * * * *

(c) *Mechanical requirements*—(1) *Machines, general*—(i) *Brakes.* A ceramic permanent magnet-set brake or a mechanically-set, electrically released brake shall be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The brake shall be capable of stopping and holding the manlift when the descending side is loaded with 250 pounds on each step.

* * * * * *

2. In § 1910.217, paragraph (b)(2) is proposed to be revised to read as follows:

§ 1910.217 Mechanical power presses.

* * * * * *

(b) * * *

(2) *Brakes.* Friction brakes provided for stopping or holding the slide movement shall be set with compression springs or ceramic permanent magnets. Brake capacity shall be sufficient to stop the motion of the slide quickly and to hold the slide and its attachments at any point in its travel.

* * * * * *

3. In § 1910.263, paragraph (h)(2) is proposed to be revised to read as follows:

§ 1910.263 Bakery equipment.

* * * * * *

(h) * * *

(2) *Emergency stop bar.* An emergency stop bar shall be provided, so located that the body will press against it if the operator slips and falls toward the rolls, or if the operator gets his hand caught in the rolls. The bar shall be such that this pressure will positively open a circuit which will deenergize the drive motor. In addition, a magnetic spring-set brake or a ceramic permanent magnet-set brake shall be activated at the same time, causing the rolls to stop instantly. The emergency stop bar shall be checked every 30 days.

* * * * * *

(Sec. 6, 84 Stat. 1593; 29 U.S.C. 655; 29 CFR 1910.4)

Signed at Washington, D.C., this 10th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-877 Filed 1-15-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 12493]

BRITISH AIRCRAFT CORPORATION VISCOUNT 810 SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corporation (BAC) Viscount 810 series airplanes. There has been a report of the discovery of a restriction in a power plant fire extinguisher pipe caused by the collapse of the rubber seal sleeve in the pipe connector assembly located at the engine fireproof bulkhead. Such a restriction could result in a fire hazard to the aircraft. Since the condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the repetitive replacement of the rubber seal sleeves, installed in the power plant fire extinguisher system, at 5-year intervals on BAC Viscount 810 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications re-

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ceived on or before February 15, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Viscount Series 810 airplanes.

Compliance is required as indicated.

To prevent a possible restriction in a power plant fire extinguisher pipe accomplish the following:

Within the next 500 hours' time in service after the effective date of this AD, unless already accomplished within 5 years prior to the effective date of this AD, and thereafter at intervals not to exceed 5 years from the last replacement, replace the rubber seal sleeves P/N FRS.-F-Series 1, installed in the power plant fire extinguisher system in the pipe connector assembly located at the engine fire-proof bulkhead, with seal sleeves of the same part number.

(BAC Alert Preliminary Technical Leaflet No. 149, Issue 1, dated July 30, 1971, covers this same subject.)

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 8, 1973.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.73-856 Filed 1-15-73;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

HIGH-SPEED TOOL STEEL FROM SWEDEN

Withholding of Appraisement Notice

Information was received on October 12, 1971, that high-speed tool steel from Sweden was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of November 25, 1971, on page 22607. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the exporter's sales price (section 204 of the Act; 19 U.S.C. 163) of high-speed tool steel from Sweden is less, or likely to be less, than the foreign market value or constructed value (sections 205 and 206) of the Act; (19 U.S.C. 164, 165).

Statement of Reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between exporter's sales price and the adjusted home market price or constructed value, where appropriate, of such or similar merchandise.

Preliminary analysis suggests that the exporter's sales price will probably be calculated by deducting from the resale price of the related firm to unrelated purchasers in the United States, processing costs, selling expenses, and other distribution costs incurred in the United States as appropriate. Deductions will probably be made for cash discounts, transportation charges in the United States and Sweden, ocean freight and insurance, Customs brokerage clearance charges and U.S. duty.

The home market price probably will be calculated on the basis of a weighted-average price to purchasers in the home market or a constructed value, where appropriate. Deductions probably will be made for quantity discounts, inland freight, and insurance with adjustments for differences in packing costs, where applicable.

Using the above criteria, there are reasonable grounds to believe or suspect that exporter's sales price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of high-speed tool steel from Sweden in accordance with § 153.48, Customs regulations (19 CFR 153.48).

High-speed tool steel produced by Stora Kopparberg of Falun, Sweden, is excluded from this withholding of appraisement since 100 percent of Swedish export sales during the period under consideration were examined and the home market prices or constructed value of Stora Kopparberg's merchandise were found to be lower than the exporter's sales price of identical merchandise in every instance.

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than January 26, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than February 15, 1973.

This notice, which is published pursuant to § 153.34(b), Customs regulations (19 CFR 153.34(b)), shall become effective January 16, 1973. It shall cease to be effective June 18, 1973, unless previously revoked.

Dated: January 12, 1973.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-1040 Filed 1-15-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M-73-14]

INLAND STEEL CO.

Petition for Modification of Mandatory Safety Standard

Notice. In regard petition of Inland Steel Co. for modification of mandatory safety standard, Docket No. M-73-14.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), notice is given that Inland Steel Co., Sesser, Ill., has filed a petition to modify the application of section 309(a) of the Act and 30 CFR 75.900 of the Secretary's implementing regulations to its mine in Jefferson County, Ill.

Section 309(a) of the Act provides as follows:

Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, grounded phase, short circuit and overcurrent.

Inland Steel Co. makes the following statement in support of its petition:

Our breakers are equipped with shunt trip instead of undervoltage releases. Undervoltage protection is provided on the high voltage circuit entering the mine, and this will provide protection for the low and medium voltage circuits should this condition develop on the high voltage circuit.

In event the voltage should decrease in the low and medium voltage circuits, protection is provided by the operating coils on the starters, which are so designed as to drop out the circuit well above the required 40–60 percent of rated voltage. These breakers are of adequate interrupting capacity, they are properly tested and maintained and are equipped with grounded phase, short circuit and overcurrent protection.

It is thought the protection in use on this equipment is superior to that stipulated in the regulations.

Parties interested in this petition shall file their answer or comment and their request for a hearing if they wish one, on or before February 15, 1973, with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 5, 1973.

[FR Doc.73-846 Filed 1-15-73;8:45 am]

Office of the Secretary

INDIAN EDUCATION FOR HEALTH COMMITTEE

Establishment, Charter, and Functions

Purpose. The Secretary, Department of the Interior, and the Secretary's delegate are charged under 25 U.S.C. 13; 42 Stat. 208, with the responsibility for the care and assistance of Indians throughout the United States and in developing and administering educational programs to improve their quality of life and education. The Secretary, Department of Health, Education, and Welfare and by

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delegation the Administrator, Health Services and Mental Health Administration, and the Director, Indian Health Service are charged under Public Law 568, 83d Cong., First session, 42 U.S.C. 2001 et seq., with the responsibility to maintain and operate health care facilities and to deliver health care and services to Indians.

The purpose of the Indian Education for Health Committee is to advise and assist in coordinating and improving the education and health programs for Indians throughout the United States in a joint venture by the Department of the Interior and the Department of Health, Education, and Welfare.

Authority. 25 U.S.C. 13; 42 Stat. 208 and 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended. This committee is established in accordance with and governed by provisions of Executive Order 11671, which sets forth standards for the formation and use of advisory committees.

Function. The committee will advise and make recommendations to the Secretary, Department of the Interior and the Secretary's delegate; the Secretary of Health, Education, and Welfare and the Director, Indian Health Service, Health Services and Mental Health Administration on guidelines, standards and evaluation techniques concerning the recruitment and provision of additional training for native Americans in education and health; the introduction of comprehensive health curricula in Indian schools; the production of health education materials, especially in maternal and child care; and in dealing with other crucial issues relating to education and health for Indian people in the United States.

Structure. The committee will consist of seven members, including the chairman. Two public members and two members who are full-time Federal employees, will be selected by the Secretary of the Interior and three members who are full-time Federal employees will be selected by the Secretary of Health, Education, and Welfare, or his designee, from leading authorities in the fields of education and health and who have wide knowledge of the needs for these services to better the life style of American Indians and Alaska natives. The chairman shall be designated by the Secretary of the Interior.

Members who are regular Government employees will be invited to serve for overlapping terms of 4 years, which in the case of initial members, shall be staggered to permit orderly rotation of members. Terms of more than 2 years are contingent upon a formal determination at the end of 2 years that continuance of the committee is in the public interest. The two public members shall be appointed for periods not to exceed 1 year; however, they may be reappointed for additional 1-year periods.

Management and staff services will be provided by the Department of the Interior.

Meetings. Meetings will be held quarterly, at the call of the chairman, with the advance approval of a Government official, who shall also approve the agenda. A Government official will be present at all meetings.

Meetings shall be open to the public and notice of all meetings will be given to the public.

Meetings shall be conducted, and records of the proceedings kept, as required by Executive Order 11671 and applicable Office of Management and Budget, Department of the Interior, and Department of Health, Education, and Welfare regulations.

Compensation. Members who are not full-time Federal employees will be paid at the rate of $75 per day, plus per diem and travel expenses in accordance with Standard Government Travel Regulations.

Annual cost estimate. Estimated annual cost for operating the committee, including compensation and travel expenses for members but excluding staff support is $8,000. Estimate of annual man-years of staff support required is one-sixth, at an estimated annual cost of $5,000. The Department of the Interior shall bear the costs for operation of the Committee.

Reports. A report will be submitted to the Secretary of the Interior through the delegate of the Secretary of the Interior and to the Secretary of Health, Education, and Welfare through the Administrator, Health Services and Mental Health Administration and the Director, Indian Health Service on July 15 of each year, which shall contain as a minimum, a list of members and their business addresses, the dates and places of meetings, and a summary of the committee's activities and recommendations during the fiscal year. A copy of the report shall be provided to the Department of the Interior Committee Management Officer and the Department of Health, Education, and Welfare Committee Management Officer.

Duration. The Indian Education for Health Committee will terminate 2 years from the date of its establishment unless extension beyond that date is found to be in the public interest.

FORMAL DETERMINATION

It is hereby determined that the formation of the Indian Education for Health Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior and the Department of Health, Education, and Welfare by law, and that such duties can best be performed through the advice and counsel of such a group.

Dated: January 4, 1973.

ROGERS C. B. MORTON,
Secretary of the Interior.

Dated: January 8, 1973.

ELLIOT P. RICHARDSON,
Secretary of Health, Education and Welfare.

[FR Doc.73-845 Filed 1-15-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the lists (37 FR 23853 and 25550) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to goats with respect to Dexter Packing Co., Inc., establishment 5845, is deleted. The reference to Lamb Specialties, Inc., establishment 6018, and the reference to sheep with respect to such establishment, are deleted. The reference to swine with respect to Geneva Meats and Processing Service, establishment 8979, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Golden West Meat Co., Inc.	E1796					(*)	(*)
B. & E. Meat Processing	2952	(*)				(*)	
Mister Meat	2957	(*)	(*)	(*)	(*)	(*)	
Mid-Continent Meats, Inc.	5833					(*)	
Gaines Packing Co.	5767	(*)	(*)				
Sikeston Food Lockers	5925	(*)				(*)	
Rocking Y Beef, Inc.	7054	(*)		(*)		(*)	
Wright Slaughter	8553	(*)				(*)	
McKillip Bros. Meat	9274	(*)				(*)	
Shaw Bros., Inc.	9300	(*)	(*)	(*)	(*)	(*)	
Elwood D. Metzler	9428	(*)	(*)			(*)	
Louis Kline, Inc.	9589	(*)	(*)	(*)		(*)	
Keek's Meat Plant	9684	(*)	(*)	(*)		(*)	
Holland Bros. Meat	9701	(*)	(*)	(*)		(*)	
George E. Garner	9838	(*)	(*)	(*)		(*)	
Francis Bonanno Packing Co.	9842	(*)	(*)	(*)	(*)	(*)	
Hughey (Bobby) Weiyandt III	9843	(*)	(*)	(*)	(*)	(*)	
New establishments reported: 17							
	885A					(*)	
Alco Packing Co.	6126			(*)			
Cuyamaca Meat Co.	8054			(*)			
Slade's Meat Packers, Inc.	8070			(*)			
Geneva Meats & Processing Service	8979			(*)			
Le Duc Packing Co.	9387			(*)		(*)	
Species added: 6.							

Done at Washington, D.C., on January 5, 1973.

KENNETH M. MCENROE,
Associate Administrator, Meat and Poultry Inspection Program.

[FR Doc.73-770 Filed 1-15-73;8:45 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

LONG ISLAND JEWISH-HILLSIDE MEDICAL CENTER

Notice of Application for Duty-Free Entry of Scientific Articles; Correction

In the notice of application for duty-free entry of scientific articles appearing at pages 69-71 in the FEDERAL REGISTER of Wednesday, January 3, 1973. F.R. Doc. 73-00259-33-07700 should be corrected to read:

Docket No. 73-00259-33-07700. Applicant: Tulane Medical School, Department of Ophthalmology, 1430 Tulane Avenue, New Orleans, LA 70112. Article: Fundas Camera. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to take photographs of the retina in humans both with and without the injection of fluorescein dye to demonstrate the blood flow in the retina. The article will be used for studying various disease conditions such as diabetes in the way they affect the vasculature of the eye. The photograph taken will be used to teach both residents and medical students in ophthalmology. Application received by Commissioner of Customs: November 27, 1972.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-859 Filed 1-15-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

INDIAN EDUCATION FOR HEALTH COMMITTEE

Establishment, Charter, and Functions

CROSS REFERENCE: For a document concerning the establishment of a new Indian Education for Health Committee, issued jointly by the Departments of the Interior, and Health, Education, and Welfare, see FR Doc. 73-845, *supra.*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-214]

ASSISTANT SECRETARY FOR ADMINISTRATION AND DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION

Designation and Delegation of Authority Regarding Certain Oaths Required in Connection With Employment

SECTION A. *Designation and delegation.* The Assistant Secretary for Administration and the Deputy Assistant Secretary for Administration each is hereby:

1. Designated to administer the oath of office required by 5 U.S.C. 3331 incident to entrance into the executive branch, or any other oath required by law in connection with employment in the executive branch, as authorized under 5 U.S.C. 2903(b).

2. Authorized to:

a. Designate the Director, Office of Personnel, the Deputy Director, Office of Personnel, each Regional Administrator, and each Deputy Regional Administrator to administer oaths as authorized under 5 U.S.C. 2903(b).

b. Empower the Director and the Deputy Director, Office of Personnel, each Regional Administrator, and each Deputy Regional Administrator to:

i. Designate in writing subordinate employees by position to administer oaths as authorized under 5 U.S.C. 2903 (b); and

ii. Redelegate to subordinate employees the authority to designate in writing subordinate employees by position to administer oaths as authorized under 5 U.S.C. 2903(b).

SEC. B. *Supersedure.* This designation and delegation supersedes unpublished designation and delegation effective May 19, 1967.

(5 U.S.C. 2903; sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of October 15, 1972.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.73-870 Filed 1-15-73;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-73-135; Administrative Division Docket No. Z-151]

HIDDEN VALLEY SUNRISE DEVELOPMENT CORP. ET AL.

Notice of Hearing

Notice is hereby given that:

1. Sunrise Development Corp., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated November 21, 1972, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the developer's statement of record for Hidden Valley and the failure of the developer to amend the pertinent sections of the statement of record and property report.

2. The respondent filed an answer postmarked December 13, 1972, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before David Knight in Room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, DC, on January 31, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before January 24, 1973.

5. Respondent is hereby notified that failure to appear at the above-scheduled hearing shall be deemed a default and the proceeding shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-869 Filed 1-15-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FIFTH ANNUAL NATIONAL AVIATION SYSTEM PLANNING REVIEW CONFERENCE

Notice of Conference and Agenda

The purpose of this notice is to announce the Fifth Annual National

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Aviation System Planning Review Conference. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 19205, dated December 24, 1968, and 35 FR 17798, dated November 19, 1970.)

The Department of Transportation announces that the Fifth Annual National Aviation System Planning Review Conference will be held May 21–23, 1973, at the Washington Hilton Hotel, Washington, D.C.

The following topics were developed in meetings with representatives of industry and user groups through the consultative planning process. The Department of Transportation encourages comments that assist in the development of agenda topics. These suggestions should be submitted not later than January 30, 1973 to:

Associate Administrator for Plans, Attention: AAV–1, 800 Independence Avenue SW., Washington, DC 20591.

A list of topics is provided for use as guidance:

(1) Community Involvement in Planning.
(2) Landing Systems.
(3) Navigation.
(4) Air Traffic Control.
(5) Airports.
(6) Short Haul.
(7) Performance Assurance.

A registration fee of $15, payable either in advance or at the conference, is required. Additionally, a fee of $5 is required of those who wish to receive the 1973 edition of the National Aviation System Ten Year Plan, Policy Changes, and Summary Report. (Those persons who do not register may purchase the National Aviation System Policy Summary (1972 edition) and Ten Year Plan directly from the Government Printing Office.)

To register for the Fifth Annual National Aviation System Planning Review Conference, please write to the following address giving: (1) Name, (2), address, (3) company/association if any, (4) area of interest (airports, air traffic control, navigation, or specify), and (5) enclose a check (if preregistration or publications are desired), payable to:

Federal Aviation Administration, Attention: AHQ–200, 800 Independence Avenue SW., Washington, DC 20591.

Issued in Washington, D.C., on December 12, 1972.

RONALD W. PULLING,
Acting Associate Administrator for Plans.

[FR Doc.73–857 Filed 1–15–73;8:45 am]

National Transportation Safety Board

AIRCRAFT ACCIDENT AT CHICAGO, ILL.

Notice of Investigation Hearing

In the matter of investigation of accident involving United Airlines, Inc., Boeing 737 of U.S. Registry N9031U, Chicago, Ill., December 8, 1972, Docket No. SA–435.

Notice is hereby given that an accident investigation hearing on the above matter will be held commencing at 9:30 a.m. (local time), on February 27, 1973, at the Sheraton-O'Hare Motor Hotel, Rosemont, Ill.

Dated this 5th day of January 1973.

[SEAL] WILLIAM HENDRICKS,
Senior Hearing Officer.

[FR Doc.73–858 Filed 1–15–73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP72–9]

ARKANSAS LOUISIANA GAS CO.

Notice of Petition To Amend

JANUARY 10, 1973.

Take notice that on December 12, 1972, Arkansas Louisiana Gas Co. (petitioner), P.O. Box 1734, Shreveport, LA 71151, filed in Docket No. CP72–9 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on November 1, 1971 (46 FPC 1110) as amended on July 17, 1972 (48 FPC ——), by authorizing petitioner to exchange gas with Cities Service Gas Co. (Cities) at a fourth point of delivery, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the Commission's initial order issued in subject docket, petitioner was authorized to exchange gas with Cities under an agreement dated June 11, 1971, at two points of delivery. The order of July 17, 1972 authorized petitioner and Cities to exchange gas at a third point of delivery for the mutual operating convenience of the parties.

Petitioner states that on October 27, 1972, its exchange agreement with Cities was amended by adding a fourth point of delivery and that authorization of such a fourth point will benefit the mutual operating convenience of both parties. Under the requested authorization petitioner purposes to install and operate approximately 1,000 feet of gathering line, a dehydrator, and related facilities costing approximately $9,700. Petitioner further states that Cities will install and operate the necessary tap and sidegate on Cities' existing pipeline, together with measurement facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–891 Filed 1–15–73;8:45 am]

[Docket No. E–7918]

CAROLINA POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 10, 1973.

Take notice that Carolina Power and Light Co. (Carolina) on December 18, 1972, tendered for filing proposed changes in its FPC rate schedules, with a proposed effective date of February 16, 1973. The proposed changes would increase jurisdictional sales and service by approximately $2,889,000 based on a volume of sales for the 12-month period ending December 31, 1971.

The proposed changes increase the rates for wholesale electric service rendered by Carolina to municipal and private electric systems, and provide general terms and conditions for wholesale electric power service to those customers. The filing also contains a new form of service agreement and attachment thereto. All of these proposed changes are embodied in FPC Electric Tariff Original Volume No. 1.

Carolina maintains the increase is necessary because the present rates do not provide a rate of return sufficient to attract new capital.

Carolina further states that the filing seeks to establish a uniformity of terms and conditions and to provide a tariff form of filing in lieu of the present individual contract type filings. However, it is not proposed that new contracts be entered into at the present time but that the general terms and conditions be made applicable to existing contracts. All contracts executed in the future would conform to the tariff in all respects. Special provisions are contained in the general terms and conditions for application to existing contracts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing have been served on Carolina's affected customers and interested state commissions. Copies are on file with the Federal Power Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–893 Filed 1–15–73;8:45 am]

[Docket No. CP73–163]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

JANUARY 10, 1973.

Take notice that on December 22, 1972, Consolidated Gas Supply Corp. (Applicant), 445 West Street, Clarksburg, WV 26301, filed in Docket No. CP73–163 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate approximately 1.4 miles of 8-inch transmission pipeline extending from Way Farm, Wood County, W. Va., to a point of connection with the facilities of the River Gas Co. in Washington County, Ohio; the proposed facilities will cross the Ohio River parallel to the existing 8-inch rivercrossing in Line No. TL–290.

Applicant states that 40 percent of the gas that it delivers to the River Gas Co. is delivered through the 23-year-old bare, welded Line No. TL–290 rivercrossing. Additional deliveries by Applicant to the River Gas Co. are made through the double rivercrossing in Line H–51; it is stated that one of these rivercrossings has developed leaks. Applicants contend that the proposed facilities are necessary to ensure continuity of service to the River Gas Co.

It is stated the estimated cost of the proposed facilities will be $174,174 and will be financed from funds on hand and from funds obtained from Applicant's parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–898 Filed 1–15–73;8:45 am]

[Docket No. CP73–172]

GARDNER PIPELINE, INC.

Notice of Application for Exemption

JANUARY 10, 1972.

Take notice that on December 29, 1972, Gardner Pipeline, Inc. (Applicant), 133 Pleasant Street, Gardner, Mass., filed in Docket No. CP73–172 an application pursuant to section 1(c) of the Natural Gas Act for exemption from the provisions of said Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it transports gas over an approximate 8-mile distance between a point near the intersection of Route 2A and the Fitchburg-Westminster Town Line, Worcester County and the Gardner Gas, Fuel and Light Co.'s facilities in Gardner Mass. Applicant further states that it transports gas exclusively for Gardner Gas, Fuel and Light Co., which sells and delivers gas to its retail customers within the Commonwealth of Massachusetts, that Applicant has no retail customers, and that Applicant is authorized to do business only within the Commonwealth.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–895 Filed 1–15–73;8:45 am]

[Docket No. CI73–150]

H & H GAS CO.

Order Vacating Certificate and Rescinding Rate Schedule

JANUARY 9, 1973.

By order issued November 1, 1972, the Commission issued a limited-term certificate of public convenience and necessity to H & H Gas Co. (H&H) in Docket No. CI73–150 authorizing the sale of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Bayou Portuguese Field, Lafourche Parish, La., pursuant to § 2.70 of the Commission's general policy and interpretations (18 CFR 270).

By telegram filed November 14, 1972, H & H rejected the subject certificate because the gas could not be produced against United's line pressure. By letter filed November 30, 1972, United confirmed that H & H could not meet United's line pressure and as a result the well went dead because of watering.

The Commission finds:

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate issued in Docket No. CI73–150 should be vacated and the acceptance for filing of the related rate schedule should be rescinded.

The Commission orders:

The certificate of public convenience and necessity issued in Docket No. CI73–150 is vacated and the acceptance for filing of the related rate schedule is rescinded.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–905 Filed 1–15–73;8:45 am]

[Docket No. E–7843]

KANSAS GAS AND ELECTRIC CO.

Notice of Application

JANUARY 10, 1973.

Take notice that Kansas Gas and Electric Co. (Applicant) on November 28,

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1972, filed an application pursuant to section 204 of the Federal Power Act seeking approval of an agreement to guaranty repayment of $15 million in pollution control revenue bonds, which the city of La Cygne, Kans., intends to issue.

The city intends to issue $30 million in pollution control revenue bonds to pay for construction of air pollution control facilities to be installed at Unit #1 at La Cygne Station located near La Cygne, Kans., which is jointly owned by Kansas Gas and Electric Co. and Kansas City Power & Light Co. as tenants in common. Final completion of these facilities is expected to be in September 1973 or thereafter.

The facilities will be owned by the companies and the financing for the facilities will be arranged under a lease-sublease arrangement between the city and Kansas Gas & Electric Co. and Kansas City Power & Light Co. with the companies making payments under the sublease sufficient to pay the principal, premium, if any, and interest due on the bonds together with related expenses.

The bonds would not be issued by Kansas Gas & Electric Co., and no payments would be required under the guaranty if the utility makes all the payments under the sublease.

Any person desiring to be heard or to make any protest with reference to such application should on or before January 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-899 Filed 1-15-73;8:45 am]

[Docket No. CI73-430]

McCULLOCH OIL CORPORATION OF TEXAS

Notice of Application

JANUARY 10, 1973.

Take notice that on December 21, 1972, McCulloch Oil Corporation of Texas (Applicant), 10880 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90024, filed in Docket No. CI73-430 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Co. (Arkla), from the Southwest Mathers Ranch Area, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell approximately 301,500 Mcf of natural gas per month to Arkla; 187,500 Mcf pursuant to an August 14, 1972, contract between Applicant and Arkla, and 114,000 Mcf pursuant to an August 9, 1972, contract between J. M. Huber Corporation, as predecessor in interest to Applicant, and Arkla. The proposed sale will be at an initial rate of 35 cents per Mcf until October 1, 1976, with a 1-cent-per-Mcf price escalation every 4 years thereafter, to a maximum price of 39 cents per Mcf, subject to upward and downward B.t.u. adjustment, at 14.65 p.s.i.a. The subject contracts, which shall continue in effect until October 1, 1992, and from year to year thereafter, also provide for price adjustments allowing for the recovery of compression and dehydration charges, and price escalations reflecting changes in state production taxes.

Applicant asserts that the 35-cents-per-Mcf initial price proposed herein is lower than any number of alternative sources of energy including the importation of liquefied natural gas, and the cost of synthetic gas, and is lower than prices of natural gas in the intrastate market, as evidenced by reported sales of gas at 42.5 cents and 73 cents in Texas and Oklahoma, respectively. Applicant further asserts that the 35-cents-per-Mcf price is in line with limited term certificates that have been issued by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-892 Filed 1-15-73;8:45 am]

[Dockets Nos. CI72-834, CP72-274]

NAVARRO GAS PRODUCTION CO. ET AL.

Order Rejecting Notice of Withdrawal, and Order to Show Cause

JANUARY 9, 1973.

Navarro Gas Production Co. and Louisiana Gas Production Co., a division of Commercial Solvents Corp., Docket No. CI72-834; Georgia Pacific Corp., Docket No. CP72-274.

By orders issued October 20 and November 10, 1972, we consolidated proceedings, granted interventions, and provided for hearing on the application of Georgia Pacific Corp. (GP) for a certificate of public convenience and necessity which requests authorization to construct and operate facilities required to attach additional supplies of natural gas in the Monroe Field, La. By means of said facilities, GP proposes to transport gas purchased from Navarro Production Co. and Louisiana Gas Production Co., a division of Commercial Solvents Corp. (Navarro) to its Crossett, Ark., plant.

Navarro has been selling gas, which is the subject of the application in Docket No. CP72-274, to Mid-Louisiana Gas Co. through existing facilities pursuant to a limited term certificate issued August 10, 1972. Said limited term certificate required Navarro to terminate its sale to Mid-Louisiana on December 1, 1972.

Subsequent to the issuance of our orders on October 20, 1972, providing for hearing, GP moved for reconsideration or in the alternative issuance of a temporary certificate and rescheduling procedural dates. By order issued November 10, 1972, we reiterated that "an evidentiary record should be made to develop the public interest issues involved in issuing a certificate of public convenience and necessity to GP, including the proposed end use of natural gas". We also referred therein to an issue raised by intervenor Mid-Louisiana that dwindling sources of natural gas in the Monroe Field might not justify the authorization of the new industrial pipeline into the area in view of the reduction in available supplies.

Subsequent to the order of November 10, GP on November 21 filed a notice of withdrawal of its application in Docket No. CP72-274 pursuant to the provisions of § 1.11(d) of the Commission's rules of practice and procedure. GP advised the Commission therein that Navarro served GP with a purported notice of termination of the gas sales contract and that a dispute exists between GP and Navarro with respect to Navarro's rights to the gas. GP further stated that it does not propose to construct or operate the 2.4 miles of 12¾-inch pipeline which GP had requested authorization for in Docket No. CP72-274 as it now proposes to install and operate certain other facilities to utilize its existing system in order to transport gas from Navarro to GP's plant in Crossett. On November 29, 1972, GP by telegram advised the Commission that it proposes to utilize its existing facilities certificated in Docket No. CP72-50 for the transportation of gas to be purchased from Navarro.

In Docket No. CP72-50, the Commission issued an order on November 15, 1971, authorizing GP to construct its initial facilities from Crossett, Ark., into the North Bastrop Area at an initial cost of $669,000, 46 FPC 1209. Said facilities were to be used by GP only during emergency conditions in order to provide 5,000-6,000 Mcf/d natural gas indispensably required as ignition fuel, for alternative fuel use in the drying operation in paper manufacturing where there was no practical alternative fuel suitable for this use, and only in the event that GP's regular natural gas supplier, Mississippi River Transmission Corp. (MRT) was totally curtailing GP (p. 1210).

GP's notice and telegram referred to previously in this order, indicates the intention of GP to proceed and to construct and operate facilities to connect gas supplies not specifically authorized by the certificate issued in Docket No. CP72-50. The construction and operation of facilities by GP to connect gas supply from Navarro may not be within the actual or legal contemplation of the certificate issued to GP and may be an unauthorized action. A pipeline connecting Navarro reserves to an interstate system, such as GP, may be a jurisdictional facility requiring prior Commission authorization (30 FPC 1477). Good cause therefore has not been shown to permit the effectuation of Notice of Withdrawal filed November 21, 1972. The hearing hereafter ordered should, as we have previously directed, develop an evidentiary record on the public interest issues involved in issuing a certificate of public convenience and necessity to GP to connect Navarro gas supplies, including the proposed end-use of natural gas. The resumed hearings hereinafter ordered should cure any deficiencies in preparation of a complete evidentiary record and provide all parties an opportunity to present their views.

The Commission finds:

(1) The grant of permission to withdraw the application of GP in Docket No. CP72-274 is not in the public interest.

(2) GP should be required to show cause why it should not first obtain a certificate of public convenience and necessity as required by section 7(c) of the Natural Gas Act prior to extension of facilities or transportation of additional gas supplies through existing facilities to its Crossett plant.

(3) An order to show cause should hereinafter issue, pursuant to § 1.6(d) of the rules.

(4) The record in these proceedings should be completed without undue delay in view of the circumstances.

The Commission orders:

(A) The notice of withdrawal filed November 21, 1972, by GP in Docket No. CP72-274 is rejected.

(B) GP is required to show cause why it is not required to first obtain a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act and the rules and regulations thereunder, before extending its facilities.

(C) Orders previously issued in these dockets are amended to provide participants an opportunity to complete the evidentiary record commencing on February 5, 1973, at 10 a.m., e.s.t., in a hearing room at Federal Power Commission, 441 G Street NW., Washington, DC 20426, at which time GP shall respond to these orders through appropriate witnesses.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-901 Filed 1-15-73;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Notice of Further Extension of Time

JANUARY 10, 1973.

On December 29, 1972, the Northeast Public Power Association filed a motion for extension of time to file prepared testimony as required by the Commission's order issued on September 21, 1972 (37 FR 20278, Sept. 28, 1972), and amended by notices issued October 27, 1972 (37 FR 23666, Nov. 7, 1972) and December 13, 1972 (37 FR 28217, Dec. 21, 1972). The motion states that the NEPOOL Executive Committee and other interveners do not oppose the request.

Upon consideration, notice is hereby given that the time is extended to and including January 12, 1973, within which the Northeast Public Power Association shall file its prepared testimony and exhibits.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-896 Filed 1-15-73;8:45 am]

[Docket No. CP73-162]

SEA ROBIN PIPELINE CO.

Notice of Application

JANUARY 10, 1973.

Take notice that on December 21, 1972, Sea Robin Pipeline Co. (Applicant), Post Office Box 1407, Shreveport, LA 71158, filed in Docket No. CP73-162 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas from Block 225, Ship Shoal Area, and Block 262 Eugene Island Area, offshore Louisiana, for Southern Natural Gas Co. (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a November 29, 1972, agreement between Applicant and Southern, Applicant will receive up to 25,200 Mcf of Southern's gas per day from Southern and transport such gas to Erath, Virmilion Parish, La., for delivery to United Gas Pipe Line Co. for exchange. United and Southern have filed in Docket No. CP69-305 a petition to amend the order issuing a certificate in said docket by authorizing the exchange of additional gas.

Applicant will charge Southern a monthly demand charge determined by multiplying $1.21 by the contract demand and by the ratio of the number of days such contract demand was in effect during such month to the total days in the month. Said rate is subject to adjustment for overruns and underruns.

Applicant states that the proposed service does not require the construction of additional facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-890 Filed 1-15-73;8:45 am]

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[Project 382]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application for New License

JANUARY 9, 1973.

Public notice is hereby given that application was filed on February 4, 1972, under section 15 of the Federal Power Act (16 U.S.C. 791a–825r) by Southern California Edison Co. (correspondence to: Mr. Rollin E. Woodbury, vice president and general counsel, Southern California Edison Co., 2244 Walnut Grove Avenue, Rosemead, CA 91770) for a new license for constructed Project No. 382, known as the Borel Project, located on the North Fork of the Kern River in Kern County, Calif.

The installed capacity of the Borel Project is 9,200 kw. (14,400 hp.). The project consists of: (1) Diversion works consisting of a 4-foot high, 158-foot long concrete dam across the east river channel, a 61-foot long intake structure with three 10 by 10-foot radial gates across the west river channel and a 200-foot long earth dike extending from the east channel dam to the abutment; (2) a settling basin, immediately downstream of the intake, formed in the west river channel by a 2,850-foot long earth dike having an overflow concrete section with two 8 by 10-foot radial gates; (3) a canal intake structure with three 10 by 10-foot radial gates and a sluice gate section; (4) a conduit system which includes the 3,240-foot long settling basin, 50,551 feet of open concrete-lined canal, 453 feet of rectangular section concrete canal, 2,898 feet of siphon, a 632-foot overflow weir and auxiliary intake structure at the Corps of Engineers Isabella Auxiliary Dam, a 518-foot double barreled conduit through this dam, six concrete and four steel flumes with a total length of 2,601 feet and four tunnels (total length—1,998 feet); (5) a small forebay with a spillway; (6) four 522-foot long steel penstocks; (7) a powerhouse containing three generating units with a total installed capacity of 9,200 kw.; (8) 38 miles of 66 kv. transmission line extending from the powerhouse to a point near Tehachapi; and (9) all other facilities and interests in land appurtenant to the operation of the project.

The project as originally constructed had a diversion dam with insignificant storage. In 1954 the Corps of Engineers completed Isabella Dam and Reservoir and the regulation of flows provided by that reservoir has increased the generation by the Borel plant.

According to the application, the net investment as of the end of the license term will be $2,475,000, which is less than the fair market value. Applicant estimates that the project increases local and state tax revenues by $123,700 annually. In the event of federal takeover, Applicant estimates severance damages to be not less than $7,746,000.

The Borel Project has no recreation facilities. Recreation facilities are provided, however, at the Corps of Engineers Isabella Reservoir which include fishing, sailing, boating, swimming, water skiing, camping, picnicking, and hiking.

The power generated at the Borel Powerhouse is supplied to the Applicant's interconnected power system for the use of its customers.

Any person desiring to be heard or to make protest with reference to said application should on or before March 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-900 Filed 1-15-73;8:45 am]

[Docket No. CP73-136]

SOUTHERN NATURAL GAS CO.

Notice of Amendment to Application

JANUARY 10, 1973.

Take notice that on December 26, 1972, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP73-136 an amendment to its application filed in said docket pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain metering and regulating facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In the original application Applicant proposed to abandon metering and regulating facilities located on its Tinsley Branch Line in Yazoo County, Miss., which have been used for the sale of natural gas to various petroleum companies, including Sohio Petroleum Co. (Sohio), because of the cancellation of its contracts with all but one of the subject purchasers.

In its amended application, Applicant states that it has agreed to disregard Sohio's October 10, 1972, letter requesting cancellation of service, and to continue Sohio's service as originally provided for in the original gas sales agreement, as authorized by the Commission in Docket No. CP66-161, on March 8, 1966 (35 FPC 369). Applicant therefore requests the Commission to delete that portion of its original application requesting authorization to abandon service to Sohio.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-897 Filed 1-15-73;8:45 am]

[Docket No. CP73-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Setting Date for Formal Hearing Prescribing Procedures, and Permitting Interventions

JANUARY 9, 1973.

On July 3, 1972, Transcontinental Gas Pipe Line Corp. (Transco) filed in Docket No. CP73-4 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of natural gas on an interruptible basis from Texas and Louisiana to New Jersey for the Elizabethtown Gas Co. (Elizabethtown). The gas to be transported will be sold to Elizabethtown by its wholly owned production affiliate, National Exploration Corp. (Exploration), and gathered, measured and delivered to Transco's system for the account of Elizabethtown by either Exploration or another wholly owned subsidiary, National Gas Gathering Co. (Gathering). Transco alleges that the proposed interruptible transportation service is to provide sufficient quantities of gas to Elizabethtown to offset certain curtailments in service which Transco is now required to make due to deficiencies in flowing gas supplies in its system. According to Transco's application, Elizabethtown's affiliate, Exploration, currently has wells already drilled in the McCaskill Field located in Karnes and Goliad Counties, Tex., which are capable of delivering through gas to meet a daily curtailment of Elizabethtown's services of 12.02 Mcf and an annual curtailment of 2.856 Bcf.

We believe that Transco's application presents several issues warranting the benefit of a formal evidentiary hearing. The overriding policy issue, with respect to the sale of the gas which Transco is to convey, is the same policy issue raised by the Commission Staff and others in Northern Michigan Exploration Co. et al., Docket No. CI72-301 et al.[1]

[1] We remanded Docket No. CI72-301 et al., for further hearings on Dec. 6, 1972.

The issue, simply stated, is whether it is in the public interest to authorize proposals which encourage natural gas distributors to enter the production business and tie whatever gas is found and produced to their systems. The question of end-use is also of primary concern herein. We consider all agreements between Elizabethtown and Exploration with respect to the gas which Transco proposes to transport herein, to be relevant and material to the issues in this proceeding.

Petitions requesting leave to intervene in Docket No. CP73-4 were timely filed by the following petitioners:

Elizabethtown Gas Co.
National Exploration Co.
Public Service Electric & Gas Co.
Brooklyn Union Gas Co.
Board of Public Utility Commissioners of the State of New Jersey.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by the application filed in Docket No. CP73-4.

(2) It is desirable to allow all petitioners who have so requested to intervene in Docket No. CP73-4, in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above named petitioners are permitted to intervene in the proceedings in Docket No. CP73-4 subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests expressly asserted in the petition to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders entered in these consolidated proceedings.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing on the issues presented by the application filed in the proceedings in Docket No. CP73-4 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing at 10 a.m., on February 27, 1973. Applicant and supporting intervenors shall file with the Commission and serve on all parties, the Commission Staff and the Presiding Law Judge its proposed direct presentation in support of its application, including the prepared testimony of witnesses and exhibits, on or before February 2, 1973.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in these proceedings and prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-903 Filed 1-15-73;8:45 am]

[Docket No. CP73-179]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 10, 1973.

Take notice that on January 12, 1972, United Gas Pipe Line Co. (Applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP73-179 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval for the abandonment of natural gas services to Monsanto Textiles Co. (Monsanto) at Monsanto's synthetic textile fiber manufacturing plant located near Pensacola, Fla., being made in accordance with a contract dated September 15, 1967, and to abandon in place 0.3 mile of 12-inch pipeline, and to abandon and remove a sale meter and regulator station, as authorized in Docket No. CP60-14.

Applicant states that its agreement with Monsanto was subject to a rate schedule with a stated monthly rate that expired on January 1, 1973, although said contract would have expired by its own terms on January 1, 1983. It is stated that Applicant submitted a new monthly rate schedule for the period January 1, 1973, through January 1, 1978, and two alternative proposals, all of which were rejected by Monsanto, thereby, Applicant states, effectively terminating the agreement between the parties. Applicant contends that since Monsanto would agree only to a new monthly rate that would not enable Applicant to acquire the new reserves necessary to enable continuing industrial service during a time of gas shortage, and because the subject contract is in effect terminated, the Commission should grant Applicant's request to discontinue service to Monsanto and to abandon facilities supporting such service.

Applicant states further that Monsanto is an industrial customer utilizing the gas it purchases from Applicant as feedstock and boiler fuel for the manufacture of synthetic textile fiber, and that Monsanto will most likely utilize natural gas from another source, butane, or fuel oil, upon the cessation of sales of natural gas by Applicant. It is further stated that since Applicant has been forced to curtail deliveries on its system of natural gas, Monsanto, as an industrial customer, should have a lower priority than other non-industrial customers of Applicant.

Applicant asserts that authorization of the termination of service requested herein will not result in a loss of gas to interstate commerce.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-839 Filed 1-15-73;8:45 am]

[Docket No. CP69-305]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Joint Petition To Amend Order

JANUARY 10, 1973.

Take notice that on December 21, 1972, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, TX 77002, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP69-305 a petition to amend the order of the Commission heretofore issued on August 19, 1969 (42 FPC 556), in said docket pursuant to section 7(c) of the

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Natural Gas Act by authorizing an increase in the volumes of natural gas to be exchanged, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The Commission's order of August 19, 1972, authorizes petitioners to exchange up to 400,000 Mcf per day of natural gas under an exchange agreement dated April 25, 1969. Pursuant to a supplemental agreement dated November 29, 1972, amending the April 25, 1969, agreement, petitioners propose to exchange up to an additional 25,200 Mcf of gas per day.

Pursuant to a transportation agreement dated November 29, 1972, Sea Robin Pipeline Co. (Sea Robin) will deliver the additional volumes of southern's gas to United at Erath, Vermilion Parish, La.; United will deliver to Southern an approximately equivalent amount of gas at the Bayou Sale Compressor Station, St. Mary Parish, La. Sea Robin has filed in Docket No. CP73-162 an application for a certificate of public convenience and necessity authorizing the transportation of Southern's gas.

Petitioners state that no additional facilities will be needed to implement the proposed additional exchange and that the additional exchange of natural gas between their respective pipeline systems will afford them greater flexibility in their daily operations enabling them to meet better their respective natural gas requirements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-894 Filed 1-15-73;8:45 am]

[Docket No. E-7865]

WEST PENN POWER CO.

Notice of Proposed Changes in Rates and Application for Fuel Adjustment Clause

JANUARY 9, 1973.

Take notice that West Penn Power Co. (West Penn) on November 14, 1972, tendered for filing proposed changes in its FPC Rate Schedule No. 60. The filing consists of an electric service agreement between West Penn and Somerset Rural Electric Cooperative, Inc., which incorporates the proposed fuel adjustment clause and would increase West Penn's revenues from jurisdictional sales and services by an estimated $1,016 based on the 12-month period beginning November 15, 1972. The filing is also applicable to Southwest Rural Electric Cooperative Corp. and the proposed fuel adjustment clause would increase West Penn's revenues from jurisdictional sales and services by an estimated $582 based on the 12 months succeeding August 11, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-902 Filed 1-15-73;8:45 am]

[Docket No. R-427]

CONNECTICUT LIGHT & POWER CO.

Order Denying Application for Rehearing

DECEMBER 1, 1972.

Statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-15, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), and Executive Orders Nos. 11615 and 11627.

On November 1, 1972, the Connecticut Municipal Group[1] (CMG) applied for rehearing of Commission Order No. 437A-12, issued October 12, 1972. In that order, we found that since the fuel clause of Connecticut Light & Power (CL&P) is in conformity with § 35.14 of the regulations and that CL&P had certified that clause to the Commission in accordance with our Order No. 437A-5, the fuel clause was consistent with the purposes of the Economic Stabilization Act of 1970, as amended. We therefore authorized CL&P to implement the clause as of November 14, 1971, subject to authorization of the Price Commission.

CMG has alleged in their application that such authorization to CL&P constitutes an illegal retroactive rate increase. CMG also alleges that application of CL&P fuel clause is a direct violation of our Order 437A-5, in that it is equivalent to certifying a defective clause. Finally, CMG alleges that the fuel clause has been superseded by a proposed clause filed June 16, 1972, as part of a general rate increase and that our order of August 14, 1972, suspending the increases for 5 months also suspends the fuel adjustment clause.

The certification of CL&P's fuel adjustment clause in our Order No. 437A-12 on October 12, 1972 is not retroactive rate making as CMG alleges. This fuel clause was operative prior to August 15, 1971, and would have remained operative but for Executive Order Nos. 11615 and 11627. In certifying this clause we did not make new rates, we merely satisfied ourselves that the clause was in conformity with the Economic Stabilization Program of the United States. CMG's position is that the price freeze terminated CL&P's fuel clause rather than suspended its operation, and, as pointed out above, this conclusion is incorrect.

CMG is in error in insisting on the fact that the fuel adjustment clause in effect on August 14, 1971 was not in conformity with § 35.14 of the rules and regulations. Again, this results from confusing the certification process set out in Order No. 437A-5 with the issues that may arise in a general rate case. Contrary to CMG's assertions, we have not found that CL&P's fuel clause, as it existed on August 14, 1971, is inconsistent with § 35.14 of our regulations. However, with the changes agreed to by the company to be effective on November 14, 1971, the fuel clause more accurately allocates transmission and distribution losses to the wholesale customers.

Finally, the fuel clause in question is not affected by our suspension order of August 14, 1972, in Docket No. E-7743. Although that proceeding may result in the utilization of a new fuel clause after January 16, 1973, the date the suspension period specified in Docket No. E-7743 terminates, the fuel clause we certified in our Order No. 437A-12 is presently operational until replaced.

The Commission finds:

(1) For the reasons stated herein and in our Order No. 437A-12, the fuel clause of CL&P has been properly certified pursuant to Order No. 437A-5.

(2) The instant application for rehearing should be denied.

The Commission orders:

(A) The application for rehearing, filed by CMG on November 1, 1972, is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-884 Filed 1-15-73;8:45 am]

[Docket No. E-7810]

KANSAS GAS & ELECTRIC CO.

Order Accepting Rate Schedules for Filing; Order To Show Cause

JANUARY 9, 1973.

Kansas Gas & Electric Co. (KG & E), on November 8, 1972, tendered for filing proposed changes in its rates and charges applicable to private and municipal electric distribution utilities and to rural electric cooperative associations. The changes which would increase annual revenues approximately $367,000 (9.89 percent) based upon 1972 operations, are proposed to become effective on January 10, 1973. The tendered rate filing consists of rate schedules proposed to supersede PMW-268, public utility resale, REA-369, service to nonprofit rural electric cooperative associations and electric interconnection contracts or agreements and service schedules to various municipalities.

KG & E states that the increased rates are needed to permit it to earn a more equitable return from its service to resale customers, and that under present rates KG & E earned 5.39 percent overall from these services in 1971. The 5.39 percent includes 3.95 percent from rural electric, 7.38 percent from small municipalities without generation, and 4.91 percent from municipalities with generation. The proposed rates would provide rate of return of 6.09 percent from rural electric, 7.61 percent from systems (municipalities and private systems) without generation, and 6.86 percent from municipalities with generation, based upon 1971 test year operations. KG & E further states that without the proposed rate increase, the company cannot attract on reasonable terms the new capital necessary to finance its $141 million construction program through 1976, needed to provide a continued supply of electricity, including the growth in requirements. KG & E requests that in view of its supporting statements reflecting declining earnings, the rate filing be permitted to become effective on January 10, 1973, without suspension.

Our review of KG & E's cost of service included with its filing indicates that the rates are not excessive. Accordingly, we shall accept the filing without suspension.

In addition to the increases in rates and charges, the rate filing includes changes in the fuel adjustment clause contained in KG & E's rate schedules, revised to update the base cost of fuel and to reflect increased system efficiency. The clause is formulated in such a way that the company's own fuel expense variations would be imputed to its purchased energy and interchange receipts. In this respect, the fuel clause appears to be inconsistent with the principles enunciated in the Commission's Opinion No. 633, issued October 30, 1972, in New England Power Co., Docket No. E-7541, 48 FPC ——, and § 35.14 of the Commission's regulations under the Federal Power Act. KG & E, therefore, should be required to show cause why its fuel adjustment clause should not be made to conform to those principles. There we stated that sound long-term regulatory policy should require a "fuel clause design which would adjust for variations in the cost of the fuel which is consumed to generate purchased power (i.e., the seller's fuel costs), as distinguished from the cost of fuel attributable to such power (i.e., the purchaser's fuel costs)" (mimeo., p. 12).

The filing also contains a provision for an increase or decrease in rate level to coincide with a change in taxes. We shall provide that upon invocation of such change KG & E shall submit to the Commission the appropriate data and computations showing the basis for the calculations of change in rate.

Notice of the filing was issued on December 13, 1972, and was published in the FEDERAL REGISTER on December 19, 1972 (37 FR 27556). Notice of intervention was filed by State Corporation Commission of Kansas. Comments were filed by the Caney Valley Electric Cooperative Association, Inc., and by the Sedgwick County Electric Cooperative Association, Inc. Neither the notice nor the comments raises any factual issue, and neither requests a hearing. The cooperatives do not request leave to intervene.

The Commission finds:

It is reasonable and appropriate and in the public interest pursuant to the provisions of the Federal Power Act that KG & E's filing tendered on November 8, 1972, be accepted for filing and be permitted to be effective without suspension as hereinafter ordered and conditioned.

The Commission orders:

(A) The proposed rates tendered herein on November 8, 1972, are accepted for filing to be effective as of January 10, 1973, subject to the terms and conditions of this order.

(B) Pursuant to sections 205, 206, and 309 of the Federal Power Act, the Commission's regulations issued thereunder, and the Commission's rules of practice and procedure, KG & E on or before February 7, 1973, shall show cause why its fuel adjustment clause should not be made to conform to the principles set forth in the Commission's Opinion No. 633.

(C) Prior to KG & E's effecting any change in rate pursuant to the tax clause described herein, KG & E shall submit appropriate data and computations showing the basis for the change in rate.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in this or any other proceeding instituted by or against KG & E or any other person or party affected by the rates hereby permitted to become effective.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

CERTIFICATION OF RATE INCREASE, KANSAS GAS & ELECTRIC CO.—E-7810

(1) The former price, before the increase granted herein, the new price as granted, and the percentage increase in price are as follows (based on test year operations, 12 months ended December 31, 1971):

	Former price	New price	Percent increase
Revenues	$3,416,708	$3,756,308	9.9

(2) The rate increase is expected to provide increased annual revenues of $339,600 from the wholesale customers.

(3) The increase in the company's profits will be $164,672, or stated in terms of percentage of its total jurisdictional sales, will be 2.0 percent.

(4) The increase in the company's overall rate of return on capital (rate base) will be from 8.13 percent to 8.28 percent, 0.15 percentage point or 1.85 percent.

(5) Sufficient evidence was taken during the course of this proceeding to determine whether or not the criteria set forth in paragraphs (d) (1) through (4) of § 300.16 of the rules and regulations of the Price Commission have been met.

(6) The rate increase granted in this proceeding meets the criteria set out in paragraphs (d) (1) through (4) of § 300.16 of the rules and regulations of the Price Commission.

[FR Doc.73-883 Filed 1-15-73;8:45 am]

[Dockets Nos. RP71-107, RP72-127]

NORTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Revised Tariff Sheet and Consolidating Proceedings

JANUARY 5, 1973.

Northern Natural Gas Co. (Northern), on December 7, 1972, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, First Revised Sheet No. 6a, which has the effect of combining presently effective operational areas E and F into one new operational area designated E-F. The tendered filing was given Docket No. RP71-107. An effective date of January 5, 1973, is requested.

Northern states that with the advent of a new supply of gas authorized pursuant to Commission Opinion No. 618 which is now flowing into the northern end of Northern's system, the system operations do not require two operational areas. Northern further states that the combining of these operational areas will give more operating flexibility to Northern's utility customers that have communities located in both the currently effective operational areas E and F.

Northern requests waiver to the extent necessary of the notice requirements of § 154.22 under § 154.51 of the regulations.

Northern's operational areas formally demarcate the areas covered by various customer billing groups. By our order issued October 2, 1972, in Docket No. RP71-107 (Phase I), we deferred decision on the issue of group billing and directed that the issue be considered in Docket No. RP72-127. Since a determination of the justness and reasonableness of consolidation of operational areas E and F is predicated on a determination of the justness and reasonableness of group billing, it is reasonable and appropriate to suspend the use of First Revised Sheet No. 6a to Northern's FPC Gas Tariff Third Revised Volume No. 1 for 1 day, subject to refund, and to consolidate the instant filing in Docket No. RP71-107 with Docket No. RP72-127 for purposes of hearing and decision.

The Commission finds:

It is reasonable and proper in the public interest and to aid in the enforcement of the Natural Gas Act that Northern's

[1] The city of Groton, borough of Jewett City, second and third taxing districts of the city of Norwalk, city of Norwich, town of Wallingford, and the Connecticut Municipal Electric and Gas Association.

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First Revised Sheet No. 6a tendered for filing on December 7, 1972, be accepted for filing, suspended, and the use thereof be deferred as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, and services contained in Northern's FPC Gas Tariff, as proposed to be amended herein.

(B) The issues raised in the December 7, 1972, tendered filing in Docket No. RP71-107 are hereby consolidated for hearing and decision with Docket No. RP72-127.

(C) Pending hearing and a final decision in these consolidated proceedings, First Revised Sheet No. 6a to Northern's FPC Gas Tariff, Third Revised Volume No. 1 is accepted for filing, suspended for 1 day, and the use thereof deferred until January 6, 1973, and until such further time as it is made effective in the manner provided in the Natural Gas Act.

(D) The notice requirements of § 154.22 of the Commission's regulations under the Natural Gas Act are hereby waived.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-885 Filed 1-15-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Motion of Commonwealth Edison Co. for Extraordinary Relief

JANUARY 9, 1973.

Take notice that on December 29, 1972, Commonwealth Edison Co. (Commonwealth) filed a motion in Docket No. RP71-119 petitioning the Commission for extraordinary relief in the form of an order temporarily modifying Panhandle Eastern Pipe Line Co.'s (Panhandle) deliveries as contemplated under the interim curtailment plan heretofore approved by the Commission.[1] Commonwealth requests that Panhandle be ordered to provide it with a delivery volume of 1,920 Mcf per day and 10,500 Mcf per month of natural gas at such times as those volumes are required by Commonwealth during that period of time during which the aforementioned interim curtailment plan continues in effect.

Commonwealth alleges that it is a major public utility generating and distributing electricity throughout the northern one-fifth of the State of Illinois, including the City of Chicago. The natural gas it purchases from Panhandle is consumed at its Kincaid electric generating station and this station provides approximately 10 percent of Commonweath's generating capacity.

Commonwealth states that the natural gas consumed at the Kincaid Station is used to ignite coal in its cyclone burners when bringing up the boilers from a cold start and for flame stabilization during periods of light load.

Commonwealth alleges that it does not have alternate facilities that can utilize oil or propane to ignite the coal that is consumed in these boilers. Hence, it strongly urges that these small amounts of natural gas are essential to assure the continued operation of the station. It further notes that the inability to offer adequate and reliable electric service to a large part of Illinois could have a significant human needs impact since electric power is a basic need of the consuming public.

Commonwealth stresses that it does not seek total exemption from the effects of Panhandle's curtailment plan. However, it contends that it will not be able to operate its Kincaid facilities in the event that Panhandle delivers only 1,664 Mcf per day and 7,290 Mcf per month as is currently projected for January 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the request is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-886 Filed 1-15-73;8:45 am]

[Dockets Nos. G-10426, CP70-137]

EL PASO NATURAL GAS CO.

Findings and Order Issuing Temporary Certificate of Public Convenience and Necessity, Providing for Hearing, and Establishing Procedure

JANUARY 8, 1973.

On September 6, 1972, and on September 22, 1972, El Paso Natural Gas Co. (Petitioner) filed in Dockets Nos. CP70-137 and G-10426, respectively, petitions to amend the orders of the Commission issuing certificates of public convenience and necessity in said dockets on May 12, 1970 (43 FPC 723), and November 21, 1957 (18 FPC 690), as amended, respectively, by authorizing an increase in its contract demand service for certain of its Northwest Division customers, all as more fully set forth in the appendix and in the petitions to amend in this proceeding.

By certain Commission orders,[1] Petitioner is authorized to import, in increments, into the United States from Canada, an additonal 300,000 Mcf of natural gas per day purchased from its Canadian supplier, Westcoast Transmission Co., Ltd., at Sumas, Wash., and to construct and operate the facilities necessary to transport the additional gas to its customers. Petitioner herein seeks authorization to allocate 65,000 Mcf of the final increment of 75,000 Mcf of natural gas per day to its Northwest Division customers in the manner described in the attached appendix. Petitioner on September 29, 1972 and October 16, 1972, filed a total of 18 superseding service agreements providing for the proposed service. Petitioner proposes to reserve the remaining 10,000 Mcf of natural gas per day for itself to assure a margin of service reliability.

In response to Commission Staff inquiry, Petitioner, on November 16, 1972, filed supplemental data reflecting the contemplated peak day and annual enduse of the additional volumes proposed to be allocated as a result of this proceeding. The supplemental data reflect that a portion of the peak day requirements on an annual basis, over 50 percent of the incremental volumes will be for industrial use. Accordingly, during this period of critical gas supply shortage, we believe that a full evidentiary record should be developed to explore the public convenience and necessity issues involved in this proceeding. That record should include, inter alia, a full market review (including end-use) through the submission of evidence by Petitioner, its customers, and where appropriate, its customers' customers. The inquiry should establish, inter alia, the ultimate use of the natural gas proposed to be sold by Petitioner in order to permit us to evaluate the public interest issues of whether to grant the certificate as requested during this period of national gas supply shortages.

Petitioner has requested the Commission to permit its proposal to become effective as of November 1, 1972. However, Petitioner has not shown any good cause for granting waiver of our regulations to permit the grant of the proposed effective date. In its supplemental data

[1] Order issued June 20, 1972.

[1] Docket No. G-8923 et al., on Jan. 20, 1970 (43 FPC 87), and May 12, 1970 (43 FPC 723); Docket G-10428 on Nov. 21, 1957 (18 FPC 690), and Nov. 4, 1971 (48 FPC ——); Docket No. CP70-137 on May 12, 1970 (43 FPC 723), and July 28, 1971 (FPC 232); and Docket No. CP70-138 on Feb. 9, 1971 (45 FPC 252).

filing, Petitioner alleges that several of its distributor customers have been unable to cover their growth in residential and commercial peak day requirements with their prorata allocations. Thus, there exists the possibility of a shortage of supply to meet the needs of residential and commercial consumers. Accordingly, an emergency within the meaning of section 7(c) of the Natural Gas Act exists and we will issue a temporary certificate pending determination of this proceeding to assure maintenance of adequate service to the residential and commercial consumers on Petitioner's system. However, El Paso should specifically advise all of its recipient customers herein that, because of the temporary grant, a firm reliability cannot be placed on the instant volume, and that their respective operations should be conducted accordingly.

After due notice by publication in the FEDERAL REGISTER of the petitions to amend on October 7, 1972 (37 FR 21379), a notice of intervention was filed in Docket No. G-10426 by The People of the State of California and the Public Utilities Commission of the State of California; however said notice of intervention was subsequently withdrawn. No petitions to intervene, protests to the granting of the petitions to amend or further notices of intervention have been filed.

The Commission finds:

(1) Good cause exists for issuing a temporary certificate of public convenience and necessity to Petitioner as hereinafter conditioned.

(2) Good cause exists for the Commission to enter upon a hearing and for establishing the procedures for that hearing.

The Commission orders:

(A) Upon the terms and conditions of this order, a temporary certificate of public convenience and necessity is issued authorizing Petitioners to render the service as requested and hereinbefore described and as more fully set out in the application filed in this proceeding.

(B) The temporary certificate issued above is conditioned as follows:

(1) The temporary certificate shall take effect upon the date of the issuance of this order and shall remain in effect pending final resolution of the issues involved in this proceeding.

(2) The issuance of this temporary certificate is without prejudice to the final disposition of the application for the certificate requested herein as the record may require.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing on February 14, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on the issues involved in determining whether the public convenience and neeessity require the issuance of a permanent certificate as proposed in Petitioner's application.

(D) On or before January 29, 1973, Petitioner shall prepare and file with the Commission and serve on all parties, including Staff, its testimony and exhibits on the issues set forth in the body of this order and all other issues in support of its requested certificate.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Customer	Contract demand, in therms[4] Present	Proposed
Town of Buckley, Wash	23,545	24,685
California-Pacific Utilities Co	294,455	308,710
Cascade Natural Gas Corp	1,861,500	1,951,730
Colorado Interstate Gas Co	[1] 1,501,769	[1] 1,575,494
Columbia Gas Co	51,220	53,630
City of Ellensburg, Wash	42,265	[2] 55,000
City of Enumclaw, Wash	24,455	25,715
Intermountain Gas Co	1,554,890	1,630,235
Mountain Fuel Supply Co	[1] 750,884	[1] 787,303
City of Naturita, Colo	3,300	3,525
Northwest Natural Gas Co	2,583,265	2,708,440
Northern Natural Gas Co. operating as Peoples Natural Gas Division	50,870	52,965
Rocky Mountain Natural Gas Co., Inc	5,400	[3] 5,400
Southwest Gas Corp	1,143,710	1,199,130
Utah Gas Service Co	63,550	66,560
Washington Natural Gas Co	2,771,000	2,905,330
The Washington Water Power Co	1,220,000	1,279,065
Western Slope Gas Co	30,000	31,455
Wyoming Industrial Gas Co	24,000	25,270
Total	14,000,078	14,689,632

[1] Deliveries to Colorado Interstate Gas Co. and Mountain Fuel Supply Co. are made on an Mcf basis. Such therm quantities shown equate to 143,710 Mcf and 150,675 Mcf, respectively, for Colorado Interstate and 715,85 Mcf and 75,340 Mcf, respectively, for Mountain Fuel. Authorization to increase these volumes was requested in Docket No. G-10426. All other authorization was requested in Docket No. CP70-137.

[2] The actual allocated pro rata share for the city of Ellensburg is 44,225 therms; however, by agreement reached among the other customers, an additional 10,775 therms has been allocated for service to Central Washington State College.

[3] Rocky Mountain Natural Gas Co., Inc., does not require nor desire an increase in contract demand quantities.

[4] 10 therms are equivalent to 1 Mcf of natural gas at 1,000 B.t.u.'s per cubic foot.

[FR Doc.73-784 Filed 1-12-73;8:45 am]

[Docket No. E-7815, et al.]

OHIO EDISON CO. ET AL.

Notice of Applications

JANUARY 8, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 19, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

APPLICATIONS FOR INTERCONNECTION RATE SCHEDULES AND AMENDMENTS THERETO

Docket Nos.	Date filed	Name of applicant	Action
E-7815	11- 2-72	Ohio Edison Co	Amendment to interconnection agreements, dated Jan. 1, 1970 (rate schedule FPC 71 and rate schedule FPC 21). Company requests accompanying rate adjustment.
E-7816	10-30-72	Dayton Power & Light Co.	Company requests interconnection agreement, establishing 1 point of delivery with the city of Piqua, Ohio.
E-7823	11-10-72	NEPOOL	NEPOOL participants submit requests modifying effective date of NEPOOL interconnection agreements (rate schedule FPC 27, 41, 74, and 12) from Nov. 1, 1972 to Oct. 1, 1972.
E-7835	7- 7-72	Florida Power Corp	Interconnection agreement between company and 8 operating utilities in Florida.
E-7837	11- 2-72	Arkansas Power & Light.	Amendment to interconnection agreement (rate schedule FPC 67) and transmission agreement (rate schedule FPC 52). Company requests transfer of 7 points of delivery served under rate schedule FPC 52 to be served under rate schedule FPC 67, effective July 1, 1972.
E-7848	11-22-72	Southern Services, Inc	Proposed amendment to interchange agreement, dated Oct. 10, 1950 (rate schedule FPC Nos. 40, 126, 782, 55, and 107). Amendment is to take effect Jan. 1, 1973.
E-7859	9-29-72	Iowa Public Service Co	Amendment to interconnection agreement, dated Dec. 21, 1962 (rate schedule FPC 19).
E-7857	9- 7-72	Idaho Power Co	Amendment to interconnection agreement, dated Apr. 23, 1958 (rate schedule FPC 28). Company requests incorporation of wheeling agreement under rate schedule FPC 28.
E-7858	9-15-72	Utah Power and Light Co.	Amendment to interconnection agreement, dated July 8, 1963 (rate schedule FPC 26).
E-7860	9-25-72	do	May 15, 1972, agreement, designated service schedule H-2, amends interconnection agreement dated Mar. 4, 1941 (rate schedule FPC Nos. 19 and 3) between Utah Power & Light and Montana Power Co.
E-7871	8-11-72	Union Electric Co	Amendment to interconnection agreement (rate schedule FPC 76). Company requests 2 amendments to filed rate schedule, to be effective Oct. 1, 1972.
E-7872	8-15-72	Cleveland Electric Illuminating Co.	Company files interim interconnection agreement, dated July 25, 1972. The interconnection agreement is to take effect under the CAPCO transmission facilities agreement, filed with the Commission on Nov. 30, 1971.

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APPLICATION FOR INTERCONNECTION RATE SCHEDULES AND AMENDMENTS THERETO—Continued

Docket Nos.	Date filed	Name of applicant	Action
E-7874	9-13-72	Indiana and Michigan Electric Co.	Company submits modification agreement No. 4, dated Sept. 1, 1972, to interconnection agreement, dated Dec. 30, 1960 (rate schedule FPC 20).
E-7881	5-30-72	Jersey Central Power & Light Co.	Amendment, dated May 30, 1972, to GPU system power pooling agreement, effective Oct. 1, 1969 (rate schedule FPC Nos. 62, 40, 23, 31). Amendment provides for Jersey Central Power & Light Co. and New Jersey Power & Light Co. to be treated as a single party under the GPU agreement.
E-7884	9-29-72	Delmarva Power & Light Co.	Amendment, dated Sept. 22, 1972, to interconnection agreement, dated Oct. 15, 1970 (rate schedule FPC 11).

APPLICATIONS FOR PURCHASE AND SALE AGREEMENT RATE SCHEDULES AND AMENDMENTS THERETO

Docket Nos.	Date filed	Name of applicant	Action
E-7814	11-1-72	Oklahoma Gas and Electric Co.	Purchase and sale amendment to interconnection agreement, dated Feb. 25, 1957 (rate schedule FPC 32), and service schedule 1 thereto, dated Mar. 11, 1969 (supplement No. 12 to rate schedule FPC 32).
E-7849	11-20-72	Iowa-Illinois Gas and Electric Co.	Sale of participation power under negotiated rates, pursuant to interconnection coordinating agreement dated Jan. 7, 1965.
E-7850	11-21-72	New England Power Co., et al.	Group of 8 utilities (sellers) file initial rate schedule with respect to composite purchase contracts dated as of various dates in 1971 between sellers and each of 27 utility company purchasers.
E-7851	11-21-72	Connecticut Light and Power Co., et al.	Group of 13 electric utilities (transmitting companies) file initial rate schedule in regard to composite transmission agreement dated Apr. 1, 1971 between transmitting companies and each of 31 utility company purchasers.
E-7852	11-21-72	New England Power Co., et al.	Group of 8 electric utilities (sellers) file initial rate schedule in regard to composite purchase contracts dated as of various dates in 1971 between sellers and each of 25 utility company purchasers.
E-7861	9-5-72	Pacific Power & Light Co.	Installation and transfer of power agreement dated Mar. 13, 1972, involving 1 point of delivery, service to commence Oct. 1, 1972.
E-7862	5-5-72	Connecticut Light & Power Co.	Company files purchase agreement, dated Apr. 1, 1972, between company and Hartford Electric Light Co., Western Mass. Electric Co., and Public Service Co. of New Hampshire. Rate Schedule to become effective May 1, 1972.
E-7863	5-5-72	Connecticut Light & Power Co.	Company files purchase agreement, dated Apr. 1, 1972, between company and Public Service Co. of New Hampshire. Rate schedule is to take effect May 1, 1972.
E-7864	6-29-72	Connecticut Light & Power Co.	Company requests amendment of previously filed rate schedule. Amendment, dated May 1, 1972, relates to purchase agreement of Apr. 1, 1972.
E-7873	8-7-72	Central Maine Power Co.	Amendment, effective May 1, 1972, to supplement No. 1, rate schedule FPC 28, dated Feb. 13, 1970.
E-7877	8-17-72	Connecticut Light & Power Co.	Company files rate schedule, dated Apr. 1, 1972, proposed purchase agreement to become effective as of May 1, 1972.
E-7878	5-23-72	Green Mountain Power Corp.	Company files generation contract dated May 15, 1972.

APPLICATIONS FOR WHEELING AGREEMENT RATE SCHEDULES AND AMENDMENTS THERETO

Docket Nos.	Date filed	Name of applicant	Action
E-7822	11-13-72	New England Utilities	Transmitting companies request initial rate schedule implementing composite Wheeling agreement dated Mar. 1, 1972.
E-7880	9-27-72	Pennsylvania Electric Co.	Company submits 2 amendments, dated Mar. 21 and 22, 1972, to Wheeling and supplemental power agreement, dated July 22, 1965 (rate schedule FPC 46).

NOTICE OF APPLICATION FOR TRANSFER SERVICE AGREEMENT RATE SCHEDULE

Docket Nos.	Date filed	Name of applicant	Action
E-7846	10-16-72	Washington Water Power Co.	Company files transfer service agreement involving 4 points of delivery dated Aug. 3, 1972, which supersedes and terminates supplement Nos. 34, 35, 42, and 44 of rate schedule FPC 40.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-782 Filed 1-15-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25105; Order 73-1-31]

KODIAK-WESTERN ALASKA AIRLINES, INC.

Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of January 1973.

By this order the Board proposes to establish a final service mail rate which is necessitated by Board approval of the merger of Kodiak Airways, Inc., and Western Alaska Airlines, Inc., and the reissuance of the certificate of public convenience and necessity and all operating authority of each carrier to a single carrier under the name of Kodiak-Western Alaska Airlines, Inc.[1] The record in the merger case shows that the merged operations will result in improved mail service, inasmuch as the routes formerly flown by Western Alaska will receive daily rather than 6-days-per week service.[2]

Order 72-1-103, dated January 28, 1972, established separate final service mail rates for Kodiak and Western Alaska for the period on and after May 2, 1970. Each rate consists of a scale of terminal charges for originating mail pounds and a scale of line-haul charges based on mail ton-miles which are expressed as unit rates per pound or per ton-mile, respectively. The rates are payable to each carrier by 28-day accounting periods in accordance with a payment formula which scales down the unit rates for block increases in pounds originated and mail ton-miles flown. Unless new rates are established, the merger of Western Alaska into Kodiak will result in the surviving carrier's receiving service mail pay based on Kodiak's rate for the combined mail volume previously transported by the two carriers individually.

Application of Kodiak's unit rates to the increased mail volume without making a proportionate revision in the number of mail pounds originated and mail ton-miles flown in each pound and ton-mile block would result in transportation of a large portion of the mail volume at succeedingly lower rates. As there is nothing to indicate any appreciable change in the cost of the mail service since the recent establishment of rates for these carriers, it is appropriate to revise the rate structure so that the surviving carrier will receive approximately the same dollars of service mail pay as the sum of the dollars of service mail pay received by Kodiak and Western Alaska under their individual rate formulas. In order to accomplish this revision, we have combined the originating mail pounds and mail ton-miles in each pound and ton-mile block, in each carrier's rate formula, to which Kodiak's respective unit rates will apply.[3]

Proposed findings and conclusions. On the basis of the foregoing, the Board tentatively finds that:

1. The fair and reasonable rate of compensation to be paid Kodiak-Western Alaska Airlines, Inc., pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of mail by aircraft over its entire system, the facilities used and useful therefor, and the services connected therewith, for future annual periods on and after the date of institution of services by Kodiak-W.A. pursuant to the certificate to be issued as provided in Order 72-11-71, is a service mail rate consisting of the following charges:

(a) Terminal charges of 7.5 cents per pound for the first 400,000 originating mail pounds per year, of 5 cents per pound for the second 400,000 originating mail pounds per year, and of 2.5 cents per pound for any mail pounds in excess of 800,000 pounds originating during the year.

(b) Line-haul charges of $4 per ton-mile for the first 20,000 mail ton-miles per year, and of $2 per ton-mile for the additional mail ton-miles in excess of 20,000 ton-miles per year.

(c) The foregoing charges would be made payable to Kodiak-W.A. by 28-day postal accounting periods, beginning on the date of institution of services by Kodiak-W.A. pursuant to the certificate to be issued as provided in Order 72-11-71, in accordance with the following formula:

PAYMENT FORMULA PER 28-DAY POSTAL ACCOUNTING PERIOD

	Unit Rate Cents
Terminal charges:	
First 30,800 pounds originated	7.5
Second 30,800 pounds originated	5.0
All other pounds originated	2.5
Line-haul charges:	*Dollars*
First 1,540 ton-miles	4.00
All other ton-miles	2.00

2. The mail ton-miles used in computing the service mail payments at the foregoing rates shall be based upon the great circle airport-to-airport mileage between points served for the carriage of mail.

3. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the Board's procedural regulations, 14 CFR, Part 302, *It is ordered*, That:

1. All interested persons and particularly Kodiak-Western Alaska Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above.

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and, if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed on or before February 12, 1973.

3. If notice of objection is not filed on or before January 22, 1973, or if notice is filed and if answer is not filed on or before February 12, 1973, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rate herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon Kodiak-Western Alaska Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-912 Filed 1-15-73;8:45 am]

[Docket No. 25106; Order 73-1-32]

KODIAK-WESTERN ALASKA AIRLINES, INC.

Subsidy Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of January 1973.

By this order, the Board proposes to establish a final subsidy rate for Kodiak-Western Alaska Airlines, Inc., which is made necessary by Board approval of the merger of Kodiak Airways, Inc., and Western Alaska Airlines, Inc.[1] The operations of Kodiak and Western Alaska are to be merged, and the certificate and all operating authority of each carrier are to be reissued in the name of Kodiak-Western Alaska Airlines, Inc., as the surviving carrier, when all of the conditions attached to the merger are met. Ordering paragraph No. 4 of Order 72-11-71 provides for the institution of a proceeding to establish a final subsidy rate for the merged carrier, and withholds final approval of the merger until conclusion of the rate proceeding. The Board has reviewed all available facts bearing on the merged carrier's need for subsidy support and by this order proposes to establish a final subsidy rate.

Orders E-23085, January 5, 1966, and E-24725, February 7, 1967, established a final rate of mail compensation for Kodiak for periods on and after July 1, 1965, of $165,962 annually. This amount included both the compensation for the carrier's mail services, which is paid by the Postmaster General at rates established by the Board (service mail rates), and subsidy, payable by the Board. Order E-17469, September 19, 1961, established a final rate of mail compensation for Western Alaska for periods on and after April 1, 1961, of $186,775 annually, consisting of a subsidy element payable by the Board, and a service-rate element payable by the Postmaster General.

The two carriers' total mail pay, including subsidy, amounts to $353,906 annually.[2] However, based upon the facts developed at the hearing in the merger case, the Administrative Law Judge found, and the Board adopted his finding, that the merged carrier should realize a $36,856 increase in net profit for calendar year 1973, and that the subsidy need of the merged carrier would thus be reduced. The resulting amount is $317,050. Additionally, the Board by Order 73-1-31, issued contemporaneously herewith, is proposing to establish service mail rates for the merged carrier which are estimated to yield $187,541 in service mail pay.[3] Deducting this amount from the total mail pay need of $317,050 produces a subsidy requirement of $129,509.[4]

On the basis of our review of all available information, we are satisfied that the rate proposed by this order meets the standards of section 406(b) of the Act. Both carriers are now operating under final rates. We have examined their Form 41 reports for the latest period and it is clear that neither carrier is realizing excess earnings. Moreover, neither carrier has claimed inadequate earnings or subsidy. We have no reason to believe at this juncture that a full-scale review of the surviving carrier's operations as projected in the merger case would result in the establishment of a subsidy requirement significantly different from the subsidy element in the current rates of the merger partners, less the $36,856 reduction in need we are here proposing to take into consideration. In view of these circumstances, the Board tentatively finds that the final rate proposed herein will meet the need of the carrier and is fair and reasonable.

The Board therefore concludes that the fair and reasonable mail compensation for Kodiak-W.A.'s system, for annual periods on and after the date of institution of services by Kodiak-W.A. pursuant to the certificate to be issued as provided in Order 72-11-71, is the sum of (1) the carrier's service mail pay as established in other orders of the

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[1] Kodiak-Western Alaska Merger, Docket 23760, Order 72-11-71, dated Nov. 16, 1972.

[2] Western Alaska has not provided service over its routes on Saturdays.

[3] The revised formula would have produced service mail pay of $187,541 for the 12 months ended June 30, 1972, the latest period for which the Postmaster General has furnished certified mail volume data. For the same period, the estimated combined total service mail payment to Kodiak and Western Alaska, on the basis of their individual rate formulas, is $189,325.

[1] Kodiak-Western Alaska Merger, Docket 23760, Order 72-11-71, dated Nov. 16, 1972.

[2] In order to be consistent with the estimate of service mail pay developed in Order 73-1-31, the total mail pay has been computed on the basis of 366 days. This accounts for the difference between the total stated here and the total for the two carriers stated in the preceding paragraph.

[3] Kodiak and Western Alaska are the last Alaskan carriers to receive mail pay under total rates of mail compensation. Orders E-23085, Jan. 5, 1966, and E-24725, Feb. 7, 1967, for Kodiak, and Order E-17469, Sept. 19, 1961, for Western Alaska. Under the so-called total rates, the subsidy element varies from month to month depending on the amount of service mail pay actually received, so that the total mail compensation remains the same. Consistency of treatment requires that separate subsidy rates be established for the merged carrier. The subsidy rates proposed herein will not vary with fluctuations in the service mail pay received.

[4] $129,082 for a 365-day year.

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Board,[5] and (2) subsidy of $129,509 for a 366-day year and $129,082 for a 365-day year.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the Board's Procedural regulations, 14 CFR Part 302, *it is ordered*, That:

1. Kodiak-Western Alaska Airlines, Inc., is directed to show cause why the Board should not fix, determine, and publish as the fair and reasonable final rate or compensation to be paid Kodiak-W.A. for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points between which the carrier hereafter may be authorized to transport mail by its certificates of public convenience and necessity, the sum of (a) the carrier's service mail pay as established in other orders of the Board, and (b) subsidy as follows:

For each calendar month on and after the date of institution of services by Kodiak-W.A., in which miles designated by the Postmaster General for the transportation of mail are flown, an amount determined by multiplying the appropriate rate stated below by the scheduled miles flown during the month, or the appropriate base mileage times the number of days in the month, whichever is lower:

Period of operation [1]	Rate per mile	Daily base mileage
Date service instituted through Apr. 30, 1973	*Cents* 53.37	800
May 1, 1973, through Oct. 31, 1973, and the like 6-month period in each succeeding year	28.15	1,000
Nov. 1, 1973, through Apr. 30, 1974, and the like 6-month period in each succeeding year	53.37	800

[1] In accordance with normal practice with regard to Alaskan carriers, the rate is designed to provide Kodiak-W.A. with 60 percent of the annual payment for services during the low-revenue, higher-subsidy-need months of November through April.

Provided, That the rate set forth above shall be reduced by any adjusted annual capital gain in accordance with the provisions set forth in Appendix B to the *Capital Gains Proceeding*, 29 CAB 384 (1959), as such Appendix B may be amended from time to time, and said Appendix B is incorporated by reference herein.

The scheduled revenue plane-miles flown shall be computed on the direct airport-to-airport mileage between the points actually served on each revenue trip operated over Kodiak-W.A.'s authorized routes pursuant to its flight schedules filed with the Board, including all revenue trips operated as extra sections thereto.

2. All further procedures herein shall be in accordance with the rules of practice, particularly Rule 302, et seq., and if there is any objection to the rate specified in this order, notice thereof shall be filed on or before January 22, 1973, and, if notice is filed, written answer and supporting documents shall be filed on or before February 12, 1973.

3. If notice of objection is not filed on or before January 22, 1973, or, if notice is filed, and answer is not filed on or before February 12, 1973, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rate specified in this order.

4. If answer is filed, the issues involved in determining the fair and reasonable rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice.

5. This order shall be served upon Kodiak-Western Alaska Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

NOTE: An appendix showing computation of the subsidy mail rate for Kodiak-W.A. during fiscal year 1972 is filed as part of the original document.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-913 Filed 1-15-73;8:45 am]

[5] This order is not intended to affect Kodiak-W.A.'s service mail rates as established in other applicable orders of the Board.

COMMISSION ON CIVIL RIGHTS

MICHIGAN STATE ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan State Advisory Committee will convene at 12 noon on January 18, 1973, at the Michigan Civil Rights Commission, Cadillac Square and Bates, Detroit, Mich. 48504. Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission at 219 South Dearborn Street, Room 1428, Chicago, IL 60604. The purpose of this meeting will be (1) to discuss Revenue Sharing and the Commission's forthcoming Human Relations Conference and (2) to hear a subcommittee report on the possibility of forming a Watchdog Committee on Racial Extremes.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 10, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1041 Filed 1-15-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01014---	Robert Bornhofen Reederei:
	Naxos.
01233---	Burles Markes, Ltd.:
	La Cordillera.
01638---	Sademar Venezlana Di Armamento S.P.A.:
	Mare Aegeum.
01641---	The Bank Line, Ltd.:
	Fleetbank.
02038---	Polskie Linie Oceaniczne:
	Hanoi.
02332---	Lykes Bros. Steamship Co., Inc.:
	LY-112.
	LY-113.
	LY-114.
	LY-115.
	LY-116.
	LY-117.
	LY-118.
	LY-119.
	LY-120.
	LY-121.
	LY-122.
	LY-123.
	LY-124.
	LY-803.
02363---	Rederiet Otto Danielsen:
	Jeanette Helleskov.
02939---	Kristiansands Tankrederi A/S, A/S Kristiansands Tankrederi II, A/S Kristiansands Tankrederi III, Aksjeselskapet Avant, Aksjeselskapet Skjoldheim and Aksjeselskapet Songvaar:
	Polyhymnia.
02958---	Kawasaki Kisen K.K.:
	Bay Bridge.
	Harbour Bridge.
	Tower Bridge.
03044---	Bouchard Transportation Co., Inc.:
	B No. 95.
03438---	Inui Kisen Kabushiki Kaisha:
	Kengo Maru.
	August Moon.
03478---	Nitta Kisen K.K.:
	Shinkawa Maru.
03499---	El-Yam Bulk Carriers (1967) Ltd.:
	Har Carmel I.
03507---	Taiseimaru Kaiun K.K.:
	Taiseimaru No. 52.
03521---	Tokushima Kisen K.K.:
	Tokusho Maru.
03532---	Zuisei Kaiun Kabushiki Kaisha:
	Rhein Maru.
03534---	Zapata Naess (Holland) B.V.:
	Trachodon.
	Doceriver
	Naess Pride.
	Armand Hammer.
	Naess Spirit.
	Naess Norseman.
	Frances Hammer.
	Russell H. Green.
	Naess Leader.
	Naess Mariner.
	Naess Courier.
	Naess Liberty.
	Anco Norness.
	Carbo Dragon.
	Stolt Norness.
	Stolt Sydness.
	Naess Ranger.
	Naess Enterprise.
03883---	Ohio Barge Line, Inc.:
	900.
04070---	Frota Oceanica Brasileira S.A.:
	Frotaleste.
05577---	Far-Eastern Shipping Co.:
	Putyatin.
	Baku.
05580---	Kamchatka Shipping Co.:
	Sernovodsk.
05607---	Hannah Inland Waterways Corp.:
	Hannah 3601.
05684---	Epirotiki Steamship Co., George Potamianos S.A.:
	Neptune.
05858---	Interislands Shipping Co. Ltd.:
	Onyx Island.
	Marble Islands.
06029---	Associated Container Transportation (Australia) Ltd.:
	Act 6.
06248---	Commercial Corp. "Sovrybflot":
	Promyalovik.
	Laminaria.
	Molnia.
06359---	Malaysian International Shipping Corp. Berhad:
	Bunga Tembusu.
06435---	Dampskibsaktieselskabet Den Norske Afrika-OG Australielinie, Wilhelmsens Dampskibsaktieselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI:
	Toyama.
06599---	Philon Speçial Shipping Societe Anonyme:
	Clyde Ore.
	Suzanne.
06608---	ETA Fishing Co., Inc.:
	Jacqueline Marie.
06739---	Laomedon Shipping Co. Ltd.:
	Windjammer.
06776---	Nelson Seeschiffahrts-Agentur & Reederei GES.M.B.H. & Co. K.G.:
	Salzachtal.
06821---	Anglo-Eastern Bulkships Ltd.:
	Naess Viking.
06877---	Societe Francaise De Transports Maritimes-Paris:
	Ivolina.
06995---	Novorossiisk Shipping Co.:
	Palmiro Togliatti.
	Gerol Bresta.
	Likhoslavl.
07171---	Flensburger Ubersee Schiffahrts-Gesellschaft Jacob MBH & Co. KG:
	Lutz Jacob.
07230---	Hassel Trading Corp.:
	Mexican Gulf.
	Silver Longevity.
07255---	Teh Tung Steamship Co., Ltd.:
	Oceanic Suez.
	Oceanic London.
07364---	Carlow Maritime Panama S.A.:
	Olympic Banner.
07390---	N.V. Nieuw Amsterdam:
	Nieuw Amsterdam.
07404---	Hanseatic Shipmanagement Ltd.:
	Esther Charlotte Schulte.
	Donata Schulte.

Certificate No.	*Owner/Operator and Vessels*
07437---	Seacrest Navigation Co. S.A.:
	Loucas N.
07439---	Overseas Navigation Co., Ltd.:
	Overseas Navigator.
07464---	Kosmos Navigation Co., Ltd.:
	Baroness.
07481---	Astro Naviero Compania Maritima S.A.:
	Calliope L.
07484---	Taurus Enterprises Corp.:
	Gigi.
07485---	Interessentskapet Nor.:
	Robin Hood.
07487---	Polttoaine Osuuskunta:
	Aspo.
07488---	Niho Senpaku Kabushiki Kaisha:
	Shinpo Maru.
07491---	Unimar Corp.:
	Unimar.
07494---	Cemco Carriers Corp.:
	New Providence.
07495---	Donald L. Ferguson Cruises Ltd.:
	Xanadu.
07497---	Metropolitan Products Carriers, Ltd.:
	Mando V.
07504---	Astroprospero Compania Naviera, S.A.:
	Aeinaftis.
07505---	Meridian Navigation Corp.:
	Pella.
07507---	Jun Navigation Inc., S.A.:
	Buntal.
07514---	Ogata Gyogyo Kabushiki Kaisha:
	Tenyu Maru No. 37.
07515---	Nitto Hogei Kabushiki Kaisha:
	Ryuhomaru No. 3.
07516---	Akitsu Gyogyo Kabushiki Kaisha:
	Akitsu Maru No. 7.
07518---	They & Co. Ltd.:
	Seahawk.
07520---	Newport Shipping Co.:
	Mardina Exporter.
07521---	Homeric Shipping Co.:
	Mardina Packer.
07522---	Faith Shipping Co.:
	Mardina Importer.
07523---	Harbert Construction Corp.:
	David Vickers.
07524---	Partrederiet Merc Groenlandia:
	Merc Groenlandia.
07526---	Marine Equipment Suppliers, Inc.:
	Santa Fe Mariner 2.
07529---	Cambridge Shipping Co., Ltd.:
	Shomron.
07531---	Seatide Shipping Co., Ltd.:
	Elenma.
07533---	Liquid carrier Navigation Co. Ltd.:
	Jan Jan.
07534---	Anesis Shipping Co., S.A. of Panama:
	Rio Doro.
07539---	Gomeigaisya Uyeno Unyu Shokai:
	Japan Tuna.
07540---	Aenla Shipping Co. Ltd.:
	Anna Maria.
07541---	Big Ben Shipping Co., Ltd.:
	Lavender.
07542---	Compania De Vapores Sistas S.A.:
	Frangiskos.
07543---	Compania De Vapores Stanic S.A.:
	Frossini.
07544---	Gaviota Naviera Co., S.A.:
	Long View.
07545---	Compania Topacio Navegacion S.A.:
	Fushimi.
07546---	Arthur Levy Do Brazil:
	Roncador.
07549---	Hamilton Shipping Corp.:
	Ocean Harmony.
07550---	Erato Shipping, Inc.:
	Diane Prosperity.
07551---	Drado Shipping Co., Ltd., S.A.:
	Silver Fern.
	Carretera.
07553---	Skitonas Enterprises, Ltd.:
	Giorgis Matheos.
07554---	Rosa Shipping Co., Ltd.:
	Kyravathia.
07555---	Terrytwo Shipping Corp.:
	Terrytwo.
07559---	United Overseas Bulk Carriers, Inc.:
	Pacific Insurer.
07560---	Argon Maritime, Ltd.:
	Thomas G. Chimples.
07561---	Gulf Atlantic Transport Corp.:
	Manila.
	Caribe.
	Gatco 102.
	H. G. Williams.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-881 Filed 1-15-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessel*
01005---	Albrecht & Boserup:
	Ahmos.
01011---	Aktieselskabet Det Ostasiatiske Kompagni:
	Mombasa.
01014---	Robert Bornhofen Reederei:
	Robert Bornhofen.
01039---	Den Norske Amerikalinje A/S:
	Norefjord.
01041---	Liberian National Shipping Lines Inc.:
	James Benedict.
01074---	Sigval Bergesen and Associated Companies:
	Krossfonn.
01099---	Scottish Ore Carriers Ltd.:
	Arisaig.
01103---	Poseidon Schiffahrt GMBH:
	Transontario.
01172---	H. Clarkson & Co. Ltd.:
	Clarkavon.
	Jersey Bridge.
01189---	A/S Haanes Rederi:
	Gimleskog.
01423---	Charente Steamship Co. Ltd.:
	Diplomat.
01427---	The Pacific Steam Navigation Co.:
	Potosi.
01447---	Scotstoun Shipping Co., Ltd.:
	Scotstoun.
01498---	Vessel Operators, Inc.:
	B & M 1202.
01502---	Moore-McCormack Lines, Inc.:
	Brasil.
	Argentina.
01513---	Rederiaktiebolaget Dalen:
	Migolina.
01562---	G. W. Gladders Towing Co., Inc.:
	GWG 208.
	GWG 209.
	GWG 210.

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Certificate No.	Owner/Operator and Vessels
01569---	Salix Compania Naviera S.A.: Captain Xilas.
01761---	Union Steam Ship Company of New Zealand Ltd.: Taveuni.
01805---	Suisse Atlantique Societe D'Armement Maritime S.A.: Bregaglia.
01843---	A. F. Harmstorf & Co.: Fahrmannsand. Medemsand.
01845---	Kauffahrtei Seereederei Adolf Wiards & Co.: Diederika Wiards. Hedi Wiards.
01877---	Carbocoke-Societa' Di Navigazione S.P.A.: Taormina.
01905---	The Ben Line Steamers Ltd.: Benwyvis.
01910---	Deutsche Dampfschifffahrts-Gesellschaft "Hansa": Freienfels.
01959---	Artemis Cia. Nav. S.A. of Panama: Artemis.
02198---	The Peninsular & Oriental Steam Navigation Co.: Shakla.
02425---	Bildberg Rothchild Co., Inc.: Wellesley Victory.
02506---	The Sheaf Steam Shipping Co., Ltd.: Sheaf Mount.
02519---	S. A. Louis Dreyfus & Cie.: Alain L. D.
02524---	Watergate Steam Shipping Co., Ltd.: Silksworth.
02603---	Empresa Hondurena De Vapores, S.A.: Olancho. Orica.
02626---	Ernst Russ on behalf of Partenreederei M.V. Hermann Russ: Hermann Russ.
02655---	Reederei Jonny Wesch: Hilda Wesch. Kirsten Wesch. Heinrich Wesch.
02754---	Maryland Ltd. S.A.: Olympic Rainbow.
02873---	Eastern Sea Services, Inc.: Eastern Worker. Eastern Advocate.
02877---	Nippon Yusen Kabushiki Kaisha: Akagi Maru. Settsu Maru.
02888---	Stolt-Nielsons Rederi A/S: Stolt Artemis.
02919---	Neptune Navigation Corp.: Malaga.
02958---	Kawasaki Kisen K.K.: Oregon Maru. Colorado Maru. Montana Maru. Kimikawa Maru.
02959---	Kokuyo Kaiun Kabushika K.: Fujikawa Maru.
03415---	Chiyoda Kisen K.K.: Wakatake Maru.
03438---	Inui Kisen Kabushiki Kaisha: Wakatosan Maru.
03441---	Japan Line K.K.: Kosei Maru. Kohoh Maru. Japan Gran. Japan Alder.
03479---	Okada Shosen Kabushiki Kaisha: Kyozui Maru. Toun Maru.
03482---	Ryutsu Kaiun Kabushiki Kaisha: Ryuyo Maru.
03506---	Taiheiyo Kaiun K.K.: Kiyo Maru.
03549---	Interessentskapet Essi Camilla: Essi Camilla.
03650---	Global Bulk Carriers, Inc., Liberia: Nadine. Caroline.
03870---	Alexia Compania Naviera S.A. of Panama: Aros.
03989---	Partenreederei M.S. "Magdalena Reith": Magdalena Reith.
03996---	"Beteigeuze" Schiffahrtsgesellschaft Reith & Co.: Inalotte Blumenthal.
04074---	Tankore Corp.: Santander.
04356---	Pacific Far East Line, Inc.: Oregon Bear. California Bear.
04564---	Yamashita-Shinnihon Kisen Kaisha: Kamoharu Maru.
04573---	S.A. Pesquera Industrial Gallega: Andes.
04625---	American Commercial Lines, Inc.: James L. Hamilton.
04642---	South African Marine Corp., Ltd.: S.A. Trader.
04679---	Ratnakar Shipping Co., Ltd.: Ratna Chandralekha.
05036---	Companhia Nacional De Navegacao: Mocambique.
05104---	Teh Hu Steamship Co., Ltd.: New Teh Hu.
05193---	The Crawford Shipping Co., Ltd.: Vulcain.
05769---	Kassini Compania Maritima S.A.: Wurttemberg.
05802---	Partenreederei MS "Brunsholm": Brunsholm.
05892---	Luedtke Engineering Co.: Dredge Duluth.
06306---	West Cruise Lines, Inc.: Pacific Star.
06437---	Kommandittselskapet A/S Tibetan & Co.: Tibetan.
06570---	Tenax Steamship Co. Ltd.: Bolnes.
06653---	Franz Scheldbauer: Murtal.
06936---	Peninsula Navigation Co. S.A.: Panamanian Star.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-882 Filed 1-15-73;8:45 am]

[Independent Ocean Freight Forwarder License 1055]

SARA SANDFORD DODD

Order of Revocation

Sara Sandford Dodd, Post Office Box 1115, Mobile, AL 36601, voluntarily surrendered her Independent Ocean Freight Forwarder License No. 1055 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 1055 of Sara Sandford Dodd be and is hereby revoked effective August 23, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Sara Sandford Dodd.

AARON W. REESE,
Managing Director.

[FR Doc.73-880 Filed 1-15-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 630]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 8, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth below alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4767-C1-P-73—Same (KLV93), 7.9 miles north-northwest of Paloduro, Tex. Latitude 34°55'01" N., longitude 101°15'18" W. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Wayside, Tex.; frequencies 6256.5V and 6375.2V MHz toward Hedley, Tex.

4768-C1-P-73—Same (KLV94) 3.3 miles west-southwest of Hedley, Tex. Latitude 34°51'53" N., longitude 100°42'38" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Paloduro, Tex.; frequencies 6004.5V and 6123.1V MHz toward Wellington, Tex.

4769-C1-P-73—Same (KLV95), 5.4 miles south-southeast of Wellington, Tex. Latitude 34°47'24" N., longitude 100°10'24" W. C.P. to add frequencies 6256.5H and 6375.2H MHz toward Hedley, Tex.; frequencies 6004.5H and 6123.1H MHz toward Reed, Okla.

4770-C1-P-73—American Telephone and Telegraph Co. (KLV96), 2.5 miles west of Reed, Okla., latitude 34°53'55" N., longitude 99°44'12" W. C.P. to add frequencies 6256.5V and 6376.2V MHz toward Wellington, Tex.; frequencies 6256.5H and 6376.2H MHz toward Sentinel, Okla.

4771-C1-P-73—Same (KLV97) 5.6 miles southwest of Sentinel, Okla., latitude 35°05'55" N., longitude 99°16'13" W. C.P. to add frequencies 6004.5V and 6123.1V MHz toward Reed, Okla.; frequencies 6004.5H and 6123.1H MHz toward Mountain View, Okla.

4772-C1-P-73—Same (KLV98) 5.6 miles north-northwest of Mountain View, Okla., latitude 35°10'07" N., longitude 98°47'37" W. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Sentinel, Okla.; frequencies 6256.5H and 6375.2H MHz toward Washita, Okla.

4773-C1-P-73—Same (KLV99), 3.9 miles north-northeast of Washita, Okla., latitude 35°08'48" N., longitude 98°18'09" W. C.P. to add frequencies 6004.5V and 6123.1V MHz toward Mountain View, Okla.; frequencies 6004.5H and 6123.1H MHz toward Middleberg, Okla.

4774-C1-P-73—Same (KLW20), 1.0 mile north-northeast of Middleberg, Okla., latitude 35°07'01" N., longitude 97°43'30" W. C.P. to add frequencies 6256.5V and 6376.2V MHz toward Washita, Okla.; frequencies 6256.5H and 6375.2H MHz toward Noble, Okla.

4775-C1-P-73—Same (KLW21), 1.7 miles northeast of Noble Okla., latitude 35°09'39" N., longitude 97°22'07" W. C.P. to add frequencies 6004.5V and 6123.1V MHz toward Middleberg, Okla.; frequencies 6004.5H and 6123.1H MHz toward Asher, Okla.

4776-C1-P-73—Same (KLD87), 1.5 miles north-northeast of Asher, Okla., latitude 35°00'45" N., longitude 96°54'50" W. C.P. to add frequencies 6256.5V and 6376.2V MHz toward Noble, Okla.; frequencies 6256.5H and 6375.2H MHz toward Spaulding, Okla.

4777-C1-P-73—Same (KVD65), 2.9 miles north of Stuart, Okla., latitude 34°56'43" N., longitude 96°05'20" W. C.P. to add frequencies 6256.5V and 6376.2V MHz toward Spaulding, Okla.; frequencies 6256.5H and 6375.2H MHz toward Hartshorne, Okla.

4778-C1-P-73—Same (KVD86), 3.8 miles west-northwest of Spaulding, Okla., latitude 35°01'48" N., longitude 96°30'02" W. C.P. to add frequencies 6004.5V and 6123.1V MHz toward Stuart, Okla.; frequencies 6004.5H and 6123.1H MHz toward Stuart, Okla.

4779-C1-P-73—Same (KVD84), 5.2 miles south of Hartshorne, Okla., latitude 34°45'46" N., longitude 95°34'28" W. C.P. to add frequencies 6004.5V and 6123.1V MHz toward Stuart, Okla.; frequencies 6004.5H and 6123.1H MHz toward Talihina, Okla.

4780-C1-P-73—Same (KVD83), 6.9 miles west of Talihina, Okla., latitude 34°44'59" N., longitude 95°10'21" W. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Hartshorne, Okla.; frequencies 6256.5H and 6375.2H MHz toward Bates, Ariz.

4781-C1-P-73—American Telephone & Telegraph Co. (KVD82), 4 miles north-northeast of Bates, Ark., latitude 34°57'45" N., longitude 94°22'29" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Talihina, Okla.; frequencies 6004.5V and 6123.1V MHz toward Union Hill, Ark.

4782-C1-P-73—Same (KVD81), 8.2 miles south of Sugar Grove, Ark, latitude 34°57'41" N., longitude 93°49'08" W. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Danville, Ark.; frequencies 6256.5H and 6375.2H MHz toward Bates, Ark.

4783-C1-P-73—Same (KVD80), 2.1 miles south-southwest of Danville, Ark., latitude 35°00'58" N., longitude 93°24'40" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Union Hill, Ark.; frequencies 6004.5V and 6123.1V MHz toward Paron, Ark.

4784-C1-P-73—Same (KVD79), 8.2 miles west-northwest of Paron, Ark., latitude 34°50'13" N., longitude 92°52'64" W. C.P. to add frequencies 6256.5H and 6375.2H MHz toward Danville, Ark.; frequencies 6286.2H and 6404.8H MHz toward Alexander, Ark.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4759-C2-TC-73—Sweeny-Old Ocean Telephone Company, consent to transfer of control of Sweeny-Old Ocean Telephone Co., Transferee. KLJ674 from Brazos Cattle Co., Ltd., Transferor, to: Sugarland Telephone Co., Transferee. KLB574 Sweeny, Tex.

4760-C2-AL-73-Sweeny-Old Ocean Telephone Co., consent to assignment of license from Sweeny-Old Ocean Telephone Co., Assignor, to T.C. Inc., Assignee. Station: KLJ674 Sweeny, Tex.

4793-C2-P-73—Dunkirk and Fredonia Telephone Co. (New), for a new one-way station to operate on 158.10 MHz at 0.83 mile northeast of Stockton, N.Y.

4794-C2-P-73—Florida Telephone Corp. (KIQ609), replace transmitter operating on 152.78 MHz, add facilities to operate on 152.78 MHz and change the antenna system at 319 Broadway, Ocala, Fl.

4795-C2-TC-73—Westchester Mobilfone Systems Inc., consent to transfer of control from estate of Norman W. Mediar, Transferor, to Madeline J. Mediar, Transferee. Station: KEA274 Mount Pleasant, N.Y.

4796-C2-AL-73—Tel-Missouri, Inc., consent to assignment of license from Tel-Missouri, Inc., Assignee, to Ram Broadcasting of Missouri, Inc., Assignee. Station: KAA888 St. Louis, Mo.

4791-C2-P-73—South Central Bell Telephone Co. (KLB711), change the antenna system operating on 152.51 MHz at the corner of Ninth and Willard Streets, Morgan City, La.

4849-C2-P-(2)-73—General Telephone Company of the Southwest (KLB790), change the antenna system operating on 152.64 and 152.66 MHz on Tate Street between Atkinson and 15th Streets, Brownfield, Tex.

4850-C2-P-73—General Telephone Company of Pennsylvania (KGI779), change the antenna system operating on 35.58 MHz at 3614 State Street, Erie, PA.

RURAL RADIO SERVICE

4759-C1-TC-73—Sweeny-Old Ocean Telephone Co., consent to transfer of control from Brazos Cattle Co., Ltd., Transferor, to: Sugarland Telephone Co., Transferee. Station: KKK62 Temp-Fixed.

4760-C1-AL-73—Same as above, consent to assignment of license from Sweeny-Old Ocean Telephone Co., Assignor, to T.C. Inc., Assignee. KKK52 Temp-Fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4757-C1-P-73—The Mountain States Telephone and Telegraph Co. (KYC60), 12.1 miles southeast of Deming, N. Mex. Latitude 32°09'19" N., longitude 107°35'56" W. C.P. to replace transmitter and change power on frequencies 6946.2H and 6063.8H MHz toward Fairacres, N. Mex.

4758-C1-P-73—Same (KLU90), 13 miles west-northwest of Fairacres, N. Mex. Latitude 32°22'23" N., longitude 107°02'53" W. C. P. to replace transmitter and change power on frequencies 6197.2H and 6316.9H MHz toward Deming, N. Mex.

4761-C1-P-73—The Pacific Telephone and Telegraph Co. (KMA38), 434 South Grand Avenue, Los Angeles, CA. Latitude 34°03'02" N., longitude 118°15'08" W. C.P. to add frequency 4010H MHz toward Mount Gleason, Calif.

4762-C1-P-73—Same (KMQ30), 14600 Ventura Boulevard, Sherman Oaks, CA. Latitude 34°09'06" N., longitude 118°27'19" W. C.P. to add frequency 4090V MHz toward Mount Gleason, Calif.

4763-C1-P-73—Same (KNF48), Mount Gleason, 13 miles northeast of Sunland, Calif. Latitude 34°22'20" N., longitude 118°10'17" W. C.P. to add frequency 4050V MHz toward Sherman Oaks, Calif.; frequency 3970H MHz toward Los Angeles, Calif.

4764-C1-P-73—The Mountain States Telephone and Telegraph Co. (KOV63), 228 West Adams Street, Phoenix, AZ. Latitude 33°26'58" N., longitude 112°04'35" W. C.P. to add frequency 3890V MHz toward Towers Mountain, Ariz.

4765-C1-P-73—Same (WAY52), Tower Mountains, 2.6 miles northwest of Crown King, Ariz. Latitude 34°14'01" N., longitude 112°22'11" W. C.P. to add frequency 4010V MHz toward Wayside, Tex.; frequencies 6256.5V and 6375.2V MHz toward Hedley, Tex.

4766-C1-P-73—American Telephone and Telegraph Co. (KLN81), 2 miles north-northeast of Wayside, Tex. latitude 34°49'27" N., longitude 101°33'36" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Paloduro, Tex.

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POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4785–C1–P–73—Same (KTG45), 1.7 miles south of Alexander, Ark., latitude 34°36'07" N., longitude 92°26'55" W. C.P. to add frequencies 6034.2V and 6152.8V MHz toward Paron, Ark.; frequencies 6004.5H and 6123.1H MHz toward Tucker, Ark.

4786–C1–P–73—Same (KTG44), 1.7 miles north of Tucker, Ark., latitude 34°27'38" N., longitude 91°57'12" W. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Alexander, Ark.; frequencies 6256.5H and 6375.2H MHz toward Stuttgart, Ark.

4787–C1–P–73—Same (KTG43), 5.4 miles east-southeast of Stuttgart, Ark., latitude 34°-28'33', longitude 91°27'02" W. C.P. to add frequencies 6004.5V and 6123.1V MHz toward Tucker, Ark.; frequencies 6256.5V and 6375.2V MHz toward Palmer, Ark.

4788–C1–P–73—Same (KTG42), 4 miles east-northeast of Pine City, Ark., latitude 34°36'24" N., longitude 91°03'22" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Stuttgart, Ark.; frequencies 6004.5V and 6123.1V MHz toward West Helena, Ark.

4789–C1–P–73—Same (KTG41), 1.3 miles north-northeast of West Helena, Ark., latitude 34°34'02" N., longitude 90°37'37" W. C.P. to add frequencies 6256.5H and 6375.2H MHz toward Palmer, Ark.; frequencies 6256.5V and 6375.2V MHz toward Arkabutla, Miss.

4790–C1–P–73—Same (KTG40), 1 mile southwest of Arkabutla, Miss., latitude 34°41'08" N., longitude 90°08'18" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward West Helena, Ark.

4100–C1–MP–73—New York Telephone Co. (KZI47), 6 miles west of Windsor, N.Y., latitude 42°06'54" N., longitude 75°44'44" W., modification of C.P. to change antenna systems, add points of communication and change power on frequency 6152.8V MHz toward New Berlin, N.Y.; frequency 6152.6V MHz toward Bing (SUNY), N.Y.; frequency 6152.8V MHz toward Bing (WSKG), N.Y.

4101–C1–MP–73—New York Telephone Co. (WGI68), Lecture Hall Building, State University of New York at Binghamton, N.Y. Latitude 42°05'19" N., longitude 75°58'20" W. Modification of C.P. to change antenna system and delete point of communication on frequency 6404.8V MHz toward Windsor, N.Y.

4102–C1–P–73—Same (KZI46), 5.8 miles southwest of New Berlin, N.Y. Latitude 42°34'41" N., longitude 75°25'53" W. C.P. to add frequencies 11,405H and 11,645H MHz toward Franklin Mountain, N.Y., via passive reflector.

4103–C1–P–73—Same (New), 17 Elm Street, Oneonta, N.Y. Latitude 42°27'18" N., longitude 75°03'42" W. C.P. for a new station on frequencies 10,715H and 10,955H MHz toward Franklin Mountain, N.Y., via passive reflector.

4797–C1–ML–73—American Telephone & Telegraph Co. (KMC31), East Bay Hills, 3750 Grizzley Peak Boulevard, Oakland, CA. Latitude 37°52'25" N., longitude 122°13'08" W. Modification of license to cover the transfer of one Western Electric Co. type TD–2 transmitter and associated frequency from the Pacific Telephone & Telegraph Co. to American Telephone & Telegraph Co.

4798–C1–ML–73—Same (KMC32), Vaca Hill, 2.3 miles south of Vacaville, Calif. Latitude 38°-19'09" N., longitude 121°59'30" W. Modification of license to cover the transfer of two (2) Western Electric Co. type TD–2 transmitters and associated frequency from the Pacific Telephone & Telegraph Co. to American Telephone & Telegraph Co.

4799–C1–ML–73—Same (KMC33), 1407 "J" Street, Sacramento, CA. Latitude 38°34'45" N., longitude 121°29'11" W. Modification of license to cover the transfer of one (1) Western Electric type TD–2 transmitter and associated frequency from the Pacific Telephone & Telegraph Co. to American Telephone & Telegraph Co.

4800–C1–ML–73—Same (KMC67), East Bay Hills, 3750 Grizzley Peak Boulevard, Oakland, CA. Latitude 37°52'25" N., longitude 122°13'08" W. Modification of license for authorization for transfer of (1) Western Electric, Type TD–2 transmitter and associated frequency 3710 MHz from the Pacific Telephone & Telegraph Co. to the American Telephone & Telegraph Co. under call sign KMC31.

4801–C1–ML–73—Same (KMJ95), 1407 "J" Street, Sacramento, CA. Latitude 38°34'45" N., longitude 121°29'11" W. Modification of license to cover the transfer of (1) Western Electric, Type TD–2 transmitter and associated frequency 3710 MHz from the Pacific Telephone & Telegraph Co. to the American Telephone & Telegraph Co. under call sign KMC33.

4802–C1–ML–73—American Telephone & Telegraph Co. (KMM98), Vaca Hill, 2.3 miles south of Vacaville, Calif. Latitude 38°19'09" N., longitude 121°59'30" W. Modification of license to cover the transfer of (2) Western Electric, Type TD–2 transmitters and associated frequency 3750 MHz from the Pacific Telephone and Telegraph Co. to the American Telephone & Telegraph Co. under call sign KMC32.

4834–C1–P–73—The Mountain States Telephone & Telegraph Co. (KVD53), 58 North First East, Roosevelt, UT. Latitude 40°18'01" N., longitude 109°59'22" W. C.P. to add frequencies 11,405V and 11,645H MHz toward Ioka, Utah.

4835–C1–P–73—Same (New), 8.9 miles west of Roosevelt, Utah. Latitude 40°19'29" N., longitude 110°09'19" W. C.P. for a new station on frequencies 10,715H and 10,955V MHz toward Roosevelt, Utah via passive reflector; frequencies 10,755H and 10,995V MHz toward Duchesne, Utah via passive reflector.

4836–C1–P–73—Same (New), 55 South 100 West, Duchesne, UT. Latitude 40°09'46" N., longitude 110°24'01" W. C.P. for a new station on frequencies 11,445V and 11,685H MHz toward Ioka, Utah via passive reflector.

4821–C1–MP–73—MCI New York West, Inc. (WLI96), 2 miles south-southeast of Jefferson, Ohio. Latitude 41°42'24" N., longitude 80°44'43" W. Modification of C.P. to change radio path azimuth toward Hickernell, Pa. to 76°5'.

4822–C1–MP–73—Same (WLI98), modification of C.P. to change station location to 1.5 miles southwest of Hickernell, Pa. Latitude 41°47'02" N., longitude 80°19'29" W., and to change radio path azimuth toward Jefferson, Ohio to 256°22' and to 46°15' toward Erie South, Pa.

4823—C1–MP–73—Same (WLI99), modification of C.P. to change station location to 5.8 miles south of Erie South, Pa. Latitude 41°57'30" N., longitude 80°04'49" W., and to change radio path azimuth toward Hickernell, Pa. to 226°24' and to 359°22' toward Erie, Pa.

4824–C1–MP–73—Same (WLJ20), State and 10th Streets, Erie, PA. Latitude 42°07'31" N., longitude 80°04'58" W. Modification of C.P. to change radio path azimuth toward Erie South, Pa. to 179°22'.

4825–C1–MP–73—Same (WLJ23), modification of C.P. to change station location to 5.1 miles north of Zellenople, Pa. Latitude 40°52'18" N., longitude 80°07'56" W., and to change radio path azimuth toward Poland Center, Ohio to 239°50' and to 144°2' toward Glenshaw, Pa.

4826–C1–MP–73—Same (WLJ24), 7.2 miles southwest of Glenshaw, Pa. Latitude 40°37'16" N., longitude 79°53'38" W. Modification of C.P. to change radio path azimuth toward Zellenople, Pa. to 324°12'.

4827–C1–MP–73—MCI New York West, Inc. (WLJ27), 7 miles northwest of Boswell, Pa. Latitude 40°13'56" N., longitude 79°06'09" W. Modification of C.P. to change radio path azimuth toward Reels Corner, Pa. to 127°28'.

4828–C1–MP–73—Same (WLJ26), modification of C.P. to change station location to 3 miles southeast of Reels Corner, Pa. Latitude 40°02'27" N., longitude 78° 46'42" W. and to change radio path azimuth toward Boswell, Pa. to 307°40' and 57°28' toward Martinsburg, Pa.

4829–C1–MP–73—Same (WLJ29), modification of C.P. to change station location to 3 miles southeast of Martinsburg, Pa. Latitude 40°17'33" N., longitude 78°15'39" W. and to change radio path azimuth toward Reels Corner, Pa. to 237°46' and to 90°46' toward Butler, Knob, Pa.

4830–C1–MP–73—Same (WLJ30), Butler Knob, 7 miles north of Three Springs, Pa. Latitude 40°17'21" N., longitude 77°58'10" W. Modification of C.P. to change radio path azimuth toward Martinsburg, Pa. to 270°57'.

4831–C1–MP–73—Same (WLJ34), 1.3 miles south of Womelsdorf, Pa. Latitude 40°20'09" N., longitude 76°10'50" W. Modification of C.P. to change frequency to 6197.2V MHz toward a new point of communication at Boyertown, Pa.

4832–C1–MP–73—Same (WLJ35), modification of C.P. to relocate station at 2.9 miles west of Boyertown, Pa. Latitude 40°19'53" N., longitude 75°41'38" W. and to change frequency to 5945.2H MHz toward Womelsdorf, Pa. and to 6063.8V MHz toward Spinnerstown, Pa.

4833–C1–MP–73—Same (WLJ36), 3.1 miles north-northwest of Spinnerstown, Pa. Latitude 40°29'38" N., longitude 75°27'01" W. Modification of C.P. to change frequency to 6315.9V MHz toward a new point of communication at Boyertown, Pa.

4851–C1–P–73—The Pacific Telephone & Telegraph Co. (WHB68), 6.7 miles southwest of San Ardo, Calif. Latitude 35°57'14" N., longitude 120°59'23" W. C.P. to add frequency 4010V MHz toward Greenfield, Calif.; frequency 4010H MHz toward Tassajera, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4852–C1–P–73—Same (KMA38), 434 South Grand Avenue, Los Angeles, CA. Latitude 34°03'02" N., longitude 118°15'08" W. C.P. to add frequency 4170H MHz toward Topanga Ridge, Calif.

4853–C1–P–73—Same (KMJ93), Loma Prieta Mountain, Calif. Latitude 37°06'31" N., longitude 121°50'39" W. C.P. to add frequency 10,995V MHz toward San Jose, Calif.; frequency 3970H MHz toward Chualar, Calif.

4854–C1–P–73—Same (KMN91), 95 Almaden Avenue, San Jose, CA. Latitude 37°19'58" N., longitude 121°53'31" W. C.P. to add frequency 11,445H MHz toward Loma Prieta Mountain, Calif.

4856–C1–P–73—The Pacific Telephone & Telegraph Co. (KMX56), Santa Ynez Peak, 5 miles northeast of Captain, Calif. Latitude 34°31'36" N., longitude 119°58'16" W. C.P. to add frequency 3890V MHz toward Hall Canyon, Calif.; frequency 3890H MHz toward Santa Maria, Calif.

4857–C1–P–73—Same (KMX57), 308 West Cypress Street, Santa Maria, Calif. Latitude 34°57'02" N., longitude 120°26'19" W. C.P. to add frequency 3930H MHz toward Santa Ynez, Calif.; frequency 4010H MHz toward Tassajera, Calif.

4658–C1–P–73—Same (KMZ71), Tassajera, 5.5 miles west of Santa Margarita, Calif. Latitude 35°23'37" N., longitude 120°42'29" W. C.P. to add frequency 3970H MHz toward San Ardo, Calif.; frequency 3970H MHz toward Santa Maria, Calif.

4859–C1–P–73—Same (WDD99), Topanga Ridge, 2.3 miles west of Fernwood, Calif. Latitude 34°05'02" N., longitude 118°38'16" W. C.P. to add frequency 4130H MHz toward Los Angeles, Calif; frequency 4130V MHz toward Hall Canyon, Calif.

4860–C1–P–73—Same (WHB66), 6.8 miles north of Chular, Calif. Latitude 36°40'06" N., longitude 121°31'09" W. C.P. to add frequency 4010H MHz toward Loma Prieta Mountain, Calif.; frequency 4010H MHz toward Greenfield, Calif.

4861–C1–P–73—Same (WHB67), 716 miles south-southwest of Greenfield, Calif. Latitude 36°13'11" N., longitude 121°18'08" W. C.P. to add frequency 3970H MHz toward Chular, Calif.; frequency 3970V MHz toward San Ardo, Calif.

4862–C1–P–73—South Central Bell Telephone Co. (KYC49), approximately 2.3 miles southeast of Fern Creek, Ky. Latitude 38°07'32" N., longitude 85°34'44" W. C.P. to add frequency 10,875H MHz toward Hazelwood Hospital, Louisville, Ky.

4863–C1–P–73—American Telephone & Telegraph Co. (KKK80), 121 West Seventh Street, Little Rock, Ark. Latitude 34°44'31" N., longitude 92°16'18" W. C.P. to add frequency 3710V MHz toward Lonoke, Ark.

4864–C1–P–73—Same (KLK60), 3 miles south of Lonoke, Ark. Latitude 34°44'36" N., longitude 91°24'39" W. C.P. to add frequency 3710V MHz toward Hunter, Ark.

4865–C1–P–73—Same (KLK79), 0.5 mile west of Biscoe, Ark. Latitude 34°49'24" N., longitude 91°24'39" W. C.P. to add frequency 3710 V MHz toward Hunter, Ark.

4866–C1–P–73—Same (KLO93), 1 mile south of Hunter, Ark. Latitude 35°02'42" N., longitude 91°07'51" W. C.P. to add frequency 3750V MHz toward Forrest City, Ark.

4867—C1–P–73—Same (KGH83), 2.5 miles east-southeast of Lionville, Pa. Latitude 40°03'06" N., longitude 75°36'40" W. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Landenberg, Pa.

4868–C1–P–73—American Telephone & Telegraph Co. (KVU49), 1.9 miles northwest of Cedarbrook, N.J. Latitude 39°44'41" N., longitude 74°54'48" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Carmel, N.J.

4869–C1–P–73—Same (KGP41), 3 miles southeast of Avondale, Pa. Latitude 39°47'16" N., longitude 75°44'55" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Lionville, Pa.; frequencies 6004.5H and 6123.1H MHz toward Glasgow, Del.

4870–C1–P–73—Same (KGP43), 2.3 miles south of Glasgow, Del. Latitude 39°34'14" N., longitude 75°44'39" W. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Landenberg, Pa.; frequencies 6256.5V and 6375.2V MHz toward Quinton, N.J.

4871—C1–P–73—Same (KEM73), 2 miles southeast of Quinton, N.J. Latitude 39°31'49" N., longitude 75°22'53" W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Glasgow, N.J.; frequency 6004.5H MHz toward Mount Royal, N.J.; frequencies 6004.5V and 6123.1V MHz toward Carmel, N.J.

4872–C1–P–73—Same (KEM30), 1.1 miles southeast of Mount Royal, N.J. Latitude 39°47'56" N., longitude 75°11'55" W. C.P. to add frequency 6256.5V MHz toward Quinton, N.J.; frequency 6256.5V MHz toward Philadelphia, Pa.

4873–C1–P–73—Same (KGP64), 900 Race Street, Philadelphia, PA. Latitude 39°57'17" N., longitude 75°09'18" W. C.P. to add frequency 6004.5V MHz toward Mount Royal, N.J.

4874–C1–P–73—Same (KVU50), 1.6 miles north of Carmel, N.J. Latitude 39°27'23" N., longitude 75°06'49" W. C.P. to add frequencies 6256.5H and 6375.2H MHz toward Quinton, N.J.; frequencies 6256.5V and 6375.2V MHz toward Cedarbrook No. 2, N.J.

4875–C1–P–73—The Pacific Telephone & Telegraph Co. (WHT99), 221 West Winton Avenue, Hayward, CA. Latitude 37°39'35" N., longitude 122°05'45" W. C.P. to add frequency 11,505H MHz toward Walpert Ridge, Calif.

4876–C1–P–73—Same (KMN91), 95 Almaden Avenue, CA. Latitude 37°19'58" N., longitude 121°53'31" W. C.P. to add frequency 4010H MHz toward Walpert Ridge, Calif.

4877–C1–P–73—Same (KTG20), Walpert Ridge, 3.7 miles east-southeast of Hayward, Calif. Latitude 37°39'20" N., longitude 122°00'06" W. C.P. to add frequency 397H MHz toward San Jose, Calif.; frequency 11,015V MHz toward Hayward, Calif.

4878–C1–P/L–73—General Telephone Company of the Northwest, Inc. (New), in any temporary fixed location within the operating territory of General Telephone Company of the Northwest, Inc. C.P. & License to add frequencies 5925–6425 and 10,700–11,700 MHz Band.

4879–C1–P–73—The Bell Telephone Company of Pennsylvania (KIK88), 110 North Hall Street, Allentown, PA. Latitude 40°36'13" N., longitude 75°28'26" W. C.P. to add frequency 6093.5H MHz toward Farm Flats, Pa.

4880–C1–P–73—Same (KIL21), Farm Flats, 3.4 miles northeast of Jim Thorpe, Pa. Latitude 40°54'13" N., longitude 75°41'23" W. C.P. to add frequency 6345.5V MHz toward Allentown, Pa.; frequency 6345.5V MHz toward Lookout, Pa.

4881–C1–P–73—Same (KIL37), Lookout, 4.7 miles southeast of Dupont, Pa. Latitude 41°15'45" N., longitude 75°42'26" W. C.P. to add frequency 6093.5H MHz toward Farm Flats, Pa.; frequency 6093.5H MHz toward Scranton, Pa.

4882–C1–P–73—Same (KIL58), 121 Adams Avenue, Scranton, PA. Latitude 41°24'23" N., longitude 75°39'49" W. C.P. to add frequency 6345.5V MHz toward Lookout, Pa.

SPECIAL NOTICE ON "PRIOR COORDINATION"

POINT TO POINT MICROWAVE RADIO SERVICE

Federal Communications Commission rules and regulation Title 47, Chapter 1, § 21.100(d) specify that all applicants for regular authorization in the Point to Point Microwave Radio and Local Television Transmission Services shall, before filing an application, coordinate proposed frequency usage with existing users and applicants with previously filed applications where such facilities could be adversely affected by the proposed filing. Further coordination guidelines are contained in Public Notices issued September 20, 1971 and May 22, 1972.

A recommended comprehensive uniform system for the exchange of information for prior coordination has been developed by an informal committee composed of interested carriers and the FCC Common Carrier Staff. The purpose of this system is to improve the efficiency of exchanging, analyzing and recording coordination data. This system, including instructions and necessary coded lists, is available from Keuffel & Esser Co., 1521 North Danville Street, Arlington, VA 22201 at a cost of approximately $12 plus tax and postage. The document is entitled: "Recommended Uniform System for the Exchange of Information Required for Prior Coordination Pursuant to § 21.100(d)". All carriers are urged to obtain a copy of this document and to begin using the system as soon as possible in the exchange of prior coordination data. The coded lists of common carrier applicants, transmitters and antennas could possibly be made available on computer cards at the Clearinghouse for Federal and Technical Information if there is sufficient interest in purchasing the information in that form.

Full sized copies of the 3-page form (exclusive of instructions and coded lists) are available at the Commission's Washington offices and will be mailed to carriers requesting it (limit: one copy per carrier).

Alternatively, a copy of the entire document (approximately 100 pages) can be made available, as scheduling permits, at the Commission's offices (Room 542) for copying if it can be returned the same day.

XUM

Major Amendments

INFORMATIVE: Nebraska Consolidated Communications Corp. has filed amendments for the remaining portion of its original specialized carrier proposal filed April 14, 1970 for service throughout the mid-United States. On July 26, 1972, the Commission granted 109 of these applications, including one for a station at St. George, Mo. The remaining portion of this system, for which these amendments have been filed, runs from St. George, Mo. to Atlanta, Ga.

6267–C1–P–70—Nebraska Consolidated Communications Corp. (New), 4.6 miles east of Lepanto, Ark. Latitude 35°36'23" N., longitude 90°15'03" W. Change polarization of frequency 6226.9 to vertical toward Jonesboro, Ark., azimuth 308°09'.

6268–C1–P–70—Same (New), 100 Main Street, Memphis, TN. Latitude 35°08'36" N., longitude 90°03'11" W. Change frequency 5974.8V to 6004.5V toward Cockrum, Miss., azimuth 151°28'.

6269–C1–P–70—Same (New), 2 miles south of Cockrum, Miss. Latitude 34°46'24" N., longitude 89°48'34" W. Change frequency 6271.4H to 6226.9H toward Waterford, Miss., azimuth 105°11' and 6271.4V to 6256.5H toward Memphis, Tenn., azimuth 331°36'.

1091–C1–P–71—Same (New), Wallfield, 5 miles south of Houlka, Miss. Latitude 34°06'13" N., longitude 89°00'00" W. Change frequency 5974.8H to 6093.5H toward Keel, Miss., azimuth 320°57'.

889–C1–P–72—Same (New), 2 miles west-northwest of Tilden, Miss. Latitude 34°11'52" N., longitude 88°22'28" W. Change frequency 5974.8V to 6004.5H toward Sulligent, Ala., azimuth 143°43'.

6276–C1–P–70—Same (New), 2.9 miles southeast of Oakman, Ala. Latitude 33°40'20" N., longitude 87°21'03" W. Change frequency 6226.9H to 6315.9H toward Winfield, Ala., azimuth 308°57'.

1092–C1–P–71—Same (New), 0.5 mile south of Hopkins, Ala. Latitude 33°28'30" N., longitude 87°04'37" W. Add frequency 5974.8H to Signal Mountain, Ala., azimuth 100°45'.

6277–C1–P–70—Same (New), 1 mile east of North Birmingham, Ala. Latitude 33°36'40" N., longitude 86°39'20" W. Change frequency 6226.9H to 10,975H toward Hopkins, Ala., azimuth 249°01'.

6283–C1–P–70—Same (New), relocate station to 2 miles east of Douglasville, Ga. Latitude 33°44'40" N., longitude 84°47'16" W. Change azimuths of 6286.2V toward Atlanta, Ga., to 69°02' and 6226.9H toward Buchanan, Ga., to 279°54'.

6284–C1–P–70—Same (New), relocate station to 2911 Pharr Court South NW., Atlanta, GA. Latitude 3350'08" N., longitude 84°23'07" W. Change azimuth of 5945.2H to Douglasville, Ga., to 249°15'.

[FR Doc.73–805 Filed 1–15–73;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Executive Committee Meeting

JANUARY 10, 1973.

In accordance with Public Law 92–463, "Federal Advisory Committee Act", announcement is made of the January meeting of the RTCM Executive Committee. This meeting will convene at 1:30 p.m., January 18, 1973, in Conference Room 847, 1919 M Street, NW., Washington, DC.

Principal agenda item for this meeting will be approval of the final report of Special Committee No. 62, "On-Board Communications."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73–1038 Filed 1–15–73;8:45 am]

[Special Committee No. 66]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meeting

JANUARY 10, 1973.

In accordance with Public Law 92–463, "Federal Advisory Committee Act," announcement is made of the 8th meeting of RTCM Special Committee No. 66. This meeting will convene at 9 a.m., January 17, 1973, in Conference Room 205, 1229 20th Street NW., Washington, DC.

Principal agenda item for this meeting will be continued discussion and review of VHF–FM receiver standards for the Maritime Mobile Service.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73–1037 Filed 1–15–73;8:45 am]

[Special Committee No. 64]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meeting

JANUARY 10, 1973.

In accordance with Public Law 92–463, "Federal Advisory Committee Act", announcement is made of the 32d meeting of RTCM Special Committee No. 64. This meeting will convene at 9:30 a.m., January 16, 1973, in Conference Room 205, 1229 20th Street NW., Washington, DC.

Principal agenda items for this meeting will be reports on digital selective calling systems and direct printing and data systems and consideration of FCC Docket No. 19325, "Preparation for the ITU World Administrative Radio Conference for maritime mobile telecommunications to be convened at the beginning of 1974."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73–1036 Filed 1–15–73;8:45 am]

ATOMIC ENERGY COMMISSION

PROPOSED RADIOACTIVE LEVEL AMENDMENTS

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50, Appendix D, notice is hereby given that a draft environmental statement related to the issuance of proposed amendments to 10 CFR Part 50 of the Commission's regulations to provide numerical guidance defining "as low as practicable" levels of radioactive material in light-water-cooled nuclear power reactor effluents, has been prepared by the Commission and is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545.

A notice concerning the proposed amendments to the Commission's regulations was published in the FEDERAL REGISTER on June 9, 1971 (36 FR 11113).

Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Interested persons may, on or before March 2, 1973, submit comments on the proposed action, and on the draft environmental statement for the Commission's consideration. Federal and State agencies and participants in the hearings (now recessed) held on the proposed amendments to the regulations are being provided with copies of the draft environmental statement and, when comments thereon are received, they will be made available for public inspection at the Commission's Public Document Room.

Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Secretary of the Commission.

Dated at Bethesda, Md., this 11th day of January 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73–1042 Filed 1–15–73;10:25 am]

FEDERAL RESERVE SYSTEM

BELLEVUE CAPITAL CO.

Formation of One-Bank Holding Company

Bellevue Capital Co., Bellevue, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 94 percent or more of the voting common stock of Bank of Bellevue, Bellevue, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 1, 1973.

Board of Governors of the Federal Reserve System, January 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73–865 Filed 1–15–73;8:45 am]

BOONE COUNTY INSURANCE AGENCY, INC.

Order Approving Acquisition of Additional Shares of Bank

Boone County Insurance Agency, Inc., Centralia, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 25.65 percent of the voting shares of the First National Bank of Centralia, Centralia, Mo. (Bank) through the acquisition of Centralia Insurance Agency, Inc., Centralia, Mo. (Centralia).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant and Centralia were organized in 1964 and are both registered one-bank holding companies, wholly owned by the same family. Both firms have approximately the same number of shares of Bank and the insurance agency activities of each firm are conducted at the same premises by the same individual.[1] Bank, with deposits of $8.5 million is the fifth largest of eight banks in Boone County with 5.54 percent of the County's commercial bank deposits. (Banking data are as of Dec. 31, 1971.) Since the present application is in the nature of a corporate reorganization whereby Centralia's assets are to be acquired and its liabilities are to be assumed by Applicant, approval of the present proposal will have no competitive effects.

Considerations relating to the financial and managerial resources and prospects of Applicant and Bank are consistent with approval as are considerations relating to the convenience and needs of the communities involved. It is the Board's judgment that consummation of the transaction is consistent with the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before February 7, 1973, or (b) later than April 9, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[2] effective January 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73–921 Filed 1–15–73;8:45 am]

[1] Applicant may continue to engage in insurance agency activities under the exemption found in subsection 4(c)(11).

BSB CORP.

Formation of Bank Holding Company

BSB Corp., Boone, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 98 percent or more of the voting shares of Boone State Bank & Trust Co., Boone, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 25, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73–922 Filed 1–15–73;8:45 am]

FIDELITY BANKSHARES, INC.

Formation of One-Bank Holding Company

Fidelity Bankshares, Inc., Topeka, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of up to 100 per cent of the voting shares of Fidelity State Bank & Trust Co., Topeka, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 26, 1973.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Brimmer.

Board of Governors of the Federal Reserve System, January 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73–866 Filed 1–15–73;8:45 am]

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Ala., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the City National Bank of Tuscaloosa, Tuscaloosa, Ala. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 6, 1973.

Board of Governors of the Federal Reserve System, January 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73–867 Filed 1–15–73;8:45 am]

FIRST AMTENN CORP.

Acquisition of Bank

First Amtenn Corp., Nashvile, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying) shares of the successor by merger to Volunteer-State Bank, Knoxville, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 6, 1973.

Board of Governors of the Federal Reserve System, January 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73–868 Filed 1–15–73;8:45 am]

FIRST FREEPORT CORP.

Formation of One-Bank Holding Company

First Freeport Corp., Freeport, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to

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become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of First Freeport National Bank, Freeport, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 29, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-924 Filed 1-15-73;8:45 am]

FIRST GEORGIA BANCSHARES, INC.

Formation of Bank Holding Company

First Georgia Bancshares, Inc., Atlanta, Ga., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares of Bank of Fulton County, East Point, Ga., which would then acquire the assets and assume the liabilities and name of First Georgia Bank (formerly Peoples American Bank of Atlanta), Atlanta, Ga., for which transaction an application under the Bank Merger Act has been filed. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc. 73-923 Filed 1-15-73;8:45 am]

FIRST UNITED BANCORPORATION, INC.

Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Cleburne National Bank, Cleburne, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board*

[FR Doc.73-925 Filed 1-15-73;8:45 am]

HIBERNIA CORP.

Formation of One-Bank Holding Company

Hibernia Corp., New Orleans, La., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Hibernia National Bank in New Orleans, New Orleans, La. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 29, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-926 Filed 1-15-73;8:45 am]

MANUFACTURERS HANOVER CORP.

Order Approving Acquisition of Bank

Manufacturers Hanover Corp., Dover, Del., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent (less directors' qualifying shares) of the voting shares of Citizens Bank of Monroe, Monroe, N.Y. (Bank).

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the third largest banking organization in New York, controlling three banks with aggregate deposits of $9.2 billion representing approximately 9 percent of all deposits of commercial banks in the State.[1] Acquisition of Bank (deposits of $25 million) would not change Applicant's ranking among banking organizations in New York and would not significantly increase the concentration of banking resources in the State.

Bank is the eighth largest of 15 banks in the Middletown banking market, controlling about 5 percent of total deposits in that market.[2] Applicant's nearest banking subsidiary to Bank is 32 miles distant and it appears that there is no significant existing competition between this subsidiary or the other banking subsidiaries of Applicant and Bank.[3] Nor is there a reasonable probability of significant future competition developing between Applicant's banking subsidiaries and Bank since these subsidiaries are prohibited until 1976 from branching into the Middletown market. On the other hand, Applicant could open a de novo bank in the Middletown market. However, this is unlikely as that market is relatively undesirable as measured by the ratios of per capita income and population per banking office compared to the respective statewide averages. The acquisition of Bank by Applicant would not foreclose entry by other bank holding companies into the Middletown market since eight independent banks remain as potential members of other bank holding companies. Further, entry by Applicant may have a procompetitive effect by enabling Bank to be a stronger competitor for the largest bank in the market, which is more than two-and-a-half times as large as the second ranking bank. On the basis of all facts before the Board, including those aforementioned, the Board concludes that consummation of the proposal herein would not have an adverse effect on competition in any relevant area.

The financial condition, managerial resources and future prospects of Applicant, its subsidiary banks and Bank appear satisfactory and are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before February 7, 1973, or (b) later than April 9, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to delegated authority.

[1] All banking data are as of June 30, 1972, except for those relating to the Middletown banking market which are as of June 30, 1970, and are adjusted to reflect bank holding company formations and acquisitions approved by the Board through Dec. 31, 1972.

[2] The Middletown banking market is approximated by Sullivan and Orange Counties, with the exclusion of the cities of Newburg, Newburg City, Montgomery, New Windsor, Cornwall, and Highlands, all located in Orange County.

[3] Applicant presently has pending two other applications to acquire banks. However, neither of these banks are in close proximity to Bank.

By order of the Board of Governors,[4] effective January 8, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-927 Filed 1-15-73;8:45 am]

MICHIGAN FINANCIAL CORP.

Formation of Bank Holding Company

Michigan Financial Corp., Marquette, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company (a) through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank and Trust Co., Marquette, Mich., First National Bank & Trust Co., Escanaba, Mich., and the Miners' First National Bank and Trust Co., Ishpeming, Mich.; and (b) through acquisition of 90 percent or more of the voting shares of the Gwinn State Savings Bank, Gwinn, Mich., the First National Bank of Hermansville, Hermansville, Mich., and Trenary State Bank, Trenary, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-928 Filed 1-15-73; 8:45 am]

PREFERRED INVESTMENT SHARES, INC.

Acquisition of Bank

Preferred Investment Shares, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to retain 63.4 percent of the voting shares of Center State Bank, Denver, Colo. Prior to its acquisition of these shares, Applicant held approximately 34 percent of the shares of Center State Bank. The factors that are considered in acting on the application are set forth in section 3(c of the Act (12 U.S.C. 1842(c)).

The shares of Center State Bank which Preferred Investment Shares, Inc., has applied to retain were acquired during 1972 without prior Board approval. By Order dated June 22, 1971 (36 FR 12331), the Board has provided a procedure whereby any company which, after December 31, 1970, has acquired an interest in a bank without obtaining prior Board approval may apply to the Board for subsequent approval of that action if certain circumstances are present. Whether these conditions are met in this case is currently under study.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-929 Filed 1-15-73;8:45 am]

TANIS INC.

Formation of One-Bank Holding Company

Tanis Inc., Houghton, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81.8 per cent or more of the voting shares of First National Bank of Calumet-Lake Linden, Calumet, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 29, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-930 Filed 1-15-73;8:45 am]

UNITED MICHIGAN CORP.

Formation of Bank Holding Company

United Michigan Corp., Flint, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of the successor by consolidation with Genesee Merchants Bank & Trust Co., Flint, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 9, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-931 Filed 1-15-73;8:45 am]

FIRST SECURITY CORP.

Acquisition of Bank

First Security Corp., Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 97.5 percent or more of the voting shares of First Security Bank of Logan, National Association, Logan, Utah, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 8, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-840 Filed 1-15-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DELAWARE DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of Plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. section 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Delaware has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the Plan, and hereby gives notice that the question of approval of the Plan is in issue before him.

The Plan designates the Department of Labor as the agency responsible for administering the Plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All safety and health standards and amendments thereto which have been adopted by the Secretary of Labor except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (Ship repairing, Ship building, Shipbreaking and Longshoring) as well

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Brimmer.

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as certain vertical issues associated with the inspection of pressure vessels will, subsequent to public hearings, be adopted by the State. The Plan provides that changes in the Federal standards shall be automatically adopted by the State.

Included in the Plan is proposed draft legislation to be considered by the Delaware legislature during its January 1973 session. Under the proposed legislation the Department of Labor will have full authority to enforce and to administer laws respecting safety and health of employees; the draft legislation provides for the coverage of all employees within the State including employees of the State and its political subdivisions. There are provisions which grant the Secretary of Labor the authority to inspect workplaces and to issue citations for the abatement of violations and there is also included a prohibition against advance notice of any such inspection. In addition, there is a provision made for judicial review as well as for the creation of an Occupational Safety and Health Review Commission. Provision for prompt restraint of imminent danger situations and a system of penalties for violations of standards are also included in the draft legislation. Included in the Plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970.

Set forth in the proposed Plan is a timetable providing for the future drafting of various administrative rules, regulations and procedures. The Plan contains a provision for coverage of personnel under the existing merit system. Also included are assurances for the protection of trade secrets and a provision to protect employees against discharge and discrimination in terms and conditions of employment.

2. *Location of Plan for inspection and copying.* A copy of the Plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Suite 410, Penn Square Building, 1317 Filbert Street, Philadelphia, PA 19107; Department of Labor, Division of Industrial Affairs, Wilmington, Del. 19805.

3. *Public participation.* Interested persons are hereby given until February 17, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the Plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed Plan, or any part thereof, whenever particularized written objections thereto are filed by February 17, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C. this 10th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-876 Filed 1-15-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 156]

ASSIGNMENT OF HEARINGS

JANUARY 11, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 35628 Sub 334, Interstate Motor Freight System, now assigned February 7, 1973, at Kansas City, Mo., is canceled and application dismissed.

MC 115841 Sub 438, Colonial Refrigerated Transportation, Inc., now assigned February 26, 1973, at Washington, D.C. is postponed indefinitely.

MC 134922 Sub 28, B. J. McAdams, Inc., Extension—Twenty-Four States, now being assigned February 26, 1973, at San Francisco, Calif., in a hearing room to be later designated.

MC 134068 Sub 13, Kodiak Refrigerated Lines, Inc., now being assigned February 28, 1973, at San Francisco, Calif., in a hearing room to be later designated.

MC 134884 Sub 4, Farwest Furniture Transport, Inc., now being assigned March 12, 1973, at Seattle, Wash., in a hearing room to be later designated.

MC 115162 Sub 212, Poole Truck Line, Inc., now assigned January 15, 1973, at Mobile, Ala., is postponed indefinitely.

MC 133316 Sub 7, Frank R. Givigliano doing business as Givigliano Transport, now assigned January 22, 1973, at Denver, Colo., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-909 Filed 1-15-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption No. 30, Amdt. 1]

BESSEMER AND LAKE LINE RAILROAD CO. ET AL.

Exemption from Mandatory Car Service Rules

Upon further consideration of Exemption No. 30 issued December 20, 1972 (38 FR 92, January 3, 1973).

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 30 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire January 20, 1973.

This amendment shall become effective January 10, 1973.

Issued at Washington, D.C., January 8, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-906 Filed 1-15-73;8:45 am]

[Notice 193]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73998. By order of December 13, the Motor Carrier Board approved the transfer to Redhage Truck Lines, Inc., St. Louis, Mo., of the operating rights in Certificate No. MC-2442 issued July 7, 1972, to Martin E. Davis, Donald R. Gardner, and Billy G. Gist, a partnership, doing business as Redhage Truck Line, St. Louis, Mo., authorizing the transportation of general commodities, with exceptions, between Richwoods, Mo., and National Stock Yards, Ill., serving all intermediate points and specified off-route points. Arthur Friedman, 1910 Boatmen's Bank Building, St. Louis, MO 63102, attorney for applicants.

No. MC-FC-74034. By order entered December 4, 1972, the Motor Carrier Board approved the transfer to Eagle Foods, Inc., doing business as Rutherford's, New Britain, Pa., of the operating rights set forth in Certificate No. MC-75584, issued by the Commission August 31, 1950, to William Earl Rutherford, Doylestown, Pa., authorizing the transportation of general commodities, with the usual exceptions and except livestock, between Doylestown, Pa., and Riegelsville, N.J., over specified routes, serving intermediate points, and the off-route points of Stockton and Milford, N.J., and those within 5 miles of Doylestown, Pa.; between Philadelphia, Pa., and Riegelsville, Pa., serving all intermediate points between Doylestown and Riegelsville, Pa., including Doylestown, and the off-route points within 5 miles of Doylestown, and those in Pennsylvania within 3 miles of U.S. Highway 611 between Doylestown and Riegelsville, Pa. J. Franklin Hartzel, 110 N. Main St., Doylestown, PA 18901, attorney for applicants.

No. MC-FC-74059. By order of December 4, 1972, the Motor Carrier Board approved the transfer to Hygrade Messenger Service, Inc., New York, N.Y., of the operating rights in Certicate No. MC-113968 (Sub-No. 2), issued December 11, 1956, to Grandview Trucking Corp., Brooklyn, N.Y., authorizing the transportation of used upholstered furniture for repair and reupholstering, from points in Connecticut and New Jersey to New York, N.Y., and repaired and reupholstered furniture, from New York, N.Y., to points in Connecticut and New Jersey. Morris Honig, 150 Broadway, New York, NY 10038, attorney for applicants.

No. MC-FC-74076. By order of December 14, 1972 the Motor Carrier Board approved the transfer to Blair Transport, Inc., Blair, Nebr., of the operating rights in Certificate No. MC-2052 issued July 23, 1953, to Harvey V. Simpson and Richard D. Zimmerman, a partnership, doing business as Blair Transfer and Fairway Transfer, Blair, Nebr., authorizing the transportation of general commodities, with exceptions, between Blair, Nebr., and Council Bluffs, Iowa, with service to and from intermediate points and the off-route point of Orum, Nebr.; livestock, and household goods, as defined by the Commission, radially between Blair, Nebr., and Missouri Valley and Sioux City, Iowa; portable grain elevators, tractor disc harrows, and other related farm machinery from Blair, Nebr., to points in North Dakota, South Dakota, Minnesota, Iowa, Missouri, and Kansas; livestock, agricultural commodities, and household goods, as defined by the Commission, radially between Florence, Nebr., and points in Nebraska within 30 miles of Florence, and Iowa and Missouri; and feed, farm machinery and machine parts, from Council Bluffs, Iowa, to points in Nebraska on and within 10 miles of U.S. Highway 73 between Blair, Nebr., and Omaha, Nebr. Arnold J. Stern, 1166 Woodmen Tower, Omaha, NE 68102, attorney for applicants.

No. MC-FC-74080. By order entered December 7, 1972, the Motor Carrier Board approved the transfer to Philadelphia Merchants Delivery Service, Inc., Philadelphia, Pa., of the operating rights set forth in Certificate No. MC-119210, issued March 18, 1960, to Cal Cartage, Inc., Camden, N.J., authorizing the transportation of new furniture, from Philadelphia, Pa., to New York, N.Y., and points in Maryland, Delaware, and New Jersey, restricted against service from, to, or between Philadelphia, Pa., and Bordentown, N.J., or any points of service on the following route between said points, including intermediate points thereon and the off-route points of Merchantville, Maple Shade, Bridgeboro, and Mount Holly, N.J.; from Philadelphia across the Delaware River to Camden, N.J., thence over unnumbered highway via Riverton, Riverside, and Beverly, N.J., to Burlington, N.J., and thence over U.S. Highway 130 to Bordentown. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102, attorney for applicants.

No. MC-FC-74113. By order of December 14, 1972 the Motor Carrier Board approved the transfer to Mullikin Transfer, Inc., Arcola, Ill., of the operating rights in Certificate No. MC-68283 issued November 17, 1954 to Mason R. Mullikin, doing business as Mullikin Transfer, Arcola, Ill., authorizing the transportation of various commodities from, to, and between specified points and areas in Illinois, Minnesota, Indiana, Iowa, Ohio, Missouri, New York, Pennsylvania, North Carolina, Kentucky, and Michigan. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-908 Filed 1-15-73;8:45 am]

[Notice 2]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 10, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1759 (Sub-No. 29 TA), filed December 5, 1972. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, CT 06902. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Hauppauge, N.Y., to points in Connecticut, points in New Jersey within 25 miles of Newark, including Newark and Totowa, N.J., points in Bennington and Rutland Counties, Vt., points in Erie County, N.Y., points in Pittsfield, Mass.; and points within 25 miles of Pittsfield, Mass., and *stale, rejected, and returned bakery products on return*, for 150 days. Supporting shipper: Koster Bakeries, Inc., 265 Marcus Boulevard, Hauppauge, NY 11787. Send protests to: David J. Kiernan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 High Street, Room 324, Hartford, CT 06101.

No. MC 1977 (Sub-No. 16 TA), filed December 22, 1972. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, CO 80216. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, petroleum products in bulk and commodities requiring the use of special equipment), between Salt Lake City, Utah, and Denver, Colo., serving no intermediate points, from Denver north over Interstate Highway 25 to junction Colorado Highway 14, thence west on Colorado Highway 14 to junction U.S. Highway 287, thence north on U.S. Highway 289 to junction Interstate Highway 80, thence west on Interstate Highway 80 to Salt Lake City and return over the same routes; including the right to use highways generally paralleling the specified interstate highways where the designated interstate highways are not completed. From Denver west over Interstate Highway 70 to Green River, Utah, thence north on U.S. Highways 6 and 50 to junction U.S. Highway 89, thence north on U.S. Highway 89 to Provo, Utah, thence north on Interstate Highway 15 to Salt Lake City and return over the same routes; including the right to use highways generally paralleling the specified

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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interstate highways where the designated interstate highways are not completed, for 180 days. NOTE: Applicant states it does intend to interline at Denver, Colo., and Salt Lake City, Utah. Supporting shippers: Jerry D. McMorris, President, Northwest Transport Service, Inc., Chevron Oil Co., Post Office Box 599, Denver, CO 80201; Will Soder, Manager of Maintenance, Northwest Transport Service, Inc., James H. Anderson, Arthur L. Davis, and Fred Hartle, drivers for Northwest Transport Service, Inc., Denver, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 2860 (Sub-No. 120 TA), filed December 22, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, metal, and accessories and material, equipment and supplies* used in connection with manufacture, sale and distribution of containers (except commodities in bulk), from Baltimore, Md., Pennsauken, Paterson, and Hillside, N.J., and Maspeth, N.Y., to the plantsite and warehouse of Anheuser-Busch at or near Williamsburg, Va., for 180 days. Supporting shippers: Continental Can Co., Inc., 633 Third Avenue, New York, NY 10017; American Can Co., American Lane, Greenwich, Conn. 06830. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 50307 (Sub-No. 61 TA), filed December 5, 1972. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 25th Street, New York, NY 10001. Applicant's representative: Arthur Liberstein, 1 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between the New York, N.Y., commercial zone, on the one hand, and, on the other, Edinburg, Va., for 150 days. Supporting shipper: Edinburg Manufacturing Corps., Edinburg, Va. 22824, Attention: Mr. Jerome Rolun. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 59117 (Sub-No. 39 TA), filed December 5, 1972. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, Post Office Box 1, Vinita, OK 74301. Applicant's representative: Vincent Elliott, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, from Holdredge, Nebr., to Vinita, Okla., for 180 days. Supporting shipper: Vinita Hay & Grain, Inc., R. L. Kresyman, 202 South Vann Street, Vinita, OK 74301. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 95084 (Sub-No. 91 TA), filed December 19, 1972. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refuse containers and compactors, hoists, and truck bodies and boxes*, from Grundy Center, and Nevada, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Mid Equipment, Inc., Grundy Center, Iowa 50638. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 104675 (Sub-No. 32 TA), filed December 6, 1972. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, NY 14210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Congo, W. Va., to points in New York State and points of entrance into Canada. *Returned, rejected and refused shipments of the same commodity* in the reverse direction, for 180 days. Supporting shipper: L. R. Cross, Inc., 525 North Salina Street, Syracuse, NY 13208. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 109542 (Sub-No. 2 TA), filed December 29, 1972. Applicant: ELLIS TRANSFER & STORAGE, INC., 1953 West Evans Street, Florence, SC 29501. Applicant's representative: M. A. Ellis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies, including tools*, used in the construction and maintenance of telephone system and communication, between Florence, S.C., and points in the counties of Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Lancaster, Lee, Marion, Marlboro, Sumter, and Williamsburg, S.C., for 180 days. Supporting shipper: Western Electric, 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 114097 (Sub-No. 3 TA), filed December 29, 1972. Applicant: NIEDFELDT TRUCKING SERVICE, INC., 821 South Front Street, La Crosse, WI 54601. Applicant's representative: Fred C. Niedfeldt (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, sheet iron or sheet, liquid capacity not exceeding 1 gallon from the plantsite of the Continental Can Co., La Crosse, Wis., and the G. Heileman Brewing Co., Inc., Warehouse, La Crosse, Wis., to the G. Heileman Brewing Co., Inc., St. Paul, Minn., for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, WI 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 118959 (Sub-No. 104 TA), filed December 6, 1972. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic and plastic products*, products produced or distributed by manufacturers and convertors of paper and paper products, plastic and plastic products; *materials and supplies* used in the manufacture and distribution of the aforegoing commodities (except commodities which because of size or weight require the use of special equipment and commodities in bulk), between the plantsites and facilities of the Mead Corp., at or near Chillicothe, Ohio; Schooleys, Ohio; Kingsport, Tenn., on the one hand, and, on the other, points in Florida, for 180 days. Supporting shipper: The Mead Corp., Talbott Tower, Dayton, Ohio 45402. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

No. MC 120615 (Sub-No. 13 TA), filed December 5, 1972. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY, INC., 2000 West 16th Street, Long Beach, CA 90813. Applicant's representative: E. D. Helmer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and campers* by driveaway and truckaway service, between points in Collin and Hopkins County, Tex., and Snohomish County, Wash., on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., 3125 Myers Street, Post Office Box 7638, Riverside, CA 92503. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, CA 90012.

No. MC 124373 (Sub-No. 13 TA), filed December 6, 1972. Applicant: NELMAR TRUCKING CO., Route 1 and Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Walter B. Blanken (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, in containers, and *beverage preparations*, other than malt, and *equipment, materials, and supplies* used in the manufacture and sale of beverages, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, North Carolina, Kentucky, and the District of Columbia, under contract with Coca Cola Bottling Company of New York, Inc., for 180 days. Supporting shipper: Coca Cola Bottling Company of New York, Inc., 425 East 34th Street, New York, NY 10016. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 126276 (Sub-No. 71 TA), filed December 6, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Suite 1133, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends*, from Paterson, N.J., to Cincinnati, Ohio, under contract to Continental Can Co., Inc., for 180 days. Supporting shipper: Thomas J. Raill, Assistant Eastern Regional Traffic Manager, Continental Can Co., Inc., 633 Third Avenue, New York, NY 10017. Send protests to: Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 127170 (Sub-No. 11 TA), filed December 5, 1972. Applicant: CENTRAL STATES TRUCKING, INC., Box 26, 1201 Main Street, Donnellson, IA 52625. Applicant's representative: Myrl D. Crowe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides, fungicides, and herbicides*, in packages, from points in Kansas, Colorado, South Dakota, North Dakota, Minnesota, and Nebraska to Fort Dodge and Council Bluffs, Iowa, and Grand Island, Nebr. for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Ortho Way, Fort Madison, IA 52627. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 128404 (Sub-No. 7 TA), filed December 27, 1972. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., Post Office Box 3037, Knoxville, TN 37917. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Lenoir City, Tenn., to points in Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Sheffield Southern Steel Products, Inc., Route 3, Box 5, Bussell Ferry Road, Lenoir City, Tenn. 37771. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 128772 (Sub-No. 8 TA), filed December 27, 1972. Applicant: STAR BULK TRANSPORT, INC., 827 North Front Street, New Ulm, MN 56073. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Rochester, Minn., to East Point, Ga., Woodlawn, Springdale, Solon, and Port Columbus, Ohio; Livonia and Grand Rapids, Mich.; Fort Wayne and Indianapolis, Ind., Louisville, Ky., Nashville, Tenn., East Peoria, Ill., Hazelwood, Mo., and Pittsburgh, Pa., restricted to traffic destined to warehouses and storage facilities owned, leased, or utilized by Kroger Co. at said destinations and the Allegheny Cold Storage Co. at Pittsburgh, Pa., for 180 days. Supporting shipper: Pace Dairy Foods Co., Rochester, Minn. Send protests to: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 129149 (Sub-No. 9 TA), filed December 26, 1972. Applicant: ELLIS HAINES, doing business as HAINES TRUCK LINES, 995 Washington Street, Bushnell, IL 61422. Applicant's representative: Robert T. Lawley, 4 West Old State Capitol Plaza, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, prepared, in bags, for the account of Lauhoff Grain Co., from Bushnell, Ill., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Gerald E. Stitt, Vice President-Traffic, Lauhoff Grain Co., Danville, Ill. 61832. Send protests to: District Supervisor Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133937 (Sub-No. 13 TA), filed December 29, 1972. Applicant: CAROLINA CARTAGE COMPANY, INC., 424 Airport Road 29607, Post Office Box 1075, Greenville, SC 29602. Applicant's representative: James A. Lanier (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), having a prior or subsequent movement by air, between airports located at or near Charlotte, N.C., and Atlanta, Ga., for 180 days. Supporting shippers: Shulman Air Freight, Inc., Post Office Box 20873, Atlanta, GA 30320; Overseas National Airlines, Atlanta Airport, Atlanta, Ga. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1200 Main Street, 300 Columbia Building, Columbia, SC 29201.

No. MC 135032 (Sub-No. 3 TA), filed December 7, 1972. Applicant: HIAWATHA PRODUCE COMPANY, 3850 Fourth Street, Winona, MN 55987, Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Alexandria and Browerville, Minn., and Spencer, Eau Claire, and Reedsburg, Wis., to points in Illinois (except Chicago and its commercial zone) and to St. Louis, Mo., and points in its commercial zone, for 150 days. Supporting shipper: Land O'Lakes, Inc., Minneapolis, Minn. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

MOTOR CARRIERS OF PASSENGERS

No. MC 111346 (Sub-No. 4 TA), filed December 27, 1972. Applicant: WADE BUS LINES, INC., 716 West Second Street, Ogallala, NE 69153. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in charter or special party operations in Nebraska, Iowa, and South Dakota to and from Phoenix, Scottsdale, and Arizona City, Ariz., and return, restricted to passengers and their baggage traveling in charter or special party service to and from Phoenix, Scottsdale, and Arizona City, Ariz., as guests of Arizona City Development Corp., for 180 days. Supporting shipper: Daniel E. Towers, Arizona City Development Corp., Suite 900, 3550 North Central Avenue, Phoenix, AZ 85012. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building, and Courthouse, Lincoln, Nebr. 68508.

By the Commission,

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-907 Filed 1-15-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[Dockets No. 63 etc.]

CANCELLATION OF REGISTRATION OF PESTICIDE DDT

Notice of Cancellation of Public Hearing

Notice is hereby given that the public hearing scheduled for January 16, 1973

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(37 FR 28548), in Seattle, Wash., with respect to the cancellation of the registration of Crop King Co., Yakima, Wash., of a pesticide containing DDT pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.), as amended by the Federal Environmental Pesticide Control Act of 1972 (Public Law 97-516; 86 Stat. 973), is canceled as the parties indicated that no evidence was to be adduced at such hearing.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of the proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Waterside Mall, 401 M Street SW., Washington, DC 20460.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 15, 1973.

[FR Doc.73-1075 Filed 1-15-73;11:15 am]

WATER POLLUTION PREVENTION AND CONTROL

List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Public Law 92-500), directs the Administrator of the Environmental Protection Agency to publish no later than January 16, 1973, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than 1 year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories.

The Administrator, after evaluating available information has determined that the categories of sources set forth below meet the above requirement. Evaluation of other source categories will be conducted, and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, pursuant to section 306(b)(1)(A) of the Act, notice is given that the Administrator establishes a list of categories of sources as follows:

LIST OF CATEGORIES OF SOURCES

1. Pulp and paper mills.
2. Paperboard, builders paper and board mills.
3. Meat product and rendering processing.
4. Dairy product processing.
5. Grain mills.
6. Canned and preserved fruits and vegetable processing.
7. Canned and preserved seafood processing.
8. Sugar processing.
9. Textile mills.
10. Cement manufacturing.
11. Feedlots.
12. Electroplating.
13. Organic chemicals manufacturing.
14. Inorganic chemicals manufacturing.
15. Plastic and synthetic materials manufacturing.
16. Soap and detergent manufacturing.
17. Fertilizer manufacturing.
18. Petroleum refining.
19. Iron and Steel manufacturing.
20. Nonferrous metals manufacturing.
21. Phosphate manufacturing.
22. Steam electric powerplants.
23. Ferroalloy manufacturing.
24. Leather tanning and finishing.
25. Glass and asbestos manufacturing.
26. Rubber processing.
27. Timber products processing.

Dated: January 15, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-1074 Filed 1-15-73;11:15 am]

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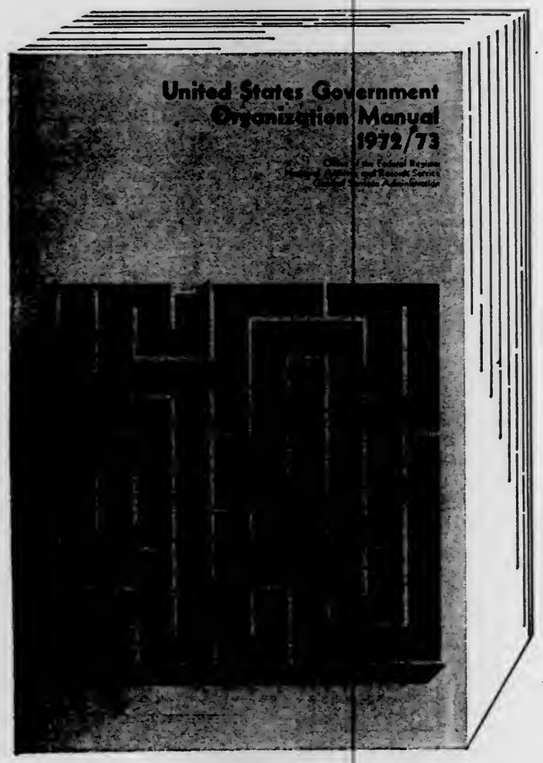
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federal register

WEDNESDAY, JANUARY 17, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 11

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PART I



(Part II begins on page 1695)

NOTICE TO READERS

This week several new features are being introduced to remind readers of important action dates established by documents published in the FEDERAL REGISTER.

Beginning today, two new lists will be published. One, entitled "Next Week's Deadlines for Comment on Proposed Rules," will serve as a weekly reminder to readers of the opportunity to participate in certain administrative actions of their Government. The other, entitled "Next Week's Hearings," will itemize hearings that appear to be of interest to broad segments of the public. These lists will appear every Wednesday and will cover the week beginning on the Monday following publication.

On Thursday, January 18th, a list entitled "Rules Going into Effect Today" will be introduced. When a rule becomes effective more than 14 days after publication in the FEDERAL REGISTER a reminder will be published on the day that the rule goes into effect. This list will appear daily.

Other changes scheduled to be introduced during January involve changes in the typography of the Highlights, contents pages, and various headings—all designed to make the FEDERAL REGISTER easier to use.

The Administrative Committee of the Federal Register is interested in continued improvement of the FEDERAL REGISTER in order to serve readers more efficiently. Comments on these changes and recommendations for other improvements are welcome. Write to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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(The items in these lists were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from these lists has no legal significance. Since these lists are intended as reminders, they do not include effective dates, comment deadlines, or hearing dates that occur within 14 days of publication.)

Next Week's Deadlines for Comments on Proposed Rules

(This listing is limited to proposed rules published after October 1, 1972, with a deadline date for comments occurring during the week of Jan. 21–Jan. 27, 1973.)

37 FR page no. and date

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John F. Kennedy Airport; shift of peak hour air carrier IFR reservations—FAA 28765; 12–29–72

JANUARY 22

Drug Listing Act of 1972; implementation regulations—FDA 26431; 12–12–72

Common carriers by water in foreign commerce of U.S. and conferences of such carriers; requirements regarding filing of tariffs—FMC 28307; 12–22–72

Relocation assistance and real property acquisition policies—HEW 26523; 12–13–72

Papayas grown in Hawaii; limitation of handling—USDA 38 FR 1395; 1–12–73

Ampicillin monographs; recodification and technical revision—FDA 24830; 11–22–72

Use of public records in determining public assistance eligibility—HEW 28189; 12–21–72

Airspace transition areas at Scottsbluff, Nebr.; Doylestown, Pa.; and Babylon, N.Y.—FAA 28190, 28191; 12–21–72

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Special Assistant to the Secretary is excepted under Schedule C.

Effective on January 17, 1973, subparagraph (46) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(46) One Confidential Assistant to the Special Assistant to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-979 Filed 1-16-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WA-66]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change to Area High Route Waypoint

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to make a change of the name Summerville, Ga., to Trion, Ga., in area high route J952R.

A policy to eliminate the duplication of names for air navigation aids has been adopted by the Federal Aviation Administration. Therefore, action is taken herein to make this change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective March 1, 1973.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

Section 75.400 (38 FR 700) is amended as follows:

In J952R "Summerville, Ga., 34°37'25" N., 85°14'12" W. Atlanta, Ga.," is deleted and "Trion, Ga., 34°37'25" N., 85°-14'12" W. Atlanta, Ga.," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 10, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-947 Filed 1-16-73;8:45 am]

[Airspace Docket No. 71-WA-14]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On December 7, 1972, FR Doc. 72-20964 was published in the FEDERAL REGISTER (37 FR 26003) which amends Part 75 of the Federal Aviation Regulations, effective 0901 G.m.t., February 1, 1973.

This document amended Part 75 of the Federal Aviation Regulations, in part, by including the Cabin Creek, Colo., waypoint in area high route J969R and substituting this waypoint for the Powder Horn, Colo., waypoint in area high route J801R.

In the description of Cabin Creek waypoint the longitude was erroneously listed as "106°38'31"" rather than as "106°34'-31"." Therefore, action is taken herein to change "106°38'31"" to "106°34'31"" in J801R and J969R.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, FR Doc. 72-20964 (37 FR 26003) is amended, as hereinafter set forth.

In Item b. "38°21'36" N./106°38'31" W." is deleted and "38°21'36" N./106°-34'31" W." is substituted therefor.

In Item c. "38°21'36"/106°38'31"" is deleted and "38°21'36"/106°34'31"" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C. on, January 10, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-948 Filed 1-16-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2327]

PART 13—PROHIBITED TRADE PRACTICES

Glen Head Mills of Georgia, Inc., et al.

Correction

In FR Doc. 73-232, appearing at page 968, in the issue of Monday, January 8, 1973, in the second line of the authority citation, change "88 Stat. 719", to read "38 Stat. 719".

[Docket No. C-2329]

PART 13—PROHIBITED TRADE PRACTICES

William Freihofer Baking Co., Inc.

Correction

In FR Doc. 73-231, appearing at page 971, in the issue of Monday, January 8, 1973, in the sixth line of the first paragraph, change "13.170-74" to read "13.170-64".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHLORDIMEFORM

Correction

In FR Doc. 73-81, appearing at page 11, in the issue of Wednesday, January 3, 1973, in the third and fourth line of § 121.1249, change the chemical name "(*N'* - (4-chloro-o-tolyl)-*N,N*-dimethylformamidine)", to read "*N'*-(4-chloro-o-tolyl)-*N,N*-dimethylformamidine)".

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Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Procedural Changes for Filing Applications for Certificates of Registration and Employee Identification Cards

Secretary's Order No. 32–72 of October 16, 1972, transferred the responsibilities for determining the eligibility of applicants for certificates of registration and employee identification cards and issuance thereof and for the enforcement programs under the Farm Labor Contractor Registration Act of 1963 (Public Law 88–582) from the Assistant Secretary for Manpower to the Assistant Secretary for Employment Standards and Secretary's Order No. 33–72 of October 16, 1972, redelegated these responsibilities to the Deputy Assistant Secretary/Wage-Hour Administrator.

The revisions in this part reflect the changes in titles of offices and officials who will process the application for a certificate of registration and employee identification card and will administer the substantive provisions of the Act.

In addition, pursuant to a notice (37 FR 16787, Aug. 19, 1972) which changed the title hearing examiners as used in Subpart B—Appointment, Pay and Removal of Hearing Examiners of Part 930 of Title 5 to Administrative Law Judge, such changes are sought to be incorporated in Part 40.

Notice of proposed rule making is unnecessary in this instance since the revisions involve changes in rules of Department organization and procedures. A delay in the effective date is not necessary because the changes in the Department's organization and procedures made by the amendments are now in effect. The public is not prejudiced since the material submitted pursuant to the old procedure will be placed in the proper channels by the Department to the mutual benefit of the public and the Department.

Part 40 of Title 29 is hereby amended as follows:

1. Paragraphs (g), (i), and (j) of § 40.2 are amended to read as follows:

§ 40.2 Definitions.

• • • • • •

(g) The "Regional Administrator" is the Administrative officer in charge of a regional office of the Employment Standards Administration, U.S. Department of Labor.

• • • • • •

(i) The "Administrator" means the Deputy Assistant Secretary/Wage-Hour Administrator of the United States Department of Labor or his authorized representative.

(j)(1) The "Administrative Law Judge" means a person appointed as provided in 5 U.S.C. 3105 and Subpart B of Part 930 of Title 5 of the Code of Federal Regulations (see 37 FR 16787) and qualified to preside at hearings under 5 U.S.C. 557.

(2) The "Chief Administrative Law Judge" means the Chief Administrative Law Judge, U.S. Department of Labor, Washington, D.C. 20210.

• • • • • •

2. Paragraphs (f), (g), and (h) of § 40.4 are amended to read as follows:

§ 40.4 Application for Certificate of Registration.

• • • • • •

(f) Before any person may transport migrant workers within the meaning of the Act, he shall submit evidence satisfactory to the Regional Administrator that he is in compliance with the rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation that are applicable to his activities and operations in interstate commerce.

(g) The holder of a valid Certificate of Registration may request the renewal of his Certificate of Registration by executing and filing with a local office of the Employment Service of the various States or any office designated by the Governor of a State pursuant to § 40.4 the following: (1) An application which shall set forth the information required thereon; (2) proof of insurance coverage as required in paragraph (c)(1) of this section or proof of financial responsibility as required in paragraph (c)(2) of this section; (3) upon request, a completed Form FD–258 Fingerprint Card; and (4) upon request, evidence of compliance with applicable rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation.

(h) If a Certificate of Registration is lost or destroyed, a duplicate Certificate of Registration may be obtained by submission to any Regional office of the Employment Standards Administration of a written statement explaining its loss or destruction, indicating where the original application was filed, and requesting that a duplicate be issued.

(31 FR 14773, Nov. 22, 1966, as amended at 32 FR 10649, July 20, 1972; 35 FR 532, Jan. 1970, and 38 FR 1636, Jan. 17, 1973)

3. Paragraphs (b) and (c) of § 40.6 are hereby amended to read as follows:

§ 40.6 Farm Labor Contractor Employee Identification Cards, applications.

• • • • • •

(b) An application for a Farm Labor Contractor Employee Identification Card shall be acknowledged by the Regional Administrator. Until a determination is made upon the application, such acknowledgement shall authorize the applicant to engage in any of the covered activities of a farm labor contractor, as defined in the Act, in behalf of any holder of a valid Certificate of Registration. While engaging in such activities, the employee must have in his possession either the letter of acknowledgement, which shall not be effective for more than 30 days, or a Farm Labor Contractor Employee Identification Card where such has been issued. Such employee shall not be engaged as a driver of a bus or truck for transportation of migrant workers in connection with the business activities, or operations of a farm labor contractor subject to the Act, unless he shall comply with rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation, that are applicable to his activities and operations in interstate commerce.

(c) If a Farm Labor Contractor Employee Identification Card is lost or destroyed, a duplicate Farm Labor Contractor Employee Identification Card may be obtained by submitting to the Office of the Regional Administrator of the Employment Standards Administration, a written statement explaining its loss or destruction, indicating where the original application was filed, and requesting that a duplicate be issued.

• • • • • •

4. Subparagraph (8) of § 40.10(c) is hereby amended to read as follows:

§ 40.10 Terms of Certificates of Registration, other conditions and obligations.

• • • • • •

(c) • • •

(8) Has failed to comply with rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation that are applicable to his activities and operations in interstate commerce.

• • • • • •

5. Paragraph (a) of § 40.11 is hereby amended to read as follows:

§ 40.11 Cancellation of insurance, review of financial responsibility, change of ownership.

(a) Any insurance policy or liability bond required by the Act or this part shall provide that it shall not be cancelled, rescinded, or suspended, nor become void for any reason whatsoever during such period in which the insurance or liability bond is required by the Act to be effective, except by the expiration of the term for which it is written, or until the company or the named insured, in the case of an insurance policy, or the "surety" or the "principal", in the case of a liability bond, shall have first given thirty (30) days' notice in writing by registered mail to the Office of Administrator of Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210 said thirty (30) days' notice to commence to run from the date notice is actually received.

• • • • • •

(31 FR 14775, Nov. 22, 1966 as amended at 35 FR 532, Jan. 15, 1970 and 38 FR 1636, Jan. 17, 1973)

6. Paragraph (b) of § 40.16 is hereby amended to read as follows:

§ 40.16 Notice of proposed denial of an application for renewal of a Certificate of Registration or a Farm Labor Contractor Identification Card or suspension or revocation thereof.

• • • • • •

(b) Apprise the applicant or holder of his right to a hearing on the proposed action and that such a hearing will be held upon his request, provided that his request is made in writing no later than twenty (20) days after the service of the notice, and mailed to the Office of the Administrator of Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210; and

• • • • • •

7. Pursuant to changes effected in Title V, Part 930 as reported in 37 FR 16787, August 19, 1972, wherever the term Hearing Examiner appears in this Part 40 the term shall be changed to Administrative Law Judge and wherever the term Chief Hearing Examiner appears the term shall be changed to Chief Administrative Law Judge.

Signed at Washington, D.C., this 11th day of January 1973.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

[FR Doc.73–915 Filed 1–16–73;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Subpart B—Description of Forms Prescribed Under This Part

REVISION OF FOREIGN EXCHANGE FORM S–2

The Department of the Treasury finds it necessary to amend the reporting requirements contained in 31 CFR Part 128 by revising Foreign Exchange Form S–2 described in 31 CFR 128.19. The revised Foreign Exchange Form S-2 will include, in addition to the existing columns for foreign official purchases and sales of U.S. Government bonds and notes, separate columns for foreign official purchases and sales of debt securities of U.S. Government corporations and agencies and federally sponsored agencies, and debt securities of private corporations and State and local governments. The objective of the revision is to improve the collection of statistics pertaining to the U.S. balance of payments.

The Department further finds that notice and public procedure under the provisions of 5 U.S.C. 553 are not necessary in this case since the amendment pertains only to rules of agency procedure and practice and since each reporting institution affected by the amendment will be notified individually.

Accordingly, Subpart B, Part 128, Chapter I of Title 31 of the Code of Federal Regulations is amended by revising § 128.19 to read:

§ 128.19 Foreign Exchange Form S–2: Purchases and sales of "long-term" domestic debt securities by "foreign official institutions."

On this form bankers and banking institutions, brokers and dealers in the United States are required to report monthly to a Federal Reserve bank purchases and sales of "long-term" domestice debt securities by "foreign official institutions."

(Sec. 5, 40 Stat. 415, as amended, sec. 8, 59 Stat. 515; 50 U.S.C. App. 5, 22 U.S.C. 286f, E.O. 6560, Jan. 15, 1934, E.O. 10033, 14 FR 561, 3 CFR, 1949–53 Comp.)

Effective date. This amendment shall become effective on January 17, 1973.

Dated: January 11, 1973.

[SEAL] JOHN M. HENNESSY,
Assistant Secretary for International Affairs.

[FR Doc.73–1026 Filed 1–16–73;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

[ER 1165–2–501]

PART 209—ADMINISTRATIVE PROCEDURE

Guidelines for Assessment of Economic, Social, and Environmental Effects of Contemplated Civil Works Projects

On July 27, 1972, notice was published in the FEDERAL REGISTER (37 FR 15013) of proposed guidelines for use by the Corps of Engineers in the assessment of possible economic, social, and environmental effects of contemplated civil works projects. Notice is hereby given that, after consideration of comments received, the Chief of Engineers has adopted the regulation and guidelines as set forth below. These guidelines comply with section 122 of the River and Harbor and Flood Control Act of 1970 (Public Law 91–611; 84 Stat. 1818). These guidelines became effective September 28, 1972.

§ 209.400 Guidelines for assessment of economic, social, and environmental effects of Civil Works projects.

(a) *Purpose.* This section furnishes guidelines, published September 28, 1972, for the assessment of economic, social, and environmental effects of Civil Works projects. They are designed to ensure that all significant adverse and beneficial effects of Corps of Engineers projects are fully considered in pre- and post-authorization planning. The guidelines have been approved by the Secretary of the Army and comply with the directive of Congress contained in section 122 of the River and Harbor and Flood Control Act of 1970, Public Law 91–611. (See Appendix A to this part.) They supplement and extend the requirements of the National Environmental Policy Act of 1969. (Public Law 91–190).

(b) *Applicability.* The guidelines will be used by all elements of the Corps of Engineers having Civil Works responsibilities.

(c) *References.* (1) Section 122, Public Law 91–611.

(2) National Environmental Policy Act of 1969 (Public Law 91–190).

(d) *Reports covered.* The guidelines specify steps in effect assessment to be taken as part of the planning process in preauthorization investigations. They shall be appropriately adapted by reporting officers, however, to cover effect assessment in planning for projects under continuing authorities, and in postauthorization planning (General Design Memoranda, Phase I). The guidelines will apply to the following reports:

(1) Survey reports now under preparation or in progress, including those that have not been formally acted upon by the Board of Engineers for Rivers and Harbors by December 31, 1972.

(2) Reports being prepared or now being processed on proposed projects under the special continuing authorities available to the Corps of Engineers.

(3) General Design Memoranda—Phase I—Plan Formulation Memoranda for projects authorized in the River and Harbor and Flood Control Act of 1970.

(4) General Design Memoranda—Phase I—Plan Formulation Memoranda being prepared for projects authorized by Congress subsequent to the 1970 Act where the survey report did not cover these effects. This category includes completed survey reports now with Congress as well as survey reports acted upon by the Board of Engineers for Rivers and Harbors prior to December 31, 1972.

(5) Certain Design Memoranda—Phase I—Plan Formulation Memoranda for projects authorized by Congress prior to the River and Harbor and Flood Control Act of 1970. While not required by the Act, guideline procedures will be incorporated into the planning for Phase I reports not funded for completion this fiscal year.

(e) *Action.* Reporting officers will incorporate utilization of these guidelines into all phases of the planning process to insure that:

(1) All significant adverse and beneficial project effects, particularly the adverse effects specified in section 122, are identified and assessed in a systematic way;

(2) The feasibility and cost of eliminating or minimizing adverse effects are given full consideration;

(3) Decisions and project recommendations are made in the best overall public interest based on a balanced consideration of the monetary benefits and costs, the degree that public needs are satisfied, and the extent of other beneficial and adverse effects.

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APPENDIX A

GUIDELINES FOR ASSESSMENT OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL EFFECTS OF CIVIL WORKS PROJECTS

SEPTEMBER 28, 1972.

These guidelines are designed to insure that all significant adverse and beneficial effects of proposed projects are fully considered.

Effect (impact) assessment is an integral part of the planning process. It serves as one test of the adequacy of that process and of any positive or negative recommendations resulting therefrom. It is fully compatible with multiobjective planning.

Any alternative developed in the planning process may produce unintended effects which are not responsive to the planning objectives and which are not included in benefit-cost analysis. Such effects are the subject of these guidelines.

Effect assessment is an iterative process which consists of the following steps: identification of anticipated project-caused economic, social, and environmental effects; quantitative and qualitative description and display of the effects; evaluation of the effects, whether adverse or beneficial; and consideration of measures to be taken if a proposed project would cause adverse effects.

The sequence of steps in effect assessment is summarized below:

1. Assemble a profile of existing conditions in the planning area;
2. Extend the profile to make projections of "without project" conditions through the expected life of the project;
3. Make "with project" projections, identifying causative factors and tracing their effects for each alternative;
4. Identify significant effects;
5. Describe and display each significant effect;
6. Evaluate adverse and beneficial effects;
7. Consider project modifications where adverse effects are significant;
8. Seek assessment feedback from other sources;

(Steps 1 through 8 are common to each iteration of the effect assessment process.)

9. Use effect assessment in making recommendations;
10. Prepare a Statement of Findings;
11. Use effect assessment in preparing the Environmental Impact Statement.

This sequence is discussed in more detail in the paragraphs that follow.

EFFECT ASSESSMENT

1. *Assemble a profile.* Portray existing conditions in a profile describing the relevant economic, social, and environmental characteristics of the affected area. Judgment is of critical importance in determining what information will be needed.

A tentative profile should be prepared early in the planning process. Subsequently, as alternatives are considered in greater detail, the profile should be made more precise and focused on identified significant effects.

The boundary areas of the profile will vary depending upon whether the focus of an effect is local or regional; whether the area is defined by political jurisdiction or by hydrologic unit; and by the nature of the project effects.

When completed, the profile should provide a clear understanding of the significant existing conditions, problems, and needs of the affected area and of the rationale for any action, if proposed.

2. *Make projections of "without project" conditions.* Extend the profile of existing conditions to portray future conditions without any project action. Projections should cover the expected life of each alternative considered over a reasonable range of probable future conditions.

Utilize a range of values to compensate in part for the uncertainties of projecting the future.

Projection of existing economic, social, and environmental conditions should yield pertinent information about the conditions, problems, and needs of the affected area in the future and provide a basis or baseline for a comparison of the effects of alternative plans. The projection may suggest issues to be addressed in designing alternative "with project" plans.

3. *Make "with project" projections, identifying causative factors and tracing their effects for each alternative.* Make projections of the "with project" conditions for each alternative being considered, including preconstruction, construction, and operation periods through its expected life.

Identify and list project-related causative factors (see Attachment B) and their likely economic, social, and environmental effects (see Attachment C) concurrently with the formulation of alternative plans.

The causative factors and effect elements for each alternative should be set forth in sufficient detail to ensure that all significant interactive relationships are considered. The interrelatedness of economic, social, and environmental aspects cannot be overlooked and must be considered regardless of the category in which any given effect is placed.

Assessments initially should emphasize breadth rather than depth. Refinements should await later stages of plan formulation.

Effect assessment at any stage should be carried to a degree of detail commensurate with the alternative it addresses.

4. *Identify significant effects.* Examine causative factors and the effects they produce for each alternative. Select those effects which appear significant in view of the conditions, problems and needs of the affected area as projected for the "with" and "without" project conditions.

A "significant" effect is one which would be likely to have a material bearing on the decision-making process.

A determination regarding significance should be made at the earliest stage possible in the assessment process. The determination should be reconsidered at each stage, particularly in the light of public input and reaction.

In the process of formulation, adjustments may be made in the alternative plans that avoid or reduce identified adverse effects. In such cases, only residual adverse effects should be identified for further analysis in the concurrent assessment process.

5. *Describe and display all significant effects.* Describe the effects of the various alternative plans in quantitative terms to the extent possible. Where this cannot be done, effects should at a minimum be set forth in qualitative-descriptive terms.

The effects should be described objectively, and tentatively designated as adverse or beneficial.

Beneficial effects that are identified should be included, to the extent possible, in the benefit evaluation section of the survey report.

Beneficial effects of one kind cannot be considered to cancel out an adverse effect of another kind.

Display the effects of the alternative plans in a form that is easily understood, interpreted, and evaluated, and that clearly shows the differences among them. The display is to be used in consulting with State and Federal agencies and public groups with particular expertise. The display also provides one of the bases for assessing alternative plans, selecting a recommended plan, and assisting in public participation.

6. *Evaluate effects.* Place values on the significant adverse and beneficial effects in monetary terms where applicable, quantitatively where possible, and qualitatively in any event.

The assumptions or criteria on which a judgment is based should be made explicit, since segments of the public may perceive any single effect quite differently.

Significant adverse effects must be sufficiently well displayed to facilitate the weighing of need and type of project modification, if any. No single method for determining relative value is generally accepted. Public policy, community preferences, and the magnitude and degree of severity of effect are factors to be considered.

The aggregate or systems interaction of combined economic, social, and environmental effects should be considered along with evaluation of individual effects. In addition, the possibility of individual effects being part of a larger cumulative process should be investigated.

Effects not significant, not relevant, or that can be adequately incorporated in benefit-cost evaluation should not be accommodated in the effect evaluation.

An evaluation cannot be validated without obtaining the review and reaction of other agencies and the public.

7. *Consider project modifications where adverse effects are significant.* For each significant adverse effect, investigate the possibility of:

a. Eliminating the effect;

b. Mitigating the effect by minimizing or reducing it to an acceptable level of intensity; or by compensating for it by including a counterbalancing positive effect.

The costs of such measures, as well as any costs of reduced project performance, provide further bases for comparing alternatives and for deciding how or whether to modify them or to accept the adverse effects.

If effect assessment has not proceeded in step with the formulation of alternatives, the possibility always exists that an identified adverse effect may be of such magnitude or character that it cannot be accepted in the best overall public interest, or be corrected by project modifications. In such a case, one or more new alternatives must be formulated to avoid an unacceptable adverse consequence. "No action" is always one of the alternatives to be considered.

For each beneficial effect investigate the possibility of:

1. Reflecting it in the benefit-cost analysis of the project formulation process; or
2. Describing and displaying the effect for consideration by the public and in plan selection; or
3. Considering it as an offset for a corresponding adverse effect.

8. *Seek assessment feedback from other sources.* Effect assessment procedures require a variety of information sources and continuous feedback.

Informal exchanges with Federal, State, and private groups and with individuals should be sought at the beginning of any investigation and maintained throughout planning. More formal discussion occurs in the course of initial formulation and late-stage public meetings.

Consultation with a wide range of interests tests the adequacy of identification of effects, validates their designation as beneficial or adverse, and provides commentary on measures considered for project modification.

Response should be solicited to ensure that effects have not been overlooked or that the significance of effects has not been misjudged.

Fully utilize all the public participation procedures of the planning process. For survey report investigations, effects, and possible modifications will be introduced at the initial, formulation, and late-stage public meetings at a level of detail commensurate with that with which the alternatives are presented.

For continuing authority reports and Phase I General Design Memoranda, effect assessment will be tailored to the public participation requirements of existing regulations.

Steps 1–7 should be taken before each public meeting to complete a formal iteration of the effect assessment process.

9. *Use effect assessment in making recommendations.* More detailed assessment will be applied to the alternatives, including the tentatively selected proposal, by the time they are presented in the late-stage public meeting. At this meeting, formal presentation of the alternatives and measures to overcome adverse effects will be made and the degree of public acceptance gaged.

The reporting officer should recommend the alternative that is in the best overall public interest considering the planning objectives, the benefits and costs, and the significant economic, social, and environmental effects, including costs of treating those that are adverse.

While assessment and appraisal from all sources influence the alternative recommended by the reporting officer, the burden of judgment and defense ultimately rests with him.

10. *Prepare a statement of findings.* Include a summary of the completed effect assessment in the report immediately before the statement of findings.

The statement of findings presents the rationale of the reporting officer for his conclusions and recommendations in accordance with the "best overall public interest."

11. *Use effect assessment in the environmental impact statement.* The requirements of section 122 supplement the requirements of Public Law 91–190 (NEPA). Consequently, the completed effect assessment for environmental effects should be used as input for the environmental impact statement.

ATTACHMENT A

SECTION 122—PUBLIC LAW 91–611

"Not later than July 1, 1972, the Secretary of the Army, acting through the Chief of Engineers, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after submission, promulgate guidelines designed to assure that possible adverse economic, social, and envorinmental effects relating to any proposed project have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for flood control, navigation, and associated purposes, and the cost of eliminating or minimizing such adverse effects and the following:

"1. Air, noise, and water pollution;

"2. Destruction or disruption of man-made and natural resources, esthetic values, community cohesion and the availability of public facilities, and services;

"3. Adverse employment effects and tax and property value losses;

"4. Injurious displacement of people, businesses, and farms; and,

"5. Disruption of desirable community and regional growth.

"Such guidelines shall apply to all projects authorized in this Act, and proposed projects after the issuance of such guidelines."

ATTACHMENT B

SAMPLE CAUSATIVE FACTORS

In order to identify and evaluate the effects of a project, describe aspects of the project in terms of factors likely to produce significant effects. Evaluation of effects should not be carried out in greater detail than the project alternative being considered. The list below is illustrative. It is not to be considered complete or limiting.

INPUT FACTORS

Natural resources
- Water.
- Land.
- Resources products.
  - Gravel.
  - Sand.
  - Coal.
  - Timber.
  - Crushed rock.
- Wildlife and Fish.
- Esthetics.
- Flora (plant life).

Energy resources

Capital

Labor

SYSTEMIC FACTORS

Physical alterations.
- Channelization.
- Excavation.
- Dredging.
- Draining.

Structures
- Dam/lake.
- Levee.
- Jetty.
- Channel.
- Barrier.
- Road and utility relocation.

Institutional
- Acquisition.
- Easements.
- Relocation.

OPERATION AND MAINTENANCE FACTORS

Equipment service

Resource management
- Harvesting.
- Planting.
- Buffer zone maintenance.
- Grazing.
- Fencing.

Maintenance
- Recreational areas.
- Water quality protection.
- Dredging operations.
- Navigation controls.
- Reservoir controls and procedures.

OUTPUT FACTORS

Hydro-power
Flood control
Navigation
Water supply
Recreation
Irrigation
Fish and wildlife
Water quality
Shoreline protection

ATTACHMENT C

SAMPLE PROJECT EFFECTS

All significant effects of project should be identified and assessed. In some cases, a causative factor may result in only one significant effect. In other cases, the significant effects of a causative factor will be numerous and may require consideration in all three effect categories. (Example: A causative factor such as dredging may result in turbidity in the water for a brief period. This should be considered a predominantly environmental effect. Yet, because of the turbid water, a textile factory downstream may have to close down for a few days. This is an economic effect, and should be considered as a result of dredging even though it is a lesser effect than the environmental one. The increased turbidity may also have the effect of reducing water recreation temporarily. This is a social effect of dredging). Judgment must be used as to the limits of tracing out effects. Generally, the degree of detail involved in assessment should be no greater than that of the plan it addresses.

An asterisk denotes items specifically mentioned in section 122. These must be identified and evaluated. If they are considered to be not significant, that should also be noted. Other effects should be identified and evaluated only if they are considered to be significant. The list below is an illustrative one. It is not to be considered complete or limiting.

SOCIAL EFFECTS

- *Noise.
- Population, e.g.
  - Mobility.
  - Density.
  - *Displacement of people.
- *Esthetic values.
- Housing.
- Archeologic remains.
- Historic structures.
- Transportation.
- Education opportunities.
- Leisure opportunities (recreation, active, and passive).
- Cultural opportunities.
- *Community cohesion.
- *(Desirable) community growth.
- Institutional relationships.
- Health.

ECONOMIC EFFECTS:

- National Economic Development.
- Local government finance, e.g.
  - *Tax revenues.
  - *Property values.
- Land use.
- *Public facilities.
- *Public services.
- Local/regional activity, e.g.
  - *(Desirable) regional growth.
  - Relocation.
- Real income distribution.
- *Employment/labor force.
- *Business and industrial activity.
- Agricultural activity.
  - *Displacement of farms.
  - Food supply.
- National defense.

ENVIRONMENTAL EFFECTS:

- *Man-made resources.
- *Natural resources.
- Pollution aspects.
  - *Air.
    - CO.
    - Sulphur oxides.
    - Hydrocarbons.
    - Particulates.
    - Photochemicals.
  - *Water.
    - Pathogenic agents.
    - Nutrients N and P.
    - Pesticides, herbicides, rodenticides.
    - Organic materials.
    - Solids, dissolved, and suspended.
  - Land.
    - Soils.
  - Animal and plant.
    - Birds.
    - Mammals.
    - Amphibians.
    - Fish, sport, and commercial.
    - Shellfish.
    - Insects.
    - Microfauna.
    - Trees, shrubs, and plants.
    - Microflora.
  - Ecosystems.
    - Habitats.
    - Food chains.
    - Productivity.
    - Diversity.
    - Stability.

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Physical and Hydrologic aspects.
Erosion.
Erosion and sedimentation effects.
Compaction and subsidence.
Slope stability.
Groundwater regime alteration.
Surface flow effects.
Micrometeorological effects.
Physiologic changes (e.g., wetlands destruction).

[Engineer Reg. 1105-2-105, Dec. 15, 1972] (Public Law 91-190; 83 Stat. 852, Sec. 122, Public Law 91-611; 84 Stat. 1823, sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

E. W. GANNON,
Lieutenant Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.73-938 Filed 1-16-73;8:45 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Inspection and Certification Fees

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products.[1] Such inspection and certification is voluntary and is made available upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

Statement of consideration leading to amendment of regulations. The rising costs of maintaining the inspection service has made it necessary to increase inspection fees. Most of these increased costs are due to adjustments in the salaries of employees as authorized by the Congress.

The regulations were last revised to reflect increased fees on July 23, 1972. Since that time there has been a 5.14 percent salary increase which became effective January 7, 1973. Contracts with processors, in which one or more inspectors are assigned to a plant, will be amended individually to recover increased costs.

Accordingly, §§ 52.42, 52.47, 52.49, and 52.50, schedule of fees and charges for micro, chemical, and certain other special analyses, are being revised to recover increased costs for such services as sampling, checkloading, condition of container examination, analytical and other grading services.

[1] Among such other processed food products are the following: Honey, molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), except from grain; tea; cocoa; coffee; spices; condiments.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), the following sections dealing with Fees and Charges of the subpart are hereby amended to read as follows:

§ 52.42 Schedule of fees.

Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part, including analyses specified in § 52.47, shall be at the rate of $12 per hour.

§ 52.47 Charges for micro, chemical, and certain other special analyses.

(a) The applicable times listed in this section shall be used for computation of charges for micro, chemical, and certain other special analyses when any of these analyses are made at the request of the applicant or because of additional specification requirements and are not performed in connection with the normal inspection to determine the quality or condition of the product.

Type of analysis	Hours for first analysis	Hours for each additional analysis
Alcohol insoluble solids	1	½
Alcohol (distillation and specific gravity)	2	1½
Ascorbic acid (vitamin C)	1	¼
Ash, acid insoluble	1½	1
Ash, total (carbonated or sulfated)	1	½
Ash, water soluble or water insoluble	1½	1
Ash, NaCl Free (approximate method—total ash less NaCl)	1½	1
Ash, NaCl Free (P_2O_5×2)	2½	1½
Brix reading (double dilution)	1	½
Brix reading (refractometric or spindle)	¼	¼
Catalase test	½	½
Color determination of extracted honey	½	¼
Color determination of sugarcane molasses or sugarcane sirup	½	¼
Diastase test for honey (AOAC method)	2	1
Ether Extract (crude fat)	1½	1
Fat (acid hydrolysis)	1½	1
Fiber test (green and wax beans)	1	½
Fly egg and maggot count	½	¼
Free fatty acids	½	¼
Iodine number	1½	1
Moisture (drying method)	½	½
Mold Count:		
Direct Smear	½	½
Centrifuge or dilution	¾	½
Pulping	1	¾
Nitrogen or crude protein	1½	1
Nonvolatile ether extract	1½	1
Oil volatile	1	1
Phosphorous pentoxide (P_2O_5)	2½	1½
Potash (K_2O)	2½	1½
Peroxidase test (frozen vegetables)	½	½
Recoverable oil (citrus juices)	1	½
Reducing sugars	2	1
Salt (NaCl—direct titration)	½	¼
Soluble solids (refractometric method)	½	¼
Sucrose (chemical methods)	2½	1½
Sucrose (direct polarization)	1	½
Starch or carbohydrates (direct hydrolysis)	2½	1½
Sulphur dioxide (direct titration)	1	½
Sulphur dioxide (distillation method)	1½	1
Sodium	1½	1
Total acidity (direct titration)	½	¼
Total solids (drying method)	½	½
Tough string test (green and wax beans)	½	½
Vanillin (colorimetric)	1	½
Volatile and nonvolatile ether extract	1½	1
Water-insoluble-inorganic-residue	1	½
Water insoluble solids	1½	1
Worm larvae and insect fragment count	1	½

(b) The following charges shall be made for certain other special analyses whether or not made in connection with an inspection to determine quality and condition of the product: Type of analyses:

Aflatoxin in peanuts and peanut products (thin layer, chromatography methods)	$15

§ 52.49 Charges for copies of score sheets.

If the applicant for inspection service requests one or more copies of a score sheet referable to the processed product covered thereby, he may obtain such copies from the inspector in charge of the office of inspection serving the area where the service was preformed at a charge of one-half hour per copy: *Provided*, That no charge shall be made for one copy if requested in connection with the request for inspection.

§ 52.50 Charges for additional copies of inspection certificates.

Charges for additional copies of inspection certificates issued in accordance with § 52.21 may be supplied to any interested party at a charge for such copies at the rate of one-half hour for each seven (7), or fewer, copies.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than February 4, 1973 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946, provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments, and (3) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended, 7 U.S.C. 1622, 1624)

Dated to become effective at 12:01 a.m., February 4, 1973.

Dated: January 11, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-920 Filed 1-16-73;8:45 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Regulation 14, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

This amendment to Avocado Regulation 14 revises the maturity requirements for the handling of the Brooks Late variety of avocados, effective during the period January 18 through February 15, 1973, so as to prevent the marketing of smaller immature avocados of this variety. The amended regulation establishes minimum weights for the handling of Brooks Late avocados, during this period, which are the minimum weights necessary for the avocados to ripen properly. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 915.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avocado Regulation 14, as amended, (37 FR 11465; 37 FR 18899; 37 FR 20315) and, unless sooner modified or terminated, will continue to be so regulated until February 12, 1973. The recommendation and supporting information for amendment during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on January 10, 1973; such meeting was held to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommended amendment and information upon which the amendment is based were received by the Department on January 10, 1973; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period and in the manner hereinafter set forth so as to provide for the appropriate regulation of the handling of such avocados; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The need for the amendment to Avocado Regulation 14 stems from recent maturity studies by the committee of the Brooks Late variety of avocados which indicate that such variety of avocados is maturing later than the dates such avocados are permitted to be handled pursuant to the current applicable provisions of such regulation. Therefore, the committee unanimously recommended amendment of the aforesaid regulation so as to prevent the handling of immature avocados of the Brooks Late variety.

Order. The provisions of paragraph (a)(2) of § 915.314 (Avocado Regulation 14; 37 FR 11465; 37 FR 18899; 37 FR 20315) are hereby amended by adding in Table I, after the Schmidt variety, dates and minimum weights applicable to the Brooks Late variety of avocados, so that after such addition the portion of Table I relating to such variety reads as follows:

§ 915.314 Avocado Regulation 14.

(a) Order:

• • • • • •

(2) • • •

Variety	Date	Minimum weight or diameter (ounces)	Date	Minimum weight or diameter (ounces)	Date	Minimum weight or diameter (ounces)	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Brooks Late	1-18-73	12	2-1-73	10	2-15-73		

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated, January 12, 1973, to become effective January 18, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1077 Filed 1-16-73;8:45 am]

[971.313, Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

This amendment to the Limitation of Shipments regulation relieves through January 28, 1973, the prohibition on Sunday packaging of South Texas lettuce. Inclement weather has impeded the harvesting and packaging of lettuce in the Lower Rio Grande Valley and these three additional packaging days will reduce losses of maturing lettuce.

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparations on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves the prohibition on Sunday packaging through January 28, 1973.

Regulation, as amended. In § 971.313 (37 FR 24114 and 38 FR 1116) the last sentence in the introductory paragraph is hereby further amended to read in part as follows:

§ 971.313 Limitation of shipments.

• • • Further, no person may package lettuce during the period ending March 31, 1973, on any Sunday, except January 14, 21, and 28, 1973.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674)

Issued January 12, 1973 to become effective upon issuance.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1029 Filed 1-16-73;8:45 am]

V38-11 JAN 17 73 XUM

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 12, 132]

MERCHANDISE SUBJECT TO QUOTAS

Notice of Proposed Rule Making

Notice is hereby given that under the authority of Revised Statute 251, as amended, section 624, 46 Stat. 759, 77A Stat. 14, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1202, and 1624, it is proposed to revise the Customs Regulations relating to imported merchandise subject to quota.

This revision is part of the general revision of the Customs Regulations, and replaces the provisions of §§ 12.49, 12.50, and 12.51 with a new Part 132. This part follows a new format, and contains changes or additions in language to clarify the current provisions and to reflect current administrative practice and policy.

The principal changes in the provisions or procedures in proposed Part 132 from those set forth in §§ 12.49, 12.50, and 12.51, are as follows:

1. In Subpart A, relating to the general provisions relating to quotas:

Section 132.1 adds definitions of commonly used terms in one convenient section.

Section 132.2 explains the enactment of quotas, factors in the administration of quotas, and gives notice of the strict compliance with quota terms required of importers.

Section 132.5 sets forth the procedures applicable to the disposition of merchandise imported in excess of quantities admissible under the quota.

2. In Subpart B, relating to the administration of quotas:

Section 132.11 sets forth the rules governing priority and quota status and explains the importance of presentation of an entry in proper form.

Section 132.12 clarifies the regulations having application at the opening of potentially filled quotas. The time statement is simplified by using "12:00 noon e.s.t. in all time zones."

Section 132.14 explains the effect of and limitations on the issuance of permits of delivery and special permits for immediate delivery.

3. In Subpart C, relating to mail importations of absolute quota merchandise:

Current § 12.51(a) of the Customs Regulations, which duplicates the information and procedures currently in §§ 9.3 and 9.4 of the regulations, is omitted.

Current § 12.51(e) of the regulations is omitted as the requirements for entry of mail importations are more completely covered in Part 9 of the Customs Regulations.

Current § 12.51(g) of the regulations is omitted because it is obsolete. The privilege accorded returning residents of importing unaccompanied merchandise under their personal exemptions has been revoked.

Section 132.23 clarifies the procedure on partial release of absolute quota merchandise. The district director will release only whole packages and will return inadmissible packages to the postmaster for reurn to the sender immediately.

There is included as part of the proposed revision a parallel reference table showing the relationship between the proposed provisions and those in 19 CFR Part 12.

Accordingly, it is proposed to amend the Customs Regulations as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

§ 12.09 [Amended]

§§ 12.50 and 12.51 [Deleted]

Part 12 is amended by deleting therefrom the centerheading "Merchandise Subject to Quota Provisions", §§ 12.49, 12.50, and 12.51, and footnote 33 appended to § 12.49.

PART 132—QUOTAS

Chapter I of title 19, Code of Federal Regulations, is amended by adding a new Part 132 entitled "Quotas" to read as follows:

Sec.

132.0 Scope.

Subpart A—General Provisions

132.1 Definitions.
132.2 Enactment and administration of quotas.
132.3 Observation of official hours.
132.4 Quota quantity entry limits.
132.5 Merchandise imported in excess of quota quantities.
132.6 Exception to reduced rates.

Subpart B—Administration of Quotas

132.11 Quota priority and status.
132.12 Procedure on opening of potentially filled quotas.
132.13 Quotas after opening.
132.14 Issuance of permits of delivery and special permits for immediate delivery.
132.15 Withdrawal from warehouse prior to opening of quota.

Subpart C—Mail Importation of Absolute Quota Merchandise

132.21 Regulations applicable.
132.22 When quota is filled.
132.23 Partial release procedure.
132.24 Entry.
132.25 Undeliverable shipment.

AUTHORITY: The provisions of this Part 132 issued under R.S. 251, as amended, section 624, 46 Stat. 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), and 1624.

§ 132.0 Scope.

This part sets forth rules and procedures applicable to quotas administered by the Bureau of Customs.

Subpart A—General Provisions

§ 132.1 Definitions.

When used in this part, the following terms shall have the meaning indicated:

(a) *Absolute (or quantitative) quotas.* "Absolute (or quantitative) quotas" are those which permit a limited number of units of specified merchandise to be entered or withdrawn for consumption during specified periods. Once the quantity permitted under the quota is filled, no further entries or withdrawals for consumption of merchandise subject to quota are permitted. Some absolute quotas limit the entry or withdrawal of merchandise from particular countries (geographic quotas) while others are global quotas and limit the entry or withdrawal of merchandise not by source but by total quantity.

(b) *Tariff-rate quotas.* "Tariff-rate quotas" permit a specified quantity of merchandise to be entered or withdrawn for consumption at a reduced duty rate during a specified period.

(c) *Official acceptance.* "Official acceptance" is the final acceptance of the entry or withdrawal for consumption after filing the documents in the proper form in accord with §§ 8.4(d) or 8.4(g) of this chapter, and depositing estimated duties with the appropriate Customs officer.

(d) *Presentation.* "Presentation" is the submission of the entry or withdrawal for consumption in proper form, with estimated duties attached, to the appropriate Customs officer.

(e) *Quota-class merchandise.* "Quota-class merchandise" is any imported merchandise subject to limitations under an absolute or a tariff-rate quota.

(f) *Quota priority.* "Quota priority" is the precedence granted to one entry or withdrawal for consumption of quota-class merchandise over other entries or withdrawals of merchandise subject to the same quota.

(g) *Quota status.* "Quota status" is the standing which entitles quota-class merchandise to admission under an absolute quota, or to a reduced rate of duty under a tariff-rate quota, or to any other quota benefit.

§ 132.2 Enactment and administration of quotas.

(a) *Enactment.* Tariff-rate quotas and absolute quotas are established by Presidential proclamations, Executive orders, and legislative enactments. These documents are published in the Customs Bulletin.

(b) *Administration.* Quotas vary by the type of commodity involved, the country of exportation, the period or periods the quota is open and the type of quota. Quotas are divided into two categories: Quotas administered directly by the Bureau of Customs, and quotas administered by other agencies which are enforced by the Bureau of Customs, and which may require special procedures or special documentation in accordance with the regulations and directives of the particular agency involved.

(c) *Strict construction employed.* The terms of an Executive order, Presidential proclamation, or legislative enactment establishing a quota, and the regulations implementing the quota, must be strictly complied with.

§ 132.3 Observation of official hours.

Entries and withdrawals for consumption of quota-class merchandise shall be accepted only during official office hours except as otherwise provided for in §§ 8.4 (b), 8.59(g) of this chapter, and § 132.12.

§ 132.4 Quota quantity entry limits.

At the opening of the quota no importer shall be permitted to present entries or withdrawals for consumption of quota-class merchandise for a quantity in excess of the quantity admissible under the applicable quota.

§ 132.5 Merchandise imported in excess of quota quantities.

(a) *Absolute quota merchandise.* Absolute quota merchandise imported in excess of the quantity admissible under the applicable quota must be disposed of in accordance with paragraph (c) of this section.

(b) *Tariff-rate quota merchandise.* Merchandise imported in excess of the quantity admissible at the reduced quota rate under a tariff-rate quota is permitted entry at the higher duty rate. However, it may be disposed of in accordance with paragraph (c) of this section.

(c) *Disposition of excess merchandise.* Merchandise imported in excess of either an absolute or a tariff-rate quota may be held for the opening of the next quota period by placing it in a foreign-trade zone or by entering it for warehouse, or it may be exported or destroyed under Customs supervision.

§ 132.6 Exception to reduced rates.

Reduced or modified duty rates under tariff-rate quotas established pursuant to section 350 of the Tariff Act of 1930, as amended and extended (19 U.S.C. 1351), are not applicable to products imported directly or indirectly from the countries or areas listed under general headnote 3(e), Tariff Schedules of the United States, as amended (19 U.S.C. 1202).

Subpart B—Administration of Quotas

§ 132.11 Quota priority and status.

(a) *Factors determining quota priority and status*—(1) *Absolute (quantitative) quotas.* Quota priority and status on absolute quota merchandise are determined as of the time of presentation of the entry or withdrawal for consumption in the proper form.

(2) *Tariff-rate quotas.* The time of official acceptance of an entry or withdrawal for consumption determines quota priority and status of merchandise subject to tariff-rate quotas, except at the opening of the quota period. At the opening of the quota period, the time of presentation of the entry or withdrawal for consumption in proper form determines quota priority and status.

(b) *Entry in proper form and deposit required.* Entries or withdrawals for consumption, for which the documents are not in proper form or for which duties or taxes have not been attached or deposited in proper form, shall not be regarded as entered for purposes of quota priority and shall not acquire quota status. §§ 8.3(a), 8.4(a), (d), and (g) of this chapter.

(c) *Informal entries.* Mail entries or informal entries shall be regarded as presented for purposes of quota priority when all requirements have been met for the preparation of such an entry.

(d) *Premature presentation of entry or withdrawal.* Quota status will not attach to merchandise in a quota perior by reason of the presentation of an entry or withdrawal for consumption at any time prior to the opening of that period.

§ 132.12 Procedure on opening of potentially filled quotas.

(a) *Time for presentation of entries.* When it is anticipated that entries or withdrawals for consumption, or both, covering quantities sufficient to fill a quota will be presented at the opening of the quota period, an entry or withdrawal for consumption shall not be accepted before 12 noon eastern standard time in all time zones.

(b) *Simultaneous presentation.* Special arrangements shall be made so that all entries or withdrawals for consumption of quota merchandise may be presented at the exact moment of the opening of the quota in all the time zones in the Customs territory of the United States. All importers who are present to file entries or withdrawals for consumption when the quota opens shall be given equal opportunity to do so. All entries and withdrawals for consumption presented in the proper form shall be considered to have been presented simultaneously, even though some time may be required for checking purposes.

(c) *Proration of quantities.* The quantities on all entries and withdrawals for consumption submitted simultaneously shall be prorated by the Commissioner of Customs against the quota quantity admissible to determine the percentage to be allocated to each importer under the quota. Merchandise in excess of the quota will be disposed of in accordance with § 132.5

§ 132.13 Quotas after opening.

(a) *Procedure prior to fulfillment.* In order to secure for each importer the rightful quota priority and status for his quota-class merchandise and to close the quota simultaneously at all ports of entry, the Commissioner of Customs may require that authorization prior to the acceptance of an entry or withdrawal be secured or that entry or withdrawal for consumption be made at over-quota rates of duty or that special release of merchandise procedures be followed and that reports be made to the Bureau of Customs as follows:

(1) *Absolute quotas.* The appropriate Customs officer shall note the exact date, hour, and minute of presentation on each entry or withdrawal and shall report the foregoing facts to the Commissioner of Customs and secure his approval prior to the official acceptance of the entry or withdrawal for consumption.

(2) *Tariff-rate quotas.* The appropriate Customs officer shall note the exact date, hour, and minute of official acceptance on each entry and withdrawal for consumption and report the foregoing facts to the Commissioner of Customs.

(b) *Closing of the quota.* Except as provided by § 132.12, at the closing of a quota all entries or withdrawals for consumption which have acquired quota status due to priority of presentation or of official acceptance shall be entitled to quota benefits. All other entries or withdrawals are without quota status and are not entitled to any quota benefits. All the latter shall be disposed of in accordance with § 132.5.

§ 132.14 Issuance of permits of delivery and special permits for immediate delivery.

(a) *Effect of issuance of permits of delivery and special permits for immediate delivery prior to entry.* A permit of delivery, or a special permit for immediate delivery prior to entry, does not accord quota priority or status, nor is it entitled to any consideration in according any quota benefit.

(b) *Permits of delivery.*—(1) *Absolute quota merchandise.* Permits of delivery on merchandise subject to an absolute quota shall not be issued prior to a determination of quota status.

(2) *Tariff-rate quota merchandise.* Permits of delivery on merchandise subject to a tariff-rate quota shall not be issued prior to a determination of quota status unless estimated duties are deposited at the over-quota rate of duty.

(c) *Entry following special permit for immediate delivery.* If quota-class merchandise is the subject of an application for a special permit for immediate delivery prior to entry, the time of presentation of the entry for consumption shall not precede the time when the importing carrier reaches the limits of the port where entry is to be made. See §§ 8.4(b) and 8.59(g) of this chapter on the time allowed for filing the entry at the close of a quota period.

§ 132.15 Withdrawal from warehouse prior to opening of quota.

Merchandise entered for warehouse for which a withdrawal for consumption has been made in the manner prescribed in § 8.4(g) of this chapter prior to the opening of any quota period, may not be accorded any quota benefit which may

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become effective after the time of acceptance of such withdrawal, even though the permit of delivery for the withdrawn merchandise is not delivered to the Customs warehouse officer until after the effective date of the quota benefit.

Subpart C—Mail Importation of Absolute Quota Merchandise

§ 132.21 Regulations applicable.

In addition to the regulations applicable to all mail importations (see Part 9 of this chapter), the regulations in this subpart shall apply to mail importations of absolute quota merchandise.

§ 132.22 When quota is filled.

Any packages containing merchandise subject to an absolute quota which is filled shall be returned to the postmaster for return to the sender immediately as undeliverable mail. The addressee will be notified on Customs Form 3509 or in any other appropriate manner that entry has been denied because the quota is filled.

§ 132.23 Partial release procedure.

(a) *Notification of quota restrictions.* If because of quota restrictions, a mail importation cannot be released, the district director at the port of destination shall notify the addressee on Customs Form 3509 of the procedure required by paragraph (b) of this section, and shall inform the addressee that upon return of the Acknowledgement of Delivery by Postal Service, the packages admissible under the absolute quota will be forwarded to him and the restricted packages will be returned to the sender as inadmissible. The district director may at his discretion hold packages if it appears that the absolute quota will reopen in less than 30 days.

(b) *Acknowledgement of delivery.* An Acknowledgement of Delivery by Postal Service shall be sent to the addressee. He shall be advised that if he desires to secure release of less than the total number of packages of the merchandise, the Acknowledgement of Delivery by Postal Service must be signed by him and returned to the district director. Such Acknowledgement of Delivery by Postal Service shall be in the following form:

ACKNOWLEDGEMENT OF DELIVERY BY POSTAL SERVICE

In consideration of the fact that certain articles in a mail importation consisting of

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(state number) packages mailed to me by

(name of sender)

of

(address) on _____ (date of mailing), are subject to quota restrictions under which only a portion of such articles may be admitted to entry at one time, and the Postal Service permits no division of the importation before delivery thereof, and since I am desirous of receiving the packages of such importation which are admissible to entry under the quota administered by the United States Customs, I hereby agree and acknowledge that delivery of the package or packages to the United States Customs shall be regarded as delivery by the Postal Service to me.

(Signature of addressee)

(c) *Agreement to less than full delivery.* If, in any case, the sender of a mail package has indicated his agreement to the delivery of less than the entire importation at one time, an Acknowledgement of Delivery by Postal Service need not be secured from the addressee.

(d) *Deposit required.* If a portion of a mail shipment may be released, the district director may require a deposit of an amount sufficient to defray the expenses of repacking merchandise for shipment by mail to the addressee. The shipment shall be under Government frank without new postage.

§ 132.24 Entry.

Unless a formal entry or entry by appraisement is required, a mail entry on Customs Form 3419 shall be issued and forwarded with the package to the postmaster for delivery to the addressee and collection of any duties in the same manner as for any other mail package subject to Customs treatment.

§ 132.25 Undeliverable shipment.

If within a reasonable time, but not to exceed 30 days, the addressee fails to indicate to the district director an intention to receive delivery of the packages or a portion thereof in accordance with the notice on Customs Form 3509 which was sent to him by the district director, the importation shall be treated in the same manner as other undeliverable mail.

Prior to the adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20226, and received not later than March 19, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3 (b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 10, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 132 to 19 CFR Part 12.)

Proposed Part 132 section	*19 CFR section*
132.0	New.
132.1(a)–(g)	New.
132.2(a)	12.49.
132.2(b)	New.
132.2(c)	New.
132.3	12.50(a) 2d sentence.
132.4	12.50(d) 3d sentence.
132.5(a)–(c)	New.
132.6	12.49.
132.11(a)(1)–(2)	New.
132.11(b)	12.50(a) 1st sentence.
132.11(c)	12.50(b).
132.11(d)	12.50(a) and 3d sentence.
132.12(a)–(b)	12.50(d).
132.12(c)	New.
132.13(a)(1)–(2)	12.50(e).
132.13(b)	New.
132.14(a)–(b)	New.
132.14(c)	12.50(f).
132.15	12.50(c).
132.21	12.51.
132.22	New.
132.23(a)–(b)	12.51(b).
132.23(c)	12.51(c).
132.23(d)	12.51(d) 1st and 2d sentences.
132.24	12.51(d) 3d sentence.
132.25	12.51(f).

[FR Doc.73–1025 Filed 1–16–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–NW–26]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Idaho Falls, Idaho Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received by February 16, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

An extension to the existing 700' Transition Area is necessary in order to provide controlled airspace protection for aircraft executing a procedure turn northwest of the UCON LOM.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (38 FR 435) the description of the Idaho Falls, Idaho Transition Area is amended as follows:

In line two of the text, delete, "• • • extending from 21.5 miles northeast • • •" and substitute therefor, "• • • extending from 25.5 miles northeast • • •"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on January 9, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73–949 Filed 1–16–73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73–1; Notice 1]

VEHICLE SEATING REFERENCE

Proposed Motor Vehicle Safety Standard

The NHTSA hereby proposes to issue a new motor vehicle safety standard, "Vehicle Seating Reference", in Part 571 of Title 49, Code of Federal Regulations.

The proposed standard is intended to define an area in which the hip point ("H Point") of a weighted SAE manikin, installed in the driver's seating position, would fall in relation to the manufacturer's seating reference point, a term defined in 49 CFR 571.3, *Definitions*. A procedure for installing the manikin in the motor vehicle and a method for determining the manikin's hip point location and its relation to the seating reference point would be set forth in this standard.

Presently, the seating reference point is used by motor vehicle designers as a basic datum in establishing and designing many dimensions of a motor vehicle's driver compartment. Additionally, the following Federal motor vehicle safety standards utilize the seating reference point: Standard No. 103, "Windshield Defrosting and Defogging Systems", No. 104, "Windshield Wiping and Washing Systems", No. 201, "Occupant Protection in Interior Impact", No. 202, "Head Restraints", No. 207, "Seating Systems", and No. 210, "Seat Belt Assembly Anchorages." It is anticipated that the seating reference point will serve as the basic reference point in future rule making. Accordingly, this point represents a critical link between a motor vehicle's designer and its driver, since it plays such an important role in the establishment of criteria for external visibility, control operability, and crash injury protection.

Essentially, the seating reference point is a point on a drawing board which may not correspond to the actual location of a driver's hip point in a motor vehicle. Variations between the design and the actual location of the driver's hip point are caused by several factors including design error and production variances. Therefore, a definition is needed to delineate an acceptable tolerance between the location of a design hip point on the drawing board and a driver's hip point in the vehicle.

This idea was explored in meetings held by the NHTSA in 1967 during discussions on Federal Motor Vehicle Safety Standard No. 201, "Occupant Protection in Interior Impact." At those meetings it was determined that the seating reference point would be the reference point from which test devices would be articulated, and that further data determining an H Point tolerance magnitude should be developed.

As a result of those meetings, the NHTSA conducted tests to determine the extent to which driver compartments are designed to accommodate known percentages of the driving population. Based on this information, this notice proposes that the relationship between the manufacturer's seating reference point and the H point be objectively determined by using a device which simulates certain seating characteristics of a human driver.

Presently, the proposal uses the three-dimensional manikin of SAE Standard J826a, but it is anticipated that modifications to the device may be proposed as further data is developed.

The tolerance between the locations of the seating reference point and the H point is proposed in the form of a quadrant, to encourage the manufacturers to locate the manikin's H Point, through appropriate seat design, in an area slightly forward and above the seating reference point. Tests conducted by the NHTSA indicate that downward H Point "migration" occurs with use. If the H Point in a new vehicle is already located in an area below the seating reference point, this migration with use will cause the driver's hip to be located significantly below the seating reference point, which is used to determine many safety features in the driver's compartment.

Information and suggestions are solicited as to any changes that may be necessary to extend the proposed specifications to other seating positions.

Proposed effective date: September 1, 1975.

In light of the foregoing, it is proposed that a new motor vehicle safety standard, Vehicle Seating Reference, be added to Part 571 of Title 49, Code of Federal Regulations, as set forth below. Interested persons are invited to submit comments on the proposal. Comments should refer to the docket and notice numbers and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on April 16, 1973, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rule making action may proceed at any time after that date, and comments received after the closing date will be treated as suggestions for future rule making. The NHTSA will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on January 10, 1973.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

§ 571.____ Standard No. ___: Vehicle seating reference.

S1. *Scope.* This standard specifies the area within which the hip point ("H Point") of a weighted SAE manikin must fall in relation to the manufacturer's seating reference point, and establishes a procedure for installing the manikin in the driver's seating position.

S2. *Purpose.* The purpose of this standard is to require the location of a manufacturer's design hip point to conform to the location of a driver's hip point in a motor vehicle, so as to reduce the hazards caused by improperly situated driver control and restraint systems.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Definition.* "Foot angle" means the angle measured from the rear of a line extended from the knee point center through the ankle point center of the manikin, and a line tangent to the sole and heel of the manikin's foot.

S5. *Requirements.*

S5.1 Each vehicle shall have a seating reference point for the driver's seating position, with its location established by reference to permanent marks or other identifiable permanent points on the vehicle.

S5.2 There shall be sufficient space within the driver's designated seating position to allow a three-dimensional manikin as specified in SAE standard J826a, February 1970 (hereafter referred to as "manikin") to be installed in accordance with the procedures specified in S6.

S5.3 In the side view, the manikin's H point shall fall within the area consisting of the upper forward quadrant of a circle 3 inches in diameter with its center at the driver's seating reference point, lying in a vertical longitudinal plane, as shown in Figure 1, when the manikin is installed according to the specifications of S6. If the driver's seat is designed to be

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manually adjusted without tools from the driver's designated seating position, the seat shall meet this requirement at at least one position within its adjustment range.

S6. *Manikin installation procedure.* Install the manikin in the vehicle according to the following procedure.

(a) Place the vehicle on a level surface at unloaded vehicle weight with the tires at the vehicle manufacturer's specified cold tire pressure.

(b) Place the driver's seat in the rearmost and lowest adjustable position. If the seat has an adjustable back, place the seat back in the manufacturer's nominal design riding position. If the seat has independently adjustable bottom pad angles and vertical positioning, place the bottom pad at the lowest angle and elevation.

(c) Place two pieces of 12-inch by 4-inch 20-gauge stainless steel plate on the floor carpet in front of the driver's seat, and arrange both plates so that the manikin's heels will slide on them throughout the remainder of the procedure.

(d) Place muslin cloth over the seat area and seat back directly behind the steering wheel.

(e) Adjust the thigh and leg segments of the manikin to the length of the 95th percentile. Adjust the foot angle of the manikin's feet to 85 degrees.

(f) Attach the right foot and lower leg assembly to the manikin's T-bar. Place the manikin in the driver's seating position and center the assembly laterally on the steering wheel center plane. If the steering wheel has more than one operating position, place the steering wheel in the locked position nearest the middle of its adjustment range. Attach the left foot and lower leg assembly to the manikin's T-bar.

(g) Elevate the leg segment to release friction on the floor, and lower the leg segments until the manikin's heels make contact with the stainless steel plates. No attempt should be made to prevent the manikin's foot from depressing the accelerator and/or brake pedal throughout S6.

(h) Pull the manikin's back and pan assembly away from the seat back, using the T-bar, and tilt the back pan forward. Maintain the rearmost portion of the manikin at approximately 1 inch from the seat back through step (1).

(i) Attach the lower leg and thigh weights.

(j) Adjust the knee separations so that the manikin's right foot is laterally midway between the centers of the accelerator and brake pedal, and the right edge of the left foot is one-half inch outboard of the outermost extremity of the brake pedal, or the clutch pedal if so equipped. Adjust the stainless steel plates as needed.

(k) Place the forward lateral portion of the T-bar parallel to the ground and perpendicular to the vehicle's vertical longitudinal plane to assure that the H point buttons on the seat pan assembly are properly alined.

(l) Repeat the procedure specified in step (g) to release friction on the floor.

(m) Reposition the manikin assembly by sliding the seat pan rearward, gradually applying a force of 50 pounds in the direction of the thigh bar longitudinal centerline, then gradually removing the force.

(n) Move the back pan rearward so that the upper portion of the back pan contacts the seat.

(o) Repeat the procedure specified in step (k).

(p) Move the head probe forward and install the right and left buttock weights. Place the eight torso weights, one by one on alternate sides.

(q) While maintaining the seat pan level in a lateral direction, tilt the back pan forward until the torso weights are over the H point to release any seat back friction. Without changing the position of the manikin, tilt the back pan forward and hold the thigh bar to prevent the manikin from sliding forward. Reposition the back pan and the head probe to their original positions.

(r) Gradually, apply a horizontal force of 5 pounds in a rearward direction to the back pan at the screw located at the base of the graduated scale on the headroom probe with the probe in full down position to vertically reposition the manikin, and gradually remove the force. Repeat once. Level the manikin assembly laterally.

(s) Determine the longitudinal and vertical location of the seating reference point by using the reference points or marks specified in S5.1.

(t) Measure the longitudinal and vertical location of the manikin's H point in relation to the reference points or marks specified in S5.1.

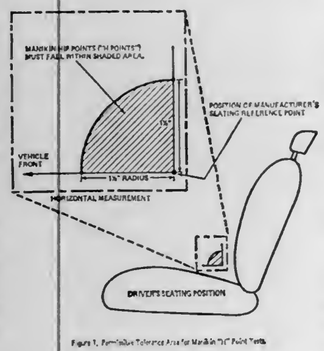


Figure 1. Permissible Tolerance Area for Manikin "H" Point Tests

[FR Doc.73-878 Filed 1-16-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9930; File No. S7-473]

ACTS OR TRANSACTIONS IN OPTIONS

Proposal Regarding Special Procedures

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule under section 9 (b) and (c) of the Securities Exchange Act of 1934 (the Act) specifying special procedures in connection with the adoption and alteration of rules of a registered national securities exchange concerning acts or transactions in certain options, particularly puts and calls.

The proposed rule arises out of the pending proposed registration of the Chicago Board Options Exchange, Inc. (CBOE) as a national securities exchange and the consideration also being given by certain presently registered exchanges to trading options. Historically, exchanges have not traded options. The Commission is of the opinion that in addition to the novelty of exchange option trading, such trading may involve complex problems and special risks to investors and to the integrity of the marketplace.[1] The Commission therefore believes that, utilizing the broad power granted under sections 9 and 23 of the Act,[2] it should provide itself with a substantial amount of flexibility in carrying out its regulatory responsibilities with respect to option trading on exchanges.

Pursuant to Rule 17a-8 (17 CFR 240.17a-8) under the Act, national securities exchanges are required to file with the Commission reports of proposed rule changes prior to the exchange taking such action. The rule provides, however, that the "failure on the part of an exchange to file * * *" reports of its rule changes "shall not affect the validity, force or effect of any rule of the exchange or of any exchange action or omission to act thereunder." But the unique problems, already noted, that trading in options raises and the broad authority vested in the Commission, pursuant to section 23(a) of the Act, to "classify * * * securities, exchanges, and other persons or matters within * * *" the jurisdiction of the Commission, makes it more appropriate, in the Commission's view, to propose a specific rule governing the conduct of option trading on national securities exchanges under sections 9 and 23(a) of the Act. For these reasons, it does not appear appropriate to utilize the broad authority vested in the Commission under other sections of the Act, including section 19, over the activities of national securities exchanges, which would also permit the Commission to propose the action herein noticed for public comment.

Proposed Rule 9b-1 (17 CFR 240.9b-1) would require registered national securities exchanges to file with the Commission copies of any changes in or addition to the rules of the exchange concerning acts or transaction in options. The Commission would be empowered to review, and if appropriate disapprove such changes or additions prior to their becoming effective. Proposed Rule 9b-1 would also establish procedures by which the Commission, after notice and opportunity for hearing, may by order require the adoption, amendment, alteration, or rescission of any rule of a national securities exchange concerning acts or transactions in options, but the holding of such a hearing would not prevent adoption of any such order upon expiration of the notice period.

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 9(b), 9(c), and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, proposes hereby to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.9b-1 as set forth below.

§ 240.9b-1 Exchange rules concerning act or transactions in certain options.

It shall be unlawful for any member of a national securities exchange directly or indirectly to effect, by use of any facility of a national securities exchange, any act or transaction in options, unless such exchange complies with the following conditions:

(a) Every registered national securities exchange shall file with the Commission copies of any changes in or additions to the rules of the exchange concerning acts or transactions in options, which shall take effect upon the 30th day after such filing, or upon such earlier date as the Commission may determine, unless the Commission shall by notice to the exchange, setting forth the reasons therefor, disapprove the same, in whole or in part, as being contrary to the public interest or the purposes of the Act.

(b) The Commission may by rule, regulation or order, if necessary or appropriate in the public interest or to effectuate the purposes of the Act, require the adoption, amendment, alteration of, supplement to, or rescission of any rule of a national securities exchange concerning acts or transactions in options. Determinations of the Commission, for purposes of this paragraph, shall be after appropriate notice and opportunity for a hearing, and for submission of views of interested persons, in accordance with the rule making procedures specified in section 553 of title 5, United States Code, but the holding of a hearing shall not prevent adoption of any order upon expiration of the notice period specified in subsection (d) of such that section 553 and shall not be required to be on a record within the meaning of subchapter II of chapter 5 of such title.

(c) For the purposes of this rule, the term "rules" of any exchange shall mean its constitution, articles of incorporation, bylaws, rules, or provisions corresponding thereto whatever the name, and its stated policies.

(d) For the purposes of this rule, the term "acts or transactions in options" shall mean any act designed to induce or effect any sale, purchase, endorsement or guarantee of performance, clearance or settlement of or exercise of any privilege granted by, any put, call, straddle or other option or privilege of buying a security from or selling a security to another without being bound to do so.

All interested persons are invited to submit their views and comments on the proposed rule. Written statements of views and comments should be addressed to Martin Moskowitz, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, on or before February 15, 1973. Reference should be made to file number S7-473. All such communications will be available for public inspection.

(Secs. 9(b), 9(c), 23(a); 48 Stat. 889, 901; as amended 49 Stat. 1379, 15 U.S.C. 781(b), 781(c), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 9, 1973.

[FR Doc.73-1017 Filed 1-16-73;8:45 am]

[1] See House Committee on Interstate and Foreign Commerce, Securities Exchange Bill of 1934, H.R. Rept. No. 1383, 73d Cong., Second sess. (1934) at pp. 10-11, 21; Senate Committee on Banking and Currency, Federal Securities Exchange Act of 1934, S. Rept. No. 792, 73d Cong., Second sess. (1934) at pp. 9, 17; Senate Committee on Banking and Currency, Stock Exchange Practices, S. Rept. No. 1455, 73d Cong., Second sess. (1934) at p. 55; 78 Congressional Record 7922 (1934) (remarks of Representative Mapes).

[2] Ibid.

[17 CFR Part 240]

[Release No. 34-9926; File S7-471]

SOLICITATION OF PURCHASES ON AN EXCHANGE TO FACILITATE A DISTRIBUTION OF SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend paragraph (c) of Rule 10b-2 (17 CFR 240.10b-2) under the Securities Exchange Act of 1934 (Exchange Act). Subject to certain exceptions,[1] Rule 10b-2 prohibits any person participating or otherwise financially interested in a distribution[2] of securities from compensating any person for soliciting on a national securities exchange the purchase of any security of the same issuer whose securities are the subject of the distribution.

Paragraph (c) of Rule 10b-2 presently states that the provisions of the rule shall not apply to compensation in the form of a salary paid by a broker or dealer to any person regularly employed by him whose ordinary duties include the solicitation or execution of brokerage orders on a national securities exchange, if such salary represents only ordinary compensation paid to such persons in the regular course of employment and is not paid directly or indirectly for the inducement on a national securities exchange of the purchase or sale of any security of the issuer whose securities are being distributed. Thus, paragraph (c) presently prohibits the payment of any compensation for the solicitation on an exchange of any securities of the issuer whose securities are being distributed.

Substantial changes have occurred in the securities markets since the adoption of Rule 10b-2 in 1937[3] and the Commission, giving consideration to the public interest and the protection of investors, proposes to amend paragraph (c) of Rule 10b-2 to reflect such changes. The purpose of Rule 10b-2 is to prohibit extra selling efforts on an exchange during a distribution; however the rule in fact goes beyond its purpose by prohibiting even usual and customary compensation in connection with a distribution on an exchange. As amended, paragraph (c) would permit usual and customary compensation[4] to be paid by a broker or dealer who is participating or otherwise financially interested in a distribution of an issuer's securities to its regular employees for soliciting on a national securities exchange the purchase of any security of the issuer whose securities are the subject of the distribution. As amended, paragraph (c) of the rule will continue to prohibit the practice of stimulating exchange activity in securities which are the subject of a distribution

[1] Paragraphs (c) and (d) of Rule 10b-2.

[2] This release is directed to the prohibitions imposed by Rule 10b-2 on the solicitation of purchases on an exchange to facilitate a distribution of securities and does not attempt to define a distribution.

[3] In the past decade the nature of securities transactions have changed markedly. During 1960 individual investors accounted for approximately 60 percent of the public dollar value of trading on the New York Stock Exchange, while institutions and nonmember broker-dealers accounted for 40 percent. By 1969 these proportions were reversed, with institutions and nonmember brokerdealers accounting for approximately 62 percent. See Institutional Investor Study Report of the Securities and Exchange Commission, House Doc. No. 92-64, 92d Cong., first sess., Summary Volume, Part 8 at 78.

[4] Such compensation would not exceed the usual or customary compensation payable for regular solicitation or execution of brokerage transactions involving similar quantities of the securities at the same price and not as part of a distribution.

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by prohibiting payment of extra or special compensation for the solicitation of the securities being distributed.

The present language of paragraph (c) of Rule 10b–2 may not only predetermine where a distribution will take place but, by its compensation restrictions, may prevent many broker-dealers from participating in the distribution process. The means and methods of providing compensation to salesmen assume a variety of forms; for example, many salesmen receive a salary with an additional bonus while others receive a percentage of the commissions generated by their selling efforts. If a distribution is to take place on an exchange (without resort to the special plans contemplated by paragraph (d) of the rule)[5] participation in the distribution will be limited to brokers and dealers who compensate their salesmen on a salary basis in accordance with the provisions of paragraph (c) of the rule. The effect of paragraph (c) of Rule 10b–2 has been to encourage means of compensation which give the appearance that compensation is "unrelated" to any solicitation such as salary plus a later bonus, thus circumventing the rule's prohibition.

Since the Commission believes that the purpose of Rule 10b–2 is to prohibit excessive selling efforts during a distribution on an exchange, it sees no need to distinguish for this purpose between a salary and the payment of an ordinary and usual commission. Clearly, the payment of such a commission would not provide a salesman with a greater incentive to solicit purchases of the shares being distributed on an exchange as contrasted with the solicitation of a normal trading transaction. The Commission believes that a distinction which relies solely on the method of compensation, without giving any consideration to the magnitude of the amounts paid, is artificial, fails to consider the realities of the market place and brings about an inequitable result which is against the best interests of investors.

Furthermore, the Commission believes that a restriction on the nature of compensation based upon the location of a particular solicitation is inappropriate in today's market environment, especially in view of the growth of third market firms, the improvement and expansion of inter-dealer quotation systems such as NASDAQ, the imminent development of the composite tape[6] and the anticipated central market system.

The effect of paragraph (c) of Rule 10b–2 has been to prohibit a retail firm which compensates its salesmen on a commission basis from utilizing its retail sales network when distributing securities on an exchange other than pursuant to special plans provided for by paragraph (d) of the rule. This may not only deny many public investors the opportunity to participate in distribution stock, which may be sold at a discount from the existing market price, but sellers of distribution securities are also deprived of the additional liquidity such investors could provide. The Commission on many occasions has addressed itself to the need to create a market environment in which all public investors are afforded an opportunity to participate on an equal basis.

Traders of blocks of securities have in the past often relied upon those firms which, because of their expertise and willingness to commit substantial amounts of their own capital, stand ready to assume the risks of positioning large blocks of securities. To the extent that a broker positioning securities determines that a distribution is involved, paragraph (c) of Rule 10b–2 places restraints upon his ability to solicit purchases on an exchange. Such restraints not only may diminish liquidity but could also increase the volatility of the securities involved.

For the reasons set forth above, and recognizing that new problems continually arise which cannot always be foreseen when rules are developed and which may require changes in policy, the Commission proposes to amend paragraph (c) of Rule 10b–2 to permit the payment of usual and ordinary commissions to salesmen of brokers and dealers providing such commissions are not in excess of the brokerage commission which such person would receive in a brokerage transaction involving similar quantities of securities at the same price and not as part of a distribution. It is emphasized that no extra compensation, inducement or sales effort is permissible under the proposed amendment to paragraph (c) of the rule.

The Commission does not believe that permitting the payment of ordinary and usual commissions to salesmen for solicitation in connection with a distribution would compromise the objectives of Rule 10b–2 which is "to eliminate the practice of stimulating exchange activity in securities which are the subject of a distribution."[7] The antimanipulative and antifraud provisions of the Exchange Act will, of course, continue to be applicable. Additionally, broker-dealers are also reminded of the suitability requirements of the NASD[8] and the Securities Exchange Act of 1934.[9]

TEXT OF PROPOSED RULE

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 10(b) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by amending § 240.10b–2(c) as follows:

§ 240.10b–2 Solicitation of purchases on an exchange to facilitate a distribution of securities.

* * * * * *

The provisions of this section shall not apply with respect to any compensation paid or offered or agreed to be paid by a broker or dealer to any person regularly employed by him whose ordinary duties include the solicitation or execution of orders for the purchase or sale of securities, if such compensation represents only ordinary compensation either in the form of salary or the usual and customary commissions paid to such person for the discharge by such person of such duties in the regular course of his employment.

* * * * * *

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before March 15, 1973. All such communications will be available for public inspection and should refer to File No. S7–471.

(Sec. 10(b), 23(a), 48 Stat. 891, 901; as amended, 49 Stat. 1379, sec. 2; 15 U.S.C. 78j(b), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 8, 1973.

[FR Doc.73-956 Filed 1-16-73;8:45 am]

[17 CFR Part 240]

[Release No. 34-9931; File S7-474]

SECURITIES UNDERLYING CERTAIN OPTIONS

Proposed Exemption From Registration for Trading on Certain Exchanges

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt an exemptive rule under section 12(a) of the Securities Exchange Act of 1934 (the Act) for securities underlying certain options that are traded on national securities exchanges.

Proposed Rule 12a–6 (17 CFR 240.12a–6) provides an exemption from the registration provisions of section 12(a) of the Act for securities underlying options where the option is itself registered on the national securities exchange in question, the underlying security is registered and listed on another national securities exchange,[1] and the exchange upon which the option is listed limits its activity in the underlying securities to effecting exercises of the options. The proposed rule arises out of the pending proposed registration of the Chicago Board Options Exchange Inc. as a national securities exchange and the reported consideration also being given by certain registered exchanges to trading options.

The rule is thus intended to relieve any exchange which lists options of the need to register its underlying securities or to apply for unlisted trading privileges pursuant to section 12(f) of the Act for the underlying securities where it has provided for comparable disclosure with regard to the listed options and their underlying securities and does not seek to establish trading markets in the underlying securities.

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 3(a)(12) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, hereby proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.12a–6 as follows:

TEXT OF RULE

§ 240.12a–6 Exemption of securities underlying certain options from section 12(a).

(a) When used in this section, the following terms shall have the meanings indicated unless the context otherwise requires:

(1) The term "option" means any put, call, or other option or privilege of buying or selling a security which is the subject of the option from or to another without being bound to do so;

(2) The term "underlying security" means a security which relates to or is the subject of an option.

(b) Any underlying security shall be exempt from the operation of section 12(a) of the Act if all of the following terms and conditions are met:

(1) The related option is duly listed and registered on a national securities exchange;

(2) The only transactions on such exchange with respect to such underlying securities consist of the delivery of and payment for such underlying securities pursuant to the terms of such options relating to the exercise thereof; and

(3) Such underlying security is duly listed and registered on another securities exchange.

All interested persons are invited to submit their views and comments on the proposed rule. Written statements of views and comments should be addressed to Martin Moskowitz, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, on or before February 15, 1973. Reference should be made to file number S7–474. All such communications will be available for public inspection.

(Secs. 3(a)(12), 23(a); 48 Stat. 882, 901; as amended 84 Stat. 718, 84 Stat. 1435, 84 Stat. 1499, 49 Stat. 1379; 15 U.S.C. 178(c), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 9, 1973.

[FR Doc.73-1018 Filed 1-16-73;8:45 am]

[17 CFR Part 275]

[Releases Nos. IA-353, IC-7565; File No. S7-462]

INVESTMENT ADVISER REGULATIONS

Recordkeeping Requirements and Exemption From Definition of "Investment Adviser"

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of new Rule 202–1 (17 CFR 275.202–1), the amendment of paragraph (12) of Rule 204–2(a) (17 CFR 275.204–2(a)) and the adoption of new paragraphs (13) and (14) of Rule 204–2(a) (15 U.S.C. 80b–1 et seq.) under the Investment Advisers Act of 1940, as amended (Public Law 91–547, 84 Stat. 1430) (Advisers Act).

PROPOSED RULE 202–1

The Investment Company Amendments Act of 1970 (1970 Act) contained an amendment to the Advisers Act which, effective December 14, 1971, eliminated the exemption from registration set forth in section 203(b)(2) of the Advisers Act which existed for investment advisers to investment companies. Thus advisers to investment companies were required to register under the Advisers Act by December 14, 1971, and became subject to all provisions of that statute.[1]

It has come to the Commission's attention that some investment advisers registered under the Advisers Act are or may be subsidiaries or controlled companies of other companies. Furthermore, in some of these situations the controlling person or an affiliated person of the controlling person of the registered adviser may be the entity which in fact is providing the services essential to the rendering of investment advice by the company registered as the purported investment adviser. For example, the controlling person or an affiliated person thereof, may provide directors, officers, research services, advisory personnel, clerical personnel, and supporting services to the subsidiary or controlled company, and the entities may also have common officers, directors, and employees. Furthermore, the registered investment adviser may have only nominal capitalization to carry on its investment advisory business.

Whether a registered investment adviser is merely a conduit for advisory services provided by its controlling person or an affiliate of such controlling person,[2] depends in each case upon the substance of the arrangement.

Section 202(a)(11) of the Advisers Act (15 U.S.C. 80b–2(a)(11)) states among other things, that:

"Investment adviser" means any person who, for compensation, engages in the business of advising others, whether directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities, * * *

Section 208(d) of the Advisers Act (15 U.S.C. 80b–8(d)) provides:

It shall be unlawful for any person indirectly, or through or by any other person, to do any act or thing which it would be unlawful for such person to do directly under the provisions of this title or any rule or regulation thereunder.

Where all or substantially all of the duties and functions related to the rendering of investment advice undertaken to be performed by a registered investment adviser are in fact performed by the person controlling the registered adviser or an affiliate of such controlling person, or key advisory personnel of the registered investment adviser are also personnel of the controlling person or affiliate of such controlling person, a serious question is raised whether such persons are engaged in the business of advising others within the meaning of section 202(a)(11) of the Advisers Act, and should be required to register under section 203 of that Act (15 U.S.C. 80b–3). On the other hand, there are often valid business reasons which cause a company

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[5] Paragraph (d) of the rule permits the payment of compensation pursuant to a plan filed with the Commission by a national securities exchange and declared effective by the Commission.

[6] Rule 17a–15 (17 CFR 240.17a–5); Securities Exchange Act Release No. 9850, Nov. 8, 1972 and in the FEDERAL REGISTER for Nov. 15, 1972 at 37 FR 24172.

[7] Exchange Act Release No. 34–1330 (Aug. 4, 1937).

[8] Art. III, Sec. 2, NASD Rules of Fair Practice.

[9] Rules 15b10–3 (17 CFR 240.15b10–3) and 15b10–6 (17 CFR 240.15b10–6) under the Securities Exchange Act of 1934.

[1] The Commission now has under active consideration various questions from a regulatory viewpoint as to whether and to what extent options on unlisted securities should be traded on exchanges and/or in the over-the-counter markets.

[1] The Commission has extended the time for filing applications by insurance companies for registration under the Advisers Act until further order of the Commission. See Investment Advisers Act Release No. 308.

[2] Pursuant to section 202(a)(12) of the Advisers Act (15 U.S.C. 80b–2(a)(12)) the term "affiliated person" has the same meaning as in the Investment Company Act of 1940, as amended. The terms "affiliated company" and "affiliated person" are defined in sections 2(a)(2) and 2(a)(3) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–2(a)(2), 80a–2(a)(3)), as follows:

"SEC. 2(a)(2) 'Affiliated company' means a company which is an affiliated person.

"SEC. 2(a)(3) 'Affiliated person' of another person means (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof; and (F) if such other person is an unincorporated investment company not having a board of directors, the depositor thereof."

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not to register as an investment adviser but rather to form a separate corporate or other entity to act as an investment adviser and to be registered as such, especially where the controlling company is engaged in a nonadvisory business or businesses. This is a common practice, for example, in the insurance industry, where separate subsidiaries are organized to render advisory services to registered investment companies or variable annuity separate accounts.

Proposed Rule 202–1 sets forth the conditions under which the Commission would consider the subsidiary or controlled company formed to provide advisory services to be an autonomous entity. Where the proposed conditions are met, so that the registered adviser may be considered autonomous, proposed Rule 202–1 provides an exemption from registration under the Advisers Act for the company controlling the registered adviser and affiliates of such a controlling company. Briefly, the five conditions set forth in the proposed rule require (i) a majority of the directors of the registered adviser to be independent (as specified in the proposed rule) of the person controlling the adviser and of any affiliate of such controlling person; (ii) the registered adviser to have, in the opinion of a majority of such independent directors, adequate capital independent of the controlling person or any affiliate to carry on its advisory business; (iii) the officers of the registered adviser, except administrative officers, to be independent of the controlling person or an affiliate; (iv) the advisory representatives employed by the registered adviser to be independent of the controlling person or an affiliate, and make recommendations independent from such persons, and (v) research information conveyed to the registered adviser to meet certain criteria. The rule would also adopt the definition of control set forth in section 2(a)(9) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(9)).

The question whether registration of the person controlling the registered adviser, or an affiliate thereof, may be required under the Advisers Act arises regardless of whether the controlling person or affiliate of such controlling person of the registered adviser derives a profit from the services and resources provided to the registered investment adviser.[1]

The Commission will consider all of the facts and circumstances in its review of the substance of these arrangements. The Commission proposes, however, to exempt by rule from the definition of "investment adviser" in section 202(a)(11) of the Advisers Act a controlling person of the registered investment adviser or an affiliate of such controlling person where the criteria specified in the proposed rule are met.

In situations where the facts do not meet the criteria set forth in proposed Rule 202–1, the affiliated person of the registered adviser, or an affiliate of such affiliate, will be deemed an investment adviser required to register under the Advisers Act, absent an exemptive order of the Commission.

The Commission has authority to adopt proposed Rule 202–1 pursuant to the provisions of sections 202 and 206A and 211 of the Advisers Act. Amendment to paragraph (12) of Rule 204–2(a).

Rule 204–2(a) sets forth various recordkeeping requirements for investment advisers registered under the Advisers Act. Among other provisions in the rule is the requirement set forth in paragraph (12) thereof which calls for:

> A record of every transaction in a security in which the investment adviser or any advisory representative • • • of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account in which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States.

The term "advisory representative" is defined in paragraph (12) of the rule to mean:

> • • • any partner, officer, or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended; and any person in a control relationship to the investment adviser who obtains information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser.

It has come to the Commission's attention that some investment advisers registered under the Advisers Act are or may be subsidiaries or controlled companies of other companies. In that case, paragraph (12) of the rule clearly requires the registered adviser to keep records of securities transactions of the person controlling the registered adviser. However, it does not appear that those records now would be required in the case of securities transactions of certain officers or employees of the controlling person, or an affiliate thereof, who may not be deemed to be in "a control relationship to the investment adviser," but who may receive information concerning investment recommendations made by the registered adviser. The Commission believes that the potential for abuse by persons in a control relationship with the investment adviser also exists in the case of affiliated persons of the person in a control relationship with the registered adviser.

Accordingly, the Commission proposes to amend paragraph (12) of the rule to provide that the term "advisory representative" includes:

> • • • any of the following persons who obtain information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser: (i) Any person in a control relationship to the investment adviser, (ii) any affiliated person of such controlling person, and (iii) any affiliated person of such affiliated person.

This language would replace the clause in the last sentence of the present paragraph following "recommended; and".

Proposed New Paragraph (13) Under Rule 204–2(a)

Under certain circumstances, such as in the case of life insurance companies registered as investment advisers, certain persons whose transactions are now required to be recorded under paragraph (12) of the rule have no connection with the rendering of investment advisory services by the registered adviser. This would be the case, for example, for officers of insurance companies who have duties as actuaries, or are involved solely in administrative activities in connection with the insurance business of an insurance company registered as an investment adviser.

Accordingly, the Commission proposes to adopt a new paragraph (13) under Rule 204–2(a) which would apply only to registered investment advisers who are primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients.

The effect of new paragraph (13) would be to specify the records to be kept by such registered investment advisers. As in the case of Rule 204–2(a)(12), those records would include every transaction in a security (except those specifically exempted) in which any partner, officer, director, or employee of that adviser has any direct or indirect beneficial ownership. The rule, however, would limit the recordkeeping requirements in the case of partners, officers, and directors, as well as employees, to those persons who have some relationship to the investment advisory business performed by the registered investment adviser or who obtains knowledge of investment recommendations made.

Thus, the standard now applicable only to employees whose transactions must be recorded by the investment adviser in paragraph (12) of Rule 204–2(a) will be applied in proposed new paragraph (13) to partners, officers and directors, as well as employees, of registered investment advisers primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients.

Adoption of New Paragraph (14) Under Rule 204–2(a)

In order to more clearly define the concept of control in paragraphs (12) and (13) of Rule 204–2(a), the Commission proposes to adopt the definition of control set forth in the Investment Company Act of 1940. The text of the proposed paragraph (14) under Rule 204–2(a) is as follows:

> (14) For purposes of paragraphs (12) and (13) of this rule, control shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

Commission Action

The Securities and Exchange Commission proposes to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations (1) by adding a new § 275.202–1 thereunder (2) by amending subparagraph (12) of § 275.204–2(a) and by adding thereunder new subparagraphs (13) and (14) as indicated below:

I. As proposed, § 275.202–1 would read as follows:

§ 275.202–1 Exemption from definition of investment adviser for persons controlling a registered investment adviser and persons affiliated with such controlling person.

A person controlling a registered investment adviser or a person affiliated with such controlling person, shall not be deemed to be an investment adviser: *Provided*, That:

(a) A majority of the directors of the registered investment adviser are not directors, officers, or employees of a person controlling the registered investment adviser, or of an affiliated person of such controlling person, and all compensation paid to such directors is paid by the registered investment adviser;

(b) (1) The registered investment adviser has, in the opinion of a majority of the directors meeting the criteria set forth in paragraph (a) of this section, adequate capital independent of controlling persons and affiliates of such controlling persons to provide the registrant with financial responsibility for the conduct of its advisory business, including provision for the means and facilities to carry out its advisory responsibilities for all of its clients, as well as provision for meeting all of its liabilities; and

(2) Any liabilities owed to a controlling person, or an affiliate of such controlling person, are subordinate to the claims of others against the registered investment adviser;

(c) Except for those officers of the registered investment adviser who perform for it administrative functions exclusively, the officers of the registered investment adviser are not directors, officers or employees of a person controlling the registered investment adviser, or of an affiliated person of such controlling person;

(d) The advisory representatives employed by the registered investment adviser are not directors, officers or employees of a person controlling such adviser, or of an affiliated person of such controlling person, and they make investment recommendations and decisions without consultation with directors, officers and employees of such controlling person or of an affiliated person of such controlling person;

(e) No person controlling the registered investment adviser, nor any affiliated person of such controlling person, provides the registered investment adviser with advisory services other than statistical and other factual information, advice regarding economic factors and trends, or advice as to occasional transactions in specific securities, and any such person does not generally furnish advice or make recommendations regarding the purchase or sale of securities; and

(f) For purposes of this § 275.202–1 control shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

II. Section 275.204(a) is proposed to be amended by deleting in subparagraph (12)(i) after the words "recommended; and" the clause:

> • • • and any person in a control relationship to the investment adviser who obtains information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser.

and, by adding in lieu thereof a new clause reading as set forth below; and, by adding new subparagraphs (13) and (14) reading as follows:

§ 275.204–2 Books and records to be maintained by investment advisers.

(a) • • •

(12) (i) • • • any of the following persons who obtain information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser: (*a*) Any person in a control relationship to the investment adviser, (*b*) any affiliated person of such controlling person and (*c*) any affiliated person of such affiliated person.

(13) Notwithstanding the provisions of subparagraph (12) of this paragraph, where the investment adviser is primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, a record must be maintained of every transaction in a security in which the investment adviser or any advisory representative of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except: Transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction; the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected. For purposes of this paragraph the term "advisory representative" when used in connection with a company primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, shall mean any partner, officer, director, or employee of the investment adviser who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendations shall be made, or who, in connection with his duties, obtains any information concerning which securities are being recommended; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser: (i) Any person in a control relationship to the investment adviser, (ii) any affiliated person of such controlling person, and (iii) any affiliated person of such affiliated person. An investment adviser shall not be deemed to have violated the provisions of this subparagraph (13) because of his failure to record securities transactions of any advisory representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain reports of all transactions required to be recorded.

(14) For purposes of paragraphs (a)(12) and (13) of this § 275.204–2, control shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

• • • • • •

The Commission has authority to adopt the proposed amendment of paragraph (12) of Rule 204–2(a) and new paragraphs (13) and (14) of Rule 204–2(a) pursuant to the provisions of section 211(a) of the Advisers Act.

All interested persons are invited to submit their written views and comments on the proposals to Alan Rosenblat, Chief Counsel, Division of Investment Company Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 16, 1973. All communications in this regard should refer to File No. S7–462, and will be available for public inspection.

(Secs. 202, 211, 54 stat. 847, 855, 84 stat. 1433, 15 U.S.C. 80b–2, 80b–6a, 80b–11)

For the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 18, 1972.

[FR Doc.73–1019 Filed 1–16–73;8:45 am]

[1] It should be noted, however, that if an investment adviser performs advisory services for a registered investment company at cost, an exemption is available from the definition of "investment adviser" set forth in sec. 2(a)(20) of the Investment Company Act as amended (15 U.S.C. 80a–2(a)(20)). In such case, however, no profits may be derived from the advisory business either by the registered adviser or any affiliated person of the adviser.

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PART III—FUTURE AIR AND WATER QUALITY DATA—Continued

Line No.		Current year	Current year plus— 5 years	10 years	15 years	20 years
	Residue—Continued					
	Source—Continued					
08	Domestic [4]					
09	Imported [4]					
10	Distillate:					
	Quantity, 1,000 bbls					
	Source:					
11	Domestic [4]					
12	Imported [4]					
	Crude:					
13	Quantity, 1,000 bbls					
14	Sulfur content, percent					
	Source:					
15	Domestic [4]					
16	Imported [4]					
17	Gas:					
	Quantity:					
18	Firm, 1,000 M.c.f					
19	Interruptible, 1,000 M.c.f					
20	Total, 1,000 M.c.f					
	SECTION 3—PROJECTED PLANT EMISSIONS—AIR					
01	Fuel percentage, 1,000 tons/year [5]					
02	Total sulfur oxides, 1,000 tons/year [6]					
03	Total nitrogen oxides, 1,000 tons/year [6]					
04	Total heat, billion B.t.u./year [6]					
05	Water vapor, 1,000 tons/year [6]					
	SECTION 4—PROJECTED PLANT WATER USE					
01	Source of cooling water [7]					
07	Types of cooling systems [8]					
08	Fire through:					
09	Cooling towers, wet					
10	Cooling towers, dry					
11	Artificial cooling ponds					
12	Average water withdrawal from water body					
	m.g.d					
13	Average water flow through condensers, c.f.s					
14	Average temperature rise across condensers, ° F					
15	Average water return to water body, c.f.s					
16	Direct and indirect evaporation losses, 1,000 tons/year [9]					
	SECTION 5—SOLID WASTE					
17	Ash (top and bottom), 1,000 tons/year					
18	Stack scrubbing waste, 1,000 tons/year [10]					

[1] At maximum hydrogen pressure.
[2] Report total land requirements for generating plant, substation(s), fuel storage area, waste disposal area, land used for transmission facilities, etc.
[3] Report region number or name.
[4] Report percentage of total in the category which is of domestic or foreign origin.
[5] Include both crude and topped crude.
[6] Compute for each unit: (Sulfur content of fuel—bottom ash)×(1—Control technique efficiency expressed as decimal)×2; sum up emissions from all units.
[7] Compute for each unit: (Sulfur content of product removed)×2; sum up emissions from all units.
[8] Use following plant emission rates: Pulverized coal, dry bottom—18 lb/ton of coal; Pulverized coal, wet bottom—30 lb/ton of coal; cyclone furnace—5 lb/ton of coal; 4.4 lb/bbl of oil; 360 lb/1,000 M.c.f. of gas. Subtract nitrogen oxide reduction by any control technique.
[9] Estimated heat emission with flue gases.
[10] Direct evaporation and drift from cooling system plus induced evaporation in diversion channel and in receiving water body.
[11] Coal—ash; natural lake, artificial lake, estuary, sea. Give name if available.
[12] Indicate percent of total generating capacity in lines 8 through 11.
[13] Describe in footnote.

PART III—FUTURE AIR AND WATER QUALITY DATA

Line No.		Current year	Current year plus— 5 years	10 years	15 years	20 years
	SECTION 1—PROJECTED PLANT DATA					
	General:					
01	Existing boiler-generator units:					
02	Number in operation					
03	Total nameplate capacity, MW [1]					
04	Land in use for existing plant, acres [2]					
05	New boiler-generator units:					
06	Number in operation					
07	Total nameplate capacity, MW					
08	If totally new plant report also:					
09	Plant name					
10	State					
11	County					
12	Air quality control region [3]					
13	Water resource region [3]					
14	Estimated land requirements for new units or new plant, acres [2]					
15	Total number of units (old and new) in plant					
16	Total nameplate capacity (of line 16), MW					
17	Total acreage (old and new plant) [2]					
	SECTION 2—PROJECTED PLANT FUEL—CONSUMPTION (ANNUAL)					
01	Coal:					
02	Quantity, 1,000 tons					
03	Sulfur content, percent					
04	Origin—Bureau of Mines region					
05	Oil:					
	Residue:					
06	Quantity, 1,000 bbls					
07	Sulfur content, percent					

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-465; FPC Form 67]

STEAM-ELECTRIC PLANT REPORTING REQUIREMENTS

Reporting of Environmental Data

JANUARY 9, 1973.

Notice is given pursuant to section 553 of title 5 of the United States Code, that the Commission proposes to revise FPC Form No. 67, Steam-Electric Plant Air and Water Quality Control Data, as that form is now prescribed by § 141.59, Part 141—Statements and Reports, Subchapter D, Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations. FPC Form No. 67 is an annual report form of the Commission, as prescribed by Order No. 412, October 22, 1970, 44 FPC 1291.

The revisions which the Commission now proposes are of two general types. One type of change is directed to securing substantially increased amounts of data relative to fuel, air, land, and water environmental aspects of steam-electric generating station construction and operation, based upon rolling projections of 5, 10, 15, 20 years into the future. These data are designed to provide the basis for quantifying the impacts upon air, land and water resources of building and operating fossil-fired and nuclear steam-electric generating stations. These data would relate to present and projected fuel sources, generating station locations and thermal, gaseous and particulate emissions therefrom to surrounding air, land and water environments, together with present and projected land uses. These data, which are not now obtained, would be obtained annually by means of the following reporting schedules, Proposed Part III Future Air and Water Quality Data, section 1—Projected Plant Data—General, section 2—Projected Plant Fuel—Consumption (Annual), section 3—Projected Plant Emissions—Air, section 4—Projected Plant Water Use, section 5—Solid Waste:

PART III—FUTURE AIR AND WATER QUALITY DATA

SECTION 1—PROJECTED PLANT DATA

SECTION 2—PROJECTED PLANT FUEL—CONSUMPTION (ANNUAL)

SECTION 3—PROJECTED PLANT EMISSIONS—AIR

SECTION 4—PROJECTED PLANT WATER USE

SECTION 5—SOLID WASTE

The other type of proposed revision would incorporate as a part of the FPC Form No. 67 a series of supplemental or clarifying reporting requirements. They are as shown in the following schedule, Part I, Air Quality Control Data, Schedule E, Equipment (Design Parameters), section 1A—Boiler Ability to Burn Alternate Fuels:

PART I—AIR QUALITY CONTROL DATA, SCHEDULE E—EQUIPMENT (DESIGN PARAMETERS)

Line No.	Section 1A—Boiler ability to burn alternate fuels (a)	Boiler No. (b)	Boiler No. (c)	Boiler No. (d)	Boiler No. (e)	Check for footnote [1] (f)
01	Boiler Number(s)					
02	Coal:					
03	Is boiler equipped to burn coal (yes or no)[2]					
04	Is boiler capable of burning coal continuously (yes or no)[3]					
05	Report coal storage capacity in:					
06	1,000 tons					
	Burn days					
07	Percent derating of related generator capacity when burning coal					
08	Oil:					
09	Is boiler equipped to burn oil (yes or no)					
10	Is boiler capable of burning oil continuously (yes or no)[3]					
11	Report oil storage capacity in:					
12	1,000 bbls [4]					
	Burn days [4]					
13	Percent derating of related generating capacity when burning oil					
14	Gas:					
15	Is boiler equipped to burn gas					
16	Is gas available on firm basis (yes or no)					
17	Percent derating of related generating capacity when burning gas					

[1] All footnotes should be shown on page 12.
[2] If the answer is "yes", but equipment changes or maintenance are required to burn coal, state time period in days for completion of such changes or maintenance. For example, if the time period required to reconvert boiler to the use of coal is 45 days, respond as follows: Yes/45. If coal burning capability is available immediately, respond: Yes/0.
[3] If answer is "no", explain in footnote on page 12.
[4] Do not include storage capacity of tankers at sea.

To facilitate these revisions, the following changes would be completed in the General Instructions to FPC Form No. 67.

Amend General Instruction (1) to provide for the reporting of data from any electric utility with steam-electric generating capacity of 25 megawatts or over. As currently prescribed, FPC Form No. 67 is to be completed by electric utilities having 150 megawatts or more of electric generating capacity, 25 megawatts of which is steam-electric. Also, FPC Form 67, as now constituted, is prescribed for utilities which have generating plants of 25 megawatts or more located in 52 Air Quality Control Regions of the Nation. Since the promulgation of Form 67 in 1970, Air Quality Control Regions have been established throughout the Nation. As revised General Instruction (1) would be revised by deletion of certain portions of the instruction and deletion of Appendix A to Form 67, to read as follows:

(1) An original and five conformed copies of this report form properly filled out and attested shall be filed with the Federal Power Commission on or before the first day of the fifth month following the close of the calendar or fiscal year for each plant operated by an electric utility with a steam-electric generating capacity of 25 megawatts or greater during the year covered.

Amend General Instruction (5) to provide for the annual reporting of data to be set forth in Part III—Future Air and Water Quality Data, and to provide for the reporting of Part I, Schedule E, Section 1A data for 1972, 1974 and thereafter every fifth year. As amended, General Instruction (5) reads as follows:

(5) Part I, Schedules A, B, C, and D, Part II, Schedules A and B, and Part III should be reported in full each year. Part I, Schedule E, except for Part I, Schedule E, Section 1A, and Part II, Schedules C, D, E, and F, should be completed for 1969 and every fifth year thereafter (1974, 1979, etc.); Part I, Schedule E, Section 1A should be completed for 1972 and for 1974 and every fifth year thereafter (1979, 1984, etc.); in the intervening years (1970, 1971, 1972, 1973, 1975, etc.) the data should be reported when equipment was: (a) placed in operation during the year; (b) altered during the year (i.e., installed, remodeled, removed or otherwise changed); or (c) not previously reported.

It is also proposed to amend § 141.59 of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, to read as follows:

§ 141.59 Form No. 67, Steam-electric plant air and water quality control data.

This form is designed to obtain pollution control information related to fuel quality, pollution control equipment installed, the present and future operation of such equipment and the present and future disposition of waste materials from steam-electric generating plants; data relating to plant and equipment is required every fifth year (see General Instruction No. 5), except for Section 1A, Schedule E, Part I, which shall be reported for the reporting years 1972, 1974 and then every fifth year thereafter, unless changed or retired prior to the expiration of such periods and to the operations thereof annually.

The proposed revisions to FPC Form No. 67 will materially assist this Commission in the discharge of its regulatory responsibilities under the Federal Power Act, 16 U.S.C. 791(a) et seq. The data to be secured should also be of assistance to other Federal departments and agencies, State and local governmental authorities, operating utilities, electric consumers, equipment manufacturers and the general public. In promulgating FPC Form No. 67, the Commission stated in part, 44 FPC 1291:

FPC Form No. 67 has been designed with the assistance of those agencies to obtain information periodically of the quality of fuel used in fossil fueled steam-electric generating plants of 25 megawatts or more, of the costs of facilities and other data relating to their operation and maintenance regarding the amounts and kinds of particulates emitted by such plants, and of the heat emissions and other matters discharged into streams and other waters by fossil and nuclear-fueled steam-electric generating plants. This information will provide a basis for the development of effective environmental quality control programs.

The amendment to the Commission's Regulations under the Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly Sections 304, 309, and 311 (49 Stat. 855, 858, 859; 16 U.S.C. 825c, 825h, 825j).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 23, 1973, views and comments in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revised report form, under the provisions of the Federal Reports Act of 1942, may, at the same time, submit a conformed copy of their comments to the Clearance Officer, Office of Statistical Standards, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference. The Commission will consider all written submittals and responses before issuing an order in this proceeding.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-822 Filed 1-16-73;8:45 am]

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Notices

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES RESERVE CENTER, LOS ALAMITOS, CALIF.

Notice of Filing of Final Environmental Impact Statement With Council on Environmental Quality

In compliance with the National Environmental Policy Act of 1969, the Army, on January 12, 1973, filed with the Council on Environmental Quality a Final Environmental Impact Statement concerning establishment of an Armed Forces Reserve Center at Los Alamitos Naval Air Station, Los Alamitos, Calif.

Copies of the statement will be forwarded, in the near future, to concerned Federal, State, and local agencies which commented on the draft statement. Interested individuals may obtain copies from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Inspection copies will be available in the near future at the Southern California Association of Governments, 1111 West Sixth Street (Suite 400), Los Angeles, CA, and at Headquarters, Fort MacArthur, San Pedro, Calif. (phone (213) 831–7200). In the Washington area, inspection copies can be seen in the Office of the Deputy Chief of Staff for Logistics, Room 400, Rosslyn Commonwealth Building, Arlington, Va. (phone (703) 694–3985).

K. B. COOPER,
Brigadier General, G.S.,
Director of Installations.

[FR Doc.73–1015 Filed 1–16–73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[Docket No. 73–3]

TABLE ROCK LABORATORIES, INC.

Notice of Hearing

Notice is hereby given that on November 21, 1972, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Table Rock Laboratories, Inc., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs should not deny the application for registration under the Controlled Substances Act of 1970, of the Respondent, executed on October 4, 1972, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said Order was received by Table Rock Laboratories, Inc., and written request for a prehearing conference having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a prehearing conference in this matter was held on January 8, 1973, at the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537, and by direction of Administrative Law Judge, Frederick Denniston, a hearing in this matter will be held commencing at 10 a.m. on January 25, 1973, in room 1211 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537.

Dated: January 11, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73–1016 Filed 1–16–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA ASSOCIATE STATE DIRECTOR ET AL.

Delegation of Authority Regarding Contracts and Leases

JANUARY 9, 1973.

Pursuant to the redelegation of authority contained in BLM Manual 1510.03C:

A. The Associate State Director, Chief, Division of Management Services and Chief, Branch of Administrative Management, State Office, are authorized to enter into contracts for supplies and services within the limits of procurement authority delegated to the State Director in BLM Manual 1510.03B2d.

B. The District Managers and Chief, Division of Administration, District Offices; and the California Desert Planning Director, Riverside, with the exception of capitalized equipment and major noncapitalized property, are authorized:

1. To procure supplies and services available from established sources of supply regardless of amount.

2. To enter into contracts pursuant to section 302(c)(3) of the FPAS Act, for supplies, services and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

C. The District Managers and Chief, Division of Administration, District Offices; and Protection Specialist, Division of Technical Services, State Office, are authorized to enter into contracts pursuant to section 302(c)(2) of the FPAS Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

D. The District Managers may redelegate the authority for use of Standard Form 44 Order-Invoice-Voucher to any qualified employees under their jurisdiction. The redelegation must be in writing by name designation and subject to monetary and other limitations as may be prescribed by the District Manager. The designated employee, State Office, and Service Centers shall be furnished with a copy of all such redelegations.

E. Delegation of authority regarding contracts and leases published in the FEDERAL REGISTER on November 6, 1971, page 21366, is hereby revoked.

J. R. PENNY,
State Director.

[FR Doc.73–1013 Filed 1–16–73;8:45 am]

Office of the Secretary

[FES 73–1]

PROPOSED SPECIAL USE PERMIT, AERIAL TRAMWAY, GREAT SMOKY MOUNTAINS NATIONAL PARK, TENN.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement concerning issuance of a proposed special use permit to the Smoky Mountain Utility District of Sevier County, Tenn., for construction of an aerial tramway.

The environmental statement considers the effects of an aerial crossing of the entrance road to Great Smoky Mountains National Park. It also considers the effects of constructing a 2.1-mile tramway route between the City of Gatlinburg, Tenn. and the Gatlinburg Ski Lodge.

Copies of the final environmental statement are available from or for inspection at:

Southeast Regional Office, National Park Service, 3401 Whipple Avenue, Atlanta, GA 30344.

Superintendent, Great Smoky Mountains National Park, Gatlinburg, TN 37738.

Dated: January 15, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73–1108 Filed 1–16–73;8:45 am]

[FES 72–33]

RESTRICTION OF VEHICULAR USE, BACK BAY NATIONAL WILDLIFE REFUGE, VA.

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a final environmental statement for proposed special regulations restricting vehicular use on the Back Bay National Wildlife Refuge within the metropolis area of Virginia Beach, Va.

The special regulations will permit only authorized vehicles to use the beach area of the refuge. All access to or across refuge lands will be subject to control of the refuge manager or his designated representative.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, Peachtree—Seventh Building, Room 825, Atlanta, Ga. 30323.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

W. W. LYONS,
Deputy Assistant Secretary, Program Policy.

DECEMBER 29, 1972.

[FR Doc.73–950 Filed 1–16–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL PEANUT ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the National Peanut Advisory Committee at 1:30 p.m. on January 22, 1973, and at 8:30 a.m. on January 23, 1973, in Room 218–A of the Administration Building, U.S. Department of Agriculture, Washington, D.C. The purpose of this meeting is to discuss alternative programs for peanuts. The meeting will be open to the public.

The names of committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from Harlan H. Holleman, Director, Oilseeds and Special Crops Division, ASCS, South Building, Room 5768, Washington, D.C. Telephone 202—447–7973.

Signed at Washington, D.C., on January 12, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73–1028 Filed 1–16–73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–327]

NEWPORT TANKERS CORP.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed Applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such Applicant if its application for operating-differential subsidy is granted.

The following Applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of application. Newport Tankers Corp. (Newport).

Description of domestic service and vessels. The applicant, Newport, owns the Achilles, and has requested written permission to continue to engage in the domestic intercoastal or coastwise service as well as the right to move any vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

Written permission is now required by the applicant, Newport, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of The Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on January 23, 1973 file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., January 25, 1973, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: January 12, 1973.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.73–1027 Filed 1–16–73;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. C–379]

WILLIAM R. BROCHIER

Notice of Loan Application

JANUARY 10, 1973.

William R. Brochier, 2677 Hawthorne Avenue, Hayward, CA. 94545, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 47 feet in length, to engage in the fishery for bonito, salmon, and tuna off the coasts of California, Oregon, Washington, and Mexico.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.73–939 Filed 1–16–73;8:45 am]

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[Docket No. C-378]

DARREL WILLIAM POTTER

Notice of Loan Application

JANUARY 10, 1973.

Darrel William Potter, P.O. Box 97, Avila Beach, CA 93424, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used steel vessel, about 50 feet in length, to engage in the fishery for tuna and bottomfish off the coasts of California, Oregon, Washington, and Mexico.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.73-940 Filed 1-16-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151 at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231 at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION

Patent 3,650,926. Radiolytic Treatment of Organic Industrial Wastes in a Pressurized Oxygen Atmosphere. Filed October 7, 1969. Patented March 21, 1972. Not available NTIS.

Patent 3,640,115. Tube Spacer Tool. Filed December 19, 1969. Patented February 8, 1972. Not available NTIS.

Patent 3,640,336. Recovery of Geothermal Energy by Means of Underground Nuclear Detonations. Filed June 19, 1970. Patented February 8, 1972. Not available NTIS.

Patent 3,638,200. Electrostatic Recording System. Filed March 4, 1970. Patented January 25, 1972. Not available NTIS.

Patent 3,638,160. Shock Pressure Transducer. Filed September 4, 1969. Patented January 25, 1972. Not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR

Patent 3,699,849. Hydraulic Cell for Calibrating a Pressure Transducer. Filed November 12, 1970. Patented October 24, 1972. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application 289,050. Rocket Chamber and Method of Making. Filed September 14, 1972. PC $3.00/MF $0.95.

Patent application 281,877. Method and Apparatus for Checking the Stability of a Setup for Making Reflection Type Holograms. Filed August 18, 1972. PC $3.00/MF $0.95.

Patent application 282,738. Shoulder Harness and Lap Belt Restraint System. Filed August 22, 1972. PC $3.00/MF $0.95.

[FR Doc.73-847 Filed 1-16-73;8:45 am]

Office of Import Programs

DAVID LIPSCOMB COLLEGE, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897), and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. • • • If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

• • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 72-00112-01-77030. Applicant: David Lipscomb College, Nashville, Tenn. 37203. Article: NMR Spectrometer, Model JNM-C60HL. Date of denial without prejudice to resubmission: September 12, 1972.

Docket No. 72-00315-00-23600. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Accessories for Winkle GW-15 diamond drilling outfit. Date of denial without prejudice to resubmission: September 13, 1972.

Docket No. 72-00391-33-46040. Applicant: New York State Institute for Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, NY 10314. Article: Electron Microscope, Model HS-8-2. Date of denial without prejudice to resubmission: September 8, 1972.

Docket No. 72-00535-00-43400. Applicant: Veterans' Administration Hospital, Archer Road, Gainesville, Fla. 32601. Article: Three (3) Miniature Micromanipulators, Model MM3. Date of denial without prejudice to resubmission: September 12, 1972.

Docket No. 72-00539-33-79200. Applicant: Veterans' Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Electric Water Still, Type

3. Date of denial without prejudice to resubmission: September 12, 1972.

Docket No. 72-00575-33-79200. Applicant: Veterans' Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Water Still and Boiling Flask. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 72-00576-33-79200. Applicant: Veterans' Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Water Still, Condenser, and Receiving Flask. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 72-00578-33-46500. Applicant: Georgia State University, Biology Department, 33 Gilmer Street SE., Atlanta, GA 30303. Article: Ultramicrotome, Model Om U2. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 72-00598-33-46500. Applicant: Mississippi State University, Department of Microbiology, Drawer EM, State College, MS 39762. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 72-00599-33-46595. Applicant: Environmental Protection Agency, Research Division, 12709 Twinbrook Parkway—Room 40-B, Rockville, MD 20852. Article: Pyramitome, Model LKB 11800. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 73-00097-99-26200. Applicant: U.S. Department of Commerce, Maritime Administration, Room 14024 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113. Article: Radar Simulator Boards. Date of denial without prejudice to resubmission: September 14, 1972.

Docket No. 73-00099-01-77030. Applicant: The Johns Hopkins University, Department of Chemistry, 34th and Charles Streets, Baltimore, MD 21218. Article: NMR Spectrometer, Model JNM-MH-100. Date of denial without prejudice to resubmission: September 14, 1972.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-975 Filed 1-16-73;8:45 am]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00497-01-77030. Applicant: State University of New York at Buffalo, c/o Office of Facilities Planning, Equipment Division, 3258 Main Street, Buffalo, NY 14214. Article: NMR Spectrometer, Model JNM-MH-100. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used for high-sensitivity studies of C-13 sidebands; structure elucidation studies of products from photochemical and thermal reactions of aroylaxetidines; and for high resolution spectra of small amounts of sparingly soluble natural products such as hirsutic acid. The article will also be used by graduate students for thesis research and in four undergraduate courses in chemistry.

Comments: No comments were received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant institution without excessive delay at the time the foreign article was ordered (Mar. 17, 1971).

Reasons: The foreign article is of the category that is customarily "produced on order" which is defined in § 701.2(j) of the Department's regulations as "an instrument, apparatus, or accessory which a manufacturer lists in a current catalog and is able and willing to produce and have available without unreasonable delay to the applicant." Section 701.11(b) of the regulations provides in pertinent part that "in determining whether a U.S. manufacturer is able and willing to produce a produced-on-order, or custom-made instrument, apparatus, or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category."

The question of availability without unreasonable delay is associated with the issue of excessive delivery time which is explained in § 701.11(c) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The foreign article was ordered March 17, 1971. The applicant alleges that the Varian XL-100-15, the most closely comparable domestic instrument, was not available within a reasonable delivery period from the time of purchase. In a letter dated August 5, 1970, to the Department of Commerce regarding the availability of the Varian XL-100-15 system, Varian advised that the delivery time for the XL-100-15 system was 6 to 8 months and later advised in a letter dated August 26, 1971, to Boston University that the delivery time for the XL-100-15 system was 5 to 9 months. The delivery time for the foreign article was quoted as a guaranteed delivery within 21 days of receipt of purchase order. The National Bureau of Standards (NBS) advises in its memorandum dated August 15, 1972, that the difference in delivery time [between the foreign article and the XL-100-15] is pertinent for the [applicant's] intended educational uses.

Accordingly, we find that the difference in delivery time between the foreign article and the Varian XL-100-15 to be excessive within the meaning of § 701.11 (c) as it would seriously impair the accomplishment of the applicant's educational purposes.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-977 Filed 1-16-73;8:45 am]

UNIVERSITY OF RHODE ISLAND, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 701.8 of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the

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expiration of the 90 day period. • • • If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

• • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 71-00476-01-77030. Applicant: University of Rhode Island, Department of Chemistry, Kingston, R.I. 02881. Article: NMR Spectrometer, Model JNM-C-60-HL. Date of denial without prejudice to resubmission: August 7, 1972.

Docket No. 72-00083-55-17500. Applicant: Oregon State University, Post Office Box 1086, Corvallis, OR 97331. Article: Recording current meter, Model 4. Date of denial without prejudice to resubmission: August 30, 1972.

Docket No. 72-00099-65-46070. Applicant: State University of New York, Stony Brook, Materials Science, Stony Brook, N.Y. 11790. Article: Scanning Electron Microscope, Model Mark IIA. Date of denial without prejudice to resubmission: August 31, 1972.

Docket No. 72-00348-33-46070. Applicant: Duke University, Erwin Road, Durham, N.C. 27706. Article: Scanning Electron Microscope, Model JSM-S1. Date of denial without prejudice to resubmission: August 7, 1972.

Docket No. 72-00403-33-86500. Applicant: Vanderbilt University, Chemical and Biomedical Engineering, 21st and West End Avenue, Nashville, Tenn. 37203. Article: Rheogoniometer, Model R.18. Date of denial without prejudice to resubmission: August 31, 1972.

Docket No. 72-00411-33-46500. Applicant: New York City Health & Hospitals Corp., Department of Pathology, Queens Hospital Center, 82-68 164th Street, Jamaica, NY 11432. Article: Ultramicrotome, Model Om U2. Date of denial without prejudice to resubmission: August 7, 1972.

Docket No. 72-00419-73-41895. Applicant: NASA-Manned Spacecraft Center. Houston, Tex. 77058. Article: Polished Lens Blanks. Date of denial without prejudice to resubmission: August 17, 1972.

Docket No. 72-00420-91-11000. Applicant: Brigham Young University, Department of Botany and Range Science, 285 Widtsoe Building, Provo, Utah 84601. Article: Gas Chromatograph-Mass Spectrometer, Model MAT 111. Date of denial without prejudice to resubmission: August 9, 1972.

Docket No. 72-00470-81-87540. Applicant: University of Hawaii, J.K.K. Look Laboratory, 1811 Olomehani Street, Honolulu, HI 96822. Article: Self-recording bottom mounted Wave Recorder and Analyzer, Model DNW-2. Date of denial without prejudice to resubmission: August 18, 1972.

Docket No. 72-00475-33-02300. Applicant: Emory University, Department of Psychiatry, Atlanta, Ga. 30322. Article: Primate Cages. Date of denial without prejudice to resubmission: August 17, 1972.

Docket No. 72-00502-00-61800. Applicant: Central Florida Museum and Planetarium, 810 East Rollins Avenue, Orlando, FL 32803. Article: Planetarium Projector, Model MS-10. Date of denial without prejudice to resubmission: August 7, 1972.

Docket No. 73-00042-33-46500. Applicant: U.S. Department of Agriculture, ARS, Management Services Division for Research, 701 Loyola Avenue, New Orleans, LA 70113. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: August 10, 1972.

Docket No. 73-00085-25-31000. Applicant: WHYY, Inc., 4585 Market Street, Philadelphia, PA 19139. Article: Videoskop 111 and Sideband Adapter. Date of denial without prejudice to resubmission: August 31, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-976 Filed 1-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-474; NADA 7-983V etc.]

AMERICAN CYANAMID CO. ET AL.

Certain New Animal Drug Applications; Notice of Withdrawal of Approval of New Animal Drug Applications

In the FEDERAL REGISTER of November 1, 1972 (37 FR 23285), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of the following new animal drug applications:

1. Enheptin Soluble, new animal drug application (NADA) No. 7-983V; by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540.

2. Triple Sulfa Solution, NADA No. 7-055V; by Jensen-Salsbery Laboratories, 520 West 21st Street, Kansas City, MO 64141.

3. Sulfabrom, NADA No. 12-409V; by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Rahway, N.J. 07065.

4. Purina Hepzide Blackhead Control, NADA No. 11-179V; by Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

5. Kaobiotic Suspension, NADA No. 9-695V; by the Upjohn Co., Kalamazoo, Mich. 49001.

6. (a) SQS (Sulfaquinoxaline), NADA No. 6-895V; (b) Histosep-S, NADA No. 7-779V; and (c) Histocarb Soluble, NADA No. 11-501V; by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, PA 17067.

Ralston-Purina Co. responded to said notice. They informed the Commissioner that they do not wish to avail themselves of the opportunity for a hearing. None of the other firms listed herein have responded to the notice. This is construed as an election by said firms not to avail themselves of the opportunity for a hearing.

Therefore, based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 7-983V, NADA No. 7-055V, NADA No. 12-409V, NADA No. 11-179V, NADA No. 9-695V, NADA No. 6-895V, NADA No. 7-779V and NADA No. 11-501V, including all amendments and supplements thereto, is hereby withdrawn effective on January 17, 1973.

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-943 Filed 1-16-73;8:45 am]

CALIFORNIA CANNERS AND GROWERS

Canned Peaches, Canned Pears, and Canned Fruit Cocktail Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106. This permit covers limited interstate marketing tests of canned peaches, canned pears, and canned fruit cocktail that deviate from their standards of identity (21 CFR 27.2, 27.20 and 27.40) in that the fruits will be packed in a medium of light sirup prepared from a mixture of brown sugar and honey.

The principal display panel of the label of each container will bear the statement "Packed in brown sugar and honey."

This temporary permit shall expire 12 months from the date of the signature of this document (1-2-74).

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-942 Filed 1-16-73;8:45 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-20, *Organization and functions*, as follows:

Within the chapter alphabetically coded 3J-00—National Institute of Mental Health (3J00)—the functional statements for the Office of Communications (3J17) and the Office of Program Planning and Evaluation (3J31) are being amended to reflect the transfer—from the former to the latter—of the National Clearinghouse for Mental Health Information and also certain minor organization changes.

Because of the above, paragraphs headed *Office of Communications (3J17)* and *Office of Program Planning and Evaluation (3J31)* are hereby deleted and replaced by the following text:

Office of Communications (3J17). (1) Plans and carries out NIMH-wide public affairs activities, and provides public information services to selected program areas; (2) develops the policy and procedural framework within which NIMH public information activities operate; (3) advises the Director, NIMH, and individual program directors regarding the effective use of public information in accomplishing program objectives; (4) serves as NIMH clearance point for publications, speeches, news releases, and related items; (5) responds to public inquiries regarding NIMH programs and mental health in general; (6) provides central photography, art work, and related services to the NIMH; and (7) operates the NIMH Communications Center and library.

Office of Program Planning and Evaluation (3J31). (1) Develops NIMH multiyear program plans for input into overall HSMHA/DHEW plans; (2) implements the Department's Operational Planning System within the NIMH; (3) conducts continuing studies and analysis of the distribution, content, and outcome of major programmatic efforts in mental health; (4) develops and operates an NIMH-wide program information system reflecting the essential structure, results, and status of projects supported or conducted by the NIMH; (5) collects information from worldwide mental health sources and from NIMH programs, and disseminates data to the scientific community; (6) provides statistical services and technical assistance to NIMH programs and collects statistical data of special use in National mental health programing; (7) evaluates NIMH progress toward program goals and objectives and manages the NIMH's evaluation efforts in connection with legally set-aside evaluation funds; and (8) develops methods, procedures, and other tools for the use of NIMH programs in conducting internal planning, analysis, and evaluation.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

JANUARY 3, 1973.

[FR Doc.73-1001 Filed 1-16-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice of Availability of AEC Draft Environmental Statement, Applicant's Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement related to the proposed issuance of a construction permit to Niagara Mohawk Power Corp. for the proposed Nine Mile Point Nuclear Station Unit 2, to be located in Oswego, County, N.Y., has been prepared by the Commission's Directorate of Licensing. The Draft Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Oswego City Library, 120 East Second Street, Oswego, NY 13126. The Draft Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, NY 12207, and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, NY 13202. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing. An Environmental Report and Supplement thereto (Environmental Reports) submitted by the Niagara Mohawk Power Corp. are also available for public inspection at the above-designated locations. Notice of availability of the Environmental Reports was published in the FEDERAL REGISTER on July 14, 1972 (37 FR 13816).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, within forty-five (45) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the Environmental Reports and the Draft Environmental Statement for the Commission's consideraion. Federal and State agencies are being provided with copies of the Environmental Reports and the Draft Environmental Statement (local agencies may obtain these documents upon request) and, when any comments thereon by Federal, State and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 11th day of January 1973.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.73-1000 Filed 1-16-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-7; Order 73-1-37]

TEXAS INTERNATIONAL AIRLINES, INC.

Phase 7—Fare Level; Order Granting Fare Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of January 1973.

By Order 72-8-50, dated August 10, 1972, the Board issued its opinion and order in this phase of the domestic passenger-fare investigation. We there prescribed the maximum lawful fares applicable between the 48 contiguous States and the District of Columbia at 8.9 percent over the fares that became effective October 15, 1970.

Texas International Airlines, Inc. (Texas International) has requested that the Board amend the order to the extent necessary to permit it to increase most of its standard-class fares (now set at 115 percent of coach) to the level now in effect for certain other local service carriers—118 percent above the domestic jet coach fare.[1]

[1] Texas International would continue present fare levels in numerous competitive markets, and in a few such markets would increase the fares to 118 percent of coach.

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In support of its request, Texas International asserts that there is little difference in the quality of service between those local service carriers publishing standard-class fares at 115 percent of coach and those publishing at 118 percent.[2] The carrier states that Order 72–8–50 binds it to the 115-percent level although it presumably would have been permitted to effect such an increase prior to the Phase 7 decision, as was Frontier in May 1972. It believes that the Board's decisions in the fare investigation in no way abrogate the Board's established policy of permitting local service carriers flexibility to maximize revenues through fare adjustments.

Texas International asserts that it has operated at a considerable loss in each of the 4 years preceding 1972 and that it was extremely close to bankruptcy prior to its acquisition by Jet Capital Corp. this year. Within the past year, the carrier has instituted a vigorous cost reduction program and at the same time has taken steps to improve its overall yield. While these programs have been beneficial, Texas International's financial condition continues to be poor, amounting to a net loss of $1.67 million for the first half of 1972.

In summary, the carrier alleges that it has done as much as possible by itself to improve its financial position, and now needs the Board's assistance in the form of an amendment of the fare ceiling established by Order 72–8–50. Texas International estimates that the proposed adjustment of its standard-class fare level will increase its revenues approximately $294,000 annually.

No objections have been filed.

The Board concludes that Texas International has adequately demonstrated the need for an increase in its standard-class fares to a level 118 percent above domestic coach, and we are by this order amending Order 72–8–50 as requested, subject to procedures for the filing of exceptions thereto. Although the carrier has shown improvement in recent months it continues to report sizable net losses, after subsidy, in spite of significant self-help measures over the past year, and we find no valid basis for denying the small overall increase proposed.

Texas International reduced its operating cost from $3.27 to $3.07 per plane mile during the year ended March 31, 1972, and its plane-mile costs are now the lowest in the local service industry.[3] Various adjustments to its discount fare structure have contributed to an improvement in its overall fare yield which has increased from 7.81 cents per passenger mile for the year ended March 31, 1971, to 8.31 cents for the first 9 months of 1972. However, the current yield is still well below the average for the local service industry, and Texas International continues to show losses for the latest annual reporting period.[4]

While the Phase 7 decision had industry-wide application, we specifically excluded local service carriers in our discussion of the propriety of establishing fares on the basis of industry costs.[5] Thus, the present request does not raise the kind of issues as would be raised by a comparable request from a trunk carrier. In view of the particular circumstances described above, the requested modification of Order 72–8–50 appears warranted.

Price stabilization considerations. Section 239.3 of the Board's Economic Regulations sets forth the criteria which must be satisfied for Board approval of fare increases under the price stabilization program. Based on the data before us, the Board has determined that the fare increases authorized herein satisfy these criteria.

The increases approved herein are clearly cost justified. The carrier has consistently incurred losses in recent years, including a net loss of over $4 million for the most recent annual reporting period (year ended Sept. 30, 1972). The fare increases we are permitting to become effective, on the other hand, will increase Texas International's revenues by only approximately $294,000 annually, or about one-half of 1 percent of its annual revenues. This increase will not enable the carrier to exceed the rate of return on its investment found to be fair and reasonable by the Board.

Procedures. The amendment made herein in Order to 72–8–50 will become final on the 20th day following service of this order if no exceptions are filed within that time. Tariffs implementing the amendments made herein will not be accepted prior to the expiration of the time for the filing of exceptions hereto. If no exceptions are filed in such period, tariffs may be filed in conformity with the findings herein on not less than 30 days' notice. If exceptions are filed, further proceedings shall be conducted in such manner as the Board may deem appropriate, and tariffs inconsistent with Order 72–8–50 will not be accepted until the Board rules on the exceptions.

Accordingly, upon consideration of the foregoing matters and all the facts of record in this proceeding,

It is ordered, That:

1. Paragraph 1 of the ultimate findings in Order 72–8–50 is amended to include subparagraph (f) as follows:

f. With respect to the standard-class fares of Texas International Airlines, Inc., the maximum fare prescribed herein is further increased to reflect a maximum relationship of 118 percent of the coach fares which would apply to the distances involved.

2. If no exceptions to the preceding ordered paragraph are filed with the Board on or before January 31, 1973, that paragraph will become final. If such exceptions are filed on or before January 31, 1973, further proceedings in connection therewith shall be conducted in such manner as the Board may deem appropriate.

3. Except to the extent granted herein, the request of Texas International Airlines, Inc., to amend Order 72–8–50 is denied; and

4. Copies of this order will be served upon Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-1024 Filed 1-16-73;8:45 am]

[2] North Central, Piedmont, and Southern fares are set at 115 percent of coach, while those of Air West, Allegheny, and Frontier are at 118 percent.

[3] Texas International was the only local which reported a reduction in plane-mile cost during this period.

[4] For the year ended Sept. 30, 1972, Texas International reported an operating loss of $188,247 and a net loss after taxes of $371,714.

[5] Order 71-4-59/60, mimeo pp. 70–72., the Board's Apr. 9, 1971 DPFI-Phase 7 decision. This approach was essentially affirmed in the Aug. 10, 1972, DPFI-Phase 7 decision, Order 72–8–50, pp. 39–42.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from January 2 through January 5, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388–7803.

SOIL CONSERVATION SERVICE

Draft, December 29

Chippewa Creek Watershed, Ohio, county: Several. The statement refers to a proposed flood protection project on 10,300 acres of the Chippewa Creek Watershed, located in Wayne, Medina, Summit, and Stark Counties. The project involves land treatment measures on 1,800 acres, and the construction of three floodwater retarding structures and 33.2 miles of channel modification. Approximately 123 acres of woodland and 33 acres of other land will be disturbed by channel modifications; 334 acres of agricultural, wildlife, and recreation use land will be periodically inundated by detention pools; 38 acres will be permanently committed to project structures. (35 pages) (ELR Order No. 05831) (NTIS Order No. EIS 72 5831–D)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973–5391.
For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973–7373.

Draft, December 27

Transuranium Solid Waste Facility, N. Mex., county, Los Alamos. The statement refers to the proposed construction of a facility which will be operated as part of an experimental program to study and develop safe and effective sorting, compacting, and incinerating procedures for low-level plutonium contaminated waste. A significant volume reduction is desired to facilitate eventual permanent storage of residual solid waste. Since administrative procedures will be set to allow a maximum of 100 grams of plutonium and 10 millicuries of mixed fission products at the facility at any time, radiological hazards will be minimized and exposures held well within Federal guidelines. (48 pages) (ELR Order No. 05819) (NTIS Order No. EIS 72 5819–D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202—967–4335.

Draft, December 29

Convention Center, City of Santa Cruz, Calif., county: Santa Cruz. The statement refers to a proposed grant to the city of Santa Cruz, in order to permit the construction of a 60,000-square-foot convention center on a promontory overlooking the Pacific Ocean. The center will be separate from, but related to, proposed adjoining private development (of a major hotel, parking, and a New England motif shopping center), which is considered by the statement. Approximately 75 acres will be committed to the combined project; there will be socioeconomic and visual (obstruction of the ocean view) adverse effects to nearby residences. (90 pages) (ELR Order No. 05825) (NTIS Order No. EIS 72 5825–D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202—755–0940.

Draft, December 27

Removal and disposal of digested sludge. The statement refers to the proposed removal of 292,000 cu. yds. of digested sewage sludge from two lagoons of the Northwest Water Pollution Control facilities of Philadelphia and barging them to sea for dumping 11 nautical miles off Cape Henlopen, Del. The purpose of the action is that of providing an adequate area for the construction of additional treatment facilities. The action could prove a precedent setting one for similar future operations; such future discharges may produce long-term irreparable harm to the marine environment of the site. (149 pages) (ELR Order No. 05823) (NTIS Order No. EIS 72 5823–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426–4355.

FEDERAL AVIATION ADMINISTRATION

Draft, December 22

Forest City Municipal Airport, Iowa, county: Winnebago. The proposed project contemplates the lengthening and widening of the existing runway; widening of safety area; construction of storm sewers; relocation of County Road DD No. 7; seeding; runway lighting and marking; and acquisition of land for airport development (76 acres—fee; 44 acres—easements). There will be an increase in air and noise pollution from aircraft operation. (26 pages) (ELR Order No. 05810) (NTIS Order No. EIS 72 5810–D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, December 27

Delaware Route 397 (Ott's Chapel Road), Del., county: New Castle. The proposed highway improvement is the construction of a bridge over the Penn Central Railroad and the upgrading of Ott's Chapel Road. The project will increase noise and air pollution. (64 pages) (ELR Order No. 05816) (NTIS Order No. EIS 72 5816–D)

Draft, January 2

South Bend Bypass (US 20), Ind., county: St. Joseph. The statement refers to the proposed construction of a segment of the U.S. 20 expressway to bypass South Bend, Mishawaka, Osceola, and Elkhart. Project length is approximately 6 miles. Five families will be displaced. Temporary increases in noise levels and air and water pollution will occur. (24 pages) (ELR Order No. 00004) (NTIS Order No. EIS 73 0004–D)

Draft, December 29

Route 52 Expressway, Mass. The proposed project is the location, design, construction, and maintenance of a 15-mile segment of Route 52. Volume I examines the 9-mile segment of Route 52 to be located in the city of Worcester and the towns of West Boylston, Holden, and Sterling; Volume II covers the portion to be located in Sterling, Lancaster, and Leominster. Adverse effects of the projecta include displacement of families and businesses, changes in land use, relocation of utilities, reduction of tax base, increases in noise and air pollution, disruption during construction and modification of present hydrology in the project area. (Vol. I, 123 pages; Vol. II, 350 pages) (ELR Order No. 05824) (NTIS Order No. EIS 72 5824–D)

Draft, January 2

U.S. 31–Michigan, Mich., counties: Mecosta and Montcalm. The proposed project is the relocation and upgrading of 23 miles of U.S. 131. The project will displace an unspecified number of families and businesses. Increases in air, noise, and water pollution will occur. The project will traverse a number of small tributaries and wetland areas causing alterations in drainage patterns, groundwater levels, aquatic life, stream water flow volumes, and water quality. Complex erosion and sedimentation will effect the Muskegon and Little Muskegon Rivers. An unspecified amount of agricultural and forest acreage will be acquired producing adverse effects on floral and faunal relationships and remove or sever wildlife habitat. (126 pages) (ELR Order No. 00009) (NTIS Order No. EIS 73 0009–D)

Draft, December 29

U.S. Route 302, New Hampshire, county: Coos. The statement refers to the relocation of a 2.1-mile segment of existing Route 302 in order to improve the geometry of the existing segment. The Ammonoosuc River will be crossed twice by bridging. Adverse effects include acquisition of 55 acres of land, relocation of two residences and a highway maintenance shed, and temporary increases in noise and siltation. (33 pages) (ELR Order No. 05826) (NTIS Order No. EIS 72 5826–D)

U.S. 421–(West Market Street), N.C., county: Guilford. The statement refers to the proposed widening of West Market Street in Greensboro to six lanes. The 1.8-mile reconstruction project begins at Jamestown College Road and extends to Muirs Chapel Road. Five families and one business will be displaced. Stream siltation during construction and increased noise levels in the corridor will result. (17 pages) (ELR Order No. 05829) (NTIS Order No. EIS 72 5829–D)

Interstate 84, Rhode Island. The proposed project is part of a proposed 250.5-mile east-west expressway facility extending between Scranton, Pa., and Providence, R.I. The segment considered in this statement will be approximately 14 miles long, depending on the location. All or part of the following areas in Rhode Island are included in the study area: Providence, East Greenwich, North Scituate, Crompton, Clayville, and Coventry Center. The number of families and businesses dislocated will depend upon the corridor selected. (Three volumes, approximately 850 pages) (ELR Order No. 05834) (NTIS Order No. EIS 72 5834–D)

Final, January 2

Alabama State Route 14, Ala., county: Elmore. The statement refers to the proposed relocation and improvement of present Route 14, beginning at the U.S. 231-Alabama 14 intersection near Wetumpka and extending easterly to tie in with the existing four-lane section in Tallassee. Project length is approximately 17 miles. Adverse effects include acquisition of 528 acres of rural land for right-of-way and dislocation of 18 families and one business. (43 pages) Comments made by: USDA, COE, DOC, EPA, HUD, DOI, DOT, HEW, and State and regional agencies. (ELR Order No. 00007) (NTIS Order No. EIS 73 0007–F)

Final, December 29

Route 8, Connecticut. The project involves the improvement of Route 8 between the vicinity of North Street in Seymour and the vicinity of Route 63 in Naugatuck, a distance of 5.8 miles. The project is the final link in the Route 8 expressway between I–95 in Bridgeport, and Route 44 in Winsted. Approximately 20 acres of section 4(f) land from the Naugatuck State Forest will be encroached upon. Seven businesses and 55 families would be affected. (90 pages) Comments made by: USDA, COE, DPA, HUD, DOI, OEO, and State and regional agencies. (ELR Order No. 05752) (NTIS Order No. EIS 72 5752–F)

Final, January 2

S.R. 20–Florida, Fla., counties: Washington and Bay. The proposed project is the construction of 11 miles of S.R. 20. Adverse effects will include loss of plant life and increases in noise and air pollution. (81 pages) Comments made by: USDA, DOI, and EPA. (ELR Order No. 00006) (NTIS Order No. EIS 73 0006–F)

Final, January 4

Kentucky 10-Relocated, Kentucky, county: Mason. The project is the relocation of 5.7 miles of Kentucky 10. An unspecified number of families and businesses will be displaced. One hundred and seventeen acres of land will be acquired for right-of-way. Adverse effects will include an increase of noise levels. (42 pages) Comments made by: USDA, DOI, DOT, EPA, HUD, and State and local agencies. (ELR Order No. 00013) (NTIS Order No. EIS 73 0013–F)

Final, December 29

State Route PR–149, Puerto Rico. The statement refers to the proposed relocation of 7.49 miles of PR–149 between the towns of Manatia and Ciales. The Monatia River will be crossed by the project. Approximately 340 acres will be acquired for right-of-way. Twenty-five

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families, five individuals, 10 tenants, and seven businesses will be displaced. Twenty farms will be severed. (155 pages) Comments made by: HEW, DOI, OEQ, HUD, and State agencies of Puerto Rico. (ELR Order No. 05827) (NTIS Order No. EIS 72 5827-F)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft, January 2

MARTA, Georgia. MARTA (Metropolitan Atlanta Rapid Transit Authority) is a rapid transit system which will include 9 miles of subway, 16 miles of elevated rail, 25 miles of surface rail, and 14 miles of exclusive busway. The project will displace 1,381 families, 410 businesses, 11 industries, and eight public or quasi-public establishments. Nine parks, one cemetery, eight historical sites and a 35-acre archaeological site will be affected; a section 4(f) review has been filed. Other adverse impacts will consist of disruption of human and ecological communities, interference with economic activities, intrusion upon floodplain areas, and increases of noise levels. (3 volumes) (ELR Order No. 00000) (NTIS Order No. EIS 73 0001-D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-978 Filed 1-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 628]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 26, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4265-C2-P-73—Beep Communication Systems, Inc. (KEC739), replace transmitter operating on 152.12 MHz at Tower Hill Road West of Berkshire Road, Patchogue, N.Y.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

4266-C2-P-73—Same as above except to add facilities on 152.12 MHz at location No. 2: West Gate Drive, Huntington, N.Y.

4267-C2-P-73—Long Island Paging (New), for a new one-way station to operate on 152.24 MHz to be located east of Mt. Misery Road and north of High Hold Drive, Melville, N.Y.

4269-C2-P-73—Midwest Mobile Radio Service, Inc. (New), for a new one-way station to operate on 152.240 MHz at 3011 South 42d Street, St. Joseph, Mo.

4401-C2-P-73—Adial C. Ferguson Jr. (KSJ769), change the antenna system operating on 152.21 MHz, located 2 miles west of Paris, Ill.

4407-C2-P-73—National Communications System, Inc. (KMM703), relocate facilities operating on 454.100 MHz to Upper Heavenly Valley Lodge, 2 miles southeast of South Lake Tahoe, Calif.

4408-C2-P-73—Central Mobile Radio Phone Service (KQA770), change the antenna system operating on 152.03 MHz at 1000 Urlin Place, Columbus, Ohio.

4466-C2-AL-73—Washington Telphone Co., consent to assignment of license from Washington Telephone Co., assignor, to Continental Telephone Company of the Northwest, Inc., assignee. Stations: KOK336 Ferndale, Wash., KOK343 Tonasket, and KON906 Burlington, Wash.

4467-C2-AL-(3)-73—Valley Telephone Co., consent to assignment of license from Valley Telephone Co., assignor, to Continental Telephone Company of the Northwest, Inc., assignee. Stations: KOK413 near Portland, KFL898 Detroit, Oreg. and KH2322 vicinity of Salem, Oreg. (mobile).

4468-C2-P-73—Vegas Valley Associates, Inc. (KOK334), for additional facilities to operate on 152.06 MHz at location No. 2: First National Bank Building, 300 East Carson Street, Las Vegas, NV.

4469-C2-AL-73—Same as above. Consent to assignment of license from Vegas Valley Associates, Inc., assignor, to WUI/TAS of Las Vegas, Nevada, Inc., assignee. Station: KOK334 Las Vegas, Nev.

4470-C2-P-(3)-73—Contact of Texas (KKD284), for additional facilities to operate on 454.025, 454.075 and 454.125 MHz at a new site described as location No. 2: Comanche Peak, El Paso, Tex.

4471-C2-P-(2)-73—Kankakee Telephone Answering Service, Inc. (KSJ750), change the antenna system operating on 152.180 MHz and add 152.090 MHz at a new site described as location No. 2: 1335 East Locust, Kankakee, IL.

4472-C2-P-(2)-73—Gulf Mobilphone Alabama, Inc. (New), for a new two-way station to operate on 454.200 MHz at location No. 1: Near Warton Lookout Tower on 81st Street, Birmingham, Ala., and 454.225 MHz at location No. 2: 2301 Farley Place, Birmingham, AL.

4507-C2-P-(5)-73—Central Telephone Co. (KOH273), change the antenna system operating on 152.51, 152.60, 152.69, and 152.72 MHz and add facilities to operate on 152.66 MHz at Fifth and Carson Streets, Las Vegas, Nev.

4508-C2-P-73—Coeur d'Alene Answering Service (New), for a new one-way station to operate on 35.58 MHz at 10 miles west-southwest of Coeur d'Alene, Mica Peak, Idaho.

4509-C2-P-(2)-73—Same as above except for a new two-way station to operate on 454.125 and 454.175 MHz at Mica Peak, 10 miles west-southwest of Coeur d'Alene, Idaho.

4511-C2-P-73—Telephone Message Exchange (New), for a new one-way station to operate on 35.22 MHz at the Spokane Municipal Airport, seven-eighths mile north-northwest of Felts Field, Baldy Hill, Wash.

Major Amendment

8219-C2-P-(10)-72—Radiofone (KKO349), amend to include change of location for facilities operating on 454.175 MHz. See Public Notice No. 598, dated May 30, 1972.

RURAL RADIO SERVICE

4466-C1-AL-73—Washington Telephone Co., consent to assignment of license from Washington Telephone Co., assignor, to Continental Telephone Company of the Northwest, Inc., assignee. Station: KSQ50 Temp-Fixed.

4467-C1-AL-73—Valley Telephone Co., consent to assignment of license from Valley Telephone Co., assignor, to Continental Telephone Company of the Northwest, Inc., assignee. Station: KPP87 Temp-Fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4392-C1-MP-73—Western Tele-Communications, Inc. (WOI59), Saddle Peak, 3.5 miles north-northeast of Malibu Beach, Calif. Latitude 34°04'32" N., longitude 118°39'30" W. Modification C.P. 4269-C1-P-70 to change frequency 3770V to 4170V toward Los Angeles, Calif. on azimuth 116°48'.

4393-C1-P-73—Same (WKR45), Woodson Mountain, 7 miles west-southwest of Ramona, Calif. Latitude 33°00'31" N., longitude 116°58'15" W. C.P. to add frequency 3730H to San Diego, Calif. on azimuth 217°11'.

4394-C1-MP-73—Same (WOI55), modification C.P. to change 4265-C1-P-70 to change station location to 8933 Complex Drive, San Diego, Calif. Latitude 32°49'45" N., longitude 117°-07'55" W. Change frequency and point of communication to 4170H to Woodson Mountain, Calif. on azimuth 37°06'.

4395-C1-MP-73—Same (WOI84), Pinal Peak, 8.5 miles south-southwest of Globe, Ariz. Latitude 33°16'56" N., longitude 110°49'14" W. Modification C.P. 6738-C1-P-70 to change frequency and point of communication from 3970H to Mount Lemmon to 3870H to Mount Bigelow, Ariz., on azimuth 174°01'.

4396-C1-MP-73—Same (WOI85), modification C.P. to relocate station to Mount Bigelow, 16 miles northeast of Tuscon, Ariz. Latitude 32°24'56" N., longitude 110°42'49" W. Change frequency 4150V to 4070H toward Pinal Peak, Ariz. on azimuth 354°05'. Change azimuth to Tuscon, Ariz. to 232°03'.

4397-C1-MP-73—Same (WOI86), modification C.P. 6785-C1-P-70 to relocate station to 10th and Elm, Tuscon, Ariz. Latitude 32°14'31" N., longitude 110°58'30" W. Change point of communication to Mount Bigelow, Ariz. on azimuth 51°55'.

4398-C1-MP-73—Same (WOI90), modification C.P. 6789-C1-P-70 to relocate station to Escondido, 22 miles southeast of Orogrande, N. Mex. Latitude 32°07'21" N., longitude 105°51'40" W.

4399-C1-P-73—Same (New), station at Comanche Peak, 0.5 mile northwest of El Paso, Tex. Latitude 31°47'47" N., longitude 106°28'55" W. Frequencies 3990H to Escondido, N. Mex. on azimuth 58°12' and 11,565H to El Paso, Tex., on azimuth 152°30'. This relay station replaces a previously authorized passive reflector.

4400-C1-MP-73—Same (WOI91), 2137 Mills, El Paso, Tex. Latitude 31°46'20" N., longitude 106°28'02" W. Modification C.P. 6790-C1-P-70 to change frequency 3990H to 11,015H toward Comanche Peak, Tex. on azimuth 332°31'.

4402-C1-P-73—KHC Microwave Corp. (New), 3 miles southwest of Lake Charles, La. Latitude 30°09'54" N., longitude 93°15'18" W. C.P. for a new station. Frequencies 5945.2H MHz and 6004.5H MHz on azimuth 18°35' toward Gaytine, La.

4403-C1-P-73—Same (New), 3.7 miles west-northwest of Gaytine, La. Latitude 30°27'40" N., longitude 93°08'24" W. C.P. for a new station. Frequencies 6226.9V and 6286.2V MHz on azimuth 14°51' toward Dry Creek, La.

4404-C1-P-73—Same (New), 5.3 miles north of Dry Creek, La. Latitude 30°44'50" N., longitude 93°03'08" W, C.P. for a new station. Frequencies 5974.8V and 6034.2V MHz on azimuth 04°48' toward Fullerton, La.

4405-C1-P-73—Same (New), Fullerton, La. 11 miles east of Fort Polk, La. Latitude 31°02'15" N., longitude 93°01'26" W. C.P. for a new station. Frequencies 6226.9V and 6286.2V MHz on azimuth 19°07' toward Flatwoods, La.; frequencies 6226.9V and 6286.2V MHz on azimuth 292°44' toward Leesville, La.

4406-C1-P-73—Same (New), 2.5 miles north of Flatwoods, La. Latitude 31°25'06" N., longitude 92°52'12" W. C.P. for a new station. Frequencies 5974.8H and 6034.2H MHz on azimuth 98°29' toward Alexandria, La. (*Informative:* Applicant proposes to relay the signals of television stations KHTV (Channel 39) and KUHT (Channel 8), both Houston, Tex., from Lake Charles, La., to cable television systems serving Alexandria/Pineville, and Leesville, La. A waiver of section 21.701(i) of the FCC Rules is requested by United.)

4414-C1-P-73—Lafourche Telephone Co., Inc. (KKM32), Grand Isle (Jefferson Parish), La. Latitude 29°13'59" N., longitude 89°59'53" W. C.P. for a new station on frequency 2112.4V MHz toward Grand Terre, La.

4415-C1-P-73—Same (New), Grand Terre (Jefferson Parish), La. Latitude 29°17'08" N., longitude 89°55'48" W. C.P. for a new station on frequency 2162.4V MHz toward Grand Isle, La.

4416-C1-P/ML-73—Hawaiian Telephone Co. (KUQ93), C.P. and modification of license to add transmitters 5925-6425 and 10,700-11,700 located within the territory of Hawaii.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4409-C1-P-73—Northwestern Bell Telephone Co. (KBL99), 1.2 miles west of Hader, Minn. Latitude 44°21'45" N., longitude 92°49'58" W. C.P. to add frequency 6301.0H MHz toward East Owatonna, Minn.

4410-C1-P-73—Same (KBL83), 5 miles north-northeast of Rochester, Minn. Latitude 44°-05'37" N., longitude 92°29'15" W. C.P. to add frequency 11,245H MHz toward Rochester, Minn.; change frequency 5974.8 to 6063.8V MHz toward Hader, Minn.

4411-C1-P-73—Northwestern Bell Telephone Co. (KVU57), 200 Second Avenue SW., Rochester, MN. Latitude 44°01'19" N., longitude 92°27'54" W. C.P. to add frequency 11,075H MHz toward North Rochester, Minn.

4412-C1-P-73—Same (KYS96), 4.7 miles northeast of Owatonna, Minn. Latitude 44°06'53" N., longitude 93°08'35" W. C.P. to add frequency 11,245V MHz toward Owatonna, Minn.; frequency 6078.6H MHz toward Hader, Minn.

4413-C1-P-73—Same (KYS97), 216 South Cedar, Owatonna, Minn. Latitude 44°04'59" N., longitude 93°13'35" W. C.P. to add frequency 11,075V MHz toward East Owatonna, Minn.

4452-C1-P-73—Blackfoot Telephone Cooperative, Inc. (New), 50 miles southeast of Lolo Hot Springs, Powell Ranger Station, Idaho. Latitude 46°30'36" N., longitude 114°42'22" W. C.P. for a new station on frequency 2178H MHz toward Jay Point, Idaho via passive reflector.

4453-C1-P-73—Same (New), 5 miles east-southeast from Lolo Hot Springs, Point 118, Mont. Latitude 46°42'21" N., longitude 114°25'32" W. C.P. for a new station on frequency 2128H MHz toward Jay Point, Idaho via passive reflector; frequency 2120V MHz toward T.V. Mountain, Mont.

4446-C1-MP-73—CPI Microwave, Inc. (WPE59), One Shell Plaza, Houston, TX. Latitude 29°45'32" N., longitude 95°22'02" W. Modification C.P. to change antenna system, location and correct coordinates on frequency 5960.0H MHz toward Crosby, Tex.

4455-C1-P-73—The Mountain States Telephone & Telegraph Co. (KCO83), 3 miles southwest of Greeley, Colo. Latitude 40°23'10" N., longitude 104°44'13" W. C.P. to add frequency 2120.0V MHz toward Crow Valley Hill, Colo.

4456-C1-P-73—Same (New), 12 miles northwest of Briggsdale, Colo. Latitude 40°45'24" N., longitude 104°27'58" W. C.P. for a new station on frequency 2170.0V MHz toward Greeley Junction, Colo.; frequency 2162.0H MHz toward Grover, Colo.

4457-C1-P-73—Same (New), Ord Street and Cheyenne Avenue, Grover, Colo. Latitude 40°-52'06" N., longitude 104°13'28" W. C.P. for a new station on frequency 2112.0V MHz toward Crow Valley Hill, Colo.

4461-C1-AP-73—Madison Valley Telephone Co. (WJK79), application for consent to assignment from Madison Valley Telephone Co., assignor, to Hysham Telephone Co., assignee.

4428-C1-MP-73—CPI Microwave, Inc. (WPE35), modification C.P. to relocate station to One Main Place, Dallas, TX. Latitude 32°46'49" N., longitude 96°48'07" W. Add frequency 11,405H to Parkway Central, Tex., azimuth 266°00'. Change azimuth to Midlothian, Tex., to 204°18'.

4429-C1-MP-73—Same (WPE36), modification C.P. to relocate station to 4.2 miles south of Midlothian, Tex. Latitude 32°25'37" N., longitude 96°59'26" W. Change frequency 6404.8V to 6330.7V toward Midway, Tex., azimuth 182°18'. Change azimuth to Dallas, Tex., to 24°12'. Delete frequency 6212.0V to Fort Worth, Tex.

4430-C1-MP-73—Same (WPE37), modification C.P. to relocate station to Continental National Bank Building, Houston Avenue at Seventh Street, Fort Worth, Tex. Latitude 32°-45'08" N., longitude 97°19'52" W. Add frequency 11,245V to Parkway Central, Tex., azimuth 87°00'. Delete 6019.3V to Midlothian, Tex.

4431-C1-MP-73—Same (WPE39), station 2.7 miles west of Axtell, Tex. Latitude 31°39'20" N., longitude 96°59'49" W. Modification C.P. to change polarization of frequency 6404.8 to vertical toward Midway, Tex.

4432-C1-MP-73—Same (WPE40), modification C.P. to relocate station to Austin Avenue and North Ninth Street, Waco, Tex. Latitude 31°33'11" N., longitude 97°08'07" W. Change polarization of frequency _____ to horizontal toward Axtell, Tex.

4433-C1-MP-73—Same (WPE41), modification C.P. to relocate station to 5 miles west of Lott, Tex. Latitude 31°12'51" N., longitude 97°07'02" W. Change frequency from 6152.7H to 6137.9V toward Holland, Tex., azimuth 219°36'.

4434-C1-MP-73—Same (WPE42), modification C.P. to relocate station to 2.6 miles west of Holland, Tex. Latitude 30°52'13" N., longitude 97°28'54" W.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

4476-C1-MP-73—MCI New York West, Inc. (WLI70), John Hancock Building, 875 North Michigan Avenue, Chicago, IL. Modification C.P. to change radio path azimuth of frequencies 10,735H and 11,135H MHz toward new point of communication at Chicago, Ill. to 182°03'.

4477-C1-MP-73—Same (WLI71), modification C.P. to change station location to 200 Block of West 87th Street, Chicago, Ill. Latitude 41°44'06" N., longitude 87°37'52" W.; and to change radio path azimuth of frequencies 11,225H and 11,625H MHz toward Chicago, Ill. Add frequencies 11,265V and 11,665V MHz toward new point of communication at Hammond, Ind. to 134°13'.

4478-C1-MP-73—Same (WLI72), modification C.P. to change station location to 3400 Block of Sheffield Avenue, Hammond, Ind. Latitude 41°36'59" N., longitude 87°30'49" W. and to change radio path azimuth of frequencies 10,775V and 11,175V MHz toward Chicago, Ill. to 314°18' and frequencies 10,735V and 11,135V MHz toward Gary, Ind. to 109°56'.

4479-C1-MP-73—Same (WLI73), station location: 504 Broadway Street, Gary, IN. Modification C.P. to change radio path azimuth of frequencies 11,225V and 11,625V MHz toward new point of communication at Hammond, Ind. to 290°3' and frequency 6226.9V MHz toward Portage, Ind. to 86°1'.

4480-C1-MP-73—Same (WLI74), modification C.P. to change station location to 2.1 miles north of Portage, Ind. Latitude 41°36'33" N, longitude 87°11'33" W. and to change radio path azimuth of frequency 5974.8V toward Gary, Ind. to 266°6'.

INFORMATIVE: The following applications are being submitted to request FCC authorization to replace existing transmitters from Collins type 52A8-MW and MW108D to Collins type MW-118. The emission designator changes from 25000F9 to 30000F9.

4497-C1-P-73—Wisconsin Telephone Co. (KSN96), Madison, Wis.
4498-C1-P-73—Same (KSN97), Blue Mounds, Wis.
4499-C1-P-73—Same (KSN98), Dodgeville, Wis.
4500-C1-P-73—Same (KSO25), Mohawk Valley, Wis.
4501-C1-P-73—Same (KSO26), Walker Corner, Wis.
4502-C1-P-73—Same (KSO27), Rising Sun, Wis.
4503-C1-P-73—Same (KSO28), La Crosse, Wis.
4504-C1-P-73—Racom, Inc. (KYZ85), Sargent's Purchase, Summit of Mount Washington, N.H. Latitude 44°16'13" N., longitude 71°18'13" W. C.P. to add point of communication on frequency 5960.0H MHz via power split toward Lancaster, N.H. (Applicant proposes to provide the signal of WSBK-TV of Boston, Mass. to Cypress Cable Corp., Paper City TV Division in Lancaster, N.H.)

INFORMATIVE: Western Tele-Communications, Inc. (WTCI) has filed two new specialized applications for Colorow Hill and Almagre Mountain, Colo. The frequencies and points of communications proposed in these new applications have been deleted from pending applications 8328 and 8329-C1-P-70 for these same two stations. These new applications will be associated with WTCI's San Francisco, Calif.-Colorado Springs, Colo. specialized proposal, 847/871-C1-P-71.

Since these new applications propose facilities previously included in applications 8328/8329-C1-P-70, the 30-day period specified by section 309(b) of the Communications Act does not apply.

4505-C1-P-73—Western Tele-Communications, Inc. (New), Colorow Hill, 2 miles southwest of Golden, Colo. Latitude 39°43'54" N., longitude 105°14'58" W. Frequency 6256.5V to Almagre Mountain, Colo., azimuth 168°06'.

4506-C1-P-73—Same (New), Almagre Mountain, 8 miles west of Broadmore, Colo. Latitude 38°46'25" N., longitude 104°59'30" W. Frequency 6034.2H to Colorow Hill, Colo., azimuth 348°16'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

Major Amendments

3867-C1-P-72—CPI Microwave, Inc. (New), San Antonio, Tex. C.P. for a new station. Change proposed station location to corner of Hildebrand and Devine, San Antonio, Tex. Change coordinates to latitude 29°27'54", longitude 98°28'41". Change frequency 6330.7V MHz to 6182.4H MHz and change frequency 6360.3H MHz to 6271.4V MHz, all to Floresville, Tex. Change azimuth to Floresville to 151°36'.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

4435-C1-MP-73—Same (WPE43), modification C.P. to relocate station to 2.2 miles north of Cole, Tex. Latitude 30°28'21" N., longitude 97°31'15" W. Add frequency 10,965V to Austin, Tex., azimuth 225°08'. Delete frequency 6137.9V to Bastrop, Tex.

4436-C1-MP-73—Same (WPE40), modification C.P. to relocate station to 21st Avenue and Whitis Street, Austin, Tex. Latitude 30°16'59" N., longitude 97°44'28" W. Add frequencies 11,325V to Cele, Tex., azimuth 45°02', 6108.3H to Bastrop, Tex., azimuth 114°06', and 5960.0V to Driftwood, Tex., azimuth 233°41'. Delete frequency 6301.0V to Buda, Tex.

4437-C1-MP-73—Same (WPE45), modification C.P. to relocate station to 4.2 miles southeast of Driftwood, Tex. Latitude 30°04'07" N., longitude 98°04'39" W. Change frequency from 5989.7V to 6390.0H to Austin, Tex., azimuth 53°31'. Add frequency 6330.7H to New Braunfels, Tex., azimuth 205°33'. Delete frequency 6108.3V to Geronimo and Bastrop, Tex.

4438-C1-MP-73—Same (WPE46), modification C.P. to relocate station to Route 46, 8.5 miles west of New Braunfels, Tex. Latitude 29°46'04" N., longitude 98°14'36" W. Add frequencies 5989.7V to Driftwood, Tex., azimuth 25°28', and 5960.0H to San Antonio, Tex., azimuth 214°04'. Delete frequencies 6212.0H to Buda, Tex., and 6390.0V to Bracken, Tex.

4439-C1-MP-73—Same (WPE48), modification C.P. to relocate station to the corner of Hildebrand and Devine, San Antonio, Tex. Latitude 29°27'54" N., longitude 98°28'41" W. Add frequency 6330.7V to New Braunfels, Tex., azimuth 33°57'. Delete frequency 6330.7H to Bracken, Tex.

4440-C1-MP-73—Same (WPE44), station 3 miles east of Bastrop, Tex. Latitude 30°06'26" N., longitude 97°17'19" W. Add frequency 6330.7H to Austin, Tex., azimuth 294°19'. Delete frequencies 6390.0V to Buda, Tex., and 6271.4V to Cele, Tex.

4441-C1-MP-73—Same (WPE50), station 2.8 miles southeast of Giddings, Tex. Latitude 30°09'00" N., longitude 96°54'45" W. Modification C.P. to change polarization of frequency 6049.0 to vertical toward Welcome, Tex.

4442-C1-MP-73—Same (WPE51), modification C.P. to relocate station to 3.5 miles southeast of Wesley, Tex. Latitude 30°02'46" N. longitude 96°28'16" W.

4443-C1-MP-73—Same (WPE52), modification C.P. to relocate station to 4.6 miles east-southeast of Hempstead, Tex. Latitude 30°04'02" N., longitude 96°00'44" W. Change frequency 5945.2V to 6060.0V toward Rosehill, Tex., azimuth 90°50'.

4444-C1-MP-73—Same (WPE54), station 3 miles north of Spring, Tex. Latitude 30°07'19" N., longitude 95°25'34" W. Modification C.P. to change frequency 6137.9H to 6078.6H Rosehill, Tex.

4445-C1-MP-73—Same (WPE55), station 2 miles north-northeast of Crosby, Tex. Latitude 29°56'26" N., longitude 95°03'30" W. Modification C.P. to change polarization of frequency 6212.0 to horizontal toward Houston, Tex. Change frequency 6271.4H to 6360.3V toward Ames, Tex.

4446-C1-MP-73—Same (WPE57), modification C.P. to relocate station to 3 miles west-northwest of Sour Lake, Tex. Latitude 30°09'14" N., longitude 94°27'36" W.

4447-C1-MP-73—Same (WPE58), modification C.P. to relocate station to Orleans and Fanin Streets, Beaumont, Tex. Latitude 30°04'55" N., longitude 94°06'53" W. Change frequency 6049.0V to 6108.3V toward Sour Lake, Tex., azimuth 263°02'.

4448-C1-MP-73—Same (WPE59), modification C.P. to relocate station to One Shell Plaza, Houston, TX. Latitude 29°45'32" N., longitude 95°22'02" W. Change polarization of frequency 5960.0 to horizontal toward Crosby, Tex.

4464-C1-AL-73—Cohasset Beach Telephone Co., Inc. (KPZ40), consent to assignment from the stockholders of Cohasset Beach Telephone Co., Inc., assignors, to stockholders of Continental Telephone Co. of the Northwest, Inc., assignee.

4465-C1-AL-(3)-73—Washington Telephone Co. (KOS64), consent to assignment from the stockholders of Washington Telephone Co., assignors, to the stockholders of Continental Telephone Co. of the Northwest, Inc., assignee. Stations: KOS64—Burlington, Wash.; KOS66—Concrete, Wash.; KYO91—Mount Vernon, Wash.

4473-C1-P-73—American Telephone & Telegraph Co. (KAL47), 0.5 mile east of Jackson, Mo. Latitude 37°23'12" N., longitude 89°38'46" W. C.P. to add frequency 3990H MHz toward Bloomfield, Mo.

4474-C1-P-73—Same (KAS40), 3 miles northeast of Bloomfield, Mo. Latitude 36°54'58" N., longitude 89°53'28" W. C.P. to add frequency 3950H MHz toward Cape Girardeau Junction, Mo.

Major Amendments—Continued

3363-C1-P-72—Same as above (New), Bishop, Tex. Change polarity of frequencies 6212.0 and 6271.4 MHz to Falfurrios from horizontal to vertical, on azimuth 210°44'.

3364-C1-P-72—Same as above (New), Falfurrios, Tex. Change polarity of frequency 6078.6 MHz to Bishop from horizontal to vertical, on azimuth of 30°36'.

MULTIPOINT DISTRIBUTION SERVICE

4462-C5-P-73—Salinas Valley Radio Telephone Co. (New), Mount Toro, 10.3 miles southsoutheast of Salinas, Calif. Latitude 36°31'46" N., longitude 121°36'24" W. C.P. for a new station on frequencies 2150.25V (Aural) and 2154.75V (Visual). (Primary service area: Monterey/Salinas, Calif.)

4463-C5-P-73—Multipoint Information Systems, Inc. (New), 2 miles west-southwest of East Sparta, Ohio. Latitude 40°40'16" N., longitude 81°24'00" W. C.P. for a new station on frequencies 2154.75 (Visual) and 2150.25 (Aural). (Primary service area: East Sparta, Ohio.)

4475-C5-P-73—Mr. Howard S. Klotz/Mr. William Corbus (New), 3522 East 112th Street, Tacoma, WA. Latitude 47°09'15" N., longitude 122°22'41" W. C.P. for a new station on frequencies 2154.75 (Visual) and 2150.25 (Aural). (Primary service area: Tacoma, Wash.)

[FR Doc.73-813 Filed 1-16-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 143]

AMERICAN GENERAL INSURANCE CO.

Receipt of Application for Approval of Acquisition of Control of Gulf Coast Savings and Loan Association

JANUARY 12, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from American General Insurance Co., Houston, Tex., for approval of acquisition of control of the Gulf Coast Savings and Loan Association, Richmond, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a (e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash by the applicant of the stock of Gulf Coast Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before February 16, 1973.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-1030 Filed 1-16-73;8:45 am]

[H.C. 144]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Receipt of Application for Approval of Acquisition of Control of The United Savings and Loan Association

JANUARY 12, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gibraltar Financial Corporation of California, Beverly Hills, Calif., a savings and loan holding company, for approval of acquisition of control of The United Savings and Loan Association, Porterville, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by an exchange of stock of Gibraltar Financial Corporation of California for stock of The United Savings and Loan Association. Following the proposed acquisition, Gibraltar Financial Corporation of California proposed to merge The United Savings and Loan Association into Gibraltar Savings and Loan Association, Beverly Hills, Calif., an insured subsidiary of Gibraltar Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before February 16, 1973.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary, Federal
Home Loan Bank Board.

[FR Doc.73-1031 Filed 1-16-73;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Conferences in the trades to, from, and between U.S. Atlantic and Gulf ports and ports in Central and South America and the Caribbean.

Notice of agreements filed by:

C. D. Marshall, Chairman, Associated Latin American Freight Conferences, 11 Broadway, New York, NY 10004.

A petition filed in behalf of the conferences listed below, has been assigned the following respective agreement numbers:

Atlantic and Gulf/West Coast of Central America and Mexico Conference	8300-12
Atlantic and Gulf/West Coast of South America Conference	2744-34
East Coast Colombia Conference	7590-20
Leeward and Windward Islands and Gulanas Conference	7540-23
United States Atlantic and Gulf-Haiti Conference	8120-15
United States Atlantic and Gulf-Jamaica Conference	4610-20
United States Atlantic and Gulf-Venezuela and Netherlands Antilles Conference	6190-27
United States Atlantic and Gulf-Venezuela and Netherlands Antilles Conference-Oil Companies Contract Agreement (Proprietary Cargo)	6870-15
West Coast South America Northbound Conference	7890-9

In Docket No. 69-33, served December 16, 1969, the above conferences were given authority by the Commission to include provisions in their basic agreements authorizing them to agree to and establish through intermodal arrangements with other modes of transportation for a period of 18 months, subject to the proviso that if during the first 12 months of approval no results were achieved from negotiations by the conferences, then the individual members were free to enter into their own negotiations.

Agreements, modified to conform to the conditions of the above order, were filed and became effective February 12, 1970. Because of the 18-month approval period, the modifications were scheduled to terminate on August 12, 1971. Based on a petition for extension, the modifications were extended by the Commission for a further period of 18 months until February 12, 1973.

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The present petition is for an extension of the above modifications for a period of 2 years until February 12, 1975.

Dated: January 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1009 Filed 1-16-73;8:45 am]

BALTIMORE INTERNATIONAL TRANSPORT INC. ET AL.

Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Baltimore International Transport, Inc., 432 East Patapsco Avenue, Baltimore, MD 21225.

Officers. John L. Alvey, President; Thelma E. Alvey, Secretary/Treasurer; Lawrence H. Rushworth, Vice President; Antonio I. Pelina, Vice President/Manager.

David Wesley Shenk, doing business as David W. Shenk & Co., 10910 South La Cienega Boulevard, Inglewood, CA 90304.

Gerald Schwarts, 1488 East 16 Street, Brooklyn, NY 11230.

Nelson J. Cabrera, doing business as Nelson's Forwarding Co., 151 Hialeah Drive, Hialeah, Fla.

Charles Hayat, 99-32 66th Road, Rego Park, NY 11374.

Bernardo Diaz, 18621 Southwest 92d Avenue, Miami, FL 33157.

Cleveland-Air Specialists, Inc., 575 Connecticut Avenue, Post Office Drawer 431, Norwalk, Conn. 06852.

Officers. Paul K. Cleveland, Chairman/Board; David A. Cleveland, President; Paul F. Cleveland, Secretary; Anthony DeMartino, Vice President/Treasurer.

Dated: January 12, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1011 Filed 1-16-73;8:45 am]

PACIFIC/INDONESIAN CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. E. Spaulding, Secretary, Pacific/Indonesian Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 6060-F between the member lines of the Pacific/Indonesian Conference and States Steamship Co. is an arrangement providing for the admission and participation of States Steamship Co. as an associate member of the Conference.

Dated: January 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1010 Filed 1-16-73;8:45 am]

[Docket No. 73-1; FMC-F No. 1]

PAN AMERICAN EXPRESS CO. INC.

Order of Investigation and Suspension Regarding Establishment of Service Between the Port of New York and Puerto Rico

On December 13, 1972, Pan American Express Co., Inc. (PAE) filed with the Federal Maritime Commission its Tariff FMC-F No. 1 providing for the establishment of a service between the Port of New York and Puerto Rico. PAE is a new nonvessel operating common carrier (NVO) and intends to carry household goods as its principal commodity. The tariff is scheduled to become effective on January 12, 1973.

Review of the proposed rates in the tariff reveals that they are substantially higher in some instances than those of other NVO's serving the New York/Puerto Rico trade. Household goods and related items are specific examples of these higher rates. Because the rates are in excess of those of carriers providing a comparable service, they do not meet the guidelines set forth in amendment 2 to the Commission's General Order 28 (46 CFR 548.3(b)(5)). In view of these facts, the Commission believes that justification of the rates is necessary before they may be certified to the Price Commission.

A second problem exists with various provisions in the tariff which purport to limit PAE's liabilities to shippers for loss, damage and/or detention of cargo. On page 21, Rule 90, section B provides:

On shipments consigned to Pan American Express Co. Inc. at port of destination, where Pan American Express Co. Inc. is to deliver the property to another carrier to continue the transportation, Pan American Express Co. Inc. shall not be liable for loss or damage occurring after such delivery nor for detention after having tendered the property to such other carrier. On any freight having prior or subsequent transportation prior to being given to Pan American Express Co. Inc. the liability of Pan American Express Co. Inc. will not exceed 33⅓ percent of the amount of damage.

In addition thereto, the sample bill of lading/household goods contract furnished as page 7 of the tariff provides as one of its terms and conditions:

2. If the company has not an agency at the point of destination, it shall forward the property to its agency nearest or most convenient thereto, and there notify the consignee, or deliver the property to some other carrier to continue the transportation. The company shall not be liable for loss or damage occurring after such delivery nor for detention after having tendered the property to another carrier.

The Commission is of the opinion that the above provisions are at best ambiguous and may be contrary to law and to the public interest by attempting to remove some of the responsibility PAE undertakes as a common carrier.

Another condition on the above-mentioned bill of lading/household goods contract states that:

6. Any claim arising out of the shipment evidenced by this receipt must be made in the presence of the chauffeur, same day of delivery.

This condition appears to be not only unreasonable on its face but also in conflict with the provisions of the tariff's own rule 90, sections G and H, relating to "Liability for Carriage and Value."

In the carrier's sample bill of lading attached as page 6 to the subject tariff, another conflict arises with respect to the conditions governing shipments thereunder. The fine print on that bill of lading provides that:

This bill of lading shall have effect subject to all of the terms, conditions and provisions governing all shipments as set forth in governing tariffs in effect on date of shipments with the Federal Maritime Board by Allied Marine Corporation. Said terms, conditions, and provisions shall be deemed to be incorporated herein by reference * * *.

This is apparently a clerical error but a rather serious one since neither the Federal Maritime Board nor Allied Marine Corporation are now in existence.

Upon consideration of the above matters, the Commission is of the opinion that the subject tariff should be made the subject of a public hearing to determine whether the rates, provisions, and conditions contained therein are unjust, unreasonable and/or unlawful under sections 18(a) and 22 of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said tariff matter for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that PAE's Tariff FMC-F No. 1 is changed, amended or reissued, such changes will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, PAE's Tariff FMC-F No. 1 is hereby suspended and the use thereof deferred to and including May 11, 1973 unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with this Commission by Pan American Express Co., Inc. a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until May 12, 1973 unless otherwise authorized by this Commission and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission;

It is further ordered, That as part of this investigation, a determination shall be made as to whether this tariff, and the rates, provisions and conditions contained therein are just, reasonable and lawful under section 18(a) of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Pan American Express Co., Inc. be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding is similarly waived;

It is further ordered, That (I) a copy of this order be forthwith served upon respondent herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (II) the respondent and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding, and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1012 Filed 1-16-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-6]

AEROSPACE SAFETY ADVISORY PANEL

Notice of Meeting

Meeting of Aerospace Safety Advisory Panel, January 19, 1973, NASA Headquarters; Room 7002, Capacity—60. 400 Maryland Avenue SW., Washington, DC.

The Panel is to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request.

Pursuant to carrying out its statutory duties, the Panel will review, evaluate, and advise on those program management policies, management systems, procedures, and practices that contribute to risk identification and assessment by management. Priority shall be given to those programs that involve the safety of manned flight.

The chairman of the Panel is Lt. Gen. Carroll H. Dunn, USA. The other members are Dr. Harold M. Agnew, Hon. Frank C. Di Luzio, Dr. Charles D. Harrington, Dr. John A. Hornbeck, Mr. Bruce T. Lundin, and Dr. Henry Reining, Jr.

The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue SW., Washington, DC 20546 (phone: area code 202, 755-8436).

The Panel will convene at 10 a.m. to discuss with the Deputy Administrator a summary of its factfinding activities and the resultant conclusions and recommendations on the Skylab program. At that time, the Panel will present its written report to the Administrator for further detailed consideration. The Deputy Administrator will then discuss with the Panel its future tasks. The Panel will begin to act upon these assignments by planning the appropriate factfinding activities. The meeting will continue as long as necessary to accomplish its purpose.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

JANUARY 11, 1973.

[FR Doc.73-952 Filed 1-16-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03, one-third par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 7, 1973 through January 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-967 Filed 1-16-73;8:45 am]

[70-5293]

CONSOLIDATED NATURAL GAS CO. ET AL.

Request for Exemption from Tax Allocation Requirements

JANUARY 10, 1973.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, NY. 10020, a registered holding company, and two of its wholly owned nonutility subsidiary companies, CNG Development Co. Ltd. (CNG Ltd.) and CNG Producing Co (CNG Co.) Four Gateway Center, Pittsburgh, PA, 15222, have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All

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interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated and its subsidiary companies join annually in filing a consolidated Federal income tax return. The present declaration states that, under the circumstances hereinafter set forth, certain inequities in the allocations of the group's consolidated income tax liabilities would result if the allocation were effected pursuant to the exemptive provisions of Rule 45(b)(6) under the Act; and in accordance with subparagraph (a) of Rule 45 declarants request authorization for the tax years 1972 and 1973 to allocate consolidated Federal income taxes in a manner other than prescribed by Rule 45(b)(6).

In 1972, Consolidated organized CNG Ltd., an Alberta (Canada) corporation, and CNG Co., a Delaware corporation, for the purpose of engaging in the exploration and development of Canadian natural gas reserves and supplies in an effort to obtain future supplies of gas for the Consolidated system; and in connection therewith Consolidated was authorized to acquire, for cash, shares of capital stock of these companies to finance such activities. (See Holding Company Act Release Nos. 17559 and 17813, issued May 1, 1972 and Dec. 19, 1972, respectively.) These exploration and development activities, it is stated, require substantial amounts of capital, and it may take several years before newly discovered gas reserves can be transported to market and sold. In addition, CNG Co. is participating in the further development of domestic supplies of gas, the particulars of which will be the subject of a separate filing with the Commission.

With respect to their Canadian activities, the filing states that in the years 1972 and 1973, CNG Ltd. and CNG Co. will have invested an estimated aggregate of $15,500,000; that this is expected to result in aggregate deductible tax losses for those years amounting to approximately $12,775,000 for dry hole and intangible drilling costs; that such losses, in turn, will be included in the consolidated tax returns, giving rise to reductions of $2,200,000 and $4 million in the consolidated tax liabilities of 1972 and 1973, respectively; and that in the year 1974 similarly generated tax losses (with commensurate savings in consolidated taxes) are estimated at $10,100,000. Under the tax allocation provisions of Rule 45(b)(6), these tax savings would flow to the other companies in the consolidated tax group and would thereby be rendered unavailable to CNG Ltd. and CNG Co. for use in their exploration and development activities.

It is further stated that but for certain legal and other disqualifying barriers, the System's exploration and development efforts in Canada would have been undertaken directly by Consolidated Gas Supply Corp. (Supply Corp.), Consolidated's principal gas supply subsidiary company; that Supply Corporation, having taxable income, could thereby have utilized tax losses from the Canadian operations and would thus have had the resultant tax-savings funds available for use in future exploration and development of gas supplies; but that, since CNG Ltd. and CNG Producing had to be formed for the Canadian operations, the tax-loss benefits from their operations would instead be diverted to companies other than these two producing companies in the consolidated tax group under the provisions of Rule 45(b)(6).

For the foregoing reasons, in order to avoid claimed inequities which would otherwise result, declarants seek authorization pursuant to Rule 45(a) to allocate consolidated taxes applicable to the years 1972 and 1973 in a manner other than prescribed by Rule 45(b)(6). The authorization sought would, in effect, grant CNG Ltd. and CNG Co. tax credits for the reduction of consolidated Federal income taxes in those 2 years resulting from tax losses incurred by them as a result of their exploration and development programs. This would be effectuated in accordance with the following procedure:

1. When the operations of any producing subsidiary company, direct or indirect, of Consolidated results in a tax loss, then the consolidated Federal income tax to be allocated among the System companies would be based upon the tax that would result had the company incurring the loss been excluded from the consolidated Federal income tax return.

2. The funds retained by virtue of the reduction in tax resulting from inclusion of that tax loss in the consolidated Federal income tax return would be remitted to the company or companies sustaining such tax loss.

3. In future years, when any such producing company has taxable income, it may be entitled to tax credits as a result of the net operating loss carryback and carryover provisions of section 172(b) of the 1954 Internal Revenue Code, in order to comply with the separate return limitations required by Rule 45(b)(6). Any credits remitted under paragraph 2 would be applied to reduce any credits in future years to which such company may become entitled under the separate return limitations of Rule 45(b)(6).

4. Subject to paragraph 3, in no event will the tax allocated to any subsidiary company of Consolidated exceed the amount of tax of such company computed as if such company had always filed its tax returns on a separate return basis.

5. For purposes of the consolidated income tax regulations, CNG Ltd. is regarded as a domestic corporation. Accordingly, CNG Ltd. will be treated as such for purposes of the proposed tax allocation under Rule 45.

Fees and expenses to be incurred in connection with the proposed transactions are estimated to be $3,250, including $1,000 payable to Consolidated Natural Gas Service Co., Inc., a service company subsidiary of Consolidated, for services rendered on a cost basis. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 5, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1020 Filed 1-16-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 10, 1973 through January 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-966 Filed 1-16-73;8:45 am]

[812-3305]

CORPORATE INVESTMENT TRUST FUND, FIRST MONTHLY PAYMENT SERIES (AND SUBSEQUENT SERIES)

Application for Exemption

JANUARY 9, 1973.

Notice is hereby given that Corporate Investment Trust Fund, First Monthly Payment Series (And Subsequent Series) (Applicant) c/o Bache & Co. Inc., 100 Gold Street, New York, NY 10038, a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act and Rule 22c-1 under the Act and pursuant to section 45(a) of the Act for an order of the Commission granting confidential treatment to the profit and loss statements of Bache & Co. Inc., the Sponsor (Sponsor) of Applicant, which statements Applicant has filed or may from time to time file with its registration statements under the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant includes Corporate Investment Trust Fund, First Monthly Payment Series and all subsequent series of Corporate Investment Trust Fund. Each series will be governed by trust instruments under which Bache & Co. Inc., and possibly others, will act as Sponsor, the United States Trust Company of New York will act as Trustee and New England Merchants National Bank will act as Co-Trustee. The trust instruments for all series will contain similar terms and conditions of trust. Pursuant to such trust instruments, the Sponsor will deposit with the Trustee a portfolio of corporate debt obligations (the Obligations). Simultaneously with such deposit of the portfolio the Sponsor will receive from the Trustee registered certificates evidencing units of undivided interest in the Trust Fund portfolio of a series. Applicant alleges that at this point the Trust is in existence and the duties of the Depositor, Sponsor, Trustees and Evaluator are governed by the Trust Agreement and Indenture. On the date of deposit of the portfolio securities for the First Monthly Payment Series, and before any unit of that Series is offered to the public, Applicant will have a net worth of approximately $40 million represented by the market value of the Obligations deposited with the Trustee on that date. While the size of the portfolios of future series has not been established, the Sponsor anticipates that in no event would the portfolio of any series be less than $5 million. Applicant proposes to offer the units of the First Monthly Payment Series of the Trust Fund for sale to the public and for this purpose registration statements under the Securities Act of 1933 and the Investment Company Act have been filed with the Commission. After the Sponsor has deposited the portfolio with the Trustee, and the Trust is in existence, an amendment to the registration statement under the Securities Act of 1933 will be filed. Upon the effectiveness of such registration statement, the units will be offered to the public by means of the final prospectus. The trust instruments do not provide for the issuance of additional units.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless either (i) such company has a net worth of at least $100,000 or (ii) provision is made as a condition of registration of its securities under the Securities Act of 1933 which adequately insures, in the opinion of the Commission, (A) that after the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription until not more than 25 responsible persons have made agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (B) that said amount will be paid into such company before subscriptions will be accepted from any persons in excess of 25; (C) that arrangements will be made whereby any amount so paid in, as well as any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received by the company do not result in the company having a net worth of at least $100,000 within 90 days after such registration statement becomes effective.

The application also seeks an order pursuant to section 6(c) of the Act exempting the secondary market operations of Applicant's Sponsor from the provisions of Rule 22c-1 under the Act. The Sponsor proposes to adopt the practice of valuing Applicant's units, for repurchase and resale by the Sponsor in the secondary market, at prices computed once a week as of the close of business on the last business day of the week, effective for all transactions made during the following week.

The trust instruments provide that Applicant's units may be tendered by the unit holders to the Trustee for redemption. The unit holder will receive cash from the Trust Fund on the basis of the current bid side evaluation of the Obligations forming the portfolio of the Trust Fund. Applicant's Sponsor intends (though it will not be obligated) to maintain a secondary market for the Trust Fund and continuously to offer to repurchase units from holders at a price which is based upon the offering side prices of the portfolio securities of the Trust Fund.

In addition, the Sponsor will resell units at a public offering price based upon the offering side evaluation prices of the underlying certificates plus a sales charge of 3½ percent of the public offering price. To avoid the Sponsor receiving more than the specified sales charge on the resale of the units, the Sponsor undertakes not to resell any units which it purchases at a price below the then current offering side evaluation. Both the repurchase and resale prices are to be computed as of the close of business on the last business day of each week and will be effective for all purchases and sales by the Sponsor during the following week. The evaluation is made by Applicant's Evaluator, Interactive Data Services, Inc., the successor to the pricing business of Standard & Poor's Corp.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to repurchase or sell such security.

Applicant asserts that the pricing by the Sponsor in the secondary market in no way affects Applicant's assets, and that the public unit holders benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that the Sponsor has undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a purchase by the Sponsor, if the Evaluator cannot state that the bid side evaluation is not higher than the previous Friday's bid side evaluation, the Sponsor will order a new bid side evaluation for the purpose of such repurchase. In the case of sale by the Sponsor, if the Evaluator cannot state that the previous Friday's offering side evaluation is no more than one-half point ($5 on the purchase of a unit representing $1,000 face amount of underlying securities) greater than the current offering side evaluation, a full evaluation will be ordered. Applicant asserts that this procedure will minimize the risk to the selling holders of the units without imposing the expense of daily evaluations upon the Trust Fund's investors.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rules or regulations under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant also seeks an order of the Commission pursuant to section 45(a) of the Act granting confidential treatment to the profit and loss statements of Bache & Co., Inc., the Sponsor, submitted in connection with registration statements of Corporate Investment Trust Fund, First Monthly Payment Series, filed with the Commission from time to time.

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When a determination has been made by the Sponsor to offer a new series of the Trust Fund, the Sponsor will prepare and file with the Commission registration statements under the Act and the Securities Act of 1933. It is contemplated that current profit and loss statements of the Sponsor will be filed in connection with the registration statements of new series. The application requests confidential treatment for such statements and subsequent profit and loss statements which Applicant has filed or may from time to time file with the Commission.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicant submits that public disclosure of the Sponsor's profit and loss statements is neither necessary nor appropriate in the public interest or for the protection of investors. As stated above, Applicant alleges that after the securities forming the portfolio of the Trust Fund are deposited with the Trustee, the Trust is then in existence and the duties of the Depositor, Sponsor, Trustee, and Evaluator are governed by the Trust Agreement and Indenture. Investors in the Trust Fund are not offered an opportunity to acquire any interest whatsoever in the Sponsor. Apart from the Sponsor's minimal obligation under the trust instruments to designate obligations for liquidation and purchase by the Trustee to the extent necessary to provide funds for redemption (which obligation may be performed by the Trustee if not performed by the Sponsor), and certain other contingent supervisory responsibilities, the Sponsor has virtually no discretionary authority relating to the management of the Trust Fund. Applicant states that the Sponsor thus functions primarily as underwriter of the Trust Fund. Applicant asserts that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the Sponsor, acting as underwriter from whom the units are purchased.[1]

In addition, Applicant submits that to the extent that the Sponsor's solvency may conceivably be thought relevant to the maintenance of the secondary market in the units of the Trust Fund, the Sponsor's statements of financial condition, which appear in the prospectus, contain adequate information in this regard. Moreover, there is clear disclosure in the prospectus of the Sponsor's right to terminate secondary market activities in a Trust Fund at any time. Even in the absence of a secondary market, unit holders nevertheless retain the protection of their right under the trust instruments to the redemption of their units upon presentation of such units to the Trustee. Upon such redemption, the unit holders receive cash equal to the "unit value" of the units computed with regard to the underlying assets of the Trust Fund. The soundness of the investors' interests in the Trust Funds, it is stated, is solely a function of the value of the underlying obligations. Applicant thus represents that the profitability of the Sponsor will in no way enhance or diminish the prospect for an orderly payment of the underlying Obligations.

Notice is further given that any interested person may, not later than January 25, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-961 Filed 1-16-73;8:45 am]

[1] The Sponsor, Bache & Co., Inc., is subject to the reporting requirements of section 15(d) of the Securities Exchange Act of 1934. See Registration Statement on Form S-1 of Bache & Co., Inc., File No. 2-41299.

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

JANUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 9, 1973, through January 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-970 Filed 1-16-73;8:45 am]

[File No. 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of DCS Financial Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 8, 1973 through January 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-968 Filed 1-16-73;8:45 am]

[70-5291]

DELMARVA POWER & LIGHT CO.

Proposed Amendment of Articles of Incorporation

JANUARY 8, 1973.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 800 King Street, Wilmington, DE 19899, a registered holding company and an electric and gas utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(e), and 20 of the Act and Rules 20, 21, 22, 23, 24, and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva's certificate of incorporation (Charter) at present prohibits the company, except with the consent of the holders of a majority of its outstanding preferred stock, to incur unsecured indebtedness if immediately thereafter the company's total unsecured indebtedness would exceed 10 percent of the sum of secured debt, capital stock and premiums thereon, and surplus (hereinafter referred to as "other capitalization"). Delmarva proposes to amend its Charter to permit issuance of unsecured debt without further consent of the preferred stockholders if immediately after such issue (1) the total outstanding principal amount of all unsecured debt will thereby not exceed 20 percent of its other capitalization, or (2) the total outstanding principal amount of all unsecured debt with maturities of less than 10 years will thereby not exceed 10 percent of its other capitalization. The proposed provisions governing the incurrence of unsecured indebtedness will be consonant with the related standards set forth in the Commission's statement of policy with respect to preferred stock.

An affirmative vote of the holders of at least a majority of the 13,539,879 presently outstanding shares of common stock and at least two-thirds of the 900,000 presently outstanding shares of preferred stock (each group voting separately as a class) is required for adoption of the proposed amendment.

Since a favorable vote on the above proposal would still limit its short-term unsecured debt to 10 percent of other capitalization, Delmarva also proposes to seek the authorization of its preferred stockholders to increase the amount of short-term unsecured indebtedness from 10 percent to 20 percent of other capitalization until June 30, 1977, and then only for unsecured debt maturing before January 1, 1978; provided, that total unsecured debt (short-term and long-term) shall not exceed 20 percent of other capitalization. An affirmative vote of the holders of at least a majority of the outstanding shares of preferred stock is required for passage of this proposal.

Delmarva also proposes to solicit proxies from the holders of its outstanding preferred and common stocks in connection with the annual meeting of stockholders scheduled to be held on April 17, 1973, at which action is to be taken with respect to the foregoing proposals.

Delmarva states that the foregoing proposals are desirable in order to give the company greater flexibility in connection with its needs over the next few years to finance large amounts of new funds required to meet the construction program undertaken to fulfill the increasing public demand for power.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. No fees or commissions are to be paid in connection with the proposed transactions. Expenses will consist only of ordinary expenses in connection with preparing, assembling, and mailing proxies, proxy statements, and accompanying data.

Notice is further given that any interested person may, not later than January 31, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-962 Filed 1-16-73;8:45 am]

[70-5289]

DELMARVA POWER & LIGHT CO.

Proposed Amendments of Mortgage and Solicitation of Consents

JANUARY 8, 1973.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 800 King Street, Wilmington, DE 19899, a registered holding company and an electric and gas utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(e), and 20 of the Act and Rules 20, 21, 22, 23, 24, 62, and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to amend the provisions of its mortgage and deed of trust (Mortgage), dated October 1, 1943, to include as bondable property additional property for which Delmarva does not have all necessary permission from governmental authorities to operate, but which otherwise would constitute bondable property additions. An affirmative vote of the holders of not less than 75 percent in aggregate principal amount of first mortgage and collateral trust bonds outstanding under the mortgage is required for the adoption of the proposed amendments. Delmarva also proposes the solicitation of such consents by mail, by officers and employees of Delmarva, by The First Boston Corp., and by Georgeson & Co., acting on behalf of the company. Upon receipt of the required number of consents, a supplemental indenture to the Mortgage would be executed setting forth the proposed amendments.

It is stated that the regulations of the Delaware Department of Natural Resources and Environmental Control prohibit the operation of new plant facilities without an operating permit, and that similar regulations have been adopted by the Atomic Energy Commission for nuclear power plants. The Mortgage presently requires Delmarva to have all governmental authority necessary to acquire, own, and operate property additions before bonds can be issued against the property additions. Therefore, so long as the Mortgage in that respect remains unchanged, Delmarva states that it is unable to use investment in facilities under construction as a basis for the sale of additional bonds until the facilities are in operation. Delmarva states further that it has been advised by The First Boston Corp., an investment banking firm, that unless the proposed amendments are adopted Delmarva could incur materially higher financing costs in constructing such facilities; and Delmarva believes that such higher financing costs together with impairment of its flexibility to finance expansion with long-term funds would not be in the best interests of the company or its security holders.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $180,000, including counsel fees of $10,000, trustee and trustee's counsel expenses of $55,000, and fees of $100,000 for the solicitation of consents.

Notice is further given that any interested person may, not later than January 26, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the

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hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

RONALD F. HUNT,
Secretary.

[FR Doc.73-963 Filed 1-16-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 6, 1973, through January 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-971 Filed 1-16-73;8:45 am]

[812-3255]

FUND A PARTNERSHIP

Filing of Application Regarding Joint Enterprise

JANUARY 8, 1973.

Notice is hereby given that Fund A Partnership (Fund A), a New York general partnership formed by Arthur Andersen & Co. (Arthur Andersen), 69 West Washington Street, Chicago, IL 60602, and registered as a nondiversified open-end investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 under the Act for an order permitting Goldman, Sachs & Co., Fund A's portfolio manager to serve as portfolio manager for Arthur Andersen's Fund A-Offshore Partnership (Fund A-Offshore) and execute combined orders for purchases and sales of portfolio securities of the respective funds. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

As of December 31, 1971, the business of Arthur Andersen, one of the leading U.S. accounting firms, was managed by 542 general partners, all of whom are U.S. residents, and an additional 43 "participating principals" and 157 "overseas representatives." Participating principals and overseas representatives occupy positions substantially equivalent to partners; they make noninterest bearing subordinated loans to Arthur Andersen in lieu of capital contributions, receive participations in partnership income (but do not share in losses), and have drawing accounts, as do general partners. Participating principals operate in the administrative services area of Arthur Andersen; they are not certified public accountants, and, therefore, may not, under various State statutes, be members of an accounting firm. Arthur Andersen's overseas representatives perform functions outside the United States similar to those performed by partners or participating principals in the United States; they are citizens and residents of foreign countries.

Fund A, a New York general partnership registered as a nondiversified open-end no-load investment company of the management type under the Act, invests, through its portfolio manager, Goldman, Sachs & Co., in readily marketable securities with the investment objective of long-term capital growth. Arthur Andersen formed Fund A for the purpose of providing a vehicle for investment by Arthur Andersen partners, participating principals and overseas representatives, permitting them to pool their investment resources in a manner which does not present problems as to the independence, reputation and business of Arthur Andersen, as an international accounting firm. Arthur Andersen has borne the costs of forming Fund A and has borne and will continue to bear the costs of registering its partnership interests under the Securities Act of 1933. There is no "sales load" on the sale of partnership interests; nor is there any charge for redemption of partnership interests.

Despite the initial intent of Arthur Andersen to make this investment vehicle available to all of its partners, participating principals and overseas representatives, overseas representatives who were neither citizens nor residents of the United States have not purchased partnership interests in Fund A due to the adverse tax consequences to foreign persons of such an investment (e.g., the payment of U.S. capital gains tax). Consequently, in order to permit these overseas representatives to pool their investment resources in the same manner as Arthur Andersen partners and participating principals, Arthur Andersen proposes to form a general partnership under the laws of Bermuda, Fund A-Offshore, whose partnership interests would be offered solely to overseas representatives of Arthur Andersen.

Fund A-Offshore would be organized and domiciled outside of the United States having its principal offices, maintaining its books and records and holding its partnership meetings outside of the United States; however, Fund A-Offshore would maintain a duplicate set of its books and records in the United States, which, upon request, would be made available to the Commission for inspection. The Fund A-Offshore partnership agreement and offering circular would be substantially identical to Fund A's partnership agreement and Prospectus, with the exception of the reference in the Prospectus to Fund A's being a registered investment company. The investment policies of Fund A-Offshore would be identical to those of Fund A. As in the case of Fund A, Arthur Andersen would bear the costs of forming Fund A-Offshore. There would be no "sales load" on the sale of partnership interests to the overseas representatives; nor would there be any charge for the redemption of partnership interests.

It is proposed that the portfolio of Fund A-Offshore would be managed by Goldman, Sachs & Co. which, it is contemplated, may execute combined orders for portfolio purchases and sales of securities for Fund A and Fund A-Offshore. Consequently, the provisions of section 17(d) of the Act and of Rule 17d-1 thereunder may be viewed as applicable to such combined transactions if Goldman, Sachs & Co.'s purchases and sales for both Fund A and Fund A-Offshore is deemed to create a "joint enterprise" between Applicant and Fund A-Offshore. Thus, Fund A has filed an application for the purpose of obtaining an order of the Commission to permit Goldman, Sachs & Co. to serve as portfolio manager for both Fund A and Fund A-Offshore, and to execute combined orders for purchases and sales of portfolio securities of the respective funds.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of • • • any registered investment company • • • acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profitsharing plan in which any such registered company is a participant and which is entered into, adopted, or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise arrangement or profitsharing plan has been filed with the Commission and has been granted by an order entered • • • prior to such adoption or modification • • •." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement, or profitsharing plan on the basis proposed is consistent with the provision, policies, and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than, that of other participants.

Fund A submits that Goldman, Sachs & Co.'s execution of combined orders for Fund A and Fund A-Offshore is consistent with the provisions, policies, and purposes of the Act and will not be on a basis different from or less advantageous to Fund A than to Fund A-Offshore, for the following reasons:

(a) Concurrent purchases by the applicant and Fund A-Offshore of the same securities (including subsequent exercise of accompanying warrants, conversion privileges, or other rights to acquire securities) will be allocated by Goldman, Sachs & Co. between applicant and Fund A-Offshore in such a manner that the securities purchased for each account will constitute approximately the same percentage of total assets of each respective account, subject to necessary adjustments resulting from differing amounts of cash and cash equivalents in the applicant and the Fund A-Offshore. Furthermore, the net unit purchase price to the applicant and Fund A-Offshore for the securities so acquired shall, as nearly as practicable, be equal, with neither account receiving more favorable treatment than the other.

(b) Concurrent sales by applicant and Fund A-Offshore of securities held in the portfolios of both applicant and Fund A-Offshore will be allocated by Goldman, Sachs & Co. between applicant and Fund A-Offshore in proportion to the value of such securities in their respective accounts so that each account will be selling approximately the same percentage of such securities held in its portfolio. Furthermore, the net unit sales price to be received by applicant and Fund A-Offshore for the securities so sold shall, as nearly as practicable, be equal, with neither account receiving more favorable treatment than the other.

(c) Fund A-Offshore will pay its proportional share of the portfolio management fee to Goldman, Sachs & Co. based upon the value of its portfolio. The portfolio management fee payable by Fund A will not be adversely affected by the creation of Fund A-Offshore.

(d) Fund A will bear none of the costs in the formation or operation of Fund A-Offshore.

(e) A duplicate set of the books and records of Fund A-Offshore will be maintained in the United States and will be available for inspection by the Commission upon request.

Furthermore, Fund A asserts that Goldman, Sachs & Co.'s management of the portfolios of Fund A and Fund A-Offshore, including its ability to execute combined purchase and sale orders for both funds, is an essential ingredient in establishing an investment vehicle for Arthur Anderson's overseas representatives which will afford them the opportunity, currently available to their U.S. counterparts, to pool their investment resources, without incurring adverse tax consequences, in a manner which does not present problems as to the independence, reputation, and business of Arthur Anderson. Consequently, Fund A submits that Goldman, Sachs & Co.'s management of both Fund A and Fund A-Offshore and its execution of combined purchase and sale orders on the basis set forth above is consistent with the provisions, policies, and purposes of the Act, and will have no adverse effects whatsoever upon the operations of Fund A.

Notice is further given that any interested person may, not later than January 25, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Fund A at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-964 Filed 1-16-73;8:45 am]

[File No. 500-1]

GOODWAY INC.

Order Suspending Trading

JANUARY 5, 1973.

The common stock, $0.10 par value of Goodway Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 8, 1973, through January 17, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-969 Filed 1-16-73;8:45 am]

[File No. 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Management Dynamics, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 7, 1973, through January 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-972 Filed 1-16-73;8:45 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

JANUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from January 9, 1973, through January 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-973 Filed 1-16-73;8:45 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

JANUARY 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities

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otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 11, 1973, through January 20, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1023 Filed 1-16-73;8:45 am]

[File No. 500-1]

MONARCH GENERAL, INC.

Order Suspending Trading

JANUARY 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Monarch General, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 11, 1973, through January 20, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1022 Filed 1-16-73;8:45 am]

[70-5290]

NEW ENGLAND POWER CO.

Proposed Continuation of Increase in Permitted Short-Term Unsecured Indebtedness

JANUARY 10, 1973.

Notice is hereby given that New England Power Co. (NEPCO), 20 Turnpike Road, Westborough, MA 01581, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7(e), and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposal. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposal.

The terms of the dividend series preferred stock as set forth in the bylaws provide that, except as voted by holders of said stock, the short-term unsecured indebtedness of NEPCO shall not exceed 10 percent of the sum of the principal amount of all bonds and other secured indebtedness and the capital, premium, and surplus of NEPCO, and that all unsecured indebtedness of NEPCO shall not exceed 20 percent of such sum.

On March 30, 1970, pursuant to Commission approval (Holding Company Act Release No. 16653), the dividend series preferred stockholders by majority vote authorized the issue by the company of short-term unsecured indebtedness in excess of the 10 percent limitation provided that all unsecured indebtedness would not exceed 20 percent of the sum of the principal amount of all bonds and other secured indebtedness and the capital, premium, and surplus of the company and that such short-term unsecured indebtedness would be issued within a 3-year period ending March 20, 1973, and mature by March 20, 1974. It is now proposed that this authorization be continued on the same terms, except that (1) such indebtedness shall be issued not later than July 1, 1976, and (2) such indebtedness shall have a maturity not later than July 1, 1977.

It is stated that the experience of the current authorization of the increase in the permitted amount of short-term unsecured indebtedness has demonstrated that temporary financing through larger amounts of short-term unsecured indebtedness pending completion of, and realization of earnings from, facilities under construction provides greater flexibility in financing, lower interest costs, and is in the best interest of NEPCO, its investors, and customers. It is further stated that since the 1970 authorization referred to above, the need for a waiver of the 10-percent limitation has been accentuated due to inflation, larger unit sizes, and delays in obtaining licenses and regulatory approvals, including those necessitated by recently enacted environmental requirements.

NEPCO intends to submit the proposal to the holders of dividend series preferred stock for their approval at a special meeting of such stockholders which is to be held on February 22, 1973. In connection therewith, NEPCO proposes, pursuant to Rule 62 under the Act, to solicit proxies from such stockholders to be voted at said special meeting.

Expenses to be incurred in connection with the proposal are estimated at $6,000, including services of the system service company, at cost, of $2,200. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposal.

NEPCO has requested that the effectiveness of its declaration with respect to the solicitation of proxies from holders of its dividend series preferred stock be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than February 8, 1973, request in writing that a hearing be held with respect to the proposed continuation of the increase in permitted short-term unsecured indebtedness, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that NEPCO's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1021 Filed 1-16-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Suspending Trading

JANUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 9, 1973, through January 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-974 Filed 1-16-73;8:45 am]

[811-1739]

W., S. & W. FUND, INC.

Application for Order Declaring That Company Has Ceased To Be An Investment Company

JANUARY 9, 1973.

Notice is hereby given that W., S. & W. Fund, Inc. ("Applicant"), 20 Exchange Place, New York, NY 10005, a nondiversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein, which are summarized below.

The application states, among other things, that at the annual meeting of stockholders held on September 26, 1972, Applicant's stockholders adopted a plan of liquidation and dissolution; that on November 26, 1972, a certificate of dissolution was filed by the Department of State of New York and Applicant was thereby dissolved under the laws of the State of New York; that all liabilities of the Applicant have been paid; and that all the assets of Applicant remaining after the payment of its liabilities have been distributed to the stockholders in complete redemption and cancellation of, and in payment for, all of Applicant's outstanding shares of common stock, except that there is now pending in the U.S. District Court for the Southern District of New York a civil action Ruggiero v. American Bioculture, Inc. (72 Civ. 581) in which Applicant as a former owner of securities of American Bioculture, Inc., is a member of the class of plaintiffs who may be entitled to participate in a proposed partial settlement of such action. Under the terms of such settlement Applicant may receive shares of a new, $0.70 convertible second preferred stock. The number of shares which Applicant will receive and the fair market value thereof cannot be determined at this time. It is the intention of Applicant to sell such securities of American Bioculture, Inc., as it may receive as soon as may be practicable, and to distribute the net proceeds thereof pro rata to the same holders of record of shares of Applicant who were entitled to receive the previous liquidating distributions made by Applicant.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 30, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-965 Filed 1-16-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5296]

CEDC MESBIC, INC.

Notice of Issuance of License to Operate as Limited Small Business Investment Company

On December 13, 1972, a notice was published in the FEDERAL REGISTER (37 FR 26556) stating that CEDC MESBIC, Inc., 106 Main Street, Hempstead, NY 11550, had filed an application with the Small Business Administration, pursuant to section 107.102 of the SBA rules and regulations governing small business Investment Companies (13 CFR 107.701 (1972)) for a license to operate as a limited small business investment company.

Interested parties were given to the close of business December 28, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-5296 to CEDC MESBIC, Inc., pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: January 9, 1973.

ANTHONY G. CHASE, *Deputy Administrator.*

[FR Doc.73-953 Filed 1-16-73;8:45 am]

[License No. 06/06-0161]

PERMIAN BASIN CAPITAL CORP.

Issuance of License to Operate as Small Business Investment Company

On November 14, 1972, a notice was published in the FEDERAL REGISTER (37 FR 24138) stating that Permian Basin Capital Corp., 303 West Wall Avenue, Midland, TX 79701, had filed an application with the Small Business Administration (SBA), pursuant to section 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business November 29, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06-0161 to Permian Basin Capital Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: January 9, 1973.

ANTHONY G. CHASE, *Deputy Administrator.*

[FR Doc.73-954 Filed 1-16-73;8:45 am]

[License No. 01/01-0011]

SCHOONER CAPITAL CORP.

Notice of Filing of Application for Transfer of Control and Exemption from Certain Regulations

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the SBA rules and regulations (13 CFR 107.701(1972)) for approval of the transfer of control of Schooner Capital Corp. (SBIC), 441 Stuart Street, Boston, MA 02116, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), license No. 01/01-0011.

The licensee was originally licensed by SBA on September 8, 1960, in the name of Boston Capital Corp. (BCC). Pursuant to a plan approved by SBA on November 22, 1967, BCC, a publicly held company, deregistered with the Securities and Exchange Commission, retained certain portfolio securities, and transferred its license to a wholly owned subsidiary, Boston Capital Small Business Investment Co. (BOSBIC).

On April 21, 1971, SBA approved a change in ownership of BOSBIC from BCC to Asset Purchase and Management Co. (APMC), a limited partnership, and a reduction in the licensee's paid-in capital and paid-in surplus. As a result of this change in ownership and the capital reduction, APMC acquired the licensee and former portfolio securities from BCC. The licensee's name was changed to Schooner Capital Corp.

SBA approved the purchase of the 45-percent general partnership interest in APMC by Fidelity Corporation of Virginia (FCV) on March 21, 1972.

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Mr. Vincent J. Ryan, current president and director of the licensee, proposes to acquire the 45-percent general partnership interest in the licensee now owned by FCV. Concurrently with the acquisition of the 45-percent general partnership interest, it is proposed that the licensee would reacquire eight former portfolio securities from APMC which were transferred at the time of the original reorganization. It is further proposed that the licensees' office would be relocated at 141 Milk Street, Boston, MA 02109.

If the proposed reorganization and acquisition by Mr. Ryan is permitted, the following factors would be involved in SBA's approval:

1. Purchase of issued and outstanding securities from a nonlicensee, i.e. APMC (sections 107.302, 107.504, 107.807, and 107.1004).

2. Five of the eight securities being reacquired would result in overline financings under the present capitalization.

3. Three of the eight concerns involved are now ineligible to receive financing as they are now big business.

Matters involved in SBA's consideration of the application include exemption certain regulations to permit the reacquisition of former eligible portfolio securities by the licensee in a quasi reorganization to once again make it a stronger and more viable company, the general business reputation and character of Mr. Ryan, and the probability of successful operation. Also, SBA must be satisfied that the terms of the proposed action are fair and equitable; and the exemption requested is reasonably calculated to advance the best interests of the SBIC program in a manner consonant with the policy objectives of the Act and regulations. In addition, SBA may place further conditions on the SBIC if approval is granted.

Notice is hereby given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA in writing any relevant comments on the transfer of control, and reacquisition of eight former portfolio securities. Any such communications should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Mass.

Dated: December 27, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-955 Filed 1-16-73;8:45 am]

TARIFF COMMISSION

[TEA-F-48]

DOVER SHOE MANUFACTURING CO.

Workers' Petition for a Determination; Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Dover Shoe Manufacturing Co., Somersworth, N.H., the U.S. Tariff Commission, on January 11, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increase quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t. on February 8, 1973, in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets NW. Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission in writing, at its offices in Washington, D.C., not later than noon, Friday, February 2, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: January 12, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-1034 Filed 1-16-73;8:45 am]

[TEA-W-173]

HAMMOND SHOE CORP.

Workers' Petition for a Determination of Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Hammond Shoe Corp., Worcester, Mass., the U.S. Tariff Commission, on January 11, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with foot wear for men and boys (of the types provided for in items 700.26, 700.27, 700.29, 700.35, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before January 29, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

By order of the Commission.

Issued: January 12, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-1035 Filed 1-16-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

COLORADO DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the State of Colorado has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Department of Labor and Employment, Division of Labor, as the State agency designated by the Governor of the State to administer the plan throughout the State. It proposes to define the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2 (c). All occupational safety and health standards promulgated by the U.S. Secretary of Labor, except where Colorado standards are found to be "more stringent than" or "as effective as" comparable Federal standards, will be adopted under the plan, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, ship building, shipbreaking, and longshoring), and after public hearings will become effective 120 days after the standards are approved by the Secretary of Labor, with the exception of agriculture. Agricultural standards will be promulgated by July 1, 1974.

The plan includes proposed draft legislation to be considered by the Colorado Legislature during its 1973 session amending section 80 of the Colorado Revised Statutes, and related provisions, to bring them into conformity with the requirements of Part 1902. Under the proposed legislation, the Department of Labor and Employment, Division of Labor, will have the statutory authority to implement an occupational safety and health plan modeled after the Federal Act. It provides for the coverage of all employees within the State including the employees of State agencies and municipalities, with certain exceptions.

There are provisions within the legislation granting the Director of the Division of Labor the authority to inspect workplaces and to issue citations for violations and their abatement and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees against discharge in terms and conditions of employment; adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the proposed legislation.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from an attorney that it will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State. The plan sets out goals for bringing it into full compliance with Part 1902 upon enactment of the proposed legislation by the State legislature.

The proposed legislation sets forth the general authority and scope for implementing the Colorado Plan. In addition, the plan is developmental within 29 CFR 1902.2(b) in that specific rules and regulations must be adopted to carry out the plan and to make it fully operative.

There is set forth in the proposed plan a timetable providing for the future drafting of various administrative rules, regulations, and procedures. The timetable covers such general areas as the development and enforcement of occupational health and safety standards, the creation of a State informational program, the adoption of regulations for variances, limitations, tolerances, and exceptions, the development of rules of procedure for review and appeals, and the development of a public employee program. The plan also contains a comprehensive description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Room 15218, 1961 Stout Street, Denver, CO 80202; and the offices of the Director of Labor, Department of Labor and Employment, 200 East Ninth Avenue, Denver, CO 80203.

3. *Public participation.* Interested persons are hereby given until February 17, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed before February 17, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 11th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-980 Filed 1-16-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 157]

ASSIGNMENT OF HEARINGS

JANUARY 12, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-7938, Fergus Bus Service, Inc.—Investigation and revocation of certificate, now being assigned hearing February 21, 1973 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 921 Sub 22, Dean Truck Line, Inc., MC 128944 Sub 12, Reliable Truck Lines, Inc., now being assigned February 12, 1973 (1 week), at Tupelo, Miss., will be held at the Natchez Trace Inn, 3400 West Main Street.

MC 921 Sub 22, Dean Truck Line, Inc., MC 128944 Sub 12, Reliable Truck Lines, Inc., now being assigned February 20, 1973 (1 week), at Birmingham, Ala., will be held at the Guest House Motor Inn, 18th Street at 10th Street.

FD 27255, Indianhead Truck Line, Inc., Notes, now being assigned hearing January 22, 1973 (1 week), in Room 4, State Office Building, 65 South Front Street, Columbus, OH.

MC-C-7931, John W. Hoogland and Joanne C. Hoogland, a partnership, doing business as City Express, and Peninsula Shippers Association, Inc.—Investigation of operations and revocation of certificates—now being assigned hearing February 28, 1973 (1 day), at Juneau, Alaska, in a hearing room to be later designated.

MC 96612 Sub 12, Sea-Land Freight Service, Inc., now being assigned hearing March 6, 1973 (3 days), at Olympia, Wash., in a hearing room to be later designated.

MC 136790, Hall Distributors, Ltd., now being assigned hearing March 14, 1973 (2 days), at Olympia, Wash., in a hearing room to be later designated.

MC-FC-73286, L. & V. Trucking Co., Inc., Gardner, Mass., transferee and S. & H. Transfer, Inc., Gardner, Mass., transferor, now being assigned hearing February 26, 1973 (2 days) at Boston, Mass., in a hearing room to be later designated.

MC-F-11677, Brush Hill Transportation Co.—(Purchase) (portion)—Union Street Railway Co., now being assigned hearing February 28, 1973 (3 days), at Boston, Mass., in a hearing room to be later designated.

MC-113843 Sub 185, Refrigerated Food Express, Inc., now being assigned hearing March 5, 1973 (1 week), at Boston, Mass., in a hearing room to be later designated.

MC 133276 Sub 7, Berry Transport, Inc., now being assigned March 26, 1973 (1 week), at Olympia, Wash., in a hearing room to be later designated.

MC 97127 Sub 6, Batesville Truck Line, Inc., common carrier application, now being assigned hearing March 19, 1973 (2 weeks), at Little Rock, Ark., in a hearing room to be later designated.

MC-C-7837, Donald & Jerome Fleecs, doing business as Fleecs Brothers, investigation of operations, now assigned January 29, 1973, at Omaha, Nebr., is canceled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1003 Filed 1-16-73;8:45 am]

[Notice 3]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 12, 1973.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 110420 (Sub-No. 638) (Republication), filed July 8, 1971, published in the FEDERAL REGISTER issue of August 26, 1971, and republished this issue. Applicant: QUALITY CARRIERS, INC., I-94 and County Highway C, Bristol, Wis. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. An order of the Commission, Review Board No. 3, filed December 5, 1972, and served December 26, 1972,

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality on the human environment resulting from approval of its application.

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finds: (1) that the authority granted below, as modified to conform to the evidence, will provide shipper with a coordinated and balanced transportation service and should not have any serious adverse affect upon protestants; and (2) that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of vegetable oil products, in bulk, from Jersey City, Edison, Newark, Graselli, and Boonton, N.J., and Baltimore, Md., to Janesville, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119660 (Sub-No. 3) (Republication), filed May 8, 1972, published in the FEDERAL REGISTER issue of June 22, 1972, and republished this issue. Applicant: ALASKA AGGREGATE CORPORATION, doing business as PACIFIC WESTERN LINES, Post Office Box 3–3788, Anchorage, AK 99501. Applicant's representative: Donald T. Ille (same address as applicant). An order of the Commission, Operating Rights Board, filed December 14, 1972, and served December 28, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of *buildings* in sections on wheeled undercarriages equipped with hitch-ball connectors, (1) between points in Anchorage, Alaska, (2) between Anchorage, Alaska on the one hand, and, on the other, points on and within 25 miles of: (a) Alaska Highway 1 between and including Homer and Tok, Alaska (b) Alaska Highway 2 between and including Tok and Tofty, Alaska (c) Alaska Highway 4 between and including Valdez and Buffalo Center, Alaska (d) Alaska Highway 6 between and including Fairbanks and Circle, Alaska and (e) Alaska Highway 9 between and including the junction of Alaska Highways 1 and 9 northwest of Moose Pass and Seward, Alaska, and (f) Alaska Highway 3 between and including Palmer, Alaska, and Fairbanks, Alaska; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127597 (Sub-Nos. 1 and 3) (Republication), filed October 15, 1965 and March 28, 1966 respectively, and published in the FEDERAL REGISTER issues of October 28, 1965 and April 6, 1966 respectively, and republished this issue. Applicant: TUI, a Corporation, 5225 Las Vegas Boulevard, South Building 301, Las Vegas, NV 89109. Applicant's representative: L. C. Major, Jr. and Russell R. Sage, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. An order of the Commission, Division 3, acting as an appellate division, filed December 13, 1972, and served January 3, 1973 finds: (A) that an appropriate certificate be issued to applicant subject to the prior receipt of a request from applicant in writing for the coincidental cancellation of its certificate of public convenience and necessity in No. MC 127597 (Sub-No. 1), issued August 15, 1972; (B) that operation by applicant in interstate and foreign commerce, as a common carrier by motor vehicle, over regular routes, should be authorized as follows: (1) *Passengers, and express and newspapers*, in limousines or sedans with a seating capacity of not more than seven persons, including the driver, between Las Vegas, Nev., and Furnace Creek Inn, Calif., serving no intermediate points: (a) from Las Vegas over U.S. Highway 95 to junction Nevada Highway 29, thence over Nevada Highway 29 to the Nevada-California State line, thence over California Highway 127 to Death Valley Junction, Calif., and thence over California Highway 190 to Furnace Creek Inn, and return over the same route; (b) from Las Vegas over U.S. Highway 95 to Beatty, Nev., thence over Nevada Highway 58 to the Nevada-California State line, thence over unnumbered California highway to junction California Highway 190, and thence over California Highway 190 to Furnace Creek Inn, and return over the same route. The above-described authority to transport passengers was issued pursuant to an application filed on or before January 1, 1967, and therefore incidental charter operations in interstate or foreign commerce may be conducted under rules and regulations prescribed by the Commission pursuant to section 208(c) of the Interstate Commerce Act, as amended November 10, 1966. (2) *Passengers and their baggage*, in special operations consisting of sightseeing or pleasure tours, beginning at Bakersfield, Baker, and Barstow, Calif., and at Las Vegas and Beatty, Nev., and extending to entrances of the Death Valley National Monument, Calif.-Nev., and ending at Bakersfield, Lone Pine, Trona, Mojave, Baker, and Barstow, Calif., and Las Vegas and Beatty, Nev.:

(a) from Bakersfield over California Highway 178 via Isabella, Calif., to Freeman, Calif. (also from Isabella over an unnumbered highway to Kernville, Calif., and return), thence over U.S. Highway 395 (portion formerly U.S. Highway 6) via Olancha, Calif., to Lone Pine, Calif. (also from Olancha over an unnumbered highway to junction California Highway 190, near Keeler, Calif.; also from Lone Pine over unnumbered highways to Whitney Portal and Alabama Hills, Calif., and return), and thence over California Highway 190 via Panamint Springs, Calif., to the entrance of Death Valley National Monument, and return over the same route; (b) from Bakersfield over California Highway 58 (formerly U.S. Highway 466), via Mojave, Calif., to Barstow, and return over the same route; (c) from junction California Highway 58 (formerly U.S. Highway 466) and an unnumbered highway, near Boron, Calif., over unnumbered highways to the Borax Works, near Boron, Calif., and return over the same route; (d) from Mojave over California Highway 14 (portion formerly U.S. Highway 6) to junction unnumbered highway, and thence over unnumbered highway to Trona, and return over the same route; (e) from junction U.S. Highway 395 and California Highway 58 (formerly U.S. Highway 466) over U.S. Highway 395 to Red Mountain, Calif., and thence over unnumbered Highway via Trona, Calif., to the entrance to Death Valley National Monument, and return over the same route; (f) from Red Mountain over U.S. Highway 395 to junction California Highway 14 (portion formerly U.S. Highway 6), near Brown, Calif., and return over the same route; (g) from junction California Highway 190 and Panamint Valley Road over Panamint Valley Road to junction Emigrant Canyon Highway, and return over the same route; (h) from Barstow over U.S. Highway 91 to Baker, Calif., thence over California Highway 127 via Salt Springs Junction and Shoshone, Calif., to Death Valley Junction, Calif., and thence over California Highway 190 to the entrance of Death Valley National Monument (also from Salt Springs Junction over unnumbered highway to the entrance of Death Valley National Monument) and return over the same routes;

(i) from junction California Highway 127 and unnumbered highway near Shoshone, Calif., over unnumbered highway via Saleberry Pass to the entrance to Death Valley National Monument, and return over the same route; (j) from Las Vegas over U.S. Hgihway 95 via Lathrop Wells and Beatty, Nev., to junction Nevada Highway 72, and thence over Nevada Highway 72 to the northeast entrance to Death Valley National Monument, and return over the same route; (k) from Beatty over Nevada Highway 58 to the entrance to Death Valley National Monument (also from junction Nevada Highway 58 and unnumbered highway over unnumbered highway via Rhyolite, Nev., to junction Nevada Highway 58), and return over the same routes; and (l) from Lathrop Wells over Nevada Highway 29 to the Nevada-California State line, and thence over California Highway 127 to Death Valley Junction and return over the same route, restricted in (2) above against service consisting of sightseeing or pleasure tours which both begin and terminate at Las Vegas, Nev., and extend to Death Valley National Monument; and (C) operation by applicant in interstate and foreign commerce, as a common carrier by motor vehicle, over irregular routes, should be authorized as follows: *Passengers and their baggage*, in special or charter operations, in round trip sightseeing or pleasure tours, beginning and ending at Las Vegas, Nev., and points within 5 miles thereof, and extending to Grand Canyon National Park, Ariz., Hoover Dam, Ariz.-Nev., and Death Valley National Monument, Calif. Any duplication of authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128648 (Sub–No. 7) (Republication), filed June 21, 1972, published in the FEDERAL REGISTER issue of July 29, 1971, and republished this issue. Applicant: TRANS–UNITED, INC., 1226 West Chicago Avenue, East Chicago, IN 46312. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, DC 20006. A report and order of the Commission, Review Board No. 3, dated November 17, 1972, and served January 9, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *material handling and construction machinery and equipment* (except truck tractors), and parts for the above named commodities: (a) Between Mercer, Pa., Torrance, Calif., Montgomery, Ala., Aurora, Ill., Portland, Oreg., Phoenix, Ariz., Salt Lake City, Utah, Dallas and Houston, Tex., Tulsa, Okla., Topeka, Kans., Cedar Rapids, Iowa, New Orleans, La., Memphis, Tenn., Defiance, Columbus, and Cleveland, Ohio, Atlanta, Ga., Jacksonville and Tampa, Fla., Boston, Mass., Denver, Colo., and the facilities of the Pettibone Corp., at East Rutherford, N.J., and (b) from the points described in (a) above, to points in the United States (except Alaska and Hawaii); and (2) of *equipment, materials and supplies* used in the manufacture of the commodities in (1) above, (a) between the points described in (1) (a) above, and (b) from points in the United States (except Alaska and Hawaii), to the points described in (1) (a) above, under a continuing contract or contracts with the Pettibone Corp., of Chicago, Ill., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES FOR FILING OF PETITIONS

No. MC 76297 (Notice of Filing of Petition To Remove a Restriction), filed February 8, 1936, and previously unpublished in the FEDERAL REGISTER. Petitioner: RICHARD DEAN WENDELKEN, doing business as RUBBER CITY EXPRESS, 1805 East Market Street, Akron, OH 44305. Petitioner's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Petitioner presently holds a motor contract carrier permit in No. MC 76297,* authorizing the transportation over irregular routes, of: (1) *Such commodities* as are manufactured, processed and/or dealt in by rubber manufacturers and steel product manufacturers, and *equipment, materials, and supplies* used in the conduct of such business, from Akron, Ohio, to points in Rhode Island, Massachusetts, Connecticut, that part of New York east of a line beginning at Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along U.S. Highway 9–W to Albany, N.Y., thence along U.S. Highway 20 to Syracuse, N.Y., thence along U.S. Highway 11 to Watertown, N.Y., and thence along New York Highway 12 to Clayton, N.Y., including New York, N.Y., Long Island, N.Y., and points on the indicated portions of the highways specified, and points in that part of New Jersey located on and north of New Jersey Highway 33, with no transportation for compensation on return except as otherwise authorized, restricted against the transporation of liquid chemicals in bulk, in tank vehicles, from Akron, Ohio, to the above-specified points; (2) *tire fabric*, from Fall River and New Bedford, Mass., to Akron, Ohio, with no transportation for compensation on return except as otherwise authorized; (3) *chemicals*, from Naugatuck, Conn., to Akron, Ohio, with no transportation for compensation on return except as otherwise authorized: (4) *Scrap tires and tubes*, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio, with no transportation for compensation on return except as otherwise authorized; and the operations in (1), (2), (3), and (4) above limited to a transportation service to be performed under special and individual contracts or agreements, with persons (as defined in section 203(a) (1) of the Interstate Commerce Act), who operate rubber manufacturing plants, the business of which is the manufacturing and sale of rubber products, for the transportation of the commodities indicated and in the manner specified above. By the instant petition, petitioner seeks removal of the restriction limiting the performance in (1), (2), (3), and (4) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124211 (Sub-No. 191) (Notice of filing of petition for modification and reconsideration of a certificate), filed June 29, 1971, published in the FEDERAL REGISTER issue of July 29, 1971, and republished this issue. Petitioner: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Petitioner's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr, Lincoln, and Norfolk, Nebr., to points in Kentucky. NOTE: The purpose of this republication is to indicate the additional origins of Darr and Lincoln, Nebr., and applicant's request for reconsideration of an order of the Commission. Review Board No. 3, filed November 13, 1972, and served November 21, 1972, wherein it stated that the applicant failed to show evidence of its ability to satisfy the shipper's needs. Applicant states that the requested authority can be tacked at points in Nebraska with its existing authority in Sub-Nos. 36 and 121 to serve points in Iowa, Illinois, and Nebraska, and can also be tacked at points in Missouri with the authority it holds in Sub-No. 39 to serve points in Illinois, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant further states that tacking is unlikely as operations thereunder would be unduly circuitous to the extent that shippers would not want to utilize the services of the applicant. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

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No. MC 134219 (Notice of filing of petition for modification of a permit by adding an origin) filed November 21, 1969, published in the FEDERAL REGISTER issue of January 29, 1970, and republished this issue. Petitioner: GEORGE V. D'AGOSTINO, doing business as AIRLIN TRUCKING CO., 213–217 Pioneer Street, Newark, NJ 07104. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chalk* (except in bulk, in tank vehicles), from Newark and Woodbridge, N.J. and points in the New York, N.Y. harbor limits as defined in 49 CFR 1070.1, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract with Pleuss-Staufer (North American), Inc., of New York, N.Y. NOTE: The purpose of this republication is to indicate applicant's request to add Woodbridge, N.J. as an additional origin so that applicant may continue to fully service its contracting shipper.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 10343 (Sub-No. 23), filed December 19, 1972. Applicant: CHURCHILL TRUCK LINES, INC., Highway 36 West, Post Office Box 250, Chillicothe, MO 64601. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and livestock), between points in Lake, Cook, DuPage, Kane, Kendall, and Will Counties, Ill., that part of McHenry County on and south of Illinois Highway 120 and on and east of Illinois Highway 47, and that part of Kankakee County on and north of Illinois Highways 114 and 17, excluding Kankakee, Ill. NOTE: This is a matter directly related to MC–F–11752, published in the FEDERAL REGISTER issue of December 27, 1972. Applicant states that the requested authority can be tacked at Chicago, Ill. and at points on U.S. Highway 6, 20, and 34 within a 50-mile radius of 3216 Princeton Avenue, Chicago, IL to serve points or territories which the applicant has not indicated. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11761. Authority sought for purchase by GREAT SOUTHWEST WAREHOUSES, INC., 3191 Commonwealth Drive, Dallas, TX 75427, of the operating rights and property of (1) VICTORY VAN LINES, INC., 6012 Girard Avenue, Philadelphia, PA 19104, and (2) SEATTLE TRANSFER & STORAGE COMPANY, 26 Hanford Street, Seattle, WA 98134, and for acquisition by GULF ATLANTIC WAREHOUSE CO., 3721 Dacoma Street, Houston, TX 77018, and ANDERSON CLAYTON & CO., 1010 Milam Street, Houston, TX 77002, of control of such rights and property through the purchase. Applicants' attorney: Everett Hutchinson, 1140 Connecticut Avenue NW., Washington, DC 20036. Operating rights sought to be transferred: (1) *Household goods*, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia, between New York, N.Y., on the one hand, and, on the other, points in Connecticut and New Jersey, and certain specified points in New York and Pennsylvania; (2) *General commodities*, with exceptions, over regular routes, between Seattle, and Blaine, Wash., serving certain specified intermediate and off-route points in Washington, with restriction, between Seattle, and Tacoma, Wash., serving all intermediate points; and off-route points within 3 miles of Seattle, with restriction, between Spokane, Wash., and Post Falls, Idaho, serving certain specified intermediate and off-route points of Idaho; *household goods*, between Seattle, Wash., and Portland, Oreg., serving no intermediate points; *general commodities*, with exceptions, over irregular routes, between points within 3 miles of Seattle, Wash., including Seattle, between the Seattle-Tacoma Airport and the King County Airport (Boeing Field), on the one hand, and, on the other, certain specified points in Washington, with restriction, between points within 3 miles of Spokane, Wash., including Spokane, between Spokane, Wash., on the one hand, and, on the other points not less than 3 nor more than 15 miles from Spokane, with restriction; *newspapers and baggage*, between points in that part of King County, Wash., west of a line extending north and south through Issaquah, Wash., except those on Vashon and Maury Islands, Wash., with restriction; and *iron and steel*, fabricated and not fabricated, as a *contract carrier* over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Washington, Idaho, and Montana, between points in Washington, on the one hand, and, on the other, construction sites in Washington, with restriction. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11762. Authority sought for control by LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road (Post Office Box 21395), Louisville, KY 40221, of COMMERCIAL TRANSPORT, INC., an Illinois corporation, Post Office Box 469, 207 South 20th Street, Belleville, IL 62222, and for acquisition by CHARLES E. CRANMER, Post Office Box 21395, of control of COMMERCIAL TRANSPORT, INC., through the acquisition by LIQUID TRANSPORTERS, INC. Applicants' attorneys: L. A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036, and Edward Villalon, Suite 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in the States in Illinois, Indiana, Missouri, Kentucky, Arkansas, Tennessee, Iowa, Ohio, Wisconsin, and Minnesota with certain restrictions, as more specifically described in Docket No. MC–104654 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. LIQUID TRANSPORTERS, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11763. Authority sought for merger by MID-AMERICAN LINES, INC., 127 West 10th Street, 11th Floor, Kansas City, MO 64105, of the operating rights and property of BRUCE MOTOR FREIGHT, INC., also of Kansas City, MO 64105, and for acquisition by LeROY WOLFE and HELEN WOLFE, both of 4303 Homestead Drive, Prairie Village, KS 60208, of control of such rights and property through the transaction. Applicants' attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, as a *common carrier* over regular routes, in the States of Minnesota, Iowa, Missouri, Illinois, Indiana, and Ohio, including principal routes, Minneapolis and Kansas City via Albert Lea, Minn., and Des Moines, Iowa, Minneapolis and St. Louis, via Owatonna, Minn., Cedar Rapids and Ottumwa, Iowa, and Kirksville and Columbia, Mo. (also via Keokuk, Iowa and Hannibal, Mo.), Minneapolis and Chicago over one route via Eau Claire, Wisconsin Dells, and Milwaukee, Wis., and Milwaukee, Wis., a second

via La Crosse, Wisconsin Dells, Madison, and Janesville, Wis., and a third via Rochester, Minn., Dubuque, Iowa, and Rockford, Ill., between Des Moines and Chicago via Davenport, Iowa, Cedar Rapids, and Chicago via Clinton, Iowa, routes radiating from Indianapolis, Ind., and extending to (a) Chicago, Ill., via Lafayette, Ind.; (also via Kokomo and Plymouth, Ind.), (b) Fort Wayne, Ind., via Marion, Ind., (c) Dayton, Ohio, via Richmond, Ind., (d) Cincinnati, Ohio, via Rushville, Ind., (e) Louisville, Ky., via Versailles and Madison, Ind. (also via Columbus and Seymour, Ind.), (f) Vincennes, Ind., via Spencer, Ind., and (g) Terre Haute, Ind., via Brazil, Ind., with various other commuting routes in Indiana to such main routes;

General commodities, with exceptions, over irregular routes, between Minneapolis and St. Paul, Minn., and the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn., between Minneapolis, St. Paul, South St. Paul, Inver Grove Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn., between points in Minnesota within 35 miles of Minneapolis, Minn., including Minneapolis, Minn., between points in that part of Illinois north of U.S. Highway 30, and points in that part of Indiana north of U.S. Highway 30 and west of Indiana Highway 51, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points on the regular service routes specified in Part B, Chemolite, Minn., and points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission; *poultry, butter, and eggs*, from Osceola, Creston, Gowrie, and Coon Rapids, Iowa, to Chicago, Ill.; *butter, eggs, poultry, dressed rabbits, meat, canned goods, paper, and junk*, from points in that part of Minnesota bounded by a line beginning at the Wisconsin-Minnesota State line and extending along unnumbered highway through Duxbury to certain specified points in Minnesota; *iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Indiana and Kentucky; *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Indiana and Kentucky, to the plantsite of Jones & Laughlin Steel Corp., located at Putnam County, Ill., with restriction; over numerous alternate routes for operating convenience only. MID AMERICAN LINES, INC., is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Nebraska, Michigan, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated October 12, and served October 20, 1972, in Docket No. MC–F–11347, transferee acquired control of transferor.

No. MC–F–11764. Authority sought for purchase by C. A. B. Y. TRANSPORTATION COMPANY, 1925 St. Clair Avenue, Cleveland, OH 44114, of a portion of the operating rights of BATH LIGHTNING EXPRESS, INC., 50 Varian Lane, Rochester, NY 14624, and for acquisition by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316, of control of such rights through the purchase. Applicants' attorney: Harold H. Clokey, 414 The Equitable Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Rochester, and Bath, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11765. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Dallas, TX 75209 (MC–41432), and WOODLAND TRUCK LINE, INC., 635 Park Street, Woodland, WA 98674 (MC–297), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between points in Battle Ground, Brush Prairie, Carrolls, Dollars Corner, Glenwood, Heisson, Hockinson, Kalama, LaCenter, Meadow Glade, Manor, Pleasant Valley, Orchards, Ridgefield, Salmon Creek, and Woodland, Wash. Attorney: Richard R. Sigmon, Suite 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004. EAST TEXAS MOTOR FREIGHT LINES, INC., is authorized to operate as a common carrier in Texas, Illinois, Missouri, Arkansas, Tennessee, Alabama, Georgia, Iowa, Indiana, Michigan, Ohio, Wisconsin, California, Oregon, Washington, Arizona, Utah, New Mexico, Louisiana, Colorado, Idaho, Montana, Nevada, and Wyoming.

No. MC–F–11767. Authority sought for purchase by J. V. MOTOR LINES, INCORPORATED, 69 Thomas Street, East Hartford, CT 06108, of the operating rights of FRANCIS V. TURSI, doing business as MIDDLE NEW ENGLAND EXPRESS, 33 Ash Road, South Windsor, CT, and for acquisition by FRANK J. VECCHIOLLA AND EDWINA J. VECCHIOLLA, both of East Hartford, CT 06108, of control of such rights through the purchase. Applicants' attorney: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Operating rights sought to be controlled and merged: Under a certificate of registration in Docket No. MC–98590 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut and Massachusetts. Application has been filed for temporary authority under section 210a(b). NOTE: MC–87855 (Sub-No. 3) is a matter directly related.

No. MC–F–11768. Authority sought for control and merger by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108, of the operating rights and property of LOVING TRUCK LINES, INCORPORATED, doing business as LOVING TRUCK LINES, 215 Southwest Seventh Street, Oklahoma City, OK 73215, and for acquisition by R. E. LEE AND M. S. LEE, also of Oklahoma City, Okla. 73108, of control of such rights and property through the transaction. Applicants' attorneys: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK, Roland Rice, Suite 618 Perpetual Building, Washington, D.C. 20004, and Kenneth Hurst, 310 Fidelity Plaza, Oklahoma City, Okla. Operating rights sought to be controlled and merged: *General commodities*, with varying restrictions, as a *common carrier* over irregular routes, between points and places in Memphis, Tenn., between Memphis on the one hand, and, on the other, West Memphis, Ark., between Oklahoma City, Okla., and a 20-mile radius on the one hand, and, on the other, points and places in Arkansas, Kansas, and Oklahoma, between all points in Cimmaron and Texas Counties, Okla., on the one hand, and, on the other, those in Kansas on and south of U.S. 50 and U.S. 50N, those in a described portion of northeast New Mexico and those in a described northern portion of the Panhandle of Texas, between Cimmaron and Texas Counties, Okla., on the one hand, and, on the other, points in Colorado on and east of U.S. Highway 87; *asphalt*, in packages or drums, *composition and prepared roofing, and asphalt-saturated paper felt*, from Wynnewood, Okla., and points in the Colorado territory specified immediately above; *fruits, vegetables, batteries, battery parts, fiberboard boxes, glass and glassware, oil in packages, and canned goods*, between points in Oklahoma, on the one hand, and, on the other, points in the Colorado territory specified above; *empty glass containers*, with or without caps, covers, stoppers, or tops, from Ada and Blackwell, Okla., to points in Arkansas and points in Memphis, Tenn.; *sugar*, from Sugar City, Colo., to points in Oklahoma; *petroleum products*, in packages or containers (not in tank vehicles), in shipments of 26,000 pounds or more, from the site of the Continental Oil Co. refinery adjacent to Ponca City, Okla., to Memphis, Tenn., and points in Arkansas. LEE WAY MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Oklahoma, Texas, Missouri, Illinois, Kansas, Colorado, Indiana, Ohio, Pennsylvania, West Virginia, Arkansas, Arizona, New Mexico, and California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11769. Authority sought for purchase by PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105, of the operating rights of LEHIGH TRANSPORTATION COMPANY, INC. (E. F. Walsh, Receiver in Bankruptcy), 201 Bay Avenue, Elizabethport, NJ 07201, and for acquisition by PHILIP DAMEO, also of Newark, N.J. 07105, of control of

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such rights through the purchase. Applicants' attorney: Bert Collins, 140 Cedar Street, New York, NY 10006. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, from certain specified points in New Jersey, to points and places in Westchester County, N.Y., and those in Long Island, N.Y., on and west of New York Highway 112, from New York, N.Y. to New Brunswick, N.J., between Newark and Elizabeth, N.J., on the one hand, and, on the other, New York and Tuxedo, N.Y., Camden, N.J., points and places in that part of New Jersey within 50 miles of Newark or Elizabeth, N.J., points and places in Westchester and Rockland Counties, N.Y., and those in Long Island on and west of New York Highway 112, between New York N.Y., on the one hand, and, on the other, Lakewood and Eatontown, N.J., and points and places in that part of New Jersey within 25 miles of the municipal limits of New York, N.Y.; *damaged or rejected shipments*, from Brunswick, N.J., to New York, N.Y., from points and places in Long Island, N.Y., on and west of New York Highway 112, and those in Westchester County, N.Y., to Linden, Bayway, Bloomfield, and Hillside, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

NOTICE

The South Carolina Public Railways Commission hereby gives notice that on the 28th day of November, 1972, it filed with the Interstate Commerce Commission an application under section 5(2) of the Interstate Commerce Act for authority to acquire the tracks, yards, equipment, trackage rights, franchise, licenses, certificates, leases, agreements, and labor contracts of the Port Utilities Commission of Charleston, S.C. and of Port Terminal Railroad of South Carolina (both of which are subsidiaries of the South Carolina Ports Authority, a governmental agency of the State of South Carolina) and to operate, maintain, and control the same as Railroad Carriers governed by the rules and regulations of the Interstate Commerce Commission. These two switching railroads consist of approximately 6 miles and 4.6 miles, respectively, are located wholly within the State of South Carolina and their transfer as requested has been directed by Act No. 456 of the general and permanent laws of the General Assembly of the State of South Carolina of 1969, approved July 14, 1969. The approval of this application and the transfer of the two switching railroads will result in no change in operations but only in a change in management from one State agency to another State agency. In the opinion of the applicant, approval of this application will not have any beneficial or detrimental effect on the environment, as there will be no change in the operation of the two terminal railways upon the approval of this application, Docket No. FD 27254.

Applicant's attorney is Mr. Howard L. Burns, Post Office Drawer 1207, Greenwood, SC. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Interstate Commerce Commission, on or before February 16, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1007 Filed 1-16-73;8:45 am]

[Notice 194]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73877.* By order of November 22, 1972, the Motor Carrier Board approved the transfer to Virginia Furniture Carriers, Inc., Bassett, Va., of Certificates Nos. MC-40830 and MC-40830 (Sub-No. 4) issued September 29, 1944 and September 4, 1951, to G. A. Puryear and J. E. Puryear, doing business as Puryear Truck Line, South Boston, Va., authorizing transportation of: Commodities of a general commodity nature, between specified points and areas in Virginia, Maryland, North Carolina, Pennsylvania, West Virginia, and Ohio. Frank B. Hand Jr., attorney, Post Office Box 446, Winchester, VA 22601.

No. MC-FC-74056. By order of December 4, 1972, the Motor Carrier Board approved the transfer to Brandywine Moving and Storage Co., a corporation, Claymont, Del., of Certificate No. MC-18889, issued to Headley's Express and Storage Co., Inc., Chester, Pa., authorizing the transportation of: Household goods as defined by the Commission, between points in New Jersey, Delaware, Pennsylvania, Rhode Island, Connecticut, Massachusetts, Maryland, New York, Virginia, and the District of Columbia. Francis P. Desmond, attorney, 115 East Fifth Street, Chester, PA 19013.

No. MC-FC-74101. By order of December 19, 1972, the Motor Carrier Board approved the transfer to James E. Henson, doing business as Henson Moving & Storage, Waverly, N.Y., of certificates Nos. MC-34134 and MC-34134 (Sub-No. 3) issued August 11, 1958, and October 24, 1962, respectively, to Harry J. Henson, doing business as Henson Moving & Storage, Waverly, N.Y., authorizing the transportation of: household goods as defined, between points in a described area of New York and Pennsylvania, on the one hand, and, on the other, points in Maine, New York, Pennsylvania, New Jersey, Delaware, Maryland, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, Virginia, West Virginia, Ohio, Indiana, Michigan, and the District of Columbia; potted plants, from Waverly, N.Y. and points within 5 miles thereof, to points in Maine, New York, Pennsylvania, New Jersey, Delaware, Maryland, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, Virginia, West Virginia, Ohio, Indiana, Michigan, and the District of Columbia; and household goods, between Johnson City, N.Y., on the one hand, and, on the other, points in Pennsylvania within 100 miles of Johnson City.

H. Bradley Smith, 440 Waverly Street (Post Office Box 111), Waverly, NY 14892, applicant's representative.

No. MC-FC-74104. By order entered December 12, 1972, the Motor Carrier Board approved the transfer to T. H. Heilig, Inc., Lebanon, Pa., of the operating rights set forth in certificate No. MC-10291, issued November 2, 1967, to Theodore H. Heilig, Labanon, Pa., authorizing the transportation of paper boxes, boilers and boiler parts, and rigging used in placing machinery, fertilizer, household goods as defined by the Commission, iron and steel products, machinery and machinery parts, wooden patterns, and women's wearing apparel on hangers, from, to, or between points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Philip S. Davis, 525 South Eighth Street, Lebanon, PA 17042, attorney for applicants.

No. MC-FC-74107. By order of December 12, 1972, the Motor Carrier Board approved the transfer to Heavy Haul Truck Service, Inc., Long Beach, Calif., of the operating rights in certificate No. MC-72252 and certificate of registration No. MC-72252 (Sub-No. 8) issued April 7, 1943 and April 10, 1964 respectively to Chesley Transportation Co., Inc., Downey, Calif., authorizing the transportation of various commodities between specified points and areas in California and the certificate of registration evidencing a right to engage in transportation in interstate commerce as described in Decision No. 89561 dated October 3, 1972 issued by the Public Utilities Commission of the State of California.

Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202, Attorney for applicants.

No. MC-FC-74077. By order of December 7, 1972, the Motor Carrier Board approved the transfer to Brook Hattan Transportation, Inc., West Hempstead, N.Y., of certificate No. MC-133826 (Sub-No. 1) issued June 14, 1971, to City Wide Transportation Co., Inc., Brooklyn, N.Y., authorizing the transportation of: Passengers and their baggage, in charter operations, beginning at New York, N.Y., and extending to points in New York, New Jersey, Connecticut, and Pennsylvania, restricted to transportation of physically incapacitated and mentally retarded children, and their supervisory personnel. Sidney J. Leshin, Attorney, 501 Madison Avenue, New York, NY 10022.

No. MC-FC-74082. By order of December 15, 1972, the Motor Carrier Board approved the transfer to James C. Logan, Inc., Chester, Pa., of the operating rights in certificate No. MC-56186 issued October 24, 1949, to James C. Logan, Chester, Pa., authorizing the transportation of household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, radially, between points in the Philadelphia commercial zone, and points in Pennsylvania, New Jersey, New York, Delaware, Maryland, West Virginia, Virginia, Rhode Island, Connecticut, Massachusetts, and the District of Columbia; and office furniture and equipment, and store fixtures, radially, between Philadelphia, Pa., and points in Pennsylvania, New Jersey, New York, Delaware, Maryland, and the District of Columbia, within 150 miles of Philadelphia.

Francis P. Desmond, 115 East Fifth Street, Chester PA 19013, attorney for applicants.

No. MC-FC-74096. By order of December 11, 1972, the Motor Carrier Board approved the transfer to Blanche Billert, doing business as Billert's Haulage, Staten Island, N.Y., of the operating rights in Permit No. MC-123307 issued July 15, 1964 to Theodore Billert, doing business as Billert's Haulage, Brooklyn, N.Y., authorizing the transportation of various commodities from and to specified points in New York and New Jersey. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1005 Filed 1-16-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 12, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

North Carolina Docket No. T-681 (Sub-No. 38). Applicant: HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, Albemarle, NC. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, NC. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), over the following regular routes: (A) From the junction of U.S. Highway 74 and North Carolina Highway 381 to Gibson, N.C.; thence over North Carolina Highway 79 to Laurinburg N.C., and return over the same route serving all intermediate points. (B) From Laurinburg, N.C., over U.S. Highway 501 to Rowland, N.C.; thence over U.S. Highway 301 to Lumberton, N.C., and return over the same route serving all intermediate points. Both intrastate and interstate authority sought. HEARING: February 15, 1973, at the hearing room, North Carolina Utilities Commission, Ruffin Building, 1 West Morgan Street, Raleigh, N.C., at 10 a.m. Requests for procedural information should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1008 Filed 1-16-73;8:45 am]

[Ex Parte No. MC 67 (Sub-No. 1)]

MOTOR CARRIER TEMPORARY AUTHORITIES

JANUARY 9, 1973.

At the request of Harry C. Ames, Jr., representative of National Tank Truck Carriers, Inc., the time for filing representations in this proceeding has been extended from January 15, 1973, to February 20, 1973.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1006 Filed 1-16-73;8:45 am]

[Notice 3]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 11, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 305 TA), filed December 6, 1972. Applicant: SCHNEIDER TRANSPORT, INC., Post Office Box 2298, 54306, 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, from Secaucus, N.J., to Detroit, Pontiac, and Flint, Mich., and Toledo, Ohio; and *returned shipments*, from these Michigan points and Toledo to Secaucus, N.J., for 180 days. Supporting shipper: The J. L. Hudson Co., Detroit, Mich. 48226 (John A. Stein, traffic manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 52460 (Sub-No. 118 TA), filed December 6, 1972. Applicant: HUGH BREEDING, INC., Post Office Box 9515, 1420 West 35th, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, from Tulsa, Okla., to points in Arkansas, for 180 days. Supporting shipper: Diamond Shamrock Chemical Co., E. E. Bracken,

*This notice was inadvertently omitted in the FEDERAL REGISTER dated December 14, 1972. The due date for petitions will be extended 20 days from the date of this publication and a notice will be served staying the effective date of the approval order served December 14, 1972.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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manager, Truck Transportation, 610 Euclid Avenue, Cleveland, OH 44114. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 94350 (Sub-No. 323 TA) (Correction), filed December 29, 1972, published in Notice Number 1, January 9, 1973, corrected and republished in part as corrected this issue. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Sr., (same address as above). NOTE: The purpose of this partial republication is to show the correct Sub-No. 323 TA, in lieu of Sub-No. 1 TA. The rest of the application remains the same.

No. MC 102567 (Sub-No. 159 TA), filed January 8, 1973. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from St. James, La., to Dallas, Tex., for 180 days. Supporting shipper: LaJet, Inc., Suite 200, Bank of Commerce Building, Abilene, Tex. 79605. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T-9038 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 107496 (Sub-No. 870 TA), filed January 2, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, in bulk, in tank vehicles, from Crete, Nebr., to Walterboro, S.C.; Lockport and New Orleans, La.; Kingsville, Bloomington, Sulphur Springs, and Dumas, Tex.; Prague, El Reno, and Thomas, Okla.; Cedarvale and Valley Center, Kans.; Greenwood, Miss.; Social Circle, Ga.; Walton, N.Y.; Hamilton, Va.; Selma and Demopolis, Ala.; and Cabot, Pa., for 150 days. Supporting shipper: Feed Service Corp., Crete, Nebr. 68333. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 112963 (Sub-No. 32 TA), filed January 2, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, enamel, sealers and thinners*, in bulk, in tank vehicles, from Templeton, Mass., to Torrington, Conn., for 180 days. Supporting shipper: Lilly Chemical Products, Inc., Athol Road, Templeton, Mass. 04168. Send protests to: G. Warren Flynn, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

No. MC 124078 (Sub-No. 535 TA), filed December 6, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, from Cartersville, Ga., to Toledo, Ohio, for 180 days. Supporting shipper: Thompson, Weinman and Co., Post Office Box 130, Cartersville, GA 30120 (Willis S. Brunson, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124781 (Sub-No. 4 TA), filed December 29, 1972. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, MA 01845. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Di-Calcium phosphate*, dry, in bulk, in pneumatic tank vehicles, from Peabody, Mass., to points in Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: Eastman Gelatine Corp., Peabody, Mass. 01960. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, MA 02114.

No. MC 126905 (Sub-No. 2 TA), filed January 3, 1973. Applicant: TRANS-JERSEY AIRCRAFT SERVICE, INC., First and Baltimore Streets, Phillipsburg, N.J. 08865. Applicant's representative: Albert Beitel, 905 American Security Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to shipments having a prior or subsequent movement by air. Between LaGuardia Airport, N.Y., Kennedy International Airport, N.Y., Newark Airport, N.J., and Teterboro Airport, N.J., on the one hand, and, on the other, Hackettstown, N.J., and Washington Township, Morris County, N.J., for 180 days. Supporting shippers: Cooke Color & Chemical, Division of Reichhold Chemicals, Inc., Hackettstown, N.J. 07840; Frazier Industrial Co., Long Valley, N.J. 07853); Jakobsen Tool Co., 94 Rock Road, Long Valley, NJ 07853; Parker KMC Semiconductor Corp., Road, Long Valley, N.J. 07853; United States Radium Corp., Kings Highway, Box 409, Hackettstown, NJ 07840. Send protests to: District Supervisor Thomas W. Hopp, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 127415 (Sub-No. 1 TA), filed January 2, 1973. Applicant: GEORGE TAYLOR, doing business as G. TAYLOR TRUCKING, R.F.D. No. 2, Box 192 B, Mays Landing, NJ 08330. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard liners, paper and paper products, and partitions*, between Piermont, N.Y., and Vineland, N.J., and Pittsburgh, Pa., for 180 days. Supporting shipper: Cleveland Partition Corp., 843 Third Avenue, New York, NY 10017. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 127487 (Sub-No. 8 TA), filed December 29, 1972. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, NY 08030. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between the facilities of Transamerican Trailer Transport, Inc., Baltimore, Md., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Restriction: The operations authorized herein are subject to the following conditions: The authority granted herein is restricted to the transportation of traffic having an immediately prior or subsequent movement by water. The authority granted herein may not be combined with any other authority presently held by carrier for the purpose of providing a through service from or to points beyond the scope of the authority, for 150 days. Supporting shipper: Transamerican Trailer Transport, Inc., 358 St. Marks Place, Staten Island, NY 10301. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 133095 (Sub-No. 36 TA), filed January 2, 1972. Applicant: TEXAS CONTINENTAL EXPRESS, INC., 2603 West Euless Boulevard, Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from Hammondsport, N.Y., to El Paso, Tex., for 180 days. Supporting shipper: Gold Seal Vineyards, Inc., Southwest Division Office, 13709 Brookgreen Circle, Dallas, TX 75240. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133684 (Sub-No. 9 TA), filed December 18, 1972. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, WA 98422. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors and advertising materials*, in connection therewith, from Los Angeles and San Francisco, Calif., to Olympia, Tacoma, and Vancouver, Wash., for 180 days. Supporting shippers: Lucky Breweries, Inc., 615 Columbia Street, Vancouver, WA 98660; O'Farrell Distributing Co., 540 East 15th Street, Tacoma, WA 98421; Capitol Beverages, Port of Olympia, Post Office Box 292, Olympia, WA 98507. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 135759 (Sub-No. 3 TA), filed January 2, 1973. Applicant: K & C TRANSPORTATION, INC., Ninth Floor, Loyalty Building, Portland, Oreg. 97204. Applicant's representative: Carol A. Hewitt, 1331 Southwest Broadway, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl, nylon, leather and canvas sport shoes*, from Beaverton, Oreg., to Holliston, Mass., for 180 days. Supporting shipper: Blue Ribbon Sports, 6175 Southwest 112th Avenue, Beaverton, OR 97005. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, OR 97204.

No. MC 138230 TA, filed December 5, 1972. Applicant: CYNTHIA S. TRAYNER, doing business as DICK TRAYNER AND SONS TRUCKING, Wauregan Road, Canterbury, Conn. 06331. Applicant's representative: John E. Fay, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, bituminous concrete, sand, gravel, and mixed aggregates*, between Westerly, R.I., on the one hand, and, points in New London County, Windham County, Tolland County, New Haven County, and Middlesex County, Conn., on the other, for 150 days. Supporting shipper: Westerly Trucking Co., 35 High Street, Post Office Box 226, Westerly, RI 02891. Send protests to: David J. Kiernan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 High Street, Room 324, Hartford, CT 06101.

No. MC 138266 (Sub-No. 1 TA), filed December 29, 1972. Applicant: D W O TRANSPORT COMPANY, INC., Route 3, Box 475, Edgerton, WI 53534. Applicant's representative: David W. O'Morrow (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers, containers, trailer chassis, semitrailer chassis and container chassis*, from Edgerton, Wis., to points in Cook, Du Page, Kane, Lake, and Will Counties, Ill., for 180 days. Supporting shipper: Highway Manufacturing Co., division of MOTAC, Inc., 405 East Fulton Street, Post Office Box 256, Edgerton, WI 53534. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 138287 TA, filed December 26, 1972. Applicant: RICHARD D. TOWNSEND AND NORMA L. LEE, a partnership, doing business as CANNON MOVING AND STORAGE CO., 112 South Pile Street, Clovis, NM 88101. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, NM 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Curry, De Baca Guadalupe, Quay, and Roosevelt Counties, N. Mex.; Bailey and Parmer Counties, Tex. The service authorized herein is to be restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and deliver service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: William R Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1004 Filed 1-16-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7943]

DUKE POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 11, 1973.

Take notice that Duke Power Co., on January 2, 1973, tendered for filing proposed supplements in its electric power contract with Blue Ridge Electric Cooperative, Inc. (Blue Ridge). The proposed changes would reallocate the power and energy between Delivery Points 6 and 14. Total allocation will not change.

Duke has stated that no change of rate is involved in this filing and that agreement of Blue Ridge to the reallocation has been obtained. Finally, Duke requests waiver of the Commission's notice requirements to permit the changes to be effective as of December 20, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the offices of the Federal Power Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-983 Filed 1-16-73;8:45 am]

[Docket No. E-7944]

DUKE POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 11, 1973.

Take notice that Duke Power Co. (Duke) on January 2, 1973, tendered for filing proposed supplements in its electric power contract with Laurens Electric Cooperative, Inc. (Laurens). The proposed changes would reallocate the power and energy between delivery points 6, 19, and 20, but total allocation would not change.

Duke states that no change in rate is involved in this filing, and that the requisite agreement of Laurens has been obtained. Finally, Duke requests waiver of the Commission's notice requirements to permit these changes to be effective as of December 20, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection in the offices of the Federal Power Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-984 Filed 1-16-73;8:45 am]

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[Dockets Nos. G-8934, G-10008]

EL PASO NATURAL GAS CO.

Order[1] Setting Matter for Formal Hearing and Prescribing Procedure

JANUARY 9, 1973.

On November 30, 1970, El Paso Natural Gas Co. (El Paso) filed a petition in Dockets Nos. G-8934 and G-10008 to amend the orders of November 25, 1955 (14 FPC 157), and May 8, 1956 (15 FPC 1378) respectively, by authorizing El Paso to deliver to Union Carbide Nuclear Co. (Union Carbide) at Uravan, Colo., on a firm basis, quantities of natural gas of up to 23,700 therms per day at the rate of 4.20 cents per therm pursuant to an industrial gas sales contract dated August 1, 1970. El Paso is currently authorized in the instant dockets to sell a maximum quantity of 35,000 therms per day at a rate of 3.60 cents per therm to Union Carbide on an interruptible basis.

By letter filed with the Commission on January11, 1972, El Paso requested that Commission action on said petition be held in abeyance pending modification of the contractual arrangements between El Paso and Union Carbide.

On August 11, 1972, El Paso filed an amendment to said petition to amend. El Paso states that it has negotiated a new industrial gas sales contract with Union Carbide dated May 25, 1972, which cancels their contract of August 1, 1970. The new contract provides for firm deliveries of up to 1,120 therms daily at the rate of 4.20 cents per therm and deliveries of up to 22,580 therms daily on an interruptible basis at the rate of 3.8 cents per therm, in lieu of the previously agreed upon 23,700 therms daily on a firm basis. El Paso now requests therefor that the above referenced orders in Dockets Nos. G-8934 and G-10008 be amended only to the extent necessary to authorize deliveries to Union Carbide in accordance with this new contract. No additional facilities are required for the proposed service.

The new amendment to El Paso's earlier petition to amend was noticed in the FEDERAL REGISTER on August 24, 1972 (37 FR 17981). No protests or petitions to intervene have been filed in this proceeding.

El Paso states in its filing that the firm service to which Union Carbide will be entitled under the new contract, a maximum of 1,120 therms daily, will be utilized to satisfy space heating and other "human needs," both at the Uravan plant and in the town of Uravan. Uravan, Colo., is owned and managed by Union Carbide, and its residents work either at the main plant, at the nearby mines, or at one of the associated facilities. The interruptible supply of up to 22,580 therms daily will be used by Union Carbide, as available, for its industrial facilities. Union Carbide has recently reduced its need for gas for industrial purposes by installing alternate fuel standby facilities at a cost of approximately $180,000.

In view of the present critical gas supply shortage, any attachment of additional firm load as proposed herein can no longer be considered a matter of routine issuance of an amended certificate. We believe that a full evidentiary record should be developed to explore the public convenience and necessity issues involved before such a certificate can be issued. It is necessary to determine, among other things, what effect, if any, the proposed addition will have on El Paso's existing gas supply and on its ability to meet existing and future firm customer requirements on its system. Further, the "human needs" uses to which the firm gas will be put at both the Uravan plant and the town of Uravan must be evidenced on the record and the potential growth of these "human needs" requirements must be explored. Additionally, the feasibility of utilizing alternate fuels for "human needs" here must be investigated.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing on the matters presented in El Paso's petition to partially convert interruptible industrial service to firm service.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 on February 7, 1973, concerning the matters involved in and the issues presented by this petition to amend.

(B) On or before January 22, 1973, El Paso shall prepare and file with the Commission and serve, on the presiding Administrative Law Judge and the Commission's staff, its direct testimony and exhibits in support of its petition.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-985 Filed 1-16-73;8:45 am]

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Notice of Application by Petitioners for Issuance of Subpenas for Production of Documentary Evidence

JANUARY 11, 1973.

Take notice that Petitioners (Alexandria Board of Public Works, et al.) on December 29, 1972, filed with the Commission an application for a subpena to compel production of documentary evidence by the persons below:

R. W. Steele, President, Interstate Power Co.
Duane Arnold, Chairman of the Board, Chief Executive Officer and President, Iowa Electric Light and Power Co.
Charles H. Whitmore, President and Chairman of the Board, Iowa-Illinois Gas and Electric Co.
Dwight H. Swanson, President and Chairman of the Board, Iowa Power & Light Co.
F. W. Griffith, Chairman of the Board and President, Iowa Public Service Co.
R. F. Brewer, President, Iowa Southern Utilities Co.
K. S. Austin, President, Lake Superior District Power Co.
S. Laskin, President and Chief Executive Officer, Minnesota Power & Light Co.
David M. Haskett, President, Montana-Dakota Utilities Co.
Robert H. Engels, President, General Manager and Chairman of the Board, Executive Officer, Northern States Power Co.
A. D. Schmidt, President, Northwestern Public Service Co.

The Application is on file with the Commission and is available for inspection. It has been or will be served on all parties to the proceeding. Responses to the Application must be filed by January 30, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-945 Filed 1-16-73;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON

Notice of Proposed Changes in Rates and Charges

JANUARY 11, 1973.

Take notice that Toledo Edison (Toledo) on December 22, 1972, tendered for filing copies of the following rate schedules: Municipal Resale Service Rate—Small, and Municipal Resale Service Rate—Large. Toledo claims that the proposed changes would increase Toledo's revenues from jurisdictional sales and service by $494,747 based on a 1971 test year.

Toledo states that the proposed tariff is intended to be applicable to all of its municipal wholesale customers, all of whom are presently served under individual contracts on file with the Commission as follows:

Municipality:	FPC No.
City of Bowling Green, Ohio	5
Village of Bradner, Ohio	6
City of Bryan, Ohio	7
Village of Custar, Ohio	8
Village of Edgerton, Ohio	9
Village of Elmore, Ohio	10
Village of Genoa, Ohio	11
Village of Haskins, Ohio	12
Village of Liberty Center, Ohio	13
Village of Montpelier, Ohio	14
City of Napoleon, Ohio	15
Village of Oak Harbor, Ohio	16
Village of Pemberville, Ohio	17
Village of Pioneer, Ohio	18
Village of Woodville, Ohio	19

Toledo Edison says that it is replacing existing individual municipal wholesale agreements with the standardized rate tariffs transmitted herewith, thus permitting all wholesale municipal customers to be served under uniform rate

[1] This order was adopted on Dec. 20, 1972, before Commissioner Walker left the Commission.

schedules. Toledo argues that increased rates are necessary in order to permit Toledo to absorb increased costs which cannot be recovered out of existing revenues, and in addition it will permit it to borrow funds at reasonable rates in order to carry out capital outlays to which it is committed in order to maintain an adequate supply of electric power to meet increasing demands. Toledo also argues that rate increases requested in this proceeding are designed to bring the wholesale municipal rates into line with the new rates granted by municipal ordinance and anticipated from the Public Utilities Commission of Ohio, so as to spread the increased cost of service more evenly over all customers.

Toledo states that no increase in the existing rates is anticipated until the expiration of the existing contracts applicable to each city. Toledo says that the fuel adjustment clause in the proposed tariff is, however, proposed to become applicable to the municipalities of Bradner, Custar, Edgerton, Elmore, Genoa, Haskins, Liberty Center, Oak Harbor, Pemberville, Pioneer, and Woodville upon the effective date of the new tariff resulting in a modest annual aggregate reduction of an estimated $10,200 to the foregoing municipalities whose rates are not being changed at this time.

Toledo says that the existing agreements with the municipalities of Bowling Green, Montpelier, and Napoleon have expired, and as to those municipalities, it is proposed that the effective date of the new tariff will be March 1, 1973, over sixty (60) days after the date of this filing. Toledo states that the new tariff is proposed to become effective as to all other municipalities upon the expiration dates of their respective current agreements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-986 Filed 1-16-73;8:45 am]

[Docket No. R-441; Order No. 455]

MOBIL OIL CORP.

Letter Clarifying Specific Questions Concerning Optional Procedure for Certificating New Producer Sales of Natural Gas

The following letter has been sent to Mobil Oil Corp., Houston, Tex., by the Commission Secretary in response to questions regarding the relationship of Order No. 455, "Optional Procedure for Certificating New Producer Sales of Natural Gas," Docket No. R-441, issued August 3, 1972 (37 FR 16189, August 11, 1972), to the refund obligation discharge and contingent escalation provisions of two area rate decisions by the Commission:

This is in response to your letter of November 21, 1972, which requested clarification upon specific questions you have concerning Order No. 455, Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. R-441, issued August 3, 1972.

We shall respond to your questions regarding the relationship of Order No. 455 to the refund obligation discharge and contingent escalation provisions of the area rate decisions in Opinions Nos. 595 and 598, seriatim:

1. If the first of a series of contingent escalations is triggered in a given area and the producer begins collecting additional revenue provided by the first escalation, may he later invoke the Order No. 455 optional procedure by waiving the remaining contingent escalations?

The answer to this question is in the affirmative, as it is only waiver of future escalations which the Commission requires for certification under Order No. 455.

2. If a producer invokes Order No. 455 and waives future contingent escalations after an initial escalation has been triggered, may he continue to collect the additional revenue provided by the first escalation?

Again the answer is affirmative, because the order does not require a retroactive downward adjustment. The producer will not be required to reduce prospectively the rates determined by the escalation triggered prior to certification under Order No. 455, nor will he be required to refund amounts collected at the escalated rate in effect prior to the waiver.

3. If a producer discharges all refund liabilities by commitments under the reserve dedication provisions of opinions Nos. 595 and 598, but at a later date invokes the optional procedure for certificating new sales under Order No. 455, will the producer then be required to forego the discharge under those provisions and make refunds in cash?

The answer to this question is in the negative.

We trust that the answers to your questions, although they may appear peremptory, are sufficient to enable you to proceed under the optional procedure. If you require a fuller explanation, please do not hesitate to request it.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-982 Filed 1-16-73;8:45 am]

[Docket No. G-3072, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order

JANUARY 8, 1973.

Findings and order[1] after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, making successors corespondent, and accepting, redesignating, and canceling FPC gas rate schedule in part.

Each Applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, notices of intervention were filed and withdrawn by the Public Utilities Commission of California in Docket Nos. CI71-607, CI71-663, and CI72-78. No petitions to intervene, protests to the granting of the applications, or further notices of intervention have been filed.

At a hearing held on December 29, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience

[1] This order was adopted on Dec. 29, 1972, before Commissioner Walker left the Commission.

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and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that certain successors in interest, who are herein authorized to continue sales of natural gas in interstate commerce, should be made corespondents in their predecessors' rate proceedings.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates, for sales authorized herein to be continued under new or amended certificates, should be amended by deleting therefrom authorization to sell gas.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant in Docket No. CI73–88 should be made a corespondent in its predecessor's rate proceedings in Docket Nos. RI70–171 and RI70–198.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
CI71-607	27.0	14.65
CI71-663	26.5	14.65
CI72-78	27.0	14.65
CI72-837	[1] 18.0	14.65
	[2] 19.0	14.65
CI72-838	26.0	15.025
CI72-839	[3] 22.25	15.025
	[4] 26.0	15.025
CI72-850	26.0	15.025
CI73-86	[5] 17.01556	14.65
CI73-87	21.5	14.65
CI73-88	24.0	15.025

[1] From Dec. 31, 1969, to July 6, 1970.
[2] After July 6, 1970.
[3] For sales of all gas from initial delivery to Aug. 18, 1972, and thereafter for sales of gas from reservoirs discovered prior to Oct. 1, 1968.
[4] After Apr. 18, 1972, for sales from reservoirs discovered after Oct. 1, 1968.
[5] From Dec. 31, 1969, to May 1, 1971; and applicant may charge and collect the proposed rate thereafter.

(F) Within 90 days from the date of this order, Applicants in Dockets Nos. CI71–185, CI72–752, CI72–825, CI72–837, CI73–48, CI73–49, CI73–56, CI73–58, CI73–59, CI73–62, and CI73–89 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 586, 595, 598, and 607 as applicable.

(G) Within 90 days from the date of initial delivery, Applicants in Dockets Nos. CI72–838, CI72–839, and CI72–850 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 598.

(H) The certificates and certificate authorization granted in Dockets Nos. CI71–185, CI72–752, CI72–825, CI72–837, CI72–838, CI72–839, CI72–850, CI73–48, CI73–49, CI73–56, CI73–58, CI73–59, CI73–62, and CI73–89 are subject to the Commission's findings and orders accompanying Opinion Nos. 586, 586–A, 595, 595–A, 598, 598–A, 607, and 607–A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the Regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(I) The certificates granted in Dockets Nos. CI71–607 and CI72–78 are subject to § 2.71 of the Commission's General Policy and Interpretations establishing charges for transporting liquids and liquefiable hydrocarbons.

(J) The rates for the sales authorized in Dockets Nos. CI71–607, CI71–663, and CI72–78 are subject to prospective modification upon conclusion of the proceeding pending in Docket No. AR70–1, et al.

(K) Applicant in Docket No. CI73–88 is made a co-respondent in the proceedings pending in Dockets Nos. RI70–171 and RI70–198. Applicant shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(L) Applicant in Docket No. CI72–850 shall not substitute reserves pursuant to section 3(e) of its contract without having first secured authorization from the Commission.

(M) Section 154.93 of the regulations under the Natural Gas Act is waived to permit the acceptance for filing as a rate schedule the contract submitted by Applicant in Docket No. CI73–86 which may permit the sale of the Federal Government's royalty share of the gas at a price in excess of the otherwise applicable rate. Any rate change based on this pricing provision is subject to suspension under section 4 of the Natural Gas Act.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [12]		
			Description and date of document	No.	Supp.
G–3072 D [1]	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Starr County, Tex.	Notice of partial cancellation 3–7–72 [3] (Cancels FPC gas rate Schedule No. 11 in part). (Effective date: 3–1–72) [3]	11	44
G–3299 [4]	Amoco Production Co	Columbia Gas Transmission Corp., Church Point-Northwest Branch Field, Acadia Parish, La.	Assignment 12–31–69 [4] (Effective date: 12–31–69)	174	28
G–4064 [4]	do	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	Assignment 12–31–69 [4] (Effective date: 12–31–69)	10	20

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [12]		
			Description and date of document	No.	Supp.
CI71–607 A 2–24–71 [13]	The Louisiana Land and Exploration Co.	Transwestern Pipeline Co. Acreage in Uniersity Land, et al. Surveys, Winkler and Ward Counties, Tex.	Contract 2–11–71 [14] (Effective date: Date of initial delivery).	8	
CI71–663 A 3–15–71	Phillips Petroleum Co.	El Paso Natural Gas Co., Lusk Field, Lea County, N. Mex.	Contract 2–10–71 [14] (Effective date: Date of initial delivery).	455	
CI71–663 C 8–26–71	do	El Paso Natural Gas Co., Lusk Field, Chaves and Lea Counties, N. Mex.	Supplemental agreement 12–3–71. (Effective date: Date of initial delivery).	455	6
CI72–78 A 8–2–71	Cities Service Oil Co.	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	Contract 7–16–71 [14] (Effective date: Date of initial delivery).	345	
CI72–752 F 6–22–72	Clinton Oil Co	United Gas Pipe Line Co., Red Fish Bay Field, Nueces County, Tex.	Contract 10–28–53 [15]	102	1
			Agreement 3–20–62	102	2
			Assignment 12–31–69 [14]	102	3
			Assignment 12–31–71	102	4
			Assignment 1–28–72	102	5
			Assignment 1–28–72 (Effective date: 12–31–69)	102	6
CI72–825 F 6–9–72	Amoco Production Co.	Northern Natural Gas Co., Northeast Gage Field, Ellis County, Okla.	Contract 9–24–60 [15] (Effective date: 1–1–72) [16]	586	1
			Assignment 1–1–72 [14]	586	
CI72–837 F 6–16–72	Clinton Oil Co	Transwestern Pipeline Co., East Hemphill Field, Hemphill County, Tex.	Contract 9–26–60 [15]	112	1
			Letter agreement 10–12–64.	112	
			Assignment 12–31–69 [14] (Effective date: 12–31–69) [3]	112	2
CI72–838 A 6–14–72	Exchange Oil & Gas Corp. (Operator), et al.	Texas Gas Transmission Corp., Block 23 Field, Ship Shoal Area, off shore Louisiana.	Notice of partial cancellation 3–17–72 [14] (Cancels FPC gas rate Schedule No. 69 in part). Compliance date: Date of initial delivery.	23	1
CI72–839 F 6–14–72	do	do	Ratification 1–6–72 [17]	23	1
			Contract 6–1–67 [17]	23	2
			Assignment 11–1–71 [17]	23	3
			Amendment 4–6–72 [17]	23	4
			Letter agreement 5–12–72. (Effective date: Date of initial delivery).	23	5
CI72–850 A 6–21–72	The California Co., a division of Chevron Oil Co.	do	Contract 5–15–72 [18]	74	
			Letter agreement 5–15–72 (Effective date: Date of initial delivery).	74	1
CI72–860 D 8–14–72	American Petrofina Co. of Texas.	El Paso Natural Gas Co., acreage in Lea and Eddy Counties, N. Mex.	Letter agreement 7–15–72.	81	1
CI72–874 6–26–72 [19]	Continental Oil Co.	Cities Service Gas Co., Southeast Eureka Area, Alfalfa County, Okla.	Contract 10–29–57 [20] (Effective date: 5–2–71) [21]	334	
CI73–48 F 7–30–72	Clinton Oil Co.	Panhandle Eastern Pipe Line Co., Hitch Creek Field, Beaver County, Okla.	Contract 5–1–53 [22]	106	1
			Agreement 5–1–54	106	2
			Agreement 6–4–63	106	3
			Assignment 11–1–71 [23]	106	4
			Amendment 4–6–72	106	5
			Assignment 12–31–69 [24] (Effective date: 12–31–69). [3]	106	

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [12]		
			Description and date of document	No.	Supp.
G–4623 D 1–10–72	Amoco Production Co. (Operator), et al.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Carthage Field, Panola County, Tex.	(1)		
G–4899 [4]	Amoco Production Co	United Gas Pipe Line Co., Red Fish Bay Field, San Patricio and Nueces Counties, Tex.	Assignment 12–30–71 [4]	79	20
			Assignment 1–28–72 [4]	79	21
			Assignment 12–28–71 [4]	79	22
			Assignment 12–30–71 [4]	79	24
			Assignment 1–28–72 [4] (Effective date: 12–31–69)	79	25
G–5711 [4]	do	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Hoser Field, Victoria County, Tex.	Assignment 12–31–69 [4] (Effective date: 12–31–69)	61	12
G–7485 D [25]	Amoco Production Co. (Operator), et al.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	Assignment 12–31–69 [14] (Effective date: 12–31–69) [3]	130	11
G–7508 [4]	Amoco Production Co	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Chesterville Field, Colorado County, Tex.	Assignment 12–31–69 [4] (Effective date: 12–31–69)	138	13
G–7622 D 5–17–72	do	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Chesterville Field, Colorado County, Tex.	Contract 4–1–72 [15] (Effective date: 6–16–72) [3]	98	15
G–11905 D 8–22–72	Mobil Oil Corp.	United Gas Pipe Line Co., Cameron Meadows et al. Fields, Cameron Parish, La.	Notice of partial cancellation 3–17–72 [14] (Cancels FPC gas rate Schedule No. 69 in part). Compliance date: 12–31–69	69	33
G–15188 D 1–13–72 [4]	Amoco Production Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., Hitch Creek Field, Beaver County, Okla.	Assignment 12–31–69 [4] (Effective date: 12–31–69) [3]	223	13
G–16364 D [26]	Amoco Production Co	Mountain Fuel Supply Co., Trail Unit Area, Sweetwater County, Wyo.	Assignment 12–31–69 [19]	251	6
CI61–813 D [4]	Amoco Production Co. (Operator), et al.	Transwestern Pipeline Co., Feldman South Field, Hemphill County, Tex.	Assignment 12–31–69 [14] (Effective date: 12–31–69) [3]	295	12
CI66–79 E 6–5–72	Nomac Oil Co., Inc	Cities Service Gas Co., Palmer Field, Barber County, Kans.	Skelly Oil Co., FPC Gas rate Schedule No. 207 and supplements Nos. 1–2 thereto. Notice of succession 3–31–72.	2	1–2
			Assignment 3–28–72 [3]	2	3
			(Effective date: 4–1–72) [3]		
CI66–1339 D [4]	Cities Service Oil Co.	Northern Natural Gas Co., Camrick Ellis County, Okla.	Assignment 11–1–72 [3]	212	5
			(Effective date: 11–1–72) [3]		
CI71–185 E 6–15–72	Clay J. Calhoun	United Gas Pipe Line Co., Learned Field, Hind City, Miss.	Shell Oil Company FPC gas rate Schedule No. 381 Supplement Nos. 1–3, thereto. Notice of Succession 6–14–72.	1	1–3
			Assignment 4–5–72	1	4
			Assignment 4–24–72 [3]	1	5

See footnotes at end of table.

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Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [1] No.	Supp.
CI73-49 (F 7-30-72	....do	United Gas Pipe Line Co., Blatcomia Field, Bee County, Tex.	Contract 11-1-45 [2]	108
			Amendment 11-1-45	108
			Agreement 11-1-45	108
			Agreement 1-18-50	108
			Agreement 8-31-54	108
			Agreement 8-30-51	108
			Letter agreement 1-28-55	108
			Letter agreement 10-1-54	108
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			Amendment 8-25-58	108
			Letter agreement 7-25-58	108
			Letter agreement 7-15-60	108
			Amendment 5-16-60	108
			Quality statement 6-18-71	108
			Assignment 12-31-69 [3]	108
			(Effective date: 12-31-69) [4]	108
CI73-56 (F 7-24-72	....do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Riverside Field, Nueces County, Tex.	Contract 11-30-45 [5]	107
			Agreement 2-5-46	107
			Amendment 2-18-47	107
			Amendment 1-2-48	107
			Agreement 2-2-51	107
			Assignment 12-31-69 [3]	107
			(Effective date: 12-31-69) [4]	107
CI73-58 (F 7-24-72	....do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	Currently on file as Amoco Production Co. FPC gas rate Schedule No. 298.	110
			Applicant agreed to accept a permanent certificate at 26 cents.	110
			Deletes Burrough Coma No. 2 well, which is covered under applicant's FPC gas rate Schedule No. 16.	110
			(Omitted).	110
			Applicant's interest previously covered by Davon Drilling Co. (Operator) et al., FPC gas rate Schedule No. 1 and the certificate issued in Docket No. G-18798, Davon received a small producer certificate in Docket No. C171-206 which did not include sales from applicant's interest.	110
			Formerly on file as Davon Drilling Co. (Operator) et al., FPC gas rate Schedule No. 1.	110
			Effective date: Date of initial delivery. Currently on file as Tenneco Inc. Currently on file as Old Ocean Oil Co. and Tennessee Gas Pipeline Co., a division of Tenneco Inc. Currently on file as Amoco Production Co. FPC gas rate Schedule No. 64.	110
			Contract between Stanolind Oil and Gas Co. and United Gas Pipe Line Co. on file as Amoco Production Co. FPC gas rate Schedule No. 10.	110
			(Omitted)	110
			Contract between Stanolind Oil and Gas Co. and Tennessee Gas Pipeline Co. on file as Amoco Production Co. FPC gas rate Schedule No. 138.	110
			Currently on file as Amoco Production Co. (Operator) et al., FPC gas rate Schedule No. 130.	110
			Contract between Tan American Production Co., United Fuel Gas Co. and Gulf Interstate Gas Co., on file as Amoco Production Co. FPC gas rate Schedule No. 171.	110
			Assignment from Amoco Production Co. FPC gas rate Schedule No. 251.	110
			Currently on file as Amoco Production Co. (Operator) et al., FPC gas rate Schedule No. 223.	110
CI73-62 (A 7-24-72	Phillips Petroleum Co.	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb and Ochiltree Counties, Tex.	Contract 6-19-72 (Effective date: Date of initial delivery).	510
CI73-66 (A 8-7-72	Amoco Production Co.	El Paso Natural Gas Co., Ute Dome Dakota Field, San Juan County, N. Mex.	Contract 6-27-72 (Effective date: Date of initial delivery).	588
CI73-68 (F 8-7-72	Clinton Oil Co.	Montana-Dakota Utilities Co., Trail Unit Area, Sweetwater County, Wyo.	Contract 4-7-58 [6]	106
			Letter agreement 8-30-68	106
			Assignment 12-31-69 [3]	105
			(Effective date: 12-31-69) [4]	105
CI73-80 (F 8-4-72	....do	Panhandle Eastern Pipe Line Co., Greenough Field, Beaver County, Okla.	Contract 3-21-65	111
			Amendment 12-21-65	111
			Assignment 12-31-69 [3]	111
			(Effective date: 12-31-69) [4]	111

[1] No certificate filing required. 18 CFR 2.64. Undereloped acreage assigned to Joseph P. Mueller, certificate holder in Docket No. C171-206.
[2] Includes assignment dated 2-25-72, whereby Humble Oil & Refining Co. assigned to Joseph P. Mueller:
[3] Effective date of transfer of producing properties.
[4] No certificate filing required. 18 CFR 2.64.
[5] Assigns acreage from Amoco Production Co. to Clinton Oil Co. Clinton filed a partial succession application in Docket No. C173-48 which is included in this tabulation.
[6] Assigns acreage from Amoco Production Co. to Clinton Oil Co. Clinton filed a partial succession application in Docket No. C173-56 which is included in this tabulation.
[7] Leases released to landowner or sellers.
[8] Expiration of statutory notice period.
[9] Includes assignment dated 2-25-72, Mobil assigned previously nonproductive acreage to Cinco Exploration, Inc. Cinco agrees with acreage to Clinton Oil Co.
[10] Conveys interest from Skelly Oil Co. to applicant.
[11] Conveys interest from Cities Service Oil Co. to Amoco Production Co. Amoco's filing in Docket No. C172-825 is included in this tabulation.
[12] Already accepted for filing.
[13] Applicant agreed to accept permanent certificate at 27 cents.
[14] Provides that seller has option to process the gas prior to delivery or at a point on buyer's pipeline.
[15] Provides that during the first 5 contract years buyer shall take or pay for all available casinghead gas and 20,000 M.c.f. per day per well of gas-well gas. Thereafter the contract quantity shall consist of 1,000 M.c.f. of gas-well gas for each gas-well gas completion in the contract area. For purposes of gas-well gas, this amount initially set at 10,000 Mcf. per day.
[16] Provides for possible transportation of liquefiable hydrocarbons by buyer.
[17] Contract between Amoco Production Co. and United Gas Pipe Line Co. on file as Amoco Production Co. FPC gas rate Schedule No. 70.
[18] Assigns acreage from Amoco to applicant.
[19] [Omitted]
[20] [Omitted]
[21] [Omitted]
[22] Currently on file as Cities Service Oil Co. FPC gas rate Schedule No. 212.

[FR Doc.73-828 Filed 1-16-73;8:45 am]

NATIONAL COMMISSION ON MATERIALS POLICY

PREPARATION OF COMMISSION'S FINAL REPORT

Notice of Closed Meeting

JANUARY 16, 1973.

Pursuant to the requirements of the Federal Advisory Committee Act, notice is hereby given that there will be a meeting of the National Commission on Materials Policy on Thursday, January 18, 1973, at 10 a.m. The meeting will be held in the Commission's offices, Room 3002, 2025 M Street NW., Washington, DC. The meeting will be held for the purpose of reviewing reports prepared for the Commission by staff members and by various persons and groups outside the Government, and for the purpose of preparing the Commission's final report to the Congress and the President. The meeting will not be open to the public.

JAMES BOYD,
Executive Director.

[FR Doc.72-1131 Filed 1-16-73;12:03 pm]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Interim Regulation

No. 11—Pt. II——1

V 38 - 11 JAN 17 73 XUM

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 6—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Interim Regulations

The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of April 23, 1971, requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the Agency decisionmaking process an appropriate and careful consideration of all environmental aspects of proposed actions.

On January 20, 1972 (37 FR 879), the Environmental Protection Agency published as proposed rule making a new part 6 establishing agency policy and procedures for the identification and analysis of the environmental impact of agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated. The proposed part 6 was a summary of the Agency's procedures.

As a result of public comment on the summary, the Agency has revised its procedures and is now publishing them in their entirety as an interim regulation. Because the public has not seen the complete procedures and because of the significant changes made, we are again inviting public comment. Final regulations will be published after receipt and consideration of the comments.

Environmentally protective regulatory activities have been specifically excluded from this interim regulation pending the outcome of certain judicial appeals and an internal EPA study of its regulatory activities.

The Environmental Protection Agency invites all interested persons who desire to submit written comments or suggestions concerning the preparation of final regulations to do so in triplicate to the Office of Federal Activities, Environmental Protection Agency, Washington, DC 20460. Such submissions should be received by April 15, 1973, to allow time for appropriate consideration and possible inclusion in the final regulations. Copies of the submissions will be available for examination by interested persons in the Public Information Office, Room W329, Waterside Mall, Fourth and M Streets, SW., Washington, DC.

Effective date. This regulation will become effective February 16, 1973.

Dated: January 10, 1973.

ROBERT W. FRI,
Acting Administrator.

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AUTHORITY: Secs. 102, 103, 83 Stat. 854.

Subpart A—General

§ 6.10 Purpose and policy.

(a) The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of April 23, 1971 (36 FR 7724), requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the agency decisionmaking process an appropriate and careful consideration of all environmental aspects of proposed actions.

(b) This part establishes Environmental Protection Agency policy and procedures for the identification and analysis of the environmental impact of Agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated.

§ 6.11 Definitions.

(a) "Environmental assessment" is a written analysis submitted to the Agency by its grantees or contractors describing the environmental impacts of actions undertaken with the financial support of the Agency.

(b) "Environmental review" is a formal evaluation undertaken by the Agency to determine whether a proposed Agency action may have a significant impact on the environment.

(c) "Notice of intent" is a memorandum announcing to Federal, State, and local agencies, and to interested persons, that a draft environmental impact statement will be prepared and processed.

(d) "Environmental impact statement" is a report, prepared by the Agency, which identifies and analyzes in detail the environmental impacts of an Agency action.

(e) "Negative declaration" is a written announcement, prepared subsequent to the environmental review, which states the Agency has decided not to prepare an environmental impact statement.

(f) "Environmental impact appraisal" is an abbreviated document, based on an environmental review, which supports a negative declaration. It describes a proposed Agency action, its expected environmental impact, and the basis for the conclusion that no significant impact is anticipated.

(g) "Responsible official" will usually be either a Regional Administrator or a Deputy Assistant Administrator. He is responsible for assuring that environmental reviews are conducted and, if necessary, that environmental impact statements and other associated documents are prepared. "Responsible officials" are identified for the various Agency program offices in the subparts following Subpart D.

(h) "Interested persons" are individuals, groups, organizations, corporations, or other nongovernmental units, including an applicant for an Agency contract or grant and conservation groups, who may be interested in, affected by, or technically competent to comment on the environmental impact of the proposed Agency action.

§ 6.12 Summary of the environmental impact statement process.

(a) Environmental review. An environmental review shall be made of proposed and certain ongoing actions (as required in § 6.13(c)) of the Environmental Protection Agency. This process shall consist of a study of the program or project, identifying and evaluating the expected and potential environmental impacts of the action. The purpose of this review is to determine whether any significant impacts are anticipated and if an environmental impact statement is required. The Agency has overall responsibility for this review, although its grantees and contractors will contribute to the review through environmental assessments they have submitted. (Types of grants, contracts, and other actions requiring such assessments are specified in the subparts following Subpart D of this part.)

(b) Notice of intent and impact statements. Where the environmental review indicates significant environmental impacts, a notice of intent shall be published, and a draft environmental impact statement shall be prepared and distributed. After external coordination and evaluation of the comments received, a final environmental impact statement shall be prepared and distributed.

(c) Negative declaration and environmental impact appraisal. When the environmental review does not indicate any significant impacts, a negative declaration to this effect shall be issued. For the cases specified in the subparts following Subpart D of this part, an environmental impact appraisal shall be prepared, which summarizes the impacts, alternatives, and the reasons an impact statement was not prepared. It shall remain on file and shall be available for public inspection.

(d) The environmental impact statement process is shown graphically in Exhibit 1.

§ 6.13 Applicability.

(a) *Actions covered.* This part applies to:

(1) All Agency legislative proposals;

(2) Favorable reports on legislation initiated elsewhere and not accompanied by an impact statement, provided it is not excluded in paragraph (b)(4) and (5) of this section;

(3) Direct Agency activities;

(4) Activities of its grantees and contractors that are financially supported in whole or in part by the Agency, except as noted in paragraph (b) of this section.

(b) *Actions excluded.* The following Agency actions are not subject to the requirements of this part:

(1) Administrative procurements (e.g., general supplies);

(2) Contracts for consulting services;

(3) Personnel actions;

(4) Legislative proposals originating in another Agency;

(5) Legislative proposals not relating to or affecting the matters within EPA's primary areas of responsibility;

(6) Environmentally protective regulatory activities.

(c) *Retroactive application.* This regulation shall apply to uncompleted and continuing Agency actions initiated prior to the promulgation of these procedures when substantial funds have not been released and modifications of or alternatives to the Agency action are still available. An environmental impact statement shall be prepared for each project found to have significant environmental consequences, as determined in accordance with § 6.20.

(d) *Application to legislative proposals.* Except as noted in paragraphs (b)(4) and (5) of this section, environmental impact statements shall be prepared for legislative proposals or favorable reports relating to legislation. Because of the nature of the legislative process, impact statements for legislation must be prepared and reviewed in accordance with the procedures followed in the development and review of the legislative matter. These procedures are described in Office of Management and Budget Circular No. A-19; separate procedures, therefore, have not been provided in this part. Where appropriate, legislative statements will contain the information required in § 6.32.

(e) *Application to annual budget estimates.* An annual listing of those Agency actions which will require the preparation of environmental impact statements shall be compiled each year as specified in Office of Management and Budget Bulletin No. 72-6. Agency components shall submit with their budget estimates a listing of those projects for which they expect to prepare impact statements. Applicable portions of Subpart B of this part shall be utilized to review projects to determine if they will have a significant impact.

§ 6.14 General responsibilities.

(a) *Responsible official.* (1) Requires contractors and grantees to submit environmental assessments and assures environmental reviews are conducted on proposed Agency projects at the earliest practicable point in the Agency's project formulation process.

(2) When required, assures that draft statements are prepared and distributed at the earliest practicable point in the Agency's project formulation process, their internal and external review is coordinated, and final statements are prepared and distributed.

(3) When an impact statement is not prepared, assures that negative declarations and environmental appraisals are prepared and distributed for those actions requiring them.

(b) *Office of Federal Activities.* (1) Provides Agencywide policy guidance and assures that Agency components establish and maintain adequate administrative procedures to comply with this part.

(2) Monitors the overall timeliness and quality of the Agency effort to comply with this part.

(3) Provides assistance to "responsible officials" as required.

(4) Coordinates the training of personnel involved in the review and preparation of environmental impact statements.

(5) Acts as Agency liaison with the Council on Environmental Quality and other Federal and State entities on matters of Agency policy and administrative mechanisms to facilitate external review of Agency environmental impact statements, to determine lead Agency, and to improve the uniformity of the NEPA procedures of Federal agencies.

(6) Advises the Administrator and Deputy Administrator on projects which involve more than one Agency component, are highly controversial, are nationally significant, or "pioneer" Agency policy, when these projects have had or should have an environmental impact statement prepared on them.

(c) *Office of Public Affairs.* (1) Assists the Office of Federal Activities and "responsible officials" by answering the public's queries on the impact statement process and on specific impact statements, and by directing requests for copies of specific documents to the appropriate regional office or program.

(2) Analyzes the present procedures for public participation, and develops and recommends to the Office of Federal Activities a program to improve those procedures and increase public participation.

(d) *Regional Office Division of Public Affairs.* (1) Assists the "responsible official" or his designee on matters pertaining to negative declarations, notices

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of intent, press releases, and other public notification procedures.

(2) Assists the responsible official or his designee by answering the public's queries on the impact statement process and on specific impact statements, and by filling requests for copies of specific documents.

(e) *Office of Legislation.* Provides the necessary liaison with Congress.

(f) *Offices of the Assistant Administrators and Regional Administrators.* (1) Provide specific policy guidance to their respective offices and assure that those offices establish and maintain adequate administrative procedures to comply with this part.

(2) Monitor the overall timeliness and quality of their respective component's efforts to comply with this part.

(3) Act as liaison between their components and the Office of Federal Activities and between their components and other Assistant Administrators or Regional Administrators on matters of agencywide policy and procedures.

(4) Advise the Administrator and Deputy Administrator, through the Office of Federal Activities, on projects or activities within their respective areas of responsibility which involve more than one Agency component, are highly controversial, are nationally significant or "pioneer" Agency policy, when these projects have had or should have an environmental impact statement prepared on them.

(g) *Budget Operations Division, Office of Resources Management.* The Budget Operations Division, Office of Resources Management, prepares from the submission of Agency components a listing of those Agency actions, covered by the budget estimates, which will require the preparation of environmental impact statements, as specified in Office of Management and Budget Bulletin No. 72-6 (see § 6.13(e)).

(h) *The Office of Legislation.* The Office of Legislation coordinates the preparation of impact statements required on legislative proposals or reports on legislation (see § 6.13(d)).

§ 6.15 Timing for proposed Agency actions on which impact statements are to be prepared.

(a) Except when requested by the "responsible official" in writing and approved by the Council on Environmental Quality, no administrative action shall be taken sooner than ninety (90) calendar days after a draft statement has been distributed or sooner than thirty (30) calendar days after the final statement has been distributed. If the final statement is filed within ninety (90) calendar days after the draft statement has been circulated and made public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(b) Administrative action shall be interpreted as an Agency award of a grant or contract, or actual physical commencement of a project or activity undertaken with inhouse funds (intramural project).

Subpart B—Procedures

§ 6.20 Guidelines for determining when to prepare an impact statement.

The following general guidelines shall be used when reviewing an Agency action to determine if it will have a significant impact on the environment and therefore require an impact statement.

(a) *Significant environmental effects.* (1) Actions having both beneficial and detrimental effects may be classified as having significant effects on the environment even if, on balance, the Agency believes that the net effect will be beneficial. Impact statements should be prepared first on those proposed actions with the most adverse effects.

(2) Significant effects should include both primary and secondary consequences of short term and long term duration. Secondary consequences result from activities encouraged or induced by the Agency action. Long term effects should be given particular attention in the determination of significant effects.

(3) The total expected environmental impact of precedent-setting actions and individually small but cumulatively large actions shall be identified and considered fully. If the Agency is taking a number of minor, environmentally insignificant actions that are similar in execution and purpose, especially when they are taken during a limited time span and in the same general geographic area, the cumulative environmental impact of all of these actions may be significant.

(b) *Controversial actions.* An environmental impact statement shall be prepared and processed when the environmental impact of an Agency action is likely to be highly controversial.

§ 6.21 Environmental review.

(a) Proposed and certain ongoing Agency actions as specified in § 6.13(c) shall be subjected to an environmental review. This review shall be a continuing one and should commence at the earliest possible point in the development of the project. It shall consist of a study of the proposed program or project which identifies and evaluates the expected and potential environmental impacts of the action and alternatives to it. It will determine whether a significant impact is anticipated from the proposed action. The outcome of an environmental review will be either the preparation of an impact statement or preparation of a negative declaration.

(b) When making this determination, a general class of actions occurring within a common time frame may be treated as a single action if their individual environmental effects and alternatives are substantially similar.

(c) To assist the "responsible official" in reviewing the proposed action, applicants for a grant or contract may be required to submit with their original application an environmental assessment. The types of grants and contracts requiring such assessments are specified in the subparts following Subpart D of this part. The Agency may also request additional environmental data or analyses to supplement the assessment. Although the assessment and data may be utilized by the Agency in the preparation of an impact statement or environmental impact appraisal, responsibility for the technical accuracy of such information rests with the Agency.

§ 6.22 Notice of intent.

(a) *General.* (1) When an environmental review indicates a significant impact will occur, a notice of intent, announcing the preparation of a draft impact statement, shall be issued by the "responsible official." The notice shall briefly describe the Agency action, its location and the issues involved (see Exhibit 2). Such a notice should be submitted immediately after completion of an environmental review that indicates a significant impact. Notices of intent should be sent to interested persons who might be interested in receiving a copy of an impact statement. Those who request a copy of a particular draft impact statement will be sent one at the same time as those interested persons who are routinely sent copies of all impact statements.

(2) The purpose of a notice of intent is to involve other Government agencies and interested persons as early as possible in the planning and evaluation of Agency actions which embody significant environmental impacts. This device should facilitate coordination during the preparation of a draft impact statement and assure that environmental values will be identified and weighed from the outset, rather than accommodated by adjustments at the end of the decision-making process.

(b) *Specific actions.* The specific actions that should be taken with respect to notices of intent are as follows:

(1) When the review process indicates there will be a significant impact, prepare a notice of intent as soon as practicable.

(2) Forward copies of the notice of intent to:

(i) The appropriate State and local agencies and to the appropriate State, regional, and metropolitan clearinghouses.

(ii) Potentially interested persons.

(iii) The Office of Federal Activities and to the Office of Public Affairs.

(iv) The Headquarters impact statement coordinator for the program office originating the statement. When the originating office is a regional office and the action is related to water quality management, the copies should be forwarded to the Water Quality and Nonpoint Source Control Division, Office of Water Programs Operations.

(v) The Office of Legislation so they will be able to answer any queries from Congress on the matter.

(3) Submit to a local newspaper which has adequate circulation to cover the area that will be affected by the project, a brief news release (see Exhibit 3) informing the public that an impact statement will be prepared on a particular project. News releases may be submitted to other media as appropriate.

(c) *Regional office assistance to program offices.* Regional offices will provide assistance to program offices in taking these specific actions when the statement orginates in a program office.

§ 6.23 Draft impact statements.

(a) *General.* (1) The "responsible official" shall assure that a draft environmental impact statement is prepared as soon as practicable after the release of the notice of intent. Prior to release to CEQ, the draft statement may be circulated for review to other offices within the Agency with collateral interest in or technical expertise related to the action. Afterwards, the draft statement shall be sent to CEQ and circulated to Federal, State, and local agencies with special expertise or jurisdiction by law, and to interested persons. If the responsible official determines that a public hearing on the project is warranted, the hearing will be held after preparation of the draft statement and in accordance with the requirements of § 6.41. Comments from both the hearing and written replies shall be incorporated in the final environmental impact statement.

(2) Draft impact statements should be prepared at the earliest practicable point in the project development. Where a plan or program has been developed by the Agency or submitted to the Agency for approval, the relationship between the plan and the subsequent projects encompassed by it shall be evaluated to determine the preferable and most meaningful point in time for preparing an impact statement. Where practicable, an environmental impact statement will be drafted for the total program at the overall planning stage. Subsequently, component projects included in the plan will not require individual statements unless they deviate substantially from prior plans, or unless the plans do not provide sufficient detail to fully assess significant impacts of individual projects. Plans shall be reevaluated by the responsible official to monitor the cumulative impact of the component projects and to preclude the plans' obsolescence.

(b) *Specific actions.* The specific actions that should be taken with respect to draft impact statements are as follows:

(1) Before transmitting the draft statement to the Council on Environmental Quality, the "responsible official" shall:

(i) Notify by phone the Office of Federal Activities and the Headquarters impact statement coordinator for the program office originating the statement that a draft impact statement has been prepared. When the originating office is a regional office and the project is related to water quality management, the Regional Administrator will notify by phone the Office of Federal Activities and the Water Quality and Non-Point Source Control Division, Office of Water Programs Operations, that the draft impact statement has been prepared.

(ii) Send two (2) copies of the draft statement to each of the appropriate offices in paragraph (b)(1)(i) of this section.

(2) If neither of the above offices requests any changes within a ten (10) calendar day period after notification, the "responsible officials" shall:

(i) Send ten (10) copies of the draft environmental impact statement to the Council on Environmental Quality. Include with the copies two (2) completed National Technical Information Service (NTIS) accession notice cards (Form NTIS-79). One (1) card should have the return address of the Office of Federal Activities and the other the return address of the originating office. The Council on Environmental Quality will forward the necessary copies and cards to NTIS. Requests for copies can be filled by NTIS when the Agency has depleted its stock. (See § 6.43(b).)

(ii) Inform the Office of Public Affairs of the transmittal to the Council on Environmental Quality and the plans for local press release.

(iii) Notify the Office of Legislation of the transmittal so they will be able to answer any queries from Congress on the matter.

(iv) Provide copies of the draft statement to:

(*a*) The Office of Legislation if they request copies.

(*b*) The Office of Public Affairs. Provide two (2) copies.

(*c*) The appropriate field offices of reviewing Federal agencies that have special expertise or jurisdiction by law with respect to any impacts involved. The Council on Environmental Quality's Guidelines (section 7 and Appendixes II–III thereof) specify those agencies to which draft statements will be sent for official review and comment. Two (2) copies of the impact statement should be provided each field office. The field offices are expected to reply directly to the originating Agency office. Commenting agencies shall have at least thirty (30) calendar days to reply (the reply period shall commence from the date of receipt of the statement by the Council on Environmental Quality as noted in the Council's FEDERAL REGISTER and *102 Monitor* announcements); afterwards, it shall be presumed that, unless a time extension has been requested, the Agency has no comment to make. EPA will grant extensions where practical, not to exceed fifteen (15) calendar days.

(*d*) The appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses. The time limits for review and comment shall be the same as those available to Federal agencies.

(*e*) Interested persons. The time limits for review and comment shall be the same as those available to Federal agencies.

(v) Submit to the local newspapers and other appropriate media a news release (see Exhibit 3) that the draft statement is available for comment and where copies may be obtained.

(vi) Send two (2) copies of the summary sheet to the Office of Management and Budget, Organization and Management Systems Division.

(c) Regional office assistance to program office. If requested, regional offices will provide assistance to program offices in taking these specific actions when the impact statement originates in a program office.

§ 6.24 Final impact statements.

(a) Final statements shall respond to all written or recorded suggestions, criticisms, and comments raised through the review of the draft impact statement. Special care should be taken to respond fully to comments that are at variance with the Agency's position (see also § 6.32(g)).

(b) Distribution and other specific actions will be as specified for draft statements in § 6.23 (b) and (c), except that in the case of Federal and State agencies and interested persons, only those who responded to the draft statement will be sent a copy of the final statement.

§ 6.25 Negative declaration and environmental impact appraisals.

(a) *General.* When an environmental review indicates no significant impact, a negative declaration shall be prepared prior to taking action (see Exhibit 4). An environmental impact appraisal supporting the negative declaration shall be prepared for those cases specified in the subparts following Subpart D of this part, as determined by the "responsible official." The appraisal (see Exhibit 5) describes the proposed activity and its effects, and documents the reasons for concluding that there will be no significant impact. This appraisal shall remain with internal records for the activity or action, and shall be available for public inspection.

(b) *Specific actions.* The following specific actions should be taken on those projects on which both a negative declaration and appraisal were prepared. Circulation of a negative declaration on a project for which no appraisal is required is unnecessary.

(1) *Negative declaration.* (i) When the review process indicates that there will not be a significant impact, prepare a negative declaration as soon as practicable.

(ii) The negative declaration shall be distributed in the same fashion as the notice of intent, except that copies shall be sent only when practicable to interested persons.

(iii) Where practicable, submit to the local newspapers and other appropriate media a brief news release (see Exhibit 3) informing the public that an impact statement will not be prepared on a particular project.

(2) *Environmental impact appraisal.* (i) Have the appraisal available when the negative declaration is distributed.

(ii) Forward a copy to the Headquarters impact statement coordinator for the program office originating the statement. (Not applicable to regional offices.)

(iii) Have copies on file in the originating office for public inspection upon request.

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Subpart C—Content of Environmental Impact Statements

§ 6.30 Cover sheet.

The cover sheet shall indicate the type of statement (draft or final), the official project name, the responsible Agency office, the date, and the signature of the responsible official. The format is shown in Exhibit 6.

§ 6.31 Summary sheet.

The summary sheet shall conform to the format prescribed in Appendix 1 of the April 23, 1971, Council on Environmental Quality's Guidelines. The format is shown in Exhibit 7.

§ 6.32 Body of statement.

The body of the impact statement shall contain seven sections. Each shall identify, develop, and analyze the pertinent issues. Impact statements shall not be justification documents for proposed Agency funding or actions. Rather, they shall be objective evaluations of actions and their alternatives in light of all environmental considerations. Environmental impact statements shall be prepared using a systematic, interdisciplinary approach. Statements shall incorporate all relevant analytical disciplines and shall provide meaningful and factual data, information, and analyses. The presentation should be simple and concise, yet include all facts necessary to permit independent evaluation and appraisal of the beneficial and adverse environmental effects of alternative actions. To the extent possible, statements shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and evaluate the environmental impact of an Agency action.

(a) *Description of the proposed action.* Describe the recommended or proposed action, its purpose, where it is located, its time setting, and its interrelationship with other projects or proposals. To prevent piecemeal decisionmaking, the project shall be described in as broad a context as possible. The relationship to other projects and proposals shall be discussed, including not only other Agency activities, but also those of other Governmental and private organizations. Development and population trends in the project area shall also be included. Maps, photos, and artist sketches should be incorporated where they help depict the environmental setting. If not enclosed, supporting references and documents should be identified. The statement should also indicate how such documents may be obtained.

(b) *Environmental impact of the proposed action.* (1) Describe the primary and secondary environmental impacts, both beneficial and adverse, anticipated from the action. The scope of the description shall include both short- and long-term impacts. It shall include specifics on the area, the resources involved, physical changes, alterations to ecological systems, and changes induced by the proposed action in population distribution, population concentration, the human use of land (including commercial and residential development), and other aspects of the resource base such as water and public services. The time frames in which these impacts are anticipated should be included as well.

(2) Remedial, protective, and mitigative measures which will be taken as part of the proposed action shall be identified. These measures to prevent, eliminate, reduce, or compensate for any environmentally detrimental aspect of the proposed action shall include those of the Agency and others, e.g., its contractors and grantees. Adverse impacts which cannot be substantially avoided will be considered in greater detail in the next section.

(c) *Adverse impacts which cannot be avoided should the proposal be implemented.* Describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced to an acceptable level but not eliminated. For those which cannot be reduced, their implications and the reasons why the action is being proposed, notwithstanding their effect, shall be described in detail. Where abatement measures can reduce adverse impacts to acceptable levels, the basis for considering these levels adequate and the effectiveness and costs of the abatement measures shall be specified. In particular, this analysis shall detail the aesthetically or culturally valuable surroundings, human health, standards of living, or environmental goals set forth in section 101(b) of the National Environmental Policy Act which would be sacrificed. Also, it shall describe the parties affected (including any minority communities) and any objections raised by them.

(d) *Alternatives to the proposed action.* Develop, describe, and objectively weigh alternatives to any proposed action which involves significant tradeoffs among the uses of available environmental resources. The analysis shall be structured in a manner which allows comparisons of: (1) Environmental and financial cost differences among equally effective alternatives, or (2) differences in effectiveness among equally costly alternatives. Where practicable, benefits and costs should be quantified or described qualitatively in a way which will aid in a more objective judgment of their value. Where such an analysis is prepared, it shall be appended to the statement. The analysis of different courses of action shall include alternatives capable of substantially reducing or eliminating any adverse impacts, even at the expense of reduced project objectives. The specific alternative of taking no action must always be evaluated. This analysis shall evaluate alternatives in such a manner that reviewers independently can judge their relative desirability. In addition, the reasons why the proposed action is believed by the Agency to be the best course of action shall be explained. On projects that will involve construction, alternative sites must be considered.

(e) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Describe the cumulative and long-term effects of the proposed action which either significantly reduce or enhance the state of the environment for future generations. In particular, the desirability of Agency actions shall be weighed to guard against short-sighted foreclosure of future options or needs. Special attention shall be given to effects which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. Those who may financially profit or suffer losses from uses of natural resources that may result from the proposed project (especially land) shall be identified. In addition, the reasons the proposed action is believed by the Agency to be justified now, rather than reserving a long-term option for other alternatives, including no use, shall be explained.

(f) *Irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Describe the extent to which the proposed action curtails the diversity and range of beneficial uses of the environment. Uses of renewable and nonrenewable resources during the initial and continued phases of the action shall be specified. In this regard, construction and facility uses are basically irreversible since a large commitment of resources makes removal or nonuse thereafter unlikely. Such primary impacts and, particularly, secondary impacts (e.g., opening areas to further development) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the action. Any irretrievable and significant commitments of resources shall be evaluated to assure that such current consumption is justified.

(g) *A discussion of problems and objections raised by other Federal, State, and local agencies and by interested persons in this review process.* Final statements (and draft statements if appropriate) shall summarize the comments and suggestions made by reviewing organizations and shall describe the disposition of issues surfaced (e.g., revisions to the proposed action to mitigate anticipated impacts or objections). In particular, they shall address in detail the major issues raised when the Agency position is at variance with recommendations and objections (e.g., reasons specific comments and suggestions could not be accepted, and factors of overriding importance prohibiting the incorporation of suggestions). Reviewer's statements should be set forth in a "comment" and discussed in a "response." In addition, the source of all comments should be clearly identified and copies of the comments should be attached to the final statement.

Subpart D—Public Participation

§ 6.40 General.

Public participation is an integral part of the Agency planning process. It consists of continuous, two-way communication keeping the public fully informed about the status and progress of studies and findings, and actively soliciting comments from all concerned and affected groups and individuals.

§ 6.41 Public hearings.

(a) Public hearings on draft impact statements shall be held when the "responsible official" determines that a public hearing would facilitate the resolution of conflict or significant public controversy.

(b) When public hearings are to be held, the Agency must notify the public of the hearing immediately after distribution of the draft statement. This public notification must include at least fifteen (15) days prior to the date of such hearing:

(1) Notification to the public by adequate advertisement identifying the project, announcing the date, time, and place of such hearing, and announcing the availability of detailed information on the proposed project for public inspection at one or more locations in the area in which the project will be located. "Detailed information" shall include a copy of the project application and the draft environmental impact statement.

(2) Notification to the appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses.

(3) Notification to interested persons.

(c) A written record of the hearing shall be made. As a minimum, the record shall contain a list of witnesses together with the text of each presentation. Generally, a stenographer should be used. A summary of the record, including the issues raised, conflicts resolved and unresolved, and any other significant portions of the record, shall be appended to the final impact statement.

(d) When a public hearing has been held by another Federal, State, or local agency on an Agency action, additional hearings need not necessarily ensue. The "responsible official" shall decide if additional hearings are required.

(e) When a program office is the originating office, the appropriate regional office will provide assistance to the originating office in holding any public hearing if assistance is requested.

§ 6.42 Comments on draft and final statements.

(a) Draft impact statements and negative declarations shall be made available to the public to assure the fullest practical provision of timely public information and understanding of Federal plans and programs. In addition, public hearings, notices of intent, and press releases will be employed by the Agency to ensure adequate public involvement.

(b) Final environmental impact statements shall be furnished to all interested persons which submitted written comments on the draft impact statement. This is to enable public organizations to comment on the final statement to the Agency or the Council on Environmental Quality, if they so desire, within the thirty (30) calendar day period prior to Agency administrative action on the proposal.

§ 6.43 Availability of documents.

(a) Draft and final environmental impact statements, negative declarations, and environmental impact appraisals shall be made available for public review at the following locations:

(1) The originating office.

(2) The Office of Public Affairs for draft and final impact statements only.

(b) The Agency will endeavor to print sufficient copies of draft and final environmental impact statements to meet anticipated demand. A nominal fee may be charged for copies requested by the public. If, however, demand is greater than anticipated and copies of statements are not available from the Agency originating office, copies can be obtained from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

Subpart E—Guidelines for Preparation of Environmental Impact Statements for Wastewater Treatment Works and Associated Plans

§ 6.50 Purpose.

This subpart amplifies the general EPA policies and procedures described in Subparts A through D of this part by providing detailed procedures for the preparation of impact statements on wastewater treatment works and associated plans (areawide and water quality management).

§ 6.51 Definitions.

(a) "Responsible official." The "responsible official" for impact statements prepared on wastewater treatment works and areawide and water quality management plans is the Regional Administrator.

(b) "EIS-associated documents." Notices of intent, negative declarations, environmental appraisals, and news releases.

§ 6.52 Applicability.

(a) *Actions covered.* These guidelines apply to new grants for wastewater treatment works, to grants for wastewater treatment works that were awarded prior to the promulgation of these guidelines and meet the conditions specified in paragraph (c) of this section, and areawide and water quality management plans.

(b) *Actions excluded.* These guidelines do not apply to:

(1) Program grant awards to State and interstate agencies.

(2) Training grants and contracts.

(c) *Retroactive application.* (1) This subpart shall be applied to ongoing wastewater treatment works for which grant awards were made prior to the promulgation of these guidelines when substantial funds have not been released and modifications or alternatives to the project are still available. The Regional Administrator shall ensure that an environmental impact statement shall be prepared for each such works found to have a significant impact in accordance with § 6.54 of this subpart. The grantee must be promptly notified in writing of the decision to prepare an impact statement.

(2) On such works, either all or a portion of the project work may be stopped by the Regional Administrator pending completion of the statement, if he determines that a work stoppage is warranted, to reduce the risk of incurring substantial additional costs for work which the impact statement may indicate will have to be abandoned or substantially changed. The Regional Administrator may request a written statement from the grantee to assist him in making this decision. The statement should include: A list of what work should and should not continue; a discussion of potential changes the impact statement might recommend in the work discussed in the above list; and the reasons why the work in question should or should not continue. Upon a determination of partial or complete work stoppage by the Regional Administrator, the appropriate grant action would be the issuance of a stop-work order to suspend work or a bilateral agreement to suspend project work, effected through a grant amendment, or in some cases, the issuance of a termination notice.

§ 6.53 Responsibilities.

(a) *Responsible official.* The "responsible official" for Agency actions covered by this subpart is the Regional Administrator. The responsibilities of the Regional Administrator in addition to those in § 6.14(a) of Subpart A of this part are to:

(1) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements and other EIS-associated documents.

(2) Require of grant applicants and those who have submitted plans for approval, the information the regional office requires to comply with these guidelines.

(3) Consult with the Office of Federal Activities concerning works or plans which significantly affect more than one regional office, are highly controversial, are of national significance or "pioneer" Agency policy when these works have had or should have had an environmental impact statement prepared on them.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator, as described in § 6.14 (f) of Subpart A of this part, shall be assumed by the Assistant Administrator for Air and Water Programs for Agency actions covered by this subpart.

(c) *Water Quality and Non-Point Source Control Division, Office of Water Programs Operations.* Coordinates all activities and responsibilities of the Office of Water Programs Operations concerned with preparation and review of environmental impact statements. This includes providing technical assistance to the Regional Administrators on impact statements and assisting the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements.

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(d) *Public Affairs Division, Regional Offices.* The responsibilities of the regions' Public Affairs Division in addition to those in § 6.14(d) of Subpart A of this part are to:

(1) Assist the Regional Administrator in the preparation and dissemination of negative declarations, notices of intent, press releases, and other public notices.

(2) Collaborate with the Headquarters Office of Public Affairs to analyze procedures in the regions for public participation and to develop and recommend to the Office of Federal Activities a program to improve those procedures.

§ 6.54 Criteria for preparation of environmental impact statements.

The Regional Administrator will assure that an impact statement will be prepared for treatment works and plans (See additional conditions for plans in § 6.55(d)) when:

(a) The treatment works will induce or encourage significant changes in industrial, commercial, or residential concentrations or distributions, the effects of which are not adequately reflected in an impact statement on the water quality management or areawide plans encompassing the works. Factors that must be considered in determining if induced changes are significant include but are not limited to: the land area subject to increased development as a result of the treatment works; the relative increase in population which may be induced; the potential for overloading sewage facilities; the extent to which landowners may benefit from the areas subject to increased development; and the nature of land use regulations in the affected area and their potential effects on the development.

(b) The works or plan will result in a significant displacement of population.

(c) The works or plan will have significant adverse imparts on public parks or other areas of recognized scenic or recreational value.

(d) The works or plan will have significant adverse impacts on areas of recognized archeological value or properties listed in or being considered for nomination to the National Register of Historical Places.

(e) The works or plan will significantly deface an existing residential area.

(f) The works or plan will include or induce development which will have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality, fish, wildlife, their natural habitats, or other natural elements.

(g) The works or plan involves a significant diversion of effluent from one basin to another (or to the ocean) and the diversion will adversely affect the quality or quantity of the water in a basin.

(h) The treated effluent is being discharged into a body of water where the present classification is being challenged as too low to protect present uses, and the effluent will not be of sufficient quality to meet the requirements of such uses.

(i) The environmental impact of the works or plan is highly controversial based on environmental issues raised by a party or parties with recognized legal standing as defined in Sierra Club v. Morton, 92 S.Ct. 1361 (Apr. 19, 1972), which can be found in 3 Environment Reporter Cases (ERC) 2039.

§ 6.55 Procedures for preparation of impact statements for plans.

(a) *General.* (1) Areawide waste treatment management plans set forth in Section 208 of the Federal Water Pollution Control Act Amendments of 1972 will be required pursuant to 40 CFR Part 35. Areawide plans must be certified by the Governor or his designee and approved by the Administrator. Once a plan is approved, the Administrator shall not make any grant for construction of a publicly owned treatment works except for a works in conformity with this plan.

(2) Until areawide plans are developed, other plans will be required pursuant to Part 35 of this chapter.

(b) *Environmental assessment and public hearing.* (1) General. An environmental assessment must be included as an integral part of any plans submitted for approval pursuant to Part 35 of this chapter. In addition, a record of a public hearing must be submitted with such plans. The Regional Administrator may also require a grant applicant to submit an assessment and record of public hearing for any water quality management planning that he considers relevant to a proposed wastewater treatment works. Failure to satisfy any of these requirements will justify a refusal by the Regional Administrator to approve plans and specifications for treatment works.

(2) The environmental assessment must be included as an integral part of the plan whether or not Federal technical or financial assistance was utilized in the development of the plan. The assessment of alternatives must include as a minimum those items listed in paragraph (b)(4) of this section. A separate summary of the assessment incorporated in the plan may be requested by regional personnel.

(3) Responsibility for the environmental assessment. The planning agency responsible for developing the required plans shall include as part of the plan an environmental assessment of all feasible alternative water quality management strategies. Prior to acceptance of the plan, regional personnel shall review the plan and record of public hearing to assure that environmental matters have been properly considered. If any of the data or analyses in the plan are used by the regional personnel in developing an impact statement, the Regional Administrator must assume responsibility for the reliability and comprehensiveness of the data or analyses used.

(4) Content of assessment incorporated in the plan. In assessing the environmental impacts of alternative water quality management strategies, the State or local agency responsible for developing the plan shall as a minimum address in writing the questions outlined in the National Environmental Policy Act. The questions are amplified in § 6.32 of Subpart C of this part, paragraphs (a) through (g). The questions in § 6.32 (a), (b), (c), (e), and (f) must be answered for each alternative strategy and those in § 6.32 (d) and (g) must be answered considering all the alternatives.

(5) Adequacy of assessment. If the environmental assessment incorporated in the plan is judged inadequate, further consideration of the request for approval of the plan must be deferred until the deficiencies are remedied in writing.

(6) Public hearing. A record of a public hearing on the plan must be submitted with any plan required pursuant to paragraph (b)(1) of this section. Hearing requirements are set forth in § 6.58 of this subpart. The hearing should be held before the plan is finalized so that the public can assist the planning agency in identifying valid environmental issues while the plan is being formulated.

(c) *Environmental review.* The Agency will review, in accordance with § 6.20 of Subpart B and § 6.54 of this subpart, all plans submitted for approval or plans on which assessments were requested, to determine if they will have any significant impacts on the environment. If the Regional Administrator determines that there may be such impacts, the applicant may be requested to submit additional environmental data or analyses. The applicant will be given written notice of what additional material he must submit under these circumstances.

(d) *Notice of intent and impact statement.* If the environmental review indicates a significant impact on the environment and if either of the following conditions is met, the Regional Administrator shall issue a notice of intent and prepare an impact statement on the plan in accordance with the procedures in Subpart B of this part:

(1) If the impacts are such that they cannot be adequately treated on a smaller scale than that of the plan, e.g., diversion of water from one river basin to another, or gradual depletion of the groundwater aquifer over a large area because of discharge of the effluent through ocean outfalls rather than using it to recharge the aquifer;

(2) If the plan is sufficiently detailed to permit at least partial environmental analysis of most of the treatment works encompassed by it, thus minimizing either the number of impact statements that may have to be written on individual works in the planning area at a later date or reducing the amount of effort that would have to be expended in preparing such statements at a later date.

Notices of intent and impact statements shall be prepared and distributed in accordance with the procedures in Subpart B of this part.

(e) *Negative declaration.* If the regional personnel, after completion of the environmental review, determine that the plan will not have a significant impact on the environment, or that neither of the conditions set forth in paragraphs (d)(1) and (2) of this section are met, a negative declaration shall be prepared in accordance with the procedures in Subpart B of this part.

§ 6.56 Procedures for preparation of impact statements for wastewater treatment works.

(a) *General.* (1) The States and their political subdivisions have primary responsibility for water pollution control. Treatment works generally are initiated and designed by a community or a regional authority and submitted to the State for approval. The construction grant program administered by the Agency provides Federal financial assistance to any State, municipality, or intermunicipal or interstate agency for the construction of treatment works. The intent of this program is to assist the State and local entities in meeting their waste treatment responsibilities.

(2) Although the Agency does not participate directly in the formulation of treatment works proposals, it does provide guidance to assure construction of well-designed treatment works which will meet water quality standards and other requirements. In addition, to satisfy the requirements of the National Environmental Policy Act of 1969, the Agency must determine if the proposed treatment works will have a significant impact upon the environment and, if so, prepare and circulate an environmental impact statement before awarding the grant. This assures that environmental considerations are properly accounted for in the final design.

(b) *Environmental assessments and public hearings.*—(1) *General.* (i) Applicants for grants for treatment works shall prepare an assessment and hold a public hearing for each treatment works. The assessment and hearing record shall be submitted prior to approval of plans, specifications, and detailed design drawings submitted for approval. The Regional Administrator may in consultation with the applicant determine that a single assessment and public hearing will suffice for a number of related treatment works. The plans, specifications, and detailed design drawings cannot be approved unless an adequate assessment has been developed by the applicant and has been commented on by the State and local clearinghouses pursuant to Office of Management and Budget Circular No. A–95.

(ii) When a number of separate grant applications are being submitted in a fiscal year for treatment works that are constituent parts of a larger system, regional personnel may delay approval of plans and specifications for the various treatment works until some or all of the works and their assessments can be reviewed together to allow the Agency to properly evaluate the cumulative impact of the individual works. The regional personnel may also request environmental information from an applicant(s) on the cumulative environmental impacts of the treatment works and alternatives to them, if this information is not available in the applications, assessments, or plan(s) encompassing the projects (see also § 6.56(c)).

(iii) As specified in § 6.52(c) of this subpart, ongoing projects must also be reviewed. If it appears that an impact statement may be required or that sufficient environmental information is not available to make a proper determination, the grant applicant may be requested to submit an environmental assessment which would provide the needed information.

(2) *Responsibility for preparation of assessments*—(i) *Applicant's responsibility.* The applicant is responsible for preparing an adequate environmental assessment for a treatment works.

(ii) *Regional offices.* The regional personnel are responsible for the approval or disapproval of plans and specifications and the acceptance of an assessment. Regional personnel shall review the applicant's assessment and determine the reliability of the applicant's data and the adequacy of the alternatives discussed. This may involve field inspection of the sites of proposed works. If the assessment is used by the regional personnel in developing an impact statement, the Regional Administrator must assume responsibility for the reliability and comprehensiveness of the data or analyses used.

(3) *Content of assessment.* An applicant's environmental assessment must contain the following:

(i) A comparative evaluation of the major alternatives including the proposed treatment works.

(ii) Answers to the six questions outlined in § 6.32 (a) through (g). The questions in § 6.32 (a), (b), (c), (e), and (f) must be answered for each alternative and those in § 6.32 (d) and (g) must be answered considering all of the alternatives.

(iii) A complete description of how the treatment works', design and construction controls will minimize the adverse impact on all aspects of the environment.

(4) *Adequacy of assessment.* If the assessment is judged inadequate, the applicant shall be notified that the evaluation will be suspended until the deficiencies are remedied in writing. The assessment will be used in the Agency's environmental review to determine if environmental factors are properly incorporated into the proposed treatment works and to determine if an environmental impact statement is required pursuant to NEPA.

(5) *Public hearing.* The applicant shall submit with the assessment a record of a public hearing held pursuant to § 6.58 of this subpart. The public hearing should be held concurrently with the development of the project design and environmental assessment. The purpose of the hearing is to allow the public (environmental/conservation groups, industries, and individuals) to assist the applicant in identifying valid environmental issues which must be considered in the treatment works development stage to avoid possible major modifications at a later date.

(c) *Environmental review.* An environmental review must be conducted for each treatment works in accordance with § 6.20 of subpart B of this part and § 6.54 of this subpart. These reviews must be conducted as early as practicable in the grant review process but no later than prior to the approval of plans, specifications, and detailed design drawings. The Regional Administrator is responsible for determining the proper scope of the NEPA review; he is not necessarily bound by the scope of the treatment works defined in the application. For example, when a grant application is for a constituent part of a larger treatment works, the regional personnel must also determine whether to conduct an environmental review on the larger works before deciding if plans and specifications should be approved or an impact statement prepared. In deciding upon the need for a broader environmental review, the regional personnel must consider if the individual grant is an irreversible element of the larger works and if the potential cumulative impacts of the elements comprising the larger works can be properly evaluated in a separate review of each treatment works. If the Regional Administrator determines that there may be significant impacts or that a broader environmental review is required, the applicant may be requested to submit additional environmental data or analyses. The applicant will be given formal written notice of what additional material he must submit.

(d) *Notice of intent and impact statement.* If the environmental review described in paragraph (c) of this section indicates a significant impact upon the environment, the Regional Administrator shall issue a notice of intent and prepare an impact statement on the appropriate scale proposed action. Notices of intent and impact statements shall be prepared and distributed in accordance with the procedures in subpart B.

(e) *Negative declaration.* If the regional personnel determine that the project will not have a significant impact on the environment, a negative declaration and environmental impact appraisal shall be prepared in accordance with the procedures in subpart B of this part.

§ 6.57 Content of environmental impact statements.

(a) Environmental impact statements for treatment works and water quality management or areawide plans will follow the format described in § 6.32 of subpart C of this part. The individual explanations in subpart C on the contents of the various sections to be included in the impact statement are also applicable. The following additional material should be included where appropriate.

(b) The impact statement section entitled "Environmental Impact on the Proposed Project or Plan" shall contain a description of the environmental impact that the proposed treatment works or plan might have on the surrounding area. Both adverse and beneficial effects need to be discussed. A brief summary

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of the results of pertinent studies, such as the following, should be included: Topographic analyses (USGS maps); soil surveys; maps showing aquifer-recharge areas; bedrock geology showing fault lines and any other pertinent geological material; surface water hydrologic information with special emphasis upon low-flow and flood-flow conditions and levels, assimilative capacity of the receiving stream to maintain water quality standards or goals; potential water reuse within the system and for agricultural needs outside of the system; air, noise, and odor evaluations; aquatic and terrestrial wildlife and biological studies including wetland areas; effects upon areas of natural value and park lands; and relocation of people and compensation. Other factors which should be addressed, when pertinent, include: The overall design and operational reliability of the treatment works described in the plan; proposed construction techniques; sludge processing and disposal in relation to alternatives available; anticipated and potential odors; reuse and recycling features; tree clearing controls to be used; erosion control during construction; and architectural and landscaping proposals at the project sites. (The above studies or factors are not listed in order of importance.)

(c) The impact statement section entitled, "Adverse Impacts Which Cannot be Avoided Should the Proposal be Implemented," shall consider the following additional specific factors if pertinent: Wooded or wildlife habitat which will be lost; stream or downstream impoundment; siltation resulting from construction; possible disruption of a natural, cultural, or historic setting at or near the site; effects on general development of the area; and the impact of the additional quantity of flows and associated residual pollutants upon the receiving bodies of water.

§ 6.58 Public hearing requirements.

(a) *General.* A public hearing must be held on all wastewater treatment works, except when the requirement for such a hearing is waived by the Regional Administrator. A record of a public hearing must always be included with an areawide plan submitted to the Agency for approval and, when specifically requested by a Regional Administrator in writing, one must be held on a water quality management plan. Neither plans, specifications, and detailed design drawings for the treatment works, nor the areawide plan can be approved until the record of the hearing is received. The record shall contain, as a minimum, a list of witnesses together with the text of each presentation and a statement that the participants at the hearing were informed that one of the purposes of the hearing is to discuss the environmental effects of the proposed treatment works and alternatives to it as required by the Environmental Protection Agency.

(b) *Public notice.* (1) The potential grantee must provide adequate notice to the public of the hearing. Adequate notice shall be considered to include, at least thirty (30) days prior to the date of such hearing:

(i) Notice given to the public by adequate advertisement identifying the works or plan, announcing the date, time, and place of such hearing, and announcing the availability of detailed information on the proposed works or plan for public inspection at one or more locations in the area in which the works will be located. Detailed information shall include, as a minimum, a complete description of the works or plan, cost and financing information, alternatives to the proposed works or plan, a detailed description of the effects of the works or plan on land use, and a statement that one of the purposes of the hearing is to discuss the potential environmental impacts of the works or plan and alternatives to it.

(ii) Notification to the appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses.

(iii) Notification to interested environmental and conservation action groups.

(2) The potential grantee shall submit with the record of the public hearing: (i) a copy of any advertisement published, broadcast, or otherwise issued pursuant to this section; (ii) a list of those notified; and (iii) a certification that the hearing was held in accordance with the notification requirements of this section.

(c) *Waiver of hearing on grant applications.* A request to waive the hearing on a grant application for a wastewater treatment works must be submitted in writing prior to submission of the first grant application. Such requests will be acted upon promptly by the Regional Administrator. Requests must include a description of the works, the estimated cost of the works, the area that will be serviced, and the reasons the grantee feels a public hearing would not serve the public interest. Waivers will, in general, only be granted for minor works such as small additions, modifications to existing works, or cases where a hearing held on a plan encompassing the works was sufficiently comprehensive to cover the works in detail.

§ 6.59 Project commencement.

Plans, specifications, and detailed design drawings cannot be approved until a negative declaration has been prepared or the thirty (30) day waiting period after forwarding the final impact statement to CEQ has expired. In addition, before plans and specifications can be approved, the proposed treatment works must be modified to conform with any changes suggested during the impact statement process that the Agency deems necessary.

Subpart F—Guidelines for the Preparation of Environmental Impact Statements for Research and Monitoring Projects and Activities

§ 6.60 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D by providing detailed procedures for the preparation of impact statements on projects of the Office of Research and Monitoring.

§ 6.61 Definitions.

(a) "Project." This term will be used collectively for the three project types below.

(1) "Intramural (in house) project." A project undertaken with resources other than grant or contract funds.

(2) "Extramural project." A project undertaken with grant or contract funds.

(3) "Demonstration project." A project which shows the applicability of a piece of developed technology. It is a project which is carried out at or near full-scale and has a high probability of success. A demonstration project is always an extramural project.

(b) "Appropriate program official." The official within the Office of Research and Monitoring to whom the "responsible official" delegates most of the work related to compliance with NEPA.

(c) "Decision official." The individual responsible for determining if a project will be funded. The assignment of this role will vary according to task cost and delegation of authority.

(d) "EIS-associated documents." Notice of intent, negative declarations, environmental appraisals, and news releases.

§ 6.62 Applicability.

(a) This subpart applies to all projects under the direction of the Assistant Administrator for Research and Monitoring with the partial exception of projects funded under the Federal Water Pollution Control Act Amendments of 1972 (to be called the Act). The specific procedures to be followed for various project types are set forth in § 6.65 of this subpart.

(b) Except for those projects discussed in the next paragraph, projects funded under the Act are exempt from the complete procedures set forth in § 6.65. However, a brief environmental review will be conducted by the appropriate program official of all projects funded under the Act and an environmental impact statement voluntarily prepared by the Agency when a project will have any of the adverse impacts discussed in § 6.64 of this subpart. Assessments must be submitted on these projects in accordance with the requirements of § 6.65(a), but negative declarations and environmental appraisals are not required.

(c) Projects funded under the Act that will result in construction of any wastewater treatment works or will result in the introduction of pesticides, radioactive materials, or other hazardous substances into the environment, shall not be exempt from the complete procedures set forth in § 6.65 of this subpart. An EIS will be prepared if the project will have any of the significant environmental impacts discussed in § 6.64 of this subpart.

§ 6.63 Responsibilities.

(a) *Responsible official.* The "responsible official" for Agency actions covered by this subpart is the Assistant Administrator for Research and Monitoring. The Assistant Administrator will delegate most of the work to the appropriate program official. The responsibilities of the "responsible official," in addition to those in § 6.14(a) of Subpart A of this part are:

(1) Insures that environmental assessments are submitted, and the appropriate program officials conduct environmental reviews, prepare impact statements and other EIS-associated documents, and take such subsequent actions as are delegated to them by the "responsible official."

(2) When projects significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, the appropriate program official shall have the project's continuation approved by the Program Management Division, Office of Program Operations, Assistant Administrator for Research and Monitoring.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator as described in § 6.14 (f) of Subpart A of this part shall be assumed by the Assistant Administrator for Research and Monitoring for Agency actions covered by this subpart.

(c) *Program Management Division, Office of Program Operations, Assistant Administrator for Research and Monitoring.* (1) Assists the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements and other EIS-associated documents.

(2) Advises the Assistant Administrator for Research and Monitoring, through the Deputy Assistant Administrator for Program Operations, concerning projects which significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when these projects have had or should have had an environmental impact statement prepared on them.

(d) *Regional Administrators.* The responsibilities of the Regional Administrator with regard to projects of the Office of Research and Monitoring which affect his region will be to:

(1) Provide technical and administrative assistance in environmental reviews and in the preparation of impact statements.

(2) Advise the appropriate program officials and the Program Management Division, Office of Program Operations, of any projects which will significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when these projects have had or should have had an environmental impact statement prepared on them.

§ 6.64 Criteria for the preparation of environmental impact statements.

(a) An impact statement shall be prepared and processed by the Office of Research and Monitoring when:

(1) The project will induce or encourage significant changes in industrial, commercial, or residential concentrations or distributions, the effects of which are not adequately reflected in an impact statement on plans encompassing the project. Factors that must be considered in determining if induced changes are significant include but are not limited to: the land area subject to increased development as a result of the project; the relative increase in population which the project may induce; the potential for overloading sewage facilities; the extent to which landowners may benefit from the areas subject to increased development; and the nature of land use regulations in the affected area and their potential effects on the development.

(2) The project will have significant adverse impacts on public parks or other areas of recognized scenic or recreational value.

(3) The project will have significant adverse impact on areas of recognized archeological value or properties listed in or being considered for nomination to the National Register of Historical Places.

(4) The project will significantly deface an existing residential area.

(5) The project will include or induce development which will have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality, fish, wildlife, their natural habitats, or other natural elements.

(6) The project involves a significant diversion of effluent from one basin to another (or to the ocean) and the diversion will adversely affect the quality or quantity of the water in a basin.

(7) When the treated effluent is being discharged into a body of water where the present classification is being challenged as too low to protect present uses, and the effluent will not be of sufficient quality to meet the requirements of such uses.

(8) The environmental impact of a project is highly controversial based on environmental issues raised by a party or parties with recognized legal standing as defined in Sierra Club v. Morton, 92 S.Ct. 1361 (Apr. 19, 1972) which can be found in 3 Environmental Reporter Cases (ERC) 2039.

(9) The project consists of field tests involving the introduction of pesticides, radioactive materials, or other hazardous substances into the environment by the Office of Research and Monitoring, its grantee, or its contractor.

(10) There is a high probability of a project ultimately being implemented on a large scale and the broad scale application may result in significant impacts, even if the proposed project will not have any significant impacts on the immediate area in which it will be located.

(b) When a project is conducted completely within a laboratory or other facility, and external environmental effects have been minimized by providing effective methods for disposal of laboratory wastes and effective safeguards to prevent accidental introductions of hazardous materials to the environment, an impact statement will normally not be necessary.

§ 6.65 Procedures for preparation, distribution, and review of EIS's and other EIS-associated documents.

(a) Environmental assessment:

(1) Environmental assessments shall be submitted to the Agency on certain extramural projects. These include all grant applications and proposals for sole-source contracts. In the case of competitive proposals, assessments need not be submitted by potential contractors because the decision on whether an impact statement is required must be made and the impact statement or negative declaration completed by the Agency before a request for proposal (RFP) is issued. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the appropriate official responsible for the grant or contract.

(2) The assessment shall contain the same sections specified for impact statements in § 6.32 in Subpart C of this part. Copies of § 6.32 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all requests for proposals (RFP's) when such proposals are sole-source.

(b) Environmental review: The appropriate program official will briefly review all projects to determine which ones will affect the environment external to the laboratory or facility in which the work will be performed. If the project will not affect the external environment, no further review is necessary and a negative declaration stating there will be no external impacts will be prepared. If a project will affect the external environment, a complete environmental review of the project will be conducted and a decision made on the need for an impact statement. This must be done before a grant or contract is made on extramural projects or before project commencement on intramural projects. Projects involving an RFP shall be reviewed before release of the RFP.

(1) Projects affecting the environment external to a laboratory or facility. On projects which will affect the environment external to a laboratory or facility in which the work will be performed, the appropriate program official shall coordinate the review with the Regional Administrator in whose region the project will be located. This coordinated review will include both an evaluation of any assessment submitted and an analysis of the need for an impact statement. If either reviewer considers the assessment inadequate, steps shall be taken to have it modified to incorporate the recommendations of that reviewer. If either reviewer determines that the project will have a significant environmental impact under the guidelines of § 6.20 of Subpart B of this part or the criteria of § 6.64 of this subpart, an impact statement shall be prepared.

(2) Projects not affecting the environment external to a laboratory or facility. If the appropriate program official de-

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termines that the project will not affect the environment external to a laboratory, he will prepare a negative declaration for the record (an environmental appraisal is not required) stating that the project will not affect the external environment and an impact statement is not required. He will then forward the negative declaration and other project documents to the appropriate decision official.

(c) Notice of intent and environmental impact statement:

(1) If any of the projects discussed in paragraph (b)(1) of this section will have a significant effect on the environment, the appropriate program official will prepare a notice to the appropriate decision official for a determination on whether the project will be funded. If the project will be funded, the appropriate program official will commence preparation of the draft impact statement. The appropriate program official, through his National Environmental Research Center Director or Headquarters Division Director, shall request the Regional Administrator to assist him in the preparation and distribution of the statement as specified in Subpart B of this part.

(2) Before release to the Council on Environmental Quality, all draft and final impact statements must be forwarded through the appropriate National Environmental Research Center Director or Headquarters Division Director to the Program Management Division, Office of Program Operations, Assistant Administrator for Research and Monitoring, for approval.

(d) Negative declaration and environmental impact appraisal: If the environmental review indicates that a project discussed in paragraph (b)(1) of this section will not have any significant environmental impacts, the appropriate program official shall prepare a negative declaration and environmental impact appraisal and forward them to the appropriate decision official. If the project is to be funded, the appropriate program official will distribute the negative declaration where practical as described in § 6.25 in Subpart B of this part.

(e) Project commencement: A contract or grant will not be awarded on an extramural project, nor an intramural project begun, until a negative declaration has been issued or the thirty (30) day waiting period after forwarding the final impact statement to the CEQ has expired.

(f) The environmental impact statement process for the Office of Research and Monitoring is shown graphically in Exhibit 8.

Subpart G—Guidelines for the Preparation of Environmental Impact Statements for Air Quality Projects and Activities

§ 6.70 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D of this part by providing detailed procedures for the preparation of impact statements on air quality projects of the Office of Air and Water Programs.

§ 6.71 Definitions.

(a) "Project." This term will be used collectively for the three project types below.

(1) "Intramural (in-house) project." A project undertaken with resources other than grant or contract funds.

(2) "Extramural project." A project undertaken with grant or contract funds.

(b) "Project Officer." The individual responsible for the technical direction and evaluation of a grantee's or contractor's performance.

(c) "EIS-associated documents." Notice of intent, negative declarations, environmental appraisals, and news releases.

§ 6.72 Applicability.

This subpart applies to all air quality projects undertaken by the Office of the Assistant Administrator for Air and Water Programs. The specific procedures to be followed for various project types are set forth in § 6.75 of this subpart.

§ 6.73 Responsibilities.

(a) *Responsible official.* The "responsible official" for actions covered by this subpart is the Deputy Assistant Administrator for Air Quality Planning and Standards or the Deputy Assistant Administrator for Mobile Source Air Pollution Control depending upon the specific action. The responsibilities of this "responsible official," in addition to those in § 6.14(a) of Subpart A of this part are:

(1) Insures that environmental assessments are submitted, and that project officers conduct environmental reviews on all projects, prepare impact statements and other EIS-associated documents, and take such subsequent actions as are delegated to them by the "responsible official."

(2) When projects significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, the Project Officer shall have the project's continuation approved by the appropriate Deputy Assistant Administrator.

(3) Assists the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements and other EIS-associated documents.

(4) Advises the Assistant Administrator for Air and Water Programs concerning projects which significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when the projects have had or should have had an environmental impact statement prepared on them.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator as described in § 6.14 (f) of Subpart A of this part shall be assumed by the Assistant Administrator for Air and Water Programs for Agency actions covered by this subpart.

(c) *Regional Administrator.* The responsibilities of the Regional Administrator with regard to air quality projects which affect his region will be to:

(1) Provide technical and administrative assistance in environmental reviews and in the preparation of impact statements.

(2) Advise the Project Officer and the appropriate Deputy Assistant Administrator of any projects which will significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when these projects have had or should have an environmental impact statement prepared on them.

§ 6.74 Criteria for the preparation of environmental assessments and impact statements.

(a) *Assessment preparation criteria.* Environmental assessments need not be submitted with all grant applications and contract proposals. The following sections describe those types of projects which will or will not require the submission of assessments with a grant application or contract proposal. In the case of competitive proposals, assessments need not be submitted by potential contractors even if the proposal is for a project type listed below because an impact statement or negative declaration and environmental appraisal must be prepared by the Agency before an RFP is issued.

(1) *Project types requiring assessments.* Any project not included below that will involve effects external to the facility in which the work will be performed (e.g., construction).

(2) *Project types not requiring assessments.* (i) Training activities, including but not limited to, smoke generating equipment used for the purpose of training inspectors and other personnel in techniques for evaluating particulate emissions from plumes, and demonstration of emissions from incinerators.

(ii) Projects not involving effects on the environment outside the laboratory or facility in which the work is being conducted.

(iii) Grants for planning, developing, establishing, improving, or maintaining programs for the prevention and control of air pollution.

(iv) Grants to help defray the air quality planning program costs for any interstate air quality control region.

(v) Routine source testing (e.g., instrumentation of a smoke stack).

(b) *Impact statement preparation criteria.* An environmental review shall be performed on all air quality projects of the Office of Air and Water Programs. The guidelines set forth in § 6.20 of Subpart B of this part shall be utilized in determining whether an impact statement shall be prepared.

§ 6.75 Procedures for preparation, distribution, and review of EIS's and other EIS-associated documents.

(a) *Environmental assessments.* (1) Environmental assessments shall be submitted to the Agency as specified in § 6.74 of this subpart. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the Project Officer for the grant or contract.

(2) The assessment shall contain the same sections specified for impact statements in § 6.32 of Subpart C of this part. Copies of § 6.32 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements in § 6.74 of this subpart shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all requests for proposals (RFP's).

(b) *Environmental review.* All projects, both those with and without assessments, shall be reviewed by the "responsible official" before a grant or contract is made on extramural projects or before commencement on intramural projects. Projects involving an RFP shall be reviewed before release of the RFP.

(1) *Projects requiring assessments or having effects external to a facility.* On projects requiring an assessment or projects not requiring assessments that will affect the environment external to the facility in which the work will be performed, the "responsible official" shall coordinate the review with the Regional Administrator in whose region the project will be located. This coordinated review will include both an evaluation of any assessment submitted and an analysis of the need for an impact statement. If either reviewer considers the assessment inadequate, steps shall be taken to have it modified to incorporate the recommendations of that reviewer. If either reviewer determines that the project will have a significant environmental impact under the guidelines of § 6.20 of Subpart B of this part, an impact statement shall be prepared.

(2) *Other projects.* On projects not requiring an assessment and not affecting the environment external to a facility, the "responsible official" will prepare a negative declaration (an environmental appraisal is not required) stating that the project will have no environmental effects external to the facility in which the work will be performed.

(c) *Notice of intent and environmental impact statement.* (1) If any of the projects reviewed in paragraph (b)(1) of this section will have a significant impact on the environment, the "responsible official" will assure that a notice of intent and a draft impact statement are prepared.

(2) The "responsible official" shall also request the appropriate Regional Administtrator to assist him in the preparation and distribution of the environmental impact statement. Distribution will be as specified in Subpart B of this part.

(d) *Negative declaration and environmental impact appraisal.* If the environmental review indicates that a project discussed in paragraph (b)(1) of this section will not have any significant environmental impacts, the "responsible official" will prepare a negative declaration and environmental impact appraisal and, where practicable, distribute them as described in § 6.25 in Subpart B of this part. See paragraph (b)(2) of this section for the procedure to follow on other projects reviewed.

(e) *Project commencement.* A contract or grant will not be awarded on an extramural project, nor an intramural project begun, until a negative declaration has been issued or the thirty (30) day waiting period after forwarding the final impact statement to the CEQ has expired.

Subpart H—Guidelines for the Preparation of Environmental Impact Statements for Solid Waste Projects and Activities

§ 6.80 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D of this part by providing detailed procedures for the preparation of impact statements on projects of the Office of Solid Waste Management Programs.

§ 6.81 Definitions.

(a) "Project." A discernible effort or activity to accomplish a specific objective or end result.

(1) "Intramural (in-house) project." A project undertaken with resources other than grant or contract funds.

(2) "Extramural project." A project undertaken with grant or contract funds.

(b) "Project officer." The individual responsible for the technical direction and evaluation of a grantee's or contractor's performance.

(c) "EIS-associated documents." Notices of intent, negative declarations, environmental appraisals, and news releases.

§ 6.82 Applicability.

This subpart applies to all projects undertaken by the Office of Solid Waste Management Programs. The specific procedures to be followed for various project types are set forth in § 6.85 of this subpart.

§ 6.83 Responsibilities.

(a) *Responsible official.* The "responsible official" for Agency actions covered by this subpart is the Deputy Assistant Administrator for Solid Waste Management Programs. The responsibilities of this "responsible official," in addition to those in § 6.14(a) of Subpart A of this part are:

(1) Insure that environmental assessments are submitted by appropriate grant and contract applicants, and that project officers conduct environmental reviews on all projects and take such subsequent actions as are delegated to them by the "responsible official."

(2) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of all EIS-associated documents.

(3) Advise the Assistant Administrator for Categorical Programs concerning projects which significantly affect more than one regional office, are highly controversial, are nationally significant, or "pioneer" Agency policy.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator as described in § 6.14 (f) of Subpart A of this part shall be assumed by the Assistant Administrator for Categorical Programs for Agency actions covered by this subpart.

(c) *Regional Administrator.* The responsibilities of the Regional Administrator with regard to projects of the Office of Solid Waste Management Programs which affect his region will be to:

(1) Assist the "responsible official" in the project review by commenting on the project, the project application and the applicant's environmental assessment. Among other things, the comments should identify those projects which will significantly affect more than one regional office, are highly controversial, nationally significant, or "pioneer" Agency policy.

(2) Assist the "responsible official" in the preparation and distribution of EIS-associated documents.

§ 6.84 Criteria for the preparation of environmental assessments and impact statements.

(a) *Assessment preparation criteria.* Environmental assessments need not be submitted with all grant applications and contract proposals. The following sections describe when an assessment is or is not required:

(1) *Grants*—(i) *Demonstration Projects.* Environmental assessments must be submitted with all applications for demonstration grants that will involve construction, land use (temporary or permanent), transport, sea disposal, any discharges into the air or water, or any other activity having any direct or indirect effects on the environment external to the facility in which the work will be conducted. Pre-application proposals for such grants will not require environmental assessments.

(ii) *Studies and investigations.* Grant applications for studies and investigations will not require assessments.

(iii) *Training.* Grant applications for training of personnel will not require assessments.

(iv) *Plans.* Grant applications for the development of comprehensive State, interstate, or local solid waste management plans will not require environmental assessments. A detailed analysis of environmental problems and effects should be part of the planning process, however.

(2) *Contracts*—(i) *Sole-source contract proposals.* Before a sole-source contract can be awarded, an environmental assessment must be submitted with a bid proposal for a contract which will involve construction, land use (temporary or permanent), sea disposal, any discharges into the air or water, or any other activity that will directly or indirectly affect the environment external to the facility in which the work will be performed. Assessments will not generally be required for contracts for studies, investigations, or training.

(ii) *Competitive contract proposals.* Assessments will not generally be required on competitive contract proposals.

(b) *Impact statement preparation criteria.* An environmental review shall be performed on those projects of the Office of Solid Waste Management Programs on which an assessment is required or which

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may have effects on the environment external to the facility in which the work will be performed. The guidelines in § 6.20 of Subpart B of this part shall be utilized in determining whether an impact statement shall be prepared.

§ 6.85 Procedures for preparation, distribution, and review of EIS's and other EIS-associated documents.

(a) Environmental assessment:

(1) Environmental assessments shall be submitted to the Agency as specified in § 6.84 of this subpart. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the appropriate project officer for the grant or contract.

(2) The assessment shall contain the same sections specified for impact statements in § 6.32 in Subpart C of this part. Copies of § 6.32 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements in § 6.84 of this subpart shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all requests for proposals (RFP's).

(b) Environmental review: An environmental review will be conducted on all projects which require assessments or which will affect the environment external to the facility in which the work will be performed. This review must be conducted before a grant or contract award is made on extramural projects or before project commencement on intramural projects. The guidelines in § 6.20 of Subpart B will be utilized in determining if the project will have a significant environmental effect. This review will include an evaluation of the assessment by both the "responsible official" and the appropriate Regional Administrator. The Regional Administrator's comments will include his recommendations on the need for an environmental impact statement. No detailed review or documentation is required on projects not requiring an assessment and not affecting the environment external to a facility, other than this determination.

(c) Notice of intent and environmental impact statement: If the project will have a significant impact on the environment, the "responsible official" will assure that a notice of intent and a draft impact statement are prepared. The "responsible official" shall request the appropriate Regional Administrator to assist him in the distribution of the environmental impact statement and other EIS-associated documents. Distribution will be as specified in Subpart B.

(d) Negative declaration and environmental impact appraisal: If the environmental review indicates that there will not be any significant environmental impacts, the "responsible official" will assure that a negative declaration and environmental impact appraisal are prepared. These documents need not be prepared for projects not requiring an environmental review.

(e) Project commencement: A project or grant will not be awarded on an extramural project, nor an intramural project begun, until a negative declaration has been issued (if one is required) or the thirty (30) day waiting period after forwarding the final impact statement to the CEQ has expired.

(f) The environmental impact statement process for the Office of Solid Waste Management Programs is shown graphically in Exhibit 9.

Subpart I—Guidelines for the Preparation of Environmental Impact Statements for Construction of Special Purpose Facilities and Facility Renovations

§ 6.90 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D by providing detailed procedures for the preparation of impact statements on construction and renovation of special purpose facilities.

§ 6.91 Definitions.

(a) "Special purpose facility." A building or space, including land incidental to the use thereof, which is wholly or predominantly utilized for the special purpose of an agency and not generally suitable for use for other purposes, as determined by the General Services Administration.

(b) "Program of requirements." A comprehensive document (booklet) describing program activities to be accomplished in the new special purpose facility or improvement. It includes architectural, mechanical, structural, and space requirements.

(c) "Scope of work." A document similar in content to the program of requirements but substantially abbreviated. It is usually prepared for small-scale projects.

§ 6.92 Applicability.

(a) *Actions covered.* These guidelines apply to all new special purpose facility construction, activities related to such construction (e.g., site acquisition and clearing), and any improvements or modifications to such facilities having potential environmental effects external to the facility. This includes new construction and improvements undertaken and funded by the Facilities Management Branch, Data and Support Systems Division, Office of Administration; by a regional office; or by a National Environmental Research Center.

(b) *Actions excluded.* This appendix does not apply to those activities of the Facilities Management Branch, Data and Support Systems Division, for which the branch does not have full fiscal responsibility for the entire project. This includes pilot plant construction, land acquisition, site clearing, and access road construction where the Facilities Management Branch's activity is only supporting a project financed by a program office. Responsibility for considering the environmental impacts of such projects rests with the office managing and funding the entire project. Other subparts of this regulation would apply depending on the nature of the project.

§ 6.93 Responsibilities.

(a) Responsible official: The "responsible official" for new construction and modification of special purpose facilities is as follows:

(1) The Chief, Facilities Management Branch, Data and Support Systems Division, shall be the responsible official on all new construction of special purpose facilities and on all improvement and modification projects for which the Facilities Management Branch has received a funding allowance.

(2) The Regional Administrator shall be the responsible official on all improvement and modification projects for which the regional office has received the funding allowance.

(3) The Center Director shall be the responsible official on all improvement and modification projects for which National Environmental Research Centers have received the funding allowance.

(b) The responsibilities of the responsible officials specified above, in addition to those in § 6.14(a) of subpart A of this part, are as follows:

(1) Ensure that environmental assessments are submitted when requested, that environmental reviews are conducted on all projects, and impact statements are prepared and circulated when there will be significant impacts.

(2) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements and other EIS-associated documents.

§ 6.94 Criteria for the preparation of environmental assessments and impact statements.

(a) *Assessment preparation criteria.* An environmental assessment may be requested of a construction contractor or consulting architect/engineer employed by the Agency if they are involved in the planning or construction of special purpose facilities or in modifications to such facilities having potential environmental effects external to the facility. Such modifications include but are not limited to: Facility additions, changes in central heating systems or wastewater treatment systems, and land clearing for access roads and parking lots.

(b) *Impact statement preparation criteria.* An environmental review shall be performed on all actions involving construction of special purpose facilities and on improvements to such facilities. The guidelines set forth in § 6.20 of subpart B of this part shall be utilized to determine whether an impact statement shall be prepared.

§ 6.95 Procedures for preparation, distribution, and review of EIS's and other EIS-associated documents.

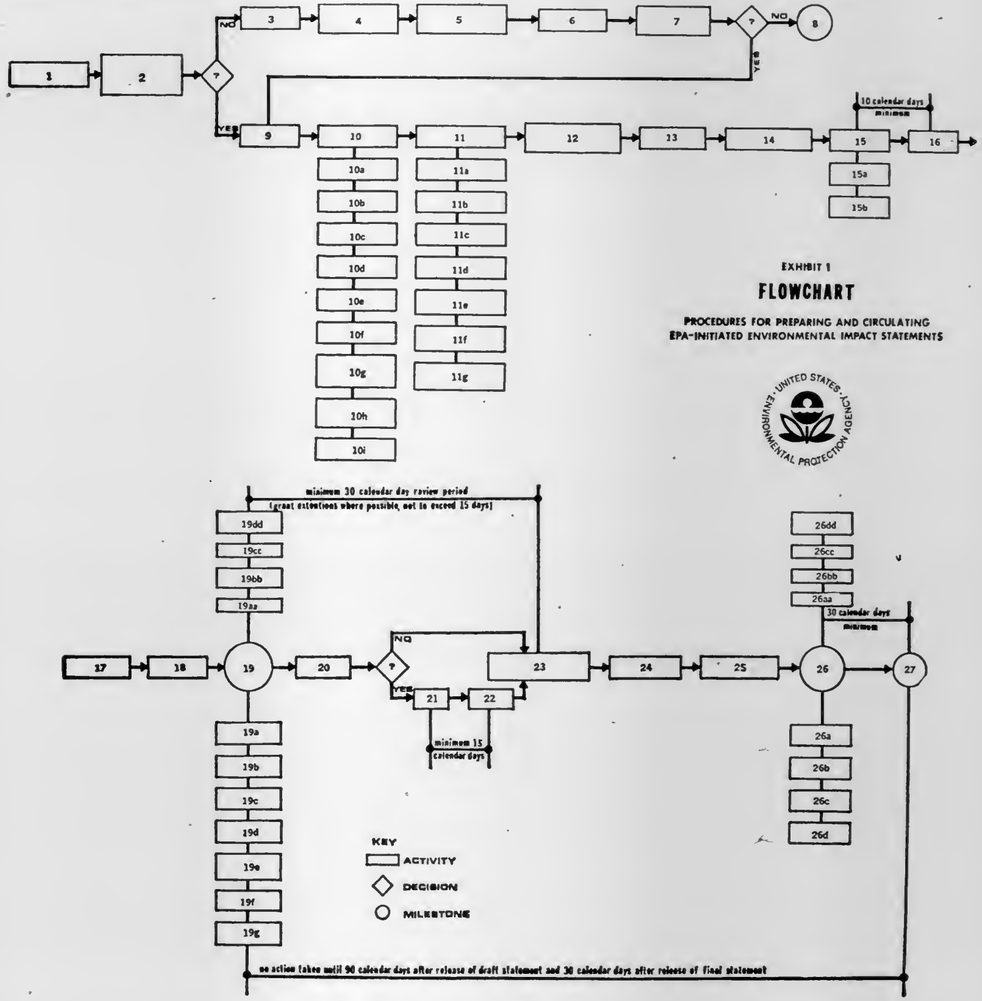
(a) *Environmental review and assessment.* (1) An environmental review shall be conducted when the program of requirements or scope of work has been completed for the construction, improvement, or modification of special purpose facilities. For special purpose facility

construction, the Chief, Facilities Management Branch, shall request the assistance of the appropriate program office and Regional Administrator in the review. For modifications and improvements, the appropriate responsible official shall request assistance in making the review from other cognizant Agency components.

(2) If construction contractors or consulting architect/engineers are involved, the responsible official may require them to submit an environmental assessment which will be used in the environmental review. The assessment shall contain the same sections specified for impact statements in § 6.32 of subpart C of this part. Contractors and consultants shall be notified in the appropriate contractual documents of this possibility.

(b) *Notice of intent, environmental impact statement, and negative declaration.* The responsible official shall decide at the completion of the environmental review whether there will be any significant environmental impacts. If there will be significant environmental impacts, a notice of intent and an environmental impact statement shall be prepared in accordance with the procedures outlined in § 6.22 of subpart B. If there will not be any significant environmental impacts, a negative declaration and environmental impact appraisal shall be prepared in accordance with the procedures outlined in § 6.25 of subpart B of this part.

(c) *Project commencement.* No construction or related activities can begin until a negative declaration has been issued and an environmental appraisal prepared or the thirty (30) day waiting period after forwarding the final impact statement to the Council on Environmental Quality has expired.



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1. Applicant submits environmental assessment and other available data.
2. Agency performs environmental review at the earliest possible point in the development of the proposed action, decides if an EIS is required, prepares an EIS if the project will have a significant impact or if the project's impact is likely to be highly controversial.
3. Where required prepare environmental impact appraisal.
4. Prepare and where practicable circulate negative declaration to Federal, State and local agencies, interested persons, local newspapers, and other media.
5. File impact appraisal, negative declaration, and other supportive documents in-house. (Available for public inspection)
6. Receive and evaluate comments.
7. Change decision if necessary.
8. Administrative action.
9. Prepare notice of intent.
10. Circulate notice of intent.
a. Regional interests.
b. Office of Federal Activities.
c. Appropriate headquarters program office EIS coordinator.
d. Office of Public Affairs.
e. Office of Legislation.
f. Federal agencies.
g. State and local agencies, appropriate State, regional and metropolitan clearinghouses.
h. Interested persons.
i. Newspapers and other media as appropriate.
11. Prepare preliminary draft environmental impact statement and summary sheet (optional).
a. Description of the proposed action.
b. Environmental impact of the proposed action.
c. Adverse effects which cannot be avoided should the proposal be implemented.
d. Alternatives to the proposed action.
e. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
f. Irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
g. A discussion of problems and objections raised by other Federal, State and local agencies, and by private organizations and individuals to date.
12. Coordinate internally for review and comment with appropriate headquarters and regional elements (optional).
13. Evaluate comments and revise draft accordingly.
14. Notify OFA and appropriate headquarters program office EIS coordinator of intent to release draft.
15. Submit draft for review.
a. OFA (2 cys.).
b. Appropriate headquarters program office EIS coordinator (2 cys.).
16. Consider comments and revise draft accordingly.
17. Prepare transmittal letter with responsible official's signature.
18. Submit news release to local newspapers and other media (1 cy.).
19. Distribute draft and transmittal letter externally for review and comments.
a. Council on environmental quality (10 cys. and 2 NTIS accession notice cards).
b. Notify Office of Legislation of release (cys. as needed).
c. Notify Office of Public Affairs of release (2 cys.).
d. Field offices of appropriate Federal agencies (2 cys.).
e. Appropriate State and local agencies; appropriate State and metropolitan clearinghouses (2 cys.).
f. Interested persons (1 cy.).
g. Forward summary sheet to OMB–OMSC (2 cys.).
aa. Regional interests.
bb. Public Affairs Division if prepared in region (copies as needed).
cc. OFA (2 cys.).
dd. Appropriate headquarters program office EIS coordinator (2 cys.).
20. Determine need for public hearing.
21. Circulate public notice.
22. Conduct public hearing.
23. Review and evaluate suggestions, criticisms and comments received and reexamine the proposed course of action and alternatives. Include evaluation of comments generated at public hearing (if held).
24. Prepare final environmental impact statement.
25. Submit news release to local newspapers and other media (1 cy.).
26. Distribute final to interests submitting comments on the draft (1 cy.).
a. Council on Environmental Quality (10 cys. and 2 NTIS accession notice cards).
b. Notify Office of Legislation of release (cys. as needed).
c. Notify Office of Public Affairs of release (2 cys.).
d. Forward summary to OMB–OMSC (2 cys.).
aa. Regional interests.
bb. Public Affairs Division if prepared in region (copies as needed).
cc. OFA (2 cys.).
dd. Appropriate headquarters program office EIS coordinator (2 cys.).
27. Administrative action.

EXHIBIT 2

NOTICE OF INTENT TRANSMITTAL MEMORANDUM SUGGESTED FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

GENTLEMEN: In accordance with the guidelines for the preparation of environmental impact statements, attached is a notice of intent to prepare such a statement for the proposed Agency action specified below:

_____
(Official Project Name)

_____
(City, State)

_____
(Impact Statement No.)

If your organization needs additional information or wishes to participate in the preparation of the draft environmental impact statement, please advise the (appropriate office, city, State).

Very truly yours,

_____
(Appropriate EPA Office)

(List Federal, State, and local agencies to be solicited for comment.)
(List public action groups to be solicited for comment.)

NOTICE OF INTENT SUGGESTED FORMAT

Notice of Intent—Environmental Protection Agency

1. Project location:

City _____

County _____

State _____

2. Estimated projected costs:

Federal share (total) _____ $_____

Contract $_____ Grant $_____ Other $_____

Applicant share (if any)

(Name) _____ $_____

Other (specify) _____ $_____

Total _____ $_____

3. Period covered by project:

Beginning date _____
(Original date, if project covers more than 1 year)

Dates of different project phases_____

Approximate ending date_____

4. Estimated application filing date_____

EXHIBIT 3

NEWS RELEASE SUGGESTED FORMAT

Notice to the Public From the Environmental Protection Agency

This announcement is to inform the public that the Environmental Protection Agency (originating office, address) (will prepare, will not prepare, has prepared) a (draft, final) environmental impact statement on the following project:

_____
(Official Project Name)

_____
(Purpose of Project)

_____
(Project Location, City, County, State)

This notice is to implement the Agency's policy to inform the public to the maximum possible extent of environmental actions it is taking.

EXHIBIT 4

NEGATIVE DECLARATION SUGGESTED FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

GENTLEMEN: In accord with the procedures for the preparation of environmental impact statements, an environmental review has been performed on the proposed Agency action below:

_____
(Official Project Name)

_____
(Purpose of Project)

_____
(Project Originator)

_____
(Project Location, City, County, State)

_____
(Potential Agency Financial Share)

_____
(Other Funds Included)

After making an environmental review of the project, this Agency has decided not to prepare an environmental impact statement.

An environmental impact appraisal, which summarizes the review and the reasons why a statement is not required, is on file at the above office and will be available for public scrutiny upon request.

This Agency will proceed with the award of a (grant, contract) for this project.

Sincerely,

_____
(Appropriate EPA Official)

EXHIBIT 5

ENVIRONMENTAL IMPACT APPRAISAL SUGGESTED FORMAT

A. *Identify Project.*
Name of Applicant: _____
Address: _____
Project Number (if assigned): _____
B. *Summarize Assessment.*
1. Brief description of project: _____
2. Probable impact of the project on the environment: _____
3. Any probable adverse environmental effects which cannot be avoided: _____
4. Alternatives considered with evaluation of each: _____
5. Relationship between local short-term uses of environment and maintenance and enhancement of long-term productivity: _____
6. Any irreversible and irretrievable commitment of resources: _____
7. Public objections to project, if any, and their resolution: _____
8. Agencies consulted about the project:
State representative's name: _____
Local representative's name: _____
Other: _____
C. *Reasons for concluding there will be no significant impacts.*
(Discuss topics 2, 3, 5, 6, and 7 above, and how the alternative (topic 4) selected will avoid any major public objections or significant impacts, thereby making an impact statement unnecessary.)

_____
(Signature of appropriate official)

_____
(Date)

EXHIBIT 6

COVER SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Draft, Final)
Environmental Impact Statement

_____
(Describe title of project or plan)

Prepared by

_____
(Responsible Agency Office)

Approved by

_____
(Responsible Agency Official)

_____
(Date)

EXHIBIT 7

SUMMARY SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Check one)
( ) Draft.
( ) Final Environmental Statement.

Environmental Protection Agency

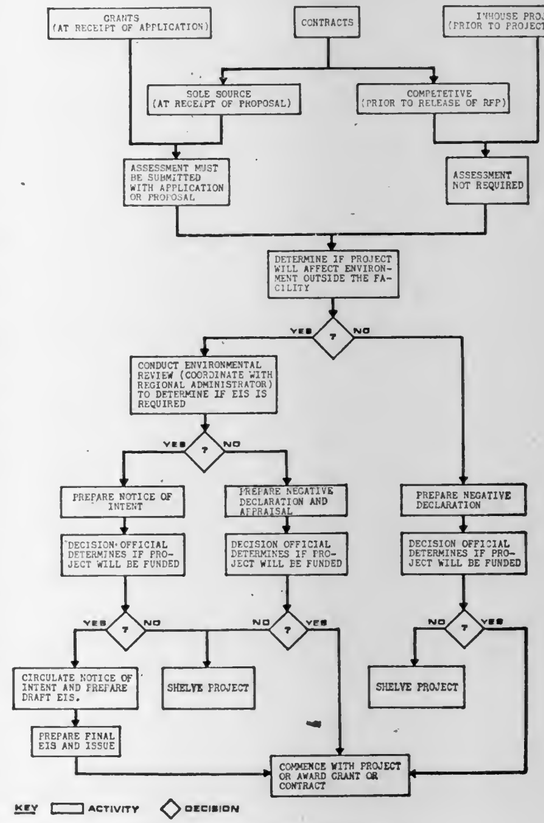
_____
(Responsible Agency Office)

1. Name of action. (Check one)
Administrative action. ( )
Legislative action. ( )
2. Brief description of action indicating what States (and counties) are particularly affected.
3. Summary of environmental impact and adverse environmental effects.
4. List alternatives considered.
5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.
b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.
6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

EXHIBIT 8

FLOWCHART FOR OR & M

PROCEDURES FOR DETERMINING IF AN EIS IS REQUIRED ON OR&M PROJECTS

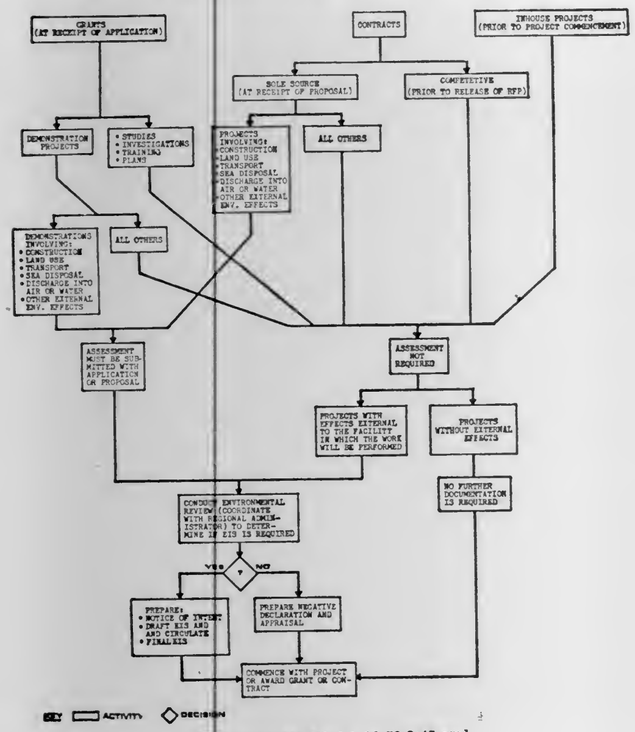


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FLOWCHART FOR OSWMP

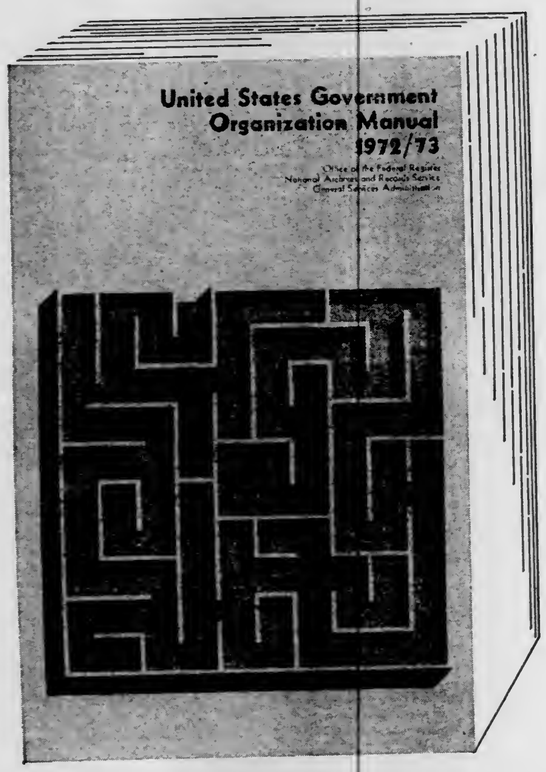
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[FR Doc.73-820 Filed 1-16-73;8:45 am]

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federal register

THURSDAY, JANUARY 18, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 12

Pages 1713–1905

PART I

(Part II begins on page 1801)

(Part III begins on page 1891)

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(The items in these lists were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from these lists has no legal significance. Since these lists are intended as reminders, they do not include effective dates, comment deadlines, or hearing dates that occur within 14 days of publication.)

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PROCLAMATION 4178

Modifying Proclamation No. 3279, Relating to Imports of Petroleum and Petroleum Products

By the President of the United States of America

A Proclamation

The Director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, has found that increases in domestic production in 1973 will not be sufficient to supply the expanded demand for petroleum and petroleum products during the year. He has therefore recommended an increase of 915,000 barrels per day in licensed imports into Districts I–IV, including the Canadian component of those imports.

The Director, with the advice of the Oil Policy Committee, has also found that there may be a threat of temporary shortage of No. 2 fuel oil in the current season and has recommended that the requirement for allocations of such fuel oil be suspended for the period January 1, 1973, through April 30, 1973. He has also recommended certain technical amendments to Proclamation No. 3279,[1] as amended, relating to foreign trade zones, gilsonite, oil shale and liquefied gases.

In each instance above, the Director has found that his recommended changes would not adversely affect the national security.

The Director, with the advice of the Oil Policy Committee, has taken into account the estimates of the Secretary of the Interior of the quantity of crude oil and natural gas liquids that will be produced in Districts I–IV, adjusted to reflect other national security determinations, and has recommended that Proclamation No. 3279, as amended, be further amended to adjust imports in conformity with these findings.

I agree with the findings and recommendations of the Director and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust the imports of petroleum and petroleum products, and to improve the administration of the program, as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in my by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that,

[1] 24 FR 1781; 3 CFR, 1959–1963 Comp., p. 11.

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effective as of this date, Proclamation No. 3279, as amended, is further amended as follows:

1. Paragraph (a) of Section 1 is revised to read as follows:

"SEC. 1(a) In Districts I–IV, in District V, and in Puerto Rico, no crude oil, unfinished oils, or finished products may be entered for consumption or withdrawn from warehouse for consumption, except (1) by or for the account of a person to whom a license has been issued by the Secretary of the Interior pursuant to an allocation made to such person by the Secretary in accordance with regulations issued by the Secretary, and such entries or withdrawals may be made only in accordance with the terms of such license, or (2) as authorized by the Secretary pursuant to paragraph (b) of this section, or (3) as to finished products, by or for the account of a department, establishment, or agency of the United States, which shall not be required to have such a license but which shall be subject to the provisions of paragraph (c) of this section, or (4) crude oil, unfinished oils, or finished products which are transported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils or finished products, is also the country of production of the crude oil from which they were processed or manufactured or (5) as provided in paragraph (d) of this section, or (6) as otherwise provided in this Proclamation."

2. Paragraph (a) of Section 1A is amended as follows:

(a) In subparagraph (1) substitute "1973" for "1972."

(b) Subparagraph (2) is revised to read as follows:

"(2) During the period January 1, 1973, through December 31, 1973, Canadian imports under allocations made pursuant to this subparagraph (2) into Districts I–IV shall not exceed an average of 675,000 barrels per day. Entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1974 under any license authorizing such imports from Canada for that period and until midnight January 15, 1973, under any license authorizing such imports from Canada for the preceding allocation period. The Secretary shall by regulation provide for allocations of such imports. The regulations shall provide that licenses issued under such allocations shall permit the entry, or withdrawal from warehouses, for consumption of Canadian imports only."

3. Subparagraph (1) of paragraph (a) of Section 2 is amended as follows:

(a) Substitute "2,025,000" for "1,165,000."

(b) Substitute the following for the third and fourth sentences:

"In addition to the imports permitted under the first sentence of this paragraph, for the period May 1, 1973, through December 31, 1973, and

for each allocation period thereafter, there may be imported into District I, an average of 50,000 barrels per day of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, for allocation, under regulations of the Secretary, to persons in the business in District I of selling No. 2 fuel oil who do not have crude oil import allocations into Districts I–IV and who operate deep water terminals in District I or have throughput agreements with deep water terminal operators in District I who do not have crude oil import allocations into District I–IV, on a fair and equitable basis, to the extent possible, in relation to such persons' inputs of No. 2 fuel oil to such terminals, having regard to any product import allocation into Districts I–IV made to such persons."

4. Add subparagraph (4) to paragraph (a) of Section 2 as follows:

"(4) For the period January 1, 1973, through April 30, 1973, any person who is in the business of selling No. 2 fuel oil in Districts I–IV to be used as fuel may import such No. 2 fuel oil into Districts I–IV without reducing the quantities of crude oil, unfinished oils, and finished products that have been or may be imported under the provisions of Section 1, Section 1A, and Section 2 of this proclamation. Such imports shall require no allocation and licenses shall be available for such imports in accordance with regulations issued by the Secretary."

5. Paragraph (f) of Section 9 is amended to read as follows:

"(f) 'Crude Oil' means a mixture of hydrocarbons that existed in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating processes (and are not natural gas products) and the initial liquid hydrocarbons (at atmospheric conditions) produced from tar sands, gilsonite, and oil shale;."

6. Subparagraph (1) of paragraph (g) of Section 9 is amended to read as follows:

"(1) The following liquefied gases, namely ethane, propane, butanes, ethylene, propylene and butylenes, which are derived by refining or other processing of natural gas, crude oil, or unfinished oils;."

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of January, in the year of our Lord nineteen hundred seventy-three and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73–1296 Filed 1–17–73;2:28 pm]

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EXECUTIVE ORDER 11696

Excusing Federal Employees in the Washington, D.C., Metropolitan Area From Duty for One-half Day on Friday, January 19, 1973

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Employees of Federal executive departments, independent establishments, and other agencies, including their field offices, shall be excused from duty for one-half day on Friday, January 19, 1973, the day preceding Presidential Inauguration Day, January 20, 1973. This order applies only to those employees whose official duty stations are located within the District of Columbia, Montgomery County and Prince Georges County in Maryland, and Alexandria City, Fairfax City, Falls Church City, Arlington County, Fairfax County, Loudoun County, and Prince William County in Virginia. This order shall not apply to those employees regularly scheduled to work on January 20, 1973, and who are entitled to a holiday on that date under 5 U.S.C. 6103(c).

SEC. 2. Employees of the Department of State, the Department of Defense, or other Federal departments, independent establishments, and agencies, who in the judgment of their agency heads should remain at their posts of duty for national security or other public reasons need not be excused.

SEC. 3. This one-half day shall be a holiday for the purposes of Executive Order 11582, dated February 11, 1971, 5 U.S.C. 5546 and 6103(b), and any other statute so far as it relates to the pay and leave of employees of the United States.

Richard Nixon

THE WHITE HOUSE,
January 17, 1973.

[FR Doc.73-1294 Filed 1-17-73;2:27 pm]

EXECUTIVE ORDER 11697

Inspection by Department of Agriculture of Income Tax Returns Made Under the Internal Revenue Code of 1954 of Persons Having Farm Operations

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), as amended by section 3(c) of the Interest Equalization Tax Act (Public Law 88-563, 78 Stat. 844), section 601(a) of the Excise Tax Reduction Act of 1965 (P.L. 89-44, 79 Stat. 153), and section 4(a) of the act of November 2, 1966 (Public Law 89-713, 80 Stat. 1109), it is hereby ordered that income tax returns made for taxable years beginning on or after January 1, 1967, of persons having farm operations shall be open to inspection to the extent readily available in the Internal Revenue Service (for the purpose of obtaining data about such persons' farm operations) by the Department of Agriculture as may be needed for statistical purposes only. If inspection of such returns is necessary such inspection shall be made in an office of the Internal Revenue Service and shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in a Treasury Decision, relating to inspection by the Department of Agriculture of income tax returns made for taxable years beginning on or after January 1, 1967, of persons having farm operations, to the extent readily available in the Internal Revenue Service (for the purpose of obtaining data about such persons' farm operations), approved by me this date.

Richard Nixon

THE WHITE HOUSE,
January 17, 1973.

[FR Doc.73-1295 Filed 1-17-73;2:27 pm]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

This document amends the list of counties and properties which are presently regulated under Federal quarantine because of witchweed. It removes from regulation various areas and properties in Jones, Moore, Richmond, and Wayne Counties in North Carolina. It also adds new properties not previously regulated in Jones, Lenoir, Richmond, and Wayne Counties in North Carolina; and Chesterfield County in South Carolina.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.80–2 of the witchweed quarantine regulations, 7 CFR 301.80–2, as amended, a supplemental regulation designating regulated areas, § 301.80–2a, is hereby amended in the following respects:

A. In § 301.80–2a relating to the State of North Carolina under generally infested area the second paragraph of the description for Wayne County is changed as follows:

NORTH CAROLINA

(1) *Generally infested area.*

* * * * *

Wayne County. * * *

That area bounded by a line beginning at a point where U.S. Highway 13 and State Secondary Road 1006 intersect, and extending south along said road to its junction with State Secondary Road 1106, thence west along said road to its junction with State Secondary Road 1101, thence north and west along said road to its intersection with State Secondary Road 1105 thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

B. In 301.80–2a relating to the State of North Carolina under suppressive area the entire description for Jones County is changed as follows:

NORTH CAROLINA

* * * * *

(2) *Suppressive area.*

* * * * *

Jones County. The Greene, Earl F., farm located on both sides of State Secondary Road 1127 and 0.9 mile northwest of the junction of said road and State Highway 41.

The Greene Estate, L. T., farm located on the east side of State Secondary Road 1123 and 0.5 mile south of the junction of said road and State Secondary Road 1124.

The Haddock, A. J., farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The McDaniel, W. F., farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Philyaw, Wilford, farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

The Simpson, W. W., farm located on the south side of State Secondary Road 1116 and 2.5 miles west of the junction of said road and State Secondary Road 1115.

The Wiley, Mrs. Bettie, farm located on the east side of State Secondary Road 1148 and 0.5 mile south of the Jones-Lenoir County line.

C. In § 301.80–2a relating to the State of North Carolina under suppressive area in the counties indicated, the descriptions for the following properties are added in alphabetical order as follows:

NORTH CAROLINA

* * * * *

(2) *Suppressive area.*

* * * * *

Lenoir County. * * *

* * * * *

The Waters, Thomas, estate located on the west side of State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1317.

* * * * *

Richmond County. * * *

* * * * *

The Dumas, Elnora, farm located on the northeast side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

* * * * *

The Standback, Tommy, farm located on the east side of U.S. Highway 220 and 0.6 mile northeast of its junction with State Secondary Road 1433.

* * * * *

The Waters, Will, farm located on both sides of State Secondary Road 1623 and 0.4 mile southwest of its junction with State Secondary Road 1607.

* * * * *

Wayne County. * * *

* * * * *

The Gurley, Clara Lee, farm located on the south side of State Secondary Road 1330 and 0.1 mile west of the junction of said road and State Secondary Road 1332.

* * * * *

The Johnson, J. R., farm located on the south side of State Secondary Road 1330 and 0.1 mile west of the junction of said road and State Secondary Road 1332.

* * * * *

The McClenny, G. A. No. 2, farm located on both sides of State Secondary Road 1332 and 0.1 mile north of junction of said road and State Secondary Road 1330.

* * * * *

The Smith, Alfred, farm located on the north side of State Secondary Road 1330 and 0.9 mile west of junction of said road and North Carolina Highway 581.

* * * * *

D. In § 301.80–2a relating to the State of North Carolina under suppressive area the following properties are deleted in the counties indicated as follows: In Moore County the Bass, M. C., farm; the Burdette, Florence, farm; the Hennings, J. G., estate farm; the Martin, Conner, farm; the McCrimmon, Grover, farm; the Smith, M. L., farm; and the Vaughn, A. C., farm. In Richmond County the Campbell, Daniel E., farm; the Layton, E. D., farm; and the Quick, Julius, farm.

E. In § 301.80–2a relating to the State of South Carolina under suppressive area in Chesterfield County a description of the following property is added in alphabetical order as follows:

SOUTH CAROLINA

* * * * *

(2) *Suppressive area.*

* * * * *

Chesterfield County. * * *

* * * * *

The Keith, Jessie, farm located at the end of a dirt road and 0.7 mile north of its junction with a second dirt road, said junction being 0.1 mile northwest of the junction of State Secondary Highways 114 and 115.

F. In § 301.80–2a relating to the State of South Carolina under suppressive area in Chesterfield County, the property of Keith, Julius, is redescribed as follows:

SOUTH CAROLINA

* * * * *

(2) *Suppressive area.*

* * * * *

Chesterfield County. * * *

* * * * *

The Keith, Julius, farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile northwest of the junction of State Secondary Highways 114 and 115.

* * * * *

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 FR 16210, as amended, 36 FR 20707, 21529, 21530; 37 FR 6327, 6505, 10554, 37 FR 7767, 7 CFR 301.80–2)

This amendment shall become effective on January 18, 1973.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that infestations of witchweed exist or are likely to exist in the civil divisions and parts of civil divisions listed as regulated areas in paragraph (a), or that it is necessary to regulate such areas because of their proximity to witchweed infestations or their inseparability for quarantine enforcement purposes from witchweed infested localities.

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The Deputy Administrator has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed. Therefore, such civil divisions and parts of civil divisions listed above are designated as witchweed regulated areas.

To the extent that this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this revision imposes restrictions, they are necessary in order to prevent the spread of witchweed, and should be made effective promptly to accomplish their purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective January 18, 1973.

Done at Washington, D.C., this 12th day of January 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-1139 Filed 1-17-73;8:45 am]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1974 crop year.

ARIZONA

Yuma.
Pinal.
Maricopa.

CALIFORNIA

Modoc.

COLORADO

Boulder.
Larimer.
Logan.
Morgan.
Sedgwick.
Washington.
Weld.

IDAHO

Ada.
Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

MARYLAND

Caroline.
Kent.
Queen Annes.

MINNESOTA

Becker.
Chippewa.
Clay.
Grant.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Pope.
Red Lake.
Roseau.
Stevens.
Swift.
Traverse.
Wilkin.

MONTANA

Big Horn.
Blaine.
Carbon.
Cascade.
Chouteau.
Daniels.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
Musselshell.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Valley.
Wheatland.
Yellowstone.

NORTH DAKOTA

Barnes.
Benson.
Bottineau.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McKenzie.
McLean.
Mercer.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OREGON

Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Wheeler.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lebanon.
York.

SOUTH DAKOTA

Beadle.
Brookings.
Brown.
Clark.
Codington.
Day.
Deuel.
Edmunds.
Faulk.
Grant.
Hamlin.
Kingsbury.
McPherson.
Marshall.
Miner.
Roberts.
Spink.

UTAH

Cache.
Davis.
Salt Lake.
Utah.
Weber.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Big Horn.
Goshen.
Park.
Washakie.

(Secs. 506, 516, 52 Stat. 72, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] D. W. MCELWRATH,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.73-1142 Filed 1-17-73;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1974 crop year.

ARKANSAS

Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Mississippi.
Phillips.
Poinsett.
St. Francis.

CALIFORNIA

Modoc.

COLORADO

Adams.
Arapahoe.
Boulder.
Cheyenne.
Elbert.
Kit Carson.
Larimer.
Lincoln.
Logan.
Morgan.
Phillips.
Sedgwick.
Washington.
Weld.
Yuma.

IDAHO

Ada.
Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

ILLINOIS

Adams.
Bond.
Brown.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
DeWitt.
Douglas.
Edgar.
Effingham.
Fayette.
Fulton.
Greene.
Hancock.
Iroquois.
Jasper.
Jefferson.
Jersey.
Kankakee
Logan.
McDonough.
McLean.
Macon.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Piatt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Washington.
Wayne.

INDIANA

Adams.
Allen.
Bartholomew.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
DeKalb.
Delaware.
Elkhart.
Fayette.
Fountain.
Fulton.
Gibson.
Grant.
Hamilton.
Hancock.
Hendricks.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Knox.
Kosciusko.
Lagrange.
Madison.
Marion.
Marshall.
Miami.
Montgomery.
Morgan.
Newton.
Noble.
Parke.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Union.
Vermillion.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

KANSAS

Allen.
Anderson.
Atchison.
Barber.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Chautauqua.
Cherokee.
Cheyenne.
Clark.
Clay.
Cloud.
Coffey.
Comanche
Cowley.
Crawford.
Decatur.
Dickinson.
Doniphan.
Douglas.
Edwards.
Elk.
Ellis.
Ellsworth.
Finney.
Ford.
Franklin.
Geary.
Gove.
Graham.
Grant.
Gray.
Greeley.
Greenwood.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearny.
Kingman.
Kiowa.
Labette.
Lane.
Lincoln.
Linn.
Logan.
Lyon.
McPherson.
Marion.
Marshall.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Ness.
Norton.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wabaunsee.
Wallace.
Washington.
Wichita.
Wilson.
Woodson.

KENTUCKY

Christian.

MARYLAND

Caroline.
Kent.
Queen Annes.

MICHIGAN

Bay.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Huron.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Sanilac.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Chippewa.
Clay.
Dakota.
Douglas.
Faribault.
Freeborn.
Grant.
Kandiyohi.
Kittson.
Lac Qui Parle.
Le Sueur.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Red Lake.
Redwood.
Renville.
Roseau.
Stevens.
Swift.
Traverse.
Waseca.
Wilkin.
Yellow Medicine.

MISSISSIPPI

Bolivar.
Coahoma.
De Soto.
Humphreys.
Issaquena.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Washington.
Yazoo.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Charlton.
Clark.
Clinton.
Cooper.
Dade.
Daviess.
DeKalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.

MONTANA

Blaine.
Big Horn.
Carbon.
Cascade.
Chouteau.
Custer.
Daniels.
Dawson.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
McCone.
Musselshell.
Petroleum.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Treasure.
Valley.
Wheatland.
Wibaux.
Yellowstone.

NEBRASKA

Adams.
Banner.
Box Butte.
Butler.
Cass.
Chase.
Cheyenne.
Clay.
Dawes.
Deuel.
Dodge.
Fillmore.
Franklin.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hall.
Hamilton.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Johnson.
Kearney.
Keith.
Kimball.
Lancaster.
Lincoln.
Merrick.
Morrill.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Perkins.
Phelps.
Polk.
Red Willow.
Richardson.
Saline.
Saunders.
Scotts Bluff.
Seward.
Sheridan.
Thayer.
Washington.
Webster.
York.

NEW MEXICO

Curry.

NORTH DAKOTA

Adams.
Barnes.
Benson.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.

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NORTH DAKOTA—Continued

Rolette. Stutsman.
Sargent. Towner.
Sheridan. Traill.
Sioux. Walsh.
Slope. Ward.
Stark. Wells.
Steele. Williams.

OHIO

Allen. Logan.
Ashland. Lucas.
Auglaize. Madison.
Butler. Marion.
Champaign. Medina.
Clark. Mercer.
Clinton. Miami.
Crawford. Montgomery.
Darke. Morrow.
Defiance. Ottawa.
Delaware. Paulding.
Erie. Pickaway.
Fairfield. Preble.
Fayette. Putnam.
Franklin. Richland.
Fulton. Sandusky.
Greene. Seneca.
Hancock. Shelby.
Hardin. Union.
Henry. Van Wert.
Highland. Wayne.
Huron. Williams.
Knox. Wood.
Licking. Wyandot.

OKLAHOMA

Alfalfa. Jackson.
Beaver. Kay.
Beckham. Kingfisher.
Blaine. Kiowa.
Caddo. Logan.
Canadian. Major.
Comanche. Mayes.
Cotton. Noble.
Craig. Nowata.
Custer. Osage.
Delaware. Ottawa.
Dewey. Pawnee.
Ellis. Payne.
Garfield. Texas.
Grady. Tillman.
Grant. Washington.
Greer. Washita.
Harmon. Woods.
Harper. Woodward.

OREGON

Baker. Sherman.
Gilliam. Umatilla.
Jefferson. Union.
Klamath. Wallowa.
Linn. Wasco.
Malheur. Wheeler.
Morrow.

PENNSYLVANIA

Adams. Lancaster.
Chester. Lebanon.
Cumberland. Perry.
Dauphin. York.
Franklin.

SOUTH DAKOTA

Aurora. Edmunds.
Beadle. Faulk.
Bennett. Grant.
Bon Homme. Haakon.
Brown. Hamlin.
Campbell. Hand.
Clark. Hughes.
Codington. Hutchinson.
Corson. Hyde.
Day. Jones.
Deuel. Kingsbury.
Dewey. Lyman.
Douglas. McPherson.

SOUTH DAKOTA—Continued

Marshall. Spink.
Mellette. Stanley.
Miner. Sully.
Perkins. Tripp.
Potter. Walworth.
Roberts.

TENNESSEE

Dyer. Obion.
Lake. Robertson.
Lauderdale.

TEXAS

Baylor. Hansford.
Carson. Hartley.
Castro. Hutchinson.
Collin. Jones.
Cooke. Knox.
Dallam. Lipscomb.
Deaf Smith. Moore.
Denton. Ochiltree.
Fannin. Oldham.
Floyd. Parmer.
Foard. Randall.
Gray. Sherman.
Grayson. Swisher.
Hale. Wilbarger.

UTAH

Box Elder. Salt Lake.
Cache. Utah.
Davis. Weber.

WASHINGTON

Adams. Klickitat.
Asotin. Lincoln.
Benton. Okanogan.
Columbia. Spokane.
Douglas. Walla Walla.
Franklin. Whitman.
Garfield. Yakima.
Grant.

WYOMING

Goshen. Platte.
Laramie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] D. W. MCELWRATH,
Acting Manager,
Federal Crop Insurance Corporation.

[FR Doc. 73-1143 Filed 1-17-73;8:45 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 284]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 19–25, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.584 Navel Orange Regulation 284.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was fairly good last week. Prices f.o.b. averaged $3.52 a carton on a sales volume of 810 cars, compared with an average f.o.b. price of $3.59 a carton and sales of 632 cars a week earlier. Track and rolling supplies at 412 cars were up 37 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until February 20, 1973 (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested

persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 16, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 18, through January 25, 1973, are hereby fixed as follows:

(i) District 1: 861,000 cartons;
(ii) District 2: 189,000 cartons;
(iii) District 3: unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1316 Filed 1-17-73;3:58 pm]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

Restricted Importation of Eggs, Poultry and Poultry Products

The purpose of this amendment is to restrict the importation of poultry carcasses, or parts or products thereof, and eggs (other than hatching eggs) from all countries except Canada so as to prevent the further introduction or dissemination of exotic Newcastle disease and other communicable diseases of poultry.

Therefore, pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), Part 94, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

Section 94.6 is amended to read:

§ 94.6 Poultry carcasses and parts; other poultry products; eggs; restrictions, exceptions.

(a) The importation of any fresh, chilled, or frozen poultry carcasses or parts or products of such carcasses is prohibited if imported from any country except Canada, or if they are imported from Canada but originated in or transited any other foreign country: *Provided,* That (1) such articles may be imported upon approval obtained from the Deputy Administrator, Veterinary Services, in specific cases, upon application to him, for consignment to an approved establishment[2], museum, or educational institution which has provided the Deputy Administrator, Veterinary Services, with satisfactory evidence that it has the equipment, facilities, and capabilities to properly store, handle, process, or disinfect the articles so as to prevent the introduction or dissemination of poultry diseases into the United States; and (2) carcasses of game birds which are otherwise eligible for importation are exempt from the requirements of this paragraph. As used in this section, "poultry" means chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl; and "game birds" means migratory kinds of ducks, geese, pigeons, and doves.

(b) The importation from any country except Canada of any poultry carcasses or parts or products of such carcasses, other than those that are fresh, chilled, or frozen, is prohibited unless the importer applies to, and is granted a permit by, the Deputy Administrator, Veterinary Services, authorizing such importation. Such authorization will be given only if the Deputy Administrator determines that the importation of the article would not involve a risk of introduction or dissemination of poultry diseases into the United States.

(c) *Importation of eggs, other than hatching eggs.*[3] (1) (i) Except as provided in subparagraph (2) of this paragraph (c), eggs other than hatching eggs, originating in or imported from any country except Canada must have been washed and sanitized prior to arrival at a U.S. port. The washed eggs shall be sanitized by use of hypochlorite solution at a maximum strength of 200 p.p.m. with a minimum of 100 p.p.m. of available chlorine. The washed, sanitized eggs shall be packed in new, unused packaging materials.

(ii) Each shipment of such eggs shall be accompanied by a certificate signed by a veterinary officer of the National Government of the country of origin stating that the eggs have been sanitized and packed as prescribed herein and that the eggs were produced by flocks known to be free of Newcastle disease as determined by the presence in the flock during the laying period, of sentinel birds at a rate of not less than one sentinel bird per thousand, with a minimum of 30 sentinels per flock. (A sentinel bird is a specific pathogen-free chicken which has not been infected with, exposed to, or immunized with any strain of Newcastle disease virus and is therefore susceptible to exotic Newcastle disease virus and is therefore susceptible to exotic Newcastle disease.) However, eggs which do not meet the requirements of this paragraph will be permitted entry in specific cases by the Deputy Administrator, Veterinary Services, upon application to him if they are to be transported under Government seal to a processing plant approved by the Deputy Administrator for breaking and pasteurization, and if the Deputy Administrator determines that such handling of the eggs would not involve a risk of the introduction or dissemination of poultry diseases into the United States. Shells, cases, and other packing materials shall be disposed of under the supervision of a USDA inspector in a manner approved by the Deputy Administrator as adequate to effectuate the purposes of this section.

(iii) Eggs other than hatching eggs, originating in and shipped directly from Canada are exempt from the requirements of this paragraph.

(2) Shipments of eggs, otherwise subject to the requirements of this paragraph, may be imported for scientific, educational, or research purposes if the importer has provided the Deputy Administrator, Veterinary Services, with satisfactory evidence that he has the equipment, facilities, and capabilities to properly store, handle, process or disinfect the eggs so as to prevent the introduction or dissemination of poultry diseases into the United States.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective January 8, 1973, except with respect to shipments of eggs, or poultry carcasses or parts or products thereof, consigned to the United States on or before that date. Such shipments so consigned shall upon arrival in the United States be allowed entry only under such specific requirements or be

[2] Information as to the identity of approved establishments may be obtained from, and request for approval of any establishment may be made to, the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Establishments will be approved only if the Deputy Administrator, Veterinary Services, determines that the imported articles will be so handled at the establishments as to prevent the introduction and dissemination of livestock or poultry diseases into the United States. Approval of any establishment may be refused or withdrawn only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon.

[3] The requirements for the importation of hatching eggs are stated in Part 92 of this chapter.

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disposed of in such manner as the Deputy Administrator, Veterinary Services, may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of viscerotropic velogenic Newcastle disease or other poultry diseases into the United States.

The restrictions imposed by the foregoing amendment are necessary in order to protect the poultry of the United States from the further introduction or dissemination of the contagion of Newcastle disease or other communicable poultry diseases from foreign countries into the United States, and in order to protect the gains made in the Newcastle disease eradication program, and must be made effective as soon as possible in order to accomplish these objectives. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that publication of notice of proposed rule making and opportunity for public comment in connection with the amendment would be impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this eighth day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-1140 Filed 1-17-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WA-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment of Part 71 of the Federal Aviation Regulations is to revoke the Amchitka, Alaska, control zone.

Tower service and weather observations have been discontinued. Therefore, Amchitka no longer meets the requirements for the establishment of a control zone. Furthermore, the control zone is no longer operationally required. Accordingly, action is taken herein to revoke the Amchitka control zone.

Since this amendment restores airspace to the general public and relieves an assignment of airspace for IFR operation, notice and public procedures thereon are unnecessary and good cause exists for making this amendment effective on less than 30 days notice.

Since this action involves, in part, navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense, in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective on January 18, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351) the Amchitka control zone is revoked.

(Sec. 307(a), 1110 Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 FR 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 11, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1106 Filed 1-17-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Records

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations: These amendments are effective on January 31, 1973, and will govern all petitions received on or after the aforementioned effective date and the remaining procedures dealing with all petitions pending on the aforesaid date.

Section 4.8 is revised to read as follows:

§ 4.8 Availability of public information.

(a) All of the public records of the Commission are available for inspection at the principal office of the Commission, and copies of some of those records are available at the regional offices and the field stations, on each business day from 8:30 to 5 p.m.

(b) Reasonable facilities for copying and for producing copies are provided at each of the offices of the Commission. Subject to appropriate limitations and the availability of facilities, any person may copy without charge any of the public records available for inspection at each of those offices, or reproductions of any such records will be provided by the Commission to any person upon request in person and payment of the prescribed fees, or reproductions of any identifiable public records of the Commission will be provided by the Commission to any person upon written request. All written requests for reproductions of identifiable public records should be addressed to the Secretary of the Commission, and should specify as clearly and accurately as reasonably possible the records desired. With respect to records which cannot be specified with complete clarity and particularity, identification requirements will be met by descriptions sufficient to enable qualified Commission personnel to locate the requested records. In any instance the Commission, the Secretary of the Commission, or the official in charge of each office may restrict the use of the Commission's facilities to providing only one reproduction of any public record, or may refuse to permit the use of those facilities for copying and producing copies of records which are published or are publicly available at places other than the offices of the Commission, or may supply to any person only one reproduction of any record when copies thereof may be obtained from the Commission without charge.

(c) When search, segregation, copying, or other processing of records is performed, reasonable fees approximately equal to actual costs therefor shall be charged. The Secretary, with the approval of the Commission, shall establish such fees. In appropriate circumstances, such fees may be waived or reduced in the case of requests for records by a governmental agency, or by any person if the Commission determines that the intended use of the records will be of general public interest and benefit. A schedule of such fees is available for public inspection and copying at the Office of the Secretary.

Section 4.9 is revised to read as follows:

§ 4.9 Public records.

(a) The records of the Commission are available for public inspection and copying on request for identifiable records except to the extent that they are exempt from public availability by the provisions of § 4.10. Records exempt from disclosure by the provisions of § 4.10 may be made available for inspection and copying upon request for identifiable records under the procedure set forth in § 4.11.

(b) The public records of the Commission which are routinely available for inspection and copying include:

(1) A current index of opinions, orders, statements of policy, and interpretations, staff manuals, general instructions and other public records of the Commission;

(2) A current record of the final votes of each member of the Commission in every agency proceeding;

(3) The petitions, applications, pleadings, briefs, and other records filed by the Commission with the courts in connection with adjudicative, injunctive, and condemnation proceedings, and opinions and orders of the courts and the Commission in disposition thereof;

(4) The pleadings, motions, certifications and orders, and the transcripts of hearings, including public conferences, testimony, oral arguments and other material made a part thereof, and exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings (except testimony and exhibits placed in camera);

(5) Petitions filed with the Secretary of the Commission for the promulgation or issuance, amendment, or repeal of industry guides and of rules or regulations within the scope of § 1.11 of this chapter, including petitions for exemptions, or for any other Commission action disclosure of which would not be inconsistent with the general policy established by § 2.2(d) of this chapter;

(6) Transcripts of hearings and written statements filed or forwarded to the Commission in connection therewith in all industry guides and rule making proceedings;

(7) Continuing guaranties filed under the Wool, Fur, Textile, and Flammable Fabrics Acts;

(8) Published reports by the staff or by the Commission on economic surveys and investigations of general interest;

(9) Registration statements and annual reports filed with the Commission by export trade associations, and bulletins, pamphlets, and reports with respect to such associations released by the Commission;

(10) Notices and proposed forms of complaint and order under § 2.31 of this chapter, agreements containing orders after acceptance by the Commission, and assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter);

(11) Requests for advice concerning proposed mergers and applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials and communications with respect to such proposed transactions received by any member of the Commission and any employee involved in the decisional process, to the extent that such requests, applications, and materials are made public under §§ 1.4 (a) and (b) and 3.61 (d) and (f) of this chapter; objections or comments with respect thereto which are filed for the public record; and any advice or response given and made public under §§ 1.4 (a) or (b) and 3.61 (d) or (f) of this chapter, together with a statement of supporting reasons;

(12) Reports of compliance and supplemental materials in connection therewith filed pursuant to the rules in this chapter or to a provision in an order of the Commission, and reports of compliance filed pursuant to assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter), except as provided in § 4.9(b)(13), shall be available at the principal office of the Commission for inspection and copying by the public when received, unless at such time of filing the filing party requests confidentiality in whole or in part and submits satisfactory reasons therefor, and the Commission, with due regard for statutory restrictions, its rules and the public interest, grants the request; and

(13) Reports of compliance and supplemental materials filed in connection with Commission orders requiring divestitures or establishment of business enterprises or facilities, save those otherwise specifically dealt with in §§ 3.61(f) of this chapter and 4.9(b)(11), are confidential until the last divestiture or establishment of a business enterprise or facility, as required by a particular order, has been finally approved by the Commission. At the time each such report is submitted the filing party may request continuing confidentiality in whole or in part and submit satisfactory reasons therefor, and the Commission with due regard for its statutory restrictions, its rules and the public interest will pass upon such request;

(14) Comments filed under § 2.34(b) of this chapter concerning proposed consent agreements;

(15) Letter requesting access to Commission records pursuant to § 4.11 and the Freedom of Information Act by anyone other than a governmental agency and letters granting or denying such requests to anyone other than a governmental agency.

(c) In addition to the public records which are routinely available for inspection and copying, copies of records which may be obtained without charge upon request to the Secretary of the Commission to the extent that such copies are available, include:

(1) Descriptions of its organization, including the places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, and obtain decisions;

(2) Statements of its general procedures and policies, its nonadjudicative procedures, its rules of practice for adjudicative proceedings, and its miscellaneous rules, including descriptions of the nature and requirements of all formal and informal procedures available;

(3) Cease-and-desist orders and orders of divestiture, industry guides, advisory opinions and compliance advice, together with requests therefor, and other administrative interpretations;

(4) Notices of proposed rule making proceedings and rules and orders issued in such proceedings; and

(5) Every amendment, revision, or repeal of any of the foregoing;

(6) Releases from time to time through the Commission's Office of Public Information supplying additional information concerning the activities of the Commission, copies of which may be obtained upon request to the Office of Public Information or the Secretary of the Commission; and

(7) Reprints of the principal laws under which the Commission exercises enforcement or administrative responsibilities, which may be obtained upon request to the Secretary of the Commission.

(d) Annually, subsequent to the end of the fiscal year, the Commission makes a report to Congress summarizing its work during the year. Such reports are available for inspection at each of the offices of the Commission and copies thereof may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(e) The Commission publishes periodically in official reports under the title "Federal Trade Commission Decisions" the initial decisions of administrative law judges in adjudicative proceedings; the decisions of the Commission in adjudicative proceedings, including statements of the reasons or basis for its action and any concurring and dissenting opinions; significant orders and opinions on interlocutory matters in adjudicative proceedings; the decisions of the Commission in proceedings disposed of by the entry of consent orders to cease and desist; and advisory opinions and compliance advice.

Section 4.10 is revised to read as follows:

§ 4.10 Confidential information.

(a) The following records of the Commission are exempt from availability for public inspection and copying pursuant to 5 U.S.C. 552; however, records exempt from disclosure by the provisions of this section may be made available to a requester for inspection and copying upon request for identifiable records under the requirements set forth in § 4.11(b);

(1) Records related solely to the internal personnel rules and practices of the Commission. This exemption applies to administrative manuals and other internal rules or instructions to Commission personnel which must be kept confidential in order to assure effective performance of the functions and activities for which the Commission is responsible. Examples of records exempt under this provision include, but are not limited to, internal operating rules, internal guidelines, and internal manuals of procedure used by Commission personnel in the performance of their duties; reports of inspections, investigations or surveys which pertain to the internal management or administration of the Commission; personnel policies, procedures, instructions, and other information concerning management and manpower utilization or the determination of qualifications of candidates for employment or advancement by the Commission. The exemption does not apply to such materials as rules relating to work hours, leave, and working conditions of Commission personnel or similar matters;

(2) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. This exemption applies to information such as costs or various types of sales statistics and inventories. It would include trade secrets and names of customers in accordance with the restriction of section 6(f) of the Federal Trade Commission Act. Assurances of confidentiality given by Commission staff are not binding upon the Commission.

(3) Interagency or intraagency memorandums or letters which would not be available by law to a private party in

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litigation with the Commission. This exemption preserves the existing freedom of Commission officials and employees to engage in full and frank communication with each other and with officials and employees of other governmental agencies. This exemption includes records of the deliberations of the Commission except for the record of the final votes of each member of the Commission in every agency proceeding. It includes intra-agency and interagency reports, memorandums, letters, correspondence, work papers, and minutes of meetings, as well as staff papers prepared for use within the Commission or between the Commission and other governmental agencies. It also includes information scheduled for public release, but as to which premature release would be contrary to the public interest;

(4) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This exemption applies to personnel and medical records and similar records containing private or personal information concerning any individual which, if disclosed to any person other than the individual concerned or his designated legal representative without his permission in writing, would constitute a clearly unwarranted invasion of personal privacy. Examples of files exempt from disclosure include, but are not limited to: (i) The personnel records of the Commission; (ii) files containing reports, records or other material pertaining to individual cases in which disciplinary or other administrative action has been or may be taken, including records of proceedings pertaining to the conduct or performance of duties by Commission personnel;

(5) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. This exemption applies to all matters, including sources of information or complaints, in files or reports compiled for law enforcement or regulatory activities of the Commission, or relating to matters in litigation. The exemption covers, but is not limited to, information obtained by the Commission relating to alleged or possible violations of laws administered by the Commission, which information may be in many forms, including letters of complaint, reports of interviews conducted by Commission personnel, memorandums, transcripts of testimony in nonpublic investigational hearings and documents obtained during the course of investigation, and other forms. However, the exemption (as well as other exemptions) would not be applicable to a party to a Commission adjudicative proceeding who would be entitled to obtain by discovery information in the Commission's investigatory files (or other files) relevant to issues involved in the proceeding;

(6) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(7) Geological and geophysical information and data, including maps, concerning wells; and

(8) (i) Such other records of the Commission as may from time to time be designated by the Commission as confidential pursuant to statute or Executive order. This exempts from disclosure any information which has been designated nonpublic pursuant to the criteria and procedures prescribed by Executive order and which has not subsequently been declassified in accordance with applicable procedures. The exemption also preserves the full force and effect of statutes which restrict public access to specific Government records. Examples of information in Commission records specifically exempt by statute are trade secrets and names of customers as provided by section 6(f) of the Federal Trade Commission Act.

(b) To the extent required to prevent clearly unwarranted invasions of personal privacy, the Commission may delete, with written explanation thereof, identifying details when it makes any of its records publicly available.

(c) Under section 10 of the Federal Trade Commission Act, any officer or employee of the Commission who shall make public any information obtained by the Commission, without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be punished by a fine not exceeding five thousand dollars ($5,000), or by imprisonment not exceeding 1 year, or by fine and imprisonment, in the discretion of the court.

Section 4.11 is revised to read as follows:

§ 4.11 Requests for disclosure of records.

(a) A request by a member of the public for disclosure of identifiable records not exempt from disclosure pursuant to § 4.10 shall be in writing and addressed to the Secretary of the Commission, and after receipt, a copy thereof shall be placed on the public record pursuant to § 4.9(b)(15).

(b) A request for records exempt from disclosure pursuant to § 4.10 shall be in writing and addressed to the Secretary of the Commission, and after receipt, a copy thereof shall be placed on the public record pursuant to § 4.9(b)(15). The request shall set forth the interest of the requester in the subject matter; a description of the records, inspection of which is requested; whether copies are desired; and the purpose for which the records will be used if the request is granted.

(c) A request for disclosure by another governmental agency shall be made by the administrative head of the agency or his designee; shall be in writing addressed to the Secretary of the Commission, and shall describe the records, their relevancy to the work and function of the agency, and, if the production of records or the taking of copies thereof is asked, the use which is intended to be made of them.

(d) Upon a determination by the General Counsel that the requested record is not exempt from disclosure under the Freedom of Information Act, the Secretary shall notify the requester in writing that access is granted and a copy of the Secretary's letter, unless it pertains to a request under paragraph (c) of this section, shall be placed on the public record. Upon a determination by the General Counsel that the requested record is exempt from disclosure under the Freedom of Information Act, the request shall be submitted to the Commission for final disposition. The Commission's letter disposing of the request, unless it pertains to a request under paragraph (c) of this section, shall be placed on the public record.

(e) Any official or employee of the Commission who is served with a subpena or other compulsory process, except a subpena issued within the scope of § 3.36 of this chapter, requiring the production of any document or record or the disclosure of any information which under § 4.10 is exempt from availability for public inspection and copying, shall promptly advise the Commission of the service of such subpena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the official or employee so served has not received instructions from the Commission prior to the return date of the subpena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this paragraph. The Commission will consider and act upon compulsory process under this section with due regard for statutory restrictions, its rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of the confidential information and records.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated January 4, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-1059 Filed 1-17-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Rescission of Advisory Opinion Concerning Tripartite Promotional Program

Pursuant to the provisions of the Federal Trade Commission Act (sec. 6, 38 Stat. 721; 15 U.S.C. 46), and the provisions of Subpart A of Part I of the Commission's general procedures, 32 FR 844 (June 13, 1967) as amended 34 FR 17432 (October 29, 1969) and 36 FR 24213 (December 21, 1971), notice is hereby given that the Federal Trade Commission has reconsidered and rescinded advisory opinion § 15.88 *Three-way promotional plan set up by radio station and financed by participating retailers and their suppliers* (31 FR 12014; September 14, 1966).

Released: July 7, 1972.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-1060 Filed 1-17-73;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5351, 34-9937, 35-17854, 40-7616, AS-136]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Disclosure of Compensating Balances; Postponement of Effective Date

Amendments to Regulation S-X (17 CFR Part 210) adopted on June 23, 1972, effective for periods ending on or after December 31, 1972, included a revised Rule 5-02-1 (17 CFR 210.5-02-1), Cash and cash items, in which a specific requirement for separate disclosure of compensating balances maintained was added.

Since June, the Commission has received many inquiries as to the form of disclosure contemplated by this rule. Some preliminary guidelines were drawn up and exposed in a limited way in November to interested groups. The comments received from those groups indicated a need for additional time both to improve the proposed guidelines through further comments on formal exposure and to develop procedures for implementation on the part of registrants, auditors and lending institutions.

Accordingly, the Commission has decided to defer the effective date of this requirement. Rule 5-02-1 is amended as indicated below to make this disclosure requirement applicable to financial statements covering periods beginning on or after December 30, 1972, but in no event for financial statements filed prior to June 30, 1973. This means that disclosure will be required on interim date balance sheets filed on or subsequent to June 30, 1973, for companies with fiscal years beginning on or after December 30, 1972. The remainder of Rule 5-02-1 including required disclosure of other usage restrictions remains in effect for periods ending on or after December 31, 1972.[1]

The amendment to Regulation S-X is adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14, and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c), and 38(a) thereof.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77h, 77j, 77s; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, secs. 3, 4, 6, 10, 78 Stat. 565, 569, 570, 580, secs. 1, 2, 84 Stat. 1497, 15 U.S.C. 78l, 78m, 78o(d), 78w; secs. 5(b), 14, 20(a), 49 Stat. 812, 827, 833, 15 U.S.C. 79e, 79n, 79t; secs. 8, 30, 31(c), 38(a), 54 Stat. 803, 836, 838, 841, sec. 3(c), 84 Stat. 1415, 15 U.S.C. 80a-8, 80a-29, 80a-30(c), 80a-37(a))

Commission action: The Commission hereby amends Part 1 of § 210.5-02 of Chapter II of Title 17 of the Code of Federal Regulations by the addition of a sentence at the end of the part, and as so amended, it shall read as follows:

§ 210.5-02 Balance sheets.

* * * * *

1. *Cash and cash items.* State separately: (a) Cash on hand and demand deposits; (b) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; (c) time deposits; and (d) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., as compensating balances or special purpose funds. The general terms and nature of such repayment provisions and withdrawal or usage restrictions shall be described in a note referred to herein. Funds subject to withdrawal or usage restrictions shall not be included under this caption unless they are reasonably expected to become available for current operations within 1 year. The requirement of this paragraph relating to disclosure of compensating balances is effective for financial statements covering periods beginning on or after December 30, 1972, but in no event shall such disclosure be required for financial statements filed prior to June 30, 1973.

* * * * *

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 11, 1973.

[FR Doc.73-1085 Filed 1-17-73;8:45 am]

[1] Nothing in this release will permit the nondisclosure of compensating balances previously required by law to be disclosed, such as material balances carried on behalf of officers, directors or third parties or material balances carried under a contractual commitment forbidding their use.

[Releases Nos. 33-5341, 34-9910, AS-133]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Disclosure of Contingent Liabilities

A few recent filings with the Commission have indicated that potential liabilities for the registrant exist under Economic Stabilization Regulations (6 CFR). This disclosure has generally not been included in the notes to the financial statements but in the narrative section of the filings, and in most cases little or no quantitative data in regard to the amounts of the contingencies are disclosed.

It is apparent that the magnitude of potential liabilities may be substantial. Companies which are found to be in violation of Economic Stabilization Regulations are subject to fines and criminal penalties. They are frequently required to refund or roll back illegal prices, and in some cases to refund three times the amount of the overcharge. In addition, they are subject to criminal fines of up to $5,000 per violation and to civil penalties of up to $2,500 per violation.

Any firm which charges a price in excess of the base-period price (as defined by Economic Stabilization Regulations) is subject to liabilities if it has not cost-justified the increase or (in the case of a wholesaler or retailer) if it exceeds the customary initial percentage markup as defined by regulation. In addition, liabilities may still occur under otherwise acceptable new price levels if after such a price change, the firm exceeds the base-period profit margin allowed by the Price Commission. Thus, if a firm were to increase its prices to pass on costs which have actually been incurred and, at the same time, increase its profit margin—say, through savings of administrative expenses—the firm could find itself in violation. At present companies with annual revenues of $50 million or over (and certain other companies), must either prenotify or report subsequently any price increase to the Price Commission while remaining companies need not report but are subject to a compliance audit by the Internal Revenue Service (which may act in response to customer complaints). All firms are subject to the same liabilities under the Act.

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Companies which have charged a price in excess of a base-period price, therefore, and their independent public accountants have the responsibility of reviewing the companies' position with care to ascertain the possible existence of refundable revenues which should be excluded from reported sales or of contingent liabilities for violations of regulations under the Economic Stabilization Act of 1970. Disclosure of such contingent liabilities is clearly required by Rule 3-16(i)(3) of Regulation S-X (17 CFR 210.3-16(i)(3)). The disclosure should describe briefly any actions of the company which might result in penalties under Economic Stabilization Regulations, the nature of such penalties, and the dollar amount of any excess revenues which might be subject to penalties. Omission of such disclosure may cause financial statements filed with the Securities and Exchange Commission to be deemed false and misleading.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 14, 1972.

[FR Doc.73-1082 Filed 1-17-73;8:45 am]

[Releases Nos. 33-5345, 34-9923, AS-134]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Accounting for Catastrophe Reserves

In the past 2 years a number of companies in the property and casualty insurance field have adopted the accounting policy of making a provision from each period's income to cover a portion of major losses expected to occur in future periods. The reserves provided, generally called catastrophe reserves, have been justified by the companies on the grounds that periodic premiums include an amount to cover such losses which occur irregularly and the process of matching revenue and expense therefor requires accrual of a provision for such losses.

The Committee on Insurance Accounting and Auditing of the American Institute of Certified Public Accountants and the Accounting Principles Board have discussed this accounting policy but have not yet come to a decision as to desirability of this accounting either in general or under particular circumstances. The Insurance Committee is currently working actively on the subject in cooperation with industry groups and expects to have a definitive statement in ample time to permit its application in the 1973 annual accounts of affected insurance companies.

The Commission believes that it is undesirable to have alternative accounting principles for the description of the same factual situation and it encourages the efforts of the AICPA and the industry to define appropriate accounting in this area. It has taken no position on the relative desirability of the alternative accounting principles now being used.

In the meantime, however, investors have been and are confronted with financial statements for companies in the same industry which reflect different accounting applications due to an accounting principle recently adopted by some of the companies. Under such circumstances, full disclosure appears to be the best interim solution so that investors will be able to perceive the existence of alternative principles and their impact on the financial statements. Accordingly, in financial statements prepared (by companies in the industry) prior to the development of a definitive statement as to appropriate accounting for catastrophe losses, disclosure should be made which includes the following items:

1. A statement whether or not the company is providing a reserve for catastrophe losses.

2. Disclosure that the Committee on Insurance Accounting and Auditing of the AICPA in cooperation with industry representatives is considering the catastrophe reserve problem and that prompt resolution is likely which could lead to changes in accounting practices being followed.

3. If the company does provide for "catastrophe losses," disclosure of the dollar impact of this accounting practice on the balance sheets and income statements of the years reported or a statement that the impact is immaterial.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 3, 1973.

[FR Doc.73-1083 Filed 1-17-73;8:45 am]

[Releases Nos. 33-5348, 34-9927, 35-17841, 40-7606, AS-135]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Accounting Series; Pooling-of-Interests Accounting

Since the issuance of Accounting Series Release No. 130 (37 FR 20937), the Commission has received a number of requests for interpretations, particularly concerning its relationship to Rule 145 (17 CFR 230.145) under the Securities Act of 1933. Rule 145 requires the filing of a registration statement covering shares issued in a business combination prior to the consummation of the transaction. This would normally be done by use of Form S-14 (17 CFR 239.23) which incorporates by reference the material included in the proxy statements covering the merger. Under a literal reading of Accounting Series Release No. 130, where the S-14 covers resale of securities, pooling-of-interests accounting would not be permitted. This was not intended. In order to avoid this result, the guidelines set forth in Accounting Series Release No. 130 have been revised. The following paragraph, therefore, will replace the fifth paragraph of Accounting Series Release No. 130.

The Commission will henceforth consider that the risk sharing required for the applicability of pooling-of-interests accounting will have occurred if no affiliate of either company in the business combination sells or in any other way reduces his risk relative to any common shares received in the business combination until such time as financial results covering at least 30 days of postmerger combined operations have been published. This would include all sales whether private or public. Publication of combined financial results can take the form of a posteffective amendment, a Form 10-Q (17 CFR 249.308a) or 8-K (17 CFR 249.308) filing, the issuance of a quarterly earnings report, or any other public issuance which includes combined sales and net income.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 5, 1973.

[FR Doc.73-1084 Filed 1-17-73;8:45 am]

[Releases Nos. 33-5352, 34-9938, 40-7617, AS-137]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Financial Statements of Life Insurance Companies

In a letter dated December 14, 1971, the Chief Accountant of the Commission wrote to the chairman of the Committee on Insurance Accounting and Auditing of the American Institute of Certified Public Accountants stating that because there were significant unresolved matters in connection with the committee's publication "Audits of Life Insurance Companies" (Audit Guide) then under preparation, life insurance companies which had not already adjusted their financial statements in accordance with the proposals in the Guide should refrain from doing so in filings with the Commission until such time as the Audit Guide was published in its final form. The letter was given broad circularization at that time.

The committee has now settled the unresolved matters and the publication of the Audit Guide has been approved by the Accounting Principles Board. Consequently, it will be acceptable in filings with the Commission for financial statements of life insurance companies to be prepared in accordance with generally accepted accounting principles as described in the Audit Guide. For annual reports covering periods ending on or before June 30, 1973, financial statements prepared in conformity with the accounting principles followed by that company in the previous year will also be acceptable.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 11, 1973.

[FR Doc.73-1086 Filed 1-17-73;8:45 am]

[Release No. 33-5347]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Offers and Sales of Condominiums or Units in a Real Estate Development

The Securities and Exchange Commission today called attention to the applicability of the Federal securities laws to the offer and sale of condominium units, or other units in a real estate development, coupled with an offer or agreement to perform or arrange certain rental or other services for the purchaser. The Commission noted that such offerings may involve the offering of a security in the form of an investment contract or a participation in a profit-sharing arrangement within the meaning of the Securities Act of 1933 and the Securities Exchange Act of 1934.[1] Where this is the case any offering of any such securities must comply with the registration and prospectus delivery requirements of the Securities Act, unless an exemption therefrom is available, and must comply with the antifraud provisions of the Securities Act and the Securities Exchange Act and the regulations thereunder. In addition, persons engaged in the business of buying or selling investment contracts or participations in profit-sharing agreements of this type as agents for others, or as principal for their own account, may be brokers or dealers within the meaning of the Securities Exchange Act, and therefore may be required to be registered as such with the Commission under the provisions of section 15 of that Act.

The Commission is aware that there is uncertainty about when offerings of condominiums and other types of similar units may be considered to be offerings of securities that should be registered pursuant to the Securities Act. The purpose of this release is to alert persons engaged in the business of building and selling condominiums and similar types of real estate developments to their responsibilities under the Securities Act and to provide guidelines for a determination of when an offering of condominiums or other units may be viewed as an offering of securities. Resort condominiums are one of the more common interests in real estate the offer of which may involve an offering of securities. However, other types of units that are part of a development or project present analogous questions under the Federal securities laws. Although this release speaks in terms of condominiums, it applies to offerings of all types of units in real estate developments which have characteristics similar to those described herein.

The offer of real estate as such, without any collateral arrangements with the seller or others, does not involve the offer of a security. When the real estate is offered in conjunction with certain services, a security, in the form of an investment contract, may be present. The Supreme Court in Securities and Exchange Commission v. W. J. Howey Co., 328 U.S. 293 (1946) set forth what has become a generally accepted definition of an investment contract:

> A contract, transaction, or scheme whereby a person invests his money in a common enterprise and is led to expect profits solely from the efforts of the promoter or a third party, it being immaterial whether the shares in the enterprise are evidenced by formal certificates or by nominal interests in the physical assets employed in the enterprise. (298)

The Howey case involved the sale and operation of orange groves. The reasoning, however, is applicable to condominiums.

As the Court noted in Howey, substance should not be disregarded for form, and the fundamental statutory policy of affording broad protection to investors should be heeded. Recent interpretations have indicated that the expected return need not be solely from the efforts of others, as the holding in Howey appears to indicate.[2] For this reason, an investment contract may be present in situations where an investor is not wholly inactive, but even participates to a limited degree in the operations of the business. The "profits" that the purchaser is led to expect may consist of revenues received from rental of the unit; these revenues and any tax benefits resulting from rental of the unit are the economic inducements held out to the purchaser.

The existence of various kinds of collateral arrangements may cause an offering of condominium units to involve an offering of investment contracts or interests in a profit sharing agreement. The presence of such arrangements indicates that the offeror is offering an opportunity through which the purchaser may earn a return on his investment through the managerial efforts of the promoters

[1] It should be noted that where an investment contract is present, it consists of the agreement offered and the condominium itself.

[2] SEC v. Glenn W. Turner Enterprises, Inc. CCH Fed Sec L. Rep. ¶ 93,605 (D.C. Ore. No. 72-390, May 25, 1972). See also State v. Hawaii Market Center, Inc., 485 P. 2d 105 (1971) (cited in Securities Act Release No. 5211 (1971); and Securities Act Releases No. 5018 (1969) regarding the applicability of the Federal securities laws to the sale and distribution of whiskey warehouse receipts.

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or a third party in their operation of the enterprise.

For example, some public offerings of condominium units involve rental pool arrangements. Typically, the rental pool is a device whereby the promoter or a third party undertakes to rent the unit on behalf of the actual owner during that period of time when the unit is not in use by the owner. The rents received and the expenses attributable to rental of all the units in the project are combined and the individual owner receives a ratable share of the rental proceeds regardless of whether his individual unit was actually rented. The offer of the unit together with the offer of an opportunity to participate in such a rental pool involves the offer of investment contracts which must be registered unless an exemption is available.

Also, the condominium units may be offered with a contract or agreement that places restrictions, such as required use of an exclusive rental agent or limitations on the period of time the owner may occupy the unit, on the purchaser's occupancy or rental of the property purchased. Such restrictions suggest that the purchaser is in fact investing in a business enterprise, the return from which will be substantially dependent on the success of the managerial efforts of other persons. In such cases, registration of the resulting investment contract would be required.

In any situation where collateral arrangements are coupled with the offering of condominiums, whether or not specifically of the types discussed above, the manner of offering and economic inducements held out to the prospective purchaser play an important role in determining whether the offerings involve securities. In this connection, see Securities and Exchange Commission v. C. M. Joiner Leasing Corp., 320 U.S. 344 (1943). In Joiner, the Supreme Court also noted that:

> In enforcement of [the Securities Act], it is not inappropriate that promoters' offerings be judged as being what they were represented to be. (353)

In other words, condominiums, coupled with a rental arrangement, will be deemed to be securities if they are offered and sold through advertising, sales literature, promotional schemes or oral representations which emphasize the economic benefits to the purchaser to be derived from the managerial efforts of the promoter, or a third party designated or arranged for by the promoter, in renting the units.

In summary, the offering of condominium units in conjunction with any one of the following will cause the offering to be viewed as an offering of securities in the form of investment contracts:

1. The condominiums, with any rental arrangement or other similar service, are offered and sold with emphasis on the economic benefits to the purchaser to be derived from the managerial efforts of the promoter, or a third party designated or arranged for by the promoter, from rental of the units.

2. The offering of participation in a rental pool arrangement; and

3. The offering of a rental or similar arrangement whereby the purchaser must hold his unit available for rental for any part of the year, must use an exclusive rental agent or is otherwise materially restricted in his occupancy or rental of his unit.

In all of the above situations, investor protection requires the application of the Federal securities laws.

If the condominiums are not offered and sold with emphasis on the economic benefits to the purchaser to be derived from the managerial efforts of others, and assuming that no plan to avoid the registration requirements of the Securities Act is involved, an owner of a condominium unit may, after purchasing his unit, enter into a nonpooled rental arrangement with an agent not designated or required to be used as a condition to the purchase, whether or not such agent is affiliated with the offeror, without causing a sale of a security to be involved in the sale of the unit. Further, a continuing affiliation between the developers or promoters of a project and the project by reason of maintenance arrangements does not make the unit a security.

In situations where commercial facilities are a part of the common elements of a residential project, no registration would be required under the investment contract theory where (a) the income from such facilities is used only to offset common area expenses and (b) the operation of such facilities is incidental to the project as a whole and are not established as a primary income source for the individual owners of a condominium or cooperative unit.

The Commission recognizes the need for a degree of certainty in the real estate offering area and believes that the above guidelines will be helpful in assisting persons to comply with the securities laws. It is difficult, however, to anticipate the variety of arrangements that may accompany the offering of condominium projects. The Commission, therefore, would like to remind those engaged in the offering of condominiums or other interests in real estate with similar features that there may be situations, not referred to in this release, in which the offering of the interests constitutes an offering of securities. Whether an offering of securities is involved necessarily depends on the facts and circumstances of each particular case. The staff of the Commission will be available to respond to written inquiries on such matters.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 4, 1973.

[FR Doc.73-1081 Filed 1-17-73;8:45 am]

[Release No. 33-5346]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Form S-16

The Securities and Exchange Commission hereby announces the adoption of certain amendments to Form S-16 (17 CFR 239.27) under the Securities Act of 1933 to clarify disclosures required by the form. This form is a special form which may be used for the registration of securities under the Act by issuers which meet the requirements for the use of another special form, Form S-7 (17 CFR 239.26). That form is available for use by companies which file reports with the Commission pursuant to the Securities Exchange Act of 1934 and which meet certain tests, including a record of earnings and continuity of management.

Form S-16 was amended by Securities Act Release Nos. 5265 (June 27, 1972) (37 FR 15989) and 5265A (August 3, 1972) (37 FR 15991) to broaden the conditions and types of transactions for which the form is available. Changes then made in the form dealt, among other things, with the information required to be disclosed when Form S-16 is utilized for secondary distributions.

Because of the amendments announced in the releases in June and August, 1972, Form S-16 has been available for underwritten secondary distributions. In such distributions, Forms S-1 (17 CFR 239.11) and S-7 call for information to describe the distribution spread (Item 1 of Forms S-1 and S-7) and the plan of distribution (Item 2 of such forms). To clarify the type of disclosure required for an underwritten secondary distribution for which Form S-16 is utilized, the form is amended herein to include the substance of Items 1 and 2, of Forms S-1 and S-7.

Item 2(b)[1] of Form S-16 presently states:

> *Item 2.—Securities to be offered and manner of offering.*
>
> • • • • •
>
> (b) If the securities to be registered are to be offered for the account of any person or persons other than the issuer, state the name and address of each broker or dealer by whom the securities are to be offered and the amount to be offered by each such broker or dealer.
>
> • • • • •

Secondary offerings frequently involve distributions by a large number of selling shareholders each of whom may use one or more different brokers or dealers. The disclosures required by Item 2(b) may present an unnecessary impediment to the orderly progress of such offerings, and accordingly the Commission has determined to revise the Item. The revised language requires that disclosure be made of any understandings or agreements regarding the distribution existing prior to the effective date of the registration statement between a selling security holder and a broker or dealer. If the identity of such broker or dealer is not known prior to the effective date of the registration statement, the revised item does not require disclosure. However, brokers or dealers not named in the registration statement pursuant to revised Item 4(b)[2] nonetheless may be deemed statutory underwriters by virtue of their participation in the distribution.

Commission action. Pursuant to authority in the provisions of the Securities Act of 1933 mentioned below, the Commission hereby amends section 239.27 of Chapter II of Title 17 of the Code of Federal Regulations by adding new Items 2 and 3, redesignating old Items 2 through 9 as new Items 4 through 11, and amending redesignated Item 4. The new Items 2 and 3 and the amendments to redesignated Item 4 (formerly Item 2) of § 239.27 of Chapter II of Title 17 of the Code of Federal Regulations will read as follows:

I. ITEM 2—DISTRIBUTION SPREAD

The information called for by the following table shall be given in substantially the tabular form indicated, on the outside front cover page of the prospectus as to all securities to be registered (estimated, if necessary).

	Price to public	Underwriting discounts and commissions	Proceeds to registrant or other persons
Per unit			
Total			

Instructions. 1. Only commissions paid by the registrant or selling security holders in cash are to be included in the table. Commissions paid by other persons, and other consideration to the underwriters, shall be set forth following the table with a reference thereto in the second column of the table. Any finder's fee or similar payments shall be appropriately disclosed.

2. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained. In addition, if the securities are to be offered at the market, or if the offering price is to be determined by a formula related to market prices, indicate the market involved and the market price as of the latest practicable date.

3. If any of the securities to be registered are to be offered for the account of security holders, refer on the first page of the prospectus to the information called for by Item 5.

II. ITEM 3—PLAN OF DISTRIBUTION

(a) If the securities to be registered are to be offered through underwriters, give the name of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having material relationship to the registrant and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

Instruction. All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all of the securities if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such securities as they may sell to the public. Conditions precedent to the underwriters' taking the securities, including "market-outs," need not be described except in the case of an agency or "best efforts" arrangement.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities.

Instruction. If any dealers are to act in the capacity of subunderwriters and are to be allowed or paid any additional discounts or commissions for acting in such capacity, a general statement to that effect will suffice without giving the additional amounts to be so paid.

(c) Outline briefly the plan of distribution of any securities to be registered which are to be offered otherwise than through underwriters.

III. ITEM 4—SECURITIES TO BE OFFERED AND MANNER OF OFFERING

• • • • •

(b) If the securities are to be offered for the account of any person or persons other than the issuer, describe the plan of distribution proposed to be used. If there are any arrangements or understandings prior to the effective date of the registration statement between a selling security holder and a broker or dealer, identify such broker or dealer, state the amount to be offered by such broker or dealer, and describe such agreement or understanding.

• • • • •

The foregoing action, which has been taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19 (a) thereof, shall become effective March 31, 1973, except that any issuer which meets the requirements for the use of the form may, at its option, use such amended form for a registration statement filed prior to that date. The Commission finds that the amendments to Form S-16 relieve restrictions and reduce filing burdens on registrants and clarify the disclosures required if the form is utilized for certain types of distributions and, accordingly, further notice and other rule making procedures pursuant to the Administrative Procedure Act (5 U.S.C. 552) are not necessary.

(Secs. 6, 7, 10, and 19(a), 48 Stat. 78, 81, 85, 205, 209, 48 Stat. 906, 908, sec. 1, 79 Stat. 1051, 15 U.S.C. 77f, 779, 77j, 77s)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 5, 1973.

[FR Doc.73-1111 Filed 1-17-73;8:45 am]

[Release No. 34-9922]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Since Rule 15c3-3 (17 CFR 240.15c3-3) was adopted on November 10, 1972, the Commission's Division of Market Regulation has received a number of requests for interpretations of various provisions of the rule. Rule 15c3-3 requires, in acccordance with its terms, a reserve with respect to customer funds and obligates a broker or dealer to promptly obtain and thereafter maintain the physical possession or control of fully paid and excess margin securities of customers. Accordingly, the Commission is releasing today certain of the Division's interpretations of the rule in the interest of assisting brokers and dealers in complying with the rule's provisions. The interpretations herein are deemed controlling at this time.

Rule 15c3-3 represents the first comprehensive program undertaken by the Commission to provide regulatory safeguards over customers' funds and securities held by brokers and dealers. The Commission intends to monitor the rule's operation for the protection of investors and the public interest, and as a result of this monitoring may issue additional interpretations from time to time.

Set forth below are interpretations of the Division of specific paragraphs of the rule, including certain of the definitions contained therein.

Section 15c3-3(a)(1)—Definition of "Customer". For the purpose of defining a "Customer" the following interpretations apply:

1. A general partner is not a customer of the broker or dealer in which he is a general partner.

2. A special or limited partner is a customer of the broker or dealer in which he is a special or limited partner with respect to any account containing cash or securities other than those accounts which are part of the capital of the broker or dealer or are subordinated to the claims of creditors of the broker or dealer.

3. A director or principal officer is not a customer of the broker or dealer in which he is a director or principal officer. A principal officer means the president, executive vice president, treasurer, secretary, or any other person performing a similar function with such broker or dealer. Any other officer of the broker or dealer is a customer of such broker or dealer.

4. Except as stated above, a subordinated lender or other capital contributor is a customer with respect to cash or securities held by the broker or dealer which are not subordinated or otherwise part of the capital of the broker or dealer.

5. A joint account, custodian account, participation in a hedge fund or limited partnership, or similar type accounts or arrangements by a person who would be excluded from the definition of customer with persons includible in the definition of customer, is a customer's account; provided, however, any of the foregoing accounts or arrangements which are by contract, agreement or understanding or by operation of law, part of the capital of the broker or dealer or subordinated to the claims of creditors of the broker or dealer shall not be customer accounts.

Section 15c3-3(a)(5)—Definition of "Excess margin securities". The term "excess margin securities" as defined in the rule is interpreted to mean those securities carried in a customer's security

[1] Item 2 of Form S-16 is redesignated by this release as Item 4.

[2] Supra, footnote 1.

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accounts having a market value in excess of 140 percent of the customer's net debit balance in such accounts. The net debit balance is determined by combining both debit and credit balances in all of a customer's security accounts exclusive of the credit balance in any bona fide short accounts after marking the short positions contained therein to the market. For the purposes of this paragraph only, when-issued transactions and unsettled security transactions in cash accounts will be ignored. The term "unsettled security transactions" is defined as unpaid for security purchases and as security sales where securities sold have not been received by the broker-dealer.

Section 15c3-3 (b) and (c)—Physical possession or control of securities. The rule requires a broker or dealer to take timely steps in good faith to establish physical possession or control of customers' fully paid and excess margin securities.

The rule permits same day receipt and redelivery (turnaround) of a security which is received as a result of the settlement of a transaction (same day receipt and redelivery does not include securities received as a recall from bank or stock loan, from safekeeping or from any control location), even if such security of such class and issuer are required for possession or control: *Provided*, That such turnaround does not create or increase a deficiency. It should be noted, however, that a broker-dealer must exercise due diligence to promptly obtain possession or control of fully paid and excess margin securities, including the taking of other steps prescribed by the rule for reducing or eliminating any deficiency. Further, the rule is interpreted to prohibit any delivery or removal of security that would create or increase a deficiency in the quantity of security by class and issuer required to be in possession or control of a broker or dealer. It is further interpreted that securities which are in-transit to or from depositories, correspondent brokers, banks, custodians, transfer agents, and clearing corporations which are otherwise good control locations pursuant to the terms of the rule shall be deemed to be under the control of the broker-dealer to the extent that such items shall have been in transit from or to the broker-dealer for no more than 5 business days. The books and records of the broker-dealer shall clearly account for such items. An "in-transit" account may be used for this purpose.

Section 15c3-3(d)—Requirement to reduce securities to possession or control. The time at which instructions must be issued to the cashiering section to acquire possession or control or the time at which such instructions may be released to the cashiering section are as follows:

(1) In the case of purchases of securities by customers; on or before the business day following settlement date or the business day following actual date of receipt of payment, whichever is later.

(2) In the case of sales of securities by customers; not earlier than the close of business on the third business day before settlement date, which is deemed to allow adequate time for processing securities for pending deliveries.

A broker or dealer shall be required to determine the deficiency or excess of securities required for possession or control on a daily basis as of the close of business on the preceding day. A broker or dealer shall take action, if any is required by the rule, no later than the business day following the day on which such determination is made.

A broker or dealer shall be required to print or include in a separate record or listing, the status of those securities which have either an excess or a deficit, and shall have available to determine the status of those securities which are neither in excess or deficit such books and records as may be necessary for verification.

The rule is interpreted to allow a broker or dealer to borrow securities needed for possession or control from another broker or dealer or from others rather than recall a security loaned, withdraw bank loan collateral or buy-in a dividend receivable. A broker or dealer may not borrow securities in lieu of other buy-in requirements in the rule such as fails to receive in excess of 30 days, short security differences and short in customer accounts in excess of 10 business days (paragraph (m)). Further, if instructions shall have been issued for the recall of a security loaned or for the withdrawal of collateral securities in a bank loan, a broker or dealer shall be permitted to make deliveries of that security to the extent that completion of such recall would create an excess, provided such security recalled is returned to the broker or dealer within 2 business days following the date of issuance of the instructions in the case of collateral securities in a bank loan and within 5 business days following the date of issuance of the instructions in the case of securities loaned.

It should be noted that the borrowing of securities for the purpose of their hypothecation in bank loan is prohibited under section 220.6H of Regulation T of the Board of Governors of the Federal Reserve System.

A broker or dealer may eliminate a deficiency in a given security required for possession or control by revising the selection of securities in margin accounts (market value not in excess of 140 percent of the total of the debit balance in the customer's account or accounts) representing collateral for customers' determination as to which securities within the permissible limits constitute margin securities and which securities constitute excess margin securities of customers or has made a revision thereof, the determination shall be clearly reflected in the records of the broker-dealer.

Section 15c3-3(e)—Special reserve bank account for the exclusive benefit of customers. Those brokers or dealers which make a weekly determination under the reserve formula will be permitted to net free credit and other credit balances in customers' security accounts (Formula—Item—1), with the debit balance in customers' cash and margin account, excluding unsecured debits and accounts doubtful of collection (Formula—Item—10), for the computations other than that as of the monthend. If the normal monthending day is other than that as of which a weekly computation would be made, only one computation will be required during the week, as of the monthending day. The monthend computation shall reflect customers' credit and debit balances separately, permitting, however, the combining of the balances in the several accounts of any one customer. Where customers' credit and debit balances are developed separately on a monthly basis, the amount of customers' unsecured debits and accounts doubtful of collection computed at that time may be used until the next monthly determination.

If customer balances are netted in weekly computations of the formula, to comply with the 1-percent reduction in debits requirement outlined in Note B(2) of the formula, a broker or dealer shall use in its weekly computations the amount of reduction to such debits which was applied at the previous monthend. In the event the netting of customers' balances on a weekly basis results in a credit, such credit will be increased by the amount of the 1-percent reduction computed as of the previous monthend.

The credit balance used in Item 1 of the formula is interpreted to include the net balance due to customers in non-regulated commodity accounts reduced by any deposits of cash or securities with any clearing organization or clearing broker in connection with the open contracts in such accounts.

The market value of securities lodged in firm bank loan for which the broker or dealer does not have a corresponding proprietary long position shall be included as a credit in Item 2 of the formula.

The formula—Exhibit A—allocation for certain firms. Items 3, 4, 11, and 12 of the formula, concerning fails to receive, fails to deliver, stock loans and stock borrowings, are applicable to customer transactions. If it is impractical or unduly burdensome to determine which fail to receive contracts and fail to deliver contracts relate to proprietary accounts versus customer accounts and which securities loaned and securities borrowed are for proprietary accounts or customer accounts, an appropriate allocation may be made on a conservative basis to accomplish maximum protection for customers. If an allocation is used with regard to the foregoing items, the broker or dealer should be able to demonstrate that the results so obtained regarding designations of customer versus proprietary positions would be comparable to those which would be obtained if the respective positions had been developed without the use of an allocation. If an allocation is required to determine proprietary versus customer positions, the broker or dealer should make and maintain a record of each such allocation and preserve it in accordance with Rule 17a-4.

Debit balances and drafts receivable in the formula. The debit balance in Item 10 of the formula shall include the debit in a related draft receivable when immediate credit has not been received on draft shipments of securities purchased by customers, provided that the debit in the customer's account for the purchase of the seeurities so drafted has been eliminated.

The debit balance in Item 12 of the formula shall also include the debit balance in a related draft receivable when immediate credit has not been received on shipments to other brokers with draft attached, provided that the debit in the broker's fail to deliver account has been eliminated.

Section 15c3-3(m)—Completion of sell orders on behalf of customers. If a customer sells a security "short against the box" such order to execute shall be deemed to be a sale of a security which the seller does not own.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 2, 1973.

[FR Doc.73-1087 Filed 1-17-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Famphur

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-697V) filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing revised labeling for the safe and effective use of famphur as a pour-on cattle insecticide. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.43 Famphur.

(a) *Chemical name.* *O,O*-dimethyl *O*-[*p*-(dimethylsulfamoyl)phenyl] phosphorothioate.

(b) *Specifications.* The drug is in liquid form containing 13.2 percent famphur.

(c) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(d) *Special considerations.* Do not use on animals simultaneously or within a few days before or after treatment with drugs, pesticides, or chemicals.

(e) *Related tolerances.* See 40 CFR 180.233 under the chemical name.

(f) *Conditions of use.* (1) The drug is used as a pour-on formulation for the control of cattle grubs and to reduce cattle lice infestations.

(2) It is used at the rate of 1 ounce per 200 pounds body weight, not to exceed a total dosage of 4 ounces, applied from the shoulder to the tail head as a single treatment. It is applied as soon as possible after heel fly activity ceases. Do not use on lactating dairy cows or dry dairy cows within 21 days of freshening, calves less than 3 months old, animals stressed from castration, overexcitement or dehorning, sick or convalescent animals. Animals may become dehydrated and under stress following shipment. Do not treat until they are in good condition. Brahman and Brahman crossbreeds are less tolerant of cholinesterase-inhibiting insecticides than other breeds. Do not treat Brahman bulls.

(3) Do not slaughter within 35 days after treatment. Swine should be eliminated from area where run-off occurs.

Effective date. This order shall be effective January 18, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 11, 1973.

FRED J. KINGMA, *Acting Director, Bureau of Veterinary Medicine.*

[FR Doc.73-1072 Filed 1-17-73;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Ipronidazole

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-477V) filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing an amendment to the regulation for ipronidazole to provide for the manufacture of finished feeds from feed supplements that contain up to 0.025 percent of ipronidazole. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.56 is amended by adding a new paragraph (e) as follows:

§ 135e.56 Ipronidazole.

* * * * * *

(e) *Special considerations.* Finished feed processed from seed supplements that contain up to 0.025 percent ipronidazole and that comply with the provisions of both this paragraph and paragraph (f) of this section are exempted from the requirements of section 512(m) of the act.

Effective date. This order shall be effective January 18, 1973.

(Sec. 512(i) 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 11, 1973

FRED J. KINGMA, *Acting Director, Bureau of Veterinary Medicine.*

[FR Doc.73-1073 Filed 1-17-73;8:45 am]

Title 31—MONEY AND FINANCE

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 344—REGULATIONS GOVERNING U.S. TREASURY CERTIFICATES OF INDEBTEDNESS—STATE AND LOCAL GOVERNMENT SERIES, U.S. TREASURY NOTES—STATE AND LOCAL GOVERNMENT SERIES, AND U.S. TREASURY BONDS—STATE AND LOCAL GOVERNMENT SERIES

Description and Subscription

Sections 344.1(b) (2) and (3) and 344.2 of Department of the Treasury Circular, Public Debt Series No. 3-72, Revised dated November 21, 1972 (31 CFR Part 344), have been amended and revised to read as follows:

§ 344.1 Description of securities.

* * * * * *

(b) *Terms and rates of interest.* * * *

(2) *Notes.* The notes will be issued in multiples of $5,000 with periods of maturity fixed, at the option of the government body, from 1 year 6 months up to and including 7 years, or for any intervening half-yearly period. Each note will bear such rate of interest as the government body may designate: *Provided*, That it shall not be more than the current Treasury rate on a comparable maturity, reduced by one-eighth of 1 percent, on the date the subscription is submitted. The applicable Treasury rates will be determined by the Treasury not less often than monthly, and will be available at Federal Reserve Banks and Branches. Interest on the notes during the term to maturity will be paybale on a semiannual basis on interest payment dates requested in the subscription form. Final interest will be paid with the principal.

(3) *Bonds.* The bonds will be issued in multiples of $5,000 with periods of maturity fixed, at the option of the government body, from 7 years 6 months up to and including 10 years, or for any intervening half-yearly period. Each bond will bear such rate of interest as the government body may designate: *Provided*, That it shall not be more than the current Treasury rate on a comparable maturity, reduced by one-eighth of 1

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percent, on the date the subscription is submitted. The applicable Treasury rates will be determined by the Treasury not less often than monthly, and will be available at Federal Reserve Banks and Branches. Interest on the bonds will be paid beginning on any interest payment date requested in the subscription form, and on a semiannual basis thereafter to maturity. Final interest will be paid with the principal.

§ 344.2 Subscription for purchase.

A government body may purchase a security under this offering by submitting a subscription and making payment to a Federal Reserve Bank or Branch. The subscription, dated and signed by an official authorized to make the purchase, must state the amount, issue date, maturity and interest rate of the security desired, the semiannual interest payment dates (in the case of notes and bonds), and the title of the designated official authorized to redeem it. Separate subscriptions must be submitted for certificates, notes, and bonds, and for securities of each maturity and each interest rate. A commercial bank may act on behalf of a government body in submitting subscriptions.

The foregoing amendments were effected under authority of 26 U.S.C. 103 (d), 83 Stat. 656; 31 U.S.C. 752, 753, 754, 754b, and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as they relate to the fiscal policy of the United States.

Dated: January 12, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-1138 Filed 1-17-73;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Orange	Garden Grove, City of				Jan. 19, 1973, Emergency.
Connecticut	Fairfield	Darien, Town of				Do.
Illinois	Cook	La Grange Park, Village of				Do.
Do	do	Riverdale, Village of				Do.
Do	McHenry	Fox River Valley Gardens, Village of				Do.
Indiana	Dearborn	Aurora, City of				Do.
Kansas	Reno	Hutchinson, City of				Do.
Do	Johnson	Olathe, City of				Do.
Massachusetts	Norfolk	Medfield, Town of				Do.
Michigan	Berrien	Benton Harbor, City of				Do.
Do	Monroe	Frenchtown, Township of				Do.
Minnesota	Stearns	Cold Spring, Village of				Do.
Do	Polk	East Grand Forks, City of				Do.
New York	Chautauqua	Jamestown, City of				Do.
Do	Suffolk	Babylon, Village of				Do.
Do	do	North Haven, Village of				Do.
Pennsylvania	Bucks	New Hope, Borough of				Do.
Do	do	Temple, Borough of				Do.
Do	Luzerne	Exeter, Township of				Do.
Do	do	Pringle, Borough of				Do.
Do	Lycoming	Old Lycoming, Township of				Do.
Do	Northampton	Hanover, Township of				Do.
Do	do	Upper Augusta, Township of				Do.
Do	Wyoming	Exeter, Township of				Do.
Texas	Tarrant	Unincorporated areas				Do.
Do	do	Bedford				Do.
Do	do	Lakeside				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 12, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-1033 Filed 1-17-73;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 501-73]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

This order delegates to certain Department of Justice officials the authority to approve the production or disclosure of material or information contained in Department files, or information or material acquired by a person while employed by the Department. It applies where a subpena, order or other demand of a court or other authority, such as an administrative agency, is issued for the production or disclosure of such information.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Subpart B of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is revised, and its provisions renumbered, to read as follows:

Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

Sec.
16.21 Purpose and scope.
16.22 Production or disclosure prohibited unless approved by appropriate Department official.
16.23 Procedure in the event of a demand for production or disclosure.
16.24 Final action by the appropriate Department official or the Attorney General.
16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.
16.26 Procedure in the event of an adverse ruling.

AUTHORITY: 28 U.S.C. 509, 510 and 5 U.S.C. 301.

Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

§ 16.21 Purpose and scope.

(a) This subpart sets forth the procedures to be followed when a subpena, order, or other demand (hereinafter referred to as a "demand") of a court or other authority is issued for the production or disclosure of (1) any material contained in the files of the Department, (2) any information relating to material contained in the files of the Department, or (3) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of, the Attorney General of the United States, including U.S. attorneys, U.S. marshals, and members of the staffs of those officials.

§ 16.22 Production or disclosure prohibited unless approved by appropriate Department official.

No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with § 16.24.

§ 16.23 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Department for the production of material or the disclosure of information described in § 16.21(a), he shall immediately notify the U.S. attorney for the district where the issuing authority is located. The U.S. attorney shall immediately request instructions from the appropriate Department official, as designated in paragraph (b) of this section.

(b) The Department officials authorized to approve production or disclosure under this subpart are:

(1) In the event that the case or other matter which gave rise to the demanded material or information is or, if closed, was within the cognizance of a division of the Department, the Assistant Attorney General in charge of that division. This authority may be redelegated to Deputy Assistant Attorneys General.

(2) In instances of demands that are not covered by paragraph (b)(1) of this section:

(i) The Director of the Federal Bureau of Investigation, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau, and

(ii) The Director of the Bureau of Prisons, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau.

(3) In instances of demands that are not covered by paragraph (b) (1) or (2) of this section, the Deputy Attorney General.

(c) If oral testimony is sought by the demand, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or his attorney, setting forth a summary of the testimony desired, must be furnished for submission by the U.S. attorney to the appropriate Department official.

§ 16.24 Final action by the appropriate Department official or the Attorney General.

(a) If the appropriate Department official, as designated in § 16.23(b), approves a demand for the production of material or disclosure of information, he shall so notify the U.S. attorney and such other persons as circumstances may warrant.

(b) If the appropriate Department official, as designated in § 16.23(b), decides not to approve a demand for the production of material or disclosure of information, he shall immediately refer the demand to the Attorney General for decision. Upon such referral, the Attorney General shall make the final decision and give notice thereof to the U.S. attorney and such other persons as circumstances may warrant.

§ 16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.

If response to the demand is required before the instructions from the appropriate Department official or the Attorney General are received, the U.S. attorney or other Department attorney designated for the purpose shall appear with the employee or former employee of the Department upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate Department official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions.

§ 16.26 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 16.25 pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, in accordance with § 16.24, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand. "United States ex rel Touhy v. Ragen," 340 U.S. 462.

Dated: January 11, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-1071 Filed 1-17-73;8:45 am]

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Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 505—SAFEGUARDING DEFENSE INFORMATION

Deletion of Part

Part 505, Subchapter A, Chapter V of Title 32 of the Code of Federal Regulations is hereby deleted. The regulation on which it was based has been replaced by a Department of Defense regulation (37 FR 15655, August 3, 1972).

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73-1045 Filed 1-17-73;8:45 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

α-Naphthaleneacetic Acid

A notice (PP 1E1099) was published by the Environmental Protection Agency in the FEDERAL REGISTER of November 2, 1972 (37 FR 23349), proposing establishment of a tolerance for negligible residues of the plant regulator α-naphthaleneacetic acid in or on the raw agricultural commodity olives at 0.1 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), Part 180 is amended as follows:

1. In § 180.155, by inserting a new paragraph after the paragraph "1 part per million • • •," as follows:

§ 180.155 α-Naphthaleneacetic acid; tolerances for residues.

• • • • •

0.1 part per million (negligible residue) in or on olives.

• • • • •

§ 180.319 [Amended]

2. In § 180.319 *Interim tolerances*, by deleting the item "1-naphthaleneacetic acid • • •" from the list of items in the table.

Any person who will be adversely affected by the foregoing order may, on or before February 20, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 18, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: January 11, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1046 Filed 1-17-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-*tert*-Butylamino-4-Chloro-6-Ethylamino-*s*-Triazine

A petition (PP 1F1154) was filed by the CIBA-GEIGY Corp., Ardsley, N.Y. 10502, proposing establishment of tolerances (40 CFR Part 180) for residues of the herbicide 2-*tert*-butylamino-4-chloro-6-ethylamino-*s*-triazine in or on the raw agricultural commodities corn grain and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million and corn fodder and forage at 0.25 part per million.

Subsequently, the petitioner amended the petition by: (a) Withdrawing the proposed tolerance on sweet corn (kernels plus cob with husk removed), (b) reducing the proposed tolerance on corn fodder and forage to 0.1 part per million, and (c) specifically including popcorn grain.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), Part 180 is amended by adding the following new section to Subpart C:

§ 180.333 2-*tert*-Butylamino-4-chloro-6-ethylamino-*s*-triazine; tolerances for residues.

Tolerances are established for residues of the herbicide 2-*tert*-butylamino-4-chloro-6-ethylamino-*s*-triazine in or on the raw agricultural commodities corn fodder and forage and corn grain (including popcorn grain) at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time on or before February 20, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 18, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 11, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1047 Filed 1-17-73;8:45 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1117]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of January 1973.

It appearing, that an acute shortage of covered hopper cars for transporting shipments of grain or soybeans exists in certain sections of the country; that some carriers have adequate supplies of open hopper cars; that use of these cars for transporting grain or soybeans is precluded by certain tariff provisions requiring the use of covered hopper cars, thus curtailing shipments of grain or soybeans and creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1117 Substitution of hopper cars for covered hopper cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Substitution of cars.* Subject to the concurrence of the shipper, the carrier may substitute open hopper cars for shipments of grain or soybeans, whether from the point of origin or from an intermediate in-transit point, regardless of tariff provisions requiring the use of covered hoppers.

(2) *Minimum weights.* The minimum weights per shipment of grain or soybeans transported in open hopper cars substituted for covered hopper cars shall be the minimum weights specified in the tariffs for shipments made in covered hopper cars regardless of the number of open hopper cars required to be used to secure the minimum weight.

(3) The term "open hopper cars" means all cars listed in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "HD", "HE", "HF", "HFA", "HFD", "HK", "HM", "HMA", "HT", or "HTB".

(4) The term "covered hopper cars" means all cars listed in the Official Railway Equipment register, ICC No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO."

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 15, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1973, unless otherwise modified, changed, or suspended by order of this commission.

(Secs 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1132 Filed 1-17-73;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 18—MARINE MAMMALS

Definitions

Correction

In FR Doc. 72-22077 appearing at page 28173 of the issue for Thursday, December 21, 1972, in § 18.3 *Definitions*, in the table in the definition of "Marine mammal," the final three items in the right hand column should read, in order, as follows: "West Indian manatee", "Amazonian manatee", and "West African manatee".

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Swamp National Wildlife Refuge, New Jersey

The following special regulation is issued and is effective on January 18, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for the individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Entry by motor vehicle is permitted only to public parking areas designated by signs during daylight hours.

Entry on foot is permitted on designated routes and trails for the purpose of nature study, photography, hiking, and sightseeing during daylight hours. A permit, obtainable at refuge headquarters, is required for any bus using the public parking areas. All buses must have the engines turned off while waiting in refuge parking areas. Possession of alcoholic beverages is prohibited. Smoking is permitted only in parking areas. Pets are allowed in the public parking lots only and must be on a leash not exceeding 10 feet in length. The use of boats, canoes, and bicycles is prohibited.

The refuge area, comprising 5,577.02 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries & Wildlife.

JANUARY 8, 1973.

[FR Doc.73-1064 Filed 1-17-73;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Amagansett National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on January 18, 1973.

§ 28.28 Special regulations, public access, use, and recreation; for the individual wildlife refuge areas.

NEW YORK

AMAGANSETT NATIONAL WILDLIFE REFUGE

Pedestrian access along the refuge beachfront is permitted during daylight hours for the purpose of nature study, photography, fishing and shell collecting. Access beyond the beachfront for the purpose of environmental education studies is permitted by special use permit on a reservation basis. Permits may be obtained from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck Huntington, Long Island, N.Y. 11743, or Refuge Manager, Morton National Wildlife Refuge, Rural Delivery, Box 359, Noyac Road, Sag Harbor, Long Island, N.Y. 11963. The use of motorized vehicles on the refuge is prohibited. Parking is limited to designated town of East Hampton parking areas in accordance with town regulations. Pets are not permitted on the refuge.

The refuge, comprising 35.8 acres, is delineated on a map available from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck, Huntington, Long Island, N.Y. 11743, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations,

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Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 8, 1973.

[FR Doc.73-1118 Filed 1-17-73;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on January 18, 1973.

§ 28.28 Special regulations, public access, use, and recreation; for the individual wildlife refuge areas.

NEW YORK

MORTON NATIONAL WILDLIFE REFUGE

Entry by foot is permitted daily, during daylight hours, for the purpose of photography, nature study and hiking. Access to the shore is allowed for the purpose of fishing and swimming. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available from the Refuge Manager, Rural Delivery, Box 359, Noyac Road, Sag Harbor, Long Island, NY, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 8, 1973.

[FR Doc.73-1119 Filed 1-17-73;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Target Rock National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on January 18, 1973.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

NEW YORK

TARGET ROCK NATIONAL WILDLIFE REFUGE

Entry to the refuge is permitted by advanced reservation only, for the purpose of photography, nature study and hiking on roads, trails and the beach, from 9 a.m. to 5 p.m., daily. Entrance permits for specific dates are issued by mail upon request. Motor vehicles are limited to the designated parking area. Pets are permitted in the parking area only.

The refuge, comprising 80 acres, is delineated on a map available from the Refuge Manager, Target Rock Road, Lloyd Neck, Huntington, Long Island, N.Y. 11743, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 8, 1973.

[FR Doc.73-1063 Filed 1-17-73;8:45 am]

PART 33—SPORT FISHING

Big Lake National Wildlife Refuge, Ark. et al.

The following special regulations are issued and are effective on January 14, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Ark., is permitted on all waters areas. These areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) The sport fishing season on the refuge extends year-round except for closure during duck hunting season.

(2) Limb lines may not be used.

(3) Trotline fishing permitted only at night.

LOUISIANA

DELTA NATIONAL WILDLIFE REFUGE

Sport fishing and sport shrimping on the Delta National Wildlife Refuge, Venice, La., are permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 48,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing and sport shrimping shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing and sport shrimping season on the refuge shall be closed during the waterfowl hunting season.

(2) Fishing and shrimping permitted during daylight hours only.

(3) Sport shrimp trawls are restricted to a maximum of 25 feet.

(4) Air-thrust boats are prohibited.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The fishing season on that portion of the refuge located north of Upper Blue Basin extends from February 15, 1973, through October 23, 1973. The fishing season on that portion of the refuge located south of Upper Blue Basin extends from January 14, 1973, until the day preceding opening of the 1973 waterfowl season.

(2) Boats with outboard motors and inboard motors of not more than 10 horsepower may be used.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1973, through September 30, 1973, sunrise to sunset.

(2) Boats with outboard motors and inboard motors of not more than 6 horsepower may be used.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 9, 1973.

[FR Doc.73-1061 Filed 1-17-73;8:45 am]

PART 33—SPORT FISHING

Okefenokee National Wildlife Refuge, Ga.

The following special regulations are issued and are effective on January 1, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

GEORGIA

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Ga. Certain isolated areas are closed and posted. The open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) Fishing permitted during daylight hours only.

(2) Boats with motors not larger than 10 hp., canoes, and rowboats permitted.

(3) Artificial and live bait (except live minnows) permitted.

(4) Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Persons entering refuge from main access points must register with the respective concessioner.

(6) Persons using the sill access ramp on the pocket are required to sign and register when they enter the swamp and again when they leave. Use of launching facilities is permitted as long as parking regulations are not violated. Parking regulations are posted at registration station.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through Decmeber 31, 1973.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 9, 1973.

[FR Doc.73-1062 Filed 1-17-73;8:45 am]

PART 33—SPORT FISHING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective on January 18, 1973.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in Lake Champlain and the Missisquoi River from the Missisquoi National Wildlife Refuge, Vermont. The refuge is delineated on a map available at refuge headquarters, Swanton, Vt. and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special condition:

(1) Taking of fish by use of firearms is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 8, 1973.

[FR Doc.73-1120 Filed 1-17-73;8:45 am]

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Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3110]

SIMULTANEOUS OFFERS

Noncompetitive Leases; Oil and Gas Leasing

Correction

In FR Doc. 73-596, appearing on page 1281, in the issue of Thursday, January 11, 1973, in the second line of § 3112.-4-1, insert immediately after the word "drawee", the following: ". The successful drawee".

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 317, 318]

CHITTERLING PRODUCT

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C., sec. 601 et seq.), proposes to add a subparagraph to § 317.8(b) and to amend § 318.6(b)(8) of the meat inspection regulations (9 CFR Parts 317 and 318) to permit the use of chitterlings as ingredients of certain meat food products and to specify applicable labeling requirements. This proposal resulted from a petition by Henry Kast, Inc., Glendale, N.Y., and Georgia Sausage Co., New York, N.Y., desiring to manufacture and market such a product. Other individuals and organizations have shown interest in behalf of the petition.

Statement of considerations. The amendments in the proposal would (1) provide for the use of chitterlings as ingredients of certain products, and (2) insure that products containing chitterlings are effectively identified through descriptive labeling.

The large intestines of swine and, less frequently, calves have been used as articles of human food for many years. These products have been customarily merchandised as "Chitterlings" or "Veal Chitterlings" when derived from young bovine animals. These names have been accepted for labeling such products when prepared under USDA inspection.

However, the present Department regulations prohibit the use of intestines as ingredients of federally inspected meat food products. This policy is under review because manufacturers of prepared meats have recently shown interest in preparing chitterling meat food products that were formerly prepared in a restaurant or in the home. Consideration is being given to proposed amendments to the regulations to allow the use of intestines in nonstandardized meat food products under conditions that would prevent deception or their use in standardized meat food products.

The Department has consistently encouraged the production of the widest range of product varieties, made with proper ingredients and identified with descriptive labels. A proposal to use chitterlings in certain products and conspicuously identify such ingredients on labels fully accords with this policy.

Accordingly, the following amendments to the regulations are proposed:

A new subparagraph (30) would be added to § 317.8(b) as follows:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * * * *

(b) * * *

(30) The term "Chitterlings" shall apply to the large intestines of swine, or young bovine animals when preceded with the word "Calf" or "Veal." Meat food products that contain chitterlings or calf or veal chitterlings, in accordance with § 318.6(b)(8) of this subchapter shall be identified with product names that refer to such ingredients, as for instance, "Chitterling Loaf," "Chitterling Pie," or "Calf Chitterlings and Gravy," and shall be packed in containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact and bearing such other information as is required by this part.

Section 318.6(b)(8) would be changed to read as follows:

§ 318.6 Requirements concerning ingredients and other articles used in preparation of products.

* * * * * * *

(b) * * *

(8) Intestines shall not be used as ingredients in any meat food product for which a standard is prescribed in Part 319 of this subchapter and shall not be used in other products unless labeled in accordance with § 317.8(b)(30) of this subchapter.

* * * * * * *

(Secs. 7 and 21, 34 Stat. 1260, as amended, 21 U.S.C. 607 and 621; 37 FR 28464, 28477)

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, before March 6, 1973.

Persons desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, before March 6, 1973. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on January 12, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-1141 Filed 1-17-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1923]

SAFETY AND HEALTH PROVISIONS FOR FEDERAL EMPLOYEES

Advance Notice of Proposed Rule Making and Request for Comments

Pursuant to section 2(a) of Executive Order No. 11612 (36 FR 13891) and Secretary of Labor's Order No. 12-71 (36 FR 8754), it is proposed to promulgate regulations to provide guidance to the heads of Federal departments and agencies to assist them in fulfilling their occupational safety and health responsibilities.

Executive Order No. 11612 states: "As the Nation's largest employer, the Federal Government has a special obligation to set an example for safe and healthful employment. It is appropriate that the Federal Government strengthen it efforts to assure safe and heathful working conditions for its own employees." It is the intent of the Secretary of Labor to provide guidance which will assist Federal agencies to fulfill this special obligation. In addition, section 19 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 668) makes each Federal agency head responsible for establishing and maintaining an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated by the Secretary of Labor for businesses affecting interstate commerce.

Interested persons are invited to submit in writing comments and suggestions on the following issues concerning which regulations may be promulgated:

1. "Recordkeeping and Reporting Guidelines for Federal Agencies under the Williams-Steiger Occupational Safety and Health Act of 1970," issued on November 1, 1971.

2. Procedures for processing occupational safety and health complaints by Federal employees.

3. Guidelines for the annual report from the head of each Federal agency to the Secretary of Labor pursuant to section 1(4) of Executive Order 11612.

4. Federal agency self-evaluation and inspection procedures.

5. Revision of the President's Safety Award criteria.

6. Procedures for appropriate consultation with Federal employees.

7. Any other matter relating to regulations providing guidance to the heads of Federal departments and agencies to assist them in fulfilling their occupational safety and health responsibilities.

Copies of the pamphlet "Recordkeeping and Reporting Guidelines for Federal Agencies," the guidelines for the 1972 annual report by Federal agencies, and the current criteria for the President's Safety Award may be obtained from the Office of Federal Agency Programs, Room 409, 400 First Street, NW., Washington, D.C. 20210. Comments should be directed to this address and will be considereded if received by February 17, 1973. Copies of the comments which are received will be available for public inspection at the same location.

Final action will be taken after timely comments have been considered.

Signed at Washington, D.C., this 15th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1137 Filed 1-17-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 73]

RESTRICTED AREA AND CONTINENTAL CONTROL ZONE

Supplemental Proposed Designation and Alteration

Correction

In FR Doc. 73-269, appearing at page 891, in the issue of Friday, January 5, 1973, under "Blair Lakes, Alaska, Restricted Area", the seventh line of the description under "Boundaries", should read, "147°58'00" W.; to Lat. 64°29'32" N., Long. 147°54'45" W.; to point of beginning."

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5343, 34-9914, 35-17817, IC-7567]

DISCLOSURE OF SIGNIFICANT ACCOUNTING POLICIES

Notice of Proposed Rule Making

The Commission today issued for public comment a proposed amendment of Rule 3-08 of Regulation S-X (17 CFR 210.3-08) calling for increased disclosure of accounting policies and the impact of those policies on financial statements.

The proposed rule requires a summary of significant accounting policies to be included in the financial statements either separately or as the first note. The disclosure required includes a description of accounting principles followed and, under certain circumstances and where significant, an estimate of the dollar impact on net income of use of the principle followed as compared to alternative acceptable principles.

Such dollar estimate is required:

1. When the company uses more than one accounting principle in reporting similar kinds of transactions; or

2. When the company has changed its accounting principles in the past 2 years; or

3. When the principle used is not the prevailing principle used by companies in the same industry.

Example of such situations include, but are not limited to, the following:

1. A company using FIFO cost for a portion of its inventory and LIFO cost for the balance would be required to show the impact on net income of using each method for all of its inventory.

2. A company using straight line depreciation for some fixed assets and accelerated depreciation for the balance would be required to show the impact on net income of using each method for all of its fixed assets.

3. A company in the petroleum industry using full cost accounting for its producing properties would be required to show what its income would be under individual property unit costing which is the prevailing principle used in the industry.

The proposed rule would require this disclosure only for each significant accounting variation in the 2 most recent fiscal years and any subsequent interim period reflected and the comparable interim period in the most recent fiscal year and would define significant for this purpose as any accounting variation which has an impact of at least 5 percent on net income or which has an impact of more than 25 percent on the change in net income or net loss compared to the prior period. Any impact which would convert an increase in net income to a decrease (or vice versa) or which would convert a net income to a net loss (or vice versa) would also be deemed to be significant under this definition.

Part 210 of Chapter II of Title 17 of the Code of Federal Regulations would be amended to read as follows:

§ 210.3-08. Summary of significant accounting policies.

(a) A summary of accounting policies shall be set forth either separately preceding the notes to financial statements or as the first such note. This summary shall include the following.

(1) A description of the accounting principles followed by the company and methods of applying those principles that materially affect the company's financial statements.

(2) If a company has used more than one accounting principle in reporting similar kinds of transactions during the two most recently completed fiscal years or in any interim period reported and the impact on net income of using different principles is significant, state the reasons for such use and disclose an estimate in dollars of the effect of reporting all transactions according to each of the principles used.

(3) If a company has changed its accounting principles during the two most recently completed fiscal years or in any interim period reported and the impact on net income is significant, state the reasons for the change and disclose an estimate in dollars of the effect of applying the prior principle on results reported after the change.

(4) If an accounting principle used by the company is different from that in prevailing use among other companies in the same industry during the two most recently completed fiscal years or in any interim period reported and the impact on net income is significant, state the reason for using such principle and disclose an estimate in dollars of the effect of using the prevailing principle.

(b) For purposes of this section, the term "significant" shall mean having an impact of at least 5 percent on net income (or net loss) or having an impact of more than 25 percent on the amount of the change in net income (or net loss) between one period and the next. In addition, any impact which would convert an increase in net income from one period to the next to a decrease (or vice versa) or which would convert a net income to a net loss (or vice versa) will be deemed to be significant. Individual items shall be identified whether each item is significant or the total impact of all items is significant.

(c) In cases where information required to be included in the summary is the same as that required by other rules of this regulation, the information should not be duplicated. Specific reference should be made in the financial statements to the portion of the summary where the information appears.

All interested persons are invited to submit their views and comments on the foregoing proposal to amend Rule 3-08 of Regulation S-X in writing to John C.

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Burton, Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 15, 1973. Such communications should refer to File No. S7–464. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 18, 1972.

[FR Doc.73-959 Filed 1-17-73;8:45 am]

[17 CFR Part 210]

[Release Nos. 33-5344, 34-9915, 35-17818, IC-7568]

IMPROVED DISCLOSURE OF TAX EXPENSE

Proposed Rule Making

The Commission today issued for public comment a proposed amendment to Rule 3–16(o) of Regulation S–X (17 CFR 210.3–16(o)) calling for more detailed disclosure of the components of income tax expense and for improved disclosure of the reasons why total income tax expense differs from the amount calculated by multiplying the statutory U.S. Federal corporate income tax rate by the income before tax.

The proposed amendments would require companies to disclose the various items which cause the timing differences between book income and taxable income that result in deferred tax expense. The disclosure should describe the source of the timing difference (revenue recognition, depreciation, research, and development costs, etc.) and the extent to which new deferrals in each category are offset by the reversal of prior deferrals. This is designed to enable users of financial statements to ascertain the current and prospective cash drain which is associated with payment of income taxes.

When total income tax expense differs by 5 percent or more from the amount calculated by multiplying the current statutory U.S. Federal corporate income tax rate by the income before tax, registrants would be required to state the reasons for this difference and the dollar amount attributable to each underlying cause. Such difference might arise from income which is nontaxable or taxed at capital gains rates, investment credits, favorable domestic or foreign tax rates, percentage depletion or other causes. This disclosure is designed to enable users of financial statements to distinguish between one-time and continuing tax advantages enjoyed by a company and to appraise the significance of changing effective tax rates. Similar disclosure will also be required when the difference, although less than 5 percent, has an impact of more than 25 percent on the amount of the change in net income (or net loss) between 1 fiscal year and the next or when the difference causes net income to increase when income before tax decreases (or vice versa) from 1 fiscal year to the next.

Part 210 of Chapter II of Title 17 of the Code of Federal Regulations would be amended to read as follows:

§ 210.3–16 General notes to financial statements.

* * * * *

(o) *Income tax expense.* Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (1) Taxes currently payable; (2) the net tax effects, as applicable, of (i) timing differences (indicating the major separate dollar items which make up these differences and the extent to which new deferrals are offset by the reversal of prior deferrals) and (ii) operating losses, and (3) the net deferred investment tax credits. Amounts applicable to U.S. Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each component, unless the amounts applicable to foreign or other income taxes do not exceed 5 percent of the total for the component and a statement to that effect is made. If the total income tax expense differs by 5 percent or more from an amount calculated by multiplying the current U.S. Federal statutory corporate income tax rate by the income before tax, state the reasons for this difference and the dollar amounts attributable to each of the underlying causes. If such difference is less than 5 percent but: Has an impact of more than 25 percent on the amount of the change in net income (or net loss) between 1 fiscal year and the next; or when the difference causes net income to increase when income before tax decreases (or vice versa) from 1 fiscal year to the next, the reasons for such difference and the impact in dollars of each underlying cause should also be set forth.

* * * * *

All interested persons are invited to submit their views and comments on the foregoing proposals to amend Rule 3–16 (o) of Regulation S–X in writing to John C. Burton, Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 15, 1973. Such communications should refer to File No. S7–465. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 18, 1972.

[FR Doc.73-960 Filed 1-17-73;8:45 am]

[17 CFR Part 231]

[Release Nos. 33-5342, 34-9913]

GUIDES FOR PREPARATION AND FILING OF REGISTRATION STATEMENTS

Summary of Earnings

Notice is hereby given that the Securities and Exchange Commission is proposing to amend Guide 22, "Summary of Earnings," of the guides for preparation and filing of registration statements (Release No. 4936) (33 FR 18617) under the Securities Act of 1933 (Securities Act). In addition, the Commission is considering the adoption of the substance of amended Guide 22 as Guide 1, "Summary of Operations," of proposed guides for preparation and filing of reports and registration statements under the Securities Exchange Act of 1934 (Exchange Act).[1] Guide 22 relates to summaries of financial information as called for by Item 6 of Form S–1 (17 CFR 239.11) (Summary of Earnings) and Item 6 of Form S–7 (17 CFR 239.26) (Statement of Income) under the Securities Act. Proposed Guide 1 would relate to similar summaries required by Item 2 of Forms 10 (17 CFR 249.210) and 10–K (17 CFR 249.310) (Summary of Operations) under the Exchange Act. These proposals are designed to make more meaningful and understandable disclosure of financial information presented in registration statements filed pursuant to the Securities Act and in reports and registration statements filed pursuant to the Exchange Act.

Item 6 of Forms S–1 and S–7 provides in part that, in addition to the columnar presentation of summary financial data, registrants must supply information of material significance to investors in appraising the results shown. Guide 22 is proposed to be amended to clarify the type of supplementary information and data to be included in order to enable investors to appraise the quality of the earnings reported in the summary. Whenever there are nonoperating sources of revenue, expense, or income, or changes in accounting principles or methods or their application, or in the underlying estimates or assumptions, any of which has, or all of which in the aggregate have, a material impact on net income, the matter and its impact must be described. The guide would set forth a nonexclusive list of examples of matters that registrants should consider in making disclosure. Although these matters may be disclosed in other sections of the registration statement, the impact, when material, should also be highlighted in a textual paragraph immediately following the summary of earnings.

The text of the proposed amendment to Guide 22 follows:

Guide 22. Summary of earnings.

The content of the summary of earnings is specified in general in the instructions to the pertinent items of the form. The necessity of disclosing items in addition to those specified in such instructions will depend upon the circumstances. These instructions cannot, of course, cover all situations which may arise nor is it practicable to set forth a statement of policy dealing specifically with all possible situations. The existence of any unusual conditions affecting the propriety of the presentation and the necessity for the inclusion of an additional previous period should be considered.

Whenever the summary includes nonoperating sources of revenue, expense or net income or whenever there are changes in accounting principles or methods or their application or in the underlying estimates or assumptions, any of which has, or all of which in the aggregate have, a material impact on net income as reported, so state and give a brief description thereof in a textual paragraph immediately following the summary of earnings and disclose the separate and aggregate dollar amount effect on the reported results for the applicable periods. This paragraph is intended to enable investors to appraise the quality of earnings presented in the summary. While it is not feasible to specify all matters the impact of which should be disclosed, the following are examples which registrants should consider in making disclosure:

1. The sale or disposition of property by a company not engaged in the business of selling such property;

2. Changes in the accounting treatment, or in the absolute or relative amounts, of such items as research, development, product introduction, start-up or advertising costs;

3. Extraordinary and unusual charges or gains, including charges associated with discontinuation of operations;

4. Changes in the assumption underlying deferred costs and the plan for amortization of such costs; and

5. Changes in assumed investment return and in actuarial assumptions used to calculate contributions to pension funds.

Disclosure is required with respect to all matters which have a material impact on reported results in the summary of earnings even though such matters offset one another. Also, where appropriate, reference should be made to disclosure called for by Rule 3–08 [17 CFR 210.3–08] of Regulation S–X (Significant Accounting Policies).

When the text of the prospectus contains a discussion of factors indicating an adverse change in operating results subsequent to the latest period included in the summary of earnings, the summary should call attention to the change, in a headnote or in a footnote, and refer to the place in the prospectus where it is discussed.

All interested persons are invited to submit their views and comments on the foregoing proposals to amend Guide 22 and to adopt Guide 1 in writing to Andrew P. Steffan, Chief Financial Analyst, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 15, 1973. Such communications should refer to File No. S7–463. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 18, 1972.

[FR Doc.73-957 Filed 1-17-73;8:45 am]

[1] Filed as a separate document. See page 1749.

[Release Nos. 33-5342, 34-9913]

[17 CFR Part 241]

GUIDES FOR PREPARATION AND FILING OF REPORTS AND REGISTRATION STATEMENTS

Summary of Earnings

Notice is hereby given that the Securities and Exchange Commission is proposing to amend Guide 22, "Summary of Earnings," of the guides for preparation and filing of registration statements (Release No. 4936) (33 FR 18617) under the Securities Act of 1933 (Securities Act).[1] In addition, the Commission is considering the adoption of the substance of amended Guide 22 as Guide 1, "Summary of Operations," of proposed guides for preparation and filing of reports and registration statements under the Securities Exchange Act of 1934 (Exchange Act). Guide 22 relates to summaries of financial information as called for by Item 6 of Form S–1 (17 CFR 239.11) (Summary of Earnings) and Item 6 of Form S–7 (17 CFR 239.26) (Statement of Income) under the Securities Act. Proposed Guide 1 would relate to similar summaries required by Item 2 of Forms 10 (17 CFR 249.210) and 10–K (17 CFR 249.310) (Summary of Operations) under the Exchange Act. These proposals are designed to make more meaningful and understandable disclosure of financial information presented in registration statements filed pursuant to the Securities Act and in reports and registration statements filed pursuant to the Exchange Act.

Item 2 of Forms 10 and 10–K also provides in part that registrants must supply information of material significance to investors in appraising the reported results of operations. In order to make clear that the disclosures required by Guide 22 as proposed to be amended, would apply to filings under the Exchange Act as well as to those under the Securities Act, the Commission proposes to create a new guide for preparation and filing of reports and registration statements under the Securities Exchange Act of 1934 and proposes to adopt the substance of Guide 22, as amended, as Guide 1 of such guides.

The Commission is also proposing today amendments to Regulation S–X (17 CFR 210.1–01 et seq.) (For a detailed description of recent comprehensive amendments to Part 210 of Chapter II of Title 17 of the Code of Federal Regulations See 37 FR 14591) which would improve disclosure of certain matters and would aid the investor in evaluating financial data. Securities Act Release No. 5343 (38 FR 1747) would amend Rule 3–08 of Regulation S–X (17 CFR 210.3–08) to require disclosure of accounting policies and the impact of their application on net income, if significant. Securities Act Release No. 5344 (38 FR 1748) would amend Rule 3–16(o) of Regulation S–X (17 CFR 210.3–16(o)) to require more detailed disclosure of the components of tax expense and improved disclosure of the difference between the Federal statutory and reported income tax rates.

The text of proposed Guide 1 follows:

Guide 1. *Summary of operations.* The content of the summary of operations is specified in general in the instructions to the pertinent items of the form. The necessity of disclosing items in addition to those specified in such instructions will depend upon the circumstances. These instructions cannot, of course, cover all situations which may arise nor is it practicable to set forth a statement of policy dealing specifically with all possible situations. The existence of any unusual conditions affecting the propriety of the presentation and the necessity for the inclusion of an additional previous period should be considered.

Whenever the summary includes nonoperating sources of revenue, expense, or net income or whenever there are changes in accounting principles or methods or their application, or in the underlying estimates or assumptions, any of which has, or all of which in the aggregate have, a material impact on net income as reported, so state and give a brief description thereof in a textual paragraph immediately following the summary of operations and disclose the separate and aggregate dollar amount effect on the reported results for the applicable periods. This paragraph is intended to enable investors to appraise the quality of earnings presented in the summary. While it is not feasible to specify all matters the impact of which should be disclosed, the following are examples which registrants should consider in making disclosure:

1. The sale or disposition of property by a company not engaged in the business of selling such property;

2. Changes in the accounting treatment, or in the relative or absolute amounts, of such items as research, development, product introduction, startup or advertising costs;

3. Extraordinary and unusual charges or gains including charges associated with discontinuation of operations;

4. Changes in the assumptions underlying deferred costs and the plan for amortization of such costs; and

5. Changes in assumed investment return and in actuarial assumptions used to calculate contributions to pension funds.

Disclosure is required with respect to all matters which have a material impact on reported results in the summary of operations even though such matters offset one another. Also, where appropriate, reference should be made to disclosure called for by Rule 3–08 of Regulation S–X (significant accounting policies).

All interested persons are invited to submit their views and comments on the foregoing proposals to amend Guide 22 and to adopt Guide 1 in writing to Andrew P. Steffan, Chief Financial Analyst, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 15, 1973. Such communications should refer to File No. S7–463. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 18, 1972.

[FR Doc.73-958 Filed 1-17-73;8:45 am]

[1] Filed as a separate document. See page 1748.

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Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

A panel of the Defense Intelligence Agency Scientific Advisory Committee will hold a closed meeting to discuss classified matters at 9 a.m. on January 25, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-1080 Filed 1-17-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Idaho 3158; Power Site Cancellation 285; Project No. 1254, Docket No. DA-597, Idaho, U.S. Geological Survey]

IDAHO

Order Providing for Opening of Lands

JANUARY 8, 1973.

By published notice (36 FR 244, December 18, 1971) the U.S. Geological Survey cancelled power site classification No. 111 of July 22, 1925, as to the lands therein.

By published finding and order 36 FR 237, December 9, 1971, the Federal Power Commission vacated Project No. 1254, withdrawn October 13, 1933, which involved the same lands. The lands are all within the Payette National Forest, Idaho.

Under the authority delegated by Bureau of Land Management Order No. 701, dated July 23, 1964 (29 FR 10526), as amended it is ordered as follows:

1. The following described national forest lands are hereby open to such disposition as may be made of such lands:

BOISE MERIDIAN

(CANCELLATION NO. 285)

All unsurveyed lands within one-eighth of a mile of the proposed Crater Lake Reservoir and all lands within one-eighth of a mile of the streams forming the natural outlet therefrom down to and including the site of the proposed powerhouse and tail race, as shown on a map filed Boise 027291, March 18, 1925, in the U.S. Land Office at Boise, Idaho. Protraction of public-land surveys indicates that the lands described above will, when surveyed, lie wholly within Sec. 25, T. 20 N., R. 8 E.

The area described aggregates about 133 acres.

(DA-597-IDAHO)

T. 20 N., R. 8 E. (unsurveyed),
Sec. 25, S½NW¼, NE¼SW¼.

VINCENT S. STROBEL,
Chief, Branch of Land and Management Operations.

[FR Doc.73-1117 Filed 1-17-73;8:45 am]

[Montana 23327(SD)]

SOUTH DAKOTA

Order Providing for the Opening of Public Lands

JANUARY 11, 1973.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C., 315g), the following described lands have been reconveyed to the United States:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 8 N., R. 7 E.,
Sec. 2, lots 3 and 4, SW¼NW¼, and NW¼SW¼; and
Sec. 3, Lot 1, SE¼NE¼, and E½SE¼.
T. 9 N., R. 7 E.,
Sec. 28, SW¼SW¼;
Sec. 33, NW¼SE¼ and S½SE¼; and
Sec. 34, S½SE¼.

The area described contains 533.18 acres.

2. The lands are situated in Butte County approximately 10 miles east of Newell, S. Dak. The best use of these lands is for livestock production. The land is being used for domestic livestock grazing in conjunction with other public and private lands that join the tract. The lands have value for sage grouse and antelope which will provide public hunting on a large block of public domain.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m. on February 20, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, MT 59101.

KENNETH J. SIRE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-1135 Filed 1-17-73;8:45 am]

SIMULTANEOUS OIL AND GAS LEASE FILINGS

Revised Drawing Entry Card Required

JANUARY 12, 1973.

Notice is hereby given that on and after March 19, 1973, applicants for oil and gas leases under the simultaneous oil and gas leasing procedures (43 CFR Part 3112) must use a revised drawing entry card, Bureau of Land Management Form 3112-1. The new entry card requires the applicant to include his social security or taxpayer number. Applications filed on the present blue card, Form 3120-21, will not be accepted after February 27, 1973.

ED HASTEY,
Acting Associate Director.

[FR Doc.73-1116 Filed 1-17-73;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held between 10 a.m. and 3 p.m., on Saturday, January 27, 1973 in the Board Room, Administration Building, Frederick Community College, Frederick, Md.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Md.
Mrs. Caroline Freeland, Bethesda, Md.
Hon. Vladimir A. Wahbe, Baltimore, Md.
Mr. Thomas W. Richards, Arlington, Va.
Mr. John C. Lewis, Hamilton, Va.
Hon. Louise Leonard, Harpers Ferry, W. Va.
Hon. Joseph H. Manning, Annapolis, Md.
Mr. Burton C. English, Berkeley Springs, W. Va.
Mr. James G. Banks, Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Md.
Mrs. Mary Miltenberger, Cumberland, Md.
Dr. James H. Gilford, Frederick, Md.
Dr. K. R. Bromfield, Frederick, Md.
Mr. Grant Conway, Brookmont, Md.
Mr. Edwin F. Wesely, Chevy Chase, Md.
Mr. John C. Frye, Gapland, Md.
Mr. Justice Douglas (Special Consultant), Washington, D.C.
Mr. Rome F. Schwagel, Keedysville, Md.
Mr. Donald Frush, Hagerstown, Md.

The purpose of this meeting is to discuss the proposed draft of the master plan for the C. & O. Canal National Historical Park, the status of land acquisition, Commission operations and the status of a citizens' proposal to enlarge C. & O. Canal Park boundaries above North Branch, Md.

In addition, the two Superintendents will give a report on their major activities since the last Commission meeting.

This meeting will be open to the general public. Facilities and space are available to accommodate the public, not to exceed 20 persons.

Further information concerning this meeting may be obtained from Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at area code 202—426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive SW., Washington, DC.

Dated: January 5, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-1112 Filed 1-17-73;8:45 am]

PACIFIC NORTHWEST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Pacific Northwest Regional Advisory Committee will be held at 10 a.m. on Saturday, February 3, 1973, in room 928 of the Pacific Northwest Regional Office, National Park Service, Fourth and Pike Building, Seattle, Wash.

The Committee was established by Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Pacific Northwest Region of the National Park Service.

The members of the Committee are as follows:

Mr. Earl J. Davenport (Chairman), Olympia, Wash.
Prof. Robert L. Whitner (Secretary), Walla Walla, Wash.
Mr. Leo V. Bodine, Boise, Idaho.
Mr. J. Allen Jensen, Idaho Falls, Idaho.
Mr. Roger Mellem, Eugene, Oreg.
Mr. Richard M. Noyes, Eugene, Oreg.
Mr. Wesley A. Phillips, Jr., Portland, Oreg.
Mr. John C. Sackett, Anchorage, Alaska.
Hon. Lowell Thomas, Jr., Anchorage, Alaska.

The matters to be discussed at this meeting include fire damage to the Mount McKinley Hotel and factors being considered for interim and long-range plans for a replacement facility (Alaska); planning considerations for a proposed new unit of the National Park System at Thousand Springs (Idaho); planning considerations for visitor use and resources management at Ross Dam in the North Cascades (Washington); and a possible study of recreational resources in Puget Sound and San Juan Islands.

Facilities and space for accommodating members of the public are limited.

Further information concerning this meeting may be obtained from Rodger W. Pegues, Assistant Director, Cooperative Activities, Pacific Northwest Region, at 206—442-5962. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Wash.

Dated: January 5, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc. 73-1113 Filed 1-17-73;8:45 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held between 10 a.m. and 3 p.m. on Friday, January 26, 1973, at the Nordic Room, Holiday Inn, Traverse City, Mich.

The Commission was established by Public Law 91-479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Carl T. Johnson (Chairman), Cadillac, Mich.
Mr. William B. Bolton, Empire, Mich.
Mr. Charles A. Boyer, Manistee, Mich.
Mr. John B. Daugherty, Beulah, Mich.
Mr. Frank C. Mac Farlane, Cedar, Mich.
Mr. Harold Mead, Frankfort, Mich.
Mr. John W. Peterson, Frankfort, Mich.
Mr. John Stanz, Glen Arbor, Mich.
Mr. Noble D. Travis, Leland, Mich.
Mr. Charles H. Yeates, Allegan, Mich.

The purpose of the meeting is to report on the land acquisition activities and discuss management programs and plans. These items will be presented by the staff of Sleeping Bear Dunes National Lakeshore. Committee reports and discussions include: Status of the State of Michigan activities in transferring State lands to the National Park Service for inclusion in the National Lakeshore; status of the proposed tax relief by the State of Michigan to provide assistance to the counties in lieu of taxes lost due to acquisition and inclusion of lands in the National Lakeshore; and review of the proposal by certain members of the community of Leland, Mich., to make marina facilities available within the National Lakeshore thus relieving public boating pressure in the community of Leland.

The meeting is being held at the Nordic Room, Holiday Inn, Traverse City, Mich. It is expected that 25 persons will be able to attend the session in addition to the Advisory Commission members and the National Lakeshore staff.

Further information concerning this meeting may be obtained from J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Mich., at 616—352-9611. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the office of the Superintendent, Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, MI.

STANLEY W. HULETT,
Associate Director, Legislation.

JANUARY 8, 1973.

[FR Doc.73-1114 Filed 1-17-73;8:45 am]

Office of the Secretary

WILLIAM A. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of November 22, 1972.

Dated: November 22, 1972.

WILLIAM A. DAVIS.

[FR Doc.73-1121 Filed 1-17-73;8:45 am]

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Additions. Chase Manhattan Mortgage & Realty Co. Vestaur Securities Inc.
(3) No change.
(4) No change.

This statement is made as of December 6, 1972.

Dated: December 6, 1972.

EARL D. DRYER.

[FR Doc.73-1066 Filed 1-17-73;8:45 am]

V 38 I 12 JAN 18 73 XUM

EDWARD GLASS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of November 27, 1972.

Dated: November 27, 1972.

E. C. GLASS.

[FR Doc.73-1122 Filed 1-17-73;8:45 am]

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 4, 1972.

Dated: December 4, 1972.

ELMER S. HALL.

[FR Doc.73-1067 Filed 1-17-73;8:45 am]

ERNEST H. HILL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 6, 1972.

Dated: November 6, 1972.

ERNEST H. HILL.

[FR Doc.73-1123 Filed 1-17-73;8:45 am]

FREDERICK L. PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 4, 1972.

Dated: December 4, 1972.

FREDERICK L. PETERSEN.

[FR Doc.73-1068 Filed 1-17-73;8:45 am]

KEITH E. SPENCER

Statement of Financial Interests

DECEMBER 16, 1972.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee, Keith E. Spencer.

Name of employing agency. Department of the Interior, Defense Electric Power Administration.

Title of the appointee's position. Director, DEPA Area 5.

Name of the appointee's private employer or employers. Michigan Electric Power Pool.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1972, as Director, DEPA Area 5, Defense Electric Power Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Consumers Power Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

KEITH E. SPENCER.

JULY 11, 1972.

[FR Doc.73-1065 Filed 1-17-73;8:45 am]

KEITH E. SPENCER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 5, 1972.

Dated: December 5, 1972.

K. E. SPENCER.

[FR Doc.73-1069 Filed 1-17-73;8:45 am]

JOHN A. VOGEL, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 4, 1972.

Dated: December 4, 1972.

JOHN R. VOGEL, JR.

[FR Doc.73-1070 Filed 1-17-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CARD CLOTHING FROM THE UNITED KINGDOM

Determination of Sales at Not Less Than Fair Value

On November 2, 1972, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" (37 FR 23365) that card clothing from the United Kingdom is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and requests to present oral views in connection with the tentative determination.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the tentative determination, card clothing from the United Kingdom is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(b), Customs regulations (19 CFR 153.33 (b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JANUARY 15, 1973.

[FR Doc.73-1229 Filed 1-17-73;8:45 am]

PRINTED VINYL FILM FROM ARGENTINA

Withholding of Appraisement Notice

Information was received on April 18, 1972, that printed vinyl film from Argentina was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of May 18, 1972, on page 10009. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of printed vinyl film from Argentina is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting ocean freight, insurance, brokerage fees, U.S. duty, and included inland freight charges from the c.i.f., duty paid delivered price. An addition will probably be made for taxes and import duties rebated or not collected by reason of the exportation to the United States.

Home market price will probably be based on a delivered price in the home market. Appropriate deductions will probably be made for a trade discount and inland freight costs. Adjustments will probably be made for commissions and differences in the merchandise.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of printed vinyl film from Argentina in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than January 29, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than February 20, 1973.

This notice, which is published pursuant to § 153.34(b), Customs regulations (19 CFR 153.34(b)), shall become effective January 18, 1973. It shall cease to be effective on June 18, 1973, unless previously revoked.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-1227 Filed 1-17-73;8:45 am]

PRINTED VINYL FILM FROM BRAZIL

Withholding of Appraisement Notice

Information was received on April 18, 1972, that printed vinyl film from Brazil was being sold at less than fair value within the meaning of the Andidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Andidumping Proceeding Notice" which was published in the FEDERAL REGISTER of May 18, 1972 (37 FR 10009). The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of printed vinyl film from Brazil is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the C and F price for exportation to the United States the included ocean freight and inland freight charges. An addition will probably be made for duties and taxes rebated or not collected by reason of the exportation to the United States.

The home market price will probably be based on the weighted-average of delivered prices. Appropriate deductions will probably be made for inland freight and transportation insurance. Adjustments will probably be made for sales commission, returned goods, interest expenses, cost of production differences, cost of packing differences, and sales taxes.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of printed vinyl film from Brazil in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than January 29, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than February 20, 1973.

This notice, which is published pursuant to § 153.24(b), Customs regulations (19 CFR 153.34(b)1, shall become effective January 18, 1973. It shall cease to be effective on June 18, 1973, unless previously revoked.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-1228 Filed 1-17-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby being given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on January 29-30, 1973, from 9:30 a.m. to 4 p.m., the first day and from 1 p.m. to 4 p.m., the second day. The meeting will be held in Room 743, 500 12th Street SW., Washington, DC.

The meeting will include a review of FNS policies and priorities on the use of National School Lunch Act section 6(3) funds and also a review of the final draft of the Council's second annual report to the President and Congress on the results of its study and on its recommendations for administrative and legislative changes. The meeting will be open to the public. Additional information can be obtained by contacting the executive secretary, Herbert D. Rorex, at 202—447-8130.

Dated: January 12, 1973.

RICHARD E. LYNG,
Assistant Secretary and Chairman, National Advisory Council on Child Nutrition.

[FR Doc.73-1078 Filed 1-17-73;8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. A-468]

JAMES ARTHUR GUILMET, JR.

Notice of Transfer of Fishery

JANUARY 12, 1973.

James Arthur Guilmet, Jr., Post Office Box 711, Pelican, AK 99832 and Box 341, Sausalito, CA 94965, owner of the vessel Lone Fisherman purchased with the aid of a fisheries loan to engage in the fishery for salmon and tuna has requested permission to extend his fishing operations to engage in the fishery for salmon, tuna, and rockfishes.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before February 20, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.73-1044 Filed 1-17-73;8:45 am]

Office of Import Programs

BOSTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00187-01-77030. Applicant: Boston University, 675 Commonwealth Avenue, Boston, MA 02215. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended Use of Article: The article is intended to be used in training undergraduate and medical students in the following courses:

CH 203-204, Organic Chemistry; CH 221-222, Organic Chemistry; CH 229H-230H, Special Problems for Sophomores; CH 329-330H, Special Problems for Juniors; CH 401, Physical Chemistry III; and CH 429-430, Special Problems for Seniors. The article is also intended for graduate student and faculty research in such typical applications as the following: synthesis of cyclopropanes and cyclopropenes, conformational analysis of methylenedioxybenzene, synthesis of compounds for study of enzyme mechanisms, radiation chemistry and active nitrogen chemistry, equilibrium constants for C-H bonding, and structure and spectra of methyl nitrite.

Comments: No comments were received in respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant institution without excessive delay at the time the foreign article was ordered (August 28, 1970). Reasons: The foreign article is of the category that is customarily "produced on order" which is defined in § 701.2(j) of the Department's regulations as "an instrument, apparatus, or accessory which a manufacturer lists in a current catalog and is able and willing to produce and have available without unreasonable delay to the applicant." Section 701.11(b) of the regulations provides in pertinent part that "in determining whether a U.S. manufacturer is able and willing to produce a product on order, or custom-made instrument, apparatus, or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category."

The question of availability without unreasonable delay is associated with the issue of excessive delivery time which is explained in § 701.11(c) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The foreign article was ordered August 28, 1970. The applicant alleges that the Varian XL-100-15, the most closely comparable domestic instrument, was not available within a reasonable delivery period from the time of purchase. In a letter dated August 5, 1970, to the Department of Commerce regarding the availability of the Varian XL-100-15 system, Varian advised that the delivery time for the XL-100X15 system, was 6 to 8 months. Varian later advised in a letter dated August 26, 1971, to Boston University that the delivery time for the XL-100-15 system was 5 to 9 months. The delivery time for the foreign article was quoted as immediate. Actual delivery occurred within 1 month. The National Bureau of Standards (NBS) advises in its memorandum dated August 10, 1972, that the difference in delivery time [between the foreign article and the XL-100-15] is significant for the applicant's requirement for the use of the article during the 1970-71 academic year.

Accordingly, we find that the difference in delivery time between the foreign article and the Varian XL-100-15 to be excessive within the meaning of § 701.11(c) as it would seriously impair the accomplishment of the applicant's program.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-1110 Filed 1-17-73;8:45 am]

MIDLAND MACROMOLECULAR INSTITUTE, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before February 7, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00253-01-56030. Applicant: Midland Macromolecular Institute, a division of the Michigan Foundation for Advanced Research, 1910 West St. Andrews Drive, Midland, MI 48640. Article: Molecular weight apparatus, Model 117. Manufacturer: Nissei-Sangyo Co., Ltd., Japan. Intended use of article: The article is intended to be used to make measurements of solutions of various concentrations at various temperatures during studies to obtain a better understanding of properties of high molecular weight compounds and detergents. Specifically, in the high molecular weight compound study to investigate how the solution behavior influences film and fiber formation from solution and in the detergent study to investigate the solubilization of different compounds. Application received by Commissioner of Customs: November 20, 1972.

Docket No. 73-00263-65-46070. Applicant: University of Illinois at Urbana-Champaign, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of metals, semiconductors, ceramics, rocks, minerals, plastics, and biological specimens, Multiphase metal and ceramic materials will be examined with a view to obtaining information on the distribution of various phases present in the samples. Such phenomena as the distribution of binder material in pressed ceramic powders, will be studied. The article will also be used in the study of fiber reinforced materials where there is a discrepancy between the mean atomic number of fibers and the matrix being reinforced. Another study will involve study of these materials for the distribution of inorganic components which probably form one of the greatest sources of pollution in this country. The article will also be used in the course Chemistry-Biology 423-493 to teach graduate students from both physical and life sciences the theory and practical use of scanning electron microscopy. Application received by Commissioner of Customs: November 30, 1972.

Docket No. 73-00265-90-74700. Applicant: Haskins Laboratories, 270 Crown Street, New Haven, CT 06510. Article: One OVE IIIc Type 21001 Speech Synthesizer including circuit manual, cable set. Manufacturer: AB Fonema, Sweden. Intended use of article: The article is intended to be used in several aspects of a broad research program on the perception and production of speech. The objectives of this research are to produce synthetic speech of high quality in sufficient quantities to allow a realistic evaluation of synthesis as a solution to the problem of reading machines for the blind; to prepare carefully controlled synthetic speech recordings for use in psychological experiments on both the properties of speech that facilitate its perception; and on the neuromechanisms by which perception operates; to evaluate models of the articulatory process by generating synthetic speech computed for such models for perceptual evaluation; and to conduct other comparable research on the basic nature of speech communication. Application received by Commissioner of Customs: November 30, 1972.

Docket No. 73-00266-33-46500. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, MA 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for experiments on the permeability to macromolecules of the pathologically altered glomerulus. The deposition of immune complexes by immunocytochemical means, as well as localizing intracellular antigens will also be investigated. Application received by Commissioner of Customs: December 5, 1972.

Docket No. 73-00267-33-46500. Applicant: Mercy Hospital and Medical Center, Stevenson Expressway at King Drive, Chicago, Ill. 60616. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for experiments which include those inducing tumors in laboratory animals by known chemical carcinogens and oncogenic virus, establishment of cell cultures from human tumors, and normal tissues, treatment of such cultures with various reagents and those involving feeding pregnant rats on diets containing varying amounts of proteins and examining tissues from offsprings fed normal and low protein diets. Application received by Commissioner of Customs: December 5, 1972.

Docket No. 73-00268-33-46500. Applicant: College of Medicine and Dentistry of New Jersey, New Jersey Medical School, 100 Bergen Street, Newark, NJ 07103. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a training program to prepare inner-city residents for employment at entry-level positions at a health-medical center. After completion of class instruction and on-the-job training in laboratories, the trainee may either seek immediate employment at a technician level or enter specialty training to qualify for a higher position. The anatomy portion of this program is to provide these trainees with the ability to section material for light and electron microscopic study. Application received by Commissioner of Customs: December 5, 1972.

Docket No. 73-00269-33-46500. Applicant: University of California, Cancer Research Laboratory, 230 Warren Hall, Berkeley, CA 94720. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used during studies of various normal, precancerous, and cancerous tissues of the laboratory mouse, or cells from such tissues grown in culture to identify morphologically those aspects of cell behavior and interaction that are altered when cells escape from normal growth controls. Application received by Commissioner of Customs: December 5, 1972.

Docket No. 73-00270-33-46500. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN 55901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of peripheral nerve tissue from patients with peripheral neuropathy or from experimental animals with peripheral neuropathy to elucidate neuropathological mechanisms in fiber degeneration and related histological questions. The article will also be used by postdoctoral fellows working on projects or on master's theses in the neuropathological alteration of peripheral nerve tissue. Application received by Commissioner of Customs: December 5, 1972.

Docket No. 73-00271-01-19000. Applicant: University of California, Molecular Biology and Virus Laboratory, Room 229, Stanley Hall, Berkeley, CA 94720. Article: Digital precision density meter DMA 02 C. Manufacturer: Anton Paar K.G., Austria. Intended use of article: The article is intended to be used for research on the mechanism of action of the regulatory enzyme, aspartate transcarbamylase, which involves ultracentrifuge studies which provide valuable information about the structure and function of this enzyme in metabolic control. Rapid and precise measurements of densities of various types of solutions are needed for these ultracentrifuge studies. Density measurements of high precision of various types of nucleic acids, enzymes, and structural proteins, and a variety of viruses will also be carried out. The article will also be used for various laboratory courses—Molecular Biology Laboratory (201) and Techniques in Animal Cell Culture (Molecular Biology 241)—to teach modern laboratory techniques used in the study of viruses and control of regulation. Application received by Commissioner of Customs: December 1, 1972.

Docket No. 73-00278-33-46040. Applicant: Baylor College of Medicine, Department of Cell Biology, 1200 Moursund Avenue, Houston, TX 77025. Article: Electron microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to study the fine structure of gametogenic cells in testes and ovaries, as well as supporting and hormone secreting cells in these organs. Special attention will be given to (1) the junctional complexes which contribute to the blood-testis barrier, and the influence of hormones on the structure and development of these complexes; (2) the fine structure of spermatogonia; (3) the arrangement and biochemistry of filaments in sperm tails; and (4) the membranes of hormone receptor cells in ovaries and testes. The article will also be used in the courses Techniques of Electron Microscopy and Cytology to prepare students for careers as; (1) Research scientists in the morphological disciplines and cell biology and as (2) academicians who are competent to staff basic science departments in medical schools. Application received by Commissioner of Customs: December 7, 1972.

V38-12 JAN 18 73 XUM

Docket No. 73-00279-01-11000. Applicant: University of Minnesota, Department of Agriculture, St. Paul, Minn. 55101. Article: LKB-9000 Combined Gas Chromatograph. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to service ongoing research programs as well as an instructional device in teaching advanced undergraduate and graduate students the potentialities of using mass spectroscopy in solving their biochemical analytical problems. Specific projects in which the article will be used include:

1. Biosynthesis Studies and Identification of Mycotoxins,

2. The Glycosphingolipids and Glycosyl Hydrolases of Human Blood Platelets, and

3. Identification and Quantitation of Free Ceramides in Human Platelets. Application received by Commissioner of Customs: December 7, 1972.

Docket No. 73-00280-99-43595. Applicant: University of Connecticut, Storrs, Conn. 06268 Article: Betz Micromanometer, 250 mm range (2 each) Manufacturer: Instrumentenfabrik Van Essen N.V., Holland. Intended use of article: The article is intended to be used to determine precise pressure differences for air flows having velocities up to about 200 feet per second. Both static pressures and dynamic pressures are to be measured for air flows classed as low-speed wind-tunel flows. The experiments in progress include:

a. Calibration of hot-wire probes with small calibration wind-tunnel.

b. Boundary layer studies where dynamic pressure probes are used to measure mean velocities and to serve as a calibration standard for hot-wire work.

c. Continuous monitoring of wind-tunnel speed-setting using a pilot tube.

d. Air flow and static pressure evaluation for a two-phase air-water wave tunnel.

In addition the article will be used in the courses Civil Enginering 266, Hydraulic Engineering Laboratory; Mechanical Engineering 264, Experimental Mechanical Engineering Graduate Study in Fluid Dynamics; Civil Engineering 399 and 499 as well as Mechanical Engineering 399 and 499; Thesis Preparation for Masters and Doctor of Philosophy candidates to perform experimental work with fluids such as air, water, oil, etc. Application received by Commissioner of Customs: December 7, 1972.

Docket No. 73-00281-33-86500. Applicant: Columbia University, College of Physicians and Surgeons, 630 West 168 Street, New York, NY 10032. Article: Weissenberg Rheogoniometer, R.18. Manufacturer: Sangamo Controls Ltd., United Kingdom. Intended use of article: The article is intended to be used to study blood rheology under dynamic flow conditions. The experiments to be conducted will include shear stress measurements on normal blood and pathological blood under a variety of flow conditions. The article will also be used in the course Physiology G9051-2 (Research in Physiology) to teach graduate students modern techniques in physiological research and to demonstrate the biophysical principles of blood flow. Application received by Commissioner of Customs: November 24, 1972.

Docket No. 73-00282-91-75000. Applicant: University of Nebraska, 227 Nebraska Hall, Lincoln, Nebr. 69501. Article: Tecator System for Wet Digestion. Manufacturer: Tecator AB, Sweden. Intended use of article: The article is intended to be used in the Agronomy Department Analytical Laboratory which services most of the crop and soil research projects of the Nebraska Agricultural Experiment Stations as well as certain ARS projects. Such projects range from improving the protein content of wheat varieties and corn hybrids to soil fertility studies to account for a drop in the protein content of wheat produced in Western Nebraska to study of the effects of cattle feedlots on the environment. The article will also be used in the course Agronomy 457(857), Soil Chemical Measurements. Application received by Commissioner of Customs: December 11, 1972.

Docket No. 73-00283-33-46500. Applicant: University of Utah, Salt Lake City, Utah 84112. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of the normal, physiologic behavior of the aortic smooth muscle cell and its relation to vascular aging and atherosclerosis. In addition, the behavior of this cell in pathologic and deficiency status will be investigated. Application received by Commissioner of Customs: December 12, 1972.

Docket No. 73-00284-33-46500. Applicant: Boston University School of Medicine, Mallory Institute of Pathology, 784 Massachusetts Avenue, Boston, MA 02118. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a study devoted to the development of experimental models of emphysema in which particular attention will be paid to the initial injury and evolution of subsequent changes. The tissues studied will be lung and bronchus, each of which has a range of tissue consistency ranging from soft and compressible to hard and relatively unyielding. Application received by Commissioner of Customs: December 12, 1972.

Docket No. 73-00285-33-46500. Applicant: University of Illinois at Medical Center, 1737 West Polk Street, Chicago, IL 60612. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments to be conducted to demonstrate the normal fine structure of oral tissues, particularly mucosa during and after wounding, and salivary glands. In addition, the effects of pathologic states including precancerous conditions and conditions following x-irradiation, will be investigated. The article will also be used to generate teaching material in the courses Advanced Oral Pathology 401, Advanced Oral Pathology 402, Oral Pathology 325, elective course the Pathologic Basis of Oral Diseases, and the Electron Microscopy Seminar. Application received by Commissioner of Customs: December 12, 1972.

Docket No. 73-00286-33-46500. Applicant: Tennessee State University, 3500 Centennial Boulevard, Nashville, TN 37203. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments which involve an ultrastructural examination both spontaneous and induced thymic germinal centers in AKR mice. Emphasis will focus on virus and/or antigen localization in these centers as possible preleukemic conditions. Application received by Commissioner of Customs: December 12, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-1109 Filed 1-17-73;8:45 am]

Social and Economic Statistics Administration

SPECIAL ANNUAL SURVEY

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a survey on origin of exports by manufacturing plants, obtaining annual data on such exports for 1971 and 1972, under the authority of title 13, United States Code, sections 181, 224, and 225. This survey has been taken every 3 years starting with 1960 and on the basis of information and recommendations received by the Bureau of the Census the data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by this survey directly account for about 70 percent of total exports of manufactured products. The information to be developed from this survey is necessary to measure adequately the impact of manufactured exports, and employment attributable thereto, at the State, standard metropolitan statistical area and congressional district levels.

This survey, if conducted, shall begin not earlier than February 20, 1973.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census Bureau on or before February 20, 1973 will receive consideration.

Dated: January 12, 1973.

HAROLD C. PASSER,
Assistant Secretary
for Economic Affairs.

[FR Doc.73-1115 Filed 1-17-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

REGIONAL HEALTH ADVISORY COMMITTEE, REGION I

Notice of Meeting

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of January 1973.

Committee name	Date/time/place	Type of meeting and/or contact person
Regional Health Advisory Committee, Region I.	Jan. 25-26, 9:30 a.m., Conference Room 1507, John F. Kennedy Federal Bldg., Boston, Mass.	Open. Contact Natalie C. Freeman, Room 1409, John F. Kennedy Federal Bldg., Boston, Mass. Code 617—223-6255.

Purpose. Provides advice and guidance to the Regional Health Director on regional health policies, programs, and plans. Undertakes substantial review, study, and deliberations of those broad major health and health-related problems and opportunities which confront the region.

Agenda. The Committee will conduct an in-depth review of the Health Planning Council for Greater Boston, Inc.; discuss implementation of HR-1 as related to health planning; review experimental health service delivery system programs in Region I; and discuss health planning program evaluation strategies.

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: January 11, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator
for Management, Health
Services and Mental Health
Administration.

[FR Doc.73-1076 Filed 1-17-73;8:45 am]

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of title III, part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, on or before February 20, 1973, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, Division of Technology Development, National Center for Educational Technology, Office of Education, Code 525, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

Community Television of Southern California, 4400 Sunset Drive, Los Angeles, CA 90027, File No. 375-T, for the improvement of noncommercial television station KCET on Channel 28, Los Angeles, Calif. Project accepted as of October 12, 1967. Estimated project cost: °290,577. Grant requested: $217,933. Application signed by: Mr. James R. Berns, Director of Business Affairs.

University of New Hampshire, Durham, N.H. 03824, File No. 376-T, for the improvement of noncommercial educational television station WENH on Channel 11, Durham, N.H. Project accepted as of October 22, 1970. Estimated project cost: $176,116. Grant requested: $88,058. Application signed by: Mr. Robert N. Faiman, Vice President for Research and Special Program Administration.

State Educational Radio and Television Facility Board, Post Office Box 1758, Des Moines, IA 50306, File No. 377-T, for the improvement of noncommercial television station KDIN on Channel 11, Des Moines, Iowa. Project accepted as of April 20, 1971. Estimated project cost: $366,346. Grant requested: $191,588. Application signed by: Mr. John A. Montgomery, Executive Director.

Tennessee State Board of Education, 100-A Cordell Hull Building, Nashville, Tenn. 37219, File No. 378-T, for the improvement of the noncommercial educational television station WSJK on Channel 2, Sneedville, Tenn. Project accepted as of June 22, 1971. Estimated project cost: $240,651. Grant requested: $180,488. Application signed by: Mr. E. C. Stimbert, Chairman.

Clover Park School District No. 5214 Steilacoom Boulevard SW., Tacoma, WA 98499, File No. 379-T, for the improvement of noncommercial educational television station KPEC on Channel 56, Tacoma, Wash. Project accepted as of December 6, 1971. Estimated project cost: $95,690. Grant requested: $71,768. Application signed by: Mr. T. Olai Hageness, Superintendent.

Western New York Educational Television Association, Inc., Hotel Lafayette, Buffalo, N.Y. 14203, File No. 380-T, for the improvement of noncommercial educational television station WNED on Channel 17, Buffalo, N.Y. Project accepted as of December 6, 1971. Estimated project cost: $470,019. Grant requested: $352,514. Application signed by: Mr. J. Michael Collins, President.

Northeastern Pennsylvania Educational Television Association, 1824 Boulevard Avenue, Scranton, PA 18509, File No. 381-T, for the improvement of noncommercial educational television station WVIA on Channel 44, Scranton, Pa. Project accepted as of January 11, 1972. Estimated project cost: $240,000. Grant requested: $180,000. Application signed by: Mr. George H. Strimel, Executive Vice President and General Manager.

State Educational Radio and Television Facility Board, Post Office Box 1758, Des Moines, IA 50306, File No. 382-T, for the establishment of a noncommercial educational television station on Channel 32, Waterloo, Iowa. Project accepted as of July 3, 1972. Estimated project cost: $769,250. Grant requested: $471,750. Application signed by: Mr. John A. Montgomery, Executive Director.

Southwest Texas Educational Television Council, Post Office Box 7158, Austin, TX 78712, File No. 383-T, for the improvement of noncommercial educational television station KLRN on Channel 9, Austin, Tex. Project accepted as of July 12, 1972. Estimated project cost: $660,000. Grant requested: $495,000. Application signed by: Mr. R. F. Schenkkan, President and General Manager.

University of Utah, Salt Lake City, Utah 84112, File No. 384-T, for the improvement of noncommercial educational television station KUED on Channel 7, Salt Lake City, Utah. Project accepted as of July 25, 1972. Estimated project cost: $247,864. Grant requested: $185,898. Application signed by: Mr. W. S. Partridge, Vice President for Research.

Washington State University, Pullman, Wash. 99163, File No. 385-T, for the improvement of noncommercial educational television station KWSU on Channel 10, Pullman, Wash. Project accepted as of August 17, 1972. Estimated project cost: $375,035. Grant requested: $281,276. Application signed by: Mr. V. L. Shelton, Vice President, Finance.

Community Service Broadcasting of Mid-America, Inc., 2100 Stark, Kansas City, Mo. 64126, File No. 386-T, for the improvement of noncommercial educational television station KCPT on Channel 19, Kansas City, Mo. Project accepted as of August 28, 1972. Estimated project cost: $127,500. Grant requested: $95,625. Application signed by: Mr. Edward T. Matheny, Jr., President.

Board of Trustees of Michigan State University, East Lansing, Mich. 48823, File No. 387-T, for the improvement of noncommercial educational television station WKAR on Channel 23, East Lansing, Mich. Project accepted as of September 5, 1972. Estimated project cost: $1,222,000. Grant requested: $381,000. Application signed by: Mr. Roger E. Wilkinson, Vice President for Business and Finance.

State Educational Radio and Television Facility Board, 2801 Bell Avenue, Post Office Box 1758, Des Moines, IA 50306, File No. 388-T, for the establishment of a noncommercial educational television station on Channel 27, Sioux City, Iowa. Project accepted as of September 13, 1972. Estimated project cost: $759,355. Grant request: $463,207. Application signed by: Mr. John A. Montgomery, Executive Director.

Twin City Area Educational Television Corp., 1640 Como Avenue, St. Paul, MN, File No. 389-T, for the improvement of noncommercial educational television station KTCA on Channel 2, St. Paul, Minn. Project accepted as of September 13, 1972. Estimated project cost: $401,485. Grant requested: $301,114. Application signed by: Mr. John C. Schwarzwalder, Executive Vice President.

Nevada Educational Communications Commission, Carson City, Nev. 89701, File No. 390-T, for the establishment of a noncommercial educational television station on Channel 5, Reno, Nev. Project accepted as of September 14, 1972. Estimated project cost: $188,900. Grant requested: $141,509. Application signed by: Mr. Hugh J. Smith, Executive Director.

Central Texas College, Highway 190 West, Killeen, Tex. 76541. File No. 391-T, for the improvement of noncommercial educational television station KNCT on Channel 46, Killeen, Tex. Project accepted as of September 14, 1972. Estimated project cost: $412,650. Grant requested: $309,487. Application signed by: Mr. Phillip R. Swartz, Vice President for Finance and Development.

Board of Regents, University of Idaho, Moscow, Idaho 83843, File No. 392-T, for the expansion of noncommercial educational television station KUID on Channel 12, Moscow, Idaho. Project accepted as of August 24, 1972. Estimated project cost: $675,364. Grant requested: $480,364. Application signed by: Mr. Sherman Carter, financial vice president.

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Louisiana Educational Television Authority, 421 North Street, Baton Rouge, LA 70804, File No. 393–T, for the establishment of a noncommercial educational television station on Channel 27, Baton Rouge, La. Project accepted as of September 15, 1972. Estimated project cost: $1,050,844. Grant requested: $500,000. Application signed by: Mrs. Lucile R. Woodard, secretary.

Metropolitan Board of Education, 2601 Bransford Avenue, Nashville, TN 37204, File No. 394–T, for the expansion of noncommercial educational television station WDCN on Channel 8, Nashville, Tenn. Project accepted as of September 15, 1972. Estimated project cost: $1,181,871. Grant requested: $886,403. Application signed by: Mr. Elbert D. Brooks.

Spokane School District No. 81, West 825 Trent Avenue, Spokane, WA 99201, File No. 395–T, for the expansion of noncommercial television station KSPS on Channel 7, Spokane, Wash. Project accepted as of September 15, 1972. Estimated project cost: $758,550. Grant requested: $568,850. Application signed by: Mr. Walter J. Schaar, general manager, KSPS–TV.

University of Nebraska, 14th and R Streets, Lincoln, Nebr. 68508, File No. 396–T, for the improvement of noncommercial educational television station KUON on Channel 12, Lincoln, Nebr. Project accepted as of September 15, 1972. Estimated project cost: $59,041. Grant requested: $44,280. Application signed by: Mr. Francis L. Schmehl.

Grand Valley State College, Allendale, Mich. 49401, File No. 397–T, for the improvement of noncommercial educational television station WGVC on Channel 35, Allendale, Mich. Project accepted as of September 15, 1972. Estimated project cost: $123,000. Grant requested: $92,250. Application signed by: Mr. Arthur Hills, vice president for administration and academic affairs.

South Carolina ETV Commission, Drawer L, Columbia, S.C. 29250, File No. 398–T, for the establishment of a noncommercial educational television station on Channel 16, Beaufort, S.C. Project accepted as of September 15, 1972. Estimated project cost: $812,436. Grant requested: $487,460. Application signed by: Mr. Henry J. Cauthen.

Long Island Educational Television Council, Inc., Ellington Avenue, West, Garden City, N.Y. 11530, File No. 399–T, for the expansion of noncommercial educational television station WLIW on Channel 21, Garden City, N.Y. Project accepted as of September 15, 1972. Estimated project cost: $495,800. Grant requested: $367,800. Application signed by: Mr. Daniel T. Sweeney, president.

Community Television, Inc., 2037 Main Street, Jacksonville, FL 32206, File No. 400–T, for the improvement of noncommercial educational television station WJCT on Channel 7, Jacksonville, Fla. Project accepted as of September 15, 1972. Estimated project cost: $188,220. Grant requested: $141,170. Application signed by: Mr. Fred Rebman, President.

Public Broadcasting of Northwest Pennsylvania, Inc., Waterford Pike, Erie, Pa. 16509, File No. 401–T, for the improvement of noncommercial educational television station WQLN on Channel 54, Erie, Pa. Project accepted as of September 15, 1972. Estimated project cost: $434,425. Grant requested: $324,425. Application signed by: Mr. Louis I. Pollock, president.

Washburn University of Topeka, 17th and College, Topeka, Kans. 66621, File No. 402–T, for the improvement of noncommercial educational television station KTWU on Channel 11, Topeka, Kans. Project accepted as of September 15, 1972. Estimated project cost: $75,446. Grant requested: $56,585. Application signed by: Mr. John W. Henderson.

Memphis Community Television Foundation, Memphis State University, Box 80,000, Memphis, TN 38152, File No. 403–T, for the improvement of noncommercial educational television station WKNO on Channel 10, Memphis, Tenn. Project accepted as of September 15, 1972. Estimated project cost: $37,140. Grant requested: $27,855. Application signed by: Mr. Howard D. Hoist, treasurer.

University of Alaska, Fairbanks, Alaska 99701, File No. 404–T, for the expansion of noncommercial educational television station KUAC on Channel 9, College, Alaska. Project accepted as of September 15, 1972. Estimated project cost: $38,986. Grant requested: $29,239. Application signed by: Mr. Earl H. Beistline, Executive Officer and Provost.

Tacoma Public School District No. 10, 601 South Eighth Street, Tacoma, WA 98401, File No. 405–T, for the improvement of noncommercial educational television station KTPS on Channel 62, Tacoma, Wash. Project accepted as of September 15, 1972. Estimated project cost: $95,690. Grant requested: $71,768. Application signed by: Mr. Toney Shelton, Business Manager and Deputy Secretary.

Texas Technical University, Lubbock, Tex. 79409, File No. 406–T, for the improvement of noncommercial educational television station KTXT on Channel 5, Lubbock, Texas. Project accepted as of September 15, 1972. Estimated project cost: $361,925. Grant requested: $271,425. Application signed by: Mr. Glenn E. Barnett, Executive Vice President.

Eastern New Mexico University, Portales, N. Mex. 88130, File No. 407–T, for the establishment of a noncommercial educational television station on Channel 3, Portales, N. Mex. Project accepted as of September 15, 1972. Estimated project cost: $800,000. Grant requested: $600,000. Application signed by: Mr. Charles W. Meister, President.

Oklahoma Educational Television Authority, Norman, Okla. 73069, File No. 408–T, for the improvement of noncommercial educational television station KOED on Channel 11, Tulsa, Okla. Project accepted as of September 15, 1972. Estimated project cost: $207,515. Grant requested: $154,015. Application signed by: Mr. Robert L. Allen, Director.

Chicago Educational Television Association, 5400 North St. Louis Avenue, Chicago, Ill. 60625, File No. 409–T, for the improvement of noncommercial educational television station WXXW on Channel 20, Chicago, Ill. Project accepted as of September 15, 1972. Estimated project cost: $461,820. Grant requested: $346,000. Application signed by: Mr. William J. McCarter, Vice President.

State of Oregon, acting by and through the State Board of Higher Education, Post Office Box 3175, Eugene, OR 97403, File No. 410–T, for the expansion and improvement of noncommercial television stations KOAP, Portland—Channel 10; and KOAC, Corvallis—Channel 7. Project accepted as of September 15, 1972. Estimated project cost: $712,081. Grant requested: $533,979. Application signed by: Mr. Donald R. Larson, Assistant Chancellor.

Evansville-Vanderburgh School Corporation, 1 Southeast Ninth Street, Evansville, IN 47708, File No. 411–T, for the expansion of noncommercial educational television station WNIN on Channel 9, Evansville, Ind. Project accepted as of September 15, 1972. Estimated project cost: $291,700. Grant requested: $218,700. Application signed by: Mr. Wilmer K. Bugher, Superintendent.

State Board of Education, acting as trustees for Idaho State University, Pocatello, Idaho 83201, File No. 412–T, for the improvement of noncommercial educational television station KBGL on Channel 10, Pocatello, Idaho. Project accepted as of September 15, 1972. Estimated project cost: $86,700. Grant requested: $65,025. Application signed by Mr. W. O. Witherspoon, Executive Assistant to the President.

Kentucky State Board of Education, State Office Building, Frankfort, Ky. 40502, File No. 413–T, for the expansion of noncommercial educational television station WKLE on Channel 46, Lexington, Ky. Project accepted as of September 15, 1972. Estimated project cost: $153,365. Grant requested: $108,024. Application signed by: Mr. O. Leonard Press, Executive Director, Kentucky Authority for Educational Television.

Arizona Board of Regents for Arizona State University, Tempe, Ariz. 85281, File No. 414–T, for the improvement of noncommercial educational television station KAET on Channel 8, Phoenix, Ariz. Project accepted as of September 15, 1972. Estimated project cost: $349,980. Grant request: $262,485. Application signed by: Mr. Gilbert L. Cady, Vice President of Business Affairs.

Regents of the University System of Georgia for and on behalf of University of Georgia, 224 Washington Street SW., Atlanta, GA 30303, File No. 415–T, for the improvement of noncommercial educational television station WGTV on Channel 8, Athens, Ga. Project accepted as of September 15, 1972. Estimated project cost: $164,800. Grant requested: $123,000. Application signed by: Mr. Fred C. Davison, President, University of Georgia.

San Diego State University Foundation, 5402 College Avenue, San Diego, CA 92115, File No. 416–2, for the expansion of noncommercial educational television station KPBS on Channel 15, San Diego, Calif. Project accepted as of November 15, 1972. Estimated project cost: $203,557. Grant requested: $152,669. Application signed by: Mr. Ernest B. O'Byrne, Vice President for Administration.

Arkansas ETV Commission, 350 South Donaghey, Conway, Ark. 72032, File No. 417–T, for the improvement of noncommercial educational television station KETS on Channel 2, Little Rock, Ark. Project accepted as of November 15, 1972. Estimated project cost: $154,100. Grant requested: $115,575. Application signed by: Mr. E. T. Shuffield, Chairman.

Ohio Educational Television Network Commission, 2470 North Star Road, Columbus, OH 43221, File No. 418–T, for the improvement of a noncommercial television station WNEO–TV on Channel 45, Alliance, Ohio. Project accepted as of November 16, 1972. Estimated project cost: $913,500. Grant requested: $685,125. Application signed by: Mr. Dave L. Fornshell, Executive Director.

EDUCATIONAL RADIO

Pacifica Foundation, Inc., 2217 Shattuck Avenue, Berkeley, CA 94704, File No. 118–R, for the improvement of noncommercial educational radio station KPFA–FM on Channel 231, Berkeley, Calif. Project accepted as of January 24, 1972. Estimated project cost: $50,452. Grant requested: $37,563. Application signed by: Mr. A. Silbowitz, general manager, KPFA–FM.

The University of Texas at Austin, Communication Center, Post Office Box 7158, Austin, TX 78712, File No. 119–R, for the expansion of noncommercial radio station KUT–FM on Channel 213, Austin, Tex. Project accepted as of July 12, 1972. Estimated project cost: $220,781. Grant requested: $165,511. Application signed by: Mr. Stephen H. Spurr, president.

Minnesota Educational Radio, Inc., Collegeville, Minn. 56321, File No. 120–R, for the establishment of a noncommercial educational FM radio station on Channel 219, Pipestone, Minn. Project accepted as of August 8, 1972. Estimated project cost: $157,843. Grant requested: $118,382. Application signed by: Mr. William H. Kling, president.

University of Utah, Salt Lake City, Utah 84112, File No. 121–R, for the expansion of noncommercial educational radio station KUER–FM on Channel 211, Salt Lake City, Utah. Project accepted as of September 5, 1972. Estimated project cost: $55,822. Grant requested: $41,862. Application signed by: Mr. W. S. Partridge.

Kent State University, Kent, Ohio 44242, File No. 122–R, for the expansion of noncommercial educational radio station WKSU–FM on Channel 209, Kent, Ohio. Project accepted as of September 5, 1972. Estimated project cost: $52,993. Grant requested: $39,743. Application signed by: Dr. Fay R. Biles, Vice President for Public Affairs and Development.

Central Texas College, Highway 190 West, Killeen, Tex. 76541, File No. 123–R, for the expansion of noncommercial educational radio station KNCT–FM on Channel 217, Killeen, Tex. Project accepted as of September 14, 1972. Estimated project cost: $22,267. Grant requested: $12,221. Application signed by: Mr. Phillip R. Swartz, Vice President for Finance and Development.

California State University, San Diego, Calif. 92115, File No. 124–R for the improvement of noncommercial educational radio station KPBS–FM on Channel 208 at San Diego, Calif. Project accepted as of September 15, 1972. Estimated project cost: $31,497. Grant requested: $23,625. Application signed by: Mr. Ernest B. O'Byrne, Vice President for Administration, CSU–SD.

University of Texas at El Paso, Box 328, El Paso, TX 79968, File No. 125–R, for the expansion of noncommercial educational radio station KTEP–FM on Channel 203, El Paso, Tex. Project accepted as of September 15, 1972. Estimated project cost: $120,000. Grant requested: $90,000. Application signed by: Mr. J. R. Smiley, President.

San Francisco Unified School District, 135 Van Ness Avenue, San Francisco, CA 94102, File No. 126–R, for the expansion of noncommercial educational radio station KALW–FM on Channel 219, San Francisco, Calif. Project accepted as of September 15, 1972. Estimated project cost: $45,940. Grant requested: $34,440. Application signed by: Mr. Steven P. Morena, Superintendent.

South Carolina Educational Television Commission, Drawer L, Columbia, S.C. 29260, File No. 127–R, for the establishment of a noncommercial educational FM radio station on Channel 201, Sumter, S.C. Project accepted as of September 15, 1972. Estimated project cost: $157,502. Grant requested: $118,126. Application signed by: Mr. Henry J. Cauthen, General Manager.

Minnesota Educational Radio, Inc., Collegeville, Minn. 56321, File No. 128–R, for the establishment of a noncommercial educational FM radio station on Channel 219, Rushford, Minn. Project accepted as of September 15, 1972. Estimated project cost: $124,604. Grant requested: $93,453. Application signed by: Mr. William H. Kling, President.

University of Northern Iowa, Cedar Falls, Iowa 50613, File No. 129–R, for the expansion of noncommercial educational radio station KUNE–FM on Channel 215, Cedar Falls, Iowa. Project accepted of September 15, 1972. Estimated project cost: $249,452. Grant requested: $187,089. Application signed by: Dr. John Kamerick, President.

Board of Trustees for the Vincennes University, 1002 North First Street, Vincennes, IN 47591, File No. 130–R, for the expansion of noncommercial educational radio station WVUB–FM on Channel 216, Vincennes, Ind. Project accepted as of September 15, 1972. Estimated project cost: $119,390. Grant requested: $89,542. Application signed by: Mr. Isaac K. Beckes, president.

University of Alaska, Fairbanks, Alaska 97701, File No. 131–R, for the expansion of noncommercial educational radio station KUAC–FM on Channel 284, College, Alaska. Project accepted as of September 15, 1972. Estimated project cost: $34,512. Grant requested: $25,884. Application signed by: Mr. Earl H. Beistline, executive officer and provost.

University of Tennessee, 232 Communications and Extension Building, Knoxville, Tenn. 37916, File No. 132–R, for the expansion of noncommercial educational radio station WUOT–FM on Channel 220, Knoxville, Tenn. Project accepted as of September 15, 1972. Estimated project cost: $119,207. Grant requested: $89,405. Application signed by: Mr. Kenneth D. Wright, associate vice president for Continuing Education.

Ohio State University, 190 North Oval Drive, Columbus, OH 43210, File No. 133–R, for the expansion of noncommercial educational radio station WOSU–FM on Channel 209, Columbus, Ohio. Project accepted as of September 15, 1972. Estimated project cost: $54,744. Grant requested: $32,744. Application signed by: Mr. Burkett Farquhar, associate director, The Telecommunications Center.

Kaulkeaouli Institute, Box 5239, Honolulu, Hawaii 96814, File No. 134–R, for the establishment of a noncommercial educational FM station on Channel 205, Honolulu, HI. Project accepted as of September 15, 1972. Estimated project cost: $43,592. Grant requested: $32,591. Application signed by: Mr. Arthur W. Beckes.

Arkansas State University, Radio Station KASU, Box 4–B, Jonesboro, AR 72467, File No. 135–R, for the expansion of noncommercial educational radio station KASU–FM on Channel 220, Jonesboro, Ark. Project accepted as of September 15, 1972. Estimated project cost: $91,595. Grant requested: $68,696. Application signed by: Mr. Carl R. Reng, president.

Brookdale Community College, 765 Newman Springs Road, Lincroft, NJ 07738, File No. 136–R, for the establishment of a noncommercial educational FM radio station on Channel 257, Lincroft, N.J. Project accepted as of September 15, 1972. Estimated project cost: $63,663. Grant requested: $47,748. Application signed by: Mr. Ervin L. Harlacher, president.

Research Foundation of State University of New York, in behalf of State University of New York at Buffalo, Post Office Box 7126, Albany, NY 12224, File No. 137–R, for the expansion of noncommercial educational radio station WBFO–FM on Channel 204, Buffalo, N.Y. Project accepted as of September 15, 1972. Estimated project cost: $38,570. Grant requested: $25,712. Application signed by: Mr. Winfred R. Widmer, assistant director for administration.

Western Michigan University, Kalamazoo, Mich. 49001, File No. 138–R, for the expansion of noncommercial educational radio station WMUK–FM on Channel 271, Kalamazoo, Mich. Project accepted as of September 15, 1972. Estimated project cost: $43,142. Grant requested: $32,356. Application signed by: Mr. James W. Miller, president.

San Bernardino Community College District, 701 Mount Vernon Avenue, San Bernardino, CA 92403, File No. 139–R, for the expansion of noncommercial educational radio station KVCR–FM on Channel 220, San Bernardino, Calif. Project accepted as of September 15, 1972. Estimated project cost: $38,367. Grant requested: $23,790. Application signed by: Mr. Raymond F. Ellerman, superintendent.

University of Maine, Alumni Hall, Orono, Maine 04473, File No. 140–R, for the establishment of a noncommercial educational FM radio station on Channel 211, Portland, Maine. Project accepted as of September 19, 1972. Estimated project cost: $190,244. Grant requested: $142,683. Application signed by: Mr. Harry W. Gordon, treasurer.

Board of Trustees of Michigan State University, East Lansing, Mich. 48823, File No. 141–R, for the improvement of noncommercial educational radio station WKAR–FM on Channel 213, East Lansing, Mich. Project accepted as of September 15, 1972. Estimated project cost: $109,519. Grant requested: $67,019. Application signed by: Mr. Roger E. Wilkinson, vice president for business and finance.

Tulsa Public Radio Associates, Box 4403, Tulsa, OK 74104, File No. 142–R, for the establishment of a noncommercial educational FM radio station on Channel 217, Tulsa, Okla. Project accepted as of September 15, 1972. Estimated project cost: $93,585. Grant requested: $65,876. Application signed by: Mr. R. Eric Nelson, president.

Florida East Coast Educational Television, Inc., 2908 West Oak Ridge Road, Orlando, FL 32809, File No. 143–R, for the establishment of a noncommercial educational FM radio station on Channel 214, Orlando, Fla. Project accepted as of November 15, 1972. Estimated project cost: $234,270. Grant requested: $175,703. Application signed by: Mr. Ronald D. Morrisseau, executive vice president and general manager.

Curators of University of Missouri, University Hall, Columbia, Mo. 65201, File No. 144–R, for the expansion of noncommercial educational radio station KCUR–FM on Channel 207, Kansas City, Mo. Project accepted as of October 16, 1972. Estimated project cost: $222,837. Grant requested: $167,128. Application signed by: Mr. Dale O. Bowling, vice president for business management.

Central Missouri State University, Warrensburg, Mo. 64093, File No. 145–R, for the expansion of noncommercial educational radio station KCMW–FM on Channel 215, Warrensburg, Mo. Project accepted as of November 13, 1972. Estimated project cost: $83,170. Grant requested: $62,377. Application signed by: Mr. Warren C. Lovinger, president.

Public Television Foundation for North Texas, 3000 Harry Hines Boulevard, Dallas, TX 75201, File No. 146–R, for the establishment of a noncommercial educational FM radio station on Channel 211, Dallas, Tex. Project accepted as of November 16, 1972. Estimated project cost: $123,422. Grant requested: $92,567. Application signed by: Mr. Robert A. Wilson, executive vice president.

Birmingham Public Radio, Inc., North Dormitory, Box 125, Birmingham Southern College, Birmingham, AL 35204, File No. 147–R, for the establishment of a noncommercial educational FM radio station on Channel 220, Birmingham, Ala. Project accepted as of November 16, 1972. Estimated project cost: $61,764. Grant requested: $46,267. Application signed by: Ms. Joan W. Scott, president, Birmingham Public Radio.

Streetsboro City Schools, 9000 Kirby Lane, Streetsboro, OH 44240, File No. 148–R, for the expansion of noncommercial educational radio station WSTB–FM on Channel 218, Streetsboro, Ohio. Project accepted as of November 16, 1972. Estimated project cost: $55,219. Grant requested: $41,414. Application signed by: Mr. Lowell B. Myers, superintendent.

This notice issued in Washington, D.C.

JOHN R. OTTINA,
Acting U.S.
Commissioner of Education.

[FR Doc.73–951 Filed 1–17–73;8:45 am]

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NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463 that the next meeting of the National Advisory Committee on Handicapped Children will be held on February 1-3, 1973, at 9 a.m., local time, in the Plaza Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue NW., Washington, DC.

The National Advisory Committee on Handicapped Children was established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee will be open to the public. The proposed agenda includes Congressional reports regarding pending legislation on the handicapped. Records will be kept of all committee proceedings (and shall be available for public inspection at the Office of the Associate Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C. 20202).

Signed at Washington, D.C. on December 8, 1973.

EDWIN W. MARTIN,
Associate Commissioner, Bureau of Education for the Handicapped.

[FR Doc.73-1056 Filed 1-17-73;8:45 am]

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegation of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to reflect the reorganization of the Office of the Assistant Administrator, Financial Management, and to transfer the Division of General Services from the Office of the Assistant Administrator for Administration to the Office of the Assistant Administrator, Financial Management. For such purposes, section 5-B is amended as follows:

Delete the Division of General Services from the Office of the Assistant Administrator for Administration. Strike out all that follows under the heading "Office of the Assistant Administrator, Financial Management" and insert in lieu thereof the following:

Provides overall financial management for the Social and Rehabilitation Service and its programs. Provides centralized general services support to all SRS components. Functions of the Office include staff leadership, guidance, and direction on: Budget development and execution; development of budget policies and procedures; accounting and auditing policies and procedures; grant administration; and general services. Serves as the contact point for the Social and Rehabilitation Service with the Office of the Secretary and the General Services Administration on financial and general services matters.

DIVISION OF BUDGET

Responsible for the preparation, justification and execution of the total Social and Rehabilitation Service budget and for the coordination of all SRS budget activities.

DIVISION OF FINANCE

Responsible for the development, implementation, and administration of the Social and Rehabilitation Service accounting system. Establishes fiscal and accounting policies and procedures; reviews the adequacy and effectiveness of plans, policies, and accounting operations for the provision of financial data to SRS management, HEW, OMB, and Treasury. Conducts a continuing evaluation of the financial system, implementing improvements to assure that the systems meet SRS, HEW, and regulatory requirements.

DIVISION OF PROJECT GRANTS ADMINISTRATION

Develops and publishes SRS project grants administration policies and procedures including the implementation of HEW grants policy. Coordinates with other SRS elements on policy that affects both formula and project grants.

Provides grants administration services for all project grants awarded by the SRS Central Office, which include: Receiving applications; operating the project referral system; reviewing financial and expenditure reports; participating in review of applications; obtaining required clearances; preparing grant awards and correspondence; maintaining records for fund control; maintaining grant files; providing information required for management and budgetary purposes; providing consultation to grantees, program elements, and regions; and resolving problems related to payment systems.

Provides training, technical assistance and guidance to regional project grants management staffs; reviews and coordinates regional grants management operations for all decentralized project grant programs.

Develops audit policies and standards for SRS and provides for the resolution of audit exceptions. Maintains a centralized project grants information system for all SRS project grants. Develops SRS forms and procedures to be utilized by SRS in coordination with the program elements. Establishes and maintains necessary obligation and expenditure control systems in coordination with program elements.

DIVISION OF STATE GRANTS ADMINISTRATION

Maintains financial control over grants to the States for the Public Assistance and Work Incentives Programs; develops the Secretary's estimate of quarterly expenditures for Public Assistance as required by the Social Security Act in coordination with the applicable program elements; prepares and issues grant award notices to the States. Administers the cost allocation policy under OMB Circular A-87 and develops cost control factors in coordination with program elements. Reviews proposed and existing legislation and federal regulations providing comments on financial implications of proposals and develops implementing instructions to exercise financial controls necessary for effective administration. Participates with the Community Services Administration in the development of guidelines for the preparation by the States of Program and Financial Plans for Social Services and Work Incentives Programs to ensure that they provide an adequate basis for financial control and accountability. Reviews approved State Plans to ensure that they provide an adequate basis for financial control and accountability. Performs a financial review of approved Program and Financial Plans and other financial planning documents for conformance with law, regulation, approved State Plans, cost allocation policy and cost control factors to monitor regional performance in approval of such plans. Maintains liaison with the General Accounting Office and the HEW Audit Agency; provides a central point in SRS for coordination of action on GAO audit reports and for coordination of financial action on HEW audit reports; identifies evidence of inappropriate claims or payments under Public Assistance grants and initiates action to correct reported deficiencies and to investigate the applicability of the specific findings to all expenditures under such grants. Provides training, technical assistance, and guidance to the Regional Staff concerning the maintenance of financial control over Public Assistance and Work Incentive grants; coordinates with Regions on individual State problems.

DIVISION OF GENERAL SERVICES

Provides consultative assistance and advice on all general services activities for the Social and Rehabilitation Service including: contract development and administration; technical procurement management; personal and real property management; paperwork management; committee management; printing management and reproduction services; communication services; safety management; and all related activities. Provides administrative support services and develops policy in these areas for SRS.

Dated: January 12, 1973.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.73-1134 Filed 1-17-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

INTERIM STANDARD MICROWAVE LANDING SYSTEM

Invitation for Comments on Policy Statement: Addendum

The Federal Aviation Administration on December 22, 1972, published in the FEDERAL REGISTER (37 FR 28311) an Invitation for Comments on Policy Statement relating to the Interim Standard Microwave Landing System (ISMLS).

It was stated therein that "(i)n order to ensure that the system selected will meet the broadest spectrum of user requirements in the most efficient and economic manner, each user and potential user of the interim standard MLS is requested to comment on the operational, technical, and economic aspects involved." Although comments were invited, no specific comment period was established. The purpose of this addendum is to designate a definite comment period.

Accordingly, all comments should be submitted to:

Interim Standard MLS Working Group, Attention: Mr. D. Sheftel, AQS-1, or Mr. L. Parrish, AOP-4, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

on or before February 5, 1973.

JAMES H. MOLLENAUER,
Acting Associate Administrator for Engineering and Development.

JANUARY 10, 1973.

[FR Doc.73-1105 Filed 1-17-73;8:45 am]

Federal Railroad Administration

[FRA-Pet-No. 74]

GREEN MOUNTAIN RAILROAD CORP.

Notice of Petition for Exemption From Hours of Service Act

JANUARY 12, 1973.

The Green Mountain Railroad Corp. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a (e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 74, 400 Seventh Street SW., Washington, DC 20590. Communications received before February 16, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.73-1104 Filed 1-17-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Notice and Order for Evidentiary Hearing

On June 22, 1972, the Commission published in the FEDERAL REGISTER (37 FR 12337), a notice of consideration of issuance of a facility operating license to the Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. (Applicants) for a license to operate a pressurized water reactor identified as the Kewaunee Nuclear Power Plant, at a steady state power level up to a maximum of 1,650 megawatts thermal, at the Applicants' site in Kewaunee County, Wis. By a joint petition dated July 24, 1972, Businessmen for the Public Interest (BPI) and Protect Our Wisconsin Enivronmental Resources (POWER) requested that they be permitted to intervene as parties.

By memorandum and order and notice of hearing, dated September 9, 1972, the Commissioners directed that a hearing on the Applicants' request for an operating license should be held and that the petitioners should be admitted as Intervenors. The notice designated this Atomic Safety and Licensing Board to conduct the hearing.

Prehearing conferences, called by the Board, were held on November 15, 1972, and January 10, 1973, in preparation for the evidentiary session. During the first prehearing conference, the Brown County Chapter of the Issac Walton League of America, Inc., on a showing of good cause, and no party objecting, was permitted to intervene, provided that it will join with the other intervenors as one party and be represented by their counsel.

Take notice and *it is hereby ordered*, That the initial session of the evidentiary hearing in this proceeding shall convene at the Kewaunee County Courthouse, 613 Dodge Street, Kewaunkee, WI 54216, at 10 a.m., local time, on Wednesday, February 7, 1973.

All persons having filed a request for limited appearance will be afforded an opportunity to present their comments and views on the first day.

The following general agenda will be followed:

1. Preliminary matters by the Board.
2. Limited appearances.
3. Opening statements of the parties.
4. Preliminary matters by the parties.
5. Consideration of stipulations, if any.
6. Introduction of testimony.
7. Closing matters.

It is so ordered.

Issued at Washington, D.C., this 12th day of January 1973.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-1043 Filed 1-17-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25021]

EMPRESA GUATEMALTECA DE AVIACION

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Amendment Merida, Mexico, as an Intermediate Point

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 6, 1973, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 30, 1973.

Dated at Washington, D.C., January 12, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-1136 Filed 1-17-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 17]

CHAIRMAN OF PAY BOARD

Delegation of Interim Authority

Pursuant to the authority delegated to me by Cost of Living Council Order No. 14, and for the purpose of insuring the orderly and appropriate disposition of actions in process and to effectuate an orderly transfer of stabilization functions, it is hereby on an interim basis, subject to change, ordered as follows:

1. There is hereby delegated to the Chairman of the Pay Board, acting on behalf of the Pay Board, subject to the general policy guidance of and coordination with the Director of the Cost of Living Council, or his delegate, authority to process, decide, issue decisions and orders, and otherwise act on requests for Pay Board actions including requests for exception cases, Pay Board and party-at-interest challenge cases, executive compensation cases and nonunion construction cases, and related matters,

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which were filed with the Pay Board or its delegate on or before January 10, 1973, and which involve requests for pay adjustments, or other Pay Board action, to be effective on or before January 10, 1973.

2. The cases referred to in paragraph 1 above shall be processed, acted on, and decided in accordance with Pay Board regulations, orders, including delegation orders, and rulings in effect on January 10, 1973. Actions pursuant to this delegation shall be taken in the name of the Chairman of the Pay Board, as appropriate and shall be reviewable only as provided in Pay Board regulations in effect on January 10, 1973.

3. There is hereby delegated to the Chairman of the Pay Board whatever further authority is necessary to carry out the functions set forth above.

4. This order shall be effective January 11, 1973.

DONALD RUMSFELD,
Director, Cost of Living Council.

[FR Doc.73-1231 Filed 1-17-73;10:18 am]

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1344) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing establishment of tolerances (40 CFR Part 180) for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodities filberts and walnuts at 0.5 part per million.

The analytical methods proposed in the petition for determining residues of the plant regulator are procedures in which the residues are esterified with diazomethane and then analyzed by gas chromatography with an alkali thermionic detector for filberts and a flame photometric detector for walnuts.

Dated: January 11, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1048 Filed 1-17-73;8:45 am]

CIBA-GEIGY CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 3F1342) has been filed by CIBA-GEIGY Corp., Ardsley, N.Y. 10502, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide *N*-(cyclopropylmethyl)-α,α,α-trifluoro-2,6-dinitro-*N*-propyl-*p*-toluidine in or on the raw agricultural commodities soybeans and soybean forage at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with electron capture detection.

Dated: January 11, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1049 Filed 1-17-73;8:45 am]

CHEVRON CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1335) has been filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide paraquat cation derived from application of either the dichloride or bis(methylsulfate) salt (calculated in both instances as the cation) in or on the raw agricultural commodity guava at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residues are reduced by reaction with sodium dithionite to an unstable free radical that has an intense blue color. The color intensity is determined spectrophotometrically at 395 nanometers.

Dated: January 10, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1051 Filed 1-17-73;8:45 am]

CHEVRON CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1336) has been filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of a tolerance (40 CFR Part 180) for residues of the herbicide paraquat cation derived from application of either the dichloride or the bis(methylsulfate) salt (calculated in both instances as the cation) in or on the raw agricultural commodity passion fruit at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residues are reduced by reaction with sodium dithionite to an unstable free radical of intense blue color. The color intensity is determined spectrophotometrically at 395 nanometers.

Dated: January 10, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1050 Filed 1-17-73;8:45 am]

MONSANTO CO.

Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1334) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, proposing establishment of tolerances (40 CFR Part 180) for residues of the herbicide 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide and its metabolites (calculated as 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) in or on the raw agricultural commodities peanut forage at 2.5 parts per million and peanut hulls at 1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-liquid chromatographic technique using a hydrogen flame-ionization detector.

Dated: January 11, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1052 Filed 1-17-73;8:45 am]

RHODIA, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1337) has been filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the insecticide phosalone in or on the raw agricultural commodity potatoes at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with an electron-capture detector.

Dated: January 10, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1053 Filed 1-17-73;8:45 am]

UNION CARBIDE CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1330) has been filed by Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, DC 20006, proposing establishment of an interim tolerance for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) and its metabolite 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate, in eggs at 0.5 part per million.

The analytical method proposed in the petition for determining residues of the insecticide involves a colorimetric determination at 475 nanometers using *p*-nitrobenzenediazonium fluoroborate as the reagent.

Dated: January 11, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1055 Filed 1-17-73;8:45 am]

W. R. GRACE & CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1329) has been filed by W. R. Grace & Co., Washington Research Center, Clarksville, Md. 21029, proposing establishment of tolerances (40 CFR Part 180) for residues of the fungicide ammonium isobutyrate in or on the raw agricultural commodities alfalfa, Bermuda grass, brome grass, clover, fescue, lespedeza, orchard grass, and timothy at 20,000 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is a gas chromatographic procedure with flame ionization detection.

Dated: January 11, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1054 Filed 1-17-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Secretary

JANUARY 12, 1973.

The Federal Power Commission by order issued April 6, 1971, established an Executive Advisory Committee of the National Gas Survey.

1. *Secretary.* A new Secretary to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

William J. Drescher, Deputy Chief, Bureau of Natural Gas Federal Power Commission.

Mr. Drescher will fill the position vacated by the resignation of Mr. James F. Simes, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1130 Filed 1-17-73;8:45 am]

[Project No. 2307]

A. J. INDUSTRIES, INC. AND JUNEAU HYDROELECTRIC INC.

Notice of Application for Transfer of Major License

JANUARY 11, 1973.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Juneau Hydroelectric, Inc. (Transferor) and Alaska Electric Light & Power Co. (Transferee), (Correspondence to: Mr. George A. Fitzpatrick, President, Juneau Hydroelectric, Inc., 10889 Wilshire Boulevard, Suite 1240, Los Angeles, CA 90024; and Mr. Franz D. Nagel, General Manager, Alaska Electric Light & Power Co., 134 Franklin Street, Juneau, AK 99801) for transfer of major license of the Salmon Annex Creek Project No. 2307 located in the First Judicial Division, Alaska, in the vicinity of the city of Juneau, affecting lands of the United States within the Tongass National Forest and U.S. lands excluded therefrom by Juneau Townsite Elimination Survey No. 1762 on the Salmon Creek, a tributary to Gastineau Channel, lying wholly within the Juneau Townsite boundary and on Annex Cheek lying wholly within the Tongass National Forest.

On October 16, 1972, Juneau Hydroelectric, Inc., and Alaska Electric Light & Power Co., filed a joint application for Commission approval of a second transfer of the license for the Salmon and Annex Creek Project No. 2307. The application for the first transfer of the license for the aforementioned project was filed by A. J. Industries, Inc. on July 20, 1972. A. J. Industries, Inc., sought Commission approval to transfer its license to its wholly owned subsidiary, Juneau Hydroelectric, Inc. Public notice of that application was given on September 13, 1972. The objective of the two applications is to consummate the transfer of the license for Project No. 2307 from A. J. Industries, Inc., to Alaska Electric Light & Power Co.

The Salmon and Annex Creek project is comprised of three hydroelectric developments. The Salmon Creek No. 1 Development consists of a 4-foot by 5-foot wood flume 9,876 feet long extending from the tailrace of Powerhouse No. 2 to a forebay and two steel penstocks 1,625 feet long varying in diameter from 42 to 30 inches extending from the forebay to Powerhouse No. 1, containing two 1,400 kw. generators. Salmon Creek No. 2 Development consists of a concrete arch dam 170 feet high with a 648-foot crest (including spillway) on Salmon Creek, creating a reservoir with a storage capacity of 19,000 acre-feet, and steel pipe conduit 4,477 feet long varying in diameter from 40 to 30 inches extending to Powerhouse No. 2, containing two 1,400 kw. generators.

Annex Creek Development is the third hydroelectric development of the Salmon and Annex Creek project. It consists of a wood-frame buttress dam 25 feet high and 115 feet long on Upper Annex Creek creating a reservoir with a storage capacity of 23,400 acre-feet; an 8 by 8-foot tunnel 1,418 feet long, the last 250 feet of which is lined with a 78-inch diameter steel liner; and 6,409 feet of 42-inch and 703 feet of 36-inch steel pipe extending to a powerhouse containing two 1,750 kw. generators; and the project also consists of interconnected transmission lines and other necessary appurtenances.

Any person desiring to be heard or to make protests with reference to said application should on or before February 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1124 Filed 1-17-73;8:45 am]

[Docket No. G-10354]

ATLANTIC RICHFIELD CO.

Order Establishing Date for Hearing for Issuance of Certificates for Sales of Gas From Acreage Claimed to be Uncommitted

JANUARY 12, 1973.

On October 24, 1972, Atlantic Richfield Co. (Atlantic) in Docket No. G-10354 filed pursuant to the provisions of section 16 of the Natural Gas Act and § 1.7 of the Commission's rules of practice and procedure for temporary certificates to initiate sales allegedly of additional volumes of gas. Sales are to be made from various fields in Hardin, et al., counties, Texas District No. 3 at an initial rate of 24 cents to Texas Eastern Transmission Corp. (Texas Eastern).

Economic hardship is cited as the basis for the temporary request. Atlantic claims it is entitled to charge the proposed rate of 24 cents for the sales of the additional volumes because the original

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contracts to which the acreage was dedicated expired under their own terms on November 1, 1972. Therefore Atlantic states that all sales made from such acreage thereafter are sales from "uncommitted" acreage, and, consequently are entitled to the "new gas" price in lieu of the "old gas" price.

Atlantic also filed letters dated October 20, 1972, as to interim rate schedules while new contracts are being negotiated for the sale of the additional volumes. Atlantic states that it will continue to sell the gas to Texas Eastern under the same general terms and conditions of the original contracts with the exception of the conditions pertaining to price.

The gas involved herein is being sold pursuant to contracts dated April 12, 1948, and June 9, 1952, designated as Atlantic's rate schedule Nos. 141 and 142, respectively. Both contracts, as amended, provide for the sale of a daily contract quantity based on the delivery capacity of the wells located on the dedicated acreage. Atlantic claims that it has fulfilled its contractual commitments by making deliveries of such contract quantities and, therefore, the contracts expired on their own terms on November 1, 1972.

In support of its request for issuance of temporary certificates at the "new gas" rate of 24 cents, Atlantic states that a higher price will enable it to continue production for a longer period of time than would otherwise be economically feasible. This would result in additional gas being available to the interstate market. In addition, Atlantic states that the price received will make feasible the undertaking of reservoir development. The annual difference involved is approximately $45,930.

Notice of Atlantic's application in Docket No. G-10354 was issued on November 2, 1972, and was published in the FEDERAL REGISTER on November 10, 1972 (37 FR 23950). December 1, 1972, was set as the last date to file protests or petitions to intervene in the proceedings.

The Commission finds that a hearing is to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the rates proposed are just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable costs.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing and decision.

The Commission orders:

(A) The direct case of the applicant shall be filed and served on all parties (including the staff) on or before January 29, 1973. Rebuttal testimony shall be filed on or before February 12, 1973.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing on the issues presented by the proposals of the applicants herein shall be held commencing February 20, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(C) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR Part 315(d)) shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided, or shall make such changes thereto as for good cause shown as he shall find necessary and proper.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1125 Filed 1-17-73;8:45 am]

[Docket No. CI73-464]

DOUGLAS B. MARSHALL, ET AL.

Notice of Application

JANUARY 12, 1973.

Take notice that on January 8, 1973, Douglas B. Marshall, et al. (Applicants), 500 Jefferson Building, Houston, Tex. 77002, filed in Docket No. CI73-464 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. from the West Deer Island Field Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell approximately 150,000 Mcf of gas per month for 6 months commencing March 2, 1973, at 40 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicants reserve the right to terminate deliveries on 30 days notice.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1126 Filed 1-17-73;8:45 am]

[Docket No. E-7921]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Changes in Rates and Charges

JANUARY 12, 1973.

Take notice that Public Service Company of Oklahoma (PSCO) on December 15, 1972, tendered for filing copies of a proposed change in rate for the city of Marlow, Okla. The city of Marlow is presently served under rate schedule FPC No. 185, designated RE-1 by the company.

PSCO contends that the benefits to the city of Marlow under the proposed rate (RE-2, revised March 1, 1972) as compared to the RE-1, revised March 1, 1972 for 1972-73, amounts to more than $41,000. PSCO further states that commencing in September of 1972, the amount actually billed on the old rate as compared to the proposed rate for September and October amounts to a saving to Marlow of $2,000.

PSCO requests waiver of the Commission's rules on notice requirements so that the proposed rate may be made effective September 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1127 Filed 1-17-73;8:45 am]

[Docket No. E-7938]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Changes in Rates and Charges

JANUARY 12, 1973.

Take notice that Public Service Company of Oklahoma (PSCO) on October 28, 1972, tendered for filing copies of the PSCO Letter Agreement dated October 2, 1972, a supplement to FPC No. 118, with the Southwestern Electric Power Co. (Southwestern). PSCO also submitted copies of the certificate of concurrence of Southwestern dated October 12, 1972.

PSCO states that the Letter Agreement provides for the sale by PSCO of 150 MW of capacity from its Northeastern Station Unit No. 2 to Southwestern for the 18-month period beginning December 1, 1972, and ending May 31, 1974.

PSCO says that the terms and conditions are based upon similar terms in Public Service Company Supplement No. 6 to Rate Schedule FPC No. 161 which is an agreement between PSCO and Kansas Gas & Electric Co. PSCO further states that the rates set forth in the Letter Agreement presented are similar to other transactions of this particular type in the area in which sold. PSCO contends that the rates are considered satisfactory by the purchaser for use in his system and are considered fully compensatory by PSCO as seller.

PSCO says that it desires to sell the 150 megawatts of capacity to reduce its excess reserves during the period and Southwestern desires to purchase the capacity for its use and so that Southwestern can in turn supply the needs of Arkansas Power & Light Co. PSCO contends that this Letter Agreement is contingent upon Southwestern entering into a satisfactory agreement with the Arkansas Power & Light Co., for making an equivalent amount of capacity and energy available to that company.

PSCO argues that the capacity is urgently needed in the Arkansas Power & Light system, and therefore PSCO proposes an effective date of December 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1128 Filed 1-17-73;8:45 am]

[Docket No. CI73-454, etc.]

TEXAS PRODUCTION CO. ET AL

Notice of Applications Pursuant to Section 2.75 of Commission's General Policy and Interpretations

JANUARY 12, 1973.

Take notice that on December 26, 1972, Texas Production Co., Pinto, Inc., and Ecee, Inc., all with a mailing address of 999 The Main Building, Houston, Tex. 77002, filed in Dockets Nos. CI73-454, CI73-455 and CI73-456, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for certificate of public convenience and necessity authorizing sales for resale and delivery of natural gas in interstate commerce to Sea Robin Pipeline Co. (Sea Robin), from Block 270, East Cameron Area, South Addition, and Block 330, Eugene Island Area, South Addition, offshore Louisiana, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicants propose, under the optional gas pricing procedure, to sell natural gas to Sea Robin at an initial rate of 35.0 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contracts for the subject sales dated October 1, 1972, with United Gas Pipe Line Co.[1] provide for reimbursement to the sellers for 100 percent of any new taxes, for price escalations of 2.5 cents per Mcf every 36 months after the date of initial delivery, and for a contract term to extend until January 1, 1993.

Applicants assert that the subject sales of gas under the contracts dated October 1, 1972, are less costly to the consumer than would be alternative sources of supply from which sales have either been certificated by the Commission, from which requests for authorization for sales are presently pending before the Commission, or which are under present consideration by pipeline purchasers. Applicants submit the initial price in the subject contracts are considerably below that provided in recently negotiated intrastate sales contracts in Louisiana and in other producing areas and is 15 or more cents per Mcf below initial prices now being offered by intrastate purchasers.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearings.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1129 Filed 1-17-73;8:45 am]

[Docket No. ID-1661, etc.]

JOHN ADAMS ET AL.

Notice of Applications

JANUARY 12, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.9 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

[1] United Gas Pipeline Co. has assigned all of its rights and obligations under the subject contracts to Sea Robin.

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ID-1661 John Adams.	9-11-72	Monongahela Power Co. The Potomac Edison Co. West Penn Power Co. Ohio Valley Electric Corp. Indiana-Kentucky Electric Corp.
ID-1664 Carroll Asiaksen.	10- 2-72	Jersey Central Power & Light Co. New Jersey Power & Light Co.
ID-1657 John W. Spurrier III.	7-13-72	Kentucky Utilities Co. Old Dominion Power Co.
ID-1662 Shepard Barthoff.	10- 2-72	Jersey Central Power & Light Co. New Jersey Power & Light Co.
ID-1666 Ivan R. Flufrock, Jr.	10- 2-72	Jersey Central Power & Light Co. New Jersey Power & Light Co.
ID-1665 Gordon P. Mundrane.	10- 2-72	Jersey Central Power & Light Co. New Jersey Power & Light Co.
ID-1660 Edward A. Rodrigue.	7-25-72	Louisiana Power & Light Co. New Orleans Public Service Co., Inc.
ID-1673 Henry W. Mertens.	10-20-72	Central Maine Power Co. Maine Yankee Atomic Power Co.
ID-1672 Seward Brewster.	10-20-72	Central Maine Power Co. Maine Yankee Atomic Power Co. Maine Electric Power Co.
ID-1674 Charles E. Monty.	10-20-72	Central Maine Power Co. Maine Yankee Atomic Power Co.
ID-1669 Seymour H. Robinson.	10-16-72	Central Vermont Public Service Corp. Connecticut Valley Electric Co., Inc.
ID-1668 Robert E. Schill.	10- 5-72	Central Vermont Public Service Corp. Connecticut Valley Electric Co., Inc.
ID-1675 Howard S. Lewis.	10-21-72	Central Vermont Public Service Corp. Connecticut Valley Electric Co., Inc. Vermont Yankee Nuclear Power Corp.
ID-1663 Theodore W. Millspaugh, Jr.	10- 2-72	Central Vermont Public Service Corp. Connecticut Valley Electric Co., Inc.
ID-1565 Paul W. Herking.	5-22-72	The Cincinnati Gas & Electric Co. The Union Light Heat & Power Co.
ID-1670 Allen G. Eaton.	10-16-72	Central Vermont Public Service Corp.
ID-1671 David N. Merrill.	10-16-72	Vermont Yankee Nuclear Power Corp. Public Service Co. of New Hampshire.
ID-1655 Margaret L. Huber.	5-30-72	The Cincinnati Gas & Electric Co. The Union Light, Heat & Power Co. Miami Power Corp.
ID-1656 William J. Mogan.	5-22-72	The Cincinnati Gas & Electric Co. The Union Light, Heat & Power Co. Miami Power Corp.
ID-1614 William H. Dickhoner.	5-22-72	The Cincinnati Gas & Electric Co. The Union Light, Heat & Power Co. Miami Power Corp.
ID-1659 Sylvester Laskin.	7-30-72	Minnesota Power & Light Co. Superior Water, Light & Power Co.
ID-1363 William G. Kuhns.	1-31-72	Metropolitan Edison Co. Jersey Central Power & Light Co. New Jersey Power & Light Co. Pennsylvania Electric Co.
Ip-988 Luther T. Burbage.	2- 9-72	Delmarva Power & Light Co. Delmarva Power & Light Co. of Maryland. Delmarva Power & Light Co. of Virginia.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-961 Filed 1-17-73;8:45 am]

[Docket No. CP73-29]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

JANUARY 11, 1973.

Take notice that on December 29, 1972, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-29 a petition to amend the order of the Commission heretofore issued in said docket pursuant to the Natural Gas Act on December 13, 1972 (48 FPC____), by authorizing the reassignment of previously authorized volumes of temporary Winter Period Service (WPS-1) gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of December 13, 1972, Petitioner was authorized, inter alia, to sell and deliver an additional 44,307 Mcf of gas per day for Winter Period Service (WPS-1) to certain of its utility customers during the 1972-73 heating season, including 6,686 Mcf per day of such gas to its Peoples Natural Gas Division (Peoples). Petitioner states that Peoples' original request as to which communities it wanted its allocation of temporary WPS-1 volume to be provided was based on past growth profiles. Petitioner further states that such growth profiles have proven inaccurate and that delivery of temporary WPS-1 volumes as initially requested and authorized would result in a deficiency of service in Billing Group A, while Billing Group B, C, and D, would have volumes available in excess of their requirements.

Petitioner asserts that the reassignment of previously authorized WPS-1 volumes to Peoples is necessary to assure maintenance of adequate natural gas service to many of Peoples' residential and small volume consumers.

Petitioner states that it commenced the reassignment on December 15, 1972, within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.29), and proposes to continue such reassignment during the 1972-73 heating season within the contemplation of § 2.70 of the Commission's general policy and interpretations. The adjustments in deliveries are set forth in the appendix below.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Group, rate zone, and community	Authorized service	Adjustment	Revised service
PEOPLES NATURAL GAS DIVISION			
Group A, rate zone 2:			
Council Bluffs, Iowa	456	3,100	3,556
Valley, Nebr.	800	0	800
Subtotal group A	1,256	3,400	4,656
Group B, rate zone 2:			
Wakefield, Nebr.	400	(400)	0
Wayne, Nebr.	500	(500)	0
Subtotal group B	900	(900)	0
Group C, rate zone 3:			
Newton, Iowa	1,500	(1,500)	0
Subtotal group C	1,500	(1,500)	0
Group D, rate zone 3:			
Dubuque, Iowa	1,000	(1,000)	0
Total, group D	1,000	(1,000)	0
Group E, rate zone 3:			
Austin, Minn.	500	0	500
Blooming Prairie, Minn.	230	0	230
Forest City, Iowa	1,000	0	1,000
Preston, Minn.	300	0	300
Subtotal group E	2,030	0	2,030
Peoples natural gas division	6,686	0	6,686

[FR Doc.73-946 Filed 1-17-73;8:45 am]

[Docket No. G-11089, etc.]

CRA INTERNATIONAL, INC. ET AL.

Notice of Applications[1]

JANUARY 10, 1973.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natual gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants partes to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-11089, E 11-30-72	CRA International, Inc. (successor to The Superior Corp.), 600 Houston First Savings Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., Hagist Ranch Field, Duval County, Tex.	12.12208	14.7
G-11819, F 11-27-72	Marathon Oil Co. (Operator) et al., Findlay, Ohio 45840.	United Gas Pipe Line Co., Phoenix Lake Field, Calcasieu Parish, La.	(1)	-------
G-13290, C 12-11-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Michigan Wisconsin Pipe Line Co., Livermore Area, Harper County, Okla.	[2] 10.7025	14.65
G-16870, E 12-6-72	Charles B. Wilson, Jr., Ltd. (successor to B. R. Cannon), 1616 West Ohio, Suite 200, Midland, TX 79701.	Colorado Interstate Gas Co., Keyes Gas Field, Cimarron County, Okla.	14.27	14.65
G-19127, D 12-11-72	Texaco Inc., Post Office Box 3109, Midland, TX 79701.	Phillips Petroleum Co., Texas Hugoton Field, Moore County Tex.	(3)	-------
C61-1396, C 11-29-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Trunkline Gas Co., Heard Ranch and Mesto Creek Fields, Bee County, Tex.	[4] 19.0 [4] 24.0	------- -------
C62-105, B 11-27-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., No. Harper Ranch, et al., Clark County, Kans.	(5)	
C73-306, (I-3075) F 10-25-72	A. F. Roberts Jr. (successor to Sigal Oil & Gas Co.), Post Office Box 763, Hobbs, NM 88240.	El Paso Natural Gas Co., Crockett County, Tex.	17.5660	14.65
C73-307, (CS67-339) F 10-29-72	do	do	[6] 17.5	14.65
C73-355, (C164-386) F 11-10-72	LYO Corp. (successor to The Superior Oil Co.), Post Office Box 2848, Tulsa, OK 74101.	Kansas-Nebraska Natural Gas Co., Bradshaw Field, Hamilton County, Kans.	[3] 13.5	14.65
C73-356, (C164-386) F 11-10-72	LYO Corp. (successor to The Superior Oil Co.), Post Office Box 2848, Tulsa, OK 74101.	Kansas-Nebraska Natural Gas Co., Bradshaw Field, Hamilton County, Kans.	[3] 13.5	14.65
C73-358, B 11-16-72	Dixon Amusement Corp., 3210 Shell Plaza, Houston, TX 77002.	Tennessee Gas Transmission Co., West Rock Island Field, Colorado County, Tex.	Depleted	-------
C73-363, A 11-15-72	Hunt Oil Co., 1401 Elm St., Dallas, TX 75202.	Arkansas Louisiana Gas Co., Waskom Field, Harrison and Panola Counties, Tex.	12.6634	14.65
C73-377, A 11-24-72	Ashland Oil, Inc., Post Office Box 1503, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., Offshore Louisiana, Eugene Island Area.	[3] 32.0	15.025
C73-378, F 11-24-72	Ada Land Co. (Successor to Monterey Pipeline Co.), Post Office Box 844, Houston, TX 77001.	Columbia Gas Transmission Corp., Dixon Field, Lafayette Parish, La.	23.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Partial assignment of acreage. Acreage was not producing at time of assignment, as wells being shut in. Wells subsequently were salvaged and abandoned.
[2] Subject to upward and downward B.t.u. adjustment.
[3] The property was unproductive and the oil and gas lease terminated.
[4] Gas produced from wells completed on or before Sept. 1, 1972.
[5] Gas produced from wells completed on or after Sept. 1, 1972.
[6] Leases have expired and Atlantic no longer has any interest in the properties.
[7] Rate in effect subject to refund in Docket No. RI70-178.
[8] Rate in effect subject to refund in Docket No. RI69-148.
[9] Certain interest in gas ceased in May 1972 and efforts to restore production have not been successful.
[10] Well was plugged and abandoned; certain leases have never yielded any oil or gas production and production has ceased on other leases.
[11] Sales ceased—Gas utilized in Pone Unit Waterflood for secondary recovery of oil.

[FR Doc.73-888 Filed 1-17-73;8:45 am]

[Docket No. RI72-240, etc.]

SHELL OIL CO. ET AL.

Order Granting Special Relief and Terminating Proceedings

JANUARY 10, 1973.

In this order we deal with four separate but related proceedings. As appears below, in the first case, concerning Dockets Nos. RI72-240, RI72-2551, and RI72-263, hereinafter referred to as the Producers rate case, we grant the special relief for which application has been made and we terminate the proceedings. In the second case, Docket No. CP67-349, hereinafter referred to as the South Texas Abandonment case, we approve in part the settlement proposal which has been submitted to us. In the third case, Docket No. RP73-57, hereinafter referred to as the South Texas rate case, we approve the Purchased Gas Adjustment Clause which the South Texas Natural Gas Gathering Co. has submitted to us and we terminate the suspension period. And finally, we consolidate for hearing and disposition Docket No. RP73-57 and South Texas' other pending rate case, Docket No. RP73-7.

Our purpose in taking these actions is to encourage increased sales of natural gas to the Transcontinental Gas Pipe Line Corp. Transcontinental purchases gas from South Texas, and South Texas in turn purchases gas from the three companies involved in the Producers rate case. Caused in part by decreased

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C73-360, B 11-30-72	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, WV 25325.	Tennessee Gas Transmission Co., Rocky Fork Field, Kanawha County, W. Va.	Depleted	-------
C73-365, (C164-913) F 11-21-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Southern Union Gathering Co., Justin Dakota Field, San Juan County, N. Mex.	15.0	15.025
C73-366, (CS66-729) F 11-27-72	Texas Eastern Transmission Corp., Reserve Oil & Gas Co., Fidelity Union Tower, Dallas, TX 75201.	Texas Eastern Transmission Corp., Lone Star Field, Colorado County, Tex.	16.8	14.65
C73-391, B 11-27-72	Robbins Petroleum Corp. et al., Post Office Box 1389, Longview, TX 75601.	Lone Star Gas Co., North Henderson Area, Rusk County, Tex.	Depleted	-------
C73-392, B 11-27-72	do	Lone Star Gas Co., Pone Area, Rusk County, Tex.	(11)	-------
C73-393, B 11-27-72	do	Lone Star Gas Co., North Henderson Area, Rusk County, Tex.	Depleted	-------

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deliveries by South Texas to Transcontinental, Transcontinental has been forced to adopt a severe curtailment program. The curtailment reached 11 percent of firm deliveries as of December 1, 1972. The record establishes that South Texas' deliveries to Transcontinental have diminished, at least in part, because of the fixed rate stipulated in the contract between South Texas and Transcontinental, and because of the area rate applicable to sales by the producers here involved to South Texas. Our purpose herein is to permit certain modifications in those rates, in order that further natural gas supplies will be made available to Transcontinental.

Producers rate case (Dockets Nos. RI72-240, RI72-251, RI72-263). We deal first with the Producers rate case. A settlement proposal was filed in these consolidated proceedings on September 18, 1972. It has been noticed, and no opposition to it has been expressed by any party. The effect of the settlement proposal would be to permit the three producers here involved to charge rates above the area rate otherwise applicable, as a result of which such producers will be able to make additional supplies of natural gas available, through the South Texas Natural Gas Gathering Co., to Transcontinental. We accept the settlement.

More particularly, on May 12, May 26, and June 2, 1972, Shell Oil Co., Tenneco Oil Co., and Continental Oil Co., the producers herein, each filed its respective petition for special relief, pursuant to § 154.111(f) of the Commission's regulations under the Natural Gas Act, requesting authorization to collect base rates in excess of the applicable Texas Gulf Coast area rate ceiling for flowing gas delivered to South Texas for resale to Transcontinental from jointly owned leases in the McAllen Ranch Field, Hidalgo County, Tex. (Texas Railroad Commission District No. 4) pursuant to the terms of the producers' contract with South Texas, dated May 8, 1963, as amended February 8, 1972.[1] On July 12, 1972, the Commission issued an order consolidating these proceedings for hearing and decision, and permitted intervention of South Texas, Transcontinental, and many of Transcontinental's customer companies.

On July 19, 1972, Shell filed a motion in this consolidated proceeding requesting the Commission to convene a conference pursuant to § 1.18 of the rules of practice and procedure in order to explore the possibility of settlement of the proceedings. Most of the parties, including the Public Service Commission of New York, filed in support of Shell's request for a settlement conference. On August 10, 1972, the Commission issued an order convening a settlement conference pursuant to § 1.18 of the rules of practice and procedure, commencing August 14, 1972. All interested parties, including Commission staff, met on that date and from time to time thereafter. As a consequence, there is now before us for consideration a motion for Promulgation of Settlement Proposal filed in this consolidated proceeding by the producers on September 18, 1972.

In support of and as consideration for the increased rates, the producers have agreed that Shell, as the operator, will conduct an extensive fracturing and drilling program in the McAllen Ranch Field. Not only are the producers committed to undertake the activities outlined in the settlement proposal, but they are also obligated to achieve concomitant quantitative levels of deliverability in order for the rate increases to remain effective.

The estimated cost ($7,328,000) and projected success of the program is based upon Shell's experience to date in reconditioning and fracturing eight existing wells and in drilling four new exploratory wells. The program contemplates the fracturing of 23 wells and the drilling of at least five wells into new reservoirs.

A portion of the gas delivered to South Texas will be produced from newly-discovered reservoirs and, therefore, is eligible for the new gas price of 24 cents per Mcf [2] as provided for in Commission Opinion No. 567.[3] The proposed rates of 23 cents and 24 cents per Mcf for the remaining (flowing) gas exceed the Texas Gulf Coast Area ceiling rate of 19 cents per Mcf. It is the latter portion for which the Producers seek special relief. The instant settlement proposal is satisfactory to and supported in principle by all parties to the proceedings.[4]

In summary, the settlement proposal provides:

(1) The Producers will undertake a fracturing and drilling program in the McAllen Ranch Field aimed at increasing field deliverability to 100,000 Mcf per day and at maintaining that level as long as economically feasible.

(2) The base rate for flowing gas will be increased to 23 cents per Mcf as of the date of the Commission's order issued herein.

(3) If, between January 1, 1973, and July 1, 1973, the Producers are unable to maintain an average field deliverability of at least 80,000 Mcf per day, the Producers will promptly make a filing with the Commission showing why the waiver should not be discontinued.

(4) The base rate for flowing gas will be increased to 24 cents per Mcf if, over any 11-month period after the filing of this settlement proposal, the Producers have maintained an average field of deliverability of 100,000 Mcf per day.

(5) The base rate for flowing gas will be decreased from 24 cents per Mcf to 23 cents per Mcf if the Producers should fail to maintain an average field deliverability of at least 80,000 Mcf per day for the 12 months immediately following the 11-month period described in (4) above.

Transcontinental has been experiencing a severe diminution in its available gas supplies and curtailments of firm service in the amount of approximately 12 percent have been forecast for the upcoming year. The additional deliverability to be derived from the implementation of the suggested program will alleviate such deficiency.

The initial success of the program indicates recovery of substantial additional volumes of gas as well as increased deliverability for the next 2 years of approximately 50,000 Mcf per day above the daily level that would have been produced without the program. In view of the significant expenditures to be incurred by the Producers and the cost of alternate sources of gas available to relieve Transco's critical shortage, approval of the proposed settlement is justified. Additionally, the guaranteed deliverability associated with the settlement proposal affords the ultimate consumer ample protection.[5]

Our action in granting the relief sought herein in no way prejudges or predetermines any matter that remains open for our decision, pursuant to this Order, in the South Texas Rate Cases. The instant settlement proposal is in the public interest and should be approved as hereinafter provided.

South Texas abandonment case (Docket No. CP67-349). We deal next with the South Texas abandonment case, with respect to which a settlement proposal was filed with us on October 6, 1972. Our Staff opposes the settlement proposal. No other opposition to it has been expressed. As indicated more fully below, we accept the settlement, subject to two conditions: (1) the investigation under section 14 of the Natural Gas Act, concerning alleged violations of the Act by South Texas, such investigation being pursuant to our order in this proceeding of January 27, 1972, shall be severed, and we shall consider such matter separately following our receipt of an Initial Decision by the Presiding Administrative Law Judge concerning such matter; and (2) because South Texas' cost of service is before us in the South Texas Rate Cases, discussed below, such cost of service, including the gathering charge, will remain for decision in that case. As we provide below in connection with our

[1] The provision for filing petitions for special relief from area rate ceilings such as provided for in Opinion No. 595, Texas Gulf Coast area, May 6, 1971, 45 FPC 674, 716, 720, received the approbation of the Supreme Court in affirming the first area rate decision involving the Permian Basin area (Opinion No. 468, Area Rate Proceeding, 34 FPC 158 (1965), aff'd, Permian Basin Area Rate Cases, 390 U.S. 747, at 772 (1968)).

[2] 45 FPC 674, Opinion No. 595, issued May 6, 1971.

[3] 42 FPC 726, issued October 3, 1969.

[4] Notice of filing of settlement proposal issued October 18, 1972. All intervenors filed comments in support of the settlement proposal.

[5] The Producer's renegotiated rates are contractually limited to South Texas being allowed to pass on the related increased cost of gas resulting from the Settlement Proposal to Transcontinental. South Texas is allowed to do so elsewhere in this order. This limitation relates not only to the proposed increases for flowing gas but also to the 24-cent rate applicable to new gas produced from newly-discovered reservoirs.

discussion and disposition of those rate cases, the rate proposed in the settlement, which has been filed in the Rate Case and suspended by our order of November 16, 1972, may go into effect immediately, subject to refund.

By way of background, the current phase of Docket No. CP67-349 commenced with South Texas' filing on April 2, 1971, of a petition seeking authority under section 7(b) of the Natural Gas Act to abandon certain facilities. Such facilities had earlier been authorized in such Docket by the Commission's order of July 23, 1969. In its 1971 filing, South Texas stated that the facilities were no longer needed because deliveries from the pertinent field, the McAllen Ranch Field, Hidalgo County, Tex., had markedly decreased. Several intervenors opposed the abandonment, raising a variety of questions which we believed required a formal hearing. We so ordered on January 27, 1972. Twenty-eight days of hearings followed, ending in July 1972. Briefs have been filed and the case is now pending before the Presiding Administrative Law Judge for decision.

With the approval of the Administrative Law Judge, settlement conferences have from time to time been held. They resulted in the Settlement Agreement filed with us on October 6, 1972. No party opposes the settlement, except for our Staff. Those who have filed in support of it are the Shell Oil Co., the Transcontinental Gas Pipe Line Co., the Brooklyn Union Gas Co., the Consolidated Edison Company of New York, Inc., the Public Service Commission for the State of New York, the Natural Gas Pipeline Company of America, the Philadelphia Gas Works, and the Associated Gas Distributors.

South Texas is an important supplier of gas to Transcontinental. It sells to Transcontinental under a contract which fixes the sales price, currently 22.05 cents per Mcf. The principal reserves involved are located in the McAllen Ranch Field, and are held by the three producers involved in the Producers Rate Case, discussed above. The volume of gas available for delivery to South Texas for sale to Transcontinental is declining, and Transcontinental's needs are thus not being met. Because of the fixed price, South Texas states that it cannot buy new gas to sell to Transcontinental, inasmuch as such new gas would cost more than 22.5 cents per Mcf.

In this state of affairs, the parties who support the settlement are in agreement that South Texas should be permitted to charge Transcontinental a rate based on South Texas' cost of service, including a gathering charge applicable to existing facilities, its average purchased gas cost, and its cost of service related to new facilities required to acquire additional supplies. As indicated below, we approve in principle of such a change in the rate South Texas is permitted to charge Transcontinental, but we leave its precise level for determination in the South Texas Rate Cases. In light of the additional volume of gas which South Texas foresees as a result of the actions we take in this order, South Texas no longer seeks to abandon the two 1,000 h.p. compressors, but it will be necessary to move one such compressor. South Texas will file separately for authority to do so.

The principal terms of the settlement may be summarized as follows:

(1) South Texas' rate to Transcontinental will be fixed on the basis of its cost of service, including a reasonable rate of return, in lieu of the fixed price contract now on file. The new rate will permit South Texas to recover its cost of gathering and its purchased gas costs for sales of gas dedicated to Transcontinental, including the increased purchased gas costs from the McAllen Ranch producers, dealt with above in the Producers Rate Case.

(2) The gathering charge is to be 6.25 cents per Mcf, subject to adjustment.

(3) South Texas will file no rate increase with respect to Transcontinental for 3 years from the date of the Commission's order approving the settlement, except that South Texas may recover the rate effect of inclusion in its rate base of any substantial new plant additions which the Commission certificates to attach new gas supplies to Transcontinental, and except that South Texas' rate to Transcontinental is also to be adjusted to reflect South Texas' average purchased gas cost.

(4) South Texas will dedicate to Transcontinental certain additional reserves contained in gas purchase contracts held by it, and will use its best efforts to obtain additional supplies for Transcontinental.

(5) South Texas is to be permitted to flow through to Transcontinental the increased cost of the McAllen Ranch Field gas, with which we have dealt in the Producers Rate Case.

(6) The proceedings in this abandonment case, Docket No. CP67-349, are to be terminated.

(7) Unless accepted in its entirety, the settlement agreement is not binding upon any party.

As we have indicated at the outset, we are unable to accept the settlement in its entirety. While we accept the cost of service basis for the South Texas charge to Transcontinental, and the flow through to Transcontinental of the increased cost of the gas, we believe that South Texas' actual cost of service, and its proposed gathering charge of 6.25c per Mc.f., should not be judged here. These questions may more properly be determined in the pending South Texas rate cases (Dockets Nos. RP73-7 and RP73-57). Further, we are unwilling to terminate that portion of this abandonment proceeding which concerns the investigation of South Texas under section 14 of the Natural Gas Act, in advance of our receiving and considering an initial decision concerning that aspect of the case.

The filings in support of the settlement proposal come from one of South Texas' suppliers (Shell), from its interstate customers (Transcontinental and Natural), from customers of Transcontinental (Brooklyn Union, Consolidated Edison, the Philadelphia Gas Works, and the Associated Gas Distributors), and from the New York Public Service Commission. (Only one such filing suggests a change in the settlement agreement. Natural points out that a particular contract has already been dedicated by South Texas to Natural, and it therefore cannot now be listed in the agreement as dedicated to Transcontinental. We agree.) The foregoing parties make clear that this Commission should act promptly to increase gas supplies for Transcontinental, and that to achieve this result we must permit an increase in the price South Texas may charge Transcontinental.

We agree that it is our responsibility to take all possible and reasonable steps to alleviate Transcontinental's severe gas shortage, and we are prepared to permit the necessary increases in price. Our actions in this and in the related cases dealt with in this order will permit price increases by the producers, the flow-through to Transcontinental of those increases, and a further price increase by South Texas. But the South Texas rate to Transcontinental will be subject to refund. We are not now prepared to sanction the particular rate that is based on South Texas' cost of service as set forth in the settlement. We leave that to the rate proceedings.

Our action herein overcomes a portion of the staff's opposition to the settlement. The staff objects to an abandonment proceeding being used as a vehicle for a rate settlement, but we have indicated our unwillingness now, in this proceeding, to accept the particular rate contained in the settlement. Our staff also objects to the termination of the investigation, but we are not taking that action. We are instead severing the investigation. Although the staff argues that the abandonment application and the section 14 investigation are "inextricably interwoven," we do not see why that is so and the staff does not appear to provide us with a rationale. Finally, the staff indicates that there has not been proper public notice. We think there has. This proposed settlement was noticed on October 16, 1972, in this docket, and it was referred to in our notice of October 24, 1972, in the South Texas rate case.

We therefore accept the settlement, subject to our determination in the rate cases of South Texas' cost of service, including the gathering charge, and subject to the severing of the investigation under section 14.

South Texas rate case (Docket No. RP73-57). We turn, thirdly, to the South Texas rate case. This case commenced on October 17, 1972, with South Texas' filing of a $2.8 million annual rate increase. We understand that that rate increase was designed to be consistent with and to implement the settlements in the two proceedings discussed above. In our order of November 16, 1972, in this case, we found the PGA clause in South Texas'

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filing to be unacceptable, and we rejected it, without prejudice, to submission to us of a revised PGA clause. We also suspended the rate for 5 months and provided for expedited hearings.

On December 4, 1972, South Texas submitted a revised PGA clause in this proceeding. South Texas requested that its revised PGA clause be accepted and permitted to become effective immediately, or in any event, no later than the effective date of approval of the settlement in the producers rate case.

We now find that South Texas' revised PGA clause has cured the deficiencies noted in our November 16, 1972 order, and is in conformity with Commission opinions 452 and 452-A. We accept it, and it may become effective with the issuance of this order.

On December 15, 1972, South Texas sought rehearing of our order of November 16. South Texas objects to the 5-months suspension provided for therein. It states that the 27.87 cents rate provided for in its filing is based on an estimated purchased gas cost of 21.65 cents per Mcf, and a gathering charge of 6.22 cents per Mcf, the latter in turn being based upon an overall rate of return of 8 percent.

In view of the actions we are taking in this case and in the related proceedings, whereby certain producer rates are permitted to be increased, and whereby that increase may be flowed through to Transcontinental, it is appropriate that the South Texas rate filed in this Docket, CP73-57, be permitted to go into effect, subject to refund, upon the issuance of this order. Accordingly, we terminate the suspension period and permit the increased rate to become effective, subject to refund.

South Texas' other rate case (Docket No. RP73-7). On July 31, 1972 South Texas tendered for filing certain proposed rate changes. By our order of August 31, 1972, we ordered a 1-day suspension and we ordered hearings, to commence on January 30, 1973. We hereby consolidate Dockets Nos. RP73-7 and RP73-57 for hearing and disposition, with hearings to commence as soon as may be feasible.

The Commission finds:

(1) As to Dockets Nos. RI72-240, RI72-251, and RI72-263, the proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal and the appendices thereto, filed by the producers on September 18, 1972 is in the public interest, and the rate levels therein provided are just and reasonable, and it is appropriate in carrying out the provisions of the Natural Gas Act that the settlement proposal be approved and made effective as hereinafter ordered.

(2) As to Docket No. CP67-349, the proposed settlement, as described above, and as more fully set forth in the settlement agreement filed by South Texas on October 6, 1972 is, with the exceptions discussed above, in the public interest, and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective as hereinafter ordered.

(3) As to Docket No. RP73-57, South Texas' revised PGA clause should be accepted for filing and made effective as hereinafter ordered, and the suspension period provided in our order of November 16, 1972 should be terminated.

(4) Dockets Nos. RP73-7 and RP73-57 involve common issues of law and fact and the public interest will be served by consolidation of such dockets for hearing and disposition.

The Commission orders:

(A) As to Dockets Nos. RI72-240, RI72-251, and RI72-263:

(1) The settlement of these proceedings on the basis of the settlement proposal filed by the producers on September 18, 1972, is approved and made effective subject to the terms and conditions herein, and the producers' petitions for waiver filed in accordance with § 154.111(f) of the Commission's regulations are granted.

(2) The related rate filings of the producers will become effective as of the date of this order or the expiration of the statutory notice period, whichever is later.

(3) Pursuant to § 300.16 of the rules and regulations of the Price Commission, certification of the action herein is attached.

(4) Upon effectuation of the terms and conditions of this order, the proceedings in Dockets Nos. RI72-240, RI72-251, and RI72-263 are terminated without further order of the Commission.

(B) As to Docket No. CP67-349:

(1) With the exceptions noted in paragraph (2) hereof, the settlement of this proceeding on the basis of the settlement agreement filed on October 6, 1972, is approved and made effective.

(2) The cost of service of South Texas and its gathering charge relating to service to Transcontinental shall be determined in the pending South Texas Rate Cases, Dockets Nos. RP73-7 and RP73-57. The proceedings in Docket No. CP67-349 are terminated, except for that portion of such case as relates to the investigation of South Texas under section 14 of the Natural Gas Act. Upon receipt of an Initial Decision from the Presiding Administrative Law Judge concerning such portion of the case, the Commission shall give such further attention to it as may be appropriate. Appendix G of the Settlement Agreement shall be modified by deleting therefrom the reference to contract 3631A7.

(C) Paragraph (B) of this order is without prejudice to any finding or orders which may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by South Texas, the Commission Staff, or any affected party hereto, in any proceedings now pending or hereafter instituted by or against South Texas, and is not in any manner determinative of the justness and reasonableness of the South Texas rates involved herein.

(D) As to Docket No. RP73-57,

(1) South Texas' revised PGA clause is accepted for filing, and it shall become effective upon the issuance of this order.

(2) The suspension period imposed in our order of November 16, 1972, is terminated upon the issuance of this order. The increased rates applied for in this proceeding may be placed into effect, subject to refund with interest, pending the Commission's determination as to their justness and reasonableness. Such action is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

(3) Docket No. RP73-7 and Docket No. RP73-57 are consolidated for hearing and disposition.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

CERTIFICATION OF PRODUCER RATE INCREASE

With respect to the price increase granted in Dockets Nos. RI72-240, RI72-251, and RI72-263, under the Economic Stabilization Act of 1970, as amended, and revised § 300.16 of the rules and regulations of the Price Commission, 6 CFR 300 (1972), the Federal Power Commission certifies:

(1) The former price, before the increase granted herein, the new price as granted, the percentage increase of price and the increase in annual revenues are as follows:

FPC gas rate schedule designation	Prices cents per Mcf		Percent increase	Increase in annual revenue
	Former	New [1]		
Shell Oil Co.:				
Rate schedule No. 247, Supplement No. 11	18.0675	24.0	32.84	$337,836
Rate schedule No. 247, Supplement No. 12	18.0675	23.0	27.30	972,196
Rate schedule No. 247, Supplement No. 13	18.0675	24.0	32.84	82,284
Tennessee Oil Co.:				
Rate schedule No. 166, Supplement No. 9	18.0675	24.0	32.84	64,961
Rate schedule No. 166, Supplement No. 10	18.0675	23.0	27.30	288,633
Continental Oil Co.:				
Rate schedule No. 382, Supplement No. 9	18.0675	23.0	27.30	306,156
Rate schedule No. 382, Supplement No. 10	18.0675	24.0	32.84	82,788

[1] Subject to B.t.u. adjustment.

(2) In the instant case, the requested increase to 24 cents per Mcf for gas produced from reservoirs discovered after October 1, 1968 does not exceed the ceiling rate established for such gas in Opinion No. 595.

(3) The Commission has been confronted with conclusive evidence demonstrating a natural gas shortage (See Opinion Nos. 595, 598, and 607). In these circumstances and for the reasons set forth in this order, the Commission is of the opinion in this case that the increased rates authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR 300 (1972). Specifically, this Commission is of the opinion that the authorized rate increases are required to assure continued, adequate and safe service and will assist in providing increased deliverability of natural gas for necessary expansion to meet present and future requirements of natural gas.

The Commission cannot certify further as to the items set forth in § 300.16(e), paragraphs (3), (4), (5), and (6) because of the nature of this proceeding. More specifically, producer rates are established on an area rather than individual company basis. This practice was established by *Area Rate Proceeding*, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965) and affirmed by the Supreme Court in Permian Basin Area Rate Case, provisions of § 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b)) as provided in Opinion No. 595, 45 FPC 716. In cases such as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling. Consequently, information is not developed in this type of proceeding on an individual company basis and cannot, therefore be provided.

[FR Doc.73-887 Filed 1-17-73;8:45 am]

[Dockets Nos. RI73-175, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 9, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-175	Shell Oil Co.	249	[13]	El Paso Natural Gas Co. (Brown-Bassett Field, Terrell County, Tex.) (Permian Basin).		12-11-72	1-11-73	[14] Accepted			
	do		[14]	do	$108,061	[4] 12-11-72		6-11-73	[15] 3213	[4] 3550	RI73-131
RI73-176	Monsanto Co.	93	4	Transwestern Pipeline Co. (Rock Tank Morrow Field, Eddy County, N. Mex.) (Permian Basin).	17,640	12-21-72		2-21-73	17.718	[8] 18.60	RI71-773
RI73-177	Atlantic Richfield Co.	229	[7]	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).		12-21-72	1-21-73	[14] Accepted			
	do		8	do	7,436	12-21-72		2-21-73	19.0713	21.0	RI73-94
	do	452	[5]	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).		12-21-72	1-21-73	[14] Accepted			
	do		6	do	11,986	12-21-72		2-21-73	19.0713	21.0	RI73-94
RI73-178	Humble Oil & Refining Co.	174	[10]	Kansas-Nebraska Natural Gas Co., Inc. (Big Springs Field, Deuel County, Nebr.).		12-18-72	1-18-73	[14] Accepted			
	do		11	do	2,469	12-18-72		2-18-73	[12] 18	18.18	
RI73-179	Diamond Shamrock Corp.	53	2	Colorado Interstate Gas Co. (Wamsutter Area, Sweetwater County, Wyo.).	9,630	12-14-72		2-14-73	[8] 17.360	[8] 18.19	RI70-1539
RI73-180	Gulf Oil Co.	138	[10]	West Texas Gathering Co. (Emperor Devonian, Emperor Fusselman, Emperor Wolfcamp, and Kermit South Devonian Fields, Winkler County, Tex.) (Permian Basin).	181,448	12-18-72		6-18-73	[8] 21.000	[8] [9] 30.0724	RI73-134
RI73-181	Shell Oil Co.	283	8	El Paso Natural Gas Co. (Los Medanos Field, Eddy County, N. Mex.) (Permian Basin).	19,570	12-18-72		3-19-73	16.8793	17.9023	RI71-941
RI73-182	Atlantic Richfield Co.	20	34	El Paso Natural Gas Co. (North Eunice San Andres Pool, Lea County, N. Mex.) (Permian Basin).	3,539	12-18-72		6-18-73	[11] 27.000	[11] 31.7126	
RI73-183	Phillips Petroleum Co.	513	1	El Paso Natural Gas Co. (Northwest James Ranch Prospect, Eddy County, N. Mex.) (Permian Basin).	16,128	12-11-72		6-11-73	[8] 27.000	[8] 35.000	
	do	484	6	El Paso Natural Gas Co. (Sales Ranch Field, Martin County, Tex.) (Permian Basin).	15,970	12-11-72		6-11-73	[8] [16] 29.943	[8] [16] 38.815	
RI73-184	Continental Oil Co.	325	3	Cascade Natural Gas Corp. (Dragon Trail Area, Rio Blanco County, Colo.).	40,240	12-14-72		2-14-73	[11] [13] 14.0	[11] [13] 15.0	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Contract amendment.
[2] Applicable to sales from all acreage except that covered by Supplements Nos. 2, 4, and 10 as set forth in Supplements No. 13.
[3] Includes quality adjustment.
[4] Correction filed Dec. 21, 1972.
[5] Amends pricing provisions.
[6] Previously reported as 13.635 cents at 16.4 p.s.i.a.
[7] Amends pricing provisions and changes pressure base from 16.4 p.s.i.a. to 14.65 p.s.i.a.
[8] Base rate is subject to proportional upward and downward adjustment from 1,000 B.t.u. per cubit foot.
[9] Not applicable to production under Supplement No. 6.
[10] Applies only to Supplement No. 5 of subject rate schedule.
[11] Applicable only to sale of gas production from the North Eunice San Andres pool as provided under Supplement No. 32.
[12] Includes 1 cent per Mcf reduction for compression.
[13] The pressure base is 15.025 p.s.i.a.
[14] Accepted for filing to be effective on the dates shown in the "Effective Date" column.

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The proposed increase from 12.18 cents to 18.18 cents per Mcf filed by Humble Oil & Refining Co. is for a sale of gas to Kansas-Nebraska Natural Gas Co., Inc., in Deuel County, Nebr. The Commission has not prescribed an increased rate ceiling for sales from Nebraska but has applied the 13 cents per Mcf at 15.025 p.s.i.a. (14.19 at 16.4 p.s.i.a.) increased rate ceiling of adjacent Colorado as a guide in determining whether to suspend proposed increases in Nebraska. Humble's increase exceeds the Colorado increased rate ceiling but does not exceed the corresponding rate filing limitation imposed in Southern Louisiana and therefore it is suspended herein for 1 day.

The proposed increases of Shell Oil Co. to its FPC Gas Rate Schedule No. 249, Gulf Oil Co., Atlantic Richfield Co. to its FPC Gas Rate Schedule No. 20 and Phillips Petroleum Co. exceed the rate limit for a 1 day suspension, and therefore are suspended for 5 months from the expiration of the statutory notice period.

The other proposed rates involved here do not exceed the corresponding rate filing limitation imposed in Southern Louisiana and therefore are suspended for 1 day from the expiration of 60 days notice or from the proposed effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1 et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 FR 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.73-904 Filed 1-17-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL CORP.

Order Approving Acquisition of Bank

First Financial Corp., Tampa, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of the Lee County Bank, Fort Myers, Fla.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 12 banks with aggregate deposits of $573 million, representing 3.4 percent of the total commercial bank deposits in the State, and is the sixth largest banking organization and bank holding company in Florida. (All banking data are as of June 30, 1972, adjusted to reflect all bank holding company formations and acquisitions approved by the Board through November 30, 1972.) Acquisition of bank ($83.4 million in deposits) would increase applicant's share of commercial bank deposits in the State by 0.5 percentage points and its ranking in the State would be unchanged.

Bank is the second largest of 11 banks competing in the Lee County banking market and controls 22.6 percent of market deposits. The largest and third largest banking groups in the market hold, respectively, 35.9 percent and 17.7 percent of the deposits in the market. Applicant's subsidiary bank located closest to bank is 24 miles north of bank, in Punta Gorda. It does not appear that any significant existing competition between bank and the subsidiaries of applicant would be eliminated as a result of consummation of the proposal. Furthermore, in view of the distances involved, the number of banks located in intervening areas, the likelihood of additional entrants into the market (presently pending before appropriate regulatory authorities are applications for the establishment of five de novo banks in Lee County), and the State prohibition against branch banking, it appears unlikely that any significant competition between the banking institutions would develop in the future. It appears, therefore, that consummation of the proposal herein would neither eliminate meaningful existing competition nor foreclose significant potential competition. Bank has been the least competitive of the major banks in the Lee County banking market. Affiliation with applicant should enable bank to compete more aggressively within the market. Additionally, approval will result in the severance of an existing affiliation between bank and American Bank of Fort Myers, the smallest bank in the market. Thus, approval of this application should have a procompetitive effect in the relevant market. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and prospects of applicant and its subsidiary banks are regarded as generally satisfactory and consistent with approval of the application, particularly in the light of applicant's commitment and program to strengthen the capital base of certain of its subsidiaries. Bank has experienced some capital and management problems. Affiliation with applicant will enable bank to draw upon applicant's managerial resources and should strengthen bank's management and condition and enhance its future prospects. Furthermore, applicant has agreed to provide $2 million in equity capital to bank upon acquisition, and to convert $1.9 million of bank's capital notes into capital stock. The banking factors lend weight for approval. The banking needs of the Lee County market appear to be adequately served at the present time; however, applicant proposes to improve, expand, and revitalize those services bank is offering to its community, and thereby enable bank to become once again a strong competitor. Considerations relating to the convenience and needs of the community to be served weigh in favor of approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before February 12, 1973, or (b) later than April 11, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 11, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1057 Filed 1-17-73;8:45 am]

FIRST OKLAHOMA BANCORPORATION, INC.

"Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of any grandfather privileges of First Oklahoma Bancorporation, Inc., Oklahoma City, Okla., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414 and 25204). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

The facts before the Board show that First Oklahoma Bancorporation, Inc., Oklahoma City, Okla. (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Registrant's ownership of more than 50 percent of the outstanding voting shares of the First National Bank and Trust Company of Oklahoma City, Oklahoma City, Okla. (Bank) (assets of $567 million as of December 31, 1970). However, the Board's review of Registrant further shows that Registrant does not constitute a "company covered in 1970" as defined in section 2(b) of the Bank Holding Company Act. Section 2(b) of the Act defines "company covered in 1970" as a "company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date." Registrant was already a registered multibank holding company on June 30, 1968,[1] and the enactment of the 1970 amendments on June 30, 1968, would not have caused Registrant to become a bank holding company nor altered Registrant's status under the Act. On this basis, the Board concludes that Registrant does not fit within the definition of a "company covered in 1970," that Registrant is not eligible for grandfather benefits, and that the question of termination of grandfather privileges, under the proviso in section 4(a)(2) of the Act, is moot.

The conclusion contained herein is limited to the matter of Registrant's entitlement to "grandfather" privileges and the subject of termination under the proviso in section 4(a)(2) of the Act; and does not affect any authority that Registrant may have to engage in nonbanking activities pursuant to other provisions of the Bank Holding Company Act, or pursuant to Board approval of an application.

Board of Governors, January 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1058 Filed 1-17-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Sheehan and Bucher. Absent and not voting: Governor Brimmer.

[1] Registrant became a multibank holding company on Jan. 8, 1963, when it acquired more than 50 percent of the voting shares of Bank and of the Idabel National Bank, Idabel, Okla., pursuant to the Board's order of Nov. 30, 1962 (1962 Federal Reserve Bulletin 1608). Registrant sold its interest in Idabel Bank on Sept. 27, 1968, and ceased to be a bank holding company as then defined.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AVM CORP.

Order Suspending Trading

JANUARY 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of AVM Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:45 a.m. (e.s.t.) on January 10, 1973 through January 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1088 Filed 1-17-73;8:45 am]

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JANUARY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 15, 1973, through January 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1089 Filed 1-17-73;8:45 am]

[Files Nos. 7-4330, 7-4331]

CONTINENTAL ILLINOIS CORP. AND FIRST NATIONAL BOSTON CORP.

Applications for Unlisted Trading Privileges

JANUARY 10, 1973.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Continental Illinois Corp	7-4330
First National Boston Corp	7-4331

Upon receipt of a request, on or before January 28, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1098 Filed 1-17-73;8:45 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

JANUARY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary

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suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 15, 1973 through January 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1090 Filed 1-17-73;8:45 am]

[812-3197]

INTERNATIONAL TELEPHONE & TELEGRAPH CORP. ET AL.

Notice and Order for Hearing on Application for Exemption

JANUARY 10, 1973.

International Telephone & Telegraph Corp. (ITT), Hamilton Management Corp. (Hamilton), and ITT Variable Annuity Insurance Co. (Variable), referred to collectively as "Applicants" 320 Park Avenue, New York, NY 10005, have filed an application pursuant to section 9(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from the provisions of section 9(a) of the Act and, without prejudice to the Commission's consideration of such application, Hamilton and Variable have applied for a temporary order of exemption from section 9(a) pending the Commission's determination of the application for permanent exemption.

The Commission, on June 20, 1972, issued a notice of the filing of said application and an order temporarily exempting Hamilton and Variable from the provisions of section 9(a) of the Act pending a final determination by the Commission of Applicants' application (Investment Company Act Release No. 7235). The notice gave interested persons until July 28, 1972, to request a hearing.

Two requests for a hearing have been filed in this matter. The first was filed on July 27, 1972, by the State of Ohio and the Ohio Department of Commerce, Division of Securities, by their counsel, the attorney general of the State of Ohio ("the Ohio application"). The Ohio application inter alia requests that the State of Ohio be made a party to a hearing held in this matter pursuant to section 40(c) of the 1940 Act. The second request for a hearing, which also contains a statement in opposition to the application, was filed on July 28, 1972, by Robert E. Latimer and Reuben B. Robertson III ("the Latimer-Robertson statement"). The Latimer-Robertson statement advances legal and factual grounds in opposition to the application and in support of its request for a hearing. On August 11, 1972, Applicants filed a reply memorandum in support of the application, and on August 21, 1972, Latimer-Robertson filed a reply memorandum in opposition to the application. All interested persons are referred to the above-mentioned documents and Applicants' application on file with the Commission for a statement of the representations therein.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held at a date to be fixed by the Chief Administrative Law Judge in the office of the Commission, 500 North Capitol Street, Washington, DC 20549. At such time the hearing room clerk will advise as to the room in which such hearing will be held. Any person, other than Applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the ninth day of February 1973, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address noted above, and proof of service (by affidavit or in the case of an attorney at law certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of the date of or any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Enforcement has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether the prohibitions of section 9(a) of the 1940 Act as applied to Applicants are unduly harsh or disproportionately severe; or

(2) Whether the conduct of Applicants has been such as not to make it against the public interest or protection of investors to grant the Applicants an exemption from the provisions of section 9(a).

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to Applicants, the State of Ohio, the Ohio Department of Commerce, Division of Securities, Robert E. Latimer and Reuben B. Robertson III; that notice to all other persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1099 Filed 1-17-73;8:45 am]

[File No. 500-1]

LILAC TIME, INC.

Order Suspending Trading

JANUARY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 15, 1973, through January 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1091 Filed 1-17-73;8:45 am]

[File No. 500-1]

NOVA EQUITY VENTURES, INC.

Order Suspending Trading

JANUARY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Nova Equity Ventures, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordercrd, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 13, 1973, through January 22, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1092 Filed 1-17-73;8:45 am]

[812-3233]

OPPENHEIMER FUND, INC. ET AL.

Application for Exemption

JANUARY 12, 1973.

Notice is hereby given that Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Income Fund, Inc., and Oppenheimer Special Fund, Inc. (the "Funds"), each of which is registered under the Investment Company Act of 1940 (the "Act") as management open-end investment companies, and Oppenheimer Management Corporation (OMC), One New York Plaza, New York, NY 10004, the principal underwriter of each of the Funds (hereinafter jointly referred to as "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The prospectus of each of the Funds states that there is a sales commission on the purchase of Fund shares.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Each of the Funds proposes to sell its shares at the net asset value per share to persons who have caused its shares to be redeemed and who have not previously exercised this privilege as to any of the Funds. In the case of Oppenheimer Special Fund, Inc., the privilege would not go into effect until after the effectiveness of its pending registration statement under the Securities Act of 1933. Since the privilege would be limited to persons who have not previously exercised it as to any of the Funds, the privilege will not thereafter be available to him upon redemption of shares in that or any other of the Funds. The sale will be limited to an amount up to the amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased). A written order to purchase the shares must be received by the authorized agent for the purchase of the shares of the Fund in question, or be postmarked within 15 days after the redemption request is received in proper form. The purchase will be made at the net asset value per share next determined after receipt of the order; therefore no sales commission will be received by OMC or any dealer on such purchase.

Applicants represent that because of the limitation of the privilege to persons who have not previously exercised it and the short period within which the privilege must be exercised, it does not afford a method of "playing" the market. To advise investors of the privilege, OMC will, at its expense, by a statement inserted with the redemption check, advise the investor of the right to reinvest at net asset value. In addition, disclosure will be made in each of the respective Funds' prospectus of the reinvestment privilege, and telephone calls to redeeming shareholders may also be made.

Applicants also contend that the proposed privilege will enable a shareholder whose original decision to redeem or terminate his account was either ill considered or resulted from a misunderstanding as to his rights or as to the characteristics of his Fund shares to reestablish his investment without paying a sales charge for doing so. In addition, Applicants assert that the granting of this proposed exemption would be consistent with the purposes of section 22(d) of the Act and is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 30, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1100 Filed 1-17-73;8:45 am]

[File No. 500-1]

POWER CONVERSION, INC.

Order Suspending Trading

JANUARY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Power Conversion, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 14, 1973, through January 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1093 Filed 1-17-73;8:45 am]

[File No. 24FW-1555]

SPENCE & GREEN CHEMICAL CO.

Order Temporarily Suspending Exemption

JANUARY 11, 1973.

I. On September 14, 1972, Spence & Green Chemical Co., Crosby, Tex. 77532, filed with the Fort Worth Regional Office of the Commission a notification covering an offering of 104,250 shares of common stock at $2.50 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provision of section 3(b) thereof and Regulation A thereunder. The company indicated that it planned to sell its own securities. Spence & Green Chemical Co. was incorporated on March 6, 1956, for the purpose of conducting research and development on a chemical recovery system of waste products produced by Kraft Paper Mills.

II. The Commission, on the basis of information reported to it by its staff, has reason to believe:

1. The $500,000 ceiling available under Regulation A would be exceeded in that Spence & Green Chemical Co. has never had a net income from operations and refuses to escrow the securities held by directors, officers, or promoters of the issuer pursuant to Rule 253 of the Securities Act of 1933;

2. The notification and offering circular of Spence & Green Chemical Co. contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading with respect to:

(a) The use of proceeds from the sale of securities by the company;

(b) The prior sale of unregistered securities of Spence & Green Chemical Co. by the company and affiliates;

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(c) The lack of current information regarding the status of the company's notes payable to stockholders and others;

(d) The risks inherent in an investment in the securities of Spence & Green Chemical Co.;

(e) The absence of any disclosure of how raw materials available from sources other than paper mills are to be utilized in the company's operations.

3. The terms and conditions of Regulation A have not been complied with in that:

(a) There is a failure to state in the offering circular how the company's research and development and patents are to be applied commercially;

(b) There is no discussion in the offering circular of the nature of the issuer's proposed products;

(c) There is no disclosure in the offering circular relating to transactions between management and the company;

(d) There is no meaningful or informative disclosure in the offering circular regarding the equipment and processes purportedly developed by the company.

4. The offering, if made, would have been in violation of section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of the investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice that the issuer file an answer to the allegations contained in this order on or before February 12, 1972.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion, may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

NOTE: A memorandum to certification and service unit listing persons to be served with this order is filed as part of the original document.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1101 Filed 1-17-73;8:45 am]

[812-3291]

SUN LIFE OF CANADA (U.S.) VARIABLE ACCOUNT B ET AL.

Application for Exemption

JANUARY 12, 1973.

Notice is hereby given that Sun Life of Canada (U.S.) Variable Account B (Account B), a unit investment trust registered under the Investment Company Act of 1940 (the Act), Sun Life Assurance Company of Canada (U.S.) (Sun Life (U.S.)), and Suncan Equity Services Co. (Sunesco), 3 New England Executive Park, Burlington, Mass. 01803, a Delaware corporation which is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order exempting applicants, to the extent noted below, from the provisions of sections 22(d), 26(a) and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Sun Life (U.S.) is a stock life insurance company incorporated under the laws of Delaware on January 12, 1970. It is a wholly owned subsidiary of Sun Life Assurance Company of Canada. Account B is a separate account of Sun Life (U.S.), established in 1971 as the facility for issuing certain variable annuity contracts. Such contracts are not qualified for special treatment under sections 401 or 403 of the Internal Revenue Code. Such contracts include (1) deferred contracts which provide that annuity payments will begin on a selected future date, and (2) immediate contracts which provide that annuity payments will begin 1 month after the date the contract is issued. Under Delaware insurance law, that portion of the assets maintained in Account B equal to the reserves and other contract liabilities with respect to the account are not chargeable with liabilities arising out of any other business conducted by Sun Life (U.S.). All amounts allocated to Account B pursuant to the variable annuity contracts will be used to purchase shares of Sun Growth Fund, Inc., a diversified, open-end management investment company registered under the Act. Persons who are registered representatives of Sunesco, which is wholly owned by Sun Life Assurance Company of Canada, will sell the variable annuity contracts.

Section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants' deferred contracts permit the accumulation of value on either a variable or a fixed and variable basis, and they also provide that annuities may be chosen on either a variable or a fixed and variable basis. Applicants request an exemption from section 22(d) of the Act to permit amounts accumulated on a fixed basis to be transferred without any sales charge to Account B for the purpose of accumulation or for the purpose of making variable annuity payments. Applicants state that under the deferred variable annuity contracts, the same deductions for sales and administrative expenses are made from each purchase payment without regard as to whether the net proceeds are applied to provide variable benefits or a combination of variable and fixed dollar benefits. Therefore, Applicants contend, imposition of an additional deduction for sales and administrative expense charges, when such amounts are transferred to Account B either during the accumulation period or on the annuity commencement date, would be inequitable and discriminatory, and that such imposition would subject some annuitants to higher total deductions than others who paid in the same amounts under the contracts.

Applicants also request an exemption from the provisions of section 22(d) to permit reductions in sales and administrative expense charges on single purchase payment contracts to be made on the basis of the aggregate amount of purchase payments allocated both to Account B and the fixed dollar accumulation account. Such reduced sales deductions would, applicants assert, avoid the discrimination which would otherwise exist between persons allocating differing portions of their purchase payments between Account B and Sun Life (U.S.)'s general account.

Applicants further request an exemption from the provisions of section 22(d) to permit the reduction by one-half of the usual sales charges applicable to the sale of single purchase payment contracts when amounts payable under life insurance and annuity contracts issued by Sun Life Assurance Company of Canada, i.e., death benefits, the cash surrender values of life insurance annuity policies, and the maturity value of endowment policies, are used to purchase single payment contracts.

Applicants allege that such reduced sales charges will not result in disruptive distribution patterns for the contracts since no secondary market in the contracts will develop, nor create unfair discrimination among contract purchasers because a sales expense charge will have previously been included in the premiums on the Sun Life Assurance Company of Canada insurance policies and annuity contracts from which the single payments are derived. Moreover, it is anticipated that sales expenses associated with the sale of contracts in the circumstances described will be sufficiently reduced to justify the lower sales charge.

Sections 26(a) and 27(c)(2). Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust, and any depositor and underwriter for the trust, are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, in part, that (i) the custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (ii) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income and if necessary from the corpus of the trust for services performed and for reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian. Although the assets of Account B are held under a custodian agreement with a bank having the qualifications described in section 26(a) of the Act, the agreement does not create a trust with respect to the assets of Account B because Sun Life (U.S.), as a life insurance company, must retain ownership of and control of the disposition, of its property. Accordingly, an exemption is requested from the foregoing provisions to the extent necessary to make the requirement that the assets be held in a trust inapplicable.

In support of the requested exemption from the foregoing provisions of the Act, applicants state that under the custodian agreement the assets of Account B will be held by the custodian and will be physically segregated and separated from the property of any other person, that Sun Life (U.S.) is required to maintain records of the names and addresses of persons having an interest in Account B, and that it will notify interested persons of substitutions of securities. Applicants further state that they are subject to extensive supervision and control by the Delaware insurance regulatory authorities, which includes the filing of annual statements of financial condition and being subject to periodic examination by such authorities. Applicants also assert that Account B has been established pursuant to a Delaware law which provides that the assets of Account B shall not be chargeable with liabilities arising out of any other business Sun Life (U.S.) may conduct, and that obligations arising under variable annuity contracts participating in Account B are general obligations of Sun Life (U.S.), and that Sun Life (U.S.) may not abrogate its obligations under such contracts. Applicants contend that the foregoing laws, regulations and arrangements provide substantial assurance that all obligations under contracts participating in Account B will be performed and that orphanage of Account B will not occur.

Applicants have consented that the requested exemption from sections 26(a) and 27(c)(2) be subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of Account B shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) of the Act authorizes the Commission upon application to exempt any person from any provision or provisions of the Act conditionally or unconditionally if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1103 Filed 1-17-73;8:45 am]

[812-3292]

SUN LIFE OF CANADA (U.S.) VARIABLE ACCOUNT A ET AL.

Application for Exemption

JANUARY 12, 1973.

Notice is hereby given that Sun Life of Canada (U.S.) Variable Account A (Account A), a unit investment trust registered under the Investment Company Act of 1940 (the "Act"), Sun Life Assurance Company of Canada (U.S.) (Sun Life (U.S.)), and Suncan Equity Services Co. (Sunesco), 3 New England Executive Park, Burlington, Mass. 01803, a Delaware corporation which is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants, to the extent noted below, from the provisions of sections 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Sun Life (U.S.) is a stock life insurance company incorporated under the laws of Delaware on January 12, 1970. It is a wholly owned subsidiary of Sun Life Assurance Company of Canada. Account A is a separate account of Sun Life (U.S.), established in 1971 as the facility for issuing certain variable annuity contracts which are qualified for special tax treatment under sections 401, 403(a), or 403(b) of the Internal Revenue Code. Such contracts include: (1) Deferred contracts which provide that annuity payments will begin on a selected future date, and (2) immediate contracts which provide that annuity payments will begin 1 month after the date the contract is issued. Under Delaware insurance law, that portion of the assets maintained in Account A equal to the reserves and other contract liabilities with respect to the account are not chargeable with liabilities arising out of any other business conducted by Sun Life (U.S.). All amounts allocated to Account A pursuant to the variable annuity contracts will be used to purchase shares of Sun Growth Fund, Inc., a diversified, open-end management investment company registered under the Act. Persons who are registered representatives of Sunesco, which is wholly owned by Sun Life Assurance Company of Canada, will sell the variable annuity contracts.

Section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants' deferred contracts permit the accumulation of value on either a variable or a fixed and variable basis, and they also provide that annuities may be chosen on either a variable or a fixed

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and variable basis. Applicants request an exemption from section 22(d) of the Act to permit amounts accumulated on a fixed basis to be transferred without any sales charge to Account A for the purpose of accumulation or for the purpose of making variable annuity payments. Applicants state that under the deferred variable annuity contracts, the same deductions for sales and administrative expenses are made from each purchase payment without regard as to whether the net proceeds are applied to provide variable benefits or a combination of variable and fixed dollar benefits. Therefore, Applicants contend, imposition of an additional deduction for sales and administrative expense charges, when such amounts are transferred to Account A either during the accumulation period or on the annuity commencement date, would be inequitable and discriminatory, and that such imposition would subject some annuitants to higher total deductions than others who paid in the same amounts under the contracts.

Applicants also request an exemption from the provisions of section 22(d) to permit reductions in sales and administrative expense charges on single purchase payment contracts to be made on the basis of the aggregate amount of purchase payments allocated both to Account A and the fixed dollar accumulation account. Such reduced sales deductions would, Applicants assert, avoid the discrimination which would otherwise exist between persons allocating differing portions of their purchase payments between Account A and Sun Life (U.S.)'s general account.

Applicants further request an exemption from the provisions of section 22(d) to permit the reduction by one-half of the usual sales charges applicable to the sale of single purchase payment contracts when amounts payable under life insurance and annuity contracts issued by Sun Life Assurance Company of Canada, i.e., death benefits, the cash surrender values of life insurance annuity policies, and the maturity value of endowment policies, are used to purchase single purchase payment contracts.

Applicants allege that such reduced sales charges will not result in disruptive distribution patterns for the contracts since no secondary market in the contracts will develop, nor create unfair discrimination among contract purchasers because a sales expense charge will have previously been included in the premiums on the Sun Life Assurance Company of Canada insurance policies and annuity contracts from which the single payments are derived. Moreover, it is anticipated that sales expenses associated with the sale of contracts in the circumstances described will be sufficiently reduced to justify the lower sales charge.

Sections 26(a) and 27(c)(2). Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust, and any depositor and underwriter for the trust, are prohibited from selling perlodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, in part, that: (i) The custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (ii) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income and if necessary from the corpus of the trust for services performed and for reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian. Although the assets of Account A are held under a custodian agreement with a bank having the qualifications described in section 26(a) of the Act, the agreement does not create a trust with respect to the assets of Account A because Sun Life (U.S.), as a life insurance company, must retain ownership of and control of the disposition, of its property. Accordingly, an exemption is requested from the foregoing provisions to the extent necessary to make the requirement that the assets be held in a trust inapplicable.

In support of the requested exemption from the foregoing provisions of the Act, Applicants state that under the custodian agreement the assets of Account A will be held by the custodian and will be physically segregated and separated from the property of any other person, that Sun Life (U.S.) is required to maintain records of the names and addresses of persons having an interest in Account A, and that it will notify interested persons of substitutions of securities. Applicants further state that they are subject to extensive supervision and control by the Delaware insurance regulatory authorities, which includes the filing of annual statements of financial condition and being subject to periodic examination by such authorities. Applicants also assert that Account A has been established pursuant to a Delaware law which provides that the assets of Account A shall not be chargeable with liabilities arising out of any other business Sun Life (U.S.) may conduct, and that obligations arising under variable annuity contracts participating in Account A are general obligations of Sun Life (U.S.), and that Sun Life (U.S.) may not abrogate its obligations under such contracts. Applicants contend that the foregoing laws, regulations, and arrangements, provide substantial assurance that all obligations under contracts participating in Account A will be performed and that orphanage of Account A will not occur.

Applicants have consented that the requested exemption from sections 26(a) and 27(c)(2) be subject to the following conditions: (1) That the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of Account A shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) of the Act authorizes the Commission upon application to exempt any person from any provision or provisions of the Act conditionally or unconditionally if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1102 Filed 1-17-73;8:45 am]

[File No. 500-1]

TIDAL MARINE INTERNATIONAL CORP.

Order Suspending Trading

JANUARY 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Tidal Marine International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 12, 1973 through January 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1094 Filed 1-17-73;8:45 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

JANUARY 12, 1973.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 14, 1973 through January 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1095 Filed 1-17-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

JANUARY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 14, 1973 through January 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1096 Filed 1-17-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

JANUARY 12, 1973.

The common stock, $2.50 par value, of U.S. Financial Inc. being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 14, 1973, through January 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1097 Filed 1-17-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 158]

ASSIGNMENT OF HEARINGS

JANUARY 15, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I. & S. M.—26366, Bus Fares, between New York, N.Y., and New Jersey points, now assigned January 29, 1973, at New York, N.Y., is cancelled.

MC 136224, Southern Transports, Inc., now being assigned February 26, 1973 (1 week), at Meridian, Miss., in a hearing room to be later designated.

No. 35598, North Carolina Intrastate Freight Rates and Charges, 1972, now assigned January 29, 1973, at Raleigh, N.C., will be held in court room 1, Federal Building, 310 New Bern Avenue.

MC 134243 Sub 2, Moore Bros. Transportation Co., Inc., now assigned February 1, 1973, at Greensboro, N.C., will be held in the third floor court room, U.S. Post Office and Courthouse, 324 West Market Street.

MC-F-11599, Helms Motor Express, Inc.—Purchase—Fox Transfer Co., now assigned February 5, 1973, at Charlotte, N.C., will be held at the Public Library, 310 North Tryon Street.

MC-107498 Sub 855, Ruan Transport Corp., now assigned January 19, 1973, at Chicago, Ill., is cancelled and application dismissed.

MC-C-7499, Manhattan Transit Co., Consolidated Terminal and Travel Bureau, Inc., and National Tour Brokers Association, petition for declaratory order, now assigned February 5, 1973, MC 136670, Conboy Trucking Corp., now assigned February 7, 1973, at New York, N.Y., will be held in room F-2220, 26 Federal Plaza, New York, N.Y.

MC-C-7840, The Millenburg Tours, Inc., V-Lillian Hofmeister, now assigned February 21, 1973, at Baltimore, Md., is postponed to February 26, 1973, at Baltimore, Md., in a hearing room to be later designated.

MC-F-11604, McBride Transportation, Inc.—Purchase—C. & E. Trucking Corp. (assignee Alfred A. Rosenberg) MC-80428 Sub No. 80, McBride Transportation, Inc., now assigned hearing February 12, 1973, MC-135738 Sub 1, Fleet Services, Inc., now assigned February 14, 1973, will be held in room F-2220, 26 Federal Plaza, New York, N.Y.

MC 42092 Sub 2, Acme Cartage Co., continued on January 23, 1973, at Seattle, Wash., in a hearing room to be later designated.

MC 107107 Sub 414, Alterman Transport Lines, Inc., Extension—New Orleans, La., now assigned January 22, 1973, at Miami, Fla., will be held in room 206, Federal Building, 51 Southwest First Avenue.

[SEAL] ROBERT S. OSWALD, *Secretary.*

[FR Doc.73-1226 Filed 1-17-73;8:45 am]

[Notice 4]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 12, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed

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by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 340 (Sub-No. 25), filed December 6, 1972. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Cochran County, Tex., to points in New York, New Jersey, Ohio, Tennessee, Kentucky, Michigan, Illinois, Maryland, Massachusetts, Rhode Island, Connecticut, North Carolina, South Carolina, Virginia, West Virginia, Florida, Louisiana, Georgia, Alabama, Indiana, Delaware, Wisconsin, California, Washington, Texas, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 2202 (Sub-No. 425), filed November 27, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., located at or near Ford City, Pa., as an off-route point in connection with applicant's present authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 3255 (Sub-No. 13), filed December 5, 1972. Applicant: PEP TRUCKING CO., INC., 386 Henderson Street, Jersey City, NJ 07302. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Westchester, Nassau, and Suffolk Counties, N.Y., restricted to shipments having a prior movement by truck, rail, or water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 42487 (Sub-No. 798), filed November 24, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representatives: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680 and E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, (1) between Joliet, Ill. and Denver, Colo.; from Joliet, Ill. over Interstate Highway 80 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 36 at Springfield, Ill., thence over U.S. Highway 36 to Denver, and return over the same route, as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points; (2) between Joliet, Ill., and Salt Lake City, Utah; from Joliet over Interstate Highway 80 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 36 at Springfield, Ill., thence over U.S. Highway 36 to junction Kansas Highway 8, at or near Athol, Kans., thence over Kansas Highway 8 to the Kansas-Nebraska State line, thence over Nebraska Highway 10 to junction Interstate Highway 80, thence over Interstate Highway 80 (or over U.S. Highway 30 in Nebraska and Wyoming or U.S. Highway 189 or U.S. Highway 40 in Utah pending completion of paralleling Interstate Highway 80) to Salt Lake City, and return over the same route, as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points, but serving junction Nebraska Highway 10 and Interstate Highway 80 for purposes of joinder only with the route description in (3); and (3) between Joliet, Ill., and junction Nebraska Highway 10 and Interstate Highway 80; from Joliet over Interstate Highway 80 to junction Nebraska Highway 10 and Interstate Highway 80, and return over the same route, serving no intermediate points, but serving junction Nebraska Highway 10 and Interstate Highway 80 for purposes of joinder only with the route description in (2) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 799), filed December 6, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Nashville, Tenn. and Kansas City, Mo., from Nashville over Interstate Highway 40 to Memphis, Tenn., thence over Interstate Highway 55 to junction U.S. Highway 63 (near Gilmore, Ark.), thence over U.S. Highway 63 to junction U.S. Highway 60 (near Willow Springs, Mo.), thence over U.S. Highway 60 to junction U.S. Highway 160 (at Springfield, Mo.), thence over U.S. Highway 160 to junction Missouri Highway 13 (at Springfield, Mo.), thence over Missouri Highway 13 to junction Missouri Highway 7 (near Clinton, Mo.), thence over Missouri Highway 7 to junction U.S. Highway 71 (near Harrisonville, Mo.), thence over U.S. Highway 71 to Kansas City, and return over the same route as an alternate route in connection with carrier's presently authorized regular route operations, serving no intermediate points; and (2) between Birmingham, Ala. and Kansas City, Mo., from Birmingham over U.S. Highway 78 to Memphis, Tenn., thence over Interstate Highway 55 to junction U.S. Highway 63 (near Gilmore, Ark.), thence over U.S. Highway 63 to junction U.S. Highway 60 (near Willow Springs, Mo.), thence over U.S. Highway 60 to junction U.S. Highway 160 (at Springfield, Mo.), thence over U.S. Highway 160 to junction Missouri Highway 13 (at Springfield, Mo.), thence over Missouri Highway 13 to junction Missouri Highway 7 (near Clinton, Mo.), thence over Missouri Highway 7 to junction U.S. Highway 71 (near Harrisonville, Mo.), thence over U.S. Highway 71 to Kansas City, and return over the same route, as an alternate route in connection with applicant's presently authorized regular-route operations, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59150 (Sub-No. 75), filed December 8, 1972, Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities which because of size or weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Montgomery County, Ala., to points in Arkansas, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and restricted to traffic originating at the above plant or warehouse sites and destined to points listed above and further restricted against the transportation of oil field commodities as defined in Mercer-Extension-Oil Field Commodities, 74 M.C.C. 459. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 59150 (Sub-No. 76), filed December 8, 1972. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and molding*, from Charleston, S.C., New Orleans, La., Norfolk, Va., and Wilmington, N.C., to points in Manatee County, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tampa, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 67111 (Sub-No. 21), filed November 24, 1972. Applicant: KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind. 46947. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Walton, and Kokomo, Ind.; and (2) Between Walton and Logansport, Ind. over U.S. Highway 35. NOTE: Applicant is presently authorized to operate between Logansport and Kokomo, Ind., via U.S. Highway 35, serving no intermediate points. Applicant, by this application, proposes to add Walton, Ind. as an intermediate point on U.S. Highway 35 between Kokomo and Logansport, Ind. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 67450 (Sub-No. 46), filed December 4, 1972. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 South Ewing Avenue, Chicago, IL 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food preparations, and such commodities* as are dealt in by wholesale and retail grocery houses, in containers, (1) between Buffalo, N.Y., Toledo, Ohio, and Galesburg, Ill., and (2) from the facilities of United Facilities, Inc., at Galesburg, Ill. to points in Indiana, Iowa, Kentucky, Missouri, Kansas, Minnesota, Nebraska, Wisconsin, Tennessee, Michigan, and Illinois. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73688 (Sub-No. 58), filed December 1, 1972. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities because of size and weight require the use of special equipment) from the plant or warehouse sites of Armco Steel Corp., Metal Products Division located in Montgomery County, Ala., to points in Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and restricted to traffic originating at the above plant or warehouse sites and destined to points shown above and further restricted against the transportation of oil field commodities as defined in Mercer-Extension Oil Field Commodities, 74 M.C.C. 459. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 93393 (Sub-No. 17), filed December 4, 1972. Applicant: NIGHTWAY TRANSPORTATION CO., INC., 4108 South Emerald Avenue, Chicago, IL 60609. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (except commodities in bulk), from the plant site of Aurora Packing Co., Inc., located at or near North Aurora, Ill., to points in Indiana, Ohio, Kentucky, and the Lower Peninsula of Michigan, restricted to shipments originating at the above-named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100795 (Sub-No. 2), filed December 1, 1972. Applicant: WALLACE HERRINGTON, 124 New Abbeville Highway, Eufaula, AL 36027. Applicant's representative: Robert S. Richard, Post Office Box 2069 (57 Adams Avenue), Montgomery, AL 36102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Eufaula, Ala., to points in Cedar Springs, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Eufaula, Dothan, or Montgomery, Ala.

No. MC 103993 (Sub-No. 742), filed December 4, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in drive-away service, between points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., Dallas, Tex., or Los Angeles, Calif.

No. MC 103993 (Sub-No. 743), filed December 8, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mini-van and mini-flatbed trailers*, designed to be drawn by pickup trucks, in initial movements, in truckaway service, from the plantsite and storage facilities of Clark Equipment Co., Trailer Division, at or near Michigan City, Ind., to points in the United States on and east of the western boundaries of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 744), filed December 8, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, on undercarriages, from points in Herkimer County, N.Y. to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 103993 (Sub-No. 745), filed December 8, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings and sections of buildings*, on undercarriages, from points in Broome County, N.Y. to points in the United States (except Alaska and Hawaii). NOTE: Applicant presently holds authority to transport buildings in sections from the plant site of American Modular Home Corp., at or near Vestal, N.Y. to points in 18 States and the District of Columbia in No. MC 103993 (Sub-No. 567), therefore duplicating authority may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 106398 (Sub-No. 632), filed December 7, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and particleboard*, from Chesapeake, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and New York. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106920 (Sub-No. 45), filed December 6, 1972. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 45869. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated fireplace logs*, from Orange, Va., to points in Indiana, Illinois, Missouri, Michigan, Ohio, Wisconsin, Pennsylvania, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108058 (Sub-No. 9), filed December 5, 1972. Applicant: BARBER TRUCKING, INC., 407 Daniels Street, Toronto, OH 43964. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (including paperboard and/or pulpboard), from Toronto, Ohio to points in Michigan on and south of U.S. Highway 10 (excluding Detroit, Mich. and its commercial zone), New York on and west of U.S. Highway 81 (excluding Buffalo, N.Y.), and Tennessee; and (2) *Scrap paper* from points in Indiana, Michigan on and south of U.S. Highway 10 (excluding Detroit, Mich. and its commercial zone), New York on and west of U.S. Highway 81, Pennsylvania (except Aliquippa, Aspinwall, Avella, Bakerstown, Beaver, Beaver Falls, Bessemer, Belle Vernon, Brackenridge, Butler, Cannonsburg, Centerville, Charleroi, Cherry Valley, Chicora, Coraopolis, Creighton, Darlington, East Pittsburgh, Elwood City, Evans City, Export, Freedom, Farrell, Greensburg, Greenville, Grove City, Harrisville, Homestead, Irwin, Jamestown, Jeannette, Johnstown, Koppel, Lancaster, McKeesport, McKees Rocks, Marianna, Mercer, Midland, Milledgeville, Monaca, Natrona, New Alexandria, New Bedford, New Castle, New Kensington, New Wilmington, Pittsburgh, Rochester, Roscoe, Scottdale, Sharpsville, Sharon, Slickville, Slippery Rock, Stoneboro, Tatentum, Trafford, Trenton, Vandergrift, Wampum, Washington, West Alexander, West Leechburg, West Winford, Elkinsburg, Zelienople); and West Virginia, (except Benwood, Cameron, Chester, Clarksburg, Dunbar, Follansbee, Huntington, McMechen, Moundsville, New Cumberland, Newell, Parkersburg, St. Joseph, Warwood, Weirton, Wellsburg, Wheeling), to Toronto, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Pittsburgh, Pa., or Washington, D.C.

No. MC 111625 (Sub-No. 18), filed December 19, 1972. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, NY 13902. Applicant's representative: Martin Werner and Norman Weiss, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Elmira, N.Y., and Hammondsport, N.Y., from Elmira over N.Y. Highway 17 to its junction with U.S. Highway 15 at or near Painted Post (also from Elmira over N.Y. Highway 352 to its junction with N.Y. Highway 17, thence over N.Y. Highway 17 to its said junction with U.S. Highway 15, or, from Elmira over N.Y. Highway 14 to its junction with N.Y. Highway 17 at or near Horseheads, thence over N.Y. Highway 17 to its said junction with U.S. Highway 15, thence over U.S. Highway 15 to Bath, N.Y., thence over N.Y. Highway 54 to its junction with N.Y. Highway 54A, thence over N.Y. Highway 54A to Hammondsport, and return over the same route to Elmira; and (2) between Elmira, N.Y., and Wayland, N.Y., (a) from Elmira to Bath, as specified above, thence over U.S. Highway 15 to Wayland, and return over the same route to Elmira; and (b) from Elmira to the junction of N.Y. Highway 17 and U.S. Highway 15 at or near Painted Post as specified in (1) above, thence over N.Y. Highway 17 to Jasper, thence over N.Y. Highway 36 to Dansville, thence over N.Y. Highway 63 to Wayland (also from Jasper over N.Y. Highway 36 to its junction with N.Y. Highway 245, thence over N.Y. Highway 245 to its junction with U.S. Highway 15, thence over U.S. Highway 15 to Wayland, or from Jasper over N.Y. Highway 36 to its junction with N.Y. Highway 70, thence over N.Y. Highway 70 to its junction with U.S. Highway 15, thence over U.S. Highway 15 to Wayland) and return over the same route, or over U.S. Highway 15 and N.Y. Highway 17 to Elmira, serving all intermediate points in (1) and (2) above). Note: Applicant states it is presently authorized to transport general commodities, with the same exceptions, between Elmria, N.Y., on the one hand, and, on the other, all of the points covered by the instant application over irregular routes, Certificate MC 111625 Sub-No. 13. This application seeks regular route authority in lieu of said irregular authority for the service of said points. Applicant presently intends to submit proof of its past operations but

expressly reserves the right to call public witnesses in support of this application. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Binghamton or Elmira, N.Y.

No. MC 111729 (Sub-No. 365) filed September 18, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds; proofs, cuts, copy, manuscripts, first copies of publications, advertising material, and matters* pertaining thereto, between West Pittson, Pa., and New York, N.Y.; and (2) *agricultural commodity samples* for testing purposes; including *cottonseed samples, cottonseed meal samples, cottonseed oil samples, soybean meal samples, soybean samples, soybean oil samples, poultry, and livestock feed samples*, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, between Forrest City, Helena, Little Rock, Newport, Osceola, Pine Bluff, Stuttgart, and Wilson, Ark.; Sikeston, Mo.; Amory, Clarksdale, Corinth, Greenwood, Greenville, Jonestown, Marks, Minter City, Tunica, and Tupelo, Miss.; Tiptonville, Tenn.; and Decatur, Ala., on the one hand, and, on the other, Memphis, Tenn. NOTE: Applicant holds contract carrier authority under MC 112750 and Subs thereto, therefore dual operations may be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities but fails to identify the points or territories which could be tacked. However, applicant does not have any present intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 367), filed December 5, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds, and advertising material moving therewith*, (1) between Hicksville, N.Y., on the one hand, and, on the other, Atlantic City and Pennsauken, N.J. and Levittown, Pa., (2) between Downers Grove, Ill., on the one hand, and, on the other, Madison, Wis., and (3) between West Springfield, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New York, and Rhode Island. NOTE: Applicant holds motor contract carrier permit No. MC 112750 and Subs thereunder, therefore dual operations may be involved. Also, common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 112822 (Sub-No. 253), filed November 8, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from the plantsite and storage facilities used by Jeno's Inc., at or near Duluth, Minn., to points in Arkansas, Alabama, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of foodstuffs, from points in Michigan, to the plantsite and storage facilities of Jeno's Inc., at or near Duluth, Minn. NOTE: Applicant states that there may be tacking possibilities, however, none are intended. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Milwaukee, Wis.

No. MC 114273 (Sub-No. 128), filed December 1, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Knochar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride and magnesium chloride*, from Ludington and Midland, Mich., to points in Iowa and Illinois. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 52), filed November 24, 1972. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from points in Richardson County, Nebr., to points in Iowa and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115093 (Sub-No. 9), filed November 27, 1972. Applicant: MERCURY MOTOR EXPRESS, INC., 704 West Kennedy Boulevard, Tampa, FL 33606. Applicant's representative: Clayton R. Byrd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies, lumber, and lumber byproducts*, between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Florida, Georgia, and South Carolina. NOTE: Applicant presently holds general commodity authority in No. MC 115093 to transport between those points listed above, therefore duplicating authority may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 115162 (Sub-No. 258), filed November 22, 1972. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Harrison County, Miss., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 115162 (Sub-No. 259), filed December 1, 1972. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accesories* (except iron or steel commodities because of size and weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division in Montgomery County, Ala., to points in Arkansas, Colorado, Georgia, Florida, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia and restricted to traffic originating at the above plant or warehouse sites and destined to points shown above and between the plant or warehouse sites of Armco Steel Corp., Metal Products Division, at Springfield, Ill.; Greencastle, Pa., and in

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Montgomery County, Ala. Further restricted against the transportation of oil field commodities as defined in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 115162 (Sub-No. 260), filed December 7, 1972. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by lawn and garden dealers, from the plant, warehouse sites, and experimental farms of Deere & Co. in Dodge County, Wis., to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; (2) (A) *Tractors* (except those with vehicle beds, bed frames and fifth wheels), (B) *Equipment* designed for use in conjunction with tractors, (C) *Agricultural, industrial and construction machinery and equipment*, (D) *Trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (E) *Attachments* for the above-described commodities, (F) *Internal combustion engines*, and (G) *Parts* of the above-described commodities when moving in mixed loads with such commodities, from the plants, warehouse sites and experimental farms of Deere & Company in Blackhawk, Dubuque, Polk, and Wapello Counties, Iowa and Rock Island County, Ill., to points in Alabama and points in that part of Georgia on and south of a line beginning at Savannah Beach and extending along U.S. Highway 80 to junction U.S. Highway 280 and thence along U.S. Highway 280 to Columbus, and (3) *Returned shipments* of the above-named commodities, from the destination states named in (1) and (2) above, to the plants, warehouse sites, and experimental farms of Deere & Co. named in (1) and (2) above. Restriction: The authority in (1) and (2) above is restricted to traffic originating at the plants, warehouse sites, and experimental farms of Deere & Co. and the authority in (3) above is restricted to traffic destined to such facilities of Deere & Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 116519 (Sub-No. 17), filed December 4, 1972. Applicant: FREDERICK TRANSPORT LIMITED, a corporation, Rural Route 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and agricultural implements and parts and attachments thereof*, from South Bend and Laporte, Ind., to ports of entry on the United States-Canada boundary line located in New York and Michigan. Restriction: Transportation authorized herein shall be restricted to foreign commerce only. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119384 (Sub-No. 22), filed December 5, 1972. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Street, Perry IA 50220. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mankato, Kans., to points in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, Oklahoma, North Dakota, and South Dakota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119547 (Sub-No. 33), filed November 24, 1972. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products* (except in bulk) from Cambridge, Ohio to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture and sale of clay products (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Cambridge, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119774 (Sub-No. 65), filed December 7, 1972. Applicant: EAGLE TRUCKING COMPANY, a corporation, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron and steel and commodities because of size or weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Montgomery County, Ala., to points in Arkansas, Colorado, Georgia, Florida, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, restricted to traffic originating at the above plant or warehouse sites and destined to points shown above and further restricted against the transportation of oil field commodities as defined in Mercer Extension Oil Field Commodities, 74 M.C.C. 459. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 119789 (Sub-No. 136), filed December 1, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188 (1612 East Irving Boulevard) Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsites and storage facilities of General Interiors Corporation at or near Lewisburg, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Tennessee, Texas, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lewisburg, Pa., or Dallas, Tex.

No. MC 121281 (Sub-No. 6), filed December 1, 1972. Applicant: BIG MAC TRUCKING CO., a corporation, 1335 Boyles Street, Post Office Box 15454, Houston, TX 77020. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenances, and dismantling of pipelines, including the stringing and picking up thereof; and *pipe* for use other than oilfield, between points in Texas; (2) *tractors, drag lines, bulldozers, heavy machinery, graders, construction equipment, transformers, heavy tanks, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, steam or internal combustion engines, asphalt or pipeline coating, in barrels or drums, chlorine and other chemicals in steel cylinders or tanks* (not tank trucks), *cross-ties, fuel oil and gasoline* (except in tank trucks or tank trailers), *road lumber, rig timbers, lift equipment, mud, including drilling mud and conditioners* (not including movements in tank trucks or tank trailers), *dam and powerplant machinery and equipment, retorts, printing machines* (when not moving as oilfield equipment), between points in Texas, subject to the following: Restriction: The operations requested immediately above (paragraph 2) are restricted

to (a) commodities which because of size or weight require the use of special equipment or handling or (b) self-propelled articles, transported on trailers; and (3) *iron and steel articles* between Galveston and Houston, Tex., on the one hand, and, on the other, points in Texas. NOTE: Applicant states it presently holds interstate authority to transport all the commodities hereinabove described in paragraphs 1, 2 and 3, subject to certain restrictions, between all points in Texas under its certificate of registration MC 121281, which it here seeks to convert to a certificate of convenience and necessity, authorizing the interstate transportation of all such commodities as above indicated, such certificate to be effective in the event of grant of authority to conduct a physical interstate service as sought by related application in MC 121281 (Sub-No. 5). Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Houston, Tex.

No. MC 124511 (Sub-No. 10), filed December 4, 1972. Applicant: JOHN F. OLIVER, Post Office Box 223, Mexico, MO 65265. Applicant's representative: Lee K. Mathews, Suite 1302, 411 North Seventh Street, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board*, from Rockdale, Ill., to St. Louis and Kansas City, Mo., and points in Iowa and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 128273 (Sub-No. 134), filed December 4, 1972. Applicant: MIDWESTERN EXPRESS, INC., 121 Humboldt, Post Office Box 189, Fort Scott, KS 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, scouring, washing and polishing compounds, and starch and starch products* (except commodities in bulk), and (2) *advertising and promotional material and premiums* when moving with the commodities in (1) above, from Danville and Chicago, Ill., Indianapolis, Ind., and Kansas City, Mo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 135), filed December 5, 1972. Applicant: MIDWESTERN EXPRESS, INC., 121 Humboldt Street, Post Office Box 189, Fort Scott, KS 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such machinery and parts, accessories and attachments therefor as are dealt in by wholesale and retail recreational, lawn and garden equipment supply stores and dealers*, (1) from Belleville, Pa., to points in Minnesota, Louisiana and those points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (2) from Evansville, Ind. and Plymouth, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129516 (Sub-No. 11), filed December 1, 1972. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients*, dry, in bulk and in containers, between points in Oregon and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 129516 (Sub-No. 12), filed December 1, 1972. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: Ronald Patton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and canned goods*, from Prosser, Wash., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 135874 (Sub-No. 15), filed December 1, 1972. Applicant: LTL PERISHABLES, INC., Post Office Box 37468, Millard Station, Omaha, NE 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, from Howard, S. Dak., to points in Iowa, Nebraska, and Minnesota and (2) *Frozen foods*, (A) from Sioux Falls, S. Dak., to points in Iowa, Nebraska, and Minnesota and (B) from Minneapolis and St. Paul, Minn., and their commercial zones to Sioux Falls, S. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 136581 (Sub-No. 1), filed December 6, 1972. Applicant: ALL FREIGHT DISTRIBUTION CO., INC., 28 South Front Street, Baltimore, MD 21202. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers, on wheeled undercarriages, between the ports of Baltimore, Md., Norfolk and Richmond, Va., Philadelphia, Pa., Wilmington, Del., and the District of Columbia, restricted to shipments having a prior or subsequent movement by water, under a continuing contract, or contracts, with Furness Withy Agencies (USA) and Terminal Shipping Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138276, filed November 24, 1972. Applicant: J & G TRANSPORT LTD., a corporation, 8907 116th Street, Delta, BC, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, BC, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Scrap aluminum*, from the port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., over Interstate Highway 5 to Riverside, Calif.; and (2) *automotive wheels and component parts*, from Los Angeles, Calif., over Interstate Highway 5 to the port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., and return over the same route, and serving no intermediate points in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138279 filed December 6, 1972. Applicant: CONALCO CONTRACT CARRIER, INC., Conalco Drive, Jackson, Tenn. 38301. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile, clay and earthenware, glazed and unglazed with and without backing; tile facing and flooring; quarries, flooring, paving and promenade tile; china bathroom fixtures; adhesives and accessories* used in the installation of all of the above-described commodities; and *equipment, materials, and supplies* used in the manufacture and distribution of all of the above-described commodities (except commodities in bulk), over irregular routes, between the manufacturing and warehouse facilities of American Olean Tile Co. located at or near Olean, N.Y.; Lansdale, Pa.; Quakertown, Pa.; Jackson, Tenn.; Lewisport, Ky.; Cloverport, Ky.; and Roseville, Calif., on the one hand, and, on the other hand, all points in the United States (except Alaska and

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Hawaii) under a continuing contract or contracts with American Olean Tile Company. (2) *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), over irregular routes, between the manufacturing and warehouse facilities of Consolidated Aluminum Corp. located at or near Jackson, Mich.; Matteson, Ill.; North Adams, Mass.; Madison, Ill.; Shelbina, Mo.; Murphysboro, Ill.; Benton, Ky.; Carrollton, Ky.; Newbern, Tenn.; New Johnsonville, Tenn.; Columbia, Tenn.; Jackson, Tenn.; Iuka, Miss.; Florence, Ala.; Hendersonville, N.C.; Lake Charles, La.; Valley Park, Mo.; St. Louis, Mo.; and Covington, Ga., on the one hand, and, on the other hand, all points in the United States (except Alaska and Hawaii) under a continuing contract or contracts with Consolidated Aluminum Corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 138280, filed December 1, 1972. Applicant: MILLSTONE TRANSPORTATION, INC., % Rural Deliver I, 7 Twin Rivers Drive West, East Windsor, NJ 08520. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rigid form flooring and materials and supplies* used in the installation thereof, from the plantsite of Rural Deliver I, East Windsor, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia and (2) *Materials and supplies* used in the manufacture of rigid form flooring, from points in the above destination States to the plantsite of Rural Deliver I, East Windsor, N.J., under a continuing contract with Rural Deliver I, East Windsor, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 184), filed November 27, 1972. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony Carr, 1400 West Third Street, Cleveland, OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) Between the junction of U.S. Highway 68 and Kentucky Highway 29 and the junction of U.S. Highway 68 and Kentucky Secondary Highway 1268; from the junction of U.S. Highway 68 and Kentucky Highway 29 over Kentucky Highway 29 to its junction with Kentucky Secondary Highway 1268 at Wilmore, Ky., thence over Kentucky Secondary Highway 1268 to its junction with U.S. Highway 68 and return over the same route, serving all intermediate points; (2) Between the junction of U.S. Highway 21 and Interstate Highway 77 near Bland, Va. and the junction of Interstate Highway 81 and U.S. Highway 11 east of Wytheville, Va.; from the junction of U.S. Highway 21 and Interstate Highway 77 over Interstate Highway 77 to its junction with Interstate Highway 81, thence over Interstate Highway 81 to its junction with U.S. Highway 11 and return over the same route, serving all intermediate points; (3) Between the junction of Interstate Highway 77 and Virginia State Highway 610 and Wytheville, Va.; from the junction of Interstate Highway 77 and Virginia State Highway 610 over Virginia State Highway 610 to Wytheville, Va., and return over the same route; serving all intermediate points; (4) Between Halifax, Va. and South Boston, Va.; from Halifax, Va. over U.S. Highway 501 to South Boston, Va. and return over the same route, serving all intermediate points; (5) Between the junction of U.S. Highway 50 and unnumbered highway (old U.S. Highway 50) east of Salem, W. Va. and the junction of U.S. Highway 50 and unnumbered highway (old U.S. Highway 50) west of Salem, W. Va.; from the junction of U.S. Highway 50 and unnumbered highway (old U.S. Highway 50) east of Salem, W. Va. over U.S. Highway 50 to its junction with unnumbered highway (old U.S. Highway 50) west of Salem, W. Va. and return over the same route, serving all intermediate points;

(6) Between the junction of U.S. Highway 50 and unnumbered highway (old U.S. Highway 50) southeast of Smithburg, W. Va. and the junction of U.S. Highway 50 and unnumbered highway (old U.S. Highway 50) west of Nutters Farm, W. Va.; from the junction of U.S. Highway 50 and unnumbered highway (old U.S. Highway 50) southeast of Smithburg, W. Va. over U.S. Highway 50 to its junction with unnumbered highway (old U.S. Highway 50) west of Nutters Farm, W. Va. and return over the same route, serving all intermediate points; (7) Between Pennsboro, W. Va. and junction West Virginia Highway 74 and U.S. Highway 50; from Pennsboro, W. Va. over West Virginia Highway 74 to its junction with U.S. Highway 50 and return over the same route, serving all intermediate points; (8) Between Kenna, W. Va. and junction of Interstate Highway 77 and U.S. Highway 21 north of Pocatalico, W. Va.; from Kenna, W. Va. over unnumbered highway to junction Interstate Highway 77, thence over Interstate Highway 77 to its junction with U.S. Highway 21 north of Pocatalico, W. Va. and return over the same route; serving all intermediate points; and (9) Between Baton Rouge, La. and Lake Charles, La.; from Baton Rouge, La. over Interstate Highway 10 to Lake Charles, La. and with the right of access and egress to and from points on applicant's other certificated route between Lafayette, La. and Lake Charles, La. via available access roads, and return over the same route, serving all intermediate points and with the right of access and egress to and from points on applicant's other certificated route between Lafayette, La. and Lake Charles, La. via available access roads. NOTE: If a hearing is deemed necessary, applicant requests it be held at either (1) Lexington, Ky.; (2) Roanoke, Va.; (3) Parkersburg, W. Va.; or (4) Lafayette, La.

No. MC 2890 (Sub-No. 47), filed December 7, 1972. Applicant: AMERICAN BUSLINES, INC., Post Office Box 730, Wichita, KS 67201. Applicant's representative: James E. Wilson, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Washington, D.C., and Pennsylvania Turnpike Exit 12; from Washington, D.C. over U.S. Highway 29 to Silver Spring, Md., thence over Maryland Highway 97 to junction Interstate Highway 495; thence over Interstate Highway 495 to junction Interstate Highway 70S; thence over Interstate Highway 70S to junction Interstate Highway 70; thence over Interstate Highway 70 to Pennsylvania Turnpike Exit 12, and return over the same route, serving the intermediate points of Silver Spring. Restriction: Restricted against the transportation of passengers whose entire ride is between Washington, D.C., and Silver Spring, Md. Service at Exit 12 is restricted to joinder and/or tacking or for the purpose of interchange of passengers with other carriers. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138278, filed December 11, 1972. Applicant: KOCH BUS SERVICE, INC., Waconia, Minn. 55387. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, and baggage of passengers in separate vehicle, in charter operations, beginning and ending at points in Carver, McLeod, Scott, and Sibley Counties, Minn., and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 31389 (Sub-No. 160), filed December 5, 1972. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street (Post Office Box

No. 213), Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring the use of special equipment), serving Ferrum, Va., as an off-route point in connection with applicant's regular route operations between Greensboro, N.C., and Roanoke, Va., over U.S. Highway 220. NOTE: Common control may be involved.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1002 Filed 1-17-73;8:45 am]

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THURSDAY, JANUARY 18, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 12

PART II

Guide to Record Retention Requirements

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OFFICE OF THE FEDERAL REGISTER

GUIDE TO RECORD RETENTION REQUIREMENTS

REVISION AS OF JANUARY 1, 1973

This is a Guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The Guide is derived from the laws published in the United States Code, as amended by laws enacted during 1972, and from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1972.

The Guide is prepared by the Office of the Federal Register, National Archives and Records Service, General Services Administration and published in the CFR volume entitled "Finding Aids."

Coverage

In preparing the Guide it was necessary to establish boundaries in order to keep it from going beyond its intended purpose. The nature of these boundaries is outlined below.

As indicated by its name, the Guide adheres strictly to the retention of records. It does not cover such matters as the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

The Guide is limited to provisions which apply to a class. Requirements applying only to named individuals or bodies have been omitted.

The Guide is confined to requirements which have been expressly stated. In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, and to keep related working papers. Such implied requirements have not been included in the Guide.

The following types of requirements have also been excluded from the Guide:

(1) Requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, etc., unless they are closely related to other records which must be kept.

(2) Requirements as to the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contracts are incorporated in the Code of Federal Regulations.

Arrangement

The digests of recordkeeping provisions comprising the Guide are grouped under the Departments or independent agencies which impose or administer them (see "Contents"). Individual items are numbered to simplify indexing.

In general, the items retain their original numbers from year to year. Renumbering occurs only after a major revision of the material and is so indicated in brackets after the name of the agency involved. Individual items revised, amended, deleted, or added are shown in brackets following the item heading.

Two supplements to the Guide contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

An index to the Guide follows the last supplement.

NOTICE

The Guide to Record Retention Requirements does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1973.

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I. DEPARTMENT OF AGRICULTURE

1. Foreign Agricultural Service

1.1 Persons importing certain dairy commodities.

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.28

2. Agricultural Marketing Service [Amended]

2.1 Orange and grapefruit handlers. [Amended]

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years, 7 CFR 906.51; as may be prescribed by the marketing committee, 7 CFR 912.60, 913.50, 914.50

2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers.

Retention period: 3 years. 7 CFR 910.62

2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

2.4a [Combined with I 2.5]

2.5 Pear, plum, and peach handlers. [Amended]

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 917.50, 921.60, 931.60

2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60, 930.63

2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

2.9 Potato handlers. [Amended]

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 946.70, 947.80, 948.80, 950.80, 953.75

2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.80

2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80

2.12 Papaya handlers.

To maintain records of papayas received and disposed of by handler as may be necessary to verify reports requested.

Retention period: 2 years. 7 CFR 928.60

2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

2.13a Celery producers and handlers.

To maintain records to substantiate the reports required by the committee.

Retention period: Not less than 1 year after end of season. 7 CFR 967.71

2.14 Almond handlers.

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, reserve disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

2.15 Almond handlers.

To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.71 (retention: 981.70)

2.16 Filbert handlers.

To keep records of shelled and inshell filberts received and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of fiscal year in which transaction occurred. 7 CFR 982.71

2.17 Walnut handlers.

To keep records of shelled and inshell walnuts and walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.80, 984.464, 984.480

2.18 Date handlers.

To maintain records of the receipt, holding, handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68, 987.168

2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins received, acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.77, 989.176

2.20 Olive handlers.

To maintain records of olives acquired, held, and disposed of as may be prescribed by the Olive Administrative Committee and needed by it to perform its functions.

Retention period: At least 2 years beyond the crop year in which the transaction occurred. 7 CFR 932.61

2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.174

2.21a Cranberry handlers.

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct. 7 CFR 929.61

2.21b [Combined with I 2.5]

2.21c Hops handlers.

To maintain such records of hops handled or held as will substantiate the required reports.

Retention period: At least 2 years after end of marketing year. 7 CFR 991.61

2.21d Handlers (including each subsidiary and affiliate thereof) of Type 62 Shade Tobacco.

To keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not limited to, identification of the grower of the tobacco and the field in which produced.

Retention period: 5 years. 7 CFR 1201.60, 1201.130

2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 951.80, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes).) 7 CFR 926.122, 927.125

2.23 Commission merchants, dealers, and brokers of fruits and vegetables subject to the Perishable Agricultural Commodities Act of 1930.

(a) To keep accounts, records, memoranda, and documents which disclose all business transactions.

Retention period: 2 years. 7 CFR 46.14, 46.15, 46.17–46.19, 46.21–46.24, 46.28, 46.29, 46.31, 46.32

(b) To preserve records and memoranda which disclose the true ownership and management of the business.

Retention period: 4 years. 7 CFR 46.14

2.24 Date, prune, and raisin importers. [Amended]

To maintain records of transactions.

Retention period: 2 years subsequent to calendar year of acquisition. 7 CFR 999.1, 999.200, 999.300

2.25–2.26 [Reserved]

2.27 Transporters, shippers, and handlers of eggs and egg products. [Amended]

To maintain records of production, receipt, delivery, sale, movement, disposition, inventories, and class and quantities of eggs and egg products and such other records as required in section cited.

Retention period: 2 years. 7 CFR 59.200

2.28 [Transferred to I 3.5]

2.29 Dairy plants approved for USDA inspection and grading service.

To maintain (a) records of quality tests made on raw milk and cream received from each producer, seller, or shipper and of plant and laboratory tests and analyses of raw materials and finished products, (b) pasteurization recorder charts and water supply test certificates, and (c) most recent copy of employee health certificate.

Retention period: (a) 1 year, (b) 6 months, (c) until employee no longer employed. 7 CFR 58.148, 58.322

2.30—2.37 [Reserved]

2.38 Licensed agricultural products warehousemen.

To keep copies of all receipts issued.

Retention period: 1 year after December 31 of the year in which the corresponding original receipt is canceled. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 111.18

2.39 Licensed agricultural products warehousemen.

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 111.33

2.40 [Deleted]

2.41 Licensed agricultural products warehousemen.

To maintain accounting records as specified in sections cited.

Retention period: 6 years after December 31 of the year in which such cotton for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 111.41

2.42 Licensed agricultural products warehousemen.

To maintain as part of warehouseman's records an exact copy of each report submitted.

Retention period: 3 years after December 31 of the year in which submitted. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 111.44

2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year after December 31 of the year in which the receipt based on such certificates or memoranda is canceled. 7 CFR 101.47

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: 1 year after December 31 of the year in which such cotton is removed from the warehouse. 7 CFR 101.49

2.45 [Deleted]

2.46 Licensed agricultural products warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: 3 years after December 31 of the year in which issued. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56

2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: 1 year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse. 7 CFR 102.30

2.48 Licensed agricultural products warehousemen.

To keep as a record notices of the condition of commodities stored in the warehouse.

Retention period: 6 years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of litigation which the warehouseman knows is pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 102.54, 103.39, 106.48, 107.51, 108.42, 111.52

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations. [Amended]

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce, including records necessary to disclose the name of any substance used in the treatment of such seed.

Retention period: 3 years for documents, 1 year for seed samples, including separate samples of the treated seed portion of any lot of seed. 7 CFR 201.4

2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

2.53 Cotton handlers.

To maintain books and records necessary to carry out the provisions of the Cotton Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond the marketing year of their applicability. 7 CFR 1205.335, 1205.531, 1205.532

2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

2.55 Grain inspection agencies and licensees.

To maintain complete records of each inspection activity performed.

Retention period: 2 years after inspection (other than file samples). 7 CFR 26.55

2.56 Accredited turpentine and rosin processors for naval stores.

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

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2.57 [Deleted]

2.58 Potato handlers. [Added]

To maintain books and records necessary to carry out provisions of the Potato Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond marketing year of their applicability. 7 CFR 1207.351, 1207.532

2.59 [Reserved]

2.60 Milk handlers. [Amended]

To maintain records pertaining to receipt and use of milk and milk products, including records of production, processing, and distribution, and financial records relating thereto.

Retention period: 3 years, but can be extended by the market administrator by written notice. 7 CFR 1000.5 (For specific marketing area, see Parts 1001–1199.)

2.61–2.64 [Transferred to I 3.10–3.13]

3. Animal and Plant Health Inspection Service [Amended]

3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.

To keep detailed (a) production records including reports of all tests for purity, safety, and potency for each serial of biological product manufactured in or offered for importation into the United States, and (b) disposition records showing the sale, shipment, or other disposition made of the biological products handled.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Deputy Administrator, Veterinary Services. 9 CFR 116.1 (retention: 116.2)

3.2 Organizations sponsoring horse shows or exhibitions. [Added]

To maintain records as specified in section cited.

Retention period: 90 days or as specified by Deputy Administrator. 9 CFR 11.21

3.3 Distributors of biological products marketed under special license.

To keep complete records showing the name and address of each purchaser of the product and the name, serial number, and quantity of the product sold to such purchaser when the maintenance of records of distribution of biological products marketed under special license is a condition of the issuance of the special license.

Retention period: Not specified. 9 CFR 102.6(b)(3)

3.4 Owners and shippers involved in interstate movement of feeder and breeder swine. [Added]

To maintain records of origin, destination, and identification of all such swine.

Retention period: 1 year after movement of swine. 9 CFR 76.12

3.5 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products. [Transferred from I 2.28]

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 9 CFR 381.175 (retention: 381.177)

3.6 Research investigators or research sponsors administering experimental biological products to animals.

To maintain adequate records relative to the disposition of each animal administered experimental biological products. Such records include name and address of owner, pertinent data about animals and their location, and, if sold, name and address of purchaser.

Retention period: At least 2 years from the date that an experimental product was administered to such animal. 9 CFR 103.2

3.7 Persons certifying animals to be free of diethylstilbestrol (DES) residue. [Added]

To maintain a copy of such certificate as prescribed.

Retention period: 1 year from date of transaction. 9 CFR 309.16

3.8 Research facilities, exhibitors, operators of auction sales, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes. [Amended]

To keep records with respect to the purchase, sale, transportation, identification, and previous ownership.

Retention period: 2 years or longer as may be required by any Federal, State, or local law. 9 CFR 2.75–2.78 (retention: 2.79)

3.9 Operators of livestock markets handling any class of swine. [Amended]

To maintain records of origin, destination, and identification of all swine handled through markets.

Retention period: 1 year after transaction. 9 CFR 76.18

3.10 Carriers transporting meat. [Transferred from I 2.61]

To keep original certificates delivered to a carrier separate and apart from all its other papers and records or identified in some acceptable manner so as to be readily accessible for review.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.14

3.11 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food. [Transferred from I 2.62]

To keep records as specified in section cited.

Retention period: 2 years after end of year in which the transaction occurred, or longer if directed by the Administrator. 9 CFR 320.1 (retention: 320.3)

3.12 Custom slaughter operators claiming exemption. [Transferred from I 2.63]

To keep records as specified in section cited or by the Administrator.

Retention period: 2 years after end of year in which the transaction occurred or longer if directed by the Administrator. 9 CFR 303.1 (retention 320.3)

3.13 Transporters of undenatured livestock lungs. [Transferred from I 2.64]

To keep shipper's certificate.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.8 (retention: 320.3)

4. Agricultural Stabilization and Conservation Service

4.1 [Reserved]

4.2 Producers of gum naval stores from turpentine trees. [Amended]

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 1971—7 CFR 706.906; 1972—7 CFR 706.6 (retention: 708.1)

4.2a Food processors participating in the wheat marketing allocation program.

To maintain records and documents for each processing plant of all wheat processed into food products and of all sales and removals of food products from processing plants.

Retention period: 3 years. 7 CFR 777.15

4.2b [Reserved]

4.2c Indemnity payment program participants. [Amended]

To keep existing books, records, and accounts supporting any information furnished in connection with the program.

Retention period: 3 years following the end of the year during which application for payment was filed. 7 CFR 760.21 (milk handlers); 760.118 (beekeepers)

4.3 Ginners of cotton. [Amended]

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) name and address of person delivering cotton to gin; and (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.85 (retention: 722.88)

[1] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

4.4 Buyers of cotton. [Amended]

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; and (e) amount of penalties to be collected, if any.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.85 (retention: 722.88)

4.5–4.6 [Reserved]

4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling cotton from, for, or on behalf of the producer. [Amended]

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.87 (retention: 722.88)

4.8 Producers of cotton. [Amended]

To keep records of cotton marketed, and a copy of certificate showing name and address of buyer or transferee if marketed to persons not within the United States.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.90 (retention: 722.88)

4.9 Producers and producer-manufacturers of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco. [Amended]

To maintain records relating to acreage, production, and disposition of tobacco as required by regulations.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.95 (retention: 724.105)

4.10 Producers of flue-cured and burley tobacco. [Amended]

To maintain records relating to the production and disposition of tobacco.

Retention period: [1] 3 years after end of marketing year. 7 CFR 725.98, 726.92 (retention: 725.108, 726.102)

4.11 Cigar tobacco buyers and loan organizations. [Amended]

To maintain records relating to each sale of tobacco made by producer to buyer, kinds of tobacco purchased, and disposition of such tobacco.

Retention period: 3 years after end of marketing year. 7 CFR 724.99, 724.100 (retention: 724.105)

4.12 Truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.101 (retention: 724.105)

4.13 Truckers and persons redrying, prizing, or stemming flue-cured and burley tobacco, and storage firms. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received or handled and copies of required reports.

Retention period: [1] 3 years after end of marketing year. 7 CFR 725.102, 726.94 (retention: 725.108, 726.102)

4.14 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.96, 725.99, 725.112, 726.93 (retention: 724.105, 725.108, 726.102)

4.15 [Combined with I 4.14]

4.16 Dealers handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.97, 925.100, 926.94 (retention: 724.105, 725.108, 726.102)

4.17 [Combined with I 4.16]

4.18 Persons engaged in more than one business relating to tobacco. [Added]

To keep separate records for each business as required by regulations.

Retention period: 3 years after end of marketing year. 7 CFR 724.102, 725.103, 726.97 (retention: 724.105, 725.108, 726.102)

4.19–4.26 [Reserved]

4.27 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.

To keep records of wheat transactions as specified in the regulations.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 728.1173, 728.1174, 728.1177

4.27a Industrial users of flour second clears.

To maintain accurate records and documents supporting information shown on Form CCC-161 (Industrial Users Production Report and Claim for Refund).

Retention period: 3 years. 7 CFR 777.19

4.27b Distributors of flour second clears. [Amended]

To maintain accurate records and documents, including Forms CCC–165 (Processor Certification) and CCC–165–1 (Flour Second Clears), relating to the sale of flour second clears to industrial users.

Retention period: 3 years. 7 CFR 777.20 (retention: 777.19)

4.28 Peanut producers.

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.52 (retention: 729.66)

4.29 Peanut buyers.

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.57 (retention: 729.66)

4.30 Peanut shellers.

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.62 (retention: 729.66)

4.30a [Deleted]

4.31 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.

To keep records of rice transactions as prescribed in sections cited.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.34, 730.35, 730.38

4.32 Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.

To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed information for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

4.33 Persons marketing sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States and marketing sugar for consumption in Territory of Hawaii and in Puerto Rico.

To keep records of processings, receipts, inventories, and marketings of sugar and liquid sugar.

Retention period: 2 years following the end of the calendar year in which sugar is marketed. 7 CFR 816.8

See footnote 1 on page 1806.

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4.34 Persons importing sugar and liquid sugar into the continental United States (including importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies, persons engaged in the movement of sugar in interstate and foreign commerce, and surety companies undertaking obligations with respect to imported sugar).

To keep records of receipt, processing, and movement of sugar and liquid sugar and of tests, gallonages, and weights pertaining thereto.

Retention period: 2 years following end of calendar year in which sugar is imported or disposed of. 7 CFR 817.11

4.35 [Reserved]

4.36–4.37 [Deleted]

4.37a Producers of sugar beets and sugarcane. [Amended]

To maintain complete wage records of persons employed in the production, cultivation, or harvesting of sugar beets and sugarcane.

Retention period: 3 years from date of filing application for Sugar Act payment. 7 CFR Parts 862, 863, 864

4.37b [Deleted]

5. Commodity Credit Corporation

5.1 Warehousemen handling storage agreements for bulk oils.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1424.2

5.2 Cottonseed crushers participating in the cottonseed oil and meal purchase program.

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 3 years from the last date any of the products tendered by the crusher have been delivered. 7 CFR 1443.67

5.3 [Deleted]

5.4 Peanut shellers participating in the peanut price support program.

To keep accounts with respect to the purchase and sale of crop peanuts, including types, grades, quality, weight, names and addresses of producers and purchasers, and date and place of each transaction.

Retention period: 3 years after final delivery of peanuts to CCC. 7 CFR 1446.19

5.5 Mohair producers participating in the payment program for mohair, and their marketing agencies.

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 3 years. 7 CFR 1468.22, 1468.272

5.6 Producers of wool, sheep, and lambs and their marketing agencies participating in price support program. [Amended]

To maintain books, records, and accounts on production of wool, sheep and lambs, and the shearing thereof, and on purchases of lambs on and after April 1, 1956.

Retention period: 3 years after end of specified marketing year. 7 CFR 1472.1251, 1472.1351

5.7 [Combined with I 5.6]

5.8 [See I 5.4]

5.9 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the livestock feed program.

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.213

5.10 Dealers participating in the Puerto Rican tobacco purchase program.

To keep records with respect to all transactions relating to the tobacco of any crop year during which tobacco is sold to CCC.

Retention period: 3 years after delivery of tobacco to CCC. 7 CFR 1464.60

5.11 [Reserved]

5.12 Crushers of castor beans participating in the castor oil purchase program. [Amended]

To maintain books, records, and accounts including name of sellers, date of receipt, and the gross and clean weight, quality and price of each lot of castor bean purchased.

Retention period: At least 3 years from last date any castor oil is delivered by the crusher. 7 CFR 1443.108

5.13 Warehousemen handling honey under the price support program. [Added]

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1434.51

5.14–5.16 [Reserved]

5.17 [Deleted]

5.18 Cotton ginners participating in the cottonseed purchase program.

To keep books, records, and accounts for all purchases of cottonseed (including name of producer, date of receipt, weight, and purchase price of each lot) and other transactions.

Retention period: 3 years from last day any cottonseed is tendered to CCC for purchase under the applicable Participating Ginner's Agreement. 7 CFR 1443.13

5.19 Cooperative marketing associations participating in the price support program.

To maintain records showing quantity, quality, and disposition of commodities (cotton, dry edible beans, honey, rice, soybeans, tung oil) eligible for price support received from each member. The same records to be kept for commodities received from nonmembers which are ineligible for price support.

Retention period: Through end of the 5th marketing year following the marketing year for which approval is obtained. 7 CFR 1425.17, 1425.18

5.20 Exporters participating in the tobacco export program.

To maintain accurate records (including contracts of purchase, sale, and storage) establishing eligibility of tobacco for export payments made to exporters under the program.

Retention period: 3 years after date of export. 7 CFR 1490.10

6. Commodity Exchange Authority

6.1 Futures commission merchants and clearing organizations of contract markets depositing customers' money, securities, and property.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the money, securities, and property deposited therein are those of commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of such bank account.[3] 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants and clearing organizations of contract markets depositing obligations purchased with customers' funds.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of account.[3] 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants and clearing organizations of contract markets.

To keep records of obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations or securities, identity of depositories or other places where such obligations are segregated, date disposition made and amount received therefor, name of person to or through whom sold.

Clearing organizations receiving documents from members representing investment of customers' funds shall also keep a record showing separately for each member the date on which documents were received from member, description of documents, date on which documents were returned to member, or details of disposition by other means.

[3] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

Retention period: 5 years after investment liquidated or load paid.[3] 17 CFR 1.27 (retention: 1.31)

6.4 Futures commission merchants.

To keep a record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.[3] 17 CFR 1.32 (retention: 1.31)

6.5 Futures commission merchants.

To keep records furnished customers as of close of last business day of each calendar month, or as of any regular monthly date selected showing customer's position in each future.

Retention period: 5 years.[3] 17 CFR 1.33 (retention: 1.31)

6.6 Futures commission merchants.

To keep copy of confirmation of the execution of any trade originated by controller of accounts.

Retention period: 5 years.[3] 17 CFR 1.33a (retention: 1.31)

6.7 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.[3] 17 CFR 1.34 (retention: 1.31)

6.8 [Reserved]

6.9 Futures commission merchants and members of contract markets.

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[3] 17 CFR 1.35 (retention: 1.31)

6.10 Futures commission merchants and clearing members of contract markets.

To prepare and keep in permanent form the following: (a) a financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or floor trader executing each transaction, a symbol indicating the customer type, the opposite broker or floor trader, and the opposite clearing member with whom it was made).

Retention period: 5 years.[3] 17 CFR 1.35 (retention: 1.31)

6.11 Futures commission merchants and clearing organizations of contract markets.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, identity of depositories or other places where such securities or property are segregated, date received and returned or otherwise disposed of, including authorization therefor.

Retention period: 5 years from date of return of property.[3] 17 CFR 1.36 (retention: 1.31)

6.12 Futures commission merchants and members of contract markets.

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[3] 17 CFR 1.37 (retention: 1.31)

6.13 Contract markets.

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[3] 17 CFR 1.39 (retention: 1.31)

6.14 Contract markets.

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.[3] 17 CFR 1.44 (retention: 1.31)

6.15 Persons having or controlling a reportable position in commodity futures.

To keep books and records showing all details of all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts.

Retention period: 5 years.[3] 17 CFR 18.05 (retention: 1.31)

7. Farmers Home Administration

7.1 Individual borrowers and grant recipients of FHA funds. [Amended]

To maintain records of the operations to meet requirements of State and local regulations and terms of agreement with FHA and other creditors.

Retention period: Not specified. 7 CFR 1802.24

7.2 Local organizations obtaining watershed loans and advances under the Watershed Protection and Flood Prevention Act.

To maintain accounts and records relating to the installation, operations, and maintenance of works of improvement.

Retention period: 3 years after the year to which such records pertain. 7 CFR 1823.359

7.3 Rural communities and other associations or organizations of farmers and rural residents obtaining loans and grants for housing, central domestic water systems, waste disposal systems, shift-in-land-use projects and related facilities, and recreational facilities. [Amended]

To maintain records of its operations, maintenance, and management of its facility including the establishment and maintenance of financial accounts and records.

Retention period: Until summarized and reflected in the agency's official records and until the requirements of State and local laws and regulations are met. Number of years after this point not specified. 7 CFR 1802.77, Part 1823, App. 2, Item 3, 1823.107, 1823.284

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation. [Amended]

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry beans, combined crops, corn, cotton, flax, grain sorghum, oats, peanuts, canning and freezing peas, dry peas, rice, rye, soybeans, sugar beets, sugarcane, tobacco, tomatoes, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.111, sec. 17

9. Packers and Stockyards Administration

9.1 Stockyard owners, market agencies, and licensees under Packers and Stockyards Act regulations.

To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified; however, required to post and keep open for inspection currently effective schedules only. 9 CFR 201.22

9.2 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep accounts and records in regard to the Custodial Account for Shippers' Proceeds and the Custodial Account for Buyers' Funds.

Retention period: 2 years. 9 CFR 201.42 (retention: 201.50)

[3] See footnote 2 on page 1808.

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9.3 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceeds of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: 2 years. 9 CFR 201.45 (retention: 201.50)

9.4 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years. 9 CFR 201.46 (retention: 201.50)

9.5 Sellers of live poultry under Packers and Stockyards Act regulations.

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: 2 years. 9 CFR 201.48 (retention: 201.50)

9.6 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: 2 years. 9 CFR 201.49 (retention: 201.50)

9.7 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations. [Amended]

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the Area Supervisor of the Service).

Retention period: 2 years. 9 CFR 201.74, 201.106–1 (retention: 201.50)

9.8 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[a] 9 CFR 201.89

9.9 Packers subject to the provisions of the Packers and Stockyards Act.

To retain for the specified period of time the following records:

(a) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(b) Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(c) Departmental statements and summaries; balance sheets and profit and loss or operating statements.

Retention period: (a) 1 year; (b) 2 years; (c) 3 years. 9 CFR 203.4

9.10 Stockyard owners, market agencies, dealers and licensees subject to the provisions of the Packers and Stockyards Act.

To maintain records of items listed in section cited.

Retention period: 2 full calendar years, or longer if directed by the Administrator. 9 CFR 201.50

9.11 Packers and dealers of live poultry under the Packers and Stockyards Act.

To keep records listed in the section cited.

[a] Records shall not be destroyed or disposed of without the consent in writing of the Administrator, Packers and Stockyards Administration, Department of Agriculture. 9 CFR 201.50.

Retention period: 2 years. 9 CFR 201.101

10. Office of the Secretary

10.1 Educational institutions having negotiated research agreements with the Department of Agriculture.

To maintain records with respect to status of project, expenditures, separate records of expenditures for funds provided from other sources, and accounting records, all to be compatible with the Department's and institutions' administrative and fiscal processes.

Retention period: 3 years after final payment under the agreement. 41 CFR 4–3.5108, 4–7.5101–9 (retention: 4–7.5101–10

10.2 State agencies having contracts or agreements for relocation assistance projects.

To maintain records as specified in section cited.

Retention period: 3 years. 7 CFR 21.710

11. Export Marketing Service

11.1 Exporters participating in the rice export program.

To maintain records showing milled rice or brown rice exported or to be exported in connection with program.

Retention period: 3 years after date of export. 7 CFR 1481.184

11.2 Feed grain exporters participating in the feed grain export program.

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 3 years after date of export. 7 CFR 1484.137

11.3 [Reserved]

11.4 Private organizations or individuals which enter the private trade agreements pursuant to title IV of Public Law 480.

Maintain books and records as well as pertinent documents, correspondence, and memoranda covering all transactions relating to the private trade agreement.

Retention period: Not specified (subject to examination by the Administrator at all reasonable times until the entire amount due under the agreement has been paid CCC). 7 CFR 14.66

11.5 Suppliers who sell agricultural commodities under a title IV credit purchase authorization (including ocean transportation).

Maintain pertinent books, documents, papers, and records related to the supplier and the importer.

Retention period: 3 years after final payment under such contracts. 7 CFR 14.17

11.6 Exporters or purchasers participating in the flaxseed and linseed oil export payment-in-kind program.

To maintain records of flaxseed or linseed oil exported or to be exported and any documents relating to any transaction in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1486.137

11.7 Exporters of agricultural commodities under CCC export credit sales program.

To keep books, documents, papers, and records involving transactions relating to contracts between the exporter and the importer.

Retention period: 3 years after maturity of related credit arrangement. 7 CFR 1488.18

11.8 Importers and suppliers involved in sales of agricultural commodities.

(a) *Importers*—To maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

(b) *Supplicrs*—To maintain accurate books, records, and accounts with respect to all contracts entered into hcreunder.

Retention period: Until expiration of 3 years after final payment under such contracts. 7 CFR 11.6, 11.17, 17.6, 17.17

11.9 Exporters of wheat and wheat flour. [Amended]

To maintain records showing sales and deliveries of wheat or wheat flour exported or to be exported in connection with program.

Retention period: 3 years after date of export or final payment. 7 CFR 1483.184, 1483.284

11.10 [Combined with I 11.9]

12. Food and Nutrition Service

12.1 Cooperating State agencies, school food authorities, and food service management companies participating in the National School Lunch program or receiving federally donated commodities for school lunch programs.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 210.8, 210.14, 210.15, 210.16

12.2 Participants in the special food service program for children. [Revised]

(a) *Food service management companies*—To maintain records supported by invoices, receipts, and other evidence pertaining to service institution's feeding operations.

(b) *Service institutions*—To maintain food service operations, including meals, program receipts, and program expenditures for food, labor, and all other costs.

(c) *State educational agencies*—To maintain records on service institutions' program operations and payments to them from Federal funds.

Retention period: (a) 3 years after end of fiscal year; (b) and (c) 3 years and 3 months after end of fiscal year, except for nonfood assistance records which are to be maintained for 5 years. 7 CFR 225.7, 225.18

12.3 Cooperating State agencies, school food authorities, child care institutions, and food service management companies participating in the Special Milk program.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 215.7, 215.11, 215.12

12.4 Distributing, subdistributing, and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, and in assistance of other needy persons.

To maintain records relating to receipt, disposal, and inventory of commodities, including records with respect to the receipt, and disbursement of funds arising from, or federally disbursed for, operation of the distributing program; also, to maintain records on all activities under the Supplemental Food Program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 250.6, 250.8, 250.14, 250.15, 251.9

12.5 Cooperating State agencies, school food authorities, and food service management companies participating in the school breakfast program.

To maintain accounts and records as specified in sections cited.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.7, 220.24, 220.25

12.6 State agencies participating in the food stamp program.

To keep such records, microfilms, or approved lists in lieu of records, and submit such reports and other information as may from time to time be required by FNS.

Retention period: (a) For unlisted records, microfilms, or lists in lieu of records, 3 years from month of origin of such records, or longer if instructed in writing by FNS or the Department; (b) for records which have been microfilmed, no retention period after required reconciliation and microfilming; (c) for records covered by an approved list, 1 year after month of execution, or longer if instructed in writing by FNS or the Department. 7 CFR 271.1

12.7 States participating in emergency food assistance for victims of major disasters.

To keep records of information as required by the Food and Nutrition Service.

Retention period: Not specified. 7 CFR 274.7

12.8 School food authorities participating in the National School Lunch program or receiving federally donated commodities for school lunch programs.

To keep records of hearings on applications which families make for free or reduced price lunches for children.

Retention period: 3 years. 7 CFR 245.7

12.9 Cooperating State agencies, school food authorities, and service institutions participating in the nonfood assistance program.

To maintain records as specified in the regulations.

Retention period: 3 years to 5 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.16, 220.24, 225.15, 225.17

12.10 States participating in temporary emergency food assistance for victims of other than major disasters.

To keep records of information as required by the Food and Nutrition Service.

Retention period: Not specified. 7 CFR 274.14

II. DEPARTMENT OF COMMERCE

1. Economic Development Administration

1.1 Recipients of loans and grants—project control records.

To keep and preserve, and to require each contractor and subcontractor to keep and preserve, on account of any loan under section 201, 202, or 403, Public Law 89–136, August 26, 1965, or section 6 or 7, Public Law 87–27, May 1, 1961, or on account of any grant under section 101, 102, 301, 403, or 505, Public Law 89–136, August 26, 1965, or section 8, Public Law 87–27, May 1, 1961, detailed records reflecting acquisitions, work progress, expenditures and commitments, and to indicate their relationship to estimated costs and schedules.

Retention period: Until completion of all work performed or acquisitions made in connection with the project and at least 3 years thereafter. 13 CFR 301.54

1.2 Recipients of loans and grants—financial records.

To keep and preserve so long as any sum shall be due and unpaid to the Government on account of any loan under section 201, 202, or 403, Public Law 89–136, August 26, 1965, or section 6 or 7, Public Law 87–27, May 1, 1961, or on account of any grant under section 101, 102, 301, 403, or 505, Public Law 89–136, August 26, 1965, or section 8, Public Law 87–27, May 1, 1961, full written records, accurately disclosing the amount and the disposition by such recipients of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the Act or Acts involved and the terms and conditions upon which such financial assistance was made.

Retention period: For loans, until final payment has been made to the Government, and at least 3 years thereafter; for grants, until completion of all work performed in connection with the project, or until final disbursement has been made by the Government, whichever is later, and at least 3 years thereafter. 13 CFR 301.54

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1.3 Contractors and subcontractors—project control records and financial records. [Added]

To keep and preserve on account of any contract for technical assistance under section 301, Public Law 89–136, August 26, 1965, or section 11, Public Law 87–27, May 1, 1961, or on account of any contract for research under section 301, Public Law 89–136, August 26, 1965, or section 27, Public Law 87–27, May 1, 1961, detailed project control records in connection with the contract, reflecting acquisitions, work progress, expenditures, and commitments and indicating their relationship to established costs and schedules, and full written financial records, as shall adequately establish compliance with the requirements of the applicable acts and the terms and conditions of the contract or subcontract.

Retention period: At least 3 years after final payment under the contract or subcontract. 13 CFR 301.54

2. Domestic and International Business Administration [Revised]

ADJUSTMENT ASSISTANCE

2.1 Firms receiving adjustment assistance under the Trade Expansion Act of 1962.

To keep records of all transactions relating to the receipt, disbursement, and utilization of assistance received.

Retention period: 3 years following completion of adjustment assistance proposal or until loans called for therein have been repaid, whichever date is later. 15 CFR 500.50

INDUSTRIAL MOBILIZATION

2.2 Persons in the United States participating in transactions covered by DPS Regulation 2.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of DPS Regulation 2 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, DPS Reg. 2, sec. 7(a)

2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended December 1, 1959.

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended December 1, 1959.

Retention period: For at least 3 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 14

2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Regulation 1 and DMS Order 1 and DMS Order 3.

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Reg. 1—Basic Rules of the Priorities System; DMS Order 1—Iron and Steel; and DMS Order 3—Aluminum, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, DPS Reg. 1, sec. 24(a); DMS Order 1, sec. 17(a); DMS Order 3, sec. 15(a)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Order 1.

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Order 1—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR Ch. VI, DPS Order 1, sec. 8(a)

2.6 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in transactions covered by DMS Order 2—Nickel Alloys.

To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with the provisions of DMS Order 2—Nickel Alloys.

Retention period: At least 3 years. 32A CFR Ch. VI, DMS Order 2, sec. 13(a)

2.7 Producers, distributors, and users of copper controlled materials, intermediate shapes, and copper raw materials. (DMS Order 4—Copper and Copper-base Alloys).

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of DMS Order 4—Copper and Copper-base Alloys. Such records shall include, but shall not be limited to, all authorized controlled material orders (ACM), rated orders and directives received by such persons, and copies of all authorized controlled material orders (ACM), and rated orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, DMS Order 4, sec. 12

EXPORT CONTROL

2.8 Holders of International Import Certificates selling or transferring commodities covered by such certificates.

To maintain written acceptance by the purchaser or transferee of all obligations imposed under the export regulations of the United States.

Retention period: 2 years.[4] 15 CFR 368.2

2.9 Executors of International Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.

To maintain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 2 years.[4] 15 CFR 368.3

2.10 Exporter of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing.

To keep copies of exporter's letter of inquiry and manufacturer's reply regarding use of commodities.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 378.2 (retention: 387.11)

2.11 Applicants for export licenses.

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 372.6 (retention: 387.11)

2.12 Foreign importers of aircraft or vessel repair parts.

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

Retention period: 2 years from, date the commodities are supplied to a vessel or aircraft.[4] 15 CFR 373.8

2.13 Exporter to a foreign distributor.

(a) *Exporters*—To retain copies of validated or rejected Forms FC–143 and 243, and all other forms, documents, correspondence, memoranda, books, and other records relating to exports under the Form FC–243 procedure.

(b) *Foreign distributor*—To retain copies of Form FC–243 and records of distribution, sale, or reexportation from a foreign-based stock under this procedure.

Retention period: 2 years (a) from date of validated or rejected forms, and (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.4 (retention: 387.11)

[4] Complete and accurate reproductions may be substituted for documents required to be retained under Export Control Regulations after 12 months from beginning of required retention period, provided facilities for location and inspection are available at the place of retention. 15 CFR 387.11

2.14 Applicants for a Periodic Requirements and Time Limit Licenses.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.5, 373.6 (retention: 387.11)

2.15 Forwarding agents receiving copies of commercial invoices not containing destination control statement.

To keep record of corrected entry or of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 386.6 (retention: 387.11)

2.16 Transferors and transferees of export licenses.

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 372.13

2.17 Exporters or agents.

To keep records of export transactions, exports and reexports.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 387.11

2.18 Loan or sale of commodities by airlines.

To keep records of commodities imported from the U.S. and lent or sold to another airline without profit.

Retention period: 2 years from date of transaction. 15 CFR 376.8

2.19 Carriers releasing shipment without receiving a bill of lading containing notice of prohibition against diversion.

To secure a receipted copy of the written notice omitted from the bill of lading from party taking custody of the shipment.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 386.6 (retention: 387.11)

2.20 Exporters of certain kinds of technical data.

To secure and retain a written assurance from the consignee regarding use of the data and its direct product.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 379.4 (retention: 387.11)

See footnote 4 on page 1812.

2.21 Exporters and distributors of commodities under distribution licenses.

To keep (a) one copy of each validated or rejected Form FC 1143; (b) all other forms, documents, correspondence, memoranda, books, and other records relating to any export from the United States under a distribution license; (c) all records regarding a sale or reexport by a distributor who is an approved consignee; (d) the original of Swiss Blue Import Certificate and reproduced copies of the original of the Yugoslav End Use Certificates.

Retention period: 2 years (a) from date of validation or rejection; (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction; (c) from date of sale or reexport; and (d) from the date the commodities are distributed.[4] 15 CFR 373.3 (retention: 387.11)

2.22 U.S. exporters, foreign-based service facilities, and foreign manufacturers operating under the Service Supply Procedure.

To keep records of all exports and reexports under the Service Supply Procedure.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.7 (retention: 387.11)

2.23 Exporters of commodities to be returned to the United States.

To be keep records of temporary exports to be returned to the United States as well as Customs Entry Number or any other evidence of disposition of commodities exported.

Retention period: 2 years from date of return of commodities of other disposition.[4] 15 CFR 371.22 (retention: 387.11)

2.24 Forwarding agents for exporters operating under the Shippers Export Declaration.

To maintain the power-of-attorney or other authorization as well as redelegations by the forwarding agent.

Retention period: 3 years after the last action taken. 15 CFR 386.3

2.25 Exporters reexporting commodities exported under general license.

To maintain reexport authorization document.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 374.7 (retention: 387.11)

2.26–2.30 [Reserved]

FOREIGN TRADE ZONES

2.31 Grantees of foreign trade zones.

To maintain records required under the Uniform System of Accounts, Records, and Reports.

Retention period: 5 years after the merchandise covered by such records has been forwarded from the zone. 15 CFR 400.1014

SHIPPING RESTRICTIONS

2.32 Ship and aircraft owners, masters, officers, employees and agents participating in transportation.

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 and T–2 (Shipping restrictions) have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 4; T–2, sec. 4

2.33 Persons transporting commodities to and from Southern Rhodesia.

To retain records of shipments in sufficient detail to permit an audit that will determine, for each transaction, that the provisions of 15 CFR Part 11 have been met. Records may be microfilmed or photographic copies made.

Retention period: At least 2 years. 15 CFR 11.5

3. Assistant Secretary for Science and Technology

3.1 State agencies or institutions receiving financial assistance under the State Technical Services Act of 1965. [Amended]

To maintain records and documentation (e.g., vouchers, payrolls, invoices, contracts) relating to grant and amount, nature, and identification of funds supplied from non-Federal sources.

Retention period: Until audit has been conducted by the Department and all questions arising therefrom are resolved. 15 U.S.C. 1368

4. [Transferred to II 2]

5. Maritime Administration

5.1 General agents (shipping companies) or their subcontractors and berth agents.

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, AGE–1, sec. 2(a), General Agency Agreement, Art. 3 (g)(1) and Art. 14; sec. 2(b) Berth Agency Agreement, Art. 3(e)(1) and Art. 14

5.2 Agents entering into service agreements.

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for

[4] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

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financial transactions under agency agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–1, sec. 1

5.3 Agents entering into service agreements.

To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

5.4 General agents.

To prepare monthly invoices for husbanding and other compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record amounts of compensation paid in agency account books.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–2, sec. 3(a) (1) and sec. 5

5.5 General agents.

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, INS–1, sec. 7(b)

5.6 General agents.

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, OPR–1, sec. 2(e)

5.7 Masters.

To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship and for losses sustained due to fire, water, or other damage which renders articles unsaleable.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

5.8 General agents.

To keep a copy of each Job Order, Supplemental Job Order or WORKSMAL REP Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, SRM–5

5.9 General agents.

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

See footnote 5 on page 1813.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, SRM–2, sec. 4; SRM–3, sec. 3(d); SRM–4, sec. 2; SRM–5, sec. 3(a) and sec. 19

5.10 Charterers of Government-owned dry-cargo vessels.

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

5.11 [Reserved]

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA–140, Repair Summary (together with the letter and documents pertinent thereto) for each terminated voyage.

Retention period: Not less than 6 years after audit and approval by the Maritime Administration and Maritime Subsidy Board of a final accounting for the last year of a recapture period and settlement of such a recapture period. 46 CFR 272.7

5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.00, 282.01, 292.3

5.14 Operating-differential subsidy contractors.

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.364

5.15 Contractors and subcontractors.

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination by the Maritime Administration. 46 CFR 285.5

5.16 Contractors and subcontractors.

To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

5.17 Operators of operating-differential subsidy agreements and depositories.

To keep certified copies of resolutions authorizing the establishment of special and capital reserve funds and such other accounts established in connection therewith.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 286.2

5.18 Taxpayers establishing construction reserve funds.

To keep records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.26

5.18a Taxpayers establishing construction reserve funds; depositories.

To keep resolutions in connection with the establishment and maintenance of the construction reserve fund under agreement with the depository.

Retention period: 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer. 46 CFR 287.6

5.19 Operators of operating-differential subsidy agreements.

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 292.8

5.20 [Deleted]

5.21 Purchasers of war-built vessels.

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

5.22 Charterers of war-built vessels.

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.31

5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction

of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.39, 299.130. 299.202

5.24 Charterers of war-built vessels.

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.48, 299.52, 299.53

5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders or policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

5.26 Those assured under war risk cargo insurance program.

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

5.28 State maritime schools.

To keep records pertaining to the schools, its officers, instructors, crew, cadets, training vessels and shore bases. The schools shall also maintain records of cadet enrollments, reenrollments, absences with or without leave, hospitalizations, disenrollments, graduations, and other analogous data.

Retention period: Not specified. 46 CFR 310.3

5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

5.30 Operators under title VI and VII, Merchant Marine Act, 1936.

To keep varied records created while under contract with the Maritime Administration/Maritime Subsidy Board.

Retention period: In accordance with the provisions of sections cited. 46 CFR 380.20–380.24

6. Office of Foreign Direct Investments

6.1 Persons in the United States making foreign direct investments.

To keep within the United States a full and accurate record of each transaction subject to the provisions of 15 CFR Part 1000, whether effected pursuant to authorization or otherwise, and of every other transaction with an affiliated foreign national.

Retention period: 3 years. 15 CFR 1000.601

6.2 Persons required to make reports and persons aiding in preparing such reports.

To preserve all working papers (irrespective of by whom prepared) used in preparation of reports required under 15 CFR 1020.121(a) or 1000.602(b), all exhibits, all schedules, and all attachments to such papers, and all books and all records related to such reports or to such other papers, that were prepared in the ordinary course of business.

Retention period: 3 years. 15 CFR 1020.121(b)

7. [Transferred to II 2]

8. National Oceanic and Atmospheric Administration

8.1 Licensees on whale catchers and factory ships, and at land stations.

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the end of the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

8.2 Persons engaged in weather modification or related activities. [Added]

To maintain daily record of activities, name and address of person operating weather modification apparatus, and such other records as required by sections cited.

Retention period: 5 years. 15 CFR 908.8, 908.9, 908.11

8.3 Recipients of fishing vessel mortgage insurance.

To maintain books of account and submit periodic reports as required by the Secretary of Commerce.

Retention period: End of period during which insurance is in force. 50 CFR 255.4

8.4–8.6 [Reserved]

8.7 Masters of shipping vessels engaged in yellow-fin tuna fishing. [Amended]

To keep an accurate log of all fishing operations, including the date, locality, and estimated quantity of tuna fish and other marketable fish, by species, which are taken on board.

Retention period: Not specified. 50 CFR 280.11

8.8 State fishery agencies or other non-Federal interests receiving Federal assistance under the Anadromous Fish Act of 1965.

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years following final payment. 50 CFR 401.15

8.9 [Reserved]

8.10 Purchasers of haddock, yellowtail flounder, or other finfish, and herring from U.S. fishing vessels. [Amended]

To keep records of each purchase of herring, haddock, yellowtail flounder, or any other species of finfish taken within convention area by a U.S. fishing vessel.

Retention period: Not specified. 50 CFR 240.10, 242.8

8.11 Masters or operators of fishing vessels engaged in haddock or yellowtail flounder, and herring fishing. [Amended]

To keep an accurate log of all fishing operations, including details of type of gear used, locality and duration of fishing, and estimated poundage of each species taken at each retrieval of gear.

Retention period: Not specified. 50 CFR 240.10, 242.8

8.12 Masters or operators of vessels holding Pacific halibut fisheries license or permit.

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.7

8.13 Halibut dealers.

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in

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pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.8

8.14 Factory whaling ships and land stations.

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

9. Regional Action Planning Commissions

9.1 Recipients of grants—financial records.

To keep and preserve on account of any grant under secs. 505 and 509 of the Public Works and Economic Development Act of 1965, as amended, full written records, accurately disclosing the amount and the disposition by such recipients of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the act or acts involved and the terms and conditions upon which such financial assistance was made.

Retention period: Until completion of all work performed in connection with the project, or until final disbursement has been made by the Government, whichever is later, and at least 3 years thereafter. 13 CFR 307.62(10) (d)

10. United States Travel Service

10.1 States or private or nonprofit organizations receiving Federal grants for travel promotion projects.

To maintain all books, documents, papers, and records relating to the project.

Retention period: 3 years unless extended by the Assistant Secretary for Tourism. 15 CFR 1200.5 (retention: 1200.7)

11. Bureau of the Census

11.1 Exporters, their agents, and owners and operators of exporting carriers.

To retain all shipping documents, invoices, orders, packing lists, correspondence, and other documentation as required by 15 CFR 30.7 and 30.8.

Retention period: 3 years subsequent to exportation. 15 CFR 30.11

III. DEPARTMENT OF DEFENSE

1. Department of the Air Force

1.1 Contractors' flight operating procedures and flight crews.

To keep records of each flight crew member and policy and flight operating procedures.

Retention period: Not specified. 32 CFR 860.5

2. Department of the Army

2.1–2.3 [Transferred to III 3]

2.4 Persons holding permits for discharging or depositing into navigable waters.

To keep records as to the nature and frequency of all discharges and deposits from plant or other facility and such other information requested by the District Engineer.

Retention period: Not specified. 33 CFR 209.131

3. Defense Civil Preparedness Agency [Added]

3.1 Contractors with federally assisted contracts.

To maintain payroll and other related records during the course of the work for all laborers and mechanics working at the site of the work.

Retention period: 3 years. 32 CFR 1808.4

3.2 State or State agencies receiving Federal contributions for civil defense equipment.

To maintain books, records, and documents relating to such contributions.

Retention period: 3 years following completion of the approved project. 32 CFR 1801.6

3.3 State or State agencies receiving financial contributions for personnel and administrative expenses.

To keep books, records, papers, and other pertinent supporting material including those relating to procurement of administrative equipment and to merit system operations showing receipt and disbursement of Federal funds received.

Retention period: 3 years after payment unless advised by DCPA to maintain such records for a longer period. 32 CFR 1807.6

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 Local educational agencies receiving Federal grants for construction of minimum school facilities in areas affected by Federal activities.

To keep all records supporting claims for Federal grants.

Retention period: 5 years after the date of final payment, or until notified that such records are not needed for administrative review, whichever occurs earlier.* 45 CFR 114.61

1.2 Local educational agencies receiving Federal grants to cover current expenditures in areas of public schools affected by Federal activities.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies, or for 3 years following fiscal year to which the claim relates, whichever is earlier.* 45 CFR 115.42

1.3 State and local agencies receiving financial assistance for vocational education programs.

(a) To maintain records supporting claims for Federal grants or relating to the accountability for the expenditure of such grants and matching funds, and records supporting compliance and maintenance of effort and other requirements.

Retention period: 3 years after close of fiscal year in which expenditure was made or, if Federal audit has not occurred, 5 years after close of fiscal year in which expenditure was made or until notified of completion of Federal audit, whichever is earlier.* 45 CFR 102.129

(b) To maintain inventories of items of equipment acquired with funds and costing more than $200 per unit.

Retention period: Until depreciation of such equipment results in a fair market value of less than $200 per unit or until its disposition. 45 CFR 102.131

1.4 Institutions of higher learning receiving grants for librarianship training.

To maintain records relating to the receipt and expenditure of Federal grant funds and to the expenditure of grantee's contribution to the cost of the training program.

Retention period: 3 years after end of budget period; or if Federal audit has not occurred, until notified of completion of audit or 5 years following end of budget period, whichever is earlier.* 45 CFR 132.16

1.5 State and local agencies and any other entities participating in the library services and construction program, interlibrary cooperation or specialized State library services. [Amended]

(a) To keep all records identified as to individual program allotments supporting claims for Federal grants or relating to the accountability of the State agency or any participant for expenditures of such grants and of matching funds and records supporting maintenance of effort.

Retention period: 3 years after close of fiscal year in which expenditure was made, or if Federal audit has not occurred, for 5 years after close of fiscal year in which expenditure was made or until notified of completion of audit, whichever is earlier.* 45 CFR 130.39

(b) To keep inventories and records of each item initially costing $200 or more.

Retention period: Until depreciation results in less than $200 or until disposition. Inventories retained pursuant to (a). 45 CFR 130.41

* The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been reviewed and cleared.

1.6 State agencies and training facilities receiving payments for manpower training.

(a) To keep all records supporting claims for Federal funds or relating to the accountability for expenditure of such funds and relating to the expenditure of its share of the costs of providing training.

Retention period: 5 years after the close of the fiscal year in which the expenditure was made or until notified of the completion of the Federal fiscal audit, whichever is earlier.* 45 CFR 160.16

(b) To maintain an inventory on all equipment acquired costing $50 or more.

Retention period: Until the expiration of the useful life of such equipment, or until notified of the completion of the audit covering the disposition of such equipment. 45 CFR 160.17

1.7 State and local educational agencies, municipalities, and nonprofit agencies receiving financial assistance for noncommercial educational radio and television broadcast facilities. [Amended]

(a) To maintain all records relating to the receipt and expenditure of the Federal grant funds and to the expenditure of non-Federal share of the cost of the project.

Retention period: 5 years after the close of the fiscal year in which the expenditure was made; or until the applicant is notified of the completion of the Secretary's fiscal audit, whichever is earlier.* 45 CFR 60.19

(b) To maintain adequate descriptive inventories and other records supporting accountability of all transmission apparatus acquired and installed in the project and costing, or in the case of donations, having a fair market value of $100 or more except that when depreciation of such apparatus results in a fair market value of less than $100 per unit such apparatus may be deleted from such inventory.

Retention period: 10 years after completion of the project. 45 CFR 60.19

1.8 State and local educational agencies and institutions receiving grants for education of handicapped children [Amended]

(a) To maintain all records supporting claims for Federal funds or relating to accountability of the grantee for expenditures of such funds.

Retention period: 3 years after end of budget period; or if audit has not occurred, 5 years or until completion of audit, whichever is earlier.* 45 CFR 121.6

(b) To maintain an inventory of equipment acquired and costing more than $300.

Retention period: For expected useful life of the equipment or until its disposition, whichever is earlier. 45 CFR 121.4

1.9 State commissions and institutions receiving financial assistance for construction of higher education facilities.

(a) *State commissions.* To maintain (1) accounts and documents supporting expenditures for expenses, (2) inventories and other records supporting accountability for purchase of equipment items costing $50 or more per unit, (3) records of each application received, and (4) records of all hearings on appeals and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* To maintain all accounting records relating to approved projects, including bank deposit slips, canceled checks, etc. (or microfilm copies), for audit and inspection by the Federal Government.

Retention period: (a) (1) Until notified of completion of Federal audits for the Federal fiscal year concerned, (2) until notified of the completion of review and audit by HEW covering disposition of such equipment, (3) at least 2 years after final action is taken, and (4) at least 3 years; (b) 3 years after the completion of the project or until the applicant is notified of completion of the Government's audit, whichever is later.* 45 CFR 170.6

1.10 State and local educational agencies, public and private nonprofit agencies, and institutions of higher learning receiving financial assistance for adult education programs. [Amended]

(a) To maintain all records pertaining to the expenditure of the Federal grant and non-Federal contribution.

Retention period: 3 years after close of fiscal year in which expenditure was liquidated, or until notified that such records are no longer needed for program administrative review, or completion of Federal fiscal audit, whichever is the latest.* 45 CFR 166.40, 166.76

(b) To keep inventory and records of all items of equipment costing $100 or more in which cost the Federal Government has participated.

Retention period: Not specified. 45 CFR 166.35, 166.77

1.11 State and local educational agencies receiving financial assistance for strengthening academic subjects in public schools.

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following the end of period for which funds were made available, whichever is earlier.* 45 CFR 141.17

(b) To keep continuing inventories and records supporting accountability for nonconsumable equipment costing $300 or more per unit.

Retention period: Until equipment is no longer useful; until residual value of equipment is less than $100; or until equipment is disposed of or accountability to United States is waived. 45 CFR 141.17

See footnote 6 on page 1816.

1.12 Private nonprofit schools receiving loans for acquisition of equipment for strengthening instruction in academic subjects.

To keep all records supporting the use of loan funds.

Retention period: Until the loan has been paid in full or 3 years after receipt of loan funds, whichever is later. 45 CFR 142.9

1.13 Institutes of higher education receiving financial assistance for graduate fellowship programs.

To keep all records supporting claims for Federal payments.

Retention period: 3 years after the close of the fiscal year to which such records relate; or until notified that such records are not needed for program administration review; or until notified of the completion of the Department's fiscal audit, whichever is the latest.* 45 CFR 145.5

1.14 State and local educational agencies receiving financial assistance for guidance, counseling, and testing programs.

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditures of Federal grants and matching funds.

Retention period: 3 years after the close of the fiscal year in which the expenditure was made; or if audit has not occurred, until notified of completion of audit or 5 years after end of fiscal year in which expenditure was made, whichever is earlier.* 45 CFR 118.55

(b) To maintain inventories of equipment costing $300 or more acquired with grant funds.

Retention period: Useful life of equipment or until disposition, whichever is earlier, and records of such inventories for 3 years thereafter. 45 CFR 118.41

1.15 Institutions administering the Federal insurance loan program. [Added]

To maintain records of (a) all federally insured loan accounts, and (b) each applicant to whom a loan is made.

Retention period: (a) Not specified; (b) until Commissioner has no further use of records. 45 CFR 178.41

1.16 State and local educational agencies receiving financial assistance for special educational needs of educationally deprived children.

(a) To keep all records supporting claims for Federal grants or relating to the accountability for expenditure of such grants.

Retention period: 5 years after close of fiscal year in which expenditure was made; or until notified that such records are not needed for administrative review, whichever is the earlier.* 45 CFR 116.54

(b) To maintain inventory records on equipment acquired with Federal funds and placed in the temporary custody of persons in a private school.

Retention period: 1 year following period inventories must be kept, or if cost-

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ing $100 or more per unit, for the expected useful life of the equipment or until its disposition. 45 CFR 116.55

1.17 State and local educational agencies receiving financial assistance for school library resources, textbooks, and other instructional materials.

(a) To keep records supporting claims for Federal funds or relating to the accountability of the grantee or funded agency for expenditure of such funds.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following the end of the period for which funds were made available, whichever is earlier.[6] 45 CFR 117.39

(b) To maintain continuing inventories and other supporting accountability records for equipment costing $300 or more.

Retention period: Until equipment is no longer useful; until residual value is less than $100; or until accountability to United States has been waived. 45 CFR 117.39

1.18 State and local educational agencies receiving financial assistance for supplementary educational centers and services.

(a) To keep all records supporting claims for Federal grants or relating to the accountability for expenditure of such grants.

Retention period: 5 years after close of fiscal year in which expenditure was made, or until notified that such records are not needed for administrative review, whichever occurs first. 45 CFR 118.11, 118.64

(b) To keep inventories of all equipment acquired with funds costing $100 per unit.

Retention period: 3 years following the period for which such inventories are required to be made; or if costing $100 or more, for the expected useful life of such equipment or until its disposition, whichever is earlier. 45 CFR 118.11, 118.64

1.19 State educational agencies and nonprofit public and private agencies and institutions receiving Federal financial assistance for research and research related activities in the field of education and for construction of national and regional research facilities.

(a) To keep all records supporting claims under Federal grants or relating to the accountability of Federal funds.

Retention period: Until audit by or on behalf of the Department, or 5 years after the close of the budget period, whichever is the lesser.[6] 45 CFR 151.18

(b) To keep inventories and other records supporting accountability of nonconsumable equipment costing $250 or more per unit purchased.

Retention period: Until notified of the completion of the Department's review and audit covering disposition of such equipment. 45 CFR 151.18

1.20 State educational agencies receiving financial assistance to strengthen State departments of education.

(a) To keep all records supporting claims for Federal grants or relating to the accountability of such grantee for expenditure of such grants.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following end of period for which funds were made available, whichever is earlier.[6] 45 CFR 119.49

(b) To keep inventories and other records supporting accountability of equipment, which costs $100 or more per unit, purchased with Federal financial participation.

Retention period: Until notified of the completion of the Department's review and audit covering the disposition of such equipment. 45 CFR 119.49

1.21 Local educational agencies receiving financial assistance for construction of public elementary and secondary schools and for current expenditures in areas affected by major disasters. [Amended]

To keep records supporting claims for such assistance.

Retention period: 5 years following date of final payment under the application or until notified that such records are not needed for program administrative review, whichever is the earlier. 45 CFR 112.16, 113.19

1.22 [Combined with IV 1.21]

1.23 State commissions and institutions receiving financial assistance for acquisition of equipment to improve undergraduate instruction in institutions of higher education. [Amended]

(a) *State commissions.* To maintain (1) records supporting expenditures for expenses of State commission, (2) a complete case file on each application received, and (3) records of all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

Retention period: (1) Until notification of completion of Federal audits for fiscal year concerned, or 5 years following such fiscal year, whichever is sooner; [6] (2) at least 2 years after final action on the application by the State commission; and (3) at least 2 years after closing date for receipt of such projects. 45 CFR 171.7, 171.8

(b) *Institutions.* To maintain all accounting records relating to approval of projects and to verification of the applicant's maintenance of effort, including bank deposits, canceled checks, etc.

Retention period: 3 years after completion of the project or until applicant is notified of the Government's audit, whichever is later. 45 CFR 171.7, 171.8

1.24 Federal, State, and private programs of low-interest loans to vocational students and students in institutions of higher education.

(a) *Guarantee agencies.* To keep records on status of its student loan insurance reserve fund and the operation of its loan insurance progam.

(b) *Lenders.* To keep complete and accurate records on all federally insured loan accounts reflecting each transaction.

Retention period: (a) Not specified; (b) until Commissioner has no further need for such records, but for not less than 3 years from date loan either has been repaid in full or defaulted with reimbursement of the lender by the guarantee agency or the Commissioner. 45 CFR 177.8

1.25 State agencies or institutions receiving financial assistance for community service and continning education programs. [Amended]

(a) To maintain all records supporting claims for Federal grants or relating to accountability of State agency or participating institutions for expenditure of such grants or of matching funds.

Retention period: 5 years after close of fiscal year in which expenditure was made or until notified that such records are not needed for program administration review or of completion of Department's fiscal audit, whichever is sooner.[6] 45 CFR 173.29

(b) To keep inventories and records of all items of equipment initially costing $100 or more in which the Federal Government has participated.

Retention period: Not specified. 45 CFR 173.30

1.26 Institutions of higher education participating in the national defense student loan program.

To maintain records of all transactions with respect to the fund, general ledger control accounts and subsidiary accounts as required, pertinent records of fund activities including individual oaths, and promissory notes.

Retention period: Until agreed upon with the Commissioner that there is no further need for retention. 45 CFR 144.11

1.27 [Combined with IV 1.10]

1.28 Local educational agencies and institutions of higher education receiving financial assistance for bilingual education programs.

(a) To maintain all records pertaining to such Federal grant or to the expenditure of grant funds.

Retention period: 5 years after close of fiscal year in which the expenditure is liquidated, or until notified that such records are not needed for program administrative review, whichever occurs first.[6] 45 CFR 123.26

(b) To maintain inventories and other records supporting accountability on equipment costing $100 or more per item under an approved project.

Retention period: 1 year after the end of expected useful life of equipment or disposition of the equipment. 45 CFR 123.37

See footnote 6 on page 1816.

1.29 Local educational agencies receiving financial assistance for demonstration projects for reducing school dropouts.

(a) To maintain all records relating to Federal funds and to the expenditure of such funds.

Retention period: 5 years after close of fiscal year in which the expenditure is liquidated or until notified that such records are not needed for program administrative review, whichever is earlier.[6] 45 CFR 124.25

(b) To maintain records on inventories of all equipment costing $100 or more per unit acquired with Federal funds.

Retention period: 1 year after the end of the expected useful life of the equipment or after disposition of such equipment. 45 CFR 124.28

1.30 Institutions of higher education receiving financial assistance for college library resources program.

To maintain all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of matching funds.

Retention period: 5 years after close of fiscal year or until notified of completion of fiscal audit, whichever is earlier.[6] 45 CFR 131.16

1.31 Local educational agencies and public and private agencies receiving financial assistance for research and training, exemplary, and curriculum development programs in vocational education.

(a) To keep all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of such funds and its contribution to the cost of the program or project.

Retention period: 3 years after close of budget period in which expenditures were made; or, if a Federal audit has not occurred, 5 years after close of budget period in which expenditures were made, or until notified of completion of the Federal audit, whichever is earlier.[6] 45 CFR 103.48

(b) To keep records on all equipment procured or fabricated under the grant and costing more than $300 or having a residual value of more than $100.

Retention period: Not specified. 45 CFR 103.53

1.32 Institutions of higher learning receiving grants under the Upward Bound project.

To maintain all records showing progress of project in achieving objectives, and all accounting records necessary for audit.

Retention period: 3 years after completion of the project or until notification of the Federal audit, whichever is later; but in no case more than 5 years after completion of the project.[6] 45 CFR 155.14

See footnote 6 on page 1816.

1.33 State educational agencies receiving Federal financial assistance for planning and evaluation of programs and projects for elementary and secondary education. [Amended]

(a) To keep all records supporting claims for Federal funds or relating to the accountability for expenditure of such funds.

(b) To keep records on inventories of all equipment acquired under section 402 of the act and costing $100 or more per unit.

Retention period: 3 years following the period for which funds were made available and inventories required to be made; or if there has been no audit by that time, until such audit or until 5 years following the end of the budget period, whichever is earlier.[6] 45 CFR 107.8

1.34 State and local educational agencies receiving grants under the emergency school assistance program.

To maintain all records pertaining to expenditure of Federal grant.

Retention period: 3 years after end of budget period, or if Federal audit has not occurred, 5 years following the end of the budget period, whichever is earlier.[6] 45 CFR Part 181, App. A, Sec. 5

1.35 State and local educational agencies receiving financial assistance for educational programs on environmental quality.

To maintain such records as the Secretary may find necessary.

Retention period: Not specified. 20 U.S.C. 1532

1.36 Area vocational schools and institutions of higher learning participating in the college work study program.

To maintain records reflecting all activities of the program including student employment applications.

Retention period: 3 years following end of fiscal year or until completion of Federal audit, whichever is later, but no longer than 5 years.[6] 45 CFR 175.16

1.37 State and local educational agencies receiving grants for educational programs on drug abuse. [Transferred from IV 2.23]

To maintain such records as the Secretary may find necessary.

Retention period: Not specified. 21 U.S.C. 1002

2. Food and Drug Administration

2.1 Persons introducing shipment or delivery of unlabeled food, drugs and devices, and cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking. [Amended]

To keep written agreements containing such specifications as will insure that such food, drugs and devices, and cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such commodities from such establishment. 21 CFR 1.107, 1.204, 5.2

2.2–2.3 [Combined with IV 2.1]

2.4 Persons introducing shipment or delivery of unlabeled hazardous substances into interstate commerce and operators of establishments receiving and labeling such substances.

To keep written agreements containing such specifications as will insure that such hazardous substances will not be misbranded upon completion of such labeling.

Retention period: 2 years after final shipment or delivery of such hazardous substance from such establishment. 21 CFR 191.64

2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.

To keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

2.6 Sponsors, investigators, and shippers of new drugs and antibiotic drugs for investigational use; and investigational review committees. [Revised]

To maintain records of (a) each shipment and delivery and disposition of each new or antibiotic drug; and (b) documents relating to membership, study discussions, resolutions, etc. of review committees.

Retention period: (a) 2 years after shipment and delivery; (b) 3 years after completion or discontinuance of study. 21 CFR 130.3, 130.3a, 130.3b, 135.3, 144.8

2.6a [Combined with IV 2.11]

2.7 Persons introducing shipment or delivery of antibiotic drugs into interstate commerce; operators of establishments processing, labeling, storing, repacking, and manufacturing antibotic drugs; and persons requesting certification of antibiotic drugs. [Amended]

(a) To keep complete records of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years from date of shipment or delivery and/or receipt of same. 21 CFR 144.3—144.7, 146.5

Photostatic or other permanent reproductions may be used as substitutes for records identified in this section after the first 2 years of retention. 21 CFR 144.23, 146.7

2.8 Persons petitioning for exemption from certification for antibiotic drugs intended for local or topical use. [Amended]

To keep records of all laboratory tests and assays required as a condition for certification on each batch produced and of all shipments and deliveries of each batch or part thereof.

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Retention period: 3 years after date of shipment or delivery. 21 CFR 144.1

Photostatic or other permanent reproduction may be substituted for such records after the first 2 years of the holding period. 21 CFR 144.23

2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.

To keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 164.8

2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.

To keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 290.17

2.11 Persons manufacturing, processing, packing, or holding finished pharmaceuticals. [Amended]

To maintain batch production and control records for each batch of drugs; data concerning laboratory tests performed; records of the distribution of each batch of drug in a manner that will facilitate its recall if necessary; and written and oral complaints regarding the drug.

Retention period: 2 years after the distribution of the drug has been completed or 1 year after the expiration of the drug, whichever is longer. 21 CFR 133.7, 133.11, 133.12, 133.15

2.12 Persons to whom color-additive certificates have been issued by the Food and Drug Administration.

To keep complete and separate records showing the disposal of all the color additive from the batch covered by such certificates.

Retention period: At least 2 years after disposal of all such color additive. 21 CFR 8.26

2.13 Persons delivering for introduction or introducing into interstate commerce a color additive or a food, drug, or cosmetic containing such an additive, for investigational use.

To maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

2.14 Manufacturers or distributors shipping new drug substances intended for hypersensitivity testing.

To maintain records of all shipments for this purpose.

Retention period: 2 years after shipment. 21 CFR 130.41

2.15 Persons treating food with low dose electron beam radiation. [Amended]

To keep a record of the radiation intensity and power used by means of recorders coupled to the election accelerator. The record shall identify the food that has been subjected to the radiation.

Retention period: Permanent; 1 year for Food and Drug Administration inspection. 21 CFR 121.3007

2.16 Manufacturers, packers, distributors, and shippers of antibiotic drugs for human release. [Added]

To maintain such records as specified in section cited to facilitate determination whether such certificate or release should be rescinded or whether any regulations should be amended or repealed.

Retention period: Not specified. 21 CFR 146.14

2.17 Persons holding approved new-drug applications. [Amended]

To maintain records necessary to facilitate a determination whether there may be grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) to suspend or withdraw approval of the application.

Retention period: Not specified. 21 CFR 130.13, 130.47

2.18 Manufacturers, processors, packers, and holders of medicated feeds. [Amended]

To maintain (a) receipt and inventory records of drug components; (b) production records; (c) master formula records or cards for each medicated feed; (d) laboratory control records on results of assays; (e) distribution records; and (f) records of complaints and action taken.

Retention period: (a)—(d) 1 year; (e) 6 months; (f) 2 years. 21 CFR 133.104, 133.105, 133.108—133.110

2.19 Manufacturers, processors, packers, and holders of smoked and smoke-flavored fish.

To maintain records providing positive identification of the process procedures used for the manufacture of hot-process smoked or hot-process smoke-flavored fish and of the distribution of the finished product.

Retention period: Not specified. 21 CFR 128a.7(e) (5)

2.20 Manufacturers, processors, packers, and holders of medicated premixes for use in the manufacture of medicated feeds. [Amended]

To maintain receipt and inventory records of any drug components used; batch production and control records; results of assays; distribution records; and oral and written complaints concerning safety and efficacy of each premix.

Retention period: 2 years. 21 CFR 133.204, 133.205, 133.208—133.210

2.21 Manufacturers, processors, packers, and repackers of human foods.

To maintain records of coding of food products.

Retention period: The shelf life of the product, except not longer than 2 years. 21 CFR 128.7(1)

2.22 Manufacturers, importers, or retailers of agricultural fireworks.

To maintain complete records of production, distribution, and receipt of all such fireworks, and the name and address of the consignee.

Retention period: 3 years after distribution is completed. 21 CFR 191.9

2.23 [Transferred to IV 1.37]

2.24 Sponsors of methadone maintenance programs. [Amended]

To maintain for each patient an admission evaluation and records consisting of personal and medical history, physical examination, and such other information as necessary.

Retention period: Not specified. 21 CFR 130.44

2.25 Manufacturers of impact-resistant lenses for glasses and sunglasses.

To maintain records of sale, distribution, and results of tests conducted on impact-resistant lenses.

Retention period: 3 years. 21 CFR 3.84

2.26 Manufacturers and importers of clacker balls, baby bouncers and walkers, or similar articles.

To maintain records of sale, distribution, and results of inspections and tests conducted.

Retention: 3 years. 21 CFR 191.65a

2.27 Manufacturers of poison prevention packaging.

To maintain records of tests and results of both children and adults required under the Poison Prevention Packaging Act of 1970.

Retention period: Not specified. 21 CFR 295.10

2.28 Licensed domestic and foreign manufacturing establishments of biological products or trivalent organic arsenicals. [Transferred from IV 3.17]

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations; and records of tests of cultures for verification of identity and determination of freedom from extraneous organisms.

Representatives of licensed foreign establishments distributing biological products or trivalent organic arsenicals into any State or possession of the United States. To keep such records of distribution as are required of domestic licensed establishments.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 21 CFR 273.301, 273.502, 273.780

2.29 Licensed domestic and foreign manufacturing establishments processing whole blood (human). [Transferred from IV 3.18]

To maintain records of the full explanation made by the physician, hospital or other medical facility, of why it is essential to allow time for transportation of whole blood (human) prior to determination of test results, to assure arrival when needed for transfusion.

Retention period: 5 years after the records of manufacture are completed or 6 months after the latest expiration date, whichever is later. 21 CFR 273.3004 (retention: 273.502)

2.30 Manufacturers of certain electronic products. [Transferred from IV 3.32]

To maintain (a) description of the quality control procedures with respect to electronic product radiation safety; (b) record of the results of tests for electronic product radiation safety; (c) for products that display aging effects which may increase radiation emission, records of the results of tests for durability of the product, and the basis for selecting the tests; (d) copies of all pertinent written communications; (e) records of the manufacturers distribution of products; and (f) records received from dealers or distributors pursuant to sec. 78.731.

Retention period: 5 years from the date of the record. 42 CFR 78.720, 78.721

2.31 Dealers and distributors of certain electronic products. [Transferred from IV 3.33]

To maintain, for products for which the retail price is greater than $50.00, information as necessary to permit tracing of specific products to specific purchasers.

Retention period: 5 years from the date of sale, award, or lease of such product. 42 CFR 78.730, 78.731

2.32 Manufacturers, packers, distributors, and retailers promoting retail sales promotions. [Added]

To maintain invoices and other records relating to "cents-off" coupons or other savings representations and to package size savings.

Retention period: 1 year subsequent to end of year in which promotion occurs. 21 CFR 1.1d, 1.1e

2.33 Hospitals and other authorized dispensers of methadone. [Added]

To maintain clinical record for each patient showing dates, quantity, and batch or code mark of drug dispensed.

Retention period: 3 years. 21 CFR 130.44

2.34 Manufacturers of methadone. [Added]

To maintain signed invoices of methadone delivered to licensed practitioner.

Retention period: Not specified. 21 CFR 130.44

3. Public Health Service [7]

[Renumbered]

3.1 Institutions receiving grants for research projects.

To maintain such progress and fiscal records as the Secretary may prescribe.

Retention period: 3 years after end of budget period; or if audit on behalf of HEW has not occurred, 5 years following end of budget period, or until audit occurs, whichever is earlier. In all cases an overriding requirement exists to retain records until resolution of all audit questions. 42 CFR 52.24

3.2 States and State agencies receiving Federal funds for construction and modernization of hospitals and medical facilities.

To maintain (a) separate fiscal and accounting records of Federal and/or State funds reflecting the receipt or expenditure of such funds and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) 3 years after close of fiscal year in which construction is completed if grantee notified of completion of Federal audit by such time. If grantee has not been notified, such records shall be retained for 5 years after close of fiscal year in which construction completed or until grantee is notified of completion of Federal audit, whichever comes first; [8] (b) 3 years after completion of the contract. 42 CFR 53.128, 53.132

3.3 Public or private nonprofit agencies, institutions, or organizations receiving grants for family health center projects.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of completion of Federal audit or until 5 years following end of budget period, whichever comes first.[8] 42 CFR 51.415

3.4 Public or nonprofit agencies and organizations receiving grants for initial cost of professional and technical personnel of community mental health centers.

To maintain such records, books, documents, and papers as the Surgeon General shall prescribe that are pertinent to assistance under the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

Retention period: Not specified. 42 CFR 54.308

[7] For Food, Drug and Cosmetic Act regulations applicable to products licensed under the Public Health Service Act, see Food and Drug Administration, Items 2.6, 2.11, 2.13.

[8] In all cases where audit questions have arisen before expiration of such 5 year period, records shall be retained until resolution of all such questions.

3.5 State health agencies, public or nonprofit private agencies, institutions, or organizations receiving grants for dental health of children.

To maintain operational and accounting records relating to use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 51a.315

3.6 Institutions receiving Federal grants for the construction of health research facilities (including mental retardation facilities).

To maintain (a) all fiscal or other records relating to the construction and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.8

3.7 Public or nonprofit private schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, and public health receiving Federal grants for the construction of teaching facilities for health personnel.

To maintain (a) adequate and separate accounting and fiscal records for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) 3 years after close of fiscal year in which construction is completed or if audit has not occurred, for 5 years after close of fiscal year in which construction is completed or until applicant is notified of completion of Federal audit, whichever is earlier; (b) 3 years after completion of the contract. 42 CFR 57.107, 57.108

3.8 Institutions participating in the health professions and the nursing student loan programs.

To keep records reflecting all transactions with respect to the student loan fund, recording Federal capital contributions and Federal capital loans separately.

Retention period: Until agreed with the Secretary that there is no further need for retention. 42 CFR 57.215, 57.315

3.9 Public or nonprofit private schools receiving Federal funds for construction of nurse training facilities.

To maintain (a) accounting and fiscal records and accounts for all funds provided from any source to pay cost of construction project, and (b) payroll records and kickback statements for all laborers and mechanics working at the project site.

Retention period: (a) 3 years after close of fiscal year in which construction

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is completed; or if Federal audit has not occurred, 5 years or until applicant is notified of completion of audit, whichever is earlier; (b) 3 years after completion of the project. 42 CFR 57.407, 57.408

3.10 Public or nonprofit schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary medicine receiving Federal funds to support their educational programs, for scholarship funds and for special projects.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after close of period of time during which grantee may obligate funds (budget period) if grantee notified of completion of Federal audit. If grantee not so notified such records shall be retained for 5 years after close of budget period or until grantee is notified of completion of audit whichever comes first.[8] 42 CFR 57.513, 57.611, 57.715, 57.1112

3.11 Public or nonprofit schools of public health receiving grants for provision of public health training.

To maintain records, documents, and information that relate to the grants.

Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

3.12 Public or private nonprofit agencies or institutions receiving Federal grants for the construction of medical library facilities.

To maintain (a) fiscal records and accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 59a.7

3.13 Public or private nonprofit institutions receiving Federal grants for improving and expanding medical libraries.

To maintain progress and fiscal records relating to the use of such grant funds.

Retention period: 3 years after termination of the grant unless a different period of time is permitted or required in writing by the Secretary. 42 CFR 59a.20

3.14 Public or private nonprofit medical libraries receiving Federal grants for the establishment of regional medical libraries.

To maintain separate fiscal records and accounts for all grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required by the Secretary. 42 CFR 59a.37

3.15 Institutions receiving Federal grants for National Institutes of Health and National Library of Medicine training.

To maintain fiscal and other records relating to the training and instruction for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

3.16 State and State agencies receiving grants for the support of communicable disease control programs.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first. 42 CFR 51b.14

3.17 Public or nonprofit institutions receiving Federal grants for regional medical programs.

To maintain all construction, financial and other records relating to the use of the grant funds.

Retention period: Until records have been audited unless a different period is permitted or required in writing by the Secretary. 42 CFR 54.405

3.18 State and State agencies receiving grants for comprehensive health planning.

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State program, in addition to other records required by the regulations or which may reasonably be required by the Secretary.

Retention period: 3 years after submission of annual expenditure report or until resolution of all audit questions; for nonexpendable property, 3 years after its final distribution. 42 CFR 51.4

3.19 State health or mental health authorities receiving grants for comprehensive public health services.

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan, in addition to any other records required by the regulations or which may reasonably be required by the Secretary.

Retention period: 3 years after submission of annual expenditure report or until resolution of all audit questions; for nonexpendable property, 3 years after its final distribution. 42 CFR 51.104

3.20 Clinical laboratories which have been issued licenses under the Clinical Laboratories Improvement Act of 1967.

To maintain (a) records relating to the observations of each step in the examination of specimens, the identity of the specimens, laboratory reports, quality control procedures, and maintenance of equipment and instruments; and (b) personnel records.

Retention period: (a) At least 2 years after date of submittal of report except as otherwise prescribed in the part or authorized by the Secretary; (b) on a current basis. 42 CFR 74.50, 74.52, 74.53

3.21 Clinical laboratories (microbiology and serology, clinical chemistry, immunohemotology, pathology, and radiobiology).

Clinical laboratories with small or infrequent operations in which no more than 100 specimens are accepted during any calendar year and which hold an unrevoked or unsuspended letter of exemption are to maintain and make available such accession and other records as the Secretary may find necessary to determine initial and continuing eligibility for exemption.

Retention period: Not specified. 42 CFR 74.2

3.22 State agencies receiving Federal grants for maternal and child health services and crippled children's services.

To maintain such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the costs of carrying out the State plan, and a complete equipment inventory for equipment or supplies purchased with grant funds.

Retention period: Not specified. 42 CFR 200.16, 200.27

3.23 State agencies receiving Federal grants for child welfare services.

To establish and maintain such accounts, records, and supporting documents as will permit an accurate and expeditious Federal audit of the program to be made at any time.

Retention period: Until completion of audits (including the final resolution of any questions raised thereby) or for 3 years, whichever is later, unless the State agency is requested to retain particular accounts, records, or supporting documents for a longer period. 45 CFR 220.75

3.24 State agencies receiving Federal grants for child welfare services which have purchased items of equipment and supply in carrying out the annual budget.

To maintain a complete equipment inventory and adequate property controls covering such items.

Retention period: Not specified. 45 CFR 220.81

3.25 State health agencies or public or nonprofit private agencies and institutions receiving project and personnel training grants for family planning services.

To maintain operational and accounting records relating to the use of the grant funds.

Retention period: 3 years after close of budget period; or if Federal audit has not occurred, for 5 years after close of budget period or until notification of completion of audit, whichever is earlier.[8] 42 CFR 51a.217, 59.14, 59.213

See footnote 8 on page 1821.

3.26 State and local public agencies and public or nonprofit institutions of higher learning receiving Federal grants for research projects relating to maternal and child health services and crippled children's services, and research or demonstration projects relating to child welfare services.

To maintain accounting, budgetary, and fiscal records for each grant period of the amount and disposition of Federal and cost-sharing funds and total cost of grant period; and all basic data, cards, tapes, print-outs, tables, charts, and data analysis, and such other records as will facilitate an audit.

Retention period: 5 years after termination of the project or until final audit, whichever occurs first. 42 CFR 205.10

3.27 Public or nonprofit private schools of nursing receiving Federal funds for scholarship grants and for support of their educational programs.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 57.911, 57.1013

3.28 Public and nonprofit agencies or institutions receiving grants for the advancement of health in coal mining.

To maintain progress and fiscal records relating to conduct and results of projects and uses of grant funds.

Retention period: 3 years after end of budget period; or if audit has not occurred, 5 years or until completion of audit whichever is earlier. In all cases an overriding requirement exists to retain records until resolution of any audit questions relating to the grant. 42 CFR 55.40

3.29 Approved Psittacine Bird Treatment Centers.

To maintain complete records of all birds received, treated and shipped, including date of each shipment and name and address of consignee.

Retention period: Not specified. 42 CFR 71.163

3.30 Local government units receiving grants for the detection and prevention of lead-based paint poisoning.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 91.15

3.31 Public or nonprofit agencies receiving grants for migrant health services.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 56.115

3.32 Schools receiving grants to improve the quality of training centers for allied health professions.

To maintain progress and fiscal records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 57.716

3.33 Schools receiving grants for the construction of teaching facilities for allied health professions personnel.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after the completion of the contract. 42 CFR 57.808

3.34 Public or nonprofit 2-year schools of medicine receiving grants for conversion to a school accredited to grant the degree of doctor of medicine.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 57.1310

3.35 New public or nonprofit schools of medicine, dentistry, and osteopathy receiving grants to meet their initial cost of operation.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 57.1413

See footnote 8 on page 1821.

3.36 Public or nonprofit hospitals receiving grants for training, traineeships, and fellowships in family medicine.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 57.1612

3.37 Public and private nonprofit agencies or institutions receiving research and demonstration grants relating to occupational safety and health.

To maintain such progress and fiscal records relating to the approved project as the Secretary may prescribe.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[8] 42 CFR 87.24

4. Social Security Administration

4.1 States under agreement for voluntary coverage of State and local government employees. [Amended]

To keep or cause to be kept records of a State and of political subdivisions of a State included under an agreement in a location accessible to and open for inspection by authorized officials of the Social Security Administration. Such records must show the amount of noncash remuneration paid as well as cash remuneration (tip and nontip) paid to each employee for services covered under the agreement, the amount of employees' contributions withheld from such remuneration, and the period in which it was paid; such forms and systems of accounting as will enable the Administration to determine the amount of contributions for which the State is liable and whether they have been paid; such records as are necessary to establish the coverage status of individuals, e.g., the employees choice in a referendum on a desire for coverage basis referendum; records of claims for credit or refund and the supporting statement which is the basis for the claim for credit or refund; records of each employee's wages which are subject to the limitation of liability; where the agricultural exclusion was taken must identify in its records those employees who performed agricultural labor and each period during which such services were rendered.

Retention period: For 4 years (or longer if the State or political subdivision so desires) after the date the contributions were due or were paid, whichever is later. These records must be retained for the prescribed period even though the coverage of the entity has

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been terminated. Records for claims for credit and refund—for 4 years after the date the claim is filed even though the coverage of the entity involved has been terminated. 20 CFR 404.1256

4.2 [Deleted]

4.3 Hospitals, extended care facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged program.

To keep clinical and other medical records, utilization review committee reports, physicians certifications, and recertifications.

Retention period: Hospitals, in accordance with statute of limitations in the respective State; extended care facilities, in accordance with State law or for 5 years in absence of a State statute; others, not specified. 20 CFR 405.1026, 405.1035(h), 405.1132, 405.1137(h), 405.1243, 405.1241, 405.1625

4.4 Hospitals, extended care facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged program.

To maintain and provide such information as the Secretary finds necessary to determine whether payments are or were due under title XVIII of the Social Security Act, and the amounts thereof.

Retention period: Not specified. 20 CFR 405.406

4.5 Psychiatric and tuberculosis hospitals which have filed agreements to participate in the health insurance for the aged program.

To maintain such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals entitled to hospital insurance benefits under the hospital insurance benefits for the aged program.

Retention period: Not specified. 20 CFR 405.1036

4.6 [Deleted]

4.7 [Reserved]

4.8 Clinical laboratories.

To maintain records of laboratory reports.

Retention period: Not specified. 20 CFR 405.1316(e)(2)

4.9 Hospitals and hospital-based physicians under agreements apportioning the physicians' compensation.

To keep records and furnish information to substantiate the agreements they enter into concerning allocation of the compensation of the physicians.

Retention period: Not specified. 20 CFR 405.487

4.10–4.11 [Reserved]

4.12 Suppliers of portable X-ray services for Medicare beneficiaries.

To maintain records of each patient receiving services and the name of the doctor ordering such services.

Retention period: At least 2 years or for the period of time required by State law, whichever is longer. 20 CFR 405.1414

4.13 Public health agencies, rehabilitation agencies, and clinics providing outpatient physical therapy services. [Amended]

To maintain clinical records for each patient receiving physical therapy services.

Retention period: In accordance with State law, or 5 years in the absence of State statute. 20 CFR 405.1723

5. Social and Rehabilitation Service

ADMINISTRATION ON AGING

5.1 State agencies receiving Federal grants for community planning, services, and training.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 903.24, 903.80

5.2 Public or nonprofit private agencies, organizations or institutions receiving Federal grants for research and development projects.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 904.8

5.3 Public or nonprofit private agencies, organizations or institutions receiving Federal grants for training projects.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 905.8

5.4 State agencies and project grantees receiving Federal funds for community programs for the aging. [Amended]

To maintain such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of the moneys received and the nature and amount of all charges claimed to lie against the allotment to the State.

Retention period: Not specified. 45 CFR 903.17

5.5 State agencies and project grantees participating in programs and activities for the aging.

To maintain accounting records.

Retention period: 3 years after the end of the budget period (or fiscal year) if audit by or on behalf of the Department has occurred by that time. If audit has not occurred, the records must be retained until audit, or until 5 years following the end of the budget period (or fiscal year), whichever is earlier, or until resolution of all audit questions. 45 CFR 901.4

5.6 State agencies receiving grants for nutrition projects. [Added]

To keep such records as the Secretary may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 909.29

5.7 Public or private nonprofit agencies receiving grants or contracts for nutrition projects. [Added]

To maintain records as required by the Administration on Aging.

Retention period: Not specified. 45 CFR 909.48

5.8–5.9 [Reserved]

COMMUNITY SERVICES ADMINISTRATION

5.10 State agencies receiving Federal grants for child welfare services.

To establish and maintain such accounts, records, and supporting documents as will permit an accurate and expeditious Federal audit of the program to be made at any time.

Retention period: Until completion of audits (including the final resolution of any questions raised thereby) or for 3 years, whichever is later, unless the State agency is requested to retain particular accounts, records, or supporting documents for a longer period. 45 CFR 220.75

5.11 State agencies receiving Federal grants for child welfare services which have purchased items of equipment and supply in carrying out the annual budget.

To maintain a complete equipment inventory and adequate property controls covering such items.

Retention period: Not specified. 45 CFR 220.81

5.12 Public and other nonprofit agencies and organizations and public or nonprofit institutions of higher learning receiving Federal grants for research or demonstration projects in the field of child welfare.

To maintain (a) fiscal records for each grant period of the amount and disposition of Federal and cost-sharing funds and total cost for the grant period and such other records as will facilitate an effective audit; (b) all basic data, cards, tapes, print-outs, tables, charts and data analysis; and (c) such other records as may be required.

Retention period: (a) and (b) 5 years after termination of the project or until final audit, whichever occurs first; (c) not specified. 42 CFR 205.10

5.13–5.19 [Reserved]

REHABILITATION SERVICES ADMINISTRATION

5.20 Grantees receiving Federal funds for the construction of university-affiliated facilities for the mentally retarded.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 54.4

5.21 State and public or nonprofit private agencies receiving Federal funds for services and construction of developmental disabilities facilities. [Amended]

To maintain records and accounts as required by Part C of the Developmental Disabilities and Facilities Construction Act and regulations of 45 CFR Part 416.

Retention period: 3 years or longer if audit findings have not been resolved; nonexpendable property, 3 years after final disposition of such property. 45 CFR 416.38

5.22 [Combined with IV 5.21]

5.23 Public and nonprofit agencies and organizations receiving Federal funds for initial cost of professional and technical personnel for community mental retardation facilities.

To maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the costs of the staffing project; and such other records as the Administrator, SRS, shall prescribe.

Retention period: Not specified. 45 CFR 416.94, 416.98

5.24 Grantees receiving Federal project grants for improvement of the quality of care and treatment of the mentally retarded and for research in health-related areas of mental retardation.

To maintain such progress and fiscal records as the Secretary of Health, Education, and Welfare may prescribe.

Retention period: 3 years after end of budget period, if audit on behalf of HEW has not occurred, 5 years following end of budget period or until audit has occurred, whichever is earlier; or until resolution of all audit questions. 45 CFR 52.24

5.25 State agencies receiving Federal grants for the provision of vocational rehabilitation services.

To maintain (a) such written personnel policies, records and other information as necessary to permit an evaluation of personnel operations in relation to the State agency's standards; and (b) such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed against such grants.

Retention period: Not specified. 45 CFR 401.12, 401.18

5.26 [Deleted]

5.27 State agencies or other public or nonprofit organizations or agencies receiving grants for the construction of workshops and rehabilitation facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project; and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 45 CFR 404.22

5.28 Employees or organizations participating with the Social and Rehabilitation Service in contracts or jointly financed cooperative arrangements for projects with industry relating to handicapped individuals.

To keep such records and accounts as the Administrator, Social and Rehabilitation Service may require.

Retention period: Not specified. 45 CFR 403.67

5.29 [Reserved]

OFFICE FOR PLANNING, RESEARCH, AND TRAINING

5.30 Institutions of higher learning and associations receiving financial assistance for expansion and development of undergraduate and graduate programs in social work.

To maintain fiscal records for each period of the amount and disposition of Federal and cost-sharing funds and total cost for the grant period and such other records as will facilitate an effective audit, and such other records as the Service may require.

Retention period: Not specified. 45 CFR 280.12

5.31–5.39 [Reserved]

YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION ADMINISTRATION

5.40 State, public or nonprofit private agencies or organizations receiving Federal grants for juvenile delinquency and youth development programs and activities.

To maintain (a) grant accounting records, identifiable by grant number; (b) inventories and records supporting accountability of equipment which cost $300 or more per item; and (c) to keep such records and afford such access thereto as the Administrator, Social and Rehabilitation Service may find necessary to assure the correctness and verification of reports submitted to him.

Retention period: (a) Until audit or 5 years after end of budget period, whichever is the less; (b) until completion of review and audit covering disposition of such equipment; (c) not specified. 45 CFR 270.21, 270.23, 270.40, 270.42, 270.69, 270.75, 270.90, 270.92, 270.130, 270.132, 270.150, 270.152, 270.170, 270.172, 270.187, 270.189, 270.209, 270.211

5.41 State or other public agencies receiving Federal grants for construction of juvenile delinquency rehabilitation facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 45 CFR 270.110

5.42–5.49 [Reserved]

MEDICAL SERVICES ADMINISTRATION

5.50 Persons or institutions providing services under a State plan for medical assistance.

To keep such records as are necessary to disclose the extent of the services provided to individuals receiving assistance under the plan.

Retention period: Not specified. 45 CFR 250.21

5.51 Institutions conducting training programs in nursing home administration under grants from Social and Rehabilitation Service. [Amended]

To retain records of all costs related to courses provided, and persons trained.

Retention period: 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time. If audit has not occurred, the records must be retained until audit or until 5 years following the end of the budget period, whichever is earlier, or until resolution of all audit questions. 45 CFR 252.20

5.52 State agencies administering plans for medical assistance for skilled nursing home care.

To maintain on file for ready access by the Department of Health, Education, and Welfare all information and reports used in determining whether a skilled nursing home meets the requirements specified in the regulation.

Retention period: 3 years. 45 CFR 249.33

5.53–5.59 [Reserved]

ASSISTANCE PAYMENTS ADMINISTRATION

5.60 State agencies administering public assistance programs.

To maintain records on applicants and recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary. 45 CFR 205.60

5.61 State and local agencies participating in public assistance programs. [Added]

To maintain accounting and fiscal records relating to the expenditure of funds.

Retention period: 3 years from date of submission of expenditure report or until resolution of audit questions; for nonexpendable property, 3 years after final disposition of such property. 45 CFR 205.145

6. General Administration

6.1 State agencies participating in the distribution and utilization of surplus property for health, education, and civil defense purposes.

To maintain accurate accountability records of all donable property received, warehoused, and distributed by each State agency. Accountability records of all single items having acquisition cost of $2,500 or more shall be kept separate from those of lesser amount.

Retention period: Minimum of 5 years. 45 CFR 14.6

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6.2 State and local agencies acquiring real property.

To keep records of all relocation payments made and assistance furnished, and records of notification to persons and businesses displaced.

Retention period: Not specified. 45 CFR 15.59

6.3 Contractors and subcontractors subject to HEW Procurement Regulations. [Added]

(a) To maintain records of work orders for maintenance, equipment, purchase orders of quality control, receiving and inspection records, and expendable property records.

(b) To maintain stores requisitions for materials, supplies, and equipment.

Retention period: (a) 4 years following completion or termination of contract; (b) 2 years. 41 CFR 103–27.5409

V. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Office of the Secretary

1.1 State, and public and private agencies participating in relocation assistance programs. [Amended]

To maintain records pertaining to eligibility for relocation payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after completion of the federally assisted activities. 24 CFR 41.11(i), 42.195, 500.104(i), 550.107(g)

1.2 [Transferred to V 4.2]

1.3–1.5 [Reserved]

1.6 Insurer, or pool, or person executing agreement under Federal riot reinsurance program.

To maintain books, documents, papers, and records that are pertinent.

Retention period: 3 years after final adjustment. 24 CFR 1908.38

1.7 Agencies designing, constructing or altering publicly-owned residential structures.

To maintain records relating to each contract, grant, or loan involving such publicly-owned residential structures.

Retention period: Not specified. 24 CFR 40.6

1.8 Developers of new communities.

To maintain records of costs incurred for the project, including those of contractors and subcontractors.

Retention period: Not specified. 24 CFR 710.22

2. Federal Housing Administration

2.1 Lending agencies with respect to property improvement and mobile home loans. [Amended]

To keep complete credit and collection file pertaining to each eligible property improvement or mobile home loan transaction, which will accompany any claim for loss made by the insured.

(a) A property improvement loan file will include the borrower's application for a title I loan, the original note, completion certificate(s), certifications with respect to carpeting, and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 201.2, 201.4, 201.6, 201.8, 201.10, 201.11

(b) A mobile home loan file will include a dated credit application form executed by the borrower, a commercial credit report obtained by the insured on the borrower or evidence that the insured has made an adequate investigation of the borrower's credit. The file will also include the obligation document, a record of advance notice of intention to disburse proceeds of the loan, and a number of certificates pertaining to mobile home standards, sanitary facilities and codes, zoning, and placement.

Retention period: Not specified. 24 CFR 201.520, 201.525, 201.545, 201.570, 201.575, 201.605, 201.610, 201.665

2.2 Lending agencies—title I.

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.171, 201.8, 201.595

2.3 Project mortgagors under the National Housing Act.

(a) To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 205.127, 207.19, 213.30, 220.630, 221.530, 221.538, 221.550, 221.552, 227.1, 232.87, 233.505, 235.830, 236.1, 242.65, 242.79, 244.105

(b) Where neither mortgagor nor any of its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have any interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 205.110–205.125, 207.27, 213.35, 213.37, 220.501, 221.550, 227.1, 231.1, 232.83, 233.505, 234.501, 235.501, 236.1, 241.155–241.160, 242.251, 244.147–244.155

2.4 Investors insured under yield insurance provisions under title VII of the National Housing Act.

To maintain such books, records, and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 238.255

2.5 Lending agencies for project mortgages insured under the National Housing Act.

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR Parts 205, 207, 210, 211, 213, 220, 221, 224, 227, 229, 231–236, 241, 242, 244

2.6 Mortgagors of new or rehabilitated multifamily housing insured under the National Housing Act.

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. 42 U.S.C. 1434

2.7 Mortgages of lower income family homes.

To maintain such records as the Commissioner may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Commissioner, and the biennial recertifications of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Commissioner. 24 CFR 235.365

3. Office of Assistant Secretary for Research and Technology

3.1 Contractors and subcontractors with research and development contracts.

To maintain books, records, documents and other supporting evidence relating to the contract and such other records as specified in 41 CFR 1–20.301—1–20.301–3.

Retention period: Various. 41 CFR Part 1–20

4. Office of the Assistant Secretary for Housing Management [Added]

4.1 Lending agencies for mortgages of lower income family homes.

To maintain such records as the Assistant Secretary may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Assistant Secretary, and the annual recertification of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Assistant Secretary. 24 CFR 420.5

4.2 Public agencies receiving assistance under Advances for Public Works Planning (First Program).

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 24 CFR 490.13

VI. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 [Reserved]

1.2 Contractors and subcontractors.

To maintain books, records, and other evidence of accounting practices to reflect costs claimed and incurred in performance of contract.

Retention period: 3 years from final payment of contract or as specified by Federal procurement regulations whichever expires earlier, and for such longer period as required by statute or contract. 41 CFR 14–51.104–1

2. Fish and Wildlife Service

2.1 Operators of commercial picking establishments, cold storage or locker plants receiving, possessing, or having custody of migratory game birds. [Amended]

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the close of the open season on migratory game birds. 50 CFR 10.82

2.2 Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.

To keep records and make reports as specified in the permits issued by the Bureau of Sport Fisheries and Wildlife for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory–birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period. 1 year following the end of the calendar year covered by the records. 50 CFR 16.9, 16.11, 16.12, 16.13, 16.14 (retention: 16.3)

2.3 Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.

To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.21 (retention: 16.3)

2.4 [Reserved]

2.5 Persons authorized to kill depredating purple gallinules in Louisiana.

To maintain record of the number of birds killed by him and submit a report thereon.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.24 (retention: 16.3)

2.6 State fish and game departments conducting fish and wildlife restoration projects with Federal aid. [Amended]

To maintain cost records, accounts, and supporting documents relating to each project.

Retention period: 3 years following final payment. 50 CFR 80.32, 80.33

2.7 Persons authorized to use an identification symbol in labeling packages or containers.

To maintain records of all fish and wildlife specimens, or parts thereof, which are shipped, transported, carried, brought, or conveyed in interstate or foreign commerce under the Endangered Species Conservation Act.

Retention period: As specified in permit. 50 CFR 17.9

3. Geological Survey

3.1 Coal-mine lessees (federally owned lands).

To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or biweekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

3.2 Oil and gas lessees (federally owned and restricted Indian lands).

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 221.23

3.3–3.7 [Reserved]

3.8 Operators of mines on leased public or Indian lands. [Amended]

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.60

3.9 Oil and gas and sulphur lessees (Outer Continental Shelf).

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 250.38

4. Bureau of Indian Affairs

4.1 Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.

To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

4.2 Indian corporations and tribes.

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

4.3—4.4 [Reserved]

4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

4.6 Lessees of tribal lands for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

4.7 Lessees of allotted lands for mining.

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers

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of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.

To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

4.12 Lessees of Osage Reservation lands for oil and gas mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

4.14 Traders on Navajo, Zuni, and Hopi Reservations.

To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

5. and 6. [Reserved]

7. Bureau of Mines

7.1 Note (supplied by Bureau of Mines):

Federal Coal Mine Health and Safety Act of 1969 (P.L. 91–173 Secs. 111 and 303(a); 83 Stat. 747; U.S.C. 813, 821).

(a) Records of the daily fan inspections and the fan pressure recording gage charts.

(b) The operator of a coal mine shall maintain written records of investigations of accidents and a copy of report relating thereto.

Retention period: (a) 1 year. 30 CFR 75.300–4(e); (b) 5 years from the date of accident. 30 CFR 80.22, 80.23, 80.31

7.2 State and local authorities receiving aid for reclamation and rehabilitation of strip and surface mine areas.

To maintain suitable records and accounts of transactions with and payments to project contractors.

Retention period: 3 years after completion of each individual project. 30 CFR 42.7

7.3 State agencies, organizations, institutions (public and private), or individuals receiving Federal grants for solid waste disposal projects, health and safety programs in coal mines, and research.

(a) To maintain books of account and supporting papers of financial transactions involving Federal grants and those financed with matching funds from other sources.

(b) To maintain accountability record of all property items with expected life of more than 1 year and acquisition cost of $100 or more.

Retention period: (a) 3 years after last payment to grantee; (b) not specified. 30 CFR 51.18

7.4 Operators of metal and nonmetal mines. [Added]

To maintain written records of investigations of accidents.

Retention period: 3 years from date of accident. 30 CFR 58.23

7.5 Operators of underground coal mines. [Added]

To maintain records of tests, examinations, and inspections required by mandatory safety standards.

Retention period: Not specified. 30 CFR 75.1103–8, 75.1103–11, 75.1107–16, 75.1801—75.1807

7.6 Private helium distributors selling to Federal agencies.

To keep such helium accounting records as are necessary to assure compliance with regulations in the section cited.

Retention period: At least 1 year following the dates of their applicability, and shall be made available to any duly authorized representative of the Bureau of Mines for examination. 30 CFR 2.4

7.7 Operators of coal mines. [Added]

To maintain a list of all certified and qualified persons designated to perform duties under 30 CFR Parts 75 and 77.

Retention period: Not specified. 30 CFR 75.159, 77.106

8. National Park Service

8.1 Concessioners. [Amended]

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years. 36 CFR 8.8

8.2 Concessioners and subconcessioners operating under negotiated contracts in areas administered by National Park Service.

To keep such records as the Secretary of the Interior may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed.

Retention period: 5 calendar years after the close of the business year of concessioner or subconcessioner. 16 U.S.C. 20g

9. Office of Water Resources Research

9.1 Individuals and institutions receiving funds under the Water Resources Research Act of 1964.

To maintain books and records reflecting financial transactions involving allotments, grants, contracts, or other arrangements and all papers necessary to explain or prove the validity of the transactions recorded.

Retention period: 3 years after allottee's or grantee's last disbursement of such funds or after last payment thereunder was received by the contractor. 18 CFR 505.6

10. [Reserved]

11. Office of Oil and Gas

11.1 Persons receiving allocations of imports of crude oil, unfinished oils, and finished products.

To maintain complete and current records of imports, refinery inputs, petrochemical plant inputs and the outputs of such plants.

Retention period: 3 years. 32A CFR Ch. X, OI Reg. 1, Sec. 6

VII. DEPARTMENT OF JUSTICE

1.1 Foreign agents required to register under 22 U.S.C. 611 et seq.

To keep all books and records relating to any activities which require registration, including correspondence, memoranda, and other written communications to and from foreign principals and other persons, names and addresses of persons to whom "political propaganda" has been sent, financial records, etc.

Retention period: 3 years following termination of registration. Upon good and sufficient cause shown in writing to the Assistant Attorney General in charge of the Internal Security Division, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more

years prior to the date of the application to destroy. 28 CFR 5.500

1.2 Manufacturers of and dealers in gambling devices.

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices.

Retention period: 5 years. 15 U.S.C. 1173

1.3–1.10 [Reserved]

1.11 Manufacturers, distributors, dispensers, researchers, importers, exporters, and chemical analysists subject to the Controlled Substances Import and Export Act. [Amended]

To maintain records and inventories of each substance manufactured, imported, received, sold, delivered, exported, or disposed of in accordance with Part 304.

Retention period: 2 years. 21 CFR 304.3, 304.11–304.27, 308.24 (retention: 304.04)

1.12 Recipients of assistance under the Omnibus Crime Control and Safe Streets Act of 1968.

To keep records of amount and disposition of assistance; total cost of project; amount of total cost supplied by other sources; and other records as prescribed.

Retention period: Not specified. 42 U.S.C. 3769

VIII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4; 32 CFR 18.703–1; 41 CFR 1–12.403–1

1.2 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5).

(a) To keep payroll and basic records including name and address of each laborer or mechanic, correct classification, rate of pay (including rates of contributions or costs anticipated for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship programs, or for other bona fide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid to all laborers and mechanics.

(b) In the case of unfunded plans or programs for fringe benefits listed in the Davis-Bacon Act, which are approved by the Department of Labor, to maintain records showing: (1) that the contractor's commitment is enforceable, (2) that it has been communicated in writing to laborers or mechanics employed by him, and (3) that it is financially responsible.

Retention period: 3 years after termination of contract. 29 CFR 5.5(a)(3)(i) and (6)

1.3 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours and Safety Standards Act.

To keep records relating to wages and hours.

Retention period: 3 years from completion of contract. 29 CFR 5.5(e); 516.2(a); 32 CFR 12.303–1; 41 CFR 1–12.303

1.4 Persons subject to the Farm Labor Contractor Registration Act of 1963.

To keep payroll records showing specified information concerning earnings, hours worked, withholdings from wages, time periods constituting the basis for payment, piece rates, and units of work performed at piece rates for migrant workers engaged in interstate agricultural employment paid by such a contractor either on his own behalf or on behalf of another.

Retention period: Not specified. 29 CFR 40.10

1.5 Contractors or subcontractors subject to Service Contract Act of 1965.

To keep records relating to work classifications, wages, fringe benefits, hours worked, and safety and health standards.

Retention period: 3 years from completion of the work. 29 CFR 4.6(g), 4.185, 1925.3; 32 CFR 12.1004; 41 CFR 1–12.904–1

1.6 Sponsors of apprenticeship and training programs and State apprenticeship agencies.

To maintain records on qualification and evaluation of each applicant and other records of compliance with regulations including affirmative action plans and qualification standards.

Retention period: 5 years. 29 CFR 30.8

1.7 Sponsors of work training and experience programs under the Neighborhood Youth Corps. [Amended]

To maintain such records as required by the Secretary for the purpose of the administration of the Economic Opportunity Act of 1964, as amended.

Retention period: Not specified. 29 CFR 50.41

1.8 [Reserved]

1.9 Contractor or subcontractors employing apprentices and trainees on Federal and federally assisted construction. [Amended]

To keep records of employment by trades of the number of apprentices and trainees, the number of apprentices and trainees by first year of training, the number of journeymen, and the wages paid the apprentices, trainees, and journeymen.

Retention period: During the performance of each contract. 29 CFR 5a.3

1.10 State or local government agency, public agency, Indian tribes on Federal or State reservations, or institutions receiving grants under the Emergency Employment Act of 1971.

To maintain records and accounts, including records of property purchased with non-Federal shares, and personal and financial records.

Retention period: 3 years after expiration of grant. 29 CFR 55.17, 55.31a, 55.42, 55.51

1.11 Sponsors and subcontractors of work incentive programs. [Added]

To maintain records and accounts including records of property purchased with non-Federal share, and financial and personnel records.

Retention period: 3 years after completion or final payment under agreement, whichever is later, or until resolution of all audit questions. 29 CFR 56.36

2. Employment Standards Administration

2.1 Physicians and hospitals treating Federal employees covered by the Federal Employees' Compensation Act.

To keep records of all injury cases treated by them sufficient to supply the Office of Federal Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 Employers (including District of Columbia employers) subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Defense Base Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act. [Amended]

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23, 41.22

2.3 [Combined with VIII 2.2]

2.4 Supply contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia). [Amended]

(a) To keep unexpired certificate of age of employee issued and held pursuant to the Fair Labor Standards Act.

Retention period: During period of employment of such minors. 41 CFR 50–201.105

(b) To keep employment records, including name, address, sex, occupation,

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date of birth of each employee under 19 years of age (if the employer has obtained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50–201.501(d)

(c) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50–201.501(h)

2.5 [Combined with VIII 2.4]

2.6 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act. [Amended]

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6

2.7 [Combined with 2.8, 2.21, 2.25]

2.8 Employers subject to Fair Labor Standards Act. [Amended]

To keep employment records relating to wages (including retroactive payment of wages), hours, sex, occupation, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, union agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order shipping and billing records (customers bills, etc.), job evaluations, merit or seniority systems, or other matters which describe or explain the basis for payment of any wage differentials to employees of the opposite sex in the same establishment, records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.11–516.29

2.9 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.5, 521.8 (a) and (c)

2.10 Joint apprenticeship committees holding certificates issued by Administrator.

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 516.5, 521.8 (b) and (c)

2.11 Employers subject to Fair Labor Standards Act employing learners under special learners certificates. [Amended]

To keep payroll records of learners and occupation in which each learner is employed; any special learner certificates issued; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 522.7

2.12 Employers subject to Fair Labor Standards Act employing student-learners as learners under certificates. [Amended]

To keep payroll records of student-learners and occupation in which each student-learner is employed and copies of applications filed in accordance with 520.4(a) and of any special certificates issued under which student-learners are employed (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 520.7

2.13 Employers subject to Fair Labor Standards Act employing handicapped workers. [Amended]

To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 524.10

2.14 Sheltered workshops (as defined in 29 CFR 525.2(b)). [Amended]

To keep (a) records of the nature of each client's disability and records that reflect the productivity of each client on a continuing basis or at periodic intervals not exceeding 6 months; learning periods when authorized by the certificate; designation of workers who are evaluees and trainees as authorized by certificate; indication of which workers are under each certificate where more than one certificate held; indication of workers for whom individual certificates held; pricing of work and time studies made to establish prices; documents relating to State certification; and (b) records required under applicable provisions of 29 CFR Part 516.

Retention period: (a) 2 years; (b) 3 years. 29 CFR 516.5, 516.30, 525.13

2.15 Educational institutions employing student-workers as learners under certificates. [Amended]

To keep payroll records showing rate of pay, including a copy of any special certificate issued (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 527.7

2.16 Retail or service establishments subject to Fair Labor Standards Act employing full-time students outside of their school hours under special full-time student certificates. [Amended]

To keep payroll records of full-time students employed outside of their school hours in any retail or service establishment and occupations in which each such full-time student is employed; statements obtained by the employer from schools attended by such students that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student; records of the monthly hours of employment of full-time students at special minimum wages under a full-time student certificate and of the total hours of employment during the month of all employees in the establishment; and any special certificates issued (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 519.7

2.17 Retail or service establishments subject to Fair Labor Standards Act employing commission employees exempt from overtime pay requirements pursuant to section 7(b).

To keep employment records relating to wages, hours, circumstances and conditions of employment, including a symbol or letter to identify each such employee; an indication that the employee's regular rate of pay in each workweek meets requirements of the exemption and basic records demonstrating this fact; copy of the agreement or understanding or summary of its terms, including the basis of compensation, applicable representative period, and the date on which the agreement or understanding was entered into; and total compensation paid to each employee in each pay period stating separately the commission and noncommission straight time earnings.

Retention period: 3 years for records containing employee information, payrolls and certificates, union agreements, and notices; 2 years for basic employment and earning records, wage rate tables, work time schedules, orders, shipping and billing records (customers' bills, etc.), record of deductions from or additions to pay. 29 CFR 516.2, 516.5, 516.6, 516.28

2.18 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry. [Amended]

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the

worker's employment records are maintained (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 530.8, 530.9

2.19 [Combined with VIII 2.18]

2.20 Employers of industrial homeworkers engaged in making handfashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations. [Amended]

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.24.

Retention period: 3 years. 29 CFR 530.12 (retention: 516.5)

2.21 Employers of homeworkers in industries in Puerto Rico. [Amended]

To maintain (a) all records relating to the receipt, distribution, and production of goods; (b) handbook furnished by the Wage and Hour Division; and (c) personnel and wage and hour (including retroactive pay) records as indicated in section cited.

Retention period: (a) and (c) 3 years; (b) 2 years after date of last entry. 29 CFR 545.7

2.22–2.23 [Combined with VIII 2.21]

2.24 [Deleted]

2.25 Employers of homeworkers in industries in the Virgin Islands. [Amended]

To maintain (a) all records relating to the receipt, distribution, and production of goods; (b) handbook furnished by the Wage and Hour Division; and (c) records relating to such homeworkers including wages and hours and retroactive pay.

Retention period: (a) and (c) 3 years; (b) 2 years after date of last entry. 29 CFR 695.6 (retention: 695.7)

2.26 [Combined with VIII 2.25]

2.27 Employers of local delivery drivers and helpers. [Amended]

To keep records and computations with respect to employees for whom the overtime pay exemption is taken.

Retention period: 3 years. 29 CFR 516.15, 551.9 (retention: 516.5)

2.28 Employers, employment agencies, and labor organizations subject to Age Discrimination in Employment Act of 1967. [Amended]

(a) *Employers*—(1) To keep records for each employee containing name, address, date of birth, occupation, rate of pay and compensation earned each week; (2) when made in the regular course of business, to keep personnel or employment records related to job applications, promotion or discharge, job orders submitted to employment agency or labor organization for recruitment of personnel, test papers of employer-administered aptitude or other employment test, results of physical examinations considered in connection with personnel action, and advertisements; (3) to keep any employee benefit plans; (4) to keep application forms for positions known to be of a temporary nature.

Retention period: (1) 3 years, (2) 1 year, (3) 1 year after termination of plan, (4) 90 days. 29 CFR 850.3

(b) *Employment agencies*—(1) To keep records related to placements, referrals, job orders, job applications, test papers, and advertisements; and (2) to keep application forms for positions known to be of a temporary nature.

Retention period: (1) 1 year; (2) 90 days. 29 CFR 850.4

(c) *Labor organizations*—To keep records of name, address, and date of birth of members, and any individual seeking membership in the organization.

Retention period: 1 year. 29 CFR 850.5

2.29 [Combined with VIII 2.36]

2.30 Employers subject to child-labor provisions of the Fair Labor Standards Act. [Amended]

To maintain (a) certificates of age, (b) written training agreements, and (c) such other employment records as required by 29 CFR Part 516.

Retention period: (a) Until termination of employment, (b) duration of training program, (c) 3 years. 29 CFR 516.5, 516.33, 570.3, 570.35a, 570.72

2.31 [Deleted]

2.32–2.35 [Combined with VIII 2.30]

2.36 Contractors or subcontractors subject to equal opportunity in employment regulations. [Amended]

(a) To maintain records and documents relating to nature and use of tests, validation of tests, and test results as required.

(b) To keep employment or other records as required by the Director, Office of Federal Contract Compliance, the contracting agency, or an applicant for Federal assistance concerning the contract, including the development and retention of written affirmative action compliance programs to be updated annually.

Retention period: Not specified. (a) 41 CFR 60–3.15; (b) 41 CFR 1–12.805–4, 60–1.7, 60–1.40, 60–2, 60–5.21, 60–6.21, 60–7.21, 60–8.21

3. Labor-Management Services Administration

3.1 Every labor organization required to file a labor organization information report under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 402.9

3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain activities or who has certain receipts or makes certain disbursements subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.8

3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable' resolutions.

Retention period: Not less than 5 years after filing the documents. 29 CFR 204.24, 403.7

3.4 Employers required to report payments or agreements or arrangements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 408.10

3.5 Persons required to file any report under labor organization trusteeship reports provision of the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 408.10

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3.6 Labor organization officers and employees who are required to file reports of certain income and interests under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide, in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 404.7

3.7 Election officials designated in the constitution and bylaws, or the secretary if no other official is designated, of labor organizations conducting election by secret ballot provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 204.-29, 452.12(d)

3.8 Officials designated in the constitution and bylaws, or the secretary if no other official is designated, of national or international labor organizations conducting elections by a convention of delegates provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 204.-29, 452.13(c)

3.9 Persons required to file any description or report or to certify any information therefor under the Welfare and Pension Plans Disclosure Act. [Amended]

To maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, applicable resolutions and records of any written authorization delegating authority to sign any description or report.

Retention period: 5 years. 29 CFR Part 486

3.10 Surety companies required to file reports under section 211 of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the reports may be verified, explained or clarified, and checked for accuracy and completeness.

Retention period: Not less than 5 years after filing of report. 29 CFR 409.5

4. Occupational Safety and Health Administration

4.1 Persons accredited for vessel cargo gear certification.

To maintain records of all work performed on gear certification, including tests, proof loads, and heat treatment; of the status of the certification of each vessel issued a register by such accredited person.

Retention period: Permanent. 29 CFR 1919.10, 1919.11

4.2 Operators or officers of vessels.

To keep vessel's register and certificates relating to cargo gear.

Retention period: 4 years after date of the latest entry except for nonrecurring test certificates concerning gear which is kept in use for a longer period, in which case certificates are retained as long as that gear is in use. 29 CFR 1919.12

4.3 Employers of maritime employees under the Longshoremen's and Harbor Workers' Compensation Act.

(a) To maintain records of tests of strength of stevedoring gear.

Retention period: As long as such gear is in use. 29 CFR 1918.61

(b) To keep records of the dates, times, and locations of tests for carbon monoxide made when internal combustion engines exhaust into the hold or intermediate deck.

Retention period: 30 days after the work is completed. 29 CFR 1918.93

(c) To keep records relating to tests and inspections for the existence of hazardous flammable, explosive, or toxic liquids and gases.

Retention period: 3 months from the date of the completion of the job. 29 CFR 1915.10, 1916.10, 1917.10

4.4 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep an annual summary of occupational illnesses and accidents.

Retention period: 5 years after date of entry. 29 CFR 1904, 41 CFR 50–201.502

4.5 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50–204.32

4.6 State agencies receiving development and planning grants for occupational safety and health.

To maintain records consistent with pertinent instructions.

Retention period: Not specified. 29 CFR 1950.11

4.7 Employers subject to the Occupational Safety and Health Act of 1970.

To maintain records for each occupational injury and illness, including an annual summary, and also a supplemental record in detail according to OSHA Form 101.

Retention period: 5 years. 29 CFR 1904.2, 1904.4–1904.6

4.8 Employers subject to the asbestos standard. [Added]

To maintain records of (a) any personal or environmental monitoring required by section cited, and (b) all employee medical examinations.

Retention period: (a) 3 years, (b) 20 years. 29 CFR 1910.93

4.9 Employers subject to the ionized radiation standard. [Added]

To maintain records of radiation exposure of all employees who are personally monitored.

Retention period: Indefinite. 29 CFR 1910.96

4.10 State agencies receiving grants implementing approved State plans in the occupational health and safety program. [Added]

To maintain financial records, supporting documents, statistical records, and all other records pertinent to the grant program.

Retention period: 3 years, or longer if audit findings not resolved; for nonexpendable property, 3 years after final disposition. Microfilm copies may be substituted for the originals. 29 CFR 1951.47

IX. [Reserved]

X. DEPARTMENT OF STATE

1. Office of Munitions Control

1.1 Persons required to register as manufacturers or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

2. Agency for International Development [9]

2.1 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations, except the World Food Program and United Nations Relief and Works Agency, involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance. [Amended]

To maintain records and documents of all transactions pertaining to receipt, storage, inspection, and distribution of commodities, including records of receipt and disbursement of funds accruing from the operation of the program.

Retention period: 3 years from close of the U.S. fiscal year to which they pertain. 22 CFR 211.10

[9] For other AID contractors, see XXIX, Items 1.3, 1.13, 1.14.

2.2 AID suppliers of commodities and commodity-related services for AID-financed programs or projects.

To maintain all records pertaining to the supplier's business together with all other documents bearing on supplier compliance with the undertakings and certifications of the Supplier's Certificate, AID Form 282.

Retention period: Not less than 5 years after date of execution of the Supplier's Certificate. 22 CFR Part 201, App. A., sec. 11

2.3 AID service contractors and subcontractors. [Added]

To retain records, books, documents, and other supporting evidence pertaining to the contract.

Retention period: 3 years after final payment under the contract or subcontract or as otherwise specified. 41 CFR 1–20.201

XI. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 Public and private agencies holding refugee relief loans.

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953, as amended, and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 [Reserved]

2.2 National banks exercising trust powers.

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 9.8

2.3 National banks' shareholder lists.

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

2.5 [Reserved]

2.6 Investments in securities by national banks: credit information required.

To maintain credit information demonstrating prudence in evaluating public and investment securities.

Retention period: Not specified. 12 CFR 1.8

2.7 Security devices required in national banks.

To maintain records showing the name(s) and title(s) of law enforcement officer(s) who advises bank on installation, maintenance, and operation of appropriate security devices.

Retention period: Not specified. 12 CFR 21.5(b)

3. Bureau of Customs

3.1–3.5 [Reserved]

3.6 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 Manufacturers, processors, or dealers of articles of wool or hair of the camel.

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

3.9–3.10 [Reserved]

3.11 Operators of importing vessels, aircraft, or vehicles.

To maintain evidence to support a claim of nonimportation or proper disposition of merchandise manifested but not found on board the importing vessel, aircraft, or vehicle.

Retention period: 1 year. 19 CFR 4.12, 6.7, 123.9

3.12 Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.[10]

To keep such records of the operation that will show the quantities of metal-bearing materials (a) on hand at the beginning of the period and the dutiable contents thereof; (b) received during the period and the dutiable contents thereof; (c) total to be accounted for and the dutiable contents thereof; (d) on hand at the end of the period and the dutiable contents thereof; and (e) worked during the period and the dutiable contents thereof.

Retention period: 5 years from date of statement. 19 CFR 19.19

3.13 Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.

To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.[10]

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported duty-paid merchandise used or appearing in the exported articles, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is not based on the quantity of imported merchandise appearing in the exported articles, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the values thereof at the time of separation.

[10] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

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Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.[10]

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d) Tariff Act of 1930, as amended.[10]

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 Licensed customhouse brokers. [Amended]

To keep current records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made with all supporting papers, except those documents they are required to file with Customs, powers of attorney, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 6 years after the date of revocation. Records may be retained on microfilm pursuant to section cited. 19 CFR 111.23

3.18 Importers of merchandise subject to actual use provisions.

To maintain records showing use or disposition of imported merchandise.

Retention period: 3 years from date of liquidation of entry. 19 CFR 10.137

See footnote 10 on page 1833.

4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect as of January 1, 1973. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, and Excise Taxes.

Regulations issued pursuant to the Internal Revenue Code of 1939 and not entirely superseded are carried in the Code of Federal Regulations as Appendixes to Subchapters A and D of Chapter I of Title 26.

INCOME TAX

4.1 Persons subject to income tax.

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed or unrelated business income, every organization exempt from tax under section 501(a) of the Code shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6001–1

4.1a Section 38 property; computation of investment credit and qualified investment. [Amended]

(a) *Component members of a controlled group on a December 31 apportionment of $25,000 amount.* To keep as a part of its records a copy of the statement containing all the required consents to the apportionment plan. 26 CFR 1.46–1

(b) *Persons computing qualified investment in certain depreciable property.* Maintain sufficient records to determine whether section 47 of the Internal Revenue Code, relating to certain dispositions of section 38 property, applies with respect to any asset. 26 CFR 1.46–3

(c) *Recomputation of credit and qualified investment.* Maintain records which will establish with respect to each item of section 38 property, the following facts: (1) The date the property is disposed of or otherwise ceases to be section 38 property, (2) the estimated useful life which was assigned to the property for computing qualified investment, (3) the month and the taxable year in which property was placed in service, and (4) the basis (or cost), actually or reasonably determined, of the property.

Taxpayers who, for purposes of determining qualified investment, do not use a mortality dispersion table with respect to section 38 assets similar in kind but who consistently assign to such assets separate lives based on the estimated range of years taken into consideration in establishing the average useful life of such assets, must, in addition to the above records, maintain records which will establish to the satisfaction of the district director that such asset has not previously been considered as having been disposed of. 26 CFR 1.47–1

(d) *Disposition or cessation of section 38 property.* Any taxpayer who seeks to establish his interest in a trade or business, a former electing small business corporation, an estate or trust, or a partnership, shall maintain adequate records to demonstrate his indirect interest after any such transfer or transfers. 26 CFR 1.47–3, 1.47–4, 1.47–5, 1.47–6

(e) *Persons selecting used section 38 property, $50,000 cost limitation.* To maintain records which permit specific identification of any item of used section 38 property selected, which was placed in service by the person selecting the property. Each member, other than the filing member, of a controlled group shall retain as part of its records a copy of the apportionment statement which was attached to the filing member's return. 26 CFR 1.48–3

(f) *Election of lessor of new section 38 property to treat lessee as purchaser.* The lessor and the lessee shall keep as a part of their records the statements filed with the lessee, signed by the lessor and including the written consent of the lessee. 26 CFR 1.48–4

Retention period: See Item 4.1

4.1b Persons not totally blind claiming the additional exemption for blindness. [Added]

To retain a copy of the certified opinion of the examining physician skilled in the disease of the eye that there is no reasonable probability that his visual acuity will ever improve beyond the minimum

standards described in section 1.151–1 (d)(3) of the regulations. 26 CFR 1.151–1(d)(4)

Retention period: See Item 4.1.

4.2 Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.

To maintain adequate and detailed records of ordinary and necessary travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures. 26 CFR 1.162–17, 1.274–5

Retention period: See Item 4.1.

4.3 Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.

To keep records and accounts with respect to basis of property, depreciation rates, reserves, salvage, retirements, adjustments, elections, cost of repair, maintenance or improvement of property, agreements with respect to estimated useful life, rates and salvage, and other factors. 26 CFR 1.167(a)–7, 1.167(a)–11, 1.167(d)–1.

Retention period: See Item 4.1.

4.3a Persons changing method of depreciation of section 1245 or section 1250 property. [Amended]

To maintain records which permit specific identification of section 1245 or section 1250 property in the account with respect to which the election is made, and any other property in such account. The records shall also show for all the property in the account the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, and the remaining useful life of the property. 26 CFR 1.167(e)–1, 1.167(j)–1

Retention period: See Item 4.1.

4.3b Persons claiming depreciation with respect to residential rental property. [Added]

To maintain a record of the gross rental income derived from a building, and the portion thereof which constitutes gross rental income from dwelling units, in addition to records required under section 1.167(a)–7(c) with respect to property in a depreciation account. 26 CFR 1.167(j)–3

Retention period: See Item 4.1.

4.3c Persons claiming depreciation of expenditures to rehabilitate low-income rental housing. [Added]

To maintain detailed records which permit specific identification of the rehabilitation expenditures that are permitted to be allocated to individual dwelling units under the allocation rules and income certifications that must be obtained from tenants who propose to live in rehabilitated dwelling units after the close of the certification year. 26 CFR 1.167(k)–2, 1.167(k)–3

Retention period: See Item 4.1.

4.3d Persons claiming a deduction for amounts expended in maintaining certain students as a member of household. [Renumbered and amended]

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable. 26 CFR 1.170–2, 1.170A–2

Retention period: See Item 4.1.

4.4 Persons electing to treat trademark or trade-name expenditures as deferred expenses.

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure. 26 CFR 1.177–1

Retention period: See Item 4.1.

4.5 Persons electing additional first-year depreciation allowance for section 179 property.

To maintain records which permit specific identification of each piece of "section 179 property" and reflect how and from whom such property was acquired. 26 CFR 1.179–4

Retention period: See Item 4.1.

4.6 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.

To keep records of expenses otherwise allowable as deductions which are directly allocable to any class or classes of exempt income and amounts of items or parts of items allocated to each class. 26 CFR 1.265–1

Retention period: See Item 4.1.

4.7 Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business.

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating his own statements. 26 CFR 1.274–1, 1.274–5

Retention period: See Item 4.1.

4.7a Corporations using different methods of depreciation for taxable income and earnings and profit. [Added]

To maintain records which show the depreciation taken each year and which will allow computation of the adjusted basis of the property in each account using depreciation taken. 26 CFR 1.315–15(d)

Retention period: See Item 4.1.

4.8 Corporations receiving distributions in complete liquidation of subsidiaries.

To keep records showing information with respect to the plan of liquidation and its adoption. 26 CFR 1.332–6

Retention period: See Item 4.1.

4.9 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation. 26 CFR 1.333–6

Retention period: See Item 4.1.

4.10 Persons who participate in a transfer of property to a corporation controlled by the transferor.

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange. 26 CFR 1.351–3

Retention period: See Item 4.1.

4.11 Persons who participate in a tax-free exchange in connection with a corporate reorganization.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.368–3

Retention period: See Item 4.1.

4.12 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371–2

Retention period: See Item 4.1.

4.13 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371–1

Retention period: See Item 4.1.

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4.14 Railroads participating in a tax-free reorganization.

Records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a reorganization under section 374(a) of the Internal Revenue Code, showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received, including any liabilities assumed upon the exchange, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 1.374–3

4.15 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)–1 of the regulations applies and to establish the basis thereof. 26 CFR 1.381(c)(6)–1

Retention period: See Item 4.1.

4.16 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations.

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed. 26 CFR 1.393–3

Retention period: See Item 4.1.

4.16a Qualified pension or annuity plans with provisions for certain medical benefits.

To keep a separate account for record-keeping purposes with respect to contributions received to fund medical benefits described in section 401(h) of the Internal Revenue Code. 26 CFR 1.401–14

Retention period: See Item 4.1.

4.17 Employers maintaining a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation. [Amended]

To keep records substantiating all data and information required to be filed with respect to each plan. 26 CFR 1.404(a)–2, 1.404(a)–2A

Retention period: See Item 4.1.

4.18 Persons required to seek the approval of the Commissioner in order to change their annual accounting period.

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed. 26 CFR 1.442–1

Retention period: See Item 4.1.

4.19 Persons selling by the installment method.

(a) *Installment method.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

(b) *Revolving credit plan.* The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts in order to determine what percentage of charges in the sample is to be treated as sales on the installment plan. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample. 26 CFR 1.453–1, 1.453–2

Retention period: See Item 4.1.

4.19a Prepaid dues income.

A taxpayer who makes an election with respect to prepaid dues income shall maintain books and records in sufficient detail to enable the district director to determine upon audit that additional amounts were included in the taxpayer's gross income for any of the three taxable years preceding such first taxable year. 26 CFR 1.456–7

Retention period: See Item 4.1.

4.20 Persons engaged in the production, purchase, or sale of merchandise.

To keep a record of inventory conforming to the best accounting practice in the trade or business which clearly reflects income and is consistent from year to year. 26 CFR 1.471–1, 1.471–2

Retention period: See Item 4.1.

4.20a Supplemental Unemployment Benefit Trusts.

To maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee. If a plan is financed, in whole or in part, by employee contributions to the trust, the trust must maintain records indicating the amount of each employee's total contributions allocable to separation benefits. 26 CFR 1.501(c)(17)–2(j)

Retention period: See Item 4.1.

4.20b Farmer's cooperative marketing and purchasing associations.

To keep permanent records of the business done both with members and nonmembers, which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers. While under the Code patronage dividends must be paid to all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association. 26 CFR 1.521–1

Retention period: See Item 4.1.

4.20c Controlled entities arm's length charges.

To maintain adequate books and records to permit verification of costs or deductions when a factor in determining the arm's length charge for services rendered to other members of a controlled group. 26 CFR 1.482–2(b)(3)

Retention period: See Item 4.1.

4.21 Corporations claiming deduction for dividends paid.

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment. 26 CFR 1.561–2

Retention period: See Item 4.1.

4.21a Mutual savings banks, etc., maintaining reserves for bad debts.

To maintain as a permanent part of its regular books of account, an account for: (1) a reserve for losses on nonqualifying loans, (2) a reserve for losses on qualifying real property loans, and (3) if required, a supplemental reserve for losses on loans. A permanent subsidiary ledger containing an account for each of such reserves may be maintained. 26 CFR 1.593–7

Retention period: See Item 4.1.

4.21b Mutual savings banks, etc., making capital improvements on land acquired by foreclosure.

To maintain such records as are necessary to reflect clearly, with respect to each particular acquired property, the cost of each capital improvement and whether the taxpayer treated minor capital improvements with respect to such property in the same manner as the acquired property. 26 CFR 1.595–1

Retention period: See Item 4.1.

4.22 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.

To keep accurate records of periodical pressure determinations where the annual production is not metered. 26 CFR 1.611–2

Retention period: See Item 4.1.

4.23 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits. [Amended]

(a) *General.* To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required to be attached to returns.

(b) *Mineral property.* The information on which the summary statement is based and for which supporting data must be kept includes:

(1) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(2) A description of the character of the taxpayer's property, accompanied by a copy of the instrument or instruments by which it was acquired;

(3) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved, and if terminated, the reasons therefor;

(4) The cost of the mineral property and improvements, stating the amount paid to each vendor, with his name and address;

(5) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis;

(6) The value of mineral property and improvements on that date with a statement of the precise method by which it was determined;

(7) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(8) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(9) The number of the units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(10) The gross amount received from the sale of mineral;

(11) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year;

(12) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year: (i) Were allowed, (ii) Were allowable, and (iii) Would have been allowable without reference to percentage or discovery depletion;

(13) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled together with the names and addresses of such other persons; and

(14) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(c) *Oil and gas properties.* The following information with respect to each property is required in addition to that information set forth in paragraphs (a) and (b):

(1) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(2) The number of wells producing at the beginning and end of the taxable year;

(3) The date of completion of each well finished during the taxable year;

(4) The date of abandonment of each well abandoned during the taxable year;

(5) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dryholes, and proven oil and gas lands (maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(6) The number of pay sands and average thickness of each pay sand or zone;

(7) The average depth to the top of each of the different pay sands;

(8) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(9) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(10) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hole pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(d) *Statement to be attached to return when depletion is claimed on percentage basis.* In addition to the requirements set forth in paragraphs (a), (b) and (c), a taxpayer who claims the percentage depletion deduction for any taxable year shall attach to his return for such year a statement setting forth in complete, summary form, with respect to each property for which such deduction is allowable, the following information:

(1) All data necessary for the determination of the "gross income from the property," as defined in 26 CFR 1.613–3, including, (i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631(c) of the Internal Revenue Code, (ii) Proportion and amount of bonus excluded, and (iii) Amounts paid to holders of other interests in the mineral deposit;

(2) All additional data necessary for the determination of the "taxable income from the property computed without the allowance for depletion," as defined in 26 CFR 1.614–5. 26 CFR 1.611–2, 1.613–6

Retention period: See Item 4.1.

4.23a Mineral property, taxable income computation, allocation of section 1245 gain. [Amended]

Taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the portion of any gain recognized under section 1245(a)(1) of the Code which is properly allocable to the mineral property in respect of which the taxable income is being computed. In the absence of such records, none of the gain recognized under section 1245(a)(1) shall be allocable to such mineral property. 26 CFR 1.613–5

Retention period: See Item 4.1.

4.23b Persons computing gross incomes from mining by use of representative market or field price. [Added]

To keep records as to the source of his pricing information and relevant supporting data. 26 CFR 1.613–4(c)(5)

Retention period: See Item 4.1.

4.24 Persons claiming an allowance for depletion of timber property.

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts. 26 CFR 1.611–3

Retention period: See Item 4.1.

4.25 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit. 26 CFR 1.614–2

Retention period: See Item 4.1.

4.26 Rules relating to separate operating mineral interests in the case of mines.

To maintain adequate records and maps that shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3) (A) or (B) of the Internal Revenue Code;

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(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit, in sufficient detail to show that each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property, in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) of the Internal Revenue Code, in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) of the Code for any taxable year prior to the taxable year for which the election under section 614(c)(2) of the Code is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made. 26 CFR 1.614–3

Retention period: See Item 4.1.

4.26a Persons aggregating operating mineral interests in oil and gas wells in a single tract or parcel of land.

To obtain accurate and reliable information, and keep records with respect thereto, establishing all facts necessary for making the computations prescribed for the fair market value method of determining basis on the aggregation. 26 CFR 1.614–6

Retention period: See Item 4.1.

4.26b Pooled income fund investing or reinvesting any portion of its properties jointly with other properties. [Renumbered]

To maintain records which identify the portion of the total fund which is owned by the pooled income fund and the income earned by, and attributable to, such portion. 26 CFR 1.642(c)–5.

Retention period: See Item 4.1.

4.26c Trusts-accumulation distribution allocated to preceding years. [Added]

For all taxable years of a trust, the trustee must retain copies of the trust's income tax return as well as information pertaining to any adjustments in the tax shown as due on the return. Trustee shall also retain trust's records required by section 6001 of the Internal Revenue Code and the regulations thereunder for each taxable year for which the period of limitations on assessment of tax under section 6501 of the Code has not expired. 26 CFR 1.666(d)–1A

Retention period: See Item 4.1.

4.26d Life insurance companies, contracts with reserves based on segregated asset accounts. [Renumbered]

Separately account for each and every income, exclusion, deduction, asset, reserve, and other liability item which is properly attributable to such segregated asset accounts and keep such permanent records and other data relating to such contracts as is necessary to enable the district director to determine the correctness of the application of the separate accounting rules and the accuracy of the computations. 26 CFR 1.801–8(c)

Retention period: See Item 4.1.

4.27 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR 1.811–2

4.28 Life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer. 26 CFR 1.820–2

Retention period: See Item 4.1.

4.29 Regulated investment companies.

To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares. 26 CFR 1.852–6, 1.852–7

Retention period: See Item 4.1.

4.30 Real estate investment trust.

(a) To maintain in the internal revenue district in which it is required to file its income tax return such permanent records as will disclose the actual ownership of its outstanding stock.

(b) Shareholders of record may not be the actual owners of the stock; accordingly, the real estate investment trust shall demand a written statement from shareholders of record disclosing the actual owner of the stock. Section 1.856–6(d). A list of the persons failing or refusing to comply in whole or in part with the trust's demand for such statement shall be maintained as a part of the trust's records.

(c) For the purpose of determining whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544 of the Internal Revenue Code. 26 CFR 1.857–6

Retention period: See Item 4.1.

4.31 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted. 26 CFR 1.905–2

Retention period: See Item 4.1.

4.32 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information. 26 CFR 1.921–1

Retention period: See Item 4.1.

4.32a Persons or corporations seeking to come within the exception to the limitation on reduction in income tax liability incurred to the Virgin Islands, under section 934 of the Internal Revenue Code of 1954.

Must maintain such records and other documents as are necessary to determine the applicability of the exception. 26 CFR 1.934–1

Retention period: See Item 4.1.

4.32b United States shareholders of controlled foreign corporations. [Amended]

To provide permanent books of account or records which are sufficient to verify for the taxable year subpart F, export trade, and certain other classes of income; gross income excluded from base company income and the increase in earnings invested in United States property; also, if the Commissioner has issued a determination letter granting authority for excluding certain income from foreign base company income, a copy of the letter shall be retained. 26 CFR 1.954–1(b)(4)(v), 1.964–3, 1.964–4

Retention period: See Item 4.1.

4.32c Election to use the average basis method for certain regulated investment company stock.

To maintain records as are necessary to substantiate the average basis (or bases) used on an income tax return in reporting gain or loss from the sale or transfer of shares. 26 CFR 1.1012–1

Retention period: See Item 4.1.

4.33 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made. 26 CFR 1.1014–4

Retention period: See Item 4.1.

4.34 Persons making or receiving gifts of property acquired by gift after December 31, 1920.

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, or its fair market value as of the date of the gift, to insure a fair and adequate determination of the proper basis. 26 CFR 1.1015–1.

Retention period: See Item 4.1.

4.35 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received. 26 CFR 1.1081–11

Retention period: See Item 4.1.

4.36 Stock or security holders records of distribution pursuant to the Bank Holding Company Act of 1956.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 of the Internal Revenue Code shall maintain records of all facts pertinent to the nonrecognition of gain upon such distribution. 26 CFR 1.1101–4

Retention period: See Item 4.1.

4.36a Gain upon sale or exchange of obligations issued at an original issue discount after December 31, 1954.

Taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known or reasonably ascertainable by him). If the obligation held is an obligation of the United States received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) of the Code (or so much of section 1031 (b) or (c) as relates to section 1037(a)), the taxpayer shall keep sufficient records to determine the issue price of such obligations for purposes of applying section 1.1037–1 of the regulations upon the disposition or redemption of such obligations. 26 CFR 1.1232–3(f)

Retention period: See Item 4.1.

4.37 Persons engaged in arbitrage operations in stock and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction. 26 CFR 1.1233–1

Retention period: See Item 4.1.

4.37a Grantors of straddles.

In the case of a multiple option where the number of options to sell and the number of options to buy are not the same or if the terms of all the options are not identical, the grantor must indicate in his records the individual serial number of, or other characteristic symbol imprinted upon, each of the two individual options which comprise the straddle, or by adopting any other method of identification satisfactory to the Commissioner. Such identification must be made before the expiration of the fifteenth day after the day on which the multiple option is granted and is applicable to multiple options granted after January 24, 1972, 26 CFR 1.1234–2

Retention period: See Item 4.1.

4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(1) The persons to whom stock was issued pursuant to the plan, the date of issuance to each, and a description of the amount and type of consideration received from each;

(2) If the consideration received is property, the basis in the hands of the shareholders and the fair market value of such property when received by the corporation;

(3) Which certificates represent stock issued pursuant to the plan;

(4) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan for its stock, as a contribution to capital and as paid-in surplus;

(5) The equity capital of the corporation on the date of adoption of the plan; and

(6) Information relating to any tax-free stock dividend made with respect to stock issued pursuant to the plan and any reorganization in which stock is transferred by the corporation in exchange for stock issued pursuant to the plan.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth:

(1) The address of the corporation that issued the stock;

(2) The manner in which the stock was acquired by such person and the nature and amount of the consideration paid; and

(3) If the stock was acquired in a nontaxable transaction in exchange for property other than money—the type of property, its fair market value on the date of transfer to the corporation, and its adjusted basis on such date.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation. 26 CFR 1.1244(e)–1

Retention period: See Item 4.1.

4.38a Foreign investment companies.

To maintain and preserve such permanent books of account, records, and other documents as are sufficient to establish what its taxable income would be if it were a domestic corporation. Generally, if the books and records are maintained in the manner prescribed by regulations under section 30 of the Investment Company Act of 1940, the requirements shall be considered satisfied. 26 CFR 1.1247–5

Retention period: See Item 4.1.

4.38b Recomputed basis of section 1245 property and additional depreciation adjustments to section 1250 property when such property is sold, exchanged, transferred, or involuntarily converted.

To maintain permanent records which include (1) the date and manner in which the property was acquired, (2) the basis on the date the property was acquired and the manner in which the basis was determined, (3) the amount and date of all adjustments to basis, and (4) similar information with respect to other property having an adjusted basis reflecting depreciation or amortization adjustments by the taxpayer, or by another taxpayer on the same or other property. 26 CFR 1.1245–2, 1.1250–2

Retention period: See Item 4.1.

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4.39 Persons involved in the liquidation and replacement of lifo inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized. 26 CFR 1.1321–1, 1.1321–2

Retention period: See Item 4.1.

4.40 Unincorporated business enterprise electing to be taxed as a domestic corporation.

(a) *General.* Except as otherwise provided in paragraph (b), any unincorporated business enterprise electing to be taxed as a domestic corporation under section 1361 of the Internal Revenue Code is required to keep records, render statements, and make returns in the same manner as a domestic corporation.

(b) *Other records.* The following other records shall be maintained by a "section 1361 corporation:"

(1) Separate records shall be maintained for payments to owners of a "section 1361 corporation" in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) of the Internal Revenue Code applies, or are distributions which may be treated either as corporate distributions or as distributions of personal holding company income.

(2) In the case of a partnership, separate capital accounts shall be maintained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the "section 1361 corporation."

(3) A "section 1361 corporation" shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a "section 1361 corporation" shall be maintained in such a manner that assets, liabilities, income, and expenses of the "section 1361 corporation" are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) A "section 1361 corporation" shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits. 26 CFR 1.1361–10, 1.1361–14

Retention period: See Item 4.1.

4.41 Records by small business corporations of (1) distributions of previously taxed income and (2) undistributed taxable income.

A small business corporation must keep records of (1) distributions of the net share of the previously taxed income of each shareholder and (2) each person's share of undistributed taxable income. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and undistributed taxable income and shall make such record available to the corporation for its information. 26 CFR 1.1375–4; 1.1375–6

Retention period: See Item 4.1.

4.41a Persons required to withhold tax on nonresident aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.

To keep copies of Forms 1042 and 1042S. 26 CFR 1.1461–2

Retention period: See Item 4.1.

4.41b Affiliated group; (1) intercompany transactions, accounting for deferred gain or loss, and (2) allocation of Federal income tax liability.

(1) Maintain permanent records (including work papers) which will properly reflect the amount of deferred gain or loss and enable the group to identify the character and source of the deferred gain or loss to the selling member and apply the applicable restoration rules. (2) If an affiliated group elects to use the method of allocating Federal income tax liability provided in section 1.1502–33(d)(2)(i) of the regulations, it must maintain specific records to substantiate the tax liability of each member on a separate return basis for purposes of paragraphs (a)(1) and (b)(1) of such subdivision (i). In addition, allocations of tax liability may be made in accordance with any other method approved by the Commissioner, but a condition of such approval shall be that the group maintain specific records to substantiate its computations pursuant to such method. 26 CFR 1.1502–13(c)(5), 1.1502–33, 1.1552–1

Retention period: See Item 4.1

4.41c Withholding agents making payment to nonresident aliens, foreign partnerships, or foreign corporations after December 31, 1971, which are subject to a reduced rate or an exemption from tax pursuant to a tax treaty.

To maintain Form 1001, Ownership, Exemption, or Reduced Rate Certificate.

Retention period: *Coupon bond interest* at least 4 years after the close of the calendar year in which the interest is paid; *Income other than coupon bond interest or dividends* at least 4 years after the close of the calendar year in which the interest is paid; *Noncoupon bond interest* at least 4 years after the interest is paid. 26 CFR 1.1441–6, 1.1461–1.

4.42 Tax-exempt organizations. [Amended]

(a) *General.* To keep records and books of account pertaining to information included in the annual return, including items of gross income, receipts, disbursements, and contributions and gifts received, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status. An organization claiming an exception from the filing of an information return must maintain adequate records to substantiate such claim. 26 CFR 1.6001–1, 1.6033–1, 1.6033–2

(b) *Employees' trusts.* To keep as a part of its records for taxable years beginning after December 31, 1969, and ending before December 31, 1971, written notification, or a copy thereof, from an employer to the trustee that the employer has or will timely file the information required under section 404 of the Internal Revenue Code. 26 CFR 1.6033–2

(c) *Group returns.* The central organization shall retain the certified statements of those local organizations authorizing their inclusion in a group return. 26 CFR 1.6033–1, 1.6033–2

Retention period; (a) and (b) See Item 4.1; (c), for taxable years prior to January 1, 1970, permanent; for taxable years after December 31, 1969, until the expiration of 6 years after the last taxable year for which a group return includes the local organization.

4.42a Banking institutions, trust companies, or brokerage firms, who elect to file Form 1087, Nominee's Information Return, for each actual owner for whom it acts as nominee.

Must maintain such records as will permit a prompt substantiation of each payments of dividends made to the actual owner. 26 CFR 1.6042–1

Retention period: See Item 4.1.

4.42b Any trustee, insurance company, or other person, which is notified under section 6047(b) of the Code that contributions to a trust or under a retirement plan have been made on behalf of an owner-employee.

Shall maintain a record of such notification.

Retention period: Until all funds of the trust or under the plan on behalf of the owner-employee have been distributed. 26 CFR 1.6047–1

4.42c Persons making payments of estimated tax installments in foreign currency.

Maintain a copy of the statement certified by the foundation, commission, or other person having control of the payments to the taxpayer in nonconvertible foreign currency which are expected to be received during the taxable year for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency. 26 CFR 301.6316–6

Retention period: See Item 4.1.

4.43 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 16.13

4.44 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 17.14

4.44a Domestic building and loan associations.

To maintain adequate records to establish to the satisfaction of the district director that various assets tests are met for taxable years beginning after October 16, 1962, and ending before November 1, 1964. 26 CFR 301.7701–13

Retention period: See Item 4.1.

4.44b Organizations seeking classification as private nonoperating foundations.

To maintain adequate records substantiating that all contributions received in taxable years ending in either 1970 or 1971 were distributed not later than the 15th day of the third month after the close of the taxable year or by the 30th day after final regulations under section 170(b)(1)(E)(ii) are published in the Federal Register, whichever is later. 26 CFR 13.15.

Retention period: See Item 4.1.

ESTATE TAX

4.45 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR 20.6001–1

GIFT TAX

4.46 Persons making transfers of property by gift.

To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 25.6001–1

EMPLOYMENT TAX

4.47 General record retention requirements for employment taxes.

(a) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required to be kept by employers, and all receipts furnished by employers.

(e) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6001–1

4.48 [Reserved]

4.49 Employers required to deduct and withhold income tax on wages which include sick pay.

To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 31.3401(a)–1, 31.6001–5 (retention: 1.6001–1)

4.50 Employers liable for tax under the Federal Insurance Contributions Act.

(a) *General.* (1) To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936; and records of all remuneration in the form of tips received by employees after 1965 and reported to him. Records shall show with respect to each employee receiving such remuneration:

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act and a copy of each statement furnished.

(3) Every employer shall keep employee statements of tips furnished him (unless the information disclosed by such statements is recorded on another document retained by the employer) and copies of employer statements furnished employees.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for

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the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted. Such records shall show with respect to each employee receiving such cash remuneration:

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid and such additional information as is required when the employee does not advise the employer what his account number and name are as shown on the account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the calendar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amounts of any cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader" furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identification number, if any, of such "crew leader."

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001-2 (retention: 31.6001-1)

4.51 Persons subject to the Railroad Retirement Tax Act.

(a) *Records of employers.* (1) To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee:

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such record shall show:

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service, including any period of absence from active service, covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration and the amount thereof with respect to which the employee representative tax is imposed are not equal, the reason therefor.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001-3 (retention: 31.6000-1)

4.52 Employers subject to tax under the Federal Unemployment Tax Act.

(a) *Records of employers.* To keep such records as are necessary to establish:

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason) paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid and the amount thereof which is subject to the tax are not equal, the reason therefor.

(6) To the extent material to the determination of a tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment during any calendar year but who considers that he is not an employer subject to the tax shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each day) that he is not an employer subject to the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001-4 (retention: 31.6001-1)

4.53 Employers required to deduct and withhold income tax on wages paid.

(a) Every employer required to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees and tips received by employees and reported to him. Such records shall show with respect to each employee:

(1) The name and address of the employee and, after December 31, 1962, the account number of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee relating to permanent residents of the Virgin Islands. (See 26 CFR 31.3401(a)-1(b)(12).)

(7) Copies of any statements furnished by the employee relating to nonresident alien individuals. (See 26 CFR 31.3401(a)(6)-1 and 31.3401(a)(7)-1.)

(8) Copies of any statements furnished by the employee relating to residence or physical presence in a foreign country. (See 26 CFR 31.3401(a)(8)(A)-1.)

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico. (See 26 CFR 31.3401(a)(8)(C)-1.)

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld.

(11) With respect to payments made in 1955 under a wage continuation plan, the records required to be kept in respect of such payments must (i) separately show the amounts of such payments, and distinguish such amounts from all other payments, and (ii) establish the facts necessary to show that the employee is entitled to the exclusion, either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept. (See 26 CFR 31.3401(a)-1(b)(8)(i).)

(12) With respect to payments made directly by an employer after December 31, 1955, under a wage continuation plan, the records must show (i) the beginning and ending dates of each period of absence from work for which any such payment was made; and (ii) sufficient information to establish the amount and weekly rate of each such payment.

(13) The withholding exemption certificates (Forms W-4 and W-4E) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax. (See 26 CFR 31.3402(i)-1.)

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter. (See 26 CFR 31.3401(a)(4)-1.)

(16) Every employer shall keep employee statements of tips furnished him (unless the information disclosed by such statements is recorded on another document retained by the employer) and copies of employer statements furnished employees. (See 26 CFR 31.3401(a)(11)-1, 31.3401(a)(16)-1.)

(17) The employer shall keep records of the details of each adjustment or settlement of income tax withheld. (See 26 CFR 31.3402.)

(18) The written request of an employee to have the amount of tax withheld from his wages computed on the basis of his cumulative wages, and any notice of revocation thereof. (See 26 CFR 31.6001-5)

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. 26 CFR 31.6001-5 (retention: 31.6001-1)

4.54 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR 31.6402(a)-2, 31.6404(a)-1 (retention: 31.6001-1)

4.55 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) *Before employer files return.* To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) *After employer files return.* If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6413(a)-1 (retention: 31.6001-1)

Excise Tax

4.56 Persons required to file a return and pay tax on the sale or use of any article subject to manufacturers' excise tax, or disposing of articles free of tax.

To keep accurate records, including duplicates of returns, and accounts of all transactions. To keep, in the case of dispositions of products to other manufacturers free of tax, accurate records of all such transactions including certificates from purchasers certifying to the fact that the products are purchased for further manufacture of taxable articles, with supporting invoices, etc. To maintain evidence with respect to sales for export, or shipment to a possession of the United States, and sales to States or political subdivisions thereof, upon which no tax is due, and other tax-free sales, and evidence required to support a claim for credit or refund.

Retention period: 4 years from the date the tax became due; with respect to tax-free sales, for a period of 4 years from the last day of the month following the month in which the sale was made; and with respect to credits or refunds, 4 years from the date any credit is taken or refund is claimed. 26 CFR 48.4041-5—48.4041-9, 48.4071-2, 48.6416, 48.6420, 48.6421; App. D 314.62, 316.7, 316.202

4.57 Persons seeking credit or refund due to repeal of manufacturers excise tax on passenger automobiles, light-duty trucks, etc.; Revenue Act of 1971. [Added]

(a) *Light-duty trucks; gross weight.* Manufacturer shall maintain a record of the gross vehicle weight rating of each truck, bus, trailer, and semitrailer sold after September 22, 1971, as excluded from tax. 26 CFR 142.1(d)(3)

(b) *Tax-free sales of buses for use in mass transportation service and articles to be used as trash containers.* Seller shall obtain from purchaser and retain in his possession evidence, such as Certificate of Registry or written statement, to indicate the purpose for which the article purchased is to be used as will establish sale of the article tax free. 26 CFR 142.1-1(g)(3)

(c) *Leases and installment or conditional sales entered into before December 11, 1971; automobiles, light-duty trucks or buses, local transit buses, and trash containers.* Manufacturer shall retain evidence of the tax reimbursement or reimbursement obligation to establish that the amount of remaining payments made or payable on or after December 11, 1971, has been reduced by an amount equal to the aggregate amount of the tax applicable with respect to such remaining payments. 26 CFR 142.1-1(i)(2)

(d) *Floor stocks refunds or credit; dealer claims.* Manufacturer shall retain dealer's inventory and maintain records of the articles held by each dealer showing (i) the name and address of each dealer, (ii) the quantities of each article

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held by dealer as floor stocks, (iii) the amount of tax considered as paid, (iv) total amount of reimbursement due the dealer, (v) date dealer's request received, and (vi) date and amount of each payment to a dealer and the written consent of dealer of allowance to the manufacturer of the floor stocks credit or refund. Manufacturer shall keep sufficient records to substantiate the correctness of any claim or credit for a price readjustment of an article on which a floor stock refund was claimed. 26 CFR 142.2–1(a)(4); 26 CFR 142.2–1(e)

(e) *Consumer purchases refunds or credit.* Manufacturer filing a claim for credit or refund for tax paid on consumer purchases shall keep sufficient records with respect to each article covered by the claim (i) the name and address of the ultimate purchaser, (ii) the name and address of the dealer or other person from whom the article was purchased, (iii) date of sale of the article to the ultimate purchaser, (iv) the number or the invoice (sales slip) as required, (v) the serial number in case of a passenger automobile, light-duty truck or bus and the identification number in the case of a trailer or semitrailer and the gross vehicle weight, (vi) date and amount of the reimbursement. If reimbursement is made by check or cash by person other than the manufacturer, the manufacturer shall retain a receipt or statement, or copy thereof, signed by the ultimate purchaser setting forth the date and amount of reimbursement. If reimbursement is made direct by the manufacturer, the manufacturer shall retain the canceled check. A person, other than the manufacturer, who makes reimbursement shall retain a receipt, statement, or canceled check. Manufacturer shall keep readily available sufficient records to substantiate the correctness of any claim for credit or refund for a price readjustment of an article. 26 CFR 142.2–2(a)(4); 26 CFR 142.2–2(c)(4)

(f) *Use of averaging method-refunds.* A manufacturer employing the averaging method with respect to refunds made to consumers shall retain evidence of his efforts to locate any purchaser to whom reimbursement has not been made on or before October 2, 1972. 26 CFR 142.2–3(1)

Retention period: Not specified.

4.58–4.59 [Reserved]

4.59a Persons acquiring secondhand highway motor vehicles.

To maintain as part of his records evidence showing whether there was taxable use of such vehicle at any time in the taxable period prior to the time when the vehicle was registered in his name. If evidence is not obtained showing whether there was such use, the person must keep as part of his records a written statement of the reasons why he was unable to obtain such evidence.

Retention period: At least 3 years after the date the tax becomes due or the date the tax is paid, whichever is later. 26 CFR 41.4481–2 (retention: 41.6001–1)

4.60 Persons subject to the tax on use of certain highway motor vehicles.

(a) *Person in whose name vehicle registered.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds is registered at any time in the taxable period shall keep certain specified records with respect to each vehicle to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof.

(b) *Transit systems.* Every person engaged in the operation of a transit system who claims exemption from tax with respect to a transit-type bus shall keep records sufficient to show, with respect to each taxable period, whether he meets the 60-percent passenger fare revenue test for the period prescribed as the test period for such system for such taxable period.

(c) *Claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

Retention period: Records required by paragraphs (a) and (b) shall be maintained for a period of at least 3 years after the date the tax becomes due or the dates the tax is paid, whichever is later. Records required by paragraph (c) (including any record required by paragraph (a) or (b) which relates to the claim) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 41.6001–1

4.61 Persons required to collect taxes on amounts paid for local and toll telephone services and teletypewriter services.

To keep accurate records and accounts of all such services and facilities furnished upon which the tax is imposed and evidence of the right to exemption relative to any such services or facilities furnished in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption. 4 years from the date the tax would have become due if applicable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 49.4253–11; App. D 130.71, 130.77

4.62–4.64 [Reserved]

4.65 Persons required to collect taxes on amount paid for the transportation of persons and seating or sleeping accommodations in connection therewith.

To keep accurate records to show with respect to each ticket or order sold or fare collected, or other individual transaction, the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: (a) Except as provided in paragraph (b) *below*, 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if payable; and, with respect to credits, 4 years from the date of the return on which the credit appears.

(b) On or after October 1, 1956, carriers furnishing transportation or facilities paid by a State, a Territory of the United States, or any political subdivision thereof, or the District of Columbia, shall retain all exemption certificates accepted, with the record of services and facilities rendered for a period of at least 3 years from the date the tax would have become due if payable. 26 CFR 49.4261–6(e); App. D 130.54, 130.62, 130.71, 130.77

4.65a Shippers or other persons transporting by air; exportation by continuous movement. [Amended]

Shippers or other persons making payment for export shipments subject to tax shall retain the duplicate of Form 1363, Export Exemption Certificate, or Form 1363A, Blanket Export Exemption Certificate, with the shipping papers. The carrier shall retain the original certificate with the document or documents showing payment of the transportation charges.

Retention period: 3 years from the last day of the month during which shipment was made from the point of origin. 26 CFR 154.2–1

4.65b Persons acquiring secondhand civil aircraft. [Added]

After May 31, 1972, to obtain and keep as part of his records evidence showing whether or not there was a taxable use prior to acquisition, or, evidence of the reasons why he was unable to obtain such evidence.

Retention period: Not specified. 26 CFR 154.3–1(d)(4).

4.66 Persons required to pay excise tax on wagering.

(a) *General.* To keep records as will clearly show as to each day's operation: (a) Gross amount of all wagers accepted; (b) gross amount of each class or type of wager accepted on each separate event, contest, or other wagering medium; (c) separately, the gross amount of wagers: (1) accepted directly by the taxpayer or at any registered place of business of the taxpayer (other than laid-off wagers), (2) accepted for his account by agents at other than a registered place of business of the taxpayer (other than laid-off wagers), (3) accepted as laid-off wagers from persons subject to the excise tax; (d) with respect to wagers laid-off with others: (1) The name, address and registration number of each person with whom placed, (2) the gross amount laid-off with each person showing separately the gross amounts of laid-off wagers with respect to each contest, event, or other wagering medium; and (e) the gross amount of tax collected from or charged to bettors as a separate item. To keep, in the case of the taxpayer's employees or agents receiving wagers on his behalf, separate records showing the name, address, the period of employment of, and number of the special tax stamp issued to, such employee or agent. To also keep duplicates of returns and a complete and detailed record of each overpayment.

(b) *Records of agent or employee.* Every person who is engaged in receiving for or on behalf of another person (at any place other than a registered place of business of such other person) wagers of a type subject to tax shall keep a record showing for each day (1) the gross amount of such wagers received by him, (2) the amount, if any, retained as a commission or as compensation for receiving such wagers, and (3) the amount turned over to the person on whose behalf the wagers were received, and the name and address of such person.

(c) *Records of claimants.* Any person claiming a credit or refund shall keep a complete and detailed record of each overpayment and of each laid-off wager for which credit is taken or refund is claimed, including a copy of the required certificate.

(d) *Place for keeping records.* Every person required to pay the tax on wagering shall keep or cause to be kept, at his office or principal place of business, or, if he has no office or principal place of business, at his residence or some other convenient or safe location, all such records as are required pursuant to paragraphs (a) and (c).

Retention period: All records required by the regulations in this part shall at all times be available for inspection by internal revenue officers. Records required by § 44.4403–1 and by paragraph (a) of this section shall be maintained for a period of at least 3 years from the date the tax became due. Records required by paragraph (b) of this section shall be maintained for a period of at least 3 years from the date the wager was received. Records required by paragraph (c) of this section shall be maintained for a period of at least 3 years from the date any credit is taken or refund is claimed. 26 CFR 44.4403–1, 44.6001–1

4.67 [Reserved]

4.68 Manufacturers of white phosphorus matches.

(a) *General.* Every manufacturer is required to keep a daily record showing the total of each material used each day and the total number of matches produced and the number of stamped packages and original packages in which packed; also the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

(b) *Names of customers.* The names of customers to whom matches are consigned and the quantities so sold will not be entered in the manufacturers' daily record and quarterly returns, but the manufacturer shall, upon request of any internal revenue officer, furnish a record of all sales for such period as may be desired.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 45.4804–10 (retention: 45.6001–1)

4.69 Persons making contracts of sale of cotton for future delivery, and persons who act in the capacity of a clearing house or association for such transactions.

(a) All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between seller and buyer, or otherwise, shall keep a record (in accordance with forms prescribed in § 45.4872–3 of the regulations) thereof showing: (1) name and address of contracting person keeping record; (2) name and address of other party to contract; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis grade; (9) specified price per pound; (10) date of delivery or settlement; (11) method of actual fulfillment or settlement; and (12) amount of tax paid (or, if exempt, so state).

(b) All persons who act in the capacity of a clearinghouse or clearing association for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) of the Internal Revenue Code shall keep a record (see forms prescribed in § 45.4872–3 of the regulations) thereof showing: (1) name and address of clearinghouse or clearing association keeping record; (2) name and address of person for whom contract is cleared; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis contract; (9) specified price per pound; (10) date of delivery or settlement; and (11) method of actual fulfillment or settlement.

(c) *Records to be kept in separate books and open for inspection.* All records required by the regulations in this subpart must be in writing and shall be kept in separate books, and not mixed with records of other accounts or transactions, and shall be open to inspection, when demand is made therefor by officers and agents of the Internal Revenue Service. Agents duly appointed shall have authority to examine the books and records kept in pursuance to §§ 45.4872–1 to 45.4872–3, inclusive, and may require the production of any other books, papers, records, or statements of account necessary to determine any liability to the tax imposed by section 4851 of the Internal Revenue Code.

Retention period: Not less than 3 years. 26 CFR 45.4872–1, 45.4872–2 (retention: 45.4872–4)

4.70 [Reserved]

4.71 Persons subject to certain miscellaneous stamp taxes.

(a) *General.* The records required by Part 45 of the regulations shall be kept accurately, but no particular form is required for keeping such records. See, however, the requirements in § 45.4804–10, relating to form for daily record in the case of manufacturers of white phosphorus matches, and §§ 45.4872–1 to 45.4872–4, inclusive, relating to records regarding sales of cotton for future delivery. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) and by §§ 45.6001–2 to 45.6001–5, inclusive, which relate to the claim.

(d) *Place for retention of records.* All records required by the regulations in this part shall be maintained, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(e) *Microfilm reproduction.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records retains such microfilmed copies for the required period, provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and makes any transcription which may be required of the information contained on the microfilm.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–1

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4.72 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

(a) *General.* A manufacturer shall keep at his place of business separate records of adulterated butter, of process or renovated butter, and of filled cheese. If the record is kept as hereinafter prescribed in the manufacturer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than adulterated butter, process or renovated butter, filled cheese, and the materials or ingredients used in the manufacture of each product.

Entry shall be made not later than the day following that on which each transaction occurred. Quantities reported shall be as indicated by the tax-paid stamps affixed to the packages, except that where the product is withdrawn free of tax for export, or where the product is returned to the factory, the actual quantity will be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Item.* The record must show:

(1) The number of pounds of each material or ingredient used in the production of adulterated butter, process or renovated butter, or filled cheese, and the number of such materials used for other purposes.

(2) The number of pounds of each product produced.

(3) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(4) The number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt.

(5) The number of pounds reworked, disposed of as grease, dumped, or otherwise destroyed.

(6) The total value of tax stamps purchased and used.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter, process or renovated butter or filled cheese distributed gratuitously shall be recorded in the same manner as if the packages were sold.

(2) *Transfers to self.* Where adulterated butter, process or renovated butter, or filled cheese is transferred by a manufacturer to himself as a wholesale or retail dealer, the transaction shall be recorded in the same manner as a transfer to another person.

(3) *Sales to chain stores.* Where adulterated butter, process or renovated butter, or filled cheese is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipment.* Where a manufacturer receives an order from one person to ship adulterated butter, process or renovated butter, or filled cheese to another, the transaction shall be recorded in the name and address of the consignee, followed by "acc't. of" and the name and address of the person for whose account the shipment was made. A manufacturer shall not record consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later.

The records of claimants required by paragraph (c) of § 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–2 (retention: 45.6001–1)

4.73 Wholesale dealers in adulterated butter.

(a) *General.* A wholesale dealer shall keep at his place of business records of transactions in adulterated butter. If the record is kept as hereinafter prescribed in the dealer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than tax-paid and branded adulterated butter.

Entry shall be made not later than the day following that on which the transaction occurred. Quantities reported shall be as indicated by the tax-paid stamp affixed to the packages, except that where goods are returned to or by the wholesaler the actual quantity shall be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show:

(1) The number of pounds in each consignment of adulterated butter received, the name and address of the consignor, and the date of receipt.

(2) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter received and disposed of gratuitously shall be recorded in the same manner as adulterated butter which is purchased and sold.

(2) *Transfers to self.* Where adulterated butter is transferred by a wholesale dealer to himself as a retail dealer, the transaction shall be recorded in the same manner as a sale to another person.

(3) *Sales to chain stores.* Where adulterated butter is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* A wholesale dealer shall not record the receipt of adulterated butter which he orders delivered direct to a third party. The dealer's connection with the transaction shall be shown by the manufacturer as provided in paragraph (c) of § 45.6001–2. Where a wholesale dealer receives an order from one person to ship adulterated butter to another, the transaction shall be recorded in the name and address of the consignee followed by "acc't. of" and the name and address of the person giving the order. A wholesale dealer shall not record consignments in the names of agents, solicitors, or other persons transmitting orders for other parties.

(5) *Returned goods.* Where adulterated butter is returned by a customer to a wholesale dealer the transaction shall be recorded separately from other receipts. The sale of repossessed goods shall be recorded with other disposals. Adulterated butter returned by a wholesale dealer to the manufacturer or other wholesale dealer from whom received shall be recorded separately from other disposals (see paragraph (c)(6) of § 45.4821–3 as to resales).

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–3 (retention: 45.6001–1)

4.74 Wholesale dealers in filled cheese.

Every wholesale dealer in filled cheese shall keep at his place of business a daily record of (a) the number of pounds in each consignment of filled cheese received by him, giving the name and address of the consignor and date of receipt, and (b) the number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–4 (retention: 45.6001–1)

4.75 Persons liable for miscellaneous excise taxes payable by return.

(a) *General.*—(1) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the District Director of Internal Revenue to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(2) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(3) *Records of Claimants.* Any person who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any record required of the claimant by paragraph (a)(2), and by paragraph (b) below.

(4) *Place for keeping records.* All records required shall be kept, by the

person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(5) *Microfilm reproductions.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records (i) retains such microfilmed copies for the specified retention period, (ii) provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and (iii) makes any transcription which may be required of the information contained on the microfilm.

(b) *Manufactured sugar*—(1) *Manufacturing records.* Every person who manufactured sugar shall keep an accurate monthly record of the manufacturing done by him.

(2) *Content of records.* Such records shall show:

(i) The quantity of manufactured sugar and other sugar on hand at the beginning of the month;

(ii) The quantity received during the month;

(iii) The quantity of manufactured sugar produced during the month;

(iv) The quantity sold during the month;

(v) The quantity of manufactured sugar used during the month in the production of other articles for sale; and

(vi) The quantity of manufactured sugar and other sugar on hand at the end of the month.

For periods prior to August 31, 1963, the records shall show the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

For periods after August 30, 1963, the records shall show the total sugars of each grade and type of sugar and manufactured sugar.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (a)(3) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 46.6001–1, 46.6001–2 (retention: 46.6001–1)

4.76–4.78 [Reserved]

4.79 Persons required to keep records with respect to foreign insurance policies.

(a) *Records to be kept by solicitors, brokers, etc.* Each person, solicitor, or broker, accepting, placing, soliciting, or making, directly or indirectly, or paying or receiving compensation with respect to, a policy or other instrument subject to the tax imposed by section 4371 of the Code shall keep a record of such policy or other instrument with respect to the issuance thereof and shall be prepared to furnish full information to the district director at any time upon demand.

(b) *Records to be kept by policy holder.* The person having control or possession of a policy of insurance, or reinsurance, or other instrument to which documentary stamps must be affixed shall retain such instrument with respect to the issuance thereof to enable internal revenue officers to ascertain whether the requisite stamps have been affixed and canceled.

(c) *Records to be kept by persons paying premiums on or after January 1, 1966.* Resident persons making premium payments to a foreign insurer, reinsurer, nonresident agent, solicitor or broker shall keep or cause to be kept accurate records of all policies or other instruments, identifying each such policy or instrument to establish (1) gross premium paid, (2) policy of casualty insurance or bond, life, sickness or accident insurance, annuity contract, or reinsurance policy, (3) identity of insured, (4) identity of foreign insurer or reinsurer, and (5) total premiums charged and if paid in installments, the amount and anniversary date of such installment.

Retention period: (a) and (b) At least 3 years from date any part of the tax was paid, 26 CFR 47.6001–2; (c) 3 years from date any part of the tax became due or date tax is paid, whichever is later, 26 CFR 46.6001–4.

4.80–4.81 [Reserved]

4.82 Sellers of tax-free sales and purchases of aircraft fuel for non-taxable purposes.

To maintain exemption certificates and proper supporting records such as invoices, orders, etc., relative to tax-free sales.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 154.1–1

4.83 Persons claiming exemption from tax on the sale or use of diesel fuel, special motor fuel, and lubricating oil.

(a) *Bulk purchases by users.* Persons who purchase taxable liquid in bulk delivered into storage tanks or other containers and use it for various purposes, both taxable and nontaxable, or in both registered and nonregistered vehicles, must maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and any of the credits, refunds, or exemptions claimed.

(b) *Dual use of taxable liquid.* If the taxable liquid used in a separate motor, or during a period the vehicle does not have the essential characteristics of a motor vehicle, is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid used in such separate motor or during such period will be acceptable for purposes of application of the tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and the taxpayer must maintain records which will support the allocation used.

(c) *Use as supplies for vessels or aircraft.* Seller must obtain and retain a properly executed exemption certificate, maintain records of invoices, orders, etc., relative to tax-free sales.

(d) *Use on a farm for farming purposes.* Maintain adequate records to establish that the taxable liquid was used on a farm for farming purposes.

(e) *Sales to State, Territory of the United States or a political subdivision or the District of Columbia.* Vendor must retain clearly identified orders or contracts properly signed by an authorized officer that the liquid sold was purchased for the exclusive use of a State, Territory of the United States, or a political subdivision, or the District of Columbia.

(f) *Sales for export.* Vendor must maintain adequate records, such as export bill of lading, certificate of carrier or customs officer, or statement of foreign consignee, to establish that the liquid was sold for export and actual exportation.

(g) *Sales to nonprofit educational organizations.* Retailer must obtain from purchaser and retain a properly executed exemption certificate.

Retention period: 4 years from the date the tax became due or, in the case of tax-free sales, for a period of at least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4041–5, 48.4041–6, 48.4041–8, 48.4041–9, 148.1–4 (retention: App. D 314.62, 324.42)

4.83a Manufacturers, producers, or importers selling automobile tires or tread rubber.

To maintain records of tires sold with metal rims or rim bases attached which will establish what portion of the finished product represents the weight of the tire exclusive of the metal rim or base; and for tax-free sales of tread rubber, to retain exemption certificates and to keep records of invoices, orders, etc., for inspection by the district director.

Retention period: Not specified. 26 CFR 48.4071–2, 48.4073–3

4.84 Sales on or after July 1, 1966, of lubricating oil seldom used as a lubricant.

Manufacturers must obtain from the purchaser and retain in his possession a properly executed exemption certificate. The certificates and proper records of invoices, orders, etc., relative to such sales must be kept for inspection by the district director.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 48.4091–6

4.85 Claims by suppliers for credit or refund due to repeal of tax by Excise Tax Reduction Act of 1965.

(1) An inventory statement of articles held for sale on the first moment of

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June 22, 1965, by a retailer, and not used, must be kept in the supplier's records; (2) either evidence that the supplier has reimbursed the retailer or the written consent of the retailer to the allowance of the credit or refund to the supplier must be kept in the supplier's records.

Retention period: Not specified. 26 CFR 48.6011(c)–1

4.86 Persons claiming a credit or refund for diesel fuel, special motor fuel, lubricating oil, or gasoline used for certain nonhighway purposes, by a local transit system, or for farming purposes.

(a) *General.* To keep in accordance with the form outlined in the regulations an accurate record of the number of gallons purchased and the dates of purchases, the name and address of each vendor, the number of gallons used during the period covered by the claim and such other information as is necessary to establish the correctness of the claim.

(b) *Local transit systems.* In addition to the records required by paragraph (a), to keep records that establish for each calendar quarter: (1) the total passenger fare revenue (not including with respect to gasoline used before November 16, 1962, the tax imposed by section 4261 of the Internal Revenue Code) derived from scheduled common carrier public passenger land transportation service along regular routes, and (2) the commuter fare revenue derived from such scheduled service.

(c) *Farming purposes.* To keep a record of the gasoline purchased and used by the claimant on a farm which he is the owner, tenant, or operator, and to show, in cases where trucks or other vehicles are used both on and off the farm an allocation of the number of gallons used in such trucks or vehicles for farming purposes. Where the claimant is entitled to claim payment for gasoline used on his farm by a person other than the owner, tenant, or operator thereof, the records must show: (1) the name and address of the person who performed the farming operation, (2) a description of the type of work and the type of equipment used, (3) the date or dates on which the work was done, and (4) the number of gallons of gasoline so used.

Retention period: At least 3 years from the last date prescribed for the filing of the claim. 26 CFR 48.6416(b)–2, 48.6420(f)–1, 48.6421(g)–1

4.86a Manufacturer of tires and tubes floor stocks inventories October 1, 1966.

Maintain physical inventory of tires and inner tubes held at each retail outlet as of 12:01 a.m., on October 1, 1966.

Retention period: Not specified. 26 CFR 144.1–2(d)

4.87–4.88 [Reserved]

4.88a [Deleted]

4.88b Manufacturers making tax-free sales of supplies for vessels and aircraft.

To retain in his possession properly executed exemption certificates and supporting invoices, orders, etc., relative to the tax-free sales.

Retention period: Not specified. 26 CFR 145.4–1

4.88c [Reserved]

4.88d Interest equalization tax; acquisitions of foreign stock or debt obligations. [Revised]

Individuals, participating custodians, nominees, brokers, and domestic and foreign lending and financing corporations shall maintain complete and adequate records with respect to all such transactions involving such acquisitions as will establish ownership identification, exemptions, authorizations, consents, conversions, sales, withholding of taxes, etc.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 147.1–147.10

4.89 Private foundations; taxable expenditures. [Added]

(a) *Grants to individuals for travel, study, or other similar purposes.* To maintain records reflecting information evaluating qualification of potential grantees; identification of grantees; amount and purpose of each grant; and grantee progress reports.

Retention period: Not specified. 26 CFR 53.4945–4(c)(6)

(b) *Grants to organizations.* To maintain copy of expenditure responsibility agreement signed by grantee organization; records of receipts and expenditures; and copies of such reports required to be part of the records.

Retention period: 4 years after completion of use of grants funds. 26 CFR 4945–5(b)(3), 53.4945–5(c)(3), 53.4945–5(d)(3)

(c) *Program-related investments.* To maintain books and records adequate to provide information required.

Retention period: Not specified. 26 CFR 53.4945–5(b)(4)

4.90–4.122 [Reserved]

4.123 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales must also be kept.

Retention period: 4 years from the date the tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs. 26 CFR App. D 314.62

4.124–4.125 [Reserved]

4.126 Persons required to file a return and pay tax on the sale or use of diesel fuel and special motor fuel.

To keep accurate records and accounts of all taxable transactions.

Retention period: 4 years from the date the tax became due. 26 CFR App. D 324.42

4.127–4.212 [Transferred to XI 8; Bureau of Alcohol, Tobacco and Firearms]

5. Office of Foreign Assets Control

5.1 Persons engaged in transactions subject to Foreign Assets Control Regulations, Transaction Control Regulations, Cuban Assets Control Regulations, Foreign Funds Control Regulations, and Rhodesian Sanctions Regulations.

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: At least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.40, 505.60, 515.601, 515.804, 520.601, 520.804, 530.601, 530.804

6. Office of Domestic Gold and Silver Operations

6.1 Persons authorized by license or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.

To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 Licensed importers of gold-bearing materials for reexport of gold refined therefrom.

To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the assay office at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 Persons delivering silver to a mint or assay office pursuant to the Coinage Act of 1965.

To maintain records of all acquisitions and dispositions of newly-mined domestic silver.

Retention period: 5 years following date of transaction to which they relate. 31 CFR 81.8, 81.10

7. Office of Operations [Added]

7.1 Corporations, partnerships, individuals, and associations having interests in foreign financial accounts.

To maintain records pertaining to such accounts as specified in section cited.

Retention period: 5 years. 31 CFR 103.32

7.2 Financial institutions.

To maintain either the original, microfilm, or other reproduction of records specified in section cited.

Retention period: 5 years. 31 CFR 103.33 (retention: 103.36)

7.3 Banks.

To maintain records as specified in section cited.

Retention period: 2 years for records needed to reconstruct a demand deposit account, or trace a check through the domestic processing system or to supply a description of a deposited check; 5 years for all other records. 31 CFR 103.34 (retention: 103.36)

7.4 Brokers and dealers in securities.

To maintain records as specified in section cited.

Retention period: 5 years. 31 CFR 103.35 (retention: 103.36)

8. Bureau of Alcohol, Tobacco and Firearms [Transferred from XI 4.127–4.212]

Liquors

8.1 Manufacturers recovering taxpaid alcohol.

To keep records of distilled spirits recovered from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 26 CFR 170.617

8.2 Persons disposing of substances or articles of the character used in manufacturing distilled spirits, or disposing of containers of the character used for packaging distilled spirits.

To keep records pertaining to the disposition of such substances or articles or containers.

Retention period: 3 years. 26 CFR 173.15

8.3 Persons manufacturing liquor bottles.

To keep records of the receipt, manufacture, and disposition of liquor bottles.

Retention period: 3 years. 26 CFR 173.39 (retention: 173.15)

8.4 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the record keeping provisions of 26 CFR Part 201).

To keep (a) daily records of the physical receipt and disposition of distilled spirits (including any spirits transferred between wholesale and retail departments of the dealer's own premises), copies of all invoices and delivery receipts (or bills of lading if delivered to a common carrier), and a daily (or less frequent, interval if authorized) recapitulation record showing total quantities of bottled and packaged spirits received and disposed of during the day; and (b) file copies of reports on Forms 52A and 52B (unless the requirement to prepare and submit such forms is waived) and 338.

Retention period: Not less than 2 years. (a) 26 CFR 194.221, 194.223, 194.225—194.230, 194.238; (b) 194.231, 194.234—194.238 (retention: 194.242)

8.5 Wholesale dealers in wine and/or beer.

To keep a complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: Not less than 2 years. 26 CFR 194.222, 194.223 (retention: 194.222, 194.242)

8.6 Retail liquor dealers.

To keep a complete record of all distilled spirits, wines, and beer received showing the quantities thereof, from whom received, and the receiving dates; a record of each sale of distilled spirits, wines, or beer in quantities of 20 wine gallons or more to the same person at the same time, showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, the serial numbers of all ful cases of distilled spirits included in the sale; and the delivery receipt supporting each entry in the sales record.

Retention period: Not less than 2 years. 26 CFR 194.223, 194.238, 194.239 (retention: 194.242)

8.7 Liquor dealers packaging alcohol for industrial uses.

To keep records, daily, showing bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep copies of quarterly reports of strip stamp transactions (Form 2260) and monthly reports of bulk alcohol transactions (Form 2733).

Retention period: Not less than 2 years. 26 CFR 194.271 (retention: 194.242)

8.8 Proprietors of vinegar factories.

To keep daily records of operations, showing the kind and quantity of fermenting and distilling material received, produced, used and removed from the premises, the quantity of mash set, the quantity of low wines produced and used, the quantity of vinegar produced and removed, and the identity of each consignor and consignee; and copies of monthly reports (Form 1623).

Retention period: Not less than 2 years. 26 CFR 195.152, 195.153, 195.155, 195.159—195.161, 195.175, 195.176 (retention: 195.177)

8.9 Manufacturers and vendors of distilling apparatus.

(1) In the case of any distilling apparatus removed for exportation without payment of tax, to keep a copy of each bill of lading covering exportation or consignment to a foreign-trade zone;

(2) In the case of distilling apparatus for domestic use for purposes other than distilling (as defined in 26 CFR 196.10), to keep a record showing the apparatus manufactured, received, and removed or otherwise disposed of, the name and address of each purchaser, and the purpose for which each still is to be used.

Retention period: Not less than 2 years. 26 CFR 196.62, 196.80, 196.82

8.10 Manufacturers of nonbeverage products claiming drawback.

(a) To keep a copy of each approved quantitative formula (Form 1678).

Retention period: Not less than 2 years from the date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

(b) To keep records showing the distilled spirits received and used, the products produced, and the disposition of such products; and all Forms 179 and bills of lading relating to the spirits shipped to him.

Retention period: Not less than 2 years. 26 CFR 197.95, 197.99, 197.130–197.132 (retention: 197.133)

8.11 Proprietors of volatile fruit-flavor concentrate plants.

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed, and returned concentrates received; substances received for use in rendering concentrate unfit for use as a beverage, and the use or other disposition of such substances; and the name and address of each person to whom processing material or concentrate is shipped and, in the case of concentrates shipped to or returned by a bonded wine cellar, the registry number of such bonded wine cellar and the identity of such concentrate.

(b) To keep file copies of Form 3874, Notice of Transfer of Fruit-Flavor Concentrate.

(c) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 26 CFR 198.111, 198.112, 198.116, 198.117, 198.121—198.125 (retention: 198.121)

8.12 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.

To keep records, daily, of quantities of spirits produced, received, and used.

Retention period: Not less than 4 years. 26 CFR 201.72 (retention: 201.612)

8.13 Persons receiving distilling material from the bonded premises of a distilled spirits plant.

To keep records of the receipt, use, and disposition of such material.

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

8.14 Proprietors of distilled spirits plants.

(a) *Production.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to production facilities, including the receipt, use, and disposition of fermenting and distilling materials; the production of spirits and denatured spirits; the production and disposition of

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distillates and chemical byproducts; losses in production processes; inventories; and the taking of samples.

Retention period: Not less than 4 years. 26 CFR 201.261, 201.262, 201.264, 201.265, 201.268, 201.269, 201.271, 201.274, 201.275, 201.278, 201.279, 201.562, 201.582, 201.587, 201.603, 201.611, 201.612, 201.616–201.620, 201.626, 201.627, 201.630, 201.632, 201.633 (retention: 201.612)

(b) *Storage in bond.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to the receipt and storage of spirits and denatured spirits; quick-aging; addition of oak chips or caramel; repairing, filling, and changing packages; mingling and consolidation of spirits; blending of beverage rums or brandies; losses and voluntary destruction; inventories; and the taking of samples.

Retention period: Not less than 4 years from the date thereof, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 26 CFR 170.125, 170.131, 201.291, 201.292, 201.294, 201.295, 201.298, 201.302–201.308, 201.311, 201.312, 201.312c, 201.313, 201.562, 201.582, 201.583, 201.587, 201.603, 201.611, 201.612, 201.616–201.618, 201.622, 201.626–201.630, 201.632–201.634 (retention: 201.612)

(c) *Bottling on bonded premises.* To keep, as prescribed by regulations, records and copies of applications and reports relating to bottling operations on bonded premises, including bottling in bond, bottling of alcohol before taxpayment, bottling losses and gains, strip stamp transactions, and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years from the date the bottled spirits are removed from the proprietor's bonded premises. 26 CFR 201.322, 201.327, 201.336–201.338, 201.341–201.343, 201.346–201.348, 201.352, 201.543, 201.546, 201.611, 201.612, 201.616–201.618, 201.622, 201.624, 201.632, 201.633, 201.633a (retention: 201.612)

(d) *Transfers and withdrawals.* To keep, as prescribed by regulations, records and copies of applications, notices, and withdrawal and taxpayment forms relating to transfer and withdrawal of spirits and denatured spirits, including transfers between bonded premises, removals from storage to production facilities, determination and payment of tax and removal of spirits after taxpayment, withdrawals without payment of tax, and withdrawals free of tax.

Retention period: Not less than 4 years from the date thereon, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 26 CFR 201.363, 201.364, 201.366–201.380, 201.381–201.385, 201.387, 201.388, 201.390, 201.393, 201.394, 201.602, 201.603, 201.606, 201.611, 201.612, 201.614, 201.616–201.618, 201.622, 201.624, 201.628, 201.629, 201.632, 201.633 (retention: 201.612)

(e) *Denaturation.* To keep, as prescribed by regulations, records and copies of statements, certifications, applications, notices, and reports relating to denaturing transactions and operations, including receipt, test, use, and disposition of denaturants and the denaturation of spirits (including redenaturation and restoration of recovered denatured spirits and articles).

Retention period: Not less than 4 years. 26 CFR 201.404, 201.406–201.408, 201.410, 201.602, 201.603, 201.611, 201.612, 201.614, 201.616–201.618, 201.621, 201.626, 201.630, 201.632, 201.633 (retention: 201.612)

(f) *Rectification and bottling on bottling premises.* To keep, as prescribed by regulations, records and copies of applications, affidavits, statements, reports, and taxpayment forms relating to transactions and operations on bottling premises, including the receipt, use, and disposition of flavoring materials and of taxpaid spirits and wines; rectification of spirits and wines; production of vodka and gin by redistillation; packaging, bottling, and removal of rectified and unrectified spirits and wines; tax liability accounts; tax payment; stamping; operational losses; disaster losses; voluntary destruction of spirits; inventories; and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years. 26 CFR 170.60, 170.61, 170.62, 201.426, 201.427, 201.430, 201.432, 201.435, 201.444, 201.446, 201.448, 201.450, 201.451, 201.452, 201.454, 201.455, 201.460, 201.463–201.466, 201.470, 201.470f, 201.482–201.484, 201.487, 201.490, 201.492, 201.543, 201.551, 201.562, 201.563, 201.611, 201.612, 201.614, 201.616–201.618, 201.623, 201.624, 201.627, 201.630, 201.632, 201.633, 201.633a (retention: 201.612)

(g) *Wholesale liquor dealer and taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises, and of restamping operations, and to keep copies of periodic reports of spirits received at and removed from such premises.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.612, 201.614, 201.616, 201.618, 201.625, 201.634 (retention: 201.612)

(h) *Receipt, use, and disposition of liquor bottles.* To keep, as prescribed by regulations, records covering the receipt, use, and disposition of liquor bottles in such manner as to enable any internal revenue officer to verify and trace the receipt and disposition of such bottles.

Retention period: Not less than 4 years. 26 CFR 201.630a (retention: 201.612)

8.15 Users of rubbing alcohol base.

To keep such records as will enable an internal revenue officer to verify and trace the receipt of rubbing alcohol base; records of production, bottling, and distribution of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.190e (retention: 211.273)

8.16 Dealers in and users of completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the receipt, storage, and disposal of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.118, 211.125, 211.261, 211.273, 211.274 (retention: 211.273)

8.17 Manufacturers of and dealers in proprietary anti-freeze made with completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the production, receipts, storage, and disposal of such products.

Retention period: 3 to 6 years. 26 CFR 211.125, 211.262, 211.273, 211.274 (retention: 211.273)

8.18 Persons recovering completely denatured alcohol and articles.

To keep such records as will enable an internal revenue officer to verify and trace recovery, redenaturation (if any) and reuse; to keep copies of monthly reports.

Retention period: 3 to 6 years. 26 CFR 211.212, 211.214, 211.215, 211.218, 211.263, 211.269, 211.273, 211.274 (retention: 211.273)

8.19 Dealers in specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of procurement, packaging, losses, and disposition of specially denatured spirits.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.145, 211.148, 211.234, 211.241, 211.243, 211.251–211.253, 211.255, 211.264, 211.270, 211.272–211.274, 211.285 (retention: 211.273)

8.20 Users of specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of (a) specially denatured spirits received, used, recovered (including redenaturation), lost, and otherwise disposed of, and (b) products and articles manufactured and the disposition of such products and articles.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.168, 211.212, 211.214, 211.215, 211.218, 211.241–211.243, 211.251–211.253, 211.255, 211.265–211.267, 211.271–211.274 (retention: 211.273)

8.21 Reprocessors, repackagers, and bottlers of bay rum, skin and hair lotions, and similar products and purchasers of such products in containers larger than 1 gallon for resale.

To keep records of receipt, manufacture, packaging, bottling, and sales.

Retention period: 3 to 6 years. 26 CFR 211.265–211.267, 211.272–211.274 (retention: 211.273)

8.22 Dealers in and users of proprietary solvents and special industrial solvents.

To keep records of receipt, use, and disposition.

Retention period: 3 to 6 years. 26 CFR 211.268, 211.272–211.274 (retention: 211.273)

8.23 Users of tax-free alcohol.

To keep records and copies of all applications, notices, and reports relating to receipt, use, recovery (including restoration), losses, and inventories of tax-free alcohol.

Retention period: 3 to 6 years. 26 CFR 213.116, 213.134, 213.151–213.153, 213.161–213.163, 213.165, 213.171–213.176 (retention: 213.175)

8.24 Proprietors of taxpaid wine bottling houses.

To keep records of wine received, bottled, packaged, and removed, and of semiannual and special inventories.

Retention period: 3 years. 26 CFR 231.110–231.114 (retention: 231.114)

8.25 Persons (other than proprietors of bonded wine cellars) producing wine for family use.

To keep the copy of the registration (Form 1541), with production data entered thereon, at the place of manufacture.

Retention period: While the wine produced pursuant thereto remains on hand. 26 CFR 240.542

8.26 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations.

To keep copies of approved applications and appropriate records of experiments and research.

Retention period: 3 to 6 years. 26 CFR 240.546–240.549, 240.731, 240.732, 240.924 (retention: 240.924)

8.27 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar.

To keep records showing receipt and use of wine, and vinegar produced and disposed of.

Retention period: Not specified. 26 CFR 240.656, 240.657

8.28 Proprietors of bonded wine cellars.

(a) Production of wine, nonbeverage wine, distilling material, vinegar stock, and commercial fruit products. To keep, as prescribed by regulations, records and copies of all applications, notices, statements, and reports of transactions and operations relating to the receipt and use or other disposition of basic winemaking materials such as fruit, or juice, or concentrated juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, volatile fruit-flavor concentrates, and other materials used in production of wine, nonbeverage wine, and allied products and in cellar and finishing operations; fermentation; amelioration and sweetening; baking; use of carbon dioxide in still wines; removal of excess color in white wine; reduction of acid content; and other cellar and finishing treatment of wines.

Retention period: 3 to 6 years. 26 CFR 170.683, 170.686, 170.690, 240.359a, 240.362, 240.363, 240.366, 240.367, 240.368, 240.375–240.379, 240.382–240.385, 240.402, 240.406, 240.407, 240.408, 240.409, 240.443, 240.484–240.487, 240.491, 240.525–240.527a, 240.532, 240.537, 240.771, 240.773, 240.822, 240.826, 240.832–240.834, 240.836, 240.837, 240.890, 240.892, 240.900, 240.904, 240.908–240.911, 240.913–240.919, 240.922–240.925 (retention: 240.924)

(b) Storage in bond, filling bottles and containers, voluntary destruction, reconditioning of foreign wine, losses, and inventories. To keep, as prescribed by regulations, records and copies of all applications, notices, and reports relating to the receipt and storage of wine, wine spirits, nonbeverage wine, and volatile fruit-flavor concentrates on bonded premises; bottling, casing, and the filling of containers; losses and voluntary destruction; and semiannual and special inventories.

Retention period: 3 to 6 years. 26 CFR 170.691, 240.359a, 240.534, 240.561, 240.751, 240.753, 240.783, 240.786–240.789, 240.804, 240.854–240.858, 240.871, 240.900, 240.903, 240.912, 240.913, 240.916, 240.922–240.925 (retention: 240.924)

(c) Transfers and removals. To keep, as required by regulations, records and copies of all applications, notices, transfer and withdrawal forms, and returns relating to wine, wine spirits, and nonbeverage wine, including transfers between bonded premises, return of wine to bonded storage, return of concentrates to volatile fruit-flavor concentrate plants, tax payment and removal, withdrawal free of tax and without payment of tax, disposition of lees and other residues, and the disposition of commercial fruit products and other allied products.

Retention period: 3 to 6 years. 26 CFR 170.687, 240.359b, 240.590–240.592, 240.600, 240.613–240.615, 240.618–240.620, 240.630, 240.633, 240.652, 240.660, 240.662, 240.672, 240.722, 240.726, 240.730, 240.732, 240.741, 240.743, 240.746, 240.761–240.763, 240.802, 240.804, 240.839, 240.871, 240.892, 240.900–240.902, 240.904, 240.920, 240.922–240.925 (retention: 240.924)

(d) Taxpaid storeroom operations. To keep records of receipt and disposition.

Retention period: 3 to 6 years. 26 CFR 170.690, 240.801, 240.921–240.925 (retention: 240.924)

8.29 Brewers.

To keep, as required by regulations, records and copies of all applications, statements, notices, tax returns, and reports of brewery operations and transactions relating to receipt and use or disposition of brewing materials; production of beer and cereal beverages; production of wort, wort concentrate, malt sirup, and malt extract for sale or removal; beer entered into concentration process; concentrate produced, received, and used in reconstituting beer; beer reconstituted; transfers of beer and beer concentrate between breweries of same ownership; removals of yeast and malt; removal of beer unfit for beverage use; racking and bottling operations; losses; voluntary destruction; beer returned to the brewery; beer procured from another brewer; removal of cereal beverage; removal of beer for sale or consumption; removal of beer free of tax; removal of beer and beer concentrate without payment of tax; removal of wort, wort concentrate, malt sirup, and malt extract; beer consumed at the brewery and inventories of brewing materials, beer and cereal beverage in process, concentrate, and finished beer and cereal beverage on hand.

Retention period: Not less than 4 years. 26 CFR 245.135, 245.136, 245.145–245.148, 245.152, 245.153, 245.155, 245.157, 245.158, 245.161, 245.205–245.208, 245.210, 245.215, 245.225–245.227, 245.230, 245.232, 245.233, 245.243, 245.245 (retention: 245.232)

8.30 Proprietors of pilot brewing plants.

To keep, as required by regulations, records including information sufficient to account for the receipt, production, and disposition of all beer received or produced on the premises and the receipt (and disposition, if removed) of all brewing materials.

Retention period: Not less than 4 years. 26 CFR 245.256 (retention: 245.232)

8.31 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2899, 2901, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.78–250.81, 250.112 (retention: 250.276)

8.32 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 26 CFR 250.85 (retention: 250.276)

8.33 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2927, and 2928.

Retention period: Not less than 2 years. 26 CFR 250.93–250.96, 250.112 (retention: 250.276)

8.34 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2929, and 2930.

Retention period: Not less than 2 years. 26 CFR 250.102–250.105, 250.112 (retention: 250.276)

8.35 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Forms 487–B and 3039.

Retention period: Not less than 2 years. 26 CFR 250.88, 250.89, 250.116 (retention: 250.276)

8.36 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (except proprietors of distilled spirits plants).

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealer).

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Retention period: At least 2 years. 26 CFR 250.163, 250.272 (retention: 194.242)

8.37 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.

To keep records and copies of reports of transactions pertaining to such liquors in accordance with 26 CFR Part 201 (Distilled Spirits Plants).

Retention period: Not less than 4 years. 26 CFR 250.164, 250.273 (retention: 201.612)

8.38 Importers bringing bottled distilled spirits into the United States from the Virgin Islands.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 250.270, 250.271 (retention: 250.276)

8.39 Importers of distilled spirits receiving and storing used liquor bottles pending return to Puerto Rico or the Virgin Islands or exportation.

To keep records of the receipt and disposition of used liquor bottles.

Retention period: Not less than 2 years. 26 CFR 250.319, 251.209 (retention: 250.276, 251.137)

8.40 Importers of distilled spirits.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 251.130, 251.131 (retention: 251.137)

8.41 Importers of distilled spirits, wines, or beer (except proprietors of premises qualified under the provisions of Chapter 51, I.R.C.).

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealers).

Retention period: At least 2 years. 26 CFR 251.133 (retention: 251.137)

8.42 Proprietors of premises qualified under the provisions of Chapter 51, Internal Revenue Code, importing liquors.

To keep records and copies of reports of transactions in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 26 CFR 251.134 (retention: 251.137)

8.43 Importers of liquors.

To keep records, documents or copies of documents supporting such records, and copies of reports required to be submitted to the assistant regional commissioner or to the collector of customs.

Retention period: Not less than 2 years. 26 CFR 251.136, 251.137 (retention: 251.137)

8.44 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 26 CFR 251.172 (retention: 251.137)

8.45 Proprietors or claimants exporting liquors under the provisions of 26 CFR Part 252.

To keep file copies of all export forms involved, and the records, documents, or copies of the records and documents supporting such forms.

Retention period: Not less than 2 years. 26 CFR 252.45

8.46 Proprietors of distilled spirits plants.

(1) To keep a copy of each Form 206 (with attached Form 2630, if any) covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a manufacturing bonded warehouse, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.107, 252.118 (retention: 252.45)

(2) To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.153 (retention: 252.45)

8.47 Proprietors of bonded wine cellars.

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, or transfer to a manufacturing bonded warehouse, and any return of the wine so withdrawn to the bonded wine cellar.

Retention period: Not less than 2 years. 26 CFR 252.125, 252.133 (retention: 252.45)

8.48 Brewers.

To keep a copy of each Form 1689 covering beer removed without payment of tax for use as supplies on vessels and aircraft; and a copy of each Form 1689 covering beer, and Form 3021 covering beer concentrate, removed without payment of tax for exportation or transfer to a foreign-trade zone, and any return to the brewery of the beer or beer concentrate so removed.

Retention period: Not less than 2 years. 26 CFR 252.145, 252.146, 252.150f—252.150h (retention: 252.45)

8.49 Bottlers or packagers of distilled spirits stamped or restamped and marked, especially for export with benefit of drawback.

To keep a copy of each Form 1582 (with attachments, if any) on which claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.195, 252.195a (retention: 252.45)

8.50 Exporters of wine.

To keep a copy of each Form 1582–A on which claim for drawback is filed and the supporting tax certification Form 2605.

Retention period: Not less than 2 years. 26 CFR 252.215, 252.218 (retention: 252.45)

8.51 Brewers.

To keep a copy of each Form 1582–B on which a claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.225–252.227 (retention: 252.45)

8.52 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.

To keep a copy of each requisition.

Retention period: Not less than 2 years. 26 CFR 252.280 (retention: 252.45)

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8.53 Manufacturers of tobacco products.

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to engage in another business within the factory, to use alternate means for marking packages of cigars or cigarettes, to repackage cigars or cigarettes, to remove cigars or cigarettes in bond for experimental purposes, to temporarily store cigars or cigarettes outside of factory, and to destroy cigars or cigarettes without supervision.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 270 and 295 are concluded. Not specified for authorizations granted under Part 290. 26 CFR 270.45–270.47, 270.212, 270.217, 270.232, 270.251, 270.253, 290.72, 290.73, 290.184, 295.21, 295.22 (retention under Part 270: 270.185)

8.54 Manufacturers of tobacco products.

To keep receipted copy of each semimonthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.162, 270.167 (retention: 270.185)

8.55 Manufacturers of tobacco products.

To keep daily records of his operations, either commercial records or internal revenue Form 3065 or Form 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of cigars and cigarettes removed subject to tax and transferred in bond, and separate records with respect to Puerto Rican cigars and cigarettes released from customs custody, without payment of tax. To keep daily records of his operations in tobacco.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.182, 270.183, 270.184, 270.186, 275.139 (retention: 270.185, 275.22)

8.56 Manufacturers of tobacco products.

To keep a copy of each inventory, Form 3067.

Retention period: 3 years following the close of calendar year in which made. 26 CFR 270.201 (retention: 270.185)

8.57 Manufacturers of tobacco products.

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering cigars and cigarettes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.202, 275.141 (retention: 270.185, 275.22)

8.58 Manufacturers of tobacco products.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.281–270.284, 270.286, 270.287 (retention: 270.185)

8.59 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigars, cigarettes, or cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (retention: 275.22)

8.60 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigars and cigarettes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

8.61 Manufacturers of tobacco products.

To keep a supporting record showing appropriate entries with respect to removals of cigars and cigarettes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

8.62 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (retention: 275.22)

8.63 Manufacturers of cigarette papers and tubes.

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.25 (retention: 285.31)

8.64 Manufacturers of cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 285 and 295 are concluded. Not specified for authorizations under Part 290. 26 CFR 285.34a, 285.35, 290.73, 295.21, 295.22 (retention under Part 285: 285.31)

8.65 Manufacturers of cigarette papers and tubes.

To keep a copy of each inventory, Form 2132.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.91 (retention: 285.31)

8.66 Manufacturers of cigarette papers and tubes.

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.139, 285.101 (retention: 275.22, 285.31)

8.67 Manufacturers of cigarette papers and tubes.

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.141, 285.111 (retention: 275.22, 285.31)

8.68 Manufacturers of cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.171–285.174 (retention: 285.175)

8.69 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

8.70 Manufacturers of cigarette papers and tubes.

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

8.71 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of each prepayment return, Form 3073.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.105 (retention: 275.22)

8.72 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep certified copy of notice of release, Form 3072.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.137 (retention: 275.22)

8.73 Puerto Rican manufacturer shipping cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of semimonthly tax return. Form 2988.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.112 (retention: 275.22)

8.74 Importers of cigars, cigarettes, or cigarette papers or tubes.

To keep receipted copy of each return made on customs form.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.81 (retention: 275.22)

8.75 Importers of cigars, cigarettes, and cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 275.26, 275.27 (retention: 275.22)

8.76 Persons filing claims for tax assessed or paid on imported cigars, cigarettes, and cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.161, 275.163 (retention: 275.22)

8.77 Proprietors of bonded internal revenue tobacco export warehouses.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: Not specified. 26 CFR 290.72, 290.73

8.78 Proprietors of bonded internal revenue tobacco export warehouses.

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Form 2149 or 2150, covering receipt of cigars, cigarettes, and cigarette papers and tubes from a manufacturer, another export warehouse proprietor, or customs warehouse proprietor, and of each Form 2150 covering such articles removed from his warehouse.

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Retention period: **2 years** following close of calendar year in which shipment was removed or received. **26 CFR** 290.142, 290.199–290.201

8.79 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each inventory made.
Retention period: 2 years following close of calendar year in which made. 26 CFR 290.143

8.80 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, Form 2140.
Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.147

8.81 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, mission, Form 2635, and for refund, Form 843.
Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.152, 290.154

8.82 Proprietors of customs bonded manufacturing warehouse, class 6.

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.
Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 26 CFR 290.201, 290.257, 290.266, 290.267

FIREARMS AND EXPLOSIVES

8.83 Persons responsible for returns and payment of tax on sales of pistols and revolvers.

To keep such records and memoranda as will clearly show the amount of the sales of pistols and revolvers for each month; evidence of the right to exemption from the tax; and a complete and detailed record of overpayments for which credits are taken. A duplicate of the return shall also be kept.
Retention period: 4 years from the date the tax becomes due and, with respect to credits, 4 years from the date the credit is taken. 26 CFR (1939) 302.9, 302.12, 302.15

8.84 Persons making exports of pistols and revolvers.

(a) *Manufacturers selling pistols and revolvers for export and in due course so exported.* To preserve the orders or contracts of sale, and certificates with respect to shipment to a foreign destination, and "proofs of exportation."

(b) *Persons, other than manufacturers, exporting pistols and revolvers.* To carefully preserve in their own files copies of export bills of lading or other shipping documents and all other papers bearing on the transactions.
Retention period: Not specified. 26 CFR (1939) 302.16–302.18

8.85 Licensed firearms manufacturers, importers, dealers, and collectors.

To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all firearms and ammunition produced, imported, received or disposed of in the course of licensed operations, except that no record need be kept of retail sales of shotgun ammunition, ammunition suitable for use only in rifles, or components for such shotgun and rifle ammunition.
Retention period: For ammunition 2 years from date transaction occurs. For firearms—permanent. Upon discontinuance of business, firearms and ammunition records must be delivered to successor, or, if discontinuance of the business is absolute, to Assistant Regional Commissioner, Alcohol, Tobacco and Firearms. 26 CFR 178.122–178.127, Public Law 91–128 (83 Stat. 269)

8.86 Transferees of firearms.

To maintain the application (filed by the transferor and approved by the Director, Alcohol, Tobacco and Firearms Division) for the transfer of a firearm. This includes transfers exempt from, as well as subject to, the transfer tax.
Retention period: Transferee retains approved application for duration of his ownership of the related firearm. 26 CFR 179.84–179.93

8.87 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.
Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 179.131

8.88 Licensed explosives manufacturers, importers limited-manufacturers, dealers and permittees.

To take true and accurate inventory of explosives material on hand as of February 12, 1971, or at time of commencing business. To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all explosives material.
Retention period: 5 years from date transaction occurs. Upon discontinuance of business, explosives records must be delivered to successor, or if discontinuance of business is absolute, to Assistant Regional Commissioner, Alcohol, Tobacco and Firearms. 26 CFR 181.121–181.129

8.89 Registered importers of arms, ammunition, or implements of war, shown on the Import List.

Importers who are required to register under 26 CFR Part 180 shall maintain records of articles on the U.S. Munitions Import List that are imported, their acquisition and disposition.
Retention period: 6 years. The Director, Alcohol, Tobacco and Firearms Division may prescribe a longer or shorter period in individual cases as he deems necessary. 26 CFR 180.24

XII. DEPARTMENT OF TRANSPORTATION

1. Federal Aviation Administration

1.1 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.
Retention period: At least 2 years. 14 CFR 21.125

1.2 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.
Retention period: At least 2 years. 14 CFR 21.303

1.3 Certificated air carriers and commercial operators. [Amended]

To keep (a) all the records necessary to show that all requirements for the issuance of an airworthiness release under 14 CFR 121.709 or 127.319 have been met and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained; current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each airframe, engine, propeller, rotor, and appliance.
Retention period: (a) Until work is repeated or superseded by other work or for 1 year after work is performed, except for records of last complete overhaul of each airframe, engine, propeller, rotor, or appliance which are retained until work is superseded by work of equivalent scope and detail; (b) transferred with the aircraft at the time the aircraft is sold. 14 CFR 121.380, 127.141

1.4 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA–337 or equivalent).
Retention period: At least 2 years. 14 CFR Part 43, App. B

1.5 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To retain information taped by flight recorders.
Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Administration or the National Transportation Safety Board. 14 CFR 121.343

1.6 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers or aircraft dispatchers.
Retention period: At least 6 months after termination of employment. 14 CFR 121.683

1.7 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft. [Amended]

To maintain (a) an aircraft maintenance log; (b) copies of alteration and repair reports; and (c) copies of airworthiness release forms.
Retention period: Not specified for (a) and (b); 2 months for (c). 14 CFR 121.701, 121.707, 121.709

1.8 Flag and domestic air carriers.

To maintain a list of aircraft in current operation and airplanes operated under interchange agreements.
Retention period: Not specified. 14 CFR 121.685

1.9 Flag and domestic air carriers.

To retain copies of load manifests, dispatch releases, and flight plans.
Retention period: 3 months. 14 CFR 121.695

1.10 Flag and domestic air carriers.

To maintain records pertaining to radio contacts by or with pilots en route.
Retention period: 30 days. 14 CFR 121.711

1.11 Air taxi operators and commercial operators of small aircraft.

To maintain at principal business office (a) a current list of aircraft used or available for use and the operations for which each is equipped and (b) an individual record of each pilot used (including name, certificate and ratings held, aeronautical experience, current duties, medical certificate, etc.).
Retention period: 6 months. 14 CFR 135.43

1.12 Registered owners or operators of civil aircraft. [Amended]

To keep (a) records of maintenance, alterations, 100-hour, annual, and progressive inspections, and other required or approved inspections for each aircraft, and for each airframe, engine, propeller, rotor, and appliance of an aircraft including a description of the work performed, the date the work was completed, and signature and certificate number of the persons approving the aircraft for return to service and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained, current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each airframe, engine, propeller, rotor, and appliance.
Retention period: (a) Until the work is repeated or superseded by other work or for 1 year after the work is performed; (b) transferred with the aircraft at the time the aircraft is sold. 14 CFR 91.173

1.13 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep (a) maintenance records of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, engines, rotors, and appliances, and (b) a maintenance log for all data specified in (a), except time since last overhaul.
Retention period: Not specified. 14 CFR 127.309, 127.311

1.14 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain records of every crewmember as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember.
Retention period: At least 3 months. 14 CFR 127.301

1.15 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To retain copies of load manifest, flight release, and airworthiness release forms.
Retention period: At least 60 days. 14 CFR 127.307, 127.319

1.16 Air carriers.

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.
Retention period: Not specified. 14 CFR 103.3

1.17 Pilots.

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, or the recent flight experience requirements of 14 CFR 61.47, including as to each flight such general data as points of departure and arrival, date, duration, and identification mark; type of piloting time; and conditions of flight.
Retention period: Not specified. 14 CFR 61.39

1.18 Airline transport pilots.

To keep an accurate and legible record of flying time in a bound logbook arranged for easy reference, including specified information on each flight. Pilot must certify solo flying time entries, and his instructor must certify entries on instruction.
Retention period: Not specified. 14 CFR 61.41

1.19 Flight instructors.

To maintain separately or in his logbook a record of (a) the name of each person to whom he has given flight instruction or whose student pilot certificate he has endorsed, and the date and type of each flight instruction period or endorsement, and (b) the name of each person for whom he has signed a recommendation for a written or flight test, under this part, the kind of test, and the date of recommendation.
Retention period: 3 years. 14 CFR 61.174

1.20 Flight navigator training course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.
Retention period: During continuation of approval of course. 14 CFR Part 63, App. B, para. (f)

1.21 Certificated parachute riggers.

To keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him.
Retention period: At least 2 years after the date record is made. 14 CFR 65.131

1.22 Aircraft dispatcher course operators.

To keep an accurate record of each student including a chronological log of all instructions, subjects covered, and course examinations and grades.
Retention period: During continuation of approval of course. 14 CFR Part 65, App. A, para. (g)

1.23 Certificated pilot schools.

To keep a current, accurate, and individual record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades.
Retention period: 1 year following student's graduation or termination of his participation in the training course. 14 CFR 141.21

1.24 Certificated domestic repair stations and applicants for a domestic repair station certificate and rating.

To maintain a roster of its supervisory and inspection personnel, and a summary of the employment of each person whose name is on the roster containing enough

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information to show compliance with experience requirements.

Retention period: Not specified. 14 CFR 145.43

1.25 Certificated domestic repair stations.

To maintain adequate records of work performed, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work.

Retention period: At least 2 years. 14 CFR 145.61

1.26 Certificated foreign repair stations.

To keep a record of the maintenance and alteration performed on United States registered aircraft.

Retention period: Not specified. 14 CFR 145.79

1.27 Certificated aviation maintenance technician schools.

To keep (a) current record of each student enrolled showing his attendance, tests, and grades received on subjects required, instruction credited by reason of instruction completed at another aviation maintenance technician school (or other specified source), and authenticated transcript of his grades; and (b) current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student in each subject.

Retention period: At least 2 years after the end of the student's enrollment as to (a); (b) not specified. 14 CFR 147.33

1.28 Holders of parachute loft certificates.

To maintain records of work performed, including names of persons doing the work.

Retention period: At least 2 years. 14 CFR 149.15

1.29 Owners of VOR, nondirectional radio beacon, and instrument landing system facilities.

To keep for each facility the following records on the forms named, or on an equivalent form acceptable to the Regional Director: (a) Record of meter readings and adjustments—Form FAA-198 (1 copy); (b) Radio equipment operation record—Form FAA-418 (original); and (c) VOR check error data, FAA Forms 2396 and 2397 (originals—for VOR facilities only).

Retention period: Permanent for (a); not specified for (b) and (c). 14 CFR 171.13, 171.33, 171.73

1.30 Manufacturers of aircraft.

To maintain at factory, for each product type certificated under the delegation option procedures, current records containing the following: (a) technical data file including type design drawings, reports on tests, and original type inspection report and amendments; (b) data (including amendments) required with original application for each production certificate; (c) record of all rebuilding and alteration performed; (d) complete inspection record for each product manufactured; (e) record of reported service difficulties.

Retention period: (a), (b), and (c) for the duration of the manufacturing operation under the delegation option authorization; (d) and (e), 2 years. 14 CFR 21.293

1.31 Contractors for construction of public airports.

To keep payrolls and basic records during the course of the work for all laborers and mechanics as specified in the Appendix cited.

Retention period: 3 years from the completion of the work. 14 CFR 151.49; Part 151, App. H, para. C(1)

1.32 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payrolls furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53

1.33 Sponsors of the construction of public airports.

To retain in its files documentary evidence supporting each item of project cost, such as invoices, cost estimates and payrolls. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants, and receipts for cash payments

Retention period: 3 years after final grant payment. 14 CFR 151.55

1.34 Supplemental air carriers and commercial operators.

To maintain originals or copies of load manifests, flight releases, flight plans, airworthiness releases, and pilot route certification.

Retention period: 6 months. 14 CFR 121.697

1.35 Commercial operators using large aircraft.

To retain a copy of each contract under which it provides service, or a memorandum stating elements of oral contracts, and of each contract amendment.

Retention period: 1 year after date of execution of contract or amendment. 14 CFR 121.713

1.36 Commercial agricultural aircraft operators.

To maintain records showing name and address of persons for whom service was provided, date of service, name and quantity of material dispersed for each operation conducted, and the name, address, and certificate number of each pilot used, and the date he met the requirements of 14 CFR 137.19(c).

Retention period: At least 12 months. 14 CFR 137.71

1.37 Designated alteration stations.

To maintain current records of technical data (including drawings, photographs, specifications, instructions, and reports) for each product for which it has issued a supplemental type certificate; list of products by make, model, manufacturer's serial number, etc.; and a file of information on alteration difficulties of products altered.

Retention period: For duration of the operation under the DAS authorization. 14 CFR 21.493

1.38 Flight engineer training course operators.

To keep a record of each student's training, including a chronological log of the subject course, attendance, examinations, and grades.

Retention period: At least 2 years after student graduates, fails, or drops from course. 14 CFR Part 63, App. C, para. (g)

1.39 Domestic, flag, and supplemental air carriers.

To keep a log of each flight conducted with a provisionally certificated airplane and to keep accurate and complete records of each inspection and all maintenance performed on the airplane.

Retention period: Not specified. 14 CFR 121.207

1.40 Domestic, flag, and supplemental air carriers, and commercial operators of large aircraft.

To keep, in the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of its regulations, the information recorded on cockpit voice recorders.

Retention period: At least 60 days or longer if requested by the Administrator or the Board. 14 CFR 121.359

1.41 Domestic, flag, and supplemental air carriers.

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 121.371

1.42 Aircraft and related products manufacturers holding Technical Standard Order Authorizations.

To keep records pertaining to each article manufactured including (a) a complete and current technical data file, design drawings, and specifications, and (b) complete and current inspection records.

Retention period: (a) Until the TSO article is no longer produced by the manufacturer; (b) and at least 2 years. 14 CFR 37.13

1.43 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep a log of each flight conducted with a provisionally certificated helicopter and to keep accurate and complete records of each inspection made and all maintenance performed on the helicopter.

Retention period: Not specified. 14 CFR 127.85

1.44 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 127.135

1.45 Air travel clubs using large airplanes.

To maintain (a) current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers as aircraft dispatchers, and (b) an aircraft maintenance log.

Retention period: At least 6 months after termination of employment. 14 CFR 123.27 (retention: 121.683)

1.46 Sponsors and contractors of airport development and planning projects. [Amended]

To keep records pertaining to the expenditure of the Federal grant, the total project cost, and the amount supplied by other sources.

Retention period: 3 years after date of final grant payment. 14 CFR 152.63, 152.143

1.47 Aircraft and related products manufacturers—production under type certificate only.

To maintain at the place of manufacture the technical data and drawing necessary for the Administrator to determine whether the product and its parts conform to the type design.

Retention period: Not specified. 14 CFR 21.123

1.48 Owners of non-Federal Simplified Directional Facilities (SDF); non-Federal Distance Measuring Equipment (DME) Facilities; and non-Federal VHF Marker Beacon Facilities.

To maintain: (a) record of meter readings and adjustments (Form FAA-198) reflecting an accurate record of facility operation and adjustment and must be revised after any major repair, modification, or retuning; (b) a facility maintenance log (Form FAA-406(c)), consisting of a permanent record of all equipment malfunctioning met in maintaining the facility, including information on the kind of work and adjustments made, equipment failures, causes (if determined), and corrective action taken; (c) a radio equipment operation record (Form FAA-418) containing a complete record of meter readings, recorded on each scheduled visit to the facility.

Retention period: (a) Permanent; (b) and (c) not specified. 14 CFR 171.117, 171.163, 171.213

1.49 Lessees and conditional buyers of U.S. registered large civil aircraft other than a foreign air carrier or certificate holder under 14 CFR Parts 121, 123, 127, 135, or 141. [Added]

To keep a copy of lease or contract of conditional sale, to which cited section applies, in the aircraft.

Retention period: Not specified. 14 CFR 91.54

2. Federal Highway Administration

2.1 State highway departments or their agents.

To maintain all records and documents as may be prescribed in the "Retention Schedule of Federal-Aid Highway Records for State Highway Departments" relating to (a) projects undertaken pursuant to Federal law and regulations, and (b) toll facilities financed in part with Federal funds.

Retention period: (a) 3 years from date of final payment of Federal funds to State or as otherwise specified in the retention schedule, and (b) at least 3 years after facility has been operated on a free basis. 23 CFR 1.30

2.2 State agencies administering relocation assistance programs.

To maintain records of relocation as required in section cited.

Retention period: Not specified. 23 CFR Part 1, Appendix A, paragraph 37

2.3 Class I and II motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

2.4 Class III motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

2.5–2.6 [Deleted]

2.7 Carriers of migratory workers by motor vehicles.

To keep records as listed in the section cited.

Retention period: Various. 49 CFR 398.3

2.8 Motor carriers in interstate commerce transporting Class A or Class B explosives.

To maintain drivers' receipts for documents pertaining to safety and procedures in case of accident or delay.

Retention period: 1 year. 49 CFR 397.19

2.9 Motor carriers reviewing drivers' records.

To maintain records of all violations of motor vehicle traffic laws of which the driver has been convicted.

Retention period: Not specified. 49 CFR 391.27

2.10 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain driver qualification files as listed in the section cited.

Rentention period: Various. 49 CFR 391.51

2.11 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons. [Amended]

To maintain an accident register and associated documents as set out in the section cited.

Retention period: 3 years from the date of the occurrence of any accident recorded. 49 CFR 394.13

2.12 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain drivers' daily logs as set out in the section cited.

Retention period: Approximately 1 year from the date the carrier receives the daily log from the driver. 49 CFR 395.8

2.13 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain records of inspection and maintenance for each motor vehicle for the period the motor vehicle is controlled by the carrier as set out in the section cited.

Retention period: Varies. 49 CFR 396.2

2.14 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain daily driver reports on the condition of motor vehicles as set out in the section cited.

Retention period: 3 months from date of the report. 49 CFR 396.7

2.15 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridges.

Retention period: At least 3 years after completion of bridge. 33 U.S.C. 528

2.16 States or municipalities or other political subdivisions or public agencies there of taking over or acquiring or constructing an interstate toll bridges.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

3. United States Coast Guard

3.1 Certificates or documents issued to the public by Coast Guard.

To maintain certificates or documents, as required by laws, rules, or regulations, for the applicable period of time.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for

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that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95–1

3.2 Owners, masters or persons in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.

Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10–16, 31.37–75, 71.25–25, 71.47–75, 91.25–25, 91.37–75 (retention: 2.95–5)

3.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment.

To keep on board records of required tests and inspections of all firefighting equipment.

Retention period: For the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10–18, 78.17–80, 97.15–60, 196.15–60

3.4 Owners, masters or persons in charge of new vessels having cargo gear described in approved plans. [Amended]

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.

Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37–15, 31.37–20, 31.37–23, 71.47–15, 71.47–20, 71.47–23, 91.37–15, 91.37–20, 91.37–23 (retention: 31.37–75, 71.47–75, 91.37–75)

3.5 Masters of tank vessels or vessels towing tank barges transporting flammable or combustible cargo. [Amended]

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: Not specified. 46 CFR 35.01–10

3.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills. [Amended]

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.

Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.10–5, 78.17–50, 97.15–35, 167.65–1, 196.15–35

3.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties.

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15–1, 78.07–15, 97.07–15, 136.05–15, 167.65–65, 196.07–15

3.8 Masters or senior deck officer of tank ships in charge of transfer of flammable and combustible cargo. [Amended]

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: Not specified. 46 CFR 35.35–30

3.9 Manufacturers or contractors responsible for welding procedures. [Amended]

To maintain records of test results obtained in welding procedure, welder's performance qualifications, and identification data.

Retention period: Not specified. 46 CFR 57.02–3

3.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals."

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 99.20–1

3.11 Owners, operators, and masters of vessels. [Amended]

To maintain (a) official logbooks or (b) for those not required to have such a logbook, logs and records as prescribed by regulations.

Retention period: (a) Until filed with Officer in Charge, Maritime Inspection; (b) other, 1 year. 46 CFR 35.07–5, 35.07–10, 78.37–3, 78.37–5, 97.35–3, 97.35–5

3.12 [Combined with XII 3.11]

3.13 [Deleted]

3.14 [Combined with XII 3.11]

3.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges, magazine vessels, and oceanographic vessels). [Amended]

To keep records of temperature readings.

Retention period: 1 year for vessels. 46 CFR 146.02–12

3.16 Owners, persons, or corporations chartering or contracting the use of vessels shipping explosives or other dangerous articles. [Amended]

To keep shipping orders, manifests; or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: 1 year. 46 CFR 146.02–22

3.17 [Combined with XII 3.16]

3.18 [Combined with XII 3.19]

3.19 Owners, operators, charterers, agents, or masters of vessels. [Amended]

To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: 1 year. 46 CFR 146.05–12, 146.05–13

3.20 Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06–12, 151.45–7

3.21 Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep ashore copies of dangerous cargo manifests or lists.

Retention period: 1 year. 46 CFR 146.06–12 (retention: 146.02–22)

3.22 [Deleted]

3.23 Manufacturers of equipment or material which must be approved or found satisfactory for use.

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 160—164.

3.24 Each voluntary association holding a Certification of Authorization under the Great Lakes Pilotage Uniform Accounting System.

To keep all books, records and memoranda and file them in such a manner to readily permit the audit and examination thereof by representatives of the U.S. Coast Guard. Also, the records must be housed or stored in such a manner as to afford protection from loss, theft or damage by fire, flood or otherwise.

Retention period: 10 years unless otherwise authorized by the Commandant. 46 CFR Part 403

3.25 Masters or operators of vessels subject to Oil Pollution Act of 1961, as amended.

To keep on board an Oil Record Book and enter therein a descriptive statement of the circumstances of and reasons for discharge of oil or oily mixtures, the escape of oil or oily mixtures, or the discharge of residue arising from purification or clarification of fuel oil or lubricating oil, and entries regarding various activities which may result in discharging oil or oily mixtures.

Retention period: 2 years from the date of the last entry, or until surrendered to the U.S. Government. 33 CFR 151.35

3.26 Owners, operators, and/or masters of oceanographic vessels. [Amended]

(a) To keep official logbook, or (b) for vessels not required to have such a logbook, to keep their own logs or records as prescribed by regulations.

Retention period: (a) 1 year or for period of validity of vessel's current certificate of inspection, whichever is longer; (b) 1 year, except for separate records of tests and inspections of firefighting equipment, which shall be maintained for the period of validity of the vessel's certificate of inspection. 46 CFR 196.35–3, 196.35–5

3.27 Masters of ships subject to International Convention on Load Lines, 1966.

To enter in the ships logs, before departure from loading port, the data required by section 6 of the load line acts, including statements of load line marks applicable to the voyage, position of load line marks, and actual drafts of the vessel.

Retention period: Until official logbook is surrendered to Coast Guard, or 1 year for ships not required to use official logbook. 46 CFR 42.07–20

3.28 Manufacturers of marine sanitation devices.

To maintain records required to determine compliance with the act.

Retention period: Not specified. 33 U.S.C. 1163

3.29 Nonprofit firms or associations designated to certify containers for international transport under Customs seal.

To maintain copy of each Certificate of Approval by design type issued, together with copy of plans and applications to which approval refers, and records of manufacturer's serial number assigned to containers manufactured under each approval.

Retention period: Not specified. 49 CFR 421.30

3.30 Operators of oil transfer facilities. [Added]

To maintain (a) letter of intent, name of person in charge of transfer operations, tests and inspections, and hose information, and (b) signed copy of each declaration of inspection for facility.

Retention period: (a) Not specified; (b) 1 month from date of signature. 33 CFR 154.740, 156.130

3.31 Owners and operators of vessels engaged in oil transfer operations. [Added]

To maintain (a) name of person in charge of transfer operations, date and results of tests, hose information, and valve inspection data; and (b) signed copy of each declaration of inspection for such vessel-to-vessel transfer.

Retention period: (a) Not specified; (b) 1 month from date of signature. 33 CFR 155.820, 156.130

4. Federal Railroad Administration

4.1 Railroad companies. [Amended]

To keep records as listed in the sections or part cited.

Retention period: Various. 49 CFR 213.241, 228.9, Part 1220

4.2 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

4.3 [Reserved]

4.4 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

4.5 Pipeline companies.

To keep maps and records as indicated in the citation.

Retention period: Various. 49 CFR 195.404, Part 1224

5. National Transportation Safety Board

5.1 Operators of aircraft (involved in an accident or incident).

To preserve to the extent possible all records, including tapes of flight recorders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given to the Board.

Retention period: Until the Board takes custody thereof or a release is granted by an authorized representative of the Board. 14 CFR 430.10

5.2 Operators of aircraft involved in an accident or incident.

To retain all records and reports, including all internal documents and memoranda dealing with the accident or incident.

Retention period: Until authorized by the Board to the contrary. 14 CFR 430.10

6. Office of the Secretary [Revised]

PIPELINE SAFETY

6.1 Welders of steel materials to be used in pipelines.

To keep records of welding procedures that have been qualified under either section IX of the ASME Boiler and Pressure Vessel Code or section 2 of API Standard 1104.

Retention period: As long as procedure is used. 49 CFR 192.225(c)

6.2 Operators of natural gas pipelines.

Records must be retained showing by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected and the disposition of the rejects whenever nondestructive testing is required under § 192.241(b).

Retention period: Life of the pipeline. 49 CFR 192.243(f)

6.3 Operators of natural gas pipelines.

To keep records of safety tests required with names of those involved, methods used, and results of the tests.

Retention period: Duration of pipeline's use. 49 CFR 192.517

6.4 Operators of natural gas pipelines.

To retain records of each segment of pipeline that has been uprated showing each investigation required by the subpart, all work performed and each pressure test conducted in connection with the uprating.

Retention period: Life of the segment of pipeline. 49 CFR 192.553(b)

6.5 Operators of natural gas pipelines.

To keep records necessary to administer the operating and maintenance plan established for each segment of pipeline.

Retention period: Not specified. 49 CFR 192.603(b)

6.6 Operators of natural gas transmission lines.

To keep records governing each leak discovered, repair made, transmission line break, leakage survey, line patrol and inspection.

Retention period: As long as the segment of transmission line involved remains in service. 49 CFR 192.709

6.7 Operators of liquid pipelines.

To retain records of the nondestructive testing of welds, including (if radiography is used) the developed film, with so far as practicable, the location of the weld.

Retention period: 3 years following the placement of the line in operation. 49 CFR 195.234(g)

6.8 Operators of liquid pipelines.

To maintain records showing the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected; the amount, location, and

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cover of each size of pipe installed; the location of each crossing of another pipeline; the location of each buried utility crossing; the location of each overhead crossing; the location of each valve, weighted pipe, corrosion test station, or other item connected to the pipe.

Retention period: Life of each facility. 49 CFR 195.266

6.9 Operators of liquid pipelines.

To retain records of each hydrostatic test including the recording gauge charts, deadweight tester data, and the reasons for any failure during a test. Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that shows the elevation and test sites over the entire length of the test section must also be included.

Retention period: As long as the facility tested is in use. 49 CFR 195.310

6.10 Operators of liquid gas pipelines.

To maintain maps and records of its pipeline systems including at least the location and identification of all major facilities, all crossings of public roads, railroads, rivers, buried utilities and foreign pipelines, the maximum operating pressure of each pipeline, the diameter, grade, type and nominal wall thickness of all pipe.

Retention period: Not specified. 49 CFR 195.404(a)

6.11 Operators of liquid pipelines.

To maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility.

Retention period: At least 3 years. 49 CFR 195.404(b)

6.12 Operators of liquid pipelines.

To maintain records that indicate the date, location and description of each repair made to its pipeline systems as well as a record of each inspection and test required by the subpart.

Retention period: Useful life of the part of the pipeline system to which the record relates. 49 CFR 195.404(c)

6.13 Operators of natural or other gas pipelines.

To maintain corrosion control records and maps as indicated in section cited.

Retention period: Length of pipeline service. 49 CFR 192.491

6.14–6.19 [Reserved]

HAZARDOUS MATERIALS

6.20 State agencies participating in relocation assistance programs.

(a) To maintain all documents associated with an appeal.

Retention period: Not specified. 49 CFR 25.21(b)(4)

(b) To maintain relocation records as cited in Appendix A of Part 25.

Retention period: 3 years. 49 CFR 25.23

6.21 Manufacturers of compressed gas cylinders.

To maintain data sheets recording the results of visual inspections of certain compressed gas cylinders.

Retention period: Permanent. 49 CFR 173.34(e)(10)

6.22 Owners of compressed gas cylinders.

To maintain records showing results of reinspection and retest of such cylinders.

Retention period: Until expiration of retest period, or until cylinder is reinspected and retested, whichever occurs first. 49 CFR 173.34(e)(5)

6.23 Motor carriers operating MC 330 and MC 331 cargo tanks. [Amended]

To maintain records relating to the reason and date of withdrawal of certification of cargo tank.

Retention period: 3 years after the date of withdrawal of the certification. 49 CFR 177.824(i)

6.24 Owners of tank motor vehicles transporting flammable liquids.

To maintain records of inspection as required in section cited.

Retention period: 2 years after date of inspection. 49 CFR 177.824(b)

6.25 Manufacturers of cylinders and tanks.

To maintain (a) inspector's report on specification DOT–39 cylinders, and (b) test samples on specification DOT–56 and 57 portable tanks.

Retention period: (a) 3 years; (b) 1 year. 49 CFR 178.65–15(a), 178.251–5(a)

6.26 Motor carriers operating cargo tanks.

To maintain manufacturer's data report and certificate of compliance and related papers on specification MC331 cargo tanks; and manufacturer's certificate of compliance on specifications MC306, 307, and 312 cargo tanks.

Retention period: During time of use of tank plus 1 year thereafter. 49 CFR 178.337–18(b), 178.340–10(c)

6.27 Cargo tank manufacturers.

To maintain sketch of location of plate in specification MC331 cargo tank and records of welder qualification in fabrication of such cargo tanks.

Retention period: 5 years. 49 CFR 178.337–2(a)(3), 178.337–4(b)

6.28 Owners of portable tanks carrying hazardous materials.

To maintain records of date and results of all required tests and information about tester.

Retention period: Until satisfactory completion of next retest. 49 CFR 173.32

7. National Highway Traffic Safety Administration

7.1 States participating in the National Highway Safety Program.

To maintain records described in Highway Safety Program Standards 1, 2, 5, 10, and 14.

Retention period: Not specified. 23 CFR 204.4

7.2 Manufacturers of complete or incomplete motor vehicles.

To maintain list of names and addresses of first purchasers or subsequent purchasers to whom a warranty has been transferred and vehicle identification number involved in each safety defect notification campaign.

Retention period: 5 years after defect information report is submitted to the Administrator. 49 CFR 573.6

7.3 Manufacturers, brand name owners, distributors, and dealers of new and retreaded tires.

To maintain records of name and address of tire purchaser and tire seller, and the tire identification number.

Retention period: 3 years from date information is submitted. 49 CFR 574.7, 574.8

7.4 Tire manufacturers. [Amended]

To maintain records of each distributor or dealer purchasing tires directly from him and selling them to purchasers, number of tires purchased, and number of tires for which reports have been received from distributor or dealer.

Retention period: 3 years from date information is submitted. 49 CFR 574.7

7.5 Manufacturers of motor vehicles. [Amended]

To maintain records of tires on or in each vehicle shipped to a distributor or dealer, and the name and address of the first purchaser.

Retention period: 3 years from date of sale of vehicle to first purchaser. 49 CFR 574.10

XIII. ACTION

1.1 State agencies or other public and nonprofit private agencies participating in the retired citizens volunteer program.

To maintain accounting and other records as determined by the Commissioner.

Retention period: Accounting records—3 years after end of budget period or if audit has not occurred, until audit or 5 years following end of budget period, whichever is earlier, or until resolution of any audit questions; other records—not specified. 45 CFR 906.10 (retention: 901.4)

1.2 State agencies, organizations, or grantees administering a project under the Foster Grandparent program.

To maintain records to assure correctness and verification of such reports required by this section.

Retention period: Not specified. 45 CFR 907.15

XIV. APPALACHIAN REGIONAL COMMISSION

1.1 Recipients of grants.

To maintain accurate and complete records of transactions and activities financed with Federal funds under section 302 of the Appalachian Regional Development Act of 1965, as amended.

Retention period: Not specified. 40 App., U.S.C. 302(c)(2)

The Commission requires, as a condition in all grants and contracts under this section, that records be retained, usually for 3 years following last disbursement.

XV. ATOMIC ENERGY COMMISSION

1.1 Cost-type contractors. [Amended]

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Not specified. 41 CFR 9–55.204

1.2 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material.

To maintain records (a) used in preparing Form AEC–4, "Occupational External Radiation Exposure History"; (b) showing individual exposure to radiation and to radioactive material and records of bio-assays, including results of whole body counting examinations; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; and (d) of disposals of licensed material by release into sanitary sewerage systems, by burial in soil or pursuant to procedures specifically authorized by license.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 20.102, 20.401

1.3 Holders of restricted data access permits. [Amended]

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Commission arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Not specified. 10 CFR 25.23, 95.34

1.4 Nonexempt licensees manufacturing, producing, transferring, receiving, acquiring, owning, possessing, importing, or exporting byproduct material.

To maintain records showing the receipt, transfer, export, and disposal of such byproduct material.

Retention period: Not specified. 10 CFR 30.51

1.5 Licensees utilizing sealed sources of byproduct material for radiography.

To maintain (a) records of the dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge reports and records of pocket dosimeter and pocket chamber readings; (f) records of physical radiation surveys.

Retention period: Not specified. (a) 10 CFR 34.24; (b) 10 CFR 34.25; (c) 10 CFR 34.26; (d) 10 CFR 34.27; (e) 10 CFR 34.33; (f) 10 CFR 34.43

1.6 Licensees receiving, using, transferring, delivering, importing, or exporting source material.

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records showing the receipt, transfer, export, and disposal of such source material.

Retention period: Not specified. (a) 10 CFR 40.41; (b) 10 CFR 40.61

1.7 Licensees and holders of construction permits. [Amended]

To maintain (a) such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission, (b) records of any tests and experiments carried out under an operating license or changes in a production and utilization facility and its procedures performed without prior Commission approval; (c) records of design, fabrication, erection, and testing of structures, systems, and components important to safety of a production or utilization facility; and (d) records sufficient to furnish evidence of activities affecting quality.

Retention period: (a) Not specified, 10 CFR 50.71; (b) not specified, 10 CFR 50.59; (c) throughout life of facility, 10 CFR Part 50, App. A, Criterion 1; (d) not specified, 10 CFR Part 50, App. B, sec. XVII

1.8 Lessees of uranium deposits on land controlled by the Atomic Energy Commission.

To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operations.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

1.9 Licensees receiving special nuclear material. [Amended]

To keep (a) such records of ownership, receipt, possession, use, transfer, import, and export of special nuclear material as may be incorporated as a condition or requirement in any license and (b) records showing the receipt, inventory, disposal, acquisition, import, export, and transfer of special nuclear material.

Retention period: Not specified. (a) 10 CFR 70.32; (b) 10 CFR 70.51

1.10 Holders of construction and operating authorizations for certain nuclear reactors exempt from licensing requirements.

To maintain records as may be required by the conditions of the authorization or by the rules, regulations and orders of the Commission.

Retention period: Not specified. 10 CFR 115.51

1.11 Licensees and other persons subject to financial protection requirements and indemnity agreements.

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Not specified. 10 CFR 140.6

1.12 Contractors having negotiated contracts with Atomic Energy Commission (except foreign governments, agencies thereof, and foreign producers) and their subcontractors.

To keep directly pertinent books, documents, papers, and records.

Retention period: The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to examine the above-mentioned records, provided that earlier disposal of contractor and subcontractor records is possible in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office. 41 CFR 9–7.5004–10. 42 U.S.C. 2206

1.13 Licensees packaging radioactive material for transport.

To keep records of each shipment of fissile material and of a large quantity of licensed material in a single package.

Retention period: 2 years after its generation. 10 CFR 71.62

1.14 Contractors whose contract contains the safety, health, and fire protection clause prescribed in 41 CFR 9–7.–5006–47.

To maintain individual occupational radiation exposure records generated in performance of contract work.

Retention period: Until disposal is specifically authorized by the Commission; or at the option of the contractor delivered to the Commission upon completion or termination of the contract. 41 CFR 9–7.5006–60

1.15 Licensees transporting special nuclear materials.

To maintain records of names and addresses of all authorized personnel, results of tests and inspections of security containers and protected areas, shipments of special nuclear material and information to comply with requirements of this part, and procedures for controlling access to protected areas.

Retention period: Note specified. 10 CFR 73.41

1.16 Licensees manufacturing, distributing, or transferring exempt quantities of byproduct material.

To maintain records of name and address of each person to whom material

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is transferred, and kinds and quantity of byproduct material transferred.

Retention period: Not specified. 10 CFR 32.20

1.17 Recipients of cost sharing contracts.

To maintain records of cost contributions and costs charged to AEC.

Retention period: Not specified. 41 CFR 9–4.5604

1.18 Cost-type contractors and subcontractors. [Added]

To maintain records in accordance with the provisions of their contract or subcontract.

Retention period: Various. 41 CFR 9–7.5006–1 (AEC Manual Chapter Appendix 0230 contains established retention periods for more than 900 record items of cost-type contractors and subcontractors.)

1.19 Licensees authorized to possess at any one time and location more than 10,000 curies of tritium. [Added]

To maintain records sufficient to enable the licensee to account for the tritium in his possession under specific license.

Retention period: Not specified. 10 CFR 30.54, 150.18

XVI. CIVIL AERONAUTICS BOARD

1.1 Certificated route and supplemental air carriers. [Amended]

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170, 221.171 (retention: 249.8, 249.13)

(b) To keep general books of account and supporting books, records, and memorandums including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, memorandums, etc.

Retention period: Various. 14 CFR 241.1–5 (retention: 249.8, 249.13)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.8, 249.13)

(d) To maintain a record of the names, addresses and telephone numbers of all passengers transported on each pro rata charter trip.

Retention period: 2 years. 14 CFR 207.9, 208.4 (retention: 249.8, 249.13)

(e) To preserve a copy of each charter contract (exclusive of interline agreements with other air carriers or foreign air carriers).

Retention period: 2 years. 14 CFR 207.9, 208.4 (retention: 249.8, 249.13)

(f) To preserve all passenger lists, including those filed by charterers (supplemental air carriers only).

Retention period: 6 months. 14 CFR 208.34 (retention: 249.8)

(g) To maintain records of proof of commission paid to travel agent for each pro rata charter trip.

Retention period: 2 years. 14 CFR 207.9, 207.53, 208.303 (retention: 249.8, 249.13)

(h) Written confirmation and accompanying passenger list received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 207.9, 208.4 (retention: 249.8, 249.13)

1.2 Certificated route local service air carriers; certificated route air carriers furnishing transportation within Hawaii or Alaska; certificated route helicopter air carriers; and one certificated trunkline route air carrier receiving subsidy for services over part of its routes.

To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided.

Retention period: Not specified. 14 CFR 225.10

1.3 Certificated route air carriers, certificated supplemental air carriers, commuter air carriers, air freight forwarders, international air freight forwarders, and foreign route air carriers. [Added]

To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.27)

1.4 Foreign route air carriers. [Amended]

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years. 14 CFR 221.170, 221.171 (retention: 249.12)

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.12)

(c) To preserve a copy of each contract covering on-route charter flights originating or terminating in the United States together with all traffic documents pertaining to such on-route charters.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(d) To maintain true copies of all passenger lists, air waybills, invoices, and other traffic documents covering off-route charter trips performed under a "Statement of Authorization."

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(e) To maintain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip originating or terminating in the United States.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(f) To preserve every statement of supporting information and proof of the commission paid to any travel agent for each pro rata charter trip.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(g) Written confirmation and accompanying passenger list received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

1.5 Air freight forwarders and international freight forwarders. [Added]

To maintain (a) complete file of tariffs issued and those issued by other carriers in which it concurs; and (b) records as indicated in 249.27.

Retention period: (a) 3 years after expiration or cancellation; (b) various. 14 CFR 221.170, 296.71, 297.51 (retention: 249.27)

1.6 Holders of permits to operate foreign aircraft in the United States.

(a) To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

(b) To keep lists of names and addresses of all passengers on charter flights originating or terminating in the United States.

Retention period: (a) 1 year; (b) 6 months. 14 CFR 249.11, 375.43

1.6a Foreign air carriers authorized to perform charter flights only. [Amended]

(a) To maintain at its principal or general office (1) every charter contract, proof of commissions paid to any travel agent, and every statement of supporting information; (2) all passenger lists including those filed by charterers.

Retention period: (1) 2 years; (2) 6 months. 14 CFR 214.6

(b) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years. 14 CFR 221.170, 221.171 (retention: 214.6)

(c) To maintain records of all passes issued (and/or regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5 (retention: 214.6)

(d) Written confirmation and accompanying passenger list received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 214.6

1.7 Air freight forwarders and international air freight forwarders.

(a) To keep at its principal or general office a complete file of all tariffs issued

by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.-170, 221.171 (retention: 249.27)

(b) To keep other records as listed in the section cited.

Retention period: Various. 14 CFR 249.27

1.8 Air carriers (domestic and foreign).

To maintain evidence of compliance with regulations imposed under Regulation Z of the Board of Governors of the Federal Reserve System, implementing the provisions of the Truth in Lending Act and the Consumer Credit Protection Act.

Retention period: 2 years. 14 CFR 249.31

1.9 Foreign and domestic air carriers and study group charterers.

To maintain records of deposits made by each student participant, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the study group charter.

Retention period: 2 years after completion of study group charter. 14 CFR 373.8 (retention: 249.9)

1.10 Tour operators, overseas military personnel charter operators, travel group charter organizers, supplemental air carriers, and certain foreign air carriers. [Amended]

To maintain records evidencing deposits made by tour participants; commissions received by, paid to, or deducted by travel agents; and all statements, bills, invoices, and receipts in connection with the tour.

Retention period: 2 years after completion of the tour. 14 CFR 372.28, 372a.-31, 378.7 (retention: 249.9)

1.11 Air carriers extending credit to political candidates. [Added]

To maintain all documents which evidence or reflect the furnishing of transportation and all statements, invoices, bills, and receipts relating to such transportation.

Retention period: 2 years. 14 CFR 374a.7

1.12 Holders of commercial permits to operate foreign civil aircraft in the United States. [Added]

To maintain passenger lists and copies of manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: 6 months for passenger lists; 1 year for all others. 14 CFR 375.43 (retention: 249.11)

XVII. COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED.

1.1 National Industries.

To maintain a record of all qualifying agencies for the blind and such necessary data as will enable it to equitably allocate orders among such agencies for the blind.

Retention period: Not specified. 41 CFR 51–1.4

1.2 Agencies for the blind (employing blind to extent of 75 percent of hours of employment of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.

To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.

To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 51–1.1).

Retention period: Not specified. 41 CFR 51–1.9

XVIII. ENVIRONMENTAL PROTECTION AGENCY

1.1 Persons awarded EPA grants for research, demonstration, training and fellowships, State and local government assistance, and to such other programs.

To maintain (a) payroll records, accounting, and fiscal records reflecting the amount, receipt, and disposition of the grant assistance, and (b) the total cost of the project, the amount and identification of that portion of the cost of the project supplied from other sources, including Federal assistance and any matching share incurred for the performance of the project for which the EPA grant was awarded, and (c) records subject to inspection and audit by the Grants Officer, the Comptroller General of the United States, or any other authorized representative.

Retention period: (a) 3 years from the date of final payment, date of any resulting final termination settlement, or final audit; (b) records relating to appeals, litigations, claims, or exceptions shall be retained until the case is disposed of; and (c) until completion of the project. 40 CFR 30, Appendix A.

1.2 Persons obtaining an experimental permit for use of a pesticide chemical for which a temporary tolerance is established.

To maintain temporary tolerance records of production, distribution, and performance.

Retention period: 2 years. 40 CFR 180.31(e)(4)

1.3 Manufacturers of new motor vehicles or new motor vehicle engines subject to air pollution control regulations. [Amended]

To maintain records that (1) identify and describe vehicles or engines for which testing is required under 40 CFR 85; (2) describe emission control systems which are installed on or incorporated in each vehicle or engine; (3) describe procedures used to test such vehicles or engines; (4) contain test data which will show emissions at specified mileage or operating hours; (5) contain test data which will show performance of systems installed on or incorporated in vehicles or engines during extended mileage or operation, including all pertinent maintenance performed.

Retention period: Not specified. 40 CFR 85.006

1.4 State agencies participating in relocation assistance programs.

To maintain relocation records in accordance with the requirements of appendix A to Part 4.

Retention period: 3 years after completion of a project. 40 CFR 4.19

1.5 Owners or operators of any building, structure, facility, or installation emitting air pollutants.

To maintain records of compliance tests, monitoring equipment pertinent analyses, feed rates, and production rates.

Retention period: 2 years. 40 CFR 60.7, 60.53, 60.63, 60.73, 60.84

1.6 Owners and operators of stationary sources emitting air pollutants for which a national standard is in effect. [Added]

To maintain records of nature and amount of emission and other information deemed necessary to determine compliance with applicable emission limitations or other control measures.

Retention period: 2 years. 40 CFR 51.19, 52.627, 52.826, 52.1224, 52.2075, 52.2374, 52.2626

1.7 Manufacturers of products subject to noise emission standards and labeling requirements of the Noise Control Act of 1972. [Added]

To maintain records relating to such products to determine compliance to the act.

Retention period: Not specified. Public Law 92–574 (86 Stat. 1244)

1.8 State or interstate agency participating in the national pollutant discharge elimination program. [Added]

To maintain records of all information resulting from monitoring activities as indicated in section cited.

Retention period: 3 years, or longer during period of unresolved litigation or when requested by Director or Regional Administrator. 40 CFR 124.62

XIX. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1.1 Employers subject to title VII of the Civil Rights Act. [Amended]

To maintain personnel and employment and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay, and selection for training or apprenticeship.

Retention period: 6 months from date of making record or personnel action involved, whichever is later. Whenever a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General—until final disposition of the charge or action. 29 CFR 1602.14

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1.2 Employers, labor organizations, and joint labor-management committees controlling apprenticeship programs.

(a) To maintain a list in chronological order of names and addresses, sex, and minority group identification of all applicants in the apprenticeship program, and any other records relating to applicants for apprenticeship, such as completed test papers, and records of interviews.

(b) To maintain any other records made solely for completing Report EEO–2, or similar reports.

Retention period: (a) 2 years or period of successful applicant's apprenticeship, whichever is later; (b) 1 year from the due date of the report. Whenever a charge of discrimination has been filed, or an action brought by the Attorney General—until final disposition of the charge or action. 29 CFR 1602.20, 1602.21

1.3 Local unions. [Amended]

To maintain prescribed records concerning local union practices; and "referral unions" to maintain membership, referral, and applicant records by sex and minority group identification.

Retention period: 1 year except for other membership or referral records required of "referral unions" which are to be retained for a period of 6 months. Whenever a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General—until final disposition of the charge or action. 29 CFR 1602.22, 1602.28

XX. FARM CREDIT ADMINISTRATION. [Revised]

1.1 Farm credit banks and associations.

To maintain original corporate records, payroll records, basic personnel records, records required by Federal or State laws, Federal records, financial reports as of June 30 and December 31 each year, applications, notes, security instruments, financial statements, and individual records pertaining to loans charged off where net loss after recoveries exceeds $1,000, and listing of obsolete records destroyed.

Retention period: Not specified. 12 CFR 618.8360

XXI. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations.

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed by the engineers making measurements.

Retention period: 2 years. 47 CFR 73.47, 73.254

1.2 Licensees of FM, noncommercial educational FM, and international radio, and television broadcast stations. [Amended]

To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 73.255, 73.555, 73.638, 73.757

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations. [Amended]

To keep program, operating and maintenance logs except for licensees of international radio stations who keep program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years and for such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster and those involved in an investigation by the Commission—until written authorization by the Commission to destroy; (b) logs incident to or involved in any claims or complaint—until satisfaction of such claim or complaint or until barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 73.111—73.115, 73.281—73.285, 73.581—73.585, 73.669—73.673, 73.781—73.786

1.4 Licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if request is granted.

Retention period: 2 years. 47 CFR 73.120, 73.290, 73.590, 73.657

1.5 Licensees of radio stations in the experimental, auxiliary, and special broadcast services, and of cable television relay stations. [Amended]

To keep log of station operations including hours of operation, programs transmitted, frequency checks, pertinent remarks concerning transmission, research and experimentation conducted, tower light inspections, and such other records as indicated in sections cited.

Retention period: 2 years, except licensees of instructional television fixed stations and cable television relay stations keep records for such longer period as the Commission may direct or in case of claim or complaint, until satisfaction of such claim or complaint or until barred by statute limiting the time for filing of suits upon such claims. 47 CFR 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981, 74.1291, 78.69

1.6 Licensees of low power broadcast auxiliary stations.

To maintain records, at the main studio or transmitter of broadcast station with which the auxiliary is principally used, which will accurately show current location of all transmitting units, periods of operation at such locations and other pertinent remarks concerning transmissions.

Retention period: 2 years. 47 CFR 74.437

1.7 Licensees of radio stations in the experimental services (other than broadcast). [Amended]

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 17.49 (retention: 5.165)

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services. [Amended]

To keep station logs.

Retention period: 1 year and such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster or those involved in an investigation by the Commission—until written authorization by the Commission to destroy; (b) logs incident to any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting time for filing of suits upon such claims. 47 CFR 23.47

1.10 Licensees of radio stations on land in the maritime services and Alaska-public fixed stations. [Amended]

To maintain station records and logs as indicated in sections cited.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Logs involving communications incident to a distress or disaster—3 years from date of entry; (b) logs including communications incident to an investigation by the Commission—until written authorization by the Commission to destroy; (c) logs incident to or involved in any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 81.193, 81.194, 81.214, 81.314, 81.370, 81.458, 81.477, 81.504, 81.536, 81.704 (retention: 81.115)

1.11 Licensees of limited coast stations or marine-utility stations used on shore.

To keep a copy of agreements with vessel owners, verifying that licensee has sole right of control of the ship radio station involved and that the vessel operators shall use the ship stations subject to the orders of the licensee of the coast station or marine utility station on shore.

Retention period: Not specified. 47 CFR 81.352

1.12 Licensees of limited coast stations, marine-utility stations, and marine-fixed stations. [Amended]

To keep records which reflect the cost of the service and its nonprofit, cost-sharing, cooperative arrangement or basis on which radio communication service is rendered.

Retention period: Not specified. 47 CFR 81.352, 81.451

1.13 Licensees of radio stations on shipboard in the maritime services. [Amended]

To maintain station logs and such other records as indicated in sections cited.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster—3 years from date of entry; (b) logs including communications incident to or involved in an investigation by the Commission—until written notification by the Commission to destroy; (c) logs incident to or involved in any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting the time for the filing of suits upon such claims (47 CFR Part 42 prescribes the requirement concerning record retention by communications common carriers); (d) ship-radar station licensees retain a permanent installation and maintenance record. 47 CFR 83.39, 83.111, 83.115, 83.184, 83.330, 83.368, 83.405, 83.456, 83.457, 83.462, 83.463, 83.473, 83.548

1.14 Licensees of radio stations in the aviation services. [Amended]

All stations at fixed locations, except radionavigation land test stations (MTF), to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: 30 days; except those logs involving communications incident to a distress or disaster or involved in an investigation by the Commission—until written notification by the Commission to destroy; or logs incident to or involved in a claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting time for filing suit upon such claim. 47 CFR 87.99, 87.101, 87.103

1.15 Public service aircraft. [Amended]

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.115

1.16 Licensees of public safety, industrial, and land transportation radio services stations. [Amended]

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name, address, and license information of person or persons responsible for the foregoing and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 89.175, 89.179, 91.160, 93.160

1.17 Licensees of public safety, industrial, land transportation, and citizens radio stations sharing costs and facilities with other licensees. [Amended]

To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: 1 year. 47 CFR 89.13, 89.14, 91.6, 91.9, 93.3, 93.4, 95.87 (retention: 89.179, 91.160, 93.160, 95.103)

1.18 Nonprofit corporations or associations organized to operate radio stations in the power, petroleum, forest product, motion picture, relay press, and base and mobile stations. [Amended]

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: 1 year. 47 CFR 91.251, 91.301, 91.351, 91.401, 91.451, 93.3, 93.4 (retention: 91.160, 93.160)

1.19 Licensees of amateur radio stations. [Amended]

To maintain accurate logs of station operation including information indicated in sections cited.

Retention period: 1 year following the last date of entry or if portions of log deal with public safety or national defense retain until authorized by the Commission to destroy. 47 CFR 97.103, 97.105, 97.209, 97.211, 97.213

1.20 [Combined with XXI 1.19]

1.21 Manufacturers, owners, or distributors of radio receivers.

To keep certificate of compliance with the requirements of 47 CFR Part 15, Subpart C.

Retention period: 5 years. 47 CFR 15.69

1.22 [Combined with XXI 1.16]

1.23 Licensees of citizens radio service stations. [Amended]

To keep records as follows: for each station operated as a mobile station, the current authorization; for stations where the licensee installs a unit of his station on the premises of a telephone answering service, the required written agreement; and for stations whose antenna structure is required to be illuminated, a record of illumination.

Retention period: 1 year. 47 CFR 17.49, 95.89, 95.101, 95.111 (retention: 95.103)

1.24 [Combined with XXI 1.25]

1.25 Licensees of disaster communications service radio stations. [Amended]

To keep an accurate log of all operations including information indicated in sections cited.

Retention period: 1 year or if a portion of log related to an actual disaster, until approval by the Commission to destroy. 47 CFR 99.25, 99.27

1.26 Licensees of radio stations in the domestic public radio services. [Amended]

To maintain a technical log of station operations and an operation logbook as indicated in section cited.

Retention period: 1 year, or if records involving communications incident to a disaster or involved in an investigation by the Commission—until written authorization by the Commission to destroy; or if involved in a claim or complaint—until satisfaction of claim or complaint or until barred by statute limiting time for filing a suit upon such claim. 47 CFR 21.208

1.27 Communication common carriers, including Communications Satellite Corporation and certain contractors. [Amended]

To keep accounts, records, memoranda, documents, microfilm, correspondence and related indexes prepared by or on behalf of the carrier as well as records of property or services acquired by a carrier through purchase, consolidation, merger, etc.

Retention period: Various. 47 CFR 25.177 (retention: 42.9)

1.28 Owners or operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

1.29 [Deleted]

1.30 Applicants, permittees, and licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To maintain applications for construction permits, employment records, and such other records as may be required by section cited.

Retention period: Applicant for construction permit—while application is pending before the Commission; licensees and permittees—7 years from date of tendering for filing, except engineering material pertaining to former modes of operation—3 years, or whatever longer period is necessary to comply with requirements of section cited. 47 CFR 1.526

1.31 Licensees of standard, FM, and international radio, and television broadcast stations.

To keep a list of the chief executive officers or members of the executive committee or of the board of directors of any corporation, committee, association, or other unincorporated group which sponsors, pays for or furnishes, in whole or in part, or provides material or services for any program, other than a program advertising commercial products or services, which is broadcast by the station.

Retention period: 2 years. 47 CFR 73.119, 73.289, 73.654, 73.789

1.32 [Deleted]

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1.33 Licensees of operational stations in the aviation services sharing costs and facilities with other licensees. [Amended]

To keep a copy of cooperative agreements and contracts as well as records which reflect the nonprofit, cost sharing nature of that sharing and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.467

1.34 Operators of cable television systems. [Amended]

To maintain (a) record of all television signals carried, (b) equal employment opportunity file, (c) records of results of performance tests of the system.

Retention period: (a) 2 years, (b) and (c) 5 years. 47 CFR 76.305, 76.311, 76.601

1.35 Licensees of FM broadcast translator stations and FM broadcast booster stations.

To maintain station records of current instrument of authorization, official correspondence, maintenance records, contracts, permissions for rebroadcast, and other pertinent documents.

Retention period: 2 years. 47 CFR 74.1281

1.36 Licensees of plurality ship stations.

To keep a current list, available for inspection, of all vessel names and registration numbers authorized by the plurality ship station license.

Retention period: Not specified. 47 CFR 83.39

1.37 Licensees of ship stations authorized to transmit on frequencies in the band 400–535.

To maintain and post a written record of adjustments of transmitting and receiving equipment for operation on frequencies 410 and 500 kc/s and two working frequencies.

Retention period: Not specified. 47 CFR 83.331

1.38 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention.

To keep a record on board the ship of the direction finder calibrations, and check bearings made of their accuracy.

Retention period: 1 year. 47 CFR 83.459, 83.462

1.39 Common carrier licensees or permittees employment records. [Amended]

Each licensee or permittee required to file annual employment reports, equal opportunity programs and reports on complaints of Federal, State, or local equal opportunity laws must maintain for public inspection a copy of all employment reports, exhibits, letters, documents and correspondence between Commission and licensee or permittee pertaining to reports after they are filed and all documents incorporated therein by reference.

Retention period: 2 years. 47 CFR 21.307, 23.49

1.40 Grantee of certification for door opener, field disturbance sensor.

To keep a file of technical data for each field disturbance sensor and each radio control for a door opener that has been certificated.

Retention period: Not specified. 47 CFR 15.272, 15.313

XXII. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 Insured banks.

Each insured bank, as a condition to the right to make any deduction, allowed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

1.2 Insured banks.

To keep certified statement forms.

Retention period: Same as for item 1.1. 12 CFR 304.3

XXIII. FEDERAL HOME LOAN BANK BOARD

1. Federal Savings and Loan System

1.1 Federal savings and loan associations.

To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.15, 545.20

1.2 Federal savings and loan associations.

To maintain a detailed record of the transactions made at each mobile facility operated by the association.

Retention period: Not specified. 12 CFR 545.14–4

1.3 Federal savings and loan associations.

To establish and maintain such books, records, and accounting practices as will clearly and fully disclose the operations of a data processing service center in which two or more institutions participate.

Retention period: Not specified. 12 CFR 545.14–3

1.4 Federal savings and loan associations.

To keep records for each real estate loan, the security for which includes one or more dwelling units.

Retention period: Not specified. 12 CFR 545.6–1

1.5 Federal savings and loan associations.

To keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has loans or which is owned by it.

Retention period: Not specified. 12 CFR 545.6–11

1.6 Federal savings and loan associations.

To keep a signed copy of the report of the appraisal of each parcel of real estate owned made at the time of its acquisition.

Retention period: Not specified. 12 CFR 545.19

1.7 Federal savings and loan associations.

To keep signed statements of intention to make regular monthly payments of a specified amount to bonus accounts.

Retention period: Not specified. 12 CFR 545.2–2

1.8 Federal savings and loan associations. [Added]

To earmark all real estate loan investments subject to percentage limitations so that the association will be able to determine the total investments allocable to any percentage-limitation category.

Retention period: Not specified. 12 CFR 545.6–7

2. Federal Savings and Loan Insurance Corporation

2.1 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, to establish and maintain records with respect to: (1) loans on the security of real estate, (2) property purchased subject to, or with assumption by a third party of, an institution's loan, (3) loans sold, (4) the acquisition of mortgaged security, (5) insured accounts, and (6) such other records as are required by statute or by any other regulation to which such institution is subject.

Retention period: Not specified. 12 CFR 563.17–1

2.2 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep a dated, signed copy of each report of appraisal of each parcel of real estate owned which is a scheduled item.

Retention period: Not specified. 12 CFR 563.17–2

2.3 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep signed appraisals of real estate loans located more than fifty miles from institution's principal office.

Retention period: Not specified. 12 CFR 563.10

2.4 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep records showing compliance with the limitations on real estate loans to one borrower if the total balances of all outstanding loans on the security of real estate owed to an institution by any one borrower exceeds $100,000.

Retention period: Not specified. 12 CFR 563.9–3

2.5 [Reserved]

2.6 Institutions insured by the Federal Savings and Loan Insurance Corporation.

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make and retain an itemized record of each payment of sales commission to any broker, identifying each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

Retention period: Not specified. 12 CFR 563.25

2.7 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To include in its account records evidence of any relationship pursuant to which the funds in an account are invested, such as trustee, agent, custodian or executor, which may provide a basis for additional insurance, together with any details concerning the relationship and the interests of other parties in the account, unless such details are ascertainable from the records of the accountholder maintained in good faith and in the regular course of business.

In connection with a trust account, to include in its account records the name of both the settlor (grantor) and the trustee of the trust and to keep an account signature card executed by the trustee.

In connection with joint accounts, to keep an account signature card personally executed by each co-owner.

Retention period: Not specified. 12 CFR 564.2, 564.9

2.8 Institutions insured by the Federal Savings and Loan Insurance Corporation.

In connection with the sale of real estate owned by an insured institution, to maintain records of the book value of such real estate at the time of sale and the price at which it was sold.

Retention period: Not specified. 12 CFR 563.23–1

2.9 Savings and loan holding companies.

To maintain such books and records as may be prescribed by the Federal Savings and Loan Insurance Corporation.

Retention period: Not specified. 12 CFR 584.1

2.10 [Reserved]

2.11 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To maintain such books and records as will support its financial statements and reports to the Corporation.

Retention period: Not specified. 12 CFR 563.23–3

3. Federal Home Loan Bank System

3.1 Federal Home Loan Bank Members.

To maintain such records as may be required to certify compliance with liquidity requirements.

Retention period: Not specified. 12 CFR 523.13

3.2 Federal Home Loan Bank members participating in the housing opportunity allowance program. [Amended]

To keep a copy of borrowers application and the originals of all other closing documents.

Retention period: Not specified. 12 CFR 527.6, 527.16

XXIV. FEDERAL MARITIME COMMISSION

1.1 Independent ocean freight forwarders.

(a) To keep books of account and records, including each document prepared, processed, or obtained by the licensee, in connection with carrying on the business of forwarding

Retention period: 5 years. 46 CFR 510.23

(b) To keep in its files a true copy, or if oral, a true and complete memorandum of every special arrangement or contract with its principal, or modification or cancellation.

Retention period: Not specified. 46 CFR 510.25

1.2 Carriers and conferences of carriers.

To keep records of votes on each question voted on.

Retention period: At least 2 years. 46 CFR 537.4

1.3 Resident representative of a conference or other rate-making group domiciled outside the United States.

To keep a complete record of requests and complaints filed by shippers and consignees situated in the United States and its territories.

Retention period: 2 years. 46 CFR 527.5

XXV. FEDERAL POWER COMMISSION

1.1 Public utilities and licensees. [Amended]

To maintain records as indicated in section cited.

Retention period: Various. 18 CFR 125.3

1.2 Natural gas companies. [Amended]

To maintain records as indicated in section cited.

Retention period: Various. 18 CFR 225.3

XXVI. FEDERAL RESERVE SYSTEM [Renumbered]

1.1 Persons extending credit for purpose of purchasing or carrying margin securities.

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 207.3

1.2 Persons extending credit for purpose of purchasing or carrying margin securities.

To maintain statements obtained in conformity with requirements of Federal Reserve Form G–3 in connection with any extension of credit secured directly or indirectly, in whole or in part, by collateral that includes any margin security.

Retention period: 3 years after the credit is extinguished. 12 CFR 207.1

1.3 Banks extending credit for purpose of purchasing or carrying margin stocks. [Amended]

To maintain statements obtained in conformity with requirements of Federal Reserve Forms: U–1 in connection with any credit secured directly or indirectly, in whole or in part, by any stock (unless specifically not required); U–2 in connection with credit extended to an OTC market maker; U–3 in connection with credit extended to a third market maker; U–5 and U–6 in connection with credit extended to block positioners.

Retention period: 3 years after the credits are extinguished. 12 CFR 221.3

1.4 Brokers and dealers extending credit.

To maintain statements obtained in conformity with requirement of Federal Reserve Form T–4 for every extension of credit on a margin security (other than an exempted security) not for the purpose of purchasing or carrying or trading in securities.

Retention period: 3 years after the credit is extinguished. 12 CFR 220.7

1.5 Persons obtaining credit that is collateralized by securities.

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 224.4

1.6 Persons obtaining credit from outside the United States that is collateralized by securities.

To maintain records substantially in conformity with requirements of Federal Reserve Form X–1 in connection with credit obtained from sources outside the United States, with certain exceptions, if the credit is secured in any way by collateral that includes any United

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States security or security registered on a national securities exchange.

Retention period: 6 years after credit is extinguished. 12 CFR 224.2

1.7 Creditors making disclosures under the Truth in Lending Act.

To maintain evidence of compliance with Federal Reserve Regulation Z.

Retention period: 2 years after date of each disclosure. 12 CFR 226.6

XXVII. FEDERAL TRADE COMMISSION

1.1 Wool products manufacturers.

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 Fur products manufacturers and dealers in furs and fur products.

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase; if exemption on basis of cost claimed, records of cost required.

Retention period: 3 years. 16 CFR 301.39, 301.41

1.3 Dealers advertising prices of furs and fur products.

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To keep records showing (a) identification of the class test; (b) fiber composition, construction, and finish type of the fabrics; (c) a swatch of each class of fabrics guaranteed.

Retention period: 3 years after test. 16 CFR 302.8

1.6 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

1.7 Textile fiber products manufacturers and distributors substituting labels.

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

1.8 Importers of flammable textile fabrics or articles of wearing apparel.

To maintain records which establish that the imported flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14(c)

1.9 Persons selling flammable fabrics or using such fabrics in interlinings or other exempted unexposed parts of wearing apparel.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(a)

1.10 Persons selling flammable fabrics or using such fabrics in hats, gloves, and footwear.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(b)

1.11 Persons shipping flammable fabrics or articles of wearing apparel for processing.

To maintain records which establish that the flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14(b)

1.12 Packagers or labelers engaged in retail sale price representations.

To maintain invoices or other records in compliance with sections cited for those sponsoring (a) cents-off representations; (b) introductory offers; and (c) economy size representations.

Retention period: (a) 1 year beyond year in which representation is made; (b) 1 year subsequent to offer; and (c) 1 year. 16 CFR 502.100(d), 502.101(e), 502.102(d)

1.13 Manufacturers of carpets and rugs subject to flammability standard FF 1–70. [Amended]

To maintain records of (a) tests made to guarantee flammable quality including all identifying numbers, symbols, and specifications, a sample of carpet covered by guaranty, a copy of each test report, and a record showing the yardage at which test was performed; (b) the guaranty received and identification of carpet or rug.

Retention period: 3 years (a) from date tests performed; (b) from date guaranty furnished. 16 CFR 302.15

XXVIII. GENERAL ACCOUNTING OFFICE

1.1 Contractor using Government bill of lading as shipper.

To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specified period. When the shipment is made under a Government contract not having a records retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.18

1.2 Contractors having Government contracts negotiated without advertising.

To keep records pertaining to the contracted project. This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 10 U.S.C. 2313(c) or 41 U.S.C. 254(c). Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of the United States or to purchases made outside the continental limits of the United States under section 633(a) of the Foreign Assistance Act of 1961, 75 Stat. 424, 454, 22 U.S.C. 2393(a), as implemented by Executive Order 11223, May 12, 1965, or under the Peace Corps Act, 75 Stat. 612, 22 U.S.C. 2501 et seq., as implemented by Executive Order 11603, June 30, 1971.

Retention period: 3 years after final payment under contract. 41 U.S.C. 254; 10 U.S.C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952

1.3 Contractors and subcontractors having Government contracts or subcontracts under Public Law 85–804, relating to national defense.

To keep pertinent books, documents, papers, and records related to contracts and subcontracts, and amendments or modifications thereof, entered into without regard to other provisions of law governing contracts in order to facilitate the national defense under Public Law 85–804, August 28, 1958, as amended (50 U.S.C. 1431–1436) as implemented by Executive Order No. 10789, November 14, 1958, as amended (50 U.S.C. 1431 note). This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 50 U.S.C. 1433(b).

Retention period: 3 years after final payment under contract. 50 U.S.C. 1433(b). However, subcontracts under contracts for experimental developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952.

1.4 Newspapers, magazines, or outdoor advertising businesses or operators. [Added]

To maintain all certifications and authorizations needed by or for each legally qualified candidate for Federal elective office and record of date used and charges made.

Retention period: 2 years. 11 CFR 4.12

1.5 Treasurers of political committees and candidates. [Added]

To maintain full and complete records of proceeds from all fund raising events as well as sale of campaign emblems, literature, pins, etc.

Retention period: 4 years. 11 CFR 14.4

XXIX. GENERAL SERVICES ADMINISTRATION

1.1 War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.

To keep records essential to determining performance under the contract or subcontract and to justify the settlement thereof as required by the Contract Settlement Act of 1944 (41 U.S.C. 101–125) and 18 U.S.C. 443 (excluded from this provision are contractor or subcontractor records title to which is transferred to a Federal agency; war contractor or subcontractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act (44 U.S.C. ch. 33), and war contractor or subcontractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) 5 years after such disposition of termination inventory by such war contractor or subcontractor or Government agency, or (b) 5 years after the final payment or settlement of such war contract or subcontract, whichever applicable period is longer. 41 CFR 101–13.3

1.2 Recipients of Federal grants or allocations for collecting and publishing historical documents.

To keep such records as the Administrator of General Services shall prescribe, including records which fully disclose the amount and disposition of such funds, the total cost of the undertaking, the portion of the cost supplied by other sources, and such other records as will facilitate an effective audit.

Retention period: Not specified. 44 U.S.C. 2506

1.3 Contractors and subcontractors under negotiated contracts pursuant to 41 U.S.C. 254(c).

To maintain books, documents, papers, and records involving transactions relating to the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier. 41 CFR 1–3.814–2 (e), 1–7.101–10, 1–7.602–7

1.4 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing information required by the clause.

Retention period: 1 year after award of the contract or subcontract or for such longer period as may be required by any other clause of the contract, subcontract, or applicable law or regulation. 41 CFR 1–1.710–3(b)

1.5 Contractors with contracts containing the Labor Surplus Area Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing procedures which have been adopted to comply with the policies set forth in the clause.

Retention period: 1 year after award of the contract or subcontract or for such longer period as may be required by any other clause of the contract, subcontract, or applicable law or regulations. 41 CFR 1–1.805–3(b)

1.6 Contractors with fixed-price supply contracts containing the standard inspection clause.

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 1–7.101–5

1.7 Contractors with fixed-price contracts in excess of $2,500 for (a) supplies, or (b) experimental, developmental, or research work where a profit is contemplated, when such contracts contain the standard long-form Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.701

1.8 Contractors with fixed-price construction contracts estimated to exceed $10,000, when such contracts contain the standard Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.703

1.9 Sellers with fixed-price subcontracts which contain the termination clause suggested for use in such contracts.

Unless otherwise provided for in the subcontract, or by applicable statute, make available to the buyer and the Government at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the subcontract and in respect of the termination of work thereunder, or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof.

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Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.706

1.10 Contractors and subcontractors under contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the act of August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431-1435).

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: 3 years after final payment or until expiration of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR 1-20), whichever expires earlier. 41 CFR 1-17.206(e)

1.11 [Deleted]

1.12 Participants in the lead and zinc stabilization program pursuant to act of October 3, 1961 (75 Stat. 766; 30 U.S.C. 681-689).

To keep any pertinent books, documents, papers, and records of any participant involving transactions related to the program established under the regulations of 41 CFR 101-15 and authorized representatives of the United States Government shall have access to and the right to examine such records.

Retention period: 3 years after termination of the program. 41 CFR 101-15.109

1.13 Contractors and subcontractors required to submit cost and pricing data in conjunction with certain firm fixed-price or fixed-price with escalation negotiated contracts in excess of $100,000 or in conjunction with certain contract modifications in excess of $100,000.

To maintain books, records, documents, and other supporting data which will permit adequate evaluation by the contracting officer or his authorized representatives of the cost or pricing data submitted, along with the computations used therein, which were available to the contractor or subcontractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1-20, whichever expires earlier. 41 CFR 1-3.814-2 (a) and (b), 1-7.101-30, 1-7.602-5

1.14 Contractors and subcontractors having certain cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable contracts in excess of $100,000.

To maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1-20, whichever expires earlier; (2) if contract or subcontract is completely or partially terminated, the records relating to the work terminated shall be preserved for 3 years from the date of any resulting settlement; or (4) records which relate to appeals under the "Disputes" clause of the contract, litigation or the settlement of claims arising out of performance of the contract or subcontract, or costs and expenses of the contract or subcontract as to which exception has been taken by the contracting officer, shall be retained until disposition has been made of such appeals, litigation, claims, or exceptions. 41 CFR 1-3.814-2(c), 1-7.101-30, 1-7.602-5

XXX. INTERSTATE COMMERCE COMMISSION

1.1 Refrigerator car lines.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.2 Railroad companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.3 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

1.4 [Reserved]

1.5 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

1.6 Pipeline companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1224

1.7 Persons furnishing cars to railroads.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1225

1.8 Rate-making organizations.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1253

1.9 Motor carriers and brokers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

1.10 Water carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1227

1.11 Freight forwarders.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1228

XXXI. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1.1 Contractors with negotiated fixed-price supply contracts and purchase orders or fixed-price research and development contracts, in excess of $2,500.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the prime contract, or as specified in Appendix M of NASA Procurement Regulation. 41 CFR 18-7.104-15; 18-7.302-6

1.2 Subcontractors with contracts or purchase orders in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price supply contracts and purchase orders or fixed-price prime research and development contracts, in excess of $2,500. [Amended]

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract, or as specified in Appendix M of NASA Procurement Regulation. 41 CFR 18-7.104-15; 18-7.302-6

1.3 Contractors with cost-reimbursement type contract, including facilities contracts.

To maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed.

Retention period: 3 years after date of final payment, until settlement of litigation, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5

1.4 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, records, documents, and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract.

Retention period: 3 years after date of final payment, until settlement of litigation, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5

1.5 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time-and-material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5

1.6 Contractors with fixed-price contracts in excess of $2,500 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18-8.701

1.7 Contractors with fixed-price construction contracts amounting to more than $10,000.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18-8.701

1.8 Subcontractors with fixed-price subcontracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18-8.706

1.9 Contractors with construction and facilities contracts in excess of $2,000 (for work within the United States).

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 41 CFR 18-12.403-1(d); 18-7.705-5

1.10 Industrial contractors having Government furnished property.

To maintain adequate records of all Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Contractors" (Appendix B, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18-13.702; 18-13.703

1.11 Contractors furnishing special tooling under fixed-price contracts.

To maintain property control records on all special tooling which they furnish.

Retention period: Not specified. 41 CFR 18-13.704

1.12 Nonprofit contractors having Government furnished property under research and development contracts.

To maintain records of Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Nonprofit Research and Development Contractors" (Appendix C, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18-13.706, 18-13.707

1.13 All contractors and subcontractors other than those having firm fixed-price contracts.

To maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract or subcontract.

Retention period: 3 years after date of final payment or until final settlement of litigation, whichever is longer. 41 CFR 18-7.104-42; 18-7.203-29; 18-7.303-29; 18-7.350-18; 18-7.402-30; 18-7.451-30; 18-7.702-48; 18-7.703-41; 18-7.704-33

1.14 Contractors with facilities contracts providing for the use of facilities.

To maintain adequate property control procedures and records and a system of identification of the facilities.

Retention period: Not specified. 41 CFR 18-7.702-17; 18-7.704-11

1.15 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

To maintain records showing (a) whether each prospective subcontractor is a small business concern, (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Small Business Subcontracting Program", and (c) such other information required by the clause.

Retention period: Not specified. 41 CFR 18-1.707-3(b)

1.16 Contractors with contracts containing an inspection clause.

To keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 18-7.103-5; 18-7.203-5; 18-7.302-4; 18-7.402-5; 18-7.451-5; 18-7.702-6; 18-7.703-6; 18-7.704-8

1.17 Contractors with contracts containing the "Data Requirements" clause.

To maintain the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18-9.202-1(e)

1.18 Contractors with contracts providing for progress payments.

To maintain control of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18-7.104-35

1.19 Contractors and subcontractors required to furnish cost and pricing data certificates. [Amended]

To maintain books, records, documents, and other evidence which will permit adequate evaluation of the cost or pricing data submitted along with the computations and projections used therein.

Retention period: 3 years after final payment or as specified in Appendix M of the NASA Procurement Regulation. 41 CFR 18-3.807-4

1.20 Contractors with fixed-price type letter contracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to the work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18-8.701-1

1.21 Contractors subject to the Work Hours Act of 1962.

To keep payroll records containing name, address, classification, rate of pay, hours worked, etc., for each employee.

Retention period: 3 years. 41 CFR 18-12.303-1, 18-12.403-1

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1.22 Contractors and subcontractors subject to the Service Contract Act of 1965.

To keep records of each employee, name and address, basic employment, earning record, and work time schedules.

Retention period: 3 years after completion of the work. 41 CFR 18-12.1004

XXXII. NATIONAL CREDIT UNION ADMINISTRATION

1.1 [Deleted]

1.2 Custodians of records of Federal Credit Unions voluntarily liquidated. [Amended]

To keep all records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: 5 years following date of cancellation of the charter of the credit union. 12 CFR 710.13

XXXIII. NATIONAL SCIENCE FOUNDATION

1.1 [Weather modification activities—see II 8.2]

XXXIV. OFFICE OF ECONOMIC OPPORTUNITY

1.1 Community action agencies receiving financial assistance under title II of the Economic Opportunity Act.

To keep a copy of each Administrative Cost Report, its supporting work sheets and a written explanation to explain the basis for classifying and allocating personnel costs, as part of their financial records.

Retention period: Not specified. 45 CFR 1068.3-8

XXXV. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 Masters of vessels at sea, destined for ports of the Canal Zone.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Discard at expiration of voyage. 35 CFR 61.151, 61.153

1.2 Masters of vessels transferring hazardous liquid cargoes at a port of the Canal Zone.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 113.112

1.3 Vessels transiting or partially transiting Panama Canal.

To keep a full set of plans and a copy of the measurements made at the time of issue of the national tonnage certificate of the vessel, as well as the national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 133.32

XXXVI. PRICE COMMISSION

1.1 Persons selling or leasing property or services subject to the price and rent stabilization requirements.

To maintain records to establish the base price for all property or services subject to Part 300 offered for sale and lease and the price at which property or services were actually sold or leased.

Retention period: 4 years after last day of calendar year in which the transaction occurred or property acquired, whichever is later. 6 CFR 300.501

1.2 Lessors of rental housing. [Revised]

To maintain records showing base rent with respect to each residence and reasons for any rent adjustment and customary practices before August 14, 1971, with respect to increases in nonrecurring charges when rent increased.

Retention period: 4 years. 6 CFR 301.401 (retention: 301.402)

1.3 Public utilities either not regulated by a regulatory agency, or regulated by a regulatory agency not certificated by the Price Commission. [Added]

To keep the certification by the public utility of compliance with 6 CFR 300.303 (a), and substantiating information.

Retention period: Not specified. 6 CFR 300.308 (c) and (d)

XXXVII. RAILROAD RETIREMENT BOARD

1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 5 years. 20 CFR 345.24

1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c) (1)

1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

XXXVIII. SECURITIES AND EXCHANGE COMMISSION

1.1 Exchange members, brokers, and dealers.

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances and records of the computation of aggregate indebtedness and net capital; questionnaires or applications for employment executed by associated persons of such member, broker, or dealer; and other records and accounts as specified in the sections cited.

Retention period: 6 years and 3 years as specified in the sections cited. Records may be microfilmed immediately. 17 CFR 240.17a-3, 240.17a-4

1.2 Exchange members, brokers, and dealers.

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Records may be microfilmed immediately. 17 CFR 240.17a-4

1.3 National securities exchanges.

To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after 5 years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule 17a-6. 17 CFR 240.17a-6, 240.24b-3

1.4 Mutual and subsidiary service companies in registered public utility holding company systems. [Amended]

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all pertinent records such as minute books, contracts, billing computations, reports, memoranda, correspondence, other papers, and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: Various. 17 CFR 256.01-8 and Part 256a

1.5 Registered public utility holding companies which are not also operating companies. [Amended]

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, stockholder records, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention periods: Various. 17 CFR 257.0-3 and Appendix to Part 257

1.6 Registered investment companies and underwriters, brokers, dealers or investment advisers which are majority-owned subsidiaries of such companies. [Amended]

To keep such accounts, books, and other documents relating to its business as indicated in sections cited.

Retention period: Various. Microfilming permitted after 3 years. 17 CFR 270.31a-1, 270.31a-2

1.7 Depositor of and principal underwriter for any registered investment company other than a closed-end investment company.

To keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. 17 CFR 270.31a-1, 270.31a-2

1.8 Investment adviser not a majority-owned subsidiary of a registered investment company.

To keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. 17 CFR 270.31a-1, 270.31a-2

1.9 Records prepared or maintained by others than person required to maintain and preserve them. [Amended]

Permits records to be maintained or prepared by others on behalf of the person required to maintain and preserve such records, subject to certain agreements required to be reduced to writing. See Rule 31a-3 for requirements as to such written agreements.

Retention period: Not less than 6 years. 17 CFR 270.31a-3 (retention: 270.31a-2)

1.10 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to Section 203(b) of the Investment Advisers Act of 1940).

To make, keep, and retain the books and records specified in section cited.

Retention period: Various. 17 CFR 275.204-2

1.11 Nonmember brokers and dealers.

To maintain current records for each customer as specified in the section cited.

Retention period: 6 years. Records may be kept on film after the first 2 years. 17 CFR 240.15b10-6

1.12 Brokers and dealers submitting quotations.

To maintain records as specified in section cited.

Retention period: 6 years and 3 years. Records may be microfilmed immediately. 17 CFR 240.15c2-11 (retention: 240.17a-4)

1.13 Registered national securities exchanges and associations. [Added]

To maintain a record of each extension granted to a broker or dealer pursuant to section cited including a summary of justification for granting such extension.

Retention period: 3 years. 17 CFR 240.15c3-3

XXXIX. SMALL BUSINESS ADMINISTRATION

1.1 Corporations licensed under the Small Business Investment Act. [Amended]

To maintain (a) general and subsidiary ledgers and special journals reflecting all asset and valuation, liability, capital stock and surplus, income, and expense accounts; corporate charter, bylaws, and proposal to operate; and all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers; (b) applications, declarations, agreements, and all other documents and supporting materials relating to loan or investment; and (c) accounting records including vouchers, bank statements, memoranda, correspondence, etc.

Retention period: (a) Permanent; (b) 6 years following repayment, sale, or other final disposition of the related loan or investment; (c) 6 years. Notwithstanding the foregoing general statement of retention periods, after any book, document, or other record has been preserved for 3 years (or 3 years following final disposition of the related loan or investment, when applicable), a film of such record may be substituted therefor for the balance of the required time and the original destroyed. 13 CFR 107.1102

XL. UNITED STATES POSTAL SERVICE

1.1 Postage meter licensees. [Amended]

To keep a Meter Record Book (Form 3602-A), showing register readings of metered mail on each day of operation of the meter.

Retention period: At least 1 year from date of final entry. 39 CFR 144.2, 144.3

1.2 Postage meter manufacturers. [Amended]

To maintain, and make available for inspection by Postal Service officials, a complete record by serial number of all meters manufactured, showing all movements of each meter from the time it is produced until it is scrapped and the reading of the ascending register each time a meter is checked into or out of service through a post office.

Retention period: At least 3 years after the meter is scrapped. 39 CFR 144.9

1.3 Apartment house managers. [Amended]

To maintain, pursuant to Publication 17, "Apartment House Mail Receptacles, Regulations and Instructions," records of keys supplied by manufacturers and jobbers, relating the key number to the receptable number, so that, when necessary, new keys may be ordered and of the combinations of keyless locks so that new tenants may be given the combination.

Retention period: Key numbers—until the lock has been changed, when it may be destroyed; combinations to the keyless locks—until the combination is changed, when it may be destroyed. 39 CFR 155.6

1.4 Commercial mail receiving agencies.

To maintain a copy of Form 1583, Application for Delivery of Mail Through Agent.

Retention period: During period of agency. 39 CFR 154.2

1.5 Contractors with the Postal Service. [Amended]

To maintain and make available to the Postal Service books and records respecting (a) negotiated fixed-price supply contracts in excess of $5,000 (PCM, 7-104.15); (b) cost-reimbursement supply contracts (PCM, 7-203.7); (c) cost or pricing data submitted by bidders or offerors (PCM, 3-814.2); and (d) time and material and labor hour contracts (PCM, 7-901.17).

Retention period: At least 3 years after final payment under the contract pursuant to PCM. 39 CFR Part 601 (References given above are to the Postal Contracting Manual, incorporated by reference into the Code of Federal Regulations.)

XLI. VETERANS ADMINISTRATION

1.1 State owned or controlled hospitals and institutions distributing tax-free tobacco products to members or former members of the Armed Forces of the United States.

To keep copies of orders and other pertinent documents involved in the purchase, storage, and distribution of tax-free tobacco products to eligible patients.

Retention period: At least 3 years and available to the Veterans Administration and the Internal Revenue Service for inspection purposes. 41 CFR 8-11.250-2

1.2 Medical schools, hospitals, and research centers receiving grants under the Veterans Hospitalization and Medical Services Modernization Amendments of 1966.

To keep records of amount and disposition of grant, total cost of project and amount of cost of project received from other sources.

Retention period: 3 years after final payment. 38 CFR 17.266

1.3 Holders of loans for mobile homes and lots.

To keep records of payments received, disbursements chargeable thereto, and dates thereof.

Retention period: Until Administrator ceases to be liable for loan. 38 CFR 36.4215

1.4-1.6 [Reserved]

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1.7 Educational institutions furnishing education or special restorative training under chapter 34 or 35, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of veterans and eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the veteran's and eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.8 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree.

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.9 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in nonaccredited courses approved under section 1776, chapter 36, title 38, U.S. Code.

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran or an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

1.12 State approving agencies, institutions, and training establishments participating in the vocational rehabilitation and education program.

To maintain contracts, agreements, or arrangements providing for number and frequency of reports, adequate financial records to support payment for each trainee, and attendance and progress records and number of inspection, approval and supervisory visits and itemized vouchers for payment, including salary and travel.

Retention period: 4 years following the date of the last payment or a longer period if requested by the General Accounting Office or the Veterans Administration. 41 CFR 8–95.209

1.13 Training establishments furnishing training-on-the-job courses (other than a program of apprenticeship) approved under section 1777, chapter 36, title 38, U.S. Code.

To keep in addition to records and accounts described in item 1.7 above appropriate records pertaining to such training including, but not limited to (a) payroll records, (b) records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to and of 3-year period. 38 CFR 21.4209

XLII. WATER RESOURCES COUNCIL

1.1 State agencies receiving funds under the Water Resources Planning Act.

To maintain records relating to each allotment and grant and their allocability to the State comprehensive water and related land resources planning effort.

Retention period: 3 years after last disbursement of funds. 18 CFR 703.10

SUPPLEMENTS

Supplement I—Requirements Under the Second War Powers Act of 1942

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

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PART III

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

MILK IN THE INDIANA MARKETING AREA

Proposed Rule Making

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1049]

[Docket No. AO 319-A20]

MILK IN THE INDIANA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Indiana marketing area.

The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Indianapolis, Ind., on October 11, 1972, pursuant to notice thereof issued on September 21, 1972 (37 FR 20182).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 8, 1972 (37 FR 26688), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Diversion of producer milk.
2. Louisville plan.
3. Charges on overdue accounts.
4. Order format.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of producer milk.* The provisions of the order with respect to diversion of producer milk to nonpool plants should be modified. A cooperative association should be enabled to divert as producer milk in each of the months September through March up to 40 percent of the milk of its producer members. A handler who is the operator of a pool plant should be in position to divert during each such month up to 40 percent of the producer milk, for which he is the handler, exclusive of the milk of producers who are members of a cooperative association that is diverting milk under the percentage limitation described above.

The order now provides that the total quantity of milk that a cooperative association or a pool plant operator may divert as producer milk in each of the months of September through March shall not exceed 35 percent of the producer milk deliveries as described above. The order also provides an alternative basis for diversion during each of these months that permits milk of an individual producer to be diverted for the same number of days that milk of the producer is received at a pool plant. During each of the months April through August, a pool plant operator or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant on any number of days during such month. In all months, diversion of the milk of any producer to a nonpool plant is permitted only if at least 1 day's production of the milk of such producer is received at a pool plant during the month. Of these diversion provisions, only the percentage limitations for the months September through March were considered at the hearing.

The revised diversion provisions, as adopted herein, were proposed by Hoosier Milk Marketing Agency, Inc., an organization of cooperative associations representing a substantial majority of the producers on the market. A representative of the proponent testified at the hearing in favor of the proposal. No opposition to the proposal was expressed either at the hearing or in briefs.

Over the last 2 years, production for the market has increased significantly while the number of producers has decreased. Average daily deliveries per producer increased by nearly 6 percent between 1970 and 1971. Comparing the first 8 months of 1972 to the same period for 1971, average daily deliveries per producer increased by over 7 percent. Class I sales increases for the same periods have not been as large as these increases in production. This tendency for individual producers to increase their daily deliveries is expected to continue.

One large cooperative association supplying the market submitted at the hearing that the present 35-percent diversion limitation does not provide it with the flexibility it requires in the face of current and anticipated marketing conditions. It has already had difficulty maintaining the producer status of some of its members as a result of increased production per member. For the months January through August 1972, the cooperative's member milk production increased 12 percent over the same months for 1971, while its membership increased by less than 2 percent. Loss of a single, large fluid milk account by one of the handlers this cooperative association supplies would seriously jeopardize the producer status of its members under the current diversion provisions.

A number of cooperative associations representing producers on the market are the principal or sole suppliers of high volume handlers. Handlers so supplied service large accounts for various types of outlets, including supermarket chain stores, dairy, and convenience chain stores, schools, and military establishments. Many of these accounts are serviced on a contract basis and may shift from one handler to another on the expiration of a contract. When a handler supplied primarily by one cooperative association loses such an account to a handler supplied primarily by another cooperative association or to a handler regulated under another order, the former cooperative may be left, for a time at least, with a considerable amount of milk for which there is no fluid outlet.

Another factor that could result in the need for diversion of a substantial volume of milk by a cooperative would be the closing of a large plant and the transfer of the route disposition to plants in other markets. There has been a trend in recent years for multiple-plant handlers operating in a number of markets to close their less efficient plants and concentrate their processing operations in large plants capable of serving several markets. Should this happen in the Indiana market, it could cause a serious problem for the cooperative that had supplied the closed plant.

In the event of plant closings or account losses such as those described above, manufacturing plants frequently provide the only immediately available outlet for a cooperative's member milk supplies or a handler's regular milk supplies. Diversion of milk directly from farms to manufacturing plants is the most efficient means of disposing of such supplies. The 40-percent diversion limitation adopted herein will promote orderly marketing in the face of these complex marketing problems by minimizing the impact of such circumstances on the producer status of dairy farmers who have been the regular suppliers of the market.

2. *Louisville Plan.* The order should be amended to provide that the uniform rate withheld from the pool under the Louisville seasonal incentive payment plan shall be 20 cents per hundredweight for each of the months April through July.

The order now provides for the withholding by the market administrator of 8 percent of the average monthly basic formula price for the preceding calendar year, subject to a maximum of 30 cents, with respect to each hundredweight of producer milk delivered to the market during each of the months April through July. Payback to producers of the aggregate moneys accumulated during the pay-in period is made at a monthly rate of 25 percent in each of the months September through December.

A representative of the proponent (Hoosier Milk Marketing Agency, Inc.) testified at the hearing that the payin amount provided for in the order has resulted in misalinement of Indiana producer prices relative to producer prices paid in northern Illinois and Wisconsin markets during the payout months. In response to the resulting interorder price relationships, some shifting of producers between markets has occurred during this period. Proponent testified that this situation has caused some producer unrest and has impaired the effectiveness of the Louisville plan.

In 1971 the average number of producers supplying the market during the payin period by nearly 250, or over 5 percent. Despite this situation, removal of the Louisville plan from the order was not favored by those participating in the hearing. Proponent contended that a seasonal incentive payment plan is still needed in the market not only to insure uniform production throughout the year, but also to maintain proper price alinement between the Indiana market and order markets located in Kentucky, Illinois, and Ohio that also utilize such plans.

The normal pattern of milk production results in a greater supply during the spring and early summer than during the remainder of the year. Seasonal incentive payment plans, such as the one under consideration, encourage a more uniform pattern of milk production by withholding from the uniform price computation in the flush production season funds to be added back in the short supply season. Since these funds are distributed to all producers who supply the market during the payout period, it is possible for dairy farmers who do not regularly supply the market to become producers only during these months. This seasonal pattern of producer market-shifting may occur when, as a result of too great a spread between spring and fall prices, interorder producer price differences during the short supply season more than offset transportation costs between order markets. The diluted producer prices that result during the fall months from the temporary addition of such producers to the market tend to discourage producers regularly associated with the market from managing their production in accordance with the intent of the plan.

The Ohio Valley, Louisville-Lexington-Evansville, Central Illinois and Southern Illinois orders, which abut the Indiana marketing area, continue to use the Louisville plan to even out production. Proponent stated that deletion of the plan from the Indiana order would shift to the adjoining markets the aforementioned problems currently being experienced in this market. The resulting price spread would provide a strong incentive for Ohio, Illinois, and Kentucky producers to shift to Indiana in the spring and an equally strong incentive for Indiana producers to shift to the Ohio Valley, Louisville-Lexington-Evansville, or Illinois markets in the fall months.

Official notice is taken of the uniform prices for Indiana and surrounding markets as published in the Federal Milk Order Market Statistics, a publication of the Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, for the months of April, May, June, July, September, October, November, and December 1971.

During April, May, June, and July 1971, the months when the deductions were made in the computation of the uniform price, the average uniform price under the Indiana marketing order was $5.45. In the adjoining markets, which also have "Louisville" plans, the average prices in the same months were: Central Illinois, $5.35; Southern Illinois, $5.50; Louisville, $5.27; and Ohio Valley, $5.59. Under the Chicago Regional order, the milkshed of which overlaps that of the Indiana milkshed in parts of Illinois, Indiana, Michigan, and Wisconsin, the uniform price during the same months was $5.37. The Chicago Regional order does not have a "Louisville" plan.

During the months of September, October, November, and December 1971, in which uniform prices were increased by the addition of the monies withheld in the spring, the respective average uniform prices were: Indiana, $6.19; Central Illinois, $5.96; Southern Illinois, $6.21; Louisville-Lexington-Evansville, $6.32; and Ohio Valley, $6.36.

The uniform price under the Chicago Regional order averaged $5.54 for the same 4-month period.

Had the 20-cent rate been in effect in 1971, the average uniform price under the Indiana order would have been $5.55 in the April–July period and $6.09 in the September–December period. Had there been no "Louisville" plan in effect, the uniform price would have averaged $5.75 in the April–July period and $5.89 in the September–December period. The 14-cent difference between the spring and fall prices would have reduced the incentive to producers to maintain an even production pattern. The substantially lower uniform price in the September–December period contrasted to the higher prices prevailing in some of the surrounding markets would have provided an incentive to Indiana producers to shift to those markets.

The pay-in rate of 20 cents per hundredweight adopted herein will tend to eliminate much of the temporary producer shifting that has occurred between the Indiana market and the markets located in northern Illinois and Wisconsin. The resulting uniform price to producers in the fall will reduce the incentive for producers to shift to the Indiana market from the Chicago Regional market to take advantage of the seasonally higher prices. At the same time, it will be high enough that Indiana producers will not have an incentive to shift to the Ohio Valley, Louisville-Lexington-Evansville, Southern Illinois or Central Illinois markets in the fall. The difference between the spring and fall prices will be sufficient to encourage Indiana producers to continue to produce enough milk in the fall and winter months to fully supply the needs of the market.

Interest was expressed at the hearing in a "dairy farmer for other markets" provision that would prevent dairy farmers not regularly associated with the market from taking undue advantage of the Louisville plan. Proponent was not prepared to propose such a provision at the hearing but agreed that the matter deserved further study.

In the Indiana market the moneys withheld under the seasonal incentive payment plan are invested in interest-bearing securities and both the principal and the interest earned thereon are returned to producers during the payout period. The order should be amended to reflect this practice of returning to the pool during the fall months interest earned on Louisville plan funds.

3. *Charges on overdue accounts.* The rate prescribed under the order on overdue obligations to the producer-settlement, administrative, and marketing service funds should be increased from one-half of 1 percent per month to three-fourths of 1 percent per month. The interest so provided should be applied on the sixth day following the date such obligations are due and on the same day of each succeeding month, rather than on the first day of the month following the due date and on the first day of each succeeding month as now provided in the order.

Proponent cooperative associations proposed that the rate be increased as provided herein and that the charge be applied on the first day following the day obligations to the producer-settlement, administrative, and marketing service funds are due. A representative of these cooperative associations testified that a charge of one-half of 1 percent per month is unrealistic in light of present day commercial rates for carrying charges and that it encourages delinquency in payment of the several order obligations by providing handlers with an inexpensive source of operating capital.

Representatives of several handlers regulated under the order expressed opposition to the cooperatives' proposal both at the hearing and in briefs. One such representative testified that an increase of 50 percent in the rate charged handlers for overdue accounts would be excessive and unwarranted in light of prevailing local credit conditions.

It is essential that payments to the funds maintained by the market administrator be made promptly so that the order may be administered in an efficient and timely manner. A charge on overdue accounts is intended to encourage such prompt settlement of accounts. It should not be so low as to provide handlers with an inexpensive source of credit and thus constitute a basis for holding back payments due the market administrator.

In September 1972, the market administrator billed 41 handlers for payments to the administrative fund and 26 of these handlers, or 63 percent, made such payments a week or more late. In the same month, 27 handlers were billed for payments to the producer-settlement fund and 17 of these handlers (again 63 percent) made such payments a week or more late. Since this month was not particularly unusual in terms of late payments, it appears that the present rate assessed on late payments is too low to accomplish what is intended and, in fact, may be providing a number of handlers with a relatively inexpensive source of short-term operating funds at the expense of producers.

In support of the proposal to begin application of interest charges on the day following the date handler obligations become due, proponent cooperatives testified that such a change also would further encourage prompt settlement of accounts and thereby insure

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prompt payment in full to producers whose milk is delivered to handlers who rely on payments from the producer-settlement fund to meet their producer payrolls.

The same handlers that opposed the increased charge on overdue accounts also opposed this change in the date of application of such charge. They proposed that the charge on overdue obligations be applied on the sixth day following the date such obligations become due. A handler representative testified that the 5-day period during which no interest would be charged is needed to accommodate routine delays in mail deliveries to and from the market administrator's office.

The market administrator normally mails handlers' billings no earlier than 2 days prior to the date payments are due. This fact alone makes it difficult for a handler to settle his accounts on time. If, in addition, consideration is given to the time normally required for pickup and delivery of mail and the occurrence of a weekend or a holiday immediately prior to or on the due date, it is evident that the application of interest charges on the day following the due date might penalize those handlers who make an effort to pay their obligations promptly. A period of 5 days between the date payments become due and the date interest is assessed will encourage prompt payment without penalizing handlers for uncontrollable mail delays.

In order to insure that handlers pay only the adopted rate per month on overdue accounts, it is necessary to provide in the order that charges be applied on the same day each month. Also, since the interest charge itself becomes an obligation after it is added to a handler's original obligation, the order should provide for the compounding of interest charges from month to month.

For the reasons stated above, it is concluded that the sections of the order concerning charges on overdue accounts should be amended as provided herein.

4. *Order format.* The format of the Indiana order should be revised to provide a more compact order and a more precise grouping of related order provisions. In addition to redesignation of section numbers (and codified subunits), certain changes should be made in section titles, introductory paragraphs, and section content. In making these modifications, which conform with a basic and uniform format for all orders, no change is contemplated either in the intent or application of any provisions so affected.

The need for rearrangement of the order provisions in large part reflects the cumulative effect of past amendments that have resulted in a number of unused subunits that disrupt the continuity of the order. The redesignation of codified units will also accommodate future changes in the order.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Indiana marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the marketing agreement,[1] be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

November 1972 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Indiana marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on January 12, 1973.

RICHARD E. LYNG,
Assistant Secretary.

Order[2] Amending the Order, Regulating the Handling of Milk in the Indiana Marketing Area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indiana marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds,

[1] Filed as part of the original document.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on December 8, 1972, and published in the FEDERAL REGISTER on December 14, 1972 (37 FR 26688), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Indiana marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1049—MILK IN INDIANA MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1049.1 General provisions.

DEFINITIONS

1049.2 Indiana marketing area.
1049.3 Route disposition.
1049.4 [Reserved]
1049.5 Distributing plant.
1049.6 Supply plant.
1049.7 Pool plant.
1049.8 Nonpool plant.
1049.9 Handler.
1049.10 Producer-handler.
1049.11 [Reserved]
1049.12 Producer.
1049.13 Producer milk.
1049.14 Other source milk.
1049.15 Fluid milk product.
1049.16 [Reserved]
1049.17 Filled milk.
1049.18 Cooperative association.

HANDLER REPORTS

1049.30 Reports of receipts and utilization.
1049.31 Payroll reports.
1049.32 Other reports.

CLASSIFICATION OF MILK

1049.40 Classes of utilization.
1049.41 Shrinkage.
1049.42 Classification of transfers and diversions.
1049.43 General classification rules.
1049.44 Classification of producer milk.
1049.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1049.50 Class prices.
1049.51 Basic formula price.
1049.52 Plant location adjustments for handlers.
1049.53 Equivalent price.
1049.54 Handler butterfat differentials.
1049.55 Announcement of class prices and handler butterfat differentials.

UNIFORM PRICE

1049.60 Handler's value of milk for computing uniform price.
1049.61 Computation of uniform price (including weighted average price).
1049.62 Announcement of uniform price and producer butterfat differential.

PAYMENTS FOR MILK

1049.70 Producer-settlement fund.
1049.71 Payments to the producer-settlement fund.
1049.72 Payments from the producer-settlement fund.
1049.73 Payments to producers and to cooperative associations.
1049.74 Producer butterfat differential.
1049.75 Plant location adjustments to producers and on nonpool milk.
1049.76 Payments by handler operating a partially regulated distributing plant.
1049.77 Adjustment of accounts.
1049.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1049.85 Assessment for order administration.
1049.86 Deduction for marketing services.

ADVERTISING AND PROMOTION PROGRAM

1049.110 Agency.
1049.111 Composition of the Agency.
1049.112 Term of office.
1049.113 Selection of Agency members.
1049.114 Agency operating procedure.
1049.115 Powers of the Agency.
1049.116 Duties of the Agency.
1049.117 Advertising, research, education, and promotion program.
1049.118 Limitation of expenditures by the Agency.
1049.119 Personal liability.
1049.120 Procedure for requesting refunds.
1049.121 Duties of the market administrator.
1049.122 Liquidation.

AUTHORITY: The provisions of this Part 1049 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL PROVISIONS

§ 1049.1 General provisions.

The terms, definitions, and provisions, in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1049.2 Indiana marketing area.

"Indiana marketing area" (hereinafter referred to as the "marketing area") means all the territory within the boundaries of each of the Indiana counties listed below, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

Adams.	La Porte.
Allen.	Lawrence.
Bartholomew.	Madison.
Blackford.	Marion.
Boone.	Marshall.
Brown.	Miami.
Cass.	Monroe.
Clay.	Montgomery.
Clinton.	Morgan.
Decatur.	Noble.
De Kalb.	Owen.
Delaware.	Parke.
Elkhart.	Porter.
Fayette.	Putnam.
Fountain.	Randolph.
Franklin.	Rush.
Fulton.	Shelby.
Grant.	Steuben.
Hamilton.	St. Joseph.
Hancock.	Starke.
Hendricks.	Tippecanoe.
Henry.	Tipton.
Howard.	Union.
Huntington.	Vermillion.
Jackson.	Vigo.
Jay.	Wabash.
Johnson.	Warren.
Kosciusko.	Wayne.
Lagrange.	Wells.
Lake.	Whitley.

§ 1049.3 Route disposition.

"Route disposition" means a delivery (including that custom-packaged for another person, disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I milk other than a delivery in bulk form to any milk processing plant.

§ 1049.4 [Reserved]

§ 1049.5 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption in the marketing area and from which there is route disposition during the month in the marketing area.

§ 1049.6 Supply plant.

"Supply plant" means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as milk, cream, or skim milk to a distributing plant during the month.

§ 1049.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means a

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plant specified in paragraph (a) or (b) of this section.

(a) A distributing plant with:

(1) Total route disposition exclusive of packaged fluid milk products received from other plants and filled milk, in an amount not less than 50 percent of Grade A milk received at such plant during the month from dairy farmers (excluding receipts of producer milk by diversion pursuant to § 1049.13) and supply plants, except that a plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month; and

(2) Route disposition within the marketing area during the month of at least 10 percent of such receipts, such route disposition to be exclusive of packaged fluid milk products received from other plants and filled milk: *Provided*, That any plant meeting the requirements of this paragraph in each of the months of September through May, inclusive, shall continue to have pool plant status in the months of June, July, and August, immediately following if there is route disposition, except filled milk, from the plant in the marketing area during such month.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped to plants qualifying for the month pursuant to paragraph (a) of this section. A plant qualified pursuant to this paragraph in each of the immediately preceding months of September through February shall remain so qualified for the months of April through August unless written application is filed with the market administrator on or before the first day of any such month to designate such plant as a nonpool plant for such month and for each subsequent month through August during which it would otherwise not qualify under this paragraph.

(c) The term "pool plant" shall not apply to:

(1) A producer-handler plant;

(2) A distributing plant which the Secretary determines has a greater proportion of route disposition (except filled milk) in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its route disposition (except filled milk) is made in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(3) A distributing plant which meets the requirements set forth in paragraph (a) of this section which also meets the requirements of another order on the basis of its distribution in such other marketing area and which the Secretary determines has a greater quantity of route disposition (except filled milk) during the month in this marketing area than in such other marketing area but which plant is nevertheless fully regulated under such other order;

(4) A supply plant which during the month is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to paragraph (b) of this section and a greater volume of fluid milk products (except filled milk) is moved to pool distributing plants qualified on the basis of route sales in this marketing area; and

(5) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

§ 1049.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool supply plant that is not an other order plant or a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

§ 1049.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted for the account of such association pursuant to § 1049.13;

(c) [Reserved]

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person who operates an other order plant described in § 1049.7(c).

§ 1049.10 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants, and no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and distributing business are at the personal enterprise and risk of such person.

§ 1049.11 [Reserved]

§ 1049.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who in compliance with Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products within the marketing area or produces milk acceptable for fluid consumption at Federal, State, or municipal institutions, which milk is received at a pool plant or is diverted pursuant to § 1049.13. "Producer" shall not include any person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

§ 1049.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act, which is:

(a) Received at one or more pool plants during the month (milk may be diverted during the month by a handler from a pool distributing plant to another pool plant(s) for not more days of production of producer milk than is physically received at the diverting pool plant).

(b) Received at a pool plant at least one day during the month and then diverted by the operator of a pool plant or by a cooperative association to a nonpool plant during the month under any of the following conditions:

(1) During April through August the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant (other than that of a producer-handler) on any number of days during the month.

(2) During September through March the milk of a producer diverted by the operator of a pool plant or a cooperative association to a nonpool plant (other than that of a producer-handler) shall be limited to the amounts specified in subdivisions (i) and (ii) of this subparagraph:

(i) The operator of a pool plant may divert the milk of producers (except producer members of a cooperative association which is diverting milk under the percentage limit of subdivision (ii) of this subparagraph) for not more days of production of producer milk than is physically received at the diverting pool plant or he may divert an aggregate quantity not exceeding 40 percent of the milk of all such producers.

(ii) A cooperative association may divert the milk of its individual member producers for not more days of production of producer milk than is physically received at a pool plant or it may divert an aggregate quantity of the milk of member producers not exceeding 40 percent of all such milk either caused to be delivered to pool plants or diverted to nonpool plants by the cooperative association.

(3) When milk is diverted in excess of the limit by a handler who elects to divert on the basis of days-of-production, only that milk of the individual producer which was received at a pool plant or which was diverted to a nonpool plant for not more days of production than is physically received at a pool plant shall be considered producer milk.

(4) When milk is diverted to a nonpool plant in excess of the percentage limit by a handler who elects to divert on a percentage basis, eligibility as producer milk shall be forfeited on a quantity of milk equal to such excess. In such instances the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler.

(5) If, notwithstanding the provisions of this paragraph, diverted milk is fully subject to the pricing and pooling provisions of another Federal order, it shall not be producer milk under this order.

(c) Diverted milk shall be deemed to be received by the handler at the pool plant or nonpool plant to which the milk is diverted, unless diverted to a plant located in any part of the marketing area or to a plant at which no location adjustment would apply pursuant to § 1049.52, in which case such diverted milk shall be deemed to be received at the pool plant from which diverted.

§ 1049.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products, except: (1) Fluid milk products received from pool plants either by transfer or diversion, (2) producer milk (including own farm production), or (3) inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1049.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, filled milk, buttermilk, milk drinks (plain or flavored), "fortified" products, "dietary" milk products, concentrated milk or skim milk, reconstituted milk, skim milk, or milk drinks (plain or flavored), and cream or any mixture in fluid form of cream, milk or skim milk (except eggnog, yogurt, milk shake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal or glass containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

§ 1049.16 [Reserved]

§ 1049.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

§ 1049.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

Handler Reports

§ 1049.30 Reports of receipts and utilization.

On or before the eighth day after the end of each month, each handler for each of his pool plants and a cooperative association with respect to milk for which it is the handler shall report to the market administrator for such month, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts of producer milk (including own farm production);

(2) Fluid milk products received by transfer or diversion from pool plants;

(3) Other source milk;

(4) A separate report of producer milk diverted pursuant to § 1049.13: *Provided*, That on or before the day prior to diverting producer milk pursuant to § 1049.13 each handler shall notify the market administrator of his intention to divert such milk, the date or dates of such diversion, and the plant to which such milk is to be diverted; and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of route disposition, except filled milk, and filled milk inside the marketing area; and

(c) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1049.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler, except a producer-handler and a handler in his capacity as the operator of a plant specified in § 1049.7(c) (2), (3), or (4), shall report to the market administrator in the detail and on forms prescribed by the market administrator, his producer payroll for that month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handlers payment, together with the price paid and the amount and nature of any deductions;

(b) Each handler, except one who elects to make payments pursuant to § 1049.76(a), operating a partially regulated distributing plant shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received the same information as required from handlers operating pool plants pursuant to paragraph (a) of this section.

§ 1049.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler specified in § 1049.9 (d) who operates a partially regulated distributing plant shall report as required of handlers operating pool plants pursuant to § 1049.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of route disposition of reconstituted skim milk in fluid milk products in the marketing area.

(c) Each handler operating a plant described in § 1049.7(c) (2), (3), or (4) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Classification of Milk

§ 1049.40 Classes of utilization.

Subject to the conditions set forth in §§ 1049.41 through 1049.44, the skim

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milk and butterfat required to be reported pursuant to § 1049.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, other than those classified pursuant to paragraph (b) (2), (3), (4), and (5), of this section, except that fluid milk products which have been fortified by the addition of milk solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat contained in fluid milk products disposed of for livestock feed or in products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods packaged in hermetically sealed glass or metal containers;

(4) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) (1) of this section;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and

(6) Contained in shrinkage of skim milk and butterfat, respectively, prorated pursuant to § 1049.41(b) (2) and (3) for each pool plant, not to exceed the quantities calculated pursuant to subdivisions (i) through (vi) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat physically received direct from producers and milk received in bulk by diversion from another pool plant pursuant to § 1049.13;

(ii) Plus 1.5 percent of milk or skim milk received by transfer from other pool plants in bulk;

(iii) Plus 1.5 percent of receipts of milk or skim milk in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler;

(iv) Plus 1.5 percent of receipts of milk or skim milk in bulk from unregulated supply plant, exclusive of the quantity for which Class II utilization was requested by the handler;

(v) Less 1.5 percent of bulk transfers of milk or skim milk to a pool plant of another handler; and

(vi) Less 1.5 percent of bulk transfers of milk or skim milk to nonpool plants.

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1049.41(b)(1).

§ 1049.41 Shrinkage.

The market administrator shall assign shrinkage to each handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Prorate the resulting amounts among (1) skim milk and butterfat in other source milk received in bulk fluid form, exclusive of that specified in § 1049.40(b) (6) (ii), (iii), and (iv); (2) skim milk and butterfat in producer milk (excluding milk diverted to other plants pursuant to § 1049.13); and (3) skim milk and butterfat in bulk receipts of milk and skim milk including diversions or transfers from other pool plants, from other order plants and unregulated supply plants, exclusive of the quantities received from other order plants and unregulated supply plants for which Class II utilization was requested by the handlers, in excess of transfers of bulk milk or skim milk to other plants.

§ 1049.42 Classification of transfers and diversions.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1049.44(a) (8) and the corresponding step of § 1049.44(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1049.44(a) (3), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1049.44(a) (7) or (8) and the corresponding steps of § 1049.44(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if moved from a pool plant to a producer-handler.

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1049.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(d) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in

the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified at Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1049.40.

§ 1049.43 General classification rules.

In determining the classification of producer milk pursuant to § 1049.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler.

(b) If any of the water contained in the milk from which a product is made, is removed before the product is utilized or disposed of by the handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with the milk solids.

§ 1049.44 Classification of producer milk.

After making the computations pursuant to § 1049.43, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1049.40(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfer to such plant, but not in excess of the pounds of skim milk remaining in Class II milk if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk, in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv) and (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from another order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs, (3) (v) and (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk;

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1049.45(a); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result

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in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1049.42(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1049.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification.

(a) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1049.44(a)(8) and the corresponding step of § 1049.44(b) the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(b) Report to the market administrator of the other order as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1049.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report;

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated to the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report; and

(d) On or before the 14th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

Class Prices

§ 1049.50 Class prices.

Subject to the provisions of §§ 1049.52 and 1049.55, the class prices for the month per hundredweight of milk containing 3.5-percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.47.

(b) *Class II price.* The Class II price shall be the basic formula price computed pursuant to § 1049.51, but not to exceed an amount computed as follows:

(1) Multiply by 4.2 the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph substract 48 cents, and round to the nearest cent.

§ 1049.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differenial (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1049.52 Plant location adjustments for handlers.

(a) For producer milk which is received at a pool plant located outside the area for which zero location adjustment is specified in subparagraph (1)(i) of this paragraph, which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1049.50(a) shall be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to subparagraph (1) or (2) of this paragraph, respectively. For the purpose of this section and § 1049.75, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator:

(1) At any plant located within:

	Rate of adjustment per hundredweight (cents)
(i) The State of Ohio or any Indiana county not specifically named in subdivision (ii) through (iv) of this subparagraph	0
(ii) Any of the Indiana counties of: Adams, Allen, Blackford, Cass, Carroll, De Kalb, Huntington, Jay, La Grange, Miami, Noble, Steuben, Wabash, Wells, White, Whitley	4
(iii) Any of the Indiana counties of: Benton, Elkhart, Fulton, Jasper, Kosciusko, Marshall, Newton, Pulaski, St. Joseph, and Berrien and Cass Counties, Mich.	8
(iv) Any of the Indiana counties of: Lake, La Porte, Porter, Starke	12

(2) For any plant at a location outside the territory specified in the preceding subparagraph (1) of this paragraph, the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest of the Monument Circle, Indianapolis, Ind., or the main post offices of Fort Wayne, South Bend, or Valparaiso, Ind., and shall be 1.5 cents for each 10 miles or fraction thereof from such point plus the amount of the location adjustment pursuant to subparagraph (1) of this paragraph applicable at the respective point.

(b) For the purpose of calculating adjustments pursuant to this section, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1049.53 Equivalent price.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor which is required.

§ 1049.54 Handler butterfat differentials.

For milk containing more or less than 3.5 percent butterfat, class prices for the month pursuant to § 1049.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price described in § 1049.51 for the preceding month by 0.120.

(b) *Class II price.* Multiply the Chicago butter price described in § 1049.51 for the month by 0.113.

§ 1049.55 Announcement of class prices and handler butterfat differentials.

On or before the fifth day of each month, the market administrator shall announce publicly:

(a) The Class I price for the following month;

(b) The Class I butterfat differential for the current month; and

(c) The Class II price and Class II butterfat differential, both for the preceding month.

Uniform Price

§ 1049.60 Handler's value of milk for computing uniform price.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1049.44(c), by the applicable class prices (adjusted pursuant to §§ 1049.52 and 1049.55);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1049.44(a)(10) and the corresponding step of § 1049.44(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1049.44(a)(5) and the corresponding step of § 1049.44(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1049.44(a)(3) and the corresponding step of § 1049.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1049.44(a)(3)(iv) and (v) and the corresponding step of § 1049.44(b) the Class I price shall be adjusted to the location of the transferor plant; and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1049.44(a)(7) and the corresponding step of § 1049.44(b).

§ 1049.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute a "uniform price" as follows:

(a) Combine into one total the values computed pursuant to § 1049.60 for all handlers who filed the reports prescribed by § 1049.30 for the month and who made the payments pursuant to § 1049.71(a) for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1049.75;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1049.74 and multiplying the result by the total hundredweight of such milk;

(d) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

(e) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1049.60(e);

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" per hundredweight of milk. For the months of January, February, March, and August, such result also shall be the uniform price per hundredweight of milk of 3.5 percent butterfat content that is received from producers;

(h) For the months of April through July and September through December, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section the amount obtained from multiplying the hundredweight of milk specified in paragraph (f)(2) of this section by the weighted average price;

(i) For the months of April through July, subtract the amount obtained from multiplying the hundredweight of producer milk specified in paragraph (f)(1) of this section by 20 cents. The amount so subtracted, and interest subsequently earned thereon (less any money not available for crediting under this paragraph because of insufficient payment by a handler to the producer-settlement fund) shall be credited to the producer-settlement fund and remain as an obligated amount until disbursed pursuant to paragraph (j) of this section;

(j) For the month of September add one-fourth of the total money that has been credited to the producer-settlement fund pursuant to paragraph (i) of this section as of the eighth day of the following month. Similarly, for the months of October and November, add one-third and one-half, respectively, of the remainder that has been so credited. For the month of December, add the remainder of the money credited to the producer-settlement fund pursuant to paragraph (i) of this section;

(k) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1049.62 Announcement of uniform price and producer butterfat differential.

The market administrator shall publicly announce on or before the 14th day of each month:

(a) The uniform price for the preceding month; and

(b) The producer butterfat differential for the preceding month.

Payments for Milk

§ 1049.70 Producer-settlement fund.

The market administrator shall maintain a separate fund, known as the "producer-settlement fund," which shall function as follows:

(a) All obligated amounts pursuant to § 1049.61(i) and all payments pursuant to §§ 1049.71, 1049.76, and 1049.78 shall be credited to this fund.

(b) Payments pursuant to §§ 1049.72 and 1049.78 shall be debited to this fund.

(c) Any amount due to a handler shall be offset against amounts due from such handler.

§ 1049.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in subparagraph (1) of this section exceed the amounts specified in subparagraph (2) of this section:

(1) The total of the net pool obligation computed pursuant to § 1049.60 for such handler; and

(2) The sum of—

(i) The value of such handler's producer milk at the applicable uniform prices specified in § 1049.73; and

(ii) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1049.60(e).

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(b) Each handler operating a plant specified in § 1049.7(c), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of route disposition of reconstituted skim milk in filled milk in the marketing area which was allocated to Class I at such other order plant. If route disposition of reconstituted skim milk in filled milk is made from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

§ 1049.72 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1049.71(a)(2) exceeds the amount computed pursuant to § 1049.71(a)(1). Should the unobligated balance of the fund be insufficient to make all payments pursuant to this section such payments shall be reduced uniformly and completed on or before the next date for making such payments following the date on which funds become available.

§ 1049.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) On or before the 18th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1049.74, 1049.75 and 1049.86, less any payment made pursuant to subparagraph (1) of this paragraph. If by such date the handler has not received full payment from the market administrator pursuant to § 1049.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator.

(b) Each handler shall make payment to the cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 16th day after the end of each month for milk received during such month.

(c) Each handler shall pay to each cooperative association, on or before the 10th day of the following month, for milk the handler receives during the month from a pool plant operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1049.74 Producer butterfat differential.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1049.44 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1049.75 Plant location adjustments to producers and on nonpool milk.

(a) The uniform price for producer milk received or which is deemed to have been received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1049.52; and

(b) For purposes of computations pursuant to §§ 1049.71(a) and 1049.72, the weighted average price shall be adjusted at the rates set forth in § 1049.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1049.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1049.30 and 1049.32(b) the information necessary to compute the amount specified in paragraph (b) of this section, he shall pay the amount computed pursuant to paragraph (a) of this section:

(a) An amount computed as follows:

(1) Determine the respective route dispositions of skim milk and butterfat made as Class I milk (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of route disposition of reconstituted skim milk in fluid milk products made in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus 5 cents or the Class II price, whichever is greater, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price;

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, an amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1049.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1049.60(e) and a credit in the amount specified in § 1049.71(a)(2)(ii) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1049.30 and 1049.32(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1049.7(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant,

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) included in the computations pursuant to subparagraph (1) of this paragraph and (ii) any payments made for such month to the producer-settlement fund of another order issued pursuant to the Act due to the plant being a partially regulated distributing plant under such other order.

§ 1049.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1049.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to § 1049.71(a), 1049.76, 1049.77(a), 1049.78, 1049.85, or 1049.86(a) shall be increased three-fourths of 1 percent on the sixth day following the date such obligation is due and on the same day of each succeeding month until such obligation is paid.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1049.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk, including such handler's own farm production;

(b) Other source milk at a pool plant allocated to Class I pursuant to §§ 1049.44(a)(3) and 1049.44(a)(7) and the corresponding steps of § 1049.44(b); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1049.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1049.73 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

ADVERTISING AND PROMOTION PROGRAM

§ 1049.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1049.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1049.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1049.113(b) with 3 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 10 percent of the participating member producers it represents. Cooperative associations with less than 3 percent of the total participating producers that have elected not to combine pursuant to § 1049.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for the first full 3 percent plus one additional Agency representative for each additional full 10 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1049.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1049.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 3 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1049.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 3 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

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(2) Following the closing date for nonminations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1049.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1049.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1049.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1049.110 and 1049.117.

§ 1049.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1049.110 and 1049.117;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1049.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1049.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1049.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1049.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1049.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1049.121 Duties of the market administrator.

Except as specified in § 1049.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1049.113(c);

(b) Set aside the amounts subtracted under § 1049.61(d) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1049.61(d).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1049.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1049.61(d) for such calendar quarter, less the amount of any refund otherwise made to be producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1049.110 through 1049.122).

(d) Audit the Agency's records of receipts and disbursements.

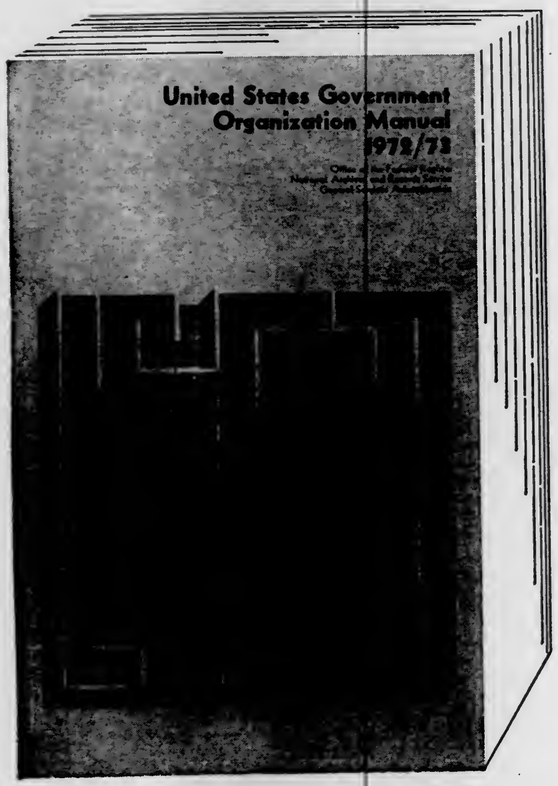
§ 1049.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1049.70.

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Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18471; FCC 73–40]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Type Approval of Antenna Monitors

Report and order. In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to maintenance and monitoring of the relative phases and currents in the elements of directional antennas and to provide for type approval of phase monitors used by standard broadcast stations, Docket No. 18471.

1. This proceeding contemplate amendment of Part 73 of the Commission's rules and regulations to:

(1) Require the installation and use of a type approved phase monitor by every standard broadcast station employing a directional antenna.

(2) Specify the maximum permissible deviation in the relative phases of the currents in a directional antenna as ±2° from the licensed values.

(3) Set forth the essential specifications for phase monitors eligible for type approval.

Rules also were proposed for the procedures applicable when a phase monitor becomes defective. Comment was requested on the question of "grandfathering" existing phase monitors in instances where they would not be used to provide phase indications at a remote control point.

2. After full consideration of all comments filed, we are adopting rules with respect to these matters, except for (2), above. For the reasons discussed herein, we are not specifying permissible phase deviations.

3. In the notice of proposed rule making in this matter, released February 28, 1969, filing deadlines for comments were specified as April 7, 1969, and for reply comments as April 17, 1969. The dates were extended by subsequent orders to July 9, 1969, and August 8, 1969, respectively. Thirty-eight separate comments were filed in this proceeding, representing the views of many station licensees, networks, individuals, engineering and trade associations, consulting engineers, and the designers and manufacturers of phase monitors. There was one reply comment. The roster of the parties is as follows:

Michael C. Rice.
George W. Harvey.
Frank S. Colligan (Colligan).
Ralph J. Bitzer (Bitzer).
Kear & Kennedy.
A. Earl Cullum and Associates (Cullum).
J. G. Rountree (Rountree).
H. W. Holt.
J. B. Hatfield (Hatfield).
Carl E. Smith Consulting Engineers (Smith).
Walter F. Kean (two separate filings, identical in substance in behalf of two different groups of station licensees) (Kean).
Association of Federal Communications Consulting Engineers (AFCCE).
National Association of Broadcasters (NAB).
Clear Channel Broadcasting Service (CCBS).
Association for Broadcasting Standards (ABS).
American Broadcasting Companies, Inc. (ABC).
National Broadcasting Co. (NBC).
Columbia Broadcasting System, Inc. (CBS).
Westinghouse Broadcasting Co. (Westinghouse).
Storer Broadcasting Co. (Storer).
United Broadcasting Company of New York, Inc. (UBC).
Rollins, Inc.
Newhouse Broadcasting Corp.
WRVA Radio, Inc. (WRVA).
Susquehanna Broadcasting Co.
McLendon Corp.
Rice Communications, Inc. (Rice).
Strator Broadcasting Co.
Steere Broadcasting Co.
Mesabi Western Corp. (Mesabi).
KNCY Radio Corp.
WEEU Broadcasting Corp. (WEEU)
Emerald Broadcasting Corp.
Mobil Videotapes, Inc.
James A. Noe (Noe).
John K. Birch (Birch).
Defense Electronics.
Potomac Instruments, Inc. (Potomac).

4. There was a virtual consensus among those commenting concerning two of the main proposals of the Commission, viz:

(1) That the proposed maximum permissible phase deviation of ±2° as an absolute limit is too restrictive in the great majority of cases.

(2) That the Commission should require type approved phase monitors in instances where licensees propose to observe and log phases at their remote control points. In other instances, stations should be permitted to retain their present monitors (be grandfathered).

5. There were also a number of helpful criticisms and suggested changes of the proposed rules governing the replacement of a defective monitor, and of the technical requirements which we had proposed for type approved monitors.

6. While, in the light of the preponderance of the comments, our proposal to limit phase deviations to ±2° might appear unrealistically restrictive, it had the effect, which a more moderate proposal might not have had, of provoking a productive discussion of many of the problems involved in maintaining a directional antenna in proper adjustment. It is regretted, however, that the proposal was not of such a nature as to elicit an equally thorough discussion of the problems presented by varying monitoring point values. Many of those commenting took the position that the definitive indicia of proper array adjustment are proper monitoring point values, and either stated or implied that any variation in indicated phase differences and current ratios should be permissible so long as the monitoring point field strengths remain within licensed limits.

7. While several of those commenting stated that a permissible deviation of ±2° might be acceptable as a basic tolerance, nearly all wanted any rule setting such a tolerance to provide for temporary deviations beyond this limit during unfavorable weather conditions. It was pointed out that any tolerance which is reasonable under normal conditions may be exceeded when there is heavy rain, snow or icing, or abrupt and substantial changes in temperature. To what extent such excessive deviations reflect actual changes in the parameters of the array, or the effects of precipitation or temperature changes on the sampling system usually cannot be ascertained. It appears that both are affected, the latter less drastically when it is properly designed and installed. Indicated tower current ratios, as well as relative phases are affected by such weather conditions. Kear and Kennedy and Defense Electronics suggest language for rules which would take into account these effects both as to phase relationships and current ratios. Subject to appropriate qualification to provide for greater deviations under unfavorable weather conditions (notations in the operating log would be made when such conditions occurred) there was considerable sentiment for a phase tolerance of ±3°, since a deviation of this amount in phase produces an effect roughly equivalent to a 5 percent deviation in current ratio, a limit already set forth in the rules.

8. Others suggested tolerances of ±4° and ±5°, or no tolerance at all. Kean stated that even a tolerance of ±5° would be insufficient to accommodate variations caused by annual or short term environmental changes. However, Susquehanna considered this tolerance sufficiently high to accommodate such changes.[1]

[1] Bitzer and Rountree argue that if the tolerance for phase deviations is made too small, operators will be impelled to make phasor adjustments to bring phase indications back within tolerance. They hold that most operators do not possess the technical competence to make these adjustments, and the result of such a practice can be a misadjustment of the directional antenna. On the other hand, some licensees claim that too tight a tolerance will prevent them from making changes in phase relationships when such changes appear necessary to keep monitoring point readings within their licensed limits.

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9. In some instances, parties who favored setting no limit at all, by rule, on phase deviations, suggest that limits be specified in the instrument of authorization for each station. They argue that in some directional antenna designs the effect on the pattern of a phase change of a stated amount is far greater than in others. Also, the requirements for the protection of other stations vary markedly from case to case. Thus, a phase deviation of a magnitude which results in objectionable interference to other stations in one instance may be of little significance in another. Accordingly, no single value for permissible deviation should be set for all stations—rather, permissible deviations should be specified for each station in its license in the light of its antenna characteristics and its protection obligations.

10. It was emphasized by many of those commenting that even under normal weather conditions, changes in phase monitor indications may reflect, not so much changes in the antenna parameters, as changes in the phase sampling system. The importance of the proper design, installation and maintenance of such systems was stressed. Several parties urged that if a rule requiring type approved phase monitors is to result in improved surveillance of directional antenna operation, it must be supplemented by rules establishing at least minimum standards for the installation of sampling systems. Alternatively, it was suggested that each licensee installing a type approved phase monitor be required to make a full disclosure of the details of the associated sampling system. There is a considerable area of agreement as to the basic requirements for such systems. Some parties, Cullum and Colligan, in particular, went into considerable detail as to the specific features of a satisfactory sampling system, Cullum emphasizing mainly the electrical characteristics, and Colligan the details of physical construction.

11. The proposition was advanced that indicated phase or current deviations beyond normal tolerance should not be considered as a definitive indication that a directional antenna is out of adjustment, but serve only as a warning of possible trouble, calling for an immediate investigation of the whole system, and a check of monitoring point field strengths. Thus, indicated deviations of these parameters beyond specified tolerances observed by a Commission engineer should not, standing alone, justify the serving of a citation for improper operation. It was suggested that stations experiencing excessive deviations should enter in their maintenance or operating logs the apparent cause of the deviations, if ascribed to temporary weather conditions, or, if not reasonably explicable on this basis, the measures that have been taken to ascertain that the array continues in proper adjustment.

12. There was general agreement that, as the Commission proposed, a phase monitor type approved for the provision of remote indications should be required if a station licensee undertakes to observe and log phase indications at a remote control point pursuant to rule amendments proposed in Docket 18455. In other cases, immediate installation of a type approved monitor should not be required. A number of those commenting favored "grandfathering" of existing monitors for unlimited periods of time. Others would establish firm deadlines, or cite circumstances under which the installation of type approved monitors would be required.

13. Opinions as to the period of grace to be allowed before type approved phase monitors be required for all stations ranged from 1 year (Smith) to 6 years (NAB). Many favored a period of about 5 years, with the proviso that, if a major change in the directional array is authorized within that period, it should be the occasion for the installation of a type approved phase monitor (NBC, CBS, Storer). CCBS noted that if a station has a history of difficulty in maintaining its directional pattern within licensed limits, the burden should be placed on the licensee for demonstrating that its phase monitor is adequate.

14. WEEU, McLendon and UBC request that in any rules adopted in this proceeding or in Docket 18455, it be made quite clear that type approved phase monitors will not be required at this time if phase monitor sample currents, but not phase indications, are observed at a remote control point.

They state that sample current indications are used by many stations at remote control points to provide the "indications • • • of • • • remote base current meters" which § 73.67(a)(5) of the rules states are to be read and entered in the operating log each half hour.[2]

[2] The occasion for this concern arises from a conflict between the clear intent of the rule, and the adoption of practices by broadcasters at odds with this intent, which, nevertheless, have been sanctioned on an informal basis by the Commission. The report and order in Docket 11677, which adopted the present rules concerning operation of stations with directional antennas by remote control clearly indicates that the language of the rule means exactly what it says—that indications of base currents must be read at the remote control point. McLendon's argument that sample currents provided at the transmitter for the phase monitor satisfy this requirement is not persuasive. Many of the parties commenting in this proceeding have emphasized the differences between the indications of array element field ratios derived from base current indications and from phase monitor samples—arguing that the latter more accurately reflect the actual field ratios than do the former. It is clear, however, that these parties contemplate the phase monitor samples will be obtained from loops mounted above ground on each element of the array. In some cases the phase monitor samples are not so derived—they are obtained by coupling to the transmission line at the base of the tower. Only in such cases (which are in the minority) could sample currents properly be considered as "indications of the base currents."

Despite the language of the rule, the Commission has permitted the output of phase monitor sampling lines, whether obtained by loop or base coupling, to be transmitted to remote control points to be read and logged in satisfaction of the requirement that indications of base current be read and logged. We do not contemplate that licensees presently following this practice will be required to acquire type approved phase monitors at this time. However, it appears obvious that any rule adopted should specifically provide for the reading of phase monitor sample currents at a remote control point in lieu of indications of base currents so that the existing anomalous situation may be corrected.

15. Section 73.69(b)(5) of the proposed rules would require, if a defective phase monitor is replaced by another monitor, "a skeleton proof of performance, consisting of measurements of three or four consecutive points on each radial used in the original application, shall be submitted to the Commission within 60 days of the date the replacement monitor is placed in service."

16. Mesabi, WRVA, NAB, AFCCE, and CBS comment on and generally take exception to the above requirement. A summary of their comments and suggestions follows:

Mesabi. If the new phase monitor shows different readings than the old, the new phase readings should be accepted as direct replacements for the corresponding values shown on the old. The license should be modified to reflect these new values without a further proof of performance.

WRVA. A skeleton proof should not be necessary if readings of new monitors are in agreement with the terms of the license. Monitoring point measurements should provide additional proof the directional antenna is functioning normally.

NAB. No skeleton proof should be required if satisfactory evidence is submitted that no material change has occurred in DA operation.

AFCCE. If the monitor becomes defective and is replaced by another type which gives changed indications, a skeleton proof should be required.

CBS. A skeleton proof should not be required in all cases of phase monitor replacement—it depends on the circumstances. If there is reason to suspect trouble in the antenna, a proof should be made. However, the simple replacement of one monitor by another should not occasion it.

17. A number of criticisms and suggestions were offered regarding the specifications for type approved monitors, viz: Proposed § 73.53(b)(5) reads "The required accuracy shall be met when the carrier is either modulated or unmodulated." Storer questions whether such a blanket requirement could be met by any phase monitor when the carrier is assymetrically modulated and peaks exceed 100 percent. It suggests that the phase monitor should be required to maintain its specified accuracy with sine wave modulations over a range of zero to 90 percent. Birch has a similar reservation, stating that any phase monitor will register an erroneous reading for the duration of peaks with negative modulation of 100 percent. He suggests that the accuracy figure should be maintained up to a level of negative modulation of about 95 percent. Potomac urges that the accuracy be specified under conditions of "sine wave modulation from zero to 95 percent at modulation frequencies from 50 Hz to 15 kHz; also with typical program material exhibiting negative modulation peaks up to 98 percent."

18. The proposed rules do not require that a type approved monitor include means for indicating the relative amplitudes of loop currents, specifying only a required accuracy if such facilities are included. Birch and Potomac Instruments take strong exception to any rules which do not make mandatory the provision of these facilities in the monitor. CBS also urges that loop current indicators be incorporated in the monitor.

19. For loop current indications, Colligan would include a requirement that they be linear to within 2 percent over a range from 5 percent of full scale to 95 percent of full scale.

20. CBS suggests that the performance of the monitor be stated in terms of its "resolution" rather than its accuracy. Birch and Potomac favor separate specifications for accuracy and "resolution" (both would specify the latter as 0.5 degrees). Resolution, as Potomac construes it, apparently is synonymous with "repeatability."

21. Birth and Potomac each suggest that proposed § 73.53(b)(1) be revised to specify that the phase differences be indicated between a reference RF input and other FR inputs, rather than "between any two RF input points," since the former is the indication directly made by phase monitors of modern manufacture.

22. Both suggest additional requirements, particularly applicable to the monitor when used for remote indication, which would insure that accurate remote point readings could be achieved without adjustment or calibration of the monitor, and that internal circuitry is included to permit the monitor to be switched among the various elements of the array from the remote control point.

23. Potomac urges that we further include the requirement that the specified accuracy of the monitor be maintained within temperature variations of ±15° F. about the temperature at which the monitor was calibrated, and with sampling line voltage changes 3 db above and 6 db below the nominal input voltage.

Discussion

24. In the light of the comments received, we will not now adopt a rule specifying a fixed permissible phase deviation for stations with directional arrays. We think that phase tolerances ultimately should be set by the Commission. Ideally, permissible deviations in relative phases and current amplitudes should be specified for each station in its instrument of authorization in the light of its antenna characteristics and its obligations for the protection of other stations. This, of course, is now done for stations having unusually rigid protection requirements. Practical and equitable considerations might militate against its accomplishment on an overall basis. A considerable burden would be placed on each station licensee in preparing the engineering study necessary to define the limits for his particular station. Moreover, a specific procedure for making such studies must be developed and presumably must be prescribed by the Commission if uniform and consistent determinations are to be made by all stations. At present, no generally accepted procedure exists.

25. Even if a case-by-case approach should not prove feasible, the establishment by rule of a fixed tolerance for phase variations for all stations with directional antennas, with suitable provision for excessive deviations because of weather and other adverse conditions, is desirable in insuring that antennas do not drift out of adjustment because of aging or defective components, or are not misadjusted by station operators. Such a requirement would be fully consistent with the longstanding Commission rule requiring the maintenance of current ratios within 5 percent of the values specified in the station license. If this approach were adopted, we think a tolerance of ±3° might be appropriate. Not only is the effect of a deviation of this amount approximately equivalent to a variation in current ratio of 5 percent, but it would appear, in the light of the comments, that under normal weather conditions reasonably stable directional antennas can operate within such a tolerance without frequent readjustments.

26. However, the successful application of a tolerance for phase deviations requires that such deviations be accurately detected. It is quite evident from the tenor of the comments that the phase monitoring systems of many stations are incapable of providing consistently accurate indications of phase or phase deviations. Almost unanimously, those commenting lay the blame for this situation on sampling systems which are inadequately designed and improperly installed. Where such systems are employed, indicated phase deviations may reflect variations in the sampling system with changes in temperature, moisture, wind velocity, etc., or deterioration of components of the system, rather than any real change in antenna phase relationships.

27. At least one comment suggests that faulty sampling systems are so numerous that, unless the situation is corrected, it is futile to require type approved monitors. Others have urged that the Commission establish at least minimum standards for the installation of sampling systems, or that each station installing a type approved monitor be required to make a showing that the sampling system to be employed therewith is adequate.

28. On the basis of the comments, we are convinced that the incidence of faulty and inadequate sampling systems is so general that any attempt by the Commission to fix and require compliance with a specific phase tolerance at this time will result, not in better maintenance of radiation patterns, but, in many cases, unnecessary and perhaps deleterious readjustments of array parameters.

29. There was a tendency on the part of some parties to minimize the importance of phase monitor readings in determining the performance of an array, and to look to the results of monitoring point measurements as the definitive indicia of proper array adjustment. Where a phase indicating system cannot be relied upon to provide accurate indications, monitoring point measurements become almost the sole basis for pattern maintenance. However, as many consulting engineers and station operators well know, monitoring point fields have their own peculiar vagaries, which must be recognized and accounted for.[3] The practice of making arbitrary changes in array operating parameters in attempts to maintain measured fields within prescribed limits often has resulted in situations where complete reproofs of arrays have become necessary.

30. We share the conviction of those parties who believe that an accurate and reliable system for determining phase relationships is an essential adjunct to proper directional antenna operation, and to the extent licensees do not now have such systems, steps should be taken to correct this situation.

31. We therefore believe that the adoption of rules for the type approval of phase monitors, and providing for the eventual installation of such monitors by all stations using directional antennas is an important step toward the improvement of the technical operation of these stations. However, it is apparent, in view of the comments received, that the problem of achieving better surveillance of antenna operations is not thereby completely solved—that little is gained by requiring the use of a monitor giving accurate and stable indications of the relationships of antenna signals delivered to its terminals, if these signals are subject to errors introduced by a faulty sampling system. Accordingly, in the near future we expect to institute a new rule making proceeding looking toward the adoption of rules which would set minimum standards for sampling systems. In the instant proceeding we have

[3] It should be noted that it is common practice to use phase monitor current indications in lieu of base current indications in determining element current ratios in an array. While this is often a matter of convenience, a number of those commenting held that loop current ratios are a more accurate indication of relative element fields than are base current ratios. In view of the apparent inadequacy of many sampling systems for presenting phase differences, a question is raised as to the accuracy with which such systems can provide information on current ratios. While this matter has not been discussed to any extent by those commenting, it would appear that the factors which adversely affect the accuracy of phase indications in general have considerably less effect on current ratio indications. However, Kear and Kennedy and Defense Electronics both suggest that the rule setting the tolerance for current ratios be modified to provide for deviations resulting from adverse weather conditions.

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received a number of suggestions concerning this question, and will rely on them extensively in formulating the proposed standards.

32. As previously indicated, several of the parties urge that type approved phase monitors not be required when loop current indications, but not phases, are read at the remote control point. This matter is disposed of in the report and order in Docket No. 18455, which we are issuing simultaneously with this document.

33. Since the inception of the instant proceeding, we have concluded rule making in Docket 18930, and have amended § 73.93 of our radio operator rules so as to permit, subject to specified conditions, the routine operation of standard broadcast stations with directional antennas by licensed operators other than first-class radiotelephone licensees. Among the conditions precedent to the use of lesser grade duty operators is a requirement that the station be equipped with a type approved antenna (phase) monitor. The effectiveness of this requirement was suspended, however, pending the conclusion of the instant proceeding. In the appended rules we have specified an effective date of June 1, 1974. An appropriate amendment of § 73.93 will be made in the immediate future.

34. As suggested by several of the parties, we are requiring the installation of type approved monitors by all new stations employing directional antennas, and by all stations using such antennas which are authorized to make major changes.

35. Of course, the particular circumstance which impelled us to undertake the type approval of phase monitors was the NAB proposal that we permit phases to be logged at remote control points (with a concomitant relaxation in the frequency of readings at the transmitter). While deeming the proposal as meritorious, we concluded that reasonable assurance remote phase indications would be satisfactorily provided must rest in the mandatory requirement that the licensee install a phase monitor which the Commission had determined was properly designed for remote indication and operation.

36. However, as a result of preliminary testing of available monitors by our Laboratory, and incident to the development of type approval specifications for these instruments, we have modified to some extent our position that a type approved monitor must immediately be employed in all cases by stations undertaking to provide phase indications at a remote control point.

37. As a matter of basic principle, we have determined that the specifications for type approval should be sufficiently rigid that they can be met only by instruments of the latest and most modern design. The specifications set forth in § 73.53, as appended, reflect this principle.

38. Nevertheless, there is at least one type of monitor, used in many stations, of fairly recent design and currently being manufactured, which, while it may not be expected to meet the above mentioned specification in all respects, would appear to be satisfactory for interim use in providing remote phase indications. We believe that when such a monitor is available, its employment for this purpose for a reasonable period of time should be permitted.

39. We do not believe that a desirable upgrading of station performance is to be achieved, or the public interest otherwise would be served by the indefinite "grandfathering" of monitors, which may be obsolete or inadequate, for those stations not falling into any of the categories above discussed.

40. In a note appended to § 73.69, paragraph (a) of which requires the use of type approved monitors, we have established a schedule for the effectuation of this requirement. Pursuant to this schedule, new stations and existing stations authorized to make major changes must install type approved monitors immediately; stations employing lesser grade operators must fulfill this requirement by June 1, 1974; remotely controlled stations undertaking to read and log phases at a remote control point must employ such monitors unless a monitor designed for remote RF switching, and to provide remote phase readings is available—in which case it may be used in lieu of a type approved monitor until June 1, 1975. All stations employing directional antennas will be required to have type approved monitors installed by June 1, 1977.

41. As summarized in paragraphs 17 and 18, exception is taken by several parties to the requirement of proposed § 73.69(b)(5) that the replacement of a defective monitor by another monitor shall be the occasion for a skeleton proof of performance. The purpose of such a requirement, of course, is to establish definitively the indications of the replacement monitor which will obtain when the array is in proper adjustment. A skeleton proof is probably the only procedure, short of a partial or complete proof of performance, which will insure, under all circumstances, that the indications of the replacement phase monitor may be relied upon. For instance, the station may have been without a monitor for a considerable period of time, or the defective monitor may have been giving erroneous indications, and adjustments may have been made of the array on the basis of such readings before the monitor was taken out of service. If the station licensee has had no occasion in the recent past to run a complete or partial proof, it is questionable whether satisfactory field strength indications at the few monitoring points specified in the license will, alone, provide adequate evidence that the radiation pattern remains substantially unchanged from its original configuration. Finally, in a situation where the Commission has heretofore set no standards for the performance of phase monitors, it is perhaps unlikely, even when the array is properly adjusted, that a new monitor will give indications in all cases closely approximating those specified in the license, which were based on indications of the previous monitor.

42. In that portion of its comments filed in companion Docket 18455 concerning the replacement of an existing monitor by a phase monitor type approved for the provision of remote phase indications, Storer urges that a specific procedure be adopted for making such a replacement. We agree that this is desirable. The rules for this purpose may appropriately be included in proposed § 73.69, which we are presently discussing. We, therefore, have deleted proposed paragraph (b)(5), which deals only with the replacement of a defective monitor and have added new paragraph (c), which covers the general case of the replacement of one phase monitor by another. We will require a proof of performance only when the station is unable to establish, by the specified base current observations and monitoring point measurements that the directional array is operating within the limits and tolerances required by its license and the rules. Under such circumstances we are requiring a partial rather than a skeleton proof, since the latter ordinarily would not provide information to demonstrate that the array had been brought into proper adjustment.

43. We believe that in adopting this procedure we avoid unnecessary hardship for the station operator, and at the same time, insure that the indications of the replacement monitor represent conditions of proper array adjustment.

44. The specifications which we are adopting for type approved monitors are set forth in a new § 73.53 of the rules, included, as are the other rule amendments adopted herein, below. These specifications were formulated after full consideration of the comments filed in this proceeding, and of the results of an examination by our Laboratory of representative monitors of modern design.

45. At this point, we would note that while our original Notice, the comments filed and our subsequent discussion of the matters involved have been concerned with the characteristics and use of a phase monitor, § 73.53 and the other amended rules designate this instrument as an antenna monitor. This broader term is more truly descriptive of its functions—such a monitor customarily includes facilities for determining the relative amplitudes, as well as the relative phases of RF signals applied to its input terminals. Moreover, in response to the comments urging that this be done, we are specifying the inclusion of the amplitude indicating capability as a condition for type approval. We had initially proposed this capability as an optional feature of the monitor, since other instruments normally employed in the broadcast station provide information on the relative amplitudes of tower currents. However, we are persuaded that the incorporation of this facility in the monitor makes for more convenient, and, in some cases, more accurate determinations of amplitude ratios, particularly if a station is operated by remote control, or where lesser grade operators are

placed in charge of the transmitting system, pursuant to recently amended § 73.93.

46. We have established specifications, both for the absolute accuracy of indication of the monitor, and for its repeatability. Accuracy figures are set for phase and amplitude indications over two ranges of relative amplitudes, as the accuracy of indication of antenna monitors characteristically lessens as the ratio of the amplitudes of the applied signals increases. The decrease in accuracy of phase indications under such conditions is quite small. The loss in accuracy of amplitude indication is more substantial, and stems both from inherent nonlinearities of the system, and the reduction in reading accuracy which inevitably increases as lower scale values of the amplitude indicating device are approached. As a practical matter, the decreased accuracy available under such circumstances is quite tolerable, since the phase and amplitude relationships indicated are with respect to a tower with relatively low antenna current, whose phase and amplitude variations have a less significant effect on the directional radiation pattern configuration then would corresponding changes in an element with higher current.

47. We realize that the ability of the monitor to indicate accurately the magnitude of changes occurring in antenna parameters in day-to-day operations is of more importance than an extremely high order of absolute accuracy, and, accordingly, we have included a separate specification for this characteristic of the monitor; we are designating it as the repeatability of indication of the monitor, rather than as its resolution, the term suggested in the comments. In adopting the former term, we conceive it to reflect, not only the limit of the ability of the monitor to provide perceptible indications of changes occurring in the relationships of signals applied to the monitor at any given time, but also its ability to provide the same indications (within the limits of reading accuracy) of any particular phase and amplitude relationship, when observed at different times. Since § 73.114(a)(1)(v) of the appended rules requires the antenna monitor be calibrated at weekly intervals, our tests for type approval will determine the repeatability of indication of antenna monitors submitted for type approval, as that attained during a 7-day period, without adjustment of the monitor after its initial calibration.

48. The specified values of accuracy and repeatability must be achieved over the range of ambient temperatures and line voltages specified in § 73.53, which are considered to include variations of a magnitude encountered under actual conditions of operation.

49. A separate specification has been established for the tolerable variation in phase indication when the applied signals are modulated. The test for this variation is conducted with a sinusoidal modulating signal. This signal, of course, is reproducible, and, we believe, yields a result not appreciably differing from that which would be produced by program modulation within the same amplitude range.

50. Since we have established stated requirements for accuracy and repeatability of indication, we believe it unnecessary, to specify separately a figure for the linearity of the indicating devices, as suggested in the comments.

51. In view of all of the above: *It is ordered*, Effective February 23, 1973, that Part 73 of the rules and regulations is amended as set forth below.

52. Authority for the adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

53. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 10, 1973.

Released: January 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

§ 1.1120 [Amended]

1. Amend § 1.1120 as indicated below:

Insert new entry in the table entitled Type Approval, as follows:

1. • • •
(a) • • •
(1) • • •
(2) • • •
(3) Broadcast antenna monitors 100 400.

Renumber present (3) as (4) and retain.

2. A new § 73.53 is added, to read as follows:

§ 73.53 Requirements for type approval of antenna monitors.

(a) General requirements:

(1) Any manufacturer desiring to submit a monitor for type approval shall submit an application to the Commission in accordance with the procedure set forth in § 2.561 of this chapter, and subject to the fee schedule in § 1.1120 of this chapter.

(2) Type approval of a monitor is granted subject to the limitations and requirements described in Part 2, Subparts F and I of this chapter.

(b) The Laboratory Division of the Commission will make all tests necessary to determine whether or not the specifications of paragraph (c) of this section have been met. During these tests, the monitor will be operated, to the extent possible, under service conditions. The manufacturer shall furnish to the Laboratory all instructions and services which will be supplied to a purchaser of the monitor.

(c) An antenna monitor eligible for type approval by the Commission shall meet the following specifications:

(1) The monitor shall be designed to operate on a frequency in the band 540 to 1600 kHz.

(2) The monitor shall be capable of indicating any phase difference between two RF voltages of the same frequency over a range of from 0 to 360°.

(3) The monitor shall be capable of indicating the relative amplitude of two RF voltages.

(4) The device used to indicate phase differences shall indicate in degrees, and shall be graduated in increments of 2°, or less. If a digital indicator is provided, the smallest increment shall be 0.5°, or less.

(5) The device used to indicate relative amplitudes shall be graduated in increments which are 1 percent, or less, of the full scale value. If a digital indicator is provided, the smallest increment shall be 0.1 percent, or less, of the full scale value.

(6) The monitor shall be equipped with means, if necessary, to resolve ambiguities in indication.

(7) If the monitor is provided with more than one RF input terminal in addition to a reference input terminal, appropriate switching shall be provided in the monitor so that the signal at each of these RF inputs may be selected separately for comparison with the reference input signal.

(8) Each RF input of the monitor shall provide a termination of such characteristics that, when connected to a sampling line of an impedance specified by the manufacturer, the voltage reflection coefficient shall be 3 percent or less.

(9) The monitor shall be designed so that the switching function required by paragraph (c)(7) of this section may be performed from a point external to the monitor, and phase and amplitude indications be provided by external meters. The indications of external meters furnished by the manufacturer shall meet the specifications for accuracy and repeatability of the monitor itself, and the connection of these meters to the monitor, or of other indicating instruments with electrical characteristics meeting the specifications of the monitor manufacturer shall not affect adversely the performance of the monitor in any respect.

(10) If the monitor is fitted with operational features not specifically required by this section, the features:

(i) Shall be arranged so as not to interfere with or be confused with the required functions of the monitor.

(ii) Shall meet the manufacturer's specifications for such operational features.

(11) The monitor shall be accompanied by complete and correct schematic diagrams and operating instructions. For the purpose of type approval, these diagrams and instructions shall be considered as part of the monitor.

(12) The general design, construction and operation of the monitor shall be in accordance with good engineering practice.

(13) When an RF signal of an amplitude within a range specified by the manufacturer is applied to the reference RF input terminal of the monitor, and another RF signal of the same frequency

[4] Commissioner Hooks absent.

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and of equal or lower amplitude is applied to any other selected RF input terminal, indications shall be provided meeting the following specifications.

(i) The accuracy with which any difference in the phases of the applied signals is indicated shall be ±1°, or better, for signal amplitude ratios of from 2:1 to 1:1, and ±2°, or better, for signal amplitude ratios in excess of 2:1 and up to 5:1.

(ii) The repeatability of indication of any difference in the phases of the applied signals shall be ±1°, or better.

(iii) The accuracy with which the relative amplitudes of the applied signals is indicated, over a range in which the ratio of these amplitudes is between 2:1 and 1:1, shall be ±2 percent of the amplitude ratio, or better, and for amplitude ratios in excess of 2:1 and up to 5:1, ±5 percent of the ratio, or better.

(iv) The repeatability of indication of the relative amplitudes of the applied signals, over a range where the ratio of these amplitudes is between 5:1 and 1:1, shall be ±2 percent of the amplitude ratio, or better.

(v) The modulation of the RF signals by a sinusoidal wave of any frequency between 100 and 10,000 Hz, at any amplitude up to 90 percent shall cause no deviation in an indicated phase difference from its value, as determined without modulation, greater than ±0.5°.

(14) The performance specifications set forth in paragraph (c)(13) of this section, shall be met when the monitor is operated and tested under the following conditions.

(i) After continuous operation for 1 hour, the monitor shall be calibrated and adjusted in accordance with the manufacturer's instructions.

(ii) The monitor shall be subjected to variations in ambient temperature between the limits of 10 and 40°C; external meters furnished by the manufacturer will be subjected to variations between 15 and 30°C.

(iii) Powerline supply voltage shall be varied over a range of from 10 percent below to 10 percent above the rated supply voltage.

(iv) The amplitude of the reference signal shall be varied over the operating range specified by the manufacturer, and in any case over a range of maximum to minimum values of 3 to 1.

(v) The amplitude of the comparison signal shall be varied from a value which is 0.2 of the amplitude of the reference signal to a value which is equal in amplitude to the reference signal.

(vi) Accuracy shall be determined for the most adverse combination of conditions set forth above.

(vii) Repeatability shall be determined as that which may be achieved under the specified test conditions over a period of 7 days, during which no calibration or adjustment of the instrument, subsequent to the initial calibration, shall be made.

(viii) The effects of modulation of the RF signal shall be separately determined, and shall not be included in establishing values for accuracy and repeatability.

3. A new § 73.69 is added, to read as follows:

§ 73.69 Antenna (phase) monitors.

(a) Each station utilizing a directional antenna shall have in operation at the transmitter an antenna monitor which is of a type approved by the Commission: *Provided, however,* That if the instrument of authorization of the station sets specific tolerances within which phase and amplitude relationships must be maintained, or requires the use of a monitor of specified repeatability or accuracy, the antenna monitor employed under such circumstances shall be authorized on an individual basis.

(b) In the event an antenna monitor becomes defective, the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority from the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed and restored to service.

(2) If the license specifies antenna monitor sample current ratios, during the period the antenna monitor is out of service, base currents or remote base currents shall be read and logged at least once each day.

(3) Field strength measurements at each monitoring point specified in the stations authorization shall be read and logged at least once every 7 days.

(4) If the station is operated by remote control and phase indications are read and logged at the remote control point, during the period the antenna monitor is out of service indicating instruments at the transmitter shall be read and logged at the times specified in § 73.114(a)(8)(ii) for remotely controlled stations which do not provide for the reading and logging of phases at the remote control point.

(c) If an authorized antenna monitor is replaced by another antenna monitor, the following procedure shall be followed:

(1) Temporary authority shall be requested and obtained from the Commission in Washington to operate with parameters at variance with licensed values, pending issuance of a modified license specifying new parameters.

(2) Immediately prior to the replacement of the antenna monitor, after a verification that all monitoring point values and base current ratios are within the limits or tolerances specified in the instrument of authorization or the pertinent rules, the following indications shall be read and recorded in the maintenance log for each radiation pattern: Final plate current and plate voltage, common point current, base currents, antenna monitor phase and current indications, and the field strength at each monitoring point.

(3) With the new monitor substituted for the old, all indications specified in paragraph (c)(2) of this section, again shall be read and recorded. If no change has occurred in the indication for any parameter other than the indications of the antenna monitor the new antenna monitor indications shall be deemed to be those reflecting correct array adjustments.

(4) If it cannot be established by the observations required in paragraph (c)(2) of this section, that base current ratios and monitoring point values are within the tolerances or limits prescribed by the rules and the instrument of authorization, or if the substitution of the new antenna monitor for the old results in changes in these parameters, a partial proof of performance shall be executed, consisting of at least 10 field strength measurements, on each of the radials established in the latest complete adjustment of the antenna system. These measurements shall be made at locations, all within 2 to 10 miles from the antenna, which were utilized in such adjustment, including, on each radial, the location, if any, designated as a monitoring point in the station authorization. Measurements shall be analyzed in the manner prescribed in § 73.186.

(5) An informal request for modification of license shall be submitted to the Commission in Washington, D.C., within 30 days of the date of monitor replacement. Such request shall specify the make, type, and serial number of the replacement monitor, phase and sample current indications, and other data obtained pursuant to this paragraph (c).

NOTE: § 73.69(a) shall become effective, as follows:

(1) Each new station and each existing station for which major changes (see § 1.571(a)(1)) are authorized after June 1, 1973, shall be equipped with a type approved antenna monitor.

(2) Each station electing to utilize licensed operators other than first class radiotelephone operators for routine transmitter duty (see § 73.93) shall meet this requirement by June 1, 1974.

(3) Each station operating by remote control, when adopting the schedule specified in § 73.114(a)(9)(iii) for observations at the transmitter, shall install a type-approved antenna monitor and provide phase indications at the remote control point, for observation and logging pursuant to § 73.113(a)(4)(ii): *Provided,* That, in lieu of a type-approved monitor, the station may, until June 1, 1975, employ any monitor, manufactured after January 1, 1965, which is designed to afford phase indications on a device located externally to the monitor, and which incorporates any necessary facilities whereby alternative RF inputs to the monitor may be selected by external switching.

(4) All other stations shall meet the requirements of this rule by June 1, 1977.

[FR Doc.73-1214 Filed 1-18-73;8:45 am]

[Docket No. 19539; FCC 73-42]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Grand Junction, Colo.

Report and order:

In the matter of amendment of § 73.606(b), *Table of assignments,* Television Broadcast Stations (Grand Junction, Colo.), Docket No. 19539, RM-1852.

1. The Commission has before it for consideration the proposal to assign Channel 8 to Grand Junction, Colo., upon which rule making was instituted in response to a petition of Woodland Broadcasting Co. (Woodland), licensee of Radio Station KBUC(AM), Montrose, Colo. (Notice of proposed rule making, adopted July 6, 1972, 37 FR 14001.) Both supporting comments and reply comments on the proposals were received from Woodland. Opposing comments were filed by XYZ Television, Inc. (XYZ), licensee of Station KREX-TV (Channel 5), Grand Junction, and also of Station KREY-TV (Channel 10), Montrose, and Station KREZ-TV (Channel 6), Durango, Colo., both satellites of Station KREX-TV.

2. Channel 5 and Channel *18, reserved for noncommercial educational use, are assigned to Grand Junction (1970 population, 20,170), the largest city and seat of Mesa County (1970 population 54,347), located in southwestern Colorado, approximately 190 miles southwest of Denver and southwest of Salt Lake City, Utah. Channel 5 is occupied by Station KREX-TV which was under other ownership from 1954 to 1966, and has been under XYZ's ownership since 1966,[1] Channel *18 has never been activated. Station KREX-TV and its two satellites, Station KREY-TV at Montrose (1970 population 6,596), about 55 miles southeast of Grand Junction, and Station KREZ-TV at Durango (1970 population, 10,333), about 90 miles south of Montrose, all under XYZ's ownership, are the only local television stations serving this western Colorado area.

3. Additional service is, however, received from television stations outside western Colorado via numerous translators and local cable TV systems at Grand Junction, Montrose, and Durango. The 1972-73 edition of "Television Factbook" indicates that the Grand Junction cable system, which has been in operation since 1966, carriers KREX-TV (Grand Junction) and all five of the Denver television stations (KWGN-TV, KOA-TV, KLZ-TV, KBTV and KRMA-TV). The Montrose cable system, which also began operation in 1966, carries KREY-TV (Montrose), KOAA-TV (Pueblo, Colo.), and all of the Denver stations. The Durango cable system, which began operation in 1954, carries KREZ-TV (Durango), the four Albuquerque, N. Mex., television stations (KOB-TV, KOAT-TV, KNME-TV, and KGGM-TV), and two of the Denver stations (KRMA-TV, KWGN-TV).

4. This Channel 8 proposal for Grand Junction merited consideration in rule making, we felt, since the Woodland petition demonstrated that Channel 8 is technically feasible for a Grand Junction assignment; evidenced interest and intent on the part of its controlling stockholders and others to apply for use of the channel, if assigned, to provide Grand Junction, Mesa County, and this western Colorado area with a second full-fledged local commercial television outlet and service; and it appeared that the proposed assignment could implement our television goals and policies and serve a significant public interest function and need in making it possible for this area to have a first comparable and competing local television outlet and diversified off-the-air local television service from another source. While XYZ opposed rule making on the proposal on the basis of claims that a second VHF station at Grand Junction would be economically infeasible and would seriously jeopardize present television service in the area, its showing was insufficient to warrant either conclusion or to evaluate the significance of these claims in terms of the public interest. For, as we pointed out in the notice, the Commission's Table of Assignments is not static and existing licensees are not entitled to a protection from additional assignments which might have a possible adverse effect on their private economic interests. We did, however, invite comments in particular in this regard.

5. In its comments, Woodland affirms that it or another company having the same majority stockholders (Four States Television, Inc., permittee of Station KIVA-TV, Farmington, N. Mex.), or some of the principals of these companies and others intend to apply for Channel 8 at Grand Junction, if assigned, and to utilize it, if authorized. Relying on its prior showing, Woodland urges that the assignment is clearly warranted on the basis of technical feasibility, need, and the significant public interest benefits flowing from the establishment of a second local television outlet and service in this area. This being the case, Woodland takes the position that the assignment should not be withheld because of economic considerations, such as those previously raised by XYZ, in the absence of a compelling showing that the public interest would be adversely affected thereby. It maintains that its position is consistent with established Commission policy and precedent; that in a number of cases we have made it clear that where a choice of free television service would be available for the first time, there is a strong presumption that the second television channel should be assigned to the community involved and that we should be slow to act in a manner which would thwart the development of competition, citing the 1969 "Glendive, Montana" VHF channel assignment case (19 F.C.C. 2d 733, 15 Pike & Fischer, R.R. 2d 1559) as an example. Among the other consistent cases, it states, is the 1970 "Oxnard, California," TV channel assignment case (35 FR 16173, 20 Pike & Fischer, R.R. 2d 1570), wherein we stated that "it is not the Commission's function to place artificial restraints upon competition unless the overall public interest will be adversely affected by such competition" and that "such arguments, even if of substantial merit, are better considered at the application stage, where they can be evaluated in light of the specific application proposal."

6. In its opposing comments, XYZ takes essentially the same position as previously taken in opposition to rule making on the proposed Grand Junction Channel 8 assignment, specifically claiming that the addition of a second VHF station at Grand Junction would be detrimental to the public interest since neither station would be able to obtain sufficient economic support to provide a viable service in the public interest In support of this position, XYZ contends that it is inconceivable that two television stations could provide viable services in a market as small as that served by Station KREX-TV at Grand Junction and its Montrose and Durango satellites considering the extent to which it is now blanketed with television signals being brought in by cable TV systems and translators. XYZ states that, according to American Research Bureau ranking (ARB), there are approximately 61,000 homes in the area served by Station KREX-TV and its Montrose and Durango satellites; that in excess of 35 percent of these homes are served by cable TV systems; and that, coupled with those served by translators, the penetration of outside service is approximately 70 percent. XYZ further contends that the proliferation of signals in the market has resulted in a continuous decline in the number of homes reached by Station KREX-TV since 1965 and submits an exhibit, prepared from ARB surveys, to show that for every daily time period the number of homes watching KREX-TV and its satellites had declined in May 1972 to approximately one-half of its March 1965 level. In an accompanying statement the president of XYZ states that the number of homes reached is now at a dangerously low level. Estimating that this level would be cut in half again by moving in another television station, he contends that this would not leave sufficient homes for either station to service.

7. In addition, XYZ argues that the Grand Junction area does not represent a growth area which will need additional service in the future, citing U.S. census reports to show that it is one which has barely maintained its level of population in the decade from 1960 to 1970. In that 10-year period, final U.S. census reports show that Grand Junction increased from 18,694 to 20,170 in population (a 7.9-percent increase) and that Mesa County increased from 50,715 to 54,374 in population (a 7.2-percent increase). In the neighboring counties of Montrose and Delta, there was only a slight population increase in one (Montrose increased from 18,286 to 18,366, a 0.4 percent increase) and a loss in population in the other (Delta decreased from 15,602 to 15,286, a 2-percent decrease) between 1960 and 1970. The city of Montrose, however, increased in population from

[1] An application for voluntary transfer of control of XYZ Television, Inc., to Rex G. Howell, who had a controlling interest in the prior licensee of Station KREX-TV (Western Slope Broadcasting Co., Inc.), which also had controlling interests in licensee corporations for Station KREY-TV at Montrose and Station KREZ-TV at Durango, was granted Aug. 11, 1972, File No. BTC-6683. Notice of consummation of the authorized transfer of control was filed in an ownership report, as of Oct. 13, 1972.

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5,044 to 6,496 (a 28.8-percent increase) during the 10-year period. The XYZ president maintains that without population growth to support an additional station, there is nothing left but fragmentation of the already small audience of the present station and that two commercial stations in as small a market as shown by these population figures do not have any hope of surviving.

8. In reply, Woodland contends that the XYZ showing is devoid of any facts to show that the proposed assignment would be contrary to the public interest and of even sufficient facts to show private economic injury to Station KREX-TV. It stresses that even assuming, for the sake of argument, that a showing of some private economic injury had been made, the Commission and the courts have consistently held that allegations of private economic injury, standing alone, without any showing of how the public interest would be adversely affected in terms of loss of service is an insufficient ground for keeping out a competitive service ("Carroll Broadcasting Co. v. F.C.C.," 258 F. 2d 440 (C.A.D.C., 1958)). Contending that XYZ's showing constitutes no showing whatsoever as to whether there would be a net loss of service resulting from the institution of a first competitive commercial television service in Grand Junction, and that XYZ has clearly failed to rebut the strong presumption applied by the Commission in favor of additional assignments, Woodland urges rejection of the XYZ position and adoption of the proposed amendment in light of its public interest benefits.

9. There is no question, we believe, that the public in the Grand Junction area would benefit greatly from having a second locally oriented commercial television broadcast service available to all in the area from a source other than XYZ, notwithstanding the translator and cable TV service available to many in the area. Providing an assignment to make this possible is also consistent with our television priorities and assignment policies. We are also satisfied that Channel 8 is technically feasible for such use at Grand Junction. In addition, based on the indicated interest and intent of Woodland, an experienced radio broadcaster in the area, and its principals and others, there appears every likelihood that a Channel 8 assignment at Grand Junction would be applied for and that, if a new station is authorized on the channel, it will be built and placed in operation. These considerations are sufficient, in our judgment, to warrant the assignment in the public interest without reaching a decision on the economic impact question raised by XYZ. It is our normal practice to make ultimate decisions in this regard when we have an application with a specific proposal for use of a channel assignment rather than in the context of a rule making proceeding for the assignment itself. We think that this is the better procedure since any possible adverse economic effect of a new station becomes a critical factor in weighing the public interest at such time as we are required to act upon an application for a new station rather than at the assignment stage, and it is exceedingly helpful to have a specific proposal before us which can, if necessary, be exposed to the give-and-take of an evidentiary hearing in making a determination as to whether the alleged economic impact of the proposed new station is likely to cause overall derogation of television service to the public.

10. This rule making proceeding, we feel, points up the difficulty, if not virtual impossibility, in most such proceedings of making a determination as to the alleged adverse economic effect of a new station on a proposed channel assignment without benefit of an application with a specific proposal for use of the proposed assignment to consider, as well as the need and desirability of adhering to our practice of considering any such applicant's proposal in reaching a reasoned judgment on such economic issues. XYZ's showing as to the size and population growth pattern of the Grand Junction area and the alleged impact of translator and cable TV operations upon its Channel 5 station and audience furnishes some reason, we feel, for questioning the ability of the relatively small Grand Junction market—the 189th ranking market, based on prime time viewing households, according to ARB market rankings, as of February/March, 1972—to support another station, but neither on the basis of its showing nor our experience can we conclude that it is impossible. More important, its showing is insufficient, in our view, to permit a determination as to whether the alleged adverse economic effect of another station in the Grand Junction area is likely to cause diminution or destruction of overall program service to the public. In the absence of such a showing, we would not deny an application for a new station on grounds of economic injury to an existing station since, as we have stated before, it is not our function to place artificial restraints upon competition unless the overall public interest would be adversely affected thereby. Nor, on the strength of XYZ's showing in this regard, do we think that it would serve the public interest to relegate the Grand Junction area to being essentially a market for one regular local station and one voice for lack of an assignment. The public interest is served, we believe, in view of the demand for the proposed assignment and its technical feasibility, by not closing the door to opportunity for the Grand Junction area to have a second comparable commercial television service from another source at this time. The economic impact question in terms of the public interest can be better evaluated, and in greater depth, in passing upon any applicant's proposal for use of the new assignment.

11. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That the television Table of Assignments, § 73.606(b) of the rules, is amended, effective February 23, 1973, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Grand Junction, Colo	5-, 8-, *18

12. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 10, 1973.

Released: January 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[a]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1215 Filed 1-18-73;8:45 am]

[Docket No. 18180]

PART 78—CABLE TELEVISION RELAY SERVICE

Protection of Table Mountain, Colo., From Radio Interference; Correction

In the matter of amendments to Parts 21, 23, 25, 73, 74, 78, 87, 89, 91, and 93 of the Commission's rules relative to the protection of Table Mountain, Boulder, Colo., from radio interference, Docket No. 18180.

The Appendix to FCC Report and Order, FCC 72-1100, in the above matter, released December 11, 1972, and published in the FEDERAL REGISTER of December 15, 1972, 37 FR 26732, adds a new paragraph (c) to § 78.21. In a previous Order, FCC 72-690, released August 1, 1972, published in the FEDERAL REGISTER of August 8, 1972, 37 FR 15925, former § 78.21 was deleted and its provisions were redesignated as paragraphs (c) and (d) of § 78.19. Accordingly, the Appendix of FCC 72-1100 is corrected by specifying the new text as § 78.19(e) in lieu of § 78.21(c).

Released: January 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1213 Filed 1-18-73;8:45 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 90]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Indian River grapefruit that may be shipped to fresh market during

[a] Commissioner Hooks absent.

the weekly regulation period January 22 through 28, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 912. The quantity of grapefruit produced in the Indian River District in Florida so fixed was arrived at after consideration of the total available supply of Indian River grapefruit, the quantity currently available for market, the fresh market demand for Indian River grapefruit, Indian River grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 912.390 Grapefruit Regulation 90.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Indian River Grapefruit Committee established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of Indian River grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Indian River grapefruit industry.

(i) The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Indian River grapefruit is slow due to lack of consumer demand. Prices, f.o.b. per four-fifths bushel carton, for the week ended January 14, 1973, averaged $2.60 for white seedless and $3 for pink seedless. Shipments for the week ended January 14, 1973, and for the previous week were 440 carlots and 451 carlots, respectively. On January 14, 1973, there were 10,804 carloads of Indian River grapefruit remaining for interstate shipments, while 4,696 carlots have been shipped to date.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 16, 1973.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period January 22, through January 28, 1973, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 16, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1259 Filed 1-18-73;8:45 am]

[Avocado Order 5, Amd. 12]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

This amendment to Avocado Order 5 revises the container regulation, currently in effect, to permit the bulk packing of avocados weighing 14 ounces or less in the ½-bushel container. The current container regulation provides that avocados weighing 8 ounces or more packed in such container shall be place packed in two layers only, and this packing method has resulted in a continuing increase in packaging labor costs. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 915.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados in that it permits shipments of bulk packed avocados in the ½-bushel container in lieu of the current requirement that avocados weighing 8 ounces or more packed in such container shall be place packed in two layers only.

The need for the amendment to Avocado Order 5 stems from the continuing increase in packinghouse labor costs, because the current container regulation requires that avocados of specified weights packed in containers with inside dimensions of 13½ x 16½ and depth varying from 6½ to 8 inches shall be placed in two layers only. It is becoming increasingly more difficult to hire seasonal packinghouse employees and wage costs are also increasing. Therefore, the Avocado Administrative Committee, on January 10, 1973, unanimously recommended the amendment of the aforesaid regulation, as hereinafter set forth, so as to permit the bulk packing of avocados weighing 14 ounces or less in such containers.

The provisions of pragraph (a)(1)(x) of § 915.305 (Avocado Order 5; 7 CFR 915.305; 37 FR 11314; 16930; 26729) are amended to read as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) • • •

(x) With respect to the containers prescribed in paragraph (a)(1)(vi) of this section, all avocados in such containers shall be placed in two layers only and the net weight of the avocados in any such container shall be not less than 27 pounds, except that the net weight of

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Booth 1, Fuchs, Trapp, and unnamed varieties packed in any such container shall be not less than 26 pounds: *Provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable net weight requirement: *Provided further*, That the requirement as to placing avocados in two layers only shall not apply to such container if each of the avocados therein weighs 14 ounces or less.

* * * * *

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 16, 1973, to become effective January 21, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–1258 Filed 1–18–73;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73–503]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

This amendment excludes a portion of Cumberland County in Pennsylvania from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (11) relating to the State of Pennsylvania, subdivision (ii) relating to Cumberland County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective January 16, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–1260 Filed 1–18–73;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72–EA–109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On page 24765 of the FEDERAL REGISTER for November 21, 1972, the Federal Aviation Administration published a proposed rule which would alter the State College, Pa., transition area (38 FR 435).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 29, 1972.

GEORGE M. GARY,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the State College, Pa., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 40°51'05'' N., 77°51'00'' W., of University Park Airport, State College, Pa., extending clockwise from a 020° bearing to a 130° bearing from the airport; within a 13.5-mile radius of the center of University Park Airport, extending clockwise from a 130° bearing to a 165° bearing from the airport; within a 5-mile radius of the center of University Park Airport, extending clockwise from a 165° bearing to a 210° bearing from the airport; within a 7-mile radius of the center of University Park Airport, extending clockwise from a 210° bearing to a 280° bearing from the airport; within a 13.5-mile radius of the center of University Park Airport, extending clockwise from a 280° bearing to a 020° bearing from the airport; within a 5-mile radius of the center, 40°46'15'' N., 77°52'45'' W., of State College Air Depot Airport, State College, Pa., extending clockwise from a 010° bearing to a 045° bearing from the airport; within a 12-mile radius of the center of State College Air Depot Airport, extending clockwise from a 045° bearing to a 080° bearing from the airport; within a 13.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 080° bearing to a 230° bearing from the airport; within a 6.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 230° bearing to a 260° bearing from the airport; and within a 14.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 260° bearing to 010° bearing from the airport, excluding the portion that coincides with the Philipsburg, Pa., and Reedsville, Pa., transition areas.

[FR Doc.73–1177 Filed 1–18–73;8:45 am]

[Airspace Docket No. 72–NE–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 26343 of the FEDERAL REGISTER dated December 9, 1972, the Federal Aviation Administration published a notice of proposed rule making which would alter the North Conway, N.H., transition areas (38 FR 435).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 10, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the North Conway, N.H., 700-foot and 1,200-foot transition areas and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, latitude 44°01'30'' N., longitude 71°06'45'' W., of White Mountain Airport, North Conway, N.H.; within 4.5 miles northeast and 6.5 miles southwest of the 128° bearing and the 308° bearing from the North Conway NDB, latitude 44°01'26'' N., longitude 71°06'59'' W., extending from 6 miles northwest of the NDB to 12 miles southeast of the NDB; and within 4.5 miles northeast and 9.5 miles southwest of the 128° bearing from the North Conway NDB extending 18.5 miles southeast of the NDB.

That airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of a 128° bearing from the North Conway, N.H., NDB extending from the NDB to 12 miles southeast of the NDB; within 5 miles each side of a direct line extending from the Dalton, N.H., NDB, latitude 44°21'44'' N., longitude 71°41'08'' W., to the North Conway, N.H., NDB; within 5 miles each side of a direct line extending from the Montpelier, Vt., VOR to the North Conway, N.H., NDB; within 5 miles each side of a direct line extending from the Lebanon, N.H., VOR to the North Conway, N.H., NDB and within 5 miles each side of a line bearing 115° from the North Conway, N.H., NDB extending from the NDB to the northwest boundary of the Portland, Maine, 1,200-foot transition area, excluding those portions that coincide with the Berlin, N.H., Lebanon, N.H., and Burlington, Vt., 1,200-foot transition areas. This transition area is effective from sunrise to sunset daily.

[FR Doc.73–1179 Filed 1–18–73;8:45 am]

[Airspace Docket No. 72–NE–20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 26341 of the FEDERAL REGISTER dated December 9, 1972, the Federal Aviation Administration published a notice of proposed rule making which would alter the Claremont, N.H., transition area (38 FR 435).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 10, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Claremont, N.H., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Claremont Municipal Airport (43°22'-15'' N., 72°22'00'' W.); within 6.5 miles south and 4.5 miles north of the Claremont NDB (43°21'50'' N., 72°17'57'' W.), 097° and 277° bearings from the NDB, extending from 12 miles east to 6 miles west of the NDB, excluding that portion within the Lebanon, N.H., and Springfield, Vt., transition areas.

[FR Doc.73–1180 Filed 1–18–73;8:45 am]

[Airspace Docket No. 72–RM–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On December 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25531) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish the USAF Academy Airstrip control zone, Colorado Springs, Colo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on January 8, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (38 FR 351) the following control zone is added:

COLORADO SPRINGS, COLO.

Within a 3-mile radius of USAF Academy Airstrip (latitude 38°58'15'' N., longitude 104°49'00'' W.). This control zone is effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.73–1178 Filed 1–18–73;8:45 am]

[Airspace Docket No. 73–SW–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Worth, Tex. (Carswell AFB), control zone.

The present Fort Worth, Tex. (Carswell AFB), control zone description, in part, includes specific reference to the Benbrook, Tex., VOR. Since the VOR has been decommissioned, it is necessary to amend the control zone description, appropriately deleting all reference to the VOR.

As this amendment imposes no additional burden on any person, notice and public procedures herein are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Fort Worth, Tex. (Carswell AFB), control zone is amended by deleting "within 2 miles each side of the Benbrook VOR 360° radial extending from the 5-mile radius zone to the VOR;" and substituting therefor "within 2 miles each side of the Carswell ILS localizer S course extending from the 5-mile radius zone to 9 miles south of the airport;".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 10, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73–1176 Filed 1–18–73;8:45 am]

[Airspace Docket No. 72–WA–56]

PART 73—SPECIAL USE AIRSPACE

Extension of Temporary Restricted Areas

On November 21, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 24768) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the time of designation of temporary Restricted Areas R–5116A and B from April 1, 1973, through June 30, 1973.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No user objections were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

In § 73.51 (38 FR 658) the White Sands Proving Grounds, N. Mex., Restricted Areas R–5116A and R–5116B are amended as follows:

In the time of designation, "March 31, 1973," is deleted and "June 30, 1973," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 12, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–1175 Filed 1–18–73;8:45 am]

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[Airspace Docket No. 72-WA-68]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change to Area High Route Waypoint

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to change the name of the Sanderson, W. Va., Waypoint to Rensford, W. Va., in area high route J843R. This action will avoid possible confusion caused by similar sounding names.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

Section 75.400 (38 FR 700 is amended as follows: In J843R "Sanderson, WV. 38°24'04" N. 81°23'29" W. Beckley, WV." is deleted and "Rensford, W. Va. 38°24'04" N. 81°23'29" W. Beckley, W. Va." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 12, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1174 Filed 1-18-73;8:45 am]

[Docket No. 12495, Amdt. 847]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order, payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective March 1, 1973.

Alexandria, La.—Alexandria-Pineville, VOR-1, Original, Canceled.
Baton Rouge, La.—Ryan Airport, VORTAC Runway 22, Amdt. 2.
Crescent City, Calif.—Jack McNamara Field, VOR Runway 11, Amdt. 4.
Crescent City, Calif.—Jack McNamara Field, VOR/DME Runway 11, Amdt. 6.
Crescent City, Calif.—Jack McNamara Field, VOR/DME Runway 35, Amdt. 6.
Dodge City, Kans.—Dodge City Municipal Airport, VOR/DME Runway 32, Original.
Fayetteville, Tenn.—Fayetteville Municipal Airport, VOR/DME Runway 1, Original.
Hammond, La.—Hammond Municipal Airport, VORTAC-A, Original.
Hutchinson, Kans.—Hutchinson Municipal Airport, VOR/DME Runway 21, Original.
LaGrange, Ga.—Callaway Airport, VOR Runway 13, Amdt. 9.
Long Beach, Calif.—Long Beach (Daugherty Field), VORTAC Runway 30, Original.
Long Beach, Calif.—Long Beach (Daugherty Field), VOR Runway 30, Amdt. 1, Canceled.
Moberly, Mo.—Omar N. Bradley Airport, VOR/DME Airport 17, Amdt. 1.
Monmouth, Ill.—Monmouth Municipal Airport, VOR-A, Original.
Olathe, Kans.—Johnson County Airport, VOR Runway 17, Original.
Peoria, Ill.—Greater Peoria Airport, VORTAC Runway 13, Original.
Rhinelander, Wis. — Rhinelander - Oneida County Airport, VOR Runway 5, Amdt. 4.
Rhinelander, Wis. — Rhinelander - Oneida County Airport, VOR/DME Runway 23, Amdt. 2.
Rhinelander, Wis. — Rhinelander - Oneida County Airport, VOR Runway 15, Amdt. 7.
San Francisco, Calif.—San Francisco International Airport, VOR Runway 19L, Amdt. 1.
Shreveport, La.—Shreveport Downtown Airport, VOR Runway 14, Amdt. 9.
Tomahawk, Wis.—Drott Airport, VOR-A, Amdt. 5.
Vincentown, N.J.—Red Lion Airport, VOR-A, Amdt. 1.

• • • effective February 22, 1973:

Boston, Mass.—Gen. Edward Lawrence Logan International Airport, VOR/DME Runway 15R, Amdt. 10.
Boston, Mass.—Gen. Edward Lawrence Logan International Airport, VOR Runway 22L, Amdt. 11, Canceled.
Boston, Mass.—Gen. Edward Lawrence Logan International Airport, VOR/DME Runway 22L, Original.
Boston, Mass.—Gen. Edward Lawrence Logan International Airport, VOR Runway 27, Amdt. 11.
Boston, Mass.—Gen. Edward Lawrence Logan International Airport, VOR Runway 33L, Amdt. 12.

• • • effective February 1, 1973:

Austin, Tex.—Robert Mueller Municipal Airport, VOR/DME Runway 30L, Amdt. 1, Canceled.

• • • effective January 9, 1973:

Vineland, N.J.—Rudys Airport, VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective March 1, 1973:

Battle Creek, Mich.—W. K. Kellogg Regional Airport, LOC (BC) Runway 4, Amdt. 7.
Colorado Springs, Colo.—Peterson Field, LOC (BC) Runway 17, Amdt. 10.
Jefferson City, Mo.—Jefferson City Memorial Airport, SDF Runway 30, Amdt. 1.
Longview, Tex.—Gregg County Airport, LOC/DME (BC) Runway 31, Original.
Rockford, Ill.—Greater Rockford Airport, LOC (BC) Runway 18, Amdt. 6.

• • • effective February 22, 1973:

Boston, Mass.—Gen. Edward Lawrence Logan International Airport, LOC (BC) Runway 22L, Amdt. 5.

• • • effective February 1, 1973:

Fort Wayne, Ind.—Municipal (Baer Field), LOC Runway 4, Amdt. 2, Canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective March 1, 1973:

Battle Creek, Mich.—W. K. Kellogg Regional Airport, NDB Runway 22, Amdt. 7.
Cleveland, Ohio—Cuyahoga County Airport, NDB Runway 23, Amdt. 5.
Fayetteville, Tenn.—Fayetteville Municipal Airport, NDB Runway 1, Amdt. 1.
Parsons, Kans.—Tri City Airport, NDB Runway 35, Original.
Poplar Bluff, Mo.—Earl Fields Memorial Airport, NDB Runway 36, Amdt. 2.
Saipan Island, Mariana Island—Kobler Airport, NDB-A, Amdt. 1.
San Francisco, Calif.—San Francisco International Airport, NDB Runway 19L, Amdt. 4.

• • • effective February 22, 1973:

Boston, Mass.—Gen. Edward Lawrence Logan International Airport, NDB Runway 4R, Amdt. 18.
Boston, Mass.—Gen. Edward Lawrence Logan International Airport, NDB Runway 22L, Amdt. 4.
Boston, Mass.—Gen. Edward Lawrence Logan International Airport, NDB Runway 33L, Amdt. 7.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective March 1, 1973.

Battle Creek, Mich.—W. K. Kellogg Regional Airport, ILS Runway 22, Amdt. 8.

Pellston, Mich.—Emmet County Airport, ILS Runway 32, Original.

• • • effective February 22, 1973.

Boston, Mass.—Gen. Edward Lawrence Logan International Airport, ILS Runway 4R, Amdt. 21.
Boston, Mass.—Gen. Edward Lawrence Logan International Airport, ILS Runway 33L, Amdt. 9.

• • • effective February 1, 1973.

Boston, Mass.—Gen. Edward Lawrence Logan International Airport, ILS (BC) Runway 15R, Amdt. 2, Canceled.
Boston, Mass.—Gen. Edward Lawrence Logan International Airport, ILS Runway 15R, Original.
Fort Wayne, Ind.—Municipal (Baer Field), ILS Runway 4, Original.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective February 22, 1973:

Boston, Mass.—Gen. Edward Lawrence Logan International Airport, Radar-2, Amdt. 1.

• • • effective January 10, 1973.

Augusta, Ga.—Bush Field, Radar-1, Amdt. 1, Canceled.
Augusta, Ga.—Daniel Field, Radar-1, Original, Canceled.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective March 1, 1973:

Cleveland, Ohio—Cuyahoga County Airport, RNAV Runway 23, Amdt. 1.
Springfield, Mo.—Springfield Municipal Airport, RNAV Runway 13, Original.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552 (a)(1))

Issued in Washington, D.C., on January 11, 1973.

C. R. MELUGIN, Jr.,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-1107 Filed 1-18-73;8:45 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 615—EXTENDED UNEMPLOYMENT COMPENSATION

Clarification

At 37 FR 9780 (FR Doc. 72-7516, May 17, 1972) a row of five (5) asterisks was inadvertently omitted following § 615.14(b)(1). These asterisks should have been included to indicate that subparagraphs (2) and (3) of § 615.14(b) were not deleted.

At 37 FR 9780 (FR Doc. 72-7516, May 17, 1972) a row of five (5) asterisks was inadvertently omitted following § 615.14(c)(2). These asterisks should have been included to indicate that subparagraph (3) of § 615.14(c) was not deleted.

Signed at Washington, D.C., this 15th day of January 1973.

M. R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.73-1289 Filed 1-18-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

AUTHORITY TO TERMINATE EXEMPTIONS FOR NEW DRUGS FOR INVESTIGATIONAL USE

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended to provide for redelegations of authority regarding the termination of exemptions for new drugs for investigational use in human beings and in animals.

Accordingly, § 2.121 is amended by adding a new paragraph (u), as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

• • • • • •

(u) *Delegations regarding termination of exemptions for new drugs for investigational use in human beings or in animals.* (1) The Director and Deputy Director of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new drugs for investigational use in human beings under § 130.3 and in animals under § 130.3a of this chapter, except those which pertain to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262). The Director and Deputy Director of the Office of Scientific Evaluation of the Bureau of Drugs, and the Directors of Divisions of the Office, are authorized to notify sponsors and invite correction prior to termination action on such exemptions.

(2) The Director and Deputy Director of the Bureau of Biologics are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of those exceptions for new drugs for investigational use in human beings under § 130.3 and in animals under § 130.3a of this chapter pertaining to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262).

(3) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new animal drugs for investigational use in animals under § 135.3 of this chapter.

Effective date. This order shall be effective January 19, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: January 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1157 Filed 1-18-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Cottage Cheese; Definitions and Standards of Identity; Correction

In FR Doc. 73-481 appearing at page 1176 in the FEDERAL REGISTER of Wednesday, January 10, 1973, § 19.530(c)(2) is corrected to read as follows:

§ 19.530 Cottage Cheese; identity; label statement of optional ingredients.

• • • • • •

(c) • • •

(2) The statement "not less than ____ percent milkfat" or "____ percent milkfat minimum", the blank being filled in with the whole number that is closest to, but does not exceed, the actual fat content of the product. This statement of fat content shall appear in letters not less than one-half of the height of the letters in the phrase specified in subparagraph (1) of this paragraph, but in no case less than one-eighth of an inch in height.

• • • • • •

Dated: January 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1158 Filed 1-18-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

STYRENE BLOCK POLYMERS WITH 1,3-BUTADIENE

The Commissioner of Food and Drugs having evaluated the data in a petition (FAP 1B2591) filed by Shell Chemical Co., a division of Shell Oil Co., 2525 Murworth Drive, Houston, TX 77025, and

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other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of styrene block polymers with 1,3-butadiene as articles or as components of articles intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2622 Styrene block polymers with 1,3-butadiene.

Styrene block polymers with 1,3-butadiene identified in paragraph (a) of this section may be safely used as articles or as components of articles intended for use in contact with food, subject to the provisions of this section.

(a) For the purposes of this section, styrene block polymers with 1,3-butadiene are those produced by the catalytic solution polymerization of styrene and 1,3-butadiene such that the following specifications are met:

(1) The finished polymers have a minimum molecular weight of 29,000;

(2) The finished polymers are completely soluble in toluene; and

(3) The finished polymers have glass transition points at −86° C. to −80° C. and at 92° C. to 98° C., as determined by ASTM Method D 2236-70,[1] modified by using a forced resonant vibration instead of a fixed vibration and by using frequencies of 25 to 40 cycles per second instead of 0.1 to 10 cycles per second.

(b) Styrene block polymers with 1,3-butadiene may be used as articles or as component of articles that contact food of types I, II, IV-B, VI, VII-B, and VIII identified in Table 1 in § 121.2526(c) under conditions of use D, E, F, and G described in Table 2 in § 121.2526(c).

(c) A 0.075-inch-thick sample of the finished copolymer when extracted in sandwich form shall meet the following extractives limitations as determined by methods described in § 121.2526(d)(3):

(1) The copolymer when extracted with distilled water at reflux temperature for 30 minutes yields total extractives not to exceed 0.025 milligrams per square inch of surface.

(2) The copolymer when extracted with 50 percent ethanol in distilled water at 150° F. for 2 hours yields total extractives not to exceed 0.005 milligrams per square inch of surface.

(d) The provisions of this section are not applicable to butadiene-styrene copolymers listed in other sections of this Subpart F.

Any person who will be adversely affected by the foregoing order may at any time on or before February 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on January 19, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 10, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register January 15, 1973.

[FR Doc.73-1159 Filed 1-18-73;8:45 am]

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FOOD, DRUG, AND COSMETIC ACT

PART 278—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Transfer of Regulations

The Bureau of Radiological Health, Environmental Health Service, was assigned to the Food and Drug Administration on May 25, 1971 (36 FR 12803). The formal statement of organization, functions, and delegation of authority for the Bureau of Radiological Health, appearing in the FEDERAL REGISTER of October 3, 1972 (37 FR 20738), establishes the operational framework for the Bureau of Radiological Health, Food and Drug Administration, and the justification for transferring the regulations pertaining to radiological health under Part 78 of Title 42 of the Code of Federal Regulations to the newly established Part 278 of Title 21 of the Code of Federal Regulations to reflect the organizational changes.

Therefore, Part 278 is hereby added to Chapter I of Title 21 of the Code of Federal Regulations to provide for carrying out the functions and responsibilities of the Bureau of Radiological Health, Food and Drug Administration, regarding radiological health. These regulations, formerly appearing as Part 78 of Title 42 of the Code of Federal Regulations, are hereby transferred without change.

Effective date. This transfer of regulations becomes effective on January 19, 1973. Product labeling referring to 42 CFR Part 78 shall be revised to refer to 21 CFR Part 278, for all newly manufactured products subject to these regulations, as soon as possible, but in no event later than December 31, 1973.

Dated: January 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1161 Filed 1-18-73;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[Docket No. R-73-184]

PART 275—LOW-RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Wednesday, May 17, 1972 (37 FR 9902), prototype per unit cost schedules were published pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data received from the Atlanta Regional Office indicates that prototype per unit cost schedules should be established for Intermediate Care Facilities for Memphis, Tenn.

Inasmuch as the new prototype cost schedule cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to those cost limits in accordance with the Department's adopted publications policy (24 CFR Part 10), and good cause exists for making them effective on January 19, 1973.

For the foregoing reasons the following change is hereby made to the schedule as originally published in Volume 37 of the FEDERAL REGISTER:

1. On page 9930 add the Intermediate Care Facilities prototype per unit cost shown on the table set forth hereinafter, entitled "Prototype Per Unit Cost Schedule." (Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d).)

Effective date. This amendment is effective on January 19, 1973.

JOHN L. GANLEY,
Deputy Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION IV—UNIT TYPE

Memphis, Tenn.	Private	Semi-private	3-bed ward	4-bed ward
Intermediate care facilities	12,100	14,350	18,500	24,300

[FR Doc.73-1154 Filed 1-18-73;8:45 am]

[1] Copies may be obtained from American Society for Testing and Materials, 19196 Race Street, Philadelphia, PA 19103.

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1705—RULES GOVERNING PUBLIC ACCESS TO RECORDS OF THE OFFICE OF EMERGENCY PREPAREDNESS

The Office of Emergency Preparedness has reviewed its regulations implementing the Public Information Section of the Freedom of Information Act (5 U.S.C. 552) with a view toward simplifying procedural requirements and facilitating public access to the records of that office. In addition, it is believed that certain recommendations made by the Administrative Conference of the United States and the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations of the House of Representatives are appropriate for adoption by the Office of Emergency Preparedness.

Accordingly, Part 1705, Rules Governing Public Access to Records of the Office of Emergency Preparedness, is revised as follows:

Sec.
1705.1 Statutory requirements.
1705.2 Purpose.
1705.3 Requests for records.
1705.4 Agency handling of requests.
1705.5 Notification.
1705.6 Records of other agencies.
1705.7 Appeals.
1705.8 Fees.
1705.9 Authentication of records.

AUTHORITY: 5 U.S.C. 552.

§ 1705.1 Statutory requirements.

The Public Information Section of the Freedom of Information Act (5 U.S.C. 552(a)(3)) requires each agency, upon request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, to make such records promptly available to any person. That provision, however, does not apply to matters that are—

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of an agency;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

§ 1705.2 Purpose.

This part is designed to provide the rules referred to in 5 U.S.C. 552(a)(3) and facilitate public access to records of the Office of Emergency Preparedness.

§ 1705.3 Requests for records.

(a) Requests for access to records shall be in writing and may be filed in person or by mail with the Assistant to the Director for Congressional and Public Affairs at the headquarters of the Office of Emergency Preparedness between 9 a.m. and 5:30 p.m., Monday through Friday, except holidays.

(b) Requests for access to records may also be filed at any of the OEP Regional Offices. Regional Office addresses are listed in Part 1701 of this chapter.

(c) Requests for access to records may be made using Form OEP 174, copies of which are available in the Office of the Assistant to the Director for Congressional and Public Affairs as well as in the Office of the Director of each OEP Regional Office. This standard form is offered as an optional aid only; the Agency will accept any written request that sufficiently identifies the desired material.

§ 1705.4 Agency handling of requests.

(a) Subject to the provisions of § 1705.8, the Assistant to the Director for Congressional and Public Affairs, or the Regional Director concerned, shall promptly cause the requested record to be located and made available to the requestor unless it appears that the desired record may be subject to exemption under 5 U.S.C. 552(b). (See categories listed in § 1705.1.)

(b) If it appears that the requested record may fall within one of the exempt categories, the matter shall be referred to the Assistant to the Director for Congressional and Public Affairs.

(c) If the Assistant to the Director for Congressional and Public Affairs determines that the record is subject to exemption under 5 U.S.C. 552(b) and should, in the public interest, be withheld from public inspection, he shall promptly notify the requestor as provided in § 1705.5 of this part.

§ 1705.5 Notification.

Notice of denial of access to any record shall be in writing and shall include an explanation of the reasons for such denial, including specific citations to the relevant sections or subsections of the Freedom of Information Act. Such notice shall also inform the requestor of his right of appeal to the Director pursuant to § 1705.7.

§ 1705.6 Records of other Agencies.

In any case in which a person requests a record which originated in another Agency and which is in the custody of the Office of Emergency Preparedness, he shall be advised to submit his request to the other Agency involved. However, if in any such case, the other Agency consents to making the record involved available, such copy shall be made available to that person under the same terms and conditions as records of the Office of Emergency Preparedness are made available under this part.

§ 1705.7 Appeals.

Any person aggrieved by any determination made or action taken pursuant to the foregoing provisions of this part may request the Director of the Office of Emergency Preparedness to review that determination or action. No specific form is prescribed for this purpose, and a letter or other written statement setting forth the pertinent facts shall be sufficient for this purpose. The Director may require the person involved to present additional information in support of his request for review. The Director of the Office of Emergency Preparedness will promptly consider each such request for review and notify the person involved of his decision.

§ 1705.8 Fees.

When a requested record not withheld pursuant to § 1705.4(c) can be made available for inspection or reproduced at no cost or at nominal cost to the Agency, such record shall be provided without charge. If a copy of such record cannot be made at nominal cost, the Assistant to the Director for Congressional and Public Affairs shall make such copy available for copying or reproduction by the requestor or shall insure that a copy can be obtained by the requestor at a reasonable cost.

§ 1705.9 Authentication of records.

(a) Notice is hereby given that no seal has been prescribed for the Office of Emergency Preparedness.

(b) The Assistant to the Director for Administration is hereby authorized to designate an official custodian and deputy custodian of the records of the Office of Emergency Preparedness, and such designees are authorized to attest or otherwise authenticate copies of such records for use in judicial proceedings or other official matters.

(c) Such designees and the Assistant to the Director for Administration are authorized to issue such statements, certificates, or other documents as may be

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required in connection with the authentication of copies of records so attested for use in judicial proceedings or other official matters.

(d) Such designees and the Assistant to the Director for Administration are also authorized to issue such statements, certificates, or other documents as may be required in connection with judicial proceedings or other official matters to show that after diligent search of the records of the Office of Emergency Preparedness no record or entry of a specified tenor has been found to exist in such records. (See Rule 44, Federal Rules of Civil Procedure for the U.S. District Courts.)

The provisions of this part shall become effective on January 19, 1973.

Dated: January 15, 1973.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.73-1173 Filed 1-18-73;8:45 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Revision 5), Amdt. 51]

OI REG. 1—OIL IMPORT REGULATION

No. 2 Fuel Oil Imports

In view of the estimates of the increasingly tight demand-supply situation with respect to No. 2 fuel oil in Districts I–IV and in order to contribute to the alleviation of temporary supply dislocations as rapidly as possible, restrictions upon No. 2 fuel oil are being relaxed. In view of the urgency of this action it is not considered necessary to give notice of proposed rule making respecting this amendment, and it shall become effective immediately.

Accordingly, a new section 13B is added to Oil Import Regulation 1 (Revision 5), as amended.

Dated: January 17, 1973.

ROGERS C. B. MORTON,
Secretary of the Interior.

Concur: January 17, 1973.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

Sec. 13B Emergency finished products allocation.

(a) For the purpose of this section, (1) the term "No. 2 fuel oil" means a finished product which has the physical and chemical characteristics as set forth in subparagraph (1), paragraph (a) of section 30 of this regulation; and (2) the term "eligible applicant" means any person in the business of selling No. 2 fuel oil in Districts I–IV.

(b) (1) For the period January 1, 1973, through April 30, 1973, hereafter referred to as the "period" within the allocation period which begins January 1, 1973, No. 2 fuel oil may be imported by eligible applicants who comply with the provisions of this section.

(2) For the "period," the Director shall make available a license for imports of No. 2 fuel oil into Districts I–IV to any eligible applicant who certifies that such imports are required to meet obligations under contracts with, or purchase orders from, customers in Districts I–IV.

(3) An application for a license under this section may be filed in letter or telegraphic form at any time during the "period."

(c) (1) The Director shall process applications in the sequence in which they are received and make available licenses in the quantity which the applicant has certified in accordance with paragraph (b)(2) of this section.

(2) The Director shall issue a license or licenses to eligible applicants specifying the amount of No. 2 fuel oil which may be imported into Districts I–IV. All licenses issued pursuant to this section shall be valid only during the period January 1, 1973, through April 30, 1973. No licenses issued pursuant to this section may be sold, assigned, or otherwise transferred. No. 2 fuel oil imported pursuant to a license issued under this section must not be further processed in any manner, including blending or mixing with other petroleum products, by mechanical means.

[FR Doc.73-1317 Filed 1-17-73;4:25 pm]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72-24R]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

SAN LUIS OBISPO BAY, CALIF.

This amendment to the anchorage regulations of San Luis Obispo Bay, Calif., establishes an additional special anchorage area and deletes a portion of the existing special anchorage area which extends partially into waters governed by the International Rules of the Road (33 U.S.C. 1051–1094). In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

This amendment is based on a notice of proposed rule making published in the Wednesday, February 9, 1972, issue of the FEDERAL REGISTER (37 FR 2890) and Public Notice No. 12-43A issued by the Commander, Twelfth Coast Guard District on February 18, 1972.

One petition was received signed by 28 persons concerning the proposed Special Anchorage A-2. The petitioners did not object to the establishment of Special Anchorage A-2, but questioned the authority of local governments to manage the anchorage. The establishment of a special anchorage area merely relaxes the lighting requirements concerning anchor lights for vessels under 65 feet in length, but does not otherwise impair local authority to manage the anchorage.

In consideration of the foregoing, Part 110 of Chapter I of Title 33 of the Code of Federal Regulations is amended by revising § 110.120 to read as follows:

§ 110.120 San Luis Obispo Bay, Calif.

(a) *Area A–1.* Area A–1 is the water area bounded by the San Luis Obispo County wharf, the shoreline, a line drawn from the southernmost point of Fossil Point to latitude 35°10'18.5" N., longitude 120°43'38.5" W.; thence to the southeast corner of the San Luis Obispo County wharf.

(b) *Area A–2.* Area A–2 is the water area enclosed by a line drawn from the outer end of Whaler Island breakwater at latitude 35°09'22" N., longitude 120°44'56" W., to the Marre' Chimney at latitude 35°10'56" N., longitude 120°44'31" W.

NOTE: The Port San Luis Harbor District prescribes local regulations for mooring and boating activities in these areas.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2) (36 FR 10160))

Effective date. This amendment shall become effective on February 23, 1973.

Dated: January 15, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-1209 Filed 1-18-73;8:45 am]

Chapter II—Corps of Engineers, Department of the Army

[ER 1105-2-502]

PART 209—ADMINISTRATIVE PROCEDURE

Public Meetings

In the interest of promoting public participation in connection with Civil Works planning activities and regulating the uses of navigable waters, the Office of the Chief of Engineers has prepared and issued an Engineer Regulation on public meetings as one important means of achieving this public participation objective. The regulation is to be used by all elements of the Corps of Engineers having such Civil Works responsibilities and is effective as of December 4, 1972.

A proposed Engineer Regulation on public meetings was published in the FEDERAL REGISTER for public comment on October 14, 1972 (37 FR 21818). All comments received were considered prior to issuing the regulation, which adds a new § 209.405 to 33 CFR Chapter II reading as follows:

§ 209.405 Public meetings.

(a) *Purpose.* This section sets forth the policy, responsibility, and guidance for holding formally organized, announced, and recorded public meetings in connection with all Civil Works planning activities and regulating the uses of navigable waters.

(b) *Applicability.* The section applies to all Corps of Engineers elements having responsibilities for Civil Works planning and for regulating the uses of navigable waters.

(c) *Policy.* In keeping the policy of the Chief of Engineers to conduct his Civil Works program in an atmosphere of public understanding, trust, and mutual cooperation, all interested individuals and agencies are to be informed and afforded an opportunity to be fully heard and their views considered in arriving at conclusions, decisions, and recommendations in the formulation of civil works proposals, plans, and projects and on the proposed uses of navigable waters. Formally organized and announced public meetings provide one important means of accomplishing this objective, and they will be held as specified herein. They are not, however, a substitute for other desirable public participation and information measures.

(d) *Definitions.* As used herein, the terms "public meeting" and "announcement of public meeting" refer to those public meetings which are formally organized, announced, and recorded; they do not include other smaller and less formally organized group discussion meetings which may also be open to the public and which are the subject of other guidance. However, it is emphasized that formality is intended only in respect to organization and announcement. The atmosphere of the meetings should be informal to the extent practicable, in keeping with the concept of public involvement and the need to encourage and develop more meaningful, two-way communication.

(e) *Purposes of public meetings.* The primary purpose of public meetings is to help to insure that solutions to water resources problems and the uses of navigable waters satisfy the needs and preferences of the people to the maximum degree possible within the bounds of local, State, and Federal interests, responsibilities, and authorities. More specifically, the purposes of public meetings are to inform the public about studies and proposals related to water resources development and the uses of navigable waters; to give all interested persons an opportunity to fully and publicly express their views concerning such studies and proposals; to obtain and exchange information which will assist all those involved in arriving at sound conclusions and recommendations; and to contribute to interagency coordination.

(f) *Holding of public meetings.* Public meetings will be held when needed, in keeping with the policy and purposes stated herein, generally as follows:

(1) For specifically authorized planning studies:

(i) An initial meeting will be held early in the course of each study to advise on the nature and scope of the study, to open lines of communication, to listen to the needs and views of the public, and to identify interested individuals and agencies.

(ii) A formulation stage meeting will be held during the course of each study when all alternative solutions are reasonably known, generally after the completion of preliminary studies but before a plan has been tentatively selected. A meeting at this stage is critical, and its scheduling and conduct will be given careful attention. A major purpose of this meeting is to present the results of preliminary studies, including the advantages and disadvantages of the various alternatives to the extent that such information has been developed, and to further develop public views and desires, particularly as they relate to the various alternatives. If the preliminary studies reveal that further studies are unwarranted, a public meeting at this stage will be held only at the discretion of the reporting officers, giving appropriate consideration to public participation concepts, including unusual circumstances.

(iii) A late stage meeting will be held after detailed studies but before report completion. Findings of the detailed studies, including the rationale for any proposed solution, and the tentative recommendations of the reporting officer will be presented. In the event that, due to the nature of the study, the formulation stage meeting was, in effect, also a late stage meeting and the proposed plan was a foregone conclusion at that meeting, a late stage meeting may be dispensed with, if approved by the Division Engineer. However, it must be apparent that no residual public meeting requirement is being imposed on the Board of Engineers for Rivers and Harbors. In all cases where no structural improvements or similar investments by the Corps of Engineers are to be recommended, a late stage public meeting will be held only at the discretion of the reporting officers, giving appropriate consideration to public participation concepts, including unusual circumstances.

(iv) An additional late stage meeting will be held for those studies where there have been no recent public meetings and there are indications that public acceptance may have changed materially or that further public views should be sought. Similarly, an additional late stage meeting will be held in those cases where there have been substantive changes in the tentative plan previously presented.

(2) For small planning studies under continuing authorities, the number and timing of the meetings are left to the discretion of the reporting officer due to the simplicity and smallness of such studies, except that at least one public meeting will be held during the course of each study under the authority of "section 103," "107," or "205" if structural improvements or similar investments by the Corps are indicated. Normally, this meeting should be held in the detailed study stages; however, other forms of public participation should be used throughout the study. For studies under other continuing authorities, such as for clearing and snagging, other forms of public participation should be relied upon to the extent practicable, but public meetings may be held if the reporting officer considers them desirable in specific instances.

(3) For studies of lock and dam replacements under section 6 of the River and Harbor Act of March 3, 1909, a formulation stage and a late stage meeting will be held as described in paragraph (f)(1)(ii) and (iii) of this section. However, for relatively small studies the meetings will be held as described for small studies in paragraph (f)(2) of this section.

(4) For fish and wildlife studies under section 2 of the Fish and Wildlife Coordination Act of August 12, 1958, for projects not completed before that date, a public meeting will be held in connection with the consideration of any wildlife management plan proposing the authorization of additional land for wildlife purposes. When appropriate, such meetings will be held jointly with the Fish and Wildlife Service which will present its plan at the meeting.

(5) For other planning studies not included in any of the above paragraphs, such as modification studies of completed projects under authority of section 216 of the 1970 Flood Control Act, mitigation studies of navigation effects under section 111 of the 1968 River and Harbor Act, and Phase I of General Design Memorandums, the number and timing of public meetings will be as considered desirable by the reporting officers, in keeping with the policy and purposes stated herein and giving consideration to similarities with the study categories in the previous subparagraphs. However, at least one public meeting will be held in connection with the preconstruction planning of authorized projects. For all studies, other forms of public participation should be utilized to the extent practicable.

(6) Public meetings may be held by the Board of Engineers for Rivers and Harbors prior to any final action by the Board when non-Federal interests request such meetings in their response to the announcement of the public release of a field report and the Board decides favorably on such requests. Normally, there will be no need for such meetings if adequate meetings have been held by the reporting officers.

(7) Public meetings will be held in connection with proposed actions concerning the uses and control of navigable waters whenever there appears to be sufficient public interest and it is likely that the meeting will develop information that will be of assistance in evaluating the proposed action. Such actions include applications for permits for work in or affecting navigable waters, designation of proposed danger zones and restricted areas, the promulgation of regulations, and proposals for the establishment or revision of harbor lines.

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(8) A public meeting should be held in any special situation where either the public or the Corps, or both, would benefit by the exchange of views and information. Possibilities include situations of unusual time lapse or unexpected developments since the last public meeting, unusual interest or controversy, and official requests by congressional interests or responsible non-Federal authorities for meetings which would fulfill the policy and purposes stated herein.

(g) *Conduct of public meetings.* All public meetings will be fair and impartial two-way communications. As such, they will be conducted as informally and simply as possible, and make liberal use of uncluttered graphics, slides, and displays. The use of high-quality audiovisual aids may be used when available. Public meetings will normally be chaired by the senior officer or a suitable representative in view of the importance of these meetings. The meetings may be held jointly with other agencies when desirable but will be chaired by the Corps. This does not, however, preclude Corps participation in meetings held by others.

(1) At the beginning of a public meeting, the presiding officer will explain the purpose of the meeting. Subsequently, he will summarize the study, proposed uses of navigable waters, or other situation for which the meeting is being held. In the case of planning studies, this will include, as appropriate, the problems and needs under study; the status of pertinent plans, programs, and improvements; the programs or improvements desired by various interests; the formulation of a plan or solution which considers all appropriate measures and is not limited to considerations of Federal construction measures; participation and coordination in such formulation; plan accomplishments and effects, both advantageous and disadvantageous; and Federal and non-Federal responsibilities. In discussing formulation, national objectives will be cited as well as technical and economic criteria and environmental and social considerations. All plausible alternatives should be mentioned and commented upon, however infeasible in the specific case. In particular, active participation by others in the study and coordination will be explained to clearly demonstrate the cooperative nature of the effort. Supporting presentations will be given by staff members, as appropriate.

(2) Following the presentations, or at suitable points, all interested persons will be given an oportunity to present their views. In the interest of informality and equity, structured orders of presentation should be avoided. For example, officials and private individuals could be given opportunity to speak in random order. All communications received for placement into the meeting record will be read or summarized to the extent practicable.

(h) *Arrangements for public meetings.* Meetings will be held in the locality or localities most convenient to the people of the area under investigation, and local convenience will be recognized in selecting the place, date, and hour. Prior to final selection, however, interested members of Congress should be consulted regarding the schedule and their intent to participate. Individuals and organized groups, including those with conservation and environmental interests, whose local knowledge renders their opinion of value should be encouraged to participate in order to develop a good understanding of diverse views. In the case of public meetings by the Board of Engineers for Rivers and Harbors, such meetings may be held in Washington, D.C., if the Board considers this more advantageous to the purpose of the meeting. When Board public meetings are held in the field, the appropriate field office will act as liaison, make all pertinent arrangements, and carry out such meeting activities as requested by the Board.

(i) *Advice and information to participants.* Good public relations practices will be observed and, to the extent possible, those interested should be advised to organize their case so that all pertinent aspects of their problem may be rapidly and effectively presented. In particular, those interested should be encouraged to submit detailed data on the justification of their requests. Written information suitable to clarify the issues for those interested, assist them in preparing factual material and expressions of views or opinions, and indicate possible alternative courses of action should be supplied to them in advance of a meeting. Without such advance information, participants will often be unable to contribute in full measure to the meeting, and they may feel that their views have not been adequately considered. Insofar as practicable, advice and advance information to those interested should be presented in the announcement or as enclosures thereto. Such enclosures may be brochures or other materials setting forth environmental information, alternatives and their pros and cons, and other information such as listed in paragraph (g)(1) of this section.

(j) *Announcements of public meetings.* Announcements of public meetings will be issued, dated, and signed by the senior officer concerned. In the case of preauthorization studies, they may be similar to the suggested wording in Appendix A, tailored to fit the situation and status of the study. More drastic modification will be needed for special meetings or situations. In any event, the suggested wording should not be unreasonably adhered to. Moreover, the announcements should be written in layman's language and be informative and inviting in format, appearance, and content. Their tone should reflect a sincere intent to produce a mutual exchange of views and information. In this regard, the announcements should in all cases avoid implications that final decisions have been made.

(k) *Distribution of announcements.* Announcements of public meetings will be distributed directly to all interested individuals and agencies, including the press, radio, and television stations, about 1 month in advance of the meeting, preferably longer in the case of deep-draft waterway and harbor studies. Shorter periods may be used for small, simple studies. Advance notification will be given Members of Congress and Governors of the States. The announcements may be inserted as an advertisement subject to the requirements for authority to advertise. Copies will also be supplied to Postmasters and other agencies where they may be posted for public information. An additional notice to newspapers, radio, and television stations should be made about 3 days prior to the meeting. Distribution will be accomplished from a prepared distribution list for which up-to-date records will be kept of individuals or agencies desiring copies of announcements or which may be interested or affected. Special effort will be made to identify those which may be interested or affected in each situation and to develop pertinent distribution lists; outdated or stereotyped lists will be avoided. Distribution of the announcement will include the following:

	Quantity
Members of Congress concerned: (One copy of announcement and mailing list to home address and one copy of each to Washington, D.C., office.) (Members of Congress will be listed under a heading "Congressional," with Senators in order of seniority grouped by States, first, followed by Representatives in same manner. Seniority is based upon latest period of continuous service and can be determined from the Congressional Directory.)	2.
Governor or designated representative of States affected (with mailing list).	1.
Chief of Engineers: HQDA (DAEN-CWP-__) Washington, D.C. 20314 except, in the case of permits, one copy to (DAEN-CWO-N).	2.
Board of Engineers for Rivers and Harbors.	1.
Division Engineer	2 (or as requested).

(l) *Record of meeting.* A complete record of public meetings will be taken stenographically and by electrical transcription, and a written record will be made therefrom. Such records should be reasonably accurate but need not be precise legal documents. Study reports sent by reporting officers to the Board of Engineers for Rivers and Harbors will be accompanied by one copy of the pertinent written record, including the announcement and list of persons notified. The Board will forward these materials to the Chief of Engineers upon completion of Board action on the report. In all other cases, the materials will be supplied to the Chief of Engineers in one copy at the time of submission of a study or permit report or other primary document on the subject for which the meeting was held. Each record will be accompanied by an index and a very simple digest indicating major characteristics such as attendance, reactions, and major concerns. Copies of the record for representatives of other agencies participating in joint meetings will be supplied in accordance with any arrangements made by them with the responsible senior officer. Others will be advised that they may arrange for copies of the record at the cost of reproduction.

(m) *Joint public meetings.* Representatives of other Federal agencies or non-Federal public agencies may actively participate in joint public meetings whenever such organizations have a particular interest and express a desire to participate. Notification of a desire to participate and the subsequent designation of a participant should be accomplished officially by written communications from a responsible level. It should be understood that the agency representative designated should be knowledgeable in the subject of the meeting, that the Corps of Engineers is responsible for arrangements and procedure, that the meeting will be conducted by the Corps presiding officer, and that the meeting will be reasonably limited to Corps purposes for the meeting. If the participating agency's interest requires extension of the meeting or additional meetings, the additional expense will be the responsibility of that agency.

(n) *Funding.* The expense of public meetings will be charged to the pertinent program, project, or study for which they are being held.

APPENDIX A

SUGGESTED WORDING FOR ANNOUNCEMENT OF PUBLIC MEETING ON A PREAUTHORIZATION STUDY

Announcement of public meeting on (For) _____ (indicate purpose, study, and study area).

Meeting to be held at _____ on _____ (Time) _____ (Date) in auditorium of

_____

_____ (Street Address)

_____ (City and State)

The Corps of Engineers is studying the (describe study and its purpose, and identify study area). The study was requested by the U.S. Congress in the (identify and cite or paraphrase appropriate acts or resolutions, or portions thereof).

In order that the study may be responsive to the desires and needs of everyone affected, a public meeting will be held as indicated above. We invite you to attend the meeting and to participate in the exchange of information concerning the study, the water resource and related problems involved, and possible solutions. We are also interested in knowing about ecological and environmental conditions and problems in the study area. A map of the study area is attached.

Generally, the problems and needs that we are aware of (very briefly list problems and needs, status of existing plans and improvements, improvements desired, and possible solutions, tailored to suit the situation and status of the study. An inclosed brochure may be desirable.)

All interested individuals, groups, and agencies are invited and urged to be present or represented at this meeting. Everyone will be given an opportunity to express his views and furnish specific data on all aspects of the study, including technical, economic, social, and ecological and environmental material. Statements should be supported by factual information insofar as practicable. (Identify matters or data on which information is particularly being sought.)

For accuracy of record, all important facts and statements should be submitted in writing. Written statements may be handed to the Chairman at the meeting or may be mailed beforehand to our office. Mailed statements should indicate that they are in response to this announcement. All statements, both oral and written, will become part of the official record on this study and will be made available for public examination.

Full consideration will be given to the views presented prior to making a recommendation to higher authority. However, this cannot be taken as an indication that the Federal Government will undertake any improvements or programs. Although the study may result in recommendations for undertakings by the Federal Government, their accomplishment would depend upon subsequent authorization and funding by the Congress.

Please bring this announcement to the attention of anyone you know who is interested.

(List Inclosures.)

[ER 1105-2-502, Dec. 4, 1972] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

E. W. GANNON,
Lieutenant Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.73-1183 Filed 1-18-73;8:45 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 122—ADDRESSES

Fees for Correcting Mailing Lists for Members of Congress and Federal Agencies

This amendment to § 122.5 of this title requires that Members of Congress and Federal agencies pay the U.S. Postal Service for mailing list correction services at the same rates charged other organizations. It also establishes the collection procedures to be followed by Postmasters when such services are rendered to Members of Congress and Federal agencies.

1. Paragraphs (a) (1) and (4) § 122.5 of this title is amended to read as follows:

§ 122.5 Mailing list services.

(a) *Correction of mailing lists*—(1) *Service available.* Mailing lists submitted by Members of Congress, Federal agencies, departments of State governments, municipalities, religious, fraternal, and recognized charitable organizations and mailing lists used by concerns or persons for the solicitation of business by mail will be corrected as frequently as requested. Postal employees must not compile mailing lists, including occupant lists. Persons other than postal employees may not copy or record by any other means names or addresses from city or rural carrier cases.

• • • • •

(4) *Charges.* (i) The minimum charge for each list corrected is $1. For lists of more than 20 names or addresses, the charge is 5 cents per name or street address including individual apartments. Where rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

(ii) Except for authorized users of official mail, payment must be made in advance by cash or money order. Lists should not be returned to commercial mailers until charges and postage fees have been collected.

(iii) Payment for correction of lists submitted by Members of Congress and Federal agencies is made under the official mail reimbursement program. Submit a report of the applicable charges and the name of the Member of Congress or Federal Agency for which the list is corrected to:

Postal Revenue Officer, Finance Department,
U.S. Postal Service, Washington, DC 20260.

• • • • •

Effective date. The above amendments are effective on January 19, 1973.

(39 U.S.C. 401, 404)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-1269 Filed 1-18-73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

BIDDER'S MAILING LIST AND MISCELLANEOUS AMENDMENTS

The following provides updated instructions to Federal Supply Service procurement personnel on the preparation of solicitations for offers, forms to be used, the bidders mailing list system, and related matters.

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

1. Section 5A-2.201 is amended to add paragraph (c) as follows:

§ 5A-2.201 Preparation of invitations for bids.

• • • • • •

(c) *Consideration of printing and mailing costs.* The number of pages in invitations for bids shall be kept to a minimum to save administrative costs. Continuation sheets for especially lengthy invitations should be typed on GSA Form 459, 25 percent Standard Reduction Sheet, and photographically reduced for subsequent printing on regular-sized paper to reduce printing and mailing costs.

2. Section 5A-2.201-70 is amended as follows:

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§ 5A-2.201-70 Forms to be used.

• • • • • •

(f) • • •

(3) The Centralized Mailing List Service (CMLS) in Region 8 maintains the FSS bidders mailing list (see § 5A-76.306). When a firm is added to the bidders mailing list, a copy of each of the forms listed in (1), above, shall be mailed by CMLS to the firm with an explanatory note stating that the forms will be referenced but not attached to future invitations for bids.

• • • • • •

3. Section 5A-2.203-1 is revised as follows:

§ 5A-2.203-1 Mailing or delivering to prospective bidders.

(a) Invitations for bids shall be distributed not later than the day indicated as the issuance date through use of appropriate bidders mailing lists maintained in accordance with § 5A-76.306.

(b) Avoid the use of envelopes larger than 5¾ by 11½ inches unless absolutely necessary. Specific arrangements to achieve this objective shall be made with the local printing and distribution activity.

(c) A copy of each invitation for bids for direct delivery purchases shall be forwarded to the requisitioning office concerned. (Also, see § 5A-72.105-23(a)(3).)

(d) Procuring activities shall insure that active bidders, i.e., current contractors and bidders that responded to recent similar solicitations, will be provided with new complete bid sets for the same or similar items. After identifying the active bidders (also, see § 5A-76.306(g), Handlists), their names shall be checked against the bidders mailing list printout. If their names are not on the printout, action shall be taken in accordance with § 5A-76.306(i)(2).

4. Section 5A-2.205-1 is revised as follows:

§ 5A-2.205-1 Establishment of lists.

Guidelines concerning the establishment and maintenance of bidders mailing lists are set forth in §§ 1-2.205 and 5A-2.205. Bidders mailing list operational procedures are further described in § 5A-76.306.

5. Section 5A-2.205-2 is revised as follows:

§ 5A-2.205-2 Removal of names from bidders mailing lists.

Concerns which have been debarred or otherwise determined to be ineligible pursuant to Subparts 1-1.6 and 5-1.6 shall be removed from the FSS bidders mailing lists. This action will be taken by the Centralized Mailing List Services in Region 8. Debarred and ineligible concerns shall also be removed from any locally maintained bidders mailing lists (handlists), and this should be accomplished upon receipt of interim notices issued by the Office of Investigations. (See also § 5A-76.306(j).)

6. Section 5A-2.205-3 is revised as follows:

§ 5A-2.205-3 Reinstatement on bidders mailing lists.

The reinstatement of concerns on FSS bidders mailing lists shall be in accordance with the procedures set forth in § 5A-76.306. With reference to § 1-2.205-3, all reinstatements to the FSS bidders mailing list system of previously debarred or suspended firms shall be made only upon filing a new bidders mailing list application on SF 129, Bidders Mailing List Application, and related GSA forms.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to add the following:

Sec.	
5A-16.950-1754	GSA Form 1754, Bidders Mailing List Application Code Sheet (Commodities).
5A-16.950-1783	GSA Form 1783, Bidders Mailing List Application Code Sheet (Services).
5A-16.950-2439	GSA Form 2439, Bidders Mailing List Selection Request.
5A-16.950-2440	GSA Form 2440, Request for Addressee Information.
5A-16.950-2459	GSA Form 2459, Bidders Mailing List Instructions.

PART 5A-76—EXHIBITS

The table of contents for Part 5A-76 is amended to include the following:

Sec.	
5A-76.306	Bidders mailing list system.

NOTE: Copies of the forms and exhibit added to Parts 5A-16 and 5A-76 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective on February 5, 1973, but may be observed earlier.

Dated: January 5, 1973.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.73-1212 Filed 1-18-73;8:45 am]

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

State and Local Governments: Affirmative Action Programs

On October 4, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 20870) with regard to amending § 60-1.5 of Title 41, Code of Federal Regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposal.

Having considered all relevant material submitted, I have decided to, and do hereby amend § 60-1.5 of Chapter 60 of Title 41 of the Code of Federal Regulations as follows:

§ 60-1.5 Exemptions.

(a) *General.* • • •

(4) *Contracts with State or local governments.* The requirements of the equal opportunity clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract. In addition, any agency, instrumentality or subdivision of such government, except for educational institutions and medical facilities, are exempt from the requirements of filing the annual compliance report provided for by § 60-1.7(a)(1) and maintaining a written affirmative action compliance program prescribed by § 60-1.40 and Part 60-2 of this chapter.

• • • • • •

Effective date. This amendment is effective on January 19, 1973.

Signed at Washington, D.C., this 15th day of January 1973.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Acting Director, Office of Federal Contract Compliance.

[FR Doc.73-1168 Filed 1-18-73;8:45 am]

PART 60-50—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

On December 29, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 FR 25165) with regard to amending Chapter 60 of Title 41 of the Code of Federal Regulations by adding a new Part 60-30, establishing guidelines and interpretations of the Office of Federal Contract Compliance as to the requirements of Executive Order 11246, as amended, for promoting and insuring equal employment opportunity for members of various religious and ethnic groups who continue to encounter employment discrimination because of their religion and/or national origin. Interested persons were given 30 days in which to submit written comments regarding the proposal.

After consideration of all comments received, Chapter 60 of Title 41 of the Code of Federal Regulations is amended by adding a new Part 60-50, set forth below. The final version of the Office of Federal Contract Compliance's guidelines regarding religious and national origin discrimination is now issued as 41 CFR Part 60-50, rather than as 41 CFR Part 60-30, as formerly proposed, since the latter part has been reserved for other regulations.

Sec.

60-50.1 Purpose and scope.
60-50.2 Equal employment policy.
60-50.3 Accommodations to religious observance and practice.
60-50.4 Enforcement.
60-50.5 Nondiscrimination.

AUTHORITY: Sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303.

§ 60-50.1 Purpose and scope.

(a) The purpose of the provisions in this part is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance regarding the implementation of Executive Order 11246, as amended, for promoting and insuring equal employment opportunities for all persons employed or seeking employment with Government contractors and subcontractors under federally tors and subcontractors or with contractors and subcontractors performing under federally assisted construction contracts, without regard to religion or national origin.

(b) Members of various religious and ethnic groups, primarily but not exclusively of Eastern, Middle, and Southern European ancestry, such as Jews, Catholics, Italians, Greeks, and Slavic groups, continue to be excluded from executive, middle-management, and other job levels because of discrimination based upon their religion and/or national origin. These guidelines are intended to remedy such unfair treatment.

(c) These guidelines are also intended to clarify the obligations of employers with respect to accommodating to the religious observances and practices of employees and prospective employees.

(d) The employment problems of blacks, Spanish-surnamed Americans, orientals, and American Indians are treated under Part 60-2 of this chapter and under other regulations and procedures implementing the requirements of Executive Order 11246, as amended. Accordingly, the remedial provisions of § 60-50.2(b) shall not be applicable to the employment problems of these groups.

§ 60-50.2 Equal employment policy.

(a) *General requirements.* Under the equal opportunity clause contained in section 202 of Executive Order 11246, as amended, employers are prohibited from discriminating against employees or applicants for employment because of religion or national origin, and must take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their religion or national origin. Such action includes, but is not limited to the following: Employment, upgrading, demotion, or transfer: recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) *Outreach and positive recruitment.* Employers shall review their employment practices to determine whether members of the various religious and/or ethnic groups are receiving fair consideration for job opportunities. Special attention shall be directed toward executive and middle-management levels, where employment problems relating to religion and national origin are most likely to occur. Based upon the findings of such reivews, employers shall undertake appropriate outreach and positive recruitment activities, such as those listed below, in order to remedy existing deficiencies. It is not contemplated that employers necessarily will undertake all of the listed activities. The scope of the employer's efforts shall depend upon all the circumstances, including the nature and extent of the employer's deficiencies and the employer's size and resources.

(1) Internal communication of the employer's obligation to provide equal employment opportunity without regard to religion or national origin in such a manner as to foster understanding, acceptance, and support among the employer's executive, management, supervisory, and all other employees and to encourage such persons to take the necessary action to aid the employer in meeting this obligation.

(2) Development of reasonable internal procedures to insure that the employer's obligation to provide equal employment opportunity without regard to religion or national origin is being fully implemented.

(3) Periodically informing all employees of the employer's commitment to equal employment opportunity for all persons, without regard to religion or national origin.

(4) Enlisting the assistance and support of all recruitment sources (including employment agencies, college placement directors, and business associates) for the employer's commitment to provide equal employment opportunity without regard to religion or national origin.

(5) Reviewing employment records to determine the availability of promotable and transferable members of various religious and ethnic groups.

(6) Establishment of meaningful contacts with religious and ethnic organizations and leaders for such purposes as advice, education, technical assistance, and referral of potential employees.

(7) Engaging in significant recruitment activities at educational institutions with substantial enrollments of students from various religious and ethnic groups.

(8) Use of the religious and ethnic media for institutional and employment advertising.

§ 60-50.3 Accommodations to religious observance and practice.

An employer must accommodate to the religious observances and practices of an employee or prospective employee unless the employer demonstrates that it is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. As part of this obligation, an employer must make reasonable accommodations to the religious observances and practices of an employee or prospective employee who regularly observes Friday evening and Saturday, or some other day of the week, as his Sabbath and/or who observes certain religious holidays during the year and who is conscientiously opposed to performing work or engaging in similar activity on such days, when such accommodations can be made without undue hardship on the conduct of the employer's business. In determining the extent of an employer's obligations under this section, at least the following factors shall be considered: (a) Business necessity, (b) financial costs and expenses, and (c) resulting personnel problems.

§ 60-50.4 Enforcement.

The provisions of this part are subject to the general enforcement, compliance review, and complaint procedures set forth in Subpart B of Part 60-1 of this chapter.

§ 60-50.5 Nondiscrimination.

The provisions of this part are not intended and shall not be used to discriminate against any qualified employee or applicant for employment because of race, color, religion, sex, or national origin.

Effective date. This part shall become effective on February 20, 1973.

Signed at Washington, D.C., this 17th day of January 1973.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Acting Director, Office of Federal Contract Compliance.

[FR Doc.73-1288 Filed 1-18-73;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Transfer of Regulations

The Bureau of Radiological Health, Environmental Health Service, was assigned to the Food and Drug Administration on May 25, 1971 (36 FR 12803). The

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formal statement of organization, functions, and delegations of authority for the Bureau of Radiological Health, appearing in the FEDERAL REGISTER of October 3, 1972 (37 FR 20738), establishes the operational framework for the Bureau of Radiological Health, Food and Drug Administration, and the justification for transferring the regulations pertaining to radiological health under Part 78, Title 42 of the Code of Federal Regulations to the newly established Part 278 of Title 21 of the Code of Federal Regulations to reflect the organizational changes.

Therefore, the regulations formerly appearing in Part 78 of Chapter I of Title 42 of the Code of Federal Regulations are hereby transferred to Chapter I of Title 21 and redesignated as Part 278 of that chapter. Accordingly, Part 78 of Title 42 is hereby vacated.

Effective date. This transfer of regulations becomes effective January 19, 1973.

Dated: January 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1160 Filed 1-18-73;8:45 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-45; Notice 73-3]

PART 395—HOURS OF SERVICE OF DRIVERS

Use of Canadian Driver's Log Form

The Director of the Bureau of Motor Carrier Safety is amending the Motor Carrier Safety Regulations to permit drivers for Canadian-based motor carriers to use the form of driver's daily log prescribed by Canadian law in lieu of the Bureau's Form MCS-59.

The purpose of this amendment is to relieve those drivers, and the carriers by whom they are employed, from the burden of making and preserving two different driver's daily log forms in certain circumstances. At present, a driver for a Canadian motor carrier who operates into the United States from Canada must, under § 395.8 of the Motor Carrier Safety Regulations, make daily logs on Form MCS-59 covering the entire trip, including time spent in Canada. Canadian law also requires the driver to prepare daily logs on a form prescribed in the "Canada Motor Vehicle Operators Hours of Service Regulations" for the entire trip. The two forms are very similar, but they are not identical. As a result, the driver is burdened with filling out, and the carrier is obligated to keep on file, two different sets of forms covering the same operation.

The Director can perceive of no sound reason for continuing to impose this type of burden on motor carriers. The Canadian form provides virtually all of the information provided by Form MCS-59, when it is properly filled out, and differs only slightly in format from the American one. It appears that nothing would be lost, and a considerable amount of useless paperwork would be dispensed with, by permitting drivers and carriers who are based in Canada and who are required to use the Canadian form under the Canadian regulations to use that form as the driver's daily log in lieu of Form MCS-59.

It should be noted that the Canadian regulations apply only to for-hire (common and contract) carriers. Therefore, drivers for Canadian-based private carriers of property who operate in the United States must continue to make daily logs on Form MCS-59.

The amendment to permit use of the Canadian form is being accomplished as a revision of paragraph (t) of § 395.8. Except for the addition of a subparagraph granting permission to use the Canadian form, no substantive change to the existing provisions of that paragraph is being made.

In consideration of the foregoing, § 395.8(t) of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR), is revised to read as set forth below.

Effective date. This amendment is effective on March 1, 1973.

Since this amendment relieves a restriction and does not impose any additional substantive burden on any person, the Director finds that notice and public procedure thereon are unnecessary.

This amendment is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority from the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on January 10, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

§ 395.8 Driver's daily log.

* * * * *

(t) *Exemptions*—(1) *50-mile-radius drivers.* The rules in this section do not apply to a regularly employed driver who drives wholly within a radius of 50 miles of the garage or terminal at which he reports for work, if the motor carrier who employs the driver maintains and retains for a period of 1 year accurate and true records showing the total number of hours the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day.

(2) *Drivers of lightweight vehicles.* The rules in this section do not apply to a driver of a motor vehicle that has not more than 2 axles and a gross weight (as defined in § 390.10 of this chapter) of 10,000 pounds or less, unless that vehicle is either—

(i) Used to transport passengers;

(ii) Used to transport materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title; or

(iii) Operated without cargo under conditions that require the vehicle to be marked or placarded in accordance with § 177.832 of this title.

(3) *Use of Canadian log forms.* In lieu of Form MCS-59, a driver may use, and a motor carrier may accept, the form of driver's daily log prescribed in the "Canada Motor Vehicle Operators Hours of Service Regulations," if—

(i) The driver's home terminal is located in Canada;

(ii) The motor carrier is properly registered with the Canadian authorities in accordance with the "Canada Motor Vehicle Operators Hours of Service Regulations"; and

(iii) All information required by this section is entered on the form.

[FR Doc.73-1211 Filed 1-18-73;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

The Bureau of Sport Fisheries and Wildlife announces that Quivira National Wildlife Refuge near Stafford, Kans., will be open to public fishing from May 1, 1973, through September 30, 1973. Sport fishing shall be in accordance with all applicable State regulations.

The following special regulation is issued and is effective on January 19, 1973.

§ 33.5 Special Regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, CO 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 1, 1973, to September 30, 1973, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1973.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

[FR Doc.73-1170 Filed 1-18-73;8:45 am]

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 4]

VESSELS IN FOREIGN AND DOMESTIC TRADES

Proposed Factors To Be Considered in Determining Whether Primary Object of Voyage is Coastwise Transportation; Extension of Time

JANUARY 12, 1973.

Notice of proposed amendment to § 4.-80a of the Customs regulations, pertaining to factors to be considered in determining whether the primary object of a voyage is coastwise transportation, was published in the FEDERAL REGISTER on Wednesday, December 20, 1972 (37 FR 28060). Thirty days from the date of publication of the notice were given for submission of data, views, or arguments, pertaining to the proposed amendment.

Requests have been received for an extension of the time for the submission of comments. Therefore, the period for submission of data, views, or arguments, relating to the cited amendment is extended to February 19, 1973.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.73-1197 Filed 1-18-73;8:45 am]

[19 CFR Part 10]

METALS EXPORTED FOR PROCESSING

Articles Conditionally Free, Subject to a Reduced Rate, Etc.

Notice is hereby given that under the authority of R.S. 251, as amended, section 624, 46 Stat. 759, 77A Stat. 14; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11, Tariff Schedules of the United States) and 1624, it is proposed to amend § 10.9(a) of the Customs regulations to enable the exporter or owner of metal affected by item 806.30, Tariff Schedules of the United States (19 U.S.C. 1202), in cases where the name and address of the U.S. processor is not known at the time of exportation, to state on the Certificate of Registration (Customs Form 4455), the basis for belief that the metal will be returned for further processing in the United States.

Section 10.9(a), which pertains to articles of metal exported for processing and returned for further processing under item 806.30, Tariff Schedules of the United States (19 U.S.C. 1202) presently provides that the exporter or owner shall furnish on the reverse side of the Certificate of Registration (Customs Form 4455), at the time of exportation, the name and address of the person who will further process the article upon return to the United States. This requirement has adversely affected some members of the metal trade who at the time of exportation have prospective customers in the United States, and who intend to reimport the metal, but do not have at that time specific orders for the merchandise.

Accordingly, it is proposed to amend paragraph (a) of § 10.9 to read as follows:

§ 10.9 **Articles exported for processing.**

(a) Before the exportation of articles subject, on return to the United States, to duty on the value of the processing performed abroad as provided for in item 806.30, a Certificate of Registration (top portion of Customs Form 4455), shall be filed (in an original only), by the owner or exporter with the district director of Customs at a time prior to the departure of the exporting conveyance which will permit an examination of the articles. A statement shall be included on the reverse side of Customs Form 4455 by the exporter or owner substantially as follows:

The articles described in this certificate were manufactured in the United States by
---
(Name and Address)
or, if of foreign origin, were subjected to

(Show processes of manufacture, such as molding, casting, machining, etc.)
in the United States by

(Name and Address)
The articles in their changed conditions will be returned for further processing by
---; or, if further
(Name and Address)
processing of the articles in the United States will be performed by a person not presently known the reasons for believing the articles will be returned for further processing are
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and the reason the person is not presently known is

. . . . . .

(R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11, Tariff Schedules of the United States), 1624)

Consideration will be given to relevant data, views, or arguments, pertaining to the proposed amendment which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20226, and received on or before February 20, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 9, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-1198 Filed 1-18-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 12]

CERTAIN LANDS AND WATERS IN McINTOSH COUNTY, GA.

Hunting of Migratory Birds; Designation of Closed Area

Notice is hereby given that it is proposed to designate an area closed to the hunting of migratory birds, as set forth below. The purpose of this designation is to aid administration of the Wolf Island National Wildlife Refuge and to improve the effectiveness of the refuge for the purposes for which it was established by the United States.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposal to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, on or before February 20, 1973.

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003). Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all the land, marsh, and water areas in McIntosh County, Ga., within the following-described boundary:

An area of land and water in McIntosh County, Ga., comprising Wolf Island National Wildlife Refuge and certain lands and waters adjacent thereto, embraced within the following boundaries:

WOLF ISLAND

Beginning at a point in the low water mark of Wolf Island at the extreme north end of Wolf Island Spit in Doboy Sound; thence with the low water mark of Wolf Island southerly with the Atlantic Ocean, westerly and northwesterly with Altamaha Sound, northerly with Little Mud River and easterly with South River, crossing the mouths of numerous unnamed tidal creeks and guts, approximately 53,000 feet, to a point where the low water mark of the west bank of Wolf Creek intersects the low water mark of South River; thence easterly, crossing Wolf Creek, a distance of approximately 400 feet, to a point in the low water mark of the east bank of Wolf Creek where it intersects the low water mark of South River; thence easterly with the low water mark of Wolf Island, a distance of approximately 3,500 feet, to a point in the low water mark of the west bank of Beacon Creek as it intersects the low water mark of Doboy Sound; thence southeasterly, crossing the mouth of Beacon Creek, a distance of approximately 1,100 feet, to the point of beginning.

EGG ISLAND

Beginning at a point in the low water mark of Egg Island, said point being at the extreme northwest end of said island in Altamaha Sound; thence with the low water mark of Egg Island, easterly, southeasterly, southwesterly, and northwesterly with the waters of Altamaha Sound, crossing the mouths of numerous unnamed tidal creeks and guts, a total distance of approximately 24,000 feet, to the point of beginning.

LITTLE EGG ISLAND

Beginning at a point in the low water mark of Little Egg Island at the extreme west end of said island; thence with the low water mark of Little Egg Island easterly, southerly, westerly, and northerly with the waters of Altamaha Sound, a distance of approximately 1,000 feet, to the place of beginning.

E. V. SCHMIDT,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 12, 1973.

[FR Doc.73-1171 Filed 1-18-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 73-10P]

CHESTER RIVER, SOUTHEAST OF CHESTERTOWN, MD.

Proposed Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations by establishing a special anchorage area on the Chester River southeast of Chestertown, Md., off Rolphs, Md. The area is needed since no special anchorage areas presently exist in the Chester River or in the immediate vicinity for use by pleasure boats. The area is located on the northeast side of the Chester River, northeast of the channel. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments, to the Commander (mps), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comments should include his name, and address, identify the notice (CGD 73-10P), and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District will forward any comments received before February 23, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend Part 110 of Title 33 of Code of Federal Regulations by adding a new § 110.72a to read as follows:

§ 110.72a **Chester River, southeast of Chestertown, Md.**

The waters of the Chester River enclosed by a line beginning at a point on the Rolph Marina pier at latitude 39°-10'25'' N., longitude 76°02'17'' W.; thence 327° to a point 400 feet southwest of the entrance to Hambleton Creek at latitude 39°10'55'' N., longitude 76°02'-40'' W.; thence northeasterly to the eastern side of the entrance to Hambleton Creek; thence southerly following the shoreline to the Rolph Point Marina pier; thence southwesterly along the Rolph Point Marina pier to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2))

Dated: January 15, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-1210 Filed 1-18-73;8:45 am]

[46 CFR Part 146]

[CGD 72-229 P]

METAL BORINGS, SHAVINGS, TURNINGS, CUTTINGS

Proposed Transportation, Description and Characterization; Extension of Time for Comments

In the December 6, 1972 issue of the FEDERAL REGISTER (37 FR 25957), the Coast Guard proposed regulations pertaining to the transport of metal borings, shavings, turnings, and cuttings.

The Coast Guard held a public hearing on this proposal on January 11, 1973. In addition, interested persons were given until January 15, 1973 to submit comments.

The Coast Guard has received numerous requests for extension of the comment period to allow for additional time to prepare detailed comments on the proposal. The Coast Guard finds that the request for additional time is appropriate and hereby extends the period for such comments to March 1, 1973. All relative comments received by that time will be considered.

Interested persons may participate in this proposed rule making by submitting written data, views or arguments to the U.S. Coast Guard (GCMC/82), Washington, D.C. 20590. Each person submitting comments should include his name, address, identify the notice (CGD 72-229 PH) and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

Dated: January 15, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-1169 Filed 1-18-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-RM-3]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Sheridan, Wyo., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station Post Office Box 7213, Denver, CO 80207. All communications received on or before February 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the

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office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

The Federal Aviation Administration (FAA) plans to install an instrument landing system (ILS) and implement new instrument approach procedures to take advantage of the new NAVAID serving Sheridan County Airport. These changes require alteration of the Sheridan, Wyo., control zone in order to provide controlled airspace protection for aircraft executing these procedures. The new procedures will become effective concurrently with the designation of the altered control zone.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (38 FR 351) the description of the Sheridan, Wyo., control zone is amended to read as follows:

Within a 5-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; and within 4 miles each side of the Sheridan VORTAC 140° radial extending from the 5-mile radius zone to 24½ miles southeast of the VORTAC.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on January 10, 1973.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.73-1145 Filed 1-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NW-28]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Twin Falls, Idaho Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before February 20, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

A new ILS approach procedure is proposed for the Twin Falls City-County Airport, Twin Falls, Idaho. A review of the airspace requirements for the new procedure reveals that additional 700 feet Transition Area airspace would be required to provide controlled airspace protection for aircraft executing the proposed procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (38 FR 435) the description of the Twin Falls, Idaho Transition Area is amended as follows:

In line two of the text, delete the phrase, "• • • VORTAC to 18.5 miles east • • •" and substitute therefor, "• • • VORTAC to 30 miles east • • •"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on January 9, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-1181 Filed 1-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NW-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Bellingham, Wash., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before February 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

A new instrument approach procedure is proposed for the Bellingham International Airport utilizing Lummi NDB (latitude 48°47'38" N.; longitude 122°32'08" W.), a non-Federal navigational facility, owned and operated by the Washington State Aeronautics Commission. A review of the airspace requirements reveals that additional 700-foot transition area airspace would be required to provide controlled airspace protection for aircraft executing the proposed approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (38 FR 435) the description of the Bellingham, Wash., transition area is amended as follows:

To the text add, "and within 3.5 miles north and 8 miles south of the 288° bearing from Lummi NDB (latitude 48°47'38" N.; longitude 122°32'08" W.) extending from the NDB 11.5 miles west of the NDB."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on January 9, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-1182 Filed 1-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-72]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Boyne Falls, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before February 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Boyne Mountain Airport, Boyne Falls, Mich., based on a new non-Federal NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Boyne Falls, Mich. The new approach procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

BOYNE FALLS, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boyne Mountain Airport (latitude 45°-10'03" N., longitude 84°55'30" W.); and within 4½ miles west and 9½ miles east of the 176° bearing from the Boyne Mountain Airport extending from the airport to 24½ miles south of the airport excluding that position which overlies the Gaylord, Mich., Bellaire, Mich., and Grayling, Mich. transition areas.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on December 15, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1148 Filed 1-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-74]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Champaign, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before February 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public instrument approach procedure has been developed for the Illini Airport, Urbana, Ill. Accordingly, it is necessary to alter the Champaign, Ill., transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

CHAMPAIGN, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within a 5½-mile radius of the Illini Airport, Urbana, Ill. (latitude 40°08'31" N., longitude 88°12'00" W.) and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC.

Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) are authoritative in proposing this amendment.

Issued in Des Plaines, Ill., on December 27, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1149 Filed 1-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-75]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fremont, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before February 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public instrument approach procedure has been developed for the Fremont Municipal Airport, Fremont, Mich. Accordingly, it is necessary to alter the Fremont, Mich., transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

FREMONT, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport, Fremont, Mich. (latitude 43°26'31" N.; longitude 85°59'29" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on December 26, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1146 Filed 1-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-76]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Hillsboro, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before February 20, 1973, will be considered before

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action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Highland County Airport, Hillsboro, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Hillsboro, Ohio. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

HILLSBORO, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Highland County Airport (latitude 39°11'21" N., longitude 83°32'18" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on December 26, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1147 Filed 1-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Birmingham, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before February 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Ortner Airport, Birmingham, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Birmingham, Ohio. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

BIRMINGHAM, OHIO

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Ortner Airport (latitude 41°17'35" N., longitude 82°22'15" W.) excluding that portion which overlies the Cleveland, Ohio, transition area.

Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) are authoritative in proposing this amendment.

Issued in Des Plaines, Ill., on December 27, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1150 Filed 1-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-78]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Iron Mountain, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before February 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

Three new instrument approach procedures have been developed for the Ford Airport, Iron Mountain, Mich. Accordingly, is is necessary to alter the Iron Mountain, Mich., control zone and transition area to adequately protect aircraft executing the new procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

IRON MOUNTAIN, MICH.

Within a 7-mile radius of Ford Airport (latitude 45°48'57" N., longitude 88°06'56" W.); within 3 miles each side of the Iron Mountain VORTAC 192° radial, extending from the 7-mile-radius zone to 8 miles south of the VORTAC.

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (38 FR 435), the following transition area is amended to read:

IRON MOUNTAIN, MICH.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Iron Mountain VORTAC; within 6 miles west and 9½ miles east of the Iron Mountain ILS localizer south course extending from the 10-mile-radius area to 24 miles south of the Ford Airport (latitude 45°48'57" N., longitude 88°06'56" W.); within 5 miles each side of the Iron Mountain ILS localizer north course extending from the 10-mile radius to 18 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15½-mile radius of the Iron Mountain VORTAC; within 4½ miles east and 11½ miles west of the Iron Mountain ILS localizer north course extending from the 15½-mile radius to 25 miles north of the airport.

Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) are authoritative in proposing this amendment.

Issued in Des Plaines, Ill., on December 27, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1151 Filed 1-18-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 19646]

PUBLIC SAFETY RADIO SERVICES

Reduction of Authorized Bandwidth for Use of Frequencies; Extension of Time for Filing Comments

In the matter of amendment of parts 2 and 74 of the Commission's rules to reduce the authorized bandwidth for the use of the frequencies 166.25 and 170.15 MHz, Docket No. 19646.

1. A petition for an extension of time for filing comments in the above-captioned proceeding has been filed by the National Association of Broadcasters (hereinafter NAB) requesting an extension of the deadline by which comments may be filed from January 12, 1973, to February 12, 1973.

2. According to NAB, its engineering advisory committee was scheduled to meet on January 4 and 5, 1973, to study the effects of the proposed bandwidth reduction. Also, NAB is conducting a survey of broadcast stations utilizing remote pickup broadcast equipment on the two subject frequencies to determine what impact, if any, the proposed action will have on their operations. NAB says that it requires additional time to properly present the information obtained from these studies.

3. The Commission desires to be fully informed of any consequencies which may result because of the proposed bandwidth reduction.[1] It appears that the requested extension would enable NAB to include in its comments relevant information which would not be available prior to the current filing deadline. Also, the Commission understands the difficulty NAB and others may have in completing their filings within the specified time because of the usual slowdowns that occur during the holiday season at end of the calendar year. It does not appear that a 1-month extension would seriously delay this proceeding or prejudice the interests of any interested party.

4. *Accordingly, it is ordered,* Pursuant to authority contained in Section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d) and § 0.251 (b) of the Commission's rules 47 CFR 0.251(b), that the date for filing comments in this proceeding is extended from January 12, 1973, to February 12, 1973. Consequently, the date for filing reply comments also is extended from January 22, 1973, to February 22, 1973.

Adopted: January 11, 1973.

Released: January 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
DANIEL R. OHLBAUM,
Deputy General Counsel.

[FR Doc.73-1222 Filed 1-18-73;8:45 am]

[1] Notice of proposed rule making in this matter was published at 37 FR 26128, Dec. 8, 1972.

[47 CFR Part 73]

[Docket No. 19653]

FM BROADCAST STATIONS, GREGORY, S. DAK.

Table of Assignments; Extension of Time for Filing Comments

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations (Gregory, S. Dak.), Docket No. 19653, RM-1759.

1. On November 29, 1972, the Commission adopted a notice of proposed rule making in the above-captioned proceeding. Publication in the FEDERAL REGISTER was given on December 8, 1972 (37 FR 26134). Comments and reply comments were due to be filed on January 12 and January 22, 1973, respectively.

2. On January 10, 1973, Midwest Radio Corp., licensee of Stations KWYR and KWYR-FM, Winner, S. Dak., filed a petition for extensions of time in which to submit comments to and including February 12, 1973, and reply comments to and including February 22, 1973. Counsel for Midwest states he was recently retained to prepare and file comments on the proposed assignment and needs additional time to consult with the licensee of KWYR-FM and with its engineering consultant.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments and reply comments in Docket No. 19653 is extended to and including February 12, 1973, and February 22, 1973, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: January 11, 1973.

Released: January 11, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.73-1221 Filed 1-18-73;8:45 am]

[47 CFR Parts 81, 83]

[Docket No. 19670; FCC 73-31]

USE OF RADIOTELEPRINTER IN MARITIME SERVICES

Proposed Interim Frequencies and Operating Procedures

In the matter of amendment of Parts 81 and 83, to provide on an interim basis frequencies and operating procedures for the use of radioteleprinter in the maritime services, Docket No. 19670.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. This proposal is being issued to facilitate the use of radioteleprinter in the maritime services. The Radio Technical Commission for Marine Services (RTCM) has urged the Commission to amend its rules to provide, on an interim basis, frequencies and operating procedures to cover the period prior to adoption of internationally agreed frequencies and operating procedures. There has been an increasing interest by the maritime services over the past few years in the use of radioteleprinter/data systems. This interest has developed to the point where it now appears that radioteleprinter service will be initiated in the near future on a regular basis between one or more coast stations and a number of ship stations.

3. The Radio Technical Commission for Marine Services (RTCM) established Special Committee 64 (SC-64) to study, among other things, use of radioteleprinter systems in the maritime services. SC-64 has studied this matter since February 18, 1970, and has produced much of the material which the United States will recommend be included in the International Radio Regulations at the ITU World Administrative Radio Conference on Marine Matters, to be convened in Geneva, Switzerland, early in 1974. SC-64 has recognized that 3 to 5 years will elapse before appropriate frequencies and operating procedures can be included in the ITU Radio Regulations and those regulations ratified, to provide for the continued development and use of radioteleprinter systems. SC-64 has developed and recommended that an interim procedure be included in the Commission's rules for the Maritime Services. This procedure is set forth below.

4. It is not possible at this early date to forecast details of the operating procedures which will be adopted at the ITU World Administrative Radio Conference on Marine Matters, Geneva, 1974. It is, however, anticipated that those procedures would be acceptable and, therefore, would be applicable to U.S. registry vessels. On this basis, the interim procedures would be deleted from the rules and would be replaced by the internationally agreed procedures.

5. Several aspects of radioteleprinter systems which were considered by SC-64 are not included in the attached appendix. Primary among these are the use of error detecting and/or correcting equipment and the use of selective calling equipment, which are reviewed below.

A. Error detecting and/or correcting equipment. In simple terms, error detecting equipment has as its objective the determination that an error has occurred, where automatic equipment for correcting that error(s) is not provided. Error correction equipment includes means for determining that errors occurred and for automatically correcting such errors.

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Two such systems have been installed aboard ship, one referred to as "SITOR" and the other as "CODEX." CODEX is an error detection system; SITOP is an error correction system. CODEX has limited installation aboard United States registry vessels; SITOR is installed (number unknown) aboard European registry vessels. Use of the SITOR system has been recommended by the ITU International Radio Consultative Committee (CCIR) in Recommendation No. 476. RTCM has recommended use of the SITOR system. The two systems are not compatible, thus coast stations desiring to communicate with vessels employing one or the other of the two systems would be required to fit with both systems. In view of the foregoing, it is our opinion that it would be premature to take any action at this time with regard to error detection/correction equipment.

B. Selective calling equipment.

(i) Industry representatives in meetings convened by the Commission developed a digital selective calling system intended to operate on either radiotelegraph or radiotelephone communication channels available to the maritime services. That system was approved by RTCM, which recommended its development and testing be effected by the Maritime Administration. The Maritime Administration has made substantial progress towards that objective and the test results are expected to be available during the last quarter of 1973. Further, at a CCIR meeting in 1972, the United States presented a paper and discussed its plans to develop this digital selective calling system. Lastly, the United States has indicated its intent to seek inclusion of this digital system in the ITU Radio Regulations at the ITU World Administrative Radio Conference on Marine Matters, Geneva, 1974. It is anticipated that the future need for selective calling by radioteleprinter in the maritime services will be fulfilled by the above digital system.

(ii) During the interim, however, there is a requirement for a device which on a selective basis will turn on and turn off teletypewriting equipment aboard ship or at coast stations. Such a device is referred to by SC–64 as a "stunt box." The function performed by these "stunt boxes" is substantially simpler than that of the digital selective calling system referred to above. On an interim basis, however, they satisfactorily fulfill the dual requirements of reducing (a) the wear and tear on teletypewriting equipment and (b) the quantity of paper which otherwise would be wasted by printing all traffic transmitted on the receiving channel(s) being monitored. The "stunt box" would respond to the call sign of the ship or coast station, turn on the teletypewriter, print the incoming call, and turn off the teletypewriter at the end of the call. Thus, these functions could be carried out whether watch personnel were on duty or off duty, there would be a record of incoming calls, to which replies could be made upon return to duty. As discussed in SC–64, "stunt boxes" capable of performing these limited functions are readily available. In view of the foregoing, it is our opinion that no action is required at this time to prescribe standard technical requirements for these "stunt boxes."

6. A major objective of the interim procedure is to provide a capability by which a ship station may contact a coast station and vice versa, within the shortest practicable period of time, hopefully within seconds. In developing this procedure, it first appeared that it would be preferable for a coast or ship station to call on its regular working frequencies. This view was dropped after considering the number of frequencies which a coast or ship station would be required to monitor simultaneously, since the cost of such a large number of receivers would be prohibitive. This was further accented when account was taken of the bandwidth and frequency stability required to be provided in the receiver(s). The bandwidth (selectivity) of the receiver should be such that it will reject the adjacent channels, which are positioned at ±500 Hz. Further, considering the frequency shift of the transmitted signal (±85 Hz) and the selectivity of the discriminator (demodulator), the frequency stability of the receiver should be equal to 10 Hz or less for all megacycle orders of received signal.

7. The interim procedure provides that coast stations and ship stations providing a radioteleprinter service will employ six common frequencies (single frequency simplex) for calling. This arrangement requires the fewest number of receivers. It has the disadvantage, of course, that extensive use by any licensee will congest the channel, thus delaying service to others desiring to use the channel(s). To provide partial relief, licensees are required to limit use of the six common channels to calling and to the exchange of information regarding working frequencies to be used for traffic handling. Further, a call on the same frequency may not be repeated within a 15-minute period.

8. The interim procedure provides, by reference to Subpart E (§§ 81.143 and 83.143), for the use of 0.3F1 emission. Transmitter power at coast stations is limited to 1 kilowatt. The limitation is applied in order to minimize the potentiality of interference to ship stations, since the six common frequencies are actually allocated for use by ship stations.

9. With regard to station identification, the interim procedure provides that identification be provided using the same mode by which regular transmissions are made, that is, by emission 0.3F1. This is deemed necessary since many of the vessels which will be initially fitted with radioteleprinter equipment will be radiotelephony fitted vessels, which do not have first or second class radiotelegraph licensed operators on board. Further, the addition of manual Morse identification on the six common channels, at substantially slower speeds, would add to congestion of these channels.

10. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to the applicable procedures set forth in § 1.415 of the rules, interested persons may file comments on or before February 23, 1973, and reply comments on or before March 5, 1973. Section 1.419 of the rules requires the original and fourteen (14) copies of comments or reply comments to be filed. Comments and reply comments received in response to this notice of proposed rule making will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: January 10, 1973.

Released: January 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services and Alaska-Public Fixed Stations is amended as follows:

1. § 81.207, a new paragraph (e) is added to read as follows:

§ 81.207 Frequencies for call and reply.

• • • • •

(e) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed.

(1) Frequencies available: 4186.5, 6279.70, 8373.0, 12,559.5, 16,746.0, and 22,262.5 kHz. Transmitter power shall not exceed 1 kilowatt.

(2) Transmission on the frequencies set forth in subparagraph (1) of this section shall be limited to calling necessary to establish communication and, thereafter, to informing the receiving station of the working frequency or frequencies to be used. The frequencies set forth in subparagraph (1) of this section shall not be employed for working.

(3) Unless other arrangements have been made with concerned ship stations, the coast station expecting calls by radioteleprinter should maintain three or more receivers on the frequencies, set forth in subparagraph (1) of this section, most likely to be useable for the propagation path involved.

(4) The radioteleprinter equipment shall conform to the standard technical requirements set forth in Subpart E of this Part.

(5) Since coast radiotelegraph stations and ship stations will share use of the frequencies set forth in subparagraph (1) of this section, station licensees should:

(i) Avoid the creation of interference to transmissions already in progress.

(ii) In initiating calls, transmit the call sign of the station called three times, followed by "DE", followed by the call sign of the calling station, transmitted three times. For example, "WABC WABC WABC DE WLO WLO WLO."

[1] Commissioner Hooks absent.

(iii) When the station called does not reply, the call should not be repeated on the same frequency until after an interval of at least 15 minutes.

(6) Calling and station identification shall be effected by radioteleprinter.

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.318, a new paragraph (c) is added to read as follows:

§ 83.318 Ship radiotelegraph calling frequencies.

• • • • •

(c) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed.

(1) Frequencies available: 4186.5, 6279.70, 8373.0, 12559.5, 16746.0, and 22262.5 kHz.

(2) Transmission on the frequencies set forth in subparagraph (1) of this section shall be limited to calling necessary to establish communication and, thereafter, to informing the receiving station of the working frequency or frequencies to be used. Ship station working frequencies for radioteleprinter are set forth in section 83.320 of this part. The frequencies set forth in subparagraph (1) of this section shall not be employed for working.

(3) Unless other arrangements have been made with concerned coast stations, the ship station expecting calls by radioteleprinter should maintain a receiver on the frequency or frequencies, set forth in subparagraph (1) of this section, most likely to be usable for the propagation path involved.

(4) The radioteleprinter equipment shall conform to the standard technical requirements set forth in Subpart E of this Part.

(5) Since ship stations and coast radiotelegraph stations will share use of the frequencies set forth in subparagraph (1) of this section, station licensees should:

(i) Avoid the creation of interference to transmissions already in progress.

(ii) In initiating calls, transmit the call sign of the station called three times, followed by "DE", followed by the call sign of the calling station, transmitted three times. For example, "WLO WLO WLO DE WABC WABC WABC."

(iii) When the station called does not reply, the call should not be repeated on the same frequency until after an interval of at least 15 minutes.

(6) Calling and station identification shall be effected by radioteleprinter.

[FR Doc.73–1216 Filed 1–18–73;8:45 am]

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Notices

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Ashlock, Ronald R., 1697 175th Street, Hammond, IN, convicted on March 10, 1964, in the Superior Court of Cumberland County, N.C.

Clark, Eugene P., 1328 Augusta Avenue, Augusta, GA, convicted on November 4, 1966 and August 9, 1968 in the Superior Court of Richmond County, Ga.

Cowgill, Eugene H., 663 Oak Lane, Waynesboro, VA, convicted on January 21, 1971, in the Circuit Court of Louisa County, Va.

Crafts, Sandra L., No. 2 Sunshine Street, Box 84, Ruth, NV, convicted on September 13, 1965, in the U.S. District Court, District of Nevada.

Green, Arthur L., 1057 Boynton Avenue, Apt. 1-F, Bronx, NY, convicted on June 19, 1941, in the Criminal Court, County of Martin, Stuart, Fla.

Harper, John, 4½ Sunset Wire Rope, 518 Marine Drive, Port Angeles, WA, convicted on February 10, 1969, in the Superior Court of the State of Washington for Clallam County, and on March 6, 1970, in the U.S. District Court for the Western District of Washington.

Jackson, Clyde J., 3450 West Chicago Boulevard, Detroit, MI, convicted on September 26, 1938, in the Shelby County Criminal Court, Memphis, Tenn.

Leary, Dennis L., 243 Southeast 29th Court, Des Moines, IA, convicted on December 29, 1964, in the District Court of Iowa, Emmet County.

Legrand, John B., 409 North Third, Sapulpa, OK, convicted on November 16, 1959, in the District Court of the Third Judicial District of Nebraska, in and for Lancaster County.

Lynch, John J., Post Office Box 1082, Weston, CT, convicted on October 10, 1952, in the City Court of Norwalk, Norwalk, Conn.

Phillips, Richard E., State Route 607, Crewe, Va., convicted on January 2, 1968 in Nottoway County Virginia Court.

Pruitt, Howard L., Riddle Road (General Delivery), Central Valley, Calif., convicted on August 5, 1963 and December 16, 1963, in the Superior Court of the State of California for the County of Shasta.

Reeb, John R., Route 1, Box 492, Snohomish, WA, convicted on November 6, 1970, in the District Court for Ravalli County, Mont.

Robertson, Blair Z., Rural Delivery 1, Salisbury, Pa., convicted on March 24, 1956, in the Court of Quarter Sessions of Somerset County, Pa.

Schroeder, Daniel D., 1324 L Avenue Northeast, Cedar Rapids, IA, convicted on July 1, 1969, by the Linn County District Court, Cedar Rapids, Iowa.

Smith, Kenny A., 507 Fourth Avenue, Grinnell, IA, convicted on November 9, 1964, in Poweshiek County District Court, Grinnell, Iowa.

Smith, Robert L., 81 Belmont Street, Detroit, MI, convicted on January 31, 1962, in Recorder's Court, Detroit, Mich.

Sparks, William B., 7826 Carrie Street, Detroit, MI, convicted on October 29, 1934, in Macomb County, Michigan Circuit Court, and on May 9, 1935 and July 13, 1943 in Recorder's Court, Detroit, Mich.

Taylor, Vernon S., Jr., 3833 156th Avenue Southeast, Bellevue, WA, convicted on March 17, 1953 in the U.S. District Court Western District of Washington.

Wikle, Earl B., Jr., 700 East 21st Street, Court 29, Topeka, KS, convicted on October 10, 1957, in the District Court of Shawnee County, Kans.

York, Walter R., 206 23d Avenue East, Seattle, WA, convicted on October 30, 1946 by the U.S. District Court in and for the Western District of Washington, Northern Division.

Signed at Washington, D.C., this 9th day of January 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-1200 Filed 1-18-73;8:45 am]

Bureau of Customs

[T.D. 73-22; Customs Delegation Order 44]

DEPUTY COMMISSIONER OF CUSTOMS ET AL.

Order of Succession to Act as Commissioner of Customs

JANUARY 15, 1973.

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 FR 2875), it is hereby ordered that the following officers of the Bureau of Customs in the order of succession enumerated, shall act as Commissioner of Customs, in the event of an enemy attack or during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commission of Customs.
2. The Assistant Commissioner of Customs, Office of Operations.
3. The Assistant Commissioner of Customs, Office of Regulations and Rulings.
4. The Assistant Commissioner of Customs, Office of Administration.
5. The Assistant Commissioner of Customs, Office of Investigations.
6. The Assistant Commissioner of Customs, Office of Security and Audit.
7. Chief Counsel.
8. The Regional Commissioner of Customs, Region II.

9. If none of the above officials is available, the remaining Regional Commissioners of Customs, in order of their appointment as Regional Commissioners of Customs.

By virtue of authority vested in me by said Treasury Department Order No. 129 (Revision No. 2), and Treasury Department Order No. 165, Revised (T.D. 53654; 19 FR 7241), there is hereby delegated to the regional commissioners of customs, district directors of customs, and port directors of customs, in the event of an enemy attack on the continental United States, authority to perform any function of the Commissioner of Customs which is necessary to insure continuous performance of essential functions otherwise assigned to such officers. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

This order supersedes Customs Delegation Order No. 32, dated September 28, 1967 (T.D. 67-232; 32 FR 13873), and Customs Delegation Order No. 39, dated November 16, 1970 (T.D. 70-243, 35 FR 17862).

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-1199 Filed 1-18-73;8:45 am]

Office of the Secretary

[Treasury Department Order 190-1]

DEPUTY ASSISTANT SECRETARY FOR TAX POLICY

Delegation of Authority

By virtue of authority vested in the Secretary of the Treasury, which authority has been delegated to me as Assistant Secretary for Tax Policy by Treasury Department Order No. 190 (Revision 8), I hereby delegate to the Deputy Assistant Secretary for Tax Policy (Tax Legislation) authority to approve regulations relating to the internal revenue laws. This authority may be exercised by him in his own capacity and under his own title, and he shall be responsible for referring to the Assistant Secretary for Tax Policy any regulations on which action should appropriately be taken by him.

Dated: January 8, 1973.

[SEAL] FREDERIC W. HICKMAN,
Assistant Secretary for Tax Policy.

Approved:

GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-1270 Filed 1-18-73;8:45 am]

IRON POWDER (EXCLUDING ALLOY AND SPONGE POWDERS) FROM CANADA

Antidumping Proceeding Notice

JANUARY 16, 1973.

On December 7, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that iron powder (excluding alloy and sponge iron powders) from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-1332 Filed 1-18-73;8:45 am]

PAPERMAKING MACHINERY FROM FINLAND AND SWEDEN; SULPHUR FROM CANADA

Notice of Extension of Time for Investigations

JANUARY 17, 1973.

Information was received on June 6, 1971, and January 21, 1972, respectively, that papermaking machinery from Finland and Sweden; and sulphur from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of "Antidumping Proceeding Notices," the first two of which were published in the FEDERAL REGISTER of August 14, 1971, on page 15460; and the third on February 24, 1972, on page 3922.

Upon publication of the "Antidumping Proceeding Notices" the Commissioner of Customs initiated full-scale investigations in order to obtain additional information considered necessary to enable the Secretary to reach a determination as provided in § 153.32(a), Customs regulations (19 CFR 153.32(a)).

Notice is hereby given that it has been determined pursuant to § 153.32(c), Customs regulations (19 CFR 153.32(c)), that because of certain complex issues not yet resolved relating to the treatment of possible sales below cost of production, and in order to permit adequate consideration of the possible impact of these issues on the current investigations, it was not possible to have made tentative decisions within the 9-month period contemplated in section 153.32(c), Customs regulations, and that an additional period of time, not to exceed 3 months, will be necessary before the appropriate actions can be taken.

This "Notice of Extension of Time for Investigations" is published pursuant to § 153.32(c) of the Customs regulations.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary, of the Treasury.

[FR Doc.73-1334 Filed 1-18-73;10:04 am]

POLYPROPYLENE STRAPPING FROM JAPAN

Antidumping Proceeding Notice

JANUARY 16, 1973.

On December 20, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that polypropylene strapping from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.73-1331 Filed 1-18-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY COMMAND AND GENERAL STAFF COLLEGE ADVISORY COMMITTEE

Notice of Annual Meeting

JANUARY 10, 1973.

In accordance with section 10, Public Law 92-463, notice is given of the annual meeting of the U.S. Army Command and General Staff College Advisory Committee at Fort Leavenworth, Kans., January 25-26, 1973. The meetings will be held in the Command Conference Room, Bell Hall, Fort Leavenworth and are open to the public. Major agenda items concern relations with higher education, appointment of civilian faculty members, future curriculum plans, developments in strategic studies, and systems-engineering as applied to course development.

EDGAR EGELAND,
Lieutenant Colonel, Infantry, Secretary.

[FR Doc.73-1155 Filed 1-18-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DES 73-1]

OUTER CONTINENTAL SHELF OFFSHORE TEXAS AND LOUISIANA

Availability of Draft Environmental Impact Statement and Public Hearing Regarding Possible Oil and Gas Lease Sale

JANUARY 18, 1973.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 129 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Texas and Louisiana.

The draft environmental statement is available for public review in the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, LA 70113, and in the Office of Information, Bureau of Land Management (130), Washington, DC 20240. Copies are available for purchase from these offices for $2 per copy.

A composite map of the area of the Gulf of Mexico offshore Texas and Louisiana, upon which tracts being considered for leasing have been depicted and a listing of these tracts may be obtained at no charge from the above-listed offices.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m. on February 21, 1973, in Room

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114, Albert Thomas Convention and Exhibit Center, 612 Smith Street, Houston, TX for the purpose of receiving comments and suggestions relating to the possible lease sale. The hearing has been scheduled to extend through February 22.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offering of the 129 tracts on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development, and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above-listed address by 4:15 p.m., February 15, 1973. Written comments from those unable to attend the hearing should be addressed to the Director (Attn: 392), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until March 5, 1973. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to 10 minutes. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

ED HASTEY,
Acting Associate Director,
Bureau of Land Management.

Approved:

W. W. LYON,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-1324 Filed 1-18-73;9:41 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 6]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published in 37 FR 13352 is revised to read as follows:

1. The last sentence of section 1(b) entitled "General" published in 37 FR 22639 is revised to read as follows: Interest at 7 percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received.

2. The last sentence of section 1(c) entitled "General" published in 37 FR 13352 is revised to read as follows: Interest to date of payment will be at 7 percent.

Effective date: 2:30 p.m., e.s.t., December 29, 1972.

Signed at Washington, D.C., on January 12, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-1225 Filed 1-18-73;8:45 am]

Office of the Secretary

LAGUNA AND JICARILLA INDIAN LANDS IN NEW MEXICO AND SOUTHERN UTE INDIAN LANDS IN COLORADO

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Laguna and Jicarilla Indian lands in New Mexico and the Southern Ute Indian Lands in Colorado has been materially increased and become acute because of severe drought during the 1971 and 1972 growing seasons creating a serious shortage of livestock feeds. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on January 17, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-1330 Filed 1-18-73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 12—SIGNIFICANCE AND IMPACT OF ASCII AS A FEDERAL STANDARD

Notice of Public Meeting

Pursuant to Public Law 92-463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Task Group 12—Significance and Impact of ASCII as a Federal Standard will hold a meeting from 11 a.m. to 4 p.m. on Monday, January 29, 1973, in Room B-27, Building 225, of the National Bureau of Standards in Gaithersburg, Md.

The purpose of the meeting is to review proposed ASCII questionnaires and to consider matters related to their processing.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Office of Information Processing Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3551).

Dated: January 16, 1973.

LAWRENCE M. KUSHNER,
Acting Director.

[FR Doc.73-1256 Filed 1-18-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9206; Docket No. FDC-D-414; NDA 10-431]

ABBOTT LABORATORIES

Selinium Sulfide With Hydrocortisone Acetate Ointment; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of March 28, 1972 (37 FR 6343), extending to Abbott Laboratories, 14th and Sheridan Road, North Chicago, IL 60064 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 10-431 for Selsunef Ointment (selenium sulfide and hydrocortisone acetate). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

By letter of December 8, 1971, Abbott Laboratories stated that marketing of the drug had been discontinued on May 7, 1969, requested withdrawal of approval of the application, and waived opportunity for a hearing. This request and waiver had been inadvertently overlooked when the said notice was published.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 10-431 and all amendments and supplements thereto is withdrawn effective on January 19, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: January 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1165 Filed 1-18-73;8:45 am]

[DESI 64; Docket No. FDC-D-574; NDA No. 64, etc.]

CERTAIN BARBITURATE-ANALGESIC COMBINATION DRUGS FOR ORAL USE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In a notice (DESI 64) published in the FEDERAL REGISTER of March 14, 1972 (37 FR 5308), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs are regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drugs have been submitted pursuant to the notice.

NDA 64; Allonal Tablets containing aprobarbital and phenacetin; Roche Laboratories, Division Hoffmann-LaRoche, Inc., Roche Park, 340 Kingsland Street, Nutley, NJ 07110.

NDA 4-296; Pentobarbital-Aspirin Capsules; Cooper Laboratories, Inc. (successor to Tilden-Yates Laboratories, Inc.), 2900 North 17th Street, Philadelphia, PA 19132.

NDA 2-898; Cyclopal and Aspirin Tablets containing cyclopentenylallylbarbituric acid and aspirin; The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49002.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before February 20, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before February 20, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be

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seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1164 Filed 1-18-73;8:45 am]

[DESI 843; Docket No. FDC-D-554; NDA 843]

CIBA PHARMACEUTICAL CO.

Desoxycorticosterone Acetate for Intrabuccal Administration; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 843) published in the FEDERAL REGISTER of September 19, 1970 (35 FR 14662), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Percorten Acetate Linguets containing desoxycorticosterone acetate; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, NJ 07901 (NDA 843).

The notice stated that desoxycorticosterone acetate for intrabuccal administration is probably effective as partial therapy in Addison's disease. On June 22, 1972, Ciba Pharmaceutical Co. informed the Food and Drug Administration that no clinical trials are underway nor are any contemplated. The probable effective indication for the product intended for intrabuccal administration has been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted pursuant to the notice.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before February 20, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before February 20, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 11, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1166 Filed 1-18-73;8:45 am]

[Docket No. FDC-D-533; NADA 11-353V]

WHITMOYER LABORATORIES, INC.

Thera-Tergent; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of November 11, 1972 (37 FR 24053), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of new animal drug application (NADA) No. 11-353V for Thera-Tergent; marketed by Affiliated Laboratories, Division Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, PA 17067 (formerly marketed by Warren-Teed Pharmaceuticals).

Neither Whitmoyer Laboratories, Inc. nor any other interested persons have filed a written appearance in response to the above-cited notice. This is construed as an election by said persons not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 11-353V, including all amendments and supplements thereto, is hereby withdrawn effective on January 19, 1973.

Dated: January 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1163 Filed 1-18-73;8:45 am]

Office of the Secretary

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

Notice of Subcommittee Meeting

A subcommittee meeting of the Tuskegee Syphilis Study Ad Hoc Advisory Panel is to be held on January 24, 1973. This Panel was established by the Assistant Secretary for Health to provide advice on the circumstances surrounding the Tuskegee, Alabama, Study of Untreated Syphilis in the Male Negro initiated by the U.S. Public Health Service in 1932. The Assistant Secretary for Health requested the Panel to advise him on the following specific aspects of the Tuskegee Syphilis Study:

1. Determine whether the study was justified in 1932 and whether it should have been continued when penicillin became generally available.

2. Recommend whether the study should be continued at this point in time, and if not, how it should be terminated in a way consistent with the rights and health needs of its remaining participants.

3. Determine whether existing policies to protect the rights of patients participating in health research conducted or supported by the Department of Health, Education, and Welfare are adequate and effective and to recommend improvements in these policies, if needed.

This meeting is for the sole purpose of considering and formulating the advice which the Panel will give to the Assistant Secretary for Health on the third charge outlined above, and will involve exclusively the internal expression of views and judgments of its members. Accordingly, under the authority of the Assistant Secretary's notice of determination of January 17, 1973, this meeting is closed to the public. The meeting will begin at 1:30 p.m. at the National Urban League in New York City. A summary of the meeting and a roster of Panel members may be obtained from Mr. John Blamphin (202-962-7906), Room 5614, HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.

Dated: January 17, 1973.

R. C. BACKUS,
Executive Secretary, Tuskegee Syphilis Study Ad Hoc Advisory Panel.

[FR Doc.73-1314 Filed 1-18-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRCRAFT EMISSIONS HEARINGS

Notice of Availability of Draft Tentative Federal Aviation Regulations

On Tuesday, December 12, 1972, the Environmental Protection Agency (EPA) published its proposed Part 87, Aircraft and Aircraft Engines—Proposed Standards for Control of Air Pollution (37 FR 26488). On that date, the Federal Aviation Administration also published a notice of participation in hearings to be held by EPA on its proposed regulations (37 FR 26458). In that notice, it was stated that FAA's regulatory response to EPA proposed Part 87, or at least an early draft, would be made available so that "public commentators will have full knowledge of both the EPA and the probable FAA proposals prior to the hearings."

A working draft of tentative FAA emission control regulations has been prepared and is available in the Office of Environmental Quality, Room 939, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies will also be available at the hearings. This draft is not a formal notice of proposed rule making, and should not be so regarded. However, it contains detailed regulatory language that represents the kinds of FAA rule making that, under section 232 of the Clean Air Act as amended, would have to follow the final issuance of EPA Part 87 if that part is adopted as proposed. In addition to persons generally concerned with the environmental aspects of FAA rule making, the draft is of particular interest to the following classes of persons within the aviation community:

(1) Applicants for type certificates and changes to type certificates (U.S. and foreign products).

(2) Applicants for standard airworthiness certificates.

(3) Applicants for, and holders of, delegation option authorizations.

(4) Applicants for approval of materials, parts, processes, and appliances (U.S. and foreign).

(5) Applicants for, and holders of, Designated Alteration Station (DAS) authorizations.

(6) Applicants for Technical Standard Order (TSO) Authorizations.

(7) Operators of products for which certain airworthiness directives are issued.

(8) Persons maintaining, rebuilding, altering, or performing preventive maintenance on U.S. and foreign civil air aircraft.

(9) Persons operating U.S. and foreign civil aircraft in the United States.

Issued in Washington, D.C., on January 17, 1973.

RICHARD P. SKULLY,
Director, Office of Environmental Quality.

[FR Doc.73-1232 Filed 1-18-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Availability of Applicant's Environmental Report, Amendments to Environmental Reports, and AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations set forth in Appendix D to 10 CFR Part 50, notice is hereby given that documents entitled: "Applicant's Environmental Report, Revised July 1972," "Amendment No. 1 to Environmental Report," and "Amendment No. 2 to Environmental Report" (collectively known as the Environmental Reports"), submitted by the Pennsylvania Power & Light Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC and with the Economic Development Council of Northeast Pennsylvania, Warm Building, Post Office Box 777, Avoca, PA 18651. The reports are also available at the Luzerne County Planning Commission, Courthouse, Wilkes-Barre, Pa. 18702 and the State Clearing House, 5100 Finance Building, Harrisburg, Pa. 17120.

Notice of availability of the applicant's Environmental Report was published in the FEDERAL REGISTER on August 1, 1972 (37 FR 15393).

The reports have been analyzed by the Commission's Directorate of Licensing, and a Draft Environmental Statement related to the proposed Construction of the Susquehanna Steam Electric Station Units 1 and 2, located near Berwick in Luzerne County, Pa., has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to Appendix D to CFR Part 50, interested persons may, on or before March 5, 1973, submit comments for the Commission's consideration on the Environmental Reports and on the Draft Environmental Statement. Appropriate Federal and State agencies are being provided with copies of the Draft Environmental Statement and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above designated locations. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

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Dated at Bethesda, Md., this 15th day of January 1973.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc.73-1153 Filed 1-18-73;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. ET AL.

Assignment of Alternate Chairman of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, because of the unavailability of Michael L. Glaser, Chairman of the Atomic Safety and Licensing Appeal Board for this proceeding, during the period from January 15, 1973, to and including January 28, 1973, the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned himself, under the authority of 10 CFR 2.787(a), to serve as Chairman of the Appeal Board for this proceeding during this period of time.

Dated: January 15, 1973.

WILLIAM L. WOODARD,
Executive Secretary, Atomic Safety and Licensing Appeal Panel.

[FR Doc.73-1152 Filed 1-18-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25111; Order 73-1-46]

AEROLINEAS PERUANAS, S.A.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1973.

By Order 70-8-65 dated July 8, 1970, and approved by the President on August 14, 1970, the Board renewed the foreign air carrier permit of Aerolineas Peruanas, S.A. (APSA) which authorized the carrier to engage in foreign air transportation with respect to persons, property, and mail between various foreign points and various points in the United States and to engage in off-route charter trips.[1]

The Board has been advised by the Peruvian Government that on July 19, 1972, APSA was removed from designation under the bilateral agreement between Peru and the United States.

Based upon the foregoing, the Board tentatively finds that the foreign air carrier permit now held by APSA should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered: 1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Aerolineas Peruanas, S.A.

2. That any interested person having objections to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [2]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That Aerolineas Peruanas, S.A. and the Ambassador of Peru shall be served copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-1206 Filed 1-18-73;8:45 am]

[Docket No. 24488; Order 73-1-48]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger-Fare Matters

Adopted by the Civil Aeronautics Board at is office in Washington, D.C., on the 15th day of January 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted for expedited January 15, 1973, effectiveness at the Caribbean Area Passenger Traffic Conference held November 1972 at Miami, and has been assigned the above-designated CAB agreement number.

The agreement would amend an existing resolution governing group inclusive tour (GIT) fares from the United States to Venezuela, by establishing peak-season (December through April) fares for groups of at least 20 persons from U.S. points to Caracas. The fares are set at the same level as existing off-peak GIT fares for groups of 15, and are subject to a weekend surcharge of $25 round trip. No stopovers are permitted. Additionally, the agreement would increase existing peak-season GIT fares for groups of 50 by approximately 5 percent, and would specify fares under this category from additional U.S. points. Finally, the agreement adopts a new resolution which would establish 5-day GIT fares from San Juan to Caracas at $95 round trip. The fares would be available year round, be subject to a minimum/maximum stay requirement of 3/5 days, and no stopovers would be permitted.

The resulting structure of GIT fares from the United States to Venezuela is not out of line with other promotional fares in the Caribbean area, and was adopted for limited effectiveness through March 31, 1973 only. We will herein approve the resolution, subject where applicable to conditions previously imposed by the Board in connection with this type of fare. Any extension of effectiveness beyond the agreed expiry date will be considered in light of a complete fares package for the Caribbean.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreement as indicated, to be adverse to the public interest or in violation of the Act: *Provided,* That approval is subject to the conditions hereinafter ordered:

Agreement CAB	IATA No.	Title	Application
23448:			
R-1	084j	TC1 14-day group inclusive tour fares—Venezuela (amending)	1
R-2	084jj	TC1 5-day group inclusive tour fares—Venezuela (new)	1

[1] The permit authorizes ASPA (a) to engage in foreign air transportation of persons, property, and mail (1) between a point or points in Peru; the intermediate points Guayaquil, Ecuador; Barranquilla and Bogota, Columbia; Panama City, Panama; Miami, Fla.; and Washington, D.C.; and the terminal point Montreal, Canada, and (2) between a point or points in Peru; the intermediate points Guayaquil, Ecuador, and Mexico City, Mexico; and the terminal point Los Angeles, Calif., and (b) to operate off-route charter trips pursuant to Part 212 of the Board's Economic Regulations.

[2] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

Accordingly, it is ordered, That:

Agreement CAB 23448, R-1 and R-2, be and hereby is approved, provided that:

1. With respect to Resolution 084j, approval is subject to conditions previously imposed by the Board; and

2. With respect to Resolution 084jj,

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin;

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-1207 Filed 1-18-73;8:45 am]

[Docket No. 24801]

NORDAIR LTEE—NORDAIR LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 21, 1973, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Harry H. Schneider.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on December 11, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 15, 1973.

[SEAL] HARRY H. SCHNEIDER,
Administrative Law Judge.

[FR Doc.73-1205 Filed 1-18-73;8:45 am]

[Dockets Nos. 24505, 17971; Order 73-1-47]

TEXAS INTERNATIONAL AIRLINES, INC.

Order To Show Cause Regarding Certificate of Public Convenience and Necessity

Application of Texas International Airlines, Inc., requesting route realinement by a show cause order, Docket 24505; application of Texas International Airlines, Inc., for exemption authority and amendments of its certificate of public convenience and necessity for route 82, Dockets 17971, 20607, 22085, 22086.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1973.

By application and petition filed on May 26, 1972, Texas International Airlines, Inc. (TXI) requests that the Board issue an order directing interested persons to show cause why TXI's certificate of public convenience and necessity for route 82 should not be amended to the extent necessary to realine TXI's route system by consolidating the existing 14 segments into one segment, and by eliminating certain restrictions.

In support of its request, TXI asserts, inter alia, that its 14-segment route system was "fashioned piecemeal" over a period of years, resulting in arbitrary segment junction point restrictions and other restrictions which no longer serve useful purposes. TXI contends that these restrictions compel the carrier to bear the burden of circuitous routings and unnecessary stops. The carrier claims that consolidation of all points on a single segment would allow TXI to test new services which would by-pass the Houston and Dallas hubs, giving the carrier increased flexibility while at the same time reducing air traffic congestion at Houston and Dallas.[1]

TXI further states that if the proposed relief is granted the carrier will be able to schedule its aircraft in a more economical and efficient manner and thus provide the public with improved transportation services; that there will be a reduction in airport and air traffic congestion by elimination of unnecessary stops at high-density airports; and that significant cost savings will result, providing long-range route strengthening.

Answers were filed by American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), and Delta Air Lines, Inc. (Delta) in which the carriers indicate that they have no objection to the issuance of a show cause order proposing to amend TXI's certificate as the carrier requests, so long as the order contains a condition precluding the utilization by TXI of the "on-segment procedures" of Subpart M of the Board's Regulations. In addition, an answer was filed by the City and County of Denver, Colo. supporting TXI's requested route realignment subject to the condition that TXI not obtain improved authority in the Denver-Memphis and Denver-Jackson, Miss. markets, both of which markets will be considered in Docket 19314, which contains a request by Denver for improved authority between Denver and certain southeast points. Finally, the City of Clovis, N. Mex., filed an answer in support of TXI's proposal.

As stated in the recent Air West route realignment,[2] it has been Board policy to realign local service carriers' routes in order to provide opportunities for maximum scheduling flexibility and equipment utilization; to conform route authority to traffic flows; and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant economic improvement. The ultimate objectives of the Board's route realignment policy are to reduce subsidy payments to local service carriers while at the same time improving air service to the public.

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that TXI's route realignment and certificate amendment proposal is consistent with the Board's policy and objectives and that substantial public service and carrier benefits will derive from the realigned route system.[3]

It is our tentative view that the proposed realinement and certificate amendments offer TXI the potential for significant route strengthening and for a substantial reduction in the carrier's subsidy need and subsidy payments which should be reflected in the carrier's subsidy mail rate for fiscal 1974, assuming that TXI takes full advantage of the operational benefits made available by the realinement and conducts its operations in a manner which produces maximum economic improvements in terms of cost efficiency and traffic development. Thus, consolidating TXI's existing 14-segment route system into one segment and modifying or eliminating unnecessary and burdensome conditions as proposed by the carrier, will allow TXI to provide new or improved service in numerous markets in which such service is presently restricted as a result of either the arbitrary segmentation of the carrier's route or outmoded certificate restrictions. Full implementation of the potential operational and scheduling flexibility offered by the realined system should

[1] According to the carrier, TXI's present route system is effectively divided in two by "a figurative wall" between the terminal points Houston and Dallas/Fort Worth, providing almost no opportunity to fly between the two halves of the system without having to serve these two junction points.

[2] Order 72-4-140, Apr. 26, 1972.

[3] See Orders 72-9-58, Sept. 14, 1972; 72-4-140, Apr. 26, 1972; 71-4-113, Apr. 16, 1971; 71-2-12, Feb. 2, 1971; 68-11-74, Nov. 18, 1968; 68-7-63, July 12, 1968; E-26868, June 4, 1968.

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also increase the carrier's average length of hop and passenger haul, and thus lower its unit costs and increase the average yield per passenger mile.

TXI has proposed a number of restrictions on its realined system in order to lessen the competitive impact on other carriers. In general, no restrictions have been proposed which would give TXI less authority than it presently possesses. In noncompetitive markets no restrictions have been proposed, and, in competitive markets (a) where the authority and services of TXI and a competitor are comparable, in terms of the number of intermediate stops, TXI has maintained the stop restrictions but has eliminated the requirement to serve specific points; (b) in markets in which a competitor provides single-plane service, TXI's authority will require one intermediate stop more than the competitor's service; (c) where a competitor is authorized but does not provide service in a market, TXI's authority will require one intermediate stop more than the competitor's best authority; and (d) in markets in which TXI presently has a restriction against single-plane service, the restriction has been retained.

The Board tentatively finds and concludes that the conditions contained in TXI's proposed certificate, subject to the modifications discussed below, are sufficient to maintain the regional characteristics of TXI's local service route system, preserve the competitive balance in key markets, and substantially lessen the likelihood of adverse economic impact on competing carriers. In addition, we tentatively find and conclude that elimination and modification of the operating restrictions as proposed by TXI is consistent with the Board's policy of removing or modifying conditions which serve no useful purpose and which are otherwise wasteful and undesirable.[4]

In addition, we have also decided to remove the requirements in TXI's present certificate authorizing mandatory nonstop service between Albuquerque, on the one hand, and Los Angeles and Dallas,[5] on the other hand. These requirements were imposed as pretrial restrictions designed to limit the scope of the "Service to Albuquerque Case." [5a] In view of the present-day conditions in these markets the mandatory service requirements appear to be superfluous, serving no useful purpose.

Finally, the Board tentatively finds and concludes that all new nonstop authority in markets where traffic generation is large enough to support a finding that such operations are economcially feasible, will be made ineligible for subsidy assistance.[6]

With regard to the objections raised by American, Braniff, and Delta, we have tentatively determined not to adopt those carriers' requests that the Board impose a condition in TXI's amended certificate to restrict TXI's utilization of the "on-segment" procedures of Subpart M of the Board's regulations. As we have pointed out in Orders 72-9-58 and 72-12-104, there are no substantive differences between the so-called "on-segment" and "off-segment" procedures of Subpart M. The only difference involves the timing and manner in which the application goes to the preliminary stages (prior to hearing) at which answers and motions to consolidate are due. If the Board fails to stay an application filed under the "on-segment" procedure (14 CFR 302.1305(a)) answers are due within the specified time limitation. Under the "off-segment" procedures (14 CFR 302.1305 (b)) answers are not due until the Board orders further proceedings. Consequently, the availability of "on-segment" procedures merely expedites the prehearing stages of Subpart M. It must be emphasized, however, that no Subpart M application—whether filed pursuant to "on-segment" or "off-segment" procedures—can move forward to the hearing stage in the absence of affirmative action by the Board setting the application for hearing.[7] Furthermore, we do not agree with the suggestion that TXI's future use of the "on-segment" procedures of Subpart M would result in procedural unfairness to opposing parties and would limit the Board's flexibility to such an extent as to require the inclusion of a broad prospective restriction in TXI's certificate. The Board has ample authority, both under Subpart M and under its general power, to issue stays and grant extensions of time to assure procedural fairness to all parties and to safeguard its own ability to exercise its statutory responsibilities. In these circumstances, we see no need for imposing the restriction requested.

Lastly, we have tentatively decided to reject the request of the Denver parties to prohibit improved TXI authority in the Denver-Memphis and Denver-Jackson markets. We are not persuaded that the pendency of Denver's request in Docket 19314 for nonstop authority between Denver and Memphis warrants the imposition of restrictions on TXI's proposed one-stop authority in these markets at this time. Should Denver's application in Docket 19314 be set for hearing, we do not believe that the improvements we propose in TXT's existing one-stop authority[8] in the Denver-Memphis or Denver-Jackson markets will, as a matter of economic fact, preclude the subsequent award of Denver-Memphis nonstop authority to another carrier. As we have previously stated, a potential one-stop operation in a market would not be sufficiently competitive with nonstop service so as to preclude—on that basis—a subsequent award of nonstop authority.[9] In any event, Denver will be given the opportunity, in responding to this order, to state its objections with greater clarity and to demonstrate more precisely the extent to which the proposed realinement will deprive other carriers of a fair and comparative hearing regarding Denver-Memphis nonstop authority.[10]

A specimen certificate is attached. We note that in accordance with TXI's request (application p. 8, n. 18) we have added Monroe, La., El Paso, Tex., and Salt Lake City, Utah, to the list of points which may be overflown after receipt of one daily round trip. El Paso and Salt Lake City are presently terminal points and therefore are not now subject to the two-daily-round-trip-overflight restriction. However, consolidation of those points as intermediates on one segment will make them subject to the two-daily-round-trip-skip-stop proscriptions to which they were not previously subject. Monroe, on the other hand, is presently an intermediate point on segment 7, and is subject to the two-daily-round-trip-overflight restriction. However, TXI operates only one daily round trip to Monroe, and does not operate any flights which overfly the point. Consolidation of TXI's 14 segments would, as a practical matter, terminate TXI's ability to schedule only one round trip to Monroe, since the carrier will necessarily schedule many daily flights which will overfly Monroe. Accordingly, we tentatively find and conclude that grant of authority to overfly Monroe, El Paso, and Salt Lake City after those cities receive one daily round trip is in the public interest.

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect TXI to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to § 389.25(a)(2) of the Board's regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Texas International's certificate in the manner set forth in the accompanying specimen certificate;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix B attached below a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board.[11]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. Dockets 17971, 20607, 22085, and 22086 be and they hereby are consolidated with Docket 24505;

6. A copy of this order shall be served on Texas International which is hereby made a party to this proceeding; and

7. A copy of this order shall be served upon all persons listed in Appendix B attached below.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

SPECIMEN CERTIFICATE TEXAS INTERNATIONAL #82

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

(AS AMENDED)

FOR ROUTE 82

Texas International Airlines, Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Los Angeles-Long Beach, Calif., the intermediate points Albuquerque and Santa Fe, N. Mex., Salt Lake City, Utah, Denver, Colo., Amarillo and Lubbock, Tex., Clovis and Roswell, N. Mex., El Paso, Tex., Carlsbad and Hobbs, N. Mex., Midland-Odessa, Big Spring, San Angelo, Brownwood, Abilene, Wichita Falls, Dallas-Fort Worth, Waco, Temple, Austin, San Antonio, Laredo, Mission-McAllen-Edinburg, Harlingen-San Benito, Corpus Christi, Victoria, Houston, Beaumont-Port Arthur, College Station-Bryan, Dufkin, Tyler and Longview-Kilgore-Gladewater, Tex., Sheveport, La., Texarkana, Tex-Ark., Hot Springs, Little Rock, and Jonesboro, Ark., Memphis, Tenn., Pine Bluff and El Dorado-Camden, Ark., Monroe, Alexandria, Lake Charles, Lafayette, Baton Rouge and New Orleans, La., and the terminal point Jackson, Miss.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly, any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service herein above expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of route 82, the holder shall stop at each point named between the point of origin and point of termination of such trip, except a point or points with respect to which (a) the Board, pursuant to such procedure, as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of said route, subject to the conditions in paragraphs (4) through (13) below.

(4) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

From	*To*
Albuquerque, N. Mex.	Amarillo, Tex. Denver, Colo. El Paso, Tex. Houston, Tex. Memphis, Tenn. San Antonio, Tex.
Alexandria, La.	Baton Rouge, La. Dallas, Tex. Shreveport, La.
Amarillo, Tex.	El Paso, Tex. Hot Springs, Ark. Houston, Tex. Little Rock, Ark. Memphis, Tenn. New Orleans, La. San Antonio, Tex. Santa Fe, N. Mex.
Austin, Tex.	Los Angeles/Long Beach, Calif. New Orleans, La.
Denver, Colo.	Sante Fe, N. Mex.
Baton Rouge, La.	Dallas/Ft. Worth, Tex. Jackson, Miss. Little Rock, Ark. Memphis, Tenn. Monroe, La. Shreveport, La.
Beaumont/Port Arthur, Tex.	Shreveport, La.
Corpus Christi, Tex.	Dallas/Ft. Worth, Tex Denver, Colo. Memphis, Tenn.
Dallas/Ft. Worth, Tex.	El Paso, Tex. Jackson, Miss. Los Angeles/Long Beach, Calif. Lubbock, Tex. Memphis, Tenn. Monroe, La. New Orleans, La. Shreveport, La.
Denver, Colo.	Hot Springs, Ark. Little Rock, Ark. Memphis, Tenn. New Orleans, La.
El Paso, Tex.	Houston, Tex. Little Rock, Ark. Lubbock, Tex. Memphis, Tenn. San Antonio, Tex.
Hot Springs, Ark.	Salt Lake City, Utah.
Houston, Tex.	Little Rock, Ark. Lubbock, Tex. (except on flights which serve Denver, Colo. and Salt Lake City, Utah). Memphis, Tenn. Los Angeles/Long Beach, Calif. Monroe, La. Shreveport, La.
Jackson, Miss.	Salt Lake City, Utah. Lubbock, Tex. Midland/Odessa, Tex. Salt Lake City, Utah. Shreveport, La.
Little Rock, Ark.	Memphis, Tenn.
Los Angeles/Long Beach, Calif.	New Orleans (except on flights which serve Denver, Colo., Albuquerque, N. Mex., or a point west of El Paso, Tex.). San Antonio, Tex. (except on flights which serve Denver, Colo., Albuquerque, N. Mex., or a point west of El Paso, Tex.).
Lubbock, Tex.	

[5] We further find that TXI is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder. In addition, we tentatively find and conclude that the proposed realinement of TXI's route 82 is required by the public convenience and necessity.

[5] Mandatory nonstop service is required between Dallas and Albuquerque by reason of Condition (11), which we propose to eliminate, and between Los Angeles and Albuquerque by reason of the fact that those two points are located on a separate segment.

[5a] Service to Albuquerque Case, Order 69-7-136, July 24, 1969, p. 4, n. 5 and 5a.

[6] Appendix A below contains a revised list of subsidy ineligible operations.

[7] Applicants for the same authority always have a right to a contemporaneous consideration of their applications, and are in no way prejudiced by the Subpart M procedure.

[8] TXI presently has one-stop authority in both the Denver-Jackson and the Denver-Memphis markets, via San Antonio or Houston, which involves extreme circuity. TXI proposes one-stop authority in the Denver-Memphis market with a stop at Abilene or a point south, and one-stop authority in the Denver-Jackson market with a stop at Lubbock or a point south.

[9] Piedmont Aviation, Inc./Eastern Air Lines, Inc. Route Transfer and Certificate Amendments Case, Order 72-11-22, November 7, 1972, pp. 3-4.

[10] We note that TXI was granted exemptions by Orders 71-2-94, effective February 22, 1971 (Docket 17971), and 72-3-14, effective March 7, 1972 (Docket 22086), and has on file certificate amendment applications relating to such exemptions (Dockets 20607 and 22085, respectively) which exemptions and certificate amendment applications will be mooted by realinement of TXI's route as proposed. Accordingly, we intend to terminate these exemptions and dismiss the applications if TXI's certificate is amended as proposed herein. For these purposes, we will consolidate Dockets 17971, 20607, 22086, and 22085 with the instant proceeding. In addition, we have decided not to include Fort Polk in TXI's certificate as the carrier has proposed. Fort Polk is presently served under exemption authority issued pursuant to Order E-20702, April 15, 1964, and the carrier has made no showing to warrant permanent certification of Fort Polk.

[11] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

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From	To
Memphis, Tenn.	Monroe, La. Salt Lake City, Utah. Shreveport, La.
Monroe, La.	Shreveport, La.
Midland/Odessa, Tex.	New Orleans, La.
New Orleans, La.	San Antonio, Tex. (except on flights which serve Denver, Colo. or Salt Lake City, Utah).
Salt Lake City, Utah	Santa Fe, N. Mex.

(5) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

From	To
Albuquerque, N. Mex.	New Orleans, La.
Alexandria, La.	Los Angeles/Long Beach, Calif.
Amarillo, Tex.	Los Angeles/Long Beach, Calif.
Baton Rouge, La.	Los Angeles/Long Beach, Calif.
Denver, Colo.	El Paso, Tex.
El Paso, Tex.	Los Angeles/Long Beach, Calif. New Orleans, La. Sante Fe, N. Mex. Wichita Falls, Tex.
Houston, Tex.	Los Angeles/Long Beach, Calif.
Jackson, Miss.	Memphis, Tenn. New Orleans, La.
Little Rock, Ark.	Los Angeles/Long Beach, Calif.
Los Angeles/Long Beach, Calif.	Memphis, Tenn. Monroe, La. San Antonio, Tex. Wichita Falls, Tex.
Salt Lake City, Utah	Albuquerque, N. Mex. El Paso, Tex.

(6) The holder shall schedule service to a minimum of three intermediate points between the following pairs of points:

From	To
Denver, Colo.	Los Angeles/Long Beach, Calif. (one point to be Lubbock, Tex. or a point south thereof).
Los Angeles/Long Beach, Calif.	New Orleans, La.
Memphis, Tenn.	New Orleans, La.

(7) Notwithstanding the provisions of paragraphs (3) (a) and (d), (4), (5), and (6) above:

(a) The holder may not schedule service with only one intermediate stop between Monroe, La. and Memphis, Tenn., unless it has scheduled two daily round trips between Little Rock and El Dorado-Camden, Ark., respectively, on the one hand, and Monroe, La., or points south thereof, on the other hand.

(b) The holder shall, on each trip between Amarillo, Tex. and Hot Springs or Little Rock, Ark. or Memphis, Tenn. serve Dallas, Tex. or a point south thereof as an intermediate.

(c) The holder shall on each flight serving Denver, Colo. or Salt Lake City, Utah, also serve Lubbock, Tex., or a point south thereof; *Provided, however*, That on each flight serving Denver, Colo., or Salt Lake City, Utah and Hot Springs or Little Rock, Ark. or Memphis, Tenn., the holder shall serve Abilene, Tex. or a point south thereof as an intermediate, and on flights serving El Paso, Tex. the holder shall serve Abilene, Tex., or a point east thereof as an intermediate; and *Provided further*, That on each flight serving Salt Lake City, Utah which does not also serve Hot Springs or Little Rock, Ark., or Memphis, Tenn., or El Paso, Tex. or Santa Fe or Albuquerque, N. Mex., shall serve Midland/Odessa, Tex. or a point south thereof.

(d) The holder shall on each flight serving Denver, Colo., and Midland/Odessa, Tex., also serve San Antonio or Houston, Tex., or New Orleans, La.

(8) Flights serving Los Angeles, Calif., and Dallas, Tex., with one intermediate point shall serve Albuquerque, N. Mex., as the intermediate, otherwise a minimum of two intermediate points shall be served.

(9) Flights serving both Houston, Tex., and San Antonio, Tex., shall originate or terminate at a point beyond Houston or San Antonio, Tex.

(10) The holder shall not schedule single-plane service between (a) Monroe and New Orleans, La., and (b) between Dallas-Fort Worth, Tex., and Salt Lake City, Utah, or Denver, Colo.

(11) The holder may omit service to El Paso, Tex., Monroe, La., or Salt Lake City, Utah, in excess of one daily round trip.

(12) The holder is authorized to render flag-stop service at any of the above points by omitting physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property or mail on the aircraft destined for such points and no such traffic available at such point for the flight at the scheduled time of departure: *Provided further*, That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights.

(13) The holder's authority to engage in the transportation of mail with respect to those operations set forth in Appendix A to order is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with the operations specified in paragraph (13) and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ——: *Provided, however*, That the effective date of said certificate shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to § 389.21(b) of the regulations.

In WITNESS WHEREOF, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the —— day of

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

TEXAS INTERNATIONAL AIRLINES, INC.

List of Certificated Operations Ineligible for Subsidy

1. Flight stages to and from the following points: Baton Rouge, Denver, Wichita Falls, Salt Lake City, all points in Mexico.

2. Operations over segments 11 and 13 as described in Order 71-4-73.

3. Turnaround operations between Alexandria and New Orleans.

4. Nonstop turnaround operations between Little Rock and Memphis.

5. Nonstop operations between the following pairs of points:

From	To
Albuquerque	Dallas/Fort Worth. Los Angeles/Long Beach.
Amarillo	Corpus Christi. Dallas/Fort Worth.
Corpus Christi	Lubbock. New Orleans.
Dallas/Fort Worth	Laredo. Midland/Odessa. San Antonio.
Houston	Laredo. New Orleans. Shreveport. Texarkana.
Jackson	San Antonio.
New Orleans	Shreveport.
Shreveport	Texarkana.

APPENDIX B

This order is being served upon the following cities and persons in interest:

I. Abilene, Tex., Albuquerque, N. Mex., Alexandria, La., Amarillo, Tex., Austin, Tex., Baton Rouge, La., Beaumont, Tex., Big Spring, Tex., Brownwood, Tex., Bryan, Tex., Camden, Ark., Carlsbad, N. Mex., Clovis, N. Mex., College Station, Tex., Corpus Christi, Tex., Dallas, Tex., Denver Colo., Edinburg, Tex., El Dorado, Tex., El Paso, Tex., Fort Polk, La., Fort Worth, Tex., Galveston, Tex., Gladewater, Tex., Harlingen, Tex., Hobbs, N. Mex., Hot Springs, Ark., Houston, Tex., Kilgore, Tex., Jackson, Miss., Jonesboro, Ark., Lafayette, Ark., Lake Charles, La., Laredo, Tex., Little Rock, Ark., Long Beach, Calif., Longview, Tex., Los Angeles, Calif., Lubbock, Tex., Lufkin, Tex., McAllen, Tex., Memphis, Tenn., Midland, Tex., Mission, Tex., Monroe, La., New Orleans, La., Odessa, Tex., Pine Bluff, Ark., Port Arthur, Tex., Rosewell, Tex., Salt Lake City, Utah, San Angelo, Tex., San Antonio, Tex., San Benito, Tex., Santa Fe, N. Mex., Shreveport, La., Temple, Tex., Texarkana, Tex., Texarkana, Ark., Tyler, Tex., Victoria, Tex., Waco, Tex., Wichita, Falls, Tex.

II. Aeronautics Departments or Commissions for the States of: Arkansas, California, Colorado, Louisiana, Mississippi, New Mexico, Texas, Utah.

III. American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, Frontier Airlines, National Airlines, Northwest Airlines, Trans World Airlines, United Air Lines, Western Air Lines, Hughes Airwest, Southern Airlines, North Central Airlines, Ozark Air Lines, Piedmont Aviation, Allegheny Airlines.

[FR Doc.73-1208 Filed 1-18-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the California State Advisory Committee will convene at 11:30 a.m. on January 22, 1973, at the Madonna Inn, 100 Madonna Road, San Luis Obispo, CA 93401. Persons wishing to attend this meeting should contact the committee chairman, or the Mid-Atlantic Regional Office of the Commission at 2120 L Street NW., Washington, DC 20425. The purpose of this meeting will be to release the California State Committee Report on Educational Neglect of Mexican American Students in the Lucia Mar Unified School District, Pismo Beach, Calif.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 15, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1302 Filed 1-18-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN AND CERTAIN APPLICATIONS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 24, 1973, in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The subjects of the hearing will be as follows:

I. *Comprehensive Plan amendments.* A proposal to amend the Comprehensive Plan so as to include therein the following water resources projects:

1. *Fred Acierno.* A sewage treatment project to serve the 700-unit mobile home park known as Red Lion Village in New Castle County, Del. Treatment facilities will provide 93 percent removal of BOD_5 from the average sewage flow of 200,000 gallons per day.

2. *Yardley Water Co.* A water treatment plant to serve Yardley Borough and portions of Lower Makefield and Falls Townships, Bucks County, Pa. Initially 1 million gallons per day will be withdrawn and up to 2 million gallons per day has been requested from the Delaware River. A wastewater flow of about 40,000 gallons per day will be discharged to a tributary of Brock Creek after removal of 99 percent of suspended solids.

3. *Oley Township Municipal Authority.* A sewage treatment plant to be constructed by the Municipal Authority of Oley Township, Berks County, Pa. The facility will be designed to treat a sewage flow of 250,000 gallons per day and provide removal of approximately 95 percent of BOD_5. Treated wastewater will discharge to Manatawny Creek.

4. *Basile Corp.* A sewage treatment plant designed to serve an apartment complex known as Painter Crossing located in Birmingham Township, Delaware County, Pa. The treatment plant would provide 97 percent removal of BOD_5 to a sewage flow of 70,000 gallons per day. Treated effluent would discharge to an unnamed tributary to Harvey Run in the Brandywine drainage basin. The project will be phased out when municipal sewerage service becomes available.

5. *Earl Jamison.* Upgrading and expansion of the sewage treatment plant serving the Peddler's Village complex in Solebury Township, Bucks County, Pa. The project will provide 98 percent removal of BOD_5 to a sewage flow of 50,000 gallons per day. Treated effluent will discharge to a tributary of Aquetong Creek.

6. *Chalfont-New Britain Township Joint Sewer Authority.* A project to increase sewage treatment plant capacity at the Authority's existing plant in Doylestown Township, Bucks County, Pa. Capacity will be increased to 2 million gallons per day and will provide removal of 90 percent of BOD_5. Treated effluent will continue to discharge to Neshaminy Creek.

7. *Amity Township Municipal Authority.* A sewage treatment plant in Amity Township, Berks County, Pa. The project would provide treatment to a sewage flow of 800,000 gallons per day and would provide removal of 90 percent of BOD_5 and 95 percent suspended solids. Treated effluent would discharge to the Schuylkill River.

II. *Water pollution abatement schedule.* A proposal to approve the following water pollution abatement schedule as submitted in accordance with § 3-4.2(2) of the Basin Regulations-Water Quality:

1. *Pearsall Corp. (A-71-24 revision).* A violation of the effluent requirements of the Commission's Basin Regulations was determined for this facility located in Harmony Township, N.J., and discharging into Zone 1D of the Delaware River. An abatement schedule for this facility was approved on July 28, 1971, that required compliance by September 30, 1971. The proposed revision permits the company to recycle and concentrate all industrial effluent for marketing purposes and requires the facility to cease the discharge of industrial effluents by May 15, 1973.

III. *Special public hearing.* Applications for review and approval of the electric generating projects noted below have been pending before the Commission since early 1970. The Commission proposes to take partial and limited action under section 3.8 of the Compact with respect to the water supply and demand aspects of each project as summarized. The proposed action is intended to meet procedural requirements of the United States Atomic Energy Commission and the National Environmental Policy Act. The proposed action shall not be deemed to constitute approval of either project pursuant to Article 11 or section 3.8 of the Delaware River Basin Compact.

Philadelphia Electric Co. Limerick Nuclear Generating Station: A nuclear powerplant located on the east bank of the Schuylkill River in Limerick Township, Montgomery County, Pa. Two generating units of 1,100 megawatt capacity each would be constructed. Maximum consumptive and nonconsumptive use of water would be 42 and 14 million gallons per day, respectively, Schuylkill River water would not be used consumptively when the flow at Pottstown falls below 560 cubic feet per second. Perkiomen Creek water would not be used when the flow at Graterford falls below 150 cubic feet per second. Delaware River water would not be used consumptively (via Perkiomen Creek) when the flow at Trenton falls below 3,000 cubic feet per second.

Public Service Electric & Gas Co. Newbold Island Nuclear Generating Station: A nuclear powerplant located on Newbold Island in Bordentown Township, Burlington County, N.J. Two generating units of 1,088 megawatt capacity each would be constructed. Maximum consumptive and nonconsumptive water use would be 41 and 153 million gallons per day respectively. Delaware River water would not be used consumptively when the flow at Trenton falls below 3,000 cubic feet per second.

Draft copies of docket decisions relating to the Limerick and Newbold Island projects to be considered by the Commission are available at the offices of the Commission. Documents relating to other items on this hearing notice may be examined at the Commission offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

[FR Doc.73-1172 Filed 1-18-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

On November 1, 1971, EPA instituted, pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, a procedure for the publication of a listing of draft environmental impact statements and other actions affecting the environment that have been reviewed and commented on by the Agency. Twenty (20) such listings have been published since the inception of the procedure. Each listing contained a classification of the nature of EPA's comments on the impact statements and other actions reviewed.

This procedure for making available to the public our comments has been re-evaluated and a revised procedure has been promulgated in EPA Order 1640.1 dated November 30, 1972. From this date, each notice will contain five (5) appendixes.

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Appendix I will contain a listing of draft environmental impact statements reviewed and commented upon in writing during the referenced reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II will introduce the new definitions of the classifications of EPA's comments. Previously, the Agency comments were set forth in four classifications, which integrated comments on the adequacy of the draft statement with those on the environmental impact of the project. Henceforth, comments on the draft impact statements will be designated by two notations: Categories LO, ER, or EU, will represent a comment on the environmental impact of the proposed project; and categories 1, 2, or 3, will represent a comment on the adequacy of the impact statement. Explanations of the new categories are as follows:

ENVIRONMENTAL IMPACT OF THE ACTION

LO (Lack of Objections)—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER (Environmental Reservations)—EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU (Environmentally Unsatisfactory)—EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1 (Adequate)—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2 (Insufficient Information)—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3 (Inadequate)—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and asked that substantial revision be made to the impact statement.

It is noted that where a draft impact statement is assigned a Category 3, no comment will be forthcoming on the environmental impact of the proposed action.

Appendix III will introduce a new concept by setting forth a listing of final environmental impact statements reviewed and commented upon in writing during the referenced reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V. The summary of the nature of EPA's comments will include a brief abstract of the comments and will designate those projects or actions which have been determined by the Administrator to be unsatisfactory from the standpoint of health, welfare, or environmental quality, and therefore, referred to the Council on Environmental Quality.

Appendix IV will contain a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing will include the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V. The summary of the nature of EPA's comments will include a brief abstract of the comments and will designate those proposed actions which have been determined by the Administrator to be unsatisfactory from the standpoint of health, welfare, or environmental quality, and, therefore, referred to the Council on Environmental Quality.

Appendix V will contain a listing of the names and addresses of the sources for copies of EPA comments listed in Appendixes I, III, and IV.

Attached below in Appendixes I through V is a listing of all environmental impact statements and other actions impacting the environment which EPA has reviewed and commented upon in writing during the period from December 1, 1972, to December 29, 1972. Copies of the EPA Order 1640.1, setting forth new policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referagency or from the National Technical originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: January 9, 1973.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I—DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN DECEMBER 1, 1972 AND DECEMBER 29, 1972

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-00066-CA: Rancho Seco Nuclear Generating Station, Calif.	ER-2	A
Do	D-AEC-00065-NJ: Forked River Nuclear Generating Station, Unit 1, N.J.	ER-2	C
Do	D-AEC 00061-PA: Peach Bottom Atomic Power Station, Units 2 and 3, Pa.	ER-2	D
Do	D-AEC 00062-SC: Virgil C. Summer Nuclear Station, Unit 1, S.C.	ER-2	E
Do	D-AEC-05422-LA: Waterford Steam Electric Generating Station, La.	ER-2	G
Corps of Engineers	D-COE-35047-CT: Maintenance Dredging of North Haven Harbor, Conn.	ER-2	B
Do	D-COE-36173-MA: North Atlantic Regional Resources Study, Maine.	LO-2	B
Do	D-COE-30046-NY: Staten Island Beach Erosion Control, N.Y.	3	C
Do	D-COE-32380-VA: Gathright Lake, Jackson River, Bath County, Va.	EU-2	D
Do	D-COE-35048-VA: Water Intake and Pump Station, Chesapeake, Va.	ER-2	D
Do	D-COE-36176-PA: Addition of Conservation Pool, Union City Dam, Erie County, Pa.	ER-2	D
Do	D-COE-30052-FL: Blount Island Duval County, Fla..	3	E
Do	D-COE-30047-AL: Dredging of Dead-Reef Shells, Mobile Bay, Ala.	3	E
Do	D-COE-32357-MS: Dam and Lake Construction on Tallahala Creek in Jasper County, Miss.	ER-2	E
Do	D-COE-32394-AL: Intracoastal Waterway, Fla.	LO-2	E
Do	D-COE-32065-MS: Edinburg Dam and Lake, Pearl River Basin, Miss. and La.	LO-2	E
Do	D-COE-35043-FL: Lake Okeechobee, Fla.	ER-2	E
Do	D-COE-32397-FL: St. Lucie Inlet Navigation Survey, Martin County, Fla.	LO-2	F
Do	D-COE-32394-OH: Updated Draft-Eastlake-Chagrin River, Ohio.	ER-1	F
Do	D-COE-32399-MN: Zumbro River Basin, Olmsted County, Minn.	LO-1	F
Do	D-COE-32396-MI: Diked Disposal Area—Dickinson Island, Mich.		

APPENDIX I—Continued

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Do	D-DOT-41583-PA: L.R. 1127, Erie County, Pa.	ER-2	D
Do	D-DOT-41539-WV: I-77 Jackson County, W. Va.	LO-1	D
Do	D-DOT-51017-NC: Lincolnton-Cherryville Airport, N.C.	LO-1	E
Do	D-DOT-40410-NC: NC-68, Westchester Drive, U.S. 311 to Elm Avenue, N.C.	LO-1	E
Do	D-DOT-41573-SC: Sumter County, Sumter, S.C.	LO-2	E
Do	D-DOT-41608-FL: Highway project for Charlotte County, Fla.	LO-1	E
Do	D-DOT-40370-AL: Highway project F-377(2), Mobile County, Ala.	LO-1	E
Do	D-DOT-51106-NC: Jackson County Airport, Sylva, N.C.	LO-2	E
Do	D-DOT-40397-FL: State Road 35(U.S.-17), Charlotte County, Fla.	LO-1	E
Do	D-DOT-40433-GA: Cobb County, Georgia Highway Project, Ga.	LO-1	E
Do	D-DOT-51203-GA: Valdosta Municipal Airport, Ga.	LO-1	E
Do	D-DOT-40408-AL: Highway project S-50-E, Russell County, Ala.	ER-2	E
Do	D-DOT-51200-MS: Panola County Airport, Miss.	LO-2	E
Do	D-DOT-40305-AL: Highway project S-184-D, Cullman County, Ala.	LO-1	E
Do	D-DOT-41464-NC: I-85, from State Route 2025 (Davidson County) to Greentown (Guilford County), N.C.	LO-1	E
Do	D-DOT-40131-FL: State Route 44, Lake County, Fla.	LO-1	F
Do	D-DOT-41532-WV: C.T.H. "11" Eau Claire Street, Monongalia County, W. Va.	LO-2	F
Do	D-DOT-41580-IL: FAS Route 2572, Sec 8IQ, Adams County, Ill.	LO-1	F
Do	D-DOT-41584-IL: FA 24, SBI 23, La Salle County, Ill.	LO-1	F
Do	D-DOT-41566-IL: FAU Route 8826, Rockford County, Ill.	LO-1	F
Do	D-DOT-41624-MN: T.H. 71, Beltrami County, Minn.	3	
Do	D-DOT-51193-IL: Ingersoll Airport, Fulton County, Ill.	LO-1	F
Do	D-DOT-51194-WI: Tomahawk Airport, Lincoln County, Wis.	3	F
Do	D-DOT-41525-WI: T.H. 90, La Crosse-Tomah Road, La Crosse County, Wis.	LO-1	F
Do	D-DOT-51197-OK: Will Rogers Municipal Airport, Hardin County, Ky.	LO-2	G
Do	D-DOT-51199-MO: Mississippi County Airport, Mo.	LO-2	H
Do	D-DOT-51200-KS: Widening of 98th Street, Leawood and Overland Park, Kans.	3	H
Do	D-DOT-40202-NH: Crescent Lake Wilderness Area, Carroll County, N.H.	LO-1	H
Do	D-DOT-40662-NJ: Allamuchy Mountain State Park Land Acquisition, N.J.	LO-1	H
Do	D-DOT-40662-OH: Cuyahoga River Valley, Cuyahoga County, Ohio.	LO-1	H
Do	D-DOT-40168-CO: Cowdrey-Pot Hook Project, Colorado and Wyoming.	LO-1	H
Do	D-DOT-40765-UT: Bonneville Unit of Central Utah Project, Utah.	ER-2	I
Do	D-DOT-41584-WY: Grand Teton National Park, Wyo.	LO-1	J
Do	D-DOT-30188-CA: Daniz Heights Municipal Water District, Calif.	LO-1	K
Do	D-DOT-41569-CA: Route 395, Inyo County, Calif.	LO-2	J
Federal Power Commission	D-FPC-05052-AL: Crooked Creek Project, Clay and Randolph Counties, Ala.	3	E
Department of Housing and Urban Development	D-HUD-86002-MA: Chatham West I Apartments, Brockton, Mass.	ER-2	B
Do	D-HUD-86007-MD: Lakeland Urban Renewal (MD. R-44), College Park, Md.	ER-2	D
Do	D-HUD-86006-VA: Rivera Apartments, Virginia Beach, Va.	LO-2	D
Do	D-HUD-86004-VA: Fair Oaks Apartments, Henrico County, Va.	ER-1	D
Do	D-HUD-86001-VA: Fair Oaks Apartments, Henrico County, Va.	LO-2	D
Do	D-COE-21028-OH: Diked Disposal Area, Huron Harbor, Erie County, Ohio.	LO-2	F
Do	D-COE-30010-IL: Lake Forest Beach Erosion, Ill.	LO-1	F
Do	D-COE-21027-OH: Diked Disposal Area Number 12, Cuyahoga County, Ohio.	LO-2	F
Do	D-COE-30011-IL: Lake Bluff Beach Erosion Control, Ill.	LO-1	F
Do	D-COE-32393-MI: Great Lakes connecting channels, St. Mary's, Mich.	LO-1	F
Do	D-COE-30111-AR: Operating and maintenance of Bull Shoals Lake, Ark.	LO-1	G
Do	D-COE-30185-KS: Flood protection project, Lawrence, Kans.	LO-1	H
Do	D-COE-30198-MO: South fork of Blackwater River Project, Mo.	LO-2	H
Do	D-COE-32358-MO: Taltonsburg Lake, Grand River, Mo.	ER-2	H
Do	D-COE-32359-CA: Oakland outer harbor maintenance, Alameda County, Calif.	LO-1	J
Do	D-COE-32360-CA: Sacramento River, bank protection project, Calif.	LO-1	J
Do	D-COE-30168-HI: Kaneohoe-Kailua area, Oahu, Hawaii.	ER-2	J
Do	D-COE-21015-AK: Kodiak Sewerage Disposal System, Kodiak, Alaska.	LO-2	K
Department of Agriculture	D-DOA-83051-ID: Herbicide control of sagebrush and wyethia, Idaho.	LO-1	A
Do	D-DOA-63024-OR: Vegetation management project on Sunflower, Ore.	ER-1	A
Do	D-DOA-63025-NC: Clarks Fork and Bullocks Creek watershed, N.C.	LO-1	E
Do	D-DOA-63025-SC: Raton Creek Watershed, Laurens and Greenville Counties, S.C.	LO-2	E
Do	D-DOA-63024-ID: Kaniksu NF timber management project, Idaho.	ER-2	K
Department of Commerce	D-DOC-80022-NC: Project Nos. 03-1-00580 and 03-2-00780, Stantonsburg, N.C.	ER-2	E
Do	D-DOC-81012-NC: Roanoke-Chowan Technical Institute near Ahoskie, N.C.	ER-2	E
Do	D-DOC-82014-KY: Sanitary sewage improvements, Hardin County, Ky.	LO-2	E
Do	D-DOC-23012-NC: Extension of Water and Sewer System, Williamston, N.C.	LO-2	E
Do	D-DOC-30018-NC: Lower Cape Fear, Kings Bluff, N.C.	LO-2	E
Department of the Interior	D-DOI-60062-NJ: Allamuchy Mountain State Park Land Acquisition, N.J.	LO-1	C
Do	D-DOI-60062-OH: Cuyahoga River Valley, Cuyahoga County, Ohio.	LO-1	F
Do	D-DOI-41075-CO: Cowdrey-Pot Hook Project, Colorado and Wyoming.	ER-2	I
Do	D-DOI-6765-UT: Bonneville Unit of Central Utah Project, Utah.	ER-2	I
Do	D-DOI-41584-WY: Grand Teton National Park, Wyo.	LO-1	J
Do	D-DOI-30188-CA: Daniz Heights Municipal Water District, Calif.	LO-1	K
Do	D-DOI-51199-MO: Mississippi County Airport, Mo.	LO-2	H
Do	D-DOI-51200-KS: Widening of 98th Street, Leawood and Overland Park, Kans.	3	H
Do	D-DOI-60202-NH: Crescent Lake Wilderness Area, Carroll County, N.H.	LO-1	H
Do	D-DOI-60062-NJ: Allamuchy Mountain State Park Land Acquisition, N.J.	LO-1	H
Do	D-DOI-60062-OH: Cuyahoga River Valley, Cuyahoga County, Ohio.	LO-1	H
Do	D-DOI-41075-CO: Cowdrey-Pot Hook Project, Colorado and Wyoming.	ER-2	I
Do	D-DOI-6765-UT: Bonneville Unit of Central Utah Project, Utah.	ER-2	I
Do	D-DOI-41584-WY: Grand Teton National Park, Wyo.	LO-1	J
Do	D-DOI-30188-CA: Daniz Heights Municipal Water District, Calif.	LO-1	K
Do	D-DOI-41569-CA: Route 395, Inyo County, Calif.	LO-2	J
Federal Power Commission	D-FPC-05052-AL: Crooked Creek Project, Clay and Randolph Counties, Ala.	3	E
Department of Housing and Urban Development	D-HUD-86002-MA: Chatham West I Apartments, Brockton, Mass.	ER-2	B
Do	D-HUD-86007-MD: Lakeland Urban Renewal (MD. R-44), College Park, Md.	ER-2	D
Do	D-HUD-86006-VA: Rivera Apartments, Virginia Beach, Va.	LO-2	D
Do	D-HUD-86004-VA: Fair Oaks Apartments, Henrico County, Va.	ER-1	D
Do	D-HUD-86001-VA: Fair Oaks Apartments, Henrico County, Va.	LO-2	D
Do	D-DOT-41583-PA: L.R. 1127, Erie County, Pa.	LO-2	F
Do	D-DOT-41539-WV: I-77 Jackson County, W. Va.	LO-1	F
Do	D-DOT-51017-NC: Lincolnton-Cherryville Airport, N.C.	LO-1	E
Do	D-DOT-40410-NC: NC-68, Westchester Drive, U.S. 311 to Elm Avenue, N.C.	LO-1	E
Do	D-DOT-41573-SC: Sumter County, Sumter, S.C.	LO-2	E
Do	D-DOT-41608-FL: Highway project for Charlotte County, Fla.	LO-1	E
Do	D-DOT-40370-AL: Highway project F-377(2), Mobile County, Ala.	LO-1	E
Do	D-DOT-51106-NC: Jackson County Airport, Sylva, N.C.	LO-2	E
Do	D-DOT-40397-FL: State Road 35(U.S.-17), Charlotte County, Fla.	LO-1	E
Do	D-DOT-40433-GA: Cobb County, Georgia Highway Project, Ga.	LO-1	E
Do	D-DOT-51203-GA: Valdosta Municipal Airport, Ga.	LO-1	E
Do	D-DOT-40408-AL: Highway project S-50-E, Russell County, Ala.	ER-2	E
Do	D-DOT-51200-MS: Panola County Airport, Miss.	LO-2	E
Do	D-DOT-40305-AL: Highway project S-184-D, Cullman County, Ala.	LO-1	E
Do	D-DOT-41464-NC: I-85, from State Route 2025 (Davidson County) to Greentown (Guilford County), N.C.	LO-1	E
Do	D-DOT-40131-FL: State Route 44, Lake County, Fla.	LO-1	F
Do	D-DOT-41532-WV: C.T.H. "11" Eau Claire Street, Monongalia County, W. Va.	LO-2	F
Do	D-DOT-41580-IL: FAS Route 2572, Sec 8IQ, Adams County, Ill.	LO-1	F
Do	D-DOT-41584-IL: FA 24, SBI 23, La Salle County, Ill.	LO-1	F
Do	D-DOT-41566-IL: FAU Route 8826, Rockford County, Ill.	LO-1	F
Do	D-DOT-41624-MN: T.H. 71, Beltrami County, Minn.	3	
Do	D-DOT-51193-IL: Ingersoll Airport, Fulton County, Ill.	LO-1	F
Do	D-DOT-51194-WI: Tomahawk Airport, Lincoln County, Wis.	3	F
Do	D-DOT-41525-WI: T.H. 90, La Crosse-Tomah Road, La Crosse County, Wis.	LO-1	F
Do	D-DOT-51197-OK: Will Rogers Municipal Airport, Hardin County, Ky.	LO-2	G
Do	D-DOT-51199-MO: Mississippi County Airport, Mo.	LO-2	H
Do	D-DOT-51200-KS: Widening of 98th Street, Leawood and Overland Park, Kans.	3	H
Do	D-DOT-40202-NH: Crescent Lake Wilderness Area, Carroll County, N.H.	LO-1	H
Do	D-DOT-40662-NJ: Allamuchy Mountain State Park Land Acquisition, N.J.	LO-1	H
Do	D-DOT-40662-OH: Cuyahoga River Valley, Cuyahoga County, Ohio.	LO-1	H
Do	D-DOT-41075-CO: Cowdrey-Pot Hook Project, Colorado and Wyoming.	ER-2	I
Do	D-DOT-6765-UT: Bonneville Unit of Central Utah Project, Utah.	ER-2	I
Do	D-DOT-41584-WY: Grand Teton National Park, Wyo.	LO-1	J
Do	D-DOT-30188-CA: Daniz Heights Municipal Water District, Calif.	LO-1	K
Do	D-DOT-41569-CA: Route 395, Inyo County, Calif.	LO-2	J
Federal Power Commission	D-FPC-05052-AL: Crooked Creek Project, Clay and Randolph Counties, Ala.	3	E
Department of Housing and Urban Development	D-HUD-86002-MA: Chatham West I Apartments, Brockton, Mass.	ER-2	B
Do	D-HUD-86007-MD: Lakeland Urban Renewal (MD. R-44), College Park, Md.	ER-2	D
Do	D-HUD-86006-VA: Rivera Apartments, Virginia Beach, Va.	LO-2	D
Do	D-HUD-86004-VA: Fair Oaks Apartments, Henrico County, Va.	ER-1	D
Do	D-HUD-86001-VA: Fair Oaks Apartments, Henrico County, Va.	LO-2	D

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APPENDIX II—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives of modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

If a draft impact statement is assigned a Category 3, no rating will be made of the project or action, since a basis does not generally exist on which to make such a determination.

APPENDIX III—FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN DECEMBER 1, 1972 AND DECEMBER 29, 1972

Identifying number	Title	General nature of comments	Source for copies of comments
NONE			

APPENDIX IV—REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN DECEMBER 1, 1972 AND DECEMBER 29, 1972

Agency	Title	General nature of comments	Source for copies of comments
Federal Communication Commission.	Procedures for implementation of National Environmental Policy Act of 1969.	Recommended that the proposed procedures be reevaluated to consider in more detail the requirements of NEPA and the CEQ guidelines including the necessity to set forth technical guidelines for applicants and to establish a more definitive role for FCC officials.	A
Do	Statement of general policy to implement procedures for compliance with the national Environmental Policy Act of 1969.	Recommended that the proposed procedures be reevaluated to consider in more detail the requirements of NEPA and the CEQ guidelines including the necessity to set forth technical guidelines for applicants, to establish criteria for determining what is a major Federal action, and to provide internal guidance for staff analyses in drafting FIC impact statements.	A

APPENDIX V—SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.73-1133 Filed 1-18-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19419; FCC 73-43]

AMERICAN TELEPHONE & TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone & Telegraph Co., Long Lines Department (A.T. & T.), Revisions of Wide Area Telephone (WATS) Tariff FCC No. 259 and Private Line Service (PLS) Tariff FCC No. 260 and The Western Union Telegraph Co. (Western Union), Revisions of Tariff FCC No. 254, Docket No. 19419.

A. *Background.* 1. In a memorandum opinion and order released February 7, 1972 in this docket, we suspended and instituted an investigation into the lawfulness of certain tariff revisions filed by A.T. & T. in the above-noted interstate WATS and PLS tariffs (33 FCC 2d 518). These revisions were originally scheduled to go into effect on February 4, 1972. However, we suspended them until May 4, 1972 and A.T. & T. postponed the effective date still further until July 4, 1972.

2. As originally filed these tariffs included (a) substantial reduction in existing interstate charges for A.T. & T.-provided "Dataphone" sets that are offered to customers who wish to connect their own data terminal facilities to the switched telephone network (either through WATS or PLS facilities); (b) establishment of new interstate charges for an A.T. & T.-provided "automatic data access arrangement" that is also offered to customers who wish to connect their own data facilities to the switched telephone network; (c) changes in existing interstate tariff regulations to permit more flexible use of A.T. & T.-provided "multi-channel data station equipment" offered to customers who wish to use such channel-deriving equipment in combination with voice-grade data channels obtained from the telephone company; and (d) establishment of new interstate rates for an additional category of "Dataphone" sets suitable for combined sending and receiving and for handling data at higher speeds. Each of these A.T. & T.-provided facilities are competitive, in varying degrees, with similar equipment or facilities offered by independent manufacturers and suppliers or other common carriers. In its petition IDCMA [1] made a number of allegations (which we summarize in paragraph 3 of our February 7, 1972 action, 33 FCC 2d, at page 519), to the effect that these competitive offerings of the Bell System in its private line services were being subsidized by the monopoly services of Bell, and were anti-competitive vis-a-vis members of IDCMA who supplied similar facilities to the public in competition with Bell. Based upon these allegations, we suspended the original A.T. & T. tariffs for the full 3-month period provided for in section 204 of the Act and we stated that we would consider particularly the question of the lawfulness of these tariff schedules in light of their potentially anti-competitive effects (33 FCC 2d, at page 520).

3. Before the original tariff schedules could go into effect A.T. & T. applied for special permission to file revised tariffs in substitution for the original tariffs. The stated purpose of A.T. & T. was to ameliorate the alleged anti-competitive effects of the original filing and to expedite the resolution of the issues in the

[1] Independent Data Communications Manufacturers Association, Inc.

hearing. Based upon alleged "changed circumstances" subsequent to the filing of the original tariffs, A.T. & T. proposed to establish monthly rates for the "Dataphone" sets and channel-deriving equipment higher than those originally proposed and to establish monthly rates for the automatic data access arrangement lower than those originally proposed.

4. We granted A.T. & T.'s request and the substitute tariffs were filed and became effective July 3, 1972 thereby canceling the originally filed tariffs. By virtue of language in our memorandum opinion and order of February 7, 1972, the substitute tariff pages were automatically set for hearing in this docket in lieu of the original tariffs (33 FCC 2d, p. 520). Inasmuch as it appeared to us that the revised tariffs might possibly ameliorate the alleged anti-competitive features of the original filing, we invited interested parties to submit comments and reply comments on the new submission. Further, by memorandum opinion and order of June 26, 1972 we ordered the deferral of hearings herein until we could consider such comments (36 FCC 2d 498). On about July 26, 1972 IDCMA submitted its comments in the form of a "Petition to Reject or Suspend." Although IDCMA agreed that the revisions made by A.T. & T. in the substitute rates were in the proper direction, IDCMA contended that the revisions were not sufficient in degree at least and that the revised rates continued to be based upon cross-subsidization by the monopoly services of Bell and were anti-competitive as to the independent suppliers of competitive data devices supplied by members of IDCMA. A.T. & T. opposed IDCMA's petition to reject or suspend [2] and urged that this proceeding be terminated. Western Union also filed comments on A.T. & T.'s substitute tariffs contending that A.T. & T.'s revised charges for its data sets and for multi-channel equipment would have a significant impact on Western Union's competitive service offerings and that A.T. & T.'s charges for such services are unduly discriminatory as between A.T. & T.'s own customers.

5. In addition to submitting its comments on the A.T. & T. substitute tariffs, Western Union filed its own tariff schedules effective August 10, 1972 matching the A.T. & T. rates for certain of the data sets offered by A.T. & T. On or about August 29, 1972 IDCMA filed a "Petition to Reject or Suspend" [3] the Western Union tariffs on the same basis as it opposed the revised A.T. & T. rates.

6. On November 24, 1972, A.T. & T. filed further revised PLS tariff schedules to become effective December 24, 1972 establishing a new rate for the first time in its interstate PLS tariffs applicable to a Series 200 Data-Phone Data Set (Type 208). This device provides for combined sending and receiving transmission and is suitable for conditioning signals at a rate of 4,800 bits per second. Competitive data sets are offered by certain members of IDCMA. At our request the effective date of this tariff was postponed from December 24, 1972 until January 14, 1973. A timely petition to suspend was filed by IDCMA on December 29, 1972. An opposition thereto was filed by A.T. & T. on January 9, 1973.

B. *Disscussion.* 7. As indicated in the foregoing, this proceeding was commenced in February 1972 (a) to investigate the lawfulness of the charges of A.T. & T. for providing certain data service facilities that are competitive with similar facilities available from alternative suppliers and (b) to determine whether and to what extent we should prescribe new tariffs if we should find any such unlawfulness (33 FCC 2d 518). However, the proceeding has been temporarily stayed by us pending further order (36 FCC 2d 498).

8. The questions that are now properly before us for decision are (1) whether we should terminate the proceeding herein as A.T. & T. has urged us to do over the opposition of IDCMA; (2) whether, if we do not terminate, we should also set Western Union's matching rates for hearing in this proceeding as requested by IDCMA; and (3) whether we should suspend and set for hearing in this proceeding the recently filed interstate rate of A.T. & T. for the 208 Data set, which IDCMA has requested us to do.

9. With respect to the question of whether we should terminate this proceeding, we are of the opinion that the substitute rates now under investigation continue to raise essentially the same cross-subsidization and anti-competitive questions that were raised by the original tariffs and which we summarized in our original action herein. (See 33 FCC 2d, 518). For example, the fact that the substitute tariff reduces the prior monthly rate for A.T. & T.'s 200 Data set from $72 to $55 a month whereas the original tariff filing would have reduced the rate from $72 to $47 a month does not warrant our finding that the substitute rates are now free of any substantial questions of lawfulness. Accordingly, we conclude that the hearing herein on the original issues of lawfulness under sections 201(b) and 202(a) of the Act should proceed without any further undue delay, particularly in view of IDCMA's claims that its members are being adversely affected by the competitive A.T. & T. rates and that IDCMA is entitled to a prompt hearing and resolution of its contentions. As to the second question, we agree with IDCMA that the matching rates of Western Union also raise substantially the same questions of lawfulness as do the A.T. & T. rates. We shall therefore set the Western Union rates for hearing in this proceeding.

10. With regard to the third question, IDCMA contends in its petition to suspend and investigate the recently filed rate of A.T. & T. for the competitive 208 Data set, that this new filing raises all of the same questions of lawfulness that prompted the Commission to suspend for the full statutory period and set for hearing the original tariffs for the other A.T. & T.-provided data facilities involved in this proceeding; that A.T. & T. expressly admits that its pricing of the competitive 208 Data set is based upon alleged "incremental costs" which the Commission has not as yet approved in principle and which is at issue in pending docket 18128; [3] that, in any event, A.T. & T. has not allocated all of the carriers' costs that should be allocated to this Data set in fixing the rates; and that members of IDCMA that supply competitive Data sets are and will be adversely and unlawfully affected by A.T. & T.'s proposed rates. We believe that IDCMA raises substantial questions of lawfulness that warrant our setting the new 208 Data rates for hearing under the issues herein. Moreover, consistent with our original action on the other competitive rates in issue in this case, we shall suspend the effectiveness of the new charges for the maximum 3-month period specified in section 204 of the Act. However, since A.T. & T., at our request, postponed the original effective date of the tariff from December 24, 1972, to January 14, 1973, we shall suspend the tariff for 3 months from the former, rather than the latter date.

11. IDCMA requests further alternative relief in the form of an order that A.T. & T. be required to give written notification to customers who may order A.T. & T.'s 208 Data set, that questions of lawfulness have been raised as to the rates therefor and that such rates are under investigation in this proceeding and are subject to being changed by the Commission. This is an entirely appropriate request and we shall order A.T. & T. to supply such notice in the form and manner prescribed by the Chief, Common Carrier Bureau.

12. *Accordingly, it is ordered,* That pursuant to sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted herein into the lawfulness of the tariff schedules filed (a) by A.T. & T. with its transmittal No. 11618, effective January 14, 1973, and (b) by Western Union under its transmittal No. 6772; including any cancellations, amendments, or reissues thereto; and that the issues heretofore specified herein shall also apply to such tariff schedules;

13. *It is further ordered,* That pursuant to the provisions of section 204 of the Act, the effectiveness of the tariff schedules filed by A.T. & T. with transmittal No. 11618 are hereby suspended

[2] We have not considered IDCMA's petition insofar as it requests "rejection" or "suspension" of tariffs for the reasons that (a) the pleading violated section 1.44 of our rules prohibiting joinder of requests for action delegated to the staff (rejection of tariffs) and for action by the Commission (suspension of tariffs) and (b) it violated section 1.773 of our rules requiring suspension requests to be filed at least 14 days before the effective date of the tariff in question.

[3] In its reply of Jan. 9, 1973 A.T. & T. also submitted alternative calculations of its costs on the basis of embedded costs which indicates costs slightly less than the "incremental" costs.

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until March 24, 1973 and that A.T. & T. shall provide the notice to customers as set forth in paragraph 11 hereof;

14. *It is further ordered,* That paragraph 5 of our order herein of June 26, 1972, 36 FCC 2d, at page 449, staying the proceedings herein, is vacated, and the hearing in this proceeding shall commence at the Commission offices in Washington, D.C. at a time to be specified by the presiding Administrative Law Judge; and that such Administrative Law Judge shall certify the record without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282;

15. *It is further ordered,* That IDCMA's Petition To Suspend is granted;

16. *It is further ordered,* That the Western Union Telegraph Co. is named Party Respondent.

Adopted: January 10, 1973.

Released: January 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1217 Filed 1-18-73;8:45 am]

[Dockets Nos. 18906, 18907; FCC 73R-17]

SOUTHERN BROADCASTING CO. (WGHP-TV) AND FURNITURE CITY TELEVISION CO., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Southern Broadcasting Co. (WGHP-TV) High Point, N.C., Docket No. 18906, File No. BRCT-574, for renewal of broadcast license; Furniture City Television Co., Inc., High Point, N.C., Docket No. 18907, File No. BPCT-4302, for construction permit for new television broadcast station.

1. Before the Review Board is a petition to enlarge issues, filed August 3, 1972, by Southern Broadcasting Co., (WGHP-TV) (Southern) seeking the addition of rule 1.65, rule 1.526 and ineptness issues against Furniture City Television Co., Inc. (Furniture City),[1] Each issue will be considered separately.[2]

RULE 1.65 ISSUE

2. In support of its request, Southern alleges that Furniture City failed to amend table II, section II of its application (FCC Form 301) to reflect the interests of two Furniture City principals, J. Harriss Covington and Sidney A. Gayle, Jr., in a travel agency located in High Point, N.C., in contravention of Commission rule 1.65.[3] In a supplement to its petition, Southern further alleges that Furniture City also failed to report that its principals Herman W. Bernard and John W. Thomas, Jr., hold stock in the High Point branch of the North Carolina National Bank. The Broadcast Bureau supports Southern's request; however, the Bureau would consider this matter under the existing rule 1.65 issue against Furniture City.[4] In opposing the request, Furniture City alleges that: although the travel agency was incorporated on February 11, 1972, it did not go into business until May 9, 1972; Covington and Gayle are stockholders and not officers; and the two principals have other full-time occupations. In light of these facts, Furniture City argues that the information was not significant enough to report. Furniture City opposes Southern's petition for leave to file supplemental pleading as untimely filed.

3. The Review Board will grant the request in the initial petition to enlarge issues and will deny the request for leave to supplement. The existing rule 1.65 issue against Furniture City will be considered broadened to encompass the applicant's alleged failure to report Gayle's and Covington's business interests. In a recent Memorandum Opinion and Order, FCC 72R-366, —— FCC 2d ——, released December 8, 1972, in this proceeding, we modified the existing rule 1.65 issue[5] against Furniture City to encompass the applicant's failure to report all the business interests of seven of its principals. For the same reasons advanced in our previous Memorandum Opinion and Order, supra, the Board believes the existing rule 1.65 issue should encompass the alleged failure of Furniture City to report Covington's and Gayle's business interests.

4. With respect to Southern's petition for leave to file a supplemental pleading, the Board stated in its Public Notice No. 90836, released October 11, 1972 (filing of supplemental pleading before the Review Board) that we would closely scrutinize all alleged justifications for the filing of supplemental pleadings. As the court stated in Valley Telecasting Co., Inc. v. FCC, 119 U.S. App. D.C. 169, 338 F. 2d 278 (1964), with respect to late filed petitions before the Commission, it "cripples any decision making process and handicaps the agency in carrying out its functions." Petitioner's request to supplement its initial petition to enlarge issues comes 3 months after the filing of its initial petition and Southern has not presented a persuasive argument for the delay. Southern has not satisfactorily explained why it did not include this material in its initial petition. As the Broadcast Bureau points out, Bernard's interest was reported in the December 31, 1970, Directory of the North Carolina National Bank Corporation Subsidiaries and Thomas' interest was reported in the July 19, 1972, High Point Enterprise.

RULE 1.526 ISSUE

5. Southern requests a Rule 1.526 issue against Furniture City for its failure to maintain and make available for public inspection its file containing a copy of its application and related documents. As alleged in its supporting affidavits, on July 24, 1972, at approximately 10:30 a.m., James H. Hoke and C. T. Leonard, Jr.,[7] requested (of the receptionist-switchboard operator) to see Furniture City's inspection file at the location listed in the notice published in the local newspapers by Furniture City.[8] Southern's representatives were referred to a Mrs. Evelyn Lee who advised them that John Hutchens, who kept the file, was out of town. Mrs. Lee attempted, unsuccessfully, to locate the file and inquired of John Hutchens' brother as to its whereabouts, also without success. She stated that John Hutchens was expected back that day after 3 p.m. and suggested that Southern's representatives return later, first calling to see if John Hutchens had returned to his office. Southern's representatives left at 10:45 a.m. The Bureau supports the petitioner's request.

6. In opposing the request, Furniture City adds the following facts to those recited by Southern: The subject file has always been and still is available at its published location. Mrs. Evelyn Lee, John

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[4] Commissioners Johnson and Reid dissenting; Commissioner Hooks absent.

[1] Also before the Review Board are the following related pleadings: (a) Opposition, filed Aug. 15, 1972, by Furniture City; (b) Broadcast Bureau's comments, filed Aug. 16, 1972; (c) reply, filed Aug. 25, 1972, by Southern; (d) petition for leave to file supplemental pleading and supplement to petition, filed Oct. 31, 1972, by Southern; (e) Broadcast Bureau's comments to (d), filed Nov. 7, 1972; and (f) opposition to (d), filed Nov. 13, 1972, by Furniture City.

[2] The Review Board will treat petitioner's petition as timely filed. It appears that the rule 1.526 issue request is based on events that occurred on July 24, 1972, and that the ineptness issue is based on a series of events dating from 1969 to the present. It is unclear when Southern came into possession of the information upon which it bases its request for a rule 1.65 issue. The Board, however, in light of a lack of strenuous opposition, will also consider the request for a rule 1.65 issue as timely filed.

[3] According to the Articles of Incorporation attached to Southern's petition, the two principals are directors of Travels Unlimited of High Point, Inc., which was incorporated Feb. 11, 1972.

[4] See 33 FCC 2d 1044, 23 RR 2d 1197 (1972).

[5] The Bureau opposes Southern's petition for leave to file supplementary pleading to its petition to enlarge as untimely filed.

[6] See note 4, supra.

[7] Hoke is vice president and chief engineer of Southern and Leonard is Station WHGP-TV's local counsel.

[8] Rule 1.526(d) specifies:

(d) Location of records. The file shall be maintained at the main studio of the station, or at any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours.

Hutchens'[9] secretary, familiar with the file but not its location when Hoke and Leonard made their request, attempted to locate it by asking George Hutchens, John Hutchens' brother and business associate, who informed her that only John Hutchens, away until that afternoon, knew the location of the file. To save Hoke and Leonard any inconvenience, Mrs. Lee suggested that they phone before returning to John Hutchens' office to determine if he was in. At 11:30 a.m. that day, George W. Lyles, Jr., president, director, and 10 percent stockholder of Furniture City, was informed by Mrs. Lee of the Hoke-Leonard visit and, at 11:45 a.m., he attempted to contact representatives of Southern, first by calling the law firm with which Leonard is associated and then, at the suggestion of one of the attorneys, by calling Southern's Station WGHP-TV, to inform them that Furniture City's public inspection file was available. At the above station, he was advised that Leonard was with Philip Lombardo, the station's general manager. When Lyles sought to speak to Leonard, he was advised that Leonard had left. Lyles left a message as to the availability of the files with Lombardo's secretary and, on the same day, so advised Leonard by letter. Further, the regular receptionist who was on vacation that day was informed of the location of the file and was instructed to show the file to anyone who requested to view it if Hutchens was not present. Furniture City submitted supporting affidavits of John Hutchens, Frederica McDowell (the regular receptionist), Lyles and Lee. The statements set forth in these documents are substantially uncontrovered.

7. The Review Board will deny the requested issue. No dispute exists over the fact that during the 15 minutes they were present, Hoke and Leonard were unable to obtain Furniture City's public inspection file at the place where it was supposed to be located and at a time (during regular business hours) when it was supposed to be available. Standing alone, these facts would ordinarily warrant the framing of a 1.526 issue. The Review Board believes, however, that the particular facts here involved obviate the need for the requested issue. Although Hoke and Leonard were unable to obtain the subject file upon request, Southern did not establish that the file was not at Hutchens' office and that had Hoke and Leonard returned that same afternoon, they would not have been able to obtain the file. Compare Jacksonville Broadcasting Co., 26 FCC 2d 929, 20 RR 2d 626 (1970). Further, it appears that Hutchens' secretary made a serious effort to locate the file and Lyles, after being informed of the Hoke-Leonard visit, went to considerable lengths that same day to inform Southern that the files were available (see paragraph 6, supra). Although it appears that Hoke and Leonard had no purpose in seeing the file other than to determine its availability and thereby determine Furniture City's compliance with Rule 1.526(d), their right to see it does not differ from that of any other interested party. While the Hoke-Leonard visit did raise a question as to whether Furniture City, on the day and at the time of the visit, was in technical violation of the rule, we believe that in the circumstances of this case, an issue is not warranted. Ward L. Jones, 7 FCC 2d 831, 9 RR 2d 1962 (1967).

INEPTNESS ISSUE

8. In support of its request, Southern alleges that the following violations of the Commission's rules and regulations by Furniture City establishes a pattern of carelessness and ineptness: (a) The failure to disclose eight business interests of its stockholders in its 1969 application in violation of Rule 1.514(a); (b) the failure to update Question 10(e), Section II of its application (FCC Form 301) to report the antitrust suits brought by the United States of America against the Wachovia Corp. and The Wachovia Bank and Trust Co., N.A. in which several Furniture City principals are stockholders in violation of Rule 1.65; (c) the addition by the Review Board in its memorandum opinion and order, 31 FCC 2d 790, 21 RR 2d 868 (1971), of an abuse of process issue against Furniture City for the manner in which it submitted a list of witnesses to be called at hearing; and (d) the addition by the Review Board of a Rule 1.65 issue in its memorandum opinion and order, 33 FCC 2d 1044, 23 RR 2d 1165 (1972), for failure to report an antitrust suit against a company in which one of its principals held an interest in violation of Commission Rule 1.65. Both the Broadcast Bureau and Southern oppose the request. The Bureau believes that the alleged disqualifying conduct is adequately covered by the existing issues; however, should the Board believe an issue is warranted, the Bureau suggests the matter be considered under the comparative issue.

9. The Review Board will deny Southern's request for an ineptness issue. In our opinion, petitioner's allegations cannot be said to demonstrate a pattern of carlessness, inadvertence, neglect, and indifference to the Commission's rules and regulations, nor does the totality of the allegations reflect adversely upon Furniture City's qualifications to be a Commission licensee. See Media, Inc., 22 FCC 2d 886, 19 RR 2d 2 (1970); compare Beamon Advertising, Inc., FCC 63R-467, 1 RR 2d 285 (1963). While a number of rule violations have been properly raised by Southern, we believe the existing and separate issues previously specified by the Board (see paragraph 8, supra) sufficiently deal with the alleged violations. See Home Service Broadcasting Corp., 22 FCC 2d 464, 18 RR 2d 972 (1970).

10. *Accordingly, it is ordered,* That the petition to enlarge issues, filed August 3, 1972, by Southern Broadcasting Co., is granted to the extent herein indicated, and is denied in all other respects; and

11. *It is further ordered,* That the petition for leave to file supplementary pleading and supplement to petition to enlarge issues, filed October 31, 1972, by Southern Broadcasting Co., is denied; and

12. *It is further ordered,* That the Rule 1.65 issue against Furniture City Television Co., Inc., added by the Review Board by memorandum opinion and order (33 FCC 2d 1044, 23 RR 2d 1197, released Mar. 22, 1972) is broadened to include the matters as indicated above.

Adopted: January 10, 1973.

Released: January 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1218 Filed 1-18-73;8:45 am]

[Dockets Nos. 15461, etc.; FCC 73R-8]

CHAPMAN RADIO & TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William A. Chapman and George K. Chapman, d/b/a Chapman Radio & Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3283; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706, Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station, Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT-3663, for modification of construction permit.

1. The above-captioned mutually exclusive applications were designated for hearing by order, FCC 66-636, released July 20, 1966. Presently before the Review Board is a joint petition to enlarge issues,[1] filed November 28, 1972, by Birmingham Television Corp. (WBMG) and Alabama Television, Inc., requesting an issue to determine whether Birmingham Broadcasting Co. (BBC) possesses the requisite character qualifications to be a Commission licensee.[2]

2. A character qualifications issue will be added. As petitioners note, a final criminal conviction was entered in the U.S. Court of Appeals for the Fifth Circuit against Oscar E. Hyde, a principal of BBC, for multiple violations of Section 1951 of title 18 of the United States

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[9] John Hutchens, secretary, director, and 10 percent stockholder of Furniture City, "is charged by Furniture City with the responsibility of maintenance of its public inspection file * * *."

[10] Board member Kessler dissenting with respect to the requested Rule 1.526 and the ineptness issues.

[1] Other related pleadings before the Board for consideration are: (a) Opposition, filed Dec. 11, 1972, by BBC; (b) Broadcast Bureau's comments, filed Dec. 12, 1972; and (c) reply, filed Dec. 15, 1972, by WBMG.

[2] The Board notes that the joint petition is untimely and that petitioners have failed to show good cause for their tardiness. However, in view of the serious public interest questions raised by the allegations, the joint petition shall be considered. See Medford Broadcasters, Inc. (KDOV), 18 FCC 2d 699, 16 RR 2d 900 (1969); The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966).

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Code.[2] Violation of Federal law, either by an applicant or one of its principals, on its face, raises a sufficient question regarding character to merit careful examination in order to determine whether an applicant is qualified to operate a broadcast station in the public interest.[4] Contrary to BBC's assertions, Hyde's belated attempts to disassociate himself and his unlawful conduct from the corporate applicant do not affect our determination, since he remains a principal of the applicant.[5]

3. *Accordingly, it is ordered,* That joint petition to enlarge issues, filed November 28, 1972, by Birmingham Television Corp. (WBMG) and Alabama Television, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

4. *It is further ordered,* That the issues in this proceeding are enlarged to include the following:

To determine in light of the conviction of Oscar E. Hyde for violations of 18 U.S.C. § 1951, whether Oscar E. Hyde and Birmingham Broadcasting Co. are qualified to own and operate a television broadcast station in Birmingham, Ala.; and

5. *It is further ordered,* That the burden of proceeding with the introduction of evidence shall be on Birmingham Television Corp. (WBMG) and Alabama Television, Inc., and the burden of proof under this issue shall be on Birmingham Broadcasting Co.

Adopted: January 8, 1973.

Released: January 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1219 Filed 1-18-73;8:45 am]

[Docket No. 19325]

ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Extension of Time for Comments

Order. In the matter of preparation for the ITU World Administrative Radio Conference for Maritime Mobile Telecommunications to be convened at the beginning of 1974, Docket No. 19325.

1. On November 1, 1972, the Commission adopted its Second Notice of Inquiry in this proceeding, preparatory to a World Administrative Radio Conference for Maritime Mobile Telecommunications (WARC–MAR) to be convened by the International Telecommunication Union in Geneva, on April 22, 1974, and requested comments to be filed on or before November 30, 1972, and reply comments on or before December 15, 1972.

2. The aforementioned deadlines were extended by the Commission's Order of November 17, 1972, due to the unavailability until November 28 of copies of the Preliminary Views of the United States for the Conference, from November 30 to December 31 for the filing of comments and from December 15 to January 15 for reply comments.

3. While copies of the preliminary views have been available in limited quantities at the Commission from November 28 onward, it has now become apparent that, because of absences during the holiday season, many interested parties were unable to file comments by the closing date of December 31 (January 2, 1973). In view of the importance of obtaining the greatest number and variety of comments in this proceeding and recognizing the number of late comments expected to be filed, the filing period is being extended to the maximum, but limited by the deadlines necessary to meet international commitments.

4. Accordingly, the date for filing comments in this proceeding is further extended from January 2 to January 15, and reply comments from January 15 to January 31, 1973. Authority for this action is taken pursuant to § 0.251(b) of the Commission's rules.

Adopted: January 11, 1973.

Released: January 11, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN W. PETTIT,
General Counsel.

[FR Doc.73-1220 Filed 1-18-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Motion of Monroe City, Mo. for Extraordinary Relief

JANUARY 16, 1973.

On January 11, 1973, Monroe City, Mo. (Monroe) filed a petition for emergency relief under the Panhandle Eastern Pipe Line Co. (Panhandle) interim curtailment tariff, approved by the Commission on June 20, 1972, in the above proceeding. Monroe seeks an order temporarily waiving or modifying the aforementioned interim curtailment plan in order to obtain additional volumes of natural gas beyond its authorized contract demand and a waiver of the penalty provisions pertaining to excessive takes.

In its petition, Monroe alleges that it is a small town with a population of 2,500, and that it owns and operates the municipal gas and electric utility serving the community's residential and small commercial customers. It purchases its entire natural gas supply from Panhandle under a contract entitling it to firm service up to a maximum demand of 2,600 Mc.f. per day.

Monroe's electric generating plant supplies the city's entire electric requirements and is not interconnected with any other utilities. Hence, it stated it is unable to acquire power from other sources in the event that its plant becomes inoperative as a result of an emergency. It contends that the power generated in its plant is essential to meet human needs requirements throughout the community. Homes in Monroe, which are heated by oil or gas, also require electricity to operate oil- and gas-burning furnaces. Additionally, other essential community services such as water supply, fire protection, and sewage treatment are wholly dependent upon the operation of the city's powerplant.

The Monroe powerplant is a dual-fuel facility capable of burning either natural gas or fuel oil. At offpeak periods gas is normally burned in the powerplant, and oil is burned during periods when its gas allocation is needed to serve its residential and commercial loads. At the present time, the entire daily gas allocation is being used to serve residential and small commercial loads. The powerplant and all interruptible customers have been fully curtailed.

During the recent cold spell, Monroe states it has experienced difficulty in obtaining supplies of No. 2 fuel oil. Its local supplier has indicated that it will provide an additional 6,500 gallons of oil on January 11, 1973, but that no additional supplies would be forthcoming for this winter. Monroe has also sought to obtain additional fuel from other suppliers in the region, and has solicited the assistance of the regional Office of Emergency Preparedness in its efforts to obtain fuel oil.

Monroe contends that in the event further fuel oil supplies are not forthcoming, it will be forced to take up to 600 Mcf per day from Panhandle in excess of its daily contract demand in order to keep the plant running. Hence, it anticipates that it may be required to take 3,200 Mcf per day from Panhandle in order to keep generating electricity.

In its aforementioned petition, Monroe seeks a waiver of the provisions of Article VI(E)(1) of the interim curtailment plan approved by the Commission on June 20, 1972. As it relates to Monroe, this provision enables it to exceed its curtailment allocation without payment of the $10 per Mcf penalty charge as long as it does not add new industrial usage, or exceed its contract demand entitlement. Monroe has been able to fully comply with those conditions until this time. However, it contends that the current emergency situation, which is beyond its control, could require it to exceed its contract demand by up to 600 Mcf per day. Under such circumstances, it would be subjected to daily penalties of up to $6,000. Monroe contends it could not sustain such an economic burden. It points out that if it were to use its contract demand of 2,600 Mcf per day during 29 days of the month and 3,200 Mcf on a single day when completely out of fuel oil that the penalty incurred for such usage could possibly be $64,000. It stresses again that such a penalty incurred for such usage would be beyond the scope of its financial resources.

Hence, Monroe requests that the Commission order Panhandle to deliver to it a quantity of natural gas that would exceed its contract demand by 600 Mcf and further enable it to take such volumes without incurring the penalties provided under Article VI E(1) of Panhandle's interim curtailment plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the request is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1233 Filed 1-18-73;8:45 am]

TASK FORCE ON ENVIRONMENTAL CONSIDERATIONS AND IMPACTS OF THE TECHNICAL ADVISORY COMMITTEE ON FUELS

Agenda of Meeting

Agenda for a meeting of the Task Force on Environmental Considerations and Impacts of the Technical Advisory Committee on Fuels, to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, January 25, 1973, immediately following adjournment of meeting of Technical Advisory Committee on Fuels and in room as announced.

1. Meeting called to order.
2. Objectives and purposes of meeting.
A. Development of task force assignment from TAC on fuels.
B. Assignment of duties.
C. Other business.
D. Date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1301 Filed 1-18-73;8:45 am]

TASK FORCE ON FUELS AVAILABILITY OF THE TECHNICAL ADVISORY COMMITTEE ON FUELS

Agenda of Meeting

Agenda for a meeting of the Task Force on Fuels Availability of the Technical Advisory Committee on Fuels to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, January 25, 1973, immediately following adjournment of meeting of Technical Advisory Committee on Fuels, and in room as announced.

1. Meeting called to order.
2. Objectives and purposes of meeting.
A. Development of task force assignment from TAC on fuels.
B. Assignment of duties.
C. Other business.
D. Date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1298 Filed 1-18-73;8:45 am]

TASK FORCE ON FUEL USE ALTERNATIVES OF THE TECHNICAL ADVISORY COMMITTEE ON FUELS

Agenda of Meeting

Agenda for a meeting of the Task Force on Fuel Use Alternatives of the Technical Advisory Committee on Fuels, to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, January 25, 1973, immediately following adjournment of meeting of Technical Advisory Committee on Fuels, and in room as announced.

1. Meeting called to order.
2. Objectives and purposes of meeting.
A. Development of task force assignment from TAC on fuels.
B. Assignment of duties.
C. Other business.
D. Date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1299 Filed 1-18-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON FUELS

Agenda of Meeting

Agenda for a meeting of the Technical Advisory Committee on Fuels, to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, January 25, 1973, 9:30 a.m., e.s.t., Room 2043.

1. Meeting called to order.
2. Objectives and purposes of meeting.
A. Approval of minutes of meeting November 28, 1972.
B. Report by Mr. Martinka on EAC Coordinating Committee action on Proposed Assumptions for Use by the NPS Technical Advisory Committees.
C. Assignment of topics to be covered in the draft reports of the task forces.

TASK FORCE ON UTILITY FUELS REQUIREMENTS OF THE TECHNICAL ADVISORY COMMITTEE ON FUELS

Agenda of Meeting

Agenda for a meeting of the Task Force on Utility Fuels Requirements of the Technical Advisory Committee on Fuels, to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, January 25, 1973, immediately following adjournment of meeting of Technical Advisory Committee on Fuels and in room as announced.

1. Meeting called to order.
2. Objectives and purposes of meeting.
A. Development of task force assignment from TAC on fuels.
B. Assignment of duties.
C. Other business.
D. Date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1300 Filed 1-18-73;8:45 am]

[2] In a previous Memorandum Opinion and Order, 7 FCC 2d 461, 9 RR 2d 727 (1967), the Board held that it was preferable to await the final outcome of the criminal proceeding against Hyde and to impose a condition on a possible grant of BBC's application, rather than to specify issues against the applicant. However, since the conviction has become final, there is no further impediment to specifying a character issue against BBC.

[4] See Report on Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR pt. 3, 91:495 (1951).

[5] In this connection, the Board notes that the BBC amendments reflecting Hyde's resignation as officer and director of BBC, and the divestiture and transfer of his 26.7 percent stock interest in the applicant were refused by the presiding judge by Memorandum Opinions and Orders, FCC 67M–122, released Jan. 24, 1967, and FCC 70M–1411, released Oct. 14, 1970. The Board also notes its agreement with the Broadcast Bureau that the issue need not encompass a determination of all the facts and circumstances surrounding the conviction since they have already been adjudicated by an appropriate court.

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D. Announcement of room locations for meetings of constituent task forces on: Fuels Availability; Utility Fuels Requirements; Fuel Use Alternatives; and Environmental Considerations and Impacts.

E. Other business.

F. Date of next meeting.

3. Adjournment.

This meeting is open to the public. Any interest person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1297 Filed 1-18-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Acquisition of Bank

Alabama Bancorporation, Birmingham, Ala., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the Alabama National Bank of Montgomery, Montgomery, Ala. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 12, 1973.

Board of Governors of the Federal Reserve System, January 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1201 Filed 1-18-73;8:45 am]

K-S BANCO, INC.

Formation of One-Bank Holding Company

K-S Banco, Inc., Kellogg, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Kellogg Savings Bank, Kellogg, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 31, 1973.

Board of Governors of the Federal Reserve System, January 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1202 Filed 1-18-73;8:45 am]

THE LEVELLAND CO.

Acquisition of Bank

The Levelland Co., Levelland, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Sundown State Bank, Sundown, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 12, 1973.

Board of Governors of the Federal Reserve System, January 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1203 Filed 1-18-73;8:45 am]

PATAGONIA CORP.

Proposed Acquisition of Creditel Corporation of Nebraska Nos. 1, 2 and 4

Patagonia Corp., Tucson, Ariz., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire through its subsidiary, Model Finance Co., voting shares of Creditel Corporation of Nebraska No. 1, Omaha; Creditel Corporation of Nebraska No. 2, Omaha; and Creditel Corporation of Nebraska No. 4, Columbus, all located in the State of Nebraska and each of which is a wholly owned subsidiary of Creditel Corp., Omaha, Nebr. Notice of the application was published on November 17, 1972, in the Omaha World-Herald, a newspaper circulated in Omaha, Nebr.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes, and acting as insurance agent or broker in selling insurance to borrowers from such finance subsidiaries, to include credit life insurance, accident and health insurance, and property damage insurance for collateral supporting loans made by such finance subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 8, 1973.

Board of Governors of the Federal Reserve System, January 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1204 Filed 1-18-73;8:45 am]

FEDERAL TRADE COMMISSION

CORPORATE PATTERNS SURVEY

Authorization of Collection of Economic Reports

Notice is hereby given that the Federal Trade Commission pursuant to section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) has approved, adopted, and entered of record the following resolution:

Whereas, the Federal Trade Commission is authorized by section 6 of the Federal Trade Commission Act to gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of corporations (as specified in the Federal Trade Commission Act) engaged in commerce, and their relation to other corporations and to individuals, associations, and partnerships; and

Whereas, the Federal Trade Commission may require that such corporations file annual or special reports, or both, furnishing to the Commission such information as may be needed as to their organization, business, conduct, practices, management, and their relation to other corporations, partnerships, and individuals; and

Whereas, it is deemed necessary in the public interest for the Federal Trade Commission to gather information as to the nature of business and the relation of such corporations to other corporations, individuals, associations, and partnerships, as to the ownership of such corporations, as to various financial characteristics of such corporations, and as to the value of sales or output by product class and other category of such corporations which are interrelated in varying degrees with other corporations, individuals, associations, and partnerships within the various industries and lines of commerce in the United States and outside the United States, for the purpose of making the reports authorized under section 6(f) of the Federal Trade Commission Act and aiding in the enforcement and administration of statutes committed to the Commission.

Now, therefore, it is hereby resolved that the Federal Trade Commission, in the exercise of the powers vested in it by section 6 of the Federal Trade Commission Act, and with the aid of any and all powers conferred upon it by law and any and all compulsory processes available to it, do forthwith proceed to investigate and collect information, including information in the form of reports, of the nature and for the purposes hereinabove stated, from such corporations engaged in commerce as may be designated by the Commission pursuant to general or special orders.

By direction of the Commission dated September 28, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-1195 Filed 1-18-73;8:45 am]

LAUNDERING PROCEDURES FOR CARPETS AND RUGS

Extension of Requirement

The Commission by notice published in the FEDERAL REGISTER on May 19, 1972 (37 FR 10104), announced that it had determined to suspend temporarily the present washing requirement under DOC FF 1-70 for carpets containing alumina trihydrate in the backing until September 15, 1972, during which time public hearings would be held for the purpose of (1) considering the possible need for an alternative washing procedure, (2) considering the adoption of specified alternative procedures proposed in the course of the hearings, and (3) obtaining information concerning alumina trihydrate and other substances possessing flame retardant properties and their utilization and characterization as fire retardant treatments. (The suspension of washing procedures did not apply to carpets that are subject to DOC FF 2-70.) Such suspension was subsequently extended to November 3, 1972, by notice published in the FEDERAL REGISTER on September 21, 1972 (37 FR 19674), and further extended to January 2, 1973, by notice published in the FEDERAL REGISTER on November 22, 1972 (37 FR 24853).

In view of unavoidable complications which arose during the analysis of the proposed alternative laundering procedure by the National Bureau of Standards and the Laboratory of the Federal Trade Commission, which prevented a final determination of this matter by January 2, 1973, the Commission has determined to extend its suspension of the present washing requirement under DOC FF 1-70 for carpets containing alumina trihydrate in the backing until March 6, 1973.

By direction of the Commission dated January 9, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-1194 Filed 1-18-73;8:45 am]

POSTAL RATE COMMISSION

CORRESPONDENCE REGARDING CERTAIN DATA REQUESTS

Notice of Availability for Inspection

JANUARY 16, 1973.

Notice is hereby given that, pursuant to Subpart A, § 3001.42(b)(6) of the Commission's rules of practice and procedures [39 CFR 3001.42(b)(6)], correspondence between Postal Rate Commission staff officials and officials of the U.S. Postal Service has been placed in the Commission's Reading Room at its offices located in Suite 500, 2000 L Street NW., Washington, DC. The correspondence consists of data requests initiated by Postal Rate Commission staff officials and the responses thereto by the Postal Service.

The correspondence is available for inspection and copying during the Commission's regular business hours, 8:45 a.m. to 5:15 p.m., Monday through Friday.

By Direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-1156 Filed 1-18-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

SPENCE & GREEN CHEMICAL CO.

Order Suspending Trading

JANUARY 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.50 par value, and all other securities of Spence & Green Chemical Co., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. e.s.t., on January 12, 1973, through January 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1284 Filed 1-18-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; I.C.C. Order 81]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Ann Arbor Railroad Co. is unable to transport traffic over its car ferry between Frankfort, Mich., and Manitowoc, Wis., because of damage to its boat *Arthur K. Atkinson*.

It is ordered, That:

(a) The Ann Arbor Railroad Co. being unable to transport traffic over its car ferry between Frankfort, Mich., and Manitowoc, Wis., because of damage to its boat *Arthur K. Atkinson*, that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 5 p.m., January 11, 1973.

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(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 11, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-1192 Filed 1-18-73;8:45 am]

[Notice 159]

ASSIGNMENT OF HEARINGS

JANUARY 16, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 97904 Sub 13, Knoxville-Maryville Motor Express, Inc., now assigned January 30, 1973, at Nashville, Tenn., is postponed indefinitely.

MC-117943 Sub 1, Joseph M. Booth, doing business as J. M. Booth Trucking, now assigned hearing January 24, 1973, at Miami, Fla., will be held in room 208, Federal Building, 51 Southwest First Avenue, Miami, Fla.

MC 134082 Sub 6, K. H. Transport, Inc., now assigned January 17, 1973, at Washington, D.C., is cancelled and transferred to modified procedure.

MC 83539 Sub 353, C. & H. Transportation Co., Inc., now assigned February 13, 1973, at Washington, D.C., is cancelled and application dismissed.

MC 106274 Sub 17, Raeford Trucking Co., now assigned January 23, 1973, at Raleigh, N.C., will be held in room 342, Federal Building, 310 New Bern Avenue.

AB 52, New Mexico Central Railway Co., and The Atchison, Topeka and Santa Fe Railway Co., Abandonment Between Willard and Calvert, Torrance County, N. Mex., now being assigned February 28, 1973, at Estancia, N. Mex., in a hearing room to be later designated.

MC-134599 Sub 46, Interstate Contract Carrier Corp., now assigned February 15, 1973, at Washington, D.C., is cancelled and application dismissed.

MC 100666 Sub 219, Melton Truck Lines, Inc., now being assigned March 5, 1973 (3 days), at Albuquerque, N. Mex., in a hearing room to be later designated.

MC 1334 Sub 11, Riteway Transport, Inc., now being assigned March 12, 1973 (1 week), at Cortez, Colo., in a hearing room to be later designated.

MC-116113 Sub 30, Iowa Packers, Xpress, Inc., now assigned January 31, 1973, at Omaha, Nebr., is cancelled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1186 Filed 1-18-73;8:45 am]

[Rev. S.O. 994; ICC Order 80]

BEAVER, MEADE, AND ENGLEWOOD RAILROAD CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, because of track conditions, the Beaver, Meade and Englewood Railroad Co. is unable to transport traffic over its entire line, and the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic over its line between Altus, and Forgan, Okla., in time to clear these lines prior to January 15, 1973, the effective date of their abandonments.

It is ordered, That:

(a) Because of track conditions, the Beaver, Meade and Englewood Railroad Co., being unable to transport traffic over its entire line, and the Missouri-Kansas-Texas Railroad Co. being unable to transport traffic over its line between Altus and Forgan, Okla., in time to clear these lines prior to January 15, 1973, the effective date of their abandonments, these carriers are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11 a.m., January 10, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 26, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 10, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-1189 Filed 1-18-73;8:45 am]

[Ex Parte No. 241; Rule 19, Third Rev. Exemption 22]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That there are substantial movements of grain and grain products moving in plain, 40-foot, narrow-door boxcars between points on the following railroads:

Chicago, Rock Island and Pacific Railroad Co.
Missouri Pacific Railroad Co.
St. Louis-San Francisco Railway Co.
Union Pacific Railroad Co.

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9-feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term "grain and grain products" shall comprise the commodities specifically named in lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 330-U, ICC A-4797, issued by Fred Ofcky, supplements thereto, or consecutive issues thereof.

Effective: January 15, 1973.

Expires: April 30, 1973.

Issued at Washington, D.C., January 12, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-1191 Filed 1-18-73;8:45 am]

[No. MC-42963 (Sub-No. 45)]

DANIEL HAMM DRAYAGE CO.

Extension; Overland Ink; Order Requesting Compliance

At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the seventh day of December, 1972.

Investigation of the matters and things involved in this proceeding having been made, and said review board, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon: [1]

It is ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority made in said report shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1185 Filed 1-18-73;8:45 am]

[Ex Parte No. 241; Rule 19, Corrected Exemption 11, Amdt. 3]

INDIRECT CONNECTIONS

Exemption Under Mandatory Car Service Rules

Upon further consideration of Corrected Exemption No. 11 issued July 25, 1972 (37 FR 15961).

It is ordered, That, under authority vested in me by Car Service Rule 19, Corrected Exemption No. 11 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire April 30, 1973.

This amendment shall become effective January 15, 1973.

Issued at Washington, D.C., January 12, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-1190 Filed 1-18-73;8:45 am]

[1] Findings and conclusions filed as part of the original document.

[No. MC-19157 (Sub-No. 16)]

McCORMACK'S HIGHWAY TRANSPORTATION, INC.

Extension; Electric Tractors; Denial of Application

At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 1st day of December 1972.

Investigation of the matters and things involved in this proceeding having been made, and said review board, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon [1]:

It is ordered, That the motion of applicant to dismiss the application be, and it is hereby, denied for the reasons stated in the report.

It is further ordered, That said application, except to the extent granted in said report, be, and it is hereby, denied.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority made in said report shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 3.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 73-1184 Filed 1-18-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order No. 57-A]

PENN CENTRAL RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 57 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees), and good cause appearing therefor:

It is ordered, That:

(a) I.C.C. Order No. 57 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 p.m., January 15, 1973.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 12, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-1188 Filed 1-18-73;8:45 am]

[1] Findings and conclusions filed as part of the original document.

[Ex Parte No. 241; Rule 19, Rev. Exemption 16]

PITTSBURGH AND LAKE ERIE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that the Pittsburgh & Lake Erie Railroad Co. (P&LE) owns numerous open hoppers; that, under present conditions, there is virtually no demand for these cars on the P&LE; that return of these cars to the P&LE has resulted in their being stored idle on that line; that such accumulation of idle cars has resulted in excessive congestion on the lines of the P&LE and storage of cars on main and auxiliary tracks, greatly interfering with service to shippers served by that line and with normal train and switching operations; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the P&LE; and that compliance with Car Service Rules 1 and 2 prevents such use of open hoppers owned by the P&LE, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, open hoppers described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation HK, HT, or HM and bearing reporting marks assigned to the Pittsburgh & Lake Erie Railroad Co., shall be exempt from the provisions of Car Service rules 1, 2(a), and 2(b).

Effective: January 10, 1973.

Expires: April 30, 1973.

Issued at Washington, D.C., on January 10, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-1193 Filed 1-18-73;8:45 am]

[Notice 195]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 8, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding

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pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74012. By order of January 10, 1972, the Motor Carrier Board approved the transfer to Charles L. Bartleson, doing business as W. C. Leasing, Pedricktown, N.J., of Permits Nos. MC-125826 Subs 2, 5, 6 and 8, issued March 28, 1968, June 5, 1969, May 31, 1972, and November 29, 1971, respectively, to Bartleson Brothers, Inc., Penns Grove, N.J., authorizing the transportation of: Liquefied and solidified carbon dioxide from and to points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Rhode Island, Virginia, Maryland, Ohio, West Virginia, and the District of Columbia. Morton E. Kiel, 140 Cedar Street, New York, NY 10006, applicants' representative.

No. MC-FC-74150. By order of January 3, 1973, the Motor Carrier Board approved the transfer to Blue & White Towing & Wrecker Service, Inc., Indianapolis, Ind., of the operating rights in Certificates No. MC-111773 and MC-111773 (Sub-No. 1) issued March 31, 1952, and April 24, 1963, respectively to Blue & White Service, Inc., Indianapolis, Ind., authorizing the transportation of wrecked and disabled motor vehicles between points in Indiana and Ohio, with exceptions, Ohio, the Lower Peninsula of Michigan, Illinois, Missouri, Tennessee, Kentucky, West Virginia, Wisconsin, Minnesota, and portions of New York, Pennsylvania, Maryland, Virginia, and North Carolina. Pete A. Pappas, 120 East Market Street, Indianapolis, IN 46204, attorney for transferee. Kirkwood Yockey, 300 Union Federal Building, Indianapolis, Ind. 46204, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1196 Filed 1-18-73;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 29, Amdt. 1]

WESTERN MARYLAND RAILWAY CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 29 issued December 19, 1972 (37 FR 28668).

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 29 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire January 19, 1973.

This amendment shall become effective January 5, 1973.

Issued at Washington, D.C., January 5, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-1187 Filed 1-18-73;8:45 am]

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Volume 38 ■ Number 13

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 USC 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following. A new Area Wage Determination Decision number AP–605 for Minnesota.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Arizona	AP–221; AP–222, Aug. 18, 1972.
Arkansas	AP–319, Aug. 25, 1972.
Florida	AP–127, Nov. 17, 1972.
Kentucky	AP–141, Dec. 1, 1972.
Maryland	AP–443, Nov. 17, 1972.
Mississippi	AM–6,618; AM–6,619, June 2, 1972.
New York	AM–1,732, Aug. 11, 1971.
Oklahoma	AP–360, Nov. 17, 1972. AP–364, Dec. 8, 1972.
Pennsylvania	AM–1,855; AM–1,858, AM–1,861; AM–1,866, Aug. 20, 1971. AM–9,681, Feb. 25, 1972. AM–9,823, June 16, 1972. AP–404; AP–408, July 28, 1972. AP–423; AP–424, Sept. 29, 1972. AP–429; AP–430, Oct. 6, 1972.
Tennessee	AM–8,610, May 19, 1972. AP–138, Nov. 25, 1972.
Vermont	AP–438, Oct. 13, 1972.
Virginia	AP–441, Nov. 3, 1972. AP–443, Nov. 17, 1972.
Washington	AM–6,706, Mar. 10, 1972.
Wisconsin	AP–53; AP–54; AP–55; AP–56; AP–57; AP–58; AP–59; AP–60; AP–61; AP–62; AP–63; AP–64; AP–65; AP–66, Dec. 1, 1972. AP–70; AP–71; AP–72; AP–73; AP–74; AP–75, Dec. 8, 1972.
Wyoming	AM–2,476, Aug. 27, 1971. AP–250, Nov. 10, 1972.
Washington, DC	AP–442, Nov. 17, 1972.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; the Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded):

Arizona	AM–6,116(AP–259), Nov. 12, 1971. AM–6,710(AP–260), Mar. 24, 1972.
Kentucky	AP–108(AP–145); AP–109 (AP–143); AP–110(AP–146); AP–112(AP–147); AP–113(AP–144), Aug. 18, 1972.
Massachusetts	AP–413(AP–456); AP–414 (AP–457); AP–415(AP–458); AP–416(AP–459); AP–417(AP–460); AP–418 (AP–461), Sept. 1, 1972.
Minnesota	AM–2,377(AP–606); AM–2,378(AP–607); AM–2,379 (AP–608); AM–2,380(AP–609); AM–2,381(AP–610), Aug. 13, 1971. AM–6,248(AP–612); AM–6,249(AP–613); AM–6,250 (AP–614); AM–6,251(AP–611), Nov. 19, 1971.
Texas	AP–324(AP–372); AP–325 (AP–373); AP–326(AP–374); AP–327(AP–375); AP–328(AP–376); AP–329 (AP–377); AP–330(AP–378); AP–331(AP–379); AP–332(AP–380); AP–333 (AP–381); AP–334(AP–382); AP–335(AP–383); AP–336(AP–384); AP–337 (AP–385); AP–338(AP–386); AP–339(AP–387), Sept. 22, 1972.

Signed at Washington, D.C., this 12th day of January 1973.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

AP-605 P. 2
2-MINN-1 (2-2)

NEW DECISION

STATE: Minnesota
DECISION NUMBER: AP-605
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories)

COUNTY: Anoka
DATE: Date of Publication

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTH
ASBESTOS WORKERS	$8.17	a30	.35		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.61	.455	.23	.56		
CARPENTERS:						
Carpenters; Millwrights; Piledrivermen	7.36	.40	.20	.50	.02	
When working with material that has been treated with toxic carbolineum or toxic creosote excluding piling	7.61	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			
ELECTRICIANS (Townships of Anoka & Fridley)	8.00	4%	4%	7½%		1.5%
ELECTRICIANS (Remainder of Anoka Co.)	8.00	5%	2.5%	11.5%		
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2½'a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2½'a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.70	.15	.10	.13		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.40	.45		.02	
LABORERS:						
Carpenter Tender; Common laborers; Earth dumpman; Power buggy op.; Steel joist handler (Erection)	5.90	.35	.35	.40		
Reinforcing steel handlers	5.95	.35	.35	.40		
Concrete Joint saw; Laborers, demolition & wrecking (not incl. remodeling); Men handling cement 2 hours per day (bulk or sack, excl. mortar mixer)	6.00	.35	.35	.40		
Automatic camper; Gunite machine; Concrete vibrator; Chipping hammer; Hot tar caulkers & cookers; Jackhammer; Laborers on swing stage single line scaffolds (not incl. "Patent" scaffolding); Mixers of Mortar, cement or any other substitute material or composition; Paving buster	6.05	.35	.35	.40		
Drivers on heavy building excavating; Sheeting setter; Underground work	6.15	.35	.35	.40		
Pipelayers	6.20	.35	.35	.40		
Caisson work; Underpinning	6.25	.35	.35	.40		
Nozzlemen	6.30	.35	.35	.40		
Dynamite men; Power drillers for blasting purposes	6.605	.35	.35	.40	.01	
LATHERS	7.60	.20				
MARBLE SETTERS	7.385	.305	.23	.53		
PAINTERS:						
Brush	7.60	.35	.25		.04	
Spray; Structural Steel	8.10	.35	.25		.04	
PLASTERERS	7.39	.31	.20		.01	
PLUMBERS	7.28	.38	.35	$1.25	.02	

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.
b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefits payments.
c. Employer shall contribute $25.00 per month for each employee into the Health & Welfare Fund.
d. Employees with at least 1,700 hours service during the current year & one year's service, one week vacation with pay; three years' service, two weeks' vacation with pay; fifteen years' service, three weeks' vacation with pay.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

2-MINN-2-3 T

Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Oth
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.65	.30	.25			

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AP-605 P. 3

MINN-1-PEQ-1-E (1-1)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-605 P. 4

MINN-9-LAB-2-3- (1-2)

Site preparation, excavation and incidential paving

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.85	.35	.35	.40		
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); ~~Concrete longitudinal floatmen~~ (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sewer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.95	.35	.35	.40		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.00	.35	.35	.40		

AP-605 P. 5

MINN-9-LAB-2-3-E (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.10	.35	.35	.40		
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.15	.35	.35	.40		
CEMENT GUN (1½ in. & over); Leadman	6.20	.35	.35	.40		
NOZZLEMEN (gunite)	6.25	.35	.35	.40		
BRICK OR BLOCK PAVING SETTER	6.28	.35	.35	.40		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.30	.35	.35	.40		
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.53	.35	.35	.40		

AP-605 P. 6

MINN-6-PEO-2-3-E (1-3)

Site preparation, excavation and incidential paving

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power acutate augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automotaic road machine (CMI or similar) Backfiller; Bituminous spreader &						

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AP-605 P. 7

MINN-6-PEO-2-3-E (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (cont'd):						
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Highty Mite or similar type); Power actuated horizontal boring machine over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type), Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY; Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor petrol, finishing, earth work & bituminous; Locomotive crane; Hester						

AP-605 P. 8

MINN-6-PEO-2-3-E (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (cont'd):						
mechanic; Mixer (paving) concrete paving, road; Hole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

Site preparation, excavation and incidential paving

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated cinches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)l Pilot car; Self-porpelled pecker; Slurry op.; Single axle	6.20	.25	.25			

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-221 - Mod. #3 (37 FR 16737 - August 18, 1972) Maricopa County, Arizona						
Change:						
Line Construction						
Zone Bases; Phoenix:						
Zone 1 (0-30 miles):						
Cable splicer	$8.39	.23	5%		1%	
Linemen	8.10	.23	5%		1%	
Equipment operators	7.62	.23	5%		1%	
Zone 2 (other areas):						
Cable splicer	9.53	.23	5%		1%	
Linemen	9.25	.23	5%		1%	
Equipment operators	8.78	.23	5%		1%	
Groundmen	7.80	.23	5%		1%	
DECISION #AP-222 - Mod. #4 (37 FR 16744 - August 18, 1972) Cochise and Pima Counties, Arizona						
Change:						
Line Construction:						
Zone 1 (Tucson and 30 miles radius):						
Linemen	$8.10	.23	5%		1%	
Cable splicers	8.39	.23	5%		1%	
Equipment operators	7.62	.23	5%		1%	
Groundman	6.61	.23	5%		1%	
Zone 2 (Other Areas):						
Linemen	9.25	.23	5%		1%	
Cable splicers	9.53	.23	5%		1%	
Equipment operators	8.78	.23	5%		1%	
Groundman	7.80	.23	5%		1%	
DECISION #AP-319 - Mod. #4 (37 FR 17303 - August 25, 1972) Union County, Arkansas						
Change:						
Plumbers - Pipefitters	$7.40		.30		.05	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-127 - Mod. #2 (37 FR 24531 - November 17, 1972) Dade County, Florida						
Change:						
Building Construction:						
Bricklayers:						
Bricklayers	$8.10	.40	.39			
Cement Masons	8.10	.40	.39			
Marble Masons	8.10	.40	.39			
Plasterers	8.10	.40	.39			
Stonemasons	8.10	.40	.39			
Terrazzo Workers	8.10	.40	.39			
Tile Setters	8.10	.40	.39			
Electricians:						
Electricians, welders & equip. op.:						
Zone 1 - 24½ mi. radius from the Dade County Courthouse	8.80	4%	1% + .20	7%	1%	
Zone 2 - 6 mi. radius from Zone 1	9.40	4%	1% + .20	7%	1%	
Zone 3 - 6 mi. radius from Zone 2	10.00	4%	1% + .20	7%	1%	
Zone 4 - 6 mi. radius from Zone 3	10.60	4%	1% + .20	7%	1%	
Cable Splicers (25¢ an hour above journeymen's rate)						

XUM

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-141 - Mod. #2 (37 FR 25690 - December 1, 1972) Boone, Campbell & Kenton Counties, Kentucky						
Add: Pendleton County						
Change:						
Heavy & Highway Construction						
Truck Drivers:						
Truck Helper	$5.44	a	b			
Driver, 3 Tons and Under; Greaser, Tire Changer and Mechanic Helper	5.55	a	b			
Driver, Over 3 Tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer when used to pull Building Material or Equipment; Truck Mechanic	5.73	a	b			
Driver on Mixer Trucks (All types)	5.76	a	b			
Driver, Euclid and Other Heavy Earth-Moving Equipment and Low Boy; Driver, Fork Lift Truck when used to transport building materials; Driver on Pavement Breakers; Driver, Winch Truck and A-Frame Truck when used in transporting materials	5.83	a	b			

Footnotes:

a. $9.50 per week for each employee.

b. $12.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

Kentucky 3-PEO-F (1-2)

DECISION #AP-141 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Highway Construction						
Power Equipment Operators:						
Class A						
Air Compressor on Steel Erection, Boiler Operator on Compressor or Generator when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Dredge (dipper, clam or suction), Elevating Grader or Euclid Loader, Floating Equipment (all types), Helicopter Crew (Operator-hoist or winch), Hoes (all types), Hoisting Engines on Shaft or Tunnel Work, Hoisting Engines, Industrial-Type Tractor, Jet Engine Dryer (D8 or D9) Diesel Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Mucking Machines, Multiple Scraper, Piledriving Machines (all types), Power Shovels, Quad 9 (double pusher), Refrigerating Machine (freezer operation), Rotary Drill on Caisson Work, Slip-Form Paver, Survey Crew Party Chief, Tower Derricks, Tree Shredder, Trench Machines (over 24" wide), Truck Mounted Concrete Pumps, Tug Boat, Tunnel Machine, Wheel Excavator	$7.41	.38	.65		.09	
Class B						
Asphalt Paver, Automatic Subgrade Machine, Self-propelled (CMI type), Bulldozers, endloader, Koiman Loader (production type - Dirt), Lead Grease Man, Maintenance Operators Class B, Power Grader, Power Scoops and Scrapers, Push Cat, Trench Machines (24" wide and under).	7.34	.38	.65		.09	
Class C						
Air Compressors on Tunnel Work (low pressure), Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, Concrete (more than one bag capacity), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pump Operator installing						

Kentucky 3-PEO-F (2-2)

DECISION #AP-141 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Highway Construction						
Power Equipment Operators (cont'd):						
Class C (cont'd) and operating Well Points, Pumps (4" and over discharge), Rollers (Asphalt, Utility Operator (small equipment), Welding Machines and Generators	$6.73	.38	.65		.09	
Class D						
Backfillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Deckhand, Drill, highway (with integral power), Farm type tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Post Driver, Post Hole Digger (power auger), Power Brush Burner, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Survey Instrument Man, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	6.46	.38	.65		.09	
Class E						
Drum Fireman (asphalt plant), Heipers, Inboard-Outboard Motor Boat-Launch, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (Under 4" discharge), Signalmen, Survey Rodmen or Chainmen, Tire Repairmen	5.78	.38	.65		.09	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-8618 - Mod. #5 (37 FR 11140 - June 2, 1972) Hinds County, Mississippi						
Change:						
Plumbers and steam fitters	$6.92	.15	.15			
DECISION #AM-8619 - Mod. #6 (37 FR 11142 - June 2, 1972) Harrison and Pearl River Counties, Mississippi						
Change:						
Bricklayers:						
Bricklayers, stone masons, marble masons, block masons, caulkers and pointers	6.70					
Plasterers, terrazzo workers and tile setters	6.60					
Cement masons	6.08					
Electricians	7.05	.25	1% + .20			c
Cable splicers	7.30	.25	1% + .20			c
Laborers:						
Laborers	3.95					
Vibrator-jackhammer, mortar mixer, pipelayers (sewer; power saw op.)	4.15					
Mason tenders, plasterers' tenders	4.05					

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,732 - Mod. #5 (36 FR 14965 - August 11, 1971) Orange County, New York						
Change: Building Construction: Laborers, (Building): Laborers, common, mason tender, mortar mixers, hod carriers, scaffold builder, concrete men, vibrator men, poured gypsum roof work, wrecking, walking power buggy men, landscaper and chipping hammer (air or electric 1" or under), flagmen, signal men	$6.77	.50	.50	b+.50		
Asphalt men pipe layers, air or electric jackhammer, powdermen, gunnite, sandblasting, barmen, chain saw, riding power buggy, vibro, barco, joy tamper or similar, walk behind roller, air track, wagon, joy and jib drills, all fork lifts	7.02	.50	.50	b+.50		
Grade, pipe, concrete clearing, black top, drill, paving, etc; blaster, form setter, burner (acetylene torch), Ingersoll-Rand, heavy duty crawler-master type HCMZ drill machines or equivalent; all wrecking work fifty (50) feet or more above grade	7.42	.50	.50	b+.50		

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-360 - Mod. #5 (37 FR 21626 - November 17, 1972) Oklahoma City, Oklahoma						
Change:						
Roofers	$6.50		.25		.04	
Sheet metal workers	7.40	.30	.25		.05	
Carpenters:						
Carpenters	6.90	.20			.02	
Millwrights	7.35	.20			.02	
Piledrivermen & power saw operator	7.35	.20			.02	
DECISION #AP-364 - Mod. #2 (37 FR 26249 - December 8, 1972) Tulsa County, Oklahoma						
Change:						
Roofers	6.50		.25		.04	
Glaziers	6.125	.25	.30		.01	
Painters:						
Brush	6.15					
High work & stage	6.55					
Spray & sandblasting	6.80					
Hot or bituminous	7.45					
Sheetrock handtools	6.15					
Sheetrock power tools	6.50					
Hazardous work	8.35					
DECISION #AM-1,866 - Mod. #6 (36 FR 16335 - August 20, 1971) 29 Eastern Counties, Pennsylvania						
Change: Laborers & Truck Drivers' Schedule (See Modifications P. 9)						

MODIFICATIONS P. 9

DECISION #AM-1,866 (Cont'd.)

PA-22-IAB-TD-2-3 L

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other 1/
Carpenters/Piledrivermen	$7.09	.20	.25			
Laborers: Asphalt Tampers and Asphalt Rakers, Concrete Pitmen, Puddlers & Rubbers, Highway Slab Reinforcement Placers, Laborers, Landscape, Planters, Seeders and Arborists, Magazine Tenders, Railroad Trackmen & Signalmen	5.23	.20	.20			
Pneumatic Tool Operators, Jackhammers, Paving Breakers, Concrete Saws, Wacker, Vibrators, Chain Saws, Steward	5.43	.20	.20			
Pipelayers	5.43	.20	.20			
Caisson-open air-below 8 feet, Cofferdam open air-below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, Form Setters (Road) Wagon Drill, Diamond Point Drill, Gunite nozzle Operators	5.78	.20	.20			
Blasters	6.01	.20	.20			
Reinforcing Steel Placers, Bonding, Aligning and Securing	6.07	.20	.20			
Concrete Surfacers	6.45	.20	.20			
Free Air Tunnels and Rocks Shafts						
Outside Laborers in conjunction with tunnels and rock shafts	5.87	.20	.20			
Chuck Tenders, Muckers, Nippers, Miners' and Drillers Helpers, Inside Laborers	6.16	.20	.20			
Miners, Drillers, Blasters, Pneumatic Shield Opers., Lining, Spotting and Timber Workmen	6.64	.20	.20			
Truck Drivers:						
Class I						
Helper, Stake Body Truck (Single axle), Dumpster	5.99					
Class II						
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Bally Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,855 - Mod. #9 (36 FR 16281 - August 20, 1971) Lackawanna County, Pennsylvania						
Change: Heavy & Highway Construction: Laborers & Truck Drivers' Schedule (See Modifications P. 13)						
DECISION #AM-1,858 - Mod. #8 (36 FR 16294 - August 20, 1971) Luzerne County, Pennsylvania						
Change: Heavy & Highway Construction: Laborers & Truck Drivers' Schedule (See Modifications P. 13)						
DECISION #AM-1,861 - Mod. #6 (36 FR 16310 - August 20, 1971) Northampton County, Pennsylvania						
Change: Heavy & Highway Construction: Laborers & Truck Drivers' Schedule (See Modifications P. 13)						
DECISION #AM-9,323 - Mod. #4 (37 FR 12023 - June 16, 1972) Philadelphia County, Pennsylvania						
Change: Building Construction:						
Asbestos workers	$10.15	.40	.50			
Cement masons	7.73	.89	.27			
Electricians	9.00	.36	1% + .36		2%	
Ironworkers:						
Structural	9.00	.47	1.03		.04	
Ornamental	9.00	.47	1.03		.04	
Lathers	8.61	.225	.10			
Pointers, caulkers and cleaners	8.10	.35				
Plumbers	9.00	.57	.92		.05	

XUM

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-9,681 - Mod. #8 (37 FR 4030 - February 25, 1972) Montgomery County, Pennsylvania						
Change: Building Construction:						
Asbestos workers	$10.15	.40	.50			
Cement masons	7.73	.89	.27			
Claziers	8.38	.35	.30		.01	
Ironworkers:						
Structural	9.00	.47	1.03		.04	
Ornamental	9.00	.47	1.03		.04	
Lathers	8.61	.225	.10			
Pointers, caulkers and cleaners	8.10	.35				
Plumbers	9.00	.57	.92		.05	
DECISION #AP-404 - Mod. #1 (37 FR 15229 - July 28, 1972) Philadelphia County, Pennsylvania						
Change:						
Asbestos workers	10.15	.40	.50			
Cement masons	7.73	.89	.27			
Electricians	9.00	.36	1% + .36		2%	
Ironworkers:						
Structural	9.00	.47	1.03		.04	
Ornamental	9.00	.47	1.03		.04	
Claziers	8.38	.35	.30		.01	
Claziers working 30' above ground	8.68	.35	.30		.01	
Lathers	8.61	.225	.10			
Plumbers	9.00	.57	.92		.05	
DECISION #AP-408 - Mod. #3 (37 FR 15275 - July 28, 1972) Delaware County, Pennsylvania						
Change:						
Asbestos workers	10.15	.40	.50			
Cement masons	7.73	.89	.27			
Ironworkers:						
Structural	9.00	.47	1.03		.04	
Ornamental	9.00	.47	1.03		.04	
Lathers	8.61	.225	.10			
Plumbers	9.00	.57	.92		.01	

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-423 - Mod. #3 (37 FR 20458 - September 29, 1972) Dauphin County, Pennsylvania						
Change: Heavy & Highway Construction: Laborers & Truck Drivers' Schedule (See Modifications P. 13)						
DECISION #AP-424 - Mod. #3 (37 FR 20460 - September 29, 1972) Cumberland County, Pennsylvania						
Change: Heavy & Highway Construction: Laborers & Truck Drivers' Schedule (See Modifications P. 13)						
DECISION #AP-429 - Mod. #2 (37 FR 21255 - October 6, 1972) Berks County, Pennsylvania						
Change: Heavy & Highway Construction: Laborers & Truck Drivers' Schedule (See Modifications P. 13)						
DECISION #AP-430 - Mod. #2 (37 FR 21259 - October 6, 1972) Lehigh County, Pennsylvania						
Change: Heavy & Highway Construction: Laborers & Truck Drivers' Schedule (See Modifications P. 13)						

MODIFICATIONS P. 13

DECISIONS #AM-1,855, #AM-1,858, #AM-1,861, #AP-423, #AP-424, #AP-429, #AP-430 (Cont'd.)

HEAVY & HIGHWAY

PA-22-1AB-TD-2-3 L

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Carpenters/Piledrivermen	$7.09	.20	.25			
Laborers: Asphalt Tempers and Asphalt rakers, Concrete Pitmen, Puddlers & Rubbers, Highway Slab Reinforcement Placers, Laborers, Landscape, Planters, Seeders and Arborists, Magazine Tenders, Railroad Trackmen & Signalmen	5.23	.20	.20			
Pneumatic Tool Operators, Jackhammers, Paving Breakers, Concrete Saws, Wacker, Vibrators, Chain Saws, Steward	5.43	.20	.20			
Pipelayers	5.43	.20	.20			
Caisson-open air-below 8 feet, Cofferdam open air-below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, Form Setters (Road) Wagon Drill, Diamond Point Drill, Gunite nozzle Operators	5.78	.20	.20			
Blasters	6.01	.20	.20			
Reinforcing Steel Placers, Bonding, Aligning and Securing	6.07	.20	.20			
Concrete Surfacers	6.45	.20	.20			
Free Air Tunnels and Rocks Shafts: Outside Laborers in conjunction with tunnels and rock shafts	5.87	.20	.20			
Chuck Tenders, Muckers, Nippers, Miners' and Drillers Helpers, Inside Laborers	6.16	.20	.20			
Miners, Drillers, Blasters, Pneumatic Shield Opers., Lining, Spotting and Timber Workmen	6.64	.20	.20			
Truck Drivers: Class I						
Helper, Stake Body Truck (Single axle), Dumpster	5.99					
Class II						
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-8610 - Mod. #4 (37 FR 10322 - May 19, 1972) Anderson and Roane Counties, Tennessee						
Change:						
Roofers:						
Composition	$5.55		.15			
Slate and tile	5.60		.15			
Helpers	4.17		.15			
Sheet metal workers	7.62	.30	.30		.02	
Sprinkler fitters	8.05	.30	.40		.05	
Truck drivers:						
Up to 3 tons and including 4 yds., dump	4.28		d		.01	
3 to 5 tons and including 6 yds., dump	4.48		d		.01	
5 tons and over including dump trucks over 6 yds., ready-mix concrete, tank trucks, floats and lowboys, winch truck and semi-trailer trucks	4.63		d		.01	
DECISION #AP-138 - Mod. #1 (37 FR 25148 - November 25, 1972) Shelby County, Tennessee						
Omit: Supersedeas Decision Issued in 37 FR 28882 - December 29, 1972						
DECISION #AP-438 - Mod. #2 (37 FR 21693 - October 13, 1972) Statewide, Vermont						
Add: Power equipment operators Footnote: c. 9 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Columbus Day and Veterans' Day.						

XUM

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-441 - Mod. #4 (37 FR 23495 - November 3, 1972) Henrico County and the City of Richmond, Virginia						
Change:						
Ironworkers:						
Structural, ornamental & reinforcing:						
Zone I - up to 10 miles from Capital Square	$6.50	.25	.25		.05	
Zone II - 10 miles to 30 miles from Capital Square	6.75	.25	.25		.05	
Zone III - 30 miles and beyond Capital Square	7.00	.25	.25		.05	
Electricians, linemen and cable splicers:						
Zone 1 within the City of Richmond	7.03	5%	1%		1/2 of 1%	
Zone 2 within 15 miles of the City of Richmond	7.28	5%	1%		1/2 of 1%	
Zone 3 beyond 15 miles of the City of Richmond	7.53	5%	1%		1/2 of 1%	
DECISION #AM-6,706 - Mod. #2 (37 FR 5191 - March 10, 1972) Chelan, Douglas, Kittitas, Okanogan and Yakima Counties, Washington						
Change:						
Plumbers:						
Chelan County and Douglas and Okanogan Counties, West of the 119° 30 min. Meridian; North Tip of Kittitas County	$7.59	.47	.85	.60	.06	
Douglas and Okanogan Counties, East of the 119° 30 min. Meridian, Kittitas (remainder of County); Yakima County	7.52	.26	.55	.47	.06	

MODIFICATIONS P. 16

DECISION #AP-442 - Mod. #3
(37 FR 24512 - November 17, 1972)
Washington, D. C.

Change:

2-D.C.-PEO-1-2- M

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Power Equipment Operators:					
35 ton cranes & above, tower & climbing cranes	$8.315	.35	.35		.10
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch platns, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.065	.35	.35		.10
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.015	.35	.35		.10
Hydraulic backhoes, under ½ yd., mounted on tractors	7.915	.35	.35		.10
Front end loader (over 3½ cu. yds.)	8.065	.35	.35		.10
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	7.915	.35	.35		.10
Front end loaders (Hi-lift), fork lifts	7.665	.35	.35		.10
Air compressors (on steel)	7.735	.35	.35		.10
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.485	.35	.35		.10
Boilers (skeleton), trenching machines, tug boats, well drilling machines	7.655	.35	.35		.10
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.465	.35	.35		.10
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.265	.35	.35		.10
Apprentice engineers:					
Firemen	6.605	.35	.35		.10
Truck crane oilers	6.485	.35	.35		.10
Oilers	6.435	.35	.35		.10

MODIFICATIONS P. 17

DECISION #AP-443 - Mod. #3
(37 FR 24515 - November 17, 1972)
Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport

Change:

2-D.C.-PEO-1-2- M

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Power Equipment Operators:					
35 ton cranes & above, tower & climbing cranes	$8.315	.35	.35		.10
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch platns, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.065	.35	.35		.10
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.015	.35	.35		.10
Hydraulic backhoes, under ½ yd., mounted on tractors	7.915	.35	.35		.10
Front end loader (over 3½ cu. yds.)	8.065	.35	.35		.10
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	7.915	.35	.35		.10
Front end loaders (Hi-lift), fork lifts	7.665	.35	.35		.10
Air compressors (on steel)	7.735	.35	.35		.10
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.485	.35	.35		.10
Boilers (skeleton), trenching machines, tug boats, well drilling machines	7.655	.35	.35		.10
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.465	.35	.35		.10
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.265	.35	.35		.10
Apprentice engineers:					
Firemen	6.605	.35	.35		.10
Truck crane oilers	6.485	.35	.35		.10
Oilers	6.435	.35	.35		.10

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-53 - Mod. #2 (37 FR 25643 - December 1, 1972) Brown County, Wisconsin						
Change:						
Piledrivermen	$7.18	.25	.25		.02	
Laborers (Heavy & Highway Const.)						
Group A	6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION #AP-54 - Mod. #2 (37 FR 25647 - December 1, 1972) Dane County, Wisconsin						
Change:						
Cement masons	$7.60	.15	.20			
Plasterers	7.70	.15	.20			
Laborers (Heavy & Highway Const.)						
Group A	6.36	.25	.15		.02	
Group B	6.41	.25	.15		.02	
Group C	6.46	.25	.15		.02	
Group D	6.51	.25	.15		.02	
Group E	6.56	.25	.15		.02	
Group F						
Pipelayer	6.81	.25	.15		.02	
Bottom man	6.61	.25	.15		.02	
Topman	6.46	.25	.15		.02	

XUM

MODIFICATIONS P. 19

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-55 - Mod. #1 (37 FR 25650 - December 1, 1972) Eau Claire County, Wisconsin						
Change:						
Plumbers & Steamfitters	$7.26	.45	.35	.59		
Laborers (Heavy & Highway Const.)						
Group A	6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION # AP-56 - Mod. #2 (37 FR 25634 - December 1, 1972) Juneau County, Wisconsin						
Change:						
Electricians	$8.10	.28	1%			
Laborers (Heavy & Highway Const.)						
Group A	6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	

MODIFICATIONS P. 20

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-57 - Mod. #2 (37 FR 25658 - December 1, 1972) Kenosha County, Wisconsin						
Change:						
Laborers (Heavy & Highway Const.)						
Group A	$6.61	.40	.40	.25	.02	
Group B	6.71	.40	.40	.25	.02	
Group C	6.76	.40	.40	.25	.02	
Group D	6.81	.40	.40	.25	.02	
Group E	6.86	.40	.40	.25	.02	
Group F	6.91	.40	.40	.25	.02	
Group G	7.26	.40	.40	.25	.02	
Group H						
Pipelayer	7.36	.40	.40	.25	.02	
Bottom man	6.96	.40	.40	.25	.02	
Topman	6.76	.40	.40	.25	.02	
DECISION #AP-58 - Mod. #2 (37 FR 25662 - December 1, 1972) La Crosse County, Wisconsin						
Change:						
Laborers (Heavy & Highway Const.)						
Group A	$6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
Electricians	8.10	.28	1%			

MODIFICATIONS P. 21

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-59 - Mod. #1 (37 FR 25666 - December 1, 1972) Marathon County, Wisconsin						
Change:						
Sheet metal workers	$6.85	.30	.15		.02	
Laborers (Heavy & Highway Const.)						
Group A	6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION #AP-60 - Mod. #2 (37 FR 25669 - December 1, 1972) Milwaukee, Ozaukee, Washington, & Waukesha Counties, Wisconsin						
Change:						
Laborers (Heavy & Highway Const.)						
Group A	$6.61	.35	.50	.25	.02	
Group B	6.71	.35	.50	.25	.02	
Group C	6.76	.35	.50	.25	.02	
Group D	6.81	.35	.50	.25	.02	
Group E	6.86	.35	.50	.25	.02	
Group F	6.91	.35	.50	.25	.02	
Group G	7.26	.35	.50	.25	.02	

MODIFICATIONS P. 22

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-61 - Mod. #1 (37 FR 25674 - December 1, 1972) Polk County, Wisconsin						
Change:						
Plumbers & Steamfitters	$7.26	.45	.35	.59		
Laborers (Heavy & Highway Const.)						
Group A	6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION # AP-62 - Mod. #2 (37 FR 25678 - December 1, 1972) Racine County, Wisconsin						
Change:						
Plasterers	$6.65	.25	.40	.20		
Laborers (Heavy & Highway Const.)						
Group A	6.61	.40	.40	.20	.02	
Group B	6.71	.40	.40	.20	.02	
Group C	6.76	.40	.40	.20	.02	
Group D	6.81	.40	.40	.20	.02	
Group E	6.86	.40	.40	.20	.02	
Group F	6.91	.40	.40	.20	.02	
Group G	7.26	.40	.40	.20	.02	
Group H						
Pipelayer	7.36	.40	.40	.20	.02	
Bottom man	6.96	.40	.40	.20	.02	
Topman	6.76	.40	.40	.20	.02	

XUM

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-63 - Mod. #2 (37 FR 25682 - December 1, 1972) Rock County, Wisconsin						
Change:						
Cement masons	$7.60	.15	.20			
Plasterers	7.70	.15	.20			
Laborers (Heavy & Highway Const.)						
Group A	6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION #AP-64 - Mod. #2 (37 FR 25686 - December 1, 1972) Winnebago County, Wisconsin						
Change:						
Laborers (Heavy & Highway Const.)						
Group A	6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION #AP-65 - Mod. #2 (37 FR 25606 - December 1, 1972) Dane County, Wisconsin						
Change:						
Cement masons	$7.60	.15	.20			
Plasterers	7.70	.15	.20			

MODIFICATIONS P. 24

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-66 - Mod. #2 (37 FR 25609 - December 1, 1972) La Crosse County, Wisconsin						
Change:						
Electricians	$8.10	.28	1%			
DECISION #AP-70 - Mod. #1 (37 FR 26269 - December 8, 1972) Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, Rusk, Sawyer, Taylor, Vilas, Washburn Counties, Wisconsin						
Change:						
Laborers						
Group A	$6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION #AP-71 - Mod. #1 (37 FR 26271 - December 8, 1972) Barron, Buffalo, Chippewa, Clark, Dunn, Pepin, Pierce, St. Croix, and Trempealeau Counties, Wisconsin						
Change:						
Laborers						
Group A	$6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	

MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-72 - Mod. #1 (37 FR 26273 - December 8, 1972) Adams, Green Lake, Langlade, Marquette, Menominee, Portage, Shawano, Waupaca, Waushara and Wood Counties, Wisconsin						
Change:						
Laborers						
Group A	$6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Botton man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION #AP-73 - Mod. #1 (37 FR 26275 - December 8, 1972) Crawford, Columbia, Dodge, Grant, Green, Iowa, Jackson, Jefferson, Lafayette, Monroe, Richland, Sauk and Vernon Counties, Wisconsin						
Change:						
Laborers						
Group A	$6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	

MODIFICATIONS P. 26

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-74 - Mod. #1 (37 FR 26277 - December 8, 1972) Calumet, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto, and Outagamie Counties, Wisconsin						
Change:						
Laborers						
Group A	$6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
DECISION #AP-75 - Mod. #1 (37 FR 26279 - December 8, 1972) Fond du Lac, Sheboygan, and Walworth Counties, Wisconsin						
Change:						
Laborers						
Group A	$6.28	.25	.15		.02	
Group B	6.33	.25	.15		.02	
Group C	6.38	.25	.15		.02	
Group D	6.43	.25	.15		.02	
Group E	6.48	.25	.15		.02	
Group F						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	
Cement masons:						
Fond du Lac County	6.23	.30	.15	.30		

XUM

DECISION #AM 2476 - Mod. #3
(36 FR 17159 - August 27, 1971)
Statewide, Wyoming

MODIFICATIONS P. 27 (1-2)

Change:
TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to & incl. 45 cu. yds.	$ 4.90					
GROUP II FIELD MECHANICS	4.88					
GROUP III DUMP (Water level capacity box) 35 cu. yds. to & incl. 40 cu. yds.	4.85					
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to & incl. 35 cu. yds.	4.80					
GROUP V DUMP (Water level capacity box) 25 cu. yds. to & incl. 30 cu. yds.	4.75					
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to & incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.65					
GROUP VII LOWBOY & Tandem Axle Float Drivers; Multiple Axle Type; Semi; Dump (Water level capacity box) 13 cu. yds. to & incl. 20 cu. yds.	4.65					
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.41					
GROUP IX OVER 3600 gal. (semi-truck); Transit Mix or Wet Mix over 10 cu. yds.	4.35					
GROUP X OVER 3600 gal. (straight truck); Transit Mix or Wet Mix, over 5 cu. yds. to 10 cu. yds.; Tandem Axle	4.25					
GROUP XI OVER 2500 gals. to & incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to & incl. 13 cu. yds.; Flat Rack, over 5 tons; Winch Trailer						

DECISION #AM-2476 - (Cont'd)

MODIFICATIONS P. 28 (2-2)

TRUCK DRIVERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI (Cont'd) (cable & hoist); Utility Winch; "A" Frame Transit Mix or Wet Mix, less than 5 cu. yds.; Single Axle	4.15					
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to & incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat Rack, 2 tons to 5 tons; Power Broom; Material Checkers	4.05					
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel Spreader; Flat Rack, less than 2 tons; Gang; Single Axle Type Truck; Warehousemen, Partsmen & Helpers; 2500 gals. or less (straight truck); Fuel Service; Greasemen, Tiremen, Servicemen & Helpers	3.95					
GROUP XIV PILOT CAR DRIVERS; Pick-up	3.85					

DECISION #AP-250 - Mod. #2
(37 FR 24011 - November 10, 1972)
Laramie County, Wyoming

MODIFICATIONS P. 29 (1-2)

Change:
Heavy and Highway Construction
Truck Drivers

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to & incl. 45 cu. yds.	$ 4.90					
GROUP II FIELD MECHANICS	4.88					
GROUP III DUMP (Water level capacity box) 35 cu. yds. to & incl. 40 cu. yds.	4.85					
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to & incl. 35 cu. yds.	4.80					
GROUP V DUMP (Water level capacity box) 25 cu. yds. to & incl. 30 cu. yds.	4.75					
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to & incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.65					
GROUP VII LOWBOY & Tandem Axle Float Drivers; Multiple Axle Type; Semi; Dump (Water level capacity box) 13 cu. yds. to & incl. 20 cu. yds.	4.65					
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.41					
GROUP IX OVER 3600 gal. (semi-truck); Transit Mix or Wet Mix over 10 cu. yds.	4.35					
GROUP X OVER 3600 gal. (straight truck); Transit Mix or Wet Mix, over 5 cu. yds. to 10 cu. yds.; Tandem Axle	4.25					
GROUP XI OVER 2500 gals. to & incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to & incl. 13 cu. yds.; Flat Rack, over 5 tons; Winch Trailer						

DECISION #AP-250 - (Cont'd)

MODIFICATIONS P. 30 (2-2)

Truck Drivers (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI (Cont'd) (cable & hoist); Utility Winch; "A" Frame Transit Mix or Wet Mix, less than 5 cu. yds.; Single Axle	4.15					
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to & incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat Rack, 2 tons to 5 tons; Power Broom; Material Checkers	4.05					
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel Spreader; Flat Rack, less than 2 tons; Gang; Single Axle Type Truck; Warehousemen, Partsmen & Helpers; 2500 gals. or less (straight truck); Fuel Service; Greasemen, Tiremen, Servicemen & Helpers	3.95					
GROUP XIV PILOT CAR DRIVERS; Pick-up	3.85					

XUM

SUPERSEDEAS DECISION

STATE: Arizona COUNTY: Maricopa(Phoenix-Glendale-Mesa-Scottsdale-Tempe-Luke AFB and Williams AFB)

DECISION NO.: AP-259 DATE: Date of Publication

Supersedes Decision No. AM-6,116, dated November 12, 1971, in 36 FR 21721.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$ 8.38	.35	.40			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS & STONEMASONS	8.85	.35	.30		.03	
CARPENTERS:						
Carpenters	7.75	.35	.60		.025	
Millwrights	8.125	.35	.60		.025	
Piledrivermen	8.00	.35	.60		.025	
CEMENT MASONS	7.585	.35	.65		.025	
DRYWALL TAPERS	6.00	.225				
DRYWALL TEXTURE SPRAYMEN	6.10	.225				
ELECTRICIANS (Including Luke AFB)	8.95	.30	1% + .60		1/2%	
ELECTRICIANS (Williams AFB)	10.60	.30	1% + .60		1/2%	
ELEVATOR CONSTRUCTORS	7.58	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental-Structural	8.58	.58	.625		.04	
Reinforcing	8.58	.58	.625		.04	
MARBLE & TILE SETTERS	7.39	.35	.30		.01	
PAINTERS:						
Brush	6.775	.275	.20	.50	.02	
Spray	7.025	.275	.20	.50	.02	
PLASTERERS	7.25	.30	.50		.035	
PLUMBERS; Pipefitters; Steamfitters (Zone Bases: Phoenix, Tucson, Douglas, Flagstaff, Yuma):						
Zone I - (0-15 miles)	7.74	.45	.70		.06	
Zone II - (15 - 30 miles)	8.04	.45	.70		.06	
Zone III - (30 - 45 miles)	8.39	.45	.70		.06	
Zone IV - (45 miles and beyond)	9.49	.45	.70		.06	
SHEET METAL WORKERS	7.59	.27	.32		.02	
SOFT FLOOR LAYERS	6.775	.275	.20	.50	.02	
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO & MOSAIC WORKERS	7.96					
LINE CONSTRUCTION:						
Cable Splicer	8.39	.23	1% + 4%b		1/2%	
Linemen	8.10	.23	1% + 4%b		1/2%	
Equipment Operator	7.62	.23	1% + 4%b		1/2%	
Groundman	6.61	.23	1% + 4%b		1/2%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.6 Paid Holidays: A through F.

b. Of gross labor payroll, employer contributes 1% to NEBF and 4% to Management Pension Fund.

AP-259 P. 2

1-ARIZ-LAB-1-2-3-n (1-3)

Central & Southern areas of Arizona

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool Diggers and Installers; Chat Box Man; Checker, Tool Dispatcher; Concrete Dump Man-belt, Pipe and/or Hoseman; Dumpman and/or Spotter; Fence Builder, Guard Rail Builder Hwy.; Form Strippers; Labor, General or Construction; Landscape Gardener & Nurseryman; Packing Rod Steel and Pans; Rip Rap Stoneman	$5.53	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete Curer (Impervious membrane); Cutting Torch Operator; Fine Grader (Highway, Engineering and Sewer Work only); Kettleman - Tarman; Power Type Concrete Buggy	5.64	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except Tunnel); Creosote Tieman; Guinea Chaser; Powderman Helper; Rip-Rap Stone Paver; Sandblaster (Pot Tender); Spikers & Wrenchers	5.75	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain Saw Machines (on clearing and grubbing); Concrete Vibrating Machines; Cribber and Shorer (except Tunnel); Floor Sanders - Concrete; Hydraulic Jacks, and similar mechanical tools not separately herein classified; Operators and Tenders of Pneumatic and electric tools; Pipe Caulker and/or Backup Man (pipeline); Pipe Wrapper; Pneumatic Gopher; Rigger/signalman (pipeline)	5.83	.35	.60		.05	

NOTICES

AP-259 P. 3

1-ARIZ-LAB-1-2-3-n (2-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS: (Cont'd)						
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt Rakers and Ironers; Driller; Grade Setter (pipeline); Hand Guided Trencher and Similar Operated Equipment; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Scaler (using Bos'ns Chair or Safety Belt); Tampers (mechanical - all types)	$5.97	.35	.60		.05	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunite); Sandblaster (Nozzleman)	6.275	.35	.60		.05	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunite Nozzleman or Rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powder Man; Scaler (Drillers); Welders and/or Pipe Layers installing process piping	6.785	.35	.60		.05	
MASON TENDERS	6.135	.35	.60		.05	
PLASTERERS' TENDERS	6.45	.35	.60		.05	
Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate. except where herein specifically covered						

AP-259 P. 4

1-ARIZ-LAB-1-2-3-n (3-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS (Cont'd)						
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or Bos'n Chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						
TUNNEL AND SHAFT WORKERS						
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on Tunnel Work)	$5.725	.35	.60		.05	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic Tools (except Driller) -	5.86	.35	.60		.05	
GROUP III						
GROUT GUNMAN	5.96	.35	.60		.05	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel Blaster, Driller Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher	6.06	.35	.60		.05	
GROUP IV - A						
MINERS - Tunnel (Hand or Machine)	6.26	.35	.60		.05	
GROUP V						
DIAMOND DRILL	6.395	.35	.60		.05	
GROUP V-A						
SHAFT AND RAISE MINER WELDER	6.595	.35	.60		.05	

NOTICES

XUM

AP-259 P. 5

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments (1-4) H & W	Pensions	Vacation	App. Tr.	Other
Group I Air Compressor Operator; Field Equip-Servicemen Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Oiler; Pump Operator	$6.42	.45	.50		.02	
Group II Conveyor Operator; Generator Operator-Portable; Power Grizzly Operator; Self-Propelled Chip Spreading Machine-Conveyor Operator; Watch Fireman; Welding Machine Operator - Gasoline and Diesel Power	6.73	.45	.50		.02	
Group III Concrete Mixer Operator-Skip Type; Dinky Operator - (under 20 tons wt.); Driver-moto Paver, Slurry Seal Machine, and similar type equipment; Motor Crane Driver; ~~Power Sweeper Operator-Self-~~propelled; Koss Carrier or Fork Lift Operator; Skip Loader Operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor Operator (Ford, Ferguson, or similar type) with attachments-such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	7.13	.45	.50		.02	
Group IV A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Firemen; Elevator Hoist Operator (including Tuskey Hoist or similar types); Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Pavement Breaker, Mechanical Compactor Operator, power propelled; Roller Operator - all types except as otherwise classified; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator) Stationary Pipewrapping and Cleaning Machine Operator; Tugger Operator	7.57	.45	.50		.02	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments (2-4) H & W	Pensions	Vacation	App. Tr.	Other
Group V Aggregate Plant Operator (including crushing screening and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Machine; Boring Machine Operator; Concrete Mechanical Tamping, spreading or finishing Machine (incl. Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types & sizes; Conductor, Brakeman, or Handler; Elevating Grader Operator - all types and sizes (except as otherwise classified); Field Equipment Serviceman; Highline Cableway Signalman; Kolman Belt Loader op. or similar type, w/belt width 48" or over; Locomotive Engineer (including Dinky-20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Op. (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment) up to & incl. 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Op. (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator-on all types asphalt pavement; Self-Propelled Compactor, with blade; Skip Loader Operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip Form Operator (Power driven lifting device for concrete furms); Soil Cement Road Mixing Machine Operator - single pass type; Stationary Central Generating Plant Operator - rated 300 k.w. or more; surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator	$8.01	.45	.50		.02	
Group V-A Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to & incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat D-W Hancock, and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Op.	8.27	.45	.50		.02	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments (3-4) H & W	Pensions	Vacation	App. Tr.	Other
Group VI Auto-Grade Machine (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator-Paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (Truck Mounted); Crane Operator-Crawler and Pneumatic type, under 100 ton capacity MRC; Crawler type tractor Operator - with boom attachment; Derrick Operator; Forklift op. for hoisting personnel; Grade-all operator; Helicopter Hoist; Highline Cableway Op. (less than 20 tons rated capacity); Mass Excavator Op. (150 Bucyrus Erie & similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator - any type power blade; Motor Grader Operator with elevating Grader Attachment; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Op. - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power Driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Op. (including Gunnert, Zimmerman & similar types); Specialized Power Digger Op. - attached to wheel-type tractor; Tower Crane (or similar type) Op.; Tractor Op. (pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger Op. (two or more); Universal Equipment Op. - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.55	.45	.50		.02	
Group VII Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot - FAA qualified when used in construction work; Highline Cableway Op., over 20 ton rated capacity and using traveling						

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments (4-4) H & W	Pensions	Vacation	App. Tr.	Other
Group VII (Cont'd) head and tail tower; Remote Control Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$9.05	.45	.50		.02	

MULTIPLE-UNIT EARTH MOVING EQUIPMENT:
Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50c) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.

All Operators, Oiler, & Motor Crane Drivers on equipment with booms of 80 & over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.

Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.

Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.

XUM

(1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP 1					
PICKUP; STATION WAGON; TEAMSTERS	$ 5.67	.35	.60		.02
GROUP II					
BUGGYMOBILE, 1 C.Y. OR LESS; Bulk Cement Spreader (2 or 3 Axle); Bus Driver; Dump (2 or 3 Axle); Flatrack (2 or 3 Axle); Water (under 2500 gal.)	5.78	.35	.60		.02
GROUP III					
BULK CEMENT SPREADER (4 AXLE); Dump (4 Axle); Dumotor or Dumpster, less than 7 c.y.; Flatrack (4 Axle); Water (2500 gal. but less than 4000 gal.)	5.94	.35	.60		.02
GROUP IV					
BULK CEMENT SPREADER (5 AXLE); Dump (5 Axle); Dumptor or Dumpster, 7 c.y. but less than 16 c.y.; Flaherty Spreader or similar type equipment or leverman; Flatrack (5 Axle); Slurry-Type Equipment or Leverman; Transit Mix, 8 c.y. or less mixer capacity	6.23	.35	.60		.02
GROUP V					
BULK CEMENT SPREADER (6 Axle); Dump (6 Axle); Flatrack (6 Axle); Rock Truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.	6.36	.35	.60		.02
GROUP V - A					
OIL TANKER OR SPREADER TRUCK DRIVER and/or Bootman, Retortman or Leverman	6.50	.35	.60		.02
GROUP VI					
BULK CEMENT SPREADER (7 Axle); Concrete Pump Truck Driver, (when integral part of transit mix truck); Dump (7 Axle); Flatrack (7 Axle);					

(2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (CONT'D)					
GROUP VI (CONT'D)					
Hydro Lift, Swedish Crane, Iowa 300 and similar types; Ross Carrier Fork Lift or Lift Truck; Transit Mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	$6.61	.35	.60		.02
GROUP VII					
BULK CEMENT SPREADER (8 AXLE); Dump (8 Axle); Flatrack (8 Axle)	6.95	.35	.60		.02
GROUP VIII					
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other Teamsters classifications; Bulk Cement Spreader (9 Axle); Dump (9 Axle); Dumptor or Dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 Axle); Rock Truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	7.365	.35	.60		.02
HEAVY DUTY MECHANIC/WELDER	8.24	.35	.60		.02
HEAVY DUTY MECHANIC/WELDER HELPER	6.39	.35	.60		.02
FIELD EQUIPMENT SERVICEMAN or Fuel Truck Driver	7.98	.35	.60		.02
Combination Man - 30¢ over the highest rated work					
Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit					

SUPERSEDEAS DECISION

STATE: Arizona COUNTY: Pima

DECISION NO.: AP-260 DATE: Date of Publication

Supersedes Decision No. AM-6,710, dated March 24, 1972, in 37 FR 6124

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

10-ARIZ-PIM-1-2-3 (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	8.38	.35	.40			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Zone A (Tucson City limits through 10 miles)	7.825	.40	.30	.25	.02	
Zone B (Tucson City limits 10-25 miles)	8.20	.40	.30	.25	.02	
Zone C (" " " 25-40 ")	8.575	.40	.30	.25	.02	
Zone D (" " " over 40 miles)	9.325	.40	.30	.25	.02	
CARPENTERS:						
Carpenters	7.75	.35	.60		.025	
Millwrights	8.125	.35	.60		.025	
Piledrivermen	8.00	.35	.60		.025	
CEMENT MASONS	7.585	.30	.45		.025	
ELECTRICIANS:						
Zone A (Within 16 miles of City Hall, Tucson)	6.60	.30	1%		1/2%	
Zone B (From 16-32 miles from City Hall)	7.10	.30	1%		1/2%	
Zone C (From 32-48 " " " Hall)	7.60	.30	1%		1/2%	
Zone D (48 miles & over)	8.10	.30	1%		1/2%	
ELEVATOR CONSTRUCTORS	7.58	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB. 6 mo.)	50%JR					
IRONWORKERS:						
Structural & Ornamental	8.58	.58	.625		.04	
Reinforcing	8.58	.58	.625		.04	
LATHERS:						
Zone A (Area to 30 miles from Tucson)	8.66	.20				
Zone B (" 30-40 " " ")	9.16	.20				
Zone C (" 40-50 " " ")	9.41	.20				
Zone D (" outside Zone C)	10.16	.20				
PAINTERS, brush:						
Zone A (1-30 miles from Tucson P.O.)	6.25	.29	.25		.02	
Zone B (31-40 " " " ")	7.00	.29	.25		.02	
Zone C (41-50 " " " ")	7.25	.29	.25		.02	
Zone D (51 miles & over)	7.50	.29	.25		.02	
PAINTERS, structural steel, brush:						
Zone A (1-30 miles from Tucson P.O.)	7.20	.29	.25		.02	
Zone B (31-40 " " " ")	7.95	.29	.25		.02	
Zone C (41-50 " " " ")	8.20	.29	.25		.02	
Zone D (51 miles & over)	8.45	.29	.25		.02	
PLASTERERS:						
Zone A (0-30 miles from Tucson P.O.)	8.12	.35	.60			
Zone B (30-40 " " " ")	8.62	.35	.60			
Zone C (40-50 " " " ")	8.87	.35	.60			
Zone D (Over 50 miles from Tucson P.O.)	9.62	.35	.60			

10-ARIZ-PIM-1-2-3-q (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers; Steamfitters						
Zone I (0-15 miles from Tucson)	$7.74	.45	.70		.06	
Zone II (15-30 miles from Tucson)	8.04	.45	.70		.06	
Zone III (30-45 miles from Tucson)	8.39	.45	.70		.06	
Zone IV (45 miles & beyond Tucson)	9.49	.45	.70		.06	
SHEET METAL WORKERS:						
Zone A (0-17 miles from Tucson)	6.83	.48	1.00		.01	
Zone B (18-23 miles from Tucson)	7.28	.48	1.00		.01	
Zone C (24-31 miles from Tucson)	7.73	.48	1.00		.01	
Zone D (32-43 miles from Tucson)	8.33	.48	1.00		.01	
Zone E (44 miles & over from Tucson)	8.78	.48	1.00		.01	
SPRINKLER FITTERS	7.95	.25	.40		.05	
LINE CONSTRUCTION:						
Zone 1 (Tucson and 30 miles radius):						
Linemen	8.10	.23	1% + 4%b		1/2%	
Cable Splicers	8.39	.23	1% + 4%b		1/2%	
Equipment Operators	7.62	.23	1% + 4%b		1/2%	
Groundman	6.61	.23	1% + 4%b		1/2%	
Zone 2 (Other Areas)						
Linemen	9.25	.23	1% + 4%b		1/2%	
Cable splicer	9.53	.23	1% + 4%b		1/2%	
Equipment Operators	8.78	.23	1% + 4%b		1/2%	
Groundman	7.80	.23	1% + 4%b		1/2%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Fund. 6 Paid Holidays; A through F.

b. Of gross labor payroll, employer contributes 1% to NEBF and 4% to Management Pension Fund.

XUM

AP-260 P. 3

1-ARIZ-LAB-1-2-3-n (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool Diggers and Installers; Chat Box Man; Checker, Tool Dispatcher; Concrete Dump Man-belt, Pipe and/or Hoseman; Dumpman and/or Spotter; Fence Builder, Guard Rail Builder Hwy.; Form Strippers; Labor, General or Construction; Landscape Gardener & Nurseryman; Packing Rod Steel and Pans; Rip Rap Stoneman	$5.53	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete Curer (Impervious membrane); Cutting Torch Operator; Fine Grader (Highway, Engineering and Sewer Work only); Kettleman - Tarman; Power Type Concrete Buggy	5.64	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except Tunnel); Creosote Tieman; Guinea Chaser; Powderman Helper; Rip-Rap Stone Paver; Sandblaster (Pot Tender); Spikers & Wrenchers	5.75	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain Saw Machines (on clearing and grubbing); Concrete Vibrating Machines; Cribber and Shorer (except Tunnel); Floor Sanders - Concrete; Hydraulic Jacks, and similar mechanical tools not separately herein classified; Operators and Tenders of Pneumatic and electric tools; Pipe Caulker and/or Backup Man (pipeline); Pipe Wrapper; Pneumatic Gopher; Rigger/signalman (pipeline)	5.83	.35	.60		.05	

AP-260 P. 4

1-ARIZ-LAB-1-2-3-n (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS: (Cont'd)						
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt Rakers and Ironers; Driller; Grade Setter (pipeline); Hand Guided Trencher and Similar Operated Equipment; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Scaler (using Bos'ns Chair or Safety Belt); Tampers (mechanical - all types)	$5.97	.35	.60		.05	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill Doctor and/or Air Tool Repairman; Gunman and Nixerman (Gunite); Sandblaster (Nozzleman)	6.275	.35	.60		.05	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunite Nozzleman or Rodman; Drillers, Joy Mustang, PR 1h3, 2200 Gardner-Denver, Hydrasonic; Powder Man; Scaler (Drillers); Welders and/or Pipe Layers installing process piping	6.785	.35	.60		.05	
MASON TENDERS	6.135	.35	.60		.05	
PLASTERERS' TENDERS	6.45	.35	.60		.05	
Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate. except where herein specifically covered						

AP-260 P. 5

1-ARIZ-LAB-1-2-3-n (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Cont'd)						
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or Bos'n Chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						
TUNNEL AND SHAFT WORKERS						
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on Tunnel Work)	$5.725	.35	.60		.05	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)	5.86	.35	.60		.05	
GROUP III						
GROUT GUNMAN	5.96	.35	.60		.05	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel Blaster, Driller Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher	6.06	.35	.60		.05	
GROUP IV - A						
MINERS - Tunnel (Hand or Machine)	6.26	.35	.60		.05	
GROUP V						
DIAMOND DRILL	6.395	.35	.60		.05	
GROUP V-A						
SHAFT AND RAISE MINER WELDER	6.595	.35	.60		.05	

AP-260 P. 6

1-ARIZ-PEO-1-2-3-r (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
Group I						
Air Compressor Operator; Field Equip-Servicemen Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Oiler; Pump Operator	$6.42	.45	.50		.02	
Group II						
Conveyor Operator; Generator Operator-Portable; Power Grizzly Operator; Self-Propelled Chip Spreading Machine-Conveyor Operator; Watch Fireman; Welding Machine Operator - Gasoline and Diesel Power	6.73	.45	.50		.02	
Group III						
Concrete Mixer Operator-Skip Type; Dinky Operator - (under 20 tons wt.); Drivermoto Paver, Slurry Seal Machine, and similar type equipment; Motor Crane Driver; Power Sweeper Operator-Self-propelled; Rosa Carrier or Fork Lift Operator; Skip Loader Operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor Operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	7.13	.45	.50		.02	
Group IV						
A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Firemen; Elevator Hoist Operator (including Tuskey Hoist or similar types); Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Pavement Breaker, Mechanical Compactor Operator, power propelled; Roller Operator - all types except as otherwise classified; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator) Stationary Pipewrapping and Cleaning Machine Operator; Tugger Operator	7.57	.45	.50		.02	

MICROFILMED BY UNIVERSITY MICROFILMS

AP-260 P. 7

1-ARIZ-PEO-1-2-3-r (2-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group V Aggregate Plant Operator (including crushing screening and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Machine; Boring Machine Operator; Concrete Mechanical Tamping, spreading or finishing Machine (incl. Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types & sizes; Conductor, Brakeman, or Handler; Elevating Grader Operator - all types and sizes (except as otherwise classified); Field Equipment Serviceman; Highline Cableway Signalman; Kolman Belt Loader op. or similar type, w/belt width 48" or over; Locomotive Engineer (including Dinky-20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; ~~Pneumatic tired~~ Scraper Op. (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment) up to & incl. 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Op. (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator-on all types asphalt pavement; Self-Propelled Compactor, with blade; Skip Loader Operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip Form Operator (Power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator - single pass type; Stationary Central Generating Plant Operator - rated 300 k.w. or more; surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator	$8.01	.45	.50		.02	
Group V-A Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to & incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat D-W Hancock, and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Op.	8.27	.45	.50		.02	

AP-260 P. 8

1-ARIZ-PEO-1-2-3-r (3-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group VI Auto-Grade Machine (CMI and similar equipment); Boring Machine Operator (including Hole, Badger and similar type); Concrete Mixer Operator-Paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (Truck Mounted); Crane Operator-Crawler and Pneumatic type, under 100 ton capacity MRC; Crawler type tractor Operator - with boom attachment; Derrick Operator; Forklift op. for hoisting personnel; Grade-all operator; Helicopter Hoist; Highline Cableway Op. (less than 20 tons rated capacity); Mass Excavator Op. (150 Bucyrus Erie & similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator - any type power blade; Motor Grader Operator with elevating Grader Attachment; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Op. - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power Driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Op. (including Gunnert, Zimmerman & similar types); Specialized Power Digger Op. - attached to wheel-type tractor; Tower Crane (or similar type) Op.; Tractor Op. (pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger Op. (two or more); Universal Equipment Op. - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.55	.45	.50		.02	
Group VII Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot - FAA qualified when used in construction work; Highline Cableway Op., over 20 ton rated capacity and using traveling						

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1-ARIZ-PEO-1-2-3-r (4-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group VII (Cont'd) head and tail tower; Remote Control Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$9.05	.45	.50		.02	
MULTIPLE-UNIT EARTH MOVING EQUIPMENT: Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50c) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.						
All Operators, Oiler, & Motor Crane Drivers on equipment with booms of 80 & over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.						

AP-260 P. 10

(1-2)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
PICKUP; STATION WAGON; TEAMSTERS	$ 5.67	.35	.60		.02	
GROUP II						
BUGGYMOBILE, 1 C.Y. OR LESS; Bulk Cement Spreader (2 or 3 Axle); Bus Driver; Dump (2 or 3 Axle); Flatrack (2 or 3 Axle); Water (under 2500 gal.)	5.78	.35	.60		.02	
GROUP III						
BULK CEMENT SPREADER (4 AXLE); Dump (4 Axle); Dumptor or Dumpster, less then 7 c.y.; Flatrack (4 Axle); Water (2500 gal. but lesa than 4000 gal.)	5.94	.35	.60		.02	
GROUP IV						
BULK CEMENT SPREADER (5 AXLE); Dump (5 Axle); Dumptor or Dumpster, 7 c.y. but less than 16 c.y.; Flaherty Spreader or similar type equipment or Leverman; Flatrack (5 Axle); Slurry-Type Equipment or Leverman; Transit Mix, 8 c.y. or less mixer capacity	6.23	.35	.60		.02	
GROUP V						
BULK CEMENT SPREADER (6 Axle); Dump (6 Axle); Flatrack (6 Axle); Rock Truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.	6.36	.35	.60		.02	
GROUP V - A						
OIL TANKER OR SPREADER TRUCK DRIVER and/or Bootmen, Retortman or Leverman	6.50	.35	.60		.02	
GROUP VI						
BULK CEMENT SPREADER (7 Axle); Concrete Pump Truck Driver, (when integral part of transit mix truck); Dump (7 Axle); Flatrack (7 Axle);						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS: (CONT'D)						
GROUP VI (CONT'D)						
Hydro Lift, Swedish Crane, Iowa 300 and similar types; Ross Carrier Fork Lift or Lift Truck; Transit Mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	$6.61	.35	.60		.02	
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 Axle); Flatrack (8 Axle)	6.95	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other Teamsters classifications; Bulk Cement Spreader (9 Axle); Dump (9 Axle); Dumptor or Dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 Axle); Rock Truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	7.365	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	8.24	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	6.39	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or Fuel Truck Driver	7.98	.35	.60		.02	
Combination Man - 30¢ over the highest rated work						
Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit						

SUPERSEDEAS DECISION

AP-143 P. 2

STATE: Kentucky COUNTY: Area 2* See Below
DECISION NUMBER: AP-143 DATE: Date of Publication
Supersedes Decision No. AP-109 dated August 18, 1972 in 37 FR 16766
DESCRIPTION OF WORK: Heavy and Highway Construction.

Kentucky 2-Lab-8 Area-2 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
*Counties: Adair, Barren, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Harlan, Hart, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, McCreary, Menifee, Metcalfe, Monroe, Owsley, Powell, Pulaski, Rockcastle, Russel, Taylor, Wayne, Whitley, & Wolfe						
Heavy and Highway Construction						
Bricklayers	$6.93	.25	.25			
Carpenters	6.40	.20	.25			
Cement Masons	7.18	.20	.10			
Electricians	8.33	.30	3% + .27	.05		
Ironworkers, Structural, Ornamental, & Reinforcing	7.48	.33	.35		.03	
Millwrights	6.40	.20	.25			
Painters:						
Brush	6.55	.15	.15			
Roller	6.58	.15	.15			
Spray	7.00	.15	.15			
Piledrivermen	6.40	.20	.25			
Pipefitters	7.68	.28	.55			
Plumbers	7.98	.25	.48			
Sheet Metal Workers	9.06	.52	.42			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Heavy and Highway Construction						
Laborers:						
Aging and Curing of Concrete; Grade Checkers; Guardrail and Fence Installers; Laborers; Landscaping & Seeders Planters, Tree Trimmers; Mesh Handlers and Placers; Rip Rap and Grouters	$4.30	.20	.25			
Hand Blade Operator & Batch Truck Dumpers	4.40	.20	.25			
Operator & Deck Scow Men	4.43	.20	.25			
Power-Driven Tools, Wagon Drills, Jackhammers, Chain Saw, Concrete Saws, Sewer Pipe Layers (All Storm Sewers), Bottom Men, Dry Cement Handlers, Concrete Rubbers, Mason Tenders, Concrete Green Cutting, Sandblasting and Concrete Chippers, Vibrator Operators, Power Wheelbarrow or Buggies	4.60	.20	.25			
Asphalt Lute & Raker Men	4.72	.20	.25			
Air Tract Drillers (All percussion type drills which are both powered and propelled by an independent air supply); Powdermen and Blasters; Side Rail Setters	4.75	.20	.25			
Gunnite Nozzle Men; Gunnite Operators; Tunnel Laborers (Free Air)	4.85	.20	.25			
Tunnel Muckers (Free Air)	4.95	.20	.25			
Tunnel Miners & Blasters	5.28	.20	.25			
Caisson Workers	5.85	.20	.25			

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Kentucky-2-TD-a Area-2 (1-1)

Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers: Truck Helper and Warehousemen	$4.66	.20	.25			
Driver, Fork Lift Truck when used to transport building materials; Driver, Winch Truck and A-Frame Truck when used in transporting materials; Greaser, Tire Changer and Mechanic Helper; Driver, 3 Tons and Under	4.78	.20	.25			
Driver, Over 3 tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer when used to pull building material or equipment	4.89	.20	.25			
Driver on Mixer Trucks (all types)	4.93	.20	.25			
Truck Mechanic	4.96	.20	.25			
Driver, Euclid and Other Heavy Earthmoving Equipment and Low Boy; Driver on Pavement Breakers	5.06	.20	.25			

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Kentucky 2-PEO-a Area-2 (1-2

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Power Equipment Operators: Class A: Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Clamshell, Concrete Pump, Concrete Mixer (21 cu. ft. or over), Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Engineer, Elevator (Regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine, Locomotive, LaTourneau or Carry-All Scoop, Bulldozer, Mechanic, Orangepeal, Bucket, Pile-driver, Power Blade, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Well Points, Winch Truck, Push Dozer, Grout Pump, High Lift, Fork Lift (Regardless of Lift Height), All Types of Boom Cats, Multiple Operator, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradeall, Hoist, Hyster, Material Pump, Pumpcrete, Ross Carrier, Sheep Foot, Side Boom Throttle- Valve Man, Rotary Drill, Power Generator, Mucking Machine, Rock Spreader Attached to Equipment, Scoopmobile, KeCal Loader, Tower Cranes (French, German and other types), Hydrocrane, Tugger, Backfiller Gurries, Subgrader, Electric Vibrator Compactor, Welderburner	$6.73	.20	.25			
Class B: All Air Compressors (200 cu. ft. per min or greater capacity), Bituminous Mixer, Concrete Mixer (Under 21 cu. ft.), Welding Machine, Form Grader, Roller (Rock), Tractor (50 H.P. and over), Bull Float, Finish Machine, Outboard Motor Boat, Floxplane, Boom Type Tamping Machine, Truck Crane Oiler, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-propelled Compactor, Tractair and Road Widening Trencher, Greaser on Grease Facilities Servicing Heavy Equipment, Joint Sealing Machine, and Rotary Drill (Under 5"), Fireman	5.38	.20	.25			

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Kentucky 2-PEO-a Area-2 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd): Class C: Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (Earth, Tamping Machine, Tractors (under 50 H. P.), Vibrator, Oiler, Air Compressors (under 200 cu. ft. per min. capacity), Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, Hydraulic Post Driver	$4.83	.20	.25			

AF-143 P. 6

KENTUCKY 1-PEO-2 A

Heavy Construction POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LaTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeal bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal Loader, tower cranes (Fronch, German & other types), hydrocrane, backfiller, qurries, subgrader,	$7.05	.25	.25			
Class B Operators: All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor throttle.valve elevator (one drum or buck hoist).	5.86	.25	.25			

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KENTUCKY 1-PEO-2 A

Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments				
POWER EQUIPMENT OPERATORS (Cont'd)		H & W	Pensions	Vacation	App. Tr.	Other
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver.	$5.42	.25	.25			

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AP-144
Supersedes Decision No. AP-113 dated August 18, 1972 in 37 FR 16712
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: Area 6* (See below)
DATE: Date of Publication

*Counties: Breathitt, Floyd, Knott, Letcher, Magoffin, Martin, Perry and Pike

Area 6 (1-1)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$6.93	.25	.25			
Carpenters	6.40	.20	.25			
Cement Masons	7.18	.20	.10			
Electricians	8.33	.30	1% + .27	.05		
Ironworkers, Structural, Ornamental, & Reinforcing	7.48	.33	.35		.03	
Millwrights	6.40	.20	.25			
Painters:						
Brush	6.55	.15	.15			
Roller	6.50	.15	.15			
Spray	7.00	.15	.15			
Piledrivermen	6.40	.20	.25			
Pipefitters	7.68	.28	.55			
Plumbers	7.98	.25	.48			
Sheet Metal Workers	9.06	.52	.42			

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Kentucky 2-LABR-B (1-1)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Aging and Curing of Concrete; Grade Checkers; Guardrail and Fence Installers; Laborers; Landscaping & Seeders Planters, Tree Trimmers; Mesh Handlers and Placers; Rip Rap and Grouters	$4.30	.20	.25			
Hand Blade Operator & Batch Truck Dumpers	4.40	.20	.25			
Operator & Back Scow Men	4.43	.20	.25			
Power-Driven Tools, Wagon Drills, Jackhammers, Chain Saw, Concrete Saws, Sewer Pipe Layers (All Storm Sewers), Bottom Men, Dry Cement Handlers, Concrete Rubbers, Mason Tenders, Concrete Green Cutting, Sandblasting and Concrete Chippers, Vibrator Operators, Power Wheelbarrow or Buggies	4.60	.20	.25			
Asphalt Lute & Raker Men	4.72	.20	.25			
Air Tract Drillers (All percussion type drills which are both powered and propelled by an independent air supply); Powdermen and Blasters; Side Rail Setters	4.75	.20	.25			
Gunnite Nozzle Men; Gunnite Operators; Tunnel Laborers (Free Air)	4.85	.20	.25			
Tunnel Muckers (Free Air)	4.95	.20	.25			
Tunnel Miners & Blasters	5.28	.20	.25			
Caisson Workers	5.85	.20	.25			

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AP-144 P. 3

Kentucky-2-TD- B (1-1)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Truck Helper	$4.66	.20	.25			
Driver, Fork Lift Truck when used to transport building materials; Driver, Winch Truck and A-Frame Truck when used in transporting materials; Greaser, Tire Changer and Mechanic Helper; Driver, 3 Tons and Under	4.78	.20	.25			
Driver, Over 3 tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer when used to pull building material or equipment	4.89	.20	.25			
Driver on Mixer Trucks (all types)	4.93	.20	.25			
Truck Mechanic	4.96	.20	.25			
Driver, Euclid and Other Heavy Earth-moving Equipment and Low Boy; Driver on Pavement Breakers	5.06	.20	.25			

AP-144 P. 4

Kentucky 2-PEO-L (1-2)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Class A						
Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Clamshell, Concrete Pump, Concrete Mixer (21 cu. ft. or over), Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Engineer, Elevator (Regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine, Locomotive, LaTourneau or Carry-All Scoop, Bulldozer, Mechanic, Orangepeel, Bucket, Pile-driver, Power Blade, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Well Points, Winch Truck, Push Dozer, Grout Pump, High Lift, Fork Lift (Regardless of Lift Height), All Types of Boom Cats, Multiple Operator, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradesll, Hoist, Hyster, Material Pump, Pumpcrete, Ross Carrier, Sheep Foot, Side Boom Throttle- Valve Man, Rotary Drill, Power Generator, Mucking Machine, Rock Spreader Attached to Equipment, Scoopmobile, KeCal Loader, Tower Cranes (French, German and other types), Hydrocrane, Tugger, Backfiller Gurries, Subgrader, Electric Vibrator Compactor, Welderburner	$6.73	.20	.25			
Class B						
All Air Compressors (200 cu. ft. per min or greater capacity), Bituminous Mixer, Concrete Mixer (Under 21 cu. ft.), Welding Machine, Form Grader, Roller (Rock), Tractor (50 H.P. and over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Boom Type Tamping Machine, Truck Crane Oiler, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-propelled Compactor, Tractair and Road Widening Trencher, Greaser on Grease Facilities Servicing Heavy Equipment, Joint Sealing Machine, and Rotary Drill (Under 5"), Firemen	5.38	.20	.25			

NOTICES

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Kentucky 2-PEO-L (2-2)

Power Equipment Operators (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Class C						
Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (Earth, Tamping Machine, Tractors (under 50 H. P.), Vibrator, Oiler, Air Compressors (under 200 cu. ft. per min. capacity), Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, Hydraulic Post Driver	$4.83	.20	.25			

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(1-1)

Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$3.40					
Cement Masons	3.25					
Electricians	4.35					
Ironworkers						
Structural & ornamental	3.75					
Reinforcing	3.75					
Laborers:						
Unskilled	2.00					
Air Tool Op. (Jackhammer, Vibrator)	2.25					
Painters, brush	3.00					
Truck Drivers:						
3-ton & under	2.25					
Over 3-ton	3.50					
Power Equipment Operators:						
Air Compressors	2.75					
Bulldozers	3.50					
Cranes, derricks, draglines	3.50					
Motor graders	3.50					
Blade graders	3.50					
Oilers	2.75					
Pumps	2.75					
Rollers	3.50					
Backhoe	3.75					
Scrapers	3.50					
Shovels	3.75					
Tractors	2.75					
Trenching Machines	3.50					

NOTICES

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SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AP-145
Supersedes Decision No. AP-108 dated August 18, 1972 in 37 FR 16763.
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: Area 1* (See below)
DATE: Date of Publication

*Counties: Allen, Ballard, Butler, Caldwell, Galloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Heavy & Highway Construction						
Bricklayers	$6.47					
Carpenters	6.15	.30	.30			
Cement Masons	5.77	.30	.165			
Electricians	7.09	.19	1%			
Ironworkers, Structural & Rainforcing	7.90	.31	.34		.03	
Millwrights	6.40	.30	.30			
Painters, Brush & Roller	6.56	.20	.15			
Painters, Spray	7.21	.20	.15			
Piledrivermen	6.40	.30	.30			
Pipefitters	8.26	.30	.275			
Plumbers	8.37	.28	.31			
Sheet Metal Workers	8.63	.425	.60			

AP-145 P. 2

Kentucky 1-TD-B (1-1)

Heavy and Highway Construction:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Truck Helper	$5.69		a			
Driver, 3 tons and Under; Greaser, Tire Changer and Mechanic Helper	5.74		a			
Truck Mechanic	5.97		a			
Driver, Over 3 Tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver on Mixer Trucks (All Types); Driver, Semi-Trailer or Pole Trailer when used to pull Building Material or Equipment	6.04		a			
Driver, Euclid and Other Heavy Earth-Moving Equipment and Low Boy; Driver, Fork Lift Truck when used to Transport Building Materials; Driver on Pavement Breakers; Driver, Winch Truck and A-Frame Truck when used in Transporting Materials	6.05		a			

FOOTNOTE:
a. $12.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

AP-145 P. 3

Kentucky 3-LAB-B (1-1)

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Aging and Curing of Concrete; Grade Checkers; Guardrail and Fence Installers; Hand Blade Operator & Batch Truck Dumpers; Laborers; Landscaping & Seeders, Planters, Tree Trimmers; Mesh Handlers and Placers; Rip-Rap and Grouters	$5.34	.25	.15			
Air Tract Drillers (All percussion type drills which are both powered and propelled by an independent air supply); Operator & Deck Hand Scow Men; Power-Driven Tools, Wagon Drills, Jackhammers, Chain Saws, Concrete Saws, Sewer Pipe Layers (all storm sewers), Bottom Men, Dry Cement Handlers, Concrete Rubbers, Mason Tenders, Concrete Green Cutting, Sand Blasting and Concrete Chippers, Vibrator Operators, Power Wheelbarrow or Buggies	5.59	.25	.15			
Asphalt Lute & Raker Men; Gunnite Nozzle Men; Gunnite Operators; Powdermen and Blasters; Side Rail Setters; Tunnel Laborers (Free Air)	5.64	.25	.15			
Caisson Workers; Tunnel Miners & Blasters (Free Air) and Drillers; Tunnel Muckers (Free Air)	6.24	.25	.15			

AP-145 P. 4

Kentucky 5-HSO-A (1-2)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators						
Class A						
Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Central Compressor Plant Operator, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Elevator (regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine (two or more drums), Locomotive, Motor Scraper, Bulldozer, Mechanic, Orangepeel Bucket, Piledriver, Power Blade, Roller (bituminous), Scrafier, Shovel, Tractor Shovel, Truck Crane, Winch Truck, Push Dozer, High Lift, Fork Lift (regardless of lift height), all types of Boom Cats, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Grade-All, Hoist (two or more drums), Hyster, Pumpcrete, Ross Carrier, Side Boom, Rotary Drill (5" and over), Mucking Machine, Rock Spreader attached to equipment, Scoopmobile, KoCal Loader, Tower Cranes (French, German, and other types), Hydrocrane, Backfiller, Gurries, Subgrader, Tailboom and Dredge Engineer.	$6.78	.25	.25			
Class B						
All Air Compressors (600 cu. ft. per min. or greater capacity), Bituminous Mixer, Concrete Mixer (under 21 cu. ft.), Elevator (one drum or buck hoist), Welding Machine, Form Grader, Grout Pump, Roller (rock), Tractor (50 h.p. and over), Bull Float, Finish Machine, Outboard Motor Boat, Electric Vibrator Compactor/Self-Propelled Compactor Boom Type Tamping Machine, Truck Crane Oiler, Greaser on Grease Facilities Servicing Heavy Equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Tractair and Road Widening Trencher, Joint Sealing Machine, Rotary Drill (under 5"), Throttle Valve Man, Tugger, Well Points, Flexplane, Firemen, and Hoist (one drum)	5.61	.25	.25			

XUM

AP-145 P. 5

Kentucky 5-PEO-A (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Class C						
Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (earth), Tamping Machine, Tractors (under 50 h.p.), Vibrator, Oiler, Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, and Hydraulic Post Driver	$5.17	.25	.25			

AP-145 P. 6

KENTUCKY 1-PEO-2 A

Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, gradall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal Loader, tower cranes (French, Garman & other types), hydrocrane, backfiller, qurries, subgrader.	$7.05	.25	.25		
Class B Operators: All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist).	5.86	.25	.25		

AP-145 P. 7

KENTUCKY 1-PEO-2 A

Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd)					
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver.	$5.42	.25	.25		

XUM

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AP-146
Supersedes Decision No. AP-110 dated August 18, 1972 in 37 FR 16770
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: Area 3* (See below)
DATE: Date of Publication

*Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$7.96	.35	.375			
Carpenter	6.26	.30	.30			
Cement Masons	7.64	.25	.10			
Electricians	8.57	.51	17+ .185			
Ironworkers:						
Structural and Ornamental	8.91	.15	.62		.03	
Reinforcing	8.86	.15	.62		.03	
Millwrights	6.51	.30	.30			
Painters:						
Brush	7.15	.25	.15			
Roller	7.17	.25	.15			
Spray	7.66	.25	.15			
Piledrivermen	6.51	.30	.30			
Pipefitters	8.60	.51	.49			
Plumbers	8.84	.30	.49			
Sheet Metal Workers	8.89	.52	.42			

AP-146 P. 2

Kentucky 3-LAB-B (1-1)

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Aging and Curing of Concrete; Grade Checkers; Guardrail and Fence Installers; Hand Blade Operator & Batch Truck Dumpers; Laborers; Landscaping & Seeders, Planters, Tree Trimmers; Mesh Handlers and Placers; Rip-Rap and Grouters	$5.34	.25	.15			
Air Tract Drillers (All percussion type drills which are both powered and propelled by an independent air supply); Operator & Deck Hand Scow Men; Power-Driven Tools, Wagon Drills, Jackhammers, Chain Saws, Concrete Saws, Sewer Pipe Layers (all storm sewers), Bottom Men, Dry Cement Handlers, Concrete Rubbers, Mason Tenders, Concrete Green Cutting, Sand Blasting and Concrete Chippers, Vibrator Operators, Power Wheelbarrow or Buggies	5.59	.25	.15			
Asphalt Lute & Raker Men; Gunnite Nozzle Men; Gunnite Operators; Powdermen and Blasters; Side Rail Setters; Tunnel Laborers (Free Air)	5.64	.25	.15			
Caisson Workers; Tunnel Miners & Blasters (Free Air) and Drillers; Tunnel Muckers (Free Air)	6.24	.25	.15			

NOTICES

AP-146 P. 3

Kentucky 1-TD-B (1-1)

Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers:						
Truck Helper and Warehouseman	$5.44	a	b			
Driver, 3 Tons and Under; Greaser, Tire Changer and Mechanic Helper	5.55	a	b			
Driver, Over 3 Tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer when used to pull Building Material or Equipment; Truck Mechanic	5.73	a	b			
Driver on Mixer Trucks (All types)	5.76	a	b			
Driver, Euclid and Other Heavy Earth-Moving Equipment and Low Boy; Driver, Fork Lift Truck when used to transport building materials; Driver on Pavement Breakers; Driver, Winch Truck and A-Frame Truck when used in transporting materials	5.83	a	b			

FOOTNOTES:

a. $9.50 per week for each employee.

b. $12.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

AP-146 P. 4

Kentucky 6-FEO-A (1-2)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Power Equipment Operators:						
Class A						
Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Engineer, Elevator (regardless of ownership when used for hoisting any building materials), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine, Locomotive, Motor Scraper, Bulldozer, Mechanic, Orange-peel Bucket, Pile Driver, Power Blade, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Well Points, Winch Truck, Push Dozer, Grout Pump, High Lift, Fork Lift (regardless of lift height), all types of Boom Cats, Multiple Operator, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradeall, Hoist, Hystar, Material Pump, Pumpcrete, Ross Carrier, Side Boom, Tail Boom, Throttle-Valve Man, Rotary Drill (5" and over), Power Generator, Mucking Machine, Rock Spreader attached to Equipment, Scoopmobile, KeCal Loader, Tower Cranes (French German, and other types), Hydrocrane, Tugger, Backfiller, Curries, Subgrader, Electric Vibrator Compactor	$6.78	.25	.25			
Class B						
All Air Compressors (200 cu. ft. per min. or greater capacity), Concrete Mixer (under 21 cu. ft.), Welding Machine, Form Grader, Roller (Rock), Tractor (50 h. p. and over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Firemen, Boom Type Tamping Machine, Truck Crane Oiler, Greaser on Grease Facilities Servicing Heavy Equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-Propelled Compactor, Tractair and Road Widening Trencher, Joint Sealing Machine, and Rotary Drill (under 5"); Bituminous Mixer	5.61	.25	.25			

NOTICES

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AP-146 P. 5

Kentucky 6-PEO-8 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (cont'd)						
Class C						
Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (earth), Tamping Machine, Tractors (under 50 h.p.), Vibrator, Oiler, Air Compressor (under 200 cu. ft. per min. capacity), Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler and Hydraulic Post Driver	$5.17	.25	.25			

AP-146 P. 6

KENTUCKY 1-PEO-2 A (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Heavy Construction:						
Power Equipment Operators:						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LaTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, gradall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal Loader, tower cranes (French, German & other types), hydrocrane, backfiller, qurries, subgrader	$7.05	.25	.25			
Class B Operators:						
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist)	5.86	.25	.25			

AP-146 P. 7

KENTUCKY 1-PEO-2 A (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Heavy Construction:						
Power Equipment Operators:						
Class C Operators:						
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver	$5.42	.25	.25			

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AP-147
Supersedes Decision No. AP-112 dated August 18, 1972 in 37 FR 16709
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: Johnson and Lawrence - Area 5
DATE: Date of Publication

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$7.96	.35	.375			
Carpenter	6.26	.30	.30			
Cement Masons	7.64	.25	.10			
Electricians	8.57	.51	1% + .185	.05	½ of 1%	
Ironworkers:						
Structural and Ornamental	8.91	.15	.62		.03	
Reinforcing	8.86	.15	.62		.03	
Millwrights	6.51	.30	.30			
Painters:						
Brush	7.15	.25	.15			
Roller	7.17	.25	.15			
Spray	7.66	.25	.15			
Piledrivermen	6.51	.30	.30			
Pipefitters	8.60	.51	.49			
Plumbers	8.84	.30	.49			
Sheet Metal Workers	8.89	.52	.42			

AP-147 P. 2

Kentucky 3-LAB-B (1-1)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
Aging and Curing of Concrete; Grade Checkers; Guardrail and Fence Installers; Hand Blade Operator & Batch Truck Dumpers; Laborers; Landscaping & Seedors, Planters, Tree Trimmers; Mesh Handlers and Placers; Rip-Rap and Grouters	$5.34	.25	.15			
Air Tract Drillers (All percussion type drills which are both powered and propelled by an independent air supply); Operator & Deck Hand Scow Men; Power-Driven Tools, Wagon Drills, Jackhammers, Chain Saws, Concrete Saws, Sewer Pipe Layers (all storm sewers), Bottom Men, Dry Cement Handlers, Concrete Rubbers, Mason Tenders, Concrete Green Cutting, Sand Blasting and Concrete Chippers, Vibrator Operators, Power Wheelbarrow or Buggies	5.59	.25	.15			
Asphalt Lute & Raker Men; Gunnite Nozzle Men; Gunnite Operators; Powdermen and Blasters; Side Rail Setters; Tunnel Laborers (Free Air)	5.64	.25	.15			
Caisson Workers; Tunnel Miners & Blasters (Free Air) and Drillers; Tunnel Muckers (Free Air)	6.24	.25	.15			

AP-147 P. 3

Kentucky 1-TD-B (1-1)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Truck Drivers:						
Truck Helper	$5.44	a	b			
Driver, 3 Tons and Under; Greaser, Tire Changer and Mechanic Helper	5.55	a	b			
Driver, Over 3 Tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer when used to pull Building Material or Equipment; Truck Mechanic	5.73	a	b			
Driver on Mixer Trucks (All types)	5.76	a	b			
Driver, Euclid and Other Heavy Earth-Moving Equipment and Low Boy; Driver, Fork Lift Truck when used to transport building materials; Driver on Pavement Breakers; Driver, Winch Truck and A-Frame Truck when used in transporting materials	5.83	a	b			

FOOTNOTES:

a. $9.50 per week for each employee.

b. $12.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

AP-147 P. 4

Kentucky 6-PEO-A (1-2)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Power Equipment Operators:						
Class A						
Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Engineer, Elevator (regardless of ownership when used for hoisting any building materials), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine, Locomotive, Motor Scraper, Bulldozer, Mechanic, Orange-peel Bucket, Pile Driver, Power Blade, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Well Points, Winch Truck, Push Dozer, Grout Pump, High Lift, Fork Lift (regardless of lift height), all types of Boom Cats, Multiple Operator, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradeall, Hoist, Hyster, Material Pump, Pumpcrete, Ross Carrier, Side Boom, Tail Boom, Throttle-Valve Man, Rotary Drill (5" and over), Power Generator, Mucking Machine, Rock Spreader attached to Equipment, Scoopmobile, KeCal Loader, Tower Cranes (French German, and other types), Hydrocrane, Tugger, Backfiller, Gurries, Subgrader, Electric Vibrator Compactor	$6.78	.25	.25			
Class B						
All Air Compressors (200 cu. ft. per min. or greater capacity), Concrete Mixer (under 21 cu. ft.), Welding Machine, Form Grader, Roller (Rock), Tractor (50 h. p. and over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Firemen, Boom Type Tamping Machine, Truck Crane Oiler, Greaser on Grease Facilities Servicing Heavy Equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-Propelled Compactor, Tractair and Road Widening Trencher, Joint Sealing Machine, and Rotary Drill (under 5"), Bituminous Mixer	5.61	.25	.25			

XUM

AP-147 P. 5

Kentucky AnPRO#4 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (cont'd)						
Class C						
Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (earth), Tamping Machine, Tractors (under 50 h.p.), Vibrator, Oiler, Air Compressor (under 200 cu. ft. per min. capacity), Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler and Hydraulic Post Driver	$5.17	.25	.25			

AP-147 P. 6

(1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Heavy Construction						
Carpenters	$3.40					
Cement Masons	3.25					
Electricians	4.35					
Ironworkers						
Structural & ornamental	3.75					
Reinforcing	3.75					
Laborers						
Unskilled	2.00					
Air tool op. (jack-hammer, vibrator	2.25					
Painters, brush	3.00					
Truck Drivers						
3-tons & under	2.25					
Over 3-tons	3.50					
Power Equipment Operators						
Air Compressors	2.75					
Bulldozers	3.50					
Cranes, derricks, draglines	3.50					
Motor graders	3.50					
Blade graders	3.50					
Oilers	2.75					
Pumps	2.75					
Rollers	3.50					
Backhoe	3.75					
Scrapers	3.50					
Shovels	3.75					
Tractors	2.75					
Trenching machines	3.50					

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Barnstable

DECISION NO.: AP-456 DATE: Date of Publication

Supersedes Decision No. AP-413 dated September 1, 1972 in 37 FR 17912.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, & marine construction.

1-MASS-1-2-3-X (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Barnstable, Bourne, Falmouth, Mashpee, & Sandwich	$8.20	.39	.35		.005	
Remainder of County	8.505	.50	.40		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; CEMENT MASONS; Cement finishers; Plasterers; Stonemasons	8.25	.60	.60		.02	
CARPENTERS; Soft floor layers	7.80	.35	.50			
ELECTRICIANS:						
Electrical contracts under $12,000.00	6.85	.25	1%		a	
Electrical contracts over $12,000.00	8.15	.25	1%		a	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50% JR					
GLAZIERS	5.42	.24	.15			
IRONWORKERS:						
Ornamental; Reinforcing; & Structural	7.70	.45	.80+f		.02	
LABORERS:						
Building:						
Common laborers	6.10	.20	.25		.05	
Asphalt rakers; Jackhammer operators; Tampers; Pipelayers (concrete clay); Stone spreader & raker pneumatic gas & electric tool operators; Wreckers	6.35	.20	.25		.05	
Blasters & Powdermen	6.60	.20	.25		.05	
Open air caisson, Cylindrical work & boring crew:						
Driller	7.17	.40	.40		.05	
Bottom man	7.05	.40	.40		.05	
Helper	6.42	.40	.40		.05	
Laborer; Top man	6.30	.40	.40		.05	
Heavy & Highway:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	5.80	.40	.40		.05	
Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.05	.40	.40		.05	
Air track operators; Block pavers; Curb setters; Rammers	6.30	.40	.40		.05	
Blasters; Powdermen	6.55	.40	.40		.05	
LATHERS	7.50	.45	.50		.01	
LEADBURNERS	8.25	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	7.14	.25	1%	e		
Truck driver - groundman	5.58	.25	1%	e		
Groundmen	5.07	.25	1%	e		
Equipment operators	6.31	.25	1%	e		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS ' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.60	.30	.30			

AP-456 P. 2

1-MASS-1-2-3-X (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Brush	$6.25	.30	.20			
Structural steel - 1' to 50'	6.75	.30	.20			
Spray	7.25	.30	.20			
PILEDRIVERMEN	8.30	.30	.30			
PLUMBERS; Steamfitters	7.95	.36	.51		.15	
ROOFERS:						
Roofers, kettlemen & waterproofers	7.35	.25	.05			
Roofers' helpers, Class A	6.70	.25	.05			
SHEET METAL WORKERS	8.50	.30	.25			
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Dsy; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per journeyman Electrician per week.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years' service as Vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding the following holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

f. Employer contribution of $.50 to Annuity Fund.

AP-456 P. 3
MASS.-1-PEO-1-2-3-B (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam enginears, cableways	$8.16	.40	.40	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.04	.40	.40	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump	6.725	.40	.40	a	.02	
Assistant engineers (firemen)	7.41	.40	.40	a	.02	

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MASS.-1-PEO-1-2-3-B (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Power Equipment Operators (Cont'd)						
Oilers and apprentices (other than truck cranes and gradalls)	$5.85	.40	.40	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.23	.40	.40	a	.02	

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

MASS-1-TD-1 -A 1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AP-456 P. 5
MASS - 1 - TD - 2-3 C

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$5.41	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	5.51	.35	.50	a+b		
Three axle equipment and firemen	5.56	.35	.50	a+b		
Four and five axle equipment	5.66	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	5.76	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.26	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AP-456 P. 6 37-MASS-4 O

MARINE CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dregline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	$8.16	.40	.40	a	.02	
Booms over 150' including jib - additional $.35 per hour						
Booms over 185' including jib - additional $.70 per hour						
Booms over 210' including jib - additional $1.00 per hour						
Booms over 250' including jib - additional $1.50 per hour						
Booms over 295' including jib - additional $2.00 per hour						
Swinger engine	8.11	.40	.40	a	.02	
Sonic or vibratory hammer, york rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	8.04	.40	.40	a	.02	
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader	8.04	.40	.40	a	.02	
Assistant engineer (fireman)	7.41	.40	.40	a	.02	
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, augor (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor	6.725	.40	.40	a	.02	
Oiler (other than truck crane and gradall)	5.85	.40	.40	a	.02	
Oiler on scow	6.625	.40	.40	a	.02	
Oiler on truck crane and gradall	6.23	.40	.40	a	.02	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

XUM

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Essex
DECISION NO.: AP-457 DATE: Date of Publication
Supersedes Decision No. AP-414 dated September 1, 1972 in 37 FR 17915.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, & marina construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION — 5-MASS-1-2-3-a (1-4)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.505	.50	.40		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons:						
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, North Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.35	.235	.15			
Remainder of County	8.53	.42	.50		.01	
CARPENTERS; Soft floor layers:						
Gloucester, & Rockport	7.20	.20	.20			
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lynn, Lynnfield, Merrimac, Nahant, Newbury, Newburyport, Rowley, Salisbury, Saugus, Swampscott, & West Newbury	8.20	.30	.30		.01	
Andover, Ballardvale, Lawrence, Methuen, North Andover, & West Andover	8.33	.30	.30		.02	
Remainder of County	7.45	.30	.30			
CEMENT MASONS; Plasterers:						
Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, North Andover, Salisbury, & West Newbury	7.80	.385	.30			
Danvers, Lynn, Lynnfield, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.35	.235	.15			
Remainder of County	8.53	.42	.50		.01	
ELECTRICIANS:						
Andover, Lawrence, Methuen, & North Andover	8.45	.25	1%+.10		.02	
Lynn, Lynnfield, Nahant, Saugus, & Swampscott	9.15	.35	1%+.95		.013	
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury	8.35	.25	1%+.20		.02	
Remainder of County	8.45	.30	1%+.10		.02	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.15	.17	.16			
IRONWORKERS	8.29	.45	.80+f		.03	

AP-457 P. 2

5-MASS-1-2-3-a (2-4)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS (Building):						
Gloucester, & Rockport						
Laborers	$6.10	.20	.25	c	.05	
Pneumatic or electric tools	6.35	.20	.25	c	.05	
Blasters	6.60	.20	.25	c	.05	
Lynn, Lynnfield, Nahant, Saugus, & Swampscott						
Laborers	6.10	.20	.25		.05	
Jackhammer & pavement breakers, Asphalt rakers, Stone spreaders, Diamond head core drill	6.35	.20	.25		.05	
Blasters & Powdermen	6.60	.20	.25		.05	
Open air caisson, cylindrical work & boring crew:						
Driller	7.17	.40	.40		.05	
Bottom man	7.05	.40	.40		.05	
Nelper	6.42	.40	.40		.05	
Laborer; Topman	6.30	.40	.40		.05	
Beverly, Danvers, Essex, Hamilton, Ipswich, Manchester, Marblehead, Middleton, Peabody, Salem, Topsfield, & Wenham						
Laborers	6.10	.20	.25		.05	
Air tool & Jackhammer operators, Vibrator, Asphalt rakers, Stone spreaders, Tampers	6.35	.20	.25		.05	
Blasters & Powdermen	6.60	.20	.25		.05	
Plasterers' tenders	6.70	.40	.40		.05	
Remainder of County						
Building & Demolition Laborers	6.10	.20	.25		.05	
LATHERS:						
Beverly, Danvers, Gloucester, Hamilton, Ipswich, Lynn, Lynnfield, Salem, Saugus, Swampscott, Topsfield, & Wenham	7.15	.45	.50		.01	
Remainder of County	7.15	.45	.50		.01	
LEADBURNERS	8.25	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	8.08	.25	1%	e		
			1%	e		
Equipment operators	7.17	.25	1%	e		
Driver groundman	5.41	.25	1%	e		
Groundman	5.16	.25	1%	e		
			1%	e		
			1%	e		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			

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5-MASS-1-2-3-a (3-4)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Essex, Gloucester, Manchester, & Rockport						
Brush	$5.45	.20				
Spray	5.55	.20				
Roller	5.75	.20				
Andover, Boxford, Lawrence, Methuen, & North Andover						
Brush	4.10	.15				
Structural steel	4.60	.15				
Spray	5.10	.15				
Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury						
Brush (Under $3,500.00)	3.00					
Brush (Over $3,500.00)	3.75					
Steel	4.05					
Remainder of County.						
Brush	6.55	.20	.15			
Steel	6.80	.20	.15			
Spray	6.925	.20	.15			
PILEDRIVERMEN	8.30	.30	.30			
PLUMBERS; Steamfitters:						
Amesbury, Haverhill, Merrimac, Salisbury, & West Newbury	6.50	.30	.30		.02	
Andover, Georgetown, Groveland, Lawrence, Methuen, & North Andover	8.49	.30	.25		.05	
Lynn, Lynnfield, Nahant, Saugus, & Swampscott						
Plumbers	9.35	.50	.60		.03	
Steamfitters	9.26	.36	.30		.05	
South Hamilton	8.50	.35	.35		.02	
Remainder of County	8.50	.40	.40		.05	
ROOFERS	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

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5-MASS-1-2-3-a (4-4)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 Paid Holidays: A through F
c. 1 Paid Holiday: Labor Day
d. 9 Paid Holidays: A through F, Washington's Birthday; Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding the following holiday.
e. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.
f. Employer contribution of $.25 to Annuity Fund.

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION — MASS - 1 - TD - 2-3 C

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Station wagons, panel trucks and pick-up trucks	$5.41	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opera.	5.51	.35	.50	a+b		
Three axle equipment and tiremen	5.56	.35	.50	a+b		
Four and five axle equipment	5.66	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechenics	5.76	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.26	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

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TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-LAB-2-3-h

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.05	.40	.40		.05	
Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.30	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.55	.40	.40		.05	
Blasters; Powdermen	6.80	.40	.40		.05	

AP-457 P. 6 MASS.-1-PEO-1-2-3-B (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradells, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$8.16	.40	.40	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.04	.40	.40	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, velves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump	6.725	.40	.40	a	.02	
Assistant engineers (firemen)	7.41	.40	.40	a	.02	

NOTICES

AP-457 P. 7 MASS.-1-PEO-1-2-3-B (2-2)

Power Equipment Operators (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Oilers and apprentices (other than truck cranes and gradalls)	$5.85	.40	.40	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.23	.40	.40	a	.02	

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

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MARINE CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	$8.16	.40	.40	a	.02	
Booms over 150' including jib - additional $.35 per hour						
Booms over 185' including jib - additional $.70 per hour						
Booms over 210' including jib - additional $1.00 per hour						
Booms over 250' including jib - additional $1.50 per hour						
Booms over 295' including jib - additional $2.00 per hour						
Swinger engine	8.11	.40	.40	a	.02	
Sonic or vibratory hammer, york rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	8.04	.40	.40	a	.02	
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenence), concrete mixer with side loader	8.04	.40	.40	a	.02	
Assistant engineer (fireman)	7.41	.40	.40	a	.02	
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor	6.725	.40	.40	a	.02	
Oiler (other than truck crane and gradall)	5.85	.40	.40	a	.02	
Oiler on scow	6.625	.40	.40	a	.02	
Oiler on truck crane and gradall	6.23	.40	.40	a	.02	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F: Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

NOTICES

XUM

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Hampden
DECISION NO.: AP-458
DATE: Date of Publication
Supersedes Decision No. AP-415 dated September 1, 1972 in 37 FR 17919.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-MASS-1-2-3-v (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$7.60	.34	.15		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement masons; Marble masons; Plasterers; Stone masons; Terrazzo workers; & Tile setters	8.60	.45	.40		.02	
CARPENTERS; Soft floor layers:						
Holyoke	8.33	.35	.30	a	.02	
Remainder of County	8.28	.35	.35	a	.02	
ELECTRICIANS:						
Holyoke	8.35	.35	1%+.20		.01	
Chester	8.35	.35	1%+.20		.01	
Remainder of County	6.80	.20	1%+.15		b	
ELEVATOR CONSTRUCTORS	8.09	.345	.23	1%+c+d	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	1%+c+d	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.01	.37	.40		.005	
IRONWORKERS:						
Ornamental; Reinforcing; & Structural	7.81	.45	1.30		.09	
LABORERS (Building):						
Holyoke & Williamsett						
Laborers & Wreckers	6.20	.30	.30		.05	
Mason tenders	6.45	.30	.30		.05	
Pneumatic, electric & gasoline tool operator; Diamond head & carbide core drilling machine; Mechanical tamper; Concrete saw; Paving breaker; Chipping hammer; Jackhammer	6.45	.30	.30		.05	
Blasters	7.20	.30	.30		.05	
Open air caisson, Cylindrical work & test boring crew:						
Bottom man; Top man	7.00	.30	.30		.05	
Leader	7.50	.30	.30		.05	
Remainder of County						
Laborers, wrecking laborers & pipelayers	6.20	.30	.25		.05	
Mason tenders; Mortar mixers; Plasterers' tenders; Cement finishers' tenders; Scaffold builders	6.45	.30	.25		.05	
Pneumatic, electric or gasoline powered tools	6.45	.30	.25		.05	
Blasters	7.20	.30	.25		.05	
Open air caisson, Cylindrical work & boring crew:						
Bottom man; Top man	7.00	.30	.25		.05	
LATHERS	7.60	.45	.25			
LEADBURNERS	8.25	.30		e	.01	

AP-458 P. 2

7-MASS-1-7-3-v (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	5.28		1%	f		
Groundmen, truck driver	3.95		1%	f		
Groundmen, experienced	3.51		1%	f		
Groundmen, inexperienced	3.09		1%	f		
Digger operator; Tractor operator	4.47		1%	f		
Blaster; Dynamite man	5.28		1%	f		
MILLWRIGHTS:						
Holyoke	7.95	.25	.30			
Remainder of County	8.00	.30	.30		.02	
PAINTERS:						
Brush	5.525	.30	.25			
Spray	7.366	.40	.3334			
Swing stage under 40' & steel	5.712	.30	.25			
Swing stage over 40' & steel	6.025	.30	.25			
PILEDRIVERMEN, WHARF & DOCK BUILDERS	8.30	.30	.30			
PLUMBERS	8.47	.45	.50		.01	
ROOFERS:						
Composition, damp & waterproofing	7.875	.51	.31			
Slate, Tile, Precast concrete	8.53	.51	.31			
SHEET METAL WORKERS	8.38	.40	.63		.02	
SPRINKLER FITTERS	8.00	.25	.40		.05	
STEAMFITTERS	7.55	.45	.45	g		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holiday: Labor Day
b. $.15 per man per week
c. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
d. Paid Holidays: A through F.
e. Paid Holidays: A through F, Washington's Birthday & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
f. Paid holidays: A through F, provided the employee has been employed for at least 30 days prior to the holiday and is available for work the day before and after the holiday.
g. Paid holiday: Fourth of July

AP-458 P. 3

MASS-1-TD-1 -A 1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHE
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MASS-8-LAB-2-3-8

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$5.80	.40	.40		.05	
Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.05	.40	.40		.05	
Air track operators; Block pavers; Curb setters; Rammers	6.30	.40	.40		.05	
Blasters; Powdermen	6.55	.40	.40		.05	

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MASS-2-PEO-2-3-H 1-2

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS:						
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$7.70	.35	.50	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	7.50	.35	.50	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	7.30	.35	.50	a	.05	
Asphalt Roller-up to 10 ton.	7.00	.35	.50	a	.05	

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MASS-2-PEO-2-3-H 2-2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$6.60	.35	.50	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	6.23	.35	.50	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	5.65	.35	.50	a	.05	

Footnotes:
a. Paid Holidays; New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

AP-458 P. 6 MASS-2-PEO-1-R 1 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Darricks, Elevators with Chicago Boom, Backhoes, Gradella, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$7.75	.35	.50	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	7.50	.35	.50	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Fireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.30	.35	.50	a	.05	
Asphalt Roller-under 10 too.	7.08	.35	.50	a	.05	

AP-458 P. 7

MASS-2-PEO-1-R 2 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$6.68	.35	.50	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.35	.35	.50	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	5.75	.35	.50	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

AP-458 P. 8

MASS - 1 - TD - 2-3 C

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Station wagons, panal trucks and pick-up trucks	$5.41	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	5.51	.35	.50	a+b		
Three axle equipment and tiremen	5.56	.35	.50	a+b		
Four and five axle equipment	5.66	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	5.76	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.26	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

XUM

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: AP-459
COUNTY: Middlesex
DATE: Date of Publication

Supersedes Decision No. AP-416 dated September 1, 1972 in 37 FR 17922.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, & marine construction.

AP-459 P. 2

9-MASS-1-a (J-3)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION TOWNSHIPS OF: Arlington, Bedford, Cambridge, Concord, Everett, Lexington, Lincoln, Malden, Medford, Melrose, Waltham, Weston, & Woburn	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$8.505	.50	.40		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons:						
Arlington, Cambridge, Everett, Malden, Medford, & Melrose	8.45	.50	.50		.04	
Bedford	8.45	.50	.30			
Concord, Lexington, Lincoln, Waltham, Weston, & Woburn	8.40	.20	.15		.04	
CARPENTERS; Soft floor layers	8.20	.30	.30		.01	
CEMENT MASONS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Woburn	8.90	.35	.20		.04	
Bedford	6.25	.25				
Concord, Lexington, Lincoln, Waltham, & Weston	8.40	.20	.15		.04	
ELECTRICIANS:						
Arlington, Cambridge, Concord, Everett, Lexington, Lincoln, Malden, Medford, Melrose, Waltham, Weston, & Woburn	9.15	.35	1%+.95		.015	
Bedford	7.85	.25	1%+.20		.02	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50% JR					
GLAZIERS	8.35	.25	.16		.02	
IRONWORKERS	8.29	.45	1.05		.03	
LABORERS (Building):						
Arlington, Cambridge, Concord, Everett, Lexington, Lincoln, Malden, Medford, Melrose, Waltham, Weston, & Woburn						
Laborers	6.10	.20	.25		.05	
Jackhammer; Pavement breaker; Wagon drill operators; Asphalt raker; Stone spreader & raker; Diamond head & carbide core drilling machines; Barco tamper operator	6.35	.20	.25		.05	
Blasters; Powdermen	6.60	.20	.25		.05	
Plasterers' tenders	6.70	.40	.40		.05	
Building wrecking:						
Laborers	6.43	.40	.40		.05	
Adzman	6.60	.40	.40		.05	
Burners; Jackhammers	6.85	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Driller	7.17	.40	.40		.05	
Bottom man	7.05	.40	.40		.05	
Helper	6.42	.40	.40		.05	
Laborer; Top man	6.30	.40	.40		.05	

LABORERS (Building):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Bedford						
Laborers, common	$6.10	.20	.25		.05	
Jackhammers; Pavement breakers; Wagon drill; Asphalt rakers; Stone spreaders, Diamond head & carbide core drilling machines; Mechanical tampers	6.35	.20	.25		.05	
Blaster & Powdermen	6.60	.20	.25		.05	
LATHERS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Woburn	7.15	.45	.55		.01	
Bedford, Concord, Lexington, Lincoln, Waltham, Weston	7.15	.45	.50		.01	
LEADBURNERS	8.25	.30		c	.01	
LINE CONSTRUCTION:						
Linemen	8.08	.25	1%	d		
Equipment operators	7.17	.25	1%	d		
Groundmen	5.16	.25	1%	d		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.50	.30	.30		.01	
PAINTERS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Woburn						
Brush; Tapers	7.61	.32	.30		.04	
Spray; Sandblasting	8.61	.32	.30		.04	
Steel	7.61+e	.32	.30		.04	
Bedford						
Brush	7.27	.33	.20			
Spray	8.02	.33	.20			
Concord, Lexington, Lincoln, Waltham, Weston						
Brush	7.00	.35	.25			
Spray; Sandblasting	7.95	.35	.25			
Steel	7.25	.35	.25			
PILEDRIVERMEN	8.30	.30	.30			
PLASTERERS:						
Arlington, Cambridge, Everett, Malden, Medford, Woburn	7.75	.45	1.00		.02	
Bedford	6.25	.25				
Concord, Lexington, Lincoln, Waltham, Weston	8.40	.20	.15		.04	
PLUMBERS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Woburn	9.35	.50	.60		.03	
Bedford	8.59	.40	.40		.02	
Concord, Lexington, Lincoln, Waltham, & Weston	8.675	.35	.40		.025	
ROOFERS	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	

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9-MASS-1-a (J-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
SPRINKLER FITTERS	$8.00	.25	.40		.05	
STEAMFITTERS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Woburn	9.26	.36	.30		.05	
Bedford	8.59	.40	.40		.02	
Concord, Lexington, Lincoln, Waltham, & Weston	8.675	.35	.40		.025	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 paid holidays: A through F
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding the following holiday.
d. 6 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to anyone of the listed holidays
e. Employer pays $5.00 per day extra above the brush rate.

MASS-1-LAB-2-3-h

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.05	.40	.40		.05	
Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.30	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.55	.40	.40		.05	
Blasters; Powdermen	6.80	.40	.40		.05	

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MASS-1-TD-1 -A 1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

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AP-459 P. 5

MASS - 1 - TD - 2-3 C

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Station wagons, panel trucks and pick-up trucks	$5.41	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	5.51	.35	.50	a+b		
Three axle equipment and firemen	5.56	.35	.50	a+b		
Four and five axle equipment	5.66	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vacheul, mechanics, paving restoration equipment, Mechanics	5.76	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.26	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AP-459 P. 6

MASS.-1-PEO-1-2-3-B (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$8.16	.40	.40	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.04	.40	.40	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump	6.725	.40	.40	a	.02	
Assistant engineers (firemen)	7.41	.40	.40	a	.02	

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MASS.-1-PEO-1-2-3-B (2-2)

Power Equipment Operators (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Oilers and apprentices (other than truck cranes and gradalls)	$5.85	.40	.40	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.23	.40	.40	a	.02	

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

AP-459 P. 8

37-MASS-4 0

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	$8.16	.40	.40	a	.02	
Booms over 150' including jib - additional $.35 per hour						
Booms over 185' including jib - additional $.70 per hour						
Booms over 210' including jib - additional $1.00 per hour						
Booms over 250' including jib - additional $1.50 per hour						
Booms over 295' including jib - additional $2.00 per hour						
Swinger engine	8.11	.40	.40	a	.02	
Sonic or vibratory hammer, york rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	8.04	.40	.40	a	.02	
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader	8.04	.40	.40	a	.02	
Assistant engineer (fireman)	7.41	.40	.40	a	.02	
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor	6.725	.40	.40	a	.02	
Oiler (other than truck crane and gradall)	5.85	.40	.40	a	.02	
Oiler on scow	6.625	.40	.40	a	.02	
Oiler on truck crane and gradall	6.23	.40	.40	a	.02	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F: Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

XUM

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Suffolk
DECISION NO.: AP-460 DATE: Date of Publication
Supersedes Decision No. AP-417 dated September 1, 1972 in 37 FR 17920.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION — 13-MASS-1-2-3-c (1-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$8.505	.50	.40		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons	8.45	.50	.50		.04	
CARPENTERS; Soft floor layers	8.20	.30	.30		.01	
CEMENT MASONS	8.90	.35	.20		.04	
ELECTRICIANS	9.15	.35	17+4.95		.015	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50% JR					
GLAZIERS	8.35	.25	.16		.02	
IRONWORKERS: Ornamental; Reinforcing; Structural	8.29	.45	1.05		.03	
LABORERS: Building: Laborers; Mason tenders	6.10	.20	.25		.05	
Asphalt rakers; Pneumatic, gas, electric tool operators; Diamond head & carbide core drilling machines; Spray rakers & spreaders; Wagon drill	6.35	.20	.25		.05	
Blasters & powdermen	6.60	.20	.25		.05	
Plasterers' tenders	6.70	.40	.40		.05	
Wreckers: Airmen	6.60	.40	.40		.05	
Burners; Jackhammers	6.85	.40	.40		.05	
Laborers	6.43	.40	.40		.05	
Open air caisson, Cylindrical work & boring crew: Driller	7.17	.40	.40		.05	
Bottom men	7.05	.40	.40		.05	
Helper	6.42	.40	.40		.05	
Laborer; Top man	6.30	.40	.40		.05	
LATHERS	7.15	.45	.55		.01	
LEADBURNERS	8.25	.30		c	.01	
LINE CONSTRUCTION: Linemen	8.08	.25	1%	d		
Equipment operators	7.17	.25	1%	d		
Groundman-truck driver	5.41	.25	1%	d		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.50	.30	.30		.01	
PAINTERS: Brush	7.61	.32	.30		.04	
Structural steel	7.61+c	.32	.30		.04	
Spray	8.61	.32	.30		.04	
PILEDRIVERMEN	8.30	.30	.30			
PLASTERERS	7.75	.45	1.00		.02	

AP-460 P. 2

13-MASS-1-2-3-c (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
PLUMBERS	9.35	.50	.60		.02	
ROOFERS; Waterproofers	8.00	.20	.20			
SHEET METAL WORKERS	8.75	.46	.45		.02	
SPRINKLER FITTERS	8.38	.20	.30		.02	
STEAMFITTERS	9.26	.36	.30		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Paid Holidays: A through F.
c. Paid Holidays: A through F, Washington's Birthday & Good Friday provided the employee has worked at least 45 full days during the 90 calendar days prior to the holiday and the employee worked the last full scheduled working day before and the first full day after the holiday.
d. Paid Holidays: A through F, and Easter Monday, provided the employee has been employed 10 work days prior to the day the holiday falls.
e. Employer pays $1.00 per day extra above the trust rate.

HEAVY & HIGHWAY CONSTRUCTION — MASS-1-LAB-2-3-h

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS: Carpenter tenders; Cement finisher tenders; Laborers; Line/pipe laborers	$6.05	.40	.40		.05	
Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.30	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.55	.40	.40		.05	
Blasters; Powdermen	6.80	.40	.40		.05	

AP-460 P. 3

MASS-1-TD-1-A 1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTH
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AP-460 P. 4

MASS - 1 - TD - 2-3 C

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$5.41	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	5.51	.35	.50	a+b		
Three axle equipment and tiremen	5.56	.35	.50	a+b		
Four and five axle equipment	5.66	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	5.76	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.26	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

XUM

AP-460 P. 5
MASS.-1-PEO-1-2-3-B (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth.
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevatnr towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$8.16	.40	.40	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, cractnrs, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.04	.40	.40	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonpulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump	6.725	.40	.40	a	.02	
Assistant engineers (firemen)	7.41	.40	.40	a	.02	

AP-460 P. 6
MASS.-1-PEO-1-2-3-B (2-2)

Power Equipment Operators (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth.
Oilers and apprentices (other than truck cranes and gradalls)	$5.85	.40	.40	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.23	.40	.40	a	.02	

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

AP-460 P. 7
37-MASS-4 0

MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	$8.16	.40	.40	a	.02	
Booms over 150' including jib - additional $.35 per hour						
Booms over 185' including jib - additional $.70 per hour						
Booms over 210' including jib - additional $1.00 per hour						
Booms over 250' including jib - additional $1.50 per hour						
Booms over 295' including jib - additional $2.00 per hour						
Swinger engine	8.11	.40	.40	a	.02	
Sonic or vibratory hammer, york rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	8.04	.40	.40	a	.02	
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader	8.04	.40	.40	a	.02	
Assistant engineer (fireman)	7.41	.40	.40	a	.02	
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor	6.725	.40	.40	a	.02	
Oiler (other than truck crane and gradall)	5.85	.40	.40	a	.02	
Oiler on scow	6.625	.40	.40	a	.02	
Oiler on truck crane and gradall	6.23	.40	.40	a	.02	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F: Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

AP-460 P. 8
BH-DREDGE-1-ATL-C

DREDGING

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth.
Dredge operator	$5.935	.225	.25	c+d		
Mates	4.05	.742	.197	c+d		
Scowmen	3.31	.742	.161	c+d		
Deckhand	3.36	.742	.163	c+d		
Tug engineer	4.10	.742	.197	c+d		
Hydraulic Dredges						
Leverman	5.47	.25	.15	a+5%		
Engineer and derrick operators	5.40	.25	.15	a+5%		
Maintenance engineer	5.29	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders & boilerman	5.17	.25	.15	a+5%		
Mates	4.80	.25	.15	a+5%		
Oiler, Fireman, carpenter's helper, welder's helper & blacksmith helper	4.24	.25	.15	a+5%		
Deckhands and shoreman	4.00	.25	.15	a+5%		
Tug engineer	4.86	.25	.15	a+5%		
Tug deckhand	4.06	.25	.15	a+5%		
Drill Boats						
Engineer	6.3475	.25	.15	b		
Blaster	6.4375	.25	.15	b		
Driller; Welder Machinist	6.3487	.25	.15	b		
Firemen	6.0975	.25	.15	b		
Oiler; Drill helper	5.97	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veterans Day.
b. Holidays: A through F; Washington's Birthday and Veterans Day (6½) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.
c. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.
d. One week's vacation after one year of employment.

MAX

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Worcester
DECISION NO.: AP-461
DATE: Date of Publication
Supersedes Decision No. AP-418 dated September 1, 1972 in 37 FR 17930.
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

AP-461 P. 2

14-MASS-1-2-3-x (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TOWNSHIPS OF: Fitchburg, Grafton, Harvard, Holden, Lancaster, Leicester, Leominster, Millbury, N. Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester						
ASBESTOS WORKERS	$8.62	.47	.20		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement finishers; Plasterers; Stonemasons; & Tile setters: Harvard, Lancaster, Fitchburg, & Leominster	8.20	.30	.20			
BRICKLAYERS; Cement masons; Marble setters; Plasterers; Stonemasons; Terrazzo workers; & Tile setters: Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.30	.45	.40		.02	
CARPENTERS: Soft floor layers: Fitchburg, Harvard, & Leominster	8.20	.30	.30		.01	
Grafton, Holden, Lancaster, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Whitinsville, Worcester	8.10	.40	.30		.01	
Westboro	7.95	.50	.30		.07	
ELECTRICIANS: Fitchburg, Harvard, Lancaster, & Leominster	8.05	.40	17+.25		.02	
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.85	5%	17+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50% JR					
GLAZIERS	7.15	.17	.16			
IRONWORKERS: Ornamental; Reinforcing; & Structural	8.04	.45	.80 + e		.03	
LABORERS (Building): Laborers	6.10	.20	.25		.05	
Jackhammer operators; Pavement breakers; Wagon drills; Asphalt rakers; Stone spreaders; Mechanical tampers; Diamond head; & Carbide core drills	6.35	.20	.25		.05	
Blasters and powdermen	6.60	.20	.25		.05	
Open air caisson, Cylindrical work & boring crew: Driller	7.17	.40	.40		.05	
Bottom man	7.05	.40	.40		.05	
Helper	6.42	.40	.40		.05	
Laborer; Top man	6.30	.40	.40		.05	

AP-461 P. 2

14-MASS-1-2-3-x (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS (Building) Cont'd: Building wreckers: Laborers	$6.43	.40	.40		.05	
Adzmen	6.60	.40	.40		.05	
Burners; Jackhammers	6.85	.40	.40		.05	
LATHERS	7.82	.40	.10		.01	
LEADBURNERS	7.80	.30		c	.01	
LINE CONSTRUCTION: Lineman	8.08	.25	1%	d		
Equipment operator	7.17	.25	1%	d		
Driver groundman	6.41	.25	1%	d		
Groundman	5.16	.25	1%	d		
MARBLE SETTERS; Terrazzo workers: Fitchburg, Harvard, Lancaster, & Leominster	7.47	.30	.20			
MARBLE SETTERS' HELPERS	5.60	.30	.20			
MILLWRIGHTS: Fitchburg, Harvard, & Lancaster	8.30	.45	.40		.02	
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Whitinsville, Worcester	8.20	.45	.40		.02	
Westboro	8.20	.45	.40		.02	
PAINTERS: Fitchburg, Harvard, Lancaster, Leominster						
Brush; Taping	6.85					
Basement shafts; Structural steel	7.10					
Spray	7.20					
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Whitinsville, & Worcester						
Brush	7.48	.50	.25			
Spray	8.48	.50	.25			
Steel	8.105	.50	.25			
Westboro						
Brush	7.50	.35	.25			
Steel	7.75	.35	.25			
Spray	8.75	.35	.25			
PILEDRIVERMEN	6.50	.30	.20			
PIPEFITTERS	8.70	.25	.25		.035	
PLUMBERS; Steamfitters: Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.35	.45	.4			
Fitchburg, Harvard, Lancaster, & Leominster	8.45	.25	.25		.03	

AP-461 P. 3

14-MASS-1-2-3-x (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ROOFERS; Damp-proofers	$8.50					
SHEET METAL WORKERS	7.65	.35	.25		.05	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Paid Holidays: A through F
c. Paid Holidays: A through F, Washington's Birthday, & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding & following the holiday.
d. Paid Holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holiday.
e. Employer contribution of $.25 to Annuity Fund.

MASS-1-LAB-2-3-h

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS: Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.05	.40	.40		.05	
Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.30	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.55	.40	.40		.05	
Blasters; Powdermen	6.80	.40	.40		.05	

AP-461 P. 4

MASS-1-TD-1 -A 1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AP-461 P. 5

MASS - 1 - TD - 2-3 C

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Station wagons, panel trucks and pick-up trucks	$5.41	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	5.51	.35	.50	a+b		
Three axle equipment and firemen	5.56	.35	.50	a+b		
Four and five axle equipment	5.66	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	5.76	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.26	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AP-461 P. 6

MASS.-1-PEO-1-2-3-B (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$8.16	.40	.40	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.04	.40	.40	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump	6.725	.40	.40	a	.02	
Assistant engineers (firemen)	7.41	.40	.40	a	.02	

AP-461 P. 7

MASS.-1-PEO-1-2-3-B (2-2)

Power Equipment Operators (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Oilers and apprentices (other than truck cranes and gradalls)	$5.85	.40	.40	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.23	.40	.40	a	.02	

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

XUM

SUPERSEDEAS DECISION

STATE: Minnesota
COUNTIES: Carver, Hennepin, & Scott
DECISION NUMBER: AP-606
DATE: Date of Publication
Supersedes Decision No. AM-2377 dated August 13, 1971 in 36 FR 15392
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories)

27-MINN-1 T (1-2)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.17	.30	.35		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.61	.455	.23	.56		
CARPENTERS; MILLWRIGHTS, PILEDRIVERMEN						
Scott Co. S/W of Belle Plaine Carpenters only	7.65	.20			.02	
Carpenters remainder of area	7.36	.40	.20	.50	.02	
Millwrights & Piledrivermen All Cos.	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			
ELECTRICIANS; Line Construction:						
Electricians; Linemen	8.00	4%	4%	7¼		
Equipment operators	8.00	4%	4%	7¼		
Groundmen	6.60	4%	4%	7¼		
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2¼a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2¼a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.70	.15	.10	.13		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.40	.45		.02	
LABORERS:						
Carpenter tender; Common laborers; Earth dump men; Power buggy op.; Steel joist handlers (erection)	5.90	.35	.35	.40		
Reinforcing steel handlers	5.95	.35	.35	.40		
Concrete joint saw op.; laborer, demolition & wrecking (not incl. remodeling); Men handling cement 2 hours per day (bulk or sack, excl. mortar mixer)	6.00	.35	.35	.40		
Automatic tamper op.; Chipping hammer op.; Concrete vibrator op.; Gunite machine op.; Hot tar caulker & cookers; Jackhammerman; Laborers on swing stage single line scaffolds (not incl. "Parent" scaffolding); Mixers of mortar, cement or any other substitute material or composition; Paving buster	6.05	.35	.35	.40		
Drivers on heavy building excav.; Sheeting setters; Underground work	6.15	.35	.35	.40		
Pipelayers	6.20	.35	.35	.40		
Caisson work; Underpinning	6.25	.35	.35	.40		
Nozzlemen	6.30	.35	.35	.40		
Dynamite men; Power drillers for blasting purposes	6.605	.35	.35	.40		
LATHERS	7.60	.20			.02	

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27-MINN-2 (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
MARBLE SETTERS	$7.385	.305	.23	.53		
PAINTERS:						
Brush	7.60	.35	.25		.04	
Spray; Structural steel; Swing stage	8.10	.35	.25		.04	
PIPEFITTERS; Steamfitters	7.28	.38	.35	1.25	.02	
PLASTERERS	7.30	.31	.20		.01	
PLUMBERS	7.28	.38	.35	1.25	.02	
ROOFERS	7.49	.39	.25			
SHEET METAL WORKERS	8.83	.32	.30			
SOFT FLOOR LAYERS	7.65b	c		d		
SPRINKLER FITTERS	8.75	.30	.50		.02	
TILE SETTERS	7.59	.22	.50			
TRUCK DRIVERS	6.30	.25	.25			
WELDERS- Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service, 3% basic hourly rate for over 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefits payments.

c. Employer shall contribute $25.00 per month for each employee into the H & W Fund.

d. Employee with at least 1,700 hours service during the current year and 1 year's service - 1 week's vacation with pay; 3 years' service - 2 weeks' vacation with pay; 15 years' service - 3 weeks' vacation with pay.

27-MINN-2-3 T

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Site preparation, excavation and incidental paving						
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.65	.30	.25			

NOTICES

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MINN-1-PFO-1-F (1-1)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (CUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumperete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN-9-LAB-2-3 (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Site preparation, excavation and incidental paving						
LABORERS:						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.85	.35	.35	.40		
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.95	.35	.35	.40		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.00	.35	.35	.40		

NOTICES

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MINN-9-LAB-2-3-d (2w2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.10	.35	.35	.40		
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.15	.35	.35	.40		
CEMENT GUN (1½ in. & over); Leadman	6.20	.35	.35	.40		
NOZZLEMEN (gunite)	6.25	.35	.35	.40		
BRICK OR BLOCK PAVING SETTER	6.28	.35	.35	.40		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.30	.35	.35	.40		
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.53	.35	.35	.40		

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MINN-6-PEO-2-3-E (1-3)

Site preparation, excavation and incidential paving POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine, Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power acutate augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automotaic road machine (CMI or similar) Backfiller; Bituminous spreader &						

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MINN-6-PEO-2-3-E (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Highty Hite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type), Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY; Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

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MINN-6-PEO-2-3-E (3-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

MINN-3-TD-2-3- d

Site preparation, excavation and incidential paving TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)l Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

XUM

SUPERSEDEAS DECISION

STATE: Minnesota — COUNTIES: Dakota, Ramsey & Washington
DECISION NUMBER: AP-607 — DATE: Date of Publication
Supersedes Decision No. AM-2378 dated August 13, 1971 in 36 FR 15397
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories)

62-MINN- 1-V (1of2)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.17	.30	.35		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; STONEMASONS	7.61	.455	.23	.56		
CARPENTERS:						
Carpenters; Millwrights; Piledriver-men	7.36	.40	.20	.50	.02	
When working with material treated with toxic carbolineum or toxic creosote	7.61	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			
ELECTRICIANS & LINE CONSTRUCTION:						
Cable Splicer; Technician Electricians; Linemen; Line equipment operator	8.40	5%	2.5%	11.5%	1.5%	
Groundmen	5.25	5%	2.5%	11.5%	1.5%	
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.70	.15	1.0	.13		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.40	.45		.02	
LABORERS:						
Carpenters tenders; Common laborers; Earth dump men; Power buggy op.; Steel joint handlers (erection)	5.90	.35	.35	.40		
Reinforcing steel handlers	5.95	.35	.35	.40		
Concrete joint saw op.; Laborers, demolition & wrecking (not incl. remodeling); Men handling cement 2 hours per day bulk or sack, excl. mortar mixer)	6.00	.35	.35	.40		
Automatic tamper op.; Chipping hammer op.; Concrete vibrator op.; Gunite machine op.; Hot tar caulkers & coilers; Jackhammerman; laborers on swing stage single line scaffold; (not incl. "Patent" scaffolding); Mixers of mortar, cement or any other substitute material or composition; Paving buster	6.05	.35	.35	.40		
Drivers on heavy building excav.; Sheeting setters; Underground work	6.15	.35	.35	.40		
Pipelayers	6.20	.35	.35	.40		
Caisson work; Underpinning	6.25	.35	.35	.40		
Nozzlemen	6.30	.35	.35	.40		
Dynamitemen; Power drillers for blasting purposes	6.605	.35	.35	.40		

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62-Minn- 1-V 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LATHERS	$7.[illegible]	.[illegible]	.[illegible]	.[illegible]	.01	
MARBLE SETTERS	7.25	.20	.[illegible]	.[illegible]		
PAINTERS:						
Brush, Paperhangers	7.65	.[illegible]	.[illegible]		.06	
Spray; Structural Steel; Swing stage	8.10	.35	.45		.06	
PLUMBERS; Steamfitters	7.42	.38	.35	1.14	.03	
ROOFERS	7.49	.34	.25			
SHEET METAL WORKERS	8.73	.52	.40		.04	
SOFT FLOOR LAYERS	7.65b	c		d		
SPRINKLER FITTERS	8.77	.30	.50		.02	
TILE SETTERS	7.[illegible]	.22	.[illegible]			
TRUCK DRIVERS	6.[illegible]	.[illegible]	.25			
RIGGERS-FLOOR: receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOT NOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service, 3% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit
Six Paid Holidays: A through F.

b. Out-of-town contractor will pay the rate of $8.[illegible] per hour with no fringe benefits payments.

c. Employer shall contribute $75.00 per month for each employee into the H & W Fund.

d. Employees with at least 1,700 hours' service during the current year & 1 year's service- 1 week vacation with pay; 3 years' service - [illegible] weeks' vacation with pay; 15 years' service - 3 weeks vacation with pay.

62-MINN-2-S V

Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.65	.30	.25			

AP-607 P. 3

MINN-1-PEO-1-F (1-1)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KW & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-607 P. 4

MINN-9-LAB-2-3- (1-2)

Site preparation, excavation and incidential paving	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.85	.35	.35	.40		
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tampor & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatman (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.95	.35	.35	.40		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.00	.35	.35	.40		

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AP-607 P. 5

MINN-9-LAB-2-3-d (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.10	.35	.35	.40		
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.15	.35	.35	.40		
CEMENT GUN (1½ in. & over); Leadman	6.20	.35	.35	.40		
NOZZLEMEN (gunite)	6.25	.35	.35	.40		
BRICK OR BLOCK PAVING SETTER	6.28	.35	.35	.40		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.30	.35	.35	.40		
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.53	.35	.35	.40		

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MINN-6-PEO-2-3-E (1-3)

Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS						
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power actuated augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automotaic road machine (CMI or similar) Backfiller; Bituminous spreader &						

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MINN-6-PEO-2-3-E (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Mighty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type), Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
GABLEWAY; Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

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MINN-6-PEO-2-3-E (3-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

MINN-3-TD-2-3- d

Site preparation, excavation and incidential paving TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)! Pilot car; Self-propelled packer; Slurry op.; Single axle	6.20	.25	.25			

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SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-608
Supersedes Decision No. AM-2379 dated August 13, 1971 in 36 FR 15402
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories)

COUNTY: St. Louis (Duluth only)
DATE: Date of Publication

69-MINN- 1 W 1 of 1

Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.80	.15		.40		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.55	.30	.85		.02	
Bricklayers; Stonemasons	7.67	.25	.25	.50		
Carpenters:						
Carpenters; Piledrivermen	7.35	.25		.30		
Millwrights	7.57	.25		.30		
Cement Masons	7.595	.25				
Electricians:						
Electrical contracts under $5,000.00	7.50	4%	4%	11%	1.5%	
Electrical contracts $5,000.00 & over	8.00	4%	4%	11%	1.5%	
Elevator constructors	6.84	.185	.20	2%a		
Elevator constructors' helpers	70%J	.185	.20	2%a		
Elevator constructors' Helpers (Prob.)	50%J					
Ironworkers	7.65	.25	.45	.10		
Laborers:						
Common Laborers	6.25	.15	.15	.25		
Carpenter tenders; Cement handlers; Concrete vibrator operators; Jackhammer operators; Mason tenders; Mortar mixers; Pipelayers (Concrete & Clay); Underground workmen	6.35	.15	.15	.25		
	7.75	.15				
Lathers	7.38½	.305	.23	.53		
Marble Setters						
Painters:						
Brush	7.60	.25			.05	
Paperhangers; Sandblasting; Spray; Structural steel & bridges; Swing stage	7.85	.25			.05	
Plasterers	7.55	.15		.30		
Plumbers; Pipefitters	6.86	.25	.45	1.00	.05	
Roofers:						
Roofers	7.33	.15	.10	.40		
2nd Roofers	7.08	.15	.10	.40		
Kettlemen	6.88	.15	.10	.40		
Helpers	6.15	.15	.10	.40		
Sheet metal Workers	7.92	.15				
Soft Floor Layers	7.35	.25		.30		
Sprinkler fitters	8.75	.30	.50		.02	

PAID HOLIDAYS:
A-New Year's Day'B-Memorial Day; C-Independence Day; D-Labor Day;E-Thanksgiving Day-F-Christmas Day;

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service, 2% basic hourly rate for 6 months to 5 years; service as Vacation Pay Credit.
Six paid holidays: A through F.

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MINN-1-PEO-1-F (1-1)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG): Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building periscter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caissor drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-608 P. 3

69-MINN-2-3 W

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$7.43	.25		.30		
PILEDRIVERMEN	7.43	.25		.30		
CEMENT MASONS	7.85	.15				

MINN-10-LAB-2-3-c (1-1)

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$6.08	.15	.15	.25		
BITUMINOUS SHOVELER: Bottom man sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, Truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	6.18	.15	.15	.25		
BITUMINOUS TAMPER; Cofferdam work; Caisson work	6.33	.15	.15	.25		
DRILL RUNNER (heavy, including churn drill)	6.38	.15	.15	.25		
BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water, gas); Leadman	6.43	.15	.15	.25		
NOZZLEMAN (gunite)	6.48	.15	.15	.25		
POWDERMAN	6.58	.15	.15	.25		
TUNNEL MINER	6.68	.15	.15	.25		

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MINN-6-PEO-2-3-C (1-3)

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shoulder-ing machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power acutate augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automotaic road machine (CMI or similar) Backfiller; Bituminous spreader &						

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AP-608 P. 5

MINN-6-PEO-2-3-E (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Mighty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type); Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY; Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

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MINN-6-PEO-2-3-E (3-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
mechanic; Mixer (paving) concrete paving, road; Hole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

Site preparation, excavation and incidental paving

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)l Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota

COUNTIES: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, & Washington

DECISION NUMBER: AP-609

DATE: Date of Publication

Supersedes Decision No. AM-2380 dated August 13, 1971 in 36 FR 15406

DESCRITTION OF WORK: Heavy and Highway Construction

2-10-19-27-62-70-82-MINN-2-3 K

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$7.36	.40	.20	.50	.02	
CEMENT MASONS	7.65	.30	.25			
ELECTRICIANS: (Carver, Hennepin, Scott & Twps. of Anoka & Fridley in Anoka County)						
Electrician, Lineman, Equip. Op.	8.00	4%	4%	7.5%		
Groundman 1st 6 months	6.48	4%	4%	7.5%		
Groundman thereafter	6.60	4%	4%	7.5%		
ELECTRICIANS:(Remainder of area)						
Electrician, Lineman, Equip. Op.	8.00	5%	2.5%	11.5%	1.5%	
Cable splicers, Technicians	8.40	5%	2.5%	11.5%	1.5%	
Groundman	5.25	5%	2.5%	11.5%	1.5%	
IRONWORKERS	7.60	.40	.45		.02	
PAINTERS: (Anoka,Carver, Hennepin and Scott Counties)						
Brush	7.60	.35	.25		.04	
Structural Steel	8.10	.35	.25		.04	
PAINTERS: (Dakota, Ramsey and Washington Counties)						
Brush	7.68	.35	.15		.06	
Structural Steel	8.18	.35	.15		.06	

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MINN-9-LAB-2-3- (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER:
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.85	.35	.35	.40		
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatman (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement);Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.95	.35	.35	.40		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.00	.35	.35	.40		

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AP-609 P. 3

MINN-9-LAB-2-3-d (2 of 2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.10	.35	.35	.40		
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.15	.35	.35	.40		
CEMENT GUN (1¼ in. & over); Leadman	6.20	.35	.35	.40		
NOZZLEMEN (gunite)	6.25	.35	.35	.40		
BRICK OR BLOCK PAVING SETTER	6.28	.35	.35	.40		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.30	.35	.35	.40		
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.53	.35	.35	.40		

AP-609 P. 4

MINN-6-PEO-2-3-E (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curo machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14S & UNDER: Front end loader, up to & incl. 1 cu. yd.; Cunite op. gunall; Loader (Barber Greene or similar type); Power acotace augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automotaic road machine (CMI or similar) Backfiller; Bituminous spreader &						

AP-609 P. 5

MINN-6-PEO-2-3-E (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Mighty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd.& over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type), Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY; Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

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MINN-6-PEO-2-3-E (3-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Semi & A frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

XUM

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-610
Supersedes Decision No. AM-2381 dated August 13, 1971 in 36 FR 15410
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Cook, Lake, & St. Louis
DATE: Date of Publication

16-38-69-MINN-2-3 H

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$7.43	.25		.30		
CEMENT MASONS	7.85	.15	.25			
ELECTRICIANS (N. ¼ of St. Louis Co.)						
Electricians	8.00	4%	3%	11%	1.5%	
Cable splicer	8.55	4%	3%	11%	1.5%	
Lineman	8.00	4%	3%	11%	1.5%	
Groundman	7.10	4%	3%	11%	1.3%	
ELECTRICIANS (Remainder of Area)						
Electrical Contracts $5,000. & over	7.70	4%	4%	11%	1.5%	
Electrical Contracts under $5,000.	7.20	4%	4%	11%	1.5%	
[illegible]	7.65	.25	.45	.10		
PAINTERS: (Portion of St. Louis Co. including the cities of Bear River, Bengal, Buhl, Chisholm, Green Corner, Greaney, Hibbing, Kelly Lake, Riley, Sherwood, Side Lake, Silica, and Toivola)						
Brush	5.50					
Structural Steel	6.60					
PAINTERS: Remainder of Area						
Brush	7.30	.25		.10	.02	
Structural Steel	7.55	.25		.10	.02	

AP-610 P. 2

MINN-10-LAB-2-3-c (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$6.08	.15	.15	.25		
BITUMINOUS SHOVELER: Bottom man sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, Truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	6.18	.15	.15	.25		
BITUMINOUS TAMPER; Cofferdam work; Caisson work	6.33	.15	.15	.25		
DRILL RUNNER (heavy, including churn drill)	6.38	.15	.15	.25		
BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water, gas); Leadman	6.43	.15	.15	.25		
NOZZLEMAN (gunite)	6.48	.15	.15	.25		
POWDERMAN	6.58	.15	.15	.25		
TUNNEL MINER	6.68	.15	.15	.25		

NOTICES

AP-610 P. 3

MINN-6-PEO-2-3-E (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS						
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power acutate augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automotaic road machine (CMI or similar) Backfiller; Bituminous spreader &						

AP-610 P. 4

MINN-6-PEO-2-3-E (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (cont'd):						
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Mighty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type). Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY: Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminuus; Locomotive crane; Master						

NOTICES

MINN-6-PEO-2-3-E (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (cont'd):						
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated cinches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-611
Supersedes Decision No. AM-5251 dated November 19, 1971 in 36 FR 22108
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: Anoka
DATE: Date of Publication

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
ASBESTOS WORKERS	$6.17	.30	.35		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.61	.455	.23	.56		
CARPENTERS: Carpenters; Millwrights; Piledriverman When working with material that has been treated with toxic carbolineum or toxic creosote excluding piling	7.36	.40	.20	.50	.02	
	7.61	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			
ELECTRICIANS (Townships of Anoka & Fridley)	8.00	4%	4%	7½%		
ELECTRICIANS (Remainder of Anoka Co.)	8.00	5%	2.5%	11.5%	1.5%	
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.70	.15	.10	.13		
IRONWORKERS: Ornamental; Reinforcing; Structural	7.60	.40	.45		.02	
LABORERS: Carpenter Tender; Common laborers; Earth dumpman; Power buggy op.; Steel joist handler (Erection)	5.90	.35	.35	.40		
Reinforcing steel handlers	5.95	.35	.35	.40		
Concrete Joint saw; Laborers, demolition & wrecking (not incl. remodeling); Men handling cement 2 hours per day (bulk or sack, excl. mortar mixer)	6.00	.35	.35	.40		
Automatic tamper; Gunite machine; Concrete vibrator; Chipping hammer; Hot tar caulkers & cookers; Jackhammer; Laborers on swing stage single line scaffolds (not incl. "Patent" scaffolding); Mixers of Mortar, cement or any other substitute material or composition; Paving buster	6.05	.35	.35	.40		
Drivers on heavy building excavating; Sheeting setter; Underground work	6.15	.35	.35	.40		
Pipelayers	6.20	.35	.35	.40		
Caisson work; Underpinning	6.25	.35	.35	.40		
Nozzlemen	6.30	.35	.35	.40		
Dynamite men; Power drillers for blasting purposes	6.605	.35	.35	.40		
LATHERS	7.60	.20			.01	
MARBLE SETTERS	7.385	.305	.23	.53		
PAINTERS: Brush	7.60	.35	.25		.04	
Spray; Structural Steel	8.10	.35	.25		.04	
PLASTERERS	7.39	.31	.20		.01	
PLUMBERS	7.28	.38	.35	$1.25	.02	
ROOFERS:	[illegible]					
SHEET METAL WORKERS	6.70				.04	
SOFT FLOOR LAYERS	7.05					
SPRINKLER FITTERS	6.75				.02	
TILE SETTERS	7.50					
TRUCK DRIVERS	6.30					
WELDERS- Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.
b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefits payments.
c. Employer shall contribute $25.00 per month for each employee into the Health & Welfare Fund.
d. Employees with at least 1,700 hours service during the current year & one year's service, one week vacation with pay; three years' service, two weeks' vacation with pay; fifteen years' service, three weeks' vacation with pay.

2-MINN-2-3 [illegible]

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.65	.30	.25			

MIX

AP-611 P. 3

MINN-1-PEO-1-F (1-1)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-611 P. 4

Site preparation, excavation and incidential paving

MINN-9-LAB-2-3- (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.85	.35	.35	.40		
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.95	.35	.35	.40		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.00	.35	.35	.40		

AP-611 P. 5

MINN-9-LAB-2-3-4 (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.10	.35	.35	.40		
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.15	.35	.35	.40		
CEMENT GUN (1½ in. & over); Leadman	6.20	.35	.35	.40		
NOZZLEMEN (gunite)	6.25	.35	.35	.40		
BRICK OR BLOCK PAVING SETTER	6.28	.35	.35	.40		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.30	.35	.35	.40		
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.53	.35	.35	.40		

AP-611 P. 6

Site preparation, excavation and incidential paving

MINN-6-PEO-2-3-E (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint maching; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power acutate augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automotaic road machine (CMI or similar) Backfiller; Bituminous spreader &						

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AP-611 P. 7

MINN-6-PEO-2-3-E (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (not construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launchcraft (Lankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (highly lite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over (self-cap.); Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type); Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY; Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

AP-611 P. 8

MINN-6-PEO-2-3-E (3-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

Site preparation, excavation and incidental paving

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train; Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota — COUNTIES: Carver & Hennepin
DECISION NUMBER: AP-612 — DATE: Date of Publication
Supersedes Decision No. AM-6248 dated November 19, 1971 in 36 FR 22102
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

27-MINN-1 T (1-2)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
ASBESTOS WORKERS	$8.17	.30	.35		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.61	.455	.23	.56		
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN: Scott Co. S/W of Belle Plaine Carpenters only	7.65	.20			.02	
Carpenters remainder of area	7.36	.40	.20	.50	.02	
Millwrights & Piledrivermen All Cos	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			
ELECTRICIANS; Line Construction: Electricians; Linemen	8.00	4%	4%	7⅓%		
Equipment operators	8.00	4%	4%	7⅓%		
Groundmen	6.60	4%	4%	7⅓%		
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.70	.15	.10	.13		
IRONWORKERS: Ornamental; Reinforcing; Structural	7.60	.40	.45		.02	
LABORERS: Carpenter tender; Common laborers; Earth dump men; Power buggy op.; Steel joist handlers (erection)	5.90	.35	.35	.40		
Reinforcing steel handlers	5.95	.35	.35	.40		
Concrete joint saw op.; laberer, demolition & wrecking (not incl. remodeling); Men handling cement 2 hours per day (bulk or sack, excl. mortar mixer)	6.00	.35	.35	.40		
Automatic tamper op.; Chipping hammer op.; Concrete vibrator op.; Gunite machine op.; Hot tar caulkers & cookers; Jackhammermen; Laborers on swing stage single line scaffolds (not incl. "Patent" scaffolding); Mixers of mortar, cement or any other substitute material or composition; Paving buster	6.05	.35	.35	.40		
Drivers on heavy building excav.; Sheeting setters; Underground work	6.15	.35	.35	.40		
Pipelayers	6.20	.35	.35	.40		
Caisson work; Underpinning	6.25	.35	.35	.40		
Nozzlemen	6.30	.35	.35	.40		
Dynamite men; Power drillers for blasting purposes	6.605	.35	.35	.40		
LATHERS	7.60	.20			.01	

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27-MINN-1 (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
MARBLE SETTERS	$7.355	.305	.23	.53		
PAINTERS: Brush	7.60	.35	.25		.04	
Spray; Structural steel; Swing stage	8.10	.37	.25		.04	
PIPEFITTERS; Steamfitters	7.28	.38	.35	1.25	.02	
PLASTERERS	7.39	.31	.20		.01	
PLUMBERS	7.28	.38	.35	1.25	.02	
ROOFERS	7.49	.39	.25			
SHEET METAL WORKERS	8.59	.32	.20			
SOFT FLOOR LAYERS	7.50	c		d		
SPRINKLER FITTERS	8.75	.30	.50		.02	
TILE SETTERS	7.59	.22	.50			
TRUCK DRIVERS	6.30	.25	.25			
WELDERS- Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service, 3% basic hourly rate for over 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefits payments.

c. Employer shall contribute $25.00 per month for each employee into the H & W Fund.

d. Employee with at least 1,700 hours' service during the current year and 1 year's service - 1 week's vacation with pay; 3 years' service - 2 weeks' vacation with pay; 15 years' service - 3 weeks' vacation with pay.

27-MINN-2-3 T

Site preparation, excavation and incidental paving

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.65	.30	.25			

AP-612 P. 3

MINN-1-PEO-1-F (1-1)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over incl. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caissor drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCREYE BATCH PLANT OPERATOR; Cunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN-9-LAB-2-3- (1-2)

Site preparation, excavation and incidental paving	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.85	.35	.35	.40		
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump men (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.95	.35	.35	.40		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.00	.35	.35	.40		

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MINN-9-LAB-2-3-d (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.10	.35	.35	.40		
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.15	.35	.35	.40		
CEMENT GUN (1½ in. & over); Leadman	6.20	.35	.35	.40		
NOZZLEMEN (gunite)	6.25	.35	.35	.40		
BRICK OR BLOCK PAVING SETTER	6.28	.35	.35	.40		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.30	.35	.35	.40		
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.53	.35	.35	.40		

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MINN-6-PEO-2-3-E (1-3)

Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power acutate augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automatic road machine (CMI or similar) Backfiller; Bituminous spreader &						

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MINN-6-PEO-2-3-E (2-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (cont'd):						
finishing machine (power); Boom truck (power operated hoist); Concrete mixer, on job site over 1-S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs: Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or loader stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Lauchermen (transferman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Shaky 8 to or similar type); Power actuated horizontal boring machine over 4" capacity; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping, cleaning or bending machine; Power plant engineer 150 K.V.A. & over; Pumpcrete; Rollers 8 tons & over; Rubber tire tractor backhoe attached; Shop mot roller (self-propelled 10 tons & over); Silo form (power drive)(hoisting); Tie tamper & ballast machine; Tractor, over D2, TD or similar H.P. with power take-off; Tractor, over 90 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type); Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY; Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

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MINN-6-PEO-2-3-E (3-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (cont'd):						
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scraper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

Site preparation, excavation and incidential paving

MINN-3-TD-2-3- d

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS						
GROUP I						
DRIVER (hauling materials for employer's own use, incl. operation of hoist or winch on truck or trailer); Truck train driver; Tractor-trailer; Dirt-road truck	$6.80	.25	.25			
GROUP II						
TWO-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-propelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDES DECISION

COUNTIES: Dakota & Ramsey

DATE: Date of Publication

62-MINN- 1-V (1of2).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
	6.17	.30	.55		.02	
	7.60	.30	.85		.02	
	7.55	.50	.85		.02	
	7.91	.425	.25	.55		
	7.56	.40	.20	.50	.02	
	7.01	.40	.20	.50	.02	
	6.45	5%	2.5%	11.5%	1.5%	
	6.00	5%	2.5%	11.5%	1.5%	
	5.75	5%	2.5%	11.5%	1.5%	
	7.20	.17	.165	2%H		
	7.16	.17	.165	2.2%		
	7.36	.40	1.0	.13		
	7.53	.40	.55		.02	
	5.90	.35	.35	.40		
	5.90	.35	.35	.40		
	6.00	.35	.55	.40		
	6.08	.35	.35	.40		
	6.15	.35	.35	.40		
	6.20	.35	.35	.40		
	6.20	.35	.35	.40		
	6.005	.35	.35	.40		

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62-Minn- 1-V 2 of 2

	Basic hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LATHERS	$7.66	.25	.20	.50	.01	
MARBLE SETTERS	7.385	.305	.23	.53		
PAINTERS:						
Brush; Paperhangers	7.65	.35	.15		.06	
Spray; Structural steel; Swing stage	8.18	.35	.15		.06	
PLUMBERS; Steamfitters	7.42	.38	.35	1.14	.05	
ROOFERS	7.49	.39	.25			
SHEET METAL WORKERS	8.73	.32	.40		.04	
SOFT FLOOR LAYERS	7.65b	c		d		
SPRINKLER FITTERS	8.75	.30	.50		.02	
TILE SETTERS	7.59	.22	.50			
TRUCK DRIVERS	6.30	.25	.25			
RIGGERS-WELDERS: receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOT NOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit
Six Paid Holidays: A through F.

b. Out-of town contractor will pay the rate of $8.40 per hour with no fringe benefits payments.

c. Employer shall contribute $29.00 per month for each employee into the H & W Fund.

d. Employees with at least 1,700 hours' service during the current year & 1 year's service- 1 week vacation with pay; 5 years' service - 2 weeks' vacation with pay; 15 years' service - 3 weeks vacation with pay.

62-MINN-2-3 V

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.65	.30	.25			

MINN-1-PEO-1-E (1-1)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
[illegible] (Hoisting materials)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over incl. jib	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. jib up to 200' of boom	8.85	.25	.25			
TRAVELLING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (2 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to [illegible]	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more; Caisson & Hoist engineer (2 drums); Hoist or winch op. (2 drums or Caisson type winch); Tp.	8.08	.25	.25			
BORE LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rig (heavy duty rotary or churn drill when used for caisson drilling or wick drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KW & over); Straddle carrier op.; Tractor op. (over D-2); well point pump op.	8.00	.25	.25			
CONCRETE BATCH MANN OPERATOR; Gunite op.; Tractor op. (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.75	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary Heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC STAGE HEATER (Temporary Heat); Oiler or greaser	7.00	.25	.25			

MINN-9-LAB-2-3- (1-2)

Site preparation, excavation and incidental paving

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.85	.35	.35	.40		
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (pavior); Concrete vibrator; Concrete batcherman (stationary plant); Concrete laborer/mat foreman (manual bull float on pavior); Conduit layer (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (power-buggy, truck, etc.); Form setter (individual type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint maker; Squeezeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.95	.35	.35	.40		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.00	.35	.35	.40		

MINN-9-LAB-2-3-d (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.10	.35	.35	.40		
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.15	.35	.35	.40		
CEMENT GUN (1½ in. & over); Leadman	6.20	.35	.35	.40		
NOZZLEMEN (gunite)	6.25	.35	.35	.40		
BRICK OR BLOCK PAVING SETTER	6.28	.35	.35	.40		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.30	.35	.35	.40		
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.53	.35	.35	.40		

MINN-6-PEO-2-3-E (1-3)

Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS						
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power acutate augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automotaic road machine (CMI or similar) Backfiller; Bituminous spreader &						

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MINN-6-PEO-2-3-E (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Mighty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD8 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type), Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY; Concrete Mixer, stationary plant over 43E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

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MINN-6-PEO-2-3-E (3-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

Site preparation, excavation and incidential paving

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota — COUNTY: St. Louis (Duluth Only)
DECISION NUMBER: AP-614 — DATE: Date of Publication
Supersedes Decision No. AH-6250 dated November 19, 1971 in 36 FR 22106
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

69-MINN- 1 W 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Asbestos workers	$7.80	.15		.40		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.55	.30	.85		.02	
Bricklayers; Stonemasons	7.67	.25	.25	.50		
Carpenters:						
Carpenters; Piledrivermen	7.35	.25		.30		
Millwrights	7.57	.25		.30		
Cement Masons	7.595	.25				
Electricians:						
Electrical contracts under $5,000.00	7.50	4%	4%	11%	1.5%	
Electrical contracts $5,000.00 & over	8.00	4%	4%	11%	1.5%	
Elevator constructors	6.84	.185	.20	2%a		
Elevator constructors' helpers	70%JR	.185	.20	2%a		
Elevator constructors' Helpers (Prob.)	50%JR					
Ironworkers	7.65	.25	.45	.10		
Laborers:						
Common Laborers	6.25	.15	.15	.25		
Carpenter tenders; Cement handlers; Concrete vibrator operators; Jackhammer operators; Mason tenders; Mortar mixers; Pipelayers (Concrete & Clay); Underground workmen	6.35	.15	.15	.25		
Lathers	7.75	.15				
Marble Setters	7.385	.305	.23	.53		
Painters:						
Brush	7.60	.25			.05	
Paperhangers; Sandblasting; Spray; Structural steel & bridges; Swing stage	7.85	.25			.05	
Plasterers	7.55	.15		.30		
Plumbers; Pipefitters	6.86	.25	.45	1.00	.05	
Roofers:						
Roofers	7.33	.15	.10	.40		
2nd Roofers	7.08	.15	.10	.40		
Kettlemen	6.88	.15	.10	.40		
Helpers	6.15	.15	.10	.40		
Sheet metal Workers	7.92	.15				
Soft Floor Layers	7.35	.25		.30		
Sprinkler fitters	8.75	.30	.50		.02	

PAID HOLIDAYS:
A-New Year's Day'B-Memorial Day; C-Independence Day; D-Labor Day;E-Thanksgiving Day-F-Christmas Day;

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service, 2% basic hourly rate for 6 months to 5 years; service as Vacation Pay Credit. Six paid holidays: A through F.

AP-614 P. 2

MINN-1-PEO-1-F (1-1)

Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

XUM

AT-614 P. 2

60-MINN-2-3 V

Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Carp[illegible]	$7.43	.25		.30		
[illegible]	7.43	.25		.30		
Cem[illegible]	7.[illegible]	.15				

MINN-70-LAB-2-3-C (1-1)

Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
UNSK[illegible] and [illegible]						
[illegible]						
[illegible]						
Carpenter tenders; Steam hoist & derr	$6.08	.15	.15	.25		
[illegible]						
[illegible]						
Tunnel laborer (atmospheric pressure	6.14	.15	.15	.25		
PITTSMANS TAMPER; Caterpillar work; Caisson work	6.33	.15	.15	.25		
DRILL RUNNER (heavy, including churn drill)	6.38	.15	.15	.25		
[illegible] Loadsman	6.43	.15	.15	.25		
KNUCKLEMAN (pipelay)	6.48	.15	.15	.25		
POWERMAN	6.58	.15	.15	.25		
TUNNEL [illegible]	6.68	.15	.15	.25		

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MINN-6-PEO-2-3-E (1-3)

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$ 6.45	.25	.25			
TRACTOR, 50 H.P. OR LESS WITHOUT POWER TAKE-OFF	6.48	.25	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibratin, packer (pad type) (35 H.P. & over); Truck crane oiler	6.55	.25	.25			
AIR COMPRESSOR; Head greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (nozzle operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shoulder-ing machine (power) (Apsco or similar type); S.P. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.72	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.80	.25	.25			
CONCRETE MIXER ON JOB SITE 14s & UNDER: Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power acutate augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.83	.25	.25			
GRADER OPERATOR (Motor Patrol)	6.90	.25	.25			
ASPHALT BITUMINOUS STABILIZER PLANT: Automatic road machine (CMI or similar) Backfiller; Bituminous spreader &						

AP-614 P. 5

MINN-6-PEO-2-3-E (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Mighty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd.& over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven)(paving); Tie tamper & ballast machine; Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type), Well point installation, dismantling or repair mechanics; Two or more pumps; Compressors; welding machines	$ 7.48	.25	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.55	.25	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yd. & over	7.58	.25	.25			
CABLEWAY; Concrete Mixer, stationary plant over 45L; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

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MINN-6-PEO-2-3-E (3-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
mechanic; Mixer (paving) concrete paving, road; Molc op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scrapper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$ 7.70	.25	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.96	.25	.25			

MINN-3-TD-2-3- d

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS						
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Bungman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stablcman; Tractor op. (wheel type used for any purpose)l Pilot car; Self-perpelled packer; Slurry op.; Single axle	6.20	.25	.25			

XUM

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Grey, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita and Wilbarger

DECISION NO.: AP-372

DATE: Date of Publication

Supersedes Decision No. AP-324, dated September 22, 1972, in 37 FR 19999.

DESCRIPTION OF WORK: Highway Construction

19 - Texas - 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Heaterman	$3.20					
Asphalt Raker	3.50					
Batching Plant Scaleman	3.90					
Carpenter	3.50					
Carpenter Helper	2.75					
Concrete Finisher (Paving)	3.65					
Concrete Finisher Helper (Paving)	3.40					
Concrete Finisher (Structures)	3.80					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber	3.25					
Form Builder (Structures)	4.20					
Form Builder Helper (Structures)	2.75					
Form Liner (Paving and Curb)	3.50					
Form Setter (Structures)	4.35					
Form Setter Helper (Structures)	3.10					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	2.85					
Mechanic	3.75					
Mechanic Helper	3.25					
Oiler	3.35					
Serviceman	3.10					
Painter (Structures)	3.00					
Pipelayer	2.70					
Pipelayer Helper	2.40					
Powderman	3.50					
Powderman Helper	2.70					
Reinforcing Steel Setter (Paving)	3.20					
Reinforcing Steel Setter (Structures)	2.85					
Reinforcing Steel Setter Helper	2.35					
Sign Erector	3.10					
Sign Erector Helper	2.50					
Spreader Box Man	3.15					
Swamper	2.35					
Power Equipment Operators:						
Asphalt Distributor	3.30					
Asphalt Paving Machine	4.20					
Broom or Sweeper Operator	2.55					
Bulldozer, 150 HP and Less	3.50					
Bulldozer, over 150 HP	3.75					

AP-372 P. 2

19 Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd:						
Concrete Paving Finishing Machine	$3.75					
Concrete Paving Spreader	3.75					
Paving Sub Grader	4.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½CY)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.35					
Crusher or Screening Plant Operator	3.75					
Foundation Drill Operator (Truck Mounted)	3.90					
Front End Loader (2½ CY and Less)	3.30					
Front End Loader (Over 2½ CY)	3.85					
Motor Grader Operator, Fine Grade	4.35					
Motor Grader Operator	3.75					
Roller, Steel Wheel (Plant-Mix Pavements)	3.30					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00					
Roller Pneumatic (Self-Propelled)	2.55					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.50					
Tractor (Crawler Type) 150 HP and Less	2.90					
Tractor (Crawler Type) over 150 HP	3.00					
Tractor (Pneumatic) 80 HP and Less	2.55					
Tractor (Pneumatic) over 80 HP	3.00					
Traveling Mixer	3.75					
Trenching Machine, Light	3.10					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.90					
Tandem Axle or Semitrailer	2.25					
Weighman (Truck Scales)	2.25					
Welder	4.35					

FEDERAL REGISTER, VOL. 38, NO. 13—FRIDAY, JANUARY 19, 1973

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum and Young

DECISION NO.: AP-373

DATE: Date of Publication

Supersedes Decision No. AP-325, dated September 22, 1972, in 37 FR 20000

DESCRIPTION OF WORK: Highway Construction

24 Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Heaterman	$2.70					
Asphalt Raker	2.75					
Asphalt Distributor	2.15					
Batching Plant Scaleman	2.95					
Carpenter	3.25					
Carpenter Helper	2.85					
Concrete Finisher (Paving)	3.50					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.70					
Concrete Rubber	3.25					
Form Builder (Structures)	3.90					
Form Liner (Paving and Curb)	3.50					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.50					
Mechanic	3.05					
Oiler	2.70					
Serviceman	3.00					
Painter	2.85					
Pipelayer	2.60					
Pipelayer Helper	2.40					
Powderman	2.75					
Sign Erector	2.75					
Sign Erector Helper	2.40					
Spreader Box Man	2.60					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	2.85					
Asphalt Paving Machine	2.75					
Broom or Sweeper Operator	2.10					
Bulldozer, 150 HP and Less	3.05					
Bulldozer, over 150 HP	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 CY)	3.05					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.85					
Crusher or Screening Plant Operator	3.00					
Front End Loader (2½ CY and Less)	3.00					
Front End Loader (Over 2½ CY)	3.30					
Motor Grader Operator, Fine Grade	3.70					
Motor Grader Operator	3.50					

AP-373 P. 2

24 Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd:						
Roller, Steel Wheel (Plant-Mix Pavements)	$2.75					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.55					
Roller, Pneumatic (Self-Propelled)	2.40					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.50					
Tractor (Crawler Type) 150 HP and Less	2.75					
Tractor (Crawler Type) over 150 HP	3.00					
Tractor (Pneumatic) 80 HP and Less	2.50					
Tractor (Pneumatic) over 80 HP	2.65					
Traveling Mixer	3.15					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	3.40					
Weighman (Truck Scales)	2.50					
Welder	4.10					

FEDERAL REGISTER, VOL. 38, NO. 13—FRIDAY, JANUARY 19, 1973

XUM

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward and Winkler

DECISION NO.: AP-374

DATE: Date of Publication

Supersedes Decision No. AP-326, dated September 22, 1972, in 37 FR 20001

DESCRIPTION OF WORK: Highway Construction

29 - Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.40					
Asphalt Heaterman	2.50					
Asphalt Raker	2.80					
Asphalt Shoveler	2.35					
Batching Plant Scaleman	2.85					
Carpenter	3.50					
Carpenter Helper	2.50					
Concrete Finisher (Paving)	3.00					
Concrete Finisher Helper (Paving)	2.85					
Concrete Finisher (Structures)	3.35					
Concrete Finisher Helper (Structures)	2.80					
Electrician	5.70					
Form Builder (Structures)	3.25					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	3.25					
Form Setter Helper (Paving and Curb)	2.90					
Form Setter (Structures)	3.35					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.50					
Mechanic	3.00					
Mechanic Helper	2.50					
Oiler	2.50					
Serviceman	3.20					
Painter (Structures)	4.75					
Painter Helper (Structures)	2.70					
Pipelayer	2.50					
Powderman	3.00					
Powderman Helper	2.45					
Reinforcing Steel Setter (Structures)	3.25					
Reinforcing Steel Setter Helper	2.25					
Spreader Box Man	2.60					
Power Equipment Operators:						
Asphalt Distributor	2.75					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.30					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Concrete Paving Curing Machine	3.00					
Concrete Paving Saw	2.50					

AP-374 P. 2

29 Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators, Cont'd:						
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.70					
Crusher or Screening Plant Operator	3.00					
Front End Loader (2½ CY and Less)	2.85					
Front End Loader (Over 2½ CY)	3.00					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.55					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.65					
Tractor (Crawler Type) over 150 HP	3.00					
Tractor (Pneumatic) 80 HP and Less	2.25					
Tractor (Pneumatic) over 80 HP	2.50					
Trenching Machine, Light	2.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.30					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	2.60					
Weighman (Truck Scales)	2.15					
Welder	3.00					

FEDERAL REGISTER, VOL. 38, NO. 13—FRIDAY, JANUARY 19, 1973

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves and Terrell

DECISION NO.: AP-375

DATE: Date of Publication

Supersedes Decision No. AP-327, dated September 22, 1972, in 37 FR 20002

DESCRIPTION OF WORK: Highway Construction

12 - Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$1.80					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Asphalt Shoveler	2.65					
Batching Plant Scaleman	3.05					
Carpenter	3.25					
Concrete Finisher (Paving)	3.75					
Concrete Finisher (Structures)	2.60					
Concrete Finisher Helper (Structures)	2.00					
Concrete Rubber	1.75					
Electrician	5.00					
Electrician Helper	3.00					
Form Builder (Structures)	2.55					
Form Builder Helper (Structures)	2.25					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.25					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.15					
Laborer, Common	1.60					
Laborer, Utility Man	2.00					
Manhole Builder, Brick	2.75					
Mechanic	3.00					
Mechanic Helper	2.00					
Oiler	2.50					
Serviceman	2.50					
Painter (Structures)	4.75					
Painter Helper (Structures)	3.75					
Piledriverman	2.50					
Pipelayer	2.50					
Powderman	3.30					
Powderman Helper	2.50					
Reinforcing Steel Setter (Paving)	2.00					
Reinforcing Steel Setter (Structures)	2.60					
Reinforcing Steel Setter Helper	1.75					
Sign Erector	3.40					
Spreader Box Man	2.45					
Swamper	2.00					

AP-375 P. 2

12 - Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Asphalt Distributor	$2.50					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.15					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Concrete Paving Mixer	4.10					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½CY)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½CY and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Truck Mounted)	3.50					
Front End Loader (2½CY and Less)	2.70					
Front End Loader (Over 2½ CY)	3.00					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.35					
Roller, Steel Wheel (Plant-Mix Pavements)	2.55					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.20					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) over 150 HP	2.75					
Tractor (Pneumatic) 80 PH and Less	1.95					
Tractor (Pneumatic) over 80 HP	2.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.85					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	2.25					
Water Wagon Operator	2.25					
Welder	3.00					
Welder Helper	2.50					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson and Zavala

DECISION NO.: AP-376

DATE: Date of Publication

Supersedes Decision No. AP-328, dated September 22, 1972, in 37 FR 20003

DESCRIPTION OF WORK: Highway, water and sewer utilities construction

16 - Texas - 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.00					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Batching Plant Scaleman	3.20					
Batterboard Setter	2.65					
Carpenter	2.75					
Carpenter Helper	2.25					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber	2.45					
Electrician	5.60					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	3.10					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.85					
Laborer, Utility Man	2.00					
Mechanic	3.20					
Mechanic Helper	2.75					
Oiler	2.45					
Serviceman	2.35					
Painter (Structures)	2.90					
Painter Helper (Structures)	2.00					
Pipelayer	2.50					
Pipelayer Helper	2.10					
Powderman	2.85					
Powderman Helper	2.00					
Reinforcing Steel Setter (Paving)	3.00					
Reinforcing Steel Setter (Structures)	2.95					
Reinforcing Steel Setter Helper	2.25					
Spreader Box Man	2.00					
Power Equipment Operators:						
Asphalt Distributor	2.85					
Asphalt Paving Machine	2.75					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½CY and Over)	3.50					

AP-376 P. 2

16 - Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd:						
Crusher or Screening Plant Operator	$3.00					
Elevating Grader	3.00					
Foundation Drill Operator (Crawler Mounted)	3.70					
Foundation Drill Operator (Truck Mounted)	4.80					
Foundation Drill Operator Helper	3.30					
Front End Loader (2½CY and Less)	2.75					
Front End Loader (Over 2½CY)	3.25					
Mixer (16 CF and Less)	2.50					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.60					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.00					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 CY and Less)	2.75					
Scrapers (Over 17 CY)	3.00					
Tractor (Crawler Type) 150 HP and Less	2.25					
Tractor (Crawler Type) over 150 HP	2.50					
Tractor (Pneumatic) 80 HP and Less	2.00					
Tractor (Pneumatic) over 80 HP	2.35					
Traveling Mixer	2.50					
Trenching Machine, Light	3.25					
Trenching Machine, Heavy	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	2.25					
Winch	2.15					
Welder	4.00					
Welder Helper	2.75					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kennedy, Starr, Webb, Willacy and Zapata

DECISION NO.: AP-377

DATE: Date of Publication

Supersedes Decision No. AP-329, dated September 22, 1972, in 37 FR 20004

DESCRIPTION OF WORK: Highway Construction

36 Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$1.85					
Asphalt Raker	2.15					
Batterboard Setter	2.70					
Carpenter	3.00					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	2.55					
Concrete Finisher Helper (Paving)	2.50					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.50					
Electrician	5.50					
Fireman	2.75					
Form Builder (Structures)	3.10					
Form Builder Helper (Structures)	2.35					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.85					
Laborer, Utility Man	2.30					
Manhole Builder, Brick	2.50					
Mechanic	3.15					
Mechanic Helper	2.60					
Oiler	2.50					
Serviceman	2.35					
Piledriverman	3.50					
Pipelayer	2.50					
Reinforcing Steel Setter (Structures)	3.00					
Reinforcing Steel Setter Helper	2.00					
Spreader Box Man	2.60					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	2.60					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.25					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					

AP-377 P. 2

36 Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators, Cont'd:						
Front End Loader (2½ CY and Less)	$2.75					
Front End Loader (Over 2½ CY)	3.00					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.35					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.35					
Roller, Pneumatic (Self-Propelled)	2.10					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.50					
Tractor (Crawler Type) over 150 HP	2.75					
Tractor (Pneumatic) 80 HP and Less	2.25					
Tractor (Pneumatic) over 80 HP	2.85					
Traveling Mixer	2.85					
Trenching Machine, Light	3.25					
Truck Drivers:						
Single Axle, Light	1.85					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	1.85					
Welder	3.00					
Welder Helper	2.75					

XUM

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio and Victoria

DECISION NO.: AP-378

DATE: Date of Publication

Supersedes Decision No. AP-330, dated September 22, 1972, in 37 FR 20005

DESCRIPTION OF WORK: Highway Construction

15 - Texas - 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.10					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Asphalt Roller	2.00					
Batching Plant Scaleman	3.35					
Batterboard Setter	2.60					
Carpenter	3.00					
Carpenter Helper	2.45					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	2.25					
Concrete Finisher (Structures)	2.85					
Concrete Finisher Helper (Structures)	2.40					
Electrician	4.60					
Fireman	3.00					
Form Builder (Structures)	3.00					
Form Builder Helper (Structures)	2.25					
Form Setter (Structures)	2.40					
Form Setter (Structures)	2.70					
Form Setter Helper (Structures)	2.15					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.40					
Mechanic Helper	2.50					
Oiler	2.50					
Tilefixerman	3.00					
Pipelayer	2.70					
Reinforcing Steel Setter (Structures)	2.50					
Reinforcing Steel Setter Helper	2.25					
Spreader Box Man	2.75					
Power Equipment Operators:						
Asphalt Distributor	2.75					
Asphalt Paving Machine	3.00					
Bulldozer, 150 HP and Less	2.85					
Bulldozer, over 150 HP	3.20					
Concrete Paving Saw	2.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½CY)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					

AP-378 P. 2

15 - Texas 3 - h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators cont'd:						
Foundation Drill Operator(Truck Mounted)	$4.35					
Front End Loader (2½ CY and Less)	2.50					
Front End Loader (Over 2½ CY)	3.00					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.60					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.05					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 CY and Less)	2.75					
Scrapers (Over 17CY)	3.00					
Tractor (Crawler Type) 150 HP and Less	2.50					
Tractor (Crawler Type) over 150 HP	3.10					
Tractor (Pneumatic) 80 HP and Less	2.00					
Tractor (Pneumatic) over 80 HP	2.40					
Traveling Mixer	2.50					
Trenching Machine, Light	2.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.20					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.50					
Vibrator Man (Hand Type)	2.00					
Welder	3.00					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis and Williamson

DECISION NO.: AP-379

DATE: Date of Publication

Supersedes Decision No. AP-331, dated September 22, 1972, in 37 FR 20006

DESCRIPTION OF WORK: Highway and water and sewer utilities construction

18 - Texas -3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.30					
Asphalt Heaterman	2.40					
Asphalt Raker	2.95					
Batching Plant Scaleman	3.10					
Carpenter	3.30					
Carpenter Helper	2.25					
Concrete Finisher (Structures)	3.20					
Concrete Finisher Helper (Structures)	2.50					
Electrician	5.75					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.00					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.35					
Laborer, Common	2.00					
Laborer, Utility Man	2.15					
Mechanic	3.25					
Mechanic Helper	2.70					
Oiler	2.25					
Serviceman	2.85					
Pipelayer	2.75					
Pipelayer Helper	2.25					
Powderman	3.25					
Powderman Helper	2.00					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.95					
Spreader Box Man	2.55					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	3.50					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.20					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Elevating Grader	3.00					
Foundation Drill Operator (Crawler Mounted)	2.85					
Foundation Drill Operator (Truck Mounted)	4.50					
Front End Loader (2½ CY and Less)	3.00					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					

AP-379 P. 2

18 - Texas - 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators, Cont'd:						
Roller, Steel Wheel (Plant-Mix Pavements)	$2.95					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.60					
Tractor (Crawler Type) over 150 HP	2.80					
Tractor (Pneumatic) 80 HP and Less	2.30					
Tractor (Pneumatic) over 80 HP	2.45					
Trenching Machine, Heavy	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.30					
Tandem Axle or Semitrailer	2.30					
Weighman (Truck Scales)	2.00					
Welder	3.80					

XUM

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan and Navarro

DECISION NO.: AP-380

DATE: Date of Publication

Supersedes Decision No. AP-332, dated September 22, 1972, in 37 FR 20007

DESCRIPTION OF WORK: Highway Construction

22 - Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.65					
Asphalt Heaterman	2.50					
Asphalt Raker	2.75					
Batching Plant Scaleman	2.85					
Carpenter	3.25					
Carpenter Helper	2.50					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	3.00					
Concrete Finisher (Strucutres)	3.60					
Concrete Finisher Helper (Structures)	2.50					
Concrete Rubber	2.45					
Electrician	5.45					
Electrician Helper	2.75					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.85					
Form Setter (Paving and Curb)	3.25					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.25					
Laborer, Common	2.00					
Laborer, Utility Man	2.35					
Manhole Builder, Brick	3.50					
Mechanic	4.00					
Mechanic Helper	2.85					
Oiler	3.25					
Serviceman	2.25					
Painter (Structures)	2.85					
Painter Helper (Structures)	2.00					
Pipelayer	3.00					
Pipelayer Helper	2.40					
Powderman	3.20					
Powderman Helper	2.75					
Reinforcing Steel Setter (Paving)	2.25					
Reinforcing Steel Setter (Structures)	3.25					
Reinforcing Steel Setter Helper	2.00					
Spreader Box Man	2.75					
Swamper	2.60					

AP-380 P. 2

22 - Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Asphalt Distributor	$2.75					
Asphalt Paving Machine	3.00					
Bulldozer, 150 HP and Less	3.25					
Bulldozer, over 150 HP	3.50					
Concrete Paving Mixer	3.65					
Paving Sub Grader	3.60					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.85					
Crusher or Screening Plant Operator	2.75					
Foundation Drill Operator (Crawler Mounted)	5.55					
Foundation Drill Operator (Truck Mounted)	4.10					
Front End Loader (2½ CY and Less)	2.90					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.35					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	3.00					
Tractor (Crawler Type) over 150 HP	3.15					
Tractor (Pneumatic) 80 HP and Less	2.25					
Tractor (Pneumatic) over 80 HP	3.10					
Traveling Mixer	2.80					
Trenching Machine, Light	3.00					
Trenching Machine, Heavy	3.00					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.50					
Weighman (Truck Scales)	2.25					
Welder	4.00					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant and Wise

DECISION NO.: AP-381

DATE: Date of Publication

Supersedes Decision No. AP-333, dated September 22, 1972, in 37 FR 20008

DESCRIPTION OF WORK: Highway Construction (excluding Dallas-Fort Worth Regional Airport)

13 - Texas - 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.55					
Asphalt Raker	3.25					
Asphalt Shoveler	2.65					
Batching Plant Scaleman	3.10					
Carpenter	3.50					
Carpenter Helper	2.70					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	3.00					
Concrete Finisher (Structures)	3.50					
Concrete Finisher Helper (Structures)	2.95					
Concrete Rubber	2.85					
Form Builder (Structures)	3.65					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	3.40					
Form Setter (Paving and Curb)	3.10					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.60					
Form Setter Helper (Structures)	3.25					
Laborer, Common	2.25					
Laborer, Utility Man	2.50					
Mechanic	3.50					
Mechanic Helper	3.00					
Oiler	2.90					
Serviceman	2.85					
Painter (Structures)	2.50					
Piledriverman	3.00					
Pipelayer	3.00					
Pipelayer Helper	2.50					
Powderman	3.00					
Reinforcing Steel Setter (Structures)	3.35					
Reinforcing Steel Setter Helper	2.40					
Spreader Box Man	3.00					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	3.00					
Asphalt Paving Machine	3.25					
Bulldozer, 150 HP and Less	3.25					
Bulldozer, over 150 HP	3.50					
Concrete Paving Curing Machine	3.10					
Concrete Paving Finishing Machine	4.00					

AP-381 P. 2

13 - Texas - 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators cont'd:						
Concrete Paving Saw	$3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½CY)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½CY and Over)	3.65					
Crusher or Screening Plant Operator	3.50					
Foundation Drill Operator (Truck Mounted)	4.45					
Foundation Drill Operator Helper	3.00					
Front End Loader (2½ CY and Less)	3.25					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	3.65					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Rollers, Pneumatic (Self-Propelled)	2.80					
Scrapers (17 CY and Less)	3.25					
Scrapers (Over 17 CY)	3.50					
Tractor (Crawler Type) 150 HP and less	2.80					
Tractor (Crawler Type) over 150 HP	3.00					
Tractor (Pneumatic) over 80 HP	3.25					
Traveling Mixer	3.25					
Trenching Machine, Heavy	3.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.70					
Tandem Axle or Semitrailer	2.50					
Welder	3.00					

SUPERSEDEAS DECISION

AP-382 P. 2

STATE: Texas

COUNTIES: Collin, Dallas, Ellis, Grayson and Rockwall

DECISION NO.: AP-382

DATE: Date of Publication

Supersedes Decision No. AP-334, dated September 22, 1972, in 37 FR 20009

DESCRIPTION OF WORK: Heavy & Highway Construction (excluding Dallas-Fort Worth Regional Airport)

11 - Texas - 3 i (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.75					
Asphalt Heaterman	2.75					
Asphalt Raker	3.50					
Batching Plant Scaleman	2.90					
Carpenter	3.50					
Carpenter Helper	2.75					
Concrete Finisher (Paving)	3.75					
Concrete Finisher Helper (Paving)	3.00					
Concrete Finisher (Structures)	3.50					
Concrete Finisher Helper (Structures)	2.90					
Concrete Rubber	2.25					
Fireman	3.30					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	3.00					
Form Liner (Paving and Curb)	3.80					
Form Setter (Paving and Curb)	3.25					
Form Setter Helper (Paving and Curb)	3.00					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.85					
Laborer, Common	2.25					
Laborer, Utility Man	2.50					
Mechanic	3.50					
Mechanic Helper	2.75					
Oiler	2.75					
Serviceman	3.00					
Painter (Structures)	5.00					
Piledriverman	3.00					
Pipelayer	3.00					
Pipelayer Helper	2.50					
Pneumatic Mortarman	3.25					
Powderman	3.35					
Reinforcing Steel Setter (Paving)	2.40					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.40					
Steel Worker (Structural)	3.50					
Steel Worker Helper (Structural)	2.80					
Spreader Box Man	2.75					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	3.50					
Asphalt Paving Machine	3.35					
Bulldozer, 150 HP and Less	3.25					
Bulldozer, over 150 HP	3.50					
Power Equipment Operators, Cont'd:						
Concrete Paving Curing Machine	$3.10					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Form Grader	2.75					
Concrete Paving Joint Machine	2.95					
Concrete Paving Joint Sealer	2.25					
Concrete Paving Mixer	3.75					
Concrete Paving Saw	3.50					
Concrete Paving Spreader	2.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	3.75					
Crusher or Screening Plant Operator	3.50					
Foundation Drill Operator (Truck Mounted)	3.90					
Foundation Drill Operator Helper	3.20					
Front End Loader (2½ CY and less)	3.00					
Front End Loader (Over 2½ CY)	3.50					
Mixer Operator	2.75					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.50					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.85					
Roller, Pneumatic (Self-Propelled)	2.95					
Scrapers (17 CY and less)	3.25					
Scrapers (Over 17 CY)	3.50					
Tractor (Crawler Type) 150 HP and less	2.85					
Tractor (Crawler Type) over 150 HP	3.00					
Tractor (Pneumatic) 80 HP and less	2.50					
Tractor (Pneumatic) over 80 HP	3.50					
Traveling Mixer	2.90					
Trenching Machine, Light	3.10					
Trenching Machine, Heavy	3.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.75					
Tandem Axle or Semitrailer	2.50					
Lowboy-Float	2.95					
Transit-Mix	3.00					
Winch	3.00					
Vibrator Man (Hand Type)	2.75					
Welder	4.00					
Welder Helper	2.75					

SUPERSEDEAS DECISION

AP-383 P. 2

STATE: Texas

COUNTIES: Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt and Wood

DECISION NO.: AP-383

DATE: Date of Publication

Supersedes Decision No. AP-335, dated September 22, 1972, in 37 FR 20010

DESCRIPTION OF WORK: Highway Construction

30 - Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.85					
Asphalt Heaterman	2.75					
Asphalt Raker	3.35					
Asphalt Shoveler	2.40					
Batching Plant Scaleman	2.95					
Carpenter	3.50					
Carpenter Helper	2.75					
Concrete Finisher (Paving)	3.75					
Concrete Finisher (Structures)	3.25					
Concrete Finisher Helper (Structures)	2.75					
Concrete Rubber	2.65					
Fireman	3.35					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.65					
Form Liner (Paving and Curb)	3.35					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.45					
Mechanic	3.50					
Mechanic Helper	3.25					
Oiler	2.75					
Serviceman	2.60					
Painter (Structures)	4.85					
Pipelayer	2.85					
Pipelayer Helper	2.30					
Reinforcing Steel Setter (Paving)	2.65					
Reinforcing Steel Setter (Structures)	2.85					
Sign Erector	3.00					
Sign Erector Helper	2.60					
Spreader Box Man	2.75					
Swamper	2.35					
Power Equipment Operators:						
Asphalt Distributor	3.00					
Asphalt Paving Machine	3.25					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½CY)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.75					
Power Equipment Operators, Cont'd:						
Foundation Drill Operator (Crawler Mounted)	$5.90					
Foundation Drill Operator (Truck Mounted)	4.50					
Foundation Drill Operator Helper	3.10					
Front End Loader (2½ CY and Less)	3.00					
Front End Loader (Over 2½ CY)	3.30					
Motor Grader Operator, Fine Grade	3.70					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.35					
Roller, Steel, Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.50					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Self-Propelled Hammer	4.00					
Tractor (Crawler Type) 150 HP and Less	3.00					
Tractor (Crawler Type) over 150 HP	3.25					
Tractor (Pneumatic) 80 HP and Less	2.50					
Tractor (Pneumatic) over 80 HP	3.25					
Traveling Mixer	3.25					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.50					
Winch	3.00					
Weighman (Truck Scales)	2.45					
Welder	3.60					
Welder Helper	3.35					

XUM

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: ...nderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity and Tyler

DECISION NO.: AP-384

DATE: Date of Publication

Supersedes Decision No. AP-336, dated September 22, 1972, in 37 FR 20011

DESCRIPTION OF WORK: Highway Construction

111 - Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Raketman	$2.75					
Asphalt Raker	2.60					
Asphalt Shoveler	2.40					
Batching Plant Scaleman	3.00					
Carpenter	3.40					
Carpenter Helper	2.50					
Concrete Finisher (Structures)	3.65					
Concrete Finisher (Structures)	2.75					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber (Structures)	2.85					
Form Builder (Structures)	3.80					
Form Setter (Structures)	3.77					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.50					
Mechanic	3.50					
Mechanic Helper	2.75					
Oiler	2.50					
Pipelayer (Structures)	4.50					
Pipelayer Helper (Structures)	3.00					
Pipelayer	3.10					
Reinforcing Steel Setter (Structures)	3.25					
Reinforcing Steel Setter Helper	2.75					
Steel Worker (Structural)	4.00					
Steel Worker Helper (Structural)	2.80					
Sprinkler Box Man	3.00					
Power Equipment Operators:						
Asphalt Distributor	3.15					
Asphalt Paving Machine	3.05					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					

AP-384 P. 2

111 - Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators, Cont'd:						
Front End Loader (2½ CY and Less)	$3.00					
Front End Loader (Over 2½ CY)	3.25					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.55					
Roller, Pneumatic (Self-Propelled)	2.50					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.85					
Tractor (Crawler Type) over 150 HP	3.50					
Tractor (Pneumatic) 80 HP and Less	2.50					
Tractor (Pneumatic) over 80 HP	3.25					
Traveling Mixer	2.50					
Trenching Machine, Light	3.00					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.50					
Lowboy-Float	3.00					
Welder	3.75					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker and Washington

DECISION NO.: AP-385

DATE: Date of Publication

Supersedes Decision No. AP-337, dated September 22, 1972, in 37 FR 20012

DESCRIPTION OF WORK: Highway Construction

25 Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Heaterman	$2.70					
Asphalt Raker	2.75					
Batching Plant Scaleman	2.70					
Carpenter	3.00					
Carpenter Helper	2.75					
Concrete Finisher (Structures)	3.50					
Concrete Finisher Helper (Structures)	2.50					
Fireman	3.00					
Form Builder (Structures)	3.25					
Form Setter (Structures)	3.25					
Form Setter Helper (Structures)	2.65					
Laborer, Common	2.00					
Laborer, Utility Man	2.50					
Mechanic	3.00					
Mechanic Helper	2.60					
Oiler	2.60					
Serviceman	2.40					
Pipelayer	3.00					
Pipelayer Helper	2.75					
Reinforcing Steel Setter (Structures)	3.00					
Reinforcing Steel Setter Helper	2.50					
Sign Erector	3.00					
Sign Erector Helper	2.80					
Power Equipment Operators:						
Asphalt Distributor	2.45					
Asphalt Paving Machine	3.00					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.45					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.65					
Crusher or Screening Plant Operator	3.10					
Foundation Drill Operator (Truck-Mounted)	4.25					
Front End Loader (2½ CY and Less)	3.00					
Front End Loader (Over 2½ CY)	3.30					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.50					

AP-385 P. 2

25 Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators, Cont'd:						
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	$2.40					
Roller, Pneumatic (Self-Propelled)	2.50					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.25					
Tractor (Crawler Type) over 150 HP	3.25					
Tractor (Pneumatic) 80 HP and Less	2.40					
Tractor (Pneumatic) over 80 HP	2.65					
Traveling Mixer	2.50					
Trenching Machine, Light	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.25					
Welder	3.00					

XUM

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller and Wharton

DECISION NO.: AP-386

DATE: Date of Publication

Supersedes Decision No. AP-338, dated September 22, 1972, in 37 FR 20013

DESCRIPTION OF WORK: Heavy & Highway Construction

14 - Texas - 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.55					
Asphalt Heaterman	2.85					
Asphalt Raker	3.00					
Batching Plant Scaleman	2.60					
Carpenter	3.75					
Carpenter Helper	3.25					
Concrete Finisher (Paving)	4.00					
Concrete Finisher Helper (Paving)	3.10					
Concrete Finisher (Structures)	3.65					
Concrete Finisher Helper (Structures)	3.00					
Concrete Rubber	3.00					
Electrician	5.50					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.65					
Form Liner (Paving and Curb)	3.80					
Form Setter (Paving and Curb)	3.50					
Form Setter Helper (Paving and Curb)	2.90					
Form Setter (Structures)	3.75					
Form Setter Helper (Structures)	2.90					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	3.70					
Mechanic	3.90					
Mechanic Helper	3.50					
Oiler	3.05					
Serviceman	3.20					
Painter (Structures)	3.85					
Painter Helper (Structures)	2.75					
Piledriverman	4.00					
Pipelayer	3.50					
Pipelayer Helper	3.00					
Reinforcing Steel Setter (Paving)	3.40					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.60					
Steel Worker (Structural)	3.70					
Steel Worker Helper (Structural)	3.45					
Sign Erector	3.00					
Spreader Box Man	3.25					

AP-386 P. 2

14 - Texas - 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Asphalt Distributor	$3.25					
Asphalt Paving Machine	3.50					
Bulldozer, 150 HP and Less	3.25					
Bulldozer, over 150 HP	3.50					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	4.00					
Concrete Paving Saw	3.00					
Concrete Paving Spreader	3.40					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½CY)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.00					
Foundation Drill Operator (Crawler Mounted)	4.25					
Foundation Drill Operator (Truck Mounted)	3.80					
Front End Loader (2½ CY and Less)	3.25					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	3.00					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.50					
Tractor (Crawler Type) over 150 HP	3.15					
Tractor (Pneumatic) 80 HP and less	2.25					
Tractor (Pneumatic) over 80 HP	2.75					
Trenching Machine, Light	3.50					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.75					
Tandem Axle or Semitrailer	2.75					
Lowboy-Float	3.35					
Winch	2.75					
Welder	4.60					
Welder Helper	3.15					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Chambers, Hardin, Jefferson, Liberty and Orange

DECISION NO.: AP-387

DATE: Date of Publication

Supersedes Decision No. AP-337, dated September 22, 1972, in 37 FR 20014

DESCRIPTION OF WORK: Heavy, Highway Construction

17 Texas 3 h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.75					
Asphalt Heaterman	2.75					
Asphalt Raker	3.50					
Carpenter	4.00					
Carpenter Helper	3.00					
Concrete Finisher (Paving)	3.75					
Concrete Finisher Helper (Paving)	3.05					
Concrete Finisher (Structures)	3.75					
Concrete Finisher Helper (Structures)	3.10					
Concrete Rubber	3.25					
Form Builder (Structures)	4.00					
Form Setter (Paving and Curb)	3.25					
Form Setter Helper (Paving and Curb)	3.00					
Form Setter (Structures)	3.70					
Form Setter Helper (Structures)	2.75					
Laborer, Common	2.25					
Laborer, Utility Man	2.90					
Mechanic	4.00					
Oiler	3.50					
Piledriverman	3.50					
Pipelayer	3.00					
Reinforcing Steel Setter (Structures)	3.60					
Reinforcing Steel Setter Helper	2.75					
Spreader Box Man	3.05					
Power Equipment Operators:						
Asphalt Distributor	3.25					
Asphalt Paving Machine	4.00					
Bulldozer, 150 HP and Less	3.50					
Bulldozer, over 150 HP	4.00					
Concrete Paving Curing Machine	3.80					
Concrete Paving Finishing Machine	3.85					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½CY)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½CY and Over)	4.00					
Foundation Drill Operator (Truck-Mounted)	3.00					
Front End Loader (2½ CY and Less)	3.00					
Front End Loader (Over 2½ CY)	4.00					

AP-387 P. 2

17 Texas 3 h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd:						
Motor Grader Operator, Fine Grade	$4.00					
Motor Grader Operator	3.75					
Roller, Steel Wheel (Plant-Mix Pavements)	3.50					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.75					
Roller, Pneumatic (Self-Propelled)	2.50					
Scrapers (17 CY and Less)	3.00					
Tractor (Crawler Type) 150 HP and Less	2.75					
Tractor (Pneumatic) 80 HP and Less	3.00					
Tractor (Pneumatic) over 80 HP	3.20					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.50					
Lowboy-Float	4.00					
Welder	3.75					

[FR Doc.73-1014 Filed 1-18-73;8:45 am]

XUM

federal register

FRIDAY, JANUARY 19, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 13

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

FOOD LABELING

No. 13—Pt. III——1

V 38 - 13 JAN 19 73 XUM

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Food Label Information Panel

In the FEDERAL REGISTER of March 30, 1972 (37 FR 6493), the Commissioner of Food and Drugs proposed under Title 21 a new § 1.8d, relating to establishment of a food label information panel, in conjunction with the related proposal for nutrition labeling. The Commissioner's decision with respect to nutrition labeling appears in this issue of the FEDERAL REGISTER (38 FR 2125). Because the food label information panel regulation would apply to all mandatory label requirements, in addition to nutrition labeling, it is considered separately in this final order. A total of 83 comments were received from consumers, consumer organizations, industry representatives, trade associations, and other interested persons, specifically related to the food label information panel proposal.

1. Nineteen comments questioned the legality of the proposal. Most of these stated generally that there does not seem to be any statutory authority for some of the proposed provisions in either the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act. The comments argued that neither act gives the Food and Drug Administration the authority to require an information panel or to regulate its exact location and the size of the type to be used. It was also asserted that there is nothing in the legislative history of either act to indicate that Congress intended to delegate to the Food and Drug Administration the power to prescribe the specific location of any label declaration.

The Commissioner concludes that sections 201, 403, and 701 of the Federal Food, Drug, and Cosmetic Act contain sufficient authority for the promulgation of this regulation. Section 403(a) provides that a food shall be deemed to be misbranded if its labeling is false or misleading in any particular, and section 201(n) states that the failure to include material information may be as misleading as the inclusion of false information. Section 403(f) further provides that a food shall be deemed to be misbranded if any of the information required by law to appear on the label or labeling is not prominently placed thereon with such conspicuousness and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The Commissioner has concluded that the information required to appear on the label or labeling would be misleading and lack sufficient prominence and conspicuousness to render it likely to be read and understood unless it appears in compliance with the requirements of new § 1.8d. Section 701(a) of the act provides that regulations may be issued for the efficient enforcement of the act, and accordingly this new regulation is fully authorized.

2. Three nutritionists commented in favor of a uniform location for nutrition information. The Society for Nutrition Education objected to nutrition information being restricted to either the principal display panel or the information panel, but recommended it be located in one area. The Massachusetts Consumer Council agreed with an information panel but recommended that the panel be defined in more detail concerning different package shapes and sizes. The Council on Children, Media and Merchandising objected to the defined restriction of the placement of the information panel. Forty-five members of industry and 33 trade associations, including one foreign association, also submitted comments. Some objected to the concept of an information panel as being impracticable, or recommended that the proposal concerning information panels be withdrawn. Virtually all comments from industry and trade associations objected to the requirement for placement of the information panel immediately to the right of the principal display panel as being too restrictive or as not being amenable to some products.

The Commissioner has considered all these comments. Information panels on food packages will contribute organization to labeling that will reduce confusion and promote better understanding, in the interest of consumers. In consideration of the impracticability of placing the information panel immediately to the right of the principal display panel in all cases, the revised regulation provides for variations in package shapes and sizes. If there is an impracticable panel "immediately to the right" or if the package is designed so that there is no such panel, the information panel will be permitted to appear on the next panel to the right. For example, cyclindrical containers with a principal display panel oriented along the horizontal (end-to-end) axis will be permitted to use some other part of the cylindrical surface for the required information panel rather than the container end. In cases where there are two or more alternate principal display panels, only one information panel is required, and any one of the two or more alternate principal display panels may bear the required information. Areas of space not used, e.g., between spot labels are not part of the label or information panel.

3. Several firms objected to the inclusion of certain mandatory information under § 1.8d, or objected to the requirement that this information appear either on the principal display panel or on the information panel. The Commissioner believes that this information should be easily and readily available to consumers and the requirement for placement on one of these panels is the most appropriate means of assuring this availability. Therefore, this requirement remains unchanged.

4. Concerning the minimum type size requirement of 1/16 inch there were comments that this provision is unnecessarily rigid and impractical, particularly with respect to small labels. Lesser minimum type sizes were suggested. Several comments expressed concern that certain existing labels, e.g., a milk bottle or soda pop bottle cap provide insufficient space to accommodate the information that would be required in view of the new nutrition labeling requirements under § 1.17. The Commissioner agrees that type size is only one of the elements which determines conspicuousness; however, type size is an important element that can be readily measured. Therefore, the final regulation retains a uniform type size and placement requirement, but provides that any interested person may petition the Commissioner to establish, where justified, a smaller type size or an alternative means of disseminating such information to consumers.

5. Exemptions were requested from the requirements of § 1.8d for random food packages, margarine, and salt on the basis of conflict with existing regulations. Section 1.1c (21 CFR 1.1c) exempts random food packages from certain requirements for declaration of quantity of contents. The standard of identity for margarine § 45.1 (21 CFR 45.1) requires ingredients to be stated on the principal display panel immediately preceding or following the name of the food. Section 3.87 (21 CFR 3.87) requires labels of salt and iodized salt to bear statements concerning iodide to appear on the principal display panel. The Commissioner concludes that existing regulations concerning random food packages, salt, and margarine do not conflict with the requirements of § 1.8d, and that there is no reason for exempting these products from the requirements. Those existing regulations remain effective and are not changed by § 1.8d.

6. In response to other concerns expressed in the comments, the Commissioner advises that:

(a) The term "label" is defined in section 201(k) of the Federal Food, Drug, and Cosmetic Act to mean "a display of written, printed, or graphic matter upon the immediate container of any article * * *."

(b) Information required by the regulation may be repeated in whole or in part elsewhere on the label, provided it is not misleading.

(c) Information not required to appear on the principal display panel or information panel is not subject to the type size restrictions.

The Commissioner concludes, having considered the comments received and other relevant material, that the proposed regulation with changes, should be adopted as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a)), and under authority delegated to him (21 CFR 2.120), Part 1 is amended by adding a new § 1.8d, as follows:

§ 1.8d Food labeling; information panel.

(a) The term "information panel" as it applies to packaged food means that part of the label immediately to the right of the principal display panel as observed by an individual facing the principal display panel with the following exceptions:

(1) If the part of the label immediately to the right of the principal display panel is too small to accommodate the necessary information or is otherwise unuseable label space, e.g., folded flaps or can ends, the panel immediately to the right of this part of the label may be used.

(2) If the package has one or more alternate principal display panels, the information panel is immediately to the right of any principal display panel.

(3) If the top of the container is the principal display panel and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.

(b) All information required to appear on the label of any package of food pursuant to §§ 1.8a, 1.8c, 1.10, 1.17, 1.18, and Parts 80 and 125 of this chapter shall appear either on the principal display panel or on the information panel unless otherwise specified by regulations in this chapter.

(c) All information appearing on the principal display panel or the information panel pursuant to this section shall appear prominently and conspicuously, but in no case may the letters and/or numbers be less than 1/16 inch in height unless an exemption pursuant to paragraph (e) of this section is established. The requirements for conspicuousness and legibility shall include the specifications of §§ 1.8b(h) (1) and (2) and 1.9.

(d) All information appearing on the principal display panel or on the information panel pursuant to this section shall appear on the same panel unless there is insufficient space. If there is insufficient space for all of this information to appear on a single panel it may be divided between these two panels except that the information required pursuant to any given section or part shall all appear on the same panel.

(e) If the label of any package of food is too small to accommodate all of the information required by §§ 1.8a, 1.8c, 1.10, 1.17, 1.18, and Parts 80 and 125, the Commissioner may establish by regulation an acceptable alternative method of disseminating such information to the public, e.g., a type size smaller than 1/16 inch in height, or labeling attached to or inserted in the package or available at the point of purchase. A petition requesting such a regulation, as an amendment to this paragraph, shall be submitted to the Hearing Clerk in the form established in § 2.65 of this chapter.

Effective date. All labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974 shall comply with this regulation.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-987 Filed 1-18-73;8:45 am]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Nutrition Labeling

In the FEDERAL REGISTER of March 30, 1972 (37 FR 6493), the Commissioner of Food and Drugs proposed a new section on nutrition labeling under Title 21. Individuals and organizations submitted 3,140 comments on the proposal. These included 2,863 comments from individual consumers, 71 from consumer groups and dietetic associations, 57 from professionals, 24 from representatives of governmental agencies including State and local groups, 84 from food manufacturers and distributors, and 41 from trade associations. Comments received from all of these groups and individuals strongly favored nutrition labeling, with the exception of 23 replies which contained negative views of the basic concepts of the proposal.

Mandatory nutrition labeling. Some 290 consumers and 15 consumer groups believe that nutrition labeling should be mandatory for all foods. The Commissioner has concluded that insufficient information is known about the nutrient content and variability of some foods, and that the analytical methodology and capability of some food manufacturers, processors, and distributors is inadequate to permit adoption of a requirement at this time that all foods bear nutrition labeling. Experience under this new regulation is required before expansion to all foods on a mandatory basis can be considered.

Percentage labeling. Some 17 consumer groups requested percentage labeling of at least major food ingredients, e.g., the percentage of fruit juice and fruit drinks. The Commissioner has proposed a separate regulation dealing with this subject in the FEDERAL REGISTER of June 22, 1972 (37 FR 12327), and a final order will be issued on it in the near future.

Applicability of nutrition labeling. Numerous comments requested clarification of the circumstances under which nutrition labeling will and will not be applicable, and particularly the relationship between nutrition labeling and special dietary food labeling under 21 CFR Part 125. The final regulation clarifies both of these points.

Except for some standardized foods, the decision to add a vitamin or mineral to, or make a nutritional claim for, a food is entirely voluntary. The Commissioner has therefore concluded that, where a nutrient is added to a food, e.g., the addition of vitamin C to a breakfast drink, or a claim or information with respect to nutritional properties of a food is included in labeling or advertising, e.g., the amount of vitamin C in orange juice, or the fact that orange juice is a good source of vitamin C, or a general or specific reference to the caloric or fat content of a food, or any other representation that a food is useful in the daily diet because of any of the nutrient qualities covered in this regulation, the full nutrition labeling established in this regulation must be utilized. Only by having available this full nutrition labeling for a food to which such a nutrient is added or for which such claim or information is provided can such claim or information be evaluated and understood, and the food properly used in the diet. Without full nutrition labeling such claims or information would be confusing and misleading for lack of completeness, and could deceive consumers about the true nutritional value of the food, its overall nutritional contribution to the daily diet, and its nutritional weaknesses as well as strengths. Since addition of nutrients and use of nutrition claims or information is voluntary in most cases, the application of this new regulation on nutrition labeling is also voluntary. A manufacturer who does not wish to use nutrition labeling need not add nutrients to his products or refer to their nutritional properties in labeling or advertising.

All food standards providing for addition of nutrients or labeling of nutritional qualities have been reviewed. For most food standards, the addition of nutrients is optional and nutrition labeling is therefore entirely appropriate because the manufacturer is not required to add nutrients or to label nutritional properties. For those few food standards where the addition of nutrients and/or the labeling of nutritional properties is mandatory, the Commissioner has concluded that no hardship will be imposed by the application of nutrition labeling. Accordingly, none of these standardized foods is exempted from nutrition labeling. The Commissioner will consider requests for such exemptions on an ad hoc basis, based upon a showing of undue hardship.

Several food standards for enriched foods require labeling under 21 CFR Part 125. The addition of a nutrient or the use of a nutrition claim or information has in the past uniformly required the use of labeling under 21 CFR Part 125. The Commissioner has therefore reviewed the relationship of 21 CFR Part 125 to nutrition labeling and has reconciled them in a way designed to provide the maximum useful information to consumers.

In the past, the term "special dietary food" has been defined to include any food to which a nutrient has been added or for which nutrition claims or informa-

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tion have been used. This approach was adopted to assure that such foods would contain specific label information about the particular nutrient(s) involved, pursuant to regulations promulgated in 21 CFR Part 125, because until now general nutrition labeling for such foods was not considered feasible or appropriate. In fact, virtually all of the foods categorized as special dietary foods for purposes of requiring nutrient labeling have been intended for consumption by the general population and not by any particular small segment.

The development of general nutrition labeling, applicable to all foods, obviates continuation of nutrient labeling of these general purpose foods under 21 CFR Part 125, and permits replacement of this approach with broad nutrition labeling under new § 1.17 (21 CFR 1.17) as set forth below.

For some products, general nutrition labeling under § 1.17 is inappropriate and very specific special dietary food labeling under 21 CFR Part 125 is retained. These foods are exempted from § 1.17 in this final regulation. Such exempted foods include certain infant foods (for which separate labeling has been promulgated in 21 CFR 125.5); dietary supplements of vitamins and minerals (subject to a standard of identity promulgated elsewhere in this issue of the FEDERAL REGISTER as § 80.1 (21 CFR 80.1) and for which specific special dietary food labeling under 21 CFR Part 125 is appropriate); any food intended for use as the sole item of the diet (for which specific special dietary food labeling, including in some cases amino acid composition, is appropriate under 21 CFR Part 125); and foods represented for use solely under medical supervision in the dietary management of specific diseases and disorders (such as foods for the dietary management of inborn errors of metabolism, for which specific special dietary food labeling is also more appropriate under 21 CFR Part 125). In each of these instances, the broad approach adopted for nutrition labeling, which is clearly desirable for general consumer use, is inappropriate because of the need for more detailed and specific information and because the type of product involved is more readily susceptible to precise quality control of the nutrient levels.

To correct the present references in several food standards to labeling under 21 CFR Part 125, the Commissioner is proposing elsewhere in this issue of the FEDERAL REGISTER to amend all such standards to provide that the reference be changed to new § 1.17, 21 CFR Part 125, which is the subject of a separate order published elsewhere in this issue of the FEDERAL REGISTER, also clarifies the intended application of § 1.17 by providing that the term "special dietary use" as applied to food used by man means a particular use for which an article purports or is represented to be used, including supplying a vitamin, mineral, or other dietary property for use by man to supplement his diet by increasing the total dietary intake, except for foods for which nutrition labeling is used as required pursuant to § 1.17.

The revision of 21 CFR Part 125 published elsewhere in this issue of the FEDERAL REGISTER relates only to §§ 125.1–125.3, and does not deal with § 125.6 (relating to food used in control of body weight or in dietary management with respect to disease). Although a revision of § 125.6 has been proposed and was included as part of the 1968–70 Special Dietary Food Hearings, the Commissioner has not yet acted upon this aspect of those hearings.

As already explained, any reference in labeling or advertising to protein, fat, carbohydrates, or calories will result in a requirement that the food bear full nutrition labeling pursuant to new § 1.17. Under § 125.6, which is more limited in its application than § 1.17, specific claims relating to weight control or dietary management of disease result in a requirement that the product bear a statement of the percent by weight of protein, fat, and carbohydrates, and the number of calories. In view of the wording of new § 1.17, there will be no situation in which § 125.6 will be applicable and § 1.17 will not be applicable. Moreover, § 1.17 requires that the information set out in § 125.6 be included in nutrition labeling in the format established in § 1.17. Thus, these two regulations are entirely consistent, and there is no need to amend § 125.6 to accommodate nutrition labeling at this time. The Commissioner intends to review the need for § 125.6, and to act upon the related issue of claims based upon caloric content of a food, in the context of the proposals which were the subject of the Special Dietary Food Hearings, in the near future.

Sodium declaration. Several authorities indicated the value of continuing to list sodium content of foods, without listing other nutrients, for those on a sodium-controlled diet. This need has been met by permitting the listing of sodium in milligrams per serving, without subjecting the label to the requirements of nutrition labeling. Any such label declaration must be in compliance with § 125.9. However, § 1.17 provides for the inclusion of sodium content within nutritional labeling when the manufacturer so chooses. When a sodium content declaration is included in full nutrition labeling, the sodium content declaration shall appear immediately following the statement on fat content.

Cholesterol declaration. Because of the interest of many individuals and medical authorities, the Commissioner has concluded that it is in the best interest of the consumer to permit listing of cholesterol content without subjecting the label to the requirement of full nutrition labeling. Any such label must be in compliance with § 1.18, which is published in this issue of the FEDERAL REGISTER. However, § 1.17 provides for the inclusion of cholesterol content when the manufacturer chooses. When a cholesterol declaration is included in full nutrition labeling, the declaration shall appear immediately following the fat statement.

Infant, baby, and junior food. Manufacturers of strained conventional foods for infants and children asked that they be permitted to use a standard for nutrition labeling applicable to children under 4 years of age. This has been provided for in the final order by permitting these products to utilize the recommended daily allowances for children under 4 years of age as set forth in new 21 CFR 125.1(b), which is published elsewhere in this issue of the FEDERAL REGISTER, and a corresponding average serving size.

Reference standard. The problem of selecting a proper reference standard for nutrient levels drew considerable comment. The change from use of the outdated Food and Drug Administration Minimum Daily Requirement (MDR) values to use of a standard derived from the National Academy of Sciences-National Research Council (NAS–NRC) Recommended Dietary Allowance (RDA) values was approved by all who commented. Several specialists in the area of human nutritional needs commented on the selection of the proper reference standard and its nomenclature. Most of these specialists agreed that, to be useful for labeling, the table of the NAS–NRC report "Recommended Dietary Allowances" needs simplification. Suggestions included calculating a weighted mean Recommended Dietary Allowance (RDA) value, omitting or including infants and pregnant women, and using one specific RDA group, such as the 22-to-35-year-old male or female. An NAS–NRC ad hoc Conference on Nutritional Labeling held July 24–26, 1972, in Washington, D.C., recommended use of the adult male standard, adding an allowance for vitamin D.

The need was recognized for the development of a single set of standard nutrient requirements applicable to nutritional labeling and other regulations with nutrition components. After consideration of the comments on the nutrition labeling proposal and other available information, a standard set of values, to be known as the U.S. Recommended Daily Allowances (U.S. RDA), was developed. The designation "U.S. RDA" will distinguish this set of values from any single set of NAS–NRC RDA values. These U.S. RDA values were derived from the highest value for each nutrient given in the NAS–NRC tables for males and nonpregnant, nonlactating females 4 or more years of age, except for calcium, phosphorous, biotin, pantothenic acid, copper, and zinc.

The highest values were selected to assist all segments of the population. Further, the differences between the highest values and some specific set of values for a single sex or sex group or a median or mean for the group are generally minor. The U.S. RDA values for calcium and phosphorous (both 1 gram) are not the highest values in the above-cited NAS–NRC tables for these nutrients; both (1 gram), because of their physiological

and solubility, the wide variability in requirements depending on age (0.8 to 1.4 grams), the human requirements of approximately 1 gram generally accepted in the United States, and the lower values generally advocated by international nutrition groups, e.g., the FAO/WHO Expert Group on Calcium Requirements.

Two members of the National Advisory Food Committee to the Food and Drug Administration pointed out that the National Academy of Sciences has not tabulated RDA values for biotin, pantothenic acid, copper, and zinc, although these nutrients are now recognized as essential in human nutrition. While biotin, pantothenic acid, copper, and zinc are so widely distributed in conventional foods that it would be difficult to select a diet in which they would be deficient, they are essential nutrients and are included as optional nutrients in dietary supplements in 21 CFR 80.1. Therefore, the Commissioner has concluded that it is appropriate to include biotin, pantothenic acid, copper, and zinc, in nutrition labeling at this time. In addition, evidence of zinc deficiency in some segments of the population also supports the conclusion that zinc should be included in nutrition labeling.

It is anticipated that the U.S. RDA values will be amended periodically to concur with major changes that may be made in the National Academy of Sciences-National Research Council RDA values.

Standardized format. The Food and Drug Administration proposed a standardized format for listing seven commonly analyzed nutrients. This proposal was well received by consumers, consumer groups, and most professionals and teachers. The intense interest of consumer groups in inclusion of all seven nutrients in the standardized format has been reiterated several times. Industry, however, strongly opposed listing nutrients that were not present, emphasizing that this is a negative approach to nutrition labeling and referring to it as "negative labeling." Recognizing the validity of both views, the Commissioner has concluded that it is reasonable to require a standard seven-nutrient format unless a food contains less than 2 percent of the U.S. RDA for four or more of the seven nutrients. In the latter case, the manufacturer or distributor may list no more than three nutrients without listing the seven required by the standard format. Where the standard seven-nutrient format is not used, it is necessary to add the statement "contains less than 2 percent of the U.S. RDA of ------" listing whichever of the seven nutrients for which specific levels have not been declared.

The original proposal indicated that quantities of nutrients at levels less than 5 percent of the RDA would be considered insignificant and would have to be labeled to show consumers this fact. Suggestions were made that levels of nutrients less than the lowest increment be designated by an asterisk opposite the given nutrient or nutrients in the standard seven-nutrient format with a reference statement "less than ------ percent of the RDA." After careful consideration of these comments, the regulation has been changed to provide that nutrients present in amounts less than 2 percent of the U.S. RDA may be indicated by a zero, or by an asterisk referring to another asterisk placed at the bottom of the table and followed by the statement "contains less than 2 percent of the U.S. RDA of this (these) nutrient (nutrients)."

Labeling increments. The question of "negative labeling" is linked to the labeling increments used. Many of the objections to a standardized format disappear when the lower limit for a serving is decreased from the proposed 5 percent of the reference standard of a nutrient to 2 percent of that standard. Such small increments appear to be approaching the limits of accuracy of the analytical methods. However, practicing nutritionists pointed out that nutritionally acceptable diets could be assembled with foods that had nutrient contents that are virtually all below the proposed 5 percent cutoff value. Nutrition labeling is voluntary, and manufacturers need positive reasons for using nutrition labeling if it is to be widely accepted and of optimum value to the consumer. In recognition of these views, the regulation includes use of a standard format, but with reduction of the increments to 2 percent for levels up to and including 10 percent of the reference standard and to 5 percent for levels above 10 percent and up to and including 50 percent of the reference standard. As originally proposed, 10 percent increments of the U.S. RDA will be used for content above 50 percent.

Combination packaging. Comments were received from manufacturers asking if foods commonly combined with other ingredients could have nutrition labeling which stated nutrition information for the food plus the ingredients, e.g., a dry cake mix plus the eggs and milk required for producing a finished cake, or dry ready-to-eat breakfast cereal plus milk. Although combined values provide the consumer with a better view of the nutritional value of the food, the consumer will not realize the nutritional value of the specific product purchased if only such combined values are provided. It appears reasonable to require that the label state separately the nutrition information for the specific food product and, if the manufacturer desires, to give the nutrition information for the product plus the other ingredients in a second column of values. The manufacturer must clearly identify the other ingredients, and the quantity used as part of one serving of the final food as consumed, e.g., ½ cup of vitamin D milk, or 1 tablespoon of butter.

It was pointed out that a number of food products are comprised of two or more separately packaged ingredients enclosed in an outer container, and if nutrition information were placed on the labels of the individual packaged ingredients, the consumer would be unable to use the information at point of purchase. It is reasonable to require the manufacturer to place nutrition information on the outer container for the combination of the individual ingredients and the total product. However, when two or more food products are simply combined together in such a manner that no outer container is used, or no outer label is available, each product shall have its own nutrition information statement, e.g., two boxes taped together or two cans combined in a clear plastic overwrap.

Fortification guidelines and nutritional claims. The subject of labeling increments and "negative labeling" is inextricably involved with the problem of "nutrient races" and promiscuous fortification. Several educators and professionals cautioned that guidelines for adding nutrients were needed. Nutrition labeling is designed to provide consumers with a means for identifying the nutrition properties of a food, and is not intended to encourage or suggest that foods with apparently low nutrient content should be fortified in order to give an improved nutrition label statement. In addition to existing regulations pertaining to nutrition fortification, the Food and Drug Administration intends to publish regulations that will govern nutrient additions. These regulations will include nutritional quality guidelines for specific classes of foods and standards of identity. Also governing nutrient additions are the regulations dealing with special dietary foods (1 CFR 125.1–125.3) and a standard of identity for dietary supplements of vitamins and minerals (21 CFR 80.1), published elsewhere in this issue of the FEDERAL REGISTER. Until the new regulations dealing with fortification become effective, the Food and Drug Administration will conduct frequent reviews of label practices of food manufacturers to prevent inappropriate and irrational addition of nutrients. Unwarranted claims or emphasis based on fortification constitute misbranding in violation of section 403(a) of the act.

Some foods currently available to consumers have added nutrients at levels of 50 percent or more of the U.S. RDA per serving and are promoted as a form of dietary supplement. The Commissioner has concluded that such products are dietary supplements of vitamins and minerals. Thus, if vitamins and/or minerals are added to a food so that a single serving provides 50 percent or more of the U.S. RDA of any one of the added vitamins and/or minerals, unless such addition is permitted or required in other regulations, e.g., standards of identity or nutritional quality guidelines, such food is a dietary supplement that is subject to and must conform to the standard of identity set forth in 21 CFR 80.1 as related to vitamins and minerals, as well as conforming to the requirements of nutrition labeling relating to nutrients other than vitamins and minerals.

With the selection of smaller increments (2 percent) below the 10 percent level, there is concern that claims of nutrient superiority of one food over another based solely on small differences could become a problem. The smaller in-

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crements were selected in order to provide more useful nutrition labeling for consumers, because otherwise the cumulative amounts of low nutrient levels would not be known (e.g., it is estimated that 20 percent to 40 percent of the daily nutrient supply is obtained from foods containing less than 5 percent of the U.S. RDA in a serving); the small increments are not intended to suggest that a 2 percent or 5 percent difference in one food is itself significant. When making claims of nutrient superiority of one food over another, a difference of less than 10 percent of the U.S. RDA is not considered significant. Thus, any label claims for nutritional superiority, or claims that a product makes a significant contribution to the daily allowances of a nutrient(s), will be evaluated by this 10 percent standard.

Comments were received calling attention to the possible abuse of nutrition labeling by the use of labeling claims for specific properties of a food in the prevention or treatment of diseases or disorders, or suggesting that conventional foods in the U.S. diet, as usually prepared, are inadequate to meet nutritional needs or that "natural" sources of vitamins are different and better than vitamins chemically produced or in isolated form. These problems were also pointed out during the 1968–70 Special Dietary Hearings as reflected in the findings of fact and conclusions of law in 21 CFR Part 125 published elsewhere in this issue of the FEDERAL REGISTER. Based upon the foregoing, the Commissioner concludes that a food labeled under the provisions of this section shall not be considered to be in conformity with the requirements of sections 201(n) and 403(a) of the act if its labeling represents, suggests, or implies:

1. That the food, because of the presence or absence of certain dietary properties, is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom.

2. That a diet of ordinary foods cannot supply adequate amounts of nutrients.

3. That the lack of optimum nutritive quality of a food, by reason of the soil on which that food was grown, is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

4. That the storage, transportation, processing, or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of diets.

5. That the food has dietary properties when such properties are of no significant value or need in human nutrition. Over the years there have been a number of ingredients or products marketed as nutrients and nutritional supplements which have not been shown to be essential in human nutrition. This point was discussed in considerable detail during the 1968–70 Special Dietary Food Hearings. Among ingredients or products of this type are rutin, other bioflavonoids, para-aminobenzoic acid, inositol, and similar ingredients or products. These ingredients or products have frequently been combined with vitamins and minerals or otherwise represented as a type of nutritional supplement. In these situations, there is a false representation that these ingredients or products have nutritional value. The Commissioner has concluded that for ingredients or products of this type there may not properly be made direct or implied nutritional claims, and that in no instances can these ingredients or products be represented in any way that suggests a nutritional value. Combining these ingredients or products with added vitamins and/or minerals in any food, or adding these ingredients to any food for which nutrition labeling is used, or calling attention to these ingredients or products in a manner which would be considered to imply some nutritional benefit, is inherently misleading. Labeling of such ingredients or products may not state that their usefulness in human nutrition has not been established or otherwise disclaim dietary or therapeutic value since such statements are also misleading. The Commissioner recognizes that there are individuals who desire to purchase ingredients or products of this type for various reasons. These individuals have a right to obtain these ingredients or products as long as they are truthfully labeled. Thus, ingredients or products of this type may properly be marketed as individual ingredients or products or mixtures thereof, provided that no nutritional or dietary supplement claims or disclaimers are made.

6. That a natural vitamin in a food is superior to an added vitamin, or to differentiate in any way between vitamins naturally present from those added.

Protein quality. Wide divergence of opinions and views appears regarding the need to have a measure of protein quality. Suggestions for rating protein quality ranged from comprehensive scaling factors to simple delineation of vegetable and animal protein sources. Measures of protein quality are complex and expensive and commonly are related to use of the given protein as a unique source during the test. Despite the difficulty of selecting a standard, consumers should be protected against indiscriminate use of various low-quality sources of protein.

The 65-gram figure cited in the proposal is the value listed in the NAS–NRC report, "Recommended Dietary Allowances," 1968. This figure presumes consumption of a mixture of protein sources, and is therefore a reasonable value for proteins in general. The above report further lists 45.5 grams of "ideal" protein as the RDA. For this reason, 45.5 grams, or the integral value of 45 grams, is a reasonable figure for high-quality protein.

Extensive subdivision of protein types or qualities does not appear justified at this time in view of the current state of scientific knowledge in this area. The common measure of the quality of all the protein in a food is the Protein Efficiency Ratio (PER), an expensive and time-consuming biological feeding study that uses test animals. This is not an ideal measure for this purpose, even though it is the best currently available. A simplified approach to the designation of protein quality has therefore been devised.

A value of 45 grams of total protein has been selected as the U.S. RDA for protein having a PER value equal to or greater than that of casein. A value of 65 grams of total protein has been selected as the U.S. RDA for protein having a PER value less than that of casein. This gross separation of protein types reduces the need for extensive PER determinations. Total protein having a PER value less than 20 percent of the PER of casein shall not be stated on the label in terms of percent U.S. RDA, and shall be designated as "not a significant source of protein." This approach will be revised if further research provides a better answer to this difficult problem.

Compliance levels. The setting of practical limits of variation in nutrient levels for compliance purposes was the subject of extensive comments by some trade associations and manufacturers. Some 26 manufacturers and 16 trade associations opposed the compliance limits as listed in the proposal. However, none suggested a viable alternative. A few consumer groups and professionals spoke directly to this point; they were in favor of tighter compliance limits than those proposed. These views illustrate the complicated and interrelated problems involved in setting compliance limits for nutrition labeling.

The Commissioner is aware that there is natural variation in the nutrient content of food products. In developing a nutrition labeling system, it is therefore important that the manufacturer be permitted a sufficient tolerance so that he may provide useful nutrition information on the label without incurring excessive control costs, which would result in a significant price increase to the consumer. However, consumers have a right to expect that nutrition labeling honestly represent the products they buy. The change from the proposed label increments of 5 percent to increments of 2 percent permits more accurate representation of nutient levels and increases the necessity of a compliance mechanism. This regulation has as its objective assuring compliance with requirements for average nutrient levels for units in a lot, with only as much variability among individual units as is inherent in the nutrients when foods are processed under good manufacturing practices.

The Commissioner realizes that manufacturers can exert varying degrees of control over the nutrient content of food products. Considerable control can be exerted over the nutrient levels when individual nutrients are added as specific substances. When discrete nutrients consisting of vitamins, minerals, and/or protein are added for the purposes of increasing the nutrient claims as a percent of the U.S. RDA, it is reasonable to require that compliance procedures be rigid. The compliance procedures set forth below for foods to which nutrients are so added require relatively exact nutrient levels in relation to label claims. Less variation in nutrient level is expected in a nutrient that is added to a

food than in a naturally occurring (indigenous) nutrient in a food. When any ingredient which contains a naturally occurring (indigenous) nutrient is added to a food it is not considered an addition for purposes of classification and such food shall be evaluated for compliance purposes in terms of naturally occurring (indigenous) nutrients unless the same nutrient is also added.

Therefore, nutrients in foods will be divided generally into two classes for compliance purposes. These two classes are:

Class I. Added nutrients in fortified or fabricated foods.

Class II. Naturally occurring (indigenous) nutrients.

If a vitamin, mineral, or protein, or an ingredient containing such an added nutrient, is added to a food, the total amount of each such nutrient in the final food product is subject to Class I requirements with certain exceptions.

For either Class I or Class II nutrients, the compliance procedures must be applied to a definitive grouping of product units. Depending on the outcome of the compliance evaluation by the Food and Drug Administration, this grouping will either be considered as correctly labeled and therefore satisfactory for retail sale, or as mislabeled and subject to a regulatory action. Conventionally, such a grouping is a convenient collection of primary containers or units of the same size, type, and style, produced under conditions as nearly uniform as possible, e.g., production from a single shift or day, and designated by a common container code or marking. A collection of products defined in this way is termed a "lot" and is the basic unit to which the compliance procedures shall be applied.

Complete assurance that a lot is or is not in compliance with the labeled nutrient values would of course require destructive analysis of the entire lot. Therefore, a statistical approach involving analysis of a representative sample from the lot is required. Any such approach entailing examination of only a portion of the lot is subject to the possibility of an incorrect compliance decision. However, the differentiation between Class I and Class II nutrients, linked to a valid sampling plan, permits the derivation of a logical compliance procedure, which reduces the chance of an incorrect decision to a tolerable level.

In order to select a representative sample from a lot, the sampling must be accomplished while the lot is still reasonably intact. At the same time, the concern in nutrition labeling is that the label accurately reflect the nutrient level available to the consumer at the point of purchase. Both of these objectives will be satisfied by sampling the product at the manufacturer, wholesaler, or chain store warehouse.

Sample units are customarily combined to form a composite for nutrient analysis. Therefore, compliance procedures will be based on composite analysis. Such a composite must be formed from 12 consumer units chosen in a random fashion so as to be representative of the lot. The composites will be analyzed by the Association of Official Analytical Chemists (A.O.A.C.) methods where available or by appropriate analytical procedures the agency considers reliable.

The agency is prepared to provide guidance to manufacturers in relation to analytical procedures which will be used by the agency for compliance. For those cases in which an A.O.A.C. method is not available for a labeled nutrient, alternative methods of analysis may be submitted to the Food and Drug Administration to determine their acceptability.

In order to assure that the average nutrient level of a lot meets the label declaration for that nutrient, according to statistical projection, the following criteria shall be met:

Class I. The nutrient content of the composite shall be at least equal to the value for that nutrient declared on the label.

Class II. The nutrient content of the composite shall equal at least 80 percent of the value for that nutrient declared on the label.

Although the greater variability of Class II nutrients requires a different statistical approach, the average nutrient content of the lot will nonetheless be the same as for a Class I nutrient.

The above minimum composite values, together with suitable measures of variation among individual units in a lot, are sufficient to describe the compliance limits statistically, and to protect both the consumer and the manufacturer. The degree of flexibility permitted for composites in the case of Class II nutrients reflects both the degree of fluctuation in nutrient levels and the present lack of sufficient detailed data on nutrient variability. As data are accumulated through experience with nutrition labeling, it is anticipated that a lesser degree of flexibility may be needed.

The effectiveness of this compliance approach stems from the following considerations. Lots with different average nutrient levels will yield composites with different nutrient values. However, even for lots with the same average nutrient level, different composite values will result. Some composite values will be less than, some equal to, and some greater than the average nutrient level in the lot depending on the nutrient contents of the individual containers composited. Therefore, the actual composite value obtained depends not only on the average lot nutrient level but also on the variation in nutrient contents among individual containers in the lot. In general, the higher the lot average the higher the composite value, and the less variation among individual containers the closer the composite values will be to the lot average. The flexibility noted above for Class II nutrients reflects this dependence on variability.

With these compliance procedures, the chance of a lot being considered acceptable depends not only on the average nutrient level of individual units in the lot but also on their variability with respect to the average. It is assumed that Class I nutrient levels in individual containers will vary in such a way that they will have a standard deviation no larger than 10 percent of the lot average, and that Class II nutrients will have a standard deviation no larger than 25 percent of the lot average. For these variability assumptions, the stated compliance procedures will assure maintenance of average nutrient levels in the lot at or slightly above the label values. At the same time, these compliance procedures will provide reasonable protection against appreciable numbers of individual containers having nutrient levels below the label values. At the assumed level of variability in nutrient levels, the above compliance procedures afford reasonable protection to both producer and consumer.

The above discussion presumes that excesses of nutrients over labeled amounts in accord with good manufacturing practices are acceptable. However, many consumers are particularly interested in the caloric or fat content of foods for purposes of control of caloric or fat intake. The compliance methods that apply to other nutrients are therefore also made applicable to labeled caloric or fat values, with the composite sample values being required to be no more than 20 percent above the value appearing in the label.

The compliance procedures cited have been statistically evaluated and judged to be adequate. Additional information in this regard may be obtained from the Food and Drug Administration statistical staff. Should additional information become available that justifies any change in these compliance provisions, the provisions will be amended.

Representative values. Some 22 companies and 21 trade associations felt that "representative" values based upon averages of surveys made over the years, rather than actual analytical values based on current testing of lots of the manufacturer's product, should be permitted as a basis for labeling for many foods. The consumer groups generally favored use of current analytical values.

The Commissioner is aware of current efforts of the U.S. Department of Agriculture and industry to provide data and programing for a nutrient-data bank. The Food and Drug Administration applauds these efforts and encourages the groups involved to submit for such a bank data which will provide valuable information for industry, consumers, and governmental agencies. At the present time, however, the data available from survey averages are incomplete, and thus unsuitable as a basis for labeling claims. Moreover, processes of various manufacturers differ enough that comprehensive data may never provide a single representative "industry average" for processed foods. The consumer has a right to expect that nutrition labeling will honestly represent the food in the package. It is therefore essential that "representative" data be checked at this time by analysis of sufficient individual lots to give assurance that the labeled value adequately represents the product offered, at least until accurate and complete data are available on an industry-wide, regional, and manufacturer basis.

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Comprehensive data obtained over a period of time for an individual product will undoubtedly yield more information on nutrient variability, and thus provide greater certainty with fewer product analyses. Proper statistical sampling by a manufacturer can also reduce the number of analyses to provide the required level of certainty.

Raw agricultural commodities. Some trade associations state that raw agricultural commodities, and particularly fresh fruits and vegetables, cannot be accurately labeled from a nutritional standpoint. They emphasize the natural variation of nutrients in various types of produce due to climate, species, growing conditions, and other factors.

The Commissioner is aware that certain of the problems inherent in nutrition labeling are increased in fresh fruits and vegetables. The answer to these problems lies not in exempting these products from nutrition labeling or in permitting inaccurate labeling, but in obtaining the information necessary for complete and accurate nutrition labeling.

For the reasons already given above, "representative" data for these products from handbooks and literature references do not presently provide an adequate basis for labeling. It is essential to establish accurate and complete analytical values for each product, and perhaps for each variety in each region. There is a steady increase in valid nutrient composition data on raw and fresh foods from State departments of agriculture, industry, universities, and Federal laboratories. The Commissioner believes that promulgation of this regulation will encourage such research, since the data obtained will serve as the basis for the expansion of nutrition labeling for fresh produce.

Serving size. Eighteen consumer groups and some professionals recommended that the Food and Drug Administration establish standard serving sizes. Some 13 manufacturers and five trade associations also requested such standardization. Standardization of serving sizes for foods requires close coordination of consumer representatives and members of the particular industry involved. Use of an overly large serving gives an inflated idea of nutrient content, but reduces the number of servings per package. The advent of nutrition labeling thus provides additional incentive for proper standardization of serving sizes. The term "serving" means that reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity. A label statement regarding a serving shall be in terms of a convenient unit of such food or a convenient unit of measure that can be easily identified as an average or usual serving and can be readily understood by purchasers of such food (e.g., a serving may be expressed in slices, cookies, or wafers; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls). A teaspoonful shall be considered to mean 5 milliliters (approximately ⅙ fluid oz.) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately ½ fluid oz.) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid oz.) in volume. Where there are no established reasonable standard serving sizes, the Commissioner intends to develop a procedure for establishing such reasonable standard serving sizes.

The Commissioner has therefore concluded, on the basis of currently available information, that nutrition labeling shall be based on the following general criteria:

1. Vitamins and minerals shall be expressed as a percentage of the U.S. Recommended Daily Allowances (U.S. RDA).

2. The nutrient content shall be related to a serving of the food expressed in common household terms or easily identifiable units.

3. The labeling shall indicate the caloric content and the amounts (in grams) of protein, carbohydrate, and fat in the product.

4. A complete listing of the seven commonly analyzed vitamins and minerals shall appear on the label of the product in a standard format, unless a food contains less than 2 percent of the U.S. RDA for each of four or more of the seven nutrients, in which case the manufacturer may choose to list only those nutrients present at 2 percent or more of the U.S. RDA with appropriate disclaimer for the nutrients not listed.

5. A listing of protein content shall appear on all products unless the product contains no substantial amount of protein. A method has been devised to protect the consumer against misrepresentation of low-quality proteins.

6. Nutrition information provided for by other regulations shall also appear in the same single panel on the label.

It is recognized that experience under this approach, as well as new information, may lead to desirable modifications. The Commissioner will review the regulation periodically, on his own initiative and at the request of others, and will propose and adopt whatever changes are shown to be in the public interest.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner hereby adds the following new section to Part 1 of title 21:

§ 1.17 Food; nutrition labeling.

(a) Nutrition information relating to food may be included on the label and in the labeling of a product: *Provided*, That it conforms to the requirements of this section. Except as provided in paragraph (h) of this section, inclusion of any added nutrient in a product or of any nutrition claim or information, other than sodium and/or cholesterol content, on a label or in advertising for a food subjects the label to the requirements of this section, and in labeling for a food subjects the label and that labeling to the requirements of this section except that the label of a food will not be subject to the requirements of this section solely because of a manufacturer's or distributor's direct written reply to an unsolicited request for information on cholesterol or fatty acid content of such a food. If vitamins and/or minerals are added to a food so that a single serving provides 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) for adults and children 4 years or more of age, as specified in § 125.1 of this chapter, of any one of the added vitamins and/or minerals, unless such addition is permitted or required in other regulations, e.g., a standard of identity or nutritional quality guideline, or is otherwise exempted by the Commissioner, the food shall conform to the standard of identity set forth in § 80.1 (21 CFR 80.1), but shall also conform to the labeling established in § 80.1, except that the labeling established in pargaraph (c) of this section, including the order for listing vitamins and minerals established in paragraph (c)(7)(iv), shall be used in lieu of the labeling established in 21 CFR 80.1(i)(1).

(b) All nutrient quantities (including vitamins, minerals, calories, protein, carbohydrate, and fat) shall be declared in relation to the average or usual serving. The term "serving" means that reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, or by an infant or child under 4 years of age when the article purports or is represented to be for consumption by an infant or child under 4 years of age. A label statement regarding a serving shall be in terms of a convenient unit of such food or a convenient unit of measure that can be easily identified as an average or usual serving and can be readily understood by purchasers of such food (e.g., a serving may be expressed in slices, cookies, or wafers; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls). A teaspoonful shall be considered to mean 5 milliliters (approximately ⅙ fluid oz.) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately ½ fluid oz.) in volume; and a cupful shall be considered to mean 240 milliliters approximately 8 fluid oz.) in volume. The weight of the serving may also be expressed in grams.

(c) The declaration of nutrition information on the label and in labeling shall contain the following information in the following order, using the headings specified, under the overall heading of "Nutrition Information":

(1) "Serving size": A statement of the serving size.

(2) "Servings per container": The number of servings per container.

(3) "Caloric content": A statement of the caloric content per serving, expressed to the nearest 10-calorie increment. Caloric content shall be determined by the Atwater method as described in A. L. Merrill and B. K. Watt, "Energy Value

of Foods—Basis and Derivation", USDA Handbook 74 (1955).[1]

(4) "Protein content": A statement of the number of grams of protein in a serving expressed to the nearest gram.

(5) "Carbohydrate content": A statement of the number of grams of carbohydrate in a serving, expressed to the nearest gram.

(6) "Fat content": A statement of the number of grams of fat in a serving, expressed to the nearest gram. Fatty acid composition, cholesterol content, and sodium content may also be declared in compliance with §§ 1.18 and 125.9 of this chapter.

(i) When fatty acid composition is declared, the information on fatty acids required by § 1.18 shall be placed on the label immediatly adjacent to the statement of fat content. The declaratory information statement required by § 1.18(e) shall be placed either immediately following the statement on fat and fatty acids or shall be appropriately referenced by symbol and placed immediately following the completed nutrition information statement.

(ii) When cholesterol content is declared, the information on cholesterol required by § 1.18(c) shall immediately follow the statement on fat content (and fatty acids, if stated). The declaratory information statement required by § 1.18(i) shall be placed either immediately following the statement on cholesterol or shall be appropriately referenced by symbol and placed immediately following the completed nutrition information statement.

(iii) When both fatty acid and cholesterol information are provided, the declaratory information statement may be combined as permitted by § 1.18(i).

(iv) When sodium is declared, the information on sodium required by § 125.9 of this chapter shall be placed on the label immediately following the statement on fat content (and fatty acid and/or cholesterol, if stated).

(7) "Percentage of U.S. Recommended Daily Allowances of protein, vitamins, and minerals": A statement of the amount per serving of the protein, vitamins, and minerals, as described in this subparagraph, expressed in percentage of the U.S. Recommended Daily Allowance (U.S. RDA).

(i) The percentages shall be expressed in 10 percent increments, except that 2 percent increments shall be used up to and including the 10 percent level, 5 percent increments above 10 percent and up to and including the 50 percent level, and 10 percent increments above the 50 percent level. Nutrients present in amounts less than 2 percent of the U.S. RDA may be indicated by a zero, or by an asterisk referring to another asterisk placed at the bottom of the table and followed by the statement "contains less than 2 percent of the U.S. RDA of this (these) nutrients (nutrients)." However, when a product contains less than 2 percent of the U.S. RDA for each of four or more of the seven nutrients specified in paragraph (c)(7)(iii) of this section, the manufacturer or distributor may choose to declare no more than three of those nutrients and none of the remainder listed in paragraph (c)(7)(iv) of this section. The statement "contains less than 2 percent of the U.S. RDA of _____", listing whichever of the seven nutrients are present at less than 2 percent of the U.S. RDA and have not been declared, shall directly follow the declared nutrients in the same type size. Any nurtient declared shall always appear in the order established in paragraph (c)(7)(iv) of this section.

(ii) The declaration of protein, which shall come first, shall be a statement of the amount per serving of protein, expressed as a percentage of the U.S. Recommended Daily Allowance (U.S. RDA).

(*a*) The U.S. RDA of the protein in a food product is 45 grams if the Protein Efficiency Ratio (PER) of the total protein in the product is equal to or greater than that of casein, and 65 grams if the PER of the total protein in the product is less than that of casein. The percentage of the U.S. RDA shall be declared as described in paragraph (c)(7)(i) of this section.

(*b*) Total protein with a PER less than 20 percent of the PER of casein may not be stated on the label in terms of percentage U.S. RDA, and the statement of protein content in grams per serving under paragraph (c)(4) of this section shall be modified by the statement "not a significant source of protein" immediately adjacent to the protein content statement regardless of the actual amount of protein present.

(iii) The declaration of vitamins and minerals, which shall follow the protein declaration, shall include vitamin A, vitamin C, thiamine, riboflavin, niacin, calcium, and iron, in that order, and may include any of the other vitamins and minerals listed in paragraph (c)(7)(iv) of this section in the order listed therein.

(iv) The following U.S. Recommended Daily Allowances (U.S. RDA) and nomenclature are established for these vitamins and minerals, essential in human nutrition:

Vitamin A, 5,000 International Units.
Vitamin C, 60 milligrams.[1]
Thiamine, 1.5 milligrams.[1]
Riboflavin, 1.7 milligrams.[1]
Niacin, 20 milligrams.
Calcium, 1.0 gram.
Iron, 18 milligrams.
Vitamin D, 400 International Units.
Vitamin E, 30 International Units.
Vitamin B_6, 2.0 milligrams.
Folic acid, 0.4 milligram.[1]
Vitamin B_{12}, 6 micrograms.
Phosphorus, 1.0 gram.
Iodine, 150 micrograms.
Magnesium, 400 milligrams.
Zinc, 15 milligrams.
Copper, 2 milligrams.
Biotin, 0.3 milligram.
Pantothenic acid, 10 milligrams.

These nutrients and levels have been derived by the Food and Drug Administration from the "Recommended Dietary Allowances," published by the Food and Nutrition Board, National Academy of Sciences-National Research Council, and are subject to amendment from time to time as more information on human nutrition becomes available.

(v) No claim may be made that a food is a significant source of a nutrient unless that nutrient is present in the food at a level equal to or in excess of 10 percent of the U.S. RDA in a serving. No claim may be made that a food is nutritionally superior to another food unless it contains at least 10 percent more of the U.S. RDA of the claimed nutrient per serving.

(d) Products with separately packaged ingredients or to which other ingredients are added by the user may be labeled as follows:

(1) If a product is comprised of two or more separately packaged ingredients enclosed in an outer container, nutrition labeling of the total product shall be located on the outer container to provide information for the consumer at the point of purchase. However, when two or more food products are simply combined together in such a manner that no outer container is used, or no outer label is available, each product shall have its own nutrition information statement, e.g., two boxes taped together or two cans combined in a clear plastic overwrap.

(2) If a food is commonly combined with another ingredient(s) before eating and directions for such combination are provided, a second column of figures may be used to provide a list of the nutrient contents for the final combination (e.g., a dry ready-to-eat cereal may be described with one set of percentage U.S. RDA values for the cereal as sold (per ounce), and another set for the cereal and milk as suggested in the label (per ounce of cereal and ½ cup of vitamin D fortified whole milk); and a cake mix may be labeled with one set of percentage U.S. RDA values for the dry mix (per serving), and another set for a serving of the final cake when prepared). The type and quantity of the other ingredient(s) to be added by the user to the product shall be specified.

(e) Compliance with this section shall be determined as follows:

(1) A collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible, designated by a common container code or marking, constitutes a "lot".

(2) The sample for nutrient analysis shall consist of a composite of 12 subsamples (consumer units), taken one from each of 12 different randomly chosen shipping cases, to be representative of a lot. Composites shall be analyzed by Association of Official Analytical Chemists (A.O.A.C.) methods where

[1] Copies may be obtained from: Division of Nutrition (BF-124), Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

[1] The following synonyms may be added in parentheses immediately following the name of the vitamin:

Vitamin	*Synonym*
Vitamin C	Ascorbic acid.
Folic acid	Folacin.
Riboflavin	Vitamin B_2.
Thiamine	Vitamin B_1.

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available, or, if no A.O.A.C method is available, by reliable and appropriate analytical procedures. Methods of analysis may be submitted to the Food and Drug Administration to determine their acceptability.

(3) Two classes of nutrients are defined for purposes of compliance:

Class I. Added nutrients in fortified or fabricated foods.
Class II. Naturally occurring (indigenous) nutrients.

If any ingredient which contains a naturally occurring (indigenous) nutrient is added to a food the total amount of such nutrient in the final food product is subject to Class II requirements unless the same nutrient is also added

(4) A food with a label declaration of a vitamin, mineral, or protein shall be deemed to be misbranded under section 403(a) of the act unless it meets the following requirements:

(i) *Class I vitamin, mineral, or protein.* The nutrient content of the composite is at least equal to the value for that nutrient declared on the label.

(ii) *Class II vitamin, mineral, or protein.* The nutrient content of the composite is at least equal to 80 percent of the value for that nutrient declared on the label.

(5) A food with a label declaration of calories, carbohydrate, or fat shall be deemed to be misbranded under section 403(a) of the act unless the nutrient content of the composite is no greater than 20 percent in excess of the value for that nutrient declared on the label.

(6) Reasonable excesses of a vitamin, mineral, or protein over labeled amounts are acceptable within good manufacturing practices. Reasonable deficiencies of calories or fat under labeled amounts are acceptable within good manufacturing practices.

(f) A statement may be included on the label or in labeling offering additional nutrition information upon written request to a specified address. Any additional labeling furnished to consumers or professionals shall comply with all applicable requirements of this chapter.

(g) The location of nutrition information on a label shall be in compliance with § 1.8d.

(h) The following foods are exempt from this section or are subject to special labeling requirements:

(1) Except where expressly covered by § 125.5 of this chapter, infant, baby, and junior-type foods marketed and promoted for children under 4 years of age shall be labeled in compliance with this section except that the term "serving" shall mean that reasonable quantity of food suited for or practicable of consumption by an infant or child under 4 years of age and that the U.S. RDA levels for infants and children under 4 years of age contained in § 125.1(b) shall be used in lieu of the U.S. RDA levels contained in paragraph (c)(7)(iv) of this section.

(2) Dietary supplements, the nutrients of which consist solely of vitamins and/or minerals, shall be labeled in compliance with §§ 80.1 and 125.3 of this chapter, except that the labeling of a dietary supplement in food form, e.g., a breakfast cereal, shall conform to the labeling established in paragraph (c) of this section, including the order for listing vitamins and minerals established in paragraph (c)(7)(iv) of this section, in lieu of the labeling established in § 80.1(i)(1).

(3) Any food represented for use as the sole item of the diet shall be labeled in compliance with Part 125 of this chapter.

(4) Foods represented for use solely under medical supervision in the dietary management of specific diseases and disorders shall be labeled in compliance with Part 125 of this chapter.

(5) Iodized salt shall be labeled in compliance with § 3.87 of this chapter.

(6) A nutrient(s) included in food solely for technological purposes may be declared solely in the ingredient statement, without complying with this section, if the nutrient(s) is otherwise not referred to on the label or in labeling or in advertising.

(7) A standardized food containing an added nutrient(s), e.g., enriched flour, and included in another food as a component may be declared in the ingredient statement by its standardized name, without compliance with this section, if neither the nutrient(s) nor the component is otherwise referred to on the label or in labeling or in advertising.

(i) A food labeled under the provisions of this section shall be deemed to be misbranded under sections 201(n) and 403(a) of the act if its labeling represents, suggests, or implies:

(1) That the food, because of the presence or absence of certain dietary properties, is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom.

(2) That a diet of ordinary foods cannot supply adequate amounts of nutrients.

(3) That the lack of optimum nutritive quality of a food, by reason of the soil on which that food was grown, is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(4) That the storage, transportation, processing, or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of diets.

(5) That the food has dietary properties when such properties are of no significant value or need in human nutrition. Ingredients or products such as rutin, other bioflavonoids, para-aminobenzoic acid, inositol, and similar substances which have in the past been represented as having nutritional properties but which have not been shown to be essential in human nutrition may not be combined with vitamins and/or minerals, added to food labeled in accordance with this section, or otherwise used or represented in any way which states or implies nutritional benefit. Ingredients or products of this type may be marketed as individual products or mixtures thereof provided that the possibility of nutritional, dietary, or therapeutic value is not stated or implied (e.g., their labeling does not state that their usefulness in human nutrition has not been established and does not otherwise disclaim nutritional, dietary, or therapeutic value).

(6) That a natural vitamin in a food is superior to an added or synthetic vitamin, or to differentiate in any way between vitamins naturally present from those added.

Effective date. All labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with this regulation.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register, January 15, 1973.

[FR Doc.73-988 Filed 1-18-73;8:45 am]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Labeling of Foods With Information on Cholesterol and Fat and Fatty Acid Composition

In the FEDERAL REGISTER of June 15, 1971 (36 FR 11521), the Commissioner of Food and Drugs proposed a series of three proposals relating to labeling of foods with information on cholesterol, fat, and fatty acid composition.

The first proposal concerned a proposed statement of policy on ingredient statements regarding fats and oils in food for human consumption. This proposal is still under consideration.

The second proposal was that there be an amendment to § 3.41 (21 CFR 3.41), the statement of policy on the status under the Federal Food, Drug, and Cosmetic Act of articles offered to the general public for the control or reduction of blood cholesterol levels and for the prevention and treatment of heart and artery disease. It was proposed that there be added to this statement of policy two new paragraphs (d) and (e) which would declare misleading under the act, any statement in the labeling which represents or suggests that the article contains less or no cholesterol and for any use of the terms "polyunsaturated," "monounsaturated," or "saturated" in relation to the fat content of foods except when expressly stated in accordance with 21 CFR 125.12 as proposed in the same issue of the FEDERAL REGISTER.

The third proposal was a new regulation (21 CFR 125.12) on the requirements for label statements relating to oils, fats, and fatty acids used as a means of regulating intake of fatty acids. This proposal established labeling requirements for foods represented for special dietary use containing 10 percent or more fat on a dry weight basis and no less than 3 grams of fat in an average serving.

Ninety days were originally provided for filing of comments on these proposals; this comment period was extended to November 12, 1971, by notices published in the FEDERAL REGISTER of September 9, 1971 (36 FR 18098).

The Commissioner received 502 letters commenting on one or more of the proposals that were published simultaneously on June 15, 1971 (36 FR 11521).

The Commissioner has carefully reviewed the comments concerning the labeling of cholesterol, fat, and fatty acids, and has concluded that these two issues should be considered in a uniform manner as both deal with the consumers' need to have informative labeling on foods which make up the usual diet of those individuals on modified diets on the advice of their physician. In the opinion of the Commissioner such labeling would markedly assist individuals in their attempts to adhere to a modified diet. Thus, the two proposals published as an amendment to 21 CFR 3.41 and as a proposed new section (21 CFR 125.12) have been combined into a single new regulation (21 CFR 1.18).

I. CHOLESTEROL LABELING

Many consumers expressed an interest in having cholesterol values given on all food labels. Individuals who asked that cholesterol values be allowed on food labels supported their view by saying they were on a low or moderate cholesterol diet on instruction of their physicians in an effort to reduce one of the risk factors, i.e., high blood cholesterol levels. They felt that unless foods are labeled with cholesterol content it would be difficult to follow their doctors' orders. Some respondents asserted that the Commissioner was making a less than objective appraisal of the current status or knowledge about the etiology of heart and artery disease by not changing paragraphs (a) and (b) of 21 CFR 3.41 which were factual in 1959 when the statements were made, but which do not now address the subject candidly.

Manufacturers and their spokesmen felt that labeling food with information about fatty acids as required under the proposed § 125.12 together with the application of the constraints of § 3.41 would prevent them from labeling general purpose foods with important composition information which, in the context of the scientific controversy over the etiology of heart and artery disease, may be important for some physicians, paramedical personnel, and patients. These respondents felt that cholesterol, food fat, and calorie composition information on food labels should not, by itself, constitute a representation that the food is for special dietary use.

Many respondents, viewing what they regarded as an apparent dichotomy between the recognition of the greater importance of fatty acid composition compared with the cholesterol composition of foods, felt that the Food and Drug Administration was not being objective and fair. They did not disagree with the position reflected in the proposed amendment to § 3.41 that in many instances it might be improper or frivolous to make label declarations of cholesterol content, but they argued that there does not appear to be a reasonable basis for prohibiting truthful label statements about cholesterol content while at the same time allowing the presence of label statements relating to fatty acid content.

The Commissioner has considered the question of cholesterol labeling of food in relation to the sources of cholesterol in the diet of Americans. The ordinary intake of cholesterol by adults in this country ranges from between 300 to 1,000 milligrams per day and is significantly affected by the cholesterol level of the particular foods chosen by the individual for his daily diet. The Commissioner believes that consumers who have been properly instructed by their physicians understand the physicians' requests that they curtail their intake of certain foods. All foods from vegetable sources and many fabricated foods which contain, as a minor ingredient, an item from a food with high cholesterol content, are not important contributors of cholesterol; however, this information itself may be useful label information for consumers if it is presented in a factual and nonmisleading manner.

The Commissioner recognizes that products can be specially manufactured or formulated to be in simulation of a food in one of the major cholesterol-contributing foods in such a way that these products contain either no cholesterol or significantly less cholesterol than their regular counterpart foods. The manufacturers of products of this kind believe that consumers will benefit from knowing the cholesterol content of these products. Consumers should not be misled, however, into believing that these products are equivalent to their regular counterpart foods in all important respects, especially nutritional, if they are not. The criterion, therefore, for labeling products of this kind should be that the product (analogue) be nutritionally equivalent to the food which it obviously simulates. When requested, the Food and Drug Administration will render opinions on the nutritional equivalency of new products as compared with conventional products. The Commissioner is publishing elsewhere in this issue of the FEDERAL REGISTER a proposed new § 1.8(e) governing the labeling of such substitute foods.

In light of all the available information, the Commissioner has concluded that new § 1.18 should include provisions regulating the labeling of cholesterol content. Labeling permitted by this new section may voluntarily be used by any manufacturer to show the cholesterol content of a food. The use of any claim or information concerning cholesterol on a label or in labeling or advertising for a food also subjects the label to the requirements of this section. The label statement shall provide the following information in the following order:

1. A statement of the serving size.

2. The number of milligrams of cholesterol per serving.

3. The number of milligrams of cholesterol per 100 grams of the food.

4. The statement "Information on cholesterol content is provided for individuals who, on the advice of a physician, wish to modify their total dietary intake of cholesterol."

This information on cholesterol content shall appear on the label in accordance with new § 1.8d, which is published elsewhere in this issue of the FEDERAL REGISTER. In order to avoid giving the information undue prominence, in no event may it appear on the labeling in more than the minimum type size required for the declaration of net quantity of contents by § 1.8b of this chapter.

If the food is labeled in compliance with § 1.17 (nutrition labeling), which is also published elsewhere in this issue of the FEDERAL REGISTER, and the manufacturer chooses to include the cholesterol content, the above information shall be included as provided in § 1.17(c)(6)(ii), except that the serving size need not be repeated. Section 1.17(a) specifically provides, however, that inclusion only of cholesterol content on a food label does not require full nutrition labeling in compliance with § 1.17.

II. FAT AND FATTY ACID LABELING

In relation to the proposal on the labeling of foods for fat and fatty acid, 229 comments were received from a number of sources. Consumers as a whole favored the proposal. Comments from the scientific community, trade associations, and manufacturers expressed reservations about specific portions of the proposal but indicated that these groups would accept a revised regulation that was reasonable and enforceable.

A suggested alternative to the proposed § 125.12 would move the requirements of the proposed §§ 125.12 to 3.41 (21 U.S.C. 3.41) by revising the proposed § 3.41(e). Under this alternative the label statements would not constitute representations for special dietary use, but would provide labeling in a meaningful and uniform way on fat and fatty acid composition regardless whether the product's composition is fixed by nature or formulated by the food technologist. There were a number of other comments, some in opposition to the proposal and others containing proposed alternative action of several types:

1. Leave label declaration as it is presently constituted.

2. Survey the U.S. population to see what the consumer really wants on a label.

3. Require a label disclaimer statement which would tell the consumer that the information on fat content does not represent the product for treatment or prevention of disease.

4. Liberalize criteria for labeling by lowering minimum values for amount of fat in foods.

5. State more clearly the definitions for polyunsaturated and saturated fatty acids, and for special dietary food.

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6. Make provision for including the monosaturated fatty acid values on the label.

7. State clearly the conditions which influence whether the application of the section is optional or mandatory.

8. Withdraw proposal § 125.12.

9. Proposed regulation does not delineate the criteria for determining whether a fat is for special dietary use or for general use.

10. List any polyunsaturate not as the glyceryl ester but as P/S (polyunsaturated to saturated) ratio, e.g., P/S ratio of 2.5 or more.

11. Change term "glyceryl ester" to "glyceryl triester."

12. Provide for including the percentage of trans-fatty acid value on the label.

13. Make the regulation mandatory for all foods containing fats.

14. Establish the range of variation to be allowed in fatty acid composition information.

15. "Average serving" should be defined.

16. Canadian Food and Drug Directorate FA–59 method for cis-methylene-interrupted fatty acids is not reliable.

Each of these have been considered, and where applicable changes or modifications have been made in the proposal. They are included in the following discussion. However, in regard to the comments suggesting delay in action, the Commissioner is of the opinion that further delay on providing consumers with information on the fat and fatty acid content of foods would serve no purpose, and accordingly new § 1.18 provides for such labeling.

Some comments indicated that the correspondents wanted the provisions of the proposed section to be voluntary; others argued for mandatory labeling requirements. Some questions of clarity of language regarding voluntary use were asked. The use of labeling as provided by the final regulation shall be on a voluntary basis for all foods, and will be mandatory if claims are made with respect to fatty acid composition but not if claims are made with respect to general fat content. There are many general purpose foods that could be used for dietary regulation of fat and/or fatty acid intake, and there is no reason why the option to label these foods should not be exercised by a manufacturer, as long as he complies with the labeling requirements contained in new § 1.18 and does not make medical claims.

New § 1.17 (nutrition labeling) and new § 1.18 (fat and fatty acid labeling) are closely related. Section 1.17(c)(6) provides that nutrition labeling shall include the number of grams of fat per serving of a food. Any claim or information with respect to any nutrient covered by § 1.17, e.g., protein, fat, calories, vitamins, automatically requires full nutrition labeling under § 1.17. Thus, any claim or information relating to the fat content, e.g., the percentage of fat in the product, automatically makes § 1.17 applicable.

New § 1.18 (fat and fatty acid labeling) is far more narrow, and is applicable only when a claim or information is included on the label or in labeling or advertising specifically related to the fatty acid composition of a food. Thus, information about fat content does not make § 1.18 applicable unless that information includes a reference to fatty acid composition. When § 1.18 is applicable, on the other hand, the information required under its provisions with respect to fat and fatty acids automatically also makes § 1.17 applicable. Section 1.17(c)(6)(i) specifically provides for the inclusion of the labeling required by § 1.18 in the standard nutrition labeling format. In short, § 1.17 does not require labeling under § 1.18, but § 1.18 labeling automatically requires labeling under § 1.17 and must be included within the § 1.17 format.

While comments were received suggesting that the polyunsaturated fatty acid to saturated fatty acid ratio (P/S) be included on the label, the majority of comments stressed the current interest in actual amounts of fatty acids in the diet. For those desiring to determine the P/S ratio, the information required to be furnished by the regulation will be sufficient to enable the consumer to calculate it by dividing the amount in grams of polyunsaturated fatty acid by the amount in grams of saturated fatty acids.

Adverse comments were submitted relating to the proposed limiting of fatty acid labeling to foods containing a minimum of 10 percent total fat on a dry-matter basis and of 3 grams total fat per serving. A majority of comments were concerned with the 10-percent figure on a dry weight basis. Suggestions were made to change this to another value; some believed that it should be less than 3 percent, and others believed it should be more than 10 percent. Based upon an analysis of the foods which contribute fat to the diet, the Commissioner concludes that it is reasonable to limit fatty acid labeling to foods containing a minimum of 10 percent total fat on a dry matter basis. This will prevent manufacturers from placing fatty acid information on products which are insignificant sources of fatty acid in the diet.

One respondent suggested that the fat-per-serving figure should be lowered from 3 to 2 grams because the larger figure would exclude some foods such as coffee whiteners used in the daily diet of some individuals which affects their total fat intake. This change is reflected in the final order.

Considerable industrial and trade organization concern over the fatty acid categories or groups that should appear on the label was evident from the wide variety of comments and suggestions received. Several possible combinations of fatty acid categories or groups for label purposes emerged from the comments; these are:

1. Polyunsaturated fatty acids, monounsaturated fatty acids, saturated fatty acids (C–1 through C–22).

2. *Cis*-polyunsaturated fatty acids, *trans*-unsaturated fatty acids, monounsaturated fatty acids, saturated fatty acids (C–1 through C–22).

3. *Cis*-polyunsaturated fatty acids, *trans*-unsaturated fatty acids, conjugated polyunsaturated fatty acids, monounsaturated fatty acids, saturated fatty acids (C–1 through C–22).

4. Polyunsaturated fatty acids, monounsaturated fatty acids, saturated fatty acids (C–14 through C–22).

5. (Same as Categories 1 to 4 above except that saturated fatty acids would encompass C–12 through C–18).

6. *Cis*-polyunsaturated fatty acids, saturated fatty acids (C–12 through C–18), other fatty acids (total amount of fatty acids minus sum of amounts in first two categories).

All those who expressed an opinion concerning this matter felt that it would be informative to include the amount of polyunsaturated fatty acids present to be declared as one category. The other categories to be declared was the point of controversy.

In the comments received, reference was made to scientific reports which suggest that any fatty acid category may contain a quality or factor which tends to elevate blood cholesterol levels in controlled experiments. However, the most widely accepted opinion at this time is that long-chain saturated fatty acids and polyunsaturated fatty acids may have some relationship to changes in serum cholesterol levels. Most saturated fatty acids in conventional foods are long-chain fatty acids; they contain 12 carbons or more. Saturated fatty acids containing eight and 10 carbons (referred to as medium-chain fatty acids) and those containing four and seven carbons (referred to as short-chain fatty acids) are absorbed and utilized in a much different manner than are long-chain fatty acids. Their metabolic effects on plasma lipids and cholesterol appear to be different than those of the long-chain saturated fatty acids.

Since the label statements should be both suitably informative and simple to understand, approximately three categories is the limit that can be expected to be tolerated by consumers and industry alike. The classification outlined below will provide adequate useful information for persons on a fat-modified diet. In view of the fact that most people expect the sum of percentage values in a complete statement of total fatty acid content to be 100, it is appropriate to subtract from 100 the sum of the percentages of polyunsaturated and saturated fatty acids; the remainder being the third category "other fatty acids."

For the purpose of labeling, therefore, saturated fatty acids containing less than 12 carbons will not be considered in the category of "saturated fatty acids", but shall be included in the category "other fatty acids". Based on practicality, ability to carry out rapid analysis, and consequently the ability to enforce for regulation, the long-chain saturated fatty acid range of C–12 through C–18 (lauric, myristic, palmitic, and stearic acids) have been defined as "saturated fatty acids."

Several comments suggested that the *trans*-unsaturated fatty acids present in hydrogenated fats, and conjugated polyunsaturated fatty acids should be listed

on the labels. *Trans*-unsaturated fatty acids generally constitute a small portion of the total fatty acids in marketed fats and oils. This situation is similar to that of the conjugated polyunsaturated fatty acids, although very little information on the content of these two fatty acid subgroups in foods is available. Some fat and oil manufacturers do make periodic checks on the content of these subgroups in their products, but to require such monitoring by industry and government is unreasonable at this time. If new evidence suggests that it is necessary to require label information on either one or both of these subgroups, the appropriate section(s) of the regulations will be amended.

The original proposal on fatty acid labeling required the quantities of fatty acids to be listed as a percentage of the total fat content. Comments were received from nutritionists who advise patients on modifying their diet suggesting that the actual quantity in terms of grams of fat and fatty acids is more useful than percentages as this nomenclature is used in advising patients on the modification of fat and fatty acid content of their diet. Since the purpose of the fatty acid labeling is to assist those individuals seeking to modify the fat and fatty acid content of their diet and those professionals seeking to help these individuals, it is reasonable to provide the fatty acid information in grams per serving.

The Commissioner has concluded that claims or information about fatty acid content should require inclusion on the label of the following fat and fatty acid information in addition to full nutrition labeling.

1. The amounts of fatty acids expressed in grams calculated as triglycerides, in the following three categories with the headings as listed, and in the following order:

(i) *cis, cis*-methylene-interrupted polyunsaturated fatty acids, stated as "Polyunsaturated fatty acids";

(ii) The sum of lauric, myristic, palmitic, and stearic acids, stated as "Saturated fatty acids"; and

(iii) The difference, stated as "Other fatty acids", between the total amount of fatty acids and the sum of fatty acids in (i) and (ii).

2. The total fat content in terms of the percent of the total calories provided by fat with the heading, Percent of calories from fat.

Several comments were received concerning the analytical methods and compliance procedures to be used in regulating products with fat and fatty acid, and/or cholesterol labeling. The Commissioner is aware that there is natural variation in the fat and cholesterol content of food products. In developing a labeling system it is therefore important that the manufacturer be permitted a tolerance so that he may provide useful information on the label without incurring excessive control costs, which will result in a significant price increase to the consumer. However, consumers have a right to expect that labeling honestly represents the products they buy.

Section 1.17, governing nutrition labeling, contains a detailed statistically valid compliance mechanism. Basically the same compliance provisions are included in this regulation for determining cholesterol, fat, and fatty acids as are included in new § 1.17 for determining fat. For the purposes of compliance a food with a label declaration of cholesterol content shall be deemed to be misbranded under section 403(a) of the Act if the content of a 12-sample composite is greater than 20 percent in excess of the value for the cholesterol content declared on the label. A food with a label declaration of fatty acids content shall be deemed to be misbranded under section 403(a) of the Act if the composite is greater than 20 percent in excess of the value or less than 80 percent of the value for the fatty acids declared on the label.

Comments on methods for analysis asked that the specific methods to be used for compliance be identified. The methods for fat, fatty acids, and cholesterol will be those of the Association of Official Analytical Chemists (AOAC), or other reliable and appropriate methods. Methods of analysis may be submitted to the Food and Drug Administration to determine their acceptability. The determination of *cis, cis*-methylene-interrupted polyunsaturated fatty acids of fats, and oils will be carried out by the Canadian Food and Drug Directorate FA–59 method entitled "Enzymatic Determination of Polyunsaturated Fatty" published during December 1967 as modified by the Division of Nutrition, Food and Drug Administration. The FA–59 method is a modification of the MacGee method (Analytical Chemistry 31, 298 [1959]).

The problem of defining the serving size was raised. Each manufacturer should define the serving size appropriate for his specific product and state the serving size on the label. Where there are no established reasonable standard serving sizes, or if there is an unreasonable variance among manufacturers, the Commissioner intends to develop a procedure for establishing such reasonable standard serving sizes.

For the purposes of this regulation, the same basic definitions shall apply as in §§ 1.17 and 125.1. An average serving shall be expressed in terms of a convenient unit of measure that can be readily understood and utilized by purchasers of such food. For example, a serving may be expressed in terms of slices, cookies, wafers, ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls. A teaspoonful shall be considered to mean 5 milliliters (approximately ⅙ fluid ounce) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately ½ fluid ounce) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid ounces) in volume.

It was pointed out in many comments that it would be in the best interest of consumers to have a declaratory statement that would appear in the labeling of products to accompany the information permitted in this section. Such statement would state to the purchaser that the product may be useful to those persons who are advised by a physician to modify their fat intake as part of a total dietary plan. There may be no statement or implication, however, that the product per se will be sufficient to modify fat intake, or will help to prevent coronary heart disease or its adjunctive conditions. This is reasonable in light of the fact that the Food and Drug Administration is neither recommending any dietary regimens nor taking a position in the dietary fat/coronary heart disease controversy. The regulation is being issued in response to public and medical requests that such information be placed on food product labels. The regulation is designed simply to provide fat and fatty acid label information that will be useful to consumers, physicians, dietitians, and other health professionals who are involved directly or indirectly in regulating an individual's dietary intake of total fat and/or fatty acids. Thus, the statement "Information on fat content is provided for individuals who, on the advice of a physician, are modifying their total dietary intake of fat" would immediately follow the required statements on fat and fatty acid content, as required in 21 CFR 1.17.

There was an oversight in the published proposal, in that it lacked any reference to the kind of information which must appear in product literature sent by the manufacturer on request of a consumer. Such material is labeling. In some cases, it is possible that a manufacturer may not have a product labeled with fat and fatty acid information, but will provide information about the product in labeling if the customer writes the company. A declaration of cholesterol or fatty acid content on the label or in advertising of a food subjects the label to the requirements of this section. A declaration of cholesterol or fatty acid content in labeling of a food subjects the label and that labeling to the requirements of this section except that the label of a food will not be subject to the requirements of this section solely because of a manufacturer's or distributor's direct written reply to an unsolicited request for information on cholesterol or fatty acid content of such food.

The cholesterol and fat and fatty acid labeling as set forth below incorporates the more useful principles presented in the comments received on the published proposal. The Commissioner has concluded in relation to the labeling of the cholesterol, fat, and fatty acid content of foods that:

1. A restatement of the policy regarding labeling of foods possibly of value in diets for the control of fatty acid and cholesterol consumption is appropriate.

2. Information associated with the cholesterol, fat, and fatty acid composition of foods should be combined in a single regulation as set forth below.

3. It is necessary to call consumers' attention, by means of a label statement, to the fact that information being

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permitted by promulgation of this regulation should be used with the understanding that it is useful only when the total dietary intake of fat and/or cholesterol is being controlled and then only when this is done on the initial and continuing advice of a physician familiar with the patient's condition.

4. The cholesterol content should be allowed to be stated on the label of any food in succinct terms.

5. The fatty acid content should be allowed to be stated on the label of foods with at least 10 percent total fat on a dry weight basis and/or containing at least 2 grams of fat in a serving. When the manufacturer voluntarily elects to provide information under § 1.18 it is reasonable to require complete nutrition information as provided for in § 1.17 and in the format required by § 1.17(c)(6)(i).

6. When a manufacturer elects to declare cholesterol content it is reasonable not to require complete nutrition labeling. When a manufacturer elects to provide chlosterol and nutrition labeling on a product it is reasonable that the labeling be in compliance with 21 CFR 1.17(c)(6)(ii).

7. Statements of cholesterol and fat content, both by themselves and when accompanied by an informational statement indicated in conclusion 3 above, are not misleading; however, direct claims that a product will prevent, mitigate, or cure atherosclerotic cardiovascular disease or any attendant condition are false and misleading.

Accordingly, having considered the comments received and other relevant information, and after further study on the impact of his proposal on current medical practice, the Commissioner concludes that a new § 1.18 *Labeling of foods in relation to fat and fatty acid, and cholesterol content* should be established, combining the provisions of the existing and proposed § 3.41 and the proposed § 125.12 (36 FR 11521), to provide for more informative labeling of foods containing cholesterol and fat and fatty acids.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 1 and 3 are amended as follows:

1. In Part 1 a new § 1.18 is added to read as follows:

§ 1.18 Labeling of foods in relation to fat and fatty acid, and cholesterol content.

(a) Implicit or explicit claims for the value of food in preventing or treating heart or artery disease can be misleading to consumers. However, a significant segment of the medical community is recommending that individuals modify their total diet by eliminating certain foods or by replacing certain foods with others in order to effect changes in the levels of blood components. Although there have been no definitive studies which have demonstrated beyond doubt that extensive changes in the consumption of fat and cholesterol by the general public are desirable, it is nevertheless appropriate to provide for informative labeling which will help individuals to identify foods for inclusion in fat-modified diets recommended by physicans. It is also appropriate to prohibit label statements which misrepresent specific foods as being, of themselves, of value in the control of the levels of these blood components or in the control of heart or artery disease.

(b) A label statement regarding a serving shall be expressed in terms of a convenient unit of measure that can be readily understood and utilized by purchasers of such food. For example, a serving may be expressed in terms of slices, cookies, wafers, ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls. A teaspoonful shall be considered to mean 5 milliliters (approximately one-sixth fluid ounce) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately one-half fluid ounce) in volume, and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid ounces) in volume.

(c) A food label or labeling may include a statement of the cholesterol content of the food, provided that it is stated both in terms of the number of milligrams per serving and in terms of the number of milligrams per 100 grams of the food. This listing shall follow a statement of the serving size, which shall be determined in accordance with § 1.17 and shall appear as provided in § 1.8d, but in no case in a type size larger than the minimum type size required for the declaration of net quantity of contents by § 1.8b of this chapter. No other statement may be made relating to cholesterol. When the cholesterol content is stated on the label of a food which is also labeled in accordance with § 1.17, the statement of the cholesterol content shall conform to the requirements of § 1.17(c)(6)(ii).

(d) A food label or labeling may include information on the fatty acid content of the food: *Provided*, That it meets the following conditions.

(1) The food contains 10 percent or more fat on a dry weight basis and not less than 2 grams of fat in an average serving. Any food containing less than 10 percent total fat on a dry weight basis and/or containing less than 2 grams of fat in a serving is not suitable for use by man as a means of regulating the intake of fatty acids.

(2) The food is labeled in compliance with § 1.17 and the following information is included in the folowing order in accordance with § 1.17(c)(6)(ii).

(i) The amounts of fatty acids, calculated as the triglycerides, shall be stated in grams per serving in the following three categories, stated with the following headings, in the following order, and displayed in equal prominence:

(*a*) *cis, cis* - methylene - interrupted polyunsaturated fatty acids, stated as 'Polyunsaturated fatty acids";

(*b*) The sum of lauric, myristic, palmitic, and steric acids, stated as "Saturated fatty acids"; and

(*c*) The difference, stated as other" fatty acids," between the total amount of fatty acids and the sum of fatty acids in paragraph (d)(1)(i) (*a*) and (*b*) of this section.

(ii) The total fat content in terms of the percentage of the total calories in the food, provided by fat with the heading "Percent of calories from fat:".

(iii) The statement required by paragraph (e) of this section.

(iv) No other statement may be made relating to fatty acid content.

(e) A food labeled in accordance with paragraph (c) or (d) of this section shall display the folowing statement on the label: "Information on fat (and/or cholesterol, where appropriate) content is provided for individuals who, on the advice of a physician, are modifying their total dietary intake of fat (and/or cholesterol, where appropriate.)" If the food is not labeled in accordance with § 1.17 and is labeled only in accordance with paragraph (c) of this section, the statement shall appear in the same label panel and in proximity to the statements prescribed in paragraph (c) of this section and in the same type size. In the event the cholesterol content is included under nutritional labeling, the statement shall be in compliance with § 1.17(c)(6)(ii).

(f) A declaration of cholesterol or fatty acid content on the label or in advertising of a food subjects the label to the requirements of this section. A declaration of cholesterol or fatty acid content in the labeling of a food subjects the label and that labeling to the requirements of this section except that the label of a food will not be subject to the requirements of this section solely because of a manufacturer's or distributor's direct written reply to an unsolicited request for information on cholesterol or fatty acid content of such food.

(g) Compliance with this section shall be determined as follows:

(1) A collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible, designated by a common container code or marking constitutes a "lot."

(2) The sample for analysis shall consist of a composite of 12 subsamples (consumer units), taken one from each of 12 different randomly chosen shipping cases, to be representative of a lot.

(3) Composites shall be analyzed for fat and saturated fatty acids by the methods of the Association of Official Analytical Chemists (AOAC). The methods for fat, fatty acids, and cholesterol will be those of the Association of Official Analytical Chemists (AOAC), or other reliable and appropriate methods. Alternative methods of analysis may be submitted to the Food and Drug Administration to determine their acceptability. The determination of cis, cis-methylene-interrupted polyunsaturated fatty acids will be the Canadian Food and Drug Directorate Method FA–59[1] for cis-methylene-interrupted fatty acid.

(4) A food with a label declaration of cholesterol content shall be deemed to be misbranded under section 403(a) of the Act if the content of the composite is greater than 20 percent in excess of the value for the cholesterol content declared on the label.

(5) A food with a label declaration of fat content shall be deemed to be misbranded under section 403(a) of the Act if the content of the composite is greater than 20 percent in excess of the value for the fat content declared on the label.

(6) A food with a label declaration of fatty acid content shall be deemed to be misbranded under section 403(a) of the Act if the content of the composite is greater than 20 percent in excess of the value, or less than 80 percent of the value, for the fatty acid content declared on the label.

(h) Label statements made in accordance with paragraphs (c), (d), or (e) of this section shall comply with the requirements of § 1.8d, but in no case may it be printed in larger than the minimum size type required for the declaration of net quantity of contents by § 1.8b.

(i) No label or labeling may contain a claim indicating, suggesting, or implying that the product will prevent, mitigate, or cure heart or artery disease or any attendant condition.

(j) Any label or labeling containing a statement on cholesterol and fatty acid content not in conformity with this section shall be deemed to be misbranded under sections 201(n) and 403(a) of the Act.

§ 3.41 [Revoked]

2. In Part 3 existing § 3.41 is hereby revoked.

Effective date. All labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with this regulation.

(Secs. 201, 403, 701(a), 52 Stat. 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[1] Copies of the method may be obtained by writing to Division of Nutrition BF–124, Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register, January 15, 1973.

[FR Doc.73–969 Filed 1–18–73;8:45 am]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Label Designation of Ingredients for Standardized Foods

A statement of policy, § 3.88 *Label designation of ingredients for standardized foods*, was published in the FEDERAL REGISTER of March 10, 1972 (37 FR 5120). On the basis of questions raised regarding the exemption granted by § 3.88(d), the Commissioner of Food and Drugs has concluded that the exemption should be clarified so that the intent of the regulation, to provide more informative labeling for the consumer, can be achieved with a minimum of confusion and misunderstanding.

In many food standards the name of the principal mandatory ingredient appears in the name of the food, e.g., peaches. Where the standard also provides an option to the variety and form of the unit, e.g., yellow clingstone, yellow freestone—unpeeled whole, peeled slices, a statement designating the optional variety and optional form of the unit used is required to appear in close proximity to the name of the food, e.g., whole yellow cling peaches, sliced yellow freestone peaches. It was not the intention of the Commissioner in promulgating § 3.88(d) to change the requirement that statements that significantly qualify or explain the name of the principal mandatory ingredient should appear prominently and conspicuously in close proximity to the name of the food.

In addition, where certain optional ingredients are used, such as the packing media of canned fruits and canned tuna, smoke flavoring in the case of cheese, or hot dried red peppers in the case of canned corn, statements informing consumers of such use should continue to be placed conspicuously on the principal display panel to facilitate the consumer's choice between the same food containing or not containing such ingredients.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 3.88 is revised to read as follows:

§ 3.88 Label designation of ingredients for standardized foods.

(a) There is significant consumer interest that the labels of standardized foods bear complete information of the ingredients contained in the food. In the absence of legal authority to require that the label bear such information, the Food and Drug Administration encourages all manufacturers, packers, and distributors to voluntarily make such disclosure.

(b) The Food and Drug Administration intends to amend the definitions and standards of identity of food by setting into motion as rapidly as possible the provisions of section 401 of the act to require label declaration of all optional ingredients with the exception of optional spices, flavorings, and colorings which may continue to be designated as such without specific ingredient declaration.

(c) Statutory authority does not exist to require the declaration of mandatory ingredients on the label of standardized foods.

(d) The requirement (set forth in some of the definitions and standards of identity for food) that designated optional ingredients such as spices, flavorings, colorings, emulsifiers, flavor enhancers, stabilizers, preservatives, and sweeteners be declared in a specified manner on the label wherever the name of the standardized food appears on the label so conspicuously as to be easily seen under customary conditions of purchase shall not apply to any manufacturer, packer, or distributor of a standardized food who voluntarily labels such food in the manner indicated by section 403(i) of the act (21 U.S.C. 343(i)), and the regulations promulgated thereunder, and who otherwise complies with such definition and standard. Words and statements that significantly differentiate between several foods complying with the same standard by describing the optional forms or varieties, the packing medium, and significant characterizing ingredients present in the food, shall continue to be declared in the manner as required by the particular standard.

Since this amendment is for the purpose of clarifying an already existing regulation notice and public procedure are not necessary prerequisites to the promulgation of this order.

Effective date. This order shall be effective on January 19, 1973.

(Sec. 701(a); 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73–990 Filed 1–18–73;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

IMITATION FOODS

Application of Term "Imitation"

Section 403(c) of the Federal Food, Drug, and Cosmetic Act provides that a food shall be deemed to be misbranded "If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word 'imitation' and, immediately thereafter, the name of the food imitated."

When section 403(c) of the act was adopted in 1938, Congress was seeking to protect the consumer from uninformed purchase of an inferior substitute product, which could be mistaken for a traditional food product.

The courts have long recognized that the term "imitation" suggests an inferior product. In 62 Cases * * * Jam v. United States, 340 U.S. 593, 600 (1951), the U.S. Supreme Court observed that the term "imitation" as applied to jam connotes "a different, an inferior preserve * * *" In United States v. 651 Cases * * * Chocolate Chil-Zert, 114 F. Supp. 430, 432 (N.D.N.Y. 1953), the court stated "[T]he word [imitation] connotes inferiority * * * in the sense that it is cheapened by the substitution of ingredients."

Vast strides in food technology have taken place since section 403(c) of the act was enacted, and there are now on the market many new wholesome and nutritious food products, some of which resemble and are substitutes for other, traditional foods. Significantly, it is no longer the case that such products are necessarily inferior to the traditional foods for which they may be substituted.

There has been some uncertainty as to the proper scope of the term "imitation" in this modern context. The term clearly fails to inform the public of the actual characteristics and properties of a new food product. In its "Report to the President," the White House Conference on Food, Nutrition, and Health held in November and December 1969 recommended that "[o]versimplified and inaccurate terms as 'imitation' should be abandoned as uninformative to the public."

To apply automatically the term "imitation" to new substitute food products which are not nutritionally inferior would be a disservice to consumers and would be contrary to the common understanding that the word "imitation" connotes inferiority. Section 403(c) of the act would then present a serious obstacle to the development and marketing of modified products with improved nutritional content. Indeed, because of the traditional connotation of inferiority, application of the term "imitation" to a substitute food product which is not inferior could be misleading to the consumer, in violation of section 403(a) of the act.

Accordingly, the Commissioner of Food and Drugs has concluded that it is in the interest of consumers and consistent with the general intent of Congress to restrict required application of the term "imitation" to a substitute food which is nutritionally inferior to the food for which it is a substitute.

The consumer, however, must be protected from unwitting purchase of a product which is different, although not inferior, from what he may reasonably expect. The Commissioner concurs with the further recommendation of the White House Conference that the "name of a food should accurately describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients." Accordingly, in order to avoid "imitation" status, a substitute food product which is not nutritionally inferior must also bear a label which clearly states the common or usual name of the product and which is not false or misleading.

The Commissioner has paid particular attention to the definition of "nutritional inferiority". Section 1.17, nutrition labeling, which is published in this issue of the FEDERAL REGISTER provides that a difference of less than 10 percent of the U.S. Recommended Daily Allowance (U.S. RDA) of any vitamin, mineral, or protein is not properly regarded as significant. Accordingly, nutritional inferiority is defined as a reduction in the content of an essential vitamin or mineral or of protein that amounts to 10 percent or more of the U.S. RDA. Any lesser difference is regarded as nutritional equivalence, even though small differences may exist.

The Commissioner has also concluded that, since a reduction in fat content or caloric content may well be desirable, such a reduction should not be regarded as nutritional inferiority as long as the product is labeled pursuant to the provisions of § 1.17, and any labeling with respect to a reduction in caloric content complies with the regulations applicable to caloric content in Part 125. The proper declaration of a reduction in caloric content was included as part of the revision of Part 125 and the resulting 1968–1970 Special Dietary Food Hearings. The Commissioner anticipates that a tentative order on that aspect of the hearings will be issued in the near future. When effective, those regulations will be appropriately referenced in this regulation.

Finally, the Commissioner recognizes that it is impossible to set out in general language in any regulation the precise parameters of nutritional inferiority. Accordingly, it must be recognized that the criteria for nutritional inferiority proposed in this regulation are not all-inclusive, and that the Commissioner reserves the right to make a determination of nutritional inferiority on an ad hoc basis, depending upon the facts of the specific situation. Any such determination falling outside the general proposed criteria in this regulation will be made in writing and sent to the manufacturer or distributor of the food, and an opportunity will be given for changes in the labeling and/or formulation before regulatory action is undertaken.

The Commissioner has considered whether there may be basis for imitation labeling other than nutritional inferiority. In reviewing this matter, it appears that nutritional inferiority is the only type of inferiority that is quantifiable on an objective basis. All other potential aspects of inferiority involve essentially subjective judgment which may vary from person to person. Some individuals may prefer a new food to a traditional food, whereas others may prefer the traditional food. The Commissioner has concluded that it is not the function of the Food and Drug Administration to attempt to arbitrate between the likes and dislikes of different individuals or between the different economic considerations that motivate different producers of agricultural commodities or different manufacturers and distributors of foods. The function of the Food and Drug Administration is solely to assure the safety of all foods and to prevent misleading labeling. This new regulation, which cross-references the proposal previously published in the FEDERAL REGISTER of June 22, 1972 (37 FR 12327) requiring the establishment and use of truthful and accurate descriptive names for all food, will make certain that no food is labeled in a false or misleading way and thus fully implements the mandate given by Congress.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047–48 as amended, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 1 in § 1.8 by adding the following new paragraph:

§ 1.8 Food in package form, labeling; identity.

* * * * *

(e) Under the provisions of section 403(c) of the Federal Food, Drug, and Cosmetic Act, a food shall be deemed to be misbranded if it is an imitation of another food unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

(1) A food shall be deemed to be an imitation and consequently subject to the requirements of section 403(c) of the act if it is a substitute for and resembles another food but is nutritionally inferior to the food imitated.

(2) A food that is a substitute for and resembles another food shall not be deemed to be an imitation provided it meets each of the following requirements:

(i) It is not nutritionally inferior to the food for which it substitutes and which it resembles.

(ii) Its label bears a common or usual name that complies with the provisions of § 102.1(a) of this chapter and that is not false or misleading.

(3) The label of a food that is a substitute for and resembles another food shall bear a common or usual name or

an appropriately descriptive term in addition to any fanciful name. Petitions to establish a common or usual name shall be submitted in accordance with the provisions of § 102.1(c) of this chapter.

(4) Nutritional inferiority includes a reduction in the content of an essential vitamin or mineral or of protein that amounts to 10 percent or more of the U.S. Recommended Daily Allowance established under § 1.17(c)(7)(iv), but does not include a reduction in the caloric or fat content provided the food is labeled pursuant to the provisions of § 1.17, and provided that the labeling with respect to any reduction in caloric content complies with the provisions applicable to caloric content in Part 125 of this chapter. If the Commissioner concludes that a food falls within this paragraph in that it is a substitute for and resembles another food but is nutritionally inferior to the food imitated, for reasons other than those set out in this subparagraph, he shall so inform the manufacturer or distributor in writing of his conclusions and shall offer a reasonable time period within which labeling and/or formulation changes may be made prior to the institution of regulatory action.

(5) The provisions of this paragraph do not affect the required declarations of identity under definitions and standards of identity for foods promulgated pursuant to section 401 of the act.

Interested persons may, on or before March 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-991 Filed 1-18-73;8:45 am]

[21 CFR Part 1]

FLAVOR, SPICES, AND FOOD CONTAINING ADDED FLAVOR

Proposed Labeling

Section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act authorizes the declaration of "spices," "flavorings," and "colorings" when these are used as food ingredients, except in the case of foods sold as spices, flavoring, or colorings.

There is some confusion as to the precise classification of certain substances as spices and flavorings. Artificial flavor is defined by § 1.12(a)(1) (21 CFR 1.12(a)(1)), but definitions for spices and natural flavors have not been established by regulation. Advisory standards were issued in 1918 as Food Inspection Decision (FID) 172, covering the collective term spices, and a number of specific foods were classified as spices. Since that time, this FID and its subsequent revisions have been used within the agency as guides for rendering decisions concerning the classification of selected substances as spices.

Some confusion also exists concerning the classification of certain newer flavors, because certain of their constituent parts are foods per se or are regulated chemicals. Diverse opinions have been offered over the years concerning labeling requirements of new flavors, causing uncertainty in the food industry.

There are at present also no regulations establishing a consistent pattern either for labeling bulk flavors shipped to a food manufacturer for use in making a finished food, or for designating the type of flavor on the label of the finished food.

The Food and Drug Administration is aware that the composition of a proprietary flavor compound marketed by a flavor manufacturer to a food manufacturer is a valuable trade secret. At the same time, the food manufacturer and the public require assurance that the ingredients used in such compounds meet the safety requirements of the law. Accordingly, it is proposed that, in lieu of declaring each separate ingredient on such compounds, a statement will suffice that each ingredient is contained in one of the three Food and Drug Administration flavor regulations, § 121.101, § 121.1163, or § 121.1164 (21 CFR 121.101, 121.1163, or 121.1164); it is also proposed that any ingredient not contained in one of those regulations shall be listed separately on the label.

Recent legal actions demonstrate that incorrect labeling is often used and that a uniform labeling policy for flavor designation should be established. The Food and Drug Administration adopted, in the ice cream standard, § 20.1 (21 CFR 20.1), a labeling pattern for flavor that has been proven to be very clear and informative to consumers. It is therefore proposed that this pattern, with appropriate modification, be extended to all foods.

When a flavor or spice is used as an ingredient in fabricated foods, the flavor or spice is covered by the labeling exemptions in section 403(i)(2) of the act and may be designated as "spices," "flavorings," or "artificial flavorings." There is uncertainty, however, as to the extent the other components of these manufactured flavors or seasonings, e.g., carriers, preservatives, emulsifiers, and enhancers, are exempt from specific ingredient declaration in the finished food.

Historically, the Food and Drug Administration has handled problems related to labeling of ingredients contained in flavors on a case-by-case basis. Specific inquiries from manufacturers and other interested individuals concerning the label declaration of certain nonflavors as ingredients in processed foods have resulted in the issuance of the following advisory opinions:

1. Anticaking agents need not be declared, provided the levels used are so low that they have no functional effect in the food itself.

2. Preservatives need not be declared if they are not intended to, and do not in fact, have any preservative effect on the finished food.

3. Ingredients ordinarily used as vehicles or emulsifiers need not be declared, but unusual solvents or vehicles must be declared.

4. Emulsifiers need not be declared on the label of the finished food if they do not function as such in the finished food.

5. It is necessary to declare the base used, such as sugar, dextrose, or salt.

The inclusion of most nonflavor components of flavor ingredients on the label of the finished food product would be impractical and even misleading to the ultimate consumer, and it is therefore proposed that such label declaration not be required where the nonflavor component(s) has no function in the finished food.

In order to clarify the policy of the Food and Drug Administration on these issues, the Commissioner of Food and Drugs proposes to issue regulations which: (1) Accurately define materials which may be considered flavors and spices; (2) describe specific conditions under which nonflavor ingredients of manufactured flavors are and are not exempt from the requirement of specific label declaration in finished food; (3) list those substances which are considered foods regardless of conditions of use and therefore require a declaration on the label of the finished food; (4) establish specific conditions under which bulk flavors are and are not exempt from the requirement of specific ingredient labeling; (5) establish a uniform pattern for label declaration of flavoring in finished food; and (6) consolidate in one regulation provisions relating to flavor labeling contained in statements of policy (21 CFR 3.10, 3.23(b), and 3.201).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to revoke §§ 3.10, 3.23(b), and 3.201 (21 CFR 3.10, 3.23(b), and 3.201), and to amend § 1.12 (21 CFR 1.12) by revising the section title, by revising paragraph (a)(1), by redesignating existing paragraphs (a)(2) and (a)(3) as new paragraphs (a)(4) and (a)(5), by adding new paragraphs (a)(2) and (a)(3), and by adding new paragraphs (g), (h), and (i), as follows:

§ 1.12 Food; labeling: flavoring, spices, or coloring, chemical preservatives.

(a) (1) The term "artificial flavor" or "artificial flavoring" means any substance, the function of which is to impart flavor, which is not derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf, or similar plant material, meat, fish, or poultry. Artificial flavor includes the substances listed in §§ 121.101(g) and 121.1164(b) of this chapter.

(2) The term "spice" means any aromatic vegetable substance in the whole, broken, or ground form; whose signifi-

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cant function in food is seasoning rather than nutritional; that is true to name; and from which no portion of any volatile oil or other flavoring principle has been removed. Spices include the spices listed in § 121.101(e) of this chapter, such as the following:

Allspice.	Marjoram.
Anise.	Mustard flour.
Basil.	Nutmeg.
Bay leaves.	Oregano.
Caraway seed.	Paprika.
Cardamon.	Parsley leaves.
Celery seed.	Pepper, black.
Chervil.	Pepper, white.
Cinnamon.	Pepper, red.
Cloves.	Rosemary.
Coriander.	Saffron.
Cumin seed.	Sage.
Dill seed.	Savory.
Fennel seed.	Star aniseed.
Fenugreek.	Tarragon.
Ginger.	Thyme.
Horseradish.	Turmeric.
Mace.	

Paprika, turmeric, and saffron are also colors which, under § 1.10(c), shall be declared as "spice and coloring," unless declared by their common or usual name.

(3) The term "natural flavor" or "natural flavoring" means the essential oil, oleoresin, essence or extractive, hydrolysate, distillate, or other reaction product, each of which contains the vital flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, fish, or poultry, whose significant function in food is flavoring rather than nutritional. Natural flavors include the natural extractives obtained from plants listed in § 121.101(e) and the substances listed in § 121.1163 of this chapter.

(4) The term "artificial color" or "artificial coloring" means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(5) The term "chemical preservative" means any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.

* * * * *

(g) A flavor shall be labeled in the following way when shipped to a food manufacturer or processor (but not a consumer) for use in a food that will subsequently be sold at retail.

(1) If the flavor consists of one ingredient, it shall be declared by its common or usual name.

(2) If the flavor consists of two or more ingredients, the label either may declare each ingredient by its common or usual name or may state "All flavor ingredients contained in this product are listed in §§ 121.101, 121.1163, or § 121.1164 of the Food and Drug Administration Regulations" of this chapter in lieu of declaring each such ingredient. Any flavor ingredient not contained in one of these regulations, and any nonflavor ingredient, shall be separately listed on the label.

(3) If the flavor is, or bears or contains, any flavor subject to Part 22 of this chapter, it shall be so labeled.

(4) In cases where the flavor contains solely natural flavor(s), the flavor shall be so labeled. In cases where the flavor contains both a natural characterizing flavor and an artificial flavor simulating it and the natural flavor predominates, the flavor shall be so labeled. In cases where the flavor contains solely artificial flavor(s) or in cases where the flavor contains both a natural characterizing flavor and an artificial flavor simulating it and the artificial flavor predominates, the flavor shall be so labeled.

(h) The label of a food to which flavor is added shall declare the flavor in the statement of ingredients in the following way:

(1) Spice, natural flavor, and artificial flavor may be declared as "spice," "natural flavor," or "artificial flavor," or any combination thereof, as the case may be.

(2) A substance which is not spice or flavor, but which is used in the manufacture of spice or flavor for a functional purpose, e.g., a carrier, emulsifier, preservative, enhancer, or potentiator, is an incidental additive and exempt from the requirement of label declaration if each of the following criteria is met:

(i) It is present in the flavor in a quantity not exceeding the amount necessary to produce the intended effect.

(ii) It is present in only trace quantities in the finished food.

(iii) It has no significant nutritive effect in the finished food.

(iv) It has no functional effect in the finished food.

(v) It is not specifically required to be declared by other regulations.

(vi) It is not a food additive as defined in section 201(s) of the act; or if it is a food additive as so defined, it is used in conformity with regulations established pursuant to section 409 of the act.

(3) Substances obtained by cutting, grinding, drying, pulping, or similar processing of tissues derived from fruit, vegetable, meat, fish, or poultry, e.g., powdered or granulated onions, garlic powder, and celery powder, are commonly understood by consumers to be food rather than flavor and shall be declared by their common or usual name.

(4) Any salt (sodium chloride) used as an ingredient in flavor shall be declared by its common or usual name "salt".

(5) Any monosodium glutamate used as an ingredient in flavor shall be declared by its common or usual name "monosodium glutamate".

(6) Any pyroligneous acid (artificial smoke flavor) used as an ingredient in flavor or in a food shall be declared by a phrase such as "pyroligneous acid, an artificial flavor", "pyroligneous acid, an artificial smoke flavor", or "artificially flavored with pyroligneous acid". No representation may be made, either directly or implied, that a food flavored with pyroligneous acid has been smoked or has a true smoked flavor, or that a seasoning sauce or similar product containing pyroligneous acid and used to season or flavor other foods will result in a smoked product or one having a true smoked flavor.

(i) If the label, labeling, or advertising of a food makes any direct or indirect representations with respect to flavor, by word, vignette, e.g., depiction of a fruit, or other means, or if for any other reason the manufacturer or distributor of a food wishes to designate the type of flavor in the food other than through the statement of ingredients, the flavor of the product shall be declared in the following way:

(1) If the food contains no artificial flavor, the name of the food on the principal display panel or panels for the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla", in letters not less than one-half the height of the letters used in the name of the food, except that if the food is one that is commonly expected to contain a characterizing ingredient, e.g., strawberries in "strawberry shortcake", and the food contains no such ingredient or contains natural flavor in addition to such ingredient, the name of the characterizing flavor shall be immediately followed by the word "flavored" in letters not less than one-half the height of the letters in the name of the characterizing flavor.

(2) In cases where the food contains both a natural characterizing flavor and an artificial flavor simulating it and the natural flavor predominates, the name of the food on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, in letters not less than one-half of the height of the letters used in the name of the food, followed by the word "flavored", in letters not less than one-half of the height of the letters in the name of the characterizing flavor, e.g., "vanilla flavored", "peach flavored", or "vanilla flavored and strawberry flavored".

(3) In cases where an artificial flavor is used alone, or in cases where the food contains both a natural characterizing flavor and an artificial flavor simulating it and the artificial flavor predominates, the name of the food on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, in letters not less than one-half of the height of the letters used in the name of the food, preceded by the word(s) "artificial" or "artificially flavored", in letters not less than one-half of the height of the letters in the name of the characterizing flavor, e.g., "artificial vanilla", or "artificially flavored strawberry" or "artificially flavored vanilla and artificially flavored strawberry".

(4) If the food is labeled in accordance with paragraph (i)(2) of this section or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial _____ flavor added" or "and artificial _____ flavor", the blank being filled with the common or usual name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

(5) Wherever the name of the characterizing flavor appears on the label (other than in the statement of ingredients) so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this paragraph shall immediately and conspicuously precede or follow such name, except:

(i) Where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part or is associated with the trademark or brand may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor; and

(ii) If the finished product contains more than one flavor subject to the requirements of this paragraph, the statements required by this paragraph need appear only once in each statement of characterizing flavors present in such food, e.g., "vanilla flavored, or chocolate and strawberry flavored, artificial flavors added".

(6) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor", or "strawberry, artificial strawberry flavor added".

Interested persons may, on or before March 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Comments received will be available for public inspection at the above office during regular business hours, Monday through Friday.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-992 Filed 1-18-73;8:45 am]

[21 CFR Parts 1, 3, 5]

EXEMPTIONS FROM FOOD LABELING REQUIREMENTS

Notice of Proposed Rule Making

A fabricated food containing two or more ingredients is required by section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act to bear on its label the common or usual name of each ingredient (other than spices, flavorings, and colorings); *Provided*, That, to the extent that such listing of ingredients is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary.

The Food and Drug Administration has promulgated a limited number of regulations exempting specific incidental food additives from the requirements of section 403(i)(2) of the act. The Commissioner proposes to clarify the Agency's policy with regard to the label declaration of incidental additives and to consolidate in one place the regulations concerning label exemptions currently found in 21 CFR Parts 1, 3, and 5.

The Commissioner proposes to revoke § 5.5, which was stayed at 31 FR 15730 on December 14, 1966, on the ground that 21 CFR 121.4001 (37 FR 2437) established the type of restrictions contained in § 5.5 for saccharin, the only artificial sweetener known to the Commissioner to be in use at the present time. Any other artificial sweetener will also be subject to a regulation promulgated under section 409 of the act, and will similarly include the type of restrictions contemplated by § 5.5. Accordingly, the provisions of § 5.5 are entirely obsolete. The Commissioner also proposes to revoke §§ 5.9 and 5.10, and to transfer the remainder of Part 5 and § 3.26 to a new § 1.10a. It is proposed to include in new § 1.10a provisions defining incidental additives and exempting them from the labeling requirements of section 403(i)(2) of the act, which cover the substance of former §§ 5.9 and 5.10, and to transfer exemptions from the labeling requirements of section 403(i)(2) of the act found in § 1.10 to the new § 1.10a. In addition, it is proposed that the termination of old exemptions, published as § 3.1 in 1961, be revoked as obsolete since manufacturers are now fully aware that these foods are no longer exempt from section 403(i)(2) of the act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Parts 1, 3, and 5 be amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

§ 1.10 [Amended]

1. In § 1.10 paragraphs (e), (f), and (g) are hereby revoked, and paragraph (h) is redesignated as paragraph (e).

2. A new § 1.10a is added to Part 1, incorporating the substance of § 1.10 (e), (f), and (g), § 3.26, §§ 5.1 through 5.4 and §§ 5.6 through 5.8 with additional new provisions, and reading as follows:

§ 1.10a Food; labeling; exemptions from labeling requirements.

(a) The following foods are exempt from compliance with the requirements of section 403(i)(2) of the act (requiring a declaration on the label of the common or usual name of each ingredient when the food is fabricated from two or more ingredients).

(1) An assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement (in terms that are as informative as practicable and that are not misleading) indicating that other ingredients may be present.

(2) A food having been received in bulk containers at a retail establishment, if displayed to the purchaser with either (i) the labeling of the bulk container plainly in view or (ii) a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required to be stated on the label pursuant to section 403(i)(2) of the act.

(3) Propylene glycol or glycerin present in quiescently frozen confections because of use as a carrier for food-grade emulsifiers and stabilizers.

(4) Incidental additives that are present in a food at insignificant levels and do not have any technical or functional effect in that food. For the purposes of this subparagraph, incidental additives are:

(i) Substances that have no technical or functional effect but are present in a food by reason of having been incorporated into the food as an ingredient of another food, in which the substance did have a functional or technical effect.

(ii) Processing aids, which are as follows:

(*a*) Substances that are added to a food during the processing of such food but are removed in some manner from the food before it is packaged in its finished form.

(*b*) Substances that are added to a food during processing, are converted into constituents normally present in the food, and do not significantly increase the amount of the constituents naturally found in the food.

(*c*) Substances that are added to a food for their technical or functional effect in the processing but are present in the finished food at insignificant levels and do not have any technical or functional effect in that food.

(iii) Substances migrating to food from equipment or packaging or otherwise affecting food that are not food additives as defined in section 201(s) of the act; or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

(b) A food repackaged in a retail establishment is exempt from the following provisions of the act if the conditions specified are met.

(1) Section 403(e)(1) of the act (requiring a statement on the label of the

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name and place of business of the manufacturer, packer, or distributor).

(2) Section 403(g)(2) of the act (requiring the label of a food which purports to be or is represented as one for which a definition and standard of identity has been prescribed to bear the name of the food specified in the definition and standard and, insofar as may be required by the regulation establishing the standard the common names of the optional ingredients present in the food), if the food is displayed to the purchaser with its interstate labeling clearly in view, or with a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required by these provisions.

(3) Section 403(i)(1) of the act (requiring the label to bear the common or usual name of the food), if the food is displayed to the purchaser with its interstate labeling clearly in view, or with a counter card, sign, or other appropriate device bearing prominently and conspicuously the common or usual name of the food, or if the common or usual name of the food is clearly revealed by its appearance.

(c) An open container (a container of rigid or semirigid construction, which is not closed by lid, wrapper, or otherwise) of a fresh fruit or fresh vegetable, the quantity of contents of which is not more than 1 dry quart, shall be exempt from the labeling requirements of sections 403(e), (g)(2) (with respect to the name of the food specified in the definition and standard), and (i)(1) of the act; but such exemption shall be on the condition that if two or more such containers are enclosed in a crate or other shipping package, such crate or package shall bear labeling showing the number of such containers enclosed therein and the quantity of the contents of each.

(d) Except as provided by paragraphs (e) and (f) of this section, a shipment or other delivery of a food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling requirements of section 403 (c), (e), (g), (h), (i), (j), and (k) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such food is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such food in such establishment as will insure, if such specifications are followed, that such food will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such food from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

(3) The article is an egg product subject to a standard of identity promulgated in Part 42 of this chapter, is to be shipped under the conditions specified in paragraph (a) or (b) of this section and for the purpose of pasteurization or other treatment as required in such standard, and each container of such egg product bears a conspicuous tag or label reading "Caution—This egg product has not been pasteurized or otherwise treated to destroy viable Salmonella micro-organisms." In addition to safe and suitable bactericidal processes designed specifically for Salmonella destruction in egg products, the term "other treatment" in the first sentence of this paragraph shall include use in acidic dressings in the processing of which the pH is not above 4.1 and the acidity of the aqueous phase, expressed as acetic acid, is not less than 1.4 percent, subject also to the conditions that:

(i) The agreement required in paragraph (b) of this section shall also state that the operator agrees to utilize such unpasteurized egg products in the processing of acidic dressings according to the specifications for pH and acidity set forth in this paragraph, agrees not to deliver the acidic dressing to a user until at least 72 hours after such egg product is incorporated in such acidic dressing, and agrees to maintain for inspection adequate records covering such processing for 2 years after such processing.

(ii) In addition to the caution statement referred to above, the container of such egg product shall also bear the statement "Unpasteurized ——— for use in acidic dressings only," the blank being filled in with the applicable name of the eggs or egg product.

(e) Conditions affecting expiration of exemptions. (1) An exemption of a shipment or other delivery of a food under paragraph (d) (1) or (3) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment become void ab initio if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(2) An exemption of a shipment or other delivery of a food under paragraph (d) (2) or (3) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by paragraph (d) (2) or (3) of this section.

(3) An exemption of a shipment or other delivery of a food under paragraph (d)(2) or (3) of this section shall expire:

(i) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(ii) Upon refusal by the operator of the establishment where such food is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such paragraph.

(f) The word "processed" as used in this paragraph shall include the holding of cheese in a suitable warehouse at a temperature of not less than 35° F. for the purpose of aging or curing to bring the cheese into compliance with requirements of an applicable definition and standard of identity. The exemptions provided for in paragraph (d) of this section shall apply to cheese which is, in accordance with the practice of the trade, shipped to a warehouse for aging or curing, on condition that the cheese is identified in the manner set forth in one of the applicable following paragraphs, and in such case the provisions of paragraph (e) of this section shall also apply:

(1) In the case of varieties of cheese for which definitions and standards of identity require a period of aging whether or not they are made from pasteurized milk, each such cheese shall bear on the cheese a legible mark showing the date at which the preliminary manufacturing process as been completed and at which date curing commences, and to each cheese, on its wrapper or immediate container, shall be affixed a removable tag bearing the statement "Uncured ——— cheese for completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese. In the case of swiss cheese, the date at which the preliminary manufacturing process had been completed and at which date curing commences is the date on which the shaped curd is removed from immersion in saturated salt solution as provided in the definition and standard of identity for swiss cheese, and such cheese shall bear a removable tag reading, "To be cured and labeled as 'swiss cheese,' but if eyes do not form to be labeled as 'swiss cheese for manufacturing.'"

(2) In the case of varieties of cheeses which when made from unpasteurized milk are required to be aged for not less than 60 days, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading, "——— cheese made from unpasteurized milk. For completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese.

(3) In the case of cheddar cheese, washed curd cheese, colby cheese, granular cheese, and brick cheese made from unpasteurized milk, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading "——— cheese made from unpasteurized milk. For completion of curing and proper labeling, or for labeling as ——— cheese for manufacturing," the blank being filled in with the applicable name of the variety of cheese.

(g) The label declaration of a harmless marker used to identify a particular manufacturer's product may result in unfair competition through revealing a trade secret. Exemption from the label declaration of such a marker is granted, therefore, provided that the following conditions are met:

(1) The person desiring to use the marker without label declaration of its presence has submitted to the Commissioner of Food and Drugs full information concerning the proposed usage and the reasons why he believes label declaration of the marker should be subject to this exemption; and

(2) The person requesting the exemption has received from the Commissioner of Food and Drugs a finding that the marker is harmless and that the exemption has been granted.

(h) Wrapped fish fillets of nonuniform weight intended to be unpacked and marked with the correct weight at the point of retail sale in an establishment other than that were originally packed shall be exempt from the requirement of section 403(e)(2) of the act during introduction and movement in interstate commerce and while held for sale prior to weighing and marking:

(1) *Provided*, That:

(i) The outside container bears a label declaration of the total net weight; and

(ii) The individual packages bear a conspicuous statement "To be weighed at time of sale" and a correct statement setting forth the weight of the wrapper: *And*

(2) *Provided further*, That it is the practice of the retail establishment to weigh and mark the individual packages with a correct net-weight statement prior to or at the point of retail sale. A statement of the weight of the wrapper shall be set forth so as to be readily read and understood, using such term as "wrapper tare — ounce," the blank being filled in with the correct average weight of the wrapper used.

(3) The act of delivering the wrapped fish fillets during the retail sale without the correct net-weight statement shall be deemed an act which results in the product's being misbranded while held for sale. Nothing in this paragraph shall be construed as requiring net-weight statements for wrapped fish fillets delivered into institutional trade provided the outside container bears the required information.

(i) Wrapped clusters (consumer units) of bananas of nonuniform weight intended to be unpacked from a master carton or container and weighed at the point of retail sale in an establishment other than that where originally packed shall be exempt from the requirements of section 403(e)(2) of the act during introduction and movement in interstate commerce and while held for sale prior to weighing:

(1) *Provided*, That:

(i) The master carton or container bears a label declaration of the total net weight; and

(ii) The individual packages bear a conspicuous statement "To be weighed at the time of sale" and a correct statement setting forth the weight of the wrapper:

(2) *And provided, further*, That it is the practice of the retail establishment to weigh the individual packages either prior to or at the time of retail sale.

(3) The act of delivering the wrapped clusters (consumer units) during the retail sale without an accurate net weight statement or alternatively without weighing at the time of sale shall be deemed an act which results in the product's being misbranded while held for sale. Nothing in this paragraph shall be construed as requiring net-weight statements for clusters (consumer units) delivered into institutional trade, provided that the master container or carton bears the required information.

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.1 [Revoked]

3. The provisions of § 3.1 are hereby revoked.

§ 3.26 [Revoked]

4. The provisions of § 3.26 are hereby revoked.

PART 5—[REVOKED]

5. The provisions of Part 5 are hereby revoked.

Interested persons may, on or before March 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-993 Filed 1-18-73;8:45 am]

[21 CFR Parts 1, 3, 125]

SPECIAL DIETARY FOODS

Label Statements; Proposed Findings of Fact, Conclusions, and Tentative Order Following Public Hearing

In the matter of revising regulations for food for special dietary uses:

HISTORY

1. On the initiative of the Commissioner of Food and Drugs, a notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of June 20, 1962 (27 FR 5815), and numerous comments were received in response thereto. Subsequently, orders were published in the FEDERAL REGISTER of June 18, 1966 (31 FR 8521 et seq.), to become effective December 15, 1966, deleting § 1.11 (21 CFR 1.11), excepting from labeling requirements certain artificially sweetened foods (21 CFR 5.5), establishing definitions and standards of identity for dietary supplements of vitamins and minerals and for vitamin and mineral-fortified foods (21 CFR Part 80), and revising the regulations for the labeling of food for special dietary uses (21 CFR Part 125).

2. During the 30-day period provided by the orders of June 18, 1966, objections and requests for a public hearing were filed. Consequently, an order was published in the FEDERAL REGISTER of December 14, 1966 (31 FR 15730), staying the effective date of § 5.5, Part 80, and Part 125, and staying the effective date of the deletion of § 1.11, as published June 18, 1966. The order of December 14, 1966, gave notice that a public hearing would be held on the basis of the objections received, and set forth the issues to be decided at the hearing. Since the order also contained amendments to the provisions of Parts 80 and 125 published in the FEDERAL REGISTER of June 18, 1966, an additional period of 30 days was provided for the filing of objections by persons adversely affected. Numerous letters objecting to the amendments and requesting a public hearing were received; however, no substantive issues not already stated in the order of December 14, 1966, were raised by these objections. A correction of a printer's error in the order of December 14, 1966, was published in the FEDERAL REGISTER of December 21, 1966 (31 FR 16312).

3. Also published in the FEDERAL REGISTER of December 14, 1966 (31 FR 15748), was a notice proposing that § 80.2, the definition and standard of identity for vitamin- and mineral-fortified foods, which was established by the order of June 18, 1966, and amended and stayed by the order of December 14, 1966, be amended by adding to the table in paragraph (c) the following classes of food: (1) Frozen dessert products (containing vegetable fat in lieu of butter fat) made in semblance of ice cream or ice milk; (2) milk fortifiers; (3) and meal substitutes.

4. The comments received in response to the proposal of December 14, 1966, were considered and an order was subsequently published in the FEDERAL REGISTER of April 8, 1967 (32 FR 5736), amending § 80.2 to add the additional classes of food. In response to that order, several objections and requests for a public hearing were received; however, no substantive issues were raised that were not already set forth in the order of December 14, 1966.

5. A notice was published in the FEDERAL REGISTER of April 2, 1968 (33 FR 5268), scheduling a hearing to begin May 21, 1968, and a prehearing confer-

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ence to begin May 7, 1968. The notice also designated Mr. David H. Harris as the Hearing Examiner for these proceedings, and notice that he was appointed a hearing examiner was published in the FEDERAL REGISTER of May 4, 1968 (33 FR 6828).

6. The hearing was convened as scheduled May 21, 1968, and recessed the same day to permit continuation of prehearing conferences. Notice was given in the FEDERAL REGISTER of June 13, 1968 (33 FR 8679), that the hearing was being reconvened June 20, 1968. The hearing was reconvened as scheduled and continued for almost 2 years, closing on May 14, 1970.

7. The taking of evidence with reference to infant foods was closed October 14, 1969. Pursuant to 21 CFR 2.96, and limited to the infant food portion of the proceedings, the Hearing Examiner submitted his report and certified the record together with his report to the Commissioner of Food and Drugs. This Hearing Examiner's report, dated August 26, 1970, is part of the public record (Docket No. FDC–79) on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852.

8. The Hearing Examiner subsequently submitted his report of the entire proceedings, except for the previously submitted portion on infant foods, and certified the associated record together with his report to the Commissioner of Food and Drugs. This Hearing Examiner's report, dated January 25, 1971, is part of the public record (Docket No. FDC–78) and is also on file with the Hearing Clerk.

9. After review of the Hearing Examiner's report and related material on the infant foods portion of the proceedings, the Commissioner published in the FEDERAL REGISTER October 29, 1970 (35 FR 16737), proposed findings of fact, proposed conclusions, and a tentative order on label statements relating to infant foods, and provided a 30-day period for the filing of written exceptions. After review of comments received, and further review of the Hearing Examiner's report and related material, several changes were made in the tentative order, and the final order on label statements relating to infant foods (21 CFR 125.5) was published in the FEDERAL REGISTER of December 10, 1971 (36 FR 23553), with an effective date 90 days from the date of publication.

10. After review of the Hearing Examiner's report and related material on the portion of the proceedings concerning vitamin- and mineral-fortified foods, the Commissioner concluded that it would be in the public interest to develop regulations for such foods utilizing the approach of establishing nutritional quality guidelines for certain classes of foods, including those to which vitamins and/or minerals may be added. These guidelines may replace the approach of developing standards of identity for these foods as originally proposed in the form of 21 CFR 80.2. A notice of proposed rule making on nutritional quality guidelines was published in the FEDERAL REGISTER of December 23, 1971 (36 FR 24822). In that notice, the Commissioner proposed to amend Chapter I by adding a new Part 100 for nutritional quality guidelines for foods, defined general principles (proposed 21 CFR 100.1), and proposed the first nutritional quality guideline, in this case for precooked frozen convenience "heat and serve" dinners (proposed 21 CFR 100.20). The Commissioner is deferring final action on 21 CFR 80.2 until experience is gained under 21 CFR Part 100. In a notice of proposed rule making, published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner proposes to establish a new 21 CFR 1.10a (Exemptions From Food Labeling Requirements) which would revoke 21 CFR 5.5, which was stayed at 31 FR 15730 on December 14, 1966, on the ground that 21 CFR 121.4001 (37 FR 2437) established the type of restrictions contained in 21 CFR 5.5 for saccharin (the only artificial sweetener known to the Commissioner to be used at the present time). Any other artificial sweetener will also be subject to a regulation promulgated under section 409 of the Federal Food, Drug, and Cosmetic Act and will similarly include the type or restrictions contemplated by 21 CFR 5.5.

11. In the past, the term "special dietary food" has been defined to include any food to which a nutrient has been added or for which nutrition claims or information have been used. This assured that such foods would have labeling information about the nutrient(s) added, pursuant to regulations promulgated in 21 CFR Part 125. The Commissioner has reviewed the history of this use of the "special dietary" designation, and has concluded that because of the complexity of the conventional food supply that it is necessary to develop general nutrition labeling available for use on all foods. Nutrition labeling is the required form of labeling for foods with added nutrients or for which the manufacturer makes nutrition claims. A notice of proposed rule making on nutrition labeling under title 21 was published in the FEDERAL REGISTER of March 30, 1972 (37 FR 6493).

12. In this issue of the FEDERAL REGISTER, the Commissioner has published the following proposals, tentative orders, and regulations that relate to other sections of special dietary labeling and nutrition labeling as follows:

(a) Nutrition labeling. (§ 1.17)
(b) Food label information panel. (§ 1.8d)
(c) Food fat labeling. (§ 1.18)
(d) Standard of identity for vitamin-mineral supplements. (§ 80.1)
(e) Food standard labeling changes.
(f) Uniform effective date for food labeling changes.

13. Beginning with the enactment of the Federal Food, Drug, and Cosmetic Act of 1938 (52 Stat. 1040), the Food and Drug Administration rendered informal opinions on many problems that arose under the act. These opinions, issued as Trade Correspondence (TC), represented the policy of the Food and Drug Administration based on specific problems and the application of the statute thereto. To avoid confusion as to the status of those TC issuances which will be superseded by the amendments to 21 CFR Part 125 as contained herein and new § 80.1 published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner concludes that such TC issuances should be formally rescinded. Therefore, notice is given that the following TC issuances are rescinded effective on the effective date of the amendments to 21 CFR Part 125 set forth below:

(a) TC–93: Vitamins.
(b) TC–315: Vitamin-carrying oil—labeling.
(c) TC–363: "Vitamin B complex".
(d) TC–379: Wheat germ oil—vitamin E.
(e) TC–387: Vitamin capsules and tablets.
(f) TC–407: Vitamin B_1 tablets for use in enriching bread.
(g) TC–408: Pyridoxine and pantothenic acid in yeast tablets.
(h) TC–411: Bakery products containing thiamine, riboflavin, niacin, and iron.

LIMITED SCOPE OF THIS ACTION

14. This document pertains only to regulations concerning certain limited matters relating to labeling foods for special dietary use (21 CFR 125.1–125.3).

15. A final order was published in the FEDERAL REGISTER of December 10, 1971, on label statements relating to infant foods (§ 125.5). The order of December 10, 1971, and the present action reflect the continuing intent of the Commissioner of Food and Drugs to promulgate revised individual sections of this Part 125 as soon as the records of the hearing can be reviewed, analyzed, and the findings implemented.

16. The document of December 14, 1966, listed the issues for the contemplated hearing, including Nos. III–A, III–B, and III–C, as follows:

III. Issues concerning Part 125. A. With respect to § 125.1 *Definitions and interpretations of terms:*

1. Whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses, to define "special dietary use" as set forth in § 125.1(a).

2. Whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses, to establish "recommended dietary allowances" for essential nutrients.

3. Whether the "recommended dietary allowances" as set forth in §125.1(b), and amended by this order, are reasonable.

4. Whether the definition of "artificial sweetener" in § 125.1(c) is reasonable.

B. With respect to § 125.2 *General label statements; dietary properties; value; placement,* whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses, to require that the labels of such foods bear a statement as required and limited by that section, as amended by this order.

C. With respect to § 125.3 *Label statements relating to vitamins and minerals,* whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses, to require that the labels of such foods by reason of their vitamin or mineral content bear a statement of the percentages of the recommended dietary allowances of such vitamins and minerals contained in such food, with the limitation that vitamin and mineral supplements and foods fortified with vitamins and/or minerals may not bear on their labels a declaration of any quantity of added vitamins or minerals in the supplements or fortified foods which supply more than 100 percent of the recommended dietary allowance for any nutrient.

17. The public hearing in the overall matter was closed May 14, 1970, Pursuant to 21 CFR 2.96, the Hearing Examiner, Mr. David H. Harris, submitted his report in this matter and certified the record together with this report to the Commissioner of Food and Drugs. The report is part of the public record (Docket No. FDC–78) on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852.

18. The Commissioner realizes that legal challenge may be brought against the new approach to nutrition labeling in 21 CFR 1.17. If 21 CFR 1.17 is found invalid for any reason it will be necessary to resume the labeling of foods with added nutrients, or for which nutritional claims are made, under 21 CFR Part 125. The Commissioner is therefore keeping the record on this portion of the hearing open, for this limited purpose, in the event that it becomes necessary to amend this tentative order or to issue a supplemental tentative order to provide for labeling of this type pursuant to 21 CFR Part 125 in lieu of 21 CFR 1.17.

OTHER REGULATIONS AND POLICIES AFFECTED

The publication of this tentative order requires changes in certain existing food additive regulations and formal statements of policy under Parts 1 and 3 of Title 21 of the Code of Federal Regulations. These additional actions are as follows:

1. Since it is no longer appropriate § 1.11 *Special dietary uses* is being revoked.

2. Since the Food and Nutrition Board, National Academy of Sciences-National Research Council (NAS/NRC), has now established a set of Recommended Daily Dietary Allowances for vitamin E, and since there now is scientific evidence that the vitamin E content of the diet may not always be adequate to meet requirements, the formal statement of policy under § 3.9 *Label declaration of vitamin E in food for special delivery use* is being revoked.

3. Since appropriate and useful levels of vitamin B_{12} and folic acid have been determined, the formal statement of policy under § 3.32 *Label declarations of vitamin B_{12} and folic acid in foods for special dietary uses* is being revoked.

4. Since it is no longer appropriate, the formal statement of policy under § 3.46 *Interpretations of orders relating to dietary supplements; vitamin and mineral-fortified foods; foods for special dietary use* is being revoked.

5. Concerning folic acid (folacin), the Food and Nutrition Board, NAS/NRC, recommends daily intakes of 0.4 milligram for older children and adults, and 0.8 milligram during pregnancy. The Council on Foods and Nutrition, American Medical Association (AMA), recently reviewed the subject of desirable levels of folic acid in dietary supplements, and communicated their conclusions to the Food and Drug Administration by their letter of October 13, 1971. The Council recommended increasing the allowable maximum amount to that recommended by the Food and Nutrition Board on the basis of recent evidence of inadequate intakes in significant segments of the population, the absence of ill-effects in normal individuals from such intakes, and the lack of evidence that such intakes aggravate or mask pernicious anemia or interfere with the diagnosis or treatment of the disease. The Commissioner considers these positions of the NAS/NRC and the AMA to be nutritionally sound. Therefore, the formal statement of policy under § 3.42 *Status of pteroylglutamic acid (folic acid) in foods for special dietary use and as a drug* will be revised at a later date to reflect these quantitative changes relative to folic acid. Also, the limitation of 0.1 milligram provided for in the food additive regulation under § 121.1134 *Pteroylglutamic acid* will be revised to permit larger amounts of folic acid in dietary supplements consistent with the recommendations of the Food and Nutrition Board.

6. Since it has now been established that 0.3 milligram of iodine per day is safe in humans, including during pregnancy and lactation, since iodine deficiency goiter continues to persist in the United States, and since 0.3 milligram is a reasonable maximum daily intake to be provided by a dietary supplement for pregnancy and lactation, § 121.1073 *Potassium iodide* and § 121.1149 *Kelp* will be revised at a later date to increase the maximum daily intake of the additives to a level not to exceed 0.3 milligram of iodine.

Having considered the evidence pertaining to the issues concerning §§ 125.1, 125.2, and 125.3 received at the hearing and the Hearing Examiner's Report of January 25, 1971, and having considered the comments from the National Food Advisory Committee, the Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 701(e), 52 Stat. 1046, 1048, 1055–1056, as amended by 70 Stat. 919; 21 U.S.C. 341, 343(j), 371(e)) and under authority delegated to him (21 CFR 2.120), proposes the following findings of fact, conclusions of law, and tentative final order:

PROPOSED FINDINGS OF FACT[1]

1. Since enactment, in 1941, of the currently effective regulations concerning foods for special dietary uses, the definition of special dietary use contained therein (21 CFR 1.11) has proved inadequate, in certain respects, to meet the needs of the Food and Drug Administration in its regulatory activity. (Swain, Tr. 115, 116, 125–127, 153–155, 168, 169)

2. The term "special dietary use," as applied to food including dietary supplements used by man, means a particular use for which a product purports or is represented to be used, including but not limited to the following uses:

(a) Supplying a special dietary need that exists by reason of a physical, physiological, or other condition, including but not limited to the conditions of convalescence, pregnancy, lactation, infancy, allergic hypersensitivity to food, underweight, overweight, diabetes mellitus, or the need to control the intake of sodium;

(b) Supplying a vitamin, mineral, or other dietary property for use by man to supplement his diet by increasing the total dietary intake.

(c) Supplying a special dietary need by reason of being a food for use as the sole item of the diet. (Mickelsen, Tr. 2508; WD–G–Ross, Q&A 55, 56; WD–G–Moses, Q&A 17–19)

3. To fully inform the purchaser of the product's value for such use, the label of a food for a special dietary use should bear a statement of usefulness consisting of a list of the dietary properties upon which the special use is based. (Grollman, Tr. 1766; Hodges, Tr. 2969–70; Mickelsen, Tr. 2518–19; WD–G–Moses, Q&A 33) Many dietary supplements include named ingredients which are of no value as supplements to the human diet. (Grollman, Tr. 1628, 1675–77, 1707, Exhibit P–125, Mickelsen, Tr. 2464–65, Exhibit P–172, 2469, Exhibit P–173, Hodges, Tr. 2933, Exhibit P–179, 2936, Exhibit P–180, Herbert, Tr. 9891, Exhibit P–113, 9899, Exhibit P–468, Swain, Tr. 185–191, 213, 220, 221, 223, 229–231, 255, 264, 269, 336, 397, 442, 447, 455, 469, 475, 476, 487, Weissenberg, Tr. 8761, 6402, 5949, Exhibit P–576, P–591) However, many consumers will purchase such products with long lists of ingredients, believing them to be of better value than products with a lesser number of ingredients. (WD–G–Perloff, Q&A 38–41; Exhibit P–1151, page B9). Such consumers believe that if an ingredient is listed, it must significantly contribute to the value of the product as a dietary supplement. (WD–G–Perloff, Q&A 18, 19; Exhibit P–737) The label of a dietary supplement, as a food for special dietary use, should bear a statement of usefulness consisting of a list of the nutrient ingredients which provide the special use characteristics. The list of such ingredients should be limited to those which are of significant value and need in human nutrition as components of dietary supplements. (Grollman, Tr. 1766; Hodges, Tr. 2969–2970; Mickelsen, Tr. 2518–2520; WD–G–Moses, Q&A 33; WD–C–Ross, Q&A 59–61)

4. It is scientifically inaccurate to list a dietary property of a food for special dietary use that is of no significance in

[1] The abbreviations in the citations are:
Tr.—For transcript pages of the hearing.
P.—For exhibits introduced by the Government, the proponent.
O.—For exhibits introduced by opponents.
WD–G—For written direct testimony by a witness for the Government.
WD–3A—For written direct testimony by a witness for the designated opponent (e.g., "3A").
Q. & A.—Question and answer.

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human nutrition, and listing of dietary properties should be limited to ingredients of significant value and need in human nutrition. (WD–G–Ross, Q&A 59–61; Grollman, Tr. 1766; Mickelsen, Tr. 2518–19; Hodges, Tr. 2969–70)

5. In addition to statements on the container label of a food for special dietary use it is necessary to consider the label in its entire setting including statements made in the labeling, promotional material, and advertising for such food, to determine whether the label bears a statement concerning properties of the food which are of no significance in human nutition. (WD–G–Perloff, Q&A 10, 16, 17; WD–G–Swanson, Q&A 50; WD–G–Ross, Q&A 61; Section 201(n), FDCA)

6. The term "minimum daily requirement" was adopted by the Food and Drug Administration in 1940 as a means of fully informing consumers about vitamins and minerals in food for special dietary uses. (Boehne, Tr. 2702–03; Swain, Tr. 170) The term "minimum daily requirements," as it has been used since 1940, in the labeling and promotional material for foods with special dietary uses has led to some confusion among consumers. Consumers believe that the "minimum" requirements may be, or may nearly be, inadequate in terms of the nutrient content provided. (Boehne, Tr. 2704; Weissenberg, Tr. 5891, 7734, 8783; WD–G–Gullberg, Q&A 20; WD–G–Perloff, Q&A 35, 37; Exhibit P–737) The continued existence of the term "minimum daily requirement" has led to the production, promotion, and sale of a variety of dietary supplements, that contain large multiples of the minimum daily requirements for vitamins and minerals, and by far exceed the adequate human total daily dietary requirements for these nutrients. (Boehne, Tr. 2739; Grollman, Tr. 1682 (Exhibit P–84), 1685 (Exhibit P–85); Hodges, Tr. 2933–37 (Exhibit P–181), 2939–40; Herbert, Tr. 9898 (Exhibit P–232), 9899–9901 (Exhibit P–468); Mickelsen, Tr. 2448 (Exhibit P–167); Hodges, Tr. 2942 (Exhibit P–183); Swain, Tr. 171–175, 180–182; Weissenberg, Tr. 8760 (Exhibit P–575, P–583))

7. It will prove beneficial to consumers and simplify the task of consumer education to provide for use of the term "recommended daily allowance" (RDA) as a substitute for "minimum daily requirement" (MDR). (Sebrell, Tr. 26181; WD–G–Gullberg, Q&A 21)

8. The "Recommended Dietary Allowances," revised periodically by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, represent established nutrient levels that are quantitatively high enough to provide for the adequate intake of essential nutrients under the wide variety of conditions that exist in this country for essentially all of the normal healthy persons in the United States. Furthermore, these levels are reviewed, discussed, and accepted by numerous scientists and, therefore, are considered to be extremely reliable. (Hodges, Tr. 2880, 2919, 2964–65; Grollman, Tr. 1670, 1763; Mickelsen, Tr. 2438–39; Herbert Tr. 9865–67; WD–G–Harrison, Q&A 23; Schweigert, Tr. 8257, 8260; WD–G–Gullberg, Q&A 19; Exhibit P–651; Sebrell, Tr. 26, 181)

9. Publication No. 1694 of the National Academy of Sciences entitled "Recommended Dietary Allowances, Seventh Revised Edition, 1968, A Report of the Food and Nutrition Board, National Research Council," and subsequent editions, should be used as the source of authentic and reliable information on which to base recommended daily allowances of nutrients. (WD–3A–Sebrell, Q&A 9, 10, 18, 19, Tr. 26181; Hodges, Tr. 2917; Herbert, Tr. 9865; WD–G–Harrison, Q&A 14, 23, 26, 27; WD–G–Ross, Q&A 65)

10. Recommended dietary allowances adapted from publication No. 1694 of the National Academy of Sciences are sufficiently above the average requirement for particular nutrients to cover the needs of between 95 percent and 99 percent of the normal healthy population. (Hodges, Tr. 7083; WD–46–Olsen, page 7, Tr. 29466–67; Jukes, Tr. 28688; Briggs, Tr. 28761; Mayer, Tr. 28865–66; Stokstad, Tr. 26742; Goodhart, Tr. 30169–70; Stare, Tr. 29280; WD–G–Ross P–5)

11. The essential vitamins are: Vitamins A, C (ascorbic acid), D, E, K, B_1 (thiamine), B_2 (riboflavin), niacin vitamin B_6, folic acid (folacin), pantothenic acid, vitamin B_{12}, and biotin. (WD–3A–Sebrell, Q&A 4, WD–G–Harrison, Q&A 20)

12. The essential mineral nutrients are: Calcium, chlorine, iron, magnesium, phosphorus, potassium, sodium, sulfur, copper, fluorine, iodine, manganese, and zinc. (WD–3A–Sebrell, Q&A 4)

13. The values for vitamins and minerals in the table entitled "Recommended Daily Dietary Allowances," in publication No. 1694 of the National Academy of Sciences, and values for essential nutrients derived from sections in the text when no values are given in the aforementioned table, may be used as a basis for fully informing the purchaser of the nutrient value of a food for special dietary use. A reasonable and scientifically accurate adaptation of the table and text referred to above reads as follows:

Vitamins and minerals	Unit of measurement	Infants and children under 4 years of age	Adults and children 4 or more years of age	Pregnant or lactating women
Vitamin A	International units	2,500	5,000	8,000
Vitamin D	do	400	400	400
Vitamin E	do	10	30	30
Vitamin C	Milligrams	40	60	60
Folic acid	do	0.2	0.4	0.8
Thiamine	do	0.7	1.5	1.7
Riboflavin	do	0.8	1.7	2.0
Niacin	do	9.0	20	20
Vitamin B_6	do	0.7	2.0	2.5
Vitamin B_{12}	Micrograms	3	6	8
Biotin	Milligrams	0.15	0.3	0.3
Pantothenic Acid	do	5.0	10	10
Calcium	Grams	0.8	1.0	1.3
Phosphorus	do	0.8	1.0	1.3
Iodine	Micrograms	70	150	150
Iron	Milligrams	10	18	18
Magnesium	do	200	400	450
Copper	do	1.0	2.0	2.0
Zinc	do	8.0	15	15

14. There are scientific and medical justifications for selecting an age separation at under 4 years of age for the purpose of establishing a basis for dietary supplements. (WD–33–Krehl, pages 5–8; WD–33–Emerson, pages 4–5; WD–43–Filer, page 21) The recommended daily dietary allowance of the Food and Nutrition Board, NAS–NRC, for 2- to 3-year olds can safely be used by infants and 1- to 2-year olds, and the maximum values for the under-4-years-old group can be used for all infants and children under 4 years of age. (WD–33–Krehl, pages 6–7; Tr. 2, 877–8, Hodges; WD–43–Graham; and WD–43–Filer, page 21)

15. There are demonstrable distinctions among the nutritional requirements of infants and young children, and pregnant or lactating women, as compared to the nutritional requirements of adults. (Michelsen, Tr. 2424–2427; Grollman, Tr. 1665; Hodges, Tr. 2877–2878; Herbert, Tr. 9944; WD–3A–Sebrell, Q&A 15, 16, 19, and 28; WD–G–Ross, Q&A 23, Boehne, Tr. 2741–2759)

16. The label of a food purported or represented to be for special dietary use by reason of its vitamin or mineral properties, should bear a statement revealing the proportion or percentage of the recommended daily allowance of the particular vitamins or minerals contained in a specified quantity of the product when consumed during a period of 1 day. This is both reasonable and necessary for an intelligent scientific evaluation of the article. (Herbert, Tr. 9944–5; Grollman, Tr. 1762; Hodges, Tr. 2964–6; WD–G–Ross, Q&A 63; Michelsen, Tr. 2635–7)

17. When a food is purported or represented to be for special dietary use because of certain vitamin or mineral properties, and is offered for use by more than one of the groups for which the recommended daily allowances for the vitamins and minerals are set, it then becomes necessary to state the percent or proportion of the recommended daily allowances for each group separately. (Herbert, Tr. 9945–6; WD–G–Gullberg, Q&A 17; Hodges, Tr. 2966–7)

18. It makes no difference from a scientific point of view when the proportion of the recommended daily allowance amounts to a whole number and a fraction, if the fraction is discarded. (Herbert, Tr. 9946)

19. The term "artificial sweetener" means a sweetening substance not used

in normal metabolism as a source of calories. (WD–G–Levine, Q&A 75–77, 81; WD–G–Ricketts, Q&A 34–35, 39)

20. Occasionally, in the manufacturing of foods not intended for special dietary uses, it is possible to achieve certain food characteristics only through the use of an artificial sweetener as a constituent of the food. When this situation exists, it is reasonable to consider the use of the artificial sweetener in such a food not to be for the purpose of reducing or maintaining body weight, or for use in the diet of diabetics: *Provided*, That no label reference is made to the caloric reduction or presence of the artificial sweetener in the food, other than the simple listing of the artificial sweetener as an ingredient. (WD–G–Moses, Q&A 21, 23–31; WD–G–Levine, Q&A 213, 214)

21. For the purposes of dietary evaluation and nutritional characteristics an infant should be considered to be a person 12 months of age or less. (Mickelsen, Tr. 2511; Lowe, Tr. 12, 568–70)

22. The term "serving" means that reasonable quantity of food suitable for or practicable of consumption as a part of a meal by an adult male engaged in light physical activity, or by an infant or child when the article purports or is represented to be for infant feeding or child consumption. (WD–G–Dawson, Q&A 17–20; Mickelsen, Tr. 2514, Exhibit P–718, P–723; WD–G–Gullberg, Q&A 42, 43; WD–G–Ross, Q&A 57)

23. Among dietitians and nutritionists it is customary to describe quantities of foods in units of measure thought to be readily understood by consumers such as teaspoonfuls, tablespoonfuls, cupfuls, and slices. (WD–G–Dawson, Q&A 21; WD–G–Gullberg, Q&A 42; WD–G–Ross, Q&A 58; Mickelsen, Tr. 2514)

24. The standard measuring cup is 8 fluid ounces or approximately 240 milliliters. A tablespoonful is the equivalent of 3 teaspoonfuls, approximately one-half fluid ounce, or about 15 milliliters. A teaspoon holds one-sixth fluid ounce or about 5 milliliters. (WD–G–Dawson, Q&A 22–25; WD–G–Gullberg, Q&A 44–47, 49)

25. Persons suffering from diabetes mellitus are known as "diabetics." (WD–G–Ricketts, Q&A 85; WD–G–Levine, Q&A 171; Exhibit P–1082)

26. There is no nutritional difference between a vitamin provided by a synthetic source and the same vitamin provided by a natural source, but the natural source may contain other ingredients which may limit the absorbability of the vitamin provided by the natural source. (Herbert, Tr. 9937–38, 9984, 10050)

27. A large number of dietary supplements on our domestic market advertise or otherwise call attention to the claim that their ingredients are "natural" or derived from "natural sources." (Swain, Tr. 234–477; Weissenberg, Tr. 6554–56, 8757–58; Exhibit P–35, P–40–43, P–54, P–66–68, P–70, P–74)

28. More than half of the people in the United States are likely to choose foods for special dietary uses that contain ingredients described as "natural" or derived from "natural sources" in the belief that "natural" foods are superior to "synthetic foods." (P–1151, pages B10–11, Q 16, Q 16a, Q 16b; WD–G–Perloff, A 44, 45, 46, 49)

29. For a considerable time, the labeling, promotion, and advertising of various foods offered for special dietary uses have contained statements claiming or suggesting that these products were adequate or effective, by virtue of their vitamin or mineral content, for the treatment, prevention, or mitigation of a large variety of diseases and symptoms. (Swain, Tr. 153, 157–8, 192–3, 199–200, 212–3, 224–5, 239, 254, 255, 264–72, 276–7, 286, 288–9, 314, 352, 354–6, 379, 385, 394, 396, 443–6, 453, 469–71, 478, 487–9; Weissenberg, Tr. 5819, 5980, 6017, 6027, 6049, 6152, 6193, 6347, 6416, 6436, 6443, 6450)

30. There is no rationale for allowing or encouraging the promotion and sale of dietary supplements of vitamins and/or minerals to the general American population for the purpose of treating, preventing, or curing diseases or symptoms. To the contrary, there is ample reason to discourage such methods of promoting foods for special dietary use. (Grollman, Tr. 1771–2; Mickelsen, Tr. 2520; Schweigert, Tr. 8233–4; Herbert, Tr. 9961; WD–G–Ross, Q&A 62; Hodges, Tr. 2994–5; Thiessen, Tr. 26,755–6; Briggs, Tr. 28,750–1; Unglaub, Tr. 28,942–3; Wallerstein, Tr. 28,986–90; Mayer, Tr. 28,868, 28,892–8; Gershoff, Tr. 29,108–9)

31. Lay persons are incapable of determining, by themselves, whether they have, or are likely to develop, vitamin or mineral deficiencies. (Grollman, Tr. 1771–2, 1782; Herbert, Tr. 9961, 9979–80, 10,029; Unglaub, Tr. 28,942; Wallerstein, Tr. 28,989; Hodges, Tr. 2994–5; Mickelsen, Tr. 2520; Mayer, Tr. 28,892–3)

32. Since there are persons in the United States who are receptive to the suggestions that human ailments, to a great degree, can be prevented, treated, and cured by using vitamins and minerals, it is clear that representations or suggestions that certain symptoms, ailments, or diseases result from failure to ingest adequate amounts of vitamins and minerals will lead substantial numbers of the population to conclude that they must buy dietary supplements or other foods promoted for their vitamin or mineral qualities in order to prevent, cure, or treat certain diseases or symptoms. (WD–G–Perloff, Q&A 23–5; Weissenberg, Tr. 7738–9, 8474–7; WD–G–Gullberg; Q&A 14)

33. Literally true and scientifically accurate statements concerning the ultimate physiological result of vitamin or mineral deficiencies can mislead when made in connection with foods offered for special dietary use based upon their vitamin or mineral content. (Mayer, Tr. 28892–3; Gershoff, Tr. 29120)

34. Vitamin or mineral deficiencies are unrelated to the great majority of symptoms like tiredness, nervousness, and run-down condition. (Herbert, Tr. 10029)

35. When consumers read a label, promotional material, or advertising wherein a literally true statement is made, e.g., "Night blindness is caused by a lack of vitamin A," they may frequently conclude that the symptom will appear in them unless they use the product being promoted, or, on the basis that, even though they may not suffer from the specific symptoms described, the product will be generally good for improving their vision. (WD–G–Perloff, Q&A 30–31)

36. Vitamin and mineral deficiency are considered to be abnormal conditions resulting from inadequate consumption, absorption, transport, or utilization of one or more essential vitamins or minerals. The conditions are characterized by specific clinical signs, symptoms, and/or abnormalities observed in biochemical tests, and used together by physicians to establish the diagnosis. The term "subclinical" and similar ill-defined terms when used to refer to vitamin or mineral deficiencies, in the labeling of foods for special dietary use, are neither informative nor meaningful to consumers. (Mickelsen, Tr. 2537–9; WD–G–Schaefer, Q&A 23, 32–7; Herbert, Tr. 9880–5, 9984–5; Hodges, Tr. 2993–4, 3025; Grollman, Tr. 2023, 2252)

37. Scientifically it is inaccurate to state that the quality of soil in the United States causes abnormally low concentrations of vitamins or minerals in the food supply produced in this country. (Allaway, Tr. 12, 109; Herbert, Tr. 10,003)

38. There is no relationship between the vitamin content of foods and the chemical composition of the soil in which they are grown. (Allaway, Tr. 12,061, 10–063; Mickelsen, Tr. 2620)

39. Mineral nutrients in foods are not significantly affected by storage, transportation, cooking, and other processing. (Schweigert, Tr. 8200, 8223–4; Mickelsen, Tr. 2621)

40. While some vitamins are susceptible to partial destruction through the effects of heat, light, oxidation, and other physical and chemical reactions (Schweigert, Tr. 8200–8223), loss of nutrients from the ordinary effects of cooking, processing, transportation, and storage have not significantly impaired the nutritional qualities of food in the United States. There is no need or scientific justification for recommending, for example, the routine use of dietary supplements of vitamins and minerals to offset losses that occur as a result of these processes. (Schweigert, Tr. 8227–8, 8231; Mickelsen, Tr. 2527, 2642; Herbert, Tr. 9869–70)

41. It is reasonable to prohibit representation or suggestions in labeling, promotional material, or advertising of foods offered for special dietary use based on vitamin and mineral qualities, that imply that a dietary deficiency of vitamins or minerals exists or is threatened in the United States by virtue of loss of nutrients which occur from processing, transportation, storage, and cooking. (Schweigert, Tr. 8233–4)

42. Table salt has been fortified with iodine in the United States for many years. The usual level of fortification with potassium iodide is 0.01 percent by weight, which is equivalent to 0.0076 percent iodine (or about 0.01 percent iodine). This is commonly known as iodized salt. (Boehne, Tr. 2777–8; Herbert, Tr. 9948)

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43. There is no necessity for iodized salt to contain on its label a statement of the percent or proportion of the recommended daily allowance for iodine provided in a specified serving, particularly since there is no specific serving size for salt and it is used in widely varying quantities. (Herbert, Tr. 9948; WD–G–Dawson, Q&A 29)

44. The use of dietary supplements of vitamins and minerals to ensure against a specific inadequacy of intake of these nutrients is a function clearly distinguished from the use of vitamin and mineral preparations for therapeutic purposes by the administration of large amounts of specific nutrients for the correction of disorders in humans, and the same product should not be used for both functions. (Grollman, Tr. 1680–82; Herbert, Tr. 9896; Hodges, Tr. 2937–40, 2970–71; WD–G–Harrison, Q&A 22; WD–3A–Sebrell, Q&A 44; WD–G–Schaefer, Q&A 36, 37).

45. It is often impractical to supply the iron needs of adult women with conventional foods, and iron supplementation is often advisable. (WD–3A–Sebrell, p. 17, Tr. 26088–89; Hodges, Tr. 3068–69; WD–46–Olson, pp. 10–11; WD–46–Wallerstein, pp. 12–13; WD–46–White, pp. 13–14; WD–46–Schwartz, pp. 6–7; WD–46–Margen, p. 7, Tr. 28713–14; Exhibit P–651, p. 59). Many women of childbearing age, particularly including those who are pregnant, ingest inadequate amounts of iron in the diets which they consume (WD–46–Mayer, pp. 14–17; Hodges, Tr. 6738; WD–65–Vitale, p. 5, Tr. 31914; WD–46–Unglaub, p–30; WD–46–Schwartz, pp. 6–10; WD–46–Wallerstein, pp. 9, 11–12, Tr. 28976; WD–46–Olson, p. 11; WD–46–Margen, p. 10; Goodhart, Tr. 30179; WD–46–Briggs, p. 27; WD–46–White, pp. 12–14; Krehl, Tr. 27218–19; Exhibit P–651, pp. 58–59). The iron intake of many adolescent girls and menstruating women is 10 milligrams or less each day. This value is consistent with the 1,500 to 2,000 calorie diet of sedentary women. In addition, the iron requirements of infancy and of the latter half of pregnancy are clearly in excess of what may be obtained from a conventional unfortified diet. (Exhibit 0–612–46, pp. 120–121).

PROPOSED CONCLUSIONS OF LAW

A. With respect to § 125.1 *Definitions and interpretations of terms:*

The Commissioner has carefully reviewed the history of the "special dietary" designation for foods to which nutrients have been added. At the time the original regulations relating to "special dietary" foods were being developed, it appeared reasonable, on the basis of nutrition knowledge, to classify fortified foods as special, and to require labeling under 21 CFR Part 125. Over the years the science of nutrition has moved forward, and the general requirement for nutrients, on a daily basis, have been better established. In addition, foods of all kinds are recognized as the preferred source of nutrients. The majority of those foods categorized as "special dietary foods" in the past for purposes of requiring nutrient labeling are in fact intended for consumption by the general population as conventional foods.

The development of general nutrition labeling regulations, available for use on all foods, has become of primary concern to all consumers, because of the ever increasing complexity of the conventional food supply. The use of the special dietary labeling under 21 CFR Part 125 for conventional foods with added nutrients can no longer be considered adequate to provide the consumer with a complete understanding of proper use of such foods in the diet. The Commissioner has, therefore, established that nutrition labeling (21 CFR 1.17) is the required form of labeling for foods with added nutrients, or for which the manufacturer makes nutritional claims or provides nutrition information on the label or in the labeling or advertising.

It is recognized that high levels of nutrient additions may occur for which labeling for special dietary uses is appropriate. Thus, a relationship between nutrition labeling (21 CFR 1.17) and the standard of identity for dietary supplements (21 CFR 80.1) has been established, providing that food with nutrients added up to levels of 50 percent of the U.S. Recommended Daily Allowance (U.S. RDA) will be labeled under 21 CFR 1.17, and that food with nutrients added at levels between 50 percent and 150 percent of the U.S. RDA or greater will be subject to the provisions of 21 CFR 80.1 and labeled under 21 CFR 1.17.

Within 3 broadly defined groups (infants and children under 4 years of age, adults and children 4 or more years of age, and pregnant or lactating women) values can be selected from the almost 390 RDA values, as well as information on the needs of each group for 4 nutrients for which there are no RDA's. In order to provide the consumer meaningful labeling it is necessary to provide a single level of RDA values for each of the above groups.

Selection of reasonable values for labeling purposes was done primarily by choosing the highest RDA value for each of the three groups. This was done so that the needs of all individuals in the age group would be included, recognizing that the needs of many would be surpassed by the selected value. Since there is no danger to health inherent in this approach, and it does not significantly affect the traditional concept of teaching consumers about the nutrient contribution of specific foods, the selection which is made is reasonable for the purpose stated.

The Commissioner realizes that legal challenge may be brought against the new approach to nutrition labeling in 21 CFR 1.17. If 21 CFR 1.17 is found invalid for any reason it will be necessary to resume the labeling of foods with added nutrients, or for which nutritional claims are made, under 21 CFR Part 125. The Commissioner is therefore keeping the record on this portion of the hearing open, for this limited purpose, in the event that it becomes necessary to amend this tentative order or to issue a supplemental tentative order to provide for labeling of this type pursuant to 21 CFR Part 125 in lieu of 21 CFR 1.17.

Accordingly, the Commissioner concludes, based on the foregoing statement in conjunction with the findings of facts herein published, that:

1. It is reasonable and necessary, in order to fully inform purchasers of the value of foods for special dietary uses, to define "special dietary use" as set forth in § 125.1(a).

2. It is reasonable and necessary, in order to fully inform purchasers of the value of foods for special dietary uses, to establish "recommended daily allowances" for essential nutrients as set forth in § 125.1(b).

3. The "recommended daily allowances" as set forth in § 125.1(b) are reasonable.

4. The definition of "artificial sweetener," as set forth in § 125.1(c), is reasonable.

B. With respect to § 125.2 *General label statements; dietary properties; value; placement:*

Over the years there have been a number of ingredients or products marketed as nutrients and nutritional supplements, which have not been shown to be essential in human nutrition. This point was discussed in considerable detail during the 1968–70 special dietary hearings held by the Food and Drug Administration. Among ingredients or products of this type are rutin, other bioflavonoids, paraaminobenzoic acid, inositol, and similar ingredients, products, and compounds. These ingredients or products have frequently been combined with vitamins and minerals or otherwise represented as a type of nutritional supplement. In these situations there is a false representation that these ingredients or products have nutritional value. The Commissioner has concluded that ingredients or products of this type may not properly make direct or implied nutritional claims, and that in no instances can these be represented in any way that suggests a nutritional value. Combining these products with added vitamins and/or minerals in any food, or adding these ingredients to any food for which nutrition labeling is used, or calling attention to these products in any manner which would be considered to imply some nutritional benefit, is inherently misleading. Labeling of such ingredients or products may not state that their usefulness in human nutrition has not been established, or otherwise disclaim dietary or therapeutic value, since such statements are also misleading. The Commissioner recognizes that there are individuals who desire to purchase ingredients or products of this type for various reasons. These individuals have a right to obtain these ingredients or products as long as they are truthfully labeled. Thus, ingredients or products of this type may properly be marketed as individual ingredients, or products, or mixtures thereof, provided no nutritional or dietary supplement claims are made.

Accordingly, the Commissioner further concludes, based on the foregoing statement in conjunction with the finding of facts herein published, that it is reasonform and necessary, in order to fully inform purchasers of the value of foods for special dietary uses, to require that the labels of such foods bear a statement as required and limited by § 125.2 as set forth in this tentative order.

C. With respect to § 125.3 *Label statements relating to vitamins and minerals*:

With the development of nutrition labeling (21 CFR 1.17) the use of special dietary labeling under 21 CFR Part 125 will be for all practical purposes limited to those articles which purport or are represented to supply a special dietary need that exists by reason of a physical or physiological condition, food represented for use as the sole item of the daily diet, and dietary supplements as provided for in 21 CFR 80.1.

The Commissioner recognizes there are foods which by their nature may contain nutrients in excess of 100 percent of the U.S. RDA per serving or reasonable daily intake. The Commissioner further recognizes the need for reasonable ranges for individual nutrients in dietary supplements above and below the U.S. RDA. The Commissioner further recognizes that departures from the U.S. RDA are appropriate for certain types or classes of foods for special dietary uses, e.g., chemically defined diets used in the dietary management of critically ill patients.

Accordingly, the Commissioner concludes, having considered the findings of fact and other relevant information, that it is reasonable and necessary, in order to fully inform purchasers of the value of foods for special dietary uses, to require that the labels of such foods, by reason of their vitamin or mineral content, bear a statement of the percentages of the recommended daily allowances for such vitamins and minerals. Nutrition labeling under 21 CFR 1.17 is not sufficiently precise for these special types of food.

TENTATIVE ORDER

Therefore, on the basis of the foregoing findings of fact and conclusions of law drawn therefrom: *It is ordered*, That the stay of effective date of §§ 125.1 through 125.3, promulgated December 14, 1966 (31 FR 15730), be ended, and that Parts 1, 3, and 125 of Title 21 of the Code of Federal Regulations be amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

§ 1.11 [Revoked]

1. The provisions of § 1.11 *Special dietary uses* are hereby revoked.

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.9 [Revoked]

2. The provisions of § 3.9 *Label declaration of vitamin E in food for special dietary use* is hereby revoked.

§ 3.32 [Revoked]

3. The provisions of § 3.32 *Label declaration of vitamin B_{12} and folic acid in food for special dietary uses* is hereby revoked.

§ 3.46 [Revoked]

4. The provisions of § 3.46 *Interpretations of orders relating to dietary supplements; vitamin and mineral-fortified foods; foods for special dietary use* are hereby revoked.

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

5. The provisions of §§ 125.1, 125.2, and 125.3 are revised to read as follows:

§ 125.1 Definitions and interpretations of terms.

The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable with the following additions:

(a) The term "special dietary use" as applied to food (including dietary supplements) used by man means a particular use for which an article purports or is represented to be used, including but not limited to the following:

(1) Supply a special dietary need that exists by reason of a physical, physiological, or other condition, including but not limited to the conditions of convalescence, pregnancy, lactation, infancy, allergic hypersensitivity to food, underweight, overweight, diabetes mellitus, or the need to control the intake of sodium. The use of an artificial sweetener in a food, except when specifically and solely used for achieving a physical characteristic in the food which cannot be achieved with sugar or other nutritive sweetener, shall be considered a use for regulation of the intake of calories and available carbohydrate, or for use in the diets of diabetics.

(2) Supplying a vitamin, mineral, or other dietary property for use by man to supplement his diet by increasing the total dietary intake, except for foods for which nutrition labeling is used as required pursuant to § 1.17 of this chapter.

(3) Supplying a special dietary need by reason of being a food for use as the sole item of the diet.

(b) The term "U.S. Recommended Daily Allowance (U.S. RDA)" means the following daily amounts of the following vitamins and minerals:

Vitamins and minerals[1]	Unit of measurement	Infants and children under 4 years of age	Adults and children 4 or more years of age	Pregnant or lactating women
Vitamin A	International units	2,500	5,000	8,000
Vitamin D	do	400	400	400
Vitamin E	do	10	30	30
Vitamin C	Milligrams	40	60	60
Folic acid	do	0.2	0.4	0.8
Thiamine	do	0.7	1.5	1.7
Riboflavin	do	0.8	1.7	2.0
Niacin	do	9.0	20	20
Vitamin B_6	do	0.7	2.0	2.5
Vitamin B_{12}	Micrograms	3	6	8
Biotin	Milligrams	.15	0.3	0.3
Panthothenic Acid	do	5.0	10	10
Calcium	Grams	0.8	1.0	1.3
Phosphorus	do	0.8	1.0	1.3
Iodine	Micrograms	70	150	150
Iron	Milligrams	10	18	18
Magnesium	do	200	400	450
Copper	do	1.0	2.0	2.0
Zinc	do	8.0	15	15

[1] The following synonyms may be added in parentheses immediately following the name of the vitamin:

Vitamin	*Synonym*
Vitamin C	Ascorbic acid.
Folic acid	folacin.
Riboflavin	vitamin B_2.
Thiamine	vitamin B_1.

(c) In addition to the vitamins and minerals listed in paragraph (b) of this section, vitamin K and the minerals chlorine, potassium, sodium, sulfur, fluorine, and manganese are recognized as essential in human nutrition, but no U.S. Recommended Daily Allowance (U.S. RDA) has been established for these nutrients.

(d) The term "artificial sweetener" means a sweetening substance not used in normal metabolism as a source of calories.

(e) The term "infant" means a person not more than 12 months of age.

(f) The term "serving" means that reasonable quantity of food suited for or practicable of consumption as part of a

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meal either by an adult male engaged in light physical activity, or by an infant or child when the article purports or is represented to be for infant feeding or child consumption. A label statement regarding a serving, as used in this part, shall be in terms of a convenient unit of such food or a convenient unit of measure that can be readily understood by purchasers of such food, e.g., a serving may be expressed in terms of slices, cookies, or wafers, or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls. A teaspoonful shall be considered to mean 5 milliliters (approximately ⅙ fluid ounce) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately ½ fluid ounce) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid ounces) in volume.

(g) The term "diabetic" means a person having diabetes mellitus.

(h) Any product containing more than the upper limit of the U.S. RDA of a vitamin or mineral is a drug, except for a food represented for use solely under medical supervision in the dietary management of specific diseases and disorders.

§ 125.2 General label statements; dietary properties; value; placement.

(a) If a food purports or is represented to be for any special dietary use, unless covered by other regulations, the principle display panel of its label shall bear a conspicuous statement of the usefulness of the food, limited to a listing of the dietary properties upon which such use is based: *Provided, however*, That if insufficient space is available on the principle display panel, the information panel may be used (21 CFR 1.8d), if such use is consistent with § 1.9 of this chapter. Such statement shall show the presence or absence of any substance, any alteration of the quantity or character of any constituent, and any other special dietary property of such food upon which such use is based.

(b) A food which purports or is represented to be a food for special dietary use shall be deemed to be misbranded under sections 201(n) and 403 (a) and (j) of the act (21 U.S.C. 321(n), 343 (a) and (j)), if its labeling bears any statement, vignette, or other printed or graphic matter that represents, suggests, or implies:

(1) That the food, because of the presence or absence of certain vitamins and/or minerals, is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom, except that the label may state that the food is a source of an essential nutrient and that this nutrient is important for good nutrition and health, and except that this provision shall not apply to foods represented for use solely under medical supervision in the dietary management of specific diseases and disorders.

(2) That a diet of ordinary foods cannot supply adequate amounts of nutrients.

(3) That the lack of optimum nutritive quality of a food, by reason of the soil on which that food is grown, is or may be responsible for an inadequacy or deficiency in the daily diet.

(4) That the storage, transportation, processing, or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of diets.

(5) That the food has dietary properties when such properties are of no significant value or need in human nutrition. Ingredients of products such as rutin, other bioflavonoids, para-aminobenzoic acid, inositol, and similar substances which have in the past been represented as having nutritional properties but which have not been shown to be essential in human nutrition may not be combined with vitamins and/or minerals, added to food labeled in accordance with this section, or otherwise used or represented in any way which states or implies nutritional benefit. Ingredients or products of this type may be marketed as individual products or mixtures thereof: *Provided*, That the possibility of nutritional, dietary, or therapeutic value is not stated or implied, e.g., their labeling does not state that their usefulness in human nutrition has not been established and does not otherwise disclaim nutritional, dietary, or therapeutic value.

(6) That a natural vitamin in a food is superior to an added or synthetic vitamin, or that there is a difference between vitamins naturally present and those that have been added.

§ 125.3 Label statements relating to vitamins and minerals.

(a) If a food purports or is represented to be for special dietary use because of vitamin or mineral properties, the label shall bear a statement of the percentage of the U.S. RDA of such vitamins and minerals, as set forth in § 125.1(b), suplied by such food when consumed in a specified quantity during a period of 1 day. The quantity specified shall be a reasonable quantity suitable for and practicable of consumption within 1 day. The order in which the nutrients appear on the label shall be in the order listed in § 125.1(b), except when other regulations indicate otherwise. Immediately preceding the declaration of vitamin and mineral content, the following heading shall be stated, "Percentage of U.S. Recommended Daily Allowances (U.S. RDA)". If such purported or represented special dietary use is for persons within one or more groups for which the recommended daily allowance is set, such statement shall include the percentage for each age group. When such proportion or percentage is a whole number and a fraction or a whole number and a decimal, it may be expressed as the whole number disregarding the fraction or decimal. The total quantity of vitamins or minerals in a food shall be no less than the amount declared, and no more than a reasonable amount above the declared quantity. Reasonable variations caused by heat, light, oxidation, storage, transportation, or unavoidable deviations in good manufacturing practice are recognized.

(b) The requirements of this section shall not apply to iodized salt, when the declared content of the iodine compound in the salt is equivalent to 0.01 percent by weight iodine.

Any interested person whose appearance was filed at the hearing may, on or before March 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed findings of fact and tentative order, and shall contain specific references to the pages of the transcript of testimony and to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-997 Filed 1-18-73;8:45 am]

[21 CFR Parts 3, 20]

FROZEN DESSERTS

Mellorine, Parevine; Proposal To Establish Standards of Identity

The White House Conference on Food, Nutrition, and Health was held in December 1969. The final report of the conference made many recommendations regarding food standards promulgated under Section 401 of the Federal Food, Drug, and Cosmetic Act. Among these were recommendations:

1. That a standard of characterization for food should specify the characterizing properties or ingredients of the food, and perhaps establish a required minimum level for them, but should not specify other ingredients that may be used by chemical name.

2. That a complete statement of ingredients be required on every food label, including labels of food covered by Government standards.

3. That technical chemical designations be simplified to make the statement of ingredients more meaningful and understandable to consumers.

4. That informative generic names should be considered in place of the over simplified "imitation" label. The term "imitation" on product labels has erroneously been applied not only to new products that are inferior to the traditional foods they resemble, but also to new products that are equal or superior to traditional foods.

A vegetable fat frozen dessert resembling ice cream and known as "mellorine" was first marketed in Texas in 1942. Since that time 25 States have either established regulations for or in some other way allowed distribution of such frozen dessert products resembling ice cream. Included in this group of frozen desserts is the product known as "parevine," which is similar to mellorine but contains no milk or meat or milk or meat derived ingredients. Federal definitions and standards of identity have been established for frozen desserts which do not permit fat or oil ingredients other than milkfat, and a formal statement of policy or interpretation (21 CFR 3.39) has been issued to require the name "imitation ice cream" on vegetable fat products made in semblance of ice cream. The conflicting provisions of regulations promulgated pursuant to the Federal Food, Drug, and Cosmetic Act with the various State regulations have had the effect of inhibiting the movement of these products in interstate commerce. Since mellorine and parevine now appear to be the common or usual names of these products, the Commissioner proposes to revoke § 3.39, and establish identity standards for these foods.

Other products which resemble ice cream, and which do not conform to either of the standards set forth below for mellorine and parevine, are theoretically possible. It is not the intention of the Commissioner of Food and Drugs, in proposing identity standards for mellorine and parevine, to preclude the manufacture of such frozen desserts under appropriately descriptive names. However, standards of identity for such products are not proposed at this time because the products do not yet appear to be significant items of commerce, as are mellorine and parevine.

Accordingly, it is proposed that:

§ 3.39 [Revoked]

1. Part 3 be amended by revoking § 3.39.

2. Part 20 be amended by adding two new sections to provide for standards of identity for mellorine and parevine, as set forth below:

§ 20.— Mellorine; identity.

(a) *Description.* Mellorine is the frozen food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients, including but not limited to nonfat milk solids and animal or vegetable fat, only part or which may be milkfat. Mellorine contains not less than 6.0 percent by weight of fat, and nonfat milk solids from milk, skim milk or buttermilk in such quantity that the milk protein contributed thereby is not less than 3 percent by weight of the finished food. Mellorine is sweetened with nutritive sweetener and is flavored. Mellorine contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon.

(b) *Fortification.* Vitamin A is present in a quantity which will insure that 40 International Units (I.U.) are available for each gram of fat in mellorine. This requirement will be deemed to have been met if reasonable overages, within limits of good manufacturing practice, are added to insure that the required vitamin level is maintained throughout the expected shelf life of the food under customary conditions of distribution.

(c) *Definitions.* For the purposes of this section:

(1) A pasteurized mix is one which has been heated uniformly to one of the temperatures specified in the table below, and held continuously at or above that temperature for the specified time.

Temperature	*Time*
155° F	30 minutes
175° F	25 seconds

(2) Safe and suitable ingredients are functionally suitable substances that are not food additives or color additives within the meaning of section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act, or if they are addivites as so defined, they are used in conformity with regulations established pursuant to section 409 or 706 of the act. They are used only in such amounts as are reasonably necessary to accomplish their intended effect.

(d) *Methods of Analysis.* Fat content shall be determined by the method contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970—"Fat, Roese-Gottlieb Method—Official Final Action," section 16.228.[1]

(e) *Nomenclature.* The name of the food is "mellorine." The food shall be labeled in compliance with Part 1 of this chapter. For the purposes of § 1.12 of this chapter: (1) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent, as that term is defined in § 22.1(c) of this chapter.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished mellorine, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus mellorine, 6 percent in the case of berry or cherry mellorine, and 10 percent in the case of mellorine prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished mellorine, the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in paragraph (e) (ii) or (iii) of this section. For example, if a combination mellorine contains less than 5 percent of bananas and less than 1 percent of almonds it would be "Artificially flavored banana-almond mellorine." However, if it contains more than 5 percent of bananas and more than 1 percent of almonds it would be "Banana-almond flavored mellorine."

(2) If two or more flavors of mellorine are distinctively combined in one package, e.g., "Neapolitan" mellorine, the applicable provisions of this paragraph shall govern each flavor of mellorine comprising the combination.

(f) *Label declaration.* The common name of each of the ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter and nutrition labeling shall be presented in conformity with the requirements prescribed in § 1.17 of this chapter, except that:

(1) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk."

(2) Concentrated milk, dried milk, and reconstituted milk prepared by addition of water to milk or dried milk may be declared as "milk."

(3) Sweetcream buttermilk, concentrated sweetcream buttermilk, and dried sweetcream buttermilk may be declared as "buttermilk."

(4) Cheese whey, concentrated cheese whey, and dried cheese whey may be declared as "whey."

(5) Cream, dried cream, plastic cream (sometimes known as concentrated milkfat), and anhydrous milkfat may be declared as "cream."

§ 20.— Parevine.

(a) *Description.* Parevine is the frozen food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including, but not limited to, vegetable fat and sources of egg or vegetable protein; but excluding milk, meat, and any milk or meat derived ingredients. Parevine contains not less than 6 percent by weight of fat and not less than 3 percent by weight of protein. Parevine is sweetened with nutritive sweetener and is flavored. Parevine contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon.

(b) *Fortification.* Vitamin A is present in a quantity which will insure that 40 International Units (I.U.) are available for each gram of fat in parevine. This requirement will be deemed to have been met if reasonable overages, within limits of good manufacturing practice, are added to insure that the required vitamin level is maintained throughout the expected shelf life of the food under customary conditions of distribution.

(c) *Definitions.* For the purposes of this section:

(1) A pasteurized mix is one which has been heated uniformly to one of the temperatures specified in the table below, and held continuously at or above that temperature for the specified time.

Temperature	*Time*
155° F	30 minutes
175° F	25 seconds

(2) Safe and suitable ingredients are functionally suitable substances that are not food additives or color additives

[1] Copies may be obtained from Association of Official Analytical Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, DC 20044.

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within the meaning of section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, or if they are additives as so defined, they are used in conformity with regulations established pursuant to section 409 or 706 of the act. They are used only in such amounts as are reasonably necessary to accomplish their intended effect.

(d) *Methods of analysis.* Referenced methods are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970.[1]

(1) Fat content—"Fat, Roese-Gottlieb Method—Official Final Action," section 16.228.

(2) Protein content—"Nitrogen—Official Final Action, Kjeldhl Method," section 16.226.

(e) *Nomenclature.* The name of the food is "parevine." The food shall be labeled in compliance with Part 1 of this chapter. For the purposes of § 1.12 of this chapter:

(1) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent, as that term is defined in § 22.1(c) of this chapter.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished parevine, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus parevine, 6 percent in the case of berry or cherry parevine, and 10 percent in the case of parevine prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished parevine, the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in paragraph (e) (ii) or (iii) of this section. For example, if a combination parevine contains less than 5 percent of bananas and less than 1 percent of almonds it would be "Artificially flavored banana-almond parevine." However, if it contains more than 5 percent of bananas and more than 1 percent of almonds it would be "Banana-almond flavored parevine."

(2) If two or more flavors of parevine are distinctively combined in one package, e.g., "Neapolitan" parevine, the applicable provisions of this paragraph shall govern each flavor of parevine comprising the combination.

[1] Copies may be obtained from Association of Official Analytical Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, DC 20044.

(f) *Label declaration.* The common name of each of the ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter and nutrition labeling shall be presented in conformity with the requirements prescribed in § 1.17 of this chapter.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403, 701, 52 Stat. 1046, as amended, 1047, as amended, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343, 371) and in accordance with authority delegated to the Commissioner (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal on or before March 20, 1973. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register, January 15, 1973.

[FR Doc.73–995 Filed 1–18–73;8:45 am]

[21 CFR Parts 18, 19, 20, 27, 45]

CERTAIN STANDARDIZED FOODS

Nutrition Labeling

The Commissioner of Food and Drugs is promulgating elsewhere in this issue of the FEDERAL REGISTER a new § 1.17, establishing nutrition labeling for all foods to which vitamins or minerals are added or for which the manufacturer wishes to include information about nutrient content in labeling or advertising. The Commissioner has concluded that standardized foods, to which the addition of nutrients is optional or mandatory, should be labeled to comply with the new § 1.17 rather than the provisions of 21 CFR Part 125, which has been the case in the past. The new regulation automatically has this effect.

Some existing standards for enriched foods specifically require labeling in compliance with 21 CFR Part 125. To clarify the situation, the Commissioner has concluded that these standards should themselves be amended to refer directly to the new § 1.17 so that no confusion can arise.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 403, 701(a), 52 Stat. 1040–1042, 1046–1048, and 1055; 48, 21 U.S.C. 321, 341, 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend the following listed provisions in existing standards of identity for foods by replacing each reference to 21 CFR Part 125 with a reference to 21 CFR 1.17, e.g., the reference in § 27.127(e)(1) to "for foods which purport to be or are represented for special dietary uses by regulations promulgated pursuant to section 403(j) of the Federal Food, Drug, and Cosmetic Act" will be changed to read "in § 1.17":

STANDARDS NOW IN EFFECT

21 CFR citation	Subject matter
1. § 18.545(d)	Nonfat dry milk fortified with vitamins A and D.
2. § 19.513(f)	Low sodium colby cheese.
3. § 27.54(c)(2)	Canned pineapple juice.
4. § 27.60(c)(2)(iv)	Canned prune juice.
5. § 27.80(d)(7)	Canned applesauce.
6. § 45.1(b)(2)(v)	Oleomargarine, margarine.

FINAL ORDERS NOT YET CONFIRMED

21 CFR citation	Subject matter	FR citation
1. § 27.158(e)	Orange juice drink	(37 FR 5224)

PROPOSED STANDARDS

1. § 18.2(f)	Milk	(37 FR 18392)
2. § 18.520(f)	Evaporated milk	(37 FR 18392)
3. § 18.525(f)	Concentrated milk	(37 FR 18392)

STANDARDS THAT HAVE BEEN STAYED

1. § 27.120(f)	Orange juice-drink	(33 FR 10713)
2. § 27.125(f)	Canned pineapple-grapefruit juice-drink.	(33 FR 10713)
3. § 27.126(g)	Canned fruit nectars	(33 FR 10713)
4. § 27.127(e)	Cranberry juice cocktail.	(33 FR 10088)
5. § 27.128(e)	Artificially sweetened cranberry juice cocktail.	(33 FR 10088)

In those food standards in which there is presently no reference to 21 CFR Part 125, although enrichment is provided and special dietary food labeling has uniformly been required, e.g., enriched bread and enriched flour, 21 CFR 17.2 and 15.10, it is unnecessary to make any change because the terms of the new § 1.17 automatically make it applicable to such products.

Interested persons may, on or before February 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73–994 Filed 1–18–73;8:45 am]

[21 CFR Part 80]

DIETARY SUPPLEMENTS OF VITAMINS AND MINERALS

Definition, Identity, and Label Statements; Proposed Findings of Fact, Conclusions, and Tentative Order Following a Public Hearing

In the matter of establishing a definition and standard of identity for dietary supplements of vitamins and minerals:

HISTORY

1. On the initiative of the Commissioner of Food and Drugs, a notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of June 20, 1962 (27 FR 5815), and numerous comments were received in response thereto. Subsequently, orders were published in the FEDERAL REGISTER of June 18, 1966 (31 FR 8521 et seq.), to become effective December 15, 1966, deleting § 1.11 (21 CFR 1.11), exempting from labeling requirements certain artificially sweetened foods (21 CFR 5.5), establishing definitions and standards of identity for dietary supplements of vitamins and minerals and for vitamin- and mineral-fortified foods (21 CFR Part 80), and revising the regulations for the labeling of food for special dietary uses (21 CFR Part 125).

2. During the 30-day period provided by the order of June 18, 1966, objections and requests for a public hearing were filed. Consequently, an order was published in the FEDERAL REGISTER of December 14, 1966 (31 FR 15730), staying the effective date of § 5.5, Part 80, and Part 125, as published in the FEDERAL REGISTER of June 18, 1966, and staying the effective date of the deletion of § 1.11. The order published in the FEDERAL REGISTER of December 14, 1966, gave notice that a public hearing would be held on the basis of the objections received and set forth the issues to be decided at the hearing. Since the order also contained amendments to the provisions of Parts 80 and 125 published in the FEDERAL REGISTER of June 18, 1966, an additional period of 30 days was provided for the filing of objections by persons adversely affected. Numerous letters objecting to the amendments and requesting a public hearing were received; however, no substantive issues not already stated in the order of December 14, 1966, were raised by these objections. A correction of a printer's error in the order of December 14, 1966, was published in the FEDERAL REGISTER of December 21, 1966 (31 FR 16312).

3. Also published December 14, 1966 (31 FR 15746), was a notice proposing that § 80.2, the definition and standard of identity for vitamin- and mineral-fortified foods, which was established by the order of June 18, 1966, and amended and stayed by the order of December 14, 1966, be amended by adding to the table in paragraph (c) the following classes of food: (1) Frozen dessert products (containing vegetable fat in lieu of butter fat) made in semblance of ice cream or ice milk; (2) milk fortifiers; (3) and meal substitutes.

4. The comments received in response to the proposal of December 14, 1966, were considered and an order was subsequently published in the FEDERAL REGISTER of April 8, 1967 (32 FR 5736), amending § 80.2 to add the additional classes of food. In response to that order, several objections and requests for a public hearing were received; however, no substantive issues were raised that were not already set forth in the order of December 14, 1966.

5. A notice was published in the FEDERAL REGISTER of April 2, 1968 (33 FR 5268), scheduling a hearing to begin May 21, 1968, and a prehearing conference to begin May 7, 1968. The notice also designated Mr. David H. Harris as the Hearing Examiner for these proceedings, and notice that he was appointed a hearing examiner was published in the FEDERAL REGISTER of May 4, 1968 (33 FR 6828).

6. The hearing was convened as scheduled May 21, 1968, and recessed the same day to permit continuation of prehearing conferences. Notice was given in the FEDERAL REGISTER of June 13, 1968 (33 FR 8679), that the hearing was being reconvened June 20, 1968. The hearing was reconvened as scheduled and continued for almost 2 years, closing on May 14, 1970.

7. The taking of evidence with reference to infant foods was closed October 14, 1969. Pursuant to 21 CFR 2.96, and limited to the infant food portion of the proceedings, the Hearing Examiner submitted his report and certified the record together with his report to the Commissioner of Food and Drugs. This Hearing Examiner's Report, dated August 26, 1970, is part of the public record (Docket No. FDC–78) on file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, MD 20852.

8. The Hearing Examiner sbsequently submitted his report of the entire proceedings, except for the previously submitted portion on infant foods, and certified the associated record together with his report to the Commissioner of Food and Drugs. This Hearing Examiner's Report, dated January 25, 1971, is part of the public record (Docket No. FDC–78) and is also on file with the Hearing Clerk.

9. After review of the Hearing Examiner's report and related material on the infant food portion of the proceedings, the Commissioner published in the FEDERAL REGISTER of October 29, 1970 (35 FR 16737), proposed findings of fact, proposed conclusions, and a tentative order on label statements relating to infant foods, and provided a 30-day period for filing of written exceptions. After review of comments received, and further review of the Hearing Examiner's Report and related material, several changes were made in the tentative order, and the final order on label statements relating to infant foods (21 CFR 125.5) was published in the FEDERAL REGISTER of December 10, 1971 (36 FR 23553), with an effective date 90 days from the date of publication.

10. After review of the Hearing Examiner's report and related material on the portion of the proceedings concerning vitamin- and mineral-fortified foods, the Commissioner concluded that it would be in the public interest to develop regulations for such foods utilizing the approach of establishing nutritional quality guidelines for certain classes of foods, including those to which vitamins and/or minerals may be added. These guidelines may replace the approach of developing standards of identity for these foods as originally proposed in the form of 21 CFR 80.2. A notice of proposed rule making on nutritional quality guidelines was published in the FEDERAL REGISTER of December 23, 1971 (36 FR 24822). In that notice, the Commissioner proposed to amend Chapter I by adding a new Part 100 for nutritional quality guidelines for foods, defined general principles (proposed 21 CFR 100.1), and proposed the first nutritional quality guideline, in this case for pre-cooked frozen convenience "heat and serve" dinners (proposed 21 CFR 100.20). The Commissioner is deferring final action on 21 CFR 80.2 until experience is gained under 21 CFR Part 100.

11. In this issue of the FEDERAL REGISTER, the Commissioner has published the following proposals, tentative orders, and regulations that relate to other sections of special dietary labeling and nutrition labeling as follows:

(a) Nutrition labeling. (§ 1.17)

(b) Food label information panel. (§ 1.8d)

(c) Food fat labeling. (§ 1.18)

(d) Special dietary food labeling. (§§ 125.1, 125.2, and 125.3)

(e) Food standard labeling changes.

(f) Uniform effective date for food labeling changes.

LIMITED SCOPE OF THIS ACTION

12. This document pertains only to that portion of this matter concerning the definition, standard of identity, and label statements of dietary supplements of vitamins and minerals. The content of this document reflects the following needs as developed by the public hearing and related historical events:

(a) That dietary supplements as defined should be based on modern human nutrition knowledge.

(b) That potentially toxic quantities of individual nutrients, insignificant quantities of individual nutrients, and gross nutrient imbalances and omissions should be avoided in dietary supplements.

(c) That a fully informative labeling system is required.

(d) That expiration dating is required.

13. To further clarify the limited scope of this action a number of additional points require comment:

(a) The purpose of dietary supplements of vitamins and minerals is to provide reasonable assurance that the total daily intakes of essential vitamins and/or minerals are adequate when doubt of adequacy may exist on the basis of the diet alone. Dietary supplements are for general supplementation of the diet. They are not designed for the treatment or clinical management of nutritional diseases or disorders.

(b) This action does not apply to natural substances, which by their nature are good sources of specific vitamins and/or minerals, except when used as a source of specific vitamins and/or minerals in dietary supplements. Although not marketable as dietary supplements except as indicated, such natural sub-

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stances may be marketed as conventional foods, subject to nutritional labeling (21 CFR CFR 1.17) pertaining thereto. Other foods to which this action does not apply are described in the tentative order contained in this document.

(c) This document establishes lower and upper limits for each individual vitamin and mineral which may be present in the specified daily quantities of dietary supplements of vitamins and minerals. All of the provisions of this document are in turn subject to the provisions of 21 CFR Part 125, which define the term "special dietary use", establish the U.S. Recommended Daily Allowances (U.S. RDA's) specified by the U.S. Government in terms of nutrients and quantities of nutrients, and provide specific instructions on the general label statements permitted on foods for special dietary use under § 125.1 *Definitions and interpretations of terms;* § 125.2 *General label statements; dietary properties; value; placement;* and § 125.3 *Label statements relating to vitamins and minerals.*

(d) The tentative order contained in this document requires that the individual nutrients in dietary supplements be listed on the label in a specific order. Placing a specific nutrient or nutrients in a prominent position in a list of nutrient components can imply to the consumer a degree of relative importance for the specific nutrient or nutrients so placed. Such a prominent position for any specific nutrient is not scientifically sound in a dietary supplement of vitamins and/or minerals.

Having considered the evidence received at the hearings, the hearing examiner's report, and all the exceptions and written arguments which were filed, the Commissioner, pursuant to the Federal Food, Drug and Cosmetic Act (secs. 401, 403(j), 701(e), 52 Stat. 1046 as amended, 1048, 1055 as amended; 21 U.S.C. 341, 343(j), 371(e)) and under authority delegated to him (21 CFR 2.120), proposes the following findings of fact, conclusions of law, and tentative final order:

PROPOSED FINDINGS OF FACT [1]

1. The hearings have shown that there is a need to establish a definition for dietary supplements, and to describe what is a rational composition for dietary supplements in terms of the vitamins and minerals present, and the quantities allowed.

2. The apparent appeal to consumers which results from the addition of vitamins and minerals to food articles, with concurrent promotion calling attention to this fact, has resulted in ever increasing amounts, qualitatively and quantitatively, of these nutrients being added to various foods (Weissenburg, Tr. 8569–8570; Exhibit P–1151, page C1). In many cases, foods, particularly some cereal products, have become the equivalent of multivitamin/multimineral dietary supplements in terms of their added nutrient contents (Weissenberg, Tr. 8584; WD–G–Gullberg, Q&A 35).

3. The establishment of a standard of identity and quantitative limits for the nutrient ingredients in dietary supplements will reduce consumer confusion concerning choice of dietary supplements by insuring a basically rational formula for all products (Mayer, Tr. 28868; WD–G–Gullberg, Q&A 31).

4. Dietary supplements are articles purporting to be or represented for special dietary use by man to supplement his diet by increasing the total dietary intake of vitamins and/or minerals. They may be prepared as tablets, capsules, pills, wafers, or similar uniform units, and/or in powder, granular, flake or liquid form (Grollman, Tr. 1660; Mickelsen, Tr. 2421–2424; Hodges, Tr. 2874; Herbert, Tr. 9859; Garrett, Tr. 10943; WD–G–Ross, Q&A 14). The proper use of dietary supplements of vitamins and/or minerals is for short-term correction of specific inadequacy of intake (Hodges, Tr. 2874–2875; Herbert, Tr. 9860, 9922–9923). They are not intended for therapeutic use for the correction of disorders in humans by the administration of large amounts of specific nutrients (Grollman, Tr. 1680–1682; Herbert, Tr. 9896; Hodges, Tr. 2937–2940, 2970–2971; WD–G–Harrison, Q&A 22; WD–3A–Sebrell, Q&A 44; WD–G–Schaefer, Q&A 36, 37).

5. Vitamins are organic substances, present in foods, which are essential for the maintenance of human life and the activity of the cells of the body (Grollman, Tr. 1624–1625; WD–3A–Sebrell, Q&A 4). These include vitamins A, D, E, K, C (ascorbic acid), B_1 (thiamine), B_2 (riboflavin), B_6, and B_{12}, niacin, folic acid (folacin), biotin, and pantothenic acid (Exh. P–651; Grollman, Tr. 1625–1627).

6. Essential mineral nutrients include the inorganic elements calcium, phosphorus, iodine, iron, magnesium, copper, zinc, sodium, potassium, and manganese. They are needed by the human body in varying amounts, and are utilized in a variety of metabolic processes (WD–3A–Sebrell, Q&A 4).

7. The sale and use of vitamin/mineral preparations in the United States are extensive, running into hundreds of millions of dollars annually in wholesale bulk value, and involve three-fourths of American households (Exh. P–735; Exh. P–1151, pages B1 and B2). The majority of such preparations differ qualitatively and quantitatively from each other, presenting a bewildering variety to the consumer (Weissenberg, Tr. 5998, 6551–6552, 8752–8756; WD–G–Gullberg, Q&A 14, 26; Exhibits P–2, P–3, P–8, P–9, P–40–42, P–47, P–51–54, P–57–59, P–61–70, P–72–74, P–76–78, P–80–153, P–156–163, P–165–174, P–188, P–194–349, P–398, P–399, P–400, P–402–404, P–468, P–471, P–564, P–567, P–575–579, P–582–594, P–596–597, P–599, P–600, P–613).

8. Many dietary supplements are nutritionally irrational, in that they provide quantitative levels and qualitative combinations of nutrients for which no human individual need could possibly exist, if the products are used only as dietary supplements (Grollman, Tr. 1683 (Exhibit P–84), 1686 (Exhibit P–89), 1688 (Exhibit P–94), 1691 (Exhibit P–95), 1696 (Exhibit P–102), 1699 (Exhibit P–113), 1701–1702 (Exhibit P–113), 1707–1709 (Exhibit P–124), 1713 (Exhibit P–157), 1714 (Exhibit P–158); Mickelsen, Tr. 2447–2447A (Exhibit P–166), 2448–2450 (Exhibit P–168), 2451–2452 (Exhibit P–169), 2455–2457 (Exhibit P–171); Hodges, Tr. 2942 (Exhibit P–183); Herbert, Tr. 9898–9899 (Exhibit P–232); Weissenberg, Tr. 6553–6554; WD–G–Gullberg, Q&A 26; Exhibits P–588, P–595). Lay persons are incapable of determining, by themselves, whether they have or are likely to develop vitamin or mineral deficiencies (Grollman, Tr. 1771–2, 1782; Herbert, Tr. 9961, 9979–80, 10,029; Unglaub, Tr. 28,942; Wallerstein, Tr. 28,989; Hodges, Tr. 2994–5; Mickelsen, Tr. 2520; Mayer, Tr. 28,892–3).

9. Although approximately 20 percent of the users of dietary supplements of vitamins and minerals actually use those articles to supplement or balance their diet, more than 40 percent of those persons admit they have no idea which vitamins or minerals, if any, are not sufficiently supplied by their diet (Exhibit P–1151, page B4, Q&A 4b).

10. Certain basic vitamins and/or minerals should be included in all articles offered as multivitamin and/or multimineral supplements. The remaining group of appropriate vitamins and/or minerals are considered to be scientifically optional for inclusion (Herbert, Tr. 9880–9882). The mandatory group of vitamins and/or minerals found in multivitamin and/or multimineral supplements should include all those listed in the table entitled "Recommended Daily Dietary Allowances, Revised 1968" in publication 1694 of the National Academy of Sciences (WD–43–Filer, pp. 19–20; WD–33–Coursin, p. 23; WD–33–Emerson, p. 9; WD–33–Brin, pp. 23–24; WD–33–Krehl, pp. 8–9, Tr. 27216–27217, 27255–27256; WD–33–Horwitt, pp. 12–14; Hodges, Tr. 2878–2879, 2945–2946, 6813, 7007).

11. Many dietary supplements contain such high amounts of nutrients that they are appropriate only for therapeutic use, for persons already in a deficiency state (Hodges, Tr. 2939–40). Some of these contain potentially toxic amounts of certain vitamins (Herbert, Tr. 9891; Grollman, Tr. 1711; Exhs. P–113, P–183, P–594). There is a sound scientific basis for establishing quantitative maximums on the nutrient ingredients in a dietary supplement (Herbert, Tr. 9900–9904; WD–G–Ross, Q. & A. 17, 18; WD–G–Harrison, Q. & A. 22). This is based on the rapid excretion of excesses of certain nutrients without benefit to the consumer, as well as on the potential problems of toxicity or nutritional imbalances due to excessive ingestion of certain nutrients (Grollman, Tr. 1666–1669; Herbert, Tr. 9861–9862; Mickelsen, Tr. 2433–2434; WD–3A–Sebrell, Q. & A. 24, 25; Polack, Tr. 4954–4955; Exh. P–1142).

12. Some dietary supplements contain so little of a named nutrient as to be insignificant in human nutrition (Swain, Tr. 233, 488; Grollman, Tr. 1695–1696 (Exh. P–102); Mickelsen, Tr. 2448 (Exh. P–167), 2451 (Exh. P–169), 2456 (Exh. P–171), 2469 (Exh. P–173); Hodges, Tr. 2935 (Exh. P–180); WD–G–Gullberg, Q&A 26). There is a sound scientific basis for establishing quantitative minimums on the nutrient ingredients for dietary supplements since only substantial amounts of nutrients should be represented for purposes of dietary supplementation (Herbert, Tr. 9867; WD–G–Harrison, Q&A 24; Boehne, Tr. 2764; WD–3A–Sebrell, Q&A 26, 27, 39).

13. Certain dietary supplements are objectionable because they must be taken in large numbers of units for the user to get the designated amounts of the nutrients involved (Grollman, Tr. 1685 (Exhibit P–89); Hodges, Tr. 2936 (Exhibit P–180); Exhibits P–179, P–359, P–368, P–383, P–395). In establishing a standard of identity for dietary supplements it is medically and pharmacologically sound to establish a standard of identity for dietary supplements on the basis of units suitable for and practical of consumption in one day (Grollman, Tr. 1661; Hodges, Tr. 2956).

14. There are demonstrable distinctions among the nutritional requirements of infants and young children, and pregnant or lactating women, as compared to the nutritional requirements of adults (Michelsen, Tr. 2424–2427; Grollman, Tr. 1665; Hodges, Tr. 2877–2878; Herbert, Tr. 9944; WD–3A–Sebrell, Q&A 15, 16, 19 and 28; WD–G–Ross, Q&A 23; Boehne, Tr. 2741–2759).

15. There is scientific or medical justification for selecting an age separation at 4 years of age for the purpose of establishing a basis for dietary supplements (WD–33–Krehl, pp. 5–8; WD–33–Emerson, pp. 4–5; WD–43–Filer, p. 21). The recommended daily dietary allowances of the Food and Nutrition Board, NAS–NRC, for 2- to 3-year-olds can safely be used by infants and 1- to 2-year-olds, and the maximum values for the under 4-year-old group can be used for all infants and children under 4 years of age (WD–33–Krehl, pp. 6–7; Hodges, Tr. 2, 877–8; WD–43–Graham; and WD–43–Filer, p. 21).

16. The "Recommended Dietary Allowances," revised periodically by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, represent established nutrient levels that are quantitatively high enough to provide for the adequate intake of essential nutrients under the wide variety of conditions that exist in this country for essentially all of the normal healthy persons in the United States. Furthermore, these levels are reviewed, discussed, and accepted by numerous scientists and, therefore, are considered to be extremely reliable. (Hodges, Tr. 2880, 2919, 2964–65; Grollman, Tr. 1670, 1763; Mickelsen, Tr. 2438–39; Herbert, Tr. 9865–67; WD–G–Harrison, Q&A 23; Schweigert, Tr. 8257, 8260; WD–G–Gullberg, Q&A 19; Exhibit P–651; Sebrell, Tr. 26, 181).

17. Publication No. 1694 of the National Academy of Sciences entitled "Recommended Dietary Allowances, Seventh Revised Edition, 1968, A Report of the Food and Nutrition Board, National Research Council," and subsequent editions, should be used as the source of authentic and reliable information on which to base recommended daily allowances of nutrients (WD–3A–Semrell, Q&A 9, 10, 18, 19, Tr. 26181; Hodges, Tr. 2917; Herbert, Tr. 9865; WD–G–Harrison, Q&A 14, 23, 26, 27; WD–G–Ross, Q&A 65).

18. Recommended dietary allowances adapted from publication 1694 of the National Academy of Sciences are sufficiently above the average requirement for particular nutrients to cover the needs of between 95 percent and 99 percent of the normal healthy population (Hodges, Tr. 7083; WD–46–Olsen, page 7, Tr. 29466–67; Jukes, Tr. 28688; Briggs, Tr. 28761; Mayer, Tr. 28865–66; Stokstad, Tr. 26742; Goodhart, Tr. 30169–70; Stare, Tr. 29280; WD–G–Ross p. 5).

19. The identity and levels of nutrients in the NAS–NRC Recommended Dietary Allowances are extremely reliable since they are reviewed and discussed by large numbers of scientists and brought up for revision approximately every 5 years (Mickelsen, Tr. 2438–2439); Hodges, Tr. 2880; Sebrell, Tr. 26181). They are the best basis on which to establish a standard of identity for dietary supplements of vitamins and minerals in the United States (Grollman, Tr. 1670; Mickelsen, Tr. 2438; Herbert, Tr. 9864–9865; WD–3A–Sebrell, Q&A 5–7; Sebrell, Tr. 26181; WD–G–Ross, Q&A 19). Publication 1694 of the National Academy of Sciences, entitled "Recommended Dietary Allowances, Seventh Revised Edition, 1968, A Report of the Food and Nutrition Board, National Research Council" should be used as the source of authentic and reliable information on which to base a standard of identity for dietary supplements of vitamins and minerals (Exhibit P–651). Values for essential nutrients (to be designated as "U.S. Recommended Daily Allowances (U.S. RDA's)") may reasonably be derived from the table and sections in the text of this publication (WD–3A–Sebrell, Q&A 15).

20. The human body has the capacity to store varying amounts of almost all vitamins as reserves to be drawn upon when needed (Mickelsen, Tr. 2436). Fat-soluble vitamins, particularly vitamins A and D, are readily stored for relatively long periods of time, while excesses of the water-soluble vitamins are excreted more rapidly (Grollman, Tr. 1628–1629; Mickelsen, Tr. 2645; WD–3A–Sebrell, Q&A 4). The excessive ingestion of the fat-soluble vitamins A and D, because of their relatively high retention by the human body, poses a potential danger of toxicity (Mickelsen, Tr. 2644–2645; Hodges, Tr. 2956; WD–G–Ross, Q&A 18; WD–G–Harrison, Q&A 22; Herbert, Tr. 9891).

21. The nutrients which are scientifically appropriate for inclusion in dietary supplements in the United States are (1) the vitamins A, C, D, E, folic acid, niacin, riboflavin, thiamine, B_6, B_{12}, biotin, and pantothenic acid; and (2) the minerals calcium, phosphorus, iodine, iron, magnesium, copper, and zinc (Hodges Tr. 2879; Grollman, Tr. 1662; Mickelsen, Tr. 2427–2430; Herbert, Tr. 9861, 9868, 9881; Krehl, Tr. 27, 216–27, WD–G–Ross, Q. & A. 15, 16; WD–G–Harrison, Q. & A. 20; Exhibit P–651).

22. The establishment of qualitative and quantitative limits on the composition of dietary supplements will reduce consumer confusion concerning choice of dietary supplements by ensuring a basically rational formula for all products (WD–G–Gullberg, Q. & A. 31, Weissenberg, Tr. 7737).

23. From among these nutrients, appropriate for inclusion in dietary supplements, certain basic vitamins and/or minerals should be included in all articles offered as multivitamin and/or multimineral supplements (Herbert, Tr. 9880–81). Conversely, certain vitamins and minerals are, scientifically, optional in terms of whether or not they should be included in a multivitamin and/or multimineral supplement (Herbert, Tr. 9882).

24. A gross excess of folic acid intake on the part of human beings can interfere with the diagnosis of pernicious anemia as it masks the hematological manifestations of vitamin B_{12} deficiencies. (Herbert, Tr. 9872–73.)

25. While people in the United States appear to have some understanding of the comparatively greater requirements for iron experienced by many women during their child-bearing years, this appears to have affected opinion about other nutrients, since well over a third of the population believes that women need more vitamins than men (Exhibit P–1151, page B13, questions 20, 20a, 21, 21a). However, when iron is not named, only 16 percent of the population expresses an opinion that there is any difference in the mineral requirements of men and women (Exhibit P–1151, page B14, question 22).

26. All vitamins are specific chemical compounds. Each has the same composition and effect whether it is synthetically produced or derived from natural sources. (Grollman, Tr. 1758–1759; Mickelsen, Tr. 2471; Hodges, Tr. 2958–2959, 2962; Herbert, Tr. 9937–9938; WD–G–Harrison, Q&A 36).

27. It is pharmacologically necessary to allow, in a standard of identity for dietary supplements, for the inclusion of preservatives, stabilizers, colors, sweeteners, seasoning, carriers, bases, vehicles, and other substances which facilitate preparation of the product. However, no greater quantity of any such substances should be allowed to be included than is necessary to establish the desired physical or technical effect. Furthermore, the biological availability of the nutrients in the dietary supplement should not be impaired by the presence of such substances. (Grollman, Tr. 1752; Garrett, Tr. 11039).

28. Lack of a common language for identifying nutrients in dietary supplements has resulted in use of highly in-

[1] The abbreviations in the citations are:
Tr.—For transcript pages of the hearing.
P.—For exhibits introduced by the Government, the proponent.
O.—For exhibits introduced by opponents.
WD–G—For written direct testimony by a witness for the Government.
WD–3A—For written direct testimony by a witness for the designated opponent (e.g. "3A").
Q&A—Question and answer.

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appropriate names, having no or imprecise scientific meaning. The resultant wide variation in the manner of qualitatively naming and quantitatively declaring the nutrients in a dietary supplement on its label also extends to artificial colors, artificial flavors, and preservatives used in producing the supplement. (Grollman, Tr. 1698–1699, 1724; Herbert, Tr. 9891, 9896–9897; Weissenberg, Tr. 6623–6626, 8763–8764, 8789–8791; Exhs. P–113, P–161, P–311, P–95, P–152).

29. The use of standardized common names for various forms of dietary supplements will aid in more fully informing purchasers of the nature and value of these articles. The following common names are scientifically meaningful and accurate designations for the various supplements involved:

(a) "Multivitamin and multimineral supplement", for a dietary supplement which contains all of the mandatory vitamins and mandatory minerals listed in the table under § 80.1(f).

(b) "Multivitamin supplement", for a dietary supplement which contains all of the mandatory vitamins listed in the table under § 80.1(f).

(c) "Multimineral supplement", for a dietary supplement which contains all of the mandatory minerals listed in the table under § 80.1(f).

(d) "Multivitamin and iron supplement" or "multivitamin supplement with iron", for a dietary supplement which contains all of the mandatory vitamins listed in the table under § 80.1(f) plus the mineral iron.

(e) "---------- supplement", for a dietary supplement which contains a single vitamin or mineral listed in the table under § 80.1(f), the blank to be filled in with the name of the vitamin or mineral which the supplement purports or is represented to contain. (Grollman, Tr. 1753; Hodges, Tr. 2945–54; Mickelsen, Tr. 2487; Herbert, Tr. 9882, 9884–91; WD–G–Ross, Q&A 28–33; WD–G–Harrison, Q&A 30–33.

30. It is scientifically correct and necessary for the purpose of determining the value of a dietary supplement as a food which is purported to be or is represented for a special dietary use that the label thereof bear a statement stating the amount and percentage of the recommended daily allowance of each vitamin and/or mineral which the supplement contains in a specified daily quantity, such a statement being given for each consumer group for which the supplement is offered (Herbert, Tr. 9944–9946; Grollman, Tr. 1762; Hodges, Tr. 2964–2967; WD–G–Ross, Q&A 63; Mickelsen, Tr. 2685–2687). It is also necessary that clear directions for frequency of ingestion be stated on the label (Grollman, Tr. 1758; Hodges, Tr. 2955–2956; Herbert, Tr. 9937).

31. Reasons for a consumer desiring to know the sources of the nutrients in a dietary supplement include: (1) A medical need to have exact knowledge of all potential allergens encountered by a patient (WD–23–Kallin, Q&A 22; Lowe, Tr. 12579); and (2) religious or philosophical needs to know the components of one's total diet (WD–58–Morgan; WD–58–Prazenka; WD–58–Pietz; WD–23–Desmond; WD–23–Singer; WD–58–Pelc; WD–58–Curtis; WD–58–Taylor; WD–32–Hill).

32. Many dietary supplements include named ingredients which are of no value as supplements to the human diet (Grollman, Tr. 1626, 1675–77, 1707, Exhibit P–125; Mickelsen, Tr. 2464–65 (Exhibit P–172), 2469 (Exhibit P–173); Hodges, Tr. 2933 (Exhibit P–179), 2936, (Exhibit P–180); Herbert, Tr. 9891 (Exhibit P–113), 9899 (Exhibit P–468; Swain, Tr. 185–191, 213, 220, 221, 223, 229–231, 255, 264, 269, 336, 397, 442, 447, 455, 469, 475, 476, 487; Weissenberg, Tr. 8761, 6402, 5949, Exhibits P–576, P–591). However, many consumers will purchase such products with long lists of ingredients, believing them to be of better value than products with a lesser number of ingredients (WD–G–Perloff, Q&A 38–41; Exh. P–1151, page B9, questions 13, 14). Such consumers believe that if an ingredient is listed, it must significantly contribute to the value of the product as a dietary supplement (WD–G–Perloff, Q&A 18, 19; Exh. P–737). The label of a dietary supplement, as a food for special dietary use, should bear a statement of usefulness consisting of a list of the nutrient ingredients which provide the special use characteristics. The list of such ingredients should be limited to those which are of significant value and need in human nutrition as components of dietary supplements (Grollman, Tr. 1766; Hodges, Tr. 2969–2970; Mickelsen, Tr. 2518–2520; WD–G–Moses, Q&A–33; WD–G–Ross, Q&A 59–61).

33. A large proportion of the population of the United States is likely to choose dietary supplements, the ingredients of which are described as "natural" or from "natural sources", on the basis that "natural" constituents are superior to "synthetic" constituents (WD–G–Perloff, Q&A 44–46; Exhibit P–1151, pages B–10 and B–11, questions 16, 16a, 16b). There are many dietary supplements on the market which stress the "natural" source of their constituents (Swain, Tr. 234, 477; Weissenberg, Tr. 6554–6556, 8757–8758; Exhibits P–6, P–35, P–40–43, P–54, P–66–68, P–70, P–74), although this fact is of no nutritional significance (Grollman, Tr. 1758–1759; Mickelsen, Tr. 2471; Hodges, Tr. 2933, 2958–2959, 2962; Herbert, Tr. 9937–9938; WD–G–Harrison, Q&A 36).

34. It is medically and nutritionally appropriate to identify, on the label, chemical preservatives used in a dietary supplement, as well as to indicate on the label that artificial sweetener, artificial coloring, or artificial flavoring has been added to the article, if such is the case. In addition to these and the identification of the nutrients in the supplement, there is also the necessity for identifying alcohol, if present (Grollman, Tr. 1758; Hodges, Tr. 2956–2957; Herbert, Tr. 9941–9942). When alcohol is included as an ingredient in a dietary supplement, it is necessary, from a medical point of view, that the amount of alcohol contained in the dietary supplement by expressed on the label as a percent by volume (Grollman, Tr. 1705, 1760–1761; Hodges, Tr. 2956; Herbert, Tr. 9942).

35. Dietary supplements have been found on the market containing levels of vitamins below declared strength (Weissenberg, Tr. 8769–8770; Deutsch, Tr. 11147–11151; Garrett, Tr. 10986). Under certain ordinary and usual conditions of shipment, storage, and shelf-life, some vitamins and minerals in dietary supplements deteriorate, affecting the nutritional quality of the supplement (Grollman, Tr. 1761; Mickelsen, Tr. 2489; Hodges, Tr. 2963–2964; Herbert, Tr. 9942–9943; Garrett, Tr. 10943 et seq.). Based upon known rates of deterioration, it is technologically feasible to determine an appropriate expiration date for dietary supplements beyond which they should not be sold in the event deterioration actually occurs (Garrett, Tr. 10981 et seq.; Exhs. P–659, P–660). In the interest of consumers, it is reasonable and necessary to require that a manufacturer, packer, or distributor of dietary supplements containing vitamins and/or minerals determine an appropriate expiration date for his product, based on deterioration data under specified or customary conditions of handling and storage as indicated on the label, and that the expiration date be indicated when the supplement is offered for sale. (Garrett, Tr. 10978–10981, 11013–11015; Grollman, Tr. 1762; Hodges, Tr. 2963–2964; Mickelson, Tr. 2489–2490; Herbert, Tr. 9943; WD–G–Gullberg, Q&A 17, 33; WD–G–Ross, Q&A 40–42; WD–G–Harrison, Q&A 34, 35).

36. The following table represents a reasonable and scientifically accurate adaptation of the 1968 Recommended Dietary Allowances as published by the Food and Nutrition Board of the National Academy of Sciences-National Research Council (WD–3A–Sebrell, Q&A 15). Upper and lower limits for the listed nutrients are appropriate for dietary supplements of vitamins and minerals (Herbert, Tr. 9900–04, 9867; WD–G–Ross, Q&A 17, 18; WD–G–Harrison, Q&A 22, 24; Boehne, Tr. 2764; WD–3A–Sebrell, Q&A 26, 27, 39).

U.S. GOVERNMENT RECOMMENDED DAILY ALLOWANCES (U.S. RDA's) AND PERMISSIBLY COMPOSITIONAL RANGES FOR DIETARY SUPPLEMENTS OF VITAMINS AND MINERALS

	Unit of measurement	Infants and children under 4 years of age, U.S. RDA		Adults and children 4 or more years of age, U.S. RDA		Pregnant or lactating Women, U.S. RDA	
		Lower limit	Upper limit	Lower limit	Upper limit	Lower limit	Upper limit
Vitamins, mandatory:							
Vitamin A	International units	1,250	2,500	2,500	5,000	5,000	8,000
Vitamin D [1]	do	200	400	400		400	400
Vitamin E	do	5.0	10	15	30	30	60
Vitamin C	Milligrams	20	40	60	90	60	120
Folic acid [2]	do	0.1	0.2	0.3	0.4	0.4	0.8
Thiamine	do	0.35	0.7	1.05	1.5	1.5	1.7
Riboflavin	do	0.4	0.8	1.2	1.7	1.7	2.0
Niacin	do	4.5	9.0	13.5	20	20	20
Vitamin B_6	do	0.35	0.7	1.05	1.5	2.0	2.5
Vitamin B_{12}	Micrograms	1.5	3	4.5	6	6	8
Optional:							
Vitamin D	International units			200	400	400	
Biotin	Milligrams	0.08	0.15	0.22	0.3	0.3	0.45
Pantothenic Acid.	do	2.5	5.0	7.5	10	10	15
Minerals, mandatory:							
Calcium	Grams	0.125	0.8	1.2	1.0	1.5	0.125
Phosphorus [3]	do	0.125	0.8	1.2	1.0	1.5	
Iodine	Micrograms	35	70	105	75	150	225
Iron	Milligrams	5.0	10	15	9.0	18	27
Magnesium	do	40	200	300	100	400	600
Optional:							
Phosphorus	Grams						0.125
Copper	Milligrams	0.5	1.0	1.5	1.0	2.0	3.0
Zinc	do	4.0	8.0	12	7.5	15	22.5

[1] Optional for adults and children 4 or more years of age.
[2] Optional for liquid products.
[3] Optional for pregnant or lactating women.

DISCUSSION OF PROPOSED FINDINGS

The standard of identity established in this document is closely related to the requirements for special dietary foods, for nutrition labeling, and for over-the-counter drugs. It is therefore important that the interrelationship of these various regulatory provisions, and the rationale behind their development, be fully understood.

The evidence at the 1968–70 Special Dietary Food Hearings strongly supported the position that all requirements for vitamins and minerals can be obtained from a well-planned diet of conventional foods, and thus that conventional foods always have been, and will continue to be, the principal source of nutrients in the daily diet. For this reason, 10 percent of the U.S. RDA of a nutrient is regarded as significant for purposes of labeling under § 1.17, and indeed the presence of even 2 percent of the U.S. RDA of a nutrient is permitted to be labeled because of the cumulative impact of these small amounts when ingested in several foods in the course of the day. These relatively small amounts of nutrients may not be significant in and of themselves, but when added together they are quite sufficient to provide the full complement of daily nutrition.

A dietary supplement product, on the other hand, is not intended to be eaten like any other constituent of the normal daily diet, but rather is intended, as the name states, to be taken to supplement the diet as insurance in the event that an individual's diet may not include a full complement of essential vitamins and minerals (e.g., it is often impractical to supply the iron needs of adult women with conventional foods). It would therefore be quite inappropriate for a dietary supplement to contain the relatively small amount of nutrients found in many foods; and conversely, it would be equally inappropriate to provide for fortification of conventional foods at substantial levels which would result in gross over consumption of vitamins and minerals in the diet. Therefore, with certain exceptions, a dietary supplement must contain at least 50 percent of the U.S. RDA of the nutrients involved, and any conventional food fortified in a way that any nutrient achieves a level of greater than 50 percent of the U.S. RDA will similarly be regarded as a dietary supplement subject to all of the requirements of the standard of identity. In short, the regulations provide a sensible and reasonable distinction between the customary way of obtaining nutrients in relatively small amounts in individual food items through the daily food supply, and the insurance provided by a dietary supplement containing relatively large amounts of those nutrients.

Substantial consideration was given to the appropriate ceiling for the nutrient levels in a dietary supplement. Evidence presented at the Hearings would have justified as low as 100 percent of the U.S. RDA. The Commissioner has concluded, however, with certain exceptions, that the additional assurance provided by permitting 150 percent of the U.S. RDA in a dietary supplement is warranted. This level will cover all known nutritional needs of normal individuals.

The Commissioner has also recognized that there are a number of products comprised of nutrients, intended to provide daily nutrition in a variety of medical conditions, which are represented for use solely under medical supervision in the dietary management of specific diseases and disorders or as the sole item of a meal or in the daily diet. Many of these foods are in a state of development, and standardization is not possible on the basis of the Hearings. Accordingly, although such products are required to be labeled in compliance with §§ 125.1–125.3, they are exempt from the requirements of § 80.1. Separate regulations will be promulgated when appropriate to control the composition or labeling of these foods.

The status of meal replacements has received special consideration. The Commissioner has concluded that it is appropriate to exempt them from labeling under § 125.3 and instead to require that they be labeled under § 1.17, unless they fall within the category of "medical foods" just described above. They have also been exempted from the requirements of § 80.1, since they are properly regarded as complete replacements for a meal and not as a dietary supplement, and since the nutrient levels established for dietary supplements would be too high for a product intended as a replacement for a single meal. The Commissioner is considering a nutrition guideline limiting the nutrient levels in meal replacements to no higher than 50 percent of the U.S. RDA for adults and children 4 or more years of age.

The Commissioner has also reviewed the question whether some products containing nutrients should be classified as drugs rather than as foods under the act. As already noted, the ceiling for nutrient content provided by § 80.1 will cover all known nutritional needs for normal individuals. Dietary supplementation at any higher level is clearly unwarranted. Accordingly, any vitamin-mineral product containing more than the upper limit of the U.S. RDA must be regarded as appropriate only for the treatment of vitamin-mineral deficiencies, or for some other medical purpose, and is properly classified as a drug. The Commissioner has previously announced in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464, paragraph 94) that vitamin-mineral products which are drugs would be subject to the procedures for review of over-the-counter (OTC) drugs established in 21 CFR 130.301. The advisory review panel which considers these products will be provided all pertinent evidence and information relating to such products presented at the Special Dietary Food Hearings in addition to any other data and information submitted to it. That panel will be requested to provide its advice on safe and effective formulations and labeling of such products, and on the dividing line between OTC and prescription vitamin-mineral drug products.

The Commissioner also recognizes that foods represented solely for use under medical supervision in the dietary management of specific diseases and disorders (e.g., chemically defined diets for the nutritional support of individuals suffering from inborn errors of metabolism) represent an exception to the rule that nutrients included in products at levels greater than the upper limit of the U.S. RDA are drugs. At this time such "medical foods" should not be the subject of specific restrictions. Accordingly, the Commissioner has classified these

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products as foods regardless of the nutrient levels they contain.

The lower and upper limits for any given nutrient in a dietary supplement have been, in general, set at 50 percent and 150 percent, respectively, of the U.S. RDA values (with 6 exceptions, discussed below). It is reasonable to allow for some variation in the amount of a nutrient in such a product, and the U.S. RDA is a good central point for the variation because it is an estimate of a pattern of daily nutrient needs for the U.S. population as established by scientific experts. Establishing 50 percent as the lower permissible limit provides protection for the consumer from inadequate amounts of nutrients for supplementation purposes. Establishing 150 percent as the upper permissible limit provides protection of the consumer from excessive amounts of nutrients for supplementation purposes. The upper permissible limits for vitamin A and vitamin D equal the specified U.S. RDA's for these nutrients to minimize their toxicological potential (see 37 FR 26818, December 14, 1972). For dietary supplements for pregnant or lactating women, the general principle establishing lower and upper permissible limits of composition is the specified U.S. RDA's for adults and children 4 or more years of age and twice these amounts respectively, with specific exceptions as discussed below.

In defining nutrient needs the Food and Nutrition Board of the National Academy of Sciences-National Research Council has recognized differences of opinion among experts as well as the paucity of information for some nutrients on which to base an opinion about dietary needs for humans. These facts, coupled with the need to offer the product technologist a degree of freedom in compounding dietary supplements, establish the reasonableness of having permissible ranges.

In considering dietary supplements it is reasonable to recognize two categories of products which consumers should have available to them. One is a product containing all the vitamins and/or minerals for which RDA's have been established because of the stated inability of the consumer to determine precisely what nutrients he needs (with or without the optional nutrients). The other is a product which contains only one nutrient for which RDA's have been established. The usefulness of this kind of product derives from the recognition of the need for the availability of single nutrients which may be recommended for dietary supplementation in any combination, and the inherent right of consumers to decide, on their own, what particular nutrient they may need to round out a "balanced diet." These decisions may be based on a complex set of information, knowledge, or biases, but benefit can be derived from such a choice and it should not be denied.

At the same time, the enormous variety of products possible as a result of the number of essential vitamins and minerals needs some simplification. A consumer cannot make a rational choice, for example, between one supplement with 10 vitamins and minerals versus another supplement containing a different combination of seven vitamins and minerals, and a third with only three or four vitamins present, but in substantially greater amounts. Section 80.1 thus permits full personal choice but reduces substantially the confusing array of combination products.

The recently completed study "The Ten-State Nutrition Survey, 1968–1970," Department of Health, Education, and Welfare, Health Services and Mental Health Administration, Center for Disease Control, Atlanta, Georgia, emphasizes widespread iron deficiency anemia. The Committee on Maternal Nutrition, NAS–NRC report, "Maternal Nutrition and the Course of Pregnancy: Summary Report" National Academy of Sciences, 1970, concludes that the widespread incidence of nutritional anemia and the increased iron requirements of pregnancy and lactation provide a need for iron supplementation in amounts up to 60 milligrams per day. This information justifies both this considerable increase in the upper limit for supplementation over the NAS–NRC RDA values for iron for pregnant or lactating women (18 milligrams) as reasonable in view of the more recent deliberations of the NAS–NRC, and the permitted combinations of vitamins and the mineral iron, under § 80.1 (21 CFR 80.1).

The Commissioner recognizes that there are currently on the market combinations of vitamins and minerals which do not contain all of the nutrients which are scientifically and medically appropriate for a dietary supplement, and/or do not contain the nutrients at adequate levels. Some of these products are used by consumers as a food component of their daily diet intake, in a way that is no different in principle than the use of fortified food. By establishing a standard of identity for dietary supplement (e.g., multivitamin and/or multimineral supplements), those products either containing more than one but less than all of the nutrients appropriate for inclusion in a dietary supplement, or containing any of these nutrients below the established dietary supplement range can no longer be marketed as dietary supplements.

The Commissioner has concluded that it is reasonable to permit the continued marketing of products containing less than all of the nutrients required as a dietary supplement, at levels appropriate for foods, when such products are properly labeled as foods. To maintain the right of consumers to obtain such truthfully labeled food products if they so desire, the regulations provide that such products will remain available, labeled pursuant to § 1.17 (21 CFR 1.17) (nutrition labeling). No labeling will be permitted that could be confused with dietary supplements.

Thus, the regulations provide that combinations of vitamins and minerals not meeting the requirements of the standard of identity in § 80.1 (21 CFR 80.1) can be marketed as foods if they do not contain in a single serving any of the permitted vitamins or minerals at levels greater than the lower limit established for dietary supplements in this section. Like any other food, such a product may not be labeled as a "dietary supplement" or use any terms which suggest to the consumer that the product can serve as a dietary supplement, and such product shall provide the information required under § 1.17.

Proprietary names, including those presently used, may be included on the label provided they do not infer in any manner that the product is a dietary supplement. If such a product is in other than conventional food form (e.g., a tablet or capsule), the common or usual name of the product must, in order to meet the requirements of § 1.8 (21 CFR 1.8), include a listing of the names of each of the vitamins and/or minerals present.

In addition to those combinations of vitamins and minerals containing levels less than the lower limits of nutrients required by § 80.1 (21 CFR 80.1), there are products which contain more than one, but not all, of the vitamins and minerals provided for in § 80.1, at levels within the upper and lower limits established therein. These products do not meet the requirements of dietary supplements as defined in this tentative order.

The Commissioner has carefully reviewed the record of the hearing in considering whether there is any medical or scientific justification for such combinations of vitamins and minerals other than those in this tentative order. No persuasive justification for additional combinations was presented at the hearing. The evidence strongly supported inclusion of all vitamins and/or minerals in a dietary supplement, thus eliminating the many bewildering combinations now found in the marketplace, for which there is neither medical support nor consumer understanding. Nor is the Commissioner aware of more recent scientific data supporting additional combinations as dietary supplements.

Nevertheless, it is recognized that, as scientific and medical information changes, some justification for a vitamin and/or mineral combination not permitted by this standard of identity may be brought forward. Accordingly, the Commissioner has concluded that it is reasonable to include in the standard a specific petition mechanism whereby requests may be made for inclusion of additional combinations. Such a petition would include scientific data of nutritional and technological nature to support the particular combination involved, together with the proposed name of the product and with labeling designed to differentiate the product from other dietary supplements and to be fully informative to the public.

The Commissioner will provide sufficient time to allow manufacturers to develop petitions for vitamin and mineral products currently marketed which do not comply with the requirements set forth in § 80.1. Such petitions must be submitted by December 31, 1973, unless the Commissioner extends this time. This

time period is sufficient for manufacturers to determine if there is adequate scientific and technological justification to submit a petition. Where the manufacturer can show good cause, a further extension of time will be permitted to develop the necessary information and to submit a petition. During any consideration of or proceedings with respect to any petition submitted, the Commissioner will also grant an extension of time upon reasonable request. When final action is taken on any such petition, the manufacturer will also be permitted sufficient time to make necessary changes in labeling or formulation of the product. The Commissioner concludes that this procedure is reasonable and in the public interest, in view of the importance of this new regulation. Regulatory action against products would, however, be taken against any false or misleading statements in the labeling as prohibited by 21 CFR Part 125.

Vitamins and minerals for which specific quantitative requirements in human nutrition have been established by the Food and Nutrition Board, except for vitamin D and phosphorus for certain groups, are considered as mandatory components in § 80.1. Vitamins and minerals for which only approximate quantitative requirements have been established are considered as optional components.

The adaptability of the human body to varying intakes of calcium makes the establishment of single "allowances" for this difficult. Many experts believe that 0.5 gram of calcium per day would provide a practical allowance for adults. However, the daily average intake in some industrially advanced countries is well above 0.5 gram per day, with 0.8 to 1.0 gram being a usual intake. Certain population groups have intakes up to 1.5 grams per day, and show no evidence of undesirable side reactions or failure of the body's ability to adjust. On the other hand, the FAO–WHO Expert Group on Calcium Requirements, in a comprehensive report "Calcium Requirements FAO–WHO," Rome, 1961, held the view that a calcium intake above 1.0 gram/day was unlikely to serve any physiologically useful purpose. Their recommendations for practical allowances for infants, children, and adolescents range from 0.4 to 0.7 gram/day.

The lower permissible limits for calcium, phosphorus, and magnesium are less than the limits that would result from applying the general principles because of the physiological and technological problems associated with their physical bulk. Phosphorus is not mandatory in dietary supplements for pregnant or lactating women because of evidence that supplemental phosphorus may increase the problem of leg cramps during pregnancy.

A ratio of dietary calcium to phosphorus of at least 1.0 is desirable to maintain balance of these major constituents of bones and teeth. The ratio in bones is about 2.0. However, this ratio is much lower in the soft tissues so that a ratio of at least 1.0 is reasonable. Consideration of the food supply, including its diversity, indicates the unlikelihood of achieving a ratio significantly greater than 1.0 in a normal well-balanced diet.

For these several reasons, the U.S. RDA for both calcium and phosphorus was set at 1.0 gram per day for adults. This subject needs additional research, and if future results indicate significant changes, the Commissioner will issue the required amendments.

Vitamin D is not mandatory in dietary supplements for adults and children 4 or more years of age because of its availability from vitamin D-fortified milk, its endogenous production, and the uncertainties of exogenous requirements for this group of consumers.

For the categories for adults and children 4 or more years of age and for pregnant or lactating women the upper permissible limits for folacin equal the specified U.S. RDA's for this nutrient to minimize the potential of gross amounts masking the hematological manifestations of pernicious anemia.

The actual amount of active component (of a nutrient) depends on the chemical form in which the nutrient is supplied. A table of reference forms for the water-soluble vitamins commonly used in different chemical forms is provided. For example vitamin B_6 denotes a collective term for a group of naturally occurring pyridines that are metabolically and functionally related—pyridoxine, pyridoxal, and pyridoxamine. Interconversion between the compounds is so active that there is little biological difference between them. However, each form has its own molecular weight and hence must be corrected back to a reference compound to avoid significant variations in quantitative declarations of vitamins present, as recognized in finding of fact No. 28. Thiamine nitrate is a commonly used form of thiamine. Its molecular weight is 327.36. The reference form, "thiamine chloride," has a molecular weight of 300.82. The hydrochloride has a molecular weight of 337.27. Thus, the actual amount of the active form can be readily calculated from the ratio of the respective molecular weights. Niacin (mol. wt. 123.11) is commonly supplied as niacinamide (mol. wt. 122.13), the difference in this case being negligible. The statement of standard recognized chemical compounds provides a sound reference for establishing the actual amount of a nutrient present in the various acceptable chemical forms of a given nutrient.

The Commissioner recognizes that the listing of nutrient ingredients is not in compliance with 21 CFR 1.10, in that they are not required to be listed in order of decreasing predominance. Vitamins and/or minerals in dietary supplements offered as tablets, capsules, wafers, powders, or other similar uniform units, shall be listed in the order as provided in the table under § 80.1(f). If vitamins and/or minerals are offered in the physical form of a conventional food (e.g., physical form of a breakfast cereal), and are added to a food so that a single serving provides 50 percent or more of the U.S. RDA of any one of the added vitamins and/or minerals, unless such addition is permitted or required in other regulations (e.g., a standard of identity or nutritional quality guideline), the labeling shall conform to the requirements of 21 CFR 1.17, in addition to this section.

PROPOSED CONCLUSIONS OF LAW

Based on the foregoing statements in conjunction with the findings of fact herein published the Commissioner concludes, that:

1. It will promote honesty and fair dealing in the interest of consumers, and will assist in carrying out the purpose of the law of providing full information to consumers as to the value of such foods for special dietary use, to promulgate a standard of identity for dietary supplements of vitamins and minerals as hereinafter set forth in § 80.1.

2. Such standard should limit the nutrients contained therein to those listed in § 80.1(f).

3. Such standard should limit the lower and upper amounts of nutrients supplied, to those listed in § 80.1(f).

4. The label of the dietary supplement should bear the statement as hereinafter prescribed by § 80.1(h), "multivitamin and multimineral supplement", "multivitamin supplement", "multimineral supplement", "multivitamin and iron supplement", or "multivitamin supplement with iron", or "---------- supplement" (the blank to be filled in with the name of the vitamin or mineral which the supplement purports or is represented to contain). In addition, such standard should specify the nutrients which shall comprise "multivitamin and multimineral supplements", "multivitamin supplements", "multimineral supplements", " multivitamin and iron supplements", or "multivitamin supplements with iron", and single nutrient supplements as hereinafter prescribed by § 80.1(b).

5. The label of the dietary supplement should bear the name and amount of each vitamin and mineral supplied by the supplement as prescribed by § 80.1(i).

6. The label of the dietary supplement also should name the natural source or chemical form of the nutrient ingredients used.

7. The label of a dietary supplement containing one or more nutrients subject to deterioration should bear an expiration date which will assure that the supplement contains the full declared level of the nutrients when consumed.

TENTATIVE ORDER

Therefore, on the basis of the foregoing findings of fact, discussion, and conclusions of law drawn therefrom: *It is ordered*, That the stay of effective date of § 80.1, which stay was promulgated December 14, 1966 (31 FR 15730), be ended and that § 80.1 be modified to read as follows:

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PART 80—DEFINITIONS AND STANDARDS OF IDENTITY FOR FOOD FOR SPECIAL DIETARY USES

§ 80.1 Dietary supplements of vitamins and minerals; definition, identity, label statements.

(a) The dietary supplements of vitamins and/or minerals for which definitions and standards of identity are prescribed by this section are prepared and offered as tablets, capsules, wafers, or other similar uniform units; in powder, granular, flake, or liquid form; or in the physical form of conventional foods; and purport to be or are represented for special dietary use by man to supplement his diet by increasing the total dietary intake of one or more of the essential vitamins and/or minerals specified in paragraph (f) of this section. The dietary supplements of vitamins and/or minerals are henceforth referred to as "dietary supplements" in this section.

(b) Classifications of dietary supplements.

(1) A dietary supplement shall contain only those vitamins and/or minerals listed in paragraph (f) of this section and shall be offered for its vitamin and/or mineral content only in the following combinations, with the provision that any vitamin or mineral defined as optional in paragraph (f) of this section may be omitted:

(i) All vitamins and minerals.
(ii) All vitamins.
(iii) All minerals.
(iv) All vitamins and the mineral iron.
(v) Vitamin D may be included in a multivitamin supplement and phosphorus may be included in a multimineral supplement without requiring the inclusion of the additional optional ingredients. The inclusion of any of the other optional ingredients (biotin or pantothenic acid for vitamins and copper or zinc for minerals) requires the inclusion of both such optional ingredients if the product is a multivitamin or multimineral supplement, and requires the inclusion of all four such ingredients if the product is a multivitamin and multimineral supplement.

(2) A dietary supplement may also be composed of any single vitamin or mineral listed in paragraph (f) of this section.

(3) Folic acid is optional for liquid dietary supplements because of instability of the vitamin in liquid preparations. Liquid dietary supplements containing multivitamins but not containing folic acid shall bear the following statement on the label, "This product does not contain the essential vitamin folic acid" which shall immediately follow the listing of vitamins, and minerals as prescribed in paragraph (1) of this section.

(4) Addition to or amendment of the list of permissible combinations of vitamins and/or minerals contained in paragraph (b)(1) of this section may be proposed by the Commissioner of Food and Drugs, on his own initiative, or upon petition by an interested person in accordance with the procedures set forth in Part 2 of this chapter. Any such petition shall be submitted in the form set forth in § 2.65 of this chapter, and shall include scientific data of a human nutritional and/or technological nature to support such addition or amendment as being consistent with the definition and purpose of dietary supplements as described by this section. The Commissioner, upon request, may extend the effective date of this section with respect to any particular product or class of products pending consideration and any administrative or court proceedings relating to any such petition, and may set a new effective date upon completion of the matter.

(5) The provisions of this section shall not apply to any food which contains or consists of any vitamin or mineral listed in § 125.1 (b) and/or (c) of this chapter, or any combination thereof, provided that all of the following requirements are met: (i) No such nutrient is contained at a level higher than the lower limit established for that nutrient pursuant to paragraph (f)(1) of this section, (ii) No direct or implied representative is made on the label, in labeling, or in advertising that the product is a dietary supplement or is adequate or appropriate for supplementing the daily diet with essential nutrients, (iii) If the product is in other than conventional food form, the common or usual name of the product required pursuant to § 1.8 of this chapter includes the names of each of the nutrients included, and (iv) The product is labeled pursuant to the provisions of § 1.17 of this chapter.

(c) General definitions.

(1) Subject to good manufacturing practices, dietary supplements described in this section shall contain in the specified daily quantity no less than the lower limit nor more than the upper limit of any nutrient specified in paragraph (f) of this section for the group(s) for which the supplement is offered.

(2) For the purposes of this section, the term "daily quantity" means the quantity of a dietary supplement that shall be specified in the labeling of the dietary supplement for consumption in a period of 1 day, and which shall be an amount or number of units reasonably suitable for and practicable of consumption in 1 day.

(3) In the event a dietary supplement is offered for more than one specific group, the specified daily quantity for each group shall be stated separately on the label.

(d) The different groups described in § 125.1(b) of this chapter shall be designated as follows: For labeling purposes:

(1) Infants and children under 4 years of age,
(2) Adults and children 4 or more years of age,
(3) Pregnant or lactating women.

(e) This section does not apply to:

(1) Other standardized foods.
(2) Foods the composition of which is defined by other regulations or statutes.
(3) Any food represented for use as the sole item of a meal or of the diet.
(4) Foods represented for use solely under medical supervision in the dietary management of specific diseases and disorders.
(5) Raw agricultural commodities (including marine products) and fabricated and other conventional foods to which single or multiple vitamins and/or minerals are added to improve nutritional quality, unless the total level (including any naturally occurring amounts) of any added vitamin or mineral per single serving attains or exceeds 50 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for adults and children 4 years or more of age as specified in § 125.1(b) of this chapter, in which case the provisions of both this section and § 1.17 of this chapter shall apply. If the provisions of both this section and § 1.17 apply to a food, the labeling of such food shall conform to the labeling established in this section except that the labeling established in paragraph (c) of § 1.17 of this chapter, including the order for listing vitamins and minerals established in paragraph (c)(7)(iv) of that section, shall be used in lieu of the labeling established in paragraph (l)(1) of this section.

(6) Raw agricultural commodities (including marine products) which by their nature are sources of a specific vitamin(s) and/or mineral(s) at a level that, if it had been added, would have brought them within the definition of a dietary supplement. Such shall meet all the requirements of this section if they are represented as dietary supplements. Such foods may also be used as a source of specific vitamins and/or minerals in dietary supplements meeting the requirements of this section.

(7) A food with nutrients restored to pre-processing levels or added pursuant to § 1.8(e) of this chapter so that it is not nutritionally inferior to the food for which it substitutes and which it resembles.

(f) Permissible qualitative and quantitative composition of dietary supplements.

(1) The following table sets forth the permissible qualitative and quantitative composition of dietary supplements of vitamins and/or minerals:

U.S. GOVERNMENT RECOMMENDED DAILY ALLOWANCES (U.S. RDA'S) AND PERMISSIBLE COMPOSITIONAL RANGES FOR DIETARY SUPPLEMENTS OF VITAMINS AND MINERALS

	Unit of measurement	Infants and children under 4 years of age			Adults and children 4 or more years of age			Pregnant or lactating women		
		Lower limit	U.S. RDA	Upper limit	Lower limit	U.S. RDA	Upper limit	Lower limit	U.S. RDA	Upper limit
Vitamins, mandatory:										
Vitamin A	International units	1,250	2,500	2,500	2,500	5,000	5,000	5,000	8,000	8,000
Vitamin D[1]	do	200	400	400				400	400	400
Vitamin E	Milligrams	5.0	10	15	30	60	90	30	30	120
Vitamin C	do	20	40	60				60	60	120
Folic acid[2]	do	0.1	0.2	0.3	0.2	0.4	0.4	0.4	0.8	0.8
Thiamine	do	0.35	0.7	1.05	0.75	1.5	2.25	1.5	1.7	3.0
Riboflavin	do	0.4	0.8	1.2	0.8	1.7	2.6	1.7	2.0	3.4
Niacin	do	4.5	9.0	13.5	10	20	30	20	25	40
Vitamin B_6	do	0.35	0.7	1.05	1.0	2.0	3.0	2.0	2.5	4.0
Vitamin B_{12}	Micrograms	1.5	3.0	4.5	3	6	9	6	8	12
Optional:										
Vitamin D	International units				200	400	400			
Biotin	Milligrams	0.08	0.15	0.22	0.15	0.3	0.45	0.3	0.3	0.6
Pantothenic Acid	do	2.5	5.0	7.5	5.0	10	15	10	10	20
Minerals, mandatory:										
Calcium	Grams	0.125	0.8	1.2	0.125	1.0	1.5	0.125	1.3	2.0
Phosphorus[3]	do	0.125	0.8	1.2	0.125	1.0	1.5			
Iodine	Micrograms	35	70	105	75	150	225	150	150	300
Iron	Milligrams	5.0	10	15	9.0	18	27	18	18	60
Magnesium	do	40	200	300	100	400	600	100	450	800
Optional:										
Phosphorus	Grams							0.125	1.3	2.0
Copper	Milligrams	0.5	1.0	1.5	1.0	2.0	3.0	1.0	2.0	4.0
Zinc	do	4.0	8.0	12	7.5	15	22.5	7.5	15	30

[1] Optional for adults and children 4 or more years of age.
[2] Optional for liquid products.
[3] Optional for pregnant or lactating women.

(2) The U.S. Recommended Daily Allowances (U.S. RDA's) have been derived by the Food and Drug Administration from the "Recommended Dietary Allowances," published by the Food and Nutrition Board, National Academy of Sciences—National Research Council, and are subject to amendment from time to time as more information on human nutrition becomes available.

(g) Acceptable ingredient sources for dietary supplements:

(1) A vitamin or mineral used in a dietary supplement may be supplied by any suitable chemically synthesized or naturally produced substance which is not a food additive as defined in section 201(s) of the act; or if it is a food additive as so defined, it shall be used in conformity with regulations established pursuant to section 409 of the act.

(2) Any safe and suitable substance may be used as a preservative, stabilizer, flavor, sweetener, color, seasoning, carrier, base, or vehicle, or to facilitate preparation of the vitamin and mineral substances. A dietary supplement shall be prepared so that any such substance contained therein does not exceed the amount reasonably required to accomplish its intended physical or technical effect, and so that the biological availability of the vitamin(s) or mineral(s) is not impaired by the presence of such substance. Any such substance shall not be a food additive or color additive as defined in section 201(s) or (t) of the act; or if it is a food additive or color additive as so defined, it shall be used in conformity with regulations established pursuant to section 409 or 706 of the act.

(h) Nomenclature.

(1) The common name of a dietary supplement shall consist of a term descriptive of the vitamin and/or mineral composition of the product, as established in paragraph (h)(2) of this section, together with a phrase or phrases designating the group(s) for which the supplement is represented, as established in paragraph (h)(3) of this section (e.g., "multivitamin and multimineral supplement for infants and children under 4 years of age"). The name of the dietary supplement shall appear prominently and conspicuously on the principal display panel(s) of the label. The letters of the phrase(s) designating the consumer group(s) for which the product is represented shall be no less than one-third the size of those used in the term descriptive of the composition of the product. In addition to the common name prescribed by this paragraph, a dietary supplement may be labeled with a proprietary name: *Provided*, That it is not false or misleading in any particular.

(2) The terms used to describe the vitamin and/or mineral composition of dietary supplements listed in paragraphs (b)(1) and (2) of this section shall be as follows: (i) "Multivitamin and multimineral supplement" for a dietary supplement containing all vitamins and minerals, (ii) "multivitamin supplement" for a dietary supplement containing all vitamins, (iii) "multimineral supplement" for a dietary supplement containing all minerals, (iv) "multivitamin and iron supplement", or "multivitamin supplement with iron" for a dietary supplement containing all vitamins and the mineral iron. (v) "_____-supplement" for a dietary supplement containing a single vitamin or mineral listed as a mandatory or optional ingredient in the table contained in paragraph (f)(1) of this section (the blank to be filled in with the name of the vitamin or mineral).

(3) The phrases used to designate the group(s) for which a dietary supplement is intended shall be as follows: (i) "For infants and children under 4 years of age," (ii) "for adults and children 4 or more years of age," and (iii) "for pregnant or lactating women."

(i) Format for listing vitamins and minerals, and ingredients: (1) Immediately following the name and group designation on the principal display panel, as required by paragraph (h) of this section, or on the information panel (21 CFR 1.8d) if insufficient space is available on the principal display panel, the label shall bear a listing in tabular form of each of the vitamins and/or minerals supplied by the specified daily quantity of the dietary supplement, such daily quantity being specified at the top of the list. The vitamins and/or minerals shall be described by the names appearing in paragraph (f) of this section, shall appear in the order listed in paragraph (f) of this section, and shall be grouped and identified separately as "vitamins" and/or "minerals" without reference to "mandatory" or "optional." The quantity of each vitamin and/or mineral present in a specified daily quantity of the dietary supplement shall be stated as a part of this list and expressed in percentage of the U.S. RDA for each specific group for which the supplement is offered. The quantity of each vitamin and/or mineral present in the specified daily quantity of the dietary supplement shall also appear in the tabular listing in terms of the units of measure specified in paragraph (f) of this section.

(2) For determining the percentage contents of the U.S. RDA's present in the dietary supplement, the quantitative content of the following vitamins shall be calculated in terms of the following chemically identifiable reference forms:

Vitamin	Reference form: Name	Empirical formula	Molecular weight
Vitamin C	*L*-ascorbic acid	$C_6H_8O_6$	176.12
Folic acid	Pteroylmonoglutamic acid	$C_{19}H_{19}N_7O_6$	441.41
Niacin	Niacin	$C_6H_5NO_2$	123.11
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Thiamine	Thiamin chloride	$C_{12}H_{17}ClN_4OS$	300.82
Vitamin B_6	Pyridoxine	$C_8H_{11}NO_3$	169.18
Vitamin B_{12}	Cyanocobalamin	$C_{63}H_{88}CoN_{14}O_{14}P$	1,354.40
Biotin	*d*-Biotin	$C_{10}H_{16}N_2O_3S$	244.31
Pantothenic acid	*D*-pantothenic acid	$C_9H_{17}NO_5$	219.23

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(3) The following synonyms may be added in parentheses immediately following the name of the vitamin in the statement described in paragraph (i) (1) of this section:

Vitamin	*Synonym*
Vitamin C	Ascorbic acid.
Folic acid	Folacin.
Riboflavin	Vitamin B_2.
Thiamine	Vitamin B_1.

(4) A separate list of nutrient ingredients in the product shall be included on the label pursuant to the requirements of Part 1 of this chapter. Such list shall include the natural source or chemical form of each individual nutrient present in the dietary supplement.

(j) When the dietary supplement is in liquid form and contains alcohol, the label shall state the percent-by-volume of alcohol present.

(k) A dietary supplement containing one or more nutrients, subject to deterioration below the labeled value before consumption shall bear on its outside wrapper or container, as well as on the label of its immediate container, the statement: "Expiration date ———", the blank to be filled in by the month and year. The expiration date shall be the date selected by the manufacturer, packer, or distributor of the dietary supplement on the basis of tests or other information showing that the dietary supplement, until that date, under the conditions of handling, storage, and use prescribed by directions appearing on its label, or, in the absence of such prescribed directions, under customary or usual conditions of handling, storage, and use will contain not less than the quantity of each vitamin and/or mineral, as set forth on its label, when consumed.

(l) All labeling information required by this section shall comply with the conspicuousness required by section 403(f) of the act and § 1.8d of this chapter. In addition, the following labeling requirements shall be met.

(1) The list of nutrients required by paragraph (i) (1) of this section shall appear in uniform type size.

(2) The synonyms permitted by paragraph (i) (3) of this section, if used, and the list of nutrient ingredients required by paragraph (i) (4) of this section shall appear in uniform type size, and in type size no larger than that used for the list of nutrients required by paragraph (i) (1) of this section.

(m) In addition to the requirements of this section, the labels and labeling for a dietary supplement is subject to the prohibitions contained in § 125.2(b) of this chapter.

(n) All labeling for dietary supplements that is ordered after December 31, 1973, and all labeling used for such products shipped in interstate commerce after December 31, 1974, shall comply with the provisions of this section; and if not so labeled, such product shall be deemed to be misbranded under section 403 (a), (g), and (j) of the act.

Any interested person whose appearance was filed at the hearing may, on or before March 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed findings of fact and tentative order, and shall contain specific references to the pages of the transcript of testimony and to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73–996 Filed 1–18–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FOOD LABELING

Notice of Opportunity for Exceptions and Comments

The Commissioner of Food and Drugs is publishing in this issue of the FEDERAL REGISTER the following proposals, tentative orders, and regulations, with opportunity for the public to present exceptions and comments.

1. *Nutrition labeling.* A new 21 CFR 1.17, governing nutrition labeling for all food, is published as a final regulation. The Commissioner announced at the meeting of the National Food Advisory Committee on October 30, 1972, that additional time for public consideration of these regulations would be provided. Accordingly, the Commsioner is requesting submission of any additional comment on this regulation on or before February 20, 1973. Any technical changes justified by such comment will be the subject of further modification of the regulation and will be published prior to March 15, 1973. The Commissioner does not anticipate any major changes in this regulation.

2. *Food label information panel.* A new 21 CFR 1.8d, establishing a standard food label information panel, is published as a final regulation. Additional comment on this regulation may also be submitted on or before February 20, 1973.

3. *Food fat labeling.* A new 21 CFR 1.18, governing the labeling of the fatty acid composition and cholesterol content of fat-containing food, is published as a final regulation and 21 CFR 3.41 is revoked. Additional comment on this regulation may also be submitted on or before February 20, 1973.

4. *Special dietary food regulations.* The tentative order on amendments of 21 CFR 125.1–125.3, relating to labeling of special dietary foods, is published in accordance with 21 CFR 2.97. Exceptions to this proposed order may be filed on or before March 20, 1973.

5. *Standard of identity for vitamin-mineral supplements.* The tentative order on a new 21 CFR 80.1, establishing a standard of identity for vitamin-mineral supplements, is published in accordance with 21 CFR 2.97. Exceptions to this proposed order may be filed on or before March 20, 1973.

6. *Food standard labeling changes.* Amendments to several standards of identity for enriched foods, to substitute reference to nutrition labeling in place of the existing reference to special dietary food labeling, are published as a proposal. Comments may be submitted on or before February 20, 1973.

7. *Food flavor labeling.* A revision of 21 CFR 1.12, to define spice and natural and artificial flavor and to establish a uniform pattern for labeling flavor and food to which flavor is added, is published as a proposal. Comments may be submitted on or before March 20, 1973.

8. *Incidental food additives.* Revision of 21 CFR Parts 1 and 5 including addition of a new § 1.10a, relating to exemptions from declaration of incidental ingredients, is published as a proposal. Comments may be submitted on or before March 20, 1973.

9. *Imitation food labeling.* A new 21 CFR 1.8(e), to govern application of the term "imitation" to food, is published as a proposal. Comments may be submitted on or before March 20, 1973.

10. *Standards of identity for mellorine and parevine.* Two new sections in 21 CFR Part 20, establishing standards of identity for mellorine and parevine requiring appropriate fortification and nutrition labeling, and revocation of 21 CFR 3.39, are published as proposals. Comments may be submitted on or before March 20, 1973.

11. *Label declaration of ingredients in standardized foods.* Section 3.88, which urges food manufacturers and distributors to utilize full ingredient declaration for standardized food labels, is clarified and republished.

12. *Uniform effective date for food labeling changes.* A request for comments on the establishment of a uniform effective date for food labeling changes that will be necessary as a result of promulgation of a number of new and revised regulations is published. Such comments may be submitted on or before February 20, 1973.

The Commissioner is publishing these proposals, tentative orders, and final regulations, at one time because many of them are interrelated and it is necessary that a uniform effective date be established for all. The Commissioner has carefully considered the time within which exceptions and comments must be received in order to proceed expeditiously with these matters, and has concluded that the periods set out above are reasonable. No requests for extensions will be granted.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73–998 Filed 1–18–73;8:45 am]

FOOD LABELING

Prospective Requirements for Manufacturers, Packers, and Distributors of Food; Request for Comments

The Commissioner of Food and Drugs is promulgating a number of regulations for packaged food, which are designed to furnish the consumer more information concerning the ingredients and nutritional qualities of packaged food, and to present such information in a uniform and readily understandable manner. Some of these regulations will make labeling changes mandatory, while others permit labeling changes on a voluntary basis. In some cases, moreover, these regulations will require extensive changes in current labeling, and the economic impact on the food industry, if these changes were required on a piecemeal basis over a period of time, might well be severe.

The Commissioner, therefore, is of the opinion that the mandatory effective date should be the same for all such regulations to provide an orderly and economical adjustment to the new labeling requirements. Such procedure would be in the interest of consumers as well as industry since it is likely that the cost of multiple, successive piecemeal label revisions, which would otherwise be required, would be passed on to the consumer in the form of higher food prices.

The following sections of the general regulations, under Title 21 of the Code of Federal Regulations, which are published elsewhere in this issue of the FEDERAL REGISTER, will implement some of these changes:

1. Section 1.8d *Food labeling; information panel.*
2. Section 1.17 *Food; nutrition labeling.*
3. Section 80.1 *Definition and Standard of Identity for dietary supplements of vitamins and minerals.*
4. Section 125.1 *Definitions and interpretation of terms.*
5. Section 125.2 *General label statements; dietary properties; placement.*
6. Section 125.3 *Label statements relating to vitamins and minerals.*

Other changes will be required through amendments in food standards, establishment of nutrition guidelines and common or usual names, and other regulations, some of which are published as proposals or final regulations elsewhere in this issue of the FEDERAL REGISTER.

In the past, in support of requests for time for making label changes required by newly promulgated regulations, industry has urged a lead time of 12 to 18 months for adjustment to mandatory labeling changes, because of the practice of certain segments of industry of ordering up to a 12-months supply of labels or labeled containers at one time, and because of the necessity of carrying a label inventory sufficient for several months production.

It is anticipated that the regulations in question will be promulgated within the next 6 months. In view of the multiple regulations involved in this case, and the time required for industry to redesign its labeling, obtain new labeling, and exhaust inventories of current labeling, the Commissioner proposes that a lead time of approximately 18 months for bringing products into full compliance is reasonable and proposes to provide until December 31, 1974, for full compliance for products shipped in interstate commerce.

The Commissioner also recognizes that there may be instances when an 18-month lead time will not be necessary for bringing particular products into compliance. Therefore, the Commissioner proposes to require that any affected product, for which labeling is ordered on or after December 31, 1973, comply in all respects with the provisions of these regulations at the time the labeling is placed into use, regardless of

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time. Manufacturers are encouraged to order complying labeling and to begin using it at the earliest possible date.

In a policy statement (21 CFR 3.88) published in the FEDERAL REGISTER on March 10, 1972 (37 FR 5120), the Food and Drug Administration encouraged manufacturers, packers, and distributors, to voluntarily disclose in the labeling of food, complete information on the ingredients contained in the food and announced that "the Food and Drug Administration intends to amend the definitions and standards of identity of food by setting into motion, as rapidly as possible, the provisions of section 401 of the Act to require label declaration of all optional ingredients, with the exception of optional spices, flavoring, and colorings, which may continue to be designated as such without specific ingredient declaration." A clarification of this regulation is published elsewhere in this issue of the FEDERAL REGISTER. In addition, legislation requiring declaration of the mandatory ingredients in standardized foods has been initiated. The Commissioner urges that complete ingredient labeling be included at the same time that any labeling changes are made under any of the regulations which are the subject of this notice.

Interested persons may, on or before February 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this notice. Comments may be accompanied by a memorandum or brief in support thereof. Received comments maye be seen in the above office during working hours, Monday through Friday.

Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-999 Filed 1-18-73;8:45 am]

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federal register

MONDAY, JANUARY 22, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 14

Pages 2165–2200

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 569]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 21–27, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.869 Lemon Regulation 569.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has eased somewhat, with sales volume this week expected to be down slightly from last week's estimated sales of 205 carlots. Average f.o.b. price was $5.04 per carton the weekended January 13, 1973, compared to $4.95 per carton the previous week. Track and rolling supplies at 121 cars were up 26 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 16, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 21 through January 27, 1973, is hereby fixed at 175,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 18, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1428 Filed 1-19-73;10:30 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

VEGETABLE GROWERS AND OYSTER PLANTERS

In accordance with 5 U.S.C. 553. this amendment is being published without prior rule making because a delay in making available assistance provided by this amendment would be contrary to the public interest.

Subpart A of Part 1832, Title 7, Code of Federal Regulations (37 FR 7293), is amended to provide the following: (1) Section 1832.14(c)(1) requires an applicant to possess a knowledge and the experience necessary to offer a reasonable prospect of success with the vegetable crops produced with Emergency loan funds; (2) § 1832.14(f) increases the amount of an initial Emergency loan that can be made without real estate security; (3) § 1832.17(d)(3) is added to provide that oyster planters may obtain subsequent loans over a 3-year period to complete rehabilitation of their oyster beds without regard to whether credit is available from other sources.

As amended, §§ 1832.14 (c)(1), and (f), and 1832.17(d)(3) will read as follows:

§ 1832.14 EM loans to vegetable growers.

* * * * *

(c) *Eligibility.* * * *

(1) That the applicant possess the knowledge and experience necessary to offer reasonable prospect for success with the specific vegetable crops to be produced with the EM loan.

* * * * *

(f) *Security.* It is the general policy that EM loans to vegetable growers will be secured by a first lien on crops, the best lien on farm machinery and equipment, and the best lien obtainable on farm real estate having sufficient equity to provide reasonably adequate security. A first lien on crops will be required in all cases and there must be real estate security for any initial EM loan in excess of $35,000, and any subsequent EM loan which would cause the applicant's total principal balance on EM loans and Operating loans to exceed $50,000. Applicants who can offer chattel and real estate security will be required to do so. However, a subsequent EM loan which would not cause the applicant's

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total principal balance on EM loans and Operating loans to exceed $50,000 may be made upon the security of a crop lien only for an applicant having no equity in chattels or real estate where the loan approval official determines that the loan can be repaid from the crop year's income. This determination will be made cautiously.

. . . . . .

§ 1832.17 EM loans to oyster planters.

. . . . . .

(d) *Eligibility requirements.* . . .

(3) Where it is the normal pattern to replant only one-third of damaged oyster ground each year additional EM loans may be made during subsequent years in order to completely rehabilitate a borrower's oyster beds without regard to whether credit is available from other sources.

. . . . . .

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529, Order of Director, OEO, 29 FR 14764)

Dated: January 12, 1973.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-1262 Filed 1-19-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WE-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On December 8, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 26125) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new control zone at Palomar Airport, Carlsbad, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete FEDERAL REGISTER citation "(37 FR 2056)" and substitute "(37 FR 351)" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 9, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.171 "(38 FR 351)" the following control zone is added.

PALOMAR, CALIF.

Within a 3-mile radius of Palomar Airport (latitude 33°07'40" N., longitude 117°16'45" W.) and within 1.5 miles each side of the Oceanside VORTAC 134° radial, extending from the 3-mile radius zone to 4.5 miles southeast of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.73-1275 Filed 1-19-73;8:45 am]

[Airspace Docket No. 71-SO-166]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Areas

On November 7, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 23648) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would designate additional control areas along the east coast of the United States.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One adverse comment was received from the State of Florida Department of Transportation, but it was later withdrawn. All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

In § 71.163 (38 FR 344) the following additional control areas are added:

CONTROL 1404

That airspace extending upward from 2,000 feet MSL bounded on the north by Control 1152; on the east by Control 1150; on the south by Control 1153, and on the west by a line 3 nautical miles from and parallel to the shoreline.

CONTROL 1412

That airspace extending upward from 2,000 feet MSL bounded on the north by Control 1153; on the east by Control 1150; on the south by a line extending from lat. 29°21'30" N., long. 79°08'05" W., westerly to lat. 28°49'00" N., long. 80°41'00" W.; and on the west by a line 3 nautical miles from and parallel to the shoreline.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854 (34 FR 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C. on January 15, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1276 Filed 1-19-73;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-469; Order 467-A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Utilization and Conservation of Natural Resources

JANUARY 15, 1973.

By order issued January 8, 1973 (38 FR 1503, January 15, 1973), we issued a statement of policy setting forth priorities-of-deliveries to be invoked by jurisdictional pipeline companies during periods of curtailment. The priorities set forth therein tracked our findings in the opinion we issued concurrently with the policy statement.[1] However, in setting out our statement of policy, we inadvertently omitted procedures to permit the pipeline companies to respond immediately to meet emergency situations that may occur during periods of curtailment.

As we stated in *Arkansas Louisiana, supra:*

> Arkla's curtailment plan must reflect sufficient flexibility to permit immediate response by Arkla to emergency situations during curtailment where supplemental deliveries are required to forestall irreparable injury to life or property. Revised tariff provisions to define and delimit emergency procedures should be filed for Commission review and approval.

Emergency provisions in accordance with the above criteria should be contained in the tariffs of all jurisdictional pipeline companies. Additionally, the emergency provision should also permit the implementation of curtailment procedures to meet environmental emergencies that may occur on a pipeline's system. Accordingly, we are amending our statement of policy by adding a paragraph at the end of § 2.78 of the Commission's general policy and interpretations to provide for the emergency provisions discussed above.

The Commission finds:

(1) The notice and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendment to the policy statement here adopted.

(2) It is appropriate and in the public interest in administering the Natural Gas Act to adopt the amendment to the policy statement herein ordered.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, and 7 (52 Stat. 822, 824, 825; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f) orders:

(A) Part 2 of the Commission's general rules of practice and procedure, general policy and interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new subparagraph 11 at the end of § 2.78 (a)(11) and, as amended, it will read as follows:

§ 2.78 Utilization and conservation of natural resources—natural gas.

(a) The national interests in the development and utilization of natural gas resources throughout the United States will be served by recognition and implementation of the following priority-of-service categories for use during periods of curtailed deliveries by jurisdictional pipeline companies:

(1) Residential, small commercial (less than 50 Mcf on a peak day).

(2) Large commercial requirements (50 Mcf or more on a peak day) and firm industrial requirements for plant protection, feedstock and process needs.

(3) All industrial requirements not specified in subparagraph (2), (4), (5), (6), (7), or (8) of this paragraph.

(4) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(5) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

(6) Interruptible requirements of less than 1,500 Mcf per day.

(7) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day).

(8) Interruptible requirements of more than 3,000 Mcf per day.

(9) The priorities-of-deliveries set forth in paragraph (a)(1)-(8) of this section will be applied to the deliveries of all jurisdictional pipeline companies during periods of curtailment on each company's system; except, however, that, upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of this chapter, exceptions to those priorities may be permitted.

(10) The above list of priorities requires the full curtailment of the lower priority category volumes to be accomplished before curtailment of any higher priority volumes is commenced. Additionally, the above list requires both the direct and indirect customers of the pipeline that use gas for similar purposes to be placed in the same category of priority.

(11) The tariffs filed with this Commission should contain provisions that will reflect sufficient flexibility to permit pipeline companies to respond to emergency situations (including environmental emergencies) during periods of curtailment where supplemental deliveries are required to forestall irreparable injury to life or property.

(B) The amendment provided for herein shall be effective as of January 15, 1973.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1249 Filed 1-19-73;8:45 am]

[1] Arkansas Louisiana Gas Co., —— FPC ——, Opinion No. 643, issued Jan. 8, 1973.

[Docket No. R-435 Order No. 468]

NET REALIZABLE VALUE OF HYDROCARBON RESERVES

Uniform System of Accounts

JANUARY 15, 1973.

Revisions in Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) and Annual Report Form No. 2 to provide that the determination of natural gas reserves on acreage acquired after October 7, 1969, shall be made and attested to by independent appraisers, to disclose the net realizable value and related costs of hydrocarbon reserves, and to eliminate an allowance for equity funds on exploration and development expenditures incurred on or related to acreage acquired after October 7, 1969.

On January 5, 1972, the Commission issued a notice of proposed rule making in this proceeding (37 FR 437, January 11, 1972) proposing to amend its Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) and Annual Report Form No. 2 to provide that:

1. Proven and unproven hydrocarbon reserves on acreage acquired after October 7, 1969, shall be determined and attested to by independent appraisers.

2. The net realizable values and related costs of proven and unproven hydrocarbons on such acreage shall be reported in FPC Form No. 2.

3. An allowance for funds used during construction shall not be allowed on other funds used for exploration and development on such acreage.

Comments were invited from interested parties on or before February 22, 1972. The deadline for comments was subsequently extended to March 21, 1972. The Commission received comments from eleven respondents.[1] Before proceeding to the discussion of the proposals by the categories outlined above, we will discuss the reporting and appraisal of unproven hydrocarbon reserves.

Several respondents to the rule making stated that the reporting of unproven reserves would be misleading to investors and could work to the disadvantage of pipeline companies in acquiring new mineral leases. It was also mentioned that the use of net realizable values of unproven reserves to support the costs recorded in the gas plant accounts would delay a writeoff of unproductive costs. After consideration of the comments, we are deleting the reporting and appraisal of unproven reserves from the rule making.

The propcsal that hydrocarbon reserves be determined and attested to each year was opposed by some respondents on the grounds that independent appraisal would be too costly. The cost of such appraisals, however, were not mentioned. It was also commented that the Securities and Exchange Commission accepts "in-house" appraisals and that such appraisals should be accepted by the Commission. It was suggested by two respondents that independent appraisal be made every 3 years instead of every year, as proposed, because of the limited number of petroleum geologists and petroleum engineers to do the work. One respondent suggested that independent appraisal be made every 3 years because it is required under its mortgage indenture to obtain an independent appraisal every 3 years. Finally, one respondent stated that it would be quite costly for it to obtain independent appraisals because of the large number of wells it has with insignificant volumes of natural gas.

We believe that safeguards should be established to ensure that costs recorded in the plant accounts under the full-cost accounting concept do not exceed the value of hydrocarbon reserves discovered. We believe that an independent appraisal of the hydrocarbon reserves would provide a better safeguard than "in-house" estimates. We, however, are modifying the appraisal and attestation provisions, as proposed in the rule making, to require appraisal and attestation no more frequently than every 3 years. For pipeline companies that are now obtaining independent appraisals of their hydrocarbon reserves, appraisal and attestation of such reserves shall be required 3 years from the year of the last appraisal. For pipeline companies that do not obtain independent appraisals of their reserves, appraisal and attestation shall be required beginning in the reporting year 1973. We also take note of the respondent's comments that appraisal would be too costly because of the large number of low producing wells it has and provide that pipeline companies may petition the Commission for partial relief from the appraisal and attestation provision. It, however, is not intended to allow pipeline companies to accumulate costs in their plant accounts without hydrocarbon reserve support for such costs.

Respondents to the rule making excepted to the proposed new schedules (pages 549A, 549B, and 549C) on the grounds that too much detail on costs would be required and it should only be necessary to report the net realizable

[1] Independent Natural Gas Association of America, Colorado Interstate Gas Co., Columbia Gas Transmission Corp., Consolidated Natural Gas Co., Northern Natural Gas Co., Pacific Gas Transmission Co., Texas Eastern Transmission Co., Consumers Power Co., Arthur Anderson & Co., and Lybrand, Ross Bros. & Montgomery.

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values at the end of the reporting year. The separate assignment of costs to the various hydrocarbons was also expected to. It was suggested that for cost allocation purposes the hydrocarbons be either placed on an equivalent liquid basis or Mcf of natural gas basis.

After consideration of the comments, we are modifying the reporting provisions, as proposed in the rule making, to provide that the hydrocarbon products shall be grouped in one new schedule, page 549A, and eliminating proposed new schedules, pages 549B and 549C. Schedule, page 549A has been structured to group, for reporting purposes, oil and liquid reserves. Natural gas will be reported separately. We have also modified the schedule to require the reporting of the gross costs related to the hydrocarbon products rather than separate cost reporting. Finally, we have modified the schedule to require the reporting of total net realizable value at the end of the year rather than by hydrocarbon products. New schedule page 549D has been redesignated as 549B and has been modified to require the reporting of any significant revisions in the total value of hydrocarbons from the preceding year other than from the addition of new reserves. Pipeline companies are urged to show in their annual reports to stockholders, the data on hydrocarbon costs and values that will be reported to the Commission.

Respondents to the rule making were nearly unanimous in opposing the proposal that an allowance for a pipeline's own funds used for exploration and development on leases acquired after October 7, 1969, not be included in the gas plant accounts. It was alleged, among other things, that the imputed interest is an "actual cost" and such a prohibition would "breach the general accepted accounting principle of capitalizing an allowance on all funds used during construction."

We attempt to maintain our Systems of Accounts consistent with generally accepted principles of accounting except when, for regulatory purposes, deviation from such principles are found to be necessary. Contrary to the respondents allegations, it is not generally accepted as proper outside the regulated field to recognize implicit interest on propriety capital during construction. Since, as stated in the notice of proposed rulemaking, exploration and development costs incurred on or related to leases acquired after October 7, 1969, will not be included in the cost of service for pipeline companies nor be part of the rate base, we adopt in our Uniform System of Accounts for Natural Gas Companies the proposal, as noticed, to eliminate an allowance on the pipeline company's own funds used for exploration and development on such leases as being consistent with sound accounting principles.

Certain constructive suggestions were received from the respondents and have been incorporated in the amendments.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 201 and 204 of the Commission's Uniform Systems of Accounts for Natural Gas Companies, and Annual Report Form No. 2 prescribed by § 260.1 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are of a minor nature and consistent with the prime purpose of the proposed rule making, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(4) Good cause exists for making the amendments to the Uniform Systems of Accounts for Natural Gas Companies ordered herein, effective on the issuance of this order and the revisions to FPC Form No. 2 adopted herein, effective for the reporting year 1972.

(5) Good cause exists for requiring pipeline companies that now obtain independent appraisals of their hydrocarbon reserves to obtain independent appraisals of their reserves and attestation of such appraisals 3 years from the date of the last appraisals and every 3 years thereafter; and for pipeline companies that do not now obtain independent appraisals, independent appraisals of reserves and attestation of such appraisals beginning in the reporting year 1973 and every 3 years thereafter.

The Commission, acting pursuant to provisions of the Natural Gas Act, as amended, particularly sections 8 and 16 (52 Stat. 825, 830; 15 U.S.C. 717g, 717o), orders:

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

A. The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Subparagraph "(17) Allowance for funds used during construction" of Gas Plant Instruction "3. Components of Construction Cost" is amended by revising the first sentence. As amended, subparagraph (17) reads:

Gas Plant Instructions

* * * * *

3. *Components of construction cost.* * * *

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used, except when such other funds are used for exploration and development on leases acquired after October 7, 1969, no allowance on such other funds shall be included in these accounts. No interest charges shall be included in these accounts upon expenditures for construction projects which have been abandoned.

* * * * *

2. The text of the Gas Plant accounts is amended by amending Special Instruction—Costs Related to Leases Acquired after October 7, 1969, immediately following subheading B.1 Natural Gas Production and Gathering Plant. As amended, the Gas Plant Accounts read:

Gas Plant Accounts

* * * * *

2. PRODUCTION PLANT

* * * * *

B. NATURAL GAS PRODUCTION PLANT

B.1 Natural Gas Production and Gathering Plant

Special Instructions—Costs Related to Leases Acquired After October 7, 1969. The net book value of amounts recorded in the natural gas production accounts incurred on or related to leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value (estimated selling price less estimated costs of extraction, completion, and disposal) of recoverable hydrocarbon reserves discovered on such leases. After initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time, and annually thereafter, whether the net realizable value of recoverable reserves on such leases will be sufficient to absorb the net book value of amounts recorded in the accounts. The recoverable reserves shall be determined and attested to by independent appraisers no less frequently than every 3 years. If the net realizable value of recoverable reserves is not sufficient to absorb the net book value of amounts in the production accounts, the utility shall reduce the net book value of the amounts in the accounts to net realizable value of recoverable reserves. The reduction shall be done by first reducing the unamortized amounts recorded in Account 338, Unsuccessful Exploration and Development Costs, by debiting Account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights. Next, if the net book value related to successful costs exceeds the net realizable value of the recoverable reserves, the production plant accounts shall be written down to such net realizable value by appropriate charges and credits to the expense and valuation accounts.

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

B. The Commission's Uniform System of Accounts for Class C and Class D Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Gas Plant Instruction "2. Components of construction cost." is amended by adding a new sentence thereto. As revised, Gas Plant Instruction 2 reads:

Gas Plant Instructions

* * * * *

2. *Components of construction cost.* The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance taxes and other analogous items as may be properly includible in construction costs. When the utility employs its own funds in exploration and development on leases acquired after October 7, 1969, no interest on such funds shall be included in these accounts.

* * * * *

2. The text of the Gas Plant accounts is amended by amending Special Instruction—Costs Related to Leases Acquired after October 7, 1969, immediately following subheading B.1 Natural Gas Production and Gathering Plant. As amended, the Gas Plant Accounts read:

Gas Plant Accounts

* * * * *

2. PRODUCTION PLANT

* * * * *

B. NATURAL GAS PRODUCTION PLANT

B. 1 NATURAL GAS PRODUCTION AND GATHERING PLANT

Special Instructions—Costs Related to Leases Acquired After October 7, 1969. The net book value of amounts recorded in the natural gas production accounts incurred on or related to leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value (estimated selling price less estimated costs of extraction, completion, and disposal) of recoverable hydrocarbon reserves discovered on such leases. After initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time, and annually thereafter, whether the net realizable value of recoverable reserves will be sufficient to absorb the net book value of amounts recorded in the accounts. The recoverable reserves shall be determined and attested to by independent appraisers no less frequently than every 3 years. If the net realizable value of recoverable reserves is not sufficient to absorb the net book value of amounts in the production accounts, the utility shall reduce the net book value of the amounts in the accounts to net realizable value of recoverable reserves. The reduction shall be done by first reducing the unamortized amounts recorded in Account 338, Unsuccessful Exploration and Development Costs, by debiting Account 403, Depreciation and Depletion Expense. Next, if the net book value related to successful costs exceeds the net realizable value of the recoverable reserves, the production plant accounts shall be written down to such net realizable value by appropriate charges and credits to the expense and valuation accounts.

* * * * *

C. Schedule, pages 547, Natural Gas Reserves and Land Acreage, 548, Natural Gas Reserves and Land Acreage (Continued), 549, Changes in Estimated Natural Gas Reserves, 549A, Changes in Estimated Hydrocarbon Reserves and Costs, and Net Realizable Value, and 549B, Explanation of Changes in Estimated Hydrocarbon Reserves and Costs, Net Realizable Value, in FPC Form No. 2 Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth in Attachment A, hereto.[1]

D. The modifications adopted herein to the Uniform System of Accounts for Class A and Class B Natural Gas Companies and Uniform System of Accounts for Class C and Class D Natural Gas Companies are effective on issuance of this order; and the modifications to FPC Form No. 2 Annual Report for Natural Gas Companies (Class A and Class B) adopted herein effective for the reporting year 1972.

E. Natural gas companies that now obtain independent appraisal of their hydrocarbon reserves shall obtain independent appraisals of their reserves and attestation of such appraisals 3 years from the date of the last appraisal and every 3 years thereafter; and natural gas companies that do not now obtain independent appraisals of their hydrocarbons shall obtain independent appraisal of their reserves and attestation of such appraisals beginning in the reporting year 1973 and every 3 years thereafter.

F. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1234 Filed 1-19-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Prednisolone Sodium Phosphate-neomycin Sulfate Ophthalmic Ointment

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-437V) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing revised labeling for the safe and effective use of prednisolone sodium phosphate-neomycin sulfate ophthalmic ointment for the treatment of cats and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under the authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.20 Prednisolone sodium phosphate-neomycin sulfate ophthalmic ointment.

(a) *Specifications.* Prednisolone sodium phosphate-neomycin sulfate ophthalmic ointment contains prednisolone sodium phosphate equivalent to 2.5 milligrams prednisolone 21-phosphate and 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base) in each gram of ointment.

(b) *Sponsor.* See code No. 023 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is recommended for use in superficial ocular inflammations or infections limited to the conjunctiva or the anterior segment of the eye of cats and dogs, such as those associated with allergic reactions or gross irritants.

(2) A small quantity of the ointment should be expressed into the conjunctival sac 4 times a day (at intervals of 1 to 8 hours) for a few days until there is a favorable response, then the frequency of application may be reduced to twice daily as long as the condition remains under control. Treatment may require from a few days to several weeks.

(3) All topical ophthalmic preparations containing corticosteroids with or without an antimicrobial agent are contraindicated in the initial treatment of corneal ulcers. They should not be used until the infection is under control and corneal regeneration is well underway.

(4) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on January 22, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 15, 1973.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.73-1272 Filed 1-19-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Gentamicin Sulfate Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (38-292V) filed by Schering Corp., 86 Orange Street, Bloomfield, NJ 07003, proposing revised labeling for the use of gentamicin sulfate injection, veterinary to provide for its safe and effective use in cats and to provide for additional indications for its use in

[1] Attachment A filed as part of the original document.

[2] Commissioner Moody included a dissenting statement, filed as part of the original document.

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dogs. The supplemental application is approved.

For consistency, the name and address of the sponsor is being deleted from § 135b.19(b) and the firm is being identified by their code number as listed in § 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended in § 135b.19 by revising paragraphs (b) and (c) as follows:

§ 135b.19 Gentamicin sulfate injection, veterinary.

• • • • •

(b) *Sponsor.* See code No. 032 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used or intended for use:

(i) In dogs for the treatment of urinary tract infections (cystitis, nephritis), and respiratory tract infections (tonsillitis, pneumonia, tracheobronchitis).

(ii) In cats for the treatment of urinary tract infections (cystitis, nephritis), and respiratory tract infections (pneumonitis, pneumonia, upper respiratory infections).

(2) It is administered intramuscularly or subcutaneously at a rate of 2 milligrams per pound of body weight, twice on the first day of treatment and once daily thereafter. If response is not noted after 7 days, the antibiotic sensitivity of the infecting organism should be retested.

Effective date. This order shall be effective on January 22, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 15, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-1274 Filed 1-19-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Prednisolone Sodium Succinate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-593V) filed by the Upjohn Co., Kalamazoo, Mich. 49001, proposing revised labeling regarding the safe and effective use of prednisolone sodium succinate injection for treating dogs, cats, and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding the following new section:

§ 135b.35 Prednisolone sodium succinate injection.

(a) *Chemical name.* 11 beta, 17, 21-Trihydroxypregna-1, 4-diene-3, 20-dione 21-succinate sodium salt.

(b) *Specifications.* Each milliliter of prednisolone sodium succinate injection contains: Prednisolone sodium succinate equivalent in activity to 10 milligrams of prednisolone.

(c) *Sponsor.* See code No. 037 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) The drug is intended for the treatment of horses, dogs, and cats.

(2) (i) The dosage for horses is 50 to 100 milligrams as an initial dose given intravenously over a period of one-half to 1 minute, or intramuscularly, and may be repeated in inflammatory, allergic, or other stress conditions at intervals of 12, 24, or 48 hours, depending upon the size of the animal, the severity of the condition and the response to treatment.

(ii) In dogs, the drug is administered intravenously at a range of 2.5 to 5 milligrams per pound of body weight as an initial dose followed by maintenance doses at 1, 3, 6 or 10 hour intervals, as determined by the condition of the animal, for treatment of shock.

(iii) In dogs and cats, the drug may be given intramuscularly for treatment of inflammatory, allergic and less severe stress conditions, where immediate effect is not required, at 1 to 5 milligrams ranging upwards to 30 to 50 milligrams in large breeds of dogs. Dosage may be repeated in 12 to 24 hours and continued for 3 to 5 days if necessary. If permanent corticosteroid effect is required oral therapy with prednisolone tablets may be substituted.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective January 22, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 15, 1973.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc.73-1273 Filed 1-19-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Acepromazine Maleate Tablets

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (30-702V) filed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, NY 10017, proposing revised labeling for the safe and effective use of acepromazine maleate tablets as a neuroleptic agent in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section to read as follows:

§ 135c.97 Acepromazine maleate tablets, veterinary.

(a) *Chemical name.* [10-[3-(Dimethylamino) propyl] phenothiazin-2-yl-methyl ketone] maleate.

(b) *Specifications.* Each tablet contains either 10 or 25 milligrams of acepromazine maleate.

(c) *Sponsor.* See code No. 038 in § 135.501(c) of this chapter.

(d) *Conditions of use.* The drug is used as a tranquilizer in dogs and cats.

(2) The drug is administered orally to dogs at a dosage level of 0.25 to 1.0 milligram of acepromazine maleate per pound of body weight and to cats at a dosage level of 0.5 to 1.0 milligram of acepromazine maleate per pound of body weight. Dosage may be repeated as required.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on January 22, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 15, 1973.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc.73-1271 Filed 1-19-73;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Financial Reporting and Recordkeeping

On October 28, 1972, a notice of proposed rule making containing proposed amendments to various provisions of this part was published in the FEDERAL REGISTER (37 FR 23114 (1972)). In accordance with the notice, interested persons were afforded an opportunity to submit written comments. After consideration of all such relevant matters as were presented by interested parties regarding the rules proposed, the following amendments are hereby adopted effective January 17, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary.

The key provisions of the proposal were essentially as follows:

1. Eliminate the requirement that banks keep microfilm copies of checks drawn for $100 or less.

2. Require that information made available to other departments or agencies under this part shall be received in confidence and not disclosed except for official purposes.

3. State specifically that these regulations do not authorize the Secretary or any other person to inspect or review financial records maintained under this part.

4. Eliminate operators of credit card systems from the definition of a financial institution subject to this part.

5. Delete a phrase which allows the Secretary by written order or authorization to impose additional recordkeeping or reporting requirements.

After careful consideration of the comments received, it has been decided to exempt checks of $100 or less from the copying requirement.

With regard to disclosure of information, the proposed change is intended to ensure that information resulting from the recordkeeping and reporting requirements will be made available to other departments or agencies of the United States solely for the purposes intended. Various comments suggested that the proposed language did not go far enough, and that the change should forbid disclosure to any other department or agency. Such a restriction would mean that cases involving information obtained from this Department could not be referred to the Department of Justice for prosecution until the Secretary gave his approval. This would simply cause further delay without serving any worthwhile purpose. Every Federal department or agency has sanctions against the unauthorized disclosure of official information, and those sanctions have proved effective. Accordingly, the proposed language has been adopted unchanged.

Certain of the comments on the proposed regulation dealing with access to records maintained under this part suggested that the proposal is inadequate to protect the rights of bank customers, however, the proposal is intended merely to point out that these regulations do not authorize access to customer records, but that access to such records is governed by other applicable law. The supervisory agencies which have been given responsibility for assuring compliance with the regulations may, of course, have access to these records as necessary to assure that they are being kept as required.

The proposal to eliminate operators of credit card systems from the definition of a financial institution for purposes of this part met with general approval, except that some doubt arose as to its effect upon the operation of bank credit card systems. Since it was agreed that all credit card operators, including banks, should be removed from the scope of the regulations, the definition of a financial institution has been amended to exclude bank credit card systems, as well as operators of credit card systems, from the definition.

Comments on the proposed deletion of the phrase which allows the Secretary by written order or authorization to impose additional recordkeeping or reporting requirements were favorable to the proposal; however, one comment suggested that the phrase "or otherwise modify" the requirements of this part also should be deleted. This suggestion is consistent with the intent of the proposed amendment, and it has been adopted.

Part 103 of Title 31 of the Code of Federal Regulations is amended as follows:

1. Subpart A is amended by deleting from § 103.11 subparagraph (5) of the definition of a financial institution, renumbering the following subparagraphs so that the definition of financial institutions will read as follows:

§ 103.11 Meaning of terms.

• • • • •

Financial institution. Each agency, branch, or office within the United States of any person doing business in one or more of the capacities listed below:

(1) A bank (except bank credit card systems);

(2) A broker or dealer in securities;

(3) A person who engages as a business in dealing in or exchanging currency as, for example, a dealer in foreign exchange or a person engaged primarily in the cashing of checks;

(4) A person who engages as a business in the issuing, selling, or redeeming of travelers' checks, money orders, or similar instruments, except one who does so as a selling agent exclusively or as an incidental part of another business;

(5) A licensed transmitter of funds, or other person engaged in the business of transmitting funds abroad for others.

• • • • •

2. Subpart C is amended by amending § 103.34 to read as follows:

§ 103.34 Additional records to be made and retained by banks.

(a) (1) With respect to each deposit or share account opened with a bank after June 30, 1972, by a person residing or doing business in the United States or by a citizen of the United States, such bank shall, within 45 days from the date such an account is opened, secure and maintain a record of the taxpayer identification number of the person maintaining the account; or in the case of an account of one or more individuals, such bank shall secure and maintain a record of the social security number of an individual having a financial interest in that account. In the event that a bank has been unable to secure the identification required herein with respect to an account within the 45-day period specified, it shall nevertheless not be deemed to be in violation of this section if (i) it has made a reasonable effort to secure such identification, and (ii) it maintains a list containing the names, addresses, and account numbers of those persons from whom it has been unable to secure such identification, and makes the names, addresses, and account numbers of those persons available to the Secretary as directed by him.

(2) The 45-day period provided for in paragraph (a)(1) of this section shall be extended where the person opening the account has applied for a taxpayer identification or social security number on Form SS-4 or SS-5, until such time as the person maintaining the account has had a reasonable opportunity to secure such number and furnish it to the bank.

(3) A taxpayer identification number for a deposit or share account required under paragraph (a)(1) of this section need not be secured in the following instances: (i) accounts for public funds opened by agencies and instrumentalities of Federal, State, local or foreign governments, (ii) accounts for aliens who are (*a*) ambassadors, ministers, career diplomatic or consular officers, or (*b*) naval, military or other attachés of foreign embassies and legations, and for the members of their immediate families, (iii) accounts for aliens who are accredited representatives to international organizations which are entitled to enjoy privileges, exemptions and immunities as an international organization under the International Organization Immunities Act of December 29, 1945 (22 U.S.C. sec. 288), and for the members of their immediate families, (iv) aliens temporarily residing in the United States for a period not to exceed 180 days, (v) aliens not engaged in a trade or business in the United States who are attending a recognized college or university or any training program, supervised or conducted by any agency of the Federal Government, (vi) unincorporated subordinate units of a tax exempt central organization which are covered by a group exemption letter, (vii) interest bearing accounts maintained by a person under 18 years of age opened as part of a school thrift savings program, provided the annual interest does not exceed $10, and (viii) Christmas club, vacation club and similar installment savings programs provided the annual interest does not exceed $10. In instances described in paragraph (a)(3)(vii) and (viii) of this section, the bank shall, within 15 days following the end of any calendar year in which the interest accrued in that year exceeds $10, use its best efforts to secure and maintain the appropriate taxpayer identification number or application form therefor.

(4) The rules and regulations issued by the Internal Revenue Service under section 6109 of the Internal Revenue Code of 1954 shall determine what constitutes a taxpayer identification number and whose number shall be obtained in the case of an account maintained by one or more persons.

(b) Each bank shall, in addition, retain either the original or a microfilm or other copy or reproduction of each of the following:

(1) Each document granting signature authority over each deposit or share account;

(2) Each statement, ledger card or ture authority over each deposit or share account, showing each transaction in, or with respect to, that account;

(3) Each check, clean draft, or money order drawn on the bank or issued and payable by it, except those drawn for $100 or less or those drawn on accounts which can be expected to have drawn on them an average of at least 100 checks per month over the calendar year or on each occasion on which such checks are issued, and which are (i) dividend

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checks, (ii) payroll checks, (iii) employee benefit checks, (iv) insurance claim checks, (v) medical benefit checks, (vi) checks drawn on government agency accounts, (vii) checks drawn by brokers or dealers in securities, (viii) checks drawn on fiduciary accounts, (ix) checks drawn on other financial institutions, or (x) pension or annuity checks;

(4) Each item in excess of $100 (other than bank charges or periodic charges made pursuant to agreement with the customer), comprising a debit to a customer's deposit or share account, not required to be kept, and not specifically exempted, under paragraph (b)(3) of this section;

(5) Each item, including checks, drafts, or transfers of credit, of more than $10,000 remitted or transferred to a person, account or place outside the United States;

(6) A record of each remittance or transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than $10,000 to a person, account or place outside the United States;

(7) Each check or draft in an amount in excess of $10,000 drawn on or issued by a foreign bank, purchased, received for credit or collection, or otherwise acquired by the bank;

(8) Each item, including checks, drafts or transfers of credit, of more than $10,000 received directly and not through a domestic financial institution, by letter, cable or any other means, from a bank, broker or dealer in foreign exchange outside the United States;

(9) A record of each receipt of currency, other monetary instruments, investment securities or checks, and of each transfer of funds or credit, of more than $10,000 received on any one occasion directly and not through a domestic financial institution, from a bank, broker or dealer in foreign exchange outside the United States; and

(10) Records prepared or received by a bank in the ordinary course of business, which would be needed to reconstruct a demand deposit account and to trace a check in excess of $100 deposited in such account through its domestic processing system or to supply a description of a deposited check in excess of $100. This subparagraph shall be applicable only with respect to demand deposits.

§ 103.35 [Amended]

3. Subpart C is further amended by amending § 103.35 by deleting "paragraph (1)" in paragraph (a)(2), and substituting therefor the words "paragraph (a)(1) of this section"; and by deleting "subsection (1)" in paragraph (a)(3), and substituting therefor the words "paragraph (a)(1) of this section."

4. Subpart D is amended by amending § 103.43 to read as follows:

§ 103.43 Availability of information.

The Secretary may make any information set forth in any report received pursuant to this part available to any other department or agency of the United States upon the request of the head of such department or agency, made in writing and stating the particular information desired, the criminal, tax or regulatory investigation or proceeding in connection with which the information is sought and the official need therefor. Any information made available under this section to other departments or agencies of the United States shall be received by them in confidence, and shall not be disclosed to any person except for official purposes relating to the investigation or proceeding in connection with which the information is sought.

5. Subpart D is further amended by amending § 103.45 to read as follows:

§ 103.45 Exceptions, exemptions, and reports.

(a) The Secretary, in his sole discretion, may be written order or authorization make exceptions to or grant exemptions from the requirements of this part. Such exceptions or exemptions may be conditional or unconditional, may apply to particular persons or to classes of persons, and may apply to particular transactions or classes of transactions. They shall, however, be applicable only as expressly stated in the order of authorization, and they shall be revocable in the sole discretion of the Secretary.

(b) The Secretary shall have authority to further define all terms used herein.

6. Subpart D is further amended by adding a new § 103.51 as follows:

§ 103.51 Access to records.

Except as provided in §§ 103.34(a)(1) and 103.35(a)(1), and except for the purpose of assuring compliance with the recordkeeping and reporting requirements of this part, this part does not authorize the Secretary or any other person to inspect or review the records required to be maintained by subpart C of this part. Other inspection, review or access to such records is governed by other applicable law.

[FR Doc.73-1319 Filed 1-19-73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.5—GSA Procurement Programs

PURCHASE OF MOTOR VEHICLES, TRUCKS, AND TRAILERS

This amendment establishes and clarifies policy concerning procurement by executive agencies of motor vehicles, trucks, and trailers. Procedures concerning electronic data processing tape are also reinstated.

1. Section 101-26.501-1 is revised to read as follows:

§ 101-26.501-1 General.

Except as provided for the Department of Defense (DOD) in paragraph (a) of this section, executive agencies shall submit to GSA for procurement their requirements for purchase in the United States of all new passenger motor vehicles (FSC 2310) and trucks/truck tractors (FSC 2320); and all trailers (FSC 2330) not less than 5,000 pounds (except camping, office, and house trailers) and not more than 50,000 pounds payload. Specifically included are sedans, station wagons, carryalls, ambulances, buses, and trucks, including trucks with specialized mounted equipment and truck chassis with special purpose bodies, and camping, office, and house trailers.

(a) DOD shall submit to GSA for procurement its requirements for all commercial-type passenger motor vehicles (FSC 2310), including buses and trucks (FSC 2320) up to 10,000 pounds gross vehicle weight (GVW) except the following:

Buses, convertible to ambulances.
Trucks, convertible to ambulances.
Trucks, 4 x 4, dump, 9,000 GVW with cutdown cab.

(b) When it is determined that specialized requirements for passenger motor vehicles and trucks indicate the need for procurement from sources other than GSA, a request for waiver justifying such procurement shall be submitted in writing to the General Services Administration (FPNM), Washington, D.C. 20406. GSA will notify agencies in writing whether or not a waiver has been granted. Justification for special purpose trucks may be based on a description of the vehicle having unique characteristics such as a special purpose body or equipment that may require close supervision by agency personnel to insure proper installation of the equipment by the contractor; e.g., when a medical van is to be equipped with Government or contractor-supplied equipment. Requests for procurement through sources other than GSA will be handled on a case-by-case basis considering the urgency of the need of the requirement and provided full justification is submitted therefor.

2. Section 101-26.508 is revised to read as follows:

§ 101-26.508 Electronic data processing (EDP) tape and instrumentation tape (wide and intermediate band).

Procurement by Federal agencies of EDP tape and instrumentation tape (wide and intermediate band) shall be accomplished in accordance with the provisions of this § 101-26.508.

(Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective on January 22, 1973.

Dated: January 12, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-1292 Filed 1-19-73;8:45 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-36; Notice No. 73-4]

PART 394—RECORDING AND REPORTING OF ACCIDENTS

Contents of Accident Register File

The Director of the Bureau of Motor Carrier Safety is making nonsubstantive editorial corrections to § 394.13(b) of the motor carrier safety regulations. Section 394.13 requires motor carriers to maintain accident registers at their principal places of business. Carriers are required to place certain information concerning their reportable accidents in the register and to include copies of accident reports they have filed in the same file in which the register is maintained.

Owing to an erroneous cross-reference to § 394.7 and an ambiguity in the first sentence of § 394.13(b), it is not now clear that one of the reports required to be kept in the accident-register file is a copy of the accident-report form (Form MCS 50-B or MCS 50-T) filed with the Federal Highway Administration. In addition, the present rule does not, as it should, clearly state that a carrier is obligated to keep, in the accident-register file, only those reports that pertain to reportable accidents; this is the case even though a carrier may, if he chooses, include in the register information pertaining to incidents that are not "reportable accidents," as that term is defined in § 394.3.

In consideration of the foregoing, paragraph (b) of § 394.13 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) is revised to read as follows:

§ 394.13 Accident register.

* * * * *

(b) The file in which the accident register is maintained must also include a copy of each report that the carrier has filed pursuant to § 394.9, with a State agency, or with an insurer, with respect to any reportable accident entered in the accident register. The reports must be arranged or annotated in a manner which permits them to be identified with specific entries in the accident register.

* * * * *

Since this revision merely makes nonsubstantive corrections of an editorial nature and imposes no additional burden on any person, notice and public procedure thereon are unnecessary and it is effective on January 22, 1973.

This revision is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on January 12, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73-1278 Filed 1-19-73;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 280]

PART 1311—SPECIAL PROCEDURES FOR TARIFF FILINGS UNDER THE WAGE AND PRICE STABILIZATION PROGRAM

Change of Regulations to Voluntary Status

Effective January 11, 1973, Phase II of the Wage and Price Stabilization Program was ended by the terms of Executive Order No. 11695. At that time, mandatory price controls, insofar as they affected transportation companies regulated by the Interstate Commerce Commission, came to an end. (See 6 CFR 130.80, 38 FR 1484.) However, the President has directed that under the new Phase III of the Wage and Price Stabilization Program (38 FR 1487):

Regulated industries will be guided by the general criteria listed in present Price Commission regulations and restraint is expected to be reflectd in their actions and the actions of the regulatory agencies.

In light of the foregoing, the mandatory application of the Interstate Commerce Commission's regulations adopted in the above proceeding (37 FR 1107), and appearing at 49 CFR Part 1311, is suspended, effective as of January 11, 1973, until further notice of the Commission, but such regulations shall be construed as voluntary guidelines.

[SEAL] ROBERT L. OSWALD,
Secretary.

JANUARY 16, 1973.

[FR Doc.73-1230 Filed 1-19-73;8:45 am]

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Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Proposed Additions and Deletions to List

Correction

In FR Doc. 73-937 appearing on page 1521 of the issue for Monday, January 15, 1973, in the list of proposed additions, the Latin name for the Northern Rocky Mountain wolf, now reading "*Caprimulgus noctitherus*", should read "*Canis lupus irremotus*"; and the Latin name for the Puerto Rico whip-poor-will, now reading "*Batrachoseps aridus. okaloosae*", should read "*Caprimulgus noctitherus*".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Late Payment and Interest Charges

Notice is hereby given of a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 982.-432–982.471) by the addition of a new § 982.461 establishing late payment and interest charges for any handler failing to pay his assessments within the time prescribed by the Filbert Control Board. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 37 FR 588), regulating the handling of filberts grown in Oregon and Washington, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Filbert Control Board.

Section 982.61 of the order was amended (37 FR 588; January 14, 1972) to authorize the Board to impose a late payment charge on any handler who fails to pay his assessment within the time prescribed by the Board. If the handler thereafter fails to pay the amount outstanding, including the late payment charge, within the prescribed time, the Board shall impose an additional charge in the form of interest on the outstanding amount. Section 982.61 also provides for the rate of such charges to be prescribed by the Board, with the approval of the Secretary.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than January 31, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.29(b)).

The proposal is to add a new § 982.-461 to the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 982.432–982.471) reading as follows:

§ 982.461 Late payment and interest charges.

The Board shall impose a late payment charge on any handler failing to pay his assessment within 30 days of the billing date shown on the handler's assessment statement received from the Board. Such amount shall be shown on the statement as the "Assessment Due." The late payment charge shall be 5 percent of the unpaid balance of that amount. In the event the handler fails to pay the delinquent amount, including the late payment charge, within 60 days following the billing date, an additional 1 percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated interest. Any amount paid by a handler as assessments, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Board's office.

Dated: January 17, 1973.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.73-1329 Filed 1-19-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE FACILITIES

Proposed Revised REA Specification for Plastic-Insulated, Plastic-Jacketed Station Wire

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 345–18 to announce a revision of REA Specification PE–20 for plastic-insulated, plastic-jacketed station wire. On issuance of REA Bulletin 345–18, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before February 21, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Specification PE–20 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–18 announcing the issuance of the revised specification is as follows:

REA BULLETIN 345–18

SUBJECT: REVISION OF REA SPECIFICATION PE–20

I. *Purpose.* To announce the revision of REA Specification PE–20 for Plastic-Insulated, Plastic-Jacketed Station Wire.

II. *General.* This specification has been revised to incorporate the following principal changes:

a. The jacket color has been changed from beige to olive gray.

b. Physical strength requirements have been reduced from 2,400 p.s.i./min. to 1,800 p.s.i. min.

c. A flammability test has been added.

d. Pair-to-pair capacitance unbalance requirements and high voltage testing requirements have been added.

e. The provisions for guarantee have been deleted to agree with other REA wire and cable specifications.

III. *Availability of specification.* Copies of the revised PE–20 will be furnished by REA upon request. Questions concerning the revised specification may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202—447–3827.

Dated: January 15, 1973.

E. F. RENSHAW,
Assistant Administrator, Telephone.

[FR Doc.73-1263 Filed 1-19-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 93]

[Docket No. 12425; Notice No. 72-32A]

ANCHORAGE, ALASKA, TERMINAL AREA

Proposed Revision; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 72-32, published in the FEDERAL REGISTER on December 9, 1972 (37 FR 26344), to amend Part 93 of the Federal Aviation Regulations by

revising the Anchorage Area Special Terminal Rule.

That notice provided that interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. It stated further that such communications should be submitted on or before February 21, 1973.

However, due to unusual and lengthy delays in distribution of this notice to the public, the FAA believes that good cause exists for interested persons to be afforded additional time to submit comments.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 72–32 will be received is extended to April 8, 1973.

Issued in Washington, D.C., on January 15, 1973.

RAYMOND G. BELANGER,
Acting Director, Air Traffic Service.

[FR Doc.73-1277 Filed 1-19-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

BANNING OF TOYS AND OTHER CHILDREN'S ARTICLES PRESENTING CHOKING, ASPIRATION, AND/OR INGESTION HAZARDS DUE TO SMALL PARTS

Notice of Proposed Rule Making

Section 2(f)(1)(D) of the Federal Hazardous Substances Act provides for the classification of any toy or other article intended for use by children as a hazardous substance upon a determination by regulation that it presents a mechanical hazard. Under section 2(q)(1)(A) of the act, such classification also makes the toy or article a banned hazardous substance. Banned toys and other children's articles are listed in 21 CFR 191.9a.

Small articles are known to have caused choking, aspiration, and ingestion incidents, many of which have resulted in injuries and even death to small children. Injury data from the National Electronic Injury Surveillance System (NEISS) indicate that a significant number of small children have required medical treatment as a result of the ingestion or aspiration of small toy parts and accessible components. Other incidents have required surgical procedures for the removal of aspirated or ingested articles. Many children's articles have small parts which are of a size that may be aspirated or ingested. Such articles may be nonhazardous to children of certain ages who can be expected to keep small objects out of the mouth. The possibility of an aspiration or ingestion injury, however, increases significantly when small parts are accessible components of products intended for use by very young children or when small parts become accessible during normal use or after reasonably foreseeable damage or abuse. The possibility of an injury also increases when small parts are components of mouth-actuated toys or of other mouth-actuated articles intended for young children.

This proposed regulation will ban certain children's articles if they or an accessible component thereof fit within the confines of the truncated right cylinder shown in Figure 1. This standard has been selected after careful consideration of the dimensional characteristics of objects which may be aspirated and/or ingested, or cause young children to choke thereon. The 1¼ inch minimum diameter figure was selected because objects with a greater diameter cannot as readily pass within the widest opening of the average 3-year-old child's anterior dental or jaw segment. In consideration of the fact that an object may be less than 1¼ inches in diameter, and yet also be of sufficient length not to be readily swallowed, the cylinder is 2¼ inches in height at its deepest portion. This will allow a relatively narrow object to meet the standard if it is of sufficient length.

The Commissioner therefore proposes to ban children's articles containing small parts which may become accessible after normal use or after reasonably foreseeable damage or abuse on the basis of a determination that the mechanical hazards associated with the design and manufacture of such articles present an unreasonable risk of personal injury to young children from choking, aspiration, or ingestion. The Commissioner proposes that small articles and articles that may contain accessible small parts not be marketed for use by children under 3 years of age, and that small articles designed for use in the mouth, or such articles having small accessible components, not be marketed for children under 8 years of age.

On December 8, 1972, proposed test methods for simulating use and abuse of toys, games, and other articles intended for use by children were published in the FEDERAL REGISTER (37 FR 26120). For determining whether or not parts of any toy or other article intended for use by children may become accessible under normal use or when subjected to reasonably foreseeable damage or abuse, the applicable tests prescribed under these proposed test methods shall be utilized.

Since the aspiration and ingestion hazards presented by small parts may not be obvious to the persons selecting the toy, the Commissioner further proposes to have articles which are not generally recognized as suitable only for older children labeled with a statement to inform purchasers of the inappropriateness of the article for young children. Stuffed animals, toy trucks, and other articles which are suitable for a wide age range of children, including young children, would be required to bear such cautionary labeling. Although chalk, crayons, and books made entirely of paper are used by children under the age of 3 years, they are excluded from the proposed banning. These articles present no less a potential for aspiration or ingestion than do other children's articles, but, upon weighing the developmental benefits derived from their use with the dangers, the Commissioner concludes that their benefits far outweigh what would be gained from the proposed banning. An additional reason for this determination is that parents, upon giving a small child a piece of chalk or a crayon, generally realize that the article is quite small and is capable of becoming smaller through normal use or breakage and thus take precautionary steps to prevent their being placed in the mouth.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1), (s), (3)(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304–1305, 83 Stat. 187–189; 15 U.S.C. 1261, 1262 and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that two new subparagraphs be added to § 191.9a(a) as follows:

§ 191.9a Banned toys and other banned articles intended for use by children.

(a) Toys and other children's articles presenting mechanical hazards.

* * * * * *

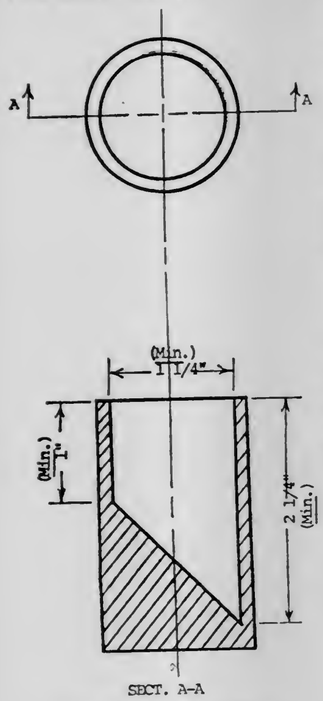
(9) Any toy or other article intended for use by children under 3 years of age (except chalk, crayons, and books made entirely of paper) if such toy or other article or any of its components which are accessible, or parts of the toy or other article which become accessible under conditions of normal use or reasonably foreseeable damage or abuse, will fit, in a noncompressed state, into the truncated right cylinder shown in Figure 1. For determining whether or not parts of such toy or other article may become accessible under conditions of normal use or reasonably foreseeable damage or abuse, the applicable tests prescribed by § 191.-22 shall be utilized. Any toy or other children's article that is not generally recognized as being suitable for use only by children 3 years of age or older will be subject to the provisions of this subparagraph unless it meets the following requirements:

(i) The shelf package of the article is prominently and clearly marked in the upper right-hand quarter of the principal display panel with the statement "Caution: Not Recommended for Children Under 3 Years Old." If the article is unpackaged, the required statement shall appear on the article itself or on a tag securely attached to the article.

(ii) All markings required by paragraph (a)(9)(i) of this section shall be of a permanent nature, whether paint stenciled, die-stamped, molded, indelibly stamped. All required markings shall appear in block lettering of a height not less than that specified in this subdivision, shall contrast sharply with their background (whether by color, projection, or indentation), and shall be readily visible and legible. Lettering heights for required markings are as follows:

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Surface area displaying marking (square inches)	*Minimum height of lettering (inches)*
Under 5	1/16
5 or more and under 25	1/8
25 or more and under 100	3/16
400 or more	1/2
100 or more and under 400	1/4



SECT. A–A

TRUNCATED RIGHT CIRCULAR CYLINDER

FIGURE 1

(10) Any mouth-actuated toy or other mouth-actuated article intended for use by children under 8 years of age if such toy or other such article or any of its components which are accessible, or parts of such toy or other such article which becomes accessible under conditions of normal use or reasonably foreseeable damage or abuse, will fit, in a noncompressed state, into the truncated right cylinder shown in Figure 1 of paragraph (a)(9) of this section. For determining whether or not parts of such toy or other such article may become accessible under conditions of normal use or reasonably foreseeable damage or abuse, the applicable tests prescribed by § 191.23 shall be utilized. Any mouth-actuated toy or other mouth-actuated children's article that is not generally recognized as being suitable for use only by children 8 years of age or older will be subject to the provisions of this subparagraph unless it meets the following requirements:

(i) The shelf package of the article is prominently and clearly marked in the upper right-hand quarter of the principal display panel with the statement "Caution: Not Recommended for Children Under 8 Years Old." If the article is unpackaged, the required statement shall appear on the article itself or on a tag securely attached to the article.

(ii) All markings required by paragraph (a)(10)(i) of this section shall be of a permanent nature, whether paint stenciled, die stamped, molded, or indelibly stamped. All required markings shall appear in block lettering of a height not less than that specified in this subdivision, shall contrast sharply with their background (whether by color, projection, or indentation), and shall be readily visible and legible. Lettering heights for required markings are as follows:

Surface area displaying marking (square inches)	*Minimum height of lettering (inches)*
Under 5	1/16
5 or more and under 25	1/8
25 or more and under 100	3/16
100 or more and under 400	1/4
400 or more	1/2

Interested persons may, on or before March 23, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1162 Filed 1-19-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19628; FCC 72-995]

FM BROADCAST STATIONS IN UNION SPRINGS AND TALLASSEE, ALA.

Proposed Table of Assignments; Extension of Reply Comment Period

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations. (Union Springs and Tallassee, Ala.) RM–1902, RM–2040.

1. The notice of proposed rule making in the above-entitled proceeding was adopted on November 8, 1972, and published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24369). The date for filing comments has expired and the date for filing reply comments is presently designated as January 15, 1973, respectively.

2. On January 9, 1973, Ne-Ler Co., by its attorney, filed a request for extension of time in which to submit reply comments to and including February 14, 1973. Ne-Ler states that its engineering counsel is located in Florida and because of the necessity of obtaining material from Washington, there will not be adequate time to prepare an appropriate reply by the deadline date.

3. It appears that the additional time is warranted and would serve the public interest. Accordingly, *It is ordered*, That the time for filing reply comments in Docket No. 19628 is extended to and including February 14, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: January 15, 1973.

Released: January 15, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.73-1326 Filed 1-19-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 270]

[Release No. IC-7581; File No. 57-469]

INVESTMENT COMPANY REGULATIONS

Requirements To Report Securities Transactions and To Adopt Codes of Ethics

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 17j–1 (17 CFR 270.17j–1) under the Investment Company Act of 1940 (Act) as amended by the Investment Company Amendments Act of 1970 (the "1970 Act") [15 U.S.C. 80a–1 et seq., Public Law 91–547, 84 Stat. 1413]. "The Report of the Special Study of the Securities Markets,"[1] examined the nature and extent of trading in the portfolio securities of an investment company by persons with access to the company's investment information. The "Special Study" found that transactions by investment company "insiders" in the portfolio securities of the investment company often placed such persons in a position of conflict of interest and that the policies which had been adopted by the industry to deal with this problem suggested considerable disagreement as to the nature and extent of obligations

[1] Report of the Special Study of the Securities Markets, H.R. Doc. No. 95 88th Cong., 1st sess., pt. 4, at 235–255 (1963) (Special Study).

in this area. It concluded that clarification and implementation of higher standards were necessary.[2]

Subsequently, after further examination of this subject, in "Public Policy Implications of Investment Company Growth",[3] the Commission recommended that the Act be amended to empower it to adopt rules and regulations for the protection of investors in connection with trading in securities purchased and sold by investment companies by persons affiliated with them and with their advisers and principal underwriters.[4] In response to this recommendation, section 17(j) was added by the 1970 Act (15 U.S.C. 80a–17(j), 84 Stat. 1421).

Section 17(j) [of the Act] makes it

> • • • unlawful for any affiliated person or principal underwriter for a registered investment company or any affiliated person of an investment adviser of or principal underwriter for a registered investment company, to engage in any act, practice, or course of business in connection with the purchase or sale, directly or indirectly, by such person of any security held or to be acquired by such registered investment company in contravention of such rules and regulations as the Commission may adopt to define, and prescribe means reasonably necessary to prevent, such acts, practices, or courses of business as are fraudulent, deceptive, or manipulative. Such rules and regulations may include requirements for the adoption of codes of ethics by registered investment companies and investment advisers of, and principal underwriters for, such investment companies establishing such standards as are reasonably necessary to prevent such acts, practices or courses of business.

After enactment of section 17(j), the Investment Company Institute (ICI) submitted a proposed rule and code of ethics for adoption by the Commission under the section. Several of the suggestions contained in the ICI draft proposal have been adopted in proposed Rule 17j–1. They include defining certain persons as "access persons" and "advisory employees"; requiring such persons to report their transactions to the extent now required of investment advisers by the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.); exempting certain types of transactions from the coverage of the rule; and allowing any code of ethics adopted to contain a "prior clearance" procedure.

Unlike the ICI proposal, which relied solely upon a code of ethics, Rule 17j–1 proposes a definite antifraud proscription against "insider trading" by access persons with knowledge of the investment company's transactions. It would only apply, however, to natural persons, thereby removing corporate and other business entities from its requirements and restrictions. Further, although the ICI draft proposal did not require violations of the codes of ethics to be reported to the Commission, the proposed rule would. Also, it would provide for a 6-month adjustment period prior to effectiveness. Finally, to provide necessary flexibility, the proposed rule contains an appeal process from the "prior clearance" procedure for transactions which will not result in any disadvantage to the investment company and are consistent with the policies and purposes of the Act and rule.

[2] Id., at 252–255.

[3] Public Policy Implication of Investment Company Growth, H. Rept. No. 2337, 89th Cong., 2d sess. at 19, 195–200 (Dec. 2, 1966) (Mutual Fund Report).

[4] Mutual Fund Report, at 200.

PROPOSED RULE 17j–1

The proposed rule is designed to implement the provisions of section 17(j) (of the Act). It would define fraudulent, deceptive, or manipulative acts, practices, or courses of business within the meaning of section 17(j) (of the Act); require that certain classes of persons enumerated in that section report their securities transactions; and require that registered investment companies, their investment advisers and principal underwriters adopt codes of ethics. The rule would be adopted pursuant to the authority granted the Commission in sections 17(j), 38(a), and 6(c) of the Act.[5]

PARAGRAPH (a)—DEFINITIONS OF TERMS

Paragraph (a) of proposed Rule 17j–1 sets forth definitions of terms used in the proposed rule. "Security" is defined to mean any security of an issuer, any class of whose securities are being considered for recommendation to, or are being considered for purchase or sale by, or are being purchased or sold currently by a registered investment company. This means that the proposed rule would be applicable to purchase or sales of convertible securities, options, warrants, and debt securities of issuers whose underlying securities are being purchased or sold, being considered for purchase or sale, or being considered for recommendation for purchase or sale. The term "access person" is defined to include officers, directors, partners, and advisory employees of the investment company, its adviser, and principal underwriter.[6]

"Advisory employee" is defined to include any employee of the investment company or its investment adviser who is involved in recommending purchases or sales by the investment company or who obtains information concerning securities recommendations other than as a regular client of such adviser. This definition includes persons not immediately involved in formulating recommendations such as, for example, secretaries who might become aware of recommendations through their normal work.

PARAGRAPH (b)—GENERAL DEFINITION OF THE TERMS FRAUDULENT, DECEPTIVE, OR MANIPULATIVE ACTS, PRACTICES, OR COURSES OF BUSINESS

Paragraph (b) of the proposed rule defines the acts, practices, or courses of business that are fraudulent, deceptive, or manipulative if committed by an affiliated person of or principal underwriter for a registered investment company or an affiliated person of an investment adviser of or principal underwriter for a registered investment company in connection with the purchase or sale directly or indirectly by such person of any security held or to be acquired by such registered investment company. It sets forth general prohibitions, similar to those contained in Rules 10b–5 and 15c–2 (17 CFR 240.10b–5, 240.15c–2) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) and section 206 of the Investment Advisers Act of 1940 (15 U.S.C. 80–b–6), against fraudulent, deceptive, or manipulative acts, practices, or courses of business in connection with purchases or sales by the abovementioned persons of securities held or to be acquired by a registered investment company. As in Rule 15c–2 under the Securities Exchange Act, the scope of this proposed paragraph is not limited by any specific definitions of the terms "fraudulent, deceptive, or manipulative acts, practices, or courses of business" contained in other provisions of the rule.

PARAGRAPH (c)—SPECIFIC DEFINITION OF THE TERMS FRAUDULENT, DECEPTIVE OR MANIPULATIVE ACTS, PRACTICES, OR COURSES OF BUSINESS

Paragraph (c) of the proposed rule sets forth a specific definition of the terms "fraudulent, deceptive, or manipulative acts, practices, or courses of business" as used in section 17(j) (of the Act). It prohibits any "access person," as defined in the proposed paragraph (a), from directly or indirectly purchasing or selling for his own account or any account in which he has a director or indirect beneficial interest, any security which he knows the investment company is purchasing or selling or which he knows is being recommended or is about to be recommended by any advisory employee of the investment company or investment adviser for purchase or sale by the investment company. Subdivision (iii) of paragraph (c) is intended to apply to situations where the advisory employee's consideration of a security for recommendation for purchase or sale has reached an advanced stage. It would not cover, for example, securities reviewed as part of a general industry survey or a general monitoring of the securities markets.

Specifically exempted from the prohibitions of paragraph (c) are securities which are direct obligations of the U.S. Government, purchases and sales executed upon exercise of rights issued by an issuer pro rata to all holders of a class of its securities and purchases or

[5] Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the power conferred upon the Commission in the Act, including prescribing the form in which information required in reports to the Commission shall be set forth. Section 6(c) of the Act provides that the Commission by rule, regulation, or order may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of any rule under the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

[6] "Access persons" would be subject to the trading prohibition of proposed paragraph (c) and the reporting requirement of proposed paragraph (d).

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sales effected in any account over which any person subject to the rules has no direct or indirect influence or control.

PARAGRAPH (d)—REPORTING REQUIREMENT

Paragraph (d) of proposed Rule 17j-1 establishes a reporting requirement for those persons with particular access to the decisionmaking process, including "disinterested" directors [7] of investment companies, and "independent" directors [8] of investment advisers and principal underwriters. Such an "access person" would be required to file a report with the investment company, investment adviser or principal underwriter of which he is an affiliated person of all of his securities transactions (other than those transactions exempted from paragraph (c)). Reports required to be filed under this paragraph are patterned after the reporting requirement of Rule 204-2(a)(12) (17 CFR 275.204-2(a)(12)) under the Investment Advisers Act.[9] Paragraph (d)(2) requires the investment company and investment adviser to designate by name any individual considered to be an "advisory employee" within the definition of "access person," and to inform him of his duty to file the prescribed reports.

PARAGRAPH (e)—CODES OF ETHICS

Paragraph (e) of proposed Rule 17j-1 would require registered investment companies, their investment advisers and principal underwriters [10] to adopt a written Code of Ethics establishing, as a minimum, such standards as are reasonably necessary to prohibit affiliated persons from engaging in any acts, practices or courses of business which have been declared to be fraudulent, deceptive or manipulative in paragraph (c). In order to provide greater certainty with respect to whether or not a transaction would be permitted, the paragraph permits such codes to provide an optional "prior written clearance" procedure under which advance clearance could be granted to transactions if the security in question is not being purchased or sold by the registered investment company, or being considered by the investment company or investment adviser for purchase or sale by the investment company. If the access person cannot be granted prior clearance by the clearing authority the access person may appeal that prohibition to a responsible person who will be designated by the investment company, investment adviser or principal underwriter to consider appeals. That person, in reviewing appeals, may grant clearance to the access person where he shall determine that there will be no disadvantage to the investment company, and that the prohibitions of paragraph (c) of this rule [11] should not be applied to the circumstances presented, giving due consideration to the policies and purposes of the Act and the rule. The person designated to consider appeals shall maintain written records to substantiate determinations to grant prior clearance. To provide further flexibility paragraph (e)(2)(iii) of Rule 17j-1 permits a prior clearance procedure to provide that disinterested or independent directors, if they so desire, need not comply with such procedure.

Investment companies, advisers, and underwriters are required to maintain records of the reports filed with them and to review such reports for purposes of determining whether or not violations of their codes have occurred. All violations must be reported immediately to the board of directors of the investment company. Violations, and actions taken in respect to them, must be reported by the investment company to the Commission within 10 days after it has been informed of such violations. A registered investment company, investment adviser or principal underwriter shall not be deemed to have violated the provision of the rule by reason of a violation of its Code of Ethics by any person if it establishes that it instituted adequate procedures and used reasonable diligence to carry out the provisions of such code.

POLICY QUESTION

Comments are specifically requested on an important policy question: The requirements that "disinterested" directors of investment companies file reports of their transactions. Although the Commission desires to avoid inconvenience to such directors, it is also mindful of the importance of maintaining high standards of conduct for all those in a position to benefit from "insider" information about an investment company's intentions. One alternative would have been to limit this requirement to directors who actually acquire information about investment company transactions. However, such a limitation could discourage directors from being fully informed about their company's affairs. The Commission solicits comments upon and suggested alternatives to this requirement in light of these objectives.

Commission action. The Securities and Exchange Commission, pursuant to the authority in sections 6(c), 17(j), and 38(a) of the Investment Company Act of 1940, proposes to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereto a new § 270.17j-1, reading as follows:

§ 270.17j-1 Fraudulent, deceptive, and manipulative acts, practices and courses of business.

(a) As used in this § 270.17j-1:

(1) The term "security" shall mean any security of an issuer, any class of whose securities are being considered for recommendation to, or are being considered for purchase or sale by, or are being currently purchased or sold by a registered investment company.

(2) The term "access person" shall mean:

(i) With respect to a registered investment company, any director, officer, or advisory employee of such investment company;

(ii) With respect to an investment adviser, any partner, director, officer, or advisory employee of such investment adviser;

(iii) With respect to a principal underwriter, any partner, director, or officer of such principal underwriter.

(3) The term "advisory employee" of a registered investment company or of an investment adviser shall mean any employee of such registered investment company or of such investment adviser who makes any recommendation concerning any security held or to be acquired by such investment company, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being considered or being considered for recommendation; and any natural person in a control relationship to the investment company or to any investment adviser of the investment company who obtains information concerning securities recommendations other than as a regular client of such investment adviser.

(b) It shall constitute a fraudulent, deceptive, or manipulative act, practice or course of business within the meaning of section 17(j) [of the Act] for any affiliated person of or principal underwriter for a registered investment company or any affiliated person of an investment adviser of or principal underwriter for a registered investment company,

(1) To employ any device, scheme, or artifice to defraud,

(2) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, or,

[7] A "disinterested" director of an investment company is a director who is not an interested person with the meaning of section 2(a)(19) of the Act (15 U.S.C. 80a-2(a)(19)).

[8] An "independent" director of an investment adviser or principal underwriter is a director who is not an officer of such investment adviser or principal underwriter. Officers, directors and partners of principal underwriters who are not affiliated persons of the investment company or its adviser and who do not serve as directors or officers of the investment company or its adviser are not required to submit reports under this proposal.

[9] In order to avoid duplication in reporting by persons who would be subject to this proposal and whose transactions are also required to be reported by the investment adviser pursuant to Rule 204(a)(12) or excepted from reporting by proposed Rule 204-2(a)(13) (17 CFR 275.204-2(a)(13), 38 FR —, Rel. No. IA-353), paragraph (d)(3) exempts such persons from the reporting requirement of this proposal. If proposed Rule 204-2(a)(13) is not adopted, this exemption will be removed.

[10] Principal underwriters which are not affiliated persons of investment companies or their advisers and none of whose directors or officers serve as directors or officers of investment companies or their advisers are not required to adopt such a Code of Ethics.

[11] The protection of paragraph (b) of the rule would, of course, still be applicable.

(3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person,

in connection with the purchase or sale, directly or indirectly, by such person of any security held or to be acquired by such registered investment company. The scope of this paragraph shall not be limited by any specific definition of the terms fraudulent, deceptive or manipulative act, practice or course of business contained in other rules adopted pursuant to section 17(j) of the Act.

(c)(1) It shall constitute a fraudulent, deceptive, or manipulative act, practice or course of business within the meaning of section 17(j) [of the Act] for any access person to purchase or sell, directly or indirectly, any security in which such person has, or by reason of such transaction acquires, any direct or indirect benficial interest or ownership and which such person knows: (i) Is currently being purchased or sold by such registered investment company; (ii) is being considered for purchase or sale by such investment company; or (iii) is being recommended or is about to be recommended by any advisory employee of such investment company or investment adviser for purchase or sale by such investment company.

(2) The provisions of paragraph (c)(1) of this section shall not apply to:

(i) Purchases or sales of securities which are direct obligations of the United States,

(ii) Purchases effected upon exercise of rights issued by an issuer pro rata to all holders of a class of its securities to the extent such rights were acquired from such issuer, and sales of such rights so acquired, and

(iii) Purchases or sales effected in any account over which any person subject to this rule has no direct or indirect influence or control.

(d)(1) Every access person as defined in paragraph (a)(2) of this § 270.17j-1 (other than a partner, director, or officer of a principal underwriter which is not an affiliated person of the investment company or its investment adviser and who does not serve as a director or officer of the investment company or its investment adviser) shall file with the investment company, investment adviser or principal underwriter of which he is an affiliate, a report on every transaction in which he has, or by reason of such transaction acquires, any direct or indirect beneficial interest or ownership in a security, except transactions exempted by paragraph (c)(2) of this section, not later than 10 days after the end of each quarter in which the transactions was effected. Such report shall state:

(i) The title and amount of the security involved;

(ii) The date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition);

(iii) The price at which it was effected; and

(iv) The name of the broker, dealer or bank with or through whom the transaction was effected.

Such report may also contain a statement declaring that the reporting of any such transaction shall not be construed as an admission that the access person has any direct or indirect beneficial interest or ownership in the security. If no transactions are executed during any quarter, a report to this effect shall be filed. Reports filed pursuant to this rule shall be available for inspection by the Commission.

(2) Each registered investment company and each investment adviser for such investment company respectively shall designate by name those individuals who come within the class of "advisory employee" as defined in paragraph (a)(3) of this § 270.17j-1 and shall inform such persons of their duty to file the reports prescribed in this § 270.17j-1.

(3) Any person subject to paragraph (d) of this § 270.17j-1, (i) whose transactions are also recorded in the manner required by § 275.204-2(a)(12) of this chapter under the Investment Advisers Act of 1940 or (ii) whose transactions are not required to be included in the records maintained by the investment adviser pursuant to § 275.204-2(a)(13) of this chapter under the Investment Advisers Act of 1940, is exempt from the reporting requirements of this paragraph.

(e)(1) Each registered investment company and each investment adviser of and principal underwriter for such registered investment company (other than an underwriter which is not an affiliated person of the investment company or its investment adviser and none of whose directors or officers serves as a director or officer of the investment company or its adviser) shall adopt a written Code of Ethics establishing, as a minimum, such standards as are reasonably necessary to prohibit any access person from engaging in any acts, practices or courses of business which have been declared to be fraudulent, deceptive or manipulative under paragraph (c) of this § 270.17j-1.

(2) A Code of Ethic may provide that no access person may effect a purchase or sale without obtaining prior written clearance from a person or body designated by the board of directors of such registered investment company, investment adviser or principal underwriter.

(i) If a code contains such a provision any person who effects a purchase or sale after obtaining such prior written clearance shall be deemed not to be in violation of paragraph (c) of this section by reason of such purchase or sale: *Provided*, That, no such written clearance shall be granted if the security in question is being purchased or sold by such investment company or is being considered by such investment company or investment adviser for purchase or sale by such investment company.

(ii) If the access person cannot be granted prior clearance by the clearing authority, such access person may appeal that determination to a person or body designated to consider such appeals by the board of directors of such investment company, investment adviser, or principal underwriter. Such designated person or body may grant prior clearance upon determining that the proposed transaction shall not result in any disadvantage to such investment company, and that the prohibitions of paragraph (c) of this section should not be applied to such circumstances, giving due consideration to the policies and purposes of the Act and rule. Such designated person or body shall maintain written records, including the reasons for any such determination to grant prior clearance.

(iii) Such a Code may provide that a director who is an interested person of a registered investment company solely by reason of the fact that he is a director of such company, and a director of an investment adviser or principal underwriter who is not an officer of such investment adviser or principal underwriter need not obtain prior written clearance before effecting a purchase or sale.

(3) Each investment company, investment adviser and principal underwriter shall keep a current record of every report filed with it pursuant to paragraph (d) of this §270.17j-1 and shall review such reports for the purpose of determining whether or not violations of its Code of Ethics has occurred.

(4) Upon learning of a violation or apparent violation of such Code, the chief executive officer of such investment adviser or principal underwriter shall immediately report such violation to the board of directors of the appropriate registered investment company. Violations, and actions taken in respect to violations, shall be reported by the registered investment company in writing to the Commission within 10 days of being informed of such violations.

(5) A registered investment company, investment adviser or principal underwriter shall not be deemed to have violated the provisions of this section by reason of a violation of its Code of Ethics by any person if it establishes that it instituted adequate procedures and used reasonable diligence to carry out the provisions of such Code.

If adopted, this section will become effective six months and one day from the date of its adoption, to allow all access persons sufficient time to make any necessary adjustments in their personal securities portfolios.

All interested persons are invited to submit their written views and comments on the proposed rule to Lewis J. Mendelson, Assistant Director, Division of Investment Management Regulation, Securities and Exchange Commission, Washington, D.C. 20549 on or before February 28, 1973. All communications in this regard should refer to File No. S7-469 and will be available for public inspection.

(Secs. 6(c), 17(j), 38(a), 54 Stat. 800, 815, 841, 84 Stat. 1420, 15 U.S.C. 80a-6(c), 80a-17(j), 80a-37(a))

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 26, 1972.

[FR Doc.73-1279 Filed 1-19-73;8:45 am]

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Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Closed Meetings

Notice is hereby given, pursuant to section 10 of Public Law 92–463, that meetings will be held in Washington on January 30 and 31, 1973, of the following debt mangement advisory committees:

American Bankers Association, Government Borrowing Committee.

Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings will include briefings for the advisory committees by Treasury staff on current debt management problems on January 30, separate deliberations by the two committees on January 30, and separate reports to the Secretary of the Treasury and Treasury staff on the morning of January 31.

A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

[FR Doc.73–1335 Filed 1–19–73;8:45 am]

Office of the Secretary

[Treasury Dept. Order 82 (Revised)]

DIRECTOR OF OFFICE OF PERSONNEL, ET AL.

Personnel and Physical Security; Organization and Delegation of Authority

Personnel security. 1. Pursuant to the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and delegated to me by Treasury Department Order No. 190 (Revised), the Director of the Office of Personnel is delegated the responsibility for direction and oversight of the personnel security function in the Department of the Treasury. He will serve as the proper channel through whom matters requiring exceptional attention will be processed. The Director of Personnel will maintain the security files of, and have jurisdiction over granting top secret clearances for, the following employees:

Presidential appointees requiring confirmation by the Senate, and occupants of Executive level positions, to the extent of the Department's authority with respect to these employees.

Heads of bureaus and their first deputies.

Bureau security officers and any official to whom the authority to grant top secret security clearance has been delegated.

In addition, the Director of Personnel will assume jurisdiction over all cases involving a potential determination that an employee in any Treasury bureau or in the Office of the Secretary should be suspended, reassigned, or terminated on the grounds that such action is necessary in the interest of the national security.

2. Authority for performing the operating functions relating to personnel security, including the granting of top secret security clearances, is hereby delegated to the following officials in the Department of the Treasury:

In the Office of the Secretary:

Chief, Office of the Secretary Personnel Division.

In the bureaus:

Commissioner of Accounts.
Director, Bureau of Alcohol, Tobacco and Firearms.
Comptroller of the Currency.
Director, Consolidated Federal Law Enforcement Training Center.
Commissioner of Customs.
Director, Bureau of Engraving and Printing.
Commissioner of Internal Revenue.
Director of the Mint.
Commissioner of the Public Debt.
Treasurer of the United States.
National Director, U.S. Savings Bonds Division.
Director, U.S. Secret Service.

3. The authority delegated herein may be redelegated with the concurrence of the Director of the Office of Personnel or the Assistant Director of Personnel (Personnel Security). In addition, bureau heads who do not find it feasible to carry out these functions may, with the concurrence of the Director of the Office of Personnel or the Assistant Director of Personnel (Personnel Security), request that the functions be performed for them by the head or delegate of one of Treasury's investigative agencies, namely, Bureau of Customs, Internal Revenue Service, or the U.S. Secret Service. Subsequent to the required concurrence the request may be made directly to the head, or his delegate, of the investigative agency.

4. The personnel security program will be carried out under Executive Order 10450 and implementing regulations in the Federal and Treasury Personnel Manuals. In addition, the Director of Personnel of the Department will issue such supplemental regulations and instructions as may be required for the conduct and coordination of the personnel security program in the Department.

Physical security. 5. The Director of the Office of Administrative Programs will have and maintain responsibility for the Department's functions relating to physical security transferred to him by virtue of Treasury Department Order No. 82, Supplement No. 1. These responsibilities are to be carried out pursuant to Executive Order 11652 and implementing Treasury regulations and directives, including Treasury Department Order 160, as revised.

Physical security functions include the following:

1. Document security.
2. Communications security.
3. Building security.
4. Industrial security.

6. This order supersedes Treasury Department Order No. 82 (Revised) and Supplement 1 thereof, and is effective immediately.

Dated: January 17, 1973.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.73–1318 Filed 1–19–73;8:45 am]

DEPARTMENT OF DEFENSE

Defense Supply Agency

DEFENSE CONTRACT ADMINISTRATION SERVICES

Withdrawal of Notice of Proposed Cancellation of Contracts

JANUARY 15, 1973.

On October 4, 1972, the Director, Defense Supply Agency, issued a letter to Westran Corp. advising the company of proposed sanctions under the provisions of Executive Order 11246 and implementing regulations. The notice of proposed sanctions, as amended, was published in the FEDERAL REGISTER, Volume 37, No. 205, Saturday, October 21, 1972 (37 FR 22756). Subsequently, a consent order between Westran and the Director was entered into as of November 30, 1972. The approved consent order provides a satisfactory solution, when fully implemented, to the deficiencies which resulted in the proposed sanctions.

In accordance with the consent order, the October 4, 1972, notice of proposed sanctions is hereby withdrawn.

WALLACE H. ROBINSON, JR.,
Lieutenant General, USMC, Director.

[FR Doc.73–1223 Filed 1–19–73;8:45 am]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Closed Meetings

Notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee has scheduled closed meetings for January 24 and 25, 1973, at the Program Evaluation Center (Room 4D710), the Pentagon. The meetings will commence at 0900 daily and are scheduled to terminate at 1700. Items to be discussed will include: Navy Strategic Policy and Plans; future Navy force levels in light of projected 1980 worlds; future of higher education in the Navy; recent developments in the Soviet Navy. An unclassified summary of the meetings and a roster of panel members may be obtained from the Executive Secretary, Chief of Naval Operations Executive Panel, Washington, D.C. 20350.

Dated: January 16, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc.73–1291 Filed 1–19–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Notice of Public Meeting

Notice is hereby given that the Commodity Credit Corporation Advisory Board established under Section 9(b) of the Commodity Credit Corporation Charter Act of 1949 (63 Stat. 154, 155; 15 U.S.C. section 714g(b)), will meet at 8:15 a.m. on Wednesday, January 24, 1973, and Thursday, January 25, 1973, in Room 2–W, of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to survey the policies of the Commodity Credit Corporation in connection with the purchase, storage and sale of commodities, and the operation of lending and price support programs. The meeting will be open to the public.

The names of the Presidential appointees comprising the Advisory Board, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. Seeley G. Lodwick, Secretary, Commodity Credit Corporation, Room 202–W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C., on January 16, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73–1261 Filed 1–19–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

AD HOC COMMITTEE ON SMOKING AND HEALTH

Notice of Public Meeting

Pursuant to Executive Order 11686, notice is hereby given of a meeting of the ad hoc Committee on Smoking and Health of the National Cancer Advisory Board of the National Cancer Institute, February 14, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. The meeting will review current NCI–NHLI efforts in smoking and health and will formulate recommendations to the NCAB for their better organization, funding, and effectiveness. This meeting will be open to the public on a first-come, first-seated basis, subject to the availability of space.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Building 31, Room 11A03, National Institutes of Health, Bethesda, Md. 20014 (301—496–6616) will provide substantive program information.

Dated: January 12, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73–1255 Filed 1–19–73;8:45 am]

ANESTHESIOLOGY TRAINING COMMITTEE

Notice of Public Meeting; Correction

The notice submitted to the FEDERAL REGISTER, December 12, 1972, for the meeting of the Anesthesiology Training Committee of the National Institute of General Medical Sciences has been rescheduled to February 13, 1973, 9 a.m., National Institutes of Health, Building 31C, Conference Room 9.

Pursuant to Public Law 92–463 notice is hereby given that the meeting will be open to the public from 9 a.m. to 10 a.m., to discuss administrative details of the committee and closed thereafter in accordance with the provision set forth in section (d) of Public Law 92–463, in order to review, discuss and evaluate and/or rank grant applications/contract proposals. Attendance by the public will be limited to space available.

Mr. Paul Deming, Information Officer, NIGMS, Building 31, Room 4A46, Bethesda, Md. 20014, Telephone: 301—496–5676, will furnish a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Edward G. Hampp, Executive Secretary, Westwood Building, Room 904, Telephone 301—496–7563.

Dated: January 12, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73–1254 Filed 1–19–73;8:45 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegation of Authority for the Department of Health, Education, and Welfare (33 FR 15953, October 30, 1968), as amended, is hereby amended with regard to section 3–20, *Organization and Functions*, as follows:

After the chapter alphabetically coded 3–N–00—MATERNAL AND CHILD HEALTH SERVICE (3N00)—replace the paragraph *Office of Administrative Management (3N19)*, with the following:

Office of Program and Administrative Management (3N19). (1) Assists the Director in policy formulation and the development of long- and short-range goals and objectives; (2) provides concepts for the development of guidelines and standards for program implementation; (3) oversees the interpretation of program policy in budget formulation; (4) conducts the necessary control functions to assure operational compliance with program objectives; (5) defines and identifies data needs for use in planning, analysis, and evaluation of Maternal and Child Health Service programs; (6) assures program coordination and liaison between the Director and the operating program offices; (7) assists Regional and Headquarters staff in the development and interpretation of policies and guidelines; (8) plans, directs, and coordinates administrative management activities of Maternal and Child Health Service; (9) provides program information to the staff of the HSMHA Office of Financial Management in the operation of a financial management system for the Service, including program policy interpretation in budget formulation and execution and in preparation of program planning and budgeting data; (10) develops and implements management policies, procedures, and systems; and (11) serves as the focal point for liaison with officials of the Office of the Administrator and the Office of the Secretary on financial, personnel, organization, supply, contracts, and other management matters.

Dated: January 16, 1973.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.73–1313 Filed 1–19–73;8:45 am]

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Public Health Service

SCHOLARSHIP GRANTS TO SCHOOLS OF MEDICINE, OSTEOPATHY, DENTISTRY, OPTOMETRY, PODIATRY, PHARMACY, AND VETERINARY MEDICINE

Determination of "Low-Income Background" Breakpoints

On July 4, 1972 (37 FR 13177) final regulations (42 CFR Part 57, Subpart G) were published governing the award of scholarship grants to public or other nonprofit schools of medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, or veterinary medicine for scholarships to be awarded annually by such schools to students thereof pursuant to section 780 of the Public Health Service Act. Under this authority, grant funds are to be allocated to schools by a formula based upon the greater of one-tenth of the number of full-time students of such school or the number of full-time students of a school who are from low-income backgrounds. Section 57.605(c) of the implementing regulations provides in pertinent part that:

> Students will be considered to be from "low-income backgrounds" if they come from families with annual incomes below levels based on low-income thresholds by family size published by the U.S. Bureau of Census, as adjusted annually for changes in the consumer price index, multiplied by a factor to be determined by the Secretary for adaptation to this program. Such factor and the income levels as adjusted will be published annually by the Secretary in the FEDERAL REGISTER.

Notice is hereby given that the breakpoints listed below will be utilized in determination of what constitutes "low-income background" for purposes of allocating grant funds to schools for scholarships to be awarded for the 1973–74 academic year. These breakpoints have been derived from low-income thresholds published by the U.S. Bureau of the Census, utilizing an index adopted by a Federal Interagency Committee for use in a variety of Federal programs. The thresholds have been updated for 1972 to reflect the average level of the Consumer Price Index from January through August, 1972, and have been multiplied by a factor of 1.3 for adaptation to the Health Professions scholarship program.

Size of family (Including parents and children or other dependents)	*Income level [1] (Before personal income taxes)*
2	$3,700
3	$4,300
4	$5,500
5	$6,600
6	$7,400
7 or more	$9,000

[1] Rounded to $100.

Dated: January 12, 1973.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

[FR Doc.73-1253 Filed 1-19-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Prehearing Conference

JANUARY 17, 1973.

In the matter of Baltimore Gas & Electric Co. (Calvert Cliffs Nuclear Power Plant, Units 1 and 2).

Pursuant to the Commission's notice of hearing dated September 13, 1972 (37 FR 19393), a prehearing conference in the above entitled proceeding will be held at 10 a.m., on Friday, February 9, 1973, in Room 111 of the Lafayette Building, 811 Vermont Avenue NW., Washington, DC.

The purpose of the prehearing conference will be:

(1) To consider the stipulation dated December 1, 1972, filed jointly by the Baltimore Gas & Electric Co. (Applicant) and the Chesapeake Environmental Protection Association (Intervenor) and the motion to accept the stipulation, which stipulation and answer were subsequently joined in by the regulatory staff by supplemental answer dated January 5, 1973.

(2) To set a hearing schedule; and to establish dates for the submittal of written testimony and the identification of witnesses; and

(3) To consider such other matters as may aid in the orderly disposition of the proceeding.

The Board will require the parties at the prehearing conference, either in the form of briefs or oral presentation, to express their views with respect to the application to this licensing proceeding of the Federal Water Pollution Control Act amendments of 1972.

It is so ordered.

Issued at Washington, D.C., this 17th day of January 1973.

For the Atomic Safety and Licensing Board.

CHARLES A. HASKINS,
Chairman.

[FR Doc.73-1305 Filed 1-19-73;8:45 am]

[Dockets Nos. 50-404, 50-405]

VIRGINIA ELECTRIC AND POWER CO.

Notice and Order for Prehearing Conference

JANUARY 17, 1973.

In the matter of Virginia Electric and Power Co. (North Anna Nuclear Power Station, Units 3 and 4).

The Atomic Energy Commission, by a notice of hearing dated September 21, 1972, and published in the FEDERAL REGISTER on October 4, 1972 at volume 37, page 20879, gave notice that a hearing would be held, at a time and place to be set in the future by an atomic safety and licensing board, to consider an application filed under the Atomic Energy Act of 1954 by Virginia Electric and Power Co. The application is for a construction permit for two pressurized water nuclear power reactors designated as North Anna Nuclear Power Station, Units 3 and 4, to be located on the applicant's site, south of the North Anna River, approximately 24 miles southwest of Fredericksburg, in Louisa County, Va. As indicated in that notice of hearing, the issues to be determined by the atomic safety and licensing board are those identified in the notice pursuant to the Atomic Energy Act of 1954 and the National Environmental Policy Act of 1969.

A notice dated December 4, 1972, published in the FEDERAL REGISTER on December 8, 1972, at Volume 37, page 26145, announced the appointment of an atomic safety and licensing board in this proceeding consisting of R. B. Briggs, Dr. Emil T. Chanlett, and Sidney G. Kingsley, chairman, with Dr. Kenneth A. McCollom as a technically qualified alternate and Daniel M. Head as alternate chairman.

Both the notice of hearing and the notice of appointment of the atomic safety and licensing board announced that the date and place of a prehearing conference and of a hearing would be scheduled by the atomic safety and licensing board and would be published in the FEDERAL REGISTER.

Please take notice that a prehearing conference, constituting both the special prehearing conference pursuant to section 2.751a of the Commission's rules of practice (Volume 10, Code of Federal Regulations, Part 2) and the prehearing conference pursuant to § 2.752 of the rules of practice, will be held at 1 p.m. local time on February 14, 1973 at the Council Chamber, City Hall, Princess Anne Street, Fredericksburg, Va., to consider:

1. Identification, simplification and clarification of the issues;

2. The necessity or desirability of amending the pleadings;

3. The need for discovery, if any, and the time required therefor;

4. Stipulations, and admissions of fact and of the contents and authenticity of documents in order to avoid unnecessary proof;

5. Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

6. Procedures, including rules of evidence, to be followed in the presentation of evidence at the evidentiary hearing;

7. The effect of Public Law 92-500, section 401(a), the certification provision of the Federal Water Pollution Control Act Amendments of 1972, on the proof required at the evidentiary hearing. It is expected that the parties will be prepared to advise the board as to applicable State and Federal water quality standards and effluent limitations, and the effect on this proceeding of section 511(c) of the amendments of 1972;

8. Establishment of a schedule for further action, including a hearing schedule; and

9. Such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are invited to attend the prehearing conference and any later prehearing conferences, as well as the evidentiary hearing to be held at a later date to be fixed by the atomic safety and licensing board.

The prehearing conference will be limited to the purposes specified, in preparation for the later evidentiary hearing. No evidence will be received at the prehearing conference, and there will not be an opportunity at the prehearing conference to present statements by members of the public who wish to make limited appearances for that purpose. Applications for permission to make limited appearances for the purpose of making such statements will be ruled upon by the atomic safety and licensing board at the evidentiary hearing to be held later.

It is ordered, That counsel shall conduct informal conferences, including telephone conferences, to the extent that they may be practicable, to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

Dated this 17th day of January 1973 at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73-1306 Filed 1-19-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEW YORK STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee will convene at 7 p.m. on January 25, 1973, at 26 Federal Plaza, Room 1639, New York, NY 10007. Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission at 26 Federal Plaza, Room 1639, New York, NY 10007. The purpose of this meeting will be to discuss project proposals for adoption by the Subcommittee on Sex Discrimination.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 16, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1304 Filed 1-19-73;8:45 am]

WISCONSIN STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin State Advisory Committee will convene at 1:30 p.m. on January 24, 1973, at the Federal Building, 517 East Wisconsin, Milwaukee, WI 53202. Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission at 219 South Dearborn Street, Room 1428, Chicago, IL 60604. The purpose of this meeting will be (1) to discuss followup to the report "The Black Student in the Wisconsin State Universities System," (2) plan followup on the study and report "Police Isolation and Community Needs" and (3) discuss plans for the Committee's program involving civil rights of American Indians in Wisconsin.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 16, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1303 Filed 1-19-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7743]

CONNECTICUT LIGHT & POWER CO.

Notice of Further Extension of Time and Postponement of Hearing

JANUARY 16, 1973.

On January 11, 1973, the Connecticut Municipal Group filed a motion for extension of time for the presentation of prepared testimony and exhibits as established by order issued August 14, 1972, and amended by notice issued November 30, 1972. The motion states that all parties to the proceeding consent to the request.

Upon consideration, notice is hereby given that the procedural dates fixed by order issued August 14, 1972, and amended by notice of November 30, 1972, in the above matter are further modified as follows:

Service of Intervenor's evidence—February 28, 1973.
Service of rebuttal evidence of Connecticut Light & Power Co.—March 21, 1973.
Hearing to commence—April 5, 1973 (10 a.m., e.s.t.).

The following dates are unchanged:

Service of staff's evidence—January 15, 1973.
Prehearing conference—January 23, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1238 Filed 1-19-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-164]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telephone communications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Indiana Public Service Commission in a proceeding (Cause No. 33172) involving the application of Indiana Bell Telephone Co. for a telephone rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

JANUARY 15, 1973.

[FR Doc.73-1293 Filed 1-19-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

HAWAII DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Hawaii has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of the approval of the plan is in issue before him.

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The plan designates the Department of Labor and Industrial Relations as the agency responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2 (c)(1). All occupational safety and health standards promulgated by the U.S. Secretary of Labor will be adopted under the plan as well as certain standards deemed to be "as effective as" the Federal Standard, except those found in 29 CFR Parts 1915, 1916, 1917 and 1918 (ship repairing, shipbuilding, shipbreaking and longshoring), and after public hearing will become effective 3 months after the standards are approved by the Secretary of Labor.

Within the plan there is the Hawaii Occupational Safety and Health Law which became law on May 16, 1972. The law as enacted gives the Department of Labor and Industrial Relations the statutory authority to implement an occupational safety and health plan modeled after the Federal Act. There are provisions within it granting the Director of Labor and Industrial Relations the authority to inspect workplaces and to issue citations for the abatement of violations and there is also included a prohibition against advance notice of such inspections. The law is also intended to insure employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees against discharge in terms and conditions of employment; adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the law.

The plan also includes proposed amendments to be considered by the Hawaii Legislature during its 1973 session amending the Occupational Safety and Health Law, and related provisions, to bring them into conformity with the requirements of Part 1902.

The law and the proposed amendments are accompanied by a statement of the Governor's support for them and an opinion from the Attorney General that the law will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State.

The law sets forth the general authority and scope for implementing the Hawaii Plan, but at the same time, the plan is developmental within 29 CFR Part 1902.(b) in that specific rules and regulations must be adopted to carry out the plan and to make it fully operational. There is set forth in the proposed plan a timetable for the accomplishment of developmental goals under the Hawaii Plan. The timetable covers such general areas as the development of State Occupational Safety and Health Codes, training of personnel, the development of a budget and the submission of proposed legislation. The plan also contains a comprehensive description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, CA 94102; and the offices of the Department of Labor and Industrial Relations, Room 308, 825 Miliani Street, Honolulu, HA 96813.

3. *Public participation.* Interested persons are hereby given until February 21, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by February 21, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 16th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1287 Filed 1-19-73;8:45 am]

ILLINOIS DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Informal Hearing

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the State of Illinois has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of the approval of the plan is in issue before him.

The plan designates the Industrial Commission and the Department of Labor as the agencies responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). Illinois has adopted all Federal safety and health standards contained in 29 CFR Parts 1910 and 1926. However, some modifications to certain standards are also included in the plan. The plan contains assurances of the continued effectiveness of Illinois standards.

Illinois has existing enabling legislation: The Illinois Health and Safety Act (Ill. Rev. Stat., Ch. 48, pars. 137.1 et seq.); and the Illinois Safety Inspection and Education Act (Ill. Rev. Stat., Ch. 48, pars. 59.1 et seq.). However, Illinois has proposed amendments to these Acts (Illinois Senate Bill 1600) to bring the plan into full conformity with 29 CFR Part 1902. These amendments are accompanied by a statement of support from the Governor and an Attorney General Opinion that the amended Acts will be constitutional and consistent with the laws of Illinois.

Under the amended Acts, the Illinois Industrial Commission and the Department of Labor will have full authority to implement and carry out all provisions of the State plan. The plan as implemented will require employer and employee compliance; provide for inspections including prompt responses to complaints; prohibit unauthorized advance notice of inspections; and establish a safety and health program for public employees.

Furthermore, there will be procedures for the prompt restraint or elimination of imminent dangers; protection of trade secrets; a system of sanctions against employers; employer rights of review with employee participation; and a program for voluntary compliance. The plan also includes assurances of sufficient resources and qualified personnel hired under a merit system.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Cperations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 300 South Wacker Drive, Room 1201, Chicago, IL 60606; Illinois Department of Labor, or Illinois Industrial Commission, 160 La Salle Street, Chicago, IL 60601.

3. *Public participation.* Interested persons are hereby given until February 21, 1973, in which to submit to the Assistant Secretary written data, views, and arguments, concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by February 21, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 16th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1285 Filed 1-19-73;8:45 am]

MARYLAND DEVELOPMENT PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Maryland has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Division of Labor and Industry in the Department of Licensing and Regulation as the State agency designated by the Governor of the State to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). It provides a description of personnel employed under a merit system; the coverage of employees of political subdivisions; and procedures for the prompt restraint or elimination of imminent danger situations.

The plan includes proposed draft legislation to be considered by the Maryland Legislature during its 1973 session. Under the legislation the Division of Labor and Industry will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of employees of the United States, or where there is occupational safety and health protection of employees under the following Federal laws: the Atomic Energy Act of 1954, 42 U.S.C. 2021; the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 801; the Federal Metal and Nonmetallic Mine Safety Act, 30 U.S.C. 721; and the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901.

The legislation further proposes to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances and the protection of employees from hazards; and procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards.

The legislation is also intended to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; and employer right of review and employee participation in review proceedings.

Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of Maryland. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 including provision for developmental programs in agriculture and occupational health.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, Suite 410, Penn Square Building, 1317 Filbert Street, Philadelphia, PA 19107; and the Office of the Commissioner, Division of Labor and Industry, 203 East Baltimore Street, Baltimore, MD 21202. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until February 21, 1973, in which to submit to the Assistant Secretary written data, views, and arguments, concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by February 21, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 16th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1286 Filed 1-19-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

CALIFORNIA AIR QUALITY STANDARDS

Approval and Promulgation of Implementation Plans

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

CALIFORNIA AIR QUALITY STANDARDS

Approval and Promulgation of Implementation Plans

This notice of proposed rule making sets forth a transportation control plan for the Metropolitan Los Angeles Intrastate Air Quality Control Region (hereinafter, Los Angeles AQCR or South Coast Air Basin), as required by order of the U.S. District Court for the Central District of California, November 16, 1972. This proposal results from the failure of the State of California to submit an acceptable implementation plan for the attainment and maintenance of the National Primary Ambient Air Quality Standard for photochemical oxidants.

BACKGROUND

Under the Clean Air Act Amendments of 1970 (hereinafter referred to as the Act), enacted December 31, 1970 (Public Law No. 91-604, 42 U.S.C. 1857 et seq.), Congress required the States to prepare plans to implement the National Ambient Air Quality Standards promulgated on the basis of health and public welfare effects by EPA.

EPA promulgated the ambient standards on April 30, 1971. Pursuant to the statutory timetable, each State had 9 months in which to develop, adopt, and submit detailed plans for implementation of the ambient standards. The State plans submitted on January 31, 1972, were to contain emission limitations and such other measures as necessary to insure attainment and maintenance of the ambient standards, including transportation controls if necessary. (Clean Air Act, section 110(a)(2)(B).)

In most areas of the country the ambient standards could be met by the imposition of emission controls on stationary sources of pollution. EPA and the States had adequate knowledge of and experience with these types of controls. Their feasibility, effectiveness, and impact upon the sources as well as the community could be evaluated with reasonable accuracy. In other areas of the country, mobile sources were a predominant source of pollution, but the ambient standards would be met as a result of the decrease in pollution due to increasingly stringent Federal emission standards for new cars required by other sections of the Clean Air Act.

However, in certain areas the combination of controls on stationary sources and the Federal emission standards for new cars would not be sufficient. Therefore "transportation controls," i.e., measures which would reduce individual vehicle emissions and/or vehicle miles traveled, became necessary. Unlike the situation with respect to stationary sources, however, neither EPA nor the States had any real experience with these types of controls. The nature of the controls required, their effectiveness, their effect on air quality, and their social and economic impacts were essentially unknown. Accordingly, the Administrator determined that it was unreasonable to require that States include transportation controls in the plans submitted on January 31, 1972. He determined that States could instead submit a description of the transportation control measures which they were considering on that date. The submission of the actual transportation control strategies, when required, was deferred until February 15, 1973. It was anticipated that the additional year would give both EPA and the States more time to study this new problem, so that intelligent choices could be made by the States and so that EPA, in accordance with its responsibilities under the law, could make a meaningful review of the strategy selected by the State.

On May 31, 1972, in accordance with the Act, the Administrator disapproved California's plan for the Los Angeles AQCR (South Coast Air Basin) because the plan on its face did not provide for the achievement of the ambient standard for photochemical oxidants, 37 FR 10842, May 31, 1972 (40 CFR 52.238).

On September 6, 1972, in "City of Riverside, et. al. v. Ruckelshaus," Civil No. 72-2122-H, the city of Riverside, the city of San Bernardino, and various other organizations and individuals brought suit against EPA in the U.S. District Court for the Central District of California. The complaint stated that the Administrator had failed to promulgate transportation controls for the South Coast Air Basin although such controls were needed and the portions of California's plan which lacked such controls had been disapproved. Pursuant to that complaint, the U.S. District Court determined on November 16, 1972, that the Act did not permit the time for further study of the impact and effectiveness of transportation controls. Accordingly, the Court ordered the Administrator to "• • • prepare and publish in the FEDERAL REGISTER by no later than January 15, 1973, (proposed) regulations setting forth an implementation plan" for attainment of the primary ambient air quality standard for photochemical oxidants. This notice of proposed rule making is in compliance with the Court's order.

The Governor of California requested an extension to 1977 to meet the primary standard for photochemical oxidants. Therefore, this proposal is directed toward meeting that deadline.

It should be noted that the State of California is continuing to develop a transportation control strategy for the South Coast Basin. Since the State may proceed in accordance with the original schedule allowed by EPA, the State strategy is expected to be submitted to EPA in mid-February. It has been the Administrator's policy to be guided in his final promulgation by approvable segments of the State plan.

POLLUTION IN THE LOS ANGELES AQCR

The South Coast Air Basin covers a major portion of Southern California, encompassing all of Orange and Ventura Counties, the western portion of Riverside County, the southwest portion of San Bernardino County, the southern coastal portion of Santa Barbara County, and all but the extreme northeastern corner of Los Angeles County. (The air quality problems of the region are, in many ways, unique.) The region is geographically and meteorologically closed. The encircling mountains and frequent inversions hold in pollutants, and the Southern California climate provides ample sunshine to aid the formation of photochemical smog. The automobile is by fair the dominant mode of transportation. For example, in 1972 the South Coast Air Basin contained over 10 million persons and nearly 6 million motor vehicles.

This extremely high automobile population, combined with a low-density, sprawling pattern of development which distributes the population over the entire area of the basin, together make the application of transportation controls as well as the necessary alternatives, e.g., mass transit, extremely difficult in the Los Angeles region. Moreover, the area is still growing. The current rate of population growth is now a 1.7-percent increase per year. However, the automobile population grows more rapidly, at 3 percent to 4 percent per year, and gasoline consumption grows even more quickly, at 4.5 percent per year.

The Primary National Ambient Air Quality Standard for photochemical ovidents is 160μg/m3 0.08 parts per million (p.p.m.) average for a 1-hour period not to be exceeded more than once per year. The standard, promulgated on April 30, 1971 (36 FR 8186), is based on evidence of increased frequency of asthma attacks in some asthmatic subjects on days when estimated hourly average concentrations of photochemical oxidants reached 0.10 p.p.m. A level of 0.08 p.p.m. was therefore judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Act.

In 1970, this standard was exceeded at some location in the Los Angeles AQCR on at least 250 days. The maximum 1-hour reading for oxidants in the region in 1970 was 0.62 p.p.m. in Riverside. This reading exceeded the national standard nearly eight-fold. The second highest reading was 0.58 p.p.m. During 1970 a full 10 percent of the oxidant readings taken in the basin were 0.40 p.p.m. (five times the national standard) or higher.

SUMMARY

Studies presently available to the Administrator indicate that a reduction of approximately 87 percent in projected emissions of reactive hydrocarbons is necessary to achieve the National Primary Ambient Air Quality Standard for photochemical oxidant by 1977 in the Los Angeles AQCR.

As most of the reactive hydrocarbon emissions in the South Coast Basin are attributable to motor vehicle emissions, the analysis available to EPA indicates that in addition to stringent controls for stationary sources and requirements for limiting emission of individual motor vehicles a reduction in vehicle miles traveled (VMT) by gasoline-powered motor vehicles of over 80 percent will have to be effected to achieve the ambient air quality standard for photochemical oxidants in 1977 as required by law. The proposed regulatory mechanism to accomplish the reduction in vehicle miles traveled (VMT) is gasoline rationing.

Based on the extent of analysis which it has been possible to complete so far, the Administrator has concluded that the approach proposed today, including the VMT reduction, is the only one which could be proposed at this time with any confidence that it can achieve the ambient air quality standards. Other approaches, some of which may be less extreme, appear to present problems regarding feasibility and effectiveness. The Administrator emphasizes that further analysis may demonstrate that other options are available.

Although the Environmental Protection Agency (EPA) has serious reservations as to the feasibility and desirability of the course of action proposed here, legal requirements placed on the Agency by the Act leave the Administrator with no presently available legal alternative but to propose this plan. It is clear that extreme measures will be necessary to comply with statutory requirements. Indeed, it appears that any plan that will attain the primary standard by 1977, whether it includes gasoline rationing or some other strategy to reduce VMT, will lead to significant economic disruptions and will certainly result in a major transformation in the life style of residents of the South Coast Air Basin.

No air pollution control plan for the South Coast Air Basin will be promulgated in final form until full public participation and debate, including public hearings, has taken place. The participation of State and local officials in both the development and the implementation of the plan is also of vital importance. Extensive public hearings will be held upon this and alternative proposals no sooner than 30 days from the date of this notice of proposed rule making. Dates, times, and places, will be announced in a forthcoming issue of the FEDERAL REGISTER.

It is hoped that the public debate will focus on the proposed plan, on possible alternative control plans and also on measures (such as the development of a mass transit system) which could reduce the adverse consequences of any plan. The Administrator is concerned that all positive and adverse aspects of the issue be publicly aired and weighed so that resultant decisions will be in the total public interest.

CURRENT STUDIES

The Environmental Protection Agency has published the results of an investigation of certain transportation control measures in "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas," (The Six Cities Study), November 1972. Additional information is contained in "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas, Final Report," November 1972. Both reports are available from EPA, Office of Technical Information and Publications, Research Triangle Park, N.C. 27711. Additional information is contained in the EPA document, "Control Strategies for In-use Vehicles," November 1972. This report is available from EPA, Mobile Source Pollution Control Program, 401 M Street SW., Washington, DC 20460. Specific studies to limit automobile emissions and usage in the Metropolitan Los Angeles Intrastate Air Quality Control Region are currently being done under EPA contract. The results of these studies will be available in February 1973, and preliminary results were used in the development of the proposed regulations.

TRANSPORTATION CONTROL ALTERNATIVES

The Administrator's analysis of the air quality problems of the South Coast Air Basin indicates that if all available measures are taken to reduce reactive hydrocarbon emissions from individual motor vehicles and stationary sources, the ambient air quality standard for photochemical oxidants will still be exceeded in the basin approximately 90 days per year in 1977. These 90 days will occur between the months of May and October. The analysis further indicates that motor vehicles, notably automobiles, will be the predominant source of reactive hydrocarbons after all available measures to reduce the emissions of individual vehicles and stationary sources have been taken. Further control measures to meet the ambient air quality standards must therefore consist of reductions in motor vehicle use, or vehicle miles traveled (VMT). A VMT reduction of over 80 percent is required to achieve compliance with the ambient air quality standards in 1977. Lesser reductions are needed in subsequent years as a result of the Federal motor vehicle emissions control program. However, the analysis indicated that VMT reductions of up to 50 percent may be needed as late as 1935.

The required VMT reductions can be obtained by several alternative means:

(1) Reduce VMT by the required amount during the entire period, May to October, through increased use of mass transit, increased car pooling, vehicle free zones, gasoline rationing, increasing the cost of motor vehicle use, limiting the number of automobiles and motorcycles registered, land use controls, or a combination of these.

(2) Forecast up to 24 hours in advance the days on which the ambient air quality standard for oxidants will be exceeded, and use emergency regulatory means to prohibit the use of motor vehicles (or all but certain classes of motor vehicles) on those days. (Intermittent control)

(3) Through application of one or more of the measures listed in (1), reduce VMT enough (perhaps 40 percent) to bring the number of days the ambient air quality standard is violated to a level substantially below 90 days (perhaps to 20 to 25 days). Apply the emergency measures described in (2) on those days for which the air quality standard is forecast to be violated (partial intermittent control). (The number of days per year on which these emergency measures must be taken can be expected to decline as the prevalence in the vehicle population of vehicles with 1975 Federal emission controls increases.)

While intermittent or partial intermittent controls may provide potentially attractive alternatives, the effectiveness of such controls, including the technical feasibility of adequately forecasting the need for emergency measures, is uncertain at this time. Various measures to reduce VMT on a continuing basis may be available but present substantial questions as to effectiveness and feasibility. Only gasoline rationing is presently considered to be demonstrably effective to achieve compliance with the ambient air quality standards by 1977. It is expected that the magnitude of needed VMT reductions will decrease beyond 1977 as the prevalence in vehicle population of automobiles with Federal 1975 emissions controls increases, but it does not appear that at any time would Federal 1975 emissions controls alone result in achievement of the ambient standards.

PROPOSED CONTROL STRATEGY

The Administrator proposes to require controls on stationary sources and retrofit devices and inspections on automobiles as described below, and to reduce VMT by a system of gasoline rationing, the system to be effective during the smog season, May through October. The amount of rationing may be different for different months, up to an expected maximum of 82 percent. The rationing system may be enforced at the individual vehicle operator's level, with gas coupons required to purchase gasoline. Or it may be enforced at the manufacturer's level only, with price controls at the retail level (to prevent windfall profits) and all gasoline sold on the basis of first-come-first-served. Public comment is invited on these options, and on questions of implementation, including eligibility for coupons, and transferability of coupons. Comment is is also invited on the possibility of rationing gaseous fuels

PROPOSED CONTROLS ON STATIONARY SOURCES

Controls to prevent hydrocarbon emissions will be imposed on a variety of sta-

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tionary sources. The Los Angeles County Air Pollution Control District (APCD) has made changes in its restrictions (Rule 66) on solvent use. We propose that the controls in the amended regulation apply to the entire South Coast Basin. Vapor recovery systems that prevent evaporation of gasoline into the air will be required for service stations. In addition, a change in the substance used in industrial "degreasing" operations will be required. Finally, a vapor recovery system that prevents evaporation of solvents into the air will be required of dry cleaners. Should additional stationary source controls prove feasible and desirable, they may be proposed at a later date.

The EPA is currently carrying on an investigation of the the adequacy of the local air pollution control district regulations exempting certain organic compounds from control. It is anticipated that these regulations (such as Rule 66, Los Angeles County) will be reevaluated prior to 1975 after extensive additional experimental studies.

PROPOSED CONTROLS ON MOBILE SOURCES

Due to their substantial contribution to hydrocarbon emissions in the South Coast Basin (1,056 tons/day in 1970 vs. 195 tons/day from stationary sources), transportation sources, principally automobiles, also must be controlled. Calculations by EPA indicate that the 1970 mobile emissions are significantly different from those contained in the Implemetation Plan submitted by California in February 1972. The difference is attributable to more accurate emission factors that have recently become available (see "An Interim Report on Motor Vehicle Emission Estimation," Kircher and Armstrong, EPA, October 1972, and available from the Office of Land Use Planning, EPA, Research Triangle Park, N.C. 27711). As a result of these calculations, the hydrocarbon emissions from all sources in 1970 are significantly less than in the plan (1,250 tons/day vs. 1,590 tons/day reactive HC). The revised emissions values are being incorporated by the State into its present calculations.

Although the Federal emission standards for new cars will impose very stringent emission limitations on new autos beginning in 1975 and 1976, the limitations will not be adequate to meet the national ambient standard in the South Coast Air Basin by the deadline of July 1977, since by that time on more than 20 to 30 percent of the vehicle population will be 1975 or later cars.

Additional controls will include retrofit devices, installed on pre-1975 automobiles, inspection programs, and gaseous fuel conversion of fleet vehicles. The State of California will require vacuum spark advance disconnection (VSAD) on most 1955 to 1970 cars, and positive crankcase ventilation (PCV) on most 1955 to 1970 cars.

The following controls are proposed by EPA. All light- and heavy-duty gasoline-powered vehicles will be required to be inspected annually using a loaded emissions test (i.e., dynamometer loading test), a test that simulates actual driving conditions. Vehicle owners will be required to have any maintenance performed which is needed to insure that all pollution control devices on the vehicle work properly and the vehicle operates at low pollution levels.

Evaporative controls to prevent evaporation of gasoline from the gas tank and carburetor will be required as retrofit on all 1966 to 1969 model year light-duty gasoline-powered vehicles and on 1966 to 1972 model year heavy-duty gasoline-powered vehicles. A further requirement will be the installation of an oxidizing catalyst on all 1966 to 1974 model year light- and heavy-duty gasoline vehicles.

Finally, all 1971 to 1974 model year light and heavy duty vehicles in all fleets of over 10 vehicles will be required to convert to run on gaseous fuels.

PROPOSED REDUCTION IN VMT

Reducing the emissions of each car is not enough to meet and maintain the national standards. The vast number of cars in the basin offsets much of the emissions reductions gained by control devices on individual cars. The combined effect of all the controls to be placed on stationary sources and automobiles mentioned above will reduce the number of days on which the oxidant standard is exceeded to about 90 days per year. In order to meet the more stringent requirement of the law, limitations must be placed upon the amount of driving done in the South Coast Basin.

The highest oxidant reading in 1970 in the South Coast Basin was 0.62 p.p.m., at Riverside, and the plan proposed by the Administrator must be capable of reducing hydrocarbon emissions sufficiently that the reading would not exceed 0.08 p.p.m. To do this, in addition to imposing the controls over stationary and automotive sources described above, VMT must be reduced by approximately 82 percent for the peak period. Reductions will be effected by a system of gasoline rationing effective during the months of May through October. (Public comment is invited on the possibility of also rationing gaseous fuels.)

The following table is a summary of the effect of each element of the proposed strategy on the overall reduction necessary. The uncontrolled emissions in 1977 are projected to be 691 tons per day of reactive hydrocarbons. The total allowable emissions to meet the 0.08 National Standard are 161 tons per day. All calculations are based on 1970 air quality data as 1970 is the year for which the emissions inventory is available. There is no reason to believe that 1970 was a year of unusually high oxidant concentrations. The 0.62 p.p.m. maximum oxidant value used here is the same as that used by the State to evaluate emission reductions measures after excluding a higher reading whose validity was challenged.

COMPILATION OF CONTROL STRATEGY EFFECTS ON JUNE 30, 1977

	Tons per day	Percent of total reduction due to each control
Stationary source emissions without control strategy	140	
Expected reductions:		
a. Dry cleaning vapor recovery	−6	1
b. Degreaser substitute	−25	5
c. Other stationary rule strengthening	−45	9
Stationary emissions remaining	64	
Motorcycle emissions without control strategy	30	
Expected reductions	0	
Motorcycle emissions remaining	30	
Aircraft emissions without control strategy	35	
Expected reductions	−11	2
Aircraft emissions remaining	24	
Mobile emissions from on-highway light and heavy duty vehicles and from gasoline marketing operations without control strategy	488	
Expected reduction:		
a. Gasoline marketing vapor control	−37	7
b. VSAD and PCV retrofit	−13	2
c. Inspection and maintenance	−28	5
d. Vehicle evaporative control retrofit	−19	4
e. Gaseous fuel conversion	−8	2
f. Oxidizing catalyst retrofit	−70	13
g. Gas rationing	−269	51
Mobile emissions remaining	42	
Total emissions without control strategy	691	
Total reductions	−531	100
Total emissions remaining	160	

The regulations proposed herein implement the basic control strategy. Supplemental regulations will be proposed at a later time.

Additional technical information is contained in: Technical Support Document for the Proposed Transportation Control Strategy for the Metropolitan Los Angeles Intrastate Air Quality Control Region, available from the Region IX Office, Environmental Protection Agency, 100 California Street, San Francisco, CA 94111.

ECONOMIC AND SOCIAL IMPACT OF THE LOS ANGELES TRANSPORTATION CONTROL PLAN

Congress recognized that achievement of the goals of the Clean Air Act would have a significant impact on many urban areas. A quantitative assessment of the impact of the plan on the economic and social fabric of the community has not been possible due to the lack of time and the innate complexity of the issue. However, we have tried to describe the type of impacts which would occur. First, vehicle owners may have to assume the direct costs of emission abatement equipment to bring their vehicles into compliance. Second, reduction in the mobility of workers and consumers could have a major impact on the economic fabric of the community. Third, interference with the ability of citizens to move as freely will alter the lifestyle of the region. Obviously, the severity of the impact depends on the degree of vehicle usage restrictions, on the manner that direct costs of abatement equipment are financed, and the degree to which the effects can be ameliorated, particularly through the development of a mass transit system.

DIRECT COSTS TO AUTOMOBILE OWNERS

Elements common to all of the transportation control strategies considered are retrofitting of light-duty vehicles, an inspection and maintenance program to insure proper functioning of abatement equipment and emission control devices on gasoline marketing equipment. The cost of control devices could range from $200 to $400. The annual cost of inspection/maintenance and the increased cost of gasoline caused by marketing controls is estimated to be $5 to $15.

If a sizable share of these costs falls on individual automobile drivers, the burden will weigh more heavily on low-income families. This effect is exacerbated by the fact that older cars, subject to higher abatement equipment costs, tend to be owned by low-income families.

EFFECT ON THE ECONOMIC FABRIC OF THE COMMUNITY

The direct and indirect effects of the plan on the economy of the basin are obviously dependent on the extent of the reduction in VMT.

Wage and salary earners. If VMT reductions resulted in workers missing work, loss of income could result. Such a loss of income would have a corresponding impact on purchasing power affecting business sales. If a mass transit system could be developed to replace the use of autos in work-related trips (⅓ of VMT), then the income loss could be minimized.

The monetary cost to the worker of shifting from the auto to mass transit would depend on the degree of transit fare subsidization.

Service and retail industry. The impact on service and retail establishments will depend on the ability of a mass transit system to service nonwork trips. Further study is clearly needed to assess how well and at what cost a transit system could fulfill this task. We would expect, however, that it is easier to design a transit system to carry work-related trips.

The use of autos for nonwork-related trips depends on the control strategy. Gas rationing places a limit on the number of miles traveled. Intermittent controls limit travel during crisis periods but allow travel at other times. Intermittent controls would have less of an impact on buying activities by consumers if people can tailor their nonwork trips to correspond with noncrisis periods. People may be able to delay shopping and recreation trips for days, thus alleviating the impact of decreased mobility on sales. Alternatively, service and retail establishments may be able to tailor sales hours to nonpeak, noncrisis periods.

The adverse effect on service and retail sales also depends critically on the ability of individuals to economize on nonwork trips and still shop and engage in recreation activities. We simply do not know the extent to which nonwork trips can be combined or eliminated resulting in a significant decrease in the number of miles traveled without a deterioration in the standard of living.

Manufacturing, wholesale trade and the distribution system. Maintenance of the system to distribute goods is critical to the viability of the economy, especially for life-sustaining necessities.

Large trucks are already largely diesel powered and would be allowed to operate under the proposed plan. Fleet vehicles could convert to gaseous fuel at a cost of $500 to $800 per vehicle. Smaller gasoline powered trucks and vehicles would have to be retrofitted with control devices. Their operation would, however, be restricted under gas rationing or under intermittent controls during crisis periods.

Cost of doing business may rise to an unknown extent. Business may also be faced with increased pressure for higher wages and salaries as workers try to offset increased costs to the individual resulting from the transportation control plan. It is not known whether such cost increases will be significant enough to affect the competitive position of firms in the South Coast Air Basin, causing them to lose sales both within the South Coast Air Basin and on goods now produced within the basin and sold to other markets.

Time limitations have made it impossible to investigate effects on specific industries. Some industries will be adversely affected while other will experience an increase in sales. For instance, the burden would fall very hard on service stations and automotive supply outlets. On the other hand, the demand for mass transit and communication facilities will increase. Even with more time, it is not clear that a reasonable estimate of the impact on specific industries could be made.

TAX REVENUE IMPLICATIONS

The transportation control plan will have direct and indirect effects on local, State, and Federal tax revenues. Some illustrative impacts are cited below.

It is not clear whether property taxes collected in the South Coast Air Basin will rise or fall. It seems certain that property values will change depending on location. For example, property near shipping and work zones will increase in value while that in suburban vicinities will decrease.

Excise, sales, profit, and income taxes would probably decline if purchasing power in the South Coast Air Basin diminishes. Excise taxes from gasoline would certainly fall. However, declines in revenues related to some forms of spending (gasoline) will be offset to some degree by increased expenditures for other goods.

The effect on State and local budgets will also depend on whether subsidies and/or new taxes (parking, gasoline) related to the transportation control plan will be instituted.

SUMMARY OF IMPACTS

Maintenance of the economic fabric of the South Coast Air Basin requires:

(1) Workers being able to get to and from their jobs so that production and labor income can be maintained.

(2) Sufficient commercial vehicular mobility to allow the distribution system to function effectively.

(3) Sufficient mobility to roughly maintain the present pattern and level of spending (shopping, recreation, etc.).

The inability to perform any of these basic economic functions would cause serious dislocations to the South Coast Air Basin economy leading to the loss of jobs, which in turn leads to lower purchasing power, and drops in sales.

The viability of the economy may be adversely affected under any significant reduction of VMT. The monetary cost of improved air quality will be significant, although how seriously this might affect industry is undetermined. How serious the impact will be depends critically on supplementary policy actions designed to maintain the standard of living especially:

(1) The development of a mass transit system to substitute for automobiles.

(2) The extent of subsidization of abatement equipment and a mass transit system.

(3) The degree to which people are able to economize on their use of the automobile and still perform the functions which support their standard of living.

EPA EFFORTS TO MITIGATE THE EFFECTS OF PROPOSED REGULATIONS

The combined effect of these proposed regulations, together with the California Implementation Plan, will eliminate the danger to human health and welfare that exists in the South Coast Air Basin from air pollution. They will, however, have a great economic and social impact. The Administrator will make every effort possible to mitigate the effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator of EPA will request that the departments and agencies give special attention to the needs of the South Coast Air Basin for stategies to reduce VMT and for mass transit to replace the automobile travel eliminated by the proposed controls, aid to those whose businesses are damaged by restricted automobile travel, and aid to those whose jobs are affected by the proposals (particularly those in the automobile service industries, such as service stations and mechanics).

THE NEED FOR MASS TRANSIT

The development of large-scale mass transit facilities in the Los Angeles area is essential to any effort to mitigate the disruptions that can be caused by significant reductions in automobile use. A

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public mass transportation system that can absorb the travelers displaced by sizable reductions in gasoline consumption or vehicle miles traveled will have to be considerably more extensive than the system now existing in Los Angeles. The existing Los Angeles Rapid Transit District system consists of about 1,500 buses. The maintenance of reasonable mobility of the commuter will require many times this number of buses together with many service improvements to provide viable alternative transportation modes. Although the Administrator may not have authority to direct Los Angeles to provide expanded mass transit facilities, he is firmly of the belief that such expanded facilities are essential to the success of any air pollution control strategy for the South Coast Air Basin. The Administrator therefore is conducting an investigation of the needs and possibilities for transit expansion in the basin and he encourages and will provide all possible support to efforts by Federal, State, local governmental, and private groups to expand the mass transit facilities in the basin.

The Administrator recognizes that the present low density, sprawling land use pattern in the Los Angeles area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1977. In addition, such measures would not eliminate the need for many of the emissions control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emissions control measures as VMT reductions.

PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed plan is the only approach available to him at the present time that is demonstrably capable of achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the South Coast Air Basin. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control strategy for the basis (e.g., expanded mass transit), means of implementing these measures, and the comparative social and economic effects of alternative pollution control measures.

Questions also exist as the EPA's authority and capability for actual implementation of this proposal and of alternatives. These questions include the extent to which State or local governments should be required to perform functions contemplated by the proposal and the difficulties involved in Federal or State enforcement of the plan.

Extensive public hearings will be held on this and alternative proposals no sooner than 30 days from the date of this notice of proposed rule making. Dates, times, and places will be announced in a forthcoming issue of the FEDERAL REGISTER.

The Administrator's final promulgation of transportation controls for the South Coast Basin will be profoundly influenced by the comments and testimony he receives, as well as by the approvable strategies submitted by the State in mid-February as part of the State plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region IX, 100 California Street, San Francisco, CA 94111. All relevant comments received not later than March 23, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region IX Office, and at locations to be announced in the Los Angeles area. The changes proposed by this notice with appropriate modification will be effective on January 22, 1973. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: January 15, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.229 is amended by adding paragraphs (b) through (j), as follows:

§ 52.229 Control strategy and regulations: Photochemical oxidants (hydrocarbons), Metropolitan Los Angeles Intrastate Region.

* * * * *

(b) *Regulation for control of evaporative emissions.* (1) For purposes of this paragraph:

(i) "Evaporative control device" means a device installed on a motor vehicle to prevent the escape of gasoline vapor from the gasoline tank and carburetor.

(ii) "Registered" as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or by the State.

(2) This regulation is applicable in those portions of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. The requirements of this regulation shall be effective commencing on January 1, 1976.

(3) Prior to January 1, 1976, an evaporative control device of at least 85 percent efficiency which is approved by the Administrator shall be properly installed, in good working order, and in operation on all registered light-duty gasoline-powered vehicles of model years 1966 through 1969 and all registered heavy-duty gasoline vehicles of model years 1966 through 1972. Approved evaporative control devices shall be installed on a schedule determined by the Administrator.

(4) After January 1, 1976, the following shall apply in the areas specified in paragraph (b)(2), of this section:

(i) The State of California shall not register light-duty vehicles which do not comply with the provisions of paragraph (b)(3) of this section.

(ii) No owner of light-duty vehicles shall operate or allow the operation of such vehicles which do not comply with the provisions of paragraph (b)(3) of this section.

(c) *Regulation for gaseous fuel conversion.* (1) For purposes of this paragraph:

(i) "Fleet vehicle" means any one of ten (10) or more light- and heavy-duty vehicles operated by the same person(s) or business and used principally in connection with the same occupation or related occupations.

(ii) "Gaseous fuel" means liquified or pressurized petroleum or natural gases which are used as fuel for light-duty vehicles.

(2) This regulation is applicable in those portions of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. The requirements of this regulation shall be effective commencing on January 1, 1975.

(3) All registered gasoline-powered fleet vehicles of model years prior to 1975 shall be equipped for and operated on gaseous fuel by the effective date of this regulation. Conversion of such fleet vehicles for use of gaseous fuel shall be on a schedule determined by the Administrator.

(4) After January 1, 1975, the following shall apply in the areas specified in paragraph (c)(2) of this section:

(i) The State of California shall not register vehicles which do not comply with the provisions of paragraph (b)(3) of this section.

(ii) No owner of fleet vehicles shall operate or allow the operation of such vehicles which do not comply with the provisions of paragraph (c)(3) of this section.

(d) *Regulation for yearly inspection and maintenance.* (1) For purposes of this paragraph: "Inspection and maintenance" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emissions control related maintenance and requiring that maintenance be performed.

(2) This regulation is applicable in those sections of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. The requirements of this regulation shall be effective commencing on January 1, 1975.

(3) All registered gasoline-powered light- and heavy-duty motor vehicles shall be inspected annually for emissions and, as necessary, maintained by the owner in order to pass the inspection. This shall be done by personnel, facilities and procedures which shall be proposed and promulgated by the Administrator.

(4) After January 1, 1975, the following shall apply in the areas specified in paragraph (d)(2) of this section:

(i) The State of California shall not register light-duty vehicles which do not comply with the provisions of paragraph (d)(3) of this section and procedures promulgated pursuant thereto.

(ii) No owner of light-duty vehicles shall operate or allow the operation of such vehicles which do not comply with the provisions of paragraph (d)(3) of this section.

(e) *Regulation for oxidizing catalyst.* (1) For the purposes of this paragraph: "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) This regulation is applicable in those sections of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Mertopolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. The requirements of this regulation shall be effective commencing on January 1, 1975.

(3) All registered gasoline-powered light- and heavy-duty motor vehicles of model years 1966 through 1974, shall be equipped with an appropriate oxidizing catalyst exhaust retrofit in accordance with paragraph (e)(2) of this section, approved by the Administrator.

(4) After January 1, 1975, the following shall apply in the areas specified in paragraph (e)(2) of this section:

(i) The State of California shall not register light-duty vehicles which do not comply with the provisions of paragraph (e)(3) of this section.

(ii) No owner of light-duty vehicles shall operate or allow the operation of such vehicles which do not comply with the provisions of paragraph (e)(3) of this section.

(f) *Regulation for purchase of gasoline.* (1) For purposes of this paragraph:

(i) "Control period" means a portion of a calendar year in which gasoline sales are regulated.

(ii) "Retail outlet" means any service station, filling station, garage, store or other place of business at which gasoline is transferred directly to consumers in the regular course of business.

(2) This regulation is applicable in those portions of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. The requirements of this regulation shall be in effect commencing May 1, 1975, and shall remain in effect through October 31, 1975. The regulation shall be effective in the same control periods during each calendar year thereafter, until such time as the Administrator determines the regulation to be no longer necessary for the attainment and maintenance of the national standard for photochemical oxidants (hydrocarbons).

(3) During the control periods, as specified in paragraph (f)(2) of this section, the sale of gasoline to retail outlets and to the owners and operators of motor vehicles shall be controlled by directions of the Administrator, EPA.

(4) The amount of gasoline to be controlled shall be determined by the Administrator no later than 30 days prior to the effective date of a control period. This determination shall be based on the hydrocarbon emission reduction required for the attainment and maintenance of the national standard for photochemical oxidants in Metropolitan Los Angeles Intrastate AQCR.

(g) *Volatile organic compound loading facilities.* (1) This regulation is applicable in those portions of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. The requirement of paragraph (g)(2) of this section shall be effective commencing July 1, 1973.

(2) No person shall load or allow the loading of volatile organic compounds having a vapor pressure of 1.5 pounds per square inch absolute or greater, under actual storage conditions, into any tank truck or trailer, railroad tank car, locomotive, aircraft, stationary storage tank with a capacity greater than 5 gallons from any loading facility unless such tank or loading facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order, and in operation. Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor disposal system. A means shall be provided to prevent liquid organic compound drainage from the loading device when it is removed from the hatch, or to accomplish complete drainage before such removal. The vapor disposal portion of the system shall consist of one of the following:

(i) An absorber system or condensation system with a minimum recovery efficiency of 90 percent by weight of all the volatile organic compound vapors and gases entering such disposal system.

(ii) A vapor handling system which directs all vapors to a fuel gas system.

(iii) Other equipment of at least 90 percent efficiency, provided plans for such equipment are submitted to and approved by the Air Pollution Control Officer.

Intermediate storage vessels may be used prior to disposal of vapors under paragraph (g)(2)(i), (ii), or (iii), provided they are so designed as to prevent release of vapors at any time during use.

(3) Notwithstanding paragraph (g)(2) of this section, no person loading or allowing the loading of the above specified compounds in the above specified storage vessels from the above specified loading facilities, any of which were in existence on the effective date of this regulation, or in the process of being installed for use on said effective date, shall be subject to the provisions of paragraph (g)(2) of this section until January 1, 1974: *Provided, however,* That such person is hereby required to file on or before July 1, 1973, a compliance schedule with the Administrator showing how the person will bring his operation into compliance with paragraph (g)(2) of this section on or before January 1, 1974. Failure to file such compliance schedule or abide by its terms shall render the prohibition contained in paragraph (g)(2) of this section immediately applicable to such person on July 1, 1973, or on the date of said person's failure to abide by said compliance schedule, whichever is later.

(h) *Control of drycleaning solvent evaporation.* (1) For the purposes of this paragraph: "Drycleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(2) This regulation is applicable in those portions of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. The requirements of this regulation shall be effective commencing on January 1, 1974.

(3) No person shall operate a drycleaning operation unless the uncontrolled organic emissions from such operation have been reduced at least 85 percent.

(4) Drycleaning operations emitting less than three (3) pounds per hour and less than 15 pounds per day are exempt from this regulation.

(5) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide.

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(6) Drycleaning operations using solvents considered nonreactive by Rule 66 part (k) of the Los Angeles APCD current regulations are exempt from this regulation.

(i) *Degreasing operations.* (1) For the purposes of this paragraph: "Degreasing" means the operation of using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating or any other process.

(2) This regulation is applicable in those portions of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. The requirements of this regulation shall be effective commencing on January 1, 1974.

(3) No person shall use trichloroethylene (TCE) degreaser as a degreasing solvent.

(j) *Organic solvent usage: Federal regulation replacing parts of Rule 66 of Los Angeles, Orange, and San Bernardino Counties, Rule 36 of Santa Barbara County, Rule 69 of Riverside County, and Rule 66 of Ventura County.* (1) This regulation is applicable in those portions of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Santa Barbara Counties contained within the Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR) in the State of California. This regulation is effective immediately upon promulgation.

(2) Subparagraph 1 of Rule 66 of Los Angeles, Orange, and San Bernardino Counties, Rule 36 of Santa Barbara County, and Rule 69 of Riverside County, and subparagraph 8 of Rule 66 of Ventura County as contained in the Local Air Pollution Control District Regulations for the South Coast Air Basin, Implementation Plan for the State of California, is amended by replacing subsubparagraph 5 (subsubparagraph e in the case of Ventura County), and adding in place thereof the following subsubparagraphs 5, 6, and 7 (e, f, and g in the case of Ventura County): [i The provisions of this rule shall not apply to:]

* * * * *

5. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (d), if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in section (k), and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

6. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c), or (d), if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in section (k), and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

7. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c), or (d), if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

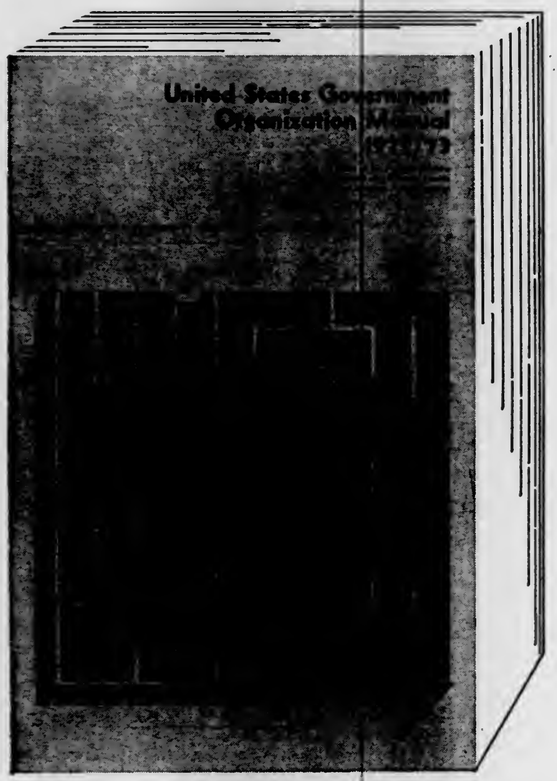
(ii) The volatile content is not photochemically reactive as defined in section (k), and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

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Title 3—The President

EXECUTIVE ORDER 11698

Relating to the Implementation of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters

The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters was ratified by the United States of America and was proclaimed by the President on September 15, 1972. It came into force on October 7, 1972. By Article 2 of the Convention each of the Contracting States undertakes to designate a Central Authority to implement the Convention.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America, it is ordered as follows:

The Department of Justice is designated as the Central Authority to receive Letters of Request coming from a judicial authority of another Contracting State and to transmit them to the authority competent to execute them.

Richard Nixon

THE WHITE HOUSE,
January 19, 1973.

[FR Doc.73-1429 Filed 1-19-73;10:33 am]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices) Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

This document updates the regulations under which voluntary meat grading and related services are provided by increasing the hourly fees charged to users of this self-supporting service.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. Public Law 92-210 and Executive Order 11691 increased salaries paid to Federal employees. Therefore, it has been determined that, in order to cover the increased cost of Federal meat grading services resulting from increases in salaries paid to Federal employees and increases in other costs, the hourly fee must be increased as provided for herein.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$12.40 per hour," "$14.60 per hour," and "$24.80 per hour" to "$13 per hour," "$15.20 per hour," and "$26 per hour" respectively.

The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective February 4, 1973, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 17th day of January 1973.

E. L. PETERSON,
Administrator.

[FR Doc.73-1327 Filed 1-22-73;8:45 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 283, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 12-18, 1973. The quantity that may be shipped is increased due to improved market conditions for Naval oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the same amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 283 (38 FR 1270). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.583 (Navel Orange Regulation 283 (38 FR 1270)) are hereby amended to read as follows:

§ 907.583 Navel orange regulation 283.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 891,000 Cartons;

(ii) District 2: 165,000 Cartons;

(iii) District 3: 44,000 Cartons.

* * * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 17, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1328 Filed 1-22-73;8:45 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7, Amdt. 3]

PART 123—DISASTER LOANS

Miscellaneous Amendments; Correction

In FEDERAL REGISTER published on December 15, 1972 (37 FR 26709), "Revision 7, Amendment 2" referred to in the heading should have been designated as "Revision 7, Amendment 3."

Dated: January 16, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-1407 Filed 1-22-73;8:45 am]

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-25-AD, Amdt. 39-1586]

PART 39—AIRWORTHINESS DIRECTIVES

Helio Models H-250, H-295, H-391, H-391B, H-395, and H-395A Airplanes

Amendment 39-1320 (36 FR 20033, 20034), AD 71-21-11, published in the FEDERAL REGISTER on October 15, 1971, applicable to Helio Models H-250, H-295, H-391, H-391B, H-395, and H-395A airplanes, is an Airworthiness Directive which requires in part, inspection of the lower right and left, main spar, steel carry through fitting P/N 391-030-4072, for cracks or corrosion in accordance with Helio Aircraft Company Service Bulletin No. 36. The initial inspection interval is 3,000 hours' time-in-service for landplanes and 1,500 hours' time-in-service for seaplanes.

Subsequent to the issuance of AD 71-21-11 the agency has been advised that many of the airplanes subject to the AD are operated in both land and sea configurations. Under such circumstances, airplane operators are having a problem in determining the inspection time for such airplanes. Accordingly, it is necessary to amend Paragraph A of the AD to provide for appropriate in-service time for the dual configuration airplanes.

Since this amendment provides for clarification and is in the interest of safety, it imposes no additional burden on any person, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Paragraph A of Amendment 39-1320, AD 71-21-11 is amended so that it now reads as follows:

(A) Within the next 10 hours' time in service, on all land planes with 3,000 or more hours' time in service, or upon accumulation of 3,000 hours' time in service; and on all seaplanes with 1,500 or more hours' time in service, or upon accumulation of 1,500 hours time in service; and on all airplanes operating in both landplane and seaplane configurations with 3,000 or more hours' time in service or upon accumulation of 3,000 hours' time in service,[1] and thereafter on all aircraft listed in this AD at intervals not to exceed 100 hours, gamma ray inspect both the lower left and right, main spar, steel carry through fitting, P/N 391-030-4072, for cracks or corrosion in accordance with Helio Aircraft Company Service Bulletin No. 36 or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective January 29, 1973.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 12, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-1336 Filed 1-22-73;8:45 am]

[Airspace Docket No. 72-RM-27]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On November 30, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 25401) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would expand the annual time of use and change the controlling agency of restricted area R-7001, Guernsey, Wyo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 73.70 (38 FR 677) the time of designation and the controlling agency of R-7001 are revised as follows:

WYOMING

R-7001—Guernsey, Wyo.
Time of designation: 0430 to 2400 local time March 1 through November 30.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 15, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1337 Filed 1-22-73;8:45 am]

[Airspace Docket No. 72-NE-30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the lateral dimensions and to change the name of the using agency of the Camp Edwards, Mass., Restricted Area, R-4101.

The Department of the Army has requested that Restricted Area R-4101 be reduced slightly to afford clearance for aircraft executing instrument approaches to Runway 23 at Otis Air Force Base, Mass., without interrupting firing activities within R-4101. They also requested that the name of the using agency be changed.

Since this amendment restores airspace to the public and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on January 23, 1973, as hereinafter set forth.

Section 73.41 (38 FR 654), R-4101, Camp Edwards, Mass., is amended as follows:

1. In "Boundaries" "to latitude 41°42' 20'' N., longitude 70°30'15'' W.;" is deleted and "to latitude 41°42'23'' N., longitude 70°30'21'' W.;" is substituted therefor.

2. The using agency is changed to "Commander, U.S. Army Garrison, Camp Edwards, Mass."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 17, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1338 Filed 1-22-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Records

Correction

In FR Doc. 73-1059, appearing at page 1730, in the issue of Thursday, January 18, 1973, in the fourth line of the first paragraph, the date reading "January 31, 1973", should read "February 3, 1973".

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 73-28]

PART 153—ANTIDUMPING

Northern Bleached Hardwood Kraft Pulp From Canada

JANUARY 17, 1973.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that prime grade and off-grade northern bleached hardwood kraft pulp from Canada is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of Sept. 30, 1972 (37 FR 20580-81, FR Doc. 72-16804).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on December 27, 1972, it notified the Secretary of the Treasury that an industry in the United States is being, and is likely to be, injured by reason of the importation of prime grade and off-grade northern bleached hardwood kraft pulp from Canada that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of Jan. 3, 1973 (38 FR 87, FR Doc. 73-103).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to prime grade and off-grade northern bleached hardwood kraft pulp from Canada.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Northern Bleached Hardwood Kraft Pulp—prime grade and off-grade.	Canada.	73-28

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

FR Doc.73-1466 Filed 1-22-73;8:45 am

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

The issuance of Executive Order 11692, 37 FR 27609, providing increased pay and allowances for members of the uniformed services, makes it necessary to amend § 614.19 of Title 20 of the Code of Federal Regulations, which contains the schedule of remuneration for each pay grade of ex-servicemen used in the administration of the program of unemployment compensation for ex-servicemen established by Subchapter II of Chapter 85 of Title 5 of the United States Code (5 U.S.C. 8521-8525).

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because such notice, public participation, and delay are found not to be in the public interest which in this instance requires the prompt implementation of the amended schedule of remuneration by the several State agencies administering such program. Accordingly this change is effective January 23, 1973.

Section 614.19 of Title 20, Code of Federal Regulations, is revised to read:

§ 614.19 Schedule of remuneration.

(a) The schedule provided in this paragraph applies to first claims under the UCX program filed on or after March 4, 1973.

Pay Grades:	*Monthly rates*
1. Commissioned officer:	
O-10	$3,590
O-9	3,579
O-8	3,259
O-7	2,874
O-6	2,439
O-5	1,977
O-4	1,636
O-3	1,354
O-2	1,033
O-1	794
2. Warrant Officer:	
W-4	$1,570
W-3	1,314
W-2	1,092
W-1	882
3. Enlisted personnel:	
E-9	$1,336
E-8	1,138
E-7	980
E-6	846
E-5	699
E-4	582
E-3	528
E-2	494
E-1	452

(b) The deletion from paragraph (a) of this section of schedules of remuneration applicable to periods of time prior to March 4, 1973, and heretofore published in 37 FR 2434; 36 FR 22975; 36 FR 3456; 35 FR 9000; 34 FR 12434; 33 FR 10086; 33 FR 3635; 32 FR 20974; 30 FR 13120; 29 FR 13102; and 23 FR 8699, does not revoke such schedules.

(5 U.S.C. 8508 and 8521(a)(2))

Signed at Washington, D.C., this 18th day of January 1973.

MALCOLM R. LOVELL, JR.,
Assistant Secretary for Manpower.

[FR Doc.73-1399 Filed 1-22-73;8:45 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 55—GRANTS UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971

Miscellaneous Amendments

These amendments to the regulations issued pursuant to the Emergency Employment Act are promulgated in order:

(1) To reflect changes in standards for referral to work contained in the so-called WIN amendments to the Social Security Act, Public Law 92-223, approved December 28, 1971.

(2) To bring priorities for referral of veterans by the Employment Service to public employment under the Act into accord with standards generally used by the Employment Service.

(3) To eliminate the qualifying period of unemployment for recently-discharged veterans.

(4) To clarify the Secretary's authority to waive residency requirements for grants made with discretionary funds and to reserve to him new authority to waive residence requirements for special veterans except under grants made pursuant to section 6.

Because these regulations are either interpretative in nature and already being applied or waive a restriction, I find it unnecessary to publish notice of proposed rulemaking with opportunity for comments or to delay the effective date. Accordingly these regulations will be effective on January 23, 1973.

1. Section 55.1(q)(2) is amended to read as follows:

§ 55.1 Definitions.

• • • • • •

(q) "Unemployed person" means—

• • • • • •

(2) A person who is 18 years of age or older, and a recipient of money payments pursuant to a State plan approved under the public assistance titles of the Social Security Act or a person whose income, resources or need are counted with that of such a recipient for determining public assistance entitlement, whose need does not arise from a strike or lockout at his usual place of employment, and who (i) has been without work for 1 week or longer and (*a*) volunteers for work, or (*b*) has been deemed job-ready under the Work Incentive Program in accordance with procedures established pursuant to § 56.5 of this chapter; or (ii) is working in a job providing insufficient income to enable him and his family to be self-supporting without welfare assistance.

• • • • • •

2. Paragraphs (d), (e), and (f) of § 55.7 are amended to read as follows:

§ 55.7 Selection of participants.

• • • • • •

(d) All job vacancies under the program, except those to which former employees are being recalled, shall be listed with the State Employment Security Agency at least 48 hours before such vacancies are filled, during which period the Employment Service will first refer veterans in accordance with its referral priorities. Upon request, the Employment Service will make a special effort to include in its referrals, and if necessary to recruit, special veterans and/or members of the other significant segments of the population as set forth at § 55.7(c). A list of such job openings will also be made available to any other public or private organizations or agencies, including veterans' organizations, for making them known to disabled and special veterans.

[1] NOTE: To obtain equivalent time in service, multiply seaplane time by two.

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(e) Participants may not have been employed by a Program Agent or subagent less than 30 days prior to being reemployed by the same unit of government. All others who qualify as unemployed under § 55.1(q)(1) may not have worked for any employer less than 14 days prior to employment under the Act, except that veterans may be employed immediately after their discharge from active service in the Armed Forces. Recipients of welfare assistance whose eligibility arises under § 55.1(q)(2) are deemed to have been unemployed from the time they qualified for assistance.

(f) Each Program Agent and the employing agencies receiving funds through it shall select all participants from among those eligible individuals who reside in the geographical area over which the Program Agent has jurisdiction for purposes of this Act and shall place them within reasonable commuting distance of such area. When a State government is given funds for expenditure within the geographic area of another Program Agent, the participants it selects must reside in that geographical area. This paragraph is subject to exceptions in individual cases provided the total number of participants residing in each Program Agent's area remains the same. This paragraph does not apply to individuals recalled to their former jobs. The Secretary retains the right to waive the residency requirement insofar as it applies to members of the segment of the unemployed or underemployed described in paragraph (c)(vii) of this section, or to special veterans.

• • • • •

3. Section 55.58 is amended by deleting the last clause reading: "if he finds it might impede the conduct of any demonstration program." As amended the section reads:

§ 55.58 Waiver of requirements by Secretary.

The Secretary may waive any requirement under this subpart that is not specifically required by the Act.

Signed at Washington, D.C., this 17th day of January 1973.

PAUL J. FASSER, JR.,
Deputy Assistant Secretary for Manpower and Manpower Administrator.

[FR Doc.73-1356 Filed 1-22-73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-3—PROCUREMENT BY NEGOTIATION

Subpart 3-3.51—Selection of Offerors for Negotiation and Award

On pages 18924, 18925, and 18926, of the FEDERAL REGISTER of September 16, 1972, there was published a notice of proposed rule making to issue a regulation establishing policies and procedures for selection of offerors for negotiation and award. After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, subject to the following changes:

1. In the second sentence of § 3-3.5101, Applicability, the phrase "with the product" is changed to read: "with the item being procured."

2. In paragraph (b) of § 3-3.5102, Requests for proposal, the following changes are made:

(a) The following is added to as the beginning of the first sentence: "Unless otherwise authorized by the procedures of the operating agency, • • •"

(b) The phrase "and concurrently with" in the second sentence is deleted.

3. After the first sentence of paragraph (c) of § 3-3.5102, Requests for proposal, the following is added: "(See § 1-3.807-3 for requirements for cost or pricing data.)"

4. That part of paragraph (f) of § 3-3.5102, Requests for proposals, reading "No other factors" is hereby changed to read: "No factors • • •"

5. The following changes are made in § 3-3.5103, Evaluation of technical proposals:

(a) The last sentence of paragraph (d) is deleted and the following is substituted therefor: "Discussions with offerors relative to any aspect of the procurement shall be held only with the contracting officer or his authorized representative."

(b) In the last sentence, the phrase "if the clarification revises his" is hereby changed to read: "if the clarification results in an offeror revising its • • •."

(6) The word "of" is changed to "for" in the third sentence of § 3-3.5104, Technical evaluation report.

(7) The following change is made in paragraph (c) of § 3-3.5106, Competitive range: The comma after the words "price" and "analysis" in the second sentence are deleted.

(8) The word "supplied" in the last sentence of §3-3.5108, Closing of negotiations, is deleted.

(9) Paragraph (b) of § 3-3.5109, Selection of contractor, is hereby relettered (c) and the following is added as the new paragraph (b): "(b) Research and development contracts should be awarded to those organizations, including educational institutions, which have the highest competence in the specific field of science or technology involved. However, awards should not be made for research and development capabilities that exceed those needed for the successful performance of the particular project."

Effective date. These regulations shall become effective on January 23, 1973.

Dated: January 17, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

The new Subpart 3-3.51 reads as follows:

Subpart 3-3.51—Selection of Offerors for Negotiation and Award

Sec.
3-3.5100 Scope of subpart.
3-3.5101 Applicability.
3-3.5102 Requests for proposals.
3-3.5103 Evaluation of technical proposals.
3-3.5104 Technical evaluation report.
3-3.5105 Evaluation of business proposals.
3-3.5106 Competitive range.
3-3.5107 Conduct of discussions.
3-3.5108 Closing of negotiations.
3-3.5109 Selection of contractor.
3-3.5110 Notice and debriefing.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3-3.5100 Scope of subpart.

This section provides guidance to all DHEW personnel regarding (a) evaluation of the technical and other aspects of proposals and (b) the requirement for "written or oral discussion" with concerns whose proposals are "within a competitive range," under competitive negotiated procurements.

§ 3-3.5101 Applicability.

This section is applicable to all competitive negotiated procurements conducted by DHEW under the authority of the Federal Procurement Regulations (FPR). Those portions of this section concerning written or oral discussions need not be applied: (a) to procurements in implementation of authorized set-aside programs; (b) to procurements where the existence of adequate competition or accurate prior cost experience with the item being procured clearly demonstrates that acceptance of an initial proposal without discussions would result in fair and reasonable prices, provided the request for proposals notifies all offerors of the possibility that award may be made without discussion and provided award is in fact made without any written or oral discussions.

§ 3-3.5102 Requests for proposals.

(a) Careful drafting of the request for proposals (RFP) is vital to the proper working of the competitive process. Particular efforts must be made to develop an accurate statement of work in order to preclude ambiguities and to avoid misunderstandings which might otherwise surface at later stages of the procurement.

(b) Unless otherwise authorized by the procedures of the operating agency, the RFP shall require that a proposal generally will be in two parts: a "Technical Proposal" and a "Business Proposal." Each of the parts shall be separate and complete in itself so that evaluation of one may be accomplished independently of evaluation of the other. Generally, the RFP will provide that the "Technical Proposal" not contain any reference to cost. Resource information, such as data concerning labor hours and categories, materials, subcontracts, travel, computer time, etc., shall be included in the "Technical Proposal" so that offeror's understanding of the scope of work may be evaluated.

(c) The instructions to the offerors concerning the "Business Proposal" should require submission of cost information in sufficient detail to allow a complete cost analysis. (See 1-3.807-3 of this title for requirements for cost or pricing data.) Categories and amounts of labor, materials, travel, computer time, as well as information with regard to contractor past performance, including contracts or subcontracts for like services or supplies, financial capacity, certifications, and representations, and other pertinent administrative and business information should also be requested.

(d) Evaluation criteria must be developed by technical personnel, at the time of initiation of the procurement request, for inclusion by the contracting officer in the RFP. These criteria and their relative importance or weight require the exercise of judgment on a case-by-case basis, since the criteria must be tailored to the requirements of each particular procurement. These criteria must be submitted to the contracting officer in sufficient time to allow for this review before the issuance of the request for proposal. Since these criteria will serve as the standard against which all proposals will be evaluated, it is imperative that they be chosen carefully to emphasize those factors considered to be critical to the selection of a contractor.

(e) The RFP must inform offerors of all evaluation criteria and of the relative importance or weight attached to each criterion, although there need not be stated a numerical weighting formula. Evaluation criteria shall be described fully enough in each RFP to inform prospective offerors of the significant matters which should be addressed in the proposals. The technical and business proposal instructions of the RFP must inform the offeror of all information deemed essential to proper evaluation of the proposal, so that all competitors are aware of all requirements and so that the difference(s) in proposals will reflect the offeror's differing responses to unambiguous RFP requirements and criteria.

(f) No factors other than those set forth in the request for proposals as the evaluation criteria shall be used in the evaluation of technical proposals.

(g) The RFP evaluation criteria shall not be modified except by a formal amendment to the RFP.

§ 3-3.5103 Evaluation of technical proposals.

(a) The technical proposals received by the contracting officer will be forwarded to the technical evaluators for evaluation; the business portion of the proposal will be retained by the contracting officer for evaluation.

(b) The technical evaluators will evaluate each proposal in strict conformity with the evaluation criteria of the RFP and will assign each proposal a score. A technical ranking will then be compiled. The technical evaluators shall then identify each proposal as either acceptable or unacceptable. Predetermined cutoff scores shall not be employed.

(c) The technical evaluators shall then determine whether any proposal which has been rated as unacceptable might be considered acceptable upon the furnishing of clarifying data by the offeror, and the contracting officer will be so informed. The contracting officer will arrange for the submission of clarifying data in writing or by consultation, and furnish it to the technical evaluators for their consideration.

(d) It is essential to the competitive procurement process that all information contained in offerors' proposals be maintained in strict confidence. In no event during the evaluation period shall any offeror be told the number of proposals received, prices, cost ranges, or the Government cost estimate. Discussions with offerors relative to any aspect of the procurement shall be held only with the contracting officer or his authorized representative.

(e) For the sole purpose of eliminating any uncertainty or ambiguity in an initial proposal, the contracting officer may make inquiry of an offeror. Such inquiry of and clarification furnished by such offeror shall not be considered to constitute "discussions" within the meaning of § 1-3.805-1(g) of this title and shall not necessitate any inquiry of other offerors. However, if the clarification results in an offeror revising its proposal or it would in any way prejudice the interests of other offerors, discussions must be held with all responsible offerors within the competitive range.

§ 3-3.5104 Technical evaluation report.

A technical evaluation report shall be prepared and signed by the technical evaluators, furnished the contracting officer, and maintained as a permanent record in the contract file. The report shall reflect the ranking of the proposals and shall identify each proposal as acceptable or unacceptable in accordance with § 3-3.5103 (b) and (c). The report shall also include a narrative evaluation specifying the strengths and weaknesses of each proposal, and any reservations or qualifications that might bear upon the selection of sources for negotiation and award. Concrete technical reasons supporting a determination of unacceptability with regard to any proposal shall be included.

§ 3-3.5105 Evaluation of business proposals.

(a) Each business proposal requires some form of price or cost analysis. The contracting officer must exercise judgment in determining the extent of analysis in each case. In high-dollar value procurements, the analysis should be thorough and the record carefully documented to disclose the extent to which the various elements of costs, fixed fee, or profit contained in the contractor's proposals were analyzed. The negotiation memorandum should also reflect the consideration given to the recommendations, if any, of the price analyst and the basis for nonacceptance or departure from the recommendations during the course of negotiations.

(b) The contracting officer must appraise the management capability of the offeror to perform the required work in a timely manner. In making this appraisal, he must consider such factors as the company's management organization, past performance, reputation for reliability, and availability of the required facilities, and cost controls.

§ 3-3.5106 Competitive range.

Unless an award is made without any discussions in accordance with § 3-3.5101, discussions shall be conducted with each offeror in the "competitive range." The competitive range is composed of those offerors with which there is a possibility of conducting meaningful discussions which could result in the improvement of their offers, price and other factors considered. Determining which proposals fall within a competitive range will depend upon the particular circumstances of each negotiation. Cost or price alone is sometimes controlling, but technical capability and other relevant criteria may be paramount. The decision as to which firms are and which firms are not within a competitive range is a matter of administrative discretion. There could conceivably be a business proposal in which the cost or price is so high that it seems to be completely out of the competitive range. However, before making such a determination the contracting officer should consult with the technical personnel to determine possible reasons for the apparently excessive price. In determining the competitive range, the contracting officer should consider the following:

(a) A proposal must be considered to be within the competitive range unless it is either so inferior technically or so high in cost as to preclude any possibility of meaningful negotiation with the offeror, or unless the offeror does not have a reasonable chance of being selected for the final award.

(b) The competitive range should be decided on the basis of the array of scores or relative ranking of the offerors, not on a predetermined absolute score or cutoff level of acceptability. Borderline proposals must not be excluded from consideration automatically if they are reasonably susceptible of being made acceptable by clarification or discussions.

(c) No offeror who is in the competitive range shall be eliminated from the competitive range solely because of an offer to deliver services or supplies of a higher quality than required. If there is no substantial basis for distinguishing between the technical excellence of proposal(s) meeting the Government's requirements, price or best buy analysis should then become the controlling factor.

§ 3-3.5107 Conduct of discussions.

(a) The contracting officer, in cooperation with technical personnel, must conduct written or oral discussions (negotiations) of the work to be performed, the cost of the work, and other relevant

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topics with all those offerors within the competitive range. The contracting officer shall point out to each offeror the ambiguities, uncertainties, and deficiencies, if any, in its proposal. He shall then give each offeror a reasonable opportunity to support, clarify, correct, improve or revise its proposal. Discussions with one offeror shall neither identify areas in which another has apparently achieved a higher evaluation or provided more detail (nor transmit information) which could give one offeror a competitive advantage over another. Cost estimates made by the Government will not be disclosed.

(b) Careful judgment will be exercised in determining the extent of discussions. In some cases more than one round of discussions with all the offerors within the competitive range may be required. The time available, the expense and administrative limitations, and the size and significance of the procurement should all be considered in deciding on the type, duration, and depth of the discussions.

§ 3–3.5108 Closing of negotiations.

In order to properly terminate negotiations, the contracting officer shall advise each offeror within the competitive range that (a) negotiations are being conducted, (b) offerors are being asked for "best and final offer," not merely to confirm or reconfirm prior offers, and (c) any revision or modification of proposals must be submitted by the cutoff date.

§ 3–3.5109 Selection of contractor.

(a) After the close of discussions and the receipt of any addenda to proposals, the contracting officer shall select for award the offeror(s) whose proposal(s) offers the greatest advantage to the Government, price and other factors considered.

(b) Research and development contracts should be awarded to those organizations, including educational institutions, which have the highest competence in the specific field of science or technology involved. However, awards should not be made for research and development capabilities that exceed those needed for the successful performance of the particular project.

(c) Whenever the contract is to have a fixed price, price may not be disregarded in selecting a contractor. This is particularly true where more than one acceptable offer from technically qualified sources remains for consideration after conduct of negotiations. If a lower-priced, lower-scored offer meets the Government's needs, acceptance of a higher-priced, higher-scored offer shall be supported by a specific determination by the contracting officer that the technical superiority of the higher-priced offer warrants the additional cost involved in the award of a contract to that offeror.

§ 3–3.5110 Notice and debriefing.

Promptly after award of the contract, notice of unsuccessful offerors will be given in accordance with HEWPR 3–3.103.

[FR Doc.73–1389 Filed 1–22–73;8:45 am]

PART 3–75—DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to bring published delegations of authority into conformity with current organizational structure, designations, and administrative practices.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves minor technical matters. Therefore, the public rule making process is deemed unnecessary in this instance.

1. Contents of Subpart 3–75.1, is revised to read as follows:

Subpart 3–75.1—Procurement Authority

Sec.
3–75.100 Scope of subpart.
3–75.101 Head of the procuring activity.
3–75.102 Authority delegated.
3–75.103 Redelegation.
3–75.104 Limitations.
3–75.104–1 Determinations and findings.
3–75.104–2 Fixed fee.
3–75.104–3 Review and approval of contracts.
3–75.104–4 Mistakes in bids.
3–75.104–5 Establishment of Departmental procurement policy.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C.

Subpart 3–75.1—Procurement Authority

2. Sections 3–75.101, 3–75.102, 3–75.104–2 and 3–75.104–3 of Subpart 3–75.1 are amended as follows:

§ 3–75.101 Head of the procuring activity.

In addition to the heads of the operating agencies, the following officials are designated "Head of the procuring activity":

(a) Directors, Regional Offices;

(b) Director of Procurement and Material Management, OASAM;

(c) Director, Office of Administrative Services, OS; and

(d) Director, Facilities Engineering and Construction Agency, OASAM.

§ 3–75.102 Authority delegated.

Heads of procuring activities are authorized to: (a) Enter into, modify, administer and terminate contracts for property and services, and to make related determinations and findings; (b) settle termination claims; (c) appoint contracting officers; and (d) promulgate procurement directives in conformance with the stated policy of this Department.

§ 3–75.104–2 Fixed fee.

Proposed fees under cost-plus-a-fixed-fee contracts which exceed the following shall be approved only by the head of the procuring activity or his designee. A designee for making these determinations must be at least one organizational level above the contracting officer:

(a) Ten percent of the estimated cost, exclusive of fee, of any cost-plus-a-fixed-fee contract for experimental, developmental, or research work.

(b) Seven percent of the estimated cost, exclusive of fee, of any other cost-plus-a-fixed-fee contract.

§ 3–75.104–3 Review and approval of contracts.

Preaward contract reviews shall be conducted by those officials designated in § 3–50.101 of this chapter.

Subpart 3–75.4—Alcohol and Controlled Substances

3. Subpart 3–75.4 is revised to read as follows:

Subpart 3–75.4—Alcohol and Controlled Substances

Sec.
3–75.400 Scope of subpart.
3–75.401 Authority delegated.
3–75.402 Redelegation.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

§ 3–75.400 Scope of subpart.

This subpart authorizes heads of certain procuring activities to sign applications to procure alcohol and to appoint individuals to order controlled substances as defined by the Bureau of Narcotics and Dangerous Drugs (see Title 21 CFR).

§ 3–75.401 Authority delegated.

The following officials are authorized to sign applications to procure tax-free specially denatured alcohol and to appoint accredited officials to order controlled substances, in accordance with laws and regulations of the Treasury Department, the Department of Justice, and the requirements and conditions of Subpart 3–5.56 of this chapter:

(a) Administrator, Health Services and Mental Health Administration;

(b) Director, National Institutes of Health;

(c) Commissioner of Food and Drugs; and

(d) Director of Procurement and Materiel Management, OASAM.

Effective date. This amendment shall be effective on January 23, 1973.

Dated: January 17, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73–1388 Filed 1–22–73;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 11]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets at the U.S. Merchant Marine Academy

Effective January 21, 1973 § 310.58 of this subpart is amended by changing the first sentence of paragraph (c) thereof to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * * * *

(c) *Pay.* Cadets, while attached to merchant vessels, shall receive pay at the rate of $283.05 per month from their steamship company employers. * * *

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: January 16, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.73–1413 Filed 1–22–73;8:45 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 72–7; Notice 2]

PART 577—DEFECT NOTIFICATION

This notice establishes a new regulation covering notifications of motor vehicle safety defects and nonconformity to safety standards. The notice proposing these regulations was published May 17, 1972 (37 FR 9783).

The regulation is intended to improve the response of owners in vehicle notification campaigns. Data which the NHTSA has been receiving on the completion rates of notification campaigns show a wide range of completion rates, with campaigns involving newer vehicles, and more serious safety problems, having higher completion rates than others. In many campaigns, however, the rate is alarmingly low.

An examination of the notifications sent by manufacturers reveals wide disparity in emphasis. Although precise evaluation of the impact of notification letters is difficult, due to its being largely subjective, the NHTSA is of the opinion that many notifications have tended to deemphasize the safety problems involved. Some of these notification letters are questionably within the requirements of the National Traffic and Motor Vehicle Safety Act, and litigation on a case-by-case basis to improve them is impracticable. These regulations are intended to insure that all notification letters contain sufficient information, as determined by NHTSA, to properly notify purchasers.

The regulation applies to manufacturers of incomplete and complete motor vehicles, and motor vehicle equipment. In the case of vehicles manufactured in two or more stages, compliance by any one of the manufacturers of the vehicle is considered compliance by all. This provision is based on similar language in the Defect Reports regulation (49 CFR Part 573), and is included in response to comments received.

The regulation requires the notification to contain substantially the information specified in the proposal. It requires each notification to begin with a statement that it is sent pursuant to the requirements of the National Traffic and Motor Vehicle Safety Act. The NHTSA did not concur with comments to the effect that the inclusion of this statement would not promote the purpose of the regulation. The regulation requires the notification to state that the manufacturer, or the National Highway Traffic Safety Administrator, as the case may be, has determined that a defect relating to motor vehicle safety (or a noncompliance with a motor vehicle safety standard) exists in the vehicle type, or item of motor vehicle equipment, with which the notification is concerned. When the manufacturer (or the Administrator) has, as part of his determination, also found that the defect may not exist in each such vehicle or equipment item, he may include a statement to that effect. The NHTSA has decided to allow such statements based on comments that many defects in fact do not exist in each vehice or equipment item of the group whose owners are notified.

The manufacturer must also describe the defect, evaluate the risk it poses to traffic safety, and specify measures which the recipient should take to have it remedied. In each case, the regulation requires information which the NHTSA has determined will meet these objectives. In describing the defect, the manufacturer must indicate the vehicle system or particular items of equipment affected, describe the malfunction that may occur, including operating conditions that may cause it to occur, and precautions the purchaser should take to reduce the likelihood of its occurrence. In providing that the vehicle system affected be mentioned, the regulation reflects comments to the effect that listing each particular part involved would be too technical to be useful to most consumers.

In evaluating the risk to traffic safety, the manufacturer must indicate if vehicle crash is the potential result, and whatever warning may occur. Where vehicle crash is not the potential result, the manufacturer must indicate the general type of injury which the defect can cause. Although many comments protested that it was impossible to predict a specific type of injury, the NHTSA believes that manufacturers can easily foresee the general type of injury, such as asphyxiation, that can result from those defects which are not expected to result in crashes.

In stating measures to be taken to repair the defect, the requirements differ in the case where the manufacturer's dealers repair the vehicle free of charge to the purchaser, where the manufacturer merely offers to pay for the repair, and where he refuses to pay for the repair. The purpose of this distinction is to provide information sufficient to have adequate repairs made in each case.

Where the manufacturer's dealers repair the vehicle free of charge, the notification must include a general description of the work involved, the manufacturer's estimate of when his dealers will be supplied with parts and instructions, and his estimate of the time reasonably necessary to perform the labor involved in correcting the defect. The agency's position is that consumers are entitled to know approximately when their cars will be repaired and how much labor is needed in order for the repair to be made. The NHTSA realizes that dealers frequently retain vehicles longer than the actual work involved, due to difficulties in scheduling repairs. However, manufacturers are free to impart this information to consumers under the regulation. Some comments objected to requiring manufacturers to provide information on when replacement parts will be available, on the basis that manufacturers cannot know, at the time a notification is issued, precisely when parts deliveries will be made to dealers. To include this information, it is argued, would therefore delay the issuance of the notification. The NHTSA has modified the proposed language to allow manufacturers to "estimate" when corrective parts will be available. The estimate would be based on the manufacturer's knowledge at the time the notification is sent, thereby eliminating any reasons for delay.

When manufacturers do not provide for repairs to be made by dealers, the notification is required to contain, in addition, full lists of parts and complete instructions on making the repairs. The regulation also requires the manufacturer to recommend, generally, where the vehicle should be repaired, and manufacturers are free to make general and specific recommendations. This requirement reflects the intent of the proposal that manufacturers who believe particular repairs may require special expertise should indicate that fact to purchasers.

When the manufacturer does not offer to pay for the repairs, he must, in addition, include full cost information on necessary parts. The notice would have required the retail cost of all parts, and information on labor charges of the manufacturer's dealers in the general area of the purchaser. In response to comments, the cost information is limited to the suggested retail price of parts.

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Manufacturers have indicated they do not set actual prices of parts, but do have suggested list prices. With respect to labor charges, manufacturers have indicated that labor charges vary, and that requiring them to ascertain exact charges would delay issuance of notifications. The NHTSA believes these comments to be well founded, and has dropped the proposed requirements regarding labor charges. Consumers will still have information on costs of parts, and time necessary for repairs to be performed, from which they can obtain a fair idea of the cost of a repair.

The regulations prohibit the notification from stating or implying that the problem is not a defect, or that it does not relate to motor vehicle safety. Moreover, in those cases where the notification is sent pursuant to the direction of the Administrator, it cannot state or imply that the manufacturer disagrees with the Administrator's finding. Many comments opposed these requirements on the basis that they unconstitutionally limited manufacturers' freedom of speech. The NHTSA emphatically rejects this contention. Notification letters are not intended to serve as forums where manufacturers can argue that problems are not safety related or dispute the Administration's findings. Their purpose is to unambiguously and adequately induce owners to remedy a potentially hazardous situation. The NHTSA is of the opinion that there is ample precedent that allows the Federal Government to require manufacturers to warn purchasers in a particular manner that certain products they manufacture may be hazardous. If a manufacturer does not believe that his condition is a safety-related defect, he is not required by law to notify owners at all. It is only when he determines that a defect exists that he must notify in accordance with the regulations. Similarly, when the Administrator has made the finding that a certain product is defective, the manufacturer can administratively and judicially challenge this determination as provided in the National Traffic and Motor Vehicle Safety Act before sending a notification.

The NHTSA received other objections to the proposed requirements. Numerous tire manufacturers argued that parts of the regulation dealing with repairs of defects are inappropriate when applied to them, since repairs generally meant replacement. Certain manufacturers of lighting equipment argued that notification requirements should not apply to them at all. The NHTSA disagrees with both of these contentions. In the case of tire manufacturers, the NHTSA believes that the requirements can be followed. If the repair of a defective tire entails its replacement, this can certainly be stated within the regulatory scheme. Similarly, lighting equipment manufacturers are responsible for defects to the same extent as manufacturers of other equipment. The NHTSA rejects completely the argument that no lighting failures can be considered safety related because of the millions of lights that burn out every year without resulting in accidents. The question in each case is not whether a failure may occur, but whether a defect exists, and whether the defect may cause a hazardous situation to arise.

The notice of proposed rule making would have prohibited manufacturers from making statements contemporaneous with the notification that disagreed with its conclusions. This proposal has not been adopted. After careful consideration, the NHTSA has determined that its inclusion is probably unnecessary. The agency's position is that if notification letters clearly and unambiguously describe and evaluate defects in accordance with this regulation, other statements by manufacturers will not normally affect reactions of consumers.

Certain comments requested that manufacturers be allowed to state in the notification that it does not constitute an admission of liability or wrongdoing. The regulation does not preclude the making of such statements, as the agency has concluded that their inclusion will not significantly deter owners from having repairs made.

One comment suggested that the notification be required to contain a postage-free card by which consumers could notify manufacturers when vehicles had been sold or otherwise disposed of. While the NHTSA believes this practice would be advantageous in improving notification campaigns, it has concluded that such a requirement would be outside the scope of the regulation, which is limited to notifications to first purchasers and warranty holders.

Certain comments objected to the regulations on the ground that they prescribed a rigid format in an area where each case must be treated separately, and thus where flexibility was required. The NHTSA has modified to some extent the proposed restrictions on format. Manufacturers are free, within the limits established, to compose notifications to fit each case. As issued, these regulations do not require rigid, inflexible letters (only the first two sentences must contain specific statements in a set order), but require that manufacturers include certain important items of information. It is hoped that manufacturers in meeting these requirements will provide required information in easily understandable form.

In light of the above, a new Part 577, Defect Notification is added to Chapter V of Title 49, Code of Federal Regulations, to read as set forth as below.

Effective date: March 26, 1973. Because these requirements are not technical in nature, and do not require leadtimes for compliance, good cause exists, and is hereby found, for an effective date less than 180 days from the day of issuance.

Issued on January 17, 1973.

DOUGLAS W. TOMS,
Administrator.

Sec.

577.1 Scope.
577.2 Purpose.
577.3 Application.
577.4 Notification initiated by manufacturer.
577.5 Notification pursuant to administrative proceeding.
577.6 Disclaimers.
577.7 Conformity to statutory requirements.

AUTHORITY: Sections 108, 112, 113, 119, Public Law 89-563, 80 Stat. 718 as amended, sections 2, 4, Public Law 91-265, 84 Stat. 262 (15 U.S.C. 1397, 1401, 1402, 1408); delegation of authority at 49 CFR 1.51.

§ 577.1 Scope.

This part sets forth requirements for notification to first purchasers and warranty holders of motor vehicles and motor vehicle equipment of the possibility of a defect relating to motor vehicle safety or a noncompliance with a Federal motor vehicle safety standard.

§ 577.2 Purpose.

The purpose of this part is to insure that defect notifications provide adequate information to recipients, and effectively motivate owners of potentially defective or noncomplying motor vehicles or items of motor vehicle equipment to have vehicles and equipment inspected and, where necessary, repaired as quickly as possible.

§ 577.3 Application.

This part applies to manufacturers of complete motor vehicles, incomplete motor vehicles, and motor vehicle equipment. In the case of vehicles manufactured in two or more stages, compliance by either the manufacturer of the incomplete vehicle or any subsequent manufacturer shall be considered compliance by each of those manufacturers.

§ 577.4 Notification initiated by manufacturer.

Whenever a manufacturer of motor vehicles or tires determines that a defect potentially existing in any motor vehicle or item of motor vehicle equipment he produces relates to motor vehicle safety, he shall notify by certified mail the first purchaser (where known) of such vehicle or item of motor vehicle equipment, and any subsequent purchaser to whom a warranty on such vehicle or item of equipment has been transferred. The notification shall contain the following information. In the case of paragraphs (a) and (b) of this section, the information shall be presented in the form and in the order specified. The information required in paragraphs (c), (d), and (e) of this section may be presented in any order.

(a) An opening statement: "This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act."

(b) (1) The statement: "(Manufacturer's name or division) has determined that a defect which relates to motor vehicle safety exists in (identifying criteria of motor vehicles or item of motor vehicle equipment)."

(2) When the manufacturer determines that the defect may not exist in each such vehicle or equipment item, he may include, in addition, a statement to that effect.

(c) A clear description of the defect, which must include—

(1) Identification of the vehicle system or particular item or items of motor vehicle equipment affected;

(2) A description of the malfunction that may occur;

(3) A statement of operating or other conditions that may cause the malfunction to occur; and

(4) Precautions, if any, that the purchaser should take to reduce the chance that the malfunction will occur before the vehicle is repaired.

(d) An evaluation of the risk to traffic safety reasonably related to the defect.

(1) When vehicle crash is the potential occurrence, the evaluation must include whichever of the following statements is appropriate:

(i) That the defect can cause vehicle crash without prior warning, or

(ii) A description of whatever warning may occur, and a statement that if this warning is not heeded, vehicle crash can occur.

(2) When vehicle crash is not the potential occurrence, the evaluation must include a statement indicating the general type of injury to occupants of the vehicle, or to persons outside the vehicle, that can result from the defect.

(e) A statement of measures to be taken to repair the defect, in accordance with whichever of the following is appropriate.

(1) When the manufacturer offers to repair the defect through his dealers without charge to the purchaser, the statement shall include:

(i) A general description of the work involved in repairing the defect;

(ii) The manufacturer's estimate of the day by which his dealers will be supplied with parts and instructions for correcting the defect; and

(iii) The manufacturer's estimate of the time reasonably necessary to perform the labor required to correct the defect.

(2) When the manufacturer does not provide for the repairs to be performed by his dealers, but will bear the cost of the repair, the statement shall include—

(i) The name and part number of each part that must be added, replaced, or modified;

(ii) A description of any modifications that must be made to existing parts;

(iii) Information on where needed parts will be available, including the manufacturer's estimate of the day after which they will be generally available;

(iv) A detailed description (including appropriate illustrations) of each step required to correct the defect;

(v) The manufacturer's estimate of the time reasonably necessary to perform the labor required to correct the defect; and

(vi) The manufacturer's recommendation as to whom the purchaser should have perform the necessary work.

(3) When the manufacturer does not bear the cost of repair, the statement shall include—

(i) The name, part number, and suggested list price of each part that must be added or replaced;

(ii) A description of any modifications that must be made to existing parts, which must also be identified by name and part number;

(iii) Information on where needed parts will be available, including the manufacturer's estimate of the day after which they will be generally available;

(iv) A detailed description (including appropriate illustrations) of each step required to repair the defect;

(v) The manufacturer's estimate of the time reasonably necessary to perform the labor required to correct the defect; and

(vi) The manufacturer's recommendations as to whom the purchaser should have perform the necessary work.

§ 577.5 Notification pursuant to administrative proceeding.

A notification made by a manufacturer of motor vehicles or motor vehicle equipment as a result of proceedings conducted pursuant to section 113(e) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1402(e)), shall be made in the manner specified in § 577.4 (a) through (e), except that the statement required pursuant to § 577.4(b) shall indicate that—

(a) The determination has been made by the National Highway Traffic Safety Administrator, and

(b) If appropriate, the determination is of noncompliance with a Federal motor vehicle safety standard.

§ 577.6 Disclaimers.

(a) A notification sent pursuant to § 577.4 or § 577.5 shall not contain any statement or implication that the problem discussed in the letter is not a defect, that it does not relate to motor vehicle safety, and, except as specifically provided in this part, that it is not present in the purchaser's vehicle.

(b) A notification sent pursuant to § 577.5 shall not state or imply that the manufacturer disagrees with the Administrator's finding of a defect relating to motor vehicle safety or a noncompliance with a Federal motor vehicle safety standard.

§ 577.7 Conformity to statutory requirements.

A notification that does not conform to the requirements of this part shall not be in compliance with sections 108 and 113 of the National Traffic and Motor Vehicle Safety Act.

[FR Doc.73-1392 Filed 1-22-73;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S. O. 1117]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of January 1973.

It appearing, That an acute shortage of covered hopper cars for transporting shipments of grain or soybeans exists in certain sections of the country; that some carriers have adequate supplies of open hopper cars; that use of these cars for transporting grain or soybeans is precluded by certain tariff provisions requiring the use of covered hopper cars, thus curtailing shipments of grain or soybeans and creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1117 Substitution of hopper cars for covered hopper cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Substitution of cars: Subject to the concurrence of the shipper, the carrier may substitute open hopper cars for shipments of grain or soybeans, whether from the point of origin or from an intermediate in-transit point, regardless of tariff provisions requiring the use of covered hoppers.

(2) Minimum weights: The minimum weights per shipment of grain or soybeans transported in open hopper cars substituted for covered hopper cars shall be the minimum weights specified in the tariffs for shipments made in covered hopper cars regardless of the number of open hopper cars required to be used to secure the minimum weight.

(3) In shipping grain or soybeans in open hopper cars in lieu of covered hopper cars, as provided herein, the shipper shall be deemed to have acknowledged the terms and conditions of the contract of carriage embodied in the bill of lading that the carrier shall not be liable for injury, loss, or damage to the lading resulting from a defect or vice in such property.

(4) Bills of lading covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1117.

(5) The term "open hopper cars" means all cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "HD", "HE", "HF", "HFA", "HFD", "HK", "HM", "HMA", "HT", or "HTB."

(6) The term "covered hopper cars" means all cars listed in the Official Railway Equipment Register, I.C.C. No. 386,

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issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO."

(b) Rules and regulations suspended: The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) Effective date: This order shall become effective at 12:01 a.m., January 18, 1973.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., March 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17, 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1398 Filed 1-22-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Parts 55, 56, 57]

METAL AND NONMETALLIC MINES

Health and Safety Standards; Extension of Time for Comments

In Part II of the FEDERAL REGISTER for December 9, 1972 (37 FR 26378-26380), there was published proposed revisions, additions, and deletions of certain health and safety standards for metal and nonmetallic mines under the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721 et seq.). The proposed standards amend Parts 55, 56 and 57 of Subchapter N, Chapter I, Title 30, Code of Federal Regulations, relating, respectively, to open pit mines, sand, gravel, and crushed stone operations, and underground mines.

Interested persons were afforded a period of 30 days from the date of publication of the notice in the FEDERAL REGISTER within which to submit written comments, suggestions, and objections to the proposed revisions and amendments. A request has been received for an extension of time in view of the fact that the Christmas and New Year holiday season fell within the 30 day period, communication difficulties resulted, and, therefore, interested persons did not have a reasonable opportunity to prepare and submit comments, suggestions, and objections. The period of time within which interested persons may make written comments, suggestions and objections to the proposed amendments and revisions to Parts 55, 56, and 57 is hereby extended to January 31, 1973. Communications should be addressed to Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

JANUARY 19, 1973.

[FR Doc.73-1417 Filed 1-22-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 11]

BOTTLED WATER

Proposed Quality Standards; Correction

In FR Doc 73-316 appearing at page 1019 in the FEDERAL REGISTER of Monday, January 8, 1973, § 11.7(b)(1)(ii) is corrected to read as follows:

§ 11.7 Bottled water.

• • • • • •

(b) • • •

(1) • • •

(ii) *Membrane filter method.* Not more than one of the analytical units in the sample shall have 4.0 or more coliform organisms per 100 milliliters and the arithmetic mean of the coliform density of the sample shall not exceed one coliform organism per 100 milliliters.

• • • • • •

Dated January 16, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1339 Filed 1-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-81]

VOR FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend Victor Airway 62 from the Cabezon Intersection to Gallup, N. Mex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before February 22, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-62 from Cabezon Intersection to Gallup, N. Mex., via the INT Gallup 089° T (075° M) and Santa Fe, N. Mex., 268° T (255° M) radials. The extension of V-62 would permit IFR aircraft to proceed directly between Santa Fe and Gallup without deviating to the south via the Albuquerque terminal area. The extension would afford a saving of more than 20 miles. The proposal would also reduce controller workload and decrease traffic congestion over Albuquerque VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 17, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1333 Filed 1-22-73;8:45 am]

RENEGOTIATION BOARD

[32 CFR Part 1460]

PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Contribution to the Defense Effort

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. section 1211 et seq.), proposes to issue the following regulations on or before February 22, 1973.

Interested persons are hereby notified that any changes, to be considered, must be presented, in writing, to the Renegotiation Board, 2000 M Street NW., Washington, DC 20446, on or before February 22, 1973.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 2000 M Street NW., Washington, DC.

Dated: January 18, 1973.

RICHARD T. BURRESS,
Chairman.

This Part 1460 is amended by deleting § 1460.13 *Contribution to the defense effort* in its entirety and inserting in lieu thereof the following:

§ 1460.13 Contribution to the defense effort.

(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(4) Nature and extent of contribution to the defense effort, including inventive and

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developmental contribution and cooperation with the Government and other contractors in supplying technical assistance.

(b) *Comment.* Every contractor contributes to the defense effort when he performs or assists others to perform a defense contract or subcontract, or when, in connection with such a contract, or subcontract, he otherwise renders a service of value to a defense program or objective. Limited credit will be accorded under this factor for routine performance of a contract, whereas more credit will be given, in such degree as the facts may warrant, if the performance, assistance or other service of the contractor exceeds, in nature and extent, that which is required or may reasonably be expected of him. Examples of contributions for which such credit will be given, as warranted, include (1) superior performance in excess of contract requirements, such as completion of urgent work ahead of schedule at the request of the procuring Department, or exceeding specifications in a manner beneficial to the defense effort; (2) ingenuity in providing new uses for products or production machinery or equipment; (3) overcoming difficulties, which others have failed to overcome, in providing materials or services for the defense effort; (4) experimental and developmental work of high value to the defense effort; (5) new inventions, techniques and processes of unusual merit; (6) cooperation with the Government and with other contractors in contributing proprietary data or in developing and supplying technical assistance to alternative or competitive sources of supply.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

[FR Doc.73-1356 Filed 1-22-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Ch. II]

[Release Nos. 34-9889, IC-7534]

MUTUAL FUND DISTRIBUTIONS

Extension of Time for Order Directing Public Proceedings

On November 3, 1972 the Commission announced (Investment Company Act Release No. 7475 and in the FEDERAL REGISTER issue of November 17, 1972, 37 FR 24449, 37 FR 24711) that, having reviewed its staff study of the Potential Economic Impact of the Repeal of section 22(d) of the Investment Company Act of 1940 (15 U.S.C. 80a-22(d)) and the Economic Study of the Distribution of Mutual Funds and Variable Annuities conducted for the National Association of Securities Dealers ("NASD") by Booz, Allen, & Hamilton, Inc., it had scheduled public hearings to commence on December 11, 1972, in order to seek a wide range of viewpoints with respect to the justification for retail price maintenance in the distribution of mutual funds, the options which would be open if section 22(d) of the Investment Company Act of 1940 were repealed and how the industry would adjust to such a change.

The National Association of Securities Dealers, Inc., the Investment Company Institute, the American Life Convention-Life Insurance Association of America, and the Independent Broker Dealers Trade Association all have requested additional time in which to consider the issues and to formulate their positions.

The Commission is determined that the hearings be as productive as possible and that all participants have adequate opportunity to give in-depth and thoughtful consideration to the issues presented. In view of the breadth and significance of the hearings and the complexity of the issues which they raise, and considering the pendancy of other Commission hearings[1] which claim the attention of many of the same members of the bar and industry associations, the Commission has determined to postpone the commencement of the Hearings on Mutual Fund Distribution (Administrative Proceeding File No. 4-164) until February 12, 1973.

As indicated in Investment Company Act Release No. 7475, the Commission desires that persons who request an opportunity to be heard make a written submission in the first instance. Oral statements will be invited from those who have made submissions and have requested to be heard. Persons making oral presentations should be prepared to respond to inquiries from the Commission and its staff.

Interested persons are requested to submit their views, any data or other comments or information in triplicate to Allan S. Mostoff, Director, Division of Investment Company Regulation, Washington, D.C. 20549, no later than February 2, 1973. All such material should be designated "Mutual Fund Distribution Hearings," File No. 4-164.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

NOVEMBER 30, 1972.

[FR Doc.73-1357 Filed 1-22-73;8:45 am]

[17 CFR Parts 250, 259]

[Release No. 35-17843; File No. 57-470]

INTEREST OF CERTAIN KINDS OF LESSORS UNDER LONG-TERM NET LEASES OF UTILITY FACILITIES

Exclusion from Definition of Ownership

The Securities and Exchange Commission is considering a proposed Rule 7(d) (17 CFR 250.7(d)) which would declare holders of certain kinds of essentially passive interests in electric or gas utility facilities created by standard types of long-term net leases to operating public-utility companies not to be electric or gas utility companies under sections 2(a)(3) and 2(a)(4) of the Public Utility Holding Company Act of 1935 (the "Act"). Lessors of almost half a billion dollars of such facilities have sought individual exemptions from the Act in the past two years. The proposed rule is limited to leases which effectively insulate the legal or beneficial owners of the facility from any significant influence on the public-utility company's operation and from participation in its revenues or income.

STATUTORY BASIS

The rule is proposed under the rule-making authority granted the Commission by section 20(a), including the authority to define accounting, technical and trade terms used in the Act. The rule in effect defines the term "own" in sections 2(a)(3) and 2(a)(4) by specifying that the property interest of the lessor in a facility subject to a long-term net lease is not the kind of ownership to which these sections apply.

BACKGROUND AND PURPOSE

In developing this proposal, the Commission has considered the scope and purpose of the statutory definitions of electric and gas utility companies in sections 2(a)(3) and 2(a)(4) of the Act and the appropriate use of its regulatory powers in terms of the public interest and of the interest of investors and consumers.

Sections 2(a)(3) and 2(a)(4) of the Act define "electric utility company" and "gas utility company," respectively, as "any company which owns or operates" electric or gas facilities therein specified (emphasis added). The Commission is satisfied that the use of the disjunctive was deliberate and that the Act was intended to apply to holding-company systems involved in the ownership of utility assets, even if the operation of such assets was divorced from the owner by lease or otherwise. The lease was one form of control of utility assets in use when the Act was adopted. The Commission has dealt with a number of resulting problems in its administration of section 11 of the Act. The large-scale use of leases as a means of financing the acquisition of particular utility facilities is a relatively new development.

In the past 2 years 23 applications for exemption from the Act have been filed by financial institutions holding legal or beneficial title to almost half a billion dollars of utility facilities. It does not seem necessary to treat such institutions as statutory utility companies, and thus subject many of them, together with their parents and associate companies, to regulation under the Act. Exemptive orders were issued on some applications under sections 2(a)(3) and 2(a)(4). But when it became apparent that a recurring problem of major proportions was involved and that the financing arrangements varied significantly in form and terms, the staff of the Commission undertook a study of the underlying issues with a view to developing a general rule to establish the status of such lessors. The granting of individual exemptions was deferred during that study, and applicants for such exemptions were entitled to the interim exemption provided by sections 2(a)(3) and 2(a)(4) during the pendency of their application.

In promulgating the proposed rule the Commission expresses no opinion as to the desirability of the lease method of acquiring utility facilities. The Act does not grant the Commssion a general supervisory jurisdiction over the utility industry. The primary authority over rates and the financing of operating utility companies not subject to the Act remains in the several States. But leasing, if excessively used, could have long-range effects on the reliability and efficiency of the service rendered by public-utility companies, and on the quality of the conventional securities held by investors.

The proposed rule is based on the belief that public-utility companies and appropriate regulatory authorities can evaluate the advantages and disadvantages of individual lease transactions in particular circumstances, and that such authorities will confine the use of lease financing within proper bounds.

EXPLANATION AND ANALYSIS OF THE PROPOSED RULE

Paragraph d(1) of the rule applies to each company (a term defined by section 2(a)(2) of the Act to include noncorporate entities) having a title, direct or indirect, legal or beneficial, to the facilities subject to a long-term net lease, which meets the standards set forth therein. A wide variety of legal forms are used in this field. The rule is directed to the substance of ownership, not only to technicalities of title.

Subdivision (i) requires that the utility facility to be leased directly to a public-utility company under a long-term net lease and employed by it in its utility operation. The rule would apply only to a net lease which grants operating control of the facility to the public-utility company on a long-term basis.

Subdivision (ii) limits the exclusion to a company primarily engaged in another business.

Subdivision (iii) requires that the terms of the lease have been expressly approved by the regulatory authority having jurisdiction over rates and service of the lessee. The need for this requirement is explained in the preceding discussion of the background and purpose of the rule.

Subdivisions (iv) and (v), respectively, preclude short-term leases and any profit sharing in revenues or income. A lessor under a lease which contains either of these features is treated as a real rather than a passive owner of utility assets for purposes of the Act.

The "grandfather" clause comprising the last sentence of paragraph (d)(1) covers applications already on file, since transactions thereunder have largely been consummated in reliance on the good faith exemption available for pending applications. Such applications meet the standards of the proposed rule in most respects. Only subdivisions (iii) and (iv) might create technical deficiencies in documents already executed, so they are made inapplicable to pending applications.

Paragraph (d)(2) declares that the exclusion defined in paragraph (d)(1) shall cease to be available upon termination of the lease relationship. It is not realistic to consider the owner of the facility to be a passive owner after it has reasserted its dominion over the property. Such an event is most likely to occur if the lessee becomes involved in financial difficulties. Provision is made for this contingency by providing three methods of continuing the lessor's status under the rule by a new lease, by a sale, or by surrender of title to the lessee and by assuming the position of a secured creditor. Since prompt agreement on the terms of a permanent lease may not be feasible, express provision is made for use of a temporary operating agreement, so long as rent thereunder is a fixed amount.

Paragraph (d)(3) provides that a public-utility company shall not cease to be such by reason of a lease of part or all of its facilities. A lease by a public-utility company as lessor has nothing in common with the financing transactions to which this rule is directed.

Paragraph (d)(4) makes explicit the fact that compliance with paragraph (d)(1) does not relieve a company from its other obligations, if any, under the Act.

Paragraph (d)(5) requires the filing of a certificate, in a form annexed hereto, describing each lease to which the rule is applicable, and providing for amendments upon changes in the ownership of interests or the amendment or termination of the underlying lease.

For a fuller exposition of the objectives of the rule, there is appended hereto a staff report prepared by the Division of Corporate Regulation.[1]

Commission action. Pursuant to authority in section 20(a) of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission proposed to amend § 250.7 in Chapter II of Title 17 of the Code of Federal Regulations by adding thereunder a new paragraph (d), and to amend Part 259 of said chapter by adding a new § 259.404 under Subpart E thereof, all reading as follows:

§ 250.7 Companies deemed not to be electric or gas utility companies.

* * * * *

(d) A company shall not be deemed to be an electric utility company or a gas utility company which owns any of the facilities specified in sections 2(a)(3) and 2(a)(4 (of the Act) (including nuclear fuel) provided that:

(1) Such company owns the facility as a company, as a trustee, or as holder of a beneficial interest under a trust, or as a purchaser or assignee of any of the foregoing; and

(i) Such facility is leased directly to a public-utility company under a long-term net lease and is or is to be employed by the lessee in its operations as a public-utility company; and

(ii) Such company is otherwise primarily engaged in one or more businesses other than the business of a public-utility company, or is a company all of whose equity interest is owned by one or more companies so engaged, either directly or through subsidiary companies; and

(iii) The terms of the lease have been expressly authorized or approved by the regulatory authority having jurisdiction over the rates and service of the public-utility company which leases such facility; and

(iv) The lease of the facility extends for an initial term of not less than four-fifths of the expected useful life of the facility as specified in the lease, or for a minimum term of 20 years if not so specified, except for termination of the lease upon events therein set forth; and

(v) The rent reserved under the lease shall not include any amount based, directly or indirectly, on revenues or income of the public-utility company, or any part thereof.

Paragraph (d)(1) (iii) and (iv) of this section shall not apply to a lease related to an application for exemption under sections 2(a)(3) or 2(a)(4) (of the Act) filed by a company on or before December 1, 1972.

(2) Paragraph (d)(1) of this section shall cease to be applicable in the event of termination of the lease during its term, unless within 90 days of the date of termination, and subject to such prior or subsequent regulatory and other approvals as by law may be required, such company, as defined in this section, negotiates a new lease or an operating agreement at a fixed rental, sells the facility, or surrenders ownership and assumes the status of a secured creditor.

(3) A public-utility company shall not cease to be such by reason of a lease, directly or indirectly, of part or all of its facilities to any associate company or to any person.

(4) Except to the extent provided in paragraph (d)(1) of this section shall not relieve any company from such other provisions of the Act, and rules and regulations promulgated thereunder, as may be applicable.

(5) Any company specified in paragraph (d)(1) of this section shall file,

[1] Public Proceeding on Estimates, Forecasts or Projections of Economic Performance, and Related Subjects, Securities Act Release No. 9844 (Nov. 1, 1972); Proposal to Adopt Securities Exchange Act Rule 19b-2, Securities Exchange Act Release No. 9716 (Aug. 3, 1972), 37 FR 16490 (Aug. 12, 1972).

[1] Copies of the staff report have been filed as part of this document with the Office of the Federal Register. Copies thereof as part of Release No. 35-17843 may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

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or join in the filing of, a certificate on a form prescribed by the Commission, as to each lease within 30 days of its execution. Upon any change in legal or beneficial ownership, such new owner shall file an appropriate amendment within 30 days of such change. If the lease is amended, or if the facility ceases, for any reason, to be subject to the lease, the holder of legal title to the facility shall file an appropriate amendment within 30 days of the event.

§ 259.404 Certificate to be filed pursuant to § 250.7(d) of this chapter.

This form must be filed with the Commission by any lessor or beneficial owner of a utility facility which has been leased by it to an operating public-utility company, within 30 days after execution of the lease, if any beneficial owner of such facility seeks exclusion from the status of an electric or gas utility company under the Act pursuant to § 250.7(d) of this chapter.

All interested persons are invited to submit in writing, in triplicate, their views and comments on the proposed Rule 7(d) to Aaron Levy, Director, Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 22, 1973. Such communications should refer to File No. S7-470. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 9, 1973.

CERTIFICATE PURSUANT TO RULE 7(d)
PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The undersigned certify that this certificate accurately summarizes, as required in the instructions hereto, the information requested as to the lease identified herein and the transactions for the financing thereof.

1. Lessee public-utility company----------
Address ----------
2. Date of lease ----------
2a. Expected date facility will be placed in service ----------
3. Regulatory authority which has acted on transaction: ----------
(Name)

(Date of order)
4. Initial term of lease----------
4a. Renewal options----------
5. Brief description of facility----------

----
6 Manufacturer or supplier----------
7. Cost of facility $----------
8. Basic rent. Initial term $---------- 8a. Periodic installment $---------- (Amount) ---------- (Period)
9. Holder of legal title to facility

Address ----------
10. Holders of beneficial interests:

Name and address	*Amount invested*	*Percent of equity*

11. If part or all of the financing is supplied by loan on which only principal and a fixed rate of interest is payable, state:

Amount borrowed ---------- Interest rate ----------
Number of lenders ---------- Terms of repayment ----------
(Amount) (Period)
Date executed ---------- Signature of Holder of legal title ----------

Signatures of Holders of beneficial interests shall be annexed and incorporated herein.

INSTRUCTIONS TO FORM

This form must be filed within 30 days after execution of any lease of a utility facility to an operating public-utility company if any legal or beneficial owners thereof seek exclusion from the status of an electric utility or a gas utility company by reason of Rule 7(d) under the Public Utility Holding Company Act of 1935.

1. In the event the actual purchase of the property to be leased or the contemplated financing has not been completed, estimates or approximations may be inserted in the form, where appropriate, and the certificate amended within 30 days after the facility has been placed in service. Appropriate amendments are also required within 30 days after (1) a transfer or alteration of any beneficial interest, (2) a change of legal title, (3) amendment of the lease, or (4) termination of the lease for any cause, stating the effective date of termination.

2. The initial term of lease is to be stated in years from the date the facility is delivered to the lessee or the date fixed in the lease for the purpose of computing rent if it does not differ materially from the delivery date. Lessee's obligations to make interim payments prior to delivery may be disregarded if they are equivalent to interest for the delay. Renewal options, if any, should be summarized concisely and remote contingencies may be ignored. For example, "May be extended for two 5-year periods at lessee's election" would be sufficient.

3. The description of the facility should state merely its nature and an indication of its capacity. Such descriptions as the following are sufficient:

Two turbo generators-------- 50,000 kw.
Two LNG storage tanks------ 100,000 MCF.
Nuclear fuel assembly--------

4. The cost of the facility is the cost to the lessors. If the lease specifies a cost, that figure may be used if it does not differ materially from the lessors' total expenditures, including borrowed funds.

5. The term "basic rent" refers to the net rent payable by the lessee, excluding all costs borne directly by it and all reimbursements to the lessor for out-of-pocket costs. If the lease states a basic rent, that amount may be shown if it does not differ materially from the foregoing. If the basic rent defined in the lease is stated in terms of a percentage of cost, the form should show an amount computed by applying that percentage to the cost shown, whether actual or estimated. The rent is to be stated in total for the initial term of the lease, and the amount payable for each periodic installment is also to be stated. If the rent varies from period to period, the installments may be summarized by specifying the period to which each rate applies. For example:

Semiannually

Years—1 to 10---------- $--------
Years—11 to 21---------- --------
Years—22 to 25---------- --------

6. If the repayment of a loan is by amortization of principal and interest in level installments, the terms of repayment may be described by simply stating the amount of the installment, and its frequency. Variations in the rate may be summarized in the same manner as specified for variations in the basic rent.

7. The term "holder of a beneficial interest" includes any person entitled to receive any portion of the lease rent or to receive the property upon expiration of the lease, except a person entitled only to receive a return of money lent with a fixed rate of interest.

8. Provision is made in the form for showing the interest of each beneficial owner in terms of a percentage of the total equity. In the event beneficial owners do not share on a simple percentage basis, the percentages are to be left blank and a summary of their rights substituted.

9. The certificate is to be executed by the holder of legal title to the facility and by each holder of a beneficial interest. Signature pages may be annexed as required.

[FR Doc.73-1369 Filed 1-22-73;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 12]

FIRST GENERAL INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds; Change of Name

Southern General Insurance Company, Philadelphia, Pennsylvania, a Georgia corporation, has formally changed its name to First General Insurance Company, effective October 4, 1972. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated October 4, 1972, has been issued by the Secretary of the Treasury to First General Insurance Company, Philadelphia, Pennsylvania, under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued July 1, 1972 (37 FR 13599, July 11, 1972) to the Company under its former name, Southern General Insurance Company. The underwriting limitation of $143,000 previously established for the Company remains unchanged.

The change in name of Southern General Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: January 16, 1973.

[SEAL] JOHN K. CARLOCK, *Fiscal Assistant Secretary.*

[FR Doc. 73-1239 Filed 1-22-73; 8:45 am]

DEPARTMENT OF JUSTICE

ADVISORY COMMITTEE MANAGEMENT

Administrative Guidelines and Management Controls

CROSS REFERENCE: For a document issued in conjunction with the Office of Management and Budget regarding administrative guidelines and management control applicable to advisory committees, see FR Doc. 73-1290, Office of Management and Budget, Part III, *infra.*

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 2]

ADMINISTRATIVE OFFICER, BRYCE CANYON NATIONAL PARK

Delegation of Authority Regarding Purchasing Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SECTION 2 *Revocation.* This order supersedes Order No. 1 dated September 8, 1960.

(National Park Service Order No. 66, 36 FR 21218, as amended 37 FR 4001, dated February 25, 1972. Midwest Region Order No. 5, 37 FR 6324, 6875)

Dated: December 19, 1972.

CHARLES A. BUDGE, *Superintendent, Bryce Canyon National Park.*

[FR Doc.73-1264 Filed 1-22-73;8:45 am]

[Order No. 3]

MANAGEMENT ASSISTANT ET AL., NORTH CASCADES NATIONAL PARK

Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment or Services

SECTION 1. *Management Assistant.* The Management Assistant may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and availability of appropriated funds.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $25,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and availability of appropriated funds.

SEC. 3. *Procurement and Property Management Assistant.* The Procurement and Property Assistant may issue purchase orders not in excess of $2,500 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 4. *Revocation.* This order supersedes order No. 2 published 35 FR 5564 dated April 3, 1970.

(National Park Service Order No. 66 (36 FR 21218) as amended; 37 FR 4001 dated February 25, 1972; Pacific Northwest Region Order No. 3 (37 FR 6325)

Dated: December 26, 1972.

W. LOWELL WHITE, *Superintendent, North Cascades National Park.*

[FR Doc. 73-1265 Filed 1-22-73; 8:45 am]

[Order 3]

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY SPECIALIST

Delegation of Authority Regarding Purchasing Authority

SECTION 1. *Administrative Officer.* The Administrative Officer is authorized to execute, approve and administer contracts not in excess of $25,000 for supplies, equipment or service in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *General Supply Specialist.* The General Supply Specialist is authorized to execute, approve and administer contracts not in excess of $10,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 3. *Revocation.* This order supersedes order No. 2, Big Bend National Park, published July 25, 1972 (37 FR 14820).

(NPS Order No. 36 FR 21218 as amended 37 FR 4001, dated February 25, 1972. Southwest Region, Order No. 5, 37 FR 7722)

Dated: December 20, 1972.

J. F. CARITHERS, *Superintendent, Big Bend National Park.*

[FR Doc.73-1266 Filed 1-22-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-23]

EASTERN ASSOCIATED COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

In regard petition of Eastern Associated Coal Corp., for modification of application of mandatory safety standard (sec. 308(b) of Act; and 30 CFR 75.802), Docket No. M 73-23, Kopperston No. 1 Mine et al.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), notice is given that Eastern Associated Corp., 1728 Koppers Building, Pittsburgh, Pa. 15219, has filed on January 9, 1973, a petition to modify

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the application of section 308(b) of the Act and 30 CFR 75.802 to its Kopperston No. 1, Keystone Nos. 2, 3, and 4, Federal No. 1, Joanne and Delmont Mines.

Section 308(b) of the Act which is additionally published as § 75.802 of Title 30, Code of Federal Regulations, provides:

(b) High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length, and upon his finding that such exception does not pose a hazard to the miners. Within 100 feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such area of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

Petitioner requests the Secretary to modify the application of the above standard so as to permit it to continue the use of the following electrical system at each of the aforesaid seven coal mines:

• • • [The] surface stationary high-voltage equipment is not provided with a grounding circuit at the grounded side of the resistors in order to serve as a grounding conductor for the frames of such equipment and they do not have a resistance grounded neutral at the power source, but they do have a neutral at the neutral deriving or Zig-Zag transformer.

Petitioner states that the above electrical systems will guarantee no less than the same measure of protection as that provided under the Bureau of Mines' interpretation of the requirements of section 308(b) of the Act.

Parties interested in this petition may request a hearing on the petition or furnish comments on it on or before February 22, 1973. Such request or comments must be filed with the Hearings Division, Office of Hearings and Appeals, Room 1124, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 16, 1973.

[FR Doc.73-1354 Filed 1-22-73;8:45 am]

[Docket No. M 73-22]

IMPERIAL COAL CO.

Petition for Modification of Mandatory Safety Standard

In regard petition of the Imperial Coal Co., for modification of mandatory safety standard (30 CFR 75.1100-2(c)(1), Docket No. M 73-22.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 861(c) (1970)), notice is hereby given that the Imperial Coal Co. has filed a petition to modify the application of 30 CFR 75.1100-2(c)(1) to its Eagle Mine.

The portion of the regulation involved provides as follows:

(c) *Haulage tracks.* (1) In mines producing 300 tons of coal or more per shift waterlines shall be installed parallel to all haulage tracks using mechanized equipment in the track or adjacent entry and shall extend to the loading point of each working section. Waterlines shall be equipped with outlet valves at intervals of not more than 500 feet, and 500 feet of firehose with fittings suitable for connection with such waterlines shall be provided at strategic locations. Two portable water cars, readily available, may be used in lieu of waterlines prescribed under this paragraph.

Petitioner proposes to substitute the following for the last sentence in paragraph (c)(1):

Two Tri-Class ABC Dry Chemical extinguishers readily available be used in lieu of waterlines or water cars, each to have the following specifications:

Kiddie 200 ABC-1 (or equivalent). A portable wheeled extinguisher for every class of fire having a capacity of at least 150 pounds of pressurized ammonium phosphate.

Each extinguisher to be mounted on 30-inch steel wheels.

In addition, petitioner proposes to install and maintain an additional fire extinguisher of the same type at each working section, which will also be readily available.

Petitioner asserts that the proposed modification will provide greater safety in several respects. At the high altitude where the Eagle Mine is situated petitioner has experienced severe problems with frozen waterlines; chemicals not subject to freezing would provide greater safety. Also, the use of water in extinguishing electrical or oil and grease fires is more hazardous than the use of chemicals.

Parties interested in this petition may request a hearing on the petition or furnish comments on it on or before February 22, 1973. Such request or comments must be filed with the Office of Hearings and Appeals, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 12, 1973.

[FR Doc.73-1366 Filed 1-22-73;8:45 am]

[Docket No. M 73-15]

ISLAND CREEK COAL CO.

Petition for Modification of Mandatory Safety Standard

In regard petition of Island Creek Coal Co., for modification of mandatory safety standard, Docket No. M 73-15.

Take notice that Island Creek Coal Co., Holden, W. Va., has filed a petition to modify sections 303(y)(1), 303(y)(2), and 317(f)(4) of the Federal Coal Mine Health and Safety Act of 1969. These sections provide as follows:

SEC. 303(y)(1). In any coal mine opened after the operative date of this title, the entries used as intake and return aircourses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume percent of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (2) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries and to insure that the air therein shall contain less than 1.0 volume percent of methane.

SEC. 303(y)(2). In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley wires or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake aircourses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

• • • • •

SEC. 317(f)(4). In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in mines opened prior to such date, the escapeway required by this section to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended for a greater or lesser distance so long as such extension does not pose a hazard to the miners.

Island Creek Coal Co. makes the following statement in support of its petition for modification:

• • • This request (petition) is for approval of the four-entry system of (longwall) mining as practiced at our other four deep mines, in this area, and at other mines throughout our industry. • • • We and other people in our industry, have been granted such modifications for other mines, operating under heavy cover, employing the same system (longwall) of mining.

The No. 3 Pocahontas seam lies under 1,200 to 2,800 feet of cover • • •. The coal itself is very friable and the methane liberation is • • • very high as experienced at the other four mines operating, in the seam, in this area. When longwalls start retreating the methane liberation will range from 7 million to 12 million cubic feet per 24 hours. • • • it is essential that high volumes of air be introduced into the mine • • •.

• • • There is serious concern on the part of management, the union and the men that any departure from the four-entry system of developing longwall panels will unnecessarily jeopardize the safety of the men at the Beatrice mine and other such deep mines in this area.

• • • It is understood that this request applies to longwall access entries and to modifications of sections 317(f)(4), 303(y)(1), and 303(y)(2).

Parties interested in this petition shall file their answer or comments and their request for a hearing, if they wish one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 11, 1973.

[FR Doc.73-1365 Filed 1-22-73;8:45 am]

[Docket No. M73-21]

MOUNTAIN TOP COAL CO.

Petition for Modification of Safety Standard

In regard to petition of Mountain Top Coal Co., for modification of application of mandatory safety standards (Sec. 305(m) of the Act; and 30 CFR 75.518), Docket No. M73-21, Orchard Slope Mine.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c)(1970), notice is given that Mountain Top Coal Co., 415 St. Francis Street, Minersville, PA 17954, filed on January 2, 1973, a petition to modify the application of section 305(m) of the Act and § 75.518 of the Secretary's implementing Regulations (30 CFR 75.518) to its Orchard Slope Mine.

Section 305(m) of the Act and § 75.518 of the regulations provide in identical language that:

(m) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

Petitioner requests the Secretary to modify the application of the above-quoted standard so as to permit it to operate without using a circuit breaker in its small mine. Petitioner alleges that its present electrical system is safer, or at the very least as safe, as any circuit breaker on the market for the following reasons. (1) No high voltage "to speak of" is used inside the mine and three-phase electrical power is properly grounded to a 7.5-horsepower pump motor which is situated in the mine apart from the location of working areas. (2) The power lines to the pump are energized only 1 to 1½ hours a day during the wet months of December to March and 20 minutes a day during the months of April to November. (3) All power is entirely disconnected before any work is ever performed on the pump or electric wiring. (4) Petitioner states that its mine is nongassy and water is pumped out of the mine before men enter it and no men enter the mine when the power is on. Fuses are replaced every year and Petitioner has never had an accident of any kind in 23 years of working in the orchard seam.

Petitioner avers that its electrical system affords at least the same measure of protection as that provided by circuit breakers because the pump is not located where men are working, all wiring to the pump is isolated from working and traveling areas, the power lines are not energized while men are in the mine and power for the pump is controlled from the surface.

Petition requests that its petition be given prompt consideration because its operations are confined to a family partnership hiring no employees and the developmental nature of the mine requires elimination of all unnecessary expenditures.

Parties interested in this petition should, on or before February 22, 1973, file their answers or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 15, 1973.

[FR Doc.73-1355 Filed 1-22-73;8:45 am]

Office of the Secretary

[INT FES 73-2]

HAVASU INTAKE CHANNEL, HAVASU PUMPING PLANT, AND BUCKSKIN MOUNTAINS TUNNEL

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Havasu features of the authorized Central Arizona Project, Arizona-New Mexico.

The environmental statement concerns diversion of Colorado River water for the purpose of furnishing municipal, industrial, and irrigation water to the water-deficient areas of Arizona and western New Mexico.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240—Telephone (202) 343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225—Telephone (303) 234-3007.
Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, NV 89005—Telephone (702) 293-8527.
Arizona Projects Office, Bureau of Reclamation, 135 North Second Avenue, Phoenix, AZ 85003—Telephone (602) 261-3577.

Single copies of the final environmental statement may be obtained upon request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: January 15, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-1359 Filed 1-22-73;8:45 am]

JOINT USE ADMINISTRATIVE OFFICE

Establishment of Office

Notice is hereby given that the Joint Use Administrative Office, a new Bureau of Indian Affairs field office, is established to handle matters related to the joint use land area which is jointly owned by the Navajo and Hopi Tribes. The head of the Office reports directly to the Commissioner of Indian Affairs. The address of the Joint Use Administrative Office is Suite 407, Arizona Bank Building, 125 East Birch Street, Flagstaff, AZ 86001.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

JANUARY 17, 1973.

[FR Doc.73-1348 Filed 1-22-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

WORTH OIL TRANSPORT, INC.

Notice of Filing for Application for Construction-Differential Subsidy for Construction of Oil Tanker

Notice is hereby given that pursuant to title V of the Merchant Marine Act, 1936, as amended, Worth Oil Transport, Inc., filed an application on January 10.

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1973 for a construction-differential subsidy to aid in the construction of one oil tanker of 87,000 d.w.t. for use in foreign commerce of the United States.

Interested parties may inspect this application in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, 14th and E Streets NW., Washington, DC 20235.

Dated: January 18, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON Jr.,
Secretary.

[FR Doc.73–1412 Filed 1–22–73;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold its regular quarterly meeting from 10 a.m. to 1 p.m., on Wednesday, February 7, 1973, in Room B–255, Building 225 of the National Bureau of Standards in Gaithersburg, Md.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Office of Information Processing Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301–921–3551).

LAWRENCE M. KUSHNER,
Acting Director.

JANUARY 16, 1973.

[FR Doc.73–1257 Filed 1–22–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

COMMITTEES ON DERMATOLOGY AND ORTHOPEDICS TRAINING GRANTS

Cancellations of Meetings

The following committees will not meet as scheduled in "Notice of Meeting" dated December 12, 1972:

Committee, date, time, and location of meeting
Dermatology Training Grants, January 30, 1973, 9 a.m., Building 31, Conference Room 2.
Orthopedics Training Grants, January 16, 1973, 9 a.m., Westwood Building, Conference Room C.

These meetings have been canceled.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 11, 1973.

[FR Doc.73–1343 Filed 1–22–73;8:45 am]

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegation of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (35 FR 780, January 20, 1970) is hereby further amended as follows:

Under 5–B, Assistance Payments Administration, delete the Assistance Payments Administration, and all that follows to the Community Services Administration. Insert in lieu thereof the following:

ASSISTANCE PAYMENTS ADMINISTRATION

The mission of the Assistance Payments Administration is to promote leadership in the planning, development, and coordination of those Social and Rehabilitation Service programs which provide for the administrative and financial assistance aspects of public assistance programs under the Social Security Act, as amended. The Assistance Payments Administration has responsibility for programs of assistance for U.S. citizens or nationals returned from foreign countries and welfare planning for refugees and immigrants. The Assistance Payments Administration is administered by a Commissioner under the direction of the Administrator, Social and Rehabilitation Service.

OFFICE OF COMMISSIONER

The Commissioner, with the assistance of the Deputy Commissioner, provides executive direction and leadership to all program activities of the Assistance Payments Administration (APA), in the administration of the maintenance assistance programs.

Advises the Administrator, Social and Rehabilitation Service (SRS), on matters concerning assistance payments activities. Directs the assistance payments activities toward the objective of improved program delivery with adequate safeguards to protect and promote the legal, civil, and human rights of persons served. Coordinates APA objectives and operations with other SRS organizations, and provides professional consultation to the Regional Commissioners and Assistance Payments staff to enhance the delivery of the maintenance assistance program by State and local agencies for persons in economic need. Provides technical consultation through Regional Commissioners and Regional Assistance Payments staff to State and local agencies. Recommends policy and serves as the focal point for preparation of the maintenance assistance budget, and administration of Assistance Payments activities.

Develops the organization, policies, systems and procedures for administrative and structural reform of the income maintenance system.

Administrative Office. Within general guidelines from SRS, provides APA administrative and program support. Provides internal APA administrative services such as duplicating, messenger service, travel services, including preparation and preaudit of travel vouchers; and provides for all APA Central Office Staff personnel placement and recruitment services, facilities, and organization development. Provides APA inputs, control and liaison with SRS service units, such as organization development, personnel, and general services. Responsible for budget execution.

Office of Program Integrity. Plans and conducts special audits and investigations of any description as may be requested by the Commissioner, and management initiatives to maintain program integrity through alert and positive actions to avert and/or minimize the causes which bring criticism to the Federal-State administration of public assistance programs. Reviews State central fraud unit reports for trends and evidence of State activity and provides technical assistance to State fraud units on the proper and effective handling of fraud cases.

Provides liaison with States on matters relating to locating absent parents, obtaining support payments, fraud and related subjects.

Repatriate and Refugee Program Office. Carries out the Commissioner's delegated responsibility to operate three special Federal programs financed entirely with Federal funds, which provide financial assistance, hospital care and other services to mentally ill nationals and U.S. citizens repatriated from foreign countries (Public Law 86–571 and section 1113, Social Security Act), and to Cuban refugees (Public Law 87–510).

Develops program objectives and the implementing policies and procedures for application by State and local public welfare agencies which administer the programs in behalf of DHEW. Responsible for day to day program operation, and supervises regional office staff which works with State and local agencies. Approves claims for reimbursement of State expenditures. Maintains data on social characteristics of repatriates assisted by States for use in program planning, budget estimates, and reports.

Coordinates the return of nationals and citizens with the Office of Special Consular Services, U.S. Department of State, and the reception of Cuban refugees with that Office and the SRS Cuban Repatriate Program Staff.

Office of Public Information and Inquiries. Plans, directs, and coordinates the public affairs program for APA and serves as focal point for the Commissioner on public affairs and public relations aspects of APA programs.

OFFICE OF ASSOCIATE COMMISSIONER FOR PLANNING AND EVALUATION

Provides leadership and coordination for program planning and evaluation. Develops plans for structural reform of the nation's income maintenance system serving as the focal point within SRS and the Department for welfare reform planning.

Responsible for quality control planning and conduct in the State Public Assistance program to insure that accurate and timely payments are made to those entitled to assistance and that the program is administered fairly and efficiently.

Responsible for program planning and budgeting, cost estimating and analysis, and research and evaluation of the income maintenance program.

Division of Program Evaluation and Planning. Responsible for long-range income maintenance program planning, recommending objectives, and devising proposed program strategies; directs and coordinates program planning and participates in planning legislation and regulations. Develops a basic research framework and formulates research strategy; designs demonstrations, surveys, and case studies to elicit new information. Obtains data from National Center for Social Statistics, Regional Offices, and other sources and arranges data in formats to facilitate analysis; analyzes trends in program operations; prepares cost estimates and justifications for projecting workloads, and cost of activities under existing law. Provides input to SRS for budget planning and formulation, for APA programs. Evaluates program operations including developing of models for analysis of basic evaluation strategy, providing analytical and review materials relating to research findings, and feedback of information for use by managers to revise procedures or restate objectives or reformulate strategies.

Division of Quality Control. Directs the planning and implementation of the quality control systems of State income maintenance programs. Insures that the quality control review program evaluates the accuracy and effectiveness of State and beneficiary compliance with Federal program policies and standards. Directs the analysis of statistical and other operating data on quality control to determine trends and other information for quality control system evaluation. Provides leadership in reviewing and assessing, in coordination with regional offices, the effectiveness of State quality control systems.

Establishes and maintains the Federal monitoring system of State quality control operations.

Evaluates the performance of regional monitoring of State quality control systems.

Directs and coordinates the provision of consultation and technical assistance on quality control systems.

Division of Operational Planning. Develops plans for structural reform of the nation's income maintenance system. Serves as the focal point within the Social and Rehabilitation Service and the Department for welfare reform planning. Develops alternative models for reform of the structure and administration of the delivery system for cash assistance. Advises the Commissioner of the Assistance Payments Administration, the Administrator of the Social and Rehabilitation Service and officials in the Office of the Secretary with respect to the administrative implications of reform proposals. Plans specific implementing steps to carry out welfare reform including organizational proposals, staffing patterns, facilities, costs, regulations, policy materials methods and procedures for all.

OFFICE OF ASSOCIATE COMMISSIONER FOR PROGRAM MANAGEMENT

Responsible for the administration, operation and coordination of the income maintenance program. Insures that necessary policy requirements for the program are appropriate and in consonance with the laws and Departmental policies. Responsible for the preparation of standards to be used by States in determining amounts of assistance grants and other guidance materials for eligibility determination, standards for staffing, organizing, and devising systems and methods for efficient, effective, and economical administration of the program. Coordinates Assistance Payments Administration contacts with Regional Offices and State agencies as required to provide technical assistance. Coordinates actions initiated by the Regional Offices for State compliance with Federal program requirements. Maintains current information on the income maintenance program characteristics for each State.

Division of State Systems Management. Develops policy and standards for the guidance of States in the organization and administration of the income maintenance program, including financing and fiscal management, personnel administration, automatic data processing, office layout and work flow, forms design, work measurement and other management tools. Develops and promotes programs for State income maintenance staffs for the implementation of new administrative policies and procedures. Participates with the Regional Offices in the review of State operations as required. Provides technical assistance to the Regional Offices and coordinates on individual State problems.

Division of Program Implementation and Review. Provides instructions, guidelines, and technical assistance to the regions in monitoring and review of State administration of the income maintenance programs. Responsible for APA activities relating to the compliance process, maintenance, and publication of the characteristics of the State income maintenance programs and maintains the official State plans governing the conduct of these programs. Performs special studies of administrative practices as required. Analyzes program review findings for program development and planning. Monitors regional offices activity in the performance of priority objectives. Serves as the focal point in APA for interchange of information, instructions, reports. Provides or manages technical assistance to the Regions and coordinates on individual state problems.

Division of Income and Resources. Formulates interpretations, policies, standards, and procedures on provisions of the Social Security Act concerned with need and assistance payments to eligible individuals. Areas of work include: Definition of "needy" and "medically indigent"; utilization and conservation of income and resources; need determination and the related money payment; methods for training mothers of dependent children in child-care and homemaking skills; program definitions and levels in State general assistance programs; development of a national budget standard applicable for assistance administration. Provides technical assistance to regions and States. Provides consultation and maintains liaison within the Department and with other national public and voluntary agencies and organizations in these areas.

Division of Program Payment Standards. Formulates Federal regulations, policies, and standards and procedures to promote the improvement of the assistance payments aspects of the public welfare programs. Enables the APA to provide leadership in the assistance payments programs including the establishment of the definition of the eligibility factors that determine the scope of program coverage and the realization and protection of the rights of applicants and recipients. Provides technical assistance to and advice to other APA staff. Develops recommended public assistance legislative objectives; initiates recommendations for Federal legislation and evaluates proposals made elsewhere. Provides liaison with other Federal agencies and voluntary organizations in these assigned areas.

Dated: December 19, 1972.

JOHN G. VENEMAN,
Under Secretary.

[FR Doc.73–1312 Filed 1–22–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–382]

LOUISIANA POWER & LIGHT CO.

Notice of Adjourned Session of Prehearing Conference

In the matter of Louisiana Power & Light Co. (Waterford Steam Electric Station Unit 3), Docket No. 50–382.

Please take notice that an adjourned session of the prehearing conference in this proceeding, to consider the subjects identified in the notice and order for prehearing conference dated November 16, 1972, and published in the FEDERAL REGISTER, on Tuesday, November 21, 1972, at volume 37, page 24777, will be held pursuant to §§ 2.751a and 2.752 of the rules of practice of the Atomic Energy Commission (vol. 10, Code of Federal Regulations, Part 2) at 10 a.m. local time on February 16, 1973, at Room 265, U.S. Court of Appeals, 600 Camp Street, New Orleans, LA.

Members of the public are invited to attend this prehearing conference and any later prehearing conferences, as well as the evidentiary hearing to be held at a later date to be fixed by the atomic safety and licensing board.

The prehearing conference will be limited to the purposes specified, in preparation for the later evidentiary hearing. No evidence will be received at this pre-hearing conference, nor will there be an opportunity at the pre-hearing conference to present statements by members of the public who wish to make limited appearances for that purpose. Applications for permission to make limited appearances for the purpose of making such statements will be ruled upon by the atomic safety and licensing board at the evidentiary hearing to be held later.

The attention of counsel is directed to the provisions of the notice and order of November 16, 1972, concerning informal conferences to expedite the proceeding.

Dated this 17th day of January 1973, at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73–1364 Filed 1–22–73;8:45 am]

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CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revoked on November 13, 1972, the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of the Director, Office of Business Research and Analysis, Domestic and International Business, Bureau of Domestic Commerce.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1377 Filed 1-22-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority to Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revoked on December 4, 1972, the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant Commissioner for Property Improvement, Office, Assistant Secretary for Housing Production, Federal Housing Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1378 Filed 1-22-73;8:45 am]

DEPARTMENT OF TREASURY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized on December 14, 1972, the Department of Treasury to fill by noncareer executive assignment in the excepted service the position of Tax Counsel to the Assistant Secretary for Tax Policy, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1382 Filed 1-22-73;8:45 am]

DEPARTMENT OF THE TREASURY

Notice of Title Change in Noncareer Executive Assignment

By notice of June 29, 1972, FR Doc. 72-9873 the Civil Service Commission authorized the Department of the Treasury to make a change in title for the position of Executive Assistant, authorized to be filled by noncareer executive assignment. This is notice that on December 5, 1972, the title of this position was changed to Executive Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1383 Filed 1-22-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

Notice of Title Change in Noncareer Executive Assignment

By notice of June 5, 1970, FR Doc. 70-7002 the Civil Service Commission authorized the Federal Home Loan Bank Board to make a change in title for the position of Director, Office of System Finance and Bank Operations, authorized to be filled by noncareer executive assignment. This is notice that on November 13, 1972, the title of this position was changed to Director, Office of Federal Home Loan Banks.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1381 Filed 1-22-73;8:45 am]

INTER-AMERICAN FOUNDATION

Notice of Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revoked on December 13, 1972, the authority of the Inter-American Foundation to fill by noncareer executive assignment in the excepted service the position of Director of Programs, Office of Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1380 Filed 1-22-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revoked on November 20, 1972, the authority of the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Assistant to the Economist, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1379 Filed 1-22-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 631]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 15, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application accepted for filing, is directed to §§ 1.227 and 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 and 1.227 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4940-C2-P-73—King Communications, Inc. (KQD310), for additional facilities to operate on 454.050 MHz at location No. 3: 1464 Tarman, Essexville, Mich.

4944-C2-P-73—Joplin Mobilfone Service, Inc. (New), for a new one-way station to operate on 152.24 MHz at 3601 East 20th Street, Joplin, MO.

4945-C2-P-73—Answer, Inc., of San Antonio (New), for a new one-way station to operate on 35.58 MHz at the KWEX-TV Tower, 111 Martinez Street, San Antonio, TX.

4957-C2-P-73—Xavier W. Nady (KLF920), replace transmitter operating on 152.24 MHz, change the antenna system and relocate facilities near the Pierce-King County line, Tacoma, Wash.

4958-C2-TC-73—Contact of Farmington, Inc., consent to transfer of control from Carl Ogden, Transferor, to Robert L. Wolfe, Transferee. Station: KKO340 Farmington, N. Mex.

4959-C2-MP-73—General Telephone Company of the Northwest, Inc. (KTS244), change the base frequency to 454.575 MHz at 13013 Northeast 65th Street, Kirkland, WA.

4960-C2-AL-73—New Jersey Exchanges, Inc., consent to assignment of license from New Jersey Exchanges, Inc., Assignor to Radiofone Corporation of New Jersey, Assignee Station: KEG738 Hawthorne, N.J.

4961-C2-P-73—Rapid Answering Service (KSV900), for additional facilities to operate on 152.03 MHz at 1110 Fuller Street, Big Rapids, MI.

4980-C2-AL-73—Pacific Power & Light Co., consent to assignment of license from Pacific Power & Light Co., Assignor to Northwestern Telephone System, Inc., Assignee. Station: KFL914.

4982-C2-P-73—Mobilphone of Kansas (New), for a new one-way station to operate on 152.24 MHz at 1101 Kansas Street, Great Bend, KS.

4983-C2-P-73—Zipcall (KCH890), for additional facilities to operate on 2178 MHz control at 111 Perkins Street, Boston, MA. location No. 10.

4984-C2-P-73—Orange County Radiotelephone Service, Inc. (KMB304), change the antenna system and relocate facilities operating on 454.35 MHz to 3.5 miles east of Newport Beach, Signal Peak, Calif.

5033-C2-P-73—New England Telephone & Telegraph Co. (KCA207), for additional facilities to operate on 454.625 MHz at Silver Hill, Observatory Avenue, Haverhill, Mass.

5034-C2-P-73—Radio Paging & Telephone Answering Service of Charlotte (KIM905), to relocate facilities operating on 35.22 MHz at 300 South College Street, Charlotte, NC.

5036-C2-P-73—Autophone of San Antonio (New), for a new one-way station to operate on 35.22 MHz at 700 East Hildebrand, San Antonio, TX.

5037-C2-P-73—Mountain States Telephone & Telegraph Co. (KKI458), replace test transmitter operating on 157.77, 157.83, 157.89, 157.95, 158.01, and 158.07 MHz at 120 Fourth Street, Northwest Albuquerque, NM.

5038-C2-P-(2)-73—Northwestern Bell Telephone Co. (KAQ605), replace transmitters operating on 152.63 and 152.75 MHz, change the antenna system and relocate facilities to 126 South Dakota Avenue, Sioux Falls, SD.

5046-C2-P-73—Rad Com Electronics, Inc. (New), for a new two-way station to operate on 152.12 MHz at Turnwater Hill, approximately 15 miles west-southwest of Olympia, Wash.

5050-C2-P-(2)-73—Mobile Radio Telephone Service, Inc. (New), for a new two-way station to operate on 454.275 and 454.300 MHz near Manitou Springs, Cheyenne Mountain, Mountain Grove, Mo., azimuth 138°13'.

5051-C2-P-73—Empire Communications Co. (KFL965), for additional facilities to operate on 152.21 MHz 0.7 mile northwest on Awbrey Butte, Bend, Oreg.

5052-C2-P-73—Beep Communications Systems, Inc. (KEA285), for additional facilities to operate on 152.03 MHz at a new site described as location No. 2: West Gate Drive, Huntington, N.Y.

5053-C2-P-73—Auto Phone Service (KIX508), replace transmitter and change the antenna system operating on 35.22 MHz at the Cherry Plaza Hotel, Central Avenue and Eola Street, Orlando, Fla.

5054-C2-P/ML-73—South Central Bell Telephone Co. (KLF514), for additional facilities to operate on 152.84 and 158.10 MHz utilizing five (5) units in any temporary location within the States of Alabama, Kentucky, Louisiana, Mississippi, and Tennessee.

Major Amendment

7538-C2-P-(2)-72—Delaware Mobile Telephone Co. (New), amend to include request to add additional frequencies: 454.125 and 454.325 MHz at 0.2 mile southwest of Main Street, Woodside, Del. For other particulars see Report No. 601, dated June 19, 1973.

RURAL RADIO SERVICE

5047-C1-P-73—Mountain States Telephone & Telegraph Co. (KYS24), replace transmitter operating on 157.77 MHz and add frequency 156.01 MHz at Timber Range Station, 22.4 miles northeast of Pine, Ariz.

4958-C1-TC-73—Contact of Farmington, consent to transfer of control from Carl Ogden, transferor, to Robert L. Wolfe, Transferee. Station: KLC45 Temp-Fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE

(Informative: Nebraska Consolidated Communications Corp. has filed applications for four new stations. These applications are part of NCCC's specialized system between St. George, Mo., and Atlanta, Ga.)

4883-C1-P-73—Nebraska Consolidated Communications Corp. (New), Signal Mountain, 4.1 miles northwest of Westover, Ala. Latitude 33°23'44" N., longitude 86°35'02" W. Frequencies 6226.9H to Talladega, Ala., azimuth 79°53' and 6226.9V to Hopkins, Ala., azimuth 281°01'.

4884-C1-P-73—Same (New), 1.8 miles north of Talladega, Ala. Latitude 33°27'51" N., longitude 86°07'16" W. Frequencies 5974.8H to Heflin, Ala., azimuth 64°02' and 5974.8V to Signal Mountain, Ala., azimuth 260°08'.

4885-C1-P-73—Same (New), 2.1 miles northwest of Heflin, Ala. Latitude 33°40'02" N., longitude 85°37'10" W. Frequencies 6226.9H to Buchanan, Ga., azimuth 70°31' and 6226.9V to Talladega, Ala., azimuth 244°18'.

4886-C1-P-73—Same (New), 1.4 miles east of Buchanan, Ga. Latitude 33°47'58" N., longitude 85°10'08" W. Frequencies 5974.8V to Douglasville, Ga., azimuth 99°42' and 5974.8H to Heflin, Ala., azimuth 250°46'.

4887-C1-MP-73—Same (WOI42), 2 miles west-northwest of Theon, Tex. Latitude 30°45'24" N., longitude 97°37'53" W. Modification C.P. to change frequency 5982.3H to 5974.8V toward Austin, Tex., azimuth 205°13'.

4888-C1-MP-73—Same (WOI43). Modification C.P. to relocate station to 5.2 miles west of Austin, Tex. Latitude 30°18'54" N., longitude 97°52'16" W. Change frequencies 6226.9V to 6345.5H toward Bastrop, Tex., azimuth 110°54' and 6226.9H to 6345.5H toward Theon, Tex., azimuth 25°06'. Change azimuth of frequency 6226.9H toward San Marcos, Tex. to 195°36'.

4889-C1-MP-73—Same (WOI44), 1 mile northeast of Bastrop, Tex. Latitude 30°07'30" N., longitude 97°18'09" W. Modification C.P. to change frequency 5974.8H to 6093.8H toward Austin, Tex., azimuth 291°11'.

4890-C1-MP-73—Same (WOI49), northwest city limits of San Marcos, Tex. Latitude 29°54'24" N., longitude 98°00'07" W. Modification C.P. to change frequency 5945.2V to 6034.2H toward Austin, Tex. azimuth 15°32'.

4891-C1-MP-73—Same (WOH95), 1.5 miles west-southwest of St. George, Mo. Latitude 37°22'26" N., longitude 92°28'14" W. Modification of C.P. to add frequency 6226.9V to Mountain Grove, Mo., azimuth 138°13'.

4946-C1-P-73—New England Telephone & Telegraph Co. (KCL54), 185 Franklin Street, Boston, MA. Latitude 42°21'20" N., longitude 71°03'21" W. C.P. to add frequency 6345.5H MHz toward Marshfield, Mass.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

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POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4947–C1–P–73—Same (KVH81), 0.9 mile south-southeast of Marshfield Hills, Marshfield, Mass. Latitude 42°08'01" N., longitude 70°43'59" W. C.P. to add frequency 6093.5V MHz toward Boston, Mass.; frequency 6093.5H MHz toward Plymouth, Mass.

4948–C1–P–73—Same (New), Seven Hills Road, Plymouth, Mass. Latitude 41°56'36" N., longitude 70°42'07" W. C.P. for a new station on frequency 6345.5V MHz toward Marshfield, Mass.; frequency 6345.5H MHz toward Barnstable, Mass.

4949–C1–P–73—Same (KCA75), 3 miles west-southwest of Barnstable, Mass. Latitude 41°40'57" N., longitude 70°21'17" W. C.P. to add frequency 6093.5V MHz toward Plymouth, Mass.

4950–C1–P–73—Southwestern Bell Telephone Co. (KKZ85), Avenue I and 25th Street, Galveston, Tex. Latitude 29°18'03" N., longitude 94°47'38" W. C.P. to replace transmitter on frequencies 6004.5V and 6123.1V MHz toward Port Bolivar, Tex.

4951–C1–P–73—Same (KKZ86), Nelson Street near 15th Street, Port Bolivar, Tex. Latitude 29°22'54" N., longitude 94°45'51" W. C.P. to replace transmitter and correct azimuth on frequencies 6286.2V and 6404.8V MHz toward Galveston, Tex.

4952–C1–P–73—American Telephone & Telegraph Co. (KCM82), 1.6 miles south of Littleton, Mass. Latitude 42°31'29" N., longitude 71°27'49" W. C.P. to add frequency 4050H MHz toward Chester, N.H.

4953–C1–P–73—Same (KCB79), 2.6 miles southeast of Chester, N.H. Latitude 42°55'18" N., longitude 71°13'34" W. C.P. to add frequency 4090H MHz toward Littleton, Mass.; frequency 3990H MHz toward Sanford, Maine.

4954–C1–P–73—Same (KCB80), 2 miles southwest of Sanford, Maine. Latitude 43°25'14" N., longitude 70°48'12" W. C.P. to add frequency 3950H MHz toward Chester, N.H.; frequency 3950H MHz toward Portland, Maine.

4955–C1–P–73—Same (KCB81), 45 Forest Avenue, Portland, ME. Latitude 43°39'21" N., longitude 70°15'52" W. C.P. to add frequency 3990H MHz toward Sanford, Maine.

4956–C1–P/L–73—Southern Bell Telephone & Telegraph Co. (WPF99), 1909 Wynnton Road, Columbus, GA. Latitude 32°28'06" N., longitude 84°57'59" W. C.P. for a new station on frequency 10,755H MHz toward WYEA–TV, Columbus, Ga.

4981–C1–AL–(7)–73—Pacific Power & Light Co. Application for consent to assignment from the stockholders of Pacific Power & Light Co., assignors to Northwestern Telephone Systems, Inc., assignees for stations: KKU21: La Salle, Mont.; KPE24: Hell Roaring Mountain, Mont.; KPE25: Kalispell, Mont.; KPG94: south of Kalispell, Mont.; KXQ81: Whitefish, Mont.; WBO53: Columbia Falls, Mont.; WIV81: Polson, Mont.

4985–C1–P–73—The Mountain States Telephone & Telegraph Co. (New), 17.5 miles east-northeast of Sells, Kitt Peak National Observatory, Ariz. Latitude 31°57'42" N., longitude 111°35'59" W. C.P. for a new station on frequency 6390.0V MHz toward Tumamoo Hill, Ariz.

4986–C1–P–73—Same (New), Tumamoo Hill, 1.5 miles west of Tucson, Ariz. Latitude 32°12'51" N., longitude 111°00'18" W. C.P. for a new station on frequency 6137.9V MHz toward Kitt Peak, Ariz.

4933–C1–ML–73—American Telephone & Telegraph Co. (KGJ25), Lewistown, 5.5 miles southwest of Thurmont, Md. Latitude 39°34'34" N., longitude 77°29'17" W. Modification of license to change polarization from H to V on frequencies 3750V, 3830V, 3910V, 3990V, 4070V, and 4150V MHz toward Monrovia, Md.

4934–C1–ML–73—Same (KGN99), Monrovia, 7.5 miles southeast of Frederick, Md. Latitude 39°20'55" N., longitude 77°16'51" W. Modification of license to change polarization from H to V on frequencies 3750V, 3830V, 3910V, 3990V, 4070V, and 4150V MHz toward Monrovia, Md.

4937–C1–ML–73—Same (KGA26), Wyndmoor, Springfield Township, Pa. Latitude 40°05'02" N., longitude 75°11'19" W. Modification of license to change polarization from V to H on frequencies 6197.2H and 6375.2H MHz toward Finland, Pa.; frequencies 6197.2H and 6375.2H MHz toward Philadelphia, Pa.

3171–C1–R–73—General Telephone Co. of California (KZI31), in any temporary fixed location within the territory of the grantee. Application for renewal of radio station for term: April 1, 1973, to April 1, 1974.

5031–C1–P–73—Western Carolina Telephone Co. (New), Spring Street, Highlands, N.C. Latitude 35°30'11" N., longitude 83°12'03" W. C.P. for a new station on frequencies 6286.2H and 6404.8H MHz toward Cowee Bald, N.C., via passive reflector.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

5032–C1–P–73—Same (KIW86), Cowee Bald, N.C. Latitude 35°19'36" N., longitude 83°20'07" W. C.P. to add frequencies 6034.2H and 6152.8H MHz toward Highlands, N.C., via passive reflector.

5035–C1–ML–73—Illinois Bell Telephone Co. (KSO96), 2.6 miles south-southwest of Delavan, Ill. Latitude 40°20'11" N., longitude 89°33'24" W. Modification of license to change polarization from V to H on frequencies 4070H, 4150H, and 8750H MHz toward Sunnyland, Ill.

5039–C1–P–73—American Telephone & Telegraph Co. (KZA40), 1.8 miles west of Rosenberg, Tex. Latitude 29°33'15" N., longitude 95°50'41" W. C.P. to add frequencies 6286.2H and 6404.8H MHz toward Arcola, Tex.

5040–C1–P–73—Same (KZA41), 2.1 miles northwest of Arcola, Tex. Latitude 29°31'31" N., longitude 95°29'02" W. C.P. to add frequencies 6034.2V and 6152.8V MHz toward Rosenberg, Tex.; frequencies 6034.2H and 6152.8H MHz toward Houston, Tex.

5041–C1–P–73—American Telephone & Telegraph Co. (New), West Main Street and Wesleyan Avenue, Houston, Tex. Latitude 29°44'09" N., longitude 95°26'27" W. C.P. for a new station on frequencies 6286.2V and 6404.8V MHz toward Arcola, Tex.

5042–C1–P–73—The Mountain States Telephone & Telegraph Co. (WBO95), 1510 North Park Avenue, Park City, UT. Latitude 40°39'22" N., longitude 111°30'18" W. C.P. to add frequencies 11,405H and 11,645V MHz toward Heber City, Utah, via passive reflector.

5043–C1–P–73—Same (New), 145 West Center Street, Heber City, Utah. Latitude 40°30'26" N., longitude 111°24'54" W. C.P. for a new station on frequencies 10,715V and 10,955H MHz toward Park City, Utah, via passive reflector.

5045–C1–P–73—Southwestern Bell Telephone Co. (KKB37), 1116 Houston Street, Fort Worth, Tex. Latitude 32°44'57" N., longitude 97°19'31" W. C.P. to add frequency 4110.0V MHz toward Roanoke, Tex.

5048–C1–P–73—United Telephone Company of the Carolinas, Inc. (KJH37), Lobeco, S.C. Latitude 32°33'17" N., longitude 80°44'59" W. C.P. to add frequency 6345.5V MHz toward Beaufort, S.C.

8288–C1–P–72—Nebraska Consolidated Communications Corp. (New), resubmitted: C.P. for a new fixed station at Omaha, Nebr. Latitude 41°15'28" N., longitude 95°56'24" W. Frequencies 6226.9H, 6286.2H, 6345.9H, 6404.8H, and 6375.2V MHz toward Magnolia, Iowa on azimuth 5°30'.

8290–C1–P–72—Same (New), resubmitted: C.P. for a new fixed station 4 miles west of Decatur, Nebr. Latitude 42°00'32" N., longitude 96°21'15" W. Frequencies 6226.9V, 6286.2V, 6345.5V, 6404.8V, and 6375.2H MHz toward Sioux City, Iowa, on azimuth 351°54'; frequencies 6226.9V and 6286.2V MHz toward Magnolia, Iowa, on azimuth 129°08'.

8289–C1–P–72—Same (New), resubmitted: C.P. for a new fixed station 1.5 miles northnorthwest of Magnolia, Iowa. Latitude 41°43'09" N., longitude 95°52'50" W. Frequencies 5945.2V, 6004.5V, 6063.8V, 6123.1V, and 6152.8H MHz toward Decatur, Nebr., on azimuth 309°27'; frequencies 6004.5H and 6063.5H MHz toward Omaha, Nebr., on azimuth 185°33'.

8291–C1–P–72—Same (New), resubmitted: C.P. for a new fixed station 0.5 mile northeast of War Eagle Park, Sioux City, Iowa. Latitude 42°29'51" N., longitude 96°26'53" W. Frequencies 6049.0H, 6108.3H, and 6167.6H MHz toward Vermillion, S. Dak., on azimuth 316°25'; frequencies 5945.2V and 6004.5V toward Decatur, Nebr. on azimuth 171°50'; frequency 10,775H MHz toward Sioux City, Iowa, on azimuth 91°01'; frequency 11,015H MHz toward Sioux City, Iowa, on azimuth 89°35'; frequency 11,175H MHz toward Sioux City, Iowa, on azimuth 82°56'.

8292–C1–P–72—Nebraska Consolidated Communications Corp. (New), resubmitted: C.P. for a new fixed station 5.5 miles east of Vermillion, S. Dak. Latitude 42°47'08" N., longitude 96°49'16" W. Frequency 6197.2V, 6315.9V, and 6375.2V MHz toward Beresford, S. Dak., on azimuth 6°14'.

8293–C1–P–72—Same (New), resubmitted: C.P. for a new fixed station 5.5 miles north of Beresford, S. Dak. Latitude 43°09'49" N., longitude 96°45'53" W. Frequency 6034.2H, 6093.5H, and 6152.8H MHz toward Sioux Falls, S. Dak., on azimuth 3°48'.

8294–C1–P–72—Same (New), resubmitted: C.P. for a new fixed station 0.25 mile south of Sioux Falls, S. Dak. Latitude 43°29'20" N., longitude 96°44'06" W. Frequency 1166.5H MHz toward Sioux Falls, S. Dak., on azimuth 3°30'; frequency 1142.5H MHz toward Sioux Falls, S. Dak., on azimuth 8°45'; frequency 6226.9H MHz toward Mitchell, S. Dak., on azimuth 287°24'.

Correction

The following application should have appeared on Public Notice No. 623, dated November 20, 1972.

3227–C1–ML–73—Pacific Northwest Bell Telephone Co. (KOC65), 819 Southwest Oak Street, Portland, OR. Latitude 45°31'22" N., longitude 122°40'42" W. Modification of license to change polarization from H to V on frequencies 3770V and 3850V MHz toward Sentinel Hill, Oreg.

MULTIPOINT DISTRIBUTION SERVICE

INFORMATIVE: Consistent with the Commission's ruling in Midwest Corporation *et al.*, FCC 73–1 (released January 5, 1973), applicants in the Multipoint Distribution Service proposing interstate communications service are not required, for FCC purposes, to submit a copy of any state certification necessary to the provision of intrastate service. However, applicants proposing only intrastate services must include in their applications a copy of any such certificate that may be required pursuant to rule section 21.15(c)(4). Unless a proposal is clearly interstate in nature (e.g. the service area extends across a staate boundary), it will be considered solely intrastate absent information on interstate service, including the method by which it will be accomplished. Pending applications should be amended to reflect this information as appropriate.

5030–C5–P–73—Electro-Media Multipoint Service, Inc. (New), Arlington Towers, 100 Arlington Avnue, Reno, NV. C.P. for a new station on frequencies 2154.75 (Visual) 2150.25 (Aural). (Primary Service Area: Reno, Nev.)

5055–C5–73—H. L. Woodbury (New), Texas Building at intersection of Locust and Oak Streets, Denton, Tex. Latitude 33°12'56" N., longitude 97°07'55" W. C.P. for a new station on frequencies 2154.75 (Visual) 2150.25 (Aural). (Primary Service Area: Denton, Tex.)

5056–C5–P–73—Midwest Corp. (New), 3522 East 112th Street, Tacoma, WA. Latitude 47°9'15" N., longitude 122°22'41" W. C.P. for a new station on frequencies 2154.75 (Visual) 2150.25 (Aural). (Primary Service Area: Tacoma, Wash.)

Informative

It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

NEVADA—Reno

A. Michael Lipper, (New), 3465–C5–P–73—Electro-Media Multipoint Service, Inc. (New), 5030–C5–P–73.

WASHINGTON—Tacoma

Howard S. Klotz & William Corbus (New), 4475–C5–P–73—Midwest Corp. (New), 5056–C5–P–73.

SUBMARINE CABLE LANDING SERVICE

S–C–L–46–1—ITT World Communications, Inc., for a license to land and operate in Hawaii and Guam, jointly with other carriers, a submarine cable between Hawaii and Okinawa.

S–C–L–46–2—RCA Global Communications, Inc., for a license to land and operate in Hawaii and Guam the Transpac-2 submarine cable between Hawaii and Okinawa.

S–C–L–46–3—Western Union International, Inc, for a joint license to land and operate a submarine cable in Hawaii and Guam which will extend between Hawaii and Okinawa via Guam.

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

Telephone Wire Facilities

P–C–8520—General Telephone Company of Upstate New York, Inc., Informal (Section 63.03) for authority to supplement existing facilities to meet normal toll and special growth at various locations in New York and Pennsylvania.

P–C–8521—The Mountain States Telephone & Telegraph Co., Informal (Section 63.03) for authority to supplement facilities in Arizona, Colorado, Montana, Utah, and Wyoming.

P–C–8522—Delaware Valley Telephone Co., Informal (Section 63.03) for authority to supplement existing facilities to meet normal toll and special growth at various locations in New York and Pennsylvania.

Telephone Wire Facilities—Continued

P–C–8523—Northwestern Bell Telephone Co., Informal (Section 63.03) for authority to supplement existing facilities between Clarinda, Iowa, and Omaha, Nebr.

P–C–7435–2—Hawaiian Telephone Co., Formal (Section 63.01) for authority to acquire from Communications Satellite Corp. and to operate a channel between an appropriate satellite over the Pacific Ocean for use in providing a high speed digital data transmission and reception service between Hawaii and the United States Mainland.

Telegraph Wire Facilities

T–C–1745–1–M—The French Telegraph Cable Co., Formal (Section 63.01) for authority to shorten and simplify the customer's route (FTCC) by eliminating the cross-channel link.

T–C–2530—RCA Global Communications, Inc., Formal (Section 63.01) for authority to participate in the construction and operation of the Transpac-2 submarine cable system between the Island of Oahu in the State of Hawaii and the Island of Okinawa via the Island of Guam.

T–C–2531—Western Union International, Inc., Formal (Section 63.01) for authority to provide experimental international Telepost service from the gateway cities of New York, San Francisco, and Washington, on the one hand, to Argentina, Brazil, Indonesia, and Venezuela on the other hand.

T–C–2532—Western Union International, Inc., Formal (Section 63.01) for authority to participate in the construction and operation of a submarine cable between Hawaii and Okinawa via Guam.

T–C–2533—ITT World Communications, Inc., Formal (Section 63.01) for authority to participate in the construction and operation of a deep sea submarine cable system between Hawaii and Okinawa via Guam.

T–C–2534—Domsat Corp., Formal (Section 63.01) for authority to lease and to operate facilities to extend Lettergram Service between the United States Mainland and Hawaii, and to construct a message switching center in Honolulu, Hawaii.

Corrections

T–C–2462–2—TRT Telecommunications Corp. Correct File No. to read: T–C–2462–3. See Report No. 625, dated December 4, 1972.

In Report No. 627, dated December 18, 1972, under Telegraph Wire Facilities, delete the correction.

T–C–2469–1—TRT Telecommunications Corp. Correct File No. to read: T–C–2462–4 and correct entry to read: Formal (Section 63.01) for authority to lease and to operate a satellite telegraph-grade circuit to institute direct telex service between the United States and Peru and points beyond. This Application was accompanied by a petition for reallocation of one satellite telegraph circuit and one satellite voice circuit to Peru. Comments on said petition may be filed no later than the date of filing comments on the accompanying application.

[FR Doc.73–1224 Filed 1–22–73;8:45 am]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND ZIM ISRAEL NAVIGATION CO., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a

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violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines, Inc., 1 Whitehall Street, New York, NY 10004.

Agreement No. 10031, between Farrell Lines, Inc., and Zim Israel Navigation Co., Ltd., establishes a through billing arrangement on all cargo moving in the trade between the Liberian Ports of Buchanan, Sinoe, and Lofa River and U.S. Atlantic, Gulf and Great Lakes Ports with transshipment at Monrovia, Liberia, under terms and conditions set forth in the agreement. Agreement No. 10031 will, upon approval, cancel and supersede Agreements Nos. 9456 and 9459.

Dated: January 15, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1341 Filed 1-22-73;8:45 am]

[Docket No. 73-2]

PLAZA PROVISION CO., INC., AND PUEBLO SUPERMARKETS, INC.

Order of Investigation Regarding Possible Violations

By our order of even date, we dismissed the complaint proceedings (Dockets Nos. 72-27 and 72-28) instituted by Maritime Service Corp. (MSC), which alleged that Plaza Provision Co., Inc. (Plaza) and Pueblo Supermarkets, Inc. (Pueblo), as consignees of cargo moving between the United States and Puerto Rico, violated section 16 of the Shipping Act, 1916, because of their refusal and failure to pay demurrage charges as provided in the carrier's tariffs. MSC requested that the Commission order respondents to cease and desist in violations of section 16, Shipping Act, 1916 (the Act), and to pay MSC the demurrage due and owing.

For reasons stated in the aforementioned order, we granted respondents' motion to dismiss.

Under the Shipping Act, 1916, the Commission may investigate any practices which may amount to a violation of the Act.

It has been alleged that the respondents not only have attempted to use coercive tactics to obtain reduction in their demurrage accounts (Pueblo and Plaza seek 20 percent and 10 percent reductions, respectively), but also that they conspired with other Puerto Rico shippers to boycott and otherwise obstruct payment to MSC of demurrage due and owing.

In addition, section 16, first paragraph, provides in part:

Sec. 16. That it shall be unlawful for any shipper, consignor, consignee, forwarder, broker, or other person, or any officer, agent, or employee thereof, knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means to obtain or attempt to obtain transportation by water for property at less than the rates or charges which would otherwise be applicable.

The Commission has determined that an investigation should be instituted to determine whether the allegations of respondents' refusal to pay demurrage charges due and owing; the incurring of a substantial demurrage account which is being used by respondents to coerce concessions and reductions in demurrage in that no payment will be had until a reduction is granted; conspiring with other Puerto Rico shippers to boycott and avoid payment to MSC; and the making of false claims and reports to MSC are practices in violation of section 16 of the Act.

Therefore, it is ordered, That pursuant to sections 16 and 22 of the Shipping Act, 1916, an investigation is hereby instituted to determine:

1. Whether the failure or refusal by respondents to pay demurrage constitutes the obtaining or an attempt to obtain transportation by water at less than the otherwise applicable rates and charges in violation of section 16 of the Act;

2. Whether respondents' alleged actions of incurring a substantial demurrage account to coerce concessions and reductions in demurrage contrary to the carriers' tariffs in that respondents refuse to pay any demurrage until the reduction is granted; conspiring with other Puerto Rico shippers to boycott and avoid payment to MSC; and the making of false claims and reports to MSC to avoid payment of lawful demurrage, are unjust or unfair devices or means prohibited by section 16 of the Act; and

It is further ordered, That Plaza Provision Co., Inc., and Pueblo Supermarkets, Inc., are hereby made respondents in this proceeding; and

It is further ordered, That this proceeding be assigned to an Administrative Law Judge, and that the hearing be held at a date and place to be determined and announced by the presiding Administrative Law Judge; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER; and

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission immediately, and file petition for leave to intervene in accordance with Rule 5(L) of the Commission's rules of practice and procedure (46 CFR 502.72), with a copy to all parties to this proceeding;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1342 Filed 1-22-73;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2317—North Carolina and Virginia]

APPALACHIAN POWER CO.

Notice of Availability of Draft Environmental Statement for Inspection

JANUARY 16, 1973.

Notice is hereby given that on January 22, 1973, as required by the Commission's rules and regulations under Order No. 415-C, a staff draft environmental statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act by Appalachian Power Co. for the proposed Modified Blue Ridge Project.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office Building, 441 G Street NW., Washington, DC, and its New York regional office. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project would be a combined pumped-storage and conventional hydroelectric project located on the New River in Grayson, Carroll, and Wythe Counties, Va., and Ashe and Alleghany Counties, N.C.

The project would consist of: (1) The Upper Development with (a) a rockfill dam about 300 feet high and 1,700 feet long; (b) a spillway with crest at elevation 2,602 feet controlled by four tainter gates each 50 feet high by 50 feet wide; (c) a reservoir having a surface area of approximately 26,000 acres at elevation 2,652 feet containing 2,010,000 acre-feet of storage; (d) a gated intake works; (e) eight concrete-lined tunnels each 31 feet in diameter; (f) a powerhouse containing eight reversible pump-turbine units each with a rated generating capacity of 200,000 kilowatts at 230 feet net head; (g) two 31-mile 765 kilovolt single circuit transmission lines to a switching station to be located at Jacksons Ferry, Va.; and (h) appurtenant facilities. (2) The Lower Development with (a) a rockfill dam about 250 feet high and 2,000 feet long; (b) a spillway with crest elevation at 2,396 feet controlled by four tainter gates each 50 feet wide by 50 feet high; (c) a reservoir having a surface area of 14,400 acres at elevation 2,446 feet containing about 1,251,000 acre-feet of storage; (d) an intake that is integral with the dam near the right abutment; (e) two concrete-lined tunnels 27 feet in diameter; (f) a powerhouse containing two conventional units each with a rated generating capacity of 100,000 kilowatts at 204 feet net head; (g) a 4-mile 138 kilovolt double circuit transmission line to a switching station to be located near Fries, Va.; and (h) appurtenant facilities.

This proceeding has been reopened by order issued November 2, 1972, for further procedural implementation of the National Environmental Policy Act; however, this reopening is not for the purpose of receiving cumulative or repetitive evidence on issues already fully tried in this proceeding. Accordingly, any person desiring to present evidence regarding environmental matters which is not cumulative or repetitive must file with the Federal Power Commission a petition to intervene, unless such person has already filed such petition in this proceeding, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard. Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before March 12, 1973. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1360 Filed 1-22-73;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Notice of Extension of Time

JANUARY 16, 1973.

On January 8, 1973, Commission Staff Counsel filed a motion for resetting procedural dates established by order issued October 20, 1972. The motion states that the parties concur in the motion.

Upon consideration, notice is hereby given that the dates set forth in the order issued October 20, 1972, are modified as follows:

Staff Evidence Service Date, February 27, 1973.
Intervenor Evidence Service Date, March 20, 1973.
Company Rebuttal Service Date, April 3, 1973.
Prehearing Conference Date, March 27, 1973.
Hearing Date, April 17, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1235 Filed 1-22-73;8:45 am]

[Docket No. CP73-165]

ARKANSAS OKLAHOMA GAS CORP.

Notice of Application

JANUARY 16, 1973.

Take notice that on December 26, 1972, Arkansas Oklahoma Gas Corp. (Applicant), 115 North 12th Street, Fort Smith, AR 72901, filed in Docket No. CP73-165 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to purchase the production from one gas well located within approximately 2,600 feet of Applicant's present pipeline system in Le Flore County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a 3½-inch outside diameter gathering line approximately 2,600 feet in length, together with necessary valves, fittings, and metering and regulating facilities, running from a gas well owned by Stephens Production Co. and located in section 14 of T. 9 N. of R. 25 E., Le Flore County, Okla., to a point of connection with Applicant's present facilities in sec. 14 of T. 9 N. of R. 25 E., Le Flore County, Okla. Applicant states that the additional gas supply to be obtained through the proposed facilities will be used to maintain service to Applicant's existing customers.

Applicant states that the facilities proposed to be constructed will not result in any increase in the delivery capacity of Applicant's presently authorized pipeline system and no new markets are proposed to be served. Applicant estimates the total cost of the proposed facilities to be $10,890. The cost will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1236 Filed 1-22-73;8:45 am]

[Docket No. CP72-8]

COLUMBIA LNG CORP.

Notice of Filing of Notice of Withdrawal of Application

JANUARY 17, 1973.

Take notice that on December 14, 1972, Columbia LNG Corp. (Columbia), 20 Monchanin Road, Wilmington, DE 19807, filed in Docket No. CP72-8, pursuant to § 1.11(d) of the Commission's rules of practice and procedure, a notice of withdrawal of its application in said docket, all as more fully set forth in the notice of withdrawal which is on file with the Commission and open to public inspection.

Columbia, in its application filed July 21, 1971, in Docket No. CP72-8, which is currently pending before the Commission, requests authorization for the sale and delivery of synthetic pipeline quality gas at the tailgate of a reforming plant, which Columbia is building in Green Springs, Ohio, to Columbia Gas Transmission Corp. (Columbia Gas), an affiliated company. Columbia believes that in light of Commission Opinion No. 637, Algonquin SNG, Inc., et al., issued December 7, 1972, in Docket No. CP72-35, which holds that synethetic gas is not "natural gas" within the meaning of the Natural Gas Act, and that the facilities employed in the manufacture of synthetic gas, its transportation and sale in interstate commerce for resale, while unmixed with natural gas, are not within the Commission's jurisdiction, the relief requested in the pending application is outside the jurisdiction of the Commission. Therefore, Columbia requests to withdraw the application.

Columbia states that Columbia Gas is currently considering a restructing of the project with its customers and anticipates that Columbia Gas will file an appropriate certificate application with the Commission for the restructured project.

Columbia also requests that the record, testimony, and exhibits made in the present proceeding, that may be germane

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or material to Columbia Gas's application to be filed, be allowed to be incorporated in Columbia Gas' proceeding by reference.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 13, 1972, any views and comments in writing concerning the notice of withdrawal. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the notice of withdrawal.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-1237 Filed 1-22-73;8:45 am]

[Project 176; Dockets Nos. E-7562, E-7655]

ESCONDIDO MUTUAL WATER CO. ET AL.

Notice of Petition for Declaratory Order

JANUARY 12, 1973.

Escondido Mutual Water Co., Project No. 176; Secretary of the Interior Acting in his Capacity as Trustee for the Rincon, La Jolla, and San Pasqual Bands of Mission Indians v. Escondido Mutual Water Co. and city of Escondido, Calif., Docket No. E-7562; Vista Irrigation District, Docket No. E-7655.

Public notice is hereby given that the La Jolla, Rincon, and San Pasqual Bands of Mission Indians filed on November 22, 1972, a petition that the Federal Power Commission issue an order declaring the present use of Project No. 176 facilities by the Vista Irrigation District (Vista) in violation of the Federal Power Act and the Project No. 176 license. The Bands also requested the Commission to declare that the licensee, Escondido Mutual Water Co. (Mutual), by transporting water purchased from Vista through the Project No. 176 facilities violates the Federal Power Act. The Bands petitioned this Commission to order the licensee to refrain from transporting Vista's water or water purchased from Vista through the project works until Vista and the licensee secure the requisite authorization for such use of the licensed facilities.

The Bands' petition also requests that the Commission declare the licensee delegation of management and control of major portions of Project No. 176 facilities made pursuant to a contract dated November 10, 1922, concerning the "Joint Superintendent" as a violation of sections 8 and 4(e) of the Federal Power Act, and Article 22 of the Project No. 176 license, and that the proposed order return to the licensee all control of Project No. 176 facilities now under the supervision of the joint superintendent.

Any person desiring to be heard or to make protest with reference to the filing of this petition by the La Jolla, Rincon, San Pasqual Bands of Mission Indians should on or before February 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition filed by these respective Bands of Indians is on file with this Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-1240 Filed 1-22-73; 8:45 am]

[Dockets Nos. CP73-45, etc.]

MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

Notice Postponing Hearing

JANUARY 12, 1973.

Michigan Wisconsin Pipe Line Co., Docket No. CP73-45; Southern Natural Gas Co., Docket No. CP73-49; Florida Gas Transmission Co., Southern Natural Gas Co., Docket No. CP73-14.

On January 11, 1973, Commission Staff Counsel filed a motion to continue the hearing scheduled in the above matter by order issued on November 16, 1972. The motion states that the staff received the concurrence of all of the parties to the proceeding.

Upon consideration, notice is hereby given that the hearing fixed by order issued November 16, 1972, is postponed to January 31, 1973, at 10 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1241 Filed 1-22-73;8:45 am]

[Docket No. E-7950]

MINNESOTA POWER AND LIGHT CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 12, 1973.

Take notice that Minnesota Power and Light Co. (MP&L) tendered for filing on December 26, 1972, proposed changes in its FPC Rate Schedules Nos. 52 and 53. The filing consists of a letter amendment to MPL's Contracts Nos. 1 and 2 with Itasca Mantrap Cooperative Electrical Association. MP&L requests as an effective date the earliest date permitted under the Commission's regulations.

MP&L states that it does not anticipate any effect upon revenue by virtue of the amendment. Further, the above named contracts are subject to a 3-year notice of cancellation provision. In view of that provision and the possibility of increased rates during the three year period the parties agreed that any such increase during the period would not exceed 15 percent of the present rate level.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1242 Filed 1-22-73;8:45 am]

[Docket No. CI72-832]

MONSANTO CO. ET AL.

Notice of Petition To Amend

JANUARY 15, 1973.

Take notice that on January 3, 1973, Monsanto Co. (Operator) et al. (Petitioner), filed in Docket No. CI72-832 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket to Harvey Broyles (Operator) et al., pursuant to section 7(c) and § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) by substituting Monsanto Company (Operator), et al., as the certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

On June 15, 1972, Harvey Broyles (Operator) et al., was issued a limited-term certificate of public convenience and necessity in the subject docket authorizing the sale of natural gas for resale to United Gas Pipe Line Co. from the Bryceland Field, Bienville Parish, La., under the terms of a contract dated May 22, 1972, between the two parties. Although Petitioner herein did not sign the contract, which was originally filed in this docket, it requested that its share of the subject gas from the acreage be marketed under that contract. Petitioner states that it has now entered into a gas purchase contract with United identical in its terms with the original contract in this docket which it did not sign and that by a series of letter agreements the parties under the Harvey Broyles et al., contract have nominated Petitioner to succeed Harvey Broyles as Operator of the well from which gas is now being sold to United in the Bryceland Field. Petitioner requests that the certificate issued in Docket No. CI72-832 be amended to reflect itself as certificate holder and that the related rate schedule be redesignated accordingly.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1243 Filed 1-22-73;8:45 am]

[Docket No. CP73-181]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JANUARY 15, 1973.

Take notice that on January 8, 1972, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-181 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale of natural gas in interstate commerce to Arkansas Louisiana Gas Co. from the North Lansing Field, Harrison County, Tex., at the rate of 13.50895 cents per Mcf at 14.65 p.s.i.a heretofore authorized in Docket No. G-5709 to be made pursuant to Amoco Production Co. FPC Gas Rate Schedule No. 65, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-1244 Filed 1-22-73;8:45 am]

[Docket No. E-7930]

PORTLAND GENERAL ELECTRIC CO.

Notice of Filing of Initial Rate Schedule

JANUARY 15, 1973.

Take notice that Portland General Electric Co. (Portland), on January 2, 1973, tendered for filing an initial rate schedule entitled "Pacific-Portland Sales and Exchange Agreement" (Agreement). According to Portland's transmittal letter, the Agreement is between Pacific Gas and Electric Co. (Pacific) and Portland and provides for:

• • • Portland to make available to Pacific 450 million kw.-hr. of energy during the period of May 1, 1973, through August 31, 1973, and up to 500 mw. of capacity during the period May 16th through October 15th, beginning in 1975 and each year thereafter until termination. In addition, energy may be made available by Portland at various times as the parties may agree, or sold pursuant to capacity deliveries. During the summer of 1973, the rates to be charged are essentially 2 mills per kw.-hr. if surplus hydro or otherwise at cost to Portland. The rate for capacity shall be the prevailing rate for such service in the Pacific Northwest, which is currently $5 per kilowatt per season. The rates of other energy delivered under the Agreement shall be hydro prices if from hydro sources or otherwise at essentially incremental cost to Portland, or if from Portland's own thermal resources at 115 percent of incremental cost, but not less than 4 mills per kw.-hr. Hydro prices are based upon Bonneville Power Administration rate schedules as may be in effect from time to time.

Pacific will make available to Portland 450 million kw.-hr. during the period of October 1, 1973, through March 31, 1974, in exchange for that made available by Portland during the summer of 1973. Pacific will make available 200 mw. of capacity from November 1, 1973, through March 31, 1974, and 100 mw. of capacity from November 1, 1974, through March 31, 1975, in exchange for and credited against capacity to be made available by Portland under the Agreement. In addition, energy may be made available by Pacific at various times as agreed by the parties or sold pursuant to capacity deliveries. Rates to be charged by Pacific for energy are 115 percent for incremental cost, as defined, but not less than 4 mills per kw.-hr.

Portland also requests waiver of the Commission's prior notice requirements to permit the rate schedule to be effective as of August 25, 1972, the date the contract was executed.

The Company states that copies of the filing were served on Pacific and a Certificate of Concurrence, executed by Pacific, is attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection in the offices of the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1245 Filed 1-22-73;8:45 am]

[Docket No. E-7938]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Changes in Rates and Charges

JANUARY 12, 1973.

Take notice that Public Service Company of Oklahoma (PSCO) on October 28, 1972, tendered for filing copies of the PSCO letter agreement dated October 2, 1972, a supplement to FPC No. 118, with the Southwestern Electric Power Co. (Southwestern). PSCO also submitted copies of the certificate of concurrence of Southwestern dated October 12, 1972.

PSCO states that the letter agreement provides for the sale by PSCO of 150 mw. of capacity from its Northeastern Station Unit No. 2 to Southwestern for the 18-month period beginning December 1, 1972, and ending May 31, 1974.

PSCO says that the terms and conditions are based upon similar terms in Public Service Company Supplement No. 6 to Rate Schedule FPC No. 161 which is an agreement between PSCO and Kansas Gas & Electric Co. PSCO further states that the rates set forth in the letter agreement presented are similar to other transactions of this particular type in the area in which sold. PSCO contends that the rates are considered satisfactory by the purchaser for use in his system and are considered fully compensatory by PSCO as seller.

PSCO says that it desires to sell the 150 megawatts of capacity to reduce its excess reserves during the period and Southwestern desires to purchase the capacity for its use and so that Southwestern can in turn supply the needs of Arkansas Power & Light Co. PSCO contends that this letter agreement is contingent upon Southwestern entering into a satisfactory agreement with the Arkansas Power & Light Co. for making an equivalent amount of capacity and energy available to that company.

PSCO argues that the capacity is urgently needed in the Arkansas Power & Light system, and therefore PSCO proposes an effective date of December 1, 1972.

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Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street, NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1246 Filed 1-22-73;8:45 am]

[Docket No. E-7940]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Changes in Rates and Charges

JANUARY 15, 1973.

Take notice that Public Service Company of Oklahoma (PSCO) on November 6, 1972, tendered for filing copies of the PSCO letter agreement dated September 18, 1972, a Supplement to Rate Schedule FPC No. 118 (accepted by Southwestern Electric Power Co. (Southwestern) on October 12, 1972, with Southwestern). PSCO also submitted copies of the certificate of concurrence of Southwestern dated October 16, 1972.

PSCO states that this letter agreement provides for the sale by PSCO of 30 mw. of capacity from its Northeastern Station Unit No. 2 to Southwestern for the 12-month period beginning January 1, 1973, and ending December 31, 1973.

PSCO says that the terms and conditions are based upon similar terms in Public Service Company Supplement No. 6 to Rate Schedule FPC No. 161, which is an agreement between PSCO and Kansas Gas & Electric Co., and are the same terms contained in a letter agreement of a 150 mw. sale between PSCO and Southwestern dated October 2, 1972. PSCO further states that the rates set forth in the letter agreement presented are also similar to other transactions of this particular type in the area in which sold. PSCO contends that the rates are considered satisfactory by the purchaser for use in his system and are considered fully compensatory by PSCO as seller.

PSCO says that it desires to sell the 30 megawatts of capacity to reduce its excess reserves during the period and Southwestern desires to purchase the capacity for its use.

So that delivery of the capacity and energy can start on January 1, 1973, under the terms of the letter agreement, PSCO requests that the Commission accept this letter agreement for filing with an effective date of January 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1247 Filed 1-22-73;8:45 am]

[Docket No. E-7804]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Application

JANUARY 16, 1973.

Take notice that on November 4, 1972, Southwestern Electric Power Co. (Applicant), filed an application pursuant to § 33.2 et seq. of the Commission's regulations seeking authority to sell electrical facilities to the city of Siloam Spring, Ark., for the sum of $135,000, pursuant to a written agreement between Applicant and the city of Siloam Spring, dated May 22, 1972.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office at Shreveport, La. Applicant is engaged in the electric utility business in Louisiana, Arkansas, and Texas.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1248 Filed 1-22-73;8:45 am]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Order Approving Acquisition of Bank

Chemical New York Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of State Bank of Hilton, Hilton, N.Y. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in New York, controls three banks with aggregate deposits of $8.6 billion representing approximately 9 percent of total deposits in commercial banks in the State.[1] Acquisition of Bank (deposits of $8.4 million) would not change applicant's statewide ranking nor significantly increase the concentration of banking resources in New York.

Bank is the 13th largest of 16 banks in the Rochester banking market, controlling less than one-half of 1 percent of total deposits in that market. (Banking data for the Rochester market are as of June 30, 1970.) Applicant's nearest banking subsidiary to Bank is approximately 325 miles distant and there is no significant existing competition between it or any other banking subsidiary of applicant and Bank. In view of the distances separating applicant's banking subsidiaries and Bank, and the fact that under New York State law applicant's subsidiaries are prohibited from branching into the Rochester market until 1976, such competition is unlikely to develop. Moreover, the introduction of applicant as a vigorous competitor into the Rochester market would be particularly beneficial in view of its concentrated nature (the four largest banking organizations control 92 percent of market deposits). Acquisition of Bank by applicant would also break an existing ownership tie between Bank and another bank located in the Rochester market, thereby providing an additional competitor. The Board concludes that consummation of the proposal would have no adverse effects on existing or potential competition.

The financial condition, managerial resources, and future prospects of applicant, its subsidiary banks, and Bank appear generally satisfactory and are consistent with approval of the application.

[1] All banking data are as of June 30, 1972, except where otherwise noted, and are adjusted to reflect bank holding company formations and acquisitions approved by the Board through Dec. 31, 1972.

Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application, since applicant through Bank will be able to provide additional services at a more convenient location for many customers in the Rochester area. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[3] effective January 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1350 Filed 1-22-73;8:45 am]

FIRST NATIONAL BANK IN DALLAS

"Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of First National Bank in Dallas, Dallas, Tex.,[1] and an opportunity for interested persons to submit comments and views or request a hearing has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. First National Bank in Dallas, Dallas, Tex. (Registrant) (about $1.5 billion in deposits as of Dec. 31, 1971), became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of approximately 26 percent of Guaranty Bank, Dallas, Tex. (formerly South Oak Cliff Bank), which shares Registrant acquired in 1966 in the regular course of collecting a debt previously contracted. Guaranty Bank had total deposits of approximately $34 million as of June 30, 1972, representing 0.5 percent of the total commercial deposits in the Dallas banking market. The management, financial condition and prospects of Registrant and Guaranty Bank are regarded as satisfactory, and the Board has found no evidence of any unsound banking practices.

In addition, First National Bank in Dallas controls indirectly, through First National Securities Company in Dallas, Registrant's trusteed affiliate, stock interests ranging between 11 percent and 24.9 percent of each of 13 banks, all of which are located in the Dallas area. These banks control total deposits of approximately $266 million.

In addition to its commercial bank activities, Registrant, a national bank, has direct or indirect interests in a small business investment company, an Edge Act corporation, a data processing company, and a company engaged solely in the managing and servicing of buildings occupied or to be occupied wholly or substantially by Registrant. It appears that Registrant's interests in the small business investment company and the building management company were acquired prior to June 30, 1968, and have been held by Registrant continuously since that time; and these companies would be eligible for grandfather benefits.[2] However, the activities of these companies appear to be exempt, under provisions of section 4(c) of the Act, from the general prohibitions in section 4 against nonbanking interests of a bank holding company. On this basis, the Board finds that Registrant[2] does not need to rely on grandfather privileges under the proviso in section 4(a)(2) of the Act in order to continue such nonbanking activities; and the question of termination of grandfather privileges is moot.

Board of Governors, January 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1250 Filed 1-22-73;8:45 am]

FIRST NATIONAL FINANCIAL CORP.

Order Approving Acquisition of Bank

First National Financial Corp., Kalamazoo, Mich., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Holland, Holland, Michigan (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the 11th largest banking organization in Michigan, controlling three banks with aggregate deposits of $306 million, representing 1.25 percent of the total deposits in commercial banks in the State.[1] Applicant's acquisition of Bank ($33.7 million in deposits) would increase Applicant's share of State deposits by approximately one-tenth of a percentage point to approximately 1½ percent, increase its rank among State banking organizations from 11th to 10th, and would not significantly increase the concentration of banking resources in the State.

Bank is the smallest of three banks located in the Holland, Mich., banking market controlling approximately 20 percent of total deposits in that area. Applicant's nearest subsidiary banking office is located more than 23 miles from Bank. Due to the distance separating the institutions, the presence of several banks

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[1] First National Bank in Dallas does not control a bank with assets in excess of $60 million but is itself such a bank (assets of $2.1 billion as of Dec. 31, 1970).

[2] Registrant's interests in the Edge Act corporation and data processing company were acquired after June 30, 1968, and these companies would not be eligible for grandfather benefits. However, these companies may be eligible for retention under other provisions of section 4 of the Act.

[2] On Nov. 30, 1972, the Board approved the application of First International Bancshares, Inc., Dallas, Tex., to become a bank holding company through the acquisition of the successor by merger to Registrant and the successor by merger to Houston-Citizens Bank & Trust Co., Houston, Tex. (1972 Federal Reserve Bulletin 1028). The decision reflected herein is limited to the Board's review of the nonbanking activities of Registrant, and no decision is made at this time with respect to the applicability of any of the exemptions under the Act to First International Bancshares, Inc.

[1] All banking data are as of June 30, 1972, adjusted to reflect bank holding company formations and acquisitions approved by the Board through Dec. 31, 1972.

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in the intervening area, and the State limitations on bank branching, it does not appear that any significant existing or potential competition between any of Applicant's existing or proposed [3] subsidiary banking offices and Bank would be eliminated upon consummation of this proposal.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank appear satisfactory and are consistent with approval of the application. Upon approval of this application, Applicant proposes to provide, through Bank, a broader program of time deposit accounts, extended banking hours, trust services, a credit card plan, more extensive loan services, and more agricultural loans. In view of the commercial and agricultural growth projected for the Holland area, the needs of area residents would be better served by the increased and improved services, particularly agricultural loans, that would be offered by Bank under Applicant's sponsorship. Accordingly, considerations relating to the convenience and needs of the communities to be served lend weight to approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective January 15, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-1352 Filed 1-22-73;8:45 am]

GREAT AMERICAN CORP.

Order Approving Acquisition of Bell Finance Service

Great American Corp., Baton Rouge, La., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to indirectly acquire, through its subsidiary known as Ambank Acceptance Corporation, a portion of the assets of Bell Finance Service, New Orleans, La. (Company), a consumer finance company that engages in the activities of making or acquiring consumer loans and other extensions of credit. Applicant has also applied for permission to engage through Company, in the activity of acting as agent or broker in the sale of credit life, health, accident, and property damage insurance that protects the collateral in which Company has a security interest. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a) (1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 35074). The time for filing comments and views has expired, and none have been timely received.

Applicant controls one bank with deposits of approximately $294 million, representing 3.7 percent of total deposits in commercial banks in the State. (All banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through Dec. 31, 1972.)

Company has a consumer loan portfolio of 110 accounts aggregating $127,000. Applicant's subsidiary, Ambank Acceptance Corp., has consumer finance offices in Alexandria, Shreveport, Baton Rouge, and Metairie, La. Of these, only Applicant's Metairie office (consumer loan portfolio $45,778) is located in the same geographical area as Company. However, due to the differing economic and social environments of the areas served by the two offices, their small size, and the local nature of the consumer finance business, there is no significant competition between the two and none is likely to develop in the near future. Additionally, approximately 100 consumer finance companies with 187 offices compete in the New Orleans area and the Board concludes that consummation of the proposal would have no adverse effects on existing or potential competition.

Applicant's consumer finance subsidiaries and Company both sell credit life, health, and accident insurance in connection with loans they originate. Company also sells credit property damage insurance in connection with loans it originates. Due to the limited and local nature of the insurance activities engaged in by Applicant's subsidiaries and Company, it does not appear that operation of Company's insurance activities by Applicant would have any significant effect on either existing or potential competition.

There is no evidence on the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest. Applicant's financial support of Company should result in greater availability of credit for area residents. Accordingly, the public benefits are consistent with approval. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective January 15, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-1351 Filed 1-22-73;8:45 am]

PERPETUAL CORP. AND PIERCE NATIONAL LIFE INSURANCE CO.

"Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract, entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of Perpetual Corp. (Perpetual) and of Pierce National Life Insurance Co. (Pierce), both of Los Angeles, Calif., and an opportunity for interested persons to submit comments and views or request a hearing has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

[3] Applicant has an application pending to acquire the Commercial Bank of Strambaugh, Strambaugh, Mich.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Danne, Brimmer, Sheehan, and Bucher.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

On the evidence before it, the Board makes the following findings. Perpetual reports that it is a nonoperating holding company, with its only activity being that of holding stock of its subsidiaries. It owns 100 percent of the voting shares of Pierce, which is the immediate parent of Houston-Citizens Bank & Trust Co., Houston, Tex. (Houston-Citizens) (assets of about $228 million as of December 31, 1970).[1] On December 31, 1970, Perpetual and Pierce (Registrants) controlled directly or indirectly about 63 percent of the outstanding voting shares of Houston-Citizens and each became a bank holding company on that date as a result of the 1970 amendments to the Bank Holding Company Act. However, neither Perpetual nor Pierce would have been a bank holding company on June 30, 1968, if the 1970 amendments to the Act had been enacted on that date.

Section 2(b) of the Act defines "company covered in 1970" as a "company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date." Registrants owned only 24.86 percent of Houston-Citizens on June 30, 1968; and the enactment of the 1970 amendments on June 30, 1968, in itself would not have caused either Perpetual or Pierce to become a bank holding company or altered the status of either under the Act. Thus, neither Perpetual nor Pierce is a "company covered in 1970," and neither is entitled to grandfather benefits under section 4(a)(2) of the Act.

On the basis of the facts presented, the Board concludes that neither Perpetual nor Pierce is a "company covered in 1970"; that neither company is eligible for grandfather benefits; and that, on this basis, the question of the termination of grandfather privileges of either company is moot.

Board of Governors, January 12, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-1251 Filed 1-22-73;8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Banks

Southeast Banking Corp., Miami, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Florida at Fort Lauderdale (Florida Bank), and Bankers Bank of Florida (Bankers Bank), both located in Fort Lauderdale, Fla.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 19 banks with aggregate deposits of $1.3 billion, representing 7.8 percent of deposits in commercial banks in Florida. (Banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved through November 30, 1972.) The acquisitions of Florida Bank (deposits of $9.1 million) and Bankers Bank ($5.2 million) would increase applicant's share of statewide deposits by only 0.1 percentage point and would not result in a significant increase in the concentration of banking resources in Florida.

The banks proposed to be acquired are located in the North Broward-Fort Lauderdale banking market wherein applicant presently controls two banks with total deposits of $95 million, representing 6.9 percent of aggregate market deposits. Applicant ranks as the fifth largest of the 21 banking organizations in the market. The 38 market banks represent nine multibank holding companies, five banking groups, three one-bank holding companies, and four independent banks. Applicant's proposed acquisitions of the 31st and 33d largest banks in the market would increase its control of market deposits by only 1.1 percentage points.

Subject banks, located 4 miles apart in the city of Fort Lauderdale, do not compete significantly with each other, each drawing 1 percent or less of its deposits and loans from the service area of the other. Moreover, no significant competition exists between subject banks and applicant's two subsidiaries in the market, each of which draws less than 1 percent of its deposits and loans from the service areas of subject banks. It further appears that no significant amount of potential competition would be eliminated by consummation of the proposed acquisitions because of the number of banking alternatives which intervene these banking offices and in view of Florida's law restricting branching. De novo entry into the subject service areas appears unattractive at the present time. It is the Board's judgment that competitive considerations are consistent with approval of the applications.

The financial conditions and managerial resources of applicant, its subsidiary banks, as well as Florida Bank and Bankers Bank are regarded as generally satisfactory, and the future prospects of each appear favorable. Banking factors are consistent with approval of the application. Applicant proposes to assist Florida Bank and Bankers Bank in developing more aggressive lending operations. Applicant also proposes to provide Bankers Bank with trust services and to make available to both banks its central printing, advertising, data processing, and auditing departments, as well as provide a uniform insurance program. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support toward approval of the applications.

On the basis of the record, the applications are approved for reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 15, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-1349 Filed 1-22-73;8:45 am]

UNITED BANKS OF COLORADO, INC.

Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of National Bank of Delta, Delta, Colo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 12 banks with aggregate deposits of $781.6 million, representing 14.6 percent of commercial bank deposits in Colorado and is the second largest banking organization in the State. (All banking data are as of June 30, 1972, and reflect holding company acquisitions and formations approved through Nov. 30, 1972.) The acquisition of Bank (deposits of $5.3 million) would increase Applicant's share of State deposits by only 0.1 percent and it would remain the second largest banking organization in Colorado.

Bank is the smaller of two banks in Delta and is the second largest of five

[1] On Nov. 30, 1972, the Board approved the formation of First International Bancshares, Inc., Dallas, Tex. (First International); and approved Perpetual's application to acquire 7 percent of the voting shares of First International in exchange for Perpetual's shares of Houston-Citizens. (1972 Federal Reserve Bulletin 1028, 1034.) The president of Perpetual will serve as a director of First International. Because of this interlock between the transferor (Perpetual) and the transferee (First International), the transferred shares of Houston-Citizens will be deemed to be controlled by Perpetual (by virtue of section 2(g)(3) of the Act) and Perpetual will continue to be a bank holding company.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

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banks, ranging in size from $3.2 million to $13.8 million in deposits, in Delta County. Bank controls 16.5 percent of deposits in Delta County which approximates the relevant market. Delta is located on Colorado's "Western Slope".[1] Applicant has two existing banking subsidiaries on the Western Slope, both in markets adjacent to Delta County. These banks located in Montrose and Grand Junction are approximately 20 and 40 miles away respectively from Bank. Approval of the application would not eliminate any significant direct competition between these banks and Bank or between any other of Applicant's banking subsidiaries and Bank. In the absence of the proposal, competition is unlikely to develop between Bank and any of Applicant's present banking subsidiaries in view of the distances separating them and Colorado's restrictive branching law. Although Applicant could enter the Delta County area through the formation of a de novo bank, the likelihood of such entry is considered remote at this time because of the size of the County and its decline in population as well as other facts of record. Affiliation with Applicant may spur competition between Bank and the other bank in Delta which is 2½ times the size of Bank without adversely affecting other banks in the market. Accordingly, competitive considerations are regarded as consistent with approval.

The financial and managerial resources and prospects of Applicant, its banking subsidiaries, and Bank appear to be generally satisfactory considering Applicant's commitment to augment the capital position of certain of its banking subsidiaries. Although approval of the application would not result in any new services in the area, it is likely that Bank will improve and expand the number of services it presently offers. Bank also will utilize the computer services of Applicant which is likely to result in increased efficiency and accuracy in account processing at the Bank. Considerations related to the convenience and needs of the communities involved lend some support for approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) on or before February 9, 1973, or (b) later than April 10, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[1] The 21-county area of western Colorado separated from the remainder of the State by the north-south tier of the Rocky Mountains.

By order of the Board of Governors,[2] effective January 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1252 Filed 1-22-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Notice of Closed Meeting

JANUARY 15, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Fellowships Panel will take place in Washington, D.C., on January 30, 31, 1973.

The purpose of the meeting is to review summer seminar applications in the field of English that have been submitted to the Endowment for possible grant funding.

Based on section b(5) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, DC 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-1371 Filed 1-22-73;8:45 am]

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Notice of Closed Meeting

JANUARY 15, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Fellowships Panel will take place in Washington, D.C., on February 1, 2, 1973.

The purpose of the meeting is to review summer seminar applications in the field of history that have been submitted to the Endowment for possible grant funding.

Based on section b(5) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, DC 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-1372 Filed 1-22-73;8:45 am]

ADVISORY COMMITTEE PLANNING OFFICE PANEL

Notice of Closed Meeting

JANUARY 15, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Planning Office Panel will take place in Washington, D.C., on January 26, 27, 1973.

The purpose of the meeting is to review youth grant applications that have been submitted to the Endowment for possible grant funding.

Based on section b(5) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, DC 20506, or call Area Code 202—382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-1370 Filed 1-22-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR PLANNING AND INSTITUTIONAL AFFAIRS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Advisory Committee for Planning and Institutional Affairs will be held at 9 a.m. on February 1, 1973, in Room 540, 1800 G Street NW., Washington, DC 20550. The purpose of this committee is to provide advice and recommendations to the National Science Foundation concerning planning, evaluation, and policy study activities within NSF (with the exception of NSF internal long-range program estimates); and the impact of actual and proposed Foundation programs on the effectiveness and integrity of academic and other institutions performing research, viewed as a whole.

The agenda for this meeting will include:

1. Introduction and opening remarks by the Assistant Director for Administration and the Chairman of the Committee.

2. Review and discussion of two draft issue papers developed by members of the Committee.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Sheehan and Bucher. Absent and not voting: Chairman Burns and Governor Brimmer.

3. Period devoted to public discussion (one-half hours).

4. Concluding remarks by the Chairman of the Committee and the Assistant Director for Administration.

The meeting will be open to the public and persons who desire to attend should notify Mrs. Mary L. Parramore, Office of the Assistant Director for Administration, by telephone (202—632-4050) or by mail (Room 426; 1800 G Street NW., Washington, DC 20550) prior to the meeting.

For further information concerning this committee, contact Mrs. Mary L. Parramore, Office of the Assistant Director for Administration, Room 426; 1800 G Street NW., Washington, DC 20550. Summary minutes of this meeting may be obtained from the Management Analysis Office; Room K-720; 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

JANUARY 16, 1973.

[FR Doc.73-1410 Filed 1-22-73;8:45 am]

ADVISORY PANELS

Notice of Meetings

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of meetings of the following committees, including the individuals to contact for further information respecting each committee. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

ADVISORY PANEL FOR HUMAN CELL BIOLOGY

Date and Time of Meeting: 9 a.m. on January 25, 1973.

Location of Meeting: Asilomar Conference Center; 800 Asilomar Boulevard; Pacific Grove, CA 93950.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For Further Information, Contact: Dr. Herman W. Lewis, Program Director, Human Cell Biology Program; Division of Biological and Medical Sciences; Room 325; 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR ENVIRONMENTAL BIOLOGY

Date and Time of Meeting: 9 a.m. on January 25 and 26, 1973.

Location of Meeting: Room 328; 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For Further Information, Contact: Dr. John L. Brooks, Program Director, General Ecology Program; Division of Biological and Medical Sciences; Room 330; 1800 G Street NW., Washington, DC 20550.

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Date and Time of Meeting: 8:30 a.m. on February 6 and 7, 1973.

Location of Meeting: Room 642; 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of proposals or projects.

For Further Information, Contact: Mr. Feenan D. Jennings, Office Head, Office for the International Decade of Ocean Exploration; Room 710; 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR PSYCHOBIOLOGY

Date and Time of Meeting: 9 a.m. on February 8 and 9, 1973.

Location of Meeting: Room 338; 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For Further Information, Contact: Dr. Henry S. Odbert; Program Director, Psychobiology Program; Division of Biological and Medical Sciences; Room 333; 1800 G Street NW., Washington, DC 20550.

These meetings will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act.

T. E. JENKINS,
Assistant Director for Administration.

JANUARY 16, 1973.

[FR Doc.73-1411 Filed 1-22-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3232]

AMERICAN LEADERS FUND, INC. ET AL.

Notice of Application for an Order Exempting Applicants From Provisions

JANUARY 15, 1973.

Notice is hereby given that American Leaders Fund, Inc. (Leaders Fund), and Fund for U.S. Government Securities, Inc. (U.S. Fund) (collectively referred to hereinafter as "Funds"), 421 Seventh Avenue, Pittsburgh, PA 15219, both diversified, open-end management investment companies registered under the Investment Company Act of 1940 (Act), and Federated Securities Corp. (Federated), the principal underwriter for the Funds (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price as described in the prospectus. The prospectuses of each of the Funds state that there is a sales commission on the purchase of shares of such Funds. U.S. Fund invests only in securities which are obligations of the U.S. Government or its instrumentalities. Leaders Fund invests in securities from among the 100 blue chip companies contained in "The Leaders List," created by Federated Research Corp.

The Funds propose to sell their shares at the net asset value to persons who have redeemed all or part of their shares and who have not previously exercised the reinvestment privilege. The sale will be limited to the exact amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased). A written order to purchase the shares must be received by the Fund, Securities, or the Custodian Bank, or be postmarked, within 15 days after the request for redemption was received. The purchase will be made at the net asset value per share next determined after receipt of the order. No sales commission will be received by Securities on such purchase, nor will any salesman of Securities receive a commission.

The Funds also propose to allow shareholders of Empire Fund, Inc., Third Empire Fund, Inc., Fourth Empire Fund, Inc., Fifth Empire Fund, Inc., Sixth Empire Fund, Inc., Presidential Exchange Fund, Inc., Second Presidential Exchange Fund, Inc., and Fifth Presidential Fund, Inc. (Exchange Funds) who have redeemed all or a part of their investments to purchase shares of the Funds at net asset value without a sales charge. The sale will be limited to an amount up to the amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased). The Exchange Funds are registered open-end diversified management investment companies which are not currently engaged in a continuous offering of their shares. The Exchange Funds and the Funds have as their investment adviser, Federated Research Corp.

The initial portfolios of the Federated Exchange Funds were acquired in a tax-free exchange of fund shares, less sales charges paid, for securities deposited by investors. Due to the absence of effective registration statements on the part of the Exchange Funds, they cannot offer their shareholders any reinvestment privileges. It is believed that shareholders of these Exchange Funds, who have also paid a sales charge on their investments, should be permitted to rectify an improvident redemption by being permitted to reinstate their investment in a different investment medium without being required to pay an additional sales charge.

Redeeming shareholders of the Exchange Funds who wish to exercise the requested reinvestment privilege will be bound by the policies in effect for the Exchange Funds regarding redemptions. These policies generally prescribe that redemptions will be made in kind. However, this is qualified by the fact that redemptions dealing with small amounts are honored with cash on hand in the Exchange Funds' custodian accounts. U.S. Fund and Leaders Fund will issue their respective fund shares only for cash or its equivalent or securities suitable for the respective funds' portfolios.

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Applicants state that to advise investors of the privilege, Securities may, at its expense, include with the redemption check a letter containing information pertinent to redemption and the repurchase privilege. The letter will include information as to ways in which various objectives which may have induced the shareholder to redeem could be realized through utilization of the shares upon their repurchase. Telephone calls to such shareholders are also contemplated.

Applicants assert, among other things, that because the privilege can be exercised only once, the prohibition on wire redemption requests and wire orders, and the short time within which the shareholder can re-invest without a sales charge, the proposed privilege does not afford a method of "playing" the market.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, upon application, conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than February 7, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located over 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1280 Filed 1-22-73;8:45 am]

[812-3365]

BLYTH EASTMAN DILLON & CO. INC.

Notice of Filing of Application for an Order of Exemption

Notice is hereby given that Blyth Eastman Dillon & Co., Inc. (Applicant), 14 Wall Street, New York, NY 10005, a registered broker-dealer corporation with its principal office at 14 Wall Street, New York, NY 10005, in connection with a proposed public offering of shares of common stock of Montgomery Street Income Securities, Inc. (the Company), a registered, closed-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant and its co-underwriters from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act) with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, du Pont Glore Forgan, Inc. (1 Wall Street, New York, NY 10004), Salomon Brothers (1 New York Plaza, NY 10004), and Dean Witter & Co., Inc. (120 Broadway, New York, NY 10005) are the prospective representatives (Representatives) of a group of underwriters (Underwriters) being formed in connection with the above public offering.

Shares of the Company are to be purchased by the Underwriters pursuant to an Underwriting Agreement to be entered into between the Underwriters, represented by the Representatives, and the Company. It is also contemplated that one or more dealers will offer and sell certain of the shares. It is intended that several Underwriters will make a public offering of all the Company shares which such Underwriters are to purchase under the Underwriting Agreement at the price therein specified, as soon on or after the effective date of the Company's Registration Statement on Form S–4 (the Registration Statement) as the Representatives deem advisable, and such shares are initially to be offered to the public at a per share public offering price and subject to underwriting commissions to be specified in the prospectus incorporated in the Registration Statement at the time the Registration Statement becomes effective under the Securities Act of 1933. Although 4 million shares have been included for registration in the Registration Statement, the actual number of shares which may be the subject of the proposed public offering may be decreased by the Representatives and the Company shortly before the effective date of the Registration Statement and the proposed public offering, depending upon market conditions and the exercise of an overallotment election granted to the Underwriters.

Applicant states that it is possible that the underwriting commitment of any one or more of the Underwriters, including each of the Representatives, will exceed 10 percent of the aggregate number of shares of the Company's Common Stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to the transactions in the securities of the Company, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

Applicant states that it is possible that one or more of the Underwriters, through their participation in the distribution of the Company's shares, may not be exempted from section 16(b) of the Exchange Act by the operation of Rule 16b–2; they may fail to meet the requirement stated in Rule 16b–2(a)(3) that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b–2 since it is possible that one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company may be obligated to purchase more than 50 percent of the shares of the Company being offered.

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets, other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the Prospectus pursuant to which the shares will be offered and sold. No director or officer of Applicant, du Pont Glore Forgan, Inc., Salomon Brothers or Dean Witter & Co., Inc., is a director or officer of either the Company or BA Investment Management Corp., the Company's investment adviser (the Adviser), and Applicant states that it does not anticipate that any partner, director or officer of any other Underwriter or Selected Dealer which may be an Underwriter, will be a director or officer of the Company or the Adviser.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules and regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 25, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said Application, unless an order for hearing upon said Application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1268 Filed 1-22-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JANUARY 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 16, 1973, through January 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1281 Filed 1-22-73;8:45 am]

[812-3313—812-3314]

PLIGROWTH FUND, INC. ET AL.

Notice of Applications for Orders Exempting Applicants

JANUARY 15, 1973.

Notice is hereby given, that Pligrowth Fund, Inc., and Hedberg & Gordon Fund, Inc., (Funds), open-end diversified management investment companies registered under the Investment Company Act of 1940 (Act), and One Eleven Distribution Co. (Underwriter), 111 North Broad Street, Philadelphia, PA 19107, the principal underwriter for the Funds (herein collectively called "Applicants") have filed applications pursuant to section 6(c) of the Act for orders of the Commission exempting Applicants from section 22(d) of the Act. All interested persons are referred to the applications on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants propose to offer to persons who have caused their shares of either of the Funds to be redeemed the privilege of being able to reinstate their accounts without any sales charges. In order to be eligible for such privilege, an investor must not previously have exercised the privilege. Reinstatement, or the purchase of shares of a Fund pursuant to the privilege, will be limited to not more than the amount of the redemption proceeds (or, if fractional shares are not purchased, to an amount necessary to purchase the nearest full share). A written order to purchase the shares must be received by the Fund or the Underwriter or be postmarked within 15 days after the date the request for redemption was received. The reinstatement will be made at the net asset value next determined after notice of the exercise of the privilege is received. Salesmen of shares of the Fund involved would receive no compensation of any kind in connection with the reinvestments.

It is contemplated that the Underwriter, at its expense, will include with the redemption check, mailed to a redeeming shareholder, a copy of the current prospectus (unless the shareholder already has one) and a letter containing information pertinent to redemption and the repurchase privilege. Telephone calls to redeeming shareholders are also contemplated.

Applicants contend that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked, or of which they may have misunderstood at the time they redeemed, and that in order to minimize the possibility of shareholder abuse through speculation on a possible short-term decline in the net asset value of the Fund's shares, the reinvestment privilege is being offered on a one-time basis and must be exercised within a relatively short period of time.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 8, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued

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by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 73-1282 Filed 1-22-73;8:45 am]

[812-3348]

STATE MUTUAL SECURITIES, INC., AND STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA

Notice of Filing of Application for Order

JANUARY 15, 1973.

State Mutual Life Assurance Company of America (Insurance Company) and State Mutual Securities, Inc., (Fund), 440 Lincoln Street, Worcester, MA 01605, a closed-end investment company registered under the Investment Company Act of 1940 (Act) (collectively applicants), have filed an application for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder to permit an arrangement whereby Insurance Company will invest concurrently with Fund in each issue of securities purchased by the Fund in direct placement. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Insurance Company will be Fund's investment adviser and Colonial Management Associates, Inc. (Colonial), a subsidiary of Insurance Company, will act as sub-adviser to advise Fund with respect to management of its publicly traded securities. The Fund has a primary objective of providing a high rate of current income and with capital appreciation as a secondary objective. In seeking these objectives, Fund intends to invest primarily in fixed-income securities, including those with equity participation features, and may invest up to 50 percent of its total assets in restricted securities acquired through direct placements (25 percent in such securities without equity participation).

According to the report filed with the Insurance Department of Massachusetts, Insurance Company had as of December 31, 1971, total assets of approximately $1.3 billion, including investments of $504 million in corporate debt securities and $107 million in common stocks; approximately 70% of the corporate debt securities owned by Insurance Company were acquired in direct placements.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of • • • any registered investment company • • •, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered company • • • is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit-sharing plan has been filed with the Commission and has been granted by an order entered • • • prior to such adoption or modification • • •." It is also provided that in passing upon such application, the Commission will consider whether a participation of such registered or controlled company in such joint enterprise, joint arrangement, or profit-sharing plan, on the basis proposed, is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

If the order requested by Applicants is granted by the Commission, Insurance Company will invest concurrently with Fund in each issue of securities purchased by Fund at direct placement and will exercise warrants, conversion privileges and other rights at the same time and in the same amount, subject to the following conditions:

(1) Each investment will be made by Insurance Company and Fund at the same unit price in securities of the same class (except that Insurance Company's investment may include non-voting securities which are, except for voting rights, identical with those purchased by Fund).

(2) Unless otherwise permitted by order of the Commission, Insurance Company will invest an amount equal to the amount invested in the issue by Fund, and Insurance Company and Fund will exercise warrants, conversion privileges and other rights at the same time and in the same amount.

(3) All securities which Insurance Company is prepared to purchase at direct placement and which would be consistent with the investment policies of Fund will be shared equally by the Insurance Company and Fund unless:

(a) In the judgment of Fund's Board of Directors, concurred in by a majority of those Directors who are not "interested persons" (as defined in the Act) of Insurance Company or Colonial, (i) either (A) 42 percent or more by value of the assets of Fund are invested, in accordance with the investment policies of Fund, in long-term debt obligations or preferred stocks purchased directly from the issuers or in equities acquired either in connection with such purchases or as a result of the exercise of rights or other options so acquired, or (B) if the security to be so purchased is a long-term debt obligation or preferred stock without equity participation, 21 percent or more by value of the assets of Fund are invested, in accordance with the investment policies of Fund, in long-term debt obligations and preferred stocks purchased directly from the issuers which do not have equity participation, (ii) there is insufficient cash to make the investment and (iii) the sale of portfolio securities of Fund to provide such cash is inadvisable.

(b) The purchase by Fund would be inconsistent with the provisions of any Commission order granted on this Application or otherwise and then in effect, or

(c) The Commission by order otherwise permits.

(4) Neither Insurance Company nor Fund, unless otherwise permitted by order of the Commission, will have any prior interest in the issuer, in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(5) Neither Insurance Company nor Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer or in any affiliated person of the issuer or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(6) Neither Insurance Company nor Fund will, unless otherwise permitted by order of the Commission, sell, exchange or otherwise dispose of any interest in any security of a class held by Fund unless each makes such disposition at the same time, for the same unit consideration and in the same amount (each in the same proportion to the amount it holds if the amounts held by each are different).

(7) The expense, if any, of the distribution of securities registered for sale under the Securities Act of 1933 and sold by Insurance Company and Fund at the same time will be shared by Insurance Company and Fund in proportion to the amount each is selling.

Notice is further given that any interested person may not later than February 8, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 73-1283 Filed 1-22-73; 8:45 am]

[File 500-1]

CLINTON OIL CO.

Order Suspending Trading

JANUARY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 17, 1973, through January 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1344 Filed 1-22-73;8:45 am]

[811-982]

ELECTRONICS INTERNATIONAL CAPITAL, LTD.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JANUARY 16, 1973.

Notice is hereby given that Electronics International Capital, Ltd., c/o Charles T. Collis, Esq., Messrs. Conyers, Dill & Pearman, Bank of Bermuda Building, Hamilton, Bermuda (Applicant), a closed-end nondiversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized on July 26, 1960, pursuant to a Special Act of the Parliament of Bermuda. On August 1, 1960, Applicant filed an application for registration under section 7(d) of the Act and the Commission issued an order on September 16, 1960, permitting such registration under the Act. On that same date Applicant registered under the Act by filing a notification of registration on Form N-8A. Applicant also filed a registration statement on Form N-8B-1 pursuant to section 8 of the Act and a registration statement on Form S-4 pursuant to section 5 of the Securities Act of 1933 (Securities Act). On October 25, 1960, the registration statement under the Securities Act became effective and a public offering of Applicant's shares was made.

On June 22, 1965, the shareholders of applicant approved (a) the sale of substantially all of applicant's assets to Marathon Securities Corp. (Marathon), a Delaware corporation wholly owned by the applicant, in exchange for shares of Common Stock of Marathon (on the basis of a one-for-four reverse split) and (b) the liquidation and winding-up of applicant, the appointment of a liquidator under Bermuda law, and the distribution of the stock of Marathon to applicant's shareholders. The sale of applicant's assets to Marathon was consummated on July 28, 1965.

As a result of this transaction, applicant represents that it is no longer engaged in the business of an investment company, is not presently engaged in any activity except limited activities in connection with its liquidation, and is in the process of preparing and filing documents necessary for its dissolution under the laws of Bermuda.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 9, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing on the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1345 Filed 1-22-73;8:45 am]

[File 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

JANUARY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Management Dynamics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 17, 1973 through January 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1346 Filed 1-22-73;8:45 am]

[812-3327]

NEW ENGLAND MUTUAL LIFE INSURANCE CO. ET AL.

Notice of Application for Order Exempting Applicants

JANUARY 16, 1973.

Notice is hereby given that New England Mutual Life Insurance Co. (Insurance Company), New England Life Variable Annuity Fund I, 501 Boylston Street, Boston, MA 02117 (Fund) and NEL Equity Services Corp. (Nelesco) (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from section 22(d) of the Act to the extent specified therein. The Insurance Company is a Massachusetts mutual life insurance company. The Fund, an open-end diversified management company registered under the Act, was established by the Insurance Company in connection with the offering to the public of individual variable annuity contracts issued in connection with plans meeting the requirements of the Internal

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Revenue Code for tax-benefited treatment. Nelesco, a wholly owned subsidiary of the Insurance Company, is the principal underwriter for the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants state that in connection with the sale of variable annuity contracts of the single purchase payment type, deductions from the single purchase payment are made as follows: 6 percent of the first $5,000, 3.75 percent of the next $95,000 and 1.75 percent of any balance, for sales expenses, and 2 percent of the first $5,000 and .25 percent of any balance, for administrative expenses.

Applicants request an exemption from section 22(d) of the Act to the extent necessary to permit the elimination of the charge for sales expenses when a single purchase payment variable annuity contract is purchased by application of amounts payable under group annuity contracts, related to separate accounts which are excluded from the definition of "investment company" by the Act, of every kind issued by the Insurance Company in connection with retirement plans qualified under section 401(a) or 403(a) of the Internal Revenue Code. In such situations Applicants propose to make the usual deduction for administrative expenses but to eliminate the sales charge.

Applicants assert that since the premiums paid on such group annuity contracts will have already been subjected to expense loading which usually reflect substantial sales commission costs, and since no compensation will be paid to Nelesco or any sales representative in connection with the application of the proceeds of such group annuity contracts to purchase single purchase payment individual variable annuity contracts, the proposed exemption does not involve unfair discrimination and is in fact necessary to avoid the imposition of sales charges which are unfairly detrimental to this class of purchasers. Applicants further assert that since a secondary market in variable annuity contracts is not possible, the proposed exemption presents no danger of disrupting the orderly pattern of mutual fund distribution which Section 22(d) seeks to preserve. Accordingly, Applicants assert that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 9, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1347 Filed 1-22-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Region X; Amdt. 1]

CHIEF AND ASSISTANT CHIEF, REGIONAL FINANCING DIVISION ET AL.

Delegation of Authority To Conduct Program Activities in Region X

Delegation of Authority No. 30—Region X (37 FR 17628), is hereby amended by revising part I, section A, 3a and 3b; section B, 1a, 3a, 3b, and 3c; and parts II and VIII in their entirety. This amendment more clearly defines certain authorities; eliminates references to class B disasters; and includes authority to contract for local credit bureau services and loss verification services.

Parts I, II, and VIII are revised to read as follows:

PART I—FINANCING PROGRAM

SECTION A. Loan Approval Authority.

* * * * *

3. *Displaced business and other economic injury loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

(1) Chief and Assistant Chief Regional Financing Division	$1,000,000

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA) shares):

(1) Regional Supervisory Loan Officer	$100,000
(2) District Director	1,000,000
(3) Chief, District Financing Division	350,000
(4) Branch Manager, Fairbanks Branch Office	350,000

SEC. B. *Other Financing Authority*—1. *Loan Participation Agreements.* a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, and strategic arms limitation economic injury loan participation agreements with banks:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) Regional Supervisory Loan Officer.
(3) District Director.
(4) Chief, District Financing Division.
(5) Branch Manager, Fairbanks Branch Office.

* * * * *

3. *Cancel, reinstate, modify, and amend authorizations.* a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, and strategic arms limitation economic injury loans:

(1) District Director.
(2) Branch Manager, Fairbanks Branch Office.

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational health and safety, coal mine health and safety, and strategic arms limitation economic injury loans:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) Regional Supervisory Loan Officer.
(3) Chief, District Financing Division.
(4) Branch Manager, Fairbanks Branch Office.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational safety and health and strategic arms limitation economic injury loans personally approved under delegated authority: None.

* * * * *

PART II—DISASTER PROGRAM

SECTION A. *Disaster Loan Authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disaster) except to the extent of refinancing of a previous SBA disaster loan:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) District Director.
(3) Chief, District Financing Division.
(4) Disaster Branch Managers as assigned.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety loans, occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters), in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) Supervisory Loan Officer, Regional Financing Division.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(1) Chief & Assistant Chief, Regional Financing Division	$1,000,000
(2) Supervisory Loan Officer, Regional Financing Division	100,000
(3) District Director	1,000,000
(4) Chief, District Financing Division	350,000
(5) Branch Manager, Fairbanka Branch Office	350,000
(6) Disaster Branch Managers as assigned	1,000,000

4. To appoint as a processing representative any bank in the disaster area:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) District Directors.
(3) Branch Manager, Fairbanks Branch Office.
(4) Disaster Branch Manager as assigned.

5. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) District Director.

SEC. B. *Administrative Authority*—1. *Establishment of Disaster Field Offices.* a. To establish field offices upon receipt of advice of the designation of a disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) District Director.
(3) Disaster Branch Managers as assigned.

b. To obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:

(1) Regional Chief, Administrative Division.

2. *Purchase and Contract Authority.* a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in sections 257 (a) and (b) of that chapter:

(1) Regional Chief, Administrative Division.
(2) District Director.
(3) Disaster Branch Manager as assigned.

b. *Other Administrative Authority: See Part VIII.*

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to Purchase, Rent, or Contract for Equipment, Services, and Supplies*—1. *To purchase reproductions of loan documents,* chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

(1) Chief, Regional Administrative Division.
(2) District Director.
(3) Chief, District Administrative Division.
(4) Branch Manager, Fairbanks Branch Office.

2. *Purchase and contract authority* to purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in sections 257 (a) and (b) of that chapter:

(1) Chief, Regional Administrative Division.
(2) Regional Office Services Specialist.
(3) District Director.
(4) Chief, District Administrative Division.
(5) Branch Manager, Fairbanks Branch Office.
(6) Disaster Branch Managers as assigned.

3. *Rental of Motor Vehicles.* To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration:

(1) Chief, Regional Administrative Division.
(2) Regional Office Services Specialist.
(3) District Director.
(4) Chief, District Administrative Division.
(5) Branch Manager, Fairbanks Branch Office.
(6) Disaster Branch Managers as assigned.

4. *Rental of Conference Space.* To rent temporarily SBA conference space located within the respective geographical jurisdiction:

a. Chief, Regional Administrative Division.
b. Regional Office Services Specialist.
c. District Director.
d. Chief, District Administrative Division.
e. Branch Manager, Fairbanks Branch Office.

Effective date: Part I, Section A, 3a, and 3b, Section B, 1a, 3a, 3b, and 3c, September 28, 1972. Parts II and VIII, July 1, 1972.

DAVID A. WOLLARD,
Regional Director.

[FR Doc.73-1267 Filed 1-22-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 160]

ASSIGNMENT OF HEARINGS

JANUARY 17, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Office Docket of the Commission. An attempt will be made to publish notices of cancellations of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 115162 Sub 212, Poole Truck Line, Inc., now being assigned continued hearing February 20, 1973, will be held at the Battle House Hotel, 26 North Royal Street, Mobile, AL.

MC-FC 73286, L & V Trucking Co., Inc., Gardner, Mass., transferee and S & H Transfer, Inc., Gardner, Mass., transferor, now assigned February 26, 1973, MC-F-11677, Brush Hill Transportation Co.—purchase (portion)—Union Street Railway Co., now assigned February 28, 1973, MC 113843 Sub 185, Refrigerated Food Express, Inc., now assigned March 5, 1973, at Boston, Mass., will be held at 150 Causeway Street, fifth floor.

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MC-126278 Sub 7, Frigid Way Cartage Co., now assigned February 5, 1973, MC-111545 Sub 172, Home Transportation Co., Inc., now assigned February 6, 1973, MC-123476 Sub 15, Curtis Transport, Inc., now assigned February 7, 1973, MC-134599 Sub 52, Interstate Contract Carrier Corp., now assigned February 8, 1973, will be held in Room 4, State Office Building, 65 South Front Street, Columbus, OH.

AB-18 Sub 3, Chesapeake & Ohio Railway Co., abandonment between Kinde and Port Austin, in Huron County, Mich., now assigned February 12, 1973, will be held at County Building, third floor, Bad Axe, Mich.

MC 133095 Sub 33, Texas Continental Express, Inc., now assigned January 30, 1973, at New York, N.Y., is canceled and application dismissed.

MC-107818 Sub 56, Greenstein Trucking Co., now assigned February 14, 1973, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 65697 Sub 47, Theatres Service Co., now being assigned March 6, 1973 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

MC-133363 Sub 3, William T. Harris and Theatris Harris, doing business as Harris Bros. Co., now being assigned hearing February 21, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-136343 Subs 4 and 5, Milton Transportation, Inc., now being assigned hearing February 21, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

W-1265, Bigge Drayage Co., now being assigned hearing March 12, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

W-471 Sub 3, Merry Shipping Co., Inc., common carrier application now being assigned hearing February 26, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 107107 Sub 414, Alterman Transport Lines, Inc., extension—New Orleans, La., now assigned January 22, 1973, at Miami, Fla., will be held at the Florida Public Service Commission, 5720 Southwest 17th Street, instead of Room 208, Federal Building, 51 Southwest First Avenue.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1311 Filed 1-22-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 17, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42604—*Chemicals between points in southwestern and southern territories.* Filed by Southwestern Freight Bureau, agent (No. B-379), for interested rail carriers. Rates on chemicals, in tank carloads, as described in the application, between points in Louisiana and Texas, on the one hand, and points in Georgia, North Carolina, South Carolina, and Virginia, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 15 to Southwestern Freight Bureau, agent, tariff ICC 5002. Rates are published to become effective on February 15, 1973.

FSA No. 42605—*Slag between Memphis, Tenn., and points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-376), for interested rail carriers. Rates on slag, not pulverized, in bulk, in carloads, as described in the application, between Memphis, Tenn., on the one hand, and points in southwestern territory, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 171 to Southwestern Freight Bureau, agent, tariff ICC 4797. Rates are published to become effective on February 12, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1307 Filed 1-22-73;8:45 am]

[Notice 196]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73936. By order of December 14, 1972, the Motor Carrier Board approved the transfer to The Stout Trucking Co., Inc., Urbana, Ill., of the operating rights in permit No. MC-5352 issued June 3, 1965, to Paul S. Cooper, Champaign, Ill., authorizing the transportation of malt and carbonated beverages, and advertising matter, pertaining to such commodities, from St. Louis, Mo., to Urbana, Ill., serving the intermediate point of Champaign, Ill.; and empty beverage containers, from Urbana, Ill., to St. Louis, Mo., serving the intermediate point of Champaign, Ill. Dual operations were authorized. James F. Flanagan, 111 West Washington Street, Chicago, IL 60602, attorney for applicants.

No. MC-FC-73976. By order of December 19, 1972, the Motor Carrier Board approved the transfer to B & G Moving, Inc., 5706 North Fifth Street, Philadelphia, PA 19120 of the operating rights in certificate No. MC-89195 issued February 12, 1958, to Gus J. Steffan and William J. Steffan, a partnership, doing business as B. G. Moving, 5706 North Fifth Street, Philadelphia, PA 19120, authorizing the transportation of household goods, as defined by the Commission, from Philadelphia, Pa., to points in New Jersey.

No. MC-FC-74068. By order of December 19, 1972, the Motor Carrier Board approved the transfer to Hall H. Edwards, doing business as H. H. Edwards, North Platte, Nebr., of the certificate of registration in No. MC-99326 (Sub-No. 3) issued November 18, 1963, to Harvey H. Edwards, Scottsbluff, Nebr., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. M-786 Supplement No. 3 dated December 22, 1954, issued by the Nebraska State Railway Commission. James E. Ryan, 214 Sharp Building, Lincoln, Nebr., 68508, attorney for applicants.

No. MC-FC-74092. By order of December 19, 1972, the Motor Carrier Board approved the transfer to Dan A. Grossmueller, and C. Gene Wolfinbarger, a partnership, doing business as John Galt Line, 9950 Cherry Avenue, Fontana, CA 92335, of the operating rights in permit No. MC-33899 issued July 29, 1943, to Hans Bolliger, Chino, Calif., authorizing the transportation of canned goods, from Chino, Calif., to Los Angeles, Calif., serving in the off-route points of Long Beach and Los Angeles Harbor, Calif.

No. MC-FC-74099. By order of December 12, 1972, the Motor Carrier Board approved the transfer to Mid Seven Transportation, a corporation, Des Moines, Iowa, of the operating rights in certificates No. MC-16831, MC-16831 (Sub-No. 10), MC-16831 (Sub-No. 12), MC-16831 (Sub-No. 13), MC-16831 (Sub-No. 15) issued May 6, 1964, March 28, 1962, October 31, 1963, June 28, 1968, and February 24, 1969, respectively, to La Vern W. Simpson, doing business as Mid Seven Transportation Co., Des Moines, Iowa, authorizing the transportation of various commodities, from, to, and between specified points and areas in Illinois, Iowa, Kansas, Minnesota, Nebraska, South Dakota, and Wisconsin. William N. Dunn, 1123 Edginton Street, Eldora, IA 50627, attorney for applicants.

No. MC-FC-74105. By order of December 19, 1972, The Motor Carrier Board approved the transfer to Richard E. Fusselman, doing business as Gene Fusselman, Quincy, Ill., of permit No. MC-125180 (Sub-No. 1), issued December 4, 1963, to Eugene M. Drew, Quincy, Ill., authorizing the transportation of dairy products and ice cream, from Quincy, Ill., to points in Adams and Hancock Counties, Ill., Lee County, Iowa, and Scotland, Adair, Knox, Lewis, Marion, Clark, and Schuyler Counties, Mo.; and empty containers, from the above-specified destination points to Quincy, Ill. Robert T. Lawley, 300 Reisch Building, Springfield, Ill., 62701.

No. MC-FC-74136. By order entered December 29, 1972, the Motor Carrier Board approved the transfer to Cargo Transport, Inc., Arlington, Mass., of the operating rights set forth in certificate of registration No. MC-87451 (Sub-No. 2), issued September 8, 1967, to Irving F. Mix, Jr., doing business as I. F. Mix Jr. Transportation, Pembroke, Mass., evidencing a right to engage in operations in interstate commerce, in the transportation of general commodities anywhere within the Commonwealth of Massachusetts, over irregular routes. Francis P. Barrett, 60 Adams Street, Milton, MA 02187, and John E. Sullivan, 111 High Street, Pembroke, MA 02359, attorneys for transferee and transferor, respectively.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1310 Filed 1-22-73;8:45 am]

[Notice 4]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 12, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 61396 (Sub-No. 238 TA), filed January 3, 1973. Applicant: HERMAN BROS., INC., 2501 North 11th Street 68110, Post Office Box 189, Downtown Station, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, liquid argon, gaseous hydrogen, and compressed gases*, in bulk, in tank vehicles, from Kansas City and Neosha, Mo.; East Alton, Morris, Granite City, and Chicago, Ill.; Ashland, Ky.; Middleton and Warren, Ohio; and Mount Vernon, Ind., to points in the continental United States, for 180 days. Supporting shipper: Airco Industrial Gases, Post Office Box 124, 2001 West 16 Street, Broadview, IL. 60153. Send protests to: Carroll Russell, Bureau of Operations, Interstate Commerce Commission, District Supervisor, 711 Federal Office Building, 106 South 15 Street, Omaha, NE 68102.

No. MC 82492 (Sub-No. 73 TA), filed January 3, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI. 49003. Applicant's representative: Mr. William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, except commodities in bulk, from Eau Claire, Reedsburg, Spencer, and Whitehall, Wis., and points in Minnesota to Maumee and Toledo, Ohio, and points in the Lower Peninsula of Michigan. Restricted to traffic originating at the facilities utilized by Land O'Lakes, Inc., for 180 days. Supporting shipper: Land O'Lakes, Inc., 614 McKinley Place, Minneapolis, MN 55413. Send protests to: C. R. Fleming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 93840 (Sub-No. 11 TA), filed January 4, 1973. Applicant: W W GLESS, doing business as GLESS BROS. Post Office Box 216, Blue Grass, IA 52726. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed and liquid feed supplements*, in bulk, from the plantsite of Cargill, Inc., located in Scott County, Iowa, to points in Illinois on and south of Interstate Highway 70 and points in Indiana, and (2) *molasses*, in bulk, from the plantsite of Cargill, Inc., located in Scott County, Iowa, to points in Illinois on and south of Interstate Highway 70, for 150 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: Herbert W. Allen, Transportation Specialists, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, IA 50309.

No. MC 94350 (Sub-No. 322 TA), filed November 22, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, initial shipments, *and building*, in sections, mounted on wheeled undercarriages, from points of manufacture Herkimer, N.Y., to Cincinnati, Ohio, Scottsville, Mich., Elkhart, Ind., Clifton Park, N.J., Melbourne, Fla.; Intervale, N.H.; Quincy, Ill, Kirksville, Mo., and La Plata, Mo., for 180 days. Supporting shipper: Highland Homes, Inc., 340 Harter Street, Herkimer, NY, 13350. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 103721 (Sub-No. 21 TA), filed January 4, 1973. Applicant: INDIAN VALLEY BULK CARRIERS, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the facilities of Lehigh Valley Anthracite, Inc., in Luzerne and Schuylkill Counties, Pa., to points in New York, restricted against traffic destined to the plantsite of Allied Chemical Corp., Solvay Division, at or near Solvay, N.Y., and restricted against traffic originating at the Mammoth Colliery at or near Raven Run, Pa., for 180 days. Supporting shipper: Joseph A. Frank, Vice President-Sales, Lehigh Valley Coal Sales Co., Post Office Box 450, Pittston, PA 18640. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 106688 (Sub-No. 18 TA), filed January 5, 1973. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, W. Va. 25419. Applicant's representative: Francis J. Ortman 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine rock bolt resin compound*, in boxes, from the plantsite of E. I. du Pont de Nemours & Co. at or near Falling Waters, W. Va., to Madisonville, Ky., Oakdale, Allegheny County, Pa., and Beckley and Gary, W. Va., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 107515 (Sub-No. 819 TA), filed October 9, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE.,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Dalhart, Tex., to points in Kentucky, for 150 days. Supporting shipper: Caviness Packing Co., Post Office Box 10, Dalhart TX 79022. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street, Atlanta, GA 30309.

No. MC 109689 (Sub-No. 242 TA), filed December 22, 1972. Applicant: W. S. HATCH CO., Office: 643 South 800 West, Mail: Post Office Box 1825, Salt Lake City, UT 84110, Woods Cross, UT 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil*, in bulk, in tank vehicles, from Altamont Field, Duchesne County, Utah, to Denver, Colo., for 180 days. Supporting shipper: Shell Oil Co., 1008 West Sixth Street, Los Angeles, CA 90051 (O. B. Brooks, Supervisor Services, Traffic Operations WOR). Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 111729 (Sub-No. 366 TA), filed January 3, 1973. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media and advertising material of all kinds*, between Milwaukee, Wis., on the one hand, and, on the other, points in Minnesota, North Dakota, and South Dakota; (2) *ophthalmic goods and business papers and records moving therewith*, between Philadelphia, Pa., on the one hand, and, on the other, Hagerstown, Md.; East Orange and Trenton, N.J.; and Washington, D.C.; and (3) *unprocessed specimens of drugs pharmaceuticals, blood, other items related to the drug industry, and business reports and documents*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, for 90 days. Supporting shippers: Allstate Insurance Co., 808 North Third Street, Milwaukee, WI 53511; Bausch & Lomb Inc., 1814 Chestnut Street, Philadelphia, PA 19103; American Biomedical Corporation of Ohio, Inc., 5889 Colerain Avenue Cincinnati, OH 45239. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112769 (Sub-No. 4 TA) filed December 11, 1972. Applicant: CHEMICAL TRANSPORT, INC., 1705 South Harding Street, Indianapolis, IN 46221. Applicant's representative: Robert W. Loser, Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from Indianapolis, Ind., to Columbus, Washington Court House, Sidney, Fostoria, Findlay, Orrville, and Moraine, Ohio, for 180 days. Supporting shipper: Marion Manufacturing Corp., Indianapolis Stock Yards, Indianapolis, Ind. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 113024 (Sub-No. 124 TA), filed January 3, 1973. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Luggage and materials and supplies* (except in bulk) used in the manufacture thereof, between Clayton, Del., on the one hand, and, Elizabeth, N.J., and points in New Jersey and New York within 50 miles of City Hall, New York, N.Y., on the other, for the account of Leeds Travelwear Division, Rapid-American Corp., Clayton, Del., for 180 days. Supporting shipper: James R. Bowen, Traffic Manager, Leeds Travelwear, Division of Rapid-American Corp., Bassett Street, Clayton, Del. 19938. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B, Federal Building, Baltimore, Md. 21201.

No. MC 113908 (Sub-No. 249 TA), filed December 29, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, Glenstone Station, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: John Erickson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed additive*, in bulk, in tank vehicles from Louisville, Ky., to Easton, Md., for 180 days. Supporting shipper: Diamond Shamrock Chemical Co., Nopco Chemical Division, Louisville, Ky. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119934 (Sub-No. 188 TA), filed January 3, 1973. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Jerry F. Crouch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Houma, La., to Mobile, Ala., and Newton and Jackson, Miss., for 180 days. Supporting shipper: Penick & Ford, Ltd., Post Office Box 428, Cedar Rapids, IA 52406. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 123392 (Sub-No. 47 TA), filed December 27, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, (Route 1, Box 444), Amarillo, TX 79106. Applicant's representative: Weldon M. Teaque (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied carbon dioxide*, in bulk, between points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming. NOTE: Applicant does not intend to tack with its MC–123392 Sub 39 TA, granted October 10, 1972, for authority to transport liquefied carbon dioxide, in bulk, between Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: J. C. Saele, National Equipment Manager, Carbon Dioxide Division, Liquid Carbonic Corp., 135 South La Salle Street, Chicago, IL 60603. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 134022 (Sub-No. 7 TA), filed January 4, 1973. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, 4008 Schoster Drive, Post Office Box 115, West Bend, WI 53095. Applicant's representative: William E. McCarty, 211 West Wisconsin Avenue, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and cheese products*, in packages, and (2) *food and food products*, in packages (except cheese and cheese products), when moving in mixed shipments with the commodities in (1) above, between Kaukauna, town of Vinland, and Little Chute, Wis., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, Louisiana, South Dakota, Texas, and West Virginia, restricted to the transportation of shipments originating at and destined to the plantsites and warehouses of Kaukauna Dairy Products at Kaukauna, town of Vinland, and Little Chute, Wis., for 180 days. Supporting shipper: Kaukauna Dairy Products, 213, East Fourth Street, Kaukauna, WI 54130. Send protests to: Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 134449 (Sub-No. 7 TA), filed January 4, 1973. Applicant: LESTER V. MOZNIK, 3753 Grandview Highway, Burnaby, BC, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic camper canopies and parts thereof*, from Paramount, Calif., to the international boundary line between the United States and Canada at or near Blaine and Sumas, Wash., for 180 days. Supporting shipper: King of the Road Enterprises, Ltd., Post Office Box 2137, New Westminster, BC. Send protests to: L. D. Boone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, WA 98104.

No. MC 138217 (Sub-No. 1 TA), filed December 29, 1972. Applicant: BETAWAYS CARGO CARRIERS, INC., 435–437 Greene Street, Buffalo, NY 14212. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Erie, Mercer, Blair, Allegany, Westmoreland, and Cambria Counties, Pa., restricted to shipments of less truckload shipments, for 180 days. Supporting shippers: Freezer Queen Foods Inc., 2544 Clinton Street, Cheektowaga, NY; Abel's Bagels, Inc., 299 Kehr Street, Buffalo, NY; Rich Products Corp., 1150 Niagara Street, Buffalo, NY; Merchants Refrigerating Co., Division of Pet, Inc., 101 Columbia, Buffalo, NY. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 138288 (Sub-No. 1 TA), filed December 19, 1972. Applicant: ASSOCIATED DELIVERY SERVICE, INC., 100 Crows Mill Road, Keasbey, Woodbridge Township, NJ 08832. Applicant's representative: Richard Newman, 1180 Raymond Boulevard, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home and garden appliances and supplies and equipment connected therewith*, from Keasby, NJ., on the one hand, and, on the other, points in Orange, Rockland, and Richmond Counties, NY., for 180 days. Restriction: Traffic is limited from the warehouse facility of and under contract with Bamberger's, a division of R. H. Macy & Co., Inc., at Keasbey, NJ. Supporting shipper: Bamberger's, a division of R. H. Macy & Co., Inc., Keasbey, NJ 08832. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138290 TA, filed December 20, 1972. Applicant: ROBERT SCHMIDT AND DAVID CROOKS, doing business as UNIVERSAL DELIVERY SYSTEMS, 3718 Broadway, Kansas City, MO 64109. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Human blood*, from Community Blood Center of Greater Kansas City, Kansas City, Mo., to Garnett, Iola, Leavenworth, Olathe, Paola, Osawatomie, Atchison, and Winchester, Kans., and (2) *unused blood units*, from abovenamed points to Community Blood Center of Greater Kansas City, Kansas City, Mo., for 150 days, Supporting shippers: Community Blood Center of Greater Kansas City, 4040 Main Street, Kansas City, MO 64111; St. John Hospital, 3700 South Fourth Street, Leavenworth, KS 64048; Atchison Hospital, 1301 North Second, Atchison, KS 66002; Jefferson County Memorial Hospital, Winchester, KS 66097; Miami County Hospital, Paola, KS 66071; Allen County Hospital, Iola, KS 66749; Cushing Memorial Hospital, Marshall Street at West Seventh, Leavenworth, KS 66048; Department of the Army, U.S. Munson Army Hospital, Fort Leavenworth, KS 66027. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1308 Filed 1-22-73;8:45 am]

[Notice 5]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 16, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR. Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 28478 (Sub-No. 39 TA), filed January 4, 1973. Applicant: GREAT LAKES EXPRESS CO., 172 Davenport Street, Saginaw, MI 48602. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight, between Lexington, Ky., and Mount Sterling, Ky., (1) from Lexington, Ky., over U.S. Highway 60 to Mount Sterling, Ky., and return, serving no intermediate points; and (2) from Lexington, Ky., over Interstate Highway 64 to Mount Sterling, Ky., serving no intermediate points, for 180 days. NOTE: The requested authority, if granted, will be tacked to the existing authority of applicant to provide a through service between Mount Sterling, Ky., on the one hand, and, on the other, points presently served by applicant in such States as Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and Tennessee. Supporting shippers: Hobart Manufacturing Co., 711 Pennsylvania Avenue, Troy, OH 45373; A. O. Smith Corp., Post Office Box 584, Milwaukee, WI 53201. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 29120 (Sub-No. 148 TA), filed January 3, 1973. Applicant: ALL-AMERICAN TRANSPORT, INC., 900 West Delaware Street, Post Office Box 769, 57101, Sioux Falls, SD 57104. Applicant's representative: Michael J. Ogborn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from Dakota City, Nebr., to points in Tennessee (except Memphis), for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731, Joseph A. Eschenbacher, Jr. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 30844 (Sub-No. 448 TA), filed December 15, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Paul Rhodes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and facilities utilized by John Morrell & Co., Ottumwa, Iowa, to points in North Carolina and South Carolina, for 180 days. Supporting shipper: John Morrell & Co., 208 South La Salle Street, Chicago, IL 60604. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 32367 (Sub-No. 21 TA) (Amendment), filed October 31, 1972, published in the FEDERAL REGISTER issue of November 18, 1972, amended and republished in part as amended this issue. Applicant: RED & WHITE MARKET & TRANSFER, INC. (Nebraska Corporation), 607 South Burlington Avenue, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, Box 80806, Lincoln, NE 68501. NOTE: The purpose of this partial republication is to include part (3) to read as follows: To transport engine parts and accessories, from Rockport, Ill., to Hastings, Nebr. The rest of the notice remains the same.

No. MC 105350 (Sub-No. 22 TA), filed January 5, 1973. Applicant: NORTH PARK TRANSPORTATION CO., 5150 Columbine Street, Denver, CO 80216. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel products*, which products, because of size or weight require the use of special equipment, from Denver, Colo., to bridge sites located at or near Mills, Wyo., and Orin, Wyo., for 180 days. Supporting shipper: Midwest Steel & Iron Works Co., Post Office Box 5384, Terminal Annex, Denver, CO 80217. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 107496 (Sub-No. 871 TA), filed January 5, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed and liquid feed supplements*, in bulk, in tank vehicles, from the plantsite of Cargill, Inc., located in Scott County, Iowa, to points in Illinois on and south of Interstate Highway 70 and points in Indiana; and (2) *molasses*, in bulk, in tank vehicles, from the plantsite of Cargill, Inc., located in Scott County, Iowa, to points in Illinois on and south of Interstate Highway 70, for 150 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapois, Minn. 55402. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 110563 (Sub-No. 97 TA), filed January 2, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: John L. Maurer, Coldway Food Express, Inc., Post Office Box 747, Sidney, OH 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in sections A and C in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Coldwater, Mich., to points in New York, Connecticut, New Jersey, Ohio, Pennsylvania, Maryland, Massachusetts, Tennessee, Kentucky, and Illinois, for 180 days. Supporting shipper: Walter Packing Co., Inc., Coldwater, Mich. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, Toledo, OH 43604.

No. MC 112801 (Sub-No. 139 TA), filed January 3, 1973. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Levy, Andrin & Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, from Kansas City, Kans., to Decatur, Ill., for 180 days. Supporting shipper: John E. Harvey, Director of Corporate Transportation, Archer Daniels Midland Co., 4666 Faries Parkway, Decatur, IL 62526. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114004 (Sub-No. 123 TA), filed January 4, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Post Office Box 1715, 72203, Little Rock, AR 72209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (mobile homes) *and portable building* mounted on wheeled undercarriages, initial movements, from points in Rockingham County, N.C., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: G. W. Morris, Jr., Sales Manager, Broadmore Homes of North Carolina, Inc., Box 665, Reidsville (Rockingham County), NC 27320. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 115841 (Sub-No. 448 TA), filed January 5, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Office: 1215 Bankhead Highway West, Post Office Box 168, Concord, Tenn. 37720, Birmingham, AL 35204. Applicant's representative: C. E. Wesley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Amarillo, Tex., to points in California, for 180 days. Supporting shipper: Glover Packing Co., Post Office Box 92, Amarillo, TX 79105. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 117730 (Sub-No. 12 TA), filed January 5, 1973. Applicant: KOUBENEC MOTOR SERVICE, INC., 641 Maple Lane, Batavia, IL 60510. Applicant's representative: Frank J. Belline, McDonald's Plaza, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin coated sand and industrial sand*, from Bridgman, Mich., to Dayton, Defiance, and Sidney, Ohio; Warsaw, Muncie, and La Porte, Ind., and Whitewater, Wis., for 180 days. Supporting shipper: Manley Bros., Post Office Box 67, Chesterton, Ind. 46304. Send protests to: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 121658 (Sub-No. 3 TA), filed January 4, 1973. Applicant: STEVE D. THOMPSON, 1205 Percy Street, Mailing: Post Office Box 149, Winnsboro, LA 71295. Applicant's representative: Harry E. Dixon, Jr., Post Office Box 4319, Monroe, LA 71201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, with the usual exceptions, from, to and between Jackson, Miss., on the one hand, and, points in Louisiana as presently named in Docket No. MC 121658 and MC 121658 Sub 1 as follows: between Monroe, La., and Sicily Island, La., over Louisiana Highway 15, serving all intermediate points. The major points on this route are Monroe, Alto, Archibald, Mangham, Baskin, Winnsboro, Chase, Gilbert, Wisner, Peck, and Sicily Island. Also between Crowville and Winnsboro La., over Louisiana Highway No. 17; and between Fort Necessity and Winnsboro, La., over Louisiana Highway No. 4. The transportation of cement and lime in excess of 25 percent of loaded truck is prohibited under this authority. Between Ruston, La., and Delta, La., along U.S. Highway 80 and all intermediate points using Interstate Highway 20 for operating conveniences. Between Tallulah, La., and Vidalia, La., along U.S. Highway 65 and all intermediate points. Between Ferriday, La., and Winnfield, La., and all intermediate points, along U.S. Highway 84. Between Winnfield, La., and Ruston, La., and all intermediate points along U.S. Highway 167. Between Fort Necessity, La., and Columbia, La., along Louisiana Highway 4. Between Sicily Island, La., and Jonesville, La., along Louisiana Highway 8 and Louisiana Highway 124

and all intermediate points. Between Sicily Island, La., and Ferriday, La., along Louisiana Highway 15 and all intermediate points.

Between Monroe, La., and Tullos, La., along U.S. Highway 165 and all intermediate points. Between Harrisonburg, La., and Whitehall, La., along Louisiana Highway 8 and all intermediate points. Between Archibald, La., and Rayville, La., along Louisiana Highway 137 to U.S. Highway 80 (Interstate 20). Between Crowville, La., and Delhi, La., along Louisiana Highway 17 and all intermediate points; (2) Applicant also files for temporary authority for *General Commodities* with usual exceptions, from, to and between Jackson, Miss., and points bounded on the south by U.S. Highway 80 and/or Interstate Highway 20 between Delta Point (Delta), La., and Ruston, La., bounded on the west by U.S. Highway 167 between Ruston, La., and Arkansas-Louisiana State line to Junction City, La., bounded on the north by Arkansas-Louisiana State line from U.S. Highway 167 to Mississippi River and bounded on the east by Mississippi River, from Arkansas-Louisiana State line to Delta Point, La., and including all points within the boundaries so named above, for 180 days. NOTE: Applicant states it does intend to tack with this authority at Jackson, Miss. Supported by: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 126276 (Sub-No. 73 TA), filed January 3, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Levy, Andrin & Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and metal container ends*, from the plantsite of American Can Co. at Morrisville (Bucks County), Pa., to Cleveland and Berea, Ohio, for 180 days. Supporting shipper: R. H. Lorenz, Director-Transportation, American Can Co., American Lane, Greenwich, Conn. 06830. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126389 (Sub-No. 2 TA), filed January 3, 1973. Applicant: MARY KIRKPATRICK, doing business as KIRKPATRICK TRUCKING, 11317 Route 14 North, Harvard, IL 60033. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from the plantsite and facilities of Big Foot Packing Co., Inc., at Big Foot, Ill., to Green Bay, Madison, and Milwaukee, Wis., for 180 days. Supporting shipper: Robert C. Eimers, President, Big Foot Packing Co., Inc., Post Office Box 266, Harvard, IL. Send protests to: William J. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133035 (Sub-No. 18 TA), filed January 3, 1973. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas and propane*, from Conway and McPherson, Kans., to points in Iowa, for 180 days. Supporting shipper: Farmland Industries, Inc., Kansas City, Mo. Send protests to: Carroll Russell, District Supervisor, 711 Federal Office Building, 106 South 15 Street, Omaha, NE 68102.

No. MC 133035 (Sub-No. 19 TA), filed January 3, 1973. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Arlyn L. Westergren, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas*, from La Porte, Tex., to Red Oak, Iowa, for 180 days. Supporting shipper: Farmers Mercantile Co., 203 West Oak Street, Red Oak, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, 106 South 15 Street, Omaha, NE 68102.

No. MC 133630 (Sub-No. 4 TA), filed January 3, 1973. Applicant: LEO KING, doing business as LEO TRUCKING SERVICE, Hubert Street, Ashkum, Ill. 60911. Applicant's representative: Charles R. Young 4 West Seminary Street, Danville, IL 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags or in bulk, from Shakum, Ill., to Green Bay, Madison, and Milwaukee, Wis., for 180 days. Supporting shipper: Occidental Chemical Co., Northeast Region, Post Office Box 38, Ashkum, IL 60911. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 134467 (Sub-No. 2 TA), filed January 2, 1973. Applicant: POLAR EXPRESS, INC., Post Office Box 691, Springdale, AR 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seafood*, from Ocean Park and South Bend, Wash., to points in Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: Wiegardt Bros., Inc., Ocean Park, Wash. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 134477 (Sub-No. 28 TA), filed January 5, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, fresh or frozen, suspended or other than suspended, from Denison and Fort Dodge, Iowa, and Dakota City and West Point, Nebr., to Washington, D.C., Boston, Mass., Woodbridge, N.J., Brentwood, Long Island, N.Y., New York, N.Y., and Philadelphia, Pa., for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135007 (Sub-No. 25 TA), filed January 4, 1972. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from the plantsites and storage facilities of Spencer Foods, Inc., at or near Schuyler, Nebr., and Fremont, Nebr., to points in Maine, for 180 days. Supporting shipper: Spencer Foods, Inc., Box 1228, Spencer, IA 51301. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, 106 South 15 Street, Omaha, NE 68102.

No. MC 138269 (Sub-No. 1 TA), filed January 4, 1973. Applicant: GREEN RIVER TRANSPORTATION CO., INC., Post Office Box 204, Lake Village, IN 46349. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and parts thereof*, from points in Muhlenberg and Logan Counties, Ky., on the one hand, and, on the other, points in Illinois and Indiana within 75 miles of Gary, Ind., including Gary, Ind., for 180 days. Supporting shippers: Geibel Lumber Co., Greenville, Ky; Expandable Pallet Manufacturing Co., Central City, Ky; Kentucky Mill Lumber & Mfg. Co. of Logan County, Louisburg, Ky. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

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No. MC 138293 TA, filed December 29, 1972. Applicant: TIDEWATER DISTRIBUTION SERVICES, INC., 47 Sixth Street, East Brunswick, NJ 08816. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaging materials, equipment, and supplies*, between the facilities of Jiffy Manufacturing Co., at or near Clyde, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, points in Nassau, Suffolk, Westchester, Orange, Rockland Counties, N.Y., and Fairfield County, Conn., for 180 days. Supporting shipper: Jiffy-Manufacturing Co., 360 Florence Avenue, Hillside, NJ 07205. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138295 TA, filed January 5, 1973. Applicant: CYCLONE TRANSPORT, INC., 104 Black Hawk Street, Reinbeck, IA 50669. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refuse containers and compactors;* (2) *hoists;* (3) *truck bodies, boxes, and platforms;* and (4) *parts and accessories* for commodities in (1), (2), and (3) from Grundy Center, Nev., and Sioux City, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, Ohio, New York, Oklahoma, North Carolina, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, Wisconsin, and West Virginia, for 180 days. Supporting shipper: Mid Equipment, Inc., Highway 175 West, Grundy Center, IA 50638. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 73-1309 Filed 1-22-73; 8:45 am]

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federal register

TUESDAY, JANUARY 23, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 15
PART II

DEPARTMENT OF COMMERCE

Economic Development Administration

■

REVISION OF REGULATIONS

No. 15—Pt. II——1

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Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

REVISION OF CHAPTER

The Economic Development Administration has completely revised Title 13, Chapter III of the Code of Federal Regulations. This revision as set forth below expands, reorganizes, and brings current the rules and regulations of the Economic Development Administration.

The revised rules and regulations become effective on January 19, 1973.

Dated: January 17, 1973.

ROBERT A. PODESTA,
Assistant Secretary for Economic Development.

NOTE: The Area Redevelopment Act expired on August 31, 1965, and the Economic Development Administration succeeded to, among other things, certain responsibilities of the Area Redevelopment Administration, including liquidation thereof.

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AUTHORITY: Sec. 701, Public Law 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970).

Subpart A—Introduction

§ 301.1 Purpose.

The purpose of the Economic Development Administration is to provide assistance in economically distressed areas and regions in order to alleviate conditions of substantial and persistent unemployment and underemployment and to establish stable and diversified economies.

§ 301.2 Definitions.

"*Act*" used in this chapter means the Public Works and Economic Development Act of 1965, as amended.

"*Administration*," "*Agency*," or "*EDA*" means the Economic Development Administration.

"*Advisory Committee*" means the Committee on Regional Economic Development appointed by the Secretary in accordance with section 602 of the Act.

"*Alaskan Native Village*" means town or village sites occupied and used by natives of Alaska—Indians, Eskimos, and Aleuts—pursuant to the 1926 Native Townsite Act.

"*ARA*" means the Area Redevelopment Administration (now expired) which was an experimental program designed to cope with the problems of long-term unemployment and underemployment.

"*Assistant Secretary*" means the Assistant Secretary of Commerce for Economic Development.

"*Designated Area*" means any area or center which has been determined by the Assistant Secretary pursuant to sections 102, 401, or 403 of the Act as eligible to apply for financial assistance.

"*Designation*" means the act of the Assistant Secretary whereby a geographic area, district or economic development center is determined to be eligible to apply for assistance under the Act.

"*Disaster Area*" means areas designated under Titles I or IV of the Act and designated by the President under the Disaster Relief Act of 1970 (Public Law 91-606). The disaster area shall remain such for as long a period as it retains both EDA and Disaster designations, and such concurrent designations have not exceeded 1 year in duration.

"*Economic Development Center*" means any geographic area within the United States having a population of 250,000 or less, not located in a redevelopment area, which has been identified in an approved district overall economic development program as having the potential for economic growth and the ability to alleviate the economic distress of the redevelopment areas within the district.

"*Economic Development District*" means a geographic area composed of adjoining and economically related areas which are of proper size to permit effective economic planning, including at least two redevelopment areas and one or more economic growth center(s) and having been designated by the Assistant Secretary.

"*Economic Growth Center*" means an economic development center or redevelopment center, designated or recognized by the Assistant Secretary, whose growth may be reasonably expected to contribute significantly to the alleviation of distress in the district's redevelopment areas.

"*Indian Tribe*" means the governing body of a tribe, nonprofit Indian corporation (restricted to Indians), Indian authority or other tribal organization or entity or Alaskan Native Village.

"*Local Government*" means any municipality, county, town, parish, or other general purpose political subdivision of a State.

"*OEDP*" means an Overall Economic Development Program (or orderly plan of action) pertaining to an area or district.

"*Planning Grants*" means grants for administrative expenses to eligible applicants under section 301(b) of the Act for planning purposes.

"*Public Works Impact Program Area*" means any community or neighborhood (defined without regard to political or other subdivisions or boundaries) which has been designated by the Assistant Secretary pursuant to section 401(a)(6) of the Act and which is exempted from the requirements of subparagraphs (A) and (C) of paragraph (1) of subsection (a) of section 101 of the Act.

"*Qualified Area*" means an area which meets the criteria of the Act for designation as "redevelopment area" or "Title I area" subject to the other provisions of the Act.

"*Redevelopment Area*" means any geographic area which has been designated by the Assistant Secretary pursuant to section 401 of the Act and is eligible for the full range of EDA assistance.

"*Redevelopment Center*" means any geographic area constituting all or part of a redevelopment area which has been identified in an approved district overall economic development program as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the redevelopment areas composing the economic development district.

"*Secretary*" means the Secretary of Commerce, the Assistant Secretary when exercising authorities delegated by the Secretary of Commerce, or any person duly authorized to act for the Secretary of Commerce in his stead.

"*Special Impact Area*" means:

(a) Any community or neighborhood (defined without regard to political or other subdivision or boundaries) which has been designated by the Assistant Secretary pursuant to section 401(a)(6) of the Act. It does not include a Public Works Redevelopment Area which has been designated by the Assistant Secretary pursuant to section 401(a)(6) of the Act.

(b) Any area selected as special impact area (as defined under the Economic Opportunity Act of 1964, as amended), funded by the Office of Economic Opportunity, and designated by the Assistant Secretary.

"*Sudden Rise Area*" means any area which has been designated by the Assistant Secretary as a redevelopment area under Section 401(a)(4) of the Act.

"*Supplemental Grant*" means the amount of additional grant assistance provided pursuant to section 101(c) of the Act.

"*Title I Area*" means any area which the Assistant Secretary designates pursuant to the provisions of section 102 of the Act.

"*Working Capital*" means the excess of current assets over current liabilities and identifies the relatively liquid portion of total enterprise capital which constitutes a margin or buffer or meeting obligations within the ordinary operating cycle of the business.

Subpart B—Description of Program Areas

§ 301.20 Public works and development facility grants.

(a) Direct grants are authorized for:

(1) Public works, public service and development facility projects which directly or indirectly contribute to long-range economic growth or benefit long-term unemployed and members of low-income families in redevelopment areas.

(2) Public works, public service and development facility projects which provide immediate useful work to the unemployed and underemployed of the project area.

(b) Supplementary grants to augment the direct grants received under the Act or to augment the basic grants under other Federal grant-in-aid programs may be provided to public works, public service and development facility projects which directly or indirectly contribute to long-range economic growth or benefit long-term unemployed and members of low-income families in redevelopment areas.

§ 301.21 Loans.

(a) Loans are authorized for public works, public service, and development facility projects in redevelopment areas and economic growth centers, but not in title I areas.

(b) Loans are authorized for industrial and commercial purposes in redevelopment areas and economic growth centers, but not in title I areas.

(c) Guarantees of working capital loans made to private borrowers by private lending institutions for projects assisted under paragraph (b) of this section are authorized.

§ 301.22 Technical assistance.

(a) Technical assistance in the form of direct assistance by EDA personnel, payment to other Federal agencies, contracts, and grants may be extended to redevelopment areas and other areas that have substantial need for such assistance. Any such technical assistance must be useful in alleviating or preventing conditions of excessive unemployment or underemployment.

(b) Planning and administrative grants are available to eligible applicants.

(c) EDA conducts a continuing program of study, training and research in the problems of economic development through members of its staff, payments to other Federal agencies, contracts, and grants.

(d) EDA provides technical assistance for national projects to national or public associations or public bodies.

(e) EDA aids redevelopment areas and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment within such areas.

Subpart C—Description of Organization

§ 301.30 Washington office.

The central and principal office of the Economic Development Administration is in the Department of Commerce, 14th Street at Constitution Avenue NW., Washington, DC 20230.

§ 301.31 Economic Development Administration Regional Offices.

Locations:

(a) *Atlantic.* 320 Walnut Street, Philadelphia, PA 19106. Serving: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.

(b) *Southeastern.* Suite 55, 1401 Peachtree Street NE., Atlanta, GA 30309. Serving: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

(c) *Rocky Mountain.* Suite 505, Title Building, 909 17th Street, Denver, CO 80202. Serving: Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

(d) *Midwestern.* Civic Towers Building 32 West Randolph Street, Chicago, IL 60601. Serving: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

(e) *Western.* 1700 Westlake North, Seattle, WA 98109. Serving: Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

(f) *Southwestern.* 702 Colorado Street, Austin, TX 78701. Serving: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

§ 301.32 Assistant Secretary.

The Assistant Secretary for Economic Development directs the programs and is responsible for the conduct of all activities of the Economic Development Administration subject to the policies and directions prescribed by the Secretary of Commerce.

§ 301.33 Deputy Assistant Secretary for Economic Development.

The Deputy Assistant Secretary for Economic Development assists the Assistant Secretary in all matters affecting the Agency. The Deputy Assistant Secretary for Economic Development shall exercise the powers and perform the duties of the Assistant Secretary when there is a vacancy in office or when the Assistant Secretary is absent or disabled. The Deputy Assistant Secretary for Economic Development also directs and supervises the Investigations and Inspections Staff, the Special Assistant for Environmental Affairs, the Special Assistant for Field Operations and the Special Assistant for Indian Affairs.

(a) The Investigations and Inspections Staff formulates and recommends policies, plans, and procedures, for the development and conduct of the investigation programs; and conducts inspections and special compliance studies and surveys on programs and technical operations.

(b) The Special Assistant for Environmental Affairs acts as principal advisor to the Assistant Secretary on environmental affairs; serves as the Agency's responsible official under the National Environmental Policy Act of 1969 (NEPA); develops and directs the Agency's procedures for complying with NEPA and other environmental legislation, reviews projects and makes recommendations to the Assistant Secretary for approval or disapproval based upon the environmental effects of the proposed project; coordinates the agency's environmental program with the environmental programs of local, State, and other Federal agencies which become involved with EDA projects; represents the Assistant Secretary at conferences and meetings and on interagency committees dealing with environmental matters; maintains liaison on environmental matters with interested public groups and local, State, and other Federal agencies; reviews and evaluates legislative and administrative proposals in terms of their environmental impact.

(c) The Special Assistant for Field Operations shall maintain liaison with EDA regional office directors on matters of an administrative or policy nature which affect the organization or operation of the Regional Offices; and directs, coordinates, and monitors the Regional Office Directors' implementation of policies and directives relating to the or-

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ganization and operation of the Regional Offices.

(d) The Special Assistant for Indian Affairs provides advice and direction for development and implementation of a viable program providing assistance to American Indians; recommends approval or denial of all Indian project proposals; operates the selected Indian Reservation Program in order to develop strong and permanent economic activity on Indian reservations, resulting in increased employment opportunities and a rise in the per capita income of the Indian people; provides assistance and advice to economic development planners employed by Indian tribes or groups funded through the Agency's planning grant program; initiates and develops seminars, conferences, and other programs which disseminates information to assist Indian tribes in economic development programs; coordinates Federal, State and private agencies which work with Indian tribes in formulating and implementing beneficial programs.

§ 301.34 Deputy Assistant Secretary for Economic Development Operations.

The Deputy Assistant Secretary for Economic Development Operations provides coordinated direction and supervision of all Agency activities related to financial assistance for or to physical projects for improving local economies; recommends standards, policies, and criteria for the technical evaluation and processing of applications for assistance; directs, conducts, coordinates, monitors and, where appropriate, originates technical assistance projects subject to coordination with the Deputy Assistant Secretary for Economic Development Planning on proposed technical assistance projects related to area, district, center or regional planning; reviews and recommends approval or denial of project applications to the Assistant Secretary; evaluates activities of the Regional Offices in applying policies, standards, and procedures for processing project applications; studies and evaluates manpower development and training needs of redevelopment areas and economic development districts and recommends appropriate joint action with the Departments of Labor, and Health, Education, and Welfare; and executes agreements with other Federal departments and agencies in consultation with the Deputy Assistant Secretary for Policy Coordination for the conduct of specialized technical assistance; and directs and supervises the Office of Business Development, Office of Public Works and Office of Technical Assistance.

(a) The Office of Business Development maintains surveillance over and conducts training for implementation of policies, standards and procedures by the Regional Offices related to the processing of loan applications and working capital guarantees to assure efficient, effective, and economic accomplishment of the business development programs; evaluates and recommends approval or denial of commercial or industrial loans and working capital guarantees; develops and implements Agency agreements with other Federal agencies in support of business development programs; administers loans in connection with commercial and industrial projects, including outstanding loans approved under the provisions of the Area Redevelopment Act (ARA); arranges for or provides needed specialized assistance to recipients of industrial and commercial loans and guarantees; and develops and implements policies, plans and procedures to improve or terminate projects in default of loan conditions.

(b) The Office of Public Works recommends and implements public works policies, standards and procedures for accepting, processing, reviewing, approving and carrying out public works grant and loan projects under the Act; reviews and recommends public works applications for approval or denial; directs and maintains surveillance over the Regional Office public works functions; trains and develops public works field staffs; and maintains operating liaison with other Federal agencies having grant-in-aid programs which may supplement Agency projects.

(c) The Office of Technical Assistance develops and recommends policies, standards, and procedures for the receipt, evaluation, monitoring and implementation of technical assistance projects; formulates innovative technical assistance projects; develops and recommends policies and activities to assist business development in the private sector by means of technical assistance; promotes the economic development content of public sector activities involving physical and human resources, emphasizing the guidance of public investment in the delivery of public services affecting economic development; coordinates and obtains where necessary the participation of other Federal agencies; develops, monitors and follows the national technical assistance projects; recommends policies and practices to facilitate effective relationships with other Federal agencies where their programs affect economic development, and assists Regional Offices in carrying out their technical assistance duties.

§ 301.35 Deputy Assistant Secretary for Policy Coordination.

The Deputy Assistant Secretary for Policy Coordination acts as principal advisor to the Assistant Secretary on matters of policy coordination, providing staff assistance in the development, formulation, review and evaluation of policy; exercises responsibility for the Agency's interagency and intergovernmental relations and its relations with quasi-public and private agencies interested in economic development; monitors and coordinates EDA's urban programs and advises local governments and community groups in developing urban economic development programs; serves as Executive Secretary and provides staff support for the National Public Advisory Committee on Regional Economic Development; reviews and evaluates legislative and administrative proposals related to economic development and intergovernmental relations; and represents the Agency on international organizations when requested.

§ 301.36 Deputy Assistant Secretary for Economic Development Planning.

The Deputy Assistant Secretary for Economic Development Planning acts as the principal advisor to the Assistant Secretary on matters of development planning; coordinates and directs the Agency's economic development planning activities relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial need, and directs the administration of planning grants for areas, Indian reservations and districts; formulates and recommends standards and criteria for administration of economic development planning by the Regional Offices; recommends designation of economic development districts, economic development centers, redevelopment areas, and Title I areas which fulfill statutory criteria; conducts an annual review of the areas and districts designated for assistance under the Act and recommends such modifications or terminations of eligibility as may be appropriate; coordinates and directs a program of economic research and research and analysis carried out through grants, contracts and in-house research; informs the Deputy Assistant Secretary for Operations on the compliance of applications for financial assistance with section 702 of the Act; provides economic data, analyses and studies, and planning grants to development districts and areas; recommends technical assistance proposals for areas and districts; and directs and supervises the Office of Development Organizations, Office of Economic Research, and Office of Planning and Program Support.

(a) The Office of Development Organizations initiates policy guidelines and criteria concerning development districts and area organizations for use by other elements of the Agency and appropriate State and local agencies; designs direct programs to establish multicounty development districts in consultation with the assistance and cooperation of Regional Offices and concurrence of States affected; evaluates and approves for purposes of the Act proposed area and district economic development organizations and assists Regional Office efforts to organize economic development districts; reviews Regional Office recommendations for designation and/or termination of economic development districts and centers; advises interested Federal, State, and local agencies of all changes affecting the eligibility status of proposed or existing economic development districts; and determines whether an area meets and continues to meet the statistical qualification criteria for designation as a redevolpment area.

(b) The Office of Economic Research directs and conducts a program of internal and external economic research to meet planning and operating needs relating to economic development problems and opportunities for geographical subdivisions; arranges and monitors Agency-sponsored research conducted by other elements of the Department, and other Federal and non-Federal organizations; encourages and stimulates economic development research and data collection in and out of Government; reviews, evaluates, integrates, and disseminates Agency research and other research findings that are relevant to the Agency objectives and programs; and encourages educational institutions to develop curricula and establish service-learning mechanisms that enable students to participate in State and local economic planning and development of programs.

(c) The Office of Planning and Program Support coordinates the preparation, review, and approach of Agency developed planning documents including a system of priorities for Agency financial assistance to areas and districts; provides guidance to Regional Offices on the application of economic development planning techniques and systems to the specific problems of the Region, further advising and assisting Regional Offices in implementing economic planning activities after formal designation of economic development districts and areas; formulates planning and development policies, procedures, and standards for review of OEDP's by Regional Offices; evaluates services, efficient existing capacity and competitive procedures for use in determinations of excess capacity pursuant to section 702 of the Act; and initiates suspension of receipt and processing of applications for assistance from areas and districts which fail to submit acceptable OEDP progress reports.

§ 301.37 Office of Administration and Program Analysis.

The Office of Administration and Program Analysis develops, administers, and promulgates administrative management policies, programs, and standards for the Agency; develops cost benefit studies employing techniques of operations research analysis, econometrics and mathematical economics to the relative merit between, and the optimum balance among, alternative programs for economic development projects, activities and programs in achieving the objectives of the Act.

§ 301.38 Office of Chief Counsel.

The Office of the Chief Counsel renders all necessary legal services to the Agency, and has primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders.

§ 301.39 Office of Civil Rights.

The Office of Civil Rights advises the Assistant Secretary in the development and implementation of policy guidelines affecting equality of opportunity in economic development programs; provides assistance in civil rights matters to all economic development program units and to the participants and beneficiaries for the economic development programs; maintains liaison with Federal, State, and local governmental organizations and nongovernmental organizations to coordinate operations aimed at achieving nondiscrimination and equality of opportunity; establishes equal opportunity requirements for participants in economic development programs; conducts on-site inspections and receives, investigates, and resolves complaints; and evaluates the Agency's internal civil rights program.

§ 301.40 Office of Congressional Relations.

The Office of Congressional Relations advises on all congressional matters pertinent to the activities under the direction of the Assistant Secretary and serves as the primary point of coordination for continuing liaison with the Congress in collaboration with the Special Assistant to the Secretary for Congressional Relations.

§ 301.41 Office of Public Affairs.

The Office of Public Affairs advise on all public information matters; conducts a public information program under the policy guidance of the Assistant Secretary and provides assistance in the editing, printing, or reproduction, and distribution of technical materials and publications.

§ 301.42 Economic Development Regional Offices.

(a) Regional Offices cooperate with and assist local areas in organizing for economic development; provide economic development informational services covering all programs, Federal and otherwise; assist in obtaining field surveys of local area problems through staff or through contract; cooperate with local area and other economic development representatives in the development or modification of Overall Economic Development Programs (OEDP); review those OEDP submitted for approval and take appropriate action in accordance with prescribed Agency policies and procedures; review applications for industrial and commercial assistance, for public works loans and grants, and for technical assistance, including administrative grants, and take appropriate final action in accordance with Agency policies, rules, regulations, and procedures and within the authority specifically delegated by the Assistant Secretary; review financial assistance project reports of processing offices, submitting analyses and recommendations for action to the Agency's Washington office; develop and comment upon proposals for training projects within the area served by the Regional Office; and provide for official liaison channels with State economic development agencies, district and redevelopment area economic development organizations, and regional or local offices of other Federal agencies located within the same area, particularly those with related programs.

(b) Organization structure:

(1) The Regional Director, who reports to and is under the supervision and direction of the Assistant Secretary, directs the programs and is responsible for the conduct of all activities of the Regional Office.

(2) The Civil Rights Division implements programs of equal opportunity including surveillance and compliance for the prevention of discrimination in any program or activity receiving Agency assistance; contacts community information sources, analyzes areas in relation to their civil rights posture, including the presence or absence of certain skills in the minority workforce, and quality and availability of educational and training opportunities; encourages employment of the unemployed and underemployed, especially in areas of minority group concentration; reviews employment plans for the beneficiaries and managers of Agency projects; and assists the program divisions in evaluating projects as to the economic impact on minority groups and relationships to community and area plans and projects of other Federal, State, and local entities.

(3) The Special Programs Division recommends general development strategies and investment programs for special program areas for endorsement by the Regional Director and appropriate Washington officials; assists Economic Development Representatives in development of projects dealing with the special program assigned; and assists in the evaluation of projects for economic impact and relationships to community and area plans and projects of other Federal, State, and local entities.

(4) The Regional Counsel provides legal services to the Regional Director, subject to the general policy guidance and legal supervision of the Chief Counsel; performs preliminary review of all applications received in the Regional Office, making recommendations as appropriate; and advises and assists in the legal aspects of project development and management, including the closing of loans, and upon request of the Chief Counsel, provides assistance in connection with general litigation and the administration and liquidation of business development loans and working capital guarantees.

(5) The Business Development Division advises Regional Office personnel, Economic Development Representatives, members of the banking and industrial community, and the public of the possible uses of business development financial assistance to meet the objectives of the Act; appraises the potential of redevelopment areas for industrial and commercial development and devises plans to meet the needs of these areas through use of business development program tools or alternative methods of financing; advises the Planning Division in its review and evaluation of OEDP progress and preparation of recommended program strategies; assists applicants, in cooperation with Economic Development Representatives, by providing appropriate financial guidance needed to structure loan proposals into acceptable applications for assistance;

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conducts prefiling conferences; processes all business development assistance applications; counsels applicants and borrowers on improving opportunities for the financial success and economic benefits of projects; evaluates business development projects for economic impact and relationships to community and area plans and projects of other Federal, State, and local entities; and receives all business development project applications, prepares project files on all applications for action by the Regional Director and, after approval, acceptance of offer, and completion of loan disbursements delivers the project files to the Technical Support Division for loan administration.

(6) The Public Works division advises Regional Office personnel, Economic Development Representatives, appropriate community officials and the public of the possible uses of public works and development facility assistance to meet the objectives of the Act; develops and implements program strategies with assistance of the Planning Division for utilizing public works and development facility program tools to enhance the development process; advises the Planning Division in its evaluation of OEDP and other program strategies; assists Economic Development Representatives in developing proposed public works and development facility projects; conducts prefiling conferences; advises applicants of alternative sources of financing, program requirements and intergovernmental coordination arrangement, as appropriate; processes all public works applications with financial and engineering review by the Technical Support Division as appropriate; evaluates public works projects for economic impact and relationships to community and area plans and projects of other Federal, State, and local entities; receives all public works project applications, prepares project files on all applications for action by the Regional Director and upon approval and acceptance of offer, delivers the project files to the Technical Support Division for maintenance.

(7) The Technical Assistance Division advises Regional Office personnel, Economic Development Representatives and the public of possible uses of technical assistance to meet the objectives of the Act; implements program strategies with the assistance of the Planning Division for the utilization of technical assistance to accelerate the development process; assists the Planning Division in its review and evaluation of OEDP and other program strategies; assists Economic Development Representatives in developing technical assistance projects; advises the Public Works and Business Development Divisions in developing technical assistance projects related to their programs; conducts prefiling conferences; processes all technical assistance applications and monitors approved projects with assistance of the Technical Support Division; coordinates with other Federal organizations in the development and conduct of specialized technical assistance programs and individual projects; provides for dissemination of technical assistance information to groups and agencies within the region; evaluates all technical assistance projects for economic impact and relationships to community and area plans and projects of other Federal, State, and local entities; receives all technical assistance project applications; prepares files on all applications for action by the Regional Director; and coordinates the Manpower Development and Training Act program as it relates to Regional Office jurisdiction.

(8) The Technical Support Division provides the Public Works, Planning and Technical Assistance Divisions, and Economic Development Representatives, with financial and technical guidance needed to assist prospective applicants in the planning of acceptable applications; applies established criteria in the engineering and financial evaluation of proposed projects except Business Development projects; initiates and participates in closing approved Public Works loans and monitors the completion of approved Public Works projects including construction management and portfolio management; performs duties assigned in connection with disbursement of appropriate project funds, services all Public Works and Business Development projects after their transfer to the Technical Support Division and develops plans and recommendations to improve or terminate projects in default of loan or grant conditions; and advises the Planning Division in its review and evaluation of OEDP in regard to engineering and financial aspects of development programs.

(9) The Planning Division advises and assists the Regional Director in recommending the designation of economic development districts and centers, redevelopment areas and centers; assists districts and other economic development organizations in developing or modifying OEDP as part of an overall grant monitoring responsibility; reviews and evaluates OEDP progress reports submitted for approval and, in cooperation with other Regional Office divisions and Economic Development Representatives, recommends appropriate action in accordance with prescribed policies and procedures; coordinates with State and local officials in sponsoring and assisting district economic planning and development groups; assesses and assists State and local efforts to recruit professional economic development staff and recommends model programs and procedures for economic development organizations; directs and coordinates economic development planning for use of Agency program offices in designated districts, centers, and areas; collects and maintains an information system relative to economic development programs in the regional jurisdiction, to support development planning in districts and redevelopment areas; evaluates significant developments and problems affecting intergovernmental redevelopment planning for districts and redevelopment areas, recommending appropriate action to the Regional Director; considers the economic impact of each proposed project; conducts program planning conferences; reviews performance of Agency funded organizations through annual appraisals, recommending appropriate actions to improve effectiveness of the organizations if necessary; prepares grant offers for newly designated planning organizations for approval by the Assistant Secretary and prepares continuation grant offers for approval by the Assistant Secretary and prepares continuation grant offers for approval by the Regional Director; performs duties assigned in connection with the disbursement of planning grant funds and monitoring use of such funds; and develops with assistance of other Regional Office program divisions, program strategies for use of Agency assistance consistent with State and local plans.

(10) The Economic Development Representatives disseminate information to the public about the Agency's program and activities; assist prospective borrowers or grantees in the preparation of applications for financial or technical assistance by explaining the manner in which statutory requirements are to be met, indicating alternative forms of assistance as might be available under other Federal programs or from private sources, and providing guidance and advice on planning the contents of applications; and serve as principal assistants to the Regional Director, under the guidance of and with the coordination of program divisions, for formulating strategies for the effective use of Agency resources to assist areas and districts to meet the objectives of the Act.

Subpart D—Disclosure of Information to the Public

§ 301.50 Disclosure of information to the public.

This section describes the arrangements whereby the materials specified in 5 U.S.C. 552(a)(2) and repeated below, § 301.52(a), are made available for public inspection and copying, and the procedures and other conditions whereby identifiable records requested by persons may be made available to them pursuant to 5 U.S.C. 552(a)(3).

§ 301.51 Publication in the Federal Register.

Those materials which are required to be published in the FEDERAL REGISTER pursuant to the provisions of 5 U.S.C. 552(a)(1) and repeated below, § 301.53, have been and shall continue to be published in the FEDERAL REGISTER and shall, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 301.52(c).

§ 301.52 Availability of materials for inspection and copying.

(a) In accordance with 5 U.S.C. 552(a)(2) and other provisions of law, a public information facility is established wherein EDA maintains a reference facility for the public inspection and copying of:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

(2) Those statements of policy and interpretations which have been adopted by EDA and are not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

(4) A current index, EDA Directive Systems, Index, providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and required to be made available or published by 5 U.S.C. 552(a)(2).

(5) Such additional materials as the Assistant Secretary of Commerce for Economic Development, in his discretion may consider desirable and practicable to make available for the convenience of the public.

(b) In order to prevent unwarranted invasion of personal privacy, EDA may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

(c) The above materials may be inspected in the Office of Public Affairs, Publications Division, Room 6814 B, Commerce Building, 14th Street between Constitution and E Streets NW., Washington, D.C. 20230. In addition, for the convenience of the public, most of these materials may also be inspected at each of the EDA Regional offices listed in § 301.31. The Office of Public Affairs, Publications Division, Washington, D.C., and the respective EDA Regional Offices are open to the public Monday through Friday of each week, except on official holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Copies of these materials may be obtained at these facilities at cost. In addition, copies of various EDA materials regularly available for sale by EDA may be purchased from the Office of Public Affairs, Publications Division, and EDA Regional Offices.

(d) Correspondence concerning the materials available in the facility should be sent to the Office of Public Affairs, Publications Division, Economic Development Administration, Department of Commerce, 14th Street and Constitution NW., Washington, D.C. 20230.

§ 301.53 Federal Register public information.

In accordance with 5 U.S.C. 552(a)(1), the EDA public information facility described in § 301.52(c) also maintains a reference facility for the public inspection and copying of the following public information published in the FEDERAL REGISTER.

(a) Descriptions of EDA central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

(b) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency.

(e) Each amendment, revision, or repeal of the foregoing.

§ 301.54 Requests for identifiable records.

(a) A person who wishes to inspect a record which is not customarily available to the public as part of the regular information activities of EDA should complete Form CD–244, "Application to Inspect Records," and submit this form, in person or by mail, to the Office of Public Affairs, Publications Division, Room 6814 B, Commerce Building, Washington, D.C. 20230. Copies of Form CD–244 are available at the Office of Public Affairs, Publications Division and each of the EDA Regional Offices listed in § 301.31.

(b) An application form shall be submitted for each record or group of records related to the same general subject matter. Each application form shall be accompanied by the nonrefundable application fee of $2.

(c) Detailed instructions for the completion of Form CD–244 are stated on the back of the form. Employees of the Office of Public Affairs, Publications Division and the EDA Regional Offices will be available to answer questions concerning the application form and its filing. The applicant has the sole responsibility to identify each record sought in sufficient detail so that it can be located by personnel familiar with the filing of agency records. Each application shall clearly itemize, when there are more than one, each record requested so that it may be identified and its availability separately determined.

(d) All requests for agency records not customarily made available to the public received by EDA Regional Offices shall promptly be referred, without further action, to the Office of Public Affairs, Publications Division for a determination in accordance with § 301.54.

(e) The Office of Public Affairs, Publications Division, will review the application for completeness, and will record receipt of the fee. If the application is incomplete in some substantial and material respect, it shall be promptly returned to the applicant to complete.

§ 301.55 Determinations of availability of records.

(a) Upon receipt of requests for information, the Office of Public Affairs, Publications Division shall initially determine:

(1) Whether the requested record can be identified on the basis of the information supplied by the applicant. If it cannot identify the record, the application shall be returned to the applicant, specifying why it is not identifiable and what additional clarification, if any, the applicant may make to assist EDA in its identification.

(2) Whether the record, if identifiable, is still in existence or has been destroyed as provided by law, or is not in the possession of EDA. If the record no longer exists, the applicant shall be so notified, with the reason stated. If the record is not in EDA's possession and its existence is not otherwise reasonably ascertainable, the applicant shall be so notified. If the requested record is in another organization of the Department of Commerce, or is the exclusive or primary concern of another executive department or agency, the application for the record shall be promptly referred to such other organization or agency for further action under its rules, and the applicant shall be promptly informed of this referral by the Office of Public Affairs, Publications Division.

(b) If the requested record is identifiable and subject to EDA's determination as to its availability, the application shall be reviewed by an official authorized pursuant to Department Administrative Order 205–12 to initially determine its availability. If it is determined, after consultation with the Office of the Chief Counsel that, as provided by law, the record is not to be made available to the requesting person, said party shall receive in writing the specific reason(s) why the record is not being disclosed, signed by the official making the determination.

(c) If the record is to be made available and there are no further charges or fees, it shall be furnished to the requesting person. If, in accord with § 301.56, there are additional costs to be recovered from the applicant, they shall be estimated and the applicant notified that upon his payment of such estimated costs subject to adjustment as provided in § 301.56, the record shall be made available to him at the Office of Public Affairs, Publications Division, or transmitted to him by it.

§ 301.56 Fees and charges.

(a) In accord with congressional policies that services performed hereunder are to be self-sustaining, and as provided by law, appropriate fees and charges are hereby established to cover costs for application handling, record searching, reproduction, certification, and authentication, and for related expenses incurred by EDA with respect to records made available upon request under 5 U.S.C. 552(a)(3).

(b) The following fees are hereby established and payable to EDA:

(1) Application fee—per application—$2. This fee is nonrefundable, and covers costs of accepting and reviewing the application, and making a determination as to the availability of the requested record, or group of related records.

(2) Records search fee—per half hour, or any fraction thereof, per person—$2.50.

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This fee covers the cost of locating the desired record, transporting it by government messenger service to a point of inspection, supervising the inspection, and returning the record to its regular file. It also includes the costs of any copies or records made at EDA's option. The minimum fee charged for records search per one-half hour ($2.50).

(3) Copies of records, if requested by applicant:	
(i) Xerographic or similar process—	
Up to 9 x 14 inches (each page)	$0.25
(ii) Photocopy or similar process—	
Up to 12 x 18 inches (each copy)	1.00
Over 12 x 18 inches but less than 18 x 25 inches (each copy)	2.00
(4) Other forms of reproduction as may be required by the nature of the original records: Individual fee, sufficient to recover full cost	-----
(5) Certification fee, if requested—Applicable to each certification	1.00
(6) Postage, registration, or other forwarding or packing fees [1]—Applicable only if copies of records are requested to be shipped to a point other than the Office of Public Affairs, Publications Division.	

[1] Actual cost.

(c) All fees and charges will be collected in advance. The applicant will be given an estimate of the cost of records search for each application where disclosure availability is authorized. If actual cost exceeds the estimate, the applicant will have the option of either paying any additional costs, or inspecting the requested record to the extent covered by his payment. If the advance estimated payment is $1 or more in excess of both the actual cost and the minimum charge, a refund will be made of the excess above the higher of these two amounts.

(d) The fees set forth above are based upon an initial estimate of the costs to be incurred in providing the indicated services and may be revised as necessary to insure the recovery of full costs by EDA.

(e) The above fees are established solely for services provided pursuant to 5 U.S.C. 552(a)(3), and do not affect fees charged for other EDA services to the public, as may be performed under other authorities.

§ 301.57 Arrangements for public inspection and copying of agency records subject to disclosure.

(a) Upon receipt of the records search fee, and any fees for additional services requested by the applicant, the requested record which has been determined to be available shall, unless the applicant has otherwise indicated, be transferred to the Office of Public Affairs, Publications Division, where it will be held for inspection by the applicant for 5 working days. The address and hours of operation of this facility are stated in § 301.52(c).

(b) During his inspection of the record at the facility, the applicant may copy by hand any portion of the record, may use the coin-operated copying equipment at the facility to make a copy thereof, and may obtain certification of a machine-copied record.

(c) No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be disassembled during inspection. Staff of the facility shall provide assistance if disassembly of a record is necessary for copying purposes, and are authorized to supervise public inspection as necessary to protect the records of EDA.

(d) If an applicant does not want to inspect a record by personal visit to the Office of Public Affairs, Publications Division, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in this subpart.

(e) No person may, without permission, remove any record made available to him for inspection or copying under this subpart from the place where it is made available. In addition, no person may steal, alter, mutilate, obliterate, or destroy, in whole or part, such a record. See sections 641 and 2071 of title 18 of the United States Code.

§ 301.58 Requests for reconsideration.

(a) Any person whose application to inspect a record has been rejected because the record was not to be made available for stated reason(s), may request a reconsideration of the initial denial, as set forth herein.

(b) The request for reconsideration should be made by completing the applicable section of the Form CD-244, and returning it to the Office of Public Affairs, Publications Division, within 30 days of the date of the original denial. (This date is shown on the Form CD-244.) No additional fee is required to obtain reconsideration. In submitting a request for reconsideration, the applicant should include any written arguments he desires to support his belief that the record requested should be made available. No personal appearance, oral argument, or hearing shall be permitted.

(c) The decision upon such review shall be made by the Assistant Secretary for Economic Development and shall be based upon the original application, the denial, and any written argument submitted by the applicant.

(d) The decision upon review shall be promptly made in writing and communicated to the applicant. If the decision is wholly or partly in favor of the applicant, the requested record shall to the extent determined be made available for inspection, as described in § 301.55(c). To the extent that the decision is adverse to the request, the reason for the denial shall be stated.

(e) A decision upon review completed as provided by this subpart shall constitute the final decision and action of EDA as to the availability of a requested record, except as may be required by court proceedings initiated pursuant to 5 U.S.C. 552(a)(3).

(f) Reconsiderations resulting in final decisions as prescribed herein shall be indexed and kept available for public reference in the Office of Public Affairs, Publications Division.

§ 301.59 Subpena or other compulsory process.

Procedures applicable in the event of a subpena, order, or other compulsory process or demand of a court or other authority are set forth in section 7 of Department Administrative Order 205-12.

§ 301.60 Record of application.

The Assistant Secretary will maintain as a permanent part of the records of the Economic Development Administration a list of applications approved for financial assistance under Parts 305, 306, and 307 of the regulations in this chapter, which shall be kept available for public inspection during the regular business hours of the Department of Commerce. The following information will be posted in such list as soon as each application is approved:

(a) The name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof;

(b) The amount and duration of the loan or grant for which application is made;

(c) The purposes for which the proceeds of the loan or grant are to be used; and

(d) A general description of the security offered in the case of a loan.

PART 302—DESIGNATION OF AREAS

Subpart A—Standards for Designation of Redevelopment Areas Under Section 401(a) of the Act

Sec.

302.1 Standards for designation on the basis of unemployment.
302.2 Standards for designation on the basis of loss of population.
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302.4 Standards for designation on the basis of Indian lands.
302.5 Standards for designation on the basis of sudden rise in unemployment.
302.6 Standards for designation on the basis of the Area Redevelopment Act.
302.7 Standards for designation of public works impact program areas.
302.8 Standards for designation of special impact areas.
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302.20 Standards for designation on the basis of limitations as to size and boundaries.

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302.30 Standards for designation on the basis of title I.

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302.50 Notification of public officials.
302.51 Lists of redevelopment areas and centers designated under the Act.

Subpart F—Information

302.60 Information.

AUTHORITY: Sec. 701, Public Law 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970).

Subpart A—Standards for Designation of Redevelopment Areas Under Section 401(a) of the Act

§ 302.1 Standards for designation on the basis of unemployment.

The Assistant Secretary shall designate those areas as redevelopment areas on the basis of unemployment figures supplied by the Secretary of Labor:

(a) Where the current rate of unemployment, as determined by appropriate annual statistics for the most recent available calendar year is 6 percent or more and has averaged at least 6 percent for the qualifying time periods specified in paragraph (b) of this section; and

(b) Where the annual average rate of unemployment has been at least—

(1) 50 percent above the national average for 3 of the preceding 4 calendar years, or

(2) 75 percent above the national average for 2 of the preceding 3 calendar years, or

(3) 100 percent above the national average for 1 of the preceding 2 calendar years.

§ 302.2 Standards for designation on the basis of loss of population.

The Assistant Secretary shall designate those areas as redevelopment areas where he determines there has been a substantial loss of population due to lack of employment opportunity.

§ 302.3 Standards for designation on the basis of median family income.

(a) The Assistant Secretary shall designate those areas as redevelopment areas which he finds have a median family income not in excess of 50 percent of the national median family income.

(b) Determinations of median family income are to be based on the income statistics shown in the 1970 U.S. census.

§ 302.4 Standards for designation on the basis of Indian lands.

(a) The Assistant Secretary shall designate those Indian reservations, Indian trust land areas, and restricted Indian-owned land areas which manifest the greatest degree of economic distress as redevelopment areas.

(1) Indian reservations shall consist of land areas which by official Federal or State action or recognition have been validly set apart for use or occupancy by Indians under superintendence by the Federal or State Government which retains title to the land.

(2) Indian trust land areas shall consist of land areas held in trust by or under the authority of Federal or State Government for use and occupancy by Indians.

(3) Restricted Indian-owned land areas shall consist of land areas owned by Indians but subject to legislation by Congress enacted in the exercise of the Federal Government's guardianship over Indian tribes and their property and over which the Federal Government has the power of imposing restriction on alienation.

(b) (1) The Assistant Secretary upon consultation with the Secretary of Interior or an appropriate State agency shall designate those areas under this section which he determines manifested the greatest degree of economic distress on the basis of unemployment and income statistics and other appropriate evidence of economic underdevelopment.

(2) When the determination of economic distress required for designation under this subsection pertains to land areas which include lands which are not contiguous, it must be shown that there is a clear economic connection between the noncontiguous lands and that the inclusion of such lands in the redevelopment areas will contribute to a more effective program for economic development.

§ 302.5 Standards for designation on the basis of sudden rise in unemployment.

The Assistant Secretary shall designate those areas where he determines that the loss, removal, curtailment, or closing of a major source of employment has caused within 3 years prior to, or threatens to cause within 3 years after the date of the request of the area, an unusual and abrupt rise in unemployment of such magnitude that the unemployment rate for the area exceeds or will exceed the national average by 50 percent or more unless assistance is provided.

(a) Requests from such areas for designation must be made by the local official governing body having jurisdiction over the proposed redevelopment area.

(b) Where the loss, removal, curtailment, or closing of the major source of employment has occurred:

(1) The major source of employment shall be construed as a single firm or industry.

(2) Job losses in more than in a single firm may be considered in the aggregate where:

(i) There is a clear demonstrable economic connection between or among the firms or industries, or

(ii) More than one firm or industry has been affected by a common disaster.

(3) A major source of employment is deemed such when its loss, removal, curtailment, or closing has caused or can reasonably be expected to cause:

(i) An increase of 500 or more in the number of unemployed persons in the area, or

(ii) An increase of 2 percentage points or more in the area's unemployment rate. The percentage-point increase in the unemployment rate for the area shall be based upon the relationship of the number of jobs lost to the number of persons in the labor force of the area.

(c) Where the actual or threatened closing has caused or threatens to cause within 3 years after the date of the area's request an unusual and abrupt rise in unemployment:

(1) The rise in unemployment must be shown to be unusual or unique for the area, the industry, and the time of year.

(2) The rise in the rate of unemployment, to be considered abrupt or unusual, must have occurred or be reasonably expected to occur during a 1-year period within the qualifying span of 3 years before to 3 years after the date of the request for designation.

(d) In determining whether an area's unemployment rate can be reasonably expected to exceed the national average by 50 percent or more, consideration shall be given to those job-loss situations in which it is public knowledge that the jobs lost were or will be of a type in such great demand that the persons laid off were or will be readily reemployable.

(e) Areas designated under this section are allowed a reasonable time after designation to submit for approval an OEDP, Part 304 of this chapter. Notwithstanding, an area designated under this section which does not have an approved OEDP is not eligible for financial assistance under Titles I and II of the Act.

§ 302.6 Standards for designation on the basis of the Area Redevelopment Act.

(a) The Assistant Secretary shall designate as redevelopment areas those areas which were designated redevelopment areas under the Area Redevelopment Act on or after March 1, 1965.

(b) After the first annual review of eligibility, the areas designated under this section shall be dependent on their qualifying for continued designation under the criteria set forth in §§ 302.1–302.5.

§ 302.7 Standards for designation of public works impact program areas.

(a) The Assistant Secretary shall designate communities or neighborhoods defined without regard to political or other subdivisions or boundaries when he determines one of the following conditions has been met.

(1) A large concentration of low income persons. This includes:

(i) An area presently identified by the Office of Economic Opportunity as an urban or rural special impact area, or

(ii) An area in which a majority of the families are living in poverty, as defined by the Office of Economic Opportunity.

(2) Rural areas having substantial outmigration. This includes an area which has experienced a minimum outmigration rate of at least 25 percent during the period from 1960 to 1970 as established by the Bureau of Census or by other data indicating outmigration for a more recent 10-year period as established by the Bureau of Census.

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(3) Substantial unemployment as established by an annual average unemployment rate of 8.5 percent or more during the most recent quarter for which appropriate data is available.

(4) An actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment. The area must meet the qualifications as set forth in § 302.5. However, no boundary constraints, § 302.20 (a) (3) and (4), shall apply.

(b) A public works impact program area may be designated on the basis of a smaller area within the proposed redevelopment area, if the smaller area meets any one of the criteria in paragraph (a) of this section: *Provided*, The unemployed and underemployed within the smaller area will benefit from the proposed designation of the public works impact program area.

(c) No public works impact program area designated under this section shall be eligible to be considered a redevelopment area for the purposes of district designation.

§ 302.8 Standards for designation of special impact areas.

The Assistant Secretary shall designate special impact areas where:

(a) One of the following criteria have been met:

(1) A large concentration of low-income persons, or

(2) Rural areas having substantial out-migration, or

(3) Substantial unemployment, or

(4) Actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment.

(b) Written requests have been submitted by State or local governments, agencies or instrumentalities thereof, or with the concurrence of the appropriate governmental authority of the political subdivision of which the area is a part, by any public or private nonprofit organization or association representing the area for which designation is sought. Requests should contain the following material:

(1) A description of the proposed boundary and facility characteristics of the proposed special impact area including a map showing the relation to the larger area to which it is a part. Such description should show conformity with area wide zoning ordinances and appropriate land use plans.

(2) A description of the socioeconomic characteristics of the proposed special impact area.

(3) An OEDP.

(4) Written evidence of support from members of the community at large.

(c) No special impact area designated under this section shall be eligible to be considered a redevelopment area for the purposes of district designation.

§ 302.9 Standards for designation on the basis of the Economic Opportunity Act of 1964, as amended.

The Secretary shall designate those areas selected as special impact areas under the Economic Opportunity Act of 1964 and funded by the Office of Economic Opportunity.

§ 302.10 Standards for designation on the basis of per capita employment.

The Assistant Secretary shall designate as redevelopment areas those areas which have suffered a significant decline in per capita employment. Such areas shall be defined as those having a decline in per capita employment of more than 1.2 percentage points between 1960 and 1970, and which also have net outmigration during the same period, as determined by the 1970 census.

§ 302.11 Exception to criteria for qualification.

The Assistant Secretary shall designate in a State which has no redevelopment area that area which most nearly qualifies under §§ 302.1–302.10 of this subpart. However, an area qualified in this manner shall be terminated if any other area within the same State subsequently becomes qualified.

Subpart B—Limitations on Designation of Areas

§ 302.20 Standards for designation on the basis of limitations as to size and boundaries of redevelopment areas.

(a) The Assistant Secretary shall determine the size and boundary of redevelopment areas.

(1) No area will be designated which does not have a population of at least 1,500 persons, except for areas designated in accordance with §§ 302.4 and 302.7–302.9.

(2) Except for areas designated in accordance with §§ 302.4–302.9, no area will be designated which is smaller than a "labor area" (as defined by the Secretary of Labor), a county, or a municipality with a population of over 250,000 persons, whichever the Assistant Secretary deems appropriate.

(3) All parts of the area seeking designation under § 302.5 must be contiguous.

(4) Delineation of the area designated under § 302.5 must be based on a reasonable grouping of census tracts or similar geographical units, or the area must be defined by specific boundaries incorporating commercial or industrial sites and enterprises which can offer employment opportunities for the work force of the area.

(b) No area shall be designated until it has an approved overall economic development program except those areas eligible for designation under §§ 302.5 and 302.7.

(c) Areas qualified in accordance with § 302.5 may be designated subject to the receipt of an acceptable OEDP within 6 months following such conditional designation, or within such additional period as the Assistant Secretary may grant for good cause.

(d) Any area, other than those areas eligible for designation pursuant to §§ 302.5 and 302.7, which does not submit an acceptable OEDP within 6 months after notification of its qualification for designation, shall not thereafter be designated prior to the next annual review of eligibility; however, such period may be extended for good cause.

Subpart C—Standards for Designation of Areas Under Section 102 of the Act

§ 302.30 Standards for designation on the basis of Title I.

The Assistant Secretary will designate as Title I Areas those areas which the Secretary of Labor determines, on the basis of available unemployment statistics, were areas of substantial unemployment during the preceding calendar year. Substantial unemployment for the purpose of this section is defined as an average unemployment rate of 6 percent or more during the preceding calendar year.

Subpart D—Annual Review, Modification, and Termination of Designated Areas

§ 302.40 Adjustment of boundaries.

(a) The Assistant Secretary may make minor modifications in the boundaries of redevelopment areas designated under §§ 302.1 through 302.11 and § 302.30 where—

(1) Such modification will contribute to a more effective program for economic development within such area.

(2) There is a request in writing which—

(i) Outlines the exact extent of the boundary adjustment.

(ii) States how the absence of the boundary adjustment would impede the implementation of the approved OEDP.

(iii) States why a specifically proposed project cannot be located within the existing boundaries of the designated redevelopment area.

(3) The interested State official or agency is informed and given opportunity to submit comments on the request or endorse the request.

(b) No additional area will be included within the boundary line within the redevelopment area than is necessary to accomplish the project for which the boundary adjustment is being sought.

§ 302.41 Annual review of area eligibility and termination.

(a) Prior to December 1 of each year, the Assistant Secretary will conduct an annual review of area eligibility.

(b) The review will be made to determine:

(1) Whether there are any newly qualified areas.

(2) Which previously qualified areas continue to meet established qualification criteria.

(3) Whether the designation status of an area is to be terminated or modified in accordance with the prescribed standards. Any area designated under § 302.11 shall have its designation terminated if any other area in the State subsequently becomes designated as a redevelopment area.

(c) Notice of termination of an area's designation shall be given to local, State, and national officials not less than 30 days before its effective date.

(d) The termination of an area's designation status will not:

(1) Affect the validity of any application filed or contract or undertaking entered into, with respect to such area prior to such termination, so long as the applicant pursues such application diligently and submits promptly thereafter such information as the Assistant Secretary may from time to time request.

(2) Prevent any area from being designated in the future if it again satisfies the criteria for designation.

(3) Be made in the case of any designated area where the Assistant Secretary determines that an improvement in the unemployment rate of the area is expected to be of short duration.

(4) Be made when it would result in a State having no designated redevelopment area.

Subpart E—Notice

§ 302.50 Notification of public officials.

(a) The Assistant Secretary shall notify local, State, and national officials of:

(1) An area's qualifying under criteria set forth in §§ 302.1–302.11 and § 302.30.

(2) An area's designation when all the requirements have been met.

(3) Termination or modification of qualifying or designation status.

(b) Those officials to be notified are:

(1) The two Senators from the State and the Congressman within whose district the area is located.

(2) The elected local official(s) of the area.

(3) The chairman of the OEDP committee.

(4) The State agency designated by the Governor to handle EDA activities.

(5) The appropriate Economic Development Administration Regional Office.

(c) Notice of termination will be at the conclusion of the annual review of area eligibility.

(d) Notice of qualification will be at the conclusion of the annual review except when qualified for termination as the result of a special unemployment survey made during the year.

(e) Notice of designation is made immediately following the official designation action, whenever such action is taken.

§ 302.51 Lists of redevelopment areas and centers designated under the Act.

The Economic Development Administration will maintain current lists of areas and centers designated under the Act. The lists shall be kept available for public inspection during the regular business hours of the Department of Commerce. Inquiries for such lists shall be made to the Deputy Assistant Secretary for Economic Development Planning, Economic Development Administration, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Subpart F—Information

§ 302.60 Information.

Upon the request of the Assistant Secretary the heads of such governmental agencies as may be appropriate are authorized to conduct such special studies, obtain such information, and compile and furnish to the Assistant Secretary such data as the Assistant Secretary may deem necessary or proper to enable him to make the determinations provided for in this Part. The Assistant Secretary shall reimburse when appropriate, out of any funds appropriated to carry out the purposes of the Act, the foregoing officers for any expenditures incurred by them under this section.

PART 303—ECONOMIC DEVELOPMENT DISTRICTS

Subpart A—Standards for Designation, Modification and Termination of Economic Development Districts

Sec.
303.1 Authorization of economic development districts.
303.2 Designation of economic development districts.
303.3 Designation of nonfunded districts.
303.4 District organization.
303.5 Coordination with State and local organizations.
303.6 Modification of district boundaries.
303.7 Termination and suspension of district designation.
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Subpart B—Standards for Designation, Modification, and Termination of Economic Development Centers

303.10 General standards for designation of economic development centers.
303.11 Number of economic development centers per district.
303.12 Boundaries of economic development centers and boundary modifications.
303.13 Termination and suspension of economic development centers.
303.14 Redevelopment centers.

Subpart C—Financial and Other Assistance to Economic Development Centers and Districts

303.20 Financial assistance to economic development centers.
303.21 Economic development center project characteristics.
303.22 Grant rate for economic development center projects.
303.23 Supplementary grants to district redevelopment areas.
303.24 Financial assistance to redevelopment centers.
303.25 Assistance to economic development districts.

AUTHORITY: Sec. 701, Public Law 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce organization order 10-4 (April 1, 1970).

Subpart A—Standards for Designation, Modification and Termination of Economic Development Districts

§ 303.1 Authorization of economic development districts.

(a) The Assistant Secretary may authorize the Governor(s) of the State or States the delineation of economic development district (hereinafter district) boundaries as a prerequisite to designation of an economic development district and as a prerequisite to the provision of planning grants, Subpart B of Part 307 of this chapter.

(b) Authorization of delineation of districts may be made:

(1) Where the State or States after analyzing economic and social relationships among the various redevelopment areas and nonredevelopment area counties proposed to EDA a tentative district boundary delineation.

(2) Where the district proposed for authorization meets the general standards for designation set forth in § 303.2.

(3) Where a consideration of the following factors has been made:

(i) The percentage of the population living in redevelopment areas.

(ii) District per capita income.

(iii) The percentage of families with annual income below the poverty threshold.

(iv) Unemployment rates and labor force participation rates of the proposed district.

(v) Economic characteristics of economic growth centers.

(vi) The proposed district's readiness to hire a professional staff and begin work.

(4) Where the district proposed for authorization of delineation of boundaries conforms to an officially delineated sub-State district, if such exists, or where the Governor has provided the Assistant Secretary with an explanation and support from any variation of the officially delineated sub-State district.

§ 303.2 Designation of economic development districts.

The Assistant Secretary is authorized to designate economic development districts with the concurrence of the States in which the districts will be wholly or partially located.

(a) Where the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single redevelopment area.

(b) Where the proposed district contains two or more redevelopment areas.

(c) Where the proposed district contains one or more redevelopment areas or economic development centers identified in an approved district overall economic development program (hereinafter OEDP) as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the redevelopment areas within the district.

(d) Where the proposed district has a district OEDP which identifies one or more proposed economic growth centers, includes adequate land use and transportation planning, contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Secretary.

(e) Where at least three-fourths of the counties within the proposed district

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boundaries have submitted documentation of their commitment to support the economic development activities of the district.

(f) Where the proposed district requests such designation.

§ 303.3 Designation of nonfunded districts.

Designation is not limited to districts receiving EDA planning grants. However, any nonfunded district receiving authorization and designation is subject to the same criteria and organization requirements applicable to funded districts.

§ 303.4 District organization.

(a) The district organization is a prerequisite to initial and continued designation of an economic development district and to provision of planning grants.

(b) (1) District organizations may incorporate as nonprofit organizations under the laws of the State or States in which they are located.

(2) Other organizational forms may be accepted when incorporation is not feasible or when State law specifies such other forms.

(c) (1) The governing board of the district organization shall be broadly representative of the principal economic interests of the district, including business, labor, agriculture, minority groups and representatives of the unemployed and underemployed. District organizations shall comply with Subpart E of Part 311 of this chapter.

(2) The governing board of the district organization shall include at least a simple majority of elected public officials.

(3) The governing body of each county and major city which joins the district shall name an elected official to represent it in the district organization.

(d) (1) The district governing board shall be assisted by a professional staff drawn from professional personnel in planning, economics, business administration, engineering, and related disciplines.

(2) The professional staff shall coordinate with local, State, regional and Federal organizations and shall work closely with redevelopment area representatives, and others within the district in carrying out proposals which further economic development.

(3) EDA may provide planning grants to economic development districts to employ professional staff, Subpart B of Part 307 of this chapter.

(e) The district organization engages in a continuous planning and action process involving self-analysis, identification of problems and potentials, establishment of economic development goals and strategy and program implementation. Its activities include the following:

(1) Establishment of a strong and broadly supported economic development process.

(2) A professional analysis of the district's economy.

(3) Formulation of an effective economic development program.

(4) Implementation of the district's development program.

(5) Coordination of Federal, State, and local development activities within the district.

§ 303.5 Coordination with State and local organizations.

The Assistant Secretary will cooperate with State and local organizations in activities leading to designation of economic development districts including participation in the district program, formulation of the OEDP, and identification and analyses of potential economic growth centers.

§ 303.6 Modification of district boundaries.

The Assistant Secretary, with concurrence of the State or States affected, may modify the boundaries of a district consistent with standards for authorizing new districts set forth in § 303.1 if the Assistant Secretary determines that such modification will contribute to a more effective program for economic development.

§ 303.7 Termination and suspension of district designation.

(a) The Assistant Secretary will, upon 30 days' prior notice, terminate or suspend the designated status of an economic development district:

(1) Where a district no longer meets the standards for designation set forth in § 303.2.

(2) Where a district has not maintained a currently approved district OEDP in accordance with Part 304 of this chapter.

(3) Where a district has requested termination with the approval of the State or States affected.

(4) Where a funded district falls to comply with terms and conditions of an EDA planning grant agreement.

(b) Terminations and suspensions resulting from failure to comply with title VI of the Civil Rights Act of 1964 will be processed in accordance with the provisions of that Act.

§ 303.8 Benefits.

(a) Designation of an economic development district is a prerequisite to EDA providing financial assistance to economic development centers.

(b) Projects in redevelopment areas which are located within designated economic development districts and which actively participate in the economic development district's OEDP planning process are eligible for 10-percent bonus grants, §§ 303.23 and 305.6 of this chapter if the project is consistent with a currently approved district OEDP.

Subpart B—Standards for Designation, Modification, and Termination of Economic Development Centers

§ 303.10 General standards for designation of economic development centers.

The Assistant Secretary may designate an economic development center if such proposed center:

(a) Has been identified and included in an approved district OEDP.

(b) Is recommended by the State or States affected. Written concurrence from the State must be received by EDA.

(c) Is geographically and economically so related to the economic development district that the economic development center's economic growth may be expected to contribute significantly to the alleviation of distress in the redevelopment areas of the district.

(d) Does not have a population in excess of 250,000 according to the last preceding Federal census.

(e) May reasonably be expected to accelerate or maintain existing rates of growth in terms of population, employment, and income.

(f) Has the prospect of developing a diversified economy providing a wide range of health, educational, recreational, and cultural facilities; a relatively large local market; a relatively large well-trained labor force; and other similar qualities which encourage the continuing growth of economic activities.

(g) Is an active participant in the district economic development program.

(h) Is within a nonredevelopment area of the economic development district.

§ 303.11 Number of economic development centers per district.

The Assistant Secretary will designate the single leading growth point in an economic development district as the economic development center. However, additional centers may be designated where unusual conditions exist in the district.

(a) Where the district contains a relatively large number of redevelopment area residents who do not have reasonable community access to any one economic development center.

(b) Where the district contains several smaller growth points rather than one leading economic development center.

§ 303.12 Boundaries of economic development centers and boundary modifications.

(a) An economic development center is administratively defined as a city or grouping of contiguous incorporated places. However, where justified, boundaries may be extended to include adjoining minor civil divisions or corridors of growth between centers.

(b) The Assistant Secretary may modify either the boundaries of an economic development center or the number of economic development centers in a district after giving notice and opportunity for comment to the State or States affected, if such modification will contribute to a more effective program.

§ 303.13 Termination and suspension of economic development centers.

The Assistant Secretary may, upon 30 days prior notice to interested State and local agencies, terminate the designated status of an economic development center when—

(a) The economic development center is no longer identified or recommended for designation in an approved district OEDP.

(b) The economic development center no longer meets the standards for designation, § 303.10.

(c) The economic development center fails to actively pursue its role as an economic development center in a manner that makes a significant impact on the performance of the economic development district within which it is located.

§ 303.14 Redevelopment centers.

The Assistant Secretary may recognize a redevelopment center which meets the criteria for economic development centers but which falls in a designated redevelopment area. There is no limit on the size of the population of a redevelopment center.

Subpart C—Financial and Other Assistance to Economic Development Centers and Districts

§ 303.20 Financial assistance to economic development centers.

The Assistant Secretary may provide financial assistance (including public works and development facility loans and grants and commercial and industrial loans and working capital guarantees) in accordance with the criteria contained in Parts 305 and 306 of this chapter for projects in economic development centers when—

(a) The project will further enhance the objectives of the overall economic development program of the district in which the economic development center is located.

(b) The project will enhance the relationship between the economic development center and the economic development district, particularly the redevelopment areas.

(c) The project will achieve one or more of the following:

(1) Encourage economic growth.

(2) Discourage out-migration from the district.

(3) Have a beneficial impact on the district's redevelopment areas.

§ 303.21 Economic development center project characteristics.

Projects in economic development centers shall have one or more of the following characteristics:

(a) High job producing capability.

(b) Remove barriers of access to jobs for the target population.

(c) Ability to trigger further project activity.

(d) Ability to trigger further economic impact.

(e) Provision of facilities and services deemed essential to stimulate further growth, at a level above that normally required for simple maintenance of a substantial community.

§ 303.22 Grant rate for economic development center projects.

The grant rate for projects in economic development centers shall not exceed 50 percent of the project costs.

§ 303.23 Supplementary grants to district redevelopment areas.

Subject to the limitation that the maximum Federal share for any project may not exceed 80 percent of the aggregate cost (except as provided in §§ 305.5 and 305.6 of this chapter), the Assistant Secretary may increase the amount of grant assistance for public works and development facilities projects within redevelopment areas by an amount not to exceed 10 percent of the aggregate cost of any such project, if:

(a) The redevelopment area is situated within a designated economic development district and is actively participating in the economic development activities of the district and

(b) The project is consistent with the currently approved district OEDP.

§ 303.24 Financial assistance to redevelopment centers.

The eligibility of redevelopment centers for EDA financial assistance, including the 10 percent bonus as provided for in §§ 303.23 and 305.6 of this chapter, is the same as for any designated redevelopment area within the district. The grant rate for the redevelopment center shall be determined by the rate applicable to the redevelopment area within which it is located.

§ 303.25 Assistance to economic development districts.

Pursuant to Title III of the Act, the Assistant Secretary may provide other assistance to the district including:

(a) Technical assistance.

(b) Planning grants, Subpart B of Part 307 of this chapter, to assist the district organization in engaging a professional staff and carry on its planning activities.

(c) Research assistance.

PART 304—OVERALL ECONOMIC DEVELOPMENT PROGRAM

Sec.

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304.2 Redevelopment areas may use district OEPDs.
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AUTHORITY: Sec. 701, Public Law 89-136 (August 26, 1965); 42 U.S.C. § 3211; 79 Stat. 570 and Department of Commerce organization order 10-4 (April 1, 1970).

§ 304.1 OEDP requirement.

(a) Approval of an overall economic development program, hereinafter referred to as OEDP, is a prerequisite for designation of a redevelopment area, title I area, or economic development district except those areas designated under §§ 302.4 and 302.6 of this chapter.

(b) A redevelopment area, title I area, or economic development district, where appropriate, is required to maintain a currently approved OEDP to retain its previous designation for eligibility to receive EDA funds.

§ 304.2 Redevelopment areas may use district OEDP's.

Those qualified areas within existing economic development districts may use the district's accepted OEDP in lieu of drawing up a separate area OEDP:

(a) Where the area has actively participated in and supported the district OEDP planning process, and

(b) Where the area has submitted a letter to EDA signed by the area's chief elected official or governing body and, where appropriate, a letter from the local OEDP committee wherein the area's decision to use the district OEDP is stated.

§ 304.3 OEDP committee.

(a) The preparation of the OEDP and the ongoing development program which it charts is the primary responsibility of the OEDP committee reporting to the board at the district level and of the OEDP committee itself at the area level, where appropriate.

(1) Area OEDP committees are required only in those areas not located in districts.

(2) However, because of the crucial role of the OEDP committee, EDA recommends that all areas establish such an organization even though located within a district and using the district OEDP, § 304.2.

(b) It is a policy of EDA that the governing body of each district shall include at least a simple majority of elected public officials (see § 303.4 for further district organization requirements).

(c) The OEDP committee shall be representative of the community so that all view points are considered in discussion and decisionmaking and all available local skills are engaged in program formulation. Representation on the committee shall include representatives of local government (county, city, and town), business, industry, finance, agriculture, the professions, organized labor, utilities, education, racial or cultural minorities, and the unemployed or underemployed. Subpart E of Part 311 of this chapter contains the requirements as to specific representation of minority groups.

(d) If an existing development group meets the criteria as set forth in paragraph (c) of this section, that group may function as an OEDP committee.

§ 304.4 Initial OEDP.

(a) The initial OEDP is the beginning of a planning program required by qualified redevelopment areas, title I areas, and economic development districts before the designation process can be completed.

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(b) The initial OEDP will provide a concise and accurate background of the area or district in order to assist the local leaders and EDA to understand the current development situation. Such background may include a discussion of the district or area's geography, population, labor force, natural and manmade resources, economic and social activities.

(c) The initial OEDP will examine economic development and community improvement opportunities and problems. This includes an identification of major current activities of other organizations in connection with economic development and community improvement opportunities and problems.

(d) The initial OEDP will provide a realistic development program and work program that will be developed and implemented in an effort to:

(1) Promote the district or area's economic progress.

(2) Improve community facilities and services.

(3) Serve as a basis for a continuing planning and development program.

§ 304.5 Initial OEDP for districts.

The requirements for the initial OEDP for districts are those contained in § 304.4 and the following:

(a) The identification and proposal for designation or recognition of at least one economic growth center.

(b) An economic growth center program describing the role to be played by the proposed center in the implementation of the district wide development program, particularly as it relates to the redevelopment areas.

§ 304.6 Submission of initial OEDP.

When the initial OEDP is completed, the following steps shall be taken to obtain EDA approval:

(a) The initial OEDP of the area or district to be designated is to be reviewed by appropriate governmental bodies and all organized interested groups, especially the appropriate State agency, those organizations with OMB Circular A-95 review authority, and the EDA Regional Office.

(b) Dissenting opinions or comments from the above entities shall be submitted to EDA as attachments. If no comments are received, there shall be a note from the submitting party indicating to whom and when the OEDP was sent to the various organizations for comments.

(c) The OEDP committee shall reproduce the initial OEDP in sufficient quantity for the use of all groups taking part in the program. The local organization shall submit seven copies to its EDA Economic Development Representative including one copy for his use and six copies for the EDA Regional Office. Two copies shall also be sent to the State agency designated by the Governor to handle EDA activities and to the appropriate Regional Commission, if any.

(d) The EDA Regional Office Planning Division staff will review the OEDP for its adequacy. If the OEDP can be approved, the staff will notify the Economic Development Administration in Washington of its approval. If, however, the staff finds the initial OEDP inadequate, it will contact the chairman of the OEDP committee by letter and outline the required revisions or request a supplement.

§ 304.7 The continuing program.

After setting up and organizing the committee and submitting the initial OEDP, the area or district shall implement the development program, and periodically update the development program with annual progress reports, § 304.8, or with a revised OEDP, § 304.9.

§ 304.8 Progress report.

(a) The OEDP annual progress report for the annual designation and eligibility review for redevelopment and title I areas shall be submitted after January 1, but not later than March 31 of each year, covering the preceding calendar year.

(b) If located within an economic development district, a redevelopment area, or title I area may, at its discretion, notify EDA annually, on or before March 31, that the district annual OEDP progress report satisfactorily covers the area's own planning and programing.

(c) The annual progress report for districts shall be submitted annually 30 days after the anniversary date of the EDA planning grant, Part 307, Subpart B, and shall cover the period of the planning grant. Those districts which do not receive EDA planning grants, shall submit the report annually within 30 days of either their district designation date or their fiscal year.

(d) Extensions for submitting the area and district progress reports will be granted only under exceptional circumstances.

(e) Areas and districts submitting initial or revised OEDP during the last quarter of the calendar year will not be required to submit an annual progress report by the following March 31. The report will be due the following year covering a period of 1 year to 15 months.

(f) If the area progress report has not been submitted by March 31, or cannot be approved, the Regional Director:

(1) Will inform the area or district chairman of the nonreceipt or disapproval of the progress report.

(2) Will direct a member of the EDA regional office staff to visit and consult with the area or district chairman on the most expeditious way of submitting the progress report.

(3) May allow a reasonable extension of time (not to exceed 60 days) to prepare the report or supplemental data. Under very exceptional circumstances the Regional Director may allow a further extension. However, the report must be received not later than June 15.

(4) Will recommend that the Assistant Secretary notify the State and the affected area or district officials that the eligibility status of the area or district is suspended pending receipt of an acceptable progress report if the progress report has not been received within the required time period. This means no applications for projects for financial assistance from the affected area or district will be approved.

(g) If an unacceptable progress report was submitted, a supplement covering the deficiencies shall be prepared by the OEDP committee.

§ 304.9 Revised OEDP.

(a) A revised OEDP will be required if EDA determines that the initial OEDP of the area or district is inadequate.

(b) A revised OEDP will be required if EDA determines that the initial OEDP is outdated.

(c) An area or district shall also revise its initial OEDP if the OEDP committee determines that a complete reassessment of the local situation or a complete reassessment of the economic development program is desirable.

(d) A revised OEDP may be submitted in lieu of the annual OEDP progress report. Failure of an area or district to submit a revised OEDP in acceptable form within the time specified, and extensions thereof, may result in the suspension or termination of such area's or district's designation after 30 days written notice by EDA.

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

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AUTHORITY: Sec. 701, Public Law 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970).

Subpart A—Direct and Supplementary Grants for Public Works and Development Facilities

§ 305.1 Purpose.

The purpose of this subpart is to set forth the requirements and procedures pursuant to which eligible applicants in designated areas may receive Public Works direct and supplementary grants until title I of the Act.

§ 305.2 Applicants.

The following applicants are eligible for Public Works direct and supplemental grants, provided such projects are located in designated areas.

(a) Any State or political subdivision thereof, including municipalities, and all agencies, instrumentalities, and quasi-public corporations and authorities created by a State or political subdivision thereof.

(b) Indian tribes.

(c) Any private or public nonprofit organization or association representing any redevelopment area or part thereof, if EDA determines that the organization or association is potentially capable of furthering the objectives of the economic development program of the area in which it is located.

§ 305.3 Direct grants for Public Works projects.

(a) The Assistant Secretary may make direct grants not exceeding 50 percent of the costs of public works and development facility projects if he determines that the project for which the grant is sought will:

(1) Directly or indirectly:

(i) Tend to improve the opportunities in the designated area where the project is or will be located for the successful establishment or expansion of industrial or commercial plants or facilities, or

(ii) Otherwise assist in the creation of additional long-term employment opportunities for such area, or

(iii) Primarily benefit the long-term unemployed and members of low-income families or otherwise substantially further the objectives of the Economic Opportunity Act of 1964.

(2) Fulfill a pressing need of the designated area or part thereof in which it is or will be located; and

(3) Be consistent with a currently approved OEDP for the area in which it is or will be located.

(b) In the case of projects to be located in economic development centers, the following requirements must be met in addition to paragraphs (a) (1) and (2) of this section:

(1) The amount of Federal financial assistance extended must be reasonably related to the size, population, and economic needs of the economic development district;

(2) The project must enhance the economic growth potential of the economic development district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance extended;

(3) The project must further the objectives of the economic development district in which it is or will be located.

§ 305.4 Direct grants for Public Works Impact Program.

The Assistant Secretary may make direct grants not exceeding 50 percent of the cost of a Public Works Impact Program project under sections 101 and 401 (a)(6) of the Act, if he determines that the project for which the grant is sought will:

(a) Fulfill a pressing need of the designated redevelopment area or part thereof in which it is or will be located;

(b) Provide immediate useful work primarily through construction jobs to the unemployed and underemployed persons in the redevelopment area or part thereof in which it is or will be located;

(c) Have maximum on-site employment costs as a substantial portion of the total project;

(d) Have the largest possible proportion of the project expenditures within the project area;

(e) Be such that construction can commence within 3 months and be substantially completed within 12 months;

(f) Satisfy public need and timing in getting construction underway and becoming operational.

§ 305.5 Supplementary grants.

(a) Subject to the limitations on the maximum Federal share for projects, set forth in paragraph (b)(3) of this section, EDA may make supplementary grants to enable eligible applicants under § 305.2 to take maximum advantage of EDA direct grants pursuant to §§ 305.3 and 305.4, and such existing or future Federal grant-in-aid programs that in opinion of the Assistant Secretary further the purposes of the Act.

(b) In determining the amount of any supplementary grant assistance which would raise the EDA share to more than 50 percent of the aggregate cost of a project, the Assistant Secretary will take into consideration the following factors (Projects of Indian Tribes which are concerned with general economic development will be given special consideration, and the Assistant Secretary may reduce or waive the non-Federal share for such projects):

(1) The nature of the project to be assisted.

(2) The amount of such fair user charges or other revenues as the project may reasonably be expected to generate in excess of those which would amortize the local share of initial costs and provide for its successful operation and maintenance (including depreciation).

(3) The maximum grant rate for projects in designated areas, determined by relative needs as follows:

Projects	Maximum grant rates (percent)
(i) Projects of Indian tribes which are or will be located on Indian reservations, or trust or restricted Indian-owned land areas	100
(ii) Projects located in redevelopment areas designated under section 401 (a)(6) of the Act, applied for by States or political subdivisions thereof which have demonstrated they have exhausted their effective taxing and borrowing capacity	100
(iii) Projects located in redevelopment areas designated under section 401 (a)(6) of the Act but which cannot meet the requirements of paragraph (b)(3)(ii) of this section	80
(iv) Projects located in areas designated under Title I or Title IV of the Act, which areas have been designated by the President of the United States under the Disaster Relief Act of 1970 (Public Law 91-606), provided: (a) Such areas retain both EDA and disaster designations, and (b) Such concurrent designation has not exceeded one year in duration	80
(v) Projects located in redevelopment areas in which the median annual family income is $3,743 or below or the annual unemployment rate is 12 percent or higher	80%
(vi) Projects located in redevelopment areas in which the median annual family income is $3,744 to $4,004 or the annual average unemployment rate is 10 percent to 11.9 percent	70%
(vii) Projects located in redevelopment areas in which the median annual family income is $4,095 to $4,445 or the annual average unemployment rate is 8 percent to 9.9 percent	60%
(viii) Projects in all other areas	50%

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§ 305.6 Ten percent bonus supplemental grants.

Subject to the limitation that the maximum Federal share for any project may not exceed 80 percent of the aggregate project cost or 100 percent for projects listed in § 305.5(b)(3) (i) and (ii), the Assistant Secretary may increase the amount of grant assistance for projects within redevelopment areas by an amount not to exceed 10 percent of the aggregate cost of any such project if:

(a) The redevelopment area is situated within a designated economic development district and is actively participating in the economic development activities of the district; and

(b) The project is consistent with a currently approved district OEDP.

Subpart B—Public Works and Development Facility Loans

§ 305.21 Purpose.

The purpose of this subpart is to set forth the requirements and procedures pursuant to which eligible applicants in designated areas may receive loans for public works and development facilities under section 201 of the Act.

§ 305.22 Applicants.

The following applicants are eligible for Public Works and Development Facility loans, provided such projects are located in designated areas.

(a) Any State or political subdivision thereof including municipalities, and all agencies, instrumentalities, and quasi-public corporations and authorities created by a State or political subdivision thereof.

(b) Indian tribes.

(c) Any private or public nonprofit organization or association representing any redevelopment area or part thereof if EDA determines that the organization or association is potentially capable of furthering the objectives of the economic development program of the area in which it is located.

§ 305.23 Loan requirements.

The Assistant Secretary may purchase evidence of indebtedness and make loans for public works and development facilities in redevelopment areas and centers if he determines that:

(a) The project for which the loan is sought will directly or indirectly:

(1) Tend to improve the opportunities in the redevelopment area or center where the project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

(2) Otherwise assist in the creation of additional long-term employment opportunities for such redevelopment area or center; or

(3) Primarily benefit the long-term unemployed and members of low-income families or otherwise substantially further the objectives of the Economic Opportunity Act of 1964;

(b) The funds requested for such project are not otherwise available from private lenders or from other Federal agencies on terms which in the opinion of the Assistant Secretary will permit the accomplishment of the project;

(c) The amount of such loan plus the amount of other available funds for such project are adequate to insure the completion thereof;

(d) There is a reasonable expectation of repayment; and

(e) The project is consistent with a currently approved OEDP for the area, or district (if any), in which it will be located.

§ 305.24 Maturity of loans.

Loans must be repaid within the minimum reasonable time which the Assistant Secretary finds to be consistent with the financial capabilities and prospects of the applicant. In no event may a loan, including renewals and extensions thereof, be made, or evidence of indebtedness be purchased, with a maturity exceeding 40 years.

§ 305.25 Interest rates.

Loans made under this subpart will bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 percent, less not to exceed one-half of 1 percent per annum.

Subpart C—Specific Types of Projects

§ 305.41 Purpose.

The purpose of this subpart is to state requirements for certain specific types of public works and development facility projects.

§ 305.42 Hospitals, nursing homes, and convalescent care facilities.

Applications for assistance in the construction or improvement of hospitals should be submitted to EDA only after all other efforts to obtain the requested funds have failed, including requests under the Hill-Burton program of the Department of Health, Education, and Welfare.

(a) Where no other assistance is available, it must be clearly demonstrated that:

(1) The facility requested is immediately necessary to the establishment or expansion of an identified industrial or commercial enterprise having significant employment potential in relation to the cost of the requested facility;

(2) The facility to be assisted will meet appropriate accreditation standards;

(3) The lack of medical facilities is seriously hampering the implementation of economic development programs of the community in which the project will be located and of the broader area planning and development districts or organization in which the community is located, and;

(4) The economic benefits will exceed the economic effect of employment in the construction and operation of the facility.

(b) Where Hill-Burton funds are available and supplementary assistance is requested under the Act to provide a combined grant at the applicable maximum grant level, the requirements of paragraphs (a) (2), (3), and (4) of this section must be met.

(c) In exceptional circumstances, assistance for nursing homes and convalescent care facilities may be considered if the applicant demonstrates that the facility requested is immediately necessary to the establishment or expansion of an identified industrial or commercial enterprise having significant employment potential in relation to the cost of the requested facility.

§ 305.43 Industrial parks and sites.

(a) Financial assistance is provided for public works and development facilities which will serve industrial parks on sites owned by public entities or nonprofit organizations where the purpose of such assistance is to provide sites for new industries in order to accelerate the economic development process of the community. The following are among the requirements for such assistance:

(1) Options held by eligible applicants to purchase land for industrial parks and sites must normally be exercised prior to construction of the project.

(2) The applicant owners or operators of an industrial park or site must covenant not to sell, lease, or otherwise make any part of such premises available for occupancy by any person, firm, or entity, unless the occupant first furnishes to the applicant, for transmittal to EDA, properly executed EDA forms:

(i) Evidencing the assurance of such occupant to comply with the Civil Rights Act of 1964, and

(ii) Evidencing that such occupancy is not in violation of the relocation prohibitions of section 702 of the Public Works and Economic Development Act of 1965, as amended. (See § 309.3 of this chapter.)

(3) Assurances must be provided that the public facilities for which EDA assistance is obtained will be retained for primary public benefit and will be available for use by the general public, and will not be transferred for the exclusive benefit of any individual user at any time, except that:

(i) Certain types of public works construction such as bulkheads and retaining walls which have as their sole purpose the prevention of soil erosion, may be funded under the Act, and may be considered a part of the industrial site, and

(ii) Assistance may be provided for the construction of public facilities designed primarily or essentially to serve a single occupant, provided that the facilities can be made available to other users if and when necessary, without the approval or consent of the single user.

(4) Public works assistance for direct site improvement or preparation of land may be considered only where it is for the purpose of reclaiming useless or uneconomic land in order to enable it to become available for long-term productive use, where no other suitable land is more readily or economically available, and where the proposed reclamation is for the primary benefit of the entire community. In such cases, assistance is strictly limited to site preparation directly connected with the reclamation aspects of the project.

(b) Financial assistance for public works and development facilities to serve privately owned industrial parks or sites may be considered, provided one or more of the following conditions are met:

(1) The private developer has secured binding commitments from industrial tenants for the use and occupancy of a sufficient portion of the land to warrant participation in the project, and the sale price of the land would not be raised as a result of the facilities assisted under the Act.

(2) Public works facilities to be assisted will serve primarily a publicly owned industrial park or site or any other public purpose, and only incidentally will serve privately held industrial land.

(3) The owner or operator of a privately owned industrial park or site will enter into an agreement with the applicant, subject to approval by EDA, that for a reasonable length of time satisfactory to EDA he will sell his unoccupied land at the fair market value existing prior to its improvement by the public works and development facilities project.

(4) The land to be served is held by an industrial firm or firms committed to construct or expand plant facilities which will employ the unemployed and underemployed in the area.

(5) The project will serve portions of a privately owned industrial park occupied by industrial firms, which require the availability of public works facilities in order to increase or expand their operations and employment. However, participation in such projects generally will be limited to serving the requirements of the identifiable users, unless the owner or operator commits himself to the requirements of paragraph (b)(3) of this section.

§ 305.44 Tourism and recreation.

(a) An applicant qualified under the Act, which is actively cooperating in the implementation of a comprehensive tourism development program and which is able to demonstrate its capability to undertake and administer a project in the tourism and recreation field, may be eligible for assistance for tourism and recreation projects.

(b) Tourism and recreation projects must meet the following requirements:

(1) There must be an overall plan for development of the tourism potential of the area in which the project is to be located on a scale sufficient to attract visitors from outside the area.

(2) The project must be a multifaceted tourism complex or an integral and essential part thereof, including facilities attractive to varied age groups and opportunities for both active and passive recreation. Projects which are not related to development of a varied tourism complex, but are of local value only, such as community swimming pools or municipal golf courses, will not be eligible.

(3) The applicant must show that:

(i) Development of tourism and recreation potential offers the only opportunity for economic growth; or

(ii) Development of tourism and recreation potential will result in a significant broadening of the economic base.

(c) Grants may be provided for the construction of facilities which will ultimately be leased or rented to private profitmaking organizations, subject to terms and conditions acceptable to the Assistant Secretary.

§ 305.45 Vocational or skill training facilities.

(a) EDA may provide financial assistance to construct or improve vocational or skill training facilities. However, financial assistance will not be provided:

(1) For secondary-level vocational schools,

(2) Except in unusual circumstances, for Junior or Community Colleges.

(b) General requirements for EDA financial assistance for vocational or skill training facilities include the following:

(1) Evidence must be presented that efforts to secure financial assistance have failed.

(2) The facility must be located in a designated area. If it is located in an economic development center, it must be easily accessible to residents of a redevelopment area.

(3) The project must contribute to the economic development program of the area. Evidence is required of the approval and support of the Employment Security Commission and State Manpower Planning Agencies.

(4) The facility must have the approval of the State Vocational Education Department and assurance that it will be included in the State Vocational Education Plan.

(5) Assurance is required of the continued financial support of operational and administrative activities and of the continuity of the operational programs in accordance with the objectives of the application to EDA.

(6) Evidence must be submitted of lack of a similar institution in the area.

(c) The vocational skill and training program must include:

(1) Designation of the unemployed, underemployed, and educationally disadvantaged adults and out-of-school youths of the area for preferential recruitment as the primary targets of the training effort to provide skilled labor for available jobs. Such designation must be supported by a demographic description of the area to be served, utilizing the most current data available.

(2) Systematic procedures, including a formal permanent staff, for recruitment of the target population as trainees and as employees.

(3) A transportation program providing for adequate, economical, and convenient transportation to serve the target population.

(4) Plans for the establishment of a formal job development and placement staff, which plans should establish placement and monitoring procedures.

(5) Procedures for promoting cooperation with local private industry in maintaining an on-going supply-demand relationship for a trained work force.

(d) The vocational skill and training facility must provide a systematic plan for the training of a present and future labor force for identifiable jobs, including:

(1) Regularly scheduled daytime and evening sessions, as required,

(2) Remedial or compensatory programs conducted prior to or concurrently with skill training to allow educationally disadvantaged students to receive basic educational skills, and should include such services as

(i) Counseling,

(ii) Referral to legal, personal, and medical consultation, and

(iii) Concentrated courses in basic arithmetic, language, and communication skills.

(e) Training facilities should not impose tuition fees except where required by State statute. Where such fees are required, evidence must be provided that funds will be made available to ensure that no member of the target population will be denied any services of the facility for economic reasons.

(f) The program staff must include professional personnel skilled in recruitment, counseling, job development, and job placement.

(g) All manpower programs are subject to periodic monitoring by EDA during and after construction of the project. A quarterly report shall be submitted to EDA by the recipient of financial assistance describing in detail program planning and staffing.

Subpart D—Limitations

§ 305.51 Assistance limitation by State.

Not more than 15 percent of the total amount appropriated by Congress for the purposes of title I of the Act may be made available for public works and development facilities within any one State.

§ 305.52 Appalachian region.

No part of the total amount appropriated by Congress for the purpose of title I of the Act may be used for any project which is located within the "Appalachian region" (as that term is defined in section 403 of the Appalachian Regional Development Act of 1965) and which has been approved for assistance under the Appalachian Regional Development Act of 1965.

§ 305.53 Competition with privately owned public utilities.

Except for projects specifically authorized by Congress, no financial assistance under this part for public service and development facilities will be approved for any facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State or Federal regulatory body. However, approval may be

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granted if the State or Federal regulatory body determines that in the area to be served by the development facility for which the financial assistance is to be extended, there is a need for an increase in such service (taking into consideration reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities through an expansion which it agrees to undertake.

§ 305.54 Employment of local labor.

(a) The maximum feasible employment of local labor shall be made in the construction of public works and development facility projects receiving direct grants and loans. Accordingly, every contractor and subcontractor undertaking to do work on any such project which is or reasonably may be done as on-site work, shall be required to employ in carrying out such contract work, qualified persons who regularly reside in the designated area where such project is to be located, or in the case of economic development centers, qualified persons who regularly reside in the center or in the adjacent or nearby redevelopment areas within the economic development district, except:

(1) To the extent that qualified persons regularly residing in the designated area or economic development district are not available;

(2) For the reasonable needs of any such contractor or subcontractor to employ supervisory or specially experienced individuals necessary to assure an efficient execution of the contract;

(3) For the obligation of any such contractor or subcontractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that in no event shall the number of nonresident persons employed under this subparagraph exceed 20 percent of the total number of employees employed by such contractor and his subcontractors on such project.

(b) Every such contractor and subcontractor shall furnish the U.S. Employment Service office in the area in which the public works or development facility project is located with a list of all positions for which it may from time to time require laborers, mechanics, and other employees, the estimated numbers of employees required in each classification, and the estimated dates on which such employees will be required;

(c) The contractor shall give full consideration to all qualified job applicants referred by the local employment service, but is not required to employ any job applicants referred whom the contractor does not consider qualified to perform the classification of work required;

(d) The payrolls maintained by the contractor shall contain the following information: the employee's full name, address, and social security number and a notation indicating whether the employee does, or does not, normally reside in the area in which the project is located or, in the case of an economic development center, in such center or in an adjacent or nearby redevelopment area within the economic development district;

(e) The contractor shall include the provisions of this section in every subcontract for work which is, or reasonably may be, done as on-site work.

§ 305.55 Project review and comment by local governmental authorities.

When the applicant is not the State, county, city, town, parish, village, or other general-purpose governmental authority of the area in which a project is to be located, the applicant must afford the appropriate local governmental body 15 days in which to review and comment upon the proposed project, and then must submit such comments, or a detailed statement of the efforts made to obtain them, with the application for Federal assistance. The following guidelines will determine which governmental body should review and comment in particular cases:

(a) If the project is located within an incorporated municipality, or substantially affects only one municipality, appropriate officials of the municipal government affected must be asked to review and comment upon the project.

(b) If the project is located outside the limits of any incorporated municipality and affects more than one municipality, the appropriate officials of the county in which it is located must be asked to review and comment upon the project.

(c) If the project is located within an Indian reservation, appropriate authorities of the reservation must be asked to review and comment upon the project.

(d) If the project substantially affects several major political subdivisions, review and comment by several local governments may be required, as the Assistant Secretary may deem appropriate.

(e) Additional time for comment may be requested by local governmental authorities.

§ 305.56 Technical feasibility.

Completed plans and specifications are not required in applications for public works and development facilities, except for applications for Public Works Impact Program projects.

(a) Sufficient information to determine the nature and scope of the project, its probable useful life, and a reasonable estimate of cost is required.

(b) The design and performance criteria must conform to professionally recognized national standards and must adequately define the technical capability of the project to serve current and foreseeable needs.

(c) Evidence of unorthodox design must be fully justified by the applicant.

§ 305.57 Comprehensive planning.

A project should result from and conform to the OEDP for the area and, where applicable, should be designed as an integral part of any existing or planned functional system unless EDA determines there is sufficient justification for deviation.

§ 305.58 Other requirements.

The requirements of Part 309 of this chapter are pertinent to EDA public works assistance.

Subpart E—Project Costs

§ 305.61 Purpose.

The purpose of this subpart is to set forth requirements and procedures with regard to project costs in public works and development facility projects.

§ 305.62 General criteria for eligible project costs.

EDA will participate in the costs of a project to the extent to which EDA determines such costs are eligible for assistance. To be eligible for assistance, costs must meet the following general criteria:

(a) Costs must be necessary and reasonable for the project, and not general expenses required to carry out the overall responsibilities of the recipient.

(b) Costs must be authorized or not prohibited by applicable Federal, State, or local laws or regulations.

(c) Costs must be accorded consistent treatment through application of appropriate generally accepted accounting principles.

(d) Costs must not be allocable to or included as a cost of any other federally financed project in either the current or a prior period.

§ 305.63 Unallowable project costs.

The following costs are not allowable project costs:

(a) Bad debts, including any losses arising from uncollectible accounts and other claims, and related costs.

(b) Costs resulting from changes in project scope.

(c) Contributions and donations.

(d) Entertainment, including costs of amusements, social activities, and incidental costs relating thereto.

(e) Fines and penalties, including costs resulting from violations of, or failure to comply with, Federal, State, and local laws and regulations.

(f) Governor's expenses, including the salaries and expenses of the Office of the Governor of a State or the chief executive of a political subdivision.

(g) Interest and other financial costs unless specifically allowable by EDA.

(h) Legislative expenses, including salaries and other expenses of the State legislature or similar local governmental bodies, whether incurred for purposes of legislation or executive direction.

(i) Under-recovery of costs under grant agreements.

§ 305.64 Preliminary expenses as eligible project costs.

Eligible project costs for preliminary expenses include specific costs, except for construction costs, for noncustomary engineering or special services incurred prior to submission of the application for financial assistance, which costs are directly related to the development and/or the feasibility of the project or the application. Where supplementary grant assistance to that of another Federal agency is being provided, the policies of that agency apply and only those preapplication costs recognized by the other agency will be considered eligible.

§ 305.65 Land, easements, and rights-of-way as eligible project costs.

(a) Costs necessary for project site acquisition, including land, rights-of-way, and easements, may be eligible project costs if such interests in land will remain in public ownership or for public use and if applicable requirements of § 305.72 are met.

(b) Costs directly related to such acquisition, including costs of deeds, title search/title clearing, and appropriate surveys may also be allowed as eligible project costs.

(c) When financial assistance is provided under the Act for a project, tandem to or interconnected with, a project funded by another Federal agency, costs for land on which to construct both facilities may be included in the EDA assistance.

§ 305.66 Construction costs as eligible project costs.

Eligible project costs for construction of the project include the reasonable costs of construction work to be performed under contract, including the cost of such necessary fixtures and appurtenances as are approved by EDA as part of the project. However, such costs must be reasonable and comparable to the cost of similar work awarded through open competitive bidding in the geographic area of the project.

§ 305.67 Machinery and equipment as eligible project costs.

The costs of essential movable (and where appropriate fixed), machinery and equipment needed to carry out the project, as determined by EDA, are allowable as eligible project costs. Expendable supplies, equipment available on a rental or lease basis, stockage items in excess of initial operating requirements, and luxury items are not eligible for assistance.

§ 305.68 Architect/engineer services as eligible project costs.

Eligible project costs may include costs for architect/engineer fees, resident inspection, test borings, and testing of materials provided under an agreement or contract with the recipient. However, the architect/engineer fees should be based on existing professional fee schedules and the other costs will be evaluated for conformity with similar costs in the geographic area of the project during the construction period.

§ 305.69 Legal and administrative expenses as eligible project costs.

(a) Allowable legal expenses must be reasonable and consistent with professional fees in the area of the project. Such expenses may include costs for any necessary approving opinion of bond counsel, and printing and advertising of bonds or other debt obligations, as well as other legal expenses necessary for the project.

(b) Allowable administrative expenses include the cost for audit and necessary expenses required in the preparation of a bond issue for advertised sale, as well as other administrative expenses necessary for the project.

§ 305.70 Capitalized interest as an eligible project cost.

(a) Capitalized interest during construction may be an eligible project cost for a project in which it is necessary for the recipient to borrow funds to finance construction costs and where State law permits such a loan.

(b) Capitalized interest during development may be an eligible project cost only when an EDA public works and development facility loan has been made for the project. The allowable amount is limited to that which is required to meet interest payments after the project is operating but before income is sufficient to provide for such payment. However, such amount will be an eligible project cost only to the extent that the recipient does no have any other funds or sources of revenue for such interest payments.

§ 305.71 Financial advisors.

(a) *Purpose.* This section describes EDA regulations to be followed in engaging a Financial Advisor when needed for an EDA public works project.

(b) *Policy.* EDA will authorize as an allowable project cost the use of a Financial Advisor when needed to complete funding of an approved public works project. All such Financial Advisors will be selected by the grantee and approved by the Agency. Fees for these services must be reasonable and EDA will participate in accordance with the grant percentage.

(c) *Definition.* A "Financial Advisor" is an individual or firm which is qualified by reason of training and experience to advise the applicant on structuring and marketing a private bond issue needed to complete funding of an approved EDA public works project. It may be an investment banker who deals with municipal securities; a commercial bank with a syndicate department or comparable capability; or a municipal financial consultant who advises on municipal underwritings.

(d) *Financial Advisor services.* (1) The major objectives in the incurrence of long-term debt by a unit of local government are:

(i) The adequacy of the loan and the assurance that funds will be available when needed.

(ii) The arrangement of the loan so that it blends into the existing overall debt structure.

(iii) The issuance and sale of bonds at the lowest interest cost consistent with all other considerations.

(2) Services normally performed by the Financial Advisor are:

(i) *Survey of financial resources.* The Financial Advisor shall make a survey of the financial resources of the issuing subdivision to determine the extent of its borrowing capacity. Such a survey shall include an analysis of the existing debt structure as compared to existing and projected sources of income which may be pledged to secure payment of debt service.

(ii) *Financial plan.* On the basis of information developed by the survey, the Financial Advisor shall establish a financial plan which shall be submitted to the governing body of the issuing subdivision. The financial plan shall be complete as to maturity schedule and estimated interest rate of the proposed bonds and shall reflect the resulting overall amount of debt service requirements as compared to existing and projected income sources.

(iii) *Bond elections.* If a bond election is deemed necessary, the Financial Advisor shall assemble and transmit to the bond attorneys such data as is required in preparation of the necessary petitions, resolutions, notices, etc.

(iv) *Terms of bond issue.* The Financial Advisor shall submit his written recommendations as to the various provisions, terms, and conditions of the proposed bond issue. He shall make recommendations as to the date of the issue, interest payment dates, schedule of maturities, options of prior payment, and place of payment. He shall also, whenever possible, suggest additional security provisions designed to make the issue more attractive to investors.

(v) *Selecting date of bond sale.* In the event the bonds are to be sold at competitive bidding, the Financial Advisor shall make a recommendation as to the date on which bids are to be considered. This recommendation shall be based on an estimate of expected market conditions, having given due consideration to such factors as the general trend of the bond market, conflict with offerings of other such divisions and other known relevant factors.

(vi) *Notice of sale.* If required in the marketing of bonds, the Financial Advisor will be expected to prepare and submit the following:

(*a*) Official Notice of Sale, into which shall be incorporated all necessary information as to time and place of the bond sale, the conditions under which the bonds shall be amended, and the terms and conditions of delivery.

(*b*) Prospectus: Which shall be fully descriptive of the bonds offered and which shall additionally contain complete information on the issuing subdivision.

(*c*) Uniform Bid Form: Containing provisions recognized as standard by the municipal securities industry.

(*d*) Bond Rating: If proper and desirable, to submit to the national bond rating agencies financial and economic data necessary to obtain a rating on the proposed issue.

(vii) *Bond sale—award of bonds.* The Financial Advisor shall be represented at the bond sale by experienced personnel whose services shall be available to the issuing government in the tabulation and comparison of bids.

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(viii) *Issuance of bonds.* As soon as a bid for the bond shall be accepted by the issuing agency, the Financial Advisor shall proceed at once with the general consideration of the efforts of all concerned to the end that the bonds may be delivered and paid for as expeditiously as possible. His services shall be available in the passage or adoption of all required ordinances, resolutions and documents which may be required by the Attorney General of the State in which the issuing subdivision is located.

(ix) *Delivery of bonds.* It shall be the duty of the Financial Advisor to inform and assist all concerned with the delivery of the bonds, and to generally coordinate their efforts. He shall notify the purchasers of the time that payment for the bonds can be made and shall assist the issuer in the escrow of closing documents and the giving of proper instruction for the receipt and transfer of bond proceeds.

(3) The fee for Financial Advisory services shall be reasonable and be in keeping with the magnitude of the service performed. Instances may arise where the preparation of the financial package for a relatively small issuer may be intricate and time consuming. The converse situation may also arise where the preparation of a large issue for a municipality with an extensive marketing history may warrant a lower fee than might normally be expected. The financial staff, Technical Support Division, shall review and approve the Financial Advisor's fee submitted with the public works application.

(e) *Selection and approval of Financial Advisors.* Selection of a Financial Advisor for a public works project will be made by the grantee. Those firms interested in participating in the solicitation of financial advisory contracts shall file their qualifications and experience with the appropriate EDA Regional Offices. The financial staff, Technical Support Division, shall review these submissions and notify approved firms that their fees may be considered as acceptable project costs.

(f) *Financial Advisor precluded as bidder.* The Financial Advisor shall be precluded from bidding except in those cases where the best interests of the grantee and the Federal Government make it necessary that they be the bidder. Any request for a right to bid on all or a part of the issue by the Financial Advisor shall be initiated by the grantee.

(g) *Written agreement with Financial Advisor.* Agreement between the grantee and the Financial Advisor shall be in writing and shall include a listing of the services to be performed, substantially as outlined in paragraph (d) of this section, and provisions for reimbursement for services rendered and precluding the Financial Advisor from bidding except in certain circumstances. The contract shall be approved by the financial component of the Office of Public Works.

§ 305.72 Previously acquired assets as part of total project cost.

(a) The value of land and facilities (including buildings, machinery, and equipment) acquired by the recipient before receipt of public works and development facility assistance, may be allowed as part of the total project cost if the following conditions are met:

(1) The land and/or facilities are so physically related to the project as to be required for the successful functioning of the project.

(2) The facility to be constructed substantially exhausts the use of the land.

(3) The project cost does not include more land and/or facilities than EDA determines to be reasonably necessary for the successful completion of the project to be constructed.

(4) Easements and rights-of-way meet the additional requirements of paragraph (d) of this section.

(b) EDA will not grant or lend more than the difference between the total project cost and the value of such previously acquired land and/or facilities.

(c) The value of such previously acquired land and/or facilities will be set at a conservative figure determined by EDA appraisal or by an independent appraiser satisfactory to EDA, but in no event shall the valuation exceed the amount of equity in such assets actually owned by the recipient.

(d) In exceptional circumstances, previously acquired easements and rights-of-way may be included in project costs, however such previously acquired easements and rights-of-way will not be included in project cost at a sum in excess of the lower of their actual cost or their current fair market value. In addition, the following conditions must be met:

(1) The easements and/or rights-of-way must have been purchased for value and for the specific project.

(2) The successful construction of the project must require inclusion of the easements and rights-of-way.

(e) Where an EDA grant is supplementary to a basic grant from another Federal agency, the policy of that agency regarding inclusion of previously acquired assets in the project cost will be controlling.

Subpart F—Disbursement of Funds for Grant and Loan Projects

§ 305.81 Policy for loans.

It is the policy of EDA to purchase, when the project is physically 75 percent complete, the bonds or promissory notes stated in the EDA "Offer of Loan."

§ 305.82 Interim financing in loan projects.

Borrowers may, on request, receive from EDA the form entitled "Statement of Interest with Respect to an EDA Development Loan" to aid them in obtaining interim financing from sources other than EDA. This form is not an unqualified pledge, since the borrower has yet to comply with the terms and conditions of the EDA "Offer of Loan." The terms and conditions of the interim financing are subject to prior approval by EDA.

§ 305.83 Early purchase in loan projects.

(a) EDA may, in its discretion, make an early purchase of all or part of bonds or promissory notes, upon presentation of facts and documentation establishing, to EDA's satisfaction, the borrower's inability to obtain interim financing.

(b) Approval of such early purchase shall be made after receipt by EDA of:

(1) A favorable preliminary approving opinion of bond counsel on the validity of the proposed interim and final bond or promissory note and

(2) Satisfactory evidence of receipt of firm construction, service, and/or supply bids as well as compliance with the other loan conditions required to be fulfilled before disbursement. Advances or partial purchases shall be made in units of not less than 25 percent spaced so as to enable the Borrower to pay incurred costs as they come due. Advances must be deposited in a bank with Federal Deposit Insurance Corporation coverage, and the balances exceeding such coverage must be collaterally secured as provided in 12 U.S.C. 265.

§ 305.84 Bond counsel.

The Borrower must receive prior approval by EDA when engaging bond counsel, trustees, and paying agents. EDA shall approve or disapprove, for its participation, the fees for Bond Counsel and trustees, in part on the basis of compliance with EDA requirements as to bond issues.

§ 305.85 Private participation in bond issues.

(a) It is EDA policy to maximize private participation for each of the designated blocks of the bond issues subject to the offer of purchase by EDA.

(b) The borrower shall accord preference to bids by non-EDA bidders for an entire bond issue over bids for individual or combined blocks, and preference to bids for combined blocks over bids for individual blocks.

(c) In calculating the net interest cost of the respective non-government bids, the borrower shall exclude the bid submitted by EDA.

§ 305.86 Disbursement of funds for grants.

Disbursements of funds for grants are made upon application to EDA for disbursement and

(a) After execution of all contracts required for the completion of the project,

(b) For itemized and certified eligible costs incurred, as substantiated by such documentary evidence as EDA may require,

(c) For the percentage of EDA participation, but in no event for more than the total sum, stated in the "Offer of Grant" accepted by the grantee,

(d) Upon proof that grantee's proportionate share of funds is on deposit,

(e) After a determination by EDA that all applicable conditions of the grant have been met,

(f) Upon proof that the grantee has withheld 10 percent from all contractors and suppliers who have not had EDA inspection and approval, and

(g) After such other requirements as EDA shall establish are met and approved.

§ 305.87 Installments in grant disbursements.

Disbursements are normally made in four installments, as follows:

(a) For up to 25 percent of the total grant, after all contracts are awarded,

(b) For an additional 50 percent when the project is completed to that amount,

(c) For an additional 15 percent when the project is at least 90 percent completed,

(d) For the remaining grant sums when EDA approves a final audit of the eligibility of the project costs, unless such audit indicated another amount is due.

§ 305.88 Construction account for grant funds.

Grantees shall establish a construction account in accordance with applicable Federal law, into which grant funds shall be deposited and from which payments therefrom shall be made. Payments from this account may not be made for change orders without specific EDA approval.

§ 305.89 Variance in cost of grant and loan projects.

(a) In the event the total cost of the project shall exceed the amount stated in the "Offer of Grant," the grant disbursement will be based on the grant rate percentage for EDA participation revised to reflect a figure equal to the rate multiplied by the total project cost.

(b) In the event the total cost of the project shall be less than the amount stated in the "Offer of Grant," the grant rate will be unchanged.

Subpart G—Servicing of Grant and Loan Projects

§ 305.91 Planning conference.

After the EDA offer of financial assistance has been accepted by the applicant, EDA will schedule a planning conference to explain EDA requirements for administration of projects. If representatives of the grantee or borrower, who have been authorized by EDA to attend such conference, must travel to an EDA Regional Office, the costs of such travel shall be eligible for proportionate reimbursement as a project cost.

§ 305.92 Financial systems.

(a) Grantees shall establish financial management systems in accordance with applicable Federal law.

(b) Borrowers shall establish such systems as are necessary in accounting for revenues to be applied to the payment of the loan and for the allocation of expenses.

§ 305.93 Financial records.

Financial records, supporting documents, statistical records, and all other records pertinent to the project shall be kept and preserved so long as any sum shall be due and unpaid to EDA or its successor agency or agencies and for at least 3 years thereafter, with the following qualifications:

(a) If EDA audit findings have not been resolved, these records are to be retained beyond the 3 year period;

(b) Records for nonexpendable property shall be retained for 3 years after its final disposition;

(c) The retention period starts from the date of the submission of the final expenditure report;

(d) In nonconstruction grants and loans, or for construction contracts for less than $100,000, the grantee or borrower shall utilize the retention requirements set by State or local law, as applicable.

§ 305.94 Construction project bonding.

Where construction contracts exceed $100,000, the minimum bonding requirements shall be as follows:

(a) A bid guarantee is required from each bidder equivalent to 5 percent of the bid price,

(b) A performance bond is required on the part of the contractor for 100 percent of the contract price, and

(c) A payment bond is required on the part of the contractor for 100 percent of the contract price.

§ 305.95 Procurement.

Recipients may use their own procurement procedure regulations which reflect applicable State and local law, rules, and regulations, provided that procurements made with Federal grant funds adhere to the following standards:

(a) The recipient shall maintain a code of standards of conduct which shall govern the performance of its officers, employees or agents in contracting with and expending Federal funds. Such persons shall not accept gratuities, favors or anything of monetary value from potential contractors. Such code or standards shall provide for penalties, sanctions or other disciplinary actions for violations;

(b) All procurement procedures shall provide for maximum open and free competition to avoid organizational conflicts of interest or noncompetitive practices; and

(c) Procurement procedures shall meet the following minimum requirements:

(1) Avoidance of unnecessary or duplicatory items is required.

(2) Clear and accurate description requirements are necessary ("Brand Name-or-Equal" may be used).

(3) Utilization of small business and minority owned business sources of supplies and services is required.

(4) Procurement contracts shall be appropriate for the particular procurement and the project. The "cost-plus-a-percentage-of-cost" contract shall not be used.

(5) Formal advertising shall be required unless negotiation, as permitted in subparagraph 6 of this paragraph, is necessary. Procurements of $2,500 or less need not be so advertised. Awards shall be made to the responsible bidder whose bid is responsive to the invitation, price, and other factors considered. Any and all bids may be rejected when it is in the grantee's interest and such action is in accord with applicable law.

(6) Competition shall be obtained to the maximum extent possible. However, procurements may be negotiated under the following circumstances and if EDA gives prior approval. When:

(i) There is a sole source procurement;

(ii) The procurement is less than $2,500;

(iii) The contract is for personal or professional services or the service is to be rendered by an educational institution;

(iv) No acceptable bids have been received after formal advertising; or

(v) Federal law authorizes negotiated procurement.

(7) Procurement records for contracts for more than $2,500 shall include at least the justification for the use of negotiation and contractor selection and the basis for the cost or price negotiated.

(8) A system for contract administration shall be maintained to assure contractor performance is consistent with the terms, conditions, and specifications of the contract, and to assure timely follow-up by the recipient of all purchases.

§ 305.96 Contracts and subcontracts.

In all contracts and subcontracts, the recipient shall include and require the following:

(a) Provisions for administrative, contractual, and legal remedies, and provide for sanctions and penalties as appropriate.

(b) Contracts in excess of $2,500 shall contain provisions for termination for default as well as for circumstances beyond the control of the contractor.

(c) Contracts and subcontracts shall contain substantially the same provisions contained in the grant and/or loan and which are appropriate to the contractor and subcontractor, such as requirements for compliance with applicable labor standards. The recipient shall establish procedures to assure compliance and to assure that violations are investigated.

(d) Contractors and subcontractors shall maintain records for audit and examination by EDA and the Comptroller General of the United States, as required by § 309.9 of this chapter.

§ 305.97 Title to real property.

The Grantee or Borrower must furnish evidence to EDA that it has good and merchantable title to the real property on which improvements will be located, with liens or encumbrances noted, and that it has or can acquire all necessary easements and rights-of-way. The evidence shall be presented in such manner as EDA requires.

§ 305.98 Other requirements.

(a) Grantees and Borrowers shall comply with such additional requirements as are incidental to or explicitly required by the grant and/or loan.

(b) The tabulation of project costs attached to or made a part of the loan or grant or letter transmitting the loan

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or grant is the controlling budget for the project. Transfer of funds between line items therein may not be made without EDA approval.

(c) Requests by grantees or borrowers for amendments to the grant or loan shall be submitted in writing to the Regional Office for processing, and shall contain such information and documentation necessary to justify the request.

(d) All contract change orders must have prior EDA approval.

(e) A final inspection will be scheduled by the grantee or borrower, with EDA concurrence and/or participation, when the project has been completed and is functional and when all deficiencies have been corrected.

(f) Proposed subcontractors must submit a properly executed EDA "Certification Regarding Equal Employment Opportunity."

(g) Subcontractors shall submit evidence which will satisfy Federal labor standards statutes.

§ 305.99 Termination for default or for the convenience of recipient.

(a) An appropriate official of the recipient may request EDA to cancel or terminate a public works or development facility project. This request must be accompanied by a certified resolution or ordinance authorizing the requesting party to make such request. Before agreeing to such request, EDA will determine the legal sufficiency of such request.

(b) EDA may initiate a cancellation or termination action for failure by the recipient to proceed or for failure to adhere to the requirements of the grant and/or loan.

§ 305.100 Liquidation and administration of loans and evidences of indebtedness.

In the event that the Assistant Secretary determines that it is necessary or desirable to take actions to protect or further the interests of EDA in connection with loans or guarantees made or evidences of indebtedness purchased under the Act, the Assistant Secretary may:

(a) Assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions as he shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by him in connection with loans made or evidences of indebtedness purchased under the Act,

(b) Collect or compromise all obligations assigned to or held by him in connection with such loans or evidences of indebtedness until such time as such obligations may be referred to the Attorney General for suit or collection, and

(c) Take any and all other actions determined by him to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made or evidences of indebtedness purchased under the Act.

PART 306—BUSINESS DEVELOPMENT PROGRAM

Subpart A—Business Development Loans for Industrial and Commercial Purposes

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AUTHORITY: Sec. 701, Public Law 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970).

Subpart A—Business Development Loans for Industrial and Commercial Purposes

§ 306.1 Purpose.

The purpose of this subpart is to set forth the procedures under which qualified applicants may obtain business development loans under section 202 of the Act.

§ 306.2 Applicants.

Any of the following entities or enterprises may be eligible to apply for a business development loan:

(a) A business enterprise including sole proprietorship, partnership, or corporation.

(b) A nonprofit organization or association.

(c) A State or political subdivision thereof including municipalities and all agencies, instrumentalities and quasi-public corporations or authorities created by a State or political subdivision thereof.

(d) Indian tribes.

§ 306.3 Loans.

The Assistant Secretary is authorized to make loans or purchase other evidences of indebtedness, on terms and conditions he shall establish, to:

(a) Purchase or develop land for commercial or industrial use.

(b) Purchase or develop facilities for commercial or industrial usage including:

(1) Machinery;
(2) Equipment;
(3) Fixtures;
(4) Furniture.

(c) Construct new buildings.

(d) Rehabilitate abandoned or unoccupied buildings.

(e) Alter, convert, or enlarge existing buildings.

§ 306.4 Location.

A business development loan project must be located within a redevelopment area or economic development center.

§ 306.5 Limitations.

The requirements stated in Part 309 of this chapter are pertinent to business development projects.

§ 306.6 State approval.

No application for a business development loan project will be approved by EDA until such application is approved by an agency or instrumentality of the State or political subdivision in which the project is to be located.

(a) Such agency or instrumentality must be directly concerned with the problems of economic development in such State or political subdivision.

(b) Such approval must include a determination that the project is consistent with the redevelopment area's approved OEDP, except, areas which will be designated under a "sudden-rise" criteria of the Act or redevelopment areas or economic development districts which do not have a currently approved OEDP will be evaluated if:

(i) The area will be designated within a reasonable period of time, or

(ii) Appropriate steps have been taken to secure the approval by EDA of an OEDP.

(c) Such approval of an agency or instrumentality shall be in a form satisfactory to EDA.

§ 306.7 Alleviation of unemployment.

A project for a business development loan must reasonably provide more than temporary alleviation of unemployment or underemployment within the redevelopment area in which the project will be located.

§ 306.8 Financing.

A business development applicant must provide evidence that other financing is not available on terms and conditions which, in the opinion of the Assistant Secretary, would permit completion of the project and that other lenders will not participate in the EDA business development loan. Such evidence will include:

(a) Letters from at least two qualified lending institutions declining to finance any part of the project or to participate in EDA's share of the financing.

(1) In the event only one qualified lending institution is located in the project area or lends in the project area, a letter from one qualified lending institution will be sufficient.

(2) In the event no qualified lending institutions are located in the project area or lend in the project area, certification to that effect will be sufficient.

(b) Evidence that no qualified lending institution will participate in the project financing other than on a first lien basis.

(c) Evidence that other Federal financial assistance is not available to the project.

(d) In the event that the applicant is a large corporation which would normally have its own funds available or which appears to have access to non-Federal funds sufficient to finance the cost of the project, such corporation must certify that it would not locate the proposed project within the redevelopment area if it were not for the benefits of EDA's financial assistance.

§ 306.9 Repayment.

No business development loan or purchase of indebtedness will be made unless the Assistant Secretary has determined there is a reasonable assurance of repayment. The applicant shall provide, at a minimum, the following financial information to permit the Assistant Secretary to make this determination, unless the Assistant Secretary determines certain or all of such information is not necessary:

(a) Current audited financial statements of the applicant, including balance sheets, an income statement with auditors' footnotes, and supporting statements for the three most recent fiscal years.

(b) Audited consolidated financial statements and income statements, with auditors' footnotes, of parent and subsidiaries for the three most recent fiscal years.

(c) Audited financial statements including balance sheets, income statements, and auditors' footnotes, of all affiliated companies for the three most recent fiscal years.

(d) Most recent interim financial statements of all entities listed in paragraphs (a) and (b) of this section, certified to by officers of the respective companies and maintained current during EDA loan processing.

(e) Projected pro forma balance sheets, income statements, cash flow, and supporting statements of the applicant quarterly from the date of the latest interim financial statements to the date of the commencement of project operations.

(f) Projected pro forma balance sheet at the commencement of project operations, and pro forma balance sheets, income statements, cash flow and supporting statements of the applicant monthly, for the first 12 months of project operations and annually for the three succeeding 12-month periods. Such statements and balance sheets should reflect applicant's ability to repay debt principal out of earnings commencing within the first 3 years of operations.

§ 306.10 Term.

The term of the loan should be consistent with the purpose for which it will be used and the collateral position of EDA. The term of the loan should ordinarily not be greater than the weighted average useful life of the project fixed assets; provided, however, no loan including renewals or extensions may be made for a period exceeding 25 years from the date of the note evidencing the loan or the date of purchase of evidences of indebtedness.

§ 306.11 Interest.

Loans and evidences of indebtedness purchased under this subpart will bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 percent, plus such additional charge, if any, toward covering other costs of the program as the Assistant Secretary may determine to be consistent with its purpose.

§ 306.12 Allowable project costs.

Allowable costs includible in the total project cost for purposes of EDA financing may include the cost of land, building, machinery and equipment, and reasonable contingency reserves to cover the possibility of cost increases during processing of the application and during construction.

(a) In arriving at the total fixed asset cost of the project, EDA cannot, under the Act, include any item which is considered as properly allocable to working capital.

(b) Other types of costs which cannot be financed include: leasehold interests, mineral reserves, patents, organization expenses, preproduction costs, research and development expenses, goodwill, trade or brand names, franchises, and licenses.

(c) Land, building, machinery, and equipment already owned by the applicant lien-free may be included in project costs and be treated as an in-kind equity injection by the applicant, provided they will be an integral part of the expanded operation. However, such in-kind equity credit will be limited to the lesser of (1) appraised fair market value, or (2) net book value (cost less accumulated depreciation) in the hands of the applicant, its principals, parent, subsidiaries, or affiliates; *Provided, however,* That such credit may not exceed 10 percent of eligible project costs. In-kind injections of fixed assets by a local government or nonprofit organization may be credited toward the required local participation (State, political subdivisions, or agencies thereof, and community or area organizations) to the extent of appraised fairmarket value.

(d) Land included in the total project cost may include the following:

(1) Land acquisition costs, including reasonable real estate commission if paid by purchaser.

(2) Cost of engineering fees, surveys, plats, title insurance, recording fees and legal fees incurred in connection with acquisition of land.

(3) Costs of nondepreciable grading and site improvements, as well as costs of necessary depreciable land improvements.

(4) Costs of soil tests and test borings.

(5) Preparation of plans and specifications.

(e) Buildings included in total project cost may include the following:

(1) Building acquisition costs, including reasonable real estate commission if paid by purchaser.

(2) Cost of constructing, altering, converting, rehabilitating, or enlarging buildings.

(3) Engineering, architectural, and legal fees, paid in connection with the preparation of plans and specifications and the acquisition, construction, etc. of buildings and building equipment.

(4) Insurance during construction, including hazard insurance, performance, labor and material bonds.

(f) Machinery and equipment included in total project cost may include the following:

(1) Machinery acquisition costs including cost of delivery and reasonable costs of installation.

(2) Engineering, architectural, and legal fees paid in connection with machinery selection, design, acquisition, and installation.

(3) Insurance during installation including hazard insurance, performance, labor and material bonds.

(g) Other eligible project costs may include:

(1) Interest on interim construction financing and other necessary costs of obtaining financing, with prior concurrence of EDA.

(2) Sales and use taxes incurred in the acquisition of project fixed assets.

(3) Other costs contributing directly to the value of project fixed assets, with prior concurrence of EDA, but not including the cost of feasibility studies.

(h) Adequate contingency reserves are a necessary part of the provision for project costs in order to avoid the problem of incurring an overrun in total expenditures for the project and thereby forcing a renegotiation of the loan commitment. The contingency amount should be established according to the anticipated length of time for project construction, terms of contract, type of machinery and equipment, and technological and other developments which might be expected to increase cost.

(1) (i) Contingency reserves for building construction and machinery and equipment should be established at a reasonable figure and justified by the applicant, depending upon the characteristics of the specific project.

(ii) Construction bids or estimates and machinery and equipment quotes should

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allow for sufficient time and remain valid during the estimated period of project processing or until execution of firm contracts. These quotes should not be over 60 days old when the application is submitted to EDA.

(2) Contingency reserves for land must be considered in the event an option to purchase, earnest money agreement, or real estate contract provides for a renegotiation of terms prior to project funding. The applicant will be required to provide evidence of ability to acquire the project land and any contractual arrangement therewith must be carefully reviewed in reference to establishment of a contingency for increased land costs above the project valuation at time of submission of the application.

§ 306.13 Amount of assistance.

Loan assistance shall never exceed 65 percent of the aggregate project cost to the applicant. In the event other Federal aid is available and used by the applicant to pay part of the project cost, such other Federal aid shall be subtracted from the aggregate project cost and the remainder shall be the aggregate cost for the purposes of the business development loan.

§ 306.14 Equity capital or loan.

Not less than 15 percent of the aggregate cost of a project (which may include amounts required by § 306.15) shall be provided as equity capital or a loan. Where a loan is provided:

(a) Such loan is repayable in no shorter period of time and at no faster rate of amortization than the business development loan.

(b) If such loan is secured, the security must be subordinate and inferior to the lien or liens securing the business development loan.

§ 306.15 Community share.

Not less than 5 percent of the aggregate cost of the project shall be supplied by:

(a) A State or any agency or instrumentality thereof;

(b) A political subdivision of a State or any agency or instrumentality thereof; or

(c) A community or area organization which is nongovernmental in character.

§ 306.16 Indian tribes.

Projects involving financial participation by Indian tribes are not required to meet the provisions of § 306.15. In such case, the 5 percent shall be supplied by the borrower as equity or by loan subject to the provisions of § 306.14.

§ 306.17 Waiver of community share.

The Assistant Secretary may waive all or part of the 5-percent community share of the aggregate cost of a project which is required by § 306.15, if he determines that all or part of the community share is not reasonably available to the project because of the economic distress of the area or for other good cause. The portion of the community share thus waived may be supplied by the applicant or by such other non-Federal sources as may be reasonably available to the project.

(a) In determining whether all or part of the community share is not reasonably available because of the economic distress of the area, the Assistant Secretary will consider the following factors:

(1) The extent of economic distress of the redevelopment area or district, as measured by unemployment, underemployment, and income levels;

(2) The nature and extent of the funds reasonably available to comprise the community share, as made known by the community;

(3) The extent of local support for the project, as manifested by previous bona fide community efforts to assist it financially;

(4) The extent of previous bona fide, broadly based efforts to obtain local financial support for community economic development activities generally.

(b) In determining whether all or part of the community share of the aggregate project cost is not reasonably available for other good cause, the Assistant Secretary may consider, in addition to the factors listed above, the following situations as representing sufficient good cause for waiver:

(1) Where the financial assistance is requested to replace, rehabilitate, or expand the facilities of an industrial or commercial enterprise already existing in the locality, and local investors can show a need to conserve their funds in order to encourage the establishment of new industry which will broaden the economic base of the community; or

(2) Where the Assistant Secretary determines that a bona fide community fundraising drive either has been made or, if made, would be unsuccessful in raising the necessary funds for the project, and provided that the total prior community investment in projects already assisted by either the Area Redevelopment Administration or EDA is equal to or exceeds the following amounts:

(i) Redevelopment areas eligible for 50 percent public works grants—$10 per area resident;

(ii) Redevelopment areas eligible for 60 percent public works grants—$7 per area resident;

(iii) Redevelopment areas eligible for 70 percent public works grants—$5 per area resident;

(iv) Redevelopment areas eligible for 80 percent public works grants—$3 per area resident.

§ 306.18 EDA's lien position.

In order to encourage financial participation in a project by other lenders and investors and to the extent necessary, a business development loan may be repayable only after other loans made in connection with the project have been repaid in full. The lien position of EDA may be subordinate and made inferior to lien or liens securing other loans made in connection with this project; provided, however, that nothing contained in this section shall affect § 306.14.

§ 306.19 Special considerations for projects located in economic development centers.

Business loans approved for projects located in economic development centers shall be subject to the following restrictions and limitations:

(a) The project must be consistent with a currently approved OEDP for the economic development district.

(b) The amount of the business development loan approved must be reasonably related to the size, population, and economic needs of such district.

(c) The project must enhance the economic growth potential in such district or result in additional long-term employment opportunities commensurate with the amount of financial assistance extended.

§ 306.20 Project financing.

Each project will be evaluated with the intent of obtaining a financing structure which demonstrates a minimum EDA participation in project fixed asset financing to accomplish the project, with maximum reliance on equity and junior lenders. Moreover, an EDA participation of $10,000 per job will ordinarily be the maximum acceptable for any particular project. In calculating the EDA participation per job, indirect jobs created in other parts of the local economy will not be considered. Seasonal jobs will be converted into full time job equivalents.

§ 306.21 Financing information.

The following information shall be included with respect to all participants, other than EDA, in project financing:

(a) A written commitment or firm letter of intent from participating lending institutions stating amount, interest rates, repayment terms, collateral and lien position they will require, or such other evidence as EDA may require to assure availability of funds. EDA requires that the proposed project financing upon which it bases a decision to lend remain firm, in order to obviate the lengthy reanalysis required by financing alterations proposed after EDA acceptance of an application.

(b) A written commitment by the applicant to provide equity funds, stating both the source and actual availability of funds and/or assets to be injected, and the names of the principal shareholders or owners.

(c) A written commitment of the participating local development organization or public body stating amount of commitment, interest rate, repayment terms, collateral and lien position required.

(d) A determination of the source and actual availability of local development organization funds or assets to be injected.

(e) A statement of any special conditions attaching to the financing arrangements proposed.

§ 306.22 Loan conditions.

The following loan conditions will generally be imposed on business development loans:

(a) Full personal guarantees of principals of borrower and/or related corporate guarantees by closely held corporate applicants or by the parent corporation of subsidiary corporate applicants, secured by collateral where deemed necessary, will be ordinarily required. Likewise, cross guarantees of related corporations will be required when deemed necessary to properly support the EDA loan.

(1) Guarantees should be understood to provide not only additional collateral benefits, but also to provide the necessary personal involvement of the principals required to provide assurance of continuity of job opportunities provided by the project.

(2) Applicants will provide, in the case of personal guarantors, current (not over 90 days old at the time of filing) personal financial statements signed by both husband and wife and disclosing community and individual assets and indebtedness.

(b) Applications submitted by closely held corporations, partnerships, or proprietorships dependent for their continuing success on certain individuals will ordinarily be expected to provide and assign to EDA life insurance on these key men.

(c) Loan conditions for new venture borrowers, closely held corporate borrowers and all marginally capitalized borrowers shall include restrictive covenants similar to those required by private financial lending institutions except in cases in which modification or omission of one or more of them can be clearly shown not to jeopardize EDA's reasonable assurance of both repayment of its loan and the long-term continuity of the project's employment. Restrictive covenants for well-capitalized business expansion borrowers will be tailored to the financial status of individual companies.

§ 306.23 Indian reservation projects.

In view of the inherent problems of collateralizing loans for projects to be located on Indian reservations due to the inability to obtain mortgages on such lands, project funding should afford EDA maximum collateral protection without undue hardship on the borrower. A lease agreement will enable EDA in the event of a default to reassign the right of occupancy to a third party and thereby improve the chances for continued operation of the project and the preservation of the collateral value of the loan.

§ 306.24 Feasibility reports.

(a) All new venture loan applications for a total project costing $1 million or more shall be accompanied by a technical and economic feasibility report from an acceptable independent consultant. New venture projects of less than $1 million must be accompanied by sufficient documentation to permit a determination of technical and economic feasibility.

(b) In projects which are expansions of a successful existing business or projects sponsored by a capable and financially sound parent organization, the requirement for a technical and economic feasibility report from an acceptable independent consultant may be waived by EDA. However, the prospective borrower shall provide all technical and economic information necessary for EDA to properly evaluate the application.

(c) An economic feasibility report from an acceptable independent consultant in connection with tourism and recreation facilities will be required if the cost of the proposed project exceeds $150,000. Evidence must be submitted that the proposed facility will provide services or have special attributes that tend to induce a net increase in tourist visits to the area and is part of a larger, area-wide program expected to attract tourists and provide jobs in the area. In cases where total project investment is less than the above minimums, sound judgment may require an independent feasibility study in light of the specific nature of the project.

Subpart B—Loan Closing and Servicing

§ 306.31 Loan closing.

(a) When an application is approved by the Assistant Secretary, a Loan Agreement will be submitted to the applicant. A preclosing conference will be arranged by the Regional Director, whenever the applicant requests one, to discuss the terms and conditions of the Loan Agreement.

(b) The applicant signifies acceptance of the Loan Agreement by executing the agreement. Immediately thereafter the Regional Office Loan Administrator shall arrange with the applicant (who on accepting the loan becomes the borrower) for the preparation, review, and signing of the promissory note, collateral documents, and other documents necessary to the disbursement of the loan.

(c) Periodic inspections will be made by EDA Loan Administrators to determine the satisfactory progress of the project and application of monies toward implementation of the project as set forth in the Loan Agreement. Particular attention will be paid to financial or management changes which might adversely affect the project. Loan Administrators will, for example, determine whether there is: conformance with plans and specifications, proper installation of equipment, sufficiency of funds for the completion of the project, substantiation of costs incurred, proper labor costs for compliance with the Davis-Bacon Act, and EDA approval of contract change orders.

(d) Disbursements will be made after a request by the borrower, to the Regional Office, on EDA Form "Requisition for Loan Advance." They will be based on costs incurred as certified on EDA Form "Certificate of Architect/Engineer." The latter certificate shall be issued at such time or times as the Loan Administrator shall require. A separate certificate will be required for machinery, equipment and furnishings on EDA Form "Inspection Report and Certification—Machinery and Equipment" to be signed by such individual as the Loan Administrator designates. Requests for disbursement shall be supported by such documents as the Loan Administrator may require; for example, but not limited to, copies of unpaid invoices to be paid from disbursement; copies of fully paid invoices together with lien waivers, where appropriate; and copies of cancelled checks. The Loan Administrator may withhold 10 percent of all requested disbursements on all project costs except land costs. When the Loan Administrator determines that the status of the project is such as would place EDA's interest in jeopardy the Administrator may withhold a greater percentage after stating in writing to the borrower the basis for such decision. The borrower shall, on EDA Form "Certification and Receipt" acknowledge receipt of each disbursement made by EDA.

§ 306.32 Loan servicing.

EDA personnel will make periodic visits to projects until such time as the loan has been fully repaid. Such personnel will consult with employees and officers of the borrower and obtain such information as is necessary to determine the employment levels as well as the soundness of the financial condition and management of the borrower. Requests by the borrower for modification of the Loan Agreement shall be submitted to the Regional Director, supported by such documentation and facts as would justify the request.

§ 306.33 Liquidation and administration of loans and evidences of indebtedness.

In the event that the Assistant Secretary determines it is necessary or desirable to take actions to protect or further the interests of EDA in connection with loans or guarantees made or evidences of indebtedness purchased under the Act, the Assistant Secretary may

(a) Assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions as he shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by him in connection with loans made or evidences of indebtedness purchased under the Act,

(b) Collect or compromise all obligations assigned to or held by him in connection with such loans or evidences of indebtedness until such time as such obligations may be referred to the Attorney General for suit or collection, and

(c) Take any and all other actions determined by him to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made or evidences of indebtedness purchased under the Act.

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Subpart C—Working Capital Guarantees

§ 306.41 Requirements.

The Assistant Secretary may guarantee loans for working capital provided the following requirements have been met:

(a) The working capital loan must be made in connection with a business development loan approved under section 202(a) of the Act. Eligible working capital loan recipients include but are not limited to, lessees of the project facilities.

(b) Such loans must be made by a private lending institution. Private lending institutions include, but are not limited to, commercial banks, savings and loan institutions, insurance companies, factoring companies, investment banking organizations, and venture capital investment companies.

(c) The business development loan project must be located in a currently designated redevelopment area or economic development center.

(d) Guarantee of a working capital loan shall not be extended unless there is reasonable assurance that such loan can be repaid.

§ 306.42 Maximum amount.

No working capital guarantee shall at any time exceed 90 percent of the amount of the outstanding unpaid balance of the working capital loan.

(a) No working capital loan guarantee will be extended where the working capital loan is otherwise available from private lenders or other Federal agencies on terms, which in the opinion of the Assistant Secretary, will permit accomplishment of the project.

(b) No working capital loan will be guaranteed which is secured by a prior lien on the same assets which secure a business development loan extended under the Act.

§ 306.43 Conditions.

A working capital guarantee will generally contain the following conditions:

(a) The term of the working capital loan generally should not exceed five (5) years and the loan should be amortized in full during its term.

(b) The lending institution ordinarily will be required to maintain a collateral position, to which EDA is subrogated, in the assets of the borrower and/or principals of the borrower, such as by takjng personal guarantees and liens on inventories, receivables, and/or fixed assets. However, such liens, if taken on fixed assets, will not be placed by EDA subordination into a prior position to liens securing loans previously made under the ARA or EDA programs.

(c) An application for an EDA guaranteed working capital loan will not ordinarily be approved until the borrower is operating the project facilities, financed by an EDA business loan. Further, all project financing including applicant's equity must ordinarily be disbursed before the guaranteed working capital loan may be disbursed by the lender. The working capital loan will be restricted to working capital needs and cannot be diverted into fixed or other noncurrent assets.

(d) EDA will not ordinarily guarantee revolving type or open-end working capital loans.

(e) If the bank is secured by a third party with respect to its exposure remaining above the EDA guaranteed portion, the guarantee agreement shall be modified to provide that any interest which the bank would receive in the collateral taken for the loan (and assigned to EDA upon redemption) shall not be subrogated to the third party's interest if the third party is a principal or equity shareholder in the company financed by the EDA loan(s), until all of the company's indebtedness to EDA is paid in full. The purpose of this provision is to ensure that those persons responsible through ownership for the operation of a project do not share in the proceeds of collateral until EDA recovers fully against all its exposure.

(f) EDA may impose on the private lender a guarantee service charge of one-half of 1 percent (½ percent) per annum on the unpaid balance of the working capital loan.

§ 306.44 Modifications.

Requests by a borrower for a modification of its working capital loan guaranteed by EDA shall be submitted to the Regional Director, supported by such documentation and facts as would justify the request.

§ 306.45 General requirements.

The provisions of Part 309 of this chapter are pertinent to working capital guarantees.

PART 307—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

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AUTHORITY: Sec. 701, Pub. L. 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970).

Subpart A—Technical Assistance

§ 307.1 Purpose.

The purpose of this subpart is to set forth the requirements and procedures pursuant to which eligible applicants may receive technical assistance under sections 301(a), 301(b), 301(d), and 301(f) of the Act.

§ 307.2 Authority.

The Assistant Secretary may provide technical assistance, pursuant to title III of the Act, which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment, to designated redevelopment areas and to other areas which he finds have substantial need for such assistance, including projects of regional or national scope.

§ 307.3 Projects.

(a) Technical assistance should serve the purpose of solving problems of economic growth, and may include:

(1) Pursuant to section 301(a) of the Act.

(i) Feasibility studies,

(ii) Identifying, planning, and programing of economic development projects,

(iii) Management and operational assistance, and

(iv) Preliminary design planning and feasibility studies of development facilities.

(2) Pursuant to section 301(b) of the Act, grants to defray administrative expenses of organizations qualified to receive grants under section 301(a) of the Act. (See also Subpart B of this part.)

(3) Pursuant to section 301(d) of the Act, assistance, technical information, market research, or other forms of assistance or advice.

(4) Pursuant to section 301(f) of the Act, demonstration programs of special economic development.

(b) Technical assistance may be provided by the Assistant Secretary through:

(1) Members of this staff,

(2) Payment of funds to other departments or agencies of the Federal Government,

(3) Grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations, or

(4) Contracts with private individuals, partnerships, firms, corporations, or suitable institutions.

§ 307.4 Location.

(a) Technical assistance will be provided in areas designated as redevelopment areas, however, a nondesignated

area may also receive technical assistance, except for demonstration grants under section 301(f) of the Act, as an area of substantial need, if at least one of the following conditions is found to exist:

(1) The closing or the imminent shutdown of a major source of jobs is shown to have a highly adverse effect on the area.

(2) The area is so closely linked geographically or economically with a designated area as to substantially affect its economy.

(3) The economy problems of the area are so severe that they are leading toward substantial unemployment in the near future.

(4) The project is directed toward solving problems in a "hard-hit" part of a noneligible area, and that part appears to have persistent and substantial unemployment on the basis of readily available facts.

(5) Where an economic development district is formed under title IV of the Act, technical assistance may be rendered to that district or its economic development center.

(6) The project is one of national scope.

(b) Demonstration grants under section 301(f) of the Act may be provided only in redevelopment areas.

§ 307.5 Applicants.

(a) Applicants eligible for technical assistance, except as provided in paragraph (b) of this section, include:

(1) Local and area development organizations, for profit or nonprofit;
(2) State agencies;
(3) Federal agencies;
(4) Municipal bodies;
(5) Individuals;
(6) Partnerships;
(7) Firms;
(8) Corporations;
(9) Indian tribes;
(10) Other appropriate applicants.

(b) Only qualified nonprofit State, area, district, or local development organizations are eligible for technical assistance through grants. (See also Subpart B of this part.)

§ 307.6 Priority consideration.

Projects warranting priority consideration by EDA are those which:

(a) Can be expected to have a specific effect on employment or family income in a relatively short time.

(b) Offer assurances of effective follow-up.

(c) Benefit population groups with the greatest evidence of unemployment, underemployment, or low-family income.

(d) Are in designated areas.

(e) Would benefit additional areas.

(f) Contribute substantially to the overall objectives of the Act.

§ 307.7 Technical assistance through Federal personnel and contracts.

The Federal share of technical assistance provided by Federal personnel, or through contracts, may be 100 percent, but a maximum non-Federal contribution in cash or in kind is preferred. The EDA contribution for technical assistance through payment of funds to other departments or agencies of the Federal Government may be 100 percent of the project cost.

§ 307.8 Procedures for assistance by EDA direct contracting.

(a) Applicants for technical assistance for which EDA will directly contract for a service, may recommend potential contractors.

(b) EDA does not limit its choice to contractors suggested by the applicant and may invite contract proposals from competent, qualified individuals and organizations.

(c) Final selection of a contractor is made by the U.S. Department of Commerce according to Federal Procurement Regulations.

(d) The Government is not obligated in any way by any negotiations between the applicant (or others) and the suggested contractor.

§ 307.9 Contracting procedure.

(a) The Contracting Officer in the Department of Commerce is the sole legal party representing the Government in technical assistance contracts, including negotiation of financial terms and conditions, and award, administration, and termination of contracts.

(b) For technical assistance projects being carried out under contract, the Contracting Officer designates a Contracting Officer's Technical Representative (COTR), who is responsible for the preliminary acceptance of all the work required under the contract, including the preliminary approval of any and all reports, and such other specific responsibilities as are stipulated in various articles of the contract. The COTR is not authorized to make any commitments or otherwise obligate the Government, or authorize any changes which affect the contract price, terms, or conditions. Such changes are referred to the Contracting Officer through the COTR.

(c) Contracting is governed by Department of Commerce regulations and the Federal Procurement Regulations.

§ 307.10 Technical assistance through grants.

(a) The Federal share of technical assistance provided in the form of a grant must not exceed 75 percent of the total amount of the funds required.

(1) In determining the non-Federal share, EDA will give consideration to all contributions, both in cash and in-kind, fairly evaluated including but not limited to space, equipment, and services.

(2) No Federal funds may be included in the 25-percent non-Federal share.

(b) The Assistant Secretary may waive all or part of the 25-percent non-Federal share of technical assistance grants, except for administrative expense grants under section 301(b), if he determines that the non-Federal share is not reasonably available because of the critical nature of the situation requiring technical assistance, or for other good cause.

(1) In determining whether a critical situation exists, the Assistant Secretary will consider one or more of the following criteria:

(i) The extent of the critical situation, as measured by unemployment, underemployment, and family income levels;

(ii) The nature and extent of the funds reasonably currently available to comprise the non-Federal share, as made known by the applicant and verified by the Economic Development Administration; or

(iii) The extent of local support for the project, as manifested by previous bona fide local efforts to assist it financially.

(2) In determining whether "other good cause" exists, the Assistant Secretary will consider one or more of the following factors in addition to those listed in paragraph (b)(1) of this section:

(i) Where the technical assistance is requested to replace, rehabilitate, or expand an activity already existing in the community, and the applicant can show a need to conserve funds in order to encourage the establishment of new activities that will strengthen the economic base of the community; or

(ii) Where the Assistant Secretary determines that a bona fide local fund-raising drive either has been made or, if made, would be unsuccessful in raising the necessary funds for the project.

§ 307.11 Grant procedures.

Grant funds are disbursed directly to the applicant, who is responsible for employing personnel, hiring consultants, and planning and administering the program. EDA, however, reserves the right to approve plans for spending such funds, as well as the right to approve the qualifications of personnel, consultants, or contractors. Grant offers are made on the terms specified by the Assistant Secretary. Each grant will designate a Grant Administrator (GRA) who is responsible for the administration of the grant and liaison with the Grantee. The GRA is also responsible for evaluating the operation of the grant as executed by the Grantee, and for the preliminary approval of any and all reports and such other specific responsibilities as are stipulated in various articles of the grant.

§ 307.12 Procedural grant requirements.

(a) Grant agreements provide that the Government shall pay quarterly, or in certain circumstances more frequently, an amount to cover Federal-share funds estimated to be expended by the Grantee during the period following the payment.

(b) Contributions by the Grantee, whether in cash or in kind, are expected to be paid out at the same general rate as "Federal share" expenditure. In any event, one-half of the Grantee's share of project cost will be available, incurred, or expended by the time one-half of the Federal share has been disbursed. Exceptions to this midpoint, pro rata requirement are approved in writing by the GRA.

(c) Technical assistance grants require that any interest earned on funds paid to the Grantee under the grant

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be reported and returned to the Government within 10 days after receipt of such interest, according to directions specified by the GRA. This requirement does not apply to States or State agencies, but it may apply to political subdivisions of States.

(d) Technical assistance grants require the Grantee to maintain separate records for the grant in a manner consistent with generally accepted accounting practices to safeguard the assets, insure internal control, and provide accurate and reliable accounting data and, unless otherwise authorized by the GRA, to establish a separate bank account for the funds provided under the grant. The requirement for a separate bank account does not apply to States or State agencies, however, such States or State agencies must establish a separate fund account which identifies the application of funds provided through the grant.

(e) Any amendment to a grant must be approved in writing by EDA.

(f) Evidence is required that all persons authorized to handle funds under the grant, except elected officials, are bonded or secured for an appropriate amount.

§ 307.13 Limitations.

Technical assistance shall be provided on terms and conditions set by the Assistant Secretary, subject to the following restrictions and limitations, among others:

(a) Technical assistance funds may not be used to cover the costs of work already performed or of services already provided;

(b) No technical assistance project will be approved without satisfactory assurance to the Assistant Secretary that it is not being simultaneously considered for financial support by another organization or Federal agency;

(c) All applications not of national scope will be coordinated with appropriate Federal agencies, with interest in the project.

(d) Technical assistance for tourism development must be shown to be essential to a coordinated program of economic development in the area.

(e) The Overall Economic Development Program (OEDP) for designated areas and, whenever available, for economic development districts, will be considered in the evaluation of technical assistance applications.

(f) It is preferable that applications except those for projects of national scope be reviewed by the appropriate State, district, or area economic development organization before being submitted to EDA.

(g) To assure adequate and effective planning and economical use of funds where practicable, grants for administrative expenses under section 301(b) of the Act shall be used in conjunction with other available planning grants, such as urban planning grants authorized under the Housing Act of 1954, as amended, and highway planning and research grants authorized under the Federal-Aid Highway Act of 1962.

(h) The requirements of Part 309 of this chapter pertain to technical assistance.

§ 307.14 Repayment.

The Assistant Secretary may, in his discretion, require the repayment of technical assistance under section 301(a) of the Act and prescribe the terms and conditions of such repayment.

(a) Federal costs of technical assistance projects of substantial proprietary benefit to a private individual, corporation, or other business organization are expected to be repaid to the Federal Government through arrangements agreed upon between the Government and the recipient.

(b) Repayment shall be made on one-half the first $10,000 of project cost and 100 percent of the remaining project cost.

(c) Repayment shall be interest-free and unsecured.

(d) In the case of Federal agency business loan borrowers, repayment shall be made in monthly or quarterly payments in an amount approximating, but not in excess of, payments required on the loan. They will commence subsequent to the last payment of the loan.

(e) For all other applicants or beneficiaries, the terms of repayment shall not be inconsistent with the purpose and the use of the technical assistance.

(f) When the technical assistance beneficiary is a subsidiary, repayment shall, wherever possible, be required of the parent or controlling organization in addition to its subsidiary.

§ 307.15 Repayment not required.

Repayment will be waived under the following circumstances:

(a) Whenever repayment is likely to result in a loss of economic development benefits.

(b) Whenever any of the following conditions are intrinsic to the technical assistance:

(1) It has indirect benefit to the whole community;

(2) It benefits the general business community or interest;

(3) It is already being funded, in substantial proportion, by the recipient; and

(4) It is for an applicant or beneficiary located in one of the most economically depressed areas in the country.

§ 307.16 Records and audit—grantees.

(a) All recipients of grants-in-aid under title III of the Act, other than a Department or agency of the Federal Government shall keep and preserve full written financial records accurately disclosing the amount and the disposition of any funds, whether in cash or in-kind, applied to the project, as shall adequately establish compliance with the Act (or the Area Redevelopment Act, where applicable) and the terms and conditions upon which such grants-in-aid were made.

(b) Where applicable, the grantee shall also keep project control records reflecting work progress and indicating its relationship to estimated costs and schedules.

(c) Such records shall be preserved until completion of the purpose or undertaking for which such funds were used, or until final disbursement has been made by EDA, whichever is later, and thereafter for a period of at least 3 years.

§ 307.17 Records and audit—contractors.

(a) The contractor or subcontractor in connection with technical assistance or research contracted for under title III of the Act or under the Area Redevelopment Act, shall keep and preserve detailed project control records in connection with the contract, reflecting acquisitions, work progress, expenditures and commitments and indicating their relationship to established costs and schedules.

(b) The contractor or subcontractor shall also keep such full written financial records as shall adequately establish compliance with the requirements of the Act (and the Area Redevelopment Act, where applicable) and the terms and conditions of the contract or subcontract.

(c) Such records shall be preserved for at least 3 years after final payment under the contract or subcontract.

Subpart B—Planning Grants and Economic Growth Study Grants

§ 307.21 Purpose.

The purpose of this subpart is to set forth requirements and procedures by which eligible applicants in redevelopment areas or other areas of substantial need may apply for administrative expense grants for planning under section 301(b) of the Act, and for economic growth study under section 301(a) of the Act.

§ 307.22 Planning grant objectives.

Planning grants for administrative expenses are given to enable local areas, economic development districts, Indian organizations, and other eligible organizations to establish and carry out effective economic development programs at local and multijurisdictional levels, and to provide a basis for improved coordination, and continuity of Federal, State, and local economic development activities. Planning grants should contribute to the establishment of a permanent economic development process, capable of meeting the planning, coordinating, and implementation requirements of the area, district, or reservation.

§ 307.23 Economic growth study grant objectives.

Grants for economic growth studies under section 301(a) of the Act are given to evaluate the needs of and potentials for economic growth.

§ 307.24 Applicants.

Eligible applicants for planning grants and economic growth study grants include economic development districts, Indian organizations, local-area OEDP Committees or other development organizations, whose responsibilities for carrying out overall economic development programs are clearly established, and

which are legally empowered to receive Federal funds for the above purposes. State and Federal agencies, business enterprises, individuals, and other applicants, where the purposes are to assist in the establishment of economic development program.

§ 307.25 Terms and conditions.

(a) Planning grants and economic growth study grants will be made on terms and conditions established by the Assistant Secretary, subject to the following limitations:

(1) The grants will not be made to cover the costs of work already performed or of services already provided.

(2) No grant will be extended without satisfactory assurances that no other organization or Federal agency is considering the same request for financial support to the project. However, planning grants may be used in conjunction with other planning grant programs to assure adequate, effective, coordinated, and economical use of funds.

(b) Planning grants are also subject to the following limitations:

(1) A planning grant shall not exceed 75 percent of the total amount of funds required for the project.

(i) No Federal funds may be included in the 25 percent non-Federal share.

(ii) In determining the amount of the non-Federal share, the Assistant Secretary will give consideration to contributions both in cash and in-kind, fairly evaluated, including but not limited to space, equipment, and services.

(2) No planning grants to economic development district organizations will be extended unless at least three-fourths of the counties within the district boundaries indicate by resolution or other appropriate document, their commitment to support the activities of the district.

(3) Planning grants will be made to district and area planning organizations after compliance with organizational requirements in §§ 303.4 and 304.3 of this chapter.

§ 307.26 Financial requirements.

Recipients of planning grants and economic growth grants must comply with terms and conditions of the grants relating to financial requirements, including those relating to financial reports, accounting systems, internal controls, allowable project costs, retention of records, and audits, as EDA requires.

§ 307.27 Work program.

Recipients of planning grants and economic growth grants must comply with terms and conditions of the grants relating to specific work program requirements, including those relating to the preparation of initial OEDP's and annual OEDP progress reports.

§ 307.28 Continuation planning grants.

(a) Planning grants shall be provided annually to district and area grantees provided satisfactory performances by the grantees warrant continued EDA assistance.

(b) The Assistant Secretary will make annual determinations of satisfactory performance, and periodically conduct on-site performance appraisals.

(c) The appraisals will consider the following:

(1) Capabilities and quality of the economic development program.

(2) Abilty of the grantee as an institution to advance economic development.

(3) Grantee compliance with terms and conditions of the grant offer.

(4) Grantee management practices.

(5) Grantee board participation and representation.

(6) Implementation by grantee of recommendations of the preceding appraisal.

§ 307.29 Other requirements.

Provisions of Part 309 of this chapter are pertinent to planning grants and economic growth study grants.

Subpart C—Study, Training and Research Program

§ 307.41 General.

The purpose of this subpart is to explain assistance available under section 301(c) of the Act.

§ 307.42 Purpose.

To assist in the long-range accomplishment of the purposes of the Act, EDA, in cooperation with other agencies having similar functions, under section 301(c) of the Act, conducts a continuing program of study, training, and research to:

(a) Assist in determining the causes of unemployment, underemployment, under development, and chronic depression in various areas and regions of the Nation.

(b) Assist in the formulation and implementation of national, State, and local programs which will raise income levels and otherwise produce solutions to the problems resulting from these conditions, and

(c) Assist in providing the personnel needed to conduct such programs.

§ 307.43 Program.

The program of study, training, and research is conducted:

(a) By EDA staff members

(b) Through payment of funds to other departments or agencies of the Federal Government, or

(c) Through the employment of private individuals, partnerships, firms, corporations, or suitable institutions

(1) Under contracts entered into for such purposes, or

(2) Through grants to such individuals, organizations, or institutions, or

(3) Through conferences and similar meetings organized for such purposes.

§ 307.44 Requirements.

The requirements set forth in Part 309 of this chapter and such other requirements as the Assistant Secretary shall determine necessary are pertinent to assistance under section 301(c) of the Act.

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Sec.
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AUTHORITY: Sec. 701, Public Law 89-136 (Aug. 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (Apr. 1, 1970).

§ 309.0 Purpose.

This part sets forth the requirements relating to financial assistance rendered under the Act, as imposed by the terms of the Act and the requirements of other statutes, Executive orders, and regulations which have relevance to the activities authorized under the Act. The requirements are in addition to other requirements set forth in the Act and this chapter.

§ 309.1 Certification as to waste treatment.

No financial assistance, through grants, loans, guarantees, or otherwise, will be made under the Act to be used directly or indirectly for sewer or other waste disposal facilities unless the Environmental Protection Agency certifies to EDA that any waste material carried by such facilities will be adequately treated before it is discharged into any public waterway so as to meet applicable Federal, State, interstate, or local water quality standards.

§ 309.2 Unfair competition.

No financial assistance under the Act shall be extended to any project which will directly increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services,

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or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, as required by section 702 of the Act.

(a) *Definitions.* As used in this section:

"Demand" means the amount of the product or service which can reasonably be expected to be purchased for use in the market area to be served by the project or its intended principal industrial or commercial beneficiary.

"Capacity" means that quantity of production or supply of services which could reasonably be expected to be produced or supplied over a sustained period of time by existing competitive enterprises for use within the market area under working schedules historically customary for the industry.

"Efficient Capacity" means that part of the capacity which is produced or supplied by existing competitive enterprises employing well-designed structures, equipment, machinery, and designs and techniques that are comparable to current practices.

"Existing Competitive Enterprise" means an established facility which either produces the same product or supplies the same service to the market area or a significant part thereof.

"Financial Assistance" means any grant, loan, guarantee, or purchase of evidence of indebtedness by EDA pursuant to the authority of the Act, and any contract, purchase order, task order or work order in an amount in excess of $10,000.00, which is directed toward an increase in the productive capacity for goods or services by a specific enterprise either existing or prospective.

(b) *Determinations.* Determinations of whether approval of a project will violate this section shall in all cases (except those described in paragraph (e) of this section) be based on a "702 Study."

(c) *Procedures for preparing a "702 Study" for business loan and public works projects.* Where financial assistance under the Act is requested for a Public Works or Business Loan project the following procedures shall be followed to the extent necessary to provide the Agency with sufficient information to prepare a "702 Study."

(1) The applicant shall submit, in connection with the project for which financial assistance is being sought, all of the information reasonably available concerning the following:

(i) Proposed product(s) or service(s).

(ii) Project capacity.

(iii) Market area where product or service is to be sold.

(iv) Supply of product or service currently available in market area and sources thereof.

(v) Percent of market expected to be taken by project.

(2) EDA shall verify to the extent possible and evaluate the information submitted by the applicant.

(d) *Technical assistance.* Whenever a Technical Assistance grant, contract, or task order in excess of $10,000 is requested for a project which is directed toward an increase in the productive capacity for goods or services by a specific enterprise, either existing or prospective, a "702 Study" will be required. The procedures for preparing such "702 Study" set forth in paragraph (c) of this section shall be followed to the extent necessary to provide the Agency with sufficient information.

(e) *Projects not requiring a "702 Study".* Financial assistance under the Act may be provided to a project without a "702 Study" where EDA determines such project meets one of the following criteria:

(1) The project to be assisted is not designed to provide public works facilities in order primarily or essentially to benefit a particular firm or industry, but is designed primarily for the benefit of the community or area as a whole or for general industrial or commercial purposes, or

(2) The extension of financial assistance will not result in a significant increase in production or services that have heretofore been available in the area, because its purpose is to:

(i) Replace or restore capacity recently destroyed by flood, fire, wind, or other disaster; or

(ii) Assure the retention of existing capacity and employment; or

(iii) Replace, rebuild or modernize, within the same labor market area, facilities displaced by an official action, including but not limited to actions resulting from public construction projects, land use condemnation procedures, and or requirements under environmental control ordinances or laws. The original owners of the affected facilities will be given first opportunity for EDA assistance. If, after a reasonable period of time the original owners fail to take advantage of these opportunities, other producers within the area may qualify for assistance to replace the affected facilities; or

(iv) Assure the completion of a project previously assisted by EDA or the Area Redevelopment Administration, where the additional assistance is required solely because of revised project cost estimates and not because of added productive capacity; or

(v) Make working capital funds available by guaranteeing a working capital loan.

(f) *Amendments.* In the case of amendments to the terms or conditions of an existing loan or grant, commitments will not require a "702 Study" unless such amendments will result in an increase in the capacity of the project or a change in the product or service to be produced.

§ 309.3 Nonrelocation.

EDA will not extend financial assistance which will assist establishments relocating from one area to another.

(a) *Definitions.* As used in this section:

"Financial assistance" under this section means assistance of any kind permitted under the Act, including grants, loans, guarantees, technical assistance, and training.

"Relocation" means the transferring of jobs from one area to another with EDA assistance.

"From one area to another" means from one labor area of the country to another labor area of the country. However, projects relocating within a labor area and resulting in the loss of existing jobs are not eligible to receive EDA financial assistance.

(b) Establishments relocating shall include:

(1) Grantees,

(2) Borrowers,

(3) Beneficiaries of contracts,

(4) Direct beneficiaries of grantees,

(5) Lessees of borrowers, or

(6) Affiliates, subsidiaries, or other entities under direct, indirect, or common control of the foregoing.

(c) Jobs may be transferred by

(1) Closing an establishment in one area and opening a new establishment in another area, or

(2) Expanding an existing establishment in a new area and reducing the number of jobs in the original location or in any area where the expanded establishment conducts operations.

(d) EDA will not extend financial assistance which will assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts customarily performed by them. For the purpose of this section, "contractors or subcontractors" includes:

(1) An applicant who is performing work for other manufacturers who supply the materials or parts for such work and to whom the finished product is returned by contractors, and

(2) A business which purchases and processes materials on behalf of another firm and is later reimbursed, its sole function having been to supply labor.

(e) EDA financial assistance is not prohibited for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary which will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations. However, EDA will not extend financial assistance if the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(f) EDA will not extend financial assistance for programs, projects, facilities, or purchases to be used by or for highly mobile, intensely competitive industries, such as the apparel or garment trades within the textile industry.

(g) EDA financial assistance is not available to any establishment or applicant:

(1) Which has relocated within 24 months of applying for EDA assistance, or

(2) Which is relocating or will relocate in the future with EDA assistance.

(h) The Assistant Secretary may require detailed information concerning the background, plans, and activities of the applicant, or of any related business enterprise with which the applicant or its principals has any contract or arrangement or proposes to make any contract or arrangement based on benefits expected from the proposed project, or of any business enterprise which is known and intended by the applicant to be a major beneficiary of the project.

§ 309.4 Gas and electric facilities.

(a) No financial assistance authorized under the Act will be used to finance the cost of facilities for the generation, transmission, or distribution of electrical energy, regardless of whether such activities constitute the primary or secondary functions of the facility which is to receive financial assistance under the Act, and regardless of whether such activities are solely for onsite consumption.

(1) Definitions: As used in this section.

"Generation of electricity" means the conversion of energy by any method into electrical energy.

"Transmission of electricity" means the transfer of electrical energy for wholesale purposes, by circuit or circuits, regardless of voltage.

"Distribution of electricity" means the transfer of electrical energy by circuit or circuits, regardless of voltage, from the transmission system to metering stations for use by consumers.

(2) The following electrical energy facilities are not barred from receiving financial assistance under the Act:

(i) Facilities specifically authorized by Congress

(ii) An internal electrical system consisting of the electrical installation on the consumer's side of the distribution system metering station, providing it meets the requirements set forth below. The internal electric system may include conductors, conduits, structures, switchgear, transformers, and other appurtenances. In order for an internal electrical system to qualify as an exception, it must meet the following requirements:

(*a*) Ownership of the system must lie with the owners of the facility, or portion thereof, served by the internal electrical system, and

(*b*) Electricity carried by the internal electrical system may not be resold.

(iii) Standby electrical generating equipment, provided:

(*a*) Such equipment is neither of sufficient capacity to, nor intended to, provide electricity for the regular sustained operation of the facility which is to receive financial assistance under the Act, and

(*b*) Significant damage or harm could result from an electric power failure in the absence of such standby agreement.

(b) No financial assistance authorized under the Act will be used to finance the cost of facilities for the production or transmission of gas (natural, manufactured, or mixed), regardless of whether such activities constitute the primary or secondary function of the facility which is to receive financial assistance under the Act, and regardless of whether such activities are solely for on-site consumption.

(1) Definitions: As used in this section: "Production of gas" means the procuring, gathering, and treating of gaseous raw material by the necessary operation and plant, in such a way as to prepare it for transmission.

"Transmission of gas" means the moving of gas by the necessary operation and plant to metering station from which it is distributed to consumers.

"Distribution of gas" means the moving of gas by the necesary operation and plant from the metering station of the transmission system to consumers within a particular locality and also may include the facilities for local storage, regulation and consumer metering.

(2) The following gas facilities are not barred from receiving financial assistance under the Act:

(i) Facilities specifically authorized by Congress

(ii) Facilities for the distribution of gas as described in paragraph (b)(1) of this section.

§ 309.5 Administration, operation, and maintenance of projects.

No financial assistance under the Act will be approved unless EDA is satisfied that the project for which financial assistance is granted will be properly and efficiently administered, operated, and maintained.

§ 309.6 Labor standards—construction of projects.

The construction of facilities financed in whole or in part by loans or grants made under the Act (hereinafter in this section called "projects") are subject to the following statutes and regulations:

(a) Applicants for assistance must assure EDA that all laborers and mechanics employed by contractors or subcontractors in the construction of projects shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The construction work on projects will be subject to the regulations issued by the Secretary of Labor pursuant to the Davis-Bacon Act (29 CFR Part 5).

(b) Contractors and subcontractors engaged in construction of projects are subject to the provisions of the Copeland Act, as amended (40 U.S.C. 276c), and the regulations issued thereunder by the Secretary of Labor (29 CFR Parts 3 and 5).

(c) Contractors and subcontractors engaged in construction of projects are subject to the provisions of the Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. 327–333) and the regulations issued thereunder by the Secretary of Labor (29 CFR Part 5).

(d) The contractors and subcontractors engaged in construction of projects will agree to comply with Executive Order 11588, issued March 29, 1971, and any other Executive Order, statute, or regulation regarding the stabilization of wages and prices in the construction industry.

(e) The contractors and subcontractors engaged in construction of projects are required to comply with Executive Order 11246, issued September 24, 1965 (3 CFR 1964–65 Comp., p. 339), as amended, relating to equal employment opportunity, and the regulations issued thereunder by the Secretary of Labor.

§ 309.7 Employment of expediters or administrative employees: compensation of persons engaged by or on behalf of applicants.

(a) Pursuant to section 711 of the Act no financial assistance may be extended by EDA under section 101, 201, 202, or 403 thereof to any business enterprise unless the owners, partners, or officers of such business enterprise:

(1) Certify to EDA the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the EDA for assistance of any sort, under this Act, and the fees paid or to be paid to any such person, and

(2) Execute an agreement to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within 1 year prior thereto, shall have served as an officer, attorney, agent, or employee, occupying a position or engaging in activities which EDA shall have determined involves discretion with respect to the granting of assistance under this Act. Such agreement will be binding on the business enterprise for a period of 2 years after EDA financial assistance is rendered.

(b) Definitions: As used in this section:

"Business enterprise" means all private applicants, both profit and nonprofit.

"Positions involving discretion" means the Assistant Secretary, Deputy Assistant Secretaries for Economic Development, Policy Coordination, Economic Development Planning, and Economic Development Operations; Office Directors, Deputy Office Directors, and Division Chiefs in the Office of Public Works, Business Development, and Technical Assistance; and Director and Deputy Director of the Offices of Economic Research, Planning and Program Support, and Development Organizations. This term also includes Regional Office Directors with respect to projects located in their regions. Clerical employees do not occupy positions involving discretion with respect to the granting of assistance under the Act. The discretionary nature of the positons and activities of other employees shall be determined by the Assistant Secretary at such time as the employee terminates his employment.

(c) EDA will participate in such costs of facilities receiving financial assistance under the Act as are deemed to be

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reasonable as fees or compensation for services actually rendered by persons engaged by or on behalf of the EDA applicant for the purpose of rendering professional or other services necessary, as determined by EDA, in connection with such facilities or with the extension of financial assistance by EDA. No fee or compensation will be allowed if it appears that the person charging such fee or compensation has:

(1) Induced or attempted to induce by gifts, or offer thereof, promises, bribes or otherwise, any officer or employee of EDA to take action with respect to any matter before EDA.

(2) Made representations that imply that the service for which the fee is charged, or any portion thereof, is or will be of a political, influential, or similar nature.

(3) Charged or proposed to charge any fee contingent upon the granting of any assistance to the applicant.

(4) Shown a course of conduct which indicates that the person might submit false information or evidence to EDA or engage in corrupt practices before EDA in connection with matters on which he is employed.

(d) The requirements of this section will apply to applications filed with EDA after April 30, 1971. The requirements of paragraphs (a) and (b) of this section, will also apply to applications filed with EDA prior to April 30, 1971, except that for the purpose of such applications "positions involving discretion" means the Assistant Secretary, Deputy Assistant Secretaries for Economic Development, Policy Coordination, Economic Development Planning and Economic Development Operations; Office Directors, Deputy Directors, and Division Chiefs in the Office of Public Works, Business Development, and Technical Assistance; and Director and Deputy Director of the Offices of Economic Research, Regional Development Planning, and District and Area Planning. They also include Area Office Directors with respect to projects located in their areas. Clerical employees do not occupy positions involving discretion with respect to the granting of assistance under the Act. The discretionary nature of the positions and activities of other employees shall be determined by the Assistant Secretary at such time as the employee terminates his employment.

§ 309.8 Penalties.

(a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any financial assistance under the Act or any extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of EDA or members of its staff, or for the purpose of obtaining money, property, or anything of value, under the Act, shall be punishable by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both.

(b) Whoever, being connected in any capacity with EDA in the administration of this Act:

(1) Embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to him or pledged or otherwise entrusted to him, or

(2) With intent to defraud EDA or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner, makes any false entry in any book, report, or statement of or to EDA, or without being duly authorized draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or

(3) With intent to defraud participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, grant, commission, contract, or any other act of EDA, or

(4) Willfully gives any unauthorized information concerning any future action or plan of EDA which might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans, grants, or other assistance from the Assistant Secretary,

shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both.

§ 309.9 Records and audit.

(a) Each recipient of assistance under the Act shall keep such records as EDA shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Assistant Secretary, the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under the Act.

§ 309.10 Assurance of job opportunities for the unemployed.

(a) Applicants for business development loans under section 202 of the Act and direct and substantial beneficiaries of EDA assisted public works projects must submit to EDA assurances of compliance with the EDA policy of assuring job opportunities for the unemployed and underemployed. Such assurances shall indicate the intention of the applicant to give preferential consideration for employment, wherever possible, to the long-term unemployed and underemployed residing in the project area, in connection with the project assisted by EDA.

(b) For the purpose of this section, substantial beneficiaries of public works assistance are those industrial commercial enterprises which:

(1) Are cited in the application and;

(i) Provide all or part of the justification of the project or,

(ii) Will, as a direct result of EDA's assistance, create or save 10 or more jobs, or

(2) Although not cited in the application, in the opinion of the Assistant Secretary, provide all or part of the justification of the project.

§ 309.11 Special-purpose units of local government.

(a) When both special-purpose units of local government and units of general local government are eligible to receive financial assistance under the Act, in absence of substantial reasons to the contrary, such assistance shall be made to units of general local government rather than to special-purpose units of local government, as required by section 4232 of the "Intergovernmental Cooperation Act of 1968" (40 U.S.C. 531–535; 42 U.S.C. 4201, 4211, 4214, 4221–4225, 4231–4233, 4241, 4244).

(b) Definitions. As used in this section:

"Unit of general local government" means any city, county, town, parish, village or other general purpose political subdivision of a State.

"Special-purpose unit of local government" means any special district, public purpose corporation, or other strictly limited purpose political subdivision of a State, but does not include a school district.

§ 309.12 Preapproval construction.

It is the policy of EDA to discourage the undertaking of any construction prior to the submission of an application for financial assistance. Commencement of a project prior to approval of the application for assistance is not prohibited but may jeopardize the favorable consideration of such application since, among other things, it raises a rebuttable presumption that funds necessary for the accomplishment of the project are otherwise available and that proper contracting procedures and labor standards have not been followed.

§ 309.13 EDA assistance additional to other Federal assistance.

All financial assistance under the Act shall be in addition to any other Federal assistance previously authorized. No assistance under the Act will be used to reduce or diminish the proportional amount of any such other Federal assistance to which any eligible applicant for EDA assistance would otherwise be entitled under the provisions of any other act.

§ 309.14 Design, construction, and alteration of buildings to accommodate the physically handicapped.

(a) Any building or facility financed in whole or in part with assistance under the Act must be designed, constructed, or altered, so as to insure ready access to, and use of, such building or facility by the physically handicapped, as required by Public Law 90-480 (42 U.S.C. 4151–4156) and the regulations promulgated thereunder (41 CFR 101–17.7).

(b) Except as otherwise provided in paragraph (c) of this section, every such building, except a residential structure or a facility designed, constructed, or altered after September 2, 1969, shall be designed, constructed, or altered in accordance with the minimum standards contained in the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A 117.1 (1971) approved by and available from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.

(c) The standards established in paragraph (b) of this section shall not apply to:

(1) The design, construction, or alteration of any portion of a building or facility which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(2) The alteration of an existing building if the alteration does not involve the installation of, or work on, existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities susceptible of installations or improvements to accommodate the physically handicapped.

(3) The alteration of an existing building or facility, or of such portions thereof, to which application of the standards is not structurally possible.

(4) The construction or alteration of a building or facility, for which bids have already been solicited, or plans and specification have been completed, or substantially completed on or before September 2, 1969.

(d) The standards established in paragraph (b) of this section may be modified or waived on a case-by-case basis: *Provided*, That upon application of EDA the Administrator of the General Services Administration determines that such waiver or modification is clearly necessary.

§ 309.15 Flood hazard.

No assistance under the Act will be provided for projects which involve undue risk of flood damage, as required by Executive Order 11296, issued August 10, 1966. All applications for financial assistance will be reviewed by EDA with the purpose of minimizing exposure of the proposed project to potential flood damage and subsequent need for future Federal expenditures for flood protection and flood disaster relief.

§ 309.16 EDA construction site signs.

Applicants for financial assistance involving construction will agree to post at the site of the construction one or more signs which state "EDA New Jobs for your community in partnership with the U.S. Department of Commerce, Economic Development Administration." EDA will provide such signs, which will be mounted at the commencement of construction and removed only after the completion thereof.

§ 309.17 Project review by clearinghouses.

This section sets forth procedures for review of certain applications and possible comment by State, regional, or metropolitan clearinghouses. Such procedures have been established in order to achieve the fullest cooperation and coordination among all levels of government and to otherwise improve the administration of Federal assistance to communities.

(a) Prospective applicants for grant and loan assistance must submit notification of their intent to apply for EDA assistance to appropriate State, regional, or metropolitan clearinghouses for review and possible comment, except applicants for assistance under:

(1) Section 202 of the Act for loans and guarantees,

(2) Sections 201(a) and 301(b) of the Act for technical assistance projects under $2,500,

(3) Sections 301(a) and 301(b) of the Act for technical assistance:

(i) In support of projects of national scope and impact or in support of demonstration projects, or

(ii) In support of projects which support the Office of Minority Business Enterprise program,

(4) Section 301(b) of the Act for administrative expenses of planning organizations serving Federal trust territories, other than those formed in accordance with Part B of title IV of the Act,

(5) Sections 301(c), 301(d), and 301 (e) of the Act for research, training, and information, and

(6) Sections 505 and 509 of the Act.

(b) Certain amendments to pending or approved projects, which amendments represent a significant change to such projects, must be submitted to the clearinghouses, as required by EDA.

(c) EDA may not accept applications, except for Public Works Impact program projects, during the period for review by clearinghouses, however, EDA encourages prospective applicants to submit to EDA information copies of project notifications to clearinghouses.

(d) Applicants for Public Works Impact program projects may submit applications to EDA at any time, although such applicants must also submit project notification to clearinghouses.

(e) In the event of the existence of overlapping metropolitan and regional clearinghouses, applicants must directly notify both clearinghouses unless one clearinghouse agrees to accept notifications directly from the other clearinghouse.

(f) EDA will assist potential applicants in carrying out their responsibilities under this section.

§ 309.18 Environmental requirements.

The purpose of the environmental procedures in this section is to provide for the application of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) and the Council on Environmental Quality Guidelines (36 FR 79, April 23, 1971) to EDA actions.

(a) *Definitions.* The following terms are defined for the purpose of this section:

"Action(s)" means project(s) and continuing activity(ies) supported through EDA grants, loans, or other forms of funding assistance.

"Impact statement" means a detailed environmental statement required under section 102(2)(c) of the National Environmental Policy Act of 1969 for actions significantly affecting the quality of the human environment. The statement shall include, but not be limited to, a discussion of the following:

(1) The environmental impact of the proposed action.

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(3) Alternatives to the proposed action.

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Significant impact" means that part of an action which has the potential to significantly affect the quality of the human environment. The impact may be beneficial as well as adverse. Consideration of an action's direct and cumulative effects is also made. An action may have a significant impact based upon one or more of the following criteria, and other factors as appropriate.

(1) If a project will result in an extensive change in land use or commitment of land.

(2) If the land use change(s) is incompatible with the existing or planned land use of the surrounding area.

(3) If many people are affected.

(4) If the environmental impact of the project is controversial.

(5) If a project will affect in large measure wildlife habitats, streams, fish, and other natural elements.

(6) If the industrial borrower or public works beneficiary is a member of a class of industries categorized as major polluters.

(7) If the impact is the result of the utilization of a single resource.

(b) *Environmental review of actions.* (1) EDA will review every application for an EDA action to determine the environmental impact thereof.

(2) If the environmental impact of the action will be significant, EDA will prepare a detailed environmental impact statement.

(c) *Environmental review. Business loan and public work projects.* (1) EDA will review and evaluate the environmental impact of each project. An environmental file will be prepared and shall contain:

(i) An Economic Development Representative's assessment of the probable

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environmental impact of the project, which shall examine the following:

(a) Description of the project.

(b) Description of area (land use map, photo if available).

(c) Description as to how the project will affect air quality.

(d) Description as to the effect on water.

(e) Indication as to the effect on solid waste disposal.

(f) Indication if there are wildlife refuges wooded/forested areas, scenic areas, historical sites, recreational areas, beaches, wetlands, and the effect the project will have on these features.

(g) Indication as to the effect of the project on noise levels, glare, vibrations, visual appearance.

(h) Description of the effect of the project on radiation levels.

(i) Discussion of changes contemplated in traffic patterns.

(j) Description of effect on the environment other than discussed above.

(ii) A Regional Office environmental assessment of the project and a determination whether or not the project will have a significant impact on the environment.

(iii) A concurrence in the Regional Office assessment by the Special Assistant for the Environment.

(iv) A certification by the Special Assistant that EDA's environmental procedures have been fulfilled.

(v) A recommendation by the Special Assistant for the continued processing of the project to the Assistant Secretary.

(vi) Other environmental information which is related to the project under review.

(2) Applicants for EDA funding assistance may be asked by the Economic Development Representative and the Regional Office to provide environmentally related project data which would not otherwise be available through EDA or other governmental sources. The data may relate to engineering and architectural design, internal plant processes, available pollution abatement equipment and more. Data requested from the applicant shall be limited to specific questions and problems and should not cover the subjective evaluation of environmental impact.

(3) The Economic Development Representative shall advise the potential applicants of the nature of the environmental review within EDA.

(d) *Environmental review: Technical assistance projects.* Each technical assistance contract or grant to determine the feasibility of establishing a particular type of industrial activity or enterprise will contain a condition that due consideration will be given by the contractor to environmental impact.

(e) *Environmental review: Planning activities.* Ecological and other environmental considerations will be incorporated into the local planning process. District and area OEDP and other planning documents shall reflect the environmental impact of the district or area's economic goals and activities.

(f) *Environmental impact statements.* (1) When EDA determines that a proposed action may significantly affect the quality of the human environment, the agency will prepare a detailed environmental impact statement in accordance with the Council on Environmental Quality Guidelines.

(2) Applicants may be requested by EDA to provide certain project information which will be incorporated into the impact statement. However, the preparation of the statement will remain the ultimate responsibility of EDA.

(3) EDA administrative action on a proposed project will not be taken until the impact statement review periods set forth in section 10 of the Council of Environmental Quality Guidelines have been exercised.

(g) *Environmental balancing.* EDA will balance the anticipated adverse environmental impacts against the anticipated economic benefits of a proposed action. As a result of the balancing process EDA may recommend the following:

(1) Modification of a project application in order to minimize adverse environmental effects, or,

(2) Denial of an EDA project approval if the adverse environmental effects cannot be balanced and reconciled.

§ 309.19 Relocation assistance and land acquisition policies.

Provisions relating to relocation assistance and land acquisition policies are contained in Part 310 of this chapter.

§ 309.20 Nondiscrimination.

Provisions relating to nondiscrimination are contained in Part 311 of this chapter.

§ 309.21 Additional information.

The Assistant Secretary may require such additional information, evidence, or assurances from applicants and recipients of EDA financial assistance as he deems appropriate.

§ 309.22 Forms.

Requests or applications for assistance under this chapter shall be made on appropriate forms which may be obtained from EDA Regional Offices: *Provided,* That a timely application in writing other than on a form may be accepted as a valid application where

(a) It contains substantially the same information requested on the pertinent form, and

(b) It evidences an intention on the part of the applicant that it be considered as an application and is not merely indicative of an intent to apply.

§ 309.23 Where to file; timeliness of filing.

(a) All requests or applications for assistance under this chapter may be filed with or forwarded to the appropriate offices listed in §§ 301.30 and 301.31 of this chapter. Filing with or forwarding to the Washington office is appropriate in only limited instances.

(b) In the event the eligibility of a redevelopment area or economic development district is suspended or terminated by EDA, applications for assistance for which designation is a prerequisite (including economic development centers and eligibility for bonus grants), which applications are filed with or forwarded to the appropriate office before suspension or termination of eligibility, will be processed by EDA in the usual manner. The filing or delivery of such applications will be considered if

(1) The application is mailed by the applicant to the appropriate Regional Office and it bears a postmark not later than midnight of the date of suspension or termination of eligibility, although it may be received thereafter, or

(2) The application is delivered to the appropriate office not later than midnight of the date of suspension or termination of eligibility.

§ 309.24 Requests to reopen declined applications.

EDA may consider a request to reopen a declined application if

(a) The request to reopen is timely filed in accordance with § 309.23 and is accompanied by substantial new information of a material nature, and sufficient additional documentation, to warrant the reconsideration of the project; or

(b) The request to reopen is made and received after the date of suspension or termination of eligibility, but the declination of the application was based on a material error or mistake by EDA; the request to reopen was received within a reasonable period of time after the error or mistake was discovered or should have been discovered; and the application would not have been declined but for the error or mistake.

PART 310—RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES

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AUTHORITY: Sec. 213 (b) and (c), Public Law 91-646, 84 Stat. 1901; 42 U.S.C. 4633.

Subpart A—Introduction

§ 310.1 Purpose.

The purpose of the regulations in this part and procedures is to provide for the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to undertakings by State agencies with financial assistance by EDA.

§ 310.2 Definitions.

(a) "State agency" means any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(b) "Act", as used in this part, means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(c) "Person" means any individual, partnership, corporation, or association.

(d) "Displaced person" means any person who, on or after the effective date of the Act moves from real property or moves his personal property from real property as a result of the acquisition of such real property in whole or in part, or as a result of the written order of the acquiring State agency to vacate real property for a program or project undertaken with EDA financial assistance; and solely for the purposes of sections 202(a) and (b), and 205 of the Act, as a result of the acquisition of or as a result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation for such program or project.

(e) "Regional Directors" means those officials of EDA appointed by the Assistant Secretary for Economic Development pursuant to the authority delegated to him by the Secretary of Commerce as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 89-136, to further the aims and objectives of said Act.

(f) "Business" means any lawful activity, excepting a farm operation, conducted primarily—

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purpose of implementing section 202(a) of the Act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(g) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

§ 310.10 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing sections 205(c)(3) and 206(b) of the Act.

§ 310.11 Determination.

(a) *Availability.* No State agency shall proceed with the phase of any project which phase will cause the displacement of any person until it has provided satisfactory assurance to the EDA Regional Director that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Public Law 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in paragraph (d) of this section, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(b) *Support.* This determination or assurance should be based on a current survey and analysis of available replacement housing by the displacing State agency. Such survey and analysis must take into account the competing demands on available housing.

(c) *Waiver.* The Regional Director may in unusual situations waive the determination required by paragraph (a) of this section. These should be limited only to emergency or other extraordinary situations where immediate possession of real property is of crucial importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver. Determinations so made shall be included in the annual report required by section 214 of the Act.

(d) *Decent, safe, and sanitary housing.* A decent, safe, and sanitary dwelling is one which is found to be in sound, clean and weathertight condition, and which meets local housing codes. The displacing State agency and the Regional Director shall consider the following criteria in determining if a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the cases of unusual circumstances or in unique geographic areas.

(1) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink; a cooking stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bathroom and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) *Nonhousekeeping unit.* A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the head of the State agency causing the displacement, with the concurrence of the Regional Director.

(3) *Occupancy standards.* Occupancy standards for replacement housing shall comply with State agency approved occupancy requirements, with the concurrence of the Regional Director, or comply with local codes.

(e) *Absence or inadequacy of local standards.* In those instances where there is no local housing code or a local housing code does not contain certain minimum standards or the standards are inadequate, the head of the State agency, with the concurrence of the Regional Director, may establish the standards.

Subpart C—Moving and Related Expenses

§ 310.20 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 202(a) of the Act.

§ 310.21 Actual reasonable expenses in moving.

(a) *To be allowed.* (1) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond this 50-mile area is justified,

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(2) Packing and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the displacing agency determines that it is necessary.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment, including such modification as deemed necessary by the displacing agency of, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that the displacing State agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent, or employees), in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be eligible under regulations issued by the head of the State agency with the concurrence of the Regional Director.

(b) *Limitations.* (1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the head of the displacing State agency, with the concurrence of the regional director, determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved, but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated costs of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the head of the State agency responsible for the program or project causing the displacement and with the concurrence of the regional director, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving junkyards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property, unless such acquisition is prohibited by State law.

§ 310.22 Nonallowable moving expenses and losses.

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures or other improvements in which the displaced person reserved ownership, except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the head of the State agency with the concurrence of the regional director determines should be excluded.

§ 310.23 Expenses in searching for replacement business or farm.

(a) *To be allowed.* (1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour.

(4) In the discretion of the head of the displacing State agency with the concurrence of the regional director, necessary broker, real estate or other professional fees to locate a replacement business or farm operation under circumstances prescribed in Federal agency regulations.

(b) *Limitation.* The total amount a displaced person may be paid for searching expenses may not exceed $500 unless the head of the displacing State agency with the concurrence of the regional director determines that a greater amount is justified based on the circumstances involved.

§ 310.24 Actual direct losses by business or farm operations.

When the displaced person does not move personal property, he should be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

(a) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving 50 miles, whichever is less.

(b) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated costs of moving 50 miles, whichever is less.

(c) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

Subpart D—Payments in Lieu of Moving and Related Expenses

§ 310.30 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and regional directors in implementing section 202 (b) and (c) of the Act.

§ 310.31 Dwellings—schedules.

(a) Subsection 202(b) provides that at the option of the displaced person he may receive a moving expense allowance not to exceed $300, based on schedules established by each agency head, and a dislocation allowance of $200. State agencies with the concurrence of the regional director may pay a moving expense allowance based on moving allowance schedules maintained by the respective State highway departments. These schedules should provide for adequacy of reimbursement in every locality. The Federal Highway Administration will approve all such schedules on a current basis, and will make them available to displacing agencies upon request.

(b) Where there are no highway department schedules, the heads of the Federal agencies undertaking or providing Federal financial assistance to a project causing displacement in such areas shall cooperate in the development of a single moving expense schedule for the use of all displacing agencies.

(c) A displaced person who elects to receive a payment based on a schedule shall be paid under the schedule used in the jurisdiction in which displacement occurs regardless of where he relocates.

§ 310.32 Businesses.

(a) Eligibility: A person displaced from his business, as defined in subsection 101(7) (A), (B), and (C) of the Act, is eligible under subsection 202(c) of the Act to receive a fixed payment in lieu of moving and related expenses. Care must be exercised, in each instance, however, to assure that such payments are made only in connection with a bona fide business. The head of the State agency responsible for the program or project causing displacement shall, by regulation, with the concurrence of the Regional Director, prescribe appropriate criteria for a determination that a given activity does, in fact, constitute a bona fide business.

(b) Those businesses described in subsection 101(7)(D) of the Act are not eligible under subsection 202(c) for a payment in lieu of moving and related expenses.

(c) Where a displaced person is displaced from his place of business, no payment shall be made under subsection 202(c) of the Act until the head of the displacing State agency, with the concurrence of the Regional Director, determines (1) that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and (2) that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the displacing State agency only after consideration of all pertinent circumstances, including but not limited to, the following factors:

(i) The type of business conducted by the displaced concern.

(ii) The nature of the clientele of the displaced concern.

(iii) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

§ 310.33 Farms—partial taking.

Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided by subsection 202(c) of the Act shall be made only if the displacing State agency determines, with the concurrence of the Regional Director, that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

§ 310.34 Nonprofit organizations.

Where a nonprofit organization is displaced, no payment shall be made under subsection 202(c) of the Act until the head of the displacing State agency determines, with the concurrence of the Regional Director:

(1) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(2) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

§ 310.35 Net earnings.

The term "average annual net earnings" as used in subsection 202(c) of the Act means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or firm operation moves from the real property acquired for a project, or during such other period as the head of the displacing State agency with the concurrence of the Regional Director, determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings," it may nevertheless receive the $2,500 minimum payment authorized by subsection 202(c).

§ 310.36 Amount of business fixed payment.

The fixed payment to a person displaced from a farm operation or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than $2,500 nor more than $10,000.

Subpart E—Replacement Housing Payments for Homeowners

§ 310.40 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 203(a) of the Act.

§ 310.41 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment, authorized by section 203(a) of the Act, not to exceed $15,000, if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property, or owned and occupied the property covered or qualified under section 217 of the Act for not less than 180 days prior to displacement. The term "initiation of negotiations" means the day on which the acquiring State agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

(2) Purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the 1-year period beginning on the date on which he receives from the displacing State agency the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) A displaced owner-occupant of a dwelling who is determined to be ineligible under this paragraph may be eligible for a replacement housing payment under Subpart F of this part.

§ 310.42 Comparable replacement dwelling.

For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and:

(a) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(b) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

(c) Open to all persons regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968.

(d) Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors,

(2) Public utilities, and

(3) Public and commercial facilities.

(e) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(f) Within the financial means of the displaced family or individual.

(g) Available on the market to the displaced person.

(h) If housing meeting the requirements of this paragraph is not available on the market, the head of a displacing State agency may, upon a proper finding of the need therefor, and with the concurrence of the Regional Director, consider available housing exceeding these basic criteria.

§ 310.43 Computation of replacement housing payment.

The replacement housing payment of not more than $15,000 comprises the following:

(a) *Differential payment for replacement housing.* The head of the displacing State agency with the concurrence of the Regional Director may determine the amount which, if any, when added to the acquisition cost of the dwelling acquired by the displacing agency, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* The State agency may establish, with the concurrence of the Regional Director, a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. When more than one State agency is causing displacement in a community or an area, the respective heads of the State agencies concerned shall coordinate the establishment of the schedule for replacement housing payments.

(2) *Comparative method.* The State agency may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person, and which meets the definition of a comparable replacement dwelling. A single dwelling shall be used only when additional comparable dwellings are not available.

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(3) *Alternative to subparagraphs (1) and (2) of this paragraph.* When neither above-described method is feasible, the head of the State agency with the concurrence of the Regional Director may develop criteria for computing the payment.

(4) *Limitations.* The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(i) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the above, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced persons voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.* The head of the State agency, with the concurrence of the Regional Director, shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage, i.e., one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. The following shall be considered in computin the interest payment:

(1) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value.

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by the commercial banks in the general area in which the replacement dwelling is located.

(3) However, the interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount financed, not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

(c) *Incidental expenses.* (1) The head of the State agency with the concurrence of the Regional Director shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling (but not including prepaid expenses) such as:

(i) Legal, closing, and related costs including title search, preparation of conveyance instruments, notary fees, surveys, preparation of plats, and charges incident to recordation.

(ii) Lenders', FHA, or VA appraisal fees.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA, or VA.

(v) Credit report.

(vi) Title policies or abstracts of titles.

(vii) Escrow agent's fee.

(viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title 1, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

Subpart F—Replacement Housing Payments for Tenants and Certain Others

§ 310.50 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 204 of the Act.

§ 310.51 Eligibility.

(a) A displaced tenant or owner-occupant of a dwelling for less than 180 days is eligible for a replacement housing payment not to exceed $4,000, as authorized by section 204, if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property or actually occupied the property covered or qualified under section 217 of the Act for not less than 90 days prior to displacement. The term "initiation of negotiations" means the day on which the acquiring agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property. Tenants and other persons occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under section 203 of the Act.

(b) An owner-occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by section 204, when he rents a decent, safe, and sanitary replacement dwelling instead of purchasing and occupying a replacement dwelling, which is decent, safe, and sanitary not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

§ 310.52 Computation of replacement housing payment for displaced tenants.

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing within 1 year from displacement, he is eligible for a downpayment including expenses incidental to closing not to exceed $4,000.

(a) *Rental replacement housing payment.* The head of the State agency with the concurrence of the regional director may determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* A rental schedule may be established for renting comparable replacement dwellings as described in § 310.42 and which are available on the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations if such rent was reasonable. The State agency with the concurrence of the regional director may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. For purposes of the regulations in this part, "economic rent" is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required. When more than one State agency is causing the displacement in a community or an area, the respective heads of the agencies shall cooperate in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.* The average month's rent may be determined by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 310.42. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations, if such rent was reasonable. The State agency with the concurrence of the Regional Director may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) *Exceptions.* The head of the State agency with the concurrence of the Regional Director may establish the average months' rent paid by the displaced person by using more than 3 months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the

amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible, the head of the State agency with the concurrence of the Regional Director shall develop criteria for computing the payment.

(5) *Disbursement of rental replacement housing payments.* All rental replacement housing payments in excess of $500 will be made in four equal annual installments.

(b) *Purchases—replacement housing payment.* If the tenant elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses in the purchase of replacement housing, as follows:

(1) The downpayment shall be the amount necessary to make a downpayment on a comparable replacement dwelling. Determination of the amount necessary for such downpayment shall be based on the amount of downpayment that would be required for purchase of the dwelling using a conventional loan.

(2) Incidental expenses of closing the transaction are those as described in § 310.43(c).

(3) The maximum payment may not exceed $4,000, except that if more than $2,000 is required, the tenant must match any amount in excess of $2,000 by an equal amount, in making the downpayment.

(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

§ 310.53 Computation of replacement housing payments for certain others.

(a) A displaced owner-occupant who does not qualify for a replacement housing payment under Subpart E of this part because of the 180-day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed $4,000. The payment will be computed in the same manner as shown in § 310.52(a) except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under Subpart E of this part because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing downpayment and closing costs not to exceed $4,000. The payment will be computed in the same manner as shown in § 310.52(b).

Subpart G—Relocation Assistance Advisory Services

§ 310.60 Relocation assistance advisory program.

The head of the State agency shall provide a relocation assistance advisory program including such measures, facilities, or services as may be necessary or appropriate to perform all of the tasks detailed in section 205(c) of the Act and acceptable to the regional director, for persons displaced as a result of EDA assisted programs or projects. In the implementation of this section, when more than one State agency is causing displacement in a community or area, the heads of the agencies shall take positive action to assure the maximum coordination of relocation activities. To assure simplification and coordination in administering relocation activities, State agencies shall consider contracting with a single agency to assume full responsibility for providing relocation services and assistance in a given community or area. The head of the State agency with the concurrence of the regional director shall issue regulations and procedures requiring officials responsible for programs displacing persons, businesses, and farm operations to contact State and local agencies in the community to determine the availability of housing resources and to assure coordination of all relocation activities in the community.

Subpart H—Federally Assisted Programs

§ 310.70 Assurances.

(a) *Information.* The State agency shall provide EDA with a statement assuring EDA that the affected persons will be adequately informed of the benefits, policies, and procedures described in this part.

(b) *Inability to provide assurances.* The State agency shall provide an assurance to EDA that will comply with the provisions of this part as required by sections 210 and 305 of the Act. In the event a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement should be supported by an opinion of the chief legal officer of the State agency. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to provide any part of the required assurances. Except that after July 1, 1972, the assurances shall be completely applicable to all States.

(c) *Compliance.* The State agency shall provide an assurance that it will comply with the provisions of sections 301 and 302 of the Act, as required by section 305 of the Act. If unable to comply with any of these policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. Such opinion shall contain a full discussion of the issues involved and shall cite legal authority in support of any conclusion of legal inability to comply with any of the provisions set forth in sections 301 and 302 of the Act.

(d) *Monitoring assurances.* The Regional Directors shall take continuing action to insure that State agencies are acting in accordance with the assurances they have provided.

§ 310.71 Administration—relocation assistance programs.

If a State agency elects to contract for services pursuant to section 212 of the Act, it shall enter into a written contract consistent with EDA regulations and subject to the concurrence of the Regional Director.

§ 310.72 Notification procedures.

To the greatest extent practicable, at least 90 days' written notice of displacement must be given by the head of the State agency to each individual, family, business, or farm to be displaced. Such notice shall be served personally or by certified or registered first-class mail.

§ 310.73 Application for benefits.

(a) A displaced person who makes proper application to the State agency for a payment authorized by title II of the Act shall be paid promptly after a move, or, in hardship cases, be paid in advance.

(b) Applications for benefits under the Act must be made to the State agency within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired, or the date on which the State agency makes final payment of all costs of that real property, whichever is the later date. The head of the State agency, with the concurrence of the Regional Director, may extend this period upon a proper showing of good cause.

Subpart I—Uniform Real Property Acquisition Policy

§ 310.80 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing title III of the Act.

§ 310.81 Acquisition policies.

Before initiation of negotiations for the acquisition of real property, the head of the State agency, with the concurrence of the Regional Director, shall establish an amount which he believes to be just compensation therefor. In no event shall such amount be less than the State agency's approved appraisal of the fair market value of the property. When negotiations are initiated the owner of such real property shall be provided with a written statement of, and summary of the basis for, the amount estimated as the just compensation. The summary statement of the basis for the agency's determination of just compensation should include, as a minimum, the following:

(a) Identification of the real property and the estate or interest therein to be acquired, including the buildings, structures, and other improvements on the land, as well as the fixtures considered to be a part of the real property, and

(b) The amount of the estimated just compensation for the property to be acquired, as determined by the acquiring agency, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(c) For the purpose of promoting uniformity under section 301(3) of the Act, the head of each State agency acquiring

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real property shall, with the concurrence of the Regional Director, establish standards for appraisals used in real property acquisition criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers consistent to the maximum extent possible under State law with the Uniform Appraisal Standards for Federal Land Acquisition published in 1972 (or at such later date as may become relevant if such Uniform Standards are revised) by the Interagency Land Acquisition Conference.

§ 310.82 Payment or reimbursement for necessary expenses.

The State agency shall provide EDA with a statement that, as required by section 305 of the Act, property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Act.

Subpart J—Administrative Review

§ 310.90 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies in providing administrative review of decisions made with respect to duties and responsibilities established under the Act.

§ 310.91 Right to review.

Any person aggrieved by a determination as to:

(a) Eligibility for a payment authorized by the Act, or

(b) The amount of such payment, shall have the right to have his application reviewed by the head of the State agency acquiring real property. The head of the State agency shall establish procedures which at the minimum guarantee claimants under the Act (1) prompt consideration of all requests for administrative review, (2) prompt written notice to the claimant of any determination made in connection with his application, including a full explanation concerning any amount claimed which has been disallowed, and (3) prompt payment of any amounts which are determined to be due the claimant.

PART 311—NONDISCRIMINATION

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AUTHORITY: Sec. 701, Public Law 89–136 (Aug. 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10–4 (Apr. 1, 1970).

Subpart A—General

§ 311.1 Purpose.

The purpose of this part is to reflect to the fullest extent possible the nondiscrimination policies of the Federal Government as expressed in the several statutes, Executive orders, and messages of the President dealing with civil rights and equality of opportunity. Discrimination based on race, color, national origin, or sex shall be prohibited to all recipients of assistance from EDA.

§ 311.2 Definitions.

For the purpose of this part, the following terms whenever used herein shall be limited to the following meanings:

"Applicant" means one who submits an application, request, or plan required to be approved by an EDA official, as a condition to eligibility for assistance, and "application" means such an application, request, or plan.

"Assistance" means:

(1) Grants, loans, or agreements for participation in loans of EDA funds,

(2) Waiver of charges which would normally be made for the furnishing of Government services,

(3) The detail of EDA personnel,

(4) Technical assistance furnished by EDA,

(5) Any EDA agreement, arrangement, contract, or other instrument which has as one of its purposes the provision of assistance. This includes assistance for the purpose of planning.

"Board of Directors" means the governing body of the district or the county or multicounty planning organization.

"Compliance agency" means a Federal agency assigned responsibility for effecting compliance with Executive Orders 11246 and 11375 of one or more industry classifications. The Department of Labor's Office of Federal Contract Compliance is responsible for coordinating the activities of compliance agencies.

"Compliance review" means a comprehensive analysis and evaluation of a company's personnel practices and policies as they relate to nondiscrimination in employment.

"Employment practices" means all terms and conditions of employment including but not limited to all practices relating to the screening, recruitment, selection, appointment, promotion, demotion and assignment of personnel, and includes advertising, hiring, assignments, classification, discipline, layoff and termination, upgrading, transfer, leave practices, rates of pay, fringe benefits, or other forms of pay or credit for services rendered and use of facilities.

"Executive Committee" means the group of individuals on the Board of Directors which is delegated authority to act in behalf of the Board of Directors.

"Minority" means Negroes, Orientals, American Indians, Eskimos, Aleuts, and Spanish-surnamed Americans.

"Program" means any project or activity for the provision of services, financial aid, property, or other benefits to persons, or for the provision of facilities for furnishing services, financial aid, property, or other benefits to persons, whether provided by the recipient of assistance or by others through contracts or other arrangements with the recipient, or whether provided with the aid of assistance or with the aid of any non-Federal funds, property, facilities or other resources provided to meet the conditions under which assistance will be received.

"Recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision; or any public or private business or other entity, or any individual, in any State, who applies for EDA assistance, or to whom EDA assistance is extended directly or indirectly but does not include any ultimate beneficiary under any program. Recipient does not include lenders or lessors whose loans or lease payments are guaranteed by EDA unless the purpose of such guarantees is to assist such lender or lessor. Recipient includes the term substantial beneficiary.

"Substantial beneficiary" means an industry or commercial enterprise which as a direct result of an EDA project will construct a new facility which will employ 10 or more persons or which is intended to expand the work force at the present facility by adding 10 or more persons.

§ 311.3 General.

(a) EDA shall enforce title VI of the Civil Rights Act of 1964 as implemented by 15 CFR, Subtitle A, Part 8, which is hereby incorporated in this part.

(b) EDA shall enforce section 112 of Public Law 92–65 of the Public Works and Economic Development Act of 1971, to the end that no person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving assistance from the Economic Development Administration; and

(c) EDA shall enforce Part III of Executive Order 11246, as amended, requiring nondiscrimination in federally assisted construction contracts.

Subpart B—Affirmative Action Program Requirements

§ 311.10 General.

(a) Each applicant for assistance for public works facilities is required to obtain, and submit as part of the application for such assistance, a written affirmative action program from each entity which will use the proposed facilities.

(1) To construct a new facility employing 50 or more persons, or

(2) To expand the work force at an existing facility by adding 50 or more employees.

(b) Each applicant for business loan assistance that employs or intends to employ 50 or more persons at the proposed EDA-assisted facility shall submit a written affirmative action program.

(c) Each affirmative action program must be approved prior to the approval of the project application.

§ 311.11 Affirmative action program.

The affirmative action program is:

(a) A company conducted evaluation or analytical review of its current employment practices with respect to existing labor conditions, specifically, minority and female population labor conditions. It offers the business entity an exercise in "company self-evaluation."

(b) An action plan whereby goals to be reached are established, procedures to be utilized are defined, and timetables to be met are specified.

(c) A monitoring aid with respect to data feedback, internal auditing and reporting as a means of measuring the company's progress in equal opportunity activities.

(d) An essential checklist for pinpointing areas of minority and female group underutilization. Special consideration is given to the following categories:

(1) Officials and managers (policymaking);

(2) Professionals;

(3) Technicians;

(4) Salesworkers;

(5) Office and clerical;

(6) Skilled craftsmen.

§ 311.12 Contents of an affirmative action program.

An affirmative action program shall be developed in accordance with the criteria established in 41 CFR 60–2.10 through 60–2.31 and shall contain:

(a) A brief history of the company.

(b) A job skill manning table (Form ED–612).

(c) A company policy, stating or reaffirming its intention to practice equal opportunity in all personnel activities.

(d) A procedural plan for policy dissemination for in-house personnel as well as for the general public.

(e) A narrative definition of roles of authority and responsibility which clearly defines specific officers and/or officers charged with specific assignments for affirmative action program implementation.

(f) An analysis of company personnel practices and deficient areas with reference made to the corresponding job categories and responsible organizational units.

(g) A goal-timetable schedule projected to satisfy equal opportunity compliance requirements. This schedule shall make reference to the appropriate job categories and units, accompanied by projected dates for accomplishment of goals.

(h) A narrative reference to additional contributing programs the company projects as being of significant value to the equal opportunity program.

(i) A narrative explanation of the company's active support for local and national community development programs.

Subpart C—Civil Rights Requirements for EDA-Assisted Water and Sewer Facilities

§ 311.30 General requirement.

All proposals for EDA assistance for water, sewer, waste disposal, or like facilities shall be examined at preapplication conferences and throughout the project application processing stage to assure that the benefits of EDA financial assistance will be made available on a nondiscriminatory basis and if the project will provide residential service, it will serve as many as possible of the minority and low income members of the community.

§ 311.31 Project application procedures.

All project applications shall be accompanied by the following which shall become part of the project file.

(a) A map with supplementary drawings of the entire town, community, or areas in which the proposed facilities will be located which depicts the following in reasonable detail:

(1) The location of the proposed facilities.

(2) The location of existing facilities of similar nature or purpose.

(3) The location and definable minority group makeup of all institutions, residential, industrial, commercial, and low-income areas served or benefited by these similar existing facilities.

(4) The location and definable minority group makeup of all institutions, residential, industrial, commercial, and low-income areas which will be benefited or served by the proposed facilities and

(5) The location and definable minority group makeup of any institutions, residential, industrial, commercial, and low-income areas which are not being served by existing facilities of similar nature or purpose and which will not be benefited or served by the proposed facilities.

(b) An explanation of why those minority groups and low-income areas not being served by existing facilities and not benefited or served by the proposed facilities cannot or should not be benefited or served.

(c) A statement setting forth any future plans to utilize the proposed EDA-assisted facilities, and existing facilities, to provide similar services or benefits to specific areas.

§ 311.32 Evaluation.

Where it is determined after evaluation of the material described in § 311.31 that discrimination is indicated the Assistant Secretary shall determine whether the application shall be returned to the applicant with an explanation of the problems. Where the applicant is returned the Civil Rights Specialist shall assist the applicant to modify, if feasible, the application in order to correct the discriminatory aspects.

§ 311.33 Modifications of applications.

Prior to the approval of modifications in plans and specifications or of change in orders which would substantially modify the application as approved, the project file and such modifications shall be processed in accordance with the steps required in this subpart.

Subpart D—Nondiscrimination on the Ground of Sex

§ 311.40 Purpose.

The purpose of this subpart is to implement the provisions of section 112 of Public Law 92–65 of the Public Works and Economic Development Act of 1971, to provide that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving assistance from the Economic Development Administration on the grounds of sex.

§ 311.41 Application.

This subpart applied to any program which assistance is authorized under title(s) I, II, III, and IV of the Public Works and Economic Development Act of 1965, as amended. It applies to assistance extended under any such program after January 19, 1973 pursuant to an application approved prior to January 19, 1973.

§ 311.42 General prohibition.

No person in the United States shall, on the ground of sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.

§ 311.43 Special discriminatory acts prohibited.

(a) A recipient of assistance shall not participate, directly or through contractual or other arrangements, in any act or course of conduct which on the ground of sex.

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(1) Denies to members of one sex any service, financial aid, property or other benefit provided with EDA assistance.

(2) Provides any service, financial aid, property or other benefit to members of one sex which is different, or is provided in a manner different from that provided to the opposite sex under the program.

(3) Subjects members of one sex to segregation or separate or other discriminatory treatment in any matter related to the receipt or non-receipt of any such service, financial aid, property or other benefit under the program.

(4) Restricts members of one sex in any way in the enjoyment of such services, facilities, or any other benefit, privilege, or property, provided to the opposite sex under the program.

(5) Denies members of one sex the opportunity to participate in any program supported by EDA assistance or affords them such an opportunity in a manner different from that afforded members of the opposite sex under the program.

(6) Denies members of one sex the same opportunity or consideration given members of the opposite sex to be selected or retained or otherwise to participate as a contractor, subcontractor or subgrantee in any program supported by EDA assistance.

(7) Denies members of one sex the opportunity or consideration to participate as a member of any planning, advisory or similar group or body which assists a recipient.

(8) Treats a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement, or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program.

(b) No recipient shall, in determining the kinds of services, financial aid, facilities, or other benefit which will be provided with EDA assistance, or the class of persons to be afforded an opportunity to participate in any such program supported by EDA assistance shall directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination on the basis of their sex.

(c) The enumeration of specific forms of prohibited discrimination in this section does not limit the generality of the prohibition in § 311.42.

§ 311.44 Employment practices.

(a) A recipient shall not discriminate against a person in its employment practices on the ground of sex and shall take affirmative action to ensure against such discrimination.

(b) Recipients shall develop the following standards in their employment practices:

(1) *Recruitment and advertisement.* (i) Recipients shall recruit employees of both sexes for all jobs unless sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(ii) Advertisements in newspapers and other media for employment shall not express a preference for members of one sex unless sex is a bona fide occupational qualification reasonably necessary for the job advertised. Placement of ads under separate "male" and "female" headings is regarded as an expression of a preference, limitation, specification, or discrimination based on sex.

(2) *Job policies and practices.* (i) A recipient's written personnel policies shall indicate that there shall be no discrimination against employees on the basis of sex unless sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(ii) Individuals of both sexes shall have an equal opportunity to any available job that they are qualified for, unless sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(iii) The following situations do not warrant the application of the bona fide occupational qualification exception:

(*a*) The refusal to hire a woman because of her sex based on assumptions of the comparative employment characteristics of woman in general. For example, the assumption that the turnover rate among women is higher than men.

(*b*) The refusal to hire an individual based on stereotyped characterizations of the sexes. Such stereotypes include, for example, that men are less capable of assembling intricate equipment, that women are less capable of aggressive salesmanship.

(*c*) The refusal to hire an individual because of the preferences of coworkers, the employer, clients or customers except where it is necessary for the purpose of authenticity or genuiness, e.g., an actor or actress.

(iv) The policies and practices of the recipient shall assure appropriate physical facilities for members of both sexes unless the expense is clearly unreasonable. The recipient shall not refuse to hire persons, or deny any person a particular job because there are no restrooms or associated facilities unless the recipient is able to show that the construction of the facilities would result in unreasonable expense or use of space that would not have been so incurred or used.

(v) Recipients shall not make distinction between married and unmarried members of one sex that is not made between married and unmarried members of the opposite sex.

(vi) (*a*) Any employment policy or practice shall indicate that there will be no discrimination against applicants or employees because of pregnancy.

(*b*) Women shall not be penalized because they require time away from work on account of childbearing. When under the recipients' leave policy, a woman would qualify for leave, then childbearing must be considered by the employer to be a justifiable use of such leave. Following childbirth, and upon signifying during the leave period her intent to return, a woman must be reinstated to her original job or to an equivalent job without loss of service credits.

(vii) Recipients shall not deny employment to anyone because that person has young children.

(viii) The recipient shall not specify on the basis of sex any difference for male and female employees with respect to mandatory or optional retirement age.

(3) *Separate job lines.* In the absence of a bona fide occupational qualification an employer may not classify a job as "male" or "female" or maintain separate lines of progression or separate seniority lists. A seniority system or line of progress which distinguishes between "light" and "heavy" jobs is similarly unlawful if it is merely a disguised form of classification by sex or creates unreasonable obstacles to job advancement by members of one sex.

(4) *Wages.* The recipient shall not discriminate on the basis of sex in terms of wages paid.

(5) *Protective legislation.* State protective laws and administrative regulations will not be recognized by EDA where such laws and regulations are in conflict with the spirit of this subpart.

§ 311.45 Affirmative action program.

(a) EDA recognizes that women are likely to be underutilized in departments and jobs within departments as follows: Officials and managers, professionals, technicians, sales workers (except over-the-counter sales in certain retail establishments), craftsmen (skilled and semi-skilled).

(b) (1) Each applicant for EDA assistance for public works facilities shall obtain and submit as part of the application for such assistance a written affirmative action from each entity which will use the proposed facilities

(i) To construct a new facility employing 50 or more employees

(ii) To expand the work force at an existing facility by adding 50 or more employees

(2) The affirmative action program shall contain an analysis of the jobs, enumerated in paragraph (a) of this section, as filled by women and specific goals and timetables for the employment of women in those positions determined to be underrepresented with women. See Subpart B of this Part.

(c) Each applicant for EDA business loan assistance that employs or intends to employ 50 or more persons at the proposed EDA assisted facility shall submit a written affirmative action program which shall contain an analysis of the jobs, enumerated in paragraph (a) of this section, as filled by women and specific goals and timetables for the employment of women in those positions determined to be underrepresented with women. See Subpart B of this part.

§ 311.46 Nondiscrimination clause.

Every application for, and every grant, loan or contract authorizing approval of, EDA assistance and every modification

or amendment thereof, as a condition to its approval, shall contain or be accompanied by an assurance that the program will be conducted in compliance with the requirements imposed by this subpart.

§ 311.47 Cooperation, compliance reports and reviews and access to records.

(a) Each responsible EDA official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) Each recipient shall keep such records and submit to the responsible EDA official timely, complete, and accurate compliance reports at such times and in such form and containing such information as the responsible EDA official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart. In the case of any program under which a primary recipient extends assistance to any other recipient, or under which a recipient is obligated to obtain or to cooperate in obtaining the compliance of other parties subject to this subpart, such other recipients or other parties shall also submit such compliance reports to the primary recipient or recipient as may be necessary to enable them to carry out their obligations under this subpart.

(c) Each recipient shall permit access by the responsible EDA official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Where any information required of a recipient is in the exclusive possession of another who fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the program under which the recipient receives assistance, and make such information available to them in such manner, as the responsible EDA official finds necessary to apprise such persons of the protections against discrimination assured them by this subpart.

(e) The responsible EDA official shall from time to time review the practices of recipients to determine whether they are complying with this subpart.

§ 311.48 Complaints.

(a) Any person who believes members of one sex to be subjected to discrimination prohibited by this subpart may file with the responsible EDA official a written complaint.

(b) Any person who believes members of one sex to be subjected to discrimination prohibited by this subpart may have a representative file with the responsible EDA official a written complaint.

(c) A complaint shall be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible EDA official.

§ 311.49 Intimidatory or retaliatory acts prohibited.

(a) No recipient or other party shall intimidate, threaten, coerce, or discriminate against, any person for the purpose of interfering with any right or privilege secured by this subpart, or because the person has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart.

(b) The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial or other proceeding thereunder.

§ 311.50 Investigations.

(a) The responsible EDA official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart.

(b) The investigation shall include, where appropriate, a review of the pertinent practices and policies of the recipient or other party subject to this subpart, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether there has been a failure to comply with this subpart.

(c) (1) If an investigation pursuant to paragraph (a) of this section indicates a failure to comply with this subpart, the responsible EDA official will so inform the recipient and the matter will be resolved by informal means.

(2) If an investigation does not warrant action pursuant to paragraph (c) (1) of this section, the responsible EDA official will so inform the recipient and the complainant, if any, in writing.

§ 311.51 Sanctions.

If there is a failure to comply with this subpart, the Secretary is authorized to:

(a) Suspend or terminate assistance.

(b) Refuse to grant or to continue assistance.

(c) Take such other action as may be authorized by law.

Subpart E—Minority Representation and Employment on Public Planning Organizations.

§ 311.60 Purpose.

This subpart sets forth EDA requirements for the participation of minority persons on district organizations, on county and multicounty planning organizations, and on OEDP committees. This subpart establishes minimum minority representation requirements and implementation procedures for the selection and approval of minority representatives on such organizations and committees and also establishes affirmative action program requirements for the employment of minority persons on the staffs of such organizations. Where State laws or regulations preclude the degree of minority representation required by this subpart, EDA will consult with the individual planning and development organizations and OEDP committees and determine the means to effect meaningful involvement of minorities.

§ 311.61 Minority representation requirements.

(a) The percentage of the minority representation within the total membership of a governing board of planning and development organizations or an OEDP committee shall equal or exceed the percentage of the minority population within the entire area served by the organization or committee with the following exceptions:

(1) Where the minority population equals or exceeds 5 percent but, because of the size of the governing board or OEDP committee, it is not sufficiently large to establish representation in accordance with paragraph (a) of this section, there shall be at least one minority representative.

(2) Where the minority population exceeds 25 percent of the total population, the minority representation on the governing board or OEDP committee is not required to be greater than one-fourth.

(b) The membership of the Executive Committee shall reflect the ratio of the minority representation on the Board of Directors. In all cases where there is minority representation on the Board by virtue of the requirements of paragraph (a) of this section, there shall be at least one minority representative on the Executive Committee.

§ 311.62 Selection of minority representatives.

All planning and development organizations and OEDP committees are required to provide minorities with the opportunity to select their own representatives.

§ 311.63 Implementation procedures.

(a) New planning and development organizations.

(1) The following guidelines are established as a model procedure to assure that, after June 1, 1971, new planning and development organizations seeking final EDA approval of an application for initial funding or a request for district designation shall provide minorities the opportunity to select their own representatives.

(i) The organization shall prepare a written inventory of all political, civic, religious, professional, social, and fraternal organizations and groups substantially representative of the minority groups in the areas. Such inventory shall include the following information:

(*a*) The names and mailing addresses of the local organizations.

(*b*) Descriptions of their activities (if not self-evident from the organizations' names).

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(c) Minority group(s) represented by the organization.

(d) Approximate numerical membership for each organization.

(ii) The organization shall notify in writing the minority organizations and groups listed in the inventory of the efforts being undertaken to organize a planning and development organization, and of EDA's minority representation requirements. It shall also request representatives of the minority organizations and groups to assemble at a designated time and place for the purpose of selecting the minority representatives who will participate in the formation and activities of the organization and become members of the Board of Directors. The role of the organization at such a meeting should be limited to coordinating the meeting and assisting the minority organizations and groups in selecting their representatives.

(2) A new planning and development organization may develop an alternate procedure if it believes that such procedure will better achieve the minority representation requirements than the model. However, such an alternate procedure must be approved by the Director, Office of Civil Rights, in coordination with the Regional Director, after an initial review by the Civil Rights Specialist.

(b) In all cases, whether the new planning and development organization follows the model procedure established in paragraph (a)(1) of this section or develops an approved alternate procedure, paragraph (a)(2) of this section, the following minimum information shall be required as part of the application for initial funding, or where funds are not requested, as part of the District OEDP:

(1) A listing of all political, civic, religious, fraternal, professional, and social organizations substantially representative of minority groups in the area served.

(2) The names of the organizations listed in paragraph (b)(1) of this section which were actually given the opportunity to participate in the selection of minority representatives. If any of the organizations were not given such an opportunity, an explanation should be given.

(3) A description of the method or methods by which minority groups were notified.

(4) A description of the method or procedures through which minority representation was achieved.

(5) The names of the minority persons selected by the minority organizations and groups to serve as minority representatives.

(c) EDA shall review the information submitted pursuant to (b) of this section and shall certify whether the new planning and development organization has complied with the requirements of § 311.61. Such certification shall be made part of the application file.

§ 311.64 Existing planning and development organizations.

Each planning and development organization which as of June 1, 1971 was funded by EDA or which represents a district organization designated before June 1, 1971 shall

(a) Certify that it has already met the requirements of § 311.61, by submitting an acceptable report as required in § 311.65 or

(b) Implement the requirements of § 311.66.

§ 311.65 Written report.

Within 6 months from the date it receives notice from EDA of the minority representation requirements, § 311.61, the organization shall submit a written report certifying that the minority representation requirements have been met. The report shall include:

(a) The total population and the minority population of the area served by the organization.

(b) A list of all the members of the governing board and of the Executive Committee indicating the minority representatives.

(c) A description of the methods through which this minority representation was established.

§ 311.66 Written plan.

(a) Within 6 months from the date it receives notice from EDA of the minority representation requirements, § 311.61, the organization shall develop a written plan describing the means through which EDA's minority representation requirements will be met. The plan shall include the following information:

(1) The total population and the minority population of the area served by the organization.

(2) A listing of all political, civic, religious, fraternal, professional, and social organizations substantially representative of the minority groups in the area served.

(3) Numerical goals for minority representation and projected size of the governing board and Executive Committee.

(4) A description of the method and steps by which the minority representation requirements will be achieved.

(5) A timetable scheduling the dates by which such steps will be taken.

(6) Revisions of bylaws.

(7) The efforts already undertaken to achieve minority representation.

(b) The plan should be based on the model procedure outlined in § 311.63(a) or an alternate procedure which the organization deems appropriate.

(c) The plan shall be implemented by the organization as soon as practicable, but no later than 1 year from the date of approval. At that time the organization shall submit an implementation report outlining how the plan has been implemented and describing the makeup of the governing board and the Executive Committee.

§ 311.67 New area OEDP committees.

(a) After June 1, 1971 an area OEDP committee must certify that it has met the minority representation requirements established in § 311.61 prior to the approval by EDA of an initial OEDP. The committee should use the procedures found in § 311.63(a)(1) or an alternative procedure which it has developed.

(b) The initial OEDP shall include a list of the members of the OEDP committee with an indication of race and description of the methods through which the minority representation requirement was met.

§ 311.68 Area OEDP committees established before June 1, 1971.

Each area OEDP committee established before June 1, 1971 shall be required to meet the minority representation requirements established in § 311.61. The first annual OEDP report required by EDA after June 1, 1972 shall include a list of the members of the OEDP committee with an indication of race and a description of the methods through which the minority representation requirement was met.

§ 311.69 Reporting procedures.

(a) After EDA's requirements for minority representation have been met, each planning and development organization and area OEDP committee will be required to report annually to EDA its minority membership and/or the membership of all governing bodies and functional committees.

(b) The report shall include the following:

(1) Names of members.

(2) County of residence.

(3) Racial or ethnic origins of each member.

(4) Composition of each organization, governing body, and committees.

(5) Total population of the area served by the organization or OEDP committee, based on the most recent available data.

(6) Minority population of the area served by the organization or OEDP committee, based on the most recent available data.

(c) Each organization subject to the requirements of § 311.70 shall also include a report on the progress made under its affirmative action program.

§ 311.70 Affirmative action programs.

Under the Department of Commerce title VI regulations, recipients of EDA financial assistance are required to take affirmative action to insure that job applicants are employed, and treated during employment, without regard to their race, color, or national origin. As part of the implementation of this requirement, EDA requires that each planning and development organization shall submit a written affirmative action program describing its commitment to employ minorities on its professional and support staff.

The affirmative action program shall include the following:

(a) An analysis of staffing to determine whether minority group members are being underutilized in either professional or clerical job categories. The analysis shall include:

(1) The total population and the minority population in the area served.

(2) The availability of promotable minority employees on the current staff.

(3) The anticipated expansion, contraction, and turnover in the staff.

(4) The existence of training institutions capable of training minority group members in the requisite skills.

(5) The degree of training which the organization is reasonably able to undertake as a means of making staff positions available to minority group members.

(b) Goals and timetables.

(1) The planning and development organizations in existence before June 1, 1971 shall establish goals and, where appropriate, timetables for the employment of minorities on its professional and support staff.

(i) The goals and timetables are to correct minority underutilization.

(ii) Timetables should reflect such factors as natural turnover and attrition.

(iii) Timetables should not be based on terminations of staff in order to establish minority representation.

(2) Planning and development organizations established after June 1, 1971 must establish goals on the basis of paragraph (a) of this section.

(3) The minority members on the staff of each organization should in general reflect the ratio of minority representation required for the board of directors.

(c) A statement of the organization's equal employment opportunity policy.

(d) A list of sources for minority recruitment.

(e) The name of the person designated by the organization as the director or manager of the affirmative action program. The person designated should have the authority and responsibility for effectively implementing the affirmative action program.

(f) Evidence that the organization has validated job requirements to insure that the requirements are reasonable and do not include experience factors which would automatically exclude otherwise qualified minority candidates.

§ 311.71 Submission of affirmative action program.

(a) Each organization established after June 1, 1971 shall submit its affirmative action program with the application for funding, or in case funds are not requested, as part of the OEDP.

(b) Each organization established before June 1, 1971, shall submit its affirmative action program with the report required by § 301.65(a) of this chapter or with the implementation report required by § 301.66(b) of this chapter.

§ 311.72 Determination of satisfactory affirmative action program.

(a) The Civil Rights Specialist shall:

(1) Evaluate each affirmative action program and where necessary, negotiate with the planning and development organizations to correct any deficiencies.

(2) Prepare a written evaluation of each affirmative action program.

(b) The Director, Office of Civil Rights, shall determine whether each affirmative action program is satisfactory. In those instances where the Director determines that the affirmative action program is unacceptable, EDA shall so inform the organization submitting the program and shall negotiate with the organization to correct any deficiencies.

§ 311.73 Compliance review procedures.

(a) In order to determine whether planning and development organizations and area OEDP committees are complying with the provisions of this subpart, EDA shall conduct periodic compliance reviews which shall include evaluation of:

(1) The performance of the organization in meeting its quantitative goals and timetables for minority participation.

(2) The performance of the organization in assuring that minority representatives actually participate in the business of the organization.

(3) The performance of the organization with regard to employment of minorities on its staff.

(b) In evaluating these elements of compliance, the Civil Rights Specialist shall utilize standards set forth in the planning and development organization's or area OEDP committee's initial OEDP, or latest affirmative action program, these standards having been approved by EDA during their formulation.

§ 311.74 Noncompliance procedures.

(a) Where compliance reviews, or reviews of required reports indicate a failure to comply with this subpart, the Director, Office of Civil Rights, shall in coordination with the Regional Director, notify the planning and development organizations or area OEDP committee and the matter will be resolved by informal means whenever possible.

(b) If the Director, Office of Civil Rights, in coordination with the Regional Director, determines that the matter cannot be resolved by informal means, they shall, through the Deputy Assistant Secretary for Economic Development Planning, recommend to the Assistant Secretary that compliance be effected by the suspension or termination of assistance or the refusal to grant or to continue assistance, or by any other means authorized by law.

(c) Any procedures taken to effect compliance must be consistent with the Department of Commerce Civil Rights regulations (15 CFR Part 8, Subpart B).

NOTE: Incorporation by reference approved by Director of the Federal Register, January 15, 1973.

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PART III

OFFICE OF MANAGEMENT AND BUDGET

■

ADVISORY COMMITTEE MANAGEMENT

Administrative Guidelines and Management Controls

No. 15—Pt. III——1

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OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE MANAGEMENT

Administrative Guidelines and Management Controls

The Federal Advisory Committee Act, Public Law 92–463, assigns to the Director of the Office of Management and Budget responsibility for prescribing "administrative guidelines and management controls applicable to advisory committees." Pursuant to that authority and to Executive Order 11686 (1972), the Director has proposed issuance of a revised OMB Circular A–63 entitled "Committee Management." In addition, the Office of Management and Budget in conjunction with the Department of Justice has prepared a draft memorandum regarding implementation of the Federal Advisory Committee Act.

To assist the Federal agencies in preparing their initial regulations implementing the Act, the draft memorandum was distributed to the agencies on an informal basis in November 1972. The text of the memorandum printed here is virtually identical to that of the November issuance.

After comments on the memorandum have been received and analyzed, its provisions will be revised as appropriate, and the memorandum will be issued in modified form. The new form will be a narrative section-by-section discussion of the Act and will include references to the legislative history.

Interested persons are invited to submit legal and other comments on the proposed circular and memorandum, on or before March 26, 1973. Such comments should be sent, in duplicate, to the Director, Office of Management and Budget, Attention: Committee Management Secretariat, Room 9026, New Executive Office Building, Washington, D.C. 20503, with a copy to the Office of Legal Counsel, Department of Justice, Washington, D.C. 20530.

VELMA N. BALDWIN,
Assistant to the Director for Administration, Office of Management and Budget.

ROGER C. CRAMTON,
Assistant Attorney General, Office of Legal Counsel.

[Circular No. A–63]

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: ADVISORY COMMITTEE MANAGEMENT

1. *Purpose.* This circular provides guidance for the implementation of the Federal Advisory Committee Act, Public Law 92–463, hereinafter referred to as the "Act," and Executive Order No. 11686, October 7, 1972, entitled "Committee Management." The circular should be used in conjunction with the joint OMB-Department of Justice memorandum which is to be issued separately, regarding implementation of the Act. This circular establishes requirements for annual reports on advisory committees. These reports will provide the basis for the President's annual report to the Congress.

2. *Rescission.* This circular rescinds and supersedes Circular A–63, "Management of Interagency Committees," dated March 22, 1964, and becomes effective January 5, 1973.

3. *Definition.* For the purpose of this circular the terms "advisory committee" and "Presidential advisory committee" shall have the same meaning as when used in the Act.

4. *Responsibilities.* a. The OMB Committee Management Secretariat is responsible for general oversight of all advisory committees and for the performance of the functions vested in the Director of OMB by the Act and Executive Order No. 11686. In the performance of those functions, the Secretariat may assign responsibility to agencies for support of presidential advisory committees, for the evaluation of their reports, and for subsequent reporting to the Congress.

b. Department and agency heads are responsible for the performance of the functions vested in them by the Act and for the management and submission of reports to OMB concerning agency advisory committees.

c. Each agency shall publish implementing regulations containing guidelines and management controls for advisory committees.

d. Each agency shall maintain systematic information on the nature, functions, and operation of each advisory committee within its jurisdiction.

5. *Annual report.* The annual report is based on the calendar year. The information provided will be included in the President's report to the Congress. Agency reports shall include only those advisory committees established by that agency, or, if created by Executive order or statute, for which the agency has responsibility. The report should be structured in this way:

a. An individual sheet (attached) filled out for each committee;

b. A summary which provides four separate alphabetical lists:

(1) New advisory committees created by the agency whose creation was specifically directed by statute;

(2) New advisory committees created by the agency during the reporting year other than those specifically directed by statute;

(3) All other advisory committees for which the agency is responsible that were in existence at the end of the calendar year except those listed in (1) and (2) above;

(4) All advisory committees terminated during the reporting calendar year.

c. An estimated aggregate cost to operate such committees, including man-years of staff support:

(1) For the total listing of advisory committees reported;

(2) For each separate list reported under paragraph b. above.

Copies of reports shall be submitted in quadruplicate to the Director, Office of Management and Budget, Attention: Committee Management Secretariat, no later than February 1.

ANNUAL REPORT OF AGENCY ADVISORY COMMITTEES REPORT PERIOD: CY ——— [1]

1. Exact name of advisory committee.
2. Is the committee ad hoc or continuing? [2]
3. Establishment date or date of continuation.[3]
4. Specific establishment authority.
5. Is establishment authority:[4]
a. Specifically directed by law.
b. Authorized by law.
c. Established by agency authority.
d. Established by presidential directive.
6. Termination or report date.[5]
7. Brief statement of function.
8. Title(s) and date(s) of report(s) submitted, if any.
9. Actual dates of all meetings (with a summary total as to the number of times met).
10. Names, occupations, and addresses of current members (may be attached separately).
11. Estimated total aggregate annual cost to the United States to fund, service, supply, and maintain the committee.
12. Estimated annual man-years of staff support for the committee.
13. Name, address, and telephone number of the agency representative to provide additional information.
14. If any information is excluded from this report for reasons of national security, a statement to that effect should be included.

DRAFT OFFICE OF MANAGEMENT AND BUDGET/DEPARTMENT OF JUSTICE MEMORANDUM ADVISORY COMMITTEE MANAGEMENT

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TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: IMPLEMENTATION OF THE FEDERAL ADVISORY COMMITTEE ACT

1. *Basis; applicability.* This Memorandum is based upon the Federal Advisory Committee Act, Public Law 92–463, and Executive Order No. 11686 (Oct. 7, 1972) entitled "Committee Management." Subsection 7(c) of the Act states that the Director of the Office of Management and Budget "shall prescribe administrative guidelines and management controls applicable to advisory committees • • •"

The particular sections of the Act upon which the provisions of this Memorandum are based are indicated in parentheses following the various provisions. Section 4(a) of the Act states "The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise." Where the statute establishing an advisory committee is vague or silent, the provisions of the Act are controlling. However, where the establishing statute deals specifically with the subject, that statute is controlling.

This Memorandum applies to all "advisory committees" within the meaning of the Act.[1]

The effective date of the Act, except as provided in section 7(b), is January 5, 1973, except to the extent that full implementation of the Act requires that certain steps be taken prior to that date.

2. *Policy.* In interpreting this Memorandum the purposes of Congress in adopting the Act should be followed. (Section 2.) These purposes include—

a. Limiting the number of advisory committees to those that are essential and terminating any advisory committees which are not fulfilling their purposes;

b. Insuring effective use of advisory committees and their recommendations, while assuring that decisional authority is retained by the responsible Federal officers.

c. Providing standards and uniform procedures with respect to the creation, operation, and duration of advisory committees; and

d. Insuring that adequate information is provided to the Congress and the public regarding advisory committees and insuring adequate opportunities for access by the public to advisory committee meetings.

3. *Definitions.* For purposes of this Memorandum—

a. "Act" means the Federal Advisory Committee Act.

b. "Advisory committee" has the meaning set forth in paragraph 4 of this Memorandum.

c. "Agency" has the meaning set forth in 5 U.S.C. 551(1). (Section 3(c).) That definition is as follows:

• • • each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) The Congress;

(B) The Courts of the United States;

(C) The Governments of the territories or possessions of the United States;

(D) The government of the District of Columbia; • • •

d. "Agency head" means the head of an agency which uses an advisory committee (or the delegate of such agency head).

e. "Committee Management Secretariat" has the meaning explained in paragraph 6 of this Memorandum.

f. "Director" means the Director of the Office of Management and Budget or his delegate (Section 3(1).)

g. "Presidential advisory committee" means an advisory committee which advises the President. (Section 3(4).)

4. *Committees covered by the Act.* a. Basic meaning of "advisory committee."

(1) Subject to the exclusion of committees composed wholly of full-time Federal employees and the other exclusions described in paragraph 4b, below, the term "advisory committee" means:

Any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof • • •, which is—

(A) Established by statute or reorganization plan, or

(B) Established or utilized by the President, or

(C) Established or utilized by one or more agencies,

In the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government • • • (Section 3(2).)

The terms of the Act and its legislative history, including numerous indications of reliance upon concepts used in Executive Order No. 11007 (1962) and No. 11671 (1972), show that, while broad coverage was intended, the statute is aimed at "advisory committees or similar groups" in the ordinary sense. In general, such bodies would have all or most of the following characteristics:

(a) Fixed membership, usually selected by a Federal official or determined on the basis of Federal law;

(b) Established by a Federal official or on the basis of Federal law; or, if not federally established, the initiative for its use as an advisory body for the Federal Government came from a Federal official rather than from a private group;

(c) A defined purpose of providing advice regarding a particular subject or particular subjects;

(d) An organizational structure (e.g., officers) and a staff;

(e) Regular or periodic meetings.

Thus, for example, the Act would not apply where a group of persons seeks and obtains a meeting (or even a series of meetings) with a Federal official in order to present him with their views on certain subjects.

(2) Committees "utilized" to advise a Federal official or agency, though not established for that purpose, are covered by the Act. With respect to such a group, the Act applies to the extent that the group is engaged in the function of advising the Federal official or agency.

For example, the Act would apply to an already existing organization of scholars enlisted by an agency to provide advice on a continuing basis. Meetings and records of the organization pertaining to its function of advising Federal officials would be subject to the Act. However, with regard to the organization's other functions, the Act would not apply.

(3) A group satisfying the other criteria outlined in (1) above may be an "advisory committee" even though its duration is short. For example, a task force created to complete, within a period of months, a study of a particular situation might be covered. Another example of an ad hoc (or noncontinuing) group which might be subject to the Act is a committee whose function is to conduct a single conference.

(4) The Act's definition of "advisory committee" includes "subcommittee(s)" and "other subgroup(s)" of the listed types of groups. The manner in which the various provisions of the Act apply to subgroups is indicated in the pertinent portions of this Memorandum (e.g., paragraph 8d regarding committee charters and paragraph 10 regarding meetings). With regard to certain requirements, a distinction is made between formal and informal subgroups. A formal subgroup might be one which independently possesses most of the requisites of an advisory committee (fixed membership, separate staff, regular meetings, etc.). An informal subgroup is one possessing few of those requisites (e.g., during a particular meeting, an advisory committee might devide itself into several topics). Another example might be several committee members who confer informally with regard to a matter relating to the committee.

(5) In general, the functions of an advisory committee are to be "solely • • • advisory."[2] "Operational" groups are not covered by the Act.

Where a group provides some advice to an agency, but the group's advisory function is incidental to and inseparable from other (e.g., operational) functions, the Act does not apply. If the advisory function is separable, the group(whether or not Federally established) should be made subject to the Act to the extent that it operates as an advisory committee.

b. Groups excluded from the Act's coverage.

(1) The Act does not apply to any committee "which is composed wholly of full-time officers or employees of the Federal Government." (Section 3(2).)

(2) The Advisory Commission on Intergovernmental Relations and the Commission on Government Procurement are excluded from the Act's coverage. (Section 3(2).)

(3) The Act is inapplicable to "any advisory committee established or utilized by", the Central Intelligence Agency or the Federal Reserve System. (Section 4(b).)

(4) The Act is inapplicable to "any local civic group whose primary function is that of rendering a public service with respect to a Federal program." (Section 4(c).)

(5) The Act is inapplicable to "any State or local committee • • • or similar group established to advise • • • State or local officials or agencies." (Section 4(c).)

(6) The term "advisory committee" is not intended to include persons or organizations which have contractual relationships with agencies. For example, a consulting firm hired by an agency to provide advice regarding a matter would not be subject to the Act.[3] However, in determining whether the Act is applicable in a specific situation, the substance of the relationship between (i) the agency and (ii) the other persons or organization is controlling. If the criteria described in paragraph 4a(1) above are present, the existence of a contractual relationship with one (or more) of the committee's members would not affect coverage by the Act.

5. *Responsibilities of the President; Delegation to OMB.* a. Pursuant to Executive Order No. 11686 (1972), the Director is to perform or to designate, from time to time, other Federal officers to perform the functions vested in the President by the Act, except the functions (described in section 6(c) of the Act) of making annual reports to Congress.

b. The annual reports of the President shall be prepared by the Director for the consideration of the President.

c. The Director shall be responsible for submitting or causing another agency to submit to Congress a report on the recommendations contained in any public report submitted to the President by a Presidential advisory committee. (Section 6(a).) Any such report to Congress shall contain proposals for action or reasons for inaction with respect

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[1] Indicate appropriate calendar year of report.

[2] Generally an ad hoc committee is one which is established for a particular purpose, and has a short duration. (A short duration is usually less than 12 months.)

[3] The establishment date is the original creation date of the committee. The continuation date is the latest date that a review has taken place and the determination to continue the committee has been made. Indicate the most recent date.

[4] Indicate the appropriate letter of the establishing authority for the committee.

[5] This is to indicate when the committee will cease functioning. It may be the final terminating date or the date a new continuance is due.

[1] The term "advisory committee" is explained in paragraph 4 of this Memorandum.

[2] Exceptions to this rule are explained in paragraph 4a above and in paragraph 8c(1) of this Memorandum.

[3] But see paragraphs 11b and 11d of this Memorandum.

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to such public recommendations. (Section 6 (b).)

Any such report to Congress shall be submitted within 1 year of the date the committee's report is submitted to the President.

6. *Other responsibilities of OMB.* In general, the functions of the Director under the Act and under Executive Order No. 11686 (1972) shall be carried out by the Committee Management Secretariat of the Office of Management and Budget. (Section 7(a).)

In addition to the matters listed in paragraph 5 of this Memorandum, specific functions of the Secretariat include the following:

a. The Secretariat shall provide guidance and assistance to advisory committees and to the agencies toward the ends of improving advisory committee performance and assuring compliance with the Act. (Section 7(c).) In performing this function, the Secretariat shall consider recommendations submitted by agency heads.

The administrative guidelines and management controls contained in this Memorandum may be supplemented by additions to this Memorandum or by separate directives or orders. (Section 7(c).)

Regarding interpretation of the Act, the Secretariat or an agency may consult the Office of Legal Counsel of the Department of Justice.

To insure consistency with the Memorandum the Secretariat shall review agency regulations, administrative guidelines and management controls implementing the Act and any amendments to such documents.

b. The Secretariat shall conduct an annual review of the activities and responsibilities of each advisory committee. (Section 7(b).) The types of information to be provided with regard to each advisory committee are set forth in paragraph 12a of this Memorandum.

c. The Secretariat shall have access to the records of any advisory committee and, as indicated in paragraph 12b of this Memorandum, may require periodic reports concerning advisory committee operation.

d. The Secretariat shall exercise the function of the Director concerning establishment by an agency of an advisory committee. (Section 9(a)(2).)

e. On the basis of its annual review of advisory committees, the Secretariat shall make recommendations to the President, the Director, and to either the agency head (in the case of an advisory committee created by the agency) or Congress (in the case of an advisory committee established by statute) regarding the effectiveness of (particular) advisory committees, revision of advisory committee functions and abolition or merger of advisory committees. (Section 7(b).)

7. *Responsibilities of Agencies.* a. The head of each agency shall insure compliance with the Act and this Memorandum and shall issue appropriate implementing regulations. Such regulations (and any amendments to them) shall be submitted to the Office of Management and Budget Secretariat and to the Office of Legal Counsel, Department of Justice prior to taking effect. Such regulations shall apply to all advisory committees established or used by the agency and shall be consistent with the agency's regulations implementing the Freedom of Information Act.

Each agency may establish (as part of its regulations or otherwise) additional administrative guidelines and management controls for advisory committees established by the agency. (Section 8(a).)

b. The head of each agency shall designate an Advisory Committee Management Officer who, with respect to advisory committees established by the agency, shall carry out the functions specified in section 8(b) of the Act and the corresponding portions of this Memorandum (paragraphs 8–11). Such Officer may also be assigned such functions with respect to advisory committees used by, but not established by, the agency.

The name of each Advisory Committee Management Officer shall be provided to the OMB Secretariat.

c. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee which it uses. (Section 8(a).) This shall include, in a single location, a complete set of the charters of the advisory committees used by the agency.

d. Each agency shall cooperate with the OMB Secretariat in implementing the Act and this Memorandum.

(1) When appropriate, an agency head shall submit to the OMB Secretariat recommendations for improving advisory committee performance. (Section 7(c).)

(2) Upon the request of OMB, an agency shall evaluate and report to the Congress on public recommendations of a Presidential advisory committee. (Section 6(b).) (See para. 5(c).)

(3) Each agency shall cooperate with OMB with regard to the annual review of advisory committees (see paragraph 12) and furnishing periodic reports or other information concerning advisory committees.

8. *Creation of Advisory Committees.* a. Subsection 9(a)(2) of the Act deals with the establishment of advisory committees by agencies where such establishment is not specifically authorized by statute or by the President.

In such a case, prior to establishment of the advisory committee, the agency head must consult with the OMB Secretariat. Such "consultation" may be in the form of a letter or memorandum from the agency head describing the nature and purpose of the proposed advisory committee and the reasons why it is needed, including an explanation of why the functions of the proposed committee could not be performed by an agency or by an existing committee. (Section 5(b).)

If the OMB Secretariat is satisfied that establishment of the advisory committee would be in accord with the Act, the agency head shall prepare a written certification to the effect that creation of the advisory committee is in the public interest and shall publish in the FEDERAL REGISTER the certification and a description of the nature and purpose of the committee.

Such notice must be published at least 30 days prior to the filing of the committee's charter (in accord with sec. 9(c) of the Act); provided that in particular cases the OMB Secretariat may, for good cause, authorize a shorter period of time between publication of the notice and the filing of the charter.

If not satisfied that establishment of the advisory committee would be in accord with the Act, the OMB Secretariat shall inform the agency head in writing within 30 days.

b. The guidelines set forth in section 5(b) of the Act (regarding legislation establishing or authorizing establishment of an advisory committee) are, to the extent they are applicable, to be followed by the President, agency heads, or other federal officials in creating advisory committees. (Section 5(c).) With respect to the creation or renewal of any such advisory committee, the following guidelines shall be observed:

(1) No advisory committee is to be created if its functions are being or could be performed by an agency or by an existing committee.

(2) The agency or official creating an advisory committee shall clearly define the purpose of the committee.

(3) The membership of an advisory committee shall be fairly balanced in terms of the points of view represented and the committee's functions.

The membership of a committee necessarily depends on its functions. For example, the membership of a committee whose sole function is to consider scientific questions may be limited to scientists. However, an effort should be made to include scientists representing different points of view and different types of employment (university, industry, etc.).

If a committee is concerned with matters involving questions of social policy, representatives of the public interest should be included and representation of a variety of economic and social groups and geographic areas is desirable.

No strict rule of proportional representation of the various types of groups is applicable. However, in regard to the selection of committee members, there is to be no discrimination on the basis of race, color, national origin, religion, or sex.

(4) There shall be appropriate safeguards to assure that an advisory committee's advice and recommendations will not be inappropriately influenced by any special interest.

(5) Each advisory committee shall prepare at least once each year a report describing its membership, functions, and actions.

c. (1) Unless specifically provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. (Section 9(b).) For purposes of this provision, "Presidential directive" refers to an executive order, executive memorandum, or an OMB directive based upon authority delegated by Executive Order No. 11686 (1972).

When a federally established advisory committee has both advisory and operating functions and the two types of functions are separable, the Act and this Memorandum shall apply only to the advisory functions.

As indicated in paragraph 4a(2) above, a committee "utilized" by a Federal official as an "advisory committee," but not established for that purpose, is subject to the Act only to the extent that the group performs the function of advising a Federal official.

(2) Each agency head shall take appropriate steps to assure that decisions regarding actions or policies relating to matters dealt with by an advisory committee shall be made solely by Federal officers (Section 9(b)).

d. (1) Each advisory committee shall file a charter complying with Section 9(c) of the Act. This requirement applies to committees "utilized" as advisory committees, though not established for that purpose.

The applicability of this requirement to subgroups depends upon the nature of the subgroup. With regard to formal subgroups, the requisite information should be set forth either in the charter of the parent committee or in a separate charter. Informal subgroups, particularly those temporary in nature, need not be reflected in a charter.

(2) The charter of a Presidential advisory committee shall be filed with the OMB Secretariat and with the committees of the Senate and the House of Representatives having jurisdiction over the subject matter of the advisory committee.

The charter of an advisory committee which reports to an agency shall be filed with the head of the agency and with the standing committees of the Senate and the House of Representatives having legislative jurisdiction over the agency.

(3) Until a charter has been filed in accord with (2) above, no advisory committee shall meet or take any action.

(4) Each charter shall contain the information described in section 9(c) of the Act.

(5) A copy of each charter shall be furnished to the Library of Congress at the time of filing. Copies should be sent to: Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

9. *Termination and renewal of Advisory Committees.* a. Nonstatutory committees—For purposes of this paragraph (9a), a "nonstatutory advisory committee" is one established by the President or a Federal officer, including a committee which was authorized but not established, by a Federal statute.

(1) Each nonstatutory advisory committee which is in existence on January 5, 1973, shall terminate by January 5, 1975, unless it is renewed by the President or the establishing officer prior to the latter date. (Section 14(a)(1).)

Before such a committee can be renewed by an agency, the agency head must determine that such renewal is necessary and must inform the OMB Secretariat of his determination and the reasons for it. Such determination shall be made not more than 60 days before the scheduled date of termination.

If the Secretariat concurs, the agency head shall publish notice of the renewal in the FEDERAL REGISTER and shall file a new charter in compliance with section 9(c) of the Act. (Section 14(b)(1).)

Any such advisory committee which is renewed shall continue for no more than a 2-year period unless, prior to the expiration of that period, it is renewed for another 2-year period, in accord with the above provisions. (Section 14(c).)

(2) Each advisory committee established by the President or a Federal officer after January 5, 1973, shall terminate not later than 2 years after its establishment unless prior to that time it is renewed by appropriate action (Section 14(a)(2)).

The procedures for renewal (including rechartering) of such advisory committees are the same as those described in (1) above.

(3) Unless provided otherwise by the establishing authority, the duration of a subgroup shall be the same as that of the parent committee.

b. Statutory advisory committees—For purposes of this paragraph, a "statutory advisory committee" is one established by an Act of Congress.

(1) Each statutory advisory committee which is in existence on January 5, 1973, shall terminate by January 5, 1975, unless its duration is otherwise provided for by law. (Section 14(1)(1).)

(2) Each statutory advisory committee which is established after January 5, 1973, shall terminate not later than 2 years after its establishment unless its duration is otherwise provided for by law. (Section 14(a)(2).)

(3) Any statutory advisory committee shall file a new charter (complying with section 9(c) of the Act) upon the expiration of each successive 2-year period following the date of enactment of the statute establishing the committee. (Section 14(b)(2).)

c. No advisory committee required by section 14(b) of the Act to file a new charter shall take any action, other than preparation and filing of such charter, between (i) the date the new charter is required, and (ii) the date it is filed. (Section 14(b)(3).)

10. *Operation of Advisory Committees.* a. Meetings. The provisions of this paragraph (10a) apply to all meetings of all advisory committees unless there is a specific statement to the contrary in this paragraph. The provisions of this paragraph apply to all meetings of all formal subgroups. Application of this paragraph to informal subgroups is to be determined by the parent committee, subject to review by the agency head or the OMB Secretariat to insure that there is no use of informal subgroups to evade the requirements of the Act.

(1) *Calling of meetings.* (a) No advisory committee shall hold any meetings except at the call of or with the advance approval of a designated Federal employee (see par. 10a(5) below). (Section 10(f).)

(b) Except with respect to Presidential advisory committees, each meeting of an advisory committee shall be conducted in accord with an agenda approved by the Federal employee. (Section 10(f).) The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b). Ordinarily, copies of the agenda shall be distributed to the members of the committee prior to the date of the meeting.

The procedure to be followed in the event of unwarranted departure from a meeting's agenda is set forth in paragraph 10a(5) below.

(2) *Notice of meetings.* (a) Except when the Director determines otherwise for reasons of national security, timely notice of each advisory committee meeting shall be published in the FEDERAL REGISTER. (Section 10(a)(2).) The fact that a meeting is closed to the public pursuant to section 10(d) of the Act does not, in general, affect the foregoing requirement.

Responsibility for providing such notice shall be assigned by the head of the agency to which the advisory committee reports or, in the case of a Presidential advisory committee, by the chairman of the committee.

In addition to the notice in the FEDERAL REGISTER, other forms of notice should be used to the extent practicable. Such other forms include press releases and notice by mail.

(b) Such notice should state the name of the advisory committee, the time of the meeting and the purpose of the meeting (including where appropriate, a summary of the agenda). The notice should state whether (or the extent to which) the public will be permitted to attend or participate in the meeting. If the meeting will be open to the public the place of the meeting should also be included in the notice.

(c) Such notice should be published or provided at least 7 days before the date of the meeting except that (i) a different provision may be made in emergency situations and (ii) shorter advance notice may be used when 7-days notice is impracticable.

(d) As indicated above, public notice is not required when the Director has determined that such notice would be inconsistent with national security. Any agency or advisory committee which seeks such a determination, with respect to a particular meeting or a series of meetings, shall submit its request and a statement of reasons to the Director. Ordinarily, such a request should be made at least 30 days prior to the meeting.

(3) *Public participation.* (a) Subject to the exceptions described in (c) below, each advisory committee meeting shall be open to the public. Subject to limits consistent with (b) below, interested persons shall be permitted to attend, appear before or file statements with any advisory committee. (Section 10(a)(1), (3); Section 10(d).)

(b) The agency head or, in the case of a Presidential advisory committee, the chairman of the committee shall, with respect to any advisory committee meeting, all or part of which is open to the public, assure compliance with the following rules:

(i) Such meeting shall be held at a reasonable time and at a place that is reasonably accessible to members of the public.

(ii) The size of the meeting room shall be reasonable, considering such factors as the size of the advisory committee, the number of members of the public who could be expected to seek to attend the particular meeting, the number of persons who attended or sought to attend similar meetings in the past and the resources and facilities available to the committee or agency.

(iii) Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after the meeting.

(iv) To the extent that the time available for the meeting permits, interested persons may be permitted by the committee or its chairman to present oral statements at the meeting. A committee may establish procedures requiring such persons to obtain advance approval for such participation.

(v) Participation by members of the public in committee meetings (except in accord with (iv)) or questioning of committee members or other participants shall not be permitted except in accordance with procedures established by the committee.

(c) Subsection 10(d) of the Act states that the provisions concerning open meetings and public participation (Section 10(a)(1), (3)) "shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory committee reports, determines is concerned with matters listed in • • • (5 U.S.C. 552(b), subsection of the Freedom of Information Act)."

See also paragraph 10a(2)(d) above (regarding national security).

(i) Whenever the Director determines in accord with paragraph 10a(2)(d) above, that public notice of a meeting would be inconsistent with national security, such meetings shall be closed to the public.

(ii) The exemptions set forth in the Freedom of Information Act (5 U.S.C. 552(b)) are as follows:

• • • matters that are—

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than any agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

While the Freedom of Information Act deals with access to existing documents, the present Act encompasses oral discussions which will occur in the future and which may have no direct relation to a document.

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Accordingly, in applying the provision of 5 U.S.C. 552(b) to advisory committee meetings, some modification of concepts developed solely with regard to preexisting documents is appropriate. Moreover, in order to accomplish the intent of Congress with respect to openness of advisory committees, available exemptions should be waived whenever practicable.

(iii) In applying the Freedom of Information Act exemptions to advisory committee meetings, the following rules shall be followed:

(A) If a meeting (or portion of a meeting) will have the express purpose of discussing an existing document which is within one of the exemptions set forth in 5 U.S.C. 552(b), the meeting (or portion) may be closed to the public: *Provided*, That a meeting (or portion) involving consideration of a document prepared by or for the advisory committee and exempt only under exemption (5) (concerning intra- and interagency memorandums and letters • • •) may be closed only if the agency head, or the Director (in the case of a Presidential advisory committee) determines that it is essential to close such meeting (or portion) to protect the free exchange of internal views and to avoid undue interference with agency or committee operation.

(B) If a meeting (or a portion of a meeting) will have the express purpose of discussing a matter which is within one of the exemptions set forth in 5 U.S.C. 552(b), other than exemption (5), the meeting (or portion) may be closed to the public, even though no specific exempt document is to be discussed.

(C) If a meeting will be such that neither (A) nor (B) above furnishes a basis for closing it, the meeting shall be open to the public (unless paragraph 10a(3)(c)(i) relating to national security applies): *Provided*, That such a meeting (or portion of a meeting) may be closed if the agency head, or the Director (in the case of a Presidential advisory committee) determines that the meeting (or portion) will consist of an exchange of opinions, that the discussion if written would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close such meeting (or portion) to protect the free exchange of internal views and to avoid undue interference with agency or committee operation.

(iv) An advisory committee which has planned a meeting and which seeks to have all or part of the meeting closed on the basis of 5 U.S.C. 552(b) shall notify the agency head or, in the case of a Presidential advisory committee, the Director. Such notification shall be in writing, shall set forth the reasons why the meeting (or portion) should be closed and shall be submitted at least 30 days before the scheduled date of the meeting.

If the agency head or the Director finds the request to be warranted and in accord with the policy of the Act, the request shall be granted. The determination of the agency head or the Director shall be in writing and shall contain a brief statement of the reasons for closing the meeting (or portion).

The agency head or the Director may delegate responsibility for making the above determinations. However, in any case where a determination to close a meeting (or portion) is made by a delegate of the agency head or the Director, the determination must be reviewed and approved by the agency general counsel.

Such a determination may be made with respect to a single meeting or, where appropriate, a series of meetings. (A determination to close a series of meetings does not affect the requirement that public notice be given regarding each meeting. See par. 10a(2) above.)

(v) If a meeting is to consider several separable matters, not all of which are within the exemptions of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempt matters (as explained in (A) through (C) above) may be closed.

(vi) When all or part of a meeting is to be closed, such fact shall be indicated in the public notice of the meeting and in the agenda. When only part of a meeting is to be closed, the agenda shall be arranged whenever practicable, to facilitate attendance by the public at the open portion of the meeting.

(vii) When a meeting (or portion) is closed, members of the advisory committee shall not disclose the matters discussed except to other members of the advisory committee, the staff of the advisory committee, or agency employees.

(viii) Regarding a meeting (or portion) which was closed, the agency head or the Director (in the case of a presidential advisory committee) may review after the meeting the appropriateness of the determination to close the meeting (or portion). Such review might, for example, consist of an analysis of the minutes of the meeting or a comparison of the agenda and the minutes. The agency head, the Director, or the chairman may require that corrective action be taken with respect to the particular advisory committee or the general procedures concerning the closing of meetings.

(ix) When a meeting (or portion) is closed, the advisory committee shall issue a report at least annually setting forth a summary of its activities and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552(b). (Section 10(d).)

(4) **Minutes.** Detailed minutes shall be kept of each meeting of each advisory committee, including, to the extent practicable, meetings of formal and informal subgroups. (Section 10(c).) The chairman of each advisory committee shall designate a member or other person to keep the minutes.

The minutes shall include at least the following items: The time and place of the meeting; a list of advisory committee members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory committee; an explanation of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.

The chairman of the advisory committee shall certify to the accuracy of the minutes.

(5) ***Designated Federal employee.*** (a) Subsection 10(e) of the Act requires that each advisory committee meeting be chaired or attended by a designated "officer or employee of the Federal Government." With regard to an advisory committee used by an agency, the agency head shall designate the Federal employee and determine whether he is to chair or attend the meetings. With regard to presidential advisory committees such employee may be designated and his role determined by the Director.

Advisory committees whose membership is fixed by statute are subject to section 10(e), unless the statute establishing the advisory committee contains a specific provision to the contrary. (Section 4(a).)

Ordinarily, the Federal employee so designated should serve the advisory committee on a continuing basis.

(b) No advisory committee shall conduct a meeting in the absence of the designated Federal employee. (Section 10(d).) If simultaneous subgroup meetings are to be held, each subgroup should have a designated Federal employee. These provisions apply to formal subgroups.

(c) The designated Federal employee shall be authorized to adjourn any advisory committee meeting, whenever he determines adjournment to be in the public interest. (Section 10(e).) For example, adjournment might be in order in the event of unwarranted departure from a meeting's agenda.

(d) Paragraph 10a(1) above describes other functions of the designated Federal employees.

b. *Access to records.* (1) Subsection 10(b) of the Act provides that subject to 5 U.S.C. 552 records, reports, and other documents of each advisory committee shall be available for public inspection and copying. A basic purpose of the Act is to permit wide access by the public to the records and papers of advisory committees.

(2) The documents referred to in section 10(b) are as follows:

• • • the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee • • •

The meaning of the quoted language shall be broadly construed.

(3) (a) Access to advisory committee documents is subject to the exemptions contained in 5 U.S.C. 552(b). When the only basis for denying access to a document is exemption (5), access may not be denied unless the agency head or, the Secretariat (in the case of a presidential advisory committee) determines that such denial is essential to protect the free exchange of internal views and to avoid undue interference with agency (or advisory committee) operation.

Agencies and advisory committees shall waive available exemptions whenever, in their discretion, such waiver is appropriate.

(b) Access to advisory committee records may be refused when such records relate directly to a meeting which was closed for reasons of national security. (See paragraph 10a(3)(c)(i) above.)

(c) With respect to any meeting, part of which was closed to the public, access shall be permitted to records relating to the open portion of the meeting. For example, the portion of the minutes which relates to the open segment of the meeting shall be made available upon a proper request.

(d) Regarding a group which is "utilized" as an advisory committee but was not established for that purpose, the requirements of public access apply only to records relating directly to "advisory committee" functions.

(4) The advisory committee records described in section 10(b) are to be available for public inspection and copying "at a single location in the offices of the advisory committee or the agency to which the advisory committee reports • • •"

(5) Under section 10(b) of the Act, advisory committee records are to be available "until the advisory committee ceases to exist." Disposition of advisory committee records after the termination of the committee shall be determined by the agency head, by the Secretariat, or the General Services Administration (in the case of a Presidential advisory committee).

(6) The Act does not require that transcripts be kept of advisory committee meetings. However, section 11(a) of the Act provides as follows:

Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies

of transcripts of agency proceedings or advisory committee meetings.

The requirement of availability of transcripts is subject to the exceptions discussed above in paragraph 10b(3).

For the meaning of "agency proceeding" as used in section 11(a) of the Act, see 5 U.S.C. 551(12).

11. *Administration of Advisory Committees.* a. Support services:

(1) With regard to any advisory committee established by or reporting to an agency, the agency shall provide services unless the establishing authority provides otherwise. (Section 12(b).)

Where an advisory committee reports to more than one agency, only one agency shall be responsible for support services. The agencies to which the advisory committee reports may determine which such agency will provide such services.

(2) With regard to a Presidential advisory committee, support services shall be provided by GSA, or, if the Director so determines, another agency.

(3) The term "support services" refers to such matters as staff, quarters, supplies, and funds (including, where appropriate, funds for the publication of reports).

b. Uniform pay guidelines. Guidelines implementing section 7(d) of the Act will be published separately.

c. *Agency records.* (1) The head of each agency shall insure that the agency maintains records, as required by section 12(a) of the Act, which disclose the disposition of funds made available to the agency's advisory committees and the nature and extent of the activities of the agency's advisory committees.

Regarding a Presidential advisory committee, GSA, or another agency designated by the Director shall maintain financial records.

Ths Comptroller General or his representatives shall have access to the above records, for the purpose of audit and examination.

(2) In accord with procedures established by the Director, each agency shall provide budget information regarding its advisory committees. (Section 7(e).)

d. Submission of reports to Library of Congress. Subject to the exemptions contained in the Freedom of Information Act and the "national security" exception (explained in par. 10b(3) above), each advisory committee shall file eight copies of each of its reports with the Library of Congress. (Section 13.) Such filing shall occur at the time of issuance of the report.

When an agency head or the Secretariat determines that it would be appropriate, background papers prepared by consultants for an advisory committee and other advisory committee documents may be filed with the Library of Congress. All documents filed with the Library should be sent to: Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

12. *OMB annual review; periodic reports.* a. The annual review of all advisory committees shall be conducted by the OMB Secretariat and shall be based upon the activities of advisory committees during a calendar year. (Section 7(b).)

By February 1 of each year, the head of each agency and the chairman of each Presidential advisory committee shall, for each respective advisory committee, provide the Secretariat the information described in section 6(c) of the Act (including recommendations for exclusion, for national security reasons, of information from the President's report to Congress). Each such agency head shall also provide his views regarding whether its responsibilities should be revised and whether it should be merged with another advisory committee or should be abolished (including the reasons for any recommendation to abolish a statutory advisory committee).

Such information shall be provided on a form prescribed by the Secretariat. Four copies of the form shall be submitted.

b. The Secretariat may require each agency and each Presidential advisory committee to submit periodic reports regarding advisory committee operations, including such matters as public access to committee meetings and records and the handling of administrative complaints.

13. *Administrative remedies.* a. Each agency and the Director (with regard to Presidential advisory committees), shall establish appropriate procedures and administrative remedies concerning alleged noncompliance with the Act, this circular, or regulations implementing the Act.

b. Such procedures shall provide that any person whose request for access to an advisory committee document is denied may seek administrative review in accord with the pertinent Freedom of Information Act regulation. (If the pertinent regulation contains no such provision, the agency head or Director shall establish an appropriate procedure for review of access to advisory committee documents.)

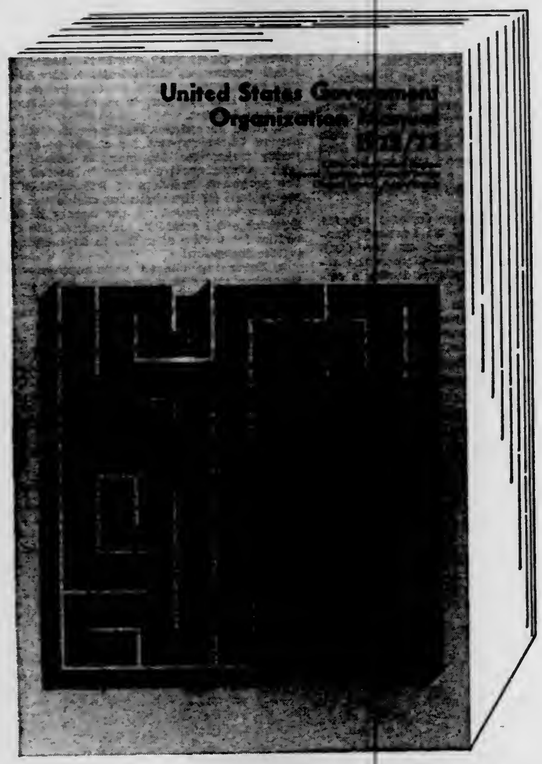
c. Regarding alleged noncompliance not involving access to a document, such procedures shall provide for the filing of written complaints by an advisory committee member or by an aggrieved individual or organization.

Such complaints are to be filed with an appropriate agency official or (in the case of Presidential advisory committees) with the Secretariat. Such procedures shall provide a time limit for the filing of complaints by an impartial official. Such complaints shall be acted upon promptly and written notice of the disposition of the complaint shall be provided to the complainant.

[FR Doc.73-1290 Filed 1-22-73;8:45 am]

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7 CFR

818 2328
910 2329

PROPOSED RULES:

1040 2374
1043 2374
1434 2334

10 CFR

1 2330
2 2330
4 2330
30 2330
40 2330
70 2330
150 2330

12 CFR

201 2330

PROPOSED RULES:

613 2336
614 2336
619 2336

14 CFR

39 (2 documents) 2330, 2331
71 (3 documents) 2331, 2332

PROPOSED RULES:

71 (2 documents) 2335

18 CFR

PROPOSED RULES:

35 2336

21 CFR

128b 2398
135c 2332

PROPOSED RULES:

15 2334

26 CFR

301 2332

PROPOSED RULES:

1 2336

32 CFR

1710 2333

38 CFR

PROPOSED RULES:

21 2337

Presidential Documents

Title 3—The President

PROCLAMATION 4179

National Jaycee Week, 1973

By the President of the United States of America

A Proclamation

The Jaycee idea began with a handful of young men in St. Louis 53 years ago. Today, it embraces some 325,000 members in the more than 6,000 American communities, that have chapters of the United States Jaycees, and it enriches the lives of communities in 80 countries around the world through the affiliates of Junior Chamber International.

Yet even in its maturity the Jaycees organization retains a youthful outlook, and even with its global scope it continues to build on the individual member—first helping him be the best man he can be, then helping him help his fellow man in need, one to one.

The Jaycee cares about people, and he shows it. He cares about progress, and he does something about it. He lives by the creed that "Service to humanity is the best work of life," and he throws himself into that work both as a vocation and as an avocation.

He is the kind of young man this country will need in great numbers to help meet the challenges of our Bicentennial Era and our coming third century. It is fitting that we should annually give special recognition and encouragement to him and to his organization.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning January 21, 1973, as National Jaycee Week—a time for the expression of America's gratitude for the many significant contributions of the U.S. Jaycees.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-1603 Filed 1-23-73;10:12 am]

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PROCLAMATION 4180

Announcing the Death of Lyndon Baines Johnson

By the President of the United States of America

A Proclamation

TO THE PEOPLE OF THE UNITED STATES:

It is my sad duty to announce officially the death of Lyndon Baines Johnson, the thirty-sixth President of the United States, on January 22, 1973.

President Johnson served his country for more than thirty years as Congressman, Senator, Vice President and President. Yet it can be said of Lyndon Johnson that he served his country all his life, for his was a complete and wholehearted love of our Nation. From his early days as a teacher, to his last days as a distinguished elder statesman, he did his best to make the promise and the wonder of America become as real in the lives of all his countrymen as it was in his own.

He once said that he was a free man, an American, a United States Senator, and a Democrat, in that order. He was also a great patriot.

Although he will no longer walk among us, Lyndon Johnson's influence on our times, which often seemed so much larger than life, cannot be stolen from us by death. Not only the things that he did, but also the spirit with which he did them, will be remembered long after time heals our sorrow at his leaving.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in tribute to the memory of President Johnson, and as an expression of public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and Naval vessels of the United States for a period of thirty days from the day of his death. I also direct that for the same length of time the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their Embassies, Legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the Armed Forces under orders of the Secretary of Defense on the day of the funeral.

I do further appoint Thursday, January 25, 1973 to be a National Day of Mourning throughout the United States. I recommend that the people

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assemble on that day in their respective places of worship, there to pay homage to the memory of President Johnson. I invite the people of the world who share our grief to join us in this solemn observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of January in the year of our Lord nineteen hundred seventy-three and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-1629 Filed 1-23-73;12:40 pm]

EXECUTIVE ORDER 11699

Amending Executive Order No. 11248, Placing Certain Positions in Levels IV and V of the Federal Executive Salary Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 1 of Executive Order No. 11248 [1] of October 10, 1965, as amended, placing certain positions in level IV of the Federal Executive Salary Schedule, is further amended by deleting "(1) Special Assistant to the Secretary (Congressional Relations), Treasury Department.", and inserting in lieu thereof the following:

(1) Assistant to the Secretary for Legislative Affairs, Department of the Treasury.

Richard Nixon

THE WHITE HOUSE,
January 22, 1973.

[FR Doc.73-1577 Filed 1-22-73;4:08 pm]

[1] 30 FR 12999; 3 CFR, 1964–1965 Comp., p. 349.

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EXECUTIVE ORDER 11700

Providing for the Closing of Government Departments and Agencies on Thursday, January 25, 1973

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. All executive departments, independent establishments, and other governmental agencies, including their field services, shall be closed on Thursday, January 25, 1973 as a mark of respect for Lyndon Baines Johnson, the thirty-sixth President of the United States. That day shall be considered as falling within the scope of 5 U.S.C. 6103 (b), and of all statutes so far as they relate to the compensation and leave of employees of the United States.

SEC. 2. The first sentence of Section 1 of this order shall not apply to those offices and installations, or parts thereof, in the Department of State, the Department of Defense, or other departments, independent establishments, and governmental agencies which the heads thereof determine should remain open for reasons of national security or defense or other public reasons.

THE WHITE HOUSE,
January 23, 1973.

Richard Nixon

[FR Doc.73-1628 Filed 1-23-73;12:40 pm]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Administrator and the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, is excepted under Schedule C.

Effective on January 24, 1973, paragraph (r) (3) of § 213.3314 is added as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(r) *National Oceanic and Atmospheric Administration.* • • •

(3) One Special Assistant to the Administrator and the Associate Administrator for Coastal Zone Management.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 73-1435 Filed 1-23-73;8:45 am]

PART 213—EXCEPTED SERVICE

National Labor Relations Board

Section 213.3341 is amended to show that one position of Chief Counsel to a Board Member is excepted under Schedule C.

Effective on January 24, 1973, paragraph (h) of § 213.3341 is added as set out below.

§ 213.3341 National Labor Relations Board.

• • • • • •

(h) One Chief Counsel to a Board Member.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1434 Filed 1-23-73;8:45 am]

PART 352—REEMPLOYMENT RIGHTS

Subpart F—Reemployment Rights After Service in the Economic Stabilization Program

Part 352 is amended to add a new subpart governing reemployment rights after service in the Economic Stabilization Program carried out under the Economic Stabilization Act of 1970, as amended. These regulations are authorized by section 212(g) of that Act and are issued under authority delegated to the Civil Service Commission by the Director, Cost of Living Council.

Effective January 23, 1973, Subpart F is added to Part 352 as set out below.

Subpart F—Reemployment Rights After Service in the Economic Stabilization Program

Sec.
352.601 Purpose.
352.602 Eligibility for reemployment rights.
352.603 Consideration for promotion.
352.604 Position to which entitled on reemployment.
352.605 Authority to return employee to his former agency.
352.606 Termination of reemployment rights.
352.607 Appeals to Commission.
352.608 Applicability to employees serving on effective date.

AUTHORITY: Sec. 212(g) of Economic Stabilization Act of 1970 (85 Stat. 751; Public Law 92–210) and Executive Order 11695.

Subpart F—Reemployment Rights After Service in the Economic Stabilization Program

§ 352.601 Purpose.

This subpart governs reemployment rights authorized by section 212(g) of the Economic Stabilization Act of 1970, as amended (85 Stat. 751, Public Law 92–210, the Act) after service in the Economic Stabilization Program carried out under the Act.

§ 352.602 Eligibility for reemployment rights.

(a) *Employees eligible.* Except as provided in paragraph (b) of this section, an employee in the executive branch of the Government (including the United States Postal Service) or the Government of the District of Columbia may be granted reemployment rights under this subpart if he is serving under one of the following types of appointment and is hired under the Economic Stabilization Program without a break of one full workday by transfer, reinstatement, or excepted appointment:

(1) A career or career-conditional appointment in the competitive service;

(2) A career executive assignment or limited executive assignment under Part 305 of this chapter; or

(3) An appointment without a specific time limitation in the excepted service.

(b) *Employees not eligible.* An employee is not eligible for reemployment rights under this subpart if he:

(1) Is serving a trial or probationary period;

(2) Is serving in an obligated position;

(3) Is serving with reemployment rights granted under Subpart B of this part;

(4) Has received a specific notice, with or without an offer of another position, of separation because of reduction in force or otherwise; or

(5) Has submitted a resignation.

§ 352.603 Consideration for promotion.

(a) Entitlement: An employee with reemployment rights under this subpart shall be considered by his former agency for all promotions for which he would be considered were he not serving under the Economic Stabilization Program. A promotion based on this consideration is effective on the date it would have been made if the employee were not absent.

(b) When the position an employee last held in his former agency is regraded upward while he is serving under the Economic Stabilization Program with reemployment rights under this subpart, his former agency shall place him in the regraded position.

§ 352.604 Position to which entitled on reemployment.

(a) *Basic entitlement.* On reemployment, an employee is entitled to be appointed to a position in his former agency in the following order:

(1) To the position to which promoted in absentia under § 352.603, or if that position is not available, to a position at the same or higher grade, in the same occupational field, and in the same geographical area.

(2) To the position he last held in his former agency or, if that position is not available, to a position in the same occupational field and in the same geographical area.

(b) *Reemployment in a different position.* An employee's former agency may reemploy him in a position of higher grade than the one to which he is entitled under paragraph (a) of this section. With the employee's concurrence, he may be reemployed in a different location or in a different position than the one to which he is entitled under paragraph (a) of this section.

(c) *Grade and rate at which returned.* An employee's former agency shall give every possible consideration to retaining the salary equivalent of the grade and rate attained under the Economic Stabilization Program. The agency is strongly encouraged to reemploy the employee at the grade and rate attained under the program. The head of the former agency shall report to the Director of the Cost of Living Council within 30 days of reemployment any instance where current pay is not retained and the reasons.

§ 352.605 Authority to return employee to his former agency.

(a) *Authority.* An employee granted reemployment rights under this subpart may be returned to his former agency

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without regard to Parts 351, 752, 771, and 772 of this chapter when this return is—

(1) Without a break in service of one workday or more;

(2) To a position to which reemployment is provided by § 352.604; and

(3) At not less than the rate of pay he would have been receiving in the position he last held in his former agency or in the position to which he was promoted in absentia, if he had not been transferred.

(b) *Date of return.* An employee is to be returned to his former agency with reemployment rights under this subpart only on a date set by the Economic Stabilization agency under consultation with the former agency. Unless the former agency agrees to an earlier date, the date of return shall be set by the Economic Stabilization agency at least 14 calendar days after the former agency is notified of the intention to return the employee. In any event, the employee shall be returned no later than 3 years after the date of his appointment under the Economic Stabilization Program with reemployment rights under this subpart.

§ 352.606 Termination of reemployment rights.

The reemployment rights of an employee terminate if he leaves the Economic Stabilization Program by resignation or by transfer to another agency, including his former agency if the transfer is not made on a date set by the Economic Stabilization agency under § 352.605.

§ 352.607 Appeals to the Commission.

(a) *Right of appeal.* If an employee considers that he has been improperly reemployed or that he has been improperly denied reemployment to which he considers he is entitled under this subpart, he may appeal to the Commission.

(b) *Time limit on appeals.* An appeal under this section must be submitted within 15 calendar days of reemployment or within 15 calendar days after denial of reemployment rights. The Commission may extend these time limits on a showing by an employee that circumstances beyond his control prevented him from filing his appeal on a timely basis.

(c) *Finality of Commission decision* The Commission shall make the final decision on an employee's reemployment rights under this subpart.

§ 352.608 Applicability to employees serving on effective date.

The provisions of this subpart shall take the place of those in Subpart B of this part for an employee appointed to the Economic Stabilization Program after December 21, 1971, and serving in the program on the effective date of this subpart with reemployment rights granted under Subpart B of this part.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1492 Filed 1-22-73;4:01 pm]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 818—IMPORT QUOTAS ON SWEETENED CHOCOLATE, CANDY, AND CONFECTIONERY COVERED BY TSUS ITEMS 156.30 AND 157.10 OF PART 10, SCHEDULE 1, OF THE TARIFF SCHEDULES OF THE UNITED STATES

Sugar Containing Products

Purpose and basis and bases and considerations. This regulation is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended by Public Law 92-138 approved October 14, 1971 (hereinafter referred to as the "Act"). The purpose of this regulation is to implement the limitation on the importation of sweetened chocolate, candy, and confectionery pursuant to paragraph (d) of section 206 of the Act which reads in pertinent part as follows:

• • • the Secretary shall each year, beginning with the calendar year 1972, limit the quantity of sweetened chocolate, candy and confectionery provided for in items 156.30 and 157.10 of Part 10, Schedule 1, of the Tariff Schedules of the United States which may be entered or withdrawn from warehouse, for consumption in the United States as hereinafter provided. The quantity which may be so entered or withdrawn during any calendar year shall be determined in the fourth quarter of the preceding calendar year and the total amount thereof shall be equivalent to the larger of (1) the average annual quantity of products entered, or withdrawn from warehouse, for consumption under the foregoing items of the Tariff Schedules of the United States for the 3 calendar years immediately preceding the year in which each such quantity is determined or (2) a quantity equal to 5 per centum of the amount of sweetened chocolate and confectionery of the same description of U.S. manufacture sold in the United States during the most recent calendar year for which data are available. The total quantity to be imported under this subsection may be allocated to countries on such basis as the Secretary determines to be fair and reasonable, taking into consideration the past importations or entries from such countries. For purposes of this subsection the Secretary shall accept statistical data of the U.S. Department of Commerce as to the quantity of sweetened chocolate and confectionery of U.S. manufacture sold in the United States.

In accordance with the rule making requirements of 5 U.S.C. 553, there was published in the FEDERAL REGISTER on November 28, 1972, on page 25171 a notice of proposed rule making for the issuance of a regulation to establish import quotas on sweetened chocolate (other than in bars or blocks of 10 pounds or more each), candy and confectionery for the calendar year 1973. Written data, views, or arguments for consideration in connection with the proposed regulation were to be submitted no later than December 20, 1972. There were no comments received regarding the proposal.

The average annual quantity of products entered, or withdrawn from warehouse, for consumption under the Tariff Schedules of the United States (TSUS) items 156.30 and 157.10 for the calendar years 1969, 1970, and 1971 amounted to 143,772,997 pounds. That quantity was determined from data published by the Bureau of Census, U.S. Department of Commerce, in the annual reports FT 246 under the TSUSA reporting numbers 156.3000, 156.3020, 156.3040, 157.1020, and 157.1040.

The quantity of sweetened chocolate and confectionery of U.S. manufacture sold in the United States in 1971 amounted to 3,974,618,000 pounds as shown in "Confectionery Manufacturers' Sales and Distribution 1971" published by the Bureau of Domestic Commerce, U.S. Department of Commerce. Five percent of that quantity amounts to 198,730,900 pounds.

Accordingly, the quantity of sweetened chocolate, candy, and confectionery which may be imported for consumption under TSUS items 156.30 and 157.10 during the calendar year 1973 shall be limited to 198,730,900 pounds which is the larger of the two alternatives as provided in section 206(d) of the Sugar Act, i.e., the 1969–71 average imports or 5 percent of 1971 confectionery sales.

Pursuant to section 206(d) of the Act the total quantity permitted to be imported may be allocated to countries on such basis as the Secretary determines to be fair and reasonable taking into consideration the past importations or entries from such countries. Of the total quota established herein for 1973, 21,680,000 pounds is reserved solely for the importation of sweetened chocolate for other than consumption at retail as candy or confectionery (TSUSA item 156.3040) pursuant to section 22 of the Agricultural Adjustment Act. The remaining portion amounting to 177,050,900 pounds is established as a global quota and made available for importation from all countries as a group on a first come, first served basis. The import limitation under the global quota established herein for 1973 is about 30 percent greater than imports of such products in 1971 and 28 percent greater than such average annual imports from 1969 through 1971. A global quota has been in effect for 1972, the initial year of confectionery quotas, and through November 25, just under 119 million pounds has been imported. This amounted to 68 percent of the 1972 quota with 90 percent of the year gone. This compares with imports of 118 and 112 million pounds through November in 1970 and 1971, respectively. In 1970 and 1971 the annual imports were 127 and 120 million pounds, respectively.

In view of 1972 imports as of the November 25, 1972, figures, and imports in past years, it is likely that total 1973 import limits will not be approached by actual imports. On the assumption that imports will not reach the liberal import limits, a global quota will provide the least impediment to commerce and to the play of economic factors and the least burden on Customs Service. A global quota will also eliminate the possibility of limiting imports from some countries when there is little likelihood that the total quota will be filled.

In the remote event that the global quota is filled and countries which ship late in the year are prevented from shipping their normal amounts, a portion of the global quota, representing 30 percent, is reserved for entry during the last quarter of the year. Recent import history indicates about 30 percent of such imports normally occur during the last quarter of each year.

The provision to exempt each shipment of articles with an aggregate value of not more than $25 from import quotas is necessary so that tourists will be able to bring in small quantities of candy and confectionery for personal use.

The regulation provides that a quantity of the quota equivalent to the quotas for "sweetened chocolate for other than consumption at retail as candy or confectionery" established pursuant to section 22 of the Agricultural Adjustment Act, as amended, shall be reserved solely for the importation of such article subject to such section 22 quotas, under licenses issued pursuant to regulations of the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture.

Part 818 of Chapter VIII, Subchapter B, is revised to read as follows:

Sec.
818.10 Confectionery quotas for foreign countries.
818.11 Import requirements.
818.12 Restrictions on importation.
818.13 Revision of quota.
818.14 Delegation of authority.

AUTHORITY: Sec. 206, 403; 61 Stat. 927, as amended, 932, as amended; 7 U.S.C. 1116, 1153.

§ 818.10 Confectionery quotas for foreign countries, 1973.

(a) For the calendar year 1973, the quantity of sweetened chocolate, candy, and confectionery provided for in Items 156.30 and 157.10 of Part 10, Schedule 1, of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption in the United States and Puerto Rico is 198,730,900 pounds. Of the total quota, 21,680,000 pounds are reserved solely for the importation of sweetened chocolate for other than consumption at retail as candy or confectionery (TSUSA item 156.3040). This quantity is subject to quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended, and as set forth in items 950.15 and 950.16 of Part 3 of the appendix to TSUS, which may be imported only under licenses issued pursuant to regulations of the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture as follows: Ireland—13,200,000 (9,450,000 under TSUS 950.15 and 3,750,000 under TSUS 950.16); United Kingdom—8,380,000 (7,450,000 under TSUS 950.15 and 930,000 under TSUS 950.16) and Netherlands—100,000 (all under TSUS 950.15). Of the remaining quantity of 177,050,900 pounds (198,730,900–21,680,000) a quantity not to exceed 123,935,630 pounds may be entered or withdrawn from warehouse for consumption in the United States and Puerto Rico on or before September 30, 1973.

(b) The quota established by paragraph (a) of this section shall not apply to articles with an aggregate value of $25 or less in any shipment.

§ 818.11 Import requirements.

Articles subject to quota limitations pursuant to § 818.10 shall be entered on a first-come, first-served basis under the control of the Bureau of Customs, except articles subject to quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended.

§ 818.12 Restrictions on importations.

Subject to the exception in paragraph (b) of § 818.10 all persons are prohibited from entering or withdrawing from warehouse, for consumption in the United States and Puerto Rico any article provided for in the TSUS items 156.30 and 157.10 after the applicable quotas set forth in paragraph (a) of § 818.10 have been filled.

§ 818.13 Revision of quotas.

The quota established under this order may be revised to reflect the substitution of revised or corrected data used in the quota determination.

§ 818.14 Delegation of authority.

The Director of the Sugar Division (or any person in such division designated by the Director), Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to act on behalf of the Secretary in administering §§ 818.10 through 818.12 except as otherwise provided for in §§818.10 and 818.11.

Effective date. This action establishes a U.S. import quota on sweetened chocolate, candy and confectionery for the calendar year 1973. In order to promote orderly marketing it is essential that all persons selling and importing such products be able as soon as possible to make plans based on the new import quota. Therefore, it is hereby determined and found that compliance with the effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective on January 19, 1973.

Signed at Washington, D.C., on January 19, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-1163 Filed 1-19-73;12:05 pm]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 268, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 14–20, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 568 (38 FR 1378). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.868 (Lemon Regulation 568 (38 FR 1378)) is hereby amended to read as follows:

§ 910.868 Lemon Regulation 568.

• • • • • •

(b) *Order.* (1) • • • 225,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 18, 1973.

PAUL A NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1430 Filed 1-23-73;8:45 am]

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Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

PART 2—RULES OF PRACTICE

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

PART 40—LICENSING OF SOURCE MATERIAL

PART 70—SPECIAL NUCLEAR MATERIAL

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Miscellaneous Amendment

A rule changing the title "hearing examiner" to "administrative law judge" was published by the U.S. Civil Service Commission in the FEDERAL REGISTER on August 19, 1972 (37 FR 16787).

The Atomic Energy Commission's regulations in 10 CFR Parts 1, 2, and 4 contain numerous references to the terms "Office of Hearing Examiners", "hearing examiner", "hearing examiners", and "Chief Hearing Examiner".

These references should be changed to conform with the action of the U.S. Civil Service Commission on August 19, 1972, and to be consistent with other regulatory agencies in using the title "administrative law judge".

The Commission intends to revise Form AEC-741. Among the minor changes the title will be changed from "Nuclear Material Transfer Report" to "Nuclear Material Transaction Report". The amendments of Parts 30, 40, 70, and 150 reflect the new title of Form AEC-741.

Inasmuch as the amendments set forth below relate to agency management and organization, correction, and minor procedural matters, notice of proposed rule making and public procedure thereon are not required by section 553 of title 5 of the United States Code.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 1, 2, 4, 30, 40, 70, and 150 are published as a document subject to codification, to be effective on January 24, 1973.

1. Parts 1, 2, and 4 of the Commission's regulations are amended by deleting the terms "Office of Hearing Examiners", "hearing examiner", "hearing examiners", and "Chief Hearing Examiner" where they appear and substituting therefor, respectively, the terms "Office of Administrative Law Judges", "administrative law judge", "administrative law judges", and "Chief Administrative Law Judge".

2. Parts 30, 40, 70, and 150 are amended by deleting the term "Nuclear Material Transfer Report", where it appears in §§ 30.55, 40.64, 70.54, 150.16, 150.17, and 150.19 and substituting therefor "Nuclear Material Transaction Report".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 10th day of January 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-1459 Filed 1-23-73;8:45 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	5	Jan. 15, 1973
New York	5	Do.
Philadelphia	5	Do.
Cleveland	5	Do.
Richmond	5	Do.
Atlanta	5	Do.
Chicago	5	Do.
St. Louis	5	Do.
Minneapolis	5	Do.
Kansas City	5	Do.
Dallas	5	Do.
San Francisco	5	Do.

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5½	Jan. 15, 1973
New York	5½	Do.
Philadelphia	5½	Do.
Cleveland	5½	Do.
Richmond	5½	Do.
Atlanta	5½	Do.
Chicago	5½	Do.
St. Louis	5½	Do.
Minneapolis	5½	Do.
Kansas City	5½	Do.
Dallas	5½	Do.
San Francisco	5½	Do.

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston [1]	7	Jan. 15, 1973
New York	7	Do.
Philadelphia	7	Do.
Cleveland	7	Do.
Richmond [1]	7	Do.
Atlanta [1]	7	Do.
Chicago [1]	7	Do.
St. Louis [1]	7	Do.
Minneapolis [1]	7	Do.
Kansas City [1]	7	Do.
Dallas [1]	7	Do.
San Francisco	7	Do.

[1] A rate of 5 percent was approved, effective Jan. 15, 1973, on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in Regulation J (see 37 FR 12711).

(12 U.S.C. 248(1). Interprets or applies 12 U.S.C. 357.)

By order of the Board of Governors, January 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1353 Filed 1-23-73;8:45 am]

Title 14—AERONAUTICS

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 73-EA-1; Amdt. 39-1588]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to amend AD 69-5-2 applicable to the Fairchild Hiller type FH-227 airplanes. Subsequent to the adoption of AD 69-5-2, there have been reports of cracks in the No. 1 inspection door openings which are of greater length than those which prompted the original AD. This permits a conclusion of a faster rate of propagation in these cracks than initially predicted. Thus this amendment will change the time of inspection of the No. 1 opening downward to 700 hours between inspections.

In view of the criticality of the deficiency, notice and public procedure hereon are impractical and cause exists for making the AD effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of the Federal Aviation regulations is amended so as to amend AD 69-5-2 as follows:

1. In paragraph (a), after the date July 12, 1967, insert:

with the exception of the compliance times indicated in paragraph D. (2) as applied to the No. 1 Inspection Door Openings of section 2-H, No. 2 Inspection Procedure (X-ray)—Outer Panels.

2. Reletter paragraphs (b) and (c) as (d) and (e) respectively and insert new paragraphs (b) and (c) to read as follows:

(b) Within the next 100 hours' time in service, after the accumulation of 8,000 hours' time in service, unless already accomplished within the last 600 hours' time in service and thereafter at intervals not to exceed 700 hours' time in service, inspect the No. 1 Inspection Door Openings in accordance with paragraphs (1), (2), (3), (4), (11), and (12) of section 2-H No. 2 Inspection Procedure (X-ray)—Outer Panels of Fairchild Service Bulletin 51-1.

(c) For those aircraft incorporating Fairchild Service Bulletin 51-1, Appendix No. 1 dated January 5, 1973, and later FAA approved changes, the inspection interval for aircraft without cracks remains at 1,200 hours. If any cracks are discovered subsequent to repair installation, the inspection interval will be that specified in paragraph (b) above.

This amendment is effective January 31, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 17, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-1421 Filed 1-23-73;8:45 am]

[Airworthiness Docket No. 72-WE-23-AD; Amdt. 39-1587]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopter

Hughes Tool Co., Aircraft Division, has determined that a mandatory service life must be placed on the tail boom support struts, P/N 269A2015-5 and P/N 269A2015-11, installed in Model 269C helicopters to insure continued compliance with fatigue strength requirements of the Civil Air Regulations. The Federal Aviation Administration concurs with this determination. In addition, operators have experienced instances of deformation and cracking of the several lugs located on the tail boom support structure on Model 269 Series Helicopters. Inadequate support of the helicopter structure during removal of the tail boom and support struts, combined with service loads, has caused the damage. Therefore, an airworthiness directive is being issued to impose a 10,700-hour service life on certain tail boom support struts and require periodic inspection of the tail boom support structure.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

HUGHES. Applies to Models 269A, 269A-1, 269B, and 269C Helicopters all serial numbers certificated in all categories.

To insure continued airworthiness of the tail boom support structure and to provide for early detection of possible damage caused by improper maintenance techniques and service loads accomplish the following:

For all Models 269A, 269A-1, 269B, and 269C Helicopters, within 100 hours' time in service from the effective date of this airworthiness directive unless already accomplished within the last 100 hours and at periods not to exceed 200 hours' time in service from the last inspection, conduct a visual and dye penetrant inspection of the tail boom center attach fitting P/N 269A2324 or P/N 269A2324-7, tail boom support struts P/N 269A2015 or P/N 269A2015-9 for Models 269A, 269A-1, and 269B, and P/N 269A2015-5 or P/N 269A2015-11 for Model 269C and center frame aft cluster fittings on fuselage frame assembly P/N 269A2230 and remove from service any tail boom support strut or end fitting, center frame aft cluster fitting or cluster fitting found to have cracks or other damage and replace with serviceable components in accordance with the methods and techniques specified in Hughes Tool Co., Aircraft Division Service Information Notice No. N-82.1, dated November 14, 1972, or later FAA-approved revisions, or an equivalent installation approved by the Chief, Aircraft Engineering Division, FAA Western Region.

For the Model 269C, prior to accumulation of 10,700 total hours' time in service remove P/N 269A2015-5 or P/N 269A2015-11 struts, marking them permanently and conspicuously to avoid their inadvertent return to service, and replace with new or serviceable struts, P/N 269A2015-5 or P/N 269A2015-11, having less than 10,700 total hours' time in service.

Equivalent methods of compliance must be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective January 25, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; section 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 12, 1973.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.73-1420 Filed 1-23-73;8:45 am]

[Airspace Docket No. 72-EA-123]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of the Federal Aviation regulations so as to alter the Blackstone, Va., transition area (38 FR 435).

The instrument approach procedure for Blackstone Army Air Field has been altered to delete the nighttime criteria, thereby negating a need for the transition area between sunset and sunrise.

Since the foregoing is a reduction in the controlled airspace and therefore the rule is less restrictive, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t. February 1, 1973, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation regulations, by adding the following to the description of the Blackstone, Va., 700-foot floor transition area:

This transition area is effective from sunrise to sunset, daily. Following the phrase, excluding the portion with R-6602.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 8, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-1423 Filed 1-23-73;8:45 am]

[Airspace Docket No. 72-WE-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 26342) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would establish a new transition area at Lodi, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted, as set forth below, subject to the following change:

Delete FEDERAL REGISTER citation "(37 FR 2143)" and substitute "(38 FR 435)".

Effective date. This amendment shall be effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 48 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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Issued in Los Angeles, Calif., on January 12, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (38 FR 435) the following transition area is added:

LODI, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Linds Airport, Calif. (latitude 38°12'11" N., longitude 121°16'03" W.) and within 2.5 miles each side of the Linden, Calif., VORTAC 303° radial extending from the 3-mile-radius area to 10.5 miles northwest of the VORTAC.

[FR Doc.73-1419 Filed 1-23-73;8:45 am]

[Airspace Docket No. 72-NW-09]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On December 28, 1972, FR Doc. 72-22375 was published in the FEDERAL REGISTER (37 FR 28609). This document altered the description of the Redmond, Oreg., transition area. A review of the description of the transition area revealed that the radius of the arc was inadvertently given in nautical miles. Accordingly, action is taken herein to correct this dimension.

Since the arc was depicted correctly in the notice of proposed rule making, this change is editorial in nature and imposes no additional burden on any person; notice and public procedure hereon is unnecessary.

In view of the foregoing, FR Doc. 72-22375 (37 FR 28609) is amended effective immediately, by deleting the phrase "• • • arc of a 32-mile radius • • • " and inserting therefor " • • • an arc of a 37-mile radius • • • "

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on January 15, 1973.

C. B. WALK, JR.,
Director, Northwest Region.

In § 71.181 (38 FR 435) the description of the Redmond, Oreg. transition area is amended as follows:

In line 3, after, " • • • 5 miles south of the VORTAC," insert, "within 4 miles each side of the Redmond VORTAC 014° radial, extending from 15 miles north of the VORTAC to 35 miles north." In addition, amend by adding to the end of the description, " • • • and that airspace north of Redmond VORTAC bounded on the west by the east side of V25, and on the north by an arc of a 32 mile radius arc centered on the Redmond VORTAC, and on the northeast by the northwest edge of V536."

[FR Doc.73-1422 Filed 1-23-73;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Thiabendazole

The Commissioner of Food and Drugs has evaluated a new animal drug application (42-910) filed by Moorman Mfg. Co., Quincy, Ill. 62301, proposing the safe and effective use of thiabendazole as an anthelmintic in cattle when administered in feeding blocks. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.7 by adding new paragraphs (c)(3) and (e)(4) as follows:

§ 135c.7 Thiabendazole.

• • • • • •

(c) *Sponsor.* • • •

(3) See Code No. 058 in § 135.501(c) of this chapter for the sponsor of the usage provided for by paragraph (e)(4) of this section.

• • • • • •

(e) *Conditions of use.* • • •

(4) It is administered to cattle on pasture or range accustomed to mineral protein block feeding as follows:

(i) For control of infections of gastrointestinal roundworms (members of the genera *Trichostrongylus, Haemonchus, Ostertagia* and *Cooperia* species) when mineral protein block containing 3.3 percent thiabendazole is consumed at the recommended level of 0.11 pounds per 100 pounds of body weight per day for 3 days.

(ii) Milk taken from animals during treatment and within 96 hours (eight milkings) after the latest treatment must not be used for food.

(iii) Do not treat cattle within 3 days of slaughter.

(iv) For a satisfactory diagnosis, a microscopic fecal examination should be performed by a veterinarian or diagnostic laboratory prior to worming.

(v) Cattle maintained under conditions of constant worm exposure may require retreatment within 2 to 3 weeks. Animals that are severely parasitized, sick, or off feed should be isolated and a veterinarian consulted for advice concerning treatment.

Effective date. This order shall be effective on January 23, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 17, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-1438 Filed 1-23-73;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7255]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection by Department of Agriculture of Certain Income Tax Returns

Pursuant to section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)) as amended by section 3(c) of the Interest Equalization Tax Act (Public Law 88-563, 78 Stat. 844), section 601(a) of the Excise Tax Reduction Act of 1965 (Public Law 89-44, 79 Stat. 153), and section 4(a) of the Act of November 2, 1966 (Public Law 89-713, 80 Stat. 1109), and the Executive Order 11697 (38 FR 1723), signed this date concerning inspection by the Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations, the regulations on procedure and administration (26 CFR Part 301) are amended by adding immediately after § 301.6103(a)-107 the following:

§ 301.6103(a)-108 Inspection by Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations.

(a) *In general.* Pursuant to the provisions of section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), as amended by section 3(c) of the Interest Equalization Tax Act (Public Law 88-563; 78 Stat. 844), section 601(a) of the Excise Tax Reduction Act of 1965 (Public Law 89-44, 79 Stat. 153), and section 4(a) of the Act of November 2, 1966 (Public Law 89-713, 80 Stat. 1109), and the Executive orders issued thereunder, and in the interest of the internal management of the Government, income tax returns made under such Code for taxable years beginning on or after January 1, 1967, of persons having farm operations shall be open to inspection to the extent readily available in the Internal Revenue Service (for the purpose of obtaining data as to the farm operations of such persons) by the Department of Agriculture as may be needed for statistical purposes only.

(b) *Applications.* Each application for inspection shall be valid for the inspection of returns relating to not more than one taxable year. Such application shall be in writing signed by the Secretary of Agriculture and addressed to the Secretary of the Treasury. The application shall be in such form and manner as may be prescribed by the Commissioner of Internal Revenue but shall state—

(1) The employees of the Department of Agriculture designated by the Secretary of Agriculture who will make the inspection or who will have access to the data made available;

(2) The specific tax data needed and how such data relates to the statistical goals of the Department of Agriculture; and

(3) The procedures to be followed by the Department of Agriculture so as to guarantee the security of the data made available.

(c) *Data available.* The Secretary of the Treasury, or any officer or employee of the Department of the Treasury with the approval of the Secretary, may furnish the Department of Agriculture (for the purpose of obtaining data as to the farm operations of such persons) with the names, addresses, taxpayer identification numbers, or any other data on such returns or may make the returns available for inspection and the taking of such data as the Secretary of Agriculture may designate. Inspection of such returns shall be in accordance with permission granted by the Secretary of the Treasury pursuant to this section. Upon receipt of a request for inspection approved by the Secretary of the Treasury, any officer or employee of the Internal Revenue Service duly authorized by the Commissioner of Internal Revenue may make such returns available for inspection in an office of the Internal Revenue Service by any duly authorized officer or employee of the Department of Agriculture or may make the data on such returns available to such Department.

(d) *Confidentiality of data.* (1) Any data obtained by the Department of Agriculture from its inspection of tax return data shall be held confidential except that such data may be published or disclosed in statistical form, provided such publication does not disclose, directly or indirectly, the name or address of any taxpayer.

(2) The Department of Agriculture may, however, use the names of taxpayers furnished them to survey such taxpayers: *Provided,* That any data obtained from such a survey shall be held confidential except that such data may be published or disclosed in statistical form provided such publication does not disclose, directly or indirectly, the name or address of any taxpayer.

(3) No inspection shall be permitted unless the Commissioner of Internal Revenue is satisfied that the security measures employed by the Department of Agriculture are adequate, that only those employees (designated by the Secretary of Agriculture) who have a need for tax return data for statistical purposes have access to such data, and that there is maintained a secured area for storing data and provision for destruction of the data when it is no longer needed.

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

This Treasury decision shall be effective on January 23, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

Approved: January 17, 1973.

RICHARD M. NIXON,
The White House.

[FR Doc.73-1426 Filed 1-23-73;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1710—FEDERAL DISASTER ASSISTANCE

Private, Nonprofit Medical Care Facilities

On June 9, 1972, the Office of Emergency Preparedness published revisions to 32 CFR Part 1710, in the FEDERAL REGISTER (37 FR 11564) which provided for the repair, reconstruction, or replacement of certain private medical care facilities.

Included in those revisions was a requirement that the interested private organization submit assurances that it had interest in the sites sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility. Subsequent discussions with experts in the field of hospital administration and the Department of Health, Education, and Welfare reveal that the concept of medical care is changing so rapidly that, in some cases, a hospital designed for current requirements may be obsolete in a period much less than 50 years, depending on the type of medical care which is to be offered. Therefore, it has been determined that the requirement set forth in 32 CFR Part 1710, § 1710.8(h)(3)(i), should be flexible enough to assure that the best interests of the public are served.

Accordingly, the Office of Emergency Preparedness is issuing a revision to 32 CFR Part 1710, which authorizes the OEP Director, when in the public interest and on a case-by-case basis, to approve a lesser time period than the 50 years presently set forth in § 1710.8(h)(3)(i).

Since the subject procedures are required immediately to allow interested organizations to proceed with restoration of essential medical care facilities, I find it impractical and contrary to the public interest to engage in public rule making actions and to postpone the time when those procedures may be used. Therefore, this revision shall become effective on January 24, 1973. All interested parties, however, are invited to submit written comments with respect to the revision, which may be later revised in the light of such comments.

Comments should be filed in triplicate within 15 days after publication of the regulations at the Disaster Programs Office, Office of Emergency Preparedness, Room 320, 604 17th Street NW., Washington, DC 20504.

Accordingly, § 1710.8(h)(3)(i), 32 CFR, is amended to read as follows:

§ 1710.8 Project applications.

• • • • • •

(h) • • •

(3) • • •

(i) In addition to owning the facility, that it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a reasonable period of time undisturbed use and possession for the purpose of the construction and operation of the facility. An assurance of such continued operation for a period of 50 years will fulfill this requirement. Any assurance for a lesser period of time must be submitted to the OEP Director for approval. Such approval will be granted only when such a lesser time period is found to be in the public interest.

• • • • • •

Dated: January 18, 1973.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.73-1449 Filed 1-23-73;8:45 am]

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Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1434]

HONEY

Notice of Determinations Regarding 1973 Crop

The Secretary of Agriculture is preparing to make determinations with respect to a loan and purchase program for the 1973 crop of honey and the regulations to carry out the program. The determinations relate to:

a. Loan and purchase rates, color differentials, discounts for quality, and type of storage.

b. Loan maturity date and purchase availability date.

c. Detailed operating provisions to carry out the program.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 et seq.) and the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714 et seq.).

a. *Loan and purchase program, color differentials, and discounts for quality and type of storage.* Title II of the Agricultural Act of 1949, as amended, authorizes and directs the Secretary to make available through loans, purchases, and other operations, support to producers of honey at a level which is not in excess of 90 percent nor less than 60 percent of the parity price thereof. Loan and purchase rates based on color, quality factors, and type of storage are used to reflect marketing features and conditions under which honey is merchandised. Section 401(b) of the Act requires that, in determining a loan and purchase rate in excess of the minimum level prescribed for honey, consideration must be given to the supply of the commodity in relation to the demand thereof, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired under a loan and purchase program, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

b. *Loan maturity date and purchase availability date.* The loan maturity date and purchase availability date will be reviewed for 1973. For the 1972 program, the loan maturity date and the purchase availability date was June 30, 1973.

c. *Detailed operating provisions.* Detailed operating provisions necessary to carry out the loan and purchase program on honey are also being reviewed for 1973. Provisions of this kind may be found in the regulations providing terms and conditions for the current loan and purchase program in Part 1434 of Title 7 of the Code of Federal Regulations.

Prior to making the foregoing determinations and issuing related regulations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Secretary, Commodity Credit Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

In order to be sure of consideration, all submissions must be received not later than February 24, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 202–W, Administration Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on January 16, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73–1464 Filed 1–23–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

FLOUR

Identity Standard: Proposal To List α-Amylase Obtained From Aspergillus Oryzae as Optional Ingredient and To Require Label Declaration of All Optional Ingredients

Notice is given that a petition has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that the standard of identity for flour, white flour, wheat flour, plain flour (21 CFR 15.1), and whole wheat flour, graham flour, entire wheat flour (21 CFR 15.80) be amended to permit the optional addition of harmless preparations of α-amylase obtained from *Aspergillus oryzae* alone or in a suitable harmless carrier as a dough conditioner provided that the quantity of any such carrier shall be no greater than reasonably necessary to effect a uniform mixture of the α-amylase with the flour.

Grounds given in the petition in support of the proposal are that the addition of α-amylase obtained from *Aspergillus oryzae* to flours in the flour mill provides for greater efficiency, convenience, and control and that, since the enzyme is presently permitted in bread, it is anticipated that flour containing the enzyme could be used by bakers without their having to add the enzyme at the bakery level.

The Commisisoner of Food and Drugs is aware that there is significant consumer interest that the labels of standardized foods bear complete information of the ingredients contained in the foods. In the absence of legal authority to require that the labels bear the names of mandatory ingredients, the Commissioner intends to amend the definitions and standards of identity of foods by setting into motion as rapidly as possible the provisions of section 401 of the Federal Food, Drug, and Cosmetic Act to require label declaration of all optional ingredients. In accordance with the provisions set forth in 21 CFR 3.88(b), as published in the FEDERAL REGISTER of March 10, 1972 (37 FR 5120), the Commissioner proposes on his own initiative that the common names of all optional ingredients used in flours (§ 15.1), self-rising flour (§ 15.50), whole wheat flour (§ 15.80), and enriched farina (§ 15.140) be declared on the label. In accordance with the provisions of section 403 of the Act, spices, flavorings, and colorings may be designated as such without naming each. The proposal, if adopted, would also apply to all standards appropriately cross-referenced to §§ 15.1, 15.50, 15.80, and 15.140. It would not apply to the standards for durum flour (§ 15.40), crushed wheat (§ 15.110), cracked wheat (§ 15.120), farina (§ 15.130), and semolina (§ 15.150), which permit no optional ingredients.

The petitioner proposed that the label on the flour which contains the α-amylase bear the statement "α-amylase obtained from *Aspergillus oryzae* added as a dough conditioner". However, the regulation as proposed by the Commissioner, if adopted, would require that the list of ingredients declared on the label include "α-amylase obtained from *Aspergillus oryzae*" when it is used.

Therefore, it is proposed that §§ 15.1 and 15.80 (21 CFR 15.1, 15.80) be amended to permit the optional addition of harmless preparations of α-amylase obtained from *Aspergillus oryzae* alone or in a suitable harmless carrier provided that the quantity of such carrier is no greater than that reasonable necessary to effect a uniform mixture of the α-amylase with the flour.

Due to cross-referencing, the adoption of the amendment to the standards for flour (§ 15.1) and whole wheat flour (§ 15.80) to permit the optional use of harmless preparations of α-amylase obtained from *Aspergillus oryzae* alone or in a suitable harmless carrier would have the effect of making such ingredient a permitted ingredient in §§ 15.10, 15.20, 15.30, 15.70, 15.75, 15.90, and 15.100.

As self-rising flour (§ 15.50) is a mixture of flour and other ingredients, the adoption of the amendment to the standard for flour (§ 15.1) to permit the optional use of harmless preparations of α-amylase obtained from *Aspergillus oryzae* alone or in a suitable harmless carrier would have the effect of making such ingredient a permitted ingredient in self-rising flour (§ 15.50).

Due to cross-referencing, the permitted use of harmless preparations of α-amylase obtained from *Aspergillus oryzae* alone or in a suitable harmless carrier in self-rising flour (§ 15.50) would have the effect of making such ingredient a permitted ingredient in enriched self-rising flour (§ 15.60).

It is further proposed that §§ 15.1, 15.50, 15.80, and 15.140 be amended to require that the common names of all optional ingredients used in the food be declared on the label as required by the applicable sections of 21 CFR Part 1.

The standard for self-rising flour (§ 15.50) would be so amended that all optional ingredients permitted in the flour from which the self-rising flour is made would be considered to be optional ingredients of the self-rising flour and would be subject to label declaration.

Due to cross-referencing, adoption of the proposed amendment to the standards for flour (§ 15.1), self-rising flour (§ 15.50), and whole wheat flour (§ 15.80) will have the effect of requiring label declaration of all optional ingredients in the case of §§ 15.10, 15.20, 15.30, 15.60, 15.70, 15.75, 15.90, and 15.100, as applicable.

Interested persons may, on or before March 26, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–1437 Filed 1–23–73;8:45 am]

DEPARTMENT OF TRANSPORTION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–SW–3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at El Campo, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before February 23, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

EL CAMPO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the El Campo Airpark (latitude 29°16'00" N., longitude 96°19'30" W.).

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the El Campo Airpark, El Campo, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Fort Worth, Tex., on January 16, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73–1425 Filed 1–23–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–SW–2]

CONTROL ZONES

Revocation, Designation, and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to delete the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone, designate the Dallas-Fort Worth, Tex. (Regional Airport), control zone, and alter the Dallas, Tex. (Love Field) (NAS Dallas), and (Redbird Airport) control zones.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before February 23, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

(1) In § 71.171 (38 FR 351), the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone is deleted.

(2) In § 71.171 (38 FR 351), the following control zone is added:

DALLAS-FORT WORTH, TEX., REGIONAL AIRPORT

Within a 5-mile radius of Dallas/Fort Worth Regional Airport (latitude 32°53'53" N., longitude 97°02'24" W.); within 2.5 miles west and 3.5 miles east of the runway 17R/35L ILS localizer courses extending from the 5-mile-radius zone to the OMs, and within 2.5 miles each side of the runway 31 ILS localizer course extending from the 5-mile-radius zone to the OM.

(3) In § 71.171 (38 FR 351), the following control zones are altered:

DALLAS, TEX. (LOVE FIELD)

Delete "and within 2 miles each side of the Love Field No. 2 ILS localizer southeast course, extending from the arc of a 5-mile-radius circle centered at Love Field to the Runway 31L OM (latitude 32°46'39" N., longitude 96°46'28" W.)." and substitute therefor "within 2 miles each side of the Love Field runway 31L ILS localizer southeast course, extending from the Love Field 5-mile-radius zone to the OM; and excluding that airspace within the Dallas-Forth Worth, Tex. (Regional Airport) control zone."

DALLAS, TEX. (NAS DALLAS)

Delete the description of the control zone and amend it to read: "Within a 6-mile radius of NAS Dallas (latitude 32°44'00" N., longitude 96°58'05" W.); within a 5-mile radius of Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.); excluding the portion within the Dallas-Forth Worth, Tex. (Regional Airport), and Dallas, Tex. (Love

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Field), control zones; and excluding the portion east of a line from latitude 32°37'00" N., longitude 96°56'00" W. to latitude 32°39'35" N., longitude 96°54'15" W. to latitude 32°48'00" N., longitude 96°53'45" W."

DALLAS, TEX. (REDBIRD AIRPORT)

Delete "excluding the portion west of a line from the intersection of the Redbird Airport 5-mile-radius zone and the arc of an 8-mile-radius circle centered at NAS Dallas (latitude 32°44'00" N., longitude 96°58'05" W.), southwest of Redbird Airport, through latitude 32°39'35" N., longitude 96°54'15" W., to longitude 96°53'30" W. and the arc of a 5-mile-radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) southwest of Love Field." and substitute therefor "excluding the portion west of a line from latitude 32°37'00" N., longitude 96°56'00" W., to latitude 32°39'35" N., longitude 96°54'15" W., to latitude 32°48'00" N., longitude 96°53'45" W."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on January 16, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-1424 Filed 1-23-73;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 613, 614, 619]

FARM CREDIT SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration a proposed amendment of its regulations as set forth below in tentative form. These amendments, for purposes of nonfarm home lending only, would (1) redefine a rural area, (2) provide for the establishment of standards of rural subdivision design, (3) delete the provision for bench marks on rural residences, (4) provide for the identification of housing loans as farm loans under certain circumstances, and (5) delete the definition of a commercial subdivision. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than March 1, 1973, to E. A. Jaenke, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of the Director of Information, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising paragraph (g) and adding a paragraph (i) in § 613.3040, by deleting paragraph (b) and renumbering paragraphs (c) and (d) as (b) and (c), respectively, in § 614.4390, by adding a paragraph (c) in § 614.4430, and deleting § 619.9070. The revised, added and renumbered paragraphs are as follows:

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

§ 613.3040 Rural residents.

* * * * *

(g) For the purposes of nonfarm home lending only, a rural area is agricultural open country which may include rural subdivisions or any city or village with a population not exceeding 2,500 persons. A rural area does not include subdivisions or villages associated with or adjacent to a larger population center. The intent is to avoid lending in concentrated, high density residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center.

* * * * *

(i) The establishment of standards of rural subdivision design shall encourage an orderly development of economically stable communities in a healthful rural living environment. The bank shall prescribe appropriate standards subject to the approval of the district board for eligible subdivisions located in rural areas. Standards for rural subdivisions shall be designed to assure:

(1) Conformation where applicable with general planning policies of the planning agency having jurisdiction;

(2) Compliance with all local regulations, ordinances, and codes;

(3) Adequate and dependable water and waste disposal system;

(4) Adequate, economic, safe and dependable streets, lot layout, utilities, grading and drainage; and

(5) That the location will provide desirable permanent living conditions for the residents so as to insure long-term market demand and acceptability.

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4390 Appraisal of security.

* * * * *

(b) A procedure for classifying security and area shall be a basic part of the appraisal process.

(c) The same appraisal standards, and forms and procedures shall be used by both Federal land bank associations and production credit associations.

§ 614.4430 Identification of rural housing loans.

* * * * *

(c) *Provided, however,* That housing loans for homes used in farming operations or immediate family needs to farmers and ranchers may be identified as farm loans if the borrower meets the requirements of § 613.3020(g)(1) of this chapter.

PART 619—DEFINITIONS

§ 619.9070 [Deleted]

(Sec. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.73-1436 Filed 1-23-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. R-463]

ELECTRIC SERVICE TARIFF CHANGES

Proposed Filing Requirements; Notice of Extension of Time

JANUARY 19, 1973.

On January 10, 1973, the American Public Power Association filed a request for extension of time within which to file comments concerning the Notice of proposed rule making in Docket No. R-463, Filing of Electric Service Tariff Changes (37 FR 28195), issued on December 14, 1973.

Upon consideration, notice is given that the time is extended to and including February 28, 1973, within which any interested person may submit data, views, and comments in writing in the above designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1485 Filed 1-23-73;8:45am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Accounting for Long-Term Contracts and Advance Payments; Extension of Time for Comments

Proposed amendments to the regulations under section 451 of the Internal Revenue Code of 1954, relating to accounting for advance payments and long-term contracts appear in the FEDERAL REGISTER for Tuesday, November 21, 1972 (37 FR 24753).

Written comments or suggestions pertaining to the proposed amendments were required by January 20, 1973. The time for submission of written comments pertaining to the proposed regulations is hereby extended to March 21, 1973.

LEE H. HENKEL, JR.,
Chief Counsel.

[FR Doc.73-1598 Filed 1-23-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

COMBINATION CORRESPONDENCE-RESIDENCE PROGRAM

Notice of Proposed Regulatory Development

Under current VA regulations the correct rules pertaining to payment of benefits for students enrolled in combined correspondence-resident programs are not set forth explicitly. Section 1788(b), title 38, United States Code, provides authority for the Administrator to define full-time training in courses not covered by section 1788(a). It is proposed to add § 21.4279 to Subpart D, Part 21, Title 38, Code of Federal Regulations, to make explicit, under this authority, the definition of full-time training for combined correspondence-residence programs.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before February 23, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective the date of approval.

§ 21.4279 Combination correspondence-residence program.

(a) A program of education may be pursued partly in residence and partly by correspondence for the attainment of a predetermined and identified objective under the following conditions:

(1) The correspondence and residence portions are pursued sequentially; that is, not concurrently.

(2) It is the practice of the institution to permit a student to pursue a part of his course by correspondence in partial fulfillment of the requirements for the attainment of the specified objective.

(3) The total credit established by correspondence does not exceed the maximum for which the institution will grant credit toward the specified objective.

(b) The rate of educational assistance allowance payable shall be computed as set forth in §§ 21.4270 and 21.4136(a).

(1) The charges for that portion of the program pursued exclusively by correspondence will be in accordance with § 21.4136(a) with 1 month of entitlement charged for each $220 of cost reimbursed.

(2) The charges for the residence portion of the program must be separate from those for the correspondence portion.

Approved: January 17, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-1474 Filed 1-23-73;8:45 am]

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Notices

DEPARTMENT OF STATE

Office of the Secretary

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The National Review Board for the Center for Cultural and Technical Interchange Between East and West will meet in open session at the Center, 1777 East-West Road in Honolulu, HI on January 29 and 30, 1973. The Board will discuss building plans and the progress of the Center's newly established Office of Private Resources. The meeting is scheduled to take place in Jefferson Hall from 9:30 a.m. to 4:30 p.m. on January 29 and from 9:30 a.m. to noon of January 30.

CAROL M. OWENS,
Executive Secretary.

JANUARY 9, 1973.

[FR Doc.73-1600 Filed 1-23-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

INDUSTRY ADVISORY GROUP ON AIRCRAFT STRUCTURAL INTEGRITY PROGRAM

Notice of Closed Meeting

The Aeronautical Systems Division Industry Advisory Group on the Aircraft Structural Integrity Program will meet on Tuesday, Wednesday, and Thursday, 20, 21, 22 February 1973, at Wright-Patterson Air Force Base, Ohio. This Advisory Group is established to advise the ASD Commander on all matters incident to the development and refinement of (1) service life prediction techniques for aircraft structures and (2) design criteria to attain programmed service life. This meeting is for the purpose of providing advice to the ASD Commander regarding formulation of requirements, determination of procedures and discussion of current industry activities in assuring structural integrity of current and future Air Force aircraft systems. The meeting will involve expression of views and judgments of the members and their companies. Accordingly under the authority of the Secretary of the Air Force notice of determination of 3 November 1972, this meeting will involve matters which fall within policies analogous to those recognized in section 552 (b) (1) and (4) of title 5, United States Code, and will be closed to the public.

Dated: January 12, 1973.

W. B. MILLER, *Chairman,*
ASD ASIP Industry Advisory Group.

[FR Doc.73-1403 Filed 1-23-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 25]

GILA PROJECT, ARIZONA, YUMA MESA DIVISION, SOUTH GILA VALLEY DIVISION

Public Notice of Water Service Following Transfer of Operation and Maintenance Responsibility to the Yuma Irrigation District

Boulder City, Nev., December 18, 1972, (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented).

1. *Water service.* (a) Operation and maintenance responsibility in the South Gila Valley Unit will be transferred by the United States to the Yuma Irrigation District effective January 1, 1973. Beginning January 1, 1973, and continuing thereafter until further notice, irrigation water, when available, will be furnished by the Yuma Irrigation District to the irrigable lands in the above-designated unit for which district taxes for said water service have been paid pursuant to the contract of July 23, 1962 (No. 14-06-300-1270), as amended, between the United States and the Yuma Irrigation District.

(b) Orders for water should be made to the Yuma Irrigation District in accordance with the District's operating rules and regulations.

2. *Acreage limitation.* Except as otherwise provided in the Reclamation Law (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented), and the contract of July 23, 1962, as amended, no water will be delivered by the Yuma Irrigation District to any lands which constitute "excess lands" within the meaning of said law and the aforesaid contract of July 23, 1962, as amended.

ROY D. GEAR,
Acting Regional Director, Lower Colorado Region, Bureau of Reclamation.

[FR Doc.73-1460 Filed 1-23-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PERISHABLE AGRICULTURAL COMMODITIES ACT—INDUSTRY ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, notice is hereby given of a meeting of the Perishable Agricultural Commodities Act—Industry Advisory Committee on Saturday, February 10, 1973, at 9 a.m. in the Mission Room of the Los Angeles Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, CA.

The purpose of the meeting is to discuss policies and procedures relating to the administration of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.). The meeting will be open to the public.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Floyd F. Hedlund, Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, U.S. Department of Agriculture, Washington, DC 20250; telephone 202-447-4722.

Dated: January 17, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-1375 Filed 1-23-73;8:45 am]

Forest Service

PROPOSAL FOR OKLAWAHA RIVER

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a proposal for Oklawaha River, USDA-FS-FES (Adm and Leg) 72-36.

The environmental statement concerns the following action:

1. *Administrative action.* a. Adjustment of the Proclamation Boundary of the Ocala National Forest in Marion and Putnam Counties, Florida.

b. Initiate studies and submit to National Forest Reservation Commission for consideration as required under the Weeks Act of March 1, 1911 (16 U.S.C. 515 and 516), proposed acquisition and administration by the USDA, Forest Service, of certain lands (approximately 25,400 acres in fee title and 4,780 acres under lease) which have been acquired, are in process of being acquired or controlled by easements by the Florida Canal Authority lying generally along the Oklawaha River between the St. Johns River and Dead River Swamp.

c. Transfer the jurisdiction of lands along the section of the Oklawaha River now held and administered by the Department of the Army, Corps of Engineers, to the USDA, Forest Service.

Ownership of and operational and maintenance responsibility for Rodman Dam, Buckman Lock, and associated facilities for flood control and navigation purposes would remain with the Corps of Engineers until the Wild and Scenic River Study and associated implementing action is completed.

The Wild and Scenic River Study would make recommendations on the management or disposition of Rodman Dam, Buckman Lock and associated facilities.

2. *Legislative action.* Designate a portion of the Oklawaha River in Marion and Putnam Counties, Fla., as a Study River under the National Wild and Scenic Rivers Act, PL 90-542, with provisions for a Federal Study to be completed as soon as possible.

The study proposal assumed supportive action in the form of an immediate but temporary partial drawdown of Lake Oklawaha. Lowering the lake assures that study conclusions are drawn from the widest possible array of options, thus allowing maximum flexibility in the setting of ultimate management goals for this area.

This final environmental statement was filed with CEQ on January 16, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.
USDA, Forest Service, 1720 Peachtree Road NW., Room 806, Atlanta, GA 30309.
USDA, Forest Service, Forest Supervisor, 214 South Bronough Street, Tallahassee, FL 32302.

A limited number of single copies are available upon request to Regional Forester, U.S. Forest Service, Room 806, 1720 Peachtree Road NW., Atlanta, GA 30309.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the Environmental Statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JANUARY 18, 1973.

[FR Doc.73-1414 Filed 1-23-73;8:45 am]

PACIFIC CREST NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Agenda for Meeting

Notice is hereby given that a meeting of the Pacific Crest National Scenic Trail Advisory Council will be held, beginning at 9 a.m., on February 1, 1973, and continue through February 3, 1973, at the Hanalei Motel, 2270 Hotel Circle, San Diego, CA 92108. The purpose of the Council is to advise the Secretary on matters relating to the Pacific Crest National Scenic Trail, including the selection of rights-of-way, standards of the erection and maintenance of markers along the trail, and the administration of the trail.

The agenda for this meeting will include:

THURSDAY, FEBRUARY 1

1. Welcome and discussion of recent happenings.
2. Reports from subgroup chairmen and/or council members on accomplishments and advice on trail matters.
3. Construction program.

FRIDAY, FEBRUARY 2

1. Right-of-way acquisition program.
2. Public information.
3. Summary remarks.

SATURDAY, FEBRUARY 3

1. Field trip to Cleveland National Forest.

The meeting will be open to the public. For additional information, interested persons may contact the Division of Engineering, Forest Service, Washington, D.C., by telephone (703—557-0418) or by mail (USDA, Forest Service, Division of Engineering, Washington, D.C. 20250) prior to the meeting.

RUSSELL P. MCROREY,
Chairman, Pacific Crest Trail Advisory Council.

JANUARY 18, 1973.

[FR Doc.73-1402 Filed 1-23-73;8:45 am]

Soil Conservation Service

LITTLE RUNNING WATER DITCH RC&D MEASURE PLAN, ARKANSAS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Little Running Water Ditch RC&D Measure Plan, Randolph County, Ark., USDA-SCS-ES-RD-(ADM)-73-1-(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by 41 miles of channel alteration with appurtenances including 245 water control structures, six grade control structures, and seven low water weirs.

This draft environmental statement was filed with CEQ on January 16, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.
Soil Conservation Service, USDA, Room 5409, Federal Office Building, Little Rock, Ark. 72201.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151, for $3 each. Please use name and number of statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Einar L. Roget, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, AR 72203.

Comments must be received on or before February 23, 1973, in order to be considered in the preparation of the final environmental statement.

W. B. DAVEY,
Acting Administrator, Soil Conservation Service.

JANUARY 16, 1973.

[FR Doc.73-1465 Filed 1-23-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-377]

LEONARDO L. OLIVIERI

Notice of Loan Application

JANUARY 16, 1973.

Leonardo L. Olivieri, 1435 Laurel Street, Santa Cruz, CA 95060, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 36-foot in length, to engage in the fishery for anchoves, squid, salmon, albacore, California halibut, mackerel, king croaker, smelt, pompano, and bottomfish off the coast of California.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce,

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Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, by February 23, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.73-1404 Filed 1-23-73;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Notice of Intent to Issue Exemptions

The National Oceanic and Atmospheric Administration published interim regulations (37 FR 28177) on December 21, 1972, to implement the Marine Mammal Protection Act of 1972 (Public Law 92-522) relating to the taking and importing of marine mammals and marine mammal products.

Section 101(a)(1) of the Act and § 216.12 of the regulations provide for scientific research permits based on recommendations by a Marine Mammal Commission. Since the Commission has not been appointed as yet, it is not possible to issue any permits for scientific research. However, we do not feel that it was the intent of the Act to end all scientific studies during this period. Therefore, during the interim we propose to consider undue economic hardship exemptions for the taking of marine mammals for scientific purposes: *Provided*, That some degree of economic hardship is shown. These exemptions will be considered under the criteria set forth in §§ 216.12 and 216.13 of our regulations regarding scientific research permits and economic hardship exemptions. The financial burden which would be occasioned by the termination of research and the restarting of research upon establishment of the Marine Mammal Commission may be considered an undue economic hardship: *Provided*, That the project can be justified scientifically. Where the research is for the benefit of the animals, a minimum economic hardship will be considered undue. Upon appointment of a Marine Mammal Commission and the Committee of Scientific Advisors, scientific research permit applications will be referred to those bodies for review and recommendations, as provided in § 216.12 of the regulations.

Dated: January 22, 1973.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-1533 Filed 1-23-73;8:45 am]

KENNETH S. NORRIS, ET AL.

Applications for Marine Mammals Exemptions

The Marine Mammal Protection Act of 1972 authorizes the Secretary to exempt any person other than those engaged in commercial fishing operations from the provisions of the Act in order to minimize undue economic hardship.

As of Friday, January 19, 1973, the following persons have made application for such an exemption:

1. Dr. Kenneth S. Norris, University of California, Santa Cruz. Request: To tag three juvenile gray whales in Boca Soledad, Baja California with telemetric data and tracking packages.
2. Sea World, San Diego, Calif. Request: To take and display 36 Cetacea and 46 Pinnepeds in a new facility in Orlando, Fla.
3. Dr. Howard E. Winn, University of Rhode Island. Request: To take and import three gray seals from Canada for biology and bielectronic research.
4. Gulfarium, Fort Walton Beach, Fla. Request: To take four Atlantic bottle-nose porpoise for public display.
5. Sea Lions International, Santa Barbara, Calif. Request: To take 200 California Sea Lions for public display by various zoos and aquaria.
6. Seattle Marine Aquarium and Namu, Inc., Seattle, Wash. Request: To take eight killer whales for public display by various zoos and aquaria.
7. Bergner International Corp., New York, NY. Request: To import about 10,000 dressed Beater and Blueback sealskins from Canada, for resale.

All documents submitted in connection with any of the above applications are available for inspection in the Office of the Director, National Marine Fisheries Service. Confidential financial documents and trade secrets will not be available.

Dated: January 22, 1973.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-1532 Filed 1-23-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151 at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231 at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION

Patent 3,635,676. Method for Increasing the Strength of Carbon Foam. Filed November 5, 1969. Patented January 18, 1972. Not available NTIS.

Patent 3,635,793. Connector Assembly. Filed October 7, 1969. Patented January 18, 1972. Not available NTIS.

Patent 3,635,831. Production of High-Purity Cesium-137. Filed September 25, 1969. Patented January 18, 1972. Not available NTIS.

Patent 3,636,323. Geographic Position Locator. Filed May 1, 1970. Patented January 18, 1972. Not available NTIS.

Patent 3,636,389. Magnetohydrodynamic Method and System. Filed March 22, 1971. Patented January 18, 1972. Not available NTIS.

Patent 3,636,462. Automatic DC Level Controlling System for a DC-Coupled Amplifier. Filed December 11, 1970. Patented January 18, 1972. Not available NTIS.

Patent 3,636,674. Insulation Module with Superposed Deformed Core Sheets. Filed August 10, 1964. Patented January 25, 1972. Not available NTIS.

Patent 3,636,923. Apparatus for Coating Microspheres with Pyrolytic Carbon. Filed May 4, 1970. Patented January 25, 1972. Not available NTIS.

Patent 3,637,314. Tubing Reflectometer. Filed January 13, 1970. Patented January 25, 1972. Not available NTIS.

Patent 3,637,422. Dispersion-Hardened Tungsten Alloy. Filed January 3, 1968. Patented January 25, 1972. Not available NTIS.

Patent 3,638,017. Thermoluminescent Dosimeter Encoding and Readout Method. Filed December 23, 1969. Patented January 25, 1972. Not available NTIS.

Patent 3,638,023. Radioisotopic Power Source. Filed November 7, 1969. Patented January 25, 1972. Not available NTIS.

Patent 3,638,154. Braided Superconductor. Filed March 26, 1970. Patented January 25, 1972. Not available NTIS.

Patent 3,643,441. Oil Storage Method. Filed May 5, 1970. Patented February 22, 1972. Not available NTIS.

Patent 3,650,896. Nuclear Fuel Particles. Filed October 9, 1969. Patented March 21, 1972. Not available NTIS.

Patent 3,652,233. Method of Improving Recovery of Neptunium in the Purex Process. Filed December 29, 1969. Patented March 28, 1972. Not available NTIS.

Patent 3,652,744. Method of Making Nuclear Fuel Elements. Filed November 19, 1969. Patented March 28, 1972. Not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR

Patent 3,700,591. Clearing of Used Membrane with Oxalic Acid. Filed September 24, 1970. Patented October 24, 1972. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application 293,727. Phase Detection System for AC Power Lines. Filed September 29, 1972. PC $3/MF $0.95.

[FR Doc.73-1387 Filed 1-23-73;8:45 am]

Office of Import Programs

POMONA COLLEGE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before February 13, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00287-33-46500. Applicant: Pomona College, 6th Street and College Avenue, Claremont, CA 91711. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for conducting experiments on the fine structure of synapses in the nervous system of a primitive chordate, amphioxus. In addition, the ultrastructure of intercelluar junctions, particularly septate junctions, in a variety of invertebrate animals will be studied. The article will also be used in the course Zoology 199, Introduction to Research in Zoology to provide students with experience and training in research techniques and procedures. Application received by Commissioner of Customs: December 18, 1972.

Docket No. 73-00288-33-46500. Applicant: Mount Sinai School of Medicine of the City University of New York, Fifth Avenue and 100th Street, New York, NY 10029. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural investigations on the structure of normal and pathologic organs of Corti from animal and human autopic material. Additional research projects also will use this instrument in the preparation of specimens of human cancers from larynx, nasal septa and other pertinent areas. The article will also be used for introduction of research techniques and evaluation of experiments to resident physicians in otolaryngology. Application received by Commissioner of Customs: December 18, 1972.

Docket No. 73-00289-33-46040. Applicant: Yale University, Purchasing Dept., 260 Whitney Avenue, New Haven, CT 06520. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research concerning the fine structure and fine-structural cytochemistry of melanocytes. Studies are directed toward understanding the conditions that influence growth, melanin synthesis, and transfer under physiologic, pathologic, and pharmacologic (therapeutic) conditions. Primary interest centers on the biology of melanoma cells and of melanocytes from individuals suffering from vitiligo. Aside from teaching electron microscopy to interested medical students (a research thesis is required for graduation) and residents in Dermatology, the article will be used in the following medical-school graduate school courses:

(a) Anatomy 106a: Principles and methods in electron microscopy.
(b) Anatomy 108 a&b: Applications of cytochemistry to electron microscopy.
(c) Anatomy 102a: Cell Biology.
(d) Anatomy 119a: Techniques in Developmental Biology.

Application received by Commissioner of Customs: December 19, 1972.

Docket No. 73-00290-33-46040. Applicant: Creighton University, College of Dentistry, 2500 California Street, Omaha, NE 68131. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in studies of biological cells during inflammation and after pharmacologic manipulation; reticuloendothelial cells producing immuno-globulins; mast cells and cultured cells involved in bone resorption. All studies will relate to basic cellular phenomena which will increase knowledge and understanding of ultrastructural morphology in cellular function. The article will also be used for instruction of graduate students, faculty members and selected advanced undergraduate students in the use of the electron microscope in the course Advanced Oral Biology. Application received by Commissioner of Customs: December 19, 1972.

Docket No. 73-00291-98-54200. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT. 06520. Article: Extended Interaction Oscillator. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used for atomic beam magnetic resonance measurement of fine structure of 2^3P state. This will involve precision measurement of fundamental physical constants, precision test of quantumelectrodynamics, and check on recent theoretical calculations of He properties and wavefunctions. Application received by Commissioner of Customs: December 15, 1972.

Docket No. 73-00292-98-34040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: "Carcinotron" Backward Wave Oscillator. Manufacturer: Thomson-CSF Electronic Tubes Inc., France. Intended use of article: The article will be used in the development and operation of a polarized proton target. Microwave power supplied by the article polarizes the protons in the target material. The polarized proton target will be used to investigate the structure of the proton in a series of deep inelastic polarized electron-polarized proton scattering experiments. Application received by Commissioner of Customs: December 15, 1972.

Docket No. 73-00293-33-46040. Applicant: University of Chicago, 5801 South Ellis Avenue, Chicago, IL 60637. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in an Electron Microscope Laboratory to provide service to scientists who have either frequent or occasional need for electron microscopic studies of molecules and tissue preparations. The laboratory will be committed to a wide range of ultrastructural projects that include studies on ovarian, testicular and placental function, on sperm and ovum biology, and on problems related to fertility and infertility. Application received by Commissioner of Customs: December 15, 1972.

Docket No. 73-00294-01-59800. Applicant: Florida State University, Department of Chemistry, Tallahassee, Fla. 32306. Article: Flash Photolysis Apparatus Type FP-2R. Manufacturer: Northern Precision Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used in flash-kinetic-spectroscopy studies of the triplet decay characteristics of flexible organic molecules. The functioning of those molecules as acceptors and donors of triplet excitation is to be determined using the same technique. In these experiments a very intense flash of light is used to excite the molecules to higher electronically excited states. The article will also be used in undergraduate and graduate level courses to introduce students to advanced laboratory techniques in specialized areas of chemistry as well as to supervise independent and original research by students as part of the requirements for graduation with honors at the BA and BS level and the obtention of Masters or Ph. D. degrees. Application received by Commissioner of Customs: December 14, 1972.

Docket No. 73-00296-00-46040. Applicant: Northeastern University, 360 Huntington Avenue, Boston, MA 02115. Article: Transmission hot stage with power supply. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope being used to study the amorphous to crystalline transformation in amorphous solids prepared in various ways. The article will also be used for educational purposes to assist graduate students in the pursuance of their degrees under the following course numbers: 02.991 masters thesis and 02.995

V38-16 JAN 24 73 XUM

Ph. D. thesis. Application received by Commissioner of Customs: December 15, 1972.

Docket No. 73–00298–00–46070. Applicant: National Bureau of Standards, Institute for Materials Research, Metallurgy Division, Washington, DC 20234. Article: SEM television scanning system. Manufacturer: Cambridge Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to obtain SEM information at TV rates in order to carry out dynamic experiments directly within the SEM. These experiments will include the following:

(a) The study of superplastic alloys of commercial interest,
(b) Investigation of plastically deformed single crystals concentrating on slip line lengths and slip step density measurements,
(c) Studies of freshly produced fractured surfaces terminating the deformation tests,
(d) Tests at elevated temperatures employing a heating stage within the microscope,
(e) Fatigue test utilizing flexible vibrating beam geometry, and
(f) Experiments in crystal growth at elevated temperatures using low vapor pressure materials concentrating on the kinetics and morphology of the liquid-solid interface.

Application received by Commissioner of Customs: December 20, 1972.

Docket No. 73–00299–65–77040. Applicant: University of Connecticut, Storrs, Conn. 06268. Article: Mass Spectrometer, Model MS902EI and accessories. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article is intended to be used for research in the following areas:

(1) Structure elucidation of natural products including:
Polypeptides.
Fungal metabolites.
Alkaloids.
Steroids.
Terpenes.
Anti-tumor compounds.
(2) Structure elucidation of synthetic organic and inorganic compounds including:
Synthetic terpenoids.
Synthetic alkaloid precursors.
Nitrogen heterocycles.
Organo-transition metal complexes.
Boron compounds.
General organic synthetic intermediates.
(3) Isotope labelling studies including:
Kinetic isotope effects in organic reactions.
Deuterium labelling in polypeptides and derivatives.
(4) Mass spectral fragmentation mechanism including:
Kinetic and thermodynamic studies of gaseous ions.
Metastable decomposition of gaseous ions.
(5) Combined GC-mass spectrometry for:
Identification of neurological compounds from snail brain.
Identification of flavor components in milk.
Characterization of odorous substances from microorganisms.

Application received by Commissioner of Customs: October 28, 1972.

Docket No. 73–00300–65–46040. Applicant: Newark College of Engineering, 323 High Street, Newark, NJ 07102. Article: Electron Microscope, Model JEM 120. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by both graduate students and faculty for investigations of crack initiation and propagation, order-disorder transformations, nature of whisker, nucleation and growth, fatigue and creep, and alloy strengthening. In addition the article will be used in the following courses: Engineering Materials, Microscopy and Diffraction in Materials, Materials Science II, and Advanced Materials Science Lab. Application received by Commissioner of Customs: November 17, 1972.

Docket No. 73–00301–33–46070. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, MA 02115. Article: Scanning Electron Microscope, Model JSM–50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to perform high spatial resolution micro analysis of calcifying tissues obtained from mammalian species such as the rat and rabbit. Both normal and those with experimentally produced diseases such as rickets or plumbism will be studied thus allowing analysis of intracellular organelles and the extracellular matrix for the presence of calcium, phosphorus and other biologically important inorganic elements. Application received by Commissioner of Customs: December 12, 1972.

Docket No. 73–00302–01–77040. Applicant: Purdue University, Lafayette, IN 47907. Article: MS–9 magnet fitted with low voltage coils, magnet trolley, electrostatic analyzer, lower inner frame, with runners for the magnet trolley, three-part assembly, with isolation valve, stilts, and heater, MS–9 insertion lock with direct insertion probe, a length of bent analyzer tubing, assorted flanges and bolts, and source supply chassis including a d.c. converter, high voltage cable, and isolation transformer. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used in the construction of an Ion Kinetic Energy Spectrometer (IKES) which is to be used in research for a better understanding of the energetics and kinetics of gas phase ionic reactions. Application received by Commissioner of Customs: December 12, 1972.

B. Blankenheimer,
Acting Director,
Office of Import Programs.

[FR Doc.73–1385 Filed 1–23–73;8:45 am]

WILSON COLLEGE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before February 13, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the Federal Register, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73–00304–99–46040. Applicant: Wilson College, Chambersburg, Pa. 17201. Article: Electron Microscope, Model EM–9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the following Biology courses:

Biology 317: Basic Techniques of Electron Microscope—To acquaint the student with a modern technique utilized in virtually every discipline of biological investigation.
Biology 350: Independent Study—To meet the individual needs of the advanced student.
Biology 359, 360: Senior Advanced Study and Research—To provide an opportunity for a senior to engage in independent advanced study and research in a specific phase of her major field.

In addition the article will be used for the following research projects:

1. Reversibility of cellular differentiation in two genera of frogs would be investigated.
2. The ultrastructure of differentiating cells and of fertilized eggs would be examined.
3. The ultrastructure of differentiated cells and of fertilized eggs after exposure to ultraviolent light would be described and compared to that of unirradiated cells.

Application received by Commissioner of Customs: December 21, 1972.

Docket No. 73–00305–50–77000. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Distrometer, Type RD 69. Manufacturer: Distromet Ltd., Switzerland. Intended use of article: The article is intended to be used for measuring raindrop-size distributions and comparing seeded with nonseeded cases. In addition correlation with radar observations and actual amounts of precipitation will be made using parallel data from an extensive observation network. Application received by Commissioner of Customs: December 21, 1972.

Docket No. 73–00306–00–77000. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Analyzer Type AD 69. Manufacturer: Distromet Ltd., Switzerland. Intended use of article: The article is intended to be used in conjunction with a raindrop distrometer for the following research purposes: Measurement of raindrops and comparing seeded with nonseeded cases and correlations with radar observations and actual amounts of precipitation using parallel data from extensive observation network. The data from the distrometer will be rapidly and economically processed by the analyzer and fed directly into the computer. Application received by Commissioner of Customs: December 21, 1972.

Docket No. 73–00307–33–46040. Applicant: The George Washington University, Department of Anatomy, 1335 H Street, NW., Washington, D.C. 20005. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the detailed study of biomembranes as well as studies employing tracers. The experiments to be conducted consist of:

a. The mechanism of sickle cell at biophysical cellular level in the erythrocyte.
b. Ultrastructural topography of the absorptive cell membrane in the gastrointestinal tract and its relationship to membrane transport of salt, water, sugars and amino acids,
c. Studies on cell membranes will also be conducted using tracers including the small horseradish molecules, and
d. Studies to determine the "limiting" membrane of lipid droplets.

The article will also be used to train future electron microscopists and to provide other individuals with an investigative tool to be used in situations where the ultrastructure is of value. Application received by Commissioner of Customs:

Docket No. 73–00308–33–46500. Applicant: Texas Agriculture Experiment Station, Animal Science Department, College Station, Tex. 77843. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used for studies of muscle tissue and connective tissue with special interest in the interrelationship of collagen fibers, muscle fibers and the surrounding connective tissue as they are situated in the muscle tissues. Muscle tissue as a food will be studied with interest in the postmortem changes that take place in muscle as it is converted to meat. Experiments planned involve sectioning muscle fibers, collagen fibers and surrounding connective tissue together as they are situated in the muscle tissues. Application Received by Commissioner of Customs: December 26, 1972.

Docket No. 73–00309–33–46500. Applicant: Trenton State College, Biology Department, Pennington Road, Trenton, N.J. 08625. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used in studies of biological material, including mammalian tissue, mainly cardiac, and tropical marine red algae and their parasites. The experiments to be conducted involve:

(a) The normal ultrastructure of cells in the conduction tissue of the heart as well as structural changes with chemotherapy.
(b) Ultrastructure of the apical cells of algae, including studies of the apical cells. Parallel study of the secondary "Pit" initial and correlated differentiation. Parallel study of the apical cell and "Pit" initial in parasites of each species. Study of Ultrastructure of the host-parasite connection and influence of apical damage on thallus form and ultrastructural changes in sub-apical cells.

In addition, the article is to be used in the courses—Cytology and Independent Study in Biology—to obtain the following objectives:

(a) To introduce students to all types of microscopic procedures,
(b) To introduce students to all types of cytological interpretations,
(c) To introduce students to all types of histological interpretations, and
(d) To instill an understanding of the scientific method in biological research.

Application received by Commissioner of Customs: December 26, 1972.

Docket No. 73–00310–33–46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the interrelations of cell "organelles" in a great many cell types. Currently under study are liver (rat, human), small intestine (guinea pig, human, rat, etc.), liver cancers (Novikoff hepatoma, Morris hepatomas) and other tissues. The work is largely cytochemical, wherein embedding media of different degrees of hardness will be used. True three-dimensional configurations of organelles will be investigated. Unfrozen material will be used for cytochemistry, especially for the peroxidase labeled antibody procedure. Application received by Commissioner of Customs: December 26, 1972.

Docket No. 73–00311–01–01100. Applicant: Graduate Hospital of University of Pennsylvania, Clinical Research Center, 19th and Lombard Streets, Philadelphia, PA 19146. Article: Nitrogen 15 Analyzer. Manufacturer: Breda, Holland. Intended use of Article: The article is intended to be used for a research program on Protein Metabolism in Surgical Patients in the General Clinical Research Center at the Graduate Hospital of the University of Pennsylvania. ^{15}N will be analyzed using an optical method. Application received by Commissioner of Customs: December 20, 1972.

Docket No. 73–00312–33–46040. Applicant: Department of Public Health, State Laboratory Institute, 305 South Street, Jamaica Plain, MA 02130. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for rapid and accurate diagnosis of selected human and animal virus diseases. The materials to be studied include specimens which will be examined directly for virus and/or viral antigens in skin lesions; vesicle fluid, tissue from organs including brain, liver, lung, spleen, pancreas and other organs; exfoliated cells from throat and the reproductive system, biopsy specimens, leucocytes; exudates; and transludates. Application received by Commissioner of Customs: December 27, 1972.

Docket No. 73–00313–33–46595. Applicant: University of Pittsburgh, Department of Physiology, Pittsburgh, Pa. 15213. Article: LKB 11800–5 pyramitome with 11870 target marker. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a study of the role of extracellular-fixed charges in the function of skeletal muscle. The project involves experimental manipulations of isolated bundles of skeletal muscle fibers. Application received by Commissioner of Customs: December 27, 1972.

Docket No. 73–00314–01–77030. Applicant: Trenton State College, Trenton, N.J. 08625. Article: NMR Spectrometer, JNM–MH–60. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the teaching of Organic Chemistry, Analytical Chemistry, Qualitative Organic Chemistry and Advanced Organic Chemistry Students will be taught. (a) Theory and practice of nuclear magnetic resonance, (b) the use of nuclear magnetic resonance as a diagnostic tool in identifying organic chemicals from reaction mixtures and (c) the use of nuclear magnetic resonance in kinetics of reactions including fast reactions by using relaxation techniques. Application received by Commissioner of Customs: December 27, 1972.

Docket No. 73–00315–90–30600. Applicant: University of Iowa, Hydraulic Research Institute, Hydraulic Laboratory, Iowa City, Iowa 52240. Article: Model 403 Low-speed probe 2.5 to 150 cm/sec and Model 405 signal cable assembly, 3 m long. Manufacturer: Novar Nixon Electronic Instrumentation, United Kingdom. Intended use of article: The article is intended to be used to measure, indicate, and record very low flow rates of water and other conductive fluids. Application received by Commissioner of Customs: December 27, 1972.

Docket No. 73–00316–33–09300. Applicant: Hospital for Joint Diseases and Medical Center, 1919 Madison Avenue, New York NY 10035. Article: Staput apparatus. Manufacturer: Johns Scientific, Canada. Intended use of article: The article is intended to be used to separate the populations of heterogeneous cells in a spleen of a myeloma tumor mouse to see if an immunological response is taking place in the mouse. Application received by Commissioner of Customs: December 26, 1972.

B. Blankenheimer,
Acting Director,
Office of Import Programs.

[FR Doc.73–1386 Filed 1–23–73;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), that the next meeting of the National Advisory Council on Adult Education will be held on February 18, 19, 20, 1973. The four committees of the Council will meet at the Regency Hyatt House, Atlanta, Ga., commencing at 5 p.m., February 18. On February 19–20, 1973, the Council will meet at the Georgia Center for Continuing Education, University of Georgia, Athens, Ga. On February 19, 1973, the meeting will be held from 9 a.m. to 5 p.m. On February 20, 1973, the meeting will be held from 7:30 a.m. to 5 p.m.

The National Advisory Council on Adult Education is established under section 310 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

University of Georgia's continuing education program.
Status of Adult Education in Region IV.
Annual report—Federal legislation.
Fiscal year 1974 research thrust.
Program visitations.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 1144, Pennsylvania Building, 425 13th Street NW., Washington, DC 20004).

Signed at Washington, D.C., on January 17, 1973.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.73–1431 Filed 1–23–73;8:45 am]

NATIONAL ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, that the next meeting of the full membership of the National Advisory Council on Environmental Education will be held commencing at 9 a.m., on Thursday, January 25, 1973, through 10:30 p.m., on Saturday, January 27, 1973, at the Miami Civic Center, Holiday Inn, Miami, Florida.

The National Advisory Council on Environmental Education is established under section 3(c)(1) of the Environmental Education Act (Public Law 91–516). The Council is established to advise the Commissioner of Education on the review of the administration and operation of programs relating to the administration of the Act.

The meeting of the Council shall be open to the public. Records shall be kept of all proceedings and shall be available for public inspection at the Office of the Council's Executive Secretary, located in Room 424, Reporter's Building, 7th and D Streets SW., Washington, DC.

Signed at Washington, D.C. on January 8, 1973.

WALTER BOGAN,
Director,
Office of Environmental Education.

[FR Doc.73–1432 Filed 1–23–73;8:45 am]

Social and Rehabilitation Service

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Notice of Public Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled created to advise the Secretary on regulations and evaluation of programs for Public Law 91–517 will hold a regular meeting on February 2 and 3, 1973, 9 a.m. to 5 p.m., Plaza Room of the Holiday Inn, 1489 Jefferson Davis Highway, Arlington, VA. The agenda will include a report on the technical assistance project at University of North Carolina, a report on publication of proceedings from the recent National Conference, discussion of deinstitutionalization objective, review of legislation, discussion of State sign-off on UAF applications, and discussion on the definition of developmental disability. Meeting will be open to the public. Additional information can be obtained by calling the Executive Secretary at 202–962–7355.

FRANCIS X. LYNCH,
Executive Secretary.

JANUARY 19, 1973.

[FR Doc.73–1450 Filed 1–23–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–73–216]

CERTAIN HUD EMPLOYEES IN REGION IV (ATLANTA)

Authority to Administer Oaths

SECTION A. *Authority delegated.* Each of the following incumbent employees and their successors in the Department of Housing and Urban Development, Region IV (Atlanta), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3611(a), and to verify complaints filed under the Civil Rights Act of 1968:

1. *Atlanta Regional Office.* a. Director, Field Evaluation and Support Division.
b. Equal Opportunity Specialists.
c. Director, Equal Opportunity Compliance Division.
d. Equal Opportunity Compliance Specialists.
e. Program Management and Control Specialist.
2. *Atlanta Area Office.* a. Director, Equal Opportunity Division.
b. Equal Opportunity Specialists.
3. *Birmingham Area Office.* a. Director, Equal Opportunity Division.
b. Equal Opportunity Specialists.
4. *Columbia Area Office.* a. Director, Equal Opportunity Division.
b. Equal Opportunity Specialists.
5. *Coral Gables Insuring Office.* a. Equal Opportunity Officer.
b. Equal Opportunity Specialists.

6. *Greensboro Area Office.* a. Director, Equal Opportunity Division.
b. Equal Opportunity Specialists.
7. *Jackson Area Office.* a. Director, Equal Opportunity Division.
b. Equal Opportunity Specialists.
8. *Jacksonville Area Office.* a. Director, Equal Opportunity Division.
b. Equal Opportunity Specialists.
9. *Knoxville Area Office.* a. Director, Equal Opportunity Division.
b. Equal Opportunity Specialists.
10. *Louisville Area Office.* a. Director, Equal Opportunity Division.
b. Equal Opportunity Specialists.
11. *Memphis Insuring Office.* a. Equal Opportunity Officer.
b. Equal Opportunity Specialists.
12. *Nashville Insuring Office.* a. Equal Opportunity Officer.
b. Equal Opportunity Specialists.
13. *Tampa Insuring Office.* a. Equal Opportunity Officer.
b. Equal Opportunity Specialists.

SEC. B. *Supersedure.* The redelegation of authority to certain HUD employees in Region IV (Atlanta), published in 36 FR 11605, June 16, 1971, is superseded.

(Redelegation of authority by Regional Administrator effective June 5, 1970 (35 FR 8755, June 5, 1970))

Effective date. This redelegation shall be effective as of September 1, 1971.

AUGUSTUS L. CLAY, Jr.,
Acting Assistant Regional Administrator for Equal Opportunity, Regional Office IV (Atlanta).

[FR Doc.73–1368 Filed 1–23–73;8:45 am]

Office of Assistant Secretary for Community Development

[Docket No. D–73–215]

DIRECTOR AND DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT DISASTER RECOVERY OFFICE, SCRANTON, PA.

Redelegation of Authority Regarding Renewal Assistance Programs

SECTION A. *Authority delegated.* The Director and Deputy Director, Community Development Disaster Recovery Office, Scanton, Pa., each is authorized to exercise the power and authority redelegated to Regional Administrators and Area Directors under section A of the Redelegation of Authority with Respect to Renewal Assistance Programs published at 35 FR 16102, October 14, 1970.

SEC. B. *Exercise of redelegated authority.* The redelegation of authority made under section A shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator to whom a delegate is responsible.

Effective date. This redelegation of authority is effective as of January 10, 1973.

(Secretary's delegation of authority published at 36 FR 5004, Mar. 16, 1971)

FLOYD H. HYDE,
Assistant Secretary for Community Development.

[FR Doc.73–1367 Filed 1–23–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

MALAD CITY, IDAHO

Notice of Decommissioning of Flight Service Station

Notice is hereby given that on January 20, 1973, the Flight Service Station at Malad City, Idaho, will be decommissioned. Air/ground communication services through the Malad City VORTAC and the limited remote control outlet on 122.1 mHz from Salt Lake City FSS will continue to be provided. This information will be reflected in the FAA organizational statement the next time it is issued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Seattle, Wash., on January 12, 1973.

C. B. WALK, Jr.,
Director.

[FR Doc.73–1418 Filed 1–23–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–282 and 50–306]

NORTHERN STATES POWER CO.

Notice of Availability of Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations set forth in Appendix D to 10 CFR Part 50, notice is hereby given that documents entitled "Applicant's Environmental Report", "Supplement 1 to Prairie Island Nuclear Generating Plant Environmental Report", and "Supplement 2 to Prairie Island Nuclear Generating Plant Environmental Report" (collectively known as the "reports"), submitted by the Northern States Power Co. have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, the Environmental Library of Minnesota, 1222 Southeast Fourth Street, Minneapolis, MN, and in Minnesota State Planning Agency, 505 Cedar Street, St. Paul, MN. The reports are also available at the Metropolitan Council, 101 Capitol Square Building, 10th and Cedar Street, St. Paul, MN.

Notice of availability of the applicant's Environmental Report was published in the FEDERAL REGISTER on January 6, 1972 (37 FR 152).

The reports have been analyzed by the Commission's Directorate of Licensing, and a Draft Environmental Statement, related to the proposed issuance of operating licenses for the Prairie Island Nuclear Generating Plant Units 1 and 2, located at Northern States Power Co.'s site in Burnside Township, Goodhue County, has been prepared and is available for public inspection at the locations designated above. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, on or before March 12, 1973, submit comments for the Commission's consideration on the Report and Supplements, on the Draft Environmental Statement, and on the proposed action. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above designated locations. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 22d day of January 1973.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc.73–1554 Filed 1–23–73;8:45 am]

[Docket No. 50–387, 388]

PENNSYLVANIA POWER AND LIGHT CO.

Prehearing Conference Order of Atomic Safety and Licensing Board

This matter having come before the Atomic Safety and Licensing Board (Board) at a prehearing conference held on January 3, 1973, and counsel for all the parties having been present, the following actions were taken:

A. SCHEDULING

1. The evidentiary hearing will be held in two phases, with the radiological health and safety phase to begin on Wednesday, February 21, 1973, at 9 a.m., in the Berwick High School Auditorium, 1100 Fowler Avenue, Berwick, PA.

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B. THE PARTIES

2. Without objection from any party, the Commonwealth of Pennsylvania is admitted to participation in this proceeding as a State pursuant to 10 CFR Part 215(c).

3. The Commonwealth has indicated that it desires to propound certain questions to the Applicant, the responses to which will be made by the Applicant either orally on the record at the time of the evidentiary hearing, or in written form at that time.

C. LIMITED APPEARANCES

4. All requests for limited appearances are granted, and those persons desiring to make oral presentations will be permitted to do so on the initial day of the evidentiary hearing.

5. Due to the large number of requests for limited appearance by way of oral statement, each person appearing in this manner will be limited to no more than 5 minutes in time for the purpose.

6. Written statements by way of limited appearance may be unlimited in length and will be accepted by the Board on the initial day of the evidentiary hearing. Such written statements as may have been submitted by persons prior to the time of the evidentiary hearing will also be accepted by the Board as appearances by way of limited appearance.

Issued at Washington, D.C., this 17th day of January 1973.

It is so ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.73-1453 Filed 1-23-73;8:45 am]

CIVIL AERONAUTICS BOARD

ASSOCIATED INDEPENDENT COMMUTER AIRLINES

Notice of Meeting

Notice is hereby given that a meeting with the above group will be held on February 8, 1973, at 2:30 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, to make a presentation to the Board.

Dated at Washington, D.C., January 18, 1973.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-1451 Filed 1-23-73;8:45 am]

[Docket No. 24916; Order 73-1-61]

UNITED AIR LINES, INC.

Order Denying Petition for Reconsideration Regarding U.S. Mainland-Hawaii Promotional Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of January 1973.

By joint petition filed December 29, 1972, Aloha Airlines, Inc. (Aloha) and Hawaiian Airlines, Inc. (Hawaiian) request that the Board reconsider its decision in Order 72-12-45. By that order, the Board dismissed a complaint filed by Aloha and Hawaiian which requested suspension and investigation of certain increases in promotional fares to Hawaii proposed by United Air Lines, Inc. (United), on the ground that travel in groups of at least 30 persons was required within the State of Hawaii.

In dismissing the complaint, the Board stated that the rule to which the carriers object has been in effect for over a year and that the complaint had failed to demonstrate that the "travel together" requirement does in fact inhibit inter-island travel as alleged. The Board also noted that inter-island traffic continues to be strong and that Aloha and Hawaiian have both reported substantially improved financial results in the past year.

In their petition for reconsideration, the complainants assert that there can be no doubt that the "travel together" requirement, by its own terms, restricts the availability of the common fare, and thereby necessarily inhibits inter-island travel. They allege that the difficulty of forming a group of 30, all of whom desire to go to one particular point, is apparent even if the passengers are aware of the common fare. Moreover, the alleged absence of promotion of common-fare services by the mainland-Hawaii carriers makes it all the more difficult to organize an appropriate-sized group.

Aloha and Hawaiian further allege that the rule in question is contrary to past Board orders which indicated that availability of common fare travel should extend to all fares and without inhibiting restrictions. It is the belief of Aloha and Hawaiian that the group fares in question (and the "travel together" rule attendant therewith) violate condition (19) of United's certificate of public convenience and necessity which requires maintenance of tariffs providing for common-fare travel.

United answers that under its tariffs, common fares are fully available to all persons utilizing the revised group fares filed by United. It further alleges that the petition of Aloha and Hawaiian is totally devoid of a showing that inter-island travel is actually inhibited by the rule in question.

Upon consideration of the relevant matters, the Board concludes that the petition of Aloha and Hawaiian for reconsideration of Order 72-12-45 does not establish error in the Board's decision, and accordingly the petition will be denied.

In our opinion the Hawaiian carriers have again failed to demonstrate the alleged damaging effect of the "travel together" rule, or that the rule is inconsistent with the carriers' certificate responsibility to make common-fare travel available to all classes of service. The fare which brings the passenger to Hawaii (to which the rule in question applies) requires the formation of groups ranging in size from 40 to 154 persons, and we do not believe requiring travel to continue in groups of 30 or more within Hawaii alters the common-fare concept as originally conceived.

Aloha and Hawaiian express the concern that retention of the "travel together" rule in question will encourage the mainland-Hawaii carriers to seek "further restriction of the common fare by increasing the size of the group which must travel together or by imposing other restrictions less severe than those previously found unlawful." We would emphasize to Aloha and Hawaiian and the mainland-Hawaii carriers that our decision herein should not be construed to signal acceptance of a more restrictive application of the common-fare concept. We simply conclude that the existing "travel together" rule is not unreasonable.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The petition of Aloha Airlines, Inc. and Hawaiian Airlines, Inc. filed in Docket 24916 is denied; and

2. Copies of this order will be served upon Aloha Airlines, Inc., Hawaiian Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-1452 Filed 1-23-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a 2-day meeting of the California State Advisory Committee will convene at 9 a.m. on January 30 and at 9 a.m. on January 31, 1973, in the Auditorium, 714 P Street, Sacramento, CA 59814. This meeting shall be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in Sacramento, Calif.; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to the administration of justice, and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to the administration of justice and related areas.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1446 Filed 1-23-73;8:45 am]

DELAWARE STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Delaware State Advisory Committee will convene at 12 noon on January 26, 1973, at the Wilmington Young Women's Christian Association (YWCA) located at 908 King Street, Wilmington, DE 19810. This meeting shall be open to the public.

The purpose of this meeting shall be to develop strategy for the Delaware Prison Study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1442 Filed 1-23-73;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois State Advisory Committee will convene at 1 p.m. on January 25, 1973, in room 1426 at 219 South Dearborn Street, Chicago, IL 60604. This meeting shall be open to the public.

The purpose of this meeting shall be to (1) hear a report on the Illinois State Advisory Committee's Open Meeting of October 27-28, 1972, on Education in the Latin American Communities with particular focus on Mexican American and Puerto Rican problems; (2) discuss the feasibility of a mandatory bilingual education bill for the State of Illinois; and (3) hear comments by representatives of the Illinois Commission on the Spanish Speaking and the Bilingual Section of the Office of Illinois State Public Instruction and others interested in a mandatory bilingual education bill.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1444 Filed 1-23-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee will convene at 2:30 p.m. on January 30, 1973, in the Office of the President of Kirkland College, Kirner Building, Clinton, N.Y. 13323. This meeting shall be open to the public.

The purpose of this meeting shall be to assess interviews taken at institutions in the State University System.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1443 Filed 1-23-73;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Steering Subcommittee of the Ohio Prison Study Team will convene at 12 noon on January 24, 1973, in the office of the Committee Chairman at 762 Mallison Street, Akron, OH 44307.

The purpose of this meeting shall be to (1) analyze all data gathered and (2) finalize the schedule for the forthcoming open meeting on Ohio Prison Reform.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1441 Filed 1-23-73;8:45 am]

VERMONT STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont State Advisory Committee will convene at 7:30 p.m. on January 25, 1973, at the Montpelier Tavern Motor Inn, Montpelier, Vt. 05602. This meeting shall be open to the public.

The purpose of this meeting shall be to (1) discuss a report of a meeting of the State Advisory Committee with the Commissioner of Education for the State of Vermont and (2) discuss next steps to be taken on the Student Perception Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-1445 Filed 1-23-73;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economc Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on October 17, 1972.[1]

The information reviewed at this meeting suggests a substantial increase in real output of goods and services in the third quarter, although well below the usually large rise recorded in the second quarter. In September wages and prices advanced moderately, while the unemployment rate remained substantial. In the U.S. balance of payments, the current account deficit has been largely offset by capital inflows in recent weeks, and the central bank reserves of most industrial countries have continued to change little. In August, the excess of U.S. merchandise imports over exports declined somewhat.

The narrowly and broadly defined money stock expanded at moderate rates in August and September, following large increases in July, but the bank credit proxy continued to grow rapidly. Since mid-September, short term interest rates have increased somewhat, while yields on most long term securities have changed little.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the effects of possible bank regulatory changes, Treasury financing operations, and developments in credit markets, the Committee seeks to achieve bank reserve and money market conditions that will support more moderate growth in monetary aggregates over the months ahead than recorded in the third quarter.

By order of the Federal Open Market Committee, January 8, 1973.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.73-1405 Filed 1-23-73;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of Oct. 17, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

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COST OF LIVING COUNCIL

[Cost of Living Council Order 18]

CIVIL SERVICE COMMISSION

Delegation of Authority

Pursuant to the authority delegated to me by Cost of Living Council Order No. 14, and for the purpose of implementing section 212(g) of the Economic Stabilization Act of 1970 (Title II of Public Law 92-210, 85 Stat. 751, hereinafter the Act) there is hereby delegated to the U.S. Civil Service Commission, subject to coordination with the Director of the Cost of Living Council, the authority and the responsibility to issue and administer regulations governing reemployment rights under section 212(g) of the Act. Regulations issued under this delegation shall apply to each agency in the Executive branch (including the U.S. Postal Service) and the municipal government of the District of Columbia.

This delegation is effective January 22, 1973.

DONALD RUMSFELD,
Director,
Cost of Living Council.

[FR Doc.73-1575 Filed 1-22-73;4:01 pm]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 303]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

DECEMBER 29, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of commencement of operation
		1090 kHz:							
CKKW (change in daytime and nighttime radiation patterns—PO 1320 kHz, 1 kw, DA-2).	Kitchener, Ontario, N. 43°17'-10", W. 80°24'16".	. . . DA 2.	U.	II.	. . .			. . . . .	E.I.O. 12-29-73.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
HAROLD L. KASSENS, *Acting Chief, Broadcast Bureau.*

[FR Doc 73-1322 Filed 1-23-73;8:45 am]

[Docket No. 19668; FCC 73-25]

CONNELLSVILLE BROADCASTERS, INC.

Order Designating Application for Hearing on Stated Issues

In regard application of: Connellsville Broadcasters, Inc., Connellsville Pa., for renewal of license for radio station WCVI, Docket No. 19668, File No. BR-1550.

1. The Commission has under consideration: (a) Its inquiry into the operation of Station WCVI; (b) the captioned application; and (c) a petition filed February 5, 1971, by the Freedom Committee, an organization comprised of approximately 50 residents of the Connellsville area that was formed for the purpose of petitioning the Commission concerning the operation of Station WCVI. The Freedom Committee's petition will be treated as an informal request for Commission action, pursuant to § 1.41 of the Commission's rules.

2. Information obtained from our inquiry raises serious questions as to whether the applicant possesses the qualifications to be or to remain a licensee of the Commission. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the licensee engaged in fraudulent billing practices, or failed to exercise reasonable diligence to see that its agents and employees did not engage in fraudulent billing practices, in violation of § 73.1205 of the Commission's rules.

(2) To determine whether the licensee violated the fairness doctrine with respect to its handling of a controversy surrounding the medical care offered by local hospitals; and to determine whether the licensee's programing policies with respect to medical care offered by local hospitals were designed to protect the private interests of the licensee's president rather than to serve the public interest.

(3) To determine whether the licensee failed to make the necessary sponsor identification announcements in connection with political announcements, in violation of section 317 of the Communications Act and § 73.120 of the Commission's rules.

(4) To determine whether the licensee failed to properly maintain or make available its public inspection file, in violation of § 1.526 of the Commission's rules.

(5) To determine, in light of the evidence adduced under the preceding issues, whether the licensee has the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the application would serve the public interest, convenience and necessity.

4. *It is further ordered,* That the informal request filed by the Freedom Committee is granted to the extent indicated above, and is denied in all other respects.

5. *It is further ordered,* That the Freedom Committee is made a party respondent in this proceeding.

6. *It is further ordered,* That the Chief of the Broadcast Bureau shall serve upon the captioned licensee, within thirty (30) days of the release of this order, a Bill of Particulars with respect to issues (1) through (4), inclusive.

7. *It is further ordered,* That the Broadcast Bureau and the Freedom Committee proceed with the initial presentation of the evidence with respect to issues (1) through (4), inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of its application would serve the public interest, convenience, and necessity.

8. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant and the Freedom Committee, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, on or before January 29, 1973, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for

hearing and present evidence on the issues specified in this order.

9. *It is further ordered,* That the applicant, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing in the manner and within the time specified in that rule, and shall seasonably file the notice required by § 1.594'g) of the rules.

10. *It is further ordered,* That the Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested, to Connellsville Broadcasters, Inc.

Adopted: January 4, 1973.

Released: January 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary

[FR Doc.73-1320 Filed 1-23-73;8:45 am]

[Docket No. 13995; FCC 73R-27]

CLOVIS BROADCASTERS

Memorandum Opinion and Order Enlarging Issues

In regard application of Elbert Dean, and George E. Gautney and Carl T. Jones, a partnership, doing business as Clovis Broadcasters, Clovis, Calif., for construction permit, Docket No. 13995, File No. BP-12728.

1. Before the Review Board for consideration is a petition to enlarge issues, filed November 15, 1972, in which the remaining applicant in this proceeding requests an issue to determine whether good cause exists for the waiver of § 1.569(b)(2)(i) of the Commission's rules.[1]

2. The above-captioned application was designated for hearing by Order FCC 61-353, released March 20, 1961. However, because of the pendency of the Clear Channel Proceedings instituted shortly thereafter in 1961, this proceeding was held in abeyance. In response to an order to show cause (FCC 72M-700), released by the Administrative Law Judge on May 26, 1972, the applicant stated its intention to prosecute its application. Subsequently, in accordance with an agreement reached during a prehearing conference, the applicant submitted a comprehensive amendment which, inter alia, reflects a change to establish a directional antenna system; in connection with this portion of the amendment, the applicant requested a waiver of § 1.569(b)(2)(i) of the Commission's rules.[2]

By Order FCC 72M-1425, released November 16, 1972, the Presiding Judge accepted the amendment. However, because the Presiding Officer is not authorized to waive the requirements of Commission rules unless an appropriate issue looking toward waiver has been added to the proceeding, the applicant, at the suggestion of the Broadcast Bureau, filed the instant petition.

3. An issue looking toward waiver of § 1.569(b)(2)(i) of the Commission's rules will be added. Petitioner states that, although its transmitter site is located outside the 500-mile extension of the 0.5 mv/m-50 percent nighttime contour of Class I-A station WBAP, Fort Worth, Tex., this noncompliance with § 1.569(b)(2)(i) is purely technical in nature; and that because of the required protection to Station KGO, San Francisco, Calif., no Class II-A station operating on 820 kHz could be located in an area close enough to the proposed station to involve any prohibited overlap of contours.[3] These uncontested allegations, warrant the addition of an issue to determine whether the requirements of § 1.569(b)(2)(i) of the Commission's rules should be waived in this proceeding. See "Peter L. Pratt," 16 FCC 2d 967, 15 RR 2d 933 (1969); "Blue Ridge Broadcasting Co., Inc.," FCC 72-128, 23 RR 2d 887 (1972).

4. *Accordingly, it is ordered,* That the petition to enlarge issues, filed November 15, 1972, by Clovis Broadcasters is granted to the extent indicated herein, and is denied in all other respects; and

5. *It is further ordered,* That the issues in this proceeding are enlarged to include the following:

To determine whether the proposal of Clovis Broadcasters violate the provision of § 1.569(b)(2)(i) of the Commission's rules, and, if so, whether good cause exists for waiver of the provisions of said section; and

6. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the issue added herein shall be on Clovis Broadcasters.

Adopted: January 11, 1973.

Released: January 16, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1321 Filed 1-23-73;8:45 am]

KOTZEBUE BROADCASTING CO., INC.

Standard Broadcast Application Ready and Available for Processing

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on February 23, 1973, the following standard broadcast application will be considered as ready and available for processing:

BP-19280 NEW, Kotzebue, Alaska.
Kotzebue Broadcasting, Inc.
Req: 720 kHz, 5 kW, U.

Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business February 22, 1973, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business February 23, 1973.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Application deleted from Public Notice of Januray 11, 1972 (Mimeo #78650) (13 FR 630):

BP-19133 NEW, Kotzebue, Alaska.
Kotzebue Broadcasting, Inc.
Req: 670 kHz, 5 kW, U.
(Assigned new File No. BP-19280)

Adopted: January 16, 1973.

Released: January 17, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1325 Filed 1-23-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE PANEL 3

Notice of Public Meeting

JANUARY 16, 1973.

Panel 3 (Receivers) of the Cable Television Technical Advisory Committee will hold an open meeting on February 1, 1973, at 9:30 a.m. The meeting will be held in Suite 393 of the Marriott Motor Hotel located at 8535 West Higgins Road, Chicago, Illinois.

The agenda for the meeting will include:

1. Material prepared in response to assignments in selected areas on: (a) What to measure and (b) Measurement techniques (preliminary).

2. Letters raising some questions regarding Panel 3 intended charge.

3. Agree to plan for efforts during next period.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1323 Filed 1-23-73;8:45 am]

[1] Also before the Board for consideration is the Broadcast Bureau's comments, filed November 22, 1972.

[2] Section 1.569(b)(2)(i) provides that applications for frequencies adjacent to Class I-A channels will be accepted for filing and acted upon provided they show, with respect to all Class I-A channels within 30kHz of the designated frequency, that the proposed transmitter site is located inside the area encompassed by a 500-mile extension of the 0.5 mv/m-50 percent nighttime contour of Class I-A stations on unduplicated channels.

[3] Station KGO operates on 810 kHz, which is only 10 kHz removed from Station WBAP; additionally, the 0.5 mv/m contour of KGO encompasses the proposed site at Clovis, Calif.

[4] Board Member Kessler not participating.

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FEDERAL HOME LOAN BANK BOARD

[H.C. No. 145]

FIDELITY CORP. AND TRANSOHIO FINANCIAL CORP.

Notice of Receipt of Application for Permission to Acquire Control of Cincinnati Savings Association

JANUARY 12, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fidelity Corp., and its subsidiary, Transohio Financial Corp., registered savings and loan holding companies, both of Richmond, Va., for approval of acquisition of control of Cincinnati Savings Association, Cincinnati, Ohio, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of shares of Transohio common stock for the shares of the capital stock of Cincinnati Savings Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before February 23, 1973.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-1393; Filed 1-23-73; 8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2600]

BANGOR-HYDRO ELECTRIC CO.

Further Postponement of Hearing; Correction

JANUARY 12, 1973.

In the Notice of Further Postponement of Hearing, issued January 5, 1973, and published in the FEDERAL REGISTER January 12, 1973, 38 FR 1408 in the second line, please change "February 11, 1973 to February 12, 1973".

KENNETH F. PLUMB,
Secretary.

[FR Doc 73-1362 Filed 1-23-73;8:45 am]

[Docket No. E-7927]

CONNECTICUT LIGHT AND POWER CO.

Notice of Initial Rate Schedule Filing

JANUARY 16, 1973.

Take notice that the Connecticut Light and Power Co. (Company) tendered for filing on December 20, 1972, as an Initial Rate Schedule a Purchase Agreement with respect to Montville Unit No. 6, dated November 1, 1972. The Agreement between the Company and Consolidated Edison Company of New York (Con Ed), provides for sales to Con Ed of specified percentages of capacity and energy from its Montville Unit No. 6 generating unit during the period from December 1, 1972, through April 30, 1973. The Company proposed to make the tendered rate schedule effective as of December 1, 1972.

The Company states that in order to permit Con Ed to receive urgently needed capacity it also is requesting waiver of the 30-day notice requirement of the Commission's regulations. Questions as to the Company's capacity responsibility obligation for the 12-month period ending October 31, 1973, under the terms of the New England Power Pool (NEPOOL) Agreement were not resolved until October 27, 1972. This delay affected the amounts of capacity from Montville Unit No. 6 that could be sold by the Company and this delayed execution of the Agreement and the date of this filing.

The Company states that copies of this filing were served on Con Ed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1361 Filed 1-23-73;8:45 am]

[Docket Nos. RP72-150, etc.]

EL PASO NATURAL GAS CO.

Notice of Extension of Time and Postponement of Hearing; Correction

DECEMBER 1, 1972.

In the notice of extension of time and postponement of hearing, issued December 1, 1972 and published in the FEDERAL REGISTER December 7, 1972, 37 FR 26057; Please change the "Docket No. RP72-150, *et al.*," to "Docket No. RP72-151," for Hearing and Commencement of Cross-Examination on March 20, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1363 Filed 1-23-73;8:45 am]

[Docket No. CI73-470]

HARVEY BROYLES

Notice of Application

JANUARY 18, 1973.

Take notice that on January 11, 1972, Harvey Broyles (Applicant), Post Office Box 1511, Shreveport, LA 71165, filed in Docket No. CI73-470 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Co. (Southern), from the Bear Creek Field, Bienville Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he has sold natural gas to Southern from the subject producing properties from January 17, 1972, through January 17, 1973, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) and that he proposes to sell up to 5,000 Mcf of gas per day for another year at the rate of 35.0 cents per Mcf at 15.025 p.s.i.a. within the contemplation of said policy.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1479 Filed 1-23-73;8:45 am]

[Docket No. CI72-715]

COMMERCIAL SOLVENTS CORP.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

JANUARY 18, 1973.

On May 1, 1972, Commercial Solvents Corp. (Commercial), filed an application in Docket No. CI72-715 pursuant to section 7(b) of the Natural Gas Act seeking permission and approval of the Commission to abandon its gas sales made under a 1947 contract from 12 wells located in the Monroe Gas Field, Union Parish, LA. to Ashland Oil, Inc. (Ashland). Ashland resells the gas to Southern Natural Gas Co. (Southern). In support of its application, Commercial alleges that the wells can no longer be economically operated.

Timely petitions requesting permission to intervene in these proceedings were filed by Ashland on May 31, 1972, and by Southern on June 5, 1972. Ashland opposes the proposed abandonment on the ground that if the abandonment is permitted, its annual deliveries to Southern will be reduced. Southern opposes the proposed abandonment on the ground that it currently purchases gas from Ashland, a part of which comprises gas from Commercial.

Because of the allegation of uneconomical operation, an appropriate issue to be explored during the course of these proceedings is what rate increase, if any, would be necessary to make the sale and delivery of gas economically feasible.

The Commission finds:

(1) It is desirable and in the public interest to allow Ashland and Southern to intervene in this proceeding.

(2) It is necessary and proper in the public interest and to aid in enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) Ashland and Southern are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing on the issues presented in the application will be held commencing February 20, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426. An Administrative Law Judge to be designated by the Chief Administrative Law Judge shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(C) On or before February 2, 1973, Commercial shall prepare and serve its direct testimony and exhibits in support of its application.

(D) The intervenors shall prepare and serve their prepared testimony and exhibits, if any, in support of their positions and in response to the submittals made in compliance with ordering paragraph (C) above on all parties to this proceeding, on or before February 15, 1973. All evidence shall be filed with the Commission and served on all parties and the Commission Staff.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1491 Filed 1-23-73;8:45 am]

[Docket No. RP73-72]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in Rates and Changes

JANUARY 18, 1973.

Take notice that Consolidated Gas Supply Corp. (Consolidated), on January 5, 1973, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, Original Sheet No. 52-E, Second Revised Sheet No. 53, and First Revised Sheet No. 53-A. The filing consists of a proposed transportation charge adjustment clause which would permit Consolidated to adjust, without having to make a general rate increase filing, its rates to reflect changes in cost which, Consolidated states, will increase as a result of transportation by others of new supplies of natural gas to Consolidated's system. Further, Consolidated states that the proposed rate adjusting authority is limited to the transportation service authorized by the Commission in Docket No. CP72-183, et al. on August 23, 1972.

Consolidated requests waiver of the Commission's regulations necessary to permit the proposed tariff sheets to become effective on February 4, 1973.

Consolidated states that copies of this filing were issued in its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1488 Filed 1-23-73;8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Order Setting Expedited Hearing on Amended Motion for Extraordinary Relief

JANUARY 11, 1973.

On August 18, 1972, City of Willcox, Ariz. (Willcox) and Arizona Electric Power Cooperative, Inc. (AEPCO) filed a joint motion for extraordinary relief on an interim basis from the operation of proposed revised tariff sheets submitted by the El Paso Natural Gas Co. (El Paso) which would allocate the firm reliable mainline capacity of El Paso's Southern Division system and would establish new priorities of service to be utilized in the event a gas supply shortage necessitates curtailment of deliveries below that capacity. In support of the motion, it alleged that AEPCO was unable to obtain a supply of fuel oil sufficient to meet its electric generation needs and that the reliability of its electric service would be adversely affected if special provision was not made.

On September 1, 1972, the Commission issued an order in this docket reopening the record herein for the purpose of adducing evidence on the need for an interim emergency curtailment plan for the Southern Division system and setting September 12, 1972, as the date for the beginning of a hearing thereon. By order dated September 7, 1972, the Commission ordered that consideration also be given to the claim of Willcox and AEPCO. Hearings were held on these issues between September 12, 1972, and September 25, 1972.

On October 31, 1972, the Commission issued Opinion No. 634, in which it denied the joint petition stating that the record did not entitle the parties to the relief sought. The Commission further stated that the parties were free to renew their petition at a later period should they be able to make a more persuasive showing.

On November 30, 1972, as a part of their joint response to Opinion No. 634, Willcox and AEPCO included their Amended Motion for Extraordinary Relief. Therein it is alleged that while AEPCO is now able to acquire alternate fuel supplies, it still is in need of extraordinary relief. As the primary reason therefor, AEPCO states that it is unable to operate reliably and safely during sustained periods on fuel oil.

As noted in Opinion No. 634-A, a public hearing to determine the merits of the Amended Motion would be set by separate order. Accordingly we adopt the procedures prescribed below.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing to determine whether the public convenience and necessity require the grant of the extraordinary relief sought.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18

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CFR Ch. 1), a public hearing shall be held commencing on January 30, 1973, at 10 a.m., e.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 to determine whether the public convenience and necessity require the extraordinary relief sought.

(B) On or before January 22, 1973, the City of Willcox, Ariz., and Arizona Electric Power Cooperative, Inc. shall file with the Commission and serve on all parties, including staff, such testimony and exhibits as they may choose to proffer in support of its proposed extraordinary relief. The Commission Staff and all other interested parties shall prepare and have available for all participants their testimony and exhibits, if any, at the beginning of the hearing and should attempt to make such information available at an earlier date if possible.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1480 Filed 1-23-73;8:45 am]

[Docket No. CP73-175]

LONE STAR GAS CO.

Notice of Application

JANUARY 17, 1973.

Take notice that on January 2, 1973, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP73-175 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the operation of certain facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the facilities of the Katie Transmission Compressor Station, consisting of two 220-horsepower compressor units and associated piping and equipment, located in Garvin County, Okla. Applicant states that the facilities are to be removed and salvaged for use elsewhere on Applicant's pipeline system.

Applicant further states that the proposed abandonment of facilities will not result in the abandonment or any diminution of natural gas service from Applicant's transmission pipeline system to any of Applicant's customers. It is stated that the approximate cost of the proposed abandonment is $6,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10), a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1482 Filed 1-23-73;8:45 am]

[Docket No. CP73-176]

LONE STAR GAS CO.

Notice of Application

JANUARY 17, 1973.

Take notice that on January 2, 1973, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP73-176 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the purpose of relocating a portion of its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Department of Army, Corps of Engineers, has requested Applicant to relocate 3.8 miles of its existing 20-inch line T pipeline which underlies the construction site of the Waurika Dam and Reservoir on Beaver Creek, near the town of Waurika, Jefferson County, Okla. Applicant proposes to relocate this segment of line T by constructing approximately 7.5 miles of 20-inch pipeline around the proposed dam and reservoir.

It is stated that the estimated cost of relocating such natural gas pipeline facilities is $811,830 and that Applicant will enter into a cost reimbursable contract with the Corps of Engineers under which Applicant will be repaid its actual costs of relocation less appropriate credits. Applicant states that other costs will be financed from working capital.

Applicant also states that its operating and delivery capabilities will not be changed by the construction and operation of the facilities proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1484 Filed 1-23-73;8:45 am]

[Docket No. E-7963]

LONG ISLAND LIGHTING CO.

Notice of Initial Rate Schedule Filing

JANUARY 18, 1973.

Take notice that Long Island Lighting Co. (Long Island or LILCO) on January 8, 1973, tendered for filing as a proposed initial rate schedule an agreement between Long Island and Central Hudson Gas and Electric Corp. (Central Hudson). The proposed rate would provide for the sale by Long Island to Central Hudson of electric generating capability from gas turbines installed on Long Island's system. The proposed rate is described in the company's transmittal letter as providing for Long Island to furnish 93,000 kw. of electric generating capability from Long Island's gas turbines. Long Island states that the agreement was arrived at by negotiations between the parties. The charges for the service as set out in the tendered agreement are as follows:

1. *Capability charge.* Central Hudson shall pay LILCO a Capability Charge of $444,000 for the Contract Capability of 93 MW. for the period January 1, 1973, thru April 28, 1973. Payments shall be in four equal monthly installments.

2. *Energy charge.* Central Hudson shall pay LILCO for each kilowatt-hour of energy delivered, whether from gas turbines or other LILCO generating units, an Energy Charge equal to the Incremental Cost of producing such energy multiplied by 1.00 for energy from any gas turbines and 1.10 for energy from any steam units. The "Incremental Cost" shall mean the cost of fuel, maintenance, losses between the point of delivery and when applicable, the cost of starting up and shutting down boilers and turbines, equipment no-load losses, incremental operating costs incurred in connection with the supply of energy scheduled hereunder.

3. *Operating reserve charge.* Whenever Central Hudson schedules operating reserve without scheduling any energy, it shall pay LILCO any applicable out-of-pocket costs incurred in providing such operating reserve. This payment shall be in addition to the payment under "Capability Charge" above.

Finally, Long Island requests waiver of the Commission's advance notice requirements so that the proposed rate can be effective as of January 1, 1973. Long Island states the service will terminate on April 28, 1973.

Long Island states that copies of this proposed rate have been mailed to Central Hudson.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection in the offices of the Federal Power Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1486 Filed 1-23-73;8:45 am]

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Notice of Further Extension of Time

JANUARY 15, 1973.

On December 29, 1972, counsel for the Alexandria Board of Public Works, Minnesota et al., filed a motion for change of dates as fixed by the order issued on September 26, 1972, as amended by notice issued October 31, 1972, in the above matter. The motion states that counsel for movants is authorized to state that staff counsel, counsel for applicants and counsel for the city of St. Paul, Minn., have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates as set out in the order issued September 26, 1972, as amended by order issued October 31, 1972, are further modified as follows:

Service of prepared testimony by interveners, April 23, 1973.
Service of prepared testimony by applicant, June 22, 1973.
Service of testimony by staff, July 13, 1973.
Service of rebuttal evidence, August 9, 1973.
Prehearing conference, August 13, 1973.
Commencement of cross-examination, September 17, 1973.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1481 Filed 1-23-73;8:45 am]

[Docket No. RP73-76]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 17, 1973.

Take notice that Midwestern Gas Transmission Co., on December 29, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 to become effective March 1, 1973. The proposed changes would increase revenues from its Southern System jurisdictional sales and service by approximately $237,000 annually based on sales and service for the 12-month period ending November 30, 1972.

Midwestern states that the instant filing is made pursuant to the terms of its Settlement Agreement dated September 17, 1971, and is necessitated in order for the company to track increased costs of purchased gas from its Southern supplier, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

Copies of the filing were served upon the company's affected jurisdictional customers and State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-1490 Filed 1-23-73;8:45 am]

[Docket No. CP73-173]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

JANUARY 17, 1973.

Take notice that on January 2, 1973, Mountain Fuel Supply Co. (Applicant), 180 East First South Street, Salt Lake City, UT 84111, filed in Docket No. CP73-173 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of a 1,100 horsepower gas-turbine driven centrifugal compressor and the necessary auxiliary equipment and the installation of eight new compressor cylinders in four existing compressors, together with modifications of the auxiliary equipment and piping, at Applicant's Eakin Station, Uinta County, Wyo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the eight new compressor cylinders will be installed in four existing compressor units to enable Applicant to operate the Eakin Compressor Station at discharge pressure up to 732 p.s.i.a., for subsequent delivery to transmission lines and to operate the booster compressor unit at pressure up to 712 p.s.i.a. Applicant states further that the 1,100 horsepower compressor will be used to compress pipeline gas received from El Paso Natural Gas Co., for commingling with the gas discharge from the Eakin Station at pressures up to 712 p.s.i.a.

Applicant estimates that the cost of the proposed facilities will be approximately $810,000 which will be financed from funds on hand as well as from any short-term borrowing that may be necessary. Applicant proposes to commence construction of the proposed facilities as soon as practicable after receipt of the authorization requested herein in order that said facilities can be placed in operation by September 1, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

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Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1483 Filed 1-23-73;8:45 am]

[Docket No. CP73-185]

NEW ENGLAND LNG CO., INC.

Notice of Application

JANUARY 18, 1973.

Take notice that on January 15, 1973, New England LNG Co., Inc. (Applicant), 95 East Merrimack Street, Lowell, MA 01853, filed in Docket No. CP73-185 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of approximately 170,000 Mcf vaporous gas equivalent of liquefied natural gas (LNG) to Connecticut Natural Gas Corp. (CNG Corp.), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has stored LNG at CNG Corp.'s storage facilities in Rocky Hill, Conn., during the 1972-73 heating season, pursuant to a letter agreement dated June 30, 1972, and that in return therefor CNG Corp. was given the option to purchase one-third of the total quantity so stored. Applicant further states that in a letter of intent dated November 28, 1972, CNG Corp. advised Applicant of its desire to exercise its option and purchase in place approximately 170,000 Mcf of LNG from Applicant. CNG Corp. will use the LNG to meet its 1972-73 winter requirements.

It is stated that the proposed sale of LNG will not require any construction or acquisition of equipment by either the Applicant or CNG Corp.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1478 Filed 1-23-73;8:45 am]

[Docket No. E-7856]

NORTHERN STATES POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 18, 1973.

Take notice that Northern States Power Co. (NSP), tendered for filing on July 24, 1972, as supplemented on September 11, 1972, proposed changes to its FPC Electric Rate Schedules Nos. 37, 38 (Supplement No. 1), 40, 42, 45, 47-49, 51, 52, and 54. The filing consists of a First Revised Fuel Clause which is intended to supersede the Fuel Clause in the above rate schedules. NSP requests this filing become effective on July 1, 1972, or the earliest possible date.

NSP states that copies of this filing were served on each municipal customer and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1489 Filed 1-23-73;8:49 am]

[Docket No. E-7967]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Rate Schedule Cancellation

JANUARY 18, 1973.

Take notice that Western Massachusetts Electric Co. (WMECo) on December 22, 1972, requested cancellation of its FPC Rate Schedule No. 68. WMECo's notice of cancellation to the Commission is hereinafter set forth:

In accordance with § 35.15 of the Commission's regulations notice of termination of the above named schedule, effective December 19, 1972, is hereby provided. A list of the purchasers affected by this termination is as follows:

City of Westfield, Gas and Electric Department, Westfield, Mass.

FPC Rate Schedule No. 68 provides that it shall terminate of its own accord at "such time as WMECo.'s 115,000-volt transmission line from the tap point on the Blandford-Southwick line to the Elm Substation is considered to be part of WMECo.'s portion of the Vermont and Maine sponsors Maine transmission agreements or successor agreements." On December 19, 1972, WMECo. completed construction on and placed in service its 115-kv. transmission line from Elm Substation to Agawam. By so doing the above mentioned Blandford-Southwick to the Elm Substation line was looped to Agawam and thus became part of the Main Line Transmission System. Accordingly the Subtransmission Agreement, FPC No. 68, was automatically terminated.

Inasmuch as the termination date was contingent upon construction of the Elm Substation to Agawam line the company requests the Commission waive its advance notice requirement and allow the termination to be effective as of December 19, 1972.

Any person desiring to be heard or to protest said cancellation should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before February 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing have been served on Western Massachusetts' affected customers and interested State commissions. Copies are on file with the Federal Power Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1487 Filed 1-23-73;8:45 am]

FEDERAL TRADE COMMISSION

REGIONAL OFFICES

Change of Addresses

Notice is hereby given that paragraph (b) of section 18 of the Statement of Organization, published May 18, 1971 (36 FR 9044), as amended August 3, 1971 (36 FR 14286) and August 18, 1971 (36 FR 15768), is amended to read as follows:

SEC. 18. *The Regional Offices.* * * *

(b) The addresses of the respective regional offices, and of the field stations located in the area of each are as follows:

(1) *Atlanta Regional Office.* Federal Trade Commission, Room 720, 730 Peachtree Street NE., Atlanta, GA 30308. Field Stations: Federal Trade Commission, Room 206, 623 East Trade Street, Charlotte, NC 28202; Federal Trade Commission, Room 105, 995 Northwest 119th Street, Miami, FL 33168; Federal Trade Commission, Room 209, Federal Office Building, Post Office Box 568, Oak Ridge, TN 37830.

(2) *Boston Regional Office.* Federal Trade Commission, Room 2200-C, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

(3) *Chicago Regional Office.* Federal Trade Commission, Suite 1437, 55 East Monroe Street, Chicago, IL 60603.

(4) *Cleveland Regional Office.* Federal Trade Commission, Room 1339, Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199. Field Station: Federal Trade Commission, 333 Mount Elliott Avenue, Detroit, MI 48207.

(5) *Dallas Regional Office.* Federal Trade Commission, Room 452-B, 500 South Ervay Street, Dallas, TX 75201. Field Station: Federal Trade Commission, Federal Center Building 3, 630 South Main Avenue, San Antonio, TX 78204.

(6) *Kansas City Regional Office.* Federal Trade Commission, Room 2806, Federal Office Building, 911 Walnut Street, Kansas City, MO 64106. Field Stations: Federal Trade Commission, Room 1414, 210 North 12th Street, St. Louis, MO 63101; Federal Trade Commission, Room 18013, Federal Office Building, 1961 Stout Street, Denver, CO 80202.

(7) *Los Angeles Regional Office.* Federal Trade Commission, Room 13209, Federal Building, 11000 Wilshire Boulevard, Los Angeles, CA 90024. Field Stations: Federal Trade Commission, Room 828, Amerco Towers Building, 2721 North Central Avenue, Phoenix, AZ 85004; Federal Trade Commission, Room 1132, Bank of America Building, 625 Broadway, San Diego, CA 92101.

(8) *New Orleans Regional Office.* Federal Trade Commission, Room 1000, Masonic Temple Building, 333 St. Charles Street, New Orleans, LA 70130.

(9) *New York Regional Office.* Federal Trade Commission, 22d Floor Federal Building, 26 Federal Plaza, New York, NY 10007. Field Station: Federal Trade Commission, Room 221, Federal Building, 111 West Huron Street, Buffalo, NY 14202.

(10) *San Francisco Regional Office.* Federal Trade Commission, 450 Golden Gate Avenue, Box 36005, San Francisco, CA 94102. Field Station: Federal Trade Commission, Room 605, Melim Building, 333 Queen Street, Honolulu, HI 96813.

(11) *Seattle Regional Office.* Federal Trade Commission, Suite 908, Republic Building, 1511 Third Avenue, Seattle, WA 98101. Field Station: Federal Trade Commission, 231 U.S. Courthouse, Portland, OR 97205.

(12) *Washington, D.C. Regional Office.* Federal Trade Commission, Sixth Floor, Gelman Building, 2120 L Street NW., Washington, DC 20037. Field Station: Federal Trade Commission, 1406 Bankers Security Building, 1315 Walnut Street, Philadelphia, PA 19107.

By direction of the Commission dated January 17, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-1440 Filed 1-23-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-7)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, MATERIALS AND STRUCTURES COMMITTEE

Notice of Meeting

The Materials and Structures Committee of the NASA Research and Technology Advisory Council will meet on February 6 and 7, 1973, at the NASA Langley Research Center, Hampton, Va. The meeting will be held in Room 225 of the Headquarters Building No. 1219. Members of the public will be admitted to the open portion of the meeting beginning at 8:30 a.m. on the agenda below on a first come, first served basis up to the seating capacity of the room, which is about 30 persons. All visitors must report to the receptionist in Building 1219.

The NASA Research and Technology Advisory Committee on Materials and Structures serves in an advisory capacity only. In this capacity, the Committee is concerned with materials science, materials engineering, advanced concepts and materials applications, structural design and analysis, and structural loads and dynamics. The current Chairman is Mr. Ira G. Hedrick. There are 17 members. The following list sets forth the approved agenda and schedule for the February 6 and 7, 1973 meeting. For further information please contact Mr. George C. Deutsch: Area Code 202/755-3264.

February 6, 1973

Time	*Topic*
8:30 am----	Chairman and Executive Secretary's Reports—(Purpose: To review results of RTAC meeting, developments of intercommittee activities, and NASA policies, programs, and organizational changes).

February 6, 1973—Continued

Time	*Topic*
9:00 a.m----	Review of Materials and Structures Committee Activities on: a. Fracture Control—(Purpose: Discussion of NASA plans to implement Committee and Panel recommendations on fracture control technology). b. Aerospace Vehicle Dynamics and Control—(Purpose: To review status report of Joint Ad Hoc Panel on interdisciplinary aspects of dynamics and control of space vehicles and aircraft).
11:00 a.m---	Integrated Program for Aerospace Vehicle Design (IPAD)—(Purpose: To review progress on current studies for complete computerized aerospace vehicle design).
1:30 p.m----	Langley Research Center Program Review and Tour—(Purpose: Review of advanced research programs and inspection of research facilities). (Closed session to discuss funding, programmatic detail and classified data.)

February 7, 1973

8:00 a.m----	Tramp Elements in Fuels and Alloys—(Purpose: To review potential material degradation and pollution problems resulting from trace elements and impurities in fuels and alloys from foreign sources).
8:45 a.m----	Committee Review of Center Reports—(Purpose: To discuss progress in research programs as reported by NASA Center members and identify new problem areas).
10:30 a.m---	New Problem Areas—(Purpose: To discuss new technology needs as identified by members and NASA Center representatives and recommend future action).
1:30 p.m----	Member Reports—(Purpose: To review and discuss data reported by university and industry members as it pertains to current and future NASA programs). (Closed session to discuss funding, programmatic detail and classified data.)
3:00 p.m----	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

JANUARY 16, 1973.

[FR Doc.73-1408 Filed 1-18-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

ALFRED HAHN

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the Pres-

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ident under Executive Order 11575, December 31, 1970 (36 FR 37, Jan. 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91–606, 84 Stat. 1744), I hereby appoint Alfred Hahn as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for West Virginia disaster No. 344 with date of declaration, July 3, 1972, effective January 15, 1973.

This notice changes my designation of July 6, 1972 (37 FR 13659, July 12, 1972), with respect to the same disaster listed, naming Richard E. Sanderson as Federal Coordinating Officer.

Dated: January 18, 1973.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.73–1447 Filed 1–23–73;8:45 am]

ALFRED HAHN

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 FR 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91–606, 84 Stat. 1744), I hereby appoint Alfred Hahn as Federal Coordinating Officer to perform the duties specified by section 201 of the Act for West Virginia disaster No. 349 with date of declaration, August 23, 1972, effective January 15, 1973.

This notice changes my designation of August 25, 1972 (37 FR 17783, August 31, 1972), with respect to the same disaster listed, naming Richard E. Sanderson as Federal Coordinating Officer.

Dated: January 18, 1973.

G. A. LINCOLN, *Director,*
Office of Emergency Preparedness.

[FR Doc.73–1448 Filed 1–23–73;8:45 am]

NUCLEAR INCIDENT PLANNING—FIXED FACILITIES

Notice of Interagency Responsibilities

The following notice of interagency responsibilities is issued by the Office of Emergency Preparedness in order to provide full public information concerning the general course and method by which certain nuclear incident planning responsibilities are channeled and determined (5 U.S.C. 552(a)(1)(B)).

Purpose.—This statement sets forth the responsibilities as agreed between certain Federal agencies in connection with fixed facility nuclear incident planning at the Federal level and for the provision of planning assistance to State and local governments.

Background.—Formal statement of the respective roles of the various Federal departments and agencies is made in connection with the role of the Office of Emergency Preparedness in coordinating the emergency planning efforts of the Federal agencies as assigned by Executive Order 11051. Current planning activities are taking place at all levels of Government as well as in private industry. At the Federal level, several agencies have been cooperating on an informal, ad hoc basis to lend assistance to State and local governments in nuclear incident planning.

Responsibilities.—The Atomic Energy Commission will be the lead operating agency in nuclear incident planning activities among Federal agencies and in Federal assistance to State and local governments, and the Office of Emergency Preparedness will exercise general monitorship of these activities. Responsibilities of AEC, OEP and other Federal agencies are detailed below.

The Atomic Energy Commission will be responsible for:

1. Issuance of instructions on nuclear incident planning to other Federal agencies related to national level planning and related to their responsibilities and authorities in dealing with State and local governments.

2. Development and promulgation of guidance to States and localities, in coordination with other Federal agencies, for the preparation of radiological emergency response plans.

3. Review and concurrence with such plans. (Proper correlation among State, local government, licensee, and national plans, e.g., Interagency Radiological Assistance Plan (IRAP), is an element of this review.)

4. On the technical side:

a. Determination of the accident potential at each fixed nuclear facility.

b. Issuance of guidance for establishment of effective systems of radiation detection and measurement in nuclear incidents.

The Environmental Protection Agency will be responsible for:

1. Establishment of Action guidelines based on projected radiation exposure levels which might result from nuclear incidents.

2. Recommendations as to appropriate protective measures which can be taken by governmental authorities to ameliorate the consequences of an incident and reduce the potential population exposure in consideration of the possible radiation levels.

3. Assistance to State health departments or other State agencies that have responsibilities for radiological response, in the development of their emergency plans, following the guidelines issued by AEC.

4. Cooperation with AEC in establishment of radiation detection and measurement systems.

The Department of Health, Education, and Welfare will be responsible for:

1. Assistance to State health departments, State hospital associations, and other professional organizations, and ambulance services, in the development of plans for the prevention of adverse effects from exposure to radiation and for health and medical care responses to nuclear incidents consistent with guidelines issued by AEC and plans of other agencies.

2. Recommendations as to appropriate planning actions necessary for evaluation, prevention and control of radioactive contamination of foods, drugs, and animal feeds.

3. Collaboration with EPA in the determination of radiation exposure levels related to the health and safety of ambulance services and hospital personnel.

4. Cooperation with AEC in establishing radiation detection and measurement systems for ambulance services and hospital emergency departments.

The Defense Civil Preparedness Agency will be responsible for:

1. Assistance to State and local authorities in planning the general emergency preparedness actions required in response to nuclear incidents, consistent with AEC guidance.

2. Recommendations and guidance on the use of the civil defense radiological monitoring system.

The Office of Emergency Preparedness will exercise general monitorship of Federal nuclear planning activities. This will include:

1. Review and endorsement of AEC policy directives to other Federal agencies and policy guidance to States.

2. Assistance in resolving Federal interagency or Federal-State problems when necessary to the fulfillment of AEC's assigned mission.

3. Encouragement of States to produce nuclear incident plans as part of their general State emergency planning.

4. Assistance to AEC in developing priorities among those areas where nuclear incident planning is required.

5. Facilitating State and local contacts for AEC.

Other Federal agencies will be involved in specific instances of nuclear incident planning participation and assistance in accordance with their basic responsibilities and functions. Details of such participation as part of the coordinated Federal effort will be a development of each localized planning activity.

Dated: January 17, 1973.

G. A. LINCOLN, *Director,*
Office of Emergency Preparedness.

[FR Doc.73–1384 Filed 1–23–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

DCS FINANCIAL CORP.

Order Suspending Trading

JANUARY 17, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of DCS Financial Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 18, 1973, through January 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1454 Filed 1–23–73;8:45 am]

[File No. 500–1]

GOODWAY INC.

Order Suspending Trading

JANUARY 17, 1973.

The common stock, $0.10 par value of Goodway Inc. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 18, 1973, through January 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1455 Filed 1–23–73;8:45 am]

[Files Nos. 2–45160, 22–7275]

J. RAY McDERMOTT & CO., INC.

Notice of Application and Opportunity for Hearing

JANUARY 17, 1973.

Notice is hereby given that J. Ray McDermott & Co., Inc. (the Company) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of First National City Bank (FNCB) under an Indenture dated as of August 15, 1972 (the August 1972 Indenture), heretofore qualified under the Act, and under an Indenture dated as of October 16, 1972 (the October 1972 Indenture), not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FNCB from acting as trustee under both Indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Act), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such section provides in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of such issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both Indentures.

The Company alleges that:

(1) The Company has issued and outstanding $60 million principal amount of its 4¼ percent Convertible Subordinated Debentures due August 15, 1997 issued under an indenture dated as of August 15, 1972 (the August 1972 Debentures) between the Company and FNCB, which has been qualified under the Act and $30 million principal amount of its 4¾ percent Convertible Subordinated Debentures due 1987 issued under an indenture dated as of October 16, 1972 (the October 1972 Debentures). The October 1972 Debentures were sold outside the United States and the October 1972 Indenture is not qualified under the Act.

(2) The August 1972 and October 1972 Indentures are wholly unsecured. All Debentures issued and outstanding under said Indentures rank on a parity with each other. The Company is not in default under either of said Indentures. Except for differences as to amounts, interest rates, maturity dates, dates and places of payment of principal, premium and interest, redemption dates, redemption procedures, redemption prices and conversion prices, the Indentures are with certain exceptions substantially identical. These, among others, are exceptions.

(a) The October 1972 Debentures contain interest equalization tax notices which are not contained in the August 1972 Debentures.

(b) The October 1972 Indenture contains a provision permitting the Company to redeem the October 1972 Debentures, without premium, if the Company determines that it would otherwise be required to make additional interest payments as a result of changes in certain United States tax laws (section 4.01 and form of Debenture). No such provision is contained in the August 1972 Indenture.

(c) The October 1972 Indenture provides for the payment of additional interest to insulate holders of the October 1972 Debentures from certain United States taxes in certain cases (section 6.03). No such provision is contained in the August 1972 Indenture.

(d) The October 1972 Indenture contains a covenant that the Company will maintain its United States citizenship within the meaning of section 2 of the Shipping Act of 1916, as amended, sections 37 and 38 of the Merchant Marine Act, 1920 and section 905(c) of the Merchant Marine Act, 1936, as amended (section 6.12). No such provision is contained in the August 1972 Indenture.

(e) Each of the August 1972 and October 1972 Indentures contains a provision which, in effect, makes a default in the payment of interest, principal or premium, if any, or in making a sinking fund or redemption payment which results in the acceleration of the maturity of the Debentures under one such Indenture an Event of Default under the other Indenture.

(3) Such differences as exist between the August 1972 Indenture and the October 1972 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FNCB from acting as trustee under both Indentures.

(4) The Company has waived notice of hearing and hearing in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Office of the Commission, at 500 North Capitol Street, Washington DC 20549.

Notice is further given that any interested person may, not later than February 6, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1456 Filed 1–23–73;8:45 am]

[70–5262]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

JANUARY 17, 1973.

Notice is hereby given that Jersey Central Power & Light Co. (Jersey Central), Madison Avenue at Punch Bowl

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Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $30,000,000 principal amount of Debentures — percent Series due 1998. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from March 1, 1973, to the date of delivery) will be determined by the competitive bidding. The debentures will be issued under the Indenture, dated as of October 1, 1963, of Jersey Central to Irving Trust Co., Trustee, as heretofore supplemented and as to be further supplemented by a Fifth Supplemental Indenture to be dated as of March 1, 1973, and which includes, subject to certain exceptions, a prohibition until March 1, 1978, against refunding the issue with proceeds of funds borrowed at a lower interest cost.

The entire proceeds, excluding premium and accrued interest, realized from the sale of the new debentures ($30,000,000) will be used to prepay a portion of Jersey Central's short-term bank loans of which approximately $55,000,000 is expected to be outstanding at the date of such sale. The proceeds of the bank loans which are thus to be prepaid have been or will be used for construction purposes or to reimburse Jersey Central's treasury for expenditures therefrom for construction purposes. Premium resulting from the sale of the debentures will be used for financing the business of Jersey Central, including the payment of expenses in effecting the sale of the debentures. The estimated cost of Jersey Central's 1973 construction program is approximately $187,000,000.

It is stated that the fees and expenses to be paid by Jersey Central in connection with the issue and sale of debentures and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of debentures by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 14, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1457 Filed 1-23-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

JANUARY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Pelorex Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12 noon e.s.t., on January 16, 1973 through January 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1458 Filed 1-23-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Region VIII; Amdt. 1]

REGIONAL DIRECTOR ET AL.

Delegation of Authority to Conduct Program Activities in Region VIII

Delegation of Authority No. 30, Region VIII (37 FR 17620), is hereby amended by revising Parts II and VIII in their entirety and by amending Section A–3 and Sections B–1 and B–3 of Part I.

PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority*

* * * * *

3. *Displaced Business and Other Economic Injury Loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

(1) Regional Director	$1,000,000
(2) Chief and Assistant Chief, Regional Financing Division	350,000

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Regional Supervisory Loan Officer	$50,000
(2) District Director	350,000
(3) Chief, District Financing Division	350,000

SEC. B. Other financing authority. 1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, and strategic arms limitation economic injury loan participation agreements with banks:

(1) Regional Director.
(2) Chief and Assistant Chief, Regional Financing Division.
(3) Regional Supervisory Loan Officer.
(4) District Director.
(5) Chief, District Financing Division.

* * * * *

3. *Cancel, reinstate, modify, and amend authorizations.* a. To cancel, reinstate, modify, and amend authorizations

for all loans, i.e., business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, and strategic arms limitation economic injury loans:

(1) Regional Director.
(2) Chief and Assistant Chief, Regional Financing Division.
(3) Regional Supervisory Loan Officer.
(4) District Director.
(5) Chief, District Financing Division.

* * * * *

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety loans, and strategic arms limitation economic injury loans:

(1) District Director.
(2) Chief and Assistant Chief, Regional Financing Division.
(3) Regional Supervisory Loan Officer.
(4) Chief, District Financing Division.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational safety and health loans personally approved under delegated authority and strategic arms limitation economic injury loans:

(1) None.

* * * * *

PART II—DISASTER PROGRAM

SEC. A. *Disaster loan authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of

(1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and

(2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

(1) Chief, Regional Financing Division.
(2) Assistant Chief, Regional Financing Division.
(3) District Director.
(4) Chief, District Financing Division.
(5) Branch Manager.
(6) Disaster Branch Manager, as assigned.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health, and safety, occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) Regional Supervisory Loan Officer.
(2) Supervisory Loan Officer, Rapid City Branch Office only.
(3) Supervisory Loan Officer, Disaster Branch Office as assigned.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(1) Regional Director	$1,000,000
(2) Chief, Regional Financing Division	350,000
(3) Assistant Chief, Reg. Financing Division	350,000
(4) District Director	350,000
(5) Chief, District Financing Division	350,000
(6) Branch Manager	350,000
(7) Disaster Branch Manager as assigned	350,000
(8) Supervisory Loan Officer (Regional)	50,000
(9) Supervisory L/O, Branch Office	50,000
(10) Supervisory L/O, Disaster Branch Office as assigned	50,000

4. To appoint as a processing representative any bank in the disaster area:

(1) District Director.
(2) Branch Manager.
(3) Disaster Branch Manager, as assigned.

(5) To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

(1) District Director.

SEC. B. *Administrative authority.* 1. *Establishment of Disaster Field Offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (2) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

(1) Chief, Regional Administrative Division.
(2) District Director.
(3) Manager, Disaster Branch Office as assigned.

2. *Purchase and Contract Authority.* (a) To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in Section 257 (a) and (b) of that Chapter.

(1) Chief, Regional Administrative Division.
(2) Regional Office Service Manager.
(3) District Director.
(4) District Administrative Officer/Administrative Clerk.
(5) Manager, Disaster Branch Office, as assigned.

(b) To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in Section 257 (a) and (b) of that Chapter.

(1) Chief, Regional Administrative Division.
(2) Regional Office Services Manager.
(3) District Director.
(4) District Administrative Officer/Administrative Clerk.
(5) Manager, Disaster Branch Office, as assigned.

* * * * *

PART VIII—ADMINISTRATIVE

SECTION A.—*Authority to purchase, or contract for equipment, services, and supplies.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases:

(1) Chief, Regional Administrative Division.
(2) Regional Office Services Manager.
(3) District Director.
(4) District Administrative Officer/Administrative Clerk.
(5) Branch Manager.
(6) Administrative Officer, Branch Office.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Chief, Regional Administrative Division.
(2) Regional Office Services Manager.
(3) District Director.
(4) District Administrative Officer/Administrative Clerk.
(5) Branch Manager.
(6) Administrative Officer, Branch Office.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration.

(1) Chief, Regional Administrative Division.
(2) Regional Office Services Manager.
(3) District Director.
(4) District Administrative Officer/Administrative Clerk.
(5) Branch Manager.
(6) Administrative Officer, Branch Office.

Effective dates: Parts II and VIII—July 1, 1972; Part I, Section A–3 and sections B–1 and B–3—Sept. 28, 1972.

ROBERT G. SHERWOOD, *Regional Director.*

[FR Doc.73-1406 Filed 1-23-73;8:45 a.m.]

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TARIFF COMMISSION

[337-32]

CYLINDER BORING MACHINES AND BORING BARS AND COMPONENTS THEREOF

Notice of Investigation and Scope of Investigation

A complaint was filed with the Tariff Commission on May 8, 1972, on behalf of Rottler Boring Bar Co. of Seattle, Wash., alleging unfair methods of competition and unfair acts in the importation and sale of certain cylinder boring machines and boring bars which are embraced within the claims of U.S. Patents Nos. 3,260,136 and 3,273,423. The complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Peterson Machine Tool, Inc., 5425 Antioch Drive, Merrian, KS, has been named as an importer of the subject products. Having conducted, in accordance with § 203.3 of the Commission's Rules of Practice and Procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on January 16, 1973, ordered:

That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of cylinder boring machines and boring bars made in accordance with the claims of U.S. Patents Nos. 3,260,136 and 3,273,423 and compounds thereof.

The Commission decided not to recommend at this time that the President issue a temporary exclusion order.

A public hearing will be held; the date, time, and place of such hearing will be announced by notice of the Commission at a later date.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for June 14, 1973 (37 FR 11811), and the complaint was served upon the parties named in the complaint and upon all known interested parties. The complaint has been available for inspection by interested persons continually since issuance of the notice, at the Office of the Secretary, located in the Tariff Commission Building, and also in the New York City office of the Commission, located in Room 437 of the Customhouse.

Issued: January 18, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-1373 Filed 1-23-73;8:45 am]

[TEA-I-26]

MEN'S AND BOYS' NECKTIES

Discontinuance of Investigation

Notice is hereby given that the U.S. Tariff Commission, on January 18, 1973, discontinued investigation No. TEA-I-26, and canceled the public hearing scheduled in connection therewith. The investigation was instituted on November 3, 1972, upon petition of the Men's Tie Foundation, Inc., an industry trade association, under section 301(b)(1) of the Trade Expansion Act of 1962.

The investigation was discontinued, without prejudice, at the request of the petitioner.

Issued: January 18, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-1462 Filed 1-23-73;8:45 am]

[TEA-W-174]

IMPERIAL COTTON MILLS

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Imperial Cotton Mills, Eatonton, Ga., the U.S. Tariff Commission, on January 18, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with carded cotton yarns and woven fabrics of carded cotton yarns of the types provided for in items 301.01 to 301.39, inclusive, and 320.01 to 320.39, inclusive, of the Tariff Schedules of the United States) produced by Imperial Cotton Mills and/or by the Cannon Mills Co., Kannapolis, N.C., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before February 5, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 18, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-1461 Filed 1-23-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NEW YORK DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 677) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of New York has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the Plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan designates the Department of Labor as the agency responsible for administering the plan throughout the State. The plan will provide for coverage of issues on an industrial ("vertical") basis and will apply to all industries under the purview of the Occupational Safety and Health Act of 1970 except marine cargo handling and shipbuilding and repairing. Establishments with respect to which other Federal agencies exercise statutory authority also will not be covered.

Implementation of the plan is dependent upon enactment of a bill entitled "An Act to amend the labor law, in relation to safety and health standards, and repealing certain provisions relating thereto." This bill will be introduced in the 1973 session of the New York Legislature and passage is anticipated by April 1973. The bill is designed to provide for the establishment of a safety and health program which will meet the requirements of the Act. The proposed legislation is accompanied by an opinion of the counsel to the Industrial Commissioner that the bill meets the requirements of the Act and regulations issued thereunder, and is not violative of the spirit, intent and purpose of the New York State Constitution.

Within the proposed legislation are provisions relating to the authority of the Industrial Commissioner to inspect workplaces including inspections in response to employee complaints with employees having the right to request an informal review of any refusal to issue a citation based on the alleged violation; the right of representatives of the employer and the employees to consult with and accompany inspectors during inspection; and a prohibition against advance notice of such inspections. Employers are given the right of review of such alleged violations before the Board of Standards and Appeals, and employees will be given an opportunity to participate in the review proceedings.

The legislation also includes provisions relating to the granting of variances by the Board of Standards and Appeals and the review of variations to State standards granted prior to the effective date of the plan. Other provisions include: the prompt restraint of imminent dangers; the requirement of recordkeeping and reporting by employers; the protection of employees exposed to toxic materials or harmful physical agents; the protection of employees against new and unforeseen hazards; and the safeguarding of trade secrets.

Within the meaning of 29 CFR 1902.2(b), the plan is developmental. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902. Also accompanying the plan are appendices containing, among other items, a description of the organization, staffing and funding of the plan and a listing of the State's standards.

2. *Location of Plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations; Office of Federal and State Operation, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street, NW., Washington, DC, 20210; Regional Administrator, Occupational Safety and Health Administration, Rm. 3445, 1515 Broadway, New York, NY 10036; and the New York State Department of Labor in Room 579, Building No. 12, State Office Building Campus, Albany, NY 12201 and Room 616B, 80 Centre Street, New York, NY 10013.

3. *Public participation.* Interested persons are hereby given until February 22, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, Railway Labor Building, 400 First Street NW., Washington DC 20010. The comments will be available for public inspection and copying at the above addresses.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof whenever particularized written objections thereto are filed by February 22, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or an informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C. this 18th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1400 Filed 1-23-73;8:45 am]

Office of the Secretary

MASSACHUSETTS

Notice of Availability of Extended Unemployment Compensation

Section 501 of Public Law 92-599 permits a State to provide by law that notwithstanding a State "off" indicator ending an extended benefit period because the rate of insured unemployment is less than 120 percent of the average of the rates for the corresponding periods in the 2 preceding years, the extended benefit period shall continue until the third week after the first week for which there is a State "off" indicator determined under paragraph 1(B) of section 203(e) of Public Law 91-373 and extended benefits may be paid to eligible individuals for weeks of unemployment beginning after October 27, 1972, and before July 1, 1973.

The Commonwealth of Massachusetts has so provided. Accordingly Mr. Richard C. Gilliland, Director, Division of Employment Security, Commonwealth of Massachusetts, has determined that there is an extended benefit period in Massachusetts and extended benefits are available to individuals eligible therefor beginning with the week ending November 4, 1972, and continuing through the last week which begins before July 1, 1973, or the third week after the first week in which the rate of insured unemployment in the State falls below 4 percent, whichever occurs first.

Signed at Washington, D.C., this 18th day of January 1973.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73-1475 Filed 1-23-73;8:45 am]

NEW JERSEY

Notice of Availability of Extended Unemployment Compensation

Section 501 of Public Law 92-599 permits a State to provide by law that notwithstanding a State "off" indicator ending an extended benefit period because the rate of insured unemployment is less than 120 percent of the average of the rates for the corresponding periods in the 2 preceding years, the extended benefit period shall continue until the third week after the first week for which there is a State "off" indicator determined under paragraph 1(B) of section 203(e) of Public Law 91-373 and extended benefits may be paid to eligible individuals for weeks of unemployment beginning after October 27, 1972, and before July 1, 1973.

The State of New Jersey has so provided. Accordingly Mr. Ronald M. Heymann, Commissioner, Department of Labor and Industry, State of New Jersey, has determined that there is an extended benefit period in New Jersey and extended benefits are available to individuals eligible therefor beginning with the week ending Nobember 4, 1972, and continuing through the last week which begins before July 1, 1973, or the third week after the first week in which the rate of insured unemployment in the State falls below 4 percent, whichever occurs first.

Signed at Washington, D.C., this 18th day of January, 1973.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73-1477 Filed 1-23-73;8:45 am]

RHODE ISLAND

Notice of Availability of Extended Unemployment Compensation

Section 501 of Public Law 92-599 permits a State to provide by law that notwithstanding a State "off" indicator ending an extended benefit period because the rate of insured unemployment is less than 120 percent of the average of the rates for the corresponding periods in the 2 preceding years, the extended benefit period shall continue until the third week after the first week for which there is a State "off" indicator determined under paragraph 1(B) of section 203(e) of Public Law 91-373 and extended benefits may be paid to eligible individuals for weeks of unemployment beginning after October 27, 1972, and before July 1, 1973.

The State of Rhode Island has so provided. Accordingly Mary C. Hackett, Director, Department of Employment Security, State of Rhode Island, has determined that there is an extended benefit period in Rhode Island and extended benefits are available to individuals eligible therefor beginning with the week ending November 4, 1972, and continuing through the last week which begins before July 1, 1973, or the third week after the first week in which the rate of insured unemployment in the State falls below 4 percent, whichever occurs first.

Signed at Washington, D.C., this 18th day of January 1973.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73-1476 Filed 1-23-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 162]

ASSIGNMENT OF HEARINGS

JANUARY 19, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136181 Sub 1, Marine Stevedoring Corp., and MC 136736, Hampton Roads Transfer Co., Inc., now being assigned hearing February 20, 1973 (3 days), at Richmond, Va., in a hearing room to be later designated.

MC-115162 Sub 238, Poole Truck Line, Inc., is assigned continued hearing March 19, 1973 (1 week), at the Guest House Motor Inn, 951 South 18th Street, Birmingham, AL.

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MC-65697 Sub 49, Theatres Service, Co., now being assigned hearing March 26, 1973, (2 days), MC-127418 Sub 5, Trop-Artic Refrigerated Service, Inc., now being assigned hearing March 28, 1973 (3 days) in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC-F-11445, Ashworth Transfer, Inc.—purchase—Westates Transportation Co., MC 1872 Sub 78, Ashworth Transfer, Inc., now assigned February 26, 1973, at Phoenix, Ariz., is canceled and reassigned February 26, 1973 (3 days), at Phoenix, Ariz., March 1, 1973 (2 days), at Los Angeles, Calif., and March 5, 1973 (10 days), at San Francisco, Calif., in hearing rooms to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1473 Filed 1-23-73;8:45 am]

[Notice 161]

ASSIGNMENT OF HEARING

JANUARY 18, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-29910 Sub 117, Arkansas Best Freight System, Inc., now assigned January 31, 1973, at Columbus, Ohio is canceled and transferred to modified procedure.

MC-117943 Sub 1, Joseph M. Booth, doing business as J. M. Booth Trucking, now assigned January 24, 1973, at Miami, Fla., will be held at the Florida Public Service Commission, 5720 Southwest 17th Street.

MC-1263 Sub 16, McCarty Truck Line, Inc., now assigned January 29, 1973, at Kansas City, Mo., is postponed indefinitely.

I&S 8773, Transit, Vegetable and Animal Oils, Midwest to West, now assigned February 7, 1973, MC 118806 Sub 26, Arnold Bros. Transport, Ltd., now assigned February 12, 1973, MC 105566 Sub 80, Sam Tanksley Trucking, Inc., now assigned February 13, 1973, will be held in Room 813, U.S. Customs House, 610 South Clark Street, Chicago, IL.

AB 62 Marinette, Tomahawk & Western Railroad Co., abandonment between Tomahawk and Kings, Lincoln County, Wis., now assigned February 15, 1973, will be held at the Council Chambers, City Hall, Tomahawk, Wis.

MC-124606 Sub 2, Ford Truck Line, Inc., now assigned February 5, 1973, at Nashville, Tenn., is postponed to February 20, 1973, at Nashville, Tenn., in a hearing room to be later designated.

MC-30844 Sub 413, Kroblin Refrigerated Xpress, Inc., MC-107818 Sub 61, Greenstein Trucking Co., MC-110098 Sub 128, Zero Refrigerated Lines, MC-112822 Sub 236, Bray Lines, Inc., MC-113362 Sub 249, Ellsworth Freight Lines, Inc., MC-116544 Sub 133, Wilson Bros. Truck Line, Inc., MC-117799 Sub 37, Best Way Frozen Express, Inc., MC-117815 Sub 195, Pulley Freight Lines, Inc., MC-136904 Woeter-Michigan, Inc., now assigned hearing February 1, 1973, will be held in Room 812, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC-C-7486, Needham Packing Co., Inc., V-Curtis, Inc., now assigned February 5, 1973, will be held in Room 812, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC-110563 Sub 55, Coldway Food Express, Extension-York, Nebr., now assigned February 6, 1973, will be held in Room 812, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC-26825 Sub 12, Andrews Van Lines, Inc., now assigned February 7, 1973, will be held in Room 812, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC-136678, Alabama-Tennessee Express, Inc., now assigned February 26, 1973, at Birmingham, Ala., will be held at the Sheraton Motor Inn, 300 10th Street, North.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1397 Filed 1-23-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 18, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of the application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 8, 1973. FSA No. 42606—*Grain and Related Articles to Point Comfort, Tex.* Filed by Southwestern Freight Bureau, Agent, (No. B-377), for interested rail carriers. Rates on grain, grain products and related articles, in packages, in carloads, for export, as described in the application, from various points in southwestern Texas-Louisiana and western trunk line territories, to Port Comfort, Tex.

Grounds for relief—Rate relationship.

Tariffs—Supplement 8 to Missouri Pacific Railroad Co. tariff I.C.C. 518, and supplement 38 to Texas-Louisiana Freight Bureau, Agent, tariff ICC. 1137. Rates are published to become effective on February 20, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1394 Filed 1-23-73;8:45 am]

[Notice 197]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 13, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74121. By order entered January 3, 1973, the Motor Carrier Board approved the transfer to Inland Trucking Service Co., Streator, Ill., of that portion of the operating rights set forth in Certificate No. MC-119577, issued November 27, 1964, as corrected January 13, 1965, to Ottawa Cartage Inc., Ottawa, Ill., authorizing the transportation of brick and tile from Lowell, Ottawa, St. Anne, and Streator, Ill., and Crawfordsville and Hobart, Ind., to Covington, Ky., Cincinnati, Ohio, and points in Illinois, Indiana, Iowa, and Wisconsin, and those in that part of Misouri within 50 miles of the Illinois-Missouri State line; from Ottawa, Ill., to points in Ohio (except Cincinnati); from Springfield, Ill., to St. Louis, Mo. and points in St. Louis County, Mo.; and from Brazil, Ind., to Springfield, Ill. Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603, attorney for applicants.

No. MC-FC-74134. By order of January 4, 1973, the Motor Carrier Board approved the transfer to Movers Mart, Inc., Wakefield, Mass., of the operating rights in Certificate No. MC-1845 issued December 8, 1969 to Jopa, Inc., Lexington, Mass., authorizing the transportation of household goods between points in Middlesex County, Mass., on the one hand, and, on the other points in Connecticut, New Hampshire, Vermont, Rhode Island, New York, Maine, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia, and between Boston, Mass., on the one hand, and, on the other, points in Maine, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. Frank J. Weiner, 15 Court Square, Boston, MA 02108, attorney for applicants.

No. MC-FC-74156. By order entered January 2, 1973, the Motor Carrier Board approved the transfer to Ross T. Smith & Son Embro Ltd., Embro, Ontario, Canada, of the operating rights set forth in Certificate No. MC-135475, issued April 17, 1972, to Ross T. Smith, doing business as Zorra Highland Bus Line, Embro, Ontario, Canada, authorizing the transportation of passengers, in round-trip special and charter operations, in sightseeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States (including Alaska but excluding Hawaii). S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-74161. By order entered January 4, 1973, the Motor Carrier Board approved the transfer to Bessette Transport Inc., St. Philippe, Laprairie, Quebec, Canada, of the operating rights set forth in Certificates Nos. MC-126603, MC-126603 (Sub-No. 2), and MC-126603 (Sub-No. 4), issued by the Commission September 28, 1965, May 2, 1969, and January 27, 1970, respectively, to R. Menard Transport Ltd., St. Philippe, Laprairie, Quebec, Canada, authorizing the transportation of baled cotton rags, from points in the New York, N.Y. commercial zone, Roselle Park, Passaic, and Jersey City, N.J., Lawrence, Worcester, Boston, and Framingham, Mass., and Baltimore, Md., to the ports of entry on the United States-Canada boundary line located at or near Rouses Point, N.Y., and Morses Line and Highgate Springs, Vt.; lumber, from specified ports of entry on the United States-Canada boundary line in New York, Vermont, and Maine, to points in Maine, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Delaware; and lumber from the port of entry on the United States-Canada boundary line located at or near Champlain, N.Y., to points in Virginia, West Virginia, North Carolina, and South Carolina. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC-FC-74171. By order entered January 2, 1973, the Motor Carrier Board approved the transfer to Schultz Express Co., Inc., West New York, N.J., of the operating rights set forth in Certificate No. MC-1377, issued June 14, 1956, to Harry O. Zimmerly, Jr. and Irvin C. Zimmerly, doing business as Zimmerly's Express, North Bergen, N.J., authorizing the transportation of cotton piece goods, corsets, elastic goods, silk, and rayon used in the manufacture of ties, and embroideries, between New York, N.Y., on the one hand, and, on the other, North Bergen, Paterson, Ridgefield Park, Passaic, Newark, Jersey City, Hackensack, Lodi, Garfield, Clifton, Carlstadt, Rutherford, Lyndhurst, Kearny, Harrison, Union City, West New York, and Guttenburg, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1396 Filed 1-23-73;8:45 am]

[Notice 6]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 17, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 427 TA), filed January 8, 1973. Applicant: ROADWAY EXPRESS, INC., Post Office Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Applicant's representative: James W. Conner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of the Black & Decker Manufacturing Co., at or near Hampstead, Md., as an off-route point, for 180 days. NOTE: Applicant will tack with lead certificate MC-2202 and all subs thereto, and will effect interchange at all points served. Supporting shipper: The Black & Decker Manufacturing Co., Towson, Md. 21204. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 2860 (Sub-No. 121 TA), filed January 2, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Parkersburg, W. Va., to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC 2860. Supporting shipper: Universal Glass Products Co, c/o National Bottle Corp., One Decker Square, Bala Cynwyd, PA 19004. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 5227 (Sub-No. 4 TA), filed January 9, 1973. Applicant: ECONOMY MOVERS, INC., Post Office Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larson, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, fertilizer applicators, water systems, windmills and towers, and parts related thereto*, from Beatrice, Nebr., to points in Missouri, Iowa, South Dakota, North Dakota, Minnesota, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Indiana, Wisconsin, Illinois, and Ohio, for 180 days. Supporting shipper: John Hubbard, Traffic Manager, Dempster Industries, Inc., Box 848, Beatrice, NE 68310. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Court House, Lincoln, NE 68508.

No. MC 109677 (Sub-No. 43 TA), filed January 10, 1973. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rensselaer, N.Y., to Chester, Mass., for 150 days. Supporting shipper: Shell Oil Co., Houston, Tex. Send protests to: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, NY 12207.

No. MC 112963 (Sub-No. 33 TA), filed January 8, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Boston, Mass., to Cranford, Kearney, Newark, and Vernon (Sussex County), N.J., for 180 days. Supporting shipper: Interpolymer Corp., 850 Parker Street, Boston, MA 02120. Send protests to: G. Warren Flynn, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

No. MC 115331 (Sub-No. 338 TA), filed January 8, 1973. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed, liquid feed supplements*, in bulk; and (2) *molasses*, in bulk, from plantsite of Cargill, Inc., located in Scott County, Iowa, to points in Illinois and Indiana, and points in Missouri on and north of Interstate Highway 44, in Minnesota on and south of U.S. Highway 12, and in Wisconsin on and south of U.S. Highway 8, and (2) points in Illinois and in Wisconsin on and south of U.S. Highway 8, for 150 days. Supporting shipper: Cargill Molasses Department Commodity Marketing Division, Cargill Building, Minneapolis, Minn. 55402. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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No. MC 116280 (Sub-No. 14 TA), filed January 4, 1973. Applicant: W. C. MCQUAIDE, INC., 153 Macridge Avenue, Johnstown, PA 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper forms*, plain or ruled, from Fredericksburg, Va., to Sidman, Pa., and from Sidman, Pa., to points in Pennsylvania, for 180 days. Supporting shipper: Moore Business Forms, Inc., 900 Buffalo Avenue, Niagara Falls, NY 14302. Send protests to: District Supervisor James C. Donaldson, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 123744 (Sub-No. 9 TA), filed January 5, 1973. Applicant: BUTLER TRUCKING COMPANY, Post Office Box 88, Woodland, PA 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and materials and supplies* used in the installation of refractory products, from Columbiana, Ohio, and Frostburg, Md., to points in Pennsylvania, New York, New Jersey, Maryland, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corp., Post Office Box 47, Columbiana, OH 44408. Send protests to: District Supervisor James C. Donaldson, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 125747 (Sub-No. 6 TA), filed January 9, 1973. Applicant: ARNOLD SCHMITZ, INC., 1724 East Pioneer Road, Fond du Lac, WI 54935. Applicant's representative: William J. Nuss, 104 South Main Street, Fond du Lac, WI 54935. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit-based beverage and fruit-based concentrates* for Home Juice Co., from West Allis, Wis., to points in Menominee and Dickinson Counties, Mich., including delivery or pickup of shipper's products at stations between said points and return movement of shipper's products to West Allis, Wis., including delivery or pickup at shipper's stations between said points, for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC 125747. Supporting shipper: Home Juice Co., 15th and Bloomingdale Avenues, Melrose Park, IL 60160 (R. H. Baxter, Vice President). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 125777 (Sub-No. 140 TA), filed January 8, 1973. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: J. S. Gray (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium Chloride*, in bulk, in dump vehicles, from the plantsite and facilities of Michigan Chemical Corp., at St. Louis, Mich., to South Holland and Dolton, Ill., for 180 days. Supporting shipper: Michigan Chemical Corp., St. Louis, Mich. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne St., Room 204, Fort Wayne, IN 46802.

No. MC 133276 (Sub-No. 8 TA), filed January 8, 1973. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St. Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, Six Ten Southwest Alder St., 404 Oregon National Building, Portland, OR. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, and *chemical fertilizers*, in sacks, from Vancouver, Wash., to points in Oregon, for 180 days. Supporting shipper: Pacific Supply Cooperative, 915 Northeast Davis Street, Post Office Box 3588, Portland, OR 97208. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 134405 (Sub-No. 8 TA), filed December 29, 1972. Applicant: BACON TRANSPORT COMPANY, Post Office Box 1134, Ardmore, OK 73401. Applicant's representative: O. G. Bacon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, from Wynnewood, Okla., to points in Texas, for 180 days. Supporting shipper: W. T. Robinson, Manager, Lone Star Producing Co., 301 South Harwood Street, Dallas, TX 75201. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 134405 (Sub-No. 9 TA), filed January 8, 1973. Applicant: BACON TRANSPORT COMPANY, Post Office Box 1134, Ardmore, OK 73401. Applicant's representative: O. G. Bacon, III (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, from Ponca City and Enid, Okla., to points in Texas, for 180 days. Supporting shipper: Riffe Petroleum Co., Homer Riffe, Executive Vice President, Philtower Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 134599 (Sub-No. 66 TA), filed January 9, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Office: 265 West 27th South, Mailing: Post Office Box 748, 84110, Salt Lake City, UT 84115. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Playground apparatus, laundry clothesline poles, bar stools, and toys*, from the plantsite of Turco Manufacturing Co., at Du Quoin, Ill., to points in the United States (except Hawaii and Alaska), for 180 days. Supporting shipper: Turco Manufacturing Co., 501 South Line, Du Quoin, IL 62832 (Robert E. Feigenbaum, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 125 South State Street, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 135032 (Sub-No. 4 TA), filed January 8, 1973. Applicant: HIAWATHA PRODUCE COMPANY, 3850–Fourth Street, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Minnesota (except Browerville and Alexandria), to points in Illinois (except Chicago), and St. Louis, Mo., and its commercial zone, for 180 days. Supporting shipper: Land O'Lakes, Inc., Post Office Box 116, Minneapolis, MN 55440. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135725 (Sub-No. 8 TA), filed January 8, 1973. Applicant: FRY TRUCKING, INC., 507 West Fifth Street, Wilton Junction, IA 52778. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in packages, from Minneapolis, Minn., to points in Alabama, Georgia, Iowa, Louisiana, Maryland, Mississippi, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: National Vitamin Products Co., 3401 Hiawatha Avenue, Minneapolis, MN 55406. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, IA 50309.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1395 Filed 1-23-73;8:45 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 19, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

NO. MC–29910 (Deviation No. 20), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901, filed January 8, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to St Louis, Mo., and return over the same route, restricted to the transportation of traffic moving from, to, and through all intermediate and off-route points in that part of Georgia an and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along U.S. Highway 29 to Athens, Ga., thence along U.S.. Highway 78 to the Georgia-South Carolina State line, or Wilmington, N.C., Lowland, Tenn., or points in that part of North Carolina on and west of U.S. Highway 1 or points in South Carolina. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Atlanta, Ga., over U.S. Highway 41 to Chattanooga, Tenn. (also from Atlanta over Interstate Highway 75 to Chattanooga, Tenn.), thence over U.S. Highway 41 to Nashville, Tenn., (also from Chattanooga over Interstate Highway 24 to Nashville), thence over U.S. Highway 31–W to Louisville, Ky. (also over Interstate Highway 65 to Louisville), thence over Interstate Highway 65 to Indianapolis, Ind., restricted to the transportation of traffic moving from, to and through Georgia points (a) all intermediate and off-route points in that part of Georgia on and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along U.S. Highway 29 to Athens, Ga., thence along U.S. Highway 78 to the Georgia-South Carolina State line or Wilmington, N.C., Lowland, Tenn., or points in that part of North Carolina on and west of U.S. Highway 1 or points in South Carolina, and (2) from Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Mount Vernon, Ohio, thence over Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, thence over Ohio Highway 440 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo. (also from Brandt, Ohio, over Ohio Highway 201 to Dayton, Ohio, thence over Ohio Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis), thence over U.S. Highway 66 via Carthage, Mo., to Afton, Okla. (also from Carthage over U.S. Highway 71 to junction Interstate Highway 44, thence over Interstate Highway 44 to Joplin, Mo., thence over Missouri Highway 43 to junction U.S. Highway 60, thence over U.S. Highway 60 to Afton), thence over U.S. Highway 66 to Tulsa, Okla., and return over the same routes.

No. MC–71459 (Deviation No. 4), O. N. C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, CA 94303, filed January 11, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Page, Ariz., over U.S. Highway 89 to junction Alternate U.S. Highway 89, thence over Alternate U.S. Highway 89 to Fredonia, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Flagstaff, Ariz., over U.S. Highway 89 to Page, Ariz., and (2) from Bitter Springs, Ariz., over Alternate U.S. Highway 89 to Fredonia, Ariz., and return over the same routes.

No. MC–71459 (Deviation No. 5), O. N. C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, CA 94303, filed January 11, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Bernardino, Calif., over Interstate Highway 15 to junction Interstate Highway 40 (U.S. Highway 66) at or near Barstow, Calif., thence over Interstate Highway 40 (U.S. Highway 66) to junction U.S. Highway 89, at or near Ashfork, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Los Angeles Harbor, Calif., over Truck Boulevard to Los Angeles, Calif., thence over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tucson, Ariz., and (2) from Wickenburg, Ariz., over U.S. Highway 89 to Flagstaff, Ariz., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1469 Filed 1-23-73;8:45 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 19, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commissions's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 23, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 637), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed January 5, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Raleigh, N.C., over new U.S. Highway 64 to junction North Carolina Highway 55, northwest of Apex, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Raleigh, N.C., over old U.S. Highway 64 to junction old U.S. Highway 1, thence over U.S. Highway 1 to Apex,

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N.C., thence over North Carolina Highway 55 to junction U.S. Highway 64, and return over the same route.

No. MC–13300 (Deviation No. 28), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed January 5, 1973. Carrier's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Danville, Va., over U.S. Highway 29 to junction New U.S. Highway 29, thence over New U.S. Highway 29 (east of Reidsville, N.C.) to junction U.S. Highway 29, thence over U.S. Highway 29 to junction North Carolina Highway 150, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Danville, Va., over Virginia Highway 86 to the Virginia-North Carolina State line, thence over North Carolina Highway 86 to junction North Carolina Highway 1300, thence over North Carolina Highway 1300 to Casville, N.C., thence over North Carolina Highway 1155 to junction North Carolina Highway 1153, thence over North Carolina Highway 1153 to junction North Carolina Highway 150, thence over North Carolina Highway 150 to junction U.S. Highway 29, and return over the same route.

No. MC–28462 (Deviation No. 5), DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., 2450 Curtis Street, Denver, CO 80205, filed January 8, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Billings, Mont., and Hardin, Mont., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Billings, Mont., over U.S. Highway 87 to Sheridan, Wyo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–1470 Filed 1–23–73;8:45 am]

[Notice 5]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 19, 1973.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 42963 (Sub-No. 45) (Republication), filed April 21, 1972, published in the FEDERAL REGISTER, issue of May 25, 1972, and republished this issue. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, MO 63102. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. A Report and Order of the Commission, Review Board Number 3, dated December 7, 1972, and served January 12, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *liquid printers' ink*, in shipper-supplied cargo tanks, from the facilities of the General Printing Ink Corp., at Overland, Mo., to points in the United States (except Alaska and Hawaii), and of *liquid printers' ink ingredients* in shipper-supplied cargo tanks, in the reverse direction; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134496 (Sub-No. 3) (Republication), filed April 5, 1972, published in the FEDERAL REGISTER issue of May 4, 1972, and republished this issue. Applicant: A & B EXPRESS COMPANY, a corporation, 6314 Dewey Avenue, West New York, NJ 07093. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. An Order of the Commission, Operating Rights Board, dated December 20, 1972, and served January 10, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of wines and liquors (except in bulk), between New York, N.Y., and West New York and Kearny, N.J., on the one hand, and, on the other, points in New York, under a continuing contract with Monsielu Henry Wines, Ltd., of Brooklyn, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR FILING OF PETITIONS

No. MC 128375 (Sub-Nos. 1, 2, 4, 8, 10, 11, 20, 24, 25, 51, and 56) (Notice of Filing of Petition for Modification of Permits), filed between July 21, 1966, and October 12, 1970, and published in the FEDERAL REGISTER issues between September 20, 1967 and May 26, 1971. Petitioner: CRETE CARRIER CORPORATION, 1444 Main, Post Office Box 249, Crete, NE 68333. Petitioner's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. NOTE: For Clarification purposes the petitioner seeks removal of the names of its contracting shippers: (1) Allen Products Co., Inc.; (2) Allen Products Co., Inc., of Allentown, Pa.; (3) Allen Products Co. of Nebraska, Inc., of Crete, Nebr.; (4) Allen Products Co., Inc., and its affiliates; and (5) Liggett & Myers, Inc., or Durham, N.C., from the above-numbered permits and in their place the petitioner requests the parent company's name of Liggett & Myers, Inc., of New York, N.Y., be inserted as the contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129664 (Sub-No. 1) (Notice of Filing of Petition for Removal of Restriction), filed September 18, 1972. Petitioner: COMET MESSENGER AND DELIVERY SERVICE, INC., 277–283 Clinton Avenue, Newark, NJ 07108. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner presently holds a Certificate in No. MC 129664 (Sub-No. 1) issued December 3, 1970, authorizing service as follows: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes, (1) between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey, and those in Orange and Rockland Counties, N.Y.; (2) between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey (except points in Camden, Salem, Cumberland, Burlington, and Atlantic Counties), and points in Orange, Rockland, Nassau, Suffolk, and Westchester Counties, N.Y.; (3) between Newark, N.J., on the one hand, and, on the other, points in New Jersey; and (4) between points in New Jersey, on the one hand, and, on the other, points in Rockland, Nassau, Orange, Westchester, and Suffolk Counties, N.Y., with all of the authority set forth in (1) through (4) above restricted against (a) the transportation of packages or articles weighing in the aggregate more than 25 pounds from one consignor to one consignee on any one day, and (b) the transportation of shipments having a prior or subsequent movement by air. By the instant petition, petitioner seeks removal of part (b) restricting transportation to shipments having a prior or subsequent movement by air. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before February 23, 1973.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 87855 (Sub-No. 3), filed January 4, 1973. Applicant: J. V. MOTOR LINES, INCORPORATED, 69 Thomas Street, East Hartford, CT 06108. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut in connection with applicant's regular route authority between Boston, Mass., and Hartford, Conn. NOTE: This is a matter directly related to MC–F–11767 published in the FEDERAL REGISTER issue of January 17, 1973. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11766. Authority sought for control and merger by THE 4–H TRANSPORTATION CO., INC., a non-carrier, Route 9, Saratoga Road, Fort Edward, NY 12828, of the operating rights and property of (1) FORT EDWARD EXPRESS CO., INC., and (2) NORTHERN MOTOR CARRIERS, INC., also of Fort Edward, N.Y. 12828, and for acquisition by ALBERT R. HILLMAN, 24 Fort Amherst Road, Glens Falls, N.Y. 12801, FRANK H. HILLMAN, Upper Broadway, Ft. Edward, N.Y. 12828, and PAUL F. HILLMAN, Star Route, Glens Falls, N.Y. 12801, of control of such rights and property through the transaction. Applicants' attorney: Harold G. Hernly, 2030 North Adams Street, Arlington, Va. 22201. Operating rights sought to be controlled and merged: (1) *Used motor oil*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from the United States-Canada boundary line through ports of entry at or near Rouses Point, N.Y., to Newark, N.J.; *petroleum and petroleum products*, in bulk, in tank vehicles, between St. Albans Bay and Burlington, Vt., on the one hand, and, on the other, a defined area of New York; *surface coating, resin compounds, in solution*, in bulk, in tank vehicles, from Fort Edward, N.Y., to Winslow, Maine; *liquid bichromate of soda*, in bulk, in tank vehicles, from Glens Falls, N.Y., to the port of entry at Rouses Point, N.Y., at the United States-Canada boundary line, from Baltimore, Md., to ports of entry on the United States-Canada boundary line at Rouses Point and Champlain, N.Y.; *lignin liquor*, in bulk, in tank vehicles, from Corinth, N.Y., to Baltimore and Leslie, Md., Cambridge, Mass., certain specified points in Pennsylvania, Jackson, Niles, and Black Fork, Ohio, and the ports of entry on the United States-Canada boundary line at Champlain and Rouses Point, N.Y., from Corinth, N.Y., to Ambler, Van Dyke, and Womelsdorf, Pa., Passaic, N.J., and the ports of entry on the United States-Canada boundary line, at Buffalo and Niagara Falls, N.Y., from Corinth, N.Y., to East Bridgewater and Wilmington, Mass.; *lignin liquor*, from Corinth, N.Y.; to points in New York located on the Hudson River, Mohawk River, Erie Canal, Champlain Canal, and the St. Lawrence Seaway, restricted to shipments having a subsequent movement by water, from Corinth, N.Y., to points in Maryland (except Baltimore and Leslie), points in Pennsylvania (except Philadelphia, Plymouth Meeting, Lancaster, Mount Union, and Morrisville), and points in New Jersey; *petroleum products*, in bulk, in tank vehicles, from Plattsburg, N.Y., to Enosburg Falls and Cambridge, Va.; *commodities* which because of size or weight require special equipment and special handling, between points in Clinton, Essex and Franklin Counties, N.Y., on the one hand, and, on the other, points in Franklin and Chittenden Counties, Vt., with restriction; *liquefied petroleum gas*, in bulk, in tank vehicles from Selkirk and Hudson, Falls, N.Y., to points in Connecticut, Massachusetts (except Plymouth, Barnstable and Bristol Counties), New Hampshire, Rhode Island and Vermont (except Essex County), from Selkirk, N.Y., to Auburn and Brewer, Me.; *gasoline and oil*, between Rensselaer, N.Y.; and Pittsfield, Mass., with restrictions;

(2) *Prefabricated barns*, knocked down, in sections, and silos, as a *common carrier* over irregular routes, from South Glens Falls, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Maine, and Pennsylvania; *pig iron*, in dump vehicles, from Troy, N.Y., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, and Rhode Island, from Troy, N.Y., to points in Pennsylvania and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), with restrictions; *creosoted wooden poles*, from Cranford, N.J., to a defined area in New York; *talc*, in bulk, in tank vehicles, from Johnson, Vt., to Groveton, N.H.; *limestone*, from the town of Dover (Dutchess County), N.Y., to points in Rhode Island, Massachusetts, New Hampshire, Vermont, Maine (except points in Aroostook County), Connecticut, Pennsylvania, New York, and points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.), with restrictions; *cement*, from the plantsite of the Glens Falls, Portland Cement Co., at Glens Falls, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, from Pawtucket, R.I., to points in those parts of Connecticut and Massachusetts on and east of U.S. Highway 5; *cement*, in bulk, in tank vehicles between points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, with restriction, and *ice cream*, in shipper-owned trailers, as a *contract carrier* over irregular routes, from Framingham, Mass., to Latham, N.Y., with restriction. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–11770. Authority sought for purchase by RESORT BUS LINES, INC., 41 Railroad Avenue, Yonkers, NY, of the operating rights and property of CROSS COUNTY COACH CORP., 152 Downing Street, Yonkers, NY, and for acquisition by ARTHUR, CAROL, JUNE, AND GEORGE BERNACCHIA, all of 41 Railroad Avenue, Yonkers, NY, of control of such rights and property through the purchase. Applicants' attorney: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021. Operating rights sought to be transferred: Passengers and their baggage, restricted to traffic originating in the territory indicated below, in charter operations, as a common carrier over irregular routes. From New York, N.Y., and points in New York, New Jersey, Connecticut, and Pennsylvania, and return. Vendee is authorized to operate as a common carrier in New York and Massachusetts. Application has not been

[1] Except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality on the human environment resulting from approval of its application.

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filed for temporary authority under section 210a(b).

No. MC-F-11771. Authority sought for purchase by UNIVERSAL TRANSPORT, INC., Post Office Box 268, Rapid City, SD 57701, of a portion of the operating rights of JOHNSTON'S FUEL LINERS, INC., Post Office Box 100, Newcastle, WY 82701, and for acquisition by C. W. BURNETTE, also of Newcastle, Wyo. 82701, CHARLES LIEN, BRUCE LIEN, both of Box 3124, Rapid City, SD 57701, and ELDON JOHNSTON, Wheatland, Wyo. 82201, of control of such rights through the purchase. Applicants' attorney: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Operating rights sought to be transferred: *Cement*, in bulk, in hopper-type vehicles, as a common carrier over irregular routes, from Rapid City, S. Dak., and points within 10 miles thereof, to points in Montana, Wyoming, and Nebraska. Vendee is authorized to operate as a *common carrier* in Kansas, South Dakota, Utah, Wyoming, Colorado, Montana, Nebraska, North Dakota, Minnesota, Arizona, New Mexico, Oklahoma, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11772. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: T.I.M.E.-DC, INC., Post Office Box 2550, Lubbock, TX 79408 (MC-35320), with eight (8) Oklahoma carriers, namely, RYAN FREIGHT LINES, INC., Post Office Box 17570, Oklahoma City, OK 73117 (MC-98646), H. A. DAY, doing business as H. A. DAY TRUCK LINE, 801 East Reno, Oklahoma City, OK 73104 (MC-97461), TRIANGLE EXPRESS, INC., 1015 Southwest Second, Oklahoma City, OK 73125 (MC-99775), B AND B LINES, INC., 1002 North Owasso, Tulsa, OK 74106 (MC-56853), THE ROCKET FREIGHT COMPANY, 2921 Dawson Road, Tulsa, OK 74110 (MC-98742), CENTRAL OKLAHOMA FREIGHT LINES, INC., 207 North Cincinnati Avenue, Tulsa, OK 74103 (MC-120371), OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, Fort Smith, AR 72901, (MC-136420), and GRAVES TRUCK LINE, INC., 2130 South Ohio, Post Office Box 838, Salina, KS 67401 (MC-53965), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between points in Ada, Afton, Allen, Atwood, Bixby, Boley, Bowden, Bowlegs, Bristow, Bushyhead, Cabiness, Calvin, Cardin, Castle, Catale, Catoosa, Chandler, Checotah, Chelsea, Choctaw, Claremore, Commerce, Coyle, Crow, Crowder, Cushing, Dale, Davenport, Depew, Dewar, Dewright, Drumright, Enid, Eufaula, Fairland, Foyil, Gore, Grayson, Guthrie, Harrah, Haskell, Henryetta, Heyburn, Hoffman, Holdenville, Kellyville, Keystone, Konawa, Langston, Leonard, Luther, McAlester, McLoud, Mannford, Meeker, Miami, Morris, Muldrow, Muskogee, Narcissa, Oilton, Okemah, Okmulgee, Picher, Prague, Quapaw, Sallisaw, Seminole, Sequoyah, Shawnee, Stone Bluff, Stroud, Stuart, Taft, Verdigris, Vinita, Warner, Warwick, Wellston, Wewoka, White Oak, Wyandotte, and Yahola, Okla. Attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. T.I.M.E.-DC, INC., is authorized to operate as a common carrier in Texas, Oklahoma, Arkansas, Tennessee, Missouri, and Kansas.

No. MC-F-11773. Authority sought for purchase by CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, MO 64030, of the operating rights of NORTH CENTRAL VAN LINES, INC., 2540 North 27th Street, Lincoln, NE 68540, and for acquisition by WILLIAM F., JESSIE MAE, MICHAEL, AND THOMAS CARTWRIGHT, all of 4411 East 119th Street, Grandview, MO 64030, of control of such rights through the purchase. Applicants' attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, as a *common carrier* over irregular routes, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, between Spearfish, S. Dak., and points within 16 miles of Spearfish, on the one hand, and, on the other, certain specified points in Montana, and Wyoming, between points in Barton, Dade, Cedar, and Greene Counties, Mo., and those in that part of Jasper County, Mo., on and north of U.S. Highway 66, on the one hand, and, on the other, points in Iowa, Kansas, Illinois, and Oklahoma, between Arnold, Nebr., and points within 40 miles of Arnold, on the one hand, and, on the other, points in Iowa, South Dakota, Wyoming, and Colorado; *household goods* as defined by the Commission, and *emigrant movables*, between points in Canadian County, Okla., on the one hand, and, on the other, points in Texas, New Mexico, Missouri, Kansas, and Arkansas; *household goods*, between points in that part of Indiana south of U.S. Highway 40, including Indianapolis, on the one hand, and, on the other, points in Alabama, Florida, Massachusetts, Maryland, New York, North Carolina, New Jersey, Oklahoma, West Virginia, Tennessee, Texas, Virginia, South Carolina, Pennsylvania, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Washington, Oregon, California, Idaho, Montana, Utah, Hawaii, Colorado, Wyoming, Illinois, Indiana, Arizona, Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, Kentucky, Michigan, Missouri, Ohio, Wisconsin, New Jersey, Delaware, Maryland, Virginia, Oklahoma, Arkansas, Texas, Kansas, Tennessee, Nebraska, Iowa, South Dakota, Pennsylvania, West Virginia, Mississippi, North Carolina, Alabama, Georgia, Florida, South Carolina, Louisiana, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11774. Authority sought for control by MERCHANTS TRUCK LINE, INC., McGill Street, Post Office Box 908, New Albany, MS 38652, of MISSISSIPPI FREIGHT LINES, INC., 210 Beatty Street, Jackson, MS 39204, and for acquisition by BEN ALLEN KITCHENS, 366 Cleveland Street, New Albany, MS 38652, PAUL D. KITCHENS, 304 Cleveland Street, New Albany, MS 38652, and JAMES E. ROBERSON, 265 Highland Street, New Albany, MS 38652, of control of MISSISSIPPI FREIGHT LINES, INC., through the acquisition by MERCHANTS TRUCK LINE, INC. Applicants' attorneys: Donald B. Morrison, Post Office Box 22628, Jackson, MS 39205, and Harold D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC-121427 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Mississippi; and *general commodities* excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Forest and Union, Miss., between Carthage and Meridian, Miss., between Laurel and Waynesboro, Miss., between Meridian, and Waynesboro, Miss., serving all intermediate points, with restrictions, between Louisville and Houston, Miss., between Ackerman and Eupora, Miss., between Eupora and Columbus, Miss., serving all intermediate points, between Columbus, and Aberdeen, Miss., serving no intermediate points, but serving only the plantsite of Conoco Plastics at Aberdeen, Miss., between Kosciusko and Starkville, Miss., between Louisville and Starkville, Miss., between Meridian, and Columbus, Miss., serving all intermediate points. MERCHANTS TRUCK LINE, INC., is authorized to operate as a *common carrier* in Mississippi and Tennessee. Application has been filed for temporary authority under section 210a(b). NOTE: MC-121427 (Sub-No. 8) is a matter directly related.

No. MC-F-11775. Authority sought for control by J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, OH 44501, of TOM'S EXPRESS, INC., 422 Cove Road, Weirton, WV 26062, and for acquisition by HENRY J. McNICHOLAS, also of Youngstown, Ohio 44501, of control of TOM'S EXPRESS, INC., through the acquisition by J. V. McNICHOLAS TRANSFER COMPANY. Applicants' attorneys: Donald Donnell, 401 Pennsylvania Avenue, Weirton, WV 26062, and Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, new and used furniture, commodities in bulk,

commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between Steubenville, Ohio, on the one hand, and, on the other, points in Brooke, Hancock, and Ohio Counties, W. Va.; *household goods*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, and West Virginia; *iron and steel and manufactured products thereof*, from Portsmouth, Ohio, and points in Jefferson County, Ohio, to certain specified points in New York and Pennsylvania, from Weirton, W. Va., and points in Brooke, Marshall, and Ohio Counties, W. Va., to points in Ohio, and certain specified points in New York and Pennsylvania; *steel, steel products*, materials used in the manufacture of steel, and *building and construction materials*, between points and places in Hancock, Brooke, and Ohio Counties, W. Va., on the one hand, and, on the other, points and places in West Virginia, Michigan, New York, Ohio, and Pennsylvania; *steel, and machinery, materials, supplies and equipment* incidental to or used in the operation and maintenance of steel mills, between points in Brooke and Hancock Counties, W. Va., on the one hand, and, on the other, points in Columbiana and Jefferson Counties, Ohio. J. V. McNICHOLAS TRANSFER COMPANY, is authorized to operate as a *common carrier* in Ohio, Pennsylvania, West Virginia, New York, Kentucky, Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, Rhode Island, Virginia, Wisconsin, Indiana, Illinois, Maine, New Hampshire, Vermont, Iowa, Missouri, Minnesota, and the District of Columbia, and as a *contract carrier* in Ohio, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Virginia, West Virginia, Wisconsin, North Carolina, Tennessee, Connecticut, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 73-1468 Filed 1-23-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 19, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 53751 (Amendment) filed December 15, 1972, published in the FEDERAL REGISTER issue of January 10, 1973, and republished in part, as amended, this issue. Applicant: C-LINE EXPRESS, 525 Silverado Trail, Napa, Calif. 94558. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, Calif. 94104. NOTE: The purpose of this partial republication is to amend paragraph "B" and add paragraph (h) under "C" as shown below. (B) Between all points and places specified in A above, on the one hand, and, on the other hand, all points and places on and within 5 miles laterally of the following highways including all of the Lake Barryessa resort area: Under paragraph "C" add, (h) Castro Valley and all intermediate points and places on and along Interstate Highway 580 between Castro Valley and Springtown, serving Pleasanton and Livermore as off-route points. The rest of the application remains as previously published.

Kansas Docket No. 88929M, Route No. 8432, filed December 29, 1972. Applicant: DONALD L. KERBS and NEAL J. LOVIN, a partnership, doing business as C & R TRUCK LINE, 1012 West North, Salina, KS. Applicant's representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General Commodities:* To, from and between Salina, Kans., and Marysville, Kans., and a 5-mile radius thereof; and the intermediate points of Garfield Center, Linn, Washington, Mapco, Inc. Plant, Kansas, and a 5-mile radius thereof, and the off-route points of Morganville, Clifton, Palmer, Greenleaf, Barnes, Waterville, Blue Rapids, Hanover, Kansas, and a 5-mile radius thereof. From Clay Center, Kans., on present authority and route north on Kansas Highway 15 to Washington, Kans., thence east on U.S. Highway 36 to Marysville, Kans., and return over the same route. As an alternate route for operating convenience; from Clay Center, Kans., on present authority and route north on Kansas Highway K15 to the intersection of Kansas Highway 9, thence east on Kansas Highway 9 to Waterville, Kans., thence east and north on U.S. Highway 77 to Marysville, Kans., and return over the same route. Both intrastate and interstate authority sought. Hearing: February 21, 1973, at the District Court Room, Marshall County Courthouse, Marysville, Kans., at 10 a.m. Requests for procedural information should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1467 Filed 1-23-73;8:45 am]

RUSSELL TRANSFER, INC.

Notice of Filing of Petition

JANUARY 19, 1973.

No. MC-C-7956 (Notice of Filing of Petition for Declaratory Order), filed November 20, 1972.

Petitioner: Russell Transfer, Inc., 444 Glenmore Drive, Salem, VA 24153. Petitioner's representative: Robert G. Perry, 1701 Charleston National Plaza, Charleston, W. Va. 25301. Petitioner holds certificate No. MC-105709 (Sub-No. 1), authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses, (a) from Lynchburg, Va., to points in Virginia within 75 miles of Lynchburg, and (b) from Roanoke, Va., to Lynchburg, Va. By the instant petition, petitioner seeks a declaratory order to the effect that the above certificate authorizes the transportation of such commodities as shoes, paint, patent medicines, empty containers, plastic pipe or tubing, paperboard or fiberboard, sheets or rolls, which commodities are, assertedly, dealt in by wholesale or retail chain grocery and food business houses. Any interested person desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before February 23, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1471 Filed 1-23-73;8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

MILK IN THE SOUTHERN MICHIGAN AND UPSTATE MICHIGAN MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1040, 1043]

[Docket Nos. AO 225-A25, AO-247-A18]

MILK IN THE SOUTHERN MICHIGAN AND UPSTATE MICHIGAN MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handing of milk in the Southern Michigan and Upstate Michigan marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Lansing, Mich., on May 4–5, 1972, pursuant to notice thereof issued on April 4, 1972 (37 FR 7338).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 5, 1972 (37 FR 26318), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under issue No. 2:

(a) A new paragraph is added at the end of the findings under subheading "(a) Merger of orders."

2. Under issue No. 3:

(a) Clerical errors are corrected in the first and seventh paragraphs under subheading "(a) Revisions of Class I classification."

(b) Revisions are made in paragraphs one, three, six, 12, and 18 under subheading "(c) Class III milk."

(c) Four new paragraphs are added under subheading "(g) Format of order provisions."

The material issues on the record of the hearing relate to:

1. Diversion limitations under the Southern Michigan and Upstate Michigan orders.

2. Whether the marketing areas of Southern Michigan and Upstate Michigan orders should be included under one order.

(a) Merger of orders.

(b) Interstate commerce.

3. If an order is issued for one milk marketing area in the manner proposed, what its provisions should be.

(a) Application of the provisions of the Southern Michigan order to the combined marketing areas.

(b) Revision of provisions with respect to:

(i) Classification of skim milk and butterfat;

(ii) Class prices and location adjustments;

(iii) Distribution of proceeds to producers; and

(iv) Administrative provisions.

The decision deals with all the issues listed above except Issue No. 1, which was considered previously in a decision issued by the Assistant Secretary on September 15, 1972 (37 FR 19639).

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Whether the marketing areas of Southern Michigan and Upstate Michigan orders should be included under one order*—(a) *Merger of orders.* Order No. 43, regulating the handling of milk in the Upstate Michigan marketing area, and Order No. 40, regulating the handling of milk in the Southern Michigan marketing area, should be merged into a single regulation. The surviving order would be Order No. 40.

Addition of the Upstate Michigan marketing area to the Southern Michigan marketing area was proposed by a cooperative association operating in the two markets. Proponent testified that Southern Michigan handlers have extended their supply and sales routes in the Upstate Michigan marketing area to the point that a separate market for Upstate Michigan producers no longer can be distinguished. Merger of the orders was not opposed.

Southern Michigan is the larger of the two marketing areas proposed for merger. The Southern Michigan marketing area includes most of the Lower Peninsula of Michigan, except one tier of southern counties, two western counties adjoining such tier, and the marketing area of Upstate Michigan consisting of 13 northwestern counties.

In 1955, when the Upstate Michigan order was promulgated, there were 486 producers supplying 24 plants operated by handlers regulated under the order. In January 1970 only the milk of 22 producers was pooled under the order and only three distributing plants were regulated. At the time of the hearing only 19 producers were left on the market, compared to 8,247 producers on the Southern Michigan market. Most of the producers who were on the Upstate Michigan market shifted to Southern Michigan order pool plants. Also, the fluid milk sales business within the marketing area has been shifting to Southern Michigan handlers.

Most of the sales in the Upstate marketing area consequently are now made by handlers regulated by the Southern Michigan order. Transfers to Upstate Michigan pool plants and route sales in the Upstate Michigan marketing area by Southern Michigan handlers have increased from approximately 20 million pounds in 1965 to 65 million pounds in 1971. In comparison, the total producer receipts by Upstate Michigan handlers during 1971 amounted to only 9 million pounds.

Since the fluid milk sales business within the Upstate marketing area is held primarily by Southern Michigan handlers, such territory is now an integral part of the larger Southern Michigan marketing area. Therefore such territory should be added to the Southern Michigan marketing area and the Upstate Michigan order shoud be revoked.

The marketing area set forth herein is identical with that contained in the separate orders. It includes all the territory within the Michigan counties of Alcona, Allegan (Dorr, Gunplain, Hopkins, Leighton, Martin, Otsego, Watson, and Wayland Townships only), Alpena, Antrim, Arenac, Barry, Bay, Benzie, Calhoun, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmett, Genesee, Gladwin, Grand Traverse, Gratiot, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe (Ash and Berlin Townships only), Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Wastenaw, Wayne, and Wexford.

All currently regulated handlers of the separate orders will continue to be regulated under the merged order. Producers under the separate orders will continue to supply such handlers. To accomplish the merger effectively and most equitably, the assets in the custody of the market administrator in the administrative, marketing service, and producer-settlement funds under the two orders should be combined. Any liabilities of such funds under the individual orders should be paid from the new funds so created and obligations due to the funds under the separate orders should be paid to the combined funds under the merged order. To distribute such funds under one order to producers and handlers under the order would unduly burden the producers and handlers now regulated by the other order. To distribute the funds under both orders and again accumulate the necessary reserve would entail unnecessary administrative detail at considerable cost with no advantage to either handlers or producers.

The administrative assessment rate limit of 2 cents per hundredweight under the Southern Michigan order should be continued under the order for the merged marketing areas. The Upstate Michigan order provides an administrative assessment rate limit of 5 cents per hundredweight but the actual rate of assessment being applied under each of the orders is 2 cents per hundredweight. Accordingly, a maximum rate of 2 cents should provide sufficient funds to cover the market administrator's costs of administering the order for the merged marketing areas.

(b) *Interstate commerce.* The handling of milk in the proposed merged marketing area is in the current of, and directly burdens, obstructs, or affects interstate commerce in milk or milk products.

Bulk milk from farms located in Indiana, Ohio, and Wisconsin, as well as Michigan, is received and priced at pool plants regulated by the Southern Michigan order. Bulk milk from supply plants located in Wisconsin is tranferred to pool plants located in the proposed marketing area.

Manufactured milk products made from producer milk likewise are involved in interstate commerce. Cottage cheese and yogurt from a Michigan regulated plant are sold in the adjoining State of Ohio. Yogurt is sold in the consolidated marketing area by handlers regulated under the Indiana and Ohio Valley orders.

Michigan handlers competing for sales of milk and milk products throughout the combined Southern Michigan and Upstate Michigan marketing areas are also in competition for such sales from handlers located outside the State.

3. *Order provisions for the combined marketing area*—(a) *Application of the provisions of the Southern Michigan order to the combined area.* The order provisions adopted herein continue the Southern Michigan order provisions, subject to proposed amendments considered herein. In those instances in which specific provisions of the order adopted herein are substantially different from the present Southern Michigan order, the justification therefor is set forth in the findings of this decision.

The provisions of the order for the combined marketing area will be applicable to the same categories of persons and milk plants to which provisions of the separate orders now apply. The pooling requirements for distributing plants under the Southern Michigan and Upstate Michigan orders currently specify that 50 percent of the milk receipts at the plant be disposed of on routes. Adoption of the Southern Michigan order provisions for the Upstate Michigan portion of the combined marketing area will not change the categories of persons and milk plants in such area to be regulated. Adoption of the Southern Michigan provisions relative to pooling supply plants, and "balancing" plants operated by cooperatives, likewise will not effect any change in mode of regulation for any present handler in the Upstate Michigan marketing area. Neither of such types of plants are regulated currently under that order.

(b) *Revision of provisions with respect to*—(i) *Classification of skim milk and butterfat.* Cooperative associations proposed that certain product composition standards be incorporated in the classification provisions. In addition, they proposed reclassification of skim milk and butterfat in certain specific uses, particularly cream products, eggnog, and yogurt.

The present classification provisions of the Southern Michigan order should be revised as follows:

(a) *Revision of Class I classification.* With certain exceptions noted hereinafter, Class I milk should continue to include skim milk and butterfat disposed of in the form of milk, skim milk, lowfat milk, milk drinks, buttermilk, and filled milk. Skim milk and butterfat disposed of in any such product that is flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted likewise should be classified as Class I milk. Such classification should apply whether the products are disposed of in fluid or frozen form.

In addition, as proposed by the cooperatives, this classification should include skim milk and butterfat in milkshake mixes containing less than 20 percent total solids, in sterilized fluid milk products, and in any milk product not in Class II or Class III if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids, and less than 9 percent butterfat and 20 percent total solids.

Skim milk disposed of in any product described above that is modified by the addition of nonfat milk solids should be Class I milk only to the extent of the weight of the skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Milkshake and ice milk mixes containing less than 20 percent total solids should be included in Class I. Such mixes containing a greater percentage of solids should be Class III products.

Milkshake and ice milk mixes for commercial use are basically similar in composition and purpose to what might be considered as traditional frozen desserts, such as ice cream. It is possible, however, that a beverage product very similar in form and composition to chocolate milk could be marketed under the label of a milkshake mix for the purpose of having a lower classification apply to the product. Since such a product actually would have the same general form and purpose as other fluid milk products now classified as Class I under the order, it should be included in the Class I classification. It is necessary, though, to provide some means of distinguishing between such a product and the general category of milkshake mixes that are being sold in market competition with frozen desserts. For this purpose, the total solids content of the product should be used. A standard of 20 percent or more total solids should encompass those milkshake and ice milk mixes intended for use as a type of frozen dessert. Mixes with less solids are quite similar in total solids to chocolate milk and other flavored fluid milk products and should be in Class I.

Returns to producers for milk disposed of in the form of fluid milk products should be the same whether such products are sterilized or unsterilized. Such products in either form are being marketed for the same beverage use. Sterilization does not change the form or use of such products. They are generally intended for use in place of their unsterilized counterparts and are thus competing for the same market uses. Classifying all such products in Class I will assure that the returns from producer milk used in sterilized fluid milk products will contribute on the same basis as returns from producer milk used in unsterilized fluid milk products toward inducing an adequate supply of milk for beverage use.

With the removal of any exception to the Class I classification of milk because of sterilization, specific reference must be made in the "fluid milk product" definition to the exclusion of certain products that otherwise could be construed to fall within such definition. Such products are evaporated or condensed milk or skim milk, formulas in hermetically sealed glass or all-metal containers that are especially prepared for infant feeding or dietary use, and products (such as flavored drinks in "pop" bottles) containing by weight less than 6.5 percent nonfat milk solids. These products, being sold in sterilized form, are now excluded from the Class I classification and such exclusion should be continued, notwithstanding the fact that they are sold to the public in fluid form. Evaporated milk and condensed milk sold for home use are intended primarily for cooking purposes. They are not consumed normally as a beverage. Infant and dietary formulas, which are being sold in hermetically sealed glass or all-metal containers, are specialized food products prepared for a limited use. Such formulas do not compete generally with other milk beverages consumed by the general public. Similarly, fluid products containing only a minimal amount of nonfat milk solids are not considered as being in the competitive sphere of the traditional milk beverages.

Cooperatives proposed that, in addition to naming certain milk products and excluding others, a fluid milk product be defined in terms of moisture and milk solids content of the product. As proposed by producers, a "fluid milk product" would be any product containing at least 6.5 percent nonfat milk solids and 80 percent water but less than 9 percent butterfat and 20 percent total solids. They contended that the proposed fluid milk product definition would accommodate the classification of new products or variations of the listed products when they are introduced on the market. Any product meeting the specified composition limits for a fluid milk product would be a fluid milk product regardless of the name under which the product might be marketed.

Handlers generally took the position that the fluid milk product definition should continue to list by name those products intended to be included in Class I. They believed that this procedure would result in less confusion within the industry concerning the application of this definition.

The primary concern with any fluid milk product definition is that it clearly define the products or types of products that are intended to be included in the definition. The fluid milk product definition adopted herein, which incorporates both the listing of specified products and the use of composition percentages, should meet this requirement.

For clarity the fluid milk product definition should continue to list the generic

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names of those products commonly sold for consumption as beverages. The products listed in the adopted definition encompass most of the forms in which milk for fluid uses is sold. Any one referring to this fluid milk product definition may easily ascertain in the case of most milk products whether or not a particular product is included in the definition.

A listing of products alone in the fluid milk product definition may not clearly indicate, however, the classification of new milk products developed for fluid consumption. With certain limited exceptions noted, the fluid milk product definition is intended to include all milk products that are distributed for use as beverages. Although a new milk beverage introduced on the market might not be encompassed within the list of named products, it should be treated as a fluid milk product, nevertheless, if its composition is similar to that of the listed products. This will be the result of the standards of product composition for fluid milk products herein adopted.

As indicated, the adopted composition standards would embrace any product not specified as a Class II or Class III product that contains by weight at least 80 percent water and 6.5 percent nonfat milk solids, and less than 9 percent butterfat and 20 percent total solids. These standards are chosen so as to conform as closely as possible to the range of water, solids, and butterfat content of those products specifically listed in the fluid milk product definition that are commonly sold for use as beverages.

The 9-percent-butterfat standard coincides with the butterfat percentage adopted herein to delineate the mixtures of cream and milk or skim milk to be included in Class II. The total solids and water percentages represent a reasonable measure of the fluidity of those products that normally are consumed as beverages. The 6.5 percent nonfat milk solids standard is used to exclude from the fluid milk product definition those products that contain some milk solids but are not closely identified with the dairy industry, such as chocolate flavored drinks in "pop" bottles. In the case of the nonfat milk solids standard, it is intended that nonfat milk solids include such milk solids as lactose and the nonfat solids in dried whey.

(b) *Class II milk.* Class II milk should include skim milk and butterfat disposed of in the form of eggnog, yogurt, or a "fluid cream product", i.e., cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat. Any product containing 6 percent or more nonmilk fat (or oil) that resembles any of these products likewise should be in this class. Also, eggnog, yogurt, and fluid cream products that are in inventory at the end of the month in packaged form should be in Class II.

Included also in this classification should be skim milk and butterfat used to produce cottage cheese, lowfat cottage cheese and dry curd cottage cheese. Skim milk disposed of in any Class II product that is modified by the addition of nonfat milk solids should be Class II milk only to the extent of the weight of the skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Under the current Southern Michigan order Class II milk includes only the skim milk and butterfat used to produce, or added to, cottage cheese or cottage cheese curd.

Proposals by cooperatives of products to be included in Class II differed little from that adopted herein. One cooperative proposed that skim milk and butterfat used to produce eggnog be classified as Class I milk. Another cooperative would classify skim milk and butterfat used to produce sour cream as Class III milk.

Handlers and producers agreed that fluid cream products should be removed from the fluid milk product definition and be classified as Class II. An association of milk dealers asked that cottage cheese and cream be classified as Class II. One handler suggested there be no third class of milk products. He suggested that fluid milk products remain in Class I and cream and cottage cheese be classified along with manufactured milk products in a single surplus class.

In support of their proposed Class II use categories, the several cooperatives contended that there are significant differences in the competitive position of, and demand for, milk so used compared to other uses of milk. They stated that handlers demand quality milk on a regular basis for the proposed Class II products and that alternative supplies of milk for such uses cannot be obtained for less than the Class II prices they propose for producer milk. Moreover, they claimed that products in such Class II uses should bear, along with fluid milk products, part of the cost necessary to attract an adequate market supply.

Proponent cooperatives pointed out that the present Class I classification of cream and cream mixtures has placed these products in a poor competitive position in the marketplace relative to nondairy substitutes. By shifting these products to a lower-priced class, proponents hope it will allow the industry to maintain its present small share of the cream and dessert topping market and provide it a chance to perhaps recapture some of the market that it has lost.

Class II milk should include eggnog. Currently, eggnog is a Class III product under the Southern Michigan order. One cooperative asked that it be classified as Class I. Another cooperative would classify eggnog as Class II. Handlers operating distributing plants in the Detroit area requested that eggnog be classified as Class III milk.

The sales of eggnog are limited primarily to the months of November and December. During 1971 eggnog sales in the Southern Michigan market amounted to 3,271,000 pounds. Such sales for the year amounted to less than 0.1 of 1 percent of the 3.85 billion pounds of producer milk in the market. One handler estimated that 35 to 40 percent of the eggnog products sold in the market are substitute products. In view of the limited sales of eggnog during the year total returns to producers would not be significantly enhanced if eggnog were classified as Class I milk. Furthermore, a Class I classification for eggnog would place it at a competitive disadvantage in the market relative to substitute products. Eggnog, however, should not be priced as a Class III product because a main ingredient is cream. Cream will be a Class II product. For these reasons the intermediate Class II classification of this order is appropriate for skim milk and cream in such uses.

Milk used in yogurt should be classified as Class II milk. Yogurt is a soft, nonfluid, "spoonable" product. It is not a beverage as are other products defined herein as fluid milk products.

By being suspended from the fluid milk product definition yogurt is currently a Class III use under the Southern Michigan order to price it competitively with those neighboring Federal order markets that classify yogurt in an intermediate use class.

Processors generally use regular supplies of inspected milk to produce yogurt. Although yogurt can be made from cream and nonfat dry milk, processors prefer high quality milk. Since yogurt has a relatively limited shelf life, it is made on a continuing basis, thus requiring a regular supply of milk at all times. It is not a residual use as surplus. These conditions warrant that producer milk in yogurt be priced at a level above the price for milk disposed of through the traditional residual uses for surplus milk.

Sour cream or a cultured mixture of cream and milk or skim milk containing 9 percent or more butterfat should be a Class II product. The Southern Michigan order currently classifies sour cream as a Class III product.

One cooperative asked that sour cream be classified as a Class II product while another cooperative and several handlers requested that its classification as Class III be continued.

Sour cream should be placed in the same class as other cream products. Half-and-half and light cream are used by consumers principally in coffee. Aerated cream and whipping cream are used as dessert toppings. Sour cream and cultured mixtures, with or without the addition of other ingredients, are used as dips or in food preparation. Providing the same classification for such products as for other cream products will result in uniform pricing to handlers for producer milk used in all such "specialty" cream products.

Ending inventory of fluid cream products, eggnog, and yogurt when held in packaged form, should be classified as Class II, the class of expected ultimate use, rather than in Class III as would be the case for ending inventory of such products in bulk form. The higher classification will accommodate the treatment adopted herein whereby such products that are received at a pool plant in packaged form and disposed of in the same packages would be permitted to "pass through" the plant without any pool obligation or down-allocation. In this connection, the ending Class II inventory, as Class II inventory on hand at the beginning of the following month, would be allocated in the following month directly to the handler's Class II utilization.

The order now provides that any "filled" product containing 6 percent or more nonmilk fat (or oil) shall be Class III milk. With the inclusion of fluid cream products, eggnog, and yogurt as Class II products, it is appropriate that any such filled products that resemble the proposed Class II products made with milk fat likewise be included in this class. The substitution of nonmilk fat for milk fat in a product merely changes the composition of the product and not its use. For competitive reasons, a comparable classification of products made with milk fat and their filled counterparts is necessary.

Handlers using certain types of other source milk (whether in the form received or in reconstituted form) in the processing of Class II products should be permitted to have such other source milk allocated directly to their Class II uses. Under the plan adopted herein, such other source milk to which direct allocation could apply would be limited to milk products (such as nonfat dry milk and condensed milk or skim milk) that are not fluid milk products or fluid cream products.

The major use of other source milk in making these Class II products is the addition of nonfat dry milk to cream products, mainly half-and-half, and to skim milk being used for the manufacture of cottage cheese. If producer supplies are short, handlers also may reconstitute nonfat dry milk for cottage cheese production. Condensed skim milk may be similarly used. Handlers choosing to use such other source milk in this way should be permitted to have such milk allocated directly to their Class II utilization rather than allocated first to any Class III utilization they may have.

As long as the Class II price for producer milk remains in proper relationship with the cost of alternative supplies, it is not expected that this direct allocation of nonfluid other source milk to Class II will induce handlers to use other source milk in preference to producer milk for processing Class II products. Under the adopted Class II price, producers would represent in most circumstances the most economical source of milk for Class II use.

Nonfat dry milk has certain advantages for handlers that producer milk cannot provide. It can be added easily to milk or milk products to increase their nonfat milk solids content. Also, its storability permits handlers to have a concentrated form of nonfat milk solids on hand at all times for emergency use. Nevertheless, the higher cost of nonfat dry milk relative to producer milk would tend to limit its use to only those situations where the nonfat dry milk has a distinct processing advantage for handlers.

No provision should be made for the direct allocation to a handler's Class II utilization of other source milk received in fluid form. Unlike the handling of nonfat dry milk, it would not be unusual for a handler to commingle in his plant any receipts of fluid other source milk with his receipts of producer milk. In this circumstance, it would not be possible to know just how much of the other source milk may have been used in the processing of a Class II product. The difficulty a handler would have in demonstrating that he actually used fluid other source milk in a Class II product, and the administrative difficulty in verifying such claimed use, warrants the allocation of such milk in essentially the same manner as now provided by the order.

In this connection, it should be noted that under the revised classification plan the order would provide for the specific allocation to a handler's Class II and Class III utilization of any receipts of bulk fluid milk products from an other order plant or an unregulated supply plant for which the handler requests a Class II or Class III classification. Such receipts would be allocated to the extent possible first to the handler's Class III utilization and then to his Class II utilization. This would be the case even if a Class II classification were requested by the handler.

Handlers may add nonfat milk solids to several of the proposed Class II products, such as half-and-half and light cream. The method of accounting for modified fluid milk products should apply in like manner to these modified Class II products. Currently these cream products are fluid milk products, and in accounting for these products the order provides that each shall be classified as Class I in the amount of the weight of an equal volume of an unmodified product of the same nature and butterfat content. The remaining skim milk equivalent of the nonfat solids in such product is classified in the lowest class. Accordingly, under the revised classification, if eggnog, yogurt, or any fluid cream product is modified by the addition of nonfat milk solids, such product would be classified as Class II in the amount of the weight of an equal volume of an unmodified product of the same nature and butterfat content. The remaining skim milk equivalent of the nonfat milk solids in such product would be classified in Class III.

The order provides that nonfat milk solids used to fortify fluid milk products and in producing or adding to cottage cheese or cottage cheese curd shall be accounted for on the basis of the actual weight of the solids. Such accounting procedure would be changed under the order provisions provided herein to conform with the procedure used under Federal orders generally and, therefore, facilitates appropriate accounting for milk products moved among orders. The method adopted would account for all nonfat milk solids on a skim milk equivalent basis. The volume of the unmodified product that the added solids replaces would be classified in the same class as the modified product and the remaining skim milk equivalent volume of the added solids would be Class III.

(c) *Class III milk.* Class III milk should include skim milk and butterfat used to produce cheese (other than cottage cheese, lowfat cottage cheese and dry curd cottage cheese), butter, plastic cream, frozen cream, anhydrous milkfat, any milk product in powdered form, milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, frozen dessert mixes, custards, puddings, pancake mixes, formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, evaporated or condensed milk or skim milk in plain or sweetened form that is in a consumer-type package, any concentrated milk product in bulk, fluid form, and any product containing 6 percent or more nonmilk fat (other than a Class II product). Any other product not otherwise included among Class I and Class II products also should be included in Class III.

Other Class III uses should include fluid milk products and bulk fluid cream products in inventory at the end of the month, and that portion of modified (by the addition of nonfat milk solids) fluid milk products and Class II products not included in Class I or Class II. Also, a Class III classification should apply to bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages. In addition, Class III should include any fluid milk product or product listed in the Class II classification that is disposed of for animal feed, or is dumped if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition. Also, shrinkage within certain limits should be classified as Class III milk.

The items included in Class III are those currently in Class III with certain exceptions. One item, packaged fluid milk products in ending inventory, is added to the current Class III classification. Milkshake mixes containing less than 20 percent total solids and certain sterilized products packaged in hermetically sealed containers, however, would be placed in Class I, and sour cream would be moved to Class II.

Cooperatives requested that milkshake mixes containing less than 20 percent total solids and packaged fluid milk products in ending inventory be classified as Class I milk. Handlers proposed that such products be classified as Class III milk.

One cooperative requested that sour cream be classified as Class II milk. Another cooperative and several handlers asked that the order continue to classify sour cream as Class III milk.

The rationale for placing certain of the current Class III products in either

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Class I or Class II is contained in the discussion of products to be classified as Class I or Class II milk. The following discussion concerns the classification of ending inventory and the classification of shrinkage.

A producer's primary concern with the classification of ending inventory is its effect on his returns. A handler is concerned with such classification as it affects his pool obligation and recordkeeping. Either a Class I classification for packaged fluid milk products in ending inventory, or a Class III classification and a reclassification as a Class I product when such product is disposed of on routes, results over the long run in essentially the same pool obligation for handlers and the same returns to producers. Classifying packaged fluid milk products in ending inventory as Class III will tend to facilitate the recordkeeping of handlers without disadvantage to producers.

Ending inventory classified as Class III milk should be reclassified in a higher class if so used during the following month. A charge to the handler at the difference between the Class III price for the preceding month and the Class I or Class II price, as applicable, for the current month would apply to any reclassified inventory. This is the same reclassification procedure that now applies under the order to inventories of fluid milk products in bulk form.

Fluid cream products in bulk form that are on hand at the end of the month likewise should be classified in Class III. As in the case of bulk milk, the final use of cream being held in bulk form is not necessarily apparent from that form. The cream must be followed to its ultimate use, which may be in any class. Accordingly, it is reasonable to classify any closing inventory of bulk cream in Class III and then apply a reclassification charge should the cream, as beginning inventory the following month, be allocated to a higher class.

For the first month that the revised classification plan is effective, certain transitional provisions relating to inventory should apply. Such provisions are necessary to assure that all handlers under the order will be subject to the same pricing for milk used in packaged fluid milk products and fluid cream products whether such products enter into the month's accounting as beginning inventory or are made from current receipts of producer milk.

Under the new plan, beginning inventories of fluid cream products in packaged form normally would be allocated directly to a handler's Class II utilization. Such allocation assumes that the products were priced at the Class II price in the preceding month. Since this would not be the case for the first month under the new amendments, such inventories should be allocated in the first month to the extent possible to Class III, as in the case of inventories of fluid milk products and bulk fluid cream products. A reclassification charge should apply if a higher classification results.

A pool credit should apply on certain milk products in ending inventory in the first month that the revised classification plan is effective. Beginning inventories of fluid milk products and, for the first month, all fluid cream products would be allocated to the extent possible to Class III. This allocation assumes that such inventories were priced at the lowest class price in the preceding month. Since inventories of packaged fluid milk products and packaged fluid cream products (half-and-half, light cream and whipping cream) under the Southern Michigan order will have been priced at the preceding month's Class I price, former Southern Michigan handlers should receive a credit on such packaged inventories equal to the difference between the preceding month's Class I price and the Class III price. Former Upstate Michigan handlers should receive a credit on all ending inventory of fluid milk products and cream at the difference between the preceding month's Class II and Class III price under such order since their inventories will have been priced at the preceding month's Class II price. If a higher classification results through the allocation procedures, the appropriate reclassification charge would apply.

The current order provides that skim milk dumped shall be a Class III use subject to prior notification to and inspection by the market administrator. Butterfat in dumped products likewise should be classified as Class III milk. Currently, butterfat in dumped products may be classified as Class III milk only if there is a sufficient amount of allowable Class III shrinkage remaining to permit such classification. Otherwise, such butterfat is known as "excess shrinkage" and is classified as Class I milk. In normal plant operations there is likely to be some cases where butterfat in milk products cannot be sold or salvaged. Route returns that may be nonsalable because of dating regulations often may not be reprocessed economically into other products. Additives such as flavoring or nondiary ingredients may make reprocessing impractical. Also, in manufacturing operations, spoilage may occur, or culturing processes may break down, rendering the product nonsalable for human consumption. Such products that are dumped result in a loss to the handler. In these circumstances, butterfat dumped should be classified as Class III in order that such butterfat may be accounted for as a specific use rather than as shrinkage, an unspecified use.

The classification of shrinkage within certain limits as Class III milk as provided in the Southern Michigan order should be continued in the merged order, except that the principle of division of shrinkage between receiving and processing functions with respect to milk moved from farms to plants in tank trucks operated by a cooperative association handler should apply also in the case of milk that is transferred or diverted.

The order now provides a 2-percent maximum shrinkage allowance in Class III in the case of receipts of producer milk, milk from other order plants, and milk from unregulated supply plants. With respect to producer milk the order recognizes that shrinkage normally experienced varies with the type of handling. More loss is usually experienced in plant processing than in merely receiving milk for delivery to another handler.

With respect to delivery of milk by a cooperative association handler from farms to plants in tank trucks, a Class III shrinkage allowance of 0.5 percent of such milk is provided. Any excess shrinkage over 0.5 percent is classified as Class I milk. The Class III shrinkage allowance to the processing plant receiving the milk from the cooperative is 1.5 percent. This maintains a total of 2-percent Class III shrinkage allowance for such milk from producers in the receiving and processing operations.

In the case of milk diverted from a pool plant to another plant, a shrinkage allowance in Class III of 0.5 percent should be provided the diverting handler unless the operator of the plant to which the milk is diverted purchases such milk on the basis of weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples. In the latter case no shrinkage allowance would apply for the diverting handler. This is the same procedure applicable to cooperative bulk tank deliveries to pool plants. Similar handling is involved.

This kind of division of shrinkage allowance should be provided with respect to receipts in bulk from other pool plants and receipts in bulk from other order plants, and unregulated supply plants. One and one-half percent shrinkage allowance at the plant where such milk is processed and 0.5 percent allowance at the shipping plant will maintain a total of 2 percent Class III shrinkage allowance at processing plants with respect to receipts of milk from pool sources, other order milk, and unregulated supply plant milk.

(*d*) *Classification of milk transferred or diverted.* Certain changes should be made in the provisions that prescribe the classification of fluid milk products that are transferred or diverted from a pool plant to another plant. Several of the changes become necessary with the classification of fluid cream products as Class II. Other changes are appropriate for clarity in the classification of milk.

The order presently provides a Class III classification for cream in bulk transferred from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant if the handler claims Class III utilization and such nonpool plant is located in Pennsylvania, New Jersey, New York, or New England. Bulk cream transferred to nonpool plants in other States is classified as Class I milk unless certain conditions are met.

Under the adopted classification plan, fluid cream products would be classified as Class II products. If such products are transferred to another plant in packaged form, the skim milk and butterfat contained therein should be classified as Class II milk since these items are moved in final form. The classification of fluid

cream products when disposed of in bulk form, however, is determinable only by following the movement of the bulk product to its subsequent use since it is feasible to use the skim milk and butterfat in bulk cream in any of the three classes of end use. Appropriately, the classification of bulk cream should be based on its end use irrespective of the location of the plant to which it is transferred to effect its classification on the basis of use. Arrangements for verifying the utilization at most distant plants can be made easily through the facilities of the various market administrators' offices. Thus, it is necessary that fluid cream products transferred in bulk form from a pool plant to another plant be classified in a manner similar to that now used in classifying transfers of bulk fluid milk products.

The order now prescribes a procedure for classifying transfers of bulk fluid milk products from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant. To determine such classification, the nonpool plant's utilization must be assigned to its receipts of milk from each source. Some amplification of this procedure is appropriate to set forth clearly the priority for assigning the different types of plant use to the different sources of fluid milk products and bulk fluid cream products received at the nonpool plant.

Under the adopted assignment priorities, the first step is to assign the nonpool plant's Class I utilization to its receipts of packaged fluid milk products from all federally regulated plants. Such receipts should receive first priority on the nonpool plant's Class I use since all orders provide that such packaged transfers from a pool plant to an unregulated nonpool plant shall be classified as Class I milk. Thus, any Class I route disposition of the nonpool plant in the marketing area of a Federal order, and any transfers of packaged fluid milk products from the nonpool plant to plants fully regulated under such order, would be assigned, first, to the nonpool plant's receipts of packaged fluid milk products from plants fully regulated under such order and, second, to any such remaining packaged receipts from plants fully regulated under other Federal orders.

A similar assignment of any such remaining disposition (i.e., the aforesaid Class I route disposition and transfers of packaged fluid milk products) then would be made to the nonpool plant's receipts of bulk fluid milk products from pool plants and other order plants. Any other Class I disposition of packaged fluid milk products from the nonpool plant, such as route disposition in unregulated areas, would be assigned to any remaining unassigned receipts of packaged fluid milk products at the nonpool plant from plants fully regulated under any Federal order.

After these assignments, any Class I use at the nonpool plant that is attributable to the Class I allocation at a Federal order plant of fluid milk products transferred in bulk from the nonpool plant to the regulated plant would be assigned next. Such use would be assigned, first, to the nonpool plant's remaining unassigned receipts of fluid milk products from plants fully regulated under that order and, secondly, to any such remaining receipts from plants fully regulated under other orders.

Additional unassigned Class I utilization at the nonpool plant then would be assigned to the plant's receipts of Grade A milk from dairy farmers and unregulated nonpool plants that are determined to be regular sources of Grade A milk for the nonpool plant. Any remaining unassigned receipts of fluid milk products at the nonpool plant from plants fully regulated under any order would be assigned to any of the nonpool plant's remaining Class I utilization, then to its Class III utilization, and then to its Class II utilization.

Following these assignments, any receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants would be assigned to the nonpool plant's remaining unassigned utilization in each class. Such assignment would be made in sequence beginning with the lowest class.

In determining the classification of any transfers or diversions from a pool plant to a nonpool plant, the utilization of any transfers from the nonpool plant to another unregulated nonpool plant also must be established. In this case, the same assignment priorities just outlined should apply also at the second nonpool plant.

Certain changes should be made in the order concerning the classification of products transferred from a pool plant to a producer-handler. Under the revised classification plan, bulk fluid cream products transferred from a pool plant to a producer-handler should be assigned to the extent possible to the latter's Class III use, and then Class II use. If the producer-handler does not have enough utilization in these classes to cover such transfers, any remaining transfers should be classified as Class I milk.

As in the case of all other fluid milk products, such transfers of cream are now classified as Class I milk. Such classification tends to assure that producers do not carry for producers-handlers the burden of maintaining reserve supplies for the Class I sales of producers-handlers. With the removal of cream from the Class I classification, as adopted herein, a mandatory Class I classification of cream transfers to producers-handlers would not be necessary for this purpose.

The order should provide that fluid milk products transferred from a pool plant to a producer-handler under another order be classified as Class I milk. This classification now applies under the order with respect to such transfers made on an intramarket basis.

The producers-handlers, in their capacity as handlers, have been exempt from the pricing and pooling provisions of the order. In consideration of this exemption, the order requires a Class I classification of all fluid milk products that are transferred from a pool plant to a producer-handler. Inasmuch as the producer-handler exemption under each order is predicated on essentially the same basis, a Class I classification of milk transferred from a pool plant regulated under one order to a producer-handler as defined under another order would be in keeping with the general basis for producer-handler exemption.

Since the advent of farm bulk tanks, the diversion of producer milk from pool plants to manufacturing plants has been a common method of handling milk not needed for the fluid market. The classification of diversions to unregulated nonpool plants is discussed hereinbefore. The classification of diversions to other order plants and to pool plants of other handlers should be specified in the order. Such diversions are provided for in the producer milk definition of the order. Currently the transfer provisions of the order are silent on the classification to be accorded such diversions.

Provision should be made for the diversion of milk to other order plants for Class II or Class III use. Such provisions will foster the efficient handling of surplus milk in the market by permitting the disposal of such milk directly from farms to manufacturing plants in other markets, rather than having such intermarket movements limited to the more expensive method of transferring milk from one plant to another. With the safeguards adopted herein, returns to producers in the market to which the milk is diverted will not be affected by the processing of this surplus milk in their market since the diverted milk will continue to be pooled in the market from which diverted.

The transfer provisions of the order should provide for the same classification for a diversion from a pool plant to another pool plant that is applicable to a transfer between such plants.

(ii) *Class prices and location adjustments*—(*a*) *Class I price and location adjustments.* The Class I price under the combined order should be that currently provided under the Southern Michigan order, the basic formula price for the second preceding month plus a differential of $1.60. The location adjustment provisions under the Southern Michigan order should be continued under the merged order also.

Several cooperative associations proposed that the amount of the Class I differential under the Southern Michigan order be continued in the merged order. Two cooperatives, while not objecting to the proposed Class I differential, proposed to increase the effective Class I price at certain pool plants by eliminating the minus location adjustment applicable at such plants. They proposed that the location adjustment zones of −3, −5, −7, and that portion of the −9-cent zone south of the northern edge of Oceana and Newago Counties be changed to a zero zone. One of the latter cooperatives asked that the direct delivery differential zones of plus 4 and plus 8 cents remain in effect. The other cooperative expressed no position on the direct delivery differentials. Its members do not ship milk to plants located in the area where such differentials apply.

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The proposal by the two cooperatives would remove the minus location adjustments effective at plants in the southern half of the Lower Peninsula of Michigan. In support of their proposal witnesses for the associations stated that all producers should receive the same price for milk delivered to plants throughout such territory. They contended that the minus location adjustments amounted to a subsidy for handlers in the central and western part of the Lower Peninsula. They stated that distributing plants in the western and central part of the State have routes extending into the Detroit area and Detroit handlers have routes extending over much of the State. For this reason they believed the same Class I price should be applied at the plants of all such handlers and requested that minus location adjustments not apply in the southern part of the Lower Peninsula of Michigan.

Handlers with plants located in or near the Detroit metropolitan area proposed that the direct-delivery differential zones of plus 4 cents and plus 8 cents be eliminated. They also proposed an increase in the Class I price differential to avoid any loss in returns to producers by elimination of the direct-delivery price zones. In addition, at the hearing, they suggested the adoption of hauling credits from pool funds for producer milk shipped in excess of 60 miles to pool distributing plants. In their brief, however, they contended that this would not be a necessary part of eliminating direct delivery zones. Handler witnesses cited the overlap of sales competition between Detroit handlers and handlers in the balance of the market as the reason for their proposal. They contend that the present price adjustments result in too wide a disparity in the cost of raw milk for competing handlers. In their view the present minus location adjustment structure under the Southern Michigan order should provide the necessary incentive to move milk to the fluid outlets in the market.

Cooperatives favoring retention of the plus 8-cent and plus 4-cent direct-delivery differentials pointed out the need for such incentive to attract milk from the production areas to the primary consumption area. They stated that 50 percent of the population of the Lower Peninsula of Michigan resides in the Detroit metropolitan area. Approximately 65 percent resides in the plus 8-cent, plus 4-cent, and zero zones. Total deliveries of milk to plants in such zones in 1971 amounts to 61 percent of the total milk marketed under the Southern Michigan order. Seventy-seven percent of the total Class I sales by Southern Michigan handlers in March 1972 was made by plants located in the Detroit area. Sixty percent of the total Class I sales is made by plants located in the plus 8-cent and plus 4-cent zones and 17 percent by handlers with plants in the zero zone.

The location adjustment rate structure under the present Southern Michigan order was last revised effective May 1968, based upon evidence adduced at a hearing held in May 1967. That revision adopted a "direct-delivery" differential of 8 cents for milk delivered to plants in Wayne County and in the townships of Royal Oak and Southfield in Oakland County, and of 4 cents for milk delivered to plants located in the remaining townships of Oakland County.

Direct-delivery differentials were first established in the Southern Michigan order in August 1965. At that time, a rate of 4 cents per hundredweight was applied to all milk received from farms at plants located in the major portion of Wayne County and in two townships of Oakland County. The general basis for the direct-delivery differential was discussed in the decision on amendments to the Southern Michigan order issued on June 15, 1965, which was based on the record of a 1964 hearing.

Institution of a plus 8-cent direct-delivery differential zone in May 1968 was based upon testimony that an additional 15 to 18 million pounds of milk were needed monthly at plants in the Detroit metropolitan area.

The direct-delivery differentials are applicable at plant locations. It is common practice in the market for each producer to pay for shipping his milk from his farm to a plant. Hauling charges tend to increase as the distance from farm to plant increases. Accordingly, in the interest of maximizing his net return from the sale of his milk, each producer has an incentive to minimize his hauling payment by shipping to a plant close to his farm unless he is reimbursed for the added cost of shipping to a more distant plant.

The direct-delivery differentials are employed to effect reimbursement to producers for the added cost of shipping milk to plants located in the densely populated Metropolitan Detroit area compared to plants located closer to the outlying production areas wherein Detroit handlers compete with such other plant operators for producer milk supplies.

The use of such direct-delivery payment provisions tends to make producers indifferent as to whether they ship their milk to plants in and near Detroit or to outlying plants in the market, since their net return at the farm is the same in each case. Without the provisions, producers would tend to prefer to ship milk only to the plants located nearest their farms.

The record does not demonstrate that the direct-delivery differentials have resulted in handlers in the Detroit area attracting milk supplies in excess of their needs. Consequently, there is no reason to assume that any lesser price differential as between plants in the Detroit area and plants in the outlying parts of the market would provide sufficient price incentive to attract the needed milk supply to Detroit plants.

It is the combination of both the plus direct-delivery differentials applicable at plants in the Detroit metropolitan area and the minus location adjustments applicable at plants throughout the production area that induces the needed milk deliveries to plants in the Detroit metropolitan area. The elimination of either the plus or minus price adjustments would reduce the incentive to move milk to the city plants.

Both proposals would limit severely the importance of order pricing as the means of compensating for the cost of moving milk from farms to the primary consumption area. At the outset, a burden would fall on those producers supplying city plants. Consequently, such producers would tend to seek other plant outlets nearer their farms to avoid incurring the higher hauling cost to ship their milk to the city. This would tend to threaten the supply of milk available to distributing plants in and near Detroit.

The situation is avoided by the use of the present location adjustment structure in the market, since it is formulated to reflect the added transportation cost in moving milk from farms to Detroit area plants as compared to plants located nearer producers' farms.

In view of the above considerations, it is concluded that the proposals to change the location pricing structure in the market should be denied.

The location adjustments under the Southern Michigan order applicable at locations within the Upstate Michigan marketing area should be continued, as proposed by the cooperatives. Such adjustments provide for a location adjustment of minus 12 cents at any plant located in Manistee, Wexford, Crawford, Grand Traverse, or Kalkaska Counties. A minus 15-cent location adjustment is applicable at plants located in the remaining counties of the Upstate marketing area.

Such location adjustments under the Southern Michigan order would effect about the same Class I price differentials as now apply at plants under the Upstate Michigan order. Under the Upstate Michigan order, the plants at Cadillac, Charlevoix, and Cheboygan have a Class I differential of $1.49. The location adjustments adopted herein would result in a Class I price differential of $1.48 for the plant at Cadillac and a differential of $1.45 at the other two plants.

(b) *Class II price.* The Class II price under the merged order should be the Class III price for the month plus 15 cents. The Class III price is the lower of the basic formula price or a butter-nonfat dry milk formula price.

The Class II price adopted herein is the price currently effective under the Southern Michigan order. It also will provide the same level of Class II pricing currently effective under the Upstate Michigan order.

One cooperative proposed that the Class II price be the basic formula price plus 20 cents. Three other cooperatives proposed that the Class II price be the Class III price plus 20 cents.

Still another cooperative supplying handlers in Southern Michigan (Detroit) and the Ohio Valley (Toledo) with milk for cottage cheese asked that the Class II price not be changed.

Several handlers requested that no change be made in the Class II price effective under the Southern Michigan order. They were concerned that their principal competitors in neighboring orders would have a comparatively lower price if any of the other proposed methods of Class II pricing were adopted. These handlers noted that the Class II price for the Ohio Valley and Eastern Ohio-Western Pennsylvania order currently is the basic formula price plus 10 cents per hundredweight whereas one of the proposals would add 20 cents to the basic formula price.

It would not be appropriate at this time to establish a Class II price based upon the basic formula price plus 20 cents or the Class III price plus 20 cents in view of the lower price in neighboring markets wherein Southern Michigan handlers compete strongly for sales of Class II products. The Ohio Valley and Eastern Ohio-Western Pennsylvania orders classify as Class II most of the milk products that would be Class II under this order and price milk in such uses at the basic formula price plus 10 cents. During 1971 the Class II price of milk containing 3.5 percent butterfat averaged $4.91 in the Ohio Valley and Eastern Ohio-Western Pennsylvania orders compared to $4.92 in the Southern Michigan order.

In view of the competitive situation between Southern Michigan handlers and handlers in the Ohio Valley and Eastern Ohio-Western Pennsylvania markets, the current Class II pricing in the Southern Michigan order should be continued at this time.

(iii) *Distribution of proceeds to producers.* Marketwide pooling provisions now included in both the Southern Michigan and Upstate Michigan orders should be retained in the consolidated order. No proposals were made to change the method of pooling returns to producers under the combined order.

The base-excess plan of payments to producers under the Southern Michigan order should be continued under the merged order, subject to the changes considered below. A majority of the producers on the Upstate Michigan market belong to a cooperative that is now paying such producers on the basis of the Southern Michigan base-excess plan. Only nine producers on the Upstate market are not being paid in accordance with such base-excess plan. The record does not reveal any problem for such producers by being brought under such payment plan.

Base plan revision. Several provisions dealing with the application of bases should be modified.

Presently two or more persons with bases may combine those bases upon the formation of a bona fide partnership. The order, however, does not define a bona fide partnership. Cooperatives proposed that this provision be modified to provide that a bona fide partnership agreement must define the financial invested interest, financial and management responsibilities, division of income and expenses, and basis for sharing of profits or losses.

Such delineation of the terms of the partnership agreement should aid the market administrator in determining that the partnership agreement applies to a joint milk production business in which each partner shares in the profits (or losses), as opposed to a sales or rental arrangement under the guise of a partnership in an attempt to effect a transfer of base.

The proposed modification is appropriate since it provides guidelines for the market administrator in determining which partnerships are to be considered bona fide. Such change, likewise, will provide guidance to producers in establishing partnerships.

A base may be held jointly and be divided among the partners as specified in writing to the market administrator. Cooperatives proposed that this provision be modified to provide that a base may be held jointly through the formation of a bona fide partnership, provided such base is established by the partnership under the rules applicable to an individual producer establishing a base. This modification should be adopted since it clarifies the intent of the provision and does not represent any substantive change.

An additional modification would permit a producer to retain his base without loss for 12 months if quarantined from the market by reason of pesticide or herbicide residue in his milk supply as evidenced by Federal or State authority. This provision, proposed by cooperatives, would allow a producer to retain his base for 12 months if quarantined from the market for more than 45 days. The order now provides that a producer who does not deliver milk to any handler for 45 consecutive days may retain his base without loss for 12 months only if he suffers the complete loss of his barn, or a loss of 50 percent or more of his milk herd from brucellosis or bovine tuberculosis.

A producer who suffers the loss of either a barn or part of his herd has the capability of marketing some milk. A producer whose milk contains pesticide or herbicide residue, however, is unable to market any of his milk production. It is appropriate that producers with milk containing pesticide or herbicide residue, as well as producers suffering partial or total loss of milk production, be permitted to retain their base.

One cooperative proposed that the base rules be revised to allow a producer to hold his base for the following year if he shipped at least 80 percent of his base during the base-setting period, instead of 90 percent as now required by the order. The reason given for the proposed revision was that if a producer were required to ship only 80 percent of his base, he would not need to add cows to the herd during the fall months.

No specific reason was given on the record why a producer's production of milk from a herd of a given size should unavoidably decline more than 10 percent from one base-setting period to the next other than by causes covered by provisions discussed above. When such production decrease exceeds 10 percent, it seems likely that such decrease would be the result of a decrease in the size of the herd from one base-setting period to the next since average daily deliveries per producer are increasing in the market. In those instances in which the size of the herd has been reduced, it is appropriate to reduce the base of such producer accordingly. The current provision, which allows a producer's production to fall to 90 percent of the previous base without any reduction in the base earned, should be sufficient for normal variations in production resulting from causes other than herd reduction. For this reason, the proposal to permit a producer to retain his base if he ships only 80 percent of his base during the base-setting period is denied.

(iv) *Administrative provisions.*—(a) *Reload point.* A provision defining a reload point should be added to the order to distinguish between a reload point (pump-over station) and a plant.

A reload point should be defined as a location at which milk moved from a farm in a tank truck is transferred directly to another tank truck and commingled with other milk before entering a plant. If reload operation is on the premises of a plant, it should be considered a part of the plant operation.

For the last several years handlers have been bringing milk directly from the farm into the city of Detroit by using reload points. Since the current order is silent as to a specific defined distinction between a reload point and a supply plant, handlers proposed adoption of a plant definition to distinguish between a reload point and a plant for the purpose of making clear that milk is priced only at plants. They also proposed that the order should make clear that a distribution point should not be considered a plant.

Since the order now has definitions for a supply plant, a distributing plant, and route disposition the desired clarification in order language can appropriately be accommodated by adding a reload point definition and modifying the supply plant and route disposition definitions.

A distribution point is a separate facility used primarily for the transfer to vehicles of packaged fluid milk products moved there from a distributing plant. Operators of distributing plants often operate one or more distribution points in delivering fluid milk products to wholesale and retail accounts situated a substantial distance from their plants. The distribution facility is part of the delivery system and, accordingly, the route disposition definition should be modified to specifically include delivery through any distribution facility as route disposition.

Cooperatives proposed that milk moved to market through a reload point that is not a part of a supply plant operation be priced at the plant to which it is moved. If such milk is reloaded at a supply plant with storage facilities, the milk should be considered to be received at that point for pricing purposes.

Milk hauled directly from the farm to a pool plant is priced at the location of

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the plant where received. Since a reloading point is only a means of consolidating farm bulk tank shipments in tank trucks with greater capacity, the price applied to such milk should continue to be that applicable at the plant where received.

If the reload point, however, has storage facilities, milk from farm bulk tank trucks may be either reloaded into an over-the-road tanker or unloaded into storage facilities for later transshipment. In such instance there is no precise means of determining the ultimate destination of each producer's milk. If the milk pumped into the storage tanks at the reload point is transferred to more than one plant, there is no means of identifying which producer's milk is transshipped to each of the other plants. In addition, there is no practicable means of verifying which producer's milk is reloaded into an over-the-road tanker and which producer's milk is unloaded into a storage tank. For these reasons all milk received at a plant having storage facilities should be priced at the location of such plant.

(b) *Other source milk definition.* Because of the revised classification plan, certain changes in the present other source milk definition are necessary. This definition would continue to serve, however, the present function of implementing the identification of various categories of receipts at a regulated plant.

At present, fluid milk products from any source other than producers, a cooperative acting as a handler for farm bulk tank milk, and pool plants are considered as other source milk. Under the revised classification plan, however, cream no longer would be defined as a fluid milk product. To facilitate the application of other provisions of the order, it is desirable, nevertheless, that fluid cream products, when in bulk form, continue to be treated in the same manner as fluid milk products for the purpose of applying the other source milk definition.

Other source milk should include any receipts in packaged form of fluid cream products, eggnog or yogurt (or any filled product resembling such products). These are Class II products under the revised classification plan.

Although no handler obligation would apply under the provisions adopted herein to these receipts of packaged Class II products, it is desirable for accounting purposes that such receipts be defined as other source milk. This accounting procedure will preclude the recordkeeping difficulties that might otherwise be experienced in accounting separately for inventories and sales of Class II products processed in the handler's plant versus those received at the plant in packaged form from other plants. As provided herein, such receipts of other source milk would be allocated directly to the handler's Class II utilization, rather than being allocated to the extent possible to the handler's lowest utilization as is provided in some cases for other types of other source milk.

The order now provides that manufactured products from any source that are reprocessed, or converted into, another product in the plant shall be considered as other source milk. For accounting purposes under the order, such manufactured products should include dry curd cottage cheese received at a pool plant to which cream is added before distribution to consumers. When used to produce cottage cheese or lowfat cottage cheese, the receipts of dry curd would be allocated under the adopted provisions directly to the handler's Class II utilization. No handler obligation would apply under the order to such receipt.

Other source milk should include any disappearance of manufactured milk products for which the handler fails to establish a disposition. Although the order does not specify such disappearance as other source milk, it is reasonable that each handler be required to account fully for all milk and milk products received or processed at his plant. Otherwise, a handler with inadequate records may have an opportunity to gain a competitive advantage over his competitors who properly account for all milk. Specifying any unexplained disappearance of manufactured milk products as other source milk will contribute to a uniform application of the regulatory plan to all handlers.

(c) *Substitution of regulatory agency for health authority.* "Regulatory agency" should be substituted for "health authority" wherever it appears in those sections of the Southern Michigan order defining "producer", "distributing plant", and "supply plant". Frequently the regulatory agency approving milk for fluid consumption is not termed a health authority. Accordingly, use of "regulatory agency" provides a more useful description of such agencies having jurisdiction in this field.

(d) *Obligations relative to other source milk.* The merged order should not provide for an additional charge to a handler for other source milk received from nonpool plants if it is classified as Class I milk by this order and a Class I price already has been assessed under any Federal order.

Under the present provisions of the Southern Michigan and Upstate Michigan orders a double charge on such Class I other source milk might result under the following circumstances. If producer milk is transferred in bulk from a pool plant regulated under any Federal milk order to an unregulated nonpool plant and is used as Class I milk, the pool plant operator is charged for this transfer of milk at the Class I price.

If, during the same month, an equivalent amount of bulk milk from this unregulated nonpool plant is transferred to a pool plant under either the Southern Michigan or Upstate Michigan order and is allocated to such pool plant's Class I utilization, the operator of the pool plant would be charged the difference between the Class I price and the uniform price for such receipt of other source Class I milk.

There is a tendency for plants to specialize in the processing of certain products, or in the packaging of products in particular types of containers. It is not uncommon for milk to be transferred from a pool plant to an unregulated nonpool plant for special processing and the finished products to be moved back into the regulated market. When milk is initially priced at the Class I price the market price structure is in no way undermined if such milk, or its equivalent, is disposed of for Class I use by the nonpool plant in a regulated market. Accordingly, the merged order should provide that the operator of a pool plant will have no obligation to the pool on such other source Class I milk.

This can be achieved by revising the allocation provisions and the procedure for computing the pool obligation of a pool plant operator as follows: Receipts of packaged fluid milk products at a pool plant from an unregulated supply plant would be allocated to the pool plant's Class I utilization to the extent that an equivalent amount of skim milk or butterfat disposed of to the unregulated plant by handlers fully regulated under any Federal order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order. This allocation would be made prior to any other allocation of receipts to the plant's Class I utilization, and no other obligation would apply to the milk so allocated to Class I. In the case of fluid milk products received in bulk form from an unregulated supply plant, the provisions setting forth a handler's pool obligation would specify that no payment would apply to any such milk allocated to Class I if, as just described for packaged milk, an equivalent amount of milk received at the unregulated plant has been priced as Class I milk under some other Federal order.

In this same connection, the provisions prescribing the obligation of a partially regulated distributing plant should be changed. When such plant's obligation is computed as though it were a pool plant, proper recognition must be given to any transfers to the plant from a regulated plant to the extent that the milk already has been priced as Class I milk under some Federal order. Also, in computing a partially regulated distributing plant's pool obligation on route sales in a Federal order marketing area, recognition should be given to any receipt of milk at such plant from another unregulated plant if an equivalent amount of milk received at the latter plant already has been priced as Class I milk under an order.

The Southern Michigan and Upstate Michigan orders now impose a handler assessment for administering the orders on all other source Class I milk except that received in fluid form from another order plant. This may include milk that already has been priced as Class I milk under some Federal order as described above. With the removal of any additional charge on such milk, the merged order should not provide for any assessment on such milk for administrative expenses. Such milk would be subject to

the comparable charge as applied under the order that initially priced the milk.

The merged order should provide that the Class I price for other source milk, when adjusted for location of the shipping plant, shall not be less than the Class III price.

A pool plant operator's obligation under the Southern Michigan and Upstate Michigan orders to the producer-settlement fund includes a payment on fluid milk products received from unregulated supply plants and allocated to Class I. The handler's obligation to the pool is determined by charging him at the Class I price and crediting him at the uniform price. The prices used are those applicable at the location of the unregulated supply plant, except that an adjustment to the uniform price is limited so that it may not be less than the Class III price.

No such limitation on the Class I price is provided in the two orders at present on other source milk allocated to Class I when adjusted for the location of the shipping plant. The merged order should limit the Class I price adjustment in the same way that the uniform price just mentioned is limited.

Providing that any adjusted Class I price applicable to other source milk be not less than the Class III price is appropriate under this order. Otherwise, under certain conditions a handler could receive payment from the producer-settlement fund on such milk. Such payment could result when the location differential for the distant plant is greater than the difference between the Class I and Class III prices. In this circumstance, producers under the order, in effect, would be providing the handler with a credit that reduces his cost for the distant milk below its value for manufacturing use at the point of purchase.

From the standpoint of marketing efficiency, the handler should not be provided an incentive, which would be at the expense of local producers, to import such distant milk into the local market. It is unreasonable to expect that such a handler credit should apply on the other source milk.

A similar situation now exists with respect to the obligation of the operator of a partially regulated distributing plant or an other order plant. In certain cases, the handler's obligation includes a payment to the producer-settlement fund at the difference between the Class I price applicable at his plant and either the uniform price or the Class III price. For the same reasons, the order should provide, in computing the obligation of such a handler also, that the Class I price, as adjusted for location, shall not be less than the Class III price.

(c) *Exclusion of nonreporting handler from uniform price computation.* A provision of the Southern Michigan order dealing with the computation of the pool value of milk containing 3.5 percent butterfat should be revised to provide for excluding the value of milk of any handler who has not filed his report of receipts and utilization or who has not paid for the previous month his obligation to the producer-settlement fund.

The current order provides that the market administrator shall compute the value of the pool by combining into one total the pool obligation of each handler. In the event that a handler has not filed his report the market administrator must decide whether to exclude such handler's value of milk in making the required computation or to delay the computation until a report is received. Obviously, the Market Administrator cannot delay the computation of the pool value indefinitely since he is required to announce at a prescribed time the prices to be paid producers for milk delivered during the preceding month. Accordingly, the order should be amended to provide that the value of milk of a handler who has not filed his report of receipt and utilization shall be excluded in computing the value of the pool.

The report of a handler who has not paid his obligation to the producer-settlement fund for the preceding month should be excluded in computing the value of the pool. If a handler has not paid his obligation to such fund during the previous month, the reserve funds of the producer-settlement fund might be depleted to an extent that the market administrator cannot make full payment to those handlers due to receive money from the producer-settlement fund. In such event the order provides for the market administrator to uniformly reduce his payments to handlers.

Since handlers who have a higher utilization than the average for the market would be required to make the full payment to producers, any reduction in payments to handlers due a credit from the producer-settlement fund should be kept at a minimum so that they, too, are able to make the full payment to their producers.

These provisions excluding from the computation of the pool value the reports of handlers who have not complied with certain reporting or payment provisions of the order are identical with those in most other Federal milk orders. They are appropriate for the merged order for the reasons previously stated.

A witness for Detroit handlers suggested that a later deadline for submitting reports of receipts and utilization be established in the order. They indicated that some handlers are experiencing a delay in obtaining some of the information they need to complete their reports. Specific reference was made to sales records from distant distribution points and information from plants to which producer milk is diverted.

Cooperative associations opposed any later date for filing handler reports of receipts and utilization if it would result in setting a later date for payments to producers.

The dates fixed under the order for the announcement of the uniform prices, payments to and from the producer-settlement fund, and payments to producers are all coordinated in sequence from the date fixed for filing reports of receipts and utilization. Consequently, to provide a later date for filing reports, it also would be necessary to set a corresponding later date for payments to producers.

Cooperatives opposed to a later reporting date, are also handlers under the order and file reports of receipts and utilization for the pool plants they operate. Presumably the situation faced by such cooperatives in compiling their reports in the time period now provided is similar to that of other handlers regulated under the order.

In this circumstance it is concluded that the record does not demonstrate sufficient basis for providing more time for filing reports of receipts and utilization at the expense of further delay in the date by which producers receive payment for their deliveries of milk.

Cooperatives were concerned that excluding handlers who had not paid their previous month's obligation to the producer-settlement fund might cause wide fluctuations from month to month in the level of uniform prices. As an alternative they suggested that the interest or overdue accounts be increased from 6 percent to 18 percent per year in order to encourage prompt payments to the producer-settlement fund. The current 6 percent rate, however, should be continued. The current record does not demonstrate that handlers are delinquent in making their payments to the producer-settlement fund.

(f) *Equivalent price.* The merged order should contain an equivalent price provision providing that if a price or pricing constituent needed by the market administrator in administering the order is not available, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

The Southern Michigan and Upstate Michigan orders presently use both "price quotation" and "price" to describe the formula pricing constituents and prices that must be available to the market administrator monthly in order for him to determine the class prices and the butterfat differentials. These formula pricing constituents and prices are (1) the Chicago butter price, (2) the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, and (3) the price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota.

Although the various quotations now used in the order are specific price quotations, a different price constituent (e.g., a price index) that is reflective of one or more price quotations might under some circumstances be instituted in the order as a basis for determining class prices. Use of "price or pricing constituent" in the order language relating to use of equivalent prices will more appropriately express the intent of this provision of the order, and is therefore adopted in this decision.

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(g) *Format of order provisions.* The format of the merged order is designed to provide a more logical positioning of provisions. The positioning of provisions within the merged order is the same as that recently incorporated in several Federal milk orders and proposed for a number of others. Such positioning is designed to achieve a uniform location of order provisions among all orders and to improve the arrangement of provisions therein.

The regrouping of provisions together with the redesignation of section numbers of the order is intended to result in a more compact order and a more precise grouping of related order provisions. In addition to redesignation of section numbers (and codified subunits), some changes have been made in section titles, introductory paragraphs and section content. In making these modifications, which conform with the format proposed generally for the various orders, no change is intended either in the intent or application of any provisions so affected.

The revised order attached hereto provides for a producer butterfat differential only. The handler and producer butterfat differential provisions under the Southern Michigan order have both used a differential factor of 0.113 times the Chicago butter price. The handler butterfat differential has been rounded to the nearest 0.1 of a cent and the producer butterfat differential has been rounded to the nearest 0.5 of a cent. Such different rounding procedures, however, have not resulted in any meaningful difference between the resultant butterfat differentials. Accordingly, a single butterfat differential is all that is needed. Moreover, with the use of a single producer butterfat differential the pooling of differential butterfat value is not necessary.

To effect simplification of order provisions and pooling procedures a single producer butterfat differential factor of 0.113 times the Chicago butter price, rounded to the nearest 0.1 cent is adopted and no provision is made for pooling the value of differential butterfat. This does not effect any change under the Southern Michigan order with respect to handler's cost of butterfat in producer milk.

The order attached to the recommended decision provided an individual plant basis of reporting and allocation. The Southern Michigan order, however, has provided a handler basis of reporting and allocation. Certain multiple plant handlers have followed a practice of reporting on a handler basis. The matter of type of reporting and allocation was not explored on the record. Accordingly, the handler basis of reporting and allocation is retained in the revised Southern Michigan order.

(h) *Advance announcement of prices for Class II and Class III milk.* A handler proposed that order prices for Class II and Class III milk be announced at the beginning of the month rather than at the end of the month during which the prices apply. The submission of the proposal, however, was contingent upon the adoption of a similar proposal in a recommended decision on classification in 33 markets and a seven-market final decision. Since the recommended decision on the 33 markets denies an earlier announcement for Class II and Class III prices, no further consideration is given herein to such proposal.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1040.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Southern Michigan marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

October 1972 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southern Michigan marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on January 17, 1973.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Southern Michigan marketing area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Southern Michigan and Upstate Michigan marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Southern Michigan order as hereby amended, and all of the terms and conditions thereof, which combine the Southern Michigan and Upstate Michigan marketing areas, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1040.85.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the orders regulating the handling of milk in the Southern Michigan and Upstate Michigan marketing areas shall be combined into one order—the Southern Michigan order. Part 1043 is superseded thereby, and such vacated part designation shall be reserved for future assignment. The handling of milk in the combined marketing area shall be in conformity to and in compliance with the terms and conditions of the Southern Michigan order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the Southern Michigan order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on December 5, 1972, and published in the FEDERAL REGISTER on December 9, 1972 (37 FR 26318; FR Doc. 72-21212), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following modifications:

1. In the index, centerheading "Uniform Price" is changed to "Uniform Prices" and centerheading "Base Excess Plan Provisions" is changed to "Base Excess Plan."

2. Sections 1040.9(a), 1040.30(a), 1040.41(a), 1040.43(a), 1040.44, 1040.52, 1040.60(g), and 1040.76(b)(2) are revised.

3. Clerical errors are corrected in §§ 1040.15(a) and 1040.16.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

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GENERAL PROVISIONS

§ 1040.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1040.2 Southern Michigan marketing area.

"Southern Michigan marketing area," hereinafter referred to as the "marketing area," means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith, and all craft moored thereat, and all territory wholly or partly therein occupied by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments.

MICHIGAN COUNTIES

Alcona.
Allegan (Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain Townships only).
Alpena.
Antrim.
Arenac.
Barry.
Bay.
Benzie.
Calhoun.
Charlevoix.
Cheboygan.
Clare.
Clinton.
Crawford.
Eaton.
Emmett.
Genesee.
Gladwin.
Grand Traverse.
Gratiot.
Huron.
Ingham.
Ionia.
Iosco.
Isabella.
Jackson.
Kalamazoo.
Kalkaska.
Kent.
Lake.
Lapeer.
Leelanau.
Livingston.
Macomb.
Manistee.
Mason.
Mecosta.
Midland.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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MICHIGAN COUNTIES—Continued

Missaukee.	Otsego.
Monroe (Ash and Berlin Townships only).	Ottawa.
	Presque Isle.
Montcalm.	Roscommon.
Montmorency.	Saginaw.
Muskegon.	St. Clair.
Newaygo	Sanilac.
Oakland.	Shiawassee.
Oceana.	Tuscola.
Ogemaw.	Washtenaw.
Osceola.	Wayne.
Oscoda.	Wexford.

§ 1040.3 Route disposition.

"Route disposition" means a delivery, either directly or through any distribution facility (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product classified as Class I milk to a wholesale or retail outlet other than a delivery to any milk or filled milk plant.

§ 1040.4 [Reserved]

§ 1040.5 Distributing plant.

"Distributing plant" means a plant in which milk approved by any duly constituted regulatory agency for fluid consumption in the marketing area is processed or packaged and from which there is route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area.

§ 1040.6 Supply plant.

"Supply plant" means a plant in which milk approved by any duly constituted regulatory agency for fluid consumption in the marketing area is assembled and either processed or shipped in the form of a bulk fluid milk product to another milk processing plant. Such supply plant shall be equipped with stationary holding facilities.

§ 1040.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant, from which total route disposition except filled milk, during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products, except filled milk, from supply plants and cooperative associations pursuant to § 1040.9(c).

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraphs (1), (2), or (3) of this paragraph and any applicable call percentage: *Provided*, That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the performance requirements of subparagraphs (1), (2), or (3) of this paragraph upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of April through September a unit shall not contain any plant which was not qualified under this paragraph either individually or as a member of a unit during the previous October through March.

(1) A plant from which the milk moved during the month to a distributing plant(s) qualified under paragraph (a) of this section is not less than 40 percent of the call percentage, whichever is higher, in any month October through March, and 30 percent or the call percentage, whichever is higher, in any month April through September, of the following net quantity: Subtract from the monthly receipts of Grade A milk at the plant (including receipts of a handler described in § 1040.9(c), (i) any receipts by transfer or diversion from another plant, and (ii) any milk utilized by the handler operating the plant qualifying pursuant to this paragraph for his own Class I disposition in consumer packages. If such plant has meet the required percentage during each of the months of October through March, it shall remain qualified under this subparagraph for each of the following months of April through September during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, either by shipment from such supply plant or by direct delivery from the farm, (i) not less than one-half of its total member producer milk in the current month, or (ii) if such plant were qualified under this subparagraph in each of the preceding 13 months, not less than one-half of its total member producers' milk for the second through the 13th preceding months, except that in either case an announced call percentage exceeding 50 percent in the current month must be met.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members deliver at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to such distributing plants either by shipment from the cooperative's plant or by direct delivery from farms is not less than 50 percent or the call percentage, whichever is higher, of the combined total of their member producer milk deliveries during the month.

(4) On written request by the handler or cooperative for the nonpool status of any plant automatically qualified as a pool plant under this paragraph April through September, made to the market administrator prior to the beginning of any month during such period, the plant shall be a nonpool plant for such month and thereafter until it requalifies under subparagraph (1) of this paragraph on the basis of actual shipments therefrom. To requalify as a pool plant under subparagraph (2) or (3) of this paragraph or on unit basis, such plant must first have met the shipping requirements of subparagraph (1) of this paragraph for 6 consecutive months.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant; and

(3) A plant or facility at which during the month milk is fully subject to the classification, pricing, and payment provisions of another order issued pursuant to the Act and a greater volume of fluid milk products, except filled milk, is disposed of from such plant as route disposition in the marketing area and to pool plants regulated pursuant to such other order than is so disposed of in the Southern Michigan marketing area. A handler operating such plant shall be exempt for such month from all provisions of this part except §§ 1040.30(d), 1040.71(b), and 1000.5 of this chapter.

§ 1040.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the class pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined under this or any other Federal order issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant, a producer-handler plant nor an exempt plant and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

(e) "Exempt plant" means a plant, other than a plant described in paragraph (b) of this section, located outside the marketing area from which there is route disposition within the marketing area but from which the route disposition wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers. Only §§ 1040.32 and 1000.5 of this chapter shall apply to an exempt plant.

§ 1040.9 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any cooperative association with respect to producer milk diverted in accordance with § 1040.13 for the account of such association;

(c) Any cooperative association with respect to milk of its member producers which is delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

(d) Any person who operates a partially regulated distributing plant;

(e) Any producer-handler; and

(f) Any person in his capacity as the operator of an other order plant from which fluid milk products are distributed on routes in the marketing area or shipped to a pool plant.

§ 1040.10 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which there is route disposition in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant and no milk products other than fluid milk products for reconstitution into fluid milk products; and

(b) Provides proof that: (1) The care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is the personal enterprise and risk of such person.

§ 1040.11 [Reserved]

§ 1040.12 Producer.

"Producer" means any person, other than a producer-handler under any Federal order, who produces milk approved by any duly constituted regulatory agency for fluid consumption in the marketing area, which is moved to a pool plant or diverted pursuant to § 1040.13 from a pool plant to another plant. The term shall include such a person with respect to milk diverted to a pool plant from an other order plant (unless designated for Class III use) during any month in which the quantity diverted is greater than the quantity of milk physically received from such person at the plant from which diverted and such milk is exempt from the pooling provisions of the other order.

§ 1040.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk:

(a) Received from producers at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1040.9(c); and

(b) Diverted to a nonpool plant (except a producer-handler plant) by the operator of a pool plant or a cooperative association as a handler pursuant to § 1040.9(b) subject to the following conditions:

(1) In any month that less than 6 days' production of a producer is delivered to pool plants the quantity of milk of the producer diverted during the month shall not be producer milk.

(2) In any month of October through March, the quantity of milk of any producer diverted to nonpool plants that exceeds the quantity of such producer's milk physically received at pool plants, as measured by days of production, shall not be producer milk. The days of production last diverted, which exceed the days of production received at pool plants shall not be producer milk.

(3) Milk which is subject to pooling under another Federal order, shall not be producer milk.

§ 1040.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk fluid cream products from any source other than producers, handlers described in § 1040.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1040.40(b)(1);

(c) Products (other than fluid milk products and products specified in § 1040.40(b)(1)) from any source (including those products produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1040.40(b)(1)) for which the handler fails to establish disposition.

§ 1040.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk products" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in subparagraph (1) of this paragraph or in § 1040.40 (b) or (c)(1) (i) through (viii) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1040.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1040.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

§ 1040.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1040.19 Call percentage.

"Call percentage" means the monthly percentage computed by the market administrator as follows:

(a) Estimate the aggregate pounds of Class I milk utilization, except filled milk, for the month including an additional 15 percent thereof as an operating margin, at pool distributing plants;

(b) Subtract therefrom the estimated pounds of milk which will be received at pool distributing plants during the month directly from producers' farms and from cooperative associations pursuant to § 1040.9(c);

(c) Divide any plus balance of estimated Class I milk, except filled milk, remaining by the estimated receipts of producer milk for the month at the supply plants;

(d) The announcement of the call percentage shall be made on or before the 1st day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and producer milk supplies are based, together with appropriate explanatory comments on the computations involved; and

(e) The market administrator may reduce the call percentage at any time during the month if he determines that more milk than is needed for Class I use is being delivered to pool distributing plants.

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Any such reduction shall not result in a percentage requirement less than 40 in any month October through March.

§ 1040.20 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is transferred directly to another tank truck and commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

HANDLER REPORTS

§ 1040.30 Reports of receipts and utilization.

On or before the fifth working day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1040.9(c);

(3) Receipts of fluid milk products and fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1040.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1040.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1040.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1040.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1040.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1040.32 Other reports.

(a) Each handler described in § 1040.9 (a), (b), and (c) shall report to the market administrator on or before the fifth working day after the end of the month, the aggregate quantities of base milk, excess milk, and milk to be paid for either at the uniform or adjusted uniform price.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1040.30 and 1040.31, each handler and each operator of an exempt plant shall report such other information as the market administrator deems necessary to verify or establish such person's obligation under the order.

(c) When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 1040.30, 1040.62, 1040.71, 1040.72, 1040.73, 1040.76, 1040.85, and 1040.86 which follows such holiday shall be postponed by the number of days lost as a result of such holiday.

CLASSIFICATION OF MILK

§ 1040.40 Classes of utilization.

Except as provided in §1040.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1040.30 shall be classified as follows:

(a) *Class I milk.* Except as provided in paragraph (c) of this section, Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Except as provided in paragraph (c) of this section, Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, or any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt. Any product specified in this subparagraph that is modified by the addition of nonfat milk solids shall be Class II milk in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;

(2) In packaged inventory at the end of the month of the products specified in subparagraph (1) of this paragraph; and

(3) Used to produce cottage cheese, lowfat cottage cheese, and dry curd cottage cheese.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter, plastic cream, frozen cream, and anhydrous milkfat;

(iii) Any milk product in dry form;

(iv) Milk shake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(v) Custards, puddings, and pancake mixes;

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;

(vii) Evaporated or condensed milk (plain or sweetened) in a consumer-type package, evaporated or condensed skim milk (plain or sweetened) in a consumer-type package, and any concentrated milk product in bulk, fluid form;

(viii) Any product containing 6 percent or more nonmilk fat (or oil) except those products specified in paragraph (b)(1) of this section; and

(ix) Any product that is not a fluid milk product and that is not specified in subdivisions (i) through (viii) of this subparagraph or in paragraph (b) of this section;

(2) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages;

(3) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(4) In fluid milk products and products specified in paragraph (b) of this section that are disposed of by a handler for animal feed;

(5) In fluid milk products and products specified in paragraph (b) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(6) In skim milk in any modified fluid milk product or modified product specified in paragraph (b)(1) of this section that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition or classified as Class II milk, as the case may be; and

(7) In shrinkage assigned pursuant to § 1040.41(a) to the receipts specified in § 1040.41(a)(2) and in shrinkage specified in § 1040.41 (b) and (c).

§ 1040.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1040.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in subparagraph (1) of such paragraph that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1040.9(c) and in milk diverted to such plant from another pool plant, except that in either case if the operator of the plant to which the milk is delivered purchases the milk on the basis of weights determined by farm bulk tank calibration and butterfat tests bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from other order plants, excluding milk received by diversion and the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk milk transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in subparagraphs (1), (2), (4), (5), and (6) of this paragraph; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1040.9 (b) or (c) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1040.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant except as provided in § 1040.43(d) shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1040.44(a)(12) and the corresponding step of § 1040.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1040.44(a)(7) or the corresponding step of § 1040.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1040.44(a)(11) or § 1040.44(a)(12) or the corresponding steps of § 1040.44(b)), the skim milk or butterfat so transferred or diverted up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers, or diversions in bulk form shall be classified as Class II or Class III to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For the purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1040.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in (a) and (b) of this subdivision are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in subdivisions (ii) through (viii) of this subparagraph:

(a) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1040.30 for the month within which such transaction occurred; and

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(b) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(b) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization and then to Class I utilization at such nonpool plant; and

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1040.43 General classification rules.

In determining the classification of producer milk pursuant to § 1040.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1040.30 and shall compute the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1040.40, 1040.41, and 1040.42.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1040.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) Milk in bulk delivered by a cooperative association as a handler under § 1040.9(c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his value of milk pursuant to § 1040.60.

§ 1040.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1040.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to subparagraph (7) (vi) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1040.40(b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Except for the first month that a pool plant is subject to this subparagraph, subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1040.40(b) (1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to (excluding the quantity of such skim milk that was classified as Class III milk pursuant to § 1040.40(c) (6)), any product specified in § 1040.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and packaged inventory at the beginning of the month of products specified in § 1040.40(b) (1) that was not subtracted pursuant to subparagraphs (4), (5), and (6) of this paragraph;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to subparagraph (2) of this paragraph; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2) and (7) (v) of this paragraph for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2), (7) (v), and (8) (i) of this paragraph which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I at this allocation step the sum of the pounds of skim milk in receipts of producer milk, milk from a handler described in § 1040.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to subparagraph (7) (vi) of this paragraph; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to subparagraph (7) (vi) of this paragraph, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1040.40(b) (1) in inventory at the beginning of the month that were not subtracted pursuant to subparagraph (5) of this paragraph;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(11) Subtract from the pounds of skim milk remaining in each class pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step, with the quantity prorated to Class II and Class III combined being subtrated first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2), (7) (v) and (8) (i) and (ii) of this paragraph and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to subparagraphs (7) (vi) and (8) (iii) of this paragraph:

(i) Subject to the provisions of subdivision (ii) of this subparagraph, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1040.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step; and

(ii) Should the proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1040.42 (a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received pursuant to § 1040.43 (d), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to § 1040.44(a) (14) and the corresponding step of § 1040.44(b).

§ 1040.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1040.44(a) (12) and the corresponding step of § 1040.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1040.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

Class Prices

§ 1040.50 Class prices.

Subject to the provisions of § 1040.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60.

(b) *Class II price.* The Class II price shall be the Class III price plus 15 cents.

(c) *Class III price.* The Class III price shall be the basic formula price, but not to exceed an amount computed as follows:

(1) Multiply by 4.2 the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1040.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1040.52 Plant location adjustments for handlers.

(a) For producer milk received at a pool plant and classified as Class I milk

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without movement in bulk to another pool plant and for which a location adjustment is applicable, the Class I price computed pursuant to § 1040.50(a) shall be reduced pursuant to subparagraph (1) or (2) of this paragraph on the basis of the applicable rate per hundredweight for the location of such plant.

(1) *Zone rates.* For a plant located within the following described territory, including the cities located therein, the applicable zone rates shall be as follows:

MICHIGAN COUNTIES

ZONE I—NO ADJUSTMENTS

Genesee.	Monroe.
Lenawee.	Oakland.
Macomb.	Wayne.

Bay (except Gibson, Mount Forest, Pinconning, Garfield, and Fraser Townships).

Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove Townships).

St. Clair (except Berlin, Riley, Mussey, Emmett, Lynn, Brockway, Greenwood, Grant, and Burtchville Townships).

Washtenaw (except Manchester, Bridgewater, Sharon, Freedom, Sylvan, Lima, Lyndon, and Dexter Townships).

ZONE II—3 CENTS

Ingham.	Livingston.
Jackson.	

Washtenaw (all the townships excluded from Zone I).

ZONE III—5 CENTS

Arenac.	Isabella.
Clinton.	Lapeer.
Eaton.	Midland.
Gladwin.	Sanilac.
Gratiot.	Shiawassee.
Huron.	Tuscola.

Bay (all the townships excluded from Zone I).

Ionia (except Otisco, Orleans, Keene, Easton, Boston, Berlin, Campbell, and Odessa Townships).

Montcalm (except Reynolds, Winfield, Cato, Belvidere, Pierson, Maple Valley, Pine, Douglass, Montcalm, Sidney, Eureka, and Fairplain Townships).

Saginaw (all the townships excluded from Zone I).

St. Clair (all the townships excluded from Zone I).

ZONE IV—7 CENTS

Barry.	Kalamazoo.
Branch.	Kent.
Calhoun.	Mecosta.
Hillsdale.	St. Joseph.

Allegan (all the townships excluded from Zone V).

Ionia (all the townships excluded from Zone III).

Montcalm (all the townships excluded from Zone III).

ZONE V—9 CENTS

Berrien.	Newaygo.
Cass.	Oceana.
Clare.	Ogemaw.
Iosco.	Osceola.
Lake.	Ottawa.
Mason.	Roscommon.
Missaukee.	Van Buren.
Muskegon.	

Allegan (except the townships of Dorr, Gunplain, Hopkins, Leighton, Martin, Otsego, Watson, and Wayland).

ZONE VI—12 CENTS

Alcona.	Manistee.
Crawford.	Oscoda.
Grand Traverse.	Wexford.
Kalkaska.	

ZONE VII—15 CENTS

Alpena.	Emmet.
Antrim.	Leelanau.
Benzie.	Montmorency.
Charlevoix.	Otsego.
Cheboygan.	Presque Isle.

(2) *Mileage rate.* For any plant at a location outside the territory specified in the preceding subparagraph (1) of this paragraph, the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest point in such territory as determined by the market administrator, and shall be the amount of the zone differential applicable at such point plus 1 cent for each 10 miles or fraction thereof from such point.

(b) For fluid milk products transferred in bulk from a pool plant to a pool plant described in § 1040.7(a), the operator of the transferee-plant shall receive credit at the applicable zone or mileage rate, based on the location of the transferor-plant. The total volume on which such credit is computed shall be limited to the amount by which 108 percent of Class I disposition at the transferee-plant is in excess of the sum of receipts at such plant: (1) From producers, (2) from cooperative associations pursuant to § 1040.9(c), and (3) from other order plants and unregulated supply plants which are assigned in Class I, such assignment of receipts from the transferor-plant to be pro rata to receipts of fluid milk products from all transferor pool plants.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1040.53 Announcement of class prices.

The market administrator shall announce publicly on or before the 5th day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1040.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICES

§ 1040.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1040.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk and milk received pursuant to § 1040.43(d) in each class as determined pursuant to § 1040.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1040.44(a)(14) and the corresponding step of § 1040.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1040.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1040.44(a)(9) and the corresponding step of § 1040.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1040.44(a)(7)(i) through (iv) and the corresponding step of § 1040.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1040.44(a)(7)(v) and (vi) and the corresponding step of § 1040.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1040.44(a)(11) and the corresponding step of § 1040.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the 1st month that this paragraph is effective with respect to handlers regulated under this part during the preceding month, subtract the amount obtained from multiplying the difference between the Class I price for the preceding month applicable at the location of the pool plant and the Class III price for the preceding month by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1040.40(b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk. For the first month that this paragraph is effective with respect to handlers regulated under Part 1043 during the preceding month, subtract the amount obtained from multiplying the difference between the Class II price and the Class III price for the preceding month by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1040.40(b) that was in the plant's inventory at the end of the preceding month and classified as Class II milk.

§ 1040.61 Computation of uniform prices for base milk and excess milk (including uniform price and adjusted uniform price).

For each month the market administrator shall compute:

(a) The 3.5-percent value of all milk by:

(1) Combining into one total the values computed pursuant to § 1040.60 for all handlers who filed the reports prescribed by § 1040.30 for the month and who made the payments pursuant to § 1040.71 for the preceding month;

(2) Adding the aggregate of the values of the applicable location adjustments pursuant to § 1040.75(a)(1); and

(3) Adding not less than one-half of the unobligated balance in the producer-settlement fund.

(b) A uniform price as follows:

(1) Divide the aggregate value computed pursuant to paragraph (a) of this section by the sum of the following:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1040.60(f); and

(2) Subtract not less than six nor more than 7 cents from the price computed pursuant to paragraph (a) of this section.

(c) An adjusted uniform price for the purpose of payments pursuant to § 1040.92(c) by deducting from the uniform price computed pursuant to paragraph (b) of this section 25 percent of the difference between the uniform price and the excess milk price, rounded to the nearest cent.

(d) The excess milk price which shall be the Class III price pursuant to § 1040.50(c).

(e) A uniform price for base milk as follows:

(1) Multiply the total pounds of excess milk for the month by the excess milk price;

(2) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 1040.92(d) and (e)(2) by the uniform price for the month;

(3) Multiply the total amount of milk to be paid for at the adjusted uniform price pursuant to § 1040.92(c) by the adjusted uniform price for the month;

(4) Subtract the total values arrived at in subparagraphs (1), (2), and (3) of this paragraph and § 1040.71(a)(2)(ii) from the total 3.5-percent value of all producer milk arrived at in paragraph (a) of this section;

(5) Divide the resultant value by the total hundredweight of base milk; and

(6) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5-percent butterfat content.

§ 1040.62 Announcement of uniform prices and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price, the adjusted uniform price, the price for base milk, and the price for excess milk.

PAYMENTS FOR MILK

§ 1040.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1040.71, 1040.76, and 1040.77 and out of which he shall make all payments due handlers pursuant to §§ 1040.72 and 1040.77.

§ 1040.71 Payments to the producer-settlement fund.

(a) On or before the 13th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in subparagraph (1) of this paragraph exceeds the amount specified in subparagraph (2) of this paragraph:

(1) (i) The total value of milk of the handler for such month as determined pursuant to § 1040.60; or

(ii) In the case of a cooperative association which is a handler, the value, at the uniform price for base milk, of milk delivered to other handlers pursuant to § 1040.43(d).

(2) The sum of:

(i) The value of such handler's receipts of producer milk as specified in § 1040.73 excluding any applicable location adjustment pursuant to § 1040.75(a)(2) and (3); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1040.60(f).

(b) On or before the 25th day after the end of the month each handler who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in subparagraph (1) of this paragraph to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1040.72 Payments from the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1040.71(a)(2) exceeds the amount computed pursuant to § 1040.71(a)(1). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments to all handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1040.73 Payments to producers and to cooperative associations.

(a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform prices computed pursuant to § 1040.61 adjusted by the location and butterfat differentials pursuant to §§ 1040.75 and 1040.74, respectively, less the payment made pursuant to paragraph (d) of this section and any proper deductions authorized by the producer. If by such date such handler has not received full payment for such month pursuant to § 1040.72 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all such milk received from certified members, less amounts owing by

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each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(i) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination; and

(3) The foregoing payment and the submission of information pursuant to subparagraph (1) of this paragraph, shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(c) On or before the 13th day after the end of each month, each handler shall pay a cooperative association, which is a handler with respect to milk received by him from a pool plant operated by such cooperative association, or by bulk tank delivery pursuant to § 1040.9(c), not less than an amount computed by multiplying the uniform price for base milk subject to the location adjustment, if any, applicable at the transferee-plant as provided by § 1040.75 and the butterfat differential provided by § 1040.74 by the total hundredweight of milk received by such handler from the cooperative association.

(d) On or before the last day of each month for producer milk received during the first 15 days of the month at not less than the Class III milk price for the preceding month.

§ 1040.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the base price and excess price or the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.113 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1040.75 Plant location adjustments for producers and on nonpool milk.

(a) Subject to the conditions of paragraph (b) of this section, in making payments to producers or cooperative associations pursuant to § 1040.73 each handler:

(1) May deduct for base milk and milk to be paid for at the uniform price or adjusted uniform price the rate per hundredweight applicable pursuant to § 1040.52(a) (1) or (2) for the location of the plant at which the milk was first physically received.

(2) Shall add not less than 4 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.9(c) at a pool plant located in those townships, including the cities located therein, of Oakland County other than Royal Oak and Southfield, all in the State of Michigan.

(3) Shall add not less than 8 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.9(c) at a pool plant located within Wayne County and the townships of Royal Oak and Southfield including the cities located therein, in Oakland County, all in the State of Michigan.

(b) When milk of an individual producer is physically received at more than one location (including any nonpool plant) during the month, the location adjustment rate shall be the weighted average (rounded to the nearest one-half cent) of the amounts computed for the respective locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

(c) For purposes of computation pursuant to §§ 1040.71 and 1040.72, the uniform price shall be adjusted at the rates set forth in § 1040.52 applicable at the location of the nonpool plant from which the other source milk was received except that the uniform price by such adjustment shall not be less than the Class III price.

§ 1040.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1040.30(b) and 1040.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in subparagraph (3) of this paragraph by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1040.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1040.60 shall be

priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(ii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1040.60 for such handler shall include, in lieu of the value of other source milk specified in § 1040.60(f) less the value of such other source milk specified in § 1040.71(a)(2)(ii), a value of milk determined pursuant to § 1040.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1040.7(b)(1), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1040.30(b) and 1040.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1040.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments (adjusted to 3.5 percent butterfat value using the butterfat differential pursuant to § 1040.74) by the operator of such partially regulated distributing plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments (adjusted to 3.5 percent butterfat value using the butterfat differential pursuant to § 1040.74) by the operator of such nonpool supply plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if subparagraph (1)(iii) of this paragraph applies.

§ 1040.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the fifth day after such notice.

§ 1040.78 Charges on overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1040.71, 1040.77, 1040.85, and 1040.86, shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

Administrative Assessment and Marketing Service Deduction

§ 1040.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a handler described in § 1040.9(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 13th day after the end of the month 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including milk of such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1040.44(a) (7) and (11) and the corresponding steps of § 1040.44(b), except such other source milk that is excluded from the computation pursuant to § 1040.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1040.76(a)(2).

§ 1040.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1040.73(a) for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, for which payment is not made pursuant to § 1040.73(b) or (c), and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1040.73 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

Base-Excess Plan

§ 1040.90 Base milk.

"Base milk" means the amount of milk delivered by a producer each month which is not in excess of his base computed pursuant to § 1040.92 multiplied by the number of days for which his milk production is delivered during the month.

§ 1040.91 Excess milk.

"Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 1040.92 Determination of base.

(a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 1040.94, for the 12-month period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided*, That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(b) A producer with an established base who does not forfeit his base pursuant to § 1040.93(c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122;

(c) Except as provided in paragraphs (d) and (e) of this section a producer who has no base shall be paid until February 1 following the August–December period within which he establishes a

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base pursuant to paragraph (a) of this section at not less than the adjusted uniform price computed pursuant to § 1040.61(c);

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid not less than the uniform price for all milk delivered; and

(e) When a plant first becomes a pool plant any producer delivering to such plant may:

(1) Establish a base on deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator; or

(2) Elect payment at not less than the uniform price computed pursuant to § 1040.61(b) until the second February 1, after such plant first became a pool plant. Such election must be made on or before the end of the first month for which it is effective.

§ 1040.93 Application of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family;

(2) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership which must define the financial invested interest, financial and management responsibility, division of income and expenses, and sharing of profits or losses; and

(3) Bases may be held jointly through the formation of a bona fide partnership provided such base was established by the partnership in accordance with § 1040.92 and if such partnership is terminated the base may be divided among the partners as specified in writing to the market administrator; and

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm;

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under State or Federal authority; or

(3) A producer who is quarantined from the market by evidence of pesticide or herbicide residue in his milk supply as evidenced by Federal or State authority.

§ 1040.94 Relinquishing a base.

A producer notifying the market administrator that he relinquishes his established base shall be paid pursuant to the provisions of § 1040.92(c) beginning with the first day of the month in which such notification is received by the market administrator until the next February 1.

§ 1040.95 Computation of base.

The market administrator shall calculate a base for each producer in accordance with § 1040.92 and advise the producer and the handler receiving the milk of such base.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Manufacture and Processing

No. 16—Pt. III——1

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Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 128b—THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

A notice of a petition filed by the National Canners Association (NCA), 1133 20th Street NW., Washington, DC 20036, on the commercial processing of foods in hermetically sealed containers was published in the FEDERAL REGISTER of November 12, 1971 (36 FR 21688). The petition proposed that there be promulgated in Part 3 of this chapter a statement of policy regarding the application of emergency permit provisions of section 404 of the Federal Food, Drug, and Cosmetic Act to the commercial processing of foods for human consumption manufactured, processed, or packed in hermetically sealed containers which are processed by heat either before or after being sealed in the containers.

This petition, accompanied by an index and appendix, was published as received and was regarded by the Commissioner of Food and Drugs as a regulation proposal, with the usual opportunity for interested persons to submit written comments within 60 days. In response to the notice, 30 comments were received from members of industry, trade associations, and a law school. In addition, the petitioner submitted revisions of the proposal which incorporated comments it had received directly from respondents or that were filed with the Hearing Clerk.

On November 14, 1972, a notice was published in the FEDERAL REGISTER (37 FR 24117) that a tentative final order, containing minimum good manufacturing regulations for thermally processed low-acid foods packaged in hermetically sealed containers, had been prepared and had been placed on display in the Hearing Clerk's office for a period of 20 days beginning November 15, 1972, and ending on December 4, 1972. Any persons who wished to submit further comment or to meet with Food and Drug Administration officials to discuss the tentative final order were invited to do so within the 20 days. In response to this notice, 14 comments were received from eight members of industry, three trade associations, one State, one university, and one Member of Congress.

After consideration of all of the comments, the revisions submitted by the petitioner, and further discussions with the petitioner, the Commissioner concludes that the complexities of regulations governing application of section 404 of the Federal Food, Drug, and Cosmetic Act, as proposed by the petitioner, require further study. Such regulations, including both the registration and record inspection provisions proposed by NCA and general procedural regulations with respect to the use of section 404, are presently being developed in order to establish an adequate enforcement mechanism. In the meanwhile, regulations are needed to specify good manufacturing practices to be followed in the manufacture, processing, or packing of thermally processed low-acid foods packaged in hermetically sealed containers. It is important that these substantive requirements be promulgated as soon as possible, and that they not be delayed pending development of the procedural and enforcement provisions. The Commissioner therefore concludes that the appendix to the statement of policy proposed by NCA, together with the comments received regarding the appendix, with modifications which the Commissioner deems to be necessary, should be promulgated as minimum good manufacturing practices regulations for thermally processed low-acid foods packaged in hermetically sealed containers.

The comments received and the Commissioner's conclusions are as follows:

Several comments were received regarding the definition of low-acid foods. One trade association suggested changing the definition to include products with a pH of 4.5 or greater. One manufacturer recommended that, inasmuch as the pH value of a low-acid food must be an arbitrary selection of some pH value below 7, the definition be set at a level greater than the proposed 4.6 for 1 or 2 years after the effective date of the regulations in order to allow processors time to comply with the regulations. The selection of a pH value of "greater than 4.6" in the definition is based on available scientific information as to the conditions under which microorganisms of public health significance can grow and/or produce toxins. The value allows for the safety factor which is deemed adequate and necessary to protect the public health. The Commissioner fails to see how the selection of a pH value above that proposed for 1 or 2 years is in the interest of public health nor does he believe that a pH value of 4.5 as the maximum is necessary. The Commissioner has rejected the suggestion of another trade association that allowances be made in the definition of low-acid foods, or elsewhere, for the normal variations of results obtained using commercial pH meters; it is the function of the commercial processor to ensure that such instruments are operating accurately. One manufacturer recommended a change in that part of the proposed definition relating to "any food in which for the purpose of processing the pH value is reduced by acidification." He suggested that "food" be further defined as a "normally low-acid fruit or vegetable." The Commissioner has accepted this recommendation, has elaborated upon it, and, accordingly, has revised the definition of low-acid foods.

Seven comments recommended exclusion from coverage under the regulation, as finally adopted, of food products which, because of a low-water activity or high-sugar content, do not contain sufficient moisture to support the growth of pathogens. The Commissioner finds that it was not the intent of the proposal to include such products. The definition of "low-acid foods" has been rewritten specifically to exclude those products with a moisture content as expressed by a water activity of 0.85 or less, which is deemed insufficient to allow the growth of pathogens.

Five comments recommended that foods to which heat is applied primarily for some purpose other than to achieve commercial sterility, such as pasteurization, flavor development, or removal of moisture, be excluded from coverage under the regulations. The Commissioner finds that it was not the intent of the proposal to include such foods. Such foods will not be subject to coverage under the good manufacturing practices regulations set forth below.

One trade association requested that the application of the tentative final order to the pet food industry be suspended until the association and members of the industry have an opportunity to carefully study and review the proposed regulations and offer formal comments to the Food and Drug Administration. The original proposal did not exempt the pet food industry, and the Commissioner, as well as others with interest in this matter, had always considered that the regulation should apply to that segment of the canning industry and affirms that fact. In the event that evidence should later demonstrate that there is no need to apply the subject regulation to canned pet foods, the Commissioner will consider any such evidence brought to his attention.

Three persons commented regarding the definition of hermetically sealed container. One of these persons wished to clarify the fact that plastic containers may be used for packaging. The Commissioner has determined that the intent of the definition in the proposal was to define the container's function, not to define the material of which the container is to be constructed. The definition has been revised to clarify the function of a hermetically sealed container; however, it does not specify the material of which the container is to be constructed. Any material which otherwise fulfills all of the requirements of the Federal Food, Drug, and Cosmetic Act may be used in the construction of the container.

Two comments were received regarding the definition in the proposal of "commercial sterility". One trade association stated that at least 1 year of additional study would be needed to determine whether the new definition of commercial sterility would result in prolonged processing which would affect the nutritional quality of foods. One manufacturer recommended that the definition not include the requirement that foods be free of viable forms of more heat resistant micro-organisms of nonhealth significance capable of reproducing under normal conditions of storage and distribution. The Commissioner has determined that the definition of commercial sterility in the proposal is not a "new" definition and that it is generally accepted as a required condition for low-acid foods in hermetically sealed containers. The definition of commercial sterility as set forth below further defines "normal conditions of storage and distribution" as "normal nonrefrigerated conditions of storage and distribution".

One trade association and one manufacturer recommended that the specification "1 inch or larger" be deleted from the definition of "vents" because it is excessively detailed and restrictive to the point of limiting engineering solutions which properly should take into consideration the construction and layout of the particular establishment. The specification "1 inch or larger" has been deleted from the definition of "vents" as set forth below.

Ten persons commented on the proposed requirements regarding container coding. Their principal objection was to the requirement that the packing period code be changed every 4 hours or less. The suggestion was made that the change be based on the number of containers processed. The regulation set forth below has been revised to require that the packing period code be changed with sufficient frequency to enable ready identification of lots during their sale and distribution. Although this regulation does not specify the time interval for changing the packing period code, such time intervals are suggested. One manufacturer requested that the code on glass containers not be required to include product identification. The Commissioner, after consideration of this comment and other available information, concludes that the purpose of requiring the container code is to identify a lot of product throughout its history of processing, sale, and distribution. The requirement that the container code specify the product contained therein is not solely to aid in the identification of the contents of the container but also to allow for the identification of production and processing records which relate to a specific lot of product. The inclusion in the code of the identity of the product is essential in order to differentiate between processing records of different products processed at the same plant, on the same date, and during the same packing period. The regulation as set forth below retains the provision that the container code include the identity of the product contained therein. One trade association suggested that provisions be made to allow a processor to add additional information in the code as, for example, the line on which production took place. The proposal required that the container code provide information regarding the establishment where packed, the product contained therein, the year packed, the day packed, and the period of the day packed. The Commissioner finds that the container coding requirements, as proposed, do not prevent the processor from including any other information in the code which he deems necessary.

One trade association opposed the proposed requirements regarding processing and production records. While agreeing to the need to maintain and keep such records, this trade association took exception to several of the requirements as being excessive, unwarranted, and unnecessary. The Commissioner finds that the recordkeeping requirements as set forth in the proposal and in the regulation below are necessary to permit a determination from the records of whether the thermal processing was sufficient to achieve commercial sterility of the product or to destroy micro-organisms of public health significance.

One trade association objected to the requirement that permanent records be kept of the development of the processes used. This comment is rejected because the Commissioner is of the opinion that the establishment of a process and the proof that the process is safe are essential in the assurance that the food processed is commercially sterile.

Two comments were received regarding the proposed requirements for the examination of container closures and the recording of observations of such examinations. It was suggested that the intervals required for visual examination of container closures and for teardown examination of can seams be based not on time but on the number of containers moving through the closing machine. This portion has been revised to delete the proposed requirement that such container closure examinations be done at specified time intervals, although certain time intervals are recommended. The opposition to the recording of observations is rejected on the basis that the keeping of such records is an accepted good manufacturing practice.

Ten persons commented on the proposed requirement that the retort room operations and the container closure inspections be performed under the "direct personal supervision" of a supervisor or manager who has attended an approved course of instruction in retort operations or container closure inspection. The recommendation that the words "direct personal" be deleted has been accepted and the regulation as set forth below requires that operators of retorts, processing systems, and aseptic packaging systems, and container closure inspectors be under the "operating supervision" of a person who has attended a school approved by the Commissioner. The Commissioner states that it is the intent of this requirement for a person or persons who has (have) attended a school approved by the Commissioner and who has (have) been identified by that school as having satisfactorily completed the prescribed courses of instruction to be on duty at the plant whenever low-acid foods are being thermally processed and/or packaged in hermetically sealed containers. One manufacturer suggested that such supervisors be identified on the basis of experience alone without school attendance. The Commissioner has concluded that the only way to ensure that all such supervisors receive the information regarding operations of retorts, processing systems, and aseptic packaging systems, and container closure inspection which is deemed necessary for proper thermal processing and packaging operations is to require all such supervisors to attend a school approved by him and to be identified by the school as having satisfactorily completed the prescribed courses of instruction. The Commissioner, after consideration of all available information, concludes that 20 months should be sufficient time for processors to ensure that their personnel receive this required training. The provisions of § 128b.10 regarding training of personnel shall become effective 20 months after the publication date of this order.

Two trade associations and one manufacturer opposed the proposed requirement that processes and venting procedures be posted in a conspicuous place near the retorts. They recommended that provisions be made for posting such information in such a way that information regarded as trade secrets would not be revealed. The Commissioner agrees and this requirement has been revised to allow the processor to either post the scheduled processes and venting procedures near the processing equipment or make them readily available to the retort or processing system operator and any duly authorized employee of the Food and Drug Administration.

One trade association and one manufacturer took exception to the proposed mandatory requirement that some of the containers on the top of retort baskets, trucks, cars, or crates containing unretorted material be plainly and conspicuously marked with a heat sensitive indicator. The trade association recommended that this requirement be a suggested and optional method of evidencing proper processing. One distributor, one manufacturer of marking inks, and one Member of Congress suggested that each individual food container be marked with a heat sensitive indicator as a means of determining whether or not the containers have been thermally processed. The Commissioner has concluded that the color change of a heat sensitive indicator were applied to each individual food container does not insure that the container has received a thermal process sufficient to render its contents commercially sterile. The Commissioner further concludes that, since such heat sensitive indicators can serve as a visual means of determining if the containers have been retorted, each retort basket, truck, car, or crate containing unretorted materials or some of the containers therein shall be marked with a heat sensitive indicator as stated in the proposal.

One comment was received which recommended deleting the proposed requirement that timing devices be easily read to the nearest minute, on the basis that such a timing device would be totally inadequate for short-time, high-temperature processes. The petitioner, in a revision of the proposal, recommended that pocket or wrist watches not be considered satisfactory for timing purposes. The Commissioner agrees with both of these comments and the section in the regulation regarding timing devices has been revised to reflect these recommendations.

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Two comments recommended that provisions be made for the use of temperature indicating devices other than mercury-in-glass thermometers. The Commissioner has determined that the mercury-in-glass thermometer is the recognized standard against which all other temperature indicating devices are checked and calibrated. The regulation as set forth below retains the requirement that all retorts be equipped with mercury-in-glass indicating thermometers. However, because of the speed of the thermal process, alternate temperature indicating devices such as thermocouples will be allowed in aseptic processing and packaging systems. This change is reflected in the regulation as set forth below.

One trade association recommended that the words "and maintains" be deleted from the definition of "coming-up-time". The Commissioner agrees and the definition has been so revised.

Two processors commented that the requirement regarding the temperature sensitivity of a temperature recording device was impractical because it exceeds the capability of any practical available device on the market and is unnecessary in view of the requirements contained elsewhere in the regulations. The Commissioner accepts their recommendation and this requirement has been deleted from the regulation.

One trade association and one manufacturer recommended deletion of the proposed requirement that indicating thermometers be installed "where they are illuminated". They stated in their comments that they wanted to eliminate the possibility of having to install some special illumination for the thermometer only. The Commissioner accepts their recommendation and the regulation has been so revised to state that "Thermometers shall be installed where they can be accurately and easily read".

One trade association and one manufacturer submitted comments concerning recording thermometers. One comment made recommendations concerning the size of the recording chart working scale. The other comment recommended that the recording thermometer be adjusted to "substantially read in agreement" with the mercury-in-glass thermometer. After consideration of these comments and other relevant information, the Commissioner has concluded that those parts of the proposal concerning recording thermometers be revised to state that recording thermometer charts shall have a working scale of not more than 50° F. per inch within a range of 20° F. of the processing temperature and that the temperature recording device for each retort shall be adjusted to agree within 1° F. of the mercury-in-glass thermometer. One person asked whether recorders with two or more pens would satisfy the requirement that there be a temperature recording device for each retort. The Commissioner will allow the use of a multirecording device for more than one retort, provided that each retort record be separate on the chart so that it can be identified.

The Commissioner, after consideration of all available information, has concluded that 90 days should be sufficient time for processors to install recording thermometers on thermal processing equipment. Those provisions of § 128b.6 regarding the installation of recording thermometers on thermal processing equipment shall become effective 150 days after the publication date of this order.

Two comments suggested that pressure gages be made mandatory on all retorts. The Commissioner agrees and those parts of the proposal regarding pressure gages have been revised to make mandatory the equipping of each retort with a pressure gage. One trade association made additional comments recommending certain mandatory requirements for pressure gages regarding scale graduations, testing, and installation on the retorts. The Commissioner has concluded that the recommendations of the trade association are to be included in those parts of the regulation concerning pressure gages; however, the recommendations regarding scale graduations, testing, and means of installation on the retort are not made mandatory requirements.

One trade association commented on that part of the proposal dealing with the steam inlet in still retorts. This trade association recommended that the clause "for proper venting" be changed to read "for proper heating and venting". This recommendation has been accepted in part and the clause has been revised to read "for proper operation of the retort". In response to this trade association's recommendation concerning the wording describing the relative positions of the steam inlet and the vents, the sentence to which they referred has been revised to read "steam may enter either the top portion or the bottom portion of the retort but, in any case, shall enter the portion of the retort opposite the vent; for example, steam inlet in bottom portion and vent in top portion."

One trade association commented that the proposal is in error in that it requires a bottom bleeder in still retorts for pressure processing in steam only where there is top steam inlet and bottom venting. The association recommended that a bottom bleeder be made mandatory on all still retorts (except when processing in water) to take care of condensate and/or water leakage. This recommendation has not been accepted. The Commissioner has concluded that, because of the design and operation of retorts, condensate or water leakage presents no processing problem if steam is introduced into the bottom of the retort and the retort is vented at the top.

One trade association commented extensively on the detailed descriptions in the proposal regarding the venting of still retorts for processing in steam. This trade association commented that the detailed venting procedures mean little or nothing without proper consideration of the size of the steam inlet, the available steam supply and pressure thereof, the size of the retort, and the load within the retort. The Commissioner agrees that these factors affect retort venting. However, the proposal clearly states that the detailed venting procedures are for some typical installations and operating procedures and that other installations and operating procedures may be adequate to ensure proper retort venting. It is the responsibility of each processor to determine that the venting procedures he follows are adequate to ensure removal of air from the retorts before timing of the scheduled process is started.

One manufacturer questioned the need for a pressure recording device on retorts for pressure processing in water. The proposal has been revised to reflect this comment. Pressure recording devices will not be required; however, the regulation as set forth below recommends that retorts for pressure processing in water be equipped with an adjustable relief, or control, valve in the overflow line and requires an automatic pressure controller on the air supply.

Two manufacturers recommended deletion of the requirement for a water level indicator in retorts for pressure processing in water. This recommendation has not been accepted; a means of determining the water level in the retort is essential to ensure that all containers are covered by water during the entire coming-up-time and processing periods. One manufacturer objected to the requirement that approximately 6 in. of water cover the top layer of glass jars during the entire coming-up-time, processing, and cooling periods. The proposal has been revised to reflect this comment and now states that water shall cover the top layer of containers during the entire coming-up-time and processing periods and should cover the top layer of containers during the cooling periods. This same manufacturer recommended a change in the mandatory requirement in the proposal concerning retort headspace and also commented on that part of the proposal regarding the introduction of container cooling water. The proposal has been revised to delete any mandatory requirements regarding retort headspace. The method of introducing cooling water as stated in the proposal was not a mandatory requirement; however, the regulation retains recommendations as to how the cooling water should be introduced.

One trade association and one manufacturer commented regarding the method of determining minimum headspace in containers of homogeneous liquids. The proposal has been revised and the regulation as set forth below allows for the measurement of minimum headspace in solder-tipped, lap seam (vent hole) cans by net weight determination.

At the recommendation of the petitioner and others, new subparagraphs regarding "Emergency stops" and "Temperature drop" have been added to the part of the regulation concerning continuous agitating retorts in order to specify what is to be done to ensure safe processing in the case of a retort jam, breakdown or temperature drop.

One manufacturer commented that "it would appear that less than six temperature recorders should be adequate to assure satisfactory processing records from a hydrostatic cooker, especially when no more than one is required on all other types of cookers." The proposed regulation has been revised and the regulation as set forth below requires that each hydrostatic retort be equipped with a temperature recorder in the steam chamber and additional recorders near the top and bottom of each hydrostatic water leg if the scheduled process specifies maintenance of particular temperatures in the water legs.

Seven comments were submitted concerning the proposed requirements for aseptic canning systems. These comments concerned timing devices, means of calculating the holding tube length, temperature sensing and recording devices, flow rates, flow diversion valves, and resterilization. This part of the proposal has been rewritten in its entirety and the comments received are reflected in the regulation as set forth below.

One comment suggested that the scientific methods used to determine the adequacy of new systems for processing low-acid foods shall include the use of system resistant organisms to inoculate both the product and the system. The regulation as set forth below includes a requirement that acceptable scientific methods be used in establishing heat sterilization processes (including such processes for new systems). Acceptable scientific methods include the use of system resistant organisms to inoculate the product or system, as applicable.

That part of the proposal concerning container cooling has been revised to reflect three comments received regarding chemical or physical treatment of cooling water by means other than chlorination. In response to two comments, those provisions in the proposal regarding the cooling of containers to specified temperatures have been deleted.

All other comments have been carefully considered by the Commissioner and, where deemed to be appropriate, have been incorporated into the regulation as set forth below.

As noted elsewhere in this document, the Commissioner has concluded that the appendix to the statement of policy proposed by the petitioner together with the comments received regarding the appendix shall form the basis for good manufacturing practices regulations for thermally processed low-acid foods packaged in hermetically sealed containers. In addition to revising the proposal to reflect the comments received, the Commissioner has added to, deleted, and rearranged parts of the proposal as he deemed to be necessary for the implementation of the proposed regulation.

Accordingly, having evaluated the comments received and other relevant material, the Commissioner concludes that the regulation should be promulgated as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of the Title 21 is amended by adding a new part 128b as follows:

Sec.
- 128b.1 Definitions.
- 128b.2 Current good manufacturing practice.
- 128b.3 Product preparation.
- 128b.4 Establishing scheduled processes.
- 128b.5 Operations in the thermal processing room.
- 128b.6 Equipment and procedures.
- 128b.7 Containers.
- 128b.8 Processing and production records.
- 128b.9 Deviations in processing.
- 128b.10 Personnel.

AUTHORITY: Sec. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a).

§ 128b.1 Definitions.

(a) "Aseptic processing and packaging" means the filling of a commercially sterilized cooled product into presterilized containers, followed by aseptic hermetical sealing, with a presterilized closure, in an atmosphere free of microorganisms.

(b) "Bleeders" means openings used to remove air, that enters with steam, from retorts and steam chambers and to promote circulation of steam in such retorts and steam chambers. Bleeders may serve as a means of removing condensate.

(c) "Coming-up-time" means the time which elapses between the introduction of steam into the closed retort and the time when the retort reaches the required processing temperature.

(d) "Commercial processor" shall include any person engaged in commercial, custom, and so-called sportsman processing or institutional (church, school, penal, or other organization) processing of food.

(e) "Commercial sterility" of food means the condition achieved by application of heat which renders such food free of viable forms of micro-organisms having public health significance, as well as any micro-organisms of nonhealth significance capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution. "Commercial sterility" of equipment and containers used for aseptic processing and packaging of food means the condition achieved by application of heat, chemical sterilant(s), or other appropriate treatment which renders such equipment and containers free of viable forms of micro-organisms having public health significance as well as any micro-organisms of nonhealth significance capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution.

(f) "Flame sterilizer" means an apparatus in which hermetically sealed containers are agitated at atmospheric pressure, by either continuous, discontinuous, or reciprocating movement, over gas flames to achieve sterilization temperatures. A holding period in a heated section may follow the initial heating period.

(g) "Headspace, gross" is the vertical distance between the level of the product (generally the liquid surface) in an upright rigid container and the top edge of the container (the top of the double seam of a can or the top edge of a glass jar).

(h) "Headspace, net" of a container having a double seam, such as a can, is the vertical distance between the level of the product (generally the liquid surface) in the upright rigid container and the inside surface of the lid.

(i) "Hermetically sealed container" means a container which is designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its contents after processing.

(j) "Incubation" means the holding of a sample(s) at a specified temperature for a specified period of time before examination.

(k) "Initial temperature" means the average temperature of the contents of the coldest container to be processed at the time the sterilizing cycle begins, as determined after thorough stirring or shaking of the filled and sealed container.

(l) "Lot" means the product produced during a period of time indicated by a specific code.

(m) "Low-acid foods" means any foods, other than alcoholic beverages, with a finished equilibrium pH value greater than 4.6 and a water activity greater than 0.85 and also includes any normally low-acid fruits, vegetables, or vegetable products in which for the purpose of thermal processing the pH value is reduced by acidification. Tomatoes, pears, and pineapples, or the juices thereof, having a pH of less than 4.7 and figs having a pH of 4.9 or below shall not be classed as low-acid foods.

(n) "Minimum thermal process" means the application of heat to food, either before or after sealing in a hermetically sealed container, for a period of time and at a temperature scientifically determined to be adequate to ensure destruction of micro-organisms of public health significance.

(o) "Retort" means any closed vessel or other equipment used for the thermal processing of foods.

(p) "Scheduled process" means the process selected by the processor as adequate under the conditions of manufacture for a given product to achieve commercial sterility. This process may be in excess of that necessary to ensure destruction of micro-organisms of public health significance.

(q) "Shall" and "should." As used in this part, "shall" refers to mandatory requirements and "should" refers to recommended or advisory procedures or equipment.

(r) "Vents" means openings controlled by gate, plug cock, or other adequate valves used for the elimination of air during the venting period.

(s) "Water activity" or "a_w" means the vapor pressure of the food product divided by the vapor pressure of pure water

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under identical conditions of pressure and temperature.

§ 128b.2 Current good manufacturing practice.

The criteria in §§ 128b.3 through 128b.10 shall apply in determining whether the facilities, methods, practices, and controls used by the commercial processor in the manufacture, processing, or packing of low-acid foods in hermetically sealed containers are operated or administered in a manner adequate to protect the public health.

§ 128b.3 Product preparation.

(a) Incoming raw materials, ingredients, and packaging components should be inspected upon receipt to ensure that they are suitable for processing. Raw materials should be received in an area separate from the processing areas. Prior to being placed in inventory, ingredients susceptible to microbiological contamination which would render them unsuitable for processing either should be examined for microbiological condition or should be received under a supplier's guarantee that they are of a microbiological condition suitable for use in processing low-acid foods. Products should be held prior to processing in such a manner as to minimize growth of micro-organisms.

(b) Blanching by heat, when required in the preparation of food for canning, should be effected by heating the food to the required temperature, holding it at this temperature for the required time, and then either rapidly cooling the food or passing it to subsequent processing without delay. Thermophilic growth and contamination in blanchers should be minimized by the use of adequate operating temperatures and by cleaning. Where the blanched food product is washed prior to filling, potable water should be used.

(c) The filling of containers, either mechanically or by hand, shall be controlled so as to ensure that the filling requirements specified in the scheduled process are met.

(d) The exhausting of containers for the removal of air shall be controlled so as to meet the conditions for which the process was designed. This may be done by heat exhausting, mechanical exhausting, hot brining, or steam injection.

(e) When normally low-acid fruits, vegetables, or vegetable products require sufficient acidification to permit safe processing at low temperatures, such as in boiling water, there shall be careful supervision to ensure that the equilibrium pH of the finished product meets that of the scheduled process.

§ 128b.4 Establishing scheduled processes.

Scheduled processes for low-acid foods shall be established by qualified persons having expert knowledge of thermal processing requirements for low-acid foods in hermetically sealed containers and having adequate facilities for making such determinations. The type, range, and combination of variations encountered in commercial production shall be adequately provided for in establishing the scheduled process. Critical factors which may affect the scheduled process (e.g., minimum headspace, consistency, maximum drained weight, etc.), shall be specified in the scheduled process. Acceptable scientific methods of establishing heat sterilization processes shall include, where necessary, but not be limited to microbial thermal death time data, process calculations based on product heat penetration data, inoculated packs, and incubation tests. Product heat penetration data may be mathematically converted in calculating processes for different container sizes and thermal processing temperatures. If incubation tests are necessary, they shall include containers from test trials and from actual commercial production runs during the period of instituting the process. The incubation tests for establishing scheduled processes should include the containers from the test trials and a number of containers from each of four or more actual commercial production runs. The number of containers from actual commercial production runs should be determined on the basis of recognized scientific methods to be of a size sufficient to ensure the adequacy of the process. Complete records covering all aspects of the establishment of the process and associated incubation tests shall be prepared and shall be permanently retained by the person or organization making the determination.

§ 128b.5 Operations in the thermal processing room.

(a) Scheduled processes and venting procedures to be used for each product and container size being packed shall either be posted in a conspicuous place near the processing equipment or shall be made readily available to the retort or processing system operator and any duly authorized employee of the Food and Drug Administration.

(b) All retort baskets, trucks, cars, or crates containing unretorted food product, or some of the containers on the top of each basket, shall be plainly and conspicuously marked with a heat sensitive indicator, or by other effective means, which will visually indicate to thermal processing personnel whether or not each such unit has been retorted.

(c) The initial temperature of the contents of the containers to be processed shall be determined and recorded with sufficient frequency to ensure that the temperature of the product is no lower than the minimum initial temperature specified in the scheduled process.

(d) Timing devices used in recording thermal process time information shall be accurate to the extent needed to ensure that the processing time specified in the scheduled process is achieved. Pocket or wrist watches shall not be considered satisfactory for timing purposes.

(e) For continuous agitating retorts, the condensate bleeder shall be checked with sufficient frequency to ensure adequate removal of condensate. A record shall be kept to show how it is functioning.

§ 128b.6 Equipment and procedures.

(a) *Equipment and procedures for pressure processing in steam in still retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer with a temperature range of not more than 100° F. in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to insure their accuracy. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a ¾-inch diameter opening, and shall be equipped with a one-sixteenth inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb. The bleeder for external wells shall emit steam continuously during the entire processing period. Thermometers shall be installed where they can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F. from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each still retort adjusted to agree within 1° F. of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F. within a range of 10° F. of the processing temperature. Each chart shall have a working scale of not more than 50° F. per inch within a range of 20° F. of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a one-sixteenth inch or larger bleeder opening emitting steam continuously during the processing period.

(3) *Pressure gages.* Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 pounds or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(4) *Steam controller.* Each retort shall be equipped with a steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Steam inlet.* The steam inlet to each still retort shall be large enough

to provide sufficient steam for proper operation of the retort. Steam may enter either the top portion or the bottom portion of the retort but, in any case, shall enter the portion of the retort opposite the vent; for example, steam inlet in bottom portion and vent in top portion.

(6) *Crate supports.* A bottom crate support shall be employed in vertical still retorts. Baffle plates shall not be used in the bottom of still retorts.

(7) *Steam spreaders.* Steam spreaders, which are perforated or other style continuations of the steam line inside the retort, should not be larger than the steam inlet line.

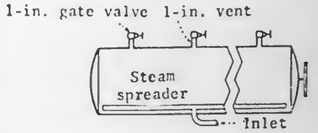
Horizontal still retorts shall be equipped with steam spreaders that extend along the bottom for the length of the retort; the perforations should be along the top 90° of this pipe. Horizontal still retorts over 30 feet long should have two steam inlets connected to the spreader. In vertical still retorts the steam spreaders, if used, should be in the form of a cross with the perforations along the top or sides of the pipe. The number of perforations in spreaders for both horizontal and vertical still retorts should be such that the total cross-sectional area of the perforations is equal to 1½ to 2 times the cross-sectional area of the steam inlet line.

(8) *Bleeders.* Bleeders, except those for thermometer wells, shall be one-eighth inch or larger and shall be wide open during the entire process, including the coming-up-time. For horizontal retorts, bleeders shall be located within approximately 1 foot of each end; additional bleeders shall be located not more than 8 feet apart along the top. Vertical retorts shall have at least one bleeder opening located in that portion of the retort opposite the steam inlet. In retorts having top steam inlet and bottom venting, a bleeder shall be installed in the bottom of the retort to insure removal of condensate. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(9) *Stacking equipment and position of containers.* Crates, trays, gondolas, etc., for holding containers shall be made of strap iron, adequately perforated sheet metal, or other suitable material. When perforated sheet metal is made of scrap iron, adequately perfo- should be approximately the equivalent of 1-inch holes on 2-inch centers. If dividers are used between the layers of containers, they should be perforated as above. When there is stratification of the product in the containers, the containers should be processed in such a position that the plane of stratification is vertical.

(10) *Vents.* Vents shall be installed in such a way that air is removed from the retort before timing of the process is started. Vents shall be controlled by gate, plug cock, or other adequate type valves which shall be fully open to permit rapid discharge of air from the retort during the venting period. Vents shall not be connected directly to a closed drain system. If the overflow is used as a vent, there shall be an atmospheric break in the line before it connects to a closed drain. The vent shall be located in that portion of the retort opposite the steam inlet; for example, steam inlet in bottom portion and vent in top portion. Where a retort manifold connects several vent pipes from a single still retort, it shall be controlled by a gate, plug cock, or other adequate type valve. The retort manifold shall be of a size such that the cross-sectional area of the pipe is larger than the total cross-sectional area of all connecting vents. The discharge shall not be directly connected to a closed drain without an atmospheric break in the line. A manifold header connecting vents or manifolds from several still retorts shall lead to the atmosphere. The manifold header shall not be controlled by a valve and shall be of a size such that the cross-sectional area is at least equal to the total cross-sectional area of all connecting retort manifold pipes from all retorts venting simultaneously. Timing of the process shall not begin until the retort has been properly vented and the processing temperature has been reached. Retorts using air for pressure cooling shall be equipped with a ball or globe valve or suitable valve and piping arrangement on the air line to prevent air leakage into the retort during processing. Some typical installations and operating procedures reflecting the requirements of this section for venting still retorts are given in paragraphs (a)(10)(i) (*a*) through (*d*) and (ii) (*a*) and (*b*) of this section. Other installations and operating procedures which deviate from the above specifications may be used, provided that there is evidence that they accomplish adequate venting of air.

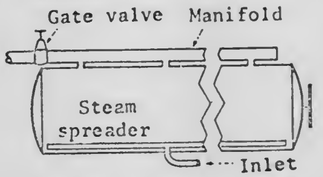
(i) *Venting horizontal retorts.* (*a*) Venting through multiple 1-inch vents discharging directly to atmosphere.



Specifications. One 1-inch vent for every 5 feet of retort length, equipped with a gate or plug cock valve and discharging to atmosphere; end vents not more than 2½ feet from ends of retort.

Venting method. Vent valves should be wide open for at least 5 minutes and to at least 225° F., or at least 7 minutes and to at least 220° F.

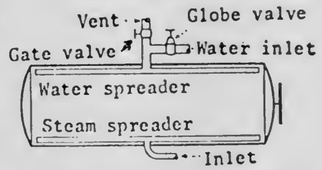
(*b*) Venting through multiple 1-inch vents discharging through a manifold to atmosphere.



Specifications. One 1-inch vent for every 5 feet of retort length; end vents not over 2½ feet from ends of retort; size of manifold—for retorts less than 15 feet in length, 2½ inches; for retorts 15 feet and over in length, 3 inches.

Venting method. Manifold vent gate or plug cock valve should be wide open for at least 6 minutes and to at least 225° F., or for at least 8 minutes and to at least 220° F.

(c) Venting through water spreaders.

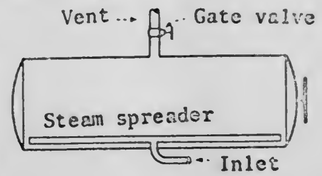


Size of water inlet, vent pipe, and vent valve. For retorts less than 15 feet in length, 2 inches; for retorts 15 feet and over in length, 2½ inches.

Size of water spreader. For retorts less than 15 feet in length, 1½ inches; for retorts 15 feet and over in length, 2 inches.

Venting method. Water spreader vent gate or plug cock valve should be wide open for at least 5 minutes and to at least 225° F., or for at least 7 minutes and to at least 220° F.

(*d*) Venting through a single 2½-inch top vent (for retorts not exceeding 15 feet in length).

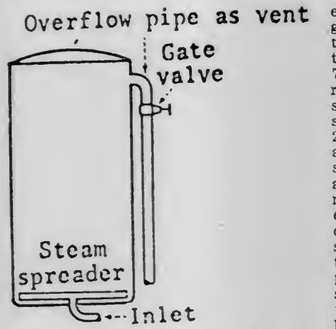


Specifications: A 2½-inch vent equipped with a 2½-inch gate or plug cock valve and located within 2 feet of the center of the retort.

Venting method: Vent gate or plug cock valve should be wide open for at least 4 minutes and to at least 220° F.

(ii) *Venting vertical retorts.* (*a*) Venting through a 1½-inch overflow.

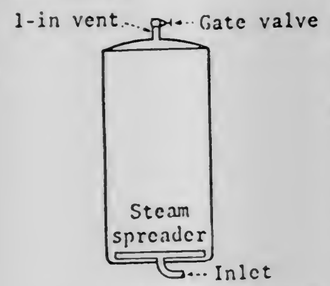
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Specifications. A 1½-inch overflow pipe equipped with a 1½-inch gate or plug cock valve and with not more than 6 feet of 1½-inch pipe beyond the valve before break to the atmosphere or to a manifold header.

Venting method. Vent gate or plug cock valve should be wide open for at least 4 minutes and to at least 218° F., or for at least 5 minutes and to at least 215° F.

(b) Venting through a single 1-inch side or top vent.



Specifications. A 1-inch vent in lid or top side, equipped with a 1-inch gate or plug cock valve and discharging directly into the atmosphere or to a manifold header.

Venting method. Vent gate or plug cock valve should be wide open for at least 5 minutes and to at least 230° F., or for at least 7 minutes and to at least 220° F.

(11) *Critical factors.* (i) Where maximum drained weight is specified in the scheduled process it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does not exceed the maximum for the given container size specified in the scheduled process.

(ii) Closing machine vacuum (in vacuum-packed products) shall be observed and recorded at intervals of sufficient frequency to insure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(c) *Equipment and procedures for pressure processing in water in still retorts.*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F. in the processing range on a scale at least 7 inches in length or a temperature range of not more than 150° F. on a scale at least 9 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure their accuracy. Bulbs of indicating thermometers shall be located in such a position that they are beneath the surface of the water throughout the process. On horizontal retorts this entry should be made in the side at the center, and the thermometer bulbs shall be inserted directly into the retort shell. In both vertical and horizontal retorts, the thermometer bulbs shall extend directly into the water a minimum of at least 2 inches without a separable well or sleeve. Thermometers shall be installed where they can be accurately and easily read. A thermometer that has a divided mercury column or that deviate more than 1° F. from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each still retort adjusted to agree within 1° F. of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F. within a range of 10° F. of the processing temperature. Each chart shall have a working scale of not more than 50° F. per inch within a range of 20° F. of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The recording thermometer bulb should be located adjacent to the bulb of the mercury-in-glass thermometer except in the case of a vertical retort equipped with a combination recorder-controller. In such vertical retorts the temperature recorder-control bulb shall be located at the bottom of the retort below the lowest crate rest in such a position that the steam does not strike it directly. In horizontal retorts the temperature recorder-control bulb shall be located between the water surface and the horizontal plane passing through the center of the retort so that there is no opportunity for direct steam impingement upon the control bulb.

(3) *Pressure gages.* (i) Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 lbs. or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(ii) An adjustable pressure relief, or control valve of a capacity sufficient to prevent undesired increase in retort pressure when the water valve is wide open and should be installed in the overflow line.

(4) *Steam introduction.* The distribution of steam in the bottom of the retort shall be accomplished in a manner adequate to provide uniform heat distribution throughout the retort. In vertical retorts, uniform steam distribution can be achieved by any of several methods. In horizontal retorts, the steam distributor shall run the length of the bottom of the retort with perforations distributed uniformly along the upper part of the pipe.

(5) *Crate supports.* A bottom crate support shall be employed in vertical still retorts. Baffle plates shall not be used in the bottom of the retort. Centering guides should be installed so as to insure that there be about 1½-inches clearance between the side wall of the crate and the retort wall.

(6) *Stacking equipment.* Crates, trays, gondolas, etc., for holding containers shall be made of strap iron, adequately perforated sheet metal, or other suitable material. When perforated sheet metal is used for the bottoms, the perforations should be approximately the equivalent of 1-inch holes on 2-inch centers. If divider plates are used between the layers of containers, they should be perforated as above.

(7) *Drain valve.* A nonclogging, watertight valve shall be used. Screens should be installed over all drain openings.

(8) *Water level indicator.* There shall be a means of determining the water level in the retort during operation (e.g., by using a gage water glass or petcock(s)). Water shall cover the top layer of containers during the entire coming-up-time and processing periods and should cover the top layer of containers during the cooling periods.

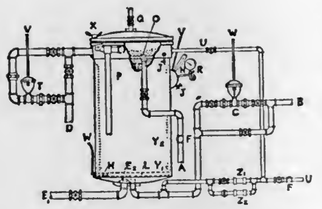
(9) *Air supply and controls.* In both horizontal and vertical still retorts for pressure processing in water, a means shall be provided for introducing compressed air at the proper pressure and rate. The proper pressure shall be controlled by an automatic pressure control unit. A check valve shall be provided in the air supply line to prevent water from entering the system. Air or water circulation shall be maintained continuously during the coming-up-time, processing, and cooling periods; if air is used to promote circulation it shall be introduced into the steam line at a point between the retort and the steam control valve at the bottom of the retort.

(10) *Cooling water supply.* In vertical retorts the cooling water should be introduced at the top of the retort between the water and container levels; in horizontal retorts the cooling water should be introduced into the suction side of the pump. A check valve should be included in the cooling water line.

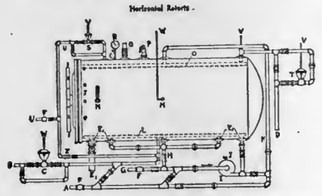
(11) *Retort headspace.* The headspace necessary to control the air pressure should be maintained between the water level and the top of the retort shell.

(12) *Vertical and horizontal still retorts.* Vertical and horizontal still retorts should follow the arrangements in the following diagrams or be equivalent.

Vertical Retorts



Horizontal Retorts



LEGEND FOR VERTICAL AND HORIZONTAL STILL RETORTS

A—Water line.
B—Steam line.
C—Temperature control.
D—Overflow line.
E_1—Drain line.
E_2—Screens.
F—Check valves.
G—Line from hot water storage.
H—Suction line and manifold.
I—Circulating pump.
J—Petcocks.
K—Recirculating line.
L—Steam distributor.
M—Temperature controller bulb.
N—Thermometer.
O—Water spreader.
P—Safety valve.
Q—Vent valve for steam processing.
R—Pressure gage.
S—Inlet air control.
T—Pressure control.
U—Air line.
V—To pressure control instrument.
W—To temperature control instrument.
X—Wing nuts.
Y_1—Crate support.
Y_2—Crate guides.
Z—Constant flow orifice valve.
Z_1—Constant flow orifice valve used during come-up.
Z_2—Constant flow orifice valve used during cook.

(13) *Water circulation.* When a water circulating system is used for heat distribution it shall be installed in such a manner that water will be drawn from the bottom of the retort through a suction manifold and discharged through a spreader which extends the length of the top of the retort. The holes in the water spreader shall be uniformly distributed and should have an aggregate area not greater than the cross section area of the outlet line from the pump. The suction outlets should be protected with nonclogging screens to keep debris from entering the circulating system. The pump shall be equipped with a pilot light or other signaling device to warn the operator when it is not running, and with a bleeder to remove air when starting operations.

(14) *Critical factors.* (i) Where maximum drained weight is specified in the scheduled process it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does not exceed the maximum for the given container size specified in the scheduled process.

(ii) Closing machine vacuum (in vacuum-packed products) shall be observed and recorded at intervals of sufficient frequency to insure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(c) *Equipment and procedures for pressure processing in steam in continuous agitating retorts.*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F. in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to insure their accuracy. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a ¾-inch diameter opening, and shall be equipped with a 1/16-inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb. The bleeders for external wells shall emit steam continuously during the entire processing period. Thermometers shall be installed where they can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F. from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort adjusted to agree within 1° F. of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F. within a range of 10° F. of the processing temperature. Each chart shall have a working scale of not more than 50° F. per inch within a range of 20° F. of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the processing period.

(3) *Pressure gages.* Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 pounds or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Bleeders.* Bleeders, except those for thermometer wells, shall be ⅛-inch or larger and shall be wide open during the entire process, including the coming-up time. Bleeders shall be located within approximately 1 foot of each end; additional bleeders shall be located not more than 8 feet apart along the top of the retort. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(6) *Venting and condensate removal.* Vents shall be located in that portion of the retort opposite the steam inlet. Air shall be removed before processing is started. At the time steam is turned on, the drain should be opened for a time sufficient to remove steam condensate from the retort and provision shall be made for continuing drainage of condensate during the retort operation. The condensate bleeder in the bottom of the shell serves as an indicator of continuous condensate removal.

(7) *Retort speed timing.* The rotational speed of the retort shall be specified in the scheduled process. The speed shall be adjusted and recorded when the retort is started, at any time a speed change is made, and at intervals of sufficient frequency to insure that the retort speed is maintained as specified in the scheduled process. These adjustments and recordings should be made every 4 hours or less. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes on retorts shall be provided.

(8) *Emergency stops.* If a retort jams or breaks down during processing operations, necessitating cooling the retort for repairs, the retort shall either be operated as a still retort, with all containers being given a full still retort process before the retort is cooled, or the retort shall be cooled promptly and all containers shall be either reprocessed, repacked and reprocessed, or discarded.

(i) Any containers in the retort intake valve of a continuous retort at the time of breakdown shall either be reprocessed, repacked and reprocessed, or discarded.

(ii) Both the time at which the reel stopped and the time the retort was used for a still retort process, if so used, shall be marked on the recording chart and entered on the other production records required in this chapter. If the alternative procedure of prompt cooling is followed, the subsequent handling methods used for the containers in the retort

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at the time of stopping and cooling shall be entered on the production records.

(9) *Temperature drop.* If the temperature of the continuous retort drops below the temperature specified in the scheduled process while containers are in the retort, the retort reel shall be stopped promptly. An automatic device should be used to stop the reel when the temperature drops below the specified process temperature. Before the reel is restarted, all containers in the retort shall be given a complete still retort process if the temperature drop was 10° F. or more below the specified temperature. Alternatively, container entry to the retort shall be stopped and the reel shall be restarted to empty the retort. The discharged containers shall be either reprocessed, repacked and reprocessed, or discarded. Both the time at which the reel stopped and the time the retort was used for a still retort process, if so used, shall be marked on the recording chart and entered on the other production records required in this chapter. If the alternative procedure of emptying the retort is followed, the subsequent handling methods used for the containers in the retort at the time of the temperature drop shall be entered on the production records. If the temperature drop was less than 10° F., an authorized emergency still process approved by a qualified person(s) having expert knowledge of thermal processing requirements may be used before restarting the retort reel. Alternatively, container entry to the retort shall be stopped and an authorized emergency agitating process may be used before container entry to the retort is restarted. If any emergency process and procedure is utilized, no containers shall enter the retort during this time and the process and procedures used shall be entered on the production records.

(10) *Critical factors.* The minimum headspace of containers, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to insure that the headspace is as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process, the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to insure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. Measurements of these critical factors shall be made and recorded at intervals of sufficient frequency to insure that they are as specified in the scheduled process. All measurements and recordings of critical factors should be made at intervals not to exceed 15 minutes.

(d) *Equipment and procedures for pressure processing in steam in discontinuous agitating retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F. in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to insure their accuracy. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a ¾-inch diameter opening, and shall be equipped with a 1/16-inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb. The bleeder for external wells shall emit steam continuously during the entire processing period. Thermometers shall be installed where they can be accurately and easily read. A thermometer with a divided mercury column or that deviates more than 1° F. from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort adjusted to agree within 1° F. of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F. within a range of 10° F. of the processing temperature. Each chart shall have a working scale of not more than 50° F. per inch within a range of 20° F. of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the processing period.

(3) *Pressure gages.* Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 pounds or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Bleeders.* Bleeders, except those for thermometer wells, shall be ⅛ inch or larger and shall be wide open during the entire process, including the coming-up-time. Bleeders shall be located within approximately 1 foot of each end; additional bleeders shall be located not more than 8 feet apart along the top of the retort. In retorts having top steam inlet and bottom venting, a bleeder shall be installed in the bottom of the retort to ensure removal of condensate. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(6) *Venting and condensate removal.* The air in each retort shall be removed before processing is started. At the time steam is turned on, the drain should be opened for a time sufficient to remove steam condensate from the retort and provision should be made for continuing drainage of condensate during the retort operation.

(7) *Retort speed timing.* The rotational speed of the retort shall be specified in the scheduled process. The rotational speed shall be adjusted, as necessary, to ensure that the speed is as specified in the scheduled process. The rotational speed as well as the process time shall be recorded for each retort load processed. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes on retorts shall be provided.

(8) *Critical factors.* The minimum headspace of containers in each retort load to be processed, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to insure that the headspace is as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process, the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to insure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. Measurements of these critical factors shall be made and recorded at intervals of sufficient frequency to insure that they are as specified in the scheduled process. All measurements and recordings of critical factors should be made at intervals not to exceed 15 minutes.

(e) *Equipment and procedures for pressure processing in water in discontinuous agitating retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F. in the processing range on a scale at least 7 inches in length. The scale division shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to insure their accuracy. Bulbs of indicating thermometers shall be installed either

within the retort shell or in external wells attached to the retort. Thermometers shall be installed where they can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F. from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort adjusted to agree within 1° F. of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F. within a range of 10° F. of the processing temperature. Each chart shall have a working scale of not more than 50° F. per inch within a range of 20° F. of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell.

(3) *Pressure gages.* Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 pounds or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Retort speed timing.* The rotational speed of the retort shall be specified in the scheduled process. The rotational speed shall be adjusted, as necessary, to insure that the speed is as specified in the scheduled process. The rotational speed as well as the process time shall be recorded for each retort load processed. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes shall be provided.

(6) *Air supply and controls.* Means shall be provided for introducing compressed air at the proper pressure and rate. The proper pressure shall be controlled by an automatic pressure control unit. A check valve shall be provided in the air supply line to prevent water from entering the system.

(7) *Critical factors.* The minimum headspace of containers in each retort load to be processed, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to insure that the headspace is as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to insure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. Measurements of these critical factors shall be made and recorded at intervals of sufficient frequency to insure that they are as specified in the scheduled process. All measurements and recordings of critical factors should be made at intervals not to exceed 15 minutes.

(f) *Equipment and procedures for pressure processing in steam in hydrostatic retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F. in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to insure their accuracy. The thermometer shall be located in the steam dome near the steam-water interface. Where the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs, a mercury-in-glass thermometer shall be located in each hydrostatic water leg in a position near the bottom automatic recorder so that it can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F. from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort adjusted to agree within 1° F. of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F. within a range of 10° F. of the processing temperature. Each chart shall have a working scale of not more than 50° F. per in. within a range of 20° F. of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the steam dome or in a well attached to the dome. Temperature recorder bulb wells shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the entire processing period. Additional temperature recorder bulbs shall be installed in the hydrostatic water legs if the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs.

(3) *Recording of temperatures.* Temperatures indicated by the mercury-in-glass thermometer or thermometers shall be entered on a suitable form during processing operations. Temperatures shall be recorded by an accurate automatic recorder or recorders at the following points:

(i) In the steam chamber between the steam-water interface and the lowest container position.

(ii) Near the top and the bottom of each hydrostatic water leg if the scheduled process specifies maintenance of particular temperatures in the legs.

(4) *Venting.* Before the start of processing operations, the retort steam chamber or chambers shall be vented to ensure removal of air.

(5) *Bleeders.* Bleeder openings ¼-inch or larger shall be located at the end of the steam chamber or chambers opposite from the point of steam entry. Bleeders shall be wide open and shall emit steam continuously during the entire process, including the coming-up-time. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(6) *Retort speed.* The speed of the container conveyor chain shall be specified in the scheduled process and shall be determined and recorded at the start of processing and at intervals of sufficient frequency to insure that the retort speed is maintained as specified. The speed should be determined and recorded every 4 hours. An automatic device should be used to stop the chain when the temperature drops below that specified in the scheduled process. A means of preventing unauthorized speed changes shall be provided.

(7) *Critical factors.* (i) Where maximum drained weight is specified in the scheduled process, it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does not exceed the maximum for the given container size specified in the scheduled process.

(ii) Minimum closing machine vacuum (in vacuum-packed products) shall be observed and recorded at intervals of sufficient frequency to ensure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(g) *Aseptic processing and packaging systems*—(1) *Product sterilizer*—(i) *Equipment*—(a) *Temperature indicating device.* Each product sterilizer shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F. in the processing range on a scale at least 7 inches in length, or an equivalent temperature indicating device, such as a thermocouple-recorder. The scale divisions or chart graduations of the temperature indicating device shall be no more than 2° F. within the range of 10° F. of the product sterilization operating range. The device shall be installed in the product at the holding tube outlet between the holding tube and the inlet

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to the cooler. The temperature indicating device shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure its accuracy. The device shall be installed so that it can be accurately and easily read. A thermometer that has a divided mercury column or a device that deviates more than 1° F. from the standard shall be repaired or replaced. The temperature indicating device shall be the reference instrument for indicating the processing temperature.

(b) *Temperature recording device.* There shall be an accurate temperature recording device on each product presterilizer. The temperature sensor shall be located in the presterilized product at the holding tube outlet between the holding tube and the inlet of the cooler. The recording device shall be adjusted to agree with a known accurate standard mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The recording device shall not deviate more than 1° F. from the standard thermometer; it shall be installed so that it can be accurately and easily read. The recording chart graduations shall not exceed 2° F. within a range of 10° F. of the desired product sterilization temperature. The chart shall have a working scale of not more than 50° F. per inch within a range of 20° F. of the processing temperature.

(c) *Temperature recorder-controller.* An accurate temperature recorder-controller shall be located in the product sterilizer at the final heater outlet. It shall be capable of assuring that the desired product sterilization temperature is maintained. The chart graduations shall not exceed 2° F. within a range of 10° F. of the desired product sterilization temperature.

(d) *Product-to-product regenerators.* Where a product-to-product regenerator is used to heat the cold unsterilized product entering the sterilizer by means of a heat exchange system, it shall be designed, operated, and controlled so that the pressure of the sterilized product in the regenerator is greater than the pressure of any unsterilized product in the regenerator to insure that any leakage in the regenerator will be from the sterilized product into the unsterilized product.

(e) *Differential pressure recorder-controller.* Where a product-to-product regenerator is used, there shall be an accurate differential pressure recorder-controller installed on the regenerator. The scale divisions shall not exceed 2 pounds per square inch on a working scale of not more than 20 pounds per square inch per inch. The controller shall be tested for accuracy against a known accurate standard pressure indicator, upon installation and at least once every 3 months of operation thereafter or more frequently as may be necessary to ensure its accuracy. One pressure sensor shall be installed at the sterilized product regenerator outlet, and the other pressure sensor shall be installed at the unsterilized product regenerator inlet.

(f) *Metering pump.* A metering pump shall be located upstream from the holding tube and shall be operated to maintain the required rate of product flow. A means of preventing unauthorized speed changes shall be provided.

(g) *Product holding tube.* The product sterilizing holding tube shall be designed to give continuous holding of every particle of food for at least the minimum holding time specified in the scheduled process. The holding tube shall be designed so that no portion between the product inlet and the product outlet can be heated, and it shall be sloped upward at least 0.25 inch per foot.

(ii) *Operation—(a) Startup.* Prior to the start of aseptic processing operations, the product sterilizer shall be brought to a condition of commercial sterility.

(b) *Temperature drop in product sterilizing holding tube.* When product temperature in the holding tube drops below the temperature specified in the scheduled process, the product holding tube and any further system portions affected shall be returned to a condition of commercial sterility before flow is resumed to the filler.

(c) *Loss of proper pressures in the regenerator.* Where a regenerator is used the product may lose sterility whenever the pressure of sterilized product in the regenerator is less than 1 lb. per square in. greater than the pressure of unsterilized product in the regenerator. Product flow to the filler shall not be resumed until the cause of the improper pressure relationships in the regenerator has been corrected and the affected system(s) has been returned to a condition of commercial sterility.

(d) *Records.* Readings at the following points shall be observed and recorded at the start of aseptic packaging operations and at intervals of sufficient frequency to ensure that these values are as specified in the scheduled process: Temperature indicating device in holding tube outlet; temperature recorder-controller at final heater outlet; differential pressure recorder-controller, if a product-to-product regenerator is used; and product flow rate as established by the metering pump or as determined by filling and closing rates. Such measurements and recordings should be made at intervals not to exceed 1 hr.

(2) *Container sterilizing, filling, and closing operation—(i) Equipment—(a) Recording device.* The container and closure sterilization system and product filling and closing system shall be instrumented to show that commercial sterility is being achieved. Automatic recording devices shall be used to record, where applicable, the sterilization media flow rates and or temperatures. Where a batch system is used for container sterilization, the sterilization conditions shall be recorded.

(b) *Timing method(s).* A method(s) shall be used either to give the retention time of containers, and closures if applicable, in the sterilizing environment as specified in the scheduled process, or to control the sterilization cycle at the rate as specified in the scheduled process. A means of preventing unauthorized speed changes shall be provided.

(ii) *Operation—(a) Startup.* Prior to the start of packaging operations, both the container and closure sterilizing system and the product filling and closing system shall be brought to a condition of commercial sterility.

(b) *Loss of sterility.* In the event of loss of sterility, the system(s) shall be returned to a condition of commercial sterility before resuming packaging operations.

(c) *Records.* Observations and measurements of operating conditions shall be made and recorded at intervals of sufficient frequency to ensure that commercial sterility of the food product is being achieved; such measurements shall include the sterilization media flow rates and/or temperatures, the container and closure rates (if applicable) through the sterilizing system, and the sterilization conditions if a batch system is used for container sterilization. The measurements and recordings should be made at intervals not to exceed 1 hour.

(3) *Incubation.* Incubation tests shall be conducted on a representative sample of containers of product from each code; records of the tests shall be maintained.

(h) *Equipment and procedures for flame sterilizers.* The container conveyor speed shall be specified in the scheduled process. The container conveyor speed shall be measured and recorded at the start of operations and at intervals of sufficient frequency to ensure that the conveyor speed is as specified in the scheduled process. Such measurements and recordings should be done at 1-hour intervals. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes on the conveyor shall be provided. The surface temperature of at least one container from each conveyor channel shall be measured and recorded at the end of the holding period at intervals of sufficient frequency to ensure that the temperatures specified in the scheduled process are maintained. Such measurements and recordings should be done at intervals not to exceed 15 minutes.

(i) *New systems.* The development of new systems for the thermal processing of low-acid foods in hermetically sealed containers shall conform to the applicable requirements of this part and shall ensure that the methods and controls used for the manufacture, processing, and/or packing of such foods are operated or administered in a manner adequate to achieve commercial sterility.

§ 128b.7 Containers.

(a) *Closures.* Regular observations shall be maintained during production runs for gross closure defects. Any such defects shall be recorded, and corrective action shall be taken and recorded. At intervals of sufficient frequency to ensure proper closure, the operator, closure supervisor, or other qualified container closure inspection person shall visually examine either the top seam of a can randomly selected from each seaming head or the closure of any other type of container being used, and shall record his observations. Such measurements and recordings should be made at intervals not to exceed 30 minutes. Additional visual closure inspections shall be made immediately following a jam in a closure machine, after closing machine adjustment, or after startup of a machine following a prolonged shutdown. All pertinent observations shall be recorded. Where irregularities are found, the corrective action shall be recorded.

(1) Teardown examinations for double seam cans shall be performed by a qualified individual and the results therefrom shall be recorded at intervals of sufficient frequency on enough containers from each seaming station to ensure maintenance of seam integrity. Such examinations and recordings should be made at intervals not to exceed 4 hours. The results of the teardown examinations shall be recorded and the corrective action taken, if any, shall be noted.

(i) Required and optional can seam measurements:

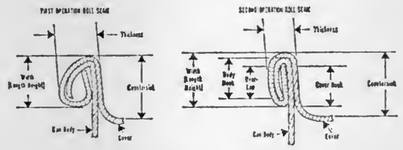
(a) Micrometer measurement system:

Required	*Optional*
Cover hook.	Overlap (by calculation).
Body hook.	Countersink.
Width (length, height).	Thickness.
Tightness (observation for wrinkle).	

(b) Seam scope or projector:

Required	*Optional*
Body hook.	Width (length, height).
Overlap.	Cover hook.
Tightness (observation for wrinkle).	Countersink.
	Thickness.

(c) Can double seam terminology:



(ii) Two measurements at different locations, excluding the side seam, shall be made for each double seam characteristic if a seam scope or seam projector is used. When a micrometer is used, three measurements shall be made at points approximately 120° apart, excluding the side seam.

(iii) Overlap length can be calculated by the following formula:

The theoretical overlap length=
CH+BH+T−W where
CH=cover hook
BH=body hook
T=cover thickness, and
W=seam width (height, length)

(2) For closures other than double seams, appropriate detailed inspections and tests shall be conducted by qualified personnel at intervals of sufficient frequency to insure proper closing machine performance and consistently reliable hermetic seal production. Records of such tests shall be maintained.

(b) *Cooling.* Container cooling water should be chlorinated as necessary by the processor so that there is a measurable free chlorine residual at the water discharge point of the container cooler. Other safe chemical or physical treatment which is equivalent to chlorination in its bactericidal effect may be used. Where pressure cooling is utilized, adequate pressure should be maintained for a time sufficient to prevent permanent distortion of the container.

(c) *Coding.* Each hermetically sealed container of low-acid processed food shall be marked with an identifying code which shall be permanently visible to the naked eye. Where the container does not permit the code to be embossed or inked, the label may be legibly perforated or otherwise marked, provided that the label is securely affixed to the product container. The required identification shall identify in code the establishment where packed, the product contained therein, the year packed, the day packed, and the period during which packed. The packing period code shall be changed with sufficient frequency to enable ready identification of lots during their sale and distribution. Codes may be changed on the basis of one of the following: Intervals of every 4 to 5 hours; personnel shift changes; or batches, provided the containers comprising such batch do not extend over a period of more than one personnel shift.

(d) *Postprocess handling:* Where cans are handled on belt conveyors, such conveyors should be so constructed as to minimize contact by the belt with the double seam, i.e., cans should not be rolled on the double seam. All worn and frayed belting, can retarders, cushions, etc. should be replaced with new nonporous material. All tracks and belts which come into contact with the can seams should be thoroughly scrubbed and sanitized at intervals of sufficient frequency to avoid product contamination. Automatic equipment used in handling filled containers should be so designed and operated in such a manner as to preserve the can seam or other container closure integrity.

§ 128b.8 Processing and production records.

(a) Processing and production information shall be entered by the retort or processing system operator, or other designated person, on forms which shall include the product, the code number, the retort or processing system number, the size of container, the approximate number of containers per coding interval, the minimum initial temperature, the actual processing time and temperature, the mercury-in-glass and recording thermometer readings, and other appropriate processing data. Closing machine vacuum (in vacuum-packed products), maximum drained weight, or other critical factors specified in the scheduled process shall also be recorded. In addition, the following records shall be maintained:

(1) *Still retorts.* Time steam on; time temperature up to processing temperature; time steam off; venting time and/or temperature to which vented (as applicable).

(2) *Agitating retorts.* Functioning of condensate bleeder; retort speed; and, where specified in the scheduled process, headspace, consistency, maximum drained weight, minimum net weight, and percent solids.

(3) *Hydrostatic retorts.* The temperature in the steam chamber between the steam-water interface and the lowest container position; speed of the container conveyor chain; and, where the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs, the temperatures near the top and the bottom of each hydrostatic water leg.

(4) *Aseptic processing and packaging systems.* Product temperature in the holding tube outlet as indicated by the temperature indicating device and the temperature recorder; product temperature in the final heater outlet as indicated by the temperature recorder-controller; differential pressure as indicated by the differential pressure recorder-controller, if a product-to-product regenerator is used; product flow rate, as determined by the metering pump or by filling and closing rates; sterilization media flow rate and/or temperature; retention time of containers, and closures where applicable, in the sterilizing environment; and, where a batch system is used for container and/or closure sterilization, sterilization cycle times and temperatures.

(5) *Flame sterilizers.* Container conveyor speed; surface temperature at the end of the holding period; nature of container.

(b) Recording thermometer charts shall be identified by date, and other data as necessary, so they can be correlated with the written record of lots processed. Each entry on the record shall be made by the retort or processing system operator, or other designated person, at the time the specific retort or processing system condition or operation occurs, and the retort or processing system operator or such designated person shall sign or initial each record form. Not later than 1 working day after the actual process, and prior to shipment or release for distribution, a representative of plant management who is qualified by suitable training or experience shall review all processing and produc-

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tion records for completeness and to insure that the product received the scheduled process. The records, including the recording thermometer chart(s), shall be signed or initialed by the person conducting the review.

(c) Written records of all container closure examinations shall specify the product code, the date and time of container closure inspections, the measurements obtained, and all corrective actions taken. Records shall be signed or initialed by the container closure inspector and shall be reviewed by management with sufficient frequency to assure that the containers are hermetically sealed.

(d) Copies of all records provided for in this part except those required under § 128b.4 establishing scheduled processes, shall be maintained at the processing plant for a period of not less than 3 years.

§ 128b.9 Deviations in processing.

Whenever any process is less than the scheduled process for any low-acid food or container system as disclosed from records, by processor check, or otherwise, the commercial processor of such low-acid food shall either fully reprocess that portion of the production involved, keeping full records of the reprocessing conditions or, alternatively, shall set aside that portion of the production involved for further evaluation as to any potential public health significance. Such evaluation shall be made by a competent processing authority and shall be in accordance with procedures recognized by competent processing authorities as being adequate to detect any potential hazard to public health. Unless such evaluation demonstrates that the product had been given a thermal process that rendered it free of micro-organisms of potential public health significance, the product set aside either shall be fully reprocessed to render it commercially sterile or it shall be destroyed. A record shall be made of the evaluation procedures used and the results. Either upon completion of full reprocessing and the attainment of commercial sterility or after the determination that no significant potential for public health hazard exists, that portion of the production involved may be shipped in normal distribution. Otherwise, the portion of the production involved shall be destroyed.

§ 128b.10 Personnel.

All operators of retorts, processing systems, and aseptic processing and packaging systems, and container closure inspectors shall be under the operating supervision of a person who has attended a school approved by the Commissioner for giving instruction in retort operations, processing systems operations, aseptic processing and packaging systems operations, and container closure inspections, and has been identified by that school as having satisfactorily completed the prescribed course of instruction.

Effective date. This order shall become effective March 26, 1973, except as to those provisions of § 128b.6 regarding the installation of recording thermometers on thermal processing equipment and the provisions of § 128b.10, which concerns the training of personnel. Those provisions of § 128b.6 regarding the installation of recording thermometers on thermal processing equipment shall become effective June 25, 1973. The provisions of § 128b.10, which concerns the training of personnel, shall become effective September 25, 1974.

(Secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055, 21 U.S.C. 342(a)(4), 371(a))

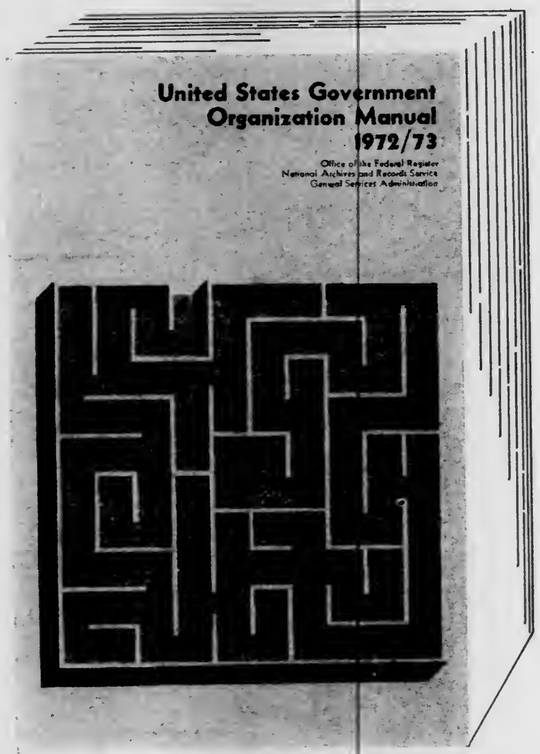
Dated: January 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-1167 Filed 1-23-73;11:51 am]

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federal register

FRIDAY, JANUARY 26, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 17

Pages 2411–2668

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(Part II begins on page 2561)

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

	37 FR page No. and date
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Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit Federal Housing Commissioner [Federal Housing Administration], Department of Housing and Urban Development

[Docket No. R-73-224]

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective January 1, 1973.

Accordingly, Chapter II is amended as follows:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
6⅛	July 1, 1971	Jan. 1, 1972
6⅛	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
6⅛	July 1, 1971	Jan. 1, 1972
6⅛	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
6⅛	July 1, 1971	Jan. 1, 1972
6⅛	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	

* * * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
6⅛	July 1, 1971	Jan. 1, 1972
6⅛	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of January 1, 1973.

JOHN L. GANLEY,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

HARRY T. MORLEY,
Assistant Secretary for Administration.

[FR Doc.73-1540 Filed 1-24-73;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7236]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Group-Term Life Insurance Purchased for Employees

Correction

In FR Doc. 72-22239 appearing at page 28624 of the issue for Thursday, December 28, 1972, the following changes should be made in § 1.79-1(b)(1):

1. In subdivision (ii)(*b*), the word "January" in the ninth line should read "July".

2. In the example to subdivision (ii)(*c*), the date "December 21, 1972" which appears in the fifth line from the end should read "June 30, 1973"; and the date "January 1" in the third line from the end should read "July 1".

[T.D. 7254]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Debts Charged Off by Banks or Other Regulated Corporations

This document contains an amendment to the Income Tax Regulations (26

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CFR Part 1) under section 166 of the Internal Revenue Code of 1954 in order to clarify the income tax treatment of certain debts charged off by banks or other regulated corporations.

Prior to this amendment, banks and other corporations subject to supervision by Federal authorities, or by State authorities maintaining substantially equivalent standards, were entitled to a conclusive presumption of worthlessness of debts only where the debts were charged off in obedience to the specific orders of such authorities. This amendment extends the applicability of the conclusive presumption to cases in which the charge-offs are made without such specific orders but in accordance with established policies of such authorities, provided that those authorities, upon their next audit of the bank or corporation, confirm in writing that the charge-offs would have been subject to their specific orders.

In order to clarify the income tax treatment of debts charged off by banks or other regulated corporations, which are confirmed by supervisory authorities as having been properly charged off, paragraph (d)(1) of § 1.166-2 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows:

§ 1.166-2 Evidence of worthlessness.

. . . . . .

(d) *Banks and other regulated corporations*—(1) *Worthlessness presumed in year of charge-off.* If a bank or other corporation which is subject to supervision by Federal authorities, or by State authorities maintaining substantially equivalent standards, charges off a debt in whole or in part, either—

(i) In obedience to the specific orders of such authorities, or

(ii) In accordance with established policies of such authorities, and, upon their first audit of the bank or other corporation subsequent to the charge-off, such authorities confirm in writing that the charge-off would have been subject to such specific orders if the audit had been made on the date of the charge-off,

then the debt shall, to the extent charged off during the taxable year, be conclusively presumed to have become worthless, or worthless only in part, as the case may be, during such taxable year. But no such debt shall be so conclusively presumed to be worthless, or worthless only in part, as the case may be, if the amount so charged off is not claimed as a deduction by the taxpayer at the time of filing the return for the taxable year in which the charge-off takes place.

. . . . . .

Because this Treasury decision will not be detrimental to any taxpayer, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. section 553(b), or subject to the effective date limitation of 5 U.S.C. section 553(d).

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: January 17, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.73-1597 Filed 1-24-73;8:45 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 14—NATIONAL SECURITY INFORMATION

A new Part 14 of Title 29, Code of Federal Regulations, is hereby added to inform the public and Federal agencies of the procedures followed by the Department of Labor in classifying, declassifying, and granting or denying public access to, national security information in the custody of the Department of Labor, and to provide for necessary liaison between the Department of Labor and agencies that originate national security information.

As this part involves rules of agency procedure, notice of proposed rulemaking and public comment, and delay in the effective date are not required. Accordingly, this part shall be effective on January 26, 1973.

The new Part 14 reads as follows:

Subpart A—General Provisions

Sec.
14.2000 Authority.
14.2001 General policy.
14.2002 Department of Labor Classification Review Committee.
14.2004 Composition of committee.

Subpart B [Reserved]

Subpart C [Reserved]

Subpart D—Authority for Classification and Declassification

14.2060 Authority to classify.
14.2061 Authority to downgrade and declassify.
14.2062 Authority to exempt.

Subpart E—Downgrading and Declassification

14.2080 Earlier downgrading and declassification.
14.2081 General declassification schedule.
14.2082 Declassification of classified material after 10 years.
14.2083 Declassification of classified material after 30 years.
14.2084 Notification of change in classification.

Subpart F—Review of Classified Material

14.2100 Systematic reviews.
14.2101 Mandatory review of material over 10 years old.
14.2102 Mandatory review of material over 30 years old.
14.2103 Burden of proof.

Subpart G [Reserved]

Subpart H [Reserved]

Subpart I—Distribution Dissemination and Transmission of Classified Material

14.2162 Distribution of material originating in another department.
14.2163 Dissemination to individuals and firms outside the executive branch of the Federal Government.

AUTHORITY: Executive Order 11652, the National Security Council Directive of May 17, 1972, and the Freedom of Information Act, 5 U.S.C. 552.

Subpart A—General Provisions

§ 14.2000 Authority.

These regulations implement Executive Order 11652 dated March 8, 1972, entitled "Classification and Declassification of National Security Information and Material" and directives issued pursuant to the order through the National Security Council and the Atomic Energy Act of 1954 as amended.

§ 14.2001 General policy.

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act (5 U.S.C. 552) and in the current public information policies of the executive branch.

(a) *Safeguarding national security information.* Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given limited dissemination.

(b) *Exemption from public disclosure.* This official information or material, hereinafter referred to as national security information or material, is expressly exempted from compulsory public disclosure by section 552(b)(1) of Title 5, U.S.C. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

(c) *Scope.* To insure that such information and material is protected, but only to the extent and for such period as is necessary, these regulations identify the information to be protected, prescribe classification downgrading, declassification, and safeguarding procedures to be followed, and establish a monitoring system to insure their effectiveness.

(d) *Limitation.* The requirement to safeguard information and material in the interest of national security and the conduct of foreign relations in no way implies an indiscriminate license to restrict information from the public. It is important that the citizens of the United States have the fullest possible access, consistent with national security, to information concerning the policies and programs of their Government.

(e) *Freedom of Information Act.* The fact that information has been declassified under Executive Order 11652 does not necessarily mean that the information will be disclosed. Access to the information declassified may be denied under subparagraphs 2 through 9 of 5 U.S.C. 552(b) if the facts warrant. In that event, after declassification of the information, the procedures in part 70 of this subtitle shall apply.

§ 14.2002 Department of Labor Classification Review Committee.

(a) A Department of Labor Classification Review Committee is hereby established. The Committee is responsible for the continuing review of the administration of these regulations with respect to classification and declassification of information or material originated within the Department. It shall establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The Committee is authorized to overrule, on behalf of the Secretary, classification determinations, in whole or in part, when in its judgment continued protection is not required. If the Committee determines that continued classification is required, it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(b) The Committee shall review all appeals of requests for records under the Freedom of Information Act, 5 U.S.C. 552, when the proposed denial is based on continued classification under Executive Order 11652.

(c) The Committee shall provide quarterly reports to the Interagency Classification Review Committee on

(1) Updating the record lists of officials authorized to classify within the Department.

(2) Departmental actions on classification review requests, classification abuses, and unauthorized disclosures and

(3) Progress reports on information accumulated in the data index system established under Part VII of the National Security Council directive of May 17, 1972, and such other reports as the Chairman of the Interagency Classification Review Committee may find necessary for the Committee to carry out its responsibilities.

(d) The Committee shall have responsibility for recommending to the Secretary of Labor appropriate administrative action to correct abuse or violation of any provisions of Executive Order 11652 or directives thereunder, including notification by warning letter, formal reprimand, and to the extent permitted by law, suspension without pay and removal. Upon receipt of such recommendation the Secretary of Labor shall act promptly and advise the Department of Labor Classification Review Committee of his action.

§ 14.2004 Composition of committee.

The members of the Department of Labor Classification Review Committee are:

Chairman—Director, Office of Investigations and Security
Member—Administrative Officer, Bureau of International Labor Affairs
Member—Security Officer, Bureau of Labor Statistics
Member—Security Officer, Occupational Safety and Health Administration

Subpart B [Reserved]

Subpart C [Reserved]

Subpart D—Authority for Classification and Declassification

§ 14.2060 Authority to classify.

The following officials, by order of the President, dated September 30, 1972, have authority to originally classify information or material in the categories indicated:

(a) *Top Secret.* (1) Secretary of Labor,

(2) Under Secretary of Labor,

(3) Deputy Under Secretary for International Labor Affairs,

(4) Assistant Secretary for Administration and Management.

Officials serving in an acting capacity in any of the above positions shall also have the authority to originally classify national security information or material "Top Secret."

(b) *Secret.* The officials designated in paragraph (a) of this section are authorized to classify national security information or material "Secret." In addition, the following officials have the authority to classify national security information "Secret":

Solicitor of Labor.
Assistant Secretary for Occupational Safety and Health.
Assistant Secretary for Labor-Management Relations.
Assistant Secretary for Employment Standards.
Assistant Secretary for Manpower.
Assistant Secretary for Policy Evaluation and Research.
Commissioner, Bureau of Labor Statistics.
Associate Deputy Under Secretary for International Labor Affairs.
Director, Office of Investigations and Security.

As in the case of the "Top Secret" designations officials serving in an acting capacity in any of the above positions also have the authority to classify national security information or material "Secret."

(c) *Confidential.* The authority to originally classify national security information or material under Executive Order 11652 as "Confidential" may be exercised by officials who have "Top Secret" or "Secret" classification authority and such officials as they may designate in writing.

§ 14.2061 Authority to downgrade and declassify.

Classified national security information or material may be downgraded or declassified by the official authorizing the original classification, by a successor in the same capacity or by a supervisory official of either. In addition, national security information or material may be downgraded or declassified by any person designated in writing for that purpose by the Secretary of Labor or by the Department Classification Review Committee.

§ 14.2062 Authority to exempt.

In the President's order of September 30, 1972, designating certain officials in the Department with the authority to originally classify national security information he specifically withheld authority for any official in the Department to exempt documents from the General Declassification Schedule.

Subpart E—Downgrading and Declassification

§ 14.2080 Earlier downgrading and declassification.

Classified national security information and material shall be downgraded and declassified as soon as there are no longer any grounds for continued classification with the classification categories set forth in subpart B of this part. At the time of classification, whenever possible the classifying authority shall clearly mark on the information or material a specific date or event, earlier than that called for in the General Declassification Schedule upon which downgrading or declassification shall occur. Such dates or events shall be as early as is possible without causing damage to the national security.

§ 14.2081 General Declassification Schedule.

Classified information and material, unless downgraded and declassified earlier under the provisions of section 14.2080 shall be assigned a date or event which downgrading shall occur within the prescribed limits outlined below:

(a) *Top Secret.* Information or material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the 10th full calendar year following the year in which it was originated.

(b) *Secret.* Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the 2d full calendar year following the year in which it was originated, and declassified at the end of the 8th full calendar year following the year in which it was originated.

(c) *Confidential.* Information and material originally classified "Confidential" shall become automatically declassified at the end of the 6th full

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calendar year following the year in which it was originated.

Information or material classified before June 1, 1972, and which is assigned to group 4 under Executive Order No. 10501, as amended by Executive Order No. 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to groups 1, 2, or 3 of Executive Order No. 10501 as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of 10 years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after the effective date of Executive Order 11652, June 1972.

§ 14.2082 Declassification of classified material after 10 years.

All classified information or material, whether classified before or after June 1, 1972, shall be subject to mandatory classification review pursuant to the provisions of subpart E of this part at any time after expiration of 10 years from date of origin.

§ 14.2083 Declassification of classified material after 30 years.

All classified information or material which is 30 years old or more is subject to automatic declassification as follows:

(a) All information and material classified by the Department after June 1, 1972, shall become automatically declassified at the end of 30 full calendar years after the date of its original classification except for such specifically identified material as the Secretary of Labor personally determines in writing at that time to require continued protection is essential to the national security, or when disclosure would place a person in immediate jeopardy. In either such case the Secretary of Labor shall also specify the period of continuing classification.

(b) All information and material classified before June 1, 1972, and more than 30 years old shall be systematically reviewed for declassification by the Archivist of the United States by the end of the 30th full calendar year following the year it was originated. All such information and material shall be declassified except that specifically identified by the Secretary of Labor for continued classification as set forth in paragraph (a) of this section.

§ 14.2084 Notification of change in classification.

When classified information or material is downgraded or declassified in a manner other than that originaly specified, the classifying authority shall, to the extent practicable, promptly notify all recipients of the classified material. In turn, the recipients shall notify any other known holders of the declassification or downgrading of the information or material.

Subpart F—Review of Classified Material

§ 14.2100 Systematic reviews.

All information and material classified after June 1, 1972, by the Department, and evaluated under 44 U.S.C. 2101–2114 as being of sufficient value to warrant preservation, shall be systematically reviewed on a timely basis by the Department for the purpose of making such information and material publicly available in accord with the classification determination made by the classifying authority. During each calendar year the Department shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year the Department, or the Archives of the United States, if transferent thereto, shall make the declassified information and material available to the public to the extent permitted by law.

§ 14.2101 Mandatory review of classified material.

(a) All classified material originated prior to June 1, 1972, shall be subject to a classification review by the originating office at any time after the expiration of 10 years from the date of origin if:

(1) A Department or member of the public requests the review.

(2) The request is in writing and describes the classified information or material with sufficient particularity to enable the Department to identify it, and

(3) The classified information or material can be obtained with only a reasonable amount of effort.

(b) Deficient requests: When the description in a request is deficient the requester should be asked to provide as much additional identifying information as possible. Before denying a request on the ground that the information or material is not obtainable with a reasonable amount of effort, the requester should be asked to limit his request to information or material that is reasonably obtainable. If the requester then fails to describe the information or material he seeks with sufficient particularity, or it cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal the decision to the Department Classification Review Committee.

(c) Requests for classification review under this section should be addressed to the Department of Labor, Office of the Assistant Secretary for Administration and Management, Washington, D.C. 20210. The Office of the Assistant Secretary for Administration and Management shall assign the request to the appropriate office within the Department for action, and the latter shall immediately acknowledge receipt of the request to the requester in writing. If the request requires the rendering of services requiring the charging of fees pursuant to 31 U.S.C. 483a, the requester shall so be notified and fees shall be charged pursuant to § 70.62 of this subtitle. The office shall thereafter make a determination within 30 days of receipt of the request or shall explain to the requester the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Department Classification Review Committee for a determination. If the office determined that continued classification is required, the requester shall promptly be notified, and, whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Department Classification Review Committee and the notice of determination shall advise him of this right. If, after appeal by the requester, the Department Classification Review Committee determines that continued classification is required, it shall promptly so notify the requester and advise him that he may appeal to the Interagency Classification Review Committee.

§ 14.2102 Mandatory review of material over 30 years old.

All classified information and material which is thirty (30) years old or more shall be declassified in accordance with § 14.2084 hereof. In addition, a department or agency of the Government or a member of the public may request a review of the classification of such information or material. Such requests should meet the conditions set forth in § 14.2101. Such requests shall be referred directly to the Archivist of the United States for processing. The Secretary of Labor shall cooperate with the Archivist in the review of such requests, and shall determine personally whether continued classification of such information or material is required, and specify the period of such classification.

§ 14.2103 Burden of proof.

In making its determinations concerning requests for declassification of classified information or material the Department Classification Review Committee shall impose for administrative purposes the burden of proof on the originating office that continued classification is warranted.

Subpart G [Reserved]

Subpart H [Reserved]

Subpart I—Distribution Dissemination and Transmission of Classified Material

§ 14.2162 Distribution of material originating in another department or agency.

Classified material that originated in another U.S. department or agency must not be communicated outside the receiving agency without the consent of the originating department or agency. Such approval must be obtained in writing and a record of the approval and communication must be maintained by the communicator. This rule with respect to the release of classified information originating outside the Department is subject to exception in the case of classified information received from the Foreign Service in response to departmental requests or with respect to which the Department has been designated as the action agency. Such information shall be considered to be Department of Labor information and therefore subject to the regulations covering dissemination of material classified within the Department.

§ 14.2163 Dissemination to individuals and firms outside the executive branch of the Federal Government.

Requests from sources outside the executive branch of the Federal Government for classified material and information which originated in the Department of Labor may be honored subject to the following conditions only:

(a) TOP SECRET material: Any material originating in the Department of Labor which is classified as TOP SECRET may not be released to an individual or firm outside the executive branch of the Federal Government without the approval of the Assistant Secretary for Administration and Management. Prior to approval the individual or firm must have been authorized a personnel security clearance for TOP SECRET in writing by the Office of Investigations and Security. Any request for such material by an individual or firm outside the executive branch of the Federal Government should be referred promptly to the Assistant Secretary for Administration and Management for consideration on an individual basis.

(b) Secret and Confidential material: The official from whom Secret or Confidential material is being requested may furnish such material to an individual or firm outside the executive branch of the Federal Government provided that the furnishing of such classified material to the individual or the firm shall further the official programs of the organizational unit in which the information originated. The official furnishing the information must have knowledge that the persons to whom the material is to be furnished has the appropriate Department of Labor clearance, or at a minimum a clearance for the same classification or higher from another Federal Government department or agency whose security clearances are known to be acceptable to the Department of Labor, and that the person to whom the classified material is being furnished has the proper facilities for safeguarding such material. In addition to the foregoing requirements, no material classified Secret or Confidential may be furnished to an individual or firm outside the executive branch of the Federal Government without the concurrence of the primary organizational unit head or the security officer of that unit in writing.

(c) If a request is received in any office of the Department of Labor which would raise a suspicion that an individual or organization outside the executive branch of the Federal Government service has knowledge of the existence of material classified Confidential, Secret, or Top Secret, without authorization therefor, then a report giving all available details must be made immediately to the Department of Labor Physical Security Officer for appropriate action and disposition.

(d) All requests received from sources outside the United States for Top Secret, Secret, or Confidential material, except those requests received from foreign offices of the primary organizational unit or from U.S. Embassies or similar missions abroad, shall be referred to the Assistant Secretary for International Labor Affairs.

(e) Access by historical researchers: Persons outside the executive branch engaged in historical research projects may be authorized access to classified information or material: *Provided*, That the head of the originating department determines that:

(1) The project and access sought conform to the requirements of section 12 of Executive Order 11652.

(2) The information or material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(3) The historical researcher agrees to safeguard the information or material in a manner consistent with Executive Order 11652 and directives thereunder.

(4) The historical researcher agrees to authorize a review of his notes and manuscripts for the sole purpose of determining that no classified information or material is contained therein. An authorization for access shall be valid for the period required but no longer than 2 years from the date of issuance unless renewed under the same conditions and regulations as when initially granted.

(f) Access by former Presidential appointees: Persons who previously occupied policymaking positions to which they were appointed by the President, other than those referred to in section 11 of Executive Order 11652, may be authorized access to classified information or material which they originated, reviewed, signed or received while in public office. Upon the requests of any such former official, such information or material as he may identify shall be reviewed for declassification in accordance with the provisions of these regulations.

(g) If dissemination of classified information has been approved under conditions described above, the documents shall be stamped prior to distribution.

Signed at Washington, D.C., this 18th day of January 1973.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73-1539 Filed 1-24-73;8:45 am]

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Washington Developmental Plan

1. *Background.* The Washington State plan was submitted to the Assistant Secretary, August 14, 1972, for approval under Part 1902, Title 29, Code of Federal Regulations. Approval would permit the State to apply its State laws and regulations, including job safety and health standards relating to occupational safety and health under its plan. Notice of receipt of the plan was published in the FEDERAL REGISTER, September 8, 1972 (37 FR 18253). Comments on the plan were received from the American Federation of Labor—Congress of Industrial Organizations (AFL–CIO), Washington State Health Facilities Association, the County Road Administration Board, Olympia, Wash., and the Associated General Contractors of America, Inc., Northwest Chapter.

The plan identifies the Department of Labor and Industries as the State agency designated to administer the plan throughout the State. It adopts the definition of occupational safety and health issues expressed in § 1902.2(c)(1). The plan states that the Department of Labor and Industries is currently exercising statewide inspection authority to enforce many State standards. The plan further includes proposed draft legislation to be considered by the Washington Legislature during its 1973 session, creating a new chapter in Title 49, Revised Code of Washington, and repealing existing provisions, to bring it into conformity with the requirements of Part 1902.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from the State attorney general that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of the State. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation by the State legislature.

2. *Issues.* The public comments and our review of the plan raised several significant issues which were addressed by Washington in supplementary letters of clarification submitted October 18, 1972, January 5, 1973, and January 12, 1973, and incorporated as part of the plan.

The first issue is whether the standards as submitted by Washington are at least as effective as Federal standards. Based on an analysis of Washington's standard comparison, Subparts F, N, O, and Q have been determined to be at least as effective. Subparts K and P were withdrawn by Washington and in accordance with § 1902.20(b)(1)(ii) these subparts and the remaining subparts as described in 29 CFR 1910 will be

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submitted by Washington as developmental codes. In addition, one "product" standard was identified during our review. Washington has agreed to submit information on "compelling local conditions" for this "product" standard (WAC 296-24-235 lighting in crane cabs), and any subsequently identified "product" standards within the 1 year post-approval developmental period for standards.

A second issue involves the procedure for review of citations and penalties issued by the Director of the Department of Labor and Industries. Instead of immediately certifying contested cases to the Board of Industrial Insurance Appeals, the proposed legislation, section 14(3), provides for the Director to reassume jurisdiction over all or part of the contested matter. During the period when the jurisdiction has been reassumed, the Director could, without notice, issue corrective notices of citations, periods of abatement, and assessment of penalties. No provision was made for participation by employers or employees in the review procedure in accordance with § 1902.4(c)(2)(xii). Washington has agreed to add to its proposed legislation a provision authorizing the Director to adopt rules of procedure for the reassumption of jurisdiction which would afford employers, employees, and employee representatives notice of the proposed reassumption of jurisdiction and an opportunity to object or support the reassumption of jurisdiction, either in writing or orally at an informal conference. Such procedures would meet the requirements of § 1902.4(c)(2)(xii).

Third, Washington plans to provide "on-site" consultation to employers under the following conditions: consultative visits will only be made in response to specific requests by employers; there will be separate staffs for consultation and enforcement purposes and enforcement staff will not be diverted to service a backlog of consultation requests; consultation personnel will have the authority to obtain abatement of situations involving imminent danger and serious violations; a consultation visit will provide no immunity from a future regularly scheduled inspection or an inspection in response to a complaint; and any advice or opinion offered by a consultant will not be binding on a compliance officer and will not preclude the finding of alleged violations nor the proposing of penalties.

Under section 18 of the Act and § 1902.4(c)(2)(xiii) a State is not required to develop an "on-site" consultation program as part of its voluntary compliance effort. If a State chooses to develop such a program it must provide assurances, as Washington has done, that the consultation program is completely over and above the enforcement program and will not impair or detract from that enforcement effort. We conclude that the on-site consultation program submitted by Washington will not impair or detract from the State's enforcement program.

Finally, serious questions were raised as to the effectiveness of Washington's enforcement procedures. In the proposed legislation the State provided for a maximum civil penalty in the amount of $500 for nonserious violations in contrast to the Federal ceiling of $1,000. However, a letter to the Assistant Secretary, January 5, 1973, the State agreed to raise its penalty level to $1,000.

A second element of Washington's enforcement program was a provision for discretionary as opposed to mandatory "first instance" civil penalties for serious violations. Washington maintained that this procedure was at least as effective as the Federal system because the State provided for a statutory mandatory civil penalty for any failure to abate a violation and a discretionary "red-tag" provision that, if used, would constitute a "first instance" penalty at least as effective as a monetary civil penalty even though its use was not mandatory. The State's proposed civil penalty system was geared to obtaining abatement of violations once an inspection was made rather than to providing employers with the incentive to correct violations before an inspection by means of an across-the-board mandatory civil penalty for all serious violations found during an initial inspection.

The presence of a mandatory "first instance" penalty is considered an essential element in the effectiveness of the Federal program. Washington agreed to amend its legislation to provide a mandatory "first instance" civil penalty for all serious violations, in addition to the discretionary "red-tag" provision. The State has also decided to provide for a discretionary civil penalty for failure to abate a violation, identical with the provisions in the Federal Act.

3. *Decision.* After careful consideration of the Washington plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan, and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(iii) the present level of Federal enforcement in Washington will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

Within 6 months following this approval, an evaluation of the State plan as implemented will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Washington.

The Washington plan is developmental. The following is the schedule of developmental steps provided by the plan:

(a) Introduction of the legislation in the 1973 Legislative session;

(b) Public hearings and promulgation of occupational safety and health standards within 1 year after the proposed standards are found to be at least as effective by the Secretary of Labor;

(c) Promulgation and adoption of rules and regulations concerning procedures for assuming all obligations and functions arising from the legislation within 1 year of its effective date;

(d) Development and implementation of a data processing system (M.I.S.) 6 months after approval of the plan;

(e) Achievement of training objectives by December 31, 1973;

(f) Upgrading of the Division of Safety personnel following legislative action on recommendations submitted to the 1973 Legislature.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding thereto a new Subpart F as follows:

Subpart F—Washington

Sec.
1952.120 Description of the plan.
1952.121 Where the plan may be inspected.
1952.122 Level of Federal enforcement.
1952.123 Developmental schedule.

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).

§ 1952.120 Description of the plan.

(a)(1) The plan identifies the Department of Labor and Industries as the State agency designated to administer the plan throughout the State. It adopts the definition of occupational safety and health issues expressed in § 1902.2(c)(1) of this chapter. The plan contains a standards comparison of existing and proposed State standards with Federal standards. All standards, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking and longshoring) will be adopted and enforced after public hearings within 1 year after the standards are found to be at least as effective by the Secretary of Labor.

(2) The plan provides a description of personnel employed under a merit system; the coverage of employees of political subdivisions, procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; and procedures for prompt restraint or elimination of imminent danger situations.

(b)(1) The plan includes proposed draft legislation to be considered by the Washington Legislature during its 1973 legislative session creating a new chapter in Title 49, Revised Code of Washington and repealing existing provisions, to bring it into conformity with the requirements of Part 1902. Under the proposed legislation the Department of Labor and Industries will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State. The legislation further proposes to bring the State into conformity in areas such as variances and protection of employees from hazards.

(2) The legislation is also intended to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers for violations of standards and orders; employer right of review to the Board of Industrial Insurance Appeals and then to the courts, and employee participation in review proceedings. The plan also proposes to develop a program to encourage voluntary compliance by employers and employees, including provision for on-site consultations.

(c) The plan includes a statement of the Governor's support for the legislation and a legal opinion from the State attorney general that the legislation will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of Washington. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation.

(d) The Washington plan includes the following documents as of the date of approval:

(1) The plan description documents including draft legislation and appendices in two volumes;

(2) Appendix 18, Standards Comparison;

(3) Letter from William C. Jacobs, Director, Department of Labor and Industries to James W. Lake, Regional Administrator, OSHA, August 11, 1972, submitting justifications for discretionary sanctions for serious violations and changing section 18(5) of WISHA to conform to the mandatory civil penalty for posting violations under OSHA;

(4) Letter from John E. Hillier, Supervisor of Safety, Department of Labor and Industries to Thomas C. Brown, Director, Office of Federal and State Operations, August 19, 1972, submitting justifications on the sanction system and the review procedure in the Washington plan;

(5) Letter from William C. Jacobs to Thomas C. Brown, September 19, 1972, justifying the sanction system as proposed by Washington;

(6) Letter from John E. Hillier to Thomas C. Brown, October 2, 1972, providing a detailed explanation of the procedure for review of citations proposed by Washington;

(7) Letter from Stephen C. Way, Assistant Attorney General to Thomas C. Brown, October 19, 1972, clarifying several issues raised during the review process including revision in the draft legislation;

(8) Letter from Stephen C. Way to the Assistant Secretary, January 5, 1973, clarifying most of the remaining issues raised during the review process;

(9) Letter from William C. Jacobs to the Assistant Secretary, January 12, 1973, revising the penalty structure in the draft legislation.

(e) The public comments will also be available for inspection and copying with the plan documents.

§ 1952.121 Where the plan may be inspected.

A copy of the complete plan may be inspected and copied during normal business hours at the following locations:

Supervisor, Division of Safety, Department of Labor and Industries, 308 East Fourth Avenue, Post Office Box 207, Olympia, WA 98504; Regional Administrator, Occupational Safety and Health Administration, Room 1813, Smith Tower Building, 506 Second Avenue, Seattle, WA 98104; Office of Federal and State operations Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

§ 1952.122 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in Washington will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities; investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.123 Developmental schedule.

The Washington State plan is developmental. The following is the developmental schedule as provided by the plan:

(a) Introduction of the legislation in the 1973 Legislative Session;

(b) Public hearings and promulgation of occupational safety and health standards within 1 year after the proposed standards are found to be at least as effective by the Secretary of Labor;

(c) Promulgation and adoption of rules and regulations concerning procedures for assuming all obligations and functions arising from the legislation within 1 year of its effective date;

(d) Development and implementation of a data processing system (M.I.S.) 6 months after approval of the plan;

(e) Achievement of training objectives by December 31, 1973;

(f) Upgrading of the Division of Safety personnel following legislative action on recommendations submitted to the 1973 Legislature.

Signed at Washington, D.C., this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1574 Filed 1-24-73;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Dakota Developmental Plan

1. *Background.* The State of North Dakota submitted September 22, 1972, a plan pursuant to Part 1902 requesting approval by the Assistant Secretary of Labor for Occupational Safety and Health. Approval would permit the State to apply its State laws and regulations, including job safety and health standards, relating to occupational safety and health under its plan. October 21, 1972, a notice was published in the FEDERAL REGISTER (37 FR 22781) concerning the submission of the plan, the fact that the question of approval was in issue before the Assistant Secretary, and an invitation for public comments. Written comments concerning the plan were submitted by the American Federation of Labor–Congress of Industrial Organizations (AFL–CIO). No other written comments were received and there were no requests for an informal hearing.

The plan identifies the North Dakota Workmen's Compensation Bureau as the State agency designated to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1). The plan states that the North Dakota Workmen's Compensation Bureau is currently exercising inspection authority to enforce State standards in places of employment in the State covered by workmen's compensation insurance.

The plan contains proposed draft legislation to be considered by the North Dakota Legislature during its 1973 session amending Title 65, Chapter 65-01 of the North Dakota State Code and related provisions to bring them into conformity with the requirements of Part 1902. Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of North Dakota. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902.

2. *Issues.* The public comments and our review of the plan raise several significant issues which are addressed by North Dakota in supplementary letters of clarification submitted to the Assistant Secretary dated November 21, 1972, and December 19, 1972, and incorporated as part of the plan.

The first issue is coverage under the North Dakota plan. Agriculture is included as an issue under the proposed

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legislation. However, the scope of the legislation is related to coverage under the workmen's compensation law in North Dakota. Therefore, in order to cover agriculture, the State is proposing an amendment to include agriculture under workmen's compensation insurance legislation and thus under NDOSHA. If the amendment fails to pass the legislature, North Dakota will not cover agriculture as an issue and it will be subject to Federal jurisdiction in accordance with § 1902.2(c)(2).

There are several other types of employment which are also not covered under State workmen's compensation insurance legislation and which will not be covered under the proposed legislation. In two cases, domestic services and employees engaged in the maintenance, operation, and conduct of a place of worship, the State exemption is consistent with the Federal policy position in 29 CFR Part 1975. The remaining three areas are well-defined occupational groups that make continued coverage by OSHA administratively practicable in accordance with § 1902(2)(c)(1). These groups include railroad employment by a common carrier, flying employees, i.e., pilots and crew, of airlines not based in North Dakota, and employees engaged in interstate trucking of persons and property by nonresidents. The latter grouping does not include migratory labor.

A second issue involves the procedure for review of citations and penalties by the Safety Review Board. This provision, section 17, allows the Workmens' Compensation Bureau to prevent a hearing on a citation by failing to certify it to the Board upon receipt of a notice of contest. Failure to certify would operate to amend the citation in accordance with the notice of contest without providing a hearing for affected parties. North Dakota has agreed in a letter dated November 21, 1972, to revise this procedure to require notice to employers and employees of failure to certify and an opportunity for a hearing by the Bureau as required by § 1902.4(c)(2)(xii).

Both the public comments and our review raised questions regarding the effectiveness of the North Dakota procedures for meeting the following indices of effectiveness: § 1902.4(b)(2)(iii) *Standards;* § 1902.4(c)(2)(ii) *Inspection procedure;* § 1902.4(c)(2)(v) *Protection against discrimination;* § 1902.4((c)(2)(vi) *Access to information on hazards;* and § 1902.4(c)(2)(xi) *Sanctions.*

While North Dakota plans to adopt present Federal standards the State will also promulgate rules of procedure for public participation in future standard setting. According to the letter of November 21, 1972, these procedures will equal or exceed the Federal procedures for public participation. As a minimum, the regulations will provide for publication of notice of rulemaking proceedings and participation by interested persons in accordance with the § 1902.4(b)(2)(iii).

Some comment concerned the procedure for emergency temporary standards in North Dakota. In accordance with the State Administrative Procedure Act, all rules and regulations, including emergency temporary standards must be submitted to the Attorney General's office for an opinion as to their legality before they can become effective. Since emergency standards will be published and become effective within 30 days and prior to public notice and public participation, the delay caused by submission to the Attorney General would not make the North Dakota procedure any less effective than the Federal procedure. The lack of a fixed maximum time period of effectiveness for emergency temporary standards before promulgation of a permanent standard does not diminish the effectiveness of North Dakota's procedure but merely provides greater flexibility in the application of the temporary rule.

The promulgation and operation of North Dakota's procedural rules for standard setting will be subject to review during the continuing evaluation of the North Dakota plan contemplated by section 18(e) of the act. In particular, attention will be directed to the amount of public participation permitted and the effect of the emergency temporary standard procedures.

North Dakota plans to adopt Part 1903 of Title 29 Code of Federal Regulations governing inspection procedures. These rules provide for employees to notify compliance officers of violations before, during, and after an inspection. They also provide for informal review of failure to issue citations. In adopting these regulations, North Dakota's inspection procedure will be at least as effective in accordance with § 1902.4(c)(2)(ii).

In a letter of clarification submitted December 19, 1972, North Dakota will revise its discrimination section to authorize the Commissioner of Labor, a separate agency from the Workmen's Compensation Bureau, to issue cease-and-desist orders and to order reinstatement, and backpay to employees. This will provide appropriate relief for employees consistent with § 1902.4(c)(2)(v).

Revisions in the proposed legislation will also be made to provide an employee with the right to have his medical examinations released to his own physician as stated in a letter of clarification, November 21, 1972. In addition, the State will promulgate regulations consistent with section 8(c)(3) of the act and § 1902.4(c)(2)(vi) providing for employees to observe monitoring and have access to the records when required by applicable standards.

The sanction system proposed by North Dakota has been modified in a series of clarifications in order to meet the requirements of § 1902.4(c)(2)(xi). North Dakota's draft legislation does not contain any distinction between serious and nonserious violations, nor is there any mandatory civil penalty for violations of a serious nature. North Dakota has chosen to meet the requirements of this index by regulations and by definitions in the State Compliance Manual. The State Compliance Manual contains a definition of "serious physical harm." In addition, the definition of "serious" violation in the Federal statute will be included in the State Compliance Manual as stated in the letter of clarification November 21, 1972. Therefore, the State program will differentiate between serious and nonserious violations.

On the issue of a mandatory first-instance sanctions for serious violations, North Dakota's legislation provides for discretionary first-instance civil penalties for all violations. However, the State plans to make the mandatory nature of civil penalties for serious violations clear in regulations issued after passage of the legislation as noted in the letter of November 21, 1972. Consequently, North Dakota will have a first-instance mandatory penalty for serious violations of up to $1,000 and discretionary sanctions for nonserious violations also up to $1,000. These steps by the State are sufficient to meet the requirements for approval under part 1902. However, it's recommended but not required that the State meet these requirements by legislation rather than by regulations or by an administrative manual. In accordance with the State Compliance Manual, a mandatory civil penalty will be assessed for failure to post information required by the act.

North Dakota's method of penalizing violations for failure to abate differs from the Federal in that these violations are included in the definition of willful. There is no separate category similar to section 17(d) of OSHA for civil penalties of up to $1,000 a day. The method for assessing a penalty for a willful violation that involves a failure to abate consists of a mandatory assessment of five times the original unadjusted penalty of up to $10,000. The unadjusted penalty is based solely on the gravity of the violation and is proposed to be generally up to $500. Each succeeding violation for failure to abate will also be treated as willful and be subject to a civil penalty of up to $10,000 each time the abatement date is not met. There is also a provision in the legislation for a criminal willful penalty of up to $10,000 and/or 5 years imprisonment. This penalty is not limited to situations where the violation causes death as is the Federal act and it may also be used in addition to civil penalties for failure to abate violations.

There will be no sanctions against employees for violations in the North Dakota legislation for the State has withdrawn section 65-07-02 of its draft legislation which provided for such a sanction. In addition, North Dakota will repeal section 65-03-01 of its workmen's compensation law providing for a penalty of $25 to $100 for violations of a safety rule since it duplicates and is less in amount than the sanction in the proposed legislation.

In several other areas, the North Dakota enforcement program presents alternatives to the Federal scheme. Similar State procedures have been considered to be at least as effective in the South Carolina decision (37 FR 25932), December 6, 1972. First, in conjunction with a prohibition against advance

notice, which is applicable to the Commissioner, Bureau employees and agents, North Dakota provides that whoever gives advance notice shall be guilty of a misdemeanor. Under North Dakota law, 12-06-14, a misdemeanor results in not more than 1 year imprisonment and/or fine of up to $500. The person who gives advance notice is also subject to discharge. The North Dakota prohibition against advance notice is backed up by a reasonable sanction applicable to the classes of persons who would most likely be in a position to give unauthorized notice, State employers and employees. Hence, the plan meets the requirement of §§ 1902.3(f) and 1902.4(c)(2)(xi).

It is pointed out that under § 1902.3(f) the exceptions to the prohibition, administratively granted, can be no broader than those authorized under the Federal program.

The public comments also raise the question of whether North Dakota has an adequate sanction against persons who knowingly make false statements. Section 17(g) of OSHA authorizes a criminal penalty of $10,000 or 6 months imprisonment or both to be assessed against any person who knowingly makes a false statement, representation, or certification. The North Dakota draft legislation states that any person who in any affidavit, testimony or report required by the Bureau, safety review board, Labor Commissioner or the district court in the performance of duties under this chapter knowingly makes any false statement, shall upon conviction be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 3 years or both. The lack of the words "representation and certification" in the North Dakota legislation does not make its overall enforcement procedure less effective than the Federal system.

The operation of the North Dakota penalty system will be subject to review during continuing evaluation of the North Dakota plan under section 18(e) of the Act. In particular, attention will be directed to implementation of the regulations establishing mandatory "first-instance" civil penalties as they affect the authority of the Workmen's Compensation Bureau to develop an "at least as effective" enforcement program.

3. *Decision.* After careful consideration of the North Dakota plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan, and the State's Developmental Schedule as set out below.

Pursuant to § 1902.20(b)(iii), the present level of Federal enforcement in North Dakota will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

Within 6 months following this approval, an evaluation of the State plan, as implemented, will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of North Dakota.

The North Dakota plan is developmental. The following is the schedule of developmental steps provided by the plan:

(a) Introduction of enabling legislation in the Legislative Assembly January 1973;

(b) Public hearings on the adoption of Federal standards to be commenced by April–May 1973;

(c) Hiring and training of additional compliance officers, July 1973;

(d) Formation of the Safety Review Board, July 1973;

(e) Adoption of Federal standards and revocation of existing State standards, July 1, 1973;

(f) Adoption of 29 CFR Parts 1903, 1904, and 1905 as rules and regulations of North Dakota, July 1973;

(g) Implementation of Management Information System, July 1973;

(h) Hiring of additional compliance officers, July 1974.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667) Part 1952 is hereby amended by adding thereto a new Subpart G as follows:

Subpart G—North Dakota

Sec.
1952.130 Description of the plan.
1952.131 Where the plan may be inspected.
1952.132 Level of Federal enforcement.
1952.133 Developmental schedule.

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart G—North Dakota

§ 1952.130 Description of plan.

(a) The plan identifies the North Dakota Workmen's Compensation Bureau as the State agency designated to administer the plan. It adopts the definition of occupational safety and health issues expressed in § 1902.2(c)(1) of this chapter. The plan states that the Workmen's Compensation Bureau is currently exercising inspection authority to enforce State standards in places of employment in the State covered by workmen's compensation insurance.

(b) (1) The plan includes proposed draft legislation to be considered by the North Dakota Legislature during its 1973 session, amending Title 65, Chapter 65-01 of the North Dakota State Code and related provisions, to bring them into conformity with the requirements of Part 1902 of this chapter. Under the legislation the Workmen's Compensation Bureau will have full authority to enforce and administer laws respecting safety and health in all workplaces of the State, with the exception of Parts 1915, 1916, 1917, and 1918 of this chapter (ship repairing, shipbuilding, shipbreaking, and longshoring).

(2) The legislation further proposes to bring the plan into conformity with the requirements of Part 1902 of this chapter in areas such as procedures for variances and the protection of employees from hazards; procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; and procedures for prompt restraint of imminent danger situations.

(3) The legislation is also intended to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provisions for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; employer right of review and employee participation in review proceedings; and coverage of employees of political subdivisions.

(c) The plan includes a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of North Dakota. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 including provision for a merit system for personnel, upon enactment of the proposed legislation by the State Legislature.

(d) The North Dakota plan includes the following documents as of the date of approval:

(1) The Plan description document with proposed legislation and compliance manual;

(2) Letter from Daniel L. Evans, Counsel, Workmen's Compensation Bureau to Charles Boyd, Office of Federal and State Operations, November 6, 1972, with the proposed amendment to include agriculture under workmen's compensation insurance;

(3) Letter from Daniel L. Evans to Thomas C. Brown, Director, Office of Federal and State Operations, November 21, 1972, clarifying issues raised during the review process;

(4) Letter from Bronald Thompson, Chairman, Workmen's Compensation Bureau to Thomas C. Brown, December 19, 1972, clarifying the remaining issues raised during the review process.

(5) Letter from Bronald Thompson, to Thomas C. Brown, January 16, 1973, clarifying coverage under the State plan.

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(e) The public comments will also be available for inspection and copying with the Plan documents.

§ 1952.131 Where the Plan may be inspected.

A copy of the complete Plan may be inspected and copied during normal business hours at the following locations: Workmen's Compensation Bureau, State Capitol, Room 10, Ninth Floor, Bismarck, ND 58501; Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Federal Building, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, CO 80202; and Office of Federal and State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

§ 1952.132 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in North Dakota will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.133 Developmental schedule.

The North Dakota plan is developmental. The following is the schedule of developmental steps provided by the Plan:

(a) Introduction of enabling legislation in the Legislative Assembly January 1973;

(b) Public hearings on the adoption of Federal standards to be commenced by April–May 1973;

(c) Hiring and training of additional compliance officers, July 1973;

(d) Formation of the Safety Review Board, July 1973;

(e) Adoption of Federal standards and revocation of existing State standards, July 1, 1973;

(f) Adoption of Parts 1903, 1904 and 1905 of this chapter; as rules and regulations of North Dakota, July 1973;

(g) Implementation of Management Information System; July 1973;

(h) Hiring of additional compliance officers, July 1974.

Signed at Washington, D.C., this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1573 Filed 1-24-73;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of New Jersey Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval, under the requirements of that section, plans to assume responsibilities for the development and enforcement of State occupational safety and health standards.

On July 3, 1972, the State of New Jersey submitted a comprehensive developmental Occupational Safety and Health plan in accordance with these procedures and on August 26, 1972, a notice was published in the FEDERAL REGISTER (37 FR 17447) concerning the submission of the plan and the fact that the question of approval was in issue before the Assistant Secretary.

The plan provides for the enactment and implementation of legislation which will establish a comprehensive occupational safety and health program in New Jersey that will apply to all industries in the State except establishments engaged in freight and passenger transportation on the open seas or inland waters or establishments furnishing such incidental services as lighterage, towing, and canal operation. The major provisions of the plan and the proposed schedule for its development are summarized in the new Subpart H of 29 CFR Part 1952 set forth below.

Interested persons were afforded 30 days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the basis of substantial objections to the contents of the plan.

2. *Issues.* Pursuant to this notice several comments and requests to be heard orally were received from interested persons and organizations including the Woodbridge Area Chamber of Commerce, the New Jersey Chamber of Commerce, Suburban Propane, the New Jersey Chapter, American Society of Safety Engineers, the Oil, Chemical and Atomic Workers, International Union, Merck & Co. Inc., the AFL–CIO Standing Committee on Safety and Occupational Health, the Shell Oil Co., the New Jersey Manufacturers Association and the U.S. Steel Corp. Although these comments demonstrate strong preferences for widely differing methods of administration from those that have been proposed, they did not indicate that the plan failed in any material way to meet the criteria for acceptability as set forth in section 18(c) of the Federal act or 29 CFR Part 1902. For these reasons requests for an informal hearing are denied as not being sufficiently substantial. On the basis of an analysis of the material received and in light of the differences between the New Jersey proposed program and the Federal safety and health program, a discussion of the following major issues however, is appropriate.

Under the Federal program only employers and employees have responsibilities for providing safe and healthy places of employment. The New Jersey program, however, also directs such responsibility to "owners" of establishments used as places of employment with respect to such matters as their structural adequacy, protection against the origin and spread of fire and for the provision of adequate general ventilation and lighting, emergency egress, fire warning systems and safe elevator systems. Appropriate assurance is provided to the effect that this will not relieve any employers as distinguished from owners from their responsibilities. With regard to these matters the New Jersey plan would (f) make "owners" subject to the penalties and enforcement procedures to which employers are subject, (2) require "owners" of structures to be erected and used as places of employment to submit plans for approval and (3) provide for the enforcement of provisions of the State building code with respect to such structures. Although these factors do not appear to detract in any way from the acceptability of the plan, some of the activities involved in (2) and (3) above may in many respects concern matters that only indirectly and perhaps remotely affect occupational safety and health. Therefore, it will be necessary to determine in considering any grant application under section 23(g) of the Federal Act what portion of these program components substantially relate to employees and their places of employment in issues covered by the Federal standards[1] because the Federal share of the funding of the State program will have to be based on an amount not exceeding the cost of this base. In addition, other sources of financing would operate to reduce the Federal share.[2]

Unlike the Federal program, the New Jersey proposed law does not provide for adjudication of contested citations by an independent quasi-judicial agency. Instead, hearing examiners are appointed by the enforcing agency and their decisions are subject to review by its director. This results in the final judge in administrative adjudications of contested citatons being the same person who directs the enforcement operations. His decisions are subject to judicial review by the New Jersey Superior Court. Accordingly, for such review procedure to provide an adequate level of procedural fairness, it would appear necessary that it incorporate assurance that no employee engaged in the investigative or prosecuting functions of a case shall participate in the agency review of it (cf. 5 U.S.C. 554). In evaluating the implementation of the New Jersey program, compliance with this procedural safeguard will be expected.

The New Jersey proposed law provides what is commonly known as the "red-tag" method of coping with "imminent dangers." Instead of the court injunction available under the Federal program, the State administrative agency can issue an order to an employer to take corrective action or to cease specific operations until a hazard is removed. To help assure compliance (1) the State agency is empowered to seek injunctions enforcing such orders, (2) failure to comply with such orders will establish a prima facie case of willfulness, and (3) aggrieved persons may seek a writ requiring action where the agency has arbitrarily or capriciously failed to act. To protect the procedural rights of employers, the law requires (1) the provision of a hearing and decision within 48 hours of a request, and (2) that reinspection be made within 1 working day of receipt of notice from the employer that the hazard has been eliminated. If the agency fails to so inspect, the order expires. Although this 1-day period gives the agency little time to act, it must be viewed in light of the fact that it does not run until after the employer has served upon the agency his statement that he has taken appropriate action, thus subjecting himself to possible criminal sanctions under the proposed act if such statement is false. These methods proposed by the State to enforce its orders to cope with imminent dangers appear reasonably calculated both to ensure compliance and to protect employers against abuse of agency power.

The State's proposed law respecting maximum civil penalties is no different from those established under the Federal act. However, the State has proposed a different formula for determining whether the maximum or some lesser amount should be assessed with respect to particular violations. Instead of starting at a fixed amount and reducing it for size, gravity, good faith, and history, the State proposes to assign a given weight to each of these factors and multiply them together to determine the amount of the penalty.

As examination of the contemplated application of the State formula reveals that it may result in the assessment of greater penalties than the current Federal formula used by the Secretary of Labor (See Compliance Operations Manual—January 1972 (OSHA 2006) Chapter XI), it appears that it will be at least as effective as the Federal method in encouraging safe practices. Nevertheless, a carcful study of the formula's application in actual operation will be made in future evaluation of the Plan under section 18(e) of the Act.

3. *Decision.* After carcful consideration of the New Jersey plan and comments submitted regarding the Plan, the Plan is hereby approved under section 18 of the Act and Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards in areas covered by the Plan and the State's Developmental Schedule as set out in § 1952.143 below.

Pursuant to § 1902.20(b)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in New Jersey will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f); continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis. About 6 months following this approval, an evaluation of the State plan, as implemented, will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of New Jersey.

Part 1952 is hereby amended by adding thereto a new Subpart H reading as follows:

Subpart H—New Jersey

Sec.
1952.140 Description of the Plan.
1952.141 Where the Plan may be inspected.
1952.142 Level of Federal enforcement.
1952.143 Developmental schedule.

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart H—New Jersey

§ 1952.140 Description of the Plan.

(a) The Plan identifies the Department of Labor and Industry of the State of New Jersey (hereafter called the State agency) as the agency designated by the Governor of the State to administer the Plan. It will cover all places of private and public employment except those whose major activities are within water transportation industries as described in Major Group 44 of the 1972 edition of the Standard Industrial Classification (SIC) Manual of the Office of Management and Budget of the Executive Office of the President.

(b)(1) The Plan requires employers of one or more employees to furnish them employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm, and to comply with all occupational rules and orders promulgated or issued by the State agency. The Plan also directs employees to comply with all occupational safety and health rules and orders that are applicable to their own actions and conduct.

(2) The Plan also requires each owner of any premises used in whole or in part as a place of employment to be responsible for its structural adequacy, protection against the origin and spread of fire and for the provision of adequate general ventilation and lighting, emergency egresses, fire warning systems and safe elevator systems.

(c) The Plan provides for the adoption of standards published in this Chapter XVII of Title 29 of the Code of Federal Regulations (see 37 FR 22102, 22458, and 27503) without public proceedings as well as procedure for the adoption of differing and additional more effective standards on the basis of procedures providing for public participation therein. There is also provision for maintaining existing safety and health standards until superseded for a maximum of 5 years.

(d) The plan provides that the State agency is to have full authority to administer and enforce all laws, rules, and orders protecting employee safety and health in all places of employment in the State. It also proposes procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for variances and the protection of employees from hazards. The plan provides employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during, and after inspections, protection of employees against discharge or discrimination in terms and conditions of employment, notice to employees or their representatives when no compliance action is taken upon complaints, including informal review, notice to employees of their protections and obligations, adequate safeguards to protect trade secrets, prompt notice to employers and employees of alleged violations of standards and abatement requirements, effective remedies against employers and owners, and the right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings; procedures for prompt restraint or elimination of imminent danger conditions, and procedures for inspection in response to complaints.

(e) The Plan includes a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of New Jersey. The Plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation by the State legislature. A merit system of personnel administration will be used. In addition, efforts to achieve voluntary compliance will include both on and off site consultations with employers. (cf. the approval of the Washington State plan in Subpart F of this part.)

§ 1952.141 Where the Plan may be inspected.

A copy of the complete Plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, NY; and the Office of the Assistant Commissioner of Labor Relations and Work Place Standards of the Department of Labor and Industry of New Jersey, Room 1301, John Fitch Plaza, Trenton, N.J.

[1] Such standards when applicable to a class of persons larger than employees are themselves limited in application to employees and their places of employment. See 29 CFR 1910.5(d).

[2] See 29 CFR Part 1951, in particular Sec. 1951.22; also Sec. 104(a) Revenue Sharing Act of 1972 (Public Law 92-512).

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§ 1952.142 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in New Jersey will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its target safety and target health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.143 Developmental schedule.

The New Jersey plan is developmental. The following is the schedule of the major developmental steps provided by the Plan:

(a) Introduction of enabling legislation, January 1973.
(b) Integrate Migrant Labor Inspection Activities Into the State Plan, June 1973.
(c) Passage of enabling legislation, June 1973.
(d) Complete Phase I of Standards Revision and Promulgation as described in detail in the Plan, September 1973.
(e) Adopt Part 1904 of this chapter, Regulations for Employer Reporting, September 1973.
(f) Adopt Federal Standards on Employee Access to Information Regarding Exposure to Toxic Materials or Harmful Physical Agents, October 1973.
(g) Promulgate Rules on Noncompliance, Employee Discrimination, Imminent Danger, October 1973.
(h) Promulgate Rules on Trade Secrets, Ocotber 1973.
(i) Complete Phase II of Standards Revision and Promulgation as described in detail in the Plan, January 1974.
(j) Complete Phase III of Standards Revision and Promulgation as described in detail in the Plan, July 1974.
(k) Complete Phase IV of Standards Revision and Promulgation as described in detail in the Plan, January 1975.
(l) Implement Safety Program for Public Employees, March 1975.
(m) Complete Phase V of Standards Revision and Promulgation as described in detail in the Plan, May 1975.
(n) Complete State Plan Implementation, June 1975.

Signed at Washington, D.C., this 22d day of January 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-1572 Filed 1-24-73;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

OFFICERS, CLASSIFICATION, AND EXAMINATION

Effective Date; Correction

In FR Docs. 73-16 and 15, which appear at pages 731 and 732, in the issue of Thursday, January 4, 1973, Parts 1604, 1622, 1623, 1625, 1628, 1630, 1631 and 1680 are amended by changing the effective date now reading December 31, 1972, to read January 6, 1973.

BYRON V. PEPITONE,
Acting Director.

JANUARY 19, 1973.

[FR Doc.73-1536 Filed 1-24-73;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 71-102R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hutchinson River, N.Y.

This amendment changes the regulations for the Hutchinson River Parkway drawbridge across the Hutchinson River, Bronx, N.Y., to require at least 6 hours notice at all times. This amendment was circulated as a public notice dated October 14, 1971 by the Commander, Third Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-102) on October 14, 1971 (36 FR 19981). Six comments were received. Three were referred to the City of New York because they concerned safety of the public and were not related to navigation. One comment discussed vehicular traffic delays at the Hutchinson River Parkway bridge and other bridges in this area. It was suggested that in addition to the 6 hours notice proviso the draws of these bridges remain closed to navigation from 7-9 a.m. and 4:30-6:30 p.m., to expedite rush hour vehicular traffic. However, tidal conditions dictate when a vessel may transit this reach of water, in part, so this suggestion has not been adopted. Two objected to any change in the regulations because of tidal fluctuations and the depth restrictions in the channel which frequently require high water to enter or depart from various facilities on the waterway. However, it is felt by the Coast Guard that this change will not impose undue restrictions on navigation and this change is adopted. If additional data demonstrates the need for further amendments, such action will be taken at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.155(b) to read as follows:

§ 117.155 Hutchinson River, N.Y.; bridges.

• • • • • •

(b) All bridges, except the Eastchester Creek Bridge (I-95) and the Hutchinson River Parkway Bridge, shall open promptly on signal. The Eastchester Creek (I-95) and Hutchinson River Parkway bridges shall open promptly on signal if at least 6 hours notice has been given.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on February 26, 1973.

Dated: January 18, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-1557 Filed 1-24-73;8:45 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-(*p-tert*-Butylphenoxy)Cyclohexyl 2-Propynyl Sulfite

A petition (PP 3F1305) was filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing to increase the established 3 parts per million tolerance for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodity plums (fresh prunes) to 7 parts per million.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the increased tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), § 180.259 is amended by revising the paragraph "7 parts per million • • •" and by deleting the words "plums (fresh prunes)" from the paragraph "3 parts per million • • •", as follows:

§ 180.259 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

• • • • • •

7 parts per million in or on apricots, peaches, plums (fresh prunes), and strawberries.

• • • • • •

3 parts per million in or on apples and pears.

Any person who will be adversely affected by the foregoing order may at any time before February 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth & M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 26, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 19, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1499 Filed 1-24-73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.52—Procurement of Special Items

JEWEL BEARINGS

These changes are being made to implement revised FPR 1-1.319, Procurement of items using jewel bearings. A reference to this FPR is being made in § 9-5.5207-5.

In Subpart 9-5.52, Procurement of Special Items, a new § 9-5.5207-5, Jewel bearings, is added as follows:

§ 9-5.5207-5 Jewel bearings.

See FPR 1-1.319.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective on January 26, 1973.

Dated at Germantown, Md., this 16th day of January 1973.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.73-1497 Filed 1-24-73;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5327]

[Idaho 2337]

IDAHO

Powersite Restoration No. 659; Partial Revocation of Powersite Reserve No. 193; Final Revocation of Powersite Reserves Nos. 386, 467 and 481

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), and pursuant to a determination of the Federal Power Commission in DA-594-Idaho, it is ordered as follows:

1. The Executive orders of July 26, 1911, July 10, 1913, December 15, 1914, and February 23, 1915, creating Powersite Reserves Nos. 193, 386, 467, and 481, respectively, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

POWERSITE RESERVE NO. 193

T. 9 S., R. 41 E.,
Sec. 18, lot 4, NE¼NE¼, S½NE¼, SE¼, E½SW¼;
Sec. 19, lots 1 and 2, S½NE¼, N½SE¼;
Sec. 20, W½SW¼;
Sec. 30, NW¼NE¼, E½SE¼;
Sec. 31, NE¼NE¼, SW¼NE¼.

POWERSITE RESERVE NO. 386

T. 11 S., R. 44 E.,
Sec. 4, SE¼NE¼, NE¼SE¼.

POWERSITE RESERVE NO. 467

T. 9 S., R. 41 E.,
Sec. 18, NW¼NE¼.

POWERSITE RESERVE NO. 481

T. 12 S., R. 41 E.,
Sec. 28, N½N½.

The areas described aggregate 1194.42 acres in Caribou, Bear Lake, Franklin, and Bannock Counties.

2. All of the lands in paragraph 1, except those described as the E½SE¼, sec. 18, T. 9 S., R. 41 E., and the SE¼NE¼, NE¼SE¼, sec. 4, T. 11 S., R. 44 E., are either patented or withdrawn for other purposes. Some of the lands described in T. 9 S., R. 41 E., have previously been restored from the withdrawal made for powersite purposes in Powersite Reserve No. 193, subject to the provisions of section 24 of the Act of June 10, 1920, supra. The effect of this order is to relieve the restored lands of the limitation prescribed by said section 24.

3. At 10 a.m. on February 23, 1973, the unpatented, unreserved public lands described in paragraph 2 of this order, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 23, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands have been and will continue to be open to the filing of applications and offers under the mineral leasing laws and to location and entry under the United States mining laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho 83702.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 18, 1973.

[FR Doc.73-1546 Filed 1-24-73;8:45 am]

[Public Land Order 5328]

[Wyoming 34023]

WYOMING

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for the North Platte project:

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 62 W.,
Sec. 20, SW¼SE¼;
Sec. 29, W½SE¼ N.
T. 26 N., R. 64 W.,
Sec. 29, SW¼SW¼;
Sec. 30, S½SE¼.

The areas described contain 240 acres in Goshen County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 18, 1973.

[FR Doc.73-1547 Filed 1-24-73;8:45 am]

[Public Land Order 5329]

[Sacramento 4528]

CALIFORNIA

Withdrawal for Public Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

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1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, and reserved for Forks of Butte Creek Recreation Area:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 3 E.,
Sec. 3, lots 2, 3, 4, and portions of lots 37 and 42, W½ lot 5, S½NW¼, SW¼SW¼, N½SE¼SW¼, N½S½SE¼SW¼, W½NW¼SE¼, N½SW¼;
Sec. 4, lots 1 and 2, S½N½, SE¼;
Sec. 10, S½N½NE¼NW¼.
T. 24 N., R. 3 E.,
Sec. 22, E½E½NE¼, NW¼SE¼SW¼, S½SE¼SW¼, E½SE¼, S½SW¼SE¼;
Sec. 26, NW¼NE¼, N½NW¼, SW¼NW¼, N½NW¼SW¼;
Sec. 27, N½NW¼NE¼, SE¼NE¼, SW¼, NE¼SE¼, exclusive of MS 5799, NW¼SE¼, SW¼SE¼, exclusive of MS 5243 and MS 5799;
Sec. 34, lots 1, 2, lot 3 exclusive of MS 4480, lot 6 exclusive of MS 5243, lot 8 exclusive of MS 5243, portion of Mineral Lot 38 in SE¼NE¼, W½.

The areas described aggregate 1,986.89 acres in Butte County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 18, 1973.

[FR Doc.73-1548 Filed 1-24-73;8:45 am]

[Public Land Order 5330]

[Idaho 017334]

IDAHO

Withdrawal for Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for a recreation site:

BOISE MERIDIAN

T. 29 N., R. 4 W.,
Sec. 11, Lot 3;
Sec. 14, Lot 2.

The area described contains 61.72 acres in Nez Perce County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. The withdrawal made by this order is subject to the withdrawal made by Powersite Reserves Nos. 8 and 77 of July 2, 1910, and to the provision that any definite plan of recreation development will be submitted to the Federal Power Commission before any structures or improvements are placed on the lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 18, 1973.

[FR Doc.73-1549 Filed 1-24-73;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

[General Order 109, Rev., Amdt. 5]

PART 390—CAPITAL CONSTRUCTION FUND

Deposits for Taxable Year 1972

The following regulations relate to the Merchant Marine Act, 1936 (46 U.S.C. 1177), as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein for taxable years beginning after December 31, 1969, and before January 1, 1973. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein for such years. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate. These regulations have been issued jointly by the Secretary of the Treasury and the Secretary of Commerce and also appear under 26 CFR Part 3 (Treasury) and 50 CFR Part 259 (Fisheries).

In order to extend the provisions of the temporary regulations under section 21 (a) of the Merchant Marine Act of 1970 to taxable years beginning in 1972, § 390.1, Title 46, Chapter II, Code of Federal Regulations, is amended by revising so much of § 390.1 as precedes paragraph (a) of that section and by revising paragraph (d) of that section as follows:

§ 390.1 Capital construction fund.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1973, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

* * * * *

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1973.

(Sec. 607, Merchant Marine Act, 1936, 46 U.S.C. 1177, as amended by section 21(a), Merchant Marine Act of 1970, 84 Stat. 1026)

Dated: January 19, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary, Maritime Administration.

[FR Doc.73-1578 Filed 1-24-73;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18455; FCC 73-45]

PART 73—RADIO BROADCAST SERVICES

Remote Indicating Phase Monitors and Remotely Controlled Directional Stations

Report and order. In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to use of remote indicating phase monitors and the inspection requirements for remotely controlled directional stations, Docket No. 18455, RM-1098.

1. In response to a petition filed by the National Association of Broadcasters (NAB), the Commission by a notice of proposed rule making, released February 28, 1969, initiated this proceeding, which contemplates the amendment of paragraphs (a) (5) and (6) of § 73.67 of the rules governing the operation by remote control of standard broadcast stations utilizing directional antennas, as follows (the underlined material would be added to the existing text):

(5) The indications at the remote control point of the antenna current meter, or, for directional antennas, the common point meter and the remote base current meters shall be read and entered in the operating log each half hour. If a station employs a phase monitor providing phase and loop current indications at the remote control point, these indications shall also be read and entered in the operating log each half hour, *Provided, however,* That the phase monitor employed is of a type approved by the Commission for providing such remote indications.

(6) The indications at the transmitter, if the station employs a directional antenna, of the common point current, base currents phase monitor sample loop currents and phase indications shall be read and entered in the operating log once each day for such pattern. These readings must be made within two hours after the commencement of operation for each pattern: *Provided, however,* That stations reading and logging phase monitor indications at the remote control point need only make readings and entries of indication at the transmitter once each day (for any directional pattern), regardless of any condition on the license which may require more frequent readings. However, no more than 48 hours shall elapse between successive readings at the transmitter for a given mode of directional operation.

2. The effect of these rule amendments would be to relieve operators of a station employing more than one directional radiation pattern of the necessity for making more than one set of readings at the transmitter each day if the station employs a phase monitor type approved for its capability for providing phase indications at a remote control point, and such indications are in fact read and logged at that point.

3. The substance and effect of the amendments is generally in accord with NAB's proposals, with the exception that we proposed to permit the remote logging of phases only with suitable type approved monitors, a restriction not suggested by NAB. We noted that the great majority of existing monitors can be used for remote phase indications, if at all, only after extensive alteration, and the only assurance that accurate and reliable indications would be provided at a remote control point rested in a requirement that a monitor be employed which the Commission has established as acceptable for this purpose through the type approval procedure.

4. In a separate proceeding (Docket 18471) we proposed rules governing the type acceptance of phase monitors.

5. Our notice of proposed rule making herein set April 7, 1969, as the deadline for filing comments, and April 17, 1969, for filing reply comments. These dates were extended by subsequent orders to July 9, 1969, and August 8, 1969, respectively.

6. Twenty-seven comments by 26 parties were filed, and one reply comment. These parties are:

Wolf Broadcasting Corp. (WFRO).
American Broadcasting Companies, Inc. (ABC).
Kear and Kennedy (Kear).
Newhouse Broadcasting Corp. (Newhouse).
McClatchy Newspapers (McClatchy).
J. G. Rountree (Rountree).
KFXM Broadcasting Co. (KFXM).
Storer Broadcasting Co. (Storer).
The Association of Federal Communications Consulting Engineers (AFCCE).
John K. Birch (Birch).
A. Earl Cullum, Jr. and Associates (Cullum).
Walter F. Kean (2 filings) (Kean).
The McLendon Corp. (McLendon).
National Association of Broadcasters (NAB).
National Broadcasting Co., Inc. (NBC).
Badger Broadcasting Co. (WIBA).
Ralph J. Bitzer (Bitzer).
James A. Noe (Noe).
Mobil Video Tapes, Inc. (MVT, Inc.).
United Broadcasting Co. of New York, Inc. (UBC).
WEEU Broadcasting Co. (WEEU).
Association on Broadcasting Standards, Inc. (ABS).
Columbia Broadcasting System, Inc. (CBS).
Defense Electronics (DE).
Frank S. Colligan (Colligan).
Department of Education of Puerto Rico (reply comment).

7. All pleadings have been carefully considered. The parties agree that the reading and logging of phase indications at a remote control point should be permitted, if a phase monitor type approved for providing such indications is utilized. There is general agreement that with such facilities available, the present requirements for the reading and logging of indications of various parameters at the transmitter can be relaxed. However, there is a considerable difference of opinion as to the extent and terms of this relaxation.

8. The proposed rules stipulate that no longer than 48 hours may elapse between successive meter readings of the transmitter for a given directional pattern. Several of those commenting suggest that this interval should be somewhat further extended to provide greater flexibility for the licensee in scheduling and making the required readings at the transmitter. McClatchy and Kean suggest 50 hours in lieu of 48, Rountree 52 hours, AFCCE and CBS, 54 hours, while NBC and Noe urge that transmitter readings for a given mode of directional operation be made "at least every other day" (NBC) or "at intervals of not less than every second day" (Noe). On the other hand, DE states that in no case should more than 48 hours elapse "between inspections, and thus local readings". Furthermore, says DE, each licensee should be required to perform daily inspections for each pattern for some period of time after initiating remote operation. Noe suggests that if phases are read at the remote control point, the interval between times of logging these and other parameters should be increased from one-half hour to 1 hour.

9. Rountree notes that the Commission has interpreted § 73.67(a) (6) as not to require readings at the transmitter for any particular mode of directional operation which endures for a period of less than 1 hour, and requests that this interpretation be specifically reflected in the amended rules. He further believes that the application of the proposed rules to an operation involving only a single directional pattern is unclear. CBS suggests that if, in instances where two directional patterns are employed, it is feasible to reduce the frequency with which transmitter readings must be made to once every second day for each pattern, a station employing a single directional pattern should be required to log readings at the transmitter no more often than on alternate days.

10. If a directional antenna system has a record of proven stability and operates well within the required tolerance, Cullum and Storer state that weekly checks at the transmitter should be adequate. Birch also supports weekly transmitter readings in conjunction with the maintenance log requirements of § 73.114(a) (1) (i), and at the same time, would require checks of the calibration adjustments of the phase monitor.

11. UBC and WEEU suggest that when phases are read and logged at the remote control point, logging of indications at the transmitter should be necessary no more than 5 days per week (apparently to parallel the maintenance inspection schedule prescribed in § 73.93(j)). On the other hand, CBS is of the opinion that daily maintenance inspections are not necessary, and urges that any requirements for the logging of meter readings at the transmitter for pattern maintenance not be associated with the requirements for routine maintenance inspections.[1]

12. ABC believes it unnecessary to make daily base current readings at the transmitter if loop currents are read at the remote control point. ABS urges that the base current reading requirement be abolished where phase monitor loop sample currents are read remotely. However, a condition precedent to such abolition would be some standardization in the design and placement of the sampling loop circuits. Kear and Kennedy also emphasize the necessity for proper sampling circuits if loop currents are to be relied on in lieu of base currents. There is rather general agreement that if the station license permits the logging of phase monitor sample currents in lieu of remote base currents at the transmitter, the same latitude should be permitted at the remote control point, and, to the extent the proposed rule requires that both phase monitor current indications and base current indications be logged at the remote control point, it should be modified to require only one or the other, but not both.

13. A number of licensees who indicate that they are presently reading and logging loop current indications at their remote control locations, as "indications * * * of * * * remote base current meters" seek assurances they will not be required to install type approved phase monitors to continue this practice. It is also urged that if current indications of a type approved phase monitor are read and logged at the remote control point, it should be unnecessary to also read and log indications of base current, as the proposed rule would require.

14. ABC states its experience with the transmission of phase monitor indications to a remote control point indicates that serious errors may be experienced over a remote control system using telephone lines and direct current metering, and it found it necessary to utilize a tone telemetry system to minimize such errors. Storer also questions the feasibility of transmitting indications of small phase differences over DC systems because the extremely low voltages corresponding to such differences may be affected by induced potentials in the telephone metering lines.

15. Storer states, however, that there should be no difficulty in transmitting accurate indications, even from a precision phase monitor, if an adequate telemetry system is employed. It noted there is at least one type of precision monitor with facilities for remote indication.

16. Storer urges that we specify the procedure to be followed by a station

[1] In its Order In the Matter of Re-regulation of Radio and Television Broadcasting, adopted November 1, 1972 (FCC 72-967), the Commission amended § 73.93(j) so as to require transmitter inspections only once each week, with no less than 5 days between successive inspections.

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licensee in replacing an existing phase monitor by a type approved monitor providing remote indications.

17. Cullum, ABS and CBS all urge that we provide in this proceeding for the use of limit alarms for phase and loop current indications. With such alarms, they state, it should be feasible to reduce greatly the frequency with which these indications are observed and logged. CBS proposes a modification of the proposed amendment of § 73.67(a)(5) which would permit the logging of phase and sample current indications at 4-hour intervals, if limit alarms are installed.

DISCUSSION

18. If facilities are provided at the remote control point for monitoring phases and current ratios, in addition to the parameters specified in present § 73.67 (a)(5), there is available to the operator at that point essentially all of the information concerning the functioning of the directional array which he would have if stationed at the transmitter. However, the indications read at the remote control point have accuracy and reliability comparable to indications observed at the transmitter only if an adequate telemetry system is employed, and the indicating instruments at the remote control point are maintained in accurate calibration.

19. The Commission does not prescribe more than the barest requirements for remote control systems, and relies on the judgment and diligence of station licensees to insure that the remote indicating and control facilities are fully adequate. Under such circumstances, while we are of the opinion that observations at the transmitter may be lessened in frequency in general accordance with the proposed rules, we are unable to agree with those parties who suggest that the provision of phase indications at the remote control point justifies a reduction in the schedule of readings at the transmitter to once a week.

20. With respect to the other relaxations requested, we agree that there is no necessity for observing and logging readings at the transmitter for any particular radiation pattern within a precise 48-hour interval, and realize such a strict limit may impose some hardship on licensees in scheduling transmitter visits. We are also impressed by the argument that when phase indications are read and logged at a remote control point, if it is feasible to reduce the frequency of transmitter readings for each mode of directional operation for a station utilizing two directional patterns, comparable relief should be afforded a station operating at all times with the same directional pattern (that is, DA-1). We further believe that a station operating nondirectionally daytime, and with a directional pattern at night (DA-N) merits the same consideration. Therefore, the rule amendments which we are adopting require readings at the transmitter every second day for each directional pattern, with no more than 54 hours elapsing between successive readings at the transmitter for each pattern. Of course, under such circumstances base currents need be read only in connection with other readings required at the transmitter. The amended rules permit this, even though a station license may require more frequent readings of base currents.

21. While, for remote control operation, we do not provide the full relief sought by UBC and WEEU—that transmitter readings not be required more than 5 days a week—we have afforded considerably increased flexibility even for a station with two radiation patterns. If the licensee wishes to schedule the times of transmitter visits so that readings for each pattern are made on the same day, he may omit transmitter readings on the next day. For a station using a single directional pattern, as much as 54 hours may elapse between the times readings are made at the transmitter.

22. We also are acting on Rountree's suggestion that since the Commission has interpreted the present rule as not to require readings at the transmitter for a period of operation in any directional mode of less than an hour in duration, the rule be amended to specifically provide for this relief.

23. Concerning the question as to what "current indications" must be read at the remote control point we would first observe that while paragraph (a)(5) of § 73.67, as now written, requires that "indications • • • of • • • remote base current meters shall be read and entered in the operating log • • •" the Commission has permitted phase monitor sample currents to be read and logged in satisfaction of this requirement if the station license permits sample currents to be read in lieu of base currents. However, under such circumstances the samples for the remote point are not "provided by the phase monitor" but are extracted from the sample lines feeding the phase monitor by such means that the accuracy of indication of the phase monitor is unaffected. This expedient has been required inasmuch as the majority of the older phase monitors do not include provisions for remote current indication, and the Commission wishes to discourage any attempt to alter a phase monitor to provide this capability, on the theory that its performance might be adversely affected by such alteration.

24. Modern phase monitors of designs eligible for type approval incorporate outputs suitable for remote current indication. Where such a phase monitor is employed, it offers a more convenient, less cumbersome, and probably more accurate means for providing current indications to a remote control point than methods requiring the extraction of currents for remote indication from sampling lines intended primarily to provide input currents for the phase monitor.

25. We agree with those parties who contend that, for directional antenna systems, it should be unnecessary to read and log at a remote control point more than one set of indications of relative tower current amplitudes. So, in the amended rules which we adopt, a licensee is given the option of reading and logging at the remote control point either (1) remote base current indications, (2) indications of currents extracted from phase monitor sample lines, or (3) if he has a type approved phase monitor, current indications provided by the phase monitor.

26. Under the provisions of the amended rules, where tower current indications are presently being provided to a remote control point by acceptable means, and are read and logged at the remote control point, this practice may be continued. However, if a licensee at its remote control point proposes to read and log phase relationships and/or current indications obtained from the output of a phase monitor, a type approved instrument ordinarily will be necessary. We believe that the rules, as revised, satisfy the objections of those who alleged that the rule, as originally proposed, would require them to install type approved monitors in order to continue reading indications of currents obtained from phase monitor sampling lines.

27. We particularly note that ABC and Storer question the feasibility of accurately and reliably transmitting phase monitor indications over a remote control system employing DC metering. ABC experienced serious errors in attempting to do this, and installed a tone telemetry system at KQV to achieve satisfactory operation. Storer points out that the extremely low voltages associated with indications of small phase differences may be affected by DC offset voltages induced in the telemetry lines by neighboring telephone circuits, thus producing erroneous readings.[3]

28. As emphasized in paragraph 19, above, the Commission does not prescribe engineering standards for remote control systems, but places on each licensee operating by remote control the burden of providing a system by which effective and reliable control of its transmitter is achieved and accurate indications of transmitter operating conditions are made available to the operator at the remote control point. Thus, if a licensee, pursuant to the amended rules, undertakes to read phase indications at a remote control point, it is expected that such changes will be made in the remote telemetry system as are found necessary to insure that the phase indications of the station monitor are accurately reproduced at its remote control point.

29. We note Storer's request that we specify a procedure to be followed when a licensee elects to replace an existing phase monitor with one approved for providing remote phase indications. We agree that it is desirable to establish such a procedure by rule, and have done so in paragraph (c) of new § 73.69, which

[3] Storer suggests that close-to-zero phase indications may be avoided by introducing additional phase shift in the sample line from the tower presenting the sensitive indication. Assuming that the condition for maximum stability of phase monitor indications is one in which equal amounts of phase shift occur in all sample lines, employment of this expedient, if it destroys such an equality, is, per se, undesirable.

is adopted contemporaneously in Docket 18471.

30. We are adopting Birch's suggestion that § 73.114 be amended to provide for a weekly entry in the maintenance log indicating that the calibration of the phase monitor has been checked. The calibration involves, in the types of phase monitors under consideration, the checking and readjustment, if necessary, of the zero and 180 degree points of the phase indicating meter. Calibration at weekly intervals is expected to be sufficient to maintain the required degree of repeatability.

31. We are also taking this opportunity to amend § 73.114 to require specifically the calibration of indicating instruments at a remote control point at weekly intervals. While we believe that this practice is generally followed by licensees operating by remote control, and is in general conformity with the requirements of § 73.39 regarding the calibration of remote reading instruments, there has been heretofore no unambiguous requirement for calibration of indicating instruments at a remote control point.

32. In the amendment of § 73.67(a)(5) proposed by NAB, and in the somewhat modified version of its proposal offered for comment by the Commission, phase indications, if they are provided at the remote control point would be read and entered in the operating log at successive intervals corresponding to those prescribed for the logging of other operating parameters in the rules as it existed at the time this proceeding was begun, namely, once each half hour. Various parties urged that such frequent entries in the log were unnecessary and burdensome, and made various suggestions for the lengthening of the interval between successive entries.

33. Substantial relief recently has been provided in this area by the adoption, on November 1, 1972, of an Order, "In the Matter of Re-regulation of Radio and Television Broadcasting" (FCC 72-967), which, among other things, amends §§ 73.113(a)(3) and 73.67(a)(5) to such effect as to lengthen the interval between successive entries of parameters in the operating log at the remote control point from one-half hour to 3 hours. In the rule amendments adopted herein we, of course, have incorporated this change, and have specified the same schedule for the logging of phase indications at the remote control point.

34. In the light of this relaxation in the logging requirements for stations with directional antennas operating by remote control, little justification remains for maintaining a more demanding requirement for such stations when not so operated. Heretofore, this requirement, which specifies the observation and logging of phase indications and remote base currents or sample currents once each hour, has not been contained in our rules, but is set forth in each station's instrument of authorization. In the amendment of § 73.113, as described below, we now establish, by rule, a 3-hour schedule for entry of these parameters in the operating log, which will take precedence over the schedule specified in current instruments of authorization. It is anticipated that when licenses are renewed, such logging schedules will be deleted, and reliance will be placed on the rules to provide guidance in this matter.

35. In our notice of proposed rule making in this proceeding we stated that if § 73.67(a)(5) and (a)(6) were amended it would be necessary, at the least, to make corresponding amendments in those portions of § 73.113 (Operating Log) dealing with remote control operation. We further indicated our belief that the substance of paragraphs (a)(5) and (a)(6) of § 73.67 might, in any event, be more appropriately situated in § 73.113 than at its present location, and that we would give consideration to such a change once we had decided on the changes to be made in the logging requirements for remote control operation.

36. In the amendments to the rules which we are adopting we are deleting paragraphs (a)(5) and (a)(6) of § 73.67, and transferring the substance of paragraph (a)(5), as amended to § 73.113 (Operating Log), as we had contemplated. However, the amended substance of paragraph (a)(6) is placed in § 73.114 (Maintenance Log).

37. In determining on the specific form of the rule amendments at this time, our decision has been influenced by the intervening adoption, in Docket 18930, of amendments to § 73.93, that section of the rules governing radio operators at standard broadcast stations. Pursuant to these amended rules, other than first class operators under certain circumstances may be utilized for routine transmitter duty at stations having directional antennas. Since the duty operator is normally responsible for the entries required in the operating log, the amendment of § 73.93, without a corrective amendment of § 73.113 would have created a situation where a lesser grade operator would have been permitted or required to make the periodic observations at the transmitter required when a station is operated by remote control—obviously a function which should be performed by a first class radiotelephone operator. At the time amended § 73.93 was adopted, this matter was resolved temporarily by a contemporaneous amendment of § 73.113(a), to reserve such observations for the first class operator.

38. Our permanent solution for this problem is to require that all observations at the transmitter attendant to remote control operation be entered in the maintenance log (§ 73.114), rather than in the operating log, and to make explicit what has heretofore been implicit, that entries in this log, and the observations or maintenance procedures which they reflect, are in the sole province of a first-class radiotelephone operator. At the same time, we are including in the maintenance log a general schedule for readings of the base currents in the elements of directional antennas. Until the recent amendment of § 73.93 (see § 73.93(e)(3)), we have specified in our rules no requirements for such readings, but consistently have included them in the instrument of authorization for each station. Generally, daily (seven times a week) readings for each directional radiation pattern have been required. In a few cases, on the basis of special showings by licensees, the Commission has authorized base current observations at less frequent intervals.

39. By including the base current observation requirement in § 73.114 of our rules, we will obviate the necessity for including it in each station authorization. At the same time, we are reducing the frequency of observations for all directional stations (other than those operating by remote control, or those whose authorizations now specify observations at longer than daily intervals) from daily to five times a week, for each pattern, and have specified the observations to be made and the information to be recorded to be in accord with the substance of § 73.93(e)(3). Having done this, we are deleting this requirement from § 73.93, where it will no longer serve a useful purpose. The only additional burden placed on licensees, in general, is that involved in meeting the specific requirement that deviations of the ratios of the observed currents from licensed values be computed and recorded. However, it seems obvious that such computations must be made, in any event, if compliance with § 73.52(b) of the rules is to be assured; thus, the actual burden imposed would appear to be minimal, or nonexistent. Particularly in the case of stations operating by remote control, we expect that licensees will find it is more convenient to enter these readings in the maintenance log than in the operating log. However, since both logs will henceforth be required to give the Commission a complete picture of the technical operation of the station, we expect to modify section II of FCC Form 303, the application for renewal of station license, to require the submission of the maintenance log, in addition to the operating log for the composite week.

40. Finally, we call attention to the fact that this proceeding from its inception, in various aspects, has been concerned with an instrument designated as a phase monitor. Comments and reply comments generally referred to the instrument by this name, and we employed this appellation in our discussion of the issues involved. However, most phase monitors include facilities for indicating the relative amplitudes of the RF signals applied to their input terminals, and monitors type approved by the Commission must include such facilities. Therefore, we have decided to follow the practice which has now become rather general, and henceforth designate an instrument designed to monitor the relative phases and amplitudes of the currents in the elements of a directional array as an antenna monitor. This term has been employed throughout the appended rules.

41. The rules adopted herein, we believe, provide a substantial degree of relief from certain of the requirements

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for the surveillance of standard broadcast stations with directional antennas, and are consistent with our current efforts toward the re-regulation of radio and television broadcasting. As our studies in this field progress, if further relaxation of these rules appear appropriate and feasible, they will be adopted.

42. *Accordingly, it is ordered,* That, effective April 20, 1973, Part 73 of the rules and regulations is amended as set forth below. Authority for this action is found in §§ 4(i) and 303(r) of the Communications Act of 1934, as amended.

43. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 10, 1973.

Released: January 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

§ 73.67 [Amended]

1. In § 73.67, subparagraphs (5) and (6) of paragraph (a) are deleted.

2. In § 73.113, paragraph (a) is amended to read as follows:

§ 73.113 Operating log.

(a) Entries shall be made in the operating log either manually by a properly licensed operator in actual charge of the transmitting apparatus, or by automatic devices meeting the requirements of paragraph (b) of this section. Indications of operating parameters shall be logged prior to any adjustment of the equipment. Where adjustments are made to restore parameters to their proper operating values, the corrected indications shall be logged, accompanied, if any parameter deviation was beyond a prescribed tolerance, by a notation describing the nature of the corrective action. Indications of all parameters whose values are affected by modulation of the carrier shall be read without modulation. The actual time of observation shall be included in each log entry. The operating log shall include the following information:

(1) For all stations:

(i) Entries of the time the station begins to supply power to the antenna and the time it ceases to do so.

(ii) Entries required by § 17.49 (a), (b), and (c) of this chapter concerning daily observations of tower lights.

(iii) Any entries not specifically required in this section, but required by the instrument of authorization or elsewhere in this part. See, particularly, the additional entries required by § 73.51 (e)(2) when power is being determined by the indirect method.

(iv) The following indications shall be entered in the operating log at the time of commencement of operation, and, thereafter, at successive intervals not exceeding 3 hours in duration.

(*a*) Total plate voltage and total plate current of the last radio stage.

(*b*) Frequency monitor reading.

(*c*) Antenna current or remote antenna current (for nondirectional operation); common point current or remote common point current (for directional operation).

(2) For stations with directional antennas not operated by remote control the following indications in addition to those specified in subparagraph (1) of this paragraph shall be read and entered in the operating log at the time of commencement of operation, and, thereafter, at successive intervals not exceeding 3 hours in duration. (This schedule shall apply, regardless of any provision in the station instrument of authorization requiring more frequent log entries.)

(i) Phase indications.

(ii) Remote antenna base current or antenna monitor sample current or current ratio indications.

(3) For stations with directional antennas operated by remote control, the following indications in addition to those specified in subparagraph (1) of this paragraph shall be read and entered in the operating log at the time of commencement of operation and thereafter, at successive intervals not exceeding 3 hours in duration. (This schedule shall apply, regardless of any provision in the station instrument of authorization requiring more frequent log entries.)

(i) Either remote indications of base currents or currents extracted from antenna monitor sampling lines, or current indications or their ratios provided by a type-approved antenna monitor.

(ii) Phase indications, if provided by a type-approved antenna monitor.

• • • • •

3. Section 73.114 is amended by adding new paragraphs (a)(1)(v)–(vi), (a)(2)(vii), (6), (7), (8), and (9).

§ 73.114 Maintenance log.

(a) All entries in the maintenance log specified hereunder shall be made by the holder of a first-class radiotelephone license, and shall reflect the results of maintenance procedures or of observations performed by him.

(1) An entry each week of the following shall be made where applicable.

• • • • •

(v) A notation of the calibration check of the antenna monitor.

(vi) A notation of the calibration check of indicating instruments at each remote control point against the instruments at the transmitter.

(2) • • •

(vii) Antenna monitor.

• • • • •

(6) If required by the station authorization or § 73.93(e)(5), the results of field strength measurements at the monitoring points specified in the station authorization.

(7) If a remote antenna ammeter normally employed to provide indications of antenna or common point current for entry in the operating log (see § 73.113) becomes defective, entries once each day, for each mode of operation, of such antenna or common point current, until such time as the defective remote antenna ammeter is repaired or replaced.

(8) For stations with directional antennas, in addition to those entries of operating parameters required in the operating log (see § 73.113), specific entries shall be made in the maintenance log, based on observations made without modulation, if instrument readings are affected by modulation. The date and time of each observation shall be shown. The schedule for making such observations and entries is set forth in subparagraph (9) of this paragraph. The entries are as follows:

(i) Common point current.

(ii) Base currents, their ratios, and the deviation of those ratios, in percent, from the licensed values.

(iii) Remote base current or sample current indications, the computed or indicated ratios of those currents, and the deviation of such ratios, in percent, from values specified in the license.

(iv) Phase indications.

(9) The entries in subparagraph (8) of this paragraph shall be made pursuant to the following schedule:

(i) For stations not operated by remote control, entries shall be made once each day, 5 days of each week, for each directional radiation pattern, regardless of any provision in the station authorization for more frequent entries: *Provided,* That, if a first-class radiotelephone operator is on duty at the transmitter for all periods of operation with a directional radiation pattern, and the station authorization permits antenna base current readings at less frequent intervals than specified in this subparagraph, entries may be made pursuant to the schedule specified in that authorization.

(ii) For stations operated by remote control, where phase indications are not observed and entered in the operating log at the remote control point, the entries specified in subparagraph (8) of this paragraph shall be based on observations made at the transmitter not more than 2 hours after the time of commencement of operation with each directional radiation pattern: *Provided,* That, if any separate period of operation with a specific pattern does not exceed 1 hour in duration, observations and entries for such period need not be made. If a station utilizes a single directional radiation pattern during all hours of operation, observations and entries shall be made once each day, with no fewer than 12 hours elapsing between successive observations.

(iii) For stations operated by remote control, where phase indications provided by a type-approved antenna monitor are observed and entered in the operating log at the remote control point, the entries specified in subparagraph (8) of this paragraph shall be based on observations made at the transmitter every second day for each directional radiation pattern, with no longer than 54 hours elapsing between successive observations for the same pattern. (This schedule shall apply regardless of any provision in the station authorization requiring more frequent observations.)

• • • • •

[FR Doc.73-1562 Filed 1-24-73;8:45 am]

[1] Commissioner H. Rex Lee concurring and issuing a statement, which is filed as part of the original document; Commissioner Hooks absent.

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

PART 252—LOANS UNDER THE EMERGENCY RAIL FACILITIES RESTORATION ACT

The purpose of this amendment is to establish a new Part 252 setting forth the procedures and requirements of the Federal Railroad Administration, in filing applications with the Administrator for loans pursuant to the Emergency Rail Facilities Restoration Act (Public Law 92–591).

Since this new Part 252 establishes agency procedures and in view of the emergency nature of the underlying statute authorizing loans, notice and public procedure thereon are impracticable and the procedures can be made effective immediately.

REGULATIONS GOVERNING APPLICATIONS

Sec.
252.1 Applicability.
252.3 Definitions.
252.5 Contents of application (railroads).
252.7 Contents of application (regional, State and local agencies).
252.9 Required exhibits.
252.11 Interest rates and term of loan.
252.13 Execution and filing of application.

Appendix A Required exhibits, documents and certificates.

Appendix B Forms.

AUTHORITY: Emergency Rail Facilities Restoration Act, Public Law 92–591; section 1.49 (o), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(o).

§ 252.1 Applicability.

This part prescribes the procedures governing applications for loans to:

(a) Railroads undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205); or

(b) Railroads which have reported to the Interstate Commerce Commission in the railroad annual report a deficit net income for either of the calendar years ending December 31, 1970, or December 31, 1971; or

(c) Railroads whose certified damage to railroad facilities or equipment as a result of the natural disasters which occurred during the month of June 1972 exceeds their net income for either of the calendar years ending December 31, 1970, or 1971 as reported to the Interstate Commerce Commission in the annual report form; or

(d) Regional, State, and local public bodies: For the purpose of restoring or replacing railroad facilities, equipment or services which were damaged or destroyed as a result of the natural disasters which occurred during the month of June 1972. In cases of applications by a railroad, such facilities must be determined to be essential to public service. In cases of applications by regional, State, and local bodies, such facilities must be needed for an efficient and coordinated railroad transportation system and conveyed to such agency pursuant to section 4(c)(4) of the Act.

§ 252.3 Definitions.

As used in this part—

"Act" means the Emergency Rail Facilities Restoration Act.

"Administrator" means the Federal Railroad Administrator.

"Railroad" means any common carrier by railroad subject to Part I of the Interstate Commerce Act (49 U.S.C. 1(3)).

"Applicant" means a railroad or the trustee(s) thereof, or a regional, State, or local public body, meeting the requirements of § 252.1.

§ 252.5 Contents of application (railroads).

(a) Each application by a railroad or the trustee(s) thereof shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information as to the Applicant (or trustee, if applicable) and the transaction:

(1) Full and correct name and principal business address.

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed.

(3) Statement of basis of eligibility for a loan:

(i) If a railroad in reorganization under section 77 of the Bankruptcy Act, with the original application, but not with copies thereof, copy of duly certified order of the court having jurisdiction of Applicant appointing the trustee(s), authorizing the filing of the application with the Administrator and the pledge of security for the loan; or

(ii) All applicants, with the original application but not with the copies thereof, certified copies of the railroad's annual report filed with the Interstate Commerce Commission for the calendar years 1970 and 1971; or

(iii) If a railroad under § 252.1(3), a certificate of the chief financial officer of the Applicant as to the total damage to Applicant's railroad facilities or equipment incurred as a result of the June 1972 disasters.

(4) Full description and location of all railroad facilities, equipment, and services of Applicant damaged or destroyed by the natural disasters which occurred in June 1972.

(5) With respect to all damaged or destroyed lines which are primarily used for the movement of through traffic specify:

(i) The total freight volume measured in net or gross ton miles per mile per year, handled for each of the calendar years 1970 and 1971 and for that part of 1972 for which information is available;

(ii) The number of trains handled over the line during a typical week; and

(iii) The alternative line or lines available, regardless of ownership, for movement of traffic, together with the estimated price differential to shippers using such alternative lines.

(iv) The names of shippers located on the line and the extent to which each is dependent upon the line for transportation, and if not so dependent, reasonable alternate means of transportation (rail and nonrail) available to such shippers.

(6) With respect to all damaged or destroyed lines which are primarily used to originate or terminate traffic specify:

(i) The total freight tonnage handled and total freight volume measured in gross or net ton miles per mile per year for each of the calendar years 1970 and 1971 and for that part of 1972 for which information is available, showing number of cars handled classified by principal commodities.

(ii) Total net revenue from railway operations derived from tonnage handled shown in paragraph (a)(6)(i) of this section.

(iii) The names of shippers located on the line and the extent to which each is dependent upon the line for transportation, and if not so dependent, reasonable alternate means of transportation (rail and nonrail) available to such shippers.

(7) Full description of the railroad facilities, equipment, and services which Applicant proposes to restore or replace together with advice as to whether the restoration or replacement will upgrade such facilities, equipment, or services, and whether the restoration or replacement has commenced or been completed at the time of the filing of the application, together with the dates of the commencement, completion or expected completion. If facilities, equipment, or services are to be upgraded, a statement as to the extent of the upgrading, and the estimated additional cost attributable to the upgrading.

(8) Where Applicant proposes to replace or repair less than the total amount of damaged or destroyed facilities, or equipment a detailed statement as to why the facilities and equipment are not scheduled for repair or replacement, and the basis for selecting those facilities and equipment proposed to be repaired or replaced.

(9) The estimated cost of the repair or replacement of the damaged or destroyed facilities and equipment set forth in paragraph (a)(7) of this section.

(10) The total amount of the loan sought.

(11) Description of the security for the loan including Applicant's opinion of the value of the collateral and the basis for the opinion.

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(12) The date or dates on which the Applicant desires the funds to be made available.

(13) The proposed term of the loan, and repayment schedule. Where deferral of payment of principal and interest is sought, a detailed statement supporting the need for such deferral.

(14) (i) Statement that Applicant has endeavored to obtain a loan from private or other governmental sources but has been unable to obtain a loan therefor upon reasonable or practicable terms, and including in the statement the terms that are available and describing any facts relevant to the efforts to obtain a loan.

(ii) Copies of correspondence from all but not less than three lending institutions, to which application for the financing has been made, showing that they have declined the financing, or showing the terms upon which they will undertake the financing.

(15) Statement that the work to be performed will be performed under collective bargaining agreements by railroad employees. If railroad employees, including employees on furlough in the affected region are insufficient to perform such restoration or replacement, a statement giving assurances that the railroad employees on furlough, if not recalled by Applicant will be employed by a contractor to perform such work and that such employees shall be deemed to be railroad employees retaining all of the rights and privileges of railroad employees while so employed. These statements are not required with respect to work undertaken prior to October 27, 1972.

(16) With respect to the rights of way, track, and other related real and personal property on any branch line damaged or destroyed as a result of the June 1972 disasters, and which have not been scheduled for restoration or replacement, information as to those States or subdivisions thereof where the facilities are located, which propose to restore or replace such facilities, and assurances by Applicant that it will convey such facilities to such State or subdivision thereof, for just compensation, free and clear of all encumbrances. In the event a loan is approved by the Administrator, Applicant will be required to notify the Governor of each State, and publish for 3 consecutive weeks in a newspaper of general circulation within the area in which such branch line(s) or related property is located, notice of the requirements of sections 4(c) (4) and (5) of the Act; the location and description of the branch line(s) and related property which are not scheduled for restoration or replacement; that such facilities are available to regional, State, and local public bodies and agencies for just compensation, free of all liens and encumbrances; and that Applicant's obligation to make such offer of conveyance expires 1 year from the date of any loan made to Applicant under this Act.

(17) An assurance by the Applicant that the funds loaned under the Act will be used solely for the purpose of restoring or replacing facilities and equipment damaged or destroyed as a result of the natural disasters of June 1972.

§ 252.7 Contents of application (regional, State and local agencies).

(a) Statement describing the facilities and equipment damaged or destroyed as a result of the June 1972 disasters and acquired by Applicant in accordance with the provisions of section 4(c)(4) of the Act.

(b) Certified copies of instruments evidencing acquisition of title by Applicant of such facilities and equipment.

(c) Statement as to the need for the establishment or re-establishment of railroad service in the affected area.

(d) Statement as to how Applicant proposes to provide railroad services in the area with the restored or replaced facilities and equipment.

(e) Estimated cost of restoring or replacing such facilities and equipment.

(f) Statement of Applicant's ability to furnish 20 percent of the estimated cost of restoring or replacement of such damaged facilities and equipment, and of the source of funds upon which Applicant relies to repay the loan.

(g) Statement giving assurances that Applicant will afford employees engaged in rail transportation services fair and equitable labor protective arrangements as described in the Rail Passenger Service Act of 1970 as amended (45 U.S.C. 565).

(h) An assurance by the Applicant that the funds loaned under the Act will be used solely for the purpose of restoring or replacing facilities and equipment damaged or destroyed as a result of the natural disasters of June 1972.

§ 252.9 Required exhibits.

(a) Each application by a railroad and each copy thereof must have attached the exhibits listed in section I of Appendix A to this part. Each application by a regional, State, or local public body must have attached the exhibits listed in section II of said Appendix A to this part. If a particular exhibit is not applicable, the application shall so state.

(b) If the application is approved by the Administrator the documents listed in section III of Appendix A to this part, in cases of railroads, or in section IV of Appendix A to this part, in cases of a regional, State, or local public body, shall be deposited with the Administrator at least 3 business days before the transaction is closed, together with any other documents the Administrator may require.

§ 252.11 Interest rates and term of loan.

(a) Any loan made under this part shall bear interest at a rate determined by the Secretary of the Treasury at the time the loan is approved by the Administrator taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years reduced by no more than 2 per centum per annum. In no event will the rate of interest exceed 6 per centum per annum.

(b) The term of each loan shall be determined by the Administrator taking into consideration the amount of the loan and Applicant's ability to repay. Payment of principal and interest on the loan may be deferred by the Administrator for a period not to exceed 10 years from the date the loan is made where the Administrator determines it is necessary to insure the provision of essential transportation services of a railroad.

§ 252.13 Execution and filing of application.

(a) Each original application shall bear the date of execution and be signed by or on behalf of the Applicant. Execution on behalf of the Applicant shall be by an officer having knowledge of the matters set forth in the application. Each person signing the application on behalf of the Applicant shall also sign a certificate in the form as set forth in Appendix B to this part.

(b) Each original application shall include a certificate by the Chief Accounting Officer of the Applicant in the form set forth in Appendix B to this part.

(c) Each original application and supporting papers, and six copies thereof shall be filed with the Federal Railroad Administrator, Department of Transportation, Washington, D.C. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(d) If unusual difficulties arise in the furnishing of any of the exhibits required by § 252.9, or if such requirements are unduly burdensome in relation to the nature and amount of the loan the Applicant may, upon appropriate showing and with the consent of the Administrator, omit filing those exhibits.

(e) The Administrator may, with respect to individual loans, upon good cause, shown, waive or modify any requirement of this part not required by the Act or make any additional requirements he deems necessary.

(f) Applications for loans under the Act must be approved by the Administrator no later than June 27, 1973. Applications filed later than June 15, 1973, will not be considered.

APPENDIX A—REQUIRED EXHIBITS, DOCUMENTS, AND CERTIFICATES

SECTION I

The following exhibits must be submitted with respect to a railroad Applicant.

Exhibit 1. A duly certified copy of the Charter or Articles of Incorporation and the bylaws of the Applicant. (Submitted with the original application only.)

Exhibit 2. A certified copy of resolutions of the Board of Directors of the Applicant, or order of the reorganization court authorizing—

(i) The filing of the application; and

(ii) The pledge of security for the loan.

Exhibit 3. A preliminary opinion of counsel for Applicant that he is familiar with the corporate or other organizational powers of the Applicant, that Applicant is authorized to make the application, and that when proper corporate action has been taken, necessary authorizations obtained and the obligations executed, and security delivered as contemplated by the application, the obligations will constitute the valid and subsisting obligations of the Applicant.

Exhibit 4. A map of all the railroad owned, operated, or leased by Applicant showing the lines damaged or destroyed by the June 1972 disasters.

Exhibit 5. A copy of the general balance sheet as of the latest available date but as of a date not earlier than the end of the third month preceding the date of filing of the application in form and detail similar to that required in schedules 200(a) and 200(1) of the Interstate Commerce Commission's annual report Form A.

Exhibit 6. To be filed only with the original copy of the application, a copy of the latest report of Applicant to its stockholders or of the trustee(s) to the reorganization court.

Exhibit 7. General statement setting forth the facts as to estimated prospective earnings and other funds upon which Applicant relies to repay the loan.

SECTION II

The following exhibits must be submitted with respect to regional, State or local public bodies and agencies.

Exhibit 1. Detailed statement of financial condition of Applicant for the last 2 years prior to filing the application including a statement of:

(a) Receipts and disbursements; and

(b) Bond issues or other long-term debt outstanding, showing date authorized, date issued, amount originally issued, balance outstanding, rate of interest, and final maturity date.

Exhibit 2. General statement setting forth the facts as to the source and amount of funds upon which Applicant relies to repay the loan.

Exhibit 3. A preliminary opinion of counsel for Applicant that he is familiar with the corporate or other organizational powers of the Applicant, that Applicant is authorized to make the application, and that when proper corporate action has been taken, necessary authorizations obtained and the obligations executed, the obligations will constitute the valid and subsisting obligations of the Applicant.

SECTION III

Documents. The following documents must be submitted by a railroad under § 252.9 at least 3 business days before the closing of the loan transaction:

(1) A final opinion of counsel of the Applicant to the effect that he is familiar with the corporate and organizational powers of the Applicant; that the Applicant is authorized to execute and deliver the securities or other obligations evidencing them, and to pledge and hypothecate any securities pledged as collateral; that the securities or other obligations so executed and delivered constitute the valid and binding obligations of the Applicant; and that the securities or other obligations of the Applicant will obtain a lien on any security involved of the rank and priority represented by the Applicant. The opinion shall also cover the priority and lien of each item of the collateral offered.

(2) Certified copies of the resolutions of the Board of Directors of the Applicant or, where applicable, the order of the reorganization court, authorizing officers of the Applicant to execute and deliver the securities or other obligations and to give the security under and according to the terms of the loan as prescribed by the Administrator.

SECTION IV

Documents. The following documents must be submitted by a public body under § 252.9 at least 3 business days prior to the closing of the loan transaction:

(1) A final opinion of counsel for the Applicant to the effect that he is familiar with the legal powers of the Applicant; that the Applicant is authorized to execute and deliver the securities or other obligations evidencing them; that the securities or other obligations so executed and delivered constitute the valid and binding obligations of the Applicant.

(2) Certified copies of resolutions of the governing body of the Applicant or where applicable the ordinance or statute authorizing officers of Applicant to execute and deliver the securities or other obligations according to the terms of the loan as prescribed by the Administrator.

APPENDIX B—FORMS

I. The following is the form of the certificate to be made by each person signing an application on behalf of an Applicant:

---------- certifies that he is the
(Name of Official)
---------- of the ----------;
(Title of Official) (Name of Applicant)
that he is authorized by ----------
(Name of Applicant)
TO SIGN and file with the Administrator this application and the attached exhibits; that he has carefully examined all of the statements contained in the application and the attached exhibits relating to ----------; that he has knowledge
(Name of Applicant)
of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

---------- ----------
(Date) (Signature)

II. The following is the form of the certificate to be made by the Chief Accounting Officer of Applicant:

---------- certifies
(Name of Officer)
that he is ----------
(Title of Officer)
of ----------; that he has
(Name of Applicant)
supervision over the books of account and other financial records of ----------
(Name of Applicant)
and has control over the manner in which they are kept; that the accounts are maintained in good faith in accordance with the orders of the Interstate Commerce Commission or with generally accepted accounting principles and practices; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief those statements accurately reflect the accounts as stated in the books of account, and that, other than the matters set forth in the attached exceptions those financial statements and supporting schedules represent a true and complete statement of the financial position of the Applicant; and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingency rental agreements, or other contingent transactions which might materially affect the financial position of the Applicant.

(Date)

(Signature)

Effective date. This amendment is effective January 2, 1973.

Issued in Washington, D.C., on January 22, 1972.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-1544 Filed 1-24-73;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Wheeler National Wildlife Refuge, Alabama

The Bureau of Sport Fisheries and Wildlife announces fishing regulations for Wheeler National Wildlife Refuge, Alabama, effective March 1, 1973.

The following special regulation is issued and is effective on March 1, 1973.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Area open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations. This regulation effective March 1, 1973 through June 15, 1973.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 18, 1973.

[FR Doc.73-1553 Filed 1-24-73;8:45 am]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

The Bureau of Sport Fisheries and Wildlife announces hunting regulations for Piedmont National Wildlife Refuge, Georgia, effective on February 1, 1973.

The following special regulations are issued and are effective on February 1, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. (The Hitchiti Experimental Forest is closed to turkey hunting.) The open area, comprising approximately 32,000 acres or 95 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sports Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of wild turkey subject to the following special conditions:

(1) Species permitted to be taken: Turkey gobblers with visible beards.

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(2) Open season: April 16–21, 1973. Persons are permitted in the areas open for turkey hunting and on refuge maintained roads only between the hours of 4 a.m. and 12 noon, e.s.t., on the above-cited hunting days.

(3) Bag limit: Only one turkey gobbler per hunter during the 6-day hunt.

(4) All turkeys killed must be checked in at refuge headquarters the day killed and before leaving the area.

(5) Use of vehicles of all types are restricted to State and county roads.

(6) Camping and fires are restricted to the designated camping area in Compartment 19. The camping area will be open on April 7–8 and April 15–22, 1973.

(7) Hunters not having reached their 18th birthday must be under the immediate supervision of an adult.

(8) Hunt permits are nontransferable.

(9) Apprehension of a permittee for any infraction of refuge regulations shall be cause for immediate revocation of his hunt permit by any officer authorized to enforce refuge regulations.

(10) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(11) All areas open for hunting may be visited for scouting purposes on April 7–8, 1973 during daylight hours only. Weapons and dogs are not permitted.

(12) A refuge permit is required to enter the public hunting area. A maximum of 300 permits will be issued for the entire 6-day hunt. Hunters will be selected by an impartial public drawing from the applications received. Applications for this permit must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080. Completed permit applications must be in the office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080 by 4:30 p.m. on March 28, 1973. Submission of more than one application for each hunter shall be cause for rejection of all his applications and is a violation of hunt regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 21, 1973.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 17, 1973.

[FR Doc.73–1550 Filed 1–24–73;8:45 am]

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Mo.

The Bureau of Sport Fisheries and Wildlife announces special regulations for fishing for Squaw Creek National Wildlife Refuge, Mo. The open season is April 1, 1973, through October 1, 1973.

The following special regulation is issued and is effective on January 26, 1973.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Mo., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, CO 80215. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: April 1, 1973, through October 1, 1973. Daylight hours only.

(2) Spearing or gigging is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through October 1, 1973.

GERALD M. NUGENT,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Mo.

JANUARY 15, 1973.

[FR Doc.73–1551 Filed 1–24–73;8:45 am]

PART 33—SPORT FISHING

Hagerman National Wildlife Refuge, Tex.

The Bureau of Sport Fisheries and Wildlife announces fishing regulations for Hagerman National Wildlife Refuge, Tex., effective January 26, 1973.

The following special regulation is issued and is effective on January 26, 1973.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel and pole, including frog gigging on the Hagerman National Wildlife Refuge, Sherman, Tex., is permitted from April 1 through September 30, 1973, inclusive, but only on the areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, 6 miles west of Pottsboro, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1973.

BERT M. ANDUSS,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Texas.

JANUARY 19, 1973.

[FR Doc.73–1552 Filed 1–24–73;8:45 am]

PART 33—SPORT FISHING

Mingo National Wildlife Refuge, Missouri

The Bureau of Sport Fisheries and Wildlife announces that Mingo National Wildlife Refuge will be open to public fishing from January 1, 1973 through December 31, 1973. Sport fishing will be in accordance with all applicable State regulations.

The following special regulation is issued and is effective on January 26, 1973.

§ 33.5 Special regulations; sport fishing for individual wildlife areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Missouri, is permitted in all waters as designated on the refuge during daylight hours only. The waters comprise about 4,300 acres. Maps and information are available at refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, 601 East 12th, Kansas City, MO 64106. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: January 1, 1973 through March 14, 1973, in certain designated waters.

(2) Open season: March 15, through September 30 in all waters.

(3) Open season: October 1 through December 31 in certain designated waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

GERALD L. CLAWSON,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

DECEMBER 29, 1972.

[FR Doc.73–1514 Filed 1–24–73;8:45 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

STATEMENT OF CONSIDERATIONS LEADING TO AMENDMENT OF REGULATIONS

The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for major categories of inspections. The current fees for small lots (such as for export to Canada or delivery to institutions), the base fee for peanuts, pecans, or other nuts, and the additional hourly charge for inspections made outside of the inspector's regularly scheduled workweek will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from $19 to $20 when more than a half-carlot equivalent is involved, from $16 to $17 for a half-carlot equivalent or less, and the maximum-fee-per-carlot equivalent, when more than one kind of product is involved, is raised from $38 to $40.

2. For condition only inspections: Fees are raised from $16 to $17 when more than a half-carlot equivalent is involved, from $14 to $15 for a half-carlot equivalent or less, and the maximum-fee-per-carlot equivalent, when more than one kind of product is involved, is raised from $32 to $34.

3. The hourly rate, where applicable, is increased from $9 to $10.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.38 *Basis for Charges* of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, is hereby amended to read as follows:

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans and other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $20 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $17 for each half-carlot equivalent or less of an individual product.

(iii) $40 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $17 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $15 for each half-carlot equivalent or less of an individual product.

(iii) $34 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans, or other nuts shall be 90 cents per ton: *Provided*, That the minimum fee shall be $12 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for farmers' stock peanuts (unshelled) shall be $1.80 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $10 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$3.25
26 to 50 packages inclusive	4.25
51 to 150 packages inclusive	6.00
151 to ½ customary carlot equivalent	9.00

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of $4 per hour or portion thereof in addition to the regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in title 5, United States Code, section 6103(a).

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than February 4, 1973 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated: January 22, 1973, to become effective at 12:01 a.m., February 4, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73–1582 Filed 1–24–73;8:45 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1973–74 Marketing Year

STATE RESERVE ACREAGE, COUNTY ACREAGE ALLOTMENTS AND RESERVE ACREAGES, 1973 CROP RICE

The purpose of §§ 730.1504 and 730.1505 is to establish (1) State reserve acreages, (2) county acreage allotments and reserve acreages in farm States, and (3) State productivity pool acreages in farm States.

The provisions of §§ 730.1504 and 730.1505 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1973 crop of rice. The regulations for determination of acreage allotments for 1969 and subsequent crops of rice (§§ 730.61 to 730.87, 33 FR 14520, 17764, 34 FR 3733, 5629, 35 FR 5995, 11454, 36 FR 1465, 3253, 11849, 37 FR 27615) (referred to as the "allotment regulations") contain the designation of farm States and producer States and govern allocations of allotments and reserves established by these provisions.

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts, Christmas trees and evergreens, flowers and flower bulbs, and onion sets.

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

[4] For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

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Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on October 6, 1972 (37 FR 21173) in accordance with the provisions of 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

The act requires that, insofar as practicable, notices of farm acreage allotment be mailed to the farm operator in sufficient time to be received prior to the holding of the referendum respecting the national marketing quota. Since such referendum will be held during the period January 22 to 26, 1973, it is essential that §§ 730.1504 and 730.1505 be made effective as soon as possible so that the local committees may issue the notices of farm acreage allotment. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1504 and 730.1505 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established on the basis of recommendations by the State committees. The State reserve for new farms or new producers, if any, and the State reserve in producer States for appeals and corrections, missed producers and adjustments in factored allotments were established in accordance with section 353 of the act.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc. in producer States [1]
Arizona	8	0
Arkansas	0	
California	0	50
Florida	35	41
Illinois	0	
Louisiana:		
Farm administrative area	0	
Producer administrative area	0	0
Mississippi	0	
Missouri	0	
North Carolina	0	
Oklahoma	0	
South Carolina	0	0
Tennessee	0	0
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "Producer administrative area" in Louisiana.

§ 730.1505 County acreage allotments and reserve acreages and State productivity pool in farm States.

The farm acreage allotments for the 1973 crop of rice in the producer States will be established primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm. Therefore, the 1973 State acreage allotments of rice for producer States will be apportioned directly to farms and county acreage allotments and reserve acreage will not be determined for producer States. The county reserve acreages were established on the basis of recommendations by the State and county committees in the farm States. Such county reserves are available for appeals and corrections, missed farms and adjustments in factored allotments. The State productivity pool is the allotment attributable to history pooled as a result of productivity adjustments in the exchange of rice farm acreages allotments and upland cotton farm acreage allotments under section 344 a(h) of the act. Such State productivity pool shall not be allocated to producers, counties and farms. The county acreage allotments in farm States were established by apportioning the State acreage allotment less any State reserve for new farms and less any State productivity pool among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c) (1) and (6) of the act, except that in the farm administrative area of Louisiana, prior to apportionment among counties, 21 acres were reserved from the State allotment to adjust the county allotment for Rapides Parish for an upward trend in acreage pursuant to section 353(c) (1) of the act. The following table sets forth the county acreage allotments and reserve acreages and State productivity pool in the farm States for the 1973 crop of rice.

ARKANSAS

County	County acreage allotment	County reserve acreages [1]
Arkansas	84,974	0
Ashley	7,402	0
Chicot	10,972	0
Clark	620	0
Clay	8,853	0
Conway	12	0
Craighead	13,371	0
Crittenden	7,575	0
Cross	30,794	0
Dallas	79	0
Desha	15,562	0
Drew	4,983	0
Faulkner	513	0
Grant	38	38
Greene	5,984	0
Hot Spring	529	0
Independence	974	0
Jackson	22,941	3
Jefferson	19,645	0
Lafayette	980	0
Lawrence	9,362	0
Lee	9,300	0
Lincoln	9,972	0
Little River	456	0
Lonoke	43,926	5
Miller	538	0
Mississippi	1,653	0
Monroe	16,330	0
Perry	1,111	0
Phillips	5,708	0
Poinsett	43,188	0
Prairie	44,517	0
Pulaski	2,742	0
Randolph	2,596	0
St. Francis	20,158	0
White	1,323	0
Woodruff	22,440	0
Productivity Pool	253	
State total	487,664	46

ILLINOIS

Adams	24	0
State Total	24	0

LOUISIANA, FARM ADMINISTRATIVE AREA

County	County acreage allotment	County reserve acreages [1]
Acadia	103,399	50.0
Allen	27,714	10.0
Avoyelles	3,067	153.3
Beauregard	5,158	0
Bossier	73	0
Caldwell	74,580	0
Cameron	13,995	0
Evangeline	49,987	5.0
Grant	0	0
Iberia	6,501	2.0
Jefferson Davis	107,885	25.0
Lafayette	11,238	25.0
Rapides	843	0
St. Landry	19,468	15.0
St. Martin	4,493	0
St. Mary	4,388	219.4
Vermilion	127,346	50.0
Productivity Pool	47	
State reserve	21	
State Total, Farm Administrative Area	559,816	511.7

MISSISSIPPI

Bolivar	24,013	0
Coahoma	2,561	0
De Soto	1,420	0
Hancock	204	0
Humphreys	2,319	0
Issaquena	119	0
Leflore	4,137	0
Panola	88	0
Quitman	568	0
Sharkey	1,171	0
Sunflower	5,026	0
Tallahatchie	567	0
Tate	133	0
Tunica	3,801	0
Washington	10,568	0
Productivity Pool	19	
State total	57,044	0

MISSOURI

Butler	2,003	0
Holt	2	0
Lewis	10	0
Lincoln	41	0
Marion	376	0
Mississippi	107	0
New Madrid	136	0
Pemiscot	725	0
Ripley	475	0
St. Charles	44	0
Scott	136	0
Stoddard	1,760	0
State total	5,815	0

NORTH CAROLINA

Brunswick	11	0
Hyde	36	0
State total	47	0

OKLAHOMA

McCurtain	183	0
State total	183	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

(Secs. 314a(h), 353, 375, 79 Stat. 1197, as amended, 52 Stat. 61, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344b(h), 1353, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register (1-23-73).

Signed at Washington, D.C. on: January 18, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-1427 Filed 1-19-73;8:45 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 285]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period January 26–February 1, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of navel oranges so fixed was arrived at after consideration of the total available supply of navel oranges, the quantity currently available for market, the fresh market demand for navel oranges, navel orange prices, and the relationship of season average returns to the parity price for navel oranges.

§ 907.585 Navel Orange Regulation 285.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for navel oranges good last week, with a significant increase in reported sales volume. Prices f.o.b. averaged $3.53 a carton on sales volume of 968 cars, compared with an average f.o.b. price of $3.52 per carton and a sales volume of 810 cars a week earlier. Track and rolling supplies at 390 cars were down 22 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 23, 1973.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period January 26, 1973, through February 1, 1973, are hereby fixed as follows:

(i) District 1: 891,000 cartons;
(ii) District 2: 209,000 cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 24, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1680 Filed 1-24-73;11:40 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-504]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined and Released

This amendment quarantines a portion of Gates County in North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendment excludes a portion of Northampton County in North Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement to swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (6) relating to the State of North Carolina, subdivision (ii) relating to Northampton and Hertford Counties is amended to read:

(e) * * *

(6) *North Carolina.* * * *

(ii) The adjacent portions of Northampton, Hertford, and Gates Counties bounded by a line beginning at the junction of the North Carolina-Virginia State line and State Highway 35 in Northampton County; thence following State Highway 35 in a southeasterly direction to Secondary Road 1351: thence, following Secondary Road 1351 in a

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southeasterly direction to the Northampton-Hertford County line; thence, following the Northampton-Hertford County line in a northeasterly, then southeasterly direction to the east bank of the Meherrin River in Hertford County; thence, following the east bank of the Meherrin River in a generally southerly, then southeasterly direction to the west bank of the Chowan River; thence, crossing the Chowan River in an easterly direction to the east bank of the Chowan River in Gates County; thence, following the east bank of the Chowan River in a generally southeasterly direction to the west bank of the Bennetts Creek; thence, following the west bank of the Bennetts Creek in a generally northwesterly direction to State Highway 37; thence, following State Highway 37 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with State Highway 35 in Northampton County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective January 19, 1973.

Insofar as the amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, it must be made effective immediately to accomplish its purpose in the public interest. Insofar as the amendment relieves restrictions presently imposed, it is no longer deemed necessary to prevent the spread of hog cholera, and it should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-1579 Filed 1-24-73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

The purpose of this amendment is to establish commuted travel time periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1973 ed.), as amended February 1, 1972 (37 FR 2430), February 16, 1972 (37 FR 3410), March 1, 1972 (37 FR 4246), May 10, 1972 (37 FR 9384), July 7, 1972 (37 FR 13335) and August 16, 1972 (37 FR 16534), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Lake Mills, Wisconsin (served from Madison, Wis.)

FOUR HOURS

Add: Sheboygan Falls, Wisconsin (served from Milwaukee and Ripon, Wis.)

SIX HOURS

Add: Sheboygan Falls, Wisconsin (served from Madison, Wis.)

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective on January 26, 1973.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of January 1973.

E. E. SAULMAN,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-1580 Filed 1-24-73;8:45 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Bank Acquisitions by Holding Companies

In order to delegate to Reserve Banks the authority to approve the acquisition of additional shares in a bank, whether or not the bank is a subsidiary, which shares are acquired through the exercise of rights received as a shareholder, the Board has amended § 265.2(f)(23) to read as follows:

§ 265.2 **Specific functions delegated to Board employees and Federal Reserve Banks.**

• • • • • •

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district, or under subparagraph (25) of this paragraph, as to its officers:

• • • • • •

(23) Under the provisions of section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842), to approve the acquisition by a bank holding company of additional shares in a bank that are to be acquired through exercise of rights received, on a pro rata basis, by the bank's shareholders.

• • • • • •

Effective date. This amendment is effective with respect to applications received by the Reserve Banks after the date of this Order.

By order of the Board of Governors, January 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1500 Filed 1-24-73;8:45 am]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Approval of Membership Applications

In order to delegate to the Federal Reserve Banks authority to approve applications for membership in the System § 265.2(f) is amended by adding subparagraph (26) to read as follows:

§ 265.2 **Specific functions delegated to Board employees and Federal Reserve Banks.**

• • • • • •

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district or under subparagraph (25) of this paragraph, as to its officers:

• • • • • •

(26) Under the provisions of the first paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 325 to approve applications for membership in the Federal Reserve System if the Reserve Bank is satisfied with respect to each of the following criteria:

(i) The financial history and condition of the applying bank and the general character of its management;

(ii) The adequacy of its capital structure in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities; and its future earnings prospects;

(iii) The convenience and needs of the community to be served by the bank; and

(iv) Whether its corporate powers are consistent with the purposes of the Federal Reserve Act and the Federal Deposit Insurance Act.

• • • • • •

Effective date. This amendment is effective with respect to applications received by the Reserve Banks after the date of this Order.

By order of the Board of Governors, January 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1501 Filed 1-24-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-RM-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

On November 1, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 23279) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 134 from Grand Junction, Colo., to Denver, Colo., including a south alternate.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. March 29, 1973, as hereinafter set forth.

In § 71.123 (38 FR 307) the description of VOR Federal Airway No. 134 is amended to read as follows:

From Fairfield, Utah, via Price, Utah; Grand Junction, Colo.; 33 miles 12 AGL, 21 miles 127 MSL, 16 miles 120 MSL, 123 miles 12 AGL to Denver, Colo.; including a south alternate from INT Kremmling, Colo., 135° and Denver 257° radials via INT Kremmling 135° and Denver 232° radials to Denver.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 18, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1530 Filed 1-24-73;8:45 am]

[Docket No. 12504, Amdt. 848]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective March 8, 1973.

Elyria, Ohio—Elyria Airport, VOR-A, Amendment 2.

Monroeville, Ala.—Monroe County Airport, VOR Runway 3, Amendment 3.

Monroeville, Ala.—Monroe County Airport, VOR Runway 21, Amendment 3.

Santa Ynez, Calif.—Santa Ynez Airport, VOR-1, Amendment 1, Canceled.

Santa Ynez, Calif.—Santa Ynez Airport, VOR-A, Original.

• • • effective January 17, 1973.

Cincinnati, Ohio—Cincinnati Muni Blue Ash Field, VOR/DME-A, Amendment 1.

• • • effective January 15, 1973.

Kingman, Ariz.—Kingman Municipal Airport, VOR Runway 21, Amendment 2.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective March 8, 1973.

Tacoma, Wash.—Tacoma Industrial Airport, LOC Runway 17, Amendment 1.

Tucson, Ariz.—Tucson International Airport, LOC Runway 11L, Amendment 3.

Tucson, Ariz.—Tucson International Airport, LOC (BC) Runway 29R, Amendment 3.

• • • effective February 1, 1973.

Oklahoma City, Okla.—Will Rogers World Airport, LOC (BC) Runway 35L, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective March 8, 1973.

Bremerton, Wash.—Kitsap County Airport, NDB Runway 1, Amendment 7.

Tacoma, Wash.—Tacoma Industrial Airport, NDB Runway 17, Amendment 1.

Tacoma, Wash.—Tacoma Industrial Airport, NDB Runway 35, Amendment 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective March 8, 1973.

White Plains, N.Y.—Westchester County Airport, ILS Runway 16, Amendment 18.

• • • effective February 1, 1973.

Oklahoma City, Okla.—Will Rogers World Airport, ILS Runway 17R, Original.

• • • effective January 15, 1973.

Houston, Tex.—Intercontinental Airport, ILS Runway 14, Amendment 1.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs effective March 8, 1973.

Denver, Colo.—Jeffco Airport, Radar-1, Amendment 2

Tacoma, Wash.—Tacoma Industrial Airport, Radar-1, Amendment 2

Tucson, Ariz.—Tucson International Airport, Radar-1, Amendment 8

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs effective March 8, 1973.

Bremerton, Wash.—Kitsap County Airport, RNAV Runway 1, Amendment 1.

Denver, Colo.—Jeffco Airport, RNAV Runway 29R, Original.

Massena, N.Y.—Richards Field, RNAV Runway 5, Amendment 2.

Massena, N.Y.—Richards Field, RNAV Runway 23, Amendment 2.

Miami, Fla.—Miami International Airport, RNAV Runway 9L, Amendment 1.

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(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 18, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-1531 Filed 1-24-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2333]

PART 13—PROHIBITED TRADE PRACTICES

The Credit Bureau of Columbus, Inc., et al.

Subpart—Collecting, assembling, furnishing or utilizing consumer reports: § 13.382 *collecting, assembling, furnishing or utilizing consumer reports:* 13.382-1 Confidentiality, accuracy, relevancy, and proper utilization: 13.382-1(a) Fair Credit Reporting Act: 13.382-5 Formal regulatory and/or statutory requirements: 13.382-5(a) Fair Credit Reporting Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147, 84 Stat. 1127-36; 15 U.S.C. 1601, et seq.) [Cease and desist order, The Credit Bureau of Columbus, Inc., et al., Columbus, Ohio, Docket No. C-2333, Dec. 15, 1972]

In the Matter of The Credit Bureau of Columbus, Inc., The Credit Bureau of Mansfield, Inc., The Credit Bureau of Marion, Inc., The Credit Bureau of Newark, Inc., The Credit Bureau of South Bend, Inc., Corporations, and William B. Price and William H. Price, Individually and as Officers and/or Managers of Said Corporations, or Any of Them

Consent order requiring five affiliated Midwestern credit bureaus located in Ohio and Indiana, among other things to cease violating the Fair Credit Reporting Act by failing to require users of consumer reports to identify themselves and certify in writing the purpose for which the information is sought and not used for any other purpose; failing to incorporate into contracts that information will be requested only for the prospective user's exclusive use in connection with the extension of credit, employment, insurance, governmental use, or other legitimate business transaction involving the consumer; failing to forbid employees from obtaining reports on themselves or associates; and failing to cease doing business with any user of reports who does not follow the procedures specified by the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Credit Bureau of Columbus, Inc., The Credit Bureau of Mansfield, Inc., The Credit Bureau of Marion, Inc., The Credit Bureau of Newark, Inc., and The Credit Bureau of South Bend, Inc., corporations, their respective successors and assigns, and their officers, and William B. Price and William H. Price, individually and as officers and/or directors and/or managers of said corporations, or any of them, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collecting assembling or furnishing of consumer reports, as "consumer report" is defined in § 603(d) of the Fair Credit Reporting Act (Public Law No. 91-508, 15 U.S.C §§ 1601 et seq.), shall forthwith cease and desist from:

1. Failing to require all prospective users of consumer reports to identify themselves and to certify, in writing, through a contract or written certification form with the respondents, the purpose for which the information is sought and that the information will be used for no other purpose, in accordance with § 607 of the Fair Credit Reporting Act.

2. Failing to incorporate the following statements on the face of all contracts or written certification forms between the respondents and the prospective users of consumer reports, with such conspicuousness and clarity as is likely to be read and understood by the prospective users of consumer reports:

ATTENTION

"User will comply with all the provisions of The Fair Credit Reporting Act Public Law No. 91-508

1. Information will be requested only for the User's exclusive use, and the User certifies that inquiries will be made only for one or more of the following permissible purposes and no other:

a. In connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of the consumer; or

b. In connection with employment purposes; or

c. In connection with the underwriting of insurance involving the consumer; or

d. In connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

e. In connection with a legitimate business need for the information in connection with a business transaction involving the consumer.

2. Reports on employees will be requested only by the User's designated representatives. Employees will be forbidden to attempt to obtain reports on themselves, associates, or any other person except in the exercise of their official duties.

3. It is understood by the User that Pub. L. No. 91-508, § 619, states "Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than $5,000 or imprisoned not more than one year, or both."

3. Failing to require prospective users of consumer reports, who are not, in the ordinary course of business, regularly extending consumer credit and/or consumer insurance including, but not limited to, those who operate, either in whole or in part, as Federal, State, or local governmental subdivisions or agencies except those covered by paragraph 4 of this order, private legal counsel or attorneys, and private detectives or investigators, to identify themselves and to certify in writing, either at the time the prospective users seek each consumer report or within ten (10) business days after an oral certification of a request for each consumer report, the purpose for which the information is sought and that the information will be used for no other purpose, in accordance with section 607 of the Fair Credit Reporting Act.

4. Failing to require prospective users of consumer reports, who are not, in the ordinary course of business, regularly extending consumer credit and/or consumer insurance, but who regularly use consumer reports for "employment purposes," as defined in section 603(h) of the Fair Credit Reporting Act, to identify themselves and to certify in writing, through a contract or written certification form with the respondents, that the only purpose for which information is sought is for employment and that the information will be used for no other purpose, unless the prospective users identify themselves and certify, in writing, each time the prospective users seek a consumer report, the purpose for which the information is sought and that the information will be used for no other purpose, in accordance with section 607 of the Fair Credit Reporting Act.

5. Failing to inform all prospective users of consumer reports, in writing, at the time of entering into a contract or executing a written certification form with the respondents, of their responsibilities as users of consumer reports, including the provisions of paragraphs 3 and 4 of this order.

6. Failing to cease doing business with any user or prospective user of consumer reports who does not follow any of the oral or written procedures as specified by this order, or who the respondents know, or have reason to believe, is violating any provisions of the Fair Credit Reporting Act.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the assembling or evaluating of information on consumers for the purpose of furnishing to third parties consumer reports and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged, as well as a description of their duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed changes in the corporate respondents, such as dissolution, assignment, or sale resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other changes in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: December 15, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-1510 Filed 1-24-73;8:45 am]

[Docket No. C-2334]

PART 13—PROHIBITED TRADE PRACTICES

Mica, Inc. and Willis Holt

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mica, Inc., et al., Chatsworth, Ga., Docket No. C-2334, Dec. 29, 1972]

In the Matter of Mica, Inc., a Corporation, and Willis Holt, Individually and as an Officer of Said Corporation

Consent order requiring a Chatsworth, Ga., manufacturer and seller of carpets and rugs, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Mica, Inc., a corporation, its successors and assigns, and its officers, and respondent Willis Holt, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since April 4, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such actions. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 29, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-1511 Filed 1-24-73;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 19—REPORTS BY MERCHANTS, PROCESSORS, AND DEALERS

Information Required for Cotton and Cotton Products, and for Potatoes and Potato Products

On October 19, 1972, notice was published in the FEDERAL REGISTER (37 FR 22390) of the proposed amendments of sections 19.02, 19.03(a), and 19.04(a) of part 19 of the regulations under the Commodity Exchange Act, as amended (17 CFR 19.02, 19.03(a), and 19.04(a)). The purpose in amending § 19.02 is to eliminate certain previously required information concerning positions in spot cotton and cotton products and to show the information now required for regulatory purposes. The purpose in amending § 19.03(a) is to reflect changes in the required information concerning cash positions in eggs and egg products, based on present marketing practices for eggs. The purpose in amending § 19.04(a) is to make minor clarifying changes in the required information concerning cash positions in potatoes and potato products.

Interested persons were given 30 days in which to submit written data, views, or arguments on the proposed amendments. No such written submittals were received on the proposed amendments of §§ 19.02 and 19.04(a). Accordingly, pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended, the amendments of §§ 19.02 and 19.04(a) as so proposed are hereby adopted without change and are set forth below.

Two statements were filed, however, concerning the proposed amendment of § 19.03(a), relating to cash positions in eggs and egg products. After careful con-

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sideration of the comments received, it is desirable to revise the notice of proposed amendment with respect to § 19.03(a). Such notice will appear in a subsequent issue of the FEDERAL REGISTER.

Effective date. The amendments of §§ 19.02 and 19.04(a) shall become effective on February 26, 1973.

(Sec. 8a as added and amended, 49 Stat. 1500; 82 Stat. 32, 33; 7 U.S.C. 12a)

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accord with the Federal Reports Act of 1942 (44 U.S.C. Ch. 12).

Issued January 18, 1973.

RICHARD E. LYNG,
Assistant Secretary.

§ 19.02 Merchants, processors, and dealers in cotton and cotton products.

(a) *Details of cotton position.* Merchants, processors, and dealers in cotton and cotton products or byproducts shall include the following information in each report:

(1) The quantity of open fixed-price spot positions (long and short) in cotton and cotton products, including open fixed-price purchase commitments of raw cotton, stocks of raw cotton on hand (owned and at fixed prices), cotton in process of manufacture, and finished products; and unfilled fixed-price sale commitments of raw cotton and of finished products;

(2) The quantity of call cotton bought or sold on which the price has not been fixed, together with the respective futures on which based. As used herein, call cotton refers to spot cotton bought or sold, or contracted for purchase or sale, at a price to be fixed later based upon a specified future; and

(3) The quantity of certificated cotton owned.

(b) *Standards and conversion factors.* Every such merchant, processor, or dealer, in computing his spot position, shall use such standards and conversion factors with respect to cotton products or byproducts as are usual in the cotton trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain products or byproducts in determining his spot position for hedging (as defined in section 4a of the Act), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commodity Exchange Authority upon request detailed information concerning the kind and quantity of each product or byproduct so excluded.

§ 19.04 Merchants, processors, and dealers in potatoes and potato products.

(a) *Details of cash (spot) potato position.* Merchants, processors, and dealers in potatoes and potato products shall show in each report the amount of:

(1) Potatoes being raised or expected to be raised by such persons in the ensuing 12 months, including the potato acreage in each State;

(2) Stocks of potatoes owned;

(3) Open fixed-price purchase commitments of potatoes;

(4) Unfilled fixed-price sales commitments of potatoes; and

(5) Stocks of potato products owned or potatoes in process of manufacture, open fixed-price purchase commitments, and unfilled fixed-price sales commitments of potato products, identified as to kind of product.

[FR Doc.73-1535 Filed 1-24-73;8:45 am]

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5354, 34-9944, AS-138]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 239—FORMS, SECURITIES ACT OF 1933

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Disclosure of Unusual Charges and Credits to Income

The Securities and Exchange Commission today adopted amendments to its registration and reporting forms to require more detailed and timely reporting, and timely review by independent accountants of extraordinary or material unusual charges and credits to income or material provisions for losses effected by registrants. Proposals to amend these forms, as well as forms 7-Q (17 CFR 249.307a) and 10-Q (17 CFR 249.308a), for these purposes were published for comment in Securities Act Release No. 5313 (Securities Exchange Act Release No. 9801) [37 FR 21445] on October 2, 1972. Form 8-K (17 CFR 249.308) is the form for reporting certain specified material events and transactions pursuant to Sections 13 and 15(d) of the Securities Exchange Act of 1934 (Exchange Act); Forms 10-K (17 CFR 249.310) and 12-K (17 CFR 249.312) are the forms for annual reports pursuant to those sections of the Exchange Act; Forms S-1 (17 CFR 239.11), S-7 (17 CFR 239.26), S-8 (17 CFR 239.16b), S-9 (17 CFR 239.22), and S-11 (17 CFR 239.18) are forms for registration of securities pursuant to the Securities Act of 1933; and forms 10 (17 CFR 249.210) and 12 (17 CFR 249.212) are forms for registration of securities pursuant to the Exchange Act.

The Commission noted when it proposed amendments to these forms that it had observed an increasing number of large charges to income which often appeared without warning and were not generally understood by investors. The Commission is concerned that this trend seems to have accelerated in recent months. While many of such charges result from an identifiable event, many also appear to be made on the basis of a discretionary decision to dispose of marginal facilities or operations or to write off deferred development or excess production costs. In the latter situations, where facilities or operations gradually deteriorate or the outlook for a contract or program gradually worsens to the point where a writeoff is deemed necessary, registrants have an obligation to forewarn public investors of the deteriorating conditions which unless reversed may result in a subsequent writeoff. This includes an obligation to provide information regarding the magnitude of exposure to loss.

The Commission, therefore, reiterates its view that registrants should make special efforts to recognize incipient problems that might lead to such charges and to identify them clearly at the earliest possible time in financial statements and other forms of public disclosure, including public reports filed with the Commission, so that public investors may recognize the risks involved. In this connection, registrants should consider disclosure of the investment involved in divisions operating at a loss; the undepreciated cost of plant and equipment currently considered to be obsolete or of marginal utility; the extent of deferred research and development costs incurred in connection with products whose success is not reasonably assured; and other similar items where significant uncertainties exist as to realization.

The Commission has previously urged more comprehensive disclosure of progress and problems encountered in defense and other long-term contracts which may also give rise to major charges against income (Securities Act Release No. 5263 dated June 22, 1972) (37 FR 21464) and has urged greater diligence in the release of quarterly and other interim reports of operations (Securities Exchange Act Release No. 9559 dated April 5, 1972) (37 FR 21465).

In addition to disclosure of incipient problems, the Commission believes that substantial additional disclosure in regard to extraordinary items and material unusual charges and credits to income or major provisions for loss is necessary to enable public investors to assess the impact of such items. This would include transactions that are classified as extraordinary items under generally accepted accounting principles and other unusual or nonrecurring material transactions or provisions for loss, such as (but not restricted to) material write downs of inventories, receivables, or deferred research and development costs, provisions for loss on major long-term contracts or purchase commitments, and losses on disposition of assets or business segments. The release of October 2 (33-5313 and 34-9801) contained proposals for such disclosure. The comments received on these proposals have been given careful consideration in determining the amendments to adopt.

The Commission has determined not to adopt the proposed amendment calling for pro forma statements to reflect allocation of charges and credits to prior years since, on the basis of comments received, it concluded that the proposed pro forma disclosure might leave the improper implication that past historical statements were in error as well as imposing substantial clerical burdens on registrants. The amendments adopted

herein call for disclosure of the years in which the costs being included in the charge were or are expected to be incurred and the amount of cost in each year by major category of cost.

The Commission has further determined not to adopt the proposed amendments to Forms 7-Q and 10-Q and other related amendments which would have required an estimate of losses by quarters and a subsequent quarterly reconciliation of reserves provided. Comments indicated that quarterly estimates and reconciliations would be difficult to make within acceptable limits of accuracy, would not supply significant data for investors, and would impose a clerical burden on registrants. The amendments adopted herein require an estimate of losses by year and a subsequent annual explanation of differences between estimated and actual amounts and a reconciliation of any reserve provided.

In addition, the Commission has determined to omit the definition of "material" contained in the proposed note to item 10(a) of Form 8-K. Comments indicated that a definition which relates materiality to a criterion based on separate reporting of an item to stockholders might have the effect of discouraging such disclosure rather than improving the quality thereof. Materiality, therefore, must be considered within the context of the definition contained in Rule 1-02 of Regulation S-X (17 CFR 210.1-02).

Commission action. The Commission has amended certain items and instructions of various sections of Parts 239 and 249 of Chapter II of Title 17 of the Code of Federal Regulations, and as so amended they read as follows:

A. *Form 8-K* (17 CFR 249.308).

I. The caption of item 10 and paragraph (a) have been amended as follows:

ITEM 10—EXTRAORDINARY ITEM CHARGES AND CREDITS, OTHER MATERIAL CHARGES AND CREDITS TO INCOME OF AN UNUSUAL NATURE, MATERIAL PROVISIONS FOR LOSS, AND RESTATEMENTS OF CAPITAL SHARE ACCOUNT

(a) If there have been any extraordinary item charges or credits, any other material charges or credits to income of an unusual nature, or any material provisions for loss, the following shall be furnished for each such charge, credit, or provision:

(1) The date of the registrant's determination to make the charge, credit, or provision;

(2) A statement of the reasons for making the charge, credit, or provision;

(3) An analysis of the components (in dollar amounts) of the charge, credit, or provision, which includes

(i) A description of the various types of items written down or off;

(ii) A description of any provision for losses on liquidation of assets or for other losses including a detailed schedule showing the components of any losses provided for, which schedule shows the amount of administrative and fixed costs, if any, allocated to the loss;

(iii) A description of any estimated recoveries or costs netted against the charge or credit;

(4) A statement setting forth the years in which costs being reflected in the charge (or net credit) being described were or are expected to be incurred and the amount of cost for each year by major category (e.g., fixed assets, research and development costs, operating losses);

(5) A statement setting forth the estimated amount of net cash outlays (or in-flows) associated with the charge (or credit) in the year the charge (or credit) is made and in each subsequent year in which such estimate of the cash amount differs from the amount of total costs stated in part (4) for that year;

(6) A description of the accounting principles or practices followed and any changes therein or in the methods of applying such principles or practices which was made in connection with the transaction; and

(7) A report from the registrant's independent accountants in which they state that they have read the description in the Form 8-K of the facts set forth therein and of the accounting principles applied and whether they believe that on the basis of the facts so set forth that such accounting principles are fairly applied in conformity with generally accepted accounting principles or, if not, the respects in which they believe the principles do not conform to generally accepted accounting principles.

II. The following new instruction 8 has been added under *Exhibits* of Form 8-K.

8. Reports from the independent accountants furnished pursuant to Item 10.

B. *Form 10-K* (17 CFR 249.310).

A new instruction (6) has been added to the instructions to item 2, Summary of Operations, as follows:

(6) For any event subsequent to January 31, 1973, which was required to be reported pursuant to item 10(a) of Form 8-K in which an amount of cost was estimated to be incurred in the fiscal year being reported on or the prior fiscal year, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

C. *Form 12-K* (17 CFR 249.312).

A new instruction 6 has been added to the instructions as to exhibits, as follows:

6. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8-K in which an amount of cost was estimated to be incurred in the fiscal year being reported on or the prior fiscal year, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

D. *Form S-1* [17 CFR 239.11]

A new instruction 7 has been added to Item 6, Summary of Earnings, as follows:

7. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8-K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the issuer was not a registrant prior to the filing of this registration statement, this instruction shall apply to any transaction subsequent to January 31, 1973, which would have been required to be reported pursuant to Item 10 (a) of Form 8-K had the issuer been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

E. *Form S-7* [17 CFR 239.26]

Instruction 8 of Item 6, State of Income, has been changed to number 9 and a new instruction 8 has been added, as follows:

8. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8-K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

F. *Form S-8* [17 CFR 239.16b]

Instruction 4 of Item 19, Summary of Earnings, has been changed to number 5 and a new instruction 4 has been added, as follows:

4. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8-K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

G. *Form S-9* [17 CFR 239.22]

Instruction 6 to part (a) of Item 3, Statements of Income, has been changed to number 7 and a new instruction 6 has been added, as follows:

6. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8-K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarized such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

H. *Form S-11* [17 CFR 239.18]

A new instruction 7 has been added to part (a) of Item 6, *Summary Financial Data*, as follows:

7. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8-K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the issuer was not a registrant prior to the filing of this registration statement, this instruction shall apply to any transaction subsequent to January 31,

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1973, which would have been required to be reported pursuant to Item 10(a) of Form 8–K had the issuer been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

I. *Form 10* [17 CFR 249.210]

A new instruction 5 has been added to Item 2, Summary of Operations, as follows:

5. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8–K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the issuer was not a registrant prior to the filing of this registration statement, this instruction shall apply to any transaction subsequent to January 31, 1973, which would have been required to be reported pursuant to Item 10(a) of Form 8–K had the issuer been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

J. *Form 12* [17 CFR 249.212]

A new instruction 9 has been added to the *Instructions as to Exhibits*, as follows:

9. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8–K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the issuer was not a registrant prior to the filing of this registration statement, this instruction shall apply to any transaction subsequent to January 31, 1973, which would have been required to be reported pursuant to Item 10(a) of Form 8–K had the issuer been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

The foregoing amendments are adopted pursuant to sections 6, 7, 8, 10, and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, and 77s) of the Securities Act of 1933 and sections 13, 15(d), and 23(a) (15 U.S.C. 78m, 78o, and 78w) of the Securities Exchange Act of 1934. The amendments shall be effective with respect to reports on Form 8–K and registration statements on Forms S–1, S–7, S–8, S–9, S–11, 10, and 12, and with respect to annual reports on Forms 10–K and 12–K filed on or after February 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 12, 1973.

[FR Doc.73-1516 Filed 1-24-73;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 73-27]

PERSONAL DECLARATIONS AND EXEMPTIONS

Declaration and Entry of Articles

On August 10, 1972, a notice of proposed rule making pertaining to a revision of the customs regulations relating to personal declarations and exemptions (19 CFR 10.11–10.28, and 10.42), was published in the FEDERAL REGISTER (37 FR 16092). Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed revision. No comments were received.

Previously, on August 5, 1972, a notice of proposed rule making to amend Part 10 of the customs regulations regarding the privileges accorded personnel of foreign governments and international organizations in accordance with existing law and treaties, and set forth the authority to search their baggage (19 CFR 10.29–10.30b), was published in the FEDERAL REGISTER (37 FR 15872). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment. No comments were received.

The proposed amendments published August 5, 1972, relating to personnel of foreign governments and international organizations are being adopted as subpart I of Part 148, in order to treat matters relating to personal declarations and exemptions in one part of the Customs regulations. Changes in numbering and cross references, together with other conforming changes, have been made.

The following changes are made in the amendments as proposed:

1. Sections 148.2(d) and 148.8 are added to incorporate the ruling in T.D. 72-92 (37 FR 6769), permitting a person arriving in the United States who would otherwise be considered a returning resident to claim at his option the status of nonresident if he intends to remain in the United States for only a short period of time before returning abroad.

2. Reference to Part 23 is changed to show that the entire part is deleted, rather than §§ 23.4 and 23.5. Treasury Decision 72-211 (37 FR 16486) deleted all of Part 23, except for §§ 23.4 and 23.5.

Accordingly, new Part 148, and conforming changes in Parts 4, 6, 8, 9, 10, 11, 23, and 123 of the Customs Regulations, Chapter I, Title 19 of the Code of Federal Regulations, are hereby adopted as set forth below.

Effective date. This amendment shall become effective February 22, 1973.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 15, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

§ 4.2 [Amended]

In § 4.2, paragraph (c) is amended by substituting "Subpart B of Part 148" for "section 10.19."

§ 4.5 [Amended]

In § 4.5, the second sentence of paragraph (a) is amended by substituting "§ 148.72" for "§ 10.24."

§ 4.7a [Amended]

Section 4.7a is amended as follows:

In paragraph (b), subparagraph (3) is amended and a new subparagraph (4) is added as follows:

(3) For requirements concerning the preparation of Customs Forms 5123 and 5129, see Subpart G of Part 148 of this chapter.

(4) Any articles which are required to be manifested and are not manifested shall be subject to forfeiture and the master shall be subjected to a penalty equal to the value thereof, as provided in section 584, Tariff Act of 1930, as amended.

In paragraph (e), subparagraph (1) is amended to substitute "devolving" for "developing" in the text of the certification, and to add a new subparagraph (4) as follows:

(e) *Passenger List*—(1) The Passenger List shall be completed in accordance with § 4.50 and with the requirements of the Immigration and Naturalization Service, U.S. Department of Justice (8 CFR Part 231), and the following certification shall be placed on its last page:

I certify that Customs baggage declaration requirements have been made known to incoming passengers; that any required Customs baggage declarations have been or will simultaneously herewith be filed as required by law and regulation with the proper Customs officer; and that the responsibilities devolving upon this vessel in connection therewith, if any, have been or will be discharged as required by law or regulation before the proper Customs officer. I further certify that there are no steerage passengers on board this vessel (46 U.S.C. 151–163).

Master

(4) All baggage on board a vessel not accompanying a passenger and the marks or addresses thereof shall be listed on the last sheet of the passenger list under the caption "Unaccompanied baggage."

§ 4.30 [Amended]

In § 4.30, paragraph (a) is amended to include provision for vessels transiting the Panama Canal, as follows:

(a) Except as prescribed in paragraph (f), (g), or (k) of this section or in § 123.8 of this chapter and except in the case of a vessel exempt from entry or clearance under 19 U.S.C. 288 [66] no passengers,[66] cargo,[67] baggage,[67] or other article [68] shall be unladen from a vessel which arrives directly or indirectly from any port or place outside the Customs territory of the United States or from a vessel which transits the Panama Canal and no cargo, baggage, or other article shall be laden [68] on a vessel destined to a port or

place outside the Customs territory of the United States if Customs supervision of such lading is required,[68] until the district director shall have issued a permit or special license therefor on Customs Form 3171.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 6—AIR COMMERCE REGULATIONS

§ 6.7 [Amended]

Section 6.7 is amended by deleting paragraph (g).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

§ 8.2 [Amended]

Section 8.2 is amended to correct the cross-references in the list of articles not liable to duty on subsequent importation as follows:

In (a) substitute "§ 148.31" for "§ 10.17 (a)" in the parenthetical matter.

In (b) substitute "§ 148.53" for "§ 10.15" in the parenthetical matter.

In (c) substitute "§ 148.32" for "§ 10.42" in the parenthetical matter.

§ 8.3 [Amended]

In § 8.3, paragraph (b) is amended by substituting "§ 148.51" for "§ 10.21(1)" in the parenthetical matter at the end thereof.

§ 8.15 [Amended]

In § 8.15, paragraph (c) (6) is amended to read:

(6) Aircraft, automobiles, and other vehicles, boats, horses, and the usual equipment of any of the foregoing, if taken abroad for noncommercial use and returned in accordance with the provisions of § 148.32 of this chapter.

Section 8.51a is amended to correct the cross-references and forms prescribed to read as follows:

§ 8.51a Entry of certain shipments of unconditionally or conditionally free merchandise.

A shipment not exceeding $250 in value which is (a) unconditionally free of duty and not subject to any quota or internal revenue tax, or (b) conditionally free and all conditions for free entry are met at the time of entry, may be released upon examination and identification by a Customs officer and the filing by the importer of Customs Form 7523, in duplicate, supported by evidence of the right to make entry: *Provided*, That this procedure shall not be followed in the case of American goods returned for the entry of which Customs Form 3311 has been prescribed by § 10.1, or effects and tools of trade released under Customs Form 3299 without other entry in accordance with § 148.6 of this chapter.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498; R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 9—IMPORTATIONS BY MAIL

§ 9.4 [Amended]

Section 9.4 is amended by substituting "section 148.6" for "§ 10.20" in the first sentence.

§ 9.11 [Amended]

In § 9.11, paragraph (a) is amended by deleting the last sentence thereof and substituting the following:

See §§ 8.45 and 22.27 of this chapter; and as to articles released from continuous Government custody for which return to Customs custody is appropriate prior to exportation, see §§ 10.8, 10.38, 22.33, and 148.37 of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§§ 10.11–10.28; 10.42 [Deleted]

Part 10 is amended by deleting therefrom § 10.11 through § 10.30b together with the accompanying centerheads, § 10.42, and footnotes 9 through 33c appended thereto.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING

The heading of Part 11 is amended as set forth above, and § 11.3 is amended to read as follows:

§ 11.3 Package and notice requirements for cigars and cigarettes; package requirements for cigarette papers and tubes.

Exemptions from tax on cigars, cigarettes, and cigarette papers and tubes apply in accordance with the regulations of the Bureau of Alcohol, Tobacco, and Firearms (26 CFR Part 275) upon release from Customs custody of such articles imported by consular officers and employees of foreign states. Cigars, cigarettes, cigarette papers, and tubes may also be released without payment of tax as provided in § 11.2a and for exhibition in accordance with Part 147 of this chapter. Additionally, cigars, cigarettes, or cigarette papers and tubes may be admitted free of duty and tax under the provisions of schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), or section 321, Tariff Act of 1930, as amended (19 U.S.C. 1321), §§ 10.30c, 54.3, 148.63, 148.74, and subpart I of Part 148 of this chapter. Except in the foregoing instances and in any instance in which such articles are imported in passengers' baggage or are to be released under a mail entry for the personal consumption of the importer or for disposition as his bona fide gift, the provisions in Part 275 of the regulations of the Bureau of Alcohol, Tobacco, and Firearms (26 CFR Part 275) as to packages and notices thereon apply.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 23—[DELETED]

Chapter I of Title 19 of the Code of Federal Regulations, is amended by deleting Part 23, Enforcement of Customs and Navigation Laws.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.52 [Amended]

In § 123.52, paragraph (a) is amended by substituting "§148.41" for "§ 10.18(d)" in the last sentence.

§ 123.62 [Amended]

Section 123.62 is amended by substituting "§ 123.3" for "§ 5.3" in the parenthetical matter at the end of the section.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Chapter I of Title 19, Code of Federal Regulations, is amended by adding a new Part 148 to read as follows:

Sec.
148.0 Scope.

Subpart A—General Provisions

148.1 Registration of valuable effects to be taken abroad.
148.2 Residence status of arriving persons.
148.3 Customs treatment after transiting the Panama Canal.
148.4 Accompanying articles.
148.5 Regular entry for articles in baggage.
148.6 Entry of unaccompanied shipments of effects subject to personal exemptions.
148.7 Unclaimed baggage.
148.8 Temporary importation by residents arriving for short visits.

Subpart B—Declarations

148.11 Declaration required.
148.12 Oral declarations.
148.13 Written declarations.
148.14 Family declarations.
148.15 Inclusion of articles not for personal or household use.
148.16 Amendment of declaration.
148.17 Declaration on arrival incidental to further foreign travel.
148.18 Failure to declare.
148.19 False or fraudulent statement.

Subpart C—Examination of Baggage and Collection of Duties and Taxes

148.21 Opening of baggage, compartments, or vehicles.
148.22 Examination of air travelers' baggage in foreign territory.
148.23 Examination and clearance of baggage.
148.24 Determination of dutiable value.
148.25 Reexamination and protest.
148.26 Collection of internal revenue taxes.
148.27 Receipt for payment.

Subpart D—Exemptions for Returning Residents

148.31 Effects taken abroad.
148.32 Vehicles, aircraft, boats, teams and saddle horses taken abroad.
148.33 Articles acquired abroad.
148.34 Family grouping of exemptions for articles acquired abroad.

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Sec.
148.35 Length of stay for exemption of articles acquired abroad.
148.36 Frequency of allowance of exemption for articles acquired abroad.
148.37 Replacement of unsatisfactory articles acquired abroad.
148.38 Sale of articles acquired abroad.
148.39 Rented automobiles.

Subpart E—Exemptions for Nonresidents

Sec.
148.41 Articles carried through the United States.
148.42 Personal effects.
148.43 Tobacco products and alcoholic beverages.
148.44 Gifts.
148.45 Vehicles and other conveyances.
148.46 Sale of exempted articles.

Subpart F—Other Exemptions

148.51 Special exemption for personal or household articles.
148.52 Exemption for household effects used abroad.
148.53 Exemption for tools of trade.
148.54 Exemption for effects of citizens dying abroad.

Subpart G—Crewmember Declarations and Exemptions

148.61 Status as crewmembers.
148.62 Declaration and entry of articles by crewmembers.
148.63 Articles for use while on temporary leave.
148.64 Administrative exemption.
148.65 Exemptions for resident crewmembers.
148.66 Exemptions for nonresident crewmembers.
148.67 Penalties for failure to declare articles.

Subpart H—Military and Civilian Employees of the United States, and Evacuees

148.71 Status of persons in service of United States as returning residents.
148.72 Articles acquired abroad by personnel on Government vessels.
148.73 Baggage on military transports.
148.74 Exemption on termination of assignment to extended duty or on evacuation.
148.75 Persons ineligible for exemption on termination of assignment.
148.76 Waiver of requirements or limitations.
148.77 Entry of effects on termination of assignment to extended duty, or on evacuation.

Subpart I—Personnel of Foreign Governments and International Organizations

148.81 General Provisions.
148.82 Diplomatic, consular, and other privileged personnel.
148.83 Diplomatic and consular bags.
148.84 Baggage and effects of high Government officials.
148.85 Subsequent importations for the personal or family use of diplomatic, consular, and other privileged personnel.
148.86 Articles for official use of representatives of foreign governments.
148.87 Officers and employees of, and representatives to public international organizations.
148.88 Certain representatives to and officers of the United Nations and the Organization of American States.
148.89 Property of public international organizations.

AUTHORITY: R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759; 19 U.S.C. 66, 1498, 1624. The provisions of this part, except for Subpart C, are also issued under General Headnote 11, Tariff Schedules of the United States; 19 U.S.C. 1202. Additional authority and statutes interpreted or applied are cited in the text or following the section affected.

§ 148.0 Scope.

This part contains the regulations governing the allowance of exemptions for residents and nonresidents arriving in the United States, for crewmembers of carriers engaged in international traffic, for military and civilian employees of the United States, for certain evacuees, and for certain personnel of foreign governments and international organizations. Procedures and requirements are also set forth pertaining to registration of articles to be taken abroad, declaration and entry, and examination of baggage, and collection of duties and taxes.

Subpart A—General Provisions

§ 148.1 Registration of valuable effects to be taken abroad.

(a) *Persons who may use procedure.* Any person, except a nonresident seaman, airman, or person engaged in similar employment, who intends to take valuable effects of foreign origin abroad may register such articles before departure from the United States in order to facilitate their identification on return to the United States.

(b) *Procedure for registration.* Applicants for registration of valuable articles of foreign origin shall present the articles to a Customs officer together with a properly executed Customs Form 4457. After the Customs officer has examined the articles and verified their description, he shall sign the form and return it to the applicant for presentation on return of the articles. Customs Form 4455 may be required in any case in which Customs Form 4457 will not adequately serve the purpose of registration.

(c) *Presentation on return.* The form shall be presented to the Customs officer when the registered articles are returned to the United States.

§ 148.2 Residence status of arriving persons.

(a) *General.* Persons arriving from foreign countries shall be divided into two classes for Customs purposes:

(1) Residents of the United States returning from abroad, and

(2) All other persons, hereinafter referred to as nonresidents.

(b) *Status as returning resident.* Citizens of the United States, or persons who have formerly resided in the United States, shall be deemed residents thereof returning from abroad within the meaning of "residents" as used in schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), in the absence of satisfactory evidence that they have established a home elsewhere. For this purpose, the residence of a wife shall be deemed to be that of her husband unless satisfactory evidence is presented that the wife has established a separate residence elsewhere. The residence of a minor child shall be presumed to be that of his parents.

(c) *Status as nonresident.* Any person arriving in the United States who is not a resident of the United States or who, though a resident of the United States, is not returning from abroad, shall be treated for the purpose of these regulations as a nonresident.

(d) *Optional claim of nonresident status.* Any person arriving in the United States who would otherwise be considered a returning resident, may claim at his option the status of a nonresident if he intends to remain in the United States for only a short period of time before returning abroad. If the status as a nonresident claimed by an arriving person is allowed, the procedures in § 148.8 shall be followed.

§ 148.3 Customs treatment after transiting the Panama Canal.

Passengers' baggage and effects and purchases of officers and crewmembers landed in the United States from vessels which have transited the Panama Canal are subject to Customs examination and treatment in the same manner as arrivals from a foreign country.

§ 148.4 Accompanying articles.

(a) *Generally.* Articles shall be considered as accompanying a passenger or brought in by him if the articles arrive on the same vessel, vehicle, or aircraft on the same date as that of his arrival in the United States.

(b) *Baggage shipped as freight.* Articles in baggage shipped as freight on a bill of lading or airway bill shall be considered as accompanying a passenger when the baggage arrives on the conveyance on which he arrives in the United States.

(c) *Precleared articles.* Articles in baggage, or in baggage shipped as freight, shall be considered as accompanying a passenger if examined at an established preclearance station and the baggage is hand-carried, checked or manifested on the conveyance on which he arrives in the United States.

(d) *Automobiles.* An automobile which arrives on the same mode of conveyance on the same date as a passenger arrives in the United States shall be considered as accompanying him.

(e) *Misdirected baggage.* Baggage which arrives on the same mode of conveyance ahead of, or after a passenger, shall be treated as accompanying him if it is fully evident to the examining officer from the circumstances that:

(1) The passenger intended the baggage to arrive with him; and

(2) It was misdirected through no fault of the passenger.

§ 148.5 Regular entry of articles in baggage.

Subject to any applicable exemption from entry requirements, articles imported as baggage but not passed under a baggage declaration or under the procedure provided in § 148.6 for unaccompanied shipments of effects subject to personal exemptions shall be entered in the same manner as a cargo importation of like goods. In making regular entry for articles imported in baggage, the value of articles entitled to free entry under item 810.20 or 813.10, Tariff Schedules of the United States (19 U.S.C. 1202), shall be disregarded in determining whether formal or informal entry is required.

§ 148.6 Entry of unaccompanied shipments of effects subject to personal exemptions.

(a) *Declaration to support free entry.* When effects claimed to be free of duty under items 810.20, 812.10, 812.20, 812.30, or 313.10, Tariff Schedules of the United States (19 U.S.C. 1202), do not accompany the importer on his arrival in the United States or are forwarded in bond, a declaration of the importer on Customs Form 3299 shall be required to support the claim for free entry. However, an oral declaration may be accepted in lieu of a written declaration on Customs Form 3299, for effects of a resident which are free of duty under item 810.20 for tools of trade taken abroad or under item 813.10 for personal and household effects taken abroad. Effects of returning residents entitled to free entry under item 810.20 or item 813.10 (except automobiles and other vehicles of residents returning from countries other than Canada or Mexico) need not be itemized if a written declaration is required.

(b) *Exemption from entry.* If the district director is satisfied that an entry would serve no good purpose, none need be required, but evidence of ownership for Customs purposes, such as a carrier's certificate or properly endorsed bill of lading, shall be required with the declaration. Such exemption from entry may also be applied with respect to household effects or tools of trade entitled to free entry (see §§ 148.52 and 148.53 respectively) which are unaccompanied or forwarded in bond.

§ 148.7 Unclaimed baggage.

Articles in passengers' baggage on which duties due are not paid and baggage not claimed within a reasonable time shall be treated as unclaimed and sent to general order.

§ 148.8 Temporary importation by residents arriving for short visits.

A person claiming the status of a nonresident upon arrival for a short visit in the United States before returning abroad may import articles free of duty under items 812.10, 812.20, 812.25, and 812.30, Tariff Schedules of the United States (19 U.S.C. 1202), in accordance with the following procedure:

(a) The person claiming the status shall agree to export all such articles upon his departure from the United States, except articles imported as gifts under item 812.25, and articles consumed during his visit;

(b) When required to do so, the person claiming the status shall list all articles of substantial value which he is importing on Customs Form 4455, in duplicate, noting thereon the expected duration of his visit. He shall present the completed form to the inspecting officer who will initial both copies and return the duplicate to him;

(c) Upon his departure from the United States at the completion of his visit, the person claiming the status of a nonresident shall present to a Customs officer the duplicate copy of Customs Form 4455, initialed by the inspecting officer, and the articles listed thereon shall be subject to inspection; and

(d) If he decides not to return abroad, the person claiming the status shall immediately notify the district director at the port of entry. The district director will advise him of the amount of duties and taxes due by reason of his failure to return abroad.

Subpart B—Declarations

§ 148.11 Declaration required.

All articles brought into the United States by any individual shall be declared to a Customs officer at the port of first arrival in the United States, on a conveyance en route to the United States on which a Customs officer is assigned for that purpose, or at a preclearance office in a foreign country where a United States Customs officer is stationed for that purpose.

§ 148.12 Oral declarations.

(a) *Generally.* Returning residents and nonresidents arriving in the United States may make an oral declaration under the conditions set forth in paragraph (b) of this section. However, written declarations may be required generally or in respect to particular types of traffic at any port if necessary to effect prompt and orderly clearance of passengers and their effects, and may be required in particular cases at any port if deemed necessary to protect the revenue. If an oral declaration is permitted, completion of the identifying information on Customs Form 6059–B may be required.

(b) *When permitted.* Oral declarations may be permitted under the following conditions:

(1) *Residents.* A returning resident may make an oral declaration if:

(i) The aggregate fair retail value in the country of acquisition of all accompanying articles acquired abroad by him and of the cost or value of alterations and dutiable repairs made abroad to personal and household effects taken out and brought back by him does not exceed $100, or $200 in the case of direct or indirect arrivals from American Samoa, Guam, and the Virgin Islands of the United States, if not more than $100 shall have been acquired elsewhere than in such insular possessions;

(ii) None of his accompanying articles are forwarded in bond; and

(iii) None of his accompanying articles are imported for the account of any other person or for sale.

(2) *Nonresidents.* An arriving nonresident may make an oral declaration if all the articles he has to declare are:

(i) Entitled to free entry under his personal exemptions (see Subpart E of this part); or

(ii) Eligible for the administrative exemption for articles not exceeding $10 in aggregate value, provided in section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)) (see § 148.51).

(c) *Memorandum baggage declaration for dutiable articles.* When an arriving person is carrying a few dutiable or taxable articles which can be readily identified and segregated from articles entitled to free entry under his personal exemptions, the Customs officer may prepare a memorandum baggage declaration using a cash receipt, Customs Form 5104, for dutiable or taxable articles if he determines that a written declaration by the arriving person is not essential.

§ 148.13 Written declarations.

(a) *When required.* Unless an oral declaration is accepted under § 148.12, the declaration required of a person arriving in the United States shall be in writing on Customs Form 6059–B.

(b) *Completion and presentation of written declarations.* The person arriving in the United States shall complete the information required by Customs Form 6059–B and shall list all articles acquired abroad which are in his possession at the time of arrival. Individual items not exceeding $5 per item in fair retail value in the country of acquisition may be grouped on the written declaration as "Miscellaneous" up to but not exceeding a total value of $50. Articles not requiring itemization as set forth in paragraph (c) of this section shall be declared orally to the Customs officer. The form shall be presented to the Customs officer who will inspect the passenger's baggage.

(c) *Itemization of certain articles not required.* Except as required by § 148.62 or § 148.66 for crewmembers' articles, the following need not be itemized in written declarations:

(1) Effects of a returning resident entitled to free entry under item 810.20, Tariff Shcedules of the United States (19 U.S.C. 1202), for tools of trade taken abroad, or under item 813.10, for personal or household effects taken abroad. However, automobiles and other vehicles of residents returning from countries other than Canada or Mexico and the cost of all repairs or alterations to articles taken abroad must be itemized.

(2) Effects of a nonresident entitled to free entry under item 812.10, Tariff Schedules of the United States (19 U.S.C. 1202), for wearing apparel and other similar personal effects; item 812.20, for tobacco products and alcoholic beverages; item 812.25, for articles to be disposed of as bona fide gifts; or item 812.40, for articles accompanying a person in transit to a place outside U.S. Customs territory.

(3) Books, libraries, furniture, and similar household effects entitled to free

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entry under item 810.10, Tariff Schedules of the United States (19 U.S.C. 1202).

(d) *Value.* Opposite the description of each article required to be declared specifically in a written declaration the passenger shall state either:

(1) The price at retail actually paid for the article in the currency of purchase, or its equivalent in U.S. currency; or

(2) The fair retail value in the country of acquisition if the article was not acquired at retail or by purchase, in the currency of the country in which the article was acquired or in U.S. currency.

(e) *Acknowledgment before Customs officer.* Each written declaration shall be acknowledged by the declarant before the Customs officer who examines the baggage covered by the declaration.

§ 148.14 Family declarations.

A family group residing in one household, traveling together, and having the same residence status may be permitted to declare orally articles acquired abroad for the personal or household use of any member of the family if the value of such articles does not exceed the total amount of the exemption to which the family group is entitled. (See § 148.34.) Where a written declaration is required, one member of a family group may declare for all. Servants accompanying a family group shall not be included in the family declaration.

§ 148.15 Inclusion of articles not for personal or household use.

Articles not personal in character, or which are intended for sale or are brought in on commission for another person, may be included in the baggage declaration of a resident or nonresident under the conditions specified in § 148.23 (c). If not so included, regular entry shall be required.

§ 148.16 Amendment of declaration.

(a) *Before examination.* A passenger shall be permitted to add an article to his declaration if, before examination of his baggage has begun, the fact that the article has not been declared is brought to the attention of the examining officer by the passenger.

(b) *After examination is begun.* A passenger shall be permitted to add an article to his declaration after examination of his baggage has begun if, before any undeclared article is found, the passenger advises the examining officer that he has such an article and the officer is satisfied that there was no fraudulent intent. Under no circumstances shall a passenger be permitted to add any undeclared article to his declaration after such article has been discovered by the examining officer.

§ 148.17 Declaration on arrival incidental to further foreign travel.

(a) *Declaration on incidental arrival.* A resident who enters the United States merely as an incident of foreign travel and who will continue his foreign travel before finally returning to the United States from a continuous trip shall declare, but need not clear through Customs, any articles he has acquired or had repaired or altered while abroad. The incidental character of the arrival shall be made known to the Customs officer.

(b) *Treatment of articles on incidental arrival.* In order that a resident may claim the $100 or $200 exemption upon his final arrival in the United States from a continuous trip, articles accompanying him at the time of an incidental arrival may be exported directly from Customs custody or after transportation in bond, or the articles may be left in Customs custody if the resident upon his final return is to arrive at the Customs facility where the articles are deposited.

(c) *Failure to advise of incidental character of arrival.* If the traveler fails to advise the Customs officer of the incidental character of his arrival, or for other reason declares any articles for allowance of the $100 or $200 exemption, such declaration shall mark the beginning of the respective period or periods during which a further exemption cannot be granted.

§ 148.18 Failure to declare.

(a) *Penalty incurred.* Except as provided in paragraphs (b) and (c) of this section for the remission of the personal penalty and mitigation of the forfeiture in special circumstances, any article in the baggage of a passenger arriving from a foreign country which is not declared as required by this subpart shall be seized if it is available for seizure at the time the violation is detected, and the personal penalty prescribed by section 497, Tariff Act of 1930 (19 U.S.C. 1497) shall be demanded from the passenger. If the article is not seized, a claim for the personal penalty shall be made against the person who imported the article without declaration. No duty shall be collected, since undeclared articles are treated as smuggled.

(b) *Remission of penalty.* When an article not declared as required by this subpart is found in the baggage of a person arriving in the United States, the personal penalty incurred is hereby remitted pursuant to the authority of section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), provided it is satisfactorily established that:

(1) The article would have been free of duty and internal revenue tax if it had been properly declared;

(2) Its importation is not prohibited or restricted; and

(3) The failure to declare was not due to willful negligence or fraudulent intent.

(c) *Mitigation or remission of forfeiture incurred.* In any case in which the personal penalty for failure to declare is remitted in accordance with paragraph (b) of this section, the forfeiture incurred will be mitigated or remitted as follows:

(1) When the article would have been free of duty only because of the provisions of items 810.20, 812.10, 812.25, 812.30, 812.40, 813.10, 813.30, or 813.31, Tariff Schedules of the United States (19 U.S.C. 1202), or section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)), the forfeiture incurred is hereby mitigated pursuant to the authority of section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), to a sum equal to the duty and any internal revenue tax which would have accrued upon the article had it been imported for commercial purposes; or

(2) When the article would otherwise have been free of duty and internal revenue tax, the forfeiture incurred is hereby remitted pursuant to the same authority.

§ 148.19 False or fraudulent statement.

A passenger who makes any false or fraudulent statement or engages in other conduct within the purview of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), whereby a Customs officer is or may be induced to pass an article free of duty or at less than the proper amount of duty, shall be deemed to have violated the said section 592. In any such case the article involved shall be seized, if it is available for seizure at the time the violation is detected and such seizure is otherwise practicable, unless the article is in the possession of an innocent holder for value who has full right to possession as against any party to the Customs violation. If the article is not available for seizure or is in the hands of such an innocent holder, or if seizure is impracticable, the domestic value of the article, determined in accordance with section 606, Tariff Act of 1930, as amended (19 U.S.C. 1606), shall be demanded from the passenger. Whether the article is seized or the domestic value thereof is demanded in lieu of seizure, the duty estimated to be due thereon shall be demanded of the passenger as soon as possible after the discovery of the violation. Any applicable internal revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited.

Subpart C—Examination of Baggage and Collection of Duties and Taxes

§ 148.21 Opening of baggage, compartments, or vehicles.

(a) *Customs officers not to open.* Customs officers shall not open baggage or other containers, nor unlock vehicles or compartments thereof for the purpose of examination, but shall detain them until the owner, his agent, or the person in charge of any baggage, container or vehicle opens or refuses to open them.

(b) *Refusal to open—(1) General.* If an owner, his agent, or the person in charge of any baggage, other container, or vehicle with a locked compartment refuses to open it, the baggage, container, or vehicle shall be treated as unclaimed.

(2) *On arrival from Canada or Mexico.* If the owner, his agent, or the person in charge of any baggage, container, or vehicle arriving from Canada or Mexico refuses to open it, it shall be opened in accordance with section 462, Tariff Act of 1930 (19 U.S.C. 1462), unless a request is received from him to make other proper disposition. If any article subject to duty, or any prohibited article is found upon opening by a Customs officer, the whole contents and the container or vehicle shall be subject to forfeiture.

(Secs. 461, 462, 46 Stat. 717, 718; 19 U.S.C. 1461, 1462)

§ 148.22 Examination of air travelers' baggage in foreign territory.

(a) *Examination and surrender of declaration.* The baggage of persons traveling by air may be examined and passed in accordance with § 148.23 at places in foreign territory where U.S. Customs offices have been established for that purpose (see § 1.4 of this chapter). When baggage is examined in foreign territory, the baggage declaration shall be surrendered to the Customs officer at the airport of departure for the United States prior to boarding the flight.

(b) *Subsequently acquired articles.* When a person whose baggage has been examined and passed in foreign territory in accordance with paragraph (a) of this section subsequently acquires additional articles prior to return to the United States, the Customs officer to whom the declaration was surrendered may permit the amendment of that declaration to include the additional articles.

§ 148.23 Examination and clearance of baggage.

(a) *Articles free of duty.* The inspector, including inspectors on trains or ferries, who examines the baggage of any person arriving in the United States may examine and pass, without limitation as to value, the following articles in such baggage or otherwise accompanying such person:

(1) All articles which are for the personal or household use of the arriving person and are free of duty under schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), including automobiles and other articles under § 148.32.

(2) Works of art classifiable under item 765.03, Tariff Schedules of the United States (19 U.S.C. 1202).

(3) Works of art classifiable under item 765.10, 765.15, 765.20, or 765.25, Tariff Schedules of the United States (19 U.S.C. 1202), upon compliance with § 10.48 of this chapter.

(4) Works of art produced by American artists temporarily residing abroad provided for in item 765.30, Tariff Schedules of the United States (19 U.S.C. 1202), upon compliance with § 10.50 of this chapter.

(b) *Articles subject to duty.* The inspector who examines the baggage of any person arriving in the United States may examine, determine the dutiable value of, collect duty on, and pass articles accompanying the arriving person which are for his personal or household use but are subject to duty, including articles imported to be disposed of by him as bona fide gifts.

(c) *Articles not for personal use—(1) Valued at not more than $250.* The inspector may also examine, determine the dutiable value of, collect duty on, and pass articles accompanying any person arriving in the United States properly listed on the baggage declaration which are not for the personal or household use of the declarant or which are intended for sale or are brought in on commission for another, provided the aggregate value of such articles is not more than $250.

(2) *Valued over $250 but not over $500.* Articles in the baggage of or otherwise accompanying any person arriving in the United States which have an aggregate value over $250 but not over $500 and are not intended for his personal or household use, or are intended for sale or are brought in on commission for another, may be examined and entered and cleared on a baggage declaration at the place of their arrival with a passenger if:

(i) The articles are accompanied by a proper invoice if one is required (see section 8.15 of this chapter); and

(ii) It is practicable to appraise the articles at the place of arrival.

(d) *Examination of tea for personal use imported in baggage.* Tea for personal use in one or more packages weighing not more than 5 pounds each, when imported in a passenger's baggage, may be delivered without examination for purity under 21 U.S.C. 41–50 and without payment of the examination fee prescribed in 21 U.S.C. 46a.

§ 148.24 Determination of dutiable value.

(a) *Principles applied.* In determining the dutiable value of articles examined under § 148.23, the Customs inspector shall apply the principles of section 402 or section 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402), and shall not regard the declared value or price as conclusive.

(b) *Adjustment of value declared.* An adjustment shall be made by the Customs inspector whenever the purchase price or value declared differs from the fair retail value, whether by reason of depreciation due to wear or use, circumstances of purchase or acquisition, or for any other reason. He shall give due consideration to the condition of the articles at the time of importation, but he shall not make any allowance for wear and use in excess of 25 per centum of the declared price or value of a worn or used article. A passenger who desires to claim a larger allowance may arrange for formal entry and appraisement of his goods.

§ 148.25 Reexamination and protest.

(a) *Reexamination.* Whenever the Customs officer deems it advisable any or all of a passenger's baggage may be sent to the public stores for examination or reexamination. Passengers dissatisfied with the assessment of duty on their baggage may demand a reexamination, provided the articles have not been removed from Customs custody. In either case, a receipt for the baggage to be examined or reexamined shall be given on Customs Form 6051.

(b) *Protest.* If the passenger remains dissatisfied with the assessment of duty after reexamination, he shall pay the duty assessed and may protest the decision of the district director in accordance with Part 174 of this chapter.

§ 148.26 Collection of internal revenue taxes.

(a) *Cigars and cigarettes.* The internal revenue tax on taxable cigars and cigarettes in a passenger's baggage shall be paid to Customs, using the Customs entry form as a return. Any such return shall show the kind, the quantity, and the tax by class on cigars and cigarettes separately from the statement of duty. Unless for the personal consumption of the importer or disposition as his bona fide gift, cigars and cigarettes are subject to the packaging and marking requirements in the regulations of the Bureau of Alcohol, Tobacco, and Firearms.

(b) *Alcoholic beverages.* The internal revenue tax shall be collected on all wines and liquors in excess of the quantity entitled to exemption as specified in this part. Alcoholic beverages found in passenger's baggage shall be released without the placing of strip stamps on the bottles when it appears from the baggage declaration or otherwise that the liquors are for personal use and not for sale or other commercial purposes.

§ 148.27 Receipt for payment.

When duties and internal revenue taxes on articles in a passenger's baggage are collected, a receipt on Customs Form 5104 shall be issued to the passenger if such duties and taxes are paid in cash. If such duties and taxes are paid by personal check, the check shall be the passenger's receipt unless a receipt is requested.

Subpart D—Exemptions for Returning Residents

§ 148.31 Effects taken abroad.

(a) *Exemption.* Each returning resident is entitled to bring in free of duty and internal revenue tax under item 813.10 and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, (19 U.S.C. 1202), all personal and household effects taken abroad. To ensure allowance of the exemption, articles of foreign origin should be registered in accordance with § 148.1. Automobiles and other vehicles, aircraft, boats, teams and saddle horses, together with their accessories, may be brought in free of duty if taken abroad for noncommercial use (see § 148.32).

(b) *Repair or alteration while abroad.* If any such personal or household effect taken abroad has been advanced in value or improved in condition while abroad by repairs (including cleaning) not merely incidental to wear or use while abroad, or by alterations (including additions) which did not change the identity of the article, the cost or value of such repairs or alterations is subject to duty unless all or part of such cost or value is covered by an allowance of the $100 or $200 exemption for articles acquired abroad (see § 148.33). An effect taken abroad and there changed into a different article is dutiable at its full value when returned to the United States, unless covered in whole or in part by some provision for free entry.

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§ 148.32 Vehicles, aircraft, boats, teams and saddle horses taken abroad.

(a) *Admission free of duty.* Automobiles and other vehicles, aircraft, boats, teams and saddle horses, together with their accessories, taken abroad for noncommercial use and returned by a returning resident shall be admitted free of duty upon being satisfactorily identified.

(b) *Identification of articles taken abroad.* Upon the request of the owner or his agent, the district director shall cause any article described in paragraph (a) of this section to be examined before it is taken abroad, and shall issue a certificate of registration therefor on Customs Form 4455. On the return of the article, the certificate may be accepted as satisfactory identification of the described article for the purpose of admitting the article free of duty. In lieu of Customs Form 4455, the following may be accepted as satisfactory identification of such articles taken abroad:

(1) For an automobile, the State registration card;

(2) For an aircraft, the certificate of registration issued by the Federal Aviation Administration; and

(3) For a pleasure boat, the yacht license or motorboat identification certificate.

(c) *Repairs, alterations, and accessories.* Repairs made abroad to articles described in paragraph (a) of this section, if incidental to use abroad, are not subject to duty. Repairs not incidental to use abroad, and alterations and additions made abroad, shall be assessed with duty upon their value at the rate at which the article itself would be dutiable if imported. Accessories for articles described in paragraph (a) of this section which are acquired abroad are dutiable as if separately imported. Any accessories, repairs, alterations, or additions, which accompany the returning resident at the time of his return to the United States shall be included in his baggage declaration.

(d) *Entry.* Entry on a baggage declaration or regular entry (see § 148.5) shall be required if:

(1) The owner or his agent is unable to produce a proper registration card or certificate to cover the article;

(2) A claim for free entry of repairs, alterations, additions, or accessories is to be made under the $100 or $200 returning resident's exemption for articles acquired abroad; or

(3) Duty is to be collected.

(77A Stat. 411; 19 U.S.C. 1202, item 813.10, Tariff Schedules of the United States)

§ 148.33 Articles acquired abroad.

(a) *Exemption.* Each returning resident is entitled to bring in free of duty and internal revenue tax under items 813.30 and 813.31 and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), articles for his personal or household use which were purchased or otherwise acquired abroad merely as an incident of the foreign journey from which he is returning and which accompany him on his arrival, subject to the limitations and conditions set forth in this section and §§ 148.34–148.38. The aggregate fair retail value in the country of acquisition of such articles for personal and household use shall not exceed $100, or $200 in the case of a resident arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States, of which not more than $100 shall have been acquired elsewhere than in such insular possession.

(b) *Application to articles of highest rate of duty.* The $100 or $200 exemption shall be applied to the aggregate fair retail value in the country of acquisition of the articles acquired abroad which are subject to the highest rates of duty. If an internal revenue tax is applicable, it shall be combined with the duty in determining which rates are highest.

(c) *Gifts.* An article acquired abroad by a returning resident and imported by him to be disposed of after importation as his bona fide gift is considered to be for the personal use of the returning resident and may be included in the exemption.

(d) *Tobacco products and alcoholic beverages.* Cigars, cigarettes, manufactured tobacco, and alcoholic beverages, may be included in the exemption to which a returning resident is entitled, with the following limits:

(1) No more than 100 cigars may be included;

(2) No alcoholic beverages shall be included in the case of an individual who has not attained the age of 21; and

(3) No more than 1 quart of alcoholic beverages may be included unless the individual is arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States. An individual returning directly or indirectly from these insular possessions shall be entitled to include in the exemption no more than 1 wine gallon of alcoholic beverages, not more than 1 quart of which shall have been acquired elsewhere than in such insular possessions.

(e) *Exemption not applicable.* The exemption does not apply to articles intended for sale or acquired on commission, i.e., for the account of another person, with or without compensation for the service rendered. Articles acquired on one journey and left in a foreign country cannot be allowed the exemption accruing upon the return of the resident from a subsequent journey.

(f) *Remainder not applicable to subsequent journey.* A returning resident who has received a total exemption of less than $100 under the $100 exemption, or less than $200 under the $200 exemption in connection with his return from one journey is not entitled to apply the remainder of either amount to articles acquired abroad on a subsequent journey.

§ 148.34 Family grouping of exemptions for articles acquired abroad.

(a) *Grouping of exemptions.* Each member of a family is entitled to the $100 or $200 exemption for articles acquired abroad, subject to the conditions prescribed in this subpart. When members of a family residing in one household travel together on their return to the United States, the $100 or $200 exemption to which the several members of the family may be entitled may be grouped and allowed without regard to which member of the family is the owner of the articles. However, a group exemption shall not include an exemption for a family member not entitled to it in his own right, nor shall a group exemption be applied to any property of such a member. The exemption of a family member who has not attained the age of 21 shall not be applied under the group exemption to alcoholic beverages. No exemptions allowable to a resident servant accompanying the family shall be included in the family grouping.

(b) *Members of a family residing in one household.* The term "members of a family in one household" shall include all persons, regardless of age, who:

(1) Are related by blood, marriage, or adoption;

(2) Lived together in one household at their last permanent residence; and

(3) Intend to live together in one household after their arrival in the United States.

§ 148.35 Length of stay for exemption of articles acquired abroad.

(a) *Required for allowance of $100 exemption.* The $100 exemption for articles acquired abroad shall not be allowed unless the returning resident has remained beyond the territorial limits of the United States for a period of not less than 48 hours, except in the case of a resident arriving directly in the United States from Mexico. The exemption may be allowed on articles acquired abroad by a returning resident arriving directly from Mexico without regard to the length of time the person has remained outside the territorial limits of the United States.

(b) *Required for allowance of $200 exemption on return from Virgin Islands.* The $200 exemption applicable in the case of the arrival of a returning resident directly or indirectly from the Virgin Islands of the United States may be allowed without regard to the length of time such person has remained outside the territorial limits of the United States.

(c) *Computation of time.* The 48-hour period a returning resident must have completed abroad to be entitled to an exemption shall be computed exactly. For example, a resident leaving United States territory at 1:30 p.m. on June 1 would complete the 48-hour period at 1:30 p.m. on June 3.

§ 148.36 Frequency of allowance of exemption for articles acquired abroad.

(a) *30-day period.* The $100 or $200 exemption for articles acquired abroad shall not be granted to a returning resident who has taken advantage of such exemption within the 30-day period immediately preceding his return to the United States. The date of the returning resident's latest prior arrival on which he declared articles acquired abroad for

allowance of the $100 or $200 exemption shall be deemed the date he took advantage of the applicable exemption.

(b) *Computation of time.* The 30-day period immediately preceding the resident's return shall be computed by excluding the day of arrival and counting backward 30 days. For example, in the case of an arrival on May 28, the resident would not be entitled to the $100 or $200 exemption if he had taken advantage of such exemption on or after the preceding April 28.

§ 148.37 Replacement of unsatisfactory articles acquired abroad.

(a) *Free entry of replacement articles.* An article furnished by a foreign supplier to replace a like article of comparable value previously exempted from duty under the $100 or $200 exemptions for articles acquired abroad shall be allowed free entry if the original article is found by the importer to be unsatisfactory and the procedures provided by paragraph (b) of this section are followed. In any case in which the importer has failed to follow these procedures, the district director may allow free entry of the replacement article if he is satisfied that the unsatisfactory article was timely exported and that the failure to comply with the procedures of paragraph (b) of this section was due to inadvertence or lack of experience in Customs matters and was without willful intent to avoid Customs supervision.

(b) *Procedure for replacement.* Any article previously exempted from duty under the $100 or $200 exemptions found by the importer to be unsatisfactory shall be returned to Customs custody and exported under Customs supervision at the expense of the importer within 60 days after its importation. A certificate of registration on Customs Form 4455 shall be issued to the importer with instructions as to its use when the unsatisfactory article is exported for replacement under the provisions of item 813.40, Tariff Schedules of the United States.

(c) *Articles found damaged upon declaration.* The requirement that the original article be exported under Customs supervision does not apply when a duplicate article is furnished by a foreign supplier as a replacement for an article declared for entry under the $100 or $200 exemption and found by the Customs inspector or other examining officer to be so damaged as to constitute a nonimportation (§ 158.11 of this chapter). In such a case, Customs Form 4455 shall be issued to the importer at the time the determination of nonimportation is made and the duplicate replacement shall be considered to have been acquired abroad for the purposes of the $100 or $200 exemption provision, provided no charge is made to the importer for the duplicate replacement.

§ 148.38 Sale of articles acquired abroad.

An article brought in under the $100 or $200 exemption for articles acquired abroad for personal or household use and subsequently sold is not dutiable or subject to forfeiture by reason of the sale if the returning resident actually acquired and imported the article for his bona fide personal or household use and not for sale

§ 148.39 Rented automobiles.

(a) *Importation for temporary period.* An automobile rented by a resident of the United States while abroad may be brought into the United States by or on behalf of such resident for a temporary period not to exceed 30 days under item 813.25, Tariff Schedules of the United States (19 U.S.C. 1202), without payment of duty. The automobile shall be used for the transportation of the resident and that of his family and guests, and for such incidental carriage of articles as may be appropriate to his personal use of the automobile. No entry or security for exportation shall be required.

(b) *Unauthorized use or failure to export.* If any automobile exempted from duty under item 813.25, Tariff Schedules of the United States (19 U.S.C. 1202), is used otherwise than for the purpose expressed or is not returned abroad within 30 days, without prior payment to a district director of the duty which would have been payable at the time of entry if entered without benefit of the exemption, the automobile or its value (to be recovered from the importer) shall be subject to forefeiture.

Subpart E—Exemptions for Nonresidents

§ 148.41 Articles carried through the United States.

An arriving nonresident who is in transit to a place outside U.S. Customs territory may take with him through U.S. Customs territory for carriage to such place articles not exceeding $200 in aggregate value without the payment of duty or internal revenue taxes as provided in item 812.40, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 148.42 Personal effects.

(a) *Exemption.* A nonresident arriving in the United States, regardless of age, is entitled under item 812.10, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), to entry free of duty and internal revenue tax for his wearing apparel, articles of personal adornment, toilet articles, and similar personal effects. "Similar personal effects" include all articles intended and appropriate for the personal use of the nonresident while traveling, such as hunting and fishing equipment, wheelchairs for invalids or crippled persons, pet and hunting dogs, and the like.

(b) *Application of exemption.* The exemption applies only to articles which were actually owned by the nonresident and in his possession abroad at the time of, or prior to, his departure for the United States. The articles must be appropriate for the personal use of the nonresident, and intended only for such use and not as a gift for another person nor for sale.

§ 148.43 Tobacco products and alcoholic beverages.

(a) *For personal use.* Fifty cigars, or 300 cigarettes, or 3 pounds of smoking tobacco, and not exceeding 1 quart of alcoholic beverages may be passed free of duty and internal revenue tax under item 812.20, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), when brought in by an adult nonresident for his personal use, and not for commercial use or to be given to another person. This exemption for tobacco products may be applied proportionately; for example to 25 cigars and 150 cigarettes, or to 25 cigars, 50 cigarettes and 1 pound of smoking tobacco. The exemption may be applied to more than one kind of alcoholic beverages but not to an aggregate volume of more than 1 quart for one adult nonresident.

(b) *For gifts.* A nonresident who is allowed the $100 gift exemption (see § 148.44) may include not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars under such exemption from duty and internal revenue tax, provided the articles accompany him and are to be disposed of only as bona fide gifts.

§ 148.44 Gifts.

(a) *Exemption.* An arriving nonresident who intends to remain in the United States for not less than 72 hours is entitled to claim as free of duty and internal revenue tax under item 812.25, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), articles not over $100 in aggregate value which accompany him and are to be disposed of by him as bona fide gifts. See § 148.43 for limitations on alcoholic beverages and cigars under this exemption.

(b) *Frequency of allowance.* The exemption for gifts may be allowed only if the nonresident has not claimed the exemption within the immediately preceding 6 months.

§ 148.45 Vehicles and other conveyances.

Nonresidents are entitled to entry free of duty and internal revenue tax under item 812.30, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), for automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horse-drawn conveyances, horses, and similar means of transportation and the usual equipment accompanying them, if such articles are imported in connection with the arrival of the nonresident to be used in the United States only for the transportation of the nonresident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance.

§ 148.46 Sale of exempted articles.

(a) *Sale resulting in forfeiture.* The following articles or their value (to be recovered from the importer) upon their sale, shall be subject to forfeiture in accordance with the provisions of schedule

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8, part 2A, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), unless the procedure set forth in paragraph (b) of this section is followed:

(1) Any jewelry or similar articles of personal adornment having an aggregate value of $300 or more which have been allowed an exemption under § 148.42, if sold within 3 years of the date of importation.

(2) Any conveyance or its equipment allowed an exemption under § 148.45, if sold within 1 year after the date of importation.

(b) *Procedure permitting sale.* Articles described in paragraph (a) of this section may be sold if, prior to the time of sale, payment is made to a district director of the duty which would have been payable at the time of entry if the article had been entered without the benefit of the applicable exemption.

(c) *Permissible sales.* A sale pursuant to a judicial order or in liquidation of the estate of a decedent is not a basis for any liability for duty or forfeiture.

Subpart F—Other Exemptions

§ 148.51 Special exemption for personal or household articles.

(a) *Application of exemption.* The exemption from duty and internal revenue tax contemplated by section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)), may be applied to articles for his personal or household use including gifts, but not for any business or commercial use, accompanying:

(1) A nonresident arriving in the United States who is not entitled to an exemption for gifts under item 812.25, Tariff Schedules of the United States (19 U.S.C. 1202) (see § 148.44); or

(2) A returning resident who is not entitled to the $100 or $200 exemption for articles acquired abroad under item 813.31, Tariff Schedules of the United States (19 U.S.C. 1202) (see Subpart D of this part).

(b) *Limitations.* No article accompanying a person arriving in the United States shall be exempted from duty or internal revenue tax under section 321(a)(2)(B), Tariff Act of 1930, as amended, if any article accompanying such person is subject to duty or tax by reason of the following limitations on the application of this exemption:

(1) *Value of articles.* The exemption shall be allowed only when the aggregate fair retail value of all articles not otherwise entitled to an exemption does not exceed $10.

(2) *Articles subject to internal revenue tax.* The exemption shall not be applied to articles subject to internal revenue tax other than:

(i) Cigarettes not in excess of 50;

(ii) Cigars not in excess of 10;

(iii) Alcoholic beverages not in excess of 4 ounces; or

(iv) Alcoholic perfumery not in excess of 4 ounces.

(c) *Family grouping.* Family grouping of the exemption shall not be allowed.

(Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321)

§ 148.52 Exemption for household effects used abroad.

(a) *Exemption.* Furniture, carpets, paintings, tableware, books, libraries, and other usual household furnishings and effects actually used abroad for not less than 1 year by resident or nonresidents, and not intended for any other person or for sale may be allowed entry free of duty and tax under item 810.10, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202). Household effects used abroad not less than 1 year by a family of which the importer was a resident member for not less than 1 year during the period of use may be allowed free entry whether or not the importer owned the effects at the time of such use. The year of use need not be continuous, nor need it immediately precede the time of importation.

(b) *Proof of use.* In order to obtain free entry for household effects under this section, the use of the effects abroad for 1 year must be proven to the satisfaction of the district director. The district director, in his discretion, may require evidence of use other than the declaration provided for in paragraph (c) of this section.

(c) *Declaration.* When household effects are claimed to be free of duty a declaration of the owner on Customs Form 3299 shall be required to support the claim for free entry. If it is impracticable to produce the declaration at the time of entry, the importer may give a bond on Customs Form 7551 or 7553 for the production of the owner's declaration within 6 months.

(d) *Arrival of effects more than 10 years after arrival of importer.* As a general rule, household effects arriving more than 10 years after the last arrival of the importer from the country in which the effects were used shall not be admitted free of duty under this exemption unless the district director is satisfied from the importer's explanation that the effects were unavoidably detained beyond the 10-year period. However, in no case shall free entry be allowed under this provision when a period of 25 years or more has elapsed since the last arrival of the importer in the United States from the country in which the effects were used.

§ 148.53 Exemption for tools of trade.

(a) *Exemption.* Professional books, implements, instruments, or tools of trade, occupation or employment, may be allowed entry free of duty and tax under the provisions of schedule 8, part 2, headnote 1, and item 811.10, Tariff Schedules of the United States (19 U.S.C. 1202), for such articles owned and used abroad by any person emigrating to the United States, or item 810.20 for such articles taken abroad by or for the account of any person arriving in the United States. The exemption for emigrants under item 811.10 shall not be applied to:

(1) Theatrical scenery, properties, or apparel;

(2) Articles for use in any manufacturing establishment;

(3) Articles for any other person; or

(4) Articles for sale.

(b) *Declaration.* A declaration of the emigrant or returning individual on Customs Form 3299 shall be required to support the claim of free entry. However, an oral declaration may be accepted from a returning individual in lieu of a written declaration for any such articles claimed to be free of duty under item 810.20, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 148.54 Exemption for effects of citizens dying abroad.

(a) *Exemption.* Articles claimed to be personal and household effects, not stock in trade, the title to which is in the estate of a citizen of the United States who died abroad may be allowed entry free of duty and tax under item 815.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202).

(b) *Entry.* Such effects shall be entered in accordance with the provisions of § 8.50 of this chapter, or if the value of such effects does not exceed $250, entry may be permitted under the provisions of § 8.51 of this chapter.

(c) *Statement of facts required.* The district director shall require in connection with the entry the written statement of a person having knowledge of the facts or shall otherwise satisfy himself as to the citizenship of the deceased owner of the effects at the time of death.

Subpart G—Crewmember Declarations and Exemptions

§ 148.61 Status as crewmembers.

The following persons arriving in the United States shall not be treated as crewmembers:

(a) Members of the Armed Forces of the United States and persons in the civil service of the United States engaged in the operation of a vessel, vehicle, or aircraft owned by, or under the complete control and management of, the United States or any of its agencies.

(b) Persons engaged in the operation of a private or public aircraft.

(c) Persons not connected with the operation, navigation, ownership, or business of a vessel, vehicle or aircraft engaged in international traffic.

§ 148.62 Declaration and entry of articles by crewmembers.

(a) *Declaration required.* Articles which are to be landed by a crewmember, including any person traveling on board a vessel, vehicle, or aircraft engaged in international traffic who is returning from a trip on which he was employed as a crewmember, shall be declared upon arrival of the vessel, vehicle, or aircraft in the United States. When practicable, the clearance of articles through Customs shall be made and permission to unlade obtained before the articles are taken from the carrier. However, if no danger to the revenue will result, articles may be submitted for examination and clearance to the Customs office on the pier or at the landing place.

(b) *Form of declaration—(1) Oral declaration.* A crewmember may be permitted to make an oral declaration and

entry if all articles he has to declare, in addition to articles for use in port on temporary leave for which no entry is required in accordance with § 148.63, may be admitted free of duty and tax under section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)) (see § 148.64).

(2) *Written declaration.* A written declaration on Customs Form 5123, Declaration and Entry of Crewmember for Imported Articles, or on Customs Form 5129, Crewmember's Declaration shall be required in any case in which an oral declaration is not permitted. A written declaration may be required in any case if necessary to effect prompt and orderly clearance of crewmembers and their effects or if deemed necessary to protect the revenue.

(c) *Transfer without declaration.* Articles belonging to a crewmember may be transferred from one carrier to another in international traffic without declaration, entry, or assessment of duty if the transfer is carried out under the supervision of Customs officers, or by a bonded cartman if necessary.

(d) *Entry at port where articles to be landed.* Articles in the possession of or owned by a crewmember of a character for which entry must be made when they are brought into the United States shall be entered at the port where the articles are to be landed. However, if the crewmember remains on a vessel, vehicle, or aircraft which is to proceed to another port of the United States in a movement in which entry of the vessel, vehicle, or aircraft will not be required, entry of the articles shall be made at the port at which such movement begins.

(e) *Collection of duty and taxes.* Any duties and taxes found due shall be collected as in the case of arriving passengers.

§ 148.63 Articles for use while on temporary leave.

(a) *Exemption.* Articles in the possession of and exclusively for use by any crewmember during the trip or voyage, such as necessary clothing, toiletries, and purely personal effects, may be landed by such crewmember for use on temporary leave without a written declaration or entry, and without payment of duty or internal revenue tax under item 814.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), if the district director is satisfied that:

(1) The articles are reasonable and appropriate for the crewmember's accommodation while on temporary leave, and are to be taken out of the United States, except for articles consumed in use;

(2) The articles are intended exclusively for the crewmember's bona fide personal use;

(3) The quantities are reasonable, depending on the circumstances in each particular case; and

(4) In the case of tobacco products and alcoholic beverages, the containers have been opened and the total quantity landed shall not exceed 50 cigars, 300 cigarettes, or 3 pounds of smoking tobacco, or a proportionate amount of each, and 1 quart of alcoholic beverages.

(b) *Temporary leave.* A crewmember is not considered to be on temporary leave from a vessel, vehicle, or aircraft engaged in international traffic or entitled to the exemption under this section upon disembarkation when he is to remain in the confines of a pier, terminal, airport, or area immediately adjacent thereto, in order to timely embark on the carrier in the course of a continuous journey or on a concurrently scheduled arrival and departure.

§ 148.64 Administrative exemption.

(a) *Application of exemption.* The exemption from duty and internal revenue tax contemplated by section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)), may be applied to articles for the personal and household use, including gifts, of a crewmember arriving in the United States who is not entitled to an exemption under item 812.25 or 813.31, Tariff Schedules of the United States (see §§ 148.66(c) and 148.65). The exemption may be applied when the crewmember is entitled to an exemption under item 814.00, Tariff Schedules of the United States (19 U.S.C. 1202), for articles for use while on temporary leave (§ 148.63).

(b) *Limitations.* No article accompanying a crewmember arriving in the United States shall be exempted from duty or internal revenue tax under section 321(a)(2)(B), Tariff Act of 1930, as amended, if any article accompanying such crewmember is subject to duty or internal revenue tax by reason of the following limitations.

(1) *Value of articles.* The exemption shall be allowed only when the aggregate fair retail value of all articles not otherwise entitled to an exemption does not exceed $10.

(2) *Articles subject to internal revenue tax.* The exemption shall not be applied to any article subject to internal revenue tax in addition to any articles allowed an exemption under item 814.00, Tariff Schedules of the United States (19 U.S.C. 1202), other than:

(i) Cigarettes not in excess of 50;

(ii) Cigars not in excess of 10;

(iii) Alcoholic beverages not in excess of 4 ounces; or

(iv) Alcoholic perfumery not in excess of 4 ounces.

§ 148.65 Exemptions for resident crewmembers.

(a) *Status as returning resident.* A crewmember arriving on a vessel, vehicle, or aircraft from a foreign port who is a resident of the United States shall be considered a returning resident qualifying for the exemptions allowed under schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), and subpart D of this part if:

(1) He permanently leaves the carrier without intention of resuming his employment on the same or another carrier engaged in international traffic; or

(2) He remains on or transfers to a vessel which is to proceed to another port of the United States in a movement in which entry of the vessel will not be required.

(b) *Statement on declaration.* A resident crewmember who claims that articles declared by him are entitled to be passed free of duty and tax under the returning resident's exemption, shall include a legible statement on the declaration, Customs Form 5123 or 5129, of the basis for his claim for entitlement to the resident's exemption (see paragraphs (a)(1) and (2) of this section).

§ 148.66 Exemptions for nonresident crewmembers.

(a) *Status as arriving nonresident.* A nonresident crewmember will be treated as an arriving nonresident for purposes of claiming the exemptions allowable under schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), and subpart E of this part when he permanently leaves his employment with a vessel, vehicle, or aircraft at a port in the United States without intention of resuming employment on the same or another carrier in international traffic. However, a nonresident crewmember shall not be treated as an arriving nonresident for this purpose when he departs a carrier for temporary leave but retains his employment with the carrier so that he will be going foreign again in the course of his continuing employment (see § 148.63).

(b) *Articles carried through the United States.* A nonresident crewmember, permanently leaving a carrier in a U.S. port to travel as a passenger on another carrier which will take him to a place outside the United States, who desires to take with him articles not exceeding $200 in aggregate value without the payment of duty or internal revenue tax as provided in item 812.40 (see § 148.41), may be accorded free entry of the articles under the following procedure:

(1) *Declaration and supporting statement.* The nonresident crewmember shall itemize the articles on his declaration and entry, Customs Form 5123 or or 5129, required by § 148.62(b)(2), and shall state in writing in support of his declaration that:

(i) He has been finally discharged from the carrier, with the date of discharge;

(ii) He intends to depart from the same or another U.S. port as a passenger on another carrier for a place outside U.S. Customs territory; and

(iii) The articles will be taken with him on such carrier and will not remain in the United States.

(2) *Allowance by district director.* The district director may require verification of the crewmember's discharge and a statement as to the accuracy of the second and third supporting statements of the crewmember from the person in charge of the carrier, the vessel agent, or the port captain. If the district director is satisfied that the crewmember's statements are correct, the articles may be

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passed free of duty and internal revenue tax under item 812.40, Tariff Schedules of the United States (19 U.S.C. 1202).

(c) *Articles to be disposed of as gifts.* A nonresident crewmember shall itemize on his baggage declaration and entry, Customs Form 5123 or 5129, required by § 148.62, all articles in his possession for which he seeks entry under item 812.25, Tariff Schedules of the United States (19 U.S.C. 1202), as bona fide gifts. The crewmember must be permanently leaving his employment on the international carrier for a stay in the United States of at least 72 hours before departing for a place outside the United States as a passenger.

§ 148.67 Penalties for failure to declare articles.

(a) *Avoidance of inspection.* When articles may be presented to the Customs office on the pier or at the landing place for inspection and clearance, if the circumstances under which the articles are landed indicate an attempt to avoid inspection, the penalties prescribed in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), shall be assessed.

(b) *Articles landed without declaration.* Any article landed without having been properly declared as provided in § 148.62 shall be considered as having been unladen without a permit and the penalties provided in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), or section 1474 of title 49, United States Code, shall be assessed as applicable.

(c) *Articles omitted from declaration.* If the declaration does not include all the articles landed, the crewmember shall be subject to the penalties prescribed in section 497, Tariff Act of 1930 (19 U.S.C. 1497), with respect to the articles omitted. The penalties prescribed in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), shall not be assessed if any, though not all, of the articles are declared, except as provided in paragraph (a) of this section.

Subpart H—Military and Civilian Employees of the United States, and Evacuees

§ 148.71 Status of persons in service of United States as returning residents.

A person in the service of the United States and members of his family arriving in the United States are ordinarily considered returning residents for the purpose of schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), except that the following persons are treated as nonresidents:

(a) A wife or husband of any person in the service of the United States emigrating to the United States, and

(b) A child born abroad of any person in the service of the United States who is arriving in the United States for the first time.

§ 148.72 Articles acquired abroad by personnel on Government vessels.

(a) *Declaration of dutiable articles by commanding officer.* Immediately upon the arrival of any vessel operated by the United States or any agency thereof from a foreign port, the commanding officer shall file with the district director information as to dutiable articles acquired abroad in the following form:

UNITED STATES NAVY CUSTOMS DECLARATION

U.S.S. ....., Port of arrival .....

To the District Director of Customs:
Herewith is submitted a list of articles acquired in foreign countries by me and the respective officers and members of the crew under my command, which list is correct to the best of my knowledge and belief.

Owner	Rank	Description of articles	Cost or value

Date ....., 19... (Name).....
(Rank).....
Commanding Officer

If there are no articles to be listed, the statement "Nothing to declare" shall be placed on the form. No individual baggage declarations shall be required.

(b) *Examination of baggage.* Articles listed on the declaration filed by the commanding officer shall be segregated until formally passed by Customs. The listed articles shall be examined and passed in the same manner as the baggage on passenger vessels.

§ 148.73 Baggage on military transports.

(a) *Declaration.* Commissioned officers and enlisted personnel of the Armed Forces of the United States engaged in the operation of an Army or Navy transport, enlisted men carried as passengers, and civilian officers and crewmembers shall not be required to execute baggage declarations, but all articles acquired abroad by them must be listed on the manifest of the vessel. All cabin passengers shall be required to execute written baggage declarations.

(b) *Exemptions applicable.* Passengers on transports shall be granted the applicable exemptions from duty provided for in schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202). Members of the Armed Forces of the United States and personnel in the civil service of the United States engaged in the operation of the vessel shall be accorded the same privilege. Civilian officers and crewmembers not in the service of the United States shall be subject to the provisions of Subpart G of this part with respect to exemption from duty.

(c) *Examination of baggage.* Baggage on transports shall be examined at the port where landed in the same manner as baggage on commercial vessels.

§ 148.74 Exemption on termination of assignment to extended duty or on evacuation.

(a) *Exemption.* With the limitation on alcoholic beverages and tobacco products provided in paragraph (c) of this section, entry free of duty and tax under item 817.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, (19 U.S.C. 1202), may be accorded personal and household effects of:

(1) Any person in the service of the United States who returns to the United States upon the termination of assignment to extended duty at a post or station outside the Customs territory of the United States;

(2) Members of his family who have resided with him at such post or station and are returning upon the termination of his assignment; or

(3) Any person evacuated to the United States under Government orders or instructions.

(b) *Applicability of exemption.* The term "personal effects" as used in item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), is not confined to that class of articles described in item 812.10, Tariff Schedules of the United States, nor is any period of use, such as is prescribed by item 810.10, Tariff Schedules of the United States, applicable to household effects entered under item 817.00. The privilege of free entry under item 817.00, Tariff Schedules of the United States, does not apply to:

(1) Articles imported for sale, or for the account of any person not specified in item 817.00, Tariff Schedules of the United States; or

(2) Articles which have not been in the direct personal possession of the claimant, or a member of his household, while abroad.

(c) *Limitation on alcoholic beverages and tobacco products.* A total of not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars shall be accorded free entry under item 817.00, Tariff Schedules of the United States, (19 U.S.C. 1202), subject to the conditions that:

(1) These articles accompany the person making the claim for free entry upon his arrival in the United States;

(2) Not more than 1 quart of any such alcoholic beverages shall have been distilled or otherwise manufactured and bottled in any place other than the United States or its possessions;

(3) Such individual has not concurrently claimed exemptions as a returning resident under items 813.30 and 813.31, Tariff Schedules of the United States; and

(4) Such person, if other than one in the service of the United States, shall have attained the age of 21.

(d) *Termination of assignment to extended duty.* The requirement of item 817.00 that the person "returns to the United States upon the termination of assignment to extended duty" shall be considered met upon the necessary proof being submitted that any one of the following is applicable:

(1) The person is returning upon the termination of a tour of duty outside the Customs territory of the United States of at least 140 days' duration.

(2) The person is returning after the termination of an assignment under permanent change of station orders to duty at a post or station outside the Customs territory of the United States, regardless of the duration of the duty. A crewmember, including a member of a command, serving on a United States naval vessel when it departs from the United States on an intended deployment of 120 days or more outside the Customs territory of the United States and who continues to serve on the vessel until it returns to the United States may be considered as returning after the termination of an assignment of duty under permanent change of station orders.

(3) The person is returning to the United States upon the termination of a tour of duty at any time after leaving the United States for duty of not less than 140 days outside the Customs territory of the United States.

(4) The person, although not returning to the United States, is ordered by the Government agency involved from duty at a post or station outside the Customs territory of the United States to duty at another post or station outside the Customs territory of the United States necessitating the return to the United States of his personal and household effects.

§ 148.75 Persons ineligible for exemption on termination of assignment.

(a) *Persons returning from temporary assignment.* No person, or member of his family, shall be allowed free entry of personal and household effects under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), where the person returns to the United States pursuant to Government orders or instructions which authorized him initially to proceed to a foreign post or station and return to the United States upon termination of temporary duty, except as it may otherwise be deemed proper in accordance with the provisions of § 148.74(d) or § 148.76.

(b) *Persons returning on leave or before termination of extended duty assignment.* A person returning on leave, other than on reemployment leave at the termination of assignment to extended duty as defined in § 148.74(d), or otherwise returning before the termination of an assignment to extended duty outside the Customs territory of the United States, with or without orders covering the return, is not eligible for an exemption under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202).

(c) *Person returning on temporary duty assignment.* A person returning to the United States under orders on temporary duty assignment at the termination of which he is returned to his duty station abroad to resume his regular duties is not regarded as returning to the United States at the termination of extended duty outside the Customs territory of the United States and is not eligible for an exemption under item 817.00, Tariff Schedules of the United States. (19 U.S.C. 1202).

§ 148.76 Waiver of requirements or limitations.

In any case in which the limitation on the quantity of alcoholic beverages and tobacco products which may be exempted from duty and tax under § 148.74(c) or the failure of the person to meet the requirements that he be returning upon the termination of assignment to "extended duty," as explained in § 148.74(d), will cause undue hardship to the person through no fault of his own, but rather because of the nature of his assignment or other hardship circumstances, the Commissioner of Customs, upon receipt of a request from the Government agency involved, may waive the limitation or the requirement, as the case may be, if he deems such waiver warranted by the facts.

§ 148.77 Entry of effects on termination of assignment to extended duty, or on evacuation.

(a) *General procedure.* All articles for which free entry is claimed under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), shall be entered or withdrawn in accordance with the requirements prescribed by the Tariff Act of 1930, as amended. District directors shall be satisfied in all cases that the articles for which free entry is claimed under item 817.00, Tariff Schedules of the United States, are personal and household effects of the importer entitled to the benefits of item 817.00, particularly in those cases where the quantity of effects imported may appear to be unreasonable for personal or household use. No invoice shall be required for articles accorded free entry under this provision.

(b) *Declaration and entry—(1) Person entitled to exemption.* Declaration and entry for articles claimed to be exempt from duty and tax under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), may be made on Customs Form 6061, or Department of Defense Form (DD) 1252 when entry is made in the name of the person who is entitled to the benefits of the exemption. The date of the person's last departure from the United States shall be indicated on the declaration and entry.

(2) *Designated official.* Customs Form 6061, executed on behalf of the owner of unaccompanied personal and household effects by either a United States Dispatch Agent or a designated responsible military official in his own name, may be accepted by the Customs officer as the declaration and entry if there is a valid reason evident from the owner's travel orders or information at hand why the United States Government agency concerned is unable to present Department of Defense Form (DD) 1252 or Customs Form 6061 executed by the owner. The date of the owner's last departure from the United States need not be indicated on the form. The following statement shall be added across the face or to the back of Customs Form 6061:

This form is completed on behalf of .....
(Name of Government employee)
Travel orders and information on hand in this office show that the named person has met all requirements of § 148.74 of the Customs Regulations and is entitled to the benefits of item 817.00, Tariff Schedules of the United States. The shipment imported consists of nothing but personal and household effects of the named person, which effects are not imported for sale or as an accommodation for others.

(c) *Verification of claim for exemption—(1) By travel orders.* The declaration and entry shall be verified by the Customs officer by an inspection of the owner's travel orders. If the district director accepts an inspection of the owner's travel orders as evidence that the effects were brought into the United States within the requirements of item 817.00, the owner's travel orders shall be identified on the entry, which shall be handled like a free baggage declaration. istration card;

(2) *By other evidence.* The declaration and entry may be verified by other evidence which satisfies the district director that the effects were brought into the United States in connection with:

(i) The person's return to the United States upon the termination of assignment to extended duty, as explained in § 148.74(d);

(ii) The return of members of his family who have resided with him at his post or station upon the termination of his assignment; or

(iii) The evacuation of a person to the United States under Government orders or instructions.

Subpart I—Personnel of Foreign Governments and International Organizations

§ 148.81 General provisions.

(a) *Reciprocal privileges.* The privileges provided for in §§ 148.81 through 148.86 and § 10.30c of this chapter shall be accorded only if reciprocal privileges are granted by the foreign government involved to U.S. personnel of comparable status.

(b) *Baggage and effects.* The term "baggage and effects," as used in this subpart and § 10.30c of this chapter includes all articles which were in the possession of a person abroad, and are being imported in connection with his arrival, and which are intended for his bona fide personal or household use. It does not include articles imported as an accommodation to others or for sale or other commercial use.

(c) *Aliens.* The privileges provided in this subpart and § 10.30c of this chapter shall be accorded only to alien representatives, officers, employees, and members of the armed forces of foreign governments and designated public international organiations.

(d) *Internal revenue tax.* Any article exempted from the payment of duty under this subpart and § 10.30c of this chapter shall be exempt also from the payment of any internal revenue tax imposed upon or by reason of importation.

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§ 148.82 Diplomatic, consular and other privileged personnel.

(a) *Inviolability of the person of diplomatic personnel.* The person of the representatives of foreign governments and members of their families set forth below shall be free from arrest, search, or detention:

(1) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of foreign embassies, and legations, and other heads of diplomatic missions or members of the diplomatic staffs of such missions, accredited to the United States or en route between other countries to which accredited and their own countries.

(2) Members of the families forming part of the households of the diplomatic personnel listed in the preceding subparagraph, who are accompanying them or traveling separately to join them incidental to their official travel, excluding those members of families who are U.S. nationals.

(3) Members of the administrative and technical staffs of diplomatic missions accredited to the United States and members of their families forming part of their household, all of whom are not nationals or permanent residents of the United States who are accompanying them or traveling separately to join them incidental to their official travel.

(4) Diplomatic and consular couriers.

(b) *Exemption for baggage and effects and admission without entry.* The baggage and effects of the following representatives of foreign governments shall be admitted free of duty without the filing of an entry, upon the request of the Department of State and appropriate instructions from the Bureau of Customs in each instance:

(1) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of embassies and legations, and other members of the diplomatic staffs of such missions accredited to the United States or en route to or from other countries to which assigned, as well as recognized consular officers, and the immediate families, suites, and servants of all the above under item 820.10, Tariff Schedules of the United States (19 U.S.C. 1202).

(2) Members of the administrative and technical staffs of diplomatic missions and members of their families forming part of their households, all of whom are not nationals or permanent residents of the United States under item 820.10, Tariff Shcedules of the United States (19 U.S.C. 1202). Unless more extensive privileges are provided in treaties or special agreements between the United States and the foreign country concerned, this privilege is limited to baggage and effects imported at the time of first installation.

(3) Consular employees who are not nationals or permanent residents of the United States. Unless more extensive privileges are provided in treaties or special agreements between the United States and the foreign country concerned, this privilege is limited to articles imported at the time of first installation.

(4) Other high officials of foreign governments and such distinguished foreign visitors as may be designated by the Department of State, and their immediate families under item 820.50, Tariff Schedules of the United States (19 U.S.C. 1202).

(5) Foreign government personnel entitled to privileges under statutes or treaties under item 820.60, Tariff Schedules of the United States (19 U.S.C. 1202).

(6) Diplomatic couriers, limited to accompanying baggage and effects.

(c) *Absence of special request.* In the absence of special request from the Department of State prior to the arrival of representatives of foreign governments enumerated in paragraph (b) (1) of this section, their immediate families as well as accompanying suites and servants, and diplomatic couriers, their baggage and effects may be admitted free of duty without entry upon presentation of their credentials or other proof of their identity.

(d) *Delay in arrival of baggage or effects.* If by accident or unavoidable delay in shipment the baggage or other effects of a person entitled to the privileges of this section shall arrive after him upon satisfactory proof of ownership, such baggage or effects may be passed free of duty without entry.

(e) *Inspection of baggage*—(1) *Exemption for representatives of foreign governments.* The personal baggage of the following representatives of foreign governments and their families is ordinarily exempt from inspection:

(i) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of foreign embassies or legations, and other members of the diplomatic staffs of such missions, who are accredited to the United States or en route between other countries to which accredited and their own countries and members of their families forming part of their household who are not nationals of the United States.

(ii) Consular officers recognized by the United States and members of their families forming part of their household who are not nationals or permanent residents of the United States, provided the baggage accompanies them.

(iii) Diplomatic couriers, provided the baggage accompanies them.

(2) *Conditions permitting inspection.* The personal baggage of representatives of foreign governments listed in subparagraph (1) of this paragraph and members of their families may be inspected if there is serious reason to believe that it contains:

(i) Articles other than those for the personal use of such persons or for the use of their establishments or for official mission use.

(ii) In the case of consular officers and their families, articles intended for consumption in excess of the quantities necessary for direct use by the person concerned.

(iii) Articles which are absolutely or conditionally prohibited importation or exportation under the laws or regulations of the United States, or which are subject to the quarantine laws or regulations of the United States.

(3) *Presence of foreign representative.* When inspection of personal baggage is permitted under subparagraph (2) of this paragraph, the inspection shall take place only in the presence of the affected representative of a foreign government, or his authorized agent.

§ 148.83 Diplomatic and consular bags.

(a) *Diplomatic bags.* The contents of diplomatic bags are restricted to diplomatic documents and articles intended exclusively for official use and packages constituting the diplomatic bag must bear visible marks of their character. Diplomatic bags shall not be opened or detained nor shall they be subject to duty or entry.

(b) *Consular bags.* Consular bags must bear visible external marks of their character and their contents are restricted to official correspondence and documents or articles intended exclusively for official use. Consular bags shall not be subject to duty and ordinarily shall not be opened or detained. However, if Customs officers have serious reason to believe that a consular bag contains other than permissible materials, they may request that the bag be opened in their presence by an authorized representative of the foreign government concerned. If this request is refused, the consular bag shall be returned to its place of origin.

§ 148.84 Baggage and effects of high Government officials.

The privilege of admission free of duty without entry of their baggage and effects may also be extended to high officials of this Government returning from special missions abroad, upon application therefor direct to the Department of the Treasury and the issuance of appropriate instructions. The free entry authorized hereunder shall not extend to alcoholic beverages, with respect to which the officials referred to in this paragraph shall receive no other exemption from duty and internal revenue tax than is allowed returning residents of the United States in accordance with § 148.33(d).

§ 148.85 Subsequent importations for the personal or family use of diplomatic, consular and other privileged personnel.

The privilege of importing free of duty and without the filing of any entry articles for personal or family use, but not

as an accommodation for others or for sale or other commercial use, shall be granted upon the request of the Department of State and upon appropriate instructions from the Bureau of Customs in each instance, to the following:

(a) Ambassadors, ministers, chargés d'affaires, secretaries, counselors and attachés of foreign embassies and legations accredited to the United States under item 822.10, Tariff Schedules of the United States (19 U.S.C. 1202);

(b) Other representatives, officers and employees of foreign governments, under item 822.30, Tariff Schedules of the United States (19 U.S.C. 1202); and

(c) Other persons designated pursuant to statute or pursuant to treaties between the United States and the countries which they represent, under item 822.40, Tariff Schedules of the United States (19 U.S.C. 1202)

§ 148.86 Articles for official use of representatives of foreign governments.

Office supplies and equipment and other articles for the official use of members and attaches of foreign embassies and legations, consular officers, and other representatives of foreign governments, may be admitted free of duty under item 841.10, Tariff Schedules of the United States, without the filing of an entry, upon the request of the Department of State.

§ 148.87 Officers and employees of, and representatives to public international organizations.

(a) *Exemption for baggage and effects.* The baggage and effects of the alien officers and employees of, or representatives of foreign governments, to the organizations designated by the President as public international organizations pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and the baggage and effects of their families, suites, and servants, shall be admitted free of duty and without entry under item 820.30, Tariff Schedules of the United States (19 U.S.C. 1202), but only upon the receipt in each instance of instructions from the Bureau of Customs issued at the request of the Department of State.

(b) *Designated public international organizations.* The President, by virtue of the authority vested in him by section 1 of the International Organizations Immunities Act of December 29, 1945 (22 U.S.C. 288), has designated certain organizations as public international organizations entitled to the free entry privileges of that statute. The following is a list of the public international organizations currently entitled to such free entry privileges and the Executive orders by which they were designated:

Organization	Executive Order	Date
Asian Development Bank	11334	Mar. 7, 1967
Caribbean Organization	10983	Dec. 30, 1961
Coffee Study Group	10943	May 19, 1961
Customs Cooperation Council	11596	June 5, 1971
European Space Research Organization	11318	Dec. 5, 1966
Food and Agriculture Organization	9698	Feb. 19, 1946
Great Lakes Fishery Commission	11059	Oct. 23, 1962
Inter-American Defense Board	10228	Mar. 26, 1951
Inter-American Development Bank	10873	Apr. 8, 1960
Inter-American Institute of Agricultural Sciences	9751	July 11, 1946
Inter-American Statistical Institute	9751	Do.
Inter-American Tropical Tuna Commission	11059	Oct. 23, 1962
Intergovernmental Maritime Consultative Organization	10795	Dec. 13, 1958
Interim Communications Satellite Committee	11227	June 2, 1965
International Atomic Energy Agency	10727	Aug. 31, 1957
International Bank for Reconstruction and Development	9751	July 11, 1946
International Civil Aviation Organization	9863	May 31, 1947
International Coffee Organization	11225	May 22, 1965
International Cotton Advisory Committee	9911	Dec. 19, 1947
International Cotton Institute	11283	May 27, 1966
International Finance Corporation	10680	Oct. 2, 1956
International Hydrographic Bureau	10769	May 29, 1958
International Joint Commission—United States and Canada	9972	June 25, 1948
International Labor Organization	9698	Feb. 19, 1946
International Monetary Fund	9751	July 11, 1946
International Pacific Halibut Commission	11059	Oct. 23, 1962
International Secretariat for Volunteer Service	11363	July 20, 1967
International Telecommunications Satellite Consortium	11277	Apr. 30, 1966
International Telecommunication Union	9863	May 31, 1947
International Wheat Advisory Committee (International Wheat Council)	9823	Jan. 24, 1947
Organization for Economic Cooperation (now known as the Organization for Economic Cooperation and Development)	10133	June 27, 1950
Organization of American States	10533	June 3, 1954
Pan American Health Organization (includes the Pan American Sanitary Bureau)	10864	Feb. 18, 1960
Pan American Union	10533	June 3, 1954
Provisional Intergovernmental Committee for the Movement of Migrants from Europe (now known as the Intergovernmental Committee for European Migration)	10335	Mar. 28, 1952
Southeast Asia Treaty Organization	10856	Feb. 23, 1960
South Pacific Commission	10086	Nov. 25, 1949
United International Bureau for the Protection of Intellectual Property	11484	Sept. 29, 1969
United Nations	9698	Feb. 19, 1946
United Nations Educational, Scientific, and Cultural Organization	9863	May 31, 1947
Universal Postal Union	10727	Aug. 31, 1957
World Health Organization	10025	Dec. 30, 1948
World Meteorological Organization	10676	Sept. 1, 1956

§ 148.88 Certain representatives to and officers of the United Nations and the Organization of American States.

(a) *Exemption for baggage and effects and admission without entry.* At the request of the Department of State and upon appropriate instructions from the Bureau of Customs in each instance, the privilege of admission free of duty without the filing of an entry may be extended to the baggage and effects of the following alien representatives, officers, and members of the staff of the United Nations and the Organization of American States, and their personal baggage is ordinarily exempt from inspection, subject to § 148.82(e)(2):

(1) Every person designated by a United Nations member nation as the principal resident representative to the United Nations of such member or as a resident representative with the rank of ambassador or minister plenipotentiary and members of their families;

(2) Such resident members of their staffs as may be agreed upon between the Secretary-General of the United Nations, the Government of the United States, and the Government of the United Nations member concerned and members of their families;

(3) Every person designated by a United Nations member of a specialized United Nations agency as its principal resident representative, with the rank of ambassador or minister plenipotentiary at the headquarters of such agency in the United States and members of their families;

(4) Such other principal resident representatives of United Nations members to a specialized United Nations agency and such resident members of the staffs of representatives to a specialized United Nations agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States, and the Government of the United Nations member concerned and members of their families;

(5) The Secretary-General, Under Secretaries-General, and Assistant Secretaries-General to the United Nations and members of their families;

(6) Representatives of members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, while exercising their functions and during their journey to and from the place of meeting, with regard to personal baggage only;

(7) Experts performing missions for the United Nations, the same facilities for personal baggage as are accorded diplomatic envoys;

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(8) Any person designated by a member of the Organization of American States as its representative or interim representative on the council of the Organization of American States and members of their families; and

(9) All other permanent members of the Delegation of a member of the Organization of American States and members of their families regarding whom there is agreement for that purpose between the government of the member state concerned, the Secretary-General of the Organization of American States, and the Government of the United States of America.

(b) *Absence of special request.* In the absence of a special request from the Department of State prior to the arrival of persons of the classes enumerated in paragraph (a) of this section, the privilege of admission free of duty without entry may be extended to their baggage and effects upon presentation of their credentials or other proof of identity.

(c) *Importations for personal or family use.* Upon the request of the Department of State and appropriate instructions from the Bureau of Customs, the privilege of importing without entry and free of duty articles for their personal or family use but not as an accommodation for others or for sale or other commercial use may be granted to persons of the classes enumerated in paragraph (a) of this section except those in paragraph (a) (6) and (7) of this section, under item 822.40, Tariff Schedules of the United States (19 U.S.C. 1202).

(d) *Personal inviolability.* The person of the representatives to and officers of the United Nations and the Organization of American States set forth in paragraph (a) of this section shall be free from arrest, search, and detention, except that persons of the rank set forth in paragraph (a) (6) and (7) of this section shall be accorded this privilege only while exercising their function and traveling to and from the place of meeting.

§ 148.89 Property of public international organizations.

(a) *Exemption from duty.* Property of designated international organizations listed in paragraph (b) of § 148.87 shall be admitted free of duty and internal-revenue taxes imposed upon or by reason of importation under 22 U.S.C. 288a(d), but such exemption shall be granted only upon the receipt in each instance of instructions from the Bureau of Customs issued at the request of the Department of State.

(b) *Bond.* Any Customs bond which may be required from a designated international organization (see paragraph (b) of § 148.87) in connection with the importation or entry of merchandise into, or the exportation of merchandise from, the United States may be accepted without surety.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 148 to 19 CFR Part 10)

Revised Section	*Superseded Section*
148.0	New.
148.1	10.28.
148.2	10.16 and New.
148.3	10.23.
148.4	New.
148.5	10.19(i).
148.6	10.20.
148.7	10.27.
148.8	New.
148.11	10.19(a).
148.12(a) and (b)	10.19(b).
148.12(c)	New.
148.13(a)	10.19(c)(1).
148.13(b)	New, 10.19(c)(3).
148.13(c)	10.19(c)(1).
148.13(d)	10.19(f).
148.13(e)	10.19(d).
148.14	10.19(b) and (g).
148.15	10.1(h).
148.16	10.19(e).
148.17	10.17(j).
148.18	23.5(a) and (b).
148.19	23.5(c).
148.21	10.21(a).
148.22	10.19(a) and (j).
148.23(a)	10.21(b).
148.23(b)	10.21(b).
148.23(c)	10.21(c) and (e).
148.23(d)	10.21(k).
148.24	10.21(d), 10.19(f).
148.25(a)	10.21(f) and (g).
148.25(b)	New.
148.26(a)	10.21(l).
148.26(b)	10.21(m).
148.27	10.21(j).
148.31	10.17(a).
148.32	10.42.
148.33(a)	10.17(b).
148.33(b)	10.17(e).
148.33(c)	10.17(c).
148.33(d)	10.17(d).
148.33(e)	10.17(b), (h)(2).
148.33(f)	10.17(h)(2).
148.34	10.17(f).
148.35(a)	10.17(g)(1).
148.35(b)	10.17(g)(2).
148.35(c)	10.17(l)(1).
148.36	10.17(h)(1), (l)(2).
148.37	10.17(l)(1)-(3).
148.38	10.17(m).
148.39(a)	10.17(n).
148.39(b)	New.
148.41	10.18(d).
148.42	10.18(a).
148.43	10.18(f).
148.44	10.18(b).
148.45	10.18(c).
148.46	10.18(e).
148.51	10.21(i).
148.52	10.11, 10.12, footnote 11.
148.53	10.15.
148.54	10.14.
148.61	New.
148.62	10.22(b), 23.4(a), 6.7(g).
148.63(a)	23.4(c).
148.63(b)	New.
148.64	10.21(i), 23.4.
148.65(a)	10.22(a).
148.65(b)	New.
148.66(a)	10.22(e).
148.66(b)	10.22(d), 6.7(g).
148.66(c)	10.22(e), 6.7(g).
148.67	23.4(a), (b).
148.71	New.
148.72	10.24.
148.73	10.25.
148.74	10.26a (a), (b), (c) (f)(1).
148.75	10.26a (e), (f)(2).
148.76	10.26a (g).
148.77(a)	10.26a (d), (h), (i).
148.77(b)(1)	10.26a (h).
148.77(b)(2)	New.
148.77(c)	10.26a(h).
148.81(a)	New.
148.81(b)	10.30a(c).
148.81(c)	New.
148.81(d)	New.
148.82(a)	New.
148.82(b)	10.29 (a), (c), and (f).
148.82(c)	10.29(b).
148.82(d)	10.29(e).
148.82(e)	10.29(a) and New.
148.83(a)	10.30(b) and New.
148.83(b)	New.
148.85	10.29(d).
148.84	10.30(c) and (d).
148.86	10.30(a).
148.87(a)	10.30a (b), (d), and (e).
148.87(b)	10.30a(a).
148.88(a)	10.30b (a) and (d).
148.88(b)	10.30b(c).
148.88(c)	10.30b(b).
148.88(d)	New.
148.89(a)	10.30a (b), (d), and (e).
148.89(b)	10.30a(f).

[FR Doc.73-1409 Filed 1-24-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

IMPORTATION OF BIRDS

Proposed Relief of Restrictions

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Department of Agriculture is considering amending Part 92, Title 9, Code of Federal Regulations, to change the restrictions on importation of poultry and other birds.

In April 1971, exotic Newcastle disease was diagnosed in poultry flocks of the United States. Evidence was accumulated in October 1971 substantiating the presence of exotic Newcastle disease among exotic birds which had been imported into the United States.

The commercial importation of birds other than poultry was prohibited August 24, 1972, as a result of isolations of exotic Newcastle disease virus from several species of imported birds.

It was stated at that time that the prohibition would remain in effect until safe and satisfactory procedures could be developed and placed in effect whereby such importations could be resumed without undue risk of introducing exotic Newcastle disease.

On October 5, 1972, a meeting was held with selected members of the pet bird industry, representatives of zoological parks, researchers, scientific experts on exotic Newcastle disease, and interested government officials to discuss possible procedures whereby bird importations might be resumed with the proper safeguards. This notice of proposed rule making was developed as a result of discussions at this meeting and other consultations.

Pet birds are currently allowed importation under specified safeguards. The proposed amendments would (1) define "pet birds" and "commercial birds" and (2) provide for the importation of commercial birds of all classes when the following requirements are met: (1) an import permit must be obtained in advance of shipment, (2) a health certification by a full-time salaried veterinarian of the Government of the country from which the birds are shipped must accompany each lot, (3) each lot must be quarantined for a minimum period of 30 days in a facility provided by the importer in the immediate vicinity of the port of entry, such facility to be approved in advance by Veterinary Services, and (4) during the quarantine period the birds are to be handled in accordance with procedures prescribed by the Department.

1. In § 92.1, paragraph (j)(2) would be amended by adding new subdivisions (i) and (ii) to read as follows:

§ 92.1 Definitions.

* * * * *

(j) * * *

(2) * * * (i) *Pet birds.* Birds which are maintained for the personal pleasure of their individual owners and are not intended for resale, research, breeding, or public display.

(ii) *Commercial birds.* Birds which are imported for the purpose of resale, research, breeding, or public display.

* * * * *

2. In § 92.2, in paragraph (b) the last clause "except as provided in paragraph (c) or (d) of this section," would be amended to read "except as provided in paragraph (c), (d) or (e) of this section."

3. In § 92.2, a new paragraph (e) would be added to read as follows:

§ 92.2 General prohibition.

* * * * *

(e) Commercial birds may be imported into the United States if they meet the requirements of §§ 92.3(f), 92.5(c), 92.8(b), and 92.11(e) which specifically apply to commercial birds and the requirement of all other sections in this part that are applicable to poultry or to animals generally.

4. In § 92.3, a new paragraph (f) would be added to read:

§ 92.3 Ports designated for the importation of animals.

* * * * *

(f) Notwithstanding any other provisions of this section all commercial birds shall be imported only at a port of entry specified in § 92.8(b).

§ 92.4 [Amended]

5. In § 92.4, a reference to a new footnote 6 would be added after the section heading and a new footnote 6 would be added to the regulations to read as follows:

[6] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J-1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

6. In § 92.5, the section heading would be amended and a new paragraph (c) would be added to read:

§ 92.5 Certificate for ruminants, swine, poultry, and commercial birds.

* * * * *

(c) *Birds.* All commercial birds offered for importation from any country of the world shall be accompanied by a certificate issued by a full-time salaried veterinary officer of the National Government of the country from which the birds are to be exported, stating that all birds covered by the certificate have been inspected by him and that no evidence of Newcastle disease, ornithosis, or other communicable disease of poultry was found among the birds and insofar as has been possible to determine, they were not exposed to any such disease during the 90 days immediately preceding their exportation; that such birds were individually identified by serially numbered legbands (or by other suitable means of identification approved by the Deputy Administrator, Veterinary Services, upon request to him) and such birds were placed into new containers at the place of origin; that such birds have not been vaccinated with Newcastle disease vaccine; that Newcastle disease did not occur anywhere on the premises from which the birds are to be exported or on adjoining premises during the 90 days immediately preceding the exportation of such birds and that these premises are not located in any area under quarantine for poultry diseases during such preceding 90 days.

7. In § 92.8, a new paragraph (b) would be added to read:

§ 92.8 Inspection at port of entry.

* * * * *

(b)(1) All commercial birds imported from any part of the world shall be subjected to inspection at the port of entry by a veterinary inspector of Veterinary Services and such birds, except those from Canada and Mexico, shall be permitted entry into the United States only at the following ports of entry: New York, N.Y.; Miami, Fla.; San Ysidro and Los Angeles, Calif.; Seattle, Wash.; and Honolulu, Hawaii.

(2) All commercial birds imported from Canada shall be permitted entry only at the ports of Seattle, Wash.; Detroit, Mich., and New York, N.Y. All commercial birds from Mexico shall be permitted entry only at the ports of Los Angeles and San Ysidro, Calif.; Miami, Fla.; and Brownsville and El Paso, Tex.

(3) Only the ports of entry specified in this paragraph (b) are approved for the importation of commercial birds, and shipments of such birds presented at any other port will be refused entry as specified in § 92.4(b).

8. In § 92.11, in paragraph (c)(1) the reference to "§ 92.26(a)" would be changed to "§ 92.26" and the reference to

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"§ 92.38(a)" would be deleted; and the section heading would be changed and a new paragraph (e) would be added to read:

§ 92.11 Quarantine requirements.

• • • • •

(e) *Birds.* Each lot of commercial birds imported from any part of the world shall be quarantined for a minimum of 30 days, and for such longer period as may be required by the Deputy Administrator, Veterinary Services, in any specific case, on an "all-in, all-out" basis, at one of the ports of entry specified in § 92.8(b) in facilities which are provided by the importer and which have been approved in advance for the handling of such birds by an inspector of Veterinary Services.[1] Such facilities shall be located within the immediate port area and shall be isolated from other concentrations of poultry or birds. During the quarantine period, the importer shall comply with handling procedures required by the Deputy Administrator, Veterinary Services, and conducted under the direction of the Veterinary Services port veterinarian. Such procedures shall include inspection and testing as may be required by the Deputy Administrator in any specific case to determine whether the birds are affected with any communicable disease of poultry. If the birds are found free of evidence of communicable diseases of poultry during quarantine, then the port veterinarian shall issue an agriculture release for entry through U.S. Customs. If the birds are found during port of entry inspection or during quarantine, to be infected with or exposed to a communicable disease of poultry, such birds shall be refused entry or shall be held for an additional period in quarantine until determined to be free of evidence of any communicable disease, or shall be otherwise disposed of as directed by the Deputy Administrator, Veterinary Services, in accordance with the provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a).

§ 92.38 [Deleted]

9. Section 92.38 would be deleted and § 92.26 would be amended to read:

§ 92.26 Poultry from Canada.

Poultry imported from Canada is not required to meet the requirements of § 92.11(c) but shall meet all other requirements of this Part applicable to poultry.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, not later than February 26, 1973.

[1] Standards for approved facilities may be obtained upon request to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Center Building, 6505 Belcrest Road, Room 370, Hyattsville, MD 20782, during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of January 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-1581 Filed 1-24-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

PROCUREMENT OF MATERIALS AND EQUIPMENT AND CONSTRUCTION OF GENERATION FACILITIES

Proposed Policy and Procedure

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 40-6, Construction Methods and the Purchase of Materials and Equipment, to set forth revised policy and procedure to be followed by electric borrowers in the procurement of materials and equipment and the construction of generation facilities. On issuance of the supplement to REA Bulletin 40-6, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of the supplement to REA Bulletin 40-6 may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250 by February 27, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the supplement and related forms may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed supplement to REA Bulletin 40-6 is as follows:

SUBJECT: Contracts for the Procurement of Materials and Equipment and for Construction of Generation Facilities.

I. *Purpose.* This supplement (a) raises the dollar amount of contracts associated with the procurement of equipment for or the construction of generation facilities which do not require REA approval; and (b) sets forth the modifications to the Equipment Contract, REA Form 198, to include a liability limitation clause related to special and consequential damages which borrowers may use to receive alternate bids in the procurement of equipment for generation facilities.

II. *Policy and Procedures—A. REA Contract Approval Requirements.* With respect to generation facilities, REA Bulletin 40-6, dated August 24, 1970, provides that:

1. Generation materials and equipment amounting to less than $50,000 may be purchased by contract or purchase order not subject to REA approval; and

2. Negotiated construction contracts which do not exceed $50,000 do not require prior REA approval.

In view of the large size powerplants currently being planned and constructed by our borrowers and in consideration of the need for further simplification of REA administrative procedures, it has been determined that the above $50,000 contract limit related to REA's approval of contracts can be substantially raised without any serious effect on loan security. Accordingly, by this supplement the limit of $50,000 set forth in Bulletin 40-6, as related to these items, is hereby raised to $200,000, unless otherwise notified of some lesser dollar limitation by REA in any specific instance.

B. *Special and Consequential Damages.* With respect to the procurement of equipment for generation facilities, some borrowers have reported difficulties in obtaining responsive bidding on REA Form 198 because of its lack of limitation with respect to special and consequential damages. REA has carefully reviewed this matter and has determined that where a borrower feels its best interests can be served by enlarging competition through the receipt of an alternate bid which limits the bidder's liability for special and consequential damages, the following modifications may be made in the REA Contract Form 198 on which bids are to be received:

1. Insert a new paragraph 10 on page 2 of the Notice and Instructions to Bidders as follows:

"10. Proposals are invited on the basis of alternate provisions with respect to liability. It would be desirable for bidders to submit proposals on each of the alternate liability clauses set forth in the form of proposal attached hereto. The owner may determine on which liability clause basis the award shall be made, and may make the award on the basis of the lowest proposal for such liability clause, whether or not it is the lowest of all proposals received."

2. Insert on page 3 of the contract documents under paragraph 1 of the proposal the following:

"*Liability Clause Number 1.* $———— (to include paragraphs (a) and (b) only of section 4, unmodified, of the form of contract furnished by the owner and attached hereto).

"*Liability Clause Number 2.* $———— (to include the following paragraph (c), in addition to paragraphs (a) and (b) of section 4, unmodified, of the form of contract furnished by the owner and attached hereto):

"(c) Except for the Seller's willful delay or refusal to perform the contract in accordance with its terms, the Seller's liability for special or consequential damages on account of any breach of this contract shall not exceed an amount equal to the contract price. If the contract provides for the furnishing of more than one unit of equipment or materials, the limitation prescribed hereinabove shall be applied to each individual unit with respect to which such breach has occurred and 'contract price' shall be deemed to mean the unit price specified in the contract, or, if none is specified, a proportionate part of the total price stipulated for all such units."

3. Insert the following after the word "stated" in Section 1—Acceptance of Proposal (a) page 5 of the Equipment Contract form:

", including Liability Clause Number ——————."

The borrower's decision as to whether to receive bids permitting this alternate should be made by the borrower's board of directors acting on the advice of its engineer, based on his assessment of the need to receive alternate bids to obtain adequate responsive bidding and thus assure competition.

Dated: January 19, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-1583 Filed 1-24-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Petitions to Revoke Standard Concerning the Design, Construction, Setting, and Feeding of Dies; Request for Information

Two petitions have been received requesting the revocation of paragraph (d) (1) and (2) of 29 CFR 1910.217.

In substance, paragraph (d) (1) and (2) require an employer to institute die design, procurement, construction, and modification policies and procedures that will eliminate by August 31, 1974, the need for an employee to place his hands or fingers within the point of operation on a mechanical power press. Paragraph (c) of § 1910.217 requires an employer to provide and insure the usage of either point of operation guards or properly applied and adjusted point of operation devices on every operation performed on a mechanical power press.

A major contention of the petitioners is that the point of operation guards or point of operation devices required by 29 CFR 1910.217(c) adequately protect an operator of a mechanical power press from an injury that could result from his hands being placed at the point of operation of the press. Since the guards or devices are designed to prevent either an operator's hands or fingers from entering the area at the point of operation or the stroking of a press, it is contended that the design and construction requirements for mechanical power presses in 29 CFR 1910.217(d) (1) and (2) would serve the same purpose and provide substantially the same protection. Hence petitioners argue that these provisions require great expenditures without adding significant protection. Therefore petitioners request the revocation of 29 CFR 1910.217(d) (1) and (2).

Interested persons are invited to submit written data, views, and arguments concerning the petitions and whether a proceeding to grant the requested relief should be commenced under section 6(b) of the Occupational Safety and Health Act of 1970 and 29 CFR Part 1911. In particular, written information is requested with respect to the following:

(1) Work injury experience with point of operation guards or devices similar to those required by 29 CFR 1910.217(c);

(2) Whether the point of operation guards or devices required by 29 CFR 1910.217(c) provide sufficient protection, of themselves, to operators;

(3) Safeguarding devices presently under development;

(4) Work injury experience with "no hands in dies" presses similar to those required by 29 CFR 1910.217(d) (1) and (2);

(5) Estimate of the time period necessary to comply with the present "no hands in dies" standard;

(6) Supported cost data of the estimated costs of coming into compliance with the "no hands in dies" standard; and

(7) Any other related issue.

Written data, views, and arguments concerning the petitions should be mailed to the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210, before February 24, 1973. The data, views, and arguments will be available for public inspection and copying at the Office of Standards.

Signed at Washington, D.C., this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1570 Filed 1-24-73;8:45 am]

[29 CFR Part 1999]

ENVIRONMENTAL IMPACT STATEMENTS

Proposed Procedures

The National Environmental Policy Act, among other things, requires all Federal agencies to file environmental impact statements before undertaking major action significantly affecting the quality of the human environment. Since the Occupational Safety and Health Administration may take certain actions which may significantly effect the environment, it is appropriate to prescribe procedures to be followed when impact statements are required. Therefore, pursuant to authority in section 2(f) of Executive Order 11514 of March 5, 1970 (3 CFR 1966–70, Comp., p. 902) and section 552 of the Administrative Procedure Act (5 U.S.C. 552), it is proposed that Chapter XVII of Title 29 of the Code of Federal Regulations be amended by adding a new Part 1999, as set out below, containing procedures to be followed when environmental impact statements are required.

All interested persons are invited to submit by February 24, 1973, written comments, suggestions, or objections with respect to the proposed procedure. Submissions should be directed to the Office of Solicitor, attention Mr. Benjamin W. Mintz, U.S. Department of Labor, Room 5420, 14th and Constitution Avenue NW., Washington, DC 20210.

The proposed new Part 1999 reads as follows:

Sec.
1999.1 Purpose and scope.
1999.2 Initial determination of need for impact statement.
1999.3 Preparation and circulation of draft impact statement.
1999.4 Preparation and circulation of final impact statement.
1999.5 Emergency circumstances.
1999.6 Effect of final impact statement upon agency decisionmaking.

AUTHORITY: Sec. 2(f) of Executive Order 11514 of March 5, 1970, and under 5 U.S.C. 552

§ 1999.1 Purpose and scope.

(a) Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332) requires all Federal agencies to include a detailed environmental impact statement "in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." Executive Order 11514 of March 5, 1970, directed all agencies to proceed with the actions required by section 102.

(b) The Occupational Safety and Health Administration in exercise of the authority given it under the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678) (hereinafter, the Act) is empowered to take some actions which, within the meaning of the National Environmental Policy Act, would significantly effect the quality of the human environment. For example, certain occupational safety and health standards issued under section 6(b) of the Act may have such effect.

(c) The purpose of this subpart is to prescribe the procedure to be followed when such impact statements are required.

§ 1999.2 Initial determination of need for impact statement.

(a) Whenever the Occupational Safety and Health Administration considers taking major action, the Assistant Secretary for Occupational Safety and Health or his subdelegate (hereinafter, the Assistant Secretary) shall determine whether an impact statement is required. In the case of occupational safety and health standards, such decision will normally be made prior to the seeking of the advice of an advisory committee under section 6(b)(1) of the Act.

(b) If the Assistant Secretary determines that an impact statement is not required, a short statement indicating the reasons for such a decision shall be prepared and made available for public inspection under Part 70 of this title and Part 1913 of this Chapter.

(c) If the Assistant Secretary determines that an impact statement is required, a notice to this effect shall be published in the FEDERAL REGISTER.

§ 1999.3 Preparation and circulation of draft impact statement.

(a) After an initial determination of the need for an impact statement, and at least 90 days before final agency action is taken, the Assistant Secretary shall prepare a draft impact statement.

(1) When an advisory committee's advice is sought on the promulgation, modification or revocation of a standard, the draft statement should normally be

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prepared and submitted to the committee before such committee submits its recommendations to the Assistant Secretary.

(b) The draft impact statement shall include a detailed statement on:

(1) The environmental impact of the proposed action,

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(3) Alternatives to the proposed action,

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(c) During the preparation of the draft statement, an office may informally contact Federal, State, and local agencies with environmental expertise for help in the preparation of the statement.

(d) Ten copies of the draft impact statement shall be forwarded to the Council on Environmental Quality.

(e) The draft statement shall also be circulated to Federal agencies which has jurisdiction by law or special expertise with respect to any environmental impact involved. Federal agencies which may be consulted are listed in the CEQ Guidelines, 36 FR 7724–7729, April 23, 1971.

(f) Time limits for reply shall be 30 days. In the case of the Environmental Protection Agency the time limit shall be 45 days.

§ 1999.4 Preparation and circulation of final impact statement.

(a) After comments have been received on the draft impact statement, and at least 30 days before final agency action, the appropriate office shall prepare a final impact statement.

(1) In the case of standards, the final impact statement must be prepared by the date that the Assistant Secretary publishes a proposed rule promulgating, modifying, or revoking a standard in the FEDERAL REGISTER.

(b) The final impact statement shall contain an analysis of all review comment and shall modify or amplify the draft impact statement as necessary.

(c) Ten copies of the final impact statement, together with comments received on the draft impact statement, shall be forwarded to the Council on Environmental Quality.

(d) After the final impact statement is prepared, a notice to the public shall be published in the FEDERAL REGISTER indicating the availability of such statement and requesting comments.

(e) In the cases in which an opportunity for a formal or informal hearing is provided under the act, the final impact statement shall be the proper subject of comment during such hearing.

§ 1999.5 Emergency circumstances.

(a) When emergency circumstances, overriding consideration of expense to the Government, or impaired program effectiveness make it necessary to take an action with significant environmental impact without observing the time limitations set out in this subpart, the appropriate office shall consult with the Council on Environmental Quality concerning alternative procedures.

§ 1999.6 Effect of final impact statement upon agency decision-making.

The Assistant Secretary shall consider the final impact statement and the comments, along with other considerations dictated by the Williams-Steiger Occupational Safety and Health Act, in deciding whether to take an action which is the subject of a final impact statement.

Signed at Washington, D.C., this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1571 Filed 1-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-12P]

MENOMINEE RIVER, WIS.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Ogden Street Bridge across the Menominee River at mile 0.37 between Marinette, Wis., and Menominee, Mich., at the request of the Wisconsin Division of Highways. This bridge is now open for vehicular traffic. It replaces a bridge that was located at mile 0.4. The vertical clearance of the new bridge is 3 feet greater than the bridge it replaced, or 12 feet from high water and 18 feet from low water. Commercial vessel traffic through this bridge has steadily declined from 1962 through 1970 from 579,000 tons in 1962 to 292,524 in 1970. The number of passengers in the same period dropped from 5,164 to 11. The proposed regulations would restrict vessels in the winter months and during the period from 12 midnight to 8 a.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before March 6, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.644a immediately after § 117.644 to read as follows:

§ 117.644a Ogden Street Bridge, Menominee River, Wis.

(a) The draw shall open on signal:

(1) From April 15 through December 15 from 8 a.m. to 12 midnight.

(2) From April 15 through December 15 from 12 midnight to 8 a.m. if at least 2 hours notice is given to the authorized representative.

(3) From December 16 through April 14 if at least 12 hours notice is given to the authorized representative.

(b) Signals:

(1) The opening signal is one long blast followed by one short blast.

(2) The acknowledging signal is:

(i) One long blast followed by one short blast when the draw will open immediately.

(ii) Five short blasts when the draw cannot open immediately. When the draw will open the drawtender shall sound one long blast followed by one short blast.

(c) The draw need not open for the passage of vessels carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructure and appurtenances of any vessel habitually frequenting this waterway.

(d) The owner of or agency controlling this bridge shall conspicuously post the provisions of this regulation both upstream and downstream in such a manner that it may be easily read at any time from an approaching vessel. The posted provisions shall state exactly how the authorized representative may be reached at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: January 19, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-1558 Filed 1-24-73;8:45 am]

[33 CFR Part 117]

[CGD 73-13 P]

SPA CREEK, MD.

Proposed Drawbridge Operation Regulations

At the request of the city of Annapolis and the Maryland Department of Transportation, the Coast Guard is considering amending the regulations for the highway bridge across Spa Creek, Annapolis, Md., to better resolve the conflict between vehicular traffic over the bridge and boat traffic through the draw. This is due to an increase in vehicular traffic. The draw is presently required to open on signal, however, the draw may remain closed from 7:30 a.m. to 9 a.m. and 4:30 p.m. Monday through Friday, except State and Federal holidays. The proposed additional closed periods would be in effect from May 1 through October 31 from 6 a.m. to 12 midnight when the draw would be required to open only on the hour and half hour. The emergency vehicle provision is deleted because it is in 33 CFR 117.1a(e).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before March 6, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.311 to read as follows:

§ 117.311 Spa Creek, Md.; highway bridge at Annapolis.

(a) From May 1 through October 31 the owner of or agency controlling the drawbridge shall operate the draw as follows:

(1) From 12 midnight to 6 a.m. the draw shall open on signal.

(2) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday the draw need not open for the passage of vessels. This subparagraph does not apply on Federal and Maryland State holidays.

(3) From 6 a.m. to 12 midnight, except from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., the draw shall open on the hour and half hour if any vessels are waiting to pass. This subparagraph does not apply on Federal and Maryland State holidays.

(4) On Federal and Maryland State holidays the draw shall open on signal.

(b) From November 1 through April 30 the owner of or agency controlling the drawbridge shall operate the draw as follows:

(1) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, the draw need not open. This subparagraph does not apply on Federal and Maryland State holidays.

(2) At all other times, including Federal and Maryland State holidays, the draw shall open on signal.

(c) The draw shall open at any time for the passage of a public vessel of the United States or for a vessel in an emergency involving danger to life or property. The opening signal is four blasts of a whistle, horn, or by shouting.

Dated: January 19, 1973.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-1559 Filed 1-24-73;8:45 am]

[46 CFR Ch. I]

[CGD 72-245P]

CONSTRUCTION REQUIREMENT FOR TANK SHIPS

Advance Notice of Proposed Rule Making

The Coast Guard is considering certain construction standards for pollution abatement for new tank ships which intend to trade within the navigable waters of the United States. The Intergovernmental Maritime Consultative Organization (IMCO) is considering this problem on an international level and the Ports and Waterways Safety Act of 1972 (Public Law 92-340) has directed the Coast Guard to study this problem from the national point of view. The rules which may be proposed are described and discussed in the statement set forth below.

Interested persons may participate in the rule making through submission of written data, views, or comments regarding the proposal to the U.S. Coast Guard (GCMC/82), 400 Seventh Street SW., Washington, DC 20590. Communications should identify the notice number, CGD 72-245P, and the name, address, and organization, if any, of the commentator.

All communications received before March 15, 1973, will be fully considered and evaluated before a Notice of Proposed Rule Making is published. Copies of all written communications received will be available for examination in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for receipt of comments.

The Coast Guard in cooperation with the Maritime Administration and the American Institute of Merchant Shipping has nearly completed an extensive study of the effects of requiring tank ships to be capable of carrying sufficient ballast for normal operations without recourse to the use of oil tanks for water ballast.

Although the study has not been entirely completed, and no final conclusions reached, the Coast Guard acting independently is giving consideration to proposing regulations which would require a segregated ballast capability on:

(1) Tank ships delivered after January 1, 1976; and

(2) Tank ships delivered before January 1, 1976, whose building contract is placed and whose construction is begun after January 1, 1974.

The capacity of the segregated ballast tanks would be such as to achieve in the ballast condition of displacement not less than approximately 45 percent of the full load displacement of the ship. This segregated ballast capacity would be achieved in part by fitting, throughout the cargo length, a double bottom of a minimum height of one-fifteenth of the beam.

This height would be necessary for two reasons. First, it would be intended that segregated ballast water be carried in the double bottoms to significantly reduce the problem of intentional discharge of oily ballast at sea. Second, the double bottoms would provide a degree of protection against accidental discharge caused by grounding incidents. Consideration is also being given to requiring that all tankships (new and existing) be capable of retaining oil ballast and other wastes such as tank cleaning residues on board for shoreside disposal. Existing tankships and small new tankships would be permitted to engage in the practice of retention of oil on board (load on top) with specified discharge criteria.

Comment is also invited as to the desirability of applying these proposals to tank barges 300 feet long or more engaged in ocean and coastwise service.

This notice is issued under the authority of: 46 U.S.C. 391a; 49 CFR 1.46(o)(4).

Dated: January 18, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.73-1556 Filed 1-24-73;8:45 am]

Federal Railroad Administration

[49 CFR Part 215]

[Docket No. RSFC-3, Notice 2]

RAILROAD FREIGHT CARS

Prohibited Equipment; Postponement of Hearing

JANUARY 23, 1973.

On November 17, 1972, the Federal Railroad Administration published a notice of proposed rule making (37 FR 24445) to prohibit the use of certain types and models of freight cars and freight car components. The rule making would add provisions to a proposed Part 215 which would establish minimum Federal safety standards for railroad freight cars (37 FR 19821).

Included in the notice on November 17, 1972, was a notice of a public hearing to be held at 10 a.m. on January 25, 1973, in Room 5332, 400 Seventh Street SW., Washington, DC. This hearing was to be the third in a series of hearings

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concerning railroad freight cars commencing on January 23, 1973. The first two hearings have been held as scheduled. However, because the President has declared Thursday, January 25, 1973, a National Day of Mourning in memory of President Johnson, the hearing set for that day has been postponed.

The new date, place, and time for the hearing will be Thursday, February 8, 1973, Rooms 5334 and 5336, Nassif Building, 400 Seventh Street SW., Washington, DC, at 10 a.m. Persons who desire to participate at the hearing should refer to the original notice (37 FR 24445) for a brief statement of the rules to be followed at the hearing.

Issued in Washington, D.C., on January 23, 1973.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.73-1649 Filed 1-24-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[No. 72-41]

TRUCK DETENTION AT THE PORT OF NEW YORK

Further Enlargement of Time To File Replies

JANUARY 18, 1973.

Upon request of interested parties, and good cause appearing, time within which replies to Hearing Counsel may be submitted in this proceeding is enlarged to and including February 5, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1585 Filed 1-24-73;8:45 am]

[46 CFR Part 506]

[Docket No. 72-62]

FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

Regulations To Adjust or Meet Conditions Unfavorable to Shipping in the Foreign Trade; Extension of Time for Filing Comments

Upon request of interested persons, and good cause appearing, the schedule for filing comments in response to the notice of proposed rule making in this proceeding (37 FR 27638; December 19, 1972) is revised as follows:

Interested persons may file comments on the proposed rules on or before February 14, 1973. Reply comments of Hearing Counsel shall be filed on or before March 5, 1973. Answers to Hearing Counsel's replies shall be filed on or before March 15, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1584 Filed 1-24-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5349]

"PART OF AN ISSUE," "PERSON RESIDENT," AND "DOING BUSINESS WITHIN"

Proposed Definitions

The Securities and Exchange Commission is considering adoption of a proposed rule 147 (17 CFR 230.147) which would define certain terms in, and clarify certain conditions of, § 3(a)(11) of the Securities Act of 1933 (the act). The Commission believes that the proposal would be in the public interest by protecting investors and providing, to the extent feasible, more certainty in determining when the exemption provided by that section of the act is available. Section 3(a)(11) (the intrastate offering exemption) exempts from certain provisions of the act, including the registration requirements of § 5, securities that are part of an issue offered and sold only to persons resident within a single State or territory, if the issuer is a person resident and doing business within that State or territory.

The Commission is aware that there are many public offerings of securities made in reliance on the exemption from registration provided by § 3(a)(11). However, some issuers may not be familiar with the administrative and judicial interpretations of that section, and, therefore, may be relying on it mistakenly. Moreover, the Commission believes that local businesses seeking financing solely from local sources should have objective standards to facilitate compliance with § 3(a)(11) and the registration provisions of the act.

In developing the definitions in, and conditions of, the proposed rule, the Commission has considered the legislative history and judicial interpretations of § 3(a)(11) as well as its own administrative interpretations. The Commission believes that a rule codifying certain of these interpretations will enable issuers to determine with more certainty whether they may use the exemption in offering their securities and will give more assurance that the intrastate offering exemption is used only for the purpose that Congress intended, i.e., local financing of companies primarily intrastate in character.[1]

Persons claiming an exemption pursuant to the proposed rule would have the burden of proving that they had satisfied all of its conditions. However, the proposed rule does not establish exclusive standards for complying with § 3(a)(11). Persons may claim a § 3(a)(11) exemption without complying with the proposed rule if they satisfy the standards set forth in relevant administrative and judicial interpretations of § 3(a)(11) in effect at the time of the transaction.

Proposed rule 147 would only provide an exemption from the registration provisions of § 5 of the Act. It would not provide an exemption from the antifraud provisions of the act or of the Securities Exchange Act of 1934 (Exchange Act) or from the registration and periodic reporting provisions of §§ 12(g) and 13 of the Exchange Act.

Rule 147 is proposed as another step in the Commission's continuing efforts to provide protection to investors and, where consistent with that objective, to add certainty, to the extent feasible, to the determination of when the registration provisions of the act apply. Other recent Commission actions in this regard were:

1. The adoption of rule 144 (17 CFR 230.144) (Securities Act Release No. 5223) (37 FR 599, 4329);

2. The adoption of rule 145 (17 CFR 230.145) (Securities Act Release No. 5316) (37 FR 23631);

3. The announcement of proposed rule 146 (17 CFR 230.146) (Securities Act Release No. 5336) (37 FR 26137).

This notice contains a general discussion of the background, purpose and general effect of the proposed rule to assist in a better understanding of its provisions. A brief analysis of each section of the rule is also included. However, attention is directed to the attached text of the rule itself for a more complete understanding of its provisions.

BACKGROUND AND PURPOSE

Congress, in enacting the Federal securities laws, created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. The Commission, in administering and implementing these laws, has sought to coordinate and integrate the disclosure system with the exemptive provisions provided by the laws. Proposed rule 147 is a further effort in this direction.

Section 3(a)(11) was intended to allow issuers with localized operations to sell securities as part of a plan of local financing. Congress apparently believed that a company whose operations are restricted to one area should be able to raise money from investors in the immediate vicinity without having to register the securities with a federal agency. In theory, the investors would be protected both by their proximity to the issuer and by State regulation.

The Commission has consistently taken the position that the exemption applies only to local financing provided by local investors for local companies. To satisfy the exemption, the entire issue must be offered and sold exclusively to residents of the State in which the issuer is resident and doing business. An offer or sale of part of the issue to a single non-resident will destroy the exemption for the entire issue.

[1] H.R. Rep. No. 85, 73d Cong., 1st Sess. 6-7 (1933); H.R. Rep. No. 1838, 73d Cong., 2d. Sess. 40-41 (1934).

Certain basic questions have arisen in connection with interpreting section 3(a)(11). They are:

1. What transactions does the section cover;

2. What is "part of an issue" for purposes of the section;

3. When is a person "resident within" a State or territory for purposes of the section; and

4. What does "doing business within" mean in the context of the section.

The courts and the Commission have addressed themselves to these questions in the context of different fact situations, and some general guidelines have been developed. These guidelines were set forth by the Commission in Securities Act Release No. 4434 (1961) (26 FR 11896) and are, for the most part, reflected in the rule. However, in certain respects, as pointed out below, the rule differs from past interpretations.

THE TRANSACTION CONCEPT

Although the intrastate offering exemption is contained in section 3 of the Act, which section is phrased in terms of exempt "securities" rather than "transactions", the legislative history and Commission and judicial interpretations indicate that the exemption covers only specific transactions and not the securities themselves. The exemption was first enacted as part of section 5 of the Act but was, by amendment to the Act in 1934, moved to section 3 in order to relieve securities dealers of an unintended restriction on their trading activity. The Commission noted in Release 4434, "This amendment was not intended to detract from its essential character as a transaction exemption."

The proposed rule reflects this interpretation of the exemption as a transaction exemption rather than a securities exemption.

THE "PART OF AN ISSUE" CONCEPT

The determination of what constitutes "part of an issue" for purposes of the exemption has been dependent on the facts involved in each case. The Commission noted in Release 4434 that "any one or more of the following factors may be determinative of the question of integration:

"1. Are the offerings part of a single plan of financing;

"2. Do the offerings involve issuance of the same class of security;

"3. Are the offerings made at or about the same time;

"4. Is the same type of consideration to be received; and

"5. Are the offerings made for the same general purpose."

Also, the Commission generally has deemed intrastate offerings to be "integrated", i.e., considered part of the same issue, with those registered or private offerings made by the issuer at about the same time.

The proposed rule does away with the case-by-case determination of what offerings should be integrated and provides, in general, that all securities sold by the issuer, its predecessor, and its affiliates, within any consecutive 6-month period, will be automatically integrated.

THE "PERSON RESIDENT WITHIN" CONCEPT

The object of the exemption, i.e., to restrict the offering to persons within the same locality as the issuer who are, by reason of their proximity, likely to be familiar with the issuer and protected by the State law governing the issuer, is best served by interpreting the residence requirement narrowly. The residence of individuals has usually been considered to mean their domicile rather than a temporary residence. The domicile of an individual must be determined in each instance in accordance with the relevant State law. Business organizations generally have been considered to be residents of the State where they are organized. In addition, the determination of whether all parts of the issue have been sold only to residents can be made only after the securities have "come to rest" in the hands of the investors.

The proposed rule does not substantially change these concepts, but it does abandon the domicile test and attempts to provide more objective standards for determining when a person is considered a resident and when securities have come to rest.

THE "DOING BUSINESS WITHIN" REQUIREMENT

Because the primary purpose of the intrastate exemption was to allow an essentially local business to raise money within its community where the investors would be likely to be familiar with the business and with the management, the doing business requirement has traditionally been viewed strictly. First, not only should the business be located within the State, but the principal or predominant business must be carried on there.[2] Second, substantially all of the proceeds of the offering must be put to use within the local area.[3]

The proposed rule reinforces these requirements by providing specific percentage amounts of business that must be conducted within the State and of proceeds that must be spent in connection with such business. In addition, the proposed rule requires the principal office of the issuer to be within the State.

PROPOSED RULE 147 (17 CFR 230.147)

1. *Introductory note.* There is an introductory note to the proposed Rule which briefly explains its purpose and provisions.

2. *Transactions Covered—Rule 147(a).* Paragraph (a) of the proposed rule provides that offers, offers to sell, offers for sale, and sales of securities that meet the conditions of the Rule will be deemed to be exempt from the Act pursuant to section 3(a)(11). Those conditions are: (1) The issuer must be resident and doing business within the State or territory in which the securities are offered and sold (Rule 147(c)); (2) the offerees and purchasers must be resident within such State or territory (Rule 147(d)); (3) resales must be limited (Rule 147(e)); and (4) precautions must be taken against interstate distribution (Rule 147(f)). In addition, the proposed rule defines "part of an issue."

3. *Definition of "Part of an Issue"—Rule 147(b).* Paragraph (b) of the proposed rule defines "part of an issue" of securities for purposes of the rule as all securities of the issuer, its affiliates and predecessors, other than those exempt under section 3(a) of the Act, that are offered or sold by the issuer, its affiliates and predecessors within any consecutive 6-month period. For purposes of the rule, offerings of securities by separate and distinct business enterprises for separate and distinct purposes would not be deemed part of an issue solely because both issuers had the same general partner.

This definition is intended to create greater certainty and to obviate the need for a case-by-case determination of when intrastate offerings should be integrated with other offerings, such as those registered under the Act or made pursuant to the exemption provided by section 4(2) of the Act.

4. *Nature of the Issuer—Rule 147(c)—"Person Resident Within"—Rule 147(c)(1).* Subparagraph (c)(1) of the proposed rule defines the situations in which issuers would be deemed to be "resident within" a State or territory. A corporation, partnership, trust or other form of business organization must be incorporated, organized or established pursuant to the laws of such State or territory. In addition, if a partnership, all the general partners must be resident within such State or territory.

5. *Nature of the Issuer—Rule 147(c)—Doing Business Within—Rule 147(c)(2).* Subparagraph (c)(2) of the proposed rule provides that the issuer would be deemed to be "doing business within" a State or territory in which the offers and sales are to be made if: (1) At least 80 percent of its gross revenues on a consolidated basis during its most recent fiscal year and any subsequent fiscal period were derived from the operation of property located in or from the manufacture of products or rendering of services within the State or territory and at least 80 percent of its assets as at the end of its most recent fiscal quarter are located within such State or territory; (2) it intends to use and does use not less than 90 percent of the proceeds from the sales made pursuant to the rule in such State or territory; and (3) its principal office is located in the State or territory.

These provisions are intended to assure that the issuer is primarily a local business.

6. *Offerees and Purchasers: Persons Resident—Rule 147(d).* Paragraph (d) of the proposed rule provides that offers and sales may be made only to persons resident within the State or territory. An offeree or purchaser of any part of an

[2] Chapman et al. v. Dunn, 414 F. 2d. 153 (8th Cir. 1969).

[3] SEC v. Truckee Showboat, Inc. 157 F. Supp. 824 (S.D. Cal. 1957).

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issue would be deemed to be a person resident within the State or territory if such person satisfied the residence standards of subparagraph (c)(1) of the rule, discussed above.

In addition, subparagraph (d)(3) of the proposed rule provides that, with respect to any entity organized for the specific purpose of acquiring securities in an offering, the residence of such entity shall be deemed to be the residence of each of beneficial owners of interest in such entity.

Subparagraph (d)(2) provides that an individual, in order to be deemed a resident, must have his principal residence in the State and must not have any present intention of moving his principal residence to another State.

7. *Limitations on Reoffers and Resales—Rule 147(e).* Paragraph (e) of the proposed rule provides that during the period of the distribution of any part of the issue and for a period of 12 months from the date of the last sale of any part of the issue, reoffers and resales of any part of the issue by any person shall be made only to persons resident within the same State or territory. This is intended to provide objective standards for determining when an issue "comes to rest."

Persons who acquire securities from issuers or affiliates in transactions complying with the rule would acquire unregistered securities that could only be reoffered and resold pursuant to an exemption from the registration provisions of the Act. During the distribution of the securities and for a period of 12 months after the last sale of any part of the issue of such securities, as defined in the rule, such persons could only reoffer or resell their securities pursuant to section 3(a)(11).

The Commission is considering alternatives to the 12-month period, and accordingly, particularly invites comments on this point.

8. *Precautions Against Interstate Distributoins—Rule 147(f).* Paragraph (f) of the proposed rule would require issuers to take steps to preserve the exemption, since any reoffer or resale of any part of the issue to persons resident in another State or territory will, under the Act, be in violation of section 5. The required steps are:

(a) Placing a legend on the certificate or other document evidencing the security stating that the securities have not been registered under the Act and setting forth the restrictions on transferability of the securities;

(b) Issuing stop transfer instructions to the issuer's transfer agent, if any, with respect to the securities, or, if the issuer transfers its own securities, making a notation in the appropriate records of the issuer;

(c) Disclosing the restrictions on reoffer and resale in writing to the person to whom any part of the issue is offered or sold;

(d) Obtaining a written representation from each purchaser as to his residence.

PROPOSED OPERATION OF PROPOSED RULE 147

If the proposed rule is adopted, it would operate prospectively only. The staff would issue interpretative letters to assist persons in complying with the new rule, but would not issue "no-action" letters in regard to transactions in reliance on section 3(a)(11) outside the rule.

The rule, if adopted, would be a nonexclusive rule. However, persons who chose to rely on section 3(a)(11) without complying with all the conditions of the rule would have the burden of establishing that they had complied with the judicial and administrative interpretations of section 3(a)(11) in effect at the time of the offering.

The Commission wants to emphasize that the exemption provided by section 3(a)(11) is an exemption from the registration provisions of the Act only. The civil liability provisions of section 12(2) and the antifraud provisions of section 17 of the Act and of section 10(b) of the Securities Exchange Act of 1934, are applicable to transactions exempted pursuant to section 3(a)(11).

In view of the objectives and policies underlying the Act, the rule will not be available to any individual or entity with respect to any transaction which, although in technical compliance with the provisions of the rule, is part of a plan by such individual or entity to sell or resell securities of a local issuer to nonresidents of the State in which the issuer does business. In the event such sale or resale takes place, registration would be required. In addition, any plan or scheme that involves a series of offerings by affiliated organizations in various States may, even if in technical compliance with the rule, be outside the parameters of the rule and of section 3(a)(11).

Commission action: Pursuant to authority in sections 3(a)(11), 5 and 19(a) of the Securities Act of 1933, as amended, the Securities and Exchange Commission proposes to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereunder new section 230.147 as set forth below:

§ 230.147 "Part of an Issue," "Person Resident," and "Doing Business Within" for Purposes of Section 3(a)(11).

Section 3(a)(11) of the Securities Act exempts transactions in "any security which is part of an issue offered and sold only to persons resident within a single State or territory, where the issuer of such security is a person resident and doing business within • • • such State or territory." As the Commission observed in Securities Act Release 1459 (1937) (Do.), the legislative history suggests that the exemption was intended to apply only to issues "which in reality represent local financing by local industries, carried out purely through local purchasing." Section 230.147 is intended to provide more objective standards for those issuers who wish to comply with the conditions of the exemption. All of the conditions of the section must be satisfied in order for the section to be available. These conditions are that the issuer be a resident of and doing business within the State or territory in which offers or sales are made, that no part of the issue be offered or sold to nonresidents for a period of time after distribution of the issue. The section defines "part of an issue," "resident," and "doing business within." Persons claiming the protection of the section have the burden of proving that they have satisfied all of its conditions. The proposed section does not establish exclusive standards for complying with § 3(a)(11). Persons may claim a § 3(a)(11) exemption without complying with the proposed section if they satisfy the standards set forth in relevant administrative and judicial interpretations in effect at the time of the transaction, but they have the burden of proving its availability.

(a) *Transactions covered.* Offers, offers to sell, offers for sale, and sales by an issuer of its securities shall be deemed to be part of an issue offered and sold only to persons resident within a single State or territory where the issuer is a person resident and doing business within such State or territory within the meaning of § 3(a)(11) of the act if all of the conditions of the section are satisfied.

(b) *Part of an issue.* For purposes of the section, all securities, other than those exempt pursuant to § 3(a) of the act, of the issuer, its affiliates, and predecessors, offered, offered for sale, or sold by the issuer, its affiliates and predecessors within any consecutive 6-month period shall be deemed to be part of the same issue; *Provided, however,* That securities offered, offered for sale, or sold by a person which is a business enterprise separate and distinct from the issuer and which is affiliated with the issuer solely by reason of the existence of a common general partner, shall be deemed not to be a part of such issue.

(c) *Nature of the issuer.* The issuer of the securities shall be a person resident and doing business within the State or territory in which the offers, offers to sell, offers for sale, and sales are made.

(1) *Person resident.* The issuer shall be deemed to be a resident of such State or territory if:

(i) A corporation, trust, or other form of business organization, other than a partnership, it is incorporated in or organized under the laws of such State or territory;

(ii) A partnership, it is organized under the laws of such State or territory and all of its general partners are residents of such State or territory.

(2) *Doing business within.* The issuer shall be deemed to be doing business within a State or territory of:

(i) The issuer derived at least 80 percent of its gross revenues on a consolidated basis during its most recent fiscal year and subsequent 3-, 6-, or 9-month period, from the operation of property located in or from the manufacture of products or rendering of services within such State or territory, and has, as at the end of its most recent fiscal quarter, at least 80 percent of its assets within such State or territory;

(ii) The issuer intends to use and uses at least 90 percent of the proceeds from sales made pursuant to this rule in connection with the operation of a business or purchase of real property located in, or rendering of services within, such State or territory; and

(iii) The principal office of such organization is located within such State or territory.

(d) *Offerees and purchasers: Person resident.* Offers, offers to sell, offers for sale, and sales shall be made only to persons resident within the State or territory of which the issuer is a resident.

(1) A corporation, partnership, trust, or other form of business organization shall be deemed to be a resident of a State or territory if it meets the residence conditions set forth in paragraph (c)(1) as to issuers.

(2) An individual shall be deemed to be a resident of a State or territory if such individual has, at the time of the offer and sale, his principal residence in the State or territory and has no present intention of moving his principal residence to a different State or territory.

(3) In any case in which a corporation, partnership, trust, or other form of business organization is organized for the specific purpose of acquiring part of an issue offered pursuant to § 3(a)(11), the residence of such organization shall be deemed to be the residence of each of the beneficial owners of any interest in such organization.

(e) *Limitation on reoffers and resales.* During the distribution of any part of the issue and for a period of 12 months from the date of the last sale of securities which are any part of that issue, all reoffers, reoffers for sale, and resales of any part of the issue, by any person, shall be made only to persons resident within such State or territory.

(f) *Precautions against interstate distributions.* The issuer shall, in connection with any securities offered or sold pursuant to this section:

(1) Place a legend on the certificate or other document evidencing the security stating that the securities have not been registered under the act and setting forth the restrictions on transferability of the securities;

(2) Issue stop transfer instructions to the issuer's transfer agent, if any, with respect to the securities, or, if the issuer transfers its own securities, make a notation in the appropriate records of the issuer;

(3) Disclose the restrictions on reoffer and resale in writing to the person to whom the issue is offered and sold;

(4) Obtain a written representation from each purchaser as to his residence.

All interested persons are invited to submit their views and comments on the proposed rule 147 to Richard H. Rowe, Associate Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 15, 1973. Such communications should refer to File No. S7-472. All such communications will be available for public inspection.

(Secs. 3(a)(11), 5, 19(a), 48 Stat. 75, 77, 85; secs. 202, 203, 209, 48 Stat. 906, 908; secs. 5, 6, 68 Stat. 684; sec. 12, 78 Stat. 580, 15 U.S.C. 77(c)(11), 77(e), 77(s)(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 8, 1973.

[FR Doc.73-1517 Filed 1-24-73;8:45 am]

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Notices

DEPARTMENT OF STATE

[Public Notice CM-4]

ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The Advisory Commission on International Educational and Cultural Affairs will meet in open session on Friday, February 2, 1973, in Conference Room 1207 at the Department of State, beginning 9 a.m. The members will continue discussion of a study of Commission organization and procedures now under review. For purposes of building security, anyone wishing to attend must advise the Staff Director by telephone in advance of the meeting. Telephone: 632-2764.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

JANUARY 16, 1973.

[FR Doc.73-1340 Filed 1-24-73;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 13]

FINANCIAL INDEMNITY COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $501,000.00 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

Financial Indemnity Company
Los Angeles, California
California

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: January 18, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-1538 Filed 1-24-73;8:45 am]

Internal Revenue Service

TAX TREATMENT OF CONTRIBUTIONS OF APPRECIATED PROPERTY TO POLITICAL PARTIES

Notice of Hearing

A notice giving interested persons the opportunity to submit written comments or suggestions and to request a public hearing relating to the tax treatment of contributions of appreciated property to committees of political parties appeared in the FEDERAL REGISTER for Thursday, October 19, 1972 (37 FR 22427).

A public hearing on the matters contained in the notice will be held on Thursday, March 1, 1973, beginning at 10 a.m., e.s.t., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202—964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions by January 5, 1973, and who desire to present oral comments at such hearing should by February 15, 1973, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by February 22, 1973. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.00.

LEE H. HENKEL, Jr.,
Chief Counsel.

[FR Doc.73-1599 Filed 1-23-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to 21 U.S.C. 874, the Bureau of Narcotics and Dangerous Drugs (Bureau) will convene a meeting of its Research and Development Advisory Committee) on Monday, January 30, 1973.

In accordance with section 13(d) of Executive Order 11671 (dated June 5, 1972, released June 6, 1972), I have determined that because the activities of the Committee are analogous to those recognized in 5 U.S.C. 552(b)(7), in that they relate to the continued development of the investigative and enforcement capabilities of the Bureau, they should be withheld from disclosure. Accordingly, the meeting will not be open to the public.

Dated: January 19, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-1596 Filed 1-24-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 4761]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 18, 1973.

The Forest Service, U.S. Department of Agriculture, has filed application Serial No. R 4761 for the withdrawal of the national forest lands described below from appropriation under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights.

Prior to the filing of the proposed withdrawal application, these lands were open to entry under the general mining laws. The Forest Service has requested the withdrawal from mining in order to assure that the lands will remain in Federal ownership and to prevent activities adverse to public recreation uses.

On or before February 27, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Granite Creek Recreation Area

T. 4 S., R. 25 E.,
Sec. 31, N½NE¼SE¼SE¼, E½NE¼SE¼, E½W½NE¼SE¼, W½SE¼NE¼, W½E½SE¼NE¼, unsurveyed;
Sec. 32, W½SW¼SW¼SW¼, W½E½SW¼SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, W½NW¼NW¼SW¼, unsurveyed.

Soldier Meadow Recreation Area

T. 4 S., R. 25 E.,
Sec. 32, S½SE¼NE¼, S½N½SE¼NE¼, E½E½SE¼SW¼NE¼, E½SE¼NE¼SW¼NE¼, unsurveyed.

The areas described aggregate 148.75 acres in Madera County, Calif.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-1513 Filed 1-24-73;8:45 am]

[N.M. Misc. 21]

NEW MEXICO

Order Opening Lands To Entry

JANUARY 19, 1973.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 10 E.,
Sec. 12, E½E½W½.
T. 29 N., R. 11 E.,
Sec. 7, lots 3, 4, E½SW¼ and W½SE¼.
T. 31 N., R. 11 E.,
Sec. 8, W½NE¼, SE¼NE¼, NW¼ and S½;
Sec. 17, N½ and NE¼SE¼.
T. 3 N., R. 3 W.,
Sec. 10, W½W½.
T. 1 N., R. 17 W.,
Sec. 29, W½SW¼;
Sec. 32.
T. 15 N., R. 11 W.,
Sec. 6;
Sec. 8, N½, N½S½, S½SW¼ and SE¼SE¼.
T. 28 S., R. 9 W.,
Sec. 36.
T. 29 S., R. 9 W.,
Sec. 2.
T. 27 S., R. 10 W.,
Sec 19, lots 1, 2, 3, 4, E½NE¼, SW¼NE¼, E½W½ and SE¼.
T. 1 S., R. 17 W.,
Sec. 6, lots 1, 2, 3, 4, 6, 7 and 8.
T. 1 S., R. 18 W.,
Sec. 2, lots 5 to 12, inclusive, and S½;
Sec. 3, SW¼SW¼;
Sec. 8, NE¼;
Sec. 10, N½NE¼, NW¼ and N½SW¼;
Sec. 15, S½NW¼, NW¼SW¼ and S½SW¼;
Sec. 18, lots 3, 4 and SE¼SW¼;
Sec. 19, lot 1, E½ and E½NW¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼;
Sec. 27, S½SW¼;
Sec. 28, E½, NE¼SW¼ and S½SW¼;
Sec. 29, SE¼SE¼;
Sec. 30, lot 4, E½ and E½SW¼;
Sec. 31, lots 2, 3, 5, 6, 7, NE¼, E½NW¼, NE¼SW¼ and N½SE¼.
Sec. 33, lots 2, 3, 4, N½ and N½SW¼;
Sec. 34, NW¼.
T. 23 S., R. 18 W.,
Sec. 26, E½SE¼;
Sec. 35, N½NE¼ and E½NW¼.
T. 24 S., R. 18 W.,
Sec. 26, E½;
Sec. 33, E½NE¼.
T. 16 S., R. 17 E.,
Sec. 13, W½;
Sec. 24, W½;
Sec. 25.
T. 17 S., R. 17 E.,
Sec. 12, W½W½;
Sec. 13, W½W½ and SE¼SW¼;
Sec. 24, W½.
T. 16 S., R. 18 E.,
Sec. 20, lots 2, 3, 4, SE¼NW¼ and NW¼NE¼SW¼.

The areas described contain 12,829.30 acres, more or less in Catron, Chaves, Lincoln, Luna, McKinley, Otero, Socorro, and Taos Counties.

2. The topography of the lands described above varies from moderately rolling to rougher badlands and some mountainous and rough broken terrain created by intermittent drainages. Soils vary from sandy, clayey loams to shallow and rocky soils with moderate size boulders. Vegetation consists of native grasses, snakeweed, Spanish dagger, yucca, prickly pear cacti, creosote bush and pinion, and juniper trees.

3. Subject to valid existing rights the provisions of existing withdrawals and requirements of applicable law, the lands described above are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on March 12, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land described as W½W½ Section 10, T. 3 N., R. 3 W., N. Mex. Prin. Mer., shall also be open to applications and offers under the mineral leasing laws and to locations and entry under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on March 12, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to Technical Services Manager, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Acting Technical Services Manager, Division of Technical Services.

[FR Doc.73-1545 Filed 1-24-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

DOMESTIC ANIMAL DEALERS

List of Licensed Dealers

Pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579) (7 U.S.C. 2131 et seq.), the following dealers were licensed under said Act and regulations as indicated below:

ALABAMA

Aquarium Pets, Inc., 2761 Springhill Avenue, Mobile 36607.
James C. and Opal K. Bagwell, Route 1, Box 18C, Trinity 35673.
Bel Air Pet Shop, Inc., 3242 Bel Air Mall, Mobile 36606.
Paul E. Campbell, doing business as Pet Safari, No. 6 80th Street, Birmingham, 35206.
G. R. Floyd, Route 1, Box 235D, Irvington 36544.
Perron C. Mayo, doing business as Pets Unlimited, 200 Beech Circle, Mountain Brook 35213.
Neptune's Corner Pet Shop, 306 North Gay Street, Auburn 36803.
Mrs. Robert Sobieske, doing business as Char-ol's Pet Center, 2607 Sparkman Drive, Huntsville 35810.
Western Hills Pet Center No. 202, Inc., 30 Western Hills Mall, Fairfield 35064.
Mrs. Carl White, doing business as Alaquatics Pet Centers, 2619 Avenue F, Ensley, Birmingham 35218.

ARIZONA

Frank and Sydney DeWalt, partners, doing business as My Pet Shop, 910 West Hatcher Road, Phoenix 85021.

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Docktor Pet Center, 1391 North Scottsdale Road, Scottsdale 85257.
Gompers Rehabilitation Center, 7211 North Seventh Street, Phoenix 85020.
Mr. and Mrs. H. D. Risinger, doing business as Jungle Park Pet Shop, 6246 North Seventh Street, Phoenix 85014.
Jerry Shuman, doing business as My Pet Shop, 910 West Hatcher Road, Phoenix 85021.
Southwestern Scientific Co., Tucson International Airport, Tucson 85706.
Thomas R. Taylor, doing business as Arizona Reptiles, 1216 North Scottsdale Road, Tempe 85281.

ARKANSAS

James R. Bias, doing business as Bias Kennels, 1120 Stagecoach Road, Little Rock 72204.
Ellis Chatterton, doing business as Hillside Kennels, Delmar Star Route, Harrison 72601.
Marvin Criner, Box 325, Harrison 72601.
Don Guthrie, doing business as Small Stock Industries, Post Office Box 157, Pea Ridge 72751.
Holco, Inc., Post Office Box 186, Fayetteville 72701.
Marge Miller, doing business as Ma-Ha Kennels, Box 111, Route N, Yellville 72687.
Pel-Freez Bio-Animals, Inc., Post Office Box 68, Rogers 72746.
Ray Robison, doing business as Bryant Cove Kennels, Route 1, Casa 72025.
Curtis T. Striegler, doing business as Flint Ridge Kennel, Route 2, Fayetteville 72701.
Otis Whiteaker, Route 5, Calico Rock 72519.

CALIFORNIA

P. M. Beekhof, doing business as Redwood Rabbitry, 700 Olive Springs Road, Santa Cruz 95060.
CAL-Luminum, Inc., Lake Nala Ranch, 48500 Twin Pines Road, Banning 92220.
Nancy A. Clark, doing business as Clark's Cavies, 3487 Walton Way, San Jose 95117.
Rose Coury, doing business as Golden West Kennels, 343 Goodwin Road, Modesta 95351.
Dr. Laszlo deBorondy, doing business as Casa de Pets, Post Office Box 1663, Studio City 91604.
Denio's Roseville Farmers' Market and Auction, Inc., Post Office Box 999, Roseville 95678.
Louis Goebel and Son, Inc., Tehachapi 93561.
Horton Laboratory Animals, Inc., 20151 Thompson Road, Los Gatos 95030.
Chet Juszyk, 2591 Los Feliz Drive, 1000 Oaks 91360.
Bill J. King, doing business as Big Pine Rabbitry, 19174 Panorama Drive, Saratoga 95070.
Henry K. Knudsen, 12488 South Highway 50, Lathrop 95330.
Mary Leahy, doing business as Alton Research Ranch, 2635 Alton Lane, Santa Rosa 95401.
Donald R. Miller, doing business as Rancho De Conejo, 1345 Sunset Drive, Vista 92083.
Simonsen Laboratories, Inc., 1180C Day Road, Gilroy 95020.
Glen R. and Hazel M. Trent, 506 Fairland Avenue, Modesto 95351.
University of Southern California, 2011 Zonal Avenue, Los Angeles 90033.

COLORADO

Wilbur R. Adams, Route 3, Box 309, Fort Collins 80521.
Steven J. Bjork, doing business as Pampered Pets, 4230 Easley Road, Golden 80401.
Francis F. Broman, doing business as Mile-Hi Rabbitry, 1255 Youngfield, Golden 80401.
Mrs. Amos Burton, doing business as Harmony Kennels, Route 2, Haxtun 80731.
Barbara Cleveland, Route 1, Box 89, Peetz 80747.
Marie L. Freemyer, doing business as High Plains Kennels, Haxtun 80731.
Linda S. Gardiner, Route 1, Peetz 80747.
Harley E. and Leota F. Golden, doing business as Har-Lee's Parade of Pets, 130 South Cleveland Avenue, Loveland 80537.
Edgar S. and Geraldine Guerin, Route 3, Sterling 80751.
Haystack Mountain Pet Barn, Post Office Box 129, Niwot 80544.
Birdie Belle Helmut, Route 2, Merino 80741.
William B. Huey, doing business as Valley Kennels, Route 1, Box 6, Iliff 80736.
Thelma L. Hunt and Velma J. Rigel, Route 3, Sterling 80751.
Mrs. Thelma Morgan, doing business as Poudre Valley Rabbitry Supply, 7632 North Taft Hill Road, Fort Collins 80521.
Frank W. Morris, doing business as Frank's Seed and Hatchery, 709 10th Street, Fort Collins 80631.
Mrs. W. H. Morris, 1229 U.S. 287 North, Fort Collins 80521.
S. G. Munson, doing business as Safari Pet Shop, 740 South Soshone, Denver 80223.
David L. Perkins, doing business as Perk's Mile Hi Rabbitry, 3461 West Gill Place, Denver 80219.
Pet Palace West, Inc., 12280 W. Center, Lakewood 80228.
Lew and Andrea Sindt, Peetz 80747.
Herbert Spear, doing business as Spear Kennel, Burdette Route, Akron 80720.
Mrs. Clark R. Starkebaum, doing business as Strongtree Kennel, Rural Route, Haxtun 80731.
John Stoins, Bennett 80102.
Ted V. Jr., and Hazel P. Stonemets, 2220 North Highway 287, Fort Collins 80521.
Mary and Veryl Storey, doing business as M and M Kennels, Star Route, Hugo 80821.
Alice Turvey, doing business as Turvey's Kennel, Eckley 80727.
Twin Lakes Aquarium, Inc., 2201 South Wabash Street, Denver 80222.
Ansel E. Walters, doing business as Pet Ranch, 12725 West Bellview, Littleton 80120.
William Weilert, doing business as New Englewood Pet Shop, 5550 South Sherman Street, Littleton 80121.
Joe and Jerry Wernsman, Fleming 80728.
Larry Wernsman, Rural Route 1, Fleming 80728.
Delbert D. Wolff and Randolph Dickerson, doing business as Wolff and Dickerson Kennel, 341 North Wallace, Haxtun 80731.

CONNECTICUT

Joseph Bagliore, doing business as Montowese Rabbitry, 61 Quinnipac Avenue, New Haven 06473.
Mrs. Margaret T. Barkal, doing business as Craig's Catch, 1847 Poquonock Avenue, Poquonock 06064.
Paul R. Boardman, doing business as Wallingford Laboratory Animals, 14 Schoolhouse Road, Wallingford 06492.
DGH Corp, doing business as Scuffy Pet Center, 25 Hazard Avenue, Enfield Mall, Enfield 06082.
Docktor Pet Center, Connecticut Post Shopping Center, Milford 06460.
Robert A. Dubois, doing business as Hammer Hill Rabbitry, Post Office Box 122, Thompson 06277.
George Geoffrey, doing business as Animal Isle, New London Shopping Center, South Service Road, New London 06320.
Hertzler Enterprises, Inc., doing business as Mt. Hope Rabbitry, Box 98, Mansfield Center 06250.
Bernadette and Joseph LeClerc, doing business as J and B Rabbitry, Rural Free Delivery 1, Thompson Road, Thompson 06277.
Samuel S. Martino, Jr., doing business as Animal World of Connecticut, 214 Long Hill Road, South Windsor 06074.
Puppy Center Enterprises, Inc., 321 Ellis Street, New Britain 06053.
Delphis J. and Claire E. Rock, Church Street, Rural Free Delivery 2, Putnam 06260.
Frances Samolis, doing business as Samolis's Rabbitry, 236 Yale Street, Waterville 06714.
Douglas J. Godfrey, doing business as Stony Hill Pet Center, Route 6, Danbury-Newton Road, Bethel 06801.
Conrad and Sylvia Thels, doing business as White Rock Farms, Rural Free Delivery 4, Colchester 06415.
Elizabeth W. Todd, doing business as Birchwood Kennels, 551 Skokorat Road, Beacon Falls 06403.
Dr. Howard O. Weber, Post Office Box 484, Simsbury 06070.
Wild Cargo Pet Shops, Inc., 1139 Tolland Turnpike, Manchester 06040.

DELAWARE

Docktor Pet Center No. 275, Blue Hen Mall, Dover 19901.
Hazel-Del Farms, Inc., Rural Free Delivery 1, Box 168-B, Hartly 19953.
B. J. Hoy 5 & 10¢ Stores, Inc., 700 Wilmington Road, New Castle 19720.
R. Whitely Jewell, Post Office Box 46, Milford 19963.
Franklin P. McVey and Woodrow E. Jones, partners, doing business as Graylyn Pet Shop, 1731 Marsh Road, Wilmington 19810.
North Philadelphia Pet Center No. 29, trading as Docktor Pet Center No. 26, 1 Concord Mall, Wilmington 19803.

DISTRICT OF COLUMBIA

Capitol Pet Shop, Inc., 931 H Street NW., Washington 20001.
Southeast Pet Shop, Inc., 631 Pennsylvania Avenue SE., Washington 20003.

FLORIDA

Robert Emil Baudy, doing business as Rare Feline Breeding Compound, Box 132, Center Hill 33514.
Charles P. Chase Co., Inc., 7330 Northwest 66th Street, Miami 33166.
Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Docktor Pet Center No. 245, 247 Westshore Plaza, Tampa 33609.
Guppies 'n Puppies, Ltd., Inc., 2199 Northwest 53d Street, Fort Lauderdale 33304.
A. A. Paré, doing business as Gators of Miami, Inc., 5500 Northwest 74th Avenue, Miami 33166.
Pet Farm, Inc., 7200 Northwest 41st Street, Miami 33166.
Dr. James A. Porter, Jr., doing business as South American Primates, 15315 Southwest 82 Court, Miami 33157.
Ina N. Roe, 11131 59th Street North, Pinellas Park 33565.
Research Livestock Labs, Inc., Post Office Box 1643, North Miami 33161.
Rider Animal Co., Inc., Rural Route 2, Box 515, Brookesville 33512.
Ross Socolof Farms, Inc., Post Office Box 1321, Bradenton 33505.
Tampa Livestock Distributing Co., Inc., Post Office Box 22007, Tampa 33622.
Tarpon Zoo, Inc., Post Office Box 847, Tarpon Springs 33589.
Frank M. Thompson and Associates, Inc., 5704 First Avenue NW., Bradenton 33505.

IDAHO

Curtis and Elinor Adams, 2115 N. Eighth Street, Coeur d'Alene 83814.
M. Carol Ferdinand, doing business as Ferdinand Zoo and Animal Farm, Inc., Post Office Box 303, Nampa 83651.
Lewis-Clark Animal Shelter, Inc., Post Office Box 804, Lewiston 83501.
Everett and Velma Meeks, Route 2, Post Falls 83854.

Stella Pippard, Route 1, Box 36, Athol 83801.
Jerry and Ginger White, doing business as White's Wabbet Wanch, Box 193, Kootenai 83840.

ILLINOIS

Animal Kingdom, Inc., 2980 Milwaukee Avenue, Chicago 60618.
Mr. and Mrs. Gerald E. Bean, doing business as Jeri-Elen Kennels, Route 7, Mt. Vernon 62864.
Harry G. Becker, doing business as Becker Kennels, Rural Route 2, Box 15, Edwardsville 62025.
Dr. F. W. Boebel, doing business as Sleepy Hollow Cattery and Kennel, Route 2, Box 73, Mundelein 60060.
Bob Bolin, doing business as Bolin Game Farm, Route 1, Box 114, Kankakee 60901.
Avery Brabender, doing business as Brabender Small Stock Farm, Route 2, Box 327B, Antioch 60002.
Richard Brackensick, Rural Route 1, Loraine 62349.
Oscar V. and Alice B. Calanca, partners, doing business as Calanca's Beagles, Rural Route 1, Box 176, Grayslake 60030.
Ruth and Ralph Colburn, doing business as Standard, 919 East Wood Street, Decatur 62521.
Ray E. Corrigan, Rural Route 2, Mendon 62351.
Chicago Bird and Cage Co., 2605 South Clearbrook Drive, Arlington Heights 60005.
Edythe J. Daniels, doing business as Daniels Kennels, Rural Route 2, Colchester 62326.
Della F. Fry, 108 North Eighth Street, Mt. Vernon 62864.
General Biological, Inc., 8200 South Hoyne Avenue, Chicago 60620.
General Foods Corp., Rural Route 3, St. Anne 60964.
Jesse Hale, 1340 Walnut, Carthage 62321.
Harold and Jeanne Zimmerman, doing business as Honey do Rabbitry, Rural Route 2, Winslow 61089.
Mr. C. Householder, doing business as Rickis Fishery, 805 Payson Avenue, Quincy 62301.
T. R. and Janet M. Huston, doing business as Bo-Jan's Kennel, Box 236, Hanna City 61536.
International Scientific Industries, Inc., 1818 Crystal Lake Road, Cary 60013.
Thomas E. Issacs, doing business as Issacs Lab Stock, 1011 N. Walnut Street, Litchfield 62056.
Louise Jackson, doing business as Jackson Kennel, Rural Route 4, Macomb 61455.
Mr. and Mrs. O. A. Jones, doing business as Jones Kennels, Rural Route 1, Quincy 62301.
Delbert Kaiser, Route 1, Pana 62557.
Harvey Kaiser, Rural Route 1, Pana 62557.
Robert E. Keller, Route 3, Box 505, Decatur 62526.
Wibert Kerchner, 1107 1st Avenue, Mendota 61342.
James H. and Esther King, Route 2, Pana 62557.
Kraftco Corp., 801 Waukegan Road, Glenview 60025.
Donna Letman, 108 Sioux Street, Carpentersville 60110.
Ray McDuffy, 505 East Pinzon Street, Tuscola 61953.
Margaret M. McKay, doing business as Colonial Kennels, Rural Route 1, Quincy 62301.
Mid-State Aquarium & Pet Supply, Inc., 2022 West Lincoln Avenue, Peoria 61605.
Midwest Aquarium, Inc., 639 North Thomas Drive, Bensenville 60106.
Paul F. Mills, doing business as Mills Dog & Gun Auction, 330 Cedar Street, Warsaw 62379.
James Morgan, doing business as Morgan's Rabbitry, Route 1, Box 147, Cullom 60929.
Robert R. Motsinger, doing business as Robert Motsinger Kennel, Rural Route 2, St. Joseph 61873.
Mundelein Florists, Inc., 615 South Lake Street, Mundelein 60060.
Omis Beagle Kennels, doing business as Omis Corp., 8438 Elevator Road, Roscoe 61073.
Edward M. Patronik, doing business as Eddie's & Jerry's Pet Shop, 11037 South Vernon, Chicago 60628.
Merle M. Pepper, Rural Route 2, Danville 61832.
Bertha Peterson, 801 Greenwood, Waukegan 60085.
Research Industries Corp., Post Office Box 97, Route 1, Monee 60449.
Virginia Romines, doing business as Romines' Dog Salon, Rural Route 1, Kings 61045.
Mrs. Helen Rumple, doing business as Maple Hill Kennels, Route 1, Griggsville 62340.
Ben Sanchez, doing business as Ben's Puppyland, 405 Reeder Street, Elburn 60119.
Scientific Small Animal Lab & Farm, Inc., 410 West Golf Road, Arlington Heights 60005.
Nellie Shadowen, Route 3, Benton 62812.
Thompson Research Foundation, Route 1, Box 97, Monee 60449.
Rebecca S. Tuttle, 331 North Stephens, Springfield 62702.
Lewis M. Warren, Box 125, Pana 62557.
Warsaw Coonhunters Assn., 335 Cedar Street, Warsaw 62379.
Wedge's Creek Research Farm, Industrial BIO-TEST Laboratories, Inc., 1810 Frontage Road, Northbrook 60062.
Donald C. Weiss, Rural Free Delivery 1, Highland 62249.
Porter W. Wilson, Rural Free Delivery Marietta 61459.
Ernest J. Williams, doing business as Tower Kennel, Rural Route 3, Tower Road, Freeport 61032.
Mrs. Patricia Wright, Rural Route 1, El Paso 61738.

INDIANA

Howard Bayne, doing business as Cliffy Acres, Route 2, Hanover 47243.
Mrs. Ruth Beard, Route 1, Economy 47339.
James and Patricia Bridwell, doing business as Aquatic Acres Aquarium and Kennels, Rural Route 1, Box 231, Mooresville 46158.
Elmer and Bessie Carter, Post Office Box 264, Martinsville 46151.
Mr. and Mrs. Donald Coval, doing business as Pin Oak Farm, Rural Route 3, Box 293, Sheridan 46069.
Virgil D. Davis, Box 232, New Salisbury 47161.
Mildred DeWees, doing business as Westside Aquarium, 627 Louise Street, Anderson 46011.
Engle Laboratory Animals, Inc., Rural Route 2, Farmersburg 47850.
Robert A. Everett, doing business as Oakdale Farm and Kennel, Route 5, Decatur 46733.
Fort Wayne Pet Center, Inc., doing business as Docktor Pet Center No. 257, Southtown Mall, Fort Wayne 46819.
James E. France, doing business as J and J Aquarium, 527 Madison Avenue, Anderson 46016.
Mrs. Paul Hamm, doing business as Paul Hamm Rabbitry, Rural Route 4, Box 331, Greenwood 46142.
Lowell E. Iliff, Post Office Box 191, Knightstown 46148.
Kuipers Rabbit Ranch, 5317 West 41st Street, Gary 46408.
Lafayette Square Pet Center, doing business as Docktor Pet Center No. 56, Lafayette Square, Indianapolis 46254.
Robert M. Miller, doing business as Miller's Kennels, Route 6, Box 80, Rushville 46173.
Murphy Breeding Laboratories, Inc., Rural Route 2, Box 416, Plainfield 46168.
James E. Nicely Rabbitry, Rural Route 3, Box 249, Greenfield 46140.
Paul E. Riester, Route 1, Bicknell 47512.
Norma G. and Neil Thompson, doing business as Speedway Pet Shop, 3566 West 16th Street, Speedway 46222.
David W. Wilson, doing business as Wilson Small Animal Farm, Rural Route 3, Box 65, Vincennes 47591.
Alton S. Windsor, doing business as Windsor Biology Gardens, Post Office Box 1210, Bloomington 47401.
Mel Turner and Paul Zimmerman, doing business as G and M Pet and Garden Center, Inc., 615 North Mulberry, Muncie 47305.
Harry K. Zook, doing business as Maple Hill Kennel, Box 354, Morgantown 46160.

IOWA

George V. and Minnie C. Adams, doing business as Adams Kennel, Route 2, Melrose 52569.
Doris M. Ahrenkiel, Rural Route 1, Box 320, Allerton 50008.
Iris Andeway, Plano 52581.
Henry Bahndorf, Route 1, Box 163, East Amana 52203.
Mr. and Mrs. Brainerd Billup, Rural Free Delivery 1, Cantril 52542.
Albert R. Blackstock, Route 1, Chariton 50049.
Henry F. Bockenstedt, Route 1, Earlville 52041.
Mrs. William Bostwick, Route 1, Numa 52575.
Brinkmeyer and Rayner, doing business as Goodeland Kennels, New London 52645.
Dr. D. L. Brinkmeyer, doing business as Diblandale Kennels, 416 Newland Street, New London 52645.
Richard Bruxvoort, Rural Route 1, Mitchellville 50169.
Mrs. John Burnett, Rural Route 2, Knoxville 50138.
Bill and Marjorie Bussey, Bussey 50044.
Clifford and Lillian Carmichael, doing business as Lookcee Kennel, Route 1, Emerson 51533.
Dick Carner, Rural Route, Osceola 50213.
Charles S. Cooper, doing business as Cooper Kennels, Post Office Box 117, Mystic 52574.
Mrs. Rilla Creighton, doing business as Ro-De Kennel, Oakville 52646.
Daniel R. Day, Box 264, Allerton 50008.
Herbert De Bok, Rural Free Delivery 1, Russell 50238.
Mrs. Charles DeFosse, Rural Free Delivery 2, Mediapolis 52637.
Mrs. Ruby Dueling, Route 1, Box 325, Allerton 50008.
Betty Jean Ellis, Rural Free Delivery 2, Mount Pleasant 52641.
Mona M. Evans, Box 39, Lucas 50151.
Dan Exline, 606 West State, Centerville 52544.
Jack W. Exline, doing business as Oak Point Kennel, Rural Free Delivery 2, Centerville 52544.
Larry Weslie Exline, 642 North Seventh Street, Centerville 52544.
Mrs. Otto Exline, Rural Route 2, Centerville 52544.
Earl Fox, Jr., Rural Route 3, Forest City 50436.
Josephine Fox, doing busines as Fox's Forbush Kennels, Route 3, Centerville 52544.
Clarence Godden, Route 1, Box 11, Corydon 50060.
Donald Greenlee, Rural Route 2, Humeston 50123.
Henry H. Hainline, Route 1, Creston 50801.
Mary G. Harris, doing business as Marycrest Kennel, Grand River 50108.
Mrs. Ruth Harris, Grand River 50108.
Frank L. and Nellie V. Heckman, Rural Route 2, Centerville 52544.
James L. Henderson, Route 5, Highway 20 West, Cedar Falls 50613.
Bessie Hexenbaugh, Plano 52581.
Coralee Hull, Route 1, Weldon 50264.
Dave Irving, Route 1, Chariton 50049.
Lela Judge, doing business as Judge's Kennel, Moravia 52571.

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Mrs. Kenneth C. Johnson, Rural Route 2, Albia 52531.
Wendell and Claudean Keeton, Route 3, Albia 52531.
Arden Keller, Humeston 50123.
Mary M. and Rodnie Kelley, Kellerton 50133.
Noman J. Kerley, doing business as Chinuk Kennels, Route 1, 6311 Waverly Road, Cedar Falls 50613.
Florence Kling, Rural Route 1, Stanton 51573.
Clifford K. Koele, Box D, Hull 51239.
Henry Langstraat, Jr., Rural Route 1, Otley 50214.
Evelyn Lee, doing business as Lee's Kennel, 106 Lee Street, Seymour 52590.
LeRoy M. Long, doing business as Double L. Kennel, Rural Free Delivery 4, Box 112, Indianola 50125.
Wilmer L. Lyons, Route 1, Exline 52555.
Mrs. O. J. Mayfield, Jr., doing business as Maycroft Kennels, Route 1, Charles City 50616.
Mrs. Cyril McDanel, Moravia 52572.
Howard McKinley, Rural Route 1, Russell 50238.
Mrs Lucille Morrison, Rural Route 1, Grand River 50108.
Mrs. M. C. Morrison, doing business as Morrison Rabbitry, Rural Route 1, West Liberty 52776.
Mrs. Rose Murphy, doing business as Oak Hill Kennels, Route 3, Council Bluffs 51501.
Robert N. Nejdl, doing business as Ledjen Hills Kennel, Post Office Box 1185, Cedar Rapids 52401.
LaVonne Nickell, Rural Route 3, Box 135, Corydon 50060.
Ellis M. Noggle, doing business as Benevolent Blind Service, Route 2, Wilton Junction 52778.
Ernest H. Parmer, Box 35, Derby 50068.
Leo and Mildred Reed, Route 5, Albia 52531.
Leona V. Rhoads, doing business as Rhoads Kennel, Muma 52572.
Inez F. Richardson, doing business as J and R Kennels, Clio 50052.
Liberty and Gladys Rocha, 1502 South 13th Street, Council Bluffs 51501.
Merle and Virginia Rockhold, Allerton 50008.
Mrs. Warren Rouse, Route 2, Albia 52531.
Mrs. Albert E. Rouw, doing business as Rouw's Tri Acre Kennels, Route 2, Pella 50219.
Robert R. Seley, Rural Route 1, New Virginia 50210.
Elmer B. Scherbring, Route 2, Box 80, Earlville 52041.
Mrs. Phyllis Schrader, doing business as Schrader Kennels, Battle Creek 51006.
Mrs. Maxine Shonts, Route 3, Centerville 52544.
Gertie V. Smith, doing business as Gertie Kennel, Route 1, Centerville 52544.
Ruby Smith, Cincinnati 52549.
Pat Straight, Kellerton 50133.
Leo P. Strickler, Route 2, Centerville 52544.
Mrs. Faith Suckow, Post Office Box 111, Unionville 52594.
Twyla Syferd, Box 344, Rural Route 1, Allerton 50008.
Twyla Teater, Box 22, Derby 50068.
Gerald Tjaden, Floyd 50435.
Robert and Helen Triebswetter, partners, doing business as United Kennels, Post Office Box 15, Centerville 52544.
Mr. and Mrs. Randal Truscheff, Rural Route 2, Fort Dodge 50501.
Lorene C. Tubaugh, doing business as Tubaugh's Saints, Route 1, Moravia 52571.
Violet M. and Ronald Ulmer, partners, doing business as Cottonwood Hill Kennel, Soldier 51572.
Mr. and Mrs. Gerald Vandenberg, doing business as Van's Kennels, Route 5, Albia 52531.
Mary E. Van Der Sluis, Route 1, Knoxville 50138.
David and Leatha Waddell, 309 North 15, Centerville 52544.
Elvie Waddle, Box 137, Clio 50052.
Herbert H. Waddle, Box 94, Clio 50052.
Chester D. Waller, Kellerton 50133.
Bill and Betty Weldon, doing business as Weldon Enterprises, Lovilia 50150.
Mrs. Dean Wells, Rural Route 1, Seymour 52590.
Ronald F. and Violett M. Welsh, partners, doing business as Welsh Kennels, Mystic 52574.
Patrick F. Wheelock, doing business as Vali-Vu Kennels, Rural Route 4, Box 216, Boone 50036.
Harold F. and Erma F. Willey, doing business as Black Shadow Kennel, 800 East Columbus, Mt. Ayr 50854.
Marilyn J. Wilson, Rural Route 1, Box 20, Corydon 50060.

KANSAS

Mrs. Richard M. Bevitt, Barnes 66933.
Joseph Bloomer, Lebanon 66952.
Katheryn Breaker, Route 1, Box 107, Douglass 67039.
Charles M. Brink, Route 2, Box 13, Paola 66071.
Alan Bruna, Hanover 66945.
Dr. William M. Bryant, Route 2, Washington 66968.
W. W. Burton, West Park, Rural Route 2, Dodge City 67801.
Ben H. Camden, Rural Route 4, Lawrence 66044.
Wilber R. Campbell, Route 2, Scranton 66537.
C and R Kennels, Inc., Box 128, Barnes 66933.
Dale A. Clark, Box 32, Barnes 66933.
Lyle L. and Theresa Clark, doing business as L and T's Kennel, Box 111, Greenleaf 66943.
Virgil H. Clark, doing business as Clark's Kennels, Box 295, Williamsburg 66095.
Lloyd Ditmars, doing business as Ditmars Kennels, Rural Route 1, Washington 66968.
Barry S. Doupnik, Agenda 66930.
Eldor J. Duensing, Box 116, Bremen 66412.
Leland Elliott, 400 West Second Street, Washington 66968.
Arvilla M. Fivian, Rural Route 1, Ottawa 66067.
Ernest Funke, Box 153, Washington 66968.
Judy Guilfoyle, doing business as Gull Kennels, Williamsburgh 66095.
Herman D. Hattesohl, Box 23, Linn 66953.
Dennis Helmbrecht, doing business as Den-Mar Kennel, Rural Route 2, Beloit 67420.
Jay E. and JoAnne Hoppe, doing business as Hoppe's Kennels, Route 2, Box 74, Hill City 67642.
Monte and Gladys Huckett, doing business as Huckett's Kennels, Greenleaf 66943.
Bill Isaacs, doing business as Haven Hill Pet Farm, Rural Route 1, Tecumseh 66542.
Robert F. Jandera, Rural Route 1, Hanover 66945.
Earl Johnston, 701 Genesee, Blue Rapids 66411.
Jones Kennels, Notawaka 66516.
Victor Jones, Route 1, Blue Rapids 66411.
Kenneth Josserand, 222 Vail, Topeka 66608.
Mr. and Mrs. William P. Kelly, Route 2, Clifton 66937.
Kermit Kirby, Rural Route 4, Pittsburgh 66762.
Linda Ann Klozenbucher, Box 64, Washington 66968.
Delbert Lane, doing business as Trallane Kennels, Rural Route 1, Soldier 66450.
Arnold Lohmeyer, Palmer 66962.
John and Pat Marshall, 11810 Hollingsworth Road, Kansas City 66109.
Walter Moore, 107 South F Street, Washington 66968.
John Nordquist, Blue Rapids 66411.
Mr. and Mrs. Walter H. Obide, Palmer 66962.
Doris M. Parker, Barnes 66933.
Mrs. Lloyd Paull, Washington 66968.
Mrs. Dean Perkins, Box 7, Barnes 66933.
Debra Peters, Route 1, Linn 66953.
Cecil Phillips, 3355 North 115 Street, Kansas City 66109.
Kenneth Phillips, Route 1, Box 96, Edgerton 66021.
Leland Pitsch, Palmer 66962.
Walter J. Pitzer, doing business as Pitzer's Kennels, Rural Route 1, Concordia 66901.
Mr. and Mrs. Walter Porter, Rural Route 1, Goff 66428.
Mr. and Mrs. Warren Ricard, Route 2, Washington 66968.
Elver Richter, Box 83, Green 67447.
Galen Rottinghouse, 66538.
Duaine E. Sawin, Route 1, Washington 66968.
Lon Silver, Morganville 67468.
Mrs. Billie Jo Smart, 619 Woodland Drive, Washington 66968.
Glen and Phyllis Smith, doing business as Smith Puppy Brokers, Rural Route 1, Box 80BB, Garden Plain 67050.
Harley Smith, doing business as Yockey Creek Kennels, Rural Route 1, Box 83, Delphos 67436.
Mrs. Floyd Sorrick, Jr., 300 East Sixth Street, Washington 66968.
Bob Sparks, doing business as Sparks Kennels, Rural Route 3, Salina 67401.
Dan Specht, Route 2, Waterville 66548.
L. E. Stewart, Route 2, Waterville 66548.
Theracon, Inc., Box 1493, Topeka 66601.
Georgia Tinklin, doing business as Tinklin's Kennels, Rural Route 1, Goff 66428.
Terry Trulicka, Rural Route 1, Box 94, Barnes 66933.
Doris Turk, 116 East Fifth Street, Washington 66968.
Matt Uhlik, Greenleaf 66943.
Veda Lane Kennels, Rural Route 1, Concordia 66901.
Gene Wenzl, Greenleaf 66943.
Mary Wiechman, Rural Route 1, Barnes 66933.
Raymond Wiechman, Rural Route 1, Barnes 66933.
Scott R. Willbrant, Route 2, Washington 66968.
Mrs. Thomas Wilson, Route 1, Hanover 66945.
Betty Zabokrtsky, doing business as Zabokrtsky's Kennel, 114 West Fourth Street, Washington 66968.

KENTUCKY

Walter T. Baker, Route 2, Water Valley 42085.
Julius Johnson, Star Route, Box 259A, Harlan 40831.
William A. Newman, Beech Creek 42321.
M. E. Northcutt, doing business as Goodwill Kennel, Route 5, Cynthiana 41031.
Lee R. Smith, doing business as S & S Research Animals, Route 1, Box 56, La Grange 40031.
James U. Williams, doing business as Williams' Kentucky Cavies, 7811 Dobson Road, Fern Creek 40291.

LOUISIANA

Gulf South Research Institute, Post Office Box 1177, New Iberia 70560.
Waubun Laboratories, Inc., Drawer C, Schriever 70395.

MAINE

Dorothy A. Heikkinen, Route 3, Box 147, Auburn 04210.
O. Clyde Hulit, 53 Longley Road, Westbrook 04092.
Lee K. LaBelle, Rural Free Delivery 1, Box 343, Ellsworth 04605.
Telaco, Rural Free Delivery 1, Bar Harbor 04609.
The Jackson Laboratory, Otter Creek Road, Bar Harbor 04609.

MARYLAND

Terry G. Baker, 1656 Daisy Road, Woodbine 21797.
Joaquin H. Banares, doing business as Exotic Fish, 1125 Carroll Street, Baltimore 21230.
John E. Beall, Box 87A, Clarksburg 20734.
Caprice Sales, 2313 East Monument Street, Baltimore 21205.
Evelyn M. Carroll, doing business as Accokeek Rabbit Ranch, Route 1, Marbury, Indian Head 20640.
Columbia Pet World, Inc., 1250 Columbia Mall, Columbia 21043.
Coral Hills Pets Unlimited, 4429 Southern Avenue, Coral Hills 20019.
Coral Reef Aquarium & Pet, 3221 Eastern Avenue, Baltimore 21224.
T. M. Dinsmore Co., Inc., 3520 O'Donnell Street, Baltimore 21224.
Eastern Pet Shop, 423 Eastern Boulevard, Baltimore 21221.
Wilber Lee Eckert, Harney Road, Taneytown 21787.
Flow Laboratories, Inc., Post Office Box 2226, Rockville 20852.
John E. Folker, doing business as Bar "F" Enterprises, Post Office Box 9619, Baltimore 21237.
Elsie M. Foskey, doing business as Tri State Fisheries, Railroad Avenue, Pittsville 21850.
William E. Frye, doing business as B & H Rabbitry, 13700 Travilan Road, Rockville 20850.
George's Pet Shop, Cheverly Shopping Center, 5397 Annapolis Road, Bladensburg 20710.
Letha B. Hamilton, doing business as Letha's Kennels, Route 1, Box 162, Goodman 64843.
Robert E. Hampson, Jr., Rural Delivery 2, Box 62–A, Emmitsburg 21727.
Mary L. Hatcher, Route 1, Box 39, Nanjemoy 20662.
Harold E. Houpt, Route 6, Box 186, Hagerstown 21740.
International Pets Unlimited, Inc., 10632 Connecticut Avenue NW., Kensington 20795.
J.E.J.A., Inc., Box 81, Freetown Road, Simpsonville 21150.
Frank D. & Beverly R. Latta, doing business as B & F Farms, 4104 Hayward Avenue, Baltimore 21215.
Stewart G. Manuel, Jr., doing business as Tropical Exotic's Pet Center, Bel Air Plaza Shopping Center, Bel Air 21014.
Charles William Moser, Route 3, Box 2000, Hagerstown 21740.
Pet Kingdom, 10707 Indian Head Highway, Oxon Hill 20022.
Gary Richman, doing business as Gary's Pik-A-Wet-Pet, 1020 Monroe Street, Annapolis 21403.
Francis A. Roberts, 10606 York Avenue, Cockeysville 21030.
Rowmar Rabbitry, Inc., Route 1, Box 208, Mt. Airy 21771.
George W. Smith, Box 29, Greensboro 21639.
Tropical Fish City, Inc., 13312 Laurel Bowie Road, Laurel 20810.
Edgar E. Walls, Sr., Route 1, Box 57A, Centreville 21617.
Wheaton Pet Center, Inc., 2406 University Boulevard, Wheaton 20902.

MASSACHUSETTS

Barbara Ann Allen, doing business as Briar Patch Rabbit Farm, 1580 Glebe Street, Taunton 02780.
Harold E. Allison, doing business as Allison Acres, 305 Flat Hill Road, Lunenburg 01462.
Animal Research Center of Massachusetts, Charles Lane Road, New Braintree 01531.
Andre R. Auger, doing business as White Pine Rabbitry, West Street, East Douglas 01516.
Arthur F. Bealand, Box 96, South Road, Oakham 01068.
The Charles River Breeding Laboratories, Inc., 251 Ballardvale Street, Wilmington 01887.
Connecticut Valley Biological Supply Co., Inc., Valley Road, Southampton 01073.
Darlene Corkum, 8 Ballard Street, Saugus 01906.
John S. Czepiel, 26 Paderewski Avenue, Chicopee 01013.
Dennen Animal Industries, Inc., 405 Essex Avenue, Gloucester 01930.
Dr. Orville H. Drumm, doing business as O'Malley Animal Hospital, 100 Boylston Street, Clinton 01510.
Faunalabs, Inc., 31 Wilkins Street, Hudson 01749.
Thomas Fazio Laboratories, Inc., Post Office Box 35, Assonet 02702.
Paul G. Ferris, 180 North Main Street, Middleton 01949.
Alvin C. Finch, doing business as Pineland Farm Kennels, 43 West Street, West Bridgewater 02379.
Robert V. Flagg, doing business as Flagg's Rabbit Farms, 407 Main Street, Oxford 01540.
Charles M. Flansburg, West Street, Uxbridge 01569.
Donald E. Gaulitz, 154 Pine Street, Franklin 02038.
Joseph and Marie Geoffroy, doing business as J S M Rabbitry, Wells Road, Brookfield 01506.
Larry Giordano, 70A Bonanno Court, Methuen 01844.
Samuel F. Hymel, doing business as Hymel's Rabbitry, Rural Free Delivery 4, Cherry Street, Middleboro 02346.
Albert Izzo, doing business as Marlboro Country Rabbitry, 48 East Lincoln Street, Marlborough 01752.
Frank H. Jenks, 21 James Street, Feeding Hills 01030.
Sidney Katz, 92 Goodale Street, Peabody 01960.
Paul F. Kennedy, 26 Elm Street, Leominster 01453.
Martin Keoughan, Box 483, Belchertown 01007.
Robert L. Kydd, doing business as Elm Hill Breeding Lab, 71 Elm Street, Chelmsford 01824.
Murry M. and Margaret A. Landress, partners, doing business as Margaret's Home Farm, Barton Heights, Greenfield 01301.
Joseph Laura, Jr., doing business as New England Rabbitry Supply, Rural Free Delivery 3, North Middleboro 02346.
Joseph R. Lulu, Central Turnpike, Sutton 01527.
Raymond J. Lulu, 44 High Street, Uxbridge 01569.
Vincent R. Malone, Keyes Road, Warren 01585.
Arthur R. Mello, doing business as Mello-D-Acres, 201 Old Burley Street, Danvers 01923.
William A. Mitchell, Hinsdale Road, Rural Route Box 172, Northfield 01360.
Kenneth J. Morrissette, doing business as Cedar Swamp Rabbitry, Box 252, Old Douglas Pike, Uxbridge 01569.
Natureland, 6 Gill Street, Woburn 01801.
Andrew Nicholas, doing business as Morningdale Rabbitry and Hatchery, 38 Stockton Street, Boylston 01505.
Peter A. Niemi, doing business as Brook Side Rabbitry, 153 Lancaster Road, Berlin 01503.
Mrs. R. A. Norman, doing business as Ray-Al Rabbitry, Route 1, Box 185B, Southwick 01077.
Albert J. Perry, doing business as Willow Valley Rabbit Farm, 129 East Coggeshall Street, Fairhaven 02719.
Mrs. Theresa D. Perry, doing business as T and D Rabbitry, 84 Winter Street, Marlboro 01752.
D. G. Robinson, Jr., doing business as Tumblebrook Farm, West Brookfield 01585.
Joseph S. Serwecki, doing business as Serwecki's Rabbitry, North Spencer Road, Spencer 01562.
Southwick Birds and Animals, Inc., Blackstone 01504.
E. Clarence Stevens, doing business as Stevens Rabbitry, 378 Reservoir Street, Holden 01520.
Kenneth R. Stuart, doing business as K and P Rabbitry, Mason Road, Jefferson 01522.
Donald P. Sundstrom, 38 Mill Road, Westborough 01581.
William R. Thibeault, East County Road, Rutland, 01543.
Dr. Allan A. Vogel, 185 Locust Street, Northampton 01060.

MICHIGAN

Dacie J. Dettmer, doing business as Dettmer's Bunny Patch, 9103 Garfield Road, Carson City 48811.
Gerald R. Elenbaas, doing business as Zeeland Livestock Sale, 238 East Main Street, Zeeland 49464.
H–Bar–B Beagles, Inc., 900 North Main Street, Mattawan 49071.
Grant Hodgins, doing business as Hodgins Kennel, 6110 Lange Road, Howell 48843.
International Animal Exchange, Inc., 1489 East Nine Mile Road, Ferndale 48220.
Steven and Rosalie Johnson, doing business as The Menagerie, 175 East 26th Street, Holland 49423.
Laboratory Research Enterprises, Inc., 6251 South Sixth Street, Kalamazoo 49001.
Leo N. and Betty A. Lahar, partners, doing business as Old Dependable German Shepherds, Route 4, Box 168, Pinconning 48650.
Norman and Diana Langshaw, doing business as Langshaw Farms, Route 1, Box 256, Augusta 49012.
Beverly and Mickylouise Myers, doing business as Arrowhead Acres, Route 3, Box 190, Bellevue 49021.
Edward Radzilowski, doing business as Meadowbrook Farms and Co., 10426 Smith Creek Road, Memphis 48041.
Donald Reser, doing business as Johnson's Rabbitry, Route 5, Batavia Station, Coldwater 49036.
The Upjohn Co., Kalamazoo 49001.
Lyle E. Walt, 10070 West B Avenue, Otsego 49078.
Walter E. Wallace, 2014 108th Avenue, Otsego 49078.
Ralph Wellinger, doing business as Ralph's Rabbit Ranch, 5260 Dutcher Road, Howell 48843.
Richard Winslow and Steve Adams, partners, 305 East Main Street, Middleville 49333.
Robert J. and Roberta L. Woudenberg, partners, doing business as R and R Research Breeders, Route 2, 19256 West Kendaville Road, Howard City 49329.

MINNESOTA

Mr. and Mrs. Allan Abbe, Rural Route 2, Alden 56009.
B and E Patrol, Inc., 2021 West County Road C, Roseville 55113.
Delores N. Beise, 1102 Ramsey Street, Hastings 55033.
Melvin Beise, doing business as Beise Kennels, Route 1, Jordan 55352.
Archie M. Cardinal, 4208 Centerville Road, White Bear Lake 55110.
Art Engelbrecht, Route 4, Box 287, Alexandria 56308.
Bruce Fleming, doing business as Crimson Cross Kennel, 3608 Centerwood Road, New Brighton 55112.
James P. Goebel, Janesville 56048.
Mrs. Susan Hecht, Route 2, Paynesville 56362.
Donald Hippert, Route 1, Kasson 55944.

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Morris E. Hippert, New Ulm Mobile Village, 2526 South Bridge Street, New Ulm 56073.
Dennis Ingvaldson, Route 6, Box 266, Bemidji 56601.
Mrs. Jospeh R. Kubazewski, 426 East 13th Street, Duluth 55811.
Gary C. Kuyava, 560 West Wabasha Street, Duluth 55803.
Norman L. Larson, doing business as Wayside Kennels, Route 2, Box 449, Long Lake 55336.
Mr. and Mrs. Steven J. Larson, doing business as Tally-Ho Farms and Kennels, Route 2, Box 99, Glyndon 56547.
Vernon Lerch, Hackensack 56452.
David Leversedge, Box 146, Balaton 56115.
Thomas Munzenmeder, Route 2, Backus 56435.
Nick Relland, Mazeppa 55956.
Math L. Serger, Route 2, Watkins 55389.
Clifton H. Toenges, Rural Route 1, Alden 56009.
Leslie Whiteaker, doing business as Sky High Kennels, Lake Wilson 56151.

MISSISSIPPI

Dr. Joe C. Martin, 125 Martin Street, Ripley 38663.
Hollie Vanlandingham, doing business as V and B Animal Shelter, Post Office Box 133, Vardaman 38878.

MISSOURI

Warren Allen, Lucerne 64655.
Mrs. Sara F. Allison, Route 1, Armstrong 65230.
Mrs. John D. Anderson, R.F.D. 1, Lancaster 63548.
Mrs. Joetta L. Anesi, Route 3, Kirksville 63501.
Clinton Bailey, Route 1, Stella 64867.
Mrs. Esther Baker, R.F.D. 3, Box 100, Memphis 63555.
Nellie L. Baker, R.F.D. 2, Box 29, Memphis 63555.
Harley Baker, Lewistown, 63412.
Mrs. Dorsie Baldwin, Route 3, Kirksville 63501.
James Baldwin, Route 3, Chillicothe 64601.
Judith L. Balk, Rural Route 2, Walker 64790.
Freddie and Ervin Banks, Route 1, Jane 64846.
Mrs. Norman Barron, Route 1, Box 242, Macon 63552.
Wanda Barnfield, doing business as Bar-Wan Kennels, Post Office Box 158, Crocker 65452.
Barkelot Kennel, Rural Route 1, Box 88A, Brookline 65619.
Lenn L. Bash, R.F.D. 1, Alexandria 63430.
John E. Beaver, doing business as Ponderosa Kennels, Rural Route 2, Box 383, Carthage 64836.
Mrs. Wendell Beckley, Rural Route 1, Leonard 63451.
Mary J. Beshears, doing business as Idlewild Kennel, Route 2, Wellsville 63384.
Kenneth F. Bias, Holts Summit 65043.
Peggy L. Blaine, Rural Free Delivery 3, Box 188, Memphis 63555.
Myrle and Sam Blakely, Route 1, Armstrong 65230.
Mrs. Robert D. Borghardt, Route 1, Iantha 64753.
Mrs. Lucille Bradley, Route 2, Box 52, Higbee 65257.
James R. Brady, Route 3, Shelbina 63468.
Perry L. Bramhall, Route 3, Kirksville 63501.
Ronald and Diane Breuning, doing business as Limelite Kennels, Route 2, Ava 65608.
Dale L. Brockmeyer, doing business as Vallee Hi Kennels, Rural Free Delivery 3, Nevada 64772.
Leona E. Brotherton, Rural Free Delivery 1, Box 141, Kahoka 63445.
Mrs. George W. Brown, doing business as Forrest Hills Kennel, Post Office Box 463, Forsyth 65653.
Mrs. Garold L. Bruce, Route 6, Unionville 63565.
Mrs. Verna M. Bruegenhemke, Rural Free Delivery 3, Edina 63567.
Mrs. Thomas Bryant, Baring 63531.
Sybie Bunch, Route 1, Exeter 65647.
Coleen Burgher, Route 1, Coatsville, 63535.
Frank L. Burkhardt, 606 South Allen Street, Macon 63552.
Mrs. Lloyd Bushnell, Jr., Rural Free Delivery 1, Queen City 63561.
Mary Butler, Route 1, Carthage 64836.
Reba N. Camden, Rural Free Delivery 2, Glenwood 63541.
Mrs. Eurenia M. Campbell, Route 1, Anabel 63431.
Mildred F. Campbell, Shady Hill Kennels, Route 2, Madison 65263.
Mrs. D. G. Carlson, 1645 Moone Road, Springfield 65804.
Hugh S. Carnell, Route 1, Rocky Comfort 64861.
Mrs. Cletus C. Carney, Rural Route L, Novelty 63460.
Florence Carney, Leonard 63451.
Mrs. Mary R. Chamberlain, 501 South Elm, Vandalia 63382.
Eunice Christy, Route 2, Box 133, El Dorado 64744.
Junior P. Clair, Rural Free Delivery 1, Hurdland 63547.
Louise Clapp, Route 2, Butler 64730.
Emma J. Clark, Route 2, Mercer 64661.
Robert E. and Mary E. Claypool, Route 4, Trenton 64683.
Mattie E. Clemensen, Route 2, Nevada 64772.
Mozzello Clemmons, Rural Free Delivery 2, Eldorado Springs 64744.
Mrs. Paul Clovy, Route 3, Edina 63537.
Mrs. Bessie M. Clubine, Route 3, Kirksville 63501.
Lorraine R. Cole, doing business as Bel-Air Kennel, 708 North Main, Grain Valley 64209.
Scott Cole, Rural Free Delivery 3, Lebanon 65536.
Charles E. Collier, Rural Free Delivery 1, Arbela 63432.
Mrs. Goldie Collis, Rural Free Delivery 1, Queen City 63561.
Mrs. Joyce Colman, Route 2, Callao 63534.
Dennis A. Cook, Rural Free Delivery 1, Lancaster 63548.
Mrs. Betty Craig, 200 Elizabeth Street, Holden 64040.
Miss Elmer Craigmyle, Shelbyville 63469.
Mrs. Judy Crumbaugh, Route 5, Kirksville 63501.
Mrs. Alice Crump, Post Office Box 5, Lancaster 63548.
Joyce Cullum, doing business as Cullum Kennels, Route 1, Unionville 63565.
Mrs. R. E. Custer, Route 2, Green City 63545.
Daisy Hill Puppy Farm, Route 1, Amazonia 64421.
Carl J. Dammeman, Sallsbury 65281.
Homer and Emma Danner, Clarence 63437.
Mary Davis, Rural Route 2, Savannah 64485.
Mrs. Ida Daw, Rural Free Delivery 3, Kahoka 63445.
Mr. and Mrs. Irvin P. Day, Rural Route 1, Paris 65275.
Claude Jr. Dean, Rural Free Delivery 1, Kahoka 63445.
Irene Deierling, Box 398, Queen City 63561.
Mrs. Pat Delaney, Route 1, Greentop 63546.
E. Joyce Denison, Route 1, Box 140A, Neosho 64850.
Mrs. Barbara J. DeVaul, Meadville 64659.
Kenneth P. Dickinson, doing business as Dickinson Kennel, Route 2, Osceola 64776.
J. W. and Fern O. Dodson, Box 215, Greentop 63546.
Mrs. Ben Donaldson, Route 3, Lebanon 65536.
Gilbert Doss, Freistatt 65654.
Mrs. Luther Douglass, Edina 63537.
Stella Douglass, Novelty, 63460.
Joella F. Dozier, Route 3, Columbia 65201.
Mrs. Marion R. Duenow, Atlanta 63530.
Robert Duncan, Highway 36, Bucklin 64631.
Charles E. Dye, doing business as Rockhound Kennels, Box 84, Route 3, Savannah 64485.
Mrs. Fay Eggleston, Rural Free Delivery 2, Box 53, Memphis 63555.
Mrs. Patricia Eitel, Route 4, La Plata 63549.
Rube B. Ellis, Duenweg 64841.
Helen England, Route 2, Centralia 65240.
Julia W. England, doing business as Ju-Les-Rans Kennels, Rural Route 2, Centralia 65240.
Lyle Erwin, Brashear 63533.
Oren Euritt, doing business as Oak Grove Kennels, Route 1, Kirksville 63501.
Ruth J. Fehling, doing business as R. J. Kennel, Route 1, Armstrong 65230.
Mrs. Juanita M. Fenimore, Route 2, Atlanta 63530.
Mrs. Beverly Fields, doing business as Maple Ridge Stock Farm, Humphreys 64646.
Mrs. Leo W. Findling, Route 2, Atlanta 63530.
Virgil Flaxbeard and Wanda Dickens, Rocky Comfort 64861.
Mrs. Luther Ford, Rural Free Delivery 2, Glenwood 63541.
Mrs. Marie Ford, Rural Free Delivery 2, Greenwood 63541.
Mrs. Carl Forgey, Route 1, Ozark 65721.
Mrs. Bernice Forrester, Baring 63531.
Donald D. Foster, doing business as White Gate Kennels, Route 1, Macon 63552.
Judy Foster, doing business as Foster's Canine Kennel, Route 4, Centralia 65240.
Catherine C. and Jacob J. Francks, Rural Free Delivery 1, Box 42, Brighton 65617.
Mrs. Bernice Frazee, Novelty 63460.
Mrs. Laura Fremon, doing business as Fremon Farms, Rural Free Delivery 1, Glenwood 63541.
Mrs. Vernna J. Frieden, Rural Free Delivery 3, Kahoka 63445.
Pauline Friend, doing business as PaPaws Kennel, Route 1, Box 765, Bois D'Arc 65612.
Wilma Fry, Route 2, Brookfield 64628.
Mrs. Frances Garnett, Rural Free Delivery 2, Box 85, Rutledge 63563.
Mrs. Annetta Garrelts, Route 2, Atlanta 63530.
Mrs. Roger Garrison, Route 1, Rockville 64780.
Welton F. Gegg, Star Route 1, Box 76, Ste. Genevieve 63670.
Mrs. J. K. George, Route 1, Box 212, Sedalia 65301.
Mrs. Melvin George, Route 3, Salisbury 65281.
Mrs. Grace N. Goodwin, Rural Free Delivery 1, Box 51, Queen City 63561.
Landa Goodwin, doing business as Shady Acres Kennel, Star Route 28509, Lebanon 65536.
Mrs. Mae Gosney, Clarence 63437.
Lorene and John Gossett, Rural Free Delivery 1, Calhoun 65323.
Mrs. Florence N. Gordy, Post Office Box 42, Glenwood 63541.
Nadine Gransbury, Rural Route 1, Box 182, Eldorado Springs, 64744.
Rena Gregg, Route 1, Box 40, Harrisonville 64701.
Wilbert Gruenefeld, Route 1, Jonesburg 63351.
David Gully, Route 1, Huntsville 65259.
Dean Hall, Route 1, Exeter 65647.
Mr. and Mrs. A. P. Hane, Route 1, Callao 63534.
J. F. Hargus and Roxie Hargus, partners, doing business as Bell Acres Kennels, Route 1, Miller 65707.
Mrs. Alice M. Harmon, Rural Route 1, Syracuse 65354.
Charles R. Harrison, doing business as C and A Rabbitry, Route 1, Box 196, Hartville 65667.
Ruby Hart, Rural Free Delivery 2, Box 139, Lancaster 63548.
Mrs. W. D. Harper and Melvin Cowdery, partners, doing business as Har-Wyn Kennels, Route 2, Post Office Box 117A, Rockville 64780.

Geraldine Hatfield, Rural Free Delivery 1, Newark 63458.
Alma M. Hays, Route 3, Kirksville 63501.
Mr. and Mrs. Everett E. Hays, Queen City 63561.
Billie Kay Henry, 323 Lamb Avenue, Macon 63552.
Mrs. Juanita Herring, Route 1, Box 118, Everton 65646.
Elton K. Hettinger, Rural Free Delivery 2, Rutledge 63563.
Mrs. Richard Hettinger, Edina 63537.
Mrs. Margaret Hines, Rural Free Delivery 1, Leonard 63451.
Arlo D. and Billie J. Hoffer, Rural Free Delivery 1, Ewing 63440.
Lester C. Hoffer, Route 2, Greenfield 65661.
Marilyn Y. Howerton, Route 1, Nixa 65714.
H. W. Hufford, 832 S. Park Avenue, Springfield 65802.
Woodrow W. Huffstutler, doing business as Ozark Research Supplier, Rural Free Delivery 3, Vienna 65582.
Mr. and Mrs. Fern W. Hulen, Rural Free Delivery 1, Lancaster 63548.
Sue Hughes, doing business as DoBoTri Kennels, Route 1, Purdy 65734.
Mrs. Leo Hunolt, Rural Route 3, Edina 63537.
Jerry Hunziker, Hurdland 63547.
Mrs. Lily D. Hurley, Livonia 63551.
Robert K. Hurt, Bunceton 65237.
Mrs. Ruby F. Hyle, Route 6, Unionville 63565.
Mrs. Ollie M. Jackson, Rural Free Delivery 2, Lancaster 63548.
Marie James, Hurdland 63537.
Mrs. Edith Jefferies, Route 1, Greentop 63546.
Irvin Johnston, Rutledge 63501.
Anna Mae Jones, Humphreys 64646.
Mary Ellen Jones, Rural Free Delivery 1, Lancaster 63548.
James M. Jones, 231 N. Maple Street, Memphis 63555.
Donald A. Jones, Rural Route 2, Paris 65275.
Elda J. Justice, Edina 63537.
Nordeen Keeshonden, Route 1, Middletown 63359.
Donna Belle Kelsey, Star Route, Box 185, Mindenmines 64769.
Malven Kennedy, Jerico Springs 64756.
Lena G. Scott, doing business as Joniea Kennels, Route 3, Box 206, California 65018.
Mrs. Eugene H. Kerby, Rural Free Delivery 2, Glenwood 63541.
Mrs. Macel M. Kiddoo, Rural Free Delivery 2, Memphis 63555.
Mrs. Mary Kidwell, Leonard 63451.
Mrs. Richard Kiley, Baring 63531.
Thelma Kinzer, Route 2, Box 131, Shelbina 63468.
Mrs. Connie S. Kirchner, Rural Free Delivery 1, Luray 63453.
Mrs. June Kramer, Route 1, Appleton City 64724.
Mrs. Grace L. Laird, Route 1, Gibbs 63540.
Everett Lambeth and Sons, Route 2, Carthage 64836.
Mrs. Nancy S. Latimer, Rural Route 4, Edina 63537.
Hollis Lawson, doing business as Colonial Acres, 427 West County Street, Monett 65708.
Mrs. Audrey Lay, Edina 63537.
Herman A. Leedom, Post Office Box 2, Glenwood 63541.
Violet M. Lewis, 500 Chestnut Street, Holden 64040.
Lucille and John Lindquist, doing business as Johnnie-Lou Kennels, Route 2, Greentop 63546.
Wallace Lineberry, doing business as Lineberry's Kennel, Rural Free Delivery 3, Hale 64643.
Arvel Long, Rocky Comfort 64861.
Mr. and Mrs. Marcell Long, Rocky Comfort 64861.
Mrs. Eunice F. Long, Route 1, Paris 65275.
Mrs. June Long, Route 4, Box 302, Eldorado Springs 64744.
James O. Love, Rural Free Delivery 1, Newark 63458.
Joe Lund, doing business as Post Oak Farm, Post Office Box 136, Warrensburg 64093.
Joyce Luttrull, Rural Free Delivery 2, Box 106, Lewistown 63452.
Virginia Mann, Appleton City 64724.
Al Marcum, 3025 South Ten Mile Drive, Jefferson City 65101.
Ted Marrs, Jane 64846.
George W. Maupin, Clarence 63437.
Shirley D. Mayer, Baring 63531.
Kenneth and Faye McBee, doing business as McBee Kennels, Route 3, Braymer 64624.
Gayla McCormick, Route 1, Stockton 65785.
Glen E. McCoy, 853 West Whiteside, Springfield 65804.
Mrs. Grace McKee, Knox City 63446.
Mrs. Geraldine K. McMurry, R.F.D. 2, Rutledge 63563.
Pat McWilliams, Route 2, Box 190, Eldorado Springs 64744.
George M. Millard, Rural Route 1, Box 133, Amoret 64722.
Harold Miller, Granger 63442.
Mrs. Leona Miller, Route 1, Elmer 63538.
Mrs. Leland Miller, Route 3, Shelbyville 63469.
Mrs. Leon Minor, 321 East Rogers, Monroe City 63456.
Missouri Valley Kennels, R.F.D., Alexandria 63420.
Mrs. Julia Mollick, R.F.D. 2, Box 176, Greentop 63546.
Bobby J. Moncriet, Route 4, Kirksville 63501.
Clara Montee, Route 1, Box 210, Appleton City 64724.
Mrs. Tunnie Montgomery, Route 3, Kirksville 63501.
Mrs. Lelia J. Morgan, 106 Jefferson Street, Macon 63552.
Ida and Marilyn Morrow, Knox City 63446.
Mrs. Porter Moss, Route 4, Lamar 64759.
Mrs. Avonel Mossburger, Route 1, New Cumbria 63558.
Mrs. Ted Murray, Novelty 63460.
Theodore Niemeier, Bynumville 65238.
Mrs. Marianne Nelson, Route 2, Macon 63552.
Mrs. Patsy Newcomer, Route 3, Kirksville 63501.
George Nichols, Clarence 63437.
Mrs. Kenneth Nichols, Route 1, Sturgeon 65284.
R. E. Nichols, doing business as Abah Kennels, Box 428, Clinton 64735.
Harry and Ada Noblitt, Edina 63537.
Eldon A. Norman, Route 4, Box 16–B, Holden 64040.
Dorothy Norton, 508 Washington Street, Unionville 63565.
Mrs. J. V. Norton, Knox City 63446.
Jerry R. Norton, Box 82, Auxvasse 65231.
Mrs. Vadah Norton, Knox City 63446.
Mary L. O'Farrell, 503 South Main Street, Holden 64040.
Lewis E. Olmstead, Route 4, Milan 63556.
Mrs. Samuel Oshner, La Belle 63447.
Mrs. Lorraine Palmer, Route 1, Wheatland 65779.
William M. and Frances A. Palmer, partners, doing business as Palmer Kennels, Route 3, Hamilton 64644.
Palmers Livestock Farm, Box 186, Liberal 64762.
Dorothy W. Parks, Route 4, Chillicothe 64601.
Mrs. Blanche Parrish, Knox City 63446.
Dixie and Amee J. Parrish, Rural Free Delivery 1, Knox City 63446.
Mrs. Ernest E. Parrish, Newark 63458.
Frank L. Parsons, Post Office Box 66, Downing 63536.
Paul W. and Patsy J. Parsons, Edina 63537.
Charlotte and Ernest Partin, Route 1, Macon 63552.
Lloyd O. and Gladys L. Patrick, doing business as Oak Tree Kennel, Route 3, Shelbyville 63469.
Dr. Glen W. Patterson, doing business as Patterson Kennels, Hale 64643.
Lamon and Lola Payne, Star Route, Ozark 65721.
Mrs. Donna Perry, Knox City 63446.
Mrs. Gerald Perry, Route 2, Novelty 63460.
Helen Peters, Rural Route 1, Keytesville 65261.
Forest K. and Lois I. Phelps, Box 11, Lancaster 63548.
Charles D. Phillips, Box 354, Holts Summit 65043.
Frank W. Pierce, doing business as Red Brush Kennels, Route 2, Box 207, El Dorado Springs, 64744.
Louise Plumlee, doing business as Whispering Pines Kennel, Route 2, Box 234, Carthage 64836.
Jean Pore, Rothville 64676.
Neona J. Price, Rural Route 1, Box 53, Mendon, 64660.
Beth Primm, Novelty 63460.
Mrs. Harlie O. Ragar, Emden 63439.
Mrs. Margaret Ransdell, Route 2, Holliday 65258.
Mr. and Mrs. Franklin Reddell, 213 West 21st, Oak Grove 64075.
Roy Redman, Jr., Route 2, King City 64463.
Mrs. Kay Reed, doing business as Kay's Kennels, Route 3, Macon 63552.
Martha J. Reed, doing business as Reedgate Kennels, Route 2, Lamar 64759.
Dean Reger, Newton 64667.
Mrs. Reva M. Reger, doing business as Vi-Re Kennels, Box 291, Novinger 63559.
Mrs. Lee Rhoades, Novelty 63460.
Mrs. Albert Rhoades, Knox City 63446.
Mrs. Mildred Rhoades, Knox City 63446.
Mrs. Lois A. Rice, Rural Free Delivery 3, Knox City 63446.
Mrs. Lois A. Rice, RFD 3, Knox City 63446.
Mrs. Ruth Rice, Knox City 63446.
Katie Richardson, Route 1, Armstrong 65230.
Ruth A. Roberson, Monticello 63457.
Carolyn Roburtson, 615 East Hickory, Nevada 64772.
Mrs. Harold C. Rogers, doing business as Fairview Kennels, Route 3, Kirksville 63501.
Rosie Taylor, doing business as Rosie's Kennels, Route 1, Box 19A, Grandy 64844.
Irene Rudkin, 509 West Depot, Huntsville 65259.
Mrs. Frances Rueweler, Route 3, Box 138, Troy 63379.
Douglas G. Rummerfield, Route 1, Kirksville 63501.
Bob Russow, Route 5, Box 331, Joplin 64801.
William Salts, doing business as Piney Hills Kennels, Box 190, Houston 65483.
Mrs. Leora Sandefur, Route 1, Greenlop 63546.
Susan and Sharon Sanders, doing business as Kay-Lee Kennels, Route 2, Box 89, Madison 65263.
Josie Saner, R.F.D. 1, Queen City 63561.
Paul Savage, Route 1, Rocky Comfort 64861.
Thelma I. Sawyer, Box 114, Queen City 63561.
Otto F. and Pauline Schmitter, R.F.D. 2, Lancaster 63548.
Mrs. Eulah Schnetzler, Route 3, Box 26A, Madison 65263.
Lena G. Scott, doing business as Joniea Kennels, Route 3, Box 206, California 65018.
Shady Rock Acres, Route 2, Rogersville 65742.
Stanley W. Sharp, Edina 63537.
Mildred L. Sharpe, R.F.D. 1, LaBelle 63447.
Mrs. Brenda D. Shatzer, Box 124, Anabel 63431.
Mrs. Ida Shearer, Knox City 63446.
Mrs. Mary Joyce Shively, Coatsville 63535.
Sho-Me Research Dogs, Inc., Route 1, Box 121, Hallsville 65255.
Mrs. Edward L. Shultz, R.F.D. 2, Rutledge 63563.
Linda Simpson, Novelty 63460.
Mrs. Annetta M. Sisson, R.F.D. 1, Box 75, Luray 63453.
Mrs. Rex Slaughter, Box 435C, Goodman 64843.
Billie Smith, Route 1, Box 177, Salem 65560.

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Lois E. Smith, Rural Route 2, Brookfield 64623.
Mrs. Ada Smyser, Glenwood 63541.
Mrs. Neva P. Snider, Box 127, Green City 63545.
Mrs. Ilene Snyder, Route 2, Greentop 63546.
Mrs. Evelyn Sparks, Route 6, Unionville 63565.
Larry D. and Jane Ann Stacy, partners, doing business as Stacy's Kennel, Rural Route 1, Bevier 63532.
William and Ruth Stalder, partners, doing busines as King Jack Kennel, Route 1, Oronogo 64855.
Walter B. and Sadie L. Stoner, partners, R.F.D. 2, Hurdland 63547.
Elsie Strickler, R.F.D. 2, Kahoka 63445.
Mrs. Sandrah Sue Strub, R.F.D. 1, LaBelle 63447.
Mrs. Zelda N. Sturm, 470 West Clark Street, Kahoka 63445.
Alice E. Swanstone, doing business as Swanstone Kennels, Rural Route 1, Boonville 65233.
Yvonne Swofford, Route 1, Exeter 65647.
Wallace Taylor, R.F.D. 1, Kahoka 63445.
Evelyn L. Tebbenkamp, Rural Route 13, Salisbury 65281.
John J. Tennison, Post Office Box 68, Goodman 64843.
Mrs. Roberta Throckmorton, Knox City 63446.
Mrs. Ellen Trent and Mrs. Lola M. Mumford, Rural Free Delivery 2, Rutledge 63563.
Ruby S. Trout, Route 1, Box 356, Nevada 64772.
Mrs. Lilly Troutt, Knox City 63446.
Mrs. Peggy Jo Turner, Route 1, La Plata 63549.
Romaine Turner, Route 1, La Plata 63549.
Mrs. Ethelyn Tysor, Route 1, Unionville 63565.
Connie Van Dorn, 2911 Blackwell Road, St. Joseph 64506.
Paul Van Ormer, doing business as VaNett Kennel, Route 1, Clinton 64735.
Mr. and Mrs. Claude Vantrump, Route 1, Hardin 64035.
Merle L. Vaughn, doing business as Trenton Dog and Gun Auction, 1907 Princeton Road, Trenton 64683.
Vaughns Pet Suppliers, 2682 South Glenstone, Springfield 65804.
Mr. Louis E. Veatch, R.F.D. 1, Coatsville 63553.
Edward Vittetoe, Shelbyville 63469.
Iola M. Walt, doing business as Walts Kennel, Box 802, Kirksville 63501.
Mrs. Dorothy Wamsley, Newark 63458.
Frank and Midge Watson, Route 1, Stockton 65785.
Betty A. Weaver, R.F.D. 1, Glenwood 63541.
Mrs. Esther Weaver, Clarence 63437.
Emma M. Weber, Route 1, Kirksville 63501.
Edward J. Wellman, doing business as Wellmans Kennel, Route 1, Kirksville 63501.
Mrs. May Wells, Route 1, Callao 63534.
Mrs. Nita M. Welsh, R.F.D. 2, Glenwood 63541.
Henry V. Wendling, R.F.D. 3, Kahoka 63445.
Mrs. Alma N. Wendling, R.F.D. 1, Kahoka 63445.
Max H. Wheeler, Lancaster 63548.
Richard Whitacre and Richard Baughman, Glenwood 63541.
Mrs. Edith E. White, R.F.D. 2, Glenwood 63541.
Mrs. Pauline L. Whitlow, R.F.D. 2, Queen City 63561.
Georgia Williams, doing business as Land-o-Lakes Kennels, Route 1, Box 134, El Dorado Springs 64774.
Kenneth F. Williams, R.F.D. 1, Monticello 63457.
Mrs. Janie Wilson, Box 27, Frankford 63441.
Mrs. J. W. Wisdom, Route 3, Macon 63552.
T. C. Wolf, Route 1, La Plata 63549.
Don Wolverton, Box 84, Huntsville 65259.
Mrs. Loretta Wood, Route 3, Shelbyville 63469.
J. C. Wood, doing business as Wood Kennels, Route 1, La Plata 63549.
Mrs. Carl Woodard, R.F.D. 2, La Belle 63447.
Hazel N. Woods, 1333 East Walnut, Nevada 64772.
Mrs. Jewell Workman, doing business as Workmen's Dogpatch, Route 4, Lamar 64759.
Lorene Yoder, Box 98-A, Route 2, Rockville 64780.
Milton Young, Route 2, Lebanon 65536.
Mae Zarr, doing business as Puppy Luv Enterprises, 1211 East Cambridge, Springfield 65804.
Mrs. Vernon Zuspann, Edina 63537.

MONTANA

Emerald L. and Lewis Miller, Box 137, Springdale 59082.
Betty Z. Price, doing business as Prices Foys Lake Kennel, Marion Stage Route, Foys Lake, Kalispell 59901.
Dr. Earl M. Pruyn, 1515 Livingston, Missoula 59801.
Fran and Polly Riggs, doing business as Yorkshire Square, 405 First Street NE., Harlowton 59036.

NEBRASKA

William H. and Mary R. Behrends, Route 1, Wymore 68466.
Mrs. Jay Cromer, Route 2, Falls City 68355.
Mrs. Louis Cumro, doing business as Indian Creek Kennel, Box 13, Odell 68415.
Mr. and Mrs. Carl Dageforde, Rural Route 2, Hebron 68370.
Wayne Dietz, Route 1, Box 70-A, Orleans 68966.
Dwayne A. Elting, Carleton 68326.
Leonard Elting, Hebron 68370.
Four Starr Ranch & Kennels, Rural Free Delivery 4, Box 35-A, Fairbury 68352.
Doris Jarred, Verdon 68457.
Bryan L. Jones, doing business as Blue River Kennels, Box 205, Bladen 68928.
Jeane M. Kuhlmann, Route 2, Box 40, Humboldt 68376.
Joseph M. Kulhanek, Rural Free Delivery 2, Howells 68641.
Dale F. Larimore, Route 1, Box 138, Falls City 68355.
Leonard and Ruth McCord, Fairbury 68352.
Rebecca J. Mick, 502 East H Street, Wymore 68466.
Mrs. Rachel D. Morehead, Rural Route 2, Falls City 68355.
Robert G. and Evelyn Ann Nelhart, Rural Route 2, Shelby 68662.
Gerald E. Oestmann, doing business as Waggin Tail Kennel, 1609 23rd Street, Auburn 68305.
Mrs. William Packer, Route 2, Wood River 68883.
Mrs. Joe Ramer, Route 2, Falls City 68355.
Mrs. Donald E. Rears, Stella 68442.
Eldora M. and Leonard A. Sasse, Diller 68342.
Harvey Sejkora, Burchard 68323.
Edward Shafer, Post Office Box 142, Bartley 69020.
Mrs. Leonard Snyder, Rural Free Delivery, Liberty 68381.
Rolland L. Stevenson, doing business as Nebraskaland Kennels, Richland 68657.
Eunice E. Wamsley, Route 1, Shubert 68437.
Mrs. Howard Warford, doing business as Lakeview Kennels, Rural Route 2, Wymore 68466.
Gertrude Wilhelm, 2615 Chase, Falls City 68355.
Victor L. and Juanita E. Woltemath, Elk Creek 68348.
Emma Wright, Stamford 68977.

NEVADA

Area-West, Inc., doing business as Spring Creek Animal Farm, 251 West Commercial Street, Elko 89801.
Valu-Mart, 900 East Plumb Lane, Reno 89502.
Harry and Deanne Wright, doing business as Pettin Place, 1121 South Wells, Reno 89502.

NEW HAMPSHIRE

Trustees of Dartmouth College, Post Office Box 31, Hanover 03755.

NEW JERSEY

Affiliated Medical Enterprises, Inc., Post Office Box 57, Princeton 08540.
James J. Barton, doing business as Barton's West End Farms, Rural Delivery 1, Box 241, Oxford 07863.
Bio-Science Resources, Inc., 1200 Railroad Avenue, Asbury Park 07712.
Warren E. Buck, Black Horse Pike, Post Office Box 61, Glendora 08029.
Joseph Byrnes, doing business as Valley Farms, Post Office Box 585, West Paterson 07424.
Camm Research Institute, Inc., 414 Black Oak Ridge Road, Wayne 07470.
Henry Christ, Rural Route 3, Box 208, Farmingdale 07727.
George Clauss, 18-19 Saddle River Road, Fair Lawn 07410.
Davidson's Mill Farm, Rural Free Delivery 1, Box 184, Jamesburg 08831.
Deblin Farms, Inc., Post Office Box 369, Branchville 07826.
Harry L. Grohsman, doing business as New Windsor Farms, 129 Oak Grove Avenue, Hasbrouck Heights 07604.
Eric P. Gumperz, doing business as Chick Line Co., Post Office Box 5, Newfield 08344.
H.A.R.E. Rabbits for Research, Post Office Box 531, Hewitt, West Milford 07421.
Paul Italiano, doing business as Italiano Rabbits, 17 Whitman Square Shopping Center, Turnersville 08012.
Richard Johnson, doing business as Paradise Tropical Aquarium, Fields Plaza Shopping Center, Statford 08084.
Kenneth H. Kenyon, doing business as Kenyon's Rabbit Farm, Rural Delivery 1, Hornell 14843.
K-G Farms, Inc., 94 Delanca Drive, Parsippany 07054.
Lakeview Hamster Colony, Post Office Box 85, Newfield 08344.
Marland Breeding Farms, Inc., Post Office Box 75, Wayne 07470.
Michael G. McGee, doing business as Breezy Acres Farm, Post Office Box 83, Chatham 07928.
Thomas F. Moffett, doing business as New Jersey Murarium, Shinny Lane, Rural Free Delivery 1, Trenton 08648.
J. P. O'Neill, doing business as Brendan Farm, Rural Delivery 3, Princeton 08540.
Price Research Laboratory, Inc., 7300 North Crescent Boulevard, Pennsauken 08110.
Primelabs, Inc., Monmouth County Airport, Farmingdale 07727.
Ridge Bio-Laboratories, Inc., 237 Morris Avenue, Springfield 07081.
William Salts, doing business as Piney Hills Kennels, Box 190, Houston 65483.
Clifford and Dorothy Stackhouse, doing business as Edgely Research Farms, Chesterfield-Georgetown Road, Columbus 08022.
Mrs. Kathleen Tinbergen, doing business as Sunrise Laboratory Animals, Rural Delivery 2, Ridge Road, Whitehouse Station 08889.
Triple R. Rabbitry, Post Office Box 301, Manasquan 08736.
Marjorie T. Whaley, doing business as Summit View Farm, Box 293, Free Union Road, Belvidere 07823.
James E. Williams, doing business as Hilldale Farms, Rural Delivery 1, Box 728, Franklinville 08322.
Zucca's Hamstery, 1541 Allen Avenue, Vineland 08360.

NEW MEXICO

Acoma Pet Center, 321 Wyoming SE., Albuquerque 87123.
Tracy L. English, doing business as The Pampered Pooch, 800 F Juan Tabo NE., Albuquerque 87123.
Freds Pet Shops, Inc., 3423 Vassar NE, Albuquerque 87107.
TropAquarium, Inc., 3619 Wyoming NE., Albuquerque 87111.
United Pet Center, 2254 Wyoming NE., Albuquerque 87112.

NEW YORK

A & E Farms, Inc., Box 526, Altamont 12009.
Arlouise Adams, Rural Delivery 2, Groton 13073.
Animal Business Associates, Inc., 1317 Surf Avenue, Brooklyn 11224.
Ronald M. Barlow, doing business as Barlow Research Animals, 1031 Cumberland Avenue, Syracuse 13210.
Albert G. Bean, Rural Delivery 3, Moravia 13118.
Vincent Becchinelli, doing business as Ideal Pet Shop, 2341 Second Avenue, New York 10035.
Claude L. Benjamin, doing business as Lake Brook Kennel, Hobart 13788.
Charlotte Bowley, 6774 Cicero-Bridgeport Road, Clay 13041.
George Brandes, doing business as Petland, 72 Freeville Road, Dryden 13053.
David F. Campbell, Rural Delivery No. 1, Route 20, Sloansville 12160.
Edward J. Canlon, doing business as New Springville Laboratory Animals, 300 Robinson Avenue, Staten Island 10312.
Leonard Caros, doing business as Rabbit Land, Rural Free Delivery 2, Franklinville 14737.
Carworth, doing business as Carworth-Guinea Pig Breeding Colony, 216 Congers Road, New City 10956.
Catskill Wild Animal Supply, Inc., Rural Delivery 1, Catskill 12414.
William G. Conway, 185th Street and Southern Boulevard, Bronx 10460.
Cornell University, doing business as Cornell Dog Farm, Sapsucker Woods Road, Ithaca 14850.
Docktor Pet Center No. 227, doing business as C.L.S. Enterprises, Inc., 5711 Horatio Arterial, Utica 13502.
LeRoy F. Edminster, doing business as Roy's Rabbitry, Rural Delivery 1, Box 107A, Alpine 14805.
Edward G. Fabry, 2 Rose Court, New City 10956.
Bernard D. Fincke, doing business as New York Zoological Exchange, 446 East Fordham Road, Bronx 10458.
Peter J. Flinn, doing business as Rabbitry, 160 Ontario Street, Albany 12206.
Food and Drug Research Laboratories, Inc., Post Office Box 107, Route 17, Waverly 14892.
Gerry's Tropical Fish, 137 Main Street, Cortland 13045.
Charles J. Golnek, Jr., doing business as The Mountain Aquarium & Pet Shop, 549 Albany Avenue, Kingston 12401.
Joseph and Florence V. Hezel, doing business as Riverside Aviaries, 162 South Main Street, Holland 14080.
Richard R. Hinderer, Rural Delivery 2, Ashville 14710.
John Hoessle, Central Bridge 12035.
George K. Holbert, Box 27, Sugar Loaf 10981.
David D. Howe, Box 104, Mount Upton 13809.
Isabelle F. Kennedy, doing business as Kennedy Small Stock Farm, 5224 Subbera Road, Lockport 14094.
Kenneth H. Kenyon, doing business as Kenyon's Rabbit Farm, Rural Delivery 1, Hornell 14843.
Owen D. Kraham, Rural Delivery 1, Cooperstown 13326.
Krutulis Laboratories, Inc., Post Office Box 153, Bridgeport 13030.
Philip J. Lynk, Livingston 12541.
Marshall Research Animals, Inc., North Rose 14516.
The Mary Imogene Bassett Hospital, Cooperstown 13326.
Russell B. Miller, doing business as Russell Miller Farms, 3979 Nine Road, Cazenovia 13035.
Stanton G. Muller, Rural Delivery 1, Waverly 14892.
Arthur R. Nersesian, doing business as Rock Mountain Valley Farm, Clove Valley Road, High Falls 12440.
Arthur Phillips, Rural Delivery 2, Box 386, Warwick 10990.
Larry Presti, doing business as Hidden Acres Boarding Farm, Box 87, Spring Glen 12485.
Primate Imports Corp., 34 Munson Street, Port Washington 11050.
Richard M. Reynolds, doing business as Starlite Aquarium and Petland, 7659 Lake Shore Drive, Whitney Point 13862.
Frank Jr., and Marion Rivers, partners, doing business as F & M Rabbitry, Route 2, Box 890, Plattsburgh 12901.
John J. and Rita G. Sherman, partners, doing business as Hillcrest Animal Farm, Rural Delivery 2, Adams 13605.
Donald L. Smith, doing business as Don's Rabbitry, Box 15, Waterloo 13165.
Robert W. Steedman, 8363 North Roaod, LeRoy 14482.
Donald L. Stumbo, doing business as Stumbo Farm, Reed Road, Lima 14485.
Treflich's of West Broadway, Inc., 141 West Broadway, New York 10013.
Florence I and Donald O. Truman, Blodgett Mills 13738.
Ward's Natural Science Establishment, Inc., 3000 Ridge Road E., Rochester 14603.
Eugene E. Wells, Box 174, Springfield Center 13468.
Frank Webb, 55 New Hartford Street, New Mills 13417.
Winona Criddle's Caviary, Tunnel Road, Rural Delivery 1, Port Crane 13833.
Annetta S. Wittmann, doing business as Wittmann Rabbitry, Box 221, Main Street, Yaphank 11980.
F. J. Zeehandelaar, Inc., 405 North Avenue, New Rochelle 10801.

NORTH CAROLINA

A-1 Animal Ranch, Inc., Post Office Box 528, Kernersville 27284.
Aqua Ram Pet Center, Inc., 4945-4947 Bragg Boulevard/105 Mike Street, Fayetteville 28303.
The Arrows Rabbit Farm, Inc., Route 4, Box 194, Statesville 28677.
Berry Water Gardens, Inc., Post Office Box 607, Kernersville, 27284.
Bio-Chemics Corp., Post Office Box 1250, Lumberton 28358.
M. N. Bondurant, doing business as Bondurant's Hamster Farm, 622 Magnum Street, Reidsville 27320.
Warren E. Bowes, doing business as Bowes Kennel, 818 Frank Street, Roxboro 27573.
Carolina Biological Supply Co., 2700 York Road, Burlington 27215.
A. B. Cooke, doing business as Buffalo Ranch Trading Post, Route 4, Box 365-D, Concord 28025.
William E. Holland, doing business as Holland's Guinea Pigs, 1800 Chapel Street, Winston-Salem 27107.
Evie L. Liles, Box 248, Knightdale 27545.
E. W. McBride, doing business as Mack's Tropical Pet Farm, Route 10, Box 421, Winston-Salem 27107.
Barbara Z. Phillips, doing business as Pearcroft Cattery, Route 2, Box 185, Raleigh 27610.
Southeastern Laboratory Animal Farm, Inc., Route 1, Apex 27502.
John Dorkis Wise, doing business as Carolina Kennels, Route 2, Box 66A, Dunn 28334.

NORTH DAKOTA

Sylvia and Harry Anderson, doing business as Green Acres Kennels, Route 2, Box 40, Ellendale 58436.
Mary Bergquist, doing business as Veli Halla Kennels, 819 19th Street, Bismarck 58501.
Daro, Sr., and Lois Crandall, Cayuga 58013.
Janet Davis, Ellendale 58436.
Amanda Hangston, doing business as Amanda's Poodle Chalet, 602 Second Street NE., Mandan 58554.
Darrell Hill, Oakes 58474.
Louis Hitz, New Rockford 58356.
Elmer and Eldora Klose, doing business as El-Dor Kennels, Route 2, Box 54, Jamestown 58401.
Gladys Klose, doing business as Dakota Prairie Kennels, Route 1, Jamestown 58401.
Charles Krause, Route 2, Mandan 58554.
Dean R. Maus, doing business as Pet Center, 221 Broadway, Fargo 58102.
Leonard G. Moss, doing business as Apple Creek Kennels, Route 1, Box 109, Bismarck 58501.
Jim and E. W. Oliver, doing business as Prairie Acres, Route 2, Box 4, Wahpeton 58075.
Rev. Leslie Otteson, Highway 281, Jamestown 58401.
Lloyd Sjostrom, Route 2, Jamestown 58401.
Walter Webster, Fullerton 58441.

OHIO

Dr. Larry Adkins, doing business as A and R Farm, Route 3, Plain City 43064.
Paul Anthony, doing business as Kiser Lake Kennels, 5940 North State, Route 235, Conover 45317.
Fern Baker, Box 35, East Monroe 45116.
Zane Bailey, 2106 U.S. 68 South, Xenia 45385
Glen Barstow, doing business as 3-B Pet Farm, 13776 Mayfield Road, Chardon 44024.
Harry J. Beam, Jr., doing business as A. Beam's Animal Hotel, 5414 Wagoner Ford Road, Dayton 45414.
Hubert P. Becker, Route 5, Box 548, Celina 45822.
Carrol Blue, doing business as Blue's Animal Farm, Route 1, Plain City 43064.
Harvey H. Bowman, Star Route, Millersburg 44654.
Breeders, Inc., Rural Route 1, Box 207, West Farmington 44491.
Margie Briley, Rural Delivery 2, Laurelville 43135.
Wilford Brunner, doing business as Brunner Kennel, Rural Route 1, Huntsville 43324
Lawrence R. Carney, doing business as Perky Pets, 804 Upson Street, Akron 44305.
Carl E. and Sandra P. Cline, doing business as C-S-C-Kennel, 3053 Shrine Road, Springfield 45502.
Chet P. Cole, doing business as Rainbow Aquarium and Pet Supply, 2886 West Market Street, Warren 44485.
Darrell and Clara Day, partners, doing business as K and P Kennels, Post Office Box 49, Bidwell 45614.
John D. Delabar, Route 2, McDermott 45652.
Dietz Aquarium, 12234 Madison Road, Huntsburg 44046.
Docktor Pet Center, Suite 312, Dayton 45459.
Eastwood Pet Center, Inc., 335 Eastwood Mall, Niles 44446.
Funtime, Inc., Post Office Box 184, Aurora 44202.
John J. Gideon, 91 Chaucer Court, Worthington 43085.
Betty J. Grimsley, Rural Route 2, Mt. Sterling 43143.
Roy and Irene Grubaugh, 10750 West Versailles Road, Covington 45318.
Heights Pet World, Inc., 1763 Coventry Road, Cleveland Heights 44118.
H. Holt Hildner, doing business as Petland of Portsmouth, Box 693, Portsmouth 45662.

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Franklin D. Howard, Route 5, Box 301, Newark 43055.
Edward and Mary Ruth Iannucci, 5690 Ironwood Court, Apartment B, Columbus 43229.
James Garrett Johnson, doing business as The Briar Patch, 4092 Broadview Road, Richfield 44286.
Alma F. Jones, doing business as Sugar Run Kennels, Route 6, Box 235, Chillicothe 45601.
Bill and Carol King, partners, doing business as King's Wheel Rabbitry, 8085 Camp Road, Route 5, Mt. Vernon 43050.
George and Aristoteles Kratsas, doing business as Parma Pets, 5561 Ridge Road, Parma 44129.
Mary B. Krichbaum, doing business as Dog Patch Kennel, Route 1, Box 347, Ashland 44805.
Lake Erie Junior Nature and Science Center, 28723 Wolf Road, Bay Village 44140.
Garland L. and Susie I. Lanier, Route 2, 307 Debby Drive, Gallipolis 45631.
Robert T. Leibold and Dean F. Fitzwater, doing business as Salem Mall Pet Center, 5200 Salem Avenue, Salem Mall, Trotwood 45426.
Scott and Doug Michael, 5089 Urbana Moorefield Road, Urbana 43078.
Franklyn A. Miller, doing business as Fin, Feather, and Fur Pet Shop, 326 South Chestnut Street, Barnesville 43713.
Dr. Robert C. Miller, 1010 Beverly Avenue, Zanesville 43701.
Mr. and Mrs. Horace L. Mitten, doing business as Pine Drive Kennels, 256 East Jackson Street, Millersburg 44654.
Northland Pet Center No. 210, 1755 Northland Mall, Columbus 43215.
Gino G. Pampanin, doing business as Docktor Pet Center No. 239, 434 Sheraton Drive NW., North Canton 44720.
Charles S. Parsons, doing business as Parson Pet Farm, Post Office Box 253, Wheelersburg 45694.
Manny Peer, doing business as Lake-West Pet and Supply, 1310 West 110th Street, Cleveland 44102.
Gerald Phillips, doing business as Puppy Kingdom, 9100 Miles Avenue, Cleveland 44105.
Pupco, Inc., 1018 Beverly Avenue, Zanesville 43701.
Ravenna Aquatics, Inc., 135 East Main Street, Ravenna 44266.
Theodore Simon, doing business as Docktor Pet Center No. 195, 13 Meadow Lawn, Mentor 44060.
Mrs. Donald Singer, 12721 Orrville Street NW., North Lawrence 44666.
South Dixie Pet Shop, 907 East Dixie Drive, West Carrollton 45449.
A. W. Sterrett, doing business as A. W. Sterrett Laboratory Animals, 2224 Savoy Avenue, Akron 44305.
Ken Stollar and Ray Love, partners, doing business as Belpre Aquarium Supply, 714 Washington Boulevard, Belpre 45714.
P. H. and R. W. Taylor, doing business as Sweetwater Farm, Post Office Box 293, Hillsboro 45133.
Tiki Pet Center, 1635 Tiki Lane, Lancaster 43130.
Bessie Van Sickle, doing business as Sunny Hill's Kennel, Route 4, Box 164, Logan 43138.
Mrs. John Vincent, Rural Delivery 3, Box 41, Athens 45701.
Vine Street Pet Shop, 36235 Vine Street, Eastlake 44094.
Donald P. Weeks, Rural Route 3, Box 149, Sabina 45169.
Paul M. Weiland, 1620 East Main Street, Lancaster 43130.
Donald Wente, doing business as Don's Pet Barn, Route 3, Box 203, Wheelersburg 45694.
James Wente, doing business as Bert's Tropical Fish, Route 5, Box 266, Portsmouth 45662.
Willard Kim Winget, doing business as Ki Wi Pet Center, 1007 Fairwood Avenue, Marion 43302.
Mrs. William V. Workman, doing business as Workman's Lakeview Kennel, 3559 Sellers Drive NE., Millersport 43046.

OKLAHOMA

Charles Alexander, doing business as Alexander's Kennels, Route 2, Box 88, Wynnewood 73098.
Joyce and Everitt Allen, doing business as Puppy Haven Kennel, Route 2, Box 131, Bartlesville 74003.
Mr. and Mrs. R. Brad Barton, doing business as Prairie Hills Kennel, Box 133, Foraker 74638.
Dorothy Bernet, doing business as Runs Flower Shop, Box 172, Claremore 74014.
L. S. Bitters, Rural Route 4, Vinita 74301.
Cecil Bonds, Cheyenne 73628.
Omega Bridges, doing business as Omega Goforth, Route 1, Box 83, Spiro 74959.
Joseph Bunk, Post Office Box 956, Muskogee 74401.
Marilyn J. Carter, Route 2, Box 363, Claremore 74017.
Mrs. Charles D. Cochran, doing business as Cochran's Canine Quarters, Route 3, Box 52, Bristow 74010.
W. E. Davis, Box 179, Sayre 73662.
Thelma Elsberry, doing business as Stony Acres Kennels, Route 1, Box 55A, Chouteau 74337.
Family Dog Kennel, Inc., Route 1, Box 128-1, Weatherford 73096.
Kenneth C. Gahagan, Route 1, Box 127, Drumright 74030.
Mary L. Grigsby, doing business as Mary's Kennel, 512 A Street Southwest, Miami 74354.
Mrs. J. D. Hallmark, Route 2, Box 83, Sulphur 73086.
Jack Harding, Route 1, Box 92A, Lexington 73051.
Lera Harris, Route 2, Box 32, Wagoner 74467.
Mrs. Charles L. Hess, doing business as Nor Sab Kennels, Rural Route 1, Box 1289, Owasso 74055.
Kenneth L. Horner, doing business as Pet World, 931 Nebraska, Norman 73069.
Mr. and Mrs. Alfred J. Horrox, doing business as Coventry Forge Kennels, Rural Delivery 2, Inola 74036.
Dorothy and Kim Hutchison, Box 33, Grove 74344.
John W. Isern, doing business as Jackson County Biological Supply Co., 210 South Hudson, Altus 73521.
Vickie Johnson, Route 2, Box 94, Okmulgee 74447.
Emma Leora Kempster, 207 West Tahl, Sulphur 73086.
Mrs. Gertrude Key, Post Office Box 130, Chouteau 74337.
Lloyd A. Kiddy, 2116 Sallie, Muskogee 74401.
Sharon J. Lockman, Red Eagle Route, Pawhuska 74056.
W. B. Luck, Route 4, Box 552, Muskogee 74401.
Dr. Tom Luker, doing business as Cherokee Kennels, 2800 Center, Tulsa 74105.
Mrs. H. J. Marshall, Box 176, Bokchito 74726.
Bonnie J. McClintock, doing business as McClintock Kennel, 325 South Rogers, Bartlesville 74003.
Chris and Leisha Ann McGowan, Box 33, Arnett 73832.
Mrs. L. A. McLendon, doing business as McLendon Kennels, Route 1, Box 254, Bristow 74010.
George and Judy Montgomery, Rural Route 1, Box 202, Claremore 74017.
Oneta J. Moore, Route 1, Okemah 74859.
Jewel Morehart, 619 West Fifth Street, Cherokee 73728.
Mrs. T. A. Nave, 225 South Osage, Hominy 74035.
Mrs. Merle Neil, Box 253, Welch 74369.
Evelyn Nix, Route 1, Box 177, Vinita 74301.
Mrs. Herbert Parks, Route 1, Box 50A, Barnsdall 74002.
Mallie Ann Rahm, doing business as Windy Point Kennel, 2330 South Washington, Bartlesville 74003.
Jean Reed, doing business as Reed's Kennels, Route 2, Box 364, Sand Springs 74063.
Mary Ann Reese, doing business as Reese's Dog Kennel, Route 1, Box 28, Watts 74964.
Hugh E. and Sharon L. Rodgers and Melvin C. and Ethel Sunn, doing business as Re's Kennels, Route 1, Box 79, Ramona 74061.
Ronald D. Sartin, doing business as Tsarin Kennel, Route 3, Box 77, Sedan 67361.
Margie Scism, Route 1, Box 163B, Morris 74445.
Mrs. Margaret Sims, doing business as Sims Kennel, 1002 South Osage, Okmulgee 74447.
Paul Slape, Route 1, Box 8, Braggs 74423.
Raymond Southerland, Jr., doing business as Valley View Kennels, Post Office Box 1613, Tulsa 74101.
C. A. and Lora Sprinkles, Route 2, Box 100A, Okmulgee 74447.
D. R. Stith, doing business as Dogpatch Kennel's, Route 2, Bartlesville 74003.
Mrs. Allene Surrell, Route 4, Atoka 74625.
E. Wayne Turner, doing business as T and T Kennels, Route 2, Box 76, Sayre 73662.
Evelyn L. Walker, doing business as Rancho Valley, Inc., Route 3, Box 74, Tecumseh 74873.
Fern F. Weeks, Route 1, Westville 74965.
Linda K. Wilkerson, Route 2, Tecumseh 74873.
Raymond L. Wilson, Route 3, Box 78, Chelsea 74016.
Tim Youree and John Slides, doing business as Sandy Hill Kennel, 16 Anchor Drive, Sayre 73662.

OREGON

Ramon R. Adney, Post Office Box 340, Hubbard 97032.
Frances Aplet, Route 3, Box 429, Lebanon 97355.
Ann Axford, doing business as Axford's Rabbitry, Post Office Box F, Canby 97013.
C. R. Bailey, Route 1, Box 1100, Roseburg 97470.
David R. Berry, doing business as La Berry Kennels, Route 1, Box 242, Coos Bay 97420.
Helen J. Blacklaw, Route 2, Box 408, Lebanon 97355.
June E. Bourns, 845 Pacific Avenue, Coos Bay 97420.
June Bozeman, doing business as Bozeman's Allegany Kennels, 456 North Coos River Road, Coos Bay 97420.
Betty Carlson, 475 Freeman Road, Central Point 97501.
Mrs. Mandus Carlson, 3500 Bailey Hill Road, Eugene 97405.
Dee I. Carter, Route 2, Box 408, Lebanon 97355.
Betty A. Conner, doing business as Mee Jae Kennels, 2580 Kincaid Road, Williams 97544.
Mary Conrad, doing business as Marco Kennel, 1118 Spring Street, Medford 97501.
P. A. Crawford, Route 2, Box 239-A, Sheridan 97378.
Kenneth D. Crosbie, 5526 North Delaware, Portland 97217.
James W. Dennis, 514 Wilson Street, Lafayette 97127.
Donald D. and Patricia J. Dixon, partners, doing business as Triple D. Rabbitry and Processing, Route 2, Box 1719, Sandy 97055.
Rita M. Durrell, doing business as Cherry Hill Kennel, Route 2, Box 38, Philomath 97370.

Eunice Eddy, doing business as Puppy Time Kennels, Route 3, Box 391, Veneta 97487.
Mr. and Mrs. Guy Gillaspey, doing business as Black Star Kennels, 605 Missouri Flat Road, Grants Pass 97526.
Myrna M. Green, doing business as Jo-My Kennel, 2554 Stearns Way, Medford 97501.
Bernarr and Christa Hansen, doing business as Hansen's Kennel, Route 1, Box 697-A, Roseburg 97470.
Golda J. Howlett, doing business as Roxie-Rogue Kennel, 3835 Crater Lake Highway, Medford 97501.
Hazel Jack, 3436 South Stage, Medford 97501.
Maxine Jackson, doing business as The Jackson Kennels, 950 Garfield Street, Coos Bay 97420.
Mr. and Mrs. Richard V. Kilmer, 4988 Delaney Road SE., Salem 97302.
Carol Lackey, doing business as Ron-Del Kennels, 3455 Jacksonville Highway, Medford 97501.
Mrs. Mary Lambert, doing business as Mary Lambert Kennels, 470 California Avenue, Grants Pass 97526.
Ken and Evelyn Lawrence, doing business as Windy Acres Siberian Husky Kennel, 414 53 NW., Salem 97304.
Richard R. Lubbers, doing business as Evergreen Rabbitry, 3499 Gilham Road, Eugene 97401.
Dova M. Maine, 1534 Woodland Drive, Coos Bay 97420.
William Michael and Roberta M. Burk, doing business as Buckeshire Glen Kennels, 1709 Woodlawn Drive, Medford 97501.
Faye M. Miles, Post Office Box 701, Coos Bay 97420.
Mary L. Milhoan, doing business as Rogueland Kennel, 1272 Gibbon Road, Central Point 97501.
Grover T. Mulkey, doing business as Rock Cove Kennels, 2271 Rouge River Highway, Gold Hill 97525.
Dorothy J. Nelson, doing business as Elreann Kennel, Toketee Route, Box 67-A, Idleyld Park 97447.
Gerald E. Patterson, doing business as Twin Oaks Kennel, 20066 Antioch Road, Central Point 97501.
Dale Pennie, Post Office Box 142, Grand Ronde 97347.
Robert G. Shoemake, doing business as R. G. Kennels, 3014 Southwest Florida, Portland 97219.
Mr. and Mrs. Fred W. Smith, doing business as Maywood Kennels, Route 3, Box 241, Newberg 97132.
Mrs. John E. Smith, 5358 South Pacific Highway, Medford 97501.
Doris M. Sorensen, doing business as Waldo Kennels, 1720 Prune, Medford 97501.
Rose E. Steinke, doing business as Pamper Petland, Route 3, Box 604, Hillsboro 97123.
Kenneth R. Stephens, Post Office Box 326, Newberg 97132.
Cynthia Stine, doing business as Dogpatch Kennels, Star Route Box 60, Winston 97496.
Sundrift Kennels, Route 1, Box 2, Alsea 97324.
Mary E. Thedos, 2688 North Bay Drive, North Bend 97459.
Jincy D. Van Ronk, doing business as V. R. Research Animals, Route 3, Box 175, Newberg 97132.
Diane West, 5075 South Fork L.B. Creek, Eagle Point 97524.
Beulah White, doing business as Forest Creek Kennels, Post Office Box 654, Jacksonville 97530.
Joyce Williams, doing business as Laurel Acres Kennel, 9680 Blackwell Road, Central Point 97501.
Mr. and Mrs. Roger D. Wilson, doing business as Willoglen Kennel, 82143 North Davison Road, Creswell 97426.

PENNSYLVANIA

Ambridge Aquarium, 15th and Duss Avenue, Ambridge 15003.
Best of Quality Brokers, Inc., 2006 Chestnut Street, Philadelphia 19103.
Bill's Tropical Fish, 1300 Memorial Boulevard, Connellsville 15425.
Bio-Medical Associates, Inc., Box 307, Gilbertsville 19525.
Buckshire Corp., 2025 Ridge Road, Perkasie 18944.
Bunnyville Farm, Rural Delivery 2, Littlestown 17340.
C and E Pet Shop, 891 Market Street, Meadville 16335.
Docktor's Pet Center No. 40, York Mall, York 17402.
Lindas Dovydenas, 515 Simerell Road, Clarks Summit 18411.
Dutchland Lab Animals, Inc., Box 139A, Denver 17517.
Sam Esposito, doing business as Quaker Farm Kennels, Rural Delivery 1, Box 137A, Quakertown 18951.
William C. Fleming, doing business as Deb-Mar Petland, 358 Greengate Mall, Greensburg 15601.
Harvey E. Fogel, Rural Delivery 1, Lehighton 18235.
Betty Free, 1339 Richland Pike, Rural Delivery 4, Quakertown 18951.
Fletcher Funkhouser, Rural Delivery 2, Jonestown 17019.
Mildred L. Gerber, Rural Delivery 2, Dillsburg 17019.
Harold O. Gingrich, Rural Delivery 1, Fredericksburg 17026.
Haycock Kennels, Inc., Rural Delivery 4, Quakertown 18951.
Hilltop Lab Animals, Inc., Rural Delivery 1, Post Office Box 195, Scottdale 15683.
Charles A. Hockenberry, doing business as Perry Valley Kennels, Blain 17006.
Huntingdon Farms, Inc., 1075 New DeHaven Road, West Conshohocken 19428.
Anna H. Hurst, doing business as Puppy Place, 120 East Main Street, Leola 17540.
Russell B. Hutton, Route 1, St. Thomas 17252.
Dan S. Kinsinger, Rural Delivery 1, Box 48, Meyersdale 15552.
Loveland Pet Store, Fayette Plaza, Uniontown 15401.
John C. Lowrey, doing business as Dalmation Research Foundation, 720 Woodberry Road, York 17403.
George E. Miller, Rural Delivery 2, Palmyra 17078.
Neamand's White Eagle Farm Corp., 2015 Lower State Road, Doylestown 18901.
Pampered Pet Shop, 236 Pine Street, Williamsport 17701.
Pet World, 1324 East Carson Street, Pittsburgh 15203.
George F. Pierce, doing business as Pleasant View Kennel, Box 131, Rural Delivery 3, Hummelstown 17036.
Lennah J. Preuss, doing business as Nosh's Ark Pet Center, 225 South Main Street, Cambridge Springs 16304.
Rachelwood Wildlife Research Preserve, Rural Delivery 1, New Florence 15944.
Reptile Specialties, Post Office Box 3791, Philadelphia 19125.
Richard's Pet-O-Rama, Rural Delivery 5, Gettysburg 17325.
Rockland, Inc., Box 316, Gilbertsville 19525.
Bruce K. Rotz, Rural Delivery 2, Shippensburg 17257.
Charles W. Sanders, doing business as Charles Live Bait and Pet Shop, Route 1, Milton 17847.
Safari Pet Land, 932 Brookline Boulevard, Pittsburgh 15226.
Anna Smith, doing business as Bloomingdale Kennels, Route 2, Lehighton 18235.
Gary J. Smith and Wayne P. Owens, partners, doing business as Bedminster Rabbitry, Box 48, Bedminster 18910.
Gilbert C. Smythe, doing business as House of Pets, 1717 Cochran Road, Pittsburgh 15220.
Three Springs Kennel Co., Inc., Rural Delivery 1, Zellenople 16063.
Marlin U. Zartman, doing business as Zartman's Farms, Rural Delivery 2, Box 3, Douglassville 19518.
Marlin U. Zartman, doing business as Gilbertsville Sales Stables, Rural Delivery 2, Box 3, Douglassville 19518.

RHODE ISLAND

John I. Andrew, doing business as John I. Andrew & Son Rabbitry, 475 Hooper Street, Tiverton 02878.
James Leo Burke, doing business as Shangri-La Kennels, 750 Greenville Avenue, Johnston 02919.
Joseph Carrier, Rural Free Delivery 3, Woonsocket 02895.
Arthur L. Dunbar, Box 15, Vaughn Hollow Road, Greene 02827.
Francis Fenner, doing business as Fenner's Rabbitry, Box 93, Kenyon 02836.
S. Burton Mowry, Rural Route 3, Esmond 02917.
William E. and Pearl E. Nightingale, doing business as Gloucester Rabbitry, Mount Hygeia Road, Chepachet 02814.
John A. Pellam, Box 303, Charlestown 02813.
Andrew B. Perra, doing business as A & B Rabbitry, 1429 Centerville Road, West Warwick 02893.

SOUTH CAROLINA

Joseph Peter Byrd, doing business as Byrd's Rabibtry, 2432 Savannah Highway, Route 13, Charleston 29407.
Oline and Francis Peterson, partners, doing business as Pete's Tropical Fish, and Pet Shop, 1902 Cherokee Avenue, Laffney 29340.

SOUTH DAKOTA

Lyman D. Carson, doing business as Lyne Albr Kennels, Route 2, Box 2, Flandreau 57028.
Norman H. French, doing business as French's Pet Center, Lewis Southgate, Sioux Falls 57105.
Mrs. Everett J. Leslie, Route 1, Lennox 57039.
Mel Overweg, New Holland 57364.
Jean and Donald Pearson, doing business as Aqua Kingdom, 1228 Mount Rushmore Road, Rapid City 57701.
James Reinartz, Rural Route 1, Box 73, Plankinton 57368.
Dale W. and Agnes F. Sjerven, doing business as TWO-KOTA—No. 2, 136 St. Francis, Rapid City 57701.

TENNESSEE

Kermit G. Hancock, doing business as Big Bell Ranch and Spring Creek Ranch, 2555 Poplar Avenue, Memphis 38112.
William L. Hargrove, Jr., West Avenue, Medina 38355.
Joe H. Shanklin, doing business as Hilltop Rabbit Ranch, 106 Walnut Lane, Columbia 38401.
Southern Biological Supply Co., Post Office Box 68, McKenzie 38201.

TEXAS

Dan Aldridge, Route 4, Comanche 76442.
John Anderson, doing business as Anderson Pet Farm, Forestberg 76239.
Robert L. Appling and Melvin Etzel, doing business as Gibson Pet Shop, 900 East Highway 83, McAllen 78501.
Aquarium Pet, Box 1069, U.S. 87 South, Big Spring 79720.

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Katheryn Archey, doing business as Rainbow Pet Shop, 736 Ninth Avenue, Port Arthur 77640.
Mary Barron, doing business as Aquarium & Cage, 603 North Jackson Street, San Angelo 76901.
B. C. Baumann, doing business as The Hamster House, 1108 Wayne Street, Fort Worth 76117.
Baylor College of Medicine, 1200 Moursund Avenue, Houston 77025.
Sharon Beemer, Route 2, Box 260, Nocona 76255.
Alvin Blom, doing business as Al Blom Rabbitry, 7903 Stebbins Drive, San Antonio 78228.
Robert R. Boone, doing business as Neptune Pet Center, 2936 Palmer, Texas City 77590.
Clifford J. Boutin, doing business as C & S Rabbitry, Route 1, Box 90A, Buna 77612.
Jay Brandvik and O. G. Keeton, doing business as J. J.'s Kennel, Star Route, Gruver 79040.
W. E. Burke, Jr., doing business as Burke's Pet Shop, 3916 Avenue O, Galveston 77550.
Frederick C. Burgess, doing business as Doctor Pet Center, 604 Sher Den Mall, Sherman 75090.
Dr. Henry F. Carwile, Route 1, Box 204, Montgomery 77356.
Colony Pet and Hobby Shop, 3719C Colony Mall, San Antonio 78230.
Dr. Lavell T. Davis, 2500 West Morton, Denison 75020.
Richard Aldin Davis, doing business as House of Pets, Inc., 4021 Old Spanish Trail, Houston 77021.
Granville Dawson, Post Office Box 181, Caldwell 77836.
Jewell A. and R. W. Dodd, doing business as The Pet Center, 6710 Camp Bowie, Fort Worth 76116.
Lois Douthit, doing business as Abilene Aquarium & Pet Shop, 1625 Butternut, Abilene 79602.
H. Marcine Duncan, doing business as Fishin' Hole Pet Shop, 122 North Main Street, Denver City 79323.
C. T. Eudy and Don Alford, doing business as House of Pets, 2003 A Third Street, Lubbock 79410.
Joe Evridge Animals, Route 3, Box 206, Comanche 76442.
Caroline J. Handl, doing business as K-9 Kennel & Horse Care Center, Route 5, Box 156A, Lubbock 79407.
Rivers Howell, doing business as Petland, 2636 34th Street, Lubbock 79410.
Darlene O. Humphreys, doing business as Aquarius Pet Center, 1418H Spencer, South Houston 77587.
Laredo Garden Center & Pet Shop, 3020 Meadow, Laredo 78040.
Billy Leopard, 921 East Highway 83, Donna 78537.
Leon Leopard, doing business as Vivo Animals, Post Office Box 7352, Waco 76710.
F. L. & I. B. Lindenthal, partners, doing business as Thunderbird Kennels, 7229 Barker Road, El Paso 79915.
Otto Martin Locke, Post Office Drawer 731, New Braunfels 78130.
Dr. J. L. Markham, doing business as Markham Veterinary Clinic, Box 7, Canyon 79015.
John W. Mecom, Sr., doing business as Mecom Ranch, Star Box 75K, Laredo 78040.
Mr. Jack R. Nelson, Jr., doing business as Pet O' Plenty Pet Shop, 921 North Tenth Street, McAllen 78501.
Carmon Nichols, doing business as C-N Kennel, 103 Elm Street, Bonham 75418.
C. E. and Alma A. Ogg, doing business as Big "O" Rabbitry, Route 3, Box 243, Orange 77630.
James D. Park, Jr., doing business as Park Rabbitry, Route 1, Box 175A, Kountze 77625.
Parks & Recreation Department, Box 2000, City Hall, Lubbock 79457.
Delano Phillips, doing business as Phillips Canine Care, Box 493, Levelland 79336.
George Pierce, doing business as Clayco Kennels, Henrietta 76356.
Rana Laboratories, Post Office Box 3103, Brownsville 78520.
Richard Slovack, doing business as Rich-Glo Lab Animals, Route 3, Box 10-A, El Campo 77437.
Melton D. Stanley, doing business as Stanley Kennel-Game Farm Pets, Route 2, Box 29, Rising Star 76471.
Frank W. Thompson, doing business as Rostex Kennels, PSR Box 20B1, Weatherford 76086.
Ernest Troop, doing business as Troop's Pet Shop, Box 51, Bruni 78344.
Kenneth E. Webb, doing business as B & W Tropical Fish & Supply Center, 5020 Sixth Street, Port Arthur 77640.
Emma L. West, doing business as West End Pet Shop, Post Office Box 7186, Beaumont 77706.
F. W. Bert Wheeler, doing business as Camp Cooley Ranch, Post Office Box 20027, Houston 77025.
Whitman's Inc., Post Office Drawer 1712, Brownsville 78520.
Wilkinson Pet Store, Inc., 5019 Trail Lake Drive, Fort Worth 76133.
Wooled No. 6135, 2424 North Expressway, Brownsville 78520.
Wooled Department Store, 1422 Southwest Military Drive, San Antonio 78224.

UTAH

Roy J. Boucher and Glenn C. Harkins, doing business as G and R Calf Palace, 1952 East 9800 South, Sandy 84070.
Thomas F. Imlay, doing business as Animals for Research, 4996 South Redwood Road, Murray 84107.
Mrs. Urban C. Tramp, doing business as Sunny Acres, 924 North Harrisville Road, Ogden 84404.
Mrs. Melva Ward, doing business as Melvern Kennels, 500 West 11400 South, Sandy 84070.

VERMONT

William O. Alexander, doing business as Wil-Con Rabbitry, Rural Free Delivery 3, Brattleboro 05301.
Frederick H. Brunoault, doing business as Valley View Rabbit Farm, Rural Free Delivery 1, West Rutland 05777.
Charles A. Connor, doing business as Connor and Sons Rabbitry, Post Office Box 293, East Wallingford 05742.
William J. Duby, Colchester 05446.
Theodore H. Hubbard, Cold River Road, Rutland 05759.
Pet-a-Goria, 44 Lake Street, St. Albans 05478.
Rosalie Paradis, Rural Free Delivery 1, Enosburg Falls 05450.

VIRGINIA

Nicholas C. and Paula H. Ayers, partners, doing business as Ayersco Animal Farm, Route 1, Box 297 C-9, Manquin 23106.
William R. and Thelma C. Baker, partners, doing business as Leash and Collar Shop, 3818 Granby Street, Norfolk 23504.
V. W. and Frances N. Bear, doing business as Briarcliff Reg., 100 Etheridge Road, Roanoke 24018.
Cappet Corp., 530 North Henry Street, Alexandria 22314.
Cloverleaf Pet Co., Inc., 7201 Midlothian Pike, Richmond 23225.
J. C. Corell, doing business as Old Dominion Cavy Farm, Route 1, Box 213, Waynesboro 22980.
H. M. Curtis, doing business as Falls Church Rabbitry, 401 East Jefferson Street, Falls Church 22046.
Sidney J. Edwards, doing business as Edwards Kennel, 4401 Greendell Road, Chesapeake 23321.
EGCP, Inc., doing business as Pet Supply Center, 7915 Tidewater Drive, Norfolk 23505.
Joe Haley, doing business as Haley Farm, Route 4, Box 397, Gretna 24557.
Hazleton Research Animals, Inc., 9200 Leesburg Turnpike, Vienna 22180.
Heretick Feed and Seed Store, 417 South 15th Avenue, Hopewell 23860.
Noel E. Leach, doing business as Leach Kennels, Route 3, Box 70, Chase City 23924.
Freel P. Mullins, Route 1, Box 178, Clintwood 24228.
Jack T. Musick, 2323 Shakesville Road, Bristol 24201.
W. Martin and Nellie C. Harris, partners, doing business as Nelmar Kennel, Raphine 24472.
Earl and Dorothy J. Parsons, doing business as Tropical Fish Haven, 3510 Williams Road, Roanoke 24012.
Pet Mart—Tavern Square, 414 Cameron Street, Alexandria 22314.
Robert J. Powell, Jr., doing business as Cherry Grove Rabbit Ranch, Bell Creek Road, Mechanicsville 23111.
Mrs. Patsy F. Purdy, 4102 Vermont Avenue NW., Roanoke 24017.
Martin L. Roy, doing business as Roy's Rabbitry, Route 2, Box 27-B, Warrenton 22186.
Earl Saunders, doing business as Myers Creek Kennel and Supply Co., Route 2, Box 666, Lancaster 22503.
Joseph R. Smith, doing business as JBJ Rabbitry, Route 3, Box 311, Lynchburg 24504.
Earl A. Stinson, doing business as Bunker Hill Rabbitry, Route 1, Box 68-E, Unionville 22567.
William T. Stuart, Post Office Box 166, Gainesville 22065.
C. W. Stultz, doing business as Stultz Pet Center, 4447 Fontaine Drive SW., Roanoke 24018.
The Pet Shop, 89 South Liberty Street, Harrisonburg 22801.
John F. Thompson, Route 2, Box 63, Saltville 24370.
Weston Research Laboratories, Inc., Route 1, Box 33, Purcellville 22132.
Mrs. Fred Wiggington, Route 1, Box 211, Chantilly 22021.
M. W. Womack, Route 1, Box 220-A4, Carrollton 23314.
S. B. York, Jr., Route 14, Box 125, Richmond 23231.
Mrs. Mike Zazzaretti, doing business as Beechwood Rabbitry, Box 54, Claremont 23889.

WASHINGTON

City of Colfax, Post Office Box 229, Colfax 99111.
H. D. Cowan, doing business as Showline Beagles, 18015 140th Avenue SE., Renton 98055.
Robert L. Dry and Margot F., partners, doing business as Berliner Zwinger Kennels, Route 1, Box 302, Colbert 99055.
Prescott R. and Linda M. Hoeck, doing business as Scott's Rabbit Products, Rural Route 1, Box 93, Langley 98260.
Lab Associates, Inc., 13640 132nd Avenue NE., Kirkland 98033.
William R. Moery, 6425 208th Avenue NE., Redmond 98052.
Dick and Doris Pease, doing business as Bear Creek Research Laboratory, 15550 Mink Road, Woodinville 98072.
H. C. Thuline, doing business as Physicians Laboratory Services, 8205 104th Street SW., Tacoma 98498.
Town of Colton, Colton 99113.
John C. Wilcox, 26601 Pacific Highway South, Kent 98031.

College Biological Supply, Inc., Post Office Box 250117, Northgate Station, Seattle 98125.

WEST VIRGINIA

Herbert J. Berst, Box 12, Three Churches 26765.
Ella Jane Custer, doing business as Custer's Kennels, 1073 McColloch Street, Wheeling 26003
Everett Hill, Route 1, Box 68, Glenwood 25520.
Mike McCormack and Jim Dinwiddie, partners, doing business as Kaboom Kennels, 234 Daugherty Drive, Barboursville 25504.
Larry R. Reall, doing business as Twin Maples Rabbitry, Route 1, Box 594, Ridgeley 26753.

WISCONSIN

Wayne Anderson, Route 2, Box 160, Richland Center 53581.
Robert C. Burks, doing business as Burk's Rabbitry, 4048 Nicholson Road, Franksville 53126.
Louis E. Doubek, Route 2, Two Rivers 54241.
Louis S. Duellman, doing business as Hilltop Rabbitry, Route 5, Manitowoc 54220.
Hassen Hutch, Inc., Rural Route 3, Airport Road, Watertown 53094.
Earl Klubertanz, doing business as Klubertanz's, Route 1, Box 91, Edgerton 53534.
Wilmer F. Klug, doing business as Greenleaf Rabbitry, Route 1, Greenleaf 54126.
Norvin A. Krug, doing business as Oakfield Cavies and Rabbitry Farm, Route 1, Oakfield 53065.
Fred C. Marx, Route 1, Elkhart Lake 53020.
Nasco-Life Sciences Division, Janesville Avenue, Fort Atkinson 53538.
Gerald K. Nyhof, Route 1, Oostberg 53070.
Marvin O'Brien, Route 3, Syene Road, Madison 53713.
Con Olson Co., Inc., Box 4021, Madison 53711.
Walter Peuschel, 13101 North Wauwatosa Road, 76 West, Mequon 53092.
Ridgian Farms, Inc., 301 West Main Street, Mount Horeb 53572.
Lawrence B. Rosenthal, 157 Hamilton Place, Fond Du Lac 54935.
Peter N. Schaller, Route 2, Plymouth 53073.
Ervin E. Stebane, Route 3, Kaukauna 54130.
C. M. Stoller, doing business as Charone Animal Ranch, Post Office Box 993, Racine 53405.
Gary Tiedt, Route 4, Beaver Dam 53916.
Frank J. Wachowski, Route 2, Two Rivers 54241.
Arthur J. Wiesner, Route 1, Valders 54245.
Bruce Winter, Route 2, Mayville 53050.

WYOMING

Clayton Allen, doing business as Cherry Creek Kennel, Box 1312, Torrington 82240.
Betty Jane Bookout, Box 649, Wheatland 82201.
Mary Ann Booth, doing business as Booth Kennels, Veteran 62243.
Hugh Brady, doing business as Brady Wyoming Kennels, Lagrange 82221.
Louis M. and Doris V. Clemens, doing business as Shanan Kennels, Box 296, Mills 82644.
Rose L. Foote, Route 2, Wheatland 82201.
Mr. and Mrs. Carl Oberg, Star Route, Torrington 82240.
John C. and Kathleen A. Pettry, doing business as San Sabaka Mero Kennels, Post Office Box 167, Chugwater 82210.
Mrs. Elane Roby, Box 248, Wheatland 82201.
Mrs. Naomi Sanders, doing business as Sanders Kennels, Box 127, Lagrange 82221.
Arthur Sherard, Lagrange 82221.

Done at Washington, D.C., this 17th day of January 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-1415 Filed 1-24-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-328]

MONTPELIER TANKER CO. ET AL.

Notice of Multiple Applications

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo-carrying vessels proposed to be subsidized and the trades in which each proposes to engage are presented also.

Applicant's name and address	Type of ship	Name of ship
Montpelier Tanker Co., 888 Seventh Avenue, New York, N.Y 10019.	Tanker....	SS Montpelier Victory.
Newport Tankers Corp., Suite 2023, One World Trade Center, New York, N.Y. 10048	Tanker ...	St. Achilles.
Blackships, Inc., 439 Seventh Avenue, Pittsburgh, PA 15230.	Tanker....	Gulf King. Gulf Knight. Gulf Prince. Gulf Queen.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C. during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before January 31, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: January 22, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-1577 Filed 1-24-73;8:45 am]

V38-17 JAN 26 73 XUM

National Oceanic and Atmospheric Administration

[Docket No. C-380]

LAWRENCE C. BATES AND BETTY L. BATES

Notice of Loan Application

JANUARY 18, 1973.

Lawrence C. Bates and Betty L. Bates, Post Office Box 188, Fort Bragg, Calif. 95437, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wooden vessel, about 50-foot in length, to engage in the fishery for salmon, tuna, and Dungeness crab off the coasts of California, Oregon, Washington, and Mexico.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, by February 26, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-1498 Filed 1-24-73;8:45 am]

Office of Import Programs

VETERANS' ADMINISTRATION HOSPITAL, SAN FRANCISCO, CALIF. ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by February 15, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00192-00-46500. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, Calif. Article: Diamond Knife for LKB Microtome, 2 mm., edge. Manufacturer: Instituto Venezolano De Investigaciones Cintificas, Venezuela. Intended use of article: The article is to be used to obtain ultrathin sections of plastic embedded blocks of brain tissue infected by viruses. Sections so obtained must be as thin as possible and free of artifacts such as scratches etc. Application received by Commissioner of customs: October 3, 1973.

Docket No. 73-00317-33-46500. Applicant: Veterans Administration Hospital, 113 Holland Avenue, Albany, N.Y. 12208. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut sections of variable thickness of pathological specimens from patients which are to be examined by electron microscopy. The article will also be used to train residents, future investigators at the doctoral level and also technologists in electron microscopic techniques. In addition, the article will be used for the training of M.D./Ph. D. scholars in research. Application received by Commissioner of Customs: January 3, 1973.

Docket No. 73-00318-33-46500. Applicant: University of Michigan, Mental Health Research Institute, 205 North Washtenaw, Ann Arbor, Mich. 48104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of biological material, primarily brain tissue or fractions thereof. The primary interest is the biochemistry and ultrastructure of proteins and lipids in the nervous system. The experiments to be conducted involve the technique of electron microscopic radioautography. The article will also be used to educate scientists with a wide variety of interests in the basic techniques of electron microscopy. Application received by Commissioner of Customs: January 3, 1973.

Docket Number: 73-00319-33-46040. Applicant: United States Environmental Protection Agency, Gulf Breeze Environmental Research Laboratory, Gulf Breeze, Fla. 32561. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study the normal and pathologic cells and tissues of estuarine and marine invertebrates, and fishes. In addition to experimental studies, the instrument will be used to diagnose possible causes of death in marine organisms from "wild" to natural populations. The article will also be used for educational purposes in providing staff members of the immediate laboratory and the surrounding educational institutions limited instruction in the use of the electron microscope. Application received by Commissioner of Customs: January 5, 1973.

Docket Number: 73-00320-33-46040. Applicant: The University of Texas, Medical School at Houston, 243 John H. Freeman Bldg., Texas Medical Center, Houston, Tex. 77025. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of human tissue obtained by biopsy, which include both normal and abnormal ultramicroscopic changes. The morphology of the tissue will be studied in relationship to the disease it shows, particularly changes induced by neoplasm and by viral agents. Specific properties to be studied are cell membranes, lysosomes and other vacuoles, microtubular apparatus and nucleoli. The article will also be used in the training of medical students, residents and special fellows to teach research attitudes and techniques and improve the student's ability to think logically and use the scientific method as a medical practitioner. Application received by Commissioner of Customs: January 5, 1973.

Docket Number: 73-00321-33-46040. Applicant: University of Wisconsin, Laboratory of Neurophysiology, 283 Medical Sciences Bldg., Madison, Wis. 53706. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for the study of the ultrastructure of the brain of various animals. The area of interest is the hypothalamus, particularly the ependyma of the third ventricle. The article will also be used for advanced training of graduate students and postdoctoral students. Application received by Commissioner of Customs: January 5, 1973.

Docket No. 73-00322-99-61800. Applicant: Herkimer County Board of Cooperative Educational Services, 132 West German Street, Herkimer, N.Y. 13350. Article: Planetarium Projector, Model MS-8. Manufacturer: Minolta, Japan. Intended use of article: The article together with the control console will be used in Astronomy 1, Astronomy 2 and Concepts in Science, grades 3-12 to demonstrate (1) astronomical phenomena, (2) astronomical and navigational measurement techniques, (3) observational data from which laboratory exercises shall be completed, (4) material for an apprenticeship program for teacher training in planetarium operation and (5) laboratory equipment for student operation in required courses. Application received by Commissioner of Customs: January 5, 1973.

Docket No. 73-00323-33-46500. Applicant: Sloane Kettering Institute for Cancer Research, 410 East 68th Street, New York, N.Y. 10021. Article: Ultramicrotome, Model OM U2. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to examine histochemical and proliferative characteristics of epithelial and specialized cells lining the

alimentary canal. Analysis of the incorporation of ^{3}H and ^{14}C labeled precursors into nucleic acids and proteins of cells of normal and diseased gastrointestinal origin will be conducted. These investigations aim to describe and define normal patterns of cell replacement as well as contrast premalignant and malignant changes in proliferation and differentiation. The article will also be used in the course "Radioisotopes and Cytology" designed to teach students the basic aspects of cytology and the use of radioactive isotopes as well as educate them in the use of instruments employed in the study of cell structure, function and metabolism. Application received by Commissioner of Customs: January 5, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-1542 Filed 1-24-73;8:45 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00643-33-46070. Applicant: University of Wisconsin, Department of Entomology, 237 Russell Laboratories, 1630 Linden Drive, Madison, WI 53706. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies extending to and elucidating the nature of the sensory receptor cell membrane in different states of excitation. The article will also be used for recording and observation of changes in the distribution and number of other microcomponents of the receptor cell, many of which are in the 100 angstrom area of dimension. Other studies concern the determination of glial cell organization, which cells surround the receptor cell axons and the ultrafine dendritic terminals in the finer labellar bristles of many types of flies. The article will also be used to impart to the advanced undergraduate and graduate student the fundamental principles of SEM so that individual can pursue independent SEM observations on materials pertaining to his (or her) research or other interest.

Comments: Comments dated August 22, 1972, have been received from ETEC Corp. (ETEC) which allege inter alia that its autoscan SEM system, model U-1 and accessories is of equivalent scientific value to the foreign article. A letter dated August 29, 1972, from the Advanced Metals Research Corp. (AMR) which alleges inter alia that "the AMR Model 900 • • • is fully competitive, if not superior to, [the foreign article] in • • • scientific capability • • •" was received after expiration of the comment period and is being treated as an offer to provide additional information pursuant to § 701.10 of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 18, 1971).

Reasons: This application is a resubmission of Docket No. 72-00136-33-46070 which was denied without prejudice to resubmission on May 2, 1972, due to informational deficiencies. The Department of Health, Education, and Welfare (HEW) in its memorandum dated October 20, 1972, advised that the best resolution available is pertinent (within the meaning of § 701.2(n) of the regulations) to the research studies of the sensory receptor unit membrane and other microcomponents of photoreceptor cells. The foreign article has a guaranteed resolution of 100 angstroms. The ETEC and AMR instruments now guarantee 100 angstroms. However, at the time the foreign article was ordered their instruments had guaranteed resolutions of 200 angstroms and 100 to 150 angstroms, respectively. HEW further advises that 100 angstroms resolution was not available in domestic scanning electron microscopes most nearly comparable to the foreign article at the time the foreign article was ordered. We, therefore, find that neither the Model U-1 nor the AMR-900 was of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-1543 Filed 1-24-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SECRETARY'S TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Notice of Public Meeting

Pursuant to the Federal Advisory Commitee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in § 10(a) (1) and (2) of the act:

Committee name	Date/time/place	Type of meeting and contact person
Secretary's Technical Advisory Committee on Poison Prevention Packaging.	Feb. 1 and 2, 9 a.m., South Scott Room, Gramercy Inn, 1616 Rhode Island Avenue NW., Washington, DC 20036.	Open-Executive Secretary, Mr. Samuel M. Hart, Room 228, 5401 Westbard Avenue, Bethesda, MD 20016, 301 436-7685.

Purpose. Makes recommendations to the Commissioner of Food and Drugs for implementation of special packaging of household products.

Agenda. On Thursday, February 1, 1973, 9 a.m., the agenda will include introductory remarks, Commission on Consumer Product Safety, and status report. At 2 p.m., drugs and child-resistant packaging and promotionally distributed samples and child-resistant packaging will be discussed; and on Friday, February 2, 1973, 9 a.m., there will be a panel discussion on the packaging process testing procedure.

The meeting of the committee will be open to the public, and a period of time will be allotted for public participation. Members of the public who wish to participate are requested but not required to submit by January 30 their names, issues they intend to discuss, and any pertinent documentation to the committee's executive Secretary, the contact person.

A verbatim transcript will be kept and made available for public inspection at the office of the contact person for the committee. Persons desiring copies of the transcript should contact Ace-Federal Reporters, Inc., 415 Second Street NE., Washington, DC 20002.

A list of committee members and summary of minutes of the meeting may be obtained from the contact person.

Dated: January 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1615 Filed 1-24-73;8:45 am]

METAL CONTAINERS FOR 12 ASPIRIN TABLETS

Temporary Exemption From Requirements for Poison Prevention Packaging

The Commissioner of Food and Drugs has received petitions from Sterling Drug, Inc., and American Home Products Corp. requesting exemptions from the child protection packaging requirements as they pertain to 12-tablet metal containers (tins) of aspirin. Copies of the two petitions and attachments have been filed with the Food and Drug Administration Hearing Clerk and may be viewed there during working hours, Monday through Friday.

1. The petitions contend that, because tins of 12 meeting the requirements for

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child protection packaging have not yet been developed, such packaging is not "technically feasible, practicable, and appropriate" and thus may not lawfully be required under § 3(a)(2) of the Poison Prevention Packaging Act of 1970.

The Commissioner rejects this argument. The statute requires only that special packaging for a given substance be technically feasible, practicable, and appropriate in general terms, and that requirement has been met with respect to aspirin. There is an abundance of special packaging in which aspirin is being sold. Indeed, there is an abundance of special packaging that could contain 12 tablets of aspirin. Petitioners have failed to point to any reference in the statute or the legislative history indicating that Congress intended the Food and Drug Administration to permit the use of a noncomplying package because technology presently has not developed a complying package of that particular type, even though numerous other complying packages are available. Such a position would subvert the entire purpose of the act, and the Commissioner rejects it.

2. The petitioners contend, on the basis of surveys showing a relatively small amount of aspirin in tins contained in the household, that these products are not "household substances" as that term is defined in § 2(2) of the Poison Prevention Packaging Act of 1970 and thus fall outside the jurisdiction of the act.

The Commissioner also rejects this argument. It does not appear that the survey included automobile glove compartments, coat pockets, purses, and other similar places where small packages of this type might reasonably be stored in and around the household. Moreover, even if only a small amount of a substance is consumed or used, or customarily stored, by individuals in or around the household, that is sufficient to bring the product within the purview of the act. Accordingly, the Commissioner rejects any contention that these products are not fully subject to the requirements of the act.

3. The third contention of the petitioners is that the amount of aspirin contained in the 12-tablet tin is insufficient to cause children the "serious personal injury or serious illness" required under § 3(b)(2) of the act and thus, on the ground of lack of toxicity, this particular container should be exempted temporarily from the requirement of special packaging until such packaging can be developed and placed into use. Petitioners state that they do not seek a permanent exemption, even though they believe the medical facts would justify such an exemption, but only wish to have an opportunity to develop special packaging that will work.

In support of this request for a temporary exemption, petitioners make the following contentions.

(a) One of the products involved contains 73.8 grains of aspirin and the other contains 60 grains of aspirin, in 12 tablets.

(b) In a report entitled "Estimation of the Toxic Dose of Aspirin for Children," Done et al. have concluded that "it seems unlikely that more than mild poisoning will occur with doses of less than about 2.5 grains per pound of body weight, or that fatalities would not occur with less than about 4 gr./lb." Using the customary standard of a 25-pound child, this would mean that only mild poisoning would occur at up to 62.5 grains of aspirin and fatalities would not occur at less than 100 grains.

(c) Affidavits from Dr. Louis Lasagna, professor and chairman of the department of pharmacology and toxicology, and professor of medicine of the University of Rochester, School of Medicine, and from Dr. Arthur Grollman, professor of experimental medicine, department of pathology, Southwestern Medical School, state that the conclusions drawn in the Done paper are "too conservative" and that the ingestion of 3 grains or less of aspirin per pound of body weight by a child would cause no more than mild discomfort or moderate or mild symptoms. Based upon the figure of 3 grains per pound of body weight, they reach the safe level of 75 grains.

(d) Petitioner American Home Products Corp. presents data that its tin comes close to meeting the standards specified in the poison prevention packaging regulation (21 CFR 295.10) and in fact meets the requirements earlier recommended by the so-called press committee. Both petitioners state that reports of the National Clearinghouse for Poison Control Centers and reports obtained independently by the industry show that aspirin packaged in tins of 12 has not been a factor in cases of child poisoning.

The Commissioner, upon reviewing the information contained in these petitions, believes that reasonable grounds have been presented for considering a temporary exemption for a period not to exceed 1 year, for any tin containing aspirin tablets not in excess of 75 grains of aspirin, on the ground of a lack of serious personal injury or illness resulting from the use of this container. Comment is requested from all persons who may have information bearing on the proper resolution of this matter.

4. The petitioners request that the regulation requiring special packaging for preparations containing aspirin (37 FR 3427), as recently affirmed (38 FR 1227), be stayed pending the Commissioner's decision with respect to these petitions.

The Commissioner concludes that, although there are reasonable grounds for publishing these petitions, he is not prepared at this time to state whether they should or should not be granted. The statute itself provides that the time for compliance with a requirement for special packaging may not be extended beyond 1 year after promulgation of the requirement, and this time will expire shortly. The Commissioner concludes that the proper procedure is to deny a stay and to order that the time for comment on these proposals be expedited.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (§§ 2, 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471, 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner publishes the above petitions for comment.

Interested persons may, on or before February 12, 1973, file with the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this matter. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday. No extension of time will be granted for comment.

Dated: January 23, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-1616 Filed 1-24-73;8:45 am]

National Institutes of Health

ADVISORY COMMITTEE TO THE DIRECTOR

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, February 22, at 1 p.m. to 5 p.m., and February 23, at 9 a.m. to 5 p.m., National Institutes of Health, Building 1, Conference Room 114. This meeting will be open to the public from 1 p.m. to 5 p.m. on February 22, and 9 a.m. to 5 p.m. on February 23, to discuss policy matters of concern to the Director, NIH. Attendance by the public will be limited to space available.

Rosters of Committee members and summary of the meeting may be obtained from the Exceutive Secretary, Charles R. McCarthy, Ph. D., Building 1, Room 224, 496–3471.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 17, 1973.

[FR Doc.73-1512 Filed 1-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On February 3 and 4, 1973 the YOUTHS Highway Safety Advisory Committee will hold an open meeting at Key Bridge Marriott Motor Hotel, Arlington, Va. The Committee is composed of persons appointed by the Secretary of Transportation to advise and consult with the National Highway Traffic Safety Administrator concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9 a.m. to 6 p.m. on February 3 and from 9 a.m. to 12 noon on February 4. The agenda is as follows:

Discussion of Resolution on Public Information and Education and Governor's Youth Highway Safety Committee.

Development of new issues to be covered by the national public information and education program.

This notice is given pursuant to section 13 of Executive Order 11671, June 5, 1972.

Issued on January 19, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-1595 Filed 1-24-73;8:45 am]

ATOMIC ENERGY COMMISSION

CALIFORNIUM-252 PRICES

Notice of Modification of Standard Forms and Handling Charges

The U.S. Atomic Energy Commission hereby announces revisions to the notice entitled "Californium-252 Prices, Standard Forms and Handling Charges" as published in the FEDERAL REGISTER on November 11, 1972 (37 FR 24055).

1. Paragraph 2 is amended by the addition of the word "nominally" before the words "5, 50, and 500 micrograms per inch." As so amended, paragraph 2 reads as follows:

2. The palladium-californium oxide cermet will be available to both domestic and foreign customers in wire and pellet form. Initial californium concentrations in wire form will be nominally 5, 50, and 500 micrograms per inch; however, special orders for concentrations other than these will be considered, with charges for special orders determined in individual cases. Cf-252 cermet pellets are being offered in addition to the wire form because standard 100 series double-encapsulated sources, a design currently offered by commercial source encapsulators, can hold up to 10 mg. of Cf-252 in pellet form compared to a maximum of 2 mg. of Cf-252 in wire form.

2. Paragraph 3 is amended by the addition of the word "nominal" before the words "500 microgram per inch" and before the words "50 or 5 microgram per inch." In addition, the parenthetical phrase "or fraction thereof" should be deleted. As so amended, paragraph 3 reads as follows:

3. Because of increased labor costs since initiation of Cf-252 sales, handling charges for Cf-252 in Pd-Cf_2O_3 and oxide must be increased from the current rate of $1,600 per standard shipment, effective immediately. The following charges are now in effect: Pd-Cf_2O_3 wire or pellets: $1,250 for capsule assembly and preparation plus $600 per inch of nominal 500 microgram per inch wire and $100 per inch of nominal 50 or 5 microgram per inch wire; or $850 per pellet. Cf-252 Oxide: $1,850 per package.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Effective date. This notice is effective on January 26, 1973.

Dated at Germantown, Md., this 17th day of January 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-1495 Filed 1-24-73;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Supplemental Notice of Hearing on a Facility Operating License

In the matter of Northern States Power Co. (Monticello Nuclear Generating Plant, Unit 1), Docket No. 50–263.

The Commission's "Notice of Hearing on a Facility Operating License" in the above matter, dated December 19, 1972, and published in the FEDERAL REGISTER on December 27, 1972 (37 FR 28544) is, sua sponte, modified in the following respect. The sentence beginning on the penultimate line of page 1 is deleted, and the following inserted in its place: "The hearing will consider (1) whether, considering those matters covered by appendix D to 10 CFR Part 50, the provisional operating license should be continued, modified, terminated, or appropriately conditioned to protect environmental values, and (2) whether, in accordance with the requirements in 10 CFR Part 50, appendix D, and 10 CFR 50.57, a full-term operating license should issue. An operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set out in 10 CFR 50.57a which are not embraced by the board's decision, and upon compliance with the applicable provisions of appendix D to 10 CFR Part 50.

Dated at Germantown, Md., this 17th day of January 1973.

It is so ordered.

By the Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-1496 Filed 1-24-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24072]

EXPANDED APPLICATION OF CATEGORY Z FARES

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 20, 1973, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 4, 1972, the supplemental prehearing conference report served December 21, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 19, 1973.

[SEAL] E. ROBERT SEAVER,
Administrative Law Judge.

[FR Doc.73-1565 Filed 1-24-73;8:45 am]

[Docket No. 22387; Order 73-1-63]

INVESTIGATION OF AIR EXPRESS RATES

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1973.

By tariff revisions filed December 21, 1972, and marked to become effective January 20, 1973, REA Express, Inc. (REA) and the participating airlines propose increases and reductions in general commodity rates and increases in rates for live animal shipments at lower weights between points on the mainland and points in Alaska, Hawaii, and Puerto Rico for distances 2,500 miles and above.

Increases in general commodity rates are limited to shipments of 25 pounds or less, depending upon distance. The current minimum charge of $9.50, which has been in effect since November 1971, would be raised to $10.50. Based upon our sample, general commodity rates for other small shipments up to 25 pounds would be increased from 1.8 to 17.8 percent for distances up to about 3,700 miles. Rates for higher weight shipments for distances up to about 3,700 miles would be reduced by between 1.2 and 25.9 percent below current levels. For shipments other than minimum-charge shipments and moving distances over 3,700 miles, the current rates would either be unchanged or reduced from 5.7 to 32.2 percent below current levels.

Currently, there are no specific commodity rates in effect on live animals and birds between the mainland and Alaska, Hawaii, and Puerto Rico for the distances involved and the general commodity level is applicable for this traffic. The proponents proposed to establish specific commodity rates for live animals in these offshore markets. These new specific commodity rates will involve increases for small live animal shipments (up to 25 pounds) without any change for larger shipments. Where reductions are proposed for the current general commodity rates for larger shipments, the proposed live animal rates would remain

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unchanged at the current general commodity level; and where increases are proposed in general commodity rates for smaller shipments, the live animal rates would be increased to this level.[1]

The proponents assert, inter alia, that the purpose of the proposal is to (1) make air express charges competitive with air freight forwarder charges for comparable shipments, (2) establish rates on a more cost-oriented basis, and (3) establish a rate structure which is consistent with the current rates applicable for traffic moving generally 2,500 miles or less. According to REA, the proposal is expected to generate additional revenues of approximately $20,000.

The proposed rates come within the scope of the Investigation of Air Express Rates, Docket 22387, and the lawfulness of these rates will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or permit it to become effective pending final decision of the Board in that investigation.

Upon consideration of all relevant factors, the Board finds that the proposed rates should be suspended to the extent that they involve increases. The justification presented by the proponents does not adequately justify the increases proposed.

The proponents claim that the proposed increases are justified essentially by costs adopted by the Administrative Law Judge in his Initial Decision, with some adjustments to account for inflation, but the costs presented actually involve significant adjustments to those costs. With respect to airline capacity and noncapacity costs, the costs presented have been increased above those in the Initial Decision from 10.9 to 34.2 percent, prior to adjustments to account for inflation through 1972.

Suspension of the increased rates will result in continuance of the current $9.50 minimum charge and rates for other small shipments up to 25 pounds, and no changes whatsoever in the current live-animal level.

The proposal, to the extent that it results in reductions, will be permitted to become effective pending the final decision in the investigation. These reductions, according to REA, would result in additional annual revenues of approximately $11,100 or more than one-half of the $20,300 that would have accrued from the entire proposal.

The above conclusions, of course, are not intended to prejudge the Board's final decision in Docket 22387.

[1] An example of the proposed charges for rate scale 90:

DOLLARS PER SHIPMENT

Pounds	Current rates for general commodities and live animals	Proposed rates for general commodities	Proposed live animal rates
5	$9.50	$10.50	$10.50
15	15.30	16.75	16.75
25	21.30	21.04	21.30
50	36.30	31.61	36.30

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including April 19, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. A copy of this order shall be filed with the tariffs and served upon the parties in Docket 22387.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

Tariff C.A.B. No. 1 issued by G. T. Miano, Agent:

On 21st and 22nd Revised Pages 121, the cancellation of the provisions "See Note Below" in the EXCEPTIONS, and the explanation of the "NOTE."

All charges on the following pages bearing an increase symbol: 4th Revised Page 124–B, 17th Revised Page 126, 16th Revised Page 128.

The provisions of Item No. 85 on: 29th Revised Page 146, 16th Revised Page 146–A, 21st Revised Page 147, 17th Revised Page 148, 6th Revised Page 148–A, 5th Revised Page 148–B.

All rates, charges, and provisions on the following pages: 1st Revised Page 148–C, 1st Revised Page 148–D, 1st Revised Page 148–E, 1st Revised Page 148–F, 1st Revised Page 148–G, 1st Revised Page 148–H.

APPENDIX B

Airlift International, Inc.
Alaska Airlines, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Aspen Airways, Inc.
Braniff Airways, Inc.
Caribbean-Atlantic Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
Hughes Airwest
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northwest Airlines, Inc. (Also operating as Northwest Orient Air Lines)
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Piedmont Aviation, Inc.
REA Express, Inc.
San Francisco & Oakland Helicopter Airlines, Inc.
Seaboard World Airlines, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
The Flying Tiger Line Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Air Lines, Inc.

Air Express service provided hereunder is performed by the participating carriers pursuant to an Agreement which has been filed with and approved by the Civil Aeronautics Board.

SOURCE: 15th Revised page 4 of Agent G. T. Miano's CAB No. 1.
Effective: July 17, 1972.

[FR Doc.73–1566 Filed 1–24–73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Addition to Initial List

Notices of proposed additions to the initial procurement list, August 26, 1971 (36 FR 16982) were published in the FEDERAL REGISTER on October 19, 1971 (36 FR 20260), December 16, 1971 (36 FR 23943), and July 26, 1972 (37 FR 14902).

Pursuant to the above notices, the following commodity and services are added to the procurement list.

COMMODITY

CLASS 7530

Pad, writing paper	NIB will provide requirements for GSA regions shown in parentheses	Price
White unruled 3" x 5" 7530–285–3090.	(1, 6)	$0.665 PG
White unruled 5" x 8" 7530–239–8479.	(1, 4, 5, 6, 7, 8)	0.78 PG
White unruled 8" x 10½" 7530–285–3088.	(1, 2, 3, 4, 6, 7, 8)	1.57 PG
White ruled both side 8" x 10½" 7530–285–3083	(1, 5, 6)	1.635 PG

SERVICES

Type of service	Geographical coverage	Price
Final assembly of food packet, survival, general purpose, individual (FSN 8970–082–5665).	All Government requirements.	$6.71 per box of 24 cans.
Mailing service	U.S. Coast Guard Academy, New London, Conn.	Price list issued separately.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73–1374 Filed 1–24–73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ADVISORY COMMITTEE ON ALTERNATIVE AUTOMOTIVE POWER SYSTEMS

Notice of Public Meeting

Notice is hereby given that the Council on Environmental Quality's Advisory Committee on Alternative Automotive Power Systems (formerly the Advisory Committee on Advanced Automotive Power Systems) will hold its next meeting in Berkeley, Calif., on January 29 and 30, 1973. The first session will commence at 9 a.m. in the Alumni House on the campus of the University of California at Berkeley. All sessions will be open to the public.

The agenda for this meeting of the Advisory Committee will include:

1. Review of combustion related research at the University of California.
2. Review of changes in Environmental Protection Agency program on advanced automotive power systems.
3. Review of panel report to the National Academy of Sciences on the feasibility of alternative vehicle power sources.
4. Review of National Science Foundation projects on battery technology and the impact of advanced vehicle power systems.
5. Review of Office of Science and Technology transportation energy study.
6. Review of Department of Transportation projects on vehicle energy utilization, Rankine cycle bus engines and socioeconomic impact of advanced vehicle engines.
7. Review of National Aeronautics and Space Administration projects on vehicle energy utilization, thermal reactor materials and urban mass transit.
8. Review of the State of California's Rankine cycle passenger car project.
9. Review of Department of Defense projects in low emission and low fuel consumption engines.
10. Review of Department of Commerce project in emissions measurements and calibration standards.
11. Review of General Services Administration project on dual fuels demonstration.
12. Review of Postal Service projects on dual fuels demonstration and electrically powered postal vehicles.

A list of advisory committee members is available from, and requests for additional information should be made to: Dr. Philip E. Schambra, Council on Environmental Quality, 722 Jackson Place NW., Washington, DC 20006 (202/382–6754).

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73–1494 Filed 1–24–73;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from January 8 through January 12, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—447–7803.

Draft, January 10
Cooperative 1973 Gypsy Moth Suppression Program. The statement refers to a program for the suppression and/or regulation of the gypsy moth. USDA would cooperate with State officials of Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, in the treatment of 280,000 acres. The agents to be used are carbaryl, trichlorfon, and Bacillus thuringiensis. The most significant adverse effect considered is that of the reduction of beneficial insects and soil arthropods. (140 pages) (ELR Order No. 00043) (NTIS Order No. EIS 73 0042–D)

AGRICULTURAL RESEARCH SERVICE

Draft, January 8
Pilot Study, Municipal Waste Composting, Maryland; County: Prince Georges. The statement refers to a proposed research-demonstration pilot study under which sewage sludge cake from the Blue Plains Waste Water Treatment Plant will be transported to a 5 to 10 acre site of the Agricultural Research Center in Beltsville. There it will be composted and cured, and used for research or land improvement. Possible adverse environmental effects include those of odor and flies, and drainage water pollution. (18 pages) (ELR Order No. 00030) (NTIS Order No. EIS 73 0030–D)

FOREST SERVICE

Final, January 9
Timber Harvest, Tonto National Forest, Ariz. The statement refers to a proposed Timber Management Plan, which would involve the harvesting of timber resources of the Forest for the period from July 1, 1973 to June 30, 1982. The amount of land to undergo cutting on the 2,883,794-acre Forest is not specified. The construction of new and improved roads will be necessary. The action will adversely affect air and water quality, wildlife habitat, and visual resources. (90 pages) Comments made by: USDA, DOC, HUD, EPA, DOI, DOT, SBA, concerned citizens, State and local agencies, Arizona Congressional Delegation (ELR Order No. 00039) (NTIS Order No. EIS 73 0039–F)

SOIL CONSERVATION SERVICE

Draft, January 4
Ogunquit Sand Dune Stabilization, Maine; County: York. The statement refers to the proposed land stabilization of a 28-acre barrier dune, through the placement of sand, planting of vegetation, and installation of erosion and pedestrian control measures. (17 pages) (ELR Order No. 00022) (NTIS Order No. EIS 73 0022–D)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973–5391.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing 202—973–7373, Washington, D.C. 20545.

Draft, January 2
Millstone Nuclear Power Station Unit 2, Connecticut. The statement refers to the proposed continuation of a construction permit and the issuance of operating licenses to the Millstone Point Co., the Connecticut Light & Power Co., the Hartford Electric Light Co., and the Western Massachusetts Electric Co. for continued operation of Unit 1 and operation of Unit 2. Unit 2 is a pressurized water reactor which will produce 2,700 MWt and 830 MWe (net). Exhaust steam is condensed by a once through flow of water from a quarry pond, and back into Long Island Sound. Marine biota is adversely affected by operation of the plant. (244 pages) (ELR Order No. 00010) (NTIS Order No. EIS 73 0010–D)

January 8
Trojan Nuclear Plant, Oregon; County: Columbia. The statement refers to the continuation of a construction permit and the issuance of an operating license to the Portland General Electric Co. The plant will employ a single pressurized water reactor to produce 3,423 MWt and 1,130 MWe (net). Heat will be discharged to the Columbia River. Maximum water consumption will be 0.01 percent of the river flow; 0.05 percent of the aquatic life passing the site will be destroyed. Approximately (300 pages) (ELR Order No. 00028) (NTIS Order No. EIS 72 0028–D)

Draft, January 4
Barnwell Nuclear Fuel Plant (BNFP), South Carolina; County: Barnwell. The statement refers to the regulating of construction and operation of the plant by Allied-Gulf Nuclear Services. BNFP will recover unused uranium and plutonium from irradiated nuclear fuels, using an adaption of the Purex process technology. Design capacity is for 1,500 tons of enriched uranium oxide fuel annually, the equivalent of reprocessing the spent fuel from nuclear powerplants having a combined capacity of 50,000 MWe. The gaseous release of radioactivity will be reduced to a level as low as practicable. (80 pages) (ELR Order No. 00020) (NTIS Order No. EIS 73 0020–D)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, January 12
Steam Generating Station Unit 6, New York. The statement refers to a permit application (pursuant to Section 10 of the River and Harbor Act of 1899) by the Niagara Mohawk Power Corp., to construct intake and discharge facilities in Lake Ontario in connection with their fossil-fuel steam electric generating Unit 6. The unit will occupy 10 acres of land, and discharge waste heat, air-borne emissions, liquid effluents, and sound energy. The 890 mw Unit will consume 9 million barrels of fuel oil annually. (189 pages) (ELR Order No. 00064) (NTIS Order No. EIS 73 0064–D)

Final, January 12
New York Harbor, N.Y. The statement refers to the proposed maintenance dredging of the harbor to its authorized dimensions. Spoil will be deposited in approved dumping ground of the Atlantic Ocean, with adverse effects upon marine biota. Comments made by: DOC, EPA, USN, DOI, DOT, State and regional agencies. (ELR Order No. 00060) (NTIS Order No. EIS 73 0060–F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202—755–0940.

Final, January 2
Bethany Beach Sewage Treatment Facility, Delaware; County: Sussex. The statement refers to the proposed construction of a 24.5 m.g.d. capacity wastewater treatment plant to serve the Bethany Beach area. Treatment plant effluent will be discharged to the Atlantic Ocean. At issue is the extent to which completion of the plant will spur uncontrolled local development. (151 pages) (ELR Order No. 00002) (NTIS Order No. EIS 72 0002–F)

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GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger, Acting Administrator, GSA-AD, Washington, D.C. 20405, 202—343-6077.

Draft, January 8

Social Security Payment Center, Illinois; County: Cook. The statement refers to the proposed construction of a 10 story (757,000 gross sq. ft.) building to house the Social Security Administration Payment Center of the Department of Health, Education and Welfare. The construction of the building may cause accelerated deterioration of contiguous neighborhoods. (81 pages) (ELR Order No. 00032) (NTIS Order No. EIS 73 0032-D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343-3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft, January 4

Lahontan National Fish Hatchery, Nevada; County: Douglas. The statement refers to the proposed construction and operation of additional facilities at the hatchery. Major additions include an administration-visitor building, 3 residences, a hatchery building, storage buildings, and waste treatment facilities. The purpose of the action is the propagation of Lahontan cutthroat trout, in order to restore the fisheries in Pyramid and Walker Lakes. Hatchery waste discharge will result in organic enrichment of Allerman Canal and pasture lands; long-term pumping of ground water may result in a temporary decline in the aquifer. (53 pages) (ELR Order No. 00017) (NTIS Order No. EIS 73 0017-D)

Final, January 8

Back Bay National Wildlife Refuge, Va. The statement refers to the proposed elimination of unauthorized motorized vehicles from the refuge. The action is intended to assure the preservation of 4.2 miles of natural beach. People who have become accustomed to using the beach for pleasure driving will be inconvenienced. (154 pages) Comments made by: USDA, EPA, DOD, DOI, State agencies of Virginia, and concerned citizens. (ELR Order No. 00036) (NTIS Order No. EIS 73 0036-F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426-4355.

FEDERAL HIGHWAY ADMINISTRATION

Final, January 11

County State Aid Highway 18 (FAS-6318), Minnesota; County: Hennepin. The statement refers to the proposed reconstruction of 3.5 miles of CSAH 18 from north of the Crosstown Highway (CSAH 62) to south of Minnehaha Creek. The project constitutes the final link in the 15-mile freeway connecting Interstate 49 and Interstate 94. Seven individuals, 43 families and two businesses will be displaced. There will be an increase in noise levels, air pollution and the use of deicing chemicals. Nine Mile Creek Marsh will be traversed. (68 pages) (ELR Order No. 00045) (NTIS Order No. EIS 73 0045-F)

Final, January 4

Ogdensburg Study Area, New York; County: St. Lawrence. The statement refers to the recommended transportation plan for the city of Ogdensburg. The total length of the arterial streets included in the plan is 5.3 miles. Adverse effects include temporary water pollution caused by bridging the Oswegatchie River and displacement of one business and 18 families. (77 pages) Comments made by: USDA, EPA, COE, HEW, DOI, DOT, and one State agency. (ELR Order No. 00014) (NTIS Order No. EIS73 0014-F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-1493 Filed 1-24-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 146]

ISI CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Avalon Savings and Loan Association

JANUARY 22, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from ISI Corp., San Francisco, Calif., for approval of acquisition of control of the Avalon Savings and Loan Association, Wilmington, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash by the applicant of the stock of Avalon Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by February 26, 1973.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-1568 Filed 1-24-73;8:45 am]

FEDERAL MARITIME COMMISSION

ASSOCIATED LATIN AMERICAN FREIGHT CONFERENCES

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 15, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

C. D. Marshall, Chairman, Associated Latin American Freight Conferences, 11 Broadway, New York, N.Y. 10004.

Similar modifications to four conference agreements, listed below, have been filed and assigned the following respective agreement numbers:

United States Atlantic and Gulf-Jamaica Conference, 4610-21.
United States Atlantic and Gulf-Santo Domingo Conference, 6080-21.
Leeward & Windward Islands and Guianas Conference, 7540-24.
United States Atlantic and Gulf-Haiti Conference, 8120-16.

Each modification provides that there shall be two ratemaking sections of the particular conference involved, namely, from Eastport, Maine to and including Key West, Fla. (the Atlantic section) and west of Key West, Fla. to and including Brownsville, Tex. (the Gulf section) and the membership of each section shall be composed of those member lines serving a port or ports within the respective ranges. At any conference meeting, any member line shall have the privilege of invoking the terms of the amendment with respect to any ratemaking and requiring that such matter be considered and decided by the section or sections concerned.

Specific voting requirements are set forth to permit voting on ratemaking matters by section, however, in the absence of the invocation of the amendment proposed hereunder, all ratemaking matters shall be considered and decided pursuant to customary conference procedures.

Dated: January 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1586 Filed 1-24-73;8:45 am]

BOARD OF COMMISSIONERS OF PORT OF NEW ORLEANS AND PUBLIC GRAIN ELEVATOR OF NEW ORLEANS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, LA 70160.

Agreement No. T-590-6, between the Board of Commissioners of the Port of New Orleans (Port) and the Public Grain Elevator of New Orleans, Inc. (Elevator) modifies the basic agreement which provides for the lease of the Public Grain Elevator at New Orleans. The purpose of the modification is to exchange a 5,450 square foot portion of the current premises for a 8,777.54 square foot area.

Dated: January 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1587 Filed 1-24-73;8:45 am]

CITY OF LONG BEACH (CITY) AND SEA-LAND SERVICE, INC. (SEA-LAND)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Leonard Putnam, The City Attorney of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T-2401-1, between the city of Long Beach (City) and Sea-Land Service, Inc. (Sea-Land) modifies the basic agreement between the parties, which provides for the non-exclusive preferential assignment to Sea-Land of premises located at berths 227 to 230 inclusive, pier G, Port of Long Beach, for use as a marine terminal. The purpose of the modification is to divide the premises assigned under the basic agreement into two parcels (parcel I, 66.14 acres and parcel II, 22.67 acres) with Sea-Land taking possession of parcel I initially, and holding an option for the assignment of parcel II at a later date. Agreement No. T-2401-1 also amends the basic agreement by (1) extending the term from 20 to 25 years; (2) modifying the procedures for arbitration of compensation renegotiation; (3) deleting the requirement that the city relocate two container cranes to the premises (this is covered under FMC Agreement No. T-2401-B); (4) amending the force majeure provisions of the basic agreement; and (5) amending the circumstances under which FMC Agreement No. T-1870 (also between the City and Sea-Land) will terminate. As compensation for parcel I, the City is to receive a monthly rental of $62,812 plus 9.3 percent of the total construction cost of the improvements situated thereupon. Should Sea-Land exercise its option on parcel II, the City is to receive an additional monthly rental of $23,518 plus 9.3 percent of the total construction cost of improvements situated on parcel II.

Agreement No. T-2401-B-1, also between the City and Sea-Land, replaces the basic agreement which provides for the nonexclusive preferential assignment and use of two gantry-type container cranes to be situated at berths 227-230, inclusive. The agreement grants Sea-Land options for nonexclusive preferential assignments of two container cranes to be erected on the premises assigned under FMC Agreement No. T-2401. The term of this agreement is to run concurrently with that of T-2401. The subject amendment also provides that, in the event Sea-Land exercises its option for parcel II of the premises assigned under T-2401, it shall also exercise its option on one of the cranes as well as inform the City whether or not it desires to exercise its option on the second crane. Compensation to the City for the cranes will be 10.6 percent annually of the actual construction cost of each crane. Should Sea-Land exercise its options for either or both of the cranes, the City retains secondary assignment rights. The secondary assignee, in such an event, will pay Sea-Land such sums as may be agreed upon for operational costs incurred, subject to the City's approval in accordance with its Tariff No. 3. Sea-Land's use of the cranes will be governed by the provisions of section 9 (exclusive of item No. 910 thereof) of the above tariff.

Dated: January 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1588 Filed 1-24-73;8:45 am]

INDIANA PORT COMMISSION AND TRI-STATE TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or

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detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Richard A. Earle, Esq., Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, DC 20036.

Agreement No. T-2602, between the Indiana Port Commission (Port) and Tri-State Terminals, Inc. (Tri-State), provides for the 5-year lease (with renewal options) of a transit shed and open storage area at the Port of Indiana—Burns Waterway Harbor for use as a ship, barge, railroad, and truck terminal and warehouse. As compensation for the facilities, the Port is to receive rental based on the tonnage handled, subject to an escalating annual minimum. Tri-State is to also collect and pay to the Port all dockage and wharfage charges and harbor dues as set forth in the Port's tariff.

Dated: January 17, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1589 Filed 1-24-73;8:45 am]

MATSON TERMINALS, INC., AND ORIENT OVERSEAS CONTAINER LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Counsel, Matson Terminals, Inc., 100 Mission Street, San Francisco, CA 94105.

Agreement No. T-2729, between Matson Terminals, Inc. (Matson) and Orient Overseas Container Line (OOCL), is a container-terminal services arrangement under which Matson will provide: (1) Adequate berthing space; (2) adequate container yard space; (3) container gantry cranes; and (4) container-terminal services to OOCL vessels calling at Oakland, Calif. Compensation for the above services is to be as agreed upon between the parties and filed with the Federal Maritime Commission. The agreement stipulates that OOCL will obtain the above services solely from Matson at the Port of Oakland.

Dated: January 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1590 Filed 1-24-73;8:45 am]

WEST INDIAN COMPANY LTD., AND CARIBBEAN SEA-ROAD SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Carl E. Dalgas, President, West Indian Company, Limited, Post Office Box 660-00801, St. Thomas, Virgin Islands of U.S.A.

Agreement No. T-2733, between the West Indian Company, Limited (WIC) and Caribbean Sea-Road Service, Inc. (CSRS), is a 2-year terminal-use agreement (with renewal options) under which CSRS is to have limited priority berthing at a ramp on WIC's St. Thomas, U.S. Virgin Islands terminal facility as well as the exclusive use of certain land area for trailers and roll on/roll off cargo landed or to be loaded by CSRS to or from its vessels. As compensation, WIC is to receive rates according to its tariff, subject to a $40,000 minimum annual payment of wharfage and dockage. The agreement stipulates that CSRS is to use only WIC's St. Thomas facilities for the life of the agreement.

Dated: January 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1591 Filed 1-24-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01014---	Robert Bornhofen Reederei: Adviser.
01029---	Port City Towing Co.: Melinda B.
01059---	London & Overseas Freighters, Ltd.: London Cavalier.
01085---	Tropwood, A. G.: Tropwind.
01096---	Zapata Naess Shipping Co., Ltd.: Naess Talisman. Naess Parkgate. Naess Pioneer.
01108---	A/S Rosshavet & A/S Vestfold: Ross Isle.
01196---	Vaboens Rederi A/S: Herwang.
01232---	Rolf Wigands Rederi A/S: Voywi.
01334---	American President Lines, Ltd.: President Jefferson.
01466---	Common Brothers (Management) Limited: Joseph R. Smallwood.
01606---	Oil Transport Co., Inc.: Bayou Bienvenue.
01841---	Chas. Kurz & Co., Inc.: Birch Coulie.
01885---	Vincent Guzzetta, doing business as Guzzetta Oil Co.: Guzzetta 100.
01905---	Ben Line Steamers Ltd.: Wearfield.
01998---	Rederiaktiebolaget Gylfe: Ivan Gorthon.
02024---	A/S Hav and A/S Havtank: Permina 111.
02039---	"Gryf" Deep Sea Fishing Co.: Kunatka.
02167---	Sartori & Berger: Fleethoern.
02332---	Lykes Bros. Steamship Co., Inc.: LY-125. LY-126. LY-127. LY-128. LY-129. LY-130. LY-131. LY-132. LY-133. LY-134.
02341---	Koninklijke Nederlandsche Stoomboot-Maatschappij N. V.: Alkmaar. Meteoor.
02602---	Fyffes Group Ltd.: Mazatec.
02655---	Reederei Jonny Wesch: Blue Sky. Blue Sea. Blue Stone.
02682---	Ivory Shipping Co., Ltd.: Ivory Star.
02876---	Kabushiki Kaisha Hokkaido Gyogyo Kosha: Ryoyo Maru No. 2.
02959---	Kokuyo Kaiun K.K.: Yonekawa Maru.
03018---	Federal Barge Lines, Inc.: Captain Caplener.
03219---	Whitwill, Cole & Co., Ltd.: Finnish Wasa. Cornish Wasa.
03273---	Dunlap Towing Co.: D. T. Co. 160.
03484---	Sanko Kisen K.K.: Eastern Spirit.
03635---	Hines, Inc.: Hines 407 B. Hines 409 B.
03650---	Global Bulk Carriers, Inc., Liberia: Star Nadine. Star Caroline.
03916---	Mobil Oil Francaise: Porthos.
03926---	Harumi Senpaku Kabushiki Kaisha: Yozan Maru.
03968---	Zim Israel Navigation Co., Ltd.: Shiqma.
04042---	Companhia De Navegacao Maritima Netumar: Joana.
04087---	Merichem Co.: Mer-1. Mer-2.
04276---	Rivtow Straits Ltd.: Johnstone Straits. Gibraltar Straits.
04289---	Dixie Carriers, Inc.: Deloris Rodgers.
05048---	F. Laeisz: Proserpina.
05684---	Epirotiki Steamship Co., George Potamianos S.A.: Apollo. Jupiter. Orpheus.
05821---	San Yang Navigation Co., Ltd.: Sanshin Victory.
05943---	Kanagawa Prefectural Government: Sagamimaru.
06011---	Mitsui Kinkai Kisen Kabushiki Kaisha: Cape Town Maru.
06117---	Helmut Bastian Reederei: Tubinar.
06248---	Commercial Corp. "Sovrybflot": Seskar. Adler. Stanukovich.
06704---	Yuugen Kaisha Marukyo Boshi Suisan: Marukyoboshimaru No. 8. Nadayoshimaru No. 7.
06846---	European Navigation Co., S.A.: Dolphin X.
06856---	Taboga Enterprises, Inc.: Fermenco. La Caselle. Bueno.
06921---	Lee Lai Maritime, S.A.: Chieh Kang. Chieh Jen.
06995---	Novorossisk Shipping Co.: General Shkodunovich.
07374---	Ocean Tramping Co. Ltd.: Sinkai. Sinyeh. Eastglory. Bihua. Feihang. Feita. Nebula. Hemisphere. Jollity. Buku. Baiyen. Minfung.
07393---	Hellenic Maritime Enterprises, Inc.: Arcadia.
07465---	Calera Panama S.A.: Olympic Bond.
07519---	Mares Nortenos Armadora S.A.: Tanganyika.
07528---	Ocean Spirit Navigation, Inc.: Theobill.
07535---	Clarister Cia. Naviera S.A., Panama: Mata.
07538---	Efthitis Compania Financiera S.A.: Efthitis.
07548---	Astro Prince Maritime, Inc.: Astro Prince.
07552---	Partrederiet AF 23. December 1970: Grete Nielsen.
07556---	Scan-Irish Shipping Co., Ltd.: Frost Scan.
07565---	Bourne Shipping Co., Ltd.: Panglobal Unity.
07600---	Angelina Transportation Corp.: LSC-42. LSC-40.
07566---	Pantokrator Compania Naviera S.A.: Platon.
07567---	Ikuchi Kaiun Co., Ltd.: Shinko Maru.
07568---	Fortune Shipping Corp., Inc.: Unique Fortune.
07569---	Orient Shipping Corp.: Ionicon.
07570---	Searuler Maritime Co., Ltd.: Elinela.
07571---	Astro Reinante Compania Naviera S.A.: Aristidis.
07572---	Ming Corp.: American Ming.
07573---	Maria Victoria Naviera, S.A.: Kretan Spirit.
07574---	Georgian Shipping Co.: Niko Nikoladze. Miha Tshakaia. Filip Makharadze. Nikoloz Baratashvily.
07575---	Mississippi Shipping Co., Ltd.: Lotus Flower.
07577---	Atlantic-Mediterranean Shipping Corp.: Volta Virtue. Medi-Sea. Medi-Star.
07581---	Jurong Shipping Co. Ltd.: Silver Town.
07582---	Msss Co. S.A.: Seisyu Maru No. 2.
07583---	Ocean Oil Affiliates: Golar Kansai.
07589---	Consul Overseas Investment Corp.: Allison Star.
07591---	Liberian Lilac Transports, Inc.: Eastern Lilac.
07592---	Intercocean Bulk Transport Corp.: Oread.
07593---	Oleandrus Shipping Co. Ltd.: Guy.
07597---	F.A.M. Flota Argentina Mineralera S.A. De Navegacion C.I.F.M.I.: Punta Indio.
07601---	Marnacida Armadora S.A.: Anamaria.
07602---	Eggleston Towing Co., Inc.: Butte. Nixon.
07605---	Astro Duradero Armadora S.A.: K. Hadjipateras.
07606---	Sant'Ilario Societa di Navigazione di P. Mantovani & C. S.A.S.: Taormina.
07607---	Takebayashi Kisen Co., Ltd.: Choyo Maru.
07608---	Vencedora Oceanica Navigacion S.A.: Kapetan Marcos N.L.
07609---	Prinaritis General Enterprises S.A.: Yemelos.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1594 Filed 1-24-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessel*
01011---	Aktieselskabet Det Ostasiatiske Kompagni: Patagonia
01014---	Robert Bornhofen Reederei: Hans Bornhofen
01096---	Anglo Norness Shipping Co., Ltd.: Naess Talisman Naess Parkgate Naess Pioneer
01219---	Anders Jahres Rederi A/S Jarosa
01229---	Belships Co. Ltd. Skibs A/S: Belforest
01256---	Skibsaktieselskapet Orenor: Cuyahoga.
01278---	Leonhardt & Blumberg: Ingrid Leonhardt.
01330---	Shell Tankers (U.K.) Ltd.: Haminea.
01334---	American President Lines, Ltd.: President Pierce.
01348---	Partenreederei Mts St. Petri: St. Petri.
01456---	Larrinaga Steamship Co. Ltd.: Ramon de Larrinaga.
01816---	The Bowater Steamship Co., Ltd.: Gladys Bowater.

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Certificate No.	Owner, Operator and Vessels
01861---	BP Tanker Co., Ltd.: British Skill.
01910---	Deutshe Dampfschiffahrts G. "Hansa": Drachenfels.
01930---	Aktieselskabet Dampskibsselskabet Svendborg: Ras Maersk.
01933---	Dampskibsselskabet AF 1912 Aktieselskab: Robert Maersk.
01935---	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Dampskibsselskabet AF 1912 Adtieselskab: Romo Maersk.
02024---	A/S Hav and A/S Havtank: Permina I.
02044---	N.V. Amsterdamse Maritime Transport Maatschappij: Purmerend.
02155---	Lorentzen & Sonners Rederi A/S: Elisabeth.
02188---	Bristol City Line Limited: Halifax City. Montreal City.
02520---	Northern Petroleum & Bulk Freighters Ltd.: Wearfield.
02758---	Chester Navigation Co. S.A.: Olympic Cloud.
02770---	Viamonte Sociedad Maritima Panama S.A.: Olympic Storm.
02911---	Sig. Bergesen D.Y & Co.: Berge Sigwaldo.
02959---	Kokuyo Kaiun Kabushiki Kaisha: Chikumagawa Maru.
02981---	Jayanti Shipping Co.: Akbar Jayanti. Adi Jayanti. Bharata Jayanti. Bhaskara Jayanti. Chandragupta Jayanti. Chanakya Jayanti. Devaraya Jayanti. Gotama Jayanti. Krishna Jayanti. Kanishka Jayanti. Leelavati Jayanti. Shahjehan Jayanti. Vikram Jayanti. Rama Jayanti. Gandhi Jayanti. Samudragupta Jayanti.
03025---	Arrow Shipping Co. Panama S.A.: Olympic Wind.
03452---	Kyoei Tanker K.K.: Ten-Ei Maru.
03505---	Showa Yusen Kabushiki Kaisha: Hikokane Maru.
03913---	Iberian Tankers Co.: Winamac.
03962---	The World Log Carriers Ltd.: Eastern Sakura.
03987---	Hans-Edwin Reith: Stephan Reith.
04077---	Fritzen Schiffsagentur und Bereederungs GMBH: Susanne Fritzen.
04674---	Pescanova, S.A.: Jose Margado.
04679---	Ratnakar Shipping Co. Ltd.: Ratna Jyoto.
05089---	H. F. Eimskipafelag Islands: Ljosafoss.
05090---	Esso Petroleum Co. Ltd.: Esso Salisbury.
05189---	Mariners Corp. of Liberia: Marinda.
05340---	Cornell Naviera S.A.: Pennant.
05388---	Corinthian Shipping, Inc.: Gemini.
05536---	Naviera Azta, S.A.: El Centroamericano.
05629---	General Electric Co.: Gowanus Bay No. 1. Gowanus Bay No. 2. Gowanus Bay No. 3. Gowanus Bay No. 4.
05639---	Goshi Gaisha Uehara Suisan: Nanryu Maru No. 7.
05710---	Shinmei Suisan Kabushiki Kaisha: Shinmei Maru No. 20.
05737---	Levantada Cia Naviera: Spica.
05745---	Pioneer Alaska Line: Western Pioneer.
05753---	Veb Deutfracht Internationale Befrachtung und Reederei: John Brinckman.
05771---	Astro Valedor Compania Naviera S.A.: Archon.
05927---	A. F. Henry & MacGregor Ltd.: Rattray Head.
06172---	Mercandia Chartering: Merc Enterprise. Merc Maris.
06183---	Leeka Naviera S.A.: Theokeetor. Theoforos.
06189---	Koei Kisen K.K.: Seikomaru.
06641---	Takei Gyogyo Kabushiki Kaisha: Masa Maru No. 28.
06644---	Reading & Bates Offshore Drilling Co.: Taurus.
06658---	Golden Moon Shipping Corp.: Golden Moon.
06748---	Betelgeuse Navigation Corp.: Tama.
06889---	Volos Shipping Co., S.A.: Loula.
06971---	Elmini Life Inc.: Mini Life.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1593 Filed 1-24-73;8:45 am]

LASCO CONTAINER SERVICES, INC., ET AL.

Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Lasco Container Services, Inc., 262 Riverside Avenue, Jacksonville, FL 32202.
Officers: Joseph A. Kelchlin, president; Delton H. Harden, Jr., vice president; Sol H. Proctor, secretary/treasurer; John Day, vice president.

P. H. Fenderson, Inc., 12 Main Street, Calais, ME 04619.
Officers: Frank H. Fenderson, chairman; Robert T. Fenderson, president; David M. Fenderson, vice president; Paul L. Redding, clerk; Edgar G. Cook, secretary; Alton H. Ward, treasurer.

Dated: January 22, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1592 Filed 1-24-73;8:45 am]

FEDERAL RESERVE SYSTEM

SECURITY NATIONAL CORP.

Order Approving Acquisition of Central Leasing Corp.

Security National Corp., Sioux City, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)), and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Central Leasing Corp., Sioux City, Iowa (Central). The proposed subsidiary engages in leasing major items of personal property and equipment on a "full pay-out" basis. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)). A bank holding company may acquire a company engaged in an activity determined by the Board to be closely related to banking provided that the proposed acquisition is warranted under the relevant public interest factors specified in section 4(c)(8) of the Act.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 23021). The time for filing comments and views has expired and none has been timely received.

Applicant, a one-bank holding company, controls Security National Bank of Sioux City, Sioux City, Iowa ("Bank"), the eighth largest bank in Iowa with deposits of $98.9 million, representing 1.4 percent of aggregate commercial bank deposits in Iowa. (All banking data are as of June 30, 1972, unless otherwise indicated.) Bank holds 29.8 percent of total deposits in the Sioux City banking market and is the largest, in terms of deposits, of the 11 Sioux City market banks.

Central, organized in 1961, has total assets of about $90,000 as of June 30, 1972, and its one office is located in Sioux City. Central engages in the business of leasing personal property and equipment, on a "full pay-out basis," throughout an area extending within a 25-mile radius of the city. Presently, no bank in the Sioux City area engages in similar leasing activities. There is no indication in the record that area banks plan to engage in leasing businesses, nor, absent approval of this proposal, that Applicant would enter de novo such leasing operations. On the basis of the facts of record, the elimination of existing or potential competition resulting from this proposal appears minimal, and the Board considers the competitive considerations as consistent with approval of the application.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. However, the convenience of the Sioux City area would be enhanced by the improved and expanded leasing operations resulting from the proposed affiliation. Combination of the two organizations may also result in efficiencies in operation since certain duplicate services would be eliminated.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1509 Filed 1-24-73;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Antoine National Bank, Houston, Tex., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 15, 1973.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

Board of Governors of the Federal Reserve System, January 19, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1560 Filed 1-24-73;8:45 am]

NORTHWEST BANCORPORATION

Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of The First National Bank of Dubuque, Dubuque, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 13, 1973.

Board of Governors of the Federal Reserve System, January 17, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1506 Filed 1-24-73;8:45 am]

NORTHWEST BANCORPORATION

Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of Security State Bank, Keokuk, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 13, 1973.

Board of Governors of the Federal Reserve System, January 17, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1507 Filed 1-24-73;8:45 am]

POPULAR BANCSHARES CORP.

Acquisition of Bank

Popular Bancshares Corp., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99.3 percent or more of the voting shares of Palmetto State Bank, Miami, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1508 Filed 1-24-73;8:45 am]

AB&T FINANCIAL CORP.

Formation of One-Bank Holding Company

AB&T Financial Corp., Lansing, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to American Bank and Trust Company, Lansing, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1502 Filed 1-24-73;8:45 am]

AUSTIN BANCSHARES CORP.

Formation of One-Bank Holding Company

Austin Bancshares Corp., Austin, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Austin National Bank, Austin, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any

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person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-1503 Filed 1-24-73;8:45 am]

FIRST MANHATTAN BANKSHARES, INC.

Formation of One-Bank Holding Company

First Manhattan Bankshares, Inc., Manhattan, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Manhattan, Manhattan, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-1504 Filed 1-24-73;8:45 am]

LAKE SHORE FINANCIAL CORP.

Formation of One-Bank Holding Company

Lake Shore Financial Corp., Muskegon, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 10 percent of the voting shares (less director's qualifying shares) of the successor by merger to Hackley Union National Bank and Trust Company of Muskegon, Muskegon, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 7, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-1505 Filed 1-24-73;8:45 am]

WALTER HELLER INTERNATIONAL CORP.

Formation of Bank Holding Company and Continuation of Certain Activities

In FR Document 73-26 appearing at page 85 of the issue for Wednesday, January 3, 1973, the paragraph concerning comments should read as set forth below:

Any views, requests for hearing, or requests to review these applications at other Federal Reserve Banks should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 2, 1973.

Board of Governors of the Federal Reserve System, January 19, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-1561 Filed 1-24-73;8:45 am]

POSTAL SERVICE

POSTAL CONTRACTING MANUAL

Notice to Amend

Notice is hereby given that the Postal Contracting Manual, Publication 41 (see 39 CFR Part 601), has been amended by the issuances listed below:

(1) Transmittal Letter 6, dated December 13, 1972.

(2) Transmittal Letter 7, dated December 28, 1972.

(3) Transmittal Letter 8, dated January 1, 1973.

(4) Transmittal Letter 9, dated January 8, 1973.

This notice is given pursuant to § 601.105 of title 39, Code of Federal Regulations, which provides that notice of changes made in the Postal Contracting Manual will be periodically published in the FEDERAL REGISTER; that the text of such changes will be filed with the Director, Office of the Federal Register; and that subscribers to the basic Manual will receive the amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Amendments of the Postal Contracting Manual accompanying Transmittal Letters 6, 7, 8, and 9 were filed with the Director, Office of the Federal Register simultaneously with the filing of this document.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008, 5001-5605)

ROGER P. CRAIG, *Deputy General Counsel.*

[FR Doc.73-1541 Filed 1-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

ACTUARIAL ADVISORY COMMITTEE

Notice of Public Meeting

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee with respect to the Railroad Retirement Accounts will hold a meeting on February 22, 1973, at the offices of the Chief Actuary of the Railroad Retirement Board, 844 North Rush Street, Chicago, Ill. The agenda for the meeting will include consideration of methods and assumptions for the 12th actuarial valuation of the railroad retirement system and a discussion of the actuarial statement included in the report of the Commission on railroad retirement.

The meeting will be open to the public. Persons wishing to submit written statements or to make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611.

Dated: January 17, 1973.

RICHARD F. BUTLER, *Secretary of the Board.*

[FR Doc.73-1515 Filed 1-24-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AVM CORP.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1.00 par value, and all other securities of AVM Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 20, 1973, through January 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1521 Filed 1-24-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 20, 1973 through January 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1522 Filed 1-24-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

JANUARY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 19, 1973, through January 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1523 Filed 1-24-73;8:45 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Meridian Fast Food Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 21, 1973, through January 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1524 Filed 1-24-73;8:45 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

JANUARY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from January 19, 1973, through January 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1525 Filed 1-24-73;8:45 am]

[File No. 500-1]

MONARCH GENERAL, INC.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Monarch General, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 21, 1973, through January 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1526 Filed 1-24-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Suspending Trading

JANUARY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 19, 1973, through January 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1527 Filed 1-24-73;8:45 am]

[File No. 500-1]

TIDAL MARINE INTERNATIONAL CORP.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Tidal Marine International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 22, 1973, through January 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1528 Filed 1-24-73;8:45 am]

[812-2707]

LIFE INSURANCE COMPANY OF NORTH AMERICA AND LIFE INSURANCE COMPANY OF NORTH AMERICA SEPARATE ACCOUNT A

Notice of Application to Modify Order

JANUARY 18, 1973.

Notice is hereby given that Life Insurance Company of North America (LINA), a stock life insurance company organized under the laws of the State of Pennsylvania, and Life Insurance Company of North America Separate Account A, 1600 Arch Street, Philadelphia, PA 19101 (Separate Account), a unit investment trust registered under the investment company Act of 1940 (Act) (hereinafter called Applicants), have applied pursuant to section 6(c) of the Act for an order modifying an order dated December 4, 1970 (Investment Company Act Release No. 6273) (1970 Order) granting Applicants exemptions from the provisions of sections 22(d) and

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27(a)(4) of the Act and pursuant to sections 11(a) and 11(c) approving an offer of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

LINA established Separate Account on June 18, 1968, pursuant to the laws of Pennsylvania, as a facility through which it sets aside and invests assets attributable to variable annuity contracts issued by LINA to certain persons who qualify for tax deferred benefits under sections 401, 403(a) and 403(b) of the Internal Revenue Code of 1954, as amended (Code). Applicants also offer variable annuity contracts to persons who may not qualify for similar tax treatment. Under Pennsylvania law, the income, gains and losses of Separate Account are credited to or charged against the amounts allocated to it in accordance with the contracts, without regard to any other income, gains or losses of LINA or arising out of any other business LINA may conduct.

The 1970 Order stated that net purchase payments for group and individual variable annuity contracts would be allocated to Separate Account and at the election of the contract owner would be invested in the shares of one of the following three diversfied, open-end management investment companies each of which is registered under the Act: Decatur Income Fund, Inc., National Investors Corp., or Oppenheimer Fund, Inc. (collectively called "fund" or "funds"). In the event the shares of any fund become unavailable or if in the opinion of LINA the investment policies or other policies of such fund are no longer compatible with the objectives of the variable annuity contracts offered by Applicants, LINA may, with the prior approval by a majority of the votes cast by persons having a voting interest in the affected fund and the prior approval of the Securities and Exchange Commission, substitute such fund with another.

On April 21, 1971, LINA filed an amendment to its registration statement under the Securities Act of 1933 so that purchase payments for group and individual variable annuity contracts could also be invested, at the election of the contract owner, in shares of Trustees' Equity Fund (Equity), a diversified, open-end management investment company registered under the Act, in addition to the funds above enumerated. LINA intends to amend the Separate Account Registration Statement under the Securities Act of 1933 so that The Dreyfus Third Century Fund, Inc. (Dreyfus) may be offered to the public as an additional underlying investment medium under a single group variable annuity contract and four types of individual variable annuity contracts.

Variable Annuity contracts offered by LINA through Separate Account are designed to provide annuity benefits to annuitants for retirement purposes. Applicants state that the use of Dreyfus as an additional underlying investment medium will permit contract owners greater flexibility in selection of investment medium based upon their individual retirement needs. At present there are no contract owners or participants investing in Dreyfus. Present contract owners and participants in Separate Account will be informed of the addition of Dreyfus as an underlying investment medium by amendment to the current prospectus of Separate Account. Dreyfus will not solicit present contract holders and participants in Separate Account.

Applicants seek to have the 1970 Order modified so that the following exemptions will also be available with respect to the purchase of shares of Dreyfus and Equity by Separate Account.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

With the exception of single premium immediate annuity contracts, purchasers of variable contracts issued by Applicants may allocate a part of their net purchase payments to LINA to provide for a fixed annuity. Such purchasers have the right, at the time of retirement, to have amounts accumulated by LINA for such fixed annuity applied to provide for variable payments. The Applicants state that the sales expense described in the Prospectus will already have been paid in connection with the purchase of the fixed annuity and it is not proposed to make any additional sales charge. An exemption is accordingly requested to permit the elimination of any requirement of a sales load with respect to the right to transfer amounts allocated to provide a fixed annuity to provide for variable annuity payments.

Group variable contracts issued by Applicants provide that if at the end of a contract year, amounts deducted by Applicants for expenses exceed the cost of such items, LINA at its discretion may apply an experience rating credit under such contract in the subsequent year. Such credit, if applied, will be in the form of a reduction of each gross payment under the applicable contract or an addition of annuity units or accumulation units as applicable. Any such adjustment and credit does not lend itself to a determination or specific allocation as between sales expense and administrative and other expense, nor is it possible to determine in advance the amount of such adjustments. Applicants request an exemption from the provisions of section 22(d) to permit such adjustments and credits without any deduction for sales and administrative expenses, since any applicable expenses would already have been made against the payments giving rise to such experience rating credit.

Applicants represent that, at the date of this application, no shares of Equity have been purchased by Separate Account at the discretion of a contract owner or participants in connection with the exercise of an option in a fixed annuity to change the allocation from fixed to variable payments at the maturity date and no shares of Equity have been purchased by Separate Account pursuant to an experience rating adjustment.

Section 27(a)(4), in pertinent part, prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20 or any subsequent payment is less than $10. Applicants state rule 27a–3 provides an exemption from section 27(a)(4) in order to permit payroll deductions of uniform amounts in connection with variable annuity contracts issued in connection with plans meeting the requirements of sections 401, 403 (a) and (b) of the Code. The group variable annuity contracts offered by Applicants are also sold in connection with retirement plans which do not qualify for tax deferred treatment under the Code. Accordingly, Applicants request exemption from section 27(a)(4) to the extent necessary to permit the first payment on behalf of a plan participant under a group variable contract issued in connection with a non-tax deferred plan to be in an amount not less than $10. Applicants state the exemption from section 27(a)(4) is consistent with the intent and purposes of such section and the exemptions recognized and granted in Rule 27a–3.

Applicants state that no shares of Equity have been purchased by Separate Account which represent an initial payment made on behalf of a plan participant under a group variable annuity contract in an amount of less than $20.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an exemption from sections 11(a) and 11(c) to permit, under the group variable annuity contract, an exchange of one underlying fund for another at 5-year intervals during the accumulation period and immediately prior to retirement. Applicants represent that the right to substitute the shares of one underlying fund for another will permit the contract owner or participant to choose a fund having different investment objectives from those of the fund which was previously selected, such objectives being more suitable to the participant's retirement needs than the other.

Applicants represent that at the date of this application, no shares of other funds presently utilized as an underlying

investment medium for Separate Account have been redeemed at contract owner or participant direction and the proceeds therefrom transferred to purchase shares of Equity; nor have shares of Equity been redeemed and the proceeds therefrom transferred to purchase shares of the other funds. All shares of Equity purchased by Separate Account to date have been with proceeds from net purchase payments under a group or individual variable annuity contract, after proper delivery of prospectuses to the contract owner or participant of Separate Account and Equity. Separate Account presently owns no voting shares of Dreyfus.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 13, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1519 Filed 1–24–73;8:45 am]

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to § 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meeting.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 24, 1972 (Securities Exchange Act Release No. 9835), will hold a public meeting at the office of Merrill Lynch, Pierce, Fenner & Smith, Inc., 31st floor, One Liberty Plaza, 165 Broadway, New York, NY, at 10 a.m., January 29, 1973.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by the committee's work the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise brokers-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers but to inform broker-dealers as to the existing requirements and how they may comply with them.

The committee's meeting on January 29, 1973, will be for the purpose of reviewing drafts and proposals concerning the committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

This meeting is open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 17, 1973.

[FR Doc.73–1518 Filed 1–24–73;8:45 am]

COLONIAL PENN GROUP, INC. ET AL.

Applications for Unlisted Trading Privileges

JANUARY 18, 1973.

In the matter of applications of the P.B.W. Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934, and rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Colonial Penn Group, Inc.	7–4332
Cubic Corp.	7–4333
Puritan Fashions Corp.	7–4334

Upon receipt of a request, on or before February 3, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

RONALD F. HUNT,
Secretary.

[FR Doc.73–1520 Filed 1–24–73;8:45 am]

TARIFF COMMISSION

[TEA–W–175]

BATES SHOE DIVISION, WOLVERINE WORLDWIDE, INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Webster, Mass., and North Grosvenor Dale, Conn., plants of the Bates Shoe Division of Wolverine Worldwide, Inc., Rockford, Mich., the U.S. Tariff Commission, on January 22, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men and boys (of the types provided for in items 700.26, 700.27, 700.29, and 700.35 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to

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cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by February 5, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 22, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-1567 Filed 1-24-73;8:45 am]

[337-L-56]

GOLF GLOVES

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on November 8, 1972, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Anthony J. Antonious and Ajac Glove Corp., both of Ellicott City, Md., alleging unfair methods of competition and unfair acts in the importation and sale of golf gloves which are embraced within the claims of U.S. Patent No. 3,588,917 owned by the complainants. Questor Corp., Post Office Box 965, Toledo, Ohio 43694; Leonard Cecil, 5644 Bent Branch Road, Bethesda, MD 20016; and O. F. Mossberg & Sons, Inc., Post Office Box 497, North Haven, Conn. 06473 have been named as either importing or offering for sale the subject product.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than February 20, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: January 22, 1973.

By order of the Commission.

KENNETH R. MASON, *Secretary.*

[FR Doc.73-1537 Filed 1-24-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor Order 1-73]

ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH

Redelegation of Authority and Responsibility

1. *Purpose.* This order redelegates authority for the performance of functions assigned to the Assistant Secretary for Occupational Safety and Health, in line with the reorganization of the Occupational Safety and Health Administration effective November 13, 1972.

2. *Directives affected.* Secretary's Order No. 31-71 October 20, 1971, is superseded by this Order.

3. *Background.* Pursuant to Public Law 91-596, Secretary's Order No. 12-71 (36 FR 8754) established an Occupational Safety and Health Administration and delegated certain authority and assigned responsibility to the Assistant Secretary for Occupational Safety and Health. The Order further provided for the redelegation of such authority and responsibility as necessary. A redelegation of this authority and responsibility was effected by Secretary's Order No. 31-71.

4. *Redelegation of Authority and Assignment of Responsibility—National Office*—a. The Deputy Assistant Secretary is hereby redelegated authority to act on all matters within the Assistant Secretary's delegation. He shall also be the Administrator, Occupational Safety and Health Administration (OSHA).

b. The Chief, Policy and Evaluation Staff shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for advising the Assistant Secretary and the Deputy Assistant Secretary/Administrator on matters of policy, research, legislation, and the use of outside suppliers of products and services; he provides leadership and coordination for a program of evaluating the effectiveness of current operations.

c. The Director, Office of Standards shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for:

(1) Developing recommendations to the Deputy Assistant Secretary/Administrator with regard to the promulgation, modification, or revocation of occupational safety and health standards under the provisions of sections 4(b)(2) and 6 (a), (b), and (c) of the Occupational Safety and Health Act (hereinafter referred to as the Act); and

(2) Developing and issuing regulations under sections 8, 9, and 16 of the Act.

d. The Director, Federal and State Operations shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for:

(1) Conducting a program to encourage State participation in safety and health programs including grants to the States under sections 18 and 23 of the Act; and

(2) Providing direction for the conduct of the compliance program for occupational safety and health to include inspection procedures, reporting, evaluation, and Federal agency programs.

e. The Director, Office of Training and Education shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for planning, developing, and directing a comprehensive national occupational safety and health training and education program.

f. The Director, Office of Management Services shall report to the Deputy Assistant Secretary/Administrator and shall have the overall responsibility for planning and development of program objectives, resource requirements, budget requests, and operational plans; he is also responsible for planning, implementing, and maintaining systems for financial management, operations review, and management services for the Administration to include management analysis, personnel, communications and administrative services functions.

g. The Director, Office of Management Data Systems shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for developing and administering systems to obtain, analyze, report and communicate information needed to facilitate the management of the Administration.

h. The Director, Office of Information Services shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for promoting and encouraging voluntary compliance with occupational safety and health standards and regulations through information programs, publications, and reports.

5. *Redelegation of authority and assignment of responsibility—Regional Office.* The Regional Administrators are the principal operating managers below the Office of the Deputy Assistant Secretary/Administrator and shall report directly to him. Each is hereby redelegated authority and assigned responsibility for operating an effective occupational safety and health program in his region consistent with the directives and policies of the Secretary of Labor and the Assistant Secretary for Occupational Safety and Health.

6. *Authority to redelegate.* The Regional Administrators may redelegate the authority vested in them by this order.

7. *Effective date.* This order is effective January 3, 1973.

GEORGE C. GUENTHER, *Assistant Secretary of Labor.*

[FR Doc.73-1569 Filed 1-24-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 163]

ASSIGNMENT OF HEARINGS

JANUARY 22, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB 5 Sub 63, George P. Baker, Richard C. Bond, Jervis A. Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Potts Run and Carnwarth, Clearfield County, Pa., now assigned February 6, 1973, at Phillipsburg, Pa., will be held on the 2d Floor, Borough Building.

MC-118803 Sub 7, Atlantic Truck Lines, Inc., now assigned February 5, 1973, at Washington, D.C., is postponed indefinitely.

AB 5 Sub 70, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Uniontown and South Uniontown, Fayette County, Pa., now assigned February 12, 1973, will be held at the Courthouse, 2d Floor.

MC-C-7879, A-1 Corp.—Investigation and Revocation of Certificate of Registration, now being assigned hearing March 13, 1973 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC-111383 Sub 33, Braswell Motor Freight Lines, Inc., now being assigned hearing March 19, 1973 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

AB 5 Sub 48, Penndel Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Walton Junction and Traverse City, Traverse County, Mich., now being assigned March 22, 1973 (2 days), at Traverse City, Mich., in a hearing room to be later designated.

MC-F-11682, U.S. Truck Co., Inc.—Purchase (portion)—Transportation Service, Inc., MC-F-11683, Wilson Freight Co.—Purchase (portion)—Transportation Service, Inc., now being assigned March 26, 1973 (1 week), at Detroit, Mich., in a hearing room to be later designated.

MC 136460, Murphy Rigging & Erecting, Inc., now assigned February 21, 1973, at St. Paul, Minnesota, is postponed indefinitely.

No. 35533, Petroleum Products, Williams Brothers Pipe Line Co., No. 35533 Sub 1, Petroleum Products to Illinois, Iowa, and Missouri, Williams Brothers Pipe Line Co., No. 35533 Sub 2, Petroleum Products, Williams Brothers Pipe Line Co., No. 35540, Petroleum Products, Louisiana and Texas to Midwest, and FSA No. 42327, Pipeline Rates-Petroleum Products from the Southwest, now assigned February 5, 1973, at Washington, D.C., postponed to March 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-123613 Sub 9, Claremont Motor Lines, Inc., now assigned January 22, 1973 (2 weeks) at Charlotte, N.C., is postponed to January 23, 1973 (2 weeks) at the Public Library, 310 North Tryon Street, Charlotte, N.C.

MC 121499 Sub 4, William Hayes Lines, Inc., now assigned February 12, 1973, at Nashville, Tenn., will be held in Conference Room 143, Floor C-1, Department of Labor, Cordell Hull Building.

MC-C-7333, Sam Fanelli et al. v. Greyhound Lines, Inc., now assigned January 30, 1973, at Chicago, Ill., is cancelled.

MC 128762 Sub 2, P. L. Lawton, Inc., Extension-Foodstuffs, now being assigned hearing February 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123048 Sub 226, Diamond Transportation System, Inc., now being assigned hearing February 28, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11671, Refiners Transport & Terminal Corp.—Purchase—Kendrick Cartage Co., now being assigned hearing March 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11697, Gerson Transportation—Purchase (portion)—Watkins Motor Lines, Inc., and MC-C-7950, Thomas R. Rocap, Charles A. Biddinger, Jr., Motor Cargo Transport Corp., Gerson Transportation, a corporation, and Watkins Motor Lines, Inc., Investigation of Operations and Revocation of Certificates, now being assigned hearing March 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1563 Filed 1-24-73;8:45 am]

[Notice 198]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(3) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73833. By order entered January 16, 1973. Division 3, acting as an Appellate Division, approved the transfer to Iowa-Missouri Express, Inc., Shambaugh, of that portion of the operating rights set forth in Certificate No. MC-129384 (Sub-No. 1), issued March 4, 1971, to Bethany Express, Inc., Bethany, Mo., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., and Clarinda, Iowa, serving the intermediate point of St. Joseph, Mo. (restricted against service between the Kansas City, Mo.-Kans. commercial zone as defined by the Commission, on the one hand, and, on the other, St. Joseph, Mo. commercial zone as defined by the Commission), from Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 71 to Clarinda, Iowa, and return over the same route. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-73945. By order of January 11, 1973. Division 3, acting as an Appellate Division approved the transfer to J. H. Ware Trucking, Inc., Fulton, Mo., of the operating rights in Permits Nos. MC-134323 (Sub-No. 2), MC-134323 (Sub-No. 5), MC-134323 (Sub-No. 6) and MC-134323 (Sub-No. 9) issued May 21, 1971, November 12, 1971, December 9, 1971 and April 7, 1972 respectively to Jay Lines, Inc., Amarillo, Tex., authorizing the transportation of various commodities from specified points in Kansas, Pennsylvania, and Indiana to points in Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and the District of Columbia. Gailyn L. Larsen, 521 South 14th Street, Lincoln, NE 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1564 Filed 1-24-73;8:45 am]

[NOTICE 6]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 19, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed

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by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 3252 (Sub-No. 84), filed November 29, 1972. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Environmental control systems and protective systems, equipment and parts;* and (2) *equipment, material and supplies* (except in bulk) used in the construction and installation thereof, from points in Maine to points in the United States located on and east of a line beginning at New Orleans, La., and extending along U.S. Highway 61 to the United States-Canada international boundary line located at or near Grant Portage, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 10794 (Sub-No. 3), filed December 8, 1972. Applicant: PERROW MOTOR FREIGHT LINES, INCORPORATED, 1012 Young Street, Charleston, WV 25322. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Charleston, W. Va., on the one hand, and, on the other, points in West Virginia and those in Bland, Tazewell, Montgomery, and Giles Counties, Va.; Gallia, Lawrence, and Washington Counties, Ohio; and Pike, Greenup, Boyd, Lawrence, Martin, Carter, Rowan, Johnson, and Floyd Counties, Ky. NOTE: Applicant states that the requested authority can be tacked at Charleston, W. Va., with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 19227 (Sub-No. 176), filed December 12, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20 Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe and extrusions*, from El Campo, Tex., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that it can tack in Florida under the provisions of the lead docket, MC 19227 Paragraph 2 to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that it holds heavy hauling authority under MC 19227 and the following subs thereto: Sub 43 from Texas to Florida; Sub 75 from Texas to Kansas, Missouri, Nebraska, New Mexico, and Oklahoma; Sub 143 from Texas to Arizona; and under its lead docket MC 19227, Paragraph 4 to Alabama, Georgia, and South Carolina. In addition, applicant has authority from Arizona to points in California under MC 19227, Sub 125, and therefore, substantially duplicates the authority sought in this application to the extent that such commodities are under the heavy hauling authority but applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 28067 (Sub-No. 16), filed December 1, 1972. Applicant: WILLIAMS MOTOR TRANSFER, INC., Vine Street, Barre, VT 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone* (except in dump and hopper type vehicles) and *stone finishing and setting equipment, materials and supplies* when moving with shipments of stone, from Cleveland, Ohio, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Maryland, Delaware, Virginia, Washington, D.C., Pennsylvania, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either (1) Cleveland, Ohio; (2) Boston, Mass.; or (3) Washington, D.C.

No. MC 31564 (Sub-No. 8), filed November 8, 1972. Applicant: FRANK CORSO, INC., 270 Woodin Street, Hamden, CT 06514. Applicant's representative: William J. Meuser, 81 Broad Street, Milford, CT 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Albany, N.Y., to (a) points in Union, Essex, Hudson, Bergen, Passaic, and Middlesex Counties, N.J., (b) points in Westchester, Suffolk, and Nassau Counties, N.Y., (c) New York, N.Y., (d) Springfield, Mass., and (e) points in Connecticut; and (2) from Baltimore, Md., to Torrington, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Hartford, Conn.

No. MC 48213 (Sub-No. 35), filed November 24, 1972. Applicant: C. E. LIZZA, INC., Post Office Box 447, Latrobe, PA 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds and feed ingredients*, from Willow Island, W. Va., and Pearl River, N.Y., to points in Kansas, Iowa, Illinois, Georgia, Arkansas, Missouri, and Montana, under contract with American Cyanamid Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61396 (Sub-No. 237), filed November 24, 1972. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, liquid argon, and compressed gases*, from Kansas City and Neosha, Mo., East Alton, Morris, Granite City, and Chicago, Ill., Ashland, Ky., Middletown and Warren, Ohio, and Mt. Vernon, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 64808 (Sub-No. 13), filed November 29, 1972. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, *antifreeze and advertising materials*, from Oil City, Reno, and Rouseville, Pa., to points in Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority could be tacked at points in Marion County, W. Va. with its existing authority under MC 64808 so as to permit a through service to Ohio, however, it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 67200 (Sub-No. 38), filed December 13, 1972. Applicant: The FURNITURE TRANSPORT COMPANY, INC., Post Office Box 392, Furniture Row, Milford, CT 06460. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby carriages, strollers, play yards, and high chairs*, from Gardner, Mass., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 69116 (Sub-No. 151), filed December 8, 1972. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant sites and warehouse facilities of Fisher-Price Toys, Inc., located at or near Albion and Medina, N.Y., as off-route points in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 83539 (Sub-No. 359), filed December 4, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production,, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main pipe lines, between Seattle, Wash., on the one hand, and, on the other, points in Colorado, Illinois, Michigan, Missouri, New Jersey, New York, Pennsylvania, Utah, Wisconsin, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 94350 (Sub-No. 324), filed September 13, 1972. Applicant: TRANSIT HOMES; INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments, from points in Rockingham County, N.C., to points east of the Mississippi River, including Louisiana and Minnesota.

No. MC 95876 (Sub-No. 131), filed November 29, 1972. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, and accessories*, from Florence, NJ., to points in the United States (except Maine, Vermont, New Hampshire, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Massachusetts, Alaska, and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95920 (Sub-No. 28), filed December 13, 1972. Applicant SANTRY TRUCKING COMPANY, a corporation, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, malt beverage containers, cartons, bottles and can openers, advertising matter, and brewery products, materials and supplies, and machinery* moving incidentally to the movement of malt beverages from Olympia, Wash., to points in Texas, and *empty containers, rejected or spoiled malt beverages, hops in bales, rice, grain, infusorial earth, brewers malt, advertising matter, and other materials, ingredients or supplies and machinery and equipment* used in the manufacture of malt beverages from points in Texas to Olympia, Wash., under continuing contract with Olympia Brewing Co., Olympia, Wash. NOTE: Applicant also holds common carrier authority under MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 97633 (Sub-No. 3), filed December 12, 1972. Applicant: L. A. CHITWOOD, Jr., Stark Industrial Park, Charleston, SC 29405. Applicant's representative: Archie B. Culbreth, Suite 246,

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1252 West Peachtree St., Northwest, Atlanta, GA 30309. Authority sought to ing: *Telephone equipment and supplies*, operate as a *common carrier*, by motor vehicle, over irregular routes, transport- *including tools used in the construction and maintenance of telephone systems and communications*, between Charleston, S.C., and points in Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, and Jasper Counties, S.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 101075 (Sub-No. 113), filed November 22, 1972. Applicant: TRANSPORT, INC., Post Office Box 396, Moorhead, MN 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Morton County, N. Dak., to points in Minnesota. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 101474 (Sub-No. 23), filed December 11, 1972. Applicant: RED TOP TRUCKING COMPANY, INC., 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit and parts*, from Chicago, Ill., to points in the United States east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 105566 (Sub-No. 81), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water treating and industrial process products* (except in bulk), from Chicago, Ill., Sugar Land, Tex., Casper, Wyo., Garyville, La., and Bowman, N. Dak., to Chicago, Ill., and points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, including all points in Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 105566 (Sub-No. 82), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Columbus, Ohio, to points in California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 83), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles and carbon and copying paper and related articles*, from Cincinnati, Ohio, to points in California, Oregon, and Washington; (2) *plastic laminates and absorbent base paper*, from Cincinnati, Ohio, to points in California; (3) *absorbent base paper*, from Middletown, Ohio, to points in California; (4) *paper and paper articles including paper bags and wrapping paper*, between Cincinnati, Ohio, and Orange, Tex., with the service at Orange, Tex., limited to shipments stopped in transit to complete loading, on the one hand, and, on the other, points in Texas, Colorado, California, Washington, Oregon, Idaho, Nevada, and Louisiana; and (5) *printed matter*, between Cincinnati, Ohio, and Florence, Ky., on the one hand, and, on the other, points in Washington, Oregon, Montana, Wyoming, Idaho, California, Nevada, Arizona, Utah, Colorado, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 84), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boots or shoes, boot or shoe findings, pocketbooks, purses, or handbags*, and/or *hosiery*, from Columbus, Ohio, to points in Colorado, Wyoming, Montana, New Mexico, Idaho, Nevada, Arizona, Utah, Washington, Oregon, California, Louisiana, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 85), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Indianapolis, Ind. to points in Texas, New Mexico, Arizona, Utah, Wyoming, Montana, Idaho, Nevada, California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 105566 (Sub-No. 86), filed December 22, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum articles and aluminum products*, from Shelbina, Mo., to points in Arizona, California, Idaho, Oregon, Utah, Nevada, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 105566 (Sub-No. 87), filed December 22, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric arc welders and parts, steel welding wire flux, welding compounds, and related items* required in application of electric arc welding, from Troy, Ohio, to points in California, Oregon, Washington, Arizona, Nevada, Utah, Colorado, Montana, New Mexico, and Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 88), filed December 22, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Worthington, Ohio, to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 106497 (Sub-No. 75), filed November 24, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912 (Business Route I–44 East), Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and parts* used in the construction, assembly, servicing, and operation of boats, ships, and submarines, the transportation of which, because of size or weight require the use of special equipment; and (2) *machinery, equipment, parts, and supplies* which do not require the use of special equipment, when moving in connection with (1) above; between the plant sites of Litton Industries, Inc. at Pascagoula, Miss., on the one hand, and on the other, points in the United States (including Alaska, but excluding Hawaii). (3) *Heat exchangers and equalizers* for air, gas, and liquids; and (4) *Equipment, materials and supplies* for heating, cooling, conditioning, humidifying, and dehumidifying of air, gas, and liquids, between points in Harrison, Hancock, and Jackson Counties, Miss., on the one hand, and, on the other points in the United States (including Alaska, but excluding Hawaii). RESTRICTION: Above (1), (2), (3), and (4) is restricted to traffic originating at or destined to points indicated and restricted against the transportation of commodities in bulk. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlantic, Ga., or New Orleans, La.

No. MC 107715 (Sub-No. 5), filed December 11, 1972. Applicant: DUQAL, LTD., 3308 Bandini Boulevard, Los Angeles, CA 90023. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from San Diego, Calif., to points in Arizona. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 107993 (Sub-No. 26), filed December 13, 1972. Applicant: J. J. WILLIS TRUCKING COMPANY, Post Office Box 20096, Dallas, TX 75220. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers and/or cargo vans and empty cargo containers and empty cargo vans, between Galveston, Tex., on the one hand, and on the other, points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Montana, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108703 (Sub-No. 28), filed November 27, 1972. Applicant: LEE & EASTES TANK LINES, INC., 2418 Airport Way South, Seattle, WA 98134. Applicant's representative: Jerrold L. Sharp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and feed or feed supplements, animal or poultry*, in bulk, in tank vehicles, between points in Washington, Oregon, and Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle or Pasco, Wash.

No. MC 109689 (Sub-No. 241), filed November 27, 1972. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, UT 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diatomaceous earth*, in bulk from Quincy, Wash., to points in Sweetwater County, Wyo.; and (2) *benzol residual chlorinated* in bulk, from Henderson, Nev., to Irwindale, Calif. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 110098 (Sub-No. 131), filed November 6, 1972. Applicant: ZERO REFRIGERATED LINES, a Corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, and T. W. Cothern (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, from Hart, Holland, and Lake Odessa, Mich., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Texas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 110683 (Sub-No. 90), filed November 8, 1972. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box No. 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), serving the plantsite and warehouse facilities of Chemetron Corp. at Monticello, Ind., as an off-route point in connection with applicant's regular-route authority between Indianapolis, Ind., and Morocco, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 111375 (Sub-No. 66), filed November 24, 1972. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in California, Washington, Oregon, and Idaho to points in Minnesota and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111401 (Sub-No. 376), filed November 13, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, laundry supplies and materials, products of chemical processes, paint, lacquer, varnish and solvents*, in bulk, in tank- or hopper-type, vehicles, from Kansas City.

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Kans.-Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that it intends to tack with presently held authority in its base certificate at Kansas City, Kans. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 111594 (Sub-No. 57), filed December 13, 1972. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite and storage facilities of Fabricon Products, Division of Eagle-Picher Industries, at or near Grabill, Ind., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority in Certificate No. MC 111594 but does not indicate the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113025 (Sub-No. 5), filed December 11, 1972. Applicant: RALPH C. ISLAND, doing business as ISLAND FREIGHT, Box 147, Deadwood, SD 57732. Applicant's representative: A. Milton Evans, Box 1286, Rapid City, SD 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour—animal and mineral feeds* in bulk and/or in bags, from the plantsite of Hubbard Milling Co., located at or near Rapid City, S. Dak., to points and/or farmyard deliveries in Adams, Billings, Bowman, Golden Valley, Grant, Hettinger, Morton, Sioux, Slope, and Stark Counties, N. Dak., and points west of U.S. Highway 281 in Nebraska, under contract with Hubbard Milling Co., Rapid City, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City or Pierre, S. Dak.

No. MC 113267 (Sub-No. 291), filed December 12, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and facilities utilized by John Morrell & Co., Memphis, Tenn., to points in Florida, Georgia, Louisiana, North Carolina, Ohio, South Carolina, Virginia, West Virginia, Alabama, and Mississippi. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the applicant may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Memphis, Tenn.

No. MC 113267 (Sub-No. 292), filed December 7, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food products*, from Crossville, Tenn. to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked at Crossville, Tenn. but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Nashville, Tenn.

No. MC 113495 (Sub-No. 54), filed December 27, 1972. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 60628, Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment, and parts thereof*, and (2) *materials, supplies, machinery and equipment used in the installation and operation of mining facilities* (except commodities in bulk), between the plantsite of Long-Airdox Company at or near Wurno, Va., on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority could be tacked with its existing authority under MC 113495 and subs 10, 30, and 34, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states duplicating authority held in MC 113495 in part, however, no duplicating authority sought by this application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Roanoke, Va., or Nashville, Tenn.

No. MC 113535 (Sub-No. 27), filed December 1, 1972. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (a) from Ryan and Whittemore, Iowa, to points in Wisconsin, and (b) between Rochester, Minn., and points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113678 (Sub-No. 474), filed December 13, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (1) from the plantsites, warehouse, and storage facilities utilized by Metro Meat Packing, Inc., located at or near St. Paul, Minn., Long Prairie, and Furgus Falls, Minn., to points in the United States (except Alaska and Hawaii); and (2) from points in South Dakota, North Dakota, Nebraska, Kansas, Missouri, Iowa, Illinois, and Wisconsin to the plantsites, warehouses and storage facilities named as origins in (1) above. Restriction: Restricted to traffic originating at the above-named origins and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.; Omaha, Nebr.; or Denver, Colo.

No. MC 114019 (Sub-No. 243), filed December 8, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Container ends and iron and steel articles*, from Portage, Ind., to points in Illinois, Iowa, Missouri, Wisconsin, Minnesota, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 186) (Correction), filed November 24, 1972, published in the FEDERAL REGISTER, issue of December 28, 1972, and republished as corrected this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60604. NOTE: The purpose of this republication is to show the correct docket number as shown above in lieu of No. MC 115092 Sub 21 which was in error. The rest of the notice remains as previously published.

No. MC 114552 (Sub-No. 71), filed December 4, 1972. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Norfolk, Va., and Thomasville, Ga., to points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 114552 and subs, at origin points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114562 (Sub-No. 9), filed November 29, 1972. Applicant: CROMARTIE TRANSPORT CO., a Corporation, Post Office Box 123, 8 East South Carolina Avenue, Wilmington, NC 28401. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, NC 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and molasses mixtures with feed supplements*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington or Raleigh, N.C.

No. MC 114725 (Sub-No. 53), filed November 24, 1972. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Fertilizer, fertilizer materials, and ammonium nitrate*, in bulk or bags, from the plantsite and warehouse facilities of Farmland Industries, Inc., at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming: NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115212 (Sub-No. 23), filed January 2, 1973. Applicant: H. M. H. MOTOR SERVICE, a Corporation, Route 130, Cranbury, N.J. 08512. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing on hangers*, as dealt in by discount department stores, between New York, N.Y., commercial zone, on the one hand, and, on the other, points in Maine, Vermont, District of Columbia, New Hampshire, Massachusetts, North Carolina, Rhode Island, Connecticut, New York, South Carolina, Pennsylvania, New Jersey, Delaware, Virginia, and Maryland, under contract with Mammoth Mart, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115669 (Sub-No. 136), filed November 29, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials, and ammonium nitrate*, from warehouse site of Farmland Industries, Inc., located at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming, and (2) *bentonite clay and foundry molding sand treating compounds*, in bulk, from the plantsite of the American Colloid Co., at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 115793 (Sub-No. 15), filed November 22, 1972. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, NC 28645. Applicant's representative: Charles Ephraim and Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsites and warehouses of Bernhardt Furniture Co., at or near Statesville and Troutman, N.C., to points in Tennessee and Missouri, and *damaged, rejected, and returned new furniture and furniture parts* on return from the above-named destinations to the above-named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115840 (Sub-No. 84), filed December 11, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and Steel and iron and steel articles*, from Gulfport, Miss., to points in those States touched by, and east of the Mississippi River, Arkansas, Louisiana, Oklahoma, and Texas and (2) *ferrous scrap*, from points in Mississippi to Gulfport, Miss. Restriction: Restricted to traffic originating at, or destined to, Gulfport, Miss., and/or having a prior or subsequent movement by rail or water. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Gulfport, Miss., Jackson, Miss., or Mobile, Ala.

No. MC 116014 (Sub-No. 61) (Amendment), filed November 13, 1972, published in the FEDERAL REGISTER issue of December 14, 1972, and republished in part, as amended, this issue. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, KY 40391. Applicant's representative: John M. Nader, Post Office Box E, Bowling Green, KY 42101. NOTE: The sole purpose of this partial republication is to add Detroit, Mich., as a destination point. The rest of the application remains as previously published.

No. MC 116073 (Sub-No. 248) (Amendment), filed November 10, 1972, published in the FEDERAL REGISTER issue of December 21, 1972, and republished, as amended, this issue. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: David L. Wanner, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Jackson County, W. Va., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to amend the commodity description to add "in initial movement" which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 117644 (Sub-No. 31), filed December 4, 1972. Applicant: D & T TRUCKING CO., INC., Post Office Box 2611, New Brighton, MN 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Chicago, Ill., and points

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in Minnesota and Wisconsin to points in Pennsylvania, New York, New Jersey, Rhode Island, Vermont, Maine, Massachusetts, Connecticut, New Hampshire, Virginia, West Virginia, Delaware, Maryland and the District of Columbia, under contract with Land O'Lakes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117765 (Sub-No. 152), filed November 17, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in containers, (1) from the plantsite of Skelly Oil Co., located at or near Eldorado, Kans., to points in Illinois, Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin; and (2) from the plantsite of Southwest Grease & Oil Co., located at or near Wichita, Kans.; Champlin Petroleum Co., located at or near Enid, Okla.; and Cato Oil & Grease Co., located at or near Oklahoma City, Okla., to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 153), filed November 22, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen foodstuffs*, in containers (except meats and meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses), from facilities of Baker Canning Co., located at or near Theresa, Wis.; Fall River Canning Co., located at or near Fall River, Wis.; and Oconomowoc Canning Co., located at or near Poynette and Waunakee, Wis., to New Mexico and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117851 (Sub-No. 14), filed November 29, 1972. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, OH 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from Valdosta, Ga., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, and Wisconsin, under contract with Dowling Bag Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118431 (Sub-No. 6), filed December 12, 1972. Applicant: DENVER SOUTHWEST EXPRESS, INC., 605 South 14th Street, Lincoln, NE 68501. Applicant's representative: Mr. David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Mississippi, Louisiana, and Texas, to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, and Kansas, under contract with Pacific Gamble Robinson Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 118468 (Sub-No. 33) (Amendment), filed September 27, 1972, published in the FEDERAL REGISTER, issue of October 27, 1972, and republished as amended this issue. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, IA 50523. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, adhesives, building materials and materials, supplies and equipment*, used in the manufacture, sale, distribution and installation of such commodities, between points in Cook County, Ill., and Lake County, Ind., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and the Upper Peninsula of Michigan, restricted to traffic originating and terminating at the plantsite and warehouse facilities utilized by United States Gypsum Co., its divisions and affiliates, under contract with United States Gypsum Co. NOTE: Applicant holds common carrier authority under MC 124813 and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to show that applicant now seeks contract carrier authority in lieu of common carrier authority. Applicant has been assigned the new docket series as shown above, in lieu of No. MC 124813 (Sub-No. 99). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118520 (Sub-No. 8), filed November 27, 1972. Applicant: ALASKA TRUCK TRANSPORT, INC., Post Office Box 1994, Anchorage, AK 99510. Applicant's representative: Ditus & Lazarus, 1016 West Sixth Avenue, Suite 300, Anchorage, AK 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Cascade County, Mont., restricted to the transportation of traffic having a prior or subsequent movement to or from points in Alaska, and further restricted to the performance of pickup and delivery service in connection with packing, crating, loading and containerization or unpacking, uncrating, unloading or decontainerization of such traffic. NOTE: Applicant states that the requested authority can be tacked at Great Falls, Mont., with its general commodity authority in No. MC 118520 (Sub-No. 3) to serve points in Alaska. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 118831 (Sub-No. 92), filed December 6, 1972. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, NC 27262. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *liquid natural latex*, in bulk, from Baltimore, Md., to points in Kentucky; and (2) *trisodium phosphate*, dry, in bulk, from North Charleston and Charleston Heights, S.C., to Carteret, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119302 (Sub-No. 18), filed October 10, 1972. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, Post Office Box 6077, Akron, OH 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel, in coils*, from Sharon and Farrell, Pa., to Birmingham, Ala.; (2) *slit steel, in coils*, from Birmingham, Ala., to Amory, Miss.; and (3) *fabricated steel pipe*, from Amory, Miss., to Geneva, Ohio, and the operations in (1), (2), and (3) above performed under a continuing contract or contracts with the True Temper Corp. of Cleveland, Ohio. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119383 (Sub-No. 6), filed December 1, 1972. Applicant: PORTLAND MOTOR TRANSPORT, a corporation, Post Office Box 217, North Portland, OR 97043. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum fuel oil*, in bulk, in tank vehicles, from Manchester, Wash., to points in the Willamette National Forest in Marion, Linn, and Lane Counties, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 119632 (Sub-No. 56), filed December 4, 1972. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Food and food products*, from Fremont, Rockford, and Ohio City, Ohio, Jonesville, Mich., and Clay, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, and *materials, supplies, and equipment* used in the processing, production, packaging, and distribution of food and food products, from points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia to Fremont, Rockford, and Ohio City, Ohio, Jonesville, Mich., and Clay, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it seeks no duplicating authority and is willing to accept any appropriate restriction concerning same. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119656 (Sub-No. 11), filed November 21, 1972. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toolboxes*, from Rochester, Ind., to points in the United States (except Alaska and Hawaii), and on return *hardware and paint*, from Chicago, Ill., to the plantsite of Utrail Co., Inc., at Rochester, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 123233 (Sub-No. 40), filed September 11, 1972. Applicant: PROVOST CARTAGE, INC., 7887 Second Avenue, Ville d'Anjou 437, PQ, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada located at or near Derby Line and Highgate Springs, Vt., to points in Vermont, restricted to shipments originating in Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 123383 (Sub-No. 64), filed November 22, 1972. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Chandler L. van Orman, 704 Southern Building, 15th and H Streets NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and particleboard*, from Chesapeake, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 113), filed December 18, 1972. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass, glass glazing units, automotive glass, and boat glass*, from the plantsites of PPG Industries, Inc., located at Ford City and South Greensburg, Pa., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 123407 (Sub-No. 114), filed December, 18, 1972. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Oregon, Ohio, to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No MC 123407 (Sub-No. 115), filed December 26, 1972. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Carleton, Mich., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 123744 (Sub-No. 8), filed December 1, 1972. Applicant: BUTLER TRUCKING COMPANY, a corporation, Post Office Box 88, Woodland, PA 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, and materials and supplies* used in the installation of refractory products, (1) from points in Pennsylvania to points in Florida, Georgia, South Carolina, and Texas and (2) from the plantsite and facilities of Kaiser Refractories at Frostburg, Md., and Columbiana, Ohio, to points in Pennsylvania, New York, New Jersey, Maryland, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Clearfield, Pa., so as to permit service from Columbiana, Ohio, to points in Virginia, West Virginia, and the District of Columbia (Sub-No. 4) without undue circuity. Also at Sub-No. 4, tacking would be possible on traffic originating at Columbiana, Ohio, over either Clearfield or Mount Union, Pa., to points in Alabama, Louisiana, Mississippi, Missouri, North Carolina, and Tennessee. Other tacking would involve excess circuity. Applicant intends to provide through service to points in the Canadian Provinces of Ontario and Quebec. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123936 (Sub-No. 5), filed December 4, 1972. Applicant: RETAIL STORES DELIVERY OF RHODE ISLAND, INC., 208 Kinsley Avenue, Providence, RI 02903. Applicant's representative: Russell B. Curnett, Post Office Box 135A, Harwich, MA 02645. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by retail department stores in retail delivery service, between Boston, Mass., and points in Rhode Island, points in Fairfield, Hartford, Litchfield, Middlesex, New London, New Haven, Tolland, and Windham Counties, Conn., and those in Barnstable, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, and Worcester Counties, Mass. NOTE: Common control may be involved. Applicant states that the requested authority will be tacked with its existing authority wherein it provides service between Boston, Mass., and points in

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Rhode Island, points in Hartford, Middlesex, New London, Tolland, and Windham Counties, Conn., and those in Barnstable, Bristol, Hampden, Norfolk, Plymouth, and Worcester Counties, Mass. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or New York, N.Y.

No. MC 124692 (Sub-No. 98), filed November 29, 1972. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Duluth, Minn., to points in Montana, Oregon, Washington, Wyoming, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Washington, D.C.

No. MC 125521 (Sub-No. 20) (Correction), filed August 28, 1972, published in the FEDERAL REGISTER issues of October 27, 1972, and December 28, 1972, and republished as corrected this issue. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. NOTE: The purpose of this republication is to show the correct docket number as shown above in lieu of No. MC 12551 (Sub-No. 20), which was in error. The rest of the notice remains as previously published.

No. MC 125521 (Sub-No. 23), filed December 1, 1972. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, OH 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and on return trips *empty containers or other such incidential facilities* used in transporting such commodities, from Newport, Ky., and Evansville, Ind., to Port Clinton, Ohio; Bowling Green, Ohio, and points within 3 miles thereof; Tiffin, Ohio, and Fostoria, Ohio, and points within 4 miles thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that the proposed operations are under contract with Heineman Beverages, Inc.; Bowling Green Beverages, Inc.; The Tiffin Beverage Co.; and Hanson Distributing Co., doing business as Beerco. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Lansing, Ohio.

No. MC 125747 (Sub-No. 5), filed December 3, 1972. Applicant: ARNOLD SCHMITZ, INC., 1724 East Pioneer Road, Fond du Lac, WI 54935. Applicant's representative: William J. Nuss, 104 South Main Street, Fond du Lac, WI 54935. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit-based beverages and fruit based concentrate*, from dock of Home Juice Co., at the City of West Allis, Milwaukee County, Wis., to docks of Home Juice Co., in Menominee County, and in Dickinson County, Mich., and also to deliver and pickup such commodities at stations for Home Juice Co., products between West Allis, Wis., and Menominee and Dickinson Counties, Mich., and West Allis, Wis., under contract with Home Juice Co., a corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 125759 (Sub-No. 3), filed October 20, 1972. Applicant: HERBERT W. HAIDLE, doing business as MINSHELL'S EXPRESS, 1313 Ligonier Street, Latrobe, PA 15650. Applicant's representative: Henry J. Mahady, 119 South Maple Avenue, Greensburg, PA 15601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Westmoreland Latrobe Airport at Unity Township (Westmoreland County), Pa., on the one hand, and, on the other, points in Westmoreland and Indiana Counties, Pa., and those points in Fayette County, Pa., north of Pennsylvania Highway 711, restricted to traffic having an immediately prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Greensburg, Pittsburgh, or Harrisburg, Pa.

No. MC 125996 (Sub-No. 32), filed December 8, 1972. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Suite 1133, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the plantsite and warehouse facilities of Sara Lee at or near New Hampton, Iowa, to points in Connecticut, Delaware, Illinois, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C.; and (2) *meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) from the plantsite and storage facilities utilized by Cudahy Co., at Omaha, Nebr., to points in Alabama, Florida, and Georgia, (b) from the plantsite and storage facilities utilized by Mid-Continent Meats, Inc., at Omaha, Nebr., and Wichita, Kans., to points in Alabama, California, Colorado, Florida, Georgia, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Ohio, Tennessee, Texas, and (c) between the plantsite and storage facilities utilized by Mid-Continent Meats, Inc., at Omaha, Nebr., and Wichita, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126159 (Sub-No. 7), filed December 4, 1972. Applicant: ROC-SALT TRANSPORT, INC., 1551 South Carferry Drive, Milwaukee, WI 53207. Applicant's representative: Frank M. Coyne, 25 West Maine Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from LaSalle, Peru, Chicago, and Lemont, Ill., to points in Wisconsin and those in the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 72), filed December 6, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vhelcle, over irregular routes, transporting: (1) *Glass containers*, from Carteret and Jersey City, N.J., to Champaign, Ill.; and (2) *plastic containers*, from Mt. Carmel, Pa., to Champaign, Ill., under a continuing contract, or contracts, in (1) and (2) above with Metro Containers, a division of Kraftco Corp., at Jersey City, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126625 (Sub-No. 11), filed November 29, 1972. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Bluegrass Airport, Lexington, KY 40504. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Branch County Memorial Airport, located at or near Coldwater, Mich., and points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia. Restricted to the transportation of shipments having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Louisville, Ky.

No. MC 127283 (Sub-No. 7), filed November 29, 1972. Applicant: SILICA SAND TRANSPORT, INC., Routes 47 and 71, Post Office Box 212, Yorkville, IL 60560. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Whitehead,

S.C., and Brentwood, Calif., to points in the United States (except Alaska and Hawaii), under contract with Wedron Silica Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127424 (Sub-No. 2), filed December 5, 1972. Applicant: JOHN R. SLINGSBY, doing business as ILLINI-GOPHER TRUCK LINES, 611 Hopkins Avenue, Granville, IL 61326. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquarium gravel*, from Lyndhurst, N.J., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, Minnesota, Wisconsin, Missouri, and Kansas, under contract with Clifford W. Estes Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127565 (Sub-No. 1), filed December 8, 1972. Applicant: CITY TRANSFER COMPANY, LTD., 2144 Auiki Street and Sand Island Access Road, Honolulu, HI 96819. Applicant's representative: W. K. Watkins, Jr., 400 Gasco Building, 1060 Bishop Street, Honolulu, HI 96813. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Hawaii. NOTE: Applicant's previous application in 1966 was denied by the Commission due to the commodity class exemption in Ex Parte No. MC-59 which no longer applies to this filing. If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 127784 (Sub-No. 2), filed December 13, 1972. Applicant: R & G AIR-FREIGHT, INC., Rural Delivery No. 4, Allentown, Pa. 18103. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between the Philadelphia International Airport, Philadelphia, Pa., and the Allentown-Bethlehem-Easton Airport in Hanover Township, Lehigh County, Pa., on the one hand, and, on the other, points in Warren County, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128343 (Sub-No. 21), filed December 7, 1972. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire and cable, and related accessory parts*, from Pawtucket and Cranston, R.I., and South Attleboro, Mass., to points in the United States (including Alaska and Hawaii), and *materials, equipment, and supplies* on return from points in the United States (including Alaska and Hawaii) to Pawtucket and Cranston, R.I., and South Attleboro, Mass., under a continuing contract, or contracts, with American Insulated Wire Corp. at Pawtucket, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Providence, R.I.

No. MC 128355 (Sub-No. 13), filed December 5, 1972. Applicant: HURLIMAN TRUCKING COMPANY, a corporation, 300 Ohio, Buffalo, NY 14204. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in South Dakota, North Dakota, Wyoming, Montana, Idaho, Oregon, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, under contract with Rich Products Corp., M.C.O. Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128410 (Sub-No. 1), filed November 24, 1972. Applicant: TOM BALISTRERI, 2930 Espy Avenue, Pittsburgh, PA 15216. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in New York on and west of U.S. Highway 15 to the plantsites of Mulach Steel Corp., located in Pittsburgh, Carnegie, and South Fayette Township (Allegheny County), Pa., with no transportation for compensation on return except as otherwise authorized, under continuing contract with Mulach Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128868 (Sub-No. 3), filed December 5, 1972. Applicant: TEXAS CONSTRUCTION SERVICE COMPANY OF AUSTIN, a corporation, Route No. 2, Box 78-A, Round Rock, TX 78664. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank or hopper type vehicles, (1) from the plantsite of McDonough Bros., Inc., at or near San Antonio, Tex., to points in Louisiana, New Mexico, and Oklahoma; (2) from the plantsite of United States Gypsum Co. at or near New Braunfels, Tex., to points in Louisiana, New Mexico, and Oklahoma; (3) from the plantsite of Austin White Lime Co., at or near Austin, Tex., to points in Oklahoma; (4) from the plantsite of Round Rock Lime Co., at or near Blum, Tex., to points in Louisiana, New Mexico, and Oklahoma; and (5) from the plantsite of Chemical Lime, Inc., at or near Clifton, Tex., to points in Louisiana, New Mexico, and Oklahoma. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 128870 (Sub-No. 2), filed December 5, 1972. Applicant: NATIONAL MATERIALS CORPORATION, Post Office Box 187, New Braunfels, TX 78130. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank- or hopper-type vehicles, (1) from the plantsite of McDonough Bros., Inc., at or near San Antonio, Tex., to points in Louisiana, New Mexico, and Oklahoma; (2) the plantsite of United States Gypsum Co., at or near New Braunfels, Tex., to points in Oklahoma; (3) the plantsite of Austin White Lime Co., at or near Austin, Tex., to points in Louisiana, New Mexico, and Oklahoma; (4) the plantsite of Round Rock Lime Co., at or near Blum, Tex., to points in Louisiana, New Mexico, and Oklahoma; (5) the plantsite of Chemical Lime, Inc., at or near Clifton, Tex., to points in Louisiana, New Mexico, and Oklahoma. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 129124 (Sub-No. 8), filed November 24, 1972. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from the facilities of Walter C. Best, Inc., at or near Chardon (Geauga County), Ohio, to Claysburg and Sproul, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129324 (Sub-No. 2), filed December 8, 1972. Applicant: TAYLOR MOORE'S EXPRESS COMPANY, 1836 Pitney Road, Absecon, NJ 08201. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, 4 Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Philadelphia, Pa., to points in Cumberland, Gloucester, Monmouth, Ocean, and Salem Counties, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a

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hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129325 (Sub-No. 4), filed December 7, 1972. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Frenchman Street, New Orleans, LA 70100. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from New Orleans, La., to points in Florida east of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 231 to Panama City, Fla.; thence along U.S. Highway 98 to San Blas, Fla., thence in a straight line south of San Blas to the Gulf of Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 129510 (Sub-No. 5) (Amendment), filed July 5, 1972, published in the FEDERAL REGISTER issues of August 3, 1972, and November 23, 1972, and republished in part, as amended, this issue. Applicant: CHESTER W. ENGLUND, doing business as C. W. ENGLUND CO., Salinas, Calif. 93901. Applicant's representative: John Paul Fisher, 140 Montgomery Street, San Francisco, CA 94104. By letter dated November 2, 1972, applicant amended the application to add an additional part (10) as previously published in the FEDERAL REGISTER issue of November 23, 1972. By a second letter also dated November 2, 1972, applicant again amends the application to include the said part (10), and also an additional part (11) which reads as follows: "(11) *Sheet steel*, in coils, from Port Carbon, Pa., to the plantsite of Industrial Building Materials, Inc., at Los Angeles, Calif." NOTE: The sole purpose of this partial republication is to reflect the additional authority sought in part (11). The rest of the application remains as previously published on August 3, 1972, and November 23, 1972.

No. MC 129588 (Sub-No. 6) (Correction), filed August 28, 1972, amended and published in the FEDERAL REGISTER issue of December 14, 1972, and republished, as corrected, this issue. Applicant: R. J. ANDREWS, doing business as R. J. (RED) ANDREWS TRUCK LINE, Post Office Box 4, Corsicana, TX 75110. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, furniture parts, and plastic shutters, and equipment, materials, and supplies* used in or in connection with the manufacture and distribution of these commodities, between Avon Park, Fla., Butler, Pa., Canton and Jackson, Miss., Coal City, Ill., Conyers, Ga., Dover, N.H., Fort Smith, Ark., Gainesville and Yoakum, Tex., Roland, Iowa, and Tennent, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (2) *lighting fixtures, lamps and shades, electric heaters, wall decors, and fireplace accessories, and equipment, materials, and supplies* used in or in connection with the manufacture and distribution of these commodities, between Brooklyn, N.Y., Chattanooga, Tenn., Fall River, Mass., Kansas City, Mo., Nesquehoning, Pottsville, and Schuylkill Haven, Pa., on the one hand, and, on the other, points in those States named in (1) above; (3) *cleaning compounds, paint and paint material, furniture polish, wax and wax remover, and sealants* moving in mixed shipments with cleaning compounds and or paint and paint material, and *equipment, materials, and supplies* used in or in connection with manufacture and distribution of these commodities, between Garland, Tex., on the one hand, and, on the other, points in those States named in (1) above; and (4) *cleaning compounds, paint and paint material, furniture polish, wax and wax remover, and sealants* moving in mixed shipments with cleaning compounds and/or paint and paint material, between Chicago, Chicago Heights, Elgin, and Joliet, Ill., Greensboro, N.C., Pennsauken, N.J., and Columbus, Ohio. Restriction: Restricted in (1), (2), (3), and (4), against the transportation of commodities in bulk and further restricted to operations performed under a continuing contract with De Soto, Inc. NOTE: The purpose of this republication is to delete section (1) of the previous published amended request for authority and indicate the applicant's requests for authority as published herein. Applicant states that the requested authority cannot be tacked with its existing authority, and that no duplicating authority is sought.

No. MC 133796 (Sub-No. 14), filed December 8, 1972. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dampers, penthouses, screening grilles, and drapery products* as used in environmental systems, from the plantsite of the Brandt Airflex Corp. at Champaign, Ill., to points in the United States (except Hawaii), and *shipper-owned packing, carting, and unloading equipment* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133884 (Sub-No. 5), filed December 15, 1972. Applicant: BRUCE FULLER, and Individual, 1710 Main Street, Buhl, ID 83316. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sacks and sisal products*, from points in Oregon to the facilities of Rangen, Inc., at or near Buhl, Idaho, under a continuing contract, or contracts, with Rangen, Inc., at Buhl, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 133940 (Sub-No. 2), filed December 5, 1972. Applicant: EDWARD P. STROUTH, 903 Cumberland Street, Bristol, VA 24201. Applicant's representative: Albert B. Cooper, Jr., Bank of Virginia Building, State Street, Bristol, Va. 24201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing, rags, and waste material*, from Hackensack, Newark, and Kearny, N.J., to Brownsville, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bristol, Va.

No. MC 134439 (Sub-No. 2), filed November 30, 1972. Applicant: JAMES G. FERNEYHOUGH, doing business as J. G. F. TRUCKING COMPANY, Post Office Box 2173, Lynchburg, VA 24501. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated paper sheets, containers, and parts thereof*, and (2) *returned or refused shipments* of the above commodities and *materials, equipment and supplies* (except commodities in bulk, in tank vehicles) used in the manufacture and sale of same, (1) from the plantsite and facilities of Weyerhaeuser Co. located at or near Lynchburg, Va., to points in Maryland, Pennsylvania, Tennessee, and West Virginia; and (2) from the above-described destinations to the plantsite and facilities of Weyerhaeuser Co. located at or near Lynchburg, Va., under contract with Weyerhaeuser Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 135535 (Sub-No. 4), filed November 24, 1972. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, KS 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fifth wheel travel trailers* (in tow away service), also *pickup trucks*, when moving with fifth wheel travel trailers, between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, and (2) *self propelled motor homes* (in drive away service) between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Salina, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with El Dorado Industries, Inc., of Minneapolis, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135643 (Sub-No. 4), filed November 24, 1972. Applicant: SAFE TRANSPORT, INC., 610 Cooper Street, Hamilton, IL 62341. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough-sawn cooperage stock, barrel staves, and heading*, from Delavan, Hamilton, Murphysboro, Peoria, and Tremont, Ill., to Lebanon and Louisville, Ky., Little Rock, Ark., and Jackson, Tenn., under a continuing contract, or contracts, with Hiram Walker & Sons, Inc., at Peoria, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill., or St. Louis, Mo.

No. MC 136101 (Sub-No. 1), filed November 17, 1972. Applicant: J. M. LeCLAIRE CO., INC., Post Office Box 272, Oconomowoc, WI 53066. Applicant's representative: Ruth C. Lembcke (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and related cheese products*, from Mayville, Wis., to Chicago, Ill., under contract with Red Rooster Cheese Co., Inc., at Mayville, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 136771 (Sub-No. 2), filed November 28, 1972. Applicant: E. H. TEUNISSEN, an individual, Route No. 1, Cedar Grove, Wis. 53013. Applicant's representative: Arthur J. Olsen, 602 North Sixth Street, Sheboygan, WI 53081. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Waterloo and Monticello, Iowa, and Chicago, Ill., to points in Sheboygan, Calumet, Ozaukee, and Manitowoc Counties, Wis., and returned movements of rejected or refused shipments on return, under a continuing contract, or contracts with A. L. Wagner & Co., Inc., at Haven, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sheboygan, Milwaukee, or Green Bay, Wis.

No. MC 136832 (Sub-No. 1), filed October 30, 1972. Applicant: SOUTHERN IDAHO TRANSPORT, INC., Post Office Box W, Filer, ID 83328. Applicant's representative: Harold W. Caldwell, 500 Main Street, Filer, ID 83328. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard boxes, corrugated fiber pulpboard, and fiberboard lining material*, from the plantsites and storage facilities of Longview Fibre Co. at or near Twin Falls, Idaho, to points in Utah, and Malheur County, Oreg., under a continuing contract, or contracts, with Longview Fibre Co. at Twin Falls, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Twin Falls or Boise, Idaho.

No. MC 136842 (Sub-No. 1), filed November 29, 1972. Applicant: MIDNIGHT EXPRESS, INC., Box 496, Dana, IL 61321. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick*, from Galesburg, Ill., to points in Indiana, Iowa, Kentucky, Minnesota, Missouri, Michigan, and Wisconsin, under contract with Galesburg Brick Co., Galesburg, Ill.; and (2) *brick* from Streator, Ill., to points in Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin under contarct with Streator Brick Systems, Inc., Streator, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Springfield, Ill.

No. MC 136939 (Sub-No. 2), field November 16, 1972. Applicant: CLAYTON'S INC., 210 West Broadway, Ucon, ID 83454. Applicant's representative: Harlan W. Clayton, Box 141, Ucon, ID 83454. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Emery County, Utah, to Idaho Falls, Rexburg, and Ucon, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not state place.

No. MC 138097 (Sub-No. 2), filed December 1, 1972. Applicant: PERCY KAGEL, doing busines as KAGEL TRUCKING, 405 Fifth Avenue, Ironton, MN 56455. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Minnesota in and north of the counties of Wilkin, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine, to points in Illinois, Indiana, Iowa, Michigan, Nebraska, North Dakota, South Dakota, and Wisconsin. *Lumber*, (a) from points in the Upper Peninsula of Michigan, and those in Wisconsin on and north of a line extending from Hudson, Wis., over U.S. Highway 12 to junction with Wisconsin Highway 29, thence over Wisconsin Highway 29 to Green Bay, to points in Iowa and Minnesota. (b) From points in Iowa and North Dakota to points in Minnesota in and north of the counties of Wilkin, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine. (c) From points in the Upper Peninsula of Michigan to points in Wisconsin on and north of a line extending from Hudson over U.S. Highway 12 to junction with Wisconsin Highway 29, thence over Wisconsin Highway 29 to Wausau, thence east of U.S. Highway 51 from Wausau to Hurley. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138130 (Sub-No. 1), filed November 10, 1972. Applicant: AIRPORT COURTESY SERVICE, INC., 101 Naylor Avenue, St. Louis, MO 63121. Applicant's representative: Eugene Timbrell Oborn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Delayed, misplaced, or rerouted baggage* originally intended to accompany the passenger, from St. Louis International Airport (Lambert Field) at St. Louis, Mo., to Alton, Baldwin, Belleville, Benld, Bethalto, Breese, Brighton, Bunker Hill, Cahokia, Carbondale, Carrolton, Carlinville, Carlyle, Casyville, Collinsville, Columbia, Cottage Hills, Dow, Dupo, East Alton, Edwardsville, East Carondelet, East St. Louis, Elsah, Fayetteville, Freeburg, Gillespie, Godfrey, Grafton, Granite City, Greenville, Highland, Hardin, Hartford, Hillsboro, Jerseyville, Keyesport, Lebanon, Litchfield, Madison, Maryville, Mascoutah, Millstadt, Nashville, New Athens, New Baden, O'Fallon, Okawville, Otterville, Pierre Marquette, Prairedurocher, Red Bud, Roxanna, Scott Field, Shiloh, Smithon, Staunton, Sparta, St. Elmo, St. John, Trenton, Troy, Tilden, Waterloo, Woodriver, and Worden, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo., or Chicago, Ill.

No. MC 138219 (Sub-No. 1), filed December 5, 1972. Applicant: DELWOOD FURNITURE COMPANY, INC., Express-Way Tower, 10th Floor, Dallas, Tex. 75206. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baby seats, strollers, swings, cellulose sheets, children's carts and vehicles including parts thereof, games, new infant furniture, crated and uncrated, and toys*, from Compton, Calif., to points in New York, New Jersey, North Carolina, South Carolina, Georgia, Alabama, Florida, Virginia, Maryland, Delaware, Pennsylvania, Ohio, Tennessee, and the District of Columbia, under continuing contract with Strolee of California, a division of U.S. Industries, Inc., (2),

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plastic films, sheets, and bags from Minneapolis, Minn., to points in North Carolina, South Carolina, Tennessee, Kentucky, Indiana, Georgia, and Virginia, under continuing contract with Poly-Tech, a Division of U.S. Industries, Inc., and (3) *wooden doors*, from Miami, Fla., to points in Georgia, South Carolina, and North Carolina, under a continuing contract with Mims & Thomas, a division of U.S. Industries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138275, filed November 24, 1972. Applicant: FISHER AND BROTHER, INC., 438 West 51st Street, New York, NY 10019. Applicant's representative: Alvin Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Nassau, Suffolk, Sullivan, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester, New York, Kings, Queens, Bronx, and Richmond Counties, N.Y.; Delaware, Bucks, Montgomery, and Chester Counties, Pa., New Jersey, Connecticut, and Philadelphia, Pa., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138289, filed November 27, 1972. Applicant: H & T TRUCKING CO., INC., Post Office Box 5373, Boise, ID 83705. Applicant's representative: Stephen L. Beer, Post Office Box 1256, Boise, ID 83701, and F. L. Sigloh, Post Office Box 7651, Boise, ID 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile homes*, from the plantsite of Manorwood Corp. at or near Caldwell, Idaho, to points in Montana, Nevada, Idaho, Utah, and Wyoming; (2) *mobile home chassis and air conditioning ducts*, from the plantsite of Schott Industries, Inc., at or near Boise, Idaho, to points in Montana and Idaho; and (3) *mobile homes*, from the plantsite of Grizzly Manufacturing Co. at or near Hamilton, Mont., to points in Idaho, under continuing contracts in (1), (2), and (3) above with Manorwood Corp. at Caldwell, Idaho, Schott Industries, Inc., at Boise, Idaho, and Grizzly Manufacturing Co. at Hamilton, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 138291, filed December 1, 1972. Applicant: WALTER T. BRADLEY, doing business as, BRANT TRANSPORTATION, East Bay View Road, Dennis, MA 02638. Applicant's representative: Joseph A. Kline, 31 Milk Street, Boston, MA 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel structural shapes*, from Bethlehem and Fairless, Pa., and Lackawanna, N.Y., to Quincy, Mass., under contract with L. Antonelli Iron Works, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 441), filed November 24, 1972. Applicant: TRANSPORT OF NEW JERSEY, a corporation, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: John F. Ward (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between points in North Bergen, N.J., from the junction of 69th Street and Tonnele Avenue (Bergen Turnpike) over 69th Street, West Side Avenue, and 83d Street to junction 83d Street and Tonnele Avenue (Bergen Turnpike), and return over the same route, serving all intermediate points; and (2) between Runnemede, Gloucester Township, and Magnolia, N.J., from the boundary of Runnemede and Gloucester Township at the junction of New Jersey Highway 41 and Evesham Road, over Evesham Road and Evesham Avenue (Clements Bridge and Evesham Road) to the junction of Evesham Avenue and U.S. Highway 30, Magnolia, N.J., and return over the same route, serving all intermediate points. NOTE: Applicant also holds broker license passenger authority under its No. MC 12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATIONS FOR FREIGHT FORWARDERS

No. FF-326 (Sub-No. 1) (ATLAS VAN LINES INTERNATIONAL CORP. extension—Domestic traffic), filed January 8, 1973. Applicant: ATLAS VAN LINES INTERNATIONAL CORP., 1212 St. George Road, Post Office Box 509, Evansville, IN 47701. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, NY 10048. Authority sought under Section 410, Part IV of the Interstate Commerce Act, for a permit authorizing applicant to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle, water in the transportation of: *Household goods*, as defined by the Commission, *unaccompanied baggage* and *used automobiles* between points in the United States (including Alaska, Hawaii and the District of Columbia).

No. FF-432 (TUCOR SERVICES, INC. Freight forwarder application), filed January 15, 1973. Applicant: TUCOR SERVICES, INC., 640 Sacramento Street, San Francisco, CA 94111. Applicant's representatives: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006, and Mr. A. A. Von Sabo (same address as applicant). Authority sought under Section 410, Part IV of the Interstate Commerce Act, for a permit authorizing operations as a freight forwarder, in interstate or foreign commerce, in the forwarding of: *Used household goods, unaccompanied baggage, and used automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted to the transportation of export and import traffic.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130186 filed December 11, 1972. Applicant: VERGIL M. WEBB, MARIAN H. WEBB and LARRY H. WEBB, a partnership, doing business as HOLIDAY WORLD TOURS, 2364 Evergreen Avenue, Salt Lake City, UT 84109. Applicant's representative: Marian Webb, (same address as applicant). For a license (BMC-5) to engage in operations as a *broker* at Salt Lake City, Utah, in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in group tours only, in special and charter operations, beginning and ending at points in California, Nevada, Utah, Arizona, Idaho, Washington, and Oregon, and extending to points in the United States including Alaska and Hawaii.

No. MC 130187, filed December 15, 1972. Applicant: YOUR MAN TOURS, INC., 8348 Lincoln Boulevard, Los Angeles, CA. Applicant's representative: Frank J. Dupuis (same address as applicant). For a license (BMC-5) to engage in operation as a *broker* at Los Angeles, Calif., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in group tours only, in special and charter operations, beginning and ending at Los Angeles, Calif., and extending to points in California and Nevada.

No. MC 130188, filed December 11, 1972. Applicant: NORTH AMERICAN TOURS, INC., 712 Cherry Street, Wheaton, IL 60187. Applicant's representative: Bruce R. Johnson, 321 James tSreet, Geneva, IL 60134. For a license (BMC-5) to engage in operations as a *broker* at Wheaton, Ill., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, accompanied by tour directors and/or chaperones, beginning and ending within a 50-mile radius of Wheaton, Ill., and extending to points in the United States including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 43587 (Sub-No. 5), filed December 12, 1972. Applicant: UNITED HAULAGE CO., INC., 11-22 Welling Court, Long Island City, NY 11102. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in Nassau and Westchester Counties, N.Y., restricted to the interlining of freight and trailers. NOTE: The requested authority seeks only to substitute an interchance point with the applicant's presently authorized operations in No. MC 43587 and Subs thereunder. Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1472 Filed 1-24-73;8:45 am]

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FRIDAY, JANUARY 26, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 17

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 17—Pt. II——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volumes causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

SET FORTH BELOW IN THIS DOCUMENT ARE THE FOLLOWING

A new Area Wage Determination Decision number AP–618 for Illinois.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alaska	AM–2,506; AM–2,507, Aug. 5, 1972. AM–6,726; AM–6,727, May 5, 1972.
Illinois	AP–68, Dec. 8, 1972. AP–79, Dec. 22, 1972.
Louisiana	AP–363, Dec. 1, 1972.
Pennsylvania	AP–454, Jan. 5, 1973.
Texas	AP–353; AP–354, Nov. 3, 1972.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; the Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded):

Illinois	AM–336(AP–616); AM–340 (AP–603), Aug. 13, 1971. AM–8,828(AP–621); AM–8,629(AP–615); AM–8,630(AP–604), June 30, 1972. AP–5(AP–617), Aug. 4, 1972.
Louisiana	AP–311(AP–397) Aug. 18, 1972. AP–318(AP–398), Aug. 25, 1972.
Pennsylvania	AM–1,855(AP–462); AM–1,861(AP–463), Aug. 20, 1971. AM–5,967(AP–465); AM–5,972(AP–467); AM–5,973(AP–464), Dec. 17, 1971. AM–5,969(AP–466), Jan. 7, 1972.
Texas	AP–343(AP–393); AP–344 (AP–391); AP–345(AP–390), Sept. 29, 1972. AP–355(AP–394), Nov. 3, 1972. AP–357(AP–396); AP–358 (AP–388), Nov. 10, 1972. AP–368(AP–395), Dec. 8, 1972. AP–370(AP–389), Dec. 15, 1972. AP–371(AP–392), Dec. 22, 1972.

Signed at Washington, D.C., this 19th day of January 1973.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTH
Laborers - (Cont'd)						
Collinsville						
Burning & cutting w/torch (2 men)	$7.65		.20		.035	
Raking & tuting asphalt	7.40		.20		.035	
Dropping & wrapping of pipe	7.40		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional pipe	7.80		.20		.035	
Power saw operators in/or on all	7.80		.20		.035	
Any work performed in/or on all cased wells	7.80		.20		.035	
Mason tenders	8.15		.20		.035	
Plasterers tenders	8.15		.20		.035	
Dynamite men	8.95		.20		.035	
Dynamite men helpers	8.20		.20		.035	
Commonlaborers	7.65		.20		.035	
Edwardsville						
Common laborer	7.85				.035	
Men working on sewer work from building to main sewer	7.95		.20		.035	
Men working in main sewer ditch	8.10		.20		.035	
Plaster & mason tender and related work	8.35		.20		.035	
Dynamite & powder men	9.375		.20		.035	
Dynamite & powder men helpers	8.375		.20		.035	
Glen Carbon						
Common laborer	7.65		.20		.035	
Work in sewer ditch	7.90		.20		.035	
Handling creosoted materials	7.90		.20		.035	
Cutting torch & related work	7.90		.20		.035	
Mason tender & related work	8.15		.20		.035	
Plaster tender & related work	8.15		.20		.035	
Dynamite men	9.175		.20		.035	
Dynamite men helpers	8.175		.20		.035	
Highland:						
Common laborers	7.50		.20		.035	
Work bottom of sewer	7.75		.20		.035	
Mason & plasterers tenders	8.00		.20		.035	
Workmen cutting & burning w/a torch	7.75		.20		.035	

NEW DECISION

STATE: ILLINOIS
DECISION NUMBER: AP-618
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: MADISON
DATE: DATE OF PUBLICATION

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OT
Asbestos workers	$8.53	.20	.17		.01	
Boilermakers	8.35	.40	.65		.01	
Boilermakers' helpers	8.10	.40	.65			
Bricklayers & Stonemasons:						
Granite City & Vicinity	7.95		.50	1.00		
Alton, Wood River & Vicinity	9.00	.30	.50			
Edwardsville, Marine, Highland & Troy	8.46		.30	.60		
Carpenters	8.235	.45	.30			
Cement masons:						
Cement masons	8.525	.25	.25			
Electricians:						
Alton, E. Alton, Hartford & Wood River	7.96	.20	1%		.2%	
Remainder of County	8.46	3%	1% + .25	.5%	.25%	
Elevator Constructors:						
Elevator constructors	5.56	.105	.125	¾% + a&b	.005	
Helpers	70%JR	.105	.125	¾% + a&b	.005	
Probationary helpers	50%JR					
Ironworkers:						
Structural, ornamental & reinforcing	8.50	.40	.45			
Laborers:						
Alton:						
Common laborer	7.30	.25	.30		.035	
Laying sewer & all sewer work	7.40	.25	.30		.035	
Well digging gunnite machine & nozzle operator	7.55	.25	.30		.035	
Sandblasting, rip/rapping work	7.55	.25	.30		.035	
Wood River:						
Common laborer	7.30	.25	.30		.035	
Laying sewer & all sewer work	7.40	.25	.30		.035	
Well digging, machine & nozzle opr on gunnite	7.55	.20	.30		.035	
Granite City, Madison, Venice, Nemeokl & Mitchell:						
Common laborers	7.20	.25	.35		.035	
Oxygen lanching	7.75	.25	.35		.035	
Cutting, burning & welding	7.525	.25	.35		.035	
Plasterers' & bricklayers tenders	7.75	.25	.35		.035	
Dynamite & powdermen	8.775	.25	.35		.035	
Dynamite & powdermen helpers	7.775	.25	.35		.035	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTH
Laborers - (Cont'd)						
Livingston:						
Common laborers	7.50		.20		.035	
Work on bottom of sewer	7.75		.20		.035	
Mason tender, plasterer tender	8.00		.20		.035	
Marine:						
Common laborer	7.30		.20		.035	
Work in sewer trenches (final grading)	7.55		.20		.035	
Laying & caulking sewer pipe	7.55		.20		.035	
Mason tender, plaster tender	7.80		.20		.035	
Troy:						
Common laborer	7.50		.20		.035	
Cutting or burning torch	7.75		.20		.035	
Work in sewer trenches (final grading)	7.75		.20		.035	
Laying & caulking sewer pipe	7.75		.20		.035	
Mason tenders, plasterer tenders	8.00		.20		.035	
St. Jacob:						
Common laborers	7.50		.20		.035	
Work in sewer trenches (final grading)	7.75		.20		.035	
Laying & caulking sewer pipe	7.75		.20		.035	
Mason tenders, plasterers tenders	8.00		.20		.035	
Lathers	5.175	.15		.45		
Lead burners	6.90	.30		c	.01	
Line Construction:						
Alton & Vicinity						
Linemen	7.96	.20	1%		.2%	
Groundmen & groundmen truck driver	6.96	.20	1%		.2%	
Groundmen truck driver w/winch	7.16	.20	1%		.2%	
Remainder of County						
Linemen	7.98	3½%	1%		.25%	
Groundmen equipment operator	6.92	3½%	1%		.25%	
Groundmen truck driver with winch	5.63	3½%	1%		.25%	
Groundmen truck driver without winch	5.63	3½%	1%		.25%	
Pick ups or jeeps	5.25	3½%	1%		.25%	
Groundmen	5.21	3½%	1%		.25%	
Marble setters:						
Alton, Wood River, & Vicinity	9.00	.30	.50			
Remainder of County	7.94	.17	.45			
Millwrights	8.335	.45	.30			
Piledrivermen	8.335	.45	.30			
Plasterers	8.775				.01	
Plumbers & Steamfitters:						
North half of County north of Mitchell	9.31	6%	6%			
Southern half of County	8.00	.32	.40	.40		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Roofers:						
Composition & slate & tile	6.45	.27	.30	.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Sheet metal workers	7.98	.20	.25	6%	.01	
Soft floor layers	8.335	.45	.30			
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers:						
Alton, Wood River & Vicinity	9.00	.30	.50			
Remainder of County	5.65					
Terrazzo workers helpers:						
Helpers & floor machine operators	4.60					
Base machine operators	4.90					
Tile setters:						
Alton, Wood River & Vicinity	9.00	.30	.50			
Remainder of County	5.91	.175	.45			
Tile setters helpers	5.43	.175		e		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work immediately preceding and following the holiday.

d. Employer contribution to pension fund included.

e. Seven (7) paid holidays: A through F plus Armistice Day.

PAINTERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Residential						
Brush	$7.65	.25	.15			
Rollers, Cut in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable & similar rigs	7.40	.25	.15			
Mechanical tools & devices such as power sanders, buffers, needle gun taping tools, etc.	8.40	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.65	.25	.15			
Spraying air-less with 24" fan or over	8.65	.25	.15			

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Cranes, Dragline, shovels, skimmer scoops, clam shells or orange peels, Derricks or derricks boats, piledrivers, crane-type backhoe, asphalt plant op., concrete plant oprs., Ditching Mach. or Backfillers (requiring Oilers), Dredges, asphalt spreading machines, all locomotives, cable ways or Tower Machines Hoist-2 drum or more (where oiler or Fireman is required)	$8.10	.30	.85			
Hydraulic Backhoe, Ditching Machine or backfiller (not requiring oiler), Hoists-2-drums or more (where oiler or fireman is not required), cherry-pickers, overhead cranes, roller, Steam or gas, concrete finishers, conc. pumps, Bulk Cement Plants, Cement pumps, Derrick type Drills, Mixers (over three bags), Boat operators (25 feet and over)	8.10	.30	.85			
Drills (other than derrick type) one Drum Hoist, Mud jacks or Well Drilling machines, Boring machines, or Track jacks, Conveyers (two), air compressors (two), water pumps (over less of size (two) Welding machines (two), Sinkbox or jets (two), winch heads or apparatuses (two), light plants (two), Mixers (2 or 3 bags)	8.10	.30	.85			
Motor Graders or nushcats, scoops or Tournapulls, bulldozers, Backloaders or Fork Lifts, power blade or Elevating Graders, winch cats, boom or winch trucks, or boom tractors, pipe wrapping or painting machines	8.10	.30	.85			
All tractors regardless of size (straight tractor only), Fireman or Stationary Boilers, Automatic Elevators, Farm grading machines, Finishing machines, power subgrader or Ribbon machines, longitudinal floats, boat operators (under 25 ft.), conveyors (one)						

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
distributor operators on trucks, Siphone or jets (one), winch heads or apparatuses (one), light plants (one), mixers (under two bags)	$8.10	.30	.85			
Air compressor (one), Water pumps-regardless of size (one), Welding machine (one)	7.325	.30	.85			
Firemen, asphalt spreader oiler	6.75	.30	.85			
Heavy equipment oiler (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard Rock mining .25 per hour premium pay above existing rate						
Engineers operating under air pressure	10.25	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

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ILLINOIS-2-TD-1-2-3 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
TRUCK DRIVERS						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yds. or less than 13½ tons, tandems & semi-trailer service trucks, mixer trucks mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-Frame trucks when used for transporation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to & including 16 yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-Frames, tandem winch trucks, hydro-lift trucks						

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	$6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per each employee.

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MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-2,506 - Mod. #4 (36 FR 17168 - August 27, 1971) Area II, Alaska (South of the 63rd Parallel and West of the 141st Meridian)						
Change:						
Carpenters	$9.46	.45	1.00		.15	
Millwrights	9.96	.45	1.00		.15	
Sheet Metal Workers	11.15	.31	.50		.07	
DECISION #AM-2,507 - Mod. #4 (36 FR 17173 - August 27, 1971) Area III, Alaska (East of the 141st Meridian)						
Change:						
Carpenters	9.46	.45	1.00		.15	
Millwrights	9.96	.45	1.00		.15	
DECISION #AM-6,726 - Mod. #4 (37 FR 9157 - May 5, 1972) Area II, Alaska (South of the 63rd Parallel and West of the 141st Meridian)						
Change:						
Carpenters	9.46	.45	1.00		.15	
Millwrights	9.96	.45	1.00		.15	
Sheet Metal Workers	11.15	.31	.50		.07	
DECISION #AM-6,727 - Mod. #4 (37 FR 9160 - May 5, 1972) Area III, Alaska (East of the 141st Meridian)						
Change:						
Carpenters	9.46	.45	1.00		.15	
Millwrights	9.96	.45	1.00		.15	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-68 - Mod. #1 (37 FR 26240 - December 8, 1972) Will County, Illinois						
Change:						
Asbestos workers	$9.00	.50	.475			
Boilermakers	8.75	.40	.75	4%	.01	
Boilermakers' Helpers	8.65	.40	.75	4%	.01	
Ironworkers, Structural, ornamental & reinforcing	9.20	1.35	.125		.02	
Plumbers & Pipefitters (within the City Limits of Joliet)	8.65	.47	.50		.05	
Sheet Metal Workers	9.20	.25	.20		.02	
DECISION # AP-79 - Mod. #1 (37 FR 28368 - December 22, 1972) Sangamon County, Illinois						
Change:						
Bricklayers & Stonemasons	7.40	.35	.30		.02	
Cement Masons: Building	7.85				.02	
Marble Setters	7.40	.35	.30			
Terrezzo workers	7.40	.35	.30			
Tile Setters	7.40	.35	.30			

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-363 - Mod. #3 (37 FR 25638 - December 1, 1972) Rapides Parish, Louisiana						
Change:						
Carpenters: Millwrights	$6.40					
Carpenters	5.65					
Piledrivermen	6.15					
Laborers: Powderman	4.05	.15				
Asphalt rakers & tampers; asphalt smoothers & shovelers; blasters helpers, pipelayers (concrete & clay); Kettlemen	3.70	.15				
Chain saw operator	3.65	.15				
Track laborers; sewer pipe joiners & setters; concrete workers (vibrators); hod carriers; creosote material handlers & acid workers; air tool operator (jackhammer, vibrator); mason tenders (cement); mortar mixers (dry & wet); buggy operators (concrete)	3.60	.15				
Laborers, building & construction: Laborers, concrete, unskilled; mason tenders; plasterers' tenders; stone mason helpers; carpenter helpers	3.40	.15				
Power Equipment Operators: Oiler	5.10	.25	.15			
Mechanic Helper	5.32	.25	.15			
Oiler-Driver	5.56	.25	.15			
Scaleman	5.60	.25	.15			

MODIFICATIONS P. 4

DECISION #AP-363 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd): Light Duty Operators: Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-type Tractor (with all attachments except Backhoe); Fireman; Forklifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on street & roads (Motorized); Winch truck, A-Frame (other than handling steel or pipe)	$5.80	.25	.15			
Heavy Duty Operators: Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, (2 drums & over); Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on Asphalt or Brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, journeyman; Wall Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	6.80	.25	.15			

DECISION #AP-454 - Mod. #1
(38 FR 943 - January 5, 1973)
Armstrong, Blair, Crawford, Indiana, McKean, Venango, and Warren Counties, Pennsylvania

Change:

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.59	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AP-454 (Cont'd).

42-LAB-2-3-J

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Wrecker	$ 5.81	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike driver, Spike pullers, Tamping machine	5.81	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	6.10	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.24	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Welder (pipeline	7.70	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.57	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines)					
Signal man, Drill runner helper	5.81	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.10	.30	.30		
Caissen and tunnel men under pressure (0-18 pounds)	6.24	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-353 - Mod. #3 (37 FR 23519 - November 3, 1972) Jefferson & Orange Counties, Texas Change: Plumbers	$7.87				.03	
DECISION #AP-354 - Mod. #3 (37 FR 23521 - November 3, 1972) Jefferson & Orange Counties, Texas Change: Plumbers	7.87				.03	

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SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: AP-603
Supersedes Decision No. AM-340 dated August 13, 1971 in 36 FR 15210
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy Construction.

COUNTY: WILLIAMSON
DATE: Date of Publication

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.75	.15	.10			
Boilermakers	8.35	.40	.65		.01	
Boilermakers' helpers	8.10	.40	.65		.01	
Bricklayers	7.50	.35	.35			
Carpenters (Building & Heavy)						
Carpenters & Soft Floor Layers	6.26	.25	.25		.02	
Millwrights & Piledrivermen	6.26	.25	.25		.02	
Cement masons (Building)	6.95	.15				
Cement masons (Heavy)	6.90	.15				
Electricians	8.95	.25	1%+.20		6%	
Ironworkers-Structural, Ornamental & Reinforcing	7.00	.35	.50		.07	
Glaziers	7.415	.26	.20		.01	
Laborers	5.35		.30		.035	
Leadburners	6.90	.30		a	.01	
Painters:						
Marion & Vicinity						
Commercial	5.70					
Industrial	5.95					
Spray & Sandblasting	6.75					
Herrin & Vicinity						
Brush, Roller, Drywall Taping	4.70					
Structural Steel	5.20					
Spray	5.75					
Plasterers	6.95	.15				
Plumbers & Steamfittere	7.75		.50	.35	.02	
Roofers	4.00					
Sheet Metal Workers	7.98	.20	.25	6%	.01	
Sprinkler Fitters	8.75	.30	.50		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-NEW YEAR'S DAY; B-MEMORIAL DAY; C-INDEPENDENCE DAY;
D-LABOR DAY; E-THANKSGIVING DAY; F-CHRISTMAS DAY.

FOOTNOTE:
a. Eight paid holidays, A through F plus Washingtons' Birthday, Good Friday & Christmas Eve., providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Illinois-17-PEO-1-2-3-K (1 of 3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
1. Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubbertired; Flexplane; Gradall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-dirreck; Hyster Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to Pugmill; Pugmill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over 4 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditching machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader	$7.75	.25	.45		.035	
2. Roller, self-propelled, Power subgrader; Elevator operator	7.50	.25	.45		.035	
3. Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	7.25	.25	.45		.035	
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	6.95	.25	.45		.035	
4. Oiler; All wheel type tractors, Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	6.55	.25	.45		.035	

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Illinois-17-PEO-1-2-3- (2 of 3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
5. Air Compressor w/value driving piling Air Compressors, 2(220 cu. ft. cap. or over); Air track drills, Air track drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float Power operator; Concrete saws, (Two); Mudr-lift (single motor); Straw mulcher blower w/spout	$7.75	.25	.45		.035	
6. Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, (Motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled	7.50	.25	.45		.035	
7. Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	7.00	.25	.45		.035	
8. Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automatic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (two); Pumps (Two); or Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or Pump; Pipeline track jack	6.95	.25	.45		.035	
9. Air Compressor, under 220 cu. ft. cap. (One); Conveyor (one); Conveyor Op. on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) Pump (one); Welding machine (one) Ulmac or Equal Spreader	6.70	.25	.45		.035	

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Illinois-17-PEO-1-2-3 (3 of 3)

POWER EQUIPMENT OPERATORS (Cont'd) RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
10. Crane, shovel, dragline 4 yds. or more, scraper, 13 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic on 4 yard machine or over, Engine man on dredge, Levee man on dredge	$7.85	.25	.45		.035	
11. Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge	6.95	.25	.45		.035	

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AP-603 P. 5

Illinois 5-TD-1-2-3 - T

TRUCK DRIVERS -	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork-lift opr., & driver on pilot trucks	$6.35	.35	a			
GROUP II Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, kochring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.55	.35	a			
GROUP III Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 -34E batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributors	6.75	.35	a			
GROUP IV Drivers on heavy equipment over 16 cu. yds. or 24 tons such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheel water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.95	.35	a			

FOOTNOTES:

a. Employer contributes $10.00 per week per employee.

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTY: WINNEBAGO
DECISION NO: AP-604 DATE: DATE OF PUBLICATION
Supersedea Decision No. AM-8630, dated June 30, 1972, in 37 FR, 13052
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.93	.30	.25	.35		
Boilermakers	8.75	.40	.75	4%	.01	
Boilermakers' helpers	8.65	.40	.75	4%	.01	
Bricklayers & Stonemasons	7.40	.25	.40	.45	.02	
Carpenters:						
Building	7.35	.25	.10	.20		
Heavy	7.20	.30	.20			
Cement masons:						
Building	6.80	.25	.45			
Heavy	6.80	.20	.45			
Electricians	8.25	.20	1%+.147			
Elevator constructors:						
Elevator constructors	6.57	.17	.185	2%+a&b	.005	
Helpers	4.60	.17	.185	2%+a&b	.005	
Helpers (probationary)	50%JR					
Glaziers	6.57	.26	.20	.40	.01	
Ironworkers; structural, ornamental & reinforcing	8.65	.40	.375		.05	
Laborers: (Building)						
Air tool op. (jackhammer, vibrator)	6.05	.20	.20		.035	
Laborers	5.75	.20	.20		.035	
Mortar mixers	5.90	.20	.20		.035	
Cement handlers & dumpers	5.90	.20	.20		.035	
Concrete puddling	5.90	.20	.20		.035	
Stone derrick man, concrete saws	6.05	.20	.20		.035	
Mechanical buggies	5.90	.20	.20		.035	
Lathers	5.74	.15	.10		.01	
Lead burners	6.90	.30		c	.01	
Line construction:						
linemen Digger operator	8.10	.25	1%		.25%	
Groundmen equipment op. & tractor op	5.50	.25	1%		.25%	
Groundmen	5.30	.25	1%		.25%	
Millwrights	7.78	.25	.25			
Painters:						
Brush, roller	6.75	.15		.50		
Structural steel, brush	7.00	.15		.50		
Spray	7.10	.15		.50		
Spray (structural steel)	7.55	.15		.50		
Catalyzed expoxy - Brush & roller	7.10	.15		.50		
Drya wall tapers	6.95	.15		.50		
Piledrivermen	7.35	.25	.10		.01	
Plasterers	6.93	.20			.01	
Sheet metal workers (western ½ of Co.)	7.33	.17				
Sheet metal workers (Eastern ½ of Co.)	7.15	.20	.30	.50		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Roofers:						
Composition	6.85	.15	.40			
Slate, tile & Precast	6.85	.15	.40			
Soft floor layers	7.35	.25	.10			
Marble, Tile & Terrazzo workers	7.15	.25		.25		
Marble, Tile & terrazzo workers helpers	5.45	.10				
Sprinkler fitters	8.75	.35	.50		.05	
Steamiftters & Plumbers	7.25	.35	.40		.02	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to thr holiday, and the regular schedule work days immediately preceding and following the holiday.

XUM

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Common laborers, track layers, hand spikers, swampers on tractors, trucks dragline & cranes, deck hand dump man, guard rails, tending heaters, tree trimming, mesh, continous steel, chip spreader, powder man, wrecking & stripping & removing forms used for concrete construction flagman, watchman, waterboy, signal man, rod & chain	$5.75	.20	.20		.035	
Curing, compound by spraying method, handling rods, power spiker, concrete puddlers, asphalt rakers, mechanical buggies, drill runners, wagon drills, manning batch hoppers, initial placement of concrete, cement vibrator, skip man, cleaning & handling patent forms, carptenter tenders, brick & cement mason tenders & cleaning of same, handling & pouring tar, form tamper, mechanical strike off, chipping hammer, air spade, mechanical tamper, auger man, cleaning, buffing & filing of pipe & tape coating	5.90	.20	.20		.035	
Burning torch, dredge-mate, spotter on levee, cement, rock & dust handler, caisson & coffer dam, blaster workers, waterproofing walls & foundations, culverts & wing walls by brushes or orllers, form setters-string line, batter boards, & lines, well points, laying, jointing & caulking, slop wall steel, gunite workers, Laser beam, bottoming & Pointing sewer tile, jackhammer blasting, handling creosoted lumber curb & gutter mach., pre-cast concrete	6.05	.20	.20		.035	

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Burning bar, dynamite man	6.35	.20	.20		.035	
6 to 12 ft. below ground	5.90	.20	.20		.035	
12 to 18 ft. below ground	6.05	.20	.20		.035	
Over 18 ft. below ground	6.55	.20	.20		.035	
Work 25 to 35 ft. above ground	6.05	.20	.20		.035	
Work 35 to 50 ft. above ground	6.20	.20	.20		.035	
Wrok 50 to 75 ft. above ground	6.50	.20	.20		.035	
Work 75 ft. and over above ground	6.70	.20	.20		.035	
Catch basin and manholes	6.35	.20	.20		.035	

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CLASS I Asphalt plant asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes (all attachments), cranes, Linden, Peco and machines of a like nature, derrick all, derrick boats, derricks, traveling, dredges, euclid loader elevating type, gradall & machines of a like nature, grader, motor grader, motor patrol, auto patrol, elevating grader, hoists-one, two & three drum, locomotives all, mucking machine 1 cu. yd. and over, mucking machine under 1 cu. yd., pile drivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication and water), rock drill-crane type, slipform paver, straddle buggies, tractor with boom, tractaire (with attachments), trenching machines, underground boring and/or mining machines 5 ft. in diameter & over tunnel, etc., underground boring and/or mining machine under 5 ft., wheel excavator, widener (apsco)	$8.90	.40	.40	.10	.02	
CLASS II Batch plant, bituminous mixer, bulldozers, bull float, combination backhoe front, endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver, 7S series to and including 27 cu. ft., concrete spreader concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete form grader, pull grader, sub-grader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives dinky, pump cretes, squeeze cretes, screw type pumps gypsum bulker and pump, rock drill (self-propelled), roto-tiller, seaman, etc., (self-propelled), scoops, tractor drawn, self propelled compactor, spreader, chip, stone, etc., scraper, tractor, push, pulling foot, disc, compactor, etc., tug boats	$8.40	.40	.40	.10	.02	
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class II hourly rate for each hour and for each machine attached there to add $1.00 to Class II hourly rate for each hour						
CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (two bag & over) conveyor portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoist-automatic, hoist-all elevators, hoists-tuggor single drum, jeep diggers, pipe jacking machines, post-hole digger, power saw, concrete, power-driven, pug mills, rollers-all, steam generators, stone crushers, stump machine, tank car heater, winch trucks with "A" frame, work boats, temper form motor driven	7.80	.40	.40	.10	.02	
CLASS IV Air compressor-all, asphalt spreader, back end man, generators, heater-mechanical, light plants (all 1 through 5), pumps-all, pumps-well points, tractaire	6.85	.40	.40	.10	.02	
CLASS V Oilers	5.85	.40	.40	.10	.02	

XUM

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I:						
Asphalt plant, asphalt heater and planer combination, asphalt spreader, autograde, batch plant, belt loader, benoto (requires two engineers), bituminous mixer, boiler & throttle valve, bulldozers, bullfloat, caisson rigs, central redi-mix plant, combination backhoe front endloader machine, compressor and throttle valve, concrete breaker (truck mounted), concrete breaker or hydro hammer, concrete conveyor, concrete grinding machine, concrete paver over 27E cu. ft., concrete mixer or paver 7S series to and including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, concrete tube float, cranes (all attachments), cranes, Linden, derricks (all), derrick boats, derricks, traveling, dredges, euclid loader, elevating type, finishing machine-concrete, gradall (and machines of a like nature), grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, grader elevating, grouting machine, highlift shovels or front endloader, hoists, one, two & three drum, hydraulic boom trucks (all attachments), locomotives (all), dinky locomotives, mucking machine 1 cu. yd. and over, mucking machine under 1 cu. yd., pile drivers and skid rig, pipe jacking machines, post-hole digger, pre-stress machine, pump cretes dual ram, pump cretes; squeeze cretes-screw type, pumps gypsum, bulker and pump, rock drill (self-propelled), rock drill - crane type, rototiller, seaman, etc. (self-propelled), scoops, tractor drawn, compactor (self-propelled), slipform paver, spreader, chip, stone, etc., straddle buggies, scraper prime mover under 30 cu. yds., tank car heater, tractors, push, pulling sheeps foot, disc or compactor, concrete placer tractaire	$9.05	.40	.50	.20	.02	
Scraper - prime mover over 30 cu. yds. (add 50¢ to Class I hourly rate)						
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class I hourly rate for each hour and for each machine attached thereto add $1.00 to Class I hourly rate for each hour)						
CLASS II:						
Boilers, broom (all power propelled), cement supply tendor, concrete mixer (two bag and over), conveyor, portable, firemen on boilers, forklift trucks, greaser engineer, hoists, automatic, hoists (all elevators, hoists, tugger single drum, jeep diggers, power saw, concrete, power-driven, pug mills, rollers (all), stone crushers, stump machine, winch trucks with "A" frame, tamper form-motor driven, steam generators	7.90	.40	.50	.20	.02	
CLASS III:						
Air compressor (all), asphalt spreader (back end man), generators, heaters, mechanical, lite plants (all), pumps (all), pumps well points, tractaire, welding machines (2 thru 6)	7.00	.40	.50	.20	.02	
CLASS IV:						
Oilers	6.05	.40	.50	.20	.02	

POWER EQUIPMENT OPERATORS (Continued):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
(with attachments), tractor with boom, trenching machines, tug boats, work boats, underground boring and/or mining machines 5 ft. or over (60" diameter and over, tunnel etc.), wheel excavator, widener (Apsco)	$9.05	.40	.50	.20	.02	
Scraper - prime mover over 30 cu. yds. (add 50¢ to Class I hourly rate)						
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class I hourly rate for each hour and for each machine attached thereto add $1.00 to Class I hourly rate for each hour)						
CLASS II:						
Boilers, broom (all power propelled), cement supply tendor, concrete mixer (two bag and over), conveyor, portable, firemen on boilers, forklift trucks, greaser engineer, hoists, automatic, hoists (all elevators, hoists, tugger single drum, jeep diggers, power saw, concrete, power-driven, pug mills, rollers (all), stone crushers, stump machine, winch trucks with "A" frame, tamper form-motor driven, steam generators	7.90	.40	.50	.20	.02	
CLASS III:						
Air compressor (all), asphalt spreader (back end man), generators, heaters, mechanical, lite plants (all), pumps (all), pumps well points, tractaire, welding machines (2 thru 6)	7.00	.40	.50	.20	.02	
CLASS IV:						
Oilers	6.05	.40	.50	.20	.02	

TRUCK DRIVERS

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air compressors & welding machines, Ambulances, Batch trucks, 2-34E batches or less, Batch trucks, 3-34E batches, Batch gate lockers, Four (4) wheel trucks 6 cubic yds. & under helpers, Hoppermen, Mechanic helpers & Greasers, Service trucks other than heavy duty, Skip,en, Tramsters, Unskilled dumpmen, Warehousemen & Dockmen	$5.25	.15	.15			
A fram truck used for transportation purposes, Busses, Carryalls, Fork lifts & hoisters, Four (4) wheel truck over 6 cubic yds., Low boy 4 axles & under, Mechanics, Oil Distributors, 2 man operation, Pavement breakers, Pole trailers, Power mower tractors, Service trucks, heavy duty, Six (6) wheel truck 10 cubic yards & under, Slurry trucks 2 man operation, tandem & semi-trailer service trucks, Winch trucks, Telescope man operated trucks, Telescope platform trucks, Scissor trucks, Self propelled chip spreader	5.45	.15	.15			
Dispatcher, Ready Mix Plant Hopper Operators	5.55	.25	.25			
Batch crets and/or adgetors under 7 yds., Batch trucks, over 3-34E batch Low Boy 5 axles, Mixer truck under 7 yds., Semi-trailer Dump 16 yds., & under, Six(6) wheel trucks under 10 cubic yards	5.60	.15	.15			
Batch crets & or adgetors 7 yds., or over, Cement tank truck 17 ton & over, Explosive and/or Fission Materail trucks, Low boy 6 axles & over, Mixer trucks 7 yds & over, Mobil cranes while in transit, Oil distributors-1 man operation, Semi trailer Sump over 16 yds., Slurry trucks 1 man operation.	5.80	.15	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dumpsters, track trucks, euclids, hug bottom dump tourna-trailers or tournapulls when pulling other than self loading equip,emt or similer equipment:						
8 cubic yards and over	$5.45	.15	.15			
Over 8 cubic yards and including 16 cubic yards	5.80	.15	.15			
Over 16 cubic yards	5.80	.15	.15			

XUM

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: AP-615
Supersedes Decision No. AP-8629, dated June 30, 1972, in 37 FR 13047
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

COUNTY: VERMILION
DATE: DATE OF PUBLICATION

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.75	.20	.20		.02	
Boilermakers	7.90	.40	.65		.01	
Bricklayers & Stonemasons	8.175	.30				
Carpenters:						
North of Rossville- Building Const. Carpenters, Millwrights, Piledrivermen & Soft Floor Layers	7.95	.25				
Remainder of the County						
Building Construction	7.69	.30	.25		.02	
Heavy Construction	7.57	.25			.02	
Cement Masons:						
Building Construction	6.75					
Heavy Construction	8.075			.30		
Electricians, Linemen & Equipment Operators	7.98	.25	1%+.20		.25%	
Elevator Constructors:						
Elevator Constructors	7.385	.195	.20	2%+a&b	.005	
Helpers	5.17	.195	.20	2%+a&b	.005	
Helpers (Probationary)	50%JR					
Glaziers	5.02					
Ironworkers, Structural, Ornamental & Reinforcing	7.60	.25	.45		.01	
Laborers (Heavy Construction)						
Unskilled	6.55	.25	.30		.035	
Semi-Skilled	6.70	.25	.30		.035	
Skilled	6.75	.25	.30		.035	
Sewer Construction:						
Tunnel Miners, Muckers & Bottom Men	6.95	.25	.30		.035	
Lathers	7.72	.30	.20		.01	
Leadburners	6.90	.30		c	.01	
Marble Setters	8.175	.30				
Millwrights (Remainder of County)						
Building Construction	7.94	.30	.25		.02	
Heavy Construction	7.82	.25			.02	
Painters:						
Brush	6.25					
Spray	7.25					
Piledrivermen (Remainder of the County)						
Building Construction	7.69	.30	.25		.02	
Heavy Construction	7.57	.25			.02	
Plasterers	6.75					
Plumbers & Steamfitters	7.55	.30	.25		.05	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers (All)	$7.20					
Soft Floor Layers (Remainder of County)	7.69	.30	.25		.02	
Sheet Metal Workers	6.225	.25	.175	.65		
Sprinkler Fitters	8.75	.30	.50		.05	
Tile Setters	7.925	.30				
Tile Setters' Helpers	5.575					
Terrazzo Workers	8.175					
Terrazzo Workers' Helpers	5.575					

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six Paid Holidays: A through F.

c. Eight Paid Holidays, A through F plus Washingtons' Birthday, Good Friday & Christmas Eve., providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Ill.-7-LAB W 1 of 2

LABORERS: (Building)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
COMMON LABORERS:						
All sewer workers plus depth pay						
Asphalt Plant Laborers						
Bankmen on Floating Plant						
Batch Dumpers						
Carpenter Tenders						
Cleaning Lumber						
Cofferdam workers plus depth pay						
Deck Hand, Dredge Hand and shore laborer						
Dispatchers						
Driving of Stakes, Stringlines for all machinery						
Fencing Laborers						
Firemen or Salamander Tenders						
Fireproofing Laborers						
Fire Shop Laborers						
Flagmen						
Form Handlers						
Gravel Box Men, Dumpmen and Spotters						
Janitors						
Laborers with De-Watering Systems						
Lanscapers						
Laying of Sod						
Material Checkers						
Material Handlers						
Pit Men						
Plastic Installers						
Planting of Trees						
Removal fo Trees						
Rip Rap Men						
Rod and Chainmen						
Scaffold Workers						
Tool Cribmen						
Track Laborers						
Unloading Explosives						
Unloading and Carrying Lath						
Unloading and Carrying of re-bars						
Wrecking, Dismantling Building, Wallmen and Housemovers						
Wrecking Laborers						
Writer of Scale Tickets	$6.25	.25	.30		.035	
SEMI-SKILLED						
Asphalt Workers with machine, Asphalt Raker and Layers						
Cement Handlers						
Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag)						
Chain Saw						
Chloride Handlers						
Concrete Workers (wet)						
Grade Checker						

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Ill.-7-LAB W 2 of 2

LABORERS: (Building) Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Handling of materials treated with oil, creosote, asphalt and/or any foreign material hamrful to skin or clothing						
Kettle and Tar men						
Mason Tenders						
Mortar Mixer Operators						
Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials						
On Concrete Paving, Placing, Cutting and Typing of Reinforcing						
Signal Man on Crane Tank Clearners						
Tunnel Helpers in free air						
Vibrator Operators	6.40	.25	.30		.035	
SKILLED:						
Air Tamping Hammerman						
Caisson Workers Plus Depth						
Concrete Burning Machine Operator						
Concrete Saw Operator						
Corning Machine Operator						
Gunnite Nozzle Men						
Jackhammer and Drill Oprators						
Laborers Handling Masterplate or similar materials						
Laborers Tending Masons with hot material or where foreign materials are used						
Laser Beam Operator						
Layout Man and/or Tile Layer						
Leadman on sewer work						
Luteman						
Multiple Concrete Duct - Leadman						
Plasterer Tenders						
Ready Mix Scalemen, Portable or temporary plant						
Screenman on Asphalt Pavers						
Steel Form Setters - Street and Highway						
Welders, Cutters, Burners and Torchmen	$6.50	.25	.30		.045	

NOTICES

XUM

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I: Utility Operator	$8.135	.25	.35		.05	
CLASS II: Power Cranes, draglines, derricks, electric overhead cranes, shovels, gradall, mechanics, repair and maintenance of all equipment, tractor highlift shovel, tork liftx, tournadozer, mixer over 14-s capacity, tournamizer, two drum machine or two cage hoists, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam and brick surface, ross carrier or similar machine, gravel prucessing machine, asphalt plant engineer or pug mill, two (2) Air Compressors, Hetherington Paver Operator, farm tractur with half yard bucket and/or back hoe attachment, Tench machines cutting over 24", Dredging equipment, central mix plant engineer, CMI or similar type machine, concrete spreader	$7.60	.25	.35		.05	
CLASS III: Air compressors 200 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, euclid loader, soil cement machine, mixer 14-S capacity or less, tench machine cutting 24" and under, Back filler, Elevating machine, Power blade, asphalt plant engineer, well drilling machines, paint machine, pine cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, Boring machine, Tractors winch, head equipment greasers, barger green loaders, formless paver, farm tractor with less than half yard bucket and other attachments except back hoe, well point system	7.30	.25	.35		.05	

POWER EQUIPMENT OPERATORS (Continued):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Power Subgrader, Bull float, Furm grader, Finishing machine, Pavement breaker, Rock crushers	$6.825	.25	.35		.05	
CLASS IV: One drum machine, Air compressor less than 200 cu. ft. capacity, Concrete pump, Gunite machine, Air tuggers, Truck crane drivers, House elevators when used for hoisting material, Two to Four generators or welding machine, Mechanized heaters frrespective of motor power when used for temporary heat, small rollers on earth, engine tenders, fireman, wagon drill, Flexplane, Conveyor, Two to four water pumps, siphon and pulsometer, Switchman, fireman on paint pots, Firemen on asphalt plants, distributor operator on trucks, tampers, power boom, post hole digger, self-propelled concrete saw, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser	6.40	.25	.35		.05	
CLASS V: Track jack, Mud jack, Operators to do winter repair work in shop between November 1st and March 1st, Concrete buggies motor driven oilers, Barrel type mixer, one welding machine or one water pump, Apprentice engineers, air valves or steam valves from plant	6.00	.25	.35		.05	

POWER EQUIPMENT OPERATORS: HEAVY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I: Power cranes, draglines, derricks, shovels, gradalls, mechanics, tractor high-lift, tournadozer, concrete mixers with skep, tournamixer, twodrum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt plant engineer, paver operator, farm tractor with half yard bucket and/or back hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point aystem) concrete spreader	$7.50	.25	.25		.05	

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS II: Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom, air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket	$7.37	.25	.25		.03	
CLASS III: One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting material, engine tenders, fireman, wagon drill, flex plane, conveyor, siphons and pulsometer switchman, fireman on paint puts, fireman on asphalt plants, distributor operator on trucks, tampers, self-propelled power broom, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, deck hand	5.27	.25	.25		.05	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS-Building and Heavy Construction:						
GROUP I						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.35	.35	a			
GROUP II						
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry-over 2 up to & including 4-34E batches	6.55	.35	a			
GROUP III						
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks-wet or dry-over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two man oil distributors	6.75	.35	a			

ILLINOIS 4-TD-1-2-3 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS - Building and Heavy Construction						
GROUP IV						
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.95	.35	a			

FOOTNOTES:

a. Employer contributes $10.00 per week per each employee.

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTY: ROCK ISLAND
DECISION NUMBER: AP-616 DATE: DATE OF PUBLICATION
Supersedes Decision No. AM-336 dated August 13, 1971, 36 FR, 15188
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.25	.25	.25		.10	
Boilermakers	7.90	.40	.65		.01	
Bricklayers & Stonemasons	7.78	.35			.02	
Carpenters (Building)	7.08	.35	.30		.02	
Carpenters (Heavy & Highway)	6.76	.30	.25			
Cement masons (Building)	7.31					
Cement masons (Heavy & Highway)	7.31	.40				
Electricians	7.90	.25	1%+.35		.03	
Electricians, cable splicers	8.15	.25	1%+.35		.03	
Elevator Constructors:						
Elevator constructors	6.785	.17	.185		.005	
Helpers	4.75	.17	.185		.005	
Helpers (prob.)	50%JR					
Glaziers	6.8048	.35	.50	4%		
Ironworkers, structural, ornamental & reinforcing	8.30	.40	.375		.02	
Laborers:						
Common laborers	5.53	.20	.20			
Air, Electric, Gas, Tool operators	5.685	.20	.20			
Caisson workers	5.88	.20	.20			
Dynamite man	6.01	.20	.20			
Tunnel Miner	6.03	.20	.20			
Lathers	7.20		.20			
Lead burners	6.90	.30		c	.01	
Line construction:						
Linemen	7.49	.25	1%			
Cable splicers	7.63	.25	1%			
Groundmen - truck or tractor drivers with winch	5.37	.25	1%			
Groundmen - truck or tractor drivers without winch	5.18	.25	1%			
Groundmen (over 6 mos.)	5.18	.25	1%			
Groundmen (less than 6 mos.)	3.96	.25	1%			
Marble setters	7.80					
Marble setters' helpers	3.75					
Millwrights	6.77	4%	4%		2%	
Painters:						
Brush & roller	6.67	.25	.30		.08	
Spray	6.92	.25	.30		.08	
Structrual steel	6.92	.25	.30		.08	
Piledrivermen	7.33	.35	.30		.02	
Plasterers	5.20				.01	
Plumbers & Steamfitters	7.56	.31	.55		.11	
Roofers - Slate, tile & waterproof	8.40		.20			
Sheet metal workers	7.33	.17			.01	
Soft floor layers	7.08	.35	.30		.02	
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers	7.80					
Terrazzo workers' helpers	3.75					
Terrazzo workers' base machine operator	3.95					
Tile setters	7.80					
Tile setters' helpers	3.75					
Welders - receive rate prescribed for craft performing to which welding is incidental.						

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PAID HOLIDAYS(Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

A. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

ILLINOIS-2-LABORERS S&W

HEAVY, SEWER & WATER MAIN CONST.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Common Laborer, carpenter tender, rod and chain man, flagman, wire mesh	$5.90	.20	.20		.035	
Laying and jointing of telephone conduit, barco and jackhammer op., mechanical tamper and air spade, wagon and hand drill, vibrator op., and operator on power tools used under the jurisdiction of laborers, cement dumper, puddler, form setter helper, pipe setter on laterals, drain tiles, culvert pipe, and storm sewer connections to catch basins, manholes or main line, power & hand saw when clearing timber, center strip, reinforcing concrete (excepting wire mesh), concrete saw, mortar mixer, prime mover, or any mechanical device taking the place of concrete buggy or wheelbarrow, sand point setter, asphalt kettleman, mastic asphalt mixer, or other preparations used on joints, sheeting hammer drivers, 2 men, laborer in ditch or tunnel on sewer & water main and telephone conduit	6.10	.20	.20		.035	
Back-up man or joint man, with pipelayer	6.10	.20	.20		.035	
String or wire line (1 man), head form setter, asphalt raker	6.40	.20	.20		.035	
Dynamite man	6.40	.20	.20		.035	
Tunnel miner or pipelayer on sewer and water main	6.40	.20	.20		.035	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I						
All hoists or steel erecting equipment used to hoist or erect	$8.40	.30	.50		.08	
CLASS II						
On crane, shovel, clamshell dragline, backhoe, derrick, tower crane, cable way, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge craneman and operator dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine (over 20 H.P.), building hoist (two drums), hot paint wrapping machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat, concrete paver, seaman trav-l-plant or similar machines, CMI autograder or similar machines, slip form paver, caisson augering machine, mucking machine, asphalt heater-planer unit, hydraulic cranes, mine hoists	7.98	.30	.50		.08	
CLASS III						
Athey, Barber-Green, euclid or Haiss loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, enloader (other than mentioned above), forklift, elevating grader, group equipment greaser, LeTourneapull and similar machines, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade, push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3 or 4), Fuller Kenyon cement pump or similar machines automatic cement and gravel batch plants (one stop set-up), seaman pulvi-mixer or similar machines, blastholer self-propelled						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
rotary drill or similar machines, work boat, combination concrete finishing machine and float, self-propelled sheep foot roller or compactor (used in conjunction with a grading spreader), mud jack, underground boring machine (over 8"), apsco spreader or similar machine, slusher	$7.81	.30	.50		.08	
CLASS IV						
Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu.ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float tractor without power attachment, dope pot (agitating motor), dope chop machine, distributor (back end), flexaplane or similar machine fireman, hydro-hammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator (more than one wellpoint pump), portable crusher operator, trench machine (20 H. P. and under), power subgrader (on forms) or similar machines, asphalt spreader screed operator, gypsum pump	6.92	.30	.50		.08	
CLASS V						
Air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bag), power batching machine (cement auger or conveyor), boiler (engineer or fireman), water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine	6.51	.30	.50		.08	
CLASS VI						
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat	6.00	.30	.50		.08	

HEAVY CONSTRUCTION & DREDGING ON THE MISSISSIPPI RIVER

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I						
All hoists or steel erecting equipment used to hoist or erect in conjunction with the crew of a specialty trade.	$8.40	.30	.50		.08	
CLASS II						
Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cable way, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge op., dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman trav-L-plant or similar machines, CMI autograder or similar machines, slip form paver, caisson augering machine, mucking machine, asphalt heater-planer unit hydraulic cranes.	7.98	.30	.50		.08	
CLASS III						
Athey, Barber-Green, euclid or haiss loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneaupull and similar machines, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3 or 4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
stop set-up), Seaman pulvi-mixer or similar machines, blastholer self-propelled rotary drill or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading sp spreader), mud jack, underground boring machine (over 8"), apsco spreader or similar machine.	$7.81	.30	.50		.08	
CLASS IV Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexaplane or similar machines, portable machine fireman, Hydrahammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator (more than one wellpoint pump), portable crusher operator, trench machine (20 H. P. and under), power subgrader (on forms) or similar machines, asphalt spreader screed operator, conveyor.	6.92	.30	.50		.08	
CLASS V Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat.	5.90	.30	.50		.08	
CLASS VI Air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or end-loaders), self-propelled curing machine.	6.50	.30	.50		.08	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
TRUCK DRIVERS-Building, Heavy Construction: GROUP I Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.35	.35	a			
GROUP II Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds & including 6½ cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry-over 2 up to & including 4-34E batches	6.55	.35	a			
GROUP III Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks-wet or dry-over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two man oil distributors	6.75	.35	a			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd): GROUP IV Drivers on heavy equipment over 16 cu. y yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.95	.35	a			

FOOTNOTES:

a. Employer contributes $10.00 per week per each employee.

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SUPERSEDEAS DECISION

STATE: ILLINOIS
COUNTY: MADISON
DECISION NUMBER: AP-617
DATE: DATE OF PUBLICATION
Supersedes Decision No. AP-5 dated August 4, 1972, 37 FR, 15602
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Asbestos workers	$8.53	.20	.17			
Boilermakers	8.35	.40	.65		.01	
Boilermakers' helpers	8.10	.40	.65		.01	
Bricklayers & Stonemasons:						
Granite City & Vicinity	7.95		.50	1.00		
Alton, Wood River & Vicinity	9.00	.30	.50			
Edwardsville, Marine, Highland & Troy	8.46		.30	.60		
Carpenters (Building, Heavy)	8.335	.45	.30			
Cement masons:						
Building	8.525	.25	.25			
Heavy	8.525	.25	.25			
Electricians:						
Alton, E. Alton, Hartford & Wood River	7.96	.20	1%		.2%	
Remainder of County	8.46	3½%	1% + .25	.51	.25%	
Elevator Constructors:						
Elevator constructors	5.56	.105	.125	½% + a&b	.005	
Helpers	70%JR	.105	.125	½% + a&b	.005	
Probationary helpers	50%JR					
Ironworkers:						
Structural, ornamental & reinforcing	8.50	.40	.45			
Laborers:						
Alton: (Building & heavy)						
Common laborer	7.30	.25	.30		.035	
Laying sewer & all sewer work	7.40	.25	.30		.035	
Well digging gunnite machine & nozzle operator	7.55	.25	.30		.035	
Sandblasting, rip/rapping work	7.55	.25	.30		.035	
Wood River: Building & Heavy						
Common laborer	7.30	.25	.30		.035	
Laying sewer & all sewer work	7.40	.25	.30		.035	
Well digging, machine & nozzle opr on gunnite	7.55	.20	.30		.035	
Granite City, Madison, Venice, Nameoki & Mitchell: (Bldg. & Hvy.						
Common laborers	7.20	.25	.35		.035	
Oxygen lanching	7.75	.25	.35		.035	
Cutting, burning & welding	7.525	.25	.35		.035	
Plasterers' & brickmasons tenders	7.75	.25	.35		.035	
Dynamite & powdermen	8.775	.25	.35		.035	
Dynamite & puwdermen helpers	7.775	.25	.35		.035	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Laborers - (Cont'd)						
Collinsville - (Bldg. & Heavy)						
Burning & cutting w/torch (2 men),	$7.65		.20		.035	
Raking & luting asphalt	7.40		.20		.035	
Dropping & wrapping of pipe	7.40		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional pipe	7.80		.20		.035	
Power saw operators	7.80		.20		.035	
Any work performed in/or on all cased wells	7.80		.20		.035	
Mason tenders	8.15		.20		.035	
Plasterers tenders	8.15		.20		.035	
Dynamite men	8.95		.20		.035	
Dynamite men helpers	8.20		.20		.035	
Common laborers	7.65		.20		.035	
Edwardsville: (Building & Heavy)						
Common laborer	7.85				.035	
Men working on sewer work from building to main sewer	7.95				.035	
Men working in main sewer ditch	8.10				.035	
Plaster & mason tender and related work	8.35				.035	
Dynamite & powder men	9.375				.035	
Dynamite & powder men helpers	8.375				.035	
Glen Carbon: (Building & Heavy)						
Common laborer	7.65		.20		.035	
Work in sewer ditch	7.90		.20		.035	
Handling creosoted materials	7.90		.20		.035	
Cutting torch	7.90		.20		.035	
Mason tender & related work	8.15		.20		.035	
Plaster tender & related work	8.15		.20		.035	
Dynamite men	9.175		.20		.035	
Dynamite men helpers	8.175		.20		.035	
Highland: (Building Construction)						
Common laborers	7.50		.20		.035	
Work bottom of sewer	7.75		.20		.035	
Mason & plasterers tenders	8.00		.20		.035	
Workmen cutting & burning w/a torch	7.75		.20		.035	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Laborers - (Cont'd)						
Livingston: (Building)						
Common laborers	7.50		.20		.035	
Work on bottom of sewer	7.75		.20		.035	
Mason tender, plasterer tender	8.00		.20		.035	
Marine: (Building)						
Common laborer	7.30		.20		.035	
Work in sewer trenches (final grading)	7.55		.20		.035	
Laying & caulking sewer pipe	7.55		.20		.035	
Mason tender, plaster tender	7.80		.20		.035	
Troy: (Building & Heavy)						
Common laborer	7.50		.20		.035	
Cutting or burning torch	7.75		.20		.035	
Work in sewer trenches (final grading)	7.75		.20		.035	
Laying & caulking sewer pipe	7.75		.20		.035	
Mason tenders, plasterer tenders	8.00		.20		.035	
St. Jacob: (Building)						
Common laborers	7.50		.20		.035	
Work in sewer trenches (final grading)	7.75		.20		.035	
Laying & caulking sewer pipe	7.75		.20		.035	
Mason tenders, plasterers tenders	8.00		.20		.035	
Lathers	5.175	.15		.45		
Lead burners	6.90	.30		c	.01	
Line Construction:						
Alton & Vicinity						
Linemen	7.96	.20	1%		.2%	
Groundmen & groundmen truck driver	6.96	.20	1%		.2%	
Groundmen truck driver w/winch	7.16	.20	1%		.2%	
Remainder of County						
Linemen	7.98	3½%	1%		.25%	
Groundmen equipment operator	6.92	3½%	1%		.25%	
Groundmen truck driver with winch	5.63	3½%	1%		.25%	
Groundmen truck driver without winch	5.63	3½%	1%		.25%	
Pick ups or jeeps	5.25	3½%	1%		.25%	
Groundmen	5.21	3½%	1%		.25%	
Marble setters:						
Alton, Wood River, & Vicinity	9.00	.30	.50			
Remainder of County	7.94	.17	.45			
Millwrights	8.335	.45	.30			
Piledrivermen	8.335	.45	.30			
Plasterers	8.775				.01	
Plumbers & Steamfitters:						
North half of County north of Mitchell	9.31	6%	6%			
Southern half of County	8.00	.32	.40	.40		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Roofers:						
Composition & slate & tile	6.45	.27	.30	.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Sheet metal workers	7.98	.20	.25	6%	.01	
Soft floor layers	8.335	.45	.30			
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers:						
Alton, Wood River & Vicinity	9.00	.30	.50			
Remainder of County	5.65					
Terrazzo workers helpers:						
Helpers & floor machine operators	4.60					
Base machine operators	4.90					
Tile setters:						
Alton, Wood River & Vicinity	9.00	.30	.50			
Remainder of County	5.91	.175	.45			
Tile setters helpers	5.43	.175		e		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work immediately preceding and following the holiday.

d. Employer contribution to pension fund included.

e. Seven (7) paid holidays: A through F plus Armistice Day.

LABORERS HEAVY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Clinton Co.; Trenton & vic.; Jersey Co.; Macoupin Co.; Carlinsville, Girard & Palmyra & vic.						
Common laborers	$7.20				.035	
All brick & plaster masons tenders	7.70				.035	
Workmen cutting & burning w/s torch	7.45				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.45				.035	
Dynamite men	8.80				.035	
Bond Co.; Calhoun Co.; Clinton Co.; New Baden & vic.; Greene Co.; Macoupin Co.; Gillespie, Mt. Olive, Shipman & Staunton & vicinities; Madison Co.; Highland, Livingston, Marine & St. Jacobs & vicinities; Randolph Co.; St. Clair Co.; Lenzberg & vic. & Washington Co:						
Common laborers	7.00		.20		.035	
All brick & Plaster masons tenders	7.50		.20		.035	
Workmen cutting & burning w/a torch	7.25		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts).	7.25		.20		.035	
Dynamite men	8.60		.20		.035	

PAINTERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Commercial —						
Brush Rollers, Cut in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable & similar rigs	$7.65 7.90	.25 .25	.15 .15			
Mechanical tools & devices such as power sanders, buffers, needle guns taping tools, etc.	8.40	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.65	.25	.15			
Spraying air-less with 24" fan or over	8.65	.25	.15			
Industrial						
Brush Roller & cut in men	7.90 8.40	.25 .25	.15 .15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable & similar rigs	8.15	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.65	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.90	.25	.15			
Spraying air-less with fan 24" or over	9.30	.25	.15			
Hazardous work (bridges, TV & Radio towers, high line towers, water towers, smoke stacks & grain elevators)						
Brush Roller or cut in men	8.15 8.65	.25 .25	.15 .15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable & similar rigs	8.40	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.90	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	9.15	.25	.15			
Spraying air-less with fan 24" or over	9.95	.25	.15			

BUILDING & HEAVY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS:						
Cranes, Dragline, shovels, skimmer scoops, clam shells or orange peels, Derricks or derricks boats, piledrivers, crane-type backhoe, asphalt plant op., concrete plant oprs., Ditching Mach. or Backfillers (requiring Oilers), Dredges, asphalt spreading machines, all locomotives, cable ways or Tower Machines Hoist-2 drum or more (where oiler or Fireman is required)	$8.10	.30	.85			
Hydraulic Backhoe, Ditching Machine or backfiller (not requiring oiler), Hoists-2-drums or more (where oiler or fireman is not required), cherry-pickers, overhead cranes roller, Steam or gas, concrete Breakers, conc. pumps, Bulk Cement Plants, Cement pumps, Derrick type Drills, Mixers (over three bags), Boat operators (25 feet and over)	8.10	.30	.85			
Drills (other than derrick type) one Drum Hoist, Mud jacks or Well Drilling machines, Boring machines, or Track jacks, Conveyors (two), air compressors (two), water pumps regardless of size (two) Welding machines (two), Siphons or jets (two), winch heads or apparatuses (two), light plants (two), Mixers (2 or 3 bags)	8.10	.30	.85			
Motor Graders or pusheats, scoops or Tournapulls, bulldozers, Endloaders or Fork Lifts, power blade or Elevating Graders, winch cats, boom or winch trucks, or boom tractors, pipe wrapping or painting machines	8.10	.30	.85			
All tractors regardless of size (straight tractor only), Fireman or Stationary Boilers, Automatic Elevators, Form grading machines, Finishing machines, power subgrader or Ribbon machines, longitudinal floats boat operators (under 25 ft.), conveyors (one)						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
distributor operators on trucks, Siphons or jets (one), winch heads or apparatuses (one), light plants (one), mixers (under two bags)	$8.10	.30	.85			
Air compressor (one), Water pumps-regardless of size (one), Welding machine (one)	7.325	.30	.85			
Firemen, asphalt spreader oiler	6.75	.30	.85			
Heavy equipment oiler (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard Rock mining .25 per hour premium pay above existing rate						
Engineers operating under air pressure	10.25	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS: (BLDG. & HEAVY CONST.)						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yds.or less than 13½ tons, tandems & semi-trailer service trucks, mixer trucks mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-Frame trucks when used for transporation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to & including 16 yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-Frames, tandem winch trucks, hydro-lift trucks						

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	$6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation, pule trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per each employee.

NOTICES

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SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTY: PEORIA
DECISION NUMBER: AP-621 DATE: DATE OF PUBLICATION
Supersedes Decision No. AM-8628, dated June 30, 1972, in 37 FR, 13040
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) Heavy Construction and Dredging.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.00	.50	.475		.05	
Boilermakers	7.90	.40	.65		.01	
Bricklayers & Stonemasons	7.875	.35	.30		.05	
Carpenters (Chillicothe & Vicinity):						
(Building & Heavy)						
Carpenters, resilient floor layers	4.55					
Millwrights & Piledrivermen	4.55					
Captenters (Remainder of County):						
(Building & Heavy)						
Carpenters & soft floor layers	7.66	.30	.30		.02	
Millwrights & Piledrivermen	7.96	.30	.30		.02	
Cement masons (Bldg. & Hvy)	7.545	.35	.30		.05	
Cable plicers	8.155	.25	.20		1%	
Electricians	7.905	.25	.20		1%	
Elevator Constructors:						
Elevator constructors	7.37	.195	.20	2%+a&b	.005	
Helpers	5.16	.195	.20	2%+a&b	.005	
Helpers (probationary)	50%JR					
Glaziers	7.425					
Ironworkers, structurel, ornamental & reinforcing	7.70	.40	.375			
Lathers	7.77	.25	.20		.01	
Line Construction:						
Linemen	7.95	.25	1%		.25%	
Groundmen equip. op., Class I (All crawler type equipment larger than D-4)	7.43	.25	1%		.25%	
Groundmen truck driver w/winch (digger, 5th wheel type trucks & crewler type equip., 4-D and samiler)	5.53	.25	1%		.25%	
Groundmen truck driver wo/w	5.28	.25	1%		.25%	
Groundmen Class "A"	5.03	.25	1%		.25%	
Lead burners	6.90	.30		c	.01	
Marble setters	7.65	.35	.30		.02	
Marble setters' helpers	6.975	.225				
Painters:						
Brush	7.20	.25	.30			
Sandblasting & structrusl steel	7.60	.25	.30			
Spray & stripping machines	7.60	.25	.30			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Pipefitters & Plumbers	7.925	.24	.60		.09	
Plasterers	7.825	.35	.30		.01	
Roofers	7.495	.20	.25			
Sheet metal workers	7.50	.38	.35		.04	
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers	7.65	.35	.30			
Terrazzo workers' helpers	6.975	.225	.30			
Floor machine operators	7.055	.225				
Base machine operators	7.305	.225				
Tile setters	7.65	.35	.30			
Tile setters' helpers	6.975	.225				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for empooyee who has worked in business more than 5 years. Epployer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday & Christmas Eve providing employee has worked 45 full days durning the 120 calendar days prior to the holiday, and the revular scheduled work days immediately preceding and following theholiday.

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LABORERS- BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers tenders; Carpenters tenders; Cement mason tender; Concrete from dismantler; Stone, Tile & Derrick men; Tool crib men; Window washers; Wrecking; Dismantling old buildings, Wall men & House movers, Common laborers; curing concrete.	$6.75	.30	.35		.035	
Cement men & sack shakers, Concrete saw, Drill operator, Jackhammer Kettlemen & Carriers, men handling hot stuff, signalling & spotting of buckets on rig or rig men Paving breaker, Plasterers tender, Air tamper, Cahin saw	6.875	.30	.35		.035	
Gunnite Pump Men, Sandblasting pump men, Tile layers or lateral sewer, unloading & handling of creosote materials	7.00	.30	.35		.035	
Power wheel barrow or buggies	6.925	.30	.35		.035	
Cutting & Acetylene Torch, Gunnite nozzle men, Sandblasting nozzle men, Wood Block Setters	7.125	.30	.35		.035	
Concrete form Dismantler in composite crew with carpenters; compactor rammer type; setting up & using Laser Beam equipment	6.875	.30	.35		.035	
Setting up & using concrete burning bars; underpinning & shoring of exisitng buildings	7.00	.30	.35		.035	

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ILLINOIS-20-LABORERS K 1 Of 2

ROADS, DRIVEWAYS & ALLEY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayer tender, carpenter tender, cement mason tender, flagman, concrete form dismantler, piledriver tender, surveyor helper, tool cribmen, water carrier, expansion joint assmeblers, all other excavating work & labor suring all concrete by concrete by hand method; drive stakes; string lines for all machinery; water proofing w/cold stuff	$6.765	.30	.35		.035	
Stripping concrete forms with composite crew of carpenters & laborers	6.89	.30	.35		.035	
All power operated tool, Asphalt Ketolmen & carriers, cement men & sack shakers, chipping hammer men, Jackhammer & drill operator (open) Powder man helper, Power form tampers, Power concrete saw, Rig man, Signalling & spotting of rigs & equipment waterproofing w/hot dtuff	6.89	.30	.35		.035	
Power Wheelbarrow or buggies	7.04	.30	.35		.035	
Gunntie pump man, Puddlers, Vibrator man, wire fabric placer, sandblasting pump man, strike off, unloading handling & carrying of any creosoted material conrete burning bars	7.015	.30	.35		.035	
Asphalt raker, Bricksetters, Cutting torch, seeting line to level forms, form setters, gunnite nozzle man, sandblasting nozzle man, Powder man Rip rapping, cutting torchman (electric & acetylene)	7.14	.30	.35		.035	
Tunnel & Subways (Free Air): Ton laborer	6.765	.30	.35		.035	
Bell men (top & bottom), all laborers in tunnel	6.89	.30	.35		.035	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Tunnel & Subways (Free Air): Cont'd						
Drill & Powder men, Gunnite operator (tunnel), operator cement placement	$7.14	.30	.35		.035	
Muckers	7.14	.30	.35		.035	
Tunnel Miners	7.24	.30	.35		.035	
Caisson (Free Air):						
Caisson top man helper	6.765	.30	.35		.035	
Caisson top man	6.89	.30	.35		.035	
Caisson miners & muckers	7.24	.30	.35		.035	
Open Sewer or Trenches:						
Top man & all other excavating	6.765	.30	.35		.035	
Bottom man who does immediate grading, batter board man, laser beam equip.	6.89	.30	.35		.035	
Tile layer & Caulker	6.89	.30	.35		.035	
Cribbing, Jackman & Hydraulic Jacman in trench-	7.24	.30	.35		.035	
Levee & Heavy Grading:						
All other labor	6.765	.30	.35		.035	
Spotters, Dump man, cut man	6.89	.30	.35		.035	
Pipe line:						
All other laborers, Rollers, Scalers and Spotters	6.765	.30	.35		.035	
Spacers	7.04	.30	.35		.035	
Signal men on rigs, rig men, kettlemen & carriers, men handling hotstuff, men who do immediate grading for laying of pipe or digging bell holes	6.89	.30	.35		.035	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
GROUP I						
Cranes, escalated rate on crane, derricks, booms, $.01 per hr., per foot, after 80-foot of boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators & plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scooper, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers & skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating & similar types tower cranes (crawler mobile) & stationary, crane-type backfiller, drott yumbo & similar types considered as cranes, caisson rigs (require oilers)-dozer, tournadozer, work boats, ross carrier & helicopter	$7.80	.35	.35		.05	
GROUP II						
Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps & gypsum bulker & pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (and similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ ditching machine or other attachments, tune-luger, rock crushers, automatic cement & gravel batching plants, mobile drills (soil testing & similar types), (require oiler), flasherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries, & similar type), 1 & 2 drum hoists (buck hoists & similar types freight & passenger elevators Chicago boom, boring machine & pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. & similar types (require oiler) straw blower, hydro seeder & F.W.D. & similar types	7.60	.35	.35		.05	

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP III						
Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bag to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pug mill (without pump), screed man on laydown machine, firemen & spray machine on paving	$7.325	.35	.35		.05	
GROUP IV						
Air compressor, all air & steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, & truck type hoptoe oilers	7.05	.35	.35		.05	
GROUP V						
Herman Nelson heater, Dravo, Warner, silent glo, & similar types, one engineer will operate 1-5 & after 5, two operators will be required, self- propelled concrete saws, assistant heavy equipment greaser-on spread, roller, 5 tons & under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2)-300 amp. or over, mixer (3) bag & under (standard capacity), bulk cement plant, crawler crane & skid rig oilers	6.94	.35	.35		.05	

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
GROUP 1						
Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile & crawler & stationary, derricks & hoist (3-drum); Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver & skid rigs, clam shells, locomotive cranes, road pavers-single drum-dual drum & tri batcher, motor patrols & power blades-Dumore, elevating sumilar types, mechanics, central concrete mixing plant oper blacktop plant operators & plant engineers gradall, caisson rigs-requires oiler, skimmerscoop-Koehring scooper, dredges (all types) hoptoe-crane type (require oiler), Escalated rate on crane & derricks booms, .01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer	$7.775	.35	.35		.05	
GROUP II						
Asphalt heater & planter combination (used to plant streets), trench machines, pump crete-belt crete-aqueeze crete-screw type pumps & gysum, bulker & pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, .25 per hour for each scoop over one, scoops (all sizes), pushcats, end-loaders (all types), side booms, P-H one-pass soil cement machines & similar types, wheel tractors (industrial or farm-type with dozer hoe-end loader or other attachments, backfillers, asphalt surfacing machine euclid loader, fork lifts, formeless finishings, jeep w/ditching machine or other attachments, tuneluger, rockcrucher,						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
automatic cement & gravel batching mobile drills (soil testing) & similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (Top greaser on spread), power launches, boring machine, C.M.I. & similar types (require oiler), all (10 & (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-seeder, boring machine, hydr boom, starting engineer on pipeline, F.W.D. & similar types	$7.575	.35	.35		.05	
GROUP III						
Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt-brick or macadam, concrete breaders, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch & boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors w/power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving	$7.30	.35	.35		.05	
GROUP IV						
Power subgrader, oil distributor, straight tractor, tracair (without attachments), curb machines, pavef ditch machines, truck crane oiler, and truck type hoptoe oilers	$7.025	.35	.35		.05	
GROUP V						
Herman Nelson Heater, Dravo, Warner, silent glo & similar types, one engineer will operator 1-5 & after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers - 5 ton & under on earth and gravel, from graders, pump (1) or						

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Ill. -20-PEO-2-3- 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
(20, light plant (10 or (2), generator (1) or (2), air compressor (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags & under, and bulk cement plant	$6.915	.35	.35		.05	

AP-621 P. 11

ILLINOIS-2-TD-1-2-3 S 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS: (BLDG., HEAVY)						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yds.or less than 13½ tons, tandems & simi-trailer service trucks, mixer trucks mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-Frame trucks when used for transporation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to & including 16 yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-Frames, tandem winch trucks, hydro-lift trucks						

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ILLINOIS-2-TD-1-2-3 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	$6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per each employee.

AP-621 P. 13

ILLINOIS-1-DREDGING D

DREDGING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP 1						
Operators on hydraulic dipper or clamshell dredges, Engineers & Repairmen, Operators on work boats	$7.80	.35	.35		.05	
GROUP 2						
Power Winches 1-2-3 Drum	7.60	.35	.35		.05	
GROUP 3						
Security Engineer	7.275	.35	.35		.05	
GROUP 4						
Cranemen on dipper dredges, Operators on launches or power boats	7.25	.35	.35		.05	
GROUP 5						
Fireman & Oilers	6.94	.35	.35		.05	

XUM

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Caddo & Bossier
DECISION NO.: AP-397 DATE: Date of Publication
Supersedes Decision No. AP-311, dated August 18, 1972, in 37 FR 16776.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

12 - LA - 1,2 k (1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.14	.30	.51		.025	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25					
CARPENTERS:						
Carpenters; soft floor layers, linoleum	6.35		.25		.03	
Piledrivers	6.60		.25		.03	
Millwrights	6.85		.25		.03	
CEMENT MASONS:						
Cement masons	5.85					
Troweling machine operators	6.10					
ELECTRICIANS:						
Cable splicers	7.50	.35	1%		1%	
Electricians	7.00	.35	1%		1%	
~~ELEVATOR CONSTRUCTORS~~	~~5.65~~	~~.17~~	~~.185~~	~~2%+a+b~~		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.65					
IRONWORKERS:						
Structural; Ornamental	6.70	.30	.35		.04	
Reinforcing	6.70	.30	.35		.04	
Sheeters	6.70	.30	.35		.04	
LABORERS:						
Building laborers	3.80	.10	.10			
Mason tenders; Plasterers' tenders	3.90	.10	.10			
Asphalt rakers & smoothers	3.90	.10	.10			
Mortar mixers	3.95	.10	.10			
Pipelayers (concrete & clay); Air jack & vibrator operators	4.00	.10	.10			
LATHERS	6.675				.01	
MARBLE SETTERS	5.50					
MARBLE SETTERS' HELPERS	3.00					
PAINTERS:						
Painters, tape & float and paperhangers; stage, window jacks & structural steel	5.75					
Stage, window jacks & structural steel:						
Heights exceeding 30 feet	6.00					
Heights exceeding 75 feet	6.25					
Sandblasting	6.35					
Spray	6.35					

AP-397 P. 2

12 - LA - 1,2 k (2 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.05				.01	
PLUMBERS - PIPEFITTERS	6.51		.30	.55	.06	
ROOFERS:						
Roofers	5.15		.10		.02	
Helpers	3.05		.10		.02	
Kettleman	3.42		.10		.02	
SHEET METAL WORKERS	6.67	.30	.25		.05	
SPRINKLER FITTERS	7.30	.25	.40		.05	
STONEMASONS	7.25					
TILE SETTERS & TERRAZZO WORKERS	5.50					
TILE SETTERS' HELPERS	3.00					
TERRAZZO WORKERS' HELPERS	3.30					
TERRAZZO MACHINE OPERATORS	3.65					
TRUCK DRIVERS:						
Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers	4.27					
Stake bodies; flat beds (all sizes)	4.35					
Single axle dumps & water trucks; transit mix, up to and including 3 yds.	4.60					
Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer	4.75					
Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels	4.90					
Euclids; low-boys; dempsey dumpsters; koehring dumps; five axle trucks; transit mix over 3 yds.; fuel trucks	5.10					
Fork lift	5.45					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LA - 3 - PEO - 1 n

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY DUTY OPERATORS						
Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Pile-drivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractor-vators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	$6.80	.25	.15			
LIGHT DUTY OPERATORS						
Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except Backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)	5.63	.25	.15			
Scaleman	5.60	.25	.15			
Oiler-Driver	5.56	.25	.15			
Mechanic Helper	5.32	.25	.15			
Oiler	5.10	.25	.15			

XUM

SUPERSEDEAS DECISION

STATE: Louisiana
DECISION NO.: AP-398
PARISHES: Caddo & Bossier
DATE: Date of Publication
Supersedes Decision No. AP-318, dated August 25, 1972, in 37 FR 17306.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

12 - LA - 1,2 k (1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.14	.30	.51		.025	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25					
CARPENTERS:						
Carpenters; soft floor layers, linoleum	6.35		.25		.03	
Piledrivers	6.60		.25		.03	
Millwrights	6.85		.25		.03	
CEMENT MASONS:						
Cement masons	5.85					
Troweling machine operators	6.10					
ELECTRICIANS:						
Cable splicers	7.50	.35	1%		1%	
Electricians	7.00	.35	1%		1%	
ELEVATOR CONSTRUCTORS	5.65	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	5.65					
IRONWORKERS:						
Structural; Ornamental	6.70	.30	.35		.04	
Reinforcing	6.70	.30	.35		.04	
Sheeters	6.70	.30	.35		.04	
LABORERS:						
Building laborers	3.80	.10	.10			
Mason tenders; Plasterers' tenders	3.90	.10	.10			
Asphalt rakers & smoothers	3.90	.10	.10			
Mortar mixers	3.95	.10	.10			
Pipelayers (concrete & clay); Air jack & vibrator operators	4.00	.10	.10			
LATHERS	6.675				.01	
MARBLE SETTERS	5.50					
MARBLE SETTERS' HELPERS	3.00					
PAINTERS:						
Painters, tape & float and paperhangers; stage, window jacks & structural steel	5.75					
Stage, window jacks & structural steel:						
Heights exceeding 30 feet	6.00					
Heights exceeding 75 feet	6.25					
Sandblasting	6.35					
Spray	6.35					

AP-398 P. 2

12 - LA - 1,2 k (2 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.05				.01	
PLUMBERS - PIPEFITTERS	6.51		.30	.55	.06	
ROOFERS:						
Roofers	5.15		.10		.02	
Helpers	3.05		.10		.02	
Kettleman	3.42		.10		.02	
SHEET METAL WORKERS	6.67	.30	.25		.05	
SPRINKLER FITTERS	7.30	.25	.40		.05	
STONEMASONS	7.25					
TILE SETTERS & TERRAZZO WORKERS	5.50					
TILE SETTERS' HELPERS	3.00					
TERRAZZO WORKERS' HELPERS	3.30					
TERRAZZO MACHINE OPERATORS	3.65					
TRUCK DRIVERS:						
Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers	4.27					
Stake bodies; flat beds (all sizes)	4.35					
Single axle dumps & water trucks; transit mix, up to and including 3 yds.	4.60					
Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer	4.75					
Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels	4.90					
Euclids; low-boys; dempsy dumpsters; koehring dumps; five axle trucks; transit mix over 3 yds.; fuel trucks	5.10					
Fork lift	5.45					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Marble setters	5.50					
Millwrights	7.63	.335	.35		.05	
Painters (Scranton):						
Brush	6.35	.35				
Spray	7.85	.35				
Steel	7.35	.35				
Painters (Carbondale):						
Brush	3.00					
Swing	3.25					
Steel	3.25					
Rollers	4.00					
Piledrivermen	7.60	.92	.25		.07	
Plasterers (Scranton)	7.65	.20	.40	.125		
Plumbers	7.74	.23	.40		.06	
Roofers:						
Roofers	6.81	.42	.27			
Helpers	6.585	.42	.27			
Kettlemen	6.81	.42	.27			
Precast slabs	7.00	.42	.27			
Sheet metal workers	6.30	.15	.10			
Soft floor layers	7.05	.335	.35		.05	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.64	.23	.50		.06	
Terazzo workers	5.50					
Terazzo workers' helpers	4.65					
Tile setters' helpers	4.55					
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.57					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	5.64					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.09					

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AP-462
COUNTY: Lackawanna
DATE: Date of Publication
Supersedes Decision No. AM-1,855, dated August 20, 1971, in 36 FR 16281.
DESCRIPTION OF WORK: Building construction, (excluding single family bomes and garden type apartments up to and including 4 stories).

35-PA-1- B 1 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.80	.30	.30	1.00		
Boilermakers	8.50	.40	.90		.01	
Bricklayers, stone masons & tile setters (Scranton)	7.575	.35	.50		.01	
Bricklayers, plasterers, stone & cement masons & tile setters (Carbondale)	6.60					
Carpenters	7.05	.335	.35		.05	
Cement masons (Scranton)	7.50	.20	.40	.125		
Electricians	6.675	.275	1%+.50		.10	
Elevator constructors	7.66	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers	5.36	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.83					
Glaziers	7.96	.25	.20			
Ironworkers, structural & ornamental	9.15	d			.05	
Ironworkers, reinforcing	8.95	d			.05	
Laborers:						
Laborers (0 miles to court house Scranton)	5.60	.23	.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to 2 bags)	5.75	.23	.50			
Scaffold builders	5.75	.23	.50			
Pipelayers (concrete & clay)	5.75	.23	.50			
Plasterers tenders	5.75	.23	.50			
Asphalt workers	5.75	.23	.50			
Laborers:						
Laborers (over 13 miles from Scranton)	6.00	.23	.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to2 bags)	6.15	.23	.50			
Scaffold builders	6.15	.23	.50			
Pipelayers (concrete and clay)	6.15	.23	.50			
Plasterers tenders	6.15	.23	.50			
Asphalt workers	6.15	.23	.50			
Lathers	7.05		.10		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	6.94	.15	1%			
Cable splicer & dynamite man	6.94	.15	1%			
Digging machine operator	6.94	.15	1%			
Tractor & compressor op.	6.94	.15	1%			
Groundman-truck driver	4.92	.15	1%			
Groundman	4.73	.15	1%			
Tree trimmers:						
Tree trimmer	4.25	.10	1%			
Brush cutter	3.35	.10	1%			
Groundman-truck driver	4.04	.10	1%			

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service for vacation pay credit.
b. Paid holidays: A through F.
c. Paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.
d. Employer contributes $1.50 per hour to a Health and Welfare and Pension Fund.

POWER EQUIPMENT OPERATORS BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	Apprentice	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power brooms, seeding spreader, fireman (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts; leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northampton
DECISION NO.: AP-463 DATE: Date of Publication
Supersedes Decision No. AM-1,861, dated August 20, 1971, in 36 FR 16310.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 7.83	.30	.30		.01	
Boilermakers	8.50	.40	.90		.01	
Bricklayers & Stonemasons - Bethlehem	7.40	.30	.35			
Bricklayers & Stonemasons - Remainder of County	7.30	.30				
Bricklayers, Cement Finishers, Stone-Stonemasons & Plasterers (Bangor	5.70					
Carpenters	8.53	.22	.21			
Cement masons, Bethlehem	7.00	.30	.35			
Cement masons, Remainder of County	7.30	.30				
Electricians:						
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	8.575	.20	1%		.01	
Remainder of County	8.63	4%	1%+.05		½ of 1%	
Glaziers	6.82	.25	.10		.01	
Ironworkers, structural	7.30	.235	.665			
Ironworkers, ornamental	7.30	.235	.665			
Ironworkers, reinforcing	7.30	.235	.665			
Laborers, Building:						
Unskilled laborers	5.30	.10	.10			
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools, wagon drills, and men handling dynamite, handling and using, cutting and burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same and cofferdams (below 10 feet)	5.55	.10	.10			
Plasterer and Mason Tenders, scaffold builders, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, and sand blasters helpers	5.60	.10	.10			
Marko Tamper Operator	5.80	.10	.10			
Lathers	7.69	.40	.25			
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.00	.15	1%		.5%	
Cable splicer	9.00	.15	1%		.5%	
Groundman	5.40	.15	1%		.5%	
Winch truck operator	6.30	.15	1%		.5%	
Millwrights	8.83	.22	.21			
Painters (Bethlehem):						
Brush	6.50	.22	.20			
Structural Steel	7.25	.22	.20			
Spray	7.00	.22	.20			

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters, Remainder of County						
Brush	6.00	.15	.15			
Structural Steel	6.75	.15	.15			
Spray	6.75	.15	.15			
Piledrivermen	9.22	1.08	.40		.07	
Plasterers, Bethlehem	7.13	.30	.35			
Plasterers, Remainder of County	7.30	.30				
Plumbers	7.95	.30	.30	.50	.01	
Roofers, Composition, Slate & Tile	7.90	.15				
Roofers, helpers	4.18	.15				
Sheet metal workers	7.95	.30	.50			
Soft floor layers	4.45	.07	.06			
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.95	.30	.30	.50	.01	
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.57					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	5.64					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.09					
Welders- receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION

Paid Holidays (Where Applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

POWER EQUIPMENT OPERATORS — PA-22-HEO-1-2 C
BUILDING AND HEAVY CONSTRUCTION

	Basic Hourly Rate	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with deck builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, ~~all loaders under 3-½ cu. yds., mechanic-welders~~, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.40	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania — COUNTIES: Butler, Cambria, Fayette and Somerset
DECISION NO.: AP-464 — DATE: Date of Publication
Supersedes Decision No. AM-5,973, dated December 17, 1971, in 36 FR 24032.
DESCRIPTION OF WORK: Heavy and Highway Construction.

HEAVY & HIGHWAY CONSTRUCTION — 26-HAF-2-3- J — 1

	Basic Hourly Rate	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.	Other
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Patcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.71	.30	.30			
Asphalt, batch and concrete plant operater (manually operated), Asphalt rakers, Burner, Caisson man (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb macine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond hand core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail jerker, or similar, Screed operator						

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.	Other
Laborers (cont'd):						
Signal man, Wrecker	$ 5.93	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.93	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-head man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	6.24	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.36	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline	7.70	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.69	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines)						
Signal man, Drill runner helper	5.93	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.24	.30	.30			
Caisson and tunnel man under pressure (0-18 pounds)	6.36	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	7.11	6%	3%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	6%			

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AP-464 P. 3 PA-2-PEO-2-3- G (1-2)

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or Otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Koehl, Koering Skooper, [illegible], Locomotive (std. gauge) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Mine, Refrigeration Plant (Soil Stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

AP-464 P. 4 PA-2-PEO-2-3- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled Conveyor, Curb Builder (Self-propelled Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

AP-464 P. 5 PA-2-TD-2-3-F 1 of 1

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

XUM

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Bedford, Cameron, Clarion, Clinton, Elk, Forest, Fulton, Huntingdon, Mifflin and Potter

DECISION NO.: AP-465

DATE: Date of Publication

Supersedes Decision No. AM-5,967, dated December 17, 1971, in 36 FR 24027.

DESCRIPTION OF WORK: Heavy and Highway Construction.

IA-5-LAB-1-2-3- L

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batchermen (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.39	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pile drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

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PA-5-LAB-1-2-3-L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Laborers (cont'd):						
Signal man, Checker	$5.64	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Rail road brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.64	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.93	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.05	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline	7.70	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.36	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines) Signal man, Drill runner helper	5.64	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.93	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.05	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	6.76	6%	3%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	8%			

NOTICES

AP-465 P. 3

PA-2-PEO-2-3- C (1-2)

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

AP-465 P. 4

PA-2-PEO-2-3- C (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C-
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

NOTICES

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SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Centre, Clearfield, Jefferson and Green
DECISION NO.: AP-666 DATE: Date of publication
Supersedes Decision No. AM-5,969, dated January 7, 1972, in 37 FR 244.
DESCRIPTION OF WORK: Heavy and Highway Construction.

PA-5-1AR-1-2-3-L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H.&W.	Pensions	Vacation	Apr. Tr.	Oth.
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tamper, Batchermen (mulch), Blaster's helper, Blower man (bulk cement), Bricklayer, Cutter dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and heavy drills (sports-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non automatic), Rip rap work, Scaffolds and runways (As per agreement of record), Shorers and shorers, structural concrete top surface, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.39	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt raker, Burner, Caisson man (open air), carryable pumps, Chain man operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete), (walk behind), Earth drill, Fork lift (walk behind), Farm setter (road farms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, jack hammer operator, Lutor plates (file or vitrified clay), Manually operated diamond head core drill, Incremental joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable simple unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or slinger, Screed operator	$5.39	.30	.30			

AP-666 P. 2

PA-5-1AR-1-2-3-L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H.&W.	Pensions	Vacation	Apr. Tr.	Oth.
Laborers (cont'd):						
Signal man, Lbadder All Railroad Track Work: Adzing machine, Ballast tamper, Ballast machine, Power jacks, Rail drills, Rail road brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-land man), Grout machine operator, Gunite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	$5.64	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.93	.30	.30			
Bolt-plate pipe (aligning and securing), Placing wire mesh-on runite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			
Welder (pipeline	6.55	.30	.30			
Tunnel and Shaft Work (Inside)	7.70	.30	.30			
Change house attendant	5.36	.30	.30			
Muckers, Backmen and all other labor (includes installation of utility lines)	5.64	.30	.30			
Signal man, Skill runner helper Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.93	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.05	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	6.76	6%	3%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	6%			

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H.&W.	Pensions	Vacation	Apr. Tr.	Oth.
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup, and materials equipment, parts man and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. Gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagons pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.73	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer Bottom or Belly-Dump Trucks	5.80	6%	3.5%			
	6.03	6%	3.5%			

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HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) ~~Kocal, Koering Skooper,~~ Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

AP-466 P. 4 PA-2-PEO-2-3- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled Conveyor, ~~Curb builder (self-propelled~~ Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

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HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagons pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

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SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AP-467
COUNTY: Beaver
DATE: Date of Publication
Supersedes Decision No. AH-5,972, dated December 17, 1971, in 36 FR 24031.
DESCRIPTION OF WORK: Heavy and Highway Construction.

PA-4-LAB-2-3-J

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.76	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers (cont'd):						
Signal man, Whacker	$5.93	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike driver, Spike pullers, Tamping machine	5.93	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	6.24	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, bluck, concrete or any prefabrication)	6.36	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline	7.70	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.69	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines)						
Signal man, Drill runner helper	5.93	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.24	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.36	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	7.46	6%	3%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	6%			

PA-2-PEO-2-3- G (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. & similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

PA-2-PEO-2-3- G (2-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

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HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon:, pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

SUPERSEDEAS DECISION

AP-388 P. 2

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler

DECISION NO.: AP-388

DATE: Date of Publication

Supersedes Decision No. AP-358, dated November 10, 1972, in 37 FR 24007.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

(1 - 4)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.25	.30	.25		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS & STONEMASONS	6.75					
CARPENTERS:						
Carpenters:						
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hartley, Oldham, Potter, Randall, Sherman, Swisher and Wheeler Counties	6.65					
Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree and Roberts Counties	6.40					
Millwrights:						
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hartley, Oldham, Potter, Randall, Sherman, Swisher and Wheeler Counties	6.90					
Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree and Roberts Counties	6.65					
CEMENT MASONS:						
Cement masons	5.70					
Machine operators	5.95					
ELECTRICIANS:						
Electricians	6.90	.25	1%		1/2%	
Cable splicers	7.59	.25	1%		1/2%	
ELEVATOR CONSTRUCTORS	4.06	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.85					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.55	.40	.40		.05	

(2 - 4)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Unskilled:						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall and Swisher Counties	$3.00					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.50					
Air tool operator (jackhammer, vibrator):						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall, and Swisher Counties	3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					
Mason tenders:						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall, and Swisher Counties	3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					
Mortar mixers:						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall and Swisher Counties	3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					
Pipelayers (non-metallic):						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall and Swisher Counties	3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D):						
Plasterers' tenders: Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall, and Swisher Counties	$3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					
LATHERS	5.275					
MARBLE MASONS (EXTERIOR)	5.50					
MARBLE MASONS (INTERIOR)	4.60					
PAINTERS:						
Brush & roller; paperhanger; perfa-tapers	5.25					
Structural steel painters; swinging stage or chair below 50 ft.	5.375					
Spray painters & sandblasters	5.90					
Perfa-tape, machine operator	5.50					
PLASTERERS	5.925				.01	
PLUMBERS & PIPEFITTERS:						
ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	6.20	.25	.30	.35		
ZONE 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	6.45	.25	.30	.35		
ZONE 3 - shall apply to all areas not within Zones 1 or 2	6.70	.25	.30	.35		
SHEET METAL WORKERS	7.52					
SPRINKLER FITTERS	8.35	.30	.50		.05	
TERRAZZO WORKERS	4.60					
TILE SETTERS	4.60					
TRUCK DRIVERS:						
1/2 ton to 3 tons	2.88					
3 to 5 tons	3.13					
5 tons and over	3.38					
Ready mix concrete to 3 yds.	2.88					
Ready mix concrete over 3 yds.	3.13					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT:						
Utility operator	$6.15	.30	.35		.05	
Blade grader, self-propelled; Clam shells; Cable ways; Cranes, power operated, all types; Derricks, power operated, all types; Draglines; Elevating graders, self-propelled; Hoist, 2 drums or more; Locomotive; Mixmobiles; Paving mixers, all types; Pile Drivers; Scrapers, Bulldozers, Side boom; Cherry pickers; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments (crawler type); Ditching machine; Farm type tractor (loader, 1 yd. & over) with backhoe	6.01	.30	.35		.05	
All other equipment of similar nature coming within the heavy class, when power operated.						
LIGHT EQUIPMENT:						
Farm type tractor (loader, under 1 yd.) with backhoe; Go-devil; Mixers, 14 cu. ft. or over; Rollers, over 10 tons; 2 pumps operated by one man; Air compressor and one tugger	5.83	.30	.35		.05	
Winch trucks	5.73	.30	.35		.05	
2 air compressors; 1 air compressor and 1 pump; Front end scoopmobile loader & payloader	5.70	.30	.35		.05	
Blade grader, towed; Elevators, building; Fork lifts; Hoists, single drum or 1 line hoisting (1 tugger); Mixers less than 14 cu. ft.; Rollers; Screening plants; Welding machines (gas or diesel) min. 2 max. 7; Crushing plants; Tractors wheel type except when hauling material; Truck crane driver and/or oiler front end crane	5.59	.30	.35		.05	
Pulsometer; 1 pump; 1 air compressor; mechanic helper; Welders helpers; fireman	5.41	.30	.35		.05	
Greasers	5.22	.30	.35		.05	
Oilers	5.12	.30	.35		.05	
All other equipment of similar nature coming within the light class, when power operated						

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Heaterman	$3.20					
Asphalt Raker	3.50					
Batching Plant Scaleman	3.90					
Carpenter	3.50					
Carpenter Helper	2.75					
Concrete Finisher (Paving)	3.65					
Concrete Finisher Helper (Paving)	3.40					
Concrete Finisher (Structures)	3.80					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber	3.25					
Form Builder (Structures)	4.20					
Form Builder Helper (Structures)	2.75					
Form Liner (Paving and Curb)	3.50					
Form Setter (Structures)	4.35					
Form Setter Helper (Structures)	3.10					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	2.85					
Mechanic	3.75					
Mechanic Helper	3.25					
Oiler	3.35					
Serviceman	3.10					
Painter (Structures)	3.00					
Pipelayer	2.70					
Pipelayer Helper	2.40					
Powderman	3.50					
Powderman Helper	2.70					
Reinforcing Steel Setter (Paving)	3.20					
Reinforcing Steel Setter (Structures)	2.85					
Reinforcing Steel Setter Helper	2.35					
Sign Erector	3.10					
Sign Erector Helper	2.50					
Spreader Box Man	3.15					
Swamper	2.35					
Power Equipment Operators:						
Asphalt Distributor	3.30					
Asphalt Paving Machine	4.20					
Broom or Sweeper Operator	2.55					
Bulldozer, 150 H.P. and Less	3.50					
Bulldozer, over 150 H.P.	3.75					

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Concrete Paving Finishing Machine	$3.75					
Concrete Paving Spreader	3.75					
Paving Sub Grader	4.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	4.35					
Crusher or Screening Plant Operator	3.75					
Foundation Drill Operator (Truck Mounted)	3.90					
Front End Loader (2½ C.Y. and Less)	3.30					
Front End Loader (Over 2½ C.Y.)	3.85					
Motor Grader Operator, Fine Grade	4.35					
Motor Grader Operator	3.75					
Roller, Steel Wheel (Plant-Mix Pavements)	3.30					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00					
Roller, Pneumatic (Self-Propelled)	2.55					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.50					
Tractor (Crawler Type) 150 H.P. and Less	2.90					
Tractor (Crawler Type) Over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.55					
Tractor (Pneumatic) over 80 H.P.	3.00					
Traveling Mixer	3.75					
Trenching Machine, Light	3.10					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.90					
Tandem Axle or Semitrailer	2.25					
Weighman (Truck Scales)	2.25					
Welder	4.35					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman	$6.90	.25	1%			
Groundman, more than 1 year experience	4.63	.25	1%			
Groundman, less than 1 year experience	4.04	.25	1%			
Operator-hole digger, line truck	5.38	.25	1%			
Flat bed truck driver	4.04	.25	1%			

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Galveston
DECISION NO.: AP-389 DATE: Date of Publication
Supersedes Decision No. AP-370, dated December 15, 1972, in 37 FR 26786.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.50	.495		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.30	.175	.30		.03	
CARPENTERS:						
Carpenters	6.66	.40	.30		.05	
Millwrights	6.92	.40	.30		.05	
Piledrivermen	6.66	.40	.30			
CEMENT MASONS	6.25	.40	.37			
ELECTRICIANS	7.41	.28	1%+.26		.03	
ELEVATOR CONSTRUCTORS	6.60	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	6.75	.225	.20		.01	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.825	.40	.40		.05	
LABORERS:						
Common	4.70	.25	.15		.02	
Air tool operator (jackhammer - vibrator)	4.875	.25	.15		.02	
Mason tenders	4.875	.25	.15		.02	
Pipelayers (concrete & clay)	4.875	.25	.15		.02	
Sandblasters	4.875	.25	.15		.02	
Power buggy operators	4.875	.25	.15		.02	
Lather tenders	4.975	.25	.15		.02	
Mortar mixers	4.975	.25	.15		.02	
Well driller	5.25	.25	.15		.02	
Well drillers' helpers	4.825	.25	.15		.02	
Blaster, powderman	5.125	.25	.15		.02	
Plasterer tender & hod carrier	4.975	.25	.15		.02	
MARBLE MASONS	6.50					
PAINTERS:						
Painters	5.675	.55	.45	.665	.02	
Painters on swinging stage work or using material injurious to the skin	5.925	.55	.45	.665	.02	
PIPEFITTERS:						
East of the Trinity River:						
Commercial work up to $50,000	7.075	.225	.20		.02	
Commercial work $50,000 & over	7.485	.225	.20		.02	
West of the Trinity River	7.425	.375	.55		.045	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.825	.27	.30		.05	
PLUMBERS:						
Commercial work up to $50,000	7.075	.225	.20		.02	
Commercial work $50,000 & over	7.485	.225	.20		.02	
ROOFERS:						
Roofers	5.93	.20	.10	.15	.03	
Kettleman	5.00	.20	.10	.15	.03	
Helpers	3.80	.20	.10	.15	.03	
SHEET METAL WORKERS	5.72		.125			
SOFT FLOOR LAYERS	6.25	.25	.10		.03	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STONEMASONS	7.30	.175	.30		.03	
TERRAZZO WORKERS	6.50					
TILE SETTERS	6.50					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractor; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; C-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AP-389 P. 3 — 14 - Texas - PED - 1 L (1 - 2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
HEAVY EQUIPMENT Heavy Duty Mechanic; Blade Grader, Self-Propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-Propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-Propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	$6.65	.30	.30		.01	

AP-389 P. 4 — 14 - Texas - PED - 1 L (2 - 2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LIGHT EQUIPMENT Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds, or less; Wagon Drill operator; Conveyor; Generator; Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A Light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	$6.01	.30	.30		.01	
FIREMAN	5.59	.30	.30		.01	
OILER	5.46	.30	.30		.01	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.765	.28	1%		1/2%	
Groundmen	5.32	.28	1%		1/2%	
Groundmen (1st 6 mos.)	3.87	.28	1%		1/2%	

AP-389 P. 5 — 14 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.55					
Asphalt Heaterman	2.85					
Asphalt Raker	3.00					
Batching Plant Scalesman	2.60					
Carpenter	3.75					
Carpenter Helper	3.25					
Concrete Finisher (Paving)	4.00					
Concrete Finisher Helper (Paving)	3.10					
Concrete Finisher (Structures)	3.65					
Concrete Finisher Helper (Structures)	3.00					
Concrete Rubber	3.00					
Electrician	5.50					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.65					
Form Liner (Paving and Curb)	3.80					
Form Setter (Paving and Curb)	3.50					
Form Setter Helper (Paving and Curb)	2.90					
Form Setter (Structures)	3.75					
Form Setter Helper (Structures)	2.90					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	3.70					
Mechanic	3.90					
Mechanic Helper	3.50					
Oiler	3.05					
Serviceman	3.20					
Painter (Structures)	3.85					
Painter Helper (Structures)	2.75					
Piledriverman	4.00					
Pipelayer	3.50					
Pipelayer Helper	3.00					
Reinforcing Steel Setter (Paving)	3.40					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.60					
Steel Worker (Structural)	3.70					
Steel Worker Helper (Structural)	3.45					
Sign Erector	3.00					
Spreader Box Man	3.25					

AP-389 P. 6 — 14 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Asphalt Distributor	$3.25					
Asphalt Paving Machine	3.50					
Bulldozer, 150 H.P. and Less	3.25					
Bulldozer, over 150 H.P.	3.50					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	4.00					
Concrete Paving Saw	3.00					
Concrete Paving Spreader	3.40					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	4.00					
Foundation Drill Operator (Crawler Mounted)	4.25					
Foundation Drill Operator (Truck Mounted)	3.80					
Front End Loader (2½ C.Y. and Less)	3.25					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	3.00					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.50					
Tractor (Crawler Type) over 150 H.P.	3.15					
Tractor (Pneumatic) 80 H.P. and Less	2.25					
Tractor (Pneumatic) over 80 H.P.	2.75					
Trenching Machine, Light	3.50					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.75					
Tandem Axle or Semitrailer	2.75					
Lowboy-Float	3.35					
Winch	2.75					
Welder	4.60					
Welder Helper	3.15					

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SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: AP-390 DATE: Date of Publication
Supersedes Decision No. AP-345, dated September 29, 1972, in 37 FR 20494.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

AP-390 P. 2

12 - Texas - 1 i (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$5.60	.35	.42		.02	
BOILERMAKERS	6.80	.30	.50		.06	
BRICKLAYERS	5.60					
CARPENTERS:						
Carpenters	5.40	.30			.02	
Millwrights	5.65	.30			.02	
Stationary radial arm power saw operator	5.525	.30			.02	
Floor layers	5.40	.30			.02	
CEMENT MASONS	4.475	.26				
ELECTRICIANS:						
Electricians	6.70	.25	1%		1/2%	
Cable splicers	6.95	.25	1%		1/2%	
ELEVATOR CONSTRUCTORS	5.41	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.67	.24				
IRONWORKERS:						
Ironworkers (El Paso County)	6.00	.25	.40		.05	
Ironworkers (all areas outside El Paso County)	7.00	.25	.40		.05	
LABORERS:						
Powderman or blasterer	4.06	.26	.10			
Outside wagon drill; wagon drill tenders; miner	3.83	.26	.10			
Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	3.58	.26	.10			
Pipelayer, main sewer and drainage	3.455	.26	.10			
Jackhammer operator, asphalt raker; kettlemen; asphalt or pot man	3.33	.26	.10			
Common	3.18	.26	.10			
LATHERS	5.69	.20			.01	
MARBLE MASONS	5.60				.06	
PAINTERS:						
Brush, paperhangers, chipping and hand tools used for cleaning rollers	4.75	.24				
Steel after erection, steam cleaning, buffing with power driven tools and torches	5.14	.24				

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT'D):						
Spray, sandblasting, waterblasting, swing stage	$5.415	.24				
Tapers, bedders, rollers 9" in width	4.75	.24				
Ames tools	4.96	.24				
Striping machine	5.41	.24				
All commercial buildings, water tanks, radio towers and smoke stacks:						
Up to 100 feet	6.03	.24				
75 to 100 feet	6.28	.24				
100 to 200 feet	6.53	.24				
200 to 300 feet	6.78	.24				
300 to 400 feet	7.03	.24				
PILEDRIVERMEN	4.60					
PLASTERERS	5.63	.26			.01	
PLUMBERS	6.50				.01	
SHEET METAL WORKERS	7.10	.29	.05		.005	
SOFT FLOOR LAYERS	4.56	.24				
SPRINKLER FITTERS	8.35	.30	.50		.05	
STONEMASONS	5.60				.06	
STEAMFITTERS	6.50				.01	
TERRAZZO WORKERS	5.60				.06	
TILE SETTERS	5.60				.06	
TILE SETTERS' HELPERS	3.10					
TRUCK DRIVERS:						
Up to and including 2 tons	3.50	.26				
Flat bed dump trucks, mechanically	3.60	.26				
Tank truck, up to 2500 gallons	3.50	.26				
Standard dump truck, up to and including 4 cu. yds.	3.60	.26				
Dump truck, over 4 cu. yds.	3.75	.26				
Truck over 4 tons including transit mix, all semitruck, etc.	3.75	.26				
Lowboy	3.75	.26				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AP-390 P. 3

12 - Texas - PEO - 1 h (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Fireman, Oiler; Mechanic, Grease Truck and Welder's Helper; Screedman, Pneumatic roller towed by farm-type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 h.p. without attachments	$4.46	.20	.10		.03	
Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and Concrete batch plants, under 1 yard, gunnite and pumpcrete machines, mechanical bull floats, spreading and finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core and cable drilling; well under 6 inches. Hoists, scoopmobiles, A frame Air tugger; building hoist, 1 drum hydrolift; Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader (under 2 yards) and over head loaders; forklift and lumber stacker on construction job site. Grease truck operator, (Head Oiler). Motorman and Industrial Locomotive. Tractors under 35 h.p. with attachments; and farm type tractors with back, or shovel type attachments	5.04	.20	.10		.03	
Concrete mixers 1 yard and over and batch plant 1 yard and over, single drum paving machines. Crushing plants. Drilling machines, 6 inches and over. Front end loaders, 2 yards and over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish	5.13	.20	.10		.03	

AP-390 P. 4

12 - Texas - PEO - 1 h (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker and Tractors 35 h.p. and up	$5.18	.20	.10		.03	
Concrete Paving machines, double drum. Catcranes, Hysters, Cherry Picker, Attachment cranes, side and swing boom tractors, Building hoist, 2 drum and up. Mechanic. Welder. Patrol, finish	5.26	.20	.10		.03	
Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under	5.50	.20	.10		.03	
Guy and stiff leg derrick, Pile-drivers; Crawler or skid rig. Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons	5.66	.20	.10		.03	
SHAFT AND TUNNEL OPERATIONS:						
Refrigeration, slusher, Jumbo form operators	5.13	.20	.10		.03	
Mucking machines	5.36	.20	.10		.03	
Mine Hoists	5.66	.20	.10		.03	

AP-390 P. 5 — 12 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$1.80					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Asphalt Shoveler	2.65					
Batching Plant Scaleman	3.05					
Carpenter	3.25					
Concrete Finisher (Paving)	3.75					
Concrete Finisher (Structures)	2.60					
Concrete Finisher Helper (Structures)	2.00					
Concrete Rubber	1.75					
Electrician	5.00					
Electrician Helper	3.00					
Form Builder (Structures)	2.55					
Form Builder Helper (Structures)	2.25					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.25					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.15					
Laborer, Common	1.60					
Laborer, Utility Man	2.00					
Manhole Builder, Brick	2.75					
Mechanic	3.00					
Mechanic Helper	2.00					
Oiler	2.50					
Serviceman	2.50					
Painter (Structures)	4.75					
Painter Helper (Structures)	3.75					
Piledriverman	2.50					
Pipelayer	2.50					
Powderman	3.30					
Powderman Helper	2.50					
Reinforcing Steel Setter (Paving)	2.00					
Reinforcing Steel Setter (Structures)	2.60					
Reinforcing Steel Setter Helper	1.75					
Sign Erector	3.40					
Spreader Box Man	2.45					
Swamper	2.00					

AP-390 P. 6 — 12 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Asphalt Distributor	$2.50					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.15					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Mixer	4.10					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Truck Mounted)	3.50					
Front End Loader (2½ C.Y. and Less)	2.70					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.35					
Roller, Steel Wheel (Plant-Mix Pavements)	2.55					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.20					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) over 150 H.P.	2.75					
Tractor (Pneumatic) 80 H.P. and Less	1.95					
Tractor (Pneumatic) over 80 H.P.	2.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.85					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	2.25					
Water Wagon Operator	2.25					
Welder	3.00					
Welder Helper	2.50					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman - Technician	$5.90	.15	1%			
Cable splicers	6.15	.15	1%			
Equipment operators	5.90	.15	1%			
Groundman	75%JR	.15	1%			
Groundman (less than 6 months)	60%JR	.15	1%			

SUPERSEDEAS DECISION

STATE: Texas — COUNTY: Travis
DECISION NO.: AP-391 — DATE: Date of Publication
Supersedeas Decision No. AP-344, dated September 29, 1972, in 37 FR 20491.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

18 - Texas - 1 L (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.26	.29	.20		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS; STONEMASONS	6.95	.35			.03	
CARPENTERS:						
Carpenters	6.375	.28	.30		.02	
Millwrights	6.625	.28	.30		.02	
CEMENT MASONS	5.82	.25				
ELECTRICIANS:						
Electricians	7.50		1%		1%	
Cable splicers	7.50		1%		1%	
ELEVATOR CONSTRUCTORS	6.51	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.35					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.465	.40	.40		.12	
LABORERS:						
Laborers, unskilled	3.745	.175	.10			
Air tool operator (jackhammer, vibrator); mason tenders; pipelayers (concrete & clay)	3.895	.175	.10			
Mortar mixers; plasterers' tenders	4.07	.175	.10			
LATHERS	5.75	.125		1.00	.01	
MARBLE SETTERS	6.50					
MARBLE SETTERS' HELPERS	4.02					
PAINTERS:						
Painters, brush	5.75					
Taping & floating of sheetrock	5.75					
Paperhangers	6.00					
Spray	6.25					
Steam cleaning, sand blast & other powered equipment	6.25					
Chipper, burner, torch	6.00					
Skeleton steelwork erected	6.00					
Swinging stage, bosun chair, window jack or scaffolding (above 2nd floor) 25c per hour above all base rates						
PLASTERERS	7.05	.25			.01	
PLUMBERS	7.25		.15		.03	

AP-391 P. 2 — 18 - Texas - 1 L (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Roofers	$5.23				.01	
Kettlemen	5.08				.01	
SHEET METAL WORKERS	7.05	.25	.25		.05	
SOFT FLOOR LAYERS	6.25	.25	.15		.03	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STEAMFITTERS	7.25		.15		.03	
TERRAZZO WORKERS	6.50					
TERRAZZO WORKERS' HELPERS:						
Terrazzo helpers	4.02					
Floor machine operators	4.22					
Base machine operators	4.37					
TILE SETTERS	6.50					
TILE SETTERS' HELPERS	4.02					
TRUCK DRIVERS	1.60					
TRUCK DRIVERS WINCH	1.60					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

AP-391 P. 3

18 - Texas - PEO - 1 s

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Backfiller; Backhoe; Blade grader - self-propelled; Bull clam; Bull-dozer and all types of cat tractors; Cableway; Clamshell operator; Crane-power operated, all types; Derricks-power operated, all types; Dragline; Elevating grader, self-propelled; Euclid operator; Foundation boring machine; Gradall; Heavy duty mechanic; High lifts and loader, over 1/3 cu. yd. capacity; Hoist-motor driven, two drums or more; Locomotive; Mixer, 14 cu. ft. or over; Mixmobile; Paving mixer-all types; Pumpcrete machine; Push cat operator; Rock crusher operated on job; Scoop-mobile; Scraper; Shovel-power operated; Trenching machine - all types; Two 125 cu. ft. compressors; Welding machines-6 to 12; Winch truck; Well points, including installations	$6.675		.30			
Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; Blade grader-towed; Plex plane; Pork lift, 1500 lbs. capacity or less; Hoist, single drum; pump 2½ inches or larger; Pneumatic roller; Mixer-less than 14 cu. ft.; Pulsometer; Truck crane driver & oiler combination man; Form grader, gasoline or diesel driven welding machine, 3 to 6; High-lifts & loaders, 1/3 cu. yd. or less	5.805		.30			
Fireman	4.83		.30			
Oiler	4.73		.30			

AP-391 P. 4

18 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.30					
Asphalt Hesterman	2.40					
Asphalt Raker	2.95					
Batching Plant Scaleman	3.10					
Carpenter	3.30					
Carpenter Helper	2.25					
Concrete Finisher (Structures)	3.20					
Concrete Finisher Helper (Structures)	2.50					
Electrician	5.75					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.00					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.35					
Laborer, Common	2.00					
Laborer, Utility Man	2.15					
Mechanic	3.25					
Mechanic Helper	2.70					
Oiler	2.25					
Serviceman	2.85					
Pipslayer	2.75					
Pipelayer Helper	2.25					
Powderman	3.25					
Powderman Helper	2.00					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.95					
Spreader Box Man	2.55					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	3.50					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.20					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ C.Y.)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Elevating Grader	3.00					
Foundation Drill Operator (Crawler Mounted)	2.85					
Foundation Drill Operator (Truck Mounted)	4.50					
Front End Loader (2½ C.Y. and Less)	3.00					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					

AP-391 P. 5

18 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Roller, Steel Wheel (Plant-Mix Pavements)	$2.95					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.60					
Tractor (Crawler Type) over 150 H.P.	2.80					
Tractor (Pneumatic) 80 H.P. and Less	2.30					
Tractor (Pneumatic) Over 80 H.P.	2.45					
Trenching Machine, Heavy	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.30					
Tandem Axle or Semitrailer	2.30					
Weighman (Truck Scales)	2.00					
Welder	3.80					

13 - Texas - LC h

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen	$7.33	.28	1%		1/2%	
Ground mechanics	6.19	.28	1%		1/2%	
Groundmen	5.30	.28	1%		1/2%	
Groundmen (1st 6 mos.)	4.21	.28	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Nueces
DECISION NO.: AP-392 DATE: Date of Publication
Supersedes Decision No. AP-371, dated December 22, 1972, in 37 FR 28386.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

15 - Texas - 1 m (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$6.555	.30	.295		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	6.45	.15				
CARPENTERS:					.02	
Carpenters	5.70	.21	.07		1%	
Millwrights	6.33					
Piledrivermen	4.50					
CEMENT MASONS	5.90	.15				
ELECTRICIANS:					1/2%	
Electricians	7.15	.35	1%		1/2%	
Cable splicers	7.275	.35	1%			
ELEVATOR CONSTRUCTORS	3.58	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.80		.20			
IRONWORKERS:					.025	
Structural; Ornamental	5.325	.40	.30		.025	
Reinforcing	5.20	.40	.30			
LABORERS:						
Common	3.50	.15				
Mason tenders, plasterers tenders, concrete & mortar mixers, pipelayers, lathers tenders, finish carpenters, slip form operators, scaffolding waterproofers, cement finishers	3.60	.15				
Paving buster, jackhammer chipping gun, air tamper, barie tamper, electric vibrator, air or gasoline driven vibrators or drills, sump pumps and any and all power driven equipment operated by laborers	3.60	.15				
Gunnite nozzlemen	4.10	.15				
Pipe wrappers & dopers	3.85	.15				
Powderman or blasterer	4.10	.15				
LATHERS	5.70	.20	.10	1.00	.01	
MARBLE SETTERS	5.70				.02	
MARBLE SETTERS' HELPERS	4.02					
PAINTERS:					2/10%	
Brush	5.25	.25	.25		2/10%	
Spray	5.65	.25	.25		2/10%	
Sign	5.50	.25	.25		.01	
PLASTERERS	6.50				.035	
PLUMBERS - STEAMFITTERS	6.15	.15	.25			

AP-392 P. 2

15 - Texas - 1 m (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:	$4.825		.10			
Roofers	4.70		.10			
Kettlemen	4.625		.10			
Waterproofers	4.825		.10			
Deckmen	6.15		.25		.01	
SHEET METAL WORKERS	5.70	.21	.07		.02	
SOFT FLOOR LAYERS	8.35	.30	.50		.05	
SPRINKLER FITTERS	5.70				.02	
TERRAZZO WORKERS						
TERRAZZO WORKERS' HELPERS:	4.02					
Terrazzo helpers	4.22					
*Floor machine operators	4.37					
Base machine operators	5.70				.02	
TILE SETTERS	4.02					
TILE SETTERS' HELPERS	1.90					
TRUCK DRIVERS						
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AP-392 P. 3

15 - Texas - PEO - 1 m

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
LIGHT EQUIPMENT						
Air compressor (1); Blade grader (towed); Conveyor; Fireman; Form grader; Flexplane; Generator (gas or diesel over 1500 watts); Hoist (1 drum); Lubrication truck driver; Mixer (less than 14 cu. ft.); Pulsometer; Pump (1); Roller (towed); Tractor (wheel type); Truck crane driver-oiler; Wagon drill; Welding machines (3 to 6) other than electric; All other equipment of similar nature coming with light equipment class when power operated	$5.225	.15	.20			
OILER						
Oiler, first year	4.625	.15	.20			
Oiler, second year	4.775	.15	.20			
HEAVY EQUIPMENT						
Air compressors (2); Asphalt plant mixer; Backfiller; Backhoe; Batch plant (concrete); Blade grader; Boring machine; Bull clam; Bulldozer; Cableway; Clamshell; Crane, power operated, all types; Crusher; Derrick, power operated, all types; Dragline; Elevator grader; Elevator, building (used on construction); Euclids & similar type machines; Forklift; Grade-all; Hi-lift; Hoist (2 drums or more); Locomotive and switch engines; Mixer (paving); Mixer (concrete); Piledriver; Pumps (2); Pumpcrete machines; Push cat or pull cat; Roller (flat-wheel); Scraper (all types); Shovel (power); Scoopmobile; Trench machine; Tugboat (on construction); Turnapulls and similar machines; Welding machines (7 to 13) other than electric; Well point; Winch truck; Mechanic; All other equipment of similar nature coming with heavy equipment class when power operated	5.80	.15	.20			

AP-392 P. 4

15 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.10					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Asphalt Shoveler	2.00					
Batching Plant Scaleman	3.35					
Batterboard Setter	2.60					
Carpenter	3.00					
Carpenter Helper	2.45					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	3.25					
Concrete Finisher (Structures)	2.85					
Concrete Finisher Helper (Structures)	2.40					
Electrician	4.60					
Fireman	3.00					
Form Builder (Structures)	3.00					
Form Builder Helper (Structures)	2.25					
Form Setter (Paving and Curb)	2.40					
Form Setter (Structures)	2.70					
Form Setter Helper (Structures)	2.15					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.40					
Mechanic Helper	2.50					
Oiler	2.50					
Piledriverman	3.00					
Pipelayer	2.20					
Reinforcing Steel Setter (Structures)	2.50					
Reinforcing Steel Setter Helper	2.25					
Spreader Box Man	2.75					
Power Equipment Operators:						
Asphalt Distributor	2.75					
Asphalt Paving Machine	3.00					
Bulldozer, 150 H.P. and Less	2.85					
Bulldozer, over 150 H.P.	3.20					
Concrete Paving Saw	2.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ C.Y. and Over)	3.50					

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Foundation Drill Operator (Truck Mounted)	$4.35					
Front End Loader (2½ C.Y. and Less)	2.50					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.60					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.05					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	2.75					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.50					
Tractor (Crawler Type) over 150 H.P.	3.10					
Tractor (Pneumatic) 80 H.P. and Less	2.00					
Tractor (Pneumatic) over 80 H.P.	2.40					
Traveling Mixer	2.50					
Trenching Machine, Light	2.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.20					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.50					
Vibrator Man (Hand Type)	2.00					
Welder	3.00					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION						
Lineman	$7.22	.28	1%		1/2%	
Cable splicer	7.345	.28	1%		1/2%	
Groundman	4.74	.28	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: AP-393 DATE: Date of Publication
Supersedes Decision No. AP-343, dated September 29, 1972, in 37 FR 20488.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.26	.29	.20		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	6.92	.25	.20		.05	
CARPENTERS	6.17	.28	.30		.02	
CEMENT MASONS:						
Cement masons	6.52	.25				
Machine operators	6.77	.25				
ELECTRICIANS:						
Electricians	7.18	.25	1%		1/2%	
Cable splicers	7.43	.25	1%		1/2%	
ELEVATOR CONSTRUCTORS	6.06	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.20		.20			
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.35	.40	.45		.05	
LABORERS:						
Common laborers	3.87	.25	.10		.02	
Air tool operator (jackhammer, vibrator)	3.96	.25	.10		.02	
Bell hole man	3.98	.25	.10		.02	
Mason tenders	3.98	.25	.10		.02	
Mortar mixers	4.24	.25	.10		.02	
Plasterers' tenders	4.24	.25	.10		.02	
Pipelayers, concrete & clay (non-metallic)	3.87	.25	.10		.02	
LATHERS	6.725				.01	
MARBLE MASONS	5.99	.25	.20			
MARBLE MASONS' HELPERS	4.02					
MILLWRIGHTS	6.47	.28	.30		.02	
PAINTERS:						
Brush	5.20		.20			
Spray	5.45		.20			
Structural steel	5.45		.20			
Spray on structural steel; sand-blaster	5.70		.20			
PLASTERERS	6.98				.01	
PLUMBERS - PIPEFITTERS	7.13	.25	.35		.10	
ROOFERS:						
Roofers	4.50				.01	
Kettlemen	3.95				.01	
Waterproofer	4.20				.01	
Deckman	4.50				.01	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS	$7.05	.25	.25		.05	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STONEMASONS	6.92	.25	.20		.05	
TERRAZZO WORKERS	5.99	.25	.20			
TERRAZZO WORKERS' HELPERS:						
Terrazzo helpers	4.02					
Floor machine operators	4.22					
Base machine operators	4.37					
TILE SETTERS	5.99	.25	.20			
TILE SETTERS' HELPERS	4.02					
TRUCK DRIVERS	1.60					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
ALL FOUNDATION drilling rigs; All rollers (5 tons or over); Backfiller; Backhoe; Blade graders (self-propelled); Bull clam; Bulldozers; Cableway; Clam shell operator; Crane (power operated, all types); Derrick (power operated, all types); Draglines; HW-10 caterpillar and similar tractors; Elevating gradere (self-propelled); Euclid; Fork lift used on construction; Gasoline or diesel-driven welding machines (7 to 12); Gradall; Heavy duty mechanic; High lifts; Hoist (two drums or more); Locomotives; Mixer (14 cu. ft. or over); Mixmobile; Paving mixers (all sizes); Piledrivers; Pumpcrete machine operator; Rock crusher operator on job; Scoopmobile; Scrapers; Shovel (power operated); Turnapulls; Trenching machines (all sizes); Winch truck; All other equipment of similar nature, coming within the heavy equipment class, when power operated	$6.52	.30	.20			
AIR COMPRESSOR (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); Blade graders (towed); Building elevator used on construction; Flex planes; Form graders; Hoist (single drum); Mixer (less than 14 cu. ft.); Pneumatic roller; Pulsometers; Pump (2½ or larger shall require a light equipment operator); Three to six welding machines or any three pieces or equipment of equal or similar nature, coming within the light equipment class when power operated; Roller (under 5 ton); Truck crane drivers	5.86	.30	.20			
FIREMAN	4.96	.30	.20			
OILER	4.78	.30	.20			

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.00					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Batching Plant Scaleman	3.20					
Batterboard Setter	2.65					
Carpenter	2.75					
Carpenter Helper	2.25					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber	2.45					
Electrician	5.60					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	3.10					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.85					
Laborer, Utility Man	2.00					
Mechanic	3.20					
Mechanic Helper	2.75					
Oiler	2.45					
Serviceman	2.35					
Painter (Structures)	2.90					
Painter Helper (Structures)	2.00					
Pipelayer	2.50					
Pipelayer Helper	2.10					
Powderman	2.85					
Powderman Helper	2.00					
Reinforcing Steel Setter (Paving)	3.00					
Reinforcing Steel Setter (Structures)	2.95					
Reinforcing Steel Setter Helper	2.25					
Spreader Box Man	2.00					
Power Equipment Operators:						
Asphalt Distributor	2.85					
Asphalt Paving Machine	2.75					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Crusher or Screening Plant Operator	$3.00					
Elevating Grader	3.00					
Foundation Drill Operator (Crawler Mounted)	3.70					
Foundation Drill Operator (Truck Mounted)	4.00					
Foundation Drill Operator Helper	3.30					
Front End Loader (2½ C.Y. and Less)	2.75					
Front End Loader (Over 2½ C.Y.)	3.25					
Mixer(16 C.F. and Less)	2.50					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.60					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.00					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 C.Y. and Less)	2.75					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.25					
Tractor (Crawler Type) over 150 H.P.	2.50					
Tractor (Pneumatic) 80 H.P. and Less	2.00					
Tractor (Pneumatic) over 80 H.P.	2.35					
Traveling Mixer-	2.50					
Trenching Machine, Light	3.25					
Trenching Machine, Heavy	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	2.25					
Winch	2.15					
Welder	4.00					
Welder Helper	2.75					

1 - Texas - LC c

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman	$6.905	.28	1%		1/2%	
Groundmen	4.67	.28	1%		1/2%	
Groundmen, 1st 6 mos.	3.45	.28	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Texas | COUNTY: Lubbock
DECISION NO.: AP-394 | DATE: Date of Publication
Supersedes Decision No. AP-355, dated November 3, 1972, in 37 FR 23523.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

24 - Texas - 1 k (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.25	.30	.25		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS; STONEMASONS	6.50					
CARPENTERS	6.00	.20	.05		.01	
CEMENT MASONS	4.75					
ELECTRICIANS:						
Electricians	6.50	.25	1%			
Cable splicers	6.75	.25	1%			
ELEVATOR CONSTRUCTORS	3.54	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS(PROB.)	50%JR					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.075	.40	.40		.10	
All ironworkers on jobs (30) miles or more from the City of Lubbock	6.20	.40	.40		.10	
LABORERS:						
Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below	3.60					
Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe	3.875					
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders	3.80					
Wagon drill	3.95					
Blasterers and powder make-up men	4.20					
LATHERS	6.50	.20			.01	
PAINTERS:						
Brush	$5.00					
Spray	5.65					
PLASTERERS	5.75					
PLUMBERS - STEAMFITTERS	6.45		.35		.02	
SHEET METAL WORKERS	7.52					
SOFT FLOOR LAYERS	5.00					
SPRINKLER FITTERS	8.35	.30	.50		.05	
TRUCK DRIVERS	3.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AP-394 P. 3

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT OPERATORS Drilling machine (all types); Scoopmobile; Hoists, two drums or more; Winch truck; six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derricks, power operated (all types); Gradall; Hy-ho; Hop-to; Paving mixers (all types); Piledrivers; Mobile concrete mixers, over 14 cubic feet; Bulldozers, Loaders, Tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressor & one pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic	$6.00	.30	.50		.10	
LIGHT EQUIPMENT OPERATORS Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cubic feet; Screening plants; Welding machines, gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except backhoe)	5.60	.30	.50		.10	
OILERS (ALL TYPES)	4.70	.30	.50		.10	

AP-394 P. 4

24 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Heaterman	$2.70					
Asphalt Raker	2.75					
Asphalt Shoveler	2.15					
Batching Plant Scaleman	2.95					
Carpenter	3.25					
Carpenter Helper	2.85					
Concrete Finisher (Paving)	3.50					
Concrete Finisher (Structures)	3.35					
Concrete Finisher Helper (Structures)	2.90					
Form Builder (Structures)	3.25					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	2.35					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.50					
Mechanic	3.05					
Oiler	2.70					
Serviceman	3.00					
Powderman	3.25					
Powderman Helper	2.50					
Sign Erector	2.75					
Sign Erector Helper	2.50					
Spreader Box Man	2.80					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	2.85					
Asphalt Paving Machine	2.75					
Broom or Sweeper Operator	2.10					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and over)	3.85					
Crusher or Screening Plant Operator	3.00					
Front End Loader (2½ C.Y. and Less)	3.00					
Front End Loader (Over 2½ C.Y.)	3.30					
Motor Grader Operator, Fine Grade	3.90					
Motor Grader Operator	3.50					

AP-394 P. 5

24 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Roller, Steel Wheel (Plant-Mix Pavements)	$2.75					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.55					
Roller, Pneumatic (Self-Propelled)	2.40					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.50					
Tractor (Crawler Type) 150 H.P. and Less	2.75					
Tractor (Crawler Type) over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.50					
Tractor (Pneumatic) over 80 H.P.	2.65					
Traveling Mixer	3.15					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	3.10					
Weighman (Truck Scales)	2.30					
Welder	4.10					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman	$6.50	.25	1%			
Operators	5.60	.25	1%			
Groundmen (more than 1 year experience)	5.35	.25	1%			
Groundmen (less than 1 year experience)	4.35	.25	1%			
Flat bed truck operator	4.60	.25	1%			

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Harris
DECISION NO.: AP-395 DATE: Date of Publication
Supersedes Decision No. AP-368, dated December 8, 1972, in 37 FR 26252.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

14 - Texas - 1 q (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.50	.495		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.20	.275	.30		.03	
CARPENTERS:						
Carpenters	6.66	.40	.30		.05	
Millwrights	6.92	.40	.30		.05	
Piledrivermen	6.66	.40	.30			
CEMENT MASONS	6.25	.40	.37		.05	
ELECTRICIANS	7.65	.25	1%+.15		.015	
ELEVATOR CONSTRUCTORS	6.60	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	6.75	.225	.20		.01	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.825	.40	.40		.05	
LABORERS:						
Common	4.70	.25	.15		.02	
Air tool operator (Jackhammer - vibrator)	4.875	.25	.15		.02	
Mason tenders	4.875	.25	.15		.02	
Pipelayers (concrete and clay)	4.875	.25	.15		.02	
Sandblasters	4.875	.25	.15		.02	
Power buggy operator	4.875	.25	.15		.02	
Lather tender	4.975	.25	.15		.02	
Mortar mixers	4.975	.25	.15		.02	
Well driller	5.25	.25	.15		.02	
Well driller helpers	4.825	.25	.15		.02	
Blaster, Powdermen	5.125	.25	.15		.02	
Plaster tender & Hod carrier	4.975	.25	.15		.02	
LATHERS	6.75	.20	.15		.02	
PAINTERS:						
East Harris County:						
All brush painting, hand roller	7.08					
All spray painting, sandblasting, waterblasting	7.455					
Steeple jack work, hot materials	7.705					
Remainder of County:						
Brush	6.11	.275	.30	.30	.03	
Roller, steam cleaning, pneumatic tools	6.11	.275	.30	.30	.03	
Spray	6.485	.275	.30	.30	.03	
Sandblasting-waterblasting	6.485	.275	.30	.30	.03	
Steeple jack work, hot materials	6.735	.275	.30	.30	.03	

AP-395 P. 2

14 - Texas - 1 q (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PIPEFITTERS	$7.425	.375	.55		.045	
PLASTERERS	6.825	.27	.30		.02	
PLUMBERS	7.08	.32	.42	.50	.06	
ROOFERS:						
Roofers	5.93	.20	.10	.15	.03	
Kettlemen	5.00	.20	.10	.15	.03	
Helpers	3.80	.20	.10	.15	.03	
SHEET METAL WORKERS	7.285	.225	.375	.20	.025	
SOFT FLOOR LAYERS	6.25	.25	.10		.03	
SPRINKLER FITTERS	8.35	.30	.50		.05	
TILE SETTERS, MARBLE MASONS, MOSAIC & TERRAZZO WORKERS	5.00					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, fireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractors; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AP-395 P. 3 — 14 - Texas - PEO -1 L (1-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
HEAVY EQUIPMENT						
Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpiller, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-Propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	$6.65	.30	.30		.01	

AP-395 P. 4 — 14 - Texas - PEO - 1 L (2-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LIGHT EQUIPMENT						
Air Compressors; Blade Grader, Towed; Plex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Screper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 - 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	6.01	.30	.30		.01	
FIREMAN	5.59	.30	.30		.01	
OILER	5.46	.30	.30		.01	

4 - Texas - LC J

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.765	.28	1%		1/2%	
Groundmen	5.32	.28	1%		1/2%	
Groundmen (1st 6 mos.)	3.07	.28	1%		1/2%	

NOTICES

AP-395 P. 5 — 14 - Texas - 3 h (1-2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.55					
Asphalt Heaterman	2.85					
Asphalt Raker	3.00					
Batching Plant Scaleman	2.60					
Carpenter	3.75					
Carpenter Helper	3.25					
Concrete Finisher (Paving)	4.00					
Concrete Finisher Helper (Paving)	3.10					
Concrete Finisher (Structures)	3.65					
Concrete Finisher Helper (Structures)	3.00					
Concrete Rubber	3.00					
Electrician	5.50					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.65					
Form Liner (Paving and Curb)	3.80					
Form Setter (Paving and Curb)	3.50					
Form Setter Helper (Paving and Curb)	2.90					
Form Setter (Structures)	3.75					
Form Setter Helper (Structures)	2.90					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	3.70					
Mechanic	3.90					
Mechanic Helper	3.50					
Oiler	3.05					
Serviceman	3.20					
Painter (Structures)	3.85					
Painter Helper (Structures)	2.75					
Piledriverman	4.00					
Pipelayer	3.50					
Pipelayer Helper	3.00					
Reinforcing Steel Setter (Paving)	3.40					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.60					
Steel Worker (Structural)	3.70					
Steel Worker Helper (Structural)	3.45					
Sign Erector	3.00					
Spreader Box Man	3.25					

AP-395 P. 6 — 14 Texas - 3 h (2-2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators						
Asphalt Distributor	$3.25					
Asphalt Paving Machine	3.50					
Bulldozer, 150 HP and Less	3.25					
Bulldozer, over 150 HP	3.50					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	4.00					
Concrete Paving Saw	3.00					
Concrete Paving Spreader	3.40					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.00					
Foundation Drill Operator (Crawler Mounted)	4.25					
Foundation Drill Operator (Truck Mounted)	3.80					
Front End Loader (2½ CY and Less)	3.25					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	3.00					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Lesa	2.50					
Tractor (Crawler Type) over 150 HP	3.15					
Tractor (Pneumatic) 80 HP and less	2.25					
Tractor (Pneumatic) over 80 HP	2.75					
Trenching Machine, Light	3.50					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle Heavy	2.75					
Tandem Axle or Semitrailer	2.75					
Lowboy-Float	3.35					
Winch	2.75					
Welder	4.60					
Welder Helper	3.15					

NOTICES

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr and Willacy

DECISION NO.: AP-396

DATE: Date of Publication

Supersedes Decision No. AP-357, dated November 10, 1972, in 37 FR 24005.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$6.555	.30	.295			
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	5.00					
CARPENTERS:						
Carpenters	4.275					
Piledrivermen	4.67					
CEMENT MASONS	3.50					
ELECTRICIANS	5.76		1%		1%	
GLAZIERS	2.75					
LABORERS:						
Common laborers	1.60					
Mason tenders	1.75					
Pipelayers (concrete & clay)	2.00					
PAINTERS:						
Brush	2.60					
PLASTERERS	5.00					
PLUMBERS - PIPEFITTERS	5.90	.15			.05	
ROOFERS:						
Roofers	3.00					
Kettlemen	2.05					
SOFT FLOOR LAYERS	2.00					
SPRINKLER FITTERS	8.35	.30	.50		.05	
TERRAZZO WORKERS	2.50					
TERRAZZO WORKERS' HELPERS	1.83					
TILE SETTERS	2.50					
TILE SETTERS' HELPERS	1.75					
TRUCK DRIVERS	1.93					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AP-396 P. 2

36 Texas 3 h (1-2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$1.85					
Asphalt Raker	2.15					
Batterboard Setter	2.70					
Carpenter	3.00					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	2.55					
Concrete Finisher Helper (Paving)	2.50					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.50					
Electrician	5.50					
Fireman	2.75					
Form Builder (Structures)	3.10					
Form Builder Helper (Structures)	2.35					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.85					
Laborer, Utility Man	2.30					
Manhole Builder, Brick	2.50					
Mechanic	3.15					
Mechanic Helper	2.60					
Oiler	2.50					
Serviceman	2.35					
Piledriverman	3.50					
Pipelayer	2.50					
Reinforcing Steel Setter (Structures)	3.00					
Reinforcing Steel Setter Helper	2.00					
Spreader Box Man	2.60					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	2.60					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.25					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					

AP-396 P. 3

36 Texas 3 h (2-2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators, Cont'd:						
Front End Loader (2½ CY and Less)	$2.75					
Front End Loader (Over 2½ CY)	3.00					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.35					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.35					
Roller Pneumatic (Self-Propelled)	2.10					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.50					
Tractor (Crawler Type) over 150 HP	2.75					
Tractor (Pneumatic) 80 HP and Less	2.25					
Tractor (Pneumatic) over 80 HP	2.85					
Traveling Mixer	2.85					
Trenching Machine, Light	3.25					
Truck Drivers:						
Single Axle, Light	1.85					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	1.85					
Welder	3.00					
Welder Helper	2.75					

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lineman	$5.48	.28	1%		1/2%	
Groundman	3.47	.28	1%		1/2%	
Groundman, 1st 6 mos.	2.39	.28	1%		1/2%	

[FR Doc.73-1439 Filed 1-24-73;8:45 am]

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PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Implementation Regulations

No. 17—Pt. III——1

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Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

DELETION OF REGULATIONS IMPLEMENTING LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

As set forth in 20 CFR, Part 01 (37 FR 22980), organizational changes have been made by which the former Bureau of Employees' Compensation and its functions were divided between two offices. Administration of the Federal Employees' Compensation Act (FECA) and related statutes was transferred to the Office of Federal Employees' Compensation (OFEC), and administration of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA) and related statutes was transferred to the Office of Workmen's Compensation Programs (OWCP). In view of the different office titles, and the addition of extensive new responsibility delegated to OWCP under the black lung benefits program (see 37 FR 25440) and amendments made to the LHWCA by Public Law 92–576, 86 Stat. 1261, it was determined that the regulations relating to the LHWCA and its extensions should, upon revision, be transferred to Chapter VI of Title 20, Code of Federal Regulations.

By separate document in the FEDERAL REGISTER this date p. 2650, amending Subchapter A of Chapter VI of Title 20, Code of Federal Regulations, there are published the revised regulations promulgated under the LHWCA and its extensions. Accordingly, the pending revision and recodification mentioned in 20 CFR 01.3 has been accomplished, and the regulations in Subchapters C, D, E, H, and I of Chapter I of Title 20, CFR, are superseded. Those subchapters are, therefore, hereby vacated and 20 CFR 01.3 is revoked.

Inasmuch as the new regulations in chapter VI, as published this date, are effective January 26, 1973, this deletion shall also be effective January 26, 1973.

Signed at Washington, D.C., this 18th day of January 1973.

JAMES D. HODGSON,
Secretary of Labor.

[FR Doc.73–1401 Filed 1–24–73;8:45 am]

Chapter VI—Employment Standards Administration, Department of Labor

SUBCHAPTER A—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

IMPLEMENTATION REGULATIONS

Pursuant to the authority contained in § 39 of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA), as amended by Public Law 92–576, approved October 27, 1972, subchapter A of chapter VI of title 20, CFR, is amended by revising Part 701, entitled Functions of Office of Workmen's Compensation Programs, and by adding a new part 702, entitled Administration and Procedures, a new part 703, entitled "Insurance Regulations," and a new part 704, entitled "Special Provisions for LHWCA Extensions." Subchapter A of chapter VI, as amended, restates with extensive revisions and the addition of new subject matter, the rules formerly set forth in subchapters, C, D, E, H, and I of chapter I of this title 20 which, by a separate document published this date in the FEDERAL REGISTER, p. 2650, are accordingly being deleted from chapter I of this title.

Part 701 provides brief descriptions of the organizational component in the Department of Labor administering the LHWCA and its extensions and of the organization of subchapter A of chapter VI. Part 702 contains the administrative regulations describing how and where to file claims for workmen's compensation benefits, and setting forth the procedures in the various stages of handling such claims, from informal disposition through formal hearings, and further, how and when to file an appeal. Part 703 contains the technical regulations affecting insurance carriers or self-insured employers, i.e., describing how they become, and remain authorized to write or provide insurance coverage under the act. Part 704 contains special provisions for administration of the LHWCA extensions in those very few instances wherein the general Longshoremen's Act regulations are inappropriate or inapplicable.

The provisions of 5 U.S.C. 553 for notice, public procedure, and delayed effective date are not applicable to the interpretation rules, general statements of policy, and rules of agency organization, procedure, and practice set forth in these amendments. In addition, in view of the 1972 amendments to the LHWCA by Public Law 92–576, which became effective on November 26, 1972, it is necessary that the regulations applicable under the act and its extensions be revised and placed in effect as expeditiously as possible, both to accede to a congressional mandate that the regulations be promptly revised and to process and adjudicate the numerous claims awaiting action pending this revision. Under these circumstances, I find that notice of proposed rule making and opportunity for public comments thereon would be impracticable and contrary to the public interest. I further find that delay in the effective date of these regulations, for those same reasons, is also impracticable and contrary to the public interest. Accordingly, these regulations shall become effective January 26, 1973.

However, notwithstanding this promulgation of rules in final form, it is the policy of this Department to obtain and consider comments, arguments, and suggestions from all interested persons. Accordingly, the Employment Standards Administration will receive written comments, data, and arguments until March 5, 1973, at which time these comments will be considered as if this document were a proposal. Until this document is further amended, these regulations shall remain in full force and effect.

Interested persons are invited to submit such data, views, or arguments to the Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, on or before March 5, 1973.

As amended, subchapter A of chapter VI reads as follows:

PART 701—FUNCTIONS OF OFFICE OF WORKMEN'S COMPENSATION PROGRAMS

Sec.
701.101 Establishment of Office of Workmen's Compensation Programs.
701.102 Transfer of functions.
701.103 Historical background.
701.201 Scope of this subchapter.
701.202 Organization of this subchapter.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 36 D.C. Code 501; 42 U.S.C. 1651; 43 U.S.C. 1331; 5 U.S.C. 6171; Secretary's Order No. 13–71, 36 FR 8755.

§ 701.101 Establishment of Office of Workmen's Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him by the Secretary of Labor in Secretary's Order No. 13–71, 36 FR 8755, has established in the Employment Standards Administration (ESA) an Office of Workmen's Compensation Programs (OWCP). The Assistant Secretary has further designated as the head thereof a Director who, under the general supervision of the Deputy Assistant Secretary for Employment Standards/Wage-Hour Administrator and the Deputy Administrator, shall administer the programs assigned to that office by the Assistant Secretary.

§ 701.102 Transfer of functions.

Pursuant to the authority vested in him by the Secretary of Labor, the Assistant Secretary for Employment Standards has transferred from the Bureau of Employees' Compensation to the Office of Workmen's Compensation Programs all functions of the Department of Labor with respect to the administration of benefits programs under the following statutes:

(a) The Longshoremen's and Harbor Worker's Compensation Act, as amended and extended, 33 U.S.C. 901 et seq.;

(b) Defense Base Act, 42 U.S.C. 1651 et seq.;

(c) District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.;

(d) Outer Continental Shelf Lands Act, 43 U.S.C. 1331;

(e) Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 8171 et seq.;

(f) Title IV of the Federal Coal Mine Health and Safety Act, 83 Stat 742, as amended by the Black Lung Benefits Act of 1972, 86 Stat. 150.

§ 701.103 Historical background.

Administration of the Longshoremen's and Harbor Workers' Compensation Act (and the Federal Employees' Compensation Act, formerly known as the U.S. Employees' Compensation Act), was initially vested in an independent establishment known as the U.S. Employees' Compensation Commission. By Reorganization Plan No. 2 of 1946 (3 CFR 1943–1949 Comp., p. 1064; 60 Stat. 1095, effective July 16, 1946), the Commission was abolished and its functions were transferred to the Federal Security Agency to be performed by a newly created Bureau of Employees' Compensation within such Agency. By Reorganization Plan No. 19 of 1950 (15 FR 3178, 64 Stat. 1263) said Bureau was transferred to the Department of Labor, and the authority formerly vested in the Administrator, Federal Security Agency, was vested in the Secretary of Labor. By Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263, the Secretary of labor was authorized to make from time to time such provisions as he shall deem appropriate authorizing the performance of any of his functions by any other officer, agency or employee of the Department of Labor.

§ 701.201 Scope of this subchapter.

This subchapter contains the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA) and its direct extensions, the Defense Base Act (DBA), the District of Columbia Workmen's Compensation Act (DCCA), the Outer Continental Shelf Lands Act (OCSLA), and the Nonappropriated Fund Instrumentalities Act (NFIA), and such other amendments and extensions as may hereinafter be enacted. The regulations governing administration of the Black Lung Benefits Program are in Subchapter B of this chapter.

§ 701.202 Organization of this subchapter.

This part 701 is intended to provide a brief description of the organization, jurisdiction and method of operation of the Office of Workmen's Compensation Programs (also referred to in this subchapter as "the Office" or "OWCP"). Part 702 contains the general administrative regulations governing claims filed under the LHWCA, and part 703 contains the regulations governing authorization of insurance carriers, authorization of self-insurers, and issuance of certificates of compliance with said insurance regulations, as required by sections 32 and 37 of the LHWCA, 33 U.S.C. 932, 937. Inasmuch as the extensions of the LHWCA (see § 701.201) incorporate by reference nearly all of the provisions of the LHWCA, such that the regulations governing the latter apply to the extensions with very few exceptions, it has been determined that no useful purpose would be served by repeating the same provisions for each of the extensions. Accordingly, the regulations in parts 702 and 703 shall apply to the administration of the extensions (DBA, DCCA, OCSLA, and NFIA), unless otherwise noted. The exceptions to the general applicability of parts 702 and 703 are set forth in succeeding parts in this subchapter. Part 704 contains the exceptions for the DBA, the DCCA, the OCSLA, and the NFIA.

PART 702—ADMINISTRATION AND PROCEDURES

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702.102 Establishment of suboffices and jurisdictional areas.
702.103 Effect of establishment of suboffices and jurisdictional areas.
702.104 Transfer of individual cases.

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702.508 Vocational rehabilitation; confidentiality of information.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 42 U.S.C. 1651 et seq.; 36 D.C. Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13–71, 36 FR 8755.

ADMINISTRATION

§ 702.101 Establishment of compensation districts.

Pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act, the following compensation districts have been established:

District No. 1. Comprises the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; with headquarters at Boston, Massachusetts.

District No. 2. Comprises the States of New York and New Jersey; with headquarters at New York, N.Y.

District No. 3. Comprises the States of Pennsylvania, Delaware, and West Virginia; with headquarters at Philadelphia, Pennsylvania.

District No. 4. Comprises the State of Maryland and the District of Columbia; with headquarters at Baltimore, Maryland.

District No. 5. Comprises the State of Virginia; with headquarters at Norfolk, Virginia.

District No. 6. Comprises the States of North Carolina, Kentucky, Tennessee, South Carolina, Georgia, Florida; Alabama, except that part of the State south of 31° north latitude; and Mississippi, except that part of the State south of 31° north latitude; with headquarters at Jacksonville, Florida.

District No. 7. Comprises the States of Arkansas, Louisiana, that part of the State of Alabama south of 31° north latitude, and that part of the State of Mississippi south of 31° north latitude; with headquarters at New Orleans, La.

District No. 8. Comprises the States of Texas, Oklahoma, and New Mexico; with headquarters at Galveston, Tex.

District No. 9. Comprises the States of Ohio, Indiana, and Michigan; with headquarters at Cleveland, Ohio.

District No. 10. Comprises the States of Illinois, Missouri, Kansas, Nebraska, Iowa, Minnesota, and Wisconsin; with headquarters at Chicago, Ill.

District No. 13. Comprises the States of California, Arizona, and Nevada; with headquarters at San Francisco, Calif.

District No. 14. Comprises the States of Washington, Oregon, Alaska, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, and South Dakota; with headquarters at Seattle, Wash.

District No. 15. Comprises the State of Hawaii; with headquarters at Honolulu, Hawaii.

§ 702.102 Establishment of suboffices and jurisdictional areas.

(a) As administrative exigencies from time to time may require, the Director may, by administrative order, establish special areas outside the continental United States, Alaska, and Hawaii, or change or modify any areas so established, notwithstanding their inclusion within an established compensation district. Such areas shall be designated "jurisdictional areas." The Director shall also designate which of his deputy commissioners shall be in charge thereof.

(b) To further aid in the efficient administration of the OWCP, the Director may from time to time establish suboffices within compensation districts or jurisdictional areas, and shall designate a person to be in charge thereof.

§ 702.103 Effect of establishment of suboffices and jurisdictional areas.

Whenever the Director establishes a suboffice or jurisdictional area, those reports, records, or other documents with respect to processing of claims that are required to be filed with the deputy commissioner of the compensation district in which the injury or death occurred, may instead be required to be filed at the suboffice, or office established for the jurisdictional area.

§ 702.104 Transfer of individual cases.

At any time after a claim is filed, the deputy commissioner having jurisdiction thereof may, with the approval of the Director, transfer such case to the deputy commissioner in another compensation district for the purpose of taking such action as may be necessary or appropriate to further develop the claim. The deputy commissioner making the transfer shall by letter to the deputy commissioner to whom the case is transferred give such advice, comments, suggestions, or directions as may be appropriate to the particular case. The transfer of cases shall be by registered or certified mail.

RECORDS

§ 702.111 Employer's records.

Every employer shall maintain adequate records of injury sustained by employees while in his employ, and which shall also contain information of disease, other impairments or disabilities, or death relating to said injury. Such records shall be available for inspection by the OWCP or by any State authority.

§ 702.112 Records of the OWCP.

All reports, records, or other documents filed with the OWCP with respect to claims are the records of the OWCP. The Director shall be the official custodian of those records maintained by the OWCP at its national office, and the deputy commissioner shall be the official custodian of those records maintained at the headquarters office in each compensation district.

§ 702.113 Inspection of records of the OWCP.

Any party in interest may be permitted to examine the record of the case in which he is interested. The official custodian of the record sought to be inspected shall permit or deny inspection in accordance with the Department of Labor's regulations pertaining thereto (see 29 CFR Part 70). The original record in any such case shall not be removed from the office of the custodian for such inspection. The custodian may, in his discretion, deny inspection of any record or part thereof which is of a character specified in 5 U.S.C. 552(b) if in his opinion such inspection may result in damage, harm, or harassment to the beneficiary or to any other person, or may be inimical to the interests of the OWCP or of the United States. For special provisions concerning release of information regarding injured employees undergoing vocational rehabilitation (see § 702.508).

§ 702.114 Copying of records of OWCP.

Any party in interest may request copies of records he has been permitted to inspect. Such requests shall be addressed to the official custodian of the records sought to be copied. The official custodian shall provide the requested copies under the terms and conditions specified in the Department of Labor's regulations relating thereto (see 29 CFR Part 70).

FORMS

§ 702.121 Forms.

The Director may from time to time prescribe, and require the use of, forms for the reporting of any information required to be reported by the regulations in this subchapter, or by the Act or any of its extensions.

REPRESENTATION

§ 702.131 Representation of parties in interest.

Claimants, employers, and insurance carriers may be represented in any proceeding under the Act by an attorney or other person previously authorized to so act in writing.

§ 702.132 Fees for services.

An attorney or other representative seeking a fee for services performed with respect to claims filed under the Act shall make application therefor to the persons, administrative body, or court before whom the services were performed (see 33 U.S.C. 928(c)). The application shall be supported by a complete statement of the extent and character of the necessary work done. Any fee approved shall be reasonably commensurate with the actual necessary work performed, and shall take into account the capacity in which the representative has appeared, the amount of benefits involved and the financial circumstances of the claimant. No contract for a stipulated fee or for a fee on a contingent basis shall be recognized.

§ 702.133 Unapproved fees; solicitation of claimants; penalties.

Under the provisions of section 28(e) of the Act, 33 U.S.C. 928(e), any person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of a claimant, unless such consideration or gratuity is approved under § 702.132, or who makes it a business to solicit employment for an attorney, or for himself in respect of any claim under the Act, shall upon conviction thereof, for each offense be punished by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or by both fine and imprisonment.

§ 702.134 Payment of claimant's attorney's fees in disputed claims.

(a) If the employer or carrier declines to pay any compensation on or before the 30th day after receiving written notice of a claim for compensation having been filed from the deputy commissioner, on the ground that there is no liability for compensation within the provisions of this Act, and the person seeking benefits shall thereafter have utilized the services of an attorney at law in the successful prosecution of his claim, there shall be awarded, in addition to the award of compensation, in a compensation order, a reasonable attorney's fee against the employer or carrier in an amount approved by the person, administrative body or court before whom the service was performed, which shall be paid directly by the employer or carrier to the attorney for the claimant in a lump sum after the compensation order becomes final (Act, section 28(a)).

(b) If the employer or carrier pays or tenders payment of compensation without an award pursuant to § 702.231 and section 14 (a) and (b) of this Act, and thereafter a controversy develops over the amount of additional compensation, if any, to which the employee may be entitled, the deputy commissioner, administrative law judge, or Board shall set the matter for an informal conference and following such conference the deputy commissioner, administrative law judge, or Board shall recommend in writing a deposition of the controversy. If the employer or carrier refuses to accept such written recommendation, within 14 days after its receipt by them, they shall pay or tender to the employee in writing the additional compensation, if any, to which they believe the employee is entitled. If the employee refuses to accept such payment or tender of compensation, and thereafter utilizes the services of an attorney at law, and if the compensation thereafter awarded is greater than the amount paid or tendered by the employer or carrier, a reasonable attorney's fee based solely upon the difference between the amount awarded and the amount tendered or paid shall be awarded in addition to the amount of compensation. The foregoing sentence shall not apply if the controversy relates to degree or length of disability, and if the employer or carrier offers to submit the case for evaluation by physicians employed or selected by the deputy commissioner, as authorized in section 7(e) and offers to tender an amount of compensation based upon the degree or length of disability found by the independent medical report at such time as an evaluation of disability can be made. If the claimant is successful in review proceedings before the Board or court in any such case an award may be made in favor of the claimant and against the employer or carrier for a reasonable attorney's fee for claimant's counsel in accord with the above provisions. In all other cases any claim for legal services shall not be assessed against the employer or carrier (Act, section 28(b)).

§ 702.135 Payment of claimant's witness fees and mileage in disputed claims.

In cases where an attorney's fee is awarded against an employer or carrier there may be further assessed against such employer or carrier as costs, fees and mileage for necessary witnesses attending the hearing at the instance of claimant. Both the necessity for the witness and the reasonableness of the fees of expert witnesses must be approved by the hearing officer, the Board, or the court, as the case may be. The amounts awarded against an employer or carrier as attorney's fees, costs, fees and mileage for witnesses shall not in any respect affect or diminish the compensation payable under this Act. (Act, section 28(d).)

COMMUTATION OF PAYMENTS AND SPECIAL FUND

§ 702.141 Commutation of payments; generally.

(a) Pursuant to section 14(j) of the Act, 33 U.S.C. 914(j), the deputy commissioner may determine that, in the interest of justice, the liability of the employer for compensation, or any part thereof, may be discharged by the payment of a lump sum equal to the present value of future payments commuted, computed at 4 per centum true discount compounded annually.

(b) Applications for commutation of future benefits shall be made to the deputy commissioner, on a form prescribed by the Director, OWCP, for that purpose. Applications shall be supported with a statement of the reasons for such application, together with such pertinent data as may lend support thereto.

(c) Applications for commutation of payments in disability cases will be accepted only when a compensation order has been filed in which the quality of the disability is found to be permanent and the duration of such disability is fixed by said order. Applications for commutation of payments in death cases will be approved only when it is shown that the rights of all probable and potential beneficiaries have been determined and after a compensation order has been filed fixing the rights of the beneficiary making the application or on whose behalf such commutation is sought.

(d) Commutations of payments shall be considered by the deputy commissioner, but no final action shall be taken in any case without the prior approval of the Director, OWCP.

(e) The probability of the happening of any contingency of any nature whatsoever affecting the amount or duration of compensation to be commuted shall not be considered excepting:

(1) The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he

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is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality and considered; and

(2) The probability of the remarriage of the surviving wife shall be determined in accordance with the remarriage tables of the Dutch Royal Insurance Institution.

§ 702.142 Commutation of payments; aliens not residents or about to become nonresidents.

(a) Pursuant to section 9(g) of the Act, 33 U.S.C. 909(g), compensation paid to aliens not residents, or about to become nonresidents, of the United States or Canada shall be in the same amount as provided for residents except that dependents in any foreign country shall be limited to surviving wife and child or children, or if there be no surviving wife or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of 1 year prior to the date of injury, and except that the Director, OWCP, may, at his option, or if upon the application of the insurance carrier he shall, commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the Director.

(b) Applications for commutation under this section shall be made in writing to the deputy commissioner having jurisdiction, and forwarded by the deputy commissioner to the Director, for final action.

(c) Applications for commutations shall be made effective, if approved by the Director, on the date received by the deputy commissioner, or on a later date if shown to be appropriate on the application.

(d) Commutations shall not be made with respect to a person journeying abroad for a visit who has previously declared an intention to return and has stated a time for returning, nor shall any commutation be made except upon the basis of a compensation order fixing the right of the beneficiary to compensation.

§ 702.143 Establishment of special fund.

Congress, by section 44 of the Act, 33 U.S.C. 944, established in the U.S. Treasury a special fund, to be administered by the Secretary. The Treasurer of the United States is the custodian of such fund, and all moneys and securities in such fund shall be held in trust by the Treasurer and shall not be money or property of the United States. The Treasurer shall make disbursements from such fund only upon the order of the Director, OWCP, as delegee of the Secretary. The Act requires that the Director give bond, in an amount to be fixed and with securities to be approved by the Secretary of the Treasury and the Comptroller General of the United States, conditioned upon the faithful performance of his duty as custodian of such fund.

§ 702.144 Purpose of the special fund.

This special fund was established to give effect to a congressional policy determination that, under certain circumstances, the employer of a particular employee should not be required to bear the entire burden of paying for the compensation benefits due that employee under the Act. Instead, a substantial portion of such burden should be borne by the industry generally. Section 702.145 describes this special circumstance under which the particular employer is relieved of some of his burden. Section 702.146 describes the manner and circumstances of the input into the Fund.

§ 702.145 Use of the special fund.

(a) *Under section 10 of the Act.* This section provides for initial and subsequent annual adjustments in compensation and continuing payments to beneficiaries in cases of permanent total disability or death which commenced or occurred prior to enactment of the 1972 Amendments to this Act. (Public Law 92-576, approved Oct. 27, 1972.) At the discretion of the Director, such payments may be paid directly by him to eligible beneficiaries as the obligation accrues, one-half from the special fund and one-half from appropriations, or he may require insurance carriers or self-insured employers already making payments to such beneficiaries to pay such additional compensation as the amended Act requires. In the latter case such carriers and self-insurers shall be reimbursed by the Director for such additional amounts paid, in the proportion of one-half the amount from the special fund and one-half the amount from appropriations. To obtain reimbursement, the carriers and self-insurers shall submit claims for payments made by them during previous periods at intervals of not less than 6 months. A form has been prescribed for such purpose and shall be used. No administrative claims service expense incurred by the carrier or self-insurer shall be included in the claim and no such expense shall be allowed. The amounts reimbursed to such carrier or self-insurer shall be limited to amounts actually due and previously paid to beneficiaries.

(b) *Under section 8(f) of the Act (Second Injuries).* In any case in which an employee having an existing permanent partial disability suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury, based upon the average weekly wages of the employee at the time of injury. If, following an injury falling within the provisions of section 8(c)(1)-(20), the employee with the preexisting permanent partial disability becomes permanently and totally disabled after the second injury, but such total disability is found not to be due solely to his second injury, the employer (or carrier) shall be liable for compensation as provided by the provisions of section 8(c)(1)-(20) of the Act, 33 U.S.C. 908(c)(1)-(20), or for 104 weeks, whichever is greater. In all other cases of a second injury causing permanent total disability (or death), wherein it is found that such disability (or death) is not due solely to the second injury, and wherein the employee had a preexisting permanent partial disability, the employer (or carrier) shall first pay compensation under section 8(b) or (e) of the Act, 33 U.S.C. 908(b) or (e), if any is payable thereunder, and shall then pay 104 weeks compensation for such total disability or death, and none otherwise. If the second injury results in permanent partial disability, and if such disability is compensable under section 8(c)(1)-(20) of the Act, 33 U.S.C. 908(c)(1)-(20), but the disability so compensable did not result solely from such second injury, and the disability so compensable is materially and substantially greater than that which would have resulted from the second injury alone, then the employer (or carrier) shall only be liable for the amount of compensation provided for in section 8(c)(1)-(20) that is attributable to such second injury, or for 104 weeks, whichever is greater. In all other cases wherein the employee is permanently and partially disabled following a second injury, and wherein such disability is not attributable solely to that second injury, and wherein such disability is materially and substantially greater than that which would have resulted from the second injury alone, and wherein such disability following the second injury is not compensable under section 8(c)(1)-(20) of the Act, then the employer (or carrier) shall be liable for such compensation as may be appropriate under section 8 (b) or (e) of the Act, 33 U.S.C. 908 (b) or (e), if any, to be followed by a payment of compensation for 104 weeks, and none other. The term "compensation" herein means money benefits only, and does not include medical benefits. The procedure for determining the extent of the employer's (or carrier's) liability under this paragraph shall be as provided for in the adjudication of claims in subpart C of Part 702 of these regulations, except that in lieu of the stipulation provided for in § 702.315, the deputy commissioner shall upon the consent of the parties, formalize the stipulation in the form of a compensation order, which shall be dated, filed, and mailed as provided for in § 702.349. Thereafter, upon cessation of payments which the employer is required to make under this paragraph, if any additional compensation is payable in the case, the deputy commissioner shall forward such case to the Director for consideration of an award to the person or persons entitled thereto out of the special fund. Any such award from the special fund shall be by order of the Director or Acting Director.

(c) *Under sections 8(g) and 39(c)(2) of the Act.* These sections, 33 U.S.C. 908 (g) and 939(c)(2), respectively, provide for vocational rehabilitation of disabled employees, and authorize, under appropriate circumstances, a maintenance allowance for the employee (not to exceed $25 a week) in addition to other compensation benefits otherwise payable for his injury-related disability. Awards under these sections are made from the special fund upon order of the Director or his designee. The deputy commissioners may be required to make investigations with respect to any case and forward to the Director their recommendations as to the propriety and need for such maintenance.

(d) *Under section 39(c)(2) of the Act.* In addition to the maintenance allowance for the employee discussed in paragraph (c), the Director is further authorized to use the fund in such amounts as may be necessary to procure the vocational training services.

(e) *Under section 7(e) of the Act.* This provision, 33 U.S.C. 907, authorizes payment by the Director from the special fund for special medical examinations, i.e., those obtained from impartial specialists to resolve disputes, when such special examinations are deemed necessary under that statutory provision. The Director has the discretionary power, however, to charge the cost of such examination to the insurance carrier or self-insured employer.

(f) *Under section 18(b) of the Act.* This section, 33 U.S.C. 918(b), provides a source for payment of compensation benefits in cases where the employer is insolvent, or other circumstances preclude the payment of benefits due in any case. In such situations, the deputy commissioner shall forward the case to the Director for consideration of an award from the special fund, together with evidence with respect to the employer's insolvency or other reasons for nonpayment of benefits due. Benefits, as herein used, means medical care or supplies within the meaning of section 7 of the Act, 33 U.S.C. 907, and Subpart D of Part 702 of these regulations, as well as monetary benefits. Upon receipt of the case, the Director shall promptly determine whether an award from the special fund is appropriate and advisable in the case, having due regard for all other current commitments from the special fund. If such an award is made, the employer shall be liable for the repayment into the fund of the amounts paid therefrom, as provided in 33 U.S.C. 918(b).

§ 702.146 Sources of the special fund.

(a) All amounts collected as fines and penalties under the several provisions of the Act shall be paid into the special fund. (Act, section 44(c)(3).) Civil penalties provided for in the Act shall be collected by civil suits brought by, and in the name of, the Secretary of Labor.

(b) Whenever an employee dies under circumstances creating a liability on an employer to pay death benefits to the employee's beneficiaries, and whenever there are no such beneficiaries entitled to such payments, the employer shall pay $5,000 into the special fund. (Act, section 44(c)(1).) In such cases, the compensation order entered in the case shall specifically find that there is such liability and that there are no beneficiaries entitled to death benefits, and shall order payment by the employer into the fund. Compensation orders shall be made and filed in accordance with the regulations in Subpart C of this Part 702, except that for this purpose the deputy commissioner settling the case under § 702.315 shall formalize the stipulation of the parties in a compensation order, and shall file such order as provided for in § 702.349.

(c) The Director annually shall assess an amount against every insurance carrier and self-insured employer authorized under the Act and Part 703 of this subchapter to replenish the fund. The total amount to be charged all carriers and self-insurers shall be based upon his estimate of the probable expenses of the fund during the calendar year. The assessment against each carrier and self-insurer shall be based upon the amount each paid during the prior calendar year, for compensation and medical benefits, in relation to the amount all such authorized carriers or self-insurers paid during that period for compensation and medical benefits. The resulting percentage each paid out for such benefits the prior year shall be the percentage each shall pay into the fund under the current assessment. (Act, section 44(c)(2).) The Director may, in his discretion, condition continued authorization under Part 703 of these regulations upon prompt payment of the assessment. However, no action suspending or revoking such authorization shall be taken without affording such carrier or self-insurer a hearing before the Director or his designee.

§ 702.147 Enforcement of special fund provisions.

(a) As provided in section 44(d)(1) of the Act, 33 U.S.C. 944(d)(1), for the purpose of making rules, regulations, and determinations under the special fund provisions in section 44 and for providing enforcement thereof, the Director may investigate and gather appropriate data from each carrier and self-insured employer, and may enter and inspect such places and records (and make such transcriptions of records), question such employees, and investigate such facts, conditions, practices, or other matters as he may deem necessary or appropriate.

(b) Pursuant to section 44(d)(3) of the Act, 33 U.S.C. 944(d)(3), for the purpose of any hearing or investigation related to determinations or the enforcement of the provisions of section 44 with respect to the special fund, the provisions of 15 U.S.C. 49 and 50 as amended (the Federal Trade Commission Act provisions relating to attendance of witnesses and the production of books, papers, and documents) are made applicable to the jurisdiction, powers, and duties of the Director, OWCP, as the Secretary's delegatee.

§ 702.148 Insurance carriers and self-insured employers responsibility.

Each carrier and self-insured employer shall make, keep, and preserve such records, and make such reports and provide such additional information as the Director prescribes or orders, which he considers necessary or appropriate to effectively carry out his responsibilities.

Subpart B—Claims Procedures

Employer's Reports

§ 702.201 Reports from employers of employee's injury or death.

Within 10 days from the date of an employee's injury or death, or 10 days from the date an employer has knowledge of an employee's injury or death, including any disease or death proximately caused by the employment, the employer shall furnish a report thereof to the deputy commissioner for the compensation district in which the injury or death occurred, and shall thereafter furnish such additional or supplemental reports as the deputy commissioner may request.

§ 702.202 Employer's report; form and contents.

The employer's report of an employee's injury or death shall be in writing and on a form prescribed by the Director for this purpose, and shall contain:

(a) The name, address, and business of the employer;

(b) The name, address and occupation of the employee;

(c) The cause, nature and other relevant circumstances of the injury or death;

(d) The year, month, day and hour when, and the particular locality where, the injury or death occurred;

(e) Such other information as the deputy commissioner may require.

§ 702.203 Employer's report; how given.

The employer's report, an original and one copy, may be furnished by delivering it to the appropriate office of the deputy commissioner, or by mailing it to said office.

§ 702.204 Employer's report; penalty for failure to furnish.

Any employer who fails or refuses to furnish any report required by § 702.201 shall be subject to a civil penalty not to exceed $500 for each such failure or refusal, 33 U.S.C. 930(e).

§ 702.205 Employer's report; effect of failure to report upon time limitations.

Where the employer, or agent in charge of the business, or carrier has been given notice or has knowledge of an employee's injury or death, and fails, neglects, or refuses to file a report thereof as required by § 702.201, the time limitations provisions with respect to the filing of claims for compensation for disability or death (33 U.S.C. 913(a), and see § 702.212) shall not begin to run until such report shall have been furnished as required herein.

Notice

§ 702.206 Notice of employee's injury or death.

Every person claiming compensation under this Act shall first notify the deputy commissioner for the compensation district in which the injury or death occurred, and the injured or deceased employee's employer, of the fact of such injury or death. If the employer is a partnership, notice may be given to any partner, or if a corporation, to any authorized agent or officer thereof, or to the person in charge of the business at the place where the injury occurred.

§ 702.207 Notice; when given.

Notice shall be given within 30 days after the date of the injury or death, or

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within 30 days after the date the employee or beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of a relationship between the injury or death and the employee's employment.

§ 702.208 Notice; by whom given.

Notice shall be given by the injured employee or someone in his behalf, or in the case of death, by the deceased employee's beneficiary or someone in his behalf.

§ 702.209 Notice; form and contents.

Notice shall be in writing and signed by the person authorized to give notice, and shall contain the name and address of the employee and a statement of the time, place, nature and cause of the injury or death. A form has been prescribed by the Director for this purpose and shall be made available to the employee or beneficiary by the employer.

§ 702.210 Notice; how given.

Notice shall be given by delivering it to the deputy commissioner and the employer, or by sending it by mail.

§ 702.211 Effect of failure to give notice.

Failure to give timely notice shall not bar any claim for compensation if: (a) the employer or carrier had knowledge of the injury or death and the deputy commissioner determines that the employer or carrier was not prejudiced thereby; or (b) the deputy commissioner excuses such failure on the ground that for some satisfactory reason such notice could not be given. The employer or carrier may not raise as a defense to a claim the failure to file a timely notice unless such defense is raised at the first hearing held on the claim.

CLAIMS

§ 702.212 Claims for compensation; time limitations.

Claims for compensation for disability or death shall be in writing and shall be filed with the deputy commissioner in the compensation district in which the injury or death occurred. Such claims may be filed anytime after the first 7 days of disability following an injury, or at anytime after death. However, the right to such compensation shall be barred unless a claim therefor is filed within 1 year of such injury or death.

§ 702.213 Claims; time limitations; exceptions.

(a) Where the claim is founded on a casual relationship between the disease or death and the employment, the 1-year time limitation specified in § 702.212 shall not begin to run until the employee or beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of such relationship.

(b) Where payments of compensation have been made without an award on account of such injury or death, a claim shall be timely if filed within 1 year after the date of the last payment.

(c) Where a person entitled to compensation under the Act is mentally incompetent or a minor, the time limitation provision of § 702.212 shall not apply to a mentally incompetent person so long as such person has no guardian or other authorized representative, but § 702.212 shall be applicable from the date of appointment of such guardian or other representative. In the case of a minor who has no guardian before he becomes of age, time begins to run from the date he becomes of age.

(d) Where a person brings a suit at law or in admiralty to recover damages in respect of an injury or death, and recovery is denied plaintiff because he was an employee and defendant was an employer within the meaning of the Act, such employer had secured compensation to such employee under the Act, the 1-year time limitation in § 702.212 shall not begin to run until the date of termination of such suit.

§ 702.214 Claims; time limitations; time to object.

Notwithstanding the requirements of § 702.212, failure to file a claim within the period prescribed in such section shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

§ 702.215 Claims; notification of employer of filing by employee.

Within 10 days after the filing of a claim for compensation for injury or death under the Act, the deputy commissioner shall give written notice thereof to the employer or carrier, served personally or by certified mail.

§ 702.216 Withdrawal of a claim.

(a) *Before adjudication of claim.* A claimant (or an individual who is authorized to execute a claim on his behalf), may withdraw his previously filed claim provided that:

(1) He files with the deputy commissioner with whom the claim was filed a written request stating the reasons for withdrawal;

(2) The claimant is alive at the time his request for withdrawal is filed;

(3) The deputy commissioner approves the request for withdrawal as being for a proper purpose and in the claimant's best interest; and

(4) The request for withdrawal is filed on or before the date the OWCP makes a determination on the claim.

(b) *After adjudication of claim.* A claim for benefits may be withdrawn by a written request filed after the date the OWCP makes a determination on the claim, provided that:

(1) The conditions enumerated in paragraph (a) (1) through (3) of this section are met; and

(2) There is repayment of the amount of benefits previously paid because of the claim that is being withdrawn or it can be established to the satisfaction of the Office that repayment of any such amount is assured.

(c) *Effect of withdrawal of claim.* Where a request for withdrawal of a claim is filed and such request for withdrawal is approved, such withdrawal shall be without prejudice to the filing of another claim, subject to the time limitation provisions of section 13 of the Act and of the regulations in this part.

NONCONTROVERTED CLAIMS

§ 702.231 Noncontroverted claims; payment of compensation without an award.

Unless the employer controverts his liability to pay compensation under the Act, he shall pay periodically, promptly, and directly to the person entitled thereto the benefits prescribed by the Act.

§ 702.232 Payments without an award; when; how paid.

The first installment of compensation shall become due on the 14th day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Compensation shall thereafter be paid in semimonthly installments, unless the deputy commissioner determines otherwise.

§ 702.233 Penalty for failure to pay without an award.

If any installment of compensation payable without an award is not paid within 14 days after it becomes due, there shall be added to such unpaid installment an amount equal to 10 per centum thereof which shall be paid at the same time as, but in addition to, such installment unless the employer files notice of controversion in accordance with § 702.251, or unless such nonpayment is excused by the deputy commissioner after a showing by the employer that owing to conditions over which he had no control such installment could not be paid within the period prescribed for the payment.

§ 702.234 Report by employer of commencement and suspension of payments.

Immediately upon making the first payment of compensation, and upon the suspension of payments once begun, the employer shall notify the deputy commissioner having jurisdiction over the place where the injury or death occurred of the commencement or suspension of payments, as the case may be.

§ 702.235 Report by employer of termination of payments.

Within 16 days after the final payment of compensation has been made, the employer shall notify the deputy commissioner in writing thereof, stating that such final payment has been made, the total amount of compensation paid, the name and address of the person to whom payments were made, the date of the injury or death and the name of the injured or deceased employee, and the dates during which compensation was paid.

§ 702.236 Penalty for failure to report termination of payments.

Any employer failing to notify the deputy commissioner of termination of payments in accordance with § 702.235 shall be assessed a civil penalty in the amount of $100.

AGREED SETTLEMENTS

§ 702.241 Agreed settlements; monetary benefits.

(a) Whenever the deputy commissioner determines that it is for the best interests of an injured employee entitled to compensation he may approve agreed settlements of the interested parties discharging the liability of the employer for such compensation notwithstanding the provisions of section 15(b) and section 16 of the Act, 33 U.S.C. 915(b) and 916. If the employee should die from causes other than the injury after the deputy commissioner has approved an agreed settlement, the sum so approved shall be payable in the manner herein prescribed, to and for the benefit of the persons enumerated in section 8(d) of the Act, 33 U.S.C. 908(d).

(b) Application for approval of an agreed settlement under section 8(i) of the Act, 33 U.S.C. 908(i), shall be made in writing to the deputy commissioner by the parties in interest. The application shall set forth fully all facts necessary to disclose the status of the case and the reason for seeking approval of an agreed settlement under said section of the Act as well as the specific terms of such agreed settlement, and shall be accompanied by a medical report of examination of the employee, if a recent report is not of record in the office of the deputy commissioner.

(c) If the deputy commissioner determines that the injured employee is entitled to compensation and that the proposed agreed settlement according to such application is for the best interests of such employee he shall file a compensation order making necessary findings of fact relative to the character and quality of disability and the effect of same with respect to the employee's wage-earning capacity prior to approving such settlement and discharging the employee's liability for compensation payments. If such course is not practical the deputy commissioner shall determine the probable character and quality of disability according to the most recent evidence received. With such determination the deputy commissioner shall consider such other information as he may hear upon the advisability of approving the agreed settlement and thereupon make his decision.

(d) This section is not intended to furnish generally a basis for the settlement of claims or as a mere convenience in disposing of cases.

§ 702.242 Agreed settlements; medical benefits.

(a) Whenever the Director or his designee determines that it is for the best interests of an injured employee entitled to medical benefits he may approve agreed settlements of the interested parties discharging the liability of the employer for such medical benefits, notwithstanding the provisions of section 16 of the Act, 33 U.S.C. 916. If the employee should die from causes other than the injury after an agreed settlement has been approved, the sum so approved shall be payable in the manner herein prescribed to, and for the benefit of, the persons enumerated in section 8(d) of the Act, 33 U.S.C. 908(d).

(b) Applications for approval of an agreed settlement with respect to medical benefits shall be made in writing and shall be submitted to the deputy commissioner by the parties in interest. The application shall set forth fully all facts necessary to disclose the status of the case and the reason for seeking approval of an agreed settlement, as well as the specific terms of the agreed settlement. Such application shall be accompanied by a report of a recent medical examination pertaining to the employee's condition and to his future need for medical attention relating to the injury. Applications, including all supporting papers, shall be submitted in duplicate.

(c) Upon receipt of such application, the deputy commissioner, after appropriate consultation with the interested parties, shall forward such application, together with his comments and recommendations, as to the character and quality of disability and such other information as may be pertinent to the appropriateness of approving the agreed settlement, to the Director, OWCP, for such action as the Director considers appropriate including the entry of a compensation order if it is deemed to be in the best interest of the injured employee.

CONTROVERTED CLAIMS

§ 702.251 Employer's controversion of the right to compensation.

Where the employer controverts the right to compensation after notice or knowledge of the injury or death, or after receipt of a written claim, he shall give notice thereof, stating the reasons for controverting the right to compensation, using the form prescribed by the Director. Such notice, or answer to the claim, shall be filed with the deputy commissioner within 14 days from the date the employer receives notice or has knowledge of the injury or death. The original notice shall be sent to the deputy commissioner having jurisdiction, and a copy thereof shall be given or mailed to the claimant.

§ 702.252 Action by deputy commissioner upon receipt of notice of controversion.

Upon receiving the employer's notice of controversion, the deputy commissioner shall forthwith commence proceedings for the adjudication of the claim in accordance with the procedures set forth in subpart C of this part.

Subpart C—Adjudication Procedures

GENERAL

§ 702.301 Scope of this subpart.

The regulations in this subpart govern the adjudication of claims in which the employer has filed a notice of controversion under § 702.251 or there are unresolved issues of fact or law. The disputed issues of fact or law are first submitted to the deputy commissioner or his designee for informal resolution at a prehearing conference. If all issues are resolved at the conference, the parties shall file a stipulation to that effect and appropriate action shall then be taken as warranted (§ 702.311 et seq.). If the issues cannot be resolved by the deputy commissioner or his designee at the prehearing conference, the case is transferred to an administrative law judge for formal hearing. (§ 720.331 et seq.) Supplementary compensation orders, modifications and interlocutory matters are governed by regulations beginning with § 702.371. Decisions of the administrative law judges may be appealed to the Benefits Review Board (§ 702.391).

ACTION BY DEPUTY COMMISSIONERS

§ 702.311 Prehearing conferences; purpose.

Among the purposes of a prehearing conference are:

(a) To amicably dispose of the case by resolving the issues in dispute;

(b) To narrow and simplify the controverted issues;

(c) To simplify the subsequent methods of proof.

§ 702.312 Prehearing conferences; called by whom; held before whom.

Prehearing conferences shall be called by the deputy commissioner, or his designee assigned the case, and shall be held before that same person unless such person is absent, deceased, or otherwise unable to handle the cases assigned him.

§ 702.313 Prehearing conferences; how called; when called.

Prehearing conferences shall be called upon 10 days' notice to the claimant and to the employer or carrier, unless the parties agree to less than 10 days' notice, or unless the interests of justice require more than 10 days' notice. The notice shall be on a form prescribed by the Director, and shall indicate the date, time and place of the conference, and shall also specify the issues to be discussed. For good cause shown, the deputy commissioner may reschedule a conference.

§ 702.314 Prehearing conferences; how conducted.

Prehearing conferences shall be informal. No stenographic report shall be taken and no witnesses shall be called. The deputy commissioner shall guide the discussion toward the achievement of the purpose for such conference, giving the parties the benefit of his specialized knowledge and experience.

§ 702.315 Prehearing conferences; conclusion; agreement on all issues.

(a) The deputy commissioner shall prepare a memorandum at the termination of the conference and shall mail a copy thereof to each party in interest within 30 days of the date on which the conference was held. The memorandum shall contain the date, time and place

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of the conference; the names and addresses of the parties, and their representatives, if any; the facts pertinent to the claim under consideration; the aspects of the claim initially controverted by the employer or carrier; the aspects of the claim unresolved at the start of the prehearing conference; and a statement of the recommendations of the deputy commissioner with respect to the matters in dispute and his proposed resolution thereof. Upon receiving said memorandum, the parties shall signify their agreement therewith by signing the memorandum and forthwith returning it to the office of the deputy commissioner. When returned to the office of the deputy commissioner by all parties, the signed memorandum shall be filed in the office of the deputy commissioner. The parties shall then be notified of such filing by certified mail and thereafter the employer or carrier shall immediately institute payments of compensation, if the order was in favor of the claimant, or such other action as the parties agreed to take.

(b) Nothing in the preceding paragraph shall be construed to preclude holding additional conferences to resolve an issue or issues not resolved at the conclusion of the initial conference if in the opinion of the deputy commissioner such additional conferences appear likely to resolve such issue or issues.

§ 702.316 Prehearing conferences; conclusion; no agreement on all issues.

(a) When it becomes apparent that the parties cannot reach agreement upon one or more issues, and one or both parties request a formal hearing, the deputy commissioner shall terminate the prehearing conference. Upon termination, the deputy commissioner shall immediately prepare a memorandum succinctly summarizing what transpired at the prehearing conference. This shall include a recitation of those matters pertinent to the claim upon which the parties have stipulated, a statement that the parties have so stipulated, and a listing of the issue or issues upon which agreement was not reached. A copy of this memorandum shall then be mailed to all parties and their representatives. Upon receipt thereof the parties shall, within 10 days of the receipt thereof, signify their agreement therewith by signing said memorandum and returning it to the deputy commissioner. If a party dissents to any portion of the memorandum, such dissention shall be noted thereon. Failure to return the memorandum within 10 days of its receipt shall be construed as acceptance thereof by such party.

(b) Upon return of the signed copies of the memorandum, the deputy commissioner shall prepare copies of each signed memorandum, or in the absence of a signed copy, note of such fact shall be made on the copy to be sent to the Office of the Chief Administrative Law Judge, and the requisite copies shall be forwarded to that office for appropriate action.

Formal Hearings

§ 702.331 Formal hearings; procedure initiating.

Formal hearings are initiated by transmitting to the Office of the Chief Administrative Law Judge the memorandum from the deputy commissioner as provided for in § 702.316.

§ 702.332 Formal hearings; how conducted.

Formal hearings shall be conducted by the administrative law judge assigned the case by the Office of the Chief Administrative Law Judge in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 554 et seq. All hearings shall be transcribed.

§ 702.333 Formal hearings; parties.

The necessary parties for a formal hearing are the claimant and the employer or insurance carrier, and the administrative law judge assigned the case.

§ 702.334 Formal hearings; representatives of parties.

The claimant and the employer or carrier may be represented by persons of their choice. However, if the administrative law judge determines that either party may not be sufficiently able to protect his rights under the Act, he may forbid such party to plead his own case and instead require that such party obtain the services of a qualified representative.

§ 702.335 Formal hearings; notice.

The Office of the Chief Administrative Law Judge shall notify, on a form prescribed for this purpose, the parties in interest of the scheduling of a formal hearing not less than 10 days in advance thereof. The notice shall specify the time and place at which the hearing is to be conducted. Attached thereto shall be a copy of the deputy commissioner's memorandum listing the issues to be resolved.

§ 702.336 Formal hearings; new issues.

(a) If, during the course of the formal hearing, the evidence presented warrants consideration of an issue not previously considered, the hearing shall be expanded to include such new issue. The parties shall, however, be given a reasonable time in which to prepare for such new issue.

(b) At any time prior to the filing of the compensation order in the case, the administrative law judge may in his discretion, upon the application of a party or upon his own motion, give notice that he will consider any new issue. The parties shall be given not less than 10 days' notice of the hearing on such new issue. The parties may stipulate that the issue may be heard at an earlier time and shall proceed to a hearing on the new issue in the same manner as on an issue initially considered.

§ 702.337 Formal hearings; change of time or place for hearings; postponements.

The Chief Administrative Law Judge or the administrative law judge assigned the case may change the time and place for the hearing, or postpone or temporarily adjourn a hearing, on his own motion or for good cause shown by a party. The parties shall be given not less than 10 days' notice of changes in the time and place of the hearing, unless the parties agree to such change without such notice. The Chief Administrative Law Judge may also reassign a case to another administrative law judge by reason of changes of time and place for the hearing, or by reason of postponements, or for other good cause.

§ 702.338 Formal hearings; general procedures.

All hearings shall be attended by the parties or their representatives and such other persons as the administrative law judge deems necessary and proper. The administrative law judge shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the administrative law judge believes that there is relevant and material evidence available which has not been presented at the hearing, he may adjourn the hearing or, at any time, prior to the filing of the compensation order, reopen the hearing for the receipt of such evidence. The order in which evidence and allegations shall be presented and the procedures at the hearing generally, except as these regulations otherwise expressly provide, shall be in the discretion of the administrative law judge and of such nature as to afford the parties a reasonable opportunity for a fair hearing.

§ 702.339 Formal hearings; evidence.

In making an investigation or inquiry, or conducting a hearing, the administrative law judge shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by 5 U.S.C. 554 and these regulations; but may make such investigation or inquiry or conduct such hearing in such a manner as to best ascertain the rights of the parties.

§ 702.340 Formal hearings; witnesses.

(a) Witnesses at the hearing shall testify under oath or affirmation, or as directed by the administrative law judge, unless they are excused by the administrative law judge for cause. The administrative law judge may examine the witnesses and shall allow the parties or their representatives to do so. If the administrative law judge conducts the examination of a witness, he may allow the parties to suggest matters as to which they desire the witness to be questioned, and the administrative law judge shall question the witness with respect to such matters if they are relevant and material to any issue pending for decision before him.

(b) No person shall be required to attend as a witness in any proceeding before an administrative law judge at a place more than 100 miles from his place of residence, unless his lawful mileage and fees for such attendance shall be

paid or tendered to him in advance of the hearing date.

§ 702.341 Formal hearings; depositions; interrogatories.

The testimony of any witness may be taken by deposition or interrogatory according to the Federal Rules of Civil Procedure.

§ 702.342 Formal hearings; witness fees.

Witnesses summoned in a formal hearing before an administrative law judge or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States (33 U.S.C. 925). Before any witness fees are incurred the Chief Administrative Law Judge or administrative law judge shall determine, in his discretion, that the presence of any witness was necessary. If it is determined that the presence of a witness is not necessary then that witness shall not be entitled to witness fees pursuant to this section.

§ 702.343 Formal hearings; oral argument and written allegations.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Copies of any brief or other written statement shall be filed with the administrative law judge and served on all parties in interest by the party submitting the statement.

§ 702.344 Formal hearings; waiver of right to appear.

If all parties waive their right to appear before the administrative law judge or to present evidence or argument personally or by representative, it shall not be necessary for the administrative law judge to give notice of and conduct an oral hearing. A waiver of the right to appear and present evidence and allegations as to facts and law shall be made in writing and filed with the Chief Administrative Law Judge or the administrative law judge. Where such a waiver has been filed by all parties, and they do not appear before the administrative law judge personally or by representative, the administrative law judge shall make a record of the relevant written evidence submitted by the parties, together with any pleadings they may submit with respect to the issues in the case. Such documents shall be considered as all of the evidence in the case and the decision shall be based on them.

§ 702.345 Formal hearings; consolidated issues.

When one or more additional issues are raised by the administrative law judge pursuant to § 702.336, such issues may, in the discretion of the administrative law judge, be consolidated for hearing and decision with other issues pending before him.

§ 702.346 Formal hearings; record of hearing.

All formal hearings shall be open to the public and shall be stenographically reported. All evidence upon which the administrative law judge relies for his final decision shall be contained in the transcript of testimony either directly or by appropriate reference. All medical reports, exhibits, and any other pertinent document or record, in whole or in material part, shall be incorporated into the record either by reference or as an appendix.

§ 702.347 Formal hearings; termination.

Formal hearings are officially terminated when all the evidence has been received, witnesses heard, pleadings and briefs submitted to the administrative law judge, and the transcript of the proceedings has been printed and delivered to the administrative law judge.

§ 702.348 Formal hearings; preparation of final decision and order; content.

Within 20 days after the official termination of the hearing as defined by § 702.347, the administrative law judge shall have prepared a final decision and order, in the form of a compensation order, with respect to the claim, making an award to the claimant or rejecting the claim. The compensation order shall contain appropriate findings of facts and conclusions of law with respect thereto, and shall be concluded with one or more paragraphs containing the order of the administrative law judge, his signature, and the date of issuance.

§ 702.349 Formal hearings; filing and mailing of compensation orders; disposition of transcripts.

The administrative law judge shall, within 20 days after the official termination of the hearing, deliver by mail, or otherwise, to the office of the deputy commissioner having original jurisdiction, the transcript of the hearing, other documents or pleadings filed with him with respect to the claim, together with his signed compensation order. Upon receipt thereof, the deputy commissioner, being the official custodian of all records with respect to such claims within his jurisdiction, shall formally date and file the transcript, pleadings, and compensation order (original) in his office. Such filing shall be accomplished as expeditiously as possible, and the deputy commissioner shall, on the same day as the filing was accomplished, send by certified mail a copy of the compensation order to the parties and to representatives of the parties, if any. Appended to each such copy shall be a paragraph entitled "proof of service," containing the certification of the deputy commissioner that the copies were mailed on the date stated, to each of the parties and their representatives, as shown in said paragraph.

§ 702.350 Finality of compensation order.

Compensation orders shall become effective when filed in the office of the deputy commissioner, and unless proceedings for suspension or setting aside of such orders are instituted within 30 days of such filing, shall become final at the expiration of the 30th day after such filing, as provided in section 21 of the act. If any compensation payable under the terms of such order is not paid within 10 days after it becomes due, § 14(f) of the act requires that there be added to such unpaid compensation an amount equal to 20 percent thereof which shall be paid at the same time as, but in addition to, such compensation unless review of the compensation order is had as provided in such § 21 and an order staying payment has been issued by the Benefits Review Board or the reviewing court.

§ 702.351 Withdrawal of controversion of issues set for formal hearing; effect.

Whenever a party withdraws his controversion of the issues set for a formal hearing, the administrative law judge shall halt the proceedings upon receipt from said party of a signed statement to that effect and forthwith notify the deputy commissioner who shall then proceed to dispose of the case as provided for in § 702.315.

Interlocutory Matters, Supplementary Orders, and Modifications

§ 702.371 Interlocutory matters.

Compensation orders shall not be made or filed with respect to interlocutory matters of a procedural nature arising during the pendency of a compensation case.

§ 702.372 Supplementary compensation orders.

(a) In any case in which the employer or insurance carrier is in default in the payment of compensation, due under any award of compensation, for a period of 30 days after the compensation is due and payable, the person to whom such compensation is payable may, within 1 year after such default, apply in writing to the deputy commissioner, for a supplementary compensation order declaring the amount of the default. Upon receipt of such application, the deputy commissioner shall institute proceedings with respect to such application as if such application were an original claim for compensation, and the matter shall be disposed of as provided for in § 702.315, or if agreement on the issue is not reached, then as in § 702.316 et seq.

(b) If, after disposition of the application as provided for in paragraph (a) of this section, a supplementary compensation order is entered declaring the amount of the default, which amount may be the whole of the award notwithstanding that only one or more installments is in default, a copy of such supplementary order shall be forthwith sent by certified mail to each of the parties and their representatives. Thereafter, the applicant may obtain and file with the clerk of the Federal district court for the judicial district where the injury occurred or the district in which the employer has his principal place of business or maintains an office, a certified

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copy of said order and may seek enforcement thereof as provided for by section 18 of the act, 33 U.S.C. 918.

§ 702.373 Modification of awards.

(a) Upon his own initiative, or upon application of any party in interest, the deputy commissioner may review any compensation case in accordance with the procedure in subpart C of this part, and after such review of the case under § 702.315, or review at formal hearings under the regulations governing formal hearings in subpart C of this part, file a new compensation order terminating, continuing, reinstating, increasing or decreasing such compensation, or awarding compensation. Such new order shall not affect any compensation previously paid, except that an award increasing the compensation rate may be made retroactive from the date of injury, and if any part of the compensation due or to become due is unpaid, an award decreasing the compensation rate may be made effective from the date of the injury, and any payment made prior thereto in excess of such decreased rate shall be deducted from any unpaid compensation, in such manner and by such method as may be determined by the deputy commissioner or the administrative law judge.

(b) Review of a compensation case under this section may be made at any time prior to 1 year after the date of the last payment of compensation, whether or not a compensation order has been issued, or at any time prior to 1 year after the rejection of a claim.

(c) Review of a compensation case may be had had only for the reason that there is a change in conditions or that there was a mistake in the determination of facts.

APPEALS

§ 702.391 Appeals; where.

Appeals may be taken to the Benefits Review Board, U.S. Department of Labor, Washington, D.C. 20210.

§ 702.392 Appeals; what may be appealed.

Appeals may only be taken from compensation orders filed as provided for in subpart C of this part.

§ 702.393 Appeals; time limitations.

Appeals shall be filed with the Benefits Review Board, as provided for by their regulations, within 30 days of the filing of the compensation order complained of.

§ 702.394 Appeals; procedure.

The procedure for appeals to the Benefits Review Board shall be as provided for said Board upon issuance of its own rules and regulations.

Subpart D—Medical Care and Supervision

§ 702.401 Medical care defined.

Medical care shall include medical, surgical, and other attendance or treatment, nursing and hospital services, laboratory, X-ray and other technical services, medicines, crutches, or other apparatus and prosthetic devices, and any other medical service or supply, including the reasonable and necessary cost of travel incident thereto, which is recognized as appropriate by the medical profession for the care and treatment of the injury or disease.

§ 702.402 Employer's duty to furnish; duration.

It is the duty of the employer to furnish appropriate medical care for the employee's injury, and for such period as the nature of the injury or the process of recovery may require.

§ 702.403 Employee's right to choose physician; limitation.

The employee shall have the right to choose his attending physician from among those authorized by the Director, OWCP, to furnish such care and treatment. However, unless authorized by the deputy commissioner having jurisdiction, the employee's choice shall be limited to those physicians having offices within 25 miles of the employee's home or principal place of work. This exception shall not apply when the employee is hospitalized and the physician is on the staff of, or has privileges at, such hospital.

§ 702.404 Physician defined.

The term physician shall mean all duly qualified physicians, to include surgeons and osteopaths within the scope of their practice as defined by State law. Chiropractors, naturopaths, podiatrists (chiropodists), psychologists, optometrists, faith healers, and other practitioners of the healing arts are not recognized as physicians as that term is used in this part.

§ 702.405 Selection of physician; emergencies.

Whenever the nature of the injury is such that immediate medical care is required and the injured employee is unable to select a physician, the employer shall select a physician. Thereafter the employee may change physicians when he is able to make a selection. Such changes shall be made upon obtaining written authorization from the employer or, if consent is withheld, from the deputy commissioner.

§ 702.406 Change of physicians; nonemergencies.

Whenever the employee has made his initial, free choice of an attending physician, he may not thereafter change physicians without the prior written consent of the employer (or carrier) or the deputy commissioner. Such consent shall be given in cases where an employee's initial choice was not of a specialist whose services are necessary for, and appropriate to, the proper care and treatment of the compensable injury or disease. In all other cases, consent may be given upon a showing of good cause for change.

§ 702.407 Supervision of medical care.

The Director, OWCP, through the deputy commissioners and their designees, shall actively supervise the medical care of an injured employee covered by the Act. Such supervision shall include:

(a) The requirement that periodic reports on the medical care being rendered be filed in the office of the deputy commissioner, the frequency thereof being determined by order of the deputy commissioner or sound judgment of the attending physician as the nature of the injury may dictate;

(b) The determination of the necessity, character and sufficiency of any medical care furnished or to be furnished the employee;

(c) The determination of whether a change of physicians, hospitals or other persons or locales providing treatment should be made or is necessary;

(d) The further evaluation of medical questions arising in any case under the Act, with respect to the nature and extent of the covered injury, and the medical care required therefor.

§ 702.408 Evaluation of medical questions; impartial specialists.

In any case in which medical questions arise with respect to the appropriate diagnosis, extent, effect of, appropriate treatment, and the duration of any such care or treatment, for an injury covered by the Act, the Director, OWCP, through the deputy commissioners having jurisdiction, shall have the power to evaluate such questions by appointing one or more especially qualified physicians to examine the employee, or in the case of death to make such inquiry as may be appropriate to the facts and circumstances of the case. The physician or physicians, including appropriate consultants, should report their findings with respect to the questions raised as expeditiously as possible. Upon receipt of such report, action appropriate therewith shall be taken.

§ 702.409 Evaluation of medical questions; results disputed.

Any party who is dissatisfied with such report may request a review or reexamination of the employee by one or more different physicians employed by or selected by the Director, and such review or reexamination shall be granted unless it is found that it is clearly unwarranted. Such review shall be completed within 2 weeks from the date ordered unless it is impossible to complete the review, and render a report thereon, within such time period. Upon receipt of the report of this additional review and reexamination, such action as may be appropriate shall forthwith be taken.

§ 702.410 Duties of employees with respect to special examinations.

For any special examination required of an employee by §§ 702.408 and 702.409, the employee shall submit to such examination at such place as is designated in the order to report, but the place so selected shall be reasonably convenient for the employee. Failure to submit to such lawfully ordered examinations shall result in the suspension of proceedings, and no compensation otherwise payable shall be paid for any period during which the

employee may refuse to submit to such examination.

§ 702.411 Special examination; nature of impartiality of specialists.

(a) The special examinations required by § 702.408 shall be accomplished in a manner designed to preclude prejudgment by the impartial examiner. No physician previously connected with the case shall be present, nor may any other physician selected by the employer, carrier or employee. The special examining physician shall not have been made aware of, by any party or by the OWCP, of the opinions, reports or conclusions of any prior examining physician with respect to the nature and extent of the impairment, its cause, or its effect upon the wage earning capacity of the injured employee.

(b) No physician selected to perform impartial examinations shall be, or shall have been for a period of 2 years prior to the examination, an employee of an insurance carrier or self-insured employer, or who has accepted or participated in any fee from an insurance carrier or self-insured employer, unless the parties in interest agree thereto.

§ 702.412 Special examinations; costs chargeable to employer or carrier.

The Director or his designee ordering the special examination shall have the power, in the exercise of his discretion, to charge the cost of the examination or review to the employer, to the insurance carrier, or to the special fund established by section 44 of the Act, 33 U.S.C. 944.

§ 702.413 Fees for medical services; prevailing community charges.

All fees charged by physicians for the care of persons covered by this Act, or any other charges for medical treatment or supplies within the purview of this Act, shall be limited to such charges for similar treatment, services or supplies as prevail in the community. Except for good cause shown, the Director or his designee having charge of the case shall construe the term "community" to mean municipality or other local political entity.

§ 702.414 Fees for medical services; disputes on prevailing charges.

The Director or his designee may, or upon the written complaint of an employer or carrier shall, investigate any fee for medical treatment, services or supplies that appears to be not in line with prevailing community charges for similar treatment, services or supplies. If, upon appropriate investigation, the Director or his designee determines that the fee or cost of service or supplies does not conform to prevailing community charges, the person claiming the fee or cost charges shall be informed of the discrepancy and given the opportunity to adjust the fee or cost charge to within permissible limits.

§ 702.415 Fees for medical services; unresolved disputes on charges; procedure.

If, after investigation and ascertainment under § 702.414 that a fee or charge is not in accordance with prevailing community charges and the person claiming the fee or cost charge refuses to make the necessary adjustment, the matter shall then be referred by the Director to the Office of the Chief Administrative Law Judge for formal hearing in accordance with the procedures in subpart C of this part.

§ 702.416 Fees for medical services; disputes; hearings; necessary parties.

At formal hearings held pursuant to § 702.415, the necessary parties shall be the person whose fee or cost charge is in question and the Director, or their representatives. The employer or carrier may also be represented, and other parties, or associations having an interest in the proceedings, may be heard, in the discretion of the administrative law judge.

§ 702.417 Fees for medical services; disputes; effect of adverse decision.

If the final decision and order of the administrative law judge upholds the finding of the Director that the fee or charge in dispute was not in accordance with prevailing community charges, the person claiming such fee or cost charge shall be given 30 days after filing of such decision and order to make the necessary adjustment. If such person still refuses to make the required readjustment, such person shall not be authorized to conduct treatments or examinations, if a physician, or to provide any other services or supplies (if by other than a physician), notwithstanding that they are necessary and appropriate medical expenses within the purview of § 702.401, and any such fee or cost charge subsequently incurred for services performed or supplies furnished, whether for the benefit of the particular claimant in whose claim the dispute arose or for the benefit of any other claimant in any other case subsequently considered, shall not be a reimbursable medical expense under this subpart. Such debarred person shall remain debarred until such time as there is demonstrated to the satisfaction of the Director that fees will be charged in accordance with the prevailing community standards.

MEDICAL PROCEDURES

§ 702.418 Procedure for requesting medical care; employee's duty to notify employer.

As soon as practicable, but within 30 days after occurrence of an injury covered by the Act, or within 30 days after an employee becomes aware, or in the exercise of reasonable diligence should be aware, of the relationship between an injury or disease and his employment, the injured employee or someone on his behalf shall give written notice thereof to the deputy commissioner having jurisdiction over the place where the injury occurred and to the employer. If a form has been prescribed for such purpose it shall be used, if available and practicable under the circumstances. Notices filed under subpart B of this part, if on the form prescribed by the Director for such purpose, satisfy the written notice requirements of this subpart.

§ 702.419 Action by employer upon acquiring knowledge or being given notice of injury.

Whenever an employer acquires knowledge of an employee's injury, through receipt of a written notice or otherwise, said employer shall forthwith authorize, in writing, appropriate medical care. If a form is prescribed for this purpose it shall be used whenever practicable.

§ 702.420 Issuance of authorization; binding effect upon insurance carrier.

The issuance of an authorization for treatment by the employer shall bind his insurance carrier to furnish and pay for such care and services.

§ 702.421 Effect of failure to obtain initial authorization.

An employee shall not be entitled to recover for medical services and supplies unless he shall have first requested authorization from his employer therefor. This prohibition shall not apply in emergency situations, nor shall it apply in cases where the employer (including the superintendent, foreman, or other person having charge of the work and having knowledge of the injury) refuses or neglects to authorize such care when requested by the employee.

§ 702.422 Effect of failure to report on medical care after initial authorization.

(a) Notwithstanding that medical care is properly obtained in accordance with § 702.421, the employer and his insurance carrier shall not be liable for the expense thereof unless the physician rendering such initial care or services furnishes a report thereon to the employer and to the deputy commissioner having jurisdiction. The report required by this section shall be furnished within 10 days following the date of first treatment. The report shall be upon a form prescribed by the Director for such purpose.

(b) For good cause shown, the deputy commissioner or administrative law judge may excuse the failure to file the report within 10 days, and further, may make an award for the reasonable value of such medical care.

Subpart E—Vocational Rehabilitation

§ 702.501 Vocational rehabilitation; objective.

The objective of vocational rehabilitation is the return of permanently disabled persons to gainful employment commensurate with their physical or mental impairments, or both, through a program of reevaluation or redirection of their abilities, or retraining in another occupation, or selective job placement assistance.

§ 702.502 Vocational rehabilitation; action by deputy commissioners.

All injury cases which are likely to result in, or have resulted in, permanent disability, and which are of a character

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likely to require review by a vocational rehabilitation adviser on the staff of the Director, shall promptly be referred to such adviser by the deputy commissioner or his designee having charge of the case. A form has been prescribed for such purpose and shall be used. Medical data and other pertinent information shall accompany the referral.

§ 702.503 Vocational rehabilitation; action by adviser.

The vocational rehabilitation adviser, upon receipt of the referral, shall promptly consider the feasibility of a vocational referral or request for cooperative services from available resources or facilities, to include counseling, vocational survey, selective job placement assistance, and retraining. Public or private agencies may be utilized in arranging necessary vocational rehabilitation services under the Federal Vocational Rehabilitation Act, 29 U.S.C. 31 et seq.

§ 702.504 Vocational rehabilitation; referrals to State Employment Agencies.

Vocational rehabilitation advisers will arrange referral procedures with State Employment Service units within their assigned geographical districts for the purpose of securing employment counseling, job classification, and selective placement assistance. Referrals shall be made to State Employment Offices based upon the following:

(a) Vocational rehabilitation advisers will screen cases so as to refer only those disabled employees who are considered to have employment potential;

(b) Only employees will be referred who have permanent, compensable disabilities resulting in a significant vocational handicap and loss of wage earning capacity;

(c) Disabled employees, whose initial referral to former private employers did not result in a job reassignment or in a job retention, shall be referred for employment counseling and/or selective placement unless retraining services consideration is requested;

(d) The vocational rehabilitation advisers shall arrange for employees' referrals if it is ascertained that they may benefit from registering with the State Employment Service;

(e) Referrals will be made to appropriate State employment offices by letter, including all necessary information and a request for a report on the services provided the employee when he registers;

(f) The injured employee shall be advised of available job counseling services and informed that he is being referred for employment and selective placement;

(g) A followup shall be made within 60 days on all referrals to assure uniform reporting by State agencies on cases referred for a vocational survey.

§ 702.505 Vocational rehabilitation; referrals to other public and private agencies.

Referrals to such other public and private agencies providing assistance to disabled persons such as public welfare agencies, Public Health Services facilities, social services units of the Veterans Administration, the Social Security Administration, and other such agencies, shall be made by the vocational rehabilitation adviser, where appropriate, on an individual basis when requested by disabled employees. Such referrals do not provide for a service cost reimbursement by the Department of Labor.

§ 702.506 Vocational rehabilitation; training.

Vocational rehabilitation training shall be planned in anticipation of a short, realistic, attainable vocational objective terminating in remunerable employment, and in restoring wage-earning capacity or increasing it materially. The following procedures shall apply in arranging for or providing training:

(a) The vocational rehabilitation adviser shall arrange for and develop all vocational training programs;

(b) Training programs shall be developed to meet the varying needs of eligible beneficiaries, and may include courses at colleges, technical schools, training at rehabilitation centers, on-the-job training, or tutorial courses. The course shall be pertinent to the occupation for which the employee is being trained.

(c) Training may be terminated if the injured employee fails to cooperate with the Department of Labor or with the agency supervising his course of training. The employee shall be counseled before training is terminated.

(d) Reports shall be required at periodic intervals on all persons in approved training programs.

§ 702.507 Vocational rehabilitation: maintenance allowance.

(a) An injured employee who, as a result of injury, is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the Director is being rendered fit to engage in a remunerative occupation, shall be paid additional compensation necessary for his maintenance, not exceeding $25 a week. The expense shall be paid out of the special fund established in section 44 of the Act, 33 U.S.C. 944. The maximum maintenance allowance shall not be provided on an automatic basis, but shall be based on the recommendation of a State agency that a claimant is unable to meet additional costs by reason of being in training.

(b) When required by reason of personal illness or hardship, limited periods of absence from training may be allowed without terminating the maintenance allowance. A maintenance allowance shall be terminated when it is shown to the satisfaction of the Director that a trainee is not complying reasonably with the terms of the training plan or is absenting himself without good cause from training so as to materially interfere with the accomplishment of the training objective.

§ 702.508 Vocational rehabilitation; confidentiality of information.

The following safeguards will be observed to protect the confidential character of information released regarding an individual undergoing rehabilitation:

(a) Information will be released to other agencies from which an injured employee has requested services only if such agencies have established regulations assuring that such information will be considered confidential and will be used only for the purpose for which it is provided;

(b) Interested persons and agencies have been advised that any information concerning rehabilitation program employees is to be held confidential;

(c) A rehabilitation employee's written consent is secured for release of information regarding disability to a person, agency, or establishment seeking the information for purposes other than the approved rehabilitation planning with such employee.

PART 703—INSURANCE REGULATIONS

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AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 932, 937, 939; 42 U.S.C. 1651 et seq.; 36 D.C. Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13–71, 36 FR 8755.

§ 703.001 Scope of part.

This Part 703 contains the regulations of the OWCP governing the authorization of insurance carriers, the authorization of self-insurers, and the issuance of certificates of compliance. Such provisions are required by the LHWCA, but in almost every instance apply, and hereby are applied, to the extensions of the LHWCA. In those few instances where a separate provision is required, tailored to meet the specific requirements of one of the extended acts, note thereof is made in the regulations in this part together with instruction to see the appropriate succeeding parts of this subchapter A, wherein the specific requirements of each extended act are set forth.

§ 703.002 Forms.

Any information required by the regulations in this part to be submitted to the OWCP shall be submitted on such forms as the Director may deem appropriate and may authorize from time to time for such purpose.

AUTHORIZATION OF INSURANCE CARRIERS

§ 703.101 Types of companies which may be authorized by the Office.

The Office will consider for the granting of authority to write insurance under the Longshoremen's and Harbor Workers' Compensation Act and its extensions the application of any stock company, mutual company or association, or any other person or fund, while authorized under the laws of the United States or of any State to insure workmen's compensation. The term "carrier" as used in this part means any person or fund duly authorized to insure workmen's compensation benefits under said Act, or its extensions.

§ 703.102 Applications for authority to write insurance; how filed; evidence to be submitted; other requirements.

An application for authority to write insurance under this act shall be made in writing, signed by the principal officer of the applicant duly authorized to make such application, and transmitted to the Office of Workmen's Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211. Such application shall be accompanied by full and complete information regarding the history and experience of such applicant in the writing of workmen's compensation insurance, together with evidence that it has authority in its charter or form of organization to write such insurance, and evidence that the applicant is currently authorized to insure workmen's compensation liability under the laws of the United States or of any State. The statements of fact in each application and in the supporting evidence shall be verified by the oath of the officer of the applicant who signs such application. Each applicant shall state in its application the area or areas in which it intends to do business. In connection with any such application the following shall be submitted, the Office reserving the right to call for such additional information as it may deem necessary in any particular case:

(a) A copy of the last annual report made by the applicant to the insurance department or other authority of the State in which it is incorporated, or the State in which its principal business is done.

(b) A certified copy from the proper State authorities of the paper purporting to show the action taken upon such report, or such other evidence as the applicant desires to submit in respect of such report, which may obviate delay caused by an inquiry of the Office of the State authorities relative to the standing and responsibility of the applicant.

(c) A full and complete statement of its financial condition, if not otherwise shown, and, if a stock company, shall show specifically its capital stock and surplus.

(d) A copy of its charter or other formal outline of its organization, its rules, its bylaws, and other documents, writings, or agreements by and under which it does business, and such other evidence as it may deem proper to make a full exposition of its affairs and financial condition.

§ 703.103 Stock companies holding Treasury certificates of authority.

A stock company furnishing evidence that it is authorized to write workmen's compensation insurance under the laws of the United States or of any State, which holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds, unless requested to do so, need not transmit to the Office with its application copies of such financial reports as are on file in the Department of the Treasury. The acceptance by that Department of such a company will be considered by the Office in conjunction with the application of such company, provided there has been compliance with the other requirements of the regulation in this part.

§ 703.104 Applicants currently authorized to write insurance under the extensions of the LHWCA.

Any applicant currently authorized by the Office to write insurance under any extension of the LHWCA need not support its application under the LHWCA or any other LHWCA extension with the evidence required by the regulations in this part, except the form of policy and endorsement which it proposes to use, unless specifically requested by the Office, but instead its application may refer to the fact that it has been so authorized.

§ 703.105 Copies of forms of policies to be submitted with application.

With each application for authority to write insurance there shall be submitted for the approval of the Office copies of the forms of policies which the applicant proposes to issue in writing insurance under the Longshoremen's Act, or its extensions, to which shall be attached the appropriate endorsement to be used in connection therewith.

§ 703.106 Certificate of authority to write insurance.

No corporation, company, association, person, or fund shall write insurance under this act without first having received from the Office a certificate of authority to write such insurance. Any such certificate issued by the Office, after application therefor in accordance with these regulations, may authorize the applicant to write such insurance in a limited territory as determined by the Office. The Office may suspend or revoke any such certificate prior to its expiration for good cause shown, but no suspension or revocation shall effect the liability of any carrier already incurred. Good cause shall include the failure to maintain in such limited territory a regular business office with full authority to act on all matters falling within the act. A hearing may be requested by the aggrieved party and held before Director or his designee prior to the taking of any action under this section.

§ 703.107 Period of certificate of authority.

No certificate of authority to write insurance under said act and the regulations in this part shall be issued by the Office for a period in excess of 18 months. The expiration date which shall be stated in the certificate of authority, shall fall on the 30th day of June.

§ 703.108 Applications for reauthorization.

Any carrier holding an unexpired certificate of authority and desiring reauthorization to write insurance for the

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period of a year from the expiration of such certificate shall apply to the Office by letter over the signature of its principal officer for such a certificate of authority. No evidence of the financial condition of such carrier need be furnished unless requested by the Office after the application is received. The Office may require such carrier to submit, for Office consideration in connection with such reauthorization, evidence or explanation relating to the experience and practice of such carrier in the conduct of its affairs with respect to the said act, or with reference to the fidelity and punctuality of the performance by such carrier of its past or current obligations under the law. Such application, to avoid a break in the period of authorization of the carrier to write such insurance, should be filed with the Office not later than June 1 of each year.

§ 703.109 Longshoremen's endorsement; see succeeding parts for endorsements for extensions.

(a) The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy, shall be used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. -------

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq., and all laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of this act, and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, U.S. Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said act.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancelation has been sent to the Deputy Commissioner and to this employer.

All terms, conditions, requirements, and obligations, expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

§ 703.110 Other forms of endorsements and policies.

Where the form of endorsement prescribed by § 703.109 is not appropriate when used in conjunction with a form of policy approved for use by the Office, no modification thereof shall be used unless specifically approved by the Office. Where the form of policy is designed to include therein the obligations of the insurer under said Act without the use of the appropriate endorsements, the policy shall contain the provisions required to be included in any of the endorsements. Such a policy, however, shall not be used until expressly approved by the Office.

§ 703.111 Submission of new forms of policies for approval; other endorsements.

No new forms of policies or modification of existing forms of policies shall be used by an insurer authorized by the Office under the regulations in this part to write insurance under said Act except after submission to and approval by the Office. No endorsement altering any provisions of a policy approved by the Office shall be used except after submission to and approval by the Office.

§ 703.112 Terms of policies.

A policy or contract of insurance shall be issued for the term of not less than 1 year from the date that it becomes effective, but if such insurance be not needed except for a particular contract or operation, the term of the policy may be limited to the period of such contract or operation.

§ 703.113 Marine insurance contracts.

A longshoremen's policy, or the longshoremen's endorsement provided for by § 703.109 for attachment to a marine policy, may specify the particular vessel or vessels in respect of which the policy applies and the address of the employer at the home port thereof. The report of the issuance of a policy or endorsement required by § 703.116 to be made by the carrier shall be made to the deputy commissioner for the compensation district in which the home port of such vessel or vessels is located, and such report shall show the name and address of the owner as well as the name or names of such vessel or vessels.

§ 703.114 Notice of cancellation.

Cancellation of a contract or policy of insurance issued under authority of said Act shall not become effective otherwise than as provided by 33 U.S.C. 936 (b); and notice of a proposed cancellation shall be given to the deputy commissioner and to the employer in accordance with the provisions of 33 U.S.C. 912(c), 30 days before such cancellation is intended to be effective.

§ 703.115 Discharge by the carrier of obligations and duties of employer.

Every obligation and duty in respect of payment of compensation, the providing of medical and other treatment and care, the payment or furnishing of any other benefit required by said Act and in respect of the carrying out of the administrative procedure required or imposed by said Act or the regulations in this part upon an employer shall be discharged and carried out by the carrier except that the prescribed report of injury or death shall be sent by the employer to the deputy commissioner and to the insurance carrier as required by 33 U.S.C. 930. Such carrier shall be jointly responsible with the employer for the submission of all reports, notices, forms, and other administrative papers required by the deputy commissioner or the Office in the administration of said Act to be submitted by the employer, but any form or paper so submitted where required therein shall contain in addition to the name and address of the carrier, the full name and address of the employer on whose behalf it is submitted. Notice to or knowledge of an employer of the occurrence of the injury or death shall be notice to or knowledge of such carrier. Jurisdiction of the employer by a deputy commissioner, the Office, or appropriate appellate authority under said Act shall be jurisdiction of such carrier. Any requirement under any compensation order, finding, or decision shall be binding upon such carrier in the same manner and to the same extent as upon the employer.

§ 703.116 Report by carrier of issuance of policy or endorsement.

Each carrier shall report to the deputy commissioner assigned to a compensation district each policy and endorsement issued by it to an employer who carries on operations in such compensation district. The report shall be made in such manner and on such form as the district or the Office may require.

§ 703.117 Report; by whom sent.

The report of issuance of a policy and endorsement provided for in § 703.116 shall be sent by the home office of the carrier, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agencies so duly authorized.

§ 703.118 Agreement to be bound by report.

Every applicant for authority to write insurance under the provisions of this Act, or for the renewal of that authority, shall be deemed to have included in its application an agreement that the acceptance by the deputy commissioner of a report of the issuance of a policy of insurance, as provided for by § 703.116, shall bind the carrier to full liability for the obligations under this Act of the employer named in said report, and every certificate of authority to write insurance under this Act shall be deemed to have been issued by the Office upon consideration of the carrier's agreement to become so bound. It shall be no defense to this agreement that the carrier failed or delayed to issue the policy to the employer covered by this report.

§ 703.119 Report by employer operating temporarily in another compensation district.

Where an employer having operations in one compensation district contemplates engaging in work subject to the Act in another compensation district, his carrier may submit to the deputy commissioner of such latter district a report pursuant to § 703.116 containing the address of the employer in the first mentioned district with the additional notation "No present address in ------ compensation district. Certificate requested when address given."

§ 703.120 Name of one employer only shall be given in each report.

A separate report of the issuance of a policy and endorsement, provided for by § 703.116, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate report for each employer so covered shall be sent to the deputy commissioner concerned, with the name of only one employer on each such report.

AUTHORIZATION OF SELF-INSURERS

§ 703.301 Employers who may be authorized as self-insurers.

The Office will consider for the granting of authority to secure by self-insurance the payment of compensation under the Longshoremen's and Harbor Workers' Compensation Act, or its extensions, any employer who, pursuant to the regulations in this part, furnishes to the Office satisfactory proof of such employer's ability to pay compensation directly. The succeeding regulations relating to self-insurers require the deposit of security in the form either of an indemnity bond or negotiable securities (at the option of the employer) of a kind and in an amount determined by the Office, and prescribe the conditions under which such deposit shall be made. The term "self-insurer" as used in these regulations means any employer securing compensation in accordance with the provisions of 33 U.S.C. 932(a)(2) and with these regulations.

§ 703.302 Application for authority to become a self-insurer; how filed; information to be submitted; other requirements.

Application for authority to become a self-insurer may be made by any employer desiring such privilege and shall be addressed to the Office and be made on a form provided by the Office. Such application shall contain: (a) A statement of the employer's payroll report for the preceding 12 months; (b) A statement of the average number of employees engaged in employment within the purview of the LHWCA or any of its extensions for the preceding 12 months; (c) A statement of the number of injuries to such employees resulting in disability of more than 7 days duration, or in death, during each of 3 years next preceding the date of the application; (d) An itemized statement of the assets and liabilities of the employer; (e) A description of the facilities maintained or the arrangements made for the medical and hospital care of injured employees. The Office may in its discretion require the applicant to submit such further information or such evidence as the Office may deem necessary to have in order to enable it to give adequate consideration to such application. Such application shall be signed by the applicant over his typewritten name and if the applicant is not an individual, by the principal officer of the applicant duly authorized to make such application over his typewritten name and official designation and shall be sworn to by him. If the applicant is a corporation, the corporate seal shall be affixed. The application shall be filed with the national office in Washington, D.C. The regulations in this part shall be binding upon each applicant hereunder and the applicant's consent to be bound by all requirements of the said regulations shall be deemed to be included in and a part of the application, as fully as though written therein.

§ 703.303 Decision upon application of employer; deposit of negotiable securities or indemnity bond.

The decision of the Office to grant an application of an employer for authority to pay compensation under said Act as a self-insurer will be transmitted to the applicant on a form prescribed by the Office. Such grant shall be conditioned upon a deposit of security in the form of an indemnity bond or of negotiable securities in an amount fixed by the Office, and the execution and filing of an agreement and undertaking in the form prescribed by the Office, as required by § 703.304.

§ 703.304 Filing of agreement and undertaking.

The applicant for the privilege of self-insurance shall as a condition precedent to receiving authorization to act as a self-insurer, execute and file with the Office an agreement and undertaking in a form prescribed and provided by the Office in which the applicant shall agree: (a) To pay when due, as required by the provisions of said Act, all compensation payable on account of injury or death of any of its employees injured within the purview of said Act; (b) in such cases to furnish medical, surgical, hospital, and other attendance, treatment and care as required by the provisions of said Act; (c) to deposit with the Office an indemnity bond in the amount which the Office shall fix, or to deposit negotiable securities as provided for by the regulations in this part in the amount which the Office shall fix, accordingly as elected in the application; (d) to authorize the Office to sell such negotiable securities so deposited or any part thereof and from the proceeds thereof to pay such compensation, medical, and other expenses and any accrued penalties imposed by law as it may find to be due and payable.

§ 703.305 Decision upon application of employer; furnishing of indemnity bond or deposit of negotiable securities required.

The applicant for the privilege of self-insurance, as a condition precedent to receiving authorization to act as a self-insurer, shall give security for the payment of compensation and the discharge of all other obligations under the said Act, in the amount fixed by the Office, which may be in the form of an indemnity bond with sureties satisfactory to the Office, or of a deposit of negotiable securities as provided in the regulations in this part. The amount of such security so to be fixed and required by the Office shall be such as the Office shall deem to be necessary and sufficient to secure the performance by the applicant of all obligations imposed upon him as an employer by the Act. In fixing the amount of such security the Office will take into account the financial standing of the employer, the nature of the work in which he is engaged, the hazard of the work in which the employees are employed, the payroll exposure, and the accident experience as shown in the application and the Office's records, and any other facts which the Office may deem pertinent. Additional security may be required at any time in the discretion of the Office. The indemnity bond which is required by these regulations shall be in such form, and shall contain such provisions, as the Office may prescribe: *Provided*, That only corporations may act as sureties on such indemnity bonds. In each case in which the surety on any such bond is a surety company, such company must be one approved by the U.S. Treasury Department under the laws of the United States and the applicable rules and regulations governing bonding companies.

§ 703.306 Kinds of negotiable securities which may be deposited; conditions of deposit; acceptance of deposits.

An applicant for the privilege of self-insurance electing to deposit negotiable securities to secure his obligations under said Act in the amount fixed by the Office under the regulations in this part shall deposit any negotiable securities acceptable as security for the deposit of public monies of the United States under regulations issued by the Secretary of the Treasury. (See 31 CFR 203.7 and 203.8.) The approval, valuation, acceptance, and custody of such securities is hereby committed to the several Federal Reserve Banks and the Treasurer of the United States when authorized under the regulations in this part to receive deposits of such securities.

§ 703.307 Deposits of negotiable securities with Federal Reserve banks or the Treasurer of the United States; authority to sell such securities; interest thereon.

Deposits of securities provided for by the regulations in this part shall be made with any Federal Reserve bank or any branch of a Federal Reserve bank designated by the Office, or the Treasurer of the United States, and shall be held subject to the order of the Office with power in the Office, in its discretion in the event of default by the said self-insurer, to collect the interest and the principal as they may become due, to sell the securities or any of them as may be required to discharge the obligations of the self-insurer under said Act and to apply the proceeds to the payment of any compensation or medical expense for which the self-insurer may be liable. The Office may, however, whenever it deems it unnecessary to resort to such securities for the payment of compensation, authorize

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the self-insurer to collect interest on the securities deposited by him.

§ 703.308 Substitution and withdrawal of negotiable securities.

No substitution or withdrawal of negotiable securities deposited by a self-insurer shall be made except upon authorization by the Office. A self-insurer discontinuing business, or discontinuing operations within the purview of said Act, or providing security for the payment of compensation by insurance under the provisions of said Act may apply to the Office for the withdrawal of securities deposited under the regulations in this part. With such application shall be filed a sworn statement setting forth: (a) A list of all outstanding cases in each compensation district in which compensation is being paid, with the names of the employees and other beneficiaries, giving a description of causes of injury or death, and a statement of the amount of compensation paid; (b) a similar list of all pending cases in which no compensation has as yet been paid; and (c) a similar list of all cases in which injury or death has occurred within 1 year prior to such application or in which the last payment of compensation was made within 1 year prior to such application. In such cases withdrawals may be authorized by the Office of such securities as in the opinion of the Office may not be necessary to provide adequate security for the payment of outstanding and potential liabilities of such self-insurer under said Act.

§ 703.309 Increase or reduction in the amount of indemnity bond or negotiable securities.

Whenever in the opinion of the Office the principal sum of the indemnity bond filed or the amount of negotiable securities deposited by a self-insurer is insufficient to afford adequate security for the payment of compensation and medical expenses under said Act, the self-insurer shall, upon demand by the Office, file such additional indemnity bond or deposit under the regulations in this part such additional amount of negotiable securities as the Office may require. At any time upon application of a self-insurer, or on the initiative of the Office, when in its opinion the facts warrant, the principal sum of an indemnity bond required to be given or the amount of negotiable securities required to be deposited may be reduced. A self-insurer seeking such reduction shall furnish such information as the Office may request relative to his current affairs, the nature and hazard of the work of his employees, the amount of the payroll of his employees engaged in maritime employment within the purview of the said Act, his financial condition, his accident experience, and such other evidence as may be deemed material, including a record of payments of compensation made by him.

§ 703.310 Reports required of self-insurers; examination of accounts of self-insurer.

At such times as the Office may require or prescribe, each self-insurer shall submit such of the following reports as may be requested:

(a) A sworn itemized statement of the self-insurer's assets and liabilities, or a balance sheet.

(b) A sworn statement showing by classifications the payroll of employees of the self-insurer who are engaged in employment within the purview of the LHWCA or any of its extensions.

(c) A sworn statement covering the 6 months' period preceding the date of such report, listing by compensation districts all death and injury cases which have occurred during such period, together with a report of the status of all outstanding claims, showing the particulars of each case.

Whenever it deems it to be necessary, the Office may inspect or examine the books of account, records, and other papers of a self-insurer for the purpose of verifying any financial statement submitted to the Office by self-insurer or verifying any information furnished to the Office in any report required by this section, or any other section of the regulations in this part, and such self-insurer shall permit the Office or its duly authorized representative to make such an inspection or examination as the Office shall require. In lieu of this requirement the Office may in its discretion accept an adequate report of a certified public accountant.

§ 703.311 Period of authorization as self-insurer; renewals.

No initial authorization as a self-insurer shall be granted for a period in excess of 18 months, and the expiration date thereof shall fall on the 30th day of June. A self-insurer who has made an adequate deposit of negotiable securities as required by the Office under the regulations in this part will be reauthorized for the ensuing fiscal year without additional security if the Office finds that his experience as a self-insurer warrants such action. A self-insurer who currently has on file an indemnity bond, will receive from the Office on or about May 10 of each year a bond form for execution in contemplation of reauthorization, and the submission of such bond duly executed in the amount indicated by the Office will be deemed and treated as such self-insurer's application for reauthorization for the ensuing fiscal year; the privilege of such self-insurer will, however, terminate with the termination of his current authorization unless such duly executed indemnity bond be submitted not later than June 30.

§ 703.312 Revocation of privilege of self-insurance.

The Office may for good cause shown suspend or revoke the authorization of any self-insurer. Failure by a self-insurer to comply with any provision or requirement of law or of the regulations in this part, or with any lawful order or communication of the Office, or the failure or insolvency of the surety on his indemnity bond, or impairment of financial responsibility of such self-insurer, shall be deemed good cause for such suspension or revocation.

ISSUANCE OF CERTIFICATES OF COMPLIANCE

§ 703.501 Issuance of certificates of compliance.

Every employer who has secured the payment of compensation as required by 33 U.S.C. 932 and by the regulations in this part may request a certificate from the deputy commissioner in the compensation district in which he has operations, and for which a certificate is required by 33 U.S.C. 937, showing that such employer has secured the payment of compensation. Only one such certificate will be issued to an employer in a compensation district, and it will be valid only during the period for which such employer has secured such payment. An employer so desiring may have photocopies of such a certificate made for use in different places within the compensation district. Two forms of such certificates have been provided by the Office, one form for use where the employer has obtained insurance generally under these regulations, and one for use where the employer has been authorized as a selfinsurer.

§ 703.502 Same; employer operating temporarily in another compensation district.

A deputy commissioner receiving a report of the issuance of a policy of insurance with the notation authorized by § 703.119, will file such report until he receives from the insured employer named therein a request for certificate of compliance, giving the address of the employer within the compensation district of such deputy commissioner. Upon receipt of such a request the deputy commissioner will send the proper certificate of compliance to such employer at such address.

§ 703.503 Return of certificates of compliance.

Upon the termination by expiration, cancellation or otherwise, of a policy of insurance issued under the provisions of law and these regulations, or the revocation or termination of the privilege of self-insurance granted by the Office, all certificates of compliance issued on the basis of such insurance or self-insurance shall be void and shall be returned by the employer to the deputy commissioner issuing them with a statement of the reason for such return. An employer holding certificate of compliance under an insurance policy which has expired, pending renewal of such insurance need not return such certificate of compliance if such expired insurance is promptly replaced. An employer who has secured renewal of insurance upon the expiration of policy under said Act or whose self-insurance thereunder is reauthorized without a break in the continuity thereof need not return an expired certificate of compliance.

PART 704—SPECIAL PROVISIONS FOR LHWCA EXTENSIONS

Sec.
704.001 Extensions covered by this part.
704.002 Scope of part.

DEFENSE BASE ACT

704.101 Administration; compensation districts.
704.102 Commutation of payments to aliens and nonresidents.
704.103 Removal of certain minimums when computing or paying compensation.
704.151 DBA endorsement.

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

704.201 Administration; compensation districts.
704.251 DCCA endorsement.

OUTER CONTINENTAL SHELF LANDS ACT

704.301 Administration; compensation districts.
704.351 OCSLA endorsement.

NONAPPROPRIATED FUND INSTRUMENTALITIES ACT

704.401 Administration; compensation districts.
704.451 NFIA endorsement.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 42 U.S.C. 1651 et seq.; 36 District of Columbia Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13–71, 36 F.R. 8755.

§ 704.001 Extensions covered by this part.

(a) Defense Base Act (DBA).

(b) District of Columbia Workmen's Compensation Act (DCCA).

(c) Outer Continental Shelf Lands Act (OCSLA).

(d) Nonappropriated Fund Instrumentalities Act (NFIA).

§ 704.002 Scope of part.

The regulations governing the administration of the LHWCA as set forth in Parts 702 and 703 of this subchapter govern the administration of the LHWCA extensions (see § 704.001) in nearly every respect, and are not repeated in this Part 704. Such special provisions as are necessary to the proper administration of each of the extensions are set forth in this Part 704. To the extent of any inconsistency between regulations in Parts 702 and 703 of this subchapter and those in this Part 704, the latter supersedes those in Parts 702 and 703 of this subchapter.

DEFENSE BASE ACT

§ 704.101 Administration; compensation districts.

For the purpose of administration of this Act areas assigned to the compensation districts established for administration of the Longshoremen's and Harbor Workers' Compensation Act as set forth in Part 702 of this subchapter shall be extended in the following manner to include:

(a) Canada, east of the 75th degree west longitude, Newfoundland, and Greenland are assigned to District No. 1.

(b) Canada, west of the 75th degree and east of the 110th degree west longitude, is assigned to District No. 10.

(c) Canada, west of the 110th degree west longitude, and all areas in the Pacific Ocean north of the 45th degree north latitude are assigned to District No. 14.

(d) All areas west of the continents of North and South America (except coastal islands) to the 60th degree east longitude, except for Iran, are assigned to District No. 15.

(e) Mexico, Central and South America (including coastal islands); areas east of the continents of North and South America to the 60th degree east longitude, including Iran, and any other areas or locations not covered under any other district office, are assigned to District No. 2.

§ 704.102 Commutation of payments to aliens and nonresidents.

Authority to commute payments to aliens and nonnationals who are not residents of the United States and Canada, section 2(b) of the Defense Base Act, 42 U.S.C. 1652(b), though separately stated in this Act, is identical in language to section 9(g) of the Longshoremen's Act. Thus, except for the different statutory citation, the LHWCA Act regulation at § 702.142 shall apply.

§ 704.103 Removal of certain minimums when computing or paying compensation.

The minimum limitation on weekly compensation for disability established by section 6 of the LHWCA, 33 U.S.C. 906, and the minimum limit on the average weekly wages on which death benefits are to be computed under section 9 of the LHWCA, 33 U.S.C. 909, shall not apply in computing compensation and death benefits under this Act; section 2(a), 42 U.S.C. 1652(a).

§ 704.151 DBA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employers' liability policy shall be used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. ----------

The obligations of the policy include the Longshoremen's and Harbor Worker's Compensation Act, as extended by the provisions of the Defense Base Act, and all laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The Company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The Company agrees to abide by all the provisions of said Acts and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said Acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Office, to the Deputy Commissioner, and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

§ 704.201 Administration; compensation districts.

For the purpose of administration of this Act, the District of Columbia shall be the compensation district and is designated as District No. 40.

§ 704.251 DCCA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy, used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. ----------

The obligations of the policy include the District of Columbia Workmen's Compensation Act, and the applicable provisions of the Longshoremen's and Harbor Workers' Compensation Act, and all laws amendatory of either of said Acts or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said District of Columbia Workmen's Compensation Act and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said act.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Deputy Commissioner for the District of Columbia, and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

OUTER CONTINENTAL SHELF LANDS ACT

§ 704.301 Administration; compensation districts.

For the purpose of administration of this act, the compensation districts established under the Longshoremen's and Harbor Workers' Compensation Act as set forth in part 702 of this subchapter shall administer this act, and their jurisdiction for this purpose is extended, where appropriate, to include those parts of the Outer Continental Shelf adjacent

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to the State or States in such districts having adjacent shelf areas.

§ 704.351 OCSLA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. -------.

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Outer Continental Shelf Lands Act, and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said laws and all the lawful rules, regulations, orders and decisions of the Office of Workmen's Compensation Programs, Department of Labor, until set aside, modified, or reversed by appropriate appellate authority as provided for by said acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Office, to the Deputy Commissioner, and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

NONAPPROPRIATED FUND INSTRUMENTALITIES ACT

§ 704.401 Administration; compensation districts.

For the purpose of administration of this act within the continental United States, Hawaii, and Alaska, the compensation districts established for administration of the Longshoremen's and Harbor Workers' Compensation Act as set forth in part 702 are established as the administrative districts under this act. For the purpose of administration of this act outside the continental United States, Alaska, and Hawaii, the compensation districts established for such overseas administration of the Defense Base Act as set forth in § 704.101 are established as the administrative districts under this act.

§ 704.451 NFIA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. -------.

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Nonappropriated Fund Instrumentalities Act, and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said acts and all the lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Office, to the Deputy Commissioner, and to the within named employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

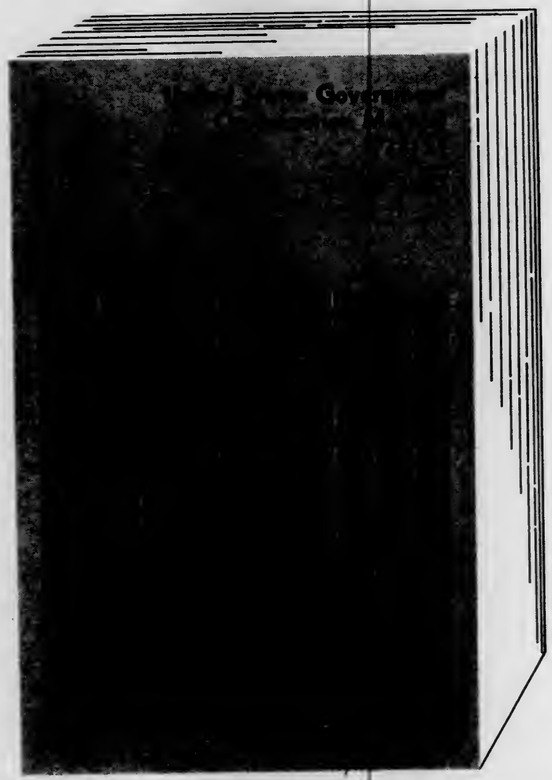
Signed at Washington, D.C., this 18th day of January 1973.

JAMES D. HODGSON,
Secretary of Labor.

[FR Doc.73-1416 Filed 1-24-73;8:45 am]

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federal register

MONDAY, JANUARY 29, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 18

Pages 2669–2729

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Title 3—The President

EXECUTIVE ORDER 11701

Employment of Veterans by Federal Agencies and Government Contractors and Subcontractors

On June 16, 1971, I issued Executive Order No. 11598 to facilitate the employment of returning veterans by requiring Federal agencies and Federal contractors and their subcontractors to list employment openings with the employment service systems. Section 503 of the Vietnam Era Veterans' Readjustment Assistance Act of 1972 (Public Law 92–540; 86 Stat. 1097) added a new section 2012 to Title 38 of the United States Code which, in effect, provides statutory authority to extend the program developed under that order with respect to Government contractors and their subcontractors.

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of Title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Labor shall issue rules and regulations requiring each department and agency of the executive branch of the Federal Government to list suitable employment openings with the appropriate office of the State Employment Service or the United States Employment Service. This section shall not be construed as requiring the employment of individuals referred by such office or as superseding any requirements of the Civil Service Laws. Rules, regulations, and orders to implement this section shall be developed in consultation with the Civil Service Commission.

SEC. 2. The Secretary of Labor is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under Section 2012 of Title 38 of the United States Code.

SEC. 3. The Secretary of Labor shall gather information on the effectiveness of the program established under this order and Section 2012 of Title 38 of the United States Code and of the extent to which the employment service system is fulfilling the employment needs of veterans. The Secretary of Labor shall, from time to time, report to the President concerning his evaluation of the effectiveness of this order along with his recommendations for further action which the Secretary believes to be appropriate.

SEC. 4. Appropriate departments and agencies shall, in consultation with the Secretary of Labor, issue such amendments or additions to

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procurement rules and regulations as may be necessary to carry out the purposes of this order and Section 2012 of Title 38 of the United States Code. Except as otherwise provided by law, all executive departments and agencies are directed to cooperate with the Secretary of Labor, to furnish the Secretary of Labor with such information and assistance as he may require in the performance of his functions under this order, and to comply with rules, regulations, and orders of the Secretary.

SEC. 5. Executive Order No. 11598 of June 16, 1971, is hereby superseded.

Richard Nixon

THE WHITE HOUSE,
January 24, 1973.

[FR Doc.73-1716 Filed 1-24-73;3:06 pm]

LETTER OF JANUARY 22, 1973

[Authority to Issue Reports on Impounded Funds]

THE WHITE HOUSE,
Washington, January 22, 1973.

DEAR MR. WEINBERGER:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, I hereby designate and empower the Director of the Office of Management and Budget to exercise the authority conferred upon the President by section 203 of the Budget and Accounting Act of 1950, as added by section 402 of the Federal Impoundment and Information Act, to prepare, transmit, and publish the reports required by section 203.

This document shall be published in the FEDERAL REGISTER.

Sincerely,

Richard Nixon

Honorable Caspar W. Weinberger,
Director,
Office of Management and Budget,
Washington, D.C. 20503.

[FR Doc.73-1695 Filed 1-24-73;3:06 pm]

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Rules and Regulations

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Quarantined

The purpose of this amendment is to quarantine Curry, De Baca, and Roosevelt Counties in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respects:

In § 73.1a, paragraph (c) relating to the State of New Mexico is revised to read:

§ 73.1a Notice of quarantine.

• • • • •

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

NEW MEXICO

(1) Curry County.
(2) De Baca County.
(3) Guadalupe County.
(4) Harding County.
(5) Lincoln County.
(6) Roosevelt County.
(7) Torrance County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective January 23, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–1614 Filed 1–26–73;8:45 am]

Title 10—Atomic Energy

CHAPTER 1—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Interim Policy Statement on Implementation, Federal Water Pollution Control Act Amendments of 1972

On October 18, 1972, the Federal Water Pollution Control Act Amendments of 1972, Public Law 92–500, 86 Stat. 816 (hereinafter FWPCA), became law. These amendments completely restructured the Federal Water Pollution Control Act previously in effect and also modified Federal agencies' responsibilities and authorities under the National Environmental Policy Act of 1969 (hereinafter NEPA). Section 511 of the Federal Water Pollution Control Act as restructured provides in pertinent part as follows:

SEC. 511. (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the United States under any other law or regulation not inconsistent with this Act * * *

• • • • •

SEC. 511. (c)

(2) Nothing in the National Environmental Policy Act of 1969 (83 Stat. 852) shall be deemed to—

(A) Authorize any Federal agency authorized to license or permit the conduct of any activity which may result in the discharge of a pollutant into the navigable waters to review any effluent limitation or other requirement established pursuant to this Act or the adequacy of any certification under section 401 of this Act; or

(B) Authorize any such agency to impose, as a condition precedent to the issuance of any license or permit, any effluent limitation other than any such limitation established pursuant to this Act.

Set forth below is a Commission interim statement of policy concerning the effect of section 511 of the FWPCA upon the Commission's regulatory responsibility and authority under NEPA in licensing actions covered by 10 CFR Part 50, Appendix D. In developing this interim statement of policy the Commission has viewed the provisions of the FWPCA in conjunction with the mandate of NEPA, as construed in Calvert Cliffs' Coordinating Committee v. AEC, 449 F. 2d 1109 (D.C. Cir. 1971), and embodied in 10 CFR Part 50, Appendix D, i. e., that in regard to major Federal actions having a significant effect on the environment, environmental costs be evaluated and balanced along with benefits and that alternatives be considered that could affect this balancing. The Commission has paid particular attention to the interrelationship between sections 511(a)(1) and 511(c)(2) and the interim statement of policy has as its central premise that AEC's authority and responsibility under NEPA (as implemented by Appendix D to 10 CFR Part 50) remain unaffected except to the extent that there is a conflict with implementing actions taken under the FWPCA. In general, the Commission would continue to exercise its NEPA authority and responsibility in the interim period before various implementing actions are taken under the FWPCA, so that there would be no hiatus in Federal responsibility and authority respecting environmental matters embraced by both NEPA and FWPCA. In addition, the Commission has been mindful of section 101(f) of the FWPCA and has endeavored to avoid to the maximum extent possible needless duplication of regulatory effort.

In summary, the interim statement of policy provides as follows:

(1) If and to the extent that there are applicable limitations or other requirements imposed pursuant to the FWPCA, the Commission will not (with certain exceptions relating to matters of State law) impose different limitations or requirements pursuant to NEPA as a condition to any license or permit. The Commission will itself determine compliance with limitations or requirements promulgated pursuant to FWPCA where no prior compliance determination has been made under FWPCA or where a certain type of interim certification under section 401 of FWPCA has been provided.

(2) The Commission will not consider various alternatives where such action would constitute a review of similar consideration of alternatives under FWPCA and upset a limitation or requirement imposed as a result thereof or where a particular alternative has been required to be adopted pursuant to FWPCA.

(3) In considering the costs and benefits of a proposed action pursuant to NEPA, the Commission will continue to evaluate and give full consideration to environmental impact: *Provided* That, with certain exceptions relating to matters of State law, such evaluation and consideration will be conducted on the basis of discharges or other activities which are at the level of limitations or

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requirements promulgated or imposed pursuant to FWPCA.

To the extent that there is a conflict between any of the provisions of the interim statement of policy and the provisions of 10 CFR Part 50, Appendix D, the provisions of the statement will govern.

Because these modifications to the Commission's regulations implementing NEPA are necessary to comply with the FWPCA, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and impracticable and for making the interim statement of policy effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Accordingly, pursuant to NEPA, FWPCA, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following interim statement of policy is published as a document subject to codification, to be effective on January 29, 1973.

The Commission invites all interested persons who desire to submit written comments or suggestions for consideration in connection with the statement to send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, on or before March 15, 1973. Consideration will be given to such submissions with the view to possible further amendments. The Commission expects in any event to make conforming changes to the language in 10 CFR Part 50, Appendix D, in the near future after March 15, 1973. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

INTERIM POLICY STATEMENT ON IMPLEMENTATION OF SECTION 511 OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 (FWPCA)

1. *Applicability.* This statement is effective immediately and shall apply to all licensing proceedings subject to 10 CFR Part 50, Appendix D, involving facilities or activities which may result in the discharge of a pollutant into the navigable waters, as defined in section 502(12)(A) of the FWPCA, and as to which no final Commission action had been taken prior to enactment of the FWPCA.

2. *Definition of terms.* As used in this statement:

a. Limitations or other requirements promulgated or imposed pursuant to the FWPCA means effluent limitations or other requirements promulgated or imposed pursuant to sections 208(e), 301, 302, 303(e), 304(b), 306, 307, 316, 318, 401, 402, 403, or 404 of the FWPCA. It also includes (i) Water quality standards continued in effect or promulgated pursuant to sections 303(a), 303(b), or 303(c) of the FWPCA; (ii) maximum daily loads for pollutants and maximum daily thermal loads, promulgated pursuant to section 303(d) of the FWPCA; and (iii) limitations or other requirements of State law under authority preserved by section 510 of the FWPCA, but only if and to the extent that such limitations or other requirements covered by this subpart (iii) are imposed and set forth in a certification pursuant to section 401(d) of the FWPCA or are imposed and set forth as a condition in a permit issued pursuant to section 402 of the FWPCA. It does not include (i) effluent limitations or other requirements regarding source, byproduct or special nuclear materials, which are subject to regulation by the Commission pursuant to the Atomic Energy Act of 1954, as amended, or (ii) limitations or other requirements promulgated or imposed pursuant to any other Federal law.

b. Pollutant discharge system means equipment or a mode of operation or procedure designed or intended for the control of discharge of pollutants, as that last phrase is defined in section 502(12) of the FWPCA. It does not include equipment or mode of operation or procedure designed or intended for the control of source, byproduct or special nuclear materials, which are subject to regulation by the Commission pursuant to the Atomic Energy Act of 1954, as amended.

c. Cooling water intake structure location, design, construction, and capacity means cooling water intake structure location, design, construction, and capacity within the meaning of section 316(b) of the FWPCA.

3. *Authority to impose requirements or limitations pursuant to National Environmental Policy Act of 1969 (NEPA).* If and to the extent that there are applicable limitations or other requirements promulgated or imposed pursuant to the FWPCA, different limitations or requirements will not be imposed by the Commission pursuant to NEPA as a condition to any permit or license, provided however, that limitations or other requirements of State law under authority preserved by section 510 of the FWPCA which are imposed and set forth in a certification pursuant to section 401(d) of the FWPCA or imposed and set forth as a condition in a permit issued pursuant to section 402 of the FWPCA, shall be regarded as only minimum limitations or requirements and the Commission shall retain any authority under NEPA to impose more stringent limitations or requirements.

4. *Alternatives.* a. Neither alternative cooling water intake structure location, design, construction, and capacity, nor alternative pollutant discharge systems will be considered by the Commission pursuant to NEPA (i) if a permit has been received for the facility or activity pursuant to section 402 of the FWPCA and a detailed statement with respect to issuance of that permit has been prepared pursuant to section 102(2)(C) of NEPA, or (ii) if and to the extent that conditions imposed as a part of the license or permit for the facility or activity pursuant to section 401(d) of the FWPCA require that a particular alternative be adopted, or (iii) if and to the extent that a permit or determination with a condition requiring the adoption of a particular alternative has been issued for the facility or activity pursuant to sections 208(b)(2)(C)(ii) and 303(e)(3)(B), 318, 402 or 404 of the FWPCA.

b. Alternative pollutant discharge systems will not be considered by the Commission pursuant to NEPA where effluent limitations have been imposed on the facility or activity under sections 301(c) or 302 of the FWPCA.

c. Neither alternative sites, facilities, or activities, nor alternative systems will be considered by the Commission pursuant to NEPA if and to the extent that a determination made with respect to the facility or activity under sections 208(b)(2)(C)(ii) and 303(e)(3)(B) of the FWPCA requires as a condition that a particular site, facility, or activity, or system be adopted.

d. To the maximum extent practicable any alternatives considered by the Commission pursuant to NEPA shall be considered by following procedures similar to those described in paragraph 5.

5. *Cost-benefit balances.* a. Except as provided in paragraphs b. and c., if and to the extent that there are applicable limitations or other requirements promulgated or imposed pursuant to the FWPCA, in considering the costs and benefits of a proposed action pursuant to NEPA, the Commission will determine whether the facility or activity that is the subject of the licensing action will comply with such limitations or other requirements.

(1) If it is determined that the facility or activity, or any part thereof, will not comply with such limitations or other requirements, then the facility or activity, or particular part in question, shall not be approved in the AEC license or permit.

(2) If it is determined that the facility or activity will comply with such limitations or other requirements, then the Commission will evaluate environmental impact on the basis of discharges or other activities associated with the facility or activity to be licensed which are at the level of such limitations or other requirements.

In making a determination in regard to compliance, as provided hereinabove, AEC will give due regard to the views on this matter of the Environmental Protection Agency and, where appropriate, of cognizant State and interstate agencies which exercise authority derived from the FWPCA.

b. Where limitations or other requirements of State law under authority preserved by section 510 of the FWPCA are imposed and set forth in a certification under section 401(d) of the FWPCA or are imposed and set forth as a condition in a permit issued pursuant to section 402 of the FWPCA, the Commission will, in considering costs and benefits of a proposed action pursuant to NEPA, evaluate environmental impact on the basis of discharges or other activities associated with the facility or activity which are in compliance with said limitations or other requirements. In considering the costs and benefits of a proposed action pursuant to NEPA the Commission will accord due consideration to the fact that the facility or activity, or part thereof, will meet limitations or other requirements more stringent than such limitations or other requirements of State law by evaluating and giving consideration to environmental impact of the facility or activity accordingly.

c. (1) The Commission will not determine whether applicable limitations or other requirements promulgated or imposed pursuant to the FWPCA will be complied with if and to the extent that such a determination has been made (i) under sections 208(b)(2)(C)(ii) and 303(c)(3)(B), or (ii) sections 301(c), 302, 318, 401, or 402, or (iii) section 404 of the FWPCA. In such cases, the Commission will accept the determination made under these provisions, *Provided, however,* That the Commission will determine whether applicable limitations or other requirements promulgated or imposed pursuant to the FWPCA will be complied with notwithstanding that a determination has been made under section 401 of the FWPCA where there has been provided a certification that there is not an applicable limitation under sections 301(b) and 302 of the FWPCA and there is not an applicable standard under sections 306 and 307 of the FWPCA.

6. *Effect on Appendix D.* To the extent that there is a conflict between any of the provisions of this interim statement of policy and the provisions of 10 CFR Part 50, Appendix D, the provisions of this statement shall govern.

(Sec. 102, 83 Stat. 853; secs. 101, 401, 511, 86 Stat. 817, 877, 893; sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2013, 2201)

Dated at Germantown, Md., this 12th day of January 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-1635 Filed 1-26-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

O,O-DIMETHYL 2,2,2-TRICHLORO-1-HYDROXYETHYL PHOSPHONATE

A petition (FAP 2H5012) was filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in dried citrus pulp at 25 parts per million resulting from application of the insecticide to growing citrus fruit.

Subsequently, the petitioner amended the petition by reducing the requested tolerance to 2.5 parts per million. (For a related document, see this issue of the FEDERAL REGISTER, page 2688).

When present in processed food or feed, the subject insecticide is a food additive, as defined by the Federal Food, Drug, and Cosmetic Act (sec. 201(s), 72 Stat. 1784; 21 U.S.C. 321(s)). Pesticide tolerances for the insecticide have been previously established.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the Act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1247 *O,O*-Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate.

A tolerance of 2.5 parts per million is established for residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in dried citrus pulp when present therein as a result of application of the insecticide to growing citrus fruit.

Any person who will be adversely affected by the foregoing order may at any time on or before February 28, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 29, 1973.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: January 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1622 Filed 1-26-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1977—DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Pursuant to section 8(g)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2)) and Secretary of Labor's Order No. 12-71 (36 FR 8754), Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new part, designated Part 1977. The new Part 1977 contains a statement of policy, interpretations, and procedures concerning the Department of Labor's application of section 11(c) of the Act. Section 11(c) provides in effect that no person shall discharge or discriminate in any manner against any employee because the employee has: (1) Filed a complaint under or related to the Act; (2) instituted or caused to be instituted any proceeding under the Act or related to the Act, or (3) has testified or is about to testify in any proceeding under the Act or related to the Act, or (4) exercised on his own behalf or others any right afforded by the Act.

The new Part 1977 reads as follows:

GENERAL

Sec.
1977.1 Introductory statement.
1977.2 Purpose of this part.
1977.3 General requirements of section 11(c) of the Act.
1977.4 Persons prohibited from discriminating.
1977.5 Persons protected by section 11(c).
1977.6 Unprotected activities distinguished.

SPECIFIC PROTECTIONS

1977.9 Complaints under or related to the Act.
1977.10 Proceedings under or related to the Act.
1977.11 Testimony.
1977.12 Exercise of any right afforded by the Act.

PROCEDURES

1977.15 Filing of complaint for discrimination.
1977.16 Notification of Secretary of Labor's determination.
1977.17 Withdrawal of complaint.
1977.18 Arbitration or other agency proceedings.

SOME SPECIFIC SUBJECTS

1977.21 Walkaround pay disputes.
1977.22 Employee refusal to comply with safety rules.
1977.23 State plans.

AUTHORITY: Sec. 8(g)(2), Public Law 91-596, 84 Stat. 1600 (26 U.S.C. 657). Interpret or apply sec. 11(c), Public Law 91-596, 84 Stat. 1603 (29 U.S.C. 660).

GENERAL

§ 1977.1 Introductory statement.

(a) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.), hereinafter referred to as the Act, is a Federal statute of general application designed to regulate employment conditions relating to occupational safety and health and to achieve safer and healthier workplaces throughout the Nation. By terms of the Act, every person engaged in a business affecting commerce who has employees is required to furnish each of his employees employment and a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm, and, further, to comply with occupational safety and health standards promulgated under the Act. See Part 1975 of this chapter concerning coverage of the Act.

(b) The Act provides, among other things, for the adoption of occupational safety and health standards, research and development activities, inspections and investigations of workplaces, and recordkeeping requirements. Enforcement procedures initiated by the Department of Labor, review proceedings before an independent quasi-judicial agency (the Occupational Safety and Health Review Commission), and express judicial review are provided by the Act.

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In addition, States which desire to assume responsibility for development and enforcement of standards which are at least as effective as the Federal standards published in this chapter may submit plans for such development and enforcement of the Secretary of Labor.

(c) Employees and representatives of employees are afforded a wide range of substantive and procedural rights under the Act. Moreover, effective implementation of the Act and achievement of its goals depend in large part upon the active but orderly participation of employees, individually and through their representatives, at every level of safety and health activity.

(d) This part deals essentially with the rights of employees afforded under section 11(c) of the Act. Section 11(c) of the Act prohibits reprisals, in any form, against employees who exercise rights under the Act.

§ 1977.2 Purpose of this part.

The purpose of this part is to make available in one place interpretations of the various provisions of section 11(c) of the Act which will guide the Secretary of Labor in the performance of his duties thereunder unless and until otherwise directed by authoritative decisions of the courts, or concluding, upon reexamination of an interpretation, that it is incorrect.

§ 1977.3 General requirements of section 11(c) of the Act.

Section 11(c) provides in general that no person shall discharge or in any manner discriminate against any employee because the employee has: (a) Filed any complaint under or related to the Act; (b) Instituted or caused to be instituted any proceeding under or related to the Act; (c) Testified or is about to testify in any proceeding under the Act or related to the Act; or (d) Exercised on his own behalf or on behalf of others any right afforded by the Act. Any employee who believes that he has been discriminated against in violation of section 11(c) of the Act may, within 30 days after such violation occurs, lodge a complaint with the Secretary of Labor alleging such violation. The Secretary shall then cause appropriate investigation to be made. If, as a result of such investigation, the Secretary determines that the provisions of section 11(c) have been violated civil action may be instituted in any appropriate United States district court, to restrain violations of section 11(c)(1) and to obtain other appropriate relief, including rehiring or reinstatement of the employee to his former position with back pay. Section 11(c) further provides for notification of complainants by the Secretary of determinations made pursuant to their complaints.

§ 1977.4 Persons prohibited from discriminating.

Section 11(c) specifically states that "no person shall discharge or in any manner discriminate against any employee" because the employee has exercised rights under the Act. Section 3(4) of the Act defines "person" as "one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any group of persons." Consequently, the prohibitions of section 11(c) are not limited to actions taken by employers against their own employees. A person may be chargeable with discriminatory action against an employee of another person. Section 11(c) would extend to such entities as organizations representing employees for collective bargaining purposes, employment agencies, or any other person in a position to discriminate against an employee. See, Meek v. United States, 136 F. 2d 679 (6th Cir., 1943); Bowe v. Judson C. Burns, 137 F. 2d 37 (3rd Cir., 1943).

§ 1977.5 Persons protected by section 11(c).

(a) All employees are afforded the full protection of section 11(c). For purposes of the Act, an employee is defined as "an employee of an employer who is employed in a business of his employer which affects commerce." The Act does not define the term "employ." However, the broad remedial nature of this legislation demonstrates a clear congressional intent that the existence of an employment relationship, for purposes of section 11(c), is to be based upon economic realities rather than upon common law doctrines and concepts. See, U.S. v. Silk, 331 U.S. 704 (1947); Rutherford Food Corporation v. McComb, 331 U.S. 722 (1947).

(b) For purposes of section 11(c), even an applicant for employment could be considered an employee. See, NLRB v. Lamar Creamery, 246 F. 2d 8 (5th Cir., 1957). Further, because section 11(c) speaks in terms of any employee, it is also clear that the employee need not be an employee of the discriminator. The principal consideration would be whether the person alleging discrimination was an "employee" at the time of engaging in protected activity.

(c) In view of the definitions of "employer" and "employee" contained in the Act, employees of a State or political subdivision thereof would not ordinarily be within the contemplated coverage of section 11(c).

§ 1977.6 Unprotected activities distinguished.

(a) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The proscriptions of section 11(c) apply when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in activities protected by the Act does not automatically render him immune from discharge or discipline for legitimate reasons, or from adverse action dictated by non-prohibited considerations. See, NLRB v. Dixie Motor Coach Corp., 128 F. 2d 201 (5th Cir., 1942).

(b) At the same time, to establish a violation of section 11(c), the employee's engagement in protected activity need not be the sole consideration behind discharge or other adverse action. If protected activity was a substantial reason for the action, or if the discharge or other adverse action would not have taken place "but for" engagement in protected activity, section 11(c) has been violated. See, Mitchell v. Goodyear Tire & Rubber Co., 278 F. 2d 562 (8th Cir., 1960); Goldberg v. Bama Manufacturing, 302 F. 2d 152 (5th Cir., 1962). Ultimately, the issue as to whether a discharge was because of protected activity will have to be determined on the basis of the facts in the particular case.

Specific Protections

§ 1977.9 Complaints under or related to the Act.

(a) Discharge of, or discrimination against, an employee because the employee has filed "any complaint • • • under or related to this Act • • •" is prohibited by section 11(c). An example of a complaint made "under" the Act would be an employee request for inspection pursuant to section 8(f). However, this would not be the only type of complaint protected by section 11(c). The range of complaints "related to" the Act is commensurate with the broad remedial purposes of this legislation and the sweeping scope of its application, which entails the full extent of the commerce power. (See Cong. Rec., vol. 116 p. P. 42206 Dec. 17, 1970).

(b) Complaints registered with other Federal agencies which have the authority to regulate or investigate occupational safety and health conditions are complaints "related to" this Act. Likewise, complaints made to State or local agencies regarding occupational safety and health conditions would be "related to" the Act. Such complaints, however, must relate to conditions at the workplace, as distinguished from complaints touching only upon general public safety and health.

(c) Further, the salutary principles of the Act would be seriously undermined if employees were discouraged from lodging complaints about occupational safety and health matters with their employers. (Section 2(1), (2), and (3)). Such complaints to employers, if made in good faith, therefore would be related to the Act, and an employee would be protected against discharge or discrimination caused by a complaint to the employer.

§ 1977.10 Proceedings under or related to the Act.

(a) Discharge of, or discrimination against, any employee because the employee has "instituted or caused to be instituted any proceeding under or related to this Act" is also prohibited by section 11(c). Examples of proceedings which could arise specifically under the Act would be inspections of worksites under section 8 of the Act, employee contest of abatement date under section 10(c) of the Act, employee initiation of proceedings for promulgation of an occupational safety and health standard under section 6(b) of the Act and part 1911 of this chapter, employee application for modification of revocation of a variance under section 6(d) of the Act and part 1905 of this chapter, employee judicial challenge to a standard under section 6(f) of the Act and employee appeal of an Occupational Safety and Health Review Commission order under section 11(a) of the Act. In determining whether a "proceeding" is "related to" the Act, the considerations discussed in § 1977.9 would also be applicable.

(b) An employee need not himself directly institute the proceedings. It is sufficient if he sets into motion activities of others which result in proceedings under or related to the Act.

§ 1977.11 Testimony.

Discharge of, or discrimination against, any employee because the employee "has testified or is about to testify" in proceedings under or related to the Act is also prohibited by section 11(c). This protection would of course not be limited to testimony in proceedings instituted or caused to be instituted by the employee, but would extend to any statements given in the course of judicial, quasi-judicial, and administrative proceedings, including inspections, investigations, and administrative rule making or adjudicative functions. If the employee is giving or is about to give testimony in any proceeding under or related to the Act, he would be protected against discrimination resulting from such testimony.

§ 1977.12 Exercise of any right afforded by the Act.

(a) In addition to protecting employees who file complaints, institute proceedings, or testify in proceedings under or related to the Act, section 11(c) also protects employees from discrimination occurring because of the exercise "of any right afforded by this Act." Certain rights are explicitly provided in the Act; for example, there is a right to participate as a party in enforcement proceedings (sec. 10). Certain other rights exist by necessary implication. For example, employees may request information from the Occupational Safety and Health Administration; such requests would constitute the exercise of a right afforded by the Act. Likewise, employees interviewed by agents of the Secretary in the course of inspections or investigations could not subsequently be discriminated against because of their cooperation.

(b) (1) On the other hand, review of the Act and examination of the legislative history discloses that, as a general matter, there is no right afforded by the Act which would entitle employees to walk off the job because of potential unsafe conditions at the workplace. Hazardous conditions which may be violative of the Act will ordinarily be corrected by the employer, once brought to his attention. If corrections are not accomplished, or if there is dispute about the existence of a hazard, the employee will normally have opportunity to request inspection of the workplace pursuant to section 8(f) of the Act, or to seek the assistance of other public agencies which have responsibility in the field of safety and health. Under such circumstances, therefore, an employer would not ordinarily be in violation of section 11(c) by taking action to discipline an employee for refusing to perform normal job activities because of alleged safety or health hazards.

(2) However, occasions might arise when an employee is confronted with a choice between performing assigned tasks or subjecting himself to serious injury or death arising from a hazardous condition at the workplace. If the employee, with no reasonable alternative, refuses in good faith to expose himself to the dangerous condition, he would be protected against subsequent discrimination. The condition causing the employee's apprehension of death or injury must be of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a real danger of death or serious injury and that there is insufficient time, due to the urgency of the situation, to eliminate the danger through resort to regular statutory enforcement channels. In addition, in such circumstances, the employee, where possible, must also have sought from his employer, and been unable to obtain, a correction of the dangerous condition.

Procedures

§ 1977.15 Filing of complaint for discrimination.

(a) *Who may file.* A complaint of section 11(c) discrimination may be filed by the employee himself, or by a representative authorized to do so on his behalf.

(b) *Nature of filing.* No particular form of complaint is required.

(c) *Place of filing.* Complaint should be filed with the Area Director (Occupational Safety and Health Administration) responsible for enforcement activities in the geographical area where the employee resides or was employed.

(d) *Time for filing.* (1) Section 11(c)(2) provides that an employee who believes that he has been discriminated against in violation of section 11(c)(1) "may, within 30 days after such violation occurs," file a complaint with the Secretary of Labor.

(2) A major purpose of the 30-day period in this provision is to allow the Secretary to decline to entertain complaints which have become stale. Accordingly, complaints not filed within 30 days of an alleged violation will ordinarily be presumed to be untimely.

(3) However, there may be circumstances which would justify tolling of the 30-day period on recognized equitable principles or because of strongly extenuating circumstances, e.g., where the employer has concealed, or misled the employee regarding the grounds for discharge or other adverse action; where the employee has, within the 30-day period, resorted in good faith to grievance-arbitration proceedings under a collective bargaining agreement or filed a complaint regarding the same general subject with another agency; where the discrimination is in the nature of a continuing violation. In the absence of circumstances justifying a tolling of the 30-day period, untimely complaints will not be processed.

§ 1977.16 Notification of Secretary of Labor's determination.

Section 11(c)(3) provides that the Secretary is to notify a complainant within 90 days of the complaint of his determination whether prohibited discrimination has occurred. This 90-day provision is considered directory in nature. While every effort will be made to notify complainants of the Secretary's determination within 90 days, there may be instances when it is not possible to meet the directory period set forth in section 11(c)(3).

§ 1977.17 Withdrawal of complaint.

Enforcement of the provisions of section 11(c) is not only a matter of protecting rights of individual employees, but also of public interest. Attempts by an employee to withdraw a previously filed complaint will not necessarily result in termination of the Secretary's investigation. The Secretary's jurisdiction cannot be foreclosed as a matter of law by unilateral action of the employee. However, a voluntary and uncoerced request from a complainant to withdraw his complaint will be given careful consideration and substantial weight as a matter of policy and sound enforcement procedure.

§ 1977.18 Arbitration or other agency proceedings.

(a) *General.* (1) An employee who files a complaint under section 11(c) of the Act may also pursue remedies under grievance arbitration proceedings in collective bargaining agreements. In addition, the complainant may concurrently resort to other agencies for relief, such as the National Labor Relations Board. The Secretary's jurisdiction to entertain section 11(c) complaints, to investigate, and to determine whether discrimination has occurred, is independent of the jurisdiction of other agencies or bodies. The Secretary may file action in U.S. district court regardless of the pendency of other proceedings.

(2) However, the Secretary also recognizes the national policy favoring voluntary resolution of disputes under procedures in collective bargaining agreements. See, e.g., Boy's Markets, Inc. v. Retail Clerks, 398 U.S. 235 (1970); Republic Steel Corp. v. Maddox, 379 U.S. 650 (1965); Carey v. Westinghouse Electric Co., 375 U.S. 261 (1964); Collier Insulated Wire, 192 NLRB No. 150 (1971). By the same token, due deference should be paid to the jurisdiction of other forums established to resolve disputes which may also be related to section 11(c) complaints.

(3) Where a complainant is in fact pursuing remedies other than those provided by section 11(c), postponement of the Secretary's determination and de-

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ferral to the results of such proceedings may be in order. See, Burlington Truck Lines, Inc., v. U.S., 371 U.S. 156 (1962).

(b) *Postponement of determination.* Postponement of determination would be justified where the rights asserted in other proceedings are substantially the same as rights under section 11(c) and those proceedings are not likely to violate the rights guaranteed by section 11(c). The factual issues in such proceedings must be substantially the same as those raised by section 11(c) complaint, and the forum hearing the matter must have the power to determine the ultimate issue of discrimination. See Rios v. Reynolds Metals Co., F.2d (5th Cir., 1972), 41 U.S.L.W. 1049 (Oct. 10, 1972); Newman v. Avco Corp., 451 F.2d 743 (6th Cir., 1971).

(c) *Deferral to outcome of other proceedings.* A determination to defer to the outcome of other proceedings initiated by a complainant must necessarily be made on a case-to-case basis, after careful scrutiny of all available information. Before deferring to the results of other proceedings, it must be clear that those proceedings dealt adequately with all factual issues, that the proceedings were fair, regular, and free of procedural infirmities, and that the outcome of the proceedings was not repugnant to the purpose and policy of the Act. In this regard, if such other actions initiated by a complainant are dismissed without adjudicatory hearing thereof, such dismissal will not ordinarily be regarded as determinative of the section 11(c) complaint.

SOME SPECIFIC SUBJECTS

§ 1977.21 Walkaround pay disputes.

(a) Complaints involving claims of discrimination based upon employer failure to pay employees who participate in section 8(e) Federal walkaround inspections of a workplace will require close scrutiny of the facts in each instance. However, as a general rule, such refusal to compensate for time so spent is not per se discriminatory. On the other hand, there may be situations in which a finding of discrimination would be warranted on the basis of specific facts in the proceeding. For example, an employer's past practice respecting payment for certain other safety and health activities on regular working time may result in a determination that the failure to compensate for walkaround is discriminatory. Such past practice must entail, however, activities which are closely analogous to walkaround inspection activities. The practice of compensating attendees at safety committee or other safety meetings is not generally to be regarded as evidence of closely analogous practices where such committees and meetings are purely educational and advisory in nature.

(b) It should be emphasized that an employer is in no way precluded by the Act from making voluntary agreements to pay employees for time spent by them while participating in walkaround inspections.

§ 1977.22 Employee refusal to comply with safety rules.

Employees who refuse to comply with occupational safety and health standards or valid safety rules implemented by the employer in furtherance of the Act are not exercising any rights afforded by the Act. Disciplinary measures taken by employers solely in response to employee refusal to comply with appropriate safety rules and regulations, will not ordinarily be regarded as discriminatory action prohibited by section 11(c). This situation should be distinguished from refusals to work, as discussed in § 1977.12.

§ 1977.23 State plans.

A State which is implementing its own occupational safety and health enforcement program pursuant to section 18 of the Act and Parts 1902 and 1952 of this chapter must have provisions as effective as those of section 11(c) to protect employees from discharge or discrimination. Such provisions do not divest either the Secretary of Labor or Federal district courts of jurisdiction over employee complaints of discrimination. However, the Secretary of Labor may refer complaints of employees adequately protected by State Plans' provisions to the appropriate state agency. The basic principles outlined in § 1977.18, supra will be observed as to deferrals to findings of state agencies.

Signed at Washington, D.C., this 19th day of January 1973.

RICHARD F. SCHUBERT,
Solicitor of Labor.

[FR Doc.73-1653 Filed 1-26-73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER XI—OIL IMPORT APPEALS BOARD

OIAB—RULES AND PROCEDURES

On May 9, 1972, there was published in the FEDERAL REGISTER (37 FR 9347-9349) a notice and text of proposed rule making by the Oil Import Appeals Board, acting through the Office of Hearings and Appeals, Department of the Interior, proposing a revision of its rules and procedures found at Chapter XI of Title 32A, Code of Federal Regulations. On May 20, 1972, there was published in the FEDERAL REGISTER (37 FR 10405) a notice of editorial correction to the proposed revision.

Interested persons were invited to submit written comments, suggestions, or objections regarding the proposed revision within 30 days from the date of publication of the original notice of proposed rule making in the FEDERAL REGISTER. All comments received have been carefully considered by the Oil Import Appeals Board in adopting the revision to Chapter XI of Title 32A, Code of Federal Regulations, as set forth below.

Changes made in the final revision, other than minor editorial changes, follow:

Section 7 now provides that upon request and for good cause shown, the Oil Import Appeals Board may postpone as well as advance the date of a hearing on a petition.

Section 13 has been revised to clarify the time periods during which interested persons may file statements in support of or in opposition to a petition before and after a hearing on the petition. Also, section 13 now extends to comments submitted by the Director, Office of Oil and Gas, Department of the Interior, the prohibition that the Oil Import Appeals Board may not consider statements of interested persons on a petition unless copies have been furnished to the petitioner or his representative.

Section 15 is revised to require the Director, Office of Oil and Gas, Department of the Interior, to send to the petitioner, or his representative, a copy of any comments that he may submit to the Oil Import Appeals Board on a petition.

Effective date. This revision of the rules and procedures of the Oil Import Appeals Board shall be effective on January 29, 1973.

The revised text of chapter XI reads as follows:

Sec.
1 Purpose.
2 Establishment of Board.
3 Authority of the Board.
4 Representation before the Board.
5 Time and place to file petitions.
6 Form and content of petition.
7 Hearings on petitions.
8 Notice of hearing.
9 Unexcused absence of a petitioner.
10 Conduct of hearing.
11 Consolidation.
12 Briefs, memoranda of law, documentary evidence, and other information.
13 Statements by interested persons other than petitioner.
14 Private communications prohibited.
15 Participation by the Office of Oil and Gas.
16 In camera orders.
17 Decisions of the Board.
18 Reconsideration of decisions.
19 Reopening of proceedings.
20 Clerical mistakes.
21 Duty to inform the Board.
22 Record open to the public.

AUTHORITY: Proclamation No. 3279 of March 10, 1959, as amended, 24 FR 1781, 10133, 28 FR 4077, 35 FR 4321; sec. 232 of The Trade Expansion Act of 1962, 76 Stat. 877; and Oil Import Regulation 1, as revised, 28 FR 14316, and amended (Amendment 19, 35 FR 163, Amendment 23, 35 FR 12759, and Amendment 24, 35 FR 16976).

Section 1 Purpose.

These rules govern the procedures on petitions to the Oil Import Appeals Board, hereinafter referred to as the "Board." They shall be construed to secure the just, speedy, and inexpensive determination of every proceeding.

Sec. 2 Establishment of Board.

Pursuant to section 4 of Presidential Proclamation 3279, dated March 10, 1959 (24 FR 1781), as amended, hereinafter referred to as the "Proclamation," the Board was established by section 21 of Oil Import Regulation 1 (24 FR 1907), as revised and amended. Oil Import Regulation 1 is hereinafter referred to as the "Regulation." The Board is comprised of a representative each from the Departments of the Interior, Justice, and Commerce, designated respectively by the heads of such Departments. The Department of the Interior member serves as chairman.

Sec. 3 Authority of the Board.

(a) The Board considers petitions for relief by persons claiming to be affected by the regulation and may, within the limits of the maximum levels of imports established in section 2 of the proclamation:

(1) Reverse or modify on grounds of error actions taken by the Director, Office of Oil and Gas, on applications for allocations under the regulation;

(2) Modify any allocation made to any person under the regulation on the grounds of exceptional hardship;

(3) Grant allocations of crude oil and unfinished oils in special circumstances to persons with importing histories who do not otherwise qualify for allocations under the regulation;

(4) Grant allocations of finished products on the grounds of exceptional hardship to persons who do not otherwise qualify for allocations under the regulation; and

(5) Review the revocation or suspension of any allocation or license.

(b) Only petitions relating to matters covered by paragraph (a) of this section may be considered by the Board. Petitions requesting a change or disregard of the proclamation or the regulation may not be considered.

Sec. 4 Representation before the Board.

Subject to the provisions contained in Part 1 of Title 43, Code of Federal Regulations, a petitioner may appear in person, by counsel or other qualified representative, and participate fully in any proceeding before the Board held pursuant to these rules.

Sec. 5 Time and place to file petitions.

(a) A petition requesting the reversal or modification of an action of the Director, Office of Oil and Gas, with reference to an allocation or modification, or a grant of an allocation shall be filed with the Board not later than 30 calendar days after the beginning of the applicable allocation period or the date of the granting or denial of an allocation, whichever is later.

(b) A petition requesting review of the suspension or revocation of an allocation or license shall be filed with the Board not later than 30 calendar days after mailing of a notice of suspension or revocation by the Director, Office of Oil and Gas.

(c) The Board may consider a petition not filed within the time specified in paragraphs (a) and (b) of this section upon a showing of good cause.

(d) Petitions and related documents and exhibits shall be addressed to the Oil Import Appeals Board and filed with the Board (address: Oil Import Appeals Board, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203).

Sec. 6 Form and content of petition.

A petition must be in writing, signed by the petitioner or his duly authorized representative or attorney, clearly marked as "petition," and filed in sextuplicate. Each petition shall be organized under headings, as follows: (a) The relief sought by the petitioner, expressed in barrels per day (b/d) and in total barrels (bbls.) during the applicable allocation period; (b) the pertinent provisions of the regulation under which the Board has authority to grant such relief; (c) the decision of the Director, Office of Oil and Gas involved in the petition, if any; (d) the relevant facts in support of the petition; and (e) the arguments in support of the petition.

Sec. 7 Hearings on petitions.

A petitioner may request a hearing before the Board on his petition by submitting an unqualified request therefor, in writing, with the filing of his petition. The Board in its discretion may grant a hearing. Where a hearing has not been requested by the petitioner, the Board may, in its discretion, schedule a hearing on the petition. Hearings will be scheduled in the discretion of the Board with due consideration to the regular order of filing of petitions and other pertinent factors. On request and for good cause shown, the Board may in its discretion advance or postpone a hearing. A party failing to request a hearing as provided in this section may be deemed to have submitted his case upon the Board record.

Sec. 8 Notice of hearing.

The petitioner shall be given at least 14 calendar days' notice of the time and place set for hearings, unless otherwise agreed. Such notice will apprise the petitioner of the requirements of section 12 for submission of briefs, memoranda of law, documentary evidence or other necessary information. In scheduling hearings the Board will give due regard to the desires of the petitioners and to the requirement for just and prompt disposition of petitions. Public notice of the scheduling of a hearing will also be posted in the office of the Board.

Sec. 9 Unexcused absence of a petitioner.

The unexcused absence of a petitioner at the time and place set for hearing will not be occasion for delay. In the event of such absence the hearing will proceed and the case will be regarded as submitted by the absent petitioner on the record before the Board. The Board shall advise the absent petitioner of the content of the proceedings and that he has 5 days from the receipt of such notice within which to show cause why the petition should not be decided on the record made.

Sec. 10 Conduct of hearing.

(a) Any member of the Board may conduct a hearing.

(b) Hearings shall be as informal as may be reasonable and appropriate in the circumstances and shall be public. Petitioner may offer at a hearing such relevant evidence as he deems appropriate, subject to the sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence and subject to the requirements of section 12(b). In general, admissibility will hinge on relevancy and materiality. Arguments bearing on the policy embodied in the proclamation or in the regulation shall not be received. Letters or copies thereof, affidavits, or other evidence not ordinarily admissable under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by a petitioner and the Director of the Office of Oil and Gas, or his representative, may be regarded and used as evidence at the hearing. The petitioner and the Office of Oil and Gas may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by a petitioner.

(c) Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board shall otherwise order. If the testimony of a witness is not given under oath, the Board shall call to the attention of the witness the provisions of title 18, United States Code, sections 287 and 1001, prescribing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof. The Board may, in its discretion, permit Government officials participating in the hearing to examine any witness.

(d) Hearings will be recorded verbatim and transcripts thereof shall be made, costs of transcripts to be borne by the requesting parties. Fees for those transcripts prepared from recordings by Office of Hearings and Appeals employees, will be at rates which cover the cost of manpower, machine use and materials, plus 25 percent, adjusted to the nearest 5 cents.

Sec. 11 Consolidation.

Upon good cause shown, or upon its own initiative, the Board may at the same time hear or decide two or more petitions, if it determines that such action is appropriate.

Sec. 12 Briefs, memoranda of law, documentary evidence, and other information.

(a) The Board may on its own initiative require the filing, either before or after hearing, of briefs, memoranda of law, documentary evidence, or any other information it considers necessary for the disposition of a petition.

(b) Any briefs, memoranda, documents, statistics, and other data and statements, but not including witnesses'

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testimony, to be presented or used at a hearing, shall be filed in sextuplicate with the Board not later than 6 days, exclusive of Saturdays, Sundays, Federal legal holidays and other nonbusiness days, prior to the date of hearing.

Sec. 13 Statements by interested persons other than petitioner.

(a) Persons interested in opposing or supporting a petition, other than petitioner, may file in sextuplicate with the Board written statements on issues raised by the petition at any time prior to 7 calendar days before the scheduled date of the hearing on the petition. At the same time such statement is filed with the Board, a copy shall be sent to the petitioner or his representative by the interested person. The petitioner may file in sextuplicate with the Board a written reply within 7 calendar days after receiving such statements.

(b) Persons interested in opposing or supporting a petition other than petitioner, may file in sextuplicate with the Board written statements on issues raised by the hearing within 7 calendar days following said hearing, unless extension is granted by the Board for good cause. At the same time such a statement is filed with the Board, a copy shall be sent to the petitioner or his representative by the interested person. The petitioner may file in sextuplicate with the Board a written reply within 7 calendar days after receiving such statements, unless extension is granted by the Board for good cause.

(c) The Board will not consider statements made pursuant to paragraph (a) or (b) of this section or section 15, unless copies have been furnished to petitioners or their representatives in a timely fashion by the interested persons.

Sec. 14 Private communications prohibited.

Oral or written communications by petitioners, interested private parties, or their agents, concerning the facts or law of a petition, or policy of the Board, will not be considered by individual members of the Board, unless such communications are made part of the record before the Board.

Sec. 15 Participation by the Office of Oil and Gas.

A copy of each petition filed with the Board and a copy of each written statement on issues raised by a petition filed pursuant to section 13 will be forwarded promptly to the Director, Office of Oil and Gas, for purposes of information and for any comment which the Director may deems appropriate and wish to submit to the Board. Any comment submitted to the Board by the Director must be filed with the Board and sent to the petitioner or his representative. The Board, when possible, will advise the Director, at least 1 week in advance, of the time and place of any hearing which may be scheduled upon a petition and will request that the Director or his representative appear at the hearing and present information and arguments on behalf of the Office of Oil and Gas.

Sec. 16 In camera orders.

(a) Upon request by the petitioner the Board may order that oral testimony or written evidence which discloses trade secrets or privileged commercial or financial information be placed in camera. The order shall include: (1) A description of the documents and testimony covered by it, and (2) a concise statement of the reasons for granting in camera treatment.

(b) Documents and transcripts of testimony subject to in camera orders shall be segregated from the public record and filed in a sealed envelope, bearing the title and docket number of the proceedings, and the notation "In camera record under section 16." Subject to the provisions of paragraph (c) of this section, documents and transcripts subject to an in camera order will be made accessible only to the petitioner, his counsel, authorized Board personnel, members of the Board, and court personnel concerned with judicial review. The right of the Board and of reviewing courts to disclose in camera data to the extent necessary for the proper disposition of the proceeding is specifically reserved.

(c) Documents and transcripts of testimony subject to an in camera order shall be released to third parties only if required by law.

Sec. 17 Decisions of the Board.

(a) The Board will take such action on petitions as it deems appropriate. Decisions of the Board will be made in writing. All Board members will participate in the decisionmaking; however, concurrence of any two Board members shall be sufficient to constitute a decision of the Board. Decisions of the Board shall be final and not subject to administrative review.

(b) Each decision upon a petition to the Board will contain a concise statement of the reasons for the Board's action.

(c) A copy of the decision shall be furnished promptly to the petitioner or his representative. All decisions of the Board shall be available for inspection by the public.

Sec. 18 Reconsideration of decisions.

Not later than 30 calendar days after issuance of a decision of the Board, a petitioner may file with the Board a petition for reconsideration of such decision, setting forth the relief desired and the grounds therefor. Such petition must clearly state the issues which the petitioner had no opportunity to argue before the Board. The Board, within its discretion, may decide the matter on the petition, or it may schedule a public hearing thereon in accordance with section 8. It may specify any issues on which the Board desires to hear arguments.

Sec. 19 Reopening of proceedings.

(a) *Reopening prior to decision.* At any time prior to its decision, the Board may reopen the proceeding for the reception of further evidence.

(b) *Reopening after decision.* Whenever, during the applicable allocation period, a petitioner subject to a decision of the Board is of the opinion that material changes of fact or of law, which occurred after issuance of the decision, warrant that such decision be altered, modified, or set aside, such petitioner may file with the Board a petition requesting a reopening of the proceeding for that purpose. Such petition shall state the relief desired, the specific changes of fact or of law warranting a reopening of the proceeding, and shall include such evidence and arguments as will provide the basis for a Board decision on the petition. The Board, in its discretion, may decide the matter on the petition, or it may serve upon the petitioner a notice for a public hearing thereon. Said notice shall indicate the time and place of hearing, and it may specify any issues on which the Board desires to receive further evidence or hear arguments.

Sec. 20 Clerical mistakes.

The Board may at any time, without advance notice to the petitioner and without hearing, make such changes in a Board decision as are required to correct clerical or other errors arising from oversight or omission which have no adverse effect on petitioner.

Sec. 21 Duty to inform the Board.

The petitioner shall promptly notify the Board of any change in its eligibility (according to the criteria contained in paragraphs (a) and (g) of section 4) occurring prior to the end of the applicable allocation period.

Sec. 22 Record open to the public.

The petition, transcript of hearing, exhibits, written statements filed by interested parties, all papers filed with the Board, and matters of official notice or record, shall constitute the record for decision and shall be open to the public, subject to the provisions of section 16.

Dated: January 17, 1973.

STANLEY NEHMER,
Member.
GEORGE H. SCHUELLER,
Member.
LEWIS S. FLAGG, III,
Chairman.

[FR Doc.73-1630 Filed 1-26-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-96RC]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS

St. Marys River, Mich.

This amendment more accurately defines three reference points of land (mentioned in 33 CFR 92.49, appearing on p. 23540 of the FEDERAL REGISTER of Nov. 4, 1972) along the St. Marys River that serve as bounds within which various vessel speed limits are enforced. The three reference points are Sweets Point, Point Aux Frenes, and Point Louise. This amendment designates a specific aid to navigation at each of these areas as the exact reference point to be used in determining where a speed limit commences or terminates.

The purpose of the amendment is to redefine the three reference points with sufficient precision to remove any uncertainties in the description of the actual locations.

Because this amendment is required to insure immediate, fair, and effective law enforcement action under 33 U.S.C. 474 for violations of 33 CFR 92.49, and because the amendment is minor in nature, notice and public procedure thereon have been determined to be both impracticable and unnecessary.

Accordingly, Part 92 of Title 33 of the Code of Federal Regulations is amended by revising § 92.49 (b) and (e) (3) to read as follows:

§ 92.49 Speed limits for vessels of 50 gross tons or over.

* * * * *

(b) Detour Reef Light to Point Aux Frenes Passing Range South Front Light: The speed limit between—

(1) Detour Reef Light and Sweets Point Light is 17 miles per hour; and

(2) Round Island Light and Point Aux Frenes Passing Range South Front Light is 14 miles per hour.

* * * * *

(e) Lake Nicolet Light 80 to Pointe Aux Pins Main Light: The speed limit between—

* * * * *

(3) The upper limit of the St. Marys Falls Canal and Pointe Aux Pins Main Light is 12 miles per hour.

* * * * *

(Secs. 1–3, 29 Stat. 54, as amended, sec. 6(b), 80 Stat. 937; 33 U.S.C. 474, 49 U.S.C. 1655(b); 49 CFR 1.46(b))

Effective date. This amendment becomes effective on January 26, 1973.

Dated: January 19, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Vice Commandant.

[FR Doc.73-1652 Filed 1-26-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Captan

In response to a petition (PP 2E1215) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of November 23, 1972 (37 FR 24908), proposing establishment of a tolerance for residues of the fungicide captan (N-trichloromethylthio - 4-cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodity taro at 0.25 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), § 180.103 is amended by revising the introductory paragraph and by inserting a new paragraph after the paragraph "2 parts per million in or on beets * * *", as follows:

§ 180.103 Captan; tolerances for residues.

Tolerances for residues of the fungicide captan (N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodities from preharvest and postharvest uses or combinations of such uses are established as follows:

* * * * *

0.25 part per million in or on taro (corm).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before February 28, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 29, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: January 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.73-1623 Filed 1-26-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Diuron

A notice in response to a petition (PP 2E1263) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, was published by the Environmental Protection Agency in the FEDERAL REGISTER of November 29, 1972 (37 FR 25344), proposing establishment of a tolerance for residues of the herbicide diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on the raw agricultural commodity peaches at 0.1 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), § 180.106 is amended by revising the paragraph "0.1 part per million * * *" as follows:

§ 180.106 Diuron; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on bananas, nuts, and peaches.

Any person who will be adversely affected by the foregoing order may at any time on or before February 28, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearings. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 29, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: January 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.73-1624 Filed 1-26-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl 2,2,2-Trichloro-1-Hydroxyethyl Phosphonate

A petition (PP 2F1242) was filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for

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residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in or on the raw agricultural commodities lima beans and vines at 12 parts per million and citrus fruit at 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 2681).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), § 180.198 is amended by revising the paragraphs "12 parts per million • • •" and "0.1 part per million • • •", as follows:

§ 180.198 *O,O*-Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate; tolerances for residues.

• • • • •

12 parts per million in or on alfalfa (fresh), barley (green fodder and straw), clover (fresh), flax straw, lima beans, lima bean vines, lima bean vine hay, oats (green fodder and straw), sugar beet tops, and wheat (green fodder and straw).

• • • • •

0.1 part per million (negligible residues) in or on artichokes, barley (grain), beans (dried), beets (garden), brussels sprouts, cabbage, carrots, cauliflower, citrus fruit, collards, corn fodder and forage, corn (kernels plus cob with husk removed), cottonseed, cowpeas, flaxseed, lettuce, meat, fat, and meat byproducts of cattle, oats (grain), peppers, pumpkins, safflower seed, snap beans, sugar beets, tomatoes, and wheat (grain).

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before February 28, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 29, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1625 Filed 1-26-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PROCUREMENT ASSIGNMENTS

The following amendment to the GSA/Federal Supply Service Procurement Regulations is to provide instructions to FSS personnel on the criteria for making procurement assignments and on the procurement responsibilities of the National Buying Center and FSS regional buying activities.

PART 5A-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Part 5A-5 is amended by the addition of new Subpart 5A-5.70, as follows:

Subpart 5A-5.70—Procurement Assignments

5A-5.7001 Scope.
5A-5.7002 General.
5A-5.7003 Criteria for making procurement assignments.
5A-5.7004 Changes in procurement assignments.
5A-5.7005 Central records for stock item assignments.
5A-5.7006 Current procurement assignments.

AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 C.F.R. 5-1.101(c).

Subpart 5A-5.70—Procurement Assignments

§ 5A-5.7001 Scope.

This subpart sets forth the procurement assignments and related procurement responsibilities of the National Buying Center (NBC) and regional procuring activities.

§ 5A-5.7002 General.

Procurement Planning and Assignments Division is responsible for assignments of procurement responsibility to the National Buying Center and the regional offices. Future procurement assignments will be published in Subpart 5A-76.4 or on interim bases in numbered FSS Procurement Letters.

§ 5A-5.7003 Criteria for making procurement assignments.

Procurement assignments are made based on the following criteria:

(a) Experience in contracting for the commodity or service;

(b) Resource capability to absorb additional workload;

(c) Geographical location of sources of supply;

(d) Administrative costs of contracting; and

(e) Other factors relevant to specific commodities or services.

§ 5A-5.7004 Changes in procurement assignments.

To ensure an orderly transfer of functions when a commodity or service is assigned from one procuring activity to another, the office which is relieved of such procurement responsibility shall transmit the following information to the procuring activity to which the assignment is transferred:

(a) Any listing of prospective bidders not yet included in the current national bidders mailing lists;

(b) All solicitations and amendments thereto that cover the present contract period;

(c) GSA Form 419, Stock Item Purchase Description, where applicable;

(d) GSA Form 1584, Contract Summary, or Federal Supply Schedule covering the present contract period; and

(e) Any other available procurement information, such as related historic files and vendors' performance records.

§ 5A-5.7005 Central records for stock item assignments.

(a) *GSA Form 419, Stock Item Purchase Description.* FPN shall record assignments on GSA Form 419, Stock Item Purchase Description.

(b) *Master Data File (MDF).* Procurement assignments for stock items are also recorded on the MDF which is maintained at central office by FXC. This information appears as a two-digit code under the Method of Purchase (MOP) column.

§ 5A-5.7006 Current procurement assignments.

Procurement assignments for national or zonal purchases are listed in Subpart 5A-76.4. This listing includes assignments for stock items, Federal Supply Schedules, and other term contracts which are available for use beyond the boundaries of a particular CSA region.

PART 5A-76—EXHIBITS

The table of contents for Part 5A-76 is amended to add the following new Subpart 5A-76.4.

Subpart 5A-76.4—Procurement Assignments

Sec.
5A-76.401 Procurement assignments.
5A-76.402 Federal Supply Schedule assignments.
5A-76.403 Listing of community assignments by National Buying Center's branch/section.
5A-76.404 Service contracts assignments.

NOTE: The exhibits identified in this Subpart 5A-76.4 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective on January 15, 1973.

Dated: January 15, 1973.

M. S. MEEKER,
Commissioner, Federal Supply Service.

[FR Doc.73-1632 Filed 1-26-73;8:45 am]

Title 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19281; FCC 73-83]

PART 1—PRACTICE AND PROCEDURE

PART 15—RADIO FREQUENCY DEVICES

Class I TV Device Operations; Extension of Effective Date

In the matter of amendment of Part 15 of the Commission's rules to regulate the operation of a Class I TV device—a new restricted radiation device which produces an RF carrier modulated by a TV signal, Docket No. 19281; and amendment of Part 1 to provide a fee schedule for type approval of such devices.

1. Prior to adopting the Report and Order[1] in the subject docket, the Commission waived §§ 2.805 and 15.7 of our rules to permit several companies to legally market Class I TV devices. These devices were first tested at our laboratory and found to comply with the technical standards proposed[2] for such equipment.

2. The waivers granted to these manufacturers, to permit the sale and shipment of these devices, were to originally terminate on the effective date of the rules adopted in this proceeding. The rules adopted specify type approval (equipment to be submitted to the Commission for testing) as a prerequisite for marketing Class I TV devices. Therefore, the waivers were extended to March 1, 1973, in the Report and Order to provide the necessary time for the manufacturer to procure type approval for devices currently being marketed under waivers granted.

3. The Commission has received a Petition for Reconsideration from the Matsushita Electric Corporation of America, 200 Park Avenue, New York, N.Y. 10017, requesting a further extension of the termination date of the waiver of §§ 2.805 and 15.7, which permitted marketing of Class I TV devices and simultaneously requesting an extension of the effective date of § 15.407 of our rules. Section 15.407 requires a Class I TV device to be equipped with a receiver transfer switch having 60 dB isolation; this switch requirement was not included in the proposed rules for Class I TV devices. Matsushita states that unless their Petition for Reconsideration is granted it will "necessitate discontinuance of production and scrapping of considerable transfer switches which have not been designed to embody 60 dB isolation." The petitioner also claims that the March 1, 1973, termination date for waivers does not provide adequate time in which to produce a Class I TV device which complies with our Rules.

4. Matsushita requests that the effective date of § 15.407 and the termination date of the waiver be extended until July 1, 1973. The Commission finds that the schedule presented by Matsushita for development and design, type approval, and manufacturing procurement to support this request is reasonable and provides for an orderly incorporation of the receiver transfer switch as part of Class I TV devices. The Commission further finds that retaining the effective date of January 19, 1973, would work a hardship on the manufacturers of Class I TV devices and that extending this date for 6 months would be in the public interest. The effective date of the rules for Class I TV devices, Subpart H of Part 15, is hereby extended to July 1, 1973.

5. No action is required with respect to the waivers, since these waivers, by their terms, are valid until the final rules for Class I TV devices become effective, which is now July 1, 1973. The waivers are thus automatically extended by this action.

6. In view of the foregoing, *It is ordered,* That the above-described petition is granted and the effective date of the Rules adopted in the Report and Order in this proceeding be extended until July 1, 1973.

Adopted: January 18, 1973.

Released: January 19, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1639 Filed 1-26-73;8:45 am]

[Docket No. 18930; FCC 73-63]

PART 73—RADIO BROADCAST SERVICES

Operator Requirements for AM and FM Broadcast Stations

Memorandum opinion and order. In the Matter of amendment of §§ 73.93, 73.265 and 73.565 of the Commission's rules concerning operator requirements for standard (AM) and FM broadcast stations, Docket No. 18930, RM-1576, RM-1627.

1. The Commission has before it a petition, filed July 7, 1972, by the National Association of Broadcasters (NAB), requesting reconsideration and amendment of certain of the rules adopted pursuant to the Report and Order in the above-entitled proceeding, which was released on June 7, 1972 (FCC 72-467) and published in the FEDERAL REGISTER on June 8, 1972 (volume 37, number 111, 37 F.R. 11538).

2. In particular, NAB takes exception to these rules in three respects: Each exception is separately set forth and discussed hereunder:

(1) Section 73.93(f)(5) establishes the technical requirements for the system employed to switch between directional, or between directional and nondirectional modes of operation when lesser grade operators perform this function. NAB objects to the requirement that: "The switching equipment shall be so arranged that the failure of any relay in the directional antenna system to activate properly will cause the emissions the station to terminate."

3. NAB argues that switching failure should not automatically result in a cessation of station operation, but, rather, that the consequences of the failure must be weighed against the licensee's obligation to continue to provide service to the public. It notes that previously, where station operation was only under the continuous surveillance of first class radiotelephone operators, the operator on duty would take immediate steps to correct the switching failure, and would shut the station down only in an instance in which on-air corrections could not be made feasibly, and the effects of continued operation with the radiation pattern not properly established were considered so serious as to require the station to cease operation forthwith. NAB cites the following example:

A situation may readily be envisioned in which a single market [station] exists which utilizes a very elementary directional antenna system. The failure of a relay in the directional antenna switching system and the resulting termination of transmissions in such situations must be considered in the light of the public service to that community. We suggest that there are many situations, circumstances and conditions which dictate the continuation of service even though there may be a technical malfunction in the transmission system. It is the NAB position that the licensee should make the judgment in determining the severity and impact of the failure and take whatever steps are deemed necessary.

4. NAB's arguments appear to be predicated on the assumption that, at the time of a switching failure, personnel will be presented at the station competent to decide upon and to take immediate action appropriate in the particular circumstances. This also was our intention, when, in the Notice of Proposed Rule Making in this matter, we proposed that while lesser grade operators might be permitted to perform routine duty assignments at stations with directional antennas, to require a first class radiotelephone operator to be on duty at the time when each station begins directional operation or changes directional patterns. This proposal was opposed generally as being impractical and burden-

[1] Docket 19281, Order adopted December 6, 1972 (37 FR 26601, Dec. 14, 1972).

[2] Docket 19281, Notice of Proposed Rule Making, adopted July 14, 1971 (36 FR 13793). Second Notice of Proposed Rule Making, adopted September 8, 1971 (36 FR 18656).

[3] Commissioner H. Rex Lee absent.

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some, and it was abandoned. However, faced with an alternative in which operators without technical knowledge or training would be entrusted with the antenna switching function, we adopted § 73.93(f)(5), to establish the conditions and safeguards which we considered necessary under such circumstances.[1]

5. Because of the serious consequences which may result from improper switching of directional systems,[1] we believe that when such malfunctioning occurs and no one is present who is qualified to correct the condition, or to evaluate the seriousness of the malfunction, there is little alternative but to terminate operation. It is appropriate to note that, in such circumstances, even if facilities for automatic termination of operation were not required and provided, the lesser grade operator would be obligated to manually shut down the station, pursuant to the requirements of § 73.93(g) of the rules, which reads, in part:

> • • • The emissions of the station shall be terminated immediately whenever the transmitting system is observed operating beyond the posted parameters, or in any other manner inconsistent with the rules, and the above adjustments are ineffective in correcting the condition of improper operation, and a first class radiotelephone operator is not present.[2]

The incorporation of automatic circuitry in the system to achieve this result, however, relieves the lesser grade operator of a responsibility he may be loath to exercise.

6. In view of the above, we believe all of the requirements of § 73.93(f)(5) are necessary when antenna pattern switching is not supervised by a first class radiotelephone operator. Accordingly, we are unwilling to change these requirements.

(2) NAB believes that the partial proof of performance of the directional antenna, which a station employing lesser grade operators is required to make at yearly intervals (§ 73.93(e)(4)) is unnecessarily complicated and extensive from a technical standpoint, and the requirement imposes a hardship on some stations. It notes that when stations with directional antennas operate by remote control a yearly skeleton proof has been considered sufficient to verify the proper operation of the directional antenna, and it sees no reason why a more stringent requirement should be imposed when lesser grade duty operators are utilized. It suggests that Note 2 to § 73.93(e)(4) be amended to specify the same number of measurements on each radial as is required for the skeleton proof for remotely controlled stations.

7. Both the partial proof and the skeleton proof, which NAB would specify in its stead, require that field strength measurements be made at locations which were utilized for such measurements in the previous complete proof of performance. However, the partial proof not only includes measurements at many more of these points than does the skeleton proof ("at least 10" on each radial, as contrasted with "at least three") but also requires a graphical analysis of the measurements, pursuant to procedures prescribed in § 73.186 of the rules. An analysis of this nature determines the inverse field from the directional antenna in the direction of each radial, and permits verification that the radiation from the antenna in each direction approximates that established by the original proof. No such analysis is required in a skeleton proof, and, indeed, no meaningful analysis could be made with the limited measurement data which a skeleton proof makes available. Thus, while the partial proof can be expected to reveal any substantial distortion of the originally established radiation pattern, the skeleton proof serves little purpose other than to establish that the monitoring points specified in the station's authorization have not been degraded by changes in their immediate environment (certainly an important function, but one which does not permit a definitive evaluation of radiation pattern characteristics).

8. There are many cases in which there has been no occasion for the station licensee to reestablish the performance of his directional antenna subsequent to the original authorization. In some instances, many years have elapsed since this has been done. On the other hand, there are a number of factors which may adversely affect antenna performance, including the deterioration of antenna components with time, and the erection or modification of nearby structures which alter the environment in which the antenna operates.

9. We believe that if an operator with little technical training is to be entrusted with the day-to-day surveillance of a directional station, it should be only under circumstances where any deficiencies or anomalies in its operation have been brought under control. Thus, we adhere to the view that when a licensee engages to use such operators, a partial proof is necessary, and should subsequently be repeated periodically.

10. However, we recognize that the procurement of the many measurements required in such a proof may be arduous and time consuming, and the analysis of these measurements is a specialized procedure for which the licensee may need to engage the services of a consulting engineer—a substantial expense. Thus, we should not require the execution of a partial proof any more often than we consider vitally necessary to insure the continued satisfactory performance of the directional antenna.

11. In the light of these considerations, we are amending present § 73.93(e)(4)[3] so as to require that a partial proof be made every 3 years, the first of these proofs to be completed within 1 year of the date the engineer in charge is notified of the appointment of a chief operator (see § 73.93(h)), with skeleton proofs to be performed in each of the intervening years. We have added a new Note 3 at the end of § 73.93, defining the skeleton proof. We have also somewhat revised the wording of Note 2, describing a partial proof, in the interest of specificity.

(3) NAB seeks amendment of § 73.92(h)(3) (the standard broadcast rule) and § 73.265(d)(4) (the FM broadcast rule), which require the separate designation of an acting chief operator each time the designated chief operator is temporarily absent. § 73.565(d)(4) is the corresponding provision of the noncommercial educational FM broadcast rules, and, while not cited by NAB, presumably would be subject to the changes which NAB suggests.) NAB notes that while many licensees may wish to follow the course of action prescribed by this rule, others, who have more than one first class operator in regular employment, would prefer, if the rules so permitted, to designate, on a permanent basis, an assistant chief operator, who would automatically become acting chief operator during absences of the chief operator. NAB points out that the designation of an acting chief operator would obviate the necessity for notifying the Commission concerning each absence of the chief operator, and reduce the burdens imposed by the present rule, both on the Commission and the licensee.

12. We agree that this option should be made available to broadcast station licensees, and are adopting appropriate amendments to the rules for this purpose. The basic changes to accomplish this, however, have been made in §§ 73.93(h), 73.265(d)(1), and 73.565(d)(1), the rules governing the designation of the chief operator, rather than in the rules specifically cited by NAB.

13. In the above paragraphs we have disposed of the specific requests made by NAB for reconsideration of certain of the rules adopted as a result of the proceeding in Docket 18930. Insofar as NAB further requests expedited action in Dockets 18471 and 18455, which, it points out, concern matters which are interrelated, to some extent, with the subject matter of Docket 18930, this request is moot. Appropriate orders were adopted in Dockets 18471 and 18455 on January 10, 1973.

14. In the light of action taken in these proceedings, we find that certain amendments to § 73.93 should be made. Furthermore, our initial experience with the application of the amended radio operator rules, and informal comments and questions we have received, indicate that other minor amendments are desirable. We will, therefore, on our own motion, take this opportunity to deal with these matters. The nature of the changes we are making is not such as to require prior notice and comment prior to their adoption. These rule changes are discussed in the following paragraphs.

15. *Sections 73.93(b), 73.265(b), 73.565(b).* These rules, for the standard, FM, and noncommercial educational FM broadcast services, respectively, are similar in purpose, and are intended to preclude lesser grade operators from attempting technical procedures beyond their competence. Accordingly, each of the cited rules requires specified technical duties to be performed by a first class radiotelephone operator. An unintended result of the rules, as drafted, would be to preclude professional consulting engineers who do not hold operator licenses of the requisite grade from performing those engineering services for broadcast stations for which they customarily have been retained by station licensees. Accordingly, we are amending §§ 73.93(b) and 73.265(b) by the addition of the following:

> • • • or, during periods of operation when a first class radiotelephone operator is in charge of the transmitter, by or under the direction of a broadcast consultant regularly engaged in the practice of broadcast station engineering.

An amendment having the same effect is also made to § 73.565(b).

16. *Sections 73.93(c), 73.265(c), 73.565(c).* These similar rules are intended to specify the basic operator requirements for stations without directional antennas (standard broadcast only) and within specified power ceilings, which, even under previous rules, have been permitted to employ lesser grade duty operators. However, while the first class operator requirements are spelled out in the rules (second class operators are specified for certain categories of noncommercial educational FM stations), we inadvertently neglected to specify any requirement for lesser grade duty operators. Amendments to the above listed rules for the purpose of correcting this omission are adopted herein.

17. *Section 73.93(e)(3).* This rule, which requires a first class radiotelephone operator to observe the base currents and certain other parameters of a directional antenna system 5 days each week, and to enter the results of these observations in the maintenance log, is being deleted in toto. Its presence in the operator rules perhaps has generated more misunderstandings and inquiries than any other provision of these rules, because it presents inconsistencies, both apparent and real, with the logging requirements of §§ 73.113 and 73.114, and with conditions contained in the instruments of authorization of individual stations. This problem was before us when we amended the rules pursuant to decisions reached in the report and order in Docket 18455. While that proceeding primarily is concerned with the inspection and logging requirements for stations with directional antennas operated by remote control, the rules as adopted therein involved extensive revision of §§ 73.113 *Operating Log* and 73.114 *Maintenance Log*. When this revision was undertaken, the need to resolve the above-mentioned problem was kept in mind. In consequence, the substance of § 73.93(e)(3) has been incorporated in § 73.114 and made applicable to all stations with directional antennas which are not operated by remote control. Specifically, the once a day, 5 days a week schedule for the observations and log entries specified in § 73.93(e)(3) is established for all such stations, regardless of any provision in a station's instrument of authorization requiring more frequent action. Since this is the case, it is appropriate to delete the substance of § 73.93(e)(3) from the operator rules at this time.

18. The rule amendments adopted in Docket 18471 specify a schedule pursuant to which the various categories of stations with directional antennas will be required to install type approved antenna monitors. Note 1 in § 73.93 has been amended to specify an effective date for the implementation of (e)(2) consistent with that schedule.

19. We are continuing actively to pursue our examination of the regulations governing radio and television broadcasting, a project initiated pursuant to our public notice of April 6, 1972. As we study this matter further, and as more experience is gained in the application of the radio operator rules, as now amended, some additional modification and mitigation of those requirements of the rules intended to insure satisfactory station functioning with lesser grade operators may appear feasible. Under such circumstances, we will, on our own motion, take appropriate action.

20. The petition for reconsideration by the National Association of Broadcasters is granted to the extent discussed above, and as reflected in rule amendments which we now adopt. In all other respects it is denied.

21. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *It is ordered*, That, effective April 27, 1973, §§ 73.93, 73.265, and 73.565 of the Commission's Rules and Regulations are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 17, 1973.

Released: January 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.93, paragraphs (b), (c), and (h), and the notes at the end of this section are amended to read as set forth below. Present paragraph (e)(3) is deleted, and subparagraph (4) is amended and redesignated as (3), and subparagraph (5) is redesignated as (4).

§ 73.93 Operator requirements.

• • • • • •

(b) With the exceptions set forth in paragraph (f) of this section, adjustments of the transmitting system, an inspection, maintenance, required equipment performance measurements, and required field strength measurements shall be performed only by a first-class radiotelephone operator, or, during periods of operation when a first-class radiotelephone operator is in charge of the transmitter, by or under the direction of a broadcast consultant regularly engaged in the practice of broadcast station engineering.

(c) A station using a non-directional antenna with nominal power of 10 kilowatts or less may employ first-class operators, second-class operators, or operators with third-class permits endorsed for broadcast station operation for routine operation of the transmitting system if the station has at least one first-class radiotelephone operator readily available at all times. This operator may be in full-time employment, or, as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of this Commission.

• • • • • •

(e) • • •

(3) Within 1 year of the date on which the Commission is notified, pursuant to § 73.93(h), of the designation of a chief operator, the station shall complete a partial proof of performance, as defined in Note 2 at the end of this section, and shall complete subsequent partial proofs of performance at 3-year intervals thereafter. A skeleton proof of performance, as defined in Note 3 at the end of this section, shall be completed during each year that a partial proof of performance is not required. Not less than 10, nor more than 14 months shall elapse between the completion dates of successive proofs of performance. The results of such proofs shall be prepared and filed as specified in paragraph (b) of § 73.47.

• • • • • •

(h) When lesser grade operators are used, in accordance with paragraph (d) or (e) of this section, for any period of operation with nominal power in excess of 10 kilowatts, or with a directional radiation pattern, the station licensee shall designate one first-class radiotelephone operator in full-time employment as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee also may designate another first-class radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. The station licensee shall notify the engineer in charge of the radio district in which the station is located of the name(s) and license number(s) of the operator(s) so designated. Such notification shall be made within 3 days of the date of such designation. A copy of the notification shall be posted with the license(s) of the designated operator(s).

• • • • • •

(3) At such time as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of the chief operator,

[1] Not only can a switching failure result in the production of serious interference to other stations, but the functioning of the transmitter may be severely disrupted.

[2] This rule has been carried forward, with some minor revision, from rules which for many years have governed the performance by lesser grade operators of duty assignments at aural broadcast stations.

[3] This appears as § 73.93(e)(3) in the amended rules.

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the licensee shall designate another first class radiotelephone operator as acting chief operator on a temporary basis. Within 3 days of the date such action is taken, the engineer in charge of the radio district in which the station is located shall be notified by the licensee by letter of the name and license number of the acting chief operator, and shall be notified by letter, again within 3 days of the date when the regularly designated chief operator returns to duty.

• • • • •

NOTE 1: The effectiveness of paragraph (e)(2) of this section is suspended until June 1, 1974.

NOTE 2: The partial proof of performance shall consist of at least 10 field strength measurements on each of the radials established in the latest complete adjustment of the directional antenna system. These measurements shall be made at locations, all within 2 to 10 miles from the antenna, which were utilized in such adjustments, and include on each radial, the point, if any, designated as a monitoring point in the station authorization. Measurements shall be analyzed in the manner prescribed in § 73.186 of the rules of this part.

NOTE 3: The skeleton proof of performance shall consist of field strength measurements, at least three on each of the radials established in the latest complete adjustment of the directional antenna system, made at measurement locations utilized in such adjustment, and include, on each radial, the point, if any, designated as a monitoring point in the station authorization.

2. In § 73.265, paragraphs (b), (c), and (d) (1) and (4) are amended to read as follows:

§ 73.265 Operator requirements.

• • • • •

(b) With the exceptions set forth in paragraph (e) of this section, adjustments of the transmitting system, and inspection, maintenance, and required equipment performance measurements shall be performed only by a first-class radiotelephone operator, or, during periods of operation when a first-class radiotelephone operator is in charge of the transmitter, by, or under the direction of a broadcast consultant who is regularly engaged in the practice of broadcast station engineering.

(c) A station with authorized transmitter output power of 25 kilowatts or less may employ first-class operators second-class operators, or operators with third-class permits endorsed for broadcast station operation for routine operation of the transmitting system if the station has at least one first-class radiotelephone operator readily available at all times. This operator may be in full-time employment, or, as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission.

(d) • • •

(1) The station licensee shall designate one first-class radiotelephone operator in full-time employment as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another first-class radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. The station licensee shall notify the engineer in charge of the radio district in which the station is located of the name(s) and license number(s) of the operator(s) so designated. Such notification shall be made within 3 days of the date of such designation. A copy of the notification shall be posted with the license(s) of the designated operator(s).

• • • • •

(4) At such times as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of chief operator, the licensee shall designate another first-class radiotelephone operator as acting chief operator on a temporary basis. Within 3 days of the date such action is taken, the engineer in charge of the radio district in which the station is located shall be notified by the licensee by letter of the name and license number of the acting chief operator, and shall be notified by letter, again within 3 days of the date when the regularly designated chief operator returns to duty.

• • • • •

3. In § 73.565, paragraphs (b), (c), and (d) (1) and (4) are amended to read as follows:

§ 73.565 Operator requirements.

• • • • •

(b) With the exceptions set forth in paragraph (e) of this section, adjustments of the transmitting system, and inspection, maintenance, and required equipment performance measurements shall be performed only by an operator holding the class of license specified below, or during periods of operation when the transmitter is in the charge of an operator of the specified class, by or under the direction of a broadcast consultant regularly engaged in the practice of broadcast station engineering.

• • • • •

(c) A noncommercial educational FM station with authorized transmitter output power not in excess of 25 kilowatts may employ first-class operators, second-class operators or operators with third-class permits endorsed for broadcast station operation, for the routine operation of the transmitting system, if the station has at least one operator of a class specified for the station's power category in paragraph (b) of this section, readily available at all times. This operator may be in full-time employment, or, as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission.

(1) The station licensee shall designate one first-class radiotelephone operator in full-time employment as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another first-class radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. The station licensee shall notify the engineer in charge of the radio district in which the station is located of the name(s) and license number(s) of the operator(s) so designated. Such notification shall be made within 3 days of the date of such designation. A copy of the notification shall be posted with the license(s) of the designated operator(s).

• • • • •

(4) At such times as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of chief operator, the licensee shall designate another first-class radiotelephone operator as acting chief operator on a temporary basis. Within 3 days of the date such action is taken, the engineer in charge of the radio district in which the station is located shall be notified by the licensee by letter of the name and license number of the acting chief operator, and shall be notified by letter, again within 3 days of the date when the regularly designated chief operator returns to duty.

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[FR Doc.73-1640 Filed 1-26-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-66]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Revocation of Certain Delegations

The purpose of this amendment is to revoke the delegations to the Federal Aviation Administrator to carry out the civil administration of Wake Island under the agreement between the Secretary of Interior and the Secretary of Transportation of August 26, 1967, and to the Federal Highway and Federal Railroad Administrators to carry out the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), relating to medals for heroism, so far as it pertains to motor vehicles and railroads, respectively.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended, effective December 18, 1973, as follows:

1. Section 1.47 is amended by revoking the delegation in paragraph (c), as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

• • • • •

(c) [Revoked]

• • • • •

2. Section 1.48 is amended by revoking the delegation in paragraph (c), as follows:

§ 1.48 Delegations to Federal Highway Administrator.

• • • • •

(c) [Revoked]

• • • • •

3. Section 1.49 is amended by revoking the delegation in paragraph (e), as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

• • • • •

(e) [Revoked]

• • • • •

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C., on December 18, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.73-1604 Filed 1-26-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-30; Notice 2]

PART 555—TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY STANDARDS

This notice amends Title 49 of the Code of Federal Regulations by adding a new Part 555, "Temporary Exemption from Motor Vehicle Safety Standards," effective January 29, 1973. A notice of proposed rule making on this subject was published December 1, 1972 (37 FR 25533), and opportunity afforded for comment.

On October 25, 1972, Public Law 92-548 was enacted, amending section 123 of the National Traffic and Motor Vehicle Safety Act of 1966 to provide four bases upon which a manufacturer of motor vehicles might apply for a temporary exemption from one or more Federal motor vehicle safety standards. The legislative intent is clearly expressed as to the information required to substantiate an application on each basis. A discussion follows of each basis, the required information and the principal issues raised in response to the proposal.

1. *Substantial economic hardship.* A manufacturer whose total motor vehicle production in his most recent year of manufacture did not exceed 10,000 may petition for relief on grounds that compliance would cause him substantial economic hardship and that he has, in good faith, attempted to comply with the standards. Hardship exemptions are granted for periods not to exceed 3 years. Section 123 of the Act and the proposed regulations require an applicant to include in his petition a complete financial statement showing the basis of the economic hardship and a complete description of his good faith effort to comply with the standards. Although it was not required by the Act, the NHTSA also proposed to require a description of the steps a manufacturer proposes to take during the exemption period to achieve full compliance and the estimated date by which full compliance is to be achieved.

Submissions on the issue of economic hardship were received from Senator Warren Magnuson, Chairman of the Senate Committee on Commerce, the Public Interest Research Group, the Center for Auto Safety, Freightliner Corp., and Lotus Cars, Ltd. Senator Magnuson and the Research Group have suggested that the NHTSA should adopt application guidelines modeled after those of the Environmental Protection Agency for requests for suspension of the effective date of motor vehicle emission standards. The Research Group has drafted a model application form using the EPA guidelines as a departure point. Senator Magnuson also suggested that cost data concerning the affected component should be required, as well as a chronological analysis by the petitioner of its efforts to comply with the standard following issuance of the notice of proposed rule making. Finally, he urged that a company be required to submit an analysis of the effects on its economic stability of the absence of an exemption. The Center for Auto Safety believes that all financial data should be presented in dollar figures. Lotus Cars, Ltd., suggested that, if a manufacturer has no plans to achieve conformity because the production run of a model is nearing its end, the regulations should specifically permit him to so state. Freightliner Corp. commented that hardship should be considered in relation to the total economic picture "including the purchaser" and the particular job a vehicle is intended to perform. It expressed fear that the legislation was not enacted with multistage manufacturers in mind. Freightliner appears to be concerned about hardship situations that may occur to manufacturers whose total annual volume exceeds 10,000 units and who are called upon to provide costly custom equipment.

In formulating the regulations for hardship applications the NHTSA has adopted many of the suggestions of Senator Magnuson and the Public Interest Research Group. Engineering and financial data that must be submitted with the application will include a list or description of each component that would have to be modified in order to achieve compliance, together with an itemization of the estimated cost to the petitioner to modify each such component if required to do so on an emergency basis, or at the end of 1-, 2-, and 3-year periods. The manufacturer will also include what it estimates as the price increase per vehicle to balance the total costs incurred were it to achieve compliance, and a statement of the anticipated effect of the price increase. Corporate balance sheets for the 3 fiscal years immediately preceding the application must be submitted, as well as a projected balance sheet for the fiscal year following any denial of the petition. The financial data must be in dollar figures, as the Center for Auto Safety suggested. The manufacturer would also be allowed to discuss other hardship factors that a denial would cause, such as loss of market. In its description of compliance efforts a manufacturer will be required to submit a chronological analysis showing the relationship of those efforts to the rule making history of the standard, and to discuss alternate means of compliance that may have been considered, and the reasons for the rejection of each. As proposed, a manufacturer must also describe the steps to be taken while the exemption is in effect to achieve full compliance, and the estimated date by which full compliance will be achieved.

The NHTSA did not adopt the format and informational content of the EPA guidelines for several reasons. There is a basic difference in the Clean Air Act and the Traffic Safety Act. Under the former, the public health is paramount. All motor vehicles must meet certain emission standards by the 1975 model year. A 1-year suspension is possible, but only upon technological grounds, and not for economic hardship. Suspensions are granted on the basis of fulfilling four criteria: (1) That it is essential to the public interest and public health of the United States, (2) That all good faith efforts have been made to meet the established standards, (3) That effective emission control technology is not available, or has not been available for a sufficient time to achieve compliance prior to the effective date of such standard and (4) That the study and investigation of the National Academy of Sciences and other available information has not indicated that technology or other alternatives are available to meet the emission standards. By the 1976 model year all vehicles will comply and no further suspension is possible. The proof to support an emission standard suspension thus differs substantially from that required for hardship. On the other hand, under the Traffic Safety Act, motor vehicle safety must be balanced with other factors of the public interest including the desirability of affording a continuing and wide choice of vehicles to meet differing needs, and encouraging the continuation of relatively small manufacturers. In some instances, the safety exemption sought may be limited in time and scope, and

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extensively detailed information such as EPA requires may be unnecessary to document the request.

With reference to the comments by Freightliner, the NHTSA does take into account the vehicle purchaser, in that it is concerned with the effect of a denial upon the availability of vehicles and their retail prices. Moreover, throughout its existence this agency has been aware of the problems of custom-truck manufacturers and has tried to accommodate them, consistent with considerations of motor vehicle safety.

2. *Other bases for exemption.* A manufacturer may apply for an exemption for a period not to exceed 2 years and covering up to 2,500 vehicles for any 12-month period that the exemption is in effect on any one of three additional bases: That it would assist in the development or field evaluation of new motor vehicle safety features, that it would assist in the development or field evaluation of a low-emission vehicle, or that, in the absence of an exemption, it would be unable to sell a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of non-exempted motor vehicles. To substantiate the development of safety features, it was proposed that the applicant establish the innovational nature of the safety feature and that it would provide a level of safety at least equivalent to the level of safety established in the standard from which exemption is sought. To substantiate the development of a low-emission vehicle, it was proposed that the applicant establish the emission feature of his vehicle and that an exemption would aid in its development as well as evidence that a temporary exemption would not unreasonably degrade the safety of the vehicle. Finally, to substantiate that failure to provide an exemption would prevent the sale of an otherwise safe vehicle, it was proposed that an applicant submit evidence that the vehicle could not otherwise be sold, and provide an analysis of how the vehicle provides an overall level of safety equal to or exceeding the overall level of safety of non-exempted vehicles.

The Public Interest Research Group again suggested that the proposal be amplified to provide guidelines similar to those of EPA, and supplied formats for each of the three bases. The NHTSA concurs with the Research Group to the extent that it has expanded the proposal so that the regulation includes some of the information and data suggested, but it has not adopted the format in detail, for the reasons previously discussed.

A manufacturer who wishes to develop or evaluate new safety features must document the innovational nature of the features. He must also submit an analysis establishing that the safety level provided by the feature equals or exceeds the level of safety established in the standard from which exemption is sought, including a description of how complying and noncomplying vehicles differ, the results of tests that demonstrate performance which meets or exceeds the safety levels of the standard, and substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle. The manufacturer is also required to indicate his intent at the end of the exemption period to conform to the standard, or to petition for rulemaking to amend the standard so that the feature might be incorporated into it.

Somewhat similar information is required of a manufacturer who wishes to develop or evaluate a low emission vehicle, although in this instance the NHTSA is also interested in a manufacturer's test results showing how far the vehicle deviates from the standard, as part of the manufacturer's showing that the exemption would not unreasonably degrade the safety of the vehicle.

A manufacturer who petitions on the basis that the overall level of safety is equivalent to or exceeds the overall level of non-exempted vehicles must describe how exempted and non-exempted vehicles differ, describe safety features that the vehicle offers as standard equipment that are not required by the Federal standards, and submit both comparative test results showing how far the vehicle deviates from the standard, and the results of any tests showing that the vehicle exceeds the minimum requirements of any Federal standard. The manufacturer must also state whether he intends to comply at the end of the exemption period. Petitions for renewal of an exemption under each of these three bases are required to state the number of exempted vehicles sold in the United States under the prior exemption.

3. *Miscellaneous comments.* The Public Interest Research Group and the Center for Auto Safety requested that § 555.7, Processing of petitions, be rewritten to include a provision for informal public hearings to be held at the discretion of the Administrator. Such a provision, in the opinion of the Research Group, "might well preclude protracted litigation by fully addressing issues in an informal public hearing." The requested provision has not been included in the final rule as it is considered unnecessary. Such a power is inherent in the Administrator's general powers and may be invoked in any appropriate occasions. It is not specifically required by the legislation, which deems notice and an opportunity to comment in writing a sufficient forum and means of assuring informed administrative action and of protecting the public interest.

The Center for Auto Safety requested that § 555.8, Termination of temporary exemptions, include a provision that the Administrator will entertain petitions for termination from interested persons. Although such a provision is not necessary since the agency would consider any information brought to its attention that is relevant to its regulatory functions, a section to this effect has been added for public information. It provides that petitions for termination of an exemption will be handled in accordance with the procedures of §§ 553.31 and 553.33 on petitions for rule making. The center also asked whether the civil penalty provisions of section 109 could apply in the event it was determined that an exemption had been granted on the basis of fraudulent information. The NHTSA believes that civil penalties could apply in this instance, through the application of sections 108, 109, and 112. In addition, the general fraud provisions of 18 U.S.C. 1001 provide both criminal and civil penalties for submission of false information.

Senator Magnuson, Lotus, and the Research Group commented that the temporary exemption labels (§ 555.9) should include the title of the standard as a matter of clearer public disclosure. The comments have merit and the labels, both windshield and certification, must state the title of any exempted standard. The Research Group has further commented that the NHTSA has ignored the provision of section 123(b) that written notification of the exemption be delivered to the dealer and first purchaser. The agency does not agree with the Research Group and believes that the windshield label constitutes written notification, fulfilling this discretionary requirement.

Finally, comments were addressed to the adequacy of § 555.10, Availability for public inspection. The NHTSA has adopted the Center for Auto Safety's comment that subsection (a) should be revised to provide availability of memoranda of all meetings held pursuant to § 555.7(a). However, the NHTSA has not agreed with the center's suggestion that the agency commit itself to make such memoranda available within a specified time limit "such as 5 working days". The agency will use its best efforts to place memoranda of this nature in the dockets as soon as practicable. The Center, Senator Magnuson, and the Research Group pointed out that section 123(b) of the Act authorizes the Secretary to withhold only information "not relevant to the application for exemption". This agency concurs and minor rewording of § 555.10(b) clarifies this. Senator Magnuson encourages the agency "as a general policy, to release information contained in applications for exemptions on the basis that all such information is revelant to the application or it would not have been included by the manufacturer". The NHTSA agrees with this general policy. It will carefully scrutinize requests for confidential treatment of information and liberally interpret the relevancy of that information to the petition.

In consideration of the foregoing, Title 49 Code of Federal Regulations is amended by adding Part 555, Temporary Exemption from Federal Motor Vehicle Safety Standards, as set forth below.

Effective date: January 29, 1973.

Issued on January 22, 1973.

DOUGLAS W. TOMS,
Administrator.

Sec.
555.1 Scope.
555.2 Purpose.
555.3 Application.

Sec.
555.4 Definitions.
555.5 Petition for exemption.
555.6 Basis for petition.
555.7 Processing of petitions.
555.8 Termination of temporary exemptions.
555.9 Temporary exemption labels.
555.10 Availability for public inspection.

AUTHORITY: Sec. 3, Public Law 92-548, 86 Stat. 1159; sec. 119, Public Law 89-563 (15 U.S.C. 1410, 1407), 80 Stat. 718, delegation of authority at 49 CFR 1.51.

§ 555.1 Scope.

This part establishes requirements for the temporary exemption, by the National Highway Traffic Safety Administration (NHTSA), of certain motor vehicles from compliance with one or more Federal motor vehicle safety standards in accordance with section 123 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1410.

§ 555.2 Purpose.

The purpose of this part is to provide a means by which manufacturers of motor vehicles may obtain temporary exemptions from Federal motor vehicle safety standards on the basis of substantial economic hardship, facilitation of the development of new motor vehicle safety or low-emission engine features, or existence of an equivalent overall level of motor vehicle safety.

§ 555.3 Application.

This part applies to manufacturers of motor vehicles.

§ 555.4 Definitions.

"Administrator" means the National Highway Traffic Safety Administrator or his delegate.

"United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

§ 555.5 Petition for exemption.

(a) A manufacturer of motor vehicles may petition the NHTSA for a temporary exemption from any Federal motor vehicle safety standard or for a renewal of any exemption on the bases of substantial economic hardship, facilitation of the development of new motor vehicle safety or low-emission engine features, or the existence of an equivalent overall level of motor vehicle safety.

(b) Each petition filed under this part for an exemption or its renewal must—

(1) Be written in the English language;

(2) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, Washington, D.C. 20590;

(3) State the full name and address of the applicant, the nature of its organization (individual, partnership, corporation, etc.) and the name of the State or country under the laws of which it is organized;

(4) State the number and title, and the text or substance of the standard or portion thereof from which the temporary exemption is sought, and the length of time desired for such exemption;

(5) Set forth the basis for the petition and the information required by § 555.6 (a), (b), (c), or (d) as appropriate; and

(6) Specify any part of the information and data submitted which petitioner requests be withheld from public disclosure and the reason for the request;

(c) The knowing and willful submission of false, fictitious or fraudulent information will subject the petitioner to the civil and criminal penalties of 18 U.S.C. 1001.

§ 555.6 Basis for petition.

(a) If the basis of the petition is substantial economic hardship the petitioner shall provide the following information.

(1) Engineering and financial information demonstrating in detail how compliance or failure to obtain an exemption would cause substantial economic hardship, including—

(i) A list or description of each item of motor vehicle equipment that would have to be modified in order to achieve compliance;

(ii) The itemized estimated cost to modify each such item of motor vehicle equipment if compliance were to be achieved—

(*a*) As soon as possible,

(*b*) At the end of a 1-year exemption period (if the petition is for 1 year or more),

(c) At the end of a 2-year exemption period (if the petition is for 2 years or more),

(*d*) At the end of a 3-year exemption period (if the petition is for 3 years),

(iii) The estimated price increase per vehicle to balance the total costs incurred pursuant to paragraph (a)(1)(ii) of this section and a statement of the anticipated effect of each such price increase;

(iv) Corporate balance sheets for the 3 fiscal years immediately preceding the filing of the application;

(v) Projected balance sheet for the fiscal year following a denial of the petition; and

(vi) A discussion of any other hardships (e.g. loss of market) that the petitioner desires the agency to consider.

(2) A description of its efforts to comply with the standards, including—

(i) A chronological analysis of such efforts showing its relationship to the rule making history of the standard from which exemption is sought;

(ii) A discussion of alternate means of compliance considered and the reasons for rejection of each;

(iii) A description of the steps to be taken, while the exemption is in effect, and the estimated date by which full compliance will be achieved either by design changes or termination of production of nonconforming vehicles; and

(iv) The total number of motor vehicles produced by or on behalf of the petitioner in the 12-month period prior to filing the petition, and the inclusive dates of the period. (Section 123 of the Act limits eligibility for exemption on the basis of economic hardship to manufacturers whose total motor vehicle production does not exceed 10,000.)

(b) If the basis of the petition is the development or field evaluation of new motor vehicle safety features, the petitioner shall provide the following information:

(1) A description of the safety features, and research, development, and testing documentation establishing the innovational nature of such features.

(2) An analysis establishing that the level of safety of the features is equivalent to or exceeds the level of safety established in the standard from which exemption is sought, including—

(i) A detailed description of how a motor vehicle equipped with the safety features differs from one that complies with the standard;

(ii) If applicant is presently manufacturing a vehicle conforming to the standard, the results of tests conducted to substantiate certification to the standard; and

(iii) The results of tests conducted on the safety features that demonstrate performance which meets or exceeds the requirements of the standard.

(3) Substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle.

(4) A statement whether, at the end of the exemption period, the manufacturer intends to conform to the standard, apply for a further exemption, or petition for rulemaking to amend the standard to incorporate the safety features.

(5) A statement that not more than 2,500 exempted vehicles will be sold in the United States in any 12-month period for which an exemption may be granted pursuant to this paragraph. A petition for renewal of such an exemption shall also include the total number of exempted vehicles sold in the United States under the existing exemption.

(c) If the basis of the petition is the development or field evaluation of a low-emission motor vehicle, the petitioner shall provide—

(1) Substantiation that the motor vehicle is a low-emission vehicle as defined by section 123(g) of the Act.

(2) Research, development, and testing documentation establishing that a temporary exemption would not unreasonably degrade the safety of the vehicle, including—

(i) A detailed description of how the motor vehicle equipped with the low-emission engine would, if exempted, differ from one that complies with the standard;

(ii) If applicant is presently manufacturing a vehicle conforming to the standard, the results of tests conducted to substantiate certification to the standard;

(iii) The results of any tests conducted on the vehicle that demonstrate its failure to meet the standard, expressed as comparative performance levels; and

(iv) Reasons why the failure to meet the standard does not unreasonably degrade the safety of the vehicle.

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(3) Substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle.

(4) A statement whether, at the end of the exemption period, the manufacturer intends to conform with the standard.

(5) A statement that not more than 2,500 exempted vehicles will be sold in the United States in any 12-month period for which an exemption may be granted pursuant to this paragraph. A petition for renewal of an exemption shall also include the total number of exempted vehicles sold in the United States under the existing exemption.

(d) If the basis of the petition is that the petitioner is otherwise unable to sell a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles, the petitioner shall provide—

(1) A detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall safety of nonexempted vehicles, including—

(i) A detailed description of how the motor vehicle, if exempted, differs from one that conforms to the standard;

(ii) A detailed description of any safety features that the motor vehicle offers as standard equipment that are not required by the Federal motor vehicle safety standards;

(iii) The results of any tests conducted on the vehicle demonstrating that it fails to meet the standard, expressed as comparative performance levels;

(iv) The results of any tests conducted on the vehicle demonstrating that its overall level of safety exceeds that which is achieved by conformity to the standards.

(v) Other arguments that the overall level of safety of the vehicle equals or exceeds the level of safety of nonexempted vehicles.

(2) Substantiation that compliance would prevent the sale of the vehicle.

(3) A statement whether, at the end of the exemption period, the manufacturer intends to comply with the standard.

(4) A statement that not more than 2,500 exempted vehicles will be sold in the United States in any 12-month period for which an exemption may be granted pursuant to this paragraph. A petition for renewal of any exemption shall also include the total number of exempted vehicles sold in the United States under the existing exemption.

§ 555.7 Processing of petitions.

(a) The NHTSA publishes a notice of each petition in the FEDERAL REGISTER and affords an opportunity to comment.

(b) No public hearing, argument, or other formal proceeding is held directly on a petition filed under this part before its disposition under this section.

(c) Any interested person may, upon written request, appear informally before an appropriate official of the NHTSA to discuss a petition for exemption or the action taken in response to a petition.

(d) If the Administrator determines that the petition does not contain adequate justification, he denies it and notifies the petitioner in writing.

(e) If the Administrator determines that the petition contains adequate justification, he grants it, and notifies the petitioner in writing. He also publishes in the FEDERAL REGISTER a notice of the grant and the reasons for it.

§ 555.8 Termination of temporary exemptions.

(a) A temporary exemption from a standard granted on the basis of substantial economic hardship terminates according to its terms but not later than 3 years after the date of issuance unless terminated sooner pursuant to paragraph (c) of this section.

(b) A temporary exemption from a standard granted on a basis other than substantial economic hardship terminates according to its terms but not later than 2 years after the date of issuance unless terminated sooner pursuant to paragraph (c) of this section.

(c) Any interested person may petition for the termination of an exemption granted under this part. The petition should be submitted, and will be processed, in accordance with the procedures of §§ 553.31 and 553.33 of this chapter.

(d) The Administrator terminates a temporary exemption if he determines that—

(1) The temporary exemption is no longer consistent with the public interest and the objectives of the Act; or

(2) The temporary exemption was granted on the basis of false, fraudulent, or misleading representations or information.

§ 555.9 Temporary exemption labels.

A manufacturer of an exempted vehicle shall—

(a) Submit to the Administrator, within 30 days after receiving notification of the grant of an exemption, a sample of the certification label required by part 567 of this chapter and paragraph (c) of this section;

(b) Affix securely to the windshield or side window of each exempted vehicle a label in the English language containing the statement required by paragraph (c)(1) or (c)(2) of this section, and with the words "Shown above" omitted.

(c) Meet all applicable requirements of part 567 of this chapter, except that—

(1) Instead of the statement required by § 567.4(g)(5) of this chapter, the following statement shall appear:

This vehicle conforms to all applicable Federal motor vehicle safety standards in effect on the date of manufacture shown above except for standard Nos. (listing the standards by number and title for which an exemption has been granted). Exempted pursuant to NHTSA Exemption No. -------

(2) Instead of the statement required by § 567.5(a)(7) of this chapter, the following statement shall appear:

This vehicle conforms to all applicable Federal motor vehicle safety standards in effect in (month, year) except for standard Nos. (listing the standards by number and title for which an exemption has been granted). Exempted pursuant to NHTSA Exemption No. -------

§ 555.10 Availability for public inspection.

(a) Information relevant to a petition under this part, including the petition and supporting data, memoranda of informal meetings with the petitioner or any other interested person, and the grant or denial of the petition, is available for public inspection, except as specified in paragraph (b) of this section, in the Docket Section, Room 5221, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. Copies of available information may be obtained, as provided in part 7 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 7).

(b) Information made available for inspection shall not include materials not relevant to the petition that are to be withheld from the public in accordance with sections 112 and 113 of the Act (15 U.S.C. 1401, 1402) and section 552(b) of title 5 of the United States Code.

[FR Doc.73-1636 Filed 1-26-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 351—REDUCTION IN FORCE

Responsibility of Agency and Authority of Commission

Part 351 is amended by adding two new sections to Subpart B: one, to state the responsibility of the agencies to follow and apply the regulations in reduction in force; the other, to state the Commission's authority to examine any agency's preparations for reduction in force and to require appropriate corrective action.

Effective January 29, 1973, §§ 351.204 and 351.205 are added as set out below.

§ 351.204 Responsibility of agency.

Each agency covered by this part is responsible for following and applying the regulations in this part when the agency determines that a reduction in force is necessary.

§ 351.205 Authority of Commission.

The Civil Service Commission may examine an agency's preparations for reduction in force at any stage. When the Commission finds that an agency's preparations are contrary to the spirit and intent of these regulations or that they would result in violation of employee rights or equities, the Commission shall require appropriate corrective action.

(5 U.S.C. secs. 1302, 3502)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1714 Filed 1-26-73;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICES OF THE DEPARTMENT

Office of Communication

Departmental Delegations of Authority are revised to include the Office of Communication and amended to include the Director of Communication as a General Officer of the Department. Specific changes are described below:

1. Section 2.4, Subpart A, Part 2, Subtitle A of Title 7 of the Code of Federal Regulations is amended to include the Director of Communication as a General Officer of the Department as follows:

§ 2.4 General officers.

The work of the Department is under the supervision and control of the Secretary, who is assisted by the following General Officers: The Under Secretary, the Assistant Secretary for Marketing and Consumer Services, the Assistant Secretary for Rural Development and Conservation, the Assistant Secretary for International Affairs and Commodity Programs, the Assistant Secretary for Administration, the Director of Agricultural Economics, the Director of Science and Education, the General Counsel, the Inspector General, the Judicial Officer, and the Director of Communication.

2. Subpart D, Part 2, Subtitle A of Title 7 of the Code of Federal Regulations is revised to add a new § 2.32 as follows:

§ 2.32 Delegations of Authority to the Director of Communication.

The following delegations of authority are made by the Secretary of Agriculture to the Director of Communication:

(a) Advise the Secretary and his General Officers in the planning, development, and execution of Department policies and programs.

(b) Direct and coordinate the overall formulation and development of policies, programs, plans, procedures, standards, and organization structures and staffing patterns for the information activities of the Department and its agencies, both in Washington and in the field.

(c) Exercise final review and approval of all public information material prepared by the Department and its agencies and select the most effective method and audience for distributing this information.

(d) Determine policy for all Departmental communication activities and provide leadership and centralized operational direction for Department and agency information activities so that all material shall effectively support Departmental policies and programs.

(e) Represent the Department with the Joint Committee on Printing of the Congress, the Government Printing Office, and other Federal and State agencies on information matters.

(f) Cooperate with and secure the cooperation of commercial, industrial and other nongovernmental agencies and concerns regarding information work as required in the execution of the Department's programs.

(g) Plan and direct communication research and training for the Department and its agencies.

(h) Advise General Officers and Agency Heads on application of information policies to comply with provisions of the "Freedom of Information Act" (5 U.S.C. 552), and provide consultation to General Officers when there is a recommendation within the Department or its agencies to deny written requests for information under the Freedom of Information Act.

(i) Supervise and provide leadership and final clearance for the planning, production, and distribution of visual information material for the Department of Agriculture, and its agencies in Washington, D.C., and the field, and provide such information services as the Director of Communication may deem necessary.

(j) Organize and direct the activities of a public affairs office to include the personal press relations of the Secretary of Agriculture and other executive functions and services for the General Officers of the Department of Agriculture.

Effective date. This revision shall become effective on January 29, 1973.

Done at the city of Washington in the District of Columbia, this January 22, 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-1650 Filed 1-26-73;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 722—COTTON

Subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton

CLOSING DATES FOR TRANSFER, RELEASE, AND REAPPORTIONMENT

The purpose of this amendment is to exclude from this subpart the closing dates for release, requests for reapportionment, final date for reapportionment, and the closing dates for filing a record of transfer of cotton base acreage allotments. Such closing dates have been established in a new Part 731 of this chapter published in the FEDERAL REGISTER on December 21, 1972 (37 FR 28124). This amendment is issued pursuant to and in accordance with applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

Since the only purpose of this amendment is to delete provisions which are now set forth in Part 731 of this chapter, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest. This amendment shall become effective January 29, 1973.

The subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton (36 FR 4853, 6733, 7509, 10772, 37 FR 3420, 24427) is amended as follows:

1. Section 722.408 is amended by revising paragraph (b)(7) to read as follows:

§ 722.408 Release and reapportionment of cotton base acreage allotment.

* * * * * *

(b) * * *

(7) *Closing dates.* The State committee shall establish applicable closing dates in accordance with Part 731 of this chapter.

2. Paragraph (b) of § 722.419 is revised to read as follows:

§ 722.419 Records of transfer.

* * * * * *

(b) *When records are to be filed.* Records of transfers may be filed during the period beginning on the date original notices of base acreage allotment are mailed to farm operators and ending on the date provided for in Part 731 of this chapter.

(Secs. 301, 344a, 350, 375, 52 Stat. 38, as amended, 79 Stat. 1197, as amended, 79 Stat. 1193, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344b, 1350, 1375)

Effective date: January 29, 1973.

Signed at Washington, D.C., on January 19, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-1610 Filed 1-26-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 570]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 28–February 3, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.870 Lemon Regulation 570.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

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Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to be good, though it is easing on size 235's. Average f.o.b. price was $5.20 per carton the week ended January 20, 1973, compared to $5.04 per carton the previous week. Track and rolling supplies at 124 cars were down 30 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereon in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 23, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 28, 1973, through February 3, 1973, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 24, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1832 Filed 1-26-73;1:45 pm]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR 103, 211, 223a, 235, 242, 299]

IMMIGRATION REGULATIONS

Refugee Travel Documents

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to the issuance of travel documents to refugees in implementation of Article 28, United Nations Convention of July 28, 1951, and Protocol Relating to the Status of Refugees Between the United States and Other Governments entered into force with respect to the United States on November 1, 1968. This notice supersedes the notice of proposed rule making which was published in the FEDERAL REGISTER on February 19, 1970 (35 FR 3172), and in which there were set forth proposed rules pertaining to the issuance of travel documents to refugees.

To incorporate into the regulations provisions authorizing the issuance of travel documents to refugees under the Protocol Relating to the Status of Refugees, a new Part 223a is added. Proposed Part 223a specifies the eligibility requirements to apply for and to be issued a refugee travel document; designates the procedure for applying for issuance or extension of a refugee travel document and provides for the right to appeal from a decision denying an application; specifies the period of validity of a refugee travel document, the conditions under which the document shall be invalid, and the conditions under which it shall be surrendered. Proposed Part 223a also provides that every alien returning to the United States who presents a valid unexpired refugee travel document shall be permitted to come physically within the territory of the United States, requires that upon arrival he shall be examined as to his admissibility, and provides that exclusion proceedings shall be instituted against him only on certain specified grounds of inadmissibility and under certain specified conditions.

Numerous corollary amendments, some nonsubstantive in nature, are made as the result of the addition of Part 223a. The most significant ones are the amendment to § 103.7(b)(1) which provides for a $10 fee for filing an application for issuance or extension of a refugee travel document, and the amendment to § 242.1 which provides that deportation proceedings shall be instituted against a refugee described therein only on certain grounds of deportability and under certain conditions specified therein.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received before March 1, 1973, will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1, paragraph (e) is amended by adding a new subparagraph (12a) to read as follows:

§ 103.1 Delegations of authority.

• • • • • •

(e) *Regional commissioners.* • • •

(12a) Decisions on applications for refugee travel documents, as provided in § 223a.4;

• • • • • •

2. In § 103.7(b), subparagraph (1) is amended by adding the following fee after the existing 12th fee and when taken with the introductory material, it will read as follows:

§ 103.7 Fees.

• • • • • •

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

• • • • • •

For filing applications for issuance or extension of refugee travel document ---------- $10.00

• • • • • •

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

§ 211.1 [Amended]

1. Subparagraph (2) Reentry permit of paragraph (b) Aliens returning to an unrelinquished lawful permanent residence of § 211.1 Visas is amended by adding at the end thereof the following sentence: "A refugee travel document issued pursuant to Part 223a of this chapter to a lawful permanent resident shall be regarded as a reentry permit."

2. Section 211.3 is amended by adding the words "refugee travel document" after the words "reentry permit" wherever they appear in the heading and in the first sentence thereof. As amended, § 211.3 reads, in pertinent part, as follows:

§ 211.3 Expiration of immigrant visas, reentry permits, refugee travel documents, and Forms I–151.

An immigrant visa, reentry permit, refugee travel document, or Form I–151 shall be regarded as unexpired if the rightful holder embarked or enplaned before the expiration of his immigrant visa, reentry permit or refugee travel document or, with respect to Form I–151, before the first anniversary of the date on which he departed from the United States, provided that the vessel or aircraft on which he so embarked or enplaned arrives in the United States or foreign contiguous territory on a continuous voyage. • • •

PART 223a—REFUGEE TRAVEL DOCUMENT

Part 223a is added to read as follows:

Sec.
223a.1 Definition of refugee.
223a.2 Definition of refugee travel document.
223a.3 Eligibility.
223a.4 Application.
223a.5 Validity of refugee travel document.
223a.6 Return to the United States.
223a.7 Extension.
223a.8 Surrender of document.

AUTHORITY: Secs. 103, 211, 212, 235, 242; 8 U.S.C. 1103, 1181, 1182, 1225, 1252, and Protocol Relating to the Status of Refugees (TIAS 6577).

§ 223a.1 Definition of refugee.

For the purposes of this part, the term "refugee" shall be as defined in Art. 1 of the United Nations Convention of July 28, 1951, relating to the status of refugees (as modified by Article 1 of the Protocol Relating to the Status of Refugees of January 31, 1967), which provides in pertinent part as follows:

ARTICLE 1

DEFINITION OF THE TERM "REFUGEE"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2) Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on

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well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

• • • • •

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality:

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this convention.

E. This convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious nonpolitical crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

§ 223a.2 Definition of refugee travel document.

As used in this chapter, the term "refugee travel document" means a document issued by the Service on Form I–571 in implementation of article 28 of the United Nations Convention of July 28, 1951 and in accordance with the provisions of this Part.

§ 223a.3 Eligibility.

Any alien in the United States may apply for a refugee travel document if he believes he is a refugee. A refugee travel document shall be issued to a refugee lawfully staying in the United States unless compelling reasons of national security or public order otherwise require. A refugee travel document may be issued, in the exercise of discretion, to a refugee unlawfully in the United States unless reasons of national security or public order otherwise require; sympathetic consideration shall be given to such an application unless the Service intends to expel or exclude the alien from the United States. For reasons of national security, a refugee travel document shall not be issued to an alien who intends to travel to, in, or through Cuba or communist portions of Korea or Viet Nam, unless the restriction with respect to any such place or places has been waived as provided in § 223a.5(b)(2).

§ 223a.4 Application.

Application for a refugee travel document shall be submitted on Form I–570 at least 45 days prior to the proposed date of departure from the United States. The application shall be submitted to the district director having jurisdiction over the applicant's place of residence and shall be accompanied by his Form I–94 or Form I–151. The applicant shall be notified of the decision on his application. If the application is approved, the refugee travel document shall be issued and the immigration status which may be accorded to the alien upon his return to the United States shall be specified therein. Unless the applicant is in the United States as a conditional entrant or lawful permanent resident, the status of "Parolee" shall be specified. If he is in the United States as a conditional entrant, that status shall be specified; if he is a lawful permanent resident, that status shall be specified. If the application is denied, the applicant shall be notified of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 223a.5 Validity of refugee travel document.

(a) *General.* A refugee travel document shall be valid for a period not to exceed 1 year from date of issuance and its validity may be extended for a period not to exceed 1 additional year. The document may be used for one or more applications for admission to the United States. It shall have no effect under the immigration laws except to show that during the period of its validity the lawful holder thereof may be accorded the status specified in the refugee travel document upon returning to the United States.

(b) *Invalidity*—(1) False application. A refugee travel document shall be invalid if the alien obtained it by making a material false representation or concealment in his application.

(2) *Area restrictions.* A refugee travel document shall be invalid if the alien during his absence abroad travels to, in, or through Cuba or communist portions of Korea or Viet Nam, unless the document bears an endorsement, or the alien presents a letter issued to him by the Department of State, stating that the restriction with respect to any such place or places has been waived. The waiver shall not be endorsed in the document unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(3) *Exclusion or deportation proceedings.* A refugee travel document shall be invalid if the alien is ordered excluded as the result of proceedings instituted pursuant to § 235.6(c) of this chapter or ordered deported as the result of proceedings instituted pursuant to § 242.1(b–1) of this chapter.

§ 223a.6 Return to the United States.

(a) *General.* Every alien returning to the United States who presents a valid unexpired refugee travel document shall be permitted to come physically within the territory of the United States.

(b) *Inspection and immigration status.* Upon arrival, an alien who presents a valid unexpired refugee travel document shall be examined as to his admissibility under the Act, and under the United Nations Convention of July 28, 1951, and the protocol of January 31, 1967, except that any question of admissibility as a lawful permanent resident or as a conditional entrant shall be determined solely in accordance with the provisions of the Act. An alien who is not excludable as provided in paragraph (c) of this section shall be accorded the immigration status endorsed in his refugee travel document, except that in the case of an endorsement indicating status as a conditional entrant or as a lawful permanent resident the alien shall be paroled as a refugee if he has become inadmissible and it is inappropriate to preserve his status through the exercise of waivers. Also, in the case of an endorsement indicating that the alien may be accorded the status of a parolee upon return to the United States, if the alien has been approved under the Act for admission as a conditional entrant or as a lawful permanent resident he shall be admitted accordingly notwithstanding such endorsement.

(c) *Exclusion.* If an alien who presents a valid unexpired refugee travel document appears to the examining immigration officer to be excludable as provided in this paragraph, he shall be referred for proceedings under sections 236 and 237 of the Act. Section 235(c) of the Act shall not be applicable. Exclusion proceedings shall be instituted only if the alien is inadmissible under section 212(a)(9), (10), (12), (23), (27), (28), or (29) of the Act and it is alleged that on the basis of the acts for which he is inadmissible there are compelling reasons of national security or public order for his exclusion. An exclusion decision shall not be valid unless it upholds one or more of the above-mentioned grounds and includes and express determination that compelling reasons of national security or public order require exclusion.

§ 223a.7 Extension.

An application for extension of a refugee travel document shall be submitted on Form I–570, 60 to 90 days prior to the expiration of the document's validity. The application shall be submitted to the immigration office having jurisdiction over the appplicant's place of residence in the United States, or, if the applicant is temporarily sojourning abroad, he may submit the application to a United States immigration or consular officer as specified in § 223.2 of this chapter. An extension application mailed during the document's validity is considered as timely submitted, even though received by a Service or consular officer after the document's validity has expired. If the extension application is granted, the document shall be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the document returned to him if the remaining period of its validity permits its use for return to the United States. The application may be denied only for compelling reasons of public order or national security. No appeal shall lie from a decision denying an application for extension of a refugee travel document.

§ 223a.8 Surrender of document.

(a) *Expired document.* Upon expiration of the period of validity of a refugee travel document, it shall be surrendered to an immigration officer or to the issuing office of the Service. If an alien's expired refugee travel document has not been surrendered to the Service, no subsequent refugee travel document shall be issued to him unless he shall first surrender the expired document or satisfactorily account for his failure to do so. A refugee travel document shall also be surrenderd if the alien's immigration status has changed so that upon return to the United States he may not be accorded the status endorsed in the document.

(b) *Invalid document.* An invalid refugee travel document shall be surrendered to an immigration officer except that an alien traveling abroad shall be permitted to retain it until his return to the United States prior to its expiration date. A refugee travel document shall be surrendered provisionally upon notification within the United States that its validity is being investigated or upon notification of institution of exclusion or deportation proceedings, and it shall be returned to the alien if the outcome of the investigation is favorable to him or the final order issued under the instituted proceedings does not result in the document becoming invalid pursuant to § 223a.5(b)(3).

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Section 235.6 is amended by adding a new paragraph (c) to read as follows:

§ 235.6 Referral to special inquiry officer.

• • • • •

(c) *Refugees.* Exclusion proceedings shall be instituted against aliens who are refugees within the protection of article 32 of the United Nations Convention of July 28, 1951, and against aliens who are the holders of valid unexpired refugee travel documents only if they are inadmissible under section 212(a)(9), (10), (12), (23), (27), (28), or (29) of the Act, and it is alleged that on the basis of the acts for which they are inadmissible there are compelling reasons of national security or public order for their exclusion.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Section 242.1 is amended by adding a new paragraph (b–1) to read as follows:

§ 242.1 Order to show cause and notice of hearing.

• • • • •

(b–1) *Refugees.* Deportation proceedings shall be instituted against aliens who are refugees within the protection of Article 32 of the United Nations Convention of July 28, 1951, and against aliens who are the holders of valid unexpired refugee travel documents only if they are deportable under section 241(a)(1), (4), (6), (7), (11), (12), (14), (17), or (18) of the Act and it is alleged that on the basis of the acts for which they are deportable there are compelling reasons of national security or public order for their expulsion.

• • • • •

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
I–570	Application for Issuance or Extension of Refugee Travel Document.
I–571	Refugee Travel Document.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: January 23, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73–1641 Filed 1–26–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR PART 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Notice of Proposed Rule Making With Respect to Expenses, Rate of Assessment, and Carryover of Unexpended Funds

PREAMBLE

This proposal, if accepted, would fix the maximum amount of expenses, $182,330, that could be incurred by the Papaya Administrative Committee in the administration of the program. It would also establish the assessment for the same period of 6½ mills ($0.0065) per pound of papayas handled and provide for the transfer of unexpended assessment funds from the previous fiscal period to the program's reserve.

Consideration is being given to the following proposals submitted by the Papaya Administrative Committee, established under the marketing agreement, and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses which are reasonable and likely to be incurred by the Papaya Administrative Committee, during the period January 1, 1973, through December 31, 1973, will amount to $182,330.

(b) That there be fixed, at 6½ mills ($0.0065) per pound of papayas, the rate of assessment payable by each handler in accordance with § 928.41 of the aforesaid marketing agreement and order during the fiscal year beginning January 1, 1973.

(c) That unexpended assessment funds in excess of expenses incurred during the initial fiscal period ended December 31, 1972, shall be carried over as a reserve in accordance with the applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments, in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, on or before February 13, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: January 22, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–1609 Filed 1–26–73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 278]

FOREIGN-TO-FOREIGN COMMERCE

Notice of Proposed Rule Making

Notice is hereby given that the Maritime Subsidy Board, acting pursuant to section 204(b) of the Merchant Marine Act, 1936, as amended (the Act) (46 U.S.C. 1101), and for purposes of subsection 905(a) of the Act proposes to establish regulations that allow U.S.-flag operators of bulk vessels built with the aid of construction-differential subsidy to engage in trade between foreign ports

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under time charters of no more than 5 years duration.

This notice supersedes and replaces the notice of proposed rule making dated March 23, 1972 (37 FR 5956–7 (1972)), concerning regulations on this subject, and all such previous notices.

Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably three copies) to the Secretray, Maritime Subsidy Board, Department of Commerce, Washington, DC 20035, by the close of business on February 26, 1973.

Therefore, notice is hereby given that the Maritime Subsidy Board proposes to add the following new Part 278 to Title 46, Chapter II, Code of Federal Regulations.

By order of the Maritime Subsidy Board.

Dated: January 22, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

PART 278—FOREIGN-TO-FOREIGN COMMERCE

Sec.

278.0 Statutory provision; section 905(a), Merchant Marine Act, 1936, as amended.
278.1 Scope and purpose of section 905(a) of the Act, as amended, and of these regulations.
278.2 Assistant Secretary shall administer.
278.3 Definitions.
278.4 Application of this part to U.S. flag bulk vessels.
278.5 Operating agreements of greater than 5 years durations to be submitted for approval.
278.6 Operating agreements involving foreign-to-foreign commerce of greater than 5 years duration to be approved only in exceptional cases.
278.7 Exceptions to the restriction on operating agreements involving foreign-to-foreign commerce or greater than 5 years duration.
278.8 Penalties for violation of this part.
278.9 Reports and submissions under this part.

AUTHORITY: Section 905(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1244).

§ 278.0 Statutory provision; section 905(a), Merchant Marine Act, 1936, as amended.

SEC. 905(a)—*Definition of foreign commerce.* When used in this Act—

(a) The words "foreign commerce" or "foreign trade" mean commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country, except that in the context of section 607 of this Act concerning capital construction funds and title V of this Act concerning construction-differential subsidy, the said words "foreign commerce" or "foreign trade" shall also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such manner as will permit U.S.-flag bulk vessels freely to compete with foreign-flag bulk carrying vessels in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary of Commerce pursuant to section 204(b) of this Act.

§ 278.1 Scope and purpose of section 905(a) of the Act, as amended, and of these regulations.

(a) *Section 905(a) and the construction subsidy program.* The term "foreign commerce" as that term is used in Title V of the Merchant Marine Act, 1936, as amended, determines the trade in which a vessel must be engaged if the shipyard that builds the vessel is to receive the benefits of the construction-differential subsidy available under that title. In 1970 the definition of foreign commerce was amended to permit American dry and liquid bulk carriers to be built with the aid of construction-differential subsidy and thereafter compete for service between foreign ports. The definition was amended once again in 1972 to clarify the language previously adopted and to declare that bulk carriage between foreign ports is permissible by vessels built with subsidy under title V, subject to uniform regulations promulgated by the Secretary of Commerce. The Secretary of Commerce has delegated his authority to promulgate and administer these regulations to the Maritime Subsidy Board and the Assistant Secretary of Commerce for Maritime Affairs, respectively, by Department of Commerce organizational orders.

(b) *Scope of these regulations.* These regulations determine the extent to which U.S.-flag bulk vessels, on which construction-differential subsidy has been paid under title V, may engage in trade between foreign ports under section 905(a).

§ 278.2 Assistant Secretary shall administer.

The Assistant Secretary of Commerce for Maritime Affairs shall administer these regulations pursuant to Department of Commerce Organizational Order No. 10–8 (June 19, 1972), as amended, section 3.01(a); and Order No. 25–2 (Mar. 24, 1972), as amended, section 3.01.

§ 278.3 Definitions.

For the purpose of this part:

(a) *Agreement, operating agreement, charter.* "Agreement," "operating agreement," and "charter" have the same meaning, and are defined as any agreement between two or more parties which governs the service in which the vessel will operate, including any subcharter executed under the initial operating agreement between the owner and another party or parties.

(b) *Assistant Secretary.* "Assistant Secretary" means the Assistant Secretary of Commerce for Maritime Affairs.

(c) *Foreign-to-foreign commerce.* "Foreign-to-foreign commerce" is that portion of foreign commerce referred to in section 905(a), Merchant Marine Act, 1936, as amended, in which cargo is carried by U.S.-flag bulk vessels between foreign ports, provided that:

(1) The transshipment of cargo at any port will not affect the definition of its carriage as foreign-to-foreign commerce or U.S. foreign commerce if the cargo unloaded is subsequently reloaded, in the same form in which it was unloaded, for shipment to its ultimate destination;

(2) Carriage of crude petroleum from a foreign port to the Bahamas Islands for refinement there into petroleum products is hereby defined as carriage between a U.S. port and a foreign port; and

(3) Carriage of cargoes between a port of the U.S. Virgin Islands and any U.S. or foreign port is hereby defined as carriage between a U.S. port and a foreign port.

(d) *Statutory life.* "Statutory life" means the statutory life of a vessel under section 503, Merchant Marine Act, 1936, as amended, and Public Law 86–518, as amended by Public Law 88–225.

(e) *U.S. foreign commerce.* "U.S. foreign commerce" is that portion of foreign commerce referred to in section 905(a), Merchant Marine Act, 1936, as amended, in which cargo is carried by U.S.-flag bulk vessels between a U.S. port and any foreign port, and includes carriage to and from any offshore terminal facilities of the United States and any foreign port.

§ 278.4 Application of this part to U.S.-flag bulk vessels.

The provisions of this part shall apply to all U.S.-flag bulk vessels built with the aid of construction-differential subsidy. For the purpose of this part a bulk vessel is a vessel which is built to carry solid, liquid, or gaseous commodities not normally shipped in bags or rigid containers and which are normally contained in the vessel's storage spaces bounded by the ship's structure only.

§ 278.5 Operating agreements of greater than 5 years duration to be submitted for approval.

Every charter or other agreement which extends to more than 5 years duration and every agreement which may by its terms be extended to more than 5 years duration, which governs the operation of a vessel on which a construction-differential subsidy is or will be paid under Title V of the Merchant Marine Act, 1936, as amended, shall, at least 60 days prior to its execution by the parties, be submitted by the owner or operator of the vessel to the Assistant Secretary for his approval.

§ 278.6 No operating agreements involving foreign-to-foreign commerce of greater than 5 years duration to be approved.

No charter or other agreement which provides for the possibility of operations in foreign-to-foreign commerce by a vessel on which a construction-differential subsidy is or will be paid shall be approved by the Assistant Secretary if such agreement extends or may be extended by its terms to more than 5 years duration, except as provided in § 278.7.

§ 278.7 Exceptions to the restriction on operating agreements involving foreign-to-foreign commerce of more than 5 years duration.

(a) *General grounds for an exception to § 278.6.* Except as further provided by paragraph (b) of this section the Assistant Secretary may, prior to execution by the parties, approve an operating agreement which involves operations in foreign-to-foreign commerce and which extends or may extend to more than 5 years duration if he determines that such agreement is in the best interests of the United States, based on the following considerations:

(1) Each of the following factors during the duration of the proposed agreement and the remaining statutory life of the owner's vessel:

(i) Projected needs of U.S. foreign commerce for ships of that type,

(ii) Overall projected availability from the U.S. merchant marine of vessels of that type for use in U.S. foreign commerce, and,

(iii) Availability of the owner's vessel for such use;

(2) The amount and nature of operations by the vessel in U.S. foreign commerce concurrent with its operations in foreign-to-foreign commerce under the proposed agreement;

(3) Possible economic or national defense benefits accruing to the United States as a result of operations in foreign-to-foreign commerce under the proposed agreement;

(4) Possible needs of the United States to use the vessel for national defense purposes as provided by section 501(b) of the Merchant Marine Act, 1936, as amended;

(5) Availability to vessels trading in U.S. foreign commerce of port facilities of the United States with sufficient size, draft, and technical advancement to permit the safe, efficient, and commercially feasible operation of such vessels in U.S. foreign commerce;

(6) The time period exceeding 5 years duration for which the operating agreement is proposed to extend; and

(7) The extent that the agreement would allow the accrual of earnings from the agreement sufficient to amortize all or part of the indebtedness incurred from the vessel's construction and all or part of any original equity investment in the vessel: *Provided*, That the accrual of at least the minimum pro rata share of the indebtedness shall be required for the agreement's duration.

(b) *Operating agreements of more than 5 years duration involving dedicated foreign-to-foreign commerce.* (1) Dedicated foreign-to-foreign commerce is hereby defined as that foreign-to-foreign commerce, as defined in § 278.3 (c), in which the owner or any operator of the vessel uses the vessel or allows the vessel to be used only in a single bulk carriage project for the duration of such use, without interruption or availability of the vessel for any other bulk carriage service.

(2) The Assistant Secretary may, prior to execution by the parties, approve an operating agreement involving dedicated foreign-to-foreign commerce which extends or may extend to more than 5 years duration if he determines that such agreement will result in unique benefits to the maritime or other national policies of the United States, based on but not limited to the following:

(i) Each of the following factors during the duration of the proposed agreement and the remaining statutory life of the owner's vessel:

(a) Overall projected availability from the U.S. merchant marine of vessels of that type for use in U.S. foreign commerce,

(b) Availability of the owner's vessel for such use, and,

(c) Projected needs of U.S. foreign commerce for ships of that type;

(ii) The profitability of the proposed agreement to the parties and the owner of the vessel, projected over its duration, and other aspects of the agreement in comparison to the availability and terms of agreements involving operations in U.S. foreign commerce, agreements involving any foreign commerce of less than 5 years duration, and agreements involving foreign-to-foreign commerce under paragraph (a) of this section;

(iii) Possible economic or national defense benefits accruing to the United States as a result of operations in dedicated foreign-to-foreign commerce under such an agreement;

(iv) Possible needs of the United States to use the vessel for national defense purposes as provided by section 501 (b) of the Merchant Marine Act, 1936, as amended;

(v) Availability to vessels trading in U.S. foreign commerce of port facilities of the United States with sufficient size, draft, and technical advancement to permit the safe, efficient, and commercially feasible operation of such vessels in U.S. foreign commerce;

(vi) The time period exceeding 5 years duration for which the operating agreement is proposed to extend;

(vii) The extent that the agreement would allow the accrual of earnings from the agreement sufficient to amortize all or part of the indebtedness incurred from the vessel's construction and all or part of any original equity investment in the vessel: *Provided*, That the accrual of at least the minimum pro-rata share of the indebtedness shall be required for the agreement's duration; and

(viii) The likelihood that an extended operating agreement would contribute to the design or construction of vessels of unique new design or special capabilities which advance the development of the U.S. Merchant Marine.

§ 278.8 Penalties for violation of this part.

(a) *Proportionate payment of amounts representing construction-differential subsidy.* Any owner or operator of a vessel who executes an agreement or operates a vessel in violation of this part shall pay to the United States an amount equal to the construction-differential subsidy paid on the vessel under title V of the Merchant Marine Act, as amended, times the percentage of the vessel's statutory life represented by the time in excess of 5 years for which the agreement was executed.

(b) *Assistant Secretary may mitigate.* The Assistant Secretary may, in his discretion, remit or mitigate any penalty imposed under paragraph (a) of this section on such terms as he deems proper.

§ 278.9 Reports and submissions under this part.

(a) *Submissions required with each application for approval.* The owner shall submit, as part of any application for the approval of an operating agreement under § 278.7, the reasons why such application should be approved under the applicable portion of § 278.7, and factual information in support of such reasons. The Assistant Secretary may request such additional information from the owner or operator as he may require to act on the application.

(b) *Use of business records.* The Assistant Secretary may from time to time request that any owner or operator of a bulk vessel submit records of ship movements and bulk cargoes carried which relate to the considerations for approval of operating agreements under § 278.7.

(c) *Certification of compliance.* Within 15 days after December 31 of each calendar year every owner or operator of a bulk vessel shall certify that during the previous calendar year the vessel has been operated in compliance with these regulations and with the provisions of any operating agreement required by these regulations to which the vessel may be subject.

The provisions of this part shall be effective from and after ----------.

[FR Doc.73–1654 Filed 1–26–73;8:45 am]

National Oceanic and Atmospheric Administration

[50 CFR Part 240]

GROUNDFISH FISHERIES

Quarterly Quotas for Yellowtail Flounder

At its 22d Annual Meeting held in Washington, D.C., May 25 through June 2, 1972, the International Commission for the Northwest Atlantic Fisheries recommended that member governments adopt national allocation of regulated species in the Northwest Atlantic.

Among the regulated species, an annual allocation for the United States of 24,000 metric tons of yellowtail flounder was made for Subarea 5. This allocation is further subdivided into the area east and west of 69° west longitude. Allocation in the area east of 69° is 15,000 metric tons and for the area west of 69° is 9,000 metric tons. During the past 2

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years, the area allocations have been divided into quarterly quotas. Informal contact has been made with members of the fishing industry and, accordingly, a tentative quarterly quota has been made which can be adjusted at a later date.

Therefore, it is proposed to amend § 240.6(b) (1) and (2) to provide quarterly quotas for yellowtail flounder for 1973. Before final adoption of the proposed amendment, consideration will be given to any data, views, or arguments, pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before February 8, 1973.

The proposed amendment is issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

The proposed amendment is described below:

1. Amend paragraph (b) and subparagraphs (1) and (2) of § 240.6 to read as follows:

§ 240.6 Catch limits.

• • • • •

(b) An annual limitation of 24,000 metric tons is placed on yellowtail flounder in 1973 taken by fishing vessels of contracting governments in Subarea 5.

(1) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area west of 69°00′ W., shall not exceed 9,000 metric tons to be taken in quarterly increments as follows:

	Metric tons
January 1 to March 31	2,750
April 1 to June 30	1,500
July 1 to September 30	2,000
October 1 to December 31	2,750

(2) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area east of 69°00′ W., shall not exceed 15,000 metric tons to be taken in quarterly increments as follows:

	Metric tons
January 1 to March 31	2,950
April 1 to June 30	3,850
July 1 to September 30	4,900
October 1 to December 31	3,300

• • • • •

Issued at Washington, D.C., and dated January 24, 1973.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.73-1758 Filed 1-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 72-EA-107]

BENDIX AIRCRAFT ENGINE MAGNETOS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Bendix (Scintilla) S20, S200, S600 and S1200 magnetos.

There have been failures of ignition coils and rotating magnets in these magnetos that could result in engine power loss or failure. Since this condition is likely to exist or develop in other magnetos of the same design, the proposed airworthiness directive would require identification of magnetos containing the ignition coils and rotating magnets and replacement of such coils and magnets on Bendix (Scintilla) S20, S200, S600, and S1200 magnetos.

Interested parties are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received on or before February 28, 1973, will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

BENDIX ELECTRICAL COMPONENTS DIVISION: Applies to all Bendix Electrical Components Division of the Bendix Corp. (Bendix Scintilla) S20, S200, S600, and S1200 series magnetos except the following:

1. Magnetos identified with the Bendix Blue name plate (Bendix remanufactured magnetos) having serial No. 231001 or higher.

2. Magnetos identified with the Bendix Red name plate (new magnetos) having a serial number with the prefix "A" and No. 16058 or higher.

Compliance required as indicated after the effective date of this A.D. unless previously accomplished.

To prevent failure of these magnetos due to malfunction or failure of the ignition coil or rotating magnet, accomplish the following:

a. On magnetos having 1,800 or less hours in service since new or last overhaul on the effective date of this A.D., accomplish paragraph "d" before accumulation of 2,000 hours in service.

b. On magnetos having more than 1,800 hours in service since new or last overhaul, acomplish paragraph "d" within the next 200 hours service after the effective date of this A.D.

c. Magnetos whose time in service since new or last overhaul is unknown will be assumed to have a total of 1,800 hours minimum and thus fall within the requirements of paragraph (b).

d. Identify magnetos per instructions contained in Bendix Electrical Components Division Service Bulletin No. 560, dated August 1972 or later. Magnetos having ignition coils as described in paragraph A, or rotating magnets as described in paragraph B or shown in figure 2 of Bendix Electrical Components Division's Service Bulletin No. 560, dated August 1972 or later, must have these components removed and replaced with serviceable parts as listed in the applicable Bendix Electrical Components Division Service Parts List, numbered and dated as follows or subsequent:

Magneto model	Parts list designation	Parts list date
S4LN-20 series (ignition coil no. 10-160886 or subsequent).	L-227-9	December 1963.
S6LN-20 series (ignition coil no. 10-160886 or subsequent).	L-223-14	October 1963.
S-200 series (ignition coil no. 10-160887 or subsequent).	L-528-5	October 1963.
S-600 series (magnet rotor only).	L-552-3	December 1964.
S-1200 series	L-608-3	September 1971.

e. Upon completion of paragraph d, identify each magneto as follows:

S-20, S-200, and S-600 series magnetos—Metal stamp .010 deep maximum the letter "A" 3/16 inches high, midway and centered between the timing plug boss and the curved surface at the rear of distributor housing.

S-1200 series magnetos—Metal stamp .010 deep maximum the letter "A" 3/16 inches high, centered between the timing plug boss and data plate, adjacent to the magneto housing rib.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 19, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-1602 Filed 1-26-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-78]

VOR AIRWAYS

Proposed Alteration and Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would modify several VOR Federal airways in the Houston, Tex., terminal area, and would revoke those not normally used. This action would significantly reduce chart clutter and provide controllers with greater flexibility in control of arriving and departing aircraft.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P. O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before February 28, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the following changes:

1. In V-13:

a. Extend V-13 from Humble, Tex., to Palacios, Tex., thence via Palacios 223°M (241°T) and Corpus Christi, Tex., 030°M (038°T) radials to Corpus Christi.

b. Revoke V-13 from Houston, Tex., to Humble.

c. Revoke V-13E from Houston, to Daisetta, Tex.

d. Revoke V-13W from Humble, to Lufkin, Tex., via New Waverly, Tex., INT.

e. Realign V-13E from Humble, to Daisetta.

2. In V-15:

a. Realign V-15 in part from Houston, Tex., to Navasota, Tex., via Humble, Tex.

b. Revoke V-15 from Houston, to Navasota.

c. Revoke V-15E between Houston and Navasota.

3. In V-20:

a. Revoke V-20N between Corpus Christi, Tex., and Beaumont, Tex.

b. Revoke V-20S between Palacios, Tex., and Lake Charles, La.

4. In V-70: Revoke V-70N between Palacios, Tex., and Sabine Pass, Tex.

5. In V-76: Revoke V-76 from Houston, Tex., to Scholes, Tex.

6. In V-180: Revoke V-180 between San Antonio, Tex., and Scholes, Tex.

7. In V-198: Revoke V-198N between Eagle Lake, Tex., and Sabine Pass, Tex.

8. In V-222: Realign V-222 between Industry, Tex., and Humble, Tex., via INT Industry 093°M (101°T) and Humble 250°M (257°T) radials.

9. In V-477:

a. Revoke V-477 from Houston, Tex., to Humble, Tex.

b. Revoke V-477E between Humble, Tex., and Leona, Tex.

c. Revoke V-477W from Houston, to Navasota, Tex.

d. Designate V-477W from Humble, Tex., to Navasota.

10. In V-306: Designate V-306S from Navasoto, Tex., to Daisetta, Tex., via Humble, Tex.

The existing airway configuration in the Houston terminal area is concentrated and complex. Air Traffic Control is confronted with traffic congestion and control problems. Restructuring of the airways in this area should improve safety, lessen air traffic delays and improve the flow of arriving and departing traffic.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 19, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-1601 Filed 1-26-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 45, 46, 48]

TRAINING GRANTS AND FELLOWSHIPS

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Environmental Protection Agency. The proposed regulations are designed to assist qualified applicants in applying for training grants and fellowships.

Section 103 of the Clean Air Act, as amended, 42 U.S.C. 1857b; sections 104, 109, 110, and 111 of the Federal Water Pollution Control Act, as amended; sections 204 and 210 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 3253 and 3254d; section 23(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 92-516; and the Public Health Service Act, as amended, 42 U.S.C. 241, 243, and 246 authorize the Environmental Protection Agency to make grants to qualified applicants for training programs to:

(a) Assist in planning, implementing, and improving environmental training programs;

(b) Increase the number of adequately trained pollution control and abatement personnel;

(c) Upgrade the level of training among State and local environmental control personnel; and

(d) Bring new people into the environmental control field.

Section 103 of the Clean Air Act as amended, 42 U.S.C. 1857b and sections 104(b)(5) and 104(g)(3)(B) of the Federal Pollution Control Act of 1972, authorizes the Environmental Protection Agency to make grants to qualified applicants for fellowships to encourage and promote the specialized training of individuals as practitioners in pollution abatement and control.

Publication of these proposed rules is a continuation of an effort to coordinate and conform grant award and administration policies, procedures, and terms for the various EPA grant programs, to improve administration of these grant programs and to furnish applicants, grantees, and the public, with a more explicit statement of grant award and administrative requirements. Newly enacted legislation and changes in program emphasis have resulted in the following major revisions in the training grant and fellowship regulations.

1. Student support for training grants will be changed from traineeship to scholarships (tuition and fees only);

2. Special stipends will be established to provide additional support where needed to attract students to specific progarms; and

3. A pilot fellowship program will be developed to promote attractiveness of State and local employment.

Prior to the adoption of the proposed regulations, consideration will be given to comments, suggestions, or objections, which may be submitted in writing to: Director, Grants Administration Division, Office of Planning and Management, Waterside Mall, Fourth and M Streets SW., Washington, DC 20460. All comments, suggestions, or objections received before February 28, 1973, will be considered.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 23, 1973.

PART 45—TRAINING GRANTS

Sec.
45.100 Purpose of regulation.
45.101 Applicability and scope.
45.102 Authority.
45.103 Objectives.
45.105 Definitions.
45.105-1 Professional training.
45.105-2 Scholarship.
45.105-3 Stipend.
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45.115 Eligibility.
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45.130 Evaluation of application.
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45.145 Allocation and allowability of costs.
45.150 Reports.
45.150-1 Interim progress report.
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45.150-3 Report of expenditures.
45.150-4 Equipment report.
45.155 Continuation grant.

§ 45.100 Purpose of regulation.

This part establishes and codifies policies and procedures governing the award of training grants by the Environmental Protection Agency.

§ 45.101 Applicability and scope.

This part establishes mandatory policies and procedures for all EPA training grants. The provisions of this part supplement the EPA general grant regulations and procedures (40 CFR Part 30). Accordingly, all EPA training grants are awarded subject to the EPA general grant regulations and procedures (40 CFR Part 30) and to the applicable provisions of this Part 45.

§ 45.102 Authority.

The Environmental Protection Agency is authorized to award training grants under the following statutes:

(a) Section 103 of the Clean Air Act, as amended; 42 U.S.C. 1857b.

(b) Sections 104, 109, 110, and 111 of the Federal Water Pollution Control Act, as amended.

(c) Public Health Service Act, as amended; 42 U.S.C. 241, 243, and 246.

(d) Sections 204 and 210 of the Solid Waste Disposal Act, as amended; 42 U.S.C. 3253 and 3254d.

(e) Section 23(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 92-516.

§ 45.103 Objectives.

Grants awarded under this part are intended for occupational and professional training and to develop career-oriented personnel qualified to work in pollution abatement and control.

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Training grants will be awarded:

(a) To assist in planning, implementing, and improving environmental training programs;

(b) To increase the number of adequately trained pollution control and abatement personnel;

(c) To upgrade the level of training among State and local environmental control personnel; and

(d) To bring new people into the environmental control field.

§ 45.105 Definitions.

As used throughout this part, the words and terms defined in this section shall have the meanings set forth below.

§ 45.105–1 Professional training.

Training of individuals, at the post baccalaureate level, in subjects which pertain to pollution abatement and control.

§ 45.105–2 Scholarship.

Financial assistance to students enrolled in a training program, limited to tuition and fees only.

§ 45.105–3 Stipend.

Supplemental financial assistance to students who are recipients of scholarships.

§ 45.105–4 Technician training.

Training of individuals, at the post high school, junior college, and baccalaureate levels, in the practical technical details and special techniques of occupations in the environmental areas.

§ 45.115 Eligibility.

Training grants may be awarded to any responsible applicant as follows:

(a) *Clean Air Act.* (1) Section 103(b)(3): Air pollution control agencies, public and nonprofit private agencies, institutions, organizations, and individuals. No grant may be made under this Act to any private profitmaking organization.

(2) Section 103(b)(5): Personnel of air pollution control agencies and other qualified persons. No grant may be made under this Act to any profitmaking organization.

(b) *Federal Water Pollution Control Act.* (1) Section 104(b)(3): State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals.

(2) Section 104(g)(3)(A): Public or private agencies and institutions, and individuals.

(3) Sections 104(g)(1) and 104(g)(3)(C): State and interstate agencies, municipalities, educational institutions, and other organizations and individuals.

(4) Sections 109, 110, and 111: Institution of higher education or combinations of such institutions.

(c) *Solid Waste Disposal Act.* Sections 204(b)(3) and 210(a): State or interstate agencies, municipalities, educational institutions, and other nonprofit organizations. No grant may be made under this Act to any private profitmaking organization.

(d) *Public Health Service Act.* Grants will be made only to a university, hospital, laboratory, other public and private institutions, and individuals. No grant may be made under this Act to any profit-making organization.

(e) *Federal Insecticide, Fungicide, and Rodenticide Act.* Section 23(a): States.

§ 45.125 Application requirements.

Applications shall be submitted in accordance with 40 CFR Part 30, Subpart B.

§ 45.130 Evaluation of applications.

Evaluations shall be conducted by EPA staff and outside consultants, as appropriate, with technical knowledge and experience relevant to the individual application. Such evaluations will determine the desirability, extent of funding, and relative merit of an application. Consideration will be given to the following criteria:

(a) Relevance of proposal to agency objectives, priorities, achievement of national goals and technical merit;

(b) Competency of the proposed staff in relation to the type of project involved;

(c) Feasibility of the proposal;

(d) Adequacy of applicant's resources available for the project;

(e) Amount of grant funds necessary for the completion of the project.

(f) In addition, grants awarded under section 104(g)(1) of the Federal Water Pollution Control Act, shall be subject to the following criteria:

(1) Assessment of need for training in a State or municipality based on such problems as violation of discharge permit conditions, and faulty or improper operation and/or maintenance of existing plants.

(2) Wastewater treatment works construction grant activities in the State.

§ 45.135 Supplemental grant conditions.

In addition to the EPA general grant conditions (Appendix A to Subchapter B of 40 CFR), each training grant shall be subject to the following conditions:

(a) The grantee shall not require the performance of personal services by individuals receiving training as a condition for assistance.

(b) Recipients of assistance under training grants shall be entitled to the normal student holidays observed by an academic institution, or the holiday and vacation schedule applicable to all trainees at a nonacademic institution.

(c) Recipients of assistance under training grants must be citizens of the United States, its territories, or possessions, or lawfully admitted to the United States for permanent residence.

(d) Generally training grants will provide for student support only through scholarships. Stipends are permitted when, in the judgment of the grantee, they are needed to attract qualified students provided that not more than $10,000 may be used for such stipends within a budget period and further provided that no stipend may be less than $1,000 or more than $3,000.

(e) Training grants awarded under section 111 of the Federal Water Pollution Control Act will be subject to the following condition: Grantees must obtain the following agreement in writing from persons awarded scholarships under section 111 for undergraduate study of the operation and maintenance of treatment works:

> I agree to enter and remain in an occupation involving the design, operation, or maintenance of waste treatment works for a period of 2 years after the satisfactory completion of my studies under this program. I understand that if I fail to perform this obligation I may be required to repay the amount of my scholarship.

The grantee agrees to take such action as may reasonably be required to enforce the foregoing agreement. Any sums received by the grantee shall be credited or paid to the United States in accordance with 40 CFR 30.603.

§ 45.140 Project period.

The project period for a training grant may not exceed 3 years.

§ 45.145 Allocation and allowability of costs.

(a) Allocation and allowability of costs will be determined in accordance with 40 CFR 30.701.

(b) Costs incurred for the purchase of land or the construction of buildings are not allowable.

§ 45.150 Reports.

§ 45.150–1 Interim progress report.

An application for continued support shall include a brief (less than five pages) progress report. This progress report must show the progress achieved and should explain special problems or delays.

§ 45.150–2 Final progress report.

A final progress report is required 30 days prior to conclusion of the project period. The report shall briefly document project activities during the entire project period and shall set forth the extent to which the project objectives have been achieved.

§ 45.150–3 Report of expenditures.

No later than 90 days following the end of each budget period the grantee must submit a report of project expenditures. Final report of expenditures must reflect cumulative project expenditures.

§ 45.150–4 Equipment report.

No later than 90 days following the end of the project period the grantee must submit a listing of all (a) excess personal property furnished by the Federal Government for the performance of the project and (b) equipment acquired with grant funds with an acquisition cost of $200 or more.

§ 45.155 Continuation grant.

To be eligible for a continuation grant within the approved project period, the grantee must:

(a) Have demonstrated satisfactory performance during all previous budget periods.

(b) Submit a continuation application including an interim progress report and an estimated report of expenditures.

PART 46—FELLOWSHIPS

Sec.
46.100 Purpose of regulation.
46.101 Applicability and scope.
46.102 Authority.
46.103 Objectives.
46.104 Type of fellowships.
46.105 Definitions.
46.105–1 Full-time fellow.
46.105–2 Part-time fellow.
46.110 Benefits.
46.115 Eligibility.
46.120 Application requirements.
46.122 Evaluation of application.
46.135 Award and duration of fellowship.
46.136 Activation date.
46.140 Fellowship agreement.
46.141 Fellowship agreement amendment.
46.145 Payment.
46.150 Publications and thesis.
46.155 Deviations.
46.165 Termination.

§ 46.100 Purpose of regulation.

This part establishes and codifies policies and procedures governing the award of fellowships by the Environmental Protection Agency.

§ 46.101 Applicability and scope.

This part establishes mandatory policies and procedures for all EPA fellowships.

§ 46.102 Authority.

The Environmental Protection Agency is authorized to grant fellowship awards under the following statutes:

(a) Section 103 of the Clean Air Act as amended; 42 U.S.C. 1857b.

(b) Section 104(b)(5) and 104(g)(3)(B) of the Federal Pollution Control Act, as amended.

§ 46.103 Objectives.

Fellowships awarded under this part are intended to encourage and promote the specialized training of individuals as practitioners in pollution abatement and control.

§ 46.104 Type of fellowships.

(a) Agency fellowships are awarded to present or prospective employees of a regional, State or local environmental pollution control or regulatory agency to provide training for and upgrading of personnel in the areas of pollution abatement and control.

(b) Special fellowships are awarded to individuals for study in specialty areas which are supportive of pollution abatement and control efforts, e.g. environmental law, land use, urban planning, transportation and environmental economics.

§ 46.105 Definitions.

§ 46.105–1 Full-time fellow.

An individual duly enrolled in an educational program directly relating to pollution abatement and control, and taking a minimum of 12 semester or quarter hours for credit or an academic workload otherwise defined by the institution as a full-time curriculum.

§ 46.105–2 Part-time fellow.

An individual duly enrolled in an educational program directly relating to pollution abatement and control, and taking not less than 3 credit hours per academic term. The follow need not be pursuing an advanced degree.

§ 46.110 Benefits.

(a) Recipients of assistance under this part shall be entitled to tuition and fees, an allowance for books and supplies up to a maximum of $250, and the normal student holidays observed by an academic institution.

(b) In addition, full-time fellows who are employees of regional, State or local environmental pollution control or regulatory agencies may receive a stipend in an amount not to exceed $6,500 from EPA: *Provided*, That such employing agency agrees to supplement such stipend in an amount negotiated by such employing agency and EPA. Part-time fellows may receive a small stipend when justified by extraordinary needs related to the purpose of the fellowship.

§ 46.115 Eligibility.

All applicants for fellowships under this part must be (a) citizens of the United States, its territories, or possessions, or lawfully admited to the United States for permanent residence, and (b) accepted by an accredited educational institution for full- or part-time enrollment for academic credit in an educational program which, for agency fellowships, directly relates to pollution abatement and control, and for special fellowships, directly relates to, or is supportive of, pollution abatement and control. Applicants for agency fellowships must be present or prospective employees of a regional, State, or local environmental pollution control or regulatory agency. Present employees must be recommmended for a fellowship by their employing agency. Prospective employees must have a written commitment from such an agency for employment upon completion of the fellowship.

§ 46.120 Application requirements.

All applications for EPA fellowships shall be submitted upon such forms as the Administrator shall prescribe and shall include copies of transcripts of undergraduate and graduate courses, as appropriate. The applicant must arrange for the submission of supporting documents which substantiate his eligibility under § 46.115. In addition, the applicant shall submit such further information as may be required. Instructions for filing are contained in the application kit.

§ 46.122 Evaluation of application.

Evaluation shall be conducted by EPA staff and such outside consultants as necessary, with technical knowledge and experience relevant to the individual application. Such evaluation will determine the desirability, extent of funding, and relative merit of an application. Consideration will be given to the following criteria:

(a) Appropriateness of the fellow's proposed course of study to the objectives and mission of the Agency.

(b) Evaluation of the applicant in terms of his potential for study, as evidenced by his academic record, letters of reference, training plans, and other available information.

§ 46.135 Award and duration of fellowship.

Generally, within 90 days after receipt of a completed application (excluding suspension periods for submission of supplemental information), the application will be (a) approved for fellowship award; (b) deferred due to lack of funding or other specified reason; or (c) disapproved. The applicant shall be promptly notified in writing of any deferral or disapproval. A disapproval of an application shall not preclude reapplication. The applicant shall not be notified of an approval or fellowship award prior to transmittal of the fellowship agreement for execution by the applicant pursuant to § 46.140. Generally, fellowships will not exceed 1 year.

§ 46.136 Activation date.

Study must be initiated pursuant to an approved fellowship within 6 months following the date of the award notice or the fellowship will be terminated.

§ 46.140 Fellowship agreement.

The fellowship agreement is the written agreement, and amendments thereto, between EPA and a fellowship applicant in which the terms and conditions governing the fellowship are stated and agreed to by both parties. Upon approval of a fellowship for award, the fellowship agreement will be transmitted by certified mail (return receipt requested) to the applicant for execution. The fellowship agreement must be executed by the applicant and returned to the Grants Officer within 3 weeks after receipt, or within any extension of such time that may be permitted by the Grants Officer. The fellowship shall constitute an obligation of Federal funds in the amount and for the purposes stated in the fellowship instrument only upon execution of the fellowship agreement by the parties thereto. No costs may be incurred prior to the execution of the fellowship agreement by the parties thereto.

§ 46.141 Fellowship agreement amendment.

A fellowship amendment shall be effected only by a written amendment to the fellowship agreement executed by the Grants Officer on behalf of the Government and by the fellow on his own behalf entered into after the effective date of the fellowship.

§ 46.145 Payment.

All payments will be initiated at the time of activation of the fellowship.

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(a) Stipend allowance will be made directly to the fellow on a monthly basis.

(b) Institutional allowances will be made directly to the sponsoring institution.

§ 46.150 Publications and thesis.

If appropriate, all publications including a thesis developed as a result of support under the EPA fellowship shall be submitted to the Grants Officer. No prior approval by EPA is required for publication of a thesis. A copy of any thesis must be filed with the Grants Officer upon publication. Any such written publications shall acknowledge Federal grant assistance by including a statement substantially as follows:

This project has been financed in part with Federal funds from the Environmental Protection Agency under fellowship number ---------- The contents do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

§ 46.155 Deviations.

Procedures of 40 CFR 30.1001 of the EPA general grant regulations shall be applicable to fellowships.

§ 46.165 Termination.

Fellow must notify EPA in writing when he terminates or changes his status as a student as approved under the fellowship. An EPA fellowship may be terminated only for good cause, which shall include but not be limited to termination of studies by the fellow, or failure of the fellow to comply with the terms and conditions of the fellowship agreement: *Provided*, That a termination action may not be taken unless the fellow has received written notice of the bases for the proposed action and has been afforded an opportunity to confer with appropriate EPA officials concerning the proposed action. Any termination action may be appealed in accordance with the Disputes Article of the EPA General Grant Conditions (Appendix A to Subchapter B of Title 40 CFR).

PART 48—MANPOWER FORECASTING [RESERVED]

[FR Doc.73-1612 Filed 1-26-73;8:45 am]

[40 CFR Part 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sodium and Potassium Arsenite; Proposed Tolerances

The U.S. Department of Agriculture submitted a petition (PP 0E0908) proposing establishment of tolerances for residues of the insecticide sodium arsenite (expressed as As_2O_3) in kidney and liver of cattle, goats, horses, and sheep at 2.7 parts per million and in meat, fat, and meat byproducts of the animals at 0.7 part per million; such residues resulting from dermal application of sodium arsenite solution to these animals.

Subsequently, the petitioner withdrew the request for tolerances pertaining to goats and sheep and requested that both sodium arsenite and potassium arsenite formulations be approved.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are proposed.

2. The proposed tolerances are safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), it is proposed that Part 180 be amended by adding the following two new sections to Subpart C:

§ 180.334 Potassium arsenite; tolerances for residues.

(a) Tolerances for residues of the insecticide potassium arsenite (expressed as As_2O_3) resulting from dermal application to animals under the supervision of the U.S. Department of Agriculture are established in or on raw agricultural commodities as follows:

2.7 parts per million in kidney and liver of cattle and horses.

0.7 part per million in meat, fat, and meat byproducts (except kidney and liver) of cattle and horses.

(b) The U.S. Department of Agriculture will issue a certificate to the owner of the animals showing the composition of the pesticide formulation and dates of treatment, and also specifying a minimum preslaughter interval of 14 days.

§ 180.335 Sodium arsenite; tolerances for residues.

(a) Tolerances for residues of the insecticide sodium arsenite (expressed as As_2O_3) resulting from dermal application to animals under the supervision of the U.S. Department of Agriculture are established in or on raw agricultural commodities as follows:

2.7 parts per million in kidney and liver of cattle and horses.

0.7 part per million in the meat, fat, and meat byproducts (except kidney and liver) of cattle and horses.

(b) The U.S. Department of Agriculture will issue a certificate to the owner of the animals showing the composition of the pesticide formulation and dates of treatment, and also specifying a minimum preslaughter interval of 14 days.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before February 28, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before February 28, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: January 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1626 Filed 1-26-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19644]

FM BROADCAST STATION IN COLORADO SPRINGS, COLO.

Proposed Table of Assignments; Extension of Time for Comments

Order extending time for filing comments and reply comments. In the matter of amendment of § 73.202(b), *Table of Assignments, FM Broadcast Station.* (Colorado Springs, Colo.), Docket No. 19644, RM-1886.

1. On December 6, 1972, the Commission adopted a Notice of Proposed Rule Making in the above captioned proceeding. Publication in the FEDERAL REGISTER was given on December 15, 1972, 37 FR 26740. Comment and reply comment dates are presently designated as January 19, and January 29, 1973, respectively.

2. On January 17, 1973, Western Broadcasting Co., licensee of Station KPIK-FM, Colorado Springs, Colo., and proponent in this proceeding, filed a petition for extension of time in which to submit comments and reply comments to and including January 29, and February 12, 1973, respectively. Counsel states that consulting engineer for Western has been working on a preclusion study but will be unable to meet the present deadline date. Counsel for KYSN Broadcasting Co., the only other party herein, has advised Western's counsel that he has no objection to the grant of this requested extension.

3. We are of the view that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments and reply comments in docket 19644 (RM-1886), is extended to and including January 29, and February 12, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: January 19, 1973.

Released: January 22, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.73-1637 Filed 1-26-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 36]

FLOOD INSURANCE REQUIREMENTS

Special Flood Hazard Areas

The Veterans Administration is considering amending § 36.4326, Title 38 of the Code of Federal Regulations to specifically require flood insurance coverage on properties securing a loan guaranteed by the Veterans Administration in a special flood hazard area, as designated by the Secretary of Housing and Urban Development. The proposed amendment is issued pursuant to the authority of section 210(c), Title 38, United States Code.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before February 26, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting central office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in central office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective 30 days after the date of approval by the Administrator.

It is proposed to amend § 36.4326, Title 38 of the Code of Federal Regulations to read as follows:

§ 36.4326 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. Flood insurance will be considered customary in the locality if the security is located in a special flood hazard area, as designated by the Secretary of Housing and Urban Development. The amount of flood insurance required will be equal to the outstanding loan balance of the mortgage or the maximum limit of coverage authorized for the particular type of security, or a sum designated by the Administrator, whichever is less. An exception to the flood insurance requirement may be made if it is determined by the Administrator in an individual case that the security, although situated in a special flood hazard area designated by the Secretary of Housing and Urban Development, is clearly not subject to flood damage because of its particular location, elevation, or construction. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

Approved: January 22, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-1627 Filed 1-26-73;8:45 am]

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Notices

DEPARTMENT OF COMMERCE

Maritime Administration

U.S. MERCHANT MARINE ACADEMY ADVISORY BOARD

Notice of Public Meeting

Notice is hereby given of a meeting of the U.S. Merchant Marine Academy Advisory Board (the Board) on January 31, 1973, at 9:30 a.m. in the Board Room of Wiley Hall U.S. Merchant Marine Academy, Kings Point, Long Island, New York.

The Advisory Board to the United States Merchant Marine Academy was established by the Secretary of Commerce under the authority of 46 U.S.C. 1126d to examine the course of instruction and the overall management of the U.S. Merchant Marine Academy (the Academy) and advise the Assistant Secretary of Commerce for Maritime Affairs with respect thereto.

The Board consists of not more than seven members appointed by the Secretary of Commerce, selected from segments of the Maritime industry, labor, educational institutions and other fields relating to the objectives of the Academy.

The purpose of the meeting is to discuss the Academic Evaluation Study, Departmental Evaluations, the Facilities Plan, the Admission Standards and FY-74 Budget and projections.

The names of the Board, Agenda and other information pertaining to the meeting may be obtained from Miss Kathleen A. Shetler, Special Assistant to the Assistant Secretary of Commerce for Maritime Affairs, Dept. of Commerce, Maritime Administration, 14th & E Streets, NW., Washington, D.C. 20235, Room 3731, Telephone No. Area Code 202/967-2852.

Signed at Washington, D.C., on January 24, 1973.

HOWARD F. CASEY,
Deputy Assistant Secretary for Maritime Affairs.

[FR Doc.73-1814 Filed 1-26-73;11:03 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

GRANTS FOR RESEARCH IN EDUCATION

Notice of Educational Research Areas and Closing Dates

Notice is hereby given that, pursuant to section 405 of the General Education Provisions Act, the National Institute of Education will conduct field-initiated studies grants for research in education program in fiscal year 1973. The program will make awards in support of original research proposals offering benefit to education and will encourage research in selected disciplines. It will respond to educationally relevant research ideas from all eligible persons and organizations, as provided in proposed §§ 1403.2(a) and 1400.4(e) of 45 CFR.

General regulations for the National Institute of Education, which will be codified as subchapter A, chapter XIV of 45 CFR, have been published in proposed form in the FEDERAL REGISTER. (38 FR 1020 Jan. 8, 1973)

Proposed § 1400.4(b) of 45 CFR provides that the Director may issue and publish announcements directed toward the award of grants or contracts. In addition, proposed § 1400.2 provides that the regulations of chapter XIV, subchapter A will be supplemented by special substantive and procedural rules and policies. This notice is made in accordance with these provisions. The procedures and substantive rules contained herein are not proposed for codification in chapter XIV of 45 CFR because they are intended to apply only for fiscal year 1973.

It is anticipated that field-initiated studies projects will be funded primarily through grant awards. However, as provided in proposed § 1400.4(c), procurement contracts may be used in other than the small grants competition based upon criteria set forth in subpart 3-1.53 of title 41 of the Code of Federal Regulations.

A. The following six funding activities will be conducted under the field-initiated studies program in fiscal year 1973:

1. *Grants for Research in Education.* (a) This activity covers proposals for educationally relevant applied and basic research by competent, established investigators in all fields of study except the disciplines selected below.

(b) *Scope.* The range of eligible studies covers preexperimental, historical, and philosophical review and syntheses, pilot explorations, empirical research on processes and phenomena; and exploratory development to include empirical identification of a developmental need, feasibility testing of alternative versions or a prototype, and development of design specifications. Consideration will be given also to proposals for integrative reviews of a field or area to provide state-of-the-art analyses, investigations, or improved research methodologies, studies in psychometrics, as well as research on educational research and development management.

(c) The research should show promise of contributing toward one or more of the following goals:

(1) To expand and strengthen the foundations of scientific knowledge about the processes and conditions of education.

(2) To provide tested solutions to specific practical problems of American education.

(3) To provide a perspective and clarification of the goals and issues of American education.

2. *Grants for Research in Education—Small Grants.* This activity considers proposals for educationally relevant applied and basic research by investigators who have not had time to establish an extensive record of research productivity. Federal funds requirements must be limited to $10,000 or less.

3. *Anthropology.* A special program to encourage research in Anthropology relevant to American education.

4. *Economics.* A special program to encourage research in economics relevant to American education.

5. *Political Science.* A special program to encourage research in political science relevant to American education.

6. *Legal Research.* A special program to encourage research on legal issues of American education.

B. *Project Duration.* The duration of approved projects shall be limited to 3 years, with the exception of the small grants program whose project period shall be limited to eighteen months.

C. *Award Procedures.* 1. *Evaluation Criteria.* Evaluation of proposals will be based upon criteria published in the NIE proposed general provisions for grant research programs. Awards will be made by the Director. (45 CFR 1403.10)

2. *Panel Review.* All proposals will be reviewed by NIE staff, with the assistance of the following panels composed of expert nongovernmental consultants:

(a) Learning and instruction.
(b) Human development.
(c) Objectives, measurement, evaluation and research methodology.
(d) Social thought and processes.
(e) Organization and administration.
(f) Anthropology.
(g) Economics.
(h) Political science and legal research.
(i) Small grants.

Applicants are invited to designate the panel to which they wish their proposal assigned for review. In the absence of such designation, NIE staff will make the assignment.

3. *Grants for Research in Education and Small Grants.* Applications for these activities will be filed in accordance with 45 CFR 1403.4.

4. *Selected Disciplines.* (a) The application and review procedures for the four selected disciplines (anthropology, political science, economics and legal research) will consist of two steps:

(1) The applicant will submit a three- to five-page prospectus for initial review;

(2) Applicants submitting the most highly rated prospectuses will be invited to submit formal research proposals for evaluation.

(b) *Prospectus Format.* The prospectus should provide the following information:

(1) Name, address, telephone number, present position, institutional affiliation, and social security number;

(2) A statement describing the proposed research problem and its significance to the relevant discipline and to American education;

(3) A summary of the proposed research design;

(4) A proposed budget, showing direct costs and indirect costs for the entire project.

D. *Closing Dates.* 1. The postmark deadline for submission of proposals for grants for research in education and small grants activities is March 1, 1973.

2. The postmark deadline for submission of prospectuses in selected disciplines activities is February 17, 1973.

E. Further information may be obtained from:

Field Initiated Studies Program
National Institute of Education
Code 600
Washington, D.C. 20202

F. It is the general policy of the Institute to provide opportunity for interested parties to take part in its rule-making process. However, this notice is given without such opportunity based upon the Director's finding that public comment is impracticable in view of the time pressures which dictate publication of a final rule at this time. Such finding is premised on the following reasons:

1. It is not possible to publish a general notice of proposed rule making to be followed by a 30-day comment period and still afford present and prospective applicants sufficient time for preparation of a prospective or application, as appropriate between publication of a final rule and the applicable closing date; and

2. It is not feasible to delay the closing date in view of the large number of proposals anticipated for this program, the complexities of the proposal review process, the necessity for obligating funds by June 30, 1973, and the Director's desire to give each proposal full consideration.

(Sec. 405 of the General Education Provisions Act, as added by Sec. 301(a)(2) of P.L. 92-318, 85 Stat. 328, 20 U.S.C. 1221e)

Effective date. This notice is effective on January 29, 1973.

Dated: January 11, 1973.

THOMAS K. GLENNAN, JR.,
Director, National Institute of Education.

[FR Doc.73-1678 Filed 1-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

WASHINGTON NATIONAL AIRPORT AND DULLES INTERNATIONAL AIRPORT

Policy Regarding Roles

Notice is hereby given that the Federal Aviation Administration (FAA) intends to refine its policy concerning the present and future roles of Washington National Airport (DCA) and Dulles International Airport (IAD) in meeting the needs for air transportation in the Washington area.

Notwithstanding the unqualified language in section 553(b) (A) of title 5, United States Code, exempting the formulation of general statements of policy from all requirements for notice and opportunity for public participation, the FAA considers this to be an instance in which public participation will be especially helpful in formulating its policy. It is also in line with the Department of Transportation's policy of regular consultation with users of the National Airspace System, the aviation industry, State and local government agencies, and the general public regarding major changes in policy and planning. For these reasons, the FAA is inviting interested persons to express their views or comments on the subject.

The FAA believes it is desirable to refine and make explicit its policy on the role of DCA and IAD. In addition to providing an explicit policy, a clear statement of the relative roles of the airports should be useful to the traveling public, the airlines, the affected communities, and any succeeding owner of the airports.

This policy recognizes the existence of the Metropolitan Council of Government's planning effort known as the "Regional Air Facilities Plan." When the results of this study are available, probably in late 1974, they will be evaluated in regard to possible application to this policy.

A. *Current characteristics of the airports.* In examining the two airports as a unified transportation system, it is necessary to delineate the most significant physical and operational characteristics of each airport. A brief discussion of these follows:

1. *Washington National Airport (DCA).* DCA, located 4½ miles from downtown Washington, is currently the most utilized Washington airport. Nearly 10.4 million air carrier passengers used DCA during fiscal year 1972. Airside capacity of DCA is approximately 60 Instrument Flight Rule operations per hour, of which 40 have been allocated to air carrier operations and 20 to other aircraft operations. The air carrier allocation is fully utilized during most hours of the day. Present terminal capacity of DCA is estimated to be approximately 3,500 passengers per hour. The present capacity is occasionally approached during peak hours. Metro service will facilitate handling of passengers at the airport. To reduce the effects of noise in the surrounding residential areas during the night, jet air carrier flights are not scheduled at DCA between 10 p.m. and 7 a.m.

The two major access roads to DCA, Route No. 1 and the George Washington Parkway, are also major commuting routes and are operating at or near capacity during peak hours. Frequent congestion occurs within the internal traffic system at DCA.

The main terminal building at DCA was constructed in the early 1940's, and the north terminal building was added in 1958. Although some significant modernization has been accomplished recently by several air carriers, the aesthetic appearance and internal circulation systems are in need of improvement and modernization.

2. *Dulles International Airport (IAD).* IAD, designed by Eero Saarinen, is generally recognized as one of the most beautiful and efficient airports in the country. The airport is located 26 miles from downtown Washington. Since its opening in November 1962, passenger use of IAD has grown to a level of just over 2.2 million air carrier passengers in fiscal year 1972.

Airside capacity of IAD is approximately 100 Instrument Flight Rule Operations per hour. Current peak hour air carrier utilization is approximately 20 operations per hour. Terminal capacity of approximately 1,800 passengers per hour is currently approached only during the peak hours. In contrast to DCA where air terminal utilization is high throughout the day, off-peak usage of IAD typically falls far below 50 percent of capacity.

B. *Differentiation of roles of the two airports.* When IAD was opened in November 1962, it was designated as the International and long-haul airport for the Washington area, and DCA was defined as the area's short-haul airport. In 1966, to help accomplish these roles, non-stop flights from DCA were limited to a radius of 650 miles with the exception of seven "grandfather" cities (Minneapolis, St. Louis, Memphis, Tampa, Orlando, Miami, and West Palm Beach).

The rationale underlying the short-haul versus long-haul differentiation stems from the close proximity of DCA to the Washington, D.C., central business district, as opposed to the much more distant location of IAD.

For most Washington area origins and destinations, particularly those within the District of Columbia, the access time to and from IAD is greater than that to and from DCA. Conversely, the greater access time between IAD and the central business district imposes a relatively lesser burden on the long-haul traveler since ground travel time represents a smaller percentage of the total time involved in long-haul trips. These considerations were responsible for the FAA's initial adoption of the short-haul versus long-haul differentiation.

It has been several years since the policy regarding the role of the two Washington airports was first established. Significant technical, economic, and social changes have occurred in the interim which call for a reconsideration of this policy. These include, among other things: (a) Increasing community concern over the environmental impact of the airports in the local area; (b) recent indications that use of the new wide-bodied DC-10's and L-1011's at DCA might be desirable as a means of reducing noise and air pollution around the airports; and (c) anticipated increases in air travel to and from the

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Washington area, which will require expansion and/or more efficient utilization of existing airport capacity in the Washington area.

C. *Policy objectives.* The FAA's review and consideration of possible changes to or refinements of its policy concerning the Washington area airports has been undertaken with the following basic objectives in mind:

1. To rationalize the role and use of the airports from an overall transportation viewpoint;

2. To achieve fuller utilization of existing and planned capacity at the airports;

3. To reduce unnecessary constraints on the use of equipment at the airports;

4. To insure that the gorwth, use, and role of the airports are compatible with the changing demands and expectations of the community, especially with respect to environmental quality.

DCA and IAD are currently owned and operated by the Federal Government. It is the FAA's policy that the Federal Government should cease to own and operate DCA and IAD.

D. *Proposed policy decisions.* To achieve the basic policy objectives stated above, an overall policy encompassing the following points is proposed for adoption:

1. DCA will be operated solely as a short-haul airport insofar as air carrier operations are concerned. To accomplish this, DCA will permit nonstop air carrier service only within a radius of 650 miles. One-stop service will be limited to an origin and destination radius of 1,000 miles. These restrictions will be totally implemented by January 1, 1974. This policy will increase the utilization of Dulles by shifting longer haul flights from DCA to IAD.

2. The FAA will not seek any significant expansion of DCA. The FAA will, however, propose to undertake a modernization program for DCA aimed primarily at improving airport access and egress (including roadways to and from the airport and at the terminal building), baggage handling, and overall esthetics.

3. Air carriers will not be permitted to operate a new aircraft type into DCA unless the new aircraft is quieter and results on an average day in less emissions on a per-passenger-seat basis than the aircraft it replaces and is to be used for service within the range of the short-haul provisions of this policy. On the other hand, there will not be any restriction at DCA on any type of aircraft that is more acceptable in these terms, except as may be dictated by safety considerations or the physical limitations of the airfield.

4. The limitation of 60 flights per hour, including 40 air carrier operations per hour, as prescribed in section 93.123 of the Federal Aviation Regulations, will continue at DCA. In order to remain within the passenger capacity of the airport, the upper limitation of 40 air carrier operations per hour will be reduced as necessary as new large aircraft are scheduled into DCA.

5. The air carriers will be expected to continue their agreement not to schedule jet service in or out of DCA from 10 p.m. to 7 a.m.

6. Regular customs and associated international flight services will not be provided at DCA.

E. *Explanation of proposed policy decisions.* Official FAA projections indicate that growth in commercial air travel in the Washington area is expected to increase significantly in the next decade, rising from an actual level of 12.6 million enplanements and deplanements in fiscal year 1972, to an estimated 16.7 million in fiscal year 1976. The FAA has carefully considered (a) the roles which each airport might be able to take in accommodating this projected growth, and (b) the most desirable way to allocate the future growth in light of various economic, environmental, and social considerations.

1. *The short-haul role of DCA.* With respect to the utilization and roles of DCA and IAD, there are several important considerations:

(a) Because IAD is located much further from major residential areas than is DCA, any adverse environmental impact on residential areas resulting from increased airport use will be less at IAD than at DCA.

(b) IAD was constructed with later expansion in mind, whereas DCA has already been expanded about as far as it can go without incurring major new expenditures.

(c) Air travelers, as a group, have demonstrated a clear preference for use of DCA rather than IAD. This is attributable in part to its closer proximity to most origins and destinations in the area, but also to the fact that more flights and better connecting service have been made available by the airlines at DCA.

(d) The distances and ground travel times between IAD and the Washington central business district are greater than the corresponding distances and times at most major U.S. airports, but are approximately equal to those at three of the largest U.S. airports (Chicago O'Hare, New York John F. Kennedy International, and Atlanta).

(e) The distinct ground travel time advantage of DCA will be reduced by the development of a high speed transportation link between Dulles and the Washington central business district sometime in the future.

Although nonstop flights to and from DCA are currently restricted to points within a 650-mile radius (with the exception of the seven grandfather cities previously mentioned), DCA has been used increasingly by some air carriers to provide "long-haul" service to points beyond the 650-mile radius. This is done by scheduling a stop within that radius and then proceeding to the long-haul destination. In many cases, this one-stop service to a point beyond a 650-mile radius of DCA is either the only service available between the Washington area and the points involved, or is superior to service between that point and IAD. This practice circumvents the purpose of the short haul policy applicable to DCA.

To assure that DCA's limited capacity is devoted to short-haul service, it will be necessary to eliminate (1) nonstop service to the seven grandfather cities, and (2) one-stop flights between DCA and points beyond a radius of 1,000 miles. The FAA proposes to accomplish this on a time-phased basis (to be announced later and to be completed by January 1, 1974). A major consequence of this action will be to shift medium and long-haul service to IAD and other area airports.

2. *Improvement of DCA.* Both the existing and the proposed new limitations at DCA are designed to reduce any adverse environmental impact which might result from future operations of DCA. Therefore, a principal element of the proposed policy is to avoid any significant expansion of capacity at DCA but, at the same time, to enhance the efficiency, convenience and comfort of the airport through improvements in airport access and egress, passenger and baggage handling, overall aesthetic appearance, and compatibility with the surrounding community.

3. *Removal of existing equipment restriction at DCA.* At the present time, the wide bodied jets (DC–10's and L–1011's) have not been introduced at DCA. Recent tests indicate they are significantly quieter than other jet airplanes now in service at DCA. Moreover, the operating expense per available seat-mile for these aircraft is less than for other jets now in service at that airport. There are inherent advantages in increased usage of larger aircraft, particularly in relation to the Air-Shuttle operations. Extra sections on the Shuttle amounted to a significant 4,531 during Fiscal Year 1972. If the 270-seat DC–10's or L–1011's were used on the regular Shuttle flights, a noticeable reduction in the number of extra sections would result. Any such decrease would be both environmentally and economically beneficial, particularly during peak hours. Similar benefits would, of course, occur at LaGuardia and Newark Airports.

These benefits warrant removing the existing equipment restrictions at DCA, subject to appropriate environmental and safety considerations. The existing equipment restrictions will be removed in phase with the imposition of the new distance restrictions. The continued relaxation of the present equipment restrictions will be contingent upon the continued maintenance of the new distance restrictions.

The FAA believes that implementation of this proposed policy will give the airlines greater flexibility in the use and scheduling of aircraft. The FAA will expect, however, that the airlines will operate in such a way that the existing hourly capacity of DCA will be utilized for the benefit and convenience of the traveling public and without creating undue peak hour congestion. Further operating restrictions will be implemented by the FAA if a problem should arise.

The FAA intends to monitor events closely at both airports as the proposed policy is being implemented and on a regular basis thereafter and will consider further changes in operating procedures as may be required. This policy will be reviewed in depth by the end of 1976, and a revised policy issued at that time, if warranted.

F. *Effective date and submission of comments.* It is proposed that this policy become effective June 1, 1973. Any interested person who wishes to express his views or comment with respect to this policy may do so by submitting them in writing to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20591. All communications received prior to March 30, 1973, will be considered by the Administrator in the formulation of a final policy.

A Draft Environmental Impact Statement on the expected consequences of this proposed policy has been prepared in compliance with the National Environmental Policy Act of 1969. A copy of the draft Environmental Impact Statement may be reviewed at the FAA, Office of Environmental Quality, 800 Independence Avenue SW., Washington, DC 20591. Following review of all comments on the proposed policy and the draft Environmental Impact Statement, a final Environmental Statement will be prepared and submitted to the Council of Environmental Quality and the final policy statement will be published in the FEDERAL REGISTER upon adoption by the Administrator.

This policy is proposed under the authority of section 1301 of title 7 of the District of Columbia Code; 1961 Edition, section 2 of the Act of June 29, 1940, as amended (72 Stat. 731), section 4 of the Act of September 7, 1950, as amended (72 Stat. 731), and section 6(C) of the Department of Transportation Act (49 U.S.C. 1655(c)) and § 1.47(a) of the Regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on January 24, 1973.

ROBERT F. BACON,
Director, Office of Aviation, Policy and Plans, Federal Aviation Administration.

[FR Doc.1703 Filed 1–26–73;8:55 am]

Atomic Energy Commission

[Dockets Nos. 50–295, 50–304]

COMMONWEALTH EDISON CO.

Notice and Order Changing Date of Prehearing Conference

JANUARY 23, 1973.

Take notice that because of the officially scheduled National Day of Mourning in honor of former President Lyndon B. Johnson, it has become necessary to cancel the originally scheduled date for the prehearing conference in the above captioned case, which was originally scheduled for January 25, 1973, in Chicago, Ill., and to reschedule said prehearing conference for February 1, 1973. This prehearing conference will commence at 10 a.m. local time at the following address: Everett McKinley Dirksen Building, Court Room 2119, 21st floor, 219 South Dearborn Street, Chicago, IL 60604.

The subject matter of this newly scheduled prehearing conference will be the same as that set forth in the original Notice and Order for Prehearing Conference dated January 3, 1973.

All members of the public are entitled to attend the prehearing conference, as well as the evidentiary hearing itself.

It is so ordered.

Issued at Washington, D.C. this 23d day of January 1973.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.73–1665 Filed 1–26–73;8:45 am]

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Memorandum of Understanding Regarding Implementation of Certain Complementary Responsibilities

The Environmental Protection Agency (EPA) has authority under the Federal Water Pollution Control Act Amendments of 1972, Public Law 92–500 (FWPCA), over, among other things, certain discharges into navigable waters of pollutants from nuclear facilities and other activities requiring a license or permit from the Atomic Energy Commission (AEC). The AEC, under the National Environmental Policy Act of 1969 (NEPA), also has certain responsibility and authority to consider and take action with respect to environmental impact of discharges of pollutants. This responsibility and authority of AEC under NEPA is in turn affected by section 511 of the FWPCA. For the purpose of implementing NEPA and the FWPCA in a manner consistent with both acts and the public interest, EPA and AEC agree pursuant to their respective statutory authorities as follows:

1. AEC will exercise its responsibility and authority under NEPA as modified by section 511 of the FWPCA in accordance with the Interim Policy Statement appearing under 10 CFR Part 50 at 38 FR 2679 *supra*. This Statement of Policy requires, among other things, that AEC in its licensing actions accept decisions under specified sections of the FWPCA with respect to compliance with limitations or other requirements promulgated or imposed pursuant to the FWPCA. Where no decisions under these sections have been made, AEC will give due regard to EPA's views as expressed in comments on AEC draft environmental statements.

2. EPA will to the maximum extent practicable expedite the issuance of effluent limitations and the processing of applications for permits under section 402 of the FWPCA for nuclear facilities and other activities requiring an AEC license or permit which are subject to the requirements of 10 CFR Part 50, appendix D.

3. It seems certain that many licensing decisions by AEC will have to be made prior to the time that effluent limitations or other requirements have been established or discharge permits have been issued, as prescribed by the recent amendments to the FWPCA and that, conversely, many decisions with respect to establishment of effluent limitations or other requirements or issuance of discharge permits will be made after licenses for affected nuclear facilities or other activities have been issued by AEC. It is clear from the recent amendments to the FWPCA (section 304(b) and 306(b)) that Congress intended that EPA, in establishing effluent limitations and other requirements, give consideration not only to water quality, but also to such other factors as cost, the age of equipment and facilities involved, control techniques, process changes, nonwater quality environmental impact and energy requirements. These factors are also appropriate for consideration, to the extent authorized by the FWPCA and consistent with any applicable effluent limitations, in regard to issuance of discharge permits pursuant to section 402 of the FWPCA for facilities and activities previously licensed by AEC, as contemplated hereinabove.

4. Nothing in this memorandum is intended to restrict the statutory authority of either agency.

5. This Memorandum of Understanding shall take effect upon the signing by authorized representatives of the respective agencies and approval by the Council on Environmental Quality. The Memorandum of Understanding shall thereafter by published in the FEDERAL REGISTER.

For the United States Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

JANUARY 15, 1973.

For the United States Environmental Protection Agency.

JOHN R. QUARLES, JR.,
Assistant Administrator for Enforcement and General Counsel.

JANUARY 19, 1973.

Approved by the Council on Environmental Quality for the Council.

TIMOTHY ATKESON,
General Counsel.

JANUARY 22, 1973.

[FR Doc.73–1634 Filed 1–26–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24944]

SOUTH AFRICAN AIRWAYS, INC.

Foreign Air Carrier Permit Amendment, Johannesburg-Sal Island-Las Palmas-New York; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 21, 1973, at 10 a.m. (local time) in Room

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1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Ross I. Newmann.

In order to facilitate the conduct of the conference, parties are instructed to submit to the administrative law judge and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 6, 1973, and the other parties on or before February 13, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., January 23, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-1651 Filed 1-26-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COSTA RICA

Entry or Withdrawal from Warehouse for Consumption

JANUARY 22, 1973.

On November 28, 1972, the U.S. Government requested the Government of Costa Rica to enter into consultations under Articles 3 and 6(c) of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concerning exports to the United States of cotton textile products in Category 51 produced or manufactured in Costa Rica. Public notice of this request was published in the FEDERAL REGISTER on December 7, 1972 (37 FR 26056). Since no solution has been mutually agreed upon, the U.S. Government, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textile done at Geneva on February 9, 1962, including Articles 3 and 6(c), which relate to nonparticipants, is establishing a restraint at the requested level of 17,747 dozen for the period beginning November 28, 1972, and extending through November 27, 1973. This restraint does not apply to cotton textile products in Category 51, produced or manufactured in Costa Rica and exported to the United States prior to November 28, 1972.

There is published below a letter of January 22, 1973, from the chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amount of cotton textile products in Category 51, produced or manufactured in Costa Rica, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning November 28, 1972, be limited to 17,747 dozen.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

JANUARY 22, 1973.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning November 28, 1972, and extending through November 27, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 51, produced or manufactured in Costa Rica, in excess of a level of restraint for the period of 17,747 dozen.[1]

Entries of cotton textile products in Category 51, produced or manufactured in Costa Rica and which have been exported to the United States from Costa Rica prior to November 28, 1972, shall not be subject to this directive.

Cotton textile products in Category 51 which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 51 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Costa Rica and with respect to imports of cotton textile products from Costa Rica have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.73-1655 Filed 1-26-73;8:45 am]

[1] This level has not been adjusted to reflect any entries made on or after November 28, 1972.

COUNCIL ON ENVIRONMENTAL QUALITY

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Memorandum of Understanding Regarding Implementation

CROSS REFERENCE: For a memorandum of understanding regarding implementation of the Federal Water Pollution Control Act Amendments of 1972 issued jointly by the Atomic Energy Commission, the Environmental Protection Agency, and CEQ, see FR Doc. 73-1634, *supra*.

ENVIRONMENTAL PROTECTION AGENCY

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Memorandum of Understanding Regarding Implementation

CROSS REFERENCE: For a memorandum of understanding regarding implementation of the Federal Water Pollution Control Act Amendments of 1972 issued jointly by the Atomic Energy Commission, EPA and the Council on Environmental Quality, see FR Doc. 73-1634, *supra*.

FEDERAL POWER COMMISSION

[Docket No. E-7942]

NANTAHALA POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 19, 1973.

Take notice that Nanatahala Power & Light Co. (Nantahala) on December 29, 1972, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $35,325 based upon sales for the 12-month period ending December 31, 1971, to become effective February 1, 1973. The company cites rising costs and a low rate of return as reasons for the increase.

Copies of the filing were served on Nanatahala's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street, NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1658 Filed 1-26-73;8:48 am]

PETROLEUM CORP.

[Docket No. CI73-472]

Notice of Application

JANUARY 22, 1973.

Take notice that on January 11, 1973, The Petroleum Corp. (Applicant), 3303 Lee Parkway, Dallas, TX 75219, filed in Docket No. CI73-472 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from the Dublin-Ellenburger Field, Lea County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 2,000 Mcf of gas per day at 38 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, for 1 year within the contemplation of § 2.70 of the Commission general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1606 Filed 1-26-73;8:45 am]

[Docket No. CI73-449]

TEXAS GULF, INC.

Notice of Application

JANUARY 22, 1973.

Take notice that on December 18, 1972, Texas Gulf, Inc. (Applicant), Room 1803, 811 Rusk Avenue, Houston, TX 77002, filed in Docket No. CI73-449 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corp. (Columbia) from block 146, West Cameron area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Columbia at an initial rate of 35 cents per Mcf at 15.025 p.s.i.a. subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale, dated September 12, 1972, provides for price escalations of 2 cents per Mcf every 2 years and a contract term of 20 years.

Applicant asserts that the 35-cent initial rate is reasonable in today's interstate market, particularly in light of recently negotiated intrastate contracts in Louisiana and in other areas at higher rates, such as the sales reported at 52 cents and 73 cents per Mcf in Oklahoma and Ohio, respectively. Applicant believes that this sale will assist in assuring that Columbia will have adequate supplies of natural gas to meet the demands of its customers during the term of the instant contract.

In the alternative, if the optional pricing procedure is not available, Applicant requests that the subject sale be authorized under paragraph 12 of the Commission's notice of July 17, 1970, in Docket No. R-389A, initial rates for future sales of natural gas for all areas. In said notice the Commission said that it would consider applications by independent producers notwithstanding that the proposed price may be in excess of the area ceiling or guideline rates.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1607 Filed 1-26-73;8:45 am]

[Docket No. CI73-448]

TEXAS GULF, INC.

Notice of Application

JANUARY 22, 1973.

Take notice that on December 18, 1972, Texas Gulf, Inc. (Applicant), filed in Docket No. CI73-448 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of sales for resale of natural gas in interstate commerce to Columbia Gulf Pipe Line Co. (Columbia), Michigan Wisconsin Pipe Line Co. (Michigan), and Natural Gas Pipeline Co. (Natural), from acreage in the Orange Grove Area, Terrebonne Parish, La.; Jeanerette (North) Field, St. Mary Parish, La.; and Block 144, West Cameron Area, offshore Louisiana, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is holder of a small producer certificate in Docket No. CS71-383 and states that it has sold natural gas pursuant to three contracts involving the aforesaid sales under said certificate. Applicant further states that the current price for gas sold under the Orange Grove Area contract to Columbia is 21.1 cents per Mcf at 15.025 p.s.i.a. subject to downward B.t.u. adjustment, under the Jeanerette (North) Field contract to Michigan is 21.625 cents per Mcf at 15.025 p.s.i.a. subject to downward B.t.u. adjustment, and the Block 144 contract to Natural is 29.0 cents per Mcf at 15.025 p.s.i.a. including 1.0 cent per Mcf upward B.t.u. adjustment.

On December 12, 1972, in Docket No. 71-1560, et al. the U.S. Court of Appeals for the District of Columbia Circuit ordered that Commission Order No. 428, which promulgated small producer regulations, be set aside. As the certificate authority under which Applicant made the three sales described herein is now called into question. Applicant requests authorization to continue said sales under paragraph 12 of the Commission's

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notice issued July 17, 1970, in Docket No. R-389A. In that notice the Commission said that it would consider applications by independent producers for sales of natural gas notwithstanding that the proposed price may be in excess of the area ceiling or guideline rates.

Applicant asserts that the contract rates for the subject sales are below current rates for substitute gas supplies and that any reduction in revenues from these sales would have the inevitable effect of lessening Applicant's ability to explore for and develop gas reserves at a time of severe gas shortage when that ability needs to be increasing.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.18 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1608 Filed 1-26-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST STEUBEN BANCORP, INC.

Order Approving Acquisition of Bank

First Steuben Bancorp, Inc., Steubenville, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Hopedale, Hopedale, Ohio (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisiton of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, The First National Bank and Trust Company in Steubenville, Steubenville, Ohio (First National), with total deposits of $80.6 million, representing 0.3 percent of the total commercial deposits in Ohio.[1] Consummation of the proposal herein would increase its proportion of State deposits by only 0.02 percent and accordingly would not result in a significant increase in the concentration of banking resources in Ohio.

Bank ($5.8 million in deposits) is the only banking institution in the village of Hopedale (population 916), a rural community located in the southeastern portion of Ohio, 18 miles west of Steubenville. It is the second largest of three commercial banks in the Cadiz banking market (the relevant market) and controls 25.8 percent of area deposits. The largest competitor therein holds 59.7 percent of market deposits and is a subsidiary of the largest multibank holding company in the State. From the facts of record, it appears that consummation of the proposed transaction would have no present or future adverse competitive effect on the banks in the market, but rather, should stimulate additional competition among them.

Bank and First National essentially operate in separate banking markets[2] and the closest banking offices of the two are 8.5 miles apart. Although their adjoining service areas slightly overlap, it does not appear that a significant amount of existing competition would be eliminated by consummation of this proposal. Further, the restrictive branching laws in Ohio and the fact that Hopedale is not attractive as a de novo bank site preclude any potential for increased future competition between Applicant and Bank. On the basis of the foregoing, the Board concludes that the competitive considerations with respect to this transaction are consistent with approval of the application.

The financial condition and managerial resources of Applicant, its subsidiary bank, and Bank are considered upon consummation, are favorable. It to be satisfactory and prospects for all, appears that Bank has generally satisfied the needs of the community. Applicant proposes to expand the operations of Bank and to improve the quality of services now being rendered by offering trust services, larger loans, data processing services, and an improved student loan program. Accordingly, considerations relating to the convenience and needs of the community to be served are consistent with, and lend weight toward, approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[3] effective January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1633 Filed 1-26-73;8:45 am]

[1] Banking data are as of June 30, 1972.

[2] First National operates 7 offices, holding 26.9 percent of total deposits, in the Steubenville-Weirton banking market.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-165]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a natural gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Service Commission of Utah in a proceeding (Docket No. 6668) involving natural gas rates of the Mountain Fuel Supply Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

JANUARY 19, 1973.

[FR Doc.73-1631 Filed 1-26-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-8)]

GEORGE C. MARSHALL SPACE FLIGHT CENTER

Final Environmental Impact Statement; Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the George C. Marshall Space Flight Center and the Mississippi Test Facility.

Comments on the draft Environmental Statement for the above installation were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of March 18, 1971.

Copies of the draft statement were sent to the Environmental Protection Agency, the Office of Management and Budget, and the Council on Environmental Quality.

Copies of the final statement will be furnished to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 500 Independence Avenue, SW. Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 19th day of January 1973.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-1648 Filed 1-26-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

LOAN TO THE GOVERNMENT OF ISRAEL

Invitation To Bid

I. *Invitation to bid—classes of bidders.* The Secretary of the Treasury, acting for the Secretary of Defense by this notice and under the terms and conditions hereof invites bids on the interest rate on a $100 million loan to the Government of Israel. The loan is described in section II hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR 340) insofar as applicable.

The purpose of the loan is to provide private financing for the purchase by the Government of Israel of defense articles and services from U.S. sources under the Foreign Military Sales Act, as amended, Public Law 90-626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571-2793 and Executive Order 11501, December 22, 1969, 34 FR 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve Bank of New York in accordance with the provisions of the last section hereof.

II. *Description of loan agreement committee fee.* (a) The attached Model Loan Agreement contains all of the principal provisions of the loan except that after the award of bids it will be filled in to reflect that:

(1) The amount of the loan is $100 million;

(2) Each aggregate drawdown on the loan, except the last, will be at least $500,000;

(3) The initial drawdown is anticipated to be made on or before April 1, 1973;

(4) There will be a commitment period from the date of the execution of the loan agreement to and including March 31, 1974, or such earlier date as the entire commitment of the lender shall have been availed of;

(5) The principal of the loan will be repayable in 10 consecutive semiannual installments of $10 million, payable on January 31 and July 31 of each year commencing on January 31, 1974;

(6) Interest will be payable semiannually on January 31 and July 31 of each year commencing on July 31, 1973;

(7) Interest payable on and after January 31, 1974 will be paid with the principal.

(b) There will be a commitment fee, payable semiannually, of one-quarter of 1 percent (¼ of 1 percent) per annum on the daily average unused amount of the commitment commencing April 1, 1973, or the initial drawdown on the loan, whichever is earlier. The commitment fee will be calculated on a 365-day basis and actual days elapsed.

III. *U.S. Government guaranty of loan—guaranty fee.* The loan agreement provides that the obligation of the lender is to be conditioned upon the issuance by the United States of a guaranty of timely payment of principal and interest by the borrower. The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

In addition, the borrower covenants at section 5(b) of the loan agreement that:

> Any claim which it may now or hereafter have against any person, corporation, firm, or association or other entity (including without limitation, the United States, DOD, any bank, any assignee of any bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the borrower to make the payments required to be made to the undersigned under this loan agreement, or under the notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The Act provides that "any guaranties issued hereunder shall be backed by the full faith and credit of the United States".

The maximum liability of the Government of the United States under the guaranty will be $105 million, and that sum will be so stated in Article II of the attached guaranty agreement.

The aggregate guaranty fee will be $262,500, one-quarter of 1 percent (¼ of 1 percent) of the aforesaid maximum liability to be paid by the lender as a conduit of the borrower.

IV. *Tax exemptions.* (a) There will be no—

(1) Federal income tax resulting from section 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense. (The lender will be acting merely as a conduit.)

(2) Federal stamp tax;

(3) Interest equalization tax; or

(4) Tax imposed by the Government of Israel.

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(b) The interest paid on the loan by the Government of Israel will constitute income from sources without the United States in the hands of the lender or any holder of the promissory notes or participations in the loan. Since the interest is foreign source income, there will be no U.S. withholding under any circumstances.

V. *The loan, promissory notes, participations—eligibility for purchase by national banks as collateral for treasury tax and loan accounts, etc.* (a) Because of the guaranty, the loan, the promissory notes and the participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit. Accordingly, they will not be subject to the lending limits of national banks or to the limitations and restrictions concerning dealing in, underwriting and purchase of investment securities.

(b) Section 1.4 of the loan agreement authorizes the sale of participations to legal entities doing business in the United States. Such participations will be acceptable from special depositaries of public money at their face amount to secure deposits under Department of the Treasury Circular No. 92, current revision (31 CFR 203), provided that they adequately identify the loan and meet the following conditions:

(1) The participation certificate contains the following provisions: "Participant may assign or endorse over this participation certificate to the (Name of the Federal Reserve Bank or Branch of the territory in which the participant is located) in connection with a pledge of colateral security to protect a Treasury tax and loan account under Treasury regulations published at Title 31, Code of Federal Regulations, Part 203. In the event that this participation certificate is assigned to (Same bank or branch as above), it shall not be further assigned or subdivided without prior written notice to that bank and the prior written consent of this bank."

(2) The participation certificate is supported by the original or certified copies of the guaranty agreement relating to the basic loan and the necessary power of attorney and resolution in favor of the Reserve Bank as prescribed in 31 CFR 203.8(d).

(3) The guaranty agreement provides that the guaranty referred to therein is transferable to any participant or beneficiary.

VI. *Submission of bids—acceptance and opening of bids.* Each bid shall be submitted in triplicate on the letterhead of the bidder and shall specify a single annual rate of interest which shall apply on a 365-day basis only to the portions of the loan in use. The rate shall be expressed as a percent per annum not to exceed three decimals, for example, 5.125 percent. Each bidder may submit a bid for the entire amount of the loan or portions thereof in multiples of $5 million.

The bids must be enclosed and sealed in envelopes and must be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045, not later than 11 a.m., e.s.t., on February 9, 1973. By having submitted a bid, any bidder receiving an award will be deemed conclusively to have accepted all the provisions of the loan agreement and upon receipt of an award will be required to sign, at the aforesaid address, three copies of the agreement. The Government of the United States will thereafter, in Washington, D.C., promptly secure the signature of the borrower to three copies and return one of them to any such bidder.

Bids will be opened at the Federal Reserve Bank at 11 a.m., e.s.t., on February 9, 1973. In determining successful bids, those specifying the lowest rate of interest will be accepted to the extent required to attain the aggregate amount of the loan.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

JANUARY 26, 1973.

MODEL LOAN AGREEMENT

Loan agreement made and entered into the ____ day of _____, 19____, between the Government of _____ (hereinafter sometimes referred to as the "Borrower") and _____ (hereinafter sometimes referred to as the "Undersigned").

Whereas by public notice (which notice is incorporated in this agreement as if fully set forth herein) the Secretary of the Treasury has invited bids on a loan in the amount of $_____ to the Borrower at the lowest basis cost of money;

Whereas the Undersigned has submitted a bid for the hereinafter more fully described loan at an annual rate of ____ percent per annum, payable semiannually;

Now, therefore, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

SECTION 1. *Commitment.* 1.1 Subject to the terms and conditions of this Loan Agreement the Undersigned agrees to make loans to the Borrower at any time and from time to time from the date of this Loan Agreement to and including (or such earlier date as the entire loan offered herein by the Undersigned shall have been availed of), in an aggregate principal amount up to the amount of U.S. Dollars (U.S. $_____).

1.2 Each borrowing hereunder shall be made on such date (hereinafter referred to as a "Disbursement Date") as may be designated by the Borrower upon three (3) days' concurrent written notice from the Borrower to the Undersigned. The initial borrowing hereunder shall be made prior to _____, 19____. Except for the last borrowing, each such notice shall request a borrowing aggregating at least _____ (U.S. $_____). Each notice requesting disbursement (a) shall specify the amount of the loan to be made by the Undersigned on the Disbursement Date; (b) shall be delivered to the Undersigned at its address set forth in section 7.3 hereof; (c) shall specify the account of the Borrower at such Bank to which the proceeds of each loan are to be credited; and (d) shall have annexed thereto the documentation set forth in Exhibit A (Disbursement Procedures) annexed hereto.

1.3 The Borrower hereby agrees to pay to the Undersigned a commitment fee computed at the rate of one-quarter of one percent (¼ percent) per annum on the daily average unused amount of the Commitment from _____ to and including _____ (or such earlier date as the entire Commitment of the Undersigned shall have been availed of). Such commitment fee shall be calculated on a 365-day basis and actual days elapsed.

1.4 The Undersigned may sell participations in the loan to legal entities doing business in the United States.

1.5 At the time at which the Borrower shall send the notices required by section 1.2 above to the Undersigned it shall deliver thereto a promissory note (which shall be substantially in the form of Exhibit B annexed hereto (with the blanks appropriately filled in)) evidencing the obligation of the Borrower to repay the amount of the loan from the Undersigned with interest thereon as hereinafter set forth. Upon request by the Undersigned at any time, the Borrower shall deliver to the Undersigned, in place of any such promissory note, two or more separate promissory notes in such amounts, aggregating not more than the amount of the note such notes shall replace, as shall be specified by the Undersigned. The promissory notes hereinabove referred to are hereinafter referred to as the "Notes" and individually as a "Note".

SEC. 2. *Repayment.* 2.1 The Borrower hereby agrees:

(a) To pay interest on the outstanding balance of the principal of the loans made under this Loan Agreement on a fixed semiannual basis, such interest payments to begin _____, 19____, and thereafter on _____, 19____, and each _____ and _____ following, until the entire principal of the loans shall have been repaid; and

(b) To repay the principal of the loans made under this Loan Agreement in accordance with the Principal Repayment Schedule set forth in Exhibit C annexed hereto.

(i) If on any installment repayment date set forth in the Principal Repayment Schedule the Borrower shall not have availed itself of the Commitment of the Undersigned in an aggregate amount (less repayments previously made) equal to the aggregate installment of principal which is repayable on such date to the Undersigned, the Borrower shall, on such installment repayment date, repay to the Undersigned the full amount (less repayments previously made) to which it has availed itself of the Commitment of the Undersigned to such date, together with the interest accrued thereon. If at any time thereafter the Borrower shall avail itself of the Commitment of the Undersigned in an amount which would have been payable on a prior installment repayment date but for the provisions of the immediately preceding sentence, such amount, together with interest accrued thereon, shall be repayable on the next succeeding installment date of the Principal Repayment Schedule occurring after the disbursement of such amount and the said aggregate installment of principal repayable under the Principal Repayment Schedule to the Undersigned on that date shall be increased by such amount.

(ii) If by the date specified in paragraph 1.1 above, the Borrower shall not have availed itself of the entire amount of the Commitment, the installments of principal repayable to the Undersigned set forth in the Principal Repayment Schedule shall be reduced in the inverse order of the maturity thereof to the extent of the unused balance of the Commitment.

2.2 The Undersigned may sell or assign, at any time, in whole or in part, any one or more of the Notes and/or its rights to receive repayments.

2.3 Each Note shall be dated the Disbursement Date of the loan which such Note evidences and shall bear interest at a rate of _____ percent (_____%) per annum on the unpaid principal amount of such Note until such amount shall be paid in full. Such interest on each Note shall be payable with the principal as provided in 2.1. The Notes shall be completed by the Borrower in such a manner that repayment of such loans shall be made in the order of their disbursement, utilizing the Principal Repayment Schedule set forth in Exhibit C (as the same may be adjusted in accordance with sections 2.1(b)(i) and 2.1(b)(ii) hereof), and, in determining whether a particular loan is payable in one or more installments, utilizing a particular installment payment date only after the full utilization of the next preceding installment date.

2.4 The Borrower may, with the prior written consent of the Undersigned, which consent will not be unreasonably withheld, prepay any of the Notes held by the Undersigned, in whole or in part, on any repayment date, with accrued interest to the date of such prepayment on the amount prepaid.

2.5 Whenever any payments hereunder or under any Note shall be due on a Saturday, Sunday or public holiday under the laws of the District of Columbia, such payment may be made on the next succeeding business day, and such extension of time shall, in such case, be included in computing interest in connection with such payment, but excluded from the next interest period.

2.6 All payments by the Borrower to the Undersigned under this Loan Agreement and on the Notes, including without limitation payments of principal of, and interest on, the Notes and payment of any commitment fees or other fees or expenses hereunder, shall be payable to the Undersigned at the address set forth in section 7.3 hereof in U.S. dollars and in immediately available funds.

SEC. 3. *Representations and warranties.* The Undersigned has entered into this Loan Agreement and will make the loans provided for herein on the basis of the following representations and warranties of the Borrower.

3.1 The Borrower has full power, authority and legal right to incur the indebtedness contemplated in this Loan Agreement on the terms and conditions contained herein, and to execute, deliver and perform this Loan Agreement and the Notes;

3.2 The execution, delivery and performance of this Loan Agreement and the Notes will not violate any provisions of, and have been duly and validly authorized under, the laws of the Borrower, and all actions necessary to authorize the borrowings hereunder and the execution, delivery and performance of this Loan Agreement and the Notes have been duly taken; and

3.3 This Loan Agreement has been, and each of the Notes when issued will be, duly executed and delivered by persons thereunto duly authorized, and this Loan Agreement constitutes, and each of the Notes when issued will constitute, the valid, legally binding, direct and unconditional general obligation of the Borrower, enforceable in accordance with its respective terms.

SEC. 4. *Conditions of lending.* 4.1 The obligation of the Undersigned to make the initial loan to be made by it hereunder is subject to the condition precedent that, prior to the first Disbursement Date, it shall have received an opinion in the English language of the Legal Adviser to the Ministry of Defense of the Government of _____, dated the date of the initial Disbursement Date, to the same effect as sections 3.1, 3.2, and 3.3 hereof, and to the further effect that specified officials of the Borrower identified by name and title in such opinion are duly authorized to execute and deliver this Loan Agreement, the Notes and such other documents as may be required hereunder on behalf of the Borrower, to establish and draw upon an account of the Borrower at the Bank to which account the Undersigned shall disburse the proceeds of all borrowings hereunder, and to certify to such Bank on behalf of the Borrower the identity, names and titles of any other or additional officials of the Borrower who thereafter may be so authorized.

4.2 The obligation of the Undersigned to make the initial loan to be made by it hereunder is subject to the further conditions precedent that, prior to the first disbursement, it shall have received:

(a) The guaranty of the United States (the "Guaranty"), executed by DOD, guaranteeing it against all political and credit risks of nonpayment of the obligations of the Borrower to the Undersigned hereunder (including the entire amount of the principal loaned by the Undersigned hereunder and interest thereon at the rate determined as specified herein, but excluding any amounts owing for commitment fees or other fees or expenses), up to a maximum aggregate liability to the Undersigned under the Guaranty on the part of the United States of $_____ dollars (US$_____), pursuant to the Act; and

(b) An opinion of the General Counsel of DOD, to the effect that (i) DOD has full power, authority, and legal right to execute, deliver and perform the Guaranty, (ii) the Guaranty has been executed in accordance with and pursuant to the terms and provisions of the Act and DOD has not, in issuing the guaranty, exceeded the maximum amount of guaranties authorized to be issued under the Act, (iii) the Guaranty has been duly executed and delivered by a duly authorized representative of DOD, and (iv) the Guaranty constitutes the valid and legally binding obligation of the United States, enforceable in accordance with the terms thereof and backed by the full faith and credit of the United States.

4.3 The obligation of the Undersigned to make any loan to be made by it hereunder, including the initial loan, is subject to the further conditions precedent that:

(a) No event of default within the meaning of section 6 of this Loan Agreement, and no other default with respect to any of the Notes, shall have occurred;

(b) The Undersigned shall have received a Note or Notes payable to its order (or to the order of such other person or persons as the Undersigned may specify) in the amount of the particular loan, executed by the duly authorized representatives of the Borrower;

(c) The Undersigned shall have received the documentation specified in Exhibit A annexed hereto, executed by the duly authorized representatives of the Borrower; and

(d) All legal matters incident to the Guaranty and the transactions contemplated by this Loan Agreement shall be satisfactory to the counsel of the Undersigned.

SEC. 5. *Covenants.* The Borrower covenants and agrees that from and after the date of this Loan Agreement and so long as any amounts remain unpaid on account of the Notes or otherwise under this Loan Agreement:

(a) All payments on account of the principal of, and interest on, the Notes, commitment fees and other fees and expenses shall be made free and clear of, and without deduction for, any and all taxes, levies, imposts, duties, fees, charges, deductions, withholdings, restrictions, or conditions of any nature whatsoever now or hereafter imposed, levied, collected, or assessed with respect thereto by the Borrower of any central or local authority thereof or therein;

(b) Any claim which it may now or hereafter have against any person, corporation, firm, or association or other entity (including without limitation, the United States, DOD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments;

(c) It will pay any and all stamp taxes and other taxes of similar character, if any, now or hereafter in effect, imposed with respect to this Loan Agreement or the Notes (including, without limitation, any U.S. Interest Equalization Tax or similar future tax), and will save the holder of any Note harmless from any and all losses or liabilities with respect to or resulting from any delay or omission to pay such taxes.

(d) Any legal action or proceeding against it by the Undersigned with respect to this Loan Agreement or the Notes may be brought in the Superior Court of the District of Columbia or in the U.S. District Court for the District of Columbia or in the Courts of the Borrower, as the Undersigned may elect, and by execution and delivery of this Loan Agreement, the Borrower submits to each such jurisdiction. In the case of the Superior Court of the District of Columbia or of the U.S. District Court for the District of Columbia, the Borrower consents to the service of process out of said Courts by mailing copies of such process by registered United States mail, postage paid, to it at its address set forth in section 7.3 hereof; and

(e) All loans made hereunder shall be utilized solely for the procurement of the Defense Items pursuant to Purchase Arrangements authorized by DOD.

SEC. 6. *Defaults.* Upon the occurrence of any of the following events or default:

(a) If the Borrower fails for a period of ten (10) days to make any payment of principal of, or interest on, any Note or of any commitment fee hereunder, when due; or

(b) If any representation or warranty made by the Borrower herein or in any certificate furnished by the Borrower pursuant hereto, proves to be at any time incorrect in any material respect; or

(c) If the Borrower defaults in the performance of any other term, convenant or agreement contained in this Loan Agreement, and such default shall continue unremedied for thirty (30) days after written notice thereof shall have been given to the Borrower by the Undersigned;

then, and in any such event, the holder of any Note may declare immediately due and payable the unpaid principal of, and accrued interest on, all Notes held by such holder and such amounts shall become immediately due and payable without protest, presentment, notice or other demand of any kind, all of which are hereby expressly waived by the Borrower, and the Undersigned may terminate its Commitment hereunder.

SEC. 7. *Miscellaneous.* 7.1 Upon the execution of this Loan Agreement, the Borrower shall pay to the Undersigned the aggregate sum of $_____ in payment of the fee charged by DOD with respect to the Guaranty.

7.2 No failure to exercise and no delay in exercising on the part of the Undersigned, any right, power, or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise thereof, or the exercise of any other power or right. The rights and remedies herein provided are cumulative and not exclusive of any rights or remedies provided in this Loan Agreement.

7.3 Except as otherwise provided in this Loan Agreement, all notices, requests, or demands hereunder shall be deemed to have

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been given or made upon the mailing of the same by airmail, postage prepaid, or in the case of telegraphic notice, on delivery to the telegraph company, addressed in the case of the Borrower to the Director, Defense Mission, Government of Israel, with a copy to the Treasury Representative of the Government of Israel, both at 850 Third Avenue, New York, N.Y., 10022, and in the case of the Undersigned to or to such other addresses as any party may from time to time hereafter designate in writing to the other.

7.4 This Loan Agreement and the Notes shall be construed and interpreted in accordance with the laws of the District of Columbia, United States of America, unless prior to the execution of this Loan Agreement and the Notes the parties hereto have by written stipulation agreed that the laws of another jurisdiction of the United States shall be applied.

7.5 This Loan Agreement shall be binding upon and inure to the benefit of the Borrower and the Undersigned and their respective successors and assigns, except that the Borrower may not assign its rights hereunder without the prior written consent of the Undersigned. All agreements, covenants, representations, and warranties made herein shall survive the delivery of the Notes and the making of the loans hereunder.

7.6 This Loan Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but all the counterparts shall together constitute a single instrument. Exhibits A and B attached hereto are, by this reference, made a part of this Loan Agreement.

7.7 In case any one or more of the provisions contained in this Loan Agreement or in any of the Notes should be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein and therein shall not in any way be affected or impaired thereby.

In Witness whereof, the parties hereto have caused this Loan Agreement to be executed and sealed by their duly authorized officers and representatives on the day and year first above written.

---------- [Seal]
---------- [Seal]

DISBURSEMENT PROCEDURES

The following procedures and conditions shall be complied with prior to each disbursement to be made by the Undersigned to the Borrower:

1. The designated representative of the Government of ---------- shall execute and deliver each request for disbursement to the Undersigned at its address set forth in section 7.3 of the foregoing Loan Agreement.

2. Each request shall be accompanied by a copy of the written communication from DOD authorizing the Borrower to enter into the Purchase Arrangement(s) pursuant to which the disbursement is requested.

3. Each request also shall be accompanied by a certification of the Borrower as follows:

"The Government of ---------- confirms that the proceeds of this disbursement will be applied entirely to the payment of amounts that have become properly due pursuant to the Purchase Arrangement(s) authorized by the Department of Defense of the United States of America in the attached written communication. This disbursement is requested by the Government of ---------- pursuant to the terms of the Loan Agreement of ---------- between the Government of ---------- and the Undersigned, and confirms that the said Purchase Arrangement(s) (was/were) authorized by the Department of Defense of the United States of America pursuant to the aforesaid Loan Agreement. The Government of ---------- further confirms that the Borrower to which this certification is addressed is authorized to make this disbursement by crediting the amount thereof to Account Number ----, at such Bank, and that ----------, whose signature appears below, is (and, until further written notice, shall continue to be) authorized to draw upon such account on behalf of the Government of ----------.

"Signature of the representative of the Government of ---------- who is authorized to draw upon its account:

"----------

"Government of ----------
"By ----------"
(Name and Title Typed)

PROMISSORY NOTE

NEW YORK, N.Y. ----------
(Date)

US $----------

FOR VALUE RECEIVED, the Undersigned, the Government of ----------, hereby promises to pay to the order of ----------, or its assigns, the principal sum of ---------- United States dollars (US $----------) as follows:

----------	----------
(Amounts)	(Dates)

together with interest on any and all amounts remaining unpaid hereunder from time to time from the date hereof until this Note shall be paid in full, payable semiannually on ---------- and ---------- ---- of each year from the date hereof, commencing ----------, 197--, at the rate of ------ percent (------%), per annum. Such interest shall be calculated using a 365-day factor, both principal and interest to be payable in immediately available funds in lawful money of the United States of America at the office of the payee at ---------- ----------, or at the principal place of business of the assignee. All payments made on account of the principal amount hereunder shall be endorsed by the payee, or its assigns, on the reverse side of this Note.

Whenever any payment to be made shall be due on a Saturday, Sunday, or a public holiday under the laws of the District of Columbia, such payment shall be made on the next succeeding business day, and such extension of time shall in such case be included in computing interest in connection with such payment, but excluded from the next interest period.

This Note is one of the Notes referred to in the Loan Agreement dated ----------, 197--, between the Government of ---------- ---------- and ----------. It is entitled to the benefits of and may be prepaid on the terms and conditions specified in said Loan Agreement. Prepayments shall be applied to the installments hereof in the inverse order of their maturity.

All payments of principal of, and interest on, this Note are payable free and clear of, and without deduction for, any taxes, levies, imposts, duties, fees, charges, deductions, withholdings, restrictions or conditions of any nature whatsoever now or hereafter imposed, levied, collected or assessed with respect thereto by the Government ---------- ---------- or any central or local authority thereof or therein.

Upon the occurrence of any event of default specified in said Loan Agreement, the entire unpaid principal hereof and interest hereon to the date of payment may be declared to be forthwith due and payable as provided in said Loan Agreement. The Government of ---------- promises to pay all out-of-pocket costs and expenses (including the reasonable fees and out-of-pocket expenses of counsel) in connection with collection after default of this Note.

Government of

By----------[Seal]
(Name and Title Typed)

PRINCIPAL REPAYMENT SCHEDULE

The first $------ of disbursements are repayable on -------
The next $------ of disbursements are repayable on -------
The next $------ of disbursements are repayable on -------
The next $------ of disbursements are repayable on -------
The next $------ of disbursements are repayable on -------
The next $------ of disbursements are repayable on -------
The next $------ of disbursements are repayable on -------
The last $------ of disbursements are repayable on -------

GUARANTY AGREEMENT

This guaranty agreement, made and entered into on the ---- day of ----------, 197--, (hereinafter called the "Guaranty"), between the ---------- organized and existing under the laws of the United States of America, (hereinafter called the "Lender(s)"), on the one part, and the Government of the "United States", acting through the Department of Defense of the United States (hereinafter called "DOD"), on the other part;

WITNESSETH:

Whereas, the Government of---------- ------ (hereinafter called the "Borrower") desires to purchase certain defense articles and defense services (hereinafter called "defense items") from United States sources; and

Whereas, the Lender(s) has entered into a Loan Agreement dated ----------, (hereinafter called the "Loan Agreement"), with the Borrower to provide for the extension of credit to the Borrower of up to U.S. ------ dollars; and

Whereas, the Lender(s) obligation under the Loan Agreement to make the initial loan thereunder is conditioned upon the issuance of a guaranty from the United States against all political and credit risks of nonpayment by the Borrower of its obligations under the Loan Agreement to pay the principal of and interest on all extensions of credit by the Lender(s) under the Loan Agreement; and

Whereas, it is intended that each loan under the Loan Agreement will be repaid by the Borrower in ------ substantially equally consecutive semi-annual installments on ---------- during the term thereof commencing on the first such date which occurs not less than ---- days after the date of such loan, together with interest on each installment payment at the interest rate set forth in the Notes; and

Whereas, the aforesaid credit will be available only to finance the purchase of defense items from United States sources; and

Whereas, the Loan Agreement will provide for the issuance by the Borrower to the Lender(s) of promissory notes evidencing the loans made by the Lender(s) from time to time under the Loan Agreement (herein called the "Notes"); and

Whereas, the Loan Agreement by the Lender(s) will facilitate and will be in furtherance of the purposes of the Foreign Military Sales Act, Public Law 90-629, as amended (hereinafter called the "Act").

Now, therefore, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

ARTICLE I

The United States, acting through DOD, in consideration of the fee specified in Article IV of this Guaranty Agreement, and except as otherwise specified in this Guaranty Agreement, hereby unconditionally and irrevocably guarantees, under the authority of section 24 of the Act, the due and punctual payment in U.S. dollars of all amounts payable by the Borrower as principal of all loans made by the Lender(s) under the Loan Agreement and as interest at the rate set forth in the Notes whether or not such obligations are evidenced by Notes. Any disbursement by the Lender(s) shall be considered for the purpose of this Guaranty, to be a loan made by the Lender(s) under the Loan Agreement if in fact the funds so disbursed are applied to the purchase of articles or services approved in writing by the Department of Defense for purchase by the Borrower under the Loan Agreement, or if such disbursement is made in accordance with the procedures to be specified in the Loan Agreement and the Lender(s) is in receipt of documents that on their face conform to such requirements and indicate that DOD has approved in writing the purchase by the Borrower for which the disbursement is requested.

This Guaranty is a guaranty of payment covering all political and credit risks of nonpayment, including any nonpayments arising out of any claim which the Borrower may now or hereafter have against any person, corporation, firm, or association, or other entity (including, without limitation, the United States, the Lender(s) and any supplier of Defense Items) in connection with any transaction, for any reason whatsoever. This Guaranty shall inure to the benefit of and shall be enforceable by the Lender(s), its respective successors by operation of law, or its respective endorsees, assignees, or transferees (the Lender(s) and any such successor by operation of law, endorsee, assignee, or transferee being hereinafter individually sometimes called a "Beneficiary" and collectively the "Beneficiaries"). All provisions of this Guaranty shall be severally applicable to any Beneficiary acting in its own right in connection with the Notes, the Loan Agreement or this Guaranty.

The United States hereby waives diligence, demand, protest, presentment, and any requirement that any Beneficiary of this Guaranty exhaust any right or power to take any action against the Borrower and any notice of any kind whatsoever other than the demand for payment required to be given to DOD hereunder in the event of default on a payment due under the Notes.

The United States further agrees that any claim which it may now hereafter have against any Beneficiary for any reason whatsoever shall not affect in any way the right of any other Beneficiary to receive full and prompt payment of any amount otherwise due under this Guaranty.

The full faith and credit of the United States is pledged to the performance of this Guaranty.

The United States represents and warrants that (a) it has full power, authority and legal right to execute, deliver and perform this Guaranty, (b) this Guaranty has been executed in accordance with and pursuant to the terms and provisions of the Act and DOD has not, in issuing this Guaranty, exceeded the maximum amount of guarantees authorized to be issued under the Act, (c) this Guaranty has been duly executed and delivered by a duly authorized representative of DOD, and (d) this Guaranty constitutes the valid and legally binding obligation of the United States, enforceable in accordance with the terms thereof.

ARTICLE II

Notwithstanding the provisions of Article I above, the maximum liability of DOD under this guaranty shall not exceed---------- ----------.

ARTICLE III

Payment by DOD in the event of a default in the payment of any Note, or any portion thereof, by the Borrower shall be made promptly to the Beneficiary in New York Federal Reserve Funds at the address specified by the Beneficiary (which in the case of the Lender(s) shall be its address set forth opposite its signature below) upon demand to DOD by the Beneficiary after such default has continued for more than 15 days. The amount payable under this Guaranty shall be the amount of any principal and interest then in default, together with interest at the rate then applicable to the defaulted note from the date of default to the date of payment by DOD. No interest shall be payable by DOD for any period following 30 days after default if the Beneficiary fails to make such demand within 30 days after default. DOD reserves the right to make payments due to a Beneficiary from the Borrower whether or not demand to DOD by the Beneficiary therefor has been made. Upon payment by DOD to a Beneficiary, such Beneficiary will assign to the United States, without recourse to or warranty by such Beneficiary, the corresponding amount of such Beneficiary's rights to such payment from the Borrower.

ARTICLE IV

DOD acknowledges receipt from the Lender(s) of payment of a guaranty fee of ------.

ARTICLE V

So long as this Guaranty Agreement is in effect and the United States is not in default hereunder, in the event of a default under the Loan Agreement or in the payment of any Note, or any portion thereof, by the Borrower

(a) The Lender(s) shall not accelerate or reschedule payment of the principal amount of or interest on any of the Notes except with the written approval of DOD; and

(b) Lender(s) shall, if so directed by DOD, invoke the default provisions of the Loan Agreement, and shall suspend any further disbursements to, or on behalf of the Borrower until the Lender(s) has been advised by DOD that it may resume payments under its Commitment.

ARTICLE VI

The Lender(s) will not agree to any material amendment of the Loan Agreement or consent to any material deviation from the provisions thereof without the prior written consent of DOD.

ARTICLE VII

Any Beneficiary's rights under this Guaranty may be assigned to any individual, corporation, partnership, or other association doing business in the United States of America. In the event of such assignment DOD shall be promptly notified.

ARTICLE VIII

Any notice, demand, request or the like on behalf of the United States hereunder will be effective for the purposes hereof if signed by the Director, or Deputy Director, Defense Security Assistance Agency, or their respective successors in office and delivered to the Lender(s) at its address set forth opposite its signature below. Any notice, demand, request or the like on behalf of any Beneficiary of this Guaranty will be effective for the purpose hereof if signed by an authorized official of any such Beneficiary and delivered to the Director, Defense Security Assistance Agency.

In witness whereof, the parties hereto have caused this Guaranty to be duly executed and sealed on the date first mentioned above.

Address:

GOVERNMENT OF THE UNITED STATES OF AMERICA ACTING THROUGH THE DEPARTMENT OF DEFENSE
By ----------(seal)
Director, Defense Security Assistance Agency

Accepted:

By----------

[FR Doc.73-1821 Filed 1-26-73;11:35 am]

INTERSTATE COMMERCE COMMISSION

[Notice 164]

ASSIGNMENT OF HEARINGS

JANUARY 23, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 2890 Sub 43, American Buslines, Inc., extension—Sterling, Colo., now assigned February 6, 1973, at Sidney, Nebr., will be held at the City Council Chambers, 1115 13th Street.

MC-C-7938, Fergus Bus Service, Inc., investigation and revocation of certificate, now assigned February 21, 1973, at St. Paul, Minn., will be held in Judge Larsens Courtroom No. 4, Federal Bldg., & U.S. Courthouse, 316 N. Robert Street.

MC-124606 Sub 3, Ford Truck Line, Inc., now being assigned continued hearing February 26, 1973, at the Captain Shreve Hotel, 408 Market Street, Shreveport, La.

NO. 35632, Nebraska Intrastate Freight Rates and Charges, 1972, now assigned January 29, 1973, will be held in the Liquor Commission Hearing Room, 1st floor, 1324 M Street, Lincoln, Nebr.

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MC 136611, Red & White Market & Transfer, Inc., now assigned February 1, 1973, at Hastings, Nebr., will be held in Judge Norris Chadderdon's Courtroom, District Court House.

MC 66886 Sub 34, Belger Cartage Service, Inc., now assigned February 26, 1973, MC 67476 Sub 11, Carl Schaefer, Jr., Truck Line, Inc., now assigned February 27, 1973, MC 107295 Sub 631, Pre-Fab Transit Co., now assigned February 28, 1973, MC-F-11603, W. L. Mead, Inc.—Purchase—North Fairfield Transfer Co., MC 109265 Sub 24, W. L. Mead, now assigned March 5, 1973, at Columbus, Ohio, will be held in Room 4, State Office Building, 65 South Front Street.

MC 109448 Sub 18, Parker Transfer Co., now assigned March 1, 1973, MC 5623 Sub 19, Arrow Trucking Co., now assigned March 2, 1973, at Columbus, Ohio, will be held in Room 2, State Office Building, 65 South Front Street.

AB 5 Sub 64, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Bradford and East Greenville, Miami and Darke Counties, Ohio, AB 5 Sub 65, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Greenville and New Paris, Darke and Preble Counties, Ohio, now assigned March 7, 1973, at Greenville, Ohio, will be held in the Assembly Room Basement, Darke County, Courthouse on Broadway.

MC 56679 Sub 64, Brown Transport Corp., now assigned February 21, 1973, will be held in Room 305, 1252 West Peachtree Street, NW., Atlanta, Ga.

MC 87720 Sub 131, Bass Transportation Co., Inc., now being assigned hearing March 8, 1973, at St. Louis, Mo., in a hearing room to be later designated.

MC 133655 Sub 58, Trans-National Truck, Inc., now being assigned hearing March 9, 1973 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC-108884 Sub 21, Rogers Transfer, Inc., now assigned February 7, 1973, at New York, N.Y., is canceled and application dismissed.

AB 5 Sub 100, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Springfield branch between Arcanum and Glen Karn, Darke County, Ohio, now assigned March 12, 1973, at Greenville, Ohio, will be held in the assembly room basement, Darke County Courthouse.

AB 5 Sub 101, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Springfield branch between Shirley and Wilkinson, Hancock County, Ind., now asigned March 15, 1973, at Shirley, Ind., will be held at the Town Hall, Main Street.

MC 5812, John P. Sorice, doing business as John P. Sorice Trucking, now assigned March 7, 1973, at Columbus, Ohio, will be held in Room 2, State Office Building, 65 South Front Street.

MC 43246 Sub 15, Buske Lines, Inc., now being assigned hearing March 12, 1973 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 51146 Subs 276 and 277, Schneider Transport, Inc., now being assigned hearing March 13, 1973 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 76032 Sub 292, Navajo Freight Lines, Inc., MC 115331 Sub 325, Truck Transport, Inc., and MC 136354, Lizza Trucking Co., now being assigned hearing March 15, 1973 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 112989 Sub 22, West Coast Truck Lines, Inc., now being assigned March 20, 1973 (3 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 60086 Sub 8, Bee Line Motor Freight, Inc., now assigned February 27, 1973, at Lincoln, Nebr., will be held at the Public Service Commission, 1342 M Street.

MC-134847 Sub 3, Bessette Transport, Inc., extension-Bedford Slate, now being assigned hearing March 19, 1973 (1 day), at Boston, Mass., in a hearing to be later designated.

MC-136343 Sub 3, Milton Transportation, Inc., now being assigned hearing March 20, 1973 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC-113843 Sub 184, Refrigerated Food Express, Inc., now being assigned hearing March 23, 1973 (3 days), at Boston, Mass., in a hearing room to be later designated.

FD-27218, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, discontinuance trains Nos. 441, 442, 449, and 490 between Boston & Framingham, Mass., now being assigned hearing March 26, 1973 (2 days) at Boston, Mass., in a hearing room to be later designated.

FD-27222, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, discontinuance trains Nos. 431 and 432 between Boston and Worcester, Mass., now being assigned hearing March 26, 1973 (2 days), at Boston, Mass., in a hearing room to be later designated.

AB-6 Sub 5, Burlington Northern, Inc., abandonment between Amazonia and Savannah, Andrews County, Mo., now being assigned hearing March 5, 1973 (2 days), at St. Joseph, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1643 Filed 1-26-73;8:45 am]

[No. MC 97127 (Sub-No. 6)]

BATESVILLE TRUCK LINE, INC.

Order for Hearing

In regard Batesville Truck Line, Inc., Batesville, Ark., common carrier application.

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to Joint Board No. 247 for hearing on the 19th day of March 1973 (2 weeks), at 9:30 a.m., United States Standard Time, at Little Rock, Ark., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor. Location of hearing room will be by subsequent notice. A tentative time allowance is shown for this hearing.

Dated at Washington, D.C., this 12th day of January 1973.

By the Commission, Commissioner Murphy.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1646 Filed 1-26-73;8:45 am]

[No. MC 136790]

HALL DISTRIBUTORS, LTD.

Order for Hearing

In regard Hall Distributors, Ltd., Kelowna, B.C., Canada.

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to Joint Board No. 5 for hearing on the 14th day of March, 1973 (2 days), at 9:30 a.m. United States Standard Time, at Olympia, Washington, and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor. A tentative time allowance is shown for this hearing. Location of hearing room will be by subsequent notice.

Dated at Washington, D.C., this 12th day of January, 1973.

By the Commission, Commissioner Murphy.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1644 Filed 1-26-73;8:45 am]

[Notice 8]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 22, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of these applications must be filed with the field official named in the FEDERAL REGISTER publication, on or before February 12, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14125 (Sub-No. 6 TA), filed January 9, 1973. Applicant: PIQUA TRANSFER & STORAGE CO., 524-530 Young Street, Piqua, OH 45356. Applicant's representative: David L. Pemberton, 50 W. Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections, and component parts, materials, supplies*

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

and fixtures used in the erection or assembly thereof, from the plantsite of Inland Homes, Division of Inland Systems, Inc., at Piqua, Ohio to points in Illinois, Indiana, Iowa, Kentucky, Michigan, New York, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Inland Homes, Division of Inland Systems, Inc., 1950 Covington Avenue, Piqua, OH 45356. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 34156 (Sub-No. 4 TA), filed January 8, 1973. Applicant: NIEDERT MOTOR SERVICE, INC., 1300 Oakwood Avenue, Des Plaines, IL 60018. Applicant's representative: Daniel Sullivan, 327 South LaSalle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives and commodities requiring special equipment), between Chicago, Ill., and Lake, McHenry, Boone, Cook, DuPage, Kane, DeKalb, Will, Kendall, and La Salle Counties, Ill.; (2) *general commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives and commodities requiring special equipment), between points in (1) above on the one hand, and, on the other, points in Illinois; and (3) *general commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives and commodities requiring special equipment), from points in Cook, DuPage, and Lake Counties, Ill., to points in Lake and Porter Counties, Ind., for 180 days. NOTE: Applicant states that it will interline with approximately 115 carriers absolutely necessary to continue service. Supported by: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William J. Gray, Jr., Area Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 43246 (Sub-No. 16 TA), filed January 10, 1973. Applicant: BUSKE LINES, INC., 123 West Tylet Street, Litchfield, IL 62056. Applicant's representative: Harold W. Buske (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Canned chili, chili mix, chili hot dog sauce and canned evaporated milk,* from (1) Litchfield, Ill., to Seneca, Mo., and W. Seneca, Okla., and points in Arkansas, Kansas, Iowa, Texas, and Kentucky; and (2) from Seneca, Mo., and W. Seneca, Okla., to points in Arkansas, Kansas, Iowa, Texas, Kentucky, Oklahoma, and Missouri, for 180 days. Supporting shipper: Robert P. Ogle, Director of Sales, Litchfield Creamery Co., Litchfield, Ill. 62056. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 59570 (Sub-No. 36 TA), filed December 27, 1972. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Route 9, Toms River, NJ 08753. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Limestone,* natural, ground, in bulk, in dump and pneumatic vehicles, from Perth Amboy, N.J., to points in Pennsylvania, Delaware, Maryland, Connecticut, New York, and Rhode Island, for 180 days. Supporting shipper: Ocean Industries, Inc., Post Office Box 1130, 920 State Street, Perth Amboy, NJ 08862. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East Street, Room 204, Trenton, NJ 08608.

No. MC 109637 (Sub-No. 389 TA), filed January 8, 1973. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas,* in bulk, in tank vehicles, from Crossville, Ill., and points within five (5) miles thereof, to points in Kentucky, for 180 days. Supporting shipper: C. McIntosh, Warren Petroleum Co., a Division of Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 117427 (Sub-No. 64 TA), filed January 11, 1973. Applicant: G. G. PARSONS TRUCKING CO., Post Office Box 1085, North Wilkesboro, NC 28659. Applicant's representative: Henry L. Moore (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rough lumber,* from Wilkesboro, N.C., to Sumter, S.C., for 180 days. Supporting shipper: Ray Shepherd Lumber Co., Box 941, North Wilkesboro, NC Send protests to: Frank H. Wait, Jr., Bureau of Operations, Interstate Commerce Commission, Suite 417, BSR Building, 316 E. Morehead Street, Charlotte, NC 28202.

No. MC 117613 (Sub-No. 14 TA), filed January 11, 1973. Applicant: DONALD M. BOWMAN, JR., Office: 15 East Oak Ridge Drive, Residence: 5 North Clifton Drive, Williamsport, MD 21795, Route 3, Box 26, Hagerstown, MD 21740. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Brick and tile,* from Winchester, Va., and its Commercial Zone, to points in Maryland and the District of Columbia, for 180 days. Supporting shipper: Shenandoah Brick and Tile Corp., Post Office Box 32, Winchester, VA 22601. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, DC 20423.

No. MC 123887 (Sub-No. 5 TA), filed January 12, 1973. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Avenue, Huntington, WV 25703. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Columbus, Ohio to Northfork, W. Va., and *empty used containers on return,* for 180 days. Supporting shipper: Elkhorn Valley Grocery Co., Keystone, W. Va. 24852. Attention: Elio M. Pais, president. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 124212 (Sub-No. 67 TA), filed January 9, 1973. Applicant: MITCHELL TRANSPORT, INC., Mailing: Post Office Box 22183, 2111 Chagrin Boulevard, Cleveland, OH 44122. Applicant's representative: Thompson, Hine and Flory, National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement* in bulk, from Middlebranch, Ohio, to points in Allegheny, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, N.Y., points in that part of Pennsylvania in and west of Cambria, Clearfield, Elk, Fayette, Indiana, McKean, Somerset, and Westmoreland Counties, and points in Indiana, Kentucky, the Lower Peninsula of Michigan and West Virginia, for 180 days. Supporting shipper: The Flintkote Co., Middlebranch, Ohio 44652. Send protests to: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 134872 (Sub-No. 5 TA), filed January 11, 1973. Applicant: GOSSELIN EXPRESS LTD., 141 Smith Boulevard, Thetford Mines, PQ Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Snowmobiles,* from ports of entry on the international boundary lines between the United States and Canada located in Michigan and New York to Salt Lake City, Utah and Idaho Falls, Idaho, for 180 days. Supporting shippers: Skiroule Ltee, Route 13, Wickham (Drummond), Que.; Sno Jet, Inc., Post Office Box 850, Thetford Mines, PQ. Send protests to: District Supervisor Ross J.

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Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, NH 03301.

No. MC 135185 (Sub-No. 13 TA), filed January 12, 1973. Applicant: COLUMBINE CARRIERS, INC., 4971 South Emporia, Englewood, CO 80110. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Razors and razor blades, toilet articles and toilet preparations, and ball point and felt tip pens* (except commodities in bulk), from Andover, Mass., to points in Pennsylvania, Ohio, Illinois (except East St. Louis), Minnesota and points in New York on and west of Interstate Highway 87 beginning at the international boundary line to the junction of Interstate Highway 87 and New York Highway 17, thence on and west of New York Highway 17 to the New Jersey State line; (2)(a) *materials, supplies and equipment*, except commodities in bulk, utilized in the manufacture, sale and distribution of the commodities named in (1) above, from the destination area in (1) above to Andover, Mass.; (b) *materials, supplies and equipment*, except commodities in bulk, utilized in the manufacture, sale and distribution of razors and razor blades, from the destination area in (1) above to Boston, Mass.; (3) *toilet articles and toilet preparations and hair curlers*, except commodities in bulk, from St. Paul, Minn., to points in Illinois (except East St. Louis and those located on and north of U.S. Highway 6), and Newark, N.J., Baltimore, Md., and the District of Columbia.; and (4) *materials, supplies and equipment*, except commodities in bulk, utilized in the manufacture, sale and distribution of the commodities named in (3) above, from points in Illinois (except East St. Louis), and Newark, N.J., Baltimore, Md., and the District of Columbia to St. Paul, Minn. Restriction: Restricted in (1), (2), (3), and (4) above to the transportation of traffic originating at or destined to the facilities of The Gillette Company located at Andover, Mass., and St. Paul, Minn., for 180 days. Supporting shipper: The Gillette Co., Andover, Mass. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 138097 (Sub-No. 1 TA) (Correction), filed October 30, 1972, published in the FEDERAL REGISTER November 21, 1972, corrected and republished in part as corrected this issue. Applicant: PERCY KAGEL, doing business as KAGEL TRUCKING, 404 Fifth Avenue, Ironton, MN 56455. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. NOTE: The purpose of this partial republication is to include four supporting shippers which were inadvertently omitted in previous publication. Boundary Forest Products, Inc., Ely Minn. 55731; Hamdorf Lumber Co., Ironton, Minn. 56455; Kainz Logging Co., Ely, Minn. 55731; Burns Kneeland Lumber Co., Aikin, Minn. 56431. The rest of the application remains the same.

No. MC 138302 TA, filed January 11, 1973. Applicant: MORVEN A. POWELL, doing business as POWELL TRANSPORT REG'D., 10 Massawippi Street, Lennoxville, Que. Applicant's representative: Morven A. Powell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Lyndonville, Vt., to ports of entry on the international boundary line between the United States and Canada located at Beecher Falls, Derby Line, Norton, North Troy, and Richford, Vt., restricted to a transportation service to be performed under a continuing contract with Old Fox Chemical, Inc., of East Providence, R.I., for 180 days. Supporting shipper: Old Fox Chemical, Inc., 66 Valley Street, East Providence, RI 02914. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 138303 TA, filed January 12, 1973. Applicant: K.R.L. TRANSIT, INC., 430 South 31st Street, Springfield, IL 62705. Applicant's representative: Robert T. Lawley, 300 Reisch Building, 4 West Old State Capitol Plaza, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel and component parts thereof and fabricated steel reinforcing rods*, from the plantsite of Birdco Fabricators, Inc., at Alexandria, Ill., to points in Indiana, Iowa, and Missouri for the account of Birdco Fabricators, Inc., for 180 days. Supporting shipper: Everett T. Birdsell, Jr., president, Birdco Fabricators, Inc., 924 North Prairie Street, Jacksonville, IL 62650. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 138304 TA, filed January 10, 1973. Applicant: NATIONAL PACKERS EXPRESS, INC., 29 South LaSalle Street, Chicago, IL 60603. Applicant's representative: Craig B. Sherman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, malt beverage dispensing equipment and advertising materials and supplies* (except commodities in bulk), from New York, N.Y., Newark and Hoboken, N.J., to points in Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, Colorado, Michigan, Kentucky, Tennessee, Maryland, District of Columbia, North Dakota, and South Dakota; and (2) *empty malt beverage containers and malt beverage dispensing equipment*, from points in Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, Colorado, Michigan, Kentucky, Tennessee, North Dakota, South Dakota, Maryland, District of Columbia, to New York, N.Y., and Newark and Hoboken, N.J., for 180 days. Supporting shipper: Vincent DeMichele, traffic manager, Van Munching & Co., Inc., 51 West 51st Street, New York, N.Y. Send protests to: Richard O. Chandler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1642 Filed 1-26-73;8:45 am]

[No. MC-136519]

JOHN RICHARDS ET AL.

Denial of Application

At a session of the Interstate Commerce Commission, Operating Rights Board, held at its office in Washington, D.C., on the 22d day of December 1972.

It appearing, that by application filed March 7, 1972, as amended, John Richards, Beth Richards, and David Jones, a partnership, doing business as Trans-Way Co., of Moscow, Pa., seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities and between the points substantially as indicated below;

It further appearing, that on May 26, 1972, and May 31, 1972, George W. Brown, Inc., jointly for itself and as operator of both K. M. Transportation, Inc., and R. C. Motor Lines, Inc., Worster Motor Lines, Inc., respectively, filed protests to the application;

It further appearing, that by order entered July 11, 1972, protestants were directed to comply with the provisions of Rule 247(e)(3) of the Commission's rules of practice, and that September 21, 1972, was fixed as the date on or before which protestants might file verified statements in opposition to the application, which time was subsequently extended to October 20, 1972;

It further appearing, that protestants did not file verified statements in opposition to the application and, therefore, in accordance with Rule 46(b) of the Commission's general rules of practice, are deemed to be in default and to have waived any further hearing, and the proceeding may now be disposed of without other formal proceedings as to the defaulting parties;

It further appearing, that the application is now unopposed, has not involved the taking of testimony at a public hearing, or the submission of evidence by opposing parties in the form of affidavits, and the public interest will best be served by disposition of the matter without issuance of a report and recommended order;

It further appearing, that although named in the OP-OR-9 application form filed herein, Newark, N.Y., was omitted from the FEDERAL REGISTER publication as a point to be served in the base radial territory;

It further appearing, That the evidence of record demonstrates a need for such service, and the grant of authority will, therefore, be accordingly modified;

It further appearing, That although the shipper evidence refers to movements from and to points in Maryland and the District of Columbia, such points have been deleted from the application by amendment and that otherwise the evidence shows a need only for radial service between shipper's New York and Pennsylvania facilities on the one hand, and on the other, points in Connecticut;

It further appearing, That because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading setting forth in detail the manner in which it has been so prejudiced;

It further appearing, That applicant is under common control with Trans-Way Co., a corporation, the holder of Permit No. MC-135182 (Sub-No. 1), and the said common management has not been subject to prior Commission approval;

It further appearing, that inasmuch as the evidence submitted in the form of verified statements in support of the application fails to disclose whether applicant is in compliance with the pertinent statutory requirements relative to common control or management, our grant of authority herein will be conditioned upon the person or persons engaging in such common control or management filing an application for approval thereof under section (5)(2) of the Interstate Commerce Act or filing an affidavit indicating why such approval is unnecessary;

And it further appearing, that the evidence submitted in the form of verified statements in support of the application amply warrants the grant of authority set forth below, which has been rephrased to conform to current Commission practice; therefore:

We find, that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of materials, supplies and products used in or produced by the food processing industry (except in bulk), between Erie and North East, Pa., and Westfield, Dunkirk, Buffalo, and Newark, N.Y., on the one hand, and, on the other, points in Connecticut, under a continuing contract with Welch Foods, Inc.; will be consistent with the public interest and the national transportation policy; that applicants is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, that a permit authorizing such operations should be granted, (1) subject to the conditions that the person or persons who control the operations both of the applicant, the partnership, and Trans-Way Co., a corporation, shall first obtain approval of such control under the provisions of section 5(2) of the Act or if such approval is not needed, shall so inform the Commission by affidavit, and (2) subject to the further condition described below; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 218, and 221(c) of the Interstate Commerce Act, with the Commission's rules and regulations thereunder, with the requirements established in Contracts of Contract Carriers, 1 M.C.C. 628, and with the conditions outlined below within the time specified below, and the grant of the Commission's approval, if such approval is in fact necessary, an appropriate permit will be issued subject to the prior publication in the FEDERAL REGISTER of a notice of the authority actually granted herein;

It is further ordered, That unless the person or persons engaged in the common control or management of applicant and any other carrier operating in interstate or foreign commerce apply for approval thereof under section 5(2) of the Act, or submit an affidavit indicating why such approval is unnecessary, on or before April 23, 1973, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the act withir 90 days after the aforementioned application under section 5(2) of the act shall have been approved or dismissed or determined to be unnecessary, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

It is further ordered, That should the Commission determine that the aforementioned approval is necessary and withholds such approval, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety.

And it is further ordered, That this order shall be effective on January 23, 1973.

By the Commission, Operating Rights Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1647 Filed 1-26-73;8:45 am]

[No. MC 96612 (Sub-No. 12)]

SEA-LAND FREIGHT SERVICE, INC.

Order for Hearing

In regard Sea-Land Freight Service, Inc., Elizabeth, N.J.

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to Joint Board No. 80 for hearing on the 6th day of March 1973 (3 days), at 9:30 a.m. U.S. standard time, at Olympia, Wash., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor. A tentative time allowance is shown for this hearing. Location of hearing room will be by subsequent notice.

Dated at Washington, D.C., this 12th day of January 1973.

By the Commission, Commissioner Murphy.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1645 Filed 1-26-73;8:45 am]

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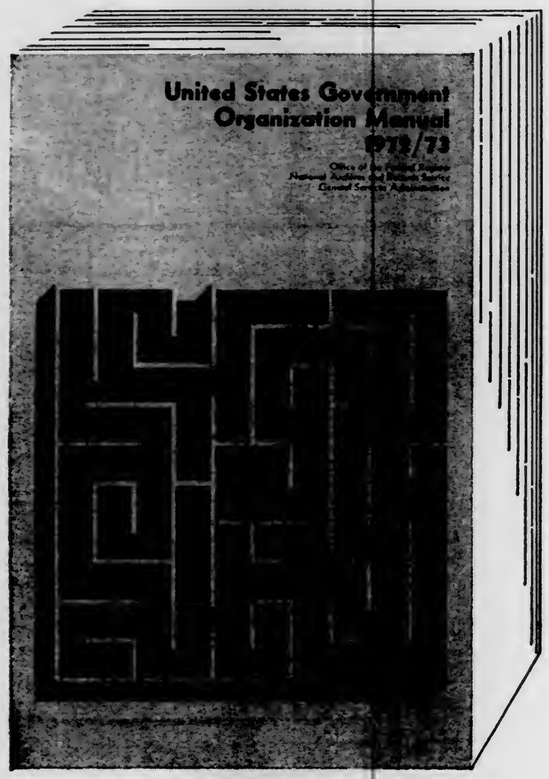
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WASHINGTON, D.C.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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Title 3—The President

PROCLAMATION 4181

National Moment of Prayer and Thanksgiving

By the President of the United States of America

A Proclamation

A long and trying ordeal for America has ended. Our Nation has achieved its goal of peace with honor in Vietnam.

As a people with a deep and abiding faith, we know that no great work can be accomplished without the aid and inspiration of Almighty God. No time could be more fitting for grateful prayer and meditation than the opening moment of the peace we have achieved with His help.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, as requested by the Congress, do hereby designate 7:00 p.m., e.s.t., January 27, 1973 as a National Moment of Prayer and Thanksgiving, and the 24-hour period beginning then as a National Day of Prayer and Thanksgiving.

I urge all men and women of goodwill to join the prayerful hope that this moment marks not only the end of the war in Vietnam, but the beginning of a new era of world peace and understanding for all mankind. I authorize the flying of the American flag at the appointed hour, and I call on all the people of the United States to observe this moment with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-1835 Filed 1-26-73;2:45 pm]

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PROCLAMATION 4182

International Clergy Week in the United States

By the President of the United States of America

A Proclamation

Mediators between God and man and healers among people, clergymen are the custodians of the sacred.

To be a clergyman is a lofty calling which often entails difficulty and continuing sacrifice. Clergy serve their fellow men in parishes, hospitals, war zones, classrooms, orphanages, prisons, soup kitchens. In developing countries they assist in forming cooperatives, running playgrounds, relieving the hungry, sick and homeless.

Clergymen of the world contribute vastly to the cohesion, stability and growth of civilization. They urge respect for law, minister to humanitarian needs, counsel the afflicted, exhort to a higher morality, preserve and transmit the religious traditions of the ages.

To encourage all Americans to pay tribute to the clergymen of the world, the Congress, by House Joint Resolution 163, has requested the President to proclaim the week commencing January 28, 1973, as International Clergy Week in the United States.

It is therefore in this spirit of appreciation for the world's clergy and in recognition of their singular contribution to the spiritual, social and cultural evolution of society, that I, Richard Nixon, President of the United States of America, proclaim the week beginning January 28, 1973, as International Clergy Week in the United States. I call upon all Americans to honor clergymen of all faiths, in this country and abroad, by appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of January in the year of our Lord, nineteen hundred seventy-three and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-1945 Filed 1-29-73;12:05 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3112 is amended to show that positions of Territorial Management Interns when filled on a temporary basis by persons selected by the Government of the Trust Territory of the Pacific Islands are excepted under Schedule A.

Effective on January 30, 1973, paragraph (h) is added to § 213.3112 as set out below.

§ 213.3112 Department of the Interior.

* * * * *

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS–5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–1715 Filed 1–29–73;8:45 am]

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Orders 32, 50, 62, 64, and 65; Docket No. AO–313–A23, etc.]

MILK IN SOUTHERN ILLINOIS AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the respective marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. Section 1032.60 is revised as follows:

§ 1032.60 Producer-handlers.

Sections 1032.40 through 1032.54, 1032.61 through 1032.90 and 1032.110 through 1032.122 shall not apply to a producer-handler.

2. In § 1032.62, paragraph (b)(5) is revised as follows:

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus five cents, or the Class II price, whichever is higher; and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

3. In § 1032.71, a new paragraph (c–1) is added to read as follows:

§ 1032.71 Computation of the uniform price.

* * * * *

(c–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * *

4. In § 1032.84, paragraph (b)(2) is revised to read as follows:

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§ 1032.84 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1032.70(f).

5. Immediately following § 1032.89, a new centerhead and new §§ 1032.110 through 1032.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1032.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1032.121 (b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1032.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1032.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1032.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group of participating producers, in total, pursuant to § 1032.113(c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1032.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1032.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1032.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1032.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1032.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1032.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1032.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1032.110 and 1032.117.

§ 1032.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select, from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1032.110 and 1032.117;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1032.117 Advertising, Research, Education, and Promotion Program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1032.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1032.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1032.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1032.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1032.71(c–1): *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1032.71(c–1).

§ 1032.121 Duties of the market administrator.

Except as specified in § 1032.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1032.113(c);

(b) Set aside the amounts subtracted under § 1032.71(c–1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1032.71(c–1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1032.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1032.71(c–1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1032.110 through 1032.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

§ 1032.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1032.83.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. Section 1050.60 is revised as follows:

§ 1050.60 Producer-handlers.

Sections 1050.40 through 1050.54, 1050.61 through 1050.90, and 1050.110 through 1050.122 shall not apply to a producer-handler.

2. In § 1050.62, paragraph (b)(5) is revised as follows:

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents, or the Class II price, whichever is higher; and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

3. In § 1050.71, a new paragraph (c–1) is added to read as follows:

§ 1050.71 Computation of the uniform price.

* * * * *

(c–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

4. In § 1050.84, paragraph (b)(2) is revised to read as follows:

§ 1050.84 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1050.70(f).

5. Immediately following § 1050.89, a new centerhead and new §§ 1050.110 through 1050.122 are added as follows:

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ADVERTISING AND PROMOTION PROGRAM

§ 1050.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1050.121 (b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1050.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations as provided for under § 1050.113(b), is authorized one agency representative for each full 10 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 10 percent of the total participating producers that have elected not to combine pursuant to § 1050.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group of participating producers, in total, pursuant to § 1050.113(c), one Agency representative for each full 10 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 10 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1050.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1050.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1050.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 10 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1050.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 10 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1050.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1050.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1050.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1050.110 and 1050.117.

§ 1050.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1050.110 and 1050.117;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1050.117 Advertising, Research, Education and Promotion Program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1050.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1050.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1050.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1050.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1050.71(c-1). *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1050.71(c-1).

§ 1050.121 Duties of the market administrator.

Except as specified in § 1050.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1050.113(c);

(b) Set aside the amounts subtracted under § 1050.71(c-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1050.71(c-1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1050.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1050.71(c-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1050.110 through 1050.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

§ 1050.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1050.83.

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

1. In § 1062.60, paragraph (a) is revised as follows:

§ 1062.60 Exemptions.

(a) *Producer-handler.* Sections 1062.40 through 1062.46, 1062.50 through 1062.54, 1062.61, 1062.62, 1062.70 through 1062.72, 1062.80 through 1062.89 and 1062.110 through 1062.122 shall not apply to a producer-handler; and

* * * * *

2. In § 1062.62, paragraph (b)(5) is revised as follows:

§ 1062.62 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

3. In § 1062.71, a new paragraph (c-1) is added as follows:

§ 1062.71 Computation of uniform prices.

* * * * *

(c-1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents.

§ 1062.84 [Amended]

4. In § 1062.84, *Payments to the producer-settlement fund,* paragraph (b)(2) is revised by inserting the words "plus 5 cents" following the initial words "The value at the weighted average price(s) applicable at the location of the plant(s) from which received * * *".

5. Immediately following § 1062.88, a new centerhead and new §§ 1062.110 through 1062.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1062.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1062.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred

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in the performance of duties as members of the Agency.

§ 1062.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1062.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1062.113(b), and participating producers who are not members of cooperatives are authorized to select from such group of participating producers, in total, pursuant to § 1062.113(c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1062.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1062.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1062.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1062.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1062.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1062.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1062.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1062.110 and 1062.117.

§ 1062.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1062.110 and 1062.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1062.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1062.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1062.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1062.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1062.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1062.71(c-1): *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1062.71(c-1).

§ 1062.121 Duties of the market administrator.

Except as specified in § 1062.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1062.113(c);

(b) Set aside the amounts subtracted under § 1062.71(c-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1062.71(c-1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1062.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1062.71 (c-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1062.110 through 1062.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

§ 1062.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1062.83.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. Section 1064.60 is revised as follows:

§ 1064.60 Exempt handlers.

Sections 1064.40 through 1064.46, 1064.50 through 1064.53, 1064.61, 1064.70, 1064.71, 1064.80 through 1064.88, and 1064.110 through 1064.122, shall not apply to a handler pursuant to § 1064.7(f), a producer-handler, or to a handler operating a plant from which less than an average of 600 pounds of Class I milk per day is distributed on routes in the marketing area.

2. In § 1064.61, paragraph (b)(5) is revised as follows:

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

3. In § 1064.71, a new paragraph (c-1) is added to read as follows:

§ 1064.71 Computation of uniform price.

* * * * * * *

(c-1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

4. In § 1064.72 revise paragraphs (a) and (b) to read as follows:

§ 1064.72 Computation of uniform prices for base and excess milk.

* * * * * * *

(a) Subtract from the amount resulting from the computations made pursuant to paragraphs (a) through (d) of § 1064.71 an amount computed by multiplying the weighted average price plus 5 cents times the hundredweight of milk specified in § 1064.71(e)(2);

(b) Determine the value of excess milk by multiplying the hundredweight of producer milk determined to be excess milk in series beginning with Class III by the respective class prices minus 5 cents for milk of 3.5 percent butterfat content, and adding together the resulting amounts;

* * * * * * *

§ 1064.80 [Amended]

5. In § 1064.80, *Time and method of payment*, the phrase in paragraph (a) "at not less than the applicable uniform price(s) pursuant to § 1064.71 or § 1064.82" is changed to read "at not less than the applicable uniform price(s) pursuant to § 1064.71 or § 1064.72."

6. In § 1064.84, revise paragraph (a)(2)(ii) to read as follows:

§ 1064.84 Payments to the producer-settlement fund.

(a) * * *

(2) * * *

(ii) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the Class III price) with respect to other source milk for which a value is computed pursuant to § 1064.70(e).

7. Immediately following § 1064.88 a new centerhead and new §§ 1064.110 through 1064.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1064.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations in such form and with methods of operation specified in this part, which is authorized to expend funds

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made available pursuant to § 1064.121 (b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1064.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1064.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1064.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group of participating producers, in total, pursuant to § 1064.113 (c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers, it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1064.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives but not less than five.

§ 1064.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1064.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1064.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1064.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1064.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1064.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1064.110 and 1064.117.

§ 1064.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1064.110 and 1064.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1064.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1064.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1064.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1064.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1064.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1064.71(c-1): *Provided*, That such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1064.71(c-1).

§ 1064.121 Duties of the market administrator.

Except as specified in § 1064.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1064.113(c);

(b) Set aside the amounts subtracted under § 1064.71(c-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1064.71(c-1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1064.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1064.71(c-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1064.110 through 1064.122).

(d) Make necessary audit to establish that all Agency funds are used only for authorized purposes.

§ 1064.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1064.83.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.60 is revised as follows:

§ 1065.60 Producer-handler.

Sections 1065.40 through 1065.46, 1065.50 through 1065.53, 1065.70 through 1065.73, 1065.80 through 1065.87, and 1065.110 through 1065.122 shall not apply to a producer-handler.

2. In § 1065.62, paragraph (b)(5) is revised as follows:

§ 1065.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

3. In § 1065.71, a new paragraph (d-1) is added as follows:

§ 1065.71 Computation of uniform prices.

* * * * *

(d-1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * *

4. Section 1065.71a is revised to read as follows:

§ 1065.71a Computation of uniform prices for base milk and excess milk.

For each month in which a base plan is effective the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk of 3.5-percent butterfat content received from producers as follows:

(a) From the net amount computed pursuant to § 1065.71 (a) through (e) subtract the amounts specified in subparagraphs (1) through (5) of this paragraph:

(1) The amount computed by multiplying the hundredweight of milk specified in § 1065.71(f)(2) by the weighted average price plus 5 cents for all milk;

(2) The amount obtained by multiplying by the Class III price, less 5 cents, the total hundredweight of milk delivered by all producers who have no Class I base;

(3) The amount computed by multiplying the hundredweight of excess milk by the Class III price, less 5 cents, for 3.5-percent butterfat milk provided that the quantity of milk to which the Class III price, less 5 cents, is applied pursuant to this subparagraph plus the quantity pursuant to subparagraph (2) of this paragraph shall not exceed the quantity of producer milk in Class III;

(4) An amount computed by multiplying any remaining hundredweight of excess milk by the Class II price, less 5 cents, for 3.5-percent butterfat milk to the extent that producer milk in Class II is available for such assignment; and

(5) An amount computed by multiplying any remaining hundredweight of excess milk by the Class I price, less 5 cents, for 3.5-percent butterfat milk;

(b) Divide the net amount obtained in paragraph (a) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known

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as the uniform base price per hundredweight of milk of 3.5-percent butterfat content; and

(c) Divide the amount obtained in paragraphs (a) (3), (4) and (5) of this section by the hundredweight of excess milk, and subtract any fractional part of 1 cent. This result shall be known as the uniform excess price per hundredweight of milk of 3.5-percent butterfat content.

§ 1065.80a [Amended]

5. In § 1065.80a, *Time and method of payment to producers and to cooperative associations*, paragraph (a) is revised by inserting the words "less 5 cents" (preceded and followed by commas), immediately following the words "at not less than the Class III price".

6. In § 1065.82, paragraph (b) (2) is revised as follows:

§ 1065.82 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1065.70(e).

7. A new centerhead and new §§ 1065.110 through 1065.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1065.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1065.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1065.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1065.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1065.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group of participating producers, in total, pursuant to § 1065.113(c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1065.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1065.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1065.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1065.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1065.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1065.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1065.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1065.110 and 1065.117.

§ 1065.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1065.110 and 1065.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1065.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1065.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1065.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1065.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1065.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1065.71(d-1). *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refunds with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1065.71(d-1).

§ 1065.121 Duties of the market administrator.

Except as specified in § 1065.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1065.113(c);

(b) Set aside the amounts subtracted under § 1065.71(d-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1065.71(d-1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1065.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1065.71(d-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1065.110 through 1065.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

§ 1065.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1065.81.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. On January 30, 1973, with respect to marketings on and after April 1, 1973.

Signed at Washington, D.C., on January 23, 1973.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.73-1681 Filed 1-29-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Prohibitions and Restrictions on Importation of Animals, Meat and Other Articles

On November 11, 1972, there was published in the FEDERAL REGISTER (37 FR 24041-24042), a notice of proposed rule making with respect to proposed prohibitions and restrictions on importation of animals, meat, and other articles under the regulations contained in Part 94, Title 9, Code of Federal Regulations. After due consideration of all relevant material, including that submitted in connection with such notice, and pursuant to sections 106 and 107 of the Act of May 23, 1957, section 306 of the Act of June 17, 1930, as amended, section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (7 U.S.C. 150ee,

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150ff, 19 U.S.C. 1306, 21 U.S.C. 111, 134a, 134b, 134c, 134f), said Part 94 is hereby amended in the following respects:

1. In § 94.1, paragraph (a) and the introductory portion of paragraph (c) are amended to read:

§ 94.1 Designation of countries where rinderpest or foot-and-mouth disease exists; importation prohibited; exceptions.

(a) Notice is hereby given that, in accordance with section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), it has been determined, and official notice has been given to the Secretary of the Treasury that:

(1) Rinderpest or foot-and-mouth disease exists in all countries of the world, except those listed in paragraph (a)(2) of this section;

(2) The following countries are declared to be free of both rinderpest and foot-and-mouth disease: Australia, Bahama Islands, Bermuda, British Honduras (Belize), Canada, Channel Islands, Greenland, Guatemala, Haiti, Honduras, Iceland, Ireland, Jamaica, Japan, Costa Rica, Dominican Republic, El Salvador, Fiji, Mexico, New Zealand, Nicaragua, Northern Ireland, Norway, Panama, Panama Canal Zone, and Sweden.

. . . . . .

(c) Except as otherwise provided in this part, fresh, chilled, or frozen meat of ruminants or swine which originates in and is shipped from a country other than those designated in paragraph (a) of this section as infected with rinderpest or foot-and-mouth disease and which enters any port of such an infected country or otherwise transits such an infected country en route to the United States, may be imported into the United States insofar as the restrictions of this part are concerned, if:

. . . . . .

2. Section 94.5 is amended to read:

§ 94.5 Garbage.

Garbage aboard any aircraft, vessel, railroad car, or other means of conveyance that has been outside the territorial limits of the United States and Canada shall not be imported into the United States (including the territorial waters thereof) except in accordance with the following conditions: It shall not be unloaded from such means of conveyance in the United States unless such garbage is removed in tight receptacles under the supervision of an Animal and Plant Health Inspection Service inspector for sterilization in a facility approved by the Administrator, Animal and Plant Health Inspection Service, or for incineration, or other appropriate handling in such manner and under such supervision as may, upon request in specific cases, be approved by the Administrator, Animal and Plant Health Inspection Service, as adequate to prevent the introduction into or dissemination within the United States of livestock, poultry, and plant diseases and plant pests. Importation into the United States of any garbage derived in whole or in part from meat originating in any country designated in § 94.1 as infected with rinderpest or foot-and-mouth disease is prohibited by law (19 U.S.C. 1306).

3. Section 94.7 is amended to read:

§ 94.7 Disposal of animals, meat, and other articles ineligible for importation.

(a) Ruminants and swine, and fresh, chilled, or frozen meats, prohibited importation under § 94.1, which come into the United States by ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Deputy Administrator, Veterinary Services, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 48 hours, and meanwhile are retained under such isolation and other safeguards as the Deputy Administrator, Veterinary Services, may require to prevent the introduction or dissemination of livestock or poultry diseases into the United States.

(b) Ruminants and swine, and fresh, chilled, or frozen meats, prohibited importation under § 94.1, which come into the United States aboard an airplane or railroad car and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Deputy Administrator, Veterinary Services, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 24 hours and meanwhile are retained under such isolation and other safeguards as the Deputy Administrator, Veterinary Services, may require to prevent the introduction or dissemination of livestock or poultry diseases into the United States.

(c) Ruminants and swine, and fresh, chilled, or frozen meats, prohibited importation under § 94.1, which come into the United States by any means other than ocean vessel, airplane, or railroad car and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Deputy Administrator, Veterinary Services, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 8 hours on the same means of conveyance and meanwhile are retained under such isolation and other safeguards as the Deputy Administrator, Veterinary Services, may require to prevent the introduction or dissemination of livestock or poultry diseases into the United States.

(d) Ruminants and swine, and fresh, chilled, or frozen meats, prohibited importation under § 94.1, which come into the United States by any means but are not offered for entry into this country; and other animals, meats, and other articles prohibited importation under other sections of this part which come into the United States by any means, whether they are offered for entry into this country or not, shall be immediately destroyed or otherwise disposed of as the Deputy Administrator, Veterinary Services, may direct at any time in accordance with section 2 of the Act of February 2, 1903, as amended, or section 2 of the Act of July 2, 1962 (21 U.S.C. 111, 134a).

§ 94.8 [Amended]

4. In § 94.8 the reference to Italy is deleted.

5. A new § 94.11 is added to read:

§ 94.11 Restrictions on importation of meat and other animal products from specified countries.

(a) Japan, Norway, and Sweden, which are declared in § 94.1 to be free of rinderpest and foot-and-mouth disease, supplement their national meat supply by the importation of fresh, chilled, or frozen meat of ruminants or swine from countries that are designated in § 94.1(a) to be infected with rinderpest or foot-and-mouth disease; or have a common land border with countries designated as infected with rinderpest or foot-and-mouth disease; or import ruminants or swine from countries designated as infected with rinderpest or foot-and-mouth disease under conditions less restrictive than would be acceptable for importation into the United States. Thus, even though this Department has declared such countries to be free of rinderpest and foot-and-mouth disease, the meat and other animal products produced in such free countries may be commingled with the fresh, chilled, or frozen meat of animals from an infected country, resulting in an undue risk of introducing rinderpest or foot-and-mouth disease into the United States. Therefore, meat of ruminants or swine, and other animal products, and ships stores, airplane meals, and baggage containing such meat or animal products originating in Japan, Norway, and Sweden, shall not be imported into the United States unless the following requirements in addition to other applicable requirements of this Chapter III are met. As used in this section the term "other animal product" means all parts of the carcass of any ruminant or swine, other than meat and articles regulated under Part 95 or 96 of this chapter.

(b) All meat or other animal product from such countries, whether in personal-use amounts or commercial lots (except that which has been fully cooked by a commercial method in a rigid can which was sealed promptly after filling and before such cooking and sealing so as to result in a fully sterilized product in a hermetically sealed can which is shelf stable without refrigeration) shall have been prepared only in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the regulations in § 327.2, Chapter III of this title, issued thereunder, and shall be accompanied by a Department-approved meat inspection certificate prescribed in § 327.4 in Chapter III of this title, or similar certificate approved by the Deputy Administrator, Veterinary Services, as adequate to effectuate the purposes of this section, regardless of the purpose or amount of product in the shipment.

(c) Shipments of such meat or other animal product must be accompanied by an additional certificate signed by a full-time salaried veterinary official of the agency in the National Government having responsibility for the health of animals within that country, giving the name and official establishment number of the establishment where the animals involved were slaughtered and stating that:

(1) The slaughtering establishment is not permitted to receive animals that originated in, or have ever been in, or that have been aboard a means of conveyance at the time such means of conveyance called at or landed at a port in, a country listed in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease;

(2) The slaughtering establishment is not permitted to receive meat or other animal products derived from ruminants or swine which originated in such a rinderpest or foot-and-mouth disease infected country, or meat or other animal products from a rinderpest and foot-and-mouth disease free country transported through a rinderpest or foot-and-mouth disease infected country except in containers sealed with serially numbered seals of the National Government of the noninfected country of origin;

(3) The meat or other animal product covered by the certificate was derived from animals born and raised in a country listed in § 94.1(a)(2) as free of rinderpest and foot-and-mouth disease and the meat or other animal product has never been in any country in which rinderpest or foot-and-mouth disease existed;

(4) The meat or other animal product has been processed, stored, and transported to the means of conveyance that will bring the article to the United States in a manner to preclude its being commingled or otherwise in contact with meat or other animal products that do not comply with the conditions contained in this certificate.

(Sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 106 and 107, 71 Stat. 33; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 7 U.S.C. 150ee, 150ff; 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective on January 30, 1973.

The amendments: (1) Remove Sweden from the designation as infected with foot-and-mouth disease; (2) clarify and simplify designation of countries infected with rinderpest or foot-and-mouth disease; (3) identify those countries found free of rinderpest and foot-and-mouth disease and those in this category which practice importation procedures that might constitute an undue risk of introduction of livestock disease into the United States if products from such countries were allowed into the United States, without special safeguards; (4) restrict importation of meat and other animal products, including ships stores, airplane meals, and baggage containing meat or animal products, and garbage into the United States from certain countries; (5) reduce time limitations for removal from the United States of animals, meat, and other articles ineligible for importation into the United States; and (6) delete Italy from the list of countries where African swine fever exists.

Insofar as the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of disease, they must be made effective immediately to be of maximum benefit to affected persons and avoid unnecessary interference with foreign commerce. Insofar as they impose restrictions, they are deemed essential to prevent the introduction and dissemination of certain diseases which pose a threat to the livestock and poultry industries of the United States, and they must be made effective without delay in order to accomplish this purpose. It does not appear that further public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of January 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-1682 Filed 1-29-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 270—OPEN MARKET OPERATIONS OF FEDERAL RESERVE BANKS

1. Effective February 1, 1973, Part 270 is revised to read as follows:

REGULATION RELATING TO OPEN MARKET OPERATIONS OF FEDERAL RESERVE BANKS

Sec.
270.1 Authority.
270.2 Definitions.
270.3 Governing principles.
270.4 Transactions in obligations.

AUTHORITY: Sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 263.

§ 270.1 Authority.

This part is issued by the Federal Open Market Committee (the "Committee") pursuant to authority conferred upon it by sections 12A and 14 of the Federal Reserve Act (12 U.S.C. 263, 355).

§ 270.2 Definitions.

(a) The term "obligations" means Government securities, U.S. agency securities, bankers' acceptances, bills of exchange, cable transfers, bonds, notes, warrants, debentures, and other obligations that Federal Reserve banks are authorized by law to purchase and sell.

(b) The term "Government securities" means direct obligations of the United States (i.e., U.S. bonds, notes, certificates of indebtedness, and Treasury bills) and obligations fully guaranteed as to principal and interest by the United States.

(c) The term "U.S. agency securities" means obligations that are direct obligations of, or are fully guaranteed as to principal and interest by, any agency of the United States.

(d) The term "System Open Market Account" means the obligations acquired pursuant to authorizations and directives issued by the Committee and held on behalf of all Federal Reserve banks.

§ 270.3 Governing principles.

As required by section 12A of the Federal Reserve Act, the time, character, and volume of all purchases and sales of obligations in the open market by Federal Reserve banks are governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.

§ 270.4 Transactions in obligations.

(a) Each Federal Reserve bank shall engage in open market operations under section 14 of the Federal Reserve Act only in accordance with this part and with the authorizations and directives issued by the Committee from time to time, and no Reserve bank shall decline to engage in open market operations as directed by the Committee.

(b) Transactions for the System Open Market Account shall be executed by a Federal Reserve bank selected by the Committee. The participations of the several Federal Reserve banks in such account and in the profits and losses on transactions for the account shall be allocated in accordance with principles determined by the Committee from time to time.

(c) In accordance with such limitations, terms, and conditions as are prescribed by law and in authorizations and directives issued by the Committee, the Reserve bank selected by the Committee is authorized and directed—

(1) To buy and sell Government securities and U.S. agency securities in the open market for the System Open Market Account, and to exchange maturing securities with the issuer;

(2) To buy and sell bankers' acceptances of the kinds made eligible for purchase under Part 202 of this chapter (Regulation B) in the open market for its own account;

(3) To buy Government securities, U.S. agency securities, and bankers' acceptances of the kinds described above, under agreements for repurchase of such obligations, in the open market for its own account; and

(4) To buy and sell foreign currencies in the form of cable transfers in the open market for the System Open Market Account and to maintain for such account reciprocal currency arrangements with foreign banks among those

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designated by the Board of Governors of the Federal Reserve System under § 214.5 of this chapter (Regulation N).

(d) In accordance with such limitations, terms, and conditions as are prescribed by law and in authorizations and directives issued by the Committee, the Reserve bank selected by the Committee (or, if that bank is closed, any other Federal Reserve bank) is authorized and directed, for its own account or the System Open Market Account, to purchase directly from the United States such amounts of Government securities as may be necessary from time to time for the temporary accommodation of the Treasury Department.

(e) The Federal Reserve banks are authorized and directed to engage in such other operations as the Committee may from time to time determine to be reasonably necessary to the effective conduct of open market operations and the effectuation of open market policies.

2a. The purposes of this revision are to correct certain inaccuracies in the regulation of the Federal Open Market Committee relating to open market operations of the Federal Reserve banks, to take account of developments since the last revision of that regulation, and to describe more fully, for the information of the public, the nature of open market operations engaged in by the Federal Reserve banks pursuant to authorization or direction of the Federal Open Market Committee.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the changes made by this revision are of a technical and clarifying nature or are designed to describe more fully the open market operations of the Federal Reserve banks, and because the Committee felt that following the procedures prescribed by such provisions would be unnecessary and would serve no useful purpose.

By order of the Federal Open Market Committee, January 16, 1973.

ROBERT C. HOLLAND,
Secretary.

[FR Doc.73-1662 Filed 1-29-73;8:45 am]

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Miscellaneous Amendments

1. Effective February 1, 1973, Part 271 is amended in the following respects:

Section 271.1 is amended by changing the heading to read *Authority* instead of *Basis and scope.*

Paragraph (a) of § 271.2 is amended by inserting after the words "the Board of Governors of the Federal Reserve System" the following: "(the 'Board')".

Wherever the words "Board of Governors of the Federal Reserve System" appear in Part 271 after paragraph (a) of § 271.2, they are changed to read "Board".

Paragraph (a) of § 271.3 is amended by inserting the words "Title 5 of" immediately before the words "the United States Code".

The second sentence of paragraph (a) of § 271.5 is amended by adding after the words "and no information in the records of the Committee relating to the adoption of any such directive is made available for public inspection or copying before it is published in the FEDERAL REGISTER" the words "or is otherwise released to the public by the Committee."

2a. This action is taken pursuant to and in accordance with the provisions of section 552 of title 5 of the United States Code.

b. The purposes of these amendments are to correct a reference to the United States Code, to correct a technical inaccuracy with respect to the availability of records of the Committee to the public, and to make certain editorial changes.

c. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, January 16, 1973.

ROBERT C. HOLLAND,
Secretary.

[FR Doc.73-1663 Filed 1-29-73;8:45 am]

PART 272—RULES OF PROCEDURE

1. Effective February 1, 1973, Part 272 is revised to read as follows:

Sec.
272.1 Authority.
272.2 Functions of the Committee.
272.3 Meetings.
272.4 Committee actions.
272.5 Notice and public procedure.

AUTHORITY: 5 U.S.C. 552.

§ 272.1 Authority.

This part is issued by the Federal Open Market Committee (the Committee) pursuant to the requirement of section 552 of title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER its rules of procedure.

§ 272.2 Functions of the Committee.

The procedures followed by the Committee are designed to facilitate the effective performance of the Committee's statutory functions with respect to the regulation and direction of open market operations conducted by the Federal Reserve banks and with respect to certain direct transactions between the Reserve banks and the United States. In determining the policies to be followed in such operations, the Committee considers information regarding business and credit conditions and domestic and international economic and financial developments, and other pertinent information gathered and submitted by its staff and the staffs of the Board of Governors of the Federal Reserve System (the Board) and the Federal Reserve banks. Against the background of such information, the Committee takes actions from time-to-time to regulate and direct the open market operations of the Reserve banks. Such policy actions ordinarily are taken through the adoption and transmission to the Federal Reserve banks of regulations, authorizations, and directives.

§ 272.3 Meetings.

(a) *Place and frequency.* The Committee meets in Washington, D.C., at least four times each year and oftener if deemed necessary. Meetings are held upon the call of the Chairman of the Board or at the request of any three members of the Committee. Notices of calls by the Chairman of the Board to other members are given by the Secretary of the Committee in writing or by telegram. Requests of any three members for the calling of a meeting shall state the time therefor and shall be filed in writing or by telegram with the Secretary who shall forthwith notify all members of the Committee in writing or by telegram. When the Secretary has sent notices to all members of the Committee that a meeting has been requested by three members and of the time therefor, a meeting is deemed to have been called. If, in the judgment of the Chairman, circumstances require that a meeting be called at such short notice that one or more members cannot be present in Washington, such members may participate in the meeting by telephone conference arrangements.

(b) *Alternates.* Whenever any member of the Committee representing Federal Reserve banks shall find that he will be unable to attend a meeting of the Committee, he shall promptly notify his alternate and the Secretary of the Committee in writing or by telegram, and upon receipt of such notice the alternate shall advise the Secretary whether he will attend such meeting.

(c) *Quorum.* Seven members (including alternates present and acting in the absence of members) constitute a quorum for the transaction of business; but less than a quorum may adjourn from time to time until a quorum is in attendance.

(d) *Attendance at meetings.* Attendance at Committee meetings is restricted to members and alternate members of the Committee, the presidents of Federal Reserve banks who are not at the time members or alternates, staff officers of the Committee, the manager and special manager, and such other advisers as the Committee may invite from time-to-time.

(e) *Meeting agendas.* The Secretary, in consultation with the Chairman, prepares an agenda of matters to be discussed at each meeting and the Secretary transmits the agenda to the members of the Committee within a reasonable time in advance of such meeting. In general, the agendas include approval of minutes of actions and acceptance of memoranda of discussion for previous meetings; reports by the manager and special manager on open market operations since the previous meeting, and ratification by the Committee of such operations; reports by economists on, and Committee discussion of, the economic and financial situation and outlook; Committee discussion of monetary policy and action with respect thereto; and such other matters as may be considered necessary.

§ 272.4 Committee actions.

(a) *Actions at meetings.* Actions are taken at meetings of the Committee except as described below.

(b) *Actions between meetings.* Special circumstances may make it desirable in the public interest for Committee members to consider an action to modify an outstanding Committee authorization or directive at a time when it is not feasible to call a meeting. Whenever, in the judgment of the Chairman, such circumstances have arisen, the relevant information and recommendations for action are transmitted to the members by the Secretary, and the members communicate their votes to the Secretary. If the action is approved by a majority of the members, advice to that effect is promptly given by the Secretary to the members of the Committee and to the Reserve bank selected to execute transactions for the System Open Market Account. All communications of recommended actions and votes under this paragraph shall be in writing or by telegram; provided that, in exceptional cases when that is not feasible, such communications may be made orally, either in person or by telephone, and the Secretary shall cause a written record to be made without delay. An action taken between meetings has the force and effect of an action at a meeting; provided, however, that if a meeting is held before the execution of any operations pursuant to the action, the action is null and void unless it is ratified and confirmed by the Committee at such meeting.

(c) *Delegations of authority.* In special circumstances, the Committee may delegate authority to take an action, subject to such instructions or guidelines as the Committee deems proper. Such delegations of authority may be made to the Chairman; to a subcommittee consisting of the Chairman and the Vice Chairman of the Committee and the Vice Chairman of the Board (or in the absence of the Chairman or of the Vice Chairman of the Board the members of the Board designated by the Chairman as alternates, and in the absence of the Vice Chairman of the Committee his alternate); or to any other member or members of the Committee. An action taken pursuant to such a delegation of authority has the force and effect of an action taken by the Committee.

(d) *Effective date.* Committee action ordinarily is made effective as of the time it is taken because the nature of the subject matter and the action taken is such that the public interest and the proper discharge of the Committee's responsibilities so require. Occasionally, however, the Committee may specify that an action is to be effective at some different time.

§ 272.5 Notice and public procedure.

There ordinarily is no published notice of proposed action by the Committee or public procedure thereon, as described in section 553 of title 5 of the United States Code, because such notice and procedure are impracticable, unnecessary, or contrary to the public interest.

2a. This action is taken pursuant to and in accordance with the provisions of section 552 of title 5 of the United States Code.

b. The purposes of this revision are to bring the rules of procedure of the Federal Open Market Committee into accordance with current practices and to make them more informative to the public.

c. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, January 16, 1973.

ROBERT C. HOLLAND,
Secretary.

[FR Doc.73-1664 Filed 1-29-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-NE-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 28079 of the FEDERAL REGISTER dated December 20, 1972, The Federal Aviation Administration published a notice of proposed rule making which would alter the Montpelier, Vt., Control Zone and Transition Area (37 FR 28079).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901, G.m.t. March 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 22, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Montpelier, Vt., control zone by deleting the words "within a 5-mile radius of the center" and inserting the words "within a 6-mile radius of the center" in lieu thereof.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Montpelier, Vt., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, latitude 44°12'15" N., longitude 72°33'45" W., of Edward P. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 6.5 miles west and 5 miles east of the Montpelier VOR 163° radial extending from the 10-mile radius zone to 11.5 miles south of the VOR; within 4.5 miles each side of the Mount Mansfield NDB (latitude 44°23'06" N., longitude 72°41'38" W.), 332° and 152° bearings from the NDB, extending from the 10-mile radius to 10.5 miles northwest of the NDB, excluding that portion within the Morrisville, Vt., transition area.

[FR Doc.73-1861 Filed 1-29-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-788; Amdt. 212-10]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

On-Route Charter Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of November 1972.

In the On-Route Charter Authority of Foreign Air Carrier Permits Proceeding, Docket No. 22362,[1] the Board adopted the following amendments to Part 212 of its Economic Regulations, and amended the permits of all foreign air carriers authorized to engage in individually ticketed or individually waybilled foreign air transportation to be subject to such Part 212 amendments. As amended, Part 212 provides that the Board may require such foreign air carriers to obtain prior Board approval before performing on-route charter trips when the Board finds, with or without hearing, that the public interest so requires. The revised Part 212 is not self-executing, and, unless it is affirmatively invoked by the Board, foreign carriers will remain entirely free to conduct on-route charters without prior Board authorization. However, once the rule is invoked, the foreign carrier must apply to the Board for a "Statement of Authorization" before performing any on-route charter trip, which will be issued by the Board if it finds that the proposed charter trip meets the requirements of Part 212, that the applicant's government grants a similar privilege to U.S. air carriers, and that the charter trip is otherwise in the public interest.

Interested persons have been afforded an opportunity to participate in the

[1] Order 73-1-71.

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formulation of the proposed amendments to Part 212 which were the subject of extensive examination and argument by the parties to the investigation.[2]

The promulgation of this rule, by itself, will impose no additional requirements on carriers subject thereto. Moreover, the purpose of the rule is to put the U.S. in a position to take such action with respect to on-route charters as may be required under the circumstances which may or may not arise in the immediate future. The Board finds, therefore, that good cause exists for immediate effectiveness of the rule.

Accordingly, the Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212), effective January 22, 1973, as follows:

1. Amend the table of contents to revise the title of §§ 212.2 and 212.4. As amended, the table of contents will read in pertinent part:

Sec.
212.2 Applicability and scope.
212.4 Limitation on the operation of charter trips.

2. Amend § 212.2 to read as follows:

§ 212.2 Applicability and scope.

(a) *Applicability.* This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation, both "on-" and "off-route", performed pursuant to a foreign air carrier permit issued under section 402 of the Act authorizing direct foreign air transportation on an individually ticketed or individually waybilled basis. The limitations and regulations specified as applicable to charter trips shall be applicable to all charter trips irrespective of whether the authority to conduct such trips derives from the linear route authority described in the carrier's permit or from any additional authority conferred in such permit to engage in off-route charter trips. The terms, conditions, and limitations applicable to charter foreign air transportation performed pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only are governed by Part 214 of the Board's Economic Regulations.

(b) *Scope.* (1) On-route charter trips may be performed by all direct foreign air carriers who hold currently effective section 402 permits authorizing foreign air transportation on an individually ticketed or individually waybilled basis, subject to the terms, conditions, and limitations of this part. Unless a permit or the order authorizing issuance of the permit shall otherwise provide, there shall be attached to the exercise of the privileges to conduct on-route charters granted by any such permit such terms, conditions, and limitations as are set forth in this part or any amendment thereof, or as may from time to time be prescribed by the Board. Subject to the foregoing, foreign air carriers holding such permits may conduct on-route charter trips without prior authorization, unless and until the carrier is notified pursuant to § 212.4(b) of this part that prior Board authorization will thereafter be required.

(2) Off-route charter trips may be performed by foreign air carriers, subject to the limitations and regulations set forth in this part, by all direct foreign air carriers who hold currently effective foreign air carrier permits issued by the Board pursuant to section 402 of the Act authorizing such carriers to engage in charter trips in foreign air transportation without regard to the points named in such permits.

3. Amend § 212.4 by (1) revising the title of the section; (2) designating present § 212.4 as paragraph (a); and (3) adding a new paragraph (b). As amended, § 212.4 will read in part as follows:

§ 212.4 Limitation on the operation of charter trips.

* * * * *

(b) The Board, if it finds that the public interest so requires, may at any time, with or without hearing, notify a foreign air carrier subject to this part that it shall not perform on-route charter trips in the absence of prior Board authorization. The Board's notification shall be effective for such period or periods and with respect to such operations as the Board may specify in accordance with this paragraph. Effective not earlier than 30 days after the date of such notice, the foreign air carrier shall not perform any on-route charter trip falling within the specification of the notice, unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board. Notification of the Board's proposed failure to approve either the whole or part of an application for a Statement of Authorization to conduct an on-route charter trip or trips, filed pursuant to the requirements of this subsection, provided that such application has been timely filed at least 30 days in advance of the proposed flight, will be submitted to the President of the United States at least 10 days prior to the date of the proposed flight. Any such failure to approve shall be subject to stay or disapproval by the President within 10 days after the date of the Board's notification.

4. Amend paragraph (b) of § 212.5 to read as follows:

§ 212.5 Statement of Authorization; application.

* * * * *

(b) Applications shall be filed with the Board at least 5 days in advance of the date of the commencement of the proposed flight: *Provided,* That applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight: *Provided further,* That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4–a)) shall be filed with the Board at least 45 days in advance of the date of the commencement of the proposed flights: *Provided further,* That applications, where required pursuant to § 212.4(b) to conduct on-route charters shall, unless otherwise specified by the Board, be filed not less than 30 days in advance of the proposed flight. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the public interest, applications later submitted may be considered by the Board.

* * * * *

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757 (as amended); 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc. 73-1761 Filed 1-29-73;8:45 am]

[2] The proposed amendments to Part 212 were attached to the Board's Order to Show Cause in this proceeding (Order 70-7-58, July 13, 1970). However, minor revisions have been made to the proposed amendments to reflect recent amendments to Part 212 made following issuance of the Board's Show Cause Order, and to include a provision for Presidential stay or disapproval.

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 72-336]

PART 153—ANTIDUMPING

Discontinuance of Antidumping Investigation

Correction

In FR Doc. 72-21101 appearing at page 26298 of the issue for Saturday, December 9, 1972, in § 153.15(c), in the sixth line of item 1 of the statement, the citation now reading "(19 U.S.C. et seq.)" should read "(19 U.S.C. sec. 160 et seq.)".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Susceptibility Discs; Correction

In FR Doc. 72-16571 appearing at page 20528 in the issue of Saturday, September 30, 1972, in the table for "Interpretation of zone sizes" in § 147.2(c)(2), the entry for "Penicillin G when testing staphylococci" under the heading Diameter (millimeters) of zone of inhibition" in the columns for "Intermediate" and "Susceptible" should be corrected to read as follows:

Antibiotic	Disc content	Diameter (millimeters) of zone of inhibition		
		Resistant	Intermediate	Susceptible
• • •	• • •	• • •	• • •	• • •
Penicillin G when testing staphylococci[1]	10 units	20 or less	21–28	29 or more.
• • •	• • •	• • •	• • •	• • •

Dated: January 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1618 Filed 1-29-73;8:45 am]

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Child Protection Packaging Standards for Certain Liquid Kindling and/or Illuminating Preparations Containing Petroleum Distillates

In the FEDERAL REGISTER of April 14, 1972 (37 FR 7408), the Commissioner of Food and Drugs proposed child protection packaging standards for certain liquid kindling and/or illuminating preparations containing 10 percent or more of petroleum distillates and having a viscosity of less than 100 Saybolt universal seconds (S.U.S.) at 100° F.

Eight of the 17 comments received in response to the notice favor the standards as proposed. The principal issues raised in the remainder of the comments and the Commissioner's conclusions are as follows:

A. *Use by the elderly or handicapped.* A consumer expresses concern that handicapped persons (particularly those with arthritis) may be unable to use, or may have difficulty using, the special packaging. Section 4(a) of the Poison Prevention Packaging Act of 1970 acknowledges such a possibility and provides that substances subject to special packaging standards may also be packaged in noncomplying (conventional) packaging within prescribed limitations.

B. *Viscosity.* The American Petroleum Institute recommends that substances with a viscosity higher than 50 S.U.S. at 100° F. should not be subject to the standards because human experience and animal research do not support a higher viscosity level. The Institute claims that the establishment of the viscosity at a level of 50 S.U.S. will adequately protect the public by covering practically all petroleum distillates used for kindling and/or illuminating purposes without imposing an unnecessary burden on suppliers.

Although the aspiration danger from petroleum distillates generally decreases as viscosity increases, at least one fatality from chemical prenumonitis following the aspiration of a petroleum distillate product having a viscosity of over 50 S.U.S. has been reported. In addition to viscosity, the presence of additives in formulated petroleum distillate products may increase the hazard following aspiration. Accordingly, the Commissioner concludes that the viscosity level specification cannot safely be lowered to 50 S.U.S.

C. *Existing stocks of petroleum distillate preparations.* The American Academy of Pediatrics favors the proposal and recommends that distributors be required either to remove existing stocks of conventional packages from their shelves or to limit sales of conventional packages to buyers without young children. Section 9 of the act does not provide for application of the standards to substances packaged prior to the standards' effective date.

D. *Need for special packaging.* 1. Two manufacturers of substances and one packaging manufacturer comment that since the injury data in the proposal's preamble failed to mention cigarette lighter fluid as the source of any of the kindling and/or illuminating preparation injuries, it was probable that no injuries from cigarette lighter fluid had occurred.

The reports referred to in the preamble for the period of 1968–70 verify that cigarette lighter fluids are a definite cause of injury to children under 5 years of age. Cigarette lighter fluid accounted for a significant number of the 3,189 ingestions and 369 hospitalizations reported for this period as attributable to various kindling and/or illuminating products. Additionally, cigarette lighter fluids resulted in several of the reported deaths of children in this age group during the period 1967–71. In the nonfatal ingestion cases involving cigarette lighter fluids, symptoms included cyanosis, fever, and pneumonia.

2. A manufacturer of turret-type closures for cigarette lighter fluid cans and a manufacturer of cigarette lighter fluid comment that an average of 2 to 7 cubic centimeters of the preparation is dispensed per actuation from turret-type closures. Both question whether this quantity of the preparation could cause human injury or illness and whether turret-type closures have ever been involved in actual poisonings. Reports in the medical literature indicate that the ingestion of 7 cubic centimeters of cigarette lighter fluid by children under 5 years of age can cause serious illness or death. Furthermore, data from the National Clearinghouse for Poison Control Centers show incidents of cigarette lighter fluid ingestions involving brand name preparations known to be marketed with turret-type closures.

3. The American Petroleum Institute suggests that safety closures might not have prevented many of the injuries referred to in the proposal. The institute contends that many such ingestions may have resulted when children gained access to liquid kindling and/or illuminating preparations transferred from the original container to other containers such as open cans, beverage bottles, or cups.

Reports from the National Clearinghouse do not support this contention. Although many reports do not contain sufficiently detailed information, the majority of those indicating where the preparation was found state that the preparation was ingested by the child from its original container.

The available data clearly demonstrate the need for special packaging of these products. Accordingly, the finding required by section 3(a)(1) of the act is affirmed.

E. *Applicability.* Several industry comments indicate some confusion over which products are intended to be covered by these standards. The comments question applicability to such products as camping equipment fuel, gasoline for use in home power equipment, kerosene, and products dispensed by retail service stations in purchasers' containers. The standards are not intended to apply to products such as gasoline and kerosene dispensed by retail vendors in purchasers' containers but do apply to kindling and/or illuminating preparations which are prepackaged and intended for such purposes as cigarette lighter fuel, charcoal lighter fuel, camping equipment fuel, torch fuel, and fuel for both decorative and functional lanterns. The regulation has been clarified accordingly.

F. *Technically feasible, practicable, and appropriate.* Three manufacturers comment that the special packaging to be required is not technically feasible, practicable, and appropriate. One states that the date when closures for cans of charcoal lighter fluid will be available is indefinite and that to utilize an alternative method of packaging would create economic problems. Another comments that special packaging is not technically feasible for cigarette lighter fluids because no special packaging presently available has the narrow spout necessary for filling cigarette lighters. The latter and one other contend, regarding charcoal lighter fluid:

1. That no manufacturer of suitable special packaging has mass production capability.

2. That industry must make equipment changes in order to produce cans capable of accepting child-resistant closures.

3. That initial tests of compatibility between samples of available closures and charcoal lighter fluids have been unsatisfactory.

4. That time is required to complete necessary tests and evaluations regarding closures' ability to withstand the overall stresses of actual shipment, storage, and consumer use.

5. That not enough packaging manufacturers engaged in the making of closures for metal cans have developed prototype child-resistant closures.

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In reviewing these comments and similar responses to other proposals under the Poison Prevention Packaging Act of 1970, the Commissioner notes that he is asked to modify the section 3(a)(2) findings because the packaging industry does not have the immediate capacity to mass produce special packaging in volumes that would meet all demand. Under section 3(a)(2) of the act, the Commissioner must establish that special packaging complying with the standards to be proposed is technically feasible, practicable, and appropriate. To make this finding, the Commissioner is not required to establish that industry is able to commence mass producing when the finding is published. What is required for a finding of technical feasibility is a determination that the technology exists to produce the special packaging. Data submitted from at least 27 manufacturers of special packaging indicate that each firm has at least one design which meets or exceeds the effectiveness specifications of the standards when tested by the method set forth in 21 CFR 295.10. These packages include glass, plastic, and metal containers.

A finding of practicability requires that special packaging meeting the standards be susceptible to modern mass production and assembly line techniques, but does not require that special packaging be immediately available in mass production quantities. (The responsibility in this instance lies with the manufacturers of substances subject to regulation to stimulate this capacity through the placing of orders sufficiently in advance of the effective dates of standards.) The act does not provide that the practicability finding may not be made if testing expenses and capital expenditures for equipment changes are necessary. In passing the act, Congress indicated that industry must make the necessary changes to protect young children.

The appropriateness finding requires that packaging complying with the standards shall not be detrimental to the integrity of the substance nor interfere with the storage or use of the substance. In the past, metal cans with plastic closures have been satisfactorily used as packaging for the substances subject to these standards. On the basis of such past use and from information on the types of special packaging presently available, the Commisioner sees no reason to reverse his finding of appropriateness made in the proposal. Sufficient time to comply with the standards will be afforded in promulgating the effective date.

One package manufacturer has submitted a design of a safety closure for cigarette lighter fluids that provides for spout dispensing. This design incorporates the same child-resistant features found to meet the standards on other of their special packaging closures. Since this design has been found to provide a liquid seal and is susceptible to modern mass production and assembly line techniques, the Commissioner concludes that the special packaging to be required for cigarette lighter fuel is technically feasible, practicable, and appropriate.

Accordingly, the finding required by section 3(a)(2) of the act is affirmed.

G. *Effective date.* A manufacturer recommends that the effective date of this order be at least 1 year after the date of FEDERAL REGISTER promulgation to provide additional time for the development of suitable, economical special packaging. The American Academy of Pediatrics suggests that the effective date be 60 days after the date of FEDERAL REGISTER promulgation.

The Commissioner concludes (1) that a 60-day delayed effective date would not provide industry with adequate time to comply with the standards and (2) that available data on special packaging and the reasons given in the above comment requesting a 1-year delay do not warrant establishing more than a 270-day delayed effective date except as the standards apply to cigarette lighter fuel packaged with a spout-type dispenser, in which case the effective date shall be 1 year after promulgation.

Therefore, having evaluated the comments and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below.

The amendment below adds a new subparagraph (7) on kindling and/or illuminating preparations to § 295.2(a). To give complete information on packaging requirements for kindling and/or illuminating preparations, applicable portions of existing §§ 295.2 and 295.3 are included herein as follows:

Section 295.2 Substances requiring "special packaging." • • • (b) *Sample packages.* (1) The manufacturer or packer of any of the substances listed under paragraph (a) of this section as substances requiring special packaging shall provide the Commissioner with a sample of each type of special packaging, as well as the labeling for each size product that will be packaged in special packaging and the labeling for any noncomplying package. Sample packages and labeling should be sent to the Food and Drug Administration, Attention: Bureau of Product Safety, 5600 Fishers Lane, Rockville, MD 20852.

(2) Sample packages should be submitted without contents when such contents are unnecessary for demonstrating the effectiveness of the packaging. • • •

Section 295.3 *Poison prevention packaging standards.* To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

(a) *General requirements.* The special packaging must continue to function with the effectiveness specifications set forth in paragraph (b) of this section when in actual contact with the substance contained therein. This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the special packaging to determine that the chemical and physical characteristics of the substance will not compromise or interfere with the proper functioning of the special packaging. The special packaging must also continue to function with the effectiveness specifications set forth in paragraph (b) of this section for the number of openings and closings customary for its size and contents. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors, force required for activation, and other such relevant factors which would establish that, for the duration of normal use, the effectiveness specifications of the packaging would not be expected to lessen.

(b) *Effectiveness specifications.* Special packaging which when tested by the method described in § 295.10, meets the following specifications:

(1) Child-resistant effectiveness of not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening such special packaging. In the case of unit packaging, child-resistant effectiveness of not less than 80 percent.

(2) Adult-use effectiveness of not less than 90 percent. • • •

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), a new subparagraph (7) is added to § 295.2(a) as follows:

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

• • • • • •

(7) *Kindling and/or illuminating preparations.* Prepackaged liquid kindling and/or illuminating preparations, such as cigarette lighter fuel, charcoal lighter fuel, camping equipment fuel, torch fuel, and fuel for decorative or functional lanterns, which contain 10 percent or more by weight of petroleum distillates and have a viscosity of less than 100 Saybolt universal seconds at 100° F., shall be packaged in accordance with the provisions of § 295.3 (a) and (b).

• • • • • •

Effective date. This order shall become effective September 27, 1973, except as it applies to cigarette lighter fuel packaged with a spout-type dispensing closure, for which the effective date shall be January 30, 1974.

(Secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474)

Dated: January 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1673 Filed 1-29-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-73-225]

PART 200—INTRODUCTION

Approval of Feasibility Letters or Conditional Commitments

The Department is amending §§ 200.84(b), 200.110, 200.111, 200.114, 200.116 and 200.118 of 24 CFR Part 200 in order to provide for concurrence indicated by signature on the part of the Regional Administrator with respect to the approval of feasibility letters, conditional commitments, or firm commitments to insure projects under section 236 of the National Housing Act for which feasibility letters or conditional commitments were issued after December 15, 1972.

Public procedure and postponement of the effective date is not required inasmuch as the change involves Department personnel and management. Therefore, this amendment shall be effective as of January 23, 1973.

Accordingly, the following proviso shall be added before the period at the end of 24 CFR 200.84(b), 200.110, 200.111, 200.114, 200.116, and 200.118: *Provided, however,* That the issuance of feasibility letters, conditional commitments, or final commitments to insure projects in accordance with section 236 shall require the concurrence, indicated by signature, on the part of the Regional Administrator as to projects for which feasibility letters or conditional commitments were issued after December 15, 1972.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

This amendment is effective as of January 23, 1973.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.73-1789 Filed 1-26-73;10:19 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7246]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Consolidated Returns

Correction

In FR Doc. 72-22452, appearing at page 758, in the issue of Thursday, January 4, 1973, in the third column on page 758, the paragraph immediately after PAR. 3, now designated as PAR. 5, should read PAR. 4, and the first line of this PAR. 4, should read as follows: "Section 1.1502-32 as set forth".

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

SMALL PURCHASE PROCEDURE WHEN UTILIZING GSA FORM 2049, CONTRACTOR'S CERTIFICATE OF CONFORMANCE

The certificate-of-conformance procedure is designed to expedite payment for small purchases. It provides for payment for supplies based on the contractor's submission of an invoice to which is attached a certification.

PART 5A-3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5A-3 is amended to add the following new entry:

Sec.
5A-3.670 Small purchase procedure when utilizing GSA Form 2049, Contractor's Certificate of Conformance.

Subpart 5A-3.6—Small Purchases

Section 5A-3.670 is added as follows:

§ 5A-3.670 Small purchase procedure when utilizing GSA Form 2049, Contractor's Certificate of Conformance.

(a) *General.* (1) The small purchase procedure using GSA Form 2049, Contractor's Certificate of Conformance, provides for payment for supplies based on the contractor's submission of an invoice with an attached copy of a completed GSA Form 2049 certifying that the supplies have been delivered to the post office, common carrier, or point of first receipt by the Government, and that the contractor agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase requirements.

(2) Blanket purchase arrangements may include provisions for using certificate-of-conformance-type shipments.

(b) *Conditions for use.* The certificate-of-conformance small-purchase procurement method should be used where appropriate and consistent with other considerations of the procurement and the following conditions:

(1) Value of individual direct-shipment orders shall be limited to $2,500 or less;

(2) Title to supplies will vest in the Government (i) upon delivery to the post office or common carrier for mailing or shipment to destination, or (ii) upon receipt by the Government when shipment is by means other than U.S. Mail or common carrier;

(3) Where the vendor is on the approved list of contractors authorized under the FSS quality approved manufacturer program; the purchase order shall state that notwithstanding the 90-day period contained in paragraph (c) under special provisions of GSA Form 2049, the vendor shall be obligated to replace, repair, correct, or reimburse the Government for supplies that are lost, not received, damaged, or that do not conform to purchase specifications, provided replacement instructions are furnished the contractor within 180 days from the date of shipment;

(4) The contractor (if not on the approved list of contractors authorized under the FSS quality approved manufacturer program) at his expense agrees without contest to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase requirements, provided replacement instructions are furnished the contractor within 90 days from the date of shipment; and

(5) The contactor will perform in accordance with the terms of the purchase order.

(c) *Preparation and execution.* (1) Purchase orders utilizing the certificate-of-conformance procurement method may be issued on any authorized purchase order form in accordance with Subparts 5-3.6 and 5A-3.6 except that calls against blanket purchase arrangements shall be issued in accordance with § 5A-3.606.

(2) Each purchase order utilizing this certificate-of-conformance procedure shall contain the following provision:

This purchase order is subject to and includes the terms and conditions of GSA Form 2049, Contractor's Certificate of Conformance, a copy of which is attached or available upon request to the contracting officer.

(3) Special data to be included in purchase orders or blanket purchase arrangements using certificate-of-conformance purchase order procedures are:

(i) A requirement to ship the supplies prepaid by common carrier or parcel post;

(ii) A requirement that when shipment is made by parcel post (U.S. Postal Service) or common carrier to (A) cite on invoice(s) and copies thereof the shipment date, name and address of carrier, and bill of lading number or other shipment document number or (B) attach copies of such documents to invoice as evidence of shipment. The invoice(s) shall also be prominently marked "Certificate of Conformance";

(iii) A requirement where delivery is by other than parcel post or common carrier to attach a receipted copy of the contractor's delivery document to the contractor's invoice(s) and invoice copies;

(iv) A requirement that each invoice under a purchase order utilizing the certificate-of-conformance procedure must be accompanied by GSA Form 2049, Contractor's Certificate of Conformance, completed and signed by the contractor; and

(v) A requirement to include the following statement on the consignee's copy of the contractor's invoice(s):

CONSIGNEE'S NOTIFICATION TO PROCUREMENT DIVISION OF NONRECEIPT, DAMAGE, OR NONCONFORMANCE

Consignee shall promptly notify the contracting officer, after purchase order delivery

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date, of supplies not received, damaged in transit, or not conforming with purchase order specifications.

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to add the following new entry:

Sec.
5A–16.950–2049 GSA Form 2049, Contractor's Certificate of Conformance.

NOTE: A copy of the form illustrated in § 5A–16.950–2049 is filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective February 14, 1973.

Dated: January 15, 1973.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.73–1696 Filed 1–29–73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 4–2; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Warning Devices

The purpose of this notice is to respond further to petitions for reconsideration and amendment of Motor Vehicle Safety Standard No. 125, Warning Devices, § 571.125 of Title 49, Code of Federal Regulations. The standard was issued on March 1, 1972 (37 FR 5038). On June 22, 1972, a previous notice of amendments and reconsideration of the standard was published (37 FR 12323).

With respect to the configuration of the device Rowland Development Corp. stated that it manufactures a dual purpose fluorescent orange and red reflective material and requested that the separate width requirements for red reflex reflective material and orange fluorescent material affixed to the faces of the device be suspended when such material is used. The NHTSA has concluded that the use of such dual purpose material as an alternative to separate material is permissible if the material is capable of meeting the requirements of Standard 125. S5.1.1, S5.2.3, S5.5, and S6.2(a) are hereby modified accordingly, and the separate width requirements will not be applicable when dual purpose material is used.

Tri-Lite interpreted the standard as permitting the use of a flag as part of a "combination signal device" as long as the device did not violate S5.2.1(b), relating to obstruction of the reflective and fluorescent material. In a previous letter to Tri-Lite the NHTSA had stated that the standard would be interpreted to allow such additions. (Docket entry N4–4–2–10, July 18, 1972.) Upon further consideration, the agency has determined that permitting additions to the device will lessen its effectiveness by degrading the uniformity of its shape. Accordingly, the use of additional shapes or attachments will not be permitted, and a new S5.2.6 is added to that effect.

A number of petitions regarding the orange fluorescent material were received. Personnel from the National Bureau of Standards suggested that the requirements for the color of the orange fluorescent material be amended so as not to penalize colors that have the same hue but are stronger than the present maximum y and minimum x values. The NHTSA agrees with the suggestion and S5.3.2 has been amended accordingly.

Tri-Lite stated that the fluorescent material deteriorates over time and is therefore unreliable. It requested that the provision of orange fluorescent material on the device be made optional. The NHTSA recognizes that deterioration of fluorescence is a possibility; however, it is felt that the requirement of an opaque container and the improving technology of fluorescent materials should offset the possible problem. It is anticipated that the device will be used only infrequently, in emergencies, by most drivers. The request of Tri-Lite is therefore denied.

Rowland Corp. requested that the luminance requirement be expressed in terms relative to the amount of fluorescent material affixed to the device rather than the percentage figure of magnesium oxide presently required. The agency position is that a minimum level of luminance is necessary for identifiability, but that a somewhat lower limit for luminance of the orange material could be suitable if more material is used. Accordingly, S5.5 has been amended to lower the minimum relative luminance relative to magnesium oxide from 35 percent to 25 percent, and to require a minimum product of that relative luminance and width in inches of the device of 44. Dayglo Color Corp. requested that two sources of light for the luminance test, Source C and Source D–65, be permitted in addition to the xenon arc lamp specified in the standard. The NHTSA has concluded that the most consistent test results are provided when the material is diffusely irradiated with undispersed light from a high-pressure xenon arc lamp to simulate daytime conditions. As a general rule, alternative test procedures for a single property are inadvisable, and no sufficient justification for them has been shown here. Therefore the Dayglo request is denied.

In light of evidence that differing relative luminance values are obtained from different procedures used to measure it, a procedures paragraph (S6.3) for the luminance testing of the orange fluorescent material has been added to the standard. The procedure is adapted from the publication "Colorimetry," of the International Commission on Illumination (CIE Publication No. 15, E–1.3.1, 1971).

Two petitions dealt with the stability requirements. Rowland Development Corp. requested that the standard permit the manufacture of a triangle device constructed of flexible material which is secured at the outer corners of the triangle and is otherwise free to flex with the wind. Safety Triangles Co. requested that the device be permitted to tilt to a position up to 30° from the vertical rather than the presently allowed 10°. These requests were directed at permitting manufacturers to produce lighter and cheaper devices. The NHTSA has concluded that if the triangle is permitted to flex in the wind or tilt to a position up to 30° from the vertical, the attitude of the triangle is altered so that the shape of the equilateral triangle is distorted, thus detracting from one of the goals of the standard. The present performance requirements and the consequent cost factors have been found to be reasonable. These requests are accordingly denied.

With respect to reflectivity testing, Rowland stated that candlepower requirements for an observation angle of 0.2° were superfluous and not related to true highway situations, and requested their deletion. The NHTSA has determined in the formulation of the standard that the specified reflectivity requirements allow a maximum recognition and detection distance to oncoming traffic. Accordingly, the requirements for the 0.2° observation angle are retained.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 125, Warning Devices, 49 CFR 571.125, is amended as follows:

1. S5.1.1 is amended to read:

S5.1.1 Reflex reflective material and fluorescent material that meet the requirements of this standard shall be affixed to both faces of the warning device. Alternatively, a dual purpose orange fluorescent and red reflective material that meets the requirements of this standard (hereafter referred to as "dual purpose material") may be affixed to both faces in place of the reflective and fluorescent materials.

2. S5.2.3 is amended to read:

S5.2.3 Each face of the triangular portion of the warning device shall have an outer border of red reflex reflective material of uniform width and not less than 0.75 and not more than 1.75 inches wide, and an inner border of orange fluorescent material of uniform width and not less than 1.25 and not more than 1.30 inches wide (figure 1). However, this requirement shall not apply if the dual purpose material is used.

3. A new S5.2.6 is added to read:

S5.2.6 The device shall consist entirely of the triangular portion and attachments necessary for its support and enclosure, without additional visible shapes or attachments.

4. S5.3.2 is amended to read:

S5.3.2 The color of the orange fluorescent material on the warning device shall have the following characteristics both before and after the warning device has been conditioned in accordance with S6.1: When expressed in terms of the International Commission on Illumination (CIE) 1931 colormetric system, the chromaticity coordinates of the fluorescent orange material shall lie within the region bounded by the spectrum locus and the lines defined by the following equations:

Boundary	*Equation*
Yellow	y=0.489x+0.170.
White	x+y=0.943.
Red	y=0.351.

5. S5.5 is amended to read:

S5.5 *Luminance.* When the orange fluorescent material on the warning device is tested in accordance with S6.3, both before and after the warning device has been conditioned in accordance with S6.1, it shall have a minimum relative luminance of 25 percent of a flat magnesium oxide surface and a minimum product of that relative luminance and width in inches of 44.

6. S6.2(a) is amended to read:

(a) Unless dual purpose material is used, prevent the orange fluorescent material from affecting the photometric measurement of the reflectivity of the red reflective material, either by separation or masking.

7. A new paragraph S6.3 is added:

S6.3 *Luminance Test.* Test the orange fluorescent material as follows:

(a) Unless dual purpose material is used, prevent the red reflective material from affecting the photometric measurement of the luminance of the orange fluorescent material.

(b) Using a 150-watt high-pressure xenon compact arc lamp as the light source, illuminate the material diffusely by an integrating sphere, the total area of whose ports does not exceed 10 percent of the internal reflecting sphere area.

(c) Measure the luminance of the material at a perpendicular viewing angle, with no ray of the viewing beam more than 5° from the perpendicular to the specimen.

(d) Repeat the procedure for a flat magnesium oxide surface, and compute the quotient (percentage) of the luminance of the material relative to that of the magnesium oxide surface.

Effective date: January 1, 1974.

(Secs. 103, 112, 119, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 23, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73–1674 Filed 1–29–73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1118]

PART 1033—CAR SERVICE

Providence and Worcester Co. Authorized To Operate Over Tracks of Penn Central Transportation Co., and Penn Central Transportation Co. Authorized To Operate Over Tracks of Providence and Worcester Co.

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 11th day of January 1973.

It appearing, That the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC), in Finance Docket No. 26154, has been authorized to abandon operations over the line of the Providence and Worcester Co. (P. & W.) between Worcester, Massachusetts, and Providence, R.I.; that the P. & W. has concurrently been authorized to resume separate operation of its line between these points; that the Slatersville, R.I., branch of the PC will be severed of direct connections with the remainder of the PC by reason of abandonment of operations of the PC over the line of the P. & W.; that the P. & W. and the PC have agreed on a method of operations of the Slatersville branch of the PC by the P. & W. for account of the PC; that certain operations of the P. & W. over tracks of the PC and of the PC over tracks of the P. & W. are required to permit separate operations of the P. & W. in the manner ordered by the Commission; that continued operation of the P. & W. and of the Slatersville branch of the PC is necessary to provide uninterrupted railroad service to shippers served by these lines; that operation by the P. & W. over tracks of the PC and by the PC over tracks of the P. & W. is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1118 Service order 1118.

(a) Providence and Worcester Co. authorized to operate over tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees; Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, authorized to operate over tracks of Providence and Worcester Co. The Providence and Worcester Co. (P. & W.) be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, (PC) as described herein:

(1) The P. & W. is authorized to operate over the Norwich and Worcester wye of the PC and over PC tracks along Southbridge Street between Norwich and Worcester survey station 72 plus 46 and joint P. & W.—Norwich and Worcester survey station 2240 plus 99, all in Worcester, Mass.

(2) The P. & W. is authorized to operate over the Slatersville branch of the PC from a point of connection near Woonsocket, R.I., to the ends of the track at Woonsocket and at Slatersville, R.I., a distance of approximately 4.4 miles.

(3) The P. & W. is authorized to operate over the northwesterly most track of the PC between Boston Switch, Providence, R.I., and the point of interchange with the Moshassuck Valley Railroad in Northup Avenue Yard, Pawtucket, R.I.

(b) The PC be, and it is hereby, authorized to operate over tracks of the P. & W. in the southerly portion of South Worcester Yard, Worcester, Mass., between survey stations 2112 plus 08 and 22 plus 55.

(c) The P. & W. and the PC be, and they are hereby, authorized to operate jointly over tracks between Wilkes Barre pier and the junction of the Darlington and East Junction lines, all in the vicinity of East Providence, R.I.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(e) *Rates applicable.* Inasmuch as this operation by the P. & W. over tracks of the PC and by the PC over tracks of the P. & W. is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via the PC, until tariffs naming rates and routes specifically applicable via the P. & W. become effective.

(f) *Effective date.* This order shall become effective at 11:59 p.m., February 2, 1973.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–1755 Filed 1–29–73;8:45 am]

SUBCHAPTER C—ACCOUNTS, REPORTS AND RECORDS

[No. 32153 (Sub-No. 4)]

PART 1201—RAILROAD COMPANIES

Minimum Rule Applicable to Railroad Property Acquisitions, Additions and Betterments

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of January 1973.

On August 11, 1972, notice of proposed rule making was published in the FEDERAL

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REGISTER (37 FR 16206) advising all interested parties that the Commission had under consideration the revision of the minimum rule for the capitalization level applicable to railroad property acquisitions, additions, and betterments. After consideration of all relevant matters submitted by interested parties, the revisions proposed are hereby adopted as shown by the instructions attached to and made a part of this order.

Wherefore, and good cause appearing:

It is ordered, That Instructions for Property Accounts of Railroad Companies prescribed in Part 1201 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations are amended as shown in Appendix A below.

It is further ordered, That these amendments are effective January 1, 1973.

And it is further ordered, That service of this order shall be made to all carriers by railroad which are affected thereby to all parties of record herein, and notice of the order shall be given the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy of the order with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended 49 USC 20)

The decision in this proceeding will have no impact upon the quality of the environment.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

No. 32153 (Sub-No. 4)

Statement of amended rules:

Part 1201, "Instructions for Property Accounts", instructions 2-2 and 2-9 are amended as follows:

Item No. 1. Instruction 2-2 *Minimum rule applicable to additions to property* is revised by replacing the references to "$500.00" in the first and third sentences, to read as "$1,500." As amended, instruction 2-2 reads:

2-2 Minimum rule applicable to additions to property. An exception to the rule in instruction 2-1 is that when the cost of acquisition of units of road property and of additions and betterments to existing units of road property (other than land or tracks) is less than $1,500 such cost shall be charged to operating expenses. The carrier shall not parcel expenditures under a general plan for the purpose of bringing the accounting for such expenditures within this minimum rule. An amount of less than $1,500 may be adopted for purposes of this rule provided the carrier first notifies the Commission of the amount it proposes to adopt and thereafter makes no change in the amount unless authorized to do so by the Commission. An amount so adopted shall be adhered to in reporting property changes for valuation purposes.

Item No. 2. Instruction 2-9 *Additions and retirements of other than units of property* is revised by replacing the reference to "$500" in the first sentence of paragraph (a), to read as "$1,500." As amended, paragraph (a) of instruction 2-9 reads:

2-9 Additions and retirements of other than units of property. (a) When an item of road or equipment property, other than a complete unit, is added to the plant and the addition is not a replacement, the cost thereof shall be accounted for in the same manner as an addition of a complete unit of property, subject to the $1,500 minimum rule applicable to road property. When an item of property other than a complete unit (minor item) is replaced, independent of the complete unit of which it is a part, the cost of replacement shall be treated as maintenance and charged to operating expenses; except that, when the replacement effects a substantial betterment through the application of superior parts, the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity, the excess cost of new parts over the current cost of new parts of the kind replaced shall be charged to the appropriate primary property account. The cost of removing the old appliances and applying the improved parts shall be charged to operating expenses. (See instruction 2-8 (b) covering retirement of a minor item not replaced.)

[FR Doc.73-1756 Filed 1-29-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Imperial National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective January 30, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing and the taking of bullfrogs, crustaceans, and mollusks, on the Imperial National Wildlife Refuge, Ariz. and Calif., is permitted in all areas except in those areas closed to public entry. These open areas, comprising 8,100 acres, are delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing and the taking of bullfrogs, crustaceans, and mollusks, shall be in accordance with applicable State regulations subject to the following special conditions:

(1) The open seasons for the taking of bullfrogs, crustaceans, and mollusks, shall be in accordance with State regulations.

(2) The open season for sport fishing on the refuge extends from January 1 through December 31, 1973, inclusive, except for an area of approximately 165 acres in Martinez Lake, as posted, to be closed during the periods January 1 through February 28, 1973, inclusive, and October 1 through December 31, 1973, inclusive.

(3) The use of bow and arrow for the taking of carp, buffalo, mullet, suckers, and bullfrogs is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

GERALD E. DUNCAN,
Acting Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

JANUARY 22, 1973.

[FR Doc.73-1702 Filed 1-29-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE AND HEALTH AND SAFETY

PART 82—NOTIFICATION OF LEGAL IDENTITY

Change in Effective Date

On Saturday, December 9, 1972, there was promulgated in the FEDERAL REGISTER (37 FR 26308-26310) a new Part 82, Title 30, Code of Federal Regulations requiring the operator of a coal mine to notify the appropriate Coal Mine Health and Safety District Manager for the district in which the coal mine is located of the legal identity of the operator and to report all changes in the legal identity as they occur. The effective date of Part 82 was established as February 1, 1973, and the operators are required to use Bureau of Mines Form 6-357 entitled, "Legal Identity Report" in reporting this information to the Bureau of Mines. In view of a delay in the printing of Form 6-357 and in order to provide a reasonable period of time within which these forms may be distributed by the District Managers after printing, the effective date is hereby amended and extended and Part 82 shall be effective on and after March 15, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

JANUARY 26, 1973.

[FR Doc.73-1911 Filed 1-29-73;9:50 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Price and Pay Regulation of Food Industry

Part 130 is amended in Subpart F and in Subpart L to set forth the scope of mandatory price and pay rules in the food industry.

Subpart F is amended by revising § 130.51 to set forth a de minimis rule excepting from the mandatory rules of Subpart F the pay adjustments and price adjustments of those manufacturers, service organizations, wholesalers or retailers deriving less than 20 percent of their annual sales and revenues from sales of food and less than $50 million in annual sales and revenues from sales of food.

Subpart F is further amended by adding new §§ 130.57a, 130.57b, and 130.57c which prescribe the rules for determination of profit margin for firms in the food industry. The general rule is that profit margins of firms in the food industry are to be measured separately with respect to food sales to the extent possible. However, if food sales cannot be separately accounted for from nonfood sales, profit margins are to be measured with respect to combined food and nonfood sales. In these latter instances, nonfood sales are subject to the mandatory profit margin and reporting rules of Subpart F, but are not subject to the prenotification rules.

A new paragraph (b) is added to § 130.58 to define the pay adjustments for employees of firms in the food industry which are subject to mandatory pay controls under Subpart F. Such pay adjustments are controlled under the following circumstances:

(1) Pay adjustments are controlled for appropriate employee units in which 50 percent or more of the employees are engaged in food operations; and

(2) Pay adjustments are controlled for employees engaged in food operations in appropriate employee units in which 60 or more employees are engaged in food operations.

A new sentence is added to the definition of "annual sales or revenues" in Subpart L to make it clear that in determining the appropriate prenotification, reporting and recordkeeping status of a firm in the food industry, only gross receipts with respect to food sales are to be considered.

A definition of food is added to Subpart L defining "food" to be items produced or manufactured for human ingestion, but not including alcoholic beverages, tobacco products, or drugs. Restaurants, cafeterias, delicatessens, caterers, vending machines, and similar food service organizations are subject to the mandatory rules of Subpart F except the prenotification requirements.

Animal feeds are not considered food within the meaning of this definition. The major component of the value of animal feeds is raw agricultural products which remain exempt, and processed animal feeds are competitive with exempt raw agricultural products. Items with both animal and human consumption end uses are not considered "food" or subject to prenotification requirements until they enter into a processing stage where they are intended for use as or in a product for human ingestion. Firms that cannot separately account for costs of food and nonfood items must account for price increases for nonfood items at the time they submit for prenotification or otherwise increase prices as provided for by the regulations for food items.

Because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, I find that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, DC 20507.

These regulations are effective as of January 11, 1973.

DONALD RUMSFELD,
Director, Cost of Living Council.

(Economic Stabilization Act of 1970, Title II of Public Law 92-210, 85 Stat. 743 and Executive Order Number 11695)

1. Part 130 is amended in Subpart F by amending § 130.51 to read as follows:

§ 130.51 Scope.

This subpart establishes special mandatory rules applicable to price adjustments for sales of food by manufacturers, service organizations, wholesalers, and retailers unless exempted under the provisions of Subparts D or E of this part and pay adjustments affecting employees in the food industry unless exempted under the provisions of Subpart E of this part. This subpart does not apply to the price adjustments or pay adjustments of any manufacturer, service organization, wholesaler or retailer which both derives less than 20 percent of its annual sales or revenues from sales of food and less than $50 million of annual sales or revenues from sales of food.

§ 130.57 [Amended]

2. Part 130 is further amended in Subpart F by striking the period at the end of the first sentence of § 130.57 and adding the following: "* * * and except that the requirements for prenotification do not apply with respect to food service organizations or with respect to any item until it enters into a processing stage where it is intended for use as or in a product for human ingestion. * * *"

3. Part 130 is further amended in Subpart F by adding the following §§ 130.57a, 130.57b, and 130.57c after § 130.57:

§ 130.57a Profit margin measurement—general.

The general principle applicable to the determination of profit margin for purposes of this subpart is that to the extent possible, consistent with generally accepted accounting principles, profit margin on food sales should be separately determined from profit margin on nonfood sales. To the extent that nonfood sales are not or cannot be separated from food sales for purposes of profit margin determination, such nonfood sales are subject to the mandatory rules of this subpart, except that such nonfood sales are not subject to the requirement of prenotification.

§ 130.57b Profit margin measurement—wholesalers and retailers.

A wholesaler or retailer shall determine its profit margin in a manner consistent with its choice of application of customary initial percentage markups. If the level of control selected for application of customary initial percentage markup purposes encompasses food and nonfood items in a single category or the same categories, then profit margin shall be measured so as to include the nonfood sales which are controlled for customary initial percentage markup purposes together with food sales. A wholesaler or retailer which, for purposes of applying customary initial percentage markup, separately controls food and nonfood items shall determine its profit margin based upon food sales only, except that it may determine profit margin based upon combined food and nonfood sales when profit margin with respect to nonfood sales cannot feasibly be separately determined consistent with generally accepted accounting principles. To the extent that nonfood sales are included in determining profit margin, such nonfood sales are subject to the mandatory rules of this subpart.

§ 130.57c Profit margin measurement—manufacturers and service organizations.

A manufacturer or service organization shall determine its profit margin with respect to food sales separately to the extent possible consistent with generally accepted accounting principles. To the extent that nonfood sales are included in determining profit margin, such nonfood sales are subject to the mandatory rules of this subpart, except that such nonfood sales are not subject to the requirement of prenotification.

4. Part 130 is further amended in Subpart F by making present § 130.58 paragraph (a) of § 130.58 and by adding a new paragraph (b) as follows:

§ 130.58 Pay adjustments.

* * * * * * *

(b) For purposes of paragraph (a) of this section, "Pay adjustments affecting employees in the food industry" means pay adjustments by any manufacturer, service organization, wholesaler, or retailer subject to the mandatory controls of this Subpart F with respect to:

(1) Employees who are members of an appropriate employee unit in which 50 percent or more of the employees are engaged on a regular and continuing basis in food operations; and

(2) Employees engaged on a regular and continuing basis in food operations and who are members of an appropriate employee unit in which 60 or more of such employees are engaged in food operations.

§ 130.110 [Amended]

5. Part 130 is amended in Subpart L in § 130.110 by adding the following sentence to the definition of annual sales or revenues: "* * * For the purposes of Subpart F, "annual sales or revenues" means total gross receipts as determined above with respect to sales of food."

6. Part 130 is further amended in Subpart L in § 130.110 by adding alphabetically at the appropriate places the following new definitions:

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"Food" means items produced or manufactured for human ingestion except alcoholic beverages, tobacco products, or drugs. An item is not food within the meaning of this definition until it enters into a processing stage where it is intended for use as or in a product for human ingestion.

"Food operations" means the growing, harvesting, manufacture, production, raising, packaging, storage, distribution, transportation, or sale of food or the rendering of administrative or support functions for such activities.

[FR Doc.73-1909 Filed 1-26-73;5:10 pm]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 10, 16]

MIGRATORY BIRDS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711) it is proposed to amend Parts 10 and 16 of Title 50, Code of Federal Regulations.

On March 10, 1972, pursuant to the terms of Article IV of the Convention Between the United States of America and the United Mexican States for the Protection of Migratory Birds and Game Mammals (50 Stat. 1311) the common crow (*Corvus brachyrhynchos*) was one of the species included in the 32 families of birds added to the convention and brought under Federal protection.

Hunting crows for sport is recognized as a tradition enjoyed by many in the United States without detriment to the crow population. The convention provides that birds protected by it may be utilized for sport under adequate control. There is no reason to believe that hunting crows for sport under the limitation proposed will in any way be detrimental to the population or result in any appreciable decrease in their number.

PART 10—MIGRATORY BIRDS

It is determined that Subpart A of this Part 10 should be amended to provide for hunting seasons and add a new § 10.133 to Subpart L of this Part 10 to provide the conditions under which hunting seasons may be established.

Accordingly, it is proposed to amend § 10.1 to read:

§ 10.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to the hunting of migratory game birds, and common crows (*Corvus brachyrhynchos*).

(b) *Procedural and substantive requirements.* Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part. Common crows (*Corvus brachyrhynchos*) may be taken, possessed, transported, exported, or imported only in accordance with Subpart H of this part and the restrictions, conditions, and requirements prescribed in § 10.133.

* * * * *

It is proposed that the table of sections in Subpart L be amended to read:

Subpart L—Administrative and Miscellaneous Provisions

Sec.
10.131 Extension of seasons.
10.132 Native use in Alaska.
10.133 Hunting regulations for common crows.

AUTHORITY: Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711).

It is proposed that a new § 10.133 be added to Subpart L to read:

§ 10.133 Hunting regulations for common crows.

(a) Common crows (*Corvus brachyrhynchos*) may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section.

(b) Except in the States of Hawaii and Alaska where no crows shall be taken, States may by statute or regulation prescribe a hunting season on the common crow (*Corvus brachyrhynchos*). Such State statutes or regulations may set forth the methods of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State:

(1) Crows shall not be hunted from aircraft;

(2) The hunting season or seasons on crows shall not exceed a total of 124 days during a calendar year;

(3) Hunting shall not be permitted during the peak crow nesting period within a State; and

(4) Crows may only be taken by firearms, bow and arrow, and falconry.

PART 16—MIGRATORY BIRD PERMITS

It is proposed to amend § 16.22 of this subchapter by deleting horned owls and to provide that depredating birds killed pursuant to that section may be possessed, transported, and disposed of except by sale.

Accordingly, it is proposed that § 16.22 in the table of sections be amended to read:

Sec.
16.22 Depredating blackbirds, cowbirds, grackles, common crows, and magpies.

It is proposed that the introductory paragraph and paragraph (a) of § 16.22 be amended to read:

§ 16.22 Depredating blackbirds, cowbirds, grackles, common crows, and magpies.

A Federal permit shall not be required to control yellow-headed red-winged, bicolored red-winged, tri-colored red winged, and Brewer's blackbirds, cowbirds, all grackles, common crows, and magpies, when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance; *Provided:*

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

* * * * *

Interested persons are invited to submit written comments, suggestions, or objections, concerning the proposed amendments, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received by March 23, 1973, will be considered.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 24, 1973.

[FR Doc.73-1686 Filed 1-29-73;8:45 am]

National Park Service

[36 CFR Part 4]

VEHICLES AND TRAFFIC SAFETY

Load, Weight, Length, and Width Limitations

Pursuant to the authority contained in the act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), it is proposed to amend the regulations on vehicles and traffic safety at 36 CFR 4.11, by addition of paragraph (e).

The purpose of the proposal is to regulate the use of auxiliary, detachable, outside rear view mirrors on motor vehicles within areas of the National Park

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System, to better ensure that pedestrians will not be hit by these objects.

It is the policy of the Department of the Interior, whenever applicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed regulations to the Director, National Park Service, Washington, D.C., 20240, on or before March 1, 1973.

Section 4.11 of Title 36 is amended by adding a new paragraph (e) to read as follows:

§ 4.11 Load, weight, length, and width limitations.

* * * * *

(e) No motor vehicle shall be operated with a side mirror of auxiliary detachable type which extends more than 6 inches beyond the side fender line on either side of the motor vehicle, except when the motor vehicle is towing a second vehicle.

Dated: January 12, 1973.

JOSEPH C. AUMBERG, Jr.,
Acting Associate Director,
National Park Service.

[FR Doc.73-1679 Filed 1-29-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1427]

SEED COTTON

Proposed Determinations for 1973 Loan Program

The Secretary of Agriculture is preparing to make the following determinations and issue regulations with respect to a loan program for 1973-crop upland and American-Pima seed cotton:

(a) Whether such a loan program should be offered in 1973.

(b) Loan levels.

(c) Detailed operating provisions to carry out the program.

These determinations are to be made pursuant to section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c).

(a) The cotton crop is now harvested over a short period of time (weather permitting). This results in delays to many producers in getting their cotton ginned, rushed ginning, and higher ginning costs to producers. Until cotton is ginned, baled, and stored in a warehouse, it is not eligible for loans under Commodity Credit Corporation's regular cotton loan programs.

This Department is not required to offer a seed cotton loan program. However, a seed cotton loan program was instituted by Commodity Credit Corporation for 1971-crop seed cotton; the program was renewed in 1972. Under these programs, recourse loans were made available on seed cotton in approved storage on or off the farm within a reasonable distance of an approved gin. These loans were designed to afford interim financing for the producers until such time as their cotton could be ginned and be available for sale or placing under the regular loan programs. Since these loans would make it possible for producers to store quantities of seed cotton for more orderly ginning at a later date, it was expected that the program would permit gins to operate over a longer period of time, resulting in reduced costs to producers and ginning of a higher quality cotton.

The 1971 and 1972 programs were limited to selective locations where past experience and conditions have shown that seed cotton can be stored. Participation in the 1971 and 1972 programs was limited, mainly because adverse weather during the harvesting season in some areas delayed harvesting. The program is being reviewed to determine whether it should be continued for 1973.

(b) Under previous seed cotton programs, loans were in amounts somewhat less than the estimated loan value of the lint cotton which would be ginned from the seed cotton placed under loan. Consideration is being given to the levels at which loans should be made available under the 1973 program.

(c) The seed cotton loan program regulations, containing the operating provisions for the 1972 program, were published in the FEDERAL REGISTER of June 13, 1972 (37 FR 11717) and June 21, 1972 (37 FR 12219). These regulations are being reviewed to determine whether similar regulations should be issued for the 1973 program.

Prior to making the foregoing determinations and issuing regulations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than March 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 4091, South Building, 14th and Independence Avenue SW., Washington, DC.

Signed at Washington, D.C., on January 23, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-1757 Filed 1-29-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 2, 21, 43, 73, 74, 76]

[Docket No. 19671, etc., FCC 73-73]

TRANSMISSION OF MOTION PICTURES FOR DISTRIBUTION TO HOTEL ROOMS

Notice of Inquiry and Proposed Rule Making; Memorandum Opinion and Orders

In the matter of various methods of transmitting program material to hotels and similar locations and use of the business radio service for the transmission of motion pictures or other program material to hotels or other similar points. Docket No. 19671.

Amendment of Part 76, Subpart G of the Commission rules and regulations pertaining to the cablecasting of programs for which a per-program or per-channel charge is made. Docket No. 19554.

Amendment of §§ 73.643(b)(2) and 74.1121(a)(2) of the Commission's rules and regulations pertaining to the showing of sports events on over-the-air subscription television or cablecasting. Docket No. 18893.

Amendment of Parts 1, 2, 21, and 43 of the Commission's rules and regulations to provide for licensing and regulation of common carrier radio stations in the multipoint distribution service. Docket No. 19493.

Sterling Manhattan Cable Television, Inc., Complainant v. New York Telephone Co., Defendant.

Petition for Consolidation filed by American Broadcasting Cos., Inc. Petition of National Association of Theatre Owners, Inc., to Impose a "Freeze" on the filing and grant of applications for the use of radio frequencies in connection with the operation of CATV pay-TV systems and/or channels and closed circuit pay-TV systems.

I. 1. The Commission has before it for consideration several proceedings which involve the transmission by wire or radio communication of motion pictures to hotel master antenna systems for distribution to hotel rooms. These include the furnishing of closed-circuit video transmission service by the New York Telephone Co. to Trans-World Communications (a division of Columbia Pictures Industries, Inc.), which is the subject of a complaint by Sterling Manhattan Cable Television, Inc.; applications of Columbia Pictures Industries, Inc. for microwave facilities in the Business Radio Service in several cities; recent grants to Midwest Corp. and others for construction permits in the Multipoint Distribution Service in three cities; and proposed rule making in Docket No. 19493 concerning use of the Multipoint Distribution Service. Although the distribution systems involved differ in technology and include both private and common carrier systems, they raise common questions of potential competition with commercial television broadcast transmissions and cable television, and potential "siphoning" of program material from free television, in addition to certain issues separately applicable to each method of program distribution. Furthermore, we also have pending other proceedings concerning the "siphoning" issue in the use of subscription television and cablecasting (see Dockets Nos. 18893, 19534).

2. In order to consider these common questions together, the Commission has decided to issue this notice of inquiry and notice of proposed rule making. The basic issue upon which we seek the comment of interested persons is whether, assuming that the various proposed new methods of supplying motion pictures or

other mass entertainment to hotels are otherwise in the public interest, they should nevertheless be restricted in order to prevent or limit the competitive effect upon television broadcast service or cable television service. In adopting rules for a subscription television service,[1] we determined that "free" television service to the public should be protected against the siphoning of certain program material for which the public now pays no direct charge. (See § 73.643 of the rules and regulations, 47 CFR 73.643.)[2] For the same reason, we imposed essentially the same restrictions upon programs cablecast for pay upon a per-channel or per-program basis by cable television systems. See § 74.1121, CATV, 23 F.C.C. 2d 825 (1970), now § 76.225 (37 FR 3288). In Docket No. 19554, Cablecasting Program Charges, 35 F.C.C. 2d 893 (1972), we requested further comments on the rules governing cablecasting, including the changes with respect to sports programs adopted in Docket No. 18893 for subscription television. The issues now before us are somewhat different, since the presently proposed modes of supplying motion pictures to hotels do not directly convert "free" channels of television broadcasting to pay use, as is the case with subscription television, and do not rely upon television broadcasting to supply basic program material, as is the case with cable television systems. Nevertheless, the questions remain of whether the newer modes will in fact affect the public's receipt of motion pictures or other program material on the other media and, if so, whether it is appropriate for the Commission to adopt similar, or different, restrictions for the new modes, modify the existing restrictions on pay cablecasting and subscription television, or take other remedial action. We are aware that the proposals now before us concern only the supplying of motion pictures to hotels, but the potential for a wider distribution of this and other material would appear to be present, as is the potential for a wider interconnection than now appears to be involved. We stress that this proceeding seeks data as to the trends in these new services and the possible impact of such trends on the public interest. Our action, therefore, may go beyond the hotel/motel aspects and include apartment buildings and similar predominantly non-transient locations.

3. It might have been feasible to consider the competition issue separately with respect to each matter before us involving the transmission of motion pictures to hotels by wire or radio. However, despite the technological differences among them, and the separate questions raised by each mode which apply only to it, we believe it preferable to treat the issue of competitive effect on an overall basis, since this issue is essentially the same with respect to each. Policy in this area should not be made on a piecemeal basis. We therefore request comment, with a view toward the adoption of final rules, on the question of whether we should limit the nature of material transmitted to hotel television receivers (or receivers in other institutions or private homes) by common carrier wire or radio, noncommon carrier wire or radio, or laser techniques, in order to prevent the loss of such material by television broadcast stations or cable television systems, or otherwise limit or prevent any such competitive effect upon these services as would be contrary to the public interest. In this regard, we seek information and views on the nature of existing and potential transmission methods, their impact on other services and the policy appropriate to their regulation. Is free competition or limited competition more in the public interest, taking due account of the nature of the respective services? If restrictions on free competition are desirable, what should they be—should they be similar to those now in effect for subscription television and pay cablecasting, or should they include more or less program material? Should they apply to transmissions to any television receivers, even if such transmissions are limited to hotels serving primarily transients, or should they take effect only where a larger or nontransient audience is involved? If the latter, at what point should they come into play? Should we consider relaxing the existing restrictions on pay cablecasting and subscription television rather than impose conditions upon the new services? Finally, should these forms of transmission be required to provide other services required of cable television systems? If so, what should be the form of the rule change (e.g. expanding the definition of a cable system to include hotel or apartment building systems)?

4. During the period we are considering the questions raised in this proceeding, we believe cable systems should be able to compete on an equal footing for the hotel/motel motion picture distribution business. By this we mean in competitive situations those cable systems desiring to transmit motion pictures to hotels or motels (i.e., accommodations used predominantly for transient occupancy) should not be required to adhere to our 2-10 year film restriction (i.e., § 76.225(a)(1) of our rules). Therefore in the aforementioned situation where a cable system is in competition with a noncable television program distribution system within the cable system's franchise area, we will waive upon appropriate request § 76.225(a)(1) of our rules with respect only to cable transmission to hotels/motels. A cable system may file for a waiver in the very early stages of a competitive situation, and in any event it and the hotel/motel entrepreneur may proceed with negotiations in such competitive situations with the assurance that a waiver will be forthcoming.[3]

5. Authority for the proposed rule making and inquiry instituted herein is contained in sections 2, 3, 4 (i) and (j), 201, 214, 301, 303, 307, 308, 309, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 152, 153, 154 (i) and (j), 201, 214, 301, 303, 307, 308, 309, and 403. In accordance with the provisions of section 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, and other pleadings shall be filed. Written comments should be filed on or before May 21, 1973, and reply comments on or before July 23, 1973.

II. 6. We also have before us the petition of American Broadcasting Companies, Inc. (ABC), for consolidation of the rule making proceedings in Docket Nos. 19554, 18893, and 19493, the Sterling Manhattan Cable Television complaint and the applications of Columbia Pictures for microwave licenses, insofar as these matters relate to the "siphoning" of program material from free television.[4] Several parties have opposed this request. We agree with ABC, as indicated above, that there is a competitive impact issue common to the transmission methods other than subscription television and cablecasting which should be treated in one proceeding. However, we do not agree that all of the pending matters should be consolidated. We will proceed with them, and dispose of the ABC petition, in the manner set forth below.

7. Docket No. 19554, concerning the cablecasting of programs for which a per-channel or per-program charge is made, has been before us since June 1970. Throughout this proceeding we have indicated our desire to expedite its resolution. When we adopted our July 19, 1972 notice of proposed rule making and memorandum opinion and order, we said at page 8:

> We will make every effort to expedite resolution of this proceeding and expect to adhere to this proposed timetable.

Later, on September 27, 1972, when we extended the time for filing comments and reply comments for a period less than that requested, we said:

> In issuing the notice in this proceeding we indicated our intention to complete it expeditiously. Expedition was felt to be especially desirable because the existing rules were to be retained during the course of the proceeding although they had been subject to serious criticism on both procedural and other grounds.

We reiterate this view and believe that a consolidation of this proceeding with the

[1] Subscription Television, 15 F.C.C. 2d 466 (1968), affirmed National Association of Theatre Owners v. F.C.C., 420 F. 2d 194 (C.A.D.C., 1969), cert. den. 397 U.S. 922.

[2] In Docket No. 18893, Showing of Sports Events, 34 F.C.C. 2d 271 (1972), we revised those rules as they apply to over-the-air subscription television, with particular regard to sports events. Although we had requested comment on applying the changes to cablecasting, we left that subject for later and separate treatment. Petitions for reconsideration of Docket No. 18893 are pending, but not on this latter question, reconsideration having been denied as to the determination to take up the cablecasting limitations separately. (35 F.C.C. 2d 893 (1972).)

[3] We stress that our willingness to entertain the above waivers of the 2-10 year film restriction is a temporary measure designed to apply until the proceeding we are instituting today is finally resolved. This action is in no way indicative of any decision we might reach in Docket No. 19554.

[4] The Illinois Commerce Commission has also sought consolidation.

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other captioned matters would cause an unnecessary delay. The issues surrounding pay cablecasting are sufficiently distinct to be handled separately, and we see no need to delay their resolution while we investigate the potential effect of the other methods of program transmission which are the subject of our inquiry. In our July 19, 1972 notice we restated the relevant questions and said we would take into consideration prior comments on these questions and any new comments relating to them. We also proposed to receive comments on four questions listed by ABC.[5] Since the particular questions relate to our pay cable policy, we feel it appropriate to decide them in Docket 19554. This will not deprive us of the flexibility to change these rules if necessary or to take notice of comments received on these questions and the effect of any decision made by us in this Docket upon the proceedings begun today.

8. Docket No. 18893 is virtually completed. The only matters left for decision are questions concerning clarification of amended § 73.643(b)(2) adopted in our report and order of March 23, 1972 (34 F.C.C. 2d 271). This being so, and because of the separate policy questions relevant to subscription television which, as we noted above, directly displaces traditional television broadcasting, we see no reason to order a consolidation of this docket with all the other captioned matters which would substantially delay a decision we can make very soon.

9. Docket No. 19493 involves a number of issues beyond those which are the subject of our notice and inquiry herein. However, it also involves basically similar competitive questions. Thus, in the notice of proposed rule making released on April 26, 1972, 34 F.C.C. 2d 719, at 722, we stated:

> The future development of this service is not entirely clear at this time. The various uses as projected by the applicants appear to be limited to instructional and business closed circuit television. While we do not anticipate that these facilities would be used to reach a mass market for closed circuit entertainment programming, a substantial entertainment market would appear to be possible. For example, an entrepreneur could arrange through the carrier to have programming (e.g., sports or movies) distributed for several hours a day or week to a number of hotels in a city, or in several cities if intercity connections were provided. While such arrangements would not be likely to reach the mass audiences anticipated in connection with subscription television or cablecasting, the audience could be substantial nonetheless. Therefore, we raise the question whether some anti-siphoning rules similar to those adopted in our report and order in Docket No. 18893, released March 29, 1972 (FCC 72-263), would be appropriate. We solicit comments on this question, including whether and to what degree this service is likely to develop into a device for serving substantial entertainment audiences. It is appropriate to note that other types of common carrier facilities, e.g., point-to-point microwave and cable, are also used for closed circuit television distribution. Therefore, it is possible that the Commission may want to consider the matter in a broader context than this proceeding.

Because we have already asked for comments on this subject, we will extract from Docket No. 19493 those comments which deal with it, and include them in the proceeding we are instituting today.

10. We are also today ruling upon the Sterling Manhattan Cable Television complaint against New York Telephone Co. in a separate document. The issues raised there are consolidated herein to the extent already indicated.

III. 11. In another action today, we have made a partial grant of applications filed by Columbia Pictures for microwave facilities in the Business Radio Service in the 12,200–12,700 MHz band. Our grants authorize Columbia Pictures to use private microwave to distribute motion pictures to hotels for viewing by the hotel guests and for distributing information about the movies available and the starting time of each feature. We have not granted Columbia Pictures proposals to use microwave radio channels for convention coverage and for transmission of paid advertisements associated with information about services, facilities, and attractions in the city. Further, we have conditioned our grants on the outcome of this proceeding because, although we concluded that the partial grants are consistent with existing rules, we believe a broad review of this type of use of Business microwave facilities is desirable.

12. Accordingly, we request comments on the following questions: (a) whether the microwave frequencies available in the Business Radio Service should be used for the transmission of motion pictures or other program material to hotels or to other reception points on a subscription basis; (b) if this service is to be authorized, what, if any, program transmission restrictions should be imposed, and what should be its relationship to cable television services; (c) more generally, comments are requested on whether Business microwave frequencies should be used for distribution by the licensee of his product for which a charge is made (such as motion pictures, music, etc.), or his services (such as computer service) to his customers; (d) whether private systems for convention coverage and transmission of information supported by advertising should be authorized; (e) assuming the services described in (a), (c), and (d) above are to be permitted, comments are requested on the impact of each on the spectrum space available in the Business Radio Service and on whether a new radio service, perhaps on frequencies above 12,700 MHz, should be established.

13. Resolution of these issues may result in amendment of the rules governing the use of the business radio service or new proposals for the creation of a new service. Authority for the proposed amendments is in sections 301, 303, 307, 308, 309, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. 301, 303, 307, 308, 309, and 316. The time for filing comments on these issues is the same as that set forth above with respect to the general competitive impact issues.

IV. 14. In reaching its decisions in these matters, the Commission may take into account any relevant information before it in addition to the specific comments received. Responses will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C.

15. In view of what has been set forth above, the petition of American Broadcasting Companies, Inc., and that of the Illinois Commerce Commission are granted to the extent indicated and otherwise are denied.

16. The petition of the Theatre Owners of America is also denied. Their request for a stay across-the-board of all grants of applications for the use of the spectrum in connection with pay cable or the provision of program material to hotels is unsupported by any showing warranting the grant of this drastic relief, either in terms of private or public injury or problems of spectrum scarcity.

Adopted: January 17, 1973.

Released: January 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1762 Filed 1-29-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-464]

NATURAL GAS TARIFF CHANGES

Proposed Filing Requirements; Extension of Time for Filing Comments

JANUARY 19, 1973.

On January 17, 1973, the Independent Natural Gas Association of America filed a request for an extension of time to file comments concerning the "notice of proposed rule making" in Docket R-464 issued December 14, 1972, and published December 21, 1972, at 37 FR 28195, in the above matter.

Upon consideration, notice is hereby given that the time is extended to and including February 28, 1973, within which any interested person may submit data, views, and comments in writing, in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1725 Filed 1-29-73;8:45 am]

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[5] 1. What are the legal, technical, and economic differences between over-the-air subscription television and pay cablecasting?

2. Are there, as the Department of Justice suggests, means of protecting the viewing public by less restrictive means than the existing rules?

3. Are the rules appropriate for and how should they be administered with respect to access and leased channel cablecasting for which there is a per-program or per-channel charge and not subject to the control of a cable television operator?

4. Have there been significant and relevant changes in the motion picture industry that should be reflected in the rules?

[6] Commissioners Johnson, Reid, and Wiley concurring in the result.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 12534; Notice No. 73-3]

CIVIL AIRPLANE FLEET NOISE (FNL) REQUIREMENTS

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering proposing the adoption of regulations that would prevent escalation of fleet noise levels (FNL); require a reduction in fleet noise levels on or before July 1, 1976; and require airplanes to comply with 14 CFR Part 36 (Noise Standards: Aircraft Type Certification)[1] on and after July 1, 1978. The proposal would apply to aircraft operated in interstate commerce under Part 121 of the Federal Aviation Regulations (14 CFR Part 121) by air carriers, supplemental air carriers, and commercial and air taxi operators operating turbojet engine powered airplanes with maximum weights of 75,000 pounds or greater.

This proposal would not apply to airplanes engaged in foreign air commerce. The United States believes that it is preferable that environmental problems affecting international civil aviation, like other aviation problems affecting more than one nation, be considered initially and hopefully resolved by the International Civil Aviation Organization (ICAO). ICAO is currently addressing the problem of aircraft noise, and has in fact scheduled its next meeting on the subject in March of this year. Issuance at this time of a proposal affecting airplanes in foreign air commerce could be construed by some in the international community as prejudging the issue or restricting U.S. participation in the ICAO work. An agreed international standard in this area would certainly reduce operational and enforcement problems and would put air carriers competing in foreign air commerce on a comparable footing. It is the intention of the United States to pursue this objective.

The proposal would also not apply to airplanes operated in overseas air commerce. The FAA specifically invites comments concerning whether these airplanes should be covered and, if so, on what basis.

To aid persons wishing to comment on the ANPRM, the terms "interstate air commerce", "overseas air commerce" and "foreign air commerce" are defined, respectively, as meaning the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft in commerce between respectively—

(a) A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same territory or possession of the United States, or the District of Columbia;

(b) A place in any State of the United States, or the District of Columbia, and any place in a territory or possession of the United States; or between a place in a territory or possession of the United States, and a place in any other territory or possession of the United States; and

(c) A place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

These definitions are derived from section 101(20) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(20)).

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public proceedings in actions related to rule making. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule making problem.

Interested persons are invited to participate in this rule making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Rocket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before March 2, 1973, will be considered by the Administrator before taking action on the proposal. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This advance notice is published after consideration of comments received in response to Advance Notice of Proposed Rule Making 70-44, "Civil Airplane Noise Reduction Retrofit Requirements" (Docket No. 10664), published in the FEDERAL REGISTER (35 FR 16980) on November 4, 1970.

The responses to the Civil Airplane Noise Reduction notice may be categorized in three basic groups: (1) City and State governmental authorities, citizen groups, and individual Congressmen and citizens; (2) foreign states and manufacturers; and (3) domestic industry groups and associations.

The first group almost unanimously supports the early implementation of retrofit[2] requirements; in geenral, however, the responses do not address the technological practicability or economic reasonableness of early implementation.

The members of the foreign group express the opinion that any retrofit requirements should be developed in the international forum because foreign operators may be required to comply with similar regulations. The FAA supports the concept that it is desirable to obtain uniformity of regulatory action through the ICAO procedure, and, as previously stated, is working in support of that international effort. Accordingly, this FNL proposal would supplement the establishment of international standards, while providing early relief to the public from aircraft noise generated by interstate operators.

The foreign group also expresses doubts that meaningful noise reductions can be obtained in an economical manner, particularly for aircraft whose engine noise source is dominated by the high velocity jet noise. The technical and economic reservations with respect to the high jet velocity noise source aircraft have, to a significant extent, been resolved since the issuance of the civil airplane noise reduction notice. Many pure jet (nonturbofan) aircraft have been retired because they are economically less desirable from an operational standpoint. In addition, recent technology programs being conducted indicate some potential for the development of jet noise suppression devices and, to this end, the fleet noise program now under consideration could provide flexibility in dealing with pure jet aircraft.

The domestic industry groups were divided on the qeustion of proceeding with an aircraft acoustic retrofit. The United Automobile Workers of America, the Air Line Pilots' Association, the American Association of Airport Executives, the Airport Operators' Council International, the National Association of State Aviation Officials, and the National Academy of Sciences all endorsed the early initiation of an aircraft acoustic retrofit requirement. Their position, essentially, is that existing studies are adequate to establish technical and economic feasibility and that noise reduction would be meaningful to airport neighbors.

The Aerospace Industries Association and the Air Transport Association express the opposing opinion that adequate information is not available to proceed with an acoustic retrofit program. Additionally, they argue that regulations should not be promulgated until the term "meaningful relief" is defined, until complete acoustical modifications are available for each airplane type, and until specific financing means are resolved. The FAA believes that, since the issuance of the civil airplane noise reduction notice, the technical problems leading to the definition of airworthy acoustical configurations which will meet the requirements of Part 36 are in the process of being resolved. It is believed that ongoing programs will lead to the development of airworthy Part 36 configurations in time to permit compliance with an FNL program without unreasonable burdens on the operators.[3] The requirements of the FNL program are believed to provide reasonable time for the modification of production lines to produce acoustic configurations for each airplane type as required by the operators, and to insure that the resulting reductions in fleet noise levels and individual airplane noise levels are meaningful.

[1] Part 36, applicable to subsonic transport category airplanes, and subsonic turbojet airplanes of all categories, establishes noise limits and methods to measure and evaluate aircraft noise. Compliance with the Part 36 requirements is necessary with respect to airplane types developed since December 1, 1969, before a type certificate may be issued for any airplane under the provisions of Part 21 (14 CFR Part 21).

[2] Retrofit, simply stated, is an aircraft or engine modification program designed to lessen noise emissions.

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After considering these views, an FNL concept is being considered as an interim measure to relieve increasing airplane noise emissions until such time as all pertinent airplanes are subject to Part 36. Although the FNL concept, as fully explained below, is considered to be the most appropriate course to follow, within current technological capabilities, this does not imply a rejection of the retrofit program. Rather, the FNL concept is designed to permit an air carrier the alternative of modifying existing airplanes, replacing them with others having lower noise levels, or a combination of these actions. The time frames proposed for staging full compliance are designed to permit this flexibility. The FNL concept is not being considered as the exclusive solution to the noise level problem. Any person may propose alternative courses to or variants of the FNL and retrofit programs, and these will be considered by the Administrator in this proceeding. For this reason, an advance notice is being published, to inform all concerned that a solution is being sought to the overall noise level problem, and to afford an opportunity to be heard to any person desiring to coment. An environmental impact statement has not been prepared at this stage in the proceeding. Should further action be pursued, however, a statement will be promulgated at the appropriate time.

The FNL concept is discussed below, and is followed by a draft implementing regulation.

I. *Scope.* The FNL proposal would apply to all airplanes, with a maximum weight of 75,000 pounds or more, not operated in foreign or overseas air commerce. This would include airplane fleets operated by air carriers engaged in interstate air transportation under a certificate of public convenience and necessity or other appropriate economic authority issued by the Civil Aeronautics Board (CAB); the above-mentioned air carriers when engaged in interstate charter flights or other special service operations; supplemental air carriers and commercial operators engaged in the carriage of persons or property in interstate air commerce for compensation or hire; and certain air taxi operators.

II. *The Fleet Noise Level (FNL) concept and methodology.* Under the FNL concept, every airplane operating in interstate commerce would be required to comply with Part 36—"Noise Standards: Aircraft Type Certification" not later than July 1, 1978. Pending achievement of that objective, the FNL concept would immediately establish an upper limit on the cumulative noise levels of each fleet operator, and then would require a phased reduction of those levels so that, by July 1, 1976, at least 50 percent of the reduction required by July 1, 1978 would be achieved.

[3] Among those airplanes now in commercial domestic and foreign service and not subject to Part 36 certification are: DC-8, DC-9, Boeing 707, 727, and 747-100, Convair 880 and 990, and all turboprop aircraft. The BAC-111, operated in domestic service, also is not subject to Part 36 certification.

The FNL concept is based on the principle that the noise level of any given fleet is a function of the jet-engine noise of each airplane in that fleet and the total number of takeoffs and landings of each airplane in that fleet. The major elements of the FNL concept are: (1) Determining the noise levels for each airplane in the fleet, (2) determining the total number of operations (takeoffs and landings), for each airplane type for a representative 90-day period, (3) calculating a fleet noise level based on a mean logarithmic equation, and (4) establishing a precise limit on fleet noise levels.

The first element—determination of the takeoff and approach noise levels—would be calculated under the same takeoff and approach noise measurement terms and conditions as are used in Part 36 type certification. These terms and conditions have received wide review and will insure that the noise levels are of the same quality and have the same meaning as those that are determined during type certification. A sideline noise level measurement is not proposed, however, because the FAA believes that the calculation of the takeoff fleet noise level would not be altered significantly by including sideline noise levels. Also, in order to insure that the effects of takeoff and approach noise are discretely accounted for, no tradeoff between takeoffs and landings would be permitted. As in type certification, any weights less than maximum weight or design landing weight that are used in determining the takeoff and approach noise levels of an airplane for the purpose of determining FNL would be required to be established as operating limitations for the airplane. The noise level generated by each airplane would be required to be submitted within 30 days following the prescribed 90-day period.

The second element of the proposed regulation—the summary of total number of individual takeoffs and landings for any given 90-day period—would be required to be submitted every 90 days.

The third element—calculation method for determining fleet noise levels—is set forth as a draft proposal in Appendix G of Part 121, infra. The calculation is based on a mean logarithmic formula prescribed in section 2 of that appendix. The formula has been developed to combine the takeoff and landing summaries and the noise levels of each airplane within a fleet in an analytical process that reflects the contribution of these two factors to the noise level of each fleet (FNL).

The fourth element—the limiting fleet noise level (FNL) value, one for takeoff and one for approach—would be imposed as legal limitations on each fleet. These two limiting FNL values are derived, for each operator's fleet, under the prescribed mean logarithmic equation in Appendix G, using the 90-day summary of takeoffs and landings of each airplane in the fleet. The draft limiting FNL requirements are contained in proposed §§ 121.807 and 121.809 and are discussed below.

III. *Rules beginning ----------, 1973 (proposed § 121.807).* The purpose of this section would be immediately to "freeze," and prevent any further escalation of, the fleet noise levels that are now being generated and to achieve a positive FNL reduction on and after July 1, 1976. This would be done (1) by requiring each operator to submit the data and information necessary to establish the FNL's actually generated by him during a representative 90 consecutive days during the 12 months preceding the date of this notice, (2) by the Administrator's determination of the initial FNL's and, (3) by requiring that the initial FNL's not be exceeded (after a reasonable period for challenge). The challenge provisions would function as follows: The FNL data and information, submitted on or before ----------, 1973, would be converted into FNL's by the Administrator and published in the FEDERAL REGISTER. For operators for which no FNL can be established because of matters such as a strike or merger, the FAA would publish in the FEDERAL REGISTER an FNL equal to the average of all FNL's published or an FNL established by other means determined by the Administrator to be equitable and representative of that operator's experience. These values could be challenged by the operator within the 30 days following FEDERAL REGISTER publication. The values would be amended and republished if the Administrator agreed that the published FNL's were not equitable or representative. Initial published FNL values would become legal limits for each operator 60 days after their publication in the FEDERAL REGISTER unless challenged, in which case the Administrator's decision on the challenge would become legally binding 30 days after publication of that decision.

IV. *Rules beginning July 1, 1976 (proposed § 121.809).* On and after July 1, 1976, the FNL's originally established for each operator would be required to be reduced to a level that is halfway between the original level and the level that would exist if each airplane covered by this proposal was type certificated under Part 36 (a goal that would have to be fully achieved by the operator no later than July 1, 1978). Thus, if the operator's takeoff FNL established under proposed § 121.807 were 104, and it is determined (for any 90-day period following July 1, 1976) that, given the total number of takeoffs and landings within that period, the operator's takeoff FNL, computed as though each of the operator's airplanes complied with Part 36 (including Appendix C), would be 96, the operator would be limited to a takeoff FNL of 100 (that is, an FNL one-half way between 104 and 96). The operator would be subject to audit by the Administrator at any time to ensure that a takeoff FNL of 100 were not exceeded during any prescribed 90-day period. In addition, the provisions of § 121.807(d) requiring continuous submission of FNL data and information would continue to apply on and after July 1, 1976.

V. *Rules beginning July 1, 1978 (proposed § 121.811).* On July 1, 1978, the FNL concept would expire. In its place,

the regulation would require each operator to restrict all of his operations covered by this proposal to airplanes type certificated under Part 36, "including compliance with Appendix C of that Part". The quoted words would preclude argument that compliance with Part 36, for airplanes with older type certificates, could be accomplished through compliance with the provisions of Part 36 concerning early application dates (e.g., § 36.201).

The proposed rules are as follows:

Subpart X—Fleet Noise Levels

§ 121.801 Applicability.

This subpart governs the operation of turbojet engine powered airplanes with maximum weights of 75,000 pounds or more by operators when they are engaging in interstate air commerce. This subpart includes only those turbojet engine powered airplanes (one or more) that are in the operator's operating specifications or aircraft listing.

§ 121.803 Inspections by Administrator.

The operator shall permit the Administrator to make all inspections of records, data, and facilities necessary to ensure continuing compliance with this subpart, and all records and data shall be maintained in current status by the operator for this purpose.

§ 121.805 Relation to Part 36 of the Federal Aviation Regulations.

(a) All data and information submitted under this subpart for the purpose of determining takeoff or approach noise levels of individual airplane types shall be adequate to ensure compliance with §§ 36.3, 36.5, 36.101, 36.103, 36.1501, 36.1581, C36.1, C36.3, C36.7, and C36.9 of Part 36 of this chapter. All determinations of approach and takeoff noise levels of individual airplane types by the Administrator under this subpart will be made in accordance with those sections.

(b) Unless otherwise specified, all references in this subpart to provisions of Part 36 refer to Part 36 of this chapter as effective on December 1, 1969.

§ 121.806 Weight limits.

Any weights, less than maximum weight or design landing weight, that are used in determining the takeoff or approach noise, respectively, for any airplane under this subpart must be established as operating limitations for that airplane.

§ 121.807 Requirements beginning on ----------, 1973.

(a) On and after ----------, 1973, no person may operate an airplane covered by this subpart until he submits, and the Administrator accepts—

(1) All data and information necessary to determine the takeoff and approach noise levels of each airplane covered by this subpart and operated by him during a representative 90-day period during the 12 months preceding the issuance of this notice [date would be inserted in final rule]; and

(2) The total number of takeoffs and approaches conducted by him with each of the specified airplanes during that 90-day period.

(b) Using the data and information submitted under paragraph (a) of this section, the Administrator will determine—

(1) The takeoff and approach noise level of each airplane for which data and information are submitted; and

(2) The takeoff and approach FNL's, computed under Appendix G of this part, that were generated by that operator for the 90-day period described in paragraph (a)(1) of this section.

(c) The Administrator will publish in the FEDERAL REGISTER the takeoff and approach FNL's computed under paragraph (b)(2) of this section for each operator. For an operator for which a representative FNL cannot be established, the Administrator publishes in the FEDERAL REGISTER, under paragraph (c) of this section, an FNL equal to the average of all FNL's computed under paragraph (b)(2) of this section, or by other means determined by the Administrator to be equitable and representative of that operaor's experience. The operator may, within 30 days following that publication, challenge the published FNL's. If the Administrator finds that the published FNL's are equitable and representative, he will so notify the operator. On and after 60 days following the date of publication of the initial FNL's or, if challenged, on and after 30 days after receipt of the Administrator's disposition of that challenge, no operator may operate an airplane covered by this subpart that is not type certificated under Part 36 of this chapter (including compliance with Appendix C of that part) if he exceeds his original or amended, as the case may be, FNL's in any consecutive 90-day period prescribed in paragraph (d) of this section.

(d) No person may operate an airplane covered by this subpart unless—

(1) He has submitted by 30 days following ----------, 1973, all data and information necessary to determine the takeoff and approach noise levels of, and the number of takeoffs and approaches made by each airplane covered by this subpart during the 90 days preceding that date; and

(2) Thereafter, he has submitted by 30 days following each 90-day period subsequent to ----------, 1973, the data and information (as specified in paragraph (d)(1) of this section) for that period.

§ 121.809 Requirements beginning on July 1, 1976.

In addition to continuing compliance with § 121.807(d) of this part, and beginning on July 1, 1976, the takeoff and approach FNL's of an operator's fleet for the 90-day period prescribed in § 121.807(d), computed in accordance with Appendix G of this part, may not exceed one-half of the sum of the following—

(a) The taffeoff and approach FNL's, respectively, published in the FEDERAL REGISTER under § 121.807(c); and

(b) The takeoff and approach FNL's, respectively, computed under Appendix G of this part for the preceding 90 days, using the noise level limits of Part 36, Appendix C of this chapter, for each airplane operated during that period.

§ 121.811 Requirements beginning on July 1, 1978.

(a) On July 1, 1978, the requirements of §§ 121.807 and 121.809 expire.

(b) On and after July 1, 1978, no person may operate an aircraft covered by this subpart unless that aircraft is type certificated under Part 36 of this chapter, including compliance with Appendix C of that part.

Appendix G—Fleet Noise Levels

SEC. 1. *General.* This appendix shall be used in determining the takeoff Fleet Noise Level (FNL) and the approach FNL of an operator's fleet in compliance with Subpart X of this part.

SEC. 2. *Mean logarithmic equation.* The following mean logarithmic equation shall be used:

$$FNL = 10 \log_{10} \left[\frac{\sum_{j=1}^{j=n} N_j \text{ Antilog } L_j 10}{\sum_{j=1}^{j=n} N_j} \right]$$

Where:

FNL = Fleet Noise Level (EPNL—units of db).
N_j = The number of operations for the 90-day period (Airplane j).
L_j = The noise level of each airplane, determined as specified in § 121.805.

SEC. 3. *Method; Example.* Assume that fleet 90-day takeoff information is as follows:

Type	T.O. weight	90-day number of operations	Noise level (EPNdB)	
			Actual	Pt. 36, app. C
X	227,000	179	110	101
Y	113,000	211	101	96
Z	394,000	147	98	105

Step 1. From the above fleet table (takeoff) determine FNL for actual noise levels by airplane using the number of 90-day operations.

$$FNL\ (Actual) = 10 \log_{10} \left[\frac{\left(179 \text{ Antilog } \frac{110}{10}\right) + \left(211 \text{ Antilog } \frac{104}{10}\right) + \left(147 \text{ Antilog } \frac{98}{10}\right)}{537} \right]$$

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FNL (Actual) = 106.5 EPNdB

Step 2. From the above fleet table (takeoff) determine FNL for Part 36, Appendix C, noise levels, for each airplane, using the number of 90-day operations:

$$\text{FNL (Limit)} = 10 \text{ Log}_{10}\left[\frac{\left(179 \text{ Antilog } \frac{101}{10}\right)+\left(211 \text{ Antilog } \frac{96}{10}\right)+\left(147 \text{ Antilog } \frac{105}{10}\right)}{537}\right]$$

FNL (Limit) = 101.6 EPNdB

Analysis:

1. Beginning on July 1, 1973, the example takeoff FNL for any consecutive 90-day period may not exceed that of Step 1 (106.5 EPNdB).

2. Beginning on July 1, 1976, the example takeoff FNL for any consecutive 90-day period may not exceed one-half the value of Step 1 plus Step 2:

$$\frac{1}{2}[106.5+101.6]=104.1 \text{ EPNdB}$$

Steps 1, 2, and 3 are repeated for determining FNL compliance on approach, using a similar fleet table appropriately listing approach (landing) weights and related existing and limit noise levels.

This advance notice of proposed rule making is issued under the authority of sections 307(c), 313(a), 601, and 611 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1421, and 1431); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and Executive Order 11514, March 5, 1970.

Issued in Washington, D.C., on January 24, 1973.

R. P. SKULLY,
Director,
Office of Environmental Quality

[FR Doc.73-1910 Filed 1-26-73;8:00 pm]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules, that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and funtcions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

BONNEVILLE REGIONAL ADVISORY COUNCIL

Notice of Public Meeting

The Bonneville Regional Advisory Council will hold its annual meeting on February 20, 1973, at the Olympic Hotel, Seattle, Wash. The meeting will begin at 9 a.m. and will be open to interested members of the public. A registration period will be held prior to the meeting. There is no registration fee, but there will be a charge for the no-host luncheon.

The main purpose of the meeting will be to discuss the energy situation within the Pacific Northwest region served by the Bonneville Power Administration. Aspects of this topic to be covered include such items as energy conservation and the environment, the Pacific Northwest energy outlook, energy costs, and Pacific Northwest energy resources.

The Bonneville Regional Advisory Council serves to bring to the attention of its members matters pertinent to BPA programs. The Council does not pass formal resolutions as such but the annual meeting does serve as a general forum for the free exchange of ideas as to the best ways of utilizing the energy resources of the region.

Copies of the proceedings of the annual meeting will be furnished on request to the Executive Secretary, Bonneville Regional Advisory Council, Post Office Box 3621, Portland, OR 97208.

Dated: January 16, 1973.

DONALD PAUL HODEL,
Administrator.

[FR Doc.73-1697 Filed 1-29-73;8:45 am]

Bureau of Land Management

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 18, 1973.

Notice of an application Serial No. R 2832 for withdrawal and reservation of lands was published in the FEDERAL REGISTER, Volume 35, Document No. 132, page 11062, dated July 9, 1970. The applicant agency has canceled its application insofar as it affects the following described lands:

SAN BERNARDINO MERIDIAN

SAN BERNARDINO NATIONAL FOREST

Gold Hill Administrative Site

T. 7 N., R. 19 W.,
Sec. 7, SW¼SW¼SW¼.
T. 7 N., R. 20 W.,
Sec. 12, SE¼SE¼SE¼;
Sec. 13, NE¼NE¼NE¼.

Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands at 10 a.m. on February 28, 1973, will be relieved of the segregative effect of the above-mentioned application.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-1605 Filed 1-29-73;8:45 am]

National Park Service

THEODORE ROOSEVELT NATIONAL MEMORIAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on March 1, 1973, the Department of the Interior, through the Superintendent, Theodore Roosevelt National Memorial Park, proposes to issue a concession permit to Alvin Tescher, authorizing it to provide concession facilities and services for the public at Theodore Roosevelt National Memorial Park for a period of 5 years, January 1, 1973, through December 31, 1977.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 1, 1973.

Interested parties should contact the Superintendent, Theodore Roosevelt National Memorial Park, Medora, N. Dak. 58645 for information as to the requirements of the proposed permit.

JOHN O. LANCASTER,
Superintendent, Theodore Roosevelt.

NOVEMBER 20, 1972.

[FR Doc.73-1677 Filed 1-29-73;8:45 am]

[Order 2]

MANAGEMENT ASSISTANT, WILSON'S CREEK NATIONAL BATTLEFIELD, MO.

Delegation of Authority Regarding Purchasing Authority

SECTION 1 *Management Assistant.* The Management Assistant may issue purchase orders not in excess of $500 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2 *Revocation.* This Order supersedes Order No. 1, Wilson's Creek Battlefield National Park, dated January 27, 1965 (30 FR 2562, February 26, 1965).

(National Park Service Order No. 66 (36 FR 21218), as amended; Midwest Region Order No. 5 (37 FR 6324 and 6875).

Dated: December 21, 1972.

EUGENE J. COLBERT,
Superintendent, Wilson's Creek National Battlefield.

[FR Doc.73-1676 Filed 1-29-73;8:45 am]

Office of the Secretary

[INT FES 73-3]

PROPOSED ILLINOIS BEACH ACQUISITION

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Illinois Beach Acquisition project. Notice of Availability of the draft environmental statement inviting comments for a 45-day period was announced in the FEDERAL REGISTER on June 9, 1972 (DES 72-63).

The environmental statement considers the acquisition of approximately 725 acres of land, located along 3 miles of Lake Michigan shoreline between Zion and the Illinois-Wisconsin line. The land to be acquired will be utilized for an expansion of Illinois Beach State Park and will be used primarily by the residents of metropolitan Chicago and Milwaukee.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Regional Office, 3853 Research Park Drive, Ann Harbor, MI 48104.

Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240.

Illinois Clearinghouse, State Clearinghouse Coordinator, Office of the Governor, Springfield, Ill. 62706.

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Northeast Illinois Planning Commission, 400 West Madison Street, Chicago, IL 60606.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: January 22, 1973.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-1691 Filed 1-29-73;8:45 am]

[INT DES 73-2]

PROPOSED LITTLE BLUE TRACE ACQUISITION

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Little Blue Trace Acquisition project and invites written comments within forty-five (45) days of this notice. Comments from interested members of the public should be addressed to Regional Director, Lake Central Region, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, MI 48104.

The environmental statement considers the acquisition of approximately 1,384 acres of land along the Little Blue River in Jackson County, Mo. Acquisition will be by the Jackson County Park Department and will preserve a greenbelt along the river for public open space and recreation purposes, in addition to being a shaper of future urban growth in the Little Blue Valley. The project will serve the entire Kansas City metropolitan area.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, MI 48104.

Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240.

State Clearinghouse, Department of Community Affairs, 505 Missouri Boulevard, Jefferson City, MO 65101.

Mid-America Regional Council, Suite 366, 127 West 10th, Kansas City, MO 64105.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: January 19, 1973.

WILLIAM W. LYONS,
Deputy Assistant Secretary.

[FR Doc.73-1692 Filed 1-29-73;8:45 am]

[INT DES 73-3]

PROPOSED POWER TRANSMISSION LINE, LAKE TAHOE STATE PARK, NEV.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Outdoor Recreation of the Department of the Interior has prepared a draft environmental statement on the proposal by Sierra Pacific Power Co. to construct a 120 kv. power transmission line from Carson City, Nev. to Incline Village, Lake Tahoe, through Nevada's Lake Tahoe State Park, a federally assisted Land and Water Conservation Fund project. Written comments from the public are invited within forty-five (45) days of this notice and should be sent to the Regional Director, Bureau of Outdoor Recreation, 450 Golden Gate Avenue, Post Office Box 36062, San Francisco, CA 94102. The draft environmental statement considers the probable effects on environmental and park values of construction of a high voltage overhead transmission line from the Carson City area to the north shore of Lake Tahoe, a distance of 16 miles through primarily mountainous terrain.

Copies of the statement are available for inspection at the following locations:

Office of Communications, Department of the Interior, Room 7229, Washington, D.C., Telephone (202)343-9383.

Office of Information, Bureau of Outdoor Recreation, Room 4026, Washington, D.C., Telephone (202)343-5726.

Office of the Regional Director, Bureau of Outdoor Recreation, 450 Golden Gate Avenue, San Francisco, CA 94102.

State Clearinghouse, Chief, Budget Division, Department of Administration, Blasdel Building, Carson City, Nev. 89701.

Metropolitan Clearinghouse, Washoe County Regional Planning Commission, Post Office Box 1286, Reno, NV 89504.

Regional Clearinghouse, Tahoe Regional Planning Agency, Post Office Box 869, South Lake Tahoe, CA 95705.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: January 22, 1973.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-1693 Filed 1-29-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BERGLAND HILL SKI COMPLEX DEVELOPMENT OTTAWA NATIONAL FOREST

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Bergland Hill Ski Complex Development, USDA-FS-FES(Adm) 73-18.

The environmental statement concerns an application from a private developer for a special use permit for the development of a ski complex on 280 acres of federally owned lands and 120 acres of privately owned lands (the applicant is the apparent owner of the private lands) at the Bergland Hill which is located in the western Upper Peninsula of Michigan, six miles north of Bergland in Ontonagon County.

This final environmental statement was filed with CEQ on January 17, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, WI 53203.

USDA, Forest Service, Ottawa National Forest, Ironwood, Mich. 49938.

A limited number of single copies are available upon request to the Forest Supervisor, Ottawa National Forest, Ironwood, Mich. 49938.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

January 23, 1973.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-1683 Filed 1-29-73;8:45 am]

SELECTION OF PROPOSED NEW STUDY AREAS FROM ROADLESS AND UNDEVELOPED AREAS WITHIN THE NATIONAL FORESTS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for selection of proposed new study areas from roadless and undeveloped areas within the national forests, USDA-FS-DES(Adm.) 73-42.

The environmental statement concerns a proposed selection of 235 new study areas from an inventory of 1,448 areas of undeveloped national forest lands, such areas to be further evaluated as to the desirability of adding them to the National Wilderness Preservation System.

This draft environmental statement was filed with the CEQ on January 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

1. Washington office:
USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

2. Regional offices (Regional Forester, U.S. Forest Service):

Northern Region, Federal Building, Missoula, Mont. 59801.
Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87101.
California Region, 630 Sansome Street, San Francisco, CA 94111.
Southern Region, 1720 Peachtree Road NW., Atlanta, GA 30309.
Alaska Region, Federal Office Building, Post Office Box 1628, Juneau, Alaska 99801.
Rocky Mountain Region, Denver Federal Center, Building 85, Denver, Colo. 80225.
Intermountain Region, 324-25th Street, Ogden, UT 84401.
Pacific Northwest Region, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208.
Eastern Region, 633 West Wisconsin Avenue, Milwaukee, WI 53203.

3. Forest supervisor offices.

Each of these offices will have a copy of the Draft Environmental Statement available for review. The addresses of these offices may be obtained from any of the Regional Offices listed above.

4. Institute of Tropical Forestry:
Director, Institute of Tropical Forestry, Post Office Box AQ, Pio Piedras, Puerto Rico 00928.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to John R. McGuire, Chief, Forest Service, U.S. Department of Agriculture, South Building, 12th and Independence Avenue SW., Washington, D.C. 20250. Comments must be received by April 18, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JANUARY 23, 1973.

[FR Doc.73-1684 Filed 1-29-73;8:45 am]

Packers and Stockyards Administration

PERKINS AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

IA-246 Perkins Auction, Carson, Iowa.
IA-245 Jones Livestock Sales, Spencer, Iowa.
KS-198 Arkansas Valley Community Sale, Wichita, Kans.
OK-190 Oklahoma Auction Center, Chickasha, Okla.
TX-203 Algoa Livestock Commission Company, Inc., Algoa, Tex.
WI-130 Kettle Moraine Auctions, Inc., Waukesha, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, on or before Tuesday, February 13, 1973.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 22d day of January 1973.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-1611 Filed 1-29-73;8:45 am]

Soil Conservation Service

LOST CREEK WATERSHED PROJECT, MO.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Lost Creek Watershed Project, Newton County, Mo., USDA-SCS-ES-WS-72-26(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The plan includes conservation land treatment measures, seven floodwater retarding reservoirs, three debris basins, and is associated with channel modification proposed by the U.S. Army, Corps of Engineers.

The final environmental statement was transmitted to CEQ on January 17, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenues SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, Parkade Plaza Shopping Center, Terrace Level, Post Office Box 459, Columbia, MO 65201.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $4.25.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Dated: January 19, 1973.

WILLIAM D. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-1613 Filed 1-29-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-551]

KAREN SUE, INC.

Notice of Loan Application

FEBRUARY 22, 1973.

Karen Sue, Inc., Ministerial Road, Wakefield, R.I. 02879, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 76-foot in length, to engage in the fishery for flounders, whiting, cod, hake, scup, butterfish, squid, herring, lobsters, and crabs.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before March 1, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will

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or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.73-1657 Filed 1-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9023; Docket No. FDC-D-568; NDA 9-023, etc.]

CERTAIN ANTIHYPERTENSIVE COMBINATIONS CONTAINING VERATRUM ALKALOIDS

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drugs for oral use:

1. Hyperloid PV Tablets containing protoveratrines A and B and rauwolfia serpentina; Person & Covey, Inc., 616 Allen Avenue, Glendale, CA 91201 (NDA 10-397).

2. Mio-Pressin (No. 1 and No. 2) Capsules containing rauwolfia serpentina, protoveratrines A and B, and phenoxybenzamine hydrochloride; Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, PA 19101 (NDA 9-521).

3. Protalba-R Tablets containing protoveratrine A and reserpine; the Dow Chemical Co., Post Office Box 1656, Indianapolis, IN 46206 (NDA 11-202).

4. Rauprote Tablets containing rauwolfia serpentina and protoveratrines A and B; the Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, PA 18102 (NDA 9-862).

5. Rauvera Tablets containing alseroxylon and alkavervir; Dorsey Laboratories, Div. Sandoz-Wander, Inc., Northeast U.S. 6 and Interstate 80, Lincoln, Nebr. 68501 (NDA 9-066).

6. Rauveratrum Tablets containing rauwolfia serpentina and veratrum viride extract; Direct Laboratories 377 Genesee Street, Buffalo, NY 14204 (NDA 10-004).

7. Rauverid Tablets containing rauwolfia serpentina and veratrum viride extract; Cooper Laboratories, Inc. (formerly Tilden-Yates Laboratories, Inc.), Fairfield Road, Wayne, N.J. 07470 (NDA 10-059).

8. Rauvertrum Tablets containing rauwolfia serpentina and veratrum viride extract; Richlyn Laboratories, Inc., 3725 Castor Avenue, Philadelphia, PA 19124 (NDA 9-607).

9. Rauwiloid and Veriloid Tablets containing alseroxylon and alkavervir; Riker Laboratories, 19901 Nordhoff Street, Northridge, CA 91324 (NDA 9-023).

10. Rauwolfia and Veratrum Tablets containing rauwolfia serpentina and veratrum viride extract; S. F. Durst & Co., Inc., 5317 North Third Street, Philadelphia, PA 19120 (NDA 10-090).

11. Rauwolfia Serpentina-Veratrum Viride Tablets containing rauwolfia serpentina and veratrum viride extract; Vitamix Pharmaceuticals, Inc., 5051 Lancaster Avenue, Philadelphia, PA 19131 (NDA 9-616).

12. Rauwolverat Tablets containing rauwolfia serpentina and veratrum viride extract; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, NY 11106 (NDA 9-488).

13. Salutensin Tablets containing protoveratrine A, reserpine, and hydroflumethiazide; Bristol Laboratories, Inc., Div. Bristol Meyers Co., Thompson Road, Post Office Box 657, Syracuse, NY 13201 (NDA 12-359).

14. Unitensen-R Tablets containing cryptenamine tannates and reserpine; Mallinckrodt Pharmaceuticals, Division, Mallinckrodt Chemical Works, 2d and Mallinckrodt Streets, St. Louis, Mo. 63160 (NDA 9-535).

15. Veralba R Tablets containing protoveratrines A and B and reserpine; the Dow Chemical Co. (NDA 9-369).

16. Verapene tablets containing Reserpine and protoveratrines A and B; Wampole Laboratories, 35 Commerce Road, Stamford, CT 06904 (NDA 9-586).

17. Veraserpine tablets containing Rauwolfia serpentina and Veratrum viride extract; Gold Leaf Pharmacal Co., 223 South Dean Street, Englewood, NJ 07631 (NDA 9-609).

18. Verolfia tablets containing Rauwolfia serpentina and Veratrum viride extract; Bowman, Inc., 119 Schroyer Avenue SW., Canton, OH 44702 (NDA 9-617).

19. Vertina tablets containing Rauwolfia serpentina and Veratrum viride extract; Paul B. Elder Co., 705 East Mulberry Street, Post Office Box 31, Bryan, OH 43506 (NDA 9-993).

20. Verwolfia tablets containing Veratrum viride and Rauwolfia serpentina; M. R. Thompson, Inc., 767 Fifth Avenue, New York, NY 10022 (NDA 9-399).

The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that each component of the combination drugs contributes to the total effect claimed for the drug, and that these fixed combination drugs will have the effect that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before March 1, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before March 1, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 1, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1669 Filed 1-29-73;8:45 am]

[DESI 10761; Docket No. FDC-D-560; NDA 10-761]

DOW CHEMICAL CO.

Certain Antiseborrheic Drug Containing Cadmium Sulfide for Topical Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 10761) published in the FEDERAL REGISTER of June 22, 1971 (36 FR 11875), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Capsebon Suspension containing cadmium sulfide (NDA 10-761); formerly marketed by The Dow Chemical Co., Box 10, Zionsville, IN 46077. The notice stated that the drug was regarded as probably effective for its labeled indication. The drug has been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been submitted pursuant to the notice.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before March 1, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before March 1, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 1, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after March 1, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1670 Filed 1-29-73;8:45 am]

[DESI 5691; Docket No. FDC-D-590; NDA 5-691, etc.]

CERTAIN DRUGS CONTAINING VERATRUM ALKALOIDS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the

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National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs for oral use:

1. Protalba Tablets containing protoveratrine A. The Dow Chemical Co., Post Office Box 1656, Indianapolis, IN 46206 (NDA 10–948).

2. Protoveratrine A and B Maleate Tablets; Nysco Laboratories, Inc., 3424 Vernon Boulevard, Long Island City, NY 11106 (NDA 9–587).

3. Provell Maleate Tablets containing protoveratrine A and B Maleate; formerly marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, IN 46206 (NDA 8–886).

4. Unitensen Tablets containing cryptenamine tannates; Mallinckrodt Pharmaceuticals, Second and Mallinckrodt Streets, St. Louis, Mo. 63160 (NDA 9–217).

5. Veralba Tablets containing protoveratrines A and B; The Dow Chemical Co. (NDA 8–709).

6. Veriloid Tablets containing alkavervir; Riker Laboratories, 19901 Nordhoff Street, Northridge, CA 91324 (NDA 7–336).

7. Vertavis Tablets containing veratrum viride; Mallinckrodt Pharmaceuticals (NDA 5–691).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These drugs are effective for use in the treatment of mild to moderate hypertension.

2. The drugs lack substantial evidence of effectiveness for all their other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibited dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drugs. The Indications are:

For treatment of mild to moderate hypertension. The efficacy-safety relationship in this preparation is such that the effective and toxic dose levels are often approximately the same.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.* Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before March 1, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before March 1, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 1, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5691, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.
Request for Hearing (identify with Docket Number): Hearing Clerk (CC–20), Office of General Counsel, Room 6–88, Parklawn Building.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–66), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during business hours, Monday through Friday.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

The notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1668 Filed 1-29-73;8:45 am]

[DESI 16; Docket No. FDC–D–521; NDA 16]

RIKER LABORATORIES

Combination Drug Containing Ephedrine, Hydrochloride, Atropine Sulfate, and Pentobarbital for Oral Use; Notice of Withdrawal of Approval of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR 24208) a notice of opportunity for hearing (DESI 16) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following product. The basis of the proposed action was the lack of substantial evidence that the drug is effective as a fixed combination for its labeled claims.

NDA 16; Rinofeds Capsules containing ephedrine, hydrochloride, atropine sulfate, and pentobarbital; Riker Laboratories, Inc., subsidiary of 3M Co., 19901 Nordhoff Street, Northridge, CA 91324.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Md. 20852.

On December 11, 1972, Riker Laboratories elected not to avail itself of the opportunity for a hearing, stating that shipments of the drug have been discontinued. There have been no other responses to the notice.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355) and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above new drug application and all amendments and supplements applying thereto, is withdrawn effective on January 30, 1973. Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: January 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1671 Filed 1-29-73;8:45 am]

[DESI 6566; Docket No. FDC–D–578; NDA 11–467, etc.]

WINTHROP LABORATORIES

Chlormezanone and Chlormezanone with Aspirin; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 6566) published in the FEDERAL REGISTER of June 25, 1970 (35 FR 10394) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drugs has been submitted pursuant to the notice.

NDA No.	Drug	NDA holder
11–467..	Trancopal Caplets, 100 mg. or 200 mg. chlormezanone per tablet.	Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Ave., New York, NY 10016.
11–721..	Fenarol Tablets, 100 mg. or 200 mg. chlormezanone per tablet.	Winthrop Laboratories.
12–188..	Tranco-Gesic Tablets, 100 mg. chlormezanone and 300 mg. aspirin per tablet.	Do.
12–188..	Trancoprin Tablets, 50 mg. chlormezanone and 300 mg. aspirin per tablet.	Do.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before March 1, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing.

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Failure of an applicant or any other interested person to file a written appearance of election on or before March 1, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 1, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new-drug applicant(s) or any other interested, person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after March 1, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new-drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present eveidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1672 Filed 1-29-73;8:45 am]

[DESI 8119]

CERTAIN ORAL AND PARENTERAL DRUGS CONTAINING HYDROGENATED ERGOT ALKALOIDS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Hydergine Injection (NDA 8–119) and Sublingual Tablets (NDA 9–087) containing dihydroergocornine methanesulfonate, dihydroergocristine methanesulfonate, and dihydroergokryptine methanesulfonate; Sandoz Pharmaceuticals, Division, Sandoz-Wander, Inc., Route 10, Hanover, N.J. 07936.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. EFFECTIVENESS CLASSIFICATION

1. The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

a. The injection is less than effective (possibly effective) for the treatment of hypertension and functional or organic peripheral vascular disease.

b. The sublingual tablets are less than effective (possibly effective) for the treatment of essential hypertension; functional or organic peripheral vascular disease; and cerebral arteriosclerosis and dizziness, mood changes, nocturnal cramps, and paresthesias in the aged.

2. The Administration also concludes that:

a. Both the injection and the sublingual tablets lack substantial evidence of effectiveness for the treatment of cerebral vascular accidents and loss of memory in the aged.

b. The injection lacks substantial evidence of effectiveness for the treatment of pheochromocytoma and hypertensive crises.

B. MARKETING STATUS

1. On or before April 2, 1973, the holder of any approved new drug application for a drug classified in paragraph A. above as lacking substantial evidence of effectiveness shall submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence is lacking as described in paragraph (a)(2). Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use on or before April 2, 1973. Failure to do so will cause the product to be subject to a proposal to withdraw approval of the new drug application.

2. If any identical, similar, or related product is on the market without an approved new drug application, its labeling shall be revised to delete those claims for which substantial evidence of effectiveness is lacking as described in paragraph (a)(2) above. Failure to delete such indications and to put the revised labeling into use on or before April 2, 1973, will cause the product to be subject to regulatory proceedings.

C. SUBMISSION OF DATA

Any data submitted in response to this notice to support indications for which a drug is classified as other than effective must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 FR 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 8119, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–66), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1619 Filed 1-29-73;8:45 am]

[Docket No. FDC-D-579; NADA 9-221V]

FORT DODGE LABORATORIES

Drug Product Containing Lidocaine Hydrochloride; Notice of Withdrawal of New Animal Drug Application

In the FEDERAL REGISTER of August 5, 1970 (35 FR 12493, DESI 9221V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Xylocaine new animal drug application (NADA) No. 9–221V (a product which contains lidocaine hydrochloride); marketed by Fort Dodge Laboratories, Division of American Home Products Corp., Fort Dodge, IA 50501.

Fort Dodge Laboratories responded to the announcement by advising the Commissioner that said drug has been deleted from the market and requesting that approval of NADA No. 9–221V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9–221V, including all amendments and supplements thereto, is hereby withdrawn effective January 30, 1973.

Dated: January 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1620 Filed 1-29-73;8:45 am]

[Docket No. FDC-D-515]

E. R. SQUIBB & SONS, INC., AND RICHLYN LABORATORIES, INC.

Certain Drug Products Containing Potassium Penicillin G; Notice of Withdrawal of Approval of New Animal Drug Applications

In the FEDERAL REGISTER of October 17, 1972 (37 FR 21960), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of the new animal drug applications (NADA's) for Penicillin Powder Veterinary NADA No. 65–294 and CO–PEN, Penicillin Powder; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, NJ 08903 and for Oral Buffered Penicillin Crystalline G Potassium U.S.P. and Penicillin G U.S.P.; marketed by Richlyn Laboratories, Inc., Castor Avenue at Kensington Avenue, Philadelphia, PA 19124.

Richlyn Laboratories, Inc. informed the Commissioner that they waived an opportunity for a hearing.

Neither E. R. Squibb & Sons, Inc., nor any other interested persons have filed a written appearance in response to the above-cited notice. This is construed as an election by said persons not to avail themselves of the opportunity for a hearing.

Therefore, based on the grounds set forth in said notice, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of the new animal drug applications for the above-named antibiotic containing new animal drugs, including all amendments and supplements thereto, is hereby withdrawn effective on January 30, 1973.

Dated: January 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1621 Filed 1-29-73;8:45 am]

OVER-THE-COUNTER DRUG PRODUCTS CONTAINING DENTIFRICES AND DENTAL CARE AGENTS EXCEPT MOUTHWASHES AND ORAL ANTISEPTICS

Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage forms for drugs containing dentifrices and dental care agents (except mouthwashes and oral antiseptics) including topical fluoride solutions, pastes and gels, toothache remedies, teething lotions, canker sore remedies, cold sore remedies, denture adhesives, denture irritation remedies, disclosing products, topical anesthetics, denture pads and denture relining materials, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in such preparations.

FDA is aware that the following active ingredients are used in such products and has conducted a literature search on each of them:

Benzocaine.
Camphor.
Chloroform.
Choline Salicylate.
Dibasic Ammonium Phosphate.
Dicalcium Phosphate.
Erithrocin (FD&C Red No. 3).
Formaldehyde.
Hydrogen Fluoride.
Hydrogen Peroxide.
Potassium Iodide.
Powdered Karaya Gum.
Silver Nitrate.
Sodium Borate.
Sodium Fluoride.
Sodium Monofluorophosphate.
Sodium N-lauroyl Sarcosinate.
Stannous Fluoride.
Strontium Chloride.
Tannic Acid.

FDA's literature search covered the United Sates of America literature and other leading English language literature published since 1950 from the following sources:

Medlars (NLM and SUNY).
FDA Clinical Experience Abstracts.
Quarterly Cumulative Index Medicus.
Current List of Medical Literature.
Index Medicus.
JAMA Subject Index.
DeHaen Drugs in Use.
RINGDOC.
VETDOC.
International Pharmaceutical Abstracts.
Excerpta Medica.
Abstracts of World Medicine.
Biological Abstracts.
Chemical Abstracts.

The bibliography of the literature search is available to interested persons.

Interested persons are also invited to submit data on any other dentifrices or dental care agents, except mouthwashes and oral antiseptics.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described below:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.

1. Controlled studies.

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2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
5. Pertinent medical and scientific literature.

C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished product.
5. Pertinent medical and scientific literature.

V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.
5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.
5. Pertinent medical and scientific literature.

C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.
5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information, as well as any favorable information, known to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

In order to avoid duplication, interested persons should not in their submissions include published literature listed in the FDA literature search. An abstract of all such literature will be provided to the panel. Upon request, the panel will be provided with the complete article. Interested persons may, of course, refer to such literature in their submissions by citation.

Submissions or requests for copies of the bibliography of the FDA literature search should be forwarded to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD–109), 5600 Fishers Lane, Rockville, MD 20852.

Submission of data must be on or before April 2, 1973.

(Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371)

Dated: January 23, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–1707 Filed 1–29–73;8:45 am]

Health Services and Mental Health Administration

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Chemical and Physical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. The institute is currently collecting information and data on a number of chemical and physical agents including:

1. Acrolein.
2. Acrylonitrile.
3. Aluminum.
4. Ammonium nitrate.
5. Barotrauma (including decompression tables and standards for divers and tunnel workers).
6. Carbon disulfide.
7. Chlorobenzene.
8. 2,4-dinitrophenol
9. Ethyl benzene
10. Infrared radiation
11. Iron and iron compounds
12. Magnesite
13. Magnesium and magnesium compounds
14. Methyl 2-butyl ketone
15. Nickel carbonyl
16. Ozone
17. Phosphorus penta-chloride
18. Phosphorus penta-sulfide
19. Phosphorus trichloride
20. Tin and tin compounds
21. 1,1,2-trichloroethane
22. Vibration
23. Vinyl chloride

The information and data collected for each agent will be analyzed and evaluated relative to the nine areas listed below:

1. Establishment of safe occupational environment levels for such agents, including levels for acute and chronic exposure to airborne concentrations of the chemical substances, as well as safe work practices concerning direct contact with such substances or physical agents.

2. Establishment of biologic standards; i.e., the levels of such substances, metabolites, or other effects of exposure which may be present within man without his suffering ill effects, taking into consideration (a) the correlation of airborne concentrations of and extent of exposure to such substances with effects on specific biologic systems of man, such as the circulatory, respiratory, excretory, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, physical factors, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis of chemical substances and for quantitation of physical agents.

6. The need for medical examinations for workers exposed to such substances, the frequency of such examinations, and the specific diagnostic tests which should be used, and the rationale for their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations, and those which may be instituted when environmental levels are temporarily exceeded, or where peak concentrations of chemical substances in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by exposure to such agents.

Any person having information or data which is not readily available in "open scientific literature" in any of the nine areas listed, or in other areas which the person considers relevant to the establishment of a safe and healthful occupational environment involving the agents set forth above, is invited to submit such information, with accompanying documentation, to the Assistant Director for Research and Standards Development, National Institute for Occupational Safety and Health, Room 10–28, 5600 Fishers Lane, Rockville, MD 20852, within 60 days after publication of this notice.

All information received concerning any agent will be available for public inspection after the development of the respective research analysis report or criteria document.

Dated: January 23, 1973.

MARCUS M. KEY,
Director, National Institute for Occupational Safety and Health.

[FR Doc.73–1689 Filed 1–29–73;8:45 am]

NATIONAL ADVISORY COMMITTEES

Notice of Meetings

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting dates and other required information for the following national advisory bodies scheduled to assemble the month of February 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Maternal and Child Health Service Research Grants Review Committee.	Feb. 1–2, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed. Contact Gloria Wackernah, Room 12A–11, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301—443–2190.

Purpose. The Committee is charged with the review of all research grant applications in the program areas administered by the Maternal and Child Health Service.

Agenda. The Committee will be performing review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(a)(2).

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Regional Medical Programs.	Feb. 7–8, 8:30 a.m., Conference Room G/H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Partially open to the public. Closed for grant review. Contact Mr. Kenneth Baum, Room 11–19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301—443–1514.

Purpose. The Council advises and assists the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this program. Reviews applications for grants under title IX, and recommends to the Secretary with respect to approval of applications for and the amounts of grants under this title.

Agenda. The Council will hear reports and other business discussed by the Director, Regional Medical Programs Service, regarding the administration of this program, and this portion of the meeting shall be open to the public. The remaining portion of the meeting will be for the review of grant applications, and will not be open to the public in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(a)(2).

Committee name	Date, time, place	Type of meeting and/or contact person
NIMH Communications Advisory Committee.	Feb. 7–8, 2 p.m., Conference Room 14–105, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open. Contact Mr. Edwin M. Long, Room 15–105, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301—443–3783.

Purpose. Advises, consults with, and makes recommendations to the Director, National Institute of Mental Health, on matters of general policy concerning the fields of mental health, scientific and public information, communications, and public health education.

Agenda. Agenda items will include a report on staff activities and consideration of special projects. The Committee will discuss the Child Mental Health Information Interchange, the Tenth Anniversary of Community Mental Health Centers, and the Future Role of the Committee.

Committee name	Date, time, place	Type of meeting and/or contact person
Research Scientist Development Review Committee.	Feb. 22–24, 9 a.m., Center for Advanced Study in the Behavioral Sciences, Palo Alto, Calif.	Closed. Contact Dr. Mary R. Haworth, Room 12–94, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301—443–4347.

Purpose. Reviews applications for the Research Scientist Development Awards for support of additional training or experience of behavioral scientists to develop their full capacities for careers devoted to research, and the Research Scientist Awards. Makes recommendations on these programs to the Division of Manpower and Training Programs, National Institute of Mental Health, and the National Advisory Mental Health Council.

Agenda. The Committee will be performing review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(a)(2).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: January 23, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73–1690 Filed 1–29–73;8:45 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare (33 FR 15953, October 30, 1968), as amended, is hereby amended with regard to section 3–20, organization and functions, as follows:

In Chapter 3A–00 (Office of the Administrator), section 3A17 entitled "Office of Information (3A17)" is being amended in order to change the name of the office, broaden its activities, and transfer to it the printing and distribution functions from the Office of Procurement and Materiel Management (3A1905). The above changes require a complete replacement of section 3A17, as follows:

Office of Communications and Public Affairs (3A17). Plans, directs, and coordinates the scientific communications, technical information, and health information/education activities of the Health Services and Mental Health Administration. Specifically: (1) Determines policies related to external and internal public affairs and communications activities; (2) plans and carries out all such activities for the guidance of communications and public affairs activities throughout the Administration; (3) identifies program areas and population groups requiring special emphasis in health education and provides guidance, assistance, and support to such special efforts; (4) coordinates all HSMHA scientific and technical information programs, including clearinghouses, libraries, and specialized information centers; (5) establishes operating procedures for the orderly and expeditious processing and dissemination of information/education materials; (6) performs a concept-review and evaluation function of all such materials (films, radio and television materials, publications, magazine articles, news features, exhibits, etc.) to ensure that information/education projects are supportive of program guidelines for major communications activities, and provides administrative management support to

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central services; (7) determines, through the conduct or sponsorship of population sampling studies or otherwise, the needs for health information and education and the effectiveness of public information and education programs in meeting those needs; (8) provides central communications services for all HSMHA programs and regional representatives by assignment of immediate office staff or coordination of other HSMHA communications staff efforts; (9) directs and coordinates publications management and distribution and all printing and printing management services related to communications activities; and (10) develops and maintains a health services outreach program to keep the public aware of HSMHA programs through direct regional contact by use of publication display and exhibits and a headquarters Visitors Information Center.

Also in Chapter 3A-00 (Office of the Administrator), section 3A1905 entitled "Office of Procurement and Materiel Management (3A1905) is being amended to reflect the transfer of the printing and distribution functions to the Office of Communications and Public Affairs. Therefore, delete section 3A1905 and insert the following sidehead and succeeding paragraph:

Office of Procurement and Materiel Management (3A1905). (1) Establishes Administration objectives, policies, standards, and procedures for procurement and supply, contracting, specifications, cataloging, personal property, control, forms, and storage; (2) interprets regulatory issuances and provides guidance and technical assistance in these areas; (3) acquires equipment, supplies, and services; (4) coordinates plans for utilization of Administration procurement and materiel resources under national emergency conditions; (5) evaluates procurement and materiel management activities throughout the Administration; and (6) maintains liaison with the Office of the Secretary, the General Services Administration, and other agencies concerned with procurement and materiel management activities.

Dated: January 12, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-1667 Filed 1-29-73;8:45 am]

Social and Rehabilitation Service

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Correction to Notice of Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled created to advise the Secretary on regulations and evaluation of programs for Public Law 91-517 will hold a regular meeting on February 2 and 3, 1973, in the Plaza Room of the Holiday Inn, 1489 Jefferson Davis Highway, Arlington, VA. On February 2 the meeting will begin at 1:15 p.m. to 5 p.m., and reconvene at 8 p.m. to 10 p.m. On February 3 the meeting will begin at 9 a.m. and adjourn at 4 p.m. The agenda will include a report on the technical assistance project at University of North Carolina; a report on publication of proceedings from the recent National Conference, discussion of deinstitutionalization objective, review of legislation, discussion on the definition of developmental disability. Meeting will be open to the public. Additional information can be obtained by calling the Executive Secretary at 202—962-7355.

FRANCIS X. LYNCH,
Executive Secretary.

JANUARY 22, 1973.

[FR Doc.73-1617 Filed 1-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-437]

AIRCRAFT ACCIDENT NEAR MIAMI, FLA.

Notice of Hearing

In the matter of investigation of accident involving Eastern Air Lines, Inc., Lockheed L-1011 of U.S. Registry N3130EA, near Miami, Fla., December 29, 1972.

Notice is hereby given that an accident investigation hearing on the above matter will be held commencing at 9 a.m. (local time) on March 6, 1973, in the Florida Room of the Miami Springs Villas, Miami Springs, Fla.

Dated this 23d day of January 1973.

[SEAL] JAMES W. KUEHL,
Hearing Officer.

[FR Doc.73-1694 Filed 1-29-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORPORATION

Establishment of Atomic Safety and Licensing Board

On October 3, 1972, the Commission published in the FEDERAL REGISTER, 37 FR 20740, a "Notice of Hearing Pursuant to 10 CFR Part 50, Appendix D, Section B; Notice of Consideration of Issuance of Facility Operating License And Opportunity For Hearing" to consider the issuance of a facility operating license to the Power Authority of the State of New York and the Niagara Mohawk Corp. for the James A. FitzPatrick Nuclear Power Plant, Unit 1. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2 (rules of practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Kenneth A. McCollom, Dr. Ernest O. Salo, and Daniel M. Head, Esq., Chairman. Dr. Thomas H. Pigford has been designated as a technically qualified alternate and John H. Brebbia, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Daniel M. Head, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. Kenneth A. McCollom, Assistant Dean, College of Engineering, Oklahoma State University, Stillwater, Okla. 74074.

3. Dr. Ernest O. Salo, Professor, Fisheries Research Institute—WH-10, College of Fisheries, University of Washington, Seattle, Wash. 98195.

4. John H. Brebbia, Esq., Alternate Chairman, an attorney with Alston, Miller & Gaines, 1776 K Street NW., Washington, DC 20006.

5. Dr. Thomas H. Pigford, Alternate, Professor of Nuclear Engineering, University of California, Berkeley, Calif. 94720.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 23d day of January 1973.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.73-1666 Filed 1-29-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued three guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applicants for permits and licenses.

The guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.15, "Testing of Reinforcing Bars for Category I Concrete Structures," and Regulatory Guide 1.18, "Structural Acceptance Test for Concrete Primary Reactor Containments," are revisions of Safety Guides 15 and 18, respectively, and are being reissued in the new series. Regulatory Guide 1.34, "Control of Electroslag Weld Properties," is a new guide which describes an acceptable method of implementing Commission requirements with regard to the control of weld properties when fabricating electroslag welds for nuclear components made of ferritic or austenitic materials.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceeding Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 1 Regulatory Guides currently being developed include the following:

Operating Status Indication for Nuclear Power Plant Safety Systems Availability of Electric Power Sources.
Preoperational Testing of Redundant Onsite Electric Power Sources to Verify Proper Load Group Assignments.
Qualification Tests of Continuous-Duty Motors Installed Inside the Containment of Nuclear Power Plants.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
Physical Independence of Safety Related Electric Systems.
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
Assumptions Needed for Evaluating a Control Rod Drop Accident for Boiling Water Reactors.
Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Nuclear Power Plants.
Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Power Plants.
Housekeeping Requirements for Nuclear Power Plants.
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Design Basis Floods for Nuclear Power Plants.
Design Phase Quality Assurance Requirements for Nuclear Power Plants.
Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Nuclear Reactor Containment Facilities.
Quality Assurance for Protective Coatings Applied to Nuclear Power Plants.
Application of the Single Failure Criteria to Nuclear Power Generating Station Protective Systems.
Protection Against Pipe Whip Inside Containment.
Additional Material Requirements for Bolting.
Inservice Surveillance of Ungrouted Prestressing Tendons.
Inservice Surveillance of Grouted Prestressing Tendons.
Stainless Steel Overlay Welding.
Control of Electroslag Welding.
Design Loading Combinations for Fluid System Components.
Design Loading Combinations for Primary Metal Containment Systems.
Reactor Coolant Pressure Boundary Leak Detection System.
Requirements for Thermal Insulation Used with Stainless Steel.
Concrete Placement in Category I Structures.
Control of Sensitized Stainless Steel.
Design Spectra for Seismic Design of Nuclear Power Stations.
Seismic Input Motion to Uncoupled Structural Model.
Control of Preheat Temperature for Low Alloy Steel Welding.
Rules for Inservice Inspection of Class 3 and Class C Nuclear Power Plant Components.
Primary Reactor Containment (Concrete) Design and Analysis.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 17th day of January 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-1656 Filed 1-29-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 18401; Order 72-12-94]

REOPENED SERVICE TO OMAHA AND DES MOINES CASE

Order Consolidating Applications

Correction

In FR Doc. 72-22134 appearing at page 28442 of the issue for Saturday, December 23, 1972, the three lines appearing immediately below the second paragraph should be transposed to appear immediately after the third line of the third paragraph.

[Docket No. 23287]

AIR FREIGHT FORWARDERS' CHARTERS INVESTIGATION

Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding previously scheduled for April 17, 1973, in the notice to all parties, dated December 6, 1972, is hereby postponed to April 24, 1973, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., before the undersigned administrative law judge.

Dated at Washington, D.C., January 23, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-1760 Filed 1-29-73;8:45 am]

[Docket No. 24905, etc.]

PURDUE AIRLINES, INC.

Fitness and Acquisition Investigation; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 27, 1973, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to Order 72-10-94, dated October 30, 1972, instituting this investigation, the prehearing conference report, served December 27, 1972, the supplemental prehearing conference report, served January 10, 1973, and other documents which are in the docket of this proceeding on file in the Docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 24, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-1759 Filed 1-29-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30—Region I Amdt. 3]

CHIEF, FINANCING DIVISION, REGIONAL OFFICE, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-Region I (37 FR 17590), as amended (37 FR 26557, 38 FR 1319) is hereby further amended to include approval and certain other authority for strategic arms limitation economic injury loans. Parts I and II are revised to read as follows:

PART I—FINANCING PROGRAM

SECTION A. *Loan Approval Authority.*

* * * * *

3. *Displaced Business and Other Economic Injury Loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

(1) Chief, Financing Division, Regional Office	$350,000
(2) Assistant Chief, Financing Division, Regional Office	350,000

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Supervisory Loan Officer, Financing Division, Regional Office	$50,000
(2) District Director, District Office	350,000
(3) Chief, Financing Division, District Office	350,000

SEC. B. *Other Financing Authority.* 1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health,

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strategic arms limitation economic injury, and coal mine health and safety loan participation agreements with banks:

(1) Chief, Financing Division, Regional Office;

(2) Assistant Chief, Financing Division, Regional Office;

(3) Supervisory Loan Officer, Financing Division, Regional Office;

(4) District Director, District Office;

(5) Chief, Financing Division, District Office;

(6) Supervisory Loan Officer, Financing Division, District Office, if assigned.

• • • • •

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and coal mine

(1) District Director, District Office.

health and safety loans:

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economy injury, and coal mine health and safety loans:

(1) Chief, Financing Division, Regional Office;

(2) Assistant Chief, Financing Division, Regional Office;

(3) Supervisory Loan Officer, Financing Division, Regional Office;

(4) Chief, Financing Division, District Office;

(5) Supervisory Loan Officer, Financing Division, District Office, if assigned.

c. For business, economic opportunity disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational safety and health, and strategic arms limitation economic injury loans personally approved under delegated authority:

(1) Branch Manager, if assigned.

• • • • •

PART II—DISASTER PROGRAM

SECTION A. *Disaster Loan Authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) District Director, District Office;

(2) Disaster Branch Manager, as assigned;

(3) Chief and Assistant Chief, Financing Division, Regional Office;

(4) Supervisory Loan Officer, Regional Office;

(5) Chief, Financing Division, District Office.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) District Director, District Office;

(2) Disaster Branch Manager, as assigned;

(3) Chief and Assistant Chief, Financing Division, Regional Office;

(4) Supervisory Loan Officer, Regional Office;

(5) Chief, Financing Division, District Office.

• • • • •

Effective date: January 15, 1973.

DAVID P. HEILNER,
Regional Director, Region I.

[FR Doc.73-1687 Filed 1-29-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

ANSWERING DEVICES ADVISORY SUBCOMMITTEE

Notice of Public Meeting

JANUARY 23, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Answering Devices Advisory Subcommittee, to be held Wednesday, February 14, 1973, and continuing through Friday, February 16, 1973. The subcommittee will meet at IBM Corp., 777 Grant Street, Room 301, Denver, CO at 10 a.m.

1. *Purpose.* The purpose of this subcommittee is to prepare recommended standards to permit the interconnection of customer provided and maintained answering equipment to the public switched network.

2. *Membership.* The subcommittee is chaired by Fred Warden and is composed of the following: Lyle D. Abbott, M. E. Hacker, Samuel R. Buxbaum, James B. Eppes, Charles Hernandez, Anthony G. Giacolo, Thomas J. Dunleavy, Peter J. Grant, Jim Owen, F. A. Foresta, Richard W. Horton, Jerry Klein, Leslie N. Wilder, K. R. Parker, R. B. Brunson, Clyde W. Sautters, F. G. Splitt, Peter F. Theis, Robert E. Morgan, Lloyd Smith, Shaun Delaney, Boyd King, Ron Matteson, Gustone Perrin, Preston R. Brown, James F. Holmes, Brendan McShane, Allan MacLeod, Denis E. Lowry, Robert W. Shirley, George A. Smith, B. Edelman, Rudy C. Stiefel, John R. Mineo, Earl C. Mansfield.

3. *Activities.* As at prior meetings, subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of answering devices to the public telephone network.

4. *Agenda.* The agenda for the February 14–16, 1973, meeting will be as follows:

a. Review and finalization of Equipment Test Standard;

b. Discussion and scheduling of future work program;

c. Report on results of ballot on Technical Criteria;

d. The relationship of the Technical Criteria and the Equipment Test Standard to any equipment certification and enforcement program.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on (202) 632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1763 Filed 1-29-73;8:45 am]

[FCC 72-1181]

CERTAIN AGENCY PROCEEDINGS

Policy Regarding Audio/Visual Coverage

JANUARY 23, 1973.

The Commission has been requested by the Administrative Conference of the United States, in accordance with its Recommendation 32: Broadcast of Agency Proceedings, adopted June 8, 1972, to give consideration to the implementation of this recommendation, by establishing a policy in this area and to encourage audio/visual coverage of proceedings involving issues of broad public interest, subject to appropriate limitations and controls.

The Commission agrees with the Conference that there is a need to inform the public concerning administrative proceedings, particularly those of broad social or economic impact, and to encourage participation in and understanding of the administrative process. Although the Commission has not heretofore had a specific regulation or a formally adopted Commission policy governing the audio/visual coverage of adjudicatory and rule making proceedings, it has, by actual experience over a number of years, largely accomplished the objectives and purposes of Recommendation 32. However, in light of the ever-increasing interest by the public in Commission proceedings, it has been determined that a formal statement of Commission policy in this regard should be issued. Accordingly, the Commission adopts the following statement of general guidelines for presiding officers, the industry and the public concerning requests for audio and/or visual coverage of Commission proceedings:

A. *Governing policy.* 1. The Commission agrees in principle with the objectives and purposes of Recommendation 32: Broadcast of Agency Proceedings, adopted by the Administrative Conference of the United States.

2. Audio and/or visual (i.e. video or film) coverage of many Commission proceedings would be of interest to the public and would enhance public understanding of Commission proceedings. Such coverage should therefore be encouraged subject to appropriate controls and limitations.

3. Determinations as to whether audio and/or visual coverage of Commission proceedings should be allowed and, if so, the nature and extent of such coverage, shall be within the sound discretion of the presiding officer.

B. *Types of proceedings.* 1. Audio and/or visual coverage of the following types of proceedings is encouraged: (1) Notice and comment rule making proceedings, where an opportunity is afforded to make a public oral presentation: (2) on-the-record formal rule making proceedings; (3) investigatory proceedings where public oral presentations are made on the record to the Commission en banc or to a presiding officer, except as limited in paragraph 2 of this section; and (4) adjudicatory proceedings, except as limited in paragraph 2 of this section.

2. Audio and/or visual coverage should be excluded in adjudicatory and investigatory proceedings which involve primarily matters of past culpable conduct of an individual and which do not have a substantial and direct impact upon service to the public, if the person in question objects to such coverage.

C. *Prevention of disruption.* Audio and/or visual coverage of Commission proceedings shall be conducted with minimal intrusion upon the normal course of the proceeding. Requests for such coverage shall be made reasonably in advance of the commencement of the hearing or hearing session sought to be covered. The presiding officer may impose reasonable restrictions on the use of audio and/or visual equipment, so as to maintain the dignity and decorum of the proceeding, and to avoid undue interference with the proper conduct of the hearing. The presiding officer may, in the exercise of his discretion to allow, exclude or restrict coverage of the proceeding, take into consideration the distinctive characteristics of the medium of audio/visual coverage requested—i.e. video (live broadcast or tape-delayed); audio (live broadcast or tape recorded for later broadcast); audio or visual recording for broadcast in its entirety or in edited version; motion picture or still photo coverage; etc.

D. *Protection of witnesses.* In any adjudicatory or public investigatory proceeding, a witness shall have the right, by stating his request to the presiding officer at any point prior to or during his testimony, to exclude audio and/or visual coverage of his testimony.

E. *Rulings of presiding officers.* If a request for audio and/or visual coverage of a proceeding or a particular portion thereof is rejected or restricted by the presiding officer, the reasons therefor shall be stated on the record of the proceeding, either by a formal order issued by the presiding officer or by an oral ruling on the record. Appeals from such rulings will not be permitted.

The foregoing policy statement shall be applicable to all pending proceedings, as of January 30, 1973.

Action by the Commission December 20, 1972.[3]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1912 Filed 1-29-73;9:51 am]

[Report 632]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JANUARY 22, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

5213-C2-P-73—East Ascension Telephone Co. (KKT569), to replace transmitter, change antenna system, and relocate facilities operating on 152.78 MHz to 228 West Worthy Street, Gonzales, LA.

5260-C2-P-(4)-73—Southern Bell Telephone & Telegraph Co. (KIG846), to change antenna system and to relocate facility operating on 152.63 MHz and adding 152.54 and 152.81 MHz base and 157.80, 157.89, and 158.07 MHz test, to 712 Citrus Avenue, Fort Pierce, FL.

5283-C2-P-73—RCC of Virginia, Inc. (New), for a new two-way station to operate on 152.18 MHz at 281 Independence Boulevard, Virginia Beach, VA.

5281-C2-P-(4)-73—Industrial Communications (New), for a new two-way station to operate on 152.18 and 152.21 MHz base, 2165.2 MHz repeater at Kessler Peak, 6 miles southwest of Magna, Utah, and 2115.2 MHz control at 3 South 1000 West, Salt Lake City, UT.

5282-C2-P-73—Same as above (New), for a new one-way station to operate on 43.58 MHz at Kessler Peak, 6 miles southwest of Magna, Utah.

5278-C2-P-(5)-73—West Montana Mobile Telephone (KLF587), for additional facilities to operate on 152.18 MHz base, 459.100 MHz repeater at TV Mountain, 10 miles north of Missoula, Mont., 454.100 MHz control at 1260 West Broadway, Missoula, MT. Replacing transmitter, operating on 454.15 MHz control at 1260 West Broadway, Missoula, MT.

5279-C2-P-73—Marathon Mobile Phone (KTS248), to change antenna system and replace transmitter at 5996 Overseas Highway, Marathon (Monroe), FL.

5280-C2-P-73—Mobile Radiotelephone Corp. (KIY725), to change antenna system and additional facilities operating on 152.15 MHz on Highway No. 118, 2.1 miles east of Grifton, N.C

POINT-TO-POINT MICROWAVE RADIO SERVICE

5212-C1-P-73—CPI Microwave, Inc. (New), Dallas-Fort Worth Turnpike and Highway 157, Parkway Central, Tex. Latitude 32°45'44" N., longitude 97°06'08" W. C.P. for a new station on frequency 10,915.0H MHz toward Dallas, Tex.; frequency 10,955.0H MHz toward Fort Worth, Tex.

5214-C1-P-73—The Pacific Telephone & Telegraph Co. (KML54), 1455 Van Ness Avenue, Fresno, CA. Latitude 36°44'22" N., longitude 119°47'37" W. C.P. to add frequency 4170V MHz toward Red Top, Calif.

5215-C1-P-73—Same (KMU53), 1.1 miles northwest of Jackson, Calif. Latitude 38°21'42" N., longitude 120°47'09" W. C.P. to add frequency 4090H MHz toward Lodi, Calif.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

[3] Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Reid and Hooks, with Commissioner Wiley concurring in part and dissenting in part and issuing a statement, filed as part of the original document, in which Chairman Burch and Commissioner Reid joined.

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POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

5276-C1-ML-73—Same (KEM30), modification of license to change polarization from V to H on frequencies 6177.5H, 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Quinton, N.J.; change polarization from H to V on frequency 6424.5V MHz toward Quinton, N.J.

9531-C1-ML-72—West Texas Microwave Co. (KLU91), Davis Ranch, 8 miles west of Albany, Tex. Latitude 32°24'17" N., longitude 99°25'26" W. Modification of license to provide, via audio subcarrier, the radio signals of stations KIXL-FM and KNUS-FM, Dallas-Fort Worth, Tex., to its customer, Texas Cablevision, at Estes Ranch, Tex., for subsequent delivery, via CARS, to San Angelo, Tex.

8227-C1-ML-73—Pacific Northwest Bell Telephone Co. (KOC65), 819 Southwest Oak Street, Portland, OR. Latitude 45°31'22" N., longitude 122°40'42" W. Modification of license to change polarization from H to V on frequencies 3770V and 3850V MHz toward Sentinel Hill, Oreg.

Major Amendments

2002-C1-P-72—Video Microwave, Inc. (New), station at 2.4 miles north-northeast of Alanana, Fla. Change azimuth from 329°11' to 358°39' toward Tomoka, 4 miles northnortheast of Ormond, Fla. (formerly 8 miles east of Pierson, Fla.)

2003-C1-P-72—Same (New), change station name and location to Tomoka, 4 miles northnortheast of Ormond, Fla., at latitude 29°22'36" N., longitude 81°05'45" W. Drop frequency 5974.8V and to change frequencies from 6083.8V to 6004.5V, from 6034.2V to 6034.2H, from 5945.2V to 6123.1V toward Alamana, Fla., on azimuth 178°39'; to drop frequency 5974.8V and to change frequencies 6034.2V and 6152.8V to 6004.5V and 6083.8V toward Gopher Ridge, Fla., on azimuth 315°11'.

2004-C1-P-72—Same (New), station at .35 mile south of Gopher Ridge, Fla. Change frequency 6375.2H to 6226.9H, from 6256.5H to 6256.5V, from 6286.2V to 6286.2H and from 6315.9H to 6315.9V, from 6404.8V to 6345.5H and to drop 8197.2H on azimuth 135°01' toward Tomoka, Fla.; drop frequency 6197.2V and change frequencies from 6315.9H to 6315.9V and from 6375.2H to 6375.2V on azimuth 353°20' toward St. Augustine, Fla.

2005-C1-P-72—Same (New), change station location to 9.5 miles northwest of St. Augustine, Fla., at latitude 29°57'46" N., longitude 81°27'27" W. Drop frequency 5945.2H and to change 6004.5H to 5974.8V and to change from 6123.1H to 6093.5V on azimuth 173°19' toward Gopher Ridge, Fla., and drop frequency 5945.2V toward Jacksonville on azimuth 343°44'.

2006-C1-P-72—Same (New), station at 9117 Hogan Road, Jacksonville, Fla. Drop frequency 6226.9H and change from 6404.8H to 6256.5V on azimuth 163°40' toward St. Augustine; add frequency 6315.9V toward St. Augustine, Fla.

2014-C1-P-72—Same (New), station at .08 mile south-southeast of Shawano Plantations, Shawano Fields, Fla. Change frequency from 6152.8H to 6152.8V on azimuth 161°35' toward Cooper City, Fla. (formerly West Dixie Bend, Fla., 5.3 miles west of Cooper City).

2016-C1-P-72—Same (New), change name and station location to Cooper City, 5.3 miles west of Cooper City, Fla., at latitude 26°06'41" N., longitude 80°20'41" W. Change frequencies from 6226.9H, 6286.2H, 6345.5H, 6404.8H, 6256.5V, and 6375.2V to 10,735V, 10,895V, 10,975V, 10,775H, and 11,015H on azimuth 127°27' toward Hallandale, Fla.; drop frequency 6197.2H and change frequencies from 6286.2V to 6256.5H and from 6404.8V to 6315.9H on azimuth 341°39' toward Shawano Fields, Fla.

2017-C1-P-72—Same (New), station at 1.8 miles northwest of Hallandale Post Office, Hallandale, Fla. Drop frequency 5974.8H and change frequencies from 6093.5H to 11,625V and from 6152.8H to 11,545V on azimuth 307°32' toward Cooper City (formerly West Dixie Bend, Fla.). Delete points of communication at WLTV Studio on frequency 11,365H; at WCIX Studio on frequency 11,305H; and WKID Studio on frequency 11,545H.

2021-C1-P-72—Video Microwave, Inc. (New), station at 1.5 miles north of Kissimmee, Fla. Change frequency from 6286.2H to 6315.9H on azimuth 251°20' toward Polk City, Fla.

1409-C1-P-70—MCI New York West, Inc. (New), change station location to 8200 Ridge Avenue, Roxborough, PA. Latitude 40°03'33" N., longitude 75°14'20" W. Change points of communication to Boyertown, Pa., for frequency 6197.2V MHz.

141-C1-P-73—Same (WJL35), change station location to 2.9 miles west of Boyertown, Pa. Latitude 40°19'53" N., longitude 75°41'38" W. Change point of communication to Roxborough, Pa., on frequency 5945.2V MHz. (All other particulars same as reported on public notices dated September 29, 1969; October 12, 1970, and July 24, 1972.)

Major Amendments—Continued

1245-C1-P-73—General Telephone Company of the Northwest, Inc. (KPF69), Beaver Lookout, approximately 11.9 miles south-southwest of Coos Bay, Oreg. Frequency to passive reflector at Johnson Mountain should read 2122.0 MHz on azimuth 158°35'.

CORRECTION

7956-C1-P-72—South Central Bell Telephone Co. (New), correct to read: 4 miles northeast of Pegram, Tenn. Latitude 36°07'11" N., longitude 86°59'02" W. Adding frequency of 4130H MHz toward Nashville, Tenn., and Dickson, Tenn., on azimuth of 74°54' and 266°36' respectively. Also to change polarization of the following frequencies to read 3750V, 3830V, 3910V, 3990V, 4070V, 4150V, and 3730H toward Dickson, Tenn.

INFORMATIVE

It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, by reasons of economic competition. Nebraska, Iowa, and South Dakota.

Nebraska Consolidated Communications Corp., Applications File Nos. 8288 through 8294-C1-P-72.

Mountain Microwave Corp., Applications File Nos. 9159 through 9168-C1-P-72.

MULTIPOINT DISTRIBUTION SERVICE

5285-C5-P-73—J. Stanton Keck doing business as Aero-Marc Co. (New), 1600 West Harrison Street, Olympia, WA. Latitude 47°02'47" N., longitude 122°55'09" W. C.P. for a new station on frequencies 2154.5V(Visual) and 2150.25V(Aural). (Primary Service Area: Olympia, Wash.)

[FR Doc.73-1638 Filed 1-26-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY, TASK FORCE ON PRACTICES AND STANDARDS

Agenda of Meeting

To be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 9:30 a.m., February 2, 1973, Room 2043.

1. Meeting called to order by FPC Staff Representative.

2. Objectives and purposes of the meeting.

A. Introductory remarks by Chairman Charles A. Berg.

B. Concepts of Rate Making.

C Evaluation of Demand Studies.

D. Review of Cost Trends.

E. Summary of Areas of Agreement and Disagreement.

3. Adjournment (about 4:30 p.m.).

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-1726 Filed 1-29-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE, TASK FORCE ON FUTURE FINANCIAL REQUIREMENTS

Agenda of Meeting

To be held at the Harvard Graduate School of Business Administration, Soldiers Field Road, Boston, Mass., 10 a.m., February 2, 1973, Baker Library, Room 133.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Review of Task Force objectives.

B. Discussion of Modeling Techniques and Data Problems.

C. Assignment of Task Force Member Responsibilities.

D. Discussion of Other Business.

E. Schedule Date of Next Meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1727 Filed 1-29-73;8:45 am]

[Docket No. CI73-143]

GREAT PLAINS LAND CO.

Notice of Further Extension of Time

JANUARY 18, 1973.

On January 15, 1973, Great Plains Land Co., filed a request for postponement of procedural dates as fixed by order issued December 13, 1972, and amended by notice issued December 27, 1972.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of testimony by Applicant: March 28, 1973.

Testimony and exhibits of Intervener: April 18, 1973.

Hearing: April 24, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1728 Filed 1-29-73;8:45 am]

[Docket No. E-7902]

ILLINOIS POWER CO.

Order Accepting Amendatory Agreement to Interconnection Agreement

JANUARY 19, 1973.

Illinois Power Co. and Indiana & Michigan Electric Co. presently exchange diversity energy pursuant to the terms of an interconnection agreement dated November 27, 1961. Illinois Power Co. filed, on December 8, 1972, an amendatory letter agreement, designated Illinois Power Co. Supplement No. 4 to Rate Schedule FPC No. 9, among the parties which proposes an increase in the energy charge for energy delivered during the diversity exchange period starting October 1, 1972, and ending September 15, 1973.

Under the amendatory agreement, Indiana & Michigan Electric Co. will supply diversity power in the amount of 225 mw. from October 1, 1972, to February 24, 1973 and Illinois Power Co. will supply such power in the amount of 200 mw. from June 10 to September 15, 1973. The energy charge for diversity exchange has been increased from 2.1 mills/kw.-hr. and 2.8 mills/kw.-hr. to 2.6 mills/kw.-hr. and 3.3 mills/kw.-hr., for off-peak and on-peak deliveries, respectively.

The Commission finds:

The increased energy charges are designed to recover increased fuel costs of both companies and the increase in rate does not exceed the increase in fuel costs of either company. The granting of the increased energy charges is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved and made effective.

The Commission orders:

(A) The Illinois Power Co. Amendatory Agreement increasing the rate for diversity energy exchanged with the Indiana & Michigan Electric Co., to become effective October 1, 1972, is hereby approved and accepted.

(B) This order is without prejudice to any finding or orders which have been made or may hereafter be made by the Commission and without prejudice to any claims or contentions which may be made by the Commission, its staff, Illinois Power, or any other party or person affected by this order in any proceeding now pending or hereafter instituted by or against Illinois Power or any other person or party.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1659 Filed 1-29-73;8:45 am]

[Dockets Nos. G-10501, G-10616, G-9942, G-14373, G-14374, G-10783, G-10784]

SUPERIOR OIL CO. ET AL.

Order To Show Cause

JANUARY 18, 1973.

Pursuant to the decision in Opinion No. 338[1] and the Statement of General

[1] Phillips Petroleum Co., Dockets Nos. G-1148, et al., 24 FPC 537 (1960).

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Policy No. 61-1,[2] the Federal Power Commission announced that independent producer rates would be determined through area rate proceedings rather than individual producer investigations under section 5(a) of the Natural Gas Act.[3]

The Commission has determined that there is no basis for the continuation of these proceedings and that they should be terminated for the reasons set forth below. However, to avoid possible prejudice to any of the parties to these proceedings, the Commission has further determined that the parties to these proceedings should be given an opportunity to show cause why the section 5(a) investigations herein should not be terminated and the producer rates involved determined in an area rate proceeding or by any other pricing procedure adopted by the Commission. Other than the sales from offshore California,[4] all of the sales herein involved are from production areas for which area rates have been determined by the Commission.

Certain of the sales herein are no longer made or are made under approved Commission procedures.

Mrs. Louise Herrington's last reported sale was 43 Mcf in 1963.

The Trice Production Co. was declared bankrupt in 1970, and its properties are now operated by Olevm, Inc.

The Commission finds:

(1) It is in the public interest that the parties to these proceedings be given an opportunity to show cause why the proceedings should not be terminated and the producer rates determined in an area rate proceeding or by any other pricing procedure adopted by the Commission.

The Commission orders:

(A) The proceedings listed above are hereby terminated unless, within 90 days of the issuance of this order, any party to a proceeding shall show good cause by written protest[5] why that proceeding should not be terminated.

(B) Any party who is a party to more than one of the above proceedings and who desires to show cause in more than one proceeding shall file a separate protest for each proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1744 Filed 1-29-73;8:45 am]

[Docket No. E-7525]

UNION ELECTRIC CO.

Notice of Filing of Proposed Rate Design for Sales at 161 kv. Power

JANUARY 23, 1973.

Take notice that Union Electric Co. (Union) on June 30, 1972, filed a letter in which it stated that "* * * the Commission ordered in Opinion No. 609 the inclusion of a high voltage discount for all service delivered at voltages above 34.5 kv. We believe that this discount fully adjusts the W-2 rate to eliminate any possibility of undue discrimination against customers receiving service at higher voltages that might have existed. Therefore, it is our opinion that no further modification of the rate is necessary."

Union's letter was in response to Opinion No. 609 which the Commission ordered: "As soon as possible, but no later than July 1, 1972, Union shall file a proposed rate design applicable to its sales at wholesale of 161 kv. power, together with comments on such proposed design from the Arkansas-Missouri Power Co., and any other party to this proceeding who may choose to file comments."

Union states that copies of its letter were sent to each party of record in this proceeding and no comments were received.

Any person desiring to be heard or to make protest with reference to said submittal by Union should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest or comment in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests and comments filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1745 Filed 1-29-73;8:45 am]

[Dockets Nos. CP73-117, CP73-168, CP73-169, CP73-170, CP73-171, CP73-179, CP73-180, CP73-189]

UNITED GAS PIPE LINE CO. ET AL.

Order To Show Cause, Consolidating Proceedings, and Prescribing Hearing Dates

JANUARY 17, 1973.

On January 12, 1973, the Commission issued Opinion No. 647, Dockets Nos. RP71-29, RP71-120, which established, inter alia, a permanent curtailment plan for United Gas Pipe Line Co. Five priorities of service were established in that curtailment plan including Priorities 4 and 5, "Industrial requirements for boiler fuel use at * * * more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements." We have indicated on numerous occasions that, as a general proposition, the use of natural gas for boiler fuel is inferior, particularly in the present gas supply shortage.[1] This proposition is equally applicable to United Gas Pipe Line Co. (United) which has been curtailing as much as 1.9 billion cubic feet a day during this winter season, representing more than one-third of its contractual commitments. Because of the adverse systemwide gas supply problem of United, we are of the opinion, based upon data on file with the Commission, that the prospects for United being able to sell gas for boiler-fuel use, without jeopardizing service to human needs customers, may be remote. There is a substantial question as to whether United's available gas supplies are being directed to uses which contravene the present and future public convenience and necessity. We therefore direct United, pursuant to § 1.6(d) of the Commission's rules of practice and procedure and under section 16 of the Natural Gas Act, to show cause why it should not abandon, under section 7(b) of the Natural Gas Act, all sales and the facilities to render such sales and service of natural gas in Priorities 4 and 5 of the permanent curtailment plan.

United has filed applications for abandonment pursuant to section 7(b) of the Natural Gas Act in Dockets Nos. CP73-117, CP73-168, CP73-169, CP73-170, CP73-171, CP73-179, and CP73-180. Certain of these abandonment applications involve expired contracts and other renegotiated rates under existing contracts. Each application involves an industrial customer, and the allegations are made that United's gas supply is depleted, that the gas is being used in an inferior manner, and that the customer has alternate fuel capability. While our predominant concern is with gas being utilized for boiler-fuel use where alternate fuel capabilities may fulfill such requirements, we recognize that certain of the abandonment applications may involve gas used for feedstock, process, or other needs. Accordingly, based upon the record developed in the hearings below, partial abandonments of service may be in the public interest.

Subject to the right of the parties to be heard on this question, we are of the opinion that whether or not a contract is in force or has expired, is immaterial to a section 7(b) determination. Once United has commenced service under a Commission certificate of public convenience and necessity,[2] service may not cease until the Commission has authorized the abandonment, irrespective of contractual obligations.[3] The converse is also true; if we order abandonment because the available supply of natural gas is depleted to the extent that the continuation of service is unwarranted, or because the present or future public convenience and necessity permits such abandonment, service may not lawfully

[2] 24 FPC 818 (1960) (18 CFR, Chapter I, Part 2, Section 2.56).

[3] 15 U.S.C. § 717(d); 52 Stat. 823 (1938).

[4] Superior Oil Co. and Union Oil Co. each have one sale from the offshore California area. These sales are being made at an initial price of 27 cents per Mcf under temporary certificates.

[5] Section 1.10 of the Commission's Rules of Practice and Procedure (18 CFR § 1.10).

[1] See Order No. 467, Docket No. R-469 and Opinion No. 643, Arkansas-Louisiana Gas Co., issued Jan. 8, 1973. See also Opinions Nos. 614, 615, 621, 627, 636, and 640.

[2] Cf. F.P.C. v. Louisiana Power & Light Co., 406 U.S. 621 (1972).

[3] Sunray Mid-Continent Oil Co. v. F.P.C., 364 U.S. 137, 141-47, 157 (1960). Cf. Atlantic Refining Co. v. P.S.C. of N.Y., 360 U.S. 378, 389 (1959); United Gas Pipe Line Co. v. F.P.C., 350 F. 2d 689, 694, 697 (CA5, 1965), aff'd 385 U.S. 83, 86, 91 (1966); J. M. Huber Corp. v. F.P.C., 236 F. 2d 550, 558 (CA3, 1956), cert. denied, 352 U.S. 971 (1957).

continue even if a contractual obligation exists. An order of abandonment effects a discharge of contractual duties.

While we have the legal authority under section 7(b) to make individual ad hoc determinations of United's abandonment applications, the supply deficiencies on United's system, the particular patterns of end use manifested in the various United curtailment proceedings, and the potential for adverse impact on residential customers dependent on the United system supplies, require us to institute a broader proceeding than would otherwise be necessary. A failure to consider United's overall supply situation and the end use of its limited deliverable gas supply, could result in a "seriously inequitable system of gas distribution"[4] and an "unreasonable difference in service"[5] among all commonly situated customers in the particular class.[6] Accordingly, we order consolidation of the pending section 7(b) applications with the show-cause proceeding below.

Because we are concerned with the end use of United's limited gas supply and a determination of its most efficient allocation to assure reliable service to human needs customers, the pipeline purchasers from United, i.e., Mississippi River Transmission Corp., Natural Gas Pipeline Company of America, Southern Natural Gas Co., Texas Eastern Transmission Corp. and Texas Gas Transmission Corp., are herein named parties to the show-cause proceeding, for the limited purpose of obtaining evidence on the end use of United's system sales. We do not at this juncture[7] contemplate partial abandonments by these pipeline purchasers of United to their particular customers, but only to obtain the evidence necessary as it might effect a reduction in deliverable volumes by United to each of the above pipelines.

Pending final Commission resolution of the proceedings ordered below, the priorities of service prescribed in Opinion No. 647 shall govern and be in full force, including, where applicable, parties to this proceeding.

To the extent we ultimately authorize abandonments of service to customers under existing contracts for boiler-fuel use, United's contractual duties thereunder are discharged,[8] in the same manner as under an approved Commission curtailment plan filed pursuant to Order No. 431.

The Commission orders that:

(A) United Gas Pipe Line Co., is herein ordered to appear at a public hearing to show cause why abandonment should not be ordered for industrial requirements for boiler-fuel use at more than 1,500 Mcf per day where alternate fuel capabilities can meet such requirements.

(B) Mississippi River Transmission Corp., Natural Gas Pipeline Company of America, Southern Natural Gas Co., Texas Eastern Transmission Corp., and Texas Gas Transmission Corp. are herein named parties to this proceeding for the limited purpose of obtaining end-use data of the gas supplies purchased by each from United.

(C) Dockets Nos. CP73-117, CP73-168, CP73-169, CP73-170, CP73-171, CP73-179, and CP73-180 are consolidated and petitions to intervene timely filed therein are granted.

(D) A hearing shall be convened at 10 a.m. on March 5, 1973, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, before a Presiding Administrative Law Judge.

(E) Answers to the show-cause order, under § 1.9(c) of the Commission's rules of practice and procedure, should be filed with the Presiding Administrative Law Judge, 30 days from the date of issuance of this order. Responses to the answers to the show-cause order will not be permitted.

(F) Respondent and the parties in (B) to this show-cause proceeding Docket No. CP73-189, and the applicant for abandonment in the aforementioned dockets shall file their testimony and evidence on March 19, 1973, including, but not limited to (1) complete identification (name, location, volumes delivered, and end usage) of each customer, whether direct or resale, of each consumer served in whole or in part by United's system supply sources, which consumers have industrial requirements for natural gas used as boiler-fuel at more than 1,500 Mcf per day, and complete information on the alternate fuel capabilities of each consumer, and (2) alternate fuel capabilities and end use of the gas of the customers to whom United proposes to abandon service in (C).

(G) Staff and intervenors shall file their evidence, including testimony and exhibits, on April 16, 1973.

(H) Rebuttal evidence shall be filed on April 30, 1973.

(I) Cross-examination shall commence on May 7, 1973.

(J) Petitions to intervene in the proceedings herein ordered should be filed with the Secretary of the Federal Power Commission on or before 30 days from the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1746 Filed 1-29-73;8:45 am]

[4] F.P.C. v. Louisiana Power & Light Co., supra.

[5] Section 4(b) of the Natural Gas Act.

[6] Cf. Permian Basin Area Rate Case, 390 U.S. 747, 767 (1968); P.S.C. for N.Y. v. F.P.C., 467 F. 2d 361 (CADC, 1972); Boston Television Corp. v. F.C.C., 444 F. 2d 841, 853 (CADC, 1970).

[7] The broad policy issues concerning the allocation and end use of natural gas will be resolved in our outstanding notices of rule making and policy statement, Dockets Nos. R-467 and R-468, issued Jan. 8, 1973.

[8] E.g., Opinion No. 606, Dockets Nos. RP71-29, mimeo. at 12-13, 17-19.

[Docket No. CP73-176]

WISCONSIN POWER & LIGHT CO., AND NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 19, 1973.

Take notice that on January 2, 1973, Wisconsin Power & Light Co. (Applicant), Post Office Box 192, Madison, WI 53701, filed in Docket No. CP73-178 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to sell additional volumes of natural gas to Applicant for distribution and resale in Applicant's general service area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has restricted service to new customers since June 10, 1970, pursuant to orders by the Public Service Commission of Wisconsin; Applicant also states that such orders were lifted on December 4, 1972. It is stated that Applicant will need 1,459.5 Mcf of gas, in addition to that gas already available from Respondent and that provided by Applicant's peak shaving facilities, in order to supply the gas requirements of customers who have made applications and are expected to make applications for gas service.

It is stated that Applicant purchases gas for its present operations from Michigan Wisconsin Pipe Line Co. and Respondent. It is further stated that Respondent presently has 2,208 Mcf of natural gas which has not been allocated and which is available to supply Applicant's requirements without impairing Respondent's ability to render adequate service to its present customers.

Applicant states that it will not be necessary for Respondent to construct additional facilities to supply Applicant with the additional gas, nor will Applicant have to construct additional facilities to sell and distribute this gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1660 Filed 1-29-73;8:45 am]

V38-19 JAN 30 73 XUM

ALGONQUIN GAS TRANSMISSION CO.

[Docket No. RP73-74]

Notice of Proposed Changes in Rates and Charges

JANUARY 23, 1973.

Take notice that Algonquin Gas Transmission Co. (Algonquin) on January 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed rate changes would increase Algonquin's revenues from jurisdictional sales and services by approximately $3.1 million annually. Algonquin requests the Commission grant such permission as may be necessary to accept this filing. The proposed effective date for First Revised Sheet No. 3–A is February 14, 1973. In the event this Commission suspends the proposed tariff sheet, Algonquin requests the suspension be for no longer than 1 day.

In support of its filing, Algonquin states that the curtailment level contemplated in the Stipulation and Agreement submitted in settlement of Docket Nos. RP70–30 and RP72–110 and approved by Commission order issued September 7, 1972, has been reached and the proposed increased rates are to compensate for that curtailment. Further, Algonquin states that the purpose of this filing is to reestablish the agreed upon return to equity at the presently effective curtailment level.

The Company states that copies of this filing were served on Algonquin's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1729 Filed 1–29–73;8:45 am]

AMOCO PRODUCTION CO. ET AL.

[Docket No. G–4904, et al.]

Certificates of Public Convenience and Necessity; Finding and Order; Correction

JANUARY 16, 1973.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceedings, making successors corespondent, and accepting redesignating, and cancelling FPC gas rate schedules, issued November 27, 1972, and published in the FEDERAL REGISTER December 5, 1972, 37 FR 25877:

In ordering paragraph (o) opposite CI73–28 under column "Certificate Docket No." after G–10354 insert "[1]". At bottom of page add:

[1] Terminated only insofar as it pertains to Atlantic Richfield FPC Gas Rate Schedule No. 144.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1722 Filed 1–29–73;8:45 am]

[Docket No. E–7904]

ARIZONA PUBLIC SERVICE CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 22. 1973.

Take notice that Arizona Public Service Co. (Arizona) on June 7, 1972, tendered for filing proposed changes in its FPC Electric Rate Schedule No. 3, Supplement No. 8. The filing consists of the monthly billing adjustments from June 1971, through April 1972, under section 2 of the Memorandum Agreement dated August 8, 1969, between Arizona and the Salt River Project Agricultural Improvement and Power District. The proposed rate changes would increase Arizona's jurisdictional revenues from approximately $124 to $670 per month during the period. Arizona requests that § 35.11 of the Commission's regulations be waived for this filing and that the monthly adjustments become effective at the beginning of their respective months.

Further, Arizona requests reconsideration of the Commission's letter order dated October 10, 1969, requiring monthly filing of adjustments under the Supplement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1730 Filed 1–29–73;8:45 am]

[Docket No. E–7948]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 19, 1973.

Take notice that Central Louisiana Electric Co. on January 2, 1973, tendered for filing proposed changes in its Rate Schedule REA–9, under which the company is supplying electric service to Southwest Louisiana Electric Membership Corp. (Southwest) at 16 points of delivery. The filing consists of an agreement with Southwest, incorporating a standard schedule applicable to service supplied to rural electric cooperatives for resale.

The company states that, under the agreement, the fuel cost adjustment provisions of the rate schedule will not apply prior to July 1974. Further, the company states that no new facilities are required to provide service to Southwest under the new agreement.

The company requests that the submittal be accepted for filing effective November 20, 1972, in order that Southwest can immediately receive benefits that will accrue from being billed under the new rate schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1731 Filed 1–29–73;8:45 am]

[Docket No. E–7925]

CINCINNATI GAS & ELECTRIC CO.

Notice of Proposed Changes In Rates and Charges

JANUARY 23, 1973.

Take notice that Cincinnati Gas & Electric Co. (C.G. & E.) on December 19, 1972, tendered for filing proposed changes in its FPC Rate Schedule No. 2, as well as five supplements to FPC No. 2. The proposed rate changes would increase C.G. & E.'s revenues from jurisdictional sales and service by $1,378,199.23, based on estimated sales volumes for the 12-month period ending February 28, 1973. The proposed effective date for the changes is March 1, 1973, and C.G. & E. accordingly requests the Commission to waive compliance with the pertinent notice requirements of the rules and regulations.

C.G. & E. states that the primary purpose of the changes, incorporated in an agreement with Union Light, Heat & Power Co., is to give effect to present and proposed operating conditions, to provide more fully for mutual benefits from the interconnection of C.G. & E.'s and Kentucky Co.'s systems, and to reflect

the current generating, operating, and transmission costs of C.G. & E.

C.G. & E. further states that no additional facilities need be installed or modified in order to carry out the proposed service under the new agreement. A copy of this filing was served on Kentucky Co.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1733 Filed 1–29–73;8:45 am]

[Docket No. RP72–142]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 22, 1973.

Take notice that Cities Service Gas Co. (Cities) on January 2, 1973, tendered for filing proposed changes in its FPC Gas Tariff, second revised Volume No. 1. Pursuant to the PGA provision contained in its FPC Gas Tariff, the company proposes to increase its rates effective February 23, 1973, to reflect increased purchased gas costs.

The third revised sheet PGA–1 of Cities' tariff included in Appendix A of the filing reflects a rate increase of 1.48 cents per Mcf which includes proposed rate changes filed by Mobil Oil Corp. and Shell Oil Co. reflecting the minimum prices set forth in Order Nos. 93381 and 93382 issued by the Oklahoma Corporation Commission on October 5, 1972. This 1.48 cents per Mcf increase in rates will produce an increase in the company's jurisdictional revenues of $5,240,449 based on annual sales volumes for the 12 months ended November 22, 1972.

If the Commission for any reason does not accept the 1.48 cents per Mcf increase, Cities, in the alternative, tendered for filing the third revised sheet PGA–1 included in Appendix B reflecting an increase of 1.29 cents per Mcf which does not include the proposed rate changes of Mobil Oil Corp. and Shell Oil Co. The 1.29 cents per Mcf rate increase will produce an increase in the company's jurisdictional revenues of $4,567,689 based on annual sales volumes for the 12 months ended November 22, 1972.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1732 Filed 1–29–73;8:45 am]

[Docket No. CI73–469]

COASTAL STATES GAS PRODUCING CO. ET AL.

Notice of Application

JANUARY 18, 1973.

Take notice that on January 11, 1973, Coastal States Gas Producing Co. (Applicant), Post Office Drawer 521, Corpus Christi, TX 78403, filed in Docket No. CI73–469 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Co. from the South Woodward Area, Woodward County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 45,000 Mcf of gas per month at 35 cents per Mcf at 14.65 p.s.i.a. for 1 year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1708 Filed 1–29–73;8:45 am]

[Docket No. CP73–174]

COLORADO INTERSTATE GAS CO.

Notice of Application

JANUARY 23, 1973.

Take notice that on January 2, 1973, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP73–174 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional 20.6 miles of 8-inch loop pipeline on the Trinidad sales lateral in Colorado and an additional compressor unit at the Sturgis Field Compressor Station in Oklahoma and an increase in the volume of natural gas Applicant is authorized to sell to the city of Trinidad, Colo., and to the Raton Natural Gas Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase firm peak day sales to the city of Trinidad by 390 Mcf of natural gas and to the Raton Natural Gas Co., by 300 Mcf natural gas. It is stated that these proposed increases in the sales of natural gas, coupled with the proposed construction and operation of 8-inch lateral pipeline, are required to meet the 1973 to 1974 peak day residential and commercial requirements of customers served from the Trinidad lateral. Applicant also states that the proposed loop will provide an excess capacity that can be expected to meet projected customer demands through 1977 to 1978.

Applicant also proposes to install and operate an 840-horsepower compressor unit at the existing Sturgis Field Compressor Station. It is stated that such a compressor unit, which will increase the total installed horsepower from 2,520 to 3,360, is necessary to maintain peak day deliveries to Applicant's transmission system while operating the Keyes Field gathering system at a reduced pressure of 320 p.s.i.a.

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Applicant states that the total cost of the facilities proposed herein is approximately $806,631 and will be financed from working funds on hand, funds from operations, short-term borrowing, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1734 Filed 1-29-73;8:45 am]

[Docket No. RP71-18, etc.]

COLUMBIA TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JANUARY 16, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia), on January 11, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on February 10, 1973. The proposed changes would increase jurisdictional rates in the amount of $1,968,226 annually based upon sales for the 12-month period ended October 31, 1972, and are submitted pursuant to Article V of Columbia's stipulation and agreement in Docket No. RP71-18 et al., as approved by Commission order issued October 19, 1972. That article permits Columbia to increase its jurisdictional rates to give effect to the inclusion in its rate base of advance payments for gas made by Columbia. The rate increase reflects an increase in advance payments for gas in the amount of $15,220,148, as of December 31, 1972, over the balance of payments reflected in the rates which became effective November 1, 1972. The filing also includes copies of all contracts under which advance payments were made subsequent to those payments reflected in the November 1 rates.

Copies of the filing have been mailed to all jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1735 Filed 1-29-73;8:45 am]

[Docket No. CI73-489]

FOREST OIL CORP.

Notice of Application

JANUARY 23, 1973.

Take notice that on January 18, 1973, Forest Oil Corp. (Applicant), 1300 National Bank of Commerce Building, San Antonio, Tex. 78205, filed in Docket No. CI73-489 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corp., from Blocks 267 and 268, Vermilion Area, South Addition, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 450,000 Mcf of gas per month for 1 year at 35 cents per Mcf at 15.025 p.s.i.a., within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1711 Filed 1-29-73;8:45 am]

[Docket No. CI73-491]

FOREST OIL CORP.

Notice of Application

JANUARY 23, 1973.

Take notice that on January 18, 1973, Forest Oil Corp. (Applicant), 1300 National Bank of Commerce Building, San Antonio, Tex. 78205, filed in Docket No. CI73-491 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corp. from Block 307, Eugene Island Area, South Addition, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 197,500 Mcf of gas per month for 1 year at 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the

requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1712 Filed 1-29-73;8:45 am]

[Docket No. E-7806]

ILLINOIS POWER CO.

Notice of Change of Procedural Date

JANUARY 19, 1973.

On January 15, 1973, Illinois Power Co. filed a motion for extension of time for parties to serve supporting evidence as established by the order issued December 29, 1972.

Upon consideration, notice is hereby given that an extension is granted to and including February 23, 1973, within which parties may file supporting evidence as required by the order issued December 29, 1972. The other procedural dates are modified accordingly:

Service of evidence by parties opposing—March 6, 1973.
Service of rebuttal evidence supporting—March 13, 1973.
Hearing and cross-examination—March 20, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1736 Filed 1-29-73;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JANUARY 16, 1973.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg), on January 8, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on February 1, 1973. The proposed changes would increase Lawrenceburg's jurisdictional rates in the amount of $39,112 annually based on volumes for the 12-month period ended November 30, 1972.

Lawrenceburg states that the purpose of the proposed increase is to reflect a change in the cost of gas purchased from its supplier, Texas Gas Transmission Corp. (Texas Gas), pursuant to the provisions of Lawrenceburg's purchased gas adjustment (PGA) clause, which was filed with the Commission on August 31, 1972, in the above-captioned docket, and is pending approval by the Commission. Lawrenceburg states that Texas Gas' proposed increase is to become effective on February 1, 1973, and that it is imperative that Lawrenceburg be permitted to increase its rates simultaneously with those of Texas Gas in order to remain economically stable. Lawrenceburg requests a waiver of notice requirements under § 154.51 of the Commission's regulations under the Natural Gas Act in order to permit the proposed increased rates to become effective on February 1, 1973.

Copies of the filing were mailed to Lawrenceburg's two jurisdictional customers and to interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Lawrenceburg's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1737 Filed 1-29-73;8:45 am]

[Docket No. CI73-169]

MESA PETROLEUM CO.

Findings and Order; Correction

JANUARY 16, 1973.

In the Findings and Order Issuing Temporary Certificate of Public Convenience and Necessity, Accepting FPC Gas Rate Schedule for Filing, Granting Interventions, Fixing Date of Hearing and Specifying Procedures, issued December 22, 1972, and published in the FEDERAL REGISTER January 3, 1973, 38 FR 83: Paragraph (F), last line, change: "FPC Gas Rate Schedule No. 1" to "FPC Gas Rate Schedule No. 45".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1723 Filed 1-29-73;8:45 am]

[Docket No. RP71-87]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JANUARY 18, 1973.

Take notice that Mississippi River Transmission Corp. (MRT) on December 29, 1972, tendered for filing as part of its FPC gas tariff, first revised volume No. 1, copies of ninth revised sheet No. 3A.

MRT states that the purpose of this filing is to reflect recovery of the rate change filing of Trunkline Gas Co. (Trunkline), filed with the Commission on December 15, 1972. MRT says that Trunkline's filing, which is proposed to become effective February 1, 1973, reflects: (1) An increase of 0.10 cents per Mcf for advance payment tracking pursuant to the provisions of article V of Trunkline's stipulation and agreement in Docket No. RP72-23, et al., approved by Commission order of April 11, 1972; and (2) an increase of 1.29 cents per Mcf to recover pursuant to section 18 of the general terms and conditions of Trunkline's FPC gas tariff, original volume No. 1, gas cost increases being incurred by Trunkline.

MRT further states that Trunkline's filing was made with the Commission on December 15, 1972, to be effective February 1, 1973. In view of this, MRT contends that it is impossible for it to satisfy the 45 day notice period provided by § 17.1 of the general terms and conditions of its FPC gas tariff, and the Commission's regulations. Accordingly, Mississippi respectfully requests waiver of the notice requirements under § 154.38 of the Commission's regulations in order that ninth revised sheet No. 3A filed herewith may become effective February 1, 1973, the same date on which Trunkline's increase is proposed to be effective.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1738 Filed 1-29-73;8:45 am]

[Dockets Nos. CI73-450, CI73-451]

MOBIL OIL CORP. ET AL.

Notice of Applications and Request to Withdraw Petition to Amend

JANUARY 19, 1973.

Take notice that on December 21, 1972, Mobil Oil Corp. (Operator), et al.

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(Mobil), 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046, filed in Docket No. CI73–450 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas to Shell Oil Co. (Shell) from the Provident City field, Lavaca County, Tex., and a request to withdraw its petition to amend in Docket No. G–14915 filed on July 20, 1972, and in Docket No. CI73–451 filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) from the aforesaid field, all as more fully set forth in the applications and request for withdrawal which are on file with the Commission and open to public inspection.

Mobil requests authorization to abandon a sale of natural gas to Shell from the Provident City field, because the basic contract with Shell has terminated and to sell such gas to Texas Eastern under the terms of a new gas purchase contract dated November 25, 1971. Mobil states that Shell has been gathering this gas for processing and then delivering and selling the gas to Texas Eastern. Pursuant to a products purchase contract for the proposed sale to Texas Eastern, Shell will continue to gather Mobil's gas, have it processed and deliver it to Texas Eastern for Mobil's account. The subject gas has heretofore been sold pursuant to a certificate issued in Docket No. G–14915.

The new contract with Texas Eastern calls for an initial price of 28 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment; however, Mobil states that it would be willing to accept a certificate at an initial rate of 24 cents per Mcf, the applicable area rate. Mobil asserts that it is entitled to the "new gas rate" inasmuch as Mobil's original contract with Shell terminated and it has entered into a new contract with a pipeline, in the light of Commission opinion No. 639, issued December 12, 1972, in Docket No. R–371. Under the certificate issued in Docket No. G–14915, Mobil has been selling the subject gas to Shell at 19 cents per Mcf. On July 20, 1972, Mobil filed a petition to amend the order issuing a certificate in said docket by authorizing it to sell the subject gas to Texas Eastern. Mobil requests that the petition be withdrawn pursuant to a Commission staff suggestion that Mobil withdraw that petition and file abandonment and certificate applications in lieu thereof. Mobil asserts that since there has been no interruption in deliveries of natural gas to Texas Eastern, the net effect of the delay in filing the new applications will be to deprive Mobil of the just and reasonable rate prescribed in Commission opinion No. 595, because of procedural technicalities. Consequently Mobil believes that there are extenuating circumstances existing here which render it appropriate for the Commission to grant retrospective rate relief at least for the period commencing August 21, 1972, or as soon thereafter as the Commisison will permit.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1739 Filed 1–29–73;8:45 am]

[Docket No. CP73–183]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JANUARY 22, 1973.

Take notice that on January 15, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73–183 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of the sale for resale and delivery of natural gas in interstate commerce to H. L. Hunt, et al., from the North Lansing Field, Harrison County, Tex., at the rate of 16.7835 cents per Mcf at 14.65 p.s.i.a. heretofore authorized in Docket No. G–17041 to be made pursuant to Amoco Production Co. FPC Gas Rate Schedule No. 308, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1740 Filed 1–29–73;8:45 am]

[Docket No. CP73–167]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JANUARY 23, 1973.

Take notice that on December 26, 1972, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP73–167 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 60.1 miles of pipeline, and 32,350 additional compressor horsepower and related facilities on Applicant's existing gas supply system west of the Haven, Kans., compression station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed horsepower and pipeline facilities will be located at existing compressor sites, and operated as adjuncts to gathering systems used to receive gas from some of Applicant's older reservoirs which have experienced declines in the level of natural gas pressure. Applicant also states that the facilities proposed herein will produce the necessary pressure reductions and capacity in these older reservoirs, thereby compensating for the natural decline in natural gas pressure and enabling Applicant to receive the gas committed to it. It is stated further that the construction and operation of the proposed facilities are needed to enable Applicant to deliver necessary gas supplies into its mainline system and to assist Applicant in balancing conditions of over- and under-production in certain fields subject to local proration laws and that some of the proposed facilities will tend to lessen the effect on the mainline system of any interim loss of supply of natural gas or equipment failure.

Applicant states that the estimated cost of the proposed facilities is $14,723,000 and will be financed initially from funds available to the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1741 Filed 1–29–73;8:45 am]

[Dockets Nos. RP73–7, RP73–57]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice Establishing Procedural Dates

JANUARY 19, 1973.

On January 2, 1973, staff counsel filed a motion to suspend service and hearing dates in Docket No. RP73–7 pending disposition as established by order issued August 31, 1972, of the settlement filed in Docket No. CP67–349.

On January 10, 1973, the Commission issued an order in Dockets Nos. RI72–240 et al., Shell Oil Co. et al., which consolidated Dockets Nos. RP73–7 and RP73–57 for hearing and disposition.

On January 12, 1973, South Texas Natural Gas Gathering (South Texas) filed an answer to the motion of staff counsel to suspend service and hearing dates. South Texas proposes that the schedule for service of testimony and commencement of the hearing heretofore prescribed by the Commission in the order issued November 16, 1972, in Docket No. RP73–57 be made applicable in the consolidated proceeding.

On January 18, 1973, staff counsel filed an answer to the motion of South Texas and motion to extend and establish service and hearing dates.

Upon consideration, notice is hereby given that the procedural dates are fixed as follows:

Service of Staff testimony and exhibits—March 23, 1973.
Prehearing conference—April 3, 1973.
Service of intervenors testimony and exhibits—April 13, 1973.
Service of rebuttal by South Texas— April 27, 1973.
Hearing—May 8, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1742 Filed 1–29–73;8:45 am]

[Docket No. E–7939]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 23, 1973.

Take notice that Southwestern Electric Power Co. (Swepco), on November 2, 1972, tendered for filing copies of a letter agreement dated October 9, 1972, between Arkansas Power & Light Co. (A.P. & L.) and Swepco.

Swepco states that the agreement provides for A.P. & L. to purchase 150 mw. of capacity without reserves from Northeastern No. 2 generating unit of Public Service Company of Oklahoma (PSCO) during the period from December 1, 1972, to May 31, 1974.

Further, Swepco states that this agreement is a companion to the letter agreement between PSCO and Swepco under which PSCO will make the capacity and energy available for service and delivery to A.P. & L. Swepco avers that the rate for service under the agreement is the same rate Swepco pays PSCO except that Swepco has added a 10 cents per kw. charge.

Swepco also states that no construction is required to supply service under the agreement, and requests, because of A.P. & L.'s urgent need for this power and energy, that Swepco's submittal be accepted for filing effective December 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1743 Filed 1–29–73;8:45 am]

[Docket No. CP73–182]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JANUARY 18, 1973.

Take notice that on January 12, 1973, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP73–182 an application pursuant to section 7(c) of the Natural Gas Act authorizing the transportation of natural gas for exchange with Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the exchange of natural gas with Natural on December 15, 1972, within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) and that it proposes to continue said exchange for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant will receive up to 15,000 Mcf per day of Natural's gas from Exxon Corp. (Exxon) in the Tenerias Field, Willacy County, Tex., and deliver equivalent quantities of gas to Natural near Raymondville in Willacy County. In addition, Applicant proposes to deliver gas to Natural to be accepted on a best efforts basis, in excess of the gas delivered to Applicant for Natural's account by Exxon, in exchange for gas to be delivered by Natural to Applicant in Brooks County, Tex. Applicant states that the exchanges proposed herein will be on an Mcf-for-Mcf basis and that no new facilities need be constructed by Applicant.

Natural has filed in Docket No. CP73–177 an application for a certificate of public convenience and necessity authorizing the exchange of natural gas with Applicant. Exxon has filed in Docket No. CI73–410 an application for a certificate of public convenience and necessity authorizing the sale of natural gas to Natural.

It appears reasonable and consistent with the public interest in this case to

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prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1709 Filed 1-29-73;8:45 am]

[Docket No. CI73-482]

TEXACO INC.

Notice of Application

JANUARY 23, 1973.

Take notice that on January 16, 1973, Texaco Inc. (Applicant), Post Office Box 52332, Houston, TX 77052, filed in Docket No. CI73-482 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to be delivered by Amoco Production Co. at the outlet of the Old Ocean Field Gasoline Plant, in Brazoria County, Tex., to Natural Gas Pipeline Company of America, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on January 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for ten months from the expiration of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas per day at 40 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. Estimated initial upward B.t.u. adjustment is 1 cent per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1713 Filed 1-29-73;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Extension of Time

JANUARY 22, 1973.

On January 22, 1973, counsel for the cities of Byron and Bowling Green, Ohio, requested an extension of time to February 5, 1973, in which to protest or file a petition to intervene in the above matter as set out in the notice of proposed changes in rates and charges issued January 11, 1973.

Upon consideration, notice is hereby given that the time is extended to and including February 5, 1973, within which protests or petitions to intervene may be filed in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1724 Filed 1-29-73;8:45 am]

[Docket No. CI73-487]

UNION TEXAS PETROLEUM

Notice of Application

JANUARY 23, 1973.

Take notice that on January 17, 1973, Union Texas Petroleum, a division of Allied Chemical Corp. (Applicant), Post Office Box 2120, Houston, TX 77001, filed in Docket No. CI73-487 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Orange Grove Field Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 225,000 Mcf of gas per month for 1 year at 35 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required,

further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1710 Filed 1-29-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, February 1, 1973.
Monday, February 5, 1973.
Thursday, February 8, 1973.
Monday, February 12, 1973.
Thursday, February 15, 1973.
Thursday, February 22, 1973.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, DC.

The committee's primary responsibility is to study the prevailing rate system and from time-to-time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5554, 1900 E Street NW., Washington, DC.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JANUARY 24, 1973.

[FR Doc.73-1704 Filed 1-29-73;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Rules of Organization

Effective February 1, 1973, the Rules of Organization of the Federal Open Market Committee are amended to read as follows:

RULES OF ORGANIZATION

Sec.
1. Authority.
2. Composition of Committee.
3. Chairman and Vice Chairman.
4. Staff.
5. Manager and Special Manager.

SECTION 1. *Authority.* These rules are issued by the Federal Open Market Committee (the Committee) pursuant to the requirement of section 552 of Title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER a description of its central and field organization.

SEC. 2. *Composition of Committee.*—(a) *Members.* The Committee consists of the seven members of the Board of Governors of the Federal Reserve System (the Board) and five representatives of the Federal Reserve Banks, each of whom is a President or a First Vice President of a Reserve Bank.

(b) *Reserve Bank representatives.* The representatives of the Federal Reserve Banks, and an alternate for each representative, are elected by the boards of directors of the Reserve Banks in accordance with section 12A of the Federal Reserve Act (12 U.S.C. 263) for terms of one year commencing on March 1 of each year. Prior to the first meeting of the Committee on or after March 1 of each year, each member of the Committee representing the Federal Reserve Banks shall cause a record of his election and of the election of his alternate to be forwarded to the Secretary of the Committee. If any question is raised as to the election or eligibility of a member or alternate, the Committee determines such question before such member or alternate participates in a meeting of the Committee. In the event a member is absent from a meeting of the Committee, his alternate, in attending the meeting, shall have the same status as the member for whom he is serving. If a member or alternate ceases to be a President or First Vice President of a Reserve Bank, a successor may be chosen in a special election by the boards of directors of the appropriate Reserve Bank or Banks and such successor serves until the next annual election.

(c) *Oath of office.* Each member of the Committee and each alternate take the same oath of office as that prescribed by statute to be taken by officers of the United States.

SEC. 3. *Chairman and Vice Chairman.* At its first meeting on or after March 1 of each year, the Committee elects a Chairman and a Vice Chairman from among its membership. The Chairman presides at all meetings of the Committee and performs such other duties as the Committee may require. The Vice Chairman performs the duties of the Chairman in the absence of the Chairman. In the absence of both the Chairman and the Vice Chairman of the Committee, the Vice Chairman of the Board acts as Chairman of the Committee; and, in the absence of the Chairman and the Vice Chairman of the Committee and the Vice Chairman of the Board, the member of the Board present with the longest service as a member of the Board acts as Chairman of the Committee.

SEC. 4. *Staff.*—(a) *Selection of staff officers.* At its first meeting on or after March 1 of each year, the Committee selects, from among the officers and employees of the Board and the Federal Reserve Banks, the following staff officers to serve until the first meeting on or after March 1 of the next following year: Secretary, Deputy Secretary, and one or more Assistant Secretaries; General Counsel and one or more Assistant General Counsel; and Economists, one or more of whom may be designated as Senior or Associate Economists or given titles reflecting their areas of particular specialization.

(b) *Secretary and Deputy and Assistant Secretaries.* The Secretary keeps minutes of actions and records of discussions at all meetings of the Committee; he maintains a complete record of the actions taken by the Committee upon all questions of policy relating to open market operaitons; and he records the votes taken in connection with the determination of open market policies and the reasons underlying each such action. He has custody of such minutes and records, and he performs such other duties as the Committee may require. In the absence of the Secretary of the Committee, the Deputy Secretary or an Assistant Secretary acts as Secretary pro tem.

(c) *Economists.* The Economists prepare for the use of the Committee and present to it such information regarding business and credit conditions and domestic and international economic and financial developments as will assist the Committee in the determination of open market policies, and they perform such other duties as the Committee may require.

(d) *General Counsel and Assistant General Counsel.* The General Counsel furnishes such legal advice as the Committee may require. In the absence of the General Counsel, an Assistant General Counsel acts as General Counsel pro tem.

(e) *Filling of vacancies.* At any meeting the Committee may fill any vacancy in the offices described in this section.

(f) *Other staff assistance.* The services of any officers and employees of the Board and the Federal Reserve Banks are made available and are utilized by the Committee as required.

SEC. 5. *Manager and Special Manager.* The Committee selects a Manager of the System Open Market Account and a Special Manager for Foreign Currency Operations for such Account, both of whom shall be satisfactory to the Federal Reserve Bank selected by the Committee to execute open market transactions for such Account, and both of whom serve at the pleasure of the Committee. The Manager and Special Manager keep the Committee informed on market conditions and on transactions they have made and render such reports as the Committee may specify.

By order of the Federal Open Market Committee, January 16, 1973.

ROBERT C. HOLLAND,
Secretary.

[FR Doc.73-1661 Filed 1-29-73;8:45 am]

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NATIONAL COMMISSION ON MATERIALS POLICY

REVIEW OF REPORTS BY THE COMMISSION

Notification of Meeting

JANUARY 26, 1973.

Pursuant to the requirements of the Federal Advisory Committee Act, notice is hereby given that there will be a meeting of the National Commission on Materials Policy on Wednesday, January 31, 1973, at 10 a.m. The meeting will be held in the Commission's offices, Room 3002, 2025 M Street NW., Washington, DC. The meeting will be held for the purpose of reviewing reports prepared for the Commission by staff members and by various persons and groups outside the government, and for the purpose of preparing the Commission's final report to the Congress and the President. The meeting will not be open to the public.

JAMES BOYD,
Executive Director.

[FR Doc.73-1833 Filed 1-26-73;3:45 pm]

POSTAL RATE COMMISSION

[Docket No. MC73-1]

MAIL CLASSIFICATION SCHEDULE

Notice of Request for a Recommended Decision on Establishment and Providing for Petitions for Leave to Intervene

JANUARY 26, 1973.

Take notice that on January 18, 1973, the U.S. Postal Service (the Posal Service) filed, in Docket No. MC73-1 a request for a recommended decision establishing a mail classification schedule, pursuant to section 3623 of the Postal Reorganization Act (the Act). Except for six mail classification changes summarized below, the Postal Service's proposed mail classification schedule is essentially the same as that presently in effect. In addition to these six changes the Postal Service also proposes to incorporate in its schedule certain "editorial and conforming changes in the relevant provisions of former title 39, United States Code, and selected portions of the Postal Service Manual."

The entire mail classification schedule proposed by the Postal Service, reflecting these classification changes and corollary rate increases in business reply mail and special-rate fourth-class mail, is attached hereto and is captioned, "U.S. Postal Service Domestic Mail Classification Schedule." The Postal Service asserts, in its request, that its proposed schedule conforms to the criteria in 39 U.S.C. 3623(c), and insofar as it involves new rates or rate changes, the criteria in 39 U.S.C. 3622(b).

The Postal Service estimates that the total cost-revenue consequences of its proposed schedule will be a net gain in revenues in Fiscal Year 1974 of $22.5 million.

The six mail classification changes proposed by the Postal Service concern the following types of mail, and, in brief summary form, are as follows:

(1) *Bulk-rate first-class mail.* A new subclassification is proposed which will offer a rate reduction of 0.5 cent per piece for mailings of at least 1,000 first-class or airmail pieces when the mailer meets certain mailing conditions, related principally to the presorting function. (See Attachment, §§ 100.3(d), 101.3(e).)[1]

(2) *Bulk-rate parcel post.* A new subclassification is proposed which will establish, as a supplement to the present mail schedule providing for 552 individual-piece parcel-post rates, a simplified rate chart to be used by volume mailers (500 or more parcels per day). (See Attachment, § 400.42.)[1]

(3) *Special-rate fourth class.* Three subclassifications are proposed providing a single piece rate and two levels of discount for bulk mailings. The single piece rate is to be increased to 22 cents for the first pound and 11 cents for each additional pound. A bulk mailing rate for sorting 2,000 or more pieces to 3-digit ZIP Code and State separations provides a 10 percent discount, and a bulk mailing rate for sorting 500 or more pieces to 5-digit ZIP Code separations provides a 15 percent discount. (See Attachment, § 400.5(b)(c)(d).)[1]

(4) *Printed matter now mailed as parcel post.* It is proposed that the definition of matter eligible for the fourth-class "catalog" rates be expanded to include other bound printed matter in addition to catalogs. (See Attachment, § 400.7.)[1]

(5) *Business reply mail.* The proposed schedule of fees provides that users of business reply mail would pay, in addition to postage, an increased charge on single transactions and a monthly charge and discount fees for volume users (see Attachment, section 102):[1]

Monthly volume	Monthly charge	Piece fee
Up to 25,000 pieces		5 cents.
25,001 to 50,000 pieces	$500	3 cents.
Over 50,000 pieces	1000	2 cents.

(6) *Surcharge for nonstandard-size mail.* Surcharges are proposed for mailable but nonstandard pieces. The proposed surcharges for such pieces are 5 cents for first-class and airmail not exceeding 1 ounce and 4 cents for single-piece third-class not exceeding 2 ounces. In addition, the Postal Service proposes to replace and extend the current prohibitions against matter which fails to satisfy minimal dimensional criteria. However, except in the case of prohibitions for business reply pieces, the proposed prohibitions or surcharges will not be effective prior to July 6, 1976. (See Attachment, §§ 100.3(a),[1] 300.2(d).)

If any person desires to be heard with reference to said request and to become a party to a proceeding or to participate as a party in any hearing on the request, that person should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before February 26, 1973, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). The Commission also calls attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in a hearing.

The request of the Postal Service for a recommended decision on establishing a mail classification schedule for postal service is on file with the Commission and available for public inspection.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-1705 Filed 1-29-73;8:45 am]

[1] Filed as part of the original document.

PRESIDENT'S ADVISORY COUNCIL ON MANAGEMENT IMPROVEMENT

AGENDA FOR MEETING

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the President's Advisory Council on Management Improvement will be held at 10 a.m., February 2, and at 9 a.m., February 3, 1973, at 722 Jackson Place NW., Washington, DC.

The agenda of this regular bimonthly meeting of the Council will include discussions of productivity studies in Federal laboratories, health care systems, and some experiments being developed by the GAO, OMB, and CSC. Other topics to be reviewed include certain areas of personnel management, i.e., executive development, private sector techniques, and women in government. Management seminars planned by the Council will also be reviewed.

The meeting will be open to the public, except for two executive sessions which will be closed to discuss staff personnel matters which relate solely to internal rules and practices of the Council, and in accordance with the determination of the Director, Office of Management and Budget dated January 25, 1973. These closed sessions will be held from 10 to 11 a.m. on February 2, and from 11:00 to Noon on February 3.

Anyone wishing to participate should contact the office of the Executive Director, President's Advisory Council on Management Improvement, Room 10002, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3973.

Dated: January 26, 1973.

JAMES E. MAHONEY,
Executive Director.

[FR Doc.73-1823 Filed 1-29-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

NOVA EQUITY VENTURES, INC.

Order Suspending Trading

JANUARY 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Nova Equity Ventures, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 23, 1973 through February 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1688 Filed 1-29-73;8:45 am]

[File No. 500-1]

POWER CONVERSION, INC.

Order Suspending Trading

JANUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Power Conversion, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 24, 1973 through February 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1700 Filed 1-29-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

JANUARY 23, 1973.

The common stock, $2.50 par value, of U.S. Financial Inc. being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 24, 1973, through February 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1699 Filed 1-29-73;8:45 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

JANUARY 23, 1973.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 24, 1973, through February 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1701 Filed 1-29-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

JANUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 24, 1973, through February 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1698 Filed 1-29-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 24, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 13, 1973.

FSA No. 42607—*Joint Water-Rail Container Rates—American Mail Line, Ltd.* Filed by American Mail Line, Ltd. (No. 3), for itself and interested rail carriers. Rates on general commodities, from rail terminals at ports on the U. S. Atlantic and Gulf coast, to Saigon, Vietnam.

Grounds for relief—Water competition.

Tariff—American Mail Line, Ltd., Westbound Intermodal Tariff No. 2, I.C.C. No. 2, F.M.C. No. 23. Rates are published to become effective on February 20, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1749 Filed 1-29-73;8:45 am]

[Notice 165]

ASSIGNMENT OF HEARINGS

JANUARY 24, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 109397 Sub 275, Tri-State Motor Transit Co., now assigned January 25, 1973, at Washington, D.C., is postponed to February 7, 1973, will be held at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136679, Edwin J. Becker, Dba Becker Transfer Co., now assigned January 29, 1973, at Olympia, Wash., canceled and reassigned to January 29, 1973, at the Washington Utilities and Transportation Commission, 1231 Andover Park, East, Seattle, WA.

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MC–74416 Sub 12, Lester M. Prange Inc., now assigned January 25, 1973, at Washington, D.C., is postponed to February 7, 1973, will be held at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. 8813, general increase in rates and charges, Sea-Land Service, Inc., and I & S No. 8814, general increase, the Alaska Railroad, now being assigned prehearing conference February 14, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126278 Sub 7, Frigid Way Cartage Co., now assigned February 5, 1973, at Columbus, Ohio, is canceled and application dismissed.

MC 87476 Sub 11, Carl Schaefer Jr., Truck Line, Inc., now assigned February 27, 1973, at Columbus, Ohio, is canceled and the application is dismissed.

MC–C–7840, The Millenburg Tours, Inc., V. Lillian Hofmeister, now assigned February 26, 1973, will be held in Room G–30A, Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, MD.

MC 20783 Sub 85, Tompkins Motor Lines, Inc., now assigned February 5, 1973, MC 115840 Sub 73, Colonial Fast Freight Lines, Inc., now assigned February 7, 1973, at Birmingham, Ala., will be held in Room 308, Top of Twenty-One Motor Inn, 2040 Highland Avenue, South.

MC 136611, Red & White Market & Transfer, Inc., now assigned February 1, 1973, at Hastings, Nebr., is canceled and application dismissed.

MC–118989 Sub 74, Container Transit, Inc., now assigned February 2, 1973, at Chicago, Ill., is canceled and the application dismissed.

MC 133478 Sub 3, Lile Moving & Storage Co., now assigned February 12, 1973, at Olympia, Wash., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–1753 Filed 1–29–73;8:45 am]

MOTOR CARRIERS OF PROPERTY OR PASSENGERS

Filing of Applications

[Notice 7]

JANUARY 23, 1973.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11632. Authority sought for control by EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, of ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017, and for acquisition by DANIEL E. SHEVELL and MYRON P. SHEVELL, both of Carlstadt, N.J. 07072, of control through the acquisition by EASTERN FREIGHT WAYS, INC. Applicants' attorneys: Ralph E. Becker, J. Thomas Schneider, and Howard J. Feldman, 1819 H Street NW., Suite 950, Washington, DC 20006. Operating rights sought to be controlled: ASSOCIATED TRANSPORT, INC., operates as a *common carrier*, primarily over regular routes, between Atlanta, Ga., and Charleston, S.C., on the south, Nashville, Tenn., St. Louis, Mo., and Chicago, Ill., on the west, Detroit, Mich., Buffalo and Champlain, N.Y., and Portland, Maine, on the north, and Boston, Mass., on the east. ASSOCIATED controls SCHERER FREIGHT LINES, CO., which operates as a *common carrier* over regular and irregular routes in Illinois and Wisconsin extending generally between St. Louis, Mo., and Sheboygan, Wis. EASTERN FREIGHT WAYS, INC., is a *common carrier* operating primarily over regular routes in Delaware, District of Columbia, New Jersey, New York, Connecticut, Massachusetts, Maryland, Pennsylvania, Rhode Island, Vermont, and Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE: A proposed amendment to the application for a merger of the two carriers has been submitted by EASTERN FREIGHT WAYS, INC. ASSOCIATED TRANSPORT, INC., has not joined in.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–1748 Filed 1–29–73;8:45 am]

[Notice 7]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 18, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29392 (Sub-No. 19 TA), filed January 9, 1973. Applicant: LES JOHNSON CARTAGE CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinding mill shells*, from Milwaukee, Wis., to points in Marquette County, Mich., for 180 days. Supporting shipper: Nordberg Division, Rex Chainbelt, Inc., Post Office Box 383, Milwaukee, WI 53201 (Philip W. Harper, Transportation Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, Room 807, 135 West Wells Street, Milwaukee, WI 53203.

No. MC 100623 (Sub-No. 40 TA), filed January 8, 1973. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: Harold G. Hernly, 510 The Circle Building, 2030 North Adams Street, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medical and pharmaceutical products*, between the facilities of Parke-Davis & Co. at Towson, Md., on the one hand, and, on the other, points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York Counties, Pa., points in Atlantic, Ocean, Cape May, Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, and Warren Counties, N.J., and points in New Castle County, Del. Restriction: No service shall be rendered in the transportation of any package or articles weighing more than fifty (50) pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than three hundred (300) pounds from one consignor at one location to one consignee at one location on any one day, for 180 days.

Supporting shipper: Parke, Davis & Co., Post Office Box 1676, Baltimore, MD 21203. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 107002 (Sub-No. 429 TA), filed January 3, 1973. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Jackson County, Miss., to points in Alabama, Arkansas, Florida, Louisiana, Missouri, and Tennessee on, east and south of U.S. Highways 27 and 70, for 90 days. Supporting shipper: Mississippi Chemical Corp., Post Office Box 388, Yazoo City, MS 39194. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 111729 (Sub-No. 368 TA) (correction), filed January 3, 1973, published in the FEDERAL REGISTER issue of January 12, 1973, corrected and republished in part as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). NOTE: The purpose of this partial republication is to show the correct Sub-No. 368 TA, in lieu of Sub-No. 366 TA. The rest of the application remains the same.

No. MC 112520 (Sub-No. 267 TA), filed January 9, 1973. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Black liquor skimmings*, in bulk, in tank vehicles, from Jacksonville, Fla., to Clyattville, Ga.; and (2) *brine, saline solution, and sulfate*, in bulk, in tank vehicles, from Clyattville, Ga., to Jacksonville, Fla. for 180 days. Supporting shipper: Owens-Illinois, Inc., Clyattville, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 114897 (Sub-No. 102 TA), filed January 10, 1973. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium tetrachloride*, in bulk, in tank vehicles, from Henderson, Nev., to Port Arthur and Beaumont, Tex.; and Baton Rouge, Lake Charles, and Plaquemine, La., for 180 days. Supporting shipper: Titanium Metals Corporation of America, Post Office Box 2128, Henderson, NV 89015. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 114897 (Sub-No. 103 TA), filed January 10, 1973. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium tetrachloride*, in bulk, in tank vehicles, from Henderson, Nev., to Texas City, Tex., for 150 days. Supporting shipper: Titanium Metals Corporation of America, Post Office Box 2128, Henderson, NV 89015. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 118959 (Sub-No. 104 TA) (Correction), filed December 6, 1972, published in the FEDERAL REGISTER issue of January 16, 1973, corrected and republished as corrected this issue. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Applicant's representative: Axelrod, Goodman, Steiner and Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic and plastic products*, products produced or distributed by manufacturers and converters of paper and paper products, plastic and plastic products; *materials and supplies* used in the manufacture and distribution of the aforegoing commodities (except commodities which because of size or weight require the use of special equipment and commodities in bulk), between the plantsites and facilities of the Mead Corp., at or near Chillicothe, Ohio; Schooleys, Ohio; and Kingsport and Gray, Tenn., on the one hand, and, on the other, points in Florida, for 180 days. Supporting shipper: The Mead Corp., Talbott Tower, Dayton, Ohio 45402. Send protests to: District Supervisor, J. P. Wertmann, Interstate Commerce Commission, Bureau of Operations, 210 North 12th Street, Room 1465, St. Louis, MO 63101. NOTE: The purpose of this republication is to include Gray, Tenn.

No. MC 124078 (Sub-No. 536 TA) (Correction), filed December 6, 1972, published in Notice Number 3, corrected and republished in part as corrected this issue. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). NOTE: The purpose of this partial republication is to set forth the correct Sub-No. 536 TA, in lieu of Sub-No. 535 TA. The rest of the application remains the same.

No. MC 129615 (Sub-No. 13 TA), filed December 5, 1972. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, 2000 West 16th Street, Long Beach, CA 90813. Applicant's representative: E. D. Helmer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and campers*, by driveaway and truckaway service, between points in Collin and Hopkins Counties, Tex., and Snohomish County, Wash., on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., 3125 Myers Street, Post Office Box 7638, Riverside, CA 92503. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, CA 90012.

No. MC 134040 (Sub-No. 4 TA), filed January 9, 1973. Applicant: ACME TRANSFER, INC., 2103 First Avenue North, Post Office Box 404, Fort Dodge, IA 50501. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles*, from points in Iowa to Kansas City and St. Louis, Mo., Chicago and South Beloit, Ill., and their respective commercial zones, for 180 days. Supporting shipper: Turpin Auto Crushers, 615 Southeast 30th Street, Des Moines, IA 50317. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138299 TA, filed January 8, 1973. Applicant: TRAILS TRUCKING, INC., 719 Union Street, Montebello, CA 90640. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass products*, from Santa Clara, Calif., to points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and to El Paso, Tex., for 180 days. Supporting shipper: Owens-Corning Fiberglas Corp., Santa Clara Plant, Post Office Box 89, Santa Clara, CA 95052. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 Los Angeles Street, Los Angeles, CA 90012.

No. MC 138300 TA, filed January 10, 1973. Applicant: MIDWEST MAIL SERVICE, INC., Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Storage batteries and battery acid*, in containers, between the warehouse facilities of General Battery Corp. in Omaha, Nebr., on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, for 180 days. Supporting shipper: General Battery Corp., Post Office Box 1262, Reading, PA 19603. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, 106 South 15th Street, Omaha, NE 68102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–1747 Filed 1–29–73;8:45 am]

[Notice 199]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of

[1] Except as otherwise specifically noted, each applicant states there will be no significant effect on the quality of the human environment resulting from approval of its application.

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the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 18, 1973. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74108. By order of December 21, 1972, the Motor Carrier Board approved the transfer to Genova Transport, Inc., Williamstown, N.J., of the operating rights in Permit No. MC–124181 (Sub-No. 6) issued October 19, 1967, to Joseph Genova, Williamstown, N.J., authorizing the transportation of food products, except in bulk, between South Hackensack, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn.; and from piers in New York Harbor, N.Y., to points in New Jersey, points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, Hartford, and New Haven, Conn. The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Buitoni Foods Corp., and Van Leer Chocolate Corp. George A. Olsen, registered practitioner, 69 Tonnele Avenue, Jersey City, NJ 07306, Representative for applicants.

No. MC–FC–74182. By order of December 29, 1973, the Motor Carrier Board approved the transfer to John Sephton Produce Co., Inc., Mobile, Ala., of the operating rights in Certificate No. MC–118201 and MC–118201 (Sub-No. 1) issued August 25, 1960 and July 11, 1962, respectively, to John Sephton, doing business as John Sephton Produce Co., Mobile, Ala., authorizing the transportation of various commodities from Mobile, Ala., New Orleans, La., and Gulfport, Miss., to specified points in Kentucky, Illinois, Indiana, Ohio, and Tennessee. E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–1754 Filed 1–29–73;8:45 am]

[Notice 200]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 18, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74060. By order of December 29, 1973, the Motor Carrier Board approved the transfer to Saturn Express, Inc., Omaha, Nebr., of a portion of the operating rights in Permit No. MC–133737 (Sub-No. 5) issued December 21, 1972 to Crawford Trucking, Inc., Omaha, Nebr., authorizing the transportation of various commodities from and to Omaha, Nebr. and points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, South Dakota, Tennessee, Texas, Oklahoma, Virginia, Wisconsin, and West Virginia. Patrick E. Quinn, 605 South 14th Street, Lincoln, NE 68501, attorney for applicants.

No. MC–FC–74111. By order entered January 2, 1973, the Motor Carrier Board approved the transfer to M. J. Baker Trucking, Inc., Magnolia, N.J., of that portion of the operating rights set forth in Certificate No. MC–66960, issued September 28, 1970, to Triangle Transportation, Inc., Haddonfield, N.J., authorizing the transportation of sand, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, George Willis, 112 South White Horse Pike, Somerdale, NJ 08083, representative for applicants.

No. MC–FC–74126. By order of January 2, 1973, the Motor Carrier Board approved the transfer to Robert Emanuel and Margaret Emanuel, a partnership, doing business as Emanuel's Express, Kirklyn, Pa., of the operating rights in Certificate No. MC–128498 (Sub-No. 1), issued January 30, 1967, to Robert Emanuel, doing business as Emanuel's Express, Kirklyn, Pa., authorizing the transportation of household goods and billiard tables between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, and the District of Columbia. Byron R. LaVan, Suite 400, 117 South 17th Street, Philadelphia, PA 19103, attorney for applicants.

No. MC–FC–74145. By order of December 26, 1973, the Motor Carrier Board approved the transfer to Eastman Transport, Inc., Fort Bragg, Calif., of the operating rights in Certificates Nos. MC–117136 (Sub-No. 1), MC–117136 (Sub-No. 14), MC–117136 (Sub-No. 18), MC–117136 (Sub-No. 22), and MC–117136 (Sub-No. 26), issued June 23, 1962, August 10, 1964, June 24, 1964, October 14, 1969, and June 25, 1970, respectively, to Landis Morgan, Inc., Ukiah, Calif., authorizing the transportation of numerous specified commodities, including mineral ores and concentrates, lumber, plywood, forest products, cottonseed meal, crumbles, and pellets, and fertilizer (except in bulk), from and to named points in California, Oregon, Nevada, and Arizona. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–1750 Filed 1–29–73;8:45 am]

[Notice 201]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 24, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–74246. By application filed December 5, 1972, HENRY LIENHART, doing business as ARROW COACH LINES, 2715 West Tenth Street, Little Rock, AR 72204, seeks temporary authority to lease the operating rights of DELTA COACHES, INC., 907 North Broadway Street, Greenville, MS 38702, under section 210a(b). The transfer to HENRY LIENHART, doing business as ARROW COACH LINES, of the operating rights of DELTA COACHES, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–1751 Filed 1–29–73;8:45 am]

[Revised S.O. 994; ICC Order 81–A]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

JANUARY 24, 1973.

Upon further consideration of ICC Order No. 81 (the Ann Arbor Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 81 be, and it is hereby, vacated and set aside.

(b) This order shall become effective at 11:59 p.m., January 22, 1973.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 22, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73–1752 Filed 1–29–73;8:45 am]

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PART II

DEPARTMENT OF AGRICULTURE

Forest Service

■

PACIFIC CREST NATIONAL SCENIC TRAIL

Route Selection

No. 19—Pt. II——1

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DEPARTMENT OF AGRICULTURE

Forest Service

PACIFIC CREST NATIONAL SCENIC TRAIL

Route Selection

In accordance with section 7(a) of the National Trail System Act of October 2, 1968 (82 Stat. 919; 16 U.S.C. 1241–1249), notice is hereby given of selection of the official route of the Pacific Crest National Scenic Trail.

The Forest Service in selecting the route for the Trail gave full consideration to minimizing the adverse effects of the Trail on the affected landowners and their operations. The advice and assistance of the States, local governments, private organizations, and landowners and land users concerned was obtained. The selected route has been approved by the Advisory Council for the Pacific Crest National Scenic Trail.

To facilitate more precise identification of the selected route by affected governmental agencies, landowners and other interested parties, detailed maps are on file and available for public inspection at the headquarters of Federal and State units through which the selected route passes as indicated on the maps and narrative descriptions included in this notice. The detailed maps are available for review in the following locations:

CALIFORNIA

Angeles National Forest, 150 South Los Robles, Pasadena.
Cleveland National Forest, 3211 5th Avenue, San Diego.
Eldorado National Forest, 100 Forni Road, Placerville.
Inyo National Forest, 2957 Birch Street, Bishop.
Klamath National Forest, 1215 South Main, Yreka.
Lassen National Forest, 707 Nevada Street Susanville.
Plumas National Forest, 159 Lawrence Street, Quincy.
San Bernardino National Forest, 144 North Mountain View Avenue, San Bernardino.
Sequoia National Forest, 900 West Grand Avenue, Porterville.
Shasta-Trinity National Forest, 1615 Continental Street, Redding.
Sierra National Forest, 1130 O Street, Room 3211, Federal Building, Fresno.
Stanislaus National Forest, 175 South Fairview Lane, Sonora.
Tahoe National Forest, Highway 49 and Coyote Street, Nevada City.
Toiyabe National Forest, 111 North Virginia Street, Reno, Nev.
Devil's Postpile National Monument, Three Rivers.
King's Canyon National Park, Three Rivers.
Lassen Volcanic National Park, Mineral.
Sequoia National Park, Three Rivers.
Yosemite National Park, P.O. Box 577, Yosemite National Park.
Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento.
Anza Borrego Desert State Park, Borrego Springs.
Castle Crags State Park, Castle Crag.
Harts Bar State Park, Star Route, Angelus Oaks.
McArthur-Burney Falls State Park, Route 1, Box 1260, Burney.
Mount San Jacinto State Park, P.O. Box 308, Idyllwild.

OREGON

Deschutes National Forest, 211 East Revere, Bend.
Mount Hood National Forest, 340 N.E. 122d Avenue, Portland.
Rogue River National Forest, Post Office and Federal Building, Medford.
Umpqua National Forest, Federal Office Building, Roseburg.
Willamette National Forest, 210 East 11th Avenue, Eugene.
Winema National Forest, Post Office Building, Klamath Falls.
Crater Lake National Park, Post Office Box 7, Crater Lake.
Bureau of Land Management, Federal Building, Medford.

WASHINGTON

Gifford Pinchot National Forest, 500 West 12th Street, Vancouver.
Mount Baker National Forest, Federal Office Building, Bellingham.
Okanogan National Forest, 219 2d Avenue South, Okanogan.
Snoqualmie National Forest, 1601 Second Avenue Building, Seattle.
Wenatchee National Forest, 3 South Wenatchee Avenue, Wenatchee.
Mount Rainier National Park, Longmire.
North Cascades National Park, Sedro Woolley.
State of Washington Department of Natural Resources, 4800 Capitol Boulevard, Olympia.

The selected route for the Pacific Crest National Scenic Trail, including a listing of private lands crossed is described in narrative form and depicted on maps as follows:

WASHINGTON

Beginning at Monument No. 78 on the Canadian border, the Pacific Crest Trail follows the Cascade Crest in a southerly direction through the Pasayten Wilderness, Okanogan National Forest, traversing Castle Pass, Hopkins Pass, Woody Pass, Holman Pass, Foggy Pass, and Windy Pass to Harts Pass, leaving the Pasayten Wilderness at Windy Pass. From Harts Pass the Trail goes throuh Glacier Pass, Methow Pass, Granite Pass, and Cutthroat Pass to Rainy Pass. At Rainy Pass the Trail crosses the North Cascades Highway No. 20, takes a westerly direction along the south side of the ridge toward Horsefly Pass, leaves national forest land and crosses into the North Cascade National Park one-quarter mile southwest of Horsefly Pass in the headwaters of Maple Creek. The Trail then follows along the Maple Creek drainage to its intersection with North Fork Bridge Creek, crosses North Fork Bridge Creek, thence traverses the north side of the Bridge Creek drainage to Goode Ridge, crosses the south end of Goode Ridge, crosses Park Creek and follows down the creek to near its confluence with the Stehekin River. The Trail then crosses the Stehekin River and follows up Flat Creek 2 miles, leaves the North Cascades National Park and enters the Glacier Peak Wilderness, Wenatchee National Forest. It follows Flat Creek to the mouth of the West Fork, crosses Flat Creek, continues up the Flat Creek Basin in a southwesterly direction, passes over Rim Rock Ridge east of Le Conte Glacier, and traverses the drainages of the West Fork Agnes, South Fork Agnes, and Spruce Creek to the Bannock Lakes. From Bannock Lakes the Trail follows the ridge into Suiattle Pass, where it enters the Mount Baker National Forest, then heads southwesterly down to a crossing of Miners Creek and along the south side of the creek to a crossing of Suiattle River. From the river the location heads westerly to a crossing of Vista Creek. It follows this drainage southwest, climbing to a saddle in the ridge between Vista and Dolly Creeks on the north exposure of Glacier Peak. From here it heads west through the headwaters of Dolly Creek and the East Fork of Milk Creek, then descends to cross Milk Creek. The location continues west, climbing to Mica Lake, then turns south through Fire Creek Pass to enter the White Chuck drainage on the west slopes of Glacier Peak.

The Trail continues in a southern direction crossing Pumice, Glacier, and Kennedy Creeks, then turns to cross Sitkum Creek and follows White Chuck River upstream. After crossing the river south of Baekos Creek it climbs to the White Chuck Cinder Cone then turns West to Red Pass. From here it heads southeast into the North Fork Sauk drainage to White Pass, the boundary between the Snoqualmie and Wenatchee National Forests. From White Pass the Trail follows the Cascade Crest to Indian Pass, traverses the east side of Kodak Peak and leaves the Glacier Peak Wilderness at Meander Meadows. The Trail follows the crest between the Snopualmie and Wenatchee National Forests through Dishpan Gap and Wards Pass. It passes below Lake Sally Ann and to the east of Skykomish Peak, to Cady Pass. From Cady Pass the Trail climbs to Saddle Gap, continues past Fortune Ponds, crosses a ridge and descends to Pear Lake and into Wenatchee Pass. From Wenatchee Pass the Trail climbs to Grizzly Peak. Thence it descends to the south end of Lake Janus and climbs to the pass south of Union Peak. From the pass the Trail passes to the west of Lake Valhalla and continues to Stevens Pass and U.S. Highway No. 2.

From Stevens Pass the Pacific Crest Trail proceeds in a southeasterly direction to Lake Susan Jane where it ascends to the ridge above Josephine Lake and generally follows the divide in a southwesterly direction to Trap Pass above Trap Lake. From Trap Pass the Trail descends to Glacier Lake, climbs around the west side of Surprise Mountain and then descends into the Deception Creek drainage, passes Deception Lakes, and ascends into Deception Pass. At Deception Pass the Trail crosses into the Wenatchee National Forest and traverses a southeast slope above Hyas Lake to Cathedral Rock, descends, passes Deep Lake and follows down Spinola Creek. The Trail then heads westerly contouring the south slope above Waptus Lake, and crosses Spade Creek and the Waptus River, thence, the Trail goes past Escondido Lake and over the ridge into Lemah Creek basin, on to Spectacle Lake and turns northwest along Chikamin Ridge. From the north end of Chikamin Ridge the Trail turns to pass below Joe Lake. The Trail then swings around the south of Alaska Mountain to Alaska Lake, ascends to the divide between the Wenatchee and the Snoqualmie National Forest south of Red Mountain and proceeds along the divide into Snoqualmie Pass.

At Snoqualmie Pass the Pacific Crest Trail crosses Interstate 90 and continuing in a southeasterly direction, crosses back and forth across the height of land, following the Wenatchee and Snoqualmie National Forests common boundary passes Olallie Meadow, Mirror Lake, Yakima Pass, Meadow Pass, and through Stampede Pass. Continuing along the height of land the Trail goes over Snowshoe Butte and Bearpaw Butte, through Sheets Pass and Tacoma Pass, and to Blowout Mountain. From here the Trail turns westerly into the Snoqualmie National Forest to Green's Pass and Pyramid Peak, resumes its southerly direction and continues along the divide, descending into Government Meadows and the historic Naches Pass. Continuing, the Trail follows the divide past Louisiana Saddle, Arch Rock, and Sourdough Gap into Chinook Pass.

Continuing south out of Chinook Pass, the Pacific Crest Trail enters Mount Rainier National Park above Dewey Lake. After descending to Dewey Lake, the Trail passes back and forth across the common boundary between the national forest and the park until it reaches the ridge above Two Lakes. Here it leaves the park and generally follows the ridge between the Gifford Pinchot and Snoqualmie National Forests. It descends along the east side of the ridge, passes between Crag and Buck Lakes, skirts the east end of Fish Lake and ascends to the ridge between Twin Sisters Lakes and Snow Lake. Here, crossing a part of the Gifford Pinchot National Forest, the Trail goes by Cowlitz Pass, descends to Buesch Lake and then ascends again to the ridge which divides the main drainages of the Cowlitz and the Bumping Rivers. Crossing back and forth over the Pacific Crest, the Trail skirts Sand Lake and crosses State Highway No. 12, just east of White Pass at Leech Lake. Two miles south of White Pass, the Trail enters the Goat Rocks Wilderness. It goes to the east of Hogback Mountain and above Shoe Lake, by Tieton Pass and westerly to Elk Pass. The Trail turns south along the barren ridge as it approaches Old Snowy Mountain, ascends the west side to the Dana Yelverton Shelter and continues past the Goat Rocks, along the east edge of Snowgrass Flat and into Cispus Pass. Crossing the divide at Cispus Pass, the Trail enters the Yakima Indian Reservation and parallels the reservation boundary for a mile, then crosses back into the Gifford Pinchot National Forest and parallels the divide on the west side, passing through the headwaters of several tributaries of the Cispus River, and to the Coleman Weedpatch where it leaves the Goat Rocks Wilderness. Continuing, the Trail traverses along the west side of the divide, passes Potato Hill, crosses Spring Creek and enters the Mt. Adams Wilderness.

The Trail traverses the west slopes of Mount Adams as it passes through the wilderness, for a distance of about 10 miles, and leaves the Mount Adams Wilderness near the southwest corner.

Thence in a westerly direction and crossing several forest roads, the Trail goes past Swampy Meadows, Dry Meadows, and Steamboat Lake, passes near several developed campgrounds, turns south along the crest of the Cascade Range through the Indian Heaven area, over Gifford Peak and east of Red Mountain to the Big Lava Bed. The Trail crosses Forest Road N60, skirts the west edge of the lava field and continues south to Big Huckleberry Mountain. From Big Huckleberry Mountain the Trail proceeds westerly, crossing the Panther Creek Division of the Wind River Experimental Forest, Panther Creek, Forest Road N605, and into Warren Gap. Thence, the Trail crosses the Wind River Highway, Wind River, Forest Road N511 and continues in a westerly direction, crosses Trout Creek, passes near the Wind River Research Natural Area, the Forest Service ranger station and tree nursery, and through the Trout Creek Division of the Wind River Experimental Forest. The Trail then turns in a southerly direction just south of Mowich Butte and proceeds to the south boundary of the Gifford Pinchot National Forest. Leaving the forest, the Trail crosses Rock Creek and continues in a southerly direction to the northeast corner of the Beacon Rock State Park, thence in an easterly direction, passes to the north of Kidney Lake, to the south of Hazel and Fern Lakes, and arrives at the north approach of the Bridge of the Gods. The Trail crosses the Columbia River on the Bridge of the Gods. Midway across the bridge it leaves the State of Washington and enters the State of Oregon.

The Pacific Crest Trail crosses private property in the following described sections in the State of Washington:

WILLAMETTE MERIDIAN

Township	Range	Section
3 North	6 East	25.
2 North	7 East	7, 8, 9, 14, 15, 16 and 17.
3 North	7 East	30 and 31.
4 North	7 East	23.
11 North	11 East	3.
12 North	11 East	34.
17 North	11 East	30.
19 North	11 East	13, 15, 21 and 27.
20 North	11 East	1, 11 and 13.
21 North	11 East	5, 17, 21, 23 and 25.
22 North	11 East	5, 17, 19 and 31.
19 North	12 East	11 and 15.
20 North	12 East	3, 23 and 35.
23 North	12 East	22.
26 North	13 East	11, 13, 23, 25 and 35.

OREGON

At the south end of the Bridge of the Gods is the community of Cascade Locka, elevation 100 feet. This is the lowest elevation on the Pacific Crest Trail between the Canadian border and the Mexican border. A quarter of a mile south of the Bridge of the Gods, the Trail enters the Mt. Hood National Forest and ascends the rugged south side of the Columbia Gorge and quickly attains an elevation of 4,000 feet on Benson Plateau. It continues south, past Chinidere Mountain and Wahtum Lake, traversing the slopes high above Eagle Creek, the West Fork of Hood River and Lost Lake. The Trail then descends gently into Lolo Pass, crosses Forest Road N12 and ascends Bald Mountain where it is joined by Timberline Trail on Mt. Hood. Traversing Mt. Hood, the Trail then descends into the Muddy Fork, passes beneath Ramona Falls, and crosses the main fork of the Sandy River. Two miles south of the Sandy River, the Trail enters Mt. Hood Wilderness near Paradise Park at an elevation of 6,000 feet. It descends and crosses Zigzag Canyon, leaves the Mt. Hood Wilderness, and turns easterly to regain 1,000 feet in elevation and crosses just north of Timberline Lodge and the Mt. Hood Ski Area. It continues south along the crest of the Cascade Mountain Range and goes through Barlow Pass, the site of the first pioneer wagon road to the Willamette Valley. The Trail follows the crest past Twin Lakes, across U.S. Highway 26 and on southward to Little Crater Meadows. After crossing Crater Creek it follows the east shoreline of Timothy Lake for about 3 miles and crosses Skyline Road S42 near Clackamas Lake. About 2 miles farther the Trail leaves the Mt. Hood National Forest and enters the Warm Springs Indian Reservation northwest of Buckskin Butte. It goes east of Summit Butte, crosses Warm Springs River, passes North Pinhead Butte, crosses Lemiti Creek and goes through Olallie Meadows, leaves the Warm Springs Indian Reservation west of Russ Lake, reenters Mt. Hood National Forest and goes on to Olallie Lake. Through this level area the crest is ill-defined and elusive. The Trail passes near the Olallie Lake summer resort and a Forest Service guard station. Continuing south, the Trail again regains the crest of the Cascade Range and follows the high gently sloping ridges to Breitenbush Lake, elevation 5,500 feet. Here it crosses a primitive forest road and a tributary of the Breitenbush River, then immediately enters Mt. Jefferson Wilderness and ascends gradually along the divide, crossing snowfields at Park Ridge, elevation 7,000 feet. Park Ridge presents a magnificent view of Jefferson Park with Mt. Jefferson looming in the background. At Park Ridge, the Trail leaves the Mt. Hood National Forest, enters the Willamette National Forest and descends sharply into Jefferson Park, past Russell, Scout, and Bays Lakes.

The Pacific Crest Trail traverses the lower slopes around the west side of 10,497-foot high, glacier enshrouded Mt. Jefferson crossing Milk Creek 2 miles below Milk Creek Glacier and passing above Pamelia Lake. Thence, it begins to ascend, passing between Coyote and Shale Lakes to the crest at the Cathedral Rocks. From here the divide is the boundary between the Deschutes and Willamette National Forests. Following the crest, the Trail skirts the west edge of North Cinder Peak, passes to the east of South Cinder Peak and intersects the Swallow Lake Trail that leads to the west. It continues, passing between Rockpile Lake and Rockpile Mountain and on to Minto Pass. It crosses the Minto Pass Trail and continues along the west slope to Porcupine Peak, then winds along the lower benches on the west slope of Three Fingered Jack and leaves the Mt. Jefferson Wilderness. One-half mile from the wilderness it crosses U.S. Highway 20 near Santiam Pass. Proceeding south beyond the pass the Trail winds through relatively flat terrain for 4 miles to the east side of Big Lake. Leaving Big Lake it enters the Mt. Washington Wilderness and skirts around the west and south sides of Mt. Washington. It crosses the crest south of Mt. Washington and enters the lava fields. Continuing south, passing to the east of Belknap Crater, the Trail traverses the lava area into McKenzie Pass near the location of Dee Wright Observatory. Here it leaves the Mt. Washington Wilderness, crosses State Highway 242 and enters Three Sisters Wilderness. In the wilderness, the Trail skirts the east edge of the lava field, passes near the Matthieu Lakes, through Scott Pass, goes just west of Yapoah Crater, through Opple Dildock Pass and to Sunshine Shelter near the headwaters of Glacier Creek. The Trail, after crossing Obsidian Creek at Obsidian Falls, gradually ascends the west slopes of the North Sister and the Middle Sister Peaks. It contours along the west slopes of South Sister Peak, crosses Separation Creek above Separation Meadow, skirts the west edge of Rock Mesa and ascends again to the crest at Wickiup Plains; it passes along the east edge of Sisters Mirror Lake, and continues following the crest to its intersection with Elk Lake Trail 1½ miles west of Elk Lake. Here, the Trail takes a westerly direction for about 2 miles, traverses the south edge of Island Meadow and enters the Mink Lake basin. Thence, it again turns in a southerly direction following along a chain of small mountain lakes to Mac Lake and ascends to the crest, crosses, and enters the Deschutes National Forest east of Packsaddle and Little Round Top Mountains to Stormy Lake, located east of Irish Mountain, turns to Brahma Lake and leaves the Three Sisters Wilderness just south of the lake. Thence it bears in a southwesterly direction, crossing Forest Road No. 2049 on the west side of Irish and Taylor Lakes.

From Taylor Lake the Trail crosses over the crest to the west slope, and passes along the west side of Charlton Butte. It intersects Forest Road No. 204 and traverses the west shore of Charlton Lake, then traverses the west side of the crest, east of Waldo Lake, for the next 8 miles, It passes just east of the Gold Lake Bog Research Natural Area, along the west edge of Douglas Horse Pasture, skirts the east shores of the Rosary Lakes, then abruptly turning to the west, it descends into the Odell Lake Basin. Crossing State Highway 58 between the lake and Willamette Pass, the Trail bears in a southwesterly direction passing over the railway tunnel, it proceeds to the summit of the Cascade Range at Pengra Pass and enters

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the Diamond Peak Wilderness midway between the pass and Midnight Lake. Continuing along the east slope and generally paralleling the summit, the Trail passes above Yoran Lake, skirts the east slopes of Diamond Peak, and intersects the Fawn Lake Trail No. 44 in Mountain Creek. The Pacific Crest Trail takes over the Fawn Lake Trail as it ascends to the crest, whence it turns in a more southerly direction, descends from the crest onto the east slope and leaves the Diamond Peak Wilderness. Proceeding south, the Trail gradually descends into Emigrant Pass where it crosses Forest Road 211.

From the pass the Pacific Crest Trail contours along the east slope above Summit Lake, turning to a more easterly direction near the south end of the lake, it follows along the Cascade Divide passing to the west of Cowhorn Mountain where it leaves the Willamette National Forest. Generally staying on the crest of the divide between the Umoqua and Deschutes National Forests, the Trail continues in a southeasterly direction descending into Windigo Pass where it crosses Forest Road 2510. Proceeding generally in a southeasterly direction along the crest, the Trail passes to the west of Tolo Mountain, Mule Peak, and Miller Mountain. It then bears to the southwest, skirting the east shore of Maidu Lake, follows along the west side of the crest, ascends the northeast slopes of Tipsoo Peak, passes to the east of the peak, traverses along the upper mountain slopes passing Howlock Mountain and Sawtooth Ridge, crosses Thielsen Creek, ascends the west slopes of Mt. Thielsen (elevation 9,182), crosses the Diamond Lake-Mt. Thielsen Trail then gradually descends on a long aproach to Carter Lake National Park. The Trail crosses State Highway 138 2 miles north of the park boundary, entering Crater Lake National Park 200 feet east of Boundary Marker No. 55 at an elevation of 5,960 feet, approximately one-half mile east of the park's north entrance. The Trail crosses the Park's North Entrance Highway No. 209 a mile south of the north entrance, then crosses Pumice Desert and turns west just north of Red Cone. Here it intersects a primitive fire-way route which it follows past Red Cone Springs, across Bybee Creek, around the headwaters of Castle Creek and across the Watershed Divide between Castle Creek and Annie Creek drainages just north of Annie Springs. Continuing south, it crosses the Park's West Entrance Highway No. 62 then follows a fire-way route to Pumice Flat, skirts the west edge of Pumice Flat, and leaves Crater Lake National Park at the south boundary near Marker No. 122. From here, the Trail proceeds south generally along the height of land between the Rogue River and Winema National Forests. It passes on the west side of Goose Egg Butte, crosses the Oregon Desert, goes through the pass between Lone Wolf and Ruth Mountains, skirts the wast slopes of Ethel and Maude Mountains and after ascending to the crest of Big Bunchgrass, descends to Ranger Springs. From the springs the Trail turns in a southwesterly direction and descends into the Seven Lakes Basin, then climbs over Devils Peak (elevation 7,582), swings around the west side of Lucifer and Shale Buttes, then bears south passing to the west of Snow Lakes and Luther Mountain. From here it follows along the west edge of the Sky Lakes area on the Winema National Forest to the Wickiup Trail, thence to Fly Lake, passing west of Dwarf Lakes area, through relatively flat and gently rolling terrain, to a location where it intersects the Sky Lakes Trail that leads to the east. After passing to the east of Red Lake and Island Lake, the Trail turns west following the crest to the saddle north of Fourmile Lake, crosses to the east side of the divide, traverses the upper trainages on the north side of Fourmile Lake basin, crosses Blue Rock Trail No. 3737 and swings to the south. Proceeding south, the Trail passes to the east of Mount McLoughlin (elevation 9,495), traversing the northeast and east slopes, it intersects the Mt. McLoughlin Trail No. 3716 at Freye Lake. Continuing south along the southeast slopes for 3 miles, it leaves the Winema National Forest and enters the Rogue River National Forest at State Highway No. 140. Here it enters the north edge of a rugged lava flow. After crossing the lava field, a distance of 4 miles, it traverses the headwaters of Little Butte Creek, crosses the Dead Indian Highway No. 363 and bears south to Old Baldy Mountain. It skirts the east slopes of the mountain where it leaves the Rogue River National Forest and enters a Bureau of Land Management administered area.

From Old Baldy Mountain the Trail descends in a southwesterly direction, crosses the Keno Highway, and passes near the southeast end of Howard Prairie Lake. It then swings in a westerly direction, climbs up over the Wildcat Glades, and gradually descends as it crosses east of Hyatt Lake. Turning in a southerly direction, the Trail descends to Keene Creek drainage below Hyatt Lake, crosses Keene Creek and proceeds to Green Springs Summit where it crosses the Green Springs State Highway No. 66. Continuing south, it passes along Hobart Lake and Hobart Bluff, along the east side of Hobart Peak and on toward Soda Mountain. Turning southwest north of Soda Mountain, it follows the summit, passes Little Pilot Peak, Porcupine Mountain and Pilot Rock. Just west of Pilot Rock, it turns in a northwesterly direction and follows along the ridge to the airway beacon east of Siskiyou Pass. Continuing in a northwesterly direction to Siskiyou Pass, the Trail passes under Interstate 5, over the Mt. Ashland Road, then swings west crossing over the railway tunnel near Siskiyou and continues westerly on the north side and above the Mt. Ashland Road.

The Pacific Crest Trail leaves the Bureau of Land Management administered area and reenters the Rogue River National Forest 2 miles east of Mt. Ashland, crosses the Mt. Ashland Road, passes to the south side of the ridge, and into the Klamath National Forest. It passes below Mt. Ashland and around the headwaters of Grouse Creek past Siskiyou Peak and through Siskiyou Gap where it crosses to the north side and reenters the Rogue River National Forest. Traversing along the north slope, the Trail skirts around Red Mountain and passes through Wrangle Gap. Thence, it bears southwesterly along the summit, crossing back and forth over the common boundary of the Rogue River and the Klamath National Forests, to Sheep Camp Spring, through Jackson Gap and Observation Gap, around Kettle Lake and on the east side of Observation Peak. The Trail then proceeds on to Donomore Pass and crosses the Oregon-California State boundary 1½ miles east of Donomore Peak.

The Pacific Crest Trail crosses private property in the following described sections in the State of Oregon:

WILLAMETTE MERIDIAN

Township	Range	Section
2 North	7 East	12 and 13.
40 South	1 West	26, 32 and 34.
40 South	1 East	23, 24, 26 and 30.
40 South	2 East	19, 20, 28, 29, 33, 34 and 36.
41 South	2 East	2.
39 South	3 East	1, 12, 14, 22, 28, 29, 32 and 33.
40 South	3 East	3, 4, 9 and 30.
38 South	4 East	34.
8 South	8 East	25.
6 South	8½ East	1 and 2.
7 South	8½ East	12, 13, 23, 25, 26 and 36.
8 South	8½ East	1, 2, 11, 23 and 26.
6 South	9 East	7, 18, 19, 30 and 31.
7 South	9 East	6 and 7.

CALIFORNIA

The Pacific Crest Trail crosses southwesterly into the State of California generally following the boundary between the Klamath and Rogue River National Forests, goes by Donomore Meadows, crossing Donomore Creek, and crosses the ridge between Wards Fork Creek and West Fork of Beaver Creek, goes near Bearground Spring and passes by Big Rock to Mud Springs, and southerly to Alwx Hole. The Trail then swings westerly past Condrey Mountain to Reeves Ranch Springs.

From Reeves Ranch Springs, it follows the crest of the Siskiyou Mountains in a westerly direction, crosses to gap below White Mountain, and continues to Cook and Green Pass, before climbing to the saddle above Elk Lake. It then dips into Lily Pad Lake below Red Butte, swings southwest around Kangaroo Mountain and turns south leaving the Rogue River National Forest. It proceeds down Devils Ridge over Upper, Middle, and Lower Devils Mountain on the Klamath National Forest to the end of the ridge above the Klamath River. The Trail follows Portuguese Creek to the Klamath River Highway, State Route 96.

The Trail crosses the Klamath River on a trail bridge at the mouth of Portuguese Creek and continues southeasterly across the face of Evans Mountain to West Grider and Grider Creeks and then turns south up Grider and Cliff Valley Creeks to the boundary of Marble Mountain Wilderness near the saddle south of Huckleberry Mountain.

It then proceeds into the Marble Mountain Wilderness along Big Ridge, the main divide between the Scott River and the Klamath River, passing Bear Lake, Turk Lake, Kings Castle, Paradise Lake, Black Mountain, and Marble Valley. The location continues southeasterly along the divide passing above Sky High Valley, Red Rock Valley, Wooley Creek, Cliff Lake, Kidder Lake, Timothy Gulch, and into Shelly Meadow. It continues southeasterly along the ridge up Pointers Gulch, crosses Razor Ridge, passes through the headwaters of Big Creek, Mill Creek, North Russian Creek, and leaves the Marble Mountain Wilderness and crosses the Etna county road at Etna Summit.

The route proceeds southerly along the Scott-Salmon Divide above Ruffey Lake, Meeks Meadow, and Taylor Lake to Paynes Lake an continues through the Lipstick Lake-Music Creek saddle, the head of Music Creek, the Music-South Russian saddle below Statue Lake and up South Russian Creek along the main divide, below Russian Peak and Bingham Lake, to the Jackson Lake saddle at the head of South Russian Creek. From above Jackson Lake, it continues into the Jackson Creek-Trail Creek saddle, and proceeds southerly and southeasterly on the Trail Creek and Carter Meadow side of the main divide to the Carter Meadow Summit.

The Trail proceeds southwesterly along the main divide between the Scott and Salmon Rivers, goes through the Salmon-Trinity Alps Primitive Area for a short way passing under Hidden Lake and proceeds southerly to the divide where it leaves the Klamath National Forest and enters the Shasta-Trinity National Forest and the Salmon-Trinity Alps Primitive Area. From the boundary of the Primitive Area, it heads southerly into the North Fork of Coffee Creek where it turns to a generally northeast direction traversing the upper portions of Saloon Creek and Granite Creek drainages. The location passes around Eagle Peak, continues across the headwaters of Eagle Creek and proceeds to the saddle above Big Marshy Lake. Continuing, the Trail passes above Mosquito Lake, past Black Rock and leaves the Salmon-Trinity Alps Primitive Area in Miller Creek southwest of Scott Mountain Summit. The route continues to Scott Mountain Summit where it crosses State Highway 3 and swings southerly around Scott Mountain, passes for a short way through the Klamath National Forest then back into the head of Little Trinity River where it swings easterly through Robbers Meadow and above Bull Lake. The route turns northeasterly crossing Chilcoot Creek to Cement Bluff and crosses High Camp Creek. It then turns southwesterly to Deadfall Lakes and continues through the saddle between Toad Lake and Porcupine Lake. The Trail crosses over White Ridge and proceeds southward to Gunboot Lake. At the saddle above Upper Cliff Lake, it heads east along the ridge just south of Devils Pocket. Here the Trail swings northeast passing just above Little Castle Lake and heads southeast into Castle Crags, goes through a part of Castle Crags State Park, and crosses Interstate 5 by way of a pedestrian undercrossing near the town of Castle Crags.

The Pacific Crest Trail then ascends southeasterly to cross the summit of Girard Ridge, descends and crosses Squaw Valley Creek by a foot bridge and continues east to Traugh Creek, descends near Skunk Hill and crosses Lake McCloud Dam. It next ascends easterly to Grizzly Peak, then descends down the ridge to Pigeon Hill and south of Star City Meadow and continues on the ridge top to Mushroom Rock and Bartle Gap. The Trail turns southerly on the high ridge to Red Mountain and then descends southeasterly to cross Rock Creek. It descends gently across the forested flats to Screwdriver Creek where it joins the north rim of the Pit River drainage, crosses Rock Creek again and continues to Pit River and Lake Britton at Pit River Dam Number 3.

After crossing the dam at Lake Britton the Pacific Crest Trail passes through McArthur-Burney Falls State Park where it crosses State Highway 89, leaves the park and the Shasta National Forest, crosses State Highway 299 at Hat Creek, and continues southeast to the Lassen National Forest west of Sixmile Hill.

As the Trail enters the Lassen National Forest it turns east through Lava beds to the Hat Creek Rim, turns southward along the rim, goes past Hat Creek Rim Lookout to Smokey Cabin, crosses State Highway 44 and the Rim, passes through lava beds to Bunch Grass Meadow, circles west around Bridger Mountain, where it enters the Lassen Volcanic National Park near Badger Flat. The Trail proceeds easterly to Emigrant Lake, then southerly to Fairfield Peak, skirts the edge of Lower Twin Lake and Swan Lake, turns southwesterly down Grassy Swale to Corral Meadow, continues south across Flatiron Ridge and descends near Drakesbad to Warner Valley Campground. The route passes west of Terminal Geyser and leaves the Lassen Volcanic National Park near Little Willow Lake to again enter the Lassen National Forest. Crossing a fork of Willow Creek it then goes down the ridge to Domingo Springs Campground where it crosses the county road. It crosses the North Fork of the Feather River and proceeds west of North Stover Mountain, crosses State Highway 36 near Soldier Meadow and climbs to the main ridge between the North Fork of the Feather River and Deer Creek passing east and south of Butt Mountain. The Trail continues on the main ridge past Robbers Roost and crosses a forest road at Humboldt Summit. It then goes easterly, turns southerly, passes by Humbug Summit, Milkhouse Flat and Sunflower Flat to the head of Chips Creek, and turns east down Chips Creek to leave the Lassen National Forest and enter the Plumas National Forest. Continuing down Chips Creek the route crosses the North Fork of the Feather River and State Highway 70 at Belden.

The Pacific Crest Trail zig zags southeasterly, passing Three Lakes, Mt. Pleasant and Spanish Peak to Bucks Summit. Then it swings southwesterly by McFarland Creek and turns southeasterly to Lookout Rock and crosses the Middle Fork of the Feather River at Sherman Bar and continues up Onion Valley Creek and Dogwood Creek to Fowler Peak.

The Trail continues easterly passing Chimney Rock. At Pilot Peak, it turns southeasterly on Bunker Hill Ridge and passes north of Mt. Etna and Staffa Peak, drops into the West Branch Nelson Creek, following up the creek and climbs to the ridge between Beartrap and Gibralter Mountains. From Gibralter Mountain, the Trail meanders to the east back and forth from the Plumas National Forest to the Tahoe National Forest to The A Tree before continuing southeasterly to Spencer Lakes and the Lakes Basin. The Trail continues past Summit Lake, where it leaves the Plumas National Forest and enters the Tahoe National Forest, next passing Deer Lake, Packer Laker, and Tamarack Lakes. In the Tahoe National Forest the Trail wanders to the east passing Upper and Lower Sardine Lakes and at the campground turns south to cross the North Yuba River just east of Sierra City. The route passes the falls in Haypress Creek, follows up Milton Creek and crosses into the Yuba River drainage, passes along the ridge east of Jackson Meadow Reservoir, swings east to Bear Valley and drops to White Rock Creek. It crosses Paradise Valley, swings west around Basin Peak to Round Valley and Castle Pass and follows Andesite Ridge to Interstate 80, and then crosses Boreal Ridge to arrive at Donner Pass.

From Donner Pass the Pacific Crest Trail switch back to Donner Peak, skirts Mt. Judah, Mt. Lincoln, Anderson Peak and Tinker Knob, passes by Mountain Meadow Lake, goes east of Granite Chief Mountain and descends around Squaw Peak through Whiskey Creek to the Five Lakes area. The Trail climbs to the ridge west of Lake Tahoe and goes over Ward Peak, to the west of Twin Peaks, and circles south around Barker Peak to Barker Pass and Meadow and leaves the Tahoe National Forest and enters the Eldorado National Forest at Miller Creek, a tributary of the Rubicon River. The route proceeds southeasterly, passing west of Sourdough Hill and Lost Corner Mountain where it enters the Desolation Wilderness. It proceeds to the east of Middle Mountain and passes around Middle Velma Lake, Upper Velma Lake, Fontanlills Lake to Dicks Lake. It crosses Dicks Pass and continues west of Gilmore Lake, swings southwesterly to Susie Lake and Heather Lake and passes along the east shore of Lake Aloha. It then goes southeasterly past Haypress Meadow and leaves the Desolation Wilderness west of Upper Echo Lake, passes along the east side of Upper and Lower Echo Lake and crosses U.S. Highway 50 at Echo Summit. From Echo Summit the Pacific Crest Trail goes southwesterly to Benwood Meadow and Bryan Meadow, crosses the Upper Truckee River and continues to Carson Pass where it crosses State Highway 88. It follows the divide between the Eldorado National Forest and the Toiyabe National Forest and proceeds east of Winnemucca Lake, west of Lost Lakes, goes over The Nipple, goes by Hellhole Lake to Upper and Lower Sunset Lakes, turns northeasterly to Raymond Lake and then zigzags southerly across Pennsylvania Creek to the west of Upper Kinney Lake and to Ebbetts Pass where it crosses State Highway 4. From Ebbetts Pass the Pacific Crest Trail follows the divide between the Toiyabe and Stanislaus National Forests past Noble Lake under Tryon Peak, past Asa Lake, crosses the headwaters of Wolf Creek and passes to the east of Disaster Peak, west of Boulder Peak, through the headwaters of Boulder Creek crossing the ridge and dropping southeasterly into the East Fork of the Carson River approximately halfway up White Canyon. It continues up the bottom of White Canyon to the pass between White Canyon and Wolf Creek, passes Wolf Creek Lake and upper Wolf Creek, then turn southwesterly into Sonora Pass and crosses State Highway 108. The Trail stays on the east side of the ridge on a mostly southerly route by Leavitt Lake, climbs around Ski Lake, follows the ridge to a crossing of Kennedy Canyon and gains altitude south of Kennedy Canyon following West Walker River. It turns southeasterly and traverses east of Cinko Lake to Dorothy Lake Trail at Cascade Creek, turns southwesterly, passing Lake Harriet and Stella Lake and to Dorothy Lake Pass where it leaves the Toiyabe National Forest and enters Yosemite National Park.

In Yosemite National Park, the Pacific Crest Trail continues southwesterly west of Dorothy Lake and down Falls Creek passing to the east of Bigelow Peak through Grace Meadow and continuing on to Wilma Lake. It then turns southeasterly crossing over Bailey Ridge into Tilden Canyon Creek and proceeds over Macomb Ridge to Stubblefield Canyon and Kerrick Canyon where the Trail swings east up Rancheria Creek and climbs to Seavey Pass. From Seavey Pass the Trail heads southwesterly, passing close to Piute Mountain where it again swings southeasterly to Benson Lake and Murdock Lake and passes north of Volunteer Peak. It then climbs to Benson Pass and descends along Wilson Creek to Matterhorn Canyon, then climbs southerly to Miller Lake, drops into Virginia Canyon and proceeds southwesterly to Cold Canyon, passing east of Cold Mountain. At Glen Aulin, the Trail turns southeasterly and goes past Tuolumne Falls, Tuolumne Meadow and the ranger station where it crosses the Tioga Pass Highway. It continues up Lyell Canyon, crossing Ireland Creek and passing Potter Point, crosses Lyell Fork above Maclure Creek and ascends to Donohue Pass where it leaves Yosemite National Park and enters Minarets Wilderness on the Inyo National Forest.

In the Minarets Wilderness the Pacific Crest Trail crosses Rush Creek west of Waugh Lake and ascends to Island Pass, drops to Thousand Island Lake and swings easterly near Emerald Lake, Badger Lake and Summit Lake before heading southeasterly to the boundary south of San Joaquin Mountain where it leaves the Minarets Wilderness. Continuing in the Inyo National Forest the Trail goes to Agnew Meadows and turns southerly passing Starkweather Lake, Pumice Flat and Minaret Falls and passes over the northeastern portion of the Devils Postpile National Monument. It continues southeasterly to Rainbow Falls, crosses and continues up Boundary Creek before climbing out north around Red Cones, to enter the John Muir Wilderness at Crater Meadows.

Continuing in the wilderness the Trail crosses into the Sierra National Forest just south of Upper Crater Meadow. It crosses Deer Creek at Deer Meadows and turns easterly to Purple Lake, then resumes its southerly direction past Lake Virgina, Lake of the Lone Indian, and Warrior Lake and climbs to Silver Pass. It then drops down to Silver Pass Lake and follows Silver Pass Creek to Pocket Meadow and follows North Fork to Quail Meadow where it crosses Mono Creek. It passes to the east of Lake Thomas A. Edison, passes Kip Camp, follows up Bear Creek

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crossing Hilgard Creek and, continuing by Rosemarie Meadow, passes Marshall Lake and then ascends through Selden Pass. It continues by Heart Lake, Sally Keyes Lakes, swings easterly up the Joaquin River and crosses Piute Creek where it leaves the Sierra National Forest and John Muir Wilderness and enters the Kings Canyon National Park.

In Kings Canyon National Park the Pacific Crest Trail goes southeasterly up the Joaquin River crossing the Goddard Canyon Bridge and, continuing up Evolution Creek by Evolution Meadow, McClure Meadow, Colby Meadow, and Evolution Lake, then turns southerly, passing west of Mt. Spencer and Sapphire Lake, Wanda Lake and other lakes in Evolution Basin, where is swings easterly, climbing to Muir Pass. It then drops past Helen Lake and follows down the Middle Fork of Kings River past Big Pete Meadow, Little Pete Meadow and through Le Conte Canyon to Grouse Meadow. It then swings easterly up Palisade Creek by Dear Meadow to Palisade Lakes. The Trail turns southerly climbing to Mather Pass and, passing through Upper Basin, crosses the South Fork of the Kings River and goes to Lake Marjorie where it ascends to Pinchot Pass west of Mt. Wynne. It turns easterly toward Mt. Perkins, then swings southwesterly passing west of Twin Lakes and Mt. Cedric Wright, follows down Woods Creek to the junction with the South Fork. At the crossing of Woods Creek, the route turns southwesterly and follows up the South Fork passing Baxter Creek and continuing to the lakes east of Fin Dome. It crosses between the Rae Lakes and heads southwesterly ascending over Glen Pass, goes west of Bullfrog Lake, follows Bubbs Creek through Vidette Meadow, west of Center Peak, and reaches the divide at Forester Pass where the trail leaves Kings Canyon National Park and enters Sequoia National Park.

In Sequoia National Park the Pacific Crest Trail passes to the east of Caltech Peak, goes by several mountain lakes and crosses Tyndall Creek, passes west of Tawny Point and goes over Bighorn Plateau, crosses Wright Creek and Wallace Creek and continues to Sandy Meadows. At this point Mount Whitney is about 4 miles to the east. The Trail crosses Whitney Creek, goes through Guyot Flat and swings southeasterly and crosses Rock Creek and climbs to Siberian Pass where it leaves Sequoia National Park and enters the Inyo National Forest.

In the Inyo National Forest the Trail traverses the south side of Cirque Peak to Chicken Spring Lake, and climbs to Cottonwood Pass. It then drops down to Poison Meadow and swings easterly over Trail Peak and goes to Mulkey Pass. At Dutch Meadow, it heads southerly, crosses the headwaters of Ash Creek, zigzags along the ridge between Kern River and Owens Valley crossing Death Canyon, to Buck Meadow west of Olancha Peak. Next, passing Big Brush Meadow and Little Brush Meadow, the Trail swings down Cow Canyon passing east of Anderson Point and it enters the Sequoia National Forest as it crosses the South Fork of the Kern River.

From the South Fork of the Kern River, the Pacific Crest Trail route continues in the Sequoia National Forest past Beck Meadows following Crag Creek to Clover Meadows and then along the South Fork of the Kern River, passes Kennedy Meadows, goes for a short way outside the Sequoia National Forest and then reenters, passes Rockhouse Basin where it leaves the Sequoia National Forest and enters a Bureau of Land Management unit. It then crosses Chimney Creek and continues southeasterly staying on the ridge above Spanish Needle Creek. It passes west of Owens Peak and crosses the head of Indian Wells Canyon, turns westerly by Morris Peak and crosses Highway 178 at Walker Pass and back into the Sequoia National Forest. The Trail passes north of Meivers Spring and east of Horse Spring. It then leaves the Sequoia National Forest at Bird Spring Pass and travels through a Bureau of Land Management unit along the ridge tops and goes between Pinyon Mountain and Gold Peak. Then it turns westerly into the Piute Mountains. It reenters the Sequoia National Forest passing Landers Meadow and turns southerly past Mace Meadow and Thornton Meadow and leaves the Sequoia National Forest and enters a Bureau of Land Management unit. It continues along the ridge tops past Weldon Peak, the head of Back Canyon and Indian Creek and goes east of Cache Peak and on to Tehachapi Pass where it crosses State Highway 58 at the Cameron Road Interchange leaving the Bureau of Land Management unit.

From State Highway 58 and Tehachapi Pass, the Pacific Crest Trail turns southwesterly through the El Tejon Ranch, follows Cameron Creek and Oak Creek and climbs into the Tehachapi Mountains, passing to the south of Double Mountain, switch backs into Cottonwood Creek, crosses Cottonwood Creek road and climbs to Liebre Twins. It continues southwesterly on the ridge between Little Oak Creek and El Paso Creek. Staying on the ridge, the Trail passes Marble Springs Canyon. It continues along the ridge of the Tehachapi Mountains between Beartrap Canyon and Sycamore Canyon to the head of Cottonwood Canyon. The Trail turns southeasterly down Cottonwood Canyon to the Kern County-Los Angeles County line. It then turns southerly to Quail Lake and the San Andreas Rift Zone and enters the Angeles National Forest to the east of Bald Mountain.

It then passes on the east side of West Liebre Lookout and winds along the ridge of the Liebre Mountains easterly by radio tower between Bear Canyon and Cow Spring Canyon. It goes above Pratt Canyon to North Fork and then goes over Sawmill Mountain, passing to the northeast of Burnt Peak. It crosses the upper Shake Canyon and stays on the ridge above Steiner Canyon and Abrams Canyon. It crosses Elizabeth Lake Canyon and stays on the ridge east of Grass Mountain. The Trail swings southwesterly around Grass Mountain and then continues east to the San Francisquito Station. From the San Francisquito Station, the Trail zigzags southeasterly past Green Valley and crosses Spunky Canyon, continues to Bouquet Canyon and then goes across Martindale Canyon and Mint Canyon and leaves the Angeles National Forest. The route heads southeasterly through private land, crossing Lettеau Canyon, goes by Summit, crosses Antelope Valley Freeway and crosses Kashmere Canyon before passing east of Parker Mountain where the Trail swings east across Soledad Canyon and again into the Angeles National Forest. It then proceeds southerly crossing Araastre Canyon and reaches Mt. Gleason where it turns easterly on the ridge, passing Bucket and Shack triangulation stations to Mill Creek Summit where it crosses Forest Highway 59. The Trail follows the ridge above Santiago Canyon, passes Sheep Camp Springs and goes around Pacifico Mountain on the north side, past Fountainhead Springs and Pinyon Flats to Three Points. Then it continues past Winston Springs to Winston Peak and follows Copper Canyon to Rattlesnake Springs. It drops into Cedar Springs and touches the San Gabriel Wilderness before passing along the south side of Mt. Williamson. It then turns through Islip Saddle, and continues to Winds Springs, Little Jimmy Camp and Big Cienaga Springs and passes northeasterly between Mt. Hawkins and Throop Peak, over Mt. Burnham and Mt. Baden-Powell, continues to Vincent Gap and Grassy Hollow, over Inspiration Point and along Blue Ridge to the boundary, where the Trail leaves the Angeles National Forest and enters the San Bernardino National Forest about 1 mile west of Wright Mountain. It then winds around the north side of Wright Mountain and goes down Blue Ridge, passes Gobblers Knob and continues along Upper Lytle Creek Ridge to Lost Lake. It turns northerly, runs below the crest and crosses under Interstate 15 through a concrete box culvert.

The Pacific Crest Trail then heads northerly to upper Crowder Canyon, then turns easterly to the main saddle southeast of Cleghorn Mountain. The Trail continues down Cleghorn Ridge, crosses State Highway 138 and parallels Summit Valley, runs along the south bank of the Mojave River and leaves the San Bernardino National Forest. It follows the Mojave River in Summit Valley for about 5 miles and reenters the San Bernardino National Forest northwest of The Pinnacle. The route continues up Deep Creek past Hot Spring and Willow Creek and west of Devils Hole to Little Bear Creek. It then turns easterly running along Holcomb Creek to Greenlead Creek. It continues easterly, north of Little Bear Peak, around the south side of Delamar Mountain, runs along the ridge separating Big Bear Lake and Holcomb Valley, and swings around the north side of Bertha Peak and into Van Dusen Canyon. From Van Dusen Canyon, the Trail runs northeasterly around the north side of Gold Mountain. It turns southeasterly along Nelson Ridge, crosses State Highway 18 and continues to Arrastre Creek in Balky Horse Canyon and over Onyx Summit, before it descends to Hart Bar State Park, and goes over Coon Creek Jumpoff and the headwaters of Heart Bar Creek. It leaves Hart Bar State Park at the head of the North Fork of Mission Creek, continues a short way down the creek and leaves the San Bernardino National Forest and enters a Bureau of Land Management Unit. It continues down North Fork of Mission Creek passing Forks Springs and Cat Claw Flat and across the Middle Fork Whitewater River and past Whitewater Fish Hatchery to Interstate 10 at Whitewater. It passes under Interstate 10, Southern Pacific Railroad and State Highway 111, and heads into the Snow Creek Drainage, where it again enters the San Bernardino National Forest and about a mile farther enters the San Jacinto Wilderness.

From Snow Creek, the Pacific Crest Trail zigzags in and out of the San Jacinto Wilderness and the Black Mountain Scenic Area, passes Castel Rock and enters the Mt. San Jacinto State Park. It passes through Mt. San Jacinto State Park, going west of San Jacinto Peak, through Little Round Valley and West of Marion Mountain, and swings into Strawberry Cienega where it leaves Mt. San Jacinto State Park. It reenters the San Jacinto Wilderness, passes through Tahquitz Valley, and goes through the saddle east of Red Tahquitz Peak. It continues down the height of land called Desert Divide Ridge, goes past Southwell Peak and Antsell Rock, leaves the Wilderness at Apachi Peak, passes Spitler Peak where it leaves the San Bernardino National Forest for a couple of miles, reenters the National Forest and continues over Palm View Peak, through Little Desert, past Pyramid Peak and Lion Peak, and continues to a saddle at the head of Penrod Canyon where it leaves the Desert Divide Ridge.

The Trail runs down the ridge separating Penrod Canyon and Bull Canyon and continues to a crossing of State Highway 74. It then runs southwesterly to the forest boundary and leaves the San Bernardino National Forest.

The Trail passes through Burnt Valley, crosses Hamilton Creek and enters a Bureau of Land Management Unit. It then runs along the top of Table Mountain, crosses

Nance Canyon, turns west up Tule Canyon for about 8 miles and leaves the Bureau of Land Management Unit. It enters Anza Borrego Desert State Park, traverses the east side of Combs Peak on Bucksnort Mountain and then enters the Cleveland National Forest.

The Trail continues, passing through the head of San Luis Rey River, down Aqua Caliente Creek, and leaves the Cleveland National Forest, and goes on to cross State Highway 79 at the bridge west of Warner Springs. It crosses State Highway 79 again near the Warner Union School. Continuing, it crosses San Ysidro Creek and Buena Vista Creek, climbs Volcano Mountain, passes Catfish Springs, Ferguson Flat and enters a Bureau of Land Management Unit as it descends into Banner Canyon, where it crosses State Highway 78. As it passes through this unit the Trail stays on the ridge west of Chariot Canyon, then for several miles zigzags in and out of Anza Borrego Desert State Park east of Cuyamaca Reservoir and finally traverses a ridge in the State Park east of Rattlesnake Valley and leaves the park and unit at the head of Cottonwood Canyon and enters the Cleveland National Forest.

The Trail turns east to Garnet Peak and follows the desert rim in a southeasterly direction on the eastern edge of the Laguna Recreation Area, passing by Monument Peak, Stephenson Peak, Desert View picnic area and Burnt Rancheria, crosses La Posta Creek, goes by Lower Morris Meadow, through Troy Flat, follows Fred Canyon to Kitchen Creek before crossing under Interstate 8 at Kitchen Creek. The Trail then parallels Cottonwood Creek for about 2 miles, passes between Morena Village and Morena Reservoir, leaving the Cleveland National Forest at Hauser Canyon and enters a Bureau of Land Management Unit.

It goes through the Hauser Mountains, crosses State Highway 94 west of Bell Valley and ends at the Mexican border about 2½ miles east of Tecate, approximately one-half mile east of Monument 243 on the Mexican border.

The Pacific Crest Trail crosses private property in the following described lands in the State of California.

MOUNT DIABLO MERIDIAN

Township	Range	Section
37 North	1 East	1.
39 North	1 East	31, 35 and 36.
37 North	2 East	7, 29, 33 and 36.
38 North	2 East	6, 7, 8, 18, 19, 30 and 31.
39 North	2 East	31.
36 North	3 East	2, 3, 11, 12 and 13.
37 North	3 East	29 and 30.
36 North	4 East	17, 18, 20, 21 and 28.
25 North	6 East	24.
28 North	6 East	29, 31 and 32.
29 North	6 East	30 and 31.
23 North	8 East	36.
22 North	9 East	11 and 16.
22 North	10 East	8.
21 North	11 East	5 and 11.
19 North	12 East	1.
20 North	12 East	8, 9, 10, 15, 22, 26, 27 and 35.
21 North	12 East	30.
18 North	13 East	1 and 13.
19 North	13 East	7, 17, 21, 33 and 35.
17 North	14 East	11 and 13.
18 North	14 East	7, 17, 21, 27 and 35.
15 North	15 East	11.
16 North	15 East	11, 23, and 25.
17 North	15 East	8, 17, 20, 21 and 23.
14 North	16 East	7, 18, 19, 29 and 33.
15 North	16 East	7, 17, 29 and 31.
9 North	18 East	12.
10 North	18 East	5, 8, 9, 16 and 22.
38 North	1 West	12, 14, 15, 16, 17 and 18.
38 North	2 West	20, 22, 23, 24, 27, 28 and 29.
38 North	3 West	7 and 16.
38 North	4 West	3, 5, 11 and 14.
39 North	4 West	19 and 31.
39 North	5 West	33.
39 North	6 West	11, 23 and 36.
40 North	6 West	3, 9, 11, 17, 19, 23 and 25.
41 North	6 West	33.
39 North	7 West	5 and 7.
40 North	7 West	13, 23, 27 and 33.
40 North	8 West	14, 15, 23, 27, 31 and 33.
38 North	9 West	3 and 3.
39 North	9 West	7 and 35.
48 North	9 West	21, 29 and 31.
41 North	10 West	10.
47 South	34 East	35.
29 South	34 East	35.
30 South	34 East	11, 13, and 25.
32 South	34 East	13, 23, 24, 25, 26, 35 and 36.
29 South	35 East	3.
30 South	35 East	19, 30 and 31.
31 South	35 East	5, 17, 20, 21 and 29.
32 South	35 East	5 and 7.
22 South	36 East	7 and 18.

SAN BERNARDINO MERIDIAN

Township	Range	Section
3 North	1 East	36.
1 North	2 East	1 and 35.
2 North	2 East	5, 9 and 27.
3 North	2 East	31.

SAN BERNARDINO MERIDIAN—continued

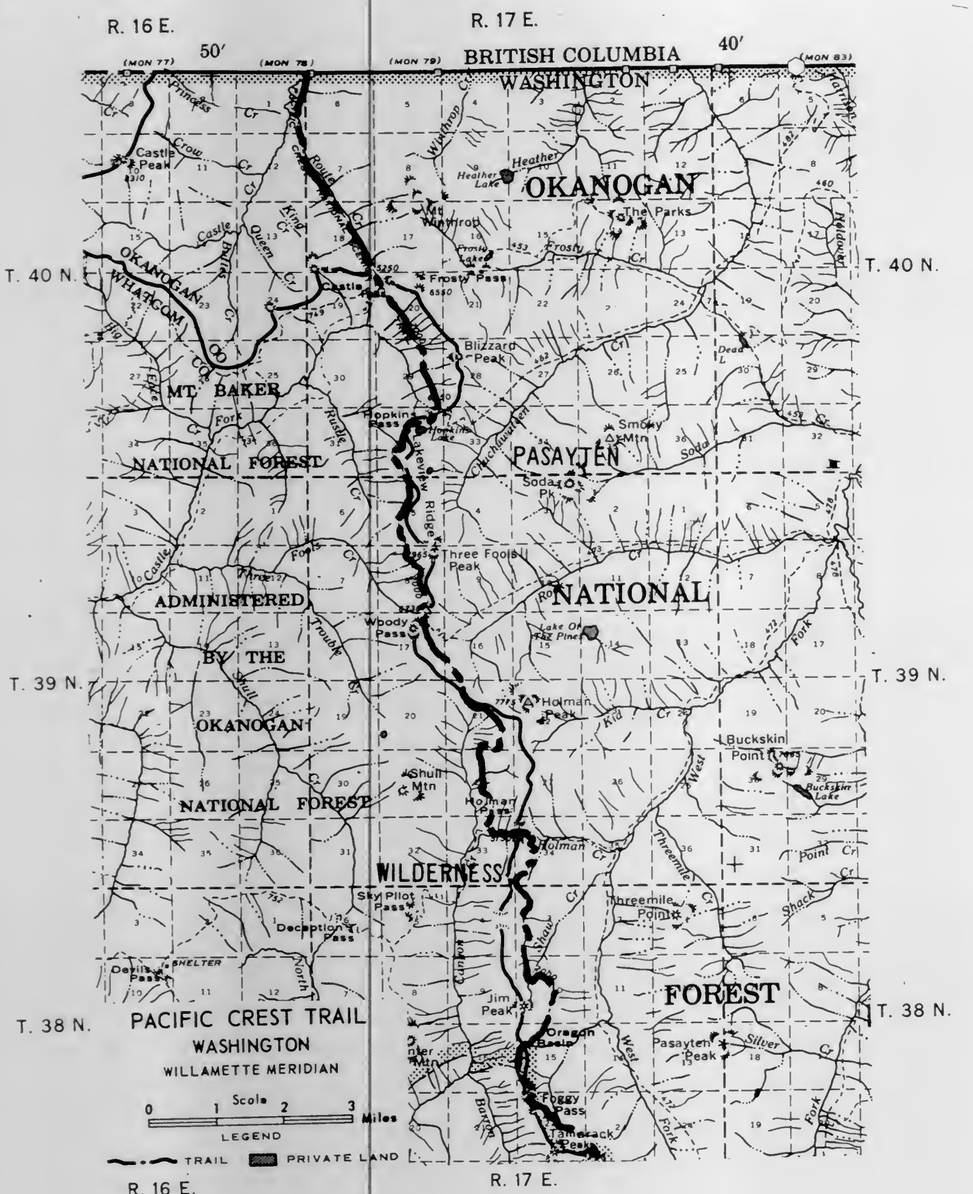
Township	Range	Section
1 North	3 East	7, 18 and 30.
3 North	4 West	21, 22, 23, 24, 28, 29, 31 and 32.
2 North	6 West	11.
3 North	6 West	36.
4 North	13 West	1, 2 and 12.
5 North	13 West	5, 6, 7, 8, 9, 16, 21, 27, 28, 33, 34 and 35.
11 North	13 West	6.
12 North	13 West	31.
5 North	14 West	1.
11 North	14 West	36.
12 North	14 West	36.
7 North	15 West	34.
10 North	15 West	6 and 7.
11 North	15 West	25, 26, 27, 28, 31, 32, 33.
10 North	16 West	12, 13, 14, 15, 19, 20, 22 and 30.
7 North	17 West	3.
8 North	17 West	19, 30, 31 and 32.
9 North	17 West	3, 4, 5, 6, 7 and 8.
10 North	17 West	24, 25, 26, 34 and 35.
8 North	18 West	24.
9 North	18 West	11, 12, 13 and 14.
1 South	3 East	5, 9, 15, 21 and 33.
2 South	3 East	22, 27 and 35.
3 South	3 East	11, 14, 21, 22, 23, 29 and 33.
5 South	3 East	23 and 25.
8 South	3 East	25.
11 South	3 East	36.
5 South	4 East	31.
6 South	4 East	21.
7 South	4 East	3, 9, 20, 29 and 33.
8 South	4 East	3, 15, 19 and 21.
11 South	4 East	19, 30 and 31.
12 South	4 East	6, 7, 8, 16, 17, 20, 21, 28, 32 and 33.
13 South	4 East	4, 15, 23, 26 and 35.
17 South	4 East	36.
18 South	4 East	15, 21 and 22.
15 South	5 East	25.
16 South	5 East	32 and 33.
17 South	5 East	4, 8, 18 and 19.
15 South	6 East	18 and 19.

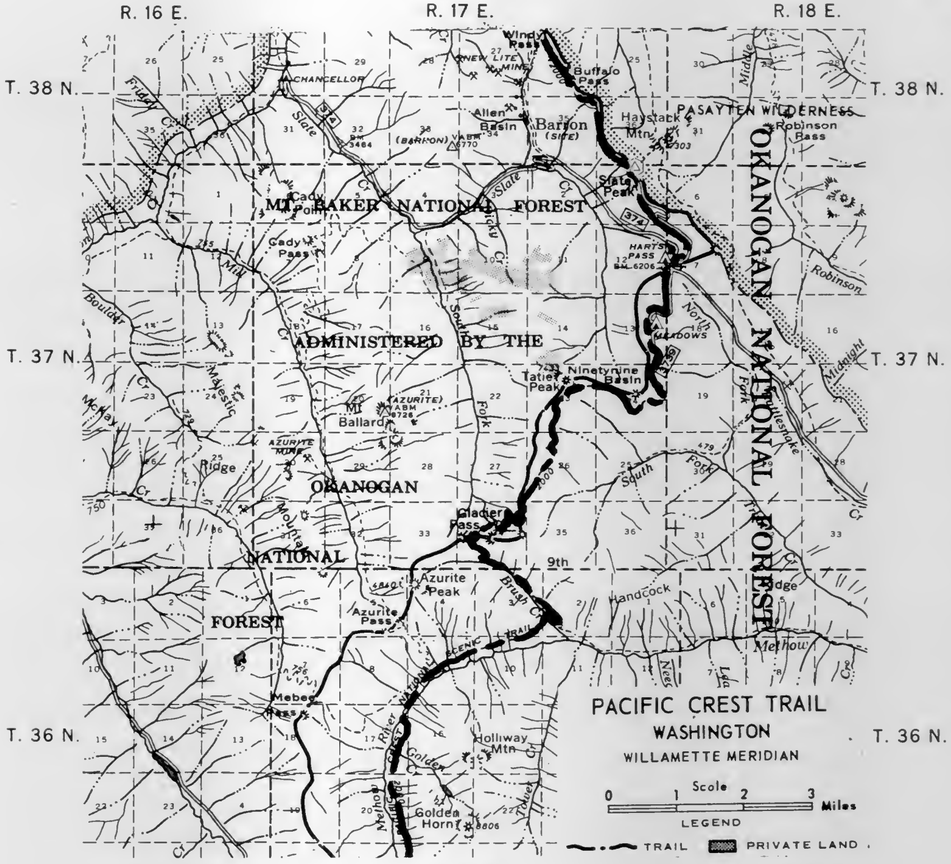
Rancho San Jose Del Valle.
Rancho La Liebre Spanish Grant.
Santa Ysabel Indian Reservation.
Cuyamaca Rancho.

RUSSELL P. MCROREY,
Acting Deputy Chief,
National Forest System.

JANUARY 19, 1973.

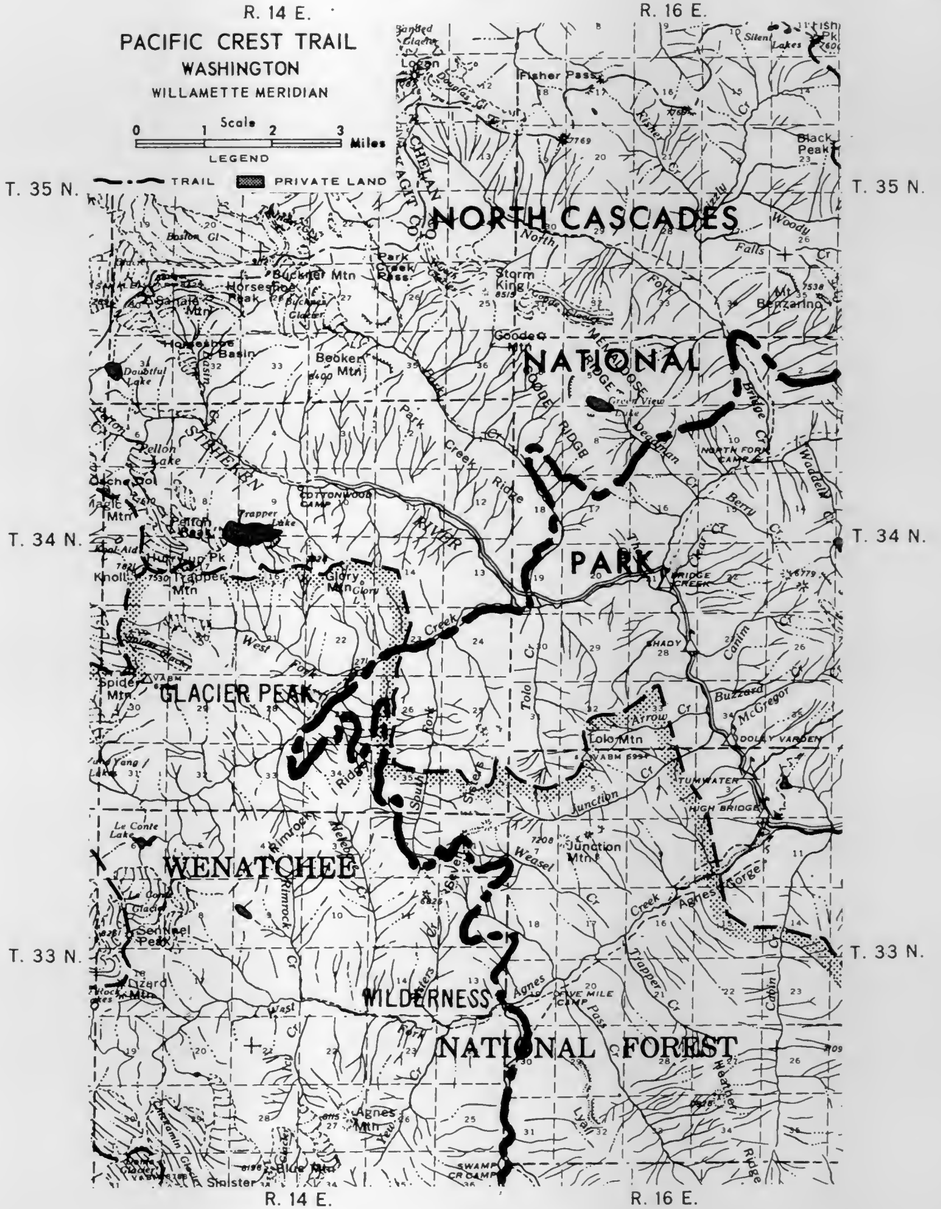
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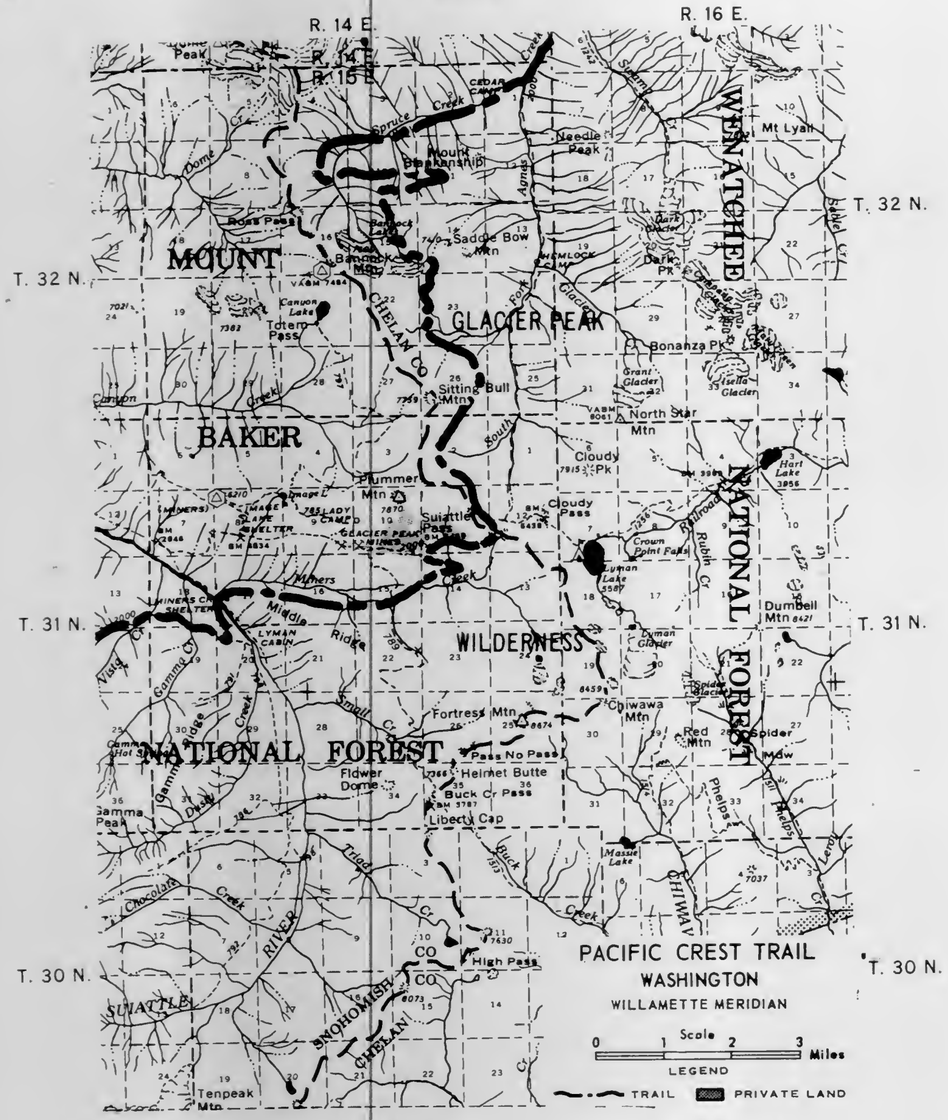


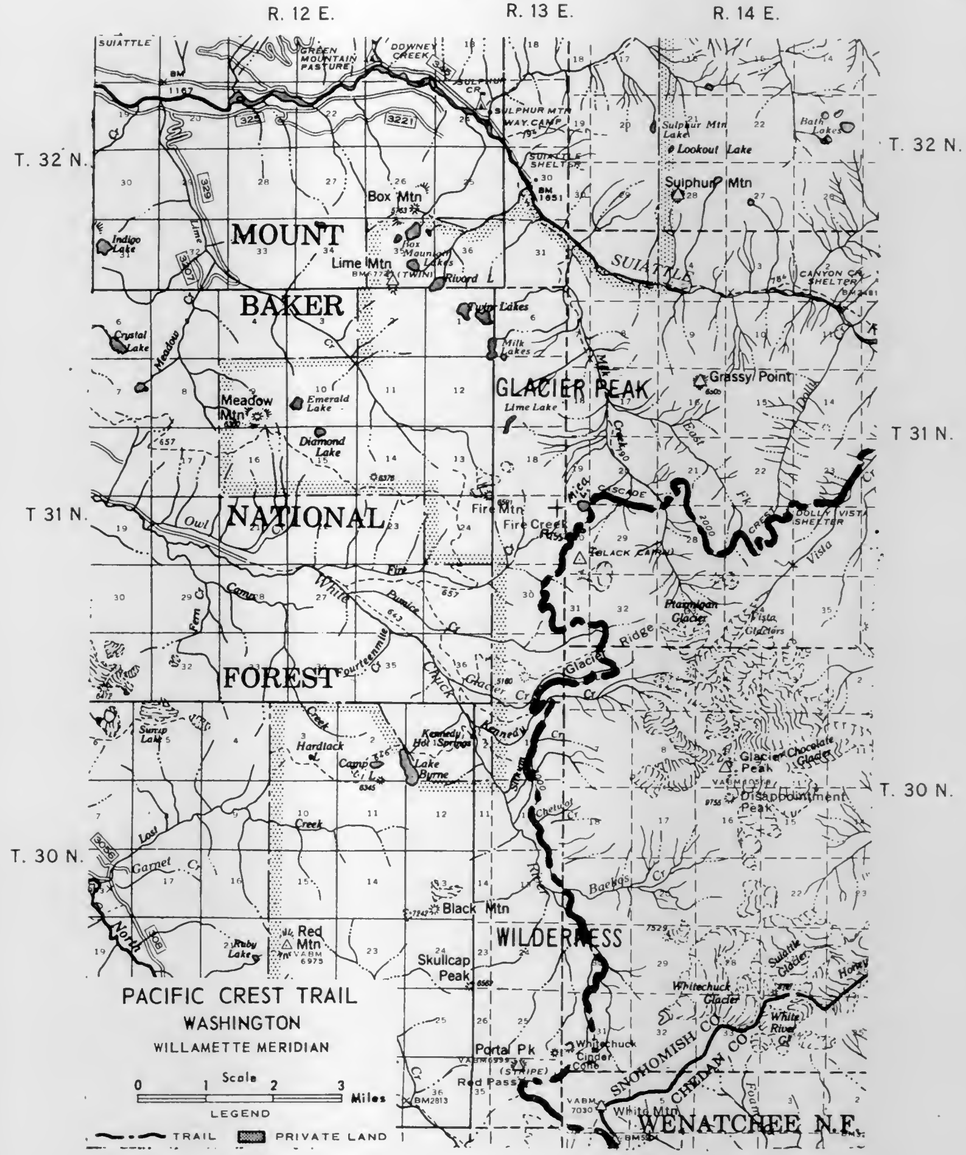
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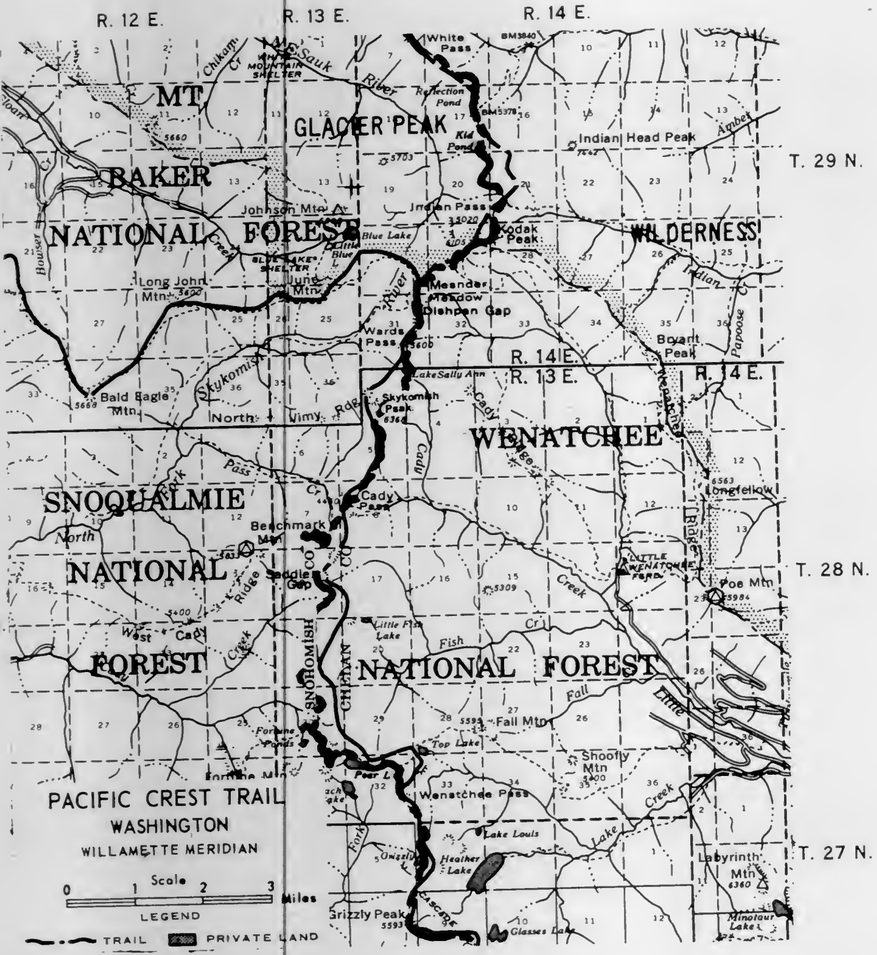


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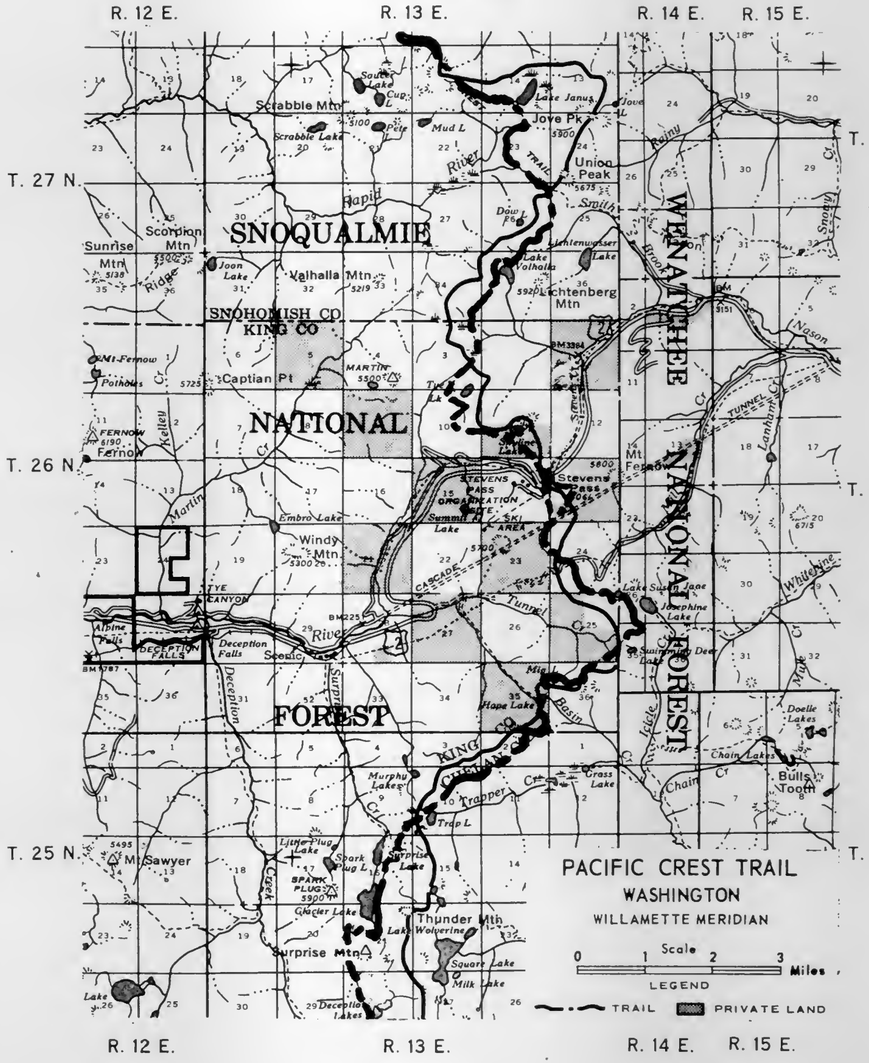




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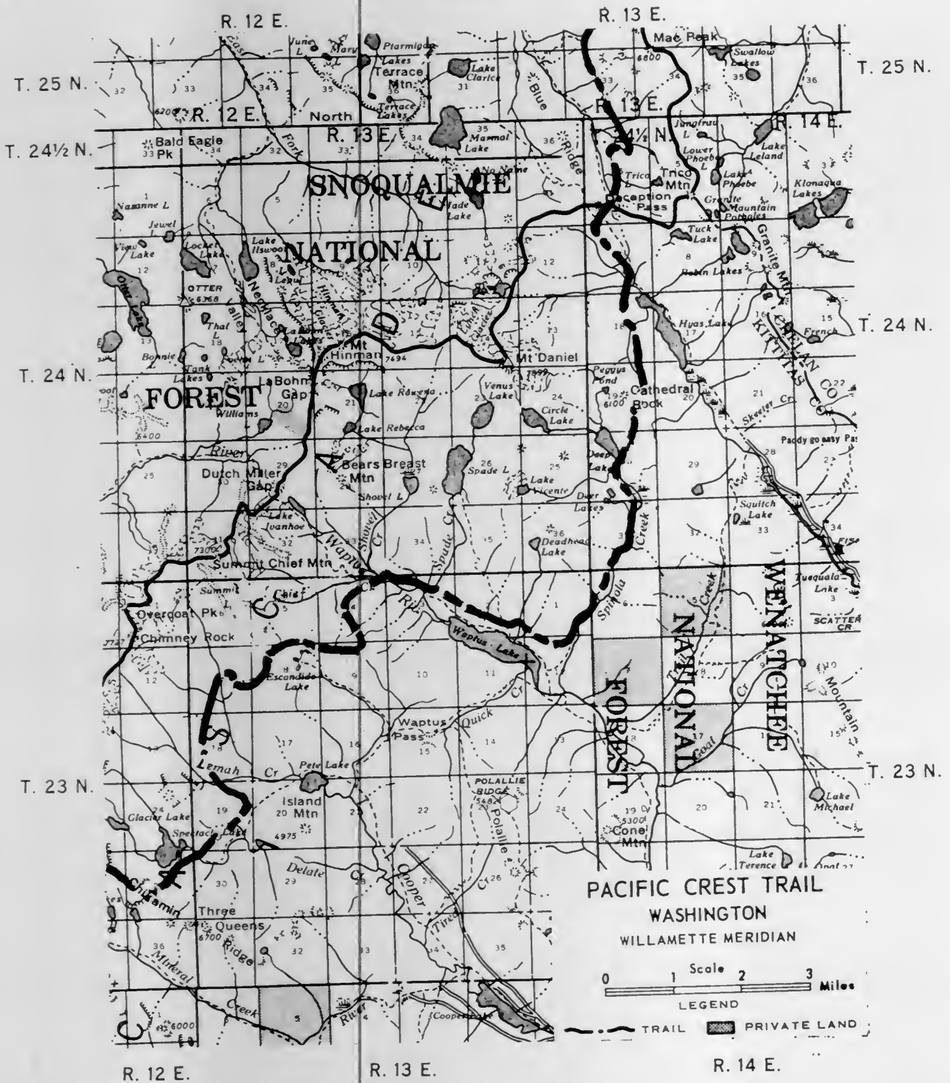


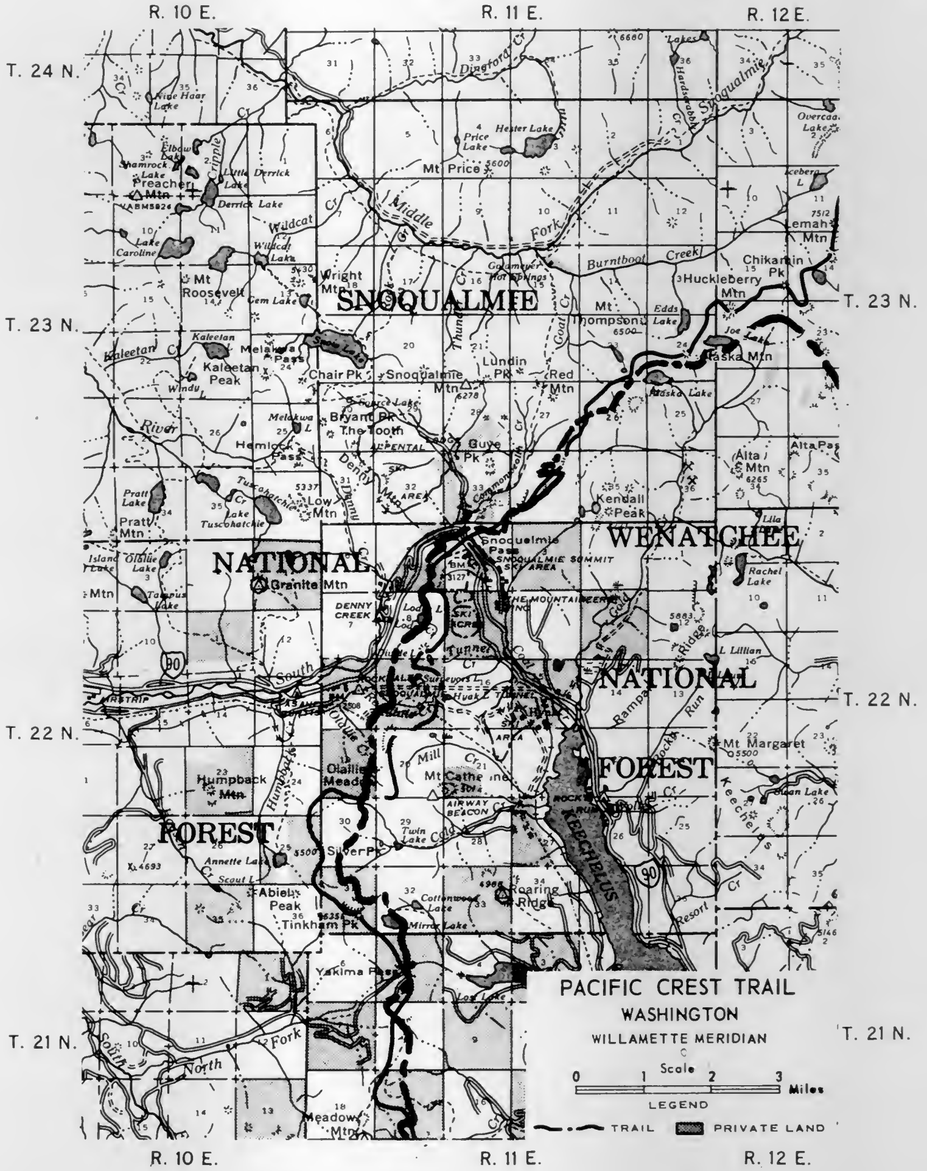
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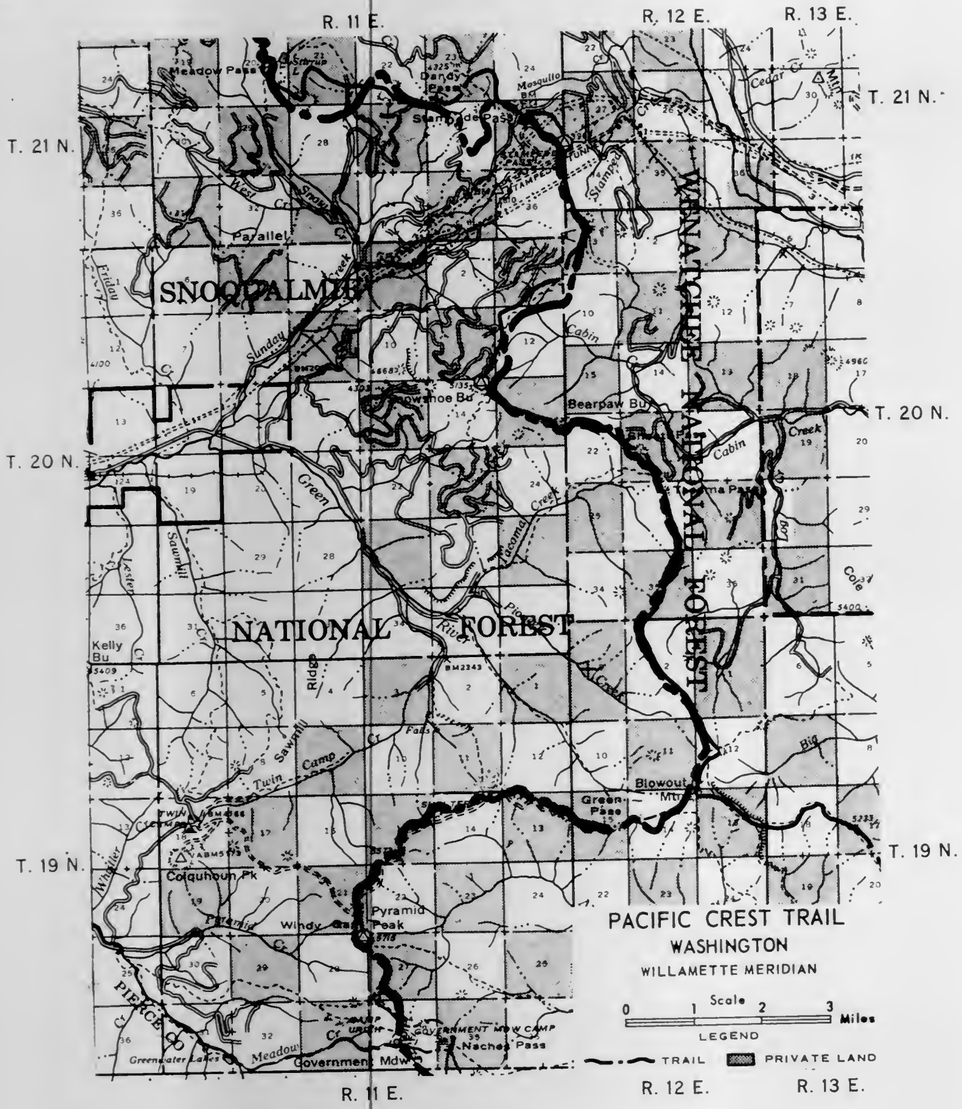
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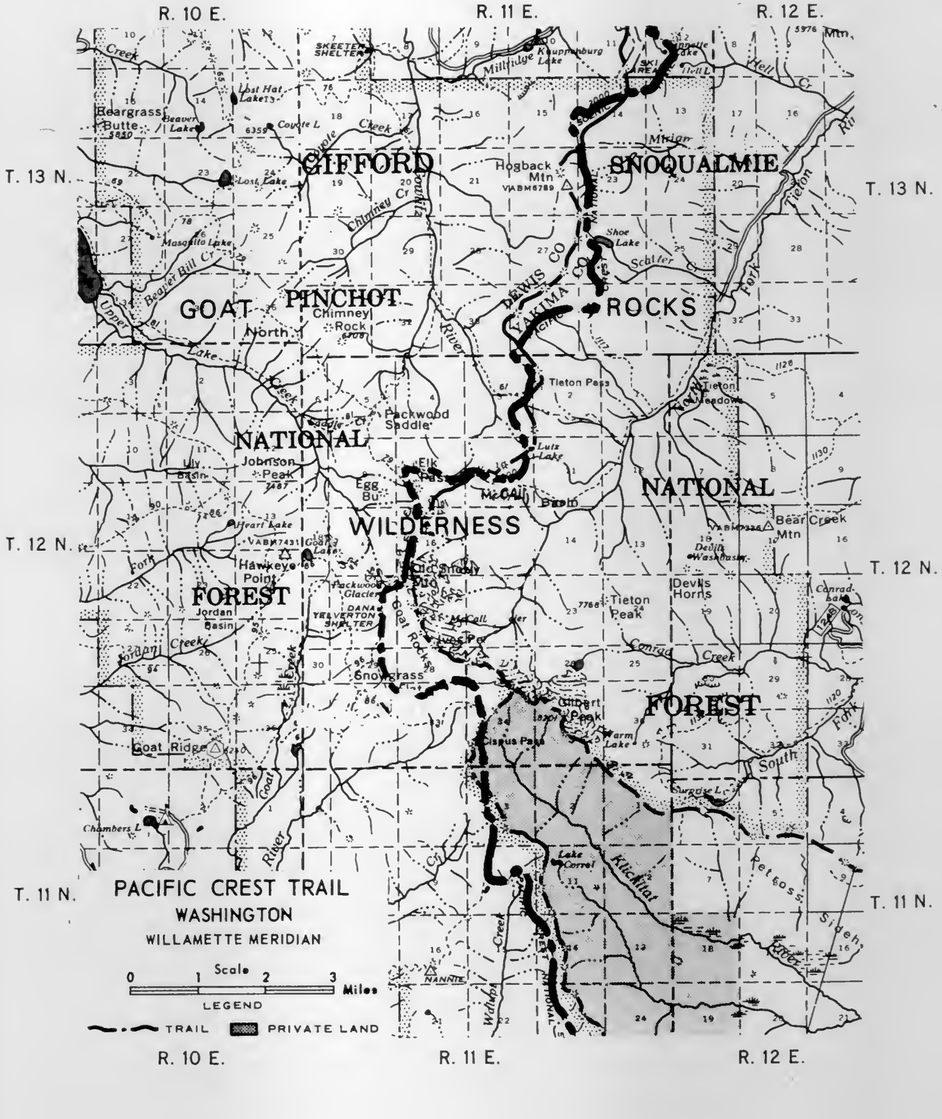
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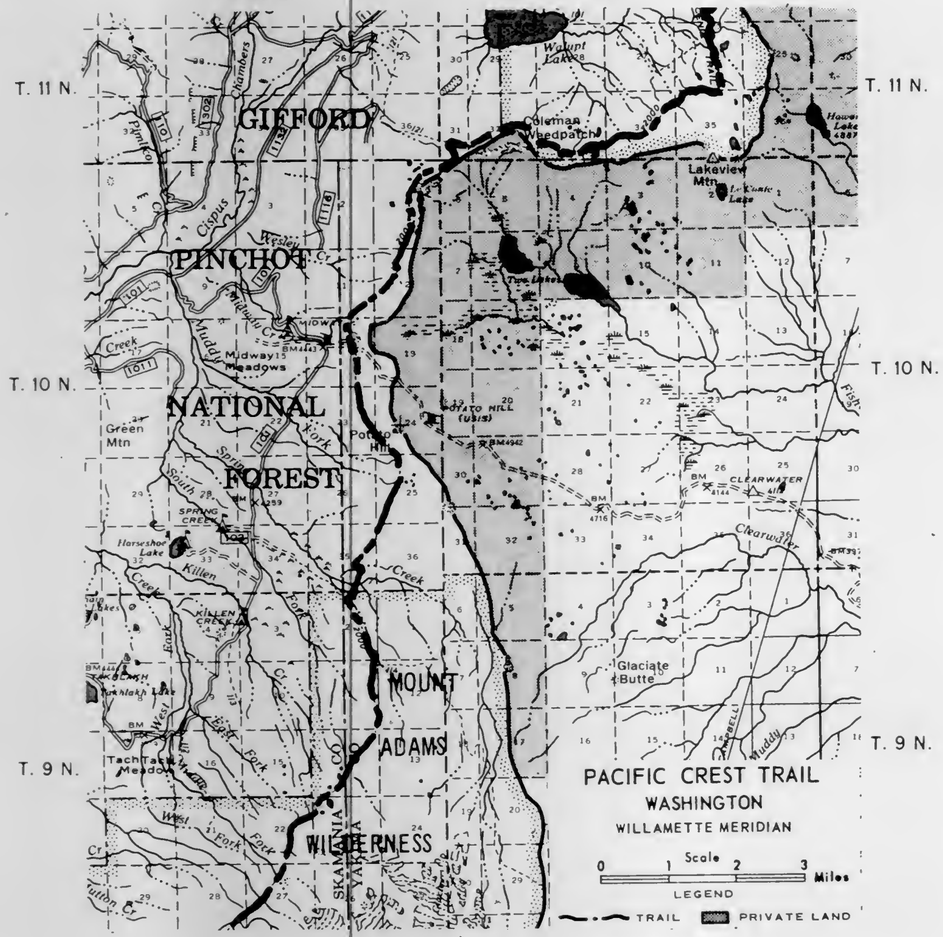


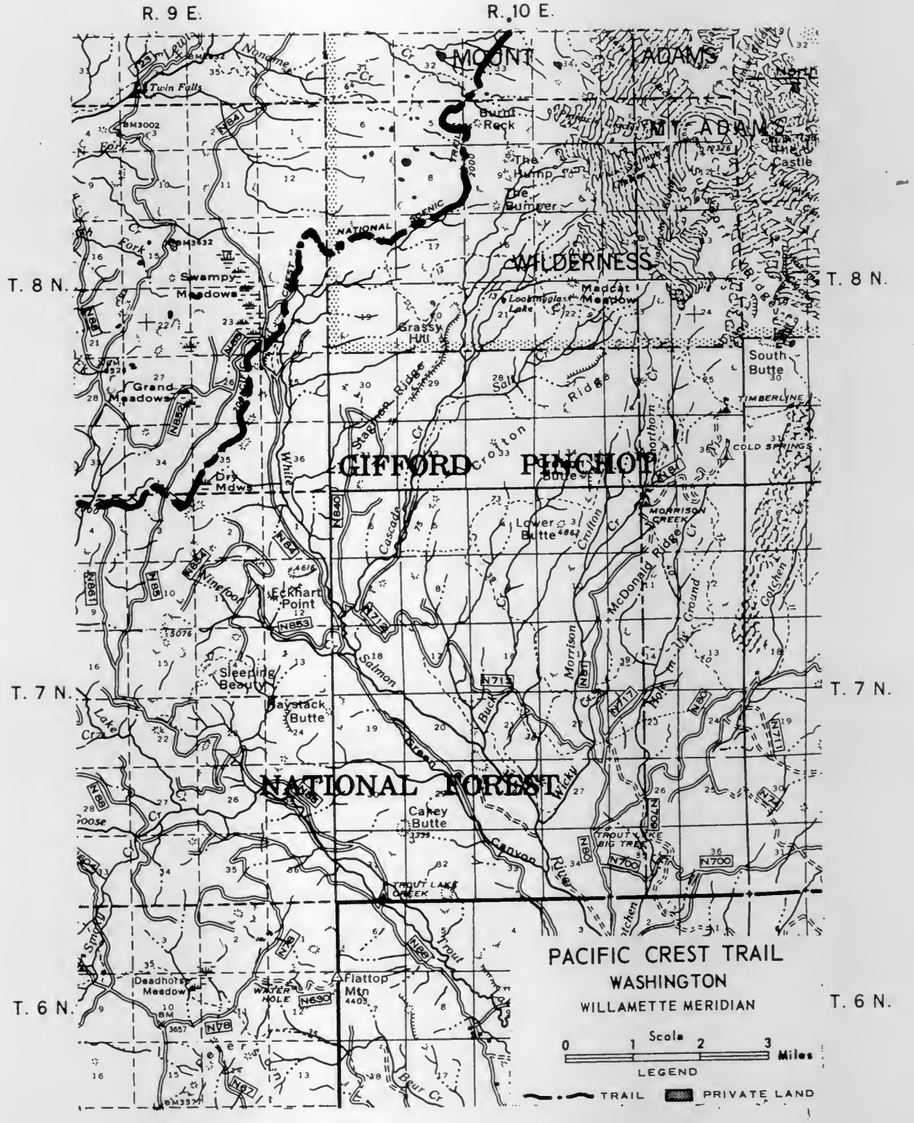
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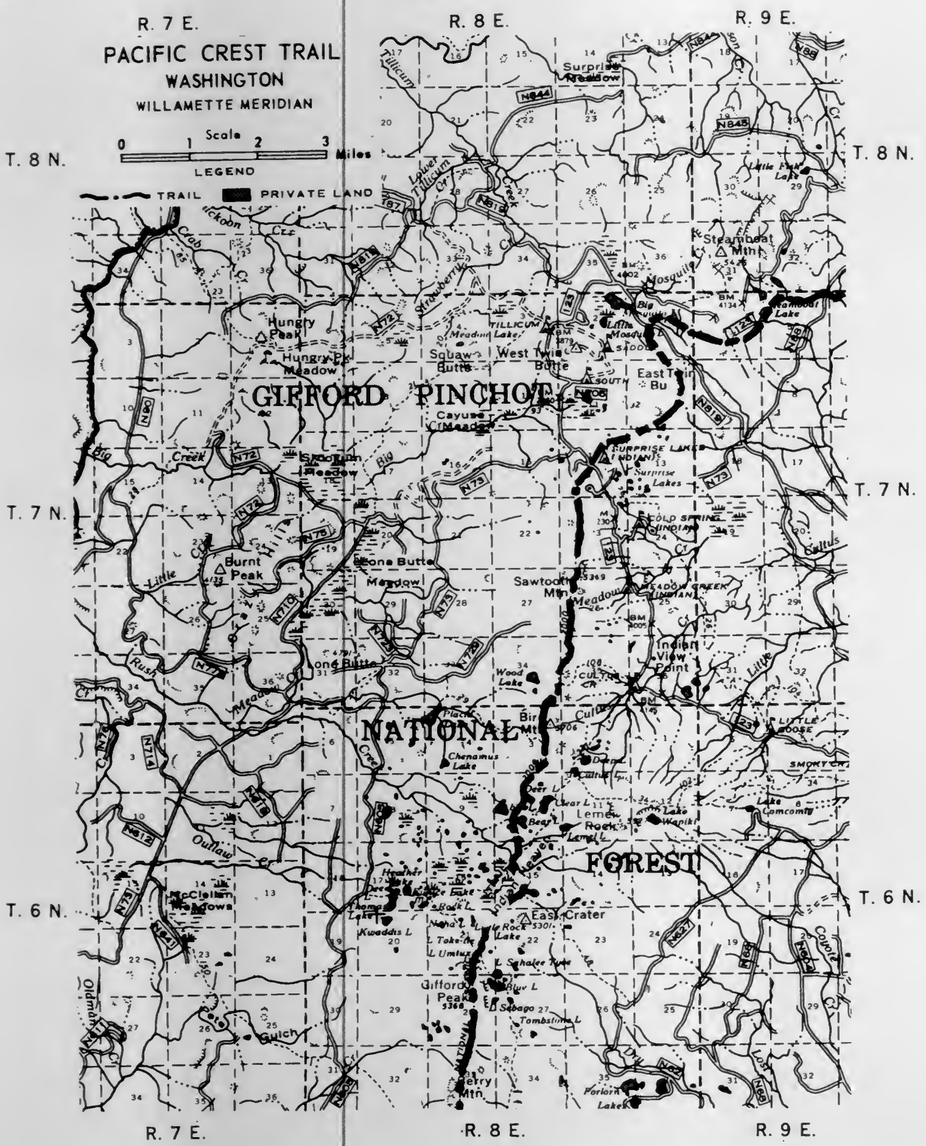


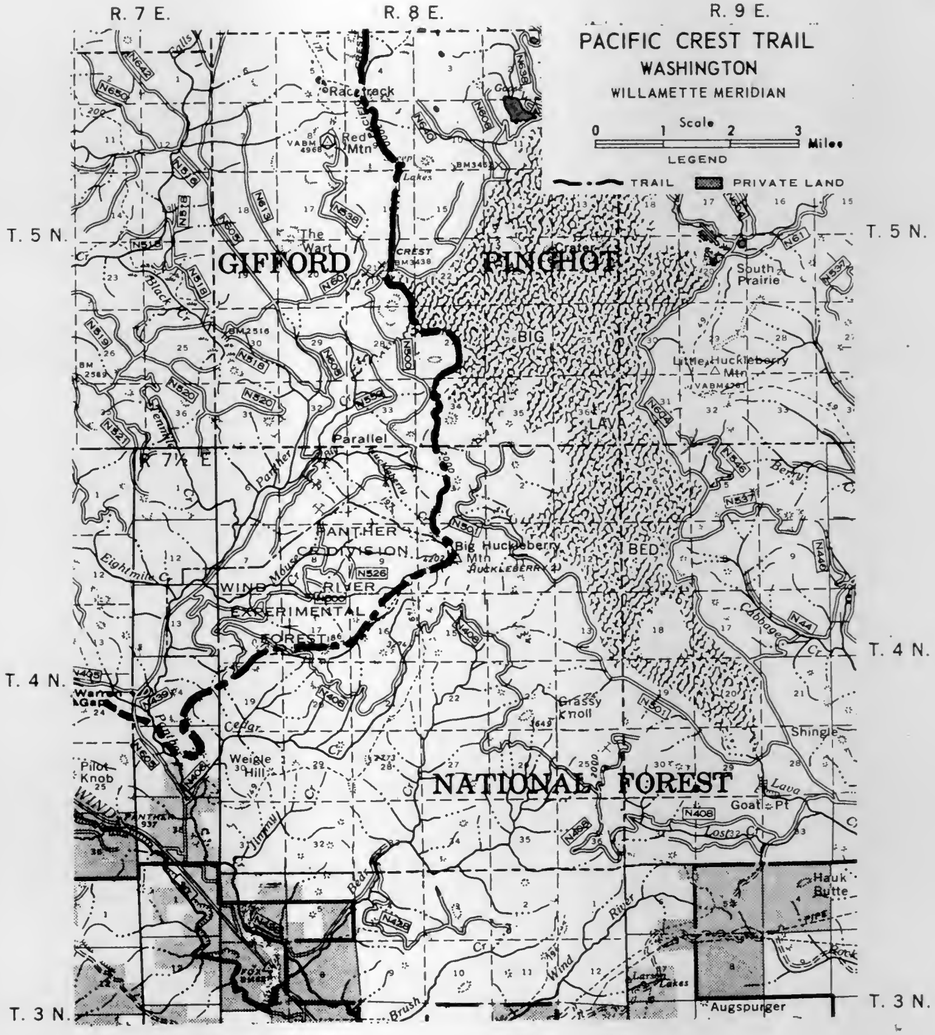
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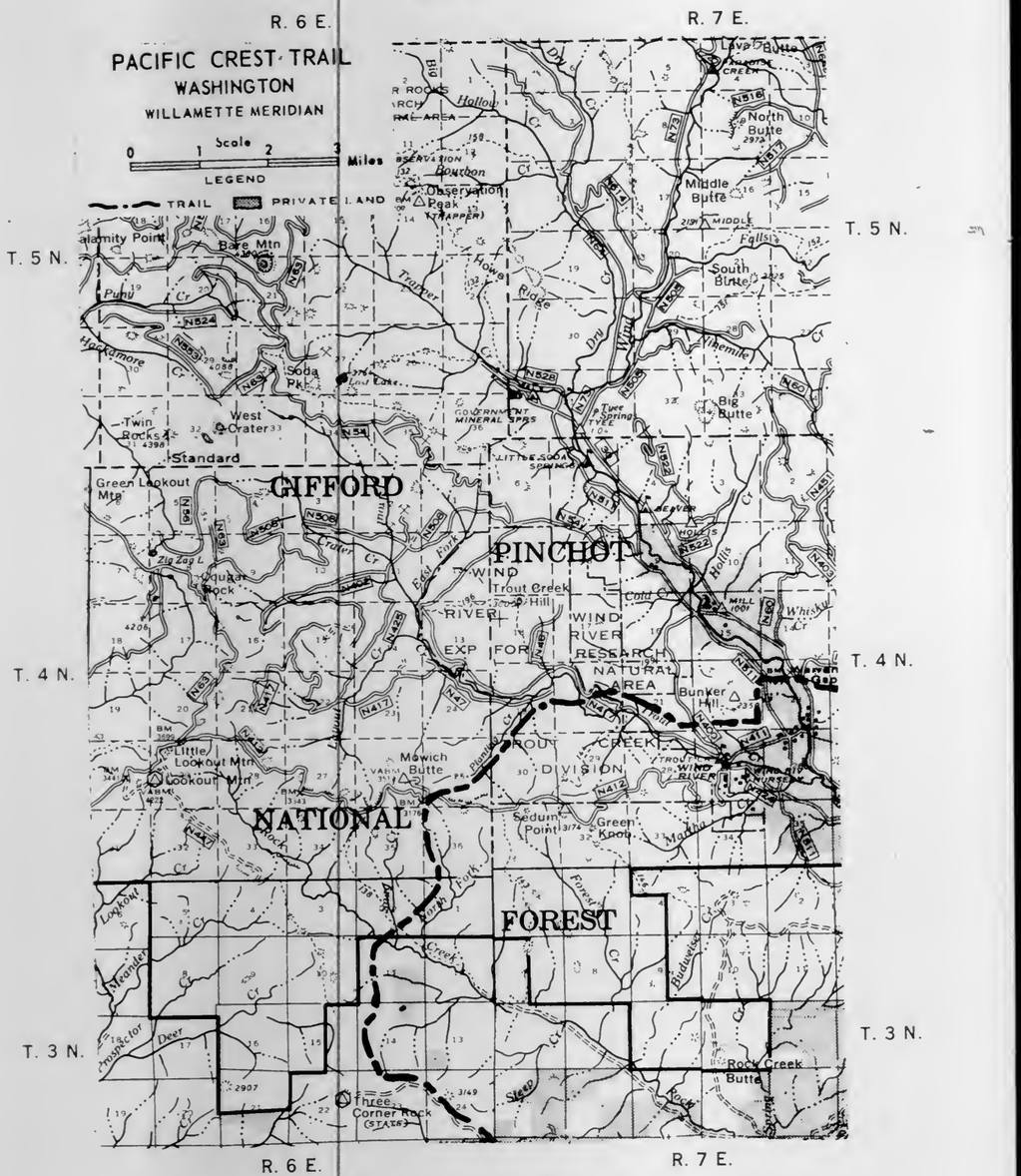


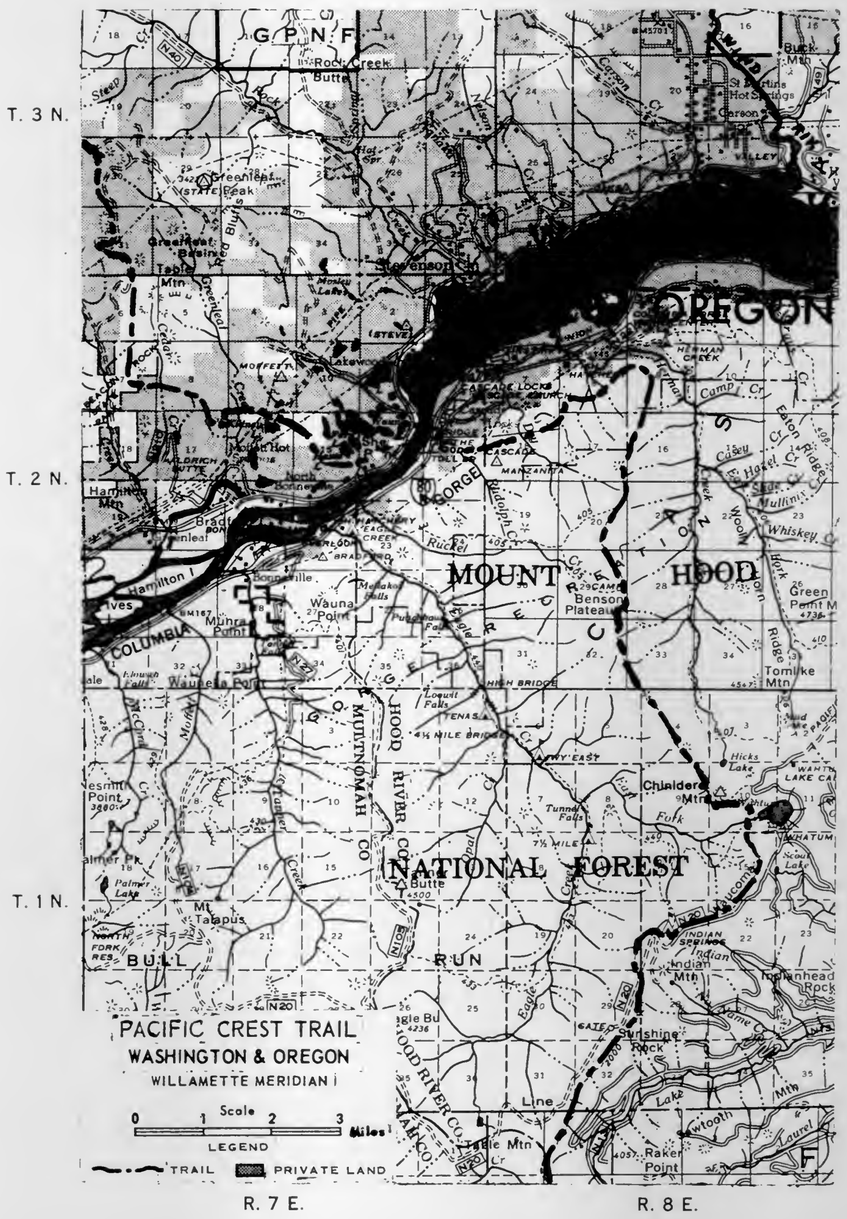
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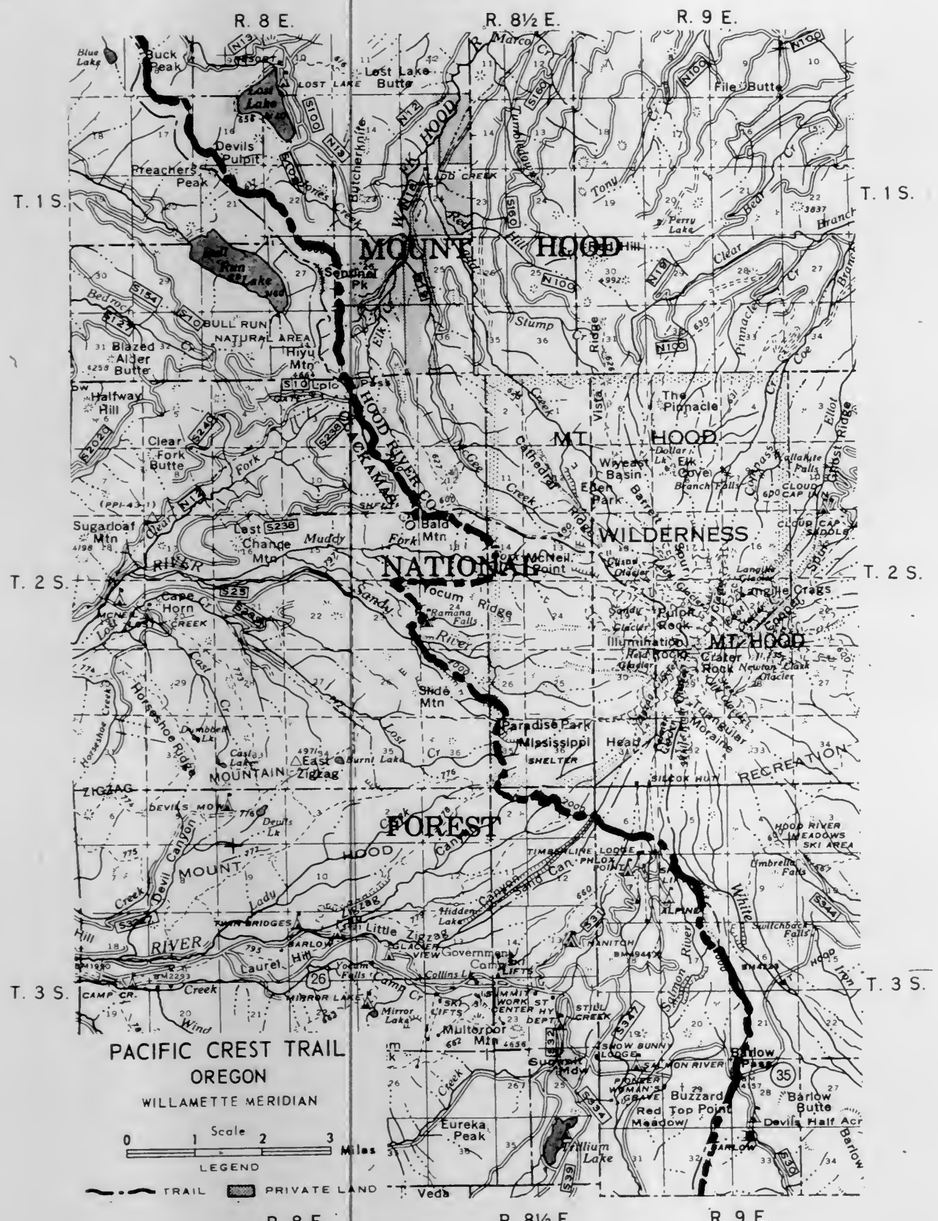


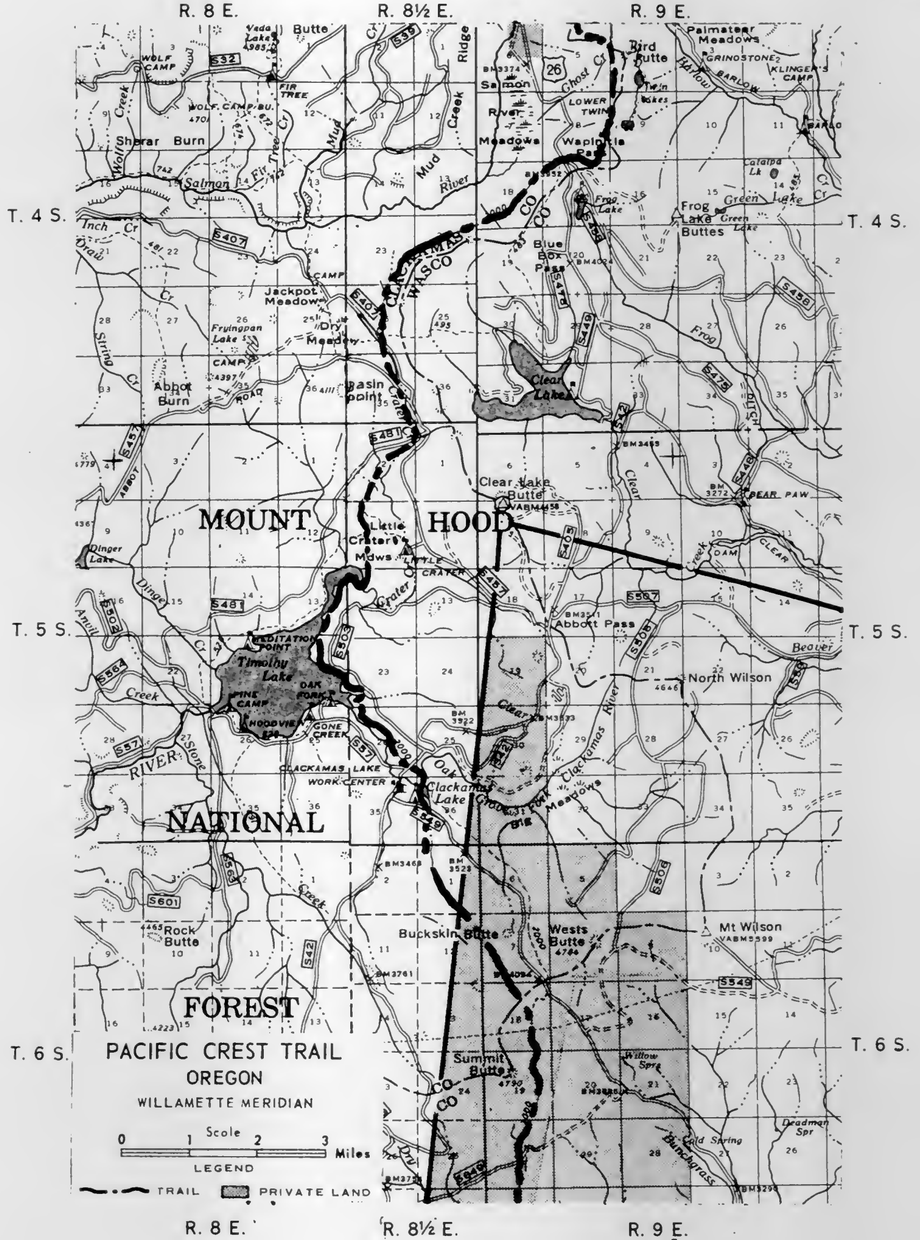
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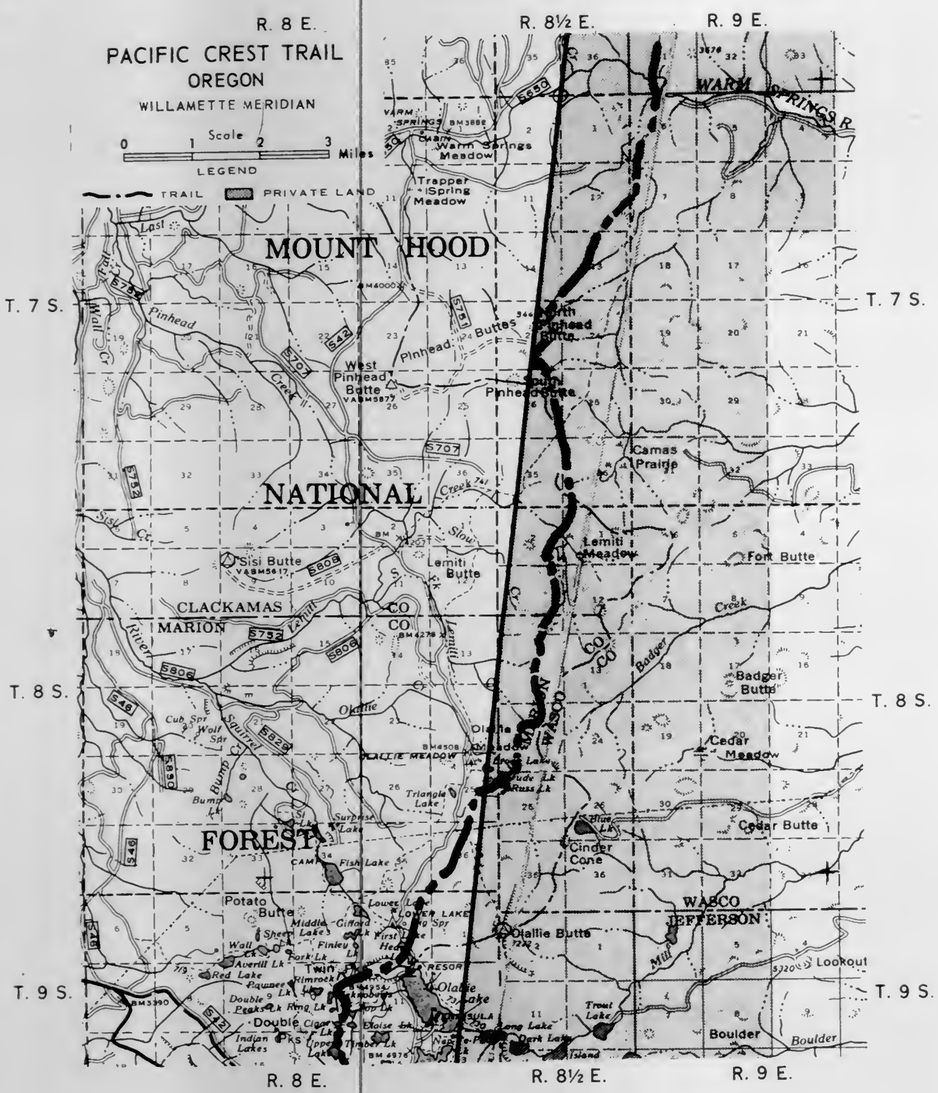


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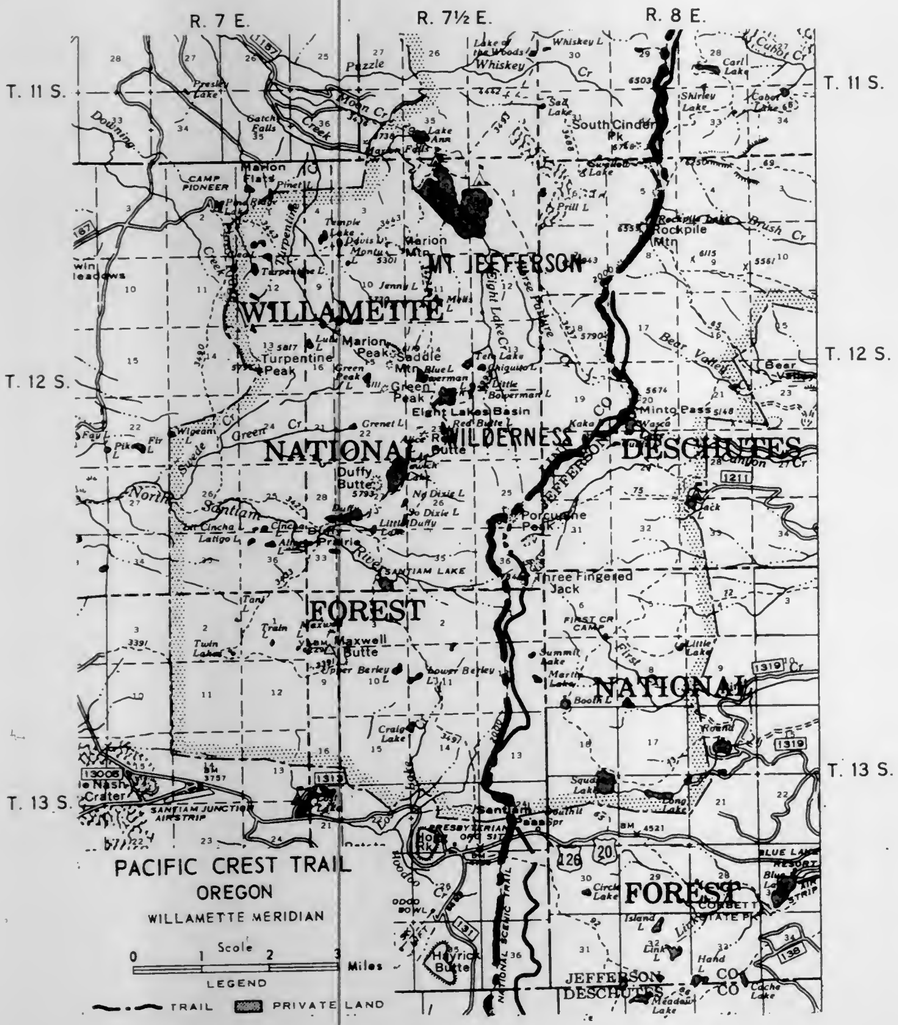


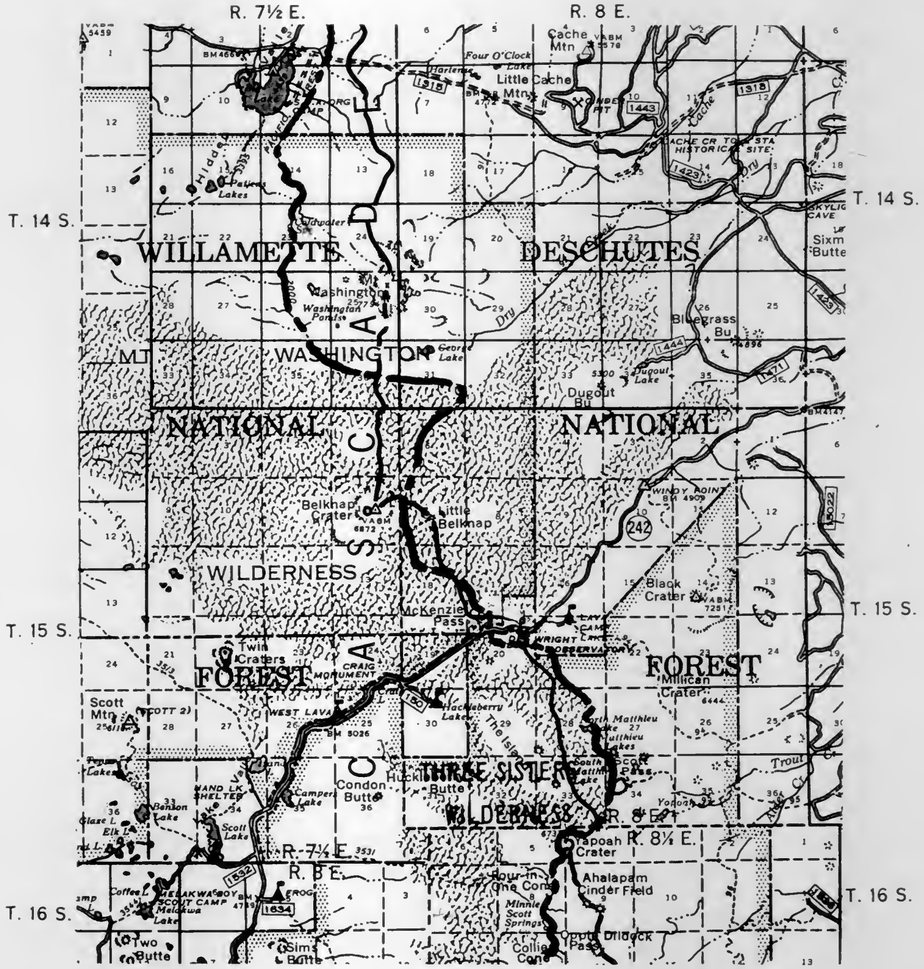
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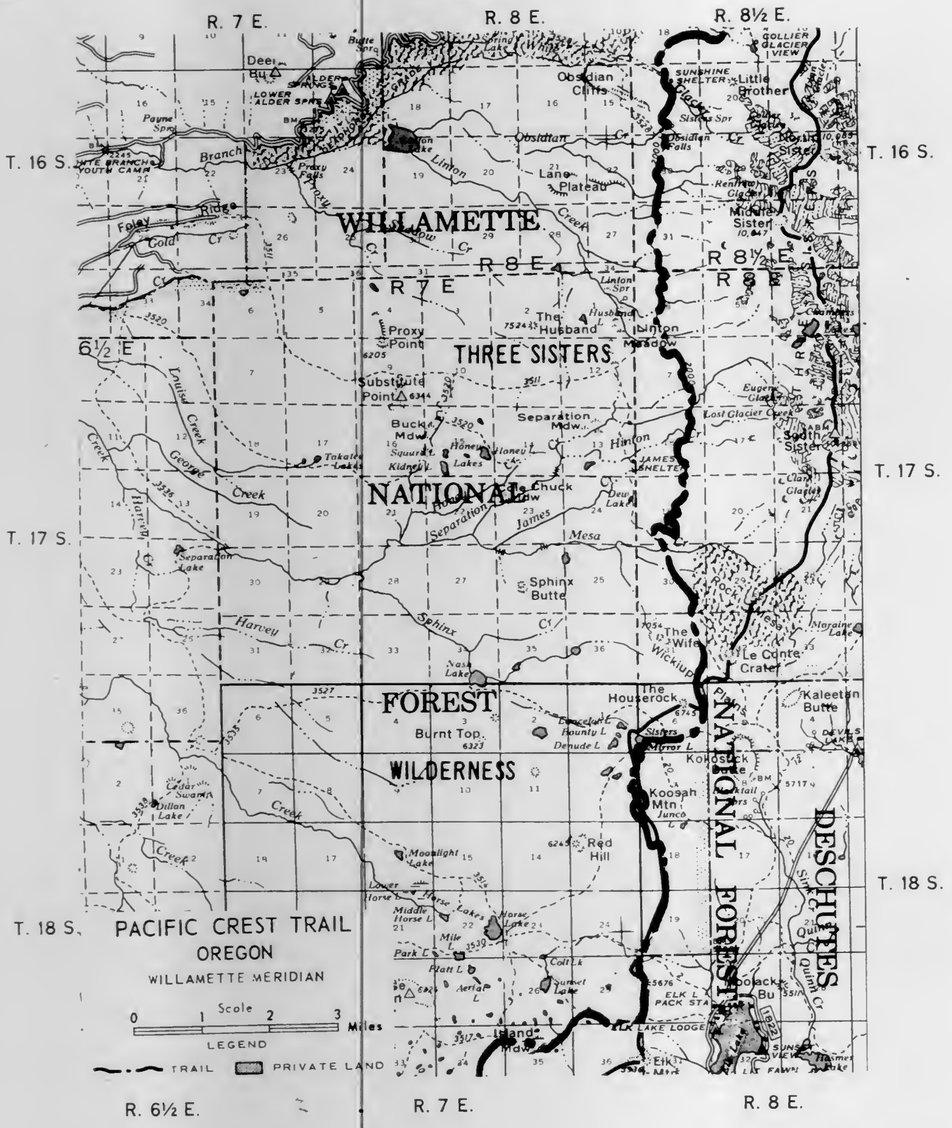


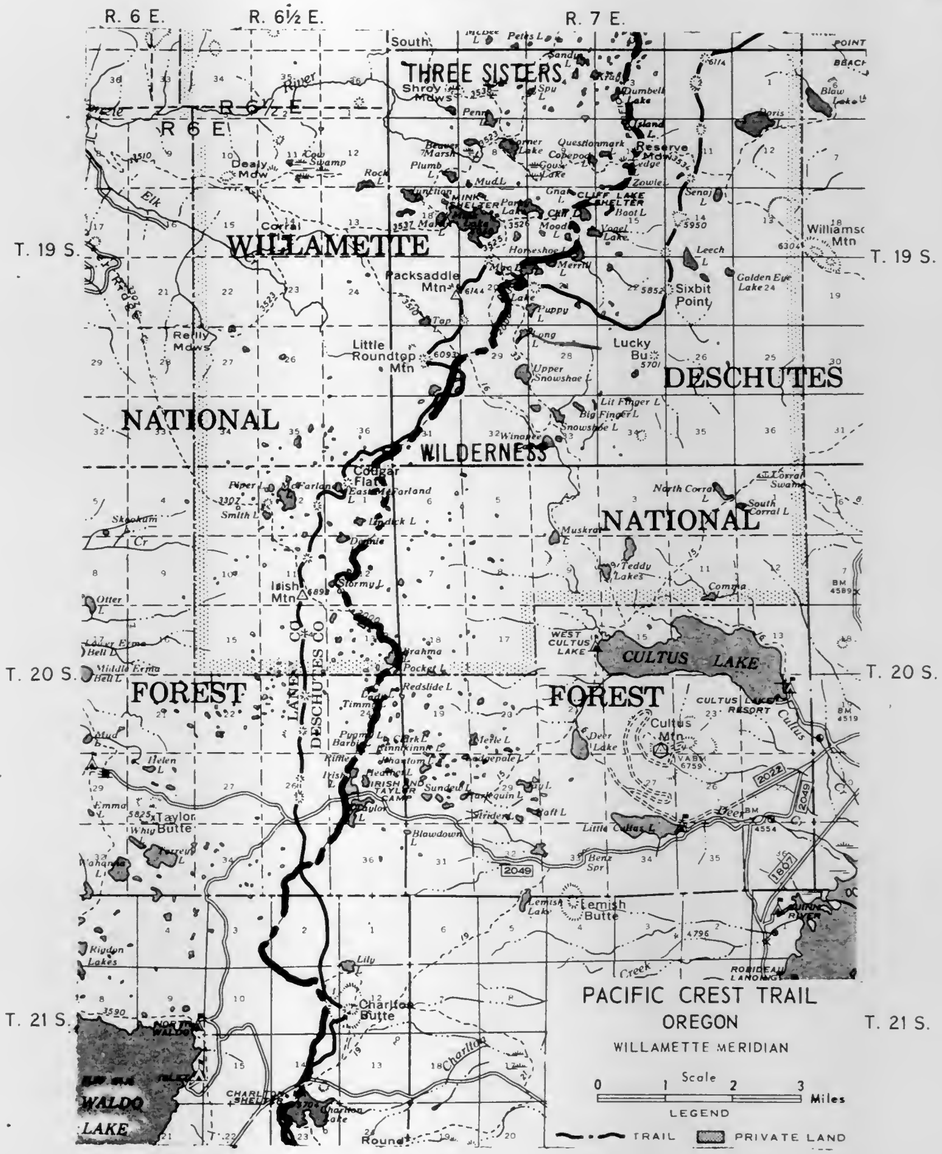
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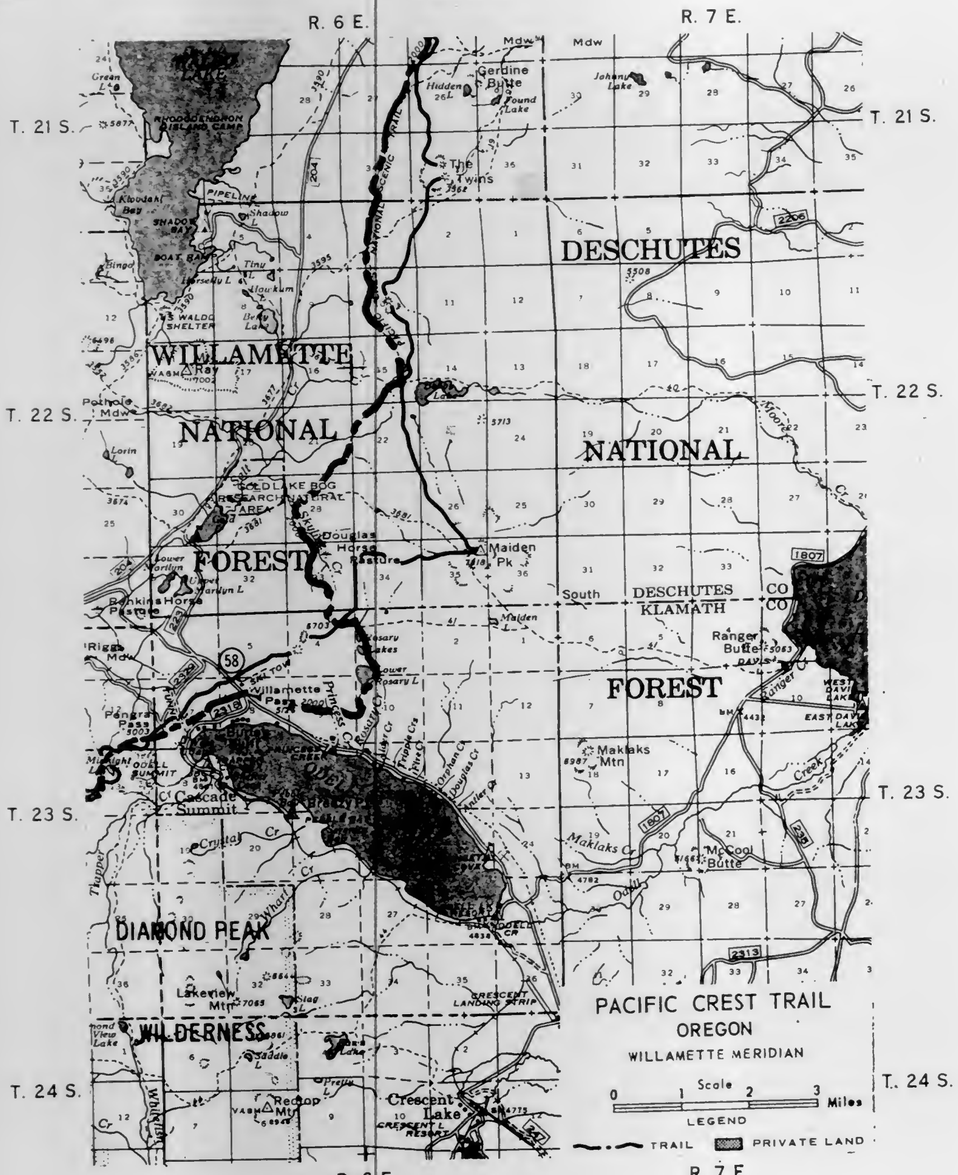


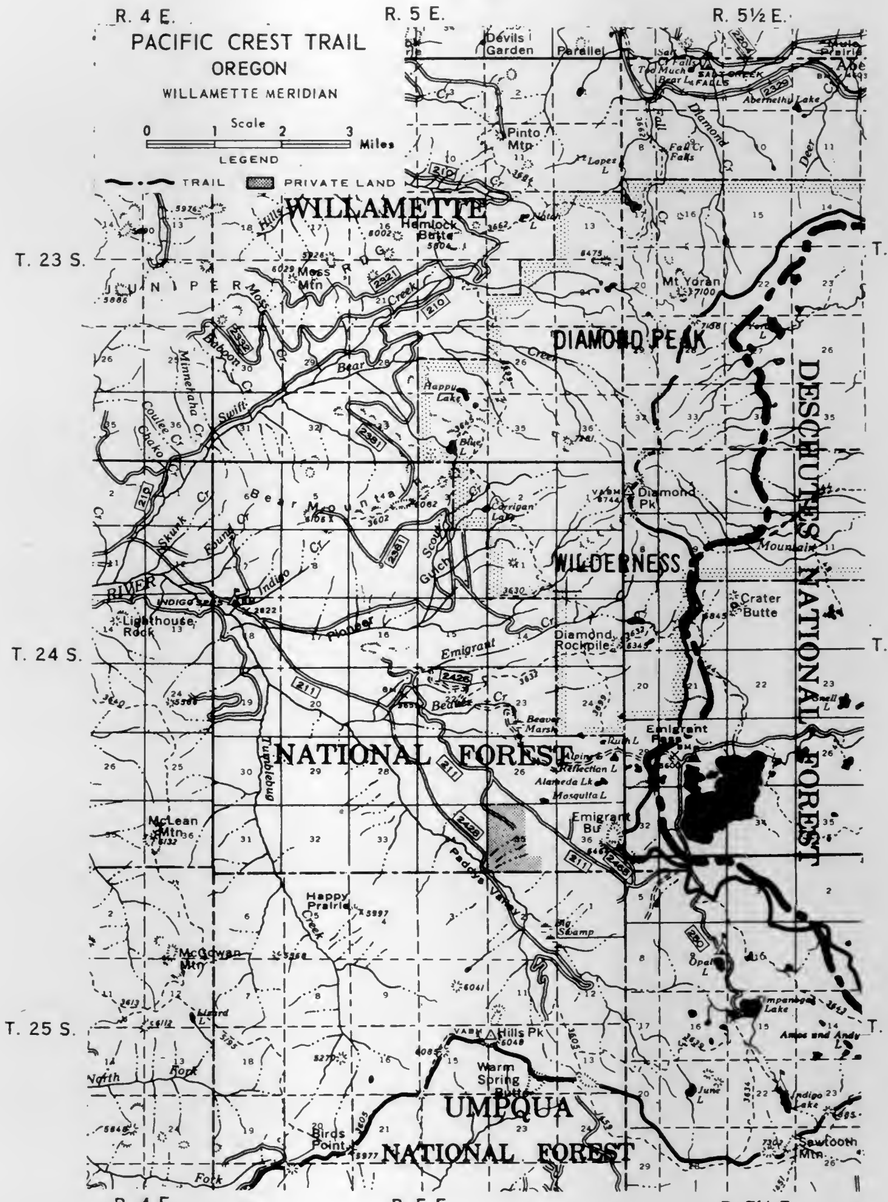
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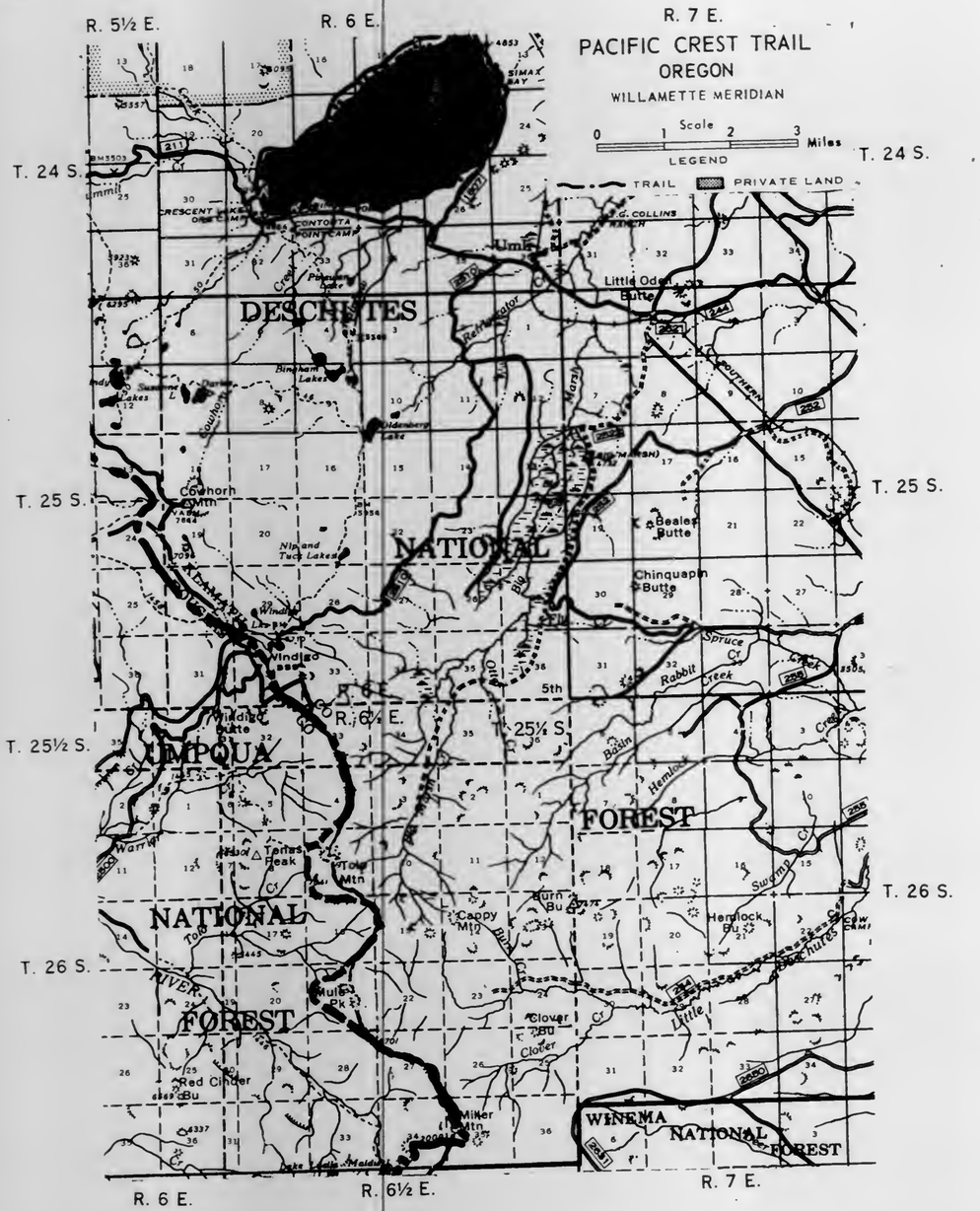


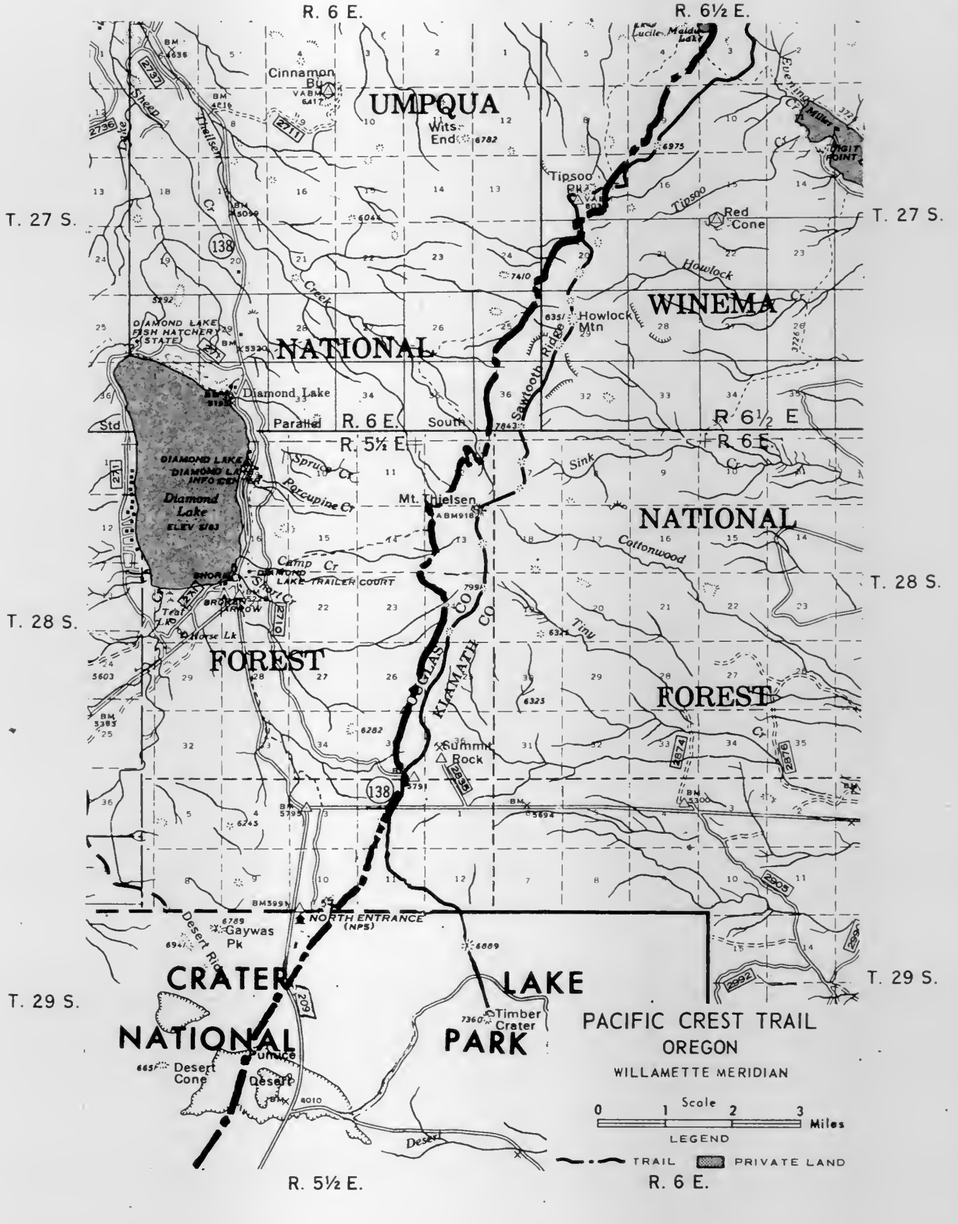
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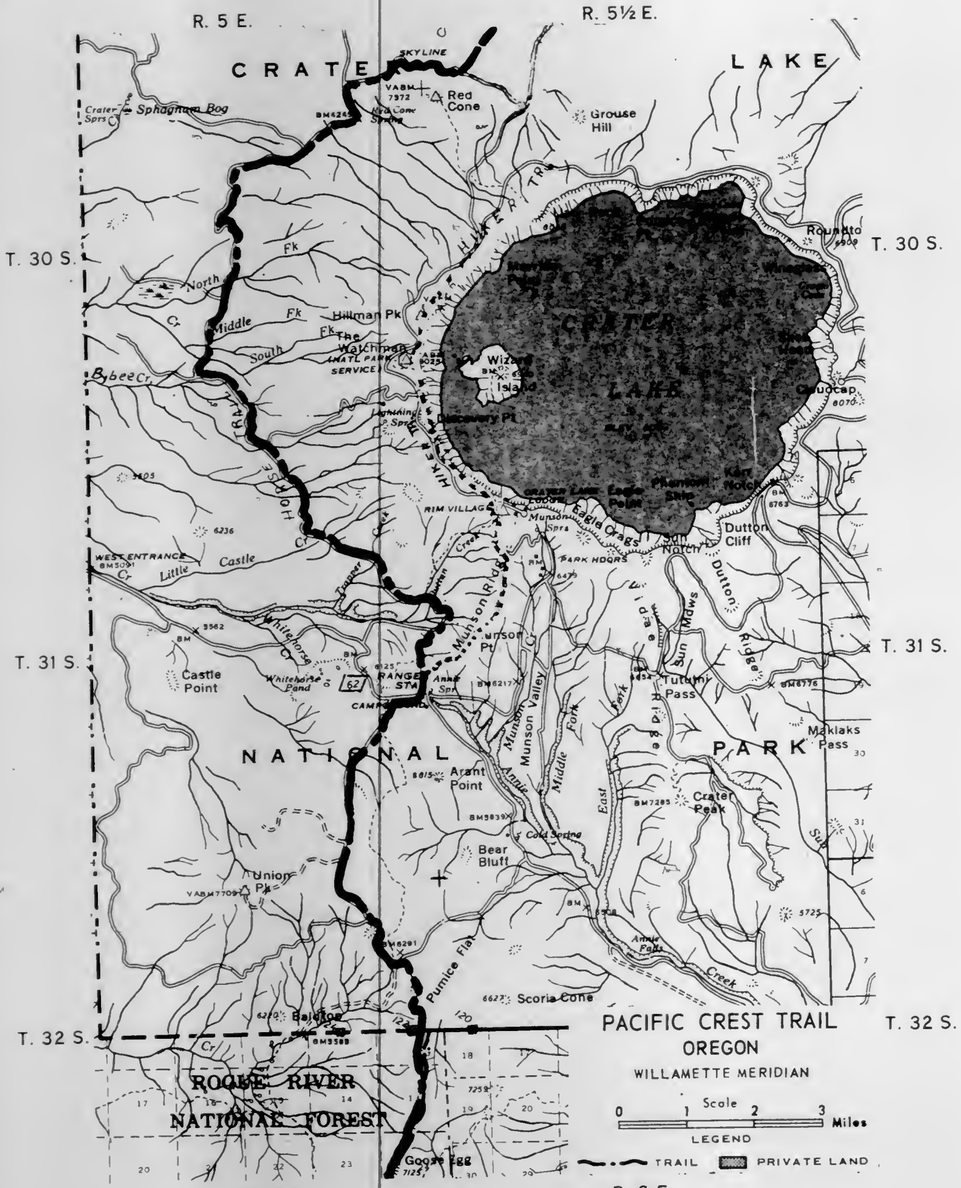


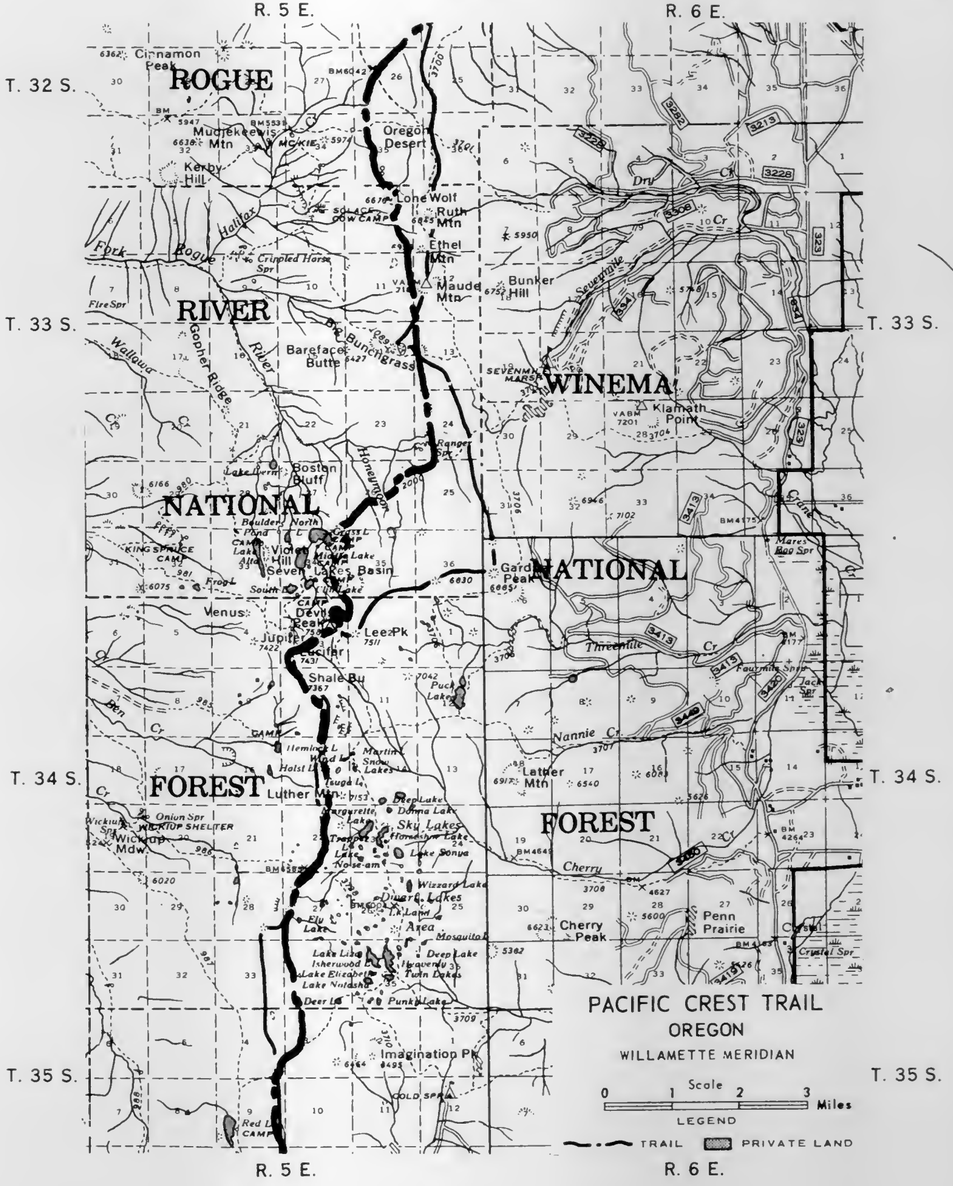
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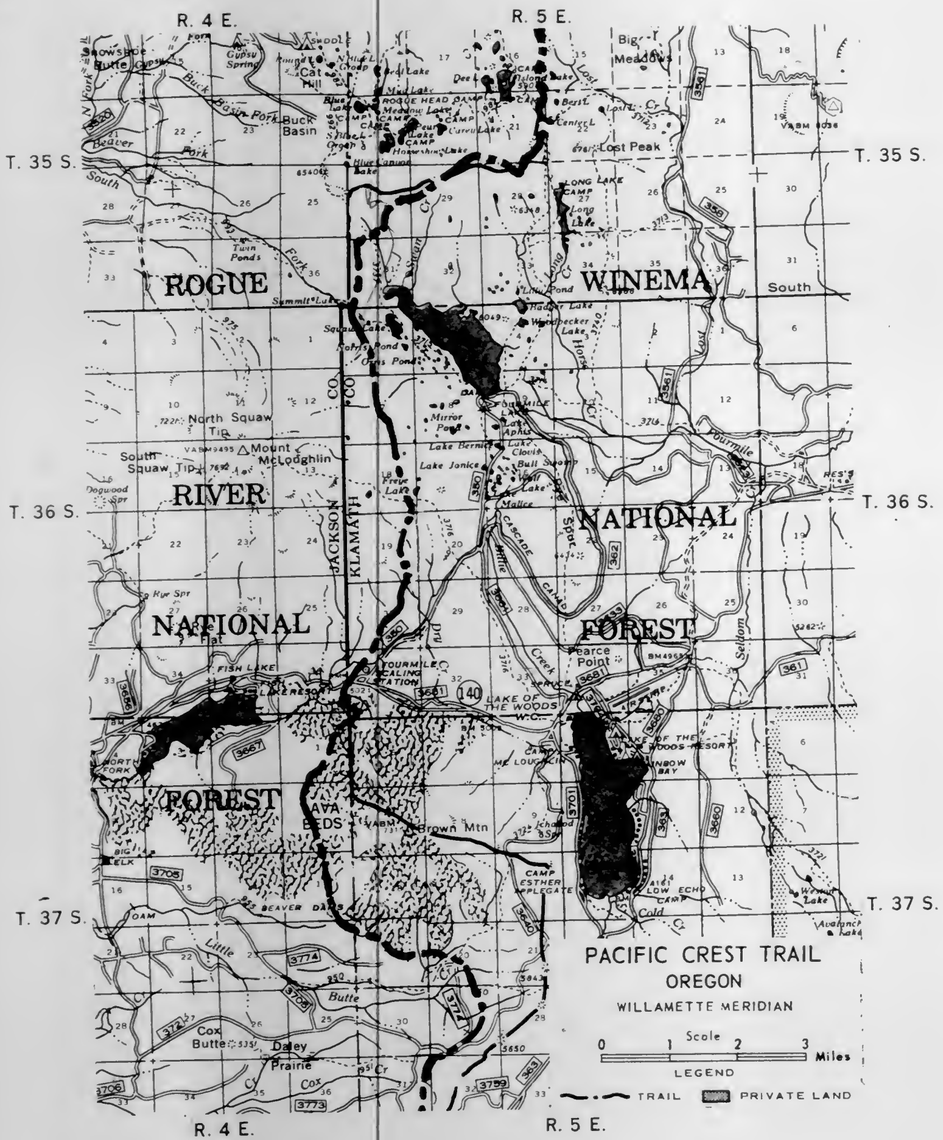


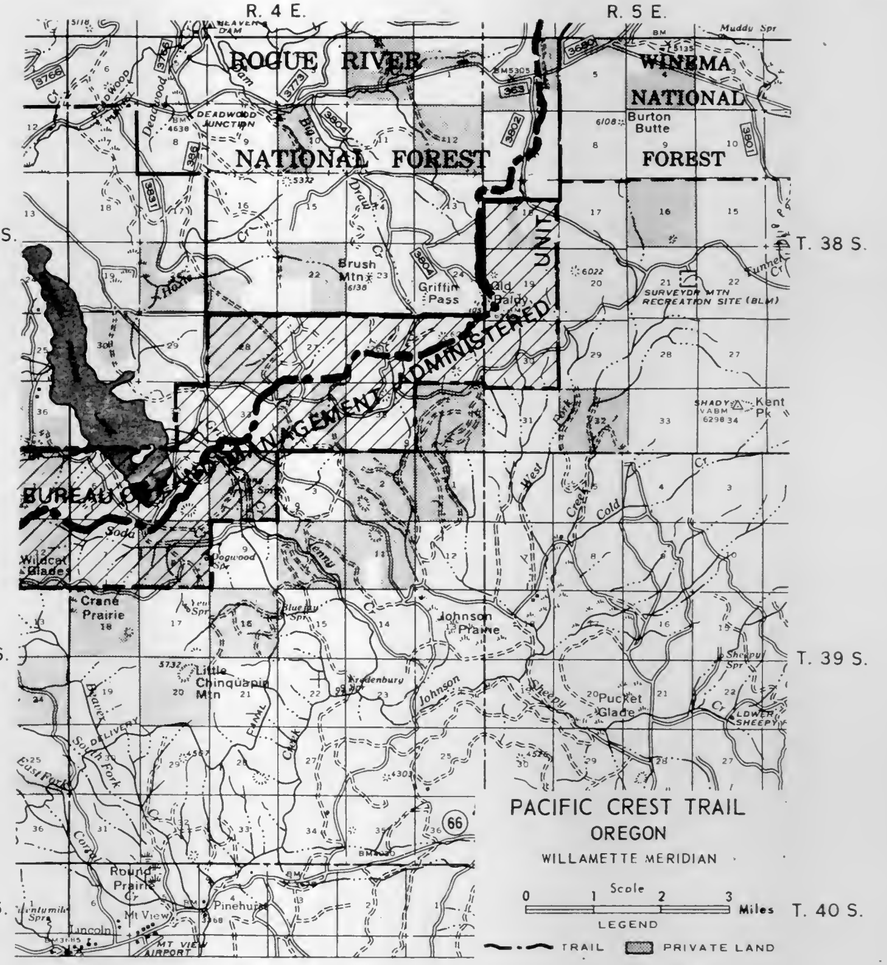
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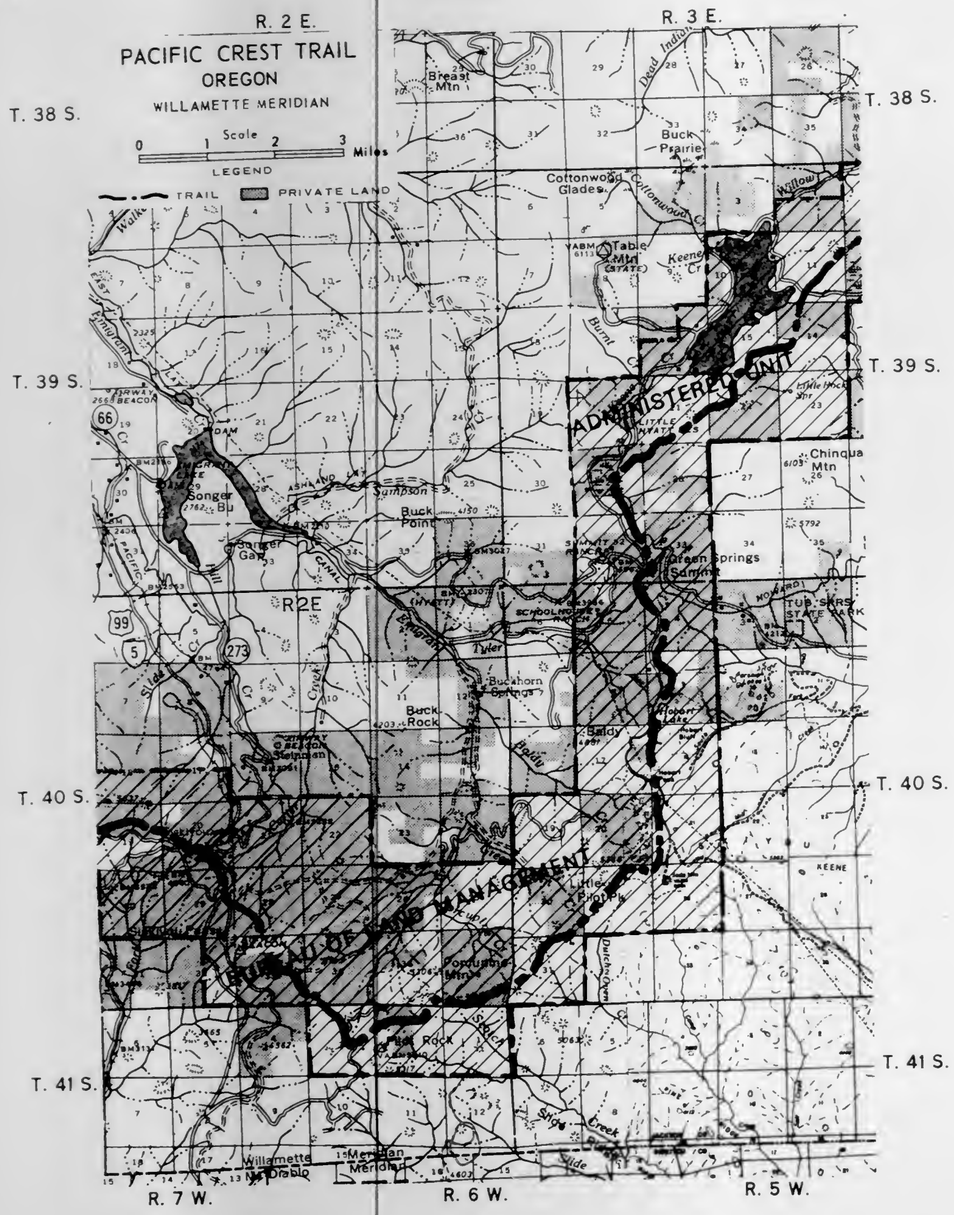


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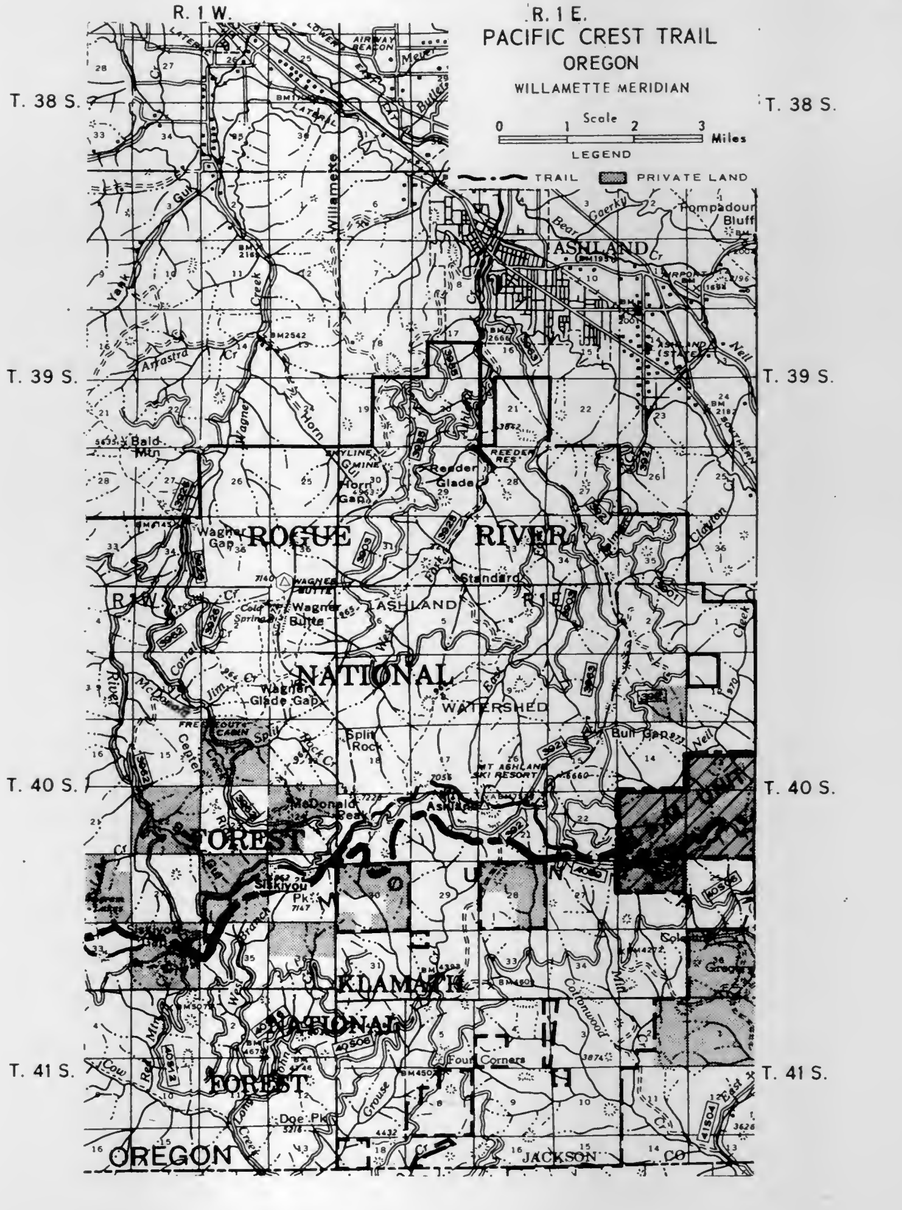




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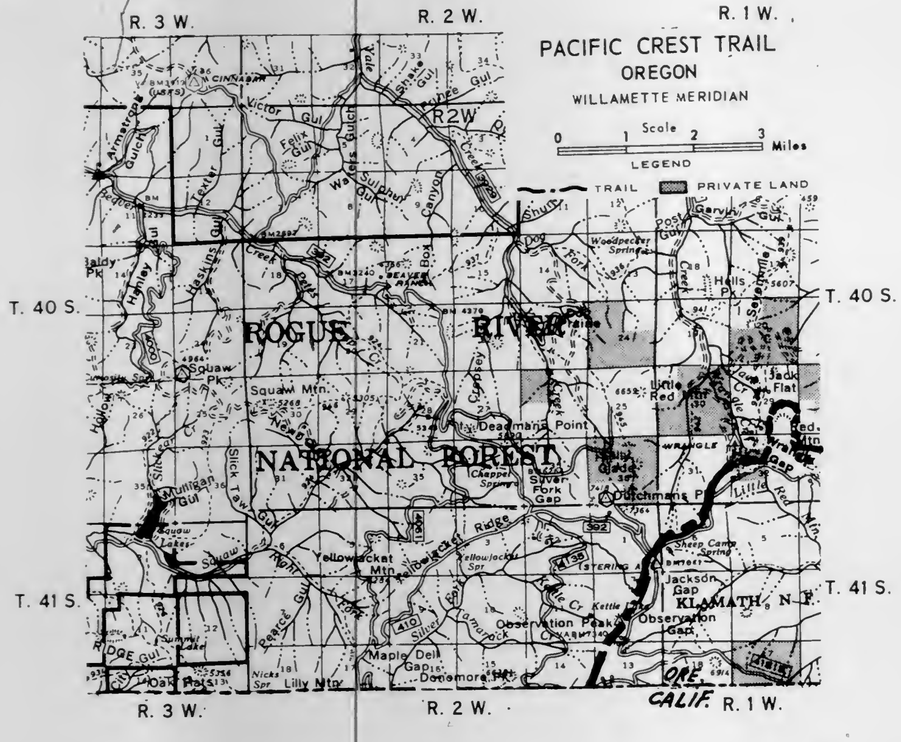


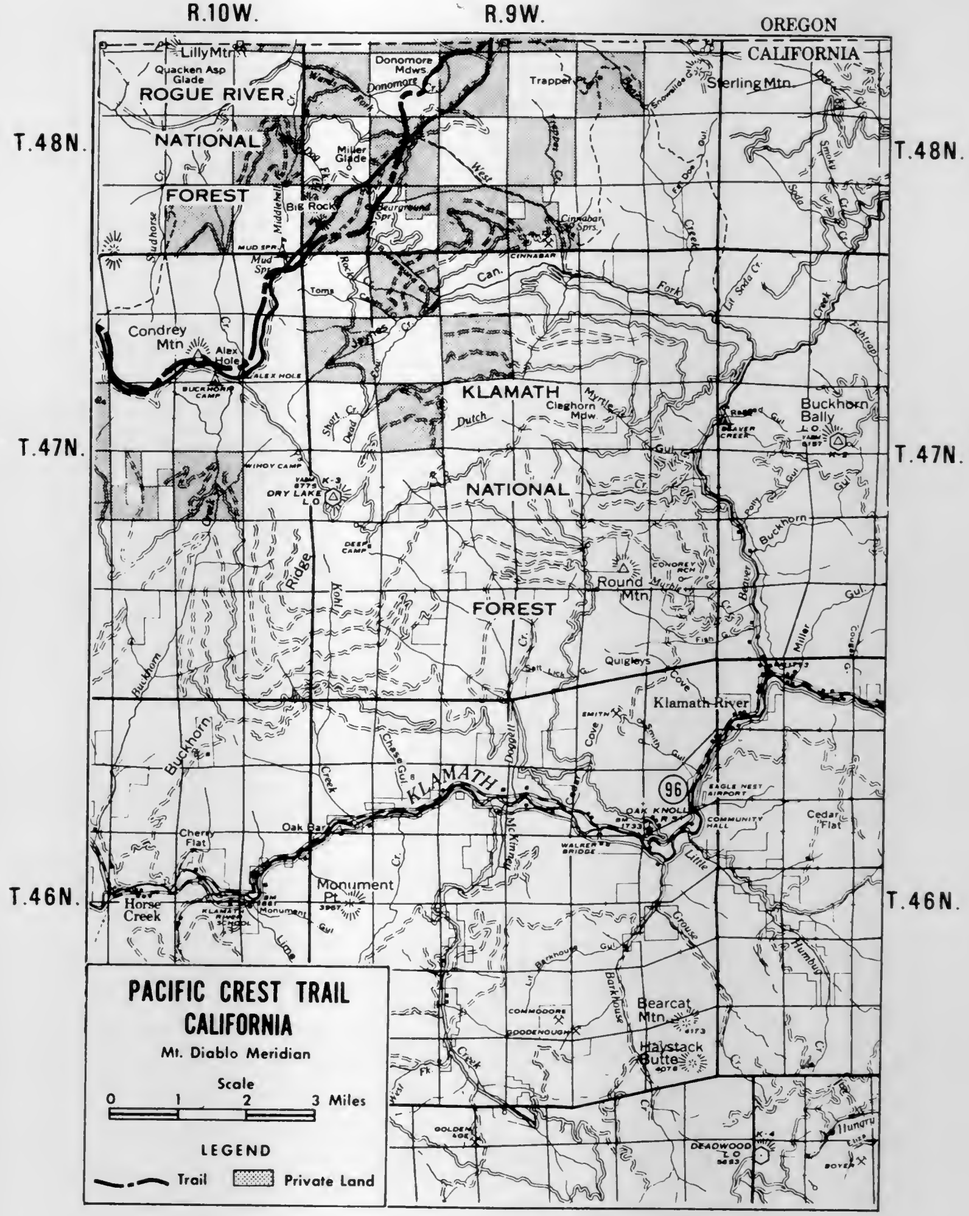
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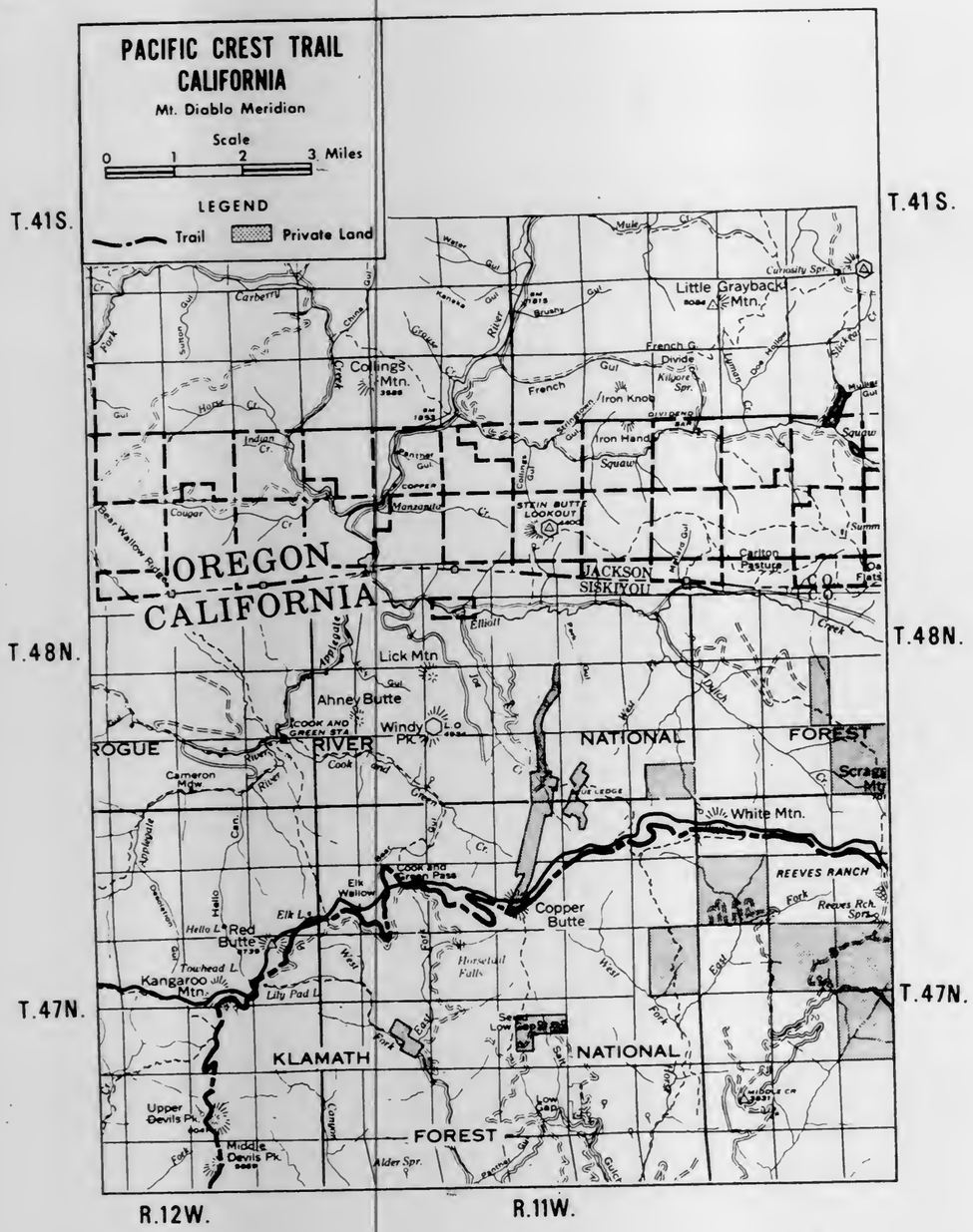
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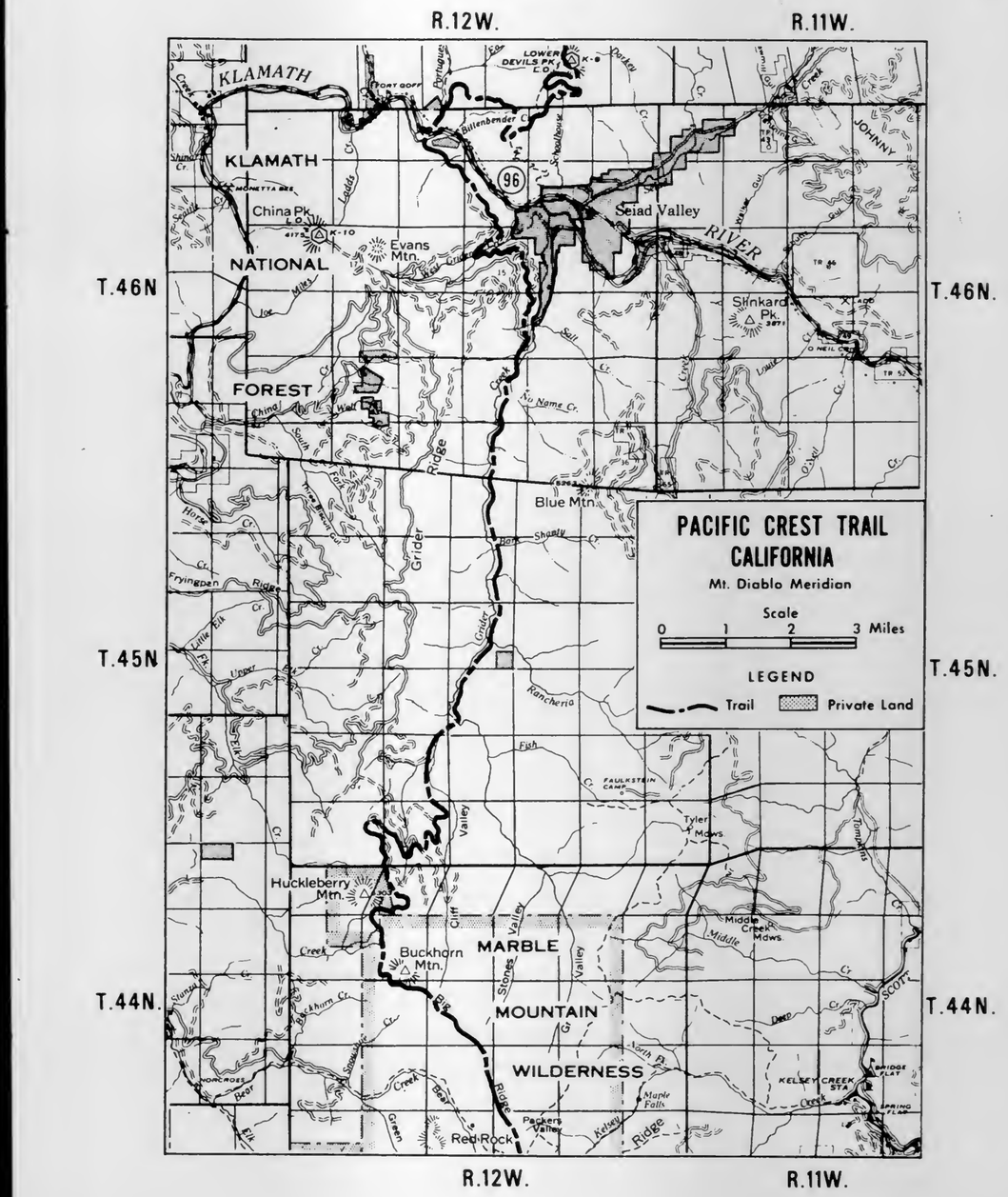
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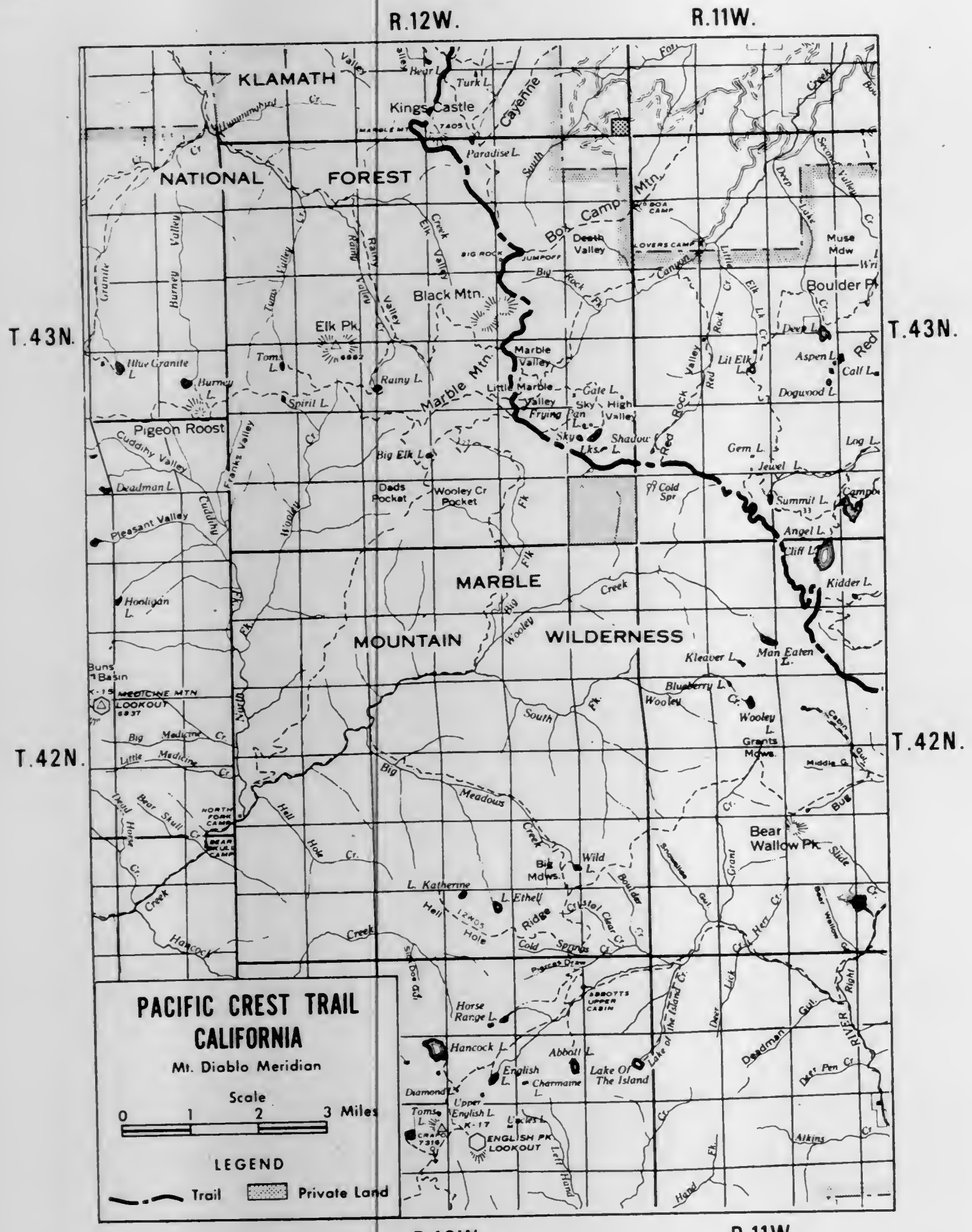


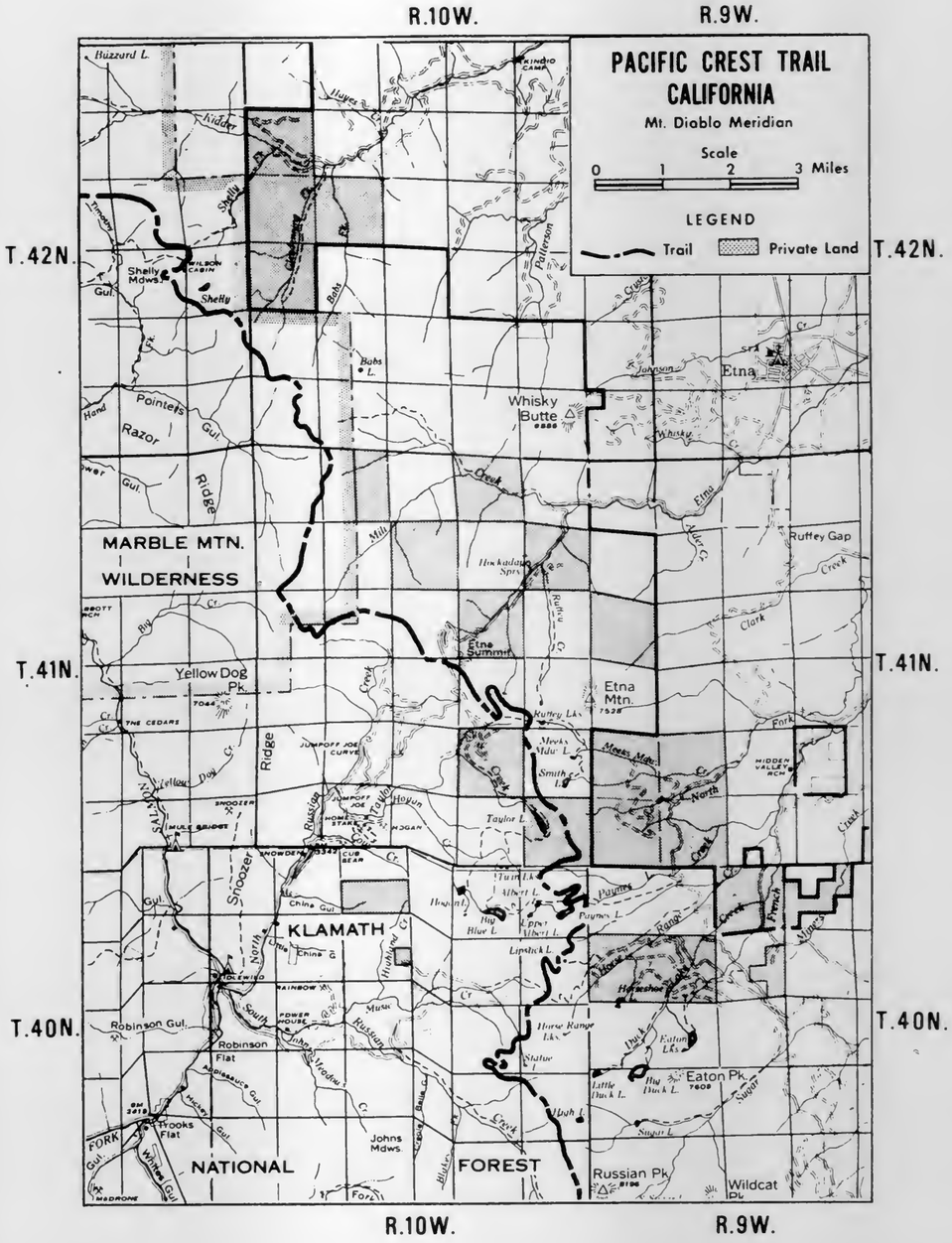
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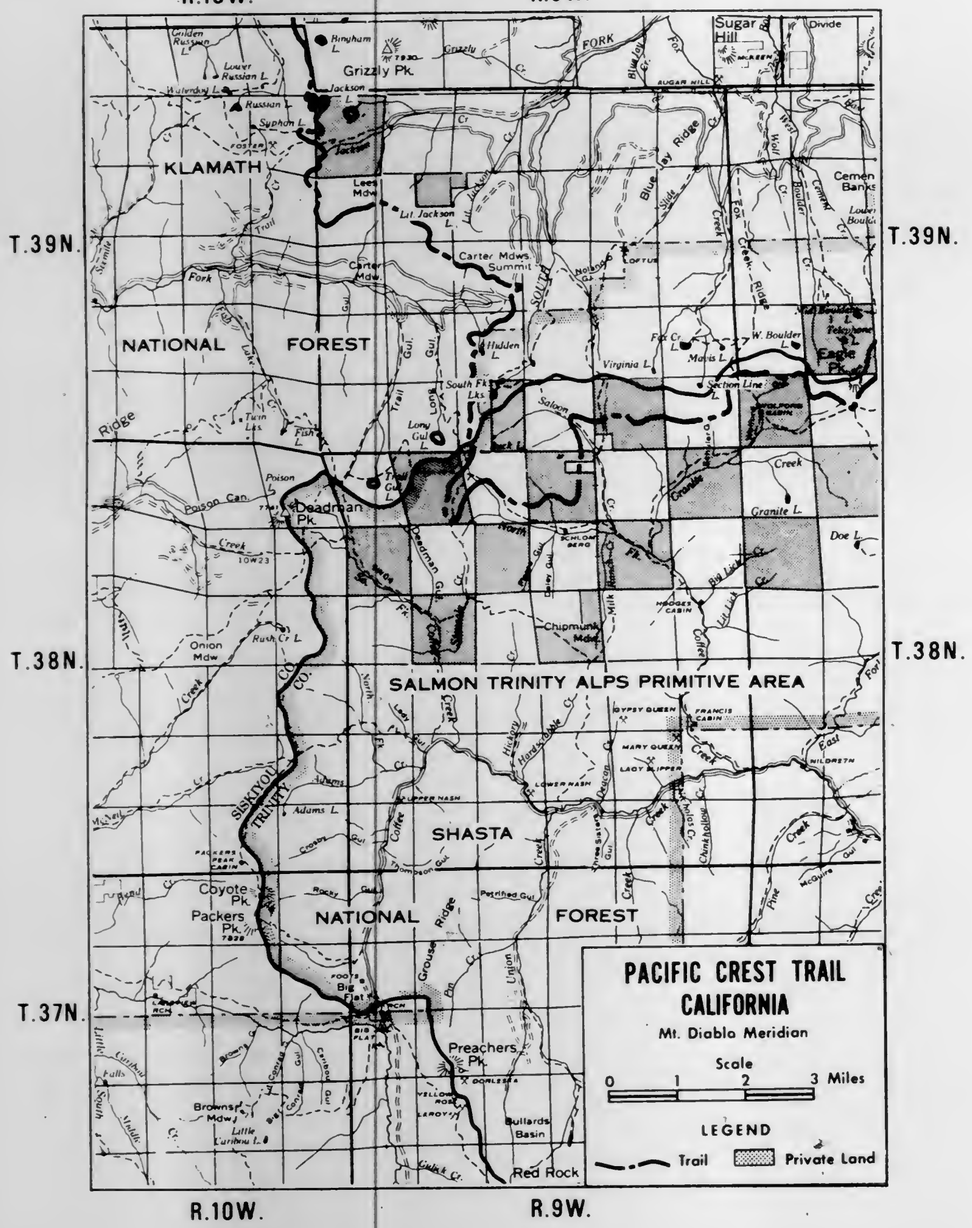


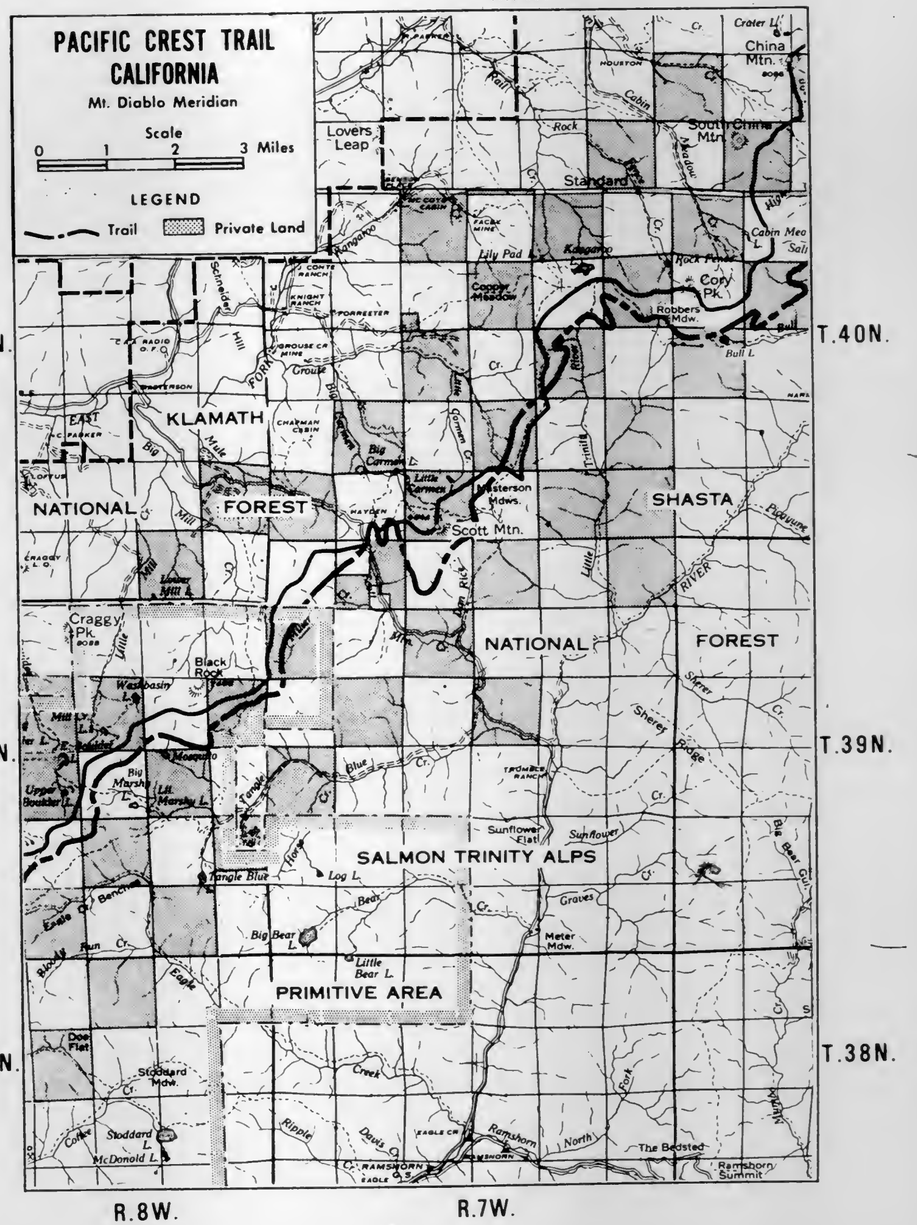
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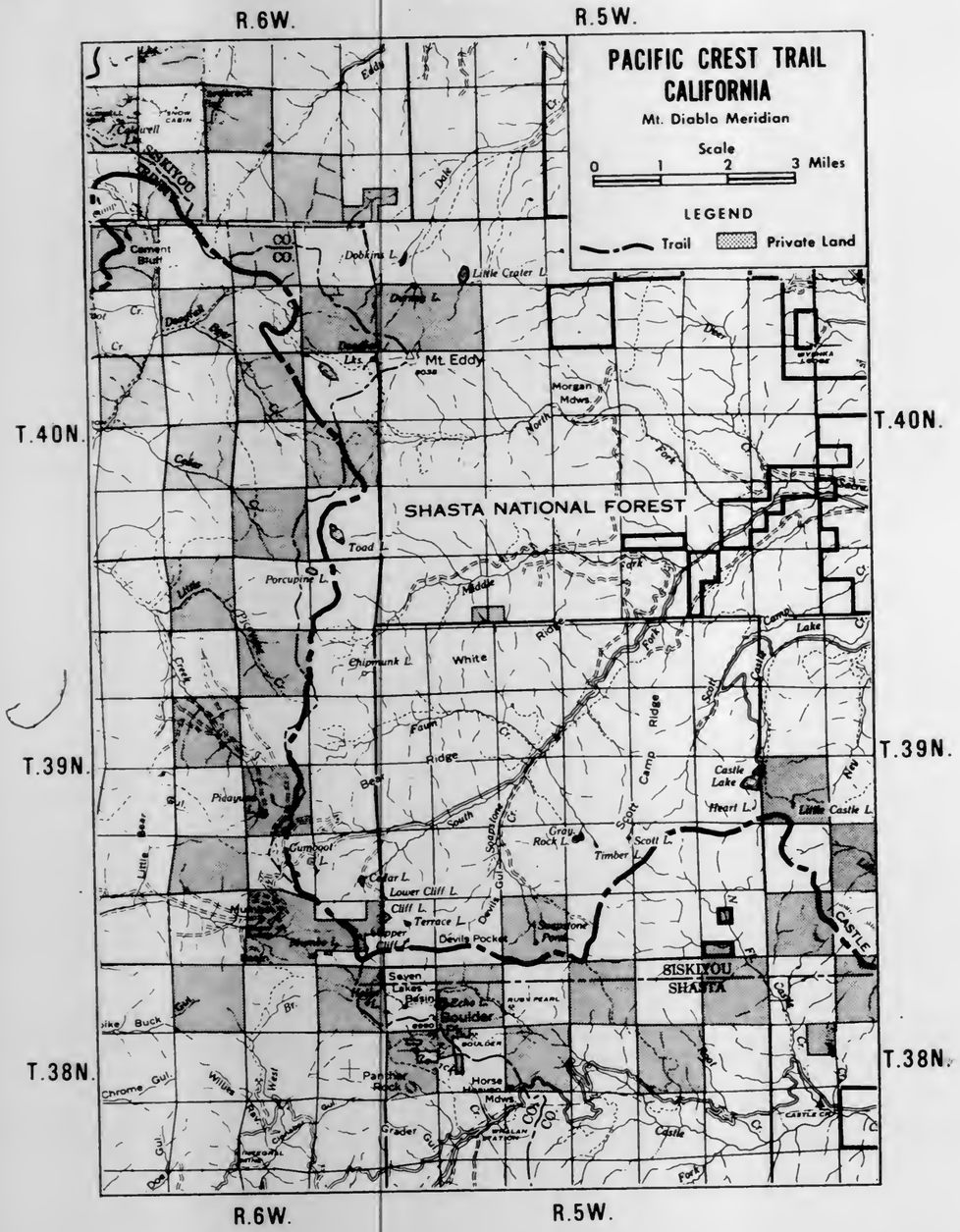


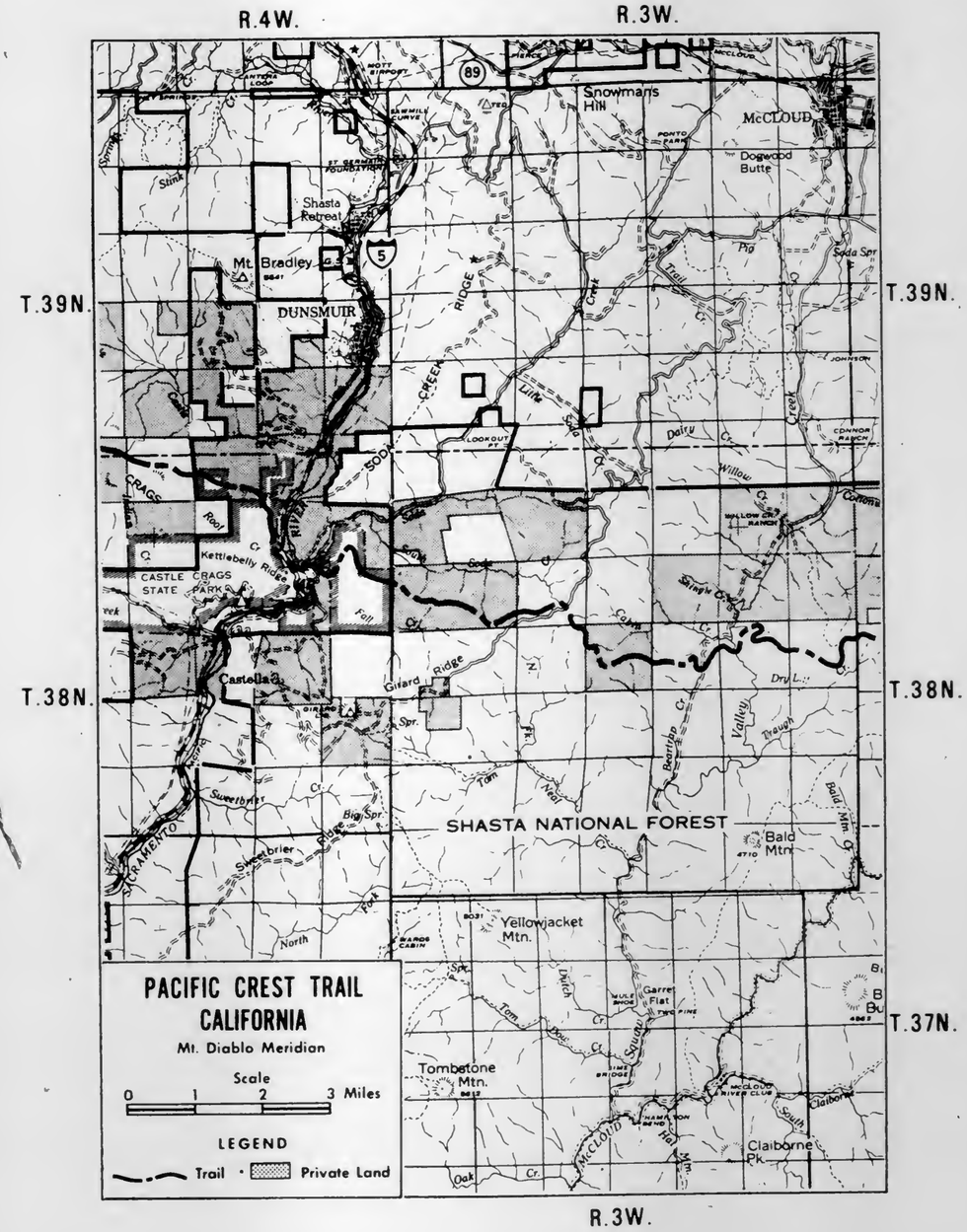
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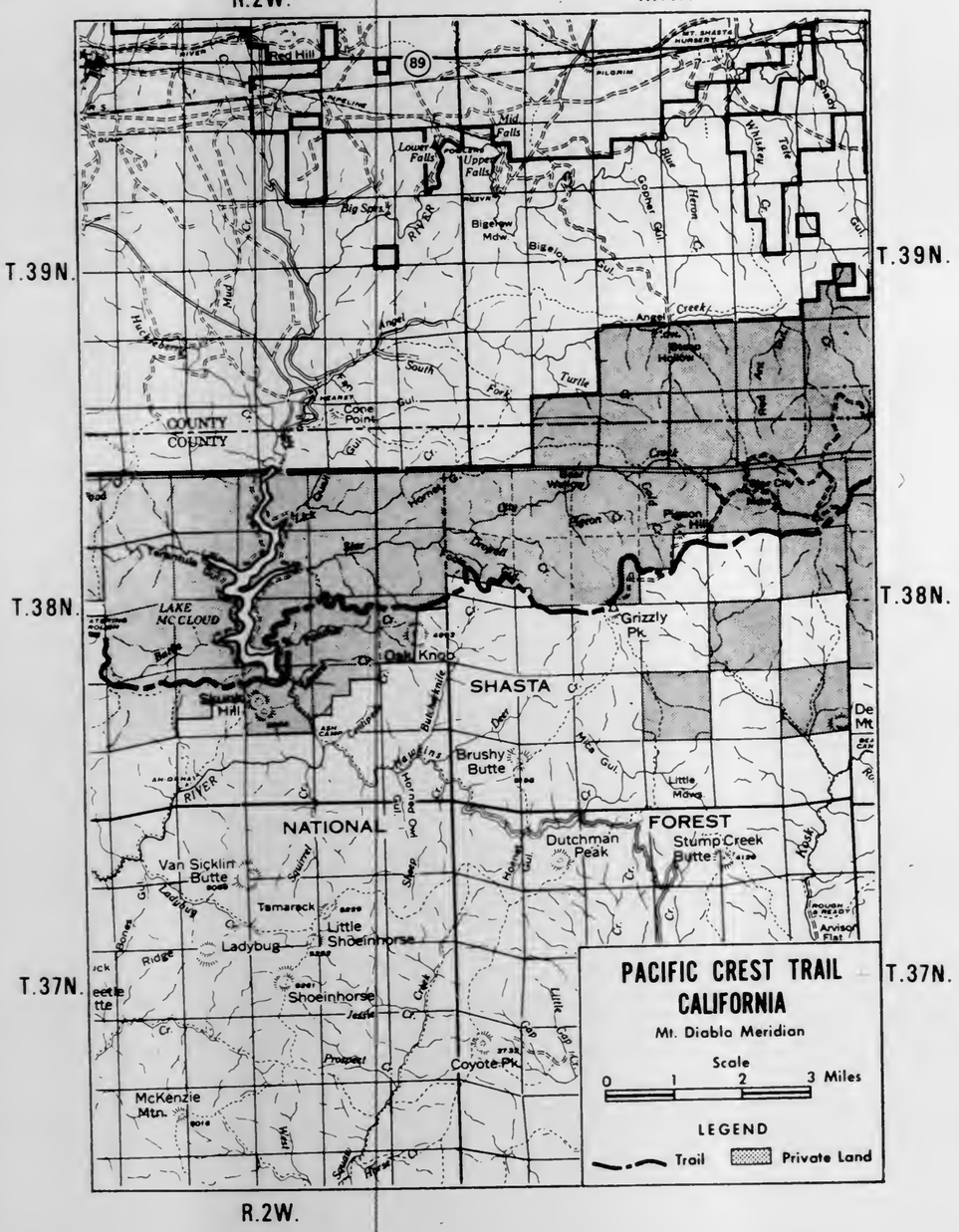


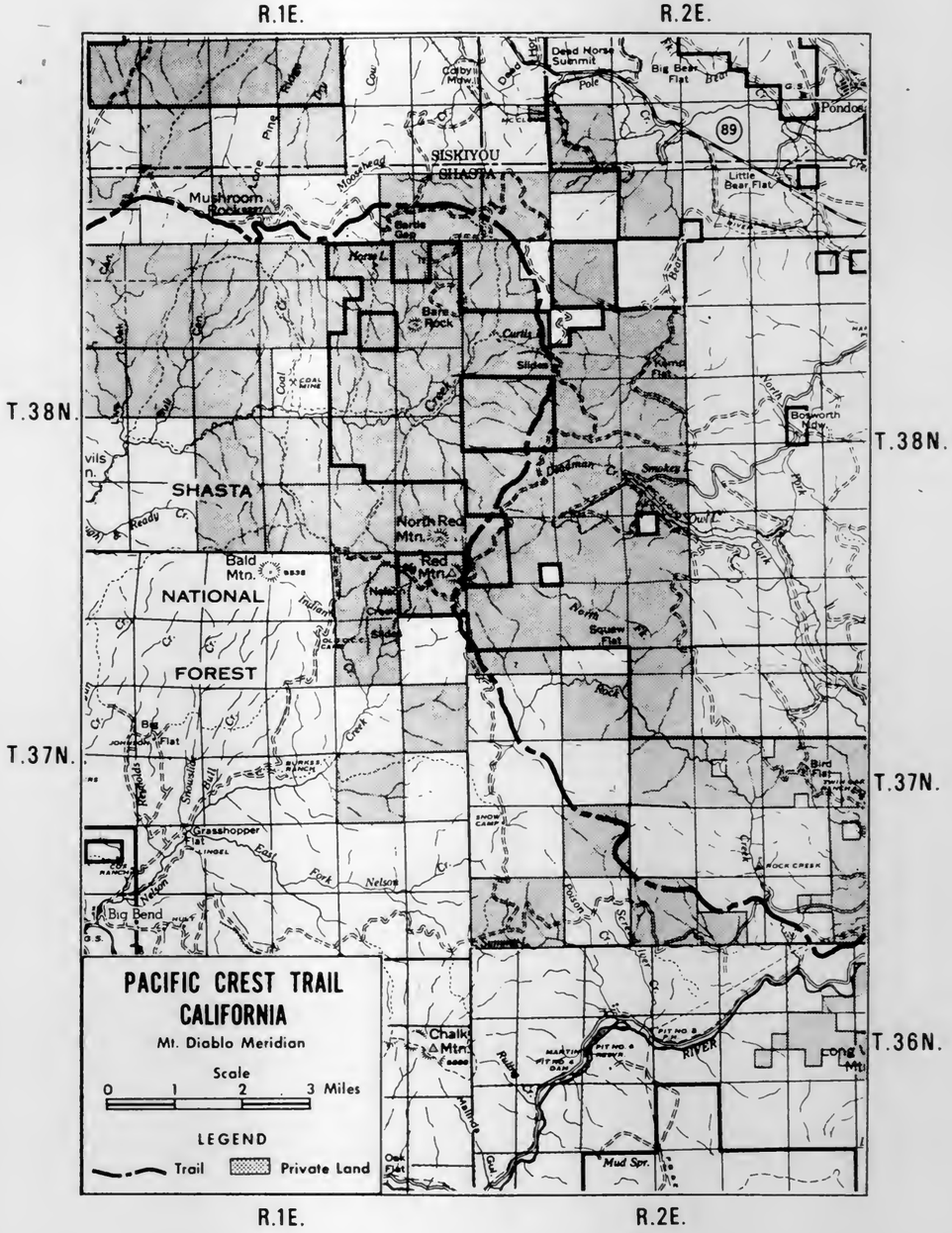
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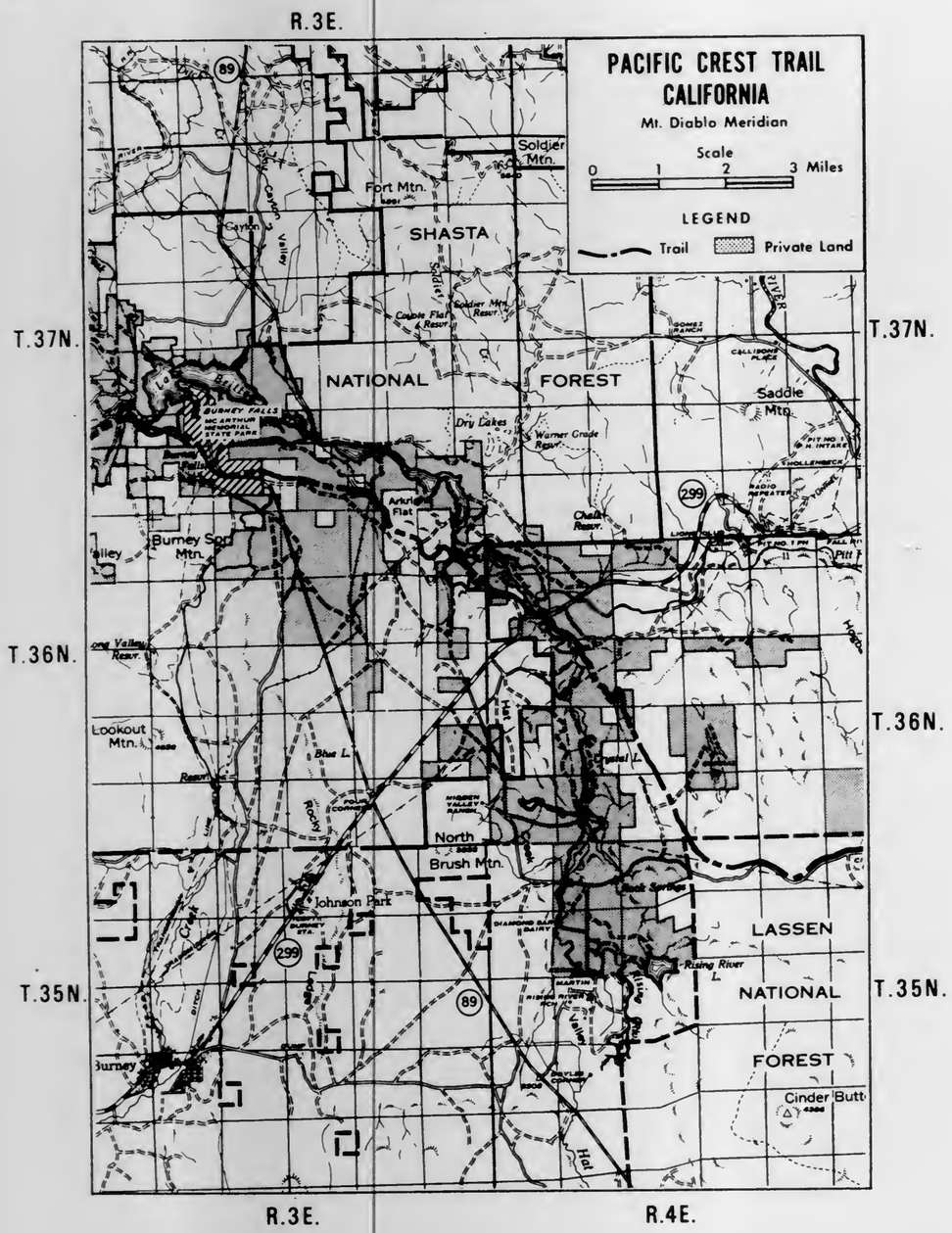


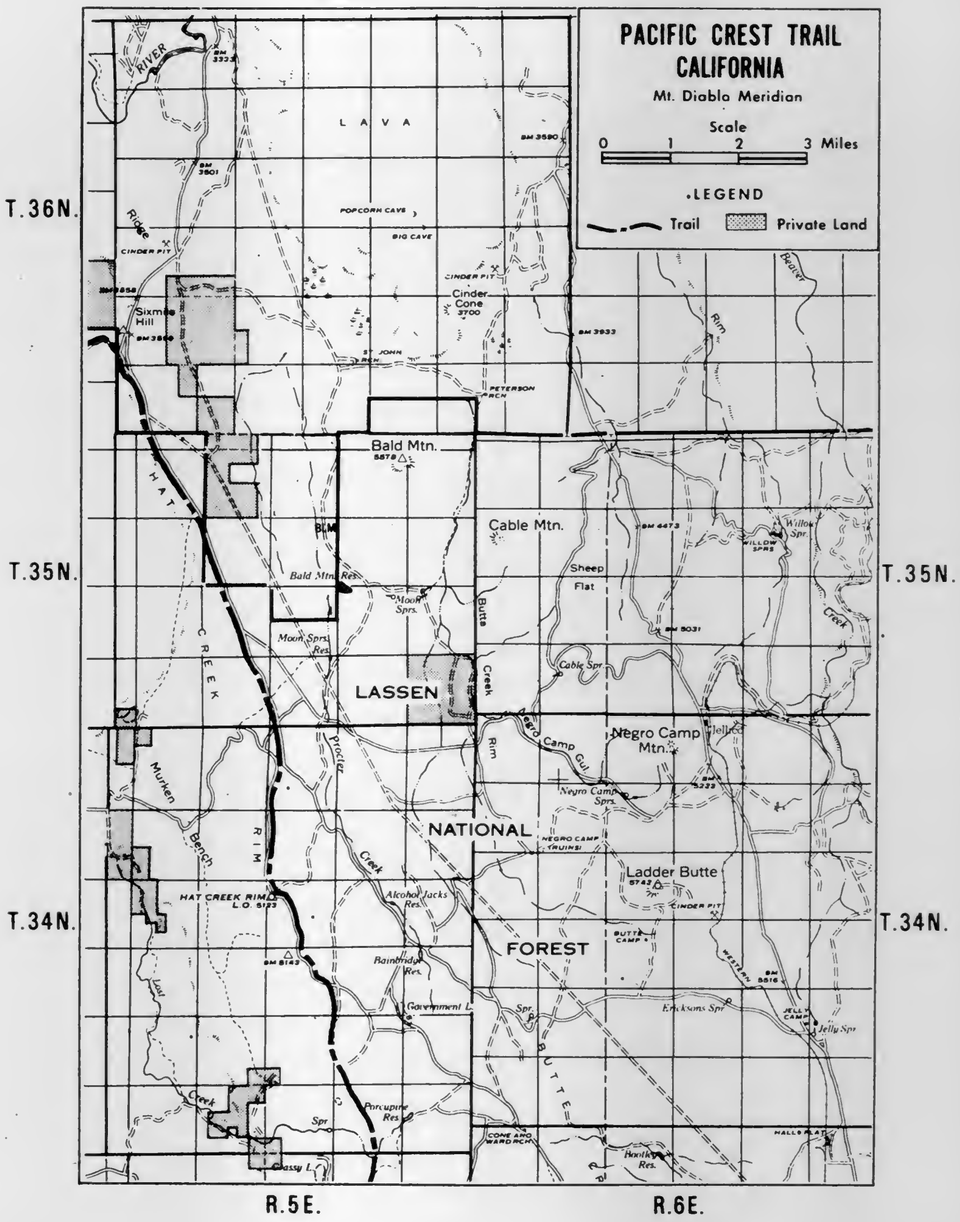
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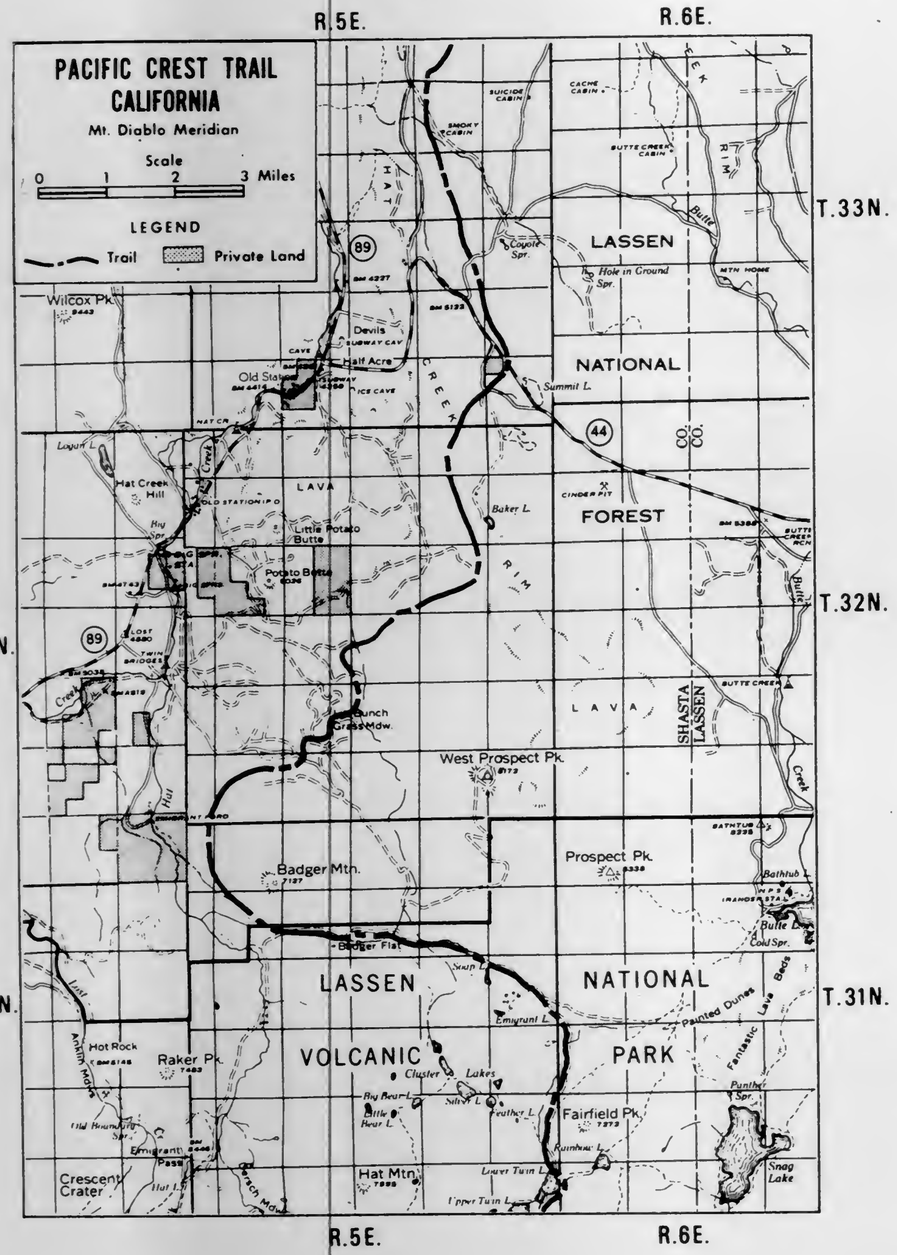


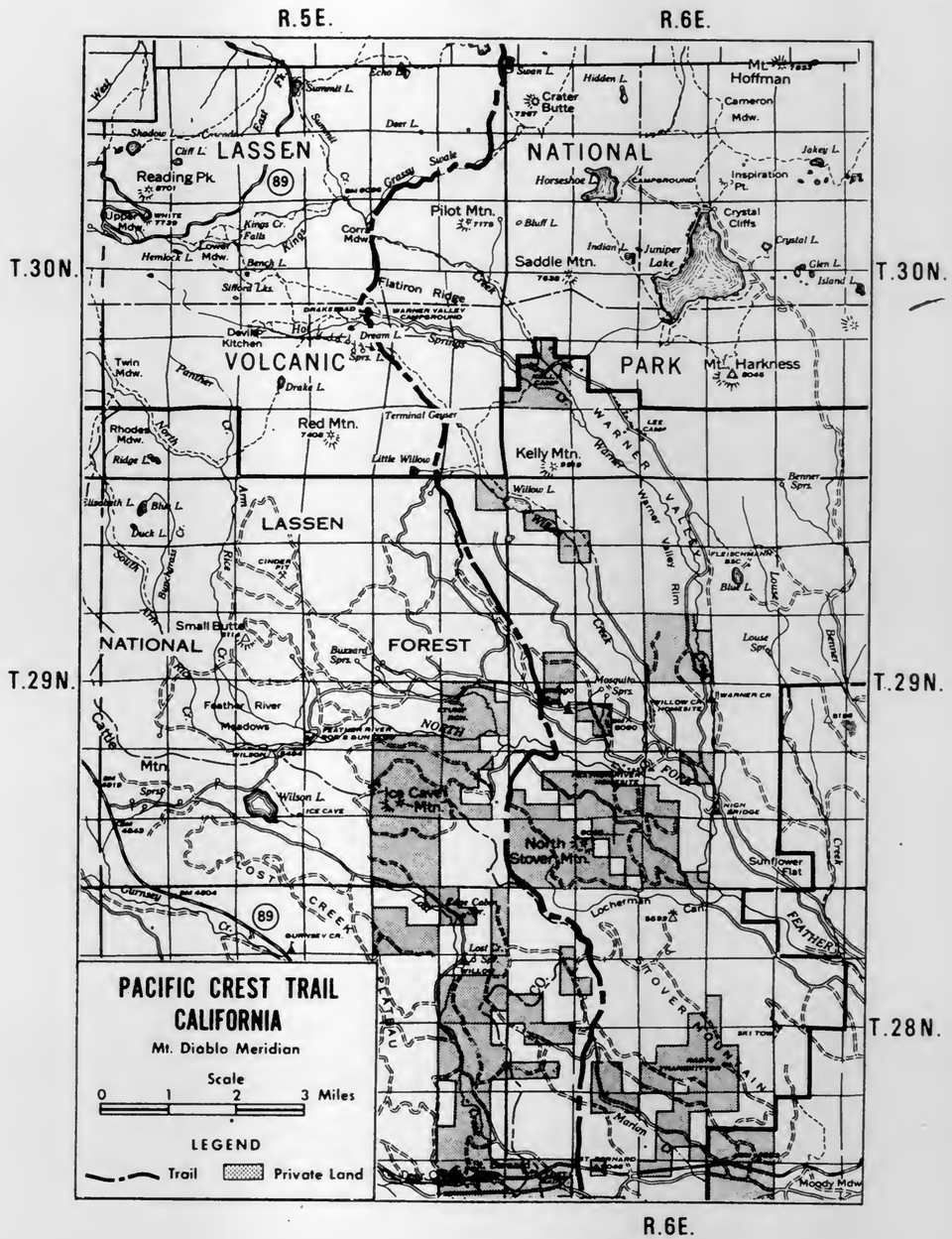
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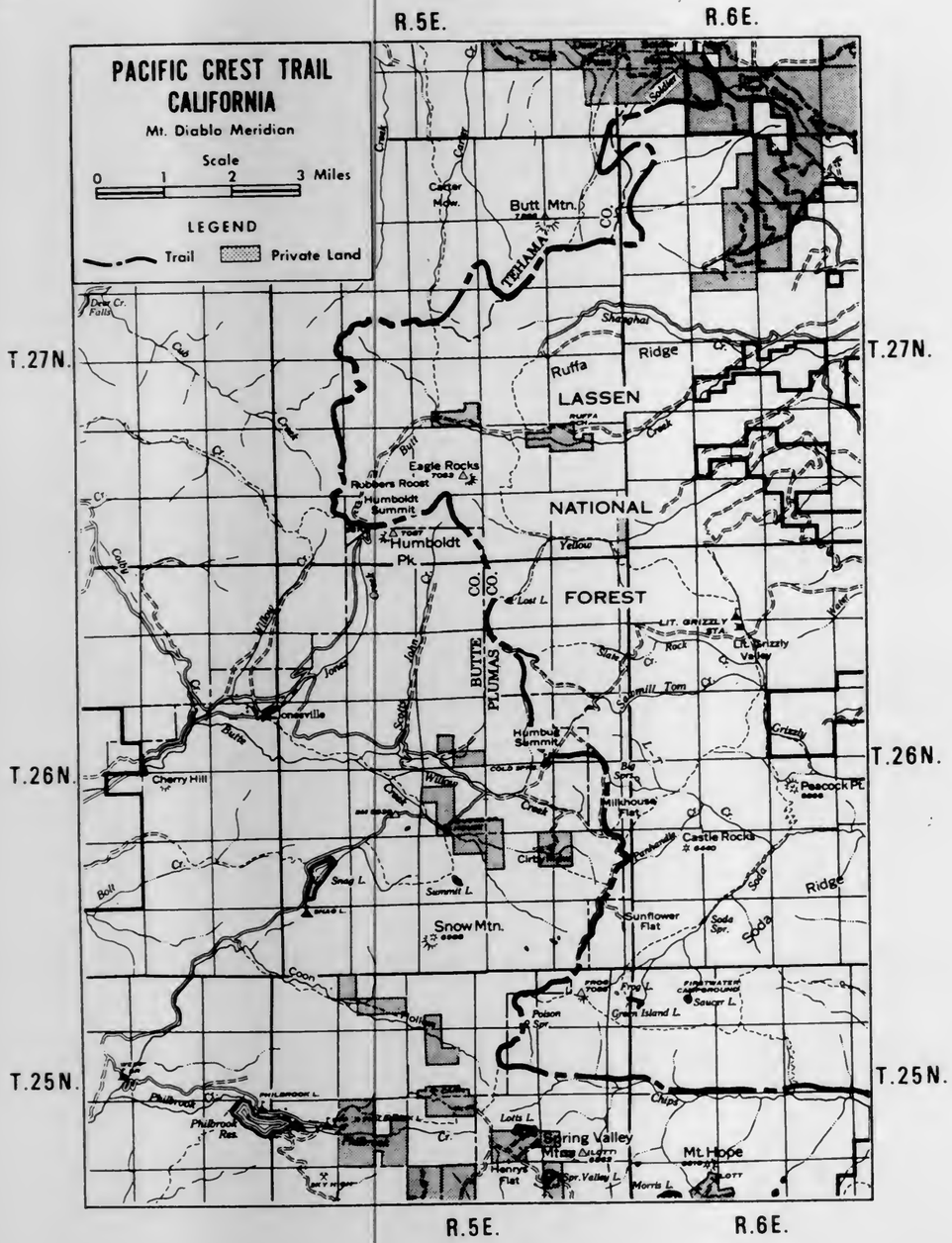


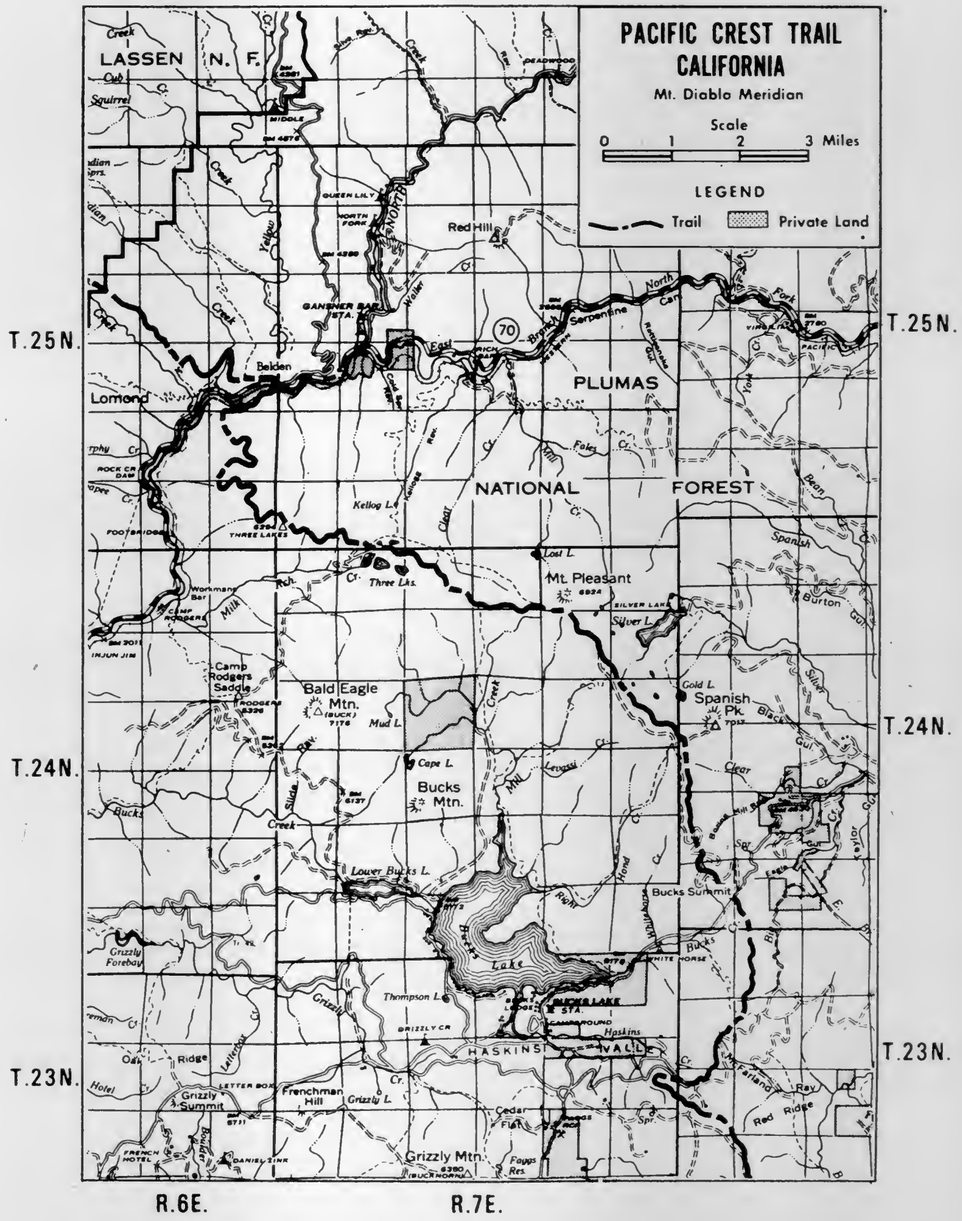
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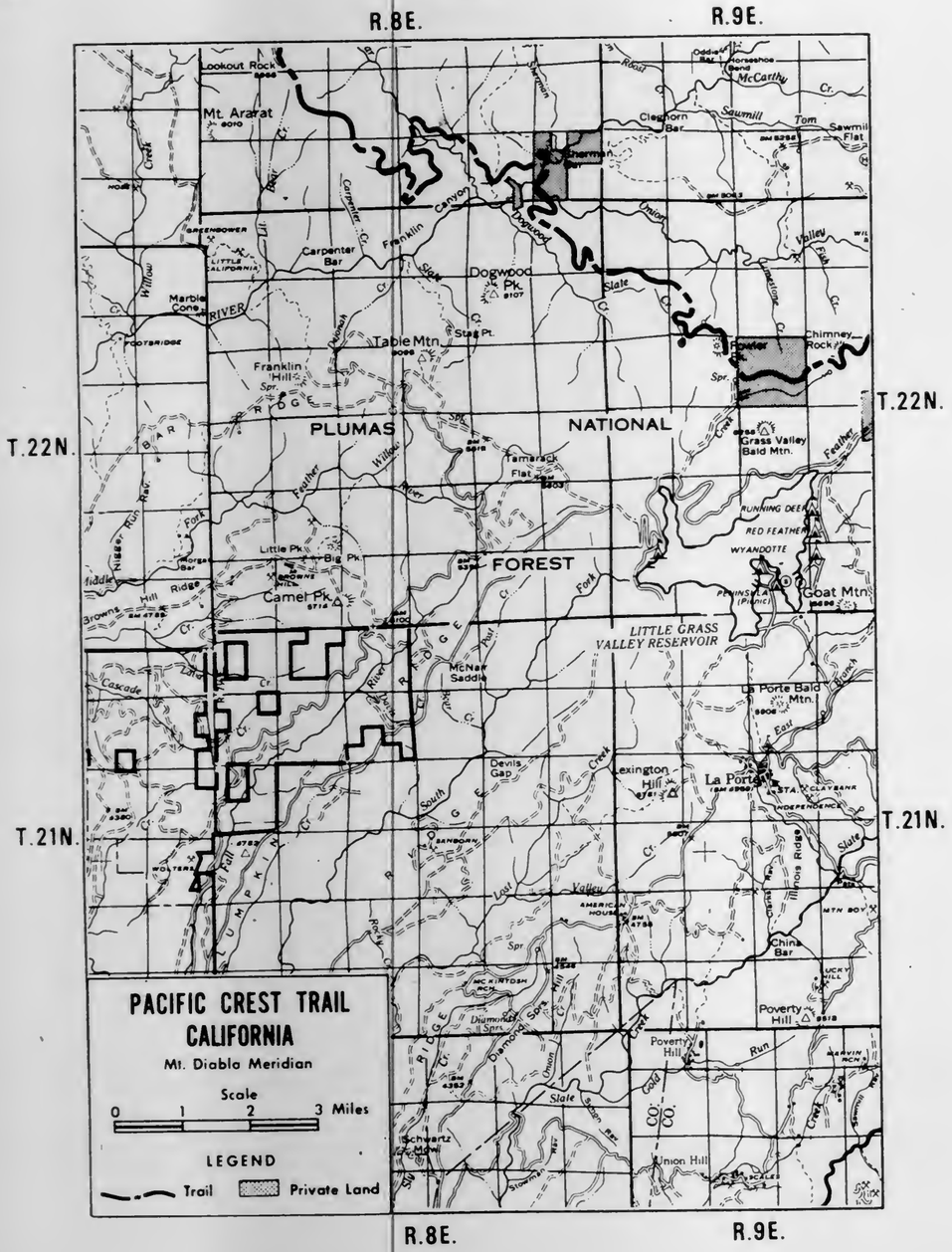


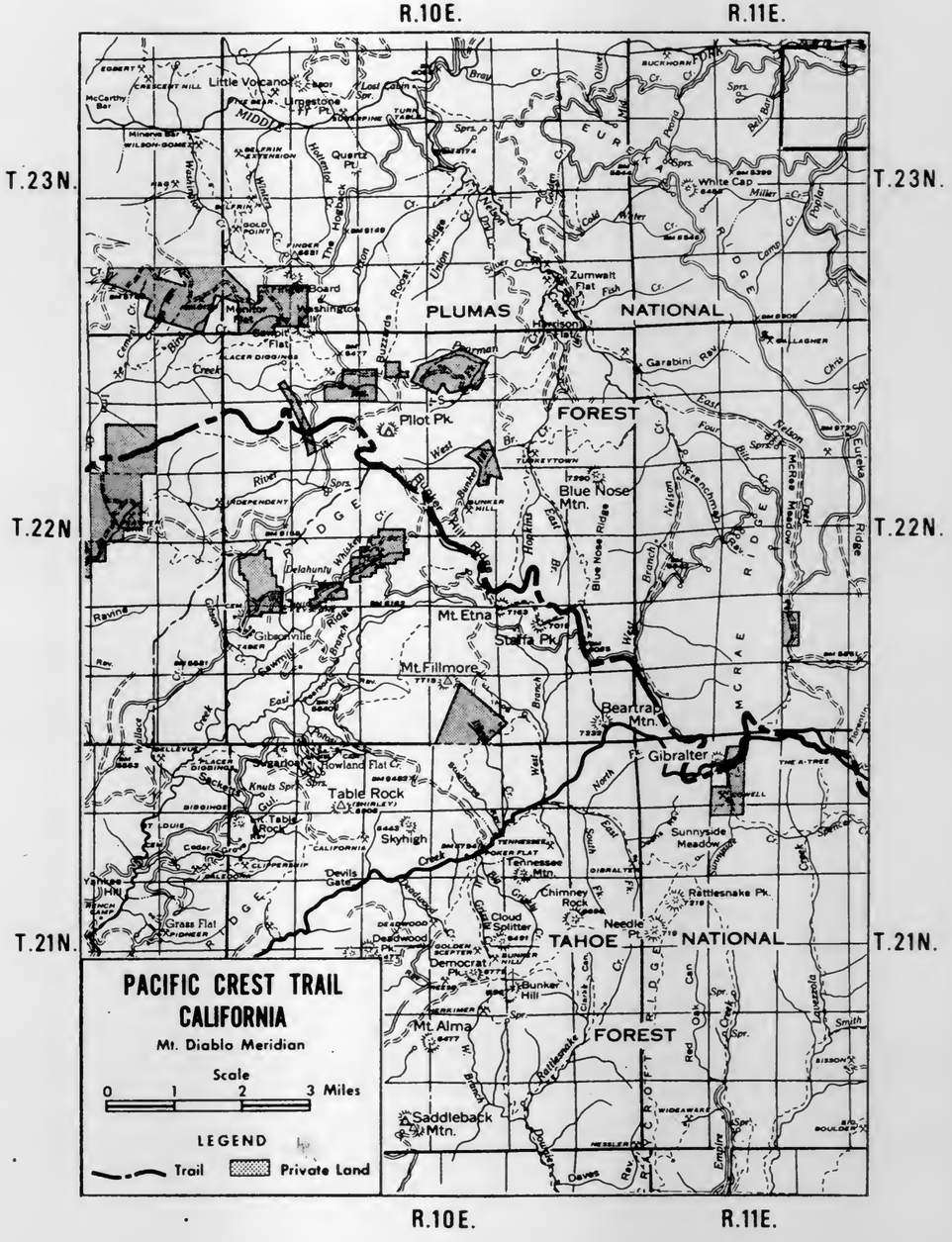
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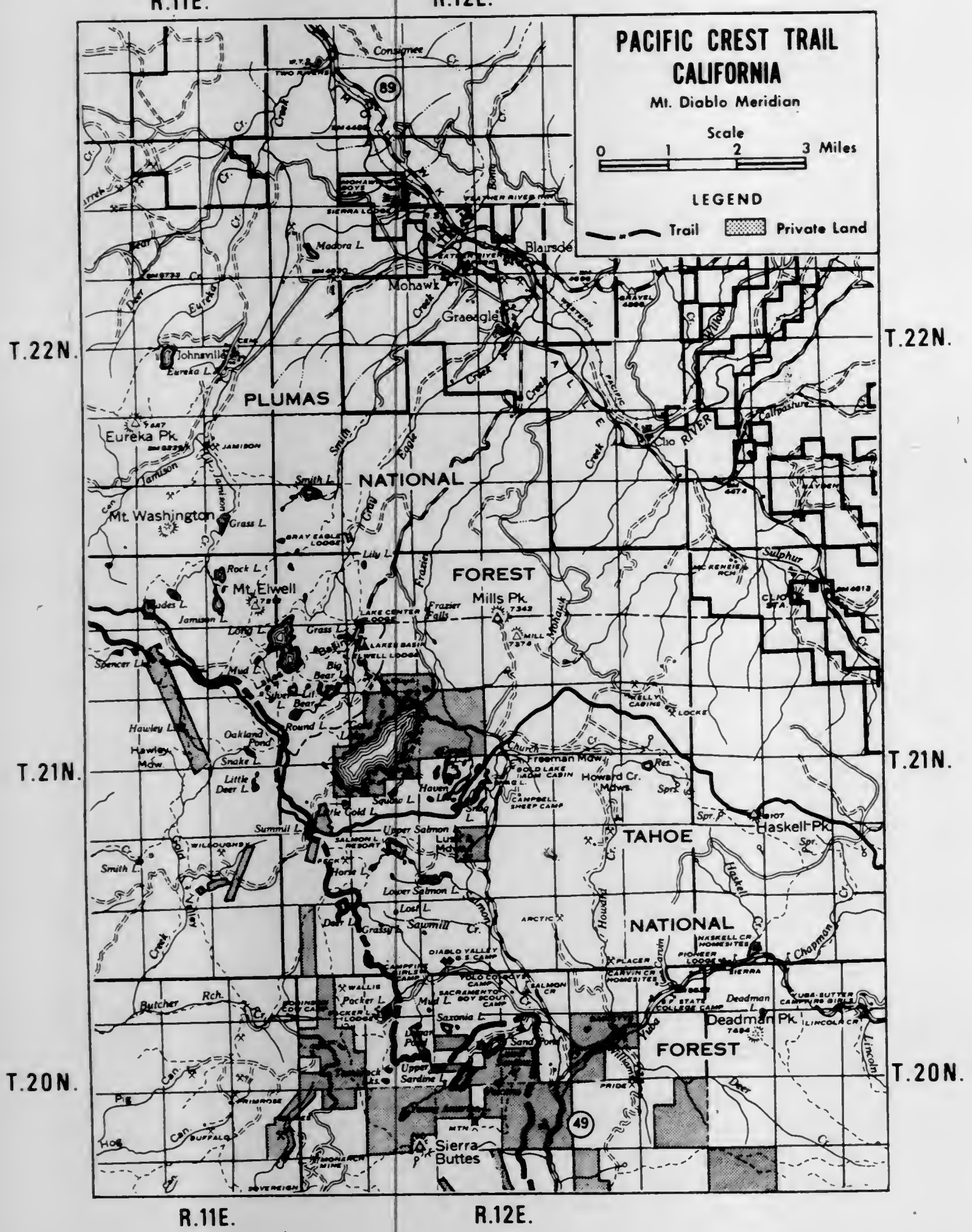


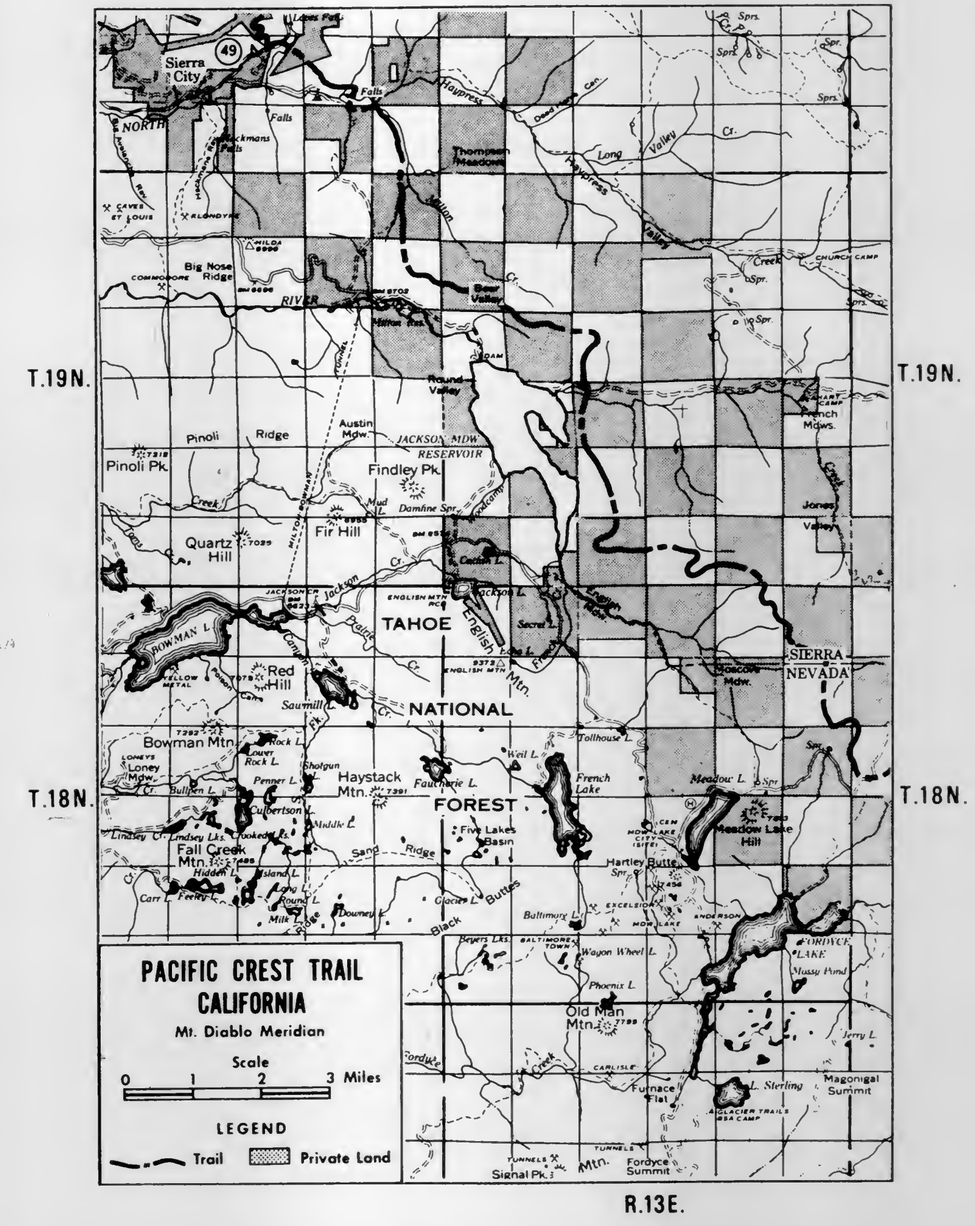
V 38 - 19 JAN 30 73 XUM





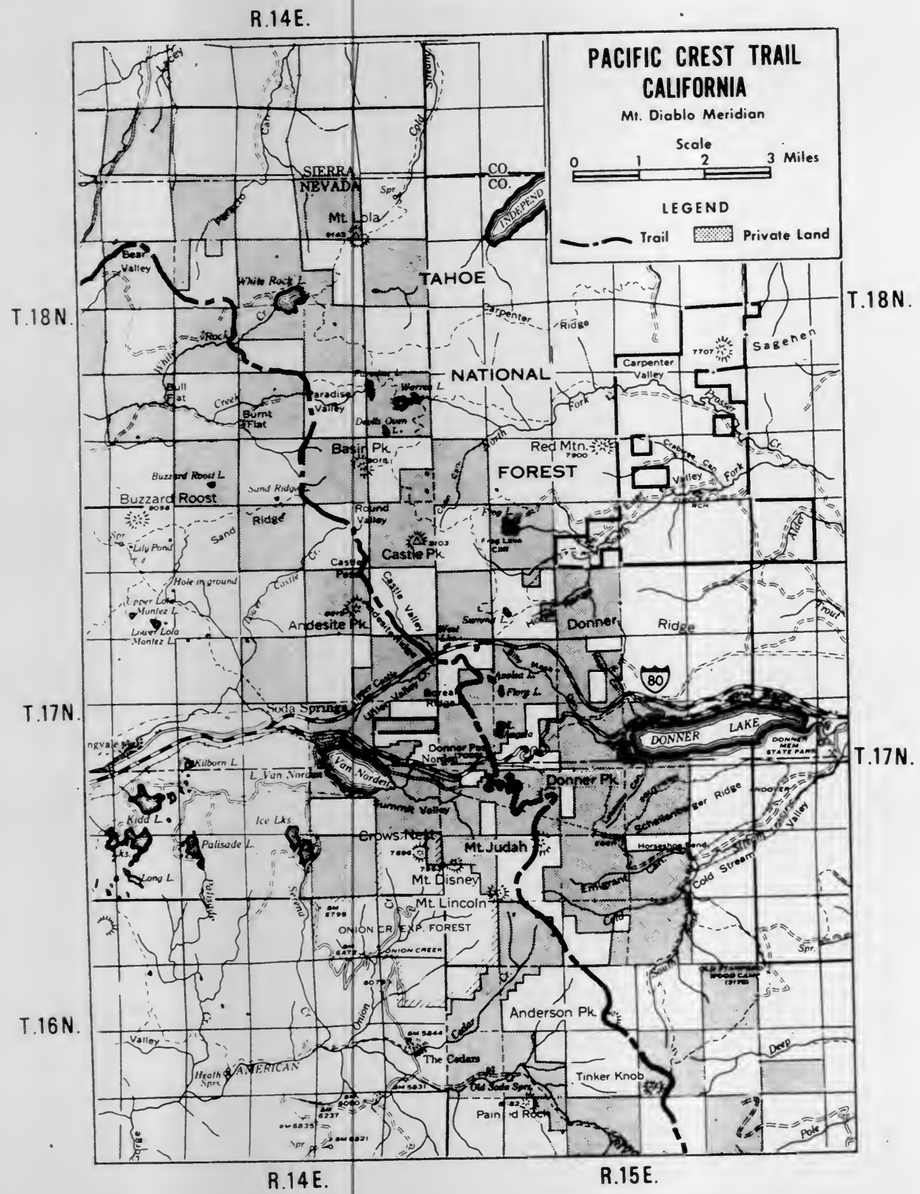
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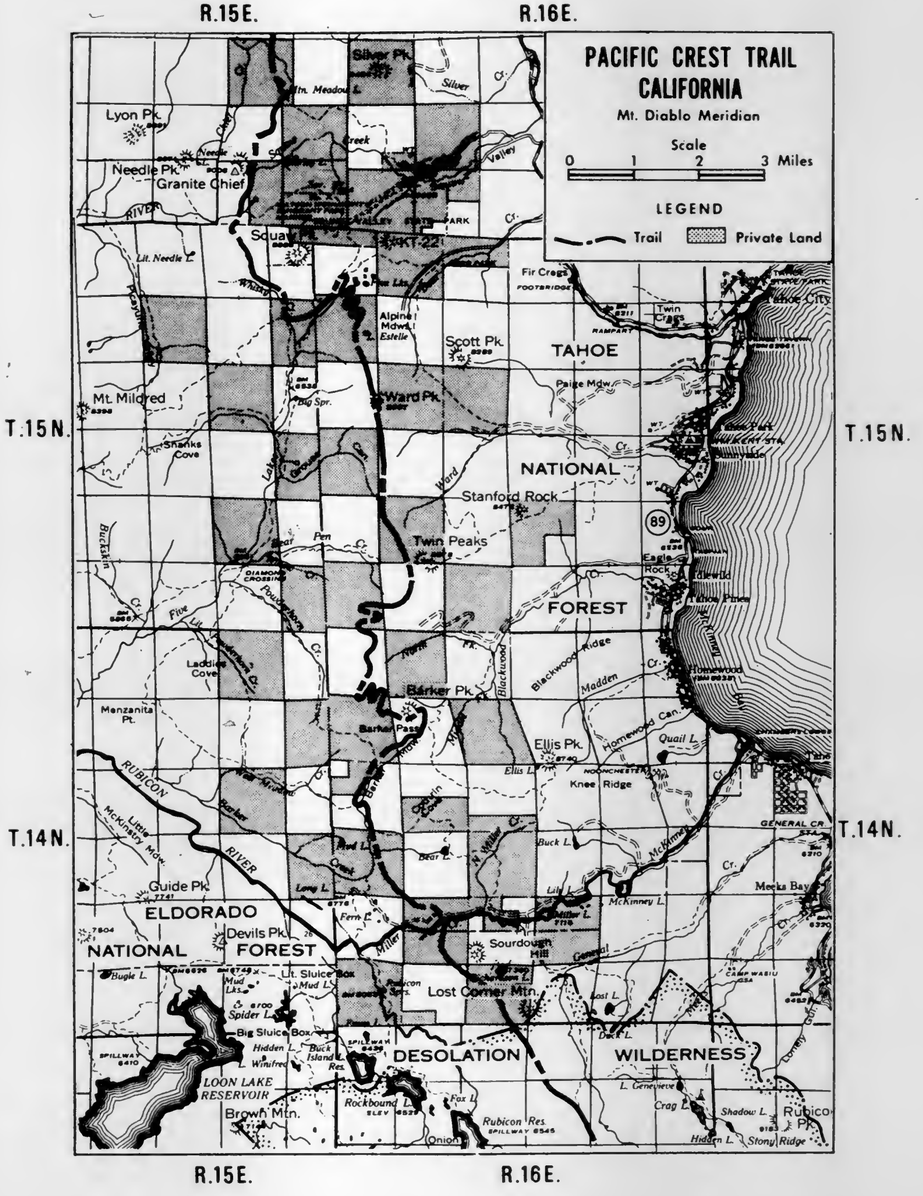




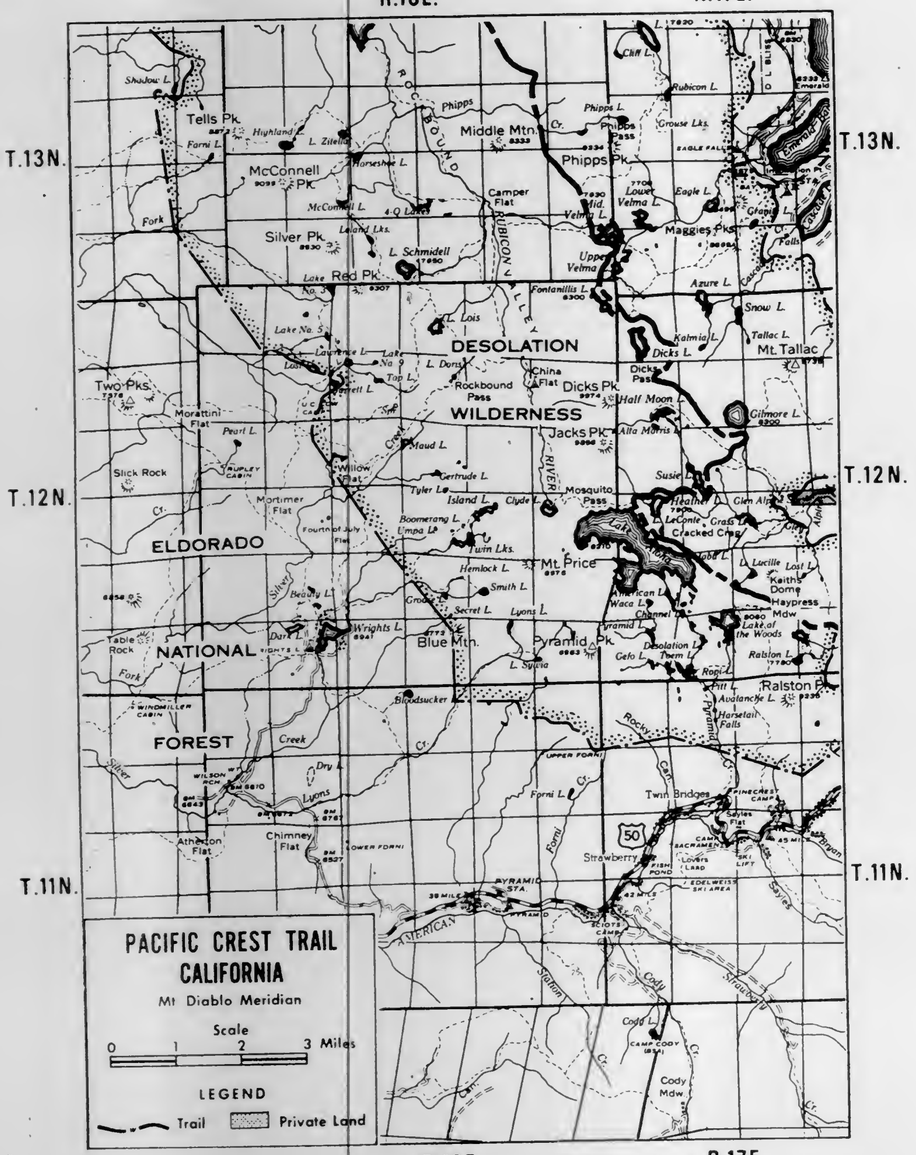
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Mt. Diablo Meridian
Scale
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Trail
Private Land

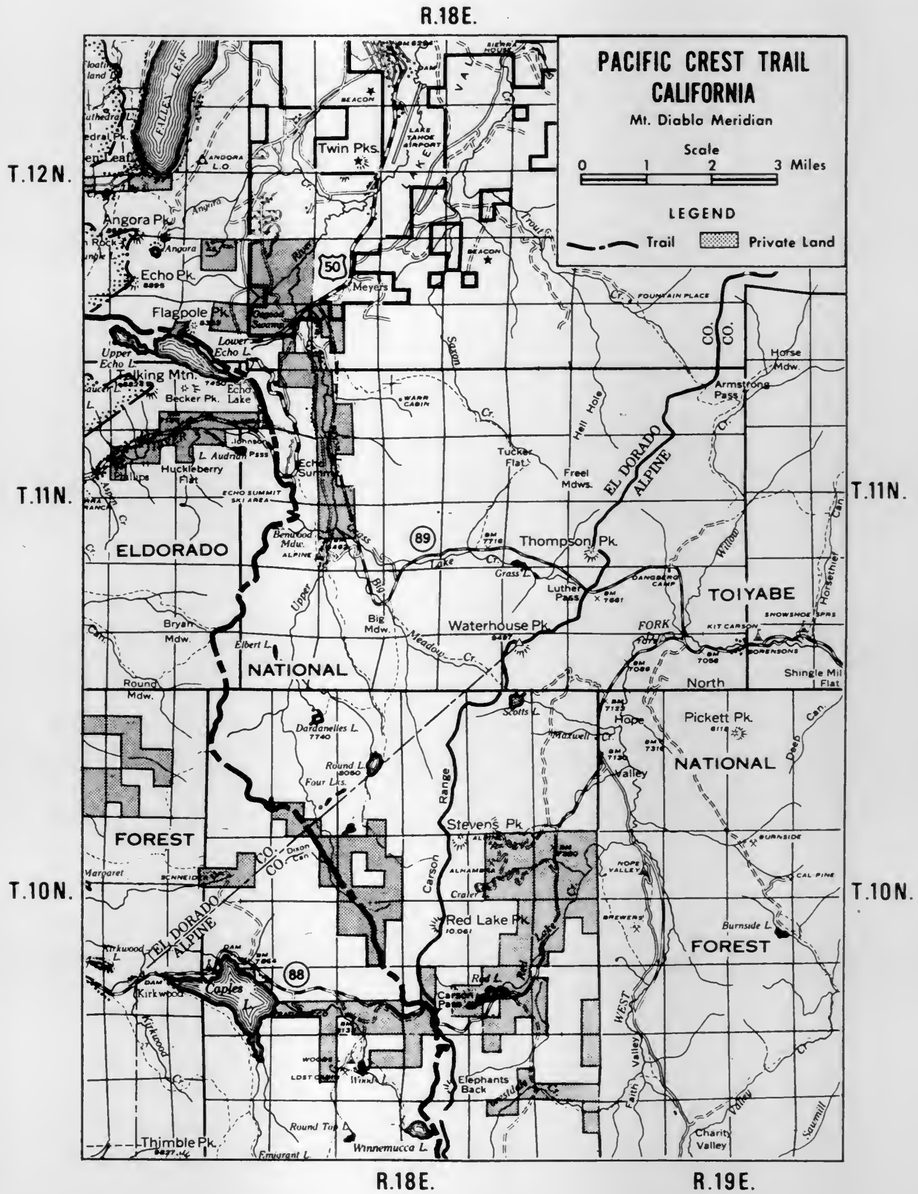
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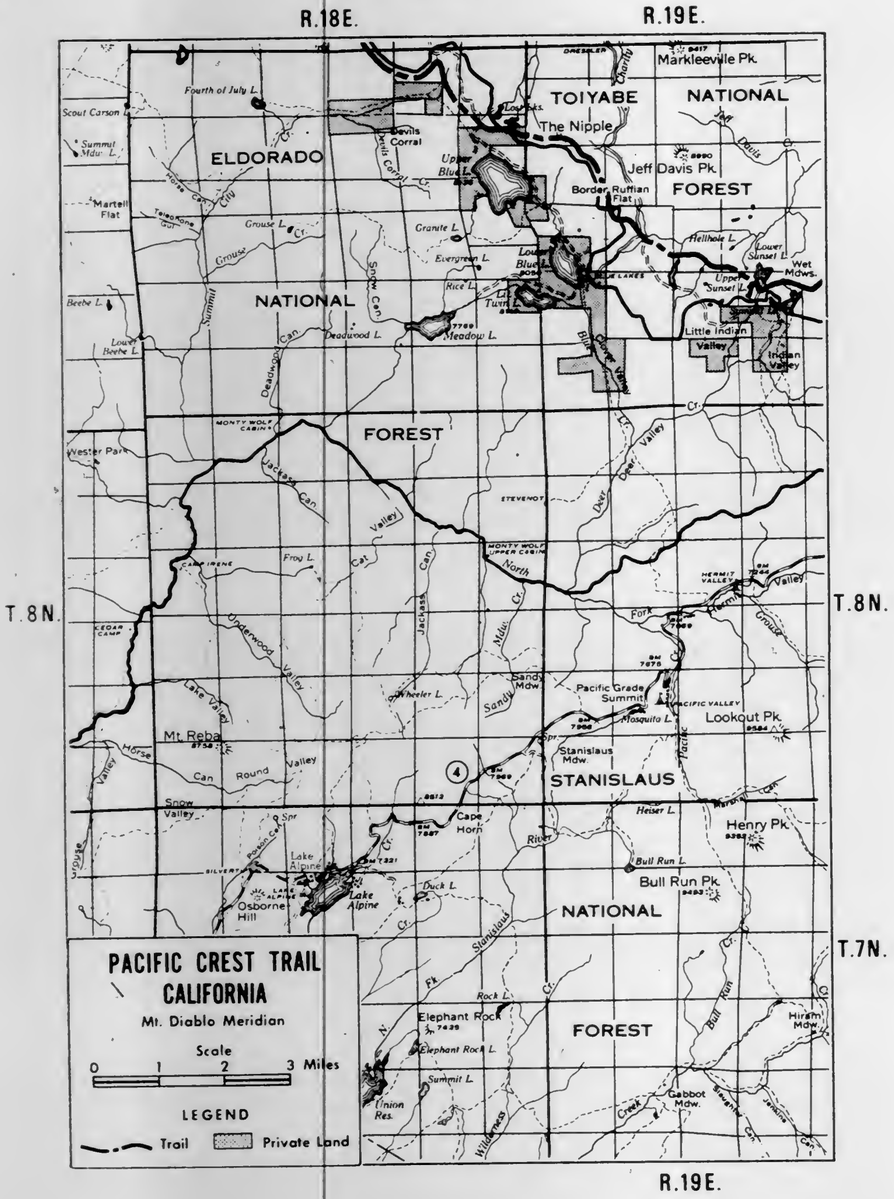


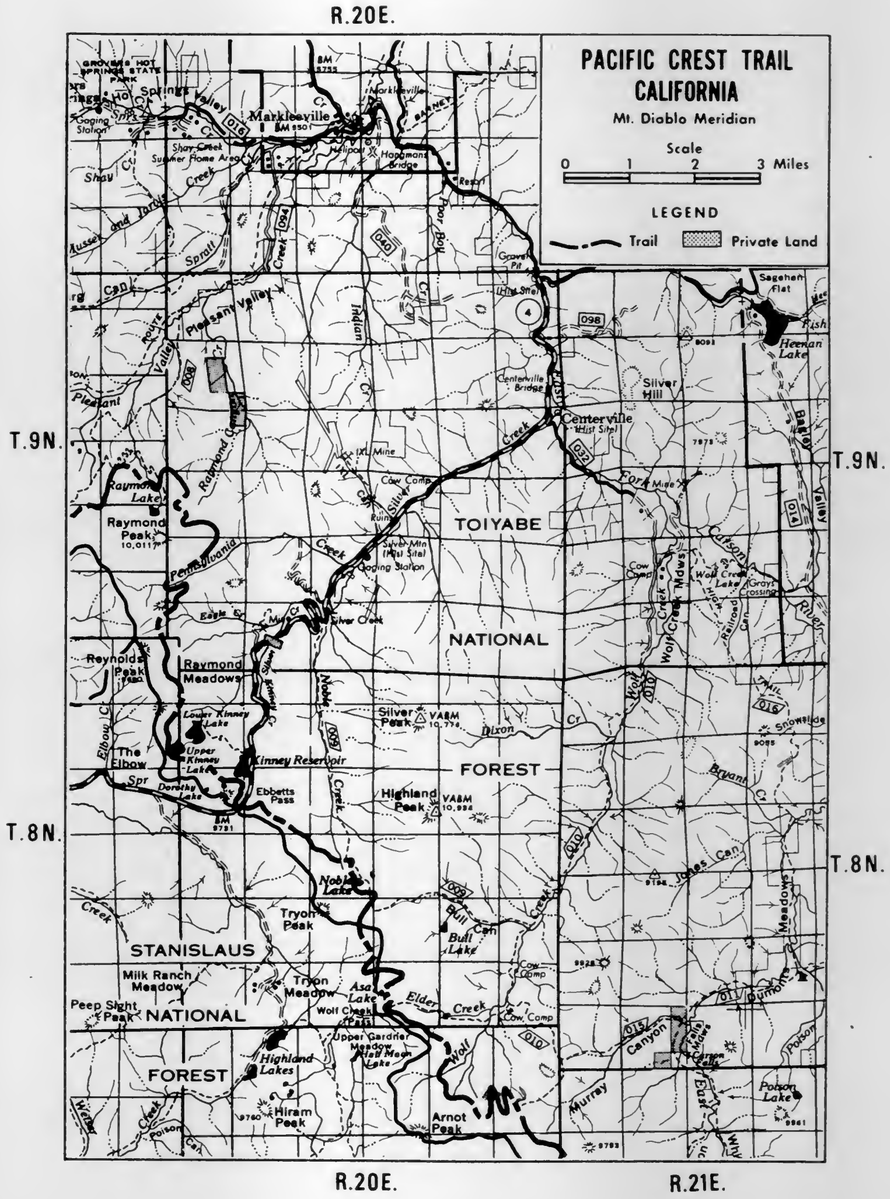
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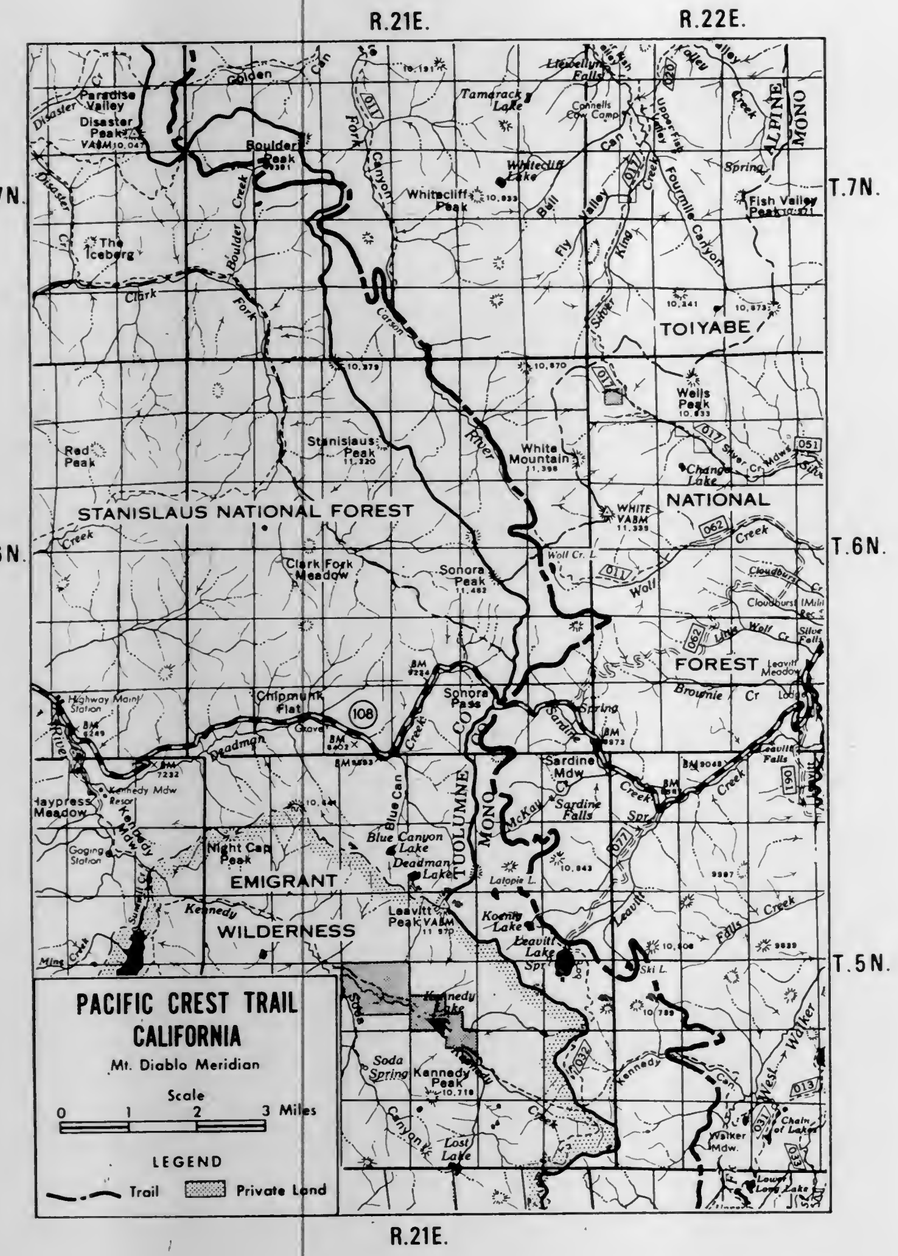


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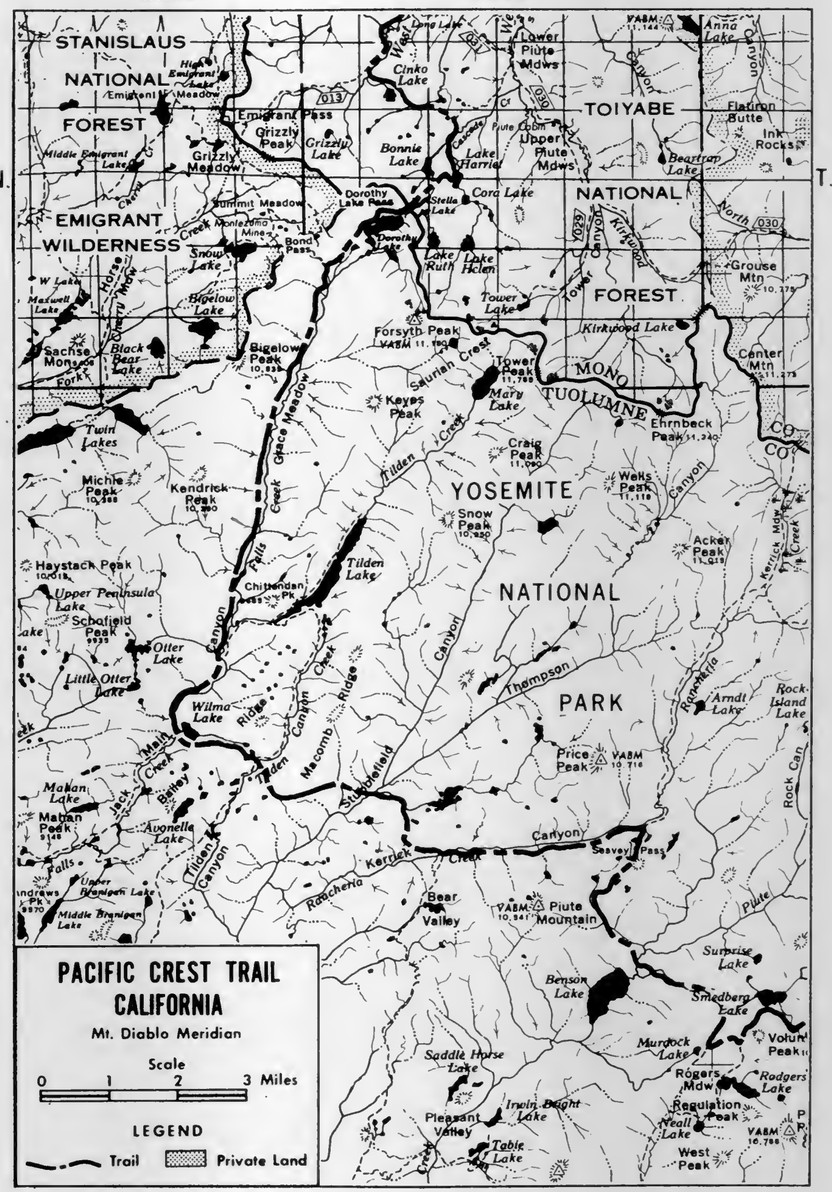




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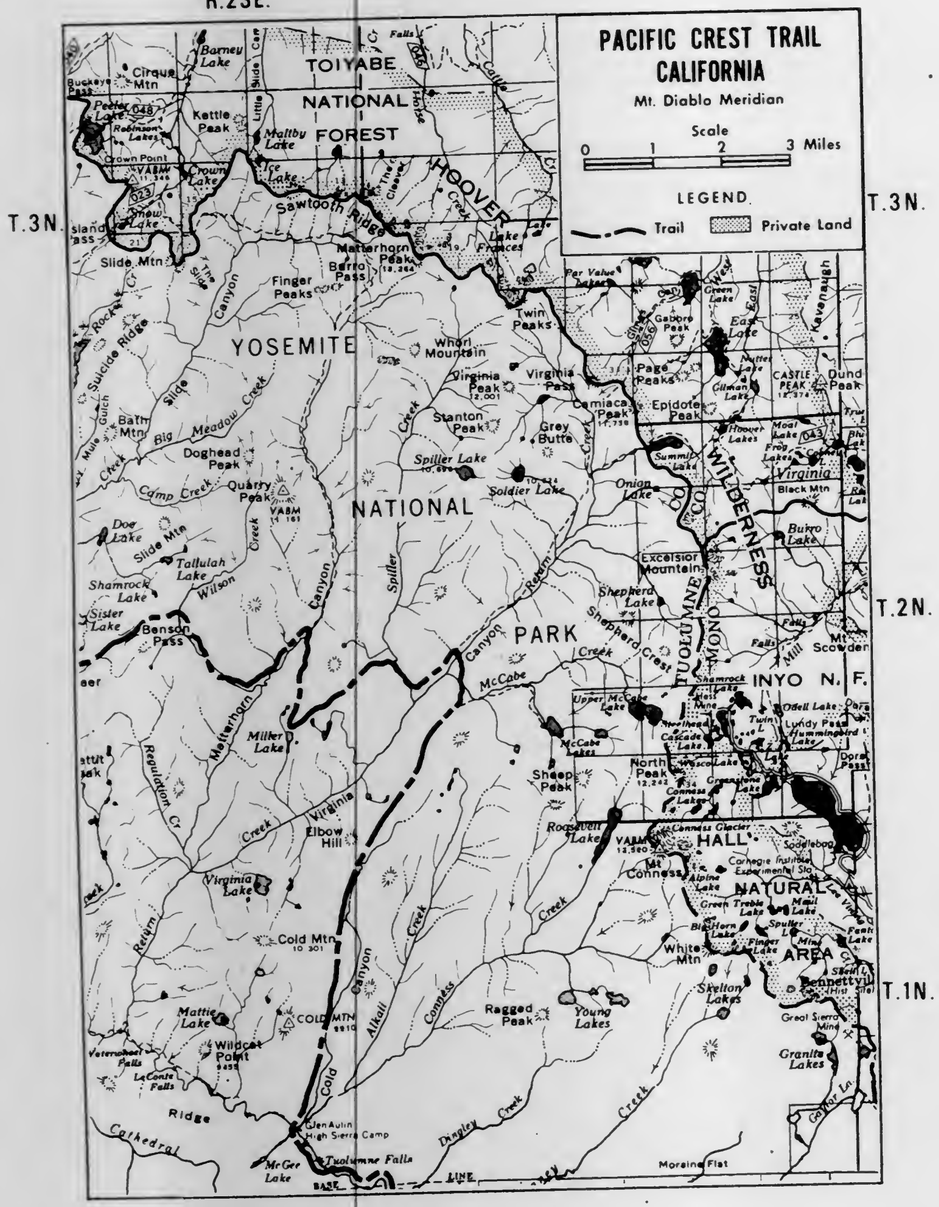


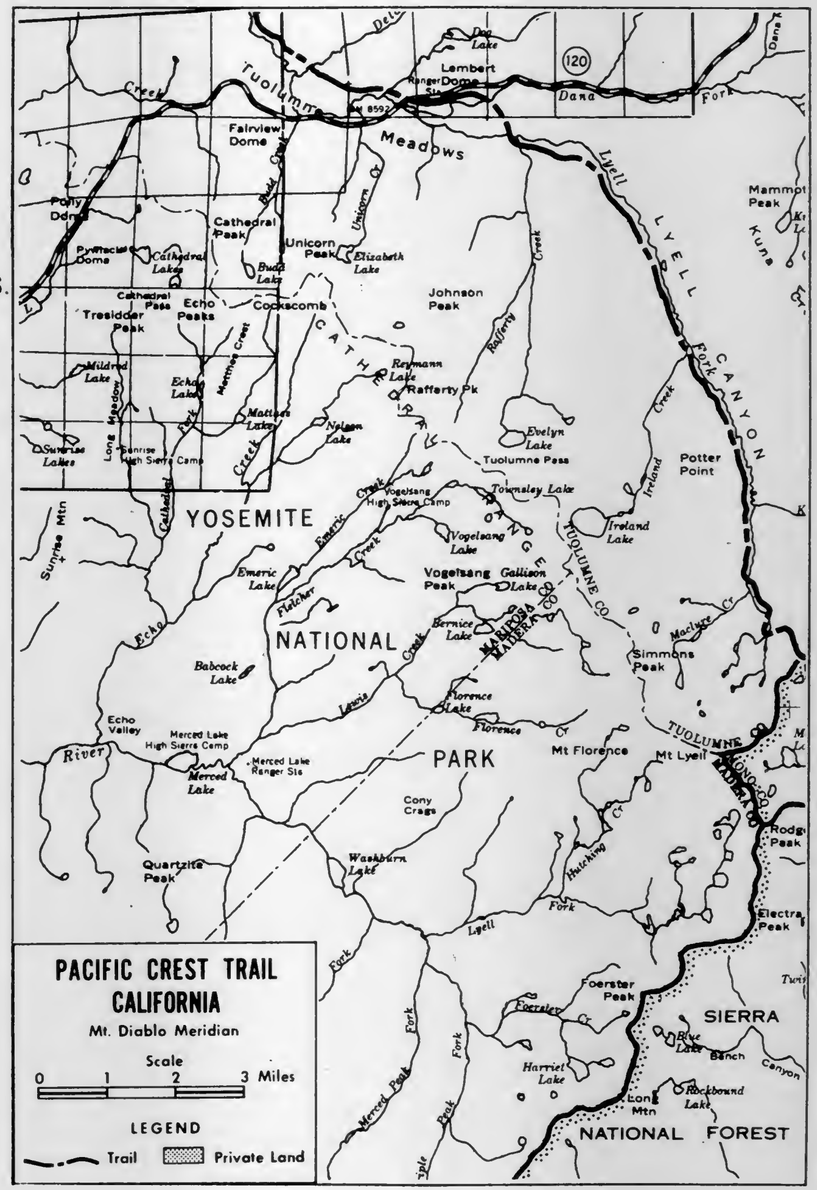
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Mt. Diablo Meridian
Scale
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LEGEND
Trail
Private Land



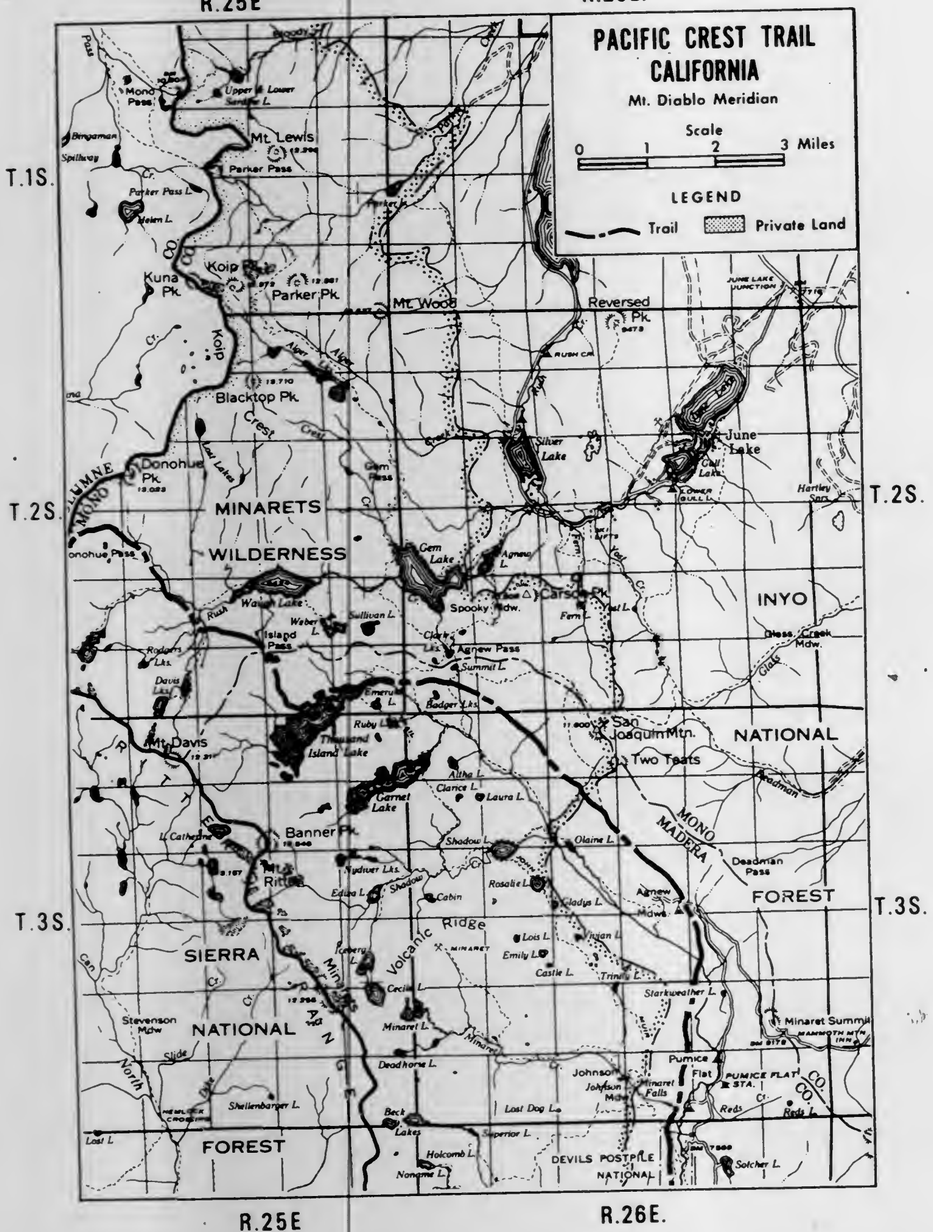
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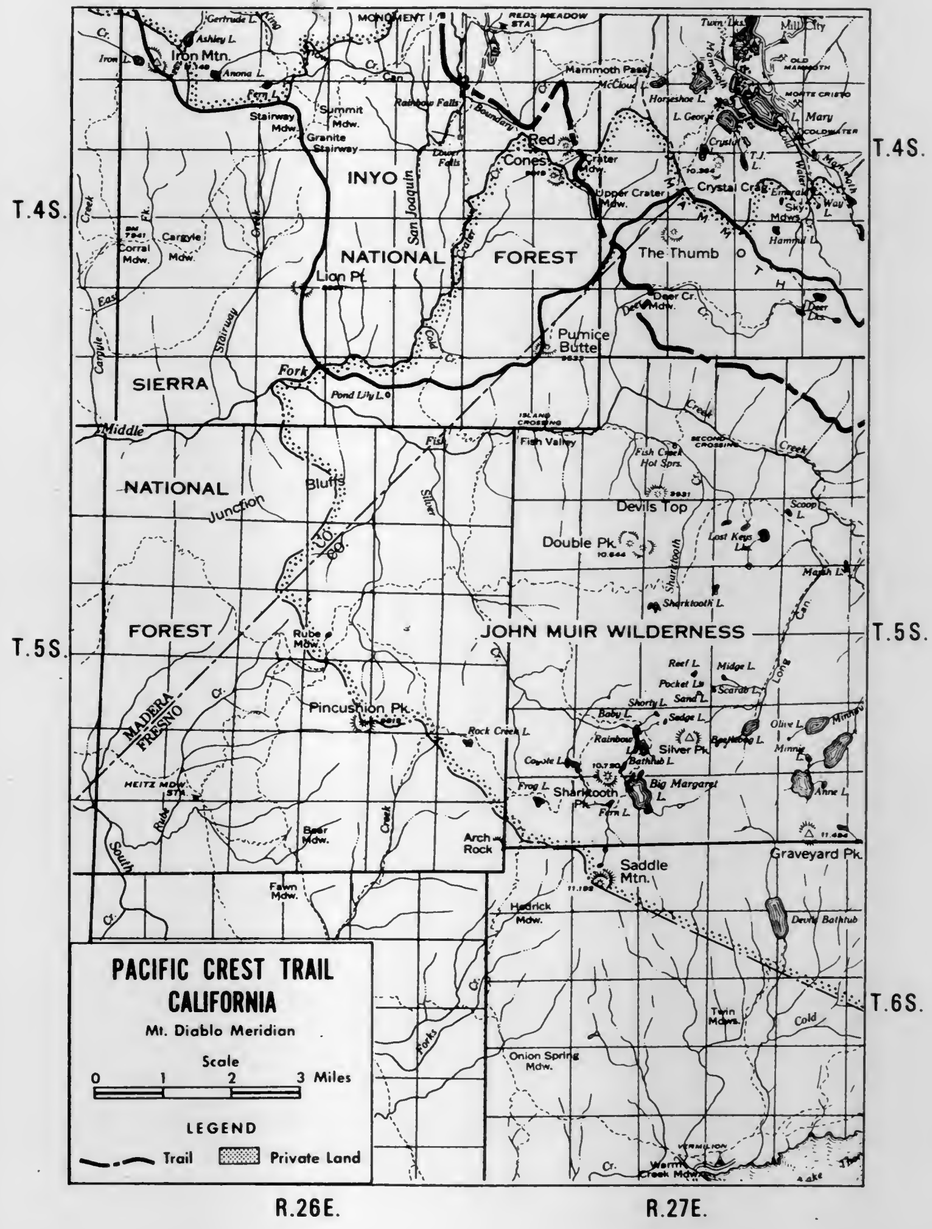
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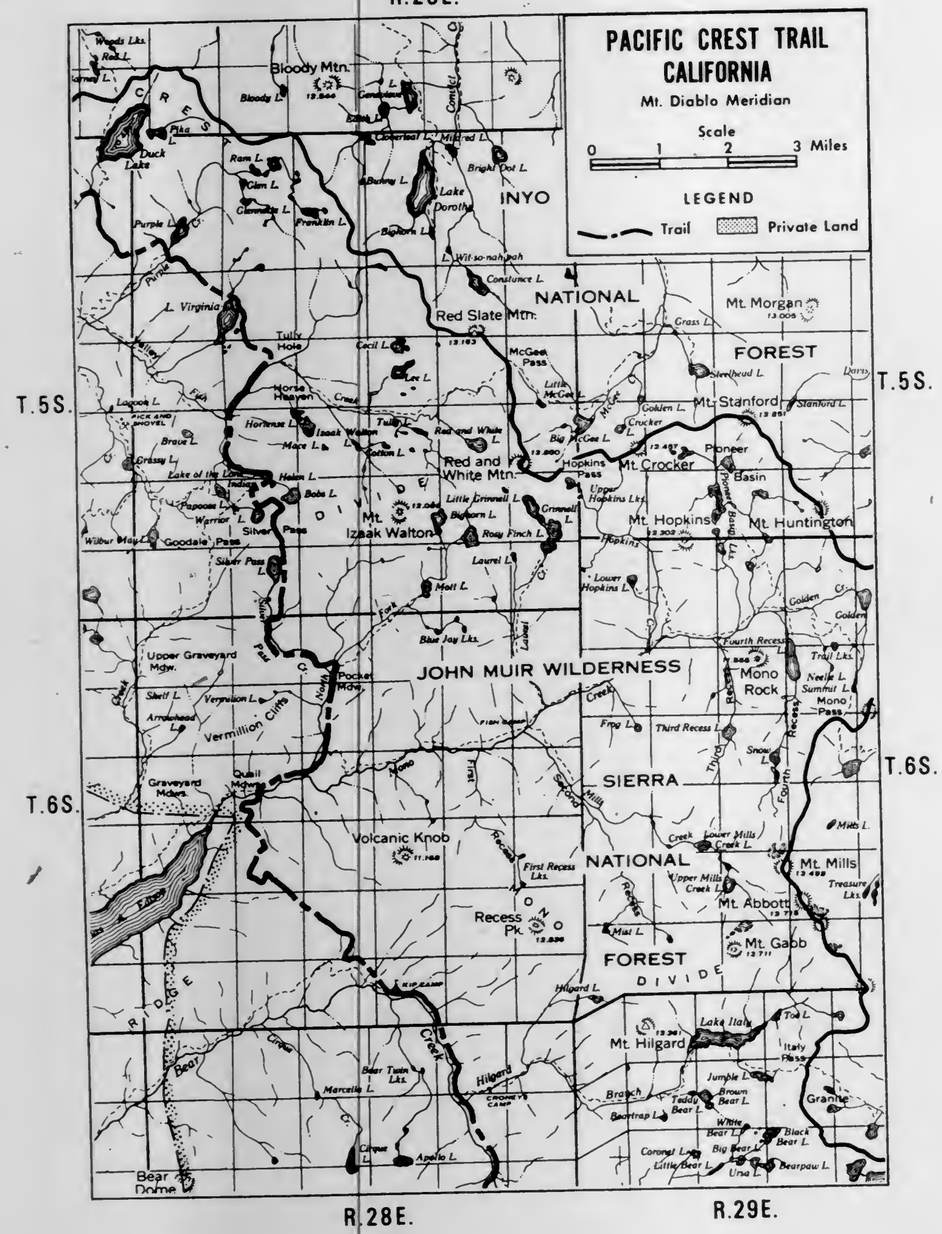


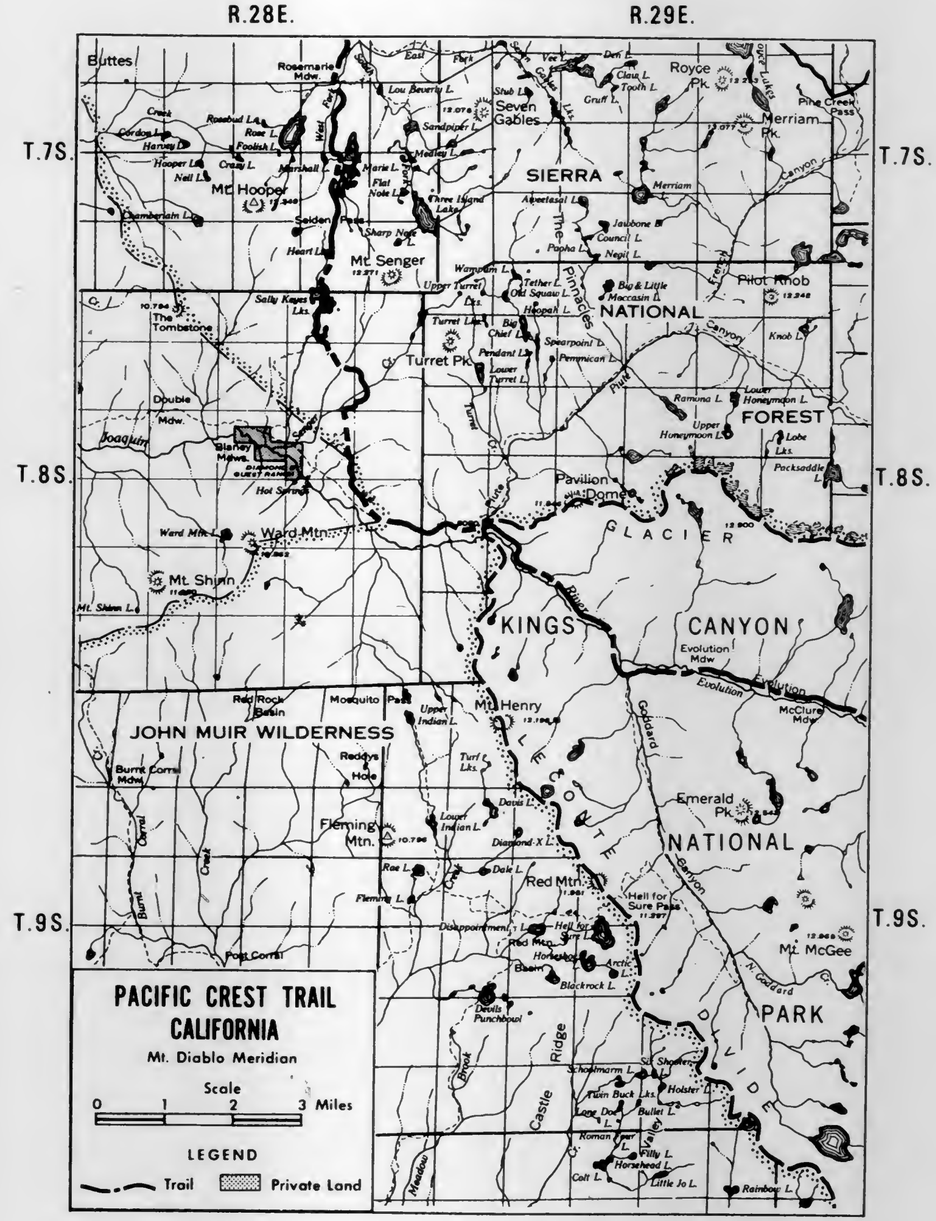
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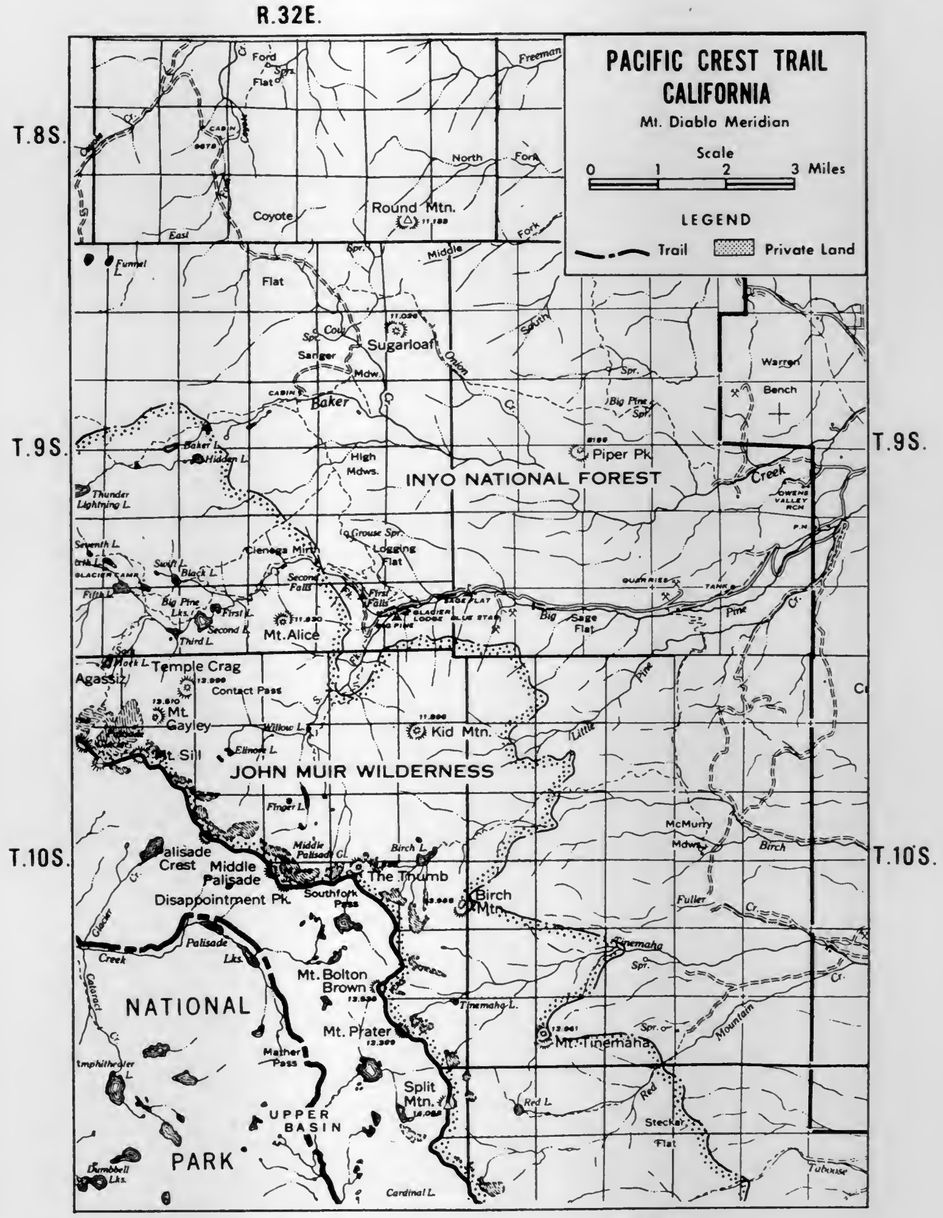


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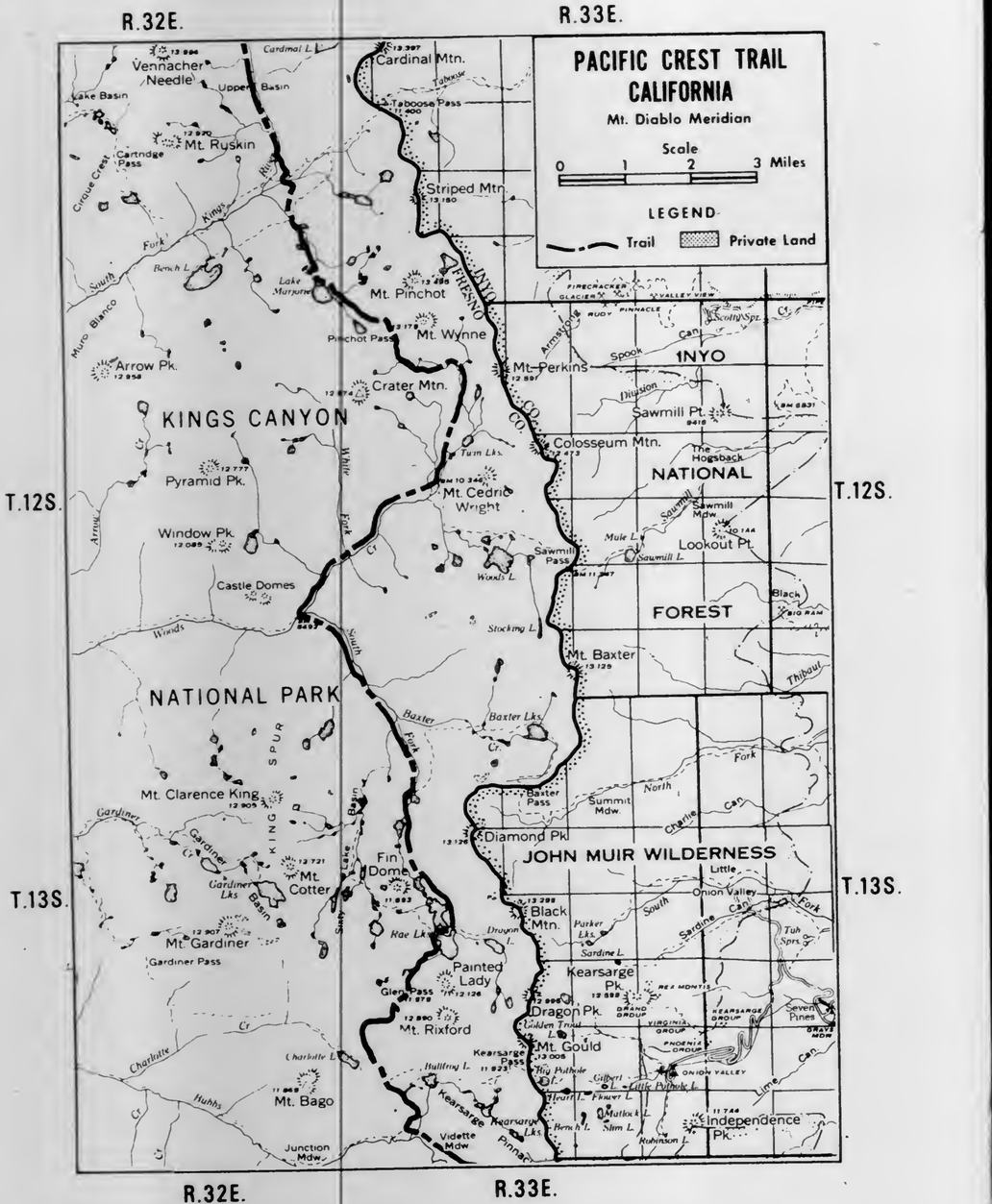


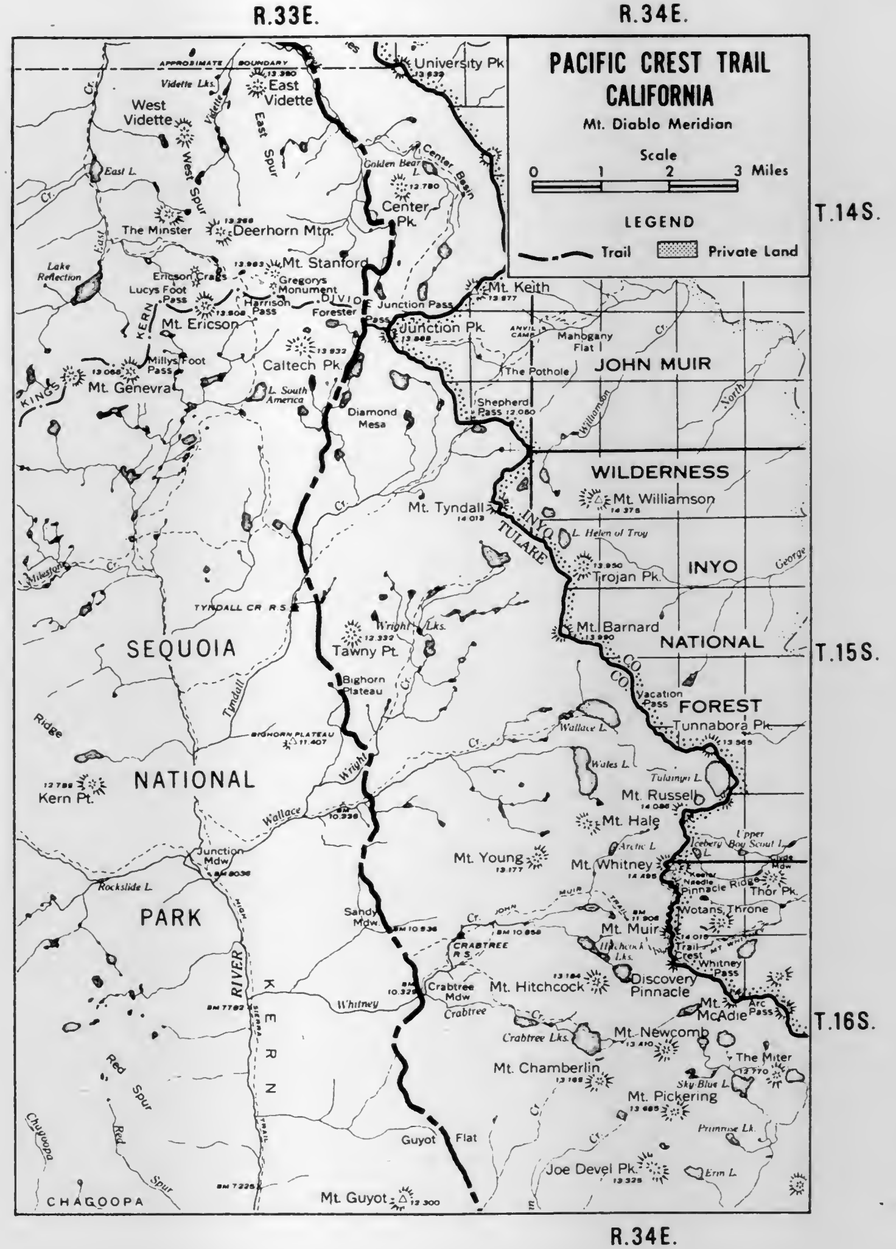

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KINGS
CANYON
PARK
JOHN MUIR WILDERNESS
DIVIDE
Buttes
Rosemarie Mdw.
Seven Gables
Royce Pk.
Merriam Pk.
Mt. Hooper
Mt. Senger
The Tombstone
Turret Pk.
Double Mdw.
Blakey Mdws.
Ward Mtn.
Mt. Shinn
Pavilion Dome
Mt. Henry
Fleming Mtn.
Red Mtn.
Emerald Pk.
Mt. McGee
Pilot Knob
Pine Creek Pass
Seldon Pass
Heart Lk.
Sharp Nick L.
Sally Keyes Lks.
Upper Turret Lks.
Evolution Mdw.
McClure Mdw.
Hell for Sure Pass
Post Corral
Burnt Corral Mdw.
Rae Lks.
Dusy Basin
Palisade Basin
Mather Pass
Muir Trail
Pacific Crest Trail
Kearsarge Pass
Bullfrog Lk.
Vidette Meadow
Colby Pass
Glen Pass
Rae Lakes
Arrow Peak
Fin Dome
Painted Lady
Mt. Brewer
Mt. Clarence King
Mt. Gardiner
Mt. Cotter
Mt. Kaweah
Mt. Whitney
Mt. Langley
Mt. Pickering
Mt. Tyndall
Mt. Williamson
Owens Valley
Owens River
Big Pine Creek
Bishop Creek
Rock Creek
Lone Pine Creek
Independence Creek
Oak Creek
Symmes Creek
Tinemaha Reservoir
Haiwee Reservoir
Owens Lake
Coso Mtns.
Sierra Nevada
Inyo Mtns.
White Mtns.
Panamint Mtns.
Death Valley
Darwin Plateau
Coso Range
Argus Range
Slate Range
Searles Lake
Indian Wells Valley
Rose Valley
Walker Pass
Kern Plateau
Sequoia National Forest
Inyo National Forest
Kern River
Kern Canyon
Isabella Reservoir
Lake Isabella
Bakersfield
Tehachapi Mtns.
Tehachapi Pass
Mojave Desert
Antelope Valley
Edwards Air Force Base
Rogers Dry Lake
Lancaster
Palmdale
Pearblossom
Victorville
Barstow
Mojave
Tehachapi
Cummings Valley
Cummings Mtn.
Oak Creek Pass
Tejon Pass
Grapevine
Gorman
Frazier Park
Lebec
Fort Tejon
Los Angeles Aqueduct
Aqueduct
Antelope Valley Freeway
Golden State Freeway
Ridge Route
Castaic Junction
Newhall
Saugus
Santa Clarita
San Fernando
Sylmar
Mission Hills
Van Nuys
Burbank
Glendale
Pasadena
Los Angeles
Hollywood
Beverly Hills
Santa Monica
Malibu
Pacific Ocean
Santa Monica Mtns.
Topanga Canyon
Topanga
Malibu Canyon
Malibu Lake
Las Virgenes
Las Virgenes Creek
Las Virgenes Reservoir
Calabasas
Agoura
Thousand Oaks
Conejo Grade
Conejo Valley
Simi Valley
Moorpark
Santa Susana Mtns.
Santa Susana Pass
Chatsworth
Chatsworth Reservoir
Chatsworth Lake
Chatsworth Park South
Chatsworth Park North
Porter Ranch
Northridge
Reseda
Encino
Sherman Oaks
Studio City
Hollywood Freeway
Ventura Freeway
Ventura
Oxnard
Camarillo
Point Mugu
Point Mugu Naval Air Missile Test Center
Santa Rosa Island
Santa Cruz Island
Anacapa Island
Channel Islands
Channel Islands National Park
Santa Barbara Island
Santa Barbara
Santa Barbara Channel
Goleta
Goleta Slough
Goleta Point
Santa Ynez Mtns.
Santa Ynez River
Lake Cachuma
Cachuma Reservoir
Cachuma Lake
Cachuma Creek
Cachuma Peak
Cachuma Saddle
Cachuma Ridge
Cachuma Mtn.
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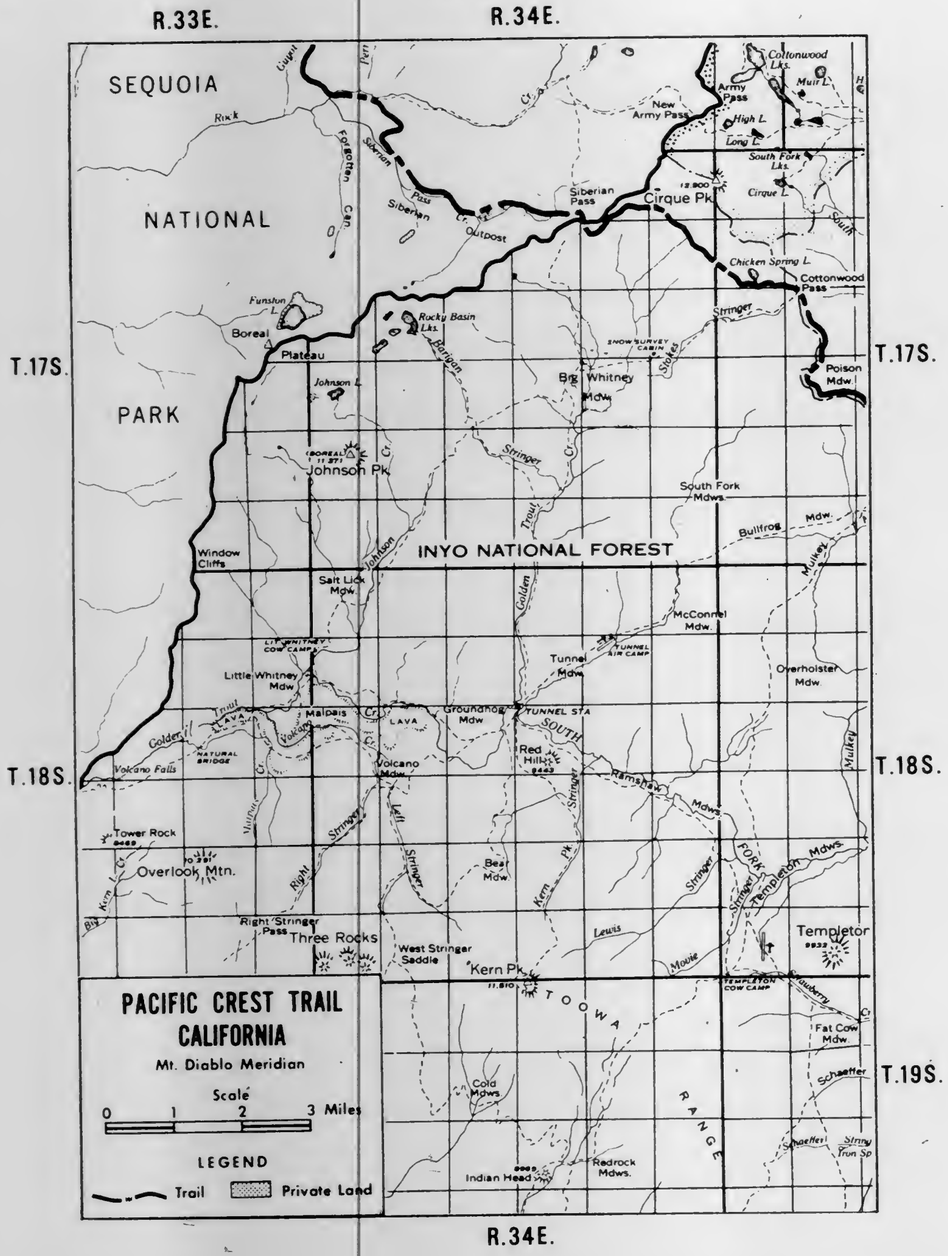


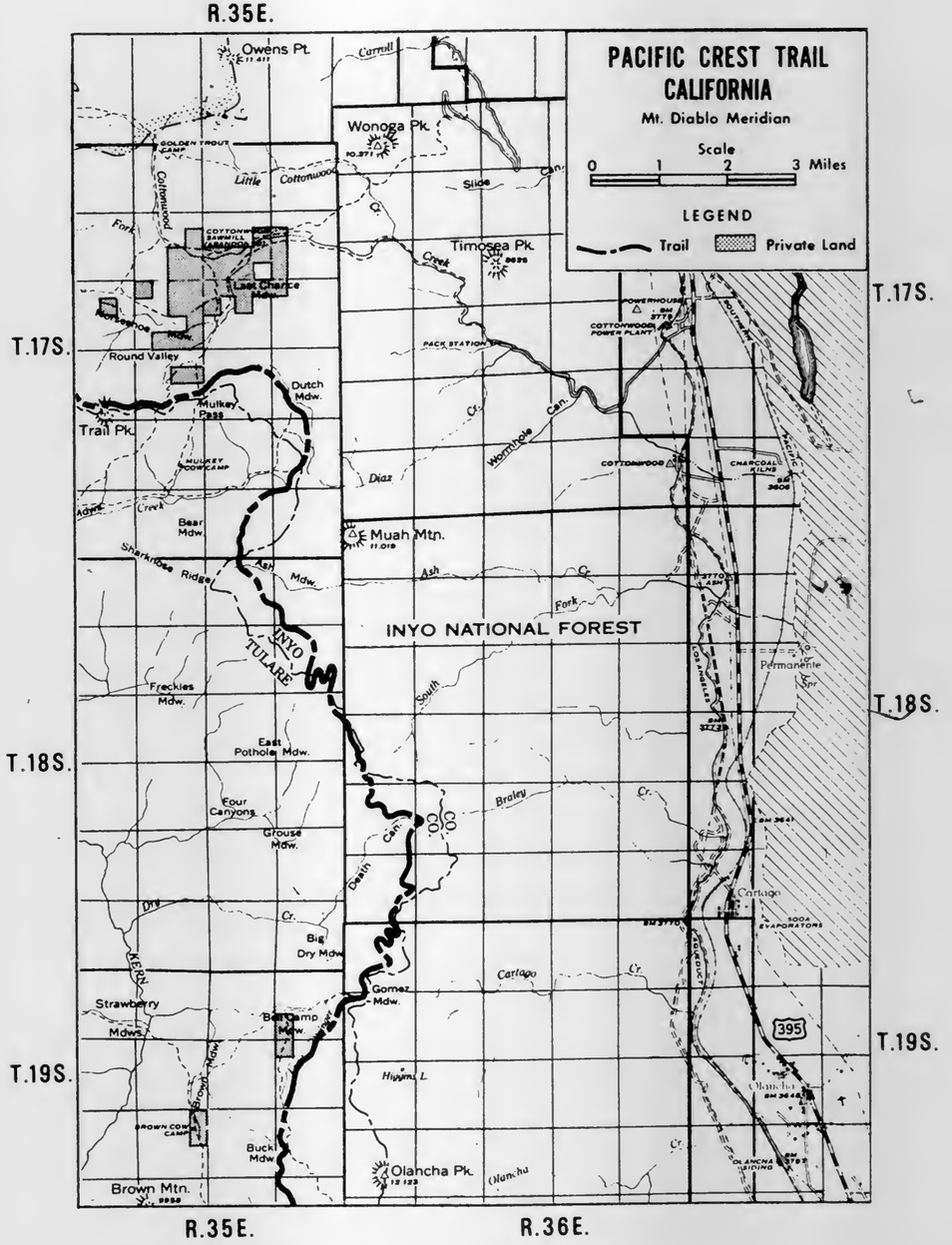
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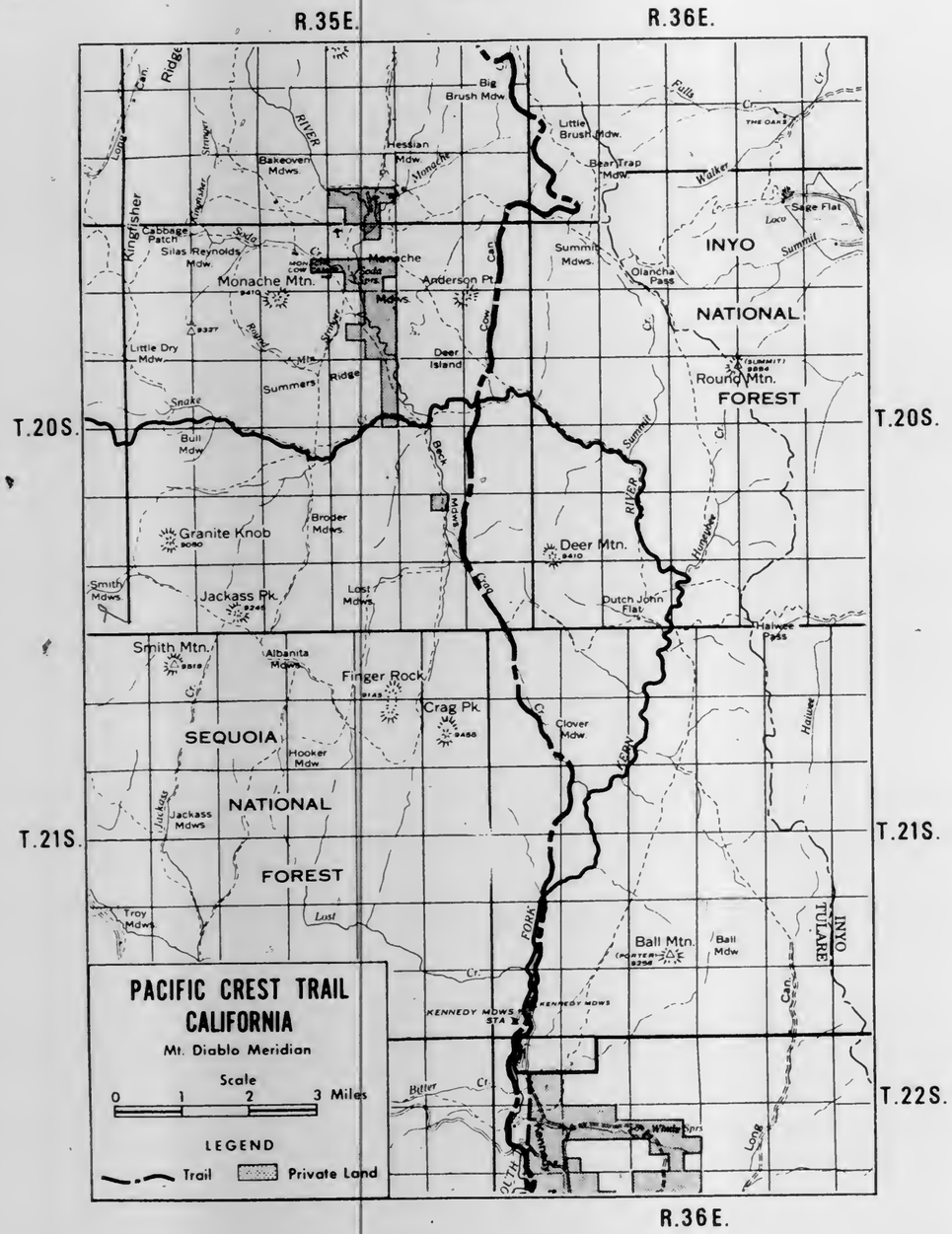


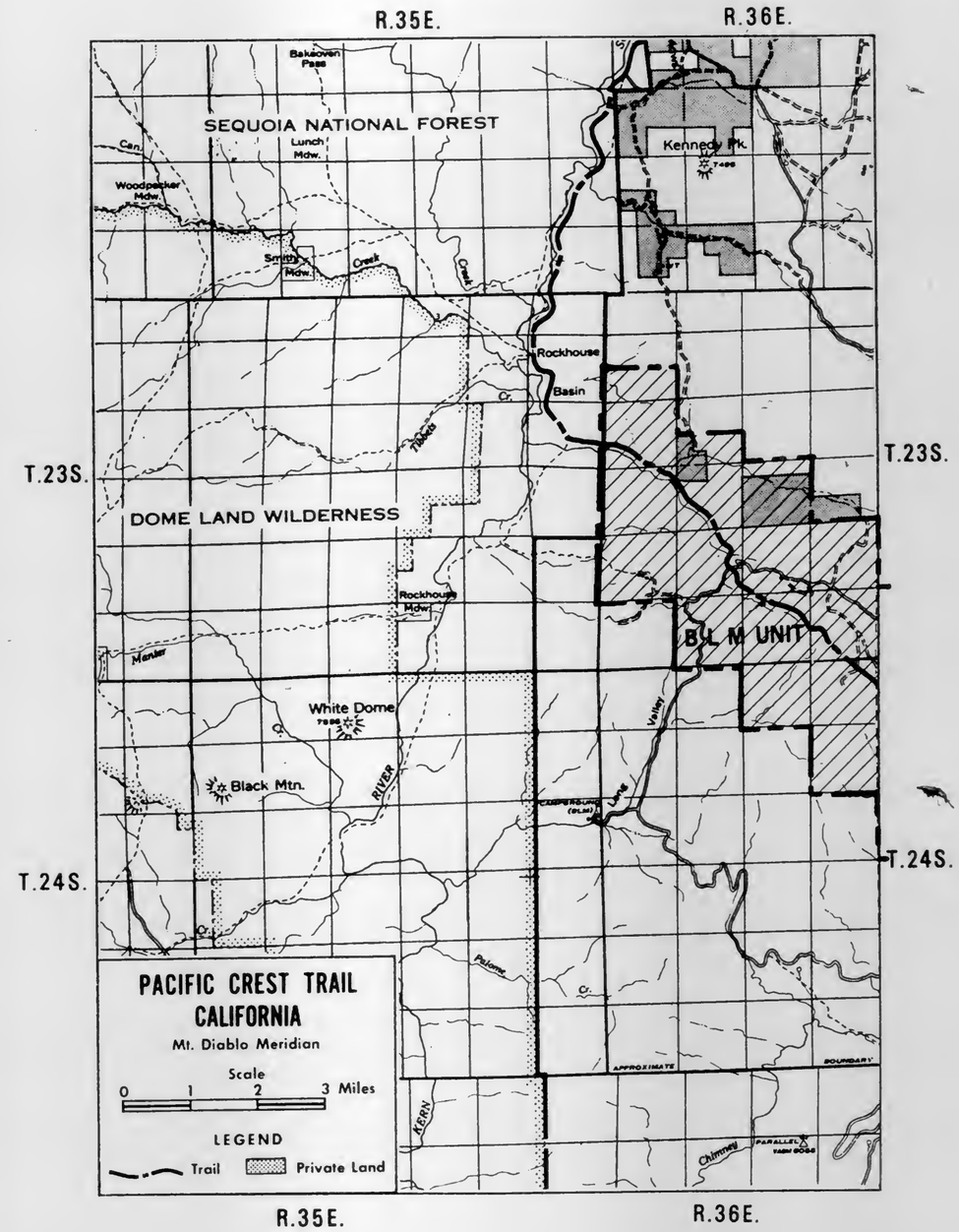
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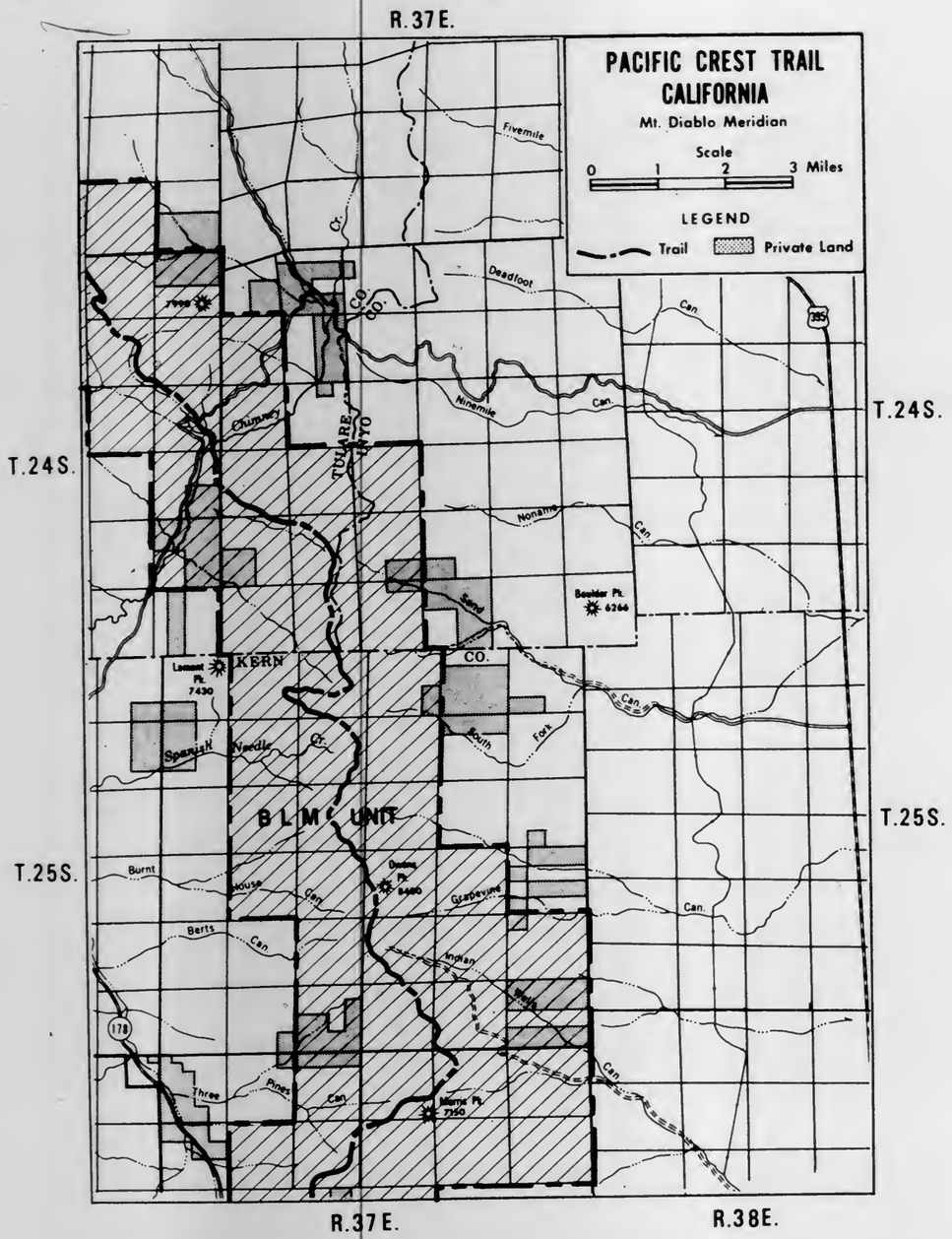


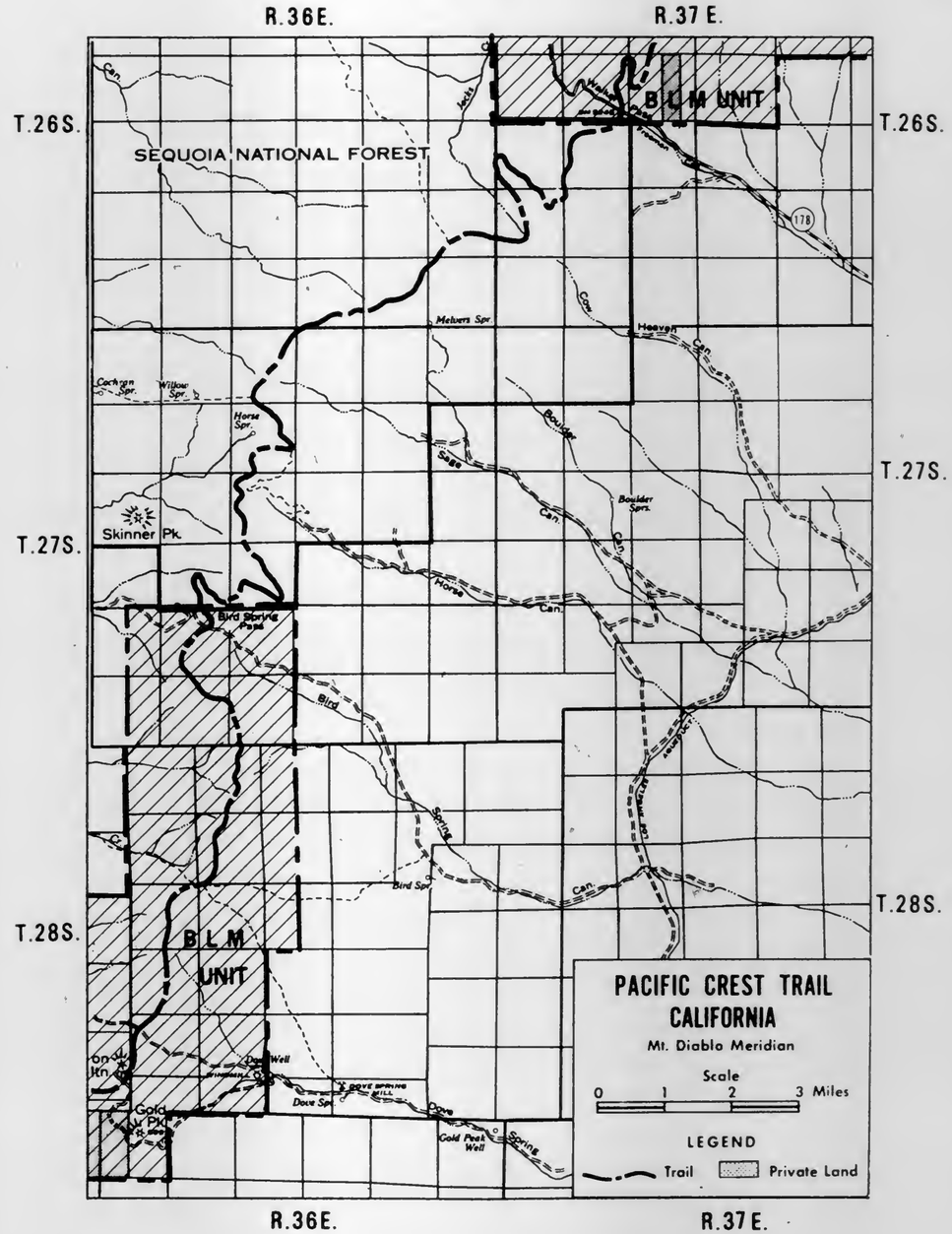
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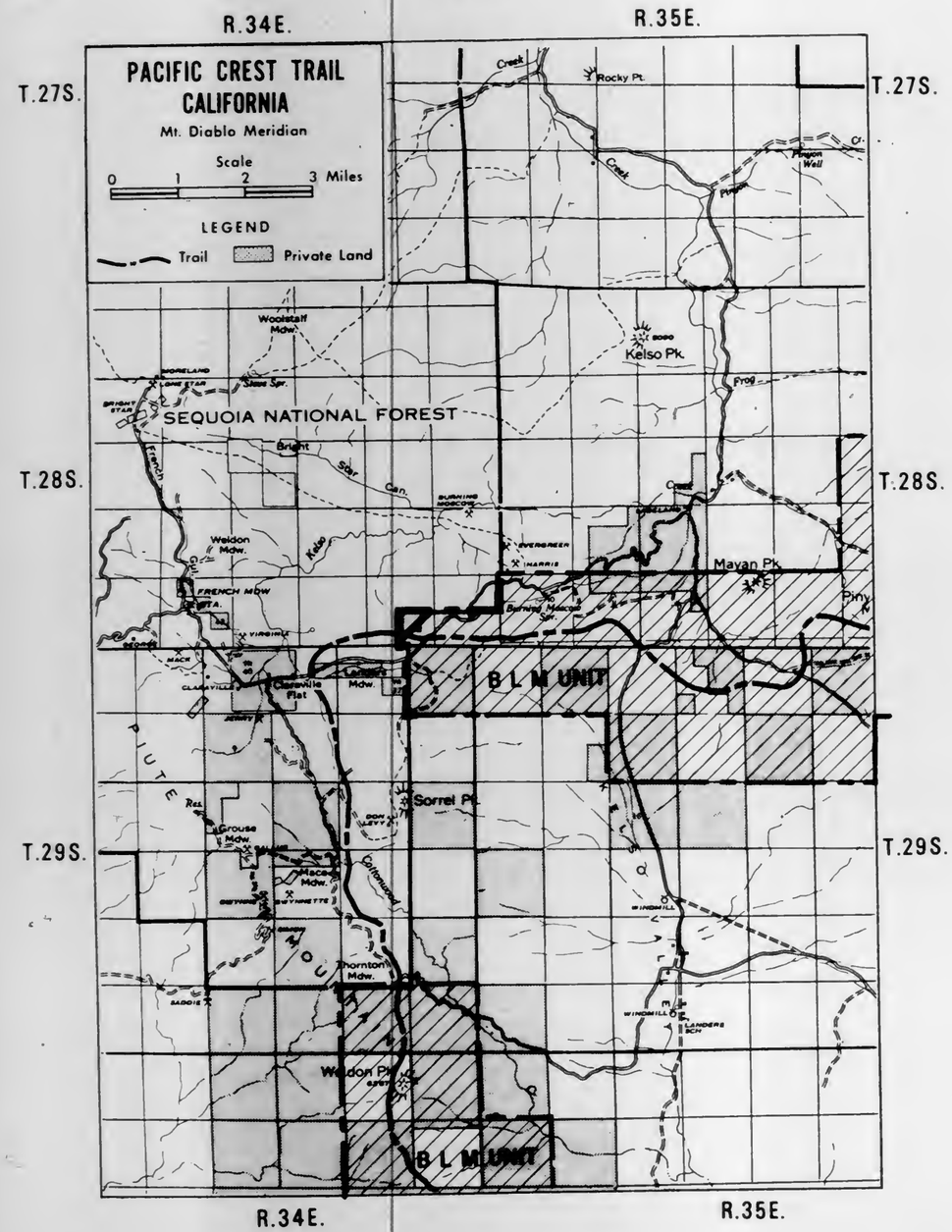


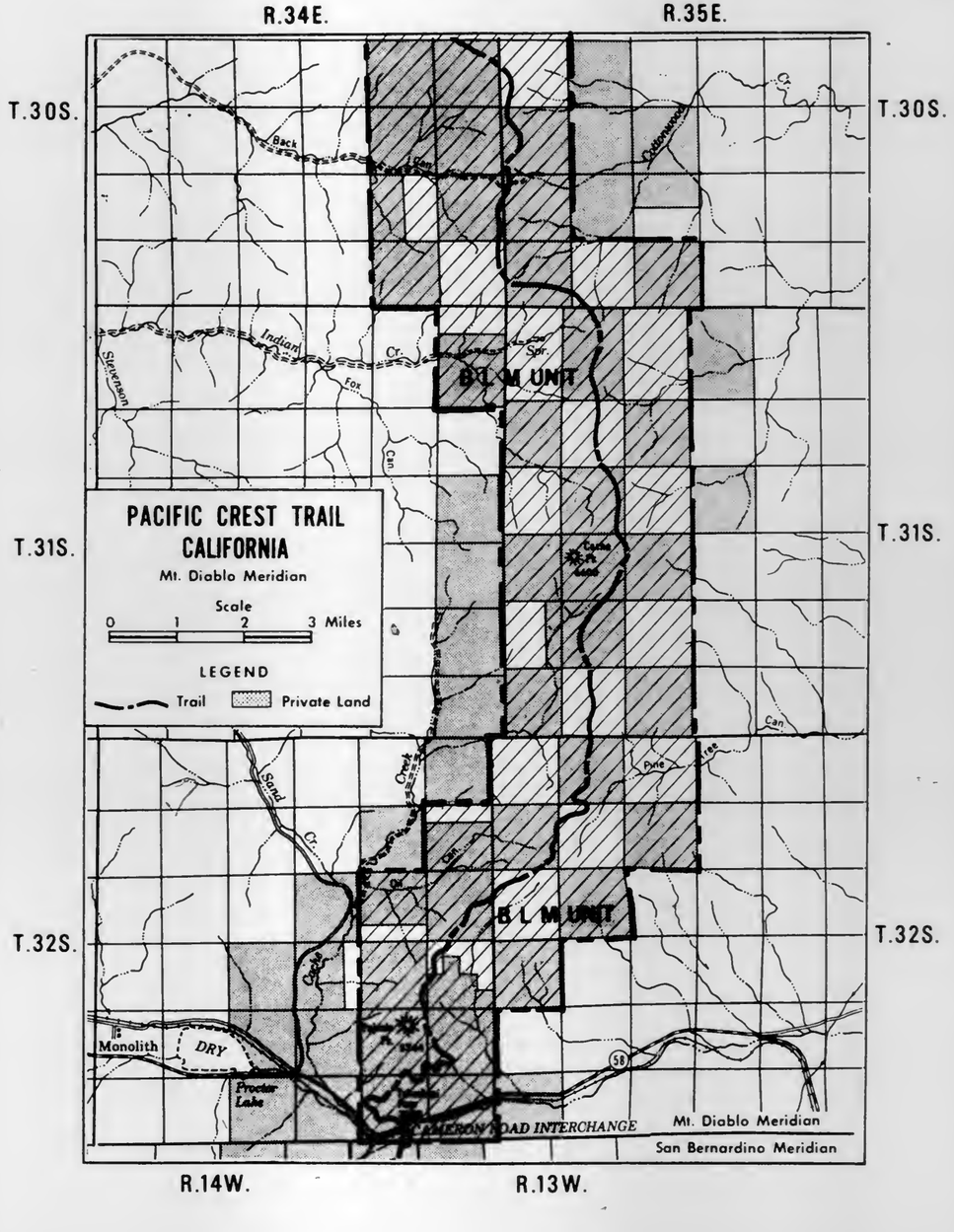
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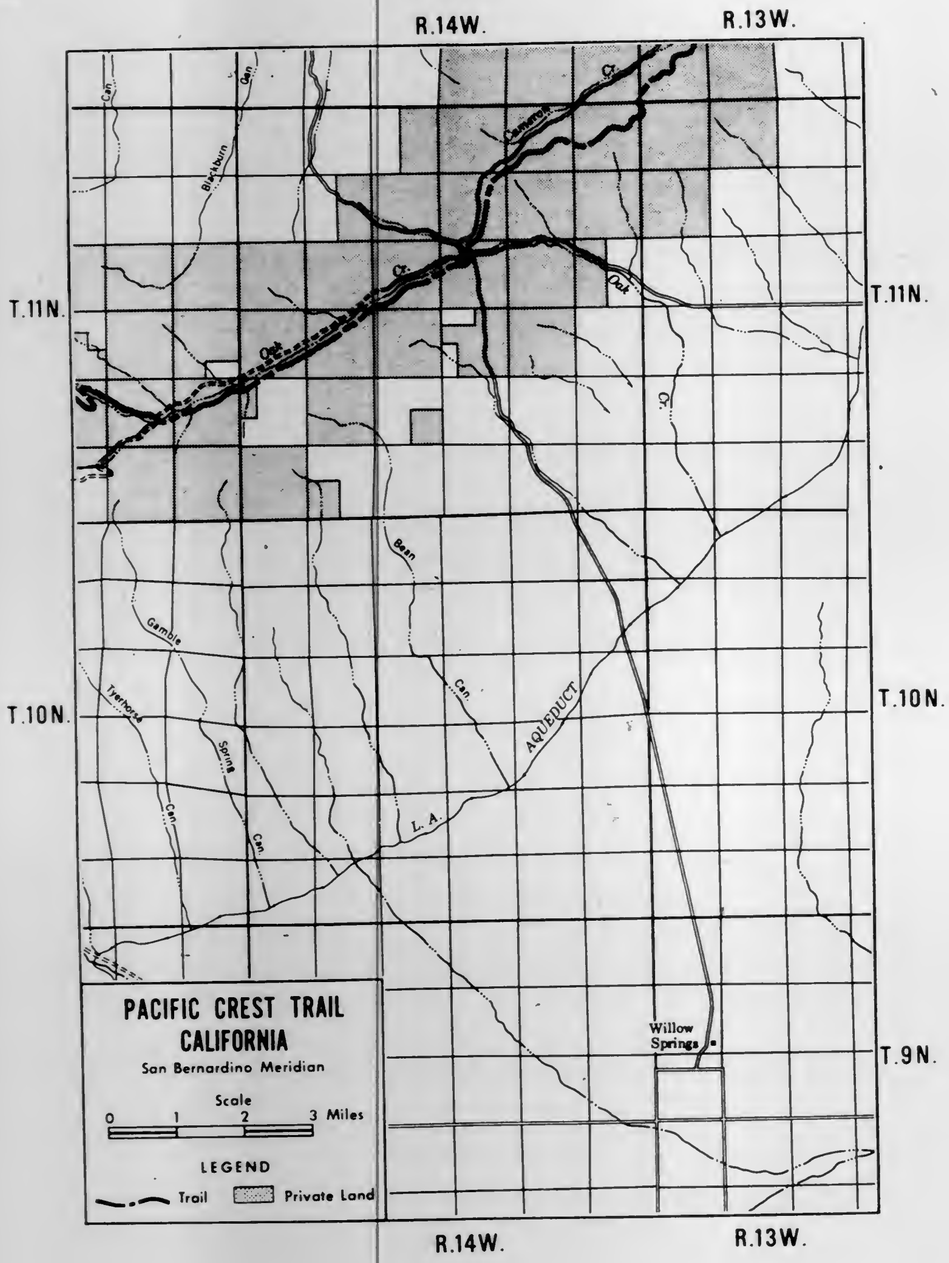


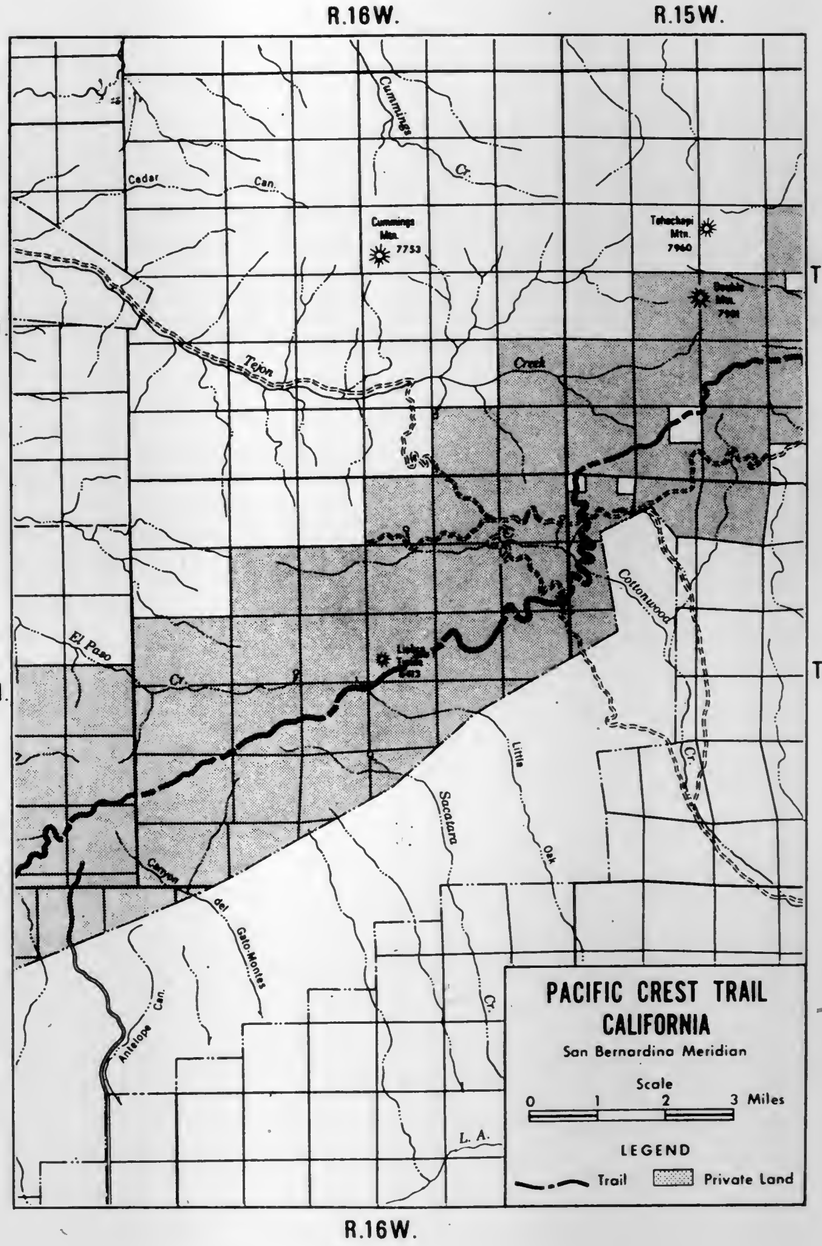
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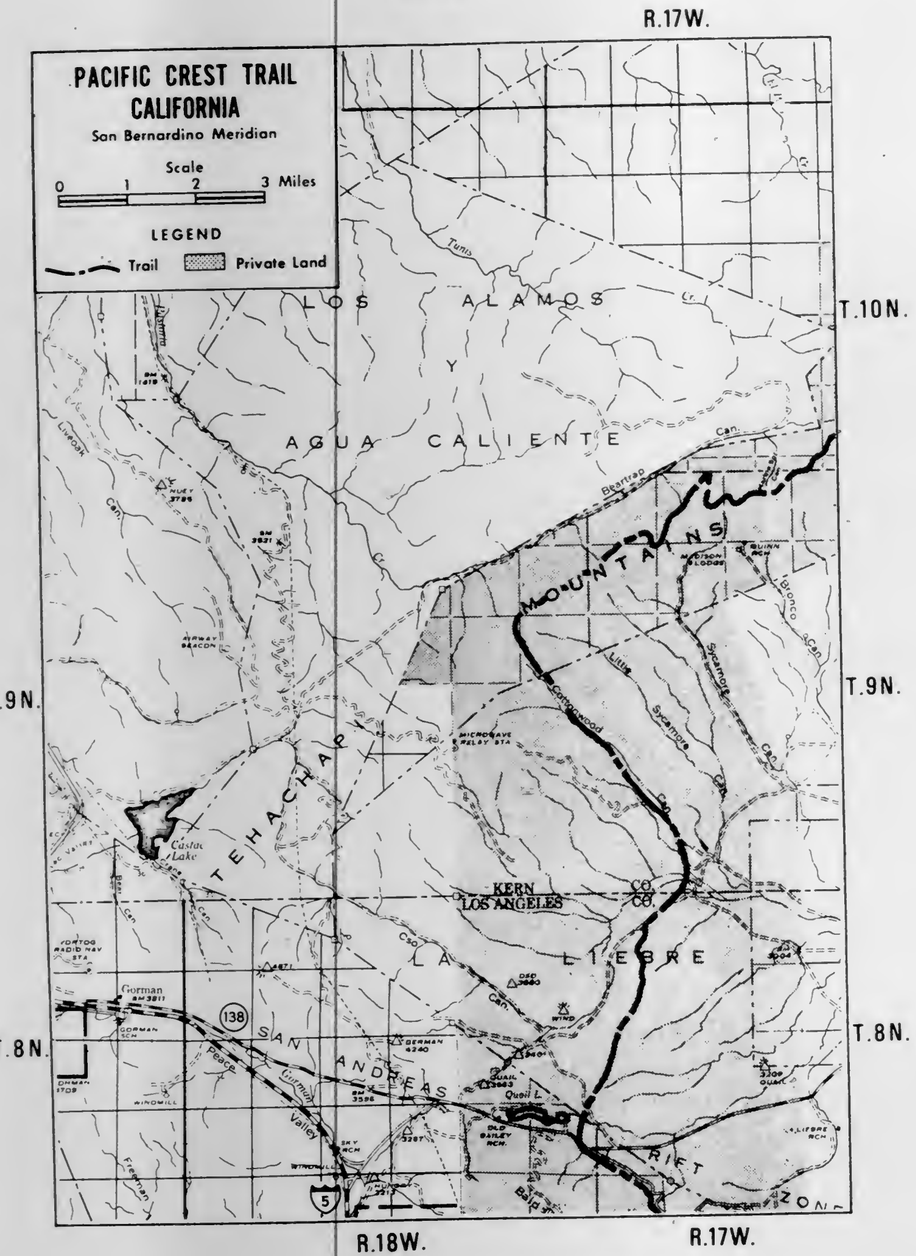


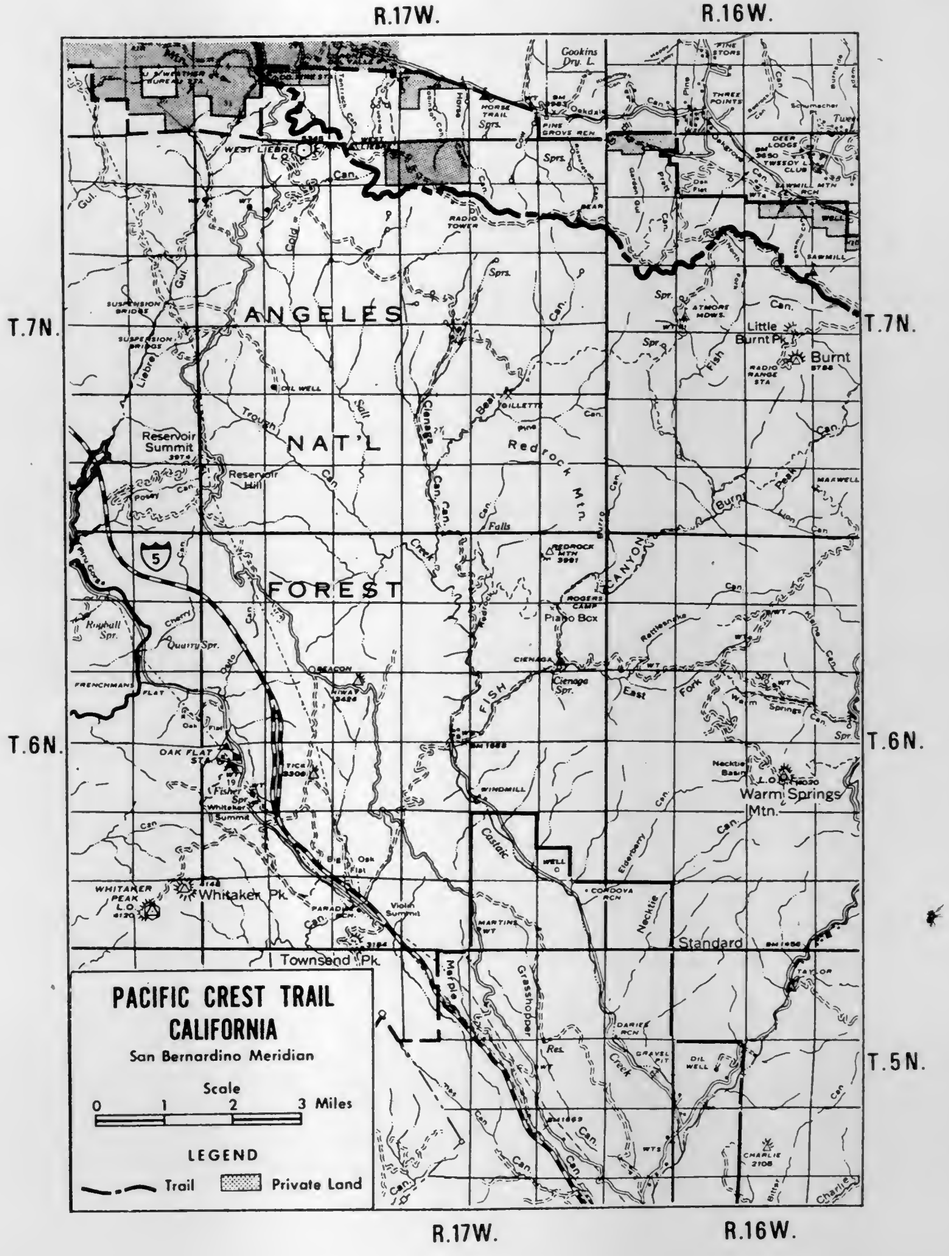
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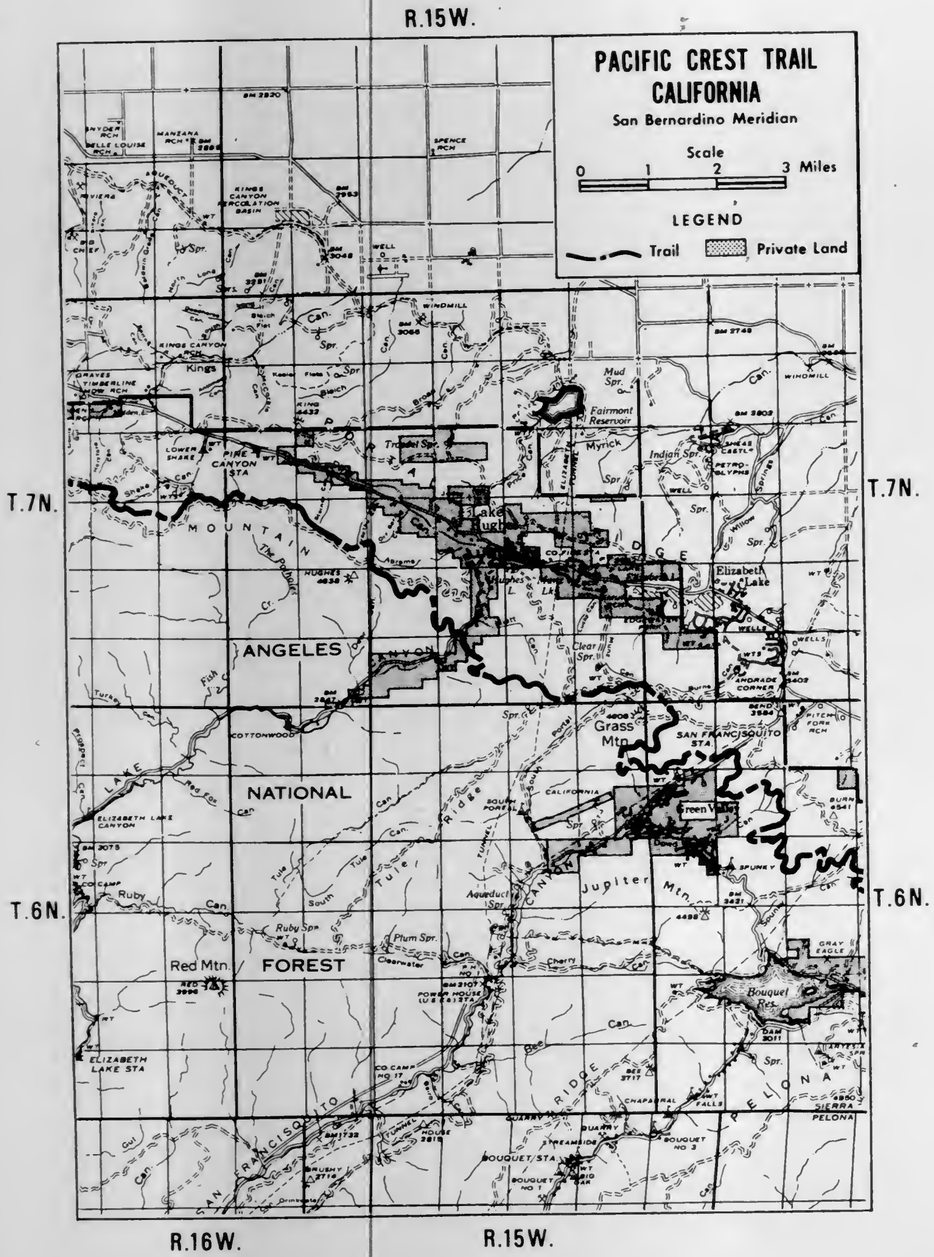


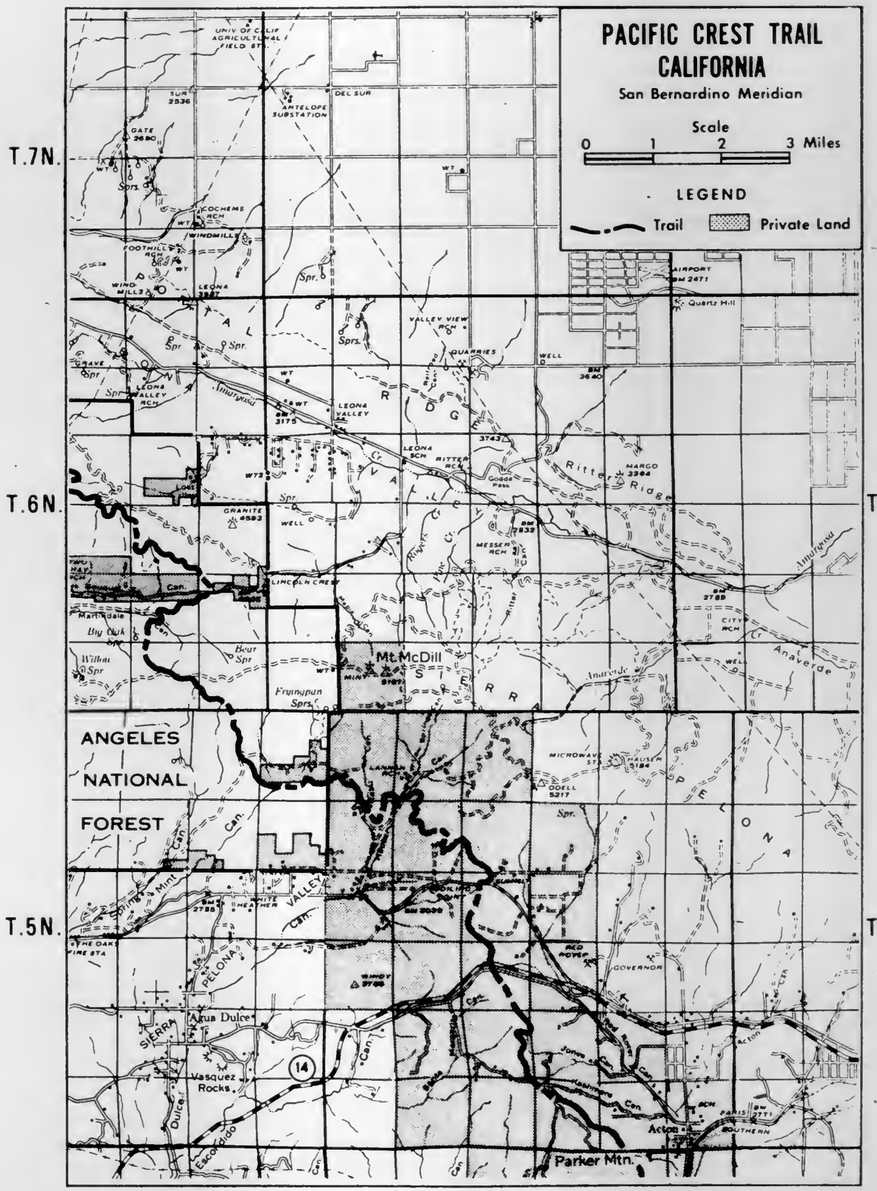
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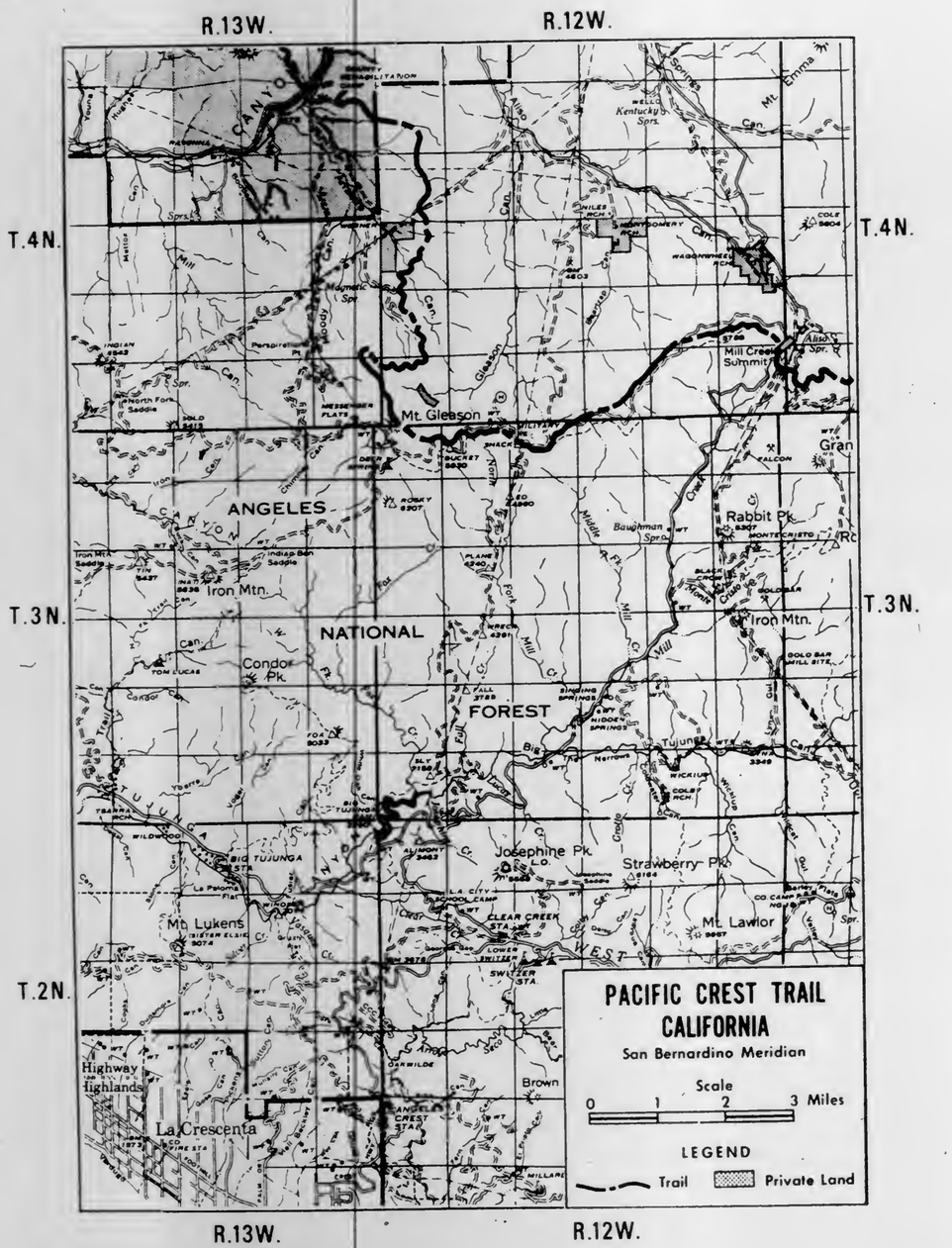


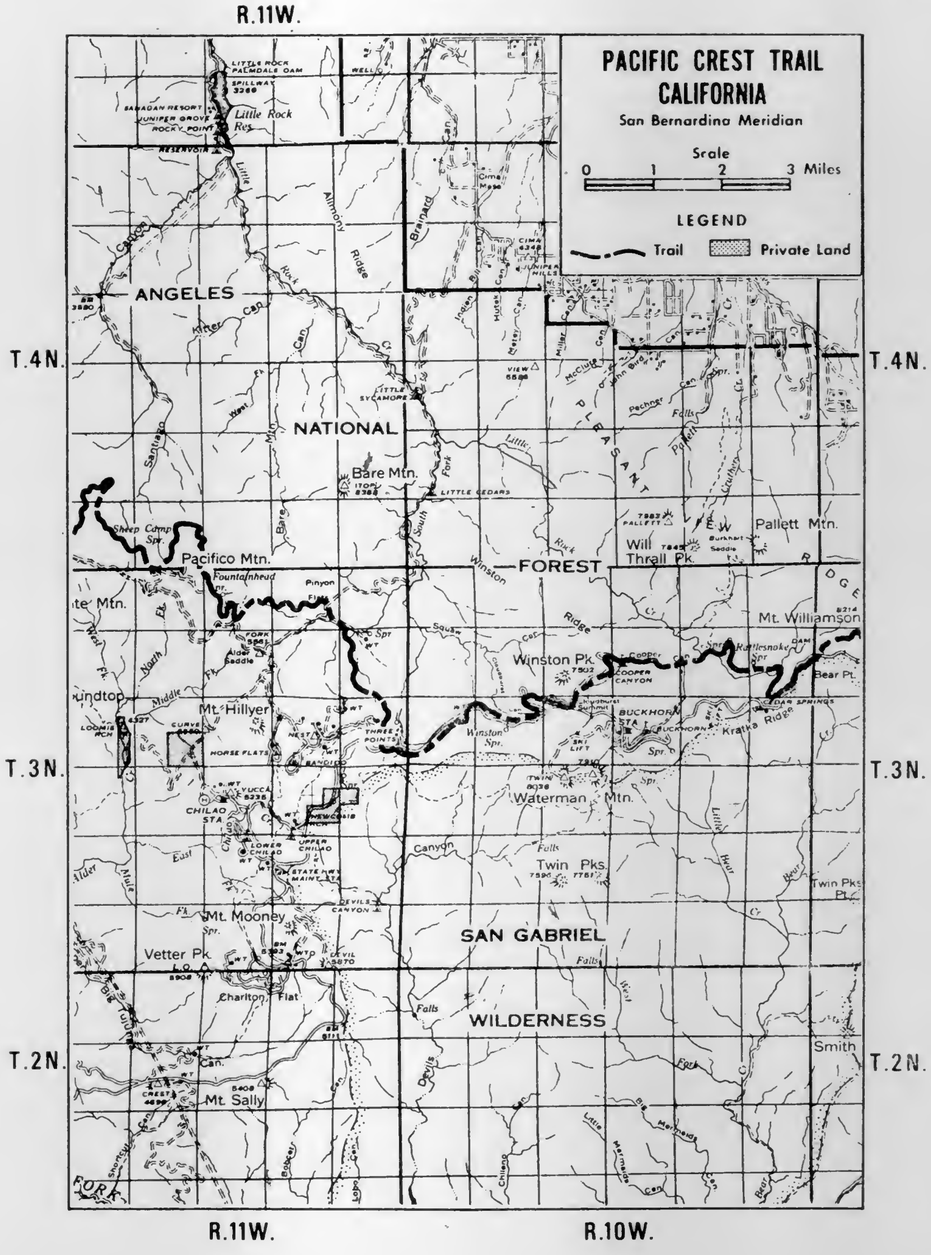
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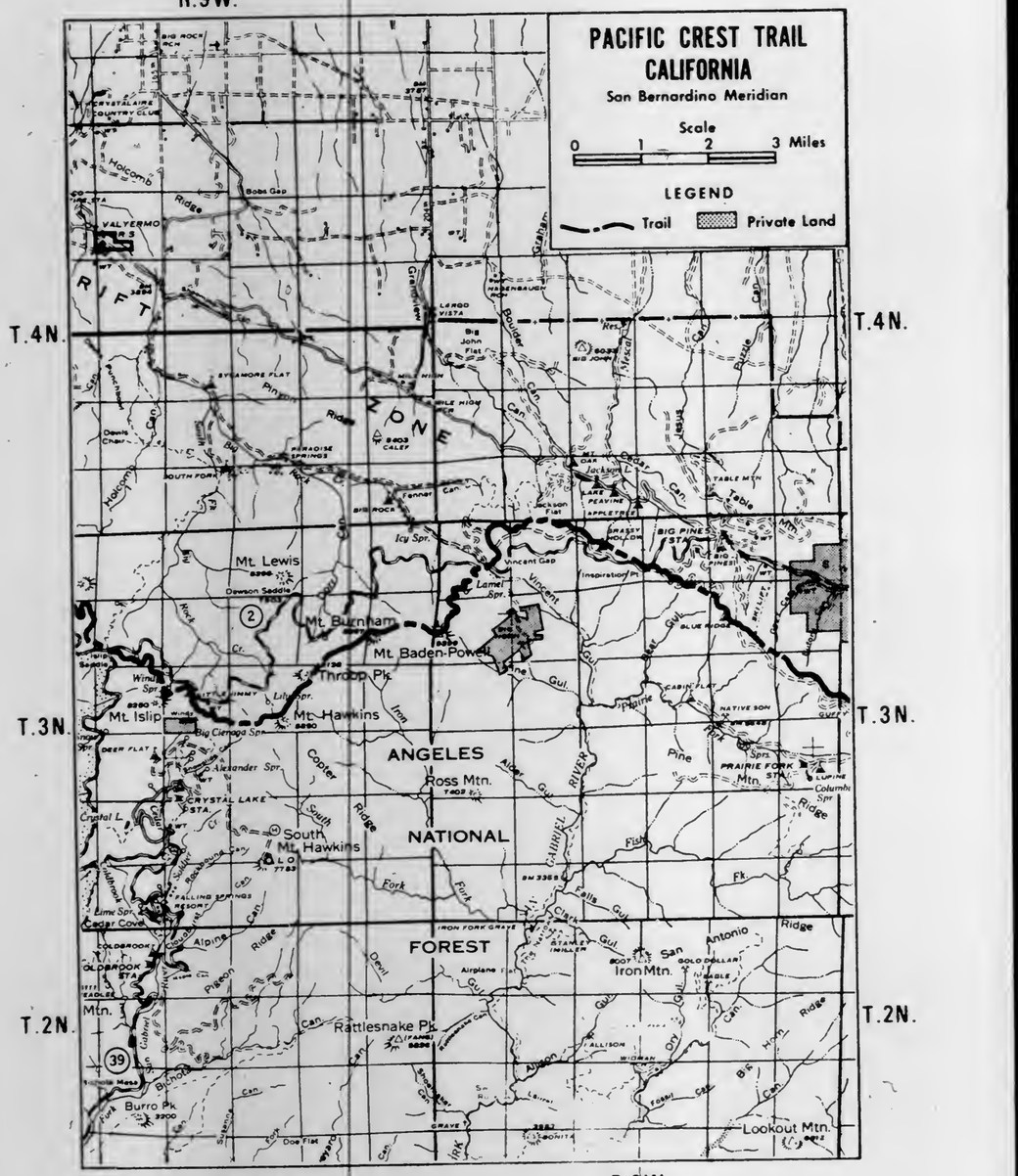


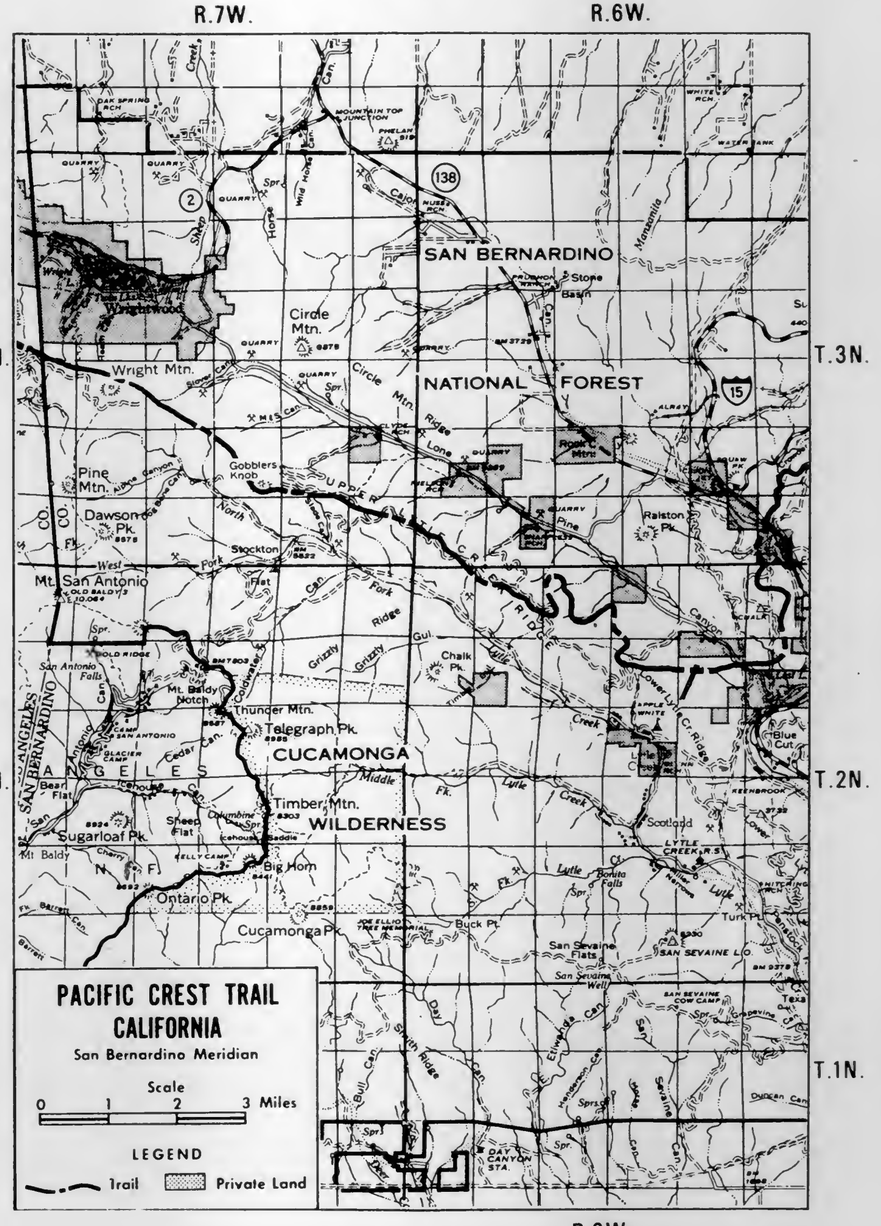
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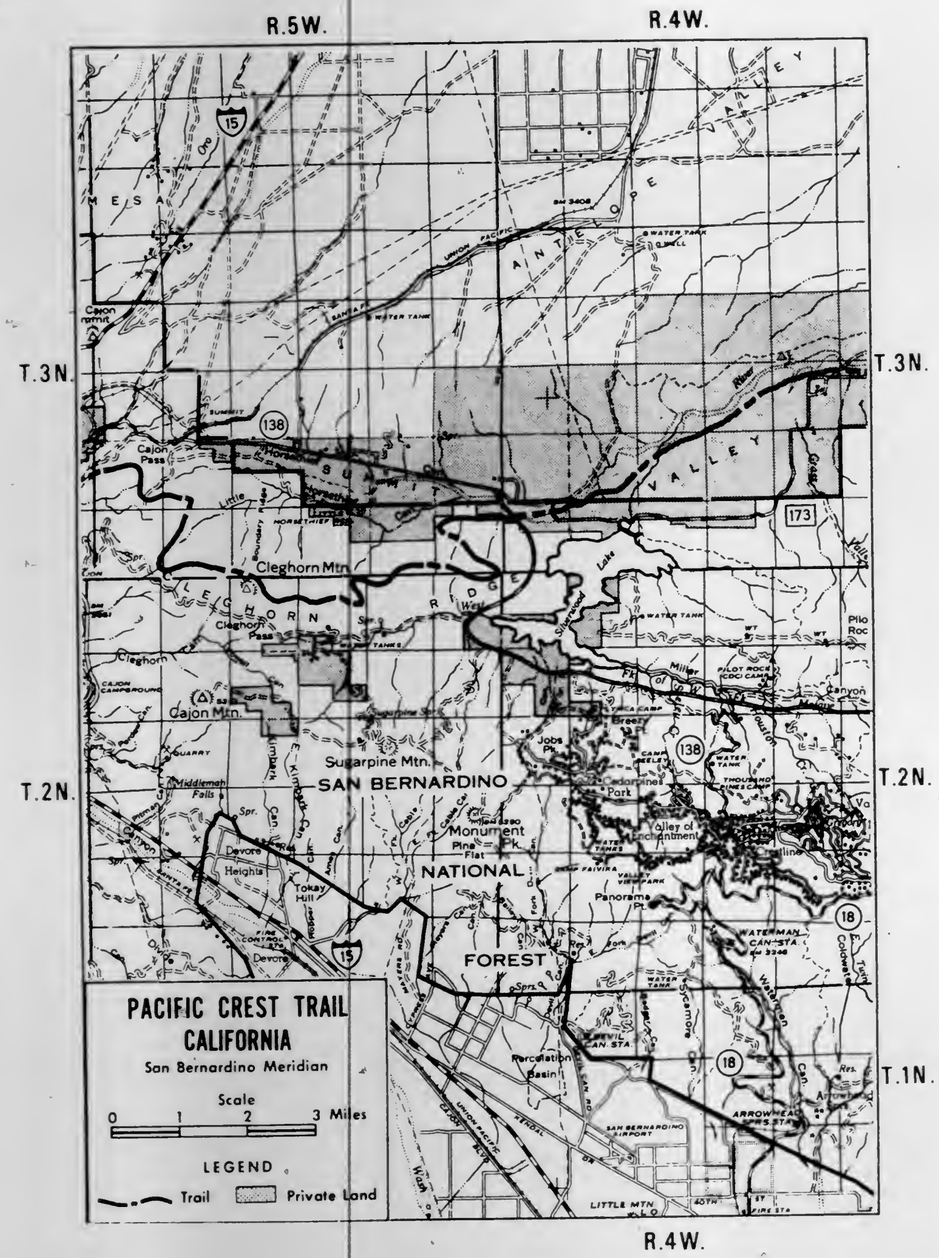


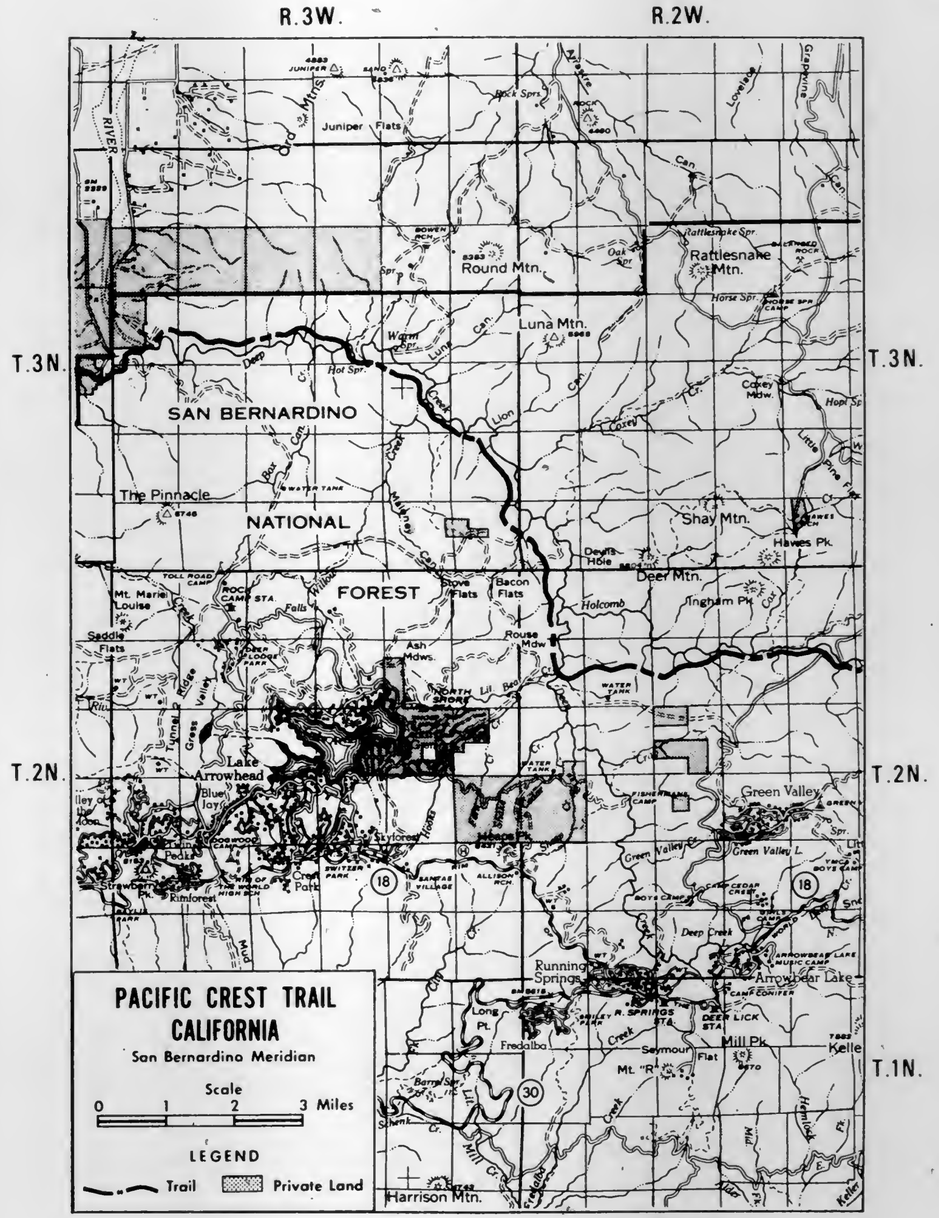
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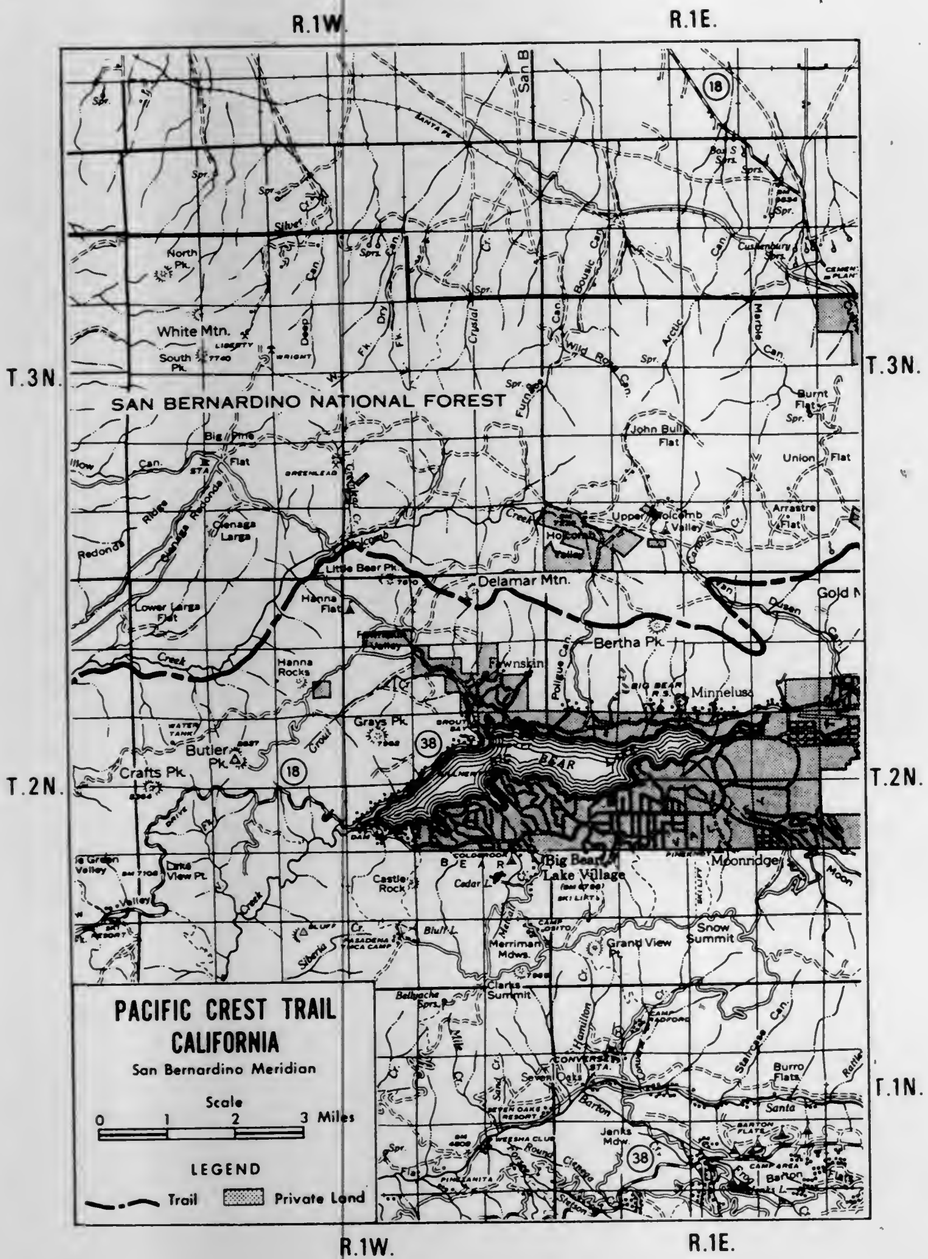


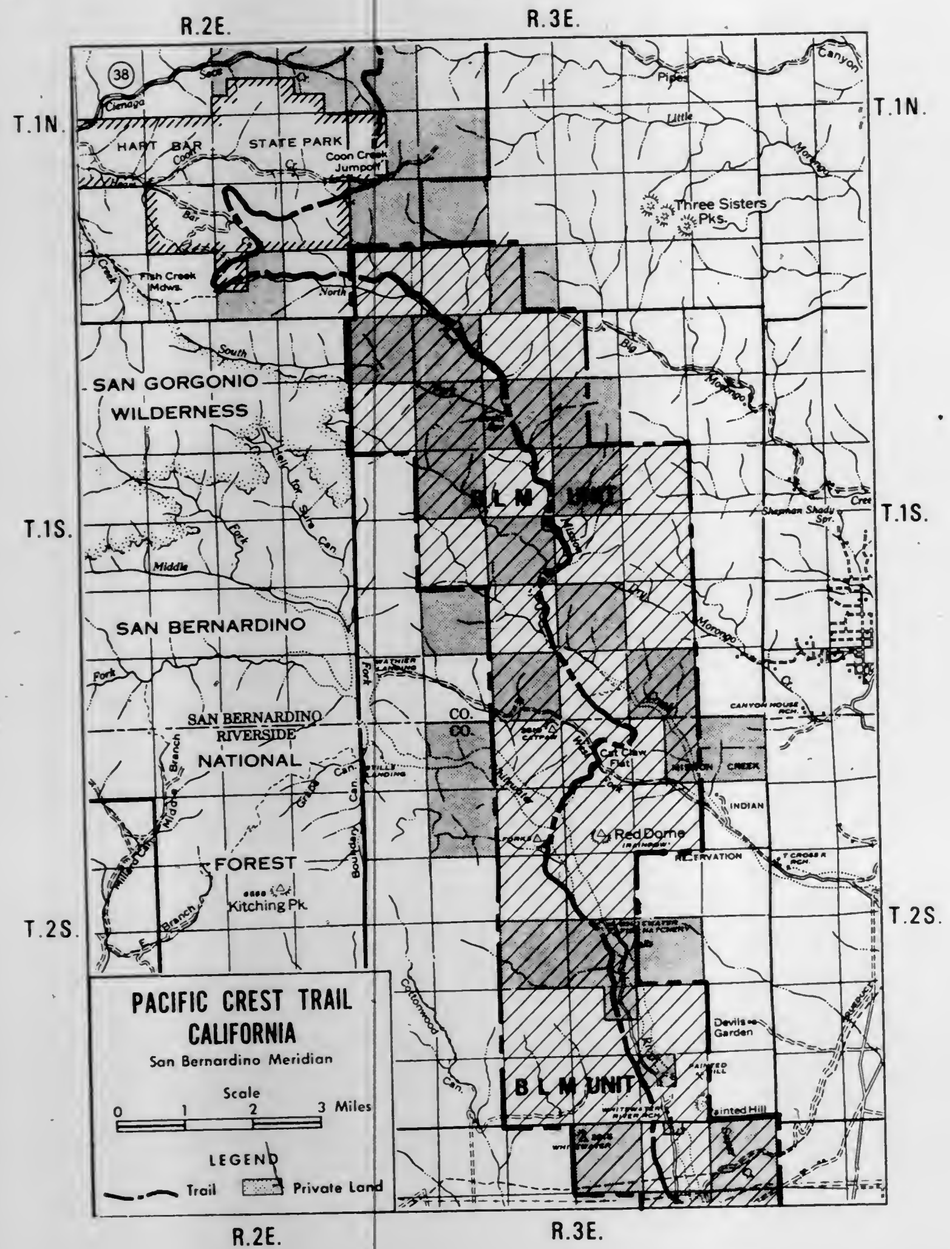
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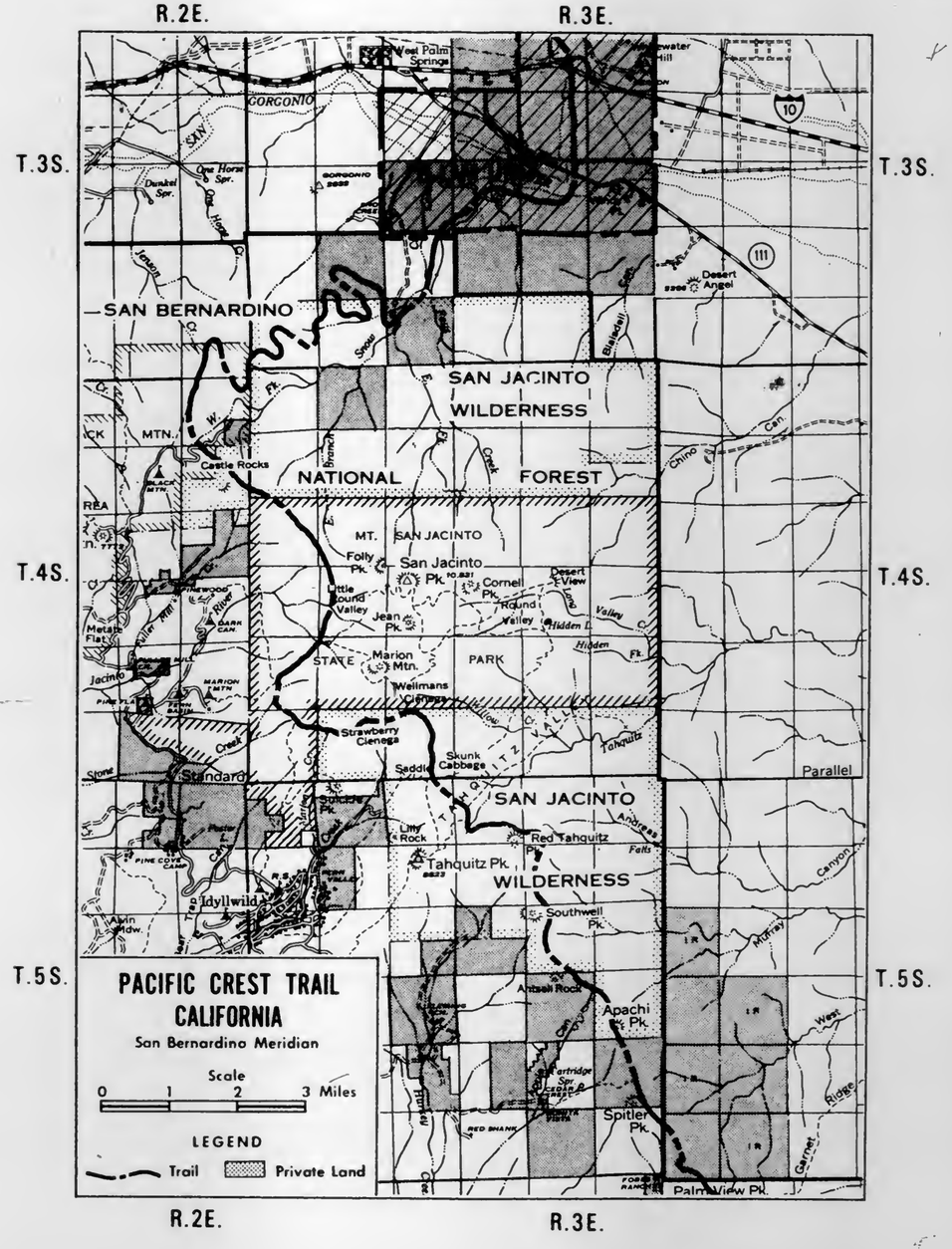




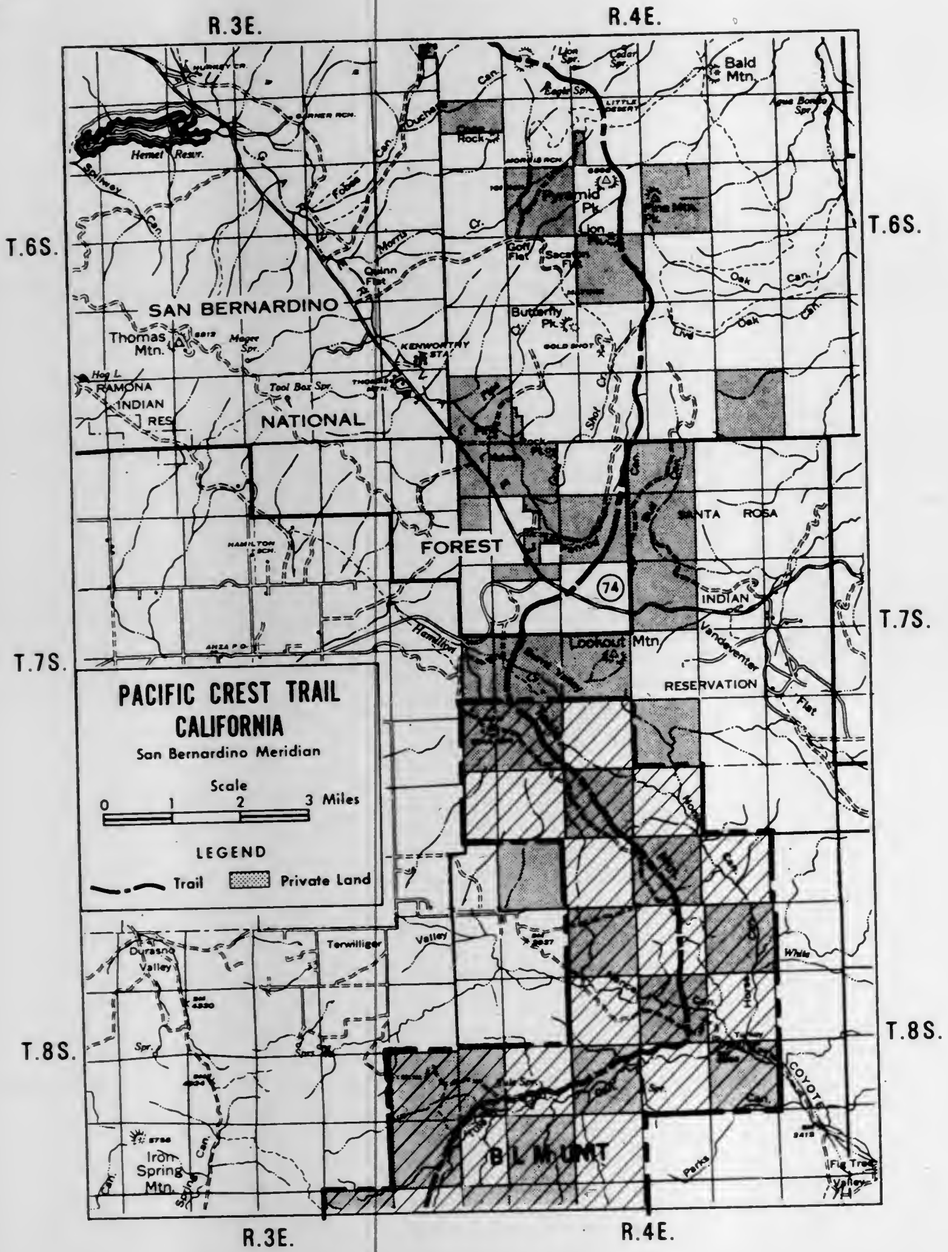
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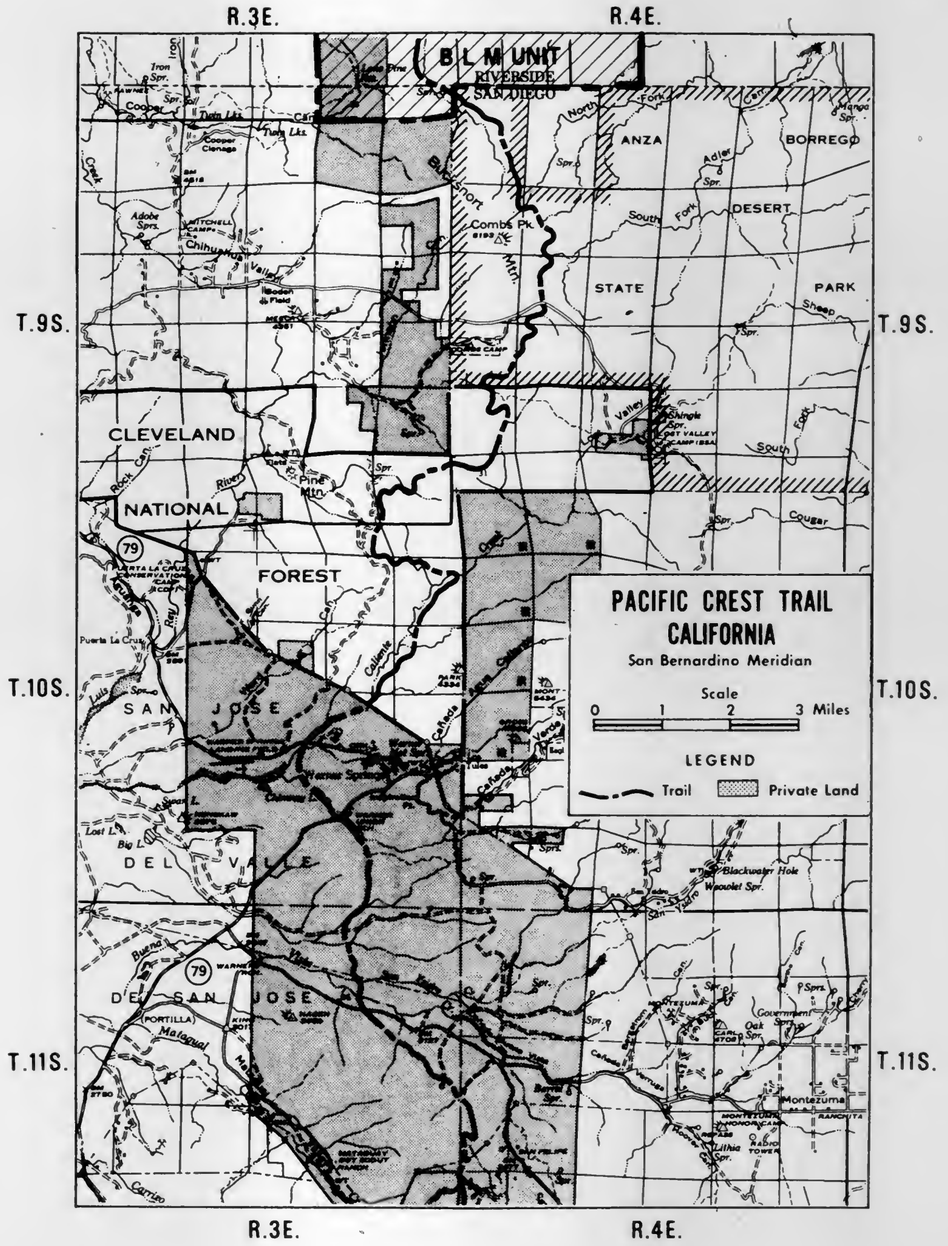

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T.2N.
T.2N.
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SAN BERNARDINO NATIONAL FOREST
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North Pk.
Big Pine Flat
Delamar Mtn.
Bertha Pk.
Gold M
Butler Pk.
Crafts Pk.
Big Bear Lake Village
Moonridge
Snow Summit
Grand View Pt.
Merriman Mdws.
Clarks Summit
Burro Flats
Jenks Mdw.
Minnelusa
Fawnskin
Grays Pk.
Hanna Flat
Lower Large Flat
Castle Rock
Cedar L.
Bluff L.
Green Valley
Arrastre Flat
Union Flat
John Bull Flat
Burnt Flat
Upper Holcomb Valley
Holcomb Valley
Delamar Creek
Bear Creek
Santa
Barton Flats
Camp Area
Fawnskin
Big Bear City
Sugarloaf
Woodlands
Deadmans Ridge
Sugarloaf Mtn.
Onyx Pk.
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Tip Top Mtn.
Mineral Mtn.
Round Valley
Rattlesnake
Wildhorse Mdws.
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Monarch Flat
Blackhawk
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Camp Whispering Pines
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Camp Wonderland
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Camp Wilderness
Camp Wildwood
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Camp Wilderness
Camp Wilderness



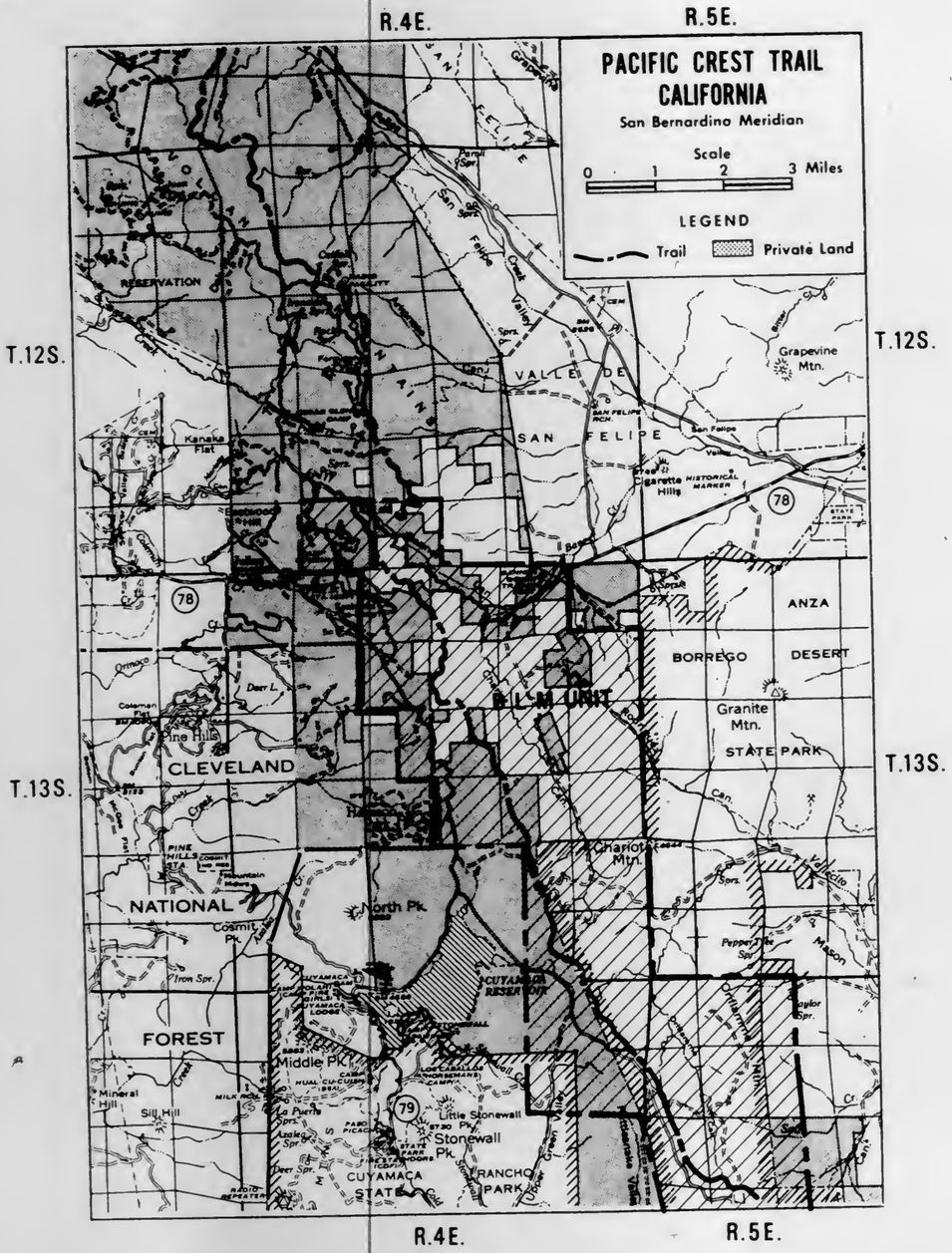


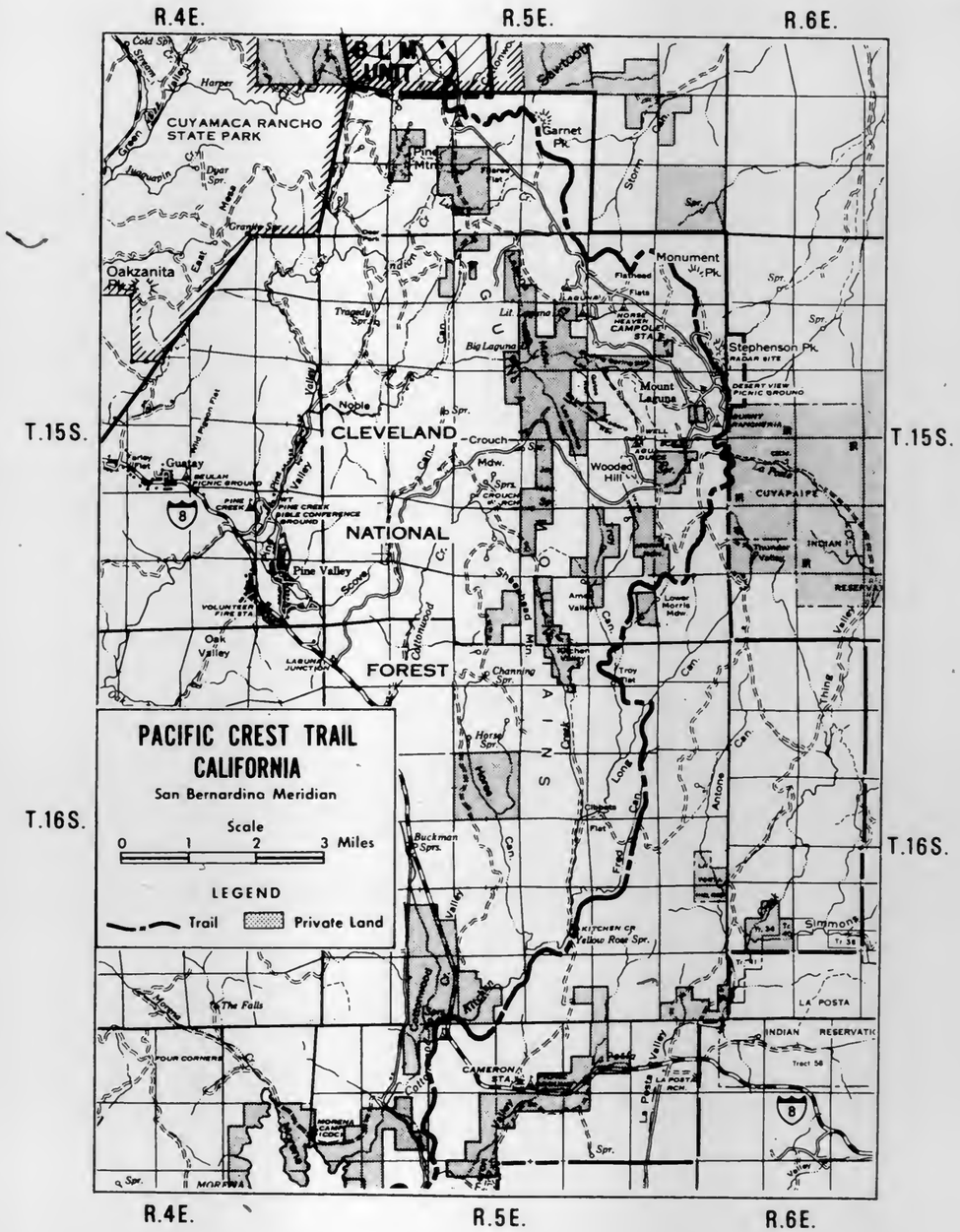
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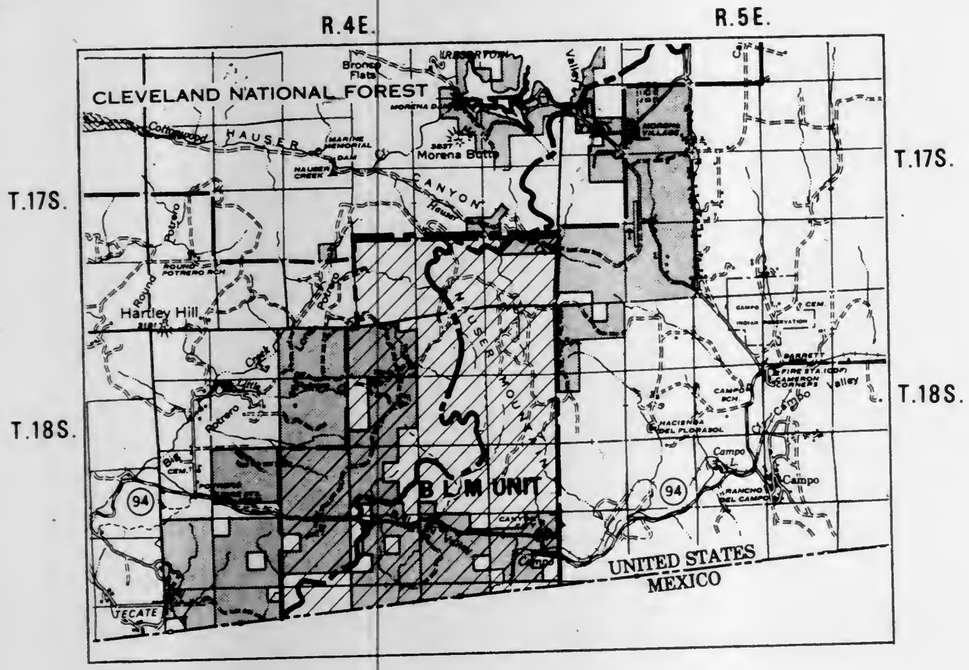


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PACIFIC CREST TRAIL
CALIFORNIA
San Bernardino Meridian

Scale
0 1 2 3 Miles

LEGEND
Trail
Private Land

[FR Doc.73-1433 Filed 1-29-73;8:45 am]

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federal register

WEDNESDAY, JANUARY 31, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 20

Pages 2945–3029

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EPA—Forms for advertised and negotiated nonpersonal service contracts (other than construction and architect-engineer contracts)..... 1219; 1–10–73

HEW–FDA—Procaine penicillin and streptomycin sulfate in combination, penicillin-streptomycin powder veterinary, and penicillin-dihydrostreptomycin powder veterinary; revocation of certification for use in animal drinking water..... 1219; 1–10–73

INTERIOR DEPARTMENT—Noncompetitive oil and gas leases; simultaneous offers..... 1281; 1–11–73

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FAA—McDonnell Douglas Model DC–8 and DC–9 series airplanes; airworthiness directive..... 1124; 1–9–73

SEC—Trustee completion of open contractual commitments of a SIPC Act debtor..... 1125; 12–9–73

Presidential Documents

Title 3—The President

PROCLAMATION 4183

Quantitative Limitation on the Importation of Certain Meats into the United States

By the President of the United States of America

A Proclamation

WHEREAS section 2(a) of the act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the act"), declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which in the absence of the limitations under the act would be imported during such calendar year (hereafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2(a) and (b) of the act, estimated the adjusted base quantity of meat for the calendar year 1973 to be 1,046.8 million pounds and estimated the potential aggregate imports of meat for 1973 to be 1,450 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1973, as estimated by the Secretary of Agriculture, exceed 110 percent of the adjusted base quantity of meat for the calendar year 1973 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the act is in effect with respect to the calendar year 1973; and

WHEREAS section 2(c)(1) of the act requires the President in such circumstances to limit by proclamation the total quantity of meat which

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may be entered, or withdrawn from warehouse, for consumption, during the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the act; and

WHEREAS section 2(d) of the act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1973, is limited to 1,046.8 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1973 unless because of changed circumstances it becomes necessary to take further action under the act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the act.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-1997 Filed 1-29-73;4:57 pm]

PROCLAMATION 4184

Save Your Vision Week, 1973

By the President of the United States of America

A Proclamation

Like many precious possessions, eyesight is usually taken for granted until it is lost. Yet the preservation of vision—one of life's greatest blessings—need not be left to chance. There are steps all of us can take to help keep our eyes healthy for a lifetime of useful service.

Simple safety precautions can substantially reduce the number of accidents which cause loss of vision. Potential sources of eye injury in the home, at work, and at school can be sought out and eliminated.

However, most blindness in the United States is the result not of injury, but of disease. Proper attention to hygiene, good nutrition, and, most important, regular professional eye examinations can minimize the risk of visual disability.

Glaucoma, one of the most common eye diseases, can be detected through a simple and painless test and, if detected early, can usually be arrested and controlled.

Many elderly Americans are unnecessarily blind because of cataracts. It is tragic that unwarranted fear of cataract surgery—successful in 95 percent of the cases—keeps many of our older citizens from regaining their sight.

For visual loss that can now neither be prevented nor cured, research such as that conducted by the Federal Government through the National Eye Institute offers new hope.

To encourage greater awareness of the importance of preserving sight, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 629), requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of March 4, 1973, as Save Your Vision Week. I invite the Governors of the States and appropriate local government officials to issue similar proclamations, and I call upon the Nation's mass communications media to join in bringing to the attention of all Americans the importance of preventive vision care.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-1998 Filed 1-29-73;4:57 pm]

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PROCLAMATION 4185

National Safe Boating Week, 1973

By the President of the United States of America

A Proclamation

As more and more Americans in all parts of our Nation turn to boating as a leisure time activity, we need to give increasing attention to the safety requirements of the millions who participate in this healthy, challenging outdoor sport.

Aware of this need, the Congress approved a joint resolution on June 4, 1958 (72 Stat. 179) requesting that the President proclaim an annual National Safe Boating week during the week including July 4th of each year.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 1, 1973, as National Safe Boating Week.

I urge all Americans who use our waterways to take advantage of the numerous boating safety courses offered by governmental and private organizations to help make their stay afloat as safe as it is enjoyable. These courses, sponsored by the United States Coast Guard, the Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross and various State agencies, provide the average citizen with the information needed for the safe operation of recreational boats. I particularly urge the novice and the occasional boatman, the one who operates a small boat on only a few weekends of the year, to consider his own and his family's safety and to be prepared for the unexpected by taking advantage of the sound safety information such courses offer.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Commissioner of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-1996 Filed 1-29-73;4:57 pm]

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EXECUTIVE ORDER 11702

Relative to the Executive Office of the President

Under and by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Office of Consumer Affairs, established by Executive Order No. 11583 of February 24, 1971, as amended by Executive Order No. 11595 of May 26, 1971, together with its functions, is hereby transferred from the Executive Office of the President to the Department of Health, Education, and Welfare. The Director of the Office of Consumer Affairs shall continue as the Special Assistant to the President for Consumer Affairs.

SEC. 2. In view of the establishment of the Council on Economic Policy, the Cabinet Committee on Economic Policy, together with its functions, is hereby abolished and Executive Order No. 11453 of January 24, 1969, is hereby revoked.

Richard Nixon

THE WHITE HOUSE,
January 25, 1973.

[FR Doc.73-2000 Filed 1-29-73;5:06 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to show that one position of Staff Assistant to the Associate Director for Domestic and Anti-Poverty Operations is excepted under Schedule C.

Effective on January 31, 1973, paragraph (h) of § 213.3359 is added as set out below.

§ 213.3359 ACTION.

* * * * * *

(h) One Staff Assistant to the Associate Director for Domestic and Anti-Poverty Operations.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-1815 Filed 1-30-73;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 284, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 19–25, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 284 (38 FR 1728). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.584 (Navel Orange Regulation 284) (38 FR 1728), are hereby amended to read as follows:

§ 907.584 Navel Orange Regulation 284.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 922,000 cartons;
(ii) District 2: 203,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 24, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1818 Filed 1-30-73;8:45 am]

[Papaya Reg. 3, Amdt. 1]

PART 928—PAPAYAS GROWN IN HAWAII

Regulation by Grades and Sizes

This proposal would extend the currently effective grade and size requirements for Hawaiian papayas through December 31, 1973, which are as follows. For interstate shipments, Hawaii No. 1 with a 10-ounce minimum size. For intrastate shipments, Hawaii No. 2 with a 12-ounce minimum size, except Hawaii No. 1, and Hawaii Fancy, which have a 14- and 16-ounce minimum size, respectively.

Notice was published in the FEDERAL REGISTER issue of January 12, 1973 (38 FR 1395) that the Department was giving consideration to a proposal to amend § 928.303 (Papaya Regulation 3; 37 FR 28410) pursuant to the applicable provisions of the marketing agreement, and Order No. 928 (7 CFR 928) regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Papaya Administrative Committee, established pursuant to said marketing agreement and order. Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The proposal, as recommended by the committee, would amend § 928.303 (Papaya Regulation 3; 37 FR 28410) to continue the effective period of said regulation to include all papaya shipments during 1973. The recommended action is based upon an appraisal of the prevailing supply and market situation for papayas. It is deemed necessary in order to assure consumers of an appropriate supply of quality fruit during the balance of the 1973 season and is in keeping with the objective of maintaining grower returns at a level consistent with the public interest.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Papaya Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such papayas, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give further preliminary notice to engage in further

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public rule making procedure and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such papayas are currently in progress and this amendment should be applicable to all papaya shipments occurring on and after the effective date as specified herein in order to effectuate the declared policy of the act; (2) the effective period specified herein is the same as that specified in the notice, to which no exceptions were submitted; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 928.303 (Papaya Regulation 3; 37 FR 28410) the provisions of paragraph (a) preceding subparagraph (1), will read as follows:

§ 928.303 Papaya Regulation 3.

(a) *Order.* During the period January 1, 1973, through December 31, 1973, no handler shall ship any container of papayas:

* * * * *

Dated January 24, 1973, to become effective February 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1905 Filed 1-30-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order 65]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Deferral of Effective Date of Certain Provisions

This order defers to March 1, 1973, the effective date of the following provisions of the order amending the order regulating the handling of milk in the Nebraska-Western Iowa marketing area issued December 15, 1972 (37 FR 28126) pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.):

The terms of the Class I base plan—§§ 1065.90 through 1065.98.

STATEMENT OF CONSIDERATION

An order amending the Nebraska-Western Iowa milk marketing order to provide a Class I base plan was issued by the Assistant Secretary, December 15, 1972 (37 FR 28126) to become effective February 1, 1973. As provided in the Agricultural Marketing Agreement Act, the purpose of such plan is "equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk * * * during a representative period * * *".

The specified representative period in the order is comprised of the two years, 1971 and 1972.

It is implicit in the operation of the plan that a complete record of each producer's milk deliveries be obtained and used in the computation of his history of production. Difficulties in obtaining complete records for a substantial number of producers, primarily because their marketings during the representative period include milk deliveries to numerous unregulated manufacturing plants, have delayed computation of the histories of production. The scattered nature of the data and problems in ascertaining accurately the deliveries of each producer require extensive searching of records at such plants. In addition, the histories of production for these and other producers involve many instances of changes in production facilities or changes in partnership operations which affect the computation of production history bases.

It is hereby determined that the time needed to obtain complete records of producers' marketings during the representative period, or to ascertain whether such complete data are available, and to determine production history bases of all producers, prevents effectuation of the Class I base plan on February 1, 1973.

The two cooperative associations in the market (Mid-America Dairymen, Inc., and Associated Milk Producers, Inc.,) have been advised by the market administrator of the circumstances delaying the computation of production history bases. The Board of Directors of the Central States Division of Mid-America Dairymen, in a resolution, requests that in the event the Department determines that the Class I base plan cannot be made effective February 1, 1973, the effective date be delayed until March 1, 1973. The latter cooperative association represents a large majority of producers on the market.

It is therefore ordered, That the effective date with respect to the above designated order provisions is March 1, 1973.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., on January 24, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-1819 Filed 1-30-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-505]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines an additional portion of Southampton County in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(10) relating to the State of Virginia is amended to read:

(e) * * *

(10) *Virginia.* That portion of Southampton County bounded by a line beginning at the junction of the Virginia-North Carolina State line and Secondary Road 701; thence, following Secondary Road 701 in a northerly direction to State Highway 195; thence, following State Highway 195 in a northeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to Secondary Road 670; thence, following Secondary Road 670 in a southeasterly direction to Secondary Road 743; thence, following Secondary Road 743 in a southeasterly direction to Secondary Road 716; thence, following Secondary Road 716 in a northeasterly, then northwesterly direction to Secondary Road 665; thence, following Secondary Road 665 in an easterly direction to Secondary Road 672; thence, following Secondary Road 672 in a northeasterly direction to Secondary Road 673; thence, following Secondary Road 673 in a northwesterly direction to Secondary Road 671; thence, following Secondary Road 671 in a northeasterly direction to Secondary Road 749; thence, following Secondary Road 749 in a northeasterly direction to Secondary Road 731; thence, following Secondary Road 731 in a southeasterly direction to Secondary Road 674; thence, following Secondary Road 674 in a northeasterly direction to Secondary Road 680; thence, following Secondary Road 680 in a southeasterly direction to Secondary Road 671; thence, following Secondary Road 671 in a northeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northeasterly direction to U.S. Highway 258, U.S. Highway 58; thence, following U.S. Highway 258, U.S. Highway 58 in a northeasterly direction to the west bank of the Blackwater River; thence, following the west bank of the Blackwater River in a generally southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to its junction with Secondary Road 701.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 37 F.R. 28464, 28477)

Effective date. The foregoing amendment shall become effective January 24, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-1820 Filed 1-30-73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Cattle From Mexico

On May 9, 1972, there was published in the FEDERAL REGISTER (37 FR 9328), a notice of proposed rule making with respect to an amendment of the regulations contained in Part 92, Title 9, Code of Federal Regulations, relating to the importation of cattle from Mexico. The purpose of the amendment is to require a negative tuberculin test for steers offered for entry into the United States from Mexico not more than 60 days before the date such animals are offered for entry, or in lieu thereof, to require a negative tuberculin test to be conducted at the time such animals are presented at the port of entry.

After due consideration of all relevant material, including that submitted in connection with such notice, and pursuant to the provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended, section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, 5, and 11 of the Act of July 2, 1962 (21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, and 134f), the amendment is adopted as proposed, with the exception that tuberculin testing to be done at the port of entry may be done under the supervision of the port veterinarian instead of by him as proposed. This change from the proposal is made to expedite the movement of cattle through ports of entry into the United States from Mexico. Therefore, paragraph (b)(1) of § 92.35 is amended to read:

§ 92.35 Cattle from Mexico.

* * * * *

(b) *Tuberculosis.* (1) In addition to the provisions required in the certificate under paragraph (a) of this section, such certificate shall also show, with respect to all cattle from Mexico except cattle certified in accordance with § 92.40, that a review of the available herd history, including any tuberculin test results, traceback slaughter reports and post-mortem record, and any other available records or information do not indicate evidence of tuberculosis or exposure thereto during the preceding 60 days. The certificate shall also show, with respect to all cattle, except cattle certified in accordance with § 92.40 and steers, that the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 3 month before the date the animals are offered for entry into the United States and that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd test. The certificate shall further show, with respect to steers, that each animal has been tested with negative results by a salaried veterinarian of the National Government of Mexico not more than 60 days before the date the animals are offered for entry into the United States: *Provided,* That for steers not so tested and certified, the importer may elect to have the tuberculin test completed at the port of entry under the supervision of the port veterinarian. The said certificate shall give the date and place of inspection, the date and place and results of the tuberculin test if applicable, the name of the herd owner, the name of the consignor and consignee, and an individual description of each animal including breed, age, sex, and tattoo or ear tag number.

* * * * *

(Secs. 6, 7, 8, and 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, 5, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective on March 1, 1973.

The change reflected herein from the proposal in the notice of rule making was made pursuant to comments from interested persons. It does not appear that public participation in rule making proceedings concerning the change would make additional information available to the Department. Therefore under the administrative procedure provisions in 5 U.S.C. 553 it is found upon good cause that such public proceedings are impracticable and unnecessary.

Done at Washington, D.C., this 26th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-1895 Filed 1-30-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-EA-124; Amdt. 39-1589]

PART 39—AIRWORTHINESS DIRECTIVES

Avco Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend and revise AD 71-5-2. Experience since the issuance of the airworthiness directive establishes a basis for relieving the 25-hour repetitive inspection to a 50-hour inspection. It appears that where no evidence of shifting of the center main bearing exists the extended inspection period will not derogate air safety. In view of certain editorial changes as well as clarifying paragraphs, the AD will be revised to permit printing of the full context.

Since the foregoing is a relaxation of a rule, notice, and public procedure hereon are unnecessary and the amendment and revision may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to amend and revise AD 71-5-2 as follows:

AVCO LYCOMING. Applies to all IO-360-A and -C series engines except S/N 7100-51A and subsequent and except all engines overhauled (also known as remanufactured) by Lycoming after January 26, 1970, except S/N 354-51, 1049-51A, 3003-51A, 3281-51A, 6526-51A.

To prevent shifting and possible failures of the crankcase main bearings, perform the following:

(a) Engines that have accumulated less than 500 hours in service since new or overhaul must have the lubrication system inspected for metal contaminants within the next 10 hours in service after the effective date of this AD and every 25 hours in service until 525 hours in service are accumulated, at which time compliance with (d) or (f) is required. Inspection of the lubrication system consists of visual examination for minute particles of metal suspended in the oil, examination of the engine oil suction screen for presence of metal particles and the inspection of the external full flow oil filter for metal particles by cutting it open so that the pleated element can be unfolded and examined.

(b) Engines that have accumulated 500 hours or more in service since new or overhaul must have the lubrication system inspected for metal contaminants within the next 10 hours in service after the effective

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date of this AD. Further, compliance with (d) or (f) is required within 25 hours in service after the effective date of this AD.

(c) Compliance with (d) or (f) is required if metal contaminants are detected during the above inspections.

(d) Remove No. 2 position cylinder and examine visually the position of the center main bearing for shifting in accordance with the inspection procedure of Avco Lycoming Service Bulletin No. 327B or equivalent inspection approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Should shifting be detected, comply with paragraph (f). If the bearing has not shifted and no metal contaminants are detected after compliance with paragraph (a) or (b) the engine can be returned to service and the lubrication system must be inspected for contaminants every 50 hours in service thereafter.

(e) Unless already accomplished, compliance with paragraph (f) is required within 50 hours in service after the effective date of this AD on engines that have accumulated 1,150 hours or more in service since new or last overhaul.

(f) Modify the crankcase as described in Lycoming Service Instructions No. 1123A or repair the crankcase as described in Lycoming Service Instructions No. 1112C, whichever is applicable, and install straight crankcase bearing dowels per Lycoming Service Bulletin No. 326 or equivalent repair or alteration approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Compliance with the provisions of this paragraph eliminates the inspection requirements of this AD.

NOTE: The inspection of the lubrication system required by this AD constitutes preventive maintenance.

This amendment is effective February 13, 1973.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 22, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-1774 Filed 1-30-73;8:45 am]

[Docket No. 72-NE-29; Amdt. 39-1590]

PART 39—AIRWORTHINESS DIRECTIVES

Avco Lycoming Aircraft Engines

There have been reports of failures of the second stage gas producer cylinder retaining bolts on Avco Lycoming T5313A and T5313B turboshaft engines which could result in the shank sections becoming loose with a possible failure of the turbines. Since this condition is likely to exist or develop in other engines of the same type, an airworthiness directive is being issued to require replacement of the present second stage gas producer cylinder retaining bolts with new bolts (P/N MS9705-08) made from higher strength alloy.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AVCO LYCOMING ENGINES. Applies to all Avco Lycoming T5313A and T5313B turboshaft engines. Compliance required as indicated.

To prevent hazards in flight due to failure of the second stage gas producer cylinder retaining bolts, accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this airworthiness directive, remove all P/N MS9060-08 retaining bolts and replace with new P/N MS9705-08 retaining bolts in accordance with the instructions set forth in Avco Lycoming Service Bulletin, Product Support No. 0028, Revision 1, dated 30 October 1972, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

(b) Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

This amendment becomes effective February 13, 1973.

(Secs. 313(a), 601 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 22, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-1900 Filed 1-30-73;8:45 am]

[Airspace Docket No. 72-GL-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On page 23925 of the FEDERAL REGISTER dated November 10, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Ann Arbor, Mich.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 8, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.171 (38 FR 351), the following control zone is added:

ANN ARBOR, MICH.

Within a 5-mile radius of the Ann Arbor, Mich. Airport (latitude 42°13'22" N., longitude 83°44'40" W.); excluding that portion which overlies the Detroit, Mich., Willow Run Airport control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.73-1764 Filed 1-30-73;8:45 am]

[Airspace Docket No. 72-GL-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Cleveland, Ohio, control zone.

Since designation of the control zone at the Cleveland-Hopkins International Airport, Cleveland, Ohio, the instrument approach procedures have been revised. A review of these procedures and the zone indicate the control zone extensions are no longer required for protection of the procedures.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

CLEVELAND, OHIO (CLEVELAND-HOPKINS INTL. AIRPORT)

Within a 5-mile radius of the Cleveland-Hopkins International Airport (latitude 41°24'37" N., longitude 81°50'56" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 8, 1973.

HAROLD W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1765 Filed 1-30-73;8:45 am]

[Airspace Docket No. 72-GL-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 23924 and 23925 of the FEDERAL REGISTER dated November 10, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Detroit, Mich.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 8, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition areas are deleted:

Port Huron, Mich. Detroit City, Mich.
Mount Clemens, Mich. Ann Arbor, Mich.
Pontiac, Mich.

In § 71.181 (38 FR 435), the following transition area is amended to read:

DETROIT, MICH.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°00'00" N., longitude 82°25'00" W., on the Canadian boundary to latitude 43°04'00" N., longitude 82°30'00" W., to latitude 42°53'00" N., longitude 83°00'00" W., to latitude 42°45'00" N., longitude 83°50'00" W., to latitude 42°30'00" N., longitude 83°50'00" W., to latitude 42°10'00" N., longitude 84°00'00" W., to latitude 42°00'00" N., longitude 83°30'00" W., thence east along the 42d parallel to the Canadian boundary, thence along the Canadian boundary to point of beginning.

[FR Doc.73-1766 Filed 1-30-73;8:45 am]

[Airspace Docket No. 72-RM-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 5, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25854) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Missoula, Mont., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a) Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on January 12, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (38 FR 351) the description of the Missoula, Mont. control zone is amended to read:

MISSOULA, MONT.

Within a 5-mile radius of Johnson-Bell Airport (latitude 46°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the Missoula ILS localizer northwest course extending from the 5-mile radius zone to 2 miles northwest of the Kona COMLO; within 5 miles each side of the Missoula VORTAC 302° radial extending from the VORTAC to 11 miles northwest; within 2 miles each side of the Missoula VORTAC 170° radial extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

In § 71.181 (38 FR 435) the description of the Missoula, Mont. transition area, as amended (37 FR 24657), is further amended to read as follows:

MISSOULA, MONT.

That airspace extending upward from 700 feet above the surface within 8 miles southwest of the Missoula VORTAC 296° radial extending from the VORTAC to 21 miles northwest; within 8.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 311° radial extending from the VORTAC to 38 miles northwest; within 3 miles each side of the Missoula VORTAC 170° radial extending from the VORTAC to 19.5 miles southeast; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Missoula VORTAC; within a 32-mile radius of the Missoula VORTAC extending clockwise from the Missoula 256° radial to the Missoula 357° radial; within 9.5 miles southwest to the Missoula VORTAC 298° radial extending from the VORTAC to 38 miles northwest; within a 23.5-mile radius of the Missoula VORTAC extending from the Missoula 072° radial clockwise to the Missoula 170° radial; within 5 miles west and 9.5 miles east of the Missoula VORTAC 170° radial extending from the 13-mile radius area to 30 miles southeast of the VORTAC.

[FR Doc.73-1768 Filed 1-30-73;8:45 am]

[Airspace Docket No. 72-NE-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 26532 of the FEDERAL REGISTER dated December 13, 1972, the Federal Aviation Administration published a notice of proposed rule making which would designate a Danbury, Conn., Control Zone and alter the Danbury, Conn., Transition Area (37 FR 26532).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

The effective hours of the new Danbury Control Zone were proposed in the notice to be from 0700 to 2300 hours local time. It has now been determined that the effective hours for the Control Zone will be from 0700 to 1900 hours local time. Since this modification from the notice is less restrictive and minor in nature, further notice and public procedure is considered unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 29, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Burlington, Mass., on January 17, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Danbury, Conn., control zone described as follows:

Within a 5-mile radius of the center 41°22'-15" N., 73°29'00" W., of the Danbury Airport, Danbury, Conn., and within 2 miles each side of the Carmel VORTAC 088° radial extending from the 5-mile radius area to the Carmel VORTAC. This control zone is effective from 0700 to 1900 hours local time daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airmen's Information Manual.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Danbury, Conn., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 41°22'15" N., 73°29'00" W. of Danbury Airport, Danbury, Conn., extending clockwise from the 018° bearing from the center of the airport to the 288° bearing and within a 13-mile radius from the 288° bearing clockwise to the 018° bearing and within 3.5 miles each side of the Carmel VORTAC 218° radial extending from the 9-mile radius area to 11.5 miles southwest of the Carmel VORTAC, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N.Y., 700-foot floor transition areas.

[FR Doc.73-1767 Filed 1-30-73;8:45 am]

[Docket No. 11437; Amdt. 91-110]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Subpart D—Large and Turbine-Powered Multiengine Airplanes

The purpose of these amendments to § 91.217 of Part 91 of the Federal Aviation Regulations is to permit continued operation of certain airplanes after January 22, 1973, for which required inspection programs cannot be approved by that date.

Section 91.217, effective October 22, 1972, provides that no person may operate a large or turbine-powered multiengine airplane after January 22, 1973, unless that airplane is inspected in accordance with an inspection program selected under the provisions of that section. The section further provides that the required inspection program must meet one of five criteria set forth therein. The acceptability of programs under four of the five criteria may be determined without FAA assistance, and an owner or operator selecting such a program has merely to notify the FAA of his choice. For a program to be acceptable under

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the fifth criterion, however, the section requires that it be approved by the FAA prior to its use. Due to the number of such programs that have been submitted to the FAA for approval action may not be possible on all such programs before January 22, 1973. Nevertheless, under present § 91.217 no person would be permitted to operate an airplane for which such action is pending, notwithstanding the fact that the owner or operator had complied with the rule. At the time the rule was adopted the FAA did not anticipate any difficulties in meeting the compliance time established. However, it now appears that the FAA will be unable to process all of the pending applications prior to January 22, 1973. Furthermore, the FAA has determined that such airplanes can continue to be operated without compromising safety, pending FAA action on the programs, provided they continue to be inspected in accordance with their present inspection programs. Accordingly, § 91.217 is being amended to provide that an airplane for which the owner or operator has submitted, on or before January 22, 1973, an inspection program requiring FAA approval, may be operated pending FAA action on the program, as long as the aircraft continues to be inspected in accordance with Subpart C of Part 91.

Since this amendment is an extension of the effective date of a new requirement and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, § 91.217 of Part 91 of the Federal Aviation Regulations is amended, effective January 22, 1973, by amending paragraphs (a) and the lead-in statement of paragraph (b), and adding a new paragraph (f) to read as follows:

§ 91.217 Inspection program.

(a) No person may operate a large airplane, or a turbojet, or turbopropeller-powered multiengine airplane, unless the replacement times for life-limited parts specified in the aircraft data sheets or other documents approved by the Administrator are complied with, and after January 22, 1973, except as provided in paragraph (f) of this section, the airplane, including the airframe, engines, propellers, appliances, survival equipment, and emergency equipment is inspected in accordance with an inspection program selected under the provisions of this section.

(b) The registered owner or operator of each airplane governed by this subpart must select and after January 22, 1973, except as provided in paragraph (f) of this section, must use one of the following programs for the inspection of that airplane:

* * * * *

(f) An airplane for which a program, selected in accordance with paragraph (b) (5) of this section, has been submitted for FAA approval in accordance with paragraph (e) of this section on or before January 22, 1973, may be operated pending notification by the FAA of its approval or disapproval of the program as long as the airplane is inspected in accordance with the applicable provisions of Subpart C of this Part.

* * * * *

(Secs. 313(a) and 601, Federal Aviation Act of 1958, 49 U.S.C. 1354(a) and 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 22, 1973.

J. H. SHAFFER,
Administrator.

[FR Doc.73-1769 Filed 1-30-73;8:45 am]

[Docket No. 12533, Amdt. 849]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective March 15, 1973.

Ainsworth, Nebr.—Ainsworth Municipal Airport, VOR-A, Amdt. 2.
Augusta, Kans.—Augusta Municipal Airport, VOR/DME-A, Amdt. 1.
Austin, Tex.—Tims Airpark, VORTAC-A, Amdt. 2.
Bay City, Tex.—Municipal Airport, VORTAC-A, Amdt. 1.
Chandler, Ariz.—Stellar City Airpark, VOR Runway 17, Original.
Chanute, Kans.—Chanute Martin Johnson Airport, VOR-A, Amdt. 5.
Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, VOR Runway 27, Amdt. 8.
Duluth, Minn.—Duluth International Airport, VOR Runway 3, Amdt. 11.
Duluth, Minn.—Duluth International Airport, VOR/DME Runway 21, Amdt. 6.
Fayetteville, Ark.—Drake Field, VOR-A, Amdt. 12.
Garden City, Kans.—Municipal Airport, VOR Runway 17, Amdt. 8.
Garden City, Kans.—Municipal Airport, VOR Runway 35, Amdt. 4.
Hawthorne, Calif.—Hawthorne Municipal Airport, VOR Runway 7, Amdt. 8.
Hawthorne, Calif.—Hawthorne Municipal Airport, VOR Runway 25, Amdt. 9.
Hickory, N.C.—Hickory Municipal Airport, VOR Runway 24, Amdt. 14.
Jackgson, Tenn.—McKellar Field, VOR Runway 2, Amdt. 7.
Killeen, Tex.—Killeen Municipal Airport, VOR-A, Amdt. 6.
Marshall, Minn.—Marshall Municipal-Ryan Field, VOR Runway 12, Amdt. 1.
Nome, Alaska—Nome Airport, VOR/DME Runway 9, Amdt. 2.
Pasco, Wash.—Tri-Cities Airport, VOR-A, Amdt. 2.
Pasco, Wash.—Tri-Cities Airport, VOR Runway 29, Amdt. 1.
Prairie du Chien, Wis.—Prairie du Chien Municipal Airport, VOR/DME Runway 29, Original.
Stephenville, Tex.—Clark Field Municipal Airport, VORTAC-A, Original.
Traverse City, Mich.—Cherry Capital Airport, VOR-A (TAC), Amdt. 11.
Wichita, Kans.—Wichita Municipal Airport, VOR Runway 1L, Amdt. 1, canceled.
Wichita, Kans.—Wichita Municipal Airport, VOR Runway 14, Amdt. 9.

* * * effective March 8, 1973.

Kansas City, Mo.—Kansas City International Airport, VOR Runway 9, Amdt. 3.

* * * effective February 1, 1973.

Northbrook, Ill.—Sky Harbor Airport, VOR-A, Amdt. 7, canceled.

* * * effective January 19, 1973.

Memphis, Tenn.—Memphis International Airport, VOR Runway 35R, Amdt. 26.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective March 15, 1973.

Chicago, Ill.—Chicago Midway Airport, LOC Runway 4R, Amdt. 1.
Chicago, Ill.—Chicago Midway Airport, LOC Runway 31L, Amdt. 3.
Duluth, Minn.—Duluth International Airport, LOC (BC) Runway 27, Amdt. 7.
Fayetteville, Ark.—Drake Field, LOC Runway 16, Amdt. 1.
St. Louis, Mo.—Spirit of St. Louis Airport, LOC (BC) Runway 25, Original.

* * * effective March 8, 1973.

Kansas City, Mo.—Kansas City International Airport, LOC (BC) Runway 19, Amdt. 2.

* * * effective January 9, 1973.

Detroit, Mich.—Detroit City Airport, LOC (BC) Runway 33, Original, canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective March 15, 1973.

Chicago, Ill.—Chicago Midway Airport, NDB Runway 4R, Amdt. 3.
Chicago, Ill.—Chicago Midway Airport, NDB Runway 13R, Amdt. 3.
Chicago, Ill.—Chicago Midway Airport, NDB Runway 31L, Amdt. 2.
Clarksburg, W. Va.—Benedum Airport, NDB Runway 21, Amdt. 2.
Coffeyville, Kans.—Coffeyville Municipal Airport, NDB Runway 35, Amdt. 3.
Duluth, Minn.—Duluth International Airport, NDB Runway 9, Amdt. 14.
Garden City, Kans.—Municipal Airport, NDB Runway 12, Amdt. 7.
Hawthorne, Calif.—Hawthorne Municipal Airport, NDB-A, Amdt. 2.
Kerrville, Tex.—Kerrville Municipal Louis Schreiner Field, NDB-A, Amdt. 2.
Killeen, Tex.—Killeen Municipal Airport, NDB-A, Amdt. 1.
Phillipsburg, Kans.—Phillipsburg Municipal Airport, NDB Runway 31, Amdt. 2.
Versailles, Ohio—Darke County Airport, NDB Runway 9, Original.
Wichita, Kans.—Wichita Municipal Airport, NDB Runway 1L, Amdt. 1, Canceled.

* * * effective February 15, 1973.

Smyrna, Tenn.—Smyrna Airport, NDB Runway 32, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective March 15, 1973.

Chicago, Ill.—Chicago Midway Airport, ILS Runway 13R, Amdt. 30.
Duluth, Minn.—Duluth International Airport, ILS Runway 9, Amdt. 8.
Hibbing, Minn.—Chisholm-Hibbing Airport, ILS Runway 31, Amdt. 2.
Pasco, Wash.—Tri-Cities Airport, ILS Runway 20R, Amdt. 3.
Clarksburg, W. Va.—Benedum Airport, ILS Runway 21, Amdt. 3.

* * * effective February 15, 1973.

Paducah, Ky.—Barkley Airport, ILS Runway 4, Original.

* * * effective January 23, 1973.

Missoula, Mont.—Johnson-Bell Field, ILS Runway 11, Amdt. 2.

5. Section 97.31 is amended by originating, amending, or canceling the following radar SIAP's effective March 15, 1973.

Chicago, Ill.—Chicago Midway Airport, Radar-1, Amdt. 17.
Duluth, Minn.—Duluth International Airport, Radar-1, Amdt. 8.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's effective March 15, 1973.

Davenport, Iowa—Davenport Municipal Airport, RNAV Runway 14, Original.
Davenport, Iowa—Davenport Municipal Airport, RNAV Runway 32, Original.
Hawthorne, Calif.—Hawthorne Municipal Airport, RNAV Runway 25, Amdt. 1.
Kansas City, Kans.—Fairfax Municipal Airport, RNAV Runway 17, Original.
Omaha, Nebr.—Eppley Airfield, RNAV Runway 32L, Original.
Topeka, Kans.—Phillip Billard Municipal Airport, RNAV Runway 17, Original.

CORRECTIONS

In Docket No. 12495, Amendment 847, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Friday, January 19, 1973, under § 97.23 effective March 1, 1973, it should read in part "* * * Long Beach, Calif.—Long Beach (Daugherty Field), VOR Runway 30 (TAC), Original, vice VORTAC Runway 30."

In Docket No. 12458, Amendment 845, to Part 97 o the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Friday, January 5, 1973, under § 97.23 effective February 15, 1973, it should read in part "* * * Albany, N.Y.—Albany County Airport, VOR/DME Runway 1, Amdt. 2, vice VOR/DME-1."

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 24, 1973.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20, 35 FR 5610 approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-1901 Filed 1-30-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FOOD, DRUG, AND COSMETIC ACT

PART 132—REGISTRATION OF PRODUCERS OF DRUGS

PART 273—BIOLOGICAL PRODUCTS

Registration of Blood Banks and Other Firms Collecting, Manufacturing, Preparing, or Processing

A notice of proposed rule making concerning the registration of blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products was published in the FEDERAL REGISTER of August 26, 1972 (37 FR 17419). Interested persons were invited to submit comments on the proposal within 60 days. In response, 104 comments were received from individuals, firms and organizations.

1. Many comments, although not objecting to the proposed registration of blood banks, strongly urged that such blood banks voluntarily participating in the inspection accreditation of the American Association of Blood Banks (AABB) be exempt from inspection by the Food and Drug Administration. These comments indicated that for the last 15 years, the AABB has operated a comprehensive inspectional program utilizing highly qualified inspectors, and that the Food and Drug Administration would simply be wasting public funds by duplicating such a program. Many of these comments made reference to programs operating under the Clinical Laboratories Improvement Act and the Social Security Act, for in both these cases provision is made for accepting inspections and accreditations by qualified organizations in lieu of governmental inspection.

The Food and Drug Administration recognizes the valuable contribution to blood banking made by the AABB. Nonetheless, the Commissioner of Food and Drugs concludes that the Food and Drug Administration should conduct its own inspection pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360), in addition to any inspection by private organizations. It is anticipated that there will be close cooperation between the FDA and the AABB and that a dual inspection system will substantially increase public protection.

2. Numerous comments questioned whether it was the intent of Congress to classify blood as a drug. An analysis of the section 201(g)(1) definition of drug in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), reveals that blood and related blood products fall clearly within that definition. That section states "The term 'drug' means (A) articles recognized in the official United States Pharmacopeia * * *; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; * * *." Blood is covered by both parts of this definition. Human blood was first recognized in the United States Pharmacopeia (USP), XV Edition (Dec. 15, 1955), and has been included in each USP since that edition. Indications for use of blood products also fall directly within the broad therapeutic scope of the definition. While it is, of course, true that blood is human living tissue, it is incorrect to assume that it must be either a living human tissue or a drug. That human blood and blood products may be characterized as living human tissue for some purposes, and as biologics for purposes of regulation under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) in no way alters the fact that blood is also a drug subject to regulation under applicable provisions of the Federal Food, Drug, and Cosmetic Act. Those federal courts which have had occasion to consider the issue have held without equivocation that human blood is a drug within the meaning of the Federal Food, Drug, and Cosmetic Act. For these reasons, the Commissioner finds that human blood and blood products are drugs within the meaning of the Federal Food, Drug, and Cosmetic Act, and subject to regulation pursuant to its provisions.

3. Several comments stated that all aspects of blood banking were within the practice of medicine, and therefore not subject to regulation by the Food and Drug Administration. These comments indicated that since Food and Drug Administration regulations issued pursuant to section 351 of the Public Health Service Act require that licensed blood banks be under the direction of a physician,

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blood banking, from donor interrogation through the actual blood transfusion, constitutes the practice of medicine. The simple fact, however, that donor qualification and blood collection are performed under the direction of a physician does not mean that blood banking constitutes the practice of medicine. To the contrary, since the licensing of the first blood bank in 1946, the collection of blood from suitable donors, its processing, storage, and distribution for sale in interstate commerce has been considered the manufacture of a biologic drug, and has been regulated by the Division of Biologics Standards, National Institutes of Health (which was transferred on July 1, 1972 to the Food and Drug Administration where it is now the Bureau of Biologics (37 FR 12865)). The prescribing of blood, however, is considered the practice of medicine, and consequently has not been regulated by the Federal Government. It is therefore clear that Federal regulation of the manufacture, preparation, and processing of human blood and blood products in no sense regulates the practice of medicine.

4. Several comments indicated confusion or misunderstanding as to what blood bank activities will constitute manufacture, preparation, propagation, compounding, or processing requiring a blood bank to register. It is the Commissioner's intention that any facility, which by chemical, physical, biological, or other procedures makes human blood or blood products, be subject to registration and inspection. This includes the manipulation, sampling, testing, or utilization of control procedures, whether applied to the final product or to any part of the manufacturing process. It also includes repackaging or otherwise changing the container, wrapper, or labeling of any blood or blood products package in furtherance of distribution of the product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer. It thus includes both processing and any other work that is performed on the human blood or blood products themselves, including such testing as grouping and typing as well as compatibility testing when performed in conjunction with a transfusion of blood or blood components. For purposes of determining eligibility for blood bank registration, blood components are defined as red blood cells, platelet concentrates, platelet poor blood, leukocyte poor blood, or leukocyte filtered blood, single donor plasma, cyroprecipitated antihemophilic, or any product which may be derived from whole blood or plasma by blood bank laboratory personnel.

To illustrate, if a blood bank processes all or even part of the blood which it collects, or prepares any blood component from blood or blood products received from other banks, it would be required to register. Furthermore, if a blood bank does not collect or process any blood, but receives its entire supply from other banks and then cross-matches and transfuses such whole blood or components without any further processing, it is also required to register. Registration is also required of blood banks or other establishments that collect or supply blood cells, serum, or plasma for the manufacture of a drug, or as a component in the manufacture of laboratory reagents and controls, including those establishments that supply outdated pooled plasma to manufacturers of fractionation products or laboratory control reagents. Finally, all establishments that manufacture plasma by plasmapheresis will be required to register, regardless of whether the plasma so manufactured is to be used for fractionation, unlicensed laboratory control reagents, licensed blood grouping and typing serums, hepatitis associated antibody, or any other diagnostic reagents made from plasma.

5. One comment stated that registration under section 510 of the Federal Food, Drug, and Cosmetic Act was being confused with licensing under section 351 of the Public Health Service Act. There should be no confusion if it is understood that:

a. The licensing procedure under section 351 of the Public Health Service Act involves the submission of a license application for both an establishment and a product detailing all phases of manufacture, and requires a prelicensing inspection as well as annual inspections thereafter. So long as a license meets the prescribed standards, the license remains in effect and the licensee may ship licensed biologics in interstate commerce.

b. Registration, on the other hand, involves the submission of a form containing ownership and location information on an annual basis and requires a biennial inspection, but does not permit the registrant to ship blood or other biological products out of the State in which they are registered.

6. Several comments indicated that no reasons were given in the initial FEDERAL REGISTER proposal as to why the Commissioner had decided to require the registration of intrastate blood banks, nor was there any indication as to what was expected to be accomplished by such a proposal. Many recent surveys of the blood banking system have indicated that that system has been unable to provide American consumers with sufficient quantities of high quality, safe human blood and blood products. These surveys have also indicated that one of the major problems associated with the blood banking system is that very little information is even available about the vast majority of manufacturers and distributors of this vitally needed lifesaving drug. It is clear that uniform national regulation may be required with respect to the manufacturing, processing, and distribution of blood and blood products, not only because blood is a commodity of national significance, but also because there has been little or no State regulatory activity in this area. The purpose of the blood bank registration proposal, therefore, is to provide a comprehensive survey of a large sector of the blood delivery system. This survey will provide useful information for implementing necessary programs and standards for improvement of the Nation's blood delivery system. Presently, there is no organization or agency, either public or private, that has accurate and up-to-date information concerning the amount of blood collected in this country, the number and location of collection facilities, or the volume of blood components that is transfused annually. This blood bank registration and inspection program should provide this kind of essential information, especially when utilized in conjunction with the Drug Listing Act of 1972 and the implementing regulations proposed in the FEDERAL REGISTER of December 12, 1972 (37 FR 26431).

7. Several comments inquired if registration was a prelude to licensing. As there currently is no statutory authority to license intrastate blood banking, the registration of such blood banking under section 510 of the Federal Food, Drug, and Cosmetic Act can in no sense be considered a prelude to licensing. Licensing is of course authorized under section 351 of the Public Health Service Act for the purpose of permitting shipment of biological products in interstate commerce, but many of the blood banks that will be required to register will have no reason to ship blood or blood products in interstate commerce, and therefore will not need or desire to be licensed. It should be noted in this connection, however, that intrastate blood banking, although not subject to licensure, is nevertheless subject to regulation under other provisions of the Public Health Service Act, and that the interstate controls under both acts impinge directly upon intrastate commerce.

8. One comment expressed concern that registration would make the collection of a unit of blood illegal in the case of an emergency. These comments, however, misconceive the intent and purpose of registration. The Food and Drug Administration does not desire to question the medical judgment of a physician prescribing treatment for a patient during a medical emergency, and registration will not operate to make blood collected during such circumstances illegal.

9. A question has been raised about the intent of § 273.237 (21 CFR 273.237) as it appeared in the August 26, 1972, proposal, in that it could have been interpreted to mean that all firms licensed under section 351 of the Public Health Service Act for any biologic product were exempt from the registration requirement. In light of the recently proposed implementing regulations for the Drug Listing Act of 1972, which would remove the exemption for all section 351 licensees, the Commissioner has determined that confusion will be minimized through the implementation of the registration requirement for all blood banks immediately, regardless of whether or not they are section 351 licensees. All blood banking facilities, without exception, are therefore required to register pursuant to the provisions of the new § 273.237.

10. At such time as 21 CFR Part 132 is revised to implement regulations for the Drug Listing Act of 1972, blood banking facilities registered pursuant to the new § 273.237 (21 CFR 273.237) will be expected to fully comply with the requirements of the revised Part 132.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 52 Stat. 1040–1042, as amended, 76 Stat. 794, as amended by 79 Stat. 231–232 and 84 Stat. 1282, 52 Stat. 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 360, 371), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262), and the Administrative Procedure Act (secs. 4 and 10, 60 Stat. 238 and 243, as amended; 5 U.S.C. 553, 702, 703, 704), and under authority delegated to the Commissioner (21 CFR 2.120), 21 CFR Parts 132 and 273 are amended as follows:

1. In Part 132, paragraph (b) of § 132.51 is revised to read as follows:

§ 132.51 Exemptions for domestic establishments.

* * * * *

(b) Hospitals, clinics, and public health agencies which maintain establishments in conformance with any applicable local laws regulating the practices of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, other than human blood or blood products, upon prescription of practitioners licensed by law to administer such drug for patients under the care of such practitioners in the course of their professional practice.

* * * * *

2. In Part 273, the following new § 273.237 is added.

§ 273.237 Registration of blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products.

(a) All owners or operators of establishments that engage in the collection, manufacturing, preparation, propagation, compounding, or processing of human blood or blood products are required to register, pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act. Registration and listing of products shall comply with 21 CFR Part 132. Registration does not permit any blood bank or similar establishment to ship blood or blood products in interstate commerce.

(b) Forms for registration of an establishment are obtainable on request from the Bureau of Biologics (BI–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852, or at any of the Food and Drug Administration district offices.

(c) The completed form should be mailed to Blood Bank Registration (BI–7), Bureau of Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Effective date. This order shall become effective April 3, 1973. All affected blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products shall submit their registration form within that time.

(The Federal Food, Drug, and Cosmetic Act, secs. 201, 510, 701, 52 Stat. 1040–1042, as amended, 76 Stat. 794, as amended by 79 Stat. 231–232 and 84 Stat. 1282, 52 Stat. 1055–1056, as amended by 70 Stat. 948, 21 U.S.C. 321, 360, 371; the Public Health Service Act, sec. 351, 58 Stat. 702, as amended, 42 U.S.C. 262; and the Administrative Procedures Act; secs. 4 and 10, 60 Stat. 238 and 243, as amended, 5 U.S.C. 553, 702, 703, 704)

Dated: January 17, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73–1706 Filed 1–30–73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SUBCHAPTER A—INTRODUCTION

[Docket No. R–73–210]

PART 300—GENERAL

Power of Attorney

Paragraph (c) of § 300.11 is amended by bringing current the list of attorneys-in-fact authorized to act on behalf of the Association.

Notice and public procedure on this amendment are dispensed with because it does not adversely affect any existing rights and it is necessary to carry out the day to day business of the Association. Part 300 is amended as follows:

1. Section 300.11(c) is revised to read:

§ 300.11 Power of attorney.

* * * * *

(c) The persons appointed attorneys-in-fact by paragraph (a) of this section are:

(1) Federal National Mortgage Association, a Government-sponsored private corporation.

(2) Margaret M. Ake, of Los Angeles, Calif.

(3) Allan E. Arneson, of Los Angeles, Calif.

(4) Robert P. Atkinson, of Chicago, Ill.

(5) Walter T. Ausfeld, of Atlanta, Ga.

(6) Lawrence S. Banks, of Dallas, Tex.

(7) Frank L. Barczewski, of Los Angeles, Calif.

(8) Gordon C. Bell, of Dallas, Tex.

(9) Donald E. Berg, of Dallas, Tex.

(10) Norman Camber, of Los Angeles, Calif.

(11) Howard S. Carnes, of Atlanta, Ga.

(12) Russell B. Clifton, of Washington, D.C.

(13) W. D. Cornwell, of Atlanta, Ga.

(14) Thomas G. Dawson, of Dallas, Tex.

(15) John J. Deisher, of Philadelphia, Pa.

(16) Joseph R. Eldred, of Philadelphia, Pa.

(17) Ray M. Evans, Jr., of Dallas, Tex.

(18) Leon Fine, of Philadelphia, Pa.

(19) H. J. Flewharty, of Dallas, Tex.

(20) Norbert C. Greene, of Philadelphia, Pa.

(21) John J. Hagerty, of Philadelphia, Pa.

(22) Eugene J. Hansen, of Chicago, Ill.

(23) Charles W. Harvey, Jr., of Philadelphia, Pa.

(24) John R. Hayes, of Chicago, Ill.

(25) J. W. Hester, Jr., of Atlanta, Ga.

(26) Elwyn V. Hopkins, of Washington, D.C.

(27) George L. Huckabee, of Dallas, Tex.

(28) Fred J. Jankowski, of Chicago, Ill.

(29) Harry E. Johnson, of Washington, D.C.

(30) Hughes A. King, of Dallas, Tex.

(31) John F. Kurth, of Chicago, Ill.

(32) Louis Lane, of Los Angeles, Calif.

(33) C. James Larkin, of Los Angeles, Calif.

(34) Oliver J. McCarron, of Philadelphia, Pa.

(35) James A. McClellan, of Chicago, Ill.

(36) Hugh J. McConville, of Dallas, Tex.

(37) James L. McKnight, of Los Angeles, Calif.

(38) Frank E. Moll, of Los Angeles, Calif.

(39) Howard A. Morton, of Chicago, Ill.

(40) James D. Nelson, of Dallas, Tex.

(41) Vincent H. Nelson, of Atlanta, Ga.

(42) Philip R. Nichols, Jr., of Philadelphia, Pa.

(43) Albert D. Oltman, of Los Angeles, Calif.

(44) Sam Pampalone, of Chicago, Ill.

(45) Joseph T. F. Quinn, of Philadelphia, Pa.

(46) Norman M. Reid, of Los Angeles, Calif.

(47) Harry Rode, of Dallas, Tex.

(48) Edward N. Sambol, of Chicago, Ill.

(49) Richard Stern, of Chicago, Ill.

(50) Marvin F. Strattman, of Los Angeles, Calif.

(51) T. J. Swanson, Jr., of Atlanta, Ga.

(52) Keller D. Thormahlen, of Dallas, Tex.

(53) Jack Tuggle, of Los Angeles, Calif.

(54) Esther O. Walder, of Philadelphia, Pa.

(55) Walter B. Williams, of Atlanta, Ga.

Effective date. This amendment shall be effective on January 31, 1973.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.73–1817 Filed 1–30–73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

Deletion of Regulations Establishing Penalties and Requiring Notification of Accidents

Pursuant to authority in sections 6(b) and 8(g), of the Williams-Steiger Occupational Safety and Health Act of 1970 (OSHA) (29 U.S.C. 655, 657), section 41

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of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), Secretary of Labor's Order No. 12–71 (36 FR 8754), and the regulations in 29 CFR 1911.5 (37 FR 8664), Part 1915 of Title 29 of the Code of Federal Regulations is hereby amended by the deletion of §§ 1915.3 and 1915.6 as set forth below.

The ship repairing standards in Part 1915 have been incorporated by reference under the Occupational Safety and Health Act (29 U.S.C. 651 et seq.). The incorporation is published in § 1910.13 of the aforementioned title. Section 1915.3 does not contain a standard. It describes a statutory penalty for violations of section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941). However, to avoid possible confusion to persons following the reference under the Occupational Safety and Health Act, § 1915.3 is hereby deleted. The deletion, of course, does not derogate from the statutory penalty.

Section 1915.6 requires an employer to follow special reporting procedures when an accident results in a fatality or serious injury. The same information must be reported under § 1904.8 of the aforementioned title, a rule issued under the Occupational Safety and Health Act which applies concurrently with § 1915.6. Under these circumstances, § 1915.6 is deleted as being unnecessary.

Notice and public procedure under 5 U.S.C. 553 concerning the deletion of § 1915.6 are found unnecessary because of the minor rulemaking involved. The deletion of § 1915.3 is essentially an editorial change.

Accordingly, the amendments to Part 1915 are as follows:

1. Section 1915.3 *Penalty* is deleted.

2. Section 1915.6 *Notification of accidents resulting in fatalities or serious injuries*, is deleted.

(Secs. 6(b), 8(g), 84 Stat. 1593, 1598 (29 U.S.C. 655, 657); Sec. 41, 44 Stat. 1444 (33 U.S.C. 941); Secretary of Labor's Order No. 12–71, 36 FR 8754)

Effective date. This amendment shall become effective January 29, 1973.

Signed at Washington, D.C. this 23d day of January 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73–1824 Filed 1–30–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 50—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

PART 50–250—VETERANS' EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS

Part 50–250 of Title 41, Code of Federal Regulations, is hereby revised to implement the provisions of 38 U.S.C. section 2012 as enacted by the Veterans' Employment and Readjustment Act of 1972 (Public Law 92–540).

Executive Order No. 11598 promulgated on June 16, 1971 (36 FR 11711), was designed to facilitate the employment of returning veterans by requiring Federal agencies and Federal contractors and their subcontractors to list certain employment openings with the employment service system. Regulations implementing that Executive Order were promulgated on September 14, 1971 (36 FR 18398), and are published at 41 CFR Part 50–250. Affected Government agencies issued implementing regulations including those amending the Federal Procurement Regulations (37 FR 2769) and those amending the Armed Services Procurement Regulations (Defense Procurement Circular No. 95, November 29, 1971).

The above-mentioned Veterans' Employment and Readjustment Act of 1972 provides and makes effective on January 24, 1973, a veterans' employment emphasis under Federal contracts which is similar to that of Executive Order 11598 and directs the President to promulgate implementing regulations.

Executive Order No. 11701 (38 FR 2675), authorizes and directs the Secretary of Labor to issue regulations as may be necessary to carry out the provisions of section 2012 of title 38 of the United States Code, and that Order.

Notice of proposed rule making procedures would involve delay in compliance with the implementation requirements of Public Law 92–540. Accordingly, the revised regulations shall become effective January 24, 1973.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the provisions of 5 U.S.C. 553. See 29 CFR 2.7. In accordance with the spirit of the public policy set forth in the above-mentioned section, interested parties may submit written comments, suggestions, data, or arguments to the Manpower Administrator, U.S. Department of Labor, Washington, D.C., within 30 days of the publication of the regulations contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal.

The Federal Procurement Regulations clause at 41 CFR 1–12.1102–3 and the Armed Services Procurement Regulations clause at ASPR 7–103.27 may be used by procuring agencies which are governed by those regulations until such time as those regulations are amended to conform with the revised 41 CFR Part 50–250.

41 CFR Part 50–250 is revised to read as follows:

Sec.

50–250.1 Purpose and scope.
50–250.2 Required clause in Federal contracts and subcontracts.
50–250.3 Veteran priority in referrals.
50–250.4 Obligations of executive departments and agencies.
50–250.5 Deviations.
50–250.6 Failure to comply—enforcement.
50–250.7 Manpower Administration Regional Offices.
50–250.8 Federal departments and agencies.

AUTHORITY: Section 503, 86 Stat. 1097, 38 U.S.C. section 2012; and E.O. 11701, 38 FR 2675.

§ 50–250.1 Purpose and scope.

This part contains the Department of Labor rules and regulations requiring listing of employment vacancies with the Federal-State Employment Service system by Federal contractors and subcontractors pursuant to section 503, title V of the Veterans' Employment and Readjustment Act of 1972 and Executive Order 11701, 38 FR 2675.

§ 50–250.2 Required clause in Federal contracts and subcontracts.

In every contract for $2,500 or more, for the procurement of personal property and nonpersonal services (including construction) for the United States made and entered into by any department or agency of the Federal Government or any federally owned corporation and every subcontract entered into by the prime contractor in carrying out such contract, the contracting officer shall include, either directly or by reference, the following contract clause in (a) all invitations for bids and requests for proposals, and (b) all contracts, including contracts resulting from unsolicited proposals. The contract clauses prescribed by the Federal Procurement Regulations and by the Armed Services Procurement Regulations may be used instead of the clause set forth herein. The contract clause is as follows:

LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR 50–250 if this contract is for $2,500 or more.)

(a) The contractor, to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required: *Provided*, That if the contract is for less than $10,000 or if it is with a State or local government the reports set forth in paragraphs (c) and (d) of this clause are not required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment service or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in any Executive Orders or regulations regarding nondiscrimination in employment.

(c) The reports required by paragraph (a) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one establishment in a State, with the central office of that State employment service. Such reports shall indicate for each establishment (1) the number of individuals who were hired during the reporting period, (2) the number of those hired who were disabled veterans, and (3) the number who were nondisabled veterans of the Vietnam era. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract. The contractor shall maintain copies of the reports submitted until the expiration of 1 year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor.

(d) Whenever the contractor becomes contractually bound to the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system there is no need to advise the State system of subsequent contracts. The contractor may advise the State systems when it is no longer bound by this contract clause.

(e) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(f) This clause does not apply to openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than $18,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" or "rehire" lists.

(4) "Openings which the contractor proposes • • • to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings for which no consideration will be given to persons outside of a special hiring arrangement, including openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees.

(5) "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans' Administration for disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(6) "Veteran of the Vietnam era" means a person (i) who (I) served on active duty for a period of more than 180 days, any part of which occurred after August 5, 1964, and was discharged or released therefrom with other than a dishonorable discharge, or (II) was discharged or released from active duty for service-connected disability if any part of such duty was performed after August 5, 1964, and (2) who was so discharged or released within the 48 months preceding his application for employment covered under this part.

(h) The contractor agrees to place this clause (excluding this paragraph (h)) in any subcontract of $2,500 or more directly under this contract. This clause shall apply to any subcontract entered into by the contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States.

§ 50–250.3 Veteran priority in referrals.

The local offices of the Federal-State employment service shall give priority in referral to disabled veterans and veterans of the Vietnam era to such employment openings listed by contractors and subcontractors pursuant to this part.

§ 50–250.4 Obligation of executive departments and agencies.

Executive departments and agencies shall issue amendments or additions to their procurement rules and regulations as may be necessary to conform those rules and regulations to the requirements of the Vietnam Era Veterans' Readjustment Assistance Act of 1972, Executive Order 11701, and these regulations. Such amendments or additions shall be issued in consultation with the Secretary of Labor. Requests for consultation may be made to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210.

§ 50–250.5 Deviations.

Under the most compelling circumstances, deviation from the provisions of this part may be made, subject to the approval of the Secretary of Labor. Requests for any such deviations shall be addressed to the Secretary of Labor, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, or to the Regional Manpower Administrator of the U.S. Department of Labor of the region wherein the contract is to be signed, and shall set forth the reasons for the request.

§ 50–250.6 Failure to comply—enforcement.

(a) Upon receipt of notice of failure of a contractor or subcontractor to comply with the provisions of this Part, the cognizant Government agency or agencies shall take such action as may be appropriate in consonance with the default provision of the contracts concerned.

(b) If any disabled veteran or veteran of the Vietnam era believes any contractor or subcontractor has failed or refuses to comply with the provisions of his contract with the United States relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the veterans' employment representative at a local State employment service office who will attempt to informally resolve the complaint and then refer the complaint with a report on the attempt to resolve the matter to the State office of the Veterans' Employment Service of the Department of Labor. Such complaint shall then be promptly referred through the Regional Manpower Administration to the Secretary of Labor who shall investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

§ 50–250.7 Manpower Administration Regional Offices.

Following are the addresses of the regional offices of the Manpower Administration of the Department of Labor, together with a list of the States and territories in each region. The addresses of the State and local offices of the various State employment services can be obtained at the office of the appropriate Regional Manpower Administrator.

Region I—Room 1703, J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.) Region II—Room 716, 341 Ninth Avenue, New York, NY 10001. (New York, New Jersey, Puerto Rico, and the Virgin Islands.) Region III—Post Office Box 8796, Philadelphia, Pa. 19101. (5000 Wissahickon Avenue, do not use street address for mailing purposes). (Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.) Region IV—Room 405, 1371 Peachtree Street NE., Atlanta, GA 30309. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.) Region V—Room 2402, Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604. (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.) Region VI—7th Floor, Federal Center, 1100 Commerce Street, Dallas, TX 75201. (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.) Region VII—Room 3000, Federal Building, 911 Walnut Street, Kansas City, MO 64106. (Iowa, Kansas, Missouri, and Nebraska.) Region VIII—Room 16015, Federal Office Building, 1961 Stout Street, Denver, CO 80208. (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.) Region IX—Room 10064, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102. (Arizona, California, Guam, Hawaii, and Nevada.) Region X—Arcade Plaza, 1321 Second Avenue, Seattle, WA 98101. (Alaska, Idaho, Oregon, and Washington.) District of Columbia—Room 341, 555 Pennsylvania

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Avenue NW., Washington, DC 20212. (District of Columbia.)

§ 50–250.8 Federal departments and agencies.

Federal executive departments and agencies in order to implement the Federal executive policy of assistance to Veterans in obtaining employment, shall list all of their employment openings, for which they have direct-hire authority or which are in the service excepted, with the appropriate office of the Federal-State Employment Service. They shall also furnish to the Secretary of Labor such reports and information as he may require in carrying out his responsibilities under the Veterans' Employment and Readjustment Act of 1972, and Executive Order 11701.

The effective date of this revision is January 24, 1973.

Signed at Washington, D.C. this 24th day of January 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73–1852 Filed 1–30–73;8:45 am]

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60–2—AFFIRMATIVE ACTION PROGRAMS

Agency Action

On August 31, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 17765) with regard to amending § 60–2.2 of Chapter 60 of Title 41 of the Code of Federal Regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

Having considered all relevant material submitted, I have decided to, and do hereby amend § 60–2.2 of Chapter 60 of Title 41 of the Code of Federal Regulations as follows:

§ 60–2.2 Agency action.

(a) (1) Any contractor required by § 60–1.40 of this chapter to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246, as amended (30 FR 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60–2.10 through 60–2.32, the contractor is unable to comply with the employment opportunity clause. An affirmative action plan shall be deemed to have been accepted by the Government at the time appropriate compliance agency has accepted such plan unless within 45 days thereafter the Office of Federal Contract Compliance has disapproved such plan.

(2) The appropriate compliance agency shall notify the contractor and the Office of Federal Contract Compliance when it has accepted an affirmative action plan.

(b) If, in determining such contractor's responsibility for an award of a contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance or other Government agencies, that the contractor has not developed an acceptable affirmative action program at each of his establishments or has substantially deviated from such an approved affirmative action program, the contracting officer shall notify the Director and declare the contractor-bidder nonresponsible unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations or, unless upon review, it is determined by the Director that substantial issues of law or fact exist as to the contractor's responsibility to the extent that a hearing is, in his sole judgment, required prior to a determination that the contractor is nonresponsible: *Provided*, That during any preaward conferences every effort shall be made through the processes of conciliation, mediation and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60–2.10 through 60–2.32 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations, and orders: *Provided further*, That when the contractor-bidder is declared nonresponsible more than once for inability to comply with the equal employment opportunity clause a notice setting a timely hearing date shall be issued concurrently with the second nonresponsibility determination in accordance with the provisions of § 60–1.26 proposing to declare such contractor-bidder ineligible for future contracts and subcontracts.

(c) Immediately upon finding that a contractor has no affirmative action program or has deviated substantially from an approved affirmative action program or that his program is not acceptable, the contracting officer, the compliance agency representative or the representative of the Office of Federal Contract Compliance, whichever has made such a finding, shall notify officials of the appropriate compliance agency and the Office of Federal Contract Compliance of such fact. The compliance agency shall issue a notice to the contractor giving him 30 days to show cause why enforcement proceedings under section 209(b) of Executive Order 11246, as amended, should not be instituted.

(1) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days, the compliance agency, upon the approval of the Director, shall immediately issue a notice of proposed cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts pursuant to § 60–1.26 (b) of this chapter, giving the contractor 14 days to request a hearing. If a request for hearing has not been received within 14 days from such notice, such contractor will be declared ineligible for future contracts and current contracts will be terminated for default.

(2) During the "show cause" period of 30 days every effort shall be made by the compliance agency through conciliation, mediation, and persuasion to resolve the deficiencies which led to the determination of nonresponsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the compliance agency, with the prior approval of the Director, shall promptly commence formal proceedings leading to the cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts under § 60–1.26(b) of this chapter.

(d) During the "show cause" period and formal proceedings, each contracting agency must continue to determine the contractor's responsibility in considering whether or not to award a new or additional contract.

Effective date. This amendment shall be effective January 31, 1973.

Signed at Washington, D.C., this 23d day of January 1973.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73–1829 Filed 1–30–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18397; FCC 73–80]

PART 76—CABLE TELEVISION SERVICES

Memorandum opinion and order. In the matter of amendment of Part 74, Subpart K,[1] of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rule making and/or legislative proposals, Docket No. 18397.

1. On June 24, 1970, we adopted the Second Report and Order in Docket No. 18397, 23 FCC 2d 816, in which we adopted § 74.1131—now § 76.501—of our cable television rules. Petitions for reconsideration and other pleadings have been filed, and we now address the objections.

2. Petitions and informal requests for reconsideration of the second report were received, during the regular filing period, from—

American Broadcasting Co. (ABC);
Central California Communications Corp. (CCCC);
Carter Publications, Inc.;
Columbus Cablevision, Inc.;
Fetzer Broadcasting Co.;
Gill Industries;
Gross Telecasting, Inc.;
Hazard Television Co., Inc.;
King Broadcasting Co.;
Liberty Television, Inc.;
McClatchy Newspapers;
Midcontinent Broadcasting Co.;
Monroe Cablevision, Inc.;
Morris, Lloyd P.;
National Association of Broadcasters (NAB);
National Association of Educational Broadcasters (NAEB);
National Broadcasting Co., Inc. (NBC);
Newhouse Broadcasting Corp.;
Post Co.;
Stauffer Publications, Inc., and Tribune Publishing Co., filing jointly (Stauffer);
Susquehanna Broadcasting Corp.;
Triangle Broadcasting Corp.; and
Vincennes University.

[1] Redesignated as Part 76, in issue of February 12, 1972; 37 FR 3252.

Subsequently, late-tendered pleadings were received from Connecticut Television, Inc. (CTI), and Broadcast-Plaza, Inc. (BPI), and supplementary pleadings were tendered by Columbus, Fetzer, Liberty, NAB, NAEB, Newhouse, and Stauffer. All of these are accepted for filing, and, in addition we have considered, in this context, a related rule making petition by Roanoke Telecasting Corp.

SUMMARY OF PLEADINGS

3. The respondents variously request that the Commission: (1) Rescind § 76.501 entirely, or with particular respect to television networks or stations (all stations, or UHF or educational stations), either permanently or pending further study; [2] (2) postpone the effective date of the rule; (3) rescind or modify the divestiture requirements, or lengthen the 3-year divestiture period, or articulate standards for case-by-case waiver of the rule; or (4) with respect to station-system cross-relationships, substitute some other measure (geographic, economic, audience size et al.) of co-location for the present predicted-Grade-B-contour standard; or (5) expressly preempt the subject of cross-ownership, to prevent States and local governments from adopting standards more stringent than those adopted by the Commission.

4. Full rescission of § 76.501 is urged by CCCC, Columbus, Fetzer, Gill, Monroe, NAB, and Newhouse. Monroe and Newhouse contend that, as a matter of law (section 4 of the Administrative Procedure Act, 5 U.S.C. 553(c)) and policy, the record on which the Commission relied in adopting § 76.501 was inadequate, in that the rule is justified in the second report primarily on the basis of theories and speculations unsupported by facts, and that the facts cited in that document are irrelevant. Specifically, Newhouse contends that the statement therein that 46 percent of the cable systems started in 1966 were "owned by radio or television stations" is irrelevant because it (i) doesn't indicate what percentage was owned by television stations, and (ii) indicates no trend toward domination of cable by broadcasters when considered together with the fact that, as of the date of issuance of the second report, fewer than 400,000 cable subscribers were served by systems within the Grade B contours of co-owned television stations. Moreover, Newhouse argues, the Commission, having made no determination as to what constitutes adequate communications media competition, cannot properly evaluate the need for remedial, or even preventative, action.

5. NAB cites the "Selden Report" ("Mass Communications in the United States," filed in Docket No. 18110 in January 1972, 6 months after adoption of the second report herein) as proof that "there is a very large diversity of media available to the public, in virtually every market regardless of size," to such extent that (apart from unique situations which could be dealt with on an ad hoc basis) "co-located cable television cross-ownership could not and would not significantly affect it." Newhouse and Fetzer cite data regarding some specific cable localities as evidence that adequate media competition exists.

6. Newhouse contends that, if broadcasters are excluded from cable system operation, other large corporations will move in without the broadcasters' record of public service, and it suggests that certain multiple-system operators favor § 76.501 because it "enabl[es] them to increase their share of the CATV market by eliminating a strong source of competition for local markets." In response to the argument that cable-broadcast cross-ownerships of the sorts dealt with in § 76.501 would encourage subordination of local-interest cablecasting to more profitable broadcast operations, Newhouse cites the voluntary importation of non-Newhouse TV broadcast signals by a Newhouse system within the Grade B contour of a co-owned television station.

7. Cross-ownership doesn't conflict with the Commission's "many voices" objective, Newhouse contends, since: (1) a cable system brings so many additional "voices" to the television set that any offsetting effects of local-cross ownership become insignificant; (2) a cable system conducting origination cablecasting will presumably focus on very local news and public service programing, something a TV broadcaster cannot do, and so station and system programing will not reinforce each other but rather concentrate on different subjects; and (3) cable systems can be (and, Gill notes, under the 1972 cable rules, in many cases are) required to provide access channels for programing not under the system operator's control. Newhouse, Columbus, and NAB assert that the Commission's primary basis for adoption of § 76.501 was the expectation that cable systems would originate cablecast programing to a significant extent in compliance with the program-origination rule (now § 76.201(a)), and claim that that basis has been invalidated by the Commission's stay-of-implementation of the program-origination requirement.[3]

[2] Or let UHF stations hold noncontrolling interests in co-located cable systems.

[3] The stay was ordered by the Commission after the U.S. Court of Appeals, Eighth Circuit, declared the program-origination requirement null and void. Midwest Video Corp. v. U.S., 441 F. 2d 1322 (1971). Subsequently, the Supreme Court reversed that Eighth Circuit decision (406 U.S. 649 (1972)), but the Commission has not yet acted to terminate the stay.

8. The Commission's contention, in footnote 2 of the second report, that "diversification rules would be desirable even if CATV operations were limited to carriage of broadcast signals and common carrier activities, in view of the limited number of broadcast and newspaper media in all communities, and the potential importance of cable facilities in providing many communications services," is dispute by Newhouse and Columbus on the ground that it "represents an arbitrary assumption of antitrust jurisdiction using patently wrong antitrust theories," since (1) cable and broadcasting are different industries in separate markets, and (2) there is an ample supply of media voices. Moreover, Newhouse argues, the future shape of cable television cannot be foreseen with certainty, and regulatory policies should not be based upon speculative prediction.

9. NAB contends that, as a result of our adoption of the Cable Television Report and Order in Docket No. 18397 (37 FR 3251, February 12, 1972), enough is now known about the future shape of cable to warrant rescission of § 76.501. Specifically, NAB says, under the new rules: (1) The TV broadcast signal carriage by cable systems is now predetermined more than ever by detailed rules, and hence the cable operator is, for the most part, unable to favor a co-owned local television station (or disadvantage a competing local TV station) by his distant-signal-carriage choices; and (2) the emphasis is now on access rather than origination cablecasting (with the cable operator rewired in the top 100 markets to provide at least three access channels beyond his programing control).

10. Newhouse contends that the provisions of § 76.501 lie beyond the Commission's statutory authority. It argues that nothing in the Communications Act prohibits a broadcast licensee from engaging in any proper type of business; cites a judicial decision for the proposition that the Commission lacks statutory authority to adopt a rule barring newspaper publishers from broadcast station ownership; and from that infers that the § 76.501 ban on television-cable cross-ownership also exceeds the Commission's statutory authority. Newhouse further argues that the Commission's power to regulate cable is limited to that reasonably ancillary to regulation of broadcasting, and questions whether cable system ownership may be included under that rubric.

11. Rescission of § 76.501(a)(1), regarding cross ownership et al. of cable systems with national television networks, is urged by two of the three national TV broadcast networks, ABC and NBC. In support of this request, they argue that: (1) Absent evidence of illegality or wrongdoing, adoption of the network cross-ownership ban is unfair to the networks and contrary to legal tradition in that (i) without good cause it bars an industry from experimenting with or adopting a new technology in developments related to its normal function of program distribution, and (ii) it

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is unheard of in American law (under such circumstances) to impose per se disqualifications from future business interests and require divestiture of a business lawfully acquired or engaged in (NBC). (2) The Commission's Notice • • • in Docket No. 18397 did not inform parties that the question of network ownership of cable systems would be decided, and thus the rulemaking "notice" requirements in the Administrative Procedure Act have not been met; although some respondents to the notice commented on the network question, only 1 month (April 3 to May 12, 1969) was allowed for reply comment; and the question of TV broadcast network cross-ownership with cable systems is a major one which warrants full investigation and full opportunity for comment (ABC). (3) The Commission's fear that television network ownership of cable systems might inhibit cable development is contradicted by the fact that the television industry itself was developed to a large degree by radio broadcast licensees and networks, and newspaper and theater owners (ABC, NBC). And (4) the prohibition against network ownership of cable systems is premature, and could hamper cable growth, since (i) only a few cable subscribers are served by network-owned systems (ABC, NBC); (ii) cable television is at too early a stage of development, and its expansion and innovation needs and risks are too great for the Commission to deny ownership to those whose natural interest and communications innovation history may be the greatest; (iii) exclusion of TV network investment in cable systems will be without any justification if cable systems become essentially common carriers as a result of the Commission's rulemaking decisions designed to promote program diversity; and (iv) there is no problem of overconcentration of network ownership in cable television now, and there will be time enough to deal with the problem, if it is one, when the Commission knows what the role of cable is to be (ABC).

12. Rescission of § 76.501(a)(2), regarding cross-ownership et al. of cable systems with co-located television broadcast stations, is urged specifically by BPI, Carter, Columbus, CTI, Gill, McClatchy, and Midcontinent; and implicitly by Fetzer, Hazard, Liberty, and Monroe. Monroe objects to the local station-system cross-ownership ban on the ground that it prevents station licensees, who receive no compensation from cable systems for television broadcast carriage, from at least getting indirect compensation via ownership of cable systems in their own areas. Monroe further contends that the station-system cross-ownership ban reverses the Commission position expressed in Docket No. 15415; that the Commission's rationale for that reversal (i.e., that its previous view had not taken local cablecasting and other potential nonbroadcast communications services by cable systems) since, during the pendency of Docket No. 15415, the Commission could not have been unaware of these potentialities; and that the Commission's attempt, via § 76.501(a)(2), to foster competition between cable systems and co-located TV stations, is inconsistent with its claim of jurisdiction over cable on the ground that cable regulation is necessary to protect TV stations from cable system competition.

13. CTI contends that the station-system cross-ownership ban is insufficiently supported in the record because it is based not on allegations or evidence of any existing pattern of abuse, but rather on unjustified fear of potential anticompetitive abuse and unwarranted expectations that cable would play a pivotal role as an opinion molder; Liberty notes that the second report contains no findings regarding the degree of local cross-ownership in the United States; and Gill notes that no showing was made of any abuses in system operators' control of origination cablecast channels. McClatchy states that, as of January 1, 1970, fewer than 150 operating cable systems, serving 380,000 subscribers (6 percent of the number of systems, and 8.4 percent of the number of subscribers, at that time) were owned by parties with an interest in a co-located system, and that these 380,000 subscribers constituted only 0.6 percent of the then 62,213,900 TV homes in the United States; and concludes, in the light of these figures, that the alleged problem is de minimis. CTI contends that the station-system local-cross-ownership ban reflects a mere mechanical transference of existing broadcast principles to the emerging cable industry (as evidenced, it says, by the across-the-board application of the ban to UHF and VHF stations, commercial and noncommercial stations, and majority and minority interests, all without regard to the number and kinds of communications media serving a particular area). Such "mechanical transference" is inappropriate, CTI says, because of the "fundamental technical and competitive distinctions between broadcasting and cable communications."

14. Such alleged "mechanical transference" is particularly inappropriate, CTI argues, in the light of developments subsequent to the issuance of the second report. In particular, CTI contends, it is becoming increasingly unlikely that cable operators will play a significant role in the influencing of opinion. Rather, it asserts, there is a growing probability that cable operators will have little control over their systems' nonbroadcast programing, and that even major systems may not be required to originate cablecast programing at all. This last point raises an important threshold question, CTI says, in that the Commission's adoption of § 76.501 was strongly influenced by the expectation that most major cable systems would be under a regulatory obligation to act as significant programing media. Monroe asserts that, in any event, cable operators have no interest in opinion influencing, and that their cable origination would affect public opinion mainly by providing access to multiple voices in the community. Gill comments that a cable system's ability to influence its subscribers' opinions is restricted by, inter alia, the existence of competing media, the limited amount of cable origination (as a result of cost considerations), and the application of "political broadcast" and "fairness doctrine" rules to origination cablecasting. BPI urges the Commission to permit TV broadcasters to take part in the development of co-located systems, both because doing so would be consistent with the Commission's desire to foster cable growth in the Nation's largest market areas and because it would benefit viewers for television broadcasters who know their own areas' needs and interests, and who know how to do programing, to have a role in local cable development.

15. Exemption of UHF television stations from the scope of § 76.501(a)(2) is favored by CTI and Roanoke [4] and opposed by BPI. In support of an exemption for UHF stations, CTI states that: (1) Over the years, the Commission and Congress have adopted several measures to foster UHF in view of the technical and competitive disparities between UHF and VHF television, and the courts have regularly viewed such actions as valid exercises of Commission and congressional discretion; (2) but UHF and VHF are still far from competitive equals and there is continuing a need to foster UHF development; and (3) exemption of UHF television stations from the purview of § 76.501(a)(2) would materially foster the development of UHF television and would be fully consistent with regulatory policies previously adopted for that purpose. (As alternatives, if necessary, to full exemption of UHF stations from the local-cross-ownership ban, CTI urges that § 76.501(a)(2) be amended to permit a financially marginal UHF station to hold a minority interest in a co-located cable system, and to provide that UHF station-cable system cross-ownerships shall be dealt with on a case-by-case basis.) Roanoke urges the Commission to allow UHF stations to have ownership interests in co-located cable systems on the grounds that (4) a UHF station with an ownership interest in a co-located cable system can supply it with program origination facilities and expertise, and, (5) if the cable system is successful, it can bring added revenues to a financially straitened UHF station which has an interest in it.

16. BPI, on the other hand, contends that a special exemption for UHF stations would be unsound because: (1) It would confer an undue competitive advantage upon certain UHF stations (e.g., profitable network-affiliated stations in such top-50 markets as Hartford-New Haven, which is served by only two VHF stations); (2) even in the case of marginal UHF stations, it is not clear that cable system local cross-ownership would

[4] Also, in July 1972, the All-Channel Television Society filed a rulemaking petition requesting amendment of § 76.501 to permit a UHF station to hold an ownership interest in a co-located cable system.

improve the UHF station's financial condition or public service comparability; indeed it is equally likely that the cable system adjunct would be a drain on the UHF station's resources; (3) an exemption predicated on the plight of struggling UHF stations would in no way further the Commission's cable television objectives, and should therefore not be allowed. BPI argues that: (i) The case for relaxing the cross-ownership ban rests largely on the contribution that broadcasters can make to the development of cable in their service areas; (ii) judged in that light, a rule which would permit the class of TV stations with the least to contribute to enter cable business locally, but which would preclude entry by those TV licensees with the most to contribute, is hardly calculated to maximize the benefits of cable service to the public; (iii) to the extent that UHF stations are in a position to provide such assistance to cable television in an ownership capacity, they stand on no different footing than profitable VHF stations, and there is no reason why such UHF stations should be accorded preferential treatment.

17. Exemption of educational television stations from the scope of § 76.501(a)(2) is urged by NAEB, Vincennes University,[5] and an individual educator, Mr. Lloyd P. Morris, of Elmwood Park, Ill. Their arguments are analogous in many respects to those contained in comments on the subject filed in response to the Notice of Proposed Rule Making and of Inquiry in Docket No. 18891 (35 FR 11042, July 9, 1970), pursuant to footnote 1 of that document. NAEB asserts, first, that the original notice • • • in Docket No. 18397 did not discuss the need for or desirability of a prohibition against educational television station-cable system local cross-ownerships, and that the second report sets forth no reasons for such a prohibition. However, NAEB continues, it is clear that the thrust of the Commission's comments and attention, with respect to TV station-cable system, concerned commercial stations. Second, NAEB cites the Commission's acknowledgement (in footnote 1 of our notice • • • in Docket No. 18891) that cross-ownership with a cable system may be financially beneficial to an ETV station. These financial opportunities alone warrant deletion of the present ETV-cable local cross-ownership ban, NAEB urges, because "most of the difficulties confronting educational television stations are directly traceable to the lack of adequate funding • • •" In response to the Commission's observation that other potential sources of funds are available to ETV stations, NAEB replies that the operation of a local cable system would (i) be directly available to a local ETV station, (ii) be based on its own industry and initiative, and (iii) avoid the "oftentimes tortuous delays involved in securing funds from more traditional sources." Third, NAEB argues, ETV stations, as owners of cable systems, would make good use of cable's potentialities for educational and public service programing, in that: (i) They would make full use of the cable's broadband and two-way capabilities; (ii) they could coordinate the programing activities of the ETV station and the cable system so that (a) imported signals would not have an adverse effect on the ETV station's offerings, and (b) distant ETV signals could supplement local ETV station offerings but harmful duplication would be avoided; and (iii) ETV stations have good knowledge of local tastes, needs, and desires by virtue of their deep and broad-ranged roots in the community. Fourth, Vincennes notes that the Commission used a "multiple voices" argument in support of its adoption of both § 76.501(a)(2) and recent amendments to the broadcast multiple-ownership rules (in the first report and order in Docket No. 18110, 22 FCC 2d 306, released Apr. 6, 1970), but that it specifically excluded ETV stations from the applicability of the Docket No. 18110 amendments. (Also, some of the comments filed in Docket No. 18891 argue that the "multiple voices" argument does not properly apply to ETV stations because, in the typical case, ETV station governing boards memberships have been deliberately chosen to represent a broad range of community interests.)

18. A stay of implementation of § 76.501 is urged by Gill, Hazard, NAB, and Triangle. Gill, Hazard, and Triangle contend that it is unfair to single out TV broadcast-cable cross-ownership for early disposition because the Commission cannot logically isolate the questions pertaining to such cross-ownerships from the questions pertaining to cross-ownerships of cable systems with other mass-communications-media entities. The NAB urged deferral of the effective date of section 76.501 until the true nature of cable is clarified and until pertinent questions raised in the Commission's broadcast-multiple-ownership docket (No. 18110) are clarified.

19. Rescission or modification of the divestiture requirement: Most of the petitioners urge (1) rescission of the divestiture requirement of § 76.501, either (i) totally, or insofar as that requirement applies to (ii) networks or (iii) television stations; (2) extension of the present 3-year divestiture grace period; or (3) enunciation of appropriate standards for (i) general exceptions to, or (ii) case-by-case waivers of, the divestiture requirement.

20.—*Rescission:* NAB, urging total rescission of the divestiture requirement, cites a series of Commission actions which, in NAB's view, encouraged a number of broadcasters to enter the cable television field in the mistaken belief that subsequent divestiture would not be required. In the light of that history, NAB believes, the imposition of a divestiture requirement constitutes "a lack of elemental fairness." NBC criticizes the divestiture requirement, insofar as it applies to the networks, as unfair, invalid, and contrary to the public interest in view of an absence of findings of wrongdoing, illegality, or monopoly, and failure to consider the networks' contributions to cable television during cable's experimental period.

21.—*Re co-located television stations:* Several of the petitioners (CCCC, Carter, Columbus, CTI, Fetzer, Gill, Liberty, McClatchy, Midcontinent, Newhouse, NAB, Post, and Stauffer) urge rescission of the divestiture requirement insofar as it applies to co-located television broadcast stations. In support of such rescission it is argued that (i) procedural requirements have been violated; (ii) Commission precedent has been ignored; (iii) the divestiture requirement is injurious to present owners; (iv) the record is insufficient to justify the requirement; (v) mandatory divestiture is an extreme and unlawfully harsh remedy; (vi) it is discriminatorily ill-timed; and (vii) this timing forces cable operators to make "gambling" decisions regarding divestitures.

22. The procedural requirements of section 316(a) of the Communications Act were violated in the adoption of the mandatory-divestiture requirement, according to Columbus, McClatchy, Midcontinent, and Newhouse. They argue that: (1) The Commission asserts, in paragraphs 17 and 18 of the Second Report, that, in banning certain cross-ownerships with cable systems, it is exercising a licensing function with respect to cable; but (2) section 316(a) prohibits modification of "Any station license • • • by the Commission • • • until the holder of the license • • • [has] been given reasonable opportunity to show cause why such order of modification should not issue, and section 316(b) provides that the burdens of proof and of proceeding with the introduction of evidence are on the Commission; and yet (3) cable operators with interests in co-located television stations have been afforded an opportunity for a public hearing. Although (4) it is conceded that the Commission through rule making change the operating requirements of existing licensees (California Citizens Association v. United States, 375 F. 2d 43 (9th Cir. 1967), (5) that does not mean that the Commission may use the rule making to negate the provisions of section 316(a) (id., p. 51), e.g., by the adoption of a rule which is (as in the case of the mandatory-divestiture provisions of § 76.501) individual in impact and condemnatory in purpose—(6) The divestiture provision modifies the existing license of certain television stations by conditioning the continuance of that license upon their divestiture of co-located cross-owned cable systems—(7) The individual-impact character of this is heightened by the fact that only 400,000 homes, fewer than 0.07 percent of all TV homes, are served by cable systems within the predicted grade B contours of co-owned TV stations.

23. The divestiture requirement is contrary to Commission precedent, argue Columbus, Fetzer, McClatchy, Newhouse,

[5] Licensee of ETV Station WVUT, Vincennes, Ind., and operator of cable systems at Vincennes and Washington, Ind., and Bridgeport and Lawrenceville, Ill.

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and Stauffer; and (Fetzer adds) it is particularly harsh treatment of broadcasters who had been led to expect otherwise, acted in reasonable reliance thereon, and are now threatened as a result with great financial loss.

24. NAB urges the Commission to "grandfather" local cross-ownerships in being prior to the adoption of § 76.501 on the ground that the economic losses and uncertainties resulting from the divestiture requirement are of a far higher magnitude than damage caused by a prospective application of the rule. Several of the petitioners (CCCC, Carter, Columbus, Gill, Newhouse, and Post) cite the impact of the divestiture requirement on their own business operations as examples of the injury broadcasters with local cable interests. They refer to the long leadtime between capital investment and fully profitable operation, and the unlikelihood of recovering their investments in disposing of cable systems which have not matured to the point of fully demonstrating their potential profitability. They express little confidence in the Commission's hope that broadcasters will be able to negotiate exchanges of cable systems with broadcasters in other areas.

25. Petitioners contending that the evidence in the record is insufficient to warrant mandatory divestiture of cross-relationships between co-located cable systems and television systems state essentially the following: (1) The record includes no evidence of abuses of existing such cross-ownerships; nor is there any evidence of anticompetitive effects of existing cross-ownership situations, or of a reduction in the number of opinion-influencing voices available to people in communities served by cable systems within the grade A or B contour of a jointly owned television station. Moreover, cable systems will have "access" channels over which diverse opinions may be expressed without the control of cable operator (Columbus, McClatchy, Midcontinent, Newhouse). (2) The Commission adopted the cross-ownership ban on the basis of its "expertise" and in the light of its new requirement of program origination (id.). However, "expertise" is not an adequate basis for requiring divestiture of investments made in reliance upon previous Commission policies (Midcontinent); and the Commission's hope that it may foster program origination by means of the divestiture requirement is purely speculative since (i) most cable systems (whether station-owned or not) do not engage in program origination, and (ii) the program-origination rule provides no standard as to the types and amount of origination required (Fetzer). (3) The lack of record evidence supporting divestiture is all the more glaring when compared with the Commission's approach in adopting rules restricting broadcast-ownership combinations: (i) The broadcast duopoly policy gradually developed case by case. (ii) The chain-broadcast rules were adopted following a 6-year process, including extensive hearings before a five-member special committee (Columbus, McClatchy, Midcontinent, Newhouse). (iii) In the present proceeding, the Commission did not give affected parties a reasonable opportunity to supply data, unlike broadcast Docket No. 18110, in which the Commission gave parties 6 months additional time for filing of comments (Stauffer). (4) The Commission made no effort to demonstrate that the alleged problem is not de minimis. It fails to ascertain and show (i) the extent of broadcast-cable cross-ownership, and (ii) the impact of the Second Report within grade B contours of cross-owned stations (it has given no indication whether the new cross-ownership prohibition will affect 10 percent or 90 percent of the cable systems and/or subscribers in the United States). In contrast, in Docket No. 18110, the Commission published an exhaustive abstract, "Newspaper-Broadcast Joint Interests as of November 1, 1969". (Id.) (5) In fact, the available data (see paragraph 13 supra) indicates that the "problem" is, at most, deminimis (id.).

26. But, even assuming the existence of a problem, several petitioners argue, mandatory divestiture is a harsh remedy which is unwarranted where, as here, lesser remedies would do. In Timken Roller Bearing Co. v. United States, 341 U.S. 593, 603 (1951), they note, the U.S. Supreme Court ruled that "divestiture • • • is not to be used • • • without regard to the type of violation or whether other effective remedies, less harsh, are available". How, they ask, can the Commission impose mandatory divestiture upon cable operators who are innocent of misconduct in light of the Supreme Court's indication in Timken that it would not require divestiture in most cases in which actual wrongdoing was shown? They suggest, as less drastic measures sufficient to serve the Commission's purposes: (1) Application of the broadcast "fairness doctrine" and "political election" rules to cablecasting; (2) mandatory operation of a "common-carrier" cablecast channel; and (3) reliance upon prospective application of the cross-ownership ban, since future sales of stations and systems would gradually eliminate "grandfathered" cross-ownerships. (CCCC, Columbus, Fetzer, McClatchy, Midcontinent, Newhouse, and Stauffer.)

27. Finally, petitioners contend that the divestiture requirement is discriminatorily ill-timed in that (i) the Commission "prematurely" ordered a breakup of the "most insignificant" of the media combinations, cable-broadcast, just after postponing action on other cross-ownership proposals in Docket No. 18110 to permit further study (McClatchy and Midcontinent); and (ii) it is inconsistent and unfair to require the licensee of a TV station in a community to dispose of his interest in a cable system there while permitting the owner of a newspaper and AM and FM stations in that community to acquire a cable system there (Gill). Gill also argues that this nonsimultaneity of Commission action on the various cable cross-ownership questions unreasonably compels an entrepreneur with cable, TV, and AM and FM radio interests in the same area to gamble in deciding whether to divest himself of his TV station or the cable system—in that subsequent Commission rule making decisions may force him to divest himself of more of these interests than he would have had to if he could have anticipated those later decisions.

28.—*Modification of the divestiture requirement:* CCCC notes that the Commission has mentioned the possibility of divestiture-requirement waivers, but has not generally articulated its criteria for grant of such waivers; and it urges the Commission to reduce the time and expense involved in the waiver process by public announcement of specified waiver criteria. Gill urges a stay of the divestiture requirement in view of the little time remaining of the originally specified 3-year divestiture period, and the Commission's inaction to date on petitions for reconsideration. Without such a stay, Gill argues, "a cross-owner must soon determine which of his properties he will divest, and diligently seek a buyer, notwithstanding his lack of firm knowledge as to whether divestiture will be required after the Commission's reconsideration." If a specified divestiture period is deemed necessary, Gill says, it should be of 5 years' duration beginning when the Commission has resolved all of the communications media cross-ownership questions—5 years duration to avoid needless injury to present owners and to be consistent with Commission decisions in other, comparable situations, and the delayed starting time for reasons indicated in paragraph 27 supra. In addition, Gill urges that a cable operator be allowed to complete development of his cable facility pursuant to his pre-July 1970 plan even if that involves franchises acquired after July 1, 1970, because failure to do so will prevent numerous communities islanded within a cable facility's general service area from obtaining cable service for some time and will needlessly depress the resale value of the cable system, and because, "So long as it is understood that expanded portions of the system are to be divested along with the rest, there is no reason why the operator should not be permitted to • • • construct and operate newly franchised segments of his system until such time as the whole system is sold."

29. Cross-interest: The Commission is requested by CTI,[8] King, and Post to permit television station licensees to have a minority interest in colocated cable systems, on the grounds that prohibition of such cross-relationships is unprecedented and unnecessary to achieve the Commission's purposes (Post, King), that it denies a source of revenue that financially marginal stations may need in order to continue their broadcast service (CTI), and that it deprives cable systems of investment funds from television licensees who may wish to assist a cable capable of increasing their station's audience. If the Commission's aim is arm's-length competition, King asks, would it not suffice to limit the "any interest" ban to the primary area and omit the secondary area?

[8] With particular reference to financially marginal UHF stations.

30. Replacement or modification of the "predicted Grade B contour" measure of colocation is urged by BPI, Carter, CTI, King, Liberty, McClatchy, and Midcontinent. In King's view, the Grade B contour marks off a forbidden area which is much too large, and thus may deprive "outlying communities" within that contour of needed cable service even though in such places the cable system and the central-city TV station are not rival outlets.[7] King recommends the substitution of either a smaller, fixed-mileage area (e.g., the 35-mile zone recommended by McClatchy and Midcontinent) or, where pertinent, the U.S. Census Bureau-determined Standard Metropolitan Statistical Area (SMSA) in which the station operates. King argues that a cable system within a small outlying community is not a local rival to a central-city station because the station cannot be a "local outlet" there whereas the system will find it advantageous to focus, in its cablecasting, on the needs and interests of its own community. Moreover, King notes that, in communities more than 35 miles from the center of the station's market, distant-signal importation (a form of competition far more formidable than cablecasting) would not seriously affect even marginal UHF and small-market stations. Midcontinent contends that outlying communities within a cross-owned station's grade B contour are unlikely to be particularly influenced by that station's current affairs programing because such communities (i) typically receive many "overlapping stations," and (ii) in any event are small-townish in outlook, unlike the orientation of a big-city TV station.

31. King further contends that advertising solicitation by cablecasters would not cause any problems for the central-city station, since local firms in TV stations' secondary zones can't afford TV broadcast advertising, although they can be a good advertising source for cablecasters. Also, King argues, ownership of cable systems within its service areas does not give a TV station a competitive advantage over other TV stations in the same market since (1) systems are required by Commission rules to carry the signals of all same-market stations and to give them equal rights with respect to channel position, program nonduplication, etc.; and (2) the Commission's control over TV licensees who operate cable systems is more effective than its control over nonbroadcaster operators of cable systems.

32. Midcontinent and McClatchy challenge the Commission's assertion, in the Second Report, that use of the predicted grade B contour as the colocation boundary line contributes to administrative certainty, by citation of the Commission's statements, in paragraph 48 of the notice • • • in Docket No. 18397, that (i) the predicted grade B contour varies from station to station and may extend as far as 60 miles from the station's transmitter and (ii) a fixed-mileage standard would be administratively convenient and would provide certainty to those affected since air-mile distance from a specified point could be readily calculated without reference to contour maps in the Commission's offices or the necessity of an evidentiary hearing to resolve disputes.

33. King[8] contends that a standard resulting in a smaller colocation area than that marked off by the predicted grade B contour would be consistent with recent Commission actions in other proceedings. King notes that in the broadcast one-to-a-market proceedings, the Commission adopted as its area-demarcation standard not the grade B but the grade A contour. Moreover, King continues, in that proceeding the Commission noted that UHF stations and many FM stations still needed association with other local media to facilitate their growth, and thus built cross-ownership exceptions into the rule regarding such facilities in overlap situations. Particularly in secondary areas, King contends, cable is in an even less advanced state than UHF and FM, and should receive similar treatment. King also states that the Commission recently adopted a specific-waiver provision permitting telephone common carriers to provide cable television service to communities that would not otherwise obtain it. It argues that a broadcaster also has a special motivation to provide cable service to remote communities, can do so more economically than other potential owners, and can cablecast programing at less cost than a telephone company can (and is therefore more likely to).[9]

34. CTI suggests[10] that the cross-ownership limitation, if deemed necessary, be limited to those counties in which a station has a net weekly circulation of at least 70 percent (i.e., those areas in which "the broadcaster may at least arguably be in a position to influence opinion to a significant degree"). BPI, citing its own situation, considers it unreasonable to bar television station ownership of a cable system in a county in which Commission-endorsed data indicates that the station is not "significantly viewed". Liberty suggests three other alternatives which, alone or together, would in its opinion strike a balance between the goals of (i) insuring substantial program diversity, and (ii) fostering development of cable (as an essentially passive reception facility (in sparsely settled areas. Specifically, Liberty recommends (1) limitation of the station-system cross-ownership with systems which have more than 2,500 subscribers within the station's community of license, SMSA, or Area of Dominant Influence (ADI), and (ii) providing that the total number of subscribers to systems which are cross-owned with a TV station and within its grade B contour shall not exceed 15 percent of that station's NWC, or (3) exemption of systems with fewer than 2,500 subscribers from the cross-ownership ban.[11] On behalf of these three proposals, Liberty states: Re (1), that the top 100 markets contain the vast majority of TV homes, are the source of most TV revenue, and hold the real promise for program origination by cable systems; that below-top-100 markets offer little opportunity for large systems with potential for significant program origination, but do need cable systems to fill over-the-air signal reception gaps; and that ultimately, cross-ownership of TV stations and cable systems in small markets may be necessary to maintain the viability of local over-the-air TV broadcast facilities there; re (2), that the proposed 15 percent limitation would prevent a broadcaster from obtaining a subscriber base sufficient to raise a question of undue concentration of control; and, re (3), that TV station cross-ownerships with co-located systems with fewer than 2,500 subscribers (i) pose no problems with respect to programing diversity since such systems normally cannot engage in program origination anyway, and (ii) pose no threat of undue concentration of control.

35. Preemption: BPI urges that, if the TV station-cable system local cross-ownership prohibition is rescinded or substantially modified, the Commission preclude State and local authorities from imposing more restrictive cross-ownership limitations than ours.

Discussion of Pleadings

36. As indicated in the foregoing paragraphs, the respondents favoring rescission of the cross-ownership et al. provisions in § 76.501—either totally or

[7] King concedes that there may be outlying communities, in the station's secondary area, which are large enough to support cable systems truly competitive with a cross-owned central-city TV station, but suggests that special rules could be devised to deal with such situations.

[8] Citing 22 FCC 2d 306, 312 (paragraph 22), and 318–19 (paragraphs 45, 47, and 48) (1970).

[9] King contends that this telephone company-cable system cross-ownership exception relies on waiver rather than a general rule for reasons that do not apply in the context of section 76.501; i.e., (i) the difficulty of establishing a rational border-delineation standard, and (ii) charges of competitive abuse.

[10] With particular reference to UHF television stations.

[11] In a recently tendered supplementary pleading, Liberty substituted the following alternatives: (1) Restrict the general ban on cross-ownership of colocated TV stations and cable systems to the top 100 markets; in smaller markets, limit the ban to systems with 10,000 or more subscribers (in order not to discourage at least limited cable origination); or (2) (i) prohibit TV station-cable system cross-ownership within the community of license; (ii) authorize cross-ownership of smaller systems (i.e., with fewer than 10,000 subscribers) outside of the community of license; but (iii) provide that in no event shall the total number of subscribers of the cross-owned systems within the station's predicted grade B contour exceed 25 percent of the net weekly circulation of the cross-owned TV station; or (3) exempt systems with few than 7,500 subscribers from the cross-ownership ban.

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insofar as they apply in particular to national broadcast television networks, or to colocated television stations (all, or commercial UHF, or noncommercial educational)—argue variously that: the record relied upon by the Commission was insufficient; additional facts submitted by the respondents negate the Commission's conclusions; the Commission lacks statutory authority to impose such restrictions; inadequate notice of proposed rule making was given to network cross-owners; adoption of the rule reverses the Commission's previous position expressed in Docket No. 15415; and (6) developments subsequent to the adoption of § 76.501 have washed away its foundations.

37. The question of notice of proposed rule making regarding cross-ownership of cable systems with networks diminishes against the circumstances that: (1) In view of the introduction of the question of notice, we have reviewed ABC's and NBC's substantive arguments regarding network-cable cross-ownership, contained in their petitions for reconsideration, in the same manner, according them the same weight, as if their submissions had been received before the second report was issued; and that (ii) with respect to the relation of this procedural question to the divestiture provisions applicable to networks, the three-year divestiture grace period specified in the second report does not expire until this coming August, and we have in any event (in view of the considerable passage of time between the issuance of the second report and this memorandum opinion and order) decided to extend the grace period even further in order to avoid hardship to existing cross-owners.

38. Although we have given thoughtful consideration to the petitioners' other contentions, we remain persuaded that the provisions of § 76.501 prohibiting ownership, operation, control, or interest of a cable television system with a national broadcast television network or a colocated television broadcast or translator station, and requiring divestiture of such prohibited cross-relationships by a date certain, are in the public interest and should continue in force.

39. Our adoption of these provisions—designed to foster diversification of control of the channels of mass communication—was guided by two principal goals, both of which have long been established as basic legislative policies. One of these goals is increased competition in the economic marketplace; the other is increased competition in the marketplace of ideas.

40. We did not choose to wait until cable reached maturity before acting to achieve these goals. Having grappled over the years with the problems of cross-media control of radio and television stations, by national broadcast networks, and by newspapers and other broadcast stations in the same communities and market areas, we had become increasingly persuaded, first, that cross-media control is generally undesirable (although temporary exceptions are sometimes warranted); second, that the evidence of previously developed electronic mass media indicated that, in the absence of regulatory prohibition, considerable cross-media control of cable television could be expected, and that tendencies in that direction had already begun; and, third, that cross-media control of cable would become increasingly difficult to halt and reverse as cable grew if its growth were not accompanied by early imposed regulations designed to foster diversification of control.

41. Some of the data leading to the second conclusion were summarized in paragraphs 9 and 10 of the second report. That was not intended to demonstrate that abuses of cable system ownership were taking place to any significant degree, or that broadcasters' control of cable facilities had already advanced to major proportions. What it did demonstrate was that the major broadcast television networks were already such dominant influences in the television field that any further expansion of their ownership or control into the new and growing cable television industry was per se undesirable, and that such network involvement in cable should be stopped and turned around before it became entrenched; and that about 30 percent of the cable systems in existence in December 1968, were broadcaster-controlled.[12] Newhouse in its petition for reconsideration indicates that, as of the date of issuance of the second report, approximately 400,000 cable subscribers—close to 10 percent of the total number of cable subscribers at that time—were served by systems within the predicted grade B contours of television stations under common ownership with those systems.

42. CTI characterizes our adoption of cable cross-ownership rules as a "mechanical transfer" of broadcast concepts to cable notwithstanding "fundamental technical and competitive distinctions between • • • [them]." Whatever distinctions may exist between TV stations and cable systems, it is nonetheless true that actions taken by cable system operators—to carry or not carry certain distant stations, to offer program origination or not, to move speedily or at the slowest pace permitted to develop access channel facilities and encourage their use—all can affect the audiences and earnings of colocated television stations. In the light of this fact, we remain persuaded that cable systems are more likely to grow, in size and service to their subscribers, if they are not under common control with colocated television stations. We have not been shown that cable growth will be significantly retarded by the unavailability, under our rules, of financial investment by colocated stations.

43. We do not agree with the contention that new developments have washed away the case for cable-broadcast cross-ownership restrictions. Our adoption of the Cable Television Report and Order was designed to encourage the growth of cable; to the extent that our efforts in that regard are successful, the time available to us for early preventative action with respect to cross-control of cable and other media is foreshortened. The assurance we are offered that cable will ultimately become essentially a "common carrier" of mass communications may or may not be correct, but in either event fails to come to grip with the short run, during which origination cablecasting can be expected to play a significant role in attracting, and affecting, cable subscribers.

44. Our reasons for not exempting UHF television stations from the general applicability of § 76.501 are well summarized in paragraph 16 supra, and do not require repetition here. Our reasons for not exempting educational television stations are essentially the same as those previously indicated by us in footnote 1 of the Notice of Proposed Rule Making and of Inquiry in Docket No. 18891 (35 FR 11042 July 9, 1970), released concurrently with the second report; the arguments in favor of exemption set forth in paragraph 17 supra do not extend significantly beyond those of which we were aware at the time of issuance of the second report, and the Notice • • • in Docket No. 18891; and in certain particulars—notably NAEB's assertion that ETV cross-owners could coordinate the programing activities of the ETV station and the cable system so that imported signals would not have an adverse effect on the ETV station's offerings—are uncomfortable reminders of some of the disadvantages of cable cross-ownership with local commercial television.

45. The question of our jurisdiction to adopt rules concerning diversification of ownership of cable television systems is adequately treated in paragraph 17 of the second report, and requires no further elaboration at this juncture.

46. In the preceding paragraphs, we have (in response to a number of petitions for reconsideration in this matter) set forth our basic present position with respect to the cable cross-ownership provisions in section 76.501 of our rules.

47. Having done so, we must also express our recognition that a requirement of mandatory divestiture of existing such cross-ownerships is more severe in its impact on affected broadcasters—and hence requires greater justification—than a rule prohibiting only the subsequent creation of such cross-relationships. We are well aware of the Supreme Court's admonition, in Timken Roller Bearing Co. v. U.S., 341 U.S. 593, 603 (1951), that "divestiture • • • is not to be used • • • whe[re] other effective remedies, less harsh, are available."

48. Moreover, it must be conceded that in at least one respect, the need for a prohibition against cross ownership et al. of colocated stations and systems—and for mandatory divestiture—has abated somewhat as a result of the Commission's recent adoption of § 76.251 of the rules (in the Cable Television Report and Order in Docket No. 18397, 36 FCC 2d 143, released Feb. 3, 1972). That section provides that all cable television systems operating in major market areas—where approximately 70 percent of the American people reside—must, by March 31, 1977, maintain public-access, education-access, and local-government-access nonbroadcast channels, and promptly expand their facilities as needed to meet demand for leased-access nonbroadcast channels; and that "Each such system shall exercise no control over program content on any of th[ese] channels • • •" Although this recent development is not sufficient to alter our basic view regarding the provisions of § 76.501, it does suggest that there may be several more station-system local-cross-ownership situations than we had previously anticipated in which the balance of relevant considerations now weighs in favor of a waiver of the mandatory-divestiture requirement.

49. In paragraph 13 of the Second Report and Order in Docket No. 18397 (issued in July 970), we stated that "we would consider waivers on an ad hoc basis where it is clearly established that a cross-ownership ban would not result in greater diversity, and in footnote 6 we added that "There may, for example, be some sparsely inhabited area where no one is willing to apply for an available broadcast channel except a local CATV operator interested in providing CATV-originated programing to a wider area."

50. It now appears to us that those statements may have actually had the effect of inhibiting, rather than encouraging, the submission of justifiable requests for waiver of the divestiture requirement: there may well be a number of other grounds and circumstances which, if properly argued and substantiated by petitioners, would result in the grant of specific waivers.

51. Accordingly, we invite the filing—within 120 days after the issuance of this memorandum opinion and order—of petitions for waiver of the mandatory-divestiture requirement (fully supported by pertinent facts, views, arguments, and data) from all cross owners et al. of colocated television stations and cable systems who believe that grandfathering would be appropriate in their case. Upon the receipt of a number of such petitions, they will be carefully reviewed by the Commission to enable us to pick out, on a rational and consistent basis, those situations in which the issuance of a waiver (or other appropriate relief) would both serve the underlying objectives of § 76.501 and avoid unnecessary hardship. Where such a waiver is granted, the petitioner's interests in the affected station and cable television facility may not subsequently be transferred to a new joint holder without prior approval of the Commission, upon a showing by the petitioner that such transfer(s) would serve the public interest.

52. It would be premature for the Commission at this time to specify the grounds for waiver which it will find acceptable, or to list the evidence necessary to support such grounds. We will certainly be interested in such aspects as (1) the extent (if any) of financial loss the cross-owner would suffer as a result of mandatory divestiture; (2) the impact of the station-system cross-relationship upon economic competition and diversity of control of media of expression in the service areas of the stations and systems in question; and (3) the quality of service which the system has been providing (in terms of broadcast signal carriage, cablecast programing by the system and others, system technical quality and reliability, etc.), and the extent to which it has been enhanced, or impaired, by the cross-relationship. But this itemization is intended only to be suggestive, and the Commission does not at all assume that it exhausts the possibilities.

53. We recognize, of course, that this process will further extend the period of uncertainty which has existed during the 2-year pendency of the petitions for reconsideration of the Second Report and Order in Docket No. 18397, and accordingly we have also decided to generally extend the grace period for divestiture of prohibited cross ownerships et al. until August 10, 1975.

Accordingly, it is ordered, that the petitions for reconsideration filed in response to the Second Report and Order in Docket No. 18397 are denied in all respects except that indicated below.

In view of the foregoing, and pursuant to authority contained in sections 4(i), 5, and 303(r) of the Communications Act of 1934, as amended, *It is further ordered,* That effective March 2, 1973, § 76.501(b) of the Commission's rules is amended to substitute "August 10, 1975", for "August 10, 1973."

It is further ordered, That the proceeding in Docket No. 18397 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 17, 1973.

Released: January 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1863 Filed 1-30-73;8:45 am]

[12] By Mar. 30, 1972, according to Television Factbook (1972-73 ed., p. 75-a), broadcasters held ownership interests in some 37.9 percent of the 2,839 cable system operations.

[13] Commissioner Robert E. Lee, dissenting, issued a statement filed as part of the original document; Commissioner Hooks, dissenting, issued a statement to be distributed at a later date. Commissioners Reid and Wiley concurred and issued statements, filed as part of the original doctrine.

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 195-5; Docket No. OPS-22]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Change of Authority Regarding Safety of Liquid Pipelines

The purpose of these amendments to Part 195 of Title 49 of the Code of Federal Regulations is to reflect changes resulting from Public Law 92-401 which on August 22, 1972, amended section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)), in effect, to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835 and to place it with the Secretary of Transportation.

The Secretary of Transportation on November 7, 1972, delegated the authority with respect to safety of liquid pipelines to the Assistant Secretary for Safety and Consumer Affairs (37 FR 24674, Nov. 18, 1972) and on November 7, 1972, the Assistant Secretary redelegated that authority to the Director, Office of Pipeline Safety (37 FR 24901, Nov. 23, 1972). With the redelegation to the Director, Office of Pipeline Safety, the authority to regulate the safety of liquid pipelines is now vested in the same office that has the authority for the safety of gas piplines. These amendments, accordingly, revise Part 195 to make it consistent with the change in authority.

In substance, this rulemaking action deletes all references to the Administrator, Federal Railroad Administration and adds the definition and necessary references to the Secretary of Transportation. In addition, changes to Subpart B of Part 195, to the extent possible, provide for the administrative handling of accident reports by the Director, Office of Pipeline Safety.

Since these amendments are based on a change in law and reflect changes in departmental organization and delegation of powers and duties made in response thereto which have already become effective, notice and public procedure thereon are impractical and unnecessary and good cause exists for making them effective on less than 30 days notice.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended, effective immediately, as follows:

1. Section 195.2 is amended by deleting the term "Administrator" and the associated definition in its entirety.

2. Section 195.2 is amended by adding the following definition immediately after the definition for "Pipeline system" or "pipeline":

§ 195.2 Definitions.

• • • • • •

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

• • • • • •

§ 195.3 [Amen]

Vehicle Information and Cost Savings

condition, and scarcity, and for which the odometer mileage is irrelevant. A

In consideration of the foregoing, a new Part 580, Odometer Disclosure Re-

to be used for disclosure, it can still be

Motor Vehicle Information and Cost Savings Act and shall state that incorrect in-

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§ 195.3 [Amend

3. Section 195.3(b) i a nded by deleting the words "Docket Room, Room 304, 400 Sixth Street SW." and substituting the words "Office of Pipeline Safety" in place thereof.

§§ 195.6, 195.8, 195.5 [Amended]

4. The following sections are amended by deleting the word "Administrator" where appearing and substituting the word "Secretary" in place thereof:

Section 195.6 (as changed by Amdt. 195–1)
Section 195.8 (as changed by Amdts. 195–1 and 195–2)
Section 195.52
Section 195.260(e)

§ 195.54 [Amended]

5. Section 195.54 is amended by deleting the words "Administrator, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.58 [Amended]

6. Section 195.58 is amended by deleting the word "Administrator" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.62 [Amended]

7. Section 195.62 is amended by deleting the words "Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

(Sec. 6(e)(4), Department of Transportation Act, 49 U.S.C. 1655(e)(4), secs. 831–835, title 18, United States Code; § 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); redelegation of authority to Director, Office of Pipeline Safety, in Appendix A to Part 1 of regulations of Office of Secretary of Transportation (49 CFR Part 1))

Issued in Washington, D.C., on January 24, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-1808 Filed 1-30-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-31; Notice 2]

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

The purpose of this notice is to establish a regulation that will require a person who transfers ownership in a motor vehicle to give his buyer a written disclosure of the mileage the vehicle has traveled. The regulation carries out the directive of section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92–513, 86 Stat. 947, and completes the provisions of the Act under Title IV, Odometer Requirements.

The regulation was first proposed in a notice published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25727). As a result of numerous comments on the proposal, the regulation as issued today differs in some respects from its initial form.

As stated in the proposal, the agency's goals were to link the disclosure statement as closely as possible to the documents required for transfer of ownership, so that buyers and sellers would know of the need for disclosure, and to do so in a manner that would not introduce an additional document into motor vehicle transactions. The agency therefore proposed the use of the certificate of title as the document for odometer disclosure.

Upon review of the comments, it became evident that in most jurisdictions it would not be feasible to use the title certificate to convey odometer information. The main drawback to its use lies in the prevalence of State laws providing that if a vehicle is subject to a lien, the title is held by the lienholder. As a result, it appears that in a majority of cases private parties selling motor vehicles do not have possession of a certificate of title, and convey their interest by other means.

In those States that permit the owner of a vehicle subject to a lien to retain the title, the lienholder will be unable to make the odometer disclosure on the title if he attempts to sell the vehicle after repossession. In many States, furthermore, the title certificate is not large enough to contain an adequate odometer disclosure, and the existing data processing and filing equipment would not accommodate an enlarged certificate.

There appears to have been some apprehension that the Federal Government intended to compel the States to amend their certificates of title. The Act does not, however, confer any authority over the States in this regard. Even if the regulation were to require transferor disclosure on the title, the States could decline to provide a form for disclosure on the title. This voluntary aspect of the States' participation is a further impediment to the use of the title certificate.

After review of the problems created by the use of the certificate of title, the agency has decided that the purposes of the Act are better served by prescribing a separate form as the disclosure document in most cases. Section 580.4 has been amended accordingly. To avoid the need for duplicate State and Federal disclosures in States having odometer disclosure laws or regulations, the section permits the State form to be used in satisfaction of the Federal requirement, so long as it contains equivalent information and refers to the existence of a Federal remedy.

It should be noted that although the certificate of title is no longer required to be used for disclosure, it can still be used as the disclosure document if it contains the required information and if it is held by the transferor and given by him to the transferee. The basic concept is that the disclosure must be made as part of the transfer, and not at some later time.

In addition to the changes from the proposal represented by the change from the certificate of title to a separate form, there are other differences from the proposal in the regulation. For purposes of convenience, the following discussion treats the amended sections in sequence.

In § 580.3, the proposed definition of transferor might in some jurisdictions include a person who creates a security interest in a vehicle. This type of transaction was not intended to be regulated, and the definitions have been amended accordingly.

In § 580.4, in addition to the changes discussed above, other modifications have been made. In response to a comment suggesting that the disclosure would be made after the purchaser had become committed to buying the vehicle, the order of § 580.4(a) has been rearranged to specify that the odometer disclosure is to be made before the other transfer documents are executed.

The items listed under § 580.4(a) have been increased to allow for additional identification of the vehicle and owner that would be necessary on a separate disclosure document. If the disclosure is a part of another document, however, § 580.4(a)(1) provides that items (2) through (4) need not be repeated if found elsewhere in the document. A number of comments noted that the items under (a) might often be redundant.

A new paragraph (b) has been inserted in § 580.4 to require a reference to the sanctions provided by the Act. No specific form is required, but the inclusion of such a statement is considered essential to notify the transferee of the reason why he is being given the odometer information.

The former paragraph (b) of § 580.4 has been renumbered as (c), and the alternative methods for odometer disclosure discussed above are found as paragraphs (d) and (e).

A new section, § 580.5, has been added in response to a number of comments that objected to the application of the requirements to categories of vehicles for which the odometer is not used as a guide to value. Buses and large trucks, for example, are routinely driven hundreds of thousands of miles, and their maintenance records have traditionally been relied on by buyers as the principal guide to their condition. The NHTSA is in agreement with the position taken by Freightliner, White, and the National Association of Motor Bus Operators, and has therefore created an exemption for larger vehicles. The exemption applies to vehicles having gross vehicle weight ratings of more than 16,000 pounds.

A second category of exempt vehicles has been created for antique vehicles, whose value is a function of their age, condition, and scarcity, and for which the odometer mileage is irrelevant. A third exempt category consists of vehicles that are not self-propelled, such as trailers, most of which are not equipped with odometers.

Several vehicle manufacturers stated that the proposal would require them to give disclosure statements to their distributors and dealers, and that such a requirement would be both burdensome and pointless. Upon consideration of the nature of manufacturer-dealer transactions, it has been decided to exempt transfers of new vehicles that occur prior to the first sale of the vehicle for purposes other than resale.

The odometer disclosure form set forth in § 580.6 has been reworded to make it clearer. Space for additional information about the vehicle and owner has been included so that the vehicle will be readily identifiable if the disclosure statement becomes separated from the other transfer documents. In accordance with the instructions of the Act, the transferor is directed to state that the mileage is unknown if he knows that the actual milage differs from the mileage shown on the odometer. Although several comments suggested that the true mileage, if known, should be stated, such a statement is not provided for in the Act and would not afford the buyer with reliable information about the vehicle.

The effective date proposed in the notice was to have been 6 months after issuance. Two States, perhaps under the impression that they were required to change their forms, requested an additional 6 months. Other comments, notably that of the National Automobile Dealers Association, urged an immediate effective date in order to make the disclosure requirements coincide with the effectiveness of the other parts of Title IV of the Act. Upon consideration of the important contribution the disclosure requirements make to the effectiveness of the Act's other provisions, it has been decided that an effective date earlier than 6 months after issuance is advisable.

Accordingly, the regulation is to become effective March 1, 1973. Although it is likely that most private persons will remain unaware of the disclosure requirements for some time after March 1, 1973, a person who does not know of the requirement will not have "intent to defraud" under section 409(a) of the Act and will therefore not be subject to liability solely because he has failed to make the required statement. The persons most immediately affected by the disclosure requirements are commercial enterprises such as dealers and wholesalers, and of these the largest group, represented by NADA, has already indicated its desire for an early effective date. The earlier effective date is therefore considered appropriate.

In consideration of the foregoing, a new Part 580, Odometer Disclosure Requirements, is added to Title 49, Code of Federal Regulations, to read as set forth below.

Issued on January 23, 1973.

DOUGLAS W. TOMS,
Administrator.

Sec.
580.1 Scope.
580.2 Purpose.
580.3 Definitions.
580.4 Disclosure of odometer information.
580.5 Exemptions.
580.6 Disclosure form.

AUTHORITY: Sec. 408(a), Motor Vehicle Information and Cost Savings Act, Public Law 92–513, 86 Stat. 947, 49 CFR 1.51.

§ 580.1 Scope.

This part prescribes rules requiring the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy, as directed by section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92–513.

§ 580.2 Purpose.

The purpose of this part is to provide each purchaser of a motor vehicle with odometer information to assist him in determining the vehicle's condition and value.

§ 580.3 Definitions.

All terms defined in sections 2 and 402 of the Act are used in their statutory meaning. Other terms used in this part are defined as follows:

"Transferor" means any person who transfers his ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest.

"Transferee" means any person to whom the ownership in a motor vehicle is transferred by purchase, gift, or any means other than by creation of a security interest.

§ 580.4 Disclosure of odometer information.

Except as provided in § 580.5—

(a) Before executing any transfer of ownership document, each transferor of a motor vehicle shall furnish to the transferee a written statement signed by the transferor, containing the following information:

(1) The odometer reading at the time of transfer; and, unless provided elsewhere on a transfer document integal with the odometer disclosure;

(2) The date of the transfer;

(3) The transferor's name and current address; and

(4) The identity of the vehicle, including its make, model, and body type, its vehicle identification number, and its last plate number.

(b) In addition to the information provided under paragraph (a) of this section, the statement shall refer to the Motor Vehicle Information and Cost Savings Act and shall state that incorrect information may result in civil liability under it.

(c) In addition to the information provided under paragraph(a) of this section, if the transferor knows that the odometer reading differs from the number of miles the vehicle has actually traveled, and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the actual mileage is unknown.

(d) If a document provided under the laws or regulations of the State in which the transfer occurs contains the statements required by paragraphs (a), (b), and (c) of this section, the transferor may make the disclosure required by this section either by executing the State document or by executing the disclosure form specified in § 580.6.

(e) If there is no State document as described in paragraph (d) of this section, the transferor shall make the disclosure required by this section by executing the disclosure form specified in § 580.6.

§ 580.5 Exemptions.

Notwithstanding the requirements of § 580.4—

(a) A transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

(1) A vehicle having a gross vehicle weight rating, as defined in § 570.3 of this chapter, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled; or

(3) A vehicle that is 25 years old or older.

(b) A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

§ 580.6 Disclosure form.

ODOMETER MILEAGE STATEMENT

(Federal regulations require you to state the odometer mileage upon transfer of ownership. An inaccurate statement may make you liable for damages to your transferee, pursuant to section 409(a) of the Motor Vehicle Information and Cost Savings Act of 1972, Public Law 92–513.)

I, _____, state that the odometer mileage indicated on the vehicle described below is _____ miles.

(Check the following statement, if applicable:)

☐ I further state that the actual mileage differs from the odometer reading for reasons other than odometer calibration error and that the actual mileage is unknown.

Make	Body Type	Year	Model
Vehicle Identification Number		Last Plate Number	

Transferor's address _____
Transferor's signature _____
Date of this statement _____

[FR Doc.73-1675 Filed 1-24-73;11:10 am]

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[Docket No. 69-20; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Accelerator Control Systems

The purpose of this notice is to respond to petitions for rulemaking to amend and petitions for reconsideration of Motor Vehicle Safety Standard No. 124 (49 CFR 571.124).

On September 23, 1972 (37 FR 20033), Motor Vehicle Safety Standard No. 124 was published specifying time requirements for the return of a vehicle's throttle to the idle position. Pursuant to 49 CFR 553.35, petitions for reconsideration were filed by Japan Automobile Manufacturers Association, Inc. (JAMA) and Volkswagen of America, Inc. Additionally, pursuant to 49 CFR 553.31, a petition for rulemaking to amend the standard was filed by the Ford Motor Co.

Favorable consideration has been granted to some of the requests and accordingly, the standard is being amended in some minor respects. The Administrator has declined to grant requested relief from other requirements of the standard.

Volkswagen requested that the test requirements for cold temperatures be clarified, in order to determine whether it is possible to use supplementary starting devices and to "pump" the accelerator control pedal during and after the presoak and prior to the test. The advantages of using supplementary devices and warmup procedures are recognized, but in many instances, the driving public either does not adhere to the manufacturer's recommended warmup procedures or uses other procedures. The intent of the standard is to afford the driving public as broad a coverage of the rule as is possible, by simulating as closely as possible actual conditions. Accordingly, for purposes of testing compliance the engine may be started by the use of any supplementary starting devices and procedures except those which would induce the vehicle into motion by the application of an external force.

Volkswagen also asked the NHTSA to define the speed at which the accelerator pedal is "to be released" to mark the beginning of the test determining the return of the throttle to idle position. The agency's intent is to provide protection in the variety of situations that may be encountered on the road. The vehicle, therefore, must be capable of meeting the requirements no matter how rapidly or slowly the driver's foot is lifted from the pedal. The actuating force actually is not "removed" from the pedal until the foot is no longer in contact with it, so the measured time period for throttle return does not begin until the instant when the foot leaves the pedal.

Further, Volkswagen asked the NHTSA to define a "running engine." Volkswagen stated that during cold testing an engine could start, run for approximately 6 seconds, and then stall. Volkswagen theorized that it would be possible to have an accelerator system fail the test requirements during this 6-second interval, although the engine would be incapable of causing a safety problem. The phrase "engine running" defines a condition without which throttle return to idle position has no significance. The intent of the standard is to prevent any safety problems caused by faulty throttle return over a broad range of operating circumstances and temperature conditions. The condition of a running engine, regardless of torque produced, is a clearly definable point at which a safety problem could begin to occur. Therefore, the vehicle must be capable of meeting the requirements whenever the engine is rotating without the application of any external force.

JAMA requested that the time requirements for maximum return to idle position when tested in temperatures between 0° and −40° F. be applied "only when there is no failure of the source of energy and no disconnection or severance of components." JAMA stated that in order for a system to meet the time requirements of the rule during the cold testing, the "required pedal effort would be increased to an extent that would not be acceptable to the ordinary driver." In its earlier comments to Notice 3 (37 FR 7097), JAMA stated that if each energy source was independently required to return the throttle to idle within the specified time requirements, increased pedal forces would be necessary. In response to this comment and to allow a manufacturer design freedom, the standard was amended by Notice 5 (37 FR 20033), to specify that independent capability of energy sources to return the throttle to idle position was not required. The amendment also gave an additional time allowance for return to idle position for vehicles tested or conditioned in cold temperatures. Based on these factors and on the comments received from other manufacturers, this agency's position is that the standard provides enough latitude for a manufacturer to feasibly meet the pedal force requirements and the time requirements for return to idle, even if there is a failure of one source of energy or a severance or disconnection occurs. The petition is therefore denied.

Ford pointed out that under the requirements section, S5.1 states that, "There shall be at least two sources of energy" and that this seemed at variance with the intent expressed in the preamble to Notice 5 that energy sources do not have to be contained in the accelerator control system. To further clarify the intent expressed in Notice 5, the phrase in S.5 "The vehicle shall be equipped with a driver-operated accelerator control system that meets the following requirements" is changed to "The vehicle shall meet the following requirements * * *."

Ford also asked for a clarification of the word "failure" in S5.1. Ford stated that the word was ambiguous in that it would allow for abnormal operating conditions outside the scope of the standard's intent to assure safety under conditions of a single failure due to a severance or disconnection in the system. To clarify the standard's intent, the phrase in S5.1 which states that, "In the event of failure of one source of energy the remaining source or sources shall be capable of returning the throttle" is changed to "In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return * * *."

Further, in the first sentence of S5.2 the word "becomes" is changed to "is" and the phrase "at a single point" is added to the end of the sentence to clarify this meaning.

In consideration of the foregoing, 49 CFR 571.124, Motor Vehicle Safety Standard No. 124, is revised to read as set forth below.

Effective Date: September 1, 1973.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 24, 1973.

DOUGLAS W. TOMS,
Administrator.

§ 571.124 Standard No. 124; accelerator control systems. (Effective Sept. 1, 1973)

S1. *Scope.* This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a severance or disconnection in the accelerator control system.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries resulting from engine overspeed caused by malfunctions in the accelerator control system.

S3. *Application.* This standard applies to passenger cars, multi-purpose passenger vehicles, trucks, and buses.

S4. *Definitions.*

S4.1 "Driver-operated accelerator control system" means all vehicle components, except the fuel metering device, that regulate engine speed in direct response to movement of the driver-operated control and that return the throttle to the idle position upon release of the actuating force.

"Fuel metering device" means the carburetor, or in the case of certain engines the fuel injector, fuel distributor or fuel injection pump.

"Throttle" means the component of the fuel metering device that connects to the driver-operated accelerator control system and that by input from the driver-operated accelerator control system controls the engine speed.

"Idle position" means the position of the throttle at which it first comes in contact with an engine idle speed control appropriate for existing conditions according to the manufacturers' recommendations. These conditions include, but are not limited to, engine speed adjustments for cold engine, air conditioning, and emission control, and the use of throttle setting devices.

"Ambient temperature" means the surrounding air temperature, at a distance such that it is not significantly affected by heat from the vehicle under test.

S4.2 In the case of vehicles powered by electric motors, the words "throttle" and "idle" refer to the motor speed controller and motor shutdown, respectively.

S5. *Requirements.* The vehicle shall meet the following requirements when the engine is running under any load condition, and at any ambient temperature between −40° F. and +125° F. after 12 hours of conditioning at any temperature within that range.

S5.1 There shall be at least two sources of energy capable of returning the throttle to the idle position within the time limit specified by S5.3 from any accelerator position or speed whenever the driver removes the opposing actuating force. In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return to the idle position within the time limits specified by S5.3, from any accelerator position or speed whenever the driver removes the opposing actuating force.

S5.2 The throttle shall return to the idle position from any accelerator position or any speed of which the engine is capable whenever any one component of the accelerator control system is disconnected or severed at a single point. The return to idle shall occur within the time limit specified by S5.3, measured either from the time of severance or disconnection or from the first removal of the opposing actuating force by the driver.

S5.3 Except as provided below, maximum time to return to idle position shall be 1 second for vehicles of 10,000 pounds or less GVWR, and 2 seconds for vehicles of more than 10,000 pounds GVWR. Maximum time to return to idle position shall be 3 seconds for any vehicle that is exposed to ambient air at 0° to −40° F. during the test or for any portion of the 12-hour conditioning period.

[FR Doc.73-1906 Filed 1-30-73;8:45 am]

[Docket No. 71-13; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

This notice amends Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluids, 49 CFR 571.116, to establish container labeling requirements for those fluids that are currently unregulated by the standard. The requirements are effective July 1, 1973.

The amendment is based upon a notice published March 22, 1972 (37 FR 5825). The NHTSA proposed labeling requirements for "central hydraulic system oil" and "silicone-based brake fluid," similar to requirements already in existence for conventional hydraulic brake fluids. The packager would be required to place his name on the container. His name could appear in code form. The packager would also be required to provide the complete name and mailing address of the distributor, a serial number identifying the packaged lot and date of packaging of the fluid, description of the contents, and certain safety warnings.

The comments received generally supported the proposal, and Standard No. 116 is being amended accordingly. The term "central hydraulic system oil" has not been adopted as some central hydraulic systems are designed for use of DOT brake fluids. Instead, the term "hydraulic system mineral oil" is adopted. It is defined as "a mineral-oil-based fluid designed primarily for use in motor vehicle brake systems in which none of the components contacting the fluid are SBR, EPDM, Neoprene, or natural rubber." Paragraphs S3, S5, S5.1, S5.2.1, S5.2.2.1, and S5.2.2.2 are being amended in a manner that more clearly evidences the NHTSA's intent that Standard No. 116 applies to all fluid used as brake fluids, but that silicone-based brake fluids and hydraulic system mineral oil are currently excepted from performance, container, and labeling requirements applicable to DOT fluids. A new S5.2.2.3 specifies the labeling requirements for packagers of silicone-based brake fluids and hydraulic system mineral oil, and these generally parallel those required of packagers of DOT fluids. Packagers of hydraulic system mineral oil must furnish the additional warning that the fluid is not compatible with the rubber components of brake systems designed for use with DOT brake fluids.

The amendment also differs from the proposal in reflecting the revision of Standard No. 116 of August 29, 1972 (37 FR 17474), that allows information to be placed on a container "in any location except on a removable part such as a lid." Minor changes have been made in the text of the warning on fluid storage so that it is identical with the warning required for DOT fluids.

In consideration of the foregoing, 49 CFR § 571.116, Motor Vehicle Safety Standard No. 116, is amended as follows:

1. S3 is amended to read:

S3 *Application.* This standard applies to all fluid for use in hydraulic brake systems of motor vehicles. In addition, S5.3 applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

2. S4 is amended by adding the following definition in proper alphabetical sequence:

" 'Hydraulic system mineral oil' means a mineral-oil-based fluid designed primarily for use in motor vehicle brake systems in which none of the components contacting the fluid are SBR, EPDM, neoprene, or natural rubber."

3. S5 is amended by adding the following sentence at the end thereof: "Paragraphs S5.1 and S5.2.1 do not apply to silicone-based brake fluid or hydraulic system mineral oil."

4. S5.1 is amended to read: "When tested in accordance with S6, motor vehicle brake fluids other than silicone-based brake fluid and hydraulic system mineral oil shall meet the following requirements."

5. The first sentence of S5.2.1 is amended to read: "Each DOT 3 and DOT 4 brake fluid container with a capacity of 6 fluid ounces or more shall be provided with a resealable closure that has an inner seal impervious to the packaged brake fluid."

6. S5.2.2.1 is amended to read: "Each manufacturer of a brake fluid other than silicone-based brake fluid or hydraulic system mineral oil shall furnish to each packager, distributor, or dealer to whom he delivers brake fluid the following information: * * *"

7. S5.2.2.2 is amended to read: "Each packager of a brake fluid other than silicone-based brake fluid or hydraulic system mineral oil shall furnish the following information clearly and indelibly marked on each brake fluid container, in any location except on a removable part such as a lid. (a) * * *"

8. A new S5.2.2.3 is adopted to read:

S5.2.2.3 On and after July 1, 1973, each packager of silicone-based brake fluid or hydraulic system mineral oil shall furnish the following information clearly and indelibly marked on each brake fluid container in any location except on a removable part such as a lid.

(a) The name of the packager of the brake fluid, which may be in code form.

(b) The name and complete mailing address of the distributor.

(c) A serial number identifying the packaged lot and date of packaging.

(d) Designation of the contents as "SILICONE-BASED BRAKE FLUID" or "HYDRAULIC SYSTEM MINERAL OIL", as applicable, in capital letters at least one-eighth inch high.

(e) The following safety warnings in capital and lower case letters as indicated:

1. Follow Vehicle Manufacturer's Recommendations When Adding Brake Fluid.

2. (For hydraulic system mineral oil only.) This brake fluid is Not Compatible with the rubber components of brake systems designed for use with DOT brake fluids.

3. Keep Brake Fluid Clean. Contamination with dirt or other materials may result in brake failure or costly repairs.

4. Caution: Store Brake Fluid Only in its Original Container. Keep Container Clean and Tightly Closed. Do Not Refill Containers or Use Other Liquids. (The last sentence is not required for containers with a capacity in excess of 5 gallons.)

9. S5.3 is amended to read:

S5.3 *Motor vehicle requirement.* Each passenger car, multipurpose passenger vehicle, truck, bus, trailer, and motorcycle that has a hydraulic brake system shall be equipped with brake fluid that has been manufactured and packaged in conformity with the requirements of this standard.

Effective date: July 1, 1973. Because these amendments relate to labeling requirements that do not entail product redesign, an effective date less than 180 days after the issue date is found to be in the public interest.

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(Secs. 103, 112, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 4, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-1907 Filed 1-30-73;8:45 am]

[Docket No. 1-8; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires

This notice revokes high speed and endurance requirements in Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," in accordance with an order of the U.S. Court of Appeals for the Seventh Circuit in H & H Tire Company v. Volpe, No. 71-1935, Seventh Circuit, December 5, 1972. It also specifies effective dates for provisions of the standard subject to a stay that was entered by the court on December 31, 1971, and removed by its order.

In a notice published March 23, 1972 (37 FR 9590), the NHTSA indicated that it did not believe retreaders should be required to maintain a state of constant preparation, so as to be able to conform to the standard immediately following the lifting of the stay by the reviewing court. The NHTSA took this position although the stay had been imposed only 24 hours before the standard was to become effective, and retreaders should have by that time taken all necessary steps to achieve compliance. The notice accordingly specified that those requirements of the standard dealing with matters other than labeling would become effective approximately 30 days after the stay imposed by the court had been lifted. Requirements dealing with affixed labels (S6.3.1) were to become effective in 90 days, and requirements for permanent labeling (S6.3.2) in 1 year.

When these dates were projected, however, the NHTSA had assumed a decision would be rendered by the court in a short time. That assumption proved incorrect, and the NHTSA has determined that more leadtime than that specified on March 23, 1972, should be allowed. This leadtime will allow retreaders to use up their already acquired inventory of casings, and to obtain labels to conform to the affixed labeling requirements.

This notice provides, therefore, that provisions of the standard except those dealing with permanent labeling are effective 120 days from the day of publication. The permanent labeling requirements of the standard are effective 1 year from the day of publication. The NHTSA is of the opinion that 120 days is sufficient under the circumstances for retreaders to take whatever remaining steps are necessary to achieve conformity with these requirements.

In light of the above, Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," 49 CFR 571.117, is amended as follows:

1. Paragraphs (e) and (f) of paragraph S5.1.1 are revoked.

2. Paragraph S5.1.3 is revised to read as follows:

S5.1.3 Each retreaded tire shall be capable of meeting the requirements of S5.1.1 and S5.1.2 when mounted on any rim in accordance with those sections. [The remaining sentences are deleted.]

3. Paragraph S6.2 is revised to read as follows:

S6.2 From June 1, 1973, to July 31, 1973, a manufacturer may certify compliance by affixing to the tread of the tire, in such a manner that it is not easily removable, a label that states in letters not less than three thirty-seconds of an inch high:

This retreaded tire was manufactured after June 1, 1973, and conforms to all applicable Federal motor vehicle safety standards.

4. Paragraph S6.3.1 is revised to read as follows:

S6.3.1 Each retreaded pneumatic tire manufactured on or after June 1, 1973, shall be labeled • • •

• • • • •

5. Paragraph S6.3.2 is revised to read as follows:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be labeled • • •

Effective date: June 1, 1973, except for the provisions of paragraph S6.3.2, which are effective on February 1, 1974. The requirements of this standard were originally issued April 17, 1971, to become effective January 1, 1972. The standard in its present form was published March 23, 1972, but did not take effect due to a stay imposed on December 31, 1971. Accordingly, adequate leadtime has already been provided for any long-range steps necessary for compliance. The public was notified of expected effective dates by the notice of March 23, 1972.

It is therefore found, for good cause shown, that an effective date less than 180 days from the date of publication of this notice is in the public interest.

(Secs. 103, 112, 113, 114, 119, 201, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegation of authority at 49 CFR 1.51)

Issued on January 24, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-1908 Filed 1-30-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on January 31, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, Calif., is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, lying south of the Island.

(2) Camping and picnicking are permitted. Camping is permitted only in the following areas and is restricted to tent and boat camping:

a. Avocet Beach.

b. The shoreline from Topock Bridge south to the buoy at the north end of Topock Gorge.

c. The shoreline below the buoy at the south end of Topock Gorge except Castle Rock and Mesquite Boat ramp.

Also, recreational vehicle and tent camping is permitted at Five-Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days.

(3) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on the Bill Williams River.

(4) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

(5) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs.

(6) Fires may be built in areas where camping is allowed.

(7) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting or camping.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, California.

JANUARY 19, 1973.

[FR Doc.73-1879 Filed 1-30-73;8:45 am]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on January 31, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Arizona and California, is permitted on waters designated as open to fishing. These waters, comprising 12,388 acres, are delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1973, inclusive, except that the closed area, as posted, in Topock Marsh is closed to fishing from January 1 through January 31, 1973, and from October 1, 1973, through January 31, 1974, inclusive.

(2) The possession of trotlines on the refuge is prohibited. A trotline is any hook and line arrangement that, when used, constitutes a violation of the "angling" laws of either Arizona or California.

(3) The taking of fish with bow and arrow is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through January 31, 1974.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

JANUARY 19, 1973.

[FR Doc.73-1880 Filed 1-30-73;8:45 am]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on January 31, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1973, inclusive, on the waters of Lake Texoma east of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; and from April 1 through September 30, 1973, inclusive, for waters of Lake Texoma west of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1, 1973, through September 30, 1973, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch, and McAdams Pond is prohibited during open season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo, National Wildlife Refuge, Tishomingo, Oklahoma.

DECEMBER 15, 1972.

[FR Doc.73-1881 Filed 1-30-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER IV—INTERNAL REVENUE SERVICE

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Termination of Economic Stabilization Functions of Office of Chief Counsel for the Internal Revenue Service

Part 401 of Chapter IV of Title 6 of the Code of Federal Regulations prescribes and explains, among other things, the procedures used by the Office of the Chief Counsel for the Internal Revenue Service in administering the President's Economic Stabilization Program as it existed prior to the issuance of Executive Order 11695, 38 FR 1473 (1973). Due to the issuance of Executive Order 11695 (relating to the establishment of Phase III of such program), such Part 401 is hereby revoked to the extent that it relates to the performance of functions mentioned or described in such part by the Office of the Chief Counsel for the Internal Revenue Service.

Effective date. This revocation is effective as of January 31, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel, Internal Revenue Service.

[FR Doc.73-1999 Filed 1-30-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Indemnity Locations

On May 6, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 9227) a proposed amendment to 10 CFR Part 140, Financial Protection Requirements and Indemnity Agreements, which would specify how the Commission will determine the geographical boundaries of indemnity locations in indemnity agreements for the preoperational storage of fuel at the site of a power reactor under construction, and the geographical boundaries of indemnity locations where a nuclear reactor is operating and an additional power reactor is under construction nearby on a contiguous site by the same licensee.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received, the Commission has adopted the proposed amendment with certain changes.

The principal point in three of the comments, submitted by utilities, was that the proposed amendment would increase their insurance costs from nuclear property pools during construction. However, since the nuclear liability insurers are presently using the broader site concept for new policies, utilities have already found it necessary to purchase nuclear property insurance for the construction site whereas in the past they had been able to purchase "builder's risk" insurance at lower premiums. This amendment reflects such use of the broad concept by both nuclear liability insurers and nuclear property insurers. As stated in connection with the proposed rule published in the FEDERAL REGISTER on May 6, 1972, this amendment may not be susceptible of application to all circumstances (e.g., where conventional builder's risk policies, subject to a nuclear exclusion, remain in effect at some units, construction of which was commenced when such coverage was still available). Where the Commission on application of any affected person or on its own initiative determines that a departure from this proposed method would be authorized by law and otherwise in the public interest, it may establish a different indemnity location in individual cases.

The Commission believes that the amendment, by widening the geographical boundaries of the indemnity location to include the entire construction area of nuclear power reactors, will assure that indemnity funds in the highly unlikely event of a nuclear incident, will be available to the general public and will not be diluted in compensation of possible property losses at the site of the reactor under construction.

In order to eliminate the ambiguity of the phrase "the entire construction area of the nuclear power reactor" as used in the proposed amendment, the words "as determined by the Commission" have been added. A sentence to the effect that such area will not necessarily be coextensive with the indemnity location which will be established at the time an operating license is issued for additional

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nuclear power reactors has also been included.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of 10 CFR Part 140 is published as a document subject to codification, to be effective on March 2, 1973.

A new § 140.96 Appendix F is added to read as follows:

§ 140.96 Appendix F—Indemnity locations.

(a) *Geographical boundaries of indemnity locations.* (1) In every indemnity agreement between the Commission and a licensee which affords indemnity protection for the preoperational storage of fuel at the site of a nuclear power reactor under construction, the geographical boundaries of the indemnity location will include the entire construction area of the nuclear power reactor, as determined by the Commission. Such area will not necessarily be coextensive with the indemnity location which will be established at the time an operating license is issued for such additional nuclear power reactors.

(2) In every indemnity agreement between the Commission and a licensee which affords indemnity protection for an existing nuclear power reactor, the geographical boundaries of the indemnity location shall include the entire construction area of any additional nuclear power reactor as determined by the Commission, built as part of the same power station by the same licensee. Such area will not necessarily be coextensive with the indemnity location which will be established at the time an operating license is issued for such additional nuclear power reactors.

(3) This section is effective May 1, 1973, as to construction permits issued prior to March 2, 1973, and, as to construction permits issued on or after March 2, 1973, the provisions of this section will apply no later than such time as a construction permit is issued authorizing construction of any additional nuclear power reactor.

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 42 U.S.C. 2201, 2210)

Dated at Germantown, Md., this 26th day of January 1973.

For the Atomic Energy Commission.

[SEAL] PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-1974 Filed 1-30-73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 145]

IMPORTATION AND EXPORTATION OF ARTICLES BY MAIL

Notice of Proposed Rule Making

Correction

In FR Doc. 72-21786 appearing at page 28060 of the issue for Wednesday, December 20, 1972, the following section heading should appear immediately after the authority citation which follows § 145.4(d):

§ 145.5 Undeliverable packages.

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60-1]

ACCESS TO RECORDS AND SITE OF EMPLOYMENT

Notice of Proposed Rule Making

Notice is hereby given that pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor proposes to revise 41 CFR 60-1.43. The purpose of the revision is to clarify 41 CFR 60-1.43 to assure that contractors are fully cognizant of their obligations under existing OFCC policy and practice to allow access to their premises for the purpose of on-site compliance reviews. This revision is not intended to enlarge contractors' obligations under the Executive order and its implementing rules and regulations. The revised 41 CFR 60-1.43 reads as follows:

§ 60-1.43 Access to records and site of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his premises for the purposes of conducting on-site compliance reviews and inspecting and copying such books, records, and accounts as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto, by the agency, or the Director. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964, and in furtherance of the purposes of the Order and that Act.

Interested persons are invited to submit written comments, views or objections regarding the proposal to Mr. Philip J. Davis, Acting Director, OFCC, U.S. Dept. of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, on or before March 2, 1973.

Signed at Washington, D.C., this 24th day of January 1973.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Acting Director,
Office of Federal Contract Compliance.

[FR Doc.73-1827 Filed 1-30-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 91]

[Docket No. 10162; Notice 73-1]

CRASHWORTHINESS FOR SMALL AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 23 of the Federal Aviation Regulations to require on all small civil airplanes for which applications for type certificates under Part 23 are filed after the effective date of the proposed amendment, the installation of shoulder harnesses and that cabin and flight crew compartment interiors be designed to protect occupants from injury caused by contact with interior objects. In addition, the FAA is considering amending Part 91 to require the installation of shoulder harnesses on all small civil airplanes manufactured after 1 year from the effective date of the proposed amendment, and on small civil airplanes manufactured prior to that date if they have structural provisions for the attachment of shoulder harnesses, and to require occupants of seats equipped with shoulder harnesses to use the shoulder harnesses during takeoff and landing.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before April 30, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket, for examination by interested persons.

Section 23.785(g) of the Federal Aviation Regulations, as amended August 1, 1969, Amendment 23-7, requires small civil airplanes for which applications for type certificates under Part 23 are filed after September 14, 1969, to provide each occupant with protection from head injury either (1) by a safety belt and shoulder harness that will prevent the head from contacting any injurious object, or; (2) by a safety belt plus an energy absorbing rest that will support the arms, shoulders, head, and spine, or; (3) by a safety belt plus the elimination of any injurious object within striking radius of the head.

Subsequent to the adoption of Amendment 23-7 the FAA has continued its review of the very complex area of occupant restraint and crashworthiness of small airplanes. The FAA has also received suggestions concerning areas in which the protection of occupants from injury in a crash or emergency landing might be improved, including recommendations by the National Transportation Safety Board (NTSB). In addition, Mr. Ralph Nader filed a petition with the FAA requesting the institution of rulemaking to improve the crashworthiness of small aircraft. In disposing of that petition the FAA advised that it was in the process of developing proposals concerning shoulder harness and occupant restraints and the improvement of the design of cabin interiors which would be included in a notice of proposed rule making. This notice takes into account the recommendations made by the NTSB and by Mr. Nader concerning requirements for shoulder harnesses and cabin interior design.

After evaluating the data and recommendations received and upon consideration of the type certification requirements for small airplanes, the FAA believes that additional crash protection is needed for occupants of small airplanes type certificated under Part 23, and proposes herein to amend § 23.785(g) to require that each occupant of those airplanes be protected from head injury when he experiences the inertia forces prescribed in § 23.561(b)(2) in a forward facing seat (0° to 18° angle with

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visions for the attachment of shoulder designate a transition area at Mackinac

the vertical plane containing the airplane centerline) or in a sideward facing seat (more than 18°) by a safety belt and shoulder harness. In addition, a sideward facing seat that is angled toward the rear of the airplane would be required to have an energy absorbing rest that would support the arms, shoulders, head, and spine. A rearward facing seat (0° to 18°) would be required to have a safety belt and an energy absorbing rest, but not a shoulder harness since the seat would prevent an occupant from pitching forward in the event of a crash. Furthermore, the FAA believes that, in order to provide the intended crash impact protection for flight crewmembers, each flight crewmember's shoulder harness should be fastened at all times. Therefore, it is proposed to add a new § 23.785(h) that would require that shoulder harness installations at flight crewmember stations permit a crewmember, when seated at his station, with his safety belt and shoulder harness fastened, to perform all functions necesary for flight operations.

In addition, the FAA believes that there should be provisions to prevent shoulder harnesses and safety belts, when not in use, from interfering with the operation of the airplane or with rapid egress under emergency conditions. Accordingly, it is proposed to add a new § 23.785(i) that would require that a means be provided to secure safety belts and shoulder harnesses when not in use.

While the proposed shoulder harness requirements should reduce the probability of occupant injury in small airplanes, the FAA believes that further protection should be provided in the area surrounding each seat within striking distance of the occupant's head, torso, and flailing arms and legs. Therefore, it is proposed to add a new § 23.785(j) that would require that this area (including interior walls, the instrument panel, control wheels, pedals, and seats) be free of sharp edges, protuberances, and hard areas.

Section 23.1307 is being amended editorially to delete the requirement for a safety belt for each occupant as redundant because § 23.785 presently requires a safety belt for each occupant.

The foregoing proposed amendments would be applicable only to small civil airplanes for which applications for type certification under Part 23 are filed after the effective date of the amendments. However, the FAA believes that, to the extent feasible and reasonable, small civil airplanes already in service should also be equipped with shoulder harnesses. Many small civil airplanes presently in service have structural provisions (tiedown points) for the attachment of shoulder harnesses and the installation of shoulder harnesses in these airplanes should not present any significant problem. However, there are a number of small civil airplanes now in service that cannot readily be fitted with shoulder harnesses since the necessary attachment points were not included in the design of the airplane.

The FAA believes, further, that it would be feasible and not unreasonably burdensome, for small civil airplane manufacturers to provide shoulder harness attachment points on airplanes being constructed under existing type certificates so that airplanes manufactured after the effective date of this amendment could be equipped with shoulder harnesses. The date of manufacture of an airplane, for purposes of the proposed rules, would be the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. Accordingly, it is proposed to amend §§ 91.33 and 91.39 to prohibit, after 1 year after the effective date of this proposed amendment, the operation of such small civil airplanes with standard category and restricted category U.S. airworthiness certificates unless they have an approved shoulder harness installed (for each occupant except an occupant of a rearward facing seat specified in § 23.785 (g)(2)) that is designed to protect the occupant from injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). This regulation would not apply to airplanes that were manufactured prior to 1 year after the effective date of any final rule based on this proposed amendment and that do not have structural provisions for the attachment of shoulder harnesses. The proposal would require that a placard be installed on those airplanes stating that shoulder harnesses are not required in order to assure that this information is available to the pilots of these airplanes. It is also proposed to amend §§ 91.7 and 91.14 to require each occupant of a seat equipped with a shoulder harness to fasten his shoulder harness during takeoff and landing, and in the case of a flight crewmember, at all times while he is at his station.

The FAA has also received suggestions from Mr. Nader and the NTSB concerning other areas in which the protection of occupants from injury in a crash or emergency landing might be improved. In this connection it was suggested that the regulations be amended to require higher impact "g" force levels than are now prescribed, to require that the cockpit or cabin structure remain intact under those impact forces, to require the dynamic testing of seats, and to require further means to reduce potential ignition sources associated with accidents. Although the FAA's basic research and development programs and the data and recommendations submitted by those interested persons indicate possible future courses of action with regard to upgrading the crashworthiness of small airplanes in those areas, the information presently available is not sufficient to support rule-making action. The FAA is continuing its investigations in those areas and appropriate rule-making action will be initiated when sufficient data is available to provide a basis for rulemaking.

In consideration of the foregoing, it is proposed to amend Parts 23 and 91 of the Federal Aviation Regulations as follows:

1. Section 23.785 would be amended by amending the title and paragraphs (b) and (g) and by adding new paragraphs (h), (i), and (j) to read as follows:

§ 23.785 Seats, berths, safety belts, and harnesses.

• • • • •

(b) Each seat, berth, safety belt, and harness must be approved.

• • • • •

(g) Each occupant must be protected from head injury when he experiences the inertia forces prescribed in § 23.561 (b)(2) in—

(1) A forward facing seat (0° to 18° angle with the vertical plane containing the airplane centerline) by a safety belt and shoulder harness that is designed to prevent the head from contacting any injurious object.

(2) A rearward facing seat (0° to 18° angle with the vertical plane containing the airplane centerline) by a safety belt and an energy absorbing rest that is designed to support the arms, shoulders, head, and spine.

(3) A sideward facing seat (more than and 18° angle with the vertical plane containing the airplane centerline) by a safety belt and shoulder harness that will prevent the head from contacting any injurious object. In addition, sideward facing seats that are angled toward the rear of the airplane must have an energy absorbing rest that is designed to support the arms, shoulders, head, and spine.

(h) The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

(i) There must be a means to secure each safety belt and shoulder harness, when not in use, so as to prevent interference with the operation of the airplane and with rapid egress in an emergency.

(j) The cabin area surrounding each seat, including the structure, interior walls, instrument panel, control wheel, pedals, and seats, within striking distance of the occupant's head, torso, arms, and legs (with the safety belt fastened), must be free of potentially injurious objects, sharp edges, protuberances, and hard surfaces. If energy absorbing design or devices are used to meet this requirement, they must protect the occupant from injury when the occupant experiences the ultimate inertia forces prescribed in § 23.561(b)(2).

2. Section 23.1307 would be amended by deleting present paragraph (a) and redesignating present paragraph (b) as follows:

§ 23.1307 Miscellaneous equipment.

The following equipment is required miscellaneous equipment:

(a) A master switch arrangement.
(b) An adequate source of electrical energy.
(c) Electrical protective devices.

3. Section 91.7 would be amended by amending paragraph (b) and adding a new paragraph (c) to read as follows:

§ 91.7 Flight crewmembers at stations.

• • • • •

(b) Keep his safety belt fastened while at his station.

(c) After 1 year after the effective date of this amendment) in a U.S. registered small civil airplane, if the seat at his station is equipped with a shoulder harness, keep the shoulder harness fastened while at his station.

4. Section 91.14 would be amended by amending the title and by amending paragraphs (a) and (b) to read as follows:

§ 91.14 Fastening of safety belts and shoulder harnesses.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off or land a U.S. registered aircraft (except an airship) unless the pilot in command of that aircraft ensures that—

(i) Each person on board that aircraft has been instructed in the proper use of occupant restraint provisions.

(ii) Each person on board that aircraft has been notified to fasten his safety belt.

(iii) Each person on board that aircraft occupying a seat equipped with a shoulder harness has been notified to fasten his shoulder harness.

(iv) At each unoccupied seat, the safety belt and shoulder harness, if installed, are secured so as not to interfere with the operation of the aircraft and with rapid egress of occupants in an emergency.

(2) During the takeoff and landing of U.S. registered civil aircraft (except airships), each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth, and a person on board for the purpose of engaging in sport parachuting may use the floor of the aircraft as a seat.

(3) During the takeoff and landing of a U.S. registered civil aircraft (except an airship), each person on board that aircraft occupying a seat equipped with a shoulder harness must properly secure the shoulder harness about him.

(b) This section does not apply to operations conducted under Parts 121, 123, or 127 of this chapter. Paragraphs (a)(2) and (a)(3) of this section do not apply to persons subject to § 91.7.

5. Section 91.33 would be amended by adding a new paragraph (b)(13) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

• • • • •

(b) • • •

(13) For small civil airplanes, except those manufactured prior to (1 year after the effective date of this amendment) that do not have structural provisions for the attachment of shoulder harnesses but have a placard installed that states "shoulder harnesses not required", after (1 year after the effective date of this amendment), approved shoulder harnesses that are designed to protect each occupant (except occupants of rearward facing seats described in § 23.785(g)(2)) from head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). For purposes of this section, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

6. Section 91.39 would be amended by adding a new paragraph (f) to read as follows:

§ 91.39 Restricted category civil aircraft; operating limitations.

• • • • •

(f) Except as to airplanes manufactured prior to (1 year after the effective date of this amendment) that do not have structural provision for the attachment of shoulder harnesses but have a placard installed that states "shoulder harnesses not required", after (1 year after the effective date of this amendment), no person may operate a small restricted category civil airplane unless approved shoulder harnesses are installed that are designed to protect each occupant (except occupants of rearward facing seats described in § 23.785(g)(2)), from head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). For purposes of this section, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 18, 1973.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.73-1770 Filed 1-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-81]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mackinac Island, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Mackinac Island Airport, Mackinac Island, Mich. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Mackinac Island, Mich. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

MACKINAC ISLAND, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mackinac Island Airport (latitude 45°51'55" N., longitude 84°38'20" W.).

(Sec. 307(a) Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 8, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1771 Filed 1-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-84]

TRANSITION AREAS

Proposed Deletion and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the State of Michigan, Alpena, Bellaire, Charlevoix, Grayling, Luddington, Menominee, Oscoda, Roscommon,

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Traverse City, Escanaba, Gaylord, Marquette, Iron Mountain, and Pellston, Mich., transition areas, and deleting the Lake City, Mich., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The Minneapolis Center has a requirement for additional control area near Traverse City, Alpena, and Pellston, Mich., to radar vector and properly control the flow of traffic in this area. This action will consolidate 10 airspace citations for the transition area into one.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

MICHIGAN

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Michigan south of parallel 45°45'.

In § 71.181 (38 FR 435), the following transition areas are amended by deleting reference to that airspace extending upward from 1,200 feet above the surface:

Alpena, Mich.	Menominee, Mich.
Bellaire, Mich.	Oscoda, Mich.
Charlevoix, Mich.	Roscommon, Mich.
Grayling, Mich.	Traverse City, Mich.
Luddington, Mich.	

In § 71.181 (38 FR 435), the following transition area is deleted: Lake City, Mich.

In § 71.181 (38 FR 435), the following transition areas are amended as indicated:

Escanaba, Mich.—add "excluding the portion south of parallel 45°45'."

Gaylord, Mich.—delete all after "(latitude 45°00'50" N., longitude 84°41'45" W.)."

Marquette, Mich.—add "and the portion south of parallel 45°45'."

Iron Mountain, Mich.—add "excluding the portion south of parallel 45°45'."

Pellston, Mich.—change to read as follows:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.) and within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Pellston VORTAC north of parallel 45°45' excluding the portion overlying the Sault Ste. Marie, Mich. transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 8, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1772 Filed 1-30-73;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 72-SO-120]

ESTABLISHMENT OF RESTRICTED AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would establish a restricted area, R-5315, in the vicinity of Cape Hatteras, N.C.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would include the following restricted area in Part 73 of the Federal Aviation Regulations:

R-5315 CAPE HATTERAS, N.C.

Boundaries: Beginning at Lat. 35°31'00" N., Long. 76°00'00" W.; to Lat. 35°14'00" N., Long. 75°38'00" W.; to Lat. 34°54'00" N., Long. 76°16'00" W.; to Lat. 35°04'30" N., Long. 76°04'30" W.; to Lat. 35°18'15" N., Long. 76°16'40" W.; to Lat. 35°20'00" N., Long. 76°23'00" W.; to point of beginning.

Designated altitudes. From 4,000 feet MSL to but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington, D.C., ARTC Center.

Using agency. Commander Naval Air Force, U.S. Atlantic Fleet, NAS Norfolk, Va.

The proposed restricted area would be used by the Department of the Navy to help satisfy its continuing urgent requirement to provide pilots with controlled training in air combat maneuvering at supersonic speeds. The restricted designation would be necessary because the type of training to be conducted would constitute a hazardous situation for nonparticipating aircraft. Monitoring devices would be installed to supervise and direct aircraft engagements and to evaluate individual pilot performance; however, the devices would not be able to ensure safety to other aircraft. High-speed maneuvers during engagements could produce sonic booms in the area. An Environmental Impact Study which is being conducted under the the auspices of the using agency would be completed prior to issuing the final rule.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 23, 1973.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.73-1773 Filed 1-30-73;8:45 am]

[14 CFR Part 135]

[Docket No. 12531; Notice 73-2]

LIMITED IFR AIR TAXI OPERATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 135 of the Federal Aviation Regulations to make those sections dealing with limited IFR operations (§§ 135.75, 135.99, and 135.145) consistent with each other, with Terminal Instrument Procedures (TERPS), and with safe operating practices.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before March 30, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the rules docket for examination by interested persons.

Subject to certain conditions, § 135.75 authorizes single pilot flight, with an IFR departure, IFR en route flight, and an IFR approach. Paragraph (b) thereof permits a pilot in command of an airplane carrying passengers to take off from the departure airport without a second in command pilot and in IFR conditions, if weather reports and forecasts indicate that the weather en route will permit flight under VFR or VFR over-the-top beginning at a point no more than 15 miles from the departure airport. However, paragraph (b)(1) of § 135.75 currently provides that after taking off, the pilot may continue to fly in IFR conditions to a point no more than 15 miles from the departure airport. Accordingly, under the present rule if a pilot finds he is still in IFR conditions when 15 miles from the departure airport, he must return to the departure airport and land in IFR conditions. This requires the pilot to reverse his course against the flow of IFR traffic and may disrupt the orderly and safe flow of outgoing and incoming traffic.

The FAA believes it would be a safer procedure in such circumstances to permit the pilot to continue flight in IFR conditions rather than risk disruption of the traffic flow. Accordingly, this proposal would delete the 15 miles limitation presently prescribed in § 135.75(b)(1).

Section 135.75(b)(2) allows the single pilot to make an IFR approach and land at the destination airport in IFR conditions if the approach is made with the use of radar, or if weather conditions allow flight and he flies clear of clouds until reaching the prescribed initial approach altitude over the final approach facility. The proposed amendment would allow IFR approach and landing if weather reports and forecasts indicate that the weather at the destination airport and within 15 miles of it allow flight clear of clouds until over that airport. The FAA believes this amendment would contribute to the efficient handling of traffic by ATC in the terminal area, and that these restrictions may be removed without compromising safety.

Section 135.99(a)(2) authorizes air taxi flights carrying passengers under VFR over-the-top conditions when weather reports and forecasts indicate that the weather at the destination airport allows an IFR approach and landing with flight clear of clouds until reaching the prescribed initial approach altitude over the final approach facility, unless the approach is made with the use of radar as provided in § 91.116(f).

Subparagraph (a)(2) would be amended by deleting "the prescribed initial approach altitude over the final approach facility", and the reference to the alternate approach under radar, and stating instead that over-the-top flight is authorized if the weather reports and forecasts indicate that the weather at the destination airport allows an IFR approach and landing in IFR conditions, with flight clear of clouds until over the destination airport.

This change would remove the language which is inconsistent with the terminology in TERPS, and allow greater flexibility and reliability in limited IFR air taxi operations.

Subject to certain conditions, subparagraphs (i) and (iv) of § 135.145(b)(2) authorize IFR takeoff and IFR en route flight to a point no more than 15 miles from the departure airport, and an IFR approach and landing at the destination airport in IFR conditions. These authorizations are valid if weather reports and forecasts indicate that weather along the planned route allows flight under VFR under a ceiling (if a ceiling exists) and is forecast to remain so at every point ahead on the route until at least 1 hour after the estimated time of arrival at the point.

Section 135.145(b)(2) would be amended to remove the restrictions on IFR takeoff and IFR landing, and otherwise be amended for consistency with § 135.75.

To summarize, these proposals would continue to allow IFR takeoffs and approaches through local IFR weather conditions without compliance with the two-pilot requirement or multiengine performance requirements when the probability is high that the flight will otherwise be conducted under VFR conditions. The proposed amendment would permit the continuation of limited IFR flights rather than require a return to the point of departure, or diversion to an alternate when the flight has reached a point at which the pilot cannot proceed in accordance with the regulations because existing conditions at that point are not consistent with weather reports and forecasts available at departure. Removal of the special restrictions on destination conditions will mean that flight planning can be more certain and air traffic control can be more efficient, because the flight need not be interrupted by weather conditions which may vary after commencement of the flight.

In consideration of the foregoing, it is proposed to amend Part 135 of the Federal Aviation Regulations as follows:

1. By amending § 135.75 to read as follows:

§ 135.75 Exception to second in command requirement: unforecast and limited IFR conditions.

Unless two pilots are required by this chapter for operations under VFR, the pilot in command of an airplane carrying passengers may operate an airplane without a second in command in IFR conditions encountered during en route operations if those IFR weather conditions were not forecast or reported at the time of takeoff; and that pilot may operate in IFR conditions during departures and approaches, if—

(a) Weather reports and forecasts at the time of takeoff indicate that—

(1) IFR weather conditions (if any) at the departure airport are local and do not extend more than 15 miles from the departure airport;

(2) Weather en route allows flight under VFR conditions under the ceiling (if any) to a point within 15 miles of the destination airport; and

(3) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport; or

(b) Weather reports and forecasts at the time of takeoff indicate that—

(1) IFR weather conditions (if any) at the departure airport allow VFR over-the-top flight from a point within 15 miles of the departure airport;

(2) Weather en route allows VFR over-the-top flight at the planned flight altitude until over the destination airport, or weather en route allows a return to VFR from any point en route at least 15 miles from the destination; and

(3) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport.

2. By amending the introductory statement in § 135.99 to read as follows and § 135.99(a)(2) to read as follows:

§ 135.99 VFR over-the-top carrying passengers: operating limitations.

No person may operate an aircraft carrying passengers VFR over-the-top when the pilot in command is subject to the VFR over-the-top limitations of § 135.123, unless:

(a) * * *

* * * * * *

(2) Allows an IFR approach and landing with flight clear of clouds until over the destination airport.

* * * * * *

3. By amending § 135.145(b)(2) to read as follows:

§ 135.145 Performance requirements: aircraft operated over-the-top or in IFR conditions.

* * * * * *

(b) * * *

(2) A person may operate an airplane in VFR conditions over-the-top, and in IFR conditions encountered during en route operations if those IFR weather conditions were not forecast or reported at the time of takeoff, and a person may operate an airplane in IFR conditions during departures and approaches, if weather reports and forecasts at the time of takeoff indicate that—

(i) IFR weather conditions (if any) at the departure airport are local and do not extend more than 15 miles from the departure airport;

(ii) Weather en route allows flight under VFR conditions under the ceiling (if any) to a point within 15 miles of the destination airport; and

(iii) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport.

(Secs. 307(c), 313(a), 601(a), and 604(a) Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1421(a), and 1424(a); sec. 6(c) Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 18, 1973.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.73-1775 Filed 1-30-73;8:45 am]

38-20 JAN 31 73 XUM

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC–37 (Sub-No. 23]

CLEVELAND, OHIO

Redefining Limits of Commercial Zone

JANUARY 26, 1973.

Petitioners: City of Mentor, Ohio, and the Mentor, Ohio, Chamber of Commerce.

Petitioner's representatives: Bruce E. Mitchell, 1600 First Federal Building, Atlanta, Ga. 30303.

By joint petition filed January 8, 1973, the above-named petitioners request that the Commission institute a rule making proceeding for the purpose of redefining the limits of the Cleveland, Ohio, commercial zone, which were most recently defined on March 23, 1948, in *Commercial Zones and Terminal Areas*, 48 M.C.C. 95, 97 (49 CFR 1048.22), as modified by order of September 6, 1972. Petitioners seek amendment of 49 CFR 1048.22 so as to include that portion of Lake County, Ohio, described as follows: "From the intersection of Ohio State Highway 2 and western boundary of Mentor, Ohio, over State Highway 2 to the eastern city line of Mentor, Ohio, thence southward on the eastern city line of Mentor, Ohio, to the junction Interstate Highway 90; thence over Interstate Highway 90 to the southwestern city line of Mentor, Ohio;

Thence northward over the city line of Mentor, Ohio, to junction State Highway 2. For reason of ease of interpretation the Commission may see fit, based on evidence deduced in the proceeding, to consider inclusion of all of the city of Mentor, Ohio, within the involved commercial zone. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views or arguments. An original and fifteen copies of each data, views, or arguments shall be filed with the Commission on or before March 16, 1973. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–1866 Filed 1–30–73;8:55 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules, that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73–36]

PRECLEARANCE OPERATIONS

Reimbursable Excess Costs

JANUARY 24, 1973.

Notice is hereby given that pursuant to § 24.18(d), Customs regulations (19 CFR 24.18(d)), the bi-weekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the period beginning February 4, 1973.

Installation	*Bi-weekly excess cost*
Montreal, Canada	$3,270
Toronto, Canada	7,717
Kindley Field, Bermuda	1,570
Nassau, Bahama Islands	3,504
Vancouver, Canada	1,073
Winnipeg, Canada	459

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

[FR Doc.73–1892 Filed 1–30–73;8:45 am]

VITAMIN B–12

Approval of Tariff Classification

In a letter of August 16, 1971, H. Reisman Corp., an American wholesaler of vitamin B–12, through its attorneys, protested the Bureau ruling, abstracted as Treasury Decision 66–88(52), which classified vitamin B–12 made without the use of benzenoid precursors under the provision for synthetic vitamins in Item 437.82. Tariff Schedules of the United States (TSUS).

The complainant was informed that its complaint was considered, but on the basis of the evidence of record, the Bureau was satisfied that vitamin B–12 produced in the manner described was correctly classifiable in Item 437.82, TSUS.

In accordance with the provisions of section 516(c), Tariff Act of 1930, as amended, notice is hereby given that the named domestic wholesaler has given the notice contemplated by statute that he desires to contest the classification of vitamin B–12 made without the use of benzenoid sources. However, under section 516(d), Tariff Act of 1930, as amended, the practice of classifying vitamin B–12 made without the use of benzenoid precursors under Item 437.82, TSUS, will be continued so long as no decision of the U.S. Customs Court or the U.S. Court of Customs and Patent Appeals not in harmony with this decision is published.

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

Approved: January 22, 1973.

Edward L. Morgan, *Assistant Secretary of the Treasury.*

[FR Doc.73–1893 Filed 1–30–73;8:45 am]

Office of the Secretary

ELECTRONIC CERAMIC PACKAGES AND PARTS THEREOF FROM JAPAN

Tentative Discontinuance of Antidumping Investigation

Information was received on May 16, 1972, that electronic ceramic packages and parts thereof from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping proceeding notice" which was published in the FEDERAL REGISTER of June 20, 1972, on page 12164.

I hereby announce a tentative discontinuance of the antidumping investigation on electronic ceramic packages and parts thereof from Japan.

Statement of reasons on which this notice of tentative discontinuance of antidumping investigation is based: The investigation revealed that the proper basis of comparison for fair value purposes is between exporter's sales price and the adjusted home market price of such or similar merchandise.

Exporter's sales price was calculated by deducting from the f.o.b. Japan or f.o.b. San Francisco price, as appropriate, an amount equal to the expenses incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise. Further deductions were made, where applicable, for air freight, insurance, U.S. Customs duty, Customs brokerage, handling, and selling commissions.

Adjusted home market price for such or similar merchandise was based upon the delivered to customer's plant price at which a preponderance of the merchandise was sold. For one particular size package for which there was no clear preponderance of merchandise sold at the same price, the adjusted home market price was based on the weighted average of delivered to customer's plant prices. From the preponderant or weighted-average prices, deductions were made for inland freight charges. Adjustments were made, as applicable, for selling expenses, differences in credit costs, differences in quantities, and differences in the merchandise.

Comparison between exporter's sales price and adjusted home market price revealed some instances where exporter's sales price was lower than the adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of export sales involved.

In addition, formal assurances were received from the sole manufacturer investigated that it would make no future sales of electronic ceramic packages and parts thereof at less than fair value within the meaning of the Act. That manufacturer is believed to have accounted for all of the electronic ceramic packages and parts thereof imported from Japan during the period of the investigation.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than February 12, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than March 2, 1973.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of tentative discontinuance of the antidumping investigation is published pursuant to § 153.15(b) of the Customs regulations (19 CFR 153.15(b)).

[SEAL] EDWARD L. MORGAN, *Assistant Secretary of the Treasury.*

JANUARY 24, 1973.

[FR Doc.73–1968 Filed 1–30–73;8:45 am]

38-20 JAN 31 73 XUM

T. 6 N., R. 17 E. (Unsurveyed—Protraction Secs. 23 to 26 inclusive; those parts west a prominent point (elevation 7,015) in

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 1102]

ARIZONA

Partial Termination of Classification of Public Lands for Multiple Use Management

JANUARY 23, 1973.

Arizona State Office, 3022 Federal Building, Phoenix, Ariz. 85025.

By notice published at 32 FR 14716, Tuesday, October 24, 1967, the public lands described below were classified, along with other lands, for multiple-use management. Publication of this notice had the effect of segregating the lands from appropriation under the agricultural land laws (43 U.S.C., parts 7 and 9 and 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and State Exchange (43 U.S.C. 315g(c)).

Pursuant to the authority delegated by BLM Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the notice of classification A 1102 and its segregative effect is hereby terminated as to the lands listed below.

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 5 W.,
Sec. 7, lots 1 to 4, inclusive, E½W½, W½E½;
Sec. 30, lot 4.
T. 12 S., R. 6 W.,
Sec. 12, NE¼, E½SE¼.

The area described aggregates 755.05 acres.

The above lands are opened only to disposal by State Exchange as authorized by section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. sec. 315g) in furtherance of a Federal land program.

JOE T. FALLINI,
State Director.

[FR Doc.73-1878 Filed 1-30-73;8:45 am]

Geological Survey

[Power Site Cancellation 301]

APPLEGATE RIVER BASIN, OREG.

Power Site Cancellation

Correction

In FR Doc. 72-21475 appearing on page 26621 of the issue for Thursday, December 14, 1972, in the description of Sec. 11 of the Willamette Meridian, the second set of coordinates in the second line, now reading "SE¼NW¼", should read "NW¼SE¼NW¼".

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SAWTOOTH NATIONAL RECREATION AREA

Area Description

Pursuant to sec. 1(b) of the Sawtooth National Recreation Area Act, Public Law 92-400 (86 Stat. 612), a detailed description of the Sawtooth National Recreation Area, Idaho, and a map showing the boundaries of the area are hereby published.

SAWTOOTH NATIONAL RECREATION AREA

Area Description

IDAHO

Boise Meridian

T. 5 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 3, 4, 5, 8, 9, 10, 16, 17, those parts in Leggit Creek drainage.
T. 5 N., R. 14 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 1, 2, 3, and 4 inclusive, those parts north of the divide between Salmon River and Big Smokey Creek, except that part of Sec. 4 west of the head of Frenchman Creek in NE¼NE¼.
T. 5 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95),
Sec. 1, that part north of a diagonal line extending from a prominent point approximately 1,800 feet southwest of Titus Lake in Sec. 18, T. 6 N., R. 15 E., to the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.
T. 5 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95),
Secs. 1 to 5 inclusive;
Secs. 6 to 14 inclusive, except those parts south of a diagonal line extending from a prominent point approximately 1,800 feet southwest of Titus Lake in Sec. 18, T. 6 N., R. 15 E., to the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.; thence east to the toe of the slope east of Baker Creek; thence generally along said toe of the slope in an easterly direction to the toe of the slope south of Big Wood River; thence easterly generally along the toe of the slope south of Big Wood River to the east township line of T. 5 N., R. 16 E.
T. 5 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 94,
Secs. 3 to 10 inclusive, except those parts south and east of a line beginning at a point where the west township line of T. 5 N., R. 17 E., crosses the toe of the slope south of Big Wood River; thence generally along said toe of the slope to Corner No. 2 of tract 37; thence northeasterly along the north property line to Corner No. 3 of HES 124; thence northerly approximately ¼ mile to the toe of the slope east of the North Fork Big Wood River; thence northerly generally along said toe of the slope to the north township line of T. 5 N., R. 17 E.
T. 6 N., R. 11 E.,
Secs. 1 to 6 and 8 to 27 inclusive, except those parts of Secs. 5, 6, 8, 17 to 23, 26 and 27 inclusive, lying south and west of a line beginning at the point where the divide between Browns Creek and Little Queens River intersects the north line of said township; thence southerly along said divide approximately ¾ mile to a point in SE¼SE¼, Sec. 6; thence easterly down a ridge to a point on the old Little Queens River Trail, said point being approximately ¼ mile south of Scott Creek; thence southerly down said trail to the junction with the old main Queens River Trail in Sec. 20; thence easterly along the old trail along a south branch of Queens River to the east section line of Sec. 21; thence southeasterly across said south branch and up the ridge southwest of the south branch of Queens River to the old trial on the divide between said River and the Middle Fork Boise River at the head of Joe Daley Creek; thence southerly along said trail down Joe Daley Creek to its intersection with south line of Sec. 26; thence east along the section lines to the SE corner of Sec. 25, T. 6 N., R. 11 E.
T. 6 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 1 to 23, 26 to 30, and 32 to 34 inclusive, except those parts of Secs. 29 to 32 southwest and those parts of Secs. 1, 11, 12, 14, 23, 26, 27, 33, and 34 southeast of a line beginning at the SE corner of Sec. 25, T. 6 N., R. 11 E.; thence east approximately 1½ miles to the divide between Grays Creek and Leggit Creek; thence southerly along said divide to the south township line of T. 6 N., R. 12 E.; thence east along said line to its intersection with the divide between Middle Fork Boise River and South Fork Boise and Salmon Rivers; thence northeasterly along said divide to its intersection with the divide north of Alturas Lake Creek in Sec. 1; thence northeasterly along the Alturas Lake Creek divide to the east township line of T. 6 N., R. 12 E.
T. 6 N., R. 13 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 1, 12, 13, and 24, those parts east of a line beginning at the SE corner of Sec. 31, T. 7 N., R. 14 E.; thence south to the south line of Sec. 24; thence east along said south line to the east township line of T. 6 N., R. 13 E.; Sec. 6, that part northwest of the divide north of Alturas Lake Creek.
T. 6 N., R. 14 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 1 to 28 and 33 to 36 inclusive, except those parts of 13, 14, 23, 26, 35, and 36 southeasterly and those parts of Secs. 28 and 33 inclusive west of a line beginning at the SW corner of Sec. 19; thence east along the section lines to the intersection with the road west of Frenchman Creek; thence southerly along said road approximately 1⅛ miles to the forks of Frenchman Creek in Sec. 33; thence southerly up the east fork of said creek to the south township line of T. 6 N., R. 14 E.; thence east along said township line to its intersection with the divide between Salmon River and South Fork Boise River; thence northeasterly along said divide approximately ¼ mile to the trail at the head of the Salmon River; thence northerly approximately 1 mile from said point down the Salmon River to the toe of the slope on the east side of said Salmon River; thence northerly along said toe of the slope to a point in the SE¼ of Sec. 11, said point being west of a ridge located north of an unnamed stream west of Titus Lake; thence southeasterly up said ridge to east line of T. 6 N., R. 14 E.
T. 6 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95),
Secs. 1 to 28 and 34 to 36 inclusive, except those parts of Secs. 18 to 21, 27, 28, and 34 to 36 inclusive, southwest of a line beginning at the intersection of the ridge west of Titus Lake with the west township line of T. 6 N., R. 15 E., in Sec. 18; thence easterly up said ridge to the saddle west of Titus Lake; thence southwesterly along the ridge to a prominent point southwest of Titus Lake (elevation 9,971); thence southeasterly on a direct line ending at the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.
T. 6 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95),
Secs. 1 to 36 inclusive.

T. 6 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 94),
Secs. 1 to 23 and 27 to 34 inclusive, except those parts of Secs. 1, 2, 12 to 14, 22, 23, 27, and 34 inclusive, generally east of a line beginning on the south township line in Sec. 34 at the point of intersection with the toe of the slope east of North Fork Wood River; thence in a northerly direction along said toe of the slope to the East Fork of the North Fork Wood River approximately in the center of Sec. 22; thence northeasterly up said East Fork of the North Fork Wood River to the east township line of T. 6 N., R. 16 E.; thence north along said township line to its intersection with the divide between Big Wood River and Big Lost River; thence northwesterly along said divide to its intersection with the north township line of T. 6 N., R. 17 E.
T. 6 N., R. 18 E. (Unsurveyed—Protraction Diagram No. 94),
Secs. 6 and 7, those parts west of a line beginning at the point of intersection of the East Fork of the North Fork Wood River and the west township line of T. 6 N., R. 18 E.; thence east up said East Fork to the divide between said East Fork of the North Fork Wood River and Trail Creek; thence northwesterly along said divide to its intersection with the divide between North Fork Wood River and Big Lost River; thence northwesterly along said divide to its intersection with the west township line of T. 6 N., R. 18 E.
T. 7 N., R. 10 E.,
Secs. 1, 2, 11, and 12, those parts north and east of the old Queens River Trail beginning in the NE¼NE¼, Sec. 2; thence southerly along said trail down Johnson Creek to a point in SE¼NE¼, Sec. 11; thence easterly from said point following the trail along a ridge north of Grouse Creek to the east of township line of T. 7 N., R. 10 E., in Sec. 12.
T. 7 N., R. 11 E. (Unsurveyed—Protraction Diagram No. 87),
Sec. 1 to 5 inclusive;
Sec. 8, that part north and east of old Queens River Trail;
Secs. 9 to 15 inclusive;
Secs. 16 and 17, those parts east of the old Queens River Trail;
Sec. 20, that part east of a line beginning at the intersection of the old Queens River Trail and the north section line; thence southerly along said trail to its intersection with the divide between Black Warrior Creek and Queens River; thence southerly down said divide to the south section line of Sec. 20;
Secs. 21 to 28 inclusive;
Secs. 29 and 32, those parts east of the divide between Black Warrior Creek and Queens River;
Secs. 33 to 36 inclusive.
T. 7 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 36 inclusive.
T. 7 N., R. 13 E. (Unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 36 inclusive.
T. 7 N., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 7 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95A),
Secs. 1 to 36 inclusive.
T. 7 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95A),
Secs. 1 to 36 inclusive.
T. 7 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 85),
Sec. 1, that part west of the divide between West Pass Creek and East Pass Creek;
Secs. 2 to 11 inclusive;
Secs. 12 and 13, those parts west of the divide between West Pass Creek and East Pass Creek-Big Lost River drainages;
Secs. 14 to 22 inclusive;
Secs. 23 to 26 inclusive; those parts west of the divide between West Pass Creek and Big Lost River;
Secs. 27 to 35 inclusive;
Sec. 36, that part west of the divide between West Pass Creek-North Fork Wood River and Big Lost River.
T. 8 N., R. 10 E.,
Secs. 1, 2, 3, and 10, those parts east of the divide between North Fork Boise River and Tenmile Creek;
Secs. 11 to 13 inclusive;
Secs. 14, 15, 22, and 23, those parts east of the divide between North Fork Boise River and Cow Creek;
Secs. 24 to 26 inclusive;
Secs. 27, 34, and 35, those parts east of a line beginning at the intersection of the divide between North Fork Boise River and Cow Creek with the north line Sec. 27; thence southerly along said divide to the old Queens River Trail at the mouth of Bayhorse Creek; thence following said trail up Bayhorse Creek to the south line of Sec. 35;
Sec. 36, all.
T. 8 N., R. 11 E. (unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 5, 8 to 17, 20 to 29, and 32 to 36 inclusive.
T. 8 N., R. 12 E. (unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 36 inclusive.
T. 8 N., R. 13 E. (unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 36 inclusive.
T. 8 N., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 8 N., R. 15 E. (unsurveyed—Protraction Diagram No. 86),
Secs. 1 to 36 inclusive.
T. 8 N., R. 16 E. (unsurveyed—Protraction Diagram No. 86),
Sec. 1, that part northwest of the divide between Wicklup Creek and Germania Creek;
Secs. 2 to 10 inclusive;
Secs. 11, 12, and 14 inclusive, those parts north and west of a line following the divide between Wicklup Creek and Germania Creek to a prominent point (elevation 9,912) on said divide approximately on south line of Sec. 11; thence southeasterly down the ridge between Chamberlain Creek and Germania Creek to the south line of Sec. 14;
Secs. 15 to 22 inclusive;
Secs. 23 to 36 inclusive, except those parts of Secs. 23 to 27 and 34 to 36 inclusive generally northeasterly of a line beginning at the intersection of the ridge between Chamberlain Creek and Germania Creek and the north line of Sec. 23; thence in a southeasterly direction along said ridge to the confluence of Chamberlain Creek and Germania Creek; thence southwesterly parallel to and 500 feet south of Germania Creek approximately 1½ miles to the crest of a ridge in Sec. 27; thence southeasterly up said ridge to a prominent point on the divide between Germania Creek and East Fork Salmon River in Sec. 35; thence northeasterly along said divide to a prominent point near the east line of Sec. 25; thence southeasterly along a ridge between two unnamed streams to a point on the east township line in Sec. 26, approximately 2,000 feet north of the southwest corner of Sec. 30, T. 8 N., R. 17 E.
T. 8 N., R. 17 E.,
Sec. 6, that part northwest of the divide between Wicklup Creek and East Fork Salmon River;
Secs. 26, 27, 28, 30, and 31 to 36 inclusive, those parts south of a line beginning at the intersection of the ridge on the west township line approximately 2,000 feet north of the southwest corner of Sec. 30; thence southeasterly down said ridge to a prominent point (elevation 7,015) in the NW¼NE¼, Sec. 31; thence southeast to Corner No. 10 of HES 597; thence northeasterly along the boundary of said homestead to its intersection with West Pass Creek; thence northeasterly and southeasterly along the divide north and east of West Pass Creek to its intersection with the south line of the SW¼SW¼, Sec. 36.
T. 9 N., R. 10 E.,
Secs. 23 to 26, 35, and 36 inclusive, those parts within the North Fork Boise River drainage.
T. 9 N., R. 11 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 3, 10 to 16, 20 to 29, and 32 to 36 inclusive, except those parts of Secs. 3, 10, 15, 16, 20, 21, and 22 in Wapiti Creek drainage.
T. 9 N., R. 12 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 36 inclusive.
T. 9 N., R. 13 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 36 inclusive.
T. 9 N., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 9 N., R. 15 E. (unsurveyed—Protraction Diagram No. 86),
Secs. 1 to 36 inclusive.
T. 9 N., R. 16 E. (unsurveyed—Protraction Diagram No. 86),
Secs. 1 to 36 inclusive.
T. 9 N., R. 17 E.,
Secs. 3 to 9 inclusive;
Secs. 17 to 20 inclusive;
Secs. 29 to 32 inclusive, except those parts of Secs. 31 and 32 south of the divide between Wicklup Creek and Germania Creek.
T. 10 N., R. 11 E. (unsurveyed—Protraction Diagram No. 62),
Secs. 1 to 3, 10 to 15, 23 to 28, and 33 to 36 inclusive, except those parts of Secs. 3, 10, 14, 15, 23, 26, 27, 28, 33, and 34 west of a line beginning at the intersection of the divide between Canyon Creek and Elk Creek with the north township line in Sec. 3; thence southerly along said divide to a prominent point in Sec. 23; thence southerly along the ridge between Bear Creek and Silver Creek to a prominent point in Sec. 26; thence southwesterly along the ridge between Bear Creek and Grandjean Creek to a point on the South Fork Payette River in Sec. 33, said point being approximately ½ mile east of the access road across said river to the Wapiti Creek Summer Homes area; thence in a southeasterly direction up the ridge between Wapiti Creek and South Fork Payette River to its intersection with the south township line, T. 10 N., R. 11 E., in Sec. 34.
T. 10 N., R. 12 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 36 inclusive.
T. 10 N., R. 13 E.,
Secs. 1 to 36 inclusive.
T. 10 N., R. 14 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 1 to 36 inclusive.
T. 10 N., R. 15 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 1 to 36 inclusive.
T. 10 N., R. 16 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 1 to 36 inclusive.
T. 10 N., R. 17 E.,
Secs. 1 to 11 inclusive;
Sec. 12, that part northwest of a diagonal line extending from the northeast corner to the southwest corner of said section;
Sec. 14, W½;
Secs. 15 to 22 inclusive;
Sec. 23, W½;
Secs. 26 to 34 inclusive;
Sec. 35, W½.

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T. 11 N., R. 11 E. (unsurveyed—Protraction Diagram No. 83),
Secs. 1, 2, 3, 9, and 10, those parts in Trap Creek drainage;
Secs. 11 to 14 inclusive;
Secs. 15 and 22, those parts in Valley Creek drainage;
Secs. 23 to 26 inclusive;
Secs. 27, 34, and 35, those parts in Valley Creek drainage;
Sec. 36, all.
T. 11 N., R. 12 E.,
Secs. 1 to 36 inclusive.
T. 11 N., R. 13 E.,
Secs. 3 to 6 inclusive, those parts southwest of the divide between Valley Creek and Basin Creek;
Sec. 7, all;
Secs. 8, 9, 10, and 15, those parts southwest of the divide between Valley Creek and Basin Creek;
Secs. 16 to 21 inclusive;
Sec. 22, those parts within Stanley Creek drainage;
Sec. 25, that part south of a line approximately ¼ mile north of and parallel to the Salmon River;
Secs. 27 to 36 inclusive, except those parts of Secs. 27, 28, and 34 in Joes Gulch drainage.
T. 11 N., R. 14 E.,
Secs. 19 to 24 inclusive, those parts south of a line ¼ mile north of and parallel to the Salmon River;
Secs. 25 to 29 inclusive;
Sec. 30, that part south of a line ¼ mile north of and parallel to the Salmon River;
Secs. 31 to 36 inclusive.
T. 11 N., R. 15 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 19 to 22 and 25 to 27, those parts south of a line ¼ mile north of and parallel to the Salmon River, including HES 136;
Secs. 28 to 36 inclusive.
T. 11 N., R. 16 E.,
Secs. 25 to 30 inclusive, those parts south of a line ¼ mile north of and parallel to the Salmon River, including lot 5;
Sec. 25, and HES 322 and HES 583;
Secs. 31 to 36 inclusive.
T. 12 N., R. 11 E.,
Sec. 36, that part in Valley Creek drainage.
T. 12 N., R. 12 E. (unsurveyed—Protraction Diagram No. 77),
Secs. 25 to 29 and 31 to 36 inclusive, those parts south of a line beginning at the intersection of the divide between East Fork Valley Creek and Thompson Creek with the east line of Sec. 36; thence in a westerly direction along said divide to the intersection of Forest Service Roads in NW¼NW¼, Sec. 27; thence southwesterly along the divide between Marsh Creek and Valley Creek to the west section line of Sec. 31.
T. 12 N., R. 13 E. (unsurveyed—Protraction Diagram No. 76),
Sec. 31, that part in Thompson Creek drainage.

Dated: January 23, 1973.

T. K. COWDEN,
Assistant Secretary.

[FR Doc.73-1685 Filed 1-30-73;8:45 am]

Soil Conservation Service

WATERSHED PLANNING

Notice of Authorization

This provides a notice of the authorization dated January 26, 1973, to concerned State conservationists of the Soil Conservation Service for providing planning assistance to specified local organizations on the indicated watersheds. The State conservationist now may proceed with the investigations and surveys, as may be necessary, to develop watershed work plans under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566).

Environmental statements will be prepared, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, concurrently with the preparation of the proposed watershed work plans. Environmental statements will be made available to the general public, filed with the Council on Environmental Quality, and the notice of availability published in the FEDERAL REGISTER.

Persons interested in any of these projects may contact the local organizations or the concerned State conservationist as indicated below:

Hawaii: Honokaa Watershed; 12,600 acres; Hawaii County; Sponsors—Mauna Kea Soil and Water Conservation District, and the County of Hawaii; Mr. Fred A. Haughton, Jr., State Conservationist, Soil Conservation Service, 440 Alexander Young Building, Honolulu, Hawaii 96813.
Michigan: Rogue River Watershed; 155,760 acres; Newaygo and Kent Counties; Sponsors—Newaygo County Soil Conservation District, West Kent Soil Conservation District, Newaygo County Drain Commissioner, and Kent County Drain Commissioner; Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, MI 48823.
Montana: Whitefish Lake Watershed; 104,200 acres; Flathead County; Sponsors—City of Whitefish, Flathead County Commissioners, and Flathead Conservation District; Mr. A. B. Linford, State Conservationist, Soil Conservation Service, Federal Building, Post Office Box 970, Bozeman, MT 59715.
Nebraska: Maple Creek Watershed; 250,000 acres; Colfax, Cuming, Dodge, Platte, and Stanton Counties; Sponsor—Lower Elkhorn Natural Resources District; Mr. Keith F. Myers, State Conservationist, Soil Conservation Service, 134 South 12th Street, Room 604, Lincoln, NE 68508.
Texas: Upper San Marcos River Watershed; 70,030 acres; Comal and Hays Counties; Sponsors—Comal, Hays, Guadalupe Soil and Water Conservation District, City of San Marcos, Hays County Commissioners Court, Upper San Marcos Reclamation and Flood Control District; Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, 16-20 South Main Street, Post Office Box 648, Temple, TX 76501.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

JANUARY 26, 1973.

[FR Doc.73-1896 Filed 1-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-329]

BLACKSHIPS, INC.

Application for Operating-Differential Subsidy

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date.) Inasmuch as the below listed applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant. Blackships, Inc.

Description of domestic service and vessels. The applicant, Blackships, Inc., acting by and through Gulf Oil Corp., requests permission to continue operation of the following listed vessels in domestic intercoastal or coastwise service, as well as permission for all other vessels owned and/or operated by Gulf Oil and other related companies to continue operation in domestic intercoastal or coastwise service.

Gulf Deer	Gulf Knight
Gulf Lion	Gulf Crest
Gulf Tiger	Gulf Pride
Gulf King	Gulf Solar
Gulf Queen	Gulf Oil
Gulf Prince	

Written permission is now required by the applicant, Blackships, Inc., notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in the application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on February 7, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., February 9, 1973, in Room 4896, Department of Commerce

Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

Dated: January 26, 1972.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-1816 Filed 1-30-73;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of Public Law 92-463, notice is hereby given of the meeting of the Marine Fisheries Advisory Committee on Tuesday, Wednesday, and Thursday, February 6, 7, and 8, 1973. The meeting will commence at 9 a.m. on February 6 and at 8:30 a.m. on February 7 and 8, at the Department of Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C., in Room 6802.

The items for discussion at the meeting will include the following:

FEBRUARY 6, 1973

9 a.m.: Workshop on NACOA Report (1); Workshop will continue through the day.

FEBRUARY 7, 1973

8:30 a.m.: Introductions and Announcements (1).
8:45 a.m.: Discussion, Comments and Recommendations on NACOA Report (2).
9 a.m.: NMFS Marketing Program—Progress Report (3).
10 a.m.: NMFS Sportfisheries Programs (4).
1:30 p.m.: Law of the Sea Progress Report (5).
2 p.m.: Coastal Zone Program (6).
3 p.m.: Marine Mammals Program (7).
4 p.m.: Response to Committee Requests at last meeting (8).
a. State-Federal Fisheries Management Program—Definition of Good Fisheries Management.
b. NOAA Marine Advisory Services—Progress Report.
c. Potential Use of Dogfish Shark.
d. California Fisheries Problems.
e. Cooperative Programs with U.S. Coast Guard—Progress Report.
f. Other items suggested by Committee Members.

FEBRUARY 8, 1973

8:30 a.m.: Great Lakes Fishery Problems (1).
9:30 a.m.: NMFS Financial Assistance Program—Progress Report (2).
11:00 a.m.: Budget consideration affecting NOAA fisheries related activities recommended by MAFAC at past meetings (3).

The meeting will be open to the public on February 6 and 7 and will be open to the public on February 8 from 8:30 a.m. to 11 a.m. The meeting will be closed to the public from 11 a.m. to 1 p.m. on February 8 to discuss agenda item No. 3 which is concerned with matters listed in 5 U.S.C. 552(b) and has been closed to the public as authorized by section 10(d) of Public Law 92-463 by a determination of the Assistant Secretary of Commerce for Administration dated January 24, 1973.

Dated: January 26, 1973.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.73-1822 Filed 1-30-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION

PATENT-3 634 033
Method for the Production of Single Crystals.
Filed June 10, 1970, Patented June 11, 1972
Not available NTIS

PATENT-3 634 704
Apparatus for the Production of Highly Stripped Ions.
Filed September 2, 1970, Patented January 11, 1972
Not available NTIS

PATENT-3 636 778
Method and Means for Dimensional Inspection of Tubing.
Filed June 5, 1970, Patented June 25, 1972
Not available NTIS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PAT APPL 289048
Totally Confined Explosive Welding.
Filed September 14, 1972
PC$3.00/MF$0.95
PAT APPL 289017
Grinding Arrangement for Ball Nose Milling Cutters.
Filed September 14, 1972
PC$3.00/MF$0.95
PAT APPL 287150
Flow Control Valve.
Filed September 7, 1972
PC$3.00/MF$0.95
PAT APPL 293726
Improved Diffusion Welding.
Filed September 29, 1972
PC$3.00/MF$0.95
PAT APPL 290021
Bonded Joint and Method.
Filed September 18, 1972
PC$3.00/MF$0.95
PAT APPL 297128
Differential Phase Shift Keyed Communication System.
Filed October 12, 1972
PC$3.50/MF$0.95

[FR Doc.73-1807 Filed 1-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2866]

BORDEN CHEMICAL, DIVISION BORDEN, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2866) has been filed by Borden Chemical, Division Borden, Inc., Post Office Box 9524, Philadelphia, PA 19124, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended in paragraph (c) to provide for the safe use of bis-(sodium 2-sulfoethyl) maleate as a stabilizing monomer in copolymers used in food-packaging adhesives.

Dated: January 22, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-1778 Filed 1-30-73;8:45 am]

[DESI 3205]

CALCIUM PANTOTHENATE, ORAL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has considered a report from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Panthiion Tablets containing 10 mg. calcium pantothenate per tablet; Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 3-205).

As presently constituted this article provides a level of pantothenic acid which is regarded as a dietary supplement. Therefore, the article is considered by the Food and Drug Administration

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to be a food and should be labeled as required for such products.

Though not provided for in the new drug application that had been submitted and approved for this product, physician-directed labeling containing therapeutic indications for the article was available in 1966 when the product was submitted by the NDA holder for Academy review. The conclusions of the Food and Drug Administration, taking into consideration the Academy's report as well as other available evidence, is that calcium pantothenate lacks substantial evidence of effectiveness when offered as a drug for treatment of burning foot syndrome due to pantothenic acid deficiency and for implied claims related to conditions characterized by weakness, fatigue, dizziness, psychoses, mood changes, unsteady gait, torpor, or stressful situations. Any such article which purports or is recommended to be useful in these conditions is subject to regulatory proceedings.

All identical, related, or similar products offered or intended for drug use and not the subject of an approved new drug application, are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 3205, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–66), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 23, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1776 Filed 1-30-73;8:45 am]

[FAP 3B2867]

CIBA-GEIGY CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2867) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of thiodiethylene-bis(3,5, di-*tert*-butyl-4-hydroxyhydrocinnamate) as an antioxidant and/or stabilizer for thermoplastic and thermo-setting polymers used as adhesives for food-packaging materials.

Dated: January 23, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-1777 Filed 1-30-73;8:45 am]

COLOR ADDITIVES

Metallic Salts and Vegetable Substances in Hair Dye

This notice clarifies the status of metallic salts and vegetable substances when used as color components in hair dye.

Cosmetic product components consisting of metallic salts or vegetable substances capable of imparting color are "color additives" within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(t). Except for investigational use by experts, 21 U.S.C. 376 (a)(2), (f), 21 CFR 8.33, in the absence of an applicable permanent or provisional color additive listing promulgated by the Food and Drug Administration, such metallic salts or vegetable substances, when used as components of a cosmetic, are deemed "unsafe" for the purposes of 21 U.S.C. 361(e), 21 U.S.C. 376(a), section 203, title II, Public Law 86–618 (July 12, 1960).

21 U.S.C. 361(e) provides that a cosmetic shall be deemed to be adulterated "[i]f it is not a hair dye and it is, or it bears or contains, a color additive which is unsafe within the meaning of" 21 U.S.C. 376(a). The United States Court of Appeals for the Second Circuit has ruled that despite use of the introductory words "if it is not a hair dye," Congress did not mean to exempt non-coal-tar color additives used in hair dyes from the requirement of listing. Toilet Goods Assoc. v. Finch, 419 F.2d 21, 30 (C.A. 2, 1969).

Metallic salts and vegetable substances are not coal-tar derivatives. Thus, except for investigational use by experts, in the absence of a listing permitting use, any hair dye which contains a metallic salt or vegetable substance as a coloring component is an adulterated cosmetic. 21 U.S.C. 361(e).

Furthermore, any hair dye, including a coal-tar hair dye, which bears or contains a poisonous or deleterious metallic salt or vegetable substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, must be deemed adulterated (21 U.S.C. 361(a)). The exemption in 21 U.S.C. 361(a) does not apply to coloring ingredients which are not derived from coal-tar, such as metallic salts or vegetable substances (21 CFR 8.1(u)). TGA v. Finch, supra, 419 F. 2d at 29–30.

The Commissioner of Food and Drugs hereby gives notice that, on or before July 30, 1973, any person who desires to use as a coloring component in hair dye any metallic salt or vegetable substance not presently listed for such use, shall submit a petition proposing appropriate permanent listings.

After July 30, 1973, any marketed hair dye containing a metallic salt or vegetable substance for which there is no applicable listing or pending petition for listing will be liable to regulatory action. The Food and Drug Administration is provisionally listing metallic salts and vegetable substances used for these purposes on an interim basis. Only those color additives for which petitions are filed by July 30, 1973, will be retained on the provisional list at that time.

The FEDERAL REGISTER notice of December 10, 1963 (28 FR 13374) captioned "Color Additives; Metallic-Salt and Vegetable Hair Colors," which was based on regulations which have now been amended, is hereby rescinded.

Dated: January 29, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2012 Filed 1-30-73;10:14 am]

Health Services and Mental Health Administration

COMPREHENSIVE HEALTH PLANNING TRAINING AND STUDIES REVIEW COMMITTEE

Notice of Meeting

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of February 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Comprehensive Health Planning Training and Studies Review Committee.	Feb. 5-7, 9 a.m., Ramada Inn, Bethesda, Md.	Closed. Contact Frank Juska, Room 7-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD Code 301—443-2390.

Purpose. The committee is charged with the review of grant applications with respect to the development of improved or more effective comprehensive health planning through training and education. Provides advice and assistance on programing goals and policies relating to comprehensive health planning training, studies and demonstrations.

Agenda. The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(a)(2).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: January 23, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management Health Services and Mental Health Administration.

[FR Doc.73-1779 Filed 1-30 73;8:45 am]

National Institutes of Health

ADULT DEVELOPMENT AND AGING RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Adult Development and Aging Research and Training Committee, February 1–2, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 to 10 a.m., February 1, to discuss the general business of the committee. The meeting will be closed to the public from 10 a.m. to 5 p.m., February 1 and from 9 a.m. to 4 p.m., February 2, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Walter Spieth, Executive Secretary of the Committee, Room 2A–51, Building 31, National Institutes of Health, 496–1033.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1794 Filed 1-30-73;8:45 am]

ANIMAL RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, February 5 and 6, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 5. The meeting will be open to the public on February 5 from 9 to 10:30 a.m. during which time there will be a brief staff presentation on the current status of the animal resources program. The Committee will select future meeting dates. The meeting will be closed to the public from 10:30 to 5 p.m. on February 5 and from 9 a.m. to 5 p.m. on February 6 to review, discuss, and evaluate and/or rank grant applications in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The information officer who will furnish summaries of the meeting and roster of Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496–5545.

The Executive Secretary from whom substantive program information may be obtained is Dr. John E. Holman, Building 31, Room 5B35, Bethesda, Md. 20014, 496–5507.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1804 Filed 1-30-73;8:45 am]

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee, February 6–8, 1973, from 8:30 a.m. to 5 p.m. This meeting will be open to the public all day February 6 for an audiovisual seminar, conducted by staff of the National Medical Audiovisual Center, at their offices located at 1600 Clifton Road NE., Atlanta, GA 30333. On February 7 the open meeting will continue at the Rodeway Inn, 1706 Clairmont Road, Decatur, GA 30033, from 8:30 to 9:30 a.m. for administrative reports. It will be closed to the public from 9:30 a.m. to 5 p.m. on February 7 and all day February 8, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The information officer, who will furnish summaries of both the open and closed meeting portions and a roster of committee members, is:

Mr. Robert B. Mehnert
Special Assistant to the Director for Communications Media
National Library of Medicine, Room M–122
8600 Rockville Pike
Bethesda, MD 20014
Telephone: 301—496–6308

The Executive Secretary from whom substantive information may be obtained is:

Mrs. Nina W. Matheson
Special Assistant to the Associate Director for Extramural Programs
National Library of Medicine, Room 1016
Federal Building
8600 Rockville Pike
Bethesda, MD 20014
Telephone: 301—496–4671

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1790 Filed 1-30-73;8:45 am]

BLADDER-PROSTATE CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bladder-Prostate Cancer Advisory Committee, February 16–17, 1973, at the Crystal City Marriott Hotel, Arlington, Va. This meeting will be open to the public from 9 to 9:30 a.m., February 17, when Dr. Fridell will present an overview of the National Bladder Cancer Project, a closed to the public February 16 and from 9:30 a.m., February 17, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Thomas J. King, Westwood Building, Room 853, National Institutes of Health, Bethesda, Md. 20014 (301—496–7194) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1802 Filed 1-30-73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, NICHD, February 5–6, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 to 10 a.m., February 5, for remarks by the Director and Scientific Director, NICHD, and closed to the public from 10:30 a.m. to 5 p.m. February 5 and 9 a.m. to 5 p.m. on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Charles U. Lowe, Scientific Director, NICHD, Building 31, Room 2A–50, National Institutes of Health, 496–5035.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1797 Filed 1-30-73;8:45 am]

CANCER RESEARCH CENTER REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the

Cancer Research Center Review Committee, February 9–10, 1973, at 8:30 a.m., the Epidemiology Advisory Committee and the Medical Care and Medical Education Advisory Committee, February 12–13, 1973, at 9 a.m., National Institutes of Health, Building 31 Conference Room 4. This meeting will be open to the public from 9 to 10 a.m., February 12, to discuss the general business of the committees. The meeting will be closed to the public from 10 a.m. to 5 p.m., February 12 and from 8:30 a.m. to 5 p.m., February 13, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Walter Spieth, Executive Secretary of the Committee, Room 2A–51, Building 31, National Institutes of Health, 496–1033.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1795 Filed 1-30-73;8:45 am]

DIABETES ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Diabetes Advisory Board, February 12–13, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 to 10 a.m., February 12, to discuss the general business of the Board. The meeting will be closed to the public from 10 a.m. to 5 p.m., February 12 and from 9 a.m. to 4 p.m., February 13, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Jacob Rosenberg, Executive Secretary of the Board, Room 2A–50, Building 31, National Institutes of Health, 496–5035.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1796 Filed 1-30-73;8:45 am]

DIGESTIVE DISEASES ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Digestive Diseases Advisory Council, February 12–13, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 9 to 10 a.m., February 12, to discuss the general business of the Council. The meeting will be closed to the public from 10 a.m. to 5 p.m., February 12 and from 9 a.m. to 4 p.m., February 13, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Jacob Rosenberg, Executive Secretary of the Council, Room 2A–50, Building 31, National Institutes of Health, 496–5035.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1798 Filed 1-30-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Health Professions Education, February 7–9, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 a.m. to 10 a.m., February 7, to discuss the general business of the Council. The meeting will be closed to the public from 10 a.m. to 5 p.m., February 7 and from 9 a.m. to 5 p.m., February 8 and 9, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Robert Q. Marston, Executive Secretary of the Council, Room 2A–50, Building 31, National Institutes of Health, 496–5035.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1799 Filed 1-30-73;8:45 am]

field Street, Detroit, MI. This meeting will be open to the public from 9 a.m. to

Cancer Research Center Review Committee, February 9–10, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 8:30 to 9 a.m., at which time the Director, Division of Cancer Grants will discuss any new policy considerations involving the national cancer program, also information and guidelines for future support of cancer center programs will be discussed, and the meeting will be closed to the public from 9 a.m., February 9 until 5 p.m. February 10, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Arthur L. Schipper, Westwood Building, Room 820, National Institutes of Health, Bethesda, Md. 20014 (301—496–7721) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1801 Filed 1–30–73;8:45 am]

CANCER RESEARCH TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Research Training Committee, February 1–2, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 6, Bethesda, Md. This meeting will be open to the public from 8:30 to 9 a.m., February 1, when there will be introductions and indoctrination of new members and discussion of the structure, purpose and functions of the Committee. The meeting will be closed to the public from 9 a.m., February 1 to 5 p.m., February 2, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Kenneth Potter, Westwood Building, Room 848, National Institutes of Health, Bethesda, Md. 20014 (301—496–7565) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1800 Filed 1–30–73;8:45 am]

EPIDEMIOLOGY ADVISORY AND MEDICAL CARE AND MEDICAL ECONOMICS ADVISORY COMMITTEES

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the joint meeting of the Epidemiology Advisory Committee and the Medical Care and Medical Economics Advisory Committee, February 8, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public to discuss a number of reports on preliminary findings of the Third National Cancer Survey and discussion by committee members on analysis and presentation of survey data and possible additional studies. Attendance by the public will be limited to space available.

Mr. Frank Karel, NCI Information Officer, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Mr. Harvey Geller, Executive Secretary, Federal Building, Room 6C10A, National Institutes of Health, Bethesda, Md. 20014 (301—496–5251) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1799 Filed 1–30–73;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee commencing at 9 a.m. on February 5 and 6, 1973, at the La Playa Hotel, Carmel, Calif. This meeting will be open to the public on February 5 from 9 to 9:30 a.m. for a general discussion regarding the chairman's report and a status report on program evaluation. The meeting will be closed to the public from 9:30 a.m. to 5 p.m. on February 5 and 9 a.m. to 5 p.m. on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and roster of the Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496–5545.

The Executive Secretary from whom substantive information may be obtained is Dr. William DeCesare, Building 31, Room 4B13, Bethesda, Md. 20014, 496–6595.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1803 Filed 1–30–73;8:45 am]

HEART AND LUNG PROGRAM—PROJECT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the heart and lung program—project committee, February 2–3, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 8:30 to 9:30 a.m., February 2, 1973, while administrative details are being discussed; and closed to the public from 10 a.m., February 2, 1973 until the adjournment on February 3, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, National Heart and Lung Institute, NIH Westwood Building, Room 5A18B, 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. Arthur W. Merrick, NHLI, NIH Westwood Building, Room 6A05, 496–7486.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1798 Filed 1–30–73;8:45 am]

MEDICAL DEVICES APPLICATIONS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Medical Devices Applications Committee, February 13, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. The Committee will discuss (1) the role that devices, instrumentation and other technological applications of research can play in the diagnosis, monitoring and treatment of diseases of the heart, blood vessels, lung and blood; (2) the role that the Committee can play in achieving the goals of the National Heart and Lung Institute in these areas; and (3) other aspects of the activities of the Division of Technological Applications. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, Building 31, Room 4A10, National Institutes of Health, 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Mr. Philip Janus, NHLI, Westwood Building, Room 6A16A, NIH, 496–7306.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1791 Filed 1–30–73;8:45 am]

MEDICAL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Medical Education Review Committee, February 13–15, 1973, at 8:30 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 10. This meeting will be open to the public from 8:30 to 9:30 a.m., February 13, to discuss the minutes, and other Committee business and closed to the public from 9:30 a.m. on February 13 to 5 p.m. on February 15, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The names, addresses, room numbers, and phone numbers of:

1. The Acting Executive Secretary who will furnish summaries of the meeting and rosters of committee members:

Dr. Robert Hendrickson
National Institutes of Health
Building 31, Room 4C–11
Area Code 301, 496–6801

2. The Acting Executive Secretary from whom substantive program information may be obtained:

Dr. Robert Hendrickson
National Institutes of Health
Building 31, Room 4C–11
Area Code 301, 496–6801

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1805 Filed 1–30–73;8:45 am]

MENTAL RETARDATION RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Mental Retardation Research and Training Committee, February 11–13, 1973, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 8 p.m. to 10 p.m., February 11, to discuss items relative to the Committee's activities including announcements by the Associate Director for NICHD, the head of the Mental Retardation Branch, and the Executive Secretary of the Committee. The meeting will be closed to the public from 9 a.m. to 5 p.m., February 12–13, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Lyle Lloyd, Executive Secretary of the Committee, Room C–704A, Landow Building, National Institutes of Health, 496–1383.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1795 Filed 1–30–73;8:45 am]

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Health Professions Education, February 7–9, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 8:30 a.m., February 7, to discuss status reports by program administrators and closed to the public from 11 a.m., February 7, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The name, address, room number, and phone number of the Executive Secretary who will furnish summaries of the open meetings, rosters of Council members, and substantive program information is:

Ms. Lynn Stevens, Division of Physician and Health Professions Education, National Institutes of Health, Building 31, Room 4C–06, Phone: 496–5354.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1793 Filed 1–30–73;8:45 am]

PERINATAL BIOLOGY AND INFANT MORTALITY RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Perinatal Biology and Infant Mortality Research and Training Committee, February 5–6, 1973, at 9 a.m. at the Woodmont East Conference Room of the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD. This meeting will be open to the public from 9 a.m. to 11 a.m., February 5, to discuss Institute Training Efforts in Perinatal Biology and Medicine. The meeting will be closed to the public from 11 a.m. to 5 p.m. on February 5 and from 9 a.m. to 1 p.m., on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mr. Jehu Hunter, Executive Secretary of the Committee, Room 2A–20, Building 31, National Institutes of Health, 496–1877.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1796 Filed 1–30–73;8:45 am]

THROMBOSIS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Thrombosis Advisory Committee, February 23, 1973, at 9 a.m., Lecture Room, Scott Hall of Basic Medical Science, Wayne State University, 540 East Canfield Street, Detroit, MI. This meeting will be open to the public from 9 a.m. to 5 p.m., February 23, and attendance will be limited to space available. This will be a meeting of the Specialized Center of Research in Thrombosis which will feature a program on initiators of coagulation and inhibitors of coagulation. There will also be a short business meeting of the Thrombosis Advisory Committee at the conclusion.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Building 31, Room 4A10, 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, 496–5911.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1792 Filed 1–30–73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2), Public Law 92–463, that the next meeting of the National Advisory Council on Education Professions Development will be held on February 1, 1973, 9 a.m. to 5 p.m., and February 2, 1973, 8:30 a.m. to 12 noon, local time, at the Dupont Plaza Hotel, Dupont Circle, NW., Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Public Law 90–35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of training of personnel in early childhood and vocational education; policies concerning evaluation of educational endeavors; and current status of educational personnel training programs. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of Committee Management, located in Room 4158, F.O.B. 6, 400 Maryland Avenue SW., Washington, DC.

Signed at Washington, D.C. on January 26, 1973.

JOSEPH YOUNG,
Executive Director.

[FR Doc.73–1897 Filed 1–30–73;8:55 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–348A, 50–364A]

ALABAMA POWER CO.

Order Correcting Record and Giving Notice of Hearing Room Location

By motion dated December 21, 1972, the Department of Justice has moved to

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correct the transcript of the prehearing conference held December 11, 1972, in the manner indicated in such motion. There was no opposition filed.

By order of this Board dated December 18, 1972, a third prehearing conference was scheduled for February 14, 1973, at an hour and location to be determined by further notice. *Accordingly, it is ordered*, That:

1. The motion of the Department of Justice to correct the prehearing transcript of December 11, 1972, is granted and corrections shall be made in accordance with § 2.750(b) of the rules of the Commission, said motion to constitute the appendix.

2. The prehearing conference scheduled by order of this Board dated December 18, 1972, shall be held at 9:30 a.m., February 14, 1973, at the U.S. Court of Claims, Courtroom No. 3, 717 Madison Place NW., Washington, DC 20005.

Issued at Washington, D.C., this 24th day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-1813 Filed 1-30-73;8:45 am]

[Dockets Nos. 50-369; 50-370]

DUKE POWER CO.

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

William C. Parler, Chairman.
Michael C. Farrar, Member.
Dr. Lawrence R. Quarles, Member.

Dated: January 24, 1973.

WILLIAM L. WOODARD,
Executive Secretary, Atomic Safety and Licensing Appeal Panel.

[FR Doc.73-1811 Filed 1-30-73;8:45 am]

[Docket No. 50-269A, etc.]

DUKE POWER CO.

Notice and Order for Third Prehearing Conference

In the matter of Duke Power Co. (Oconee Units 1, 2, and 3; McGuire Units 1 and 2), Dockets Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A.

Take notice that the third prehearing conference in the above-captioned proceeding will be held commencing at 9:30 a.m., February 15, 1973, in the Lafayette Building, Veterans Administration, at 811 Vermont Avenue, Room 111, Washington, DC 20420.

Issued at Washington, D.C., this 24th day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-1812 Filed 1-30-73;8:45 am]

[Docket No. 50-411]

GULF OIL CORP.

Notice of Application for and Consideration of Issuance of Facility Export License

Please take notice that Gulf Oil Corp., San Diego, Calif., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pool-type research reactor to the Institute of Nuclear Technologies, Romanian State Committee for Nuclear Energy, Pietesti, Romania, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

On or before February 15, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Gulf Oil Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 19th day of January 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-1783 Filed 1-30-73;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Prehearing Conference

JANUARY 23, 1973.

Take notice, that in accordance with our order of January 12, 1973, denying joint intervenors' motion for additional time on contentions, a prehearing conference will be held in the subject proceeding on March 9, 1973, at 10 a.m., local time, in Room 2010, Federal Office Building No. 7, 726 Jackson Place NW. (17th Street Entrance), Washington, DC 20506.

The primary purposes of the prehearing conference are:

1. To rule on any contentions which may be filed by joint intervenors on or before February 12, 1973, in accordance with the provisions of a stipulation executed by three of the parties on October 31, 1972;

2. To determine the extent or scope of the burdens of proof for each of the parties;

3. To fix firm dates for conclusion of the discovery process and the start of further evidentiary hearings; and

4. To take whatever other steps are necessary to expedite this proceeding.

Issued at Washington, D.C., this 23d day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-1784 Filed 1-30-73;8:45 am]

[Docket No. 50-59]

TEXAS A. & M. UNIVERSITY

Notice of Issuance of Facility License Amendment

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 15, 1972 (37 FR 26749), the Atomic Energy Commission (the Commission) has issued Amendment No. 10 to Facility License No. R-23 to the Texas A. & M. University as proposed in that notice. The amendment authorizes the university to operate its modified AGN-201 nuclear reactor located on its campus in College Station, Tex., at increased power levels of up to 5 watts (thermal) (from 100 milliwatts) and redesignates the reactor as Model AGN-201M, in accordance with the university's application dated September 27, 1972.

The Commission has found that the application for the amendment to the facility license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations, which are set forth in the license amendment, and has concluded that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment and safety evaluation dated December 13, 1972, are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 18th day of January 1973.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.73-1782 Filed 1-30-73;8:45 am]

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
Michael C. Farrar, Member.

Dated: January 24, 1973.

WILLIAM L. WOODARD,
Executive Secretary, Atomic Safety and Licensing Appeal Panel.

[FR Doc.73-1810 Filed 1-30-73;8:45 am]

[Dockets Nos. 50-390, 50-391]

WATTS BAR NUCLEAR PLANT

Notice of Issuance of Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board dated December 19, 1972, the Deputy Director for Reactor Projects, Directorate of Licensing, has issued Construction Permits Nos. CPPR-91 and CPPR-92 to the Tennessee Valley Authority for construction of two pressurized water nuclear reactors on the applicant's site in Rhea County, Tenn. The site is located on the west bank of the Tennessee River, approximately 50 miles northeast of Chatanooga. The proposed reactors, designated as the Watts Bar Nuclear Plant, Units 1 and 2, have a rated thermal output of 3,411 megawatts each.

Copies of the initial decision and construction permits are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Dayton Public Library, First Avenue, Dayton, Tenn. 37321. Copies of the construction permits may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 23d day of January 1973.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.73-1869 Filed 1-30-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24812; Order 73-1-74]

AMERICAN AIRLINES, INC.

Order Denying Application for an Order To Show Cause and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1973.

On October 6, 1972, American Airlines, Inc. (American), filed an application to delete Douglas, Ariz., from its certificate of public convenience and necessity for route 4. In addition, American filed a motion requesting expeditious action on its application and, alternatively, requesting the Board to issue an order to show cause why its application in Docket 24812 should not be granted. American is presently authorized to suspend service temporarily at Douglas subject to a substitute service agreement with Cochise Airlines (Cochise).[1]

Answers in opposition to American's application and motion were filed by the Cities of Douglas, Sierra Vista, Bisbee, the State of Arizona and Cochise County and the Bisbee-Douglas Airport Commission alleging, inter alia, that the Douglas area is entitled to a hearing on the matters raised by American's deletion application.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny American's request for a show cause order, and set for hearing American's application to delete Douglas. The community opposes American's application and we believe that under all the circumstances it is appropriate to consider on an evidentiary record all the matters raised by American's application.

Accordingly, it is ordered, That:

1. The motion of American Airlines, Inc., for an order to show cause, be and it hereby is denied;

2. The application of American Airlines, Inc., in Docket 24812, be and it hereby is set for hearing at a time and place to be hereafter designated; and

3. A copy of this order shall be served upon American Airlines, Inc., Cochise Airlines, the Mayors of the cities of Douglas, Bisbee, Sierra Vista, and Tucson, Ariz., Governor, State of Arizona, Arizona Corporation Commission, Arizona Department of Aeronautics, Douglas-Bisbee International Airport, Board of Supervisors of Cochise County, Bisbee-Douglas Airport Commission, and the U.S. Postal Service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-1870 Filed 1-30-73;8:45 am]

[Docket No. 24488; Order 72-12-64]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Youth and Student Fares in Foreign Air Transportation

Correction

In FR Doc. 72-21824 appearing on page 28092 of the issue for Wednesday, December 20, 1972, in the 13th line of the 2d column, the figure "14" should read "24."

[Docket No. 24691]

SUPERIOR AIRWAYS LTD.

Postponement of Prehearing Conference and Hearing

In regard to Foreign Air Carrier Permit to engage in charter foreign air transportation between Canada and the United States.

Notice is hereby given that the prehearing conference now scheduled for January 30, 1973 (38 FR 1141, January 9, 1973), is hereby postponed to February 13, 1973, at 11 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 12, 1973.

[1] By Order 70-8-113, dated Aug. 28, 1970, American's temporary suspension at Douglas was continued until July 1, 1973, unless sooner terminated by the Board. In addition, the Board approved an air taxi service replacement agreement in which Apache Airlines would provide a substitute service at Douglas for American. By order 71-9-111, dated Sept. 28, 1971, Cochise was substituted as the replacement carrier. The Cochise agreement will expire on Oct. 1, 1973. See Order 72-9-115, Sept. 29, 1972.

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Dated at Washington, D.C., January 24, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-1871 Filed 1-30-73;8:45 am]

[Docket No. 24250]

SUPERIOR AIRWAYS LTD.

Postponement of Prehearing Conference and Hearing

In regard to Foreign Air Carrier Permit for casual, occasional, and infrequent operations with aircraft having a maximum gross takeoff weight of 12,500 pounds.

Notice is hereby given that the prehearing conference now scheduled for January 30, 1973 (33 FR 1141, Jan. 9, 1973), is hereby postponed to February 13, 1973, at 10 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 12, 1973.

Dated at Washington, D.C., January 24, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-1872 Filed 1-30-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

FLORIDA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida State Advisory Committee will convene at 7:30 p.m. on February 1, 1973, and at 9 a.m. on February 2, 1973, in the Manger Motor Inn at 200 Ashley Drive, Tampa, FL 33602. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to discuss Police-Minority Community Relations in Florida.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-1902 Filed 1-30-73;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland State Advisory Committee will convene at 8 p.m. on February 1, 1973, in Room G-20, Social Security Administration Building, 6401 Security Boulevard, Woodlawn, MD 21235. This meeting shall be open to the public.

The purpose of this meeting shall be to receive a report of the Housing Task Force, discuss new projects to be undertaken by the Committee, and hold an election of committee officers.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-1903 Filed 1-30-73;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia State Advisory Committee will convene at 6 p.m. on February 7, 1973, in the Monroe Room of the John Marshall Hotel in Richmond, Va. 23213. This meeting shall be open to the public.

The purpose of this meeting shall be to continue with plans for a forthcoming open meeting on the process of selection of judges in the State of Virginia.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-1904 Filed 1-30-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE CONTROL ACT IMPLEMENTATION PLAN

Procedures; Plan for Solicitation of Public Comment

On January 9, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 1142) an Implementation Plan for the Pesticide Control Act of 1972. That document set forth the Agency's general plan for implementing the Act, informed the public as to the dates when the different sections became or become effective, and invited preliminary views as to form and content of the regulations. This notice is supplementary to the document published January 9, 1973. It explains in detail the procedures to be followed by the Agency in supplementing those major sections of the Act which become fully effective in from 1 to 4 years, and solicits comment from interested persons on specific questions and issues.

Notice is hereby given that the Environmental Protection Agency Task Force on Implementation of Public Law 92-516 (FEPCA), has designated six subgroups to consider in detail procedures for the implementation of sections 3, 4, 5, 7, 8, and 24 of the Act. The parent Task Force has outlined specific policy issues and questions to be considered by each subgroup. Initially, the responsibility of the subgroups is to suggest implementation procedures, and to make recommendations as to the content of regulations, to be promulgated later, within the times established by the legislation.

The subgroups are charged to explore the broadest possible range of opinion and interest. To that end, comments and suggestions from all interested parties are invited, on the issues outlined below, or on any other related questions. Comments should be directed to Lowell E. Miller, Chairman of EPA Task Force on Implementation of FEPCA, Office of Pesticides Programs, Environmental Protection Agency, Washington, D.C. 20460. Comments are requested as soon as possible, but on or before March 2, 1973.

Proposed regulations, when developed by the Task Force, will be published in the FEDERAL REGISTER, for public comment. However, the Environmental Protection Agency is seeking maximum input from interested parties before formal proposal of regulations.

A listing of the subgroups, their membership, and the issue areas suggested for consideration, follows:

I. SUBGROUP ON REGISTRATION OF PESTICIDES

Secs. 3, 24 (Regulations due within 2 years).

A. MEMBERSHIP

Harold Alford, Chairperson—Office of Pesticides Programs.
Henry S. Bussey—Office of Pesticides Programs—Registration Division.
Theodore Breton—Office of Planning and Evaluation.
Errett Deck—Consultant.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Procedures for registration of products under new FIFRA, including procedures covering subject matters of section 3(c)(1)-3(c)(6) and internal procedures for processing applications.
2. Procedure for reregistration and classification of products previously registered under 1947 FIFRA.
3. Procedures for registration of intrastate products.
4. Procedures for making registration data available under section 3(c)(2).
5. Procedures for identifying the costs involved in producing test data and identifying such other information as might be pertinent to determining "reasonable compensation" for the purpose of section 3(c)(1)(D), and the accounting procedures registrants must follow in order to identify the "compensation" for "producing the test data."
6. To what extent, if any, may States have "duplicatory" registration programs? (Sec. 24)
7. Section 24(c)—State registration of pesticides to meet "special local needs."

(a) How broadly should we construe this section? What is meant by "special local needs?"

(b) What kind of a program should be established for certification of States? What standards for certification? What procedures for State registrations?

8. Section 23(a)—Cooperative Agreements. Does section 23(a) contemplate cooperative agreements with respect to State registration activities? (The answer to this question will depend upon interpretation of word "enforcement".) If so, what type of delegations should be made and cooperative agreements entered into?

II. SUBGROUP ON CLASSIFICATION OF PESTICIDES

Section 8—(Regulations due within 2 years).

A. MEMBERSHIP

William Preston, Chairperson—Office of Pesticides Programs—Criteria and Evaluation Division.
Homer Fairchild—Office of Pesticides Programs.
Farley Fischer—Office of Toxic Substances.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Criteria for classification of pesticides for "general use" or for "restricted use?" section 3(d)(1). The first classification division is between "general" and "restricted" use—what are the guidelines for this first classification?
2. What categories of "restricted use" pesticides should be established? section 3(d)(1)(C)
3. What special requirements should be made for the packaging and labeling of restricted use pesticides?
4. Advice to Subgroup No. 1 on classification under new FIFRA of previously registered products.

III. SUBGROUP ON USE OF RESTRICTED USE PESTICIDES; CERTIFIED APPLICATORS

Sections 4, 23—(Regulations due within 1 year).

A. MEMBERSHIP

James White, Chairperson—Office of Pesticides Programs—Operations Division.
Robert Evans—Office of Pesticides Programs—Operations Division.
Ivan Dodson—Region VIII.
W. Richard Hager—Office of Intergovernmental Relations.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. May there be Federal certification of applicators in the event a State plan is not submitted or approved? Should there be a Federal certification program? Does the Federal Government undertake to train State personnel if a State has no present capabilities or does not want to undertake to develop them?
2. What should be general standards prescribed by Administrator? Section 4(a) How broad should standards be? Applicability to Federal/State employees. Question of reciprocity.
3. Detailed procedures for submission, review, approval, or disapproval of State plans.
4. To what extent should EPA assist States in developing and administering State programs for training and certifications of applicators? Section 23(a)(2)

What would be acceptable facilities and capabilities for training? What categories of skills and experience need to be spelled out in the standards? What would be acceptable skills? Would State training fees be allowed? How do we relate to present standards in those States which have them?

5. To what extent should EPA enter into contracts with Federal or State agencies for the purpose of encouraging the training of certified applicators (Section 23(b))? What kinds of assistance other than contracts will the Federal Government offer States? How are we going to handle requests for contracts assistance?
6. If no grant money is available in fiscal year 1974, how should EPA propose to assist States to implement cooperative enforcement programs?
7. What modification of the interagency agreement with USDA/ES needs to be entered into for informing farmers and others of accepted uses and other regulations? What is to be the Regional role? How do we insure uniformity of distribution of information through cooperative State Extension Service?

IV SUBGROUP ON EXPERIMENTAL USE PERMITS

Sec. 5—(Regulations due within 1 year.)

A. Although experimental use permits are directly related to registration, it is believed that a separate subgroup should be established to give policy guidance and draft proposed regulations and standards under section 5.

MEMBERSHIP

Charles Smith, Chairperson—Office of Pesticides Programs—Registration Division.
David Bowen—Office of Pesticides Programs—Registration Division.
Pat Critchlow—Office of Pesticides Programs—Registration Division.
Sam Colamaria—Region I.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Draft proposed regulations for implementation of sections 5(a)-(e).
2. Propose standards for authorization of States to issue experimental use permits.

What should be scope of State experimental use permits program? What terms and conditions should Administrator prescribe with respect to authorizing States to conduct program? What should be the standards for State experimental use permits programs?

V. SUBGROUP ON REGISTRATION OF ESTABLISHMENTS

Section 7 (Regulations due within 1 year)

A. MEMBERSHIP

Suzanne Howe, Chairperson—Office of General Enforcement.
John Wicklund—Region VII.
Alvin Chock—Office of Pesticides Programs—Registration Division.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Procedures for registration of establishments, including—
(a) Approximation of the number of establishments to be registered.
(b) Revocation of registration.
(c) Time at which establishment registration number must be on label.
2. Development of a system for handling information submitted by producers, including definition of "current production."
3. Extent of State participation in establishment registration process and access to information submitted.

VI SUBGROUP ON BOOKS AND RECORDS

Section 8 (Regulations due within 1 year).

A. MEMBERSHIP

Anthony Dellavecchia, Chairperson—Office of General Enforcement.
Roy Clark—Region IV.
William Luneburg—Region I.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Scope of the information required to be maintained by producers, including records to be maintained by exporters.
2. Policy on inspecting books and records.
3. Extent of State involvement in the inspection of books and records, including a policy with respect to negotiating cooperative enforcement agreements with States.

Dated: January 24, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1806 Filed 1-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19544]

PUBLIC COAST RADIOTELEGRAPH STATIONS

Partial Extension of Time for Comments

Order. In the matter of inquiry into problems of public coast radiotelegraph stations, Docket No. 19544.

1. By letter dated January 5, 1973, the Communications Workers of America (CWA) requests an extension of time for a period of 90 days from the presently scheduled January 25, 1973, deadline in which to file reply comments in the above-captioned inquiry.[1]

2. Respondent alleges that it has not had sufficient time to complete its filing due to delays in the receipt of the comments of RCA Global Communications, Inc. and a copy of a 1970 cost allocation study cited in the ITT World Communications Inc. filing.

3. We cannot find that the Communications Workers of America has made a sufficient showing of good cause to justify the entire extension of time sought. However, we do believe that a partial grant of the CWA request is warranted.

4. *Accordingly, it is ordered,* Pursuant to § 0.303(c) of the Commission's rules pertaining to delegations of authority, that the request of Communications Workers of America is granted in part; and

(A) The time in which to file reply comments in Docket No. 19544 is extended until March 12, 1973; and

(B) Except to the extent granted above, the request of Communications Workers of America is denied.

Adopted: January 18, 1973.

Released: January 22, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-1864 Filed 1-30-73;8:45 am]

[1] Notice of inquiry in this matter was published at 37 FR 15197 (July 28, 1972); extension of time for comments was published at 37 FR 18442 (Oct. 28, 1972).

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[Dockets Nos. 19473, 19474]

agreement (as indicated hereinafter) and mission's rules of practice and procedure,

Take further notice that, pursuant to with the Commission and are available parties to the proceeding. Any person

[Dockets Nos. 19473, 19474]

ROBERT COWAN WAGNER AND SOUTHEAST ARKANSAS RADIO, INC.

Memorandum Opinion and Order Enlarging Issues; Correction

In regard applications of Robert Cowan Wagner, Pineville, La., Docket No. 19473, File No. BP–18465; Southeast Arkansas Radio, Inc., Dermott, Ark., Docket No. 19474, File No. BP–18476; for construction permits.

1. The first sentence in paragraph 9 of the Review Board's memorandum opinion and order, FCC 73R–3, released January 5, 1973, and published at page 1526 in the issue of Monday, January 15, 1973, is corrected to read as follows: "The Review Board will deny the requested issues relating to Southeast's staffing proposal and principals' business interests." The last sentence in said paragraph is corrected by striking the words "and the issue will be added on a comparative basis only" and the cases cited thereafter;

2. The ordering clause of said memorandum opinion and order is corrected by striking issue 2 therein.

Adopted: January 11, 1973.

Released: January 16, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73–1865 Filed 1–30–73;8:45 am]

FEDERAL MARITIME COMMISSION

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 20, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. A. H. Eber, Secretary, Pacific Coast Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 50–24 modifies Article IX of the Pacific Coast Australasian Tariff Bureau's (PCATB) basic agreement to reflect an increase of the non-returnable admission fee assessed new members from $1,000 to $5,000.

By order of the Federal Maritime Commission.

Dated: January 23, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–1834 Filed 1–30–73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73–503]

AMERADA HESS CORP.

Notice of Application

JANUARY 26, 1973.

Take notice that on January 22, 1973, Amerada Hess Corp. (Applicant), Post Office Box 2040, Tulsa, OK 74102, filed in Docket No. CI73–503 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Leleux Field, Vermilion Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 121,600 Mcf of gas per month at 35 cents per Mcf at 15.025 p.s.i.a. for 1 year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1837 Filed 1–30–73;8:45 am]

[Docket No. CI73–502]

AMERICAN LIBERTY OIL CO.

Notice of Application

JANUARY 26, 1973.

Take notice that on January 22, 1973, American Liberty Oil Co. (Applicant), 4100 First National Bank Building, Dallas, Tex. 75202, filed in Docket No. CI73–502 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from acreage in Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act and that it proposes to continue said sale for 10 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 5,000 Mcf of gas per day at 40.0 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1838 Filed 1–30–73;8:45 am]

[Docket No. E–7905]

ARIZONA PUBLIC SERVICE CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 24, 1973.

Take notice that Arizona Public Service Co. (Arizona) on June 7, 1972, tendered for filing proposed changes in its FPC Electric Rate Schedule No. 32, Supplement No. 5. The filing consists of the monthly billing adjustments from June 1971, through April 1972, under section VII of Service Schedule E to the Power Coordination Agreement dated December 31, 1962, between Arizona and Tucson Gas & Electric Co. The proposed rate changes would affect Arizona's jurisdictional revenues from a decrease of approximately $130 to an increase of approximately $14,126 per month during the period. Arizona requests that § 35.11 of the Commission's regulations be waived for this filing and that the monthly adjustments become effective at the beginning of their respective months.

Further, Arizona requests reconsideration of the Commission's letter order dated June 27, 1969, requiring monthly filing of adjustments under the Supplement.

Any person desiring to be heard or to protest said application should file a petion to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1847 Filed 1–30–73;8:45 am]

[Dockets Nos. G–8934, G–10008]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

JANUARY 24, 1973.

On January 19, 1973, El Paso Natural Gas Co. filed a motion for extension of time to file evidence and for continuance of hearing date as established by the order issued January 9, 1973, in the above matter. The motion states that the Commission staff counsel has no objection to this motion.

Upon consideration, notice is hereby given that the time is extended to and including February 12, 1973, within which El Paso shall file its evidence. Accordingly, the hearing date is postponed to February 28, 1973, at 10 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1849 Filed 1–30–73;8:45 am]

[Docket No. CI73–490]

FOREST OIL CORP.

Notice of Application

JANUARY 23, 1973.

Take notice that on January 18, 1973, Forest Oil Corp. (Applicant), 1300 National Bank of Commerce Building, San Antonio, Tex. 78205, filed in Docket No. CI73–490 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corp. from the Block 314, Eugene Island Area, South Addition, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 150,000 Mcf of gas per month for 1 year at 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–1788 Filed 1–30–73;8:45 am]

[Docket No. E–7977]

IOWA PUBLIC SERVICE CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 24, 1973.

Take notice that Iowa Public Service Co. (IPS) on January 15, 1973, tendered for filing proposed changes in its FPC Rate Schedule No. 13 in order to add a new service schedule entitled "Replacement Service". The proposed rate schedule supplement is described in the company's transmittal letter as follows:

Energy purchased under the Replacement Service Schedule is energy made available by the Bureau of Reclamation for specified amounts and periods of time as replacement power energy for retirement or temporary shutdown of fuel burning generating units of Iowa Public Service Co. The rate for such replacement service energy is an amount equal to 85 percent of the saving to Iowa Public Service Co. in the cost of fuel due to reduce operations in its generating stations, plus 50 percent of all other savings realized as the result of such purchase. The Bureau of Reclamation has similar schedules in effect with other utilities with whom it is interconnected. Iowa Public Service Co. has no comparable rate schedule.

It is estimated that Iowa Public Service Co. will purchase 3,000 MWH in January 1973; 3,000 in February, 1973; and 2,000 in the remaining months in 1973, under this schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the

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refund credits to its ... gas by the parties hereto, after reasonable ... order temporarily modifying Panhandle Eastern Pipe Line Co.'s (Panhandle) op-

Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants partics to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1846 Filed 1-30-73;8:45 am]

[Dockets Nos. RP71-107 (Phase II), RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Filing of Proposed Stipulation and Agreement

JANUARY 24, 1973.

Take notice that on January 18, 1973, Northern Natural Gas Co. (Northern) filed a proposed stipulation and agreement in settlement of the proceedings in the above-styled dockets, with certain specific issues to be reserved for decision by the Administrative Law Judge.

On April 26, 1971, Northern filed revised tariff sheets providing increased rates of $18,323,823 annually to its jurisdictional customers over the then pending Docket No. RP70-43 filed rates. By order issued August 3, 1971, the Commission approved a settlement which resulted in rates below those initially filed by Northern in Docket No. RP70-43. As a result of the August 3, 1971, order in Docket No. RP70-43, Northern filed substitute lower rates in the Docket No. RP71-107 proceeding. The difference in annual revenues between the Commission approved Docket No. RP70-43 settlement rates and the Docket No. RP71-107 substitute rates is $22,758,944. Such last mentioned rates have been collected, subject to refund, since November 14, 1971. Subsequently, on May 19, 1972, Northern filed in Docket No. RP72-127 revised tariff sheets providing an increase in annual jurisdictional revenues of $36,003,942 for jurisdictional zone sales above the revenues based on the Docket No. RP71-107 filed rates and additionally providing an increase of $292,738 over the revenues at the then effective contract rates for jurisdictional field sales. The proposed Stipulation and Agreement provides a total increase of approximately $38,732,000 in annual jurisdictional revenues, above the revenues based on the RP70-43 approved rates, for zone sales in both Dockets Nos. RP71-107 and RP72-127. No reduction would be made for jurisdictional field sales.

The proposed stipulation and agreement also provides, inter alia, for the inclusion of Alberta, Canada, and Montana gas prepayments and the related carrying charges and certain other gas acquisition projects in Northern's rate base; a provision for an annual rate adjustment to reflect changes in costs of research and development expenditures; an increase in depreciation rates; provision for cost of service treatment for Northern's gas acquisition and exploration efforts in the Hugoton-Anadarko Area; the disposition of the demand charge and group billing issues; and, the reservation of certain interest capitalized issues for decision by the Administrative Law Judge and the Commission.

In addition, the issue raised by Northern's continued use of liberalized depreciation with normalization for accounting and rate purposes with respect to eligible pre-1970 property and post-1969 nonexpansion property is reserved in Docket Nos. RP71-107 (Phase II) and RP72-127 for further determination.

The proposed stipulation and agreement is on file with the Commission and is available for public inspection. Comments with respect to the proposed stipulation and agreement may be filed with the Commission on or before February 7, 1973. Any replies thereto may be filed on or before February 21, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1850 Filed 1-30-73;8:45 am]

[Docket No. RP73-63]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Establishing Date for Prehearing Conference and Granting Petitions To Intervene

JANUARY 22, 1973.

On September 17, 1972, Natural Gas Pipeline Company of America (Natural) filed in Docket No. RP73-63 for authorization pursuant to the provisions of section 16 of the Natural Gas Act and § 1.7 of the Commission's rules of practice and procedure to (1) price gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate for gas of comparable quality and vintage instead of the cost of service basis, (2) permit and require Natural to expend monies from a revolving exploration fund, and (3) authorize Natural to adjust the base average purchased gas cost under the Purchased Gas Adjustment Clause (PGA) in Natural's FPC Gas Tariff in order to reflect the change to area rates. Natural requests modification of its PGA provision by eliminating the words: "Cost of company-owned pipeline production from leases acquired after October 7, 1969", and substituting therefore: "company-owned production at area rates."

Notice of Natural's application in Docket No. RP73-63 was issued on December 1, 1972, and was published in the FEDERAL REGISTER on December 7, 1972 (37 FR 26059). December 11, 1972, was set as the last date to file protests or petitions to intervene in the proceeding. Timely petitions to intervene were filed by the following parties:

Associated Natural Gas Co.
Central Illinois Light Co.
Northern Illinois Gas Co.
North Shore Gas Co.
The Peoples Gas, Light & Coke Co.
Iowa-Illinois Gas & Electric Co., Mississippi River Transmission Corp., Illinois Power Co., and Northern Indiana Public Service Co. filed late petitions to intervene. No protest, objection or petition to intervene in opposition to the proposal was filed by any party.

We find that each of the above-named petitioners, including those who filed late, has sufficient interest in these proceedings to warrant intervention, and we shall grant the same.

Natural's estimated cost of produced gas, based on cost of service, for a period of 12 years is $9,788,169 or 2.55 cents per Mcf. Natural estimates cost of produced gas at area rates of $55,797,080, a difference of $46,008,911 or 11.96 cents per Mcf. (It is noted that Natural's estimated area rates in the Hugoton-Anadarko Area at 14.5 cents per Mcf from July 1, 1973, to June 30, 1985, did not consider the expiration of the moratorium on July 1, 1977.) In estimating cost of service for the period July 1, 1973, to June 30, 1985, Natural used a Federal income tax rate of 48 percent, a 22 percent statutory depletion allowance, and a rate of return of 9.17 percent. Natural states that it will maintain appropriate accounts and file annual reports with the Commission describing the results of its financial transactions in the detail desired.

With respect to the "revolving exploration fund", Natural proposes a 12-year period for two reasons: (a) The ability of the existing wells to produce will be diminished at the close of this period; and (b) a definite termination date for authority in order to demonstrate clear compliance with the investment conditions to be attached to said authority. Natural states that any gas reserves found as a consequence from the revolving exploration fund will be dedicated to service for Natural's customers.

Natural states that separate and apart from the program it proposes herein, it will continue to devote substantial sums to exploratory efforts within and without the continental United States. Since 1968, Natural has made advance payments of approximately $95 million under existing agreements. Also, Natural is involved in development of synthetic gas supplies calling for an additional $10 million.[1] However, the gas reserves owned by or dedicated to Natural have declined from 14.9 Tcf as of December 31, 1969, to 12.5 Tcf as of December 31, 1971. Natural has curtailed firm deliveries by approximately 253 Bcf since June 1970.

In the proposal as filed Natural has failed to supply the information that the Commission needs to determine the amount of gas reserves that Natural will dedicate. Natural has expressed its proposed exploration fund in dollar amounts only, and makes no estimate of reserves to be found. Natural's filing does not contain a goal for reserves to be found; therefore, if the situation arises, there would be no basis for Natural to make refund credits to it[illegible] gas not found as a result of the exploratory effort. Additionally, we note that Natural proposes to add moneys to the revolving fund based on the net income after tax deductions from sales of gas from reserves discovered as a result of the exploration efforts. However, the amount to be added to the revolving fund is not expressed in terms of an amount certain per Mcf or barrel of oil. Natural avers that its proposal would provide a substantial continuing commitment of funds toward greater exploration and a more effective use of these funds. These would be obtained through the imposition of a refund condition as we provided for in our Opinion No. 626 where we conditionally approved a proposal made by Panhandle Eastern Pipe Line Co. (Docket No. CP71-237, et al., 9 FPC 72).

We do not believe that Natural's proposal as filed can be approved but that the issues herein should be set for formal hearing and a prehearing conference should be held in connection therewith. This order will so provide.

The Commission finds:

(1) It is necessary and in the public interest that the proceedings be set for hearing, and that a prehearing conference be held in connection with the issues presented herein.

(2) It is desirable and in the public interest to allow the intervening petitioners to intervene in this proceeding in order that they may participate in the facts and the law from which the merit and validity of their allegations and interests may be determined, now what further action may be required under the circumstances in the application of the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held concerning the issues presented herein.

(B) In order to resolve the questions involved in this proceeding and to expedite the hearing provided for in ordering paragraph A, supra, a prehearing conference shall be held in accordance with § 1.18(c) of the rules of practice and procedure, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington DC 20426, commencing February 8, 1973, at 10 a.m., e.s.t.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall convene the prehearing conference in this proceeding.

(D) After convening the prehearing conference provided for herein, the Presiding Administrative Law Judge may recess the same to provide the parties an opportunity for the submission and consideration of facts, or stipulation of facts, at issue in this proceeding.

(E) The Administrative Law Judge may in his discretion grant recesses from time to time if he deems submission of the issues upon stipulated facts to be possible. If no stipulation can be reached by the parties hereto, after reasonable time and provision has been made for the same, the procedural dates for service of prepared testimony and exhibits, and for hearings on the issues herein shall be fixed by the Administrative Law Judge.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1851 Filed 1-30-73;8:45 am]

[Docket No. E-7964]

NORTHERN STATES POWER CO.

Notice of Filing Initial Rate Schedule

JANUARY 24, 1973.

Take notice that Northern States Power Co. (Northern) on April 10, 1972, tendered for filing a proposed Participation Power Agreement between Northern and Minnesota Power & Light Co. (Minnesota). The proposed rate is described in the company's transmittal letter as follows:

Northern States Power Co. agrees to sell to Minnesota Power & Light Co. 15 mw. of power for the period May 1, 1972, through April 30, 1973, and 58 mw. of power for the period June 1, 1972, through May 31, 1973.

The transactions contained in the Agreement are dependent upon the Participation Power Agreement, dated February 23, 1972, by which Northern States agrees to purchase 115 mw. of Participation Power from Union Electric Co. for the period June 1, 1972, through April 30, 1973, filed with the Commission by Union Electric on March 10, 1972, and the Power Agreement, dated December 14, 1971, by which Northern States agrees to purchase 130 mw. of power from Union Electric Co. for the period June 1, 1972, through May 31, 1973, filed with the Commission by Union Electric on March 2, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1845 Filed 1-30-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition of Missouri Public Service Co. for Extraordinary Relief

JANUARY 26, 1973.

Take notice that on January 17, 1973, Missouri Public Service Co. (M.P.S.) filed a petition with the Commission seeking extraordinary relief in the form of an order temporarily modifying Panhandle Eastern Pipe Line Co.'s (Panhandle) operating provisions as specified in the interim curtailment plan heretofore approved by the Commission.[1]

M.P.S. is a public utility company which purchases natural gas from Panhandle for resale in order to provide natural gas service to a number of communities in Missouri. The City of Marceline, Mo., is a community to which it sells gas on an interruptible basis for use in Marceline's small electric generating plant. M.P.S. provides Marceline's entire electric requirements. M.P.S. completely interrupted service to Marceline on November 14, 1972, and will not resume service until such time as sufficient gas supplies are available from Panhandle.

M.P.S. in its petition alleges that Marceline is a community of about 2,800 people and that its electric generating plant is isolated and that it has no interconnection with any other utility.

M.P.S. further alleges that the Marceline's electric power plant was basically constructed to utilize natural gas as a prime fuel; however, it has this winter due to the interruption of natural gas service utilized only fuel oil. The plant consumes approximately 3,500 gallons of fuel oil a day and Marceline is experiencing difficulty obtaining adequate fuel oil supplies to keep it in operation.[2]

Marceline has an allocation from its prime supplier of 200,000 gallons for that annual period between November 1, 1972, to October 31, 1973. By January 2, 1973, Marceline had already taken delivery of 140,000 of the aforementioned gallons and expects to fully utilize the entire allocation from its principal supplier by January 25, 1973, including an allowance of 10 percent overrun. Marceline has further hopes of obtaining a small supplemental supply of approximately 30,000 gallons from other sources. However, Marceline will be forced to shut down in February unless it is able to acquire additional fuel oil or natural gas from other sources to serve its power plant.

M.P.S. in its petition notes that in addition to the obvious direct impact that such an electric shutdown will have on residential customers such other human needs customers as a local hospital, rest homes, public housing developments for senior citizens, schools and a number of businesses would be deprived of essential electric service. It also contends that without electric power, it would not be able to operate its water and sewage systems.

M.P.S. further contends that Marceline has contacted every local fuel oil distributor and several dealers in other States in an effort to obtain fuel oil to meet its requirements. Other than the 30,000 gallons of fuel oil previously noted herein its efforts have proven unsuccessful. Marceline has also contacted the Office of Emergency Preparedness and

[1] Natural does not state the amount of money for exploration and development it is now spending.

[1] Order approving Panhandle's interim curtailment plan in this proceeding was issued on June 20, 1972.

[2] It has storage capacity for 34,000 gallons of fuel oil.

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other Government agencies in order to seek help in its efforts to obtain additional supplies; however, these attempts have not as yet proven successful.

M.P.S. alleges that Marceline has undertaken reasonable steps to reduce fuel oil consumption, including the turning off of street lights and requesting that its citizens reduce the usage of electricity whenever possible. M.P.S. contends that even after taking such measures to conserve its fuel oil Marceline will be required to terminate electric service to its citizens unless additional fuel oil or natural gas can be obtained.

Marceline has requested M.P.S. to supply it with the natural gas needed to run its electric plant from the allotment of gas that it receives from Panhandle. M.P.S. in its petition pointed out that it is unable to accede to this request unless additional supplies of natural gas are made available to it by Panhandle. It contends that if it were to undertake to deliver the volumes of gas required by Marceline to operate its powerplant from its existing allotment from Panhandle, it would be required to reduce service to its firm customers, including high priority residential and small commercial consumers.

M.P.S., in order to meet Marceline's requirements, would require an average of 400 Mcf per day of natural gas from Panhandle over and above the allocation to it under the interim curtailment plan. Marceline evidently will seek an intertie with another electric utility which hopefully would make any similar requests unnecessary in the future. In the light of the aforementioned facts M.P.S. requests that the Commission issue and order requiring Panhandle to deliver to M.P.S., without penalty, an additional 400 Mcf per day over and above the curtailment volume allotted to it by Panhandle in order to deliver the needed volumes to the city of Marceline. It requests that such volumes be made available to meet Marceline's powerplant requirements until that city is either able to obtain sufficient fuel oil supplies or can interconnect its electric system with another power company which can assure it firm and reliable electric service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein or if the Commission on its own review of the matter finds that a grant of the request is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73 1836 Filed 1-30 73;8:45 am]

[Docket No. E-7968]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of Cancellation and Replacement of Service Agreement

JANUARY 24, 1973.

Take notice that Public Service Company of Indiana (PSI) on October 26, 1971, tendered for filing copies of a service agreement dated May 17, 1971, between the town of Rockville, Ind., and PSI. PSI stated that this new agreement is to cancel and to replace the service agreement between the town of Rockville and PSI, dated June 4, 1968; such agreement was filed with and approved by the Federal Power Commission under Public Service Company of Indiana, Inc., FPC Electric Tariff—Original Volume No. 1.

PSI stated that above-described agreement provides, as shown on Revised Exhibit A, that the town of Rockville will be served and metered at two delivery points, the second delivery point being the substation location at which the company serves Parke County Rural Electric Membership Corp.

PSI requested that the Commission waive compliance with the notice requirements of § 35.3 of the Commission's regulations and permit this filing to become effective on September 2, 1971, the date on which service commenced under the above-described agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73 1848 Filed 1-30-73;8:45 am]

[Dockets Nos. RI73-191, RI73-193]

GRAMPIAN CO., LTD., ET AL.

Order Providing for Hearing and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 23, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI73-191..	Grampian Co., Ltd	4	12	Transcontinental Gas Pipe Line Corp. (La Gloria Area, Jim Wells and Brooks Counties, Tex. RR. District No. 4).	$5,830	12-29-72		1-30-73	19.0	[3] 24.0	
RI73-592..	Ruth Phillips Bisiker	4	11	do	17,715	12-29-72		1-30-73	19.0	[3] 24.0	

[3] Increase to "new" gas rate.

Not used.
*The pressure base is 14.65 p.s.i.a.

The question presented here with respect to Grampian Co., Ltd., and Ruth Phillips Bisiker's unilateral increases filed after the expiration of their contracts is whether the subject gas is entitled to the flowing gas rate of 19 cents or the new gas rate of 24 cents established in Opinion No. 595, Docket Nos. AR64-2, et al., issued May 6, 1971.

Grampian and Bisiker contend that the gas being delivered to Transco is that portion of reserves in excess of that which the were required to maintain by the expired contracts and should therefore be considered "new" gas within the terms of Opinion No. 595. The proposed increases should be suspended for 1 day from the expiration of the statutory notice period, pending determination as to whether the gas involved herein is entitled to the new or old gas price.

The producers' proposed increased rates and charges may exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.73-1720 Filed 1-30-73;8:45 am]

[Docket Nos. RI73-185, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 18, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-185..	Skelly Oil Co	136	10	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.).	$467	12-21-72		6-21-73	[11] 21.33	[11] [12] 22.0	RI73-12.
RI73-186..	Cities Service Oil Co	382	5	El Paso Natural Gas Co. (Washington Ranch Field, Eddy County, N. Mex.) (Permian Basin).	10,500	12-21-72 12-29-72		[2] 2-21-73 [6] 8-17-73	[3] 30.03	[3] 30.65	RI73-49. RI73-76.
	do			do		12-29-72		[6] 8-26-73	[3] 30.03	[3] 30.65	RI73-49. RI73-76.
RI73-187..	Atlantic Richfield Co	508	[7] 8	El Paso Natural Gas Co. (Vinegarone Field, Val Verde County, Tex., RR. District No. 1).		12-29-72	1-29-73	[10] Accepted			
	do			do	33,968	12-29-72		3- 1-73	15.5581	21.0	
RI73-188..	Union Texas Petroleum a division of Allied Chemical Corp.	49	[8] 18	El Paso Natural Gas Co., (Crosby Deep Field,. Lea County, N. Mex.) (Permian Basin).	34,418	12-26-72		6-26-73	27.0	[9] 31.7149	
RI73-189..	Phillips Petroleum Co	509	1	El Paso Natural Gas Co. (South Carlsbad Field, Eddy County, N Mex.) (Permian Basin).	425,040	12-29-72		6-29-73	27.0	35.0	
RI73-190..	Suburban Propane Gas Corp.	25	[7] 10	Northern Natural Gas Co. (Ozona Field, Crockett County Tex.) (Permian Basin).	4,266	12-27-72		2-27-73	[3] 16.5619	17.5656	

[1] Increase from a fractured rate to the contractually authorized rate.
[2] Effective date for acreage covered by Supplement No. 7 which was dated subsequent to Oct. 1, 1968.
[3] Includes quality adjustment.
[4] Applicable to all production except that covered under Supplement No. 3.
[5] Applicable to production covered under Supplement No. 3. (5 months from date last filed rate becomes ESR.)
[6] Applicable to production from Number 1 Crosby Deep Well only (Fusselman Formation) pursuant to Supplements No. 16.
[7] Applicable only to production under Supplement Nos. 2 and 5.
[8] ESR in Docket No. RI70-1779 insofar as it pertains to production under Supplement No. 5.
[9] Redetermines rate provisions.
[10] Accepted for filing to be effective on the date shown in the "Effective Date" column.
[11] The pressure base is 15.025 p.s.i.a.
[12] Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

The proposed increases of Skelly Oil Co. (insofar as it pertains to production from acreage dedicated prior to October 1, 1968),

amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to sec-

1971) engages directly in acquiring, and holding for development, property contiguous to its railroad yards in Augusta

cent of shares of State Real Estate Investment Trust, a small, closely held real estate investment trust. Neither

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The proposed increases of Skelly Oil Co. (insofar as it pertains to production from acreage dedicated prior to October 1, 1968), Union Texas Petroleum, a Division of Allied Chemical Corp., Cities Service Oil Co., and Phillips Petroleum Co., exceed the rate limit for a 1-day suspension and, therefore, are suspended for 5 months.

The other proposed rates involved do not exceed the corresponding rate filing limitation imposed in Southern Louisiana and therefore are suspended for 1 day from the expiration of 60 days' notice or from the proposed effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.73-1721 Filed 1-30-73;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL MORTGAGE CO., INC.

Acquisition of Banks and Merger of a Bank Holding Company

Central Mortgage Co., Inc., Springfield, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50 percent or more of the voting shares of (1) Farmers State Bank of Stover, Stover, Mo., and (2) Jackson County State Bank, Kansas City, Mo. Applicant has also applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Harmon Oil Co., Inc., Warrensburg, Mo., a registered one-bank holding company, and thereby to acquire 50.225 percent of the voting shares of Barton County State Bank, Lamar, Mo., and 4.9 percent of the voting shares of Jackson County State Bank, Kansas City, Mo. Applicant presently owns 4.9 percent of the voting shares of Jackson County State Bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Central Mortgage Co., Inc., is also engaged in the following nonbank activities: (1) Mortgage company operations; (2) insurance agency activities in conjunction with the mortgage company operations; and (3) certain farming activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbank activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

In its applications, Central Mortgage Co., Inc., states its intention to separately incorporate its farming activities referred to above and to spin off the shares of the farming enterprise to its present shareholders prior to the proposed section 3(a)(3) acquisitions. In connection with its stated intention, applicant has requested a determination under section 2(g)(3) of the Bank Holding Company Act (12 U.S.C. 1841(g)(3)) that it will not in fact be capable of controlling the farming corporation by virtue of applicant and that corporation having a common director. A separate notice with respect to the requested section 2(g)(3) determination will be published.

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 19, 1973.

Board of Governors of the Federal Reserve System, January 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1873 Filed 1-30-73;8:45 am]

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Ormond Beach First National Bank, Ormond Beach, Fla. (Bank).

Notice of the application affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization and bank holding company in Florida on the basis of commercial bank deposits, controls 25 banks with aggregate deposits of $514 million, representing 3.2 percent of total deposits held by all banks in the State. (All banking data are as of December 31, 1971, adjusted to reflect bank holding company formations and acquisitions approved by the Board through November 30, 1972.) Approval of this proposal to acquire Bank ($39.4 million in deposits) would increase applicant's control of commercial bank deposits in Florida by 0.2 percentage point, and applicant's rank as the State's seventh largest banking organization would not change.

Bank is the third largest of 13 banks operating in the Daytona Beach banking market, which includes the coastal area of Volusia County extending from Ormond Beach southward to New Smyrna Beach and westward to encompass all of Daytona Beach, and controls 15.5 percent of the market's total deposits. As of December 31, 1969, Bank controlled 17.7 percent of market deposits. Also competing with Bank are banking subsidiaries of the second, third, fourth, and fifth largest bank holding companies in the State, which control about 64.3 percent of market deposits. Consummation of this proposal would represent applicant's initial entry into the market and would result in increased competition in the area since it would eliminate the present affiliation between Bank and Volusia County National Bank, a potential competing bank. In addition, Bank under applicant's control would be in a better position to compete with the banking offices of the four bank holding companies in the market. Applicant's closest subsidiary banking office is located 55 miles southwest of Bank, and no significant existing competition would be eliminated by consummation of the proposal, nor does it appear that meaningful potential competition would be foreclosed because of Florida's restrictive branching laws and the distances involved. Furthermore, it does not appear likely that applicant will enter the market de novo as the Daytona Beach market appears to be well served with population and deposits per bank substantially less than the State averages. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources of applicant are generally satisfactory and prospects for the group appear favorable. Applicant proposes to improve the present financial and managerial conditions of Bank by providing additional capital to Bank and by furnishing such managerial assistance as Bank requires. Accordingly, banking factors lend weight to approval of the application. Major banking needs of the relevant area are presently being served, and no new services are proposed by applicant. However, applicant proposes to strengthen Bank's competitive position by enabling Bank to improve its existing services. Considerations relating to the convenience and needs of the area to be served are therefore consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before February 22, 1973 or (b) later than April 23, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1875 Filed 1-30-73;8:45 am]

FIRST RAILROAD & BANKING COMPANY OF GEORGIA

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of First Railroad & Banking Company of Georgia, Augusta, Ga., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414 and 25204). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. First Railroad & Banking Company of Georgia, Augusta, Ga. (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Registrant's ownership of more than 99 percent of the outstanding voting shares of Georgia Railroad Bank & Trust Company, Augusta, Ga. (Bank) (assets of $192 million, as of December 31, 1970). Registrant was organized in 1953 to acquire Georgia Railroad & Banking Company, Augusta, Ga. (Georgia Railroad) and, upon acquisition of Georgia Railroad in 1954, gained control of Bank, almost all of whose shares were owned by Georgia Railroad. Bank had total deposits of about $186 million (as of June 30, 1972), representing about 2 percent of total deposits in commercial banks in Georgia. Based on deposits within the Augusta market as of June 30, 1972, Bank is the largest banking institution in the market with about 44 percent of deposits there. Bank's management, financial condition, and prospects appear to be satisfactory and the Board has found no evidence of any unsound banking practices.

Registrant (consolidated assets of about $217 million as of December 31, 1971) engages directly in acquiring, and holding for development, property contiguous to its railroad yards in Augusta and has been engaged in this activity continuously since before June 30, 1968. In addition, Registrant has three nonbanking subsidiaries, which are engaged in nonbanking activities that appear eligible for grandfather benefits, namely, Georgia Railroad, First Georgia Development Corporation, Atlanta, Ga. (Development Corporation), and First Georgia Building Corporation, Augusta, Ga. (Building Corporation).

Georgia Railroad (incorporated in 1833) conducted both a banking and railroad business until 1881 when the railroad properties, together with controlling stock interests in two railroads, were leased. Thereupon, Georgia Railroad became a nonoperating carrier with a banking division which in 1892 was incorporated as Bank. Continuously since 1881, Georgia Railroad has been a nonoperating carrier and lessor of the properties and securities which it owns. Development Corporation (80 percent of voting shares of which are held by Registrant) was formed in 1964 to develop the real property of Georgia Railroad that was no longer required for railroad purposes. The real estate activities of Registrant and its subsidiaries have been confined to acquiring and holding for development property contiguou· to its railroad yards in Augusta, to owning and leasing railroad property, and to promoting development (as distinguished from engaging in development) of its property no longer required for railroad purposes. Building Corporation (a wholly owned subsidiary of Registrant formed in 1966) provides service personnel for Bank's buildings. The activities of Building Corporation appear to be exempt under the provisions of section 4(c)(1) of the Bank Holding Company Act and, on that basis, no grandfather privileges under the proviso in section 4(a)(2) of the Act are needed to enable Registrant to continue such activities.

In addition, Registrant has minority interests entitled to grandfather benefits in three other corporations: CSRA Capital Corp., Augusta, Ga. (acquired in 1962); Strawberry Hill, Inc., Augusta, Ga. (acquired in May 1968); and State Real Estate Investment Trust, Greenwood, S.C. (acquired in 1964). CSRA Corp. is a small business investment company (11.9 percent of whose shares are owned by Bank) and Registrant's investment appears to be exempt under the provisions of section 4(c)(5) of the Act and § 225.4(c) of Regulation Y, and, on that basis, no grandfather privileges are needed to enable Registrant to continue such investment. Strawberry Hill, Inc. (about 14 percent of which was acquired by Registrant in May 1968), was formed as a community project to develop a tract of land adjacent to Fort Gordon, Ga., to provide adequate housing for military personnel. When the project is completed, Strawberry Hill Corp. is expected to be dissolved. Finally, through Georgia Railroad, Registrant holds about 13 percent of shares of State Real Estate Investment Trust, a small, closely held real estate investment trust. Neither Georgia Railroad nor Registrant has any role in the management of the Trust and the shares are held solely as an investment. There appears to be no reason to require Registrant to terminate its investments in Strawberry Hill or in State Real Estate Investment Trust.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries, do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest, nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. Nor is this determination authority for Registrant to engage in land development, or to engage in the general real estate business, or to acquire additional shares of any company if the Registrant's holdings in said company will exceed 5 percent of the outstanding voting shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party may be consummated without prior approval of the Board. Further, the provision of any credit, properly, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

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There appears to be no reason to re-

PAN AMERICAN BANCSHARES, INC.

tion, conflicts of interests, or unsound

of its nonbanking subsidiaries or of Registrant's grandfathered investments as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[1] effective January 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1787 Filed 1-30-73;8:45 am]

MEMPHIS TRUST CO.

Determination Regarding "Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of Memphis Trust Co., Memphis, Tenn., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414 and 25204). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Memphis Trust Co., Memphis, Tenn. (Registrant) became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of 100 percent of the outstanding voting shares of Memphis Bank & Trust Co., Memphis, Tenn. (Bank) (assets of approximately $62 million, as of Dec. 31, 1970). Registrant's total consolidated assets amounted to less than $85 million on December 31, 1971. Registrant also owns 22 percent of the voting shares of Farmers and Merchants Bank, Bruce, Miss. and 24.8 percent of the First National Bank, Southaven, Miss.[1] Bank, control of which was acquired by Registrant in February 1952, had total deposits of approximately $68 million as of December 31, 1971, representing about 3 percent of the total deposits in the seven commercial banks in Memphis. Each of five of said seven banks is affiliated with a bank holding company. Bank ranks fourth among the 14 banking organizations in the Memphis banking market. Bank's management, financial condition, and prospects are regarded as generally satisfactory.

Registrant was engaged on June 30, 1968, and has been engaged continuously thereafter, in the following activities: the acquisition and leasing of real property for use by the holding company and its subsidiaries, the sale of commercial paper to finance holding company operations, the investment of 5 percent or less in the shares of various corporations, the operation of an industrial loan company, the financing of dealer inventories, buying installment notes from businesses, extending short-term credit to businesses, making first and second mortgage real estate loans, and leasing personal property. Income from all these sources amounts to about 7 percent of Registrant's total operating income. In addition, Registrant has four nonbanking subsidiaries,[2] namely, Memphis Trust Insurance Agency, Memphis, Tenn. (assets of $100,000),[3] acquired in 1960, Memphis Bank Building Corp., Memphis, Tenn. (assets of about $2 million), acquired in 1960, Central Guardian Life Insurance Co., Memphis, Tenn. (assets of less than $2 million), acquired in 1960, and Guardian Data Service & Supply Co., Memphis, Tenn. (assets of $200,000), acquired in 1966. Through its subsidiaries, Registrant engages in writing all forms of life insurance, operation of a general insurance agency and brokerage business, providing bookkeeping and accounting services, selling, leasing, and distributing office furniture and equipment, providing data processing and printing services, holding real estate for present and future banking locations, and providing maintenance and construction services for the Registrant and its subsidiaries.

To the extent that Registrant engages in activities to serve the holding company or its subsidiaries such as the purchase of property for use by the Registrant or its subsidiaries or the selling of commercial paper to provide financing for the holding company system, such activities appear to warrant an exemption under section 4(c)(1)(C) of the Act.[4] Bank wholly owns Memphis Bank Building Corp., which holds real estate and provides maintenance and construction services for the holding company. This activity appears to be entitled to a section 4(c)(1)(C) exemption. The investment in shares of a company to a level of 5 percent or less is also exempt under the Act.[5]

The remaining direct nonbanking activities of Registrant appear to be limited in scope. As indicated earlier, Registrant's income from all its direct activities accounts for about 7 percent of Registrant's total income which, for the year 1971, was reported to be $814,000.

Applicant claims that the major portion of insurance written and placed by its subsidiaries engaged in insurance activities is through, or in connection with, the other activities of the holding company or its subsidiaries. Approximately 250 insurance companies and 150 insurance agencies have offices in the Memphis area. Registrant's subsidiary that is engaged in selling and leasing office supplies and furniture and providing data processing and printing services competes with more than 40 data processing firms, 50 office supply and equipment companies and 125 printing firms serving the Memphis area.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. Nor is this determination authority for Registrant to acquire additional shares in any company if the Registrant's holdings in said company will exceed 5 percent of the outstanding shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service, by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[6] effective January 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1874 Filed 1-30-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[1] An interlock of directors between this bank and Registrant as well as an interlock of directors between Registrant and Financial Development Co., a registered bank holding company owning more than 50 percent of the shares of the Southaven Bank, is being reviewed by the Board. Registrant contends that it owns no shares of Financial Development Co. and that the company is in no way subject to control or a controlling influence by Registrant. Registrant disclaims control of each of the banks in which Registrant owns a minority interest.

[2] During 1971, two of Registrant's nonbanking subsidiaries, namely, Alabama Industrial Bank, Birmingham, Ala. (acquired in 1967), and Guardian Discount Co., Columbus, Ga. (acquired in 1957), were merged with a third nonbanking subsidiary, Trust Company of Tennessee, Memphis, Tenn., which company in turn merged with Memphis Trust Co. As a result of these transactions, a substantial portion of the consumer loan and finance business previously conducted by the merged companies was liquidated and the remaining activities are direct activities of Registrant.

[3] Asset figures for Registrant's subsidiaries are as of Dec. 31, 1971.

[4] Section 4(c)(1)(C) of the Act enables a holding company to acquire (without Board approval) "(1) shares of any company engaged • • • solely in • • • (C) furnishing services to or performing services for such bank holding company or its banking subsidiaries; • • •".

[5] Section 4(c)(6) enables a holding company to acquire (without Board approval) "shares of any company which do not include more than 5 percent of the outstanding voting shares of any company."

[6] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Bucher. Absent and not voting: Governor Sheehan.

PAN AMERICAN BANCSHARES, INC.

Proposed Acquisition of Atico Financial Corp.

Pan American Bancshares, Inc., Miami, Fla., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Atico Financial Corp., Miami, Fla. Notice of the application was published on November 15, 1972, in the Miami Review and Daily Record, a newspaper circulated in Miami, Fla.

In addition to foreign activities which are subject to Board approval under section 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13)) in accordance with the procedures set forth in § 225.4(f) of Regulation Y, applicant states that the proposed subsidiary and its subsidiaries would engage in the activity of acting as investment adviser to Atico Mortgage Investments, a publicly owned real estate investment trust. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). In addition, applicant states that the proposed subsidiary and its subsidiaries would engage in the activity of inspecting the progress of real estate construction projects and disbursing progress payments principally in connection with loans originated or serviced by bank or nonbank subsidiaries of applicant. Such activity may be permissible for bank holding companies pursuant to section 4(c)(1)(C) of the Bank Holding Company Act (12 U.S.C. 18(c)(1)(C)) or § 225.4(a) of Regulation Y, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Applicant further states that the proposed subsidiary and its subsidiaries would engage in the activity of acting as insurance agent as permissible under § 225.4(a)(9)(i), (ii) of Regulation Y. Among the types of insurance the proposed subsidiary would sell are (a) insurance for applicant and its subsidiaries, and (b) the issuance of homeowner's coverage in connection with real estate mortgage loans made through Atico Mortgage Corp., a mortgage banking company wholly owned by a subsidiary of applicant. Under certain circumstances specified in the Board's interpretation (12 CFR 225.128) of § 225.4(a)(9) of Regulation Y, such activities may be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 19, 1973.

Board of Governors of the Federal Reserve System, January 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1786 Filed 1-30-73;8:45 am]

PATAGONIA CORP.

Proposed Acquisition of Western American Mortgage Co. and Western American Insurance Agency

Patagonia Corp., Tucson, Ariz., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the voting shares of Western American Mortgage Co. and Western American Insurance Agency, both in Phoenix, Ariz. Notice of the applications was published on November 18, 1972, in The Arizona Republic and The Tucson Daily Citizen, newspapers circulated, respectively, in Phoenix and Tucson, Ariz.

Applicant states that the proposed subsidiaries would engage in the following activities: Western American Mortgage Co. would engage in originating residential mortgages and mortgages on commercial real estate for sale to permanent investors; servicing of mortgages for permanent investors; and interim lending for land development and construction financing where the loan will be sold to a permanent investor. Western American Insurance Agency would engage in the sale of fire and casualty insurance on the improvements covered by loans originated by Western American Mortgage Co. and of credit life and health and accident insurance to those mortgagors to the extent of the balance of the credit extended; sale of insurance to Western American Mortgage Co., its subsidiaries and employees; and sale of insurance sold as a matter of convenience to the purchaser. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the

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public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 19, 1973.

Board of Governors of the Federal Reserve System, January 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1785 Filed 1-30-73;8:45 am]

REDWOOD BANCORP

Order Approving Acquisition of National Mortgage Co.

Redwood Bancorp, San Rafael, Calif., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of National Mortgage Co., Salt Lake City, Utah, a company that engages in the activity of mortgage banking and acting as agent for the sale of credit life, accident and health insurance and property insurance directly related to extensions of credit. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 25257). The time for filing comments and views has expired and none has been timely received.

Applicant was incorporated in 1972 for the purpose of acquiring Redwood Bank (deposits of $48.6 million)[1], San Rafael, Calif. Applicant now owns all the outstanding shares of Redwood Bank (Bank), with the exception of the directors' qualifying shares. Bank operates five offices in the San Francisco Bay area and ranks fifth among the 10 banks serving Marin County, its principal market, where it holds 7.6 percent of the total commercial deposits. Its share of Statewide deposits amounts to but 0.1 percent. Bank is engaged in mortgage lending throughout the nine counties of the San Francisco Bay area, where it competes with a large number of lenders. In the first 9 months of 1972, Bank originated approximately $11.7 million in mortgage loans, or 0.2 percent of the total mortgage recordings in the bay area counties. As of September 29, 1972, Bank's outstanding mortgage loans approximated $9.7 million, of which $722,000 were held for resale to institutional investors.

National Mortgage Co. (Company) is a small family-owned business engaged in the origination and servicing of mortgage loans through offices located in Salt Lake City, Utah; Tucson, Ariz.; and Idaho Falls, Idaho. During its most recent fiscal year, Company's Tucson office originated $10.1 million in mortgage loans, while its Salt Lake office originated $2.1 million. Company's Idaho Falls office services mortgage loans but has not originated any new loans in the past 3 years. Company is not a major competitor in any of the mortgage loan markets in which it competes. It ranks twentieth among mortgage lenders in both the Salt Lake City and Pima County, Ariz., markets.

Since Applicant and Company do not compete in the same mortgage loan markets, the proposed acquisition would eliminate no direct competition. Moreover, the two institutions are not likely to compete in the future due to their small size and the intervening distances. The Board therefore concludes that consummation of the proposed acquisition would have no adverse effects on mortgage lending in any of the local markets. Due to the limited nature of its insurance activities, it does not appear that Company's engagement in such activities would have any significant effect on either existing or potential competition.

It is anticipated that the proposed acquisition would enable Applicant to provide capital and managerial skill to Company which would expand Company's range of services and also permit it to compete for significantly larger mortgage loans. The Board concludes that these public benefits are a positive factor in terms of public needs and convenience.

Based upon the foregoing and other considerations reflected in the record, the Board has determined than the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(a) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1876 Filed 1-30-73;8:45 am]

[1] Deposit data are as of June 30, 1970.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

SOUTHEASTERN BANCORP, INC.

Formation of One-Bank Holding Company

Southeastern Bancorp, Inc., New Bedford, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Southeastern Bank and Trust Co., New Bedford, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 12, 1973.

Board of Governors of the Federal Reserve System, January 23, 1973.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1877 Filed 1-30-73;8:45 am]

FEDERAL TRADE COMMISSION

[Doc. F 3-71]

CHILDREN'S SLEEPWEAR

Policy and Interpretation Relative to Items in Inventory or as to Recordkeeping Requirements

The Standard for the Flammability of Children's Sleepwear [Doc FF 3-71] was published in the FEDERAL REGISTER on July 29, 1971, at 36 FR 14062 et seq. The Notice of Standard provided at 36 FR 14063 that "Items in inventory or with the trade on the effective date of the Standard are exempt. All concerned parties shall be required to maintain records that these items offered for sale after the effective date of the Standard are eligible for the exemption."

The Children's Sleepwear Standard was amended on July 21, 1972, at 37 FR 14624 et seq. to incorporate a sleepwear sampling plan therein and to make certain nonsubstantive technical corrections as to the test equipment. The effective date remained the same. In issuance of such amendment the Notice of Amendment specified at 37 FR 14625 that "It is emphasized that the only substantive change made to the standard involves the amendment necessary to include the sampling plan."

The Notice of Amendment did not repeat the language in the original 1971 Notice of Standard relative to items in inventory or as to recordkeeping requirements.

Questions have arisen under this standard as to the application of the standard to goods manufactured outside the United States prior to the effective date of the standard on July 29, 1972, as to whether a person claiming the exemption specified in the standard must maintain records showing eligibility for exemption from the standard.

In the Commission's view, the provisions of the July 29, 1971, Notice of Standard as to exemption of items of children's sleepwear in inventory or with the trade on the effective date of the standard and as to the necessity of maintenance of records to show eligibility for such exemption are in full force and effect.

By direction of the Commission dated January 24, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-1830 Filed 1-30-73;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order 92]

TOLEDO, OHIO

Notice of Contiguous Expansion of Trade Zone

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. sections 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) has adopted the following order:

Whereas, the Toledo-Lucas County Port Authority Grantee of Foreign-Trade Zone No. 8, was issued a grant for the establishment, operation, and maintenance of Foreign-Trade Zone No. 8, Toledo, Ohio, on October 11, 1960 (Board Order No. 51);

Whereas, said Grantee filed with the Board on October 6, 1972, an application requesting authority to contiguously expand the area of Foreign-Trade Zone No. 8 to include a warehouse building which covers approximately 69,900 square feet;

Whereas, notice of said application was published in the FEDERAL REGISTER on October 14, 1972 (37 FR 21878) and opportunity has been afforded all interested parties to submit their views;

Whereas, an Examiners Committee has investigated the application in accordance with the Regulations and recommends approval thereof;

Whereas, the requested expansion of the zone area is necessary to accommodate new and existing zone users and for more efficient operation of the zone; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Regulations are satisfied and that approval of the application is in the public interest;

Now, therefore, the Foreign-Trade Zones Board hereby orders:

That the Grantee is authorized to contiguously expand the boundary of Foreign-Trade Zone No. 8, Toledo, Ohio, in conformity with Exhibits 1–13 of the application filed with the Board on October 6, 1972. The authority given in this order is subject to local approval of the District Director of Customs and the District Army Engineer regarding compliance with their requirements relating to foreign-trade zones. The Grantee shall prenotify the Board's Executive Secretary for clearance concerning any proposal to use the expanded zone area for manufacturing operations prior to their commencement.

Signed at Washington, D.C., this 22d day of January 1973.

PETER G. PETERSON,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest: JOHN J. DAPONTE, Jr.,
Executive Secretary.

[FR Doc.73-1809 Filed 1-30-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT

Notice of Determination

The National Science Foundation, established by Public Law 81-507 as an independent agency of the Federal Government, utilizes advice and recommendations of advisory committees in carrying out its functions and activities.

The Federal Advisory Committee Act, Public Law 92-463, which became effective January 5, 1973, sets forth standards and procedures for the formation, use, conduct, management, and accessibility to the public of committees established to advise and assist the Federal Government. Section 10 of the Act specifies that each advisory committee meeting shall be open to the public, except any advisory committee meeting which the President, or the head of the agency to which the committee reports, determines is concerned with matters listed in the Freedom of Information Act, section 552(b) of title 5, United States Code.

It is established Foundation policy in administering the Freedom of Information Act to make fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy the Foundation will open to the public as many advisory committee meetings as possible.

However, Foundation advisory committees, while engaged in the review, discussion, and evaluation of grant or contract proposals and projects, or in the evaluation of grantee and contractor performance should not be required to hold open meetings. The Foundation has historically assured the privacy of certain types of information submitted in confidence to the Foundation by prospective grantees and contractors in support of proposals and projects. This information may include such matters as details relating to the type or design of work to be performed, adequacy of the applicant's facilities, competence of the proposed grantee's or contractor's staff, proposed budget, commercial or financial information and other material which would not otherwise be disclosed. Such information is furnished to the Foundation with reliance that it will be treated on a privileged or confidential basis and not disclosed to the public. Opening to the public the deliberations of committees reviewing and evaluating these proposals and projects as part of the selection process for awards would obviously involve disclosure of this information.

Moreover, to operate most effectively, the review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion and to provide unhampered advice and recommendations regarding the merits of specific scientific proposals and projects. If the process were not to continue on a confidential basis, potential grantees and contractors would not furnish information in such detail as is essential for complete and effective review. In addition, if the proceedings of these committees were open to public participation, the Foundation would be unable to secure open and candid advice as to the awarding of grants, contracts, fellowships and other arrangements.

Pending grant and contract proposals, and detailed records of deliberations of the committees reviewing them are presently exempt from mandatory disclosure under the Freedom of Information Act (5 U.S.C. 552).

In the interest of meeting the Foundation's obligations of confidentiality of matters submitted as part of grant and contract proposals and encouraging candid expression of opinion concerning the merits of grant and contract proposals and the evaluation of grantee and contractor performance, so essential to the review process:

It is hereby determined in accordance with the provisions of section 10(d) of the Federal Advisory Committee Act:

(1) Advisory committee meetings devoted to consideration of grant and contract proposals and projects are concerned with matters listed in section 552(b) of title 5, United States Code; and

(2) The public interest requires that such matters not be disclosed so that the Foundation may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters.

Therefore, until December 31, 1973, meetings or portions thereof of all Foundation advisory committees devoted solely to review, discussion, and evaluation of grant or contract proposals, and projects or performance by grantees and contractors shall not be open to the public.

Each such committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code. The Foundation official having cognizance for each respective committee shall be responsible for the preparation of the committee report.

All other advisory committee meetings shall be open to the public unless the Director or his designee determines otherwise in accordance with section 10(d) of the Act.

Dated: January 15, 1973.

H. GUYFORD STEVER,
Director.

[FR Doc.73-1781 Filed 1-30-73;8:45 am]

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SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Notice of Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held in Department of Transportation Conference Rooms A, B, C, 8th Floor, Federal Building, 800 Independence Avenue, Washington, DC on February 28, 1973.

Established under Public Law 358 (68 Stat. 92), approved on May 13, 1954, the Advisory Board consists of five members who advise the Administrator regarding Corporation programs and policies as they relate to the overall effective operation and development of the St. Lawrence Seaway.

The meeting will be open to the public from 9 a.m. to 12 noon with the following agenda:

(1) Opening remarks by the Administrator;
(2) Review of Seaway Operations—1972 Season;
(3) Vessel Traffic Control Program;
(4) Development Programs:
(a) winter navigation
(b) icebreaker deployment
(5) Great Lakes shipping matters.

The meeting will be closed to the public from 2 p.m. to 6 p.m. in accordance with the Administrator's determination dated January 22, 1973.

The agenda items are as follows:
(1) Review of the Tariff of Tolls;
(2) International matters;
(3) Legal and legislative review.

Because of limited space, attendance at the open session is set at 60 persons. Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, Saint Lawrence Seaway Development Corporation, Room 812, Building 10–A, 800 Independence Avenue, Washington, DC 20590 or by calling 202—426–3574.

Issued on January 24, 1973.

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73–1890 Filed 1–30–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JANUARY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 25, 1973 through February 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1882 Filed 1–30–73;8:45 am]

[70–5301]

CONSOLIDATED NATURAL GAS CO.

Proposal by Holding Company To Act as Surety

JANUARY 24, 1973.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockfeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On September 22, 1972, Hope Natural Gas Co., a Division of Consolidated's wholly owned public-utility subsidiary company, Consolidated Gas Supply Corp. (Supply Corporation) filed revisions in its rate schedules with the Public Service Commission of West Virginia providing for increased rates and charges approximating $7,200,000 per year for furnishing natural gas service in the State of West Virginia. By action of the State commission, the effectiveness of the new rates was suspended until February 19, 1973. The new rates may now become effective upon the filing by Supply Corporation of a bond in the amount of $7,200,000 with satisfactory surety, for the due and proper payment of any refunds to customers which the State commission may order. The State commission has indicated that Consolidated may act as surety on such bond. Consolidated proposes, without fee or other consideration, to act as surety on the bond of Supply Corporation to save the cost of securing an outside corporate surety.

The fees and expenses incurred by Supply Corporation in connection with the proposed transaction are estimated at $2,250, including charges of $200 for the services of Consolidated Natural Gas Service Co., Inc., Consolidated's wholly owned service company. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 14, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1883 Filed 1–30–73;8:45 am]

[File No. 500–1]

FIRST LEISURE CORP.

Order Suspending Trading

JANUARY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 26, 1973 through February 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1884 Filed 1–30–73;8:45 am]

[File No. 500–1]

FIRST WORLD CORP.

Order Suspending Trading

JANUARY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B Common stocks, $0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 25, 1973 through February 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1885 Filed 1–30–73;8:45 am]

[File No. 500–1]

LILAC TIME, INC.

Order Suspending Trading

JANUARY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 25, 1973 through February 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1886 Filed 1–30–73;8:45 am]

[File No. 500–1]

MARCON ELECTRONICS CORP.

Order Suspending Trading

JANUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Marcon Electronics Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. (e.s.t.) January 23, 1973 through February 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1887 Filed 1–30–73;8:45 am]

[File No. 500–1]

PELOREX CORP.

Order Suspending Trading

JANUARY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Pelorex Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 26, 1973 through February 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1888 Filed 1–30–73;8:45 am]

[812–3344]

SIGMA TRUST SHARES AND WILLIAM L. KINGMAN

Filing of Application

JANUARY 24, 1973.

Notice is hereby given that Sigma Trust Shares (Fund), 10 Post Office Square, Boston, MA 02110, and William L. Kingman (Kingman), as Trustee for Charles F. Eaton Unitrust for Mary A. Alley Hospital (Alley Hospital Trust) and as Trustee for Charles F. Eaton Unitrust for The Middlesex School (Middlesex School Trust) (hereinafter referred to collectively as "Applicants"), c/o Franklin Management Co., 10 Post Office Square, Boston MA 02110, have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from section 17(a) of the Act a transaction whereby Kingman, as trustee for the Alley Hospital Trust and Middlesex School Trust, will sell to the Fund and then repurchase from the Fund an aggregate of $12,000 face amount of 7½ percent debentures of H. P. Hood & Sons, Inc., due February 1, 2001 (the "Debentures"). The sale will be at a net price of $82 per Debenture, and the repurchase at $83.50 per Debenture. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations which are summarized below.

The Fund, a trust created under the laws of Massachusetts, is registered as an open-end, diversified, management investment company under the Act. Kingman is a member of the Board of Trustees of the Fund, and the sole trustee for two charitable unitrusts, the Alley Hospital Trust and the Middlesex School Trust. Kingman has no beneficial interest, direct or indirect, in either trust.

On December 31, 1971, the Fund owned $80,000 face amount of Debentures, which have not been registered with the Commission, and for which registration is not presently contemplated. As of December 31, 1971, the Debentures were evaluated by Paine, Webber, Jackson & Curtis at $82 per $100 face amount. This evaluation was ratified by the Trustees of the Fund at their regular quarterly meeting of January 25, 1972.

On January 8, 1972, Kingman purchased from the Fund $9,000 face amount of Debentures for the Alley Hospital Trust. The purchase price of $7,380 was at the value established for purposes of the Fund's December 31, 1971 financial statements ($82 per Debenture) and ratified by the Trustees of the Fund on January 25, 1972.

On February 7, 1972, Kingman purchased from the Fund $3,000 face amount of Debentures for the Middlesex School Trust. The purchase price of $2,460 was also at the value ratified by the Fund's Trustees on January 25, 1972. Mr. Kingman thus purchased the Alley Hospital Trust and Middlesex School Trust for which he acted as sole trustee, an aggregate of $12,000 face amount of Debentures from the Fund for $9,840.

Section 17(a) of the Act provides, among other things, that it shall be unlawful for any affiliated person of a registered investment company, acting as principal, knowingly to purchase from such registered investment company any security or other property (except securities of which the seller is the issuer), unless an application regarding such transaction has been granted by the Commission.

Although Kingman, as trustee, was an affiliated person of the Fund at the time of these transactions, neither the Fund nor Kingman applied for an exemption from the provisions of section 17(a) since they believed that Kingman was not acting as "principal" as that term is used in section 17(a).

In order to avoid any question which might be raised as to the propriety of the two transactions which have taken place, Kingman now proposes to sell the Debentures back to the Fund at a net price of $82 per Debenture, and further proposes immediately to repurchase said Debentures from the Fund at the appraised value most recently established on September 30, 1972, by Paine, Webber, Jackson & Curtis ($83.50 per Debenture), and ratified by the Trustees of the Fund on October 17, 1972.

There will be no charges or fees associated with the sale and repurchase other than applicable state transfer fees which will be paid by the seller in each of the transactions and legal fees to be borne by each party. The proposed transactions were approved by the Fund's Board of Trustees on October 17, 1972 (Kingman abstaining).

Applicants believe that the issuance of an exemptive order in connection with this proposed sale and purchase is appropriate in the public interest because the terms of the proposed transaction are reasonable and fair to the Fund and

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Kingman and do not involve any over-

Local 1355 T.W.U.A., AFL–CIO, Post Office Box 184, Skyland, NC 28776.

1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of

protections and obligations; protection of employees against discharge or dis-

Kingman and do not involve any overreaching on the part of the Fund or Kingman for the reasons that:

(a) As restricted securities with little or no market, the Debentures are not considered an appropriate investment for the Fund by its Trustees.

(b) The proposed sale of the Debentures at the appraised value most recently established by Paine, Webber, Jackson & Curtis and ratified by the Trustees of the Fund is reasonable and fair to both parties.

(c) Kingman has no beneficial interest in either of the two charitable trusts for which he acts as trustee.

(d) The proposed transactions offer both parties an opportunity to confirm a transaction whereby Kingman acquired for the two charitable trusts and the Fund disposed of a substantial part of the Fund's holdings of Debentures at a price which was advantageous to both parties.

(e) The proposed transactions enable the parties to confirm a transaction which was negotiated at arms length between two separate distinct persons, and only involved a violation of the Act by reason of the misinterpretation of the term "principal."

The Fund represents that the prior sale was and that the proposed purchase and sale will be consistent with its policy as recited in its registration statement and reports filed under the Act and both Applicants believe that the transactions are consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than February 20, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1889 Filed 1-30-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

GULF INVESTMENT CORP.

Notice of Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1972)) under the name of Gulf Investment Corp. (GIC), 115 East Van Buren Street, Harlingen, TX 78550, for a license to operate in Texas as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Dial M. Dunkin, Chairman of the Board, 1009 East Parkwood, Harlingen, TX 78550.
Rollins M. Koppel, President, Director, 1616 Sam Houston, Harlingen, TX 78550.
Robert B. Dunkin, Vice President, Director, 410 Retama, Harlingen, TX 78550.
Griffth R. Tees, Jr., Secretary, Treasurer, Director, 602 East Arroyo Drive, Harlingen, TX 78550.
Robert A. McAllen, Director, Route 1, Box 190, Weslaco, TX 78596.
Edward H. Starr, Jr., Director, 1802 East Washington Street, Harlingen, TX 78550.

There will be two (2) classes of stock, namely common stock (1,800,000 shares authorized) and preferred stock (200,000 shares authorized). The voting power for the election of directors for the corporation and for all other purposes shall be vested exclusively in the holders of the common stock, and except as otherwise provided by law, the holders of the shares of preferred stock shall not have any voting power. The company proposes to commence operation with a capitalization of $210,000 consisting of 210,000 shares of common stock. The proposed beneficial owners of the 210,000 shares of common stock are as follows:

Name	Number	Percent
Cameron Life Insurance Co. [1]	75,000	35.7
Rollins M. Koppel—Attorney—Harlingen	50,000	23.7
Mr. and Mrs. Alan Golden—(brother-in-law and sister of Koppel)	5,000	2.4
Mr. and Mrs. Charles Davis—(brother-in-law and sister of Koppel)	5,000	2.4
Jack Skaggs—Attorney—Harlingen	25,000	11.9
Albert Wolf—Harlingen	25,000	11.9
John Tucker—Doctor—San Benito	10,000	4.8
Hidalgo Bank & Trust Co.—Mercedes	10,000	4.8
Dan Miller—Brownsville	5,000	2.4

[1] Cameron Life Insurance is owned by Mr. Dial M. Dunkin, proposed Director and Chairman of the Board.

Applicant proposes to conduct its operations in the State of Texas and in other areas within the United States of America and its territories and possessions as may from time to time be approved by the SBA as its operating territory. Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Harlingen, Tex.

Dated: January 18, 1973.

DAVID A. WOLLARD,
Associate Administrator for Operations and Investment.

[FR Doc.73-1780 Filed 1-30-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-7]

CRANSTON PRINT WORKS CO.

Notice of Application for Variance

Notice is hereby given that Cranston Print Works Co., Fletcher, N.C. 28732, has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for temporary variances from the standards prescribed in 29 CFR 1910.219 (e) and (f), pertaining to belt, rope, and chain drives, and to gears, sprockets, and chains, and in 29 CFR Part 1910.262(dd) (1) and (2), pertaining to nip guards and crown wheel and roller nip protection.

The applicant states that the addresses of the printing facilities that are directly affected by this application are as follows:

Cranston Print Works Co., Webster Division, Webster, Mass. 01570.
Cranston Print Works Co., Fletcher Division, Fletcher, N.C. 28732.

The applicant certifies that a summary of the application has been posted on a bulletin board in each printing machine area, and that a complete copy of the application has been sent to the personnel office at each plant and to the employee representatives at the following locations:

Webster Local 1751, Textile Workers Union of America, AFL–CIO, Webster, Mass.
Local 1355 T.W.U.A., AFL–CIO, Post Office Box 184, Skyland, NC 28776.
Machine Printers and Engravers Association, 172 Taunton Avenue, East Providence, RI 02914.

The applicant represents that due to the unusual design and construction of its roller type printing machines and due to the particular type of operations in which these machines are used, no protective devices which would guard these machines to the extent demanded by these regulations have ever been developed. Thus, the applicant is requesting a variance until February 15, 1973, for its Fletcher Division, and a variance until May 31, 1973, for its Webster Division, in order to have more time to develop effective guarding systems for the printing machines at each plant.

The following steps have been taken to provide temporary protection pending development of effective guarding systems.

1. Some fitting gears were provided with steel plates bolted to their outer edge and extending radially to a line beyond the line of engagement of the teeth of the fitting gear with the teeth of the star gear. This is alleged to provide protection against side entry into the nips;

2. The outer surfaces of all the fitting gears are painted bright red in order to call attention to the fact that there is a hazard and that caution should be exercised in working around the gears;

3. A "New Employee Safety Orientation" sheet is attached to every new employee's timecard. He takes this to his supervisor, who then discusses with him the various aspects of safety in the Print Room and in the operation of the print fitting gears.

The applicant further states that it has tried other means of protection which have either proved much less effective and/or interfered with the operation of the machines. Finally, the applicant states that it has contacted machinery manufacturing companies in its effort to develop a more effective means of protection.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210, and at the following regional and area offices: U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street NE., Suite 587, Atlanta, GA 30309; Occupational Safety and Health Administration, 1361 East Morehead Street, Charlotte, NC 28204; OSHA, JFK Federal Building, Room E–308, Boston, Mass. 02203; and OSHA, Custom House Building, State Street, Boston, Mass. 02109.

Interested persons are invited to submit written data, views, and arguments regarding the application for variances prior to March 2, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of any of the variances may request a hearing on the application prior to March 2, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and shall be addressed to the Office of Standards at the above address.

Signed at Washington, D.C., this 26th day of January 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-1898 Filed 1-30-73;8:45 am]

WISCONSIN DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667 and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Wisconsin has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Department of Industry, Labor, and Human Relations as the State agency designated by the Governor of the State to administer the plan. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2 (c)(1). It provides a description of personnel employed under a merit system; the coverage of employees of political subdivisions; procedures for the prompt restraint or elimination of imminent danger situations; and procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards. Under the authority of existing legislation the Department of Industry, Labor, and Human Relations has full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of domestic services and agriculture.

As stated in the plan, existing legislation further provides the State with the authority through the adoption of administrative rules to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances and the protection of employees from hazards; insuring inspections in response to complaints; giving employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets, and provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements. The plan includes draft legislation to be considered by the Wisconsin Legislature during its 1973 session. Under the proposed legislation the State will revise its existing system of sanctions against employers for violations of standards; amend present procedures for employer right of review and employee participation in review proceedings; and authorize coverage of agriculture.

Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of Wisconsin. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, 300 South Wacker Drive, Room 1201, Chicago, IL 60606; and the Department of Industry, Labor, and Human Relations, Division of Industrial Safety and Buildings, 201 East Washington Avenue, Madison, WI 53702. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until February 28, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by February 28, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

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Signed at Washington, D.C., this 23d day of January 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-1825 Filed 1-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 166]

ASSIGNMENT OF HEARINGS

JANUARY 26, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction

MC-113843 Sub 184, Refrigerated Food Express, Inc., now being assigned hearing March 21, 1973 (3 days), at Boston, Mass., in a hearing room to be later designated, instead of March 23, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1867 Filed 1-30-73;8:45 am]

[Notice 167]

ASSIGNMENT OF HEARINGS

JANUARY 26, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-123383 Sub 61, Boyle Brothers, Inc., now assigned January 30, 1973, at Washington, D.C., is canceled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1868 Filed 1-30-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 26, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 15, 1973.

FSA No. 42608—*Joint water-rail container rates—Orient Overseas Line, Inc.* Filed by Orient Overseas Line, Inc. (No. 1), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, on the one hand, and rail carriers terminals on the U.S. Atlantic and Gulf coasts, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1860 Filed 1-30-73;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 26, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 2, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-42487 (Deviation No. 98), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94015, filed January 16, 1973. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to junction U.S. Highway 63 at or near Columbia, Mo., thence over U.S. Highway 63 to Macon, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Kans., over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 via Monroe City, Mo., to Indianapolis, Ind., and return over the same route.

No. MC-42487 (Deviation No. 99), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94015, filed January 16, 1973. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 59 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., thence over U.S. Highway 27 to junction Tennessee Highway 61, near Little Emory, Tenn., thence over Tennessee Highway 61 to junction U.S. Highway 25W, at or near Clinton, Tenn., thence over U.S. Highway 25W to junction Interstate Highway 75, near Lake City, Tenn., thence over Interstate Highway 75 to Lexington, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Birmingham, Ala., over U.S. Highway 31 to Ardmore, Tenn., thence over Tennessee Highway 110 to Fayetteville, Tenn., thence over U.S. Highway 231 to Murfreesboro, Tenn., thence over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31W to Elizabethtown, Ky., thence over U.S. Highway 62 to Lexington, Ky., and return over the same route.

No. MC-59957 (Deviation No. 13), MOTOR FREIGHT EXPRESS, Post Office Box 1029, York, PA 17405, filed January 16, 1973. Carrier's representative: Walter M. F. Neugebauer, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Port Matilda, Pa., over U.S. Highway 322 to Woodland, Pa., thence over Pennsylvania Highway 970 to junction Interstate Highway 80, thence over Interstate Highway 80 to Youngstown, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Youngstown, Ohio, over U.S. Highway 422 to Portersville, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., and (2) from Port Matilda, Pa., over U.S. Highway 220 to Hollidaysburg, Pa., thence over U.S. Highway 22 to Pittsburgh, Pa., and return over the same routes.

No. MC-59957 (Deviation No. 14), MOTOR FREIGHT EXPRESS, Post Office Box 1029, York, PA 17405, filed January 16, 1973. Carrier's representative: Walter M. F. Neugebauer, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Ohio Highway 14 to junction Ohio Highway 82 at or near Twinsburg, Ohio, thence over Ohio Highway 82 to Warren, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Cleveland, Ohio, and Warren, Ohio, over U.S. Highway 422.

No. MC-89723 (Deviation No. 24), MISSCURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103, filed January 17, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Henderson, Tex., over U.S. Highway 259 to junction U.S. Highway 59 (north of Nacogdoches), thence over U.S. Highway 59 to Houston, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Longview, Tex., over U.S. Highway 259 to Henderson, Tex., thence over U.S. Highway 79 to Round Rock, Tex., thence over U.S. Highway 81 to Laredo, Tex., and (2) from Palestine, Tex., over U.S. Highway 287 to Crockett, Tex., thence over Texas Highway 19 to Huntsville, Tex., thence over U.S. Highway 75 to Houston, Tex., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1855 Filed 1-30-73;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 26, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 2, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-44770 (Deviation No. 1), ZEPHYR LINES, INCORPORATED, 1114 Currie Avenue, Minneapolis, MN 55403, filed November 6, 1972, as amended January 16, 1973. Carrier's representative: Joseph J. Dudley, West 1260 First National Bank Building, St. Paul, Minn. 55101. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Minneapolis, Minn., over Interstate Highway 94 to St. Paul, Minn., thence over Interstate Highway 35E to junction Minnesota Highway 36, thence over Minnesota Highway 36 to the St. Croix River, thence across the St. Croix River to junction Wisconsin Highway 64, (2) from St. Paul, Minn., over Interstate Highway 35E to junction Interstate Highway 694, thence east over Interstate Highway 694 to junction U.S. Highway 61, thence over U.S. Highway 61 to Forest Lake, Minn., (3) from Minneapolis, Minn., over U.S. Highway 12 to junction Interstate Highway 494, thence over Interstate Highway 494 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn., and (4) from Minneapolis, Minn., over Interstate Highway 35W to junction Minnesota Highway 62, thence over Minnesota Highway 62 to junction U.S. Highway 212.

Thence over U.S. Highway 212 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows:

(1) From Minneapolis, Minn., over Minnesota Highway 212 to the St. Croix River, thence across the St. Croix River to junction Wisconsin Highway 64, thence over Wisconsin Highway 64 to junction U.S. Highway 63, thence over U.S. Highway 63 to Ashland, Wis., (2) from St. Paul, Minn., over U.S. Highway 61 to Forest Lake, Minn., thence over U.S. Highway 8 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Webster, Wis., and (3) from Minneapolis, Minn., over Minnesota Highway 7 to junction Minnesota Highway 41, thence over Minnesota Highway 41 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn., thence over Minnesota Highway 19 to Marshall, Minn., thence over Minnesota Highway 68 to Canby, Minn., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1854 Filed 1-30-73;8:45 am]

[Notice No. 8]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 26, 1973.

The following publications[1] are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 128944 (Sub-No. 12) (clarification), filed July 10, 1972, published FEDERAL REGISTER, issue of August 17, 1972, and republished as clarified this issue. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville,

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality on the human environment resulting from approval of its application.

TN 37210. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, TN 37210. Applicant's representative: James Clarence Evans, 1800 Third National

places in Massachusetts, between Boston, Mass., and points and places within 12

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 429 TA), filed

La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common*

Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought

ERAL REGISTER. One copy of such protests must be served on the applicant, or

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TN 37210. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. NOTE: The application as originally published, sought authority over 4 specified regular routes: 1. between Atlanta, Ga., and Tupelo, Miss.; 2. between Guin, Ala., and Tupelo, Miss.; 3. between Birmingham, Ala., and all points within 15 miles thereof, and Tupelo, Miss., and 4. between Tuscumbia, Ala., and Tupelo, Miss. The original publication failed to set forth that applicant seeks to serve all intermediate points on specified routes in the State of Mississippi, and the off-route point of plantsite of Blue Bell, Inc., located about 3 miles north of Tupelo, Miss. The rest of the application remains as previously published, except application has been restrictively amended to delete therefrom any reference to off-route points in the Mississippi counties of Tishomingo, Alcorn, and Prentiss.

HEARING: Remains as assigned before Joint Board No. 340, on the 12th day of February 1973 (1 week), at 9:30 a.m., U.S. standard time, at the Natchez Trace Inn, 3400 West Main Street, at Tupelo, MS, and on the 20th day of February 1973 (1 week), at 9:30 a.m., U.S. standard time, at the Guest House Motor Inn, 18th Street at 10th Avenue, Birmingham, Ala.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11618. (Amendment) (O'DONNELL'S EXPRESS—Purchase (Portion)—E. J. SCANNELL, INC.), published in the August 16, 1972, issue of the FEDERAL REGISTER on page 16582. By amendment filed January 17, 1973. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Boston, and Haverhill, Mass., between Boston, and Lowell, Mass., between Boston, and Attleboro, Mass., between Boston, and Blackstone, Mass., between Boston, and Beverly, Mass., between Boston, and New Bedford, Mass., between Boston, and Webster, Mass., between Providence, and Woonsocket, R.I., between Providence, and Bristol, R.I., between Providence, and Westerly, R.I., between Lowell, Mass., and Providence, R.I., between Lawrence, Mass., and Woonsocket, R.I., between Boston, Mass., and Westerly, R.I., between New Bedford, Mass., and Providence, R.I., between Boston, Mass., and Providence, R.I., between Haverhill, Mass., and Putnam, Conn., between New Bedford, Mass., and New London, Conn.; *general commodities*, with exceptions, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points and places in Massachusetts, between Boston, Mass., and points and places within 12 miles of Boston, on the one hand, and, on the other, points and places in Connecticut and Rhode Island.

NOTICE

M V R HOLDING CORPORATION; BERNARD J. O'TOOLE AND MARY A. O'TOOLE of 290 Armistice Boulevard, Pawtucket, RI 02861, represented by Mr. Neal Holland, Sherburne, Powers & Needham, 225 Franklin Street, Boston, MA 02110, seeks by the application in Finance Docket No. 27260, to purchase the stock and acquire control of the Moshassuck Valley Railroad Co. Applicants' will continue to operate the 1.9 miles of the main line between Pawtucket and Lincoln, R.I. In the opinion of the applicants' this proposal will have no ascertainable effect on the quality of the human environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1858 Filed 1-30-73;8:45 am]

[Notice No. 9]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 23, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 429 TA) filed January 10, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: James W. Conner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the facilities of the Tappan Co. at or near Oberlin, Ohio as an off-route point, for 180 days. NOTE: Applicant states it will tack with lead certificate MC 2202 and all subs thereto and will effect interchange at all points served. Supporting shipper: Tappan, Air Conditioning Division, 206 Woodford Avenue, Elyria, Ohio 44035. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 29886 (Sub-No. 290 TA) filed January 11, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck tractors* in initial truckaway service; from the plantsite of Daybrook-Ottawa Division Gulf & Western Metals Forming Co., in Bowling Green, Ohio to points in the United States (except Alaska and Hawaii) for 180 days. Supporting shipper: Daybrook-Ottawa Division Gulf & Western Metals Forming Co., 1175 North Main Street, Bowling Green, Ohio 43402. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 26296 (Sub-No. 69 TA) filed January 11, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, from points in Mineral County, Mont., to points in California and Nevada, for 180 days. Supporting shipper: Superior Wood Treat Products, Post Office Box 493, Superior, MT 59872. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 112801 (Sub-No. 140 TA) filed January 11, 1973. Applicant: TRANSPORT SERVICE CO. (a corporation), Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, from Kansas City, Kans., to Lincoln, Nebr., for 180 days. Supporting shipper: Richard Gillis, regional production manager, Archer Daniels Midland Co., Lincoln, Nebr. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 113908 (Sub-No. 252 TA) filed January 11, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, Glenstone Station, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage spirits, alcoholic liquors and neutral spirits*, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Ohio, and Pennsylvania. NOTE: (Applicant does not intend to transport (1) Brandy and wine, from Lake Alfred, Fla., to points in Illinois, Indiana, Michigan, Minnesota, New Jersey, and Ohio; (2) brandy and wine and rum, from Lake Alfred, Fla., to points in Pennsylvania; (3) brandy and rum, from Lake Alfred, Fla., to Baltimore, Gwynnbrook, and Relay, Md.; (4) alcoholic liquors, from Auburndale, Lake Alfred, and Winterhaven, Fla., to Peoria, Ill., and Schaefferstown, Pa.; (5) alcoholic liquors (rum), from Lake Alfred, Fla., to Cincinnati, Ohio; and (6) beverage spirits, from Lake Alfred, Fla., to Linden, N.J.), for 180 days. Supporting shipper: Jacquin-Florida Distilling Co., Auburndale, Fla. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 116763 (Sub-No. 234 TA), filed January 8, 1973. Applicant: CARL SUBLER TRUCKING, INC., Route 92, Box 215, Auburndale, FL 33823. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, except frozen and commodities in bulk, from the plantsite of the J. M. Smucker Co. at Memphis, Tenn., to points in Iowa and Nebraska, for 180 days. Supporting shipper: The J. M. Smucker Co., Orrville, Ohio 44667. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 127239 (Sub-No. 12 TA), filed January 11, 1973. Applicant: UNIVERSAL BOW TRANSPORT, INC., Post Office Box 276, Concord Industrial Park (business address), Concord, NH 03301. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaging and paperboard cartons*, knocked down, from Lumberton, N.C., to points in the United States (except Alaska and Hawaii); (2) *paperboard*, from Demopolis, Ala., and Silsbee, Tex., to Lumberton, N.C.; and (3) *wax* (except in bulk), from Beaumont, Tex., and Cicero, Ill., to Lumberton, N.C., restricted to a transportation service to be performed under a continuing contract with Universal Packaging Corp. of Bow, N.H., for 180 days. Supporting shipper: Universal Packaging Corp., Post Office Box 176, Concord, NH 03301. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, Concord, N.H. 03301.

No. MC 129350 (Sub-No. 24 TA), filed January 10, 1973. Applicant: CHARLES E. WOLFER, doing business as EVERGREEN EXPRESS, 410 North 10th Street, 59101, Post Office Box 212, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes*, from Dayton, Ohio, to Butte, Helena, and Missoula, Mont., *with return or rejected and returnable tires and tubes*, from Butte, Missoula, and Helena, Mont., to Dayton, Ohio, for 180 days. NOTE: Applicant does intend to join with service as proposed in this application to be joined with service now rendered under MC 129350 Sub-No. 4. Supporting shipper: B. L. M. Tires, Inc., Post Office Box 12, Billings, MT 59103. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1856 Filed 1-30-73;8:45 am]

[Notice No. 10]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 24, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 75830 (Sub-No. 11 TA), filed January 15, 1973. Applicant: INTERCITY TRANSPORT & MOTOR CO., Liggett Avenue, Box 88, Buckhannon, WV 26201. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* as are dealt in by retail variety stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk), from the facilities of G. C. Murphy Co. located in the city of McKeesport, Allegheny County, Pa., to the District of Columbia; Annapolis, Baltimore, Bel Air, Cumberland, Frostburg, Glen Burnie, Hancock, Hyattsville, Landover, Oxon Hill, Rockville, Salisbury, Silver Spring, Westernport, and Westminster, Md.; and Alexandria, Annandale, Arlington, Culpeper, Danville, Franklin, Hampton, Lynchburg, Manassas, Newport News, Richmond, Roanoke, Vinton, Virginia Beach, and Woodbridge, Va.; and the commercial zone of each of the above named points, under a continuing contract or contracts with G. C. Murphy Co. of McKeesport, Pa., for 180 days. Supporting shipper: G. C. Murphy Co., 531 Fifth Avenue, McKeesport, PA, Attention: Oscar C. Lindecamp, general traffic manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 115924 (Sub-No. 21 TA), filed January 16, 1973. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, GA 31407. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Mobile, Ala., New Orleans, La., and Wilmington, N.C., to Port Wentworth, Ga., under continuing contract, or contracts with Savannah Food & Industries, Inc., Savannah, Ga., for 180 days. Supporting shipper: Savannah Foods & Industries, Inc., Savannah, Ga. 31402. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 117799 (Sub-No. 46 TA), filed January 10, 1973. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205,

Yakima Indian Nation, Yakima Indian

or other proceedings, any subsequent

East Brighton Avenue, Syracuse, NY

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3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in U.S. Lines Trailers, from New York, N.Y., and Baltimore, Md., to Carthage, Mo., restricted to traffic having a prior movement by water and to shipments destined to Safeway Stores, Inc., Carthage, Mo., for 150 days. Supporting shipper: Safeway Stores, Inc., Post Office Box 2225, Fitchburg Station, Oakland, Calif. 94621. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 117815 (Sub-No. 201 TA), filed January 12, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale retail, and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except in bulk) between Plainfield, Ill., on the one hand, and, on the other, Benton Harbor, Kalamazoo, Portage, and St. Joseph, Mich., for 180 days. Supporting shipper: Super Valu Stores, Inc., Post Office Box 990, Minneapolis, MN 55440. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119961 (Sub-No. 4 TA), filed January 12, 1973. Applicant: MARSHALL MOTOR COACH, INC., 10 South 8th Avenue, Post Office Box 481, Marshalltown, IA 50158. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Marshalltown, Iowa, on the one hand, and, on the other, Eldora and Steamboat Rock, Iowa, restricted to shipments having a prior or subsequent movement in rail TOFC service, for 150 days. Supporting shippers: Whink Products Co., Eldora, Iowa 50627; Harold H. Luiken & Sons, Inc., Steamboat Rock, Iowa 50672. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125049 (Sub-No. 4 TA), filed January 15, 1973. Applicant: TROINA TRUCKING COMPANY, INC., 24 Entwistle Avenue, Nutley, NJ 07110. Applicant's representative: Bowes & Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and tools* used in the installation of automobile parts, crated and uncrated and *display materials* used in connection with the sale of automobile parts, from Dayton, N.J., to New York, N.Y., and points in Nassau, Suffolk, Rockland, and Westchester Counties, N.Y., Bucks, Chester, Delaware, Lehigh, Monroe, Montgomery, Northampton, and Philadelphia Counties, Pa., and points in Connecticut, with no transportation for compensation on return except as otherwise authorized, for 180 days. Restrictions: The operations authorized herein are limited to the transportation service to be performed under a continuing contract, or contracts with Goerlich's Division of Questor Corp.; AP Parts Corp., a subsidiary of Questor Corp.; Columbus Parts Division of AP Parts Corp., and Merit Industries, Division of AP Parts Corp., Toledo, Ohio and Dayton, N.J. NOTE: Applicant presently provides transportation service to the points involved from Clifton, N.J. Applicant also has temporary authority to continue such service from Dayton, N.J., as it relates to New York and Connecticut points and to Philadelphia and King of Prussia, Pa., limited to service under contract with Goerlich's, Division of Questor Corp. only. Instant application seeks (1) to cover eight named counties in Pennsylvania and (2) to include additional divisions and subsidiaries of Questor Corp. as contracting shippers. Supporting shipper: Automotive Replacement Parts Group, Questor Corp., Toledo, Ohio 43694. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 12547 (Sub-No. 7 TA), filed January 10, 1973. Applicant: ARNOLD SCHMITZ, INC., 1724 East Pioneer Road, Fond du Lac, WI 54935. Applicant's representative: William J. Nuss, Attorney at Law, 104 South Main Street, Fond du Lac, WI 54935. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit based beverages and fruit based concentrates and soap products* from West Allis, Wis., to Menominee, Mich., including delivery or pickup of Borden products to West Allis, Wis., including delivery or pickup at Borden stations between said points, for 180 days. Supporting shipper: Borden, Inc., Dairy & Services Division, 1540 South 108th Street, Post Office Box 2600, Milwaukee, WI 53214 (D. K. Baskerville, Vice President, Northern Division). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 134783 (Sub-No. 1 TA), filed January 15, 1973. Applicant: DIRECT SERVICE, INC., Post Office Box 786, Plainview, TX 79092. Applicant's representative: Ronald V. Dreckman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat byproducts and articles distributed by meat processing plants*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and storage facility of Plainview Rendering at or near Plainview, Tex., to points in Ohio, Illinois, and Pennsylvania, for 180 days. Supporting shipper: Plainview Rendering, Plainview, Tex. 79072. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 135936 (Sub-No. 13 TA), filed January 12, 1973. Applicant: LIEBMANN TRANSPORTATION CO., INC., Post Office Box 1022, Off: U.S. Highway 65 North, Iowa Falls, IA 50126. Applicant's representative: R. F. Kosek (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Perry, Iowa, to points in New York, New Jersey, Pennsylvania, Virginia, West Virginia, Connecticut, Rhode Island, Delaware, Vermont, New Hampshire, Massachusetts, Maine, Maryland, and the District of Columbia, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, WI 53701. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138301 TA, filed January 9, 1973. Applicant: L. & W. QUADE, INC., 4300 East 65th Street, Inver Grove Heights, MN 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, such as: dog foods, expanded, milk replacer, from Mankato, Minn., to Fresno, Calif., for 180 days. Supporting shipper: Hubbard Milling Co., 424 North Front Street, Mankato, MN 56001. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 138305 TA, filed January 11, 1973. Applicant: SUN TRUCKING, INC., Building T106, Big Pasco Industrial Park, Pasco, Wash. 99302. Applicant's representative: Hovis, Cockrill & Roy, 316 North Third Street, Post Office Box 437, Yakima, WA 98907. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products*, from Lewiston, Idaho, to Toppenish, Wash., for 180 days. NOTE: Applicant states that it does intend to tack with the authority in MC 138305. Supporting shipper: The Confederated Bands and Tribes of the Yakima Indian Nation, Yakima Indian Reservation, Yakima, Wash. Send protests to: L. D. Boone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138313 TA, filed January 15, 1973. Applicant: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, Post Office Box 2805, 409 14th Street SW., 59404, Great Falls, MT 59403. Applicant's representative: Howard C. Burton, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignite coal and treated lignite*, in bags or in bulk, from the plantsite of American Colloid Co. at Gascoyne, N. Dak., to points in Montana, with the *return of rejected or contaminated shipments*, for 180 days. Supporting shipper: American Colloid Co., 5100 Suffield Court, Skokie, Ill. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138315 TA, filed January 12, 1973. Applicant: IRVIN WALTER TRUITT, doing business as TRUITT'S EXPRESS, 308 East Umstead Street, Durham, NC 27707. Applicant's representative: Irvin Walter Truitt (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory equipment, office supplies*, including but not limited to glassware, chemicals, and animal food, between Research Triangle Park, Durham, N.C., and Rockville and Bethesda, Md., for 180 days. Supporting shipper: National Institute of Environment Health Sciences, Department of Health, Education, and Welfare, Post Office Box 12233, Research Triangle Park, NC 27709. Send protests to: Archie W. Andrews, District Supervior, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1859 Filed 1-30-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 26, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

North Carolina Docket No. T-681 (Sub-No. 38) (Correction), filed December 8, 1972, published in the FEDERAL REGISTER issue of January 17, 1973, and republished as corrected, this issue. Applicant: HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, Albemarle, NC. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, NC. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those requiring special equipment), over the following regular routes: (A) From the junction of U.S. Highway 74 and North Carolina Highway 381 near Hamlet, N.C., over North Carolina Highway 381 to Gibson, N.C.; thence over North Carolina Highway 79 to Laurinburg, N.C., and return over the same route serving all intermediate points. (B) From Laurinburg, N.C., over U.S. Highway 501 to Rowland, N.C.; thence over U.S. Highway 301 to Lumberton, N.C., and return over the same route serving all intermediate points. (C) Between Maxton, N.C., and Raemon, N.C., over North Carolina Highway 130 serving all intermediate points. (D) Between Rowland, N.C., and Whiteville, N.C., over North Carolina Highway 130 serving all intermediate points. (E) From the junction of North Carolina Highway 130 and North Carolina Highway 904 over North Carolina Highway 904 to Fair Bluff, N.C., thence over U.S. Highway 76 to Chadbourn, N.C., and return over the same route serving all intermediate points and serving Cerro Gordo, N.C., as an off-route point. (F) From Fair Bluff, N.C., over North Carolina Highway 904 to Tabor City, N.C., thence over U.S. Highway 701 to its junction with North Carolina Highway 130 and return over the same route serving all intermediate points. (G) Between Chadbourn, N.C., and Tabor City, N.C., over North Carolina Highway 410 serving all intermediate points. (H) Between Lumberton, N.C., and Fairmont, N.C., over North Carolina Highway 41 serving all intermediate points. Both intrastate and interstate authority sought. NOTE: The purpose of this republication is to correctly reflect the authority sought. The previous publication inadvertently omitted routes C, D, E, F, G, and H. *HEARING:* February 15, 1973, at the hearing room, North Carolina Utilities Commission, Ruffin Building, 1 West Morgan Street, Raleigh, NC, at 10 a.m. Requests for procedural information should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9108, filed December 26, 1972. Applicant: SYRACUSE PICKUP & DELIVERY, INC., 559 East Brighton Avenue, Syracuse, NY 12310. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *undeveloped film, general interoffice paperwork and pharmaceutical products* (nonnarcotic), between Syracuse and Auburn, Cortland, Vestal, Fulton, Elmira, Massena, Oneida, Endwell, Johnstown, Oswego, Batavia, Potsdam, Oneonta, Ogdensburg, Horseheads, Ithaca, Rochester, Watertown, and New Hartford, N.Y. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12226, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1853 Filed 1-30-73;8:45 am]

[Notice No. 7]

APPLICATIONS BY MOTOR CARRIERS OF PROPERTY OR PASSENGERS

JANUARY 23, 1973.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MCF-11632. Authority sought for control by EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, of ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017, and for acquisition by DANIEL E. SHEVELL AND MYRON P. SHEVELL, both of Carlstadt, N.J. 07072, of control through the acquisition by EASTERN FREIGHT WAYS, INC. Applicants' attorneys: Ralph E. Becker, J. Thomas Schneider, and Howard J. Feldman, 1819 H Street NW., Suite 950, Washington, DC 20006. Operating rights sought to be controlled: ASSOCIATED TRANSPORT, INC., operates as a *common carrier*, primarily over regular routes, between Atlanta, Ga., and Charleston, S.C., on the south, Nashville, Tenn., St. Louis, Mo., and Chicago, Ill., on the west, Detroit, Mich., Buffalo, N.Y., and Champlain, N.Y., and Portland, Maine, on the north, and Boston, Mass., on the east. ASSOCIATED controls SCHERER FREIGHT LINES, CO., which operates as a *common carrier* over regular and irregular routes in Illinois and Wisconsin extending generally between St. Louis, Mo., and Sheboygan, Wis. Eastern Freight Ways, Inc., is a common carrier operating primarily over regular routes in Delaware, District of

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Columbia, New Jersey, New York, Con- the two carriers has been submitted by

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Columbia, New Jersey, New York, Connecticut, Massachusetts, Maryland, Pennsylvania, Rhode Island, Vermont, and Virginia. Application has not been filed for temporary authority under section 210a(b). NOTE: A proposed amendment to the application for a merger of the two carriers has been submitted by Eastern Freight Ways, Inc. Associate Transport, Inc., has not joined in.

[SEAL] ROBERT L. OSWALD,
Secretary.

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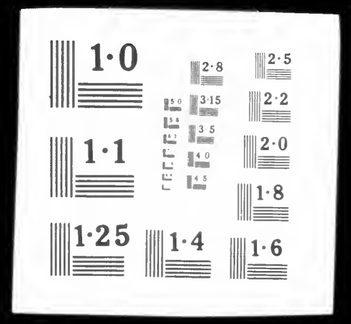
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.